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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION FOUR

In re the Marriage of NATALIA A.
SIDIAKINA and SIAMAK NAVID.

NATALIA A. SIDIAKINA,

Appellant,

v.

SIAMAK NAVID,

Respondent.

A129313

(Sonoma County
Super. Ct. No. SFL-29989)

Appellant Natalia A. Sidiakina appeals from the August 16, 2010 findings and order after hearing (FOAH) in which the trial court entered orders (1) denying her request for accommodation under the Americans with Disabilities Act (ADA); (2) enforcing the underlying family law judgment; (3) granting attorney fees to respondent Siamak Navid; and (4) finding that Sidiakina is a vexatious litigant and directing the issuance of a vexatious litigant prefiling order. We reverse the attorney fee award with directions to reduce it to the amount requested; and reverse the order directing both parties to pay for the preparation of any qualified domestic relations order (QDRO), with directions to enter an order directing Navid to pay for such preparation. In all other respects we affirm the FOAH.

I. FACTUAL BACKGROUND

Sidiakina and Navid were married on December 21, 1999, and separated July 3, 2005. The court conducted a settlement conference with the parties and announced at the November 1, 2006 hearing that the parties had reached an agreement. Counsel for Sidiakina recited the agreement on the record. Following the recitation, the court queried Sidiakina on the key points, eliciting her agreement and understanding. The parties signed an agreement allowing the court to sign and approve the judgment. The court entered the settlement in the form of a stipulated judgment on February 2, 2007.

Thereafter, among other actions, Sidiakina moved to vacate or set aside the stipulated judgment and Navid moved to enter judgment under Code of Civil Procedure section 664.6.¹ The court denied the motion to set aside and granted the motion to enter judgment under section 664.6.

Sidiakina noticed two appeals, referring to various orders and the stipulated judgment. We consolidated the appeals and affirmed the judgment and orders, noting the fatal deficiencies in her brief, the complete lack of understanding of an appellant's burden on appeal, and the blatant disregard of appellate procedures. (*In re Marriage of Sidiakina & Navid* (Aug. 19, 2009, A119808, A120069) [nonpub. opn.])

Thereafter, Navid moved for enforcement of the judgment, for attorney fees on the prior appeal, and for a vexatious litigant prefiling order. Sidiakina requested accommodations under the ADA and the court continued the hearing to July 23, 2010, in response to Sidiakina's request. On the eve of the continued hearing, Sidiakina filed objections to the tentative rulings in which she also objected to a hearing before Judge James Bertoli on grounds of personal prejudice, and requested his disqualification. In these papers Sidiakina stated that she had "diagnosed cognitive disabilities and, because of these disabilities, was unable to read and understand" Navid's motion and "could not

¹ This statute provides that if the parties to pending litigation stipulate orally before the court for settlement of the case, upon motion the court may enter judgment pursuant to the terms of the settlement and, if requested, may retain jurisdiction to enforce the settlement.

prepare” a response to it. Her “cognitive disabilities make it physically impossible for Petitioner to comply with the Rules of Court and prepare necessary pleadings in a prescribed timely manner.” Further, she was currently “very sick” and “unable to articulate meaningfully her opposition to” the motion, and her illness and cognitive disabilities made it impossible to attend the scheduled hearing. Sidiakina requested under the ADA and pertinent California law that the hearing be continued to January 2011, to allow her to obtain legal counsel.

The trial court granted the motion for enforcement of judgment; granted the motion to have Sidiakina declared a vexatious litigant; and awarded Navid attorney fees in the amount of \$74,200.78.

Ruling on Sidiakina’s request that the hearing be postponed until January 2011 as an ADA accommodation, the court noted that it had already continued the matter as an accommodation so she could prepare a timely response. There was a lapse of seven months six days since the filing of the motion on December 17, 2009, during which time she could prepare a response and if she desired, obtain legal counsel. No new facts had been presented, and the court concluded that it had provided more than ample time to allow Sidiakina to respond to the motion and seek counsel of her choice. Continuing, the court stated that “further delay” would prevent it “from performing its essential functions. And this Court cannot allow repeated continuances that . . . appear to be a frivolous attempt to further delay these proceedings and for no other purpose than to delay the completion of this case and enforce the judgment which would include forcing Miss Sidiakina to vacate the residence, which this Court has determined that [she] has been improperly occupying for close to three years.”

This appeal followed.

