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NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS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 FOUR

DEVIN RAY BOWLER, Plaintiff and Respondent, v. WAYNE W. VAN ELLIS, Defendant and Appellant.	B259173 (Los Angeles County Super. Ct. No. NS029329)

APPEAL from an order of the Superior Court of Los Angeles County, Ana Maria Luna, Judge. Affirmed.

Craton & Switzer and Curt R. Craton for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

Defendant and appellant Wayne Van Ellis appeals a civil harassment restraining order (restraining order) prohibiting him from harassing plaintiff and respondent Devin Bowler. Van Ellis contends the trial court erred in granting the restraining order because the evidence is insufficient to satisfy the requirements of Code of Civil Procedure section 527.6.[1] We affirm.

FACTUAL AND PROCEDURAL HISTORY[2]

Bowler and Van Ellis have been acquainted for a number of years—each plays tennis at the Billie Jean King facility in El Dorado Park (tennis center), a public facility at which Bowler also teaches. They began developing a friendship in February 2014, playing tennis together, and going out for drinks or an occasional movie, sometimes accompanied by Bowler's girlfriend, Christina Negley. That friendship ended after Van Ellis learned Bowler had been "cheating on" Negley, and felt compelled to tell her.

On August 14, 2014,[3] Van Ellis sent Bowler an email saying he was "done," and had no choice but "to end" their friendship. Bowler received Van Ellis' email, but did not respond. He understood "what [Van Ellis] want[ed]," and believed

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1 Further undesignated statutory references are to the Code of Civil Procedure.

2 Because Bowler did not appear or file a respondent's brief, we decide the appeal based on our review of the record, the opening brief and oral argument, and will reverse only if prejudicial error is found. (see Cal. Rules of Court, rule 8.220(a)(2); *In re Bryce C.* (1995) 12 Cal.4th 226, 232–233; see also *Kriegler v. Eichler Homes, Inc.* (1969) 269 Cal.App.2d 224, 226-227 [even in the absence of a respondent's brief, appellant bears the burden to demonstrate error].) "We summarize the facts in the light most favorable to the judgment." (*Brekke v. Wills* (2005) 125 Cal.App.4th 1400, 1405.)

3 Unless otherwise specified date references are to calendar year 2014.

their friendship had ended by "mutual agreement." Van Ellis continued sending email and text messages to Bowler and Bowler's father, Ron Bowler (Ron). Bowler did not respond to any of those communications until August 19, when he sent Van Ellis an email stating:

> "Wayne, you made yourself very clear; however, by involving my family, close friends, and work relationships, I'm no longer comfortable with communicating with you. . . . After this, please, if . . . you truly want what's best for me, do not contact my family, my work, or friends again. Okay. Got it."[4]

At some point after receiving this note, Van Ellis sent Bowler a message to the effect that, although he understood Bowler needed "space," he would not give up "until [Bowler sent him] a text saying 'stop.'" Soon thereafter, Van Ellis received a message from Bowler saying he desired "no further contact with [Van Ellis] on any level," and that if Van Ellis contacted him again for any reason he would seek a restraining order. Van Ellis did not believe it was Bowler who had sent this message, and persisted in his efforts to contact him.

On August 26, Bowler filed a request seeking a restraining order to stop Van Ellis from harassing him, his family and his girlfriend. Bowler alleged that he, his family members and Negley "fe[lt] threatened" by Van Ellis' harassment, which had caused Bowler "emotional[]" harm. The trial court found the alleged facts insufficient to warrant a temporary restraining order, and set the matter for an evidentiary hearing on September 17.

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4 Bowler's response also refers to a monetary debt he owed Van Ellis which is not at issue.

Van Ellis filed a lengthy response to the request for a restraining order, arguing no injunction was warranted. He claimed that his attempts to communicate with Bowler were driven by a concern for Bowler's well-being and emotional health. Van Ellis argued that Bowler and his father were improperly seeking a restraining order in order to harass and intimidate him so Ron could "cover up" his own sexually and professionally inappropriate behavior, and because Bowler was angry that Van Ellis told Negley he had been unfaithful. Van Ellis submitted six supporting declarations by friends/witnesses generally attesting to his good character, and generosity and well-intentioned behavior toward Bowler.

