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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION FIVE

RUNE AASEN HANSEN,
Plaintiff and Respondent,
v.
JULIET ELIZABETH ANDERSON,
Defendant and Appellant.

A141626, A142196
(Marin County
Super. Ct. No. FL1203680)

In these consolidated appeals, Juliet Elizabeth Anderson seeks review of a judgment dissolving her marriage to respondent Rune Aasen Hansen.¹ That judgment was entered after the parties participated in a judicially supervised settlement conference and agreed to a settlement. The trial court’s judgment reserved one issue for later decision, and the court resolved that issue in a subsequent order. Before the trial court issued that order, however, Anderson filed a notice of appeal from the judgment. Although she had already filed an appeal, Anderson nevertheless sought reconsideration of the subsequent order in the trial court. After her request for reconsideration was denied, Anderson filed a second notice of appeal. Anderson now contends the subsequent order is void for lack of jurisdiction. She challenges other postappeal orders on the same ground.

¹ During the proceedings below, the trial court granted appellant’s application for restoration of her former name. We will therefore refer to appellant as “Anderson” and respondent as “Hansen.”

We agree with Anderson that her first notice of appeal divested the trial court of jurisdiction over all issues finally resolved in the judgment dissolving the marriage. While the appeal had no effect on the trial court's jurisdiction to decide the reserved issue, it did deprive the trial court of jurisdiction to rule on the other postappeal matters. We conclude we still have jurisdiction over Anderson's challenge to the trial court's decision on the reserved issue in the subsequent order, because her second notice of appeal sought review of that order in a timely manner.

As we explain, we find no merit in Anderson's challenges to the dissolution judgment and accordingly will affirm it. With one exception, the trial court's orders entered after the filing of Anderson's first notice of appeal are void, and we are constrained to reverse them. We will affirm the trial court's decision on the reserved issue.

FACTUAL AND PROCEDURAL BACKGROUND

Hansen and Anderson married in August 2010. They separated approximately two years later, when Hansen, acting in propria persona, filed a petition for dissolution of marriage.

The parties have one child, a daughter who was born shortly after Hansen filed the petition for dissolution. The child was conceived through a program of artificial insemination. As part of that program, Hansen's sperm was used with eggs provided by an anonymous donor. The program appears to have resulted in the creation of a number of embryos, and in 2011 the parties entered into a "cryopreservation agreement" regarding the preservation and storage of the embryos.²

On December 6, 2013, the dissolution action came before the trial court for a judicially supervised settlement conference. The conference lasted four hours. At the

² The term "cryopreservation" refers to the storage of tissue at extremely low temperatures. (See *In re Estate of Kievernagel* (2008) 166 Cal.App.4th 1024, 1026 [discussing a "cryopreservation storage program under which sperm was collected and stored at temperatures as low as -196 degrees centigrade"].) The parties' cryopreservation agreement is not part of the record, but passages of it are quoted in one of the trial court's orders.

on-the-record hearing that followed, both parties were represented by counsel, and the court read the terms of the settlement into the record. Before doing so, the court invited counsel to “supplement and correct” its recitation of the settlement terms as it went along. After making its oral statement of the settlement, the trial court asked Hansen and Anderson if they agreed to its terms, and both said yes.

On February 10, 2014, Hansen filed a motion seeking destruction of the frozen embryos. The motion noticed a hearing for March 20, 2014. The grounds for the motion are unclear from the record. A memorandum of points and authorities appears to have been attached, but the memorandum is not included in appellant’s appendix.

Because the parties were unable to agree on the language of the dissolution judgment, the trial court “prepared the judgment incorporating prior orders as necessary to reach a single, integrated document” and did so “[a]fter consideration of the two proposed judgments, the court’s own notes, and the previous orders integrated into the agreement[.]” The court filed the dissolution judgment on February 14, 2014, and in an attachment to the judgment, it resolved a number of issues, including the division of assets, spousal and child support, custody, and various collateral matters. Among the collateral matters, the court ruled that the parties’ daughter’s last name should be “Anderson-Hansen.” The court reserved jurisdiction “regarding the legal characterization and disposition” of the frozen embryos, and noted the issue had already been set for hearing in March 2014. The superior court clerk served notice of entry of judgment on February 20, 2014.

