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NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS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 FIVE

KAREN MORALES, Plaintiff and Respondent, v. STEVEN MILLER, Defendant and Appellant.	B281731 (Los Angeles County Super. Ct. No. GS016425)

APPEAL from an order of the Superior Court of Los Angeles County, R. Carlton Seaver, Judge. Affirmed.

The Ryan Law Firm, Kelly F. Ryan and Nate Loakes, for Defendant and Appellant.

Driskell & Gordon, John L. Gordon, for Plaintiff and Respondent.

This case centers on long-running disputes between two neighboring families. Karen Morales (Karen) and her husband Ted Morales (Ted) have lived next to Steven Miller (Steven) and his wife Debbie Miller (Debbie) for approximately nineteen years. Though their relationship began cordially, it deteriorated quickly and never recovered. In December 2015, Karen sought a civil harassment restraining order against Steven, seeking protection for herself, Ted, and her sister, Janice Pearce (Pearce). After more than a year of proceedings and more than thirty hearings, the trial court granted Karen and Pearce a restraining order protecting them from Steven and awarded Karen attorney fees. Steven appeals, and we are asked to decide whether he has affirmatively shown the trial court prejudicially erred on the record presented—which is missing at least one day's worth of testimony and is devoid of any of the exhibits presented to the trial court. We also decide whether the trial court's award of attorney fees is an abuse of the court's discretion.

I. BACKGROUND

A. Factual Background[1]

The Moraleses and the Millers have lived beside each other on Ridgeside Drive in Monrovia, California since 1998. Entry and exit to their homes is normally made via a private road in

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[1] Consistent with the applicable standard of review, we state the record in the light most favorable to the trial court's ruling, resolving all factual conflicts and questions of credibility in favor of the prevailing party and indulging in all legitimate and reasonable inferences to uphold the trial court's findings. (*Schild v. Rubin* (1991) 232 Cal.App.3d 755, 762.)

front of their properties. The private road runs along an easement for access in front of the residences on Ridgeside Drive, including in front of both the Millers' and Moraleses' homes and across their private property. Debbie and Karen were friendly for the first few years they were neighbors, but the relationship between the Millers and Moraleses began to sour around 2001.

Each couple ascribed to the other a variety of transgressions. For example, Steven claimed the Moraleses left dog feces on his property and their gardener intentionally used a leaf-blower to blow debris and dust onto his property. The Moraleses claimed Steven would stop his car in front of their kitchen window and sit in front of it for five to ten seconds. Steven claimed Ted and/or Karen threatened to poison him and Debbie. Karen claimed Steven told Ted that Karen was trying to kill Ted.

In the course of this contentious relationship, three incidents stood out and served as the predicate for the trial court's decision to issue a restraining order protecting Karen (and Pearce) from Steven.

First, in 2012, Karen and her seven-year-old granddaughter were walking from Karen's house to her mailbox when Steven appeared and circled around them while dancing in a manner Karen described as "somewhat impish, but very creepy and bizarre."[2] Karen and her granddaughter encountered Steven

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[2] Karen was particularly concerned about the incident because her granddaughter was born with a heart condition that required surgery within a week of her birth. As a result, she is prohibited from engaging in strenuous physical activity and should not to be subjected to severe or undue stress.

twice more on their walk to and from the mailbox, and Steven repeated the "creepy" dance. After taking her granddaughter into the house, Karen "went into another room and . . . started shaking and started crying."

Second, in December 2015, shortly before Karen filed her request for a restraining order, Karen and Ted encountered Steven as they were returning from a walk with their dog. They were walking along the road built on the easement held by all of the property owners abutting Ridgeside Drive. Ted, who was carrying a small camera, recorded what happened.[3] Steven accused the Moraleses of trespassing on his property, and reportedly told them to "get the fuck off my property." He reportedly told them they were both "going to burn in hell" and called either or both of them a "fucking terrorist." At some point, Ted apparently told Steven, "Don't touch me, brother." In response, Steven reportedly said, "I touch you, brother, you're done. You know that, don't you?" While the confrontation was ongoing, Karen went into "flight mode," quickly walked her dog into the backyard, ran into the house in tears, and called the police.

Third, on various dates, Steven approached cars of the Moraleses' guests (parked outside the Moraleses' home), walked around them, peered into them, and looked at their license

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[3] There is some dispute in the record as to whether the video captured the entire incident. There is also some dispute in the record regarding the accuracy of the reporter's transcription of the video. Steven, the party appealing the restraining order, has not made the video (introduced as an exhibit in the trial court) part of the appellate record.

plates. He did this in a manner at least one guest described as "creepy." Approximately four guests reported seeing such behavior to Karen.

