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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FOUR

PEIPEI YUAN,

Plaintiff and Respondent,

v.

HARRY WILLIAMS, JR.,

Defendant and Appellant.

B282748

(Los Angeles County  
Super. Ct. No. YS029271)

APPEAL from an order of the Superior Court of Los Angeles County, Patricia J. Titus, Judge. Affirmed.

Kenneth H. Lewis for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

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Appellant, Harry Williams, Jr., argues the trial court erred in issuing a civil harassment restraining order (CHRO) under Code of Civil Procedure section 527.6, subdivision (b),<sup>1</sup> requiring him to avoid contact with respondent, his neighbor Peipei Yuan, among other restrictions. He argues the court abused its discretion in issuing the order, which he claims was not supported by substantial evidence. We disagree and affirm.

### **FACTUAL AND PROCEDURAL SUMMARY**

In April 2017, Ms. Yuan filed a request for a temporary restraining order (TRO) and a CHRO against appellant. The TRO was granted and a hearing was scheduled for later that month to determine whether to grant her request for a CHRO.

In her CHRO request, Ms. Yuan alleged that appellant, who lives directly below her in a condominium building, had harassed her from January to April 2017, sending repeated texts and e-mails and leaving notes on her door. The repeated messages from appellant consisted of complaints that Ms. Yuan was making excessive noise in her condominium, along with threats to contact police. Ms. Yuan told appellant to stop contacting her and blocked his phone number. After this, he continued texting her from a different phone number and e-mailed her, even though she never provided her e-mail address to him. Appellant's messages stated that Ms. Yuan was required to make no noise after 7:00 or 8:00 p.m. on weeknights as well as weekend mornings and evenings. She and a friend stated that they heard loud "stomping" noises from the roof above her unit as

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<sup>1</sup> All subsequent undesignated statutory references are to the Code of Civil Procedure.

well as banging noises from appellant's unit below which they attributed to appellant.

Ms. Yuan and her friends and family members stated that she does not make unreasonable noise in her apartment in general and did not do so on the occasions when appellant complained. Ms. Yuan stated that she installed soundproof cork in her flooring and placed foam mats around the apartment to reduce noise from her hardwood flooring. She and a friend stated that appellant called police to her apartment one night in March 2017. They claim they had not made unreasonable noise that night and were sleeping when the police arrived, having gone to bed between 9:30 and 10:00 p.m.

Ms. Yuan stated that she suffered from severe stress and lack of sleep as a result of appellant's conduct. Her friends and family members corroborated this, stating that she was anxious, severely emotionally distressed, and sleep-deprived.

At the CHRO hearing, Ms. Yuan presented the rules and regulations that governed the condominium association of which each of them was a member. She testified these rules state that residents cannot make noise after 10:00 p.m. on weeknights and 12:00 midnight on weekends. Appellant testified that he believed the quiet hours had been changed to begin at 9:00 p.m. Ms. Yuan stated that the rules and regulations governing the condominium association specified a procedure for noise complaints, which appellant had not followed. Both parties claimed having contacted the condominium association regarding the dispute but received no response.

The court granted Ms. Yuan's request for a CHRO, reasoning that the complaints from appellant were "excessive," that appellant had obtained and used Ms. Yuan's e-mail address

without her permission after being asked not to contact her, that appellant had misrepresented the noise policy of the condominium association and failed to use the association's complaint process. The resulting order directed appellant to use the association complaint process in the future, not to contact Ms. Yuan, and to stay 10 feet away from her, her condominium, and her car.

This appeal followed.

## DISCUSSION

We review the court's decision to issue a CHRO for abuse of discretion (*Parisi v. Mazzaferro* (2016) 5 Cal.App.5th 1219, 1226) while reviewing the court's express and implied factual findings for substantial evidence (*R.D. v. P.M.* (2011) 202 Cal.App.4th 181, 188 (*R.D.*)). In our substantial evidence review, "[w]e resolve all conflicts in the evidence in favor of respondent, the prevailing party, and indulge all legitimate and reasonable inferences in favor of upholding the trial court's findings. [Citation.]" (*Bookout v. Nielsen* (2007) 155 Cal.App.4th 1131, 1137-1138.)

Section 527.6, subdivision (a)(1), provides that a victim of harassment "may seek a temporary restraining order and an order after hearing prohibiting harassment as provided in this section." Subdivision (b)(3) of that section defines "[h]arassment" to include actual violence, threats of violence, or "a knowing and willful course of conduct directed at a specific person that seriously alarms, annoys, or harasses the person," which serves no legitimate purpose. To constitute harassment, the course of conduct "must be such as would cause a reasonable person to suffer substantial emotional distress, and must actually cause substantial emotional distress to the petitioner." (*Ibid.*)

Substantial evidence was presented that appellant engaged in a course of conduct directed at Ms. Yuan that seriously harassed her and served no legitimate purpose. Appellant repeatedly sent long text messages to her, even after she blocked his number and asked that he not contact her. He also obtained and used her e-mail address without her permission to threaten police involvement. Twice, he posted notes on her door incorrectly stating that she was required to be quiet at times when she was not, and again threatened police involvement. Ms. Yuan and her friend stated that appellant called police to her condominium on a night when they were asleep before 10:00 p.m., the time after which the condominium association's policy required quiet. Ms. Yuan and her sister also claimed appellant stomped on her roof and, at other times, banged on his ceiling, impliedly in an attempt to annoy or intimidate her. The trial court reasonably found this conduct fit the definition of harassment under section 527.6, subdivision (b). (See *R.D.*, *supra*, 202 Cal.App.4th at pp. 184-190 [finding that repeated unwanted contact, among other conduct, constitutes civil harassment].)

Appellant argues that his messages served the legitimate purpose of communicating his noise complaints to Ms. Yuan. But in reviewing for substantial evidence, we must accept Ms. Yuan's testimony, credited by the trial court, that she did not make unreasonable noise. This assumption renders appellant's noise complaints unnecessary and harassing. Appellant also argues the court failed to make a finding that Ms. Yuan suffered substantial emotional distress. But that finding is implied in the court's finding that the CHRO was necessary. It also is amply supported by the record, which includes statements from Ms.

Yuan and her friends and family describing her as anxious, severely emotionally distressed, and sleep-deprived due to appellant's conduct. Based on the existence of substantial evidence to support the factual determinations supporting the court's decision, we find no abuse of discretion by the trial court.

**DISPOSITION**

The order is affirmed.

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EPSTEIN, P. J.

We concur:

WILLHITE, J.

MANELLA, J.