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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION TWO

MICHAEL TOWE,

Plaintiff and Respondent,

v.

DARLA FRIEL,

Defendant and Appellant.

E053853

(Super.Ct.No. HEC10004840)

OPINION

APPEAL from the Superior Court of Riverside County. Mark E. Petersen, Judge.

Dismissed.

Bartell & Hensel, Donald J. Hensel and Lara J. Gressley for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

On December 23, 2010, the trial court issued a harassment injunction (Code Civ. Proc., § 527.6) enjoining defendant Darla Friel from harassing plaintiff Michael Towe. The injunction expired, by its terms, on December 23, 2011.

Friel appeals. However, because the injunction has expired, the appeal is moot and must be dismissed. (See *Zigas v. Superior Court* (1981) 120 Cal.App.3d 827, 841.)

The injunction does not appear to have any continuing effects. We take judicial notice that Towe has not accused Friel of violating the injunction, nor has he sought to have her held in contempt or otherwise sanctioned.

This case does not raise any issue of continuing public interest that is likely to recur, yet evade review. (Cf. *Nebel v. Sulak* (1999) 73 Cal.App.4th 1363, 1367-1368 [Fourth Dist., Div. Two].)

At oral argument, Friel argued that the injunction might be used as evidence against her in some other proceeding. If offered to prove that she actually committed harassment, it would be inadmissible hearsay. (See *Lockley v. Law Office of Cantrell, Green, Pekich, Cruz & McCort* (2001) 91 Cal.App.4th 875, 885-887.) And any findings underlying the injunction would not have collateral estoppel effect, precisely *because* the issues have become moot, and hence Friel cannot obtain review on appeal. (*Zevnik v. Superior Court* (2008) 159 Cal.App.4th 76, 85; Rest.2d Judgments, § 28(1), & com. a, pp. 273-274.) In other words, if, in some future proceeding, Friel's adversary starts waving the injunction around, Friel's remedy will be to pull out this opinion and start waving it around.

Friel also argued that the injunction might have an ongoing effect on her reputation. In general, potential stigma alone does not prevent mootness; there must be, in addition, either collateral consequences or an issue of continuing public interest that is

likely to recur, yet evade review. (See, e.g., *Malatka v. Helm* (2010) 188 Cal.App.4th 1074, 1088 [harassment injunction under Code Civ. Proc., § 527.6]; *In re Cassandra B.* (2004) 125 Cal.App.4th 199, 209-210 [harassment injunction under Welf. & Inst. Code, § 213.5].) Even a finding that a person is a sexually violent predator (SVP) or a mentally disordered offender (MDO) can be moot. (*People v. Whaley* (2007) 152 Cal.App.4th 968, 979 [SVP]; *People v. Jenkins* (1995) 35 Cal.App.4th 669, 672, fn. 2 [MDO].)

Finally, Friel argued that, under our reasoning, a trial court could prevent review of its injunctions by time-limiting the injunctions to, say, three months or six months. In that situation, however — as in all situations in which an appeal will become moot before it can be heard — the aggrieved party’s remedy is to file a petition for an extraordinary writ. (*Baeza v. Superior Court* (2011) 201 Cal.App.4th 1214, 1221.)

Friel’s opening brief was filed only about a month and a half before the injunction was due to expire. It was required to discuss appealability. (Cal. Rules of Court, rule 8.204(a)(2)(B).) Even though Friel did not mention or address mootness, she had ample opportunity to do so. We see no reason to allow any supplemental briefing on the issue.

Accordingly, the appeal is dismissed.

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RICHLI
Acting P.J.

We concur:

MILLER
J.

CODRINGTON
J.