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NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION ONE

CONSTANCE DEMETRA SULLIVAN, Plaintiff and Respondent, v. BATSHEVA COHEN, Defendant and Appellant.	B272111 (Los Angeles County Super. Ct. No. LSO27753)

APPEAL from an order of the Superior Court of Los Angeles County; C. Virginia Keeny, Judge. Affirmed.

Batsheva Cohen, in pro. per., for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

Appellant Batsheva Cohen contends that the mutual restraining order that the trial court issued should not have been mutual but should have issued only against her neighbor Constance Sullivan. We disagree.

Substantial evidence supports the factual findings necessary to support the order, and Cohen has not demonstrated that the trial court abused its discretion in issuing a restraining order against her. We affirm.

BACKGROUND

Cohen and Sullivan were neighbors in the same Tarzana apartment complex. Each sought a restraining order against the other.

On April 20, 2016, the trial court conducted an evidentiary hearing at which Cohen and Sullivan testified.

Sullivan testified that in May 2015, Cohen yelled at Sullivan that: Cohen was "going to get" Sullivan; Sullivan "was going to pay"; Sullivan "was going to be sorry"; and Cohen would "make [Sullivan] sorry." Subsequently, in early 2016, Sullivan's son saw Cohen vandalize Sullivan's car while it was in the apartment complex garage. When Cohen told Sullivan that Cohen was "so shocked and saddened" that someone had scratched Sullivan's car, Sullivan did not believe her. Instead, Sullivan believed her son—whom she had taught not to lie or disrespect others—when he told her that he had seen Cohen scratch Sullivan's car. At some point, Cohen used a racist slur against Sullivan's son.

Sullivan testified that she had been "begging" and "pleading" with Cohen to leave her alone. She further testified that she told Cohen that "if [Cohen] didn't stop following [her] that, yes, [she] was going to beat [Cohen's] butt, and to please, please, stop following [her]." Cohen followed Sullivan to Sullivan's apartment, "constantly talking" to Sullivan until Sullivan said, " 'Kiss my

behind.' " Cohen retorted, "Oh, you did it to my car. You did it to my car."

Sullivan testified that she complained to the complex manager about Cohen's having scratched Sullivan's car. When the complex manager refused to intervene, Sullivan called the police.

Cohen testified that Sullivan was angry at Cohen for "tell[ing] everyone" that Sullivan's son vandalized the apartment complex sprinkler system and flowers. Cohen insisted that "he br[oke] it and I saw it," but denied having told anyone.

Cohen testified she never yelled at Sullivan or ever had a disagreement with her. Cohen testified that, instead, it was Sullivan who harassed Cohen. Cohen listed various examples, including when Sullivan threatened Cohen, telling Cohen that she would " 'whip [her] ass' " and she would " 'beat [her].' "

After both parties testified, the trial court determined that each had presented a sufficient case against the other. The court found that Cohen had made harassing statements to Sullivan and her son that "served no legitimate purpose, but rather were annoying, alarming and harassing. Her conduct would cause a reasonable person to suffer emotional distress. [Sullivan] did suffer substantial emotional distress, and irreparable harm would result if a restraining order is not entered."

The court addressed both parties, stating: "The two of you are engaged in a fight in your apartment complex that clearly is posing a threat to each of you, and it is clearly upsetting to everyone in the apartment complex. You now have to desist from that. I am imposing this on both of you." The court ordered the parties to stay at least three yards away from each other and from the other's front door. The court ordered the mutual restraining orders to remain in effect for one year.

Cohen timely appealed.

DISCUSSION

Cohen contends: "The court erred in granting a mutual restraining order; the order should have been against Sullivan only." (Capitalization omitted.) Cohen does not state a legal contention, but attempts to reargue the facts; she claims that Sullivan lied and there was no proof that Cohen used racial epithets or vandalized Sullivan's car.

As a reviewing court, we do not retry the case. (Code Civ. Proc., § 43.)[1] We do not reweigh the evidence, redetermine the credibility of the witnesses, or resolve conflicts in the testimony. (*Williamson v. Brooks* (2017) 7 Cal.App.5th 1294, 1300.)

Instead, we review whether substantial evidence supports the trial court's findings. Here, it does. The record demonstrates that Cohen's actions supported the issuance of a mutual restraining order, not only against Sullivan (with which Cohen agrees), but also against Cohen.

Section 527.6, subdivision (a)(1) provides: "A person who has suffered harassment as defined in subdivision (b) may seek a temporary restraining order and an order after hearing prohibiting harassment as provided in this section."

Subdivision (b)(3) of section 527.6 defines "harassment" as "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. The course of conduct must be that which would cause a reasonable person to suffer substantial emotional distress, and must actually cause substantial emotional distress to the petitioner."

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[1] Unless otherwise noted, further statutory references are to the Code of Civil Procedure.

"Course of conduct" is "a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose, including following or stalking an individual." (§ 527.6, subd. (b)(1).)

"At the hearing, the judge shall receive any testimony that is relevant, and may make an independent inquiry. If the judge finds by clear and convincing evidence that unlawful harassment exists, an order shall issue prohibiting the harassment." (§ 527.6, subd. (i).)

The decision to grant a restraining order rests in the sound discretion of the trial court. (§ 527.6, subd. (j)(1); *IT Corp. v. County of Imperial* (1983) 35 Cal.3d 63, 69; *Church of Christ in Hollywood v. Superior Court* (2002) 99 Cal.App.4th 1244, 1251.)

Substantial evidence supports the trial court's findings that Cohen engaged in a pattern of harassment against Sullivan. Cohen threatened "to get" Sullivan and make her "pay"; Sullivan "was going to be sorry"; and Cohen would "make [Sullivan] sorry." Cohen used a racial epithet against Sullivan's son.

Substantial evidence supports the trial court's findings that Cohen's course of conduct was such as would cause a reasonable person to suffer substantial emotional distress and actually caused Sullivan substantial emotional distress. Although Sullivan begged and pleaded for Cohen to leave her alone, Cohen continued to confront and tail Sullivan. Sullivan was sufficiently distressed that she complained to the complex manager about Cohen's behavior and also called the police.

In short, substantial evidence supports the factual findings necessary to support the order, and Cohen has not demonstrated that the trial court abused its discretion in issuing a restraining order against her.

DISPOSITION

The order is affirmed. The parties are to bear their own costs on appeal.

NOT TO BE PUBLISHED.

ROTHSCHILD, P. J.

We concur:

JOHNSON, J.

LUI, J.