

**COURT OF APPEALS
DECISION
DATED AND RELEASED**

September 19, 1996

A party may file with the Supreme Court a petition to review an adverse decision by the Court of Appeals. See § 808.10 and RULE 809.62, STATS.

NOTICE

This opinion is subject to further editing. If published, the official version will appear in the bound volume of the Official Reports.

No. 96-1609-FT

STATE OF WISCONSIN

**IN COURT OF APPEALS
DISTRICT IV**

KATHERINE SARAZIN,

Plaintiff-Respondent,

v.

TOM HUDSON,

Defendant-Appellant.

APPEAL from an order of the circuit court for La Crosse County:
JOHN J. PERLICH, Judge. *Affirmed.*

Before Eich, C.J., Dykman, P.J., and Roggensack, J.

PER CURIAM. Tom Hudson appeals from an order, issued under § 813.125, STATS., enjoining him from calling Katherine Sarazin at home or visiting her there. The issue is whether Sarazin presented sufficient evidence

to satisfy the statutory requirements for an injunction. We conclude that she did and therefore affirm.¹

Sarazin petitioned for an order requiring Hudson to stop harassing her at work or at home by calling or talking to her about personal matters. She also requested an order requiring him to stop retaliating against her at work for refusing his sexual advances. At the hearing on her petition, Sarazin testified that Hudson had met her two years before and had recruited her to work at W&G Transport, a delivery company. She agreed and accepted a position with W&G, with Hudson as her work supervisor.

In early 1995, the parties began a brief relationship that included sexual contact. After she broke it off, Hudson persistently called her, twice sent her roses and twice visited her home, to persuade her to resume their relationship. She testified that the contacts created an uneasy working environment for her and occasionally made her nervous and sick to her stomach. At one point she threatened to call the police if he did not desist. Another time Hudson called her boyfriend. She testified that her children became upset over the contacts.

Sometime around the end of January 1996, Hudson called her home many times over a weekend. On Monday morning he showed up at her home and engaged her in a conversation about their relationship, her boyfriend, and whether she was sleeping with her boyfriend. Hudson indicated, according to Sarazin, that he had spied on her the night before. In March 1996, Sarazin filed a complaint with the Department of Industry, Labor and Human Relations concerning Hudson's conduct. After the complaint was filed, Hudson's only contact with her was one phone call, informing her by recorded message that he had her paycheck at the office and that she could come and get it from him if she wished. At some point shortly before or after Sarazin filed the complaint, another employee replaced Hudson as Sarazin's supervisor.

In his testimony, Hudson described the January visit to Sarazin's home as solely for the purpose of informing her that he had a new girlfriend

¹ This is an expedited appeal under RULE 809.17, STATS.

and was no longer interested in her. On the basis of the evidence described above, the trial court granted an injunction ordering Hudson not to call or visit Sarazin at her residence for two years.

The court may issue a harassment injunction under § 813.125(4), STATS., if the court finds reasonable grounds to believe that respondent has violated § 947.013, STATS. In relevant part, that statute prohibits one from engaging in a course of conduct which harasses or intimidates another person and which serves no legitimate purpose. Section 947.013(1m). A course of conduct means a pattern of conduct composed of a series of acts over a period of time showing a continuity of purpose. Section 947.013(1)(a).

The evidence provided reasonable grounds to find that Hudson violated § 947.013, STATS. Sarazin testified that he called and visited her home over a period of time in a manner that harassed her and served no legitimate purpose. The trial court evidently believed that testimony, which in large part Hudson did not dispute.

Hudson contends, however, that because the incidents were remote in time, an injunction was no longer necessary. We disagree. The most recent incident, two months earlier, was the most invasive act in the series of harassing phone calls and visits. More recently, even after Sarazin commenced her administrative action against Hudson, he called her at home. Additionally, Sarazin remained subordinate to Hudson at work, although he no longer directly supervised her. Under these circumstances, the trial court could reasonably conclude that a limited injunction was appropriate.

Hudson also contends that the evidence was insufficient because Sarazin failed to address the allegations in her petition about work-related conduct. Section 813.125(5)(a), STATS., requires that the petition alleged facts sufficient to show that the respondent has violated § 947.013, STATS. Sarazin's petition alleged, in part, that Hudson harassed her by calling or talking to her at home about personal matters. That is what her evidence showed. Hudson therefore received sufficient notice in the petition despite the fact that other allegations in it were not addressed in the hearing.

Finally, Hudson contends that the trial court erred because it gave no reasons for its decision. However, we may still affirm the decision if the record supports it. *Schmid v. Olsen*, 111 Wis.2d 228, 237, 330 N.W.2d 547, 552 (1983). As indicated above, the record contains evidence in the form of Sarazin's testimony that Hudson persistently called and visited her for no legitimate purpose and in a manner that harassed her. The record therefore supports the court's decision and we affirm it despite the absence of a reasoned explanation.

By the Court. – Order affirmed.

This opinion will not be published. See RULE 809.23(1)(b)5, STATS.