II. DISCUSSION

A. The Trial Court Properly Denied Sidiakina’s ADA Request

Rule 1.100 of the California Rules of Court (rule 1.100) governs requests for accommodations by persons with disabilities, as defined therein. It states and implements the policy of California courts “to ensure that persons with disabilities have equal and full

access to the judicial system.” (Rule 1.100(b).) “Accommodations” are defined as “actions that result in court services, programs, or activities being readily accessible to and usable by persons with disabilities. Accommodations may include making reasonable modifications [to] policies, practices, and procedures; furnishing, at no charge . . . , auxiliary aids and services, equipment, devices, materials in alternative formats, readers, or certified interpreters for persons with hearing impairments; relocating services or programs to accessible facilities; or providing services at alternative sites. Although not required where other actions are effective in providing access to court services, programs, or activities, alteration of existing facilities by the responsible entity may be an accommodation.” (Rule 1.100 (a)(3).)

The rule also details the process for requesting accommodations: “Requests for accommodation must include a description of the accommodation sought, along with a statement of the impairment that necessitates the accommodation. The court, in its discretion, may require the applicant to provide additional information about the impairment.” (Rule 1.100(c)(2).) Such requests “must be made no fewer than 5 court days before the requested implementation date. The court may, in its discretion, waive this requirement.” (*Id.*, subd. (c)(3).)

In considering whether to grant an accommodation request, the court must consider Civil Code section 51 et seq. (the Unruh Civil Rights Act), the provisions of the ADA “and other applicable state and federal laws.” (Rule 1.100(e)(1).)

An accommodation request may be denied only when the court determines that (1) the applicant has not satisfied the requirements of rule 1.100; (2) the request would create an undue financial or administrative burden on the court; or (3) the request would fundamentally alter the nature of the program, service or activity (rule 1.100(f)). The court in *In re Marriage of James & Christine C.* (2008) 158 Cal.App.4th 1261, 1277 (*Christine C.*) has held that where none of the grounds listed in rule 1.100(f) are present, denying an ADA request is reversible error.

Here, to begin with, the request, filed on the eve of the hearing, was untimely. The rule requires a five-day lead time unless waived by the court. (Rule 1.100(c)(3).)

Sidiakina suggests that Judge Bertoli waived the five-day requirement. The court did not specifically mention the five-day rule. However, the wording of the rule itself suggests that non-mention is not tantamount to waiver. The rule states in full: “Requests for accommodations must be made as far in advance as possible, and in any event must be made no fewer than 5 court days before the requested implementation date. The court may, in its discretion, waive this requirement.” (*Ibid.*) The basic rule is clear: The applicant “in any event must” submit the request not later than five court days before the desired implementation date. The rule does not say that a late request becomes timely if the court fails to note its lateness. Where, as here, there is no indication on the record that the court exercised its discretion to waive the requirement, we conclude no waiver occurred.

Moreover, the request for accommodation fails to satisfy the requirements of rule 1.100(c)(2). In addition to what she calls “diagnosed cognitive disabilities” that made it “physically impossible” to timely prepare the pleadings, Sidiakina claimed to be currently “very sick” such that she could not attend the hearing. The request is devoid of current medical verification of her purported condition and claimed health problems. This situation contrasts markedly with that in the *Christine C.* case, in which the appellant submitted a physician’s declaration and there was evidence she was hospitalized at the time of trial. (*Christina C.*, *supra*, 158 Cal.App.4th at pp. 1269-1270.) Rule 1.100(c)(2) gives the court discretion to require the applicant to provide additional information about his or her impairment. Here, of course, with an untimely application submitted on the eve of the continued hearing and the applicant’s nonpresence at the rescheduled hearing, there was no opportunity for the court to exercise any discretion in this regard.

Additionally, Sidiakina does not explain or elaborate her current illness or explain how she used the seven months between the filing of Navid’s motion and the reset hearing date to deal with the underlying motion; why her impairment necessitated another continuance; and how she could fulfill the stated purpose after having failed to accomplish it the first time.

Further, her *assertions* of physical impossibility of complying with the rules and no physical or cognitive ability to prepare a response are substantially undermined by the *facts* established in the record. These facts include her correspondence with the trial court on letterhead indicating she has a Ph.D. and M.B.A., and her ability to prosecute multiple matters right around the time she made the accommodation request. First we point out that Sidiakina obviously read the tentative ruling and prepared the objections to it, all between 2:00 p.m.² and 3:48 p.m. on July 22, 2010, when they were transmitted. Second, three days before lodging the objections, Sidiakina and another plaintiff filed a 27-page “class action” complaint in propria person in federal court naming as defendants Judge Bertoli and other Sonoma County judges, as well as justices of this court and others. Therein she argued that the denial of an indigent cognitively disabled litigant’s request for accommodation violated her right to due process of law. And finally in March 2010 she filed a petition for writ of mandate in this court, along with related documents. As well, in the present case Sidiakina has submitted multiple pleadings and filings within prescribed deadlines.