Steven's behavior affected Karen in a number of ways. Karen started grinding her teeth and has needed to wear a dental guard for at least two and a half years. She does not go out alone at night and does not go home to an empty house. She looks up and down the street when she goes out during the day and pays attention to her surroundings. For a while, she found it harder to sleep when Ted was not home. A friend observed Karen had exhibited "extreme tension" as a result of Steven's behavior, an inability to sleep peacefully, and concern about what is happening outside of her window at all hours.

B. The Restraining Order Proceedings

Karen filed a request for a civil harassment restraining order against Steven pursuant to Code of Civil Procedure section 527.6.[4] The request sought protection for Karen and Ted, and for Pearce, who lived with Karen and Ted. Karen's request highlighted the "going to burn in hell" December 2015 confrontation, in addition to Steven's other "bizarre, unpredictable, wild behavior" over the "last several years." The trial court granted a temporary restraining order until a contested hearing could be held.

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[4] Undesignated statutory references that follow are to the Code of Civil Procedure.

1. The contested hearing(s)

At the first appearance by the parties for an evidentiary hearing, the trial court reissued the temporary restraining order and continued the hearing. The ensuing proceedings perplexed the trial court, and we have no greater insight into why they unfolded as they did: the hearing on Karen's request for a restraining order stretched over the following thirteen months, with the parties appearing in court over thirty times until the evidentiary hearing was completed.[5] The record provided to this court, however, contains only twenty-eight transcripts. It appears that up to five transcripts are missing from the record on appeal, and Steven does not dispute the appellate record is at a minimum missing a transcript of proceedings on January 20, 2017, when testimony was apparently taken.

Over the course of the thirteen-month hearing, the court heard testimony from a number of witnesses, including Karen, Steven, Ted, Deborah, Pearce, Sharon Gove (a minister and friend of the Moraleses), Officer Thomas Montes of the Monrovia Police Department, and Agent Alex Galindo of the Monrovia Police Department. The parties also presented various exhibits to the trial court over the course of the hearing, including photographs, letters, excerpts of deposition testimony, and—most

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[5] There is some discrepancy between the parties' characterization of the number of hearings held and the hearings reflected in the record. Both Steven and Karen state the trial court held twenty-eight hearings. However, Steven listed thirty-three dates in his recitation of hearing dates, which is identical to the list of hearing dates the trial court included in its statement of decision. Our review of the case summary indicates there may have been an additional, unlisted hearing on September 6, 2016.

significantly—the video of the December 2015 encounter where Steven told the Moraleses they were "going to burn in hell."[6] None of the exhibits are included in the appellate record.

2. The trial court's ruling

The trial court made an oral ruling at the hearing on February 3, 2017. The trial court stated it had "a lot of concern about" Steven's credibility. It specifically found Karen's testimony compelling and credible on the subject of the "impish dancing" incident, and Steven's not. The court emphasized the event that brought the parties to court was the December 8, 2015 "you're going to burn in hell" altercation—explaining while a "picture is worth a thousand words, video is worth a great deal more, and that is helpful in all sorts of ways." The court found Steven "charged out at" the Moraleses and "essentially assaulted [Ted] verbally." The court concluded Karen had proven her case and issued a three-year restraining order against Steven to protect Karen and Pearce. The court, on the other hand, found Ted had no fear or concern regarding Steven and therefore declined to issue a restraining order protecting him.

Steven subsequently requested a statement of decision that asked the court to address seven topics. The trial court issued a proposed statement of decision and invited the parties to file objections thereto. Steven timely filed objections. The trial court held a hearing to address the objections and overruled them,

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[6] While the trial court admitted some of the exhibits in evidence, it made no express rulings on many of the exhibits. The parties acted as though exhibits which were identified and not objected to were admitted.

adopting Karen's proposed statement of decision with minor changes.

The trial court's final statement of decision states the restraining order issued based on three "Serious Allegations," which the court found were established by clear and convincing evidence. The court found the three incidents alternatively constituted (a) credible threats of violence, or (b) a course of conduct to alarm, annoy, or harass a specific person, without legitimate purpose, that reasonably caused Karen to suffer substantial emotional distress. The three allegations, of course, were the 2012 "impish" dancing incident, the December 2015 "burn in hell" incident, and Steven's behavior related to looking at the Moraleses' guests' cars, which the court described as "Stalking."

