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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION THREE

ERIKA RIOS, Plaintiff and Respondent, v. SHARON WILLIAMS, Defendant and Appellant.	B276293 (Los Angeles County Super. Ct. No. GS016668)

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

Sharon Williams, in pro. per., for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

INTRODUCTION

Defendant and appellant Sharon Williams appeals from a civil harassment restraining order entered against her pursuant to Code of Civil Procedure section 527.6,[1] after a hearing, in a proceeding brought by plaintiff and respondent Erika Rios. The restraining order expired by its own terms on January 15, 2017. Because the order has been extinguished, no appellate relief can be granted. We therefore dismiss the appeal as moot.

FACTS AND PROCEDURAL BACKGROUND

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 (*Schild*).)

On April 1, 2016, Rios and Williams both worked as licensed psychiatric technicians for the Department of Corrections at Lancaster State Prison. On the afternoon of that day, Rios had finished her shift and Williams was coming on duty to relieve Rios. A new employee trainee, Olalekan Odeyale, was also working that day. Rios and Odeyale had been told a particular inmate was suicidal, but after interviewing the inmate they concluded he was merely anxious. Williams apparently became upset with Rios when Rios was trying to leave, because she wanted Rios to stay and work further with Odeyale in connection with the inmate. Williams blocked Rios's exit from the

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[1] All further statutory references are to the Code of Civil Procedure unless otherwise indicated.

"Med Room," grabbed Rios just above the wrist, and shook Rios's forearm to keep her from leaving. Rios suffered bruising to her wrist.

Following an evidentiary hearing, the trial court issued the civil harassment restraining order. Williams seeks reversal of that injunction.

DISCUSSION

Section 527.6, subdivision (a)(1) provides that a "person who has suffered harassment," may seek a temporary restraining order and an injunction. "Harassment" is defined as "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).) "In assessing whether substantial evidence supports the requisite elements of willful harassment, as defined in Code of Civil Procedure section 527.6, we review the evidence before the trial court in accordance with the customary rules of appellate review. 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 which is reasonable, credible and of solid value." (*Schild, supra,* 232 Cal.App.3d at p. 762.) "We do not review the trial court's reasoning, but rather its ruling. A trial court's order is affirmed if correct on any theory, even if the trial court's reasoning was not correct." (*J.B. Aguerre, Inc. v. American Guarantee & Liability Ins. Co.* (1997) 59 Cal.App.4th 6, 15-16.)

It is undisputed that the restraining order expired by its own terms on January 15, 2017. It has not been renewed. As a general rule, an appeal is moot when any ruling by this court "can have no practical effect [nor can it] provide the parties with effective relief." (*Lincoln Place Tenants Assn. v. City of Los Angeles* (2007) 155 Cal.App.4th 425, 454.) " 'It is well settled that an appellate court will decide only actual controversies and that a live appeal may be rendered moot by events occurring after the notice of appeal was filed. We will not render opinions on moot questions.' " (*Building a Better Redondo, Inc. v. City of Redondo Beach* (2012) 203 Cal.App.4th 852, 866.) An appeal from an expired restraining order is moot. (*Cf. Harris v. Stampolis* (2016) 248 Cal.App.4th 484, 495-496 (*Harris*) [appeal from expired civil harassment restraining order is not moot *if* the order has been renewed].)

We can and should explore a question of mootness on our own motion. (*City of Hollister v. Monterey Ins. Co.* (2008) 165 Cal.App.4th 455, 479-480.) Here, Williams plainly is aware the order expired. And, we infer, she is aware that the appeal is moot. Presumably, that is why, in her opening brief she recited three discretionary exceptions to the rule that moot appeals should be dismissed. " '[T]here are three discretionary exceptions to the rules regarding mootness: (1) when the case presents an issue of broad public interest that is likely to recur [citation]; (2) when there may be a recurrence of the controversy between the parties [citation]; and [3] when a material question remains for the court's determination [citation].' " (*Environmental Charter High School v. Centinela Valley Union High School Dist.* (2004) 122 Cal.App.4th 139, 144; s*ee also Steiner v. Superior Court* (2013) 220 Cal.App.4th 1479, 1485; *Malatka v. Helm* (2010)

188 Cal.App.4th 1074, 1088.) Beyond identifying these three exceptions, however, Williams makes no effort to demonstrate – by reference to facts in the record or relevant authorities – that any of them applies in this case. We conclude they do not. Nor does the appeal present a novel legal question or issue of broad public interest that demands we exercise our discretion to resolve a moot civil appeal.

