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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION THREE

JINNY LEE,

Plaintiff and Respondent,

v.

DAWN NICOLE DEWANE,

Defendant and Appellant.

G044475

(Super. Ct. No. 30-2010-00412842)

O P I N I O N

Appeal from an order of the Superior Court of Orange County, Corey S. Cramin, Judge. Affirmed as modified.

Ross Law Group, Mark A. Ross and Melinda M. Ellis, for Defendant and Appellant.

Telep Law and Desiree Telep for Plaintiff and Respondent.

When a married couple's dysfunctional relationship embroiled the University of California Irvine's (UCI) executive MBA program, the program's administrator and director, and the university's campus police, the trial court granted an injunction under Code of Civil Procedure section 527.6¹ prohibiting one non-student spouse, Dawn Nicole Dewane, from harassing, contacting, or coming within 100 yards of student, Jinny Lee. The order also prohibited Dewane from coming onto the UCI campus without the school's prior approval.

On appeal, Dewane challenges the sufficiency of the evidence to support the court's order, its interpretation of section 527.6, a few of the court's evidentiary rulings and the breadth and scope of the order. Only the last point has merit and we modify the stay away order to impose the least restrictive burden on Dewane's livelihood. As modified, the order is affirmed.

FACTS

The statement of facts is derived from the pleadings, hearing testimony and exhibits.² In accordance with general legal principles, we present the facts in the light most favorable to the judgment. (*Brekke v. Wills* (2005) 125 Cal.App.4th 1400, 1405 (*Brekke*).

In the spring of 2010, Lee and Dewane's husband, Jeffrey Dewane, were fellow students in UCI's executive MBA program. They were also study group partners with two other students, Jared Turner and Mark Mallgrave. Lee and Dewane met once during a May school-related dinner and social gathering. After the event, Dewane asked

¹ All further statutory references are to the Code of Civil Procedure unless otherwise stated.

² The record provided to us is not as complete as one might wish. We granted Dewane's request to transmit three declarations and a Facebook posting to this court, although the request did not comply with California Rules of Court, rule 8.224. While the declarations were already a part of the record as exhibits to Dewane's opposition to the restraining order, the Facebook posting was admitted at the hearing. The document we received does not have an exhibit stamp, and neither party ensured transmittal of e-mails, which are important to our review. Witnesses identified and testified to the complete contents of the e-mails. Consequently, we can state the record is adequate for our review, but like birds of the air we are forced to make do with the crumbs provided.

Lee to be a Facebook friend and an approved party on Linked-in, two on-line social networking sites.

In early June, Lee received two postcards from Jeffrey.³ She was puzzled by the postcards but assumed he had sent them because she once mentioned she enjoyed sending postcards when she traveled.

On June 23, Marty Bell, the director of program services for the executive MBA program, received a telephone call from Dewane. During a 40-45 minute call, Dewane complained about the program's demands on her husband's time, and the consumption of alcohol during the dinners. She also voiced her belief other members of her husband's study group, especially Lee, engaged in academic dishonesty by claiming his work as their own. The capper to the conversation was what Bell described as a "kind of odd or weird" accusation that bordered on a rant about an affair between Lee and Jeffrey.

Bell talked to the dean of the executive MBA program, Imran Currim, about the academic dishonesty allegation, after which he called Jeffrey. According to Bell, Jeffrey said he and Dewane were going to get divorced and the accusations of academic dishonesty were false. Later that day, Bell received a telephone call from Currim. Currim had just spoken to Dewane. According to Currim, Dewane said, "If I see that woman, I will kill her." He instructed Bell to come up with a plan to ensure Lee's safety and the safety of the other students.

The following morning, Bell called Lee and the campus police. Although Bell said he thought Dewane's death threat was "just a statement," Lee reacted more "visceral[ly]" and he developed a sense of urgency. Campus police decided to have officers conduct patrol checks during the program's twice-monthly dinners. Further, either the campus police or the university's legal counsel suggested Bell advised Lee to

³ We refer to Jeffery Dewane by his first name out of no disrespect. It is simply an attempt at clarity in a case in which parties share the same last name.

get a restraining order. Lee told Jeffrey, Turner, and Mallgrave about what had happened and about Bell's suggestion to get a restraining order. Jeffrey replied the restraining order was a good idea because "his wife has done things like this before."