The parties were self-represented at the hearing on September 17. The court heard testimony from the parties, and admitted into evidence up to 50 pages of emails submitted by Bowler (Exh. No. 1). Bowler testified that he and Van Ellis had been friends about six months before August 14. On that date Van Ellis sent Bowler an email stating, among other things, that he was "done," that neither he nor Bowler was "cut out for a responsible, accountable, emotionally honest friendship at [that] point in time," and that his "only option" was to "end it." Bowler "understood," took Van Ellis at his word that he wanted to terminate the friendship and felt no need to respond. Once or twice before then, Bowler and Van Ellis had "ended [their] friendship" after a "spat," but reconciled shortly thereafter. This time, however, Bowler had no wish to resolve the matter and was content to end the relationship.

Van Ellis continued to send emails and text messages to Bowler, generally "slandering [Bowler's] father" and accusing Ron of using and manipulating Bowler. The trial court questioned Bowler about specific email and/or text messages from Van Ellis that Bowler claimed were threatening and harassing. They included:

1. A message sent on August 17 and (essentially) repeated on August 19, stating that Van Ellis "expect[ed their] friendship to come to a close without the interaction of Ron" and that, if Bowler's father continued to interfere, Van Ellis would have "no choice" but to involve Bowler's superiors at the tennis center, a situation which could "get ugly really quick." In one of these messages, Van Ellis stated: "heaven help [Ron] if he attempt[ed] to slander [Van Ellis'] name again" by claiming his friendship with Bowler "was inappropriate." If he did, Van Ellis threatened to "sue [Ron] and . . . keep him in court until" he was "bankrupt." Bowler testified that he had "no idea" what these messages were about.

2. An August 19 message stating that Van Ellis had "not yet" involved anyone with whom Bowler worked, but did plan to "talk to [Negley's] parents" because Bowler and Ron had "manipulate[ed] her into believing that [Van Ellis had written] hundreds of sexually explicit texts from hundreds of girls . . . out of some sick revenge." Bowler testified that he felt threatened by this message because Van Ellis intended to involve his girlfriend's parents in a private matter.

3. An email written on an unspecified date in which Van Ellis said "see you around, fool," as to which Bowler acknowledged that both he and Van Ellis played tennis at the tennis center.

4. An August 21 email telling Bowler he had "every right to end [their] friendship over how [Van Ellis] handled things with [Negley]." Bowler explained that he perceived this message as harassing because Van Ellis shared Bowler's private text exchanges with an ex-girlfriend with Negley without Bowler's permission.

5. An email written on an unknown date stating that Van Ellis "[didn't] know what else [he could] say to help [Bowler] understand why [he] threw [Bowler] under the bus or how sorry [Van Ellis was he] did that," but that he would be patient and give Bowler "space," "until [Bowler] sent Van Ellis a text

saying 'stop'." Bowler conceded he had not viewed this message as emotional abuse.

6. An August 25 email to Ron, stating that if Bowler filed an "illegal" and "false police report to obtain a false restraining order, [Van Ellis could] sue him for slander," and accusing Ron of "pushing [Bowler] to do something that [could] potentially hurt his future."

7. An August 25 email to Bowler stating that Van Ellis could "sue him for slander," and that Bowler could not seek a restraining order simply because he was mad Van Ellis told Negley that Bowler cheated on her, or because Ron was vindictive. Bowler perceived this message as a threat to his family.

8. An email sent on an unspecified date telling Bowler that Van Ellis was in possession of three "naked" and "graphic" photographs he had obtained from a mutual acquaintance (Marty), and that Bowler needed to see the photos because Van Ellis believed they were or could be photographs of Bowler. Van Ellis said he was "sick of looking out for [Bowler] and fighting [certain] rumors," but "[wouldn't] let someone ruin [Bowler's] reputation even when [Bowler] was trying so hard to ruin [his]." Although Van Ellis also told Bowler he did not plan to send him the photos, Bowler felt threatened by this communication because he feared Van Ellis might "spread" the photos to others.