Sidiakina argues nonetheless that Judge Bertoli never made a determination that her request for a continuance met one of the three grounds for denial set forth in rule 1.100(f), thereby committing reversible structural error. We disagree.

The court first elaborated the broader context, namely that on July 21, 2010, Sidiakina delivered to the court a notice of stay of proceedings along with the federal complaint wherein Sidiakina and another party sued Judge Bertoli and others, as well as a disqualification request in which she alleged that the federal lawsuit should automatically disqualify him. The court stated that it believed Sidiakina filed the lawsuit in “a frivolous fashion to attempt to get this Court to disqualify itself.”

From there the court proceeded to articulate several reasons for denying the accommodation request. First, the court already had provided Sidiakina, as an ADA accommodation, more than ample time to respond to the motion and seek the services of

² According to Sonoma County protocol, law and motion tentative rulings are available after 2:00 p.m. on the court day prior to the scheduled hearing.

an attorney if she desired. With the prior continuance, she had a total of seven months six days to timely respond. Second, she presented no new facts to warrant a further continuance. Third, her efforts to obtain further continuances were a frivolous attempt to delay the proceedings and delay enforcement of the judgment, which would force her to vacate the residence she has improperly occupied for nearly three years. Fourth, a further frivolous delay would prevent the court from performing its essential function of ruling on matters that come before it, in effect preventing a ruling for over 13 months.

Although these reasons do not exactly parrot the language of rule 1.100, they suffice. The first three amount to a determination that Sidiakina failed to present “a statement of the impairment that necessitates the accommodation,” which in turn translate into a denial based on the applicant’s failure “to satisfy the requirements” of the rule. (Rule 1.100(c)(2), (f)(1).) With the first continuance Sidiakina had ample time to respond, yet she offered no new facts explaining any efforts she made during the prior seven months, why such efforts did not succeed, or how another continuance would produce a different result. Additionally, it is clear that the court did not believe that Sidiakina was pursuing another continuance in good faith.

The court also expressed that a further frivolous attempt to delay the proceedings would prevent the court from performing its essential function of ruling on matters before it. In a word, the requested accommodation would create an undue administrative burden on the court. (Rule 1.100(f)(2).) The requested continuance would prevent the court from ruling on a significant family law matter for a period of more than 13 months. This administrative burden is “undue” because it was sought for purposes of delay, not for legitimate reasons.

Sidiakina also complains that the court did not respond in writing to her request for accommodation, as required by rule 1.100(e)(2), an error she asserts is reversible. The court did, via Judge Bertoli’s verified response to her statement of disqualification, respond to her request for accommodation and referenced and included the pertinent transcript. The response and transcript were served on Sidiakina on August 12, 2010.

While this was not an ideal form of response, Sidiakina did receive notice of the court's decision and reasons.

B. The Trial Court Properly Enforced the Judgment Which Was Based on the Oral Stipulation

Sidiakina complains that the trial court erred in granting Navid's motion to enforce the judgment. Her argument is nothing more than an attack on the oral stipulation of November 1, 2006: She argues she did not agree to the stipulation, it was not a valid and enforceable contract, and it should be set aside based on mistakes of law and fact.

However, that judgment is final and appellant cannot now attack it. In August 2009 we affirmed the judgment and the numerous orders related to it that Sidiakina attempted to challenge. (*In re Marriage of Sidiakina & Navid, supra*, A119808, A120069.)

Moreover, Sidiakina did not raise any substantive arguments in the trial court attacking Navid's motion to enforce the judgment. A party who does not raise issues in the trial court waives the right to do so on appeal. (*In re Marriage of Eben-King & King* (2000) 80 Cal.App.4th 92, 117.)

Sidiakina also contends somewhat confusingly that the judgment that was enforced was never entered or reentered and therefore is unenforceable, and she never received notice of entry of judgment. She further claims that the judgment was set aside, and therefore the court granted her own motion to set aside that judgment "on procedural grounds."

