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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION ONE

ERIC WRIGHT,

Plaintiff and Appellant,

v.

KAISER PERMANENTE MEDICAL
CENTER et al.,

Defendants and Respondents.

A157091

(Alameda County
Super. Ct. No. RG15789343)

MEMORANDUM OPINION¹

Plaintiff Eric Wright appeals from the dismissal of his lawsuit against defendant Securitas Trinity Security Services, LLC (“Securitas”).² We affirm.

This case, which Wright has been pursuing in propria persona, appears to have its genesis in an incident that occurred in October 2013, when Wright was allegedly assaulted by security personnel at a Kaiser medical facility.

¹ We resolve this case by Memorandum Opinion pursuant to California Standards of Judicial Administration, section 8.1.

² Although Wright purports to appeal from orders granting Securitas’ motions to vacate a default and to quash service of summons, these pre-judgment orders are not appealable (see Code Civ. Proc., § 904.1), and we deem his appeal to be from the dismissal order that followed. (See *Id.*, § 581d.)

The trial court ultimately ordered dismissal as to Securitas for failure to effect timely service of process.

The first difficulty with Wright’s appeal is that his appellant’s opening brief (he did not file a reply brief) fails to comply with the California Rules of Court. Most conspicuously, his brief is entirely lacking in any citations to the record, contrary to California Rules of Court, rule 8.204(1)(C). “ ‘Any statement in a brief concerning matters in the appellate record—whether factual or procedural and no matter where in the brief the reference to the record occurs—must be supported by a citation to the record.’ ” (*Professional Collection Consultants v. Lauron* (2017) 8 Cal.App.5th 958, 970, italics omitted.)

Indeed, as the appellant, Wright has the burden of affirmatively demonstrating prejudicial error based on sufficient legal argument supported by citation to an adequate record. (*Yield Dynamics, Inc. v. TEA Systems Corp.* (2007) 154 Cal.App.4th 547, 556–557.) While Wright designated a clerk’s transcript, “[i]t is not the task of the reviewing court to search the record for evidence that supports the party’s statement; it is for the party to cite the court to those references.” (*Regents of University of California v. Sheily* (2004) 122 Cal.App.4th 824, 826, fn. 1.) When a litigant repeatedly provides no citations to the record, as is the case here, the rule violation is egregious. (*Evans v. Centerstone Development Co.* (2005) 134 Cal.App.4th 151, 166–167.) These principles apply not only to appeals where parties are represented by counsel, but also to appeals where parties represent themselves, as Wright does here. (See *Stokes v. Henson* (1990) 217 Cal.App.3d 187, 198 [self-represented party is entitled to the same consideration as other litigants and attorneys, but not more].)

Secondly, the sole claim of error Wright makes in his opening brief is that the trial court abused its discretion “by Denying 473(d) Motion.” However, as far as we can discern from reviewing the clerk’s register of actions (entitled “Domain Case Summary”), Wright made no motion for relief under Code of Civil Procedure section 473. He therefore cannot advance such a claim for relief on appeal. (See *In re Marriage of Walker* (2006) 138 Cal.App.4th 1408, 1418 [“As a rule, parties are precluded from urging on appeal any points that were not raised before the trial court.”].)

In sum, Wright has not demonstrated, through citations to the record and preserved legal claims, that the trial court erred in granting Securitas’ motion to quash and in subsequently dismissing the case for failure to effect timely service of process.

DISPOSITION

The judgment of dismissal is affirmed. The parties to bear their own costs on appeal.

Banke, J.

We concur:

Humes, P.J.

Margulies, J.

A157091, *Wright v. Kaiser Permanente et al*