Bowler also testified that he felt fearful of Van Ellis or threatened by his conduct at the tennis center on three occasions in August. During the first incident, Bowler felt "fear" and became "short of breath" when Van Ellis approached him on the courts to hand him "stuff" he could simply have left in the office for Bowler. Two days later, Bowler felt "threatened and fearful" when he thought Van Ellis had hung around the tennis center after finishing his own games in order to speak with Bowler after work. Bowler had someone accompany him to his motorcycle to avoid talking to Van Ellis. On the third occasion, Van Ellis sat in

the stands "right in front of [Bowler's] tennis court" during a tournament to watch Bowler play. On cross-examination as to the latter two incidents, Bowler acknowledged the tennis center is a public facility at which players sometimes hang around after finishing matches, that he had known Van Ellis was also a competitor in the same tournament, and it was not unusual for players to watch others' games during a tournament. Bowler did not complain to management at the tennis center about any of Van Ellis' conduct.

Van Ellis testified that during their friendship, he had been particularly concerned about information Bowler regularly shared with him regarding his unsafe sexual practices, and what Van Ellis viewed as Bowler's "intolerable" treatment of women. Earlier in 2014, Bowler had agreed with Van Ellis that he would treat women more respectfully. Van Ellis "promised" Bowler that if he broke his word, Van Ellis would hold him "accountable" and reveal that information to Negley. In August, Van Ellis discovered Bowler was not "abiding" by their agreement, had continued to engage in unsafe sex, and had been exchanging text messages with and "trolling" for multiple women. Van Ellis felt compelled to share this information with Negley because he "wouldn't feel good about sitting back and letting [his friend] contract [a sexually transmitted disease] that could ruin her life." Van Ellis was also very concerned about Ron's behavior. He believed Bowler's father had engaged in inappropriate and unethical behavior with respect to Bowler, other family members and Negley.

The court noted that Van Ellis was only a friend, not Bowler's parent or guardian, and questioned him extensively as to why he kept "pushing so hard" to try to contact Bowler after August 14 to make his point, instead of simply "walk[ing] away" once his friend rejected his advice. Van Ellis explained that during their friendship, he had assumed a role as Bowler's big brother, mentor and confidant and, even after August 14, he remained concerned about Bowler and

hoped to mend their friendship. Van Ellis also believed that Ron had orchestrated the effort to obtain a restraining order to prevent Van Ellis from revealing his unethical behavior and sexual improprieties.

Shortly before taking a recess, the court observed that, based on the evidence so far presented, it had not seen "much that [would] give[] rise to a civil harassment restraining order." Van Ellis then asked the court to consider an exhibit he had not previously submitted (because it was too large) containing screen shots of many of the parties' emails and texts. (Resp. Exh. No. 101.) The court agreed to do so.

When the hearing resumed the court informed the parties it had thoroughly reviewed their respective extensive evidence, comprising "two inches of communications," and "[t]wo sets of very thick screen shots" which Van Ellis acknowledged having sent or received. The court characterized this evidence as "very strange," "very, very creepy and very, very disturbing." It concluded that, considered in its totality, the evidence demonstrated that Bowler had taken Van Ellis at his word when he ended their friendship, and chose not to contact Van Ellis again. However, Van Ellis refused to accept that the friendship was over and was unable to "let go." Instead, he demonstrated a "fatalist obsession" by persistently trying "to force . . . contact" with Bowler, even after Bowler sought a temporary restraining order against him. The court found that Bowler had established by clear and convincing evidence, that Van Ellis had engaged in a "knowing, willful course of conduct directed at [Bowler] that would seriously alarm or annoy or harass a reasonable person and serve[] no legitimate purpose." The court entered an order restricting Van Ellis from contacting or taking certain actions concerning Bowler (but did not grant a restraining order as to Ron or Negley). This timely appeal followed.

DISCUSSION

Van Ellis contends there was insufficient evidence to meet the standard for unlawful harassment under section 527.6. He maintains that Bowler failed to show a course of conduct directed at him, or that he suffered actual emotional distress. Van Ellis also argues his acts and communications were undertaken for a legitimate purpose, and that injunctive relief was unwarranted. We disagree.

1. *Controlling Law*

a. *Obtaining a Civil Harassment Restraining Order*

As relevant here, section 527.6, subdivision (a)(1) provides that a person who has suffered "harassment" may obtain an injunction prohibiting further harassment. "Harassment" is defined as "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."[5] (§ 527.6, subd. (b)(3).) The harassment must rise to a level that would cause a reasonable person to suffer substantial emotional distress and actually result in such distress to the victim. (*Ibid*.) If, after a hearing, the trial court finds by clear and convincing evidence that unlawful harassment exists, it shall issue an injunction prohibiting further harassment. (§ 527.6, subd. (i).)

