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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION THREE

ERIN MARIE HOGAN,

Plaintiff and Appellant,

v.

KATY WALTERS,

Defendant and Respondent.

B258017

(Los Angeles County
Super. Ct. No. BS148641)

APPEAL from an order of the Superior Court of Los Angeles County, Carol Boas Goodson, Judge. Affirmed.

Erin Marie Hogan, in pro. per., for Plaintiff and Appellant.

No appearance for Defendant and Respondent.

INTRODUCTION

Plaintiff, Erin Marie Hogan, appeals from the order of the trial court denying her application for a civil harassment restraining order. (Code Civ. Proc., § 527.6.) We affirm.

FACTUAL AND PROCEDURAL BACKGROUND

Hogan filed a Judicial Council form petition for a civil harassment restraining order seeking protection from defendant Katy Walters. She sought to restrain Walters from distributing a recorded audio tape and from discussing their relationship or Hogan's mental illness.

In support of her petition, Hogan attached a statement, signed under penalty of perjury, describing the events leading to her petition. Hogan included a declaration of witness Nicholas Richard Gartner, also signed under penalty of perjury.

A hearing was held on the petition on June 6, 2014. The minute order from that date indicates that Hogan, Gartner, and Walters testified. The trial court denied the petition and dissolved the temporary restraining order. Hogan filed her timely appeal from the order.¹

CONTENTION

Hogan contends that she presented substantial uncontroverted evidence of each element of Code of Civil Procedure section 527.6.

DISCUSSION

On appeal from the grant or denial of a civil harassment restraining order, we apply the substantial evidence test, resolving all factual conflicts and questions of credibility in favor of the prevailing party, and drawing all reasonable inferences in support of the trial court's findings. (*R.D. v. P.M.*, *supra*, 202 Cal.App.4th at p. 188; See *USS-Posco Industries v. Edwards* (2003) 111 Cal.App.4th 436, 444.) The record here

¹ The order is appealable. (Code Civ. Proc., § 904.1, subd. (a)(6); *R.D. v. P.M.* (2011) 202 Cal.App.4th 181, 187.)

contains only the clerk's transcript. There is no reporter's transcript in the record. Therefore, this is a judgment roll appeal based on a clerk's transcript.

With such an appeal, “[we must make] every presumption . . . in favor of the validity of the judgment and [presume the existence of] all facts consistent with its validity The sufficiency of the evidence is not open to review. The trial court's findings of fact and conclusions of law are presumed to be supported by substantial evidence and are binding on the appellate court, unless reversible error appears on the record. [Citation.]” (*Bond v. Pulsar Video Productions* (1996) 50 Cal.App.4th 918, 924.) We know from the clerk's transcript that the trial court heard testimony from three witnesses, Hogan, Walters, and Gartner, after which it denied the petition for civil harassment restraining orders. We must presume that the testimony contained evidence in favor of Walters, which the trial court believed.

“It is well settled, of course, that a party challenging a judgment has the burden of showing reversible error by an adequate record. [Citations.]” (*Ballard v. Uribe* (1986) 41 Cal.3d 564, 574-575.) Hogan has failed to do so.

DISPOSITION

The order is affirmed. Each party to bear her own costs on appeal.

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ALDRICH, J.

We concur:

EDMON, P. J.

JONES, J.*

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