

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION EIGHT

COURT OF APPEAL – SECOND DIST.

FILED

Jan 30, 2024

EVA McCLINTOCK, Clerk

R. Cervantes Deputy Clerk

ARVIS ASH,

Plaintiff and Appellant,

v.

GRACE GREENS #1
HOMEOWNERS ASSOCIATION
et al.,

Defendants and
Respondents.

B321980

Los Angeles County
Super. Ct. No. 18VECV00363

**ORDER DISMISSING
APPEAL**

Arvis Ash sued her homeowners association. She settled with them and then tried to undo the settlement. She moved for a new trial and applied ex parte to vacate the settlement. The court denied the motion and application. These orders are not in the appellate record.

Then Ash filed a document titled “Response to the Denial Judgment to Vacate Settlement Agreement and Request for a New Tr[ia]l based on Evidence Never Argued or Revealed at the Tr[ia]l Hearing on March 21, 2022.” This document is not in the appellate record. The trial court explained that it was a request for the court to reconsider its rulings denying the motion for a new trial and application to vacate the settlement. The court

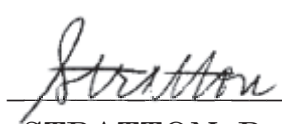
reviewed the request for reconsideration under Code of Civil Procedure section 1008, subdivision (a) and denied it on July 8, 2022.

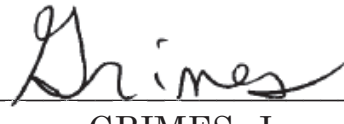
Ash filed a notice of appeal stating she was appealing from this July 8, 2022 order.

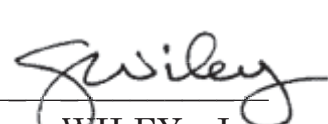
Ash’s opening brief has a section titled “**STATEMENT OF APPEALABILITY** [¶] Reason for Appeal.” This section includes what appears to be copied and pasted text of court orders, a picture of Ash’s notice of appeal, and assertions that the respondents and trial court acted wrongfully. The brief does not attempt to explain why the order Ash appeals from is appealable. Ash did not file a reply brief.

We dismiss this appeal because Ash has not demonstrated the motion she appeals from—a motion for reconsideration under Code of Civil Procedure section 1008, subdivision (a)—is appealable. An order is not appealable unless a statute expressly provides this right. (*People v. Mazurette* (2001) 24 Cal.4th 789, 792.) Appellants have the burden in their opening briefs to explain why orders they appeal from are appealable. (Cal. Rules of Court, rule 8.204(a)(2).) Ash appeals only the motion to reconsider and such motions are not appealable. (*Annette F. v. Sharon S.* (2005) 130 Cal.App.4th 1448, 1458–1459.) Ash has not met her burden to explain why the order is appealable. Accordingly, the appeal is dismissed.

We deny Ash’s December 29, 2023 request for judicial notice as moot.


STRATTON, P. J.


GRIMES, J.


WILEY, J.