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5 A "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, [and] sending harassing correspondence to an individual by any means, including, but not limited to, the use of public or private mails, interoffice mail, facsimile, or computer email." (§ 527.6, subd. (b)(1).)

b. *The Standard of Review*

The decision whether to issue an injunction enjoining particular activity lies in the sound discretion of the trial court. (*Horsford v. Board of Trustees of California State University* (2005) 132 Cal.App.4th 359, 390.) In determining whether the record supports the trial court's decision to grant an injunction, we review the ruling for substantial evidence. (*Duronslet v. Kamps* (2012) 203 Cal.App.4th 717, 725.) We resolve all factual conflicts and credibility issues "in favor of the prevailing party, and indulge in all legitimate and reasonable inferences to uphold the finding of the trial court if it is supported by substantial evidence which is reasonable, credible and of solid value." (*Schild v. Rubin* (1991) 232 Cal.App.3d 755, 762 [applying substantial evidence standard to § 527.6] (*Schild*).)

2. *Analysis*

The crux of Van Ellis' argument is that his conduct was not intended to—and did not—harass Bowler or cause him emotional distress. Rather, he merely sent "a handful of emails and texts," for the legitimate purpose of trying to "mend their friendship, mentor Bowler, and protect him."

a. *Mootness*

The 12-month injunction at issue here was set to expire on September 17, 2015, subject to renewal. That date has passed. Van Ellis presented no evidence that Bowler renewed the restraining order. (See § 527.6, subd. (j)(1) [request to renew injunction must be filed within three months of expiration of extant restraining order].) Where, as here, "'relief granted by the trial court is temporal, and . . . expires before an appeal can be heard, then an appeal by the adverse party is moot.' [Citation.]" (*Malatka v. Helm* (2010) 188 Cal.App.4th 1074, 1088

(*Malatka*).) "'[T]he duty of this court . . . is to decide actual controversies by a judgment which can be carried into effect, and not to give opinions upon moot questions or abstract propositions, or to declare principles or rules of law which cannot affect the matter in issue in the case before it." (*Consol. etc. Corp. v. United A. etc. Workers* (1946) 27 Cal.2d 859, 863.)

Van Ellis maintains the action is not moot. At oral argument on appeal, as below, Van Ellis argued that, because he "work[s] in higher education" and must undergo a background check whenever he seeks a job, he may suffer adverse effects even from an expired restraining order. He urges us to reach the merits, arguing that the restraining order will show up on background checks by prospective employers, and effectively prevent him from obtaining employment "for the rest of [his] life." Although the matter is moot, Van Ellis' argument may have some merit. (See § 527.6, subd. (g) [requiring notification of the Department of Justice when court issues a restraining order].)

In a criminal case, seeking to clear one's record or name is an exception to application of the mootness doctrine. (See, e.g., *People v. Ellison* (2003) 111 Cal.App.4th 1360, 1368–1369 [criminal matter was not moot where defendant had completed a sentence that could have "'disadvantageous collateral consequences'"]; *People v. DeLong* (2002) 101 Cal.App.4th 482, 484 [criminal appeal was not moot where defendant complied with terms of her probation, including completion of a drug treatment program, and was "entitled to an opportunity to clear her name and rid herself of the stigma of criminality"].) No analogous exception exists in the civil context, which provides only three discretionary exceptions to the rule of mootness: "'"(1) when the case presents an issue of broad public interest that is likely to recur [citation]; (2) when there may be a recurrence of the controversy between the parties [citation]; and (3) when a material question remains for the court's determination [citation]." [Citation.]'"

(*Malatka, supra,* 188 Cal.App.4th at p. 1088.) Although this case does not fit squarely into any of these categories, we find Van Ellis' point well-taken and of sufficient materiality to warrant a determination. We thus exercise our discretion to address the merits.

b. *The Record Contains Sufficient Evidence to Support the Injunction*

Van Ellis first asserts that Bowler presented insufficient evidence to establish that he engaged in a pattern of harassing conduct that caused Bowler, or would cause a reasonable person, to suffer substantial emotional distress.

