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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SEVEN

SEAN COMBS,

Respondent,

v.

PSHATOIA LAROSE,

Appellant.

B337714

(Los Angeles County Super.  
Ct. No. 23STRO08199)

APPEAL from an order of the Superior Court of  
Los Angeles County, Christine J. Gonong, Judge. Affirmed.

Pshatoia LaRose, in pro. per., for Appellant.

Summa, Megan A. Maitia and Hayley E. Huntley for  
Respondent.

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Pshatoia LaRose appeals from an order denying her request for a civil harassment restraining order against Sean Combs. LaRose contends the court erred by denying her request for a continuance and by refusing to allow her to present evidence in support of her petition before dismissing it. Finding no error, we affirm.

## **FACTUAL AND PROCEDURAL BACKGROUND**

LaRose lives in Miami. In December 2023 she filed a request for a civil harassment restraining order under Code of Civil Procedure 527.6 against Combs in Los Angeles County Superior Court, seeking protection for herself and 16 family members, friends, and roommates. LaRose alleged Combs “tampered with several of [her] family members’ homes and vehicles” and “continuously threatened to cause harm” to her and her family. She also claimed Combs “continues to harass and stalk [her] phone contents and [her] phone usage as well as [her] whereabouts.” These incidents, she alleged, occurred daily for over a year, prompting her to file several police reports. LaRose filed a “Declaration of Appendix” with her petition, asserting that Combs “work[ed] for or is hired by several Horoscope Websites . . . which [he] uses as a medium to stalk” LaRose. The declaration attached over 70 pages mainly consisting of news articles about Combs and screenshots from horoscope websites, with incomprehensible handwritten notations added.

In January 2024, LaRose appeared remotely, and the court continued the hearing on the restraining order because LaRose had been unable to serve Combs. It authorized her to serve his attorney by mail. LaRose later filed a proof of service stating she mailed the “CH-117 Order Granting Alternative Service” to

“Vicki Chou,” but she left the address blank.

Combs’s counsel (not Chou) filed a notice of special appearance to challenge service and jurisdiction over Combs. They also submitted Florida court records showing LaRose had been declared a vexatious litigant in that state after unsuccessfully seeking a restraining order in July 2023 against Combs based on allegations similar to those in the instant case.<sup>1</sup>

At the next hearing, LaRose again appeared remotely. Combs’s counsel made a special appearance to assert LaRose had no connection to the state and California courts had no jurisdiction over Combs. They claimed LaRose had been “moving her way around the country filing these actions.” After the court indicated LaRose’s proof of service was defective, LaRose requested a continuance, stating “I did successfully serve the defendant’s lawyer, which is not the current lawyer that is present today. That lawyer [said] that he had removed herself from the case a few days ago and said that she could not accept any other documents.” LaRose also requested “for the defendant to produce—a notice to produce and a motion to compel that they are affiliated with all the brands and companies . . . that [were] currently harassing [her].” She contended Combs owned approximately 10 brands and stated, “And his other brands that he’s associated with . . . are harassing on a daily and weekly basis.”

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<sup>1</sup> On our own motion, we augment the record to include the declaration filed by Combs’s counsel that attached the Florida court records, as well as records from LaRose’s civil suit against Combs in Los Angeles County Superior Court (*Pshatoia LaRose v. Sean Combs* (No. 23STCV21279)) that was dismissed in 2023 as patently frivolous. (Cal. Rules of Court, rule 8.155(a)(1)(A).)

On its own motion, the court declared LaRose a vexatious litigant under Code of Civil Procedure section 391.7<sup>2</sup> and dismissed the petition. It stated, “I don’t see any reason why I should continue this. Your proof of service is defective. There’s no address. I see that you tried to serve the former attorney for the respondent. I don’t want to waste judicial resources on something that I find frivolous, so this matter is dismissed.”

LaRose timely appealed.

## DISCUSSION

LaRose argues the court erred by dismissing her petition and denying her the opportunity to present witnesses or evidence. She contends her petition sufficiently alleged stalking and harassment and that she should have been allowed to present evidence of over 120 similar domestic violence claims against Combs.

