

STATE OF MICHIGAN

27TH JUDICIAL CIRCUIT COURT (NEWAYGO COUNTY)

CHERYL MCCLOUD,

Petitioner,

File No. 20-57101-PH

v

LORI SHEPLER,

Respondent.

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MOTION TO TERMINATE PERSONAL PROTECTION ORDER

BEFORE THE HONORABLE MELISSA K. DYKMAN, FAMILY COURT JUDGE

White Cloud, Michigan - Thursday, August 27, 2020

APPEARANCES:

For the Petitioner:

MR. MATTHEW B. SHEPHERD P68585  
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NEWAYGO, MICHIGAN 49337  
231-452-6600

For the Respondent:

MR. RYAN GOOD P77087  
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Certified Electronic Recorder  
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WITNESSES

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None .

EXHIBITS

MARKED

ADMITTED

None .

1 White Cloud, Michigan

2 Thursday, August 27, 2020 - 1:41 p.m.

3 THE COURT: All right. We're back on the record  
4 in the matter--I don't even think I called it yet--McCloud  
5 versus Shepler, file number 20-57101-PH. Due to the Covid  
6 situation and the orders of the Supreme Court, we're  
7 handling as many matters as we can via Zoom or I should  
8 say we're trying to handle matters via Zoom. Zoom has  
9 been a difficult one today.

10 Ms. McCloud is now connected. Ms. Shepler is  
11 connected. Their attorneys of record are connected.  
12 Everyone is appearing in different Zoom screens and we are  
13 streaming live on our YouTube channel.

14 Mr. Shepherd, it's your burden of proof. Ms.  
15 Shepler--Mr. Good on behalf of Ms. Shepler, has filed a  
16 motion to terminate the Personal Protection Order. Are we  
17 ready to proceed today?

18 MR. SHEPHERD: We are, your Honor. Although  
19 given it's my burden and essentially (inaudible)--I  
20 discussed with my client her options for today  
21 (inaudible). She indicated that since the entry of the  
22 personal protection order, the behavior she described in  
23 the (inaudible) as well as the attachments (inaudible),  
24 she no longer sees the need for the order to be in effect.  
25 She will (inaudible) folks that were or were not involved

1 with that type of behavior at least has ceased at this  
2 point. She appreciates the courts assistance in that  
3 regard. And I--and I would also state for the record, my  
4 client understands her rights to repetition the court for  
5 assistance if she needs, but hopes that is not necessary.

6 She just wants to be left alone and the types of  
7 things that were happening were essentially bothering her  
8 in ways that she describes. So, at this point, my client  
9 would request that it would be okay with the PPO being  
10 dismissed and hopefully we do not have to come back before  
11 this court. If we do come back before this Court, we  
12 would be asking the PPO--the original PPO be put in place  
13 and for a term longer than one year.

14 The Court would recall that this is the second time  
15 we've had to do this now and hopefully whatever was  
16 placed--and I don't--and maybe--maybe Ms. McCloud was  
17 involved--maybe there was an agitation (inaudible)--I  
18 don't know and I don't care. We just want to be done and  
19 we don't want this to continue and so, that's what we're  
20 asking the Court to do. We're okay with the dismissal of  
21 the PPO with the caveat that my client understands the  
22 right to request an additional PPO and with (inaudible)  
23 comes up, we'd be asking for that be in place for longer.  
24 But that's it for today.

25 THE COURT: Ms. McCloud, is that accurate?

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MS. MCCLOUD: Yes.

THE COURT: All right. Mr. Good, I assume you don't have any objection to the dismissal of the PPO?

MR. GOOD: No, your Honor. It's Mr. Shepherd's burden going forward, so (inaudible) understanding the procedure ends.

THE COURT: So, the Court again--I mean, yeah, the burden as it works, Ms. Shepler and Ms. McCloud, is when someone files a personal protection order ex parte, they can get it granted ex parte, but if someone objects to that or requests a termination, oddly enough the burden falls back on them to prove they need the PPO and then once they prove the need the PPO, it's up to the petitioner or respondent to refute that. So, at this point because she's asking the court to be dismissed, I'd be inclined to dismiss that and I will dismiss the PPO.

But I'm going to tell you two ladies, I mean, come on, you guys are both good, upstanding citizens, you both feel firmly about your convictions and--and I get that, but I mean this--I--I--I don't need to be clogging up my system with PPO's. And I know that for both of you, you both have people that feel the same as you and so it could be a number of individuals who host these things or take these actions to show how they have the same feelings as you about your convictions, but I don't need to have a PPO

1 every time and I certainly don't need you guys aggravating  
2 each other. There's other ways to stand for your  
3 convictions without making it personal against each other.  
4 I'm not saying I know what's going on in either of your  
5 two situations, but I know you have a history and I hope  
6 you can just move forward without wasting all of your time  
7 and your money on attorney's and court dates. So, the  
8 Court will dismiss the PPO. The matter is adjourned.  
9 Thank you for appearing via Zoom.

10 MR. SHEPHERD: Thank you.

11 MR. GOOD: Thank you.

12 (At 1:46 p.m., proceedings concluded)

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1 STATE OF MICHIGAN)

2 COUNTY OF NEWAYGO)

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4 I certify that this transcript, consisting of 7 pages, is  
5 a complete, true, and correct record of the proceedings taken  
6 in this case on Thursday, August 27, 2020.

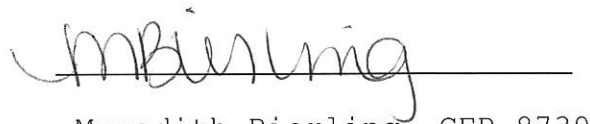
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9 DATED: Wednesday, September 30, 2020

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27th Circuit Court

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