Within days, the class met at a multi-purpose academic and administration building where the executive MBA program held its twice-monthly dinner meetings and social hour. Officer Benny Green went to the dinner and talked to Bell about his report. Bell told him about his conversation with Dewane. Currim arrived while Green was there and told him about Dewane's threat to kill Lee. He also mentioned he was unsure if Dewane "would carry out her statement but felt it necessary to convey." After speaking to Bell, Lee and Currim, Green escorted Lee to the campus police department where another officer told her how to obtain a restraining order.

Green returned to the dinner and spoke to Dewane and Jeffrey. Jeffrey said he and his wife were experiencing marital problems and he wanted a divorce, but he also told Green he did not think Dewane would hurt Lee. Dewane said she did not want a divorce, but she did believe her husband and Lee were having an affair. She also admitted overreacting and denied she had any intention to hurt Lee. She complained about her husband's indiscretion in discussing details about their relationship with Lee. Dewane also said she had become somewhat emotional due to extended traveling, her mother's recent death, her husband's demanding schedule, and their marital problems. But she maintained she would never hurt Lee and offered to apologize over the telephone. Green told her "that would not be necessary."

Despite Green's assurance no further communication was necessary, Jeffrey called Lee and put Dewane on the phone. Dewane told Lee the whole incident had been a "misunderstanding" and "grossly exaggerated."

On June 28, Jeffrey sent the following e-mail to Currim and Bell: "The situation has come to an end" "Molly and Jinny spoke on Saturday at approximately six p.m. and the matter was resolved from Molly and my perspective. Furthermore,

Molly indicated there would be no further follow-up with U.C.I. Thank you, Jeff.” He sent another e-mail on July 15, which read, “ I would appreciate if I could have a few minutes to clear up some academic concerns. I would like to schedule a brief meeting [and] wanted to know the person who kept your schedule. Thank you, Jeff.”

Ultimately, Lee decided against getting a restraining order, opting instead to get out of the study group and limit her contact with Jeffrey. She “hoped [] the issue was over.” Unfortunately, her hoping did not make it so.

At the end of August, Turner forwarded an e-mail to Lee and Mallgrave that he received from one of Dewane’s friends. The e-mail originally sent by Dewane read, ““I never forget. No one should underestimate me. I have a way of getting to know people I need to know. I asked colleagues about _____, I know someone who knew her as an undergrad. I feel angry, and that feeling grows every day. Jeff decided to do this program without my consent. He’s hidden things from me and may very well be[] doing that now. He sent the blank postcard even after I told him it upsets me. I told him I need a comfort level and that a conversation had to occur with all concerned. He humiliated me with his inappropriate sharing. Is it any wonder I am still very angry?”

Turner told Lee he thought the e-mail referred to her, and it rekindled Lee’s fears. Lee found the lengths to which Dewane would go to send a threatening e-mail and her continued fixation on her “of great concern.”

Shortly thereafter, Mallgrave forwarded a Facebook posting by Dewane. While again not mentioning Lee by name, Dewane posed the following hypothetical question: “A husband and wife are out with husband’s colleagues. It’s mixed company. One of husband’s colleagues goes out of her way to socialize with everyone except wife. Is wife justified in feeling snubbed? Is wife justified telling husband she does not want him to socialize with female colleague? Or is wife being paranoid?” What followed were comments from Dewane’s friends, which ranged from rude to frightening.

On August 21, Dewane walked into Jeffrey's class. Someone called the campus police and officers immediately responded. There was quite a commotion, and although Lee was not in school that night she heard about the incident. She thought a planned class trip abroad may have prompted Dewane's appearance. She also planned to continue the program when it restarted in the fall and her fear of Dewane prompted her to get a restraining order.

On September 30, Lee filed a request for a temporary restraining order and injunction to stop Dewane's harassment. She requested Dewane be prohibited from coming within 100 yards of her person, home, job, and the UCI campus.

In Dewane's opposition, she denied "making any credible threat of violence or acting in a knowing and willful course of conduct directed at . . . Lee . . . that would seriously alarm, annoy or harass [Lee]." She denied making the death threat and asserted Lee's delay in filing the request was evidence "there is no 'credible threat' of violence."

