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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION EIGHT

JUANA MENDEZ et al.,

Plaintiffs and Respondents,

v.

JOSE CASTRO et al.,

Defendants and Appellants.

B292398

(Los Angeles County
Super. Ct. No. BC670610)

APPEAL from a judgment of the Superior Court of Los Angeles County, Susan Bryant-Deason, Judge. Affirmed.

Jose Castro and Leonor Velasquez, in pro. per., for Defendants and Appellants.

Law Offices of Clemente Franco and Clemente Franco for Plaintiffs and Respondents.

Tenants Juana Mendez, Jorge Lara, and their two minor children sued their landlords Jose Castro and Leonor Velasquez, for breach of the covenants of habitability and quiet enjoyment, nuisance, unlawful collection of rent, and failure to pay relocation expenses pursuant to the Los Angeles Municipal Code. We affirm the judgment for plaintiffs entered after a bench trial.

BACKGROUND

We glean the following facts from the limited record on appeal, without the benefit of transcripts of the bench trial. Plaintiffs rented an illegally converted garage from defendants. After plaintiffs raised concerns about the condition of the rental to the City of Los Angeles Department of Building and Safety, the City issued a “Substandard Order” notifying defendants to stop renting the unit. Rather than paying relocation expenses to plaintiffs, defendants removed a wall and plumbing fixtures, including the toilet, and turned off power to the garage, forcing plaintiffs to vacate. Defendants had been issued three prior Substandard Orders by the City before plaintiffs’ tenancy, but nevertheless continued to rent the property.

Following a bench trial, the trial court entered a judgment of \$120,950 in favor of plaintiffs, including treble damages for rent abatement, relocation fees, penalties for failure to pay relocation fees, and compensation for emotional distress. Defendants timely appealed.

DISCUSSION

Defendants contend the trial court abused its discretion by awarding excessive damages, and the trial court was biased.

They argue plaintiffs did not allege a cause of action for intentional or negligent infliction of emotional distress, and did not present expert testimony to support their claim for emotional

distress damages. Plaintiffs do not have to allege a cause of action for negligent or intentional infliction of emotional distress, when, as here, emotional distress is a compensable element of damages for the proven claims. (*Burgess v. Superior Court* (1992) 2 Cal.4th 1064, 1072-1073 [negligent infliction of emotional distress is not an independent tort, but a species of the tort of negligence]; *Hensley v. San Diego Gas & Electric Co.* (2017) 7 Cal.App.5th 1337, 1358 [emotional distress damages available for nuisance]; see also Civ. Code, § 3333.) Expert testimony is not required to assess emotional distress. (*Knutson v. Foster* (2018) 25 Cal.App.5th 1075, 1097.)

Defendants also contend the court's awards of treble damages for rent abatement, relocation fees and a penalty were excessive. Defendants acknowledge the Los Angeles Municipal Code authorizes the award of those amounts. Without transcripts of the trial, it is impossible for us to evaluate the reasonableness of the damage award. It is also impossible for us to consider defendants' claim the trial court was biased. (*Aguilar v. Avis Rent A Car System, Inc.* (1999) 21 Cal.4th 121, 132 [appellant must provide an adequate record to demonstrate prejudicial error]; *Wright v. City of L.A.* (1990) 219 Cal.App.3d 318, 354 [reasonableness of damage award is necessarily a fact-driven inquiry].)

Defendants have failed to carry their burden to demonstrate prejudicial error. (*In re Marriage of McLaughlin* (2000) 82 Cal.App.4th 327, 337.)

DISPOSITION

The judgment is affirmed. Respondents are awarded their costs on appeal.

GRIMES, J.

WE CONCUR:

BIGELOW, P. J.

WILEY, J.