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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION TWO

SAMI AMMARI,

Plaintiff and Appellant,

v.

MAX CHRISTENSEN,

Defendant and Respondent.

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MARY FRANCES CHRISTENSEN,

Plaintiff and Respondent,

v.

SAMI AMMARI,

Defendant and Appellant,

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B286694

(C/W B286701 & B286848)

(Los Angeles County

Super. Ct. No. 17PDRO00349)

(Los Angeles County

Super. Ct. No. 17PDRO00257)

HERMINE TEMURIAN,

Plaintiff and Respondent,

v.

SAMI AMMARI,

Defendant and Appellant.

(Los Angeles County  
Super. Ct. No. 17PDRO00258)

APPEALS from orders of the Superior Court of Los Angeles County. Timothy Martella, Commissioner. Dismissed in part and affirmed in part.

Wallace, Brown & Schwartz and George M. Wallace for Sami Ammari.

H.G. Robert Fong for Max Christensen, Hermine Temurian and Mary Frances Christensen.

These three consolidated appeals arise out of acrimony between neighbors. The first appeal involves the denial of an application filed by Sami Ammari (Ammari) for civil harassment restraining orders (Code Civ. Proc., § 527.6)<sup>1</sup> against Max Christensen (Max). The other two appeals involve the grant of applications filed by Mary Frances Christensen (Mary)<sup>2</sup> and Hermine Temurian (Temurian) for civil harassment restraining orders against Ammari. Ammari challenges all three of the orders. Because he offers no argument regarding the denial of his application for civil harassment restraining orders, we deem his appeal from that order abandoned and therefore order it dismissed. (*Rossiter v. Benoit* (1979) 88 Cal.App.3d 706, 710–711; *Berger v. Godden* (1985) 163 Cal.App.3d 1113, 1120.) With respect to the orders granting the applications of Mary and Temurian, we find no error and affirm.

## FACTS

### The Applications<sup>3</sup>

On July 11, 2017, Mary filed an application for civil harassment restraining orders against Ammari. According to Mary, Ammari stalked and harassed her, and harassed her husband, Max. The same date, Temurian also filed an application for civil harassment restraining orders against

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<sup>1</sup> All further statutory references are to the Code of Civil Procedure unless otherwise indicated.

<sup>2</sup> Max and Mary share the same last name. For ease of reference, we use their first names.

<sup>3</sup> Given that the appeal regarding Ammari’s application is dismissed, we do not include that application in the statement of facts.

Ammari. She alleged that Ammari harassed her as well as her husband and daughter. The trial court entered temporary restraining orders. An evidentiary hearing regarding the applications took place on September 28, 2017.

### **The Hearing**

#### *Testimony of Officer Richard Wall.*

Officer Richard Wall of the Los Angeles Police Department testified that he interacted with Ammari at a community meeting at a cafe. To resolve a problem with crime in Ammari's neighborhood, Officer Wall put up temporary no parking signs. This created a rift in the neighborhood. He was in the process of putting in permanent signs. Ammari became "belligerent" toward certain neighbors who were trying to voice their opinions. Officer Wall and his partner had to intervene and ask him to be quiet. The manager of the cafe wanted Officer Wall to end his meeting because Ammari was disrupting the rest of the cafe with his behavior.

The police got several calls about Ammari in the neighborhood shining his flashlight, pretending that he was a police officer, flagging down people, trying to intimidate them not to go down the street. Officer Wall's partner got a call about signs being removed. He talked to some neighbors, who had surveillance video clearly showing that Ammari was the person removing the signs.

Ammari was arrested. The city attorney filed a criminal complaint against Ammari charging him with five misdemeanor counts for theft.

Later, Officer Wall received complaints about Ammari doing illegal construction on his property. The Department of Building and Safety wanted Officer Wall to go with one of their

agents to talk to Ammari. People at the Department of Building and Safety were afraid of Ammari based on previous contacts. When they arrived, Ammari started screaming at Officer Wall to “[s]tay off my property.” The Department of Building and Safety issued a cease and desist order to the construction crew present at Ammari’s home. Ammari got angry, screaming at Officer Wall, “You’re not the boss. I’m the boss. I’m in charge. I tell them when to start, and I tell them when to stop.”

