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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SEVEN

BERNARD COLLINS, JR.,

Petitioner and
Respondent,

v.

RALPH SASSON,

Respondent and
Appellant.

B341470

(Los Angeles County
Super. Ct. No.
24CHRO00841)

APPEAL from an order of the Superior Court of Los Angeles County, Amanda Park, Temporary Judge. Reversed.

The Law Office of Robert Starr and Robert L. Starr for Respondent and Appellant.

Bernard Collins, Jr., in pro. per., for Petitioner and Respondent.

Ralph Sasson appeals from a civil harassment restraining order protecting his neighbors Bernard Collins, Jr., and his family members¹ and requiring Sasson to stay 100 yards away from Bernard and his family, their dogs, homes, and other specified places. This appeal raises the question whether a trial court may grant a civil harassment restraining order based on a course of conduct where the harassment is a single violation of a temporary restraining order. We conclude it cannot and reverse.

FACTUAL AND PROCEDURAL BACKGROUND²

A. Bernard's and Sasson's Requests for Restraining Orders

On April 29, 2024 Bernard filed a request for temporary restraining order (TRO) and civil harassment restraining order (CHRO) against Sasson. On the same day Sasson filed a request for TRO and CHRO against Bernard and Bernard's son Quentin.³

Bernard's request sought to protect himself, his wife Armene, his daughter Tatiana, and Quentin against Sasson. Bernard described three key events constituting Sasson's alleged harassment. First, on April 25, 2024 Sasson "pulled a gun on

¹ We refer to Bernard and his family members Armene, Tatiana, and Quentin by their first names to avoid confusion.

² We do not consider the facts stated in Bernard's brief that lack a citation to the record and the attachments, which are not part of the appellate record. (Cal. Rules of Court, rules 8.120, 8.204(a)(1)(C), (d).) However, we deny Sasson's motions to strike Bernard's brief and to sanction him on this basis. (*Id.*, rules 8.204(a) & (e), 8.276.)

³ Only the CHRO issued against Sasson is at issue in this appeal.

myself, wife, [and] my two children . . . during the aftermath of a dogfight between our dogs. . . . Sasson began to hurl racial slurs and threats to us. No one at anytime threatened him or spoke abusively to him or his wife Lauren.” Second, “the following morning on [April 26, 2024] at approximately 7:30 am [Sasson] was walking in front of my house stating he was ‘going to take your (expletive’ slur monkey’s house) and continued to threaten my family.”

Third, “[o]n [April 27, 2024], my son Quentin (17yrs) was assisting another neighbor . . . move some items in his house and garage when [Sasson] again began . . . walking up and down the street trying to antagonize and began threatening my son with physical violence. I came out to intervene and observed him spitting on my son. A fight ensued and I had to physically restrain him from continuing the altercation with my son. [Sasson] . . . then went inside his home and came back out issuing threats and racial slurs which my neighbor . . . heard and witnessed.”

On April 29 the trial court issued a TRO prohibiting Sasson from contacting or harassing Bernard, Armene, Tatiana, and Quentin and requiring Sasson to stay at least 100 yards away from Bernard; his three family members, home, workplace, car, and three German shepherds; and the children’s schools. The court also granted Sasson’s request for a TRO. On May 10 Sasson filed a response in which he argued Bernard’s request included numerous false statements, many of which were controverted by video evidence.

B. *The Hearing on Bernard's and Sasson's Requests for Restraining Orders*

The trial court held a two-day hearing on Bernard's and Sasson's requests for CHRO's on July 10 and August 6, 2024. Bernard and Quentin represented themselves, and Sasson was represented by counsel. Bernard, Quentin, Armene, and Sasson testified at the hearing.

1. *The April 25, 2024 dog fight*

Bernard and Sasson are neighbors who live two doors down from each other. Sasson testified that around 11:40 p.m. on April 25, 2024, he took his two dogs out to "urinate on the front lawn." Sasson stated he was standing on his front lawn when he saw Bernard "walking his three German shepherds without a leash. The dogs came onto my property, they attacked my two small dogs. They nearly killed one of them, Billie Jean."