The trial court's statement of decision also answered questions Steven asked the court to specifically address when requesting a statement of decision. The court answered "yes" to Steven's first six questions, which the court noted tracked the statutory elements that must be satisfied to issue a civil harassment restraining order. As for the seventh question, which asked whether petitioner "proved by clear and convincing evidence that Respondent's course of conduct was not constitutionally protected," the court answered as follows: "'None of Respondent's conduct complained of constitutes protected speech or other constitutionally protected activity of any other kind. To the extent that that requires proof by clear and convincing evidence, the testimony and evidence presented by both sides established by clear and convincing evidence that Respondent's conduct and course of conduct was not constitutionally protected."

C. Karen's Motion for Attorney Fees

Karen filed a motion seeking $37,537.50 in attorney fees. Steven opposed the motion, arguing the billing statement submitted in support of the motion contained vague, block billed entries. He believed the billing statement was padded because, among other things, it did not distinguish between travel time and time actually spent appearing in court.

Toward the outset of the hearing on the attorney fee motion, the trial court stated as follows: "[I]t is my tentative to approve the full request. I am grossed out by it, but it seems to me that the petitioner is the prevailing party, that they came into and spent their time and effort doing it in a way which is—it presumed everyone's going to spend a lot of money. One of the hazards is losing and having to pay the other person's attorney fees." The court briefly addressed Steven's objections, stating, "I think the arguments with respect to travel time [and] block billing are inappropriate in these circumstance[s] and so I am not going to go into those."

After hearing argument from counsel, the trial court ruled as follows: "The court has considered the pleadings in the matter. [¶] I was the trial judge who heard all of these matters right along. I think for most of the case, Mr. Miller was represented by a very competent counsel. I guess—I suppose I might think there might have been a way to keep, maybe, the parties from doing something that they might have been unsure of, but they didn't. It seems to me everybody . . . worked towards making this a longer thing than I would have preferred, but there you go. [¶] So I am going to grant the motion."

II. DISCUSSION

Steven challenges the trial court's grant of Karen's request for a restraining order on a number of grounds. Three of those grounds, that the court's findings were not supported by substantial evidence, that there was insufficient evidence Karen suffered from emotional distress, and that Steven's conduct was constitutionally protected or had a legitimate purpose, depend on an evaluation of the evidence upon which the trial court relied. As the appellant, Steven bears the burden of affirmatively demonstrating the trial court erred based on an adequate record of the proceedings below. (*Foust v. San Jose Construction Co., Inc.* (2011) 198 Cal.App.4th 181, 187.) Steven has not met that burden because the record presented has fatal deficiencies: it is missing at least one day's worth of testimony and it does not contain any of the exhibits admitted at trial, including the video footage that loomed large in the trial court.

The remaining two grounds upon which Steven challenges the restraining order are his contentions the trial court applied the incorrect legal standard in issuing the restraining order and failed to find his behavior presented a future threat of harm to Karen and Pearce. Both of these arguments also rely to some extent on contentions regarding the evidence before the trial court and to the extent they do, they likewise do not warrant reversal. In addition, Steven's argument that the trial court applied the incorrect legal standard is meritless because the court's statement of decision reflects it properly applied the clear and convincing evidence standard. And his argument that the court erred by not making an express finding that Steven's behavior presents a future threat of harm also fails because the threat is obvious even on the limited appellate record we have

been presented and Steven is therefore unable to demonstrate prejudice. We also affirm the trial court's attorney fees order because Steven has not shown the trial court abused its discretion by calculating fees based on assertedly "block-billed" statements.

A. The Civil Harassment Restraining Order Statute

"Section 527.6 was enacted 'to protect the individual's right to pursue safety, happiness and privacy as guaranteed by the California Constitution.' [Citations.] It does so by providing expedited injunctive relief to victims of harassment. [Citation.]" (*Brekke v. Wills* (2005) 125 Cal.App.4th 1400, 1412.) Harassment is defined as, inter alia, "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).) A credible threat of violence is "a knowing and willful statement or course of conduct that would place a reasonable person in fear for his or her safety or the safety of his or her immediate family, and that serves no legitimate purpose." (§ 527.6, subd. (b)(2).) 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 . . . ." (§ 527.6, subd. (b)(1).) In order for a court to issue a restraining order, the judge must find "clear and convincing evidence that unlawful harassment exists . . . ." (§ 527.6, subd. (i).)