Dewane attached declarations from Roger Finefrock, Ann Beauchamp, and Ericka Porter, who claimed to have overheard her end of the June 24 telephone call between Dewane and Bell. They asserted the call lasted about 45 minutes and while it appeared Dewane was on the verge of tears, she did not raise her voice or make any threats. Finefrock also averred he had overheard Dewane's telephone conversation with Currin. He maintained Dewane made no threats, nor did she raise her voice.

The court granted a temporary restraining order and set a hearing on an order to show cause. On October 20, after a failed attempt at mediation, the court conducted a hearing, taking testimony from Currin; Bell; Mallgrave; Turner; Alison Brown, a fellow student who testified she heard Jeffrey say he was seeking a divorce; another classmate, Alice Tutunjian, who overheard Lee's telephone conversation with Dewane; Officer Lori Teves, who had been assigned to provide on campus security for the executive MBA program; and Dewane and Jeffrey.

Currin recounted the events described above. He was certain about the death threat, although under cross-examination he admitted he was not known for his memory. Bell testified about the June 24 telephone call to Dewane, his follow-up conversation with Jeffrey, and his discussion with campus police. He testified Lee was “very concerned and scared” when she learned of Dewane’s threat, which is what prompted him to arrange for the UCI police to patrol the area where the program held their Saturday socials. Bell also said he talked to Jeffrey, and Jeffrey said there was nothing he could do about the situation. Bell became very concerned in light of Jeffrey’s attitude, a concern Dewane’s June 28 e-mail did nothing to dispel.

Turner authenticated the e-mail he received through his Facebook account from one of Dewane’s friends. He found the e-mail disturbing, which was why he forwarded it to Lee and Mallgrave and mentioned it to Jeffrey, and he was surprised to get the e-mail because months had passed and it seemed things had calmed down.

Brown, a member of another study group with Lee and Jeffrey, testified Lee was visibly afraid after she learned of the death threat. Tutunjian walked Lee to her car that night and overheard Lee’s conversation with Dewane. She heard Dewane say she understood Lee’s concern for her safety, but that “the whole issue was exaggerated [and] taken out of context by the U.C.I. staff.”

Lee recounted the telephone call she received from Currin regarding the death threat and Dewane’s accusations of academic dishonesty. When she mentioned the death threat to Jeffrey, he told her “it’s my wife. She does things like this” Lee explained, “not knowing Mrs. Dewane, only having met her once, and a month later from when I met her – and I didn’t think there was any issues because right after that meeting, I got a friend request from her to be friends on Facebook, I got a Linked-in connection from her, so all I know, it’s the wife of [a] student and that’s it. [¶] So when I heard [about the death threat, e-mails, and Facebook posting], it alarmed me. I had no idea where that came from. And then in discussions with our teammates Jeff indicated that his

wife for many months had thought that he and I were having an affair . . . which was very surprising to us because, one, I have not had an affair and, two, that conversation never came up.”

She explained her attempts to resolve the situation and her apprehension about the new semester, testifying “A couple months went by, we switched groups, I thought things were okay until I was informed she had once again showed up in our classroom, and knowing it’s caused so much emotion and commotion, I would expect that was to incite a reaction and then shortly thereafter, I received the e-mail from Mr. Turner indicating some pretty alarming words that cause my fears, my same fears of the initial, ‘I will kill you’ to come right back.” She summarized the situation by stating, “So I’ve have absolutely no contact, no contact with her husband, no contact, yet this persists. The erratic nature of this how it started is so, I can’t understand it and so that’s just disturbing by all means and having the threat made to me and the continuation of it causes me to seek a restraining order.”

Dewane testified she met Lee at the MBA program’s May social event. She became angry after she “watched [her] husband do a group paper” and the others claimed credit. She asked him why he prepared the whole paper. When he gave her a “nonsensical answer,” she became angry, “reminded him it was cheating,” and “reported them all because Jeff shouldn’t have done that.”

She admitted coming to Jeffrey’s class on August 21, but said the visit was for the sole purpose of collecting him for the ride home. She denied making the death threat, but admitted talking to Lee after hearing from Bell. She testified Jeffrey put her on the telephone and she “wasn’t too thrilled about Jeff, you know, calling her, but Jeff had promised to reassure her.” She denied ever accusing Jeffrey and Lee of having an affair and described the problems in her marriage as “boundary issues.”