What happened is this: In the findings and order after hearing filed November 13, 2007, the trial court (1) denied Sidiakina's motion to set aside the oral stipulation and order of November 1, 2006, and to set aside the order modifying temporary spousal support; and (2) denied her motion to set aside the judgment entered February 2, 2007, "subject to the ruling on Respondent's motion to enter judgment under Code of Civil Procedure section 664.6 based on the stipulation of November 1, 2006. The judgment entered February 2, 2007 based on the stipulation of November 1, 2006 shall be momentarily set aside for the sole purpose of being re-entered under Code of Civil Procedure section 664.6. The effect of this ruling is that the judgment based on the

stipulation of November 1, 2006, originally entered February 2, 2007 and re-entered pursuant to this order, shall be deemed to be entered under Code of Civil Procedure section 664.6.”

It is clear from the above order that judgment under Code of Civil Procedure section 664.6 was entered and her motion to set aside was denied. As well, Sidiakina received notice of the November 13, 2007 findings and order after hearing with the above recitation. The language of that order is self-executing and no further filing was necessary. And to reiterate: Sidiakina cannot now attack the November 13, 2007 order, which has long since been affirmed on appeal.

Sidiakina also attacks the underlying oral stipulation of November 1, 2006, arguing that it is unenforceable as an invalid contract under Family Code section 852 and Civil Code section 1624, and was based on perjury and mistakes of fact. In a word, her efforts to attack the judgment and the stipulation on which it is based, as well as the motion to enforce that judgment, are barred by her prior unsuccessful appeal of the same judgment and her failure to oppose the motion to enforce in the trial court.

Nor are we swayed by Sidiakina’s argument that Family Code section 217, effective January 1, 2011, and concerning the court’s duty to receive live, competent and relevant testimony in family law proceedings, somehow interjects error into the proceedings below. We affirmed the underlying judgment in 2009, well before Family Code section 271 was a glimmer in the Legislature’s eyes.

C. The Order Enforcing the Judgment Was Not Unconscionable

On the substantive front, Sidiakina attacks the order enforcing the judgment as unconscionable. She again appears to be challenging the 2006 stipulation, arguing that the consideration to her in that stipulation failed, and thus the agreement became unfair and unconscionable to her. And again, she did not submit any cognizable opposition in the trial court to the motion to enforce the judgment, and therefore is barred from presenting arguments here. (*In re Marriage of Eben-King & King, supra*, 80 Cal.App.4th at p. 117.)

D. The Trial Court Properly Awarded Attorney Fees on Appeal as a Sanction but the Amount of Fees Improperly Exceeded the Request for Relief

Sidiakina asserts that the court erred in ordering her to pay attorney fees as sanctions under Family Code section 271.

Family Code section 271 provides that the court may base an award of attorney fees and costs “on the extent to which the conduct of each party or attorney furthers or frustrates the policy of the law to promote settlement of litigation and, where possible, to reduce the cost of litigation by encouraging cooperation between the parties and attorneys. An award of attorney’s fees and costs pursuant to this section is in the nature of a sanction. In making an award . . . , the court shall take into consideration all evidence concerning the parties’ incomes, assets, and liabilities. The court shall not impose a sanction . . . that imposes an unreasonable financial burden on the party against whom the sanction is imposed.” (*Id.*, subd (a).)

Along with his motion to enforce the judgment, Navid sought attorney fees on appeal in the amount of \$37,100, or approximately half of the fees he incurred since the first appeal was filed. He requested that the fees be awarded as a sanction, indicating that funds to pay the award would be available based on unimplemented provisions of the judgment, including a \$15,000 final spousal support payment and a \$15,000 property settlement payment due upon Sidiakina’s vacation from his house.

The court awarded the full amount of the attorney fees incurred, \$74,200.78. In the context of ruling on the vexatious litigant order, the court remarked on the numerous proceedings at the appellate level, all “decidedly lacking in merit,” which caused Navid to expend “incredible amounts of attorney fees.”

Sidiakina complains that the court did not take into consideration the facts concerning her disability, indigency, inability to earn a living and the like. However, it was her responsibility to bring these and other factors to the court’s attention; she completely failed to carry her burden and has thus waived her right to complain on appeal.

Sidiakina also protests that the court erred in ordering her to pay \$74,200.78 in attorney fees instead of the \$37,100 requested in Navid’s motion. She analogizes the award to a default judgment that exceeds the relief requested in a complaint. “A default judgment may not award more relief than a complaint requests without violating due process. That principle applies to marital dissolutions.” (*Biscaro v. Stern* (2010) 181 Cal.App.4th 702, 711.) In the case at hand, Family Code section 271, subdivision (b) permits imposition of an award of attorney fees as sanctions “*only after* notice to the party against whom the sanction is proposed to be imposed and opportunity for that party to be heard.” (Italics added.)