Taken together, Van Ellis' communications demonstrate a purposeful course of conduct that would seriously alarm, annoy or harass a reasonable person. The missives provide sufficient support for the court's conclusion that Van Ellis refused to accept that Bowler "wanted nothing to do with [him]," and instead engaged in a "very, very creepy and very, very disturbing" course of conduct to try "to force . . . contact" with Bowler.[6] The record supports an implied finding by the trial court that—unrestrained—Van Ellis was likely to harass Bowler in the future.

After reviewing the parties' submissions, the trial court indicated its determination that Bowler made a sufficient evidentiary showing to warrant an injunction under section 527.6. The following colloquy ensued:

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[6] It is immaterial that the incidents at issue took place over the course of just a few weeks. Section 527.6, subdivision (b)(1), defines a "'[c]ourse of conduct'" as "a pattern of conduct composed of a series of acts over a period of time, *however short* . . . ." (Italics added.)

"THE COURT: . . . . [N]ow, tell me if I'm reading this whole situation incorrectly, but as of August 14, you sent an email out saying, friendship over. [Bowler] received that email. He made no contact with you, and you continued to email him. You continued to text him . . . .

"[VAN ELLIS]: Uh-huh.

"THE COURT: Mr. Bowler sends you an email or a text on August 29 . . . telling you that you made yourself clear. He's no longer comfortable communicating with you. . . . Somewhere in your emails or texts, you tell [Bowler] to—as soon as you send to me the word 'stop', I'm not going to have any contact with you. And in your exhibit [no. 101] — I'm trying to see the date on this, but it appears to me that you did receive a text message from him [saying], quote, stop. I wish to have no further contact with you on any level. If I receive any further contact, even [a] reply to this message, I will be seeking a restraining order. [¶] . . . [¶] And then you email or text him that you don't believe he's the one that sent the text.

"[VAN ELLIS]: Which is exactly the case in both texts, because I feel that the communication that we've had over this six months, there is a style of communication and an intent; and reading from my perspective of being his friend or ex-friend to read these texts, it didn't make sense in terms of the totality of how we communicated.

"THE COURT: I disagree, sir. He was not responding to a lot of your communication, and you're practically begging him to communicate with you. So, I'm not sure where you didn't get the message. I mean, you gave him almost an ultimatum, like, the friendship is over. Be careful what you wish for. You'll get it. He got the message from you. Friendship is over. He went silent. Now we have two inches of communications. You're here trying to salvage this friendship –

"[VAN ELLIS]: No.

"THE COURT: – and that falls into a knowing, willful course of conduct that is alarming, annoying, and harassing. . . . these exchanges, these communications are fatalist obsession. It is very, very creepy and very, very disturbing.

"[VAN ELLIS]: And this is where maybe my concern for him became—

> "THE COURT: This is past concern of a friend, sir. This is past the concern of a mentor. These exchanges, you're practically begging him. (Reading), I can't play tennis. I need to hear from you. Call me. [¶] I mean, . . . these are very strange communications—"

On this record, Van Ellis has not shown an abuse of judicial discretion. The evidence showed that for weeks Van Ellis engaged in an obsessive, irrational campaign of harassment toward Bowler.[7]

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[7] Van Ellis insists the content of the specific messages the court read into the record was not "particularly onerous," and implies that, because the court chose to read only those messages on the record, the remaining messages necessarily "deserved less prominence." He also maintains that, to the extent our record review is hampered, it is because "the trial court lost" the exhibits. Not so.

First, the court did not lose the exhibits. Its minute order states that, at the conclusion of the hearing, the "[e]xhibits [were] returned to the offering parties, in open court." Further, after designating the exhibits for inclusion in the appellate record, Van Ellis was notified by the clerk that they were "not in the custody of the court" and, if he "still wish[ed] to have these . . . exhibits included in the record on appeal," he was required to supply them to the clerk by December 22. He failed to do so. Trial court decisions are presumed correct, and an appellant's claim of error must be supported by a record sufficient to overcome that presumption. (*Null v. City of Los Angeles* (1988) 206 Cal.App.3d 1528, 1532–1533.) As appellant, Van Ellis "has the burden of affirmatively demonstrating error by providing an adequate record. [Citations.] A necessary corollary to this rule is that if the record is inadequate for meaningful review, the appellant defaults and the decision of the trial court should be affirmed." (*Mountain Lion Coalition v. Fish & Game Com.* (1989) 214 Cal.App.3d 1043, 1051, fn. 9.) To the extent the record is missing information necessary to permit review due to Van Ellis failure to provide that information, the judgment is *conclusively presumed correct* as to *all evidentiary matters*. (*Estate of Fain* (1999) 75 Cal.App.4th 973, 992.)