After judgment was entered, Anderson made a number of filings with the court. On March 6, 2014, she filed a responsive declaration objecting to Hansen’s request to change their daughter’s name. This was followed on March 17 by her own motion requesting that the child’s name remain “Anderson.” Three days later, on March 20, Anderson filed a motion to vacate and amend certain provisions of the judgment. She filed an amended version of this motion on April 2, 2014.

On April 18, 2014, Anderson filed a notice of appeal in the superior court seeking review of the February 14, 2014 dissolution judgment. On April 24, when the parties

appeared for a hearing on their various pending motions, Anderson’s counsel argued the court had lost jurisdiction over the matter when Anderson filed her appeal. When the trial court attempted to clarify what portions of the judgment were involved in the appeal, Anderson’s counsel referred to the provision of the judgment reserving jurisdiction to decide the disposition of the embryos. Anderson’s counsel contended that under Code of Civil Procedure section 916, subdivision (a),³ her client’s filing of an appeal had divested the court of jurisdiction.⁴ When the trial court asked whether Anderson had perfected her appeal and thus satisfied the statute, Anderson’s counsel replied, “I’m saying she’s filed her notice of appeal. I’m not an appellate attorney.” The trial court then asked counsel whether she was representing that Anderson had “perfected her appeal,” and counsel answered, “No, your Honor.” The court responded, “So then it seems like 916 is not applicable. . . . [S]o let’s move forward.”

The trial court issued findings and orders after the hearing. Its order granted Hansen the right to direct the destruction of the frozen embryos. It denied Anderson’s request to change the child’s name, explaining that Anderson had agreed to the name “Anderson-Hansen” during the judicially supervised settlement conference. Addressing the remainder of Anderson’s requests to modify the judgment, the court noted, “they are by and large extremely minor in nature, most of them are moot, one of them asks for an order which are [*sic*] no longer in effect and others are just plain odd.”

Anderson responded to this ruling by filing a motion for reconsideration on April 28, 2014. (§ 1008, subd. (a).) In an attached declaration, Anderson’s counsel asked the court to “reconsider its jurisdiction to make the orders issued . . . April 24, 2014.” Counsel reiterated her argument that her client’s appeal had divested the court of

³ All further undesignated statutory references are to the Code of Civil Procedure.

⁴ Section 916 provides in relevant part: “Except as provided in Sections 917.1 to 917.9, inclusive, and in Section 116.810, the perfecting of an appeal stays proceedings in the trial court upon the judgment or order appealed from or upon the matters embraced therein or affected thereby, including enforcement of the judgment or order, but the trial court may proceed upon any other matter embraced in the action and not affected by the judgment or order.” (§ 916, subd. (a).)

jurisdiction over the case, although she conceded she had misinformed the court about whether her client had perfected the appeal by the time of the April 24 hearing. Although we glean from the record that Hansen filed an opposition to Anderson's motion, it is not included in Anderson's appendix.

The trial court issued a tentative ruling denying the motion for reconsideration, which Anderson contested. The court heard argument on the motion on June 5, 2014. At the hearing, the court informed counsel it had not been aware of Anderson's appeal when it issued its April 24 orders.⁵ Anderson's counsel agreed the information about her client's appeal should have been presented at the April 24 hearing. When the court asked counsel what part of the judgment Anderson was appealing, counsel responded, "The judgment that said that the Court reserves jurisdiction to rule on the matter of disposition of the embryos." After further discussion with counsel, the trial court ruled there were no new or different facts or law present justifying a grant of reconsideration. In a written order after the hearing, the court denied Anderson's motion.

On June 17, 2014, Anderson filed what she termed an amended notice of appeal seeking review of the trial court's orders dated April 24 and June 5, 2014.

DISCUSSION

Anderson raises a number of challenges to the dissolution judgment and the trial court's other rulings. But before we may proceed to the merits, we must address the jurisdictional issue Anderson raises. That issue affects which of the parties' requests for relief the trial court was empowered to decide and which issues are properly before us on appeal. We conclude we have jurisdiction to decide the issues Anderson raises on appeal, but we must first clarify the route by which we reach them.