The hearing in this case was akin to a default because Sidiakina did not file any substantive opposition and did not appear at the hearing, although she did review the tentative ruling and, one day before the hearing, generically objected to each ruling. One day is certainly insufficient notice for purposes of due process. (See *Matera v. McLeod* (2006) 145 Cal.App.4th 44, 62.) Since an attorney fee award double the amount requested would come as a complete surprise, we believe that in this case the generic objection preserved the issue of notice and due process for appeal. The trial court denied Sidiakina due process in gratuitously awarding twice the fee requested. We therefore reduce the award to the amount requested.

E. Judge Rosenfield Properly Accepted the November 2006 Oral Stipulation

Sidiakina further complains that the underlying oral stipulation was invalid because the judge accepting the stipulation recused himself for personal prejudice against her, and therefore the waiver of his disqualification was invalid under Code of Civil Procedure section 170.3, subdivision (b). She glaringly misstates the record.

On October 31, 2006, Judge Arnold D. Rosenfield stated from the bench: “[I]f the Court can settle it, the Court would say for the record that . . . the Court does not believe that it is prejudice[d], but there is an appearance of such, and the Court is willing to step down on that basis.” And further the court stated on the record that Sidiakina’s attorney filed a request that the court disqualify itself. “The Court is granting that request today . . . , with an indication that it does not believe it is prejudiced against Ms.

Sidiakina. However, the Court believes that there is an appearance of bias, based on statements made during the settlement conference, which the Court indicates were made in the course of discussions that may have given [the] appearance of . . . bias, and so will recuse itself from hearing this matter.”

Thereafter the parties signed a waiver of disqualification for the purpose of “receiving a stipulated orally recited settlement on the record in open court and signing the subsequently prepared Judgment” The waiver was valid and Judge Rosenfield properly accepted the oral stipulation.

F. *The Trial Court Made Only One Error in Its Orders Enforcing the Judgment*

Sidiakina identifies four orders in the findings and order after the hearing on Navid’s motion to enforce that she claims differ from the terms of the underlying judgment. From this she argues that the court erred in granting Navid’s motion to enforce, and thus the August 16, 2010 FOAH should be reversed in full.

The first order relates to negotiations with and payments to creditors. The stipulated judgment states that on or before December 15, 2006, Navid “shall pay \$141,500 to attorney Doug Provencher’s trust account as and for payment in full of . . . 100% . . . of the credit card debt incurred during the marriage, which debt currently exists in the Bankruptcy Court.” The FOAH provides “that Attorney Douglas Provencher be retained for the purpose of negotiating with the parties’ creditors. When agreement with each creditor is reached, Attorney Carla Boyd Terre is authorized to distribute funds currently held by her in trust to the respective creditors in the agreed upon amount.”

The second order concerns who pays the cost of preparing any QDRO. The stipulated judgment provides that Navid shall pay the cost of preparing any QDRO, but the FOAH states that the parties shall equally share such cost. Navid has consented to pay the full cost of preparing a QDRO, and the order after hearing must be corrected accordingly.

As it turns out, Provencher, who represented Sidiakina in her bankruptcy case, was unwilling to accept the funds from Navid into his trust account. Therefore, Navid paid the \$141,500 into the trust account of his co-counsel, Carla Boyd, in January 2007, and

asked the court for guidance on how to disburse the funds. He suggested that someone, possibly Provencher, be designated to negotiate with the creditors and as agreements were reached, payoffs be distributed from Boyd's trust account. The FOAH merely set forth a practical approach to accomplishing the objective of paying off the creditors, and as such was well within the trial court's discretion under Family Code section 290. This statute states that a family law judgment "may be enforced by the court by execution, the appointment of a receiver, or contempt, or by any other order as the court in its discretion determines from time to time to be necessary."

The third contested order concerns vacation of the Santa Rosa residence. The stipulated judgment provided that Sidiakina could remain at the Adobe Drive residence in Santa Rosa until July 1, 2007, and if she left before that time, she would give 30-day notice of the intent to vacate and Navid would pay her the equivalent of \$1,000 per month through and including June 2007. Sidiakina did not vacate the residence by July 1, 2007. Taking that into account, the FOAH directed Sidiakina to vacate the Santa Rosa residence "forthwith" and indicated that the reasonable rental value of the residence was \$1,000 per month effective July 1, 2007, until she vacated. This order was reasonable and within the court's discretion. (Fam. Code, § 290.)