Second, the record we do have does not support Van Ellis' assertion that the missing information was necessarily less damaging than the messages read into the record. As the court stated, it was only after reviewing both parties' extensive submissions ("two inches of communications") that it reconsidered its earlier inclination to deny the restraining order. That reversal of position occurred because the court found that the messages, in their "*totality*," were "very, very creepy and very, very disturbing,"

We also reject Van Ellis' assertion that there is insufficient evidence either that Bowler suffered substantial emotional distress as a result of his actions or that a reasonable person would have suffered substantial emotional distress under the circumstances. A course of harassing conduct will support an injunction under section 527.6, if it is "such as would cause a reasonable person to suffer substantial emotional distress, and . . . actually cause[s] substantial emotional distress to the petitioner." (§ 527.6, subd. (b)(3); *Schild, supra,* 232 Cal.App.3d at p. 762.) Section 527.6 does not define the phrase "substantial emotional distress." "However, in the analogous context of the tort of intentional infliction of emotional distress, the similar phrase 'severe emotional distress' means highly unpleasant mental suffering or anguish 'from socially unacceptable conduct' [citation], which entails such intense, enduring and nontrivial emotional distress that 'no reasonable [person] in a civilized society should be expected to endure it.' [Citations.]" (*Schild, supra*, 232 Cal.App.3d at pp. 762–763.) Van Ellis argues Bowler's claim that he felt fearful, threatened or became "short of breath" as a result of Van Ellis' conduct and a "handful of emails and texts" is insufficient evidence to demonstrate that Bowler suffered substantial emotional distress, or that a reasonable person would suffer substantial emotional distress. We reject this assertion.

Although it made no explicit finding on this issue, the trial court's grant of a restraining order implies a finding that Bowler suffered emotional distress, as would a reasonable person in his position. No express finding is required. The "granting of the injunction itself necessarily implies that the trial court found that [the respondent] knowingly and willfully engaged in a course of conduct that seriously alarmed, annoyed or harassed [the petitioner], and that [the petitioner]

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and demonstrated Van Ellis' unwillingness to leave Bowler due to his "fatalist obsession." (Italics added.)

actually suffered substantial emotional distress." (*Ensworth v. Mullvain* (1990) 224 Cal.App.3d 1105, 1112.)

The trial court was not required to accept Van Ellis' self-serving characterization of his conduct as a harmless demonstration of concern and support by a caring friend and mentor.[8] The court found Van Ellis' "creepy" and "very strange communications" showed he was "fatal[ly] obsess[ed]" with Bowler. It reasonably concluded that Van Ellis' alarming behavior exceeded the "concern of a friend" and was "past the concern of a mentor." A reasonable person receiving the barrage of communications sent here, after clearly conveying (by silence and explicit messages) that he had no desire either to resume a friendship or for further contact, would be distressed and fearful that he had become the subject of undesired obsessive attention, and could not expect to be left alone without court intervention.

There is a sufficient evidentiary record to support the trial court's conclusion that Van Ellis engaged in unlawful harassment, and that he needed to be restrained from harassing Bowler in the future pursuant to section 527.6.

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8 We also reject Van Ellis' assertion that the trial court erred in stating his subjective mindset was not at issue. Van Ellis may believe his conduct served a legitimate purpose. That is not the test. The court employs an objective standard to decide if injunctive relief is appropriate. Based on the totality of evidence, much of which is now unavailable for review, the court found Van Ellis indulged in obsessive, strange and disturbing behavior. Such a "socially unacceptable course of conduct" would cause a reasonable person to suffer substantial emotional distress. (See *Brekke v. Wills*, *supra*, 125 Cal.App.4th at p. 1414 [teen's series of profane and threatening emails would have seriously alarmed or harassed a reasonable person, and cause a reasonable person to suffer substantial emotional distress].) While Van Ellis' emails were not as profane or as threatening as the letters in *Brekke*, the record supports the court's conclusion that his conduct met or exceeded that which would cause a reasonable person to suffer substantial emotional distress.

DISPOSITION

The judgment (order granting injunction) is affirmed.

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WILLHITE, J.

We concur:

EPSTEIN, P. J.

MANELLA, J.