

EXHIBIT 2

**SUPREME COURT
FILED**

Court of Appeal, Second Appellate District, Division One - No. B330219 DEC 18 2024

Jorge Navarrete Clerk

S287563

Deputy

IN THE SUPREME COURT OF CALIFORNIA

En Banc

LOUIE ANGEL DAVID FERIA, Plaintiff and Respondent,

v.

TRICIA LIU, Defendant and Appellant.

The petition for review is denied.

GUERRERO

Chief Justice

FILED

Jun 27, 2024

EVA McCLINTOCK, Clerk

Angelica Lopez Deputy Clerk

EXHIBIT 3

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION ONE

LOUIE ANGEL DAVID FERIA,

Plaintiff and Respondent,

v.

TRICIA LIU,

Defendant and Appellant.

B330219

(Los Angeles County
Super. Ct. No. 23PDRO00456)

APPEAL from an order of the Superior Court of Los Angeles County, Timothy Martella, Judge. Dismissed.

Tricia Liu, in pro. per., for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

On May 18, 2023, the superior court issued a civil harassment restraining order pursuant to Code of Civil Procedure section 527.6 requiring defendant and appellant Tricia Liu to stay at least 15 feet away from plaintiff and respondent Louie Angel David Feria. Feria had subleased a portion of a warehouse in El Monte from Liu, and the two came into conflict over Feria's use of the space. When he signed the lease, Feria wrote that he planned to rent out the space "for [f]ilm [p]roduction, [p]hotography, [s]torage . . . etc." but Liu claimed Feria had held large parties with up to 150 attendees and had offered to supply alcohol even though he did not have a liquor license.

Twice in April 2023, the El Monte police were called to intervene between Liu and Feria. On one occasion, Feria alleged that Liu moved Feria's belongings out of the warehouse and onto the street. On the other occasion, a police officer cited Liu for battery in an incident that occurred when the officer was escorting Feria into the building. Liu rushed to go into the building first and shoved Feria as she went past.

At the hearing on the restraining order, Feria stated that he was trying to move out of the warehouse because Liu had filed an unlawful detainer action against him, and that he hoped to finish doing so within three months. The superior court set the restraining order to expire in six months, on November 17, 2023, because "I think [Feria will] probably be somewhere else by then." We take judicial notice of the superior court's docket in the case, which shows no renewal of the restraining order. In her appellate brief, Liu states that she obtained an eviction order in January 2024, and at that point moved Feria's remaining belongings to a storage unit.

We invited the parties to submit supplemental briefing addressing whether the expiration of the restraining order last year rendered the appeal moot. “[A] case becomes moot when a court ruling can have no practical effect or cannot provide the parties with effective relief.” (*Lincoln Place Tenants Assn. v. City of Los Angeles* (2007) 155 Cal.App.4th 425, 454.) In particular, “‘[i]f relief granted by the trial court is temporal, and if the relief granted expires before an appeal can be heard, then an appeal by the adverse party is moot.’” (*City of Monterey v. Carrnshimba* (2013) 215 Cal.App.4th 1068, 1079; compare *Harris v. Stampolis* (2016) 248 Cal.App.4th 484, 495 [appeal not moot because the restraining order was renewed].)

Liu argues the appeal is not moot because although the restraining order has expired, “the statute allows [Feria] to renew [it] within [five] years.” This is incorrect. The superior court may set the duration of a restraining order for up to five years, but it may be renewed only “within the three months before the order expires.” (Code Civ. Proc., § 527.6, subd. (j)(1).) Liu also argues that Feria “could still cite this restraining order to negatively impact or influence the judge’s decision in the civil damage court, potentially causing a lengthy examination of the entire sequence of events.” The other cases involving the parties, including the criminal battery case and any remaining civil proceedings regarding the eviction, are not before us, and Liu makes no showing that our dismissal of this appeal on the basis of mootness would have any prejudicial impact on those cases.

At our discretion, we may consider a moot case on the merits when one of three exceptions applies: “(1) when the case presents an issue of broad public interest that is likely to recur [citation]; (2) when there may be a recurrence of the controversy

between the parties [citation]; and (3) when a material question remains for the court's determination.' " (*Environmental Charter High School v. Centinela Valley Union High School Dist.*(2004) 122 Cal.App.4th 139, 144.) None of these exceptions applies here. We therefore dismiss the appeal as moot.

DISPOSITION

The appeal is dismissed. Liu is to bear her own costs on appeal.

NOT TO BE PUBLISHED


WEINGART, J.

We concur:


CHANEY, J.


BENDIX, Acting P. J.

**Additional material
from this filing is
available in the
Clerk's Office.**