

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

| |
|---|
| California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115. |
|---|

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION TWO

IMELDA VALENCIA,

Plaintiff and Respondent,

v.

LILIANA POLANIA,

Defendant and Appellant.

B275671

(Los Angeles County
Super. Ct. No. LS027988)

APPEAL from an order of the Superior Court of Los Angeles County. Alicia Y. Blanco, Commissioner. Affirmed.

Liliana Polania, in pro. per., for Defendant and Appellant.

No appearance of Plaintiff and Respondent.

* * * * *

Plaintiff and respondent Imelda Valencia (plaintiff) obtained a three-year civil harassment protective order against defendant and appellant Liliana Polania (Polania). Polania appeals, arguing that the order is not supported by substantial evidence. We conclude there was sufficient evidence, and affirm.

FACTS AND PROCEDURAL BACKGROUND

I. Facts

In early 2016, plaintiff and Polania lived in the same apartment complex in North Hills, California. Plaintiff was the on-site apartment manager, while Polania was the complex's security guard. When plaintiff told Polania that she could not sublet an apartment in the complex without being named as a tenant on the apartment's main lease, Polania began (1) to stand outside of plaintiff's apartment until plaintiff came outside, (2) to follow plaintiff, her two minor children, and her boyfriend "close[ly]," (3) to "tell[plaintiff's children] bad words," and (4) to tell plaintiff that she "will be sorry for everything," to "watch [her] back," and that Polania has "friends that can disappear [*sic*] [you] and [your] family." Polania once told plaintiff she carries a gun. Polania's conduct was "scary" to plaintiff and caused her to suffer "anxiety attacks."

II. Procedural Background

In May 2016, plaintiff filed a petition for a civil harassment restraining order. The trial court issued a temporary restraining order and set an evidentiary hearing for early June 2016. On June 8, 2016, the court held an evidentiary hearing. Plaintiff testified, and laid out the facts set forth above. Plaintiff called her boyfriend as a witness, and he stated that he never saw Polania follow plaintiff. Polania testified in her defense, denying any harassment and testifying that the apartment complex has

become a “war camp” in which plaintiff and her friends have “gotten together against [her].” The trial court found plaintiff’s account of events more believable than Polania’s, and concluded that plaintiff had “satisfied her burden by clear and convincing evidence indicating that she has been the victim of statutory harassment.” The court issued a three-year civil harassment order requiring Polania not to harass or intimidate plaintiff, her children, or her boyfriend; and to stay 100 yards away from plaintiff, her children, and her boyfriend at all times except in the apartment complex, where Polania must stay 10 yards away.

Polania filed this timely appeal.

DISCUSSION

Polania argues that the civil harassment protective order is not supported by sufficient evidence.

A trial court may issue a civil harassment protective order upon a finding, by clear and convincing evidence, that “harassment” exists—that is, upon a finding of “unlawful violence, a credible threat of violence, or a knowing and willful course of conduct directed at a specific person that seriously alarms, annoys, or harasses the person, and that serves no legitimate purpose.” (Code Civ. Proc., § 527.6, subds. (a)(1), (b)(3), & (i).) We review a trial court’s decision to grant such an order for substantial evidence. (*Parisi v. Mazzaferro* (2016) 5 Cal.App.5th 1219, 1226.) Substantial evidence review is limited: We may not reweigh the evidence; instead, we may only ask whether the evidence in the record, when viewed as a whole and when resolving all evidentiary and credibility conflicts in support of the court’s order, supports that order. (*In re Alexandria P.* (2016) 1 Cal.App.5th 331, 353-354; *Donovan*

v. Poway Unified School Dist. (2008) 167 Cal.App.4th 567, 611-612.)

Substantial evidence supports the trial court’s ruling in this case. According to plaintiff, whose testimony we must credit, Polania waited outside plaintiff’s door, “closely” followed her and her children around the complex, and made numerous ominous statements that plaintiff “will be sorry” and should “watch [her] back”—all while plaintiff believed Polania had a gun. This constitutes a “knowing and willful course of conduct directed” at plaintiff that “seriously alarm[ed], annoy[ed], or harass[e]d [her], and that serve[d] no legitimate purpose.” (Code Civ. Proc., § 527.6, subd. (b)(3).)

Polania makes two arguments in response. First, she argues that plaintiff was lying. However, as noted above, it is not our place to reassess the credibility of the witnesses. The trial court, who observed the witnesses firsthand, was in a far better position to do so, and we are required to defer to its assessment. (*People v. Prunty* (2015) 62 Cal.4th 59, 71.) Polania notes that plaintiff’s boyfriend did not corroborate plaintiff’s testimony. Drawing all reasonable inferences in favor of the trial court’s ruling (as we must), his testimony establishes that Polania did not engage in her behavior toward plaintiff when he was present; it does not establish that Polania never engaged in it (such as when he was *not* present).

Second, Polania asserts that she had a “legitimate,” business-related dispute with plaintiff because both of them worked for the same management company. Yet however legitimate Polania’s grievances with plaintiff might have been, that underlying dispute did not entitle Polania to air her

grievances by engaging in a calculated campaign of stalking and threats.

DISPOSITION

The order is affirmed.

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS.

_____, J.
HOFFSTADT

We concur:

_____, Acting P. J.
ASHMANN-GERST

_____, J.
CHAVEZ