The last order relates to credits toward payment of the attorney fee sanction award. According to the stipulated judgment, Navid was to make a payment of \$15,000 "as and for the property division . . . on or before April 15, 2007." This amount was to be paid to Attorney Kathleen Smith to hold in her trust account and not to be paid to Sidiakina until Sidiakina vacated the premises. Another \$15,000 as and for permanent spousal support was to be paid directly to Sidiakina on or before April 15, 2007. Kathleen Smith's representation of Sidiakina terminated by the end of 2006, and in February 2007 Sidiakina moved to set aside the stipulated judgment. Under these circumstances, Navid tendered the two \$15,000 payments to the court.

In the FOAH, the court authorized the clerk of the court to return the \$30,000 tendered by Navid to serve as a credit toward the award of attorney fees. Again, this was

a practical approach to partially satisfying the attorney fee award. The court did not abuse its discretion in crediting these amounts to the attorney fee award.

G. The Court Did Not Abuse Its Discretion in Declaring Sidiakina a Vexatious Litigant

Finally, Sidiakina urges that the trial court abused its discretion in declaring her a vexatious litigant.

Among other definitions, a “vexatious litigant” is a person who “[i]n the immediately preceding seven-year period has commenced, prosecuted, or maintained in propria persona at least five litigations other than in a small claims court that have been (i) finally determined adversely to the person” (Code Civ. Proc., § 391, subd. (b)(1).) At any time prior to the entry of final judgment, a defendant may move the court for an order requiring a plaintiff to furnish security on the ground that the plaintiff is a vexatious litigant and there is no reasonable probability that he or she will prevail in the current litigation. (*Id.*, § 391.1.) Upon making the requisite findings, the court must order the plaintiff to give security for the benefit of the moving defendant. (*Id.*, §§ 391.2, 391.3.) Upon failure to post security as ordered, the litigation is dismissed. (*Id.*, § 391.4.) For purposes of this statute, “ ‘litigation’ includes any petition, application, or motion other than a discovery motion, in a proceeding under the Family Code” (*Id.*, § 391.7, subd. (d).) Litigation also includes appellate proceedings. (*In re R.H.* (2009) 170 Cal.App.4th 678, 691-692.)

The trial court exercises its discretion in deciding whether a person is a vexatious litigant, and we uphold the court’s decision if supported by substantial evidence. (*Golin v. Allenby* (2010) 190 Cal.App.4th 616, 636.) Because the trial court is in the best position to receive evidence and conduct a hearing on the question of a party’s vexatiousness, we presume its order is correct and imply findings necessary to support the judgment. (*Ibid.*) Similarly, the lower court’s decision that the plaintiff does not have a reasonable chance of prevailing involves an evaluative judgment in which the court weighs the evidence. We uphold that determination if supported by substantial evidence. (*Ibid.*)

Here, the documentation shows that within the preceding seven-year period, Sidiakina initiated considerably more than five litigations that were finally determined adversely against her. These include a motion to set aside the oral stipulation; a motion for new trial or to set aside the stipulated judgment; an order to show cause concerning support and other items; a statement of disqualification; a declaration of new grounds for disqualification; a motion to reconsider; and numerous petitions, appeals and other filings at the appellate level. Therefore, substantial evidence backs the trial court's conclusion that Sidiakina is a vexatious litigant. Further, given the history of failure to comply with the stipulated judgment, there was no reasonable probability that Sidiakina would prevail in the then-current litigation to enforce that judgment. Moreover, Sidiakina's objections to the tentative ruling on Navid's motion to enforce fail to substantively address any of the issues raised in that motion, further eroding any probability that she would prevail. Additionally, because she failed to present any opposition below she has waived any objections on appeal. (*In re Marriage of Eben-King & King, supra*, 80 Cal.App.4th at p. 117.)

III. DISPOSITION

We reverse the award of attorney fees for \$74,200.78, and direct the trial court reduce the award to \$37,100. We reverse the order directing the parties to share equally the cost of preparing any QDRO, and enter an order directing Navid to pay the cost of preparation. In all other respects, we affirm the August 16, 2010 FOAH. Parties to bear their own costs on appeal.

Reardon, J.

We concur:

Ruvolo, P.J.

Sepulveda, J.*

*Retired Associate Justice of the Court of Appeal, First Appellate District, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.