Sasson played video footage taken in front of his house for the court.⁴ The footage shows three off-leash German shepherds rushing onto Sasson's front lawn and attacking Sasson's two small dogs. Sasson then approaches with a stick and appears to strike the German shepherds to stop them from attacking Sasson's dogs. Sasson testified that one of the German shepherds "had its jaws locked around [my dog's] neck, and as I was trying to pull the dog off, I was bitten by his dog." The video footage shows the dogs continuing to fight while Sasson's wife comes out

⁴ Security cameras captured two videos of the April 25 incident (exhibits 101-1 and 101-2) and two videos of the April 27 incident (exhibits 101-3 and 101-4). The videos were entered as exhibits at trial, and three of them (exhibits 101-1, 101-2, and 101-4) were played during the hearing.

of the house, pries her dog from the jaws of one of the German shepherds (with Bernard's assistance), and shields the dog from continued aggression from the German shepherd. Sasson testified the German shepherd bit his wife in the back of her head. Bernard eventually grabbed the attacking German shepherd by the collar while Sasson's wife continued to hold and shield her dog.

According to Sasson, after Bernard had "taken his dog back to his house," as Sasson and his wife were trying to get in their car to go to the animal hospital, Bernard and Quentin returned. Sasson said to Bernard "something to the effect of that they're going to have to pay for every fucking thing I'm paying for." Bernard approached Sasson's house, and Sasson "yelled at him to get the fuck back, and he did not listen. Instead, he decided to walk into my garage." Quentin then "followed [Bernard] and told me that I better watch my mouth before I get my ass beat," and "[a]fter that . . . they backed out of my garage, and I just continued to tell them to get off my property; leave. Leave my house."

Sasson testified that about 20 seconds after Bernard and Quentin came into Sasson's garage, Quentin started threatening Sasson while Sasson was standing in his garage holding his vape, which he described as a six-to-seven-inch black box with a three-inch coil. Sasson denied having a gun at that moment. After "a bunch of cursing back and forth" and a further threat from Quentin, Sasson told Bernard and Quentin to leave, and they left. Sasson admitted he called Bernard a "stupid fucking monkey" at some point during the incident.

Bernard testified that after he, Armene, Tatiana, and Quentin "went back to see about Billie [Jean]" that night, Sasson

was “cussing us out. ‘You fucking blah, blah, blah, you killed my dog. You effed up Bernard. It’s going to cost you, Bernard.’” Bernard described Sasson’s “language and his demeanor [as] unhinged.” Bernard “was in [Sasson’s] driveway,” and he saw Sasson “in his garage . . . walking back and forth, then he comes out, and I see he’s got a pistol,” which was “unmistakable.” Sasson said “I’m going to eff you up, dog. I’m going to eff you up.” Bernard responded, “‘Ralph, you going to pull a gun on me, for real?’” and Sasson “stat[ed] a steady onslaught of expletives.” Bernard felt “the only thing to do was get my family out of harm’s way,” and “[w]hile we were leaving, [Sasson] was calling us ‘monkey,’ ‘you monkey,’ ‘N’ word. ‘You monkey,’ ‘N’ word.’”

Quentin testified he also saw the gun when he was “five feet away from [Sasson’s] garage” and that Sasson “waived it to me, my family, and my neighbor’s daughter.” Armene testified she saw Sasson “coming outside of the garage door . . . [a]nd he was just screaming. He had a gun in his hand and waiving and cussing out all of us.” She did not recall Sasson directly pointing the gun at her and her family. After she and Bernard walked away, Sasson was “just screaming at us. ‘Get off my property, you monkeys.’”

Video footage of the incident shows Sasson calling Bernard a “fucking idiot” twice from Sasson’s property and later yelling at Bernard to “get the fuck back” and “get off my fucking property” multiple times as Bernard walks and stands in Sasson’s driveway. The footage confirms Sasson yelled “You’re a fucking stupid monkey!” as Bernard and his family walked away from Sasson’s house. The footage does not capture Sasson using any other racial epithets, and the moment when Sasson allegedly wielded a gun is obstructed from view.