*Mary’s Testimony*

Temurian lives next to Ammari, and Mary lives next to Temurian. Mary testified as follows: “On May the 31st, [2017], I was going from my home, and [Ammari] . . . blocked me, in a Land Rover, and I couldn’t go. I started to inch forward; he kept moving closer to me. Finally, I started to back up, and he released enough room so that I can continue. [¶] We also live on a one-way street, and we must go by Mr. Ammari’s home to get off the street. And many mornings, he would come running out from behind one of his vehicles and waive his arms and run at my car and call me a ‘bitch.’

“On June [1, 2017], I . . . left to . . . go get some flowers, and he was on the corner of Hollywood Way and Mulburn, the street where he had blocked me the day before. And when I turned the corner, I looked and I saw his Land Rover. And I looked at him, and he looked at me, and I got scared. So I continued down the street to [Glen Oaks], which is the main street, to make a left . . . And he was behind me. I continued on [Glen Oaks], and he was right on my tail. So I called Burbank Police Department and talked to the . . . dispatch there. They said, ‘Come to the police station. Continue on Glen Oaks.’ So I did that.

“He was behind me. Sometimes he would go a car behind me, but then he would come back up. As I was driving, he went through a red light, and I . . . said to them on the phone, ‘Oh, my God. He really is following me.’”

At the police station, Mary identified Ammari by name. The police said, “We are aware of who Mr. [Ammari] is,” and that they saw him leaving the area.

Regarding a different incident, Mary explained, “On June 2, [2017,] . . . I was out in the front yard. [Ammari] stopped his van and started screaming at me, and he said, ‘When all this [s\*\*t] is gone,’ which was the ‘temporary no parking’ signs, he said, ‘I’m going to make your life miserable.’ He said, ‘I’m going to put my cars all around your house.’”

On June 14, 2017, according to Mary, Ammari approached her husband Max, threatened him, and said, “I’m going to get your wife for turning me in to the Police Department for stealing the ‘no parking’ signs.”

Mary was asked if there was another incident with Ammari that put her in fear. She averred that in July 2017, she and Max were traveling when they got a call from Temurian. She said, in part, “[Ammari] has gone nuts.” Temurian indicated that she had called 911, and that the police were on their way. A police sergeant later called Mary and asked her and her husband to return home. The sergeant said, “You two need to get a restraining order . . . [b]ecause we cannot protect you unless you have one.” Mary was unable to return home until the next day. A neighbor told her, “Mary, [Ammari] was in your yard last night. About [1:00 a.m.] in the morning or so. . . . He had gone in on your property with a flashlight and he was around Max’s truck.”

Mary explained that due to surveillance video from Temurian, they have video of Ammari going onto Mary's property. The next day, Mary and Temurian applied for restraining orders.

In general, Mary testified, "He brings his car, and he blocks me, or he'll go into the middle of the street because that's our only way to get in and out, and he sort of crosses his arms, like 'the King and I,' and you can't go because you'll hit him. So I stop, and then I wait. And it's not just me. It's not isolated. That has happened numerous times. I'm scared to death. [¶] I wasn't feeling good. I ended up going to the doctor's [office], and I have high blood pressure, which I've never had, and [the] doctor just said . . . , 'You've got to calm down.' I don't know how to calm down. I'm not sleeping at night. I'm so scared to death of him. He is not a very truthful person, and he's . . . mean, and he's frightening."

When asked why she was seeking a restraining order, she said it was because of "the gut-wrenching fear that I have, that's been instilled by Mr. Ammari on me. He seems to have targeted me[.]"

Mary is 70 years old.

*Testimony of Temurian*

Temurian testified that she needed a restraining order because she was afraid of Ammari. She explained that she moved into her home in 2013, and that from "day one, he started cussing, yelling, screaming, blocking my car while I was trying to go to the store to go to work, and he used very bad words that we don't use in our family, against me and my family, threats after threats. [¶] I couldn't tolerate it anymore. . . . I called the police [about] him and [the] police were saying that[,] 'We know about

him. All you need to do is take a restraining order so we can do something.'

"Then in November, he damaged my son's car while it was parked in front of our driveway." Initially, Temurian thought kids were responsible, but she checked her surveillance video. She testified, "[I]t was the tire rolling down hitting my son's car, which shows that [Ammari] comes down, picks it up . . . and throws it in his car and drives off[.]"

Temurian filed a police report. The police told her to get Ammari's insurance information. Her son asked Ammari. He told her son, "Listen, I have a gun. I shot people." Because Temurian did not know what Ammari was capable of, she used her own insurance to fix the car.

While she was walking her dog, Ammari called out to her. She turned around and saw that he had dilated eyes and blood all over his nose and mouth. This frightened her. She demanded that he stay away from her.