The trial court acted within its discretion in dismissing the petition. “‘California courts have inherent power to “. . . control [their] proceedings.”’ . . . ‘[B]ecause courts should hear only actual disputes, and should prevent harassment of defendants, California courts possess the inherent authority to dismiss cases that are fraudulent or “vexatious.”’ [Citations.] This inherent power of a trial court is to be exercised to ‘ “achieve justice and prevent misuse of [its] proces[s].” ’ ” (*Huang v. Hanks* (2018) 23 Cal.App.5th 179, 181-182; see *Estrada v. Royalty Carpet Mills, Inc.* (2024) 15 Cal.5th 582, 601 [trial courts have inherent discretionary power to dismiss claims with prejudice in limited

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<sup>2</sup> LaRose does not challenge her designation as a vexatious litigant on appeal.

circumstances, including when “ ‘the complaint has been shown to be “fictitious or a sham” such that the plaintiff has no valid cause of action’ ”].) Thus, a court may dismiss a petition for a civil harassment restraining order based on “ ‘ “claims describing fantastic or delusional [or fanciful] scenarios.” ’ ” (*Huang*, at p. 182, quoting *Denton v. Hernandez* (1992) 504 U.S. 25, 31-32.)

Here, the trial court properly found LaRose’s petition was patently frivolous. LaRose alleged Combs, a famous celebrity, harassed and stalked her through horoscope websites via his “brands.” These allegations are patently implausible and describe “ ‘ “fantastic or delusional [or fanciful] scenarios.” ’ ” (*Huang v. Hanks*, *supra*, 23 Cal.App.5th at p. 182.) Similar allegations had already been found meritless by a Florida court. Accordingly, the court properly dismissed the petition without hearing evidence. (See *id.* at p. 181 [affirming trial court’s refusal to allow the petitioner to present further evidence and the denial of civil harassment restraining orders against “former California Governor Arnold Schwarzenegger, the Dalai Lama, Mark Zuckerberg, Monica Lewinsky, and 27 prominent entertainment personalities” based on alleged “nano probes” in the petitioner’s brain used to read minds and control behavior].)

Further, it would have been fruitless for the court to continue the proceeding to allow LaRose more time to effectuate proper service on Combs.<sup>3</sup> A trial court may continue a

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<sup>3</sup> The trial court had already granted LaRose one continuance to effectuate service and authorized her to serve Combs via mail, yet LaRose still had failed to serve Combs. She filed a defective proof of service indicating she mailed the order authorizing alternative service—not the petition—to “Vicki Chou,” with no address or identifying information. This did not

section 527.6 hearing on a petitioner’s request only upon a “showing of good cause.” (Code Civ. Proc., § 527.6, subd. (p)(1); see *Yost v. Forestiere* (2020) 51 Cal.App.5th 509, 522.) There was no good cause to continue the proceedings to serve a patently frivolous petition. Accordingly, the court did not abuse its discretion in denying the requested continuance. (See *Freeman v. Sullivant* (2011) 192 Cal.App.4th 523, 527 [“Trial courts generally have broad discretion in deciding whether to grant a request for a continuance.”].)

LaRose also claims there was a “clear departure from established [l]egal norms” in that the judicial officer hearing her case changed in the middle of her court hearing. The record does not support this contention. One judge presided over the initial hearing and authorized substitute service, and a different judge later presided at the hearing where the petition was denied.

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establish a valid connection between Combs and the receipt of the petition. (See *Yu v. Pozniak-Rice* (2025) 112 Cal.App.5th 1135, 1145 [“ ‘It is crucial that a connection be shown between the address at which substituted service is effectuated and the party alleged to be served.’ ”].)

Although Combs’s counsel appeared at the hearing, it is well settled that “[a]ctual notice . . . is not a substitute for proper service and is not sufficient to confer jurisdiction.” (*American Express Centurion Bank v. Zara* (2011) 199 Cal.App.4th 383, 393; see *Summers v. McClanahan* (2006) 140 Cal.App.4th 403, 414.) Combs’s counsel was careful to assert that they were making a special appearance only for the purpose of challenging the court’s jurisdiction. (See *Streit v. Covington & Crowe* (2000) 82 Cal.App.4th 441, 450 [an attorney may make a “special appearance” “for the limited purpose of asserting an objection to the jurisdiction of the court”].)

That is routine in restraining order proceedings and does not support reversal.

### **DISPOSITION**

The order dismissing LaRose's petition and declaring her a vexatious litigant under Code of Civil Procedure section 391.7 is affirmed. The parties shall bear their own costs on appeal. (Cal. Rules of Court, rule 8.278(a)(5).)

STONE, J.

We concur:

SEGAL, Acting P. J.

FEUER, J.