2. *The April 26, 2024 exchange between Bernard and Sasson*

Bernard testified that around 10:30 or 11:00 a.m. on April 26, 2024, Sasson “walk[ed] again in front of my house yelling and screaming and cussing and telling [us] we better be prepared to find someplace else to live, monkeys, because I’m going to have your house.” Bernard “stepped out of the front door” and asked, “What’s your problem?” Sasson then “went on this whole spiel. It’s your fault this all happened. Blah, blah, blah, and used some other expletives,” and “then made a salacious remark to me about . . . performing oral sex on him.” Bernard then got in his car and went to the police station.

3. *The April 27, 2024 fight on Sasson’s front lawn*

Sasson testified that around 10:30 a.m. on April 27, 2024 he was walking his dog by Bernard’s house when Quentin, who was outside, looked at him and said, “You still want to be a tough guy?” Sasson explained, “I didn’t say anything. I kept walking. Then when I walked back to my house, I’m walking into my driveway, and [Quentin] starts staring at me, like in a menacing way.” Sasson told Quentin, “Don’t fucking stare at me, like you’re going to do something,” and Quentin “walked over to the front of my house, started calling me ‘Nigger, nigger this, you bitch ass nigger, I’ll kick your fucking ass, you bitch.’” “Then . . . [Bernard] came outside and asked [Quentin], ‘What did he say to you?’” Quentin responded that Sasson said, “I can look at you any time I want, you bitch ass nigger.” Bernard then told Sasson, “Fuck you, I’ll beat your mother fucking ass. You a fucking bitch, you bitch.” Quentin then “walked . . . onto my property and punched me in the face.”

Quentin testified, “I was helping my neighbor across the street from my house” when Sasson “called me a ‘monkey’ as he passed my sister’s car.” “He kept calling me a ‘monkey’ and staring at me . . . walking up and down the street, back and forth just antagonizing me.” Quentin said, “Are you okay, tough guy,” and as Quentin “walk[ed] to [Sasson’s] property, [Sasson] sa[id], ‘What are you going to do, nigger?’ and he spit in my face” from two or three feet away. Sasson then “lifted his arm up” with “his fist balled,” and “that’s when I hit him in the face.”

Bernard testified he saw Sasson “spit at [Quentin]. And then my son swung at him and I ran up there.” Bernard “ended up grabbing [Sasson], telling . . . [Quentin] to get off of him, . . . [a]nd I choked [Sasson] . . . but I didn’t hurt him.” Bernard eventually “let him go,” and Sasson “jumped up, and he said verbatim, ‘All you crazy ass monkey niggers are going to prison.’” Armene similarly testified that when she and Bernard were standing near their garage after the altercation, Sasson came out and said, “‘You guys are all just crazy niggers. You niggers are all the same. You all monkey niggers are all the same. Crazy.’”

Video footage of the April 27 incident does not capture any events before Sasson returned to the front door of his house with his dog. The footage shows Sasson yelling at Quentin and Bernard from his property as Quentin and Bernard respond with verbal threats. Quentin then crossed onto Sasson’s front lawn, and the three physically fought on the lawn. The precise moments when Sasson allegedly spit on Quentin and when the fight started are obstructed in the footage. The footage does not capture Sasson using any racial epithets.

Bernard also testified that “within a week” of the TRO being issued against Sasson on April 29, Sasson for a “couple of

days . . . would go in his yard or yell outside . . . things” like “You better find some place to move, you niggers. You monkeys. You better find . . . someplace to move.”

4. *The June 14, 2024 courtroom incident*

Armene testified that on June 14, 2024, while she and Tatiana were sitting outside a courtroom and Bernard was waiting in the courtroom, “[Sasson] had gone back and forth a couple of times from the court to the restroom” before he “passed by . . . looked at my daughter and me” and said, “Every time you retards show up to the court, you’re losing’—It’s costing you \$4,000.” Tatiana responded, “Don’t talk to us You’re not supposed to talk to us,” and Sasson replied, “Shut up. F-you.” Tatiana then said, “F-you,” and Sasson replied, “Suck my dick.” Bernard testified he later “asked Judge Moskowitz, please put it on record, on note, that he’s making salacious remarks to my daughter and to my wife and harassing them in the courtroom.”⁵

C. *The Trial Court’s Issuance of a CHRO Against Sasson*

After hearing closing statements, the trial court granted Sasson’s request for a CHRO against Bernard and Quentin, finding clear and convincing evidence based on the described course of conduct to support a restraining order.