B. Standard of Review

"We review issuance of a protective order for abuse of discretion, and the factual findings necessary to support the

protective order are reviewed for substantial evidence." (*Parisi v. Mazzaferro* (2016) 5 Cal.App.5th 1219, 1226 (*Parisi*).) "We resolve all conflicts in the evidence in favor of respondent, the prevailing party, and indulge all legitimate and reasonable inferences in favor of upholding the trial court's findings." (*Bookout v. Nielsen* (2007) 155 Cal.App.4th 1131, 1137-1138.) "Whether the facts are legally sufficient to constitute civil harassment within the meaning of section 527.6 is a question of law reviewed de novo." (*Parisi*, *supra*, at p. 1226; see also *R.D. v. P.M.* (2011) 202 Cal.App.4th 181, 188.)

C. Steven's Failure to Provide an Adequate Record Defeats the Bulk of His Contentions, and Those We Can Address Are Meritless

1. Most of Steven's contentions are defeated by the inadequacy of the record

"[I]t is a fundamental principle of appellate procedure that a trial court judgment is ordinarily presumed to be correct and the burden is on an appellant to demonstrate, on the basis of the record presented to the appellate court, that the trial court committed an error that justifies reversal of the judgment." (*Jameson v. Desta* (2018) 5 Cal.5th 594, 608-609.) "It is axiomatic it is the appellant's responsibility to provide an adequate record on appeal. [Citations.]" (*Lincoln Fountain Villas Homeowners Assn. v. State Farm Fire & Casualty Ins. Co.* (2006) 136 Cal.App.4th 999, 1003, fn. 1.) Additionally, "'a record is inadequate, and appellant defaults, if the appellant predicates error only on the part of the record he provides the trial court, but ignores or does not present to the appellate court portions of the proceedings below which may provide grounds upon which

the decision of the trial court could be affirmed.' [Citation.]" (*Osgood v. Landon* (2005) 127 Cal.App.4th 425, 435.)

Various California Rules of Court address an appellant's burden to submit a complete record on appeal. For example, "[t]he California Rules of Court require an appellant who elects to proceed by appendix to include, among other things, any document filed in the trial court which 'is necessary for proper consideration of the issues, including . . . any item that the appellant should reasonably assume the respondent will rely on.' (Cal. Rules of Court, rule 8.124(b)(1)(B).)" (*Jade Fashion & Co., Inc. v. Harkham Industries, Inc.* (2014) 229 Cal.App.4th 635, 643.) The same rule requires *the appellant* to include "[a]ny exhibit admitted in evidence" that is necessary for proper consideration of the issues. (Cal. Rules of Court, rules 8.124(b)(1)(B), 8.122(b)(3)(B).)[7] An appellant also bears the burden of providing a reporter's transcript if "an appellant intends to raise any issue that requires consideration of the oral proceedings in the superior court . . . ." (Cal. Rules of Court, rule 8.120(b).)

Steven failed to submit an adequate record on appeal, both because he did not submit a complete set of reporter's transcripts and because he has not provided this court with any hearing exhibits. While we do not know what transpired on dates for which Steven provides no transcript, the parties appear to agree

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[7] Though "all exhibits . . . are deemed part of the record." (Cal. Rules of Court, rule 8.122(a)(3)), we do not receive any exhibits unless they are included in the clerk's transcript (rule 8.122(a)(3)) or appendix (rule 8.124(b)(3)), or they are transmitted to us (rule 8.224).

that on at least one of those dates (January 20, 2017)[8] a witness gave live testimony.

Steven also did not include any of the hearing exhibits in his appellant's appendix. This is a problem, of course, because the exhibits comprise part of the evidence the trial court relied on in making its ruling. The problem is acute because we do not have a copy of the December 8, 2015, video that was referenced repeatedly throughout the proceedings and played for the trial court more than once. The video's importance was underscored by the trial court when it issued its oral ruling, noting a "picture is worth a thousand words[but] video is worth a great deal more . . . ."