Temurian testified that Ammari played "chicken" with his vehicle at least three times since she moved into her home. She explained that he would stand in the middle of their street while she was driving, and he would shout, "I own the street," and, "I'm the boss of everyone. I can do anything I want." When he would block her car, she would have to wait for him to move.

She was afraid due to Ammari's behavior, and because she heard from neighbors that he beat his own mother.

#### *Testimony of Lorraine Diaz*

Lorraine Diaz (Diaz) testified that she was on Ammari's street with a parking enforcement officer to check new signage. There had been a series of parking complaints. A person requested that her office ticket all the cars that were over-



hanging their driveways onto the sidewalk. Ammari was upset that the parking enforcement officer was not ticketing people immediately. At one point, Diaz and the parking enforcement officer were walking down the street and Ammari followed them in his car. He then drove off. Later, while Ammari was driving a different car, he accelerated toward Diaz and the parking enforcement officer. The parking enforcement officer jumped out of the way. Ammari stopped just short of hitting them. He jumped out of his car and screamed at them.

When Ammari was yelling, neighbors came outside to see what was happening. He threatened two of the neighbors. To one neighbor, he said, “Tell your sister I’m going to get her. . . . She better watch out.” In Diaz’s opinion, Ammari meant the neighbor’s wife.

Diaz further testified that Ammari made threatening calls to her office when temporary no overnight parking signs were put up and when they were removed. He threatened that he would sue her office, that they would be sorry, and that they would “pay for this.” Her office considered trying to get a restraining order against Ammari.

#### *Testimony of Ammari*

Ammari denied playing “chicken” with Temurian with their cars. He claimed that he blocked traffic sometimes because cars are double parked and other cars are being moved around. He testified, “Yes, there is a lot of activity in front of my house. There’s probably 30 or 40 people coming there daily. . . . It’s nothing to harass anybody.”

Asked what kind of business he is in, he stated, “Well, we have some plumbing business. We have topless entertainment. I have a party bus there. I have two party buses that come and go.

I just built a new parking lot so we can reduce [the] parking on the street. . . . So there's cars all over there." He said it takes five to 10 minutes to move cars from his business activities and clear the street.

Ammari denied making any threats about having a firearm and using it. In addition, he denied stalking Mary, claiming he was in Las Vegas at the time. Ammari admitted he owned the white Land Rover reported by Mary but claimed someone else was driving it the day that Mary claimed she was stalked by Ammari.

Ammari testified that he owned a gun.

### **The Trial Court's Orders**

On September 28, 2017, the trial court ordered Ammari not to harass, intimidate, threaten or contact Mary or Temurian for three years. Pursuant to the orders, Ammari was required to dispose of his firearm.

Ammari appealed.

## **DISCUSSION**

### **I. Standard of Review.**

When reviewing a civil harassment restraining order under section 527.6, we "resolve all factual conflicts and questions of credibility 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[.]" (*Schild v. Rubin* (1991) 232 Cal.App.3d 755, 762.) "But whether the facts, when construed most favorably in [petitioner's] favor, are legally sufficient to constitute civil harassment under section 527.6, and whether the restraining order passes constitutional muster, are questions of law subject to de novo review." (*R.D. v. P.M.* (2011) 202 Cal.App.4th 181, 188.)

## **II. Section 527.6.**

Under section 527.6, a person who has suffered harassment may seek a temporary restraining order. After a hearing, that person may obtain an order prohibiting harassment. (§ 527.6, subd. (a)(1).) Harassment is 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. (§ 527.6, subd. (b)(3).) Course of conduct harassment, which is defined in section 527.6, subdivision (b)(1), must “be that which would cause a reasonable person to suffer substantial emotional distress, and must actually cause substantial emotional distress to the petitioner.” (§ 527.6, subd. (b)(3).) An order shall issue if a judge finds clear and convincing evidence that unlawful harassment exists. (§ 527.6, subd. (i).) In general, injunctive relief will not issue unless it appears with reasonable certainty that wrongful acts will be repeated. (*Gold v. Los Angeles Democratic League* (1975) 49 Cal.App.3d 365, 372.)

“Constitutionally protected activity is not included within the meaning of course of conduct.” (§ 527.6, subd. (b)(1).)

## **III. Harassment.**

Ammari contends there was insufficient evidence of harassment and that his verbal conduct was protected activity under the First Amendment of the United States Constitution. We disagree.