With respect to Bernard’s request for a CHRO against Sasson, the trial court first addressed the course of conduct by Sasson. The court observed that Bernard put his dogs away after they bit Sasson’s dogs, then, according to Bernard, he returned to Sasson’s house to ask about the state of the dogs. Bernard

⁵ The record does not contain a transcript or other record of any exchange between Bernard and Judge Moskowitz.

testified that Sasson said, “You fucked up. You’re going to pay.” The court explained that “this is not construed as a threat, but maybe an extreme way of saying Mr. Collins is financially going to pay for the damages that his dogs cost.”

The trial court noted that although Bernard testified he saw Sasson with a gun, at the time Sasson “was in his garage where a video couldn’t capture Mr. Sasson.” Further, “Sasson having a gun on his property to protect himself is not in and of itself a credible threat of violence or course of conduct which could be enjoined. There is no testimony Mr. Sasson said I’m going to shoot you or kill you or anything to that effect by Bernard, [Quentin, or Armene]. [Armene] first said Mr. Sasson was pointing a gun at them but then later said that Mr. Sasson was not pointing a gun at them. So whether Mr. Sasson legally had a right to possess a gun, if he had one, is not a matter before the court, and even if there was a gun, that issue is not before the court, whether it was lawful or not.”

With respect to Bernard’s testimony that Sasson said “monkey and the N word,” the trial court explained there was “no testimony that Mr. Sasson has said these words over a period of time.” Instead, “these were words used in response to the dog attacks that occurred on April 25, 2024 and a couple of days thereafter. Mr. Collins stated that Mr. Sasson never used these words before the incident where his dogs attacked the smaller dogs. These words do not rise to the level by clear and convincing evidence of harassment.”

The trial court then turned to the TRO the court had issued on April 29, 2024 against Sasson that protected Bernard and his family. The court stated, “[A]t the hearing on June 14, 2024, based on [Armene]’s testimony, Mr. Sasson did violate the

restraining order when he called [Armene] and her daughter, 'Retard.. Suck my dick,' and engaged in communication with them, and I find that to be credible. As such the court issues a [one-year] restraining order also against Ralph Sasson for the protection of Bernard Collins and the other protected people based on the violation of the temporary restraining order."

Sasson timely appealed.

DISCUSSION

A. *Governing Law and Standard of Review*

Under Code of Civil Procedure section 527.6,⁶ subdivision (a)(1), "[a] person who has suffered harassment . . . may seek a temporary restraining order and an order after hearing prohibiting harassment as provided in this section." "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).)

"Unlawful violence" is "any assault or battery, or stalking as prohibited in Section 646.9 of the Penal Code, but does not include lawful acts of self-defense or defense of others." (§ 527.6, subd. (b)(7).) "Credible threat of violence" is a "knowing and willful statement or course of conduct that would place a reasonable person in fear for the person's safety or the safety of the person's immediate family, and that serves no legitimate

⁶ Further undesignated statutory references are to the Code of Civil Procedure.

purpose.” (§ 527.6, subd. (b)(2).) “Course of conduct” is defined as “a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose, including following or stalking an individual, making harassing telephone calls to an individual, or sending harassing correspondence to an individual by any means, including, but not limited to, the use of public or private mails, interoffice mail, facsimile, or email.” (§ 527.6, subd. (b)(1).)

“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.” (*Parisi v. Mazzaferro* (2016) 5 Cal.App.5th 1219, 1227, disapproved on another ground in *Conservatorship of O.B.* (2020) 9 Cal.5th 989, 1010, fn. 7; accord, *Brekke v. Wills* (2005) 125 Cal.App.4th 1400, 1412.) “If the judge finds by clear and convincing evidence that unlawful harassment exists, an order shall issue prohibiting the harassment.” (§ 527.6, subd. (i).)

