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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION TWO

MARY WANG, Plaintiff and Respondent, v. ARCHIBALD CUNNINGHAM, Defendant and Appellant.	A134757 (San Francisco County Super. Ct. No. FDI-03-753770)

Archibald Cunningham, represented by attorney Patrick Missud, appeals from an order after judgment issued January 30, 2012, by the San Francisco Family Law Court. By that order, the trial court refused to reverse the court's April 12, 2010 order awarding $32,193 in attorney fees and costs as sanctions to appellant's former spouse Mary Wang pursuant to Family Code section 271. The April 12, 2010 fee order was incorporated into an April 30, 2010 judgment that, among other things, declared appellant a vexatious litigant under Code of Civil Procedure section 391, subdivision (b) (1), (2), and (3). The Court of Appeal denied appellant's request for permission to appeal that judgment on the ground he failed to show a reasonable possibility that his appeal had merit. (Code Civ. Proc., § 391.7). Consequently, that sanctions order was final long ago. Appellant's attempt to bootstrap an appeal of the April 12, 2010 sanctions order by appealing the trial court's denial of his 2012 motion to have the trial court reverse that order necessarily fails. (See *Guillemin v. Stein* (2002) 104 Cal.App.4th 156, 161 [trial court's unnecessary "confirmation" of earlier prejudgment sanctions order in postjudgment order could not resurrect right to appeal sanctions order].)

The January 30, 2012 order also quashed subpoenas served on Maria Schopp, counsel for Wang, and Mark Byrne, former counsel for the court-appointed child custody evaluator. The court assessed discovery sanctions totaling $3,000 against appellant in favor of Schopp and Byrne, pursuant to Code of Civil Procedure section 1987.2. Appellant has not challenged this part of the court's order in his brief on appeal. Rather, he challenges only the imposition of sanctions in the April 12, 2010 order.

We hereby dismiss this appeal as an untimely challenge to the April 12, 2010 order (Cal. Rules of Court, rule 8.104).

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Kline, P.J.

We concur:

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Haerle, J.

_____
Lambden, J.