As to Mary, the evidence established that Ammari engaged in a pattern of harassing conduct that included blocking her car from passing, following her car, a verbal threat to “get her,” a verbal threat to make her life miserable, and trespassing. As to Temurian, the evidence established that Ammari engaged in a

pattern of harassing conduct that included screaming and cursing, blocking her car, verbal harassment, damaging her son's car, telling her son he has a gun and has shot people, and using his car to play chicken with her car.

These patterns of conduct would cause a reasonable person to suffer substantial emotional distress. We note that the right to free speech guaranteed by the First Amendment to the United States Constitution “does not include the right to repeatedly invade another person's constitutional rights of privacy and the pursuit of happiness through the use of acts and threats that evidence a pattern of harassment designed to inflict substantial emotional distress.” (*People v. Borrelli* (2000) 77 Cal.App.4th 703, 716; *In re Marriage of Evilsizor & Sweeney* (2015) 237 Cal.App.4th 1416, 1429–1430.)

Ammari's conduct in playing chicken with Temurian was a credible threat of violence. This type of harassment need not be of the type that would cause a reasonable person to suffer substantial emotional distress. Ammari does not suggest that it is constitutionally protected. By itself, this conduct qualified as harassment of Temurian.

#### **IV. Certainty of Conduct Repeating.**

The trial court did not make a finding regarding the risk of future harm. But absent “indication to the contrary, we must presume that the trial court followed the applicable law and understood that it was required to find that future harm was reasonably probable. [Citations.]” (*Harris v. Stampolis* (2016) 248 Cal.App.4th 484, 500 (*Harris*).) A trial court can consider any evidence showing a likelihood of future harassment. Behavior “that may not alone constitute [unlawful harassment]

logically still might show an intention to resume or continue [unlawful harassment].’ [Citation.]” (*Id.* at p. 501.)

Ammari asserts that Mary and Temurian failed to offer sufficient evidence to support the trial court’s implied finding that there was a reasonable certainty that Ammari’s conduct would continue. (*Shaw v. County of Santa Cruz* (2008) 170 Cal.App.4th 229, 267 [if there is substantial supporting evidence, an appellate court will infer all factual findings necessary to support the judgment].)

We conclude that the evidence from Mary, Temurian, Officer Wall, and Diaz provided sufficient evidence. Because Ammari is the neighbor of Mary and Temurian, he is likely to have future interactions with them. He has demonstrated a pattern of harassing, threatening, and bullying private citizens and agents of the government. Further, he has demonstrated a pattern of disregarding the law, the property of others and authority. In addition, he denied his culpability, establishing that he has no remorse. The foregoing establishes a reasonable probability of future harm.

#### **V. Nature of Ammari’s Conduct.**

Ammari argues that the civil harassment restraining orders should not have been granted because Mary and Temurian failed to prove that he engaged in outrageous conduct of the type necessary to establish a common law claim of intentional infliction of emotional distress. (*Cochran v. Cochran* (1998) 65 Cal.App.4th 488, 494 (*Cochran*) [conduct that is so extreme and outrageous it exceeds all bounds that are usually tolerated in a civilized community].) His argument is undermined by his failure to cite law supporting his argument, or otherwise apply the law of statutory interpretation. (*Sprague v. Equifax, Inc.*

(1985) 166 Cal.App.3d 1012, 1050.)<sup>4</sup> Even if that tort standard applied, it would be met here.

### DISPOSITION

The appeal from the denial of Ammari's application for civil harassment restraining orders is dismissed. The civil harassment restraining orders granted in favor of Mary and Temurian are affirmed. Max, Mary, and Temurian shall recover their costs on appeal.

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\_\_\_\_\_, J.  
ASHMANN-GERST

We concur:

\_\_\_\_\_, P. J.  
LUI

\_\_\_\_\_, J.  
HOFFSTADT

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<sup>4</sup> Ammari quotes *Grant v. Clampitt* (1997) 56 Cal.App.4th 586, 591 (*Grant*) as stating, "Section 527.6 was passed to supplement the existing common law torts of invasion of privacy and intentional infliction of emotional distress by providing quick relief to harassment victims threatened with great or irreparable injury. [Citation.]" He wants us to read *Grant* as dictating that section 527.6 does not apply unless the harassment defined in subdivision (b)(3) of that statute meets the *Cochran* standard for determining whether conduct is sufficiently outrageous to support a cause of action for intentional infliction of emotional distress. But *Grant* contains no such holding, and it does not support Ammari's position.