Steven's arguments that he did not rely on the missing exhibits and testimony, and that Karen could have submitted them in a respondent's appendix, are unavailing. It is Steven's obligation to set forth all material evidence bearing on an issue, not merely evidence that favors him, and he must demonstrate how that evidence requires reversal of a challenged finding. (*Foreman & Clark Corp. v. Fallon* (1971) 3 Cal.3d 875, 881); *Schmidlin v. City of Palo Alto* (2007) 157 Cal.App.4th 728, 738.) Despite his claims that the omission of the video and transcripts identified by Karen were omitted by mistake or inadvertence, Steven made no effort to provide the missing transcript(s) or

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[8] Steven did not list January 20, 2017, on his Notice Designating Record on Appeal. In her respondent's brief, Karen noted both the January 20, 2017, transcript and the December 8, 2015, video exhibit were missing from the record. In his reply brief, Steven stated his failure to include the January 20, 2017, transcript was a mistake and that the video was "intended for inclusion in the Appendix" but was "inadvertently omitted."

augment his appellant's appendix, or to have the exhibits transmitted to this court (see Cal. Rules of Court, rule 8.224(b)), even after Karen pointed out the deficiencies in her respondent's brief.

Steven's arguments explicitly premised on the sufficiency of the evidence must therefore be rejected. So too with respect to his arguments that the trial court applied the incorrect standard to his conduct and failed to expressly find his conduct presented a threat of future harassment—insofar as they both are premised on his characterization of the record below.

2. The trial court properly applied the clear and convincing evidence standard to Steven's conduct

The issuance of a civil harassment restraining order is only proper if there was "clear and convincing evidence that unlawful harassment exists." (§ 527.6, subd. (i).) Although Steven asserts the trial court did not apply this standard of proof, the court's statement of decision belies the assertion—expressly. It finds, for instance, there was clear and convincing evidence Steven "'knowing[ly] and willful[ly]' engaged in a course of conduct against [Karen] which was 'a credible threat of violence' and which [reasonably] caused substantial emotional distress to her." The statement of decision further concludes "by clear and convincing evidence that [Steven's] actions and words on th[e] occasion [in December 2015] were such as 'would place a reasonable person in fear for . . . her safety' and did in fact place [Karen] in fear for her safety and constitute a basis for entering a restraining order protecting [Karen] from [Steven]."

Defendant's real complaint appears to be that the trial court cannot have applied the correct standard of proof because, if it had, the evidence would have compelled a verdict in his favor. That is an argument that fails, for the reasons already given, in light of the incomplete record Steven presents on appeal.

3. The absence of an express finding of a future threat of harassment does not require reversal

Steven also contends the trial court was required to make an express finding that his conduct presented a future threat of harassment to Karen and Pearce, and he argues the trial court could not have made such a finding on the record before it. While Steven is correct that the statement of decision does not make an express finding on this point, the absence of such a finding does not warrant reversal unless Steven can show the court's ruling constitutes a miscarriage of justice. (Cal. Const., art. VI, § 13 ["No judgment shall be set aside . . . for any error as to any matter of pleading, or for any error as to any matter of procedure, unless, after an examination of the entire cause, including the evidence, the court shall be of the opinion that the error complained of has resulted in a miscarriage of justice"]; *F.P. v. Monier* (2017) 3 Cal.5th 1099, 1114.) This he cannot do.

Though Steven has not given us a complete record, what we do have discloses quite strong support for a conclusion that Steven poses a threat of engaging in future harassment. The dispute between the Moraleses and the Millers is extended; their relationship began to sour in 2001 and continued to be antagonistic for over a decade before the proceedings in this case began. The "creepy" dancing incident that served as one basis for the restraining order occurred in 2012, and the "burn in hell"

incident, which served as another, occurred in 2015. Unlike the trial court in *Russell v. Douvan* (2003) 112 Cal.App.4th 399, 404, the trial court here did not believe it was required to issue a restraining order based on a single act of unlawful violence. Rather, the trial court issued the restraining order based on multiple incidents that took place against the backdrop of a longstanding, contentious relationship.

There is also no reliable indication that relations between the parties improved of their own accord between the date Karen requested a restraining order and the date of its issuance. So far as the record reflects, the Moraleses and Millers still live next to each other and still share the private road on Ridgeside Drive. Although Steven contends the lack of further incidents since Karen filed her request for a restraining order demonstrates circumstances have changed, that claim rings hollow when one remembers that the trial court issued a temporary restraining order against Steven when the proceedings commenced and left it in place for approximately one year. Even once that temporary order expired, the matter was still pending, and the parties were regularly appearing before the court. The lack of further incidents against this backdrop cannot support a finding there was any pertinent change in circumstances.

The absence of an express finding on future harassment does not warrant reversal.