Dewane testified she felt indignant when Green questioned her about the death threat, but she recognized Green “was doing his job.” She admitted authoring the

July 18 e-mail Turner received, but maintained she was just venting to a friend about her “very stressful year.” She explained the “I have a way of getting to know people I need to know” statement as a reflection of her “habit of meeting people in the oddest places and people just tell[ing her] their life stories.” She claimed the e-mail did not have anything to do with Lee, and she asserted the anger in the e-mail had been directed toward her husband because he was not with her when her mother died.

Jeffrey testified he and his wife had been together for approximately 17 years and had two weddings that accounted for about 10 and one-half years of marriage, collectively. He initially denied threatening divorce, but later admitted telling his classmates he thought a divorce likely. He explained the statement about his wife having “done things similar” in the past as meaning Dewane is “a very principled person” and “if she suspected academic dishonesty, she would absolutely react on those.” However, under cross-examination, he admitted telling other students he did not believe anyone guilty of academic dishonesty. He pointed to “ongoing personal problems” with Bell as a possible explanation for the entire contretemps although he admitted sending Lee postcards. Jeffrey believed he was a victim of the events because “70 percent [of the program’s attendees] won’t talk to me or will talk to me in a very guarded fashion” and “there seemed to be [] a mob mentality” in the class.

On November 10, the court granted a three-year protective order, prohibiting Dewane from harassing, contacting, or coming within 100 yards of Lee and excluding her from the UCI campus unless she receives prior authorization from the school. She filed a timely notice of appeal.

DISCUSSION

Sufficiency of the Evidence

Relying primarily on *Scripps Health v. Marin* (1999) 72 Cal.App.4th 324 (*Scripps Marin*) and *Russell v. Douvan* (2003) 112 Cal.App.4th 399 (*Russell*), Dewane argues the court improperly relied on past acts rather than evidence of the need to prevent future harm. Her reliance is misplaced and we disagree with her conclusion.

Section 527.6, subdivision (a) provides, “[a] person who has suffered harassment as defined in subdivision (b) may seek a temporary restraining order and an injunction prohibiting harassment as provided in this section.” The section defines harassment 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.” (*Id.*, subd. (b)(3).)

A “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, fax, or computer e-mail.” (§ 527.6, subd. (b)(1).) An actionable course of conduct must be one which “would cause a reasonable person to suffer substantial emotional distress, and [those acts] must actually cause substantial emotional distress to the petitioner.” (*Id.*, subd. (b)(3); see also *Brekke, supra*, 125 Cal.App.4th at p. 1413.) The trial court must find clear and convincing evidence of harassment. (§ 527.6, subd. (d).) However, an appellate court reviews the trial court’s decision under the substantial evidence rule. (*Schild v. Rubin* (1991) 232 Cal.App.3d 755, 762.) Therefore, “[w]hen two or more inferences can reasonably be deduced from the facts, a reviewing court is without power to substitute its deductions for those of the trial court.” [Citation.]” (*Shapiro v. San*

Diego City Council (2002) 96 Cal.App.4th 904, 912.) We find the standard of review dispositive of Dewane’s challenge to the sufficiency of the evidence.

As noted, a “course of conduct” is a series of acts over time, which demonstrate a continuity of purpose and reasonably cause actual and substantial emotional distress. Under 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” when supported by substantial evidence. (*Schild v. Rubin, supra*, 232 Cal.App.3d at p. 762.) That means the court was free to accept Lee’s testimony and the testimony of witnesses favorable to her position and to reject Dewane and Jeffrey’s contrary testimony. Despite what they said in court and argue on appeal, the trial court could have reasonably concluded Dewane did in fact threaten Lee’s life, contact her against the abjurations of official instruction and common sense, jeopardize her efforts to succeed in the MBA program, threaten her through electronic means she had no reason to presume would remain private, and personally appear at Jeffrey’s class with the intention of causing disruption to the class and harassing Lee. Even if we did not agree with the trial court’s implied findings, we cannot say they are completely without merit or based on suspect evidence. Consequently, we find reasonable, solid, credible evidence Dewane harassed Lee by threatening her, accusing her of academic dishonesty and moral bankruptcy, and continuing this harassment when school officers advised her to leave Lee alone. In short, there is sufficient evidence of harassment as defined in section 527.6 to support the court’s order.

