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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION TWO

PETER DOLAN,

Plaintiff and Respondent.

v.

FLEMING GRAY,

Defendant and Appellant.

B235782

(Los Angeles County
Super. Ct. No. SS020940)

APPEAL from an order of the Superior Court of Los Angeles County.

Joseph S. Biderman, Judge. Affirmed.

Fleming Gray, in pro. per., for Defendant and Appellant.

Gordon & Rees, Debra Ellwood Meppen and Yaron M. Tilles, for Plaintiff and Respondent.

Defendant and appellant Fleming Gray appeals from a trial court order renewing an injunction that limits defendant from engaging in various acts that caused harm to Ye Olde King's Head, Inc.'s (King's Head) employees and customers, including plaintiff and respondent Peter Dolan, King's Head's general manager. Because we find no error, we affirm.

FACTUAL AND PROCEDURAL BACKGROUND

The underlying facts are set forth in our prior opinion. (*Ye Olde King's Head, Inc. v. Gray* (Oct. 29, 2009, B211940) [nonpub. opn.].) Briefly, after defendant engaged in a course of harassment against King's Head employees and customers, King's Head filed a petition for an injunction against defendant. On September 2, 2008, the trial court granted King's Head's petition, issuing an injunction that was set to expire on September 1, 2011. We affirmed the trial court's order. (*Ye Olde King's Head, Inc. v. Gray, supra*, B211940.)

On June 22, 2011, plaintiff petitioned for a renewal of the existing injunction. There are several reasons why he petitioned for renewal of the restraining order: (1) Despite the existing injunction, defendant continued to engage in harassing and disturbing conduct directed at King's Head, its employees, and its customers, albeit at a 100-yard distance; (2) Defendant's conduct continued to have an adverse impact on King's Head's employees' health and safety; (3) Plaintiff feared that defendant would resume his harassment at King's Head if the stay-away order was not renewed; and (4) Defendant made suggestive threats that "September 2, 2011 can't arrive too soon," which marked the expiration of the existing injunction against him.

On July 12, 2011, the trial court held a hearing on the merits of plaintiff's petition. After reviewing the evidence and entertaining oral argument, the trial court granted plaintiff's request for a renewal of the order against defendant.

Defendant's timely appeal ensued.

DISCUSSION

Preliminarily, we note the following: We will not address defendant's inflammatory and irrelevant comments that pepper his appellate briefs. Nor do we place

any weight on his unfounded accusations of racism and attacks on the character of plaintiff and the court. And, of course, we disregard all purported arguments that are unsupported by legal authority and citations to the record. (*Benach v. County of Los Angeles* (2007) 149 Cal.App.4th 836, 852.) With that in mind, we turn to the limited substance of defendant's appeal.

California Code of Civil Procedure section 527.8, subdivision (k)(1), provides, in relevant part: "In the discretion of the court, an order issued after notice and hearing under this section may have a duration of not more than three years, subject to termination or modification by further order of the court. . . . These orders may be renewed, upon the request of a party, for a duration of not more than three years, without a showing of any further violence or threats of violence since the issuance of the original order." (Code Civ. Proc., § 527.8, subd. (k)(1); see also *Ritchie v. Konrad* (2004) 115 Cal.App.4th 1275, 1279 [applying Fam. Code, § 6345, subd. (a)].)

Here, plaintiff and King's Head employees and customers have been harassed, seriously annoyed, and harmed by defendant on a continuing basis since 2007. Despite a stay-away order issued against defendant on September 2, 2008, and upheld by this court on October 29, 2009, defendant has continued to engage in the harassing conduct that necessitated the original order, albeit within the limitations of the 100-yard distance ordered by the trial court. In light of this evidence, we conclude that the trial court did not abuse its discretion in granting plaintiff's petition to renew the existing injunction.

Although difficult to discern, defendant appears to argue that a renewal was inappropriate because there is no evidence that he has engaged in any wrongdoing and there is no evidence that he will engage in any improper conduct. We disagree. As set forth in plaintiff's declaration, defendant has engaged in harassing conduct. And, as Deputy City Attorney Debra S. Kanoff declared, defendant seemed to have announced his plan to continue to harass plaintiff and King's Head employees and customers as soon as the original injunction expired.

To the extent defendant asks us to reweigh the evidence, we will not, and cannot, do so. (*Escamilla v. Department of Corrections & Rehabilitation* (2006) 141 Cal.App.4th 498, 514–515.)

Finally, we reject defendant’s constitutional arguments for the reasons set forth in our prior opinion (*Ye Olde King’s Head, Inc. v. Gray, supra*, B211940) and pursuant to the doctrines of res judicata and collateral estoppel (*Berman v. City of Daly City* (1993) 21 Cal.App.4th 276, 282, fn. 5; *Bernhard v. Bank of America Nat’l Trust & Sav. Asso.*(1942) 19 Cal.2d 807, 810; *Producers Dairy Delivery Co. v. Sentry Ins. Co.* (1986) 41 Cal.3d 903, 910). Defendant was a party to the prior appeal; the issue raised in the prior action is identical to the one raised here; and the prior decision is final. Thus, defendant is barred from attempting to improperly relitigate the same arguments that have been put to rest.

DISPOSITION

The order of the trial court is affirmed. Respondent is entitled to costs on appeal.

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_____, J.
ASHMANN-GERST

We concur:

_____, P. J.
BOREN

_____, J.
DOI TODD