

PHOENIX REPUBLIC

Mom's poor manners cannot be defended

The plaintiff was a dance instructor who requested protection in an injunction against the mother of a young girl enrolled at her studio.

The defendant in the harassment case asked for a hearing, at which both parties were present and represented by counsel.

The instructor and the mom traded e-mails about an upcoming program. The mother was concerned about how long the girls would be dancing at an outdoor Halloween festival. Every 20 minutes there would be a short dance number of three minutes or less.

By the third e-mail, the defendant threatened to pull her daughter from the program if she showed signs of heat exhaustion and opined that it was too much dancing. The instructor noted that no other parents had complained about 47 minutes of dancing over a five-hour show. The mom replied that parents knew the studio was losing students to a rival school.

By the last e-mail, the mom accused the instructor of exploiting children to feed her ego.

A meeting was set with the owner of the studio. Before that meeting, the defendant published a blog painting the instructor as a dictatorial "nightmare," again claiming a mass exodus of students. Although described as a private blog, a number of parents were privy to the contents, which may not have been accurate.

At the meeting with the owner, the mom was either asked to leave or left the studio voluntarily, but in any event her daughter could no longer attend. On her way out, she shared her ill opinion of the instructor with at least one parent in the parking lot.

The next day there was a car-wash benefiting the dancers. Thirty minutes after it ended, the defendant and her family bumped into the plaintiff at the grocery store. The plaintiff left hurriedly.

The plaintiff said the defendant



My Turn

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drove past her

house in a black SUV the following afternoon. The defendant and her husband testified they were attending their son's hockey game across town at the time, and they didn't own a

black SUV.

For an injunction against harassment to stand, the defendant must commit a series of acts directed at the plaintiff that would lead a reasonable person to be seriously annoyed, alarmed or harassed. Those acts must serve no legitimate purpose.

The defendant's e-mails were brusque and undiplomatic, but, while designed to create the fear of losing business, they carried the legitimate purpose of child safety. The blog, while overblown, wasn't directed at the plaintiff and didn't mention her by name. The chance meeting in the grocery store wasn't confrontational. The testimony on the drive-by was a draw.

As there was no proof of serious annoyance or a series of acts directed at the plaintiff, I dismissed the injunction.

The instructor was a sensitive young lady and didn't deserve such treatment. I took the defendant to task for being so abrasive in expressing her concerns and for needlessly demonizing the instructor. If she were a nicer person, she probably wouldn't have been served with a protective order and probably wouldn't have needed to hire a lawyer to defend her rudeness.

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