“We review issuance of a protective order [under section 527.6] for abuse of discretion, and the factual findings necessary to support the protective order are reviewed for substantial evidence.” (*Parisi v. Mazzaferro, supra*, 5 Cal.App.5th at p. 1226.) “But whether the facts, when construed most favorably in [the petitioner’s] favor, are legally sufficient to constitute civil harassment under section 527.6” is a question of law we review de novo. (*Harris v. Stampolis* (2016) 248 Cal.App.4th 484, 497; accord, *R.D. v. P.M.* (2011) 202 Cal.App.4th 181, 188.)

B. *The Trial Court’s Issuance of a Restraining Order Based Solely on Sasson’s TRO Violation Was Reversible Error*

Sasson contends the trial court erred in issuing a CHRO because the court expressly found section 527.6’s requirements for a course of conduct were not met but nevertheless issued the restraining order based on Sasson’s single act of harassment in violation of the TRO. We agree.

As discussed, to issue a CHRO under section 527.6, in the absence of unlawful violence or a credible threat of violence, the party seeking the restraining order must show “a pattern of conduct composed of a series of acts over a period of time . . . evidencing a continuity of purpose.” (§ 527.6, subd. (b)(1).) A single instance is ‘insufficient to meet the statutory requirement of a course of conduct.’” (*Hansen v. Volkov* (2023) 96 Cal.App.5th 94, 103, 106.)

The trial court did not find that Sasson had committed unlawful violence or a credible threat of violence, and it instead impermissibly issued the CHRO against Sasson based on a “course of conduct” comprising a single incident. In its ruling, the court discussed Sasson’s conduct during the period from April 25 to April 27. The court found Sasson’s comments during the April 25 incident could not be construed as a threat; his potential possession of a gun during that incident was not a credible threat of violence or course of conduct; and his use of racial epithets was not supported by testimony that such conduct took place over a period of time. Accordingly, the court explained, Bernard did not prove this course of conduct by clear and convincing evidence of harassment.

As discussed, the court then shifted its focus to Armene’s testimony regarding Sasson’s June 14 courthouse conduct, found

Sasson violated the restraining order, and then issued a restraining order “*based on the violation of the temporary restraining order.*” (Italics added.) By expressly rejecting the argument that Sasson’s conduct from April 25 to 27 met the requirements of section 527.6, and instead basing its ruling on Sasson’s violation of the TRO, the court relied on the single instance of conduct on June 14 to issue its order. We recognize Sasson’s conduct and comments on June 14 were inappropriate and offensive, but in the absence of a finding of harassing conduct beyond this single incident (or unlawful violence or credible threat of violence), substantial evidence does not support the restraining order. (*Hansen v. Volkov*, *supra*, 96 Cal.App.5th at pp. 106-107 [reversing CHRO where “the trial court in its findings referred to . . . [the conduct at issue] as a singular event” and erroneously found it to be a course of conduct]; *Leydon v. Alexander* (1989) 212 Cal.App.3d 1, 4 [“Under the plain meaning of . . . [section 527.6], the single incident . . . cannot support issuance of the injunction.”].)

Moreover, section 527.6, subdivision (t), provides, “Willful disobedience of a temporary restraining order or order after hearing granted pursuant to this section is punishable pursuant to Section 273.6 of the Penal Code.” Penal Code section 273.6, in turn, defines “[a]ny intentional and knowing violation of a protective order . . . [a]s a misdemeanor punishable by a fine of not more than one thousand dollars (\$1,000), or by imprisonment in a county jail for not more than one year, or by both.” (*Id.*, subd. (a).) Accordingly, an individual may be punished for a violation of a TRO under section 527.6, subdivision (t), but not by issuance of a CHRO, as the trial court did here, without meeting the other requirements of subdivision (b).

DISPOSITION

The civil harassment restraining order issued against Sasson on August 6, 2024 is reversed. Sasson is entitled to recover his costs on appeal.

FEUER, J.

We concur:

SEGAL, Acting P. J.

STONE, J.