Furthermore, we are not inclined to treat the June death threat differently than all the other threatening e-mails just because it occurred three months before Lee filed her request for a restraining order. We consider the facts in totality when assessing whether the record contains substantial evidence. (*Desmond v. County of Contra Costa* (1993) 21 Cal.App.4th 330, 335.) And Dewane’s continued activities are what

distinguish her case from the cases on which she attempts to rely. (*Scripps, supra*, 72 Cal.App.4th at p. 336; *Russell, supra*, 112 Cal.App.4th at pp. 402-404.)

Section 527.6 is the Legislature's attempt to protect "the individual's right to pursue safety, happiness and privacy as guaranteed by the California Constitution." [Citation.] Its purpose is 'to provide expedited injunctive relief to victims of "harassment."' (*Kobey v. Morton* (1991) 228 Cal.App.3d 1055, 1059.) Although the judicial system is not the best place to resolve interpersonal problems, Dewane's death threat compelled the UCI staff to act and notify Lee. Dewane and Jeffrey's reaction to this official intervention merely reinforced UCI's responsibility to protect Lee and the other students, and reaffirmed Lee's worst fears. Substantial evidence supported the trial court's implied finding that Dewane's inability to let go and move on provided a continuing source of fear and harassment. Nothing Dewane or Jeffrey said or did actually remedied the situation. Dewane failed to acknowledge the fact her actions were threatening and Lee had a reasonable fear for her safety. Although she and her husband repeatedly posited other possible explanations for the alarm exhibited by Lee and *everyone else* at UCI who had knowledge of the events, they also refused to address the interpersonal problems that fomented the events. Under the circumstances, it was entirely reasonable and proper for the court to enter a three-year restraining order.

The court correctly summarized the pertinent issues as follows: "The questions really were . . . we had a serious threat, the circumstances were somewhat unusual. The question becomes, is there really a potential in the future because of a one time threat?" In other words, the court realized a one-time death threat was not enough. It looked at *all* the circumstances attendant to the case. The court's ruling is an effort to prevent future harm to Lee's life and well-being. To her credit, she tried to handle the situation without judicial intervention, but when that failed and the prospect of returning

to school loomed on the horizon, she properly sought and obtained a restraining order to protect herself.⁴

Dewane also complains the court prejudicially erred by admitting evidence that is either irrelevant, inadmissible hearsay, or admitted without a proper foundation. Specifically, she claims the court erroneously overruled a relevancy objection to a question regarding whether Bell advised Lee to obtain a restraining order and questions posed to Turner about the e-mail he received from Dewane's friend, exactly how the police were advised Dewane entered their classroom on August 21, and the nature of his concerns for his own safety. She also complains about rulings on questions posed to Tutunjian, one about the reason she escorted Lee to her car (relevance), another about whether other students joined them (foundation), and a third regarding a statement she heard from Bell (hearsay). The last question called for evidence that was expressly admitted for a nonhearsay purpose. She also claims the court improperly allowed Lee to testify Bell advised her to obtain a restraining order, the fact a UCI police officer advised Dewane to not contact her, and to the content of Dewane's Facebook posting (hearsay). She faults the court for overruling counsel's relevancy objections to an officer's testimony she did in fact tell Lee how to obtain a restraining order and to a question posed to Jeffery about a 2007 divorce proceeding. We find no reason to reverse the judgment based on the asserted evidentiary errors.

Evidence Code section 353 provides no verdict, finding, judgment, or decision shall be set aside unless there was a timely and specific objection at trial, and "The court which passes upon the effect of the error or errors is of the opinion that the admitted evidence should have been excluded on the ground stated *and* that the error or errors complained of resulted in a miscarriage of justice." (*Id.*, subd. (b), italics added.)

