

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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ANN LEIGHTON,

Plaintiff-Appellee,

v

GAIL A. ZEIGLER,

Defendant-Appellant.

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UNPUBLISHED

November 22, 1996

No. 187747

LC No. 94-001151-CZ

Before: Saad, P.J., and Griffin and M. H. Cherry,\* JJ.

MEMORANDUM.

Following a bench trial, the trial court found that defendant had stalked plaintiff as defined in MCL 750.411h; MSA 28.653(8), and awarded plaintiff \$2,212.72 in costs and damages pursuant to the civil stalking statute, MCL 600.2954; MSA 27A.2954. Defendant appeals from the judgment as of right. We affirm.

Defendant first contends that the trial court erred in finding that defendant stalked plaintiff. We disagree. The evidence demonstrated that defendant purposefully harassed plaintiff, including repeated and purposeful contacts with plaintiff long after defendant was made aware that she no longer wished to have contact with him, causing plaintiff to feel frightened and intimidated. MCL 750.411h(1); MSA 28.643(8)(1). Testimonial and circumstantial evidence presented at trial also indicated that defendant was responsible for placing dead animals on and near plaintiff's car and throwing raw chicken parts on the balcony of plaintiff's apartment. The trial court's finding that defendant engaged in stalking was not clearly erroneous.

Defendant next contends that the trial court incorrectly assessed plaintiff's damages, in that it required plaintiff's damages to have been foreseeable by defendant. We disagree. We note that the trial court specifically found that plaintiff's damages were incurred "as a result of defendant's conduct," as required by the civil stalking statute. MCL 600.2954(1); MSA 27A.2954(1). Defendant also argues that the trial court erred when it awarded damages to plaintiff for her expenses; defendant maintains that plaintiff did not prove her expenses with reasonable certainty. We disagree. We note that plaintiff testified regarding the general nature of her expenses and attested to the accuracy of a

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\* Circuit judge, sitting on the Court of Appeals by assignment.

summarized list of her expenses. We also note that the trial court received this list as a non-evidentiary reference of plaintiff's testimony. Reviewing these items together, the trial court's findings regarding the amount of plaintiff's expenses were not clearly erroneous.

Finally, defendant contends that the trial court erred when it awarded plaintiff exemplary damages. We disagree. Defendant admits that he placed a pair of women's panties with plaintiff's name written on them over a sign at plaintiff's place of employment. We agree with the trial court that this demonstrated a wilful and reckless disregard of plaintiff's rights. Given plaintiff's resulting feelings of humiliation, outrage, and indignity, exemplary damages were wholly appropriate. *Veselenak v Smith*, 414 Mich 567, 574-575; 327 NW2d 261 (1982); see also *Janda v Detroit*, 175 Mich App 120, 127-128; 437 NW2d 326 (1989). Furthermore, defendant's contention that an award of exemplary damages somehow allows plaintiff to recover twice for her injuries is simply wrong. Plaintiff recovered for her out-of-pocket expenses and for her emotional damages only once each.

Affirmed.

/s/ Henry William Saad  
/s/ Richard Allen Griffin  
/s/ Michael H. Cherry