For example, Williams argues the restraining order was supported by only a single incident – when she grabbed Rios's wrist and blocked her exit from the "Med Room" – and that this evidence was insufficient to establish "unlawful violence," which the statute defines as including "any assault or battery" excluding acts of self-defense. (§ 527.6, subds. (b)(3) & (b)(7).) But this issue is neither novel nor of broad public interest. Here, the trial judge was well aware of the applicable legal standards. He described Rios's testimony as "an allegation of battery." He then resolved conflicting evidence and determined on the basis of substantial evidence that "[a] grabbing of an arm and bruising . . . constitutes that sort of action which is described in the statute."

Williams also argues that the incident did not constitute a "course of conduct" constituting harassment. (See *Leydon v. Alexander* (1989) 212 Cal.App.3d 1, 4.) But that issue also is neither novel nor of broad public interest. And given the evidence of battery, that issue was not addressed by the trial court and need not be addressed by us. "In order to obtain a restraining order under section 527.6, a trial court needs only to find unlawful harassment exists and that it is probable that an unlawful act will occur in the future. As defined, harassment is *either* (1) unlawful violence, (2) a credible threat of violence, or (3) a course of conduct. (§ 527.6, subd. (b)(3).) There is no

requirement that the trial court must find harassment based on two out of the three circumstances described under section 527.6, subdivision (b)(3)." (*Harris, supra*, 248 Cal.App.4th at p. 502.)

Finally, Williams contends that a single incident of harassment, even an act of violence, cannot justify issuance of a restraining order unless it appears that harassment is likely to occur in the future without an injunction. (*Russell v. Douvan* (2003) 112 Cal.App.4th 399, 402-403.) Again, that is not a novel issue, and is not one of broad public interest. Given that Williams and Rios were co-workers working the same shift, the trial court had ample reason to conclude future interactions between them were likely. That is all that is required. (*See Harris*, *supra*, 248 Cal.App.4th at pp. 499-501.)

In re Cassandra B. (2004) 125 Cal.App.4th 199 (*Cassandra B.*), does not compel a contrary result. In that case, the mother in a child dependency proceeding challenged an expired restraining order issued under Welfare and Institutions Code section 213.5, subdivision (a), prohibiting her from contacting her child or the child's caretakers. The appellate court held the issue was not moot because, under Welfare and Institutions Code section 213.5, subdivision (j)(2) (former subd. (k)(2)), "[t]he existence of the prior restraining order must be considered by the juvenile court in any proceeding to issue another restraining order against [the] mother. This consequence of the restraining order leaves *unresolved a material question affecting the parties*." (*Cassandra B.,* at pp. 209-210, italics added.)

No such unresolved material question exists here. The restraining order was not issued under the Welfare and Institutions Code, and Williams cites no authority suggesting any potential consequence of the expired civil harassment restraining order in this case that compels review. While clearing one's name can serve as an exception permitting review of a moot appeal in the *criminal context* (see *People v. DeLong* (2002) 101 Cal.App.4th 482, 486-492), it does not provide a basis for review of a moot civil case. (Compare 6 Witkin & Epstein, Cal. Criminal Law (4th ed. 2012) Criminal Appeal, § 187, p. 472 ["The fact that a convicted defendant has served his or her term of imprisonment does not make the appeal moot, for a defendant is entitled to clear his or her name"] with 9 Witkin, Cal. Procedure (5th ed. 2008) Appeal, §§ 757-760, pp. 824-834 [discussing reasons for denying dismissal based on mootness in civil actions].)

DISPOSITION

We dismiss the appeal as moot.

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CURREY, J.*

We concur:

EDMON, P. J.

LAVIN, 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.