⁴ Buried on page 19 of Lee's brief is a request for judicial notice of an Orange County Superior Court case, which Lee states alleges Lee violated the restraining order. Her request is denied. As Dewane's counsel points out, the request fails to comply with the rules of court. (Cal. Rules of Court, rule 8.252; see also Evid. Code, §§ 459, 452.) Moreover, the trial court did not have this evidence at the time of its ruling, and this is a court of review. Our job is to analyze the case based on the record that was before the trial court.

“In civil cases, a miscarriage of justice should be declared only when the reviewing court, after an examination of the entire cause, including the evidence, is of the opinion that it is reasonably probable that a result more favorable to the appealing party would have been reached in the absence of the error. [Citation.]” (*Huffman v. Interstate Brands Corp.* (2004) 121 Cal.App.4th 679, 692.) Here, the court’s rulings were well-founded. But even assuming error, there is no reasonable probability of a more favorable result absent the errors and nothing which suggests any errors resulted in a miscarriage of justice.

Nor do we agree with Dewane’s reliance on the First Amendment as a shield against the judgment. As noted in *Brekke, supra*, 125 Cal.App.4th at p. 1409, “The United States Supreme Court has ‘long recognized that not all speech is of equal First Amendment importance. It is speech on “‘matters of public concern’” that is “at the heart of the First Amendment’s protection.” [Citations].’ [Citation.]” Here, as in *Brekke*, we have a case ““wholly without [] First Amendment concerns”” (*Ibid.*) Even if the case presented such concerns, “threatening behavior, however communicated is proscribed under the First Amendment.” (*Madsen v. Women’s Health Ctr.* (1994) 512 U.S. 753, 773.)

Overbreath of the Order

Finally, Dewane argues the court erroneously granted an “order that is overly broad, and unjustly interferes with [Dewane’s] legitimate business interests” and her constitutional right of association. Relying on *Califano v. Yamasaki* (1979) 442 U.S. 682 and *Madsen, supra*, 512 U.S. 753, Dewane argues the order is more burdensome than necessary to provide for Lee’s security. We take her point, but believe a simple modification cures the problem.

The trial court ordered Dewane to stay 100 feet away from Lee and to obtain prior authorization from the school before coming to the UCI campus. In December 2010, she filed a petition for writ of supersedeas and request for immediate stay in this court. She claimed insufficient evidence supported the court’s order, and she

argued she would suffer irreparable harm to her reputation and employment without relief. On January 28, 2011, this court denied the writ, but directed the superior court to modify its restraining order to add the following language: “This stay-away order does not prevent Dawn Dewane from going to the UCI Medical Center.”

According to Dewane’s declaration in the writ proceeding she provides project management services and audits clinical human drug and device trials. UCI sponsors many such drug and device trials and they are conducted at the UCI Medical Center and on the UCI campus. Consequently, Dewane has a legitimate need to have ready access to the UCI main campus in addition to the medical center to perform work-related tasks. Furthermore, no one has explained exactly how Dewane was supposed to obtain permission, nor are there any assurances she would receive permission in a timely fashion. The blanket prohibition from the UCI campus unless she somehow obtains prior approval is unnecessarily burdensome to Dewane’s livelihood. (See *Madsen, supra*, 512 U.S. at p. 702; *Balboa Island Village, Inc. v. Lemen* (2007) 40 Cal.4th 1141, 1160.) The problem, however, is not difficult to remedy.

Lee asked for an order prohibiting Dewane from coming within 100 yards of her person, home, job, and car. Under a box labeled “other,” she wrote “school, University of California, Irvine.” According to the clerk’s transcript, the court ordered the “[r]estraining order as requested” following the hearing, but failed to check the boxes for home, job, or car and added “unless prior authorization from school” under the other box. Nothing in the record clarifies how Dewane was to receive prior authorization had it been requested. It seems cumbersome at best and impossible at worst to force her to call some unidentified person in the UCI administration for permission to come on to any area of the campus. The best solution is to modify the stay away order by limiting the restrictions having to do with Lee personally.

DISPOSITION

We order the trial court to modify its order to comply with the following restrictions: Dewane must stay 100 yards away from Lee and her car and not knowingly approach closer than that to either and she must stay 100 yards away from Lee's home and worksite. As modified, the order is affirmed. Each party to bear their own costs on appeal.

BEDSWORTH, ACTING P. J.

WE CONCUR:

MOORE, J.

ARONSON, J.