D. The Attorney Fee Award

In actions for injunctive relief against harassment, the prevailing party "may be awarded court costs and attorney's fees . . . ." (§ 527.6, subd. (s); accord, *Krug v. Maschmeier* (2009) 172 Cal.App.4th 796, 800-802, & fn. 5 (*Krug*).) The decision

whether to award attorney fees to a prevailing party "is a matter committed to the discretion of the trial court." (*Krug*, *supra*, at p. 802.)

"The issue of a party's entitlement to attorney fees is a legal issue subject to de novo review. [Citations.] The determination of the amount of fees awarded is reviewed for abuse of discretion. [Citation.] The normal rules of appellate review apply to an order granting or denying attorney fees; i.e., the order is presumed correct, all intendments and presumptions are indulged to support the order, conflicts in the evidence are resolved in favor of the prevailing party, and the trial court's resolution of factual disputes is conclusive." (*Apex LLC v. Korusfood.com* (2013) 222 Cal.App.4th 1010, 1016-1017.)

Steven makes two arguments in support of his contention that the trial court abused its discretion by granting Karen attorney fees. First, he argues the attorney fee award must be reversed if we reverse the issuance of the restraining order. That is true, but we are not reversing. He next argues the attorney fee award was an abuse of discretion because the award was excessive. Specifically, Steven asserts Karen's attorney engaged in block-billing and Steven argues there is no reasonable basis for the trial court to ignore his specific objections to the attorney fee request.

Steven has not demonstrated the trial court erred. As an initial matter, we disagree with Steven's contention that the trial court "ignored" his objections. The hearing transcript indicates the trial court reviewed his objections and rejected them as "inappropriate" under the circumstances. That the trial court did not find Steven's objections well-founded does not mean it "ignored" them. Though the trial court's rulings on Steven's

objections were brief, no more was required. (See *Christian Research Institute v. Alnor* (2008) 165 Cal.App.4th 1315, 1323.)

Steven's substantive focus on block-billing is no more persuasive. Block-billing "is not objectionable 'per se,' though it certainly does increase the risk that the trial court, in a reasonable exercise of its discretion, will discount a fee request." (*Jaramillo v. County of Orange* (2011) 200 Cal.App.4th 811, 830 (*Jaramillo*).) "Block[-]billing is particularly problematic in cases where there is a need to separate out work that qualifies for compensation under [certain statutory provisions] from work that does not. (See *Bell v. Vista Unified School Dist.* (2000) 82 Cal.App.4th 672, 689[ ] [block billing made it 'virtually impossible' to separate out compensable [Brown Act] violation work from other work].)" (*Jaramillo*, *supra*, at p. 830.) That is not the case here. A trial court may make a reasonable fee award using block-billed time entries where it is in a position to determine whether the tasks described in the statements reasonably required the total amount of time billed. (See *Nightingale v. Hyundai Motor America* (1994) 31 Cal.App.4th 99, 102-103.) Indeed, a trial court has discretion to award fees even in some cases where a party submits no billing records at all. (*City of Colton v. Singletary* (2012) 206 Cal.App.4th 751, 784-785; see also *PLCM Group, Inc. v. Drexler* (2000) 22 Cal.4th 1084, 1096 ["'trial court may make its own determination of the value of the services contrary to, or without the necessity for, expert testimony'"].) Here, the trial court emphasized it presided over the evidentiary hearing and the court accordingly had first-hand knowledge of the quality and quantity of the services provided by Karen's trial counsel. Under these circumstances, the manner in

which the billing records were kept by Karen's attorney does not establish the fee award was an abuse of discretion.[9]

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[9] That is particularly true because Steven has not demonstrated Karen's billing entries include "inefficient or duplicative efforts." Rather, he generally asserts the fee award compensates for amounts that are "not properly recoverable, overbilled, or are block billed in order to disguise the actual work performed." This is insufficient. Where a prevailing party supports a fee request with billing records and the opposing party challenges the "fees as excessive because too many hours of work are claimed, it is the burden of the challenging party to point to the specific items challenged, with a sufficient argument and citations to the evidence. General arguments that fees claimed are excessive, duplicative, or unrelated do not suffice." (*Premier Medical Management Systems, Inc. v. California Ins. Guarantee Assn.* (2008) 163 Cal.App.4th 550, 564 [motion for attorney fees under section 425.15, subdivision (c)].) Steven makes just such a general argument here, and we reject it accordingly.

DISPOSITION

The judgment is affirmed. Respondent is to recover her costs on appeal.

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

BAKER, Acting P. J.

We concur:

MOOR, J.

SEIGLE, J.*

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* Judge of the Los Angeles Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.