

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS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 This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.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 ONE

SOMERSET HOMEOWNERS
ASSOCIATION,

Plaintiff and Respondent,

v.

LYNDA HASHMAN,

Defendant and Appellant.

B261530

(Los Angeles County
Super. Ct. No. SS024908)

APPEAL from an order of the Superior Court of Los Angeles County. Lisa Hart Cole, Judge. Affirmed.

Lynda Hashman, in pro. per., for Defendant and Appellant.

Adams Stirling, Paul S. Ablon, Aide C. Ontiveros, and
Karen N. Jacobs, for Plaintiff and Respondent.

BACKGROUND

On October 1, 2014, Somerset Homeowners Association (Somerset) filed a petition for a Workplace Violence restraining order on behalf of its employee Sahan Kuruppu, seeking protection from Lynda Hashman, who resides at the Somerset building. Somerset alleged that Hashman threatened, shouted, and cursed at Kuruppu, stalked and physically confronted him, and falsely accused him of misconduct.

On October 1, 2014, the trial court granted a three-week temporary restraining order requiring that Hashman stay at least 10 yards away from Kuruppu.

At the disposition hearing, a video was admitted into evidence which depicted Kuruppu seated in a chair and Hashman pointing and yelling at him. She then approached him and hit his arm while he remained seated. In a separate audio recording, Hashman was heard yelling at and making accusations against Kuruppu. Elizabeth Shirey, a building visitor, and Alan Oppenheimer, a resident, testified they witnessed these events. Kuruppu testified that in another incident, Hashman followed his car and police were called to escort him away from the Somerset building.

The trial court found that clear and convincing evidence supported Somerset's request for a restraining order, and issued a three-year stay-away order. Hashman appeals, contending the restraining order was unsupported by substantial evidence.

Hashman also sought a protective order against Kuruppu, alleging that he harassed and stalked her and made sexual gestures at her. At the hearing, Hashman argued that when Kuruppu came to her door to deliver a package, he fondled her hand, flirted with her, and tried to enter her apartment. She

stated that she had a deep fear of Kuruppu, and was required to hire a bodyguard.

The court denied Hashman's request for a restraining order. Hashman did not appeal the court's denial of her request.

DISCUSSION

A person who has suffered harassment may seek an injunction prohibiting the nuisance. (Code Civ. Proc., § 527.6, subd. (a)(1).) "Harassment" includes "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." (Code Civ. Proc., § 527.6, subd. (b)(3).) The trial court must hold a hearing on the petition within 21 days, at which it "shall receive any testimony that is relevant" and issue the injunction if it "finds by clear and convincing evidence that unlawful harassment exists." (Code Civ. Proc., § 527.6, subds. (g), (i).)

Our role on appeal is limited—we may reverse an injunction order only if we conclude no substantial evidence supports it. In determining this, we review the record in a light most favorable to the order and draw all reasonable inferences from the evidence that supports it. (*People v. Alcala* (1984) 36 Cal.3d 604, 623; *People v. Johnson* (1980) 26 Cal.3d 557, 576.) Our only role is to determine whether any rational trier of fact could have been persuaded that the order was necessary. (*People v. Johnson, supra*, at p. 576.)

Here, a video and audio recording showed Hashman approaching Kuruppu and hitting his arm as he sat behind a

desk. Two witnesses confirmed these events. This constitutes substantial evidence that Hashman engaged in a willful course of conduct that alarmed, annoyed, and harassed Kuruppu and served no legitimate purpose.

Hashman argues the video and audio recordings admitted in court had been altered. Nothing in our record supports the argument. “A judgment or order of the lower court is *presumed correct*. All intendments and presumptions are indulged to support it on matters as to which the record is silent, and error must be affirmatively shown. This is not only a general principle of appellate practice but an ingredient of the constitutional doctrine of reversible error.” (*Denham v. Superior Court of Los Angeles County* (1970) 2 Cal.3d 557, 564.) An appellate court may review only matters of law. Any evidentiary disputes must be raised before the trial court. (See Code Civ. Proc., § 527.6, subd. (j)(1) [motion for modification].)

Here, the trial court’s factual findings and consequent orders were supported by substantial evidence, and Hashman adduces nothing in the record that demonstrates legal error.

Hashman contends that her request for a restraining order against Kuruppu should have been granted. However, because she failed to appeal the order denying that request, we are powerless to review it.

DISPOSITION

The trial court's order is affirmed. Somerset is to receive its costs on appeal.

NOT TO BE PUBLISHED.

CHANEY, J.

We concur:

ROTHSCHILD, P. J.

LUI, J.