⁵ The court explained it had looked at some of the documents Anderson filed in her appeal, and it noted, "[T]hey were filed the day of my ruling. Since my ruling was, I believe, in the morning, they might have been filed afterwards." It appears the trial court was referring to Anderson's notice designating the record on appeal, which Anderson filed on April 24.

I. *Anderson's April 18 Notice of Appeal Divested the Trial Court of Jurisdiction Over the Issues Finally Resolved by the Dissolution Judgment*

Anderson contends her April 18, 2014 notice of appeal deprived the trial court of jurisdiction to enter its April 24 orders. She relies on section 916, subdivision (a), which provides that “the perfecting of an appeal stays proceedings in the trial court upon the judgment or order appealed from or upon the matters embraced therein or affected thereby[.]”⁶ We must therefore determine what issues were embraced in or affected by the appealed judgment. (*In re Marriage of Horowitz, supra*, 159 Cal.App.3d at p. 381.) “‘[W]hether a matter is “embraced” in or “affected” by a judgment [or order] within the meaning of [section 916] depends on whether postjudgment [or postorder] proceedings on the matter would have any effect on the “effectiveness” of the appeal.’” (*Varian Medical Systems, Inc. v. Delfino* (2005) 35 Cal.4th 180, 189 (*Varian Medical Systems*), quoting *In re Marriage of Horowitz, supra*, 159 Cal.App.3d at p. 381.)

Anderson brings a host of challenges to the trial court’s rulings, most of which concern issues the trial court fully resolved in its February 14 dissolution judgment. Thus, the issues of claimed inconsistencies between the settlement agreement and the

⁶ Counsel and the trial court appear to have been unclear about whether Anderson had “perfected” her appeal by the time of the April 24 hearing. An appeal is perfected when it is taken, and therefore the filing of Anderson’s notice of appeal sufficed to perfect her appeal. (See 9 Witkin, Cal. Procedure (5th ed. 2008) Appeal, § 17, p. 78 [“generally speaking, taking or ‘perfecting’ an appeal (by filing a notice of appeal . . .), deprives the trial court of jurisdiction of the cause”].)

The trial court’s confusion is understandable, however. Anderson was tardy in raising the jurisdictional issue, and at the April 24 hearing, her counsel incorrectly told the trial court Anderson had not yet perfected the appeal. In addition, after filing her notice of appeal, Anderson took actions arguably inconsistent with her position that the trial court lacked jurisdiction, such as filing a motion for reconsideration. (See *Betz v. Pankow* (1993) 16 Cal.App.4th 931, 937 [trial court lacks jurisdiction to entertain motion under § 1008 after notice of appeal is filed].) But the trial court’s unawareness of the appeal does not affect the issue of subject matter jurisdiction. (See *People v. Malveaux* (1996) 50 Cal.App.4th 1425, 1434-1435 [although trial court may have been unaware of appeal, appeal still divested trial court of jurisdiction].) As we explained over 30 years ago, “subject matter jurisdiction cannot be conferred by waiver or estoppel; jurisdictional challenges thus can be asserted for the first time on appeal, regardless of inconsistent conduct below.” (*In re Marriage of Horowitz* (1984) 159 Cal.App.3d 377, 381, fn. 4.)

judgment, the change of her daughter's name, child support, and Anderson's various objections to the wording of the dissolution judgment were all matters embraced by that judgment. As such, those matters were properly appealable as part of the judgment. (*In re Marriage of Van Sickle* (1977) 68 Cal.App.3d 728, 737 ["an appeal may be taken from an interlocutory judgment dissolving a marriage and from any part of the judgment which decides a severable, collateral matter with finality"].) Any trial court action on those issues after the filing of Anderson's appeal is clearly embraced in the appealed judgment, because such action might "render[] the appeal futile by changing the judgment into something different." (*In re Marriage of Horowitz, supra*, 159 Cal.App.3d at p. 381.)

The disposition of the embryos is a different matter. The trial court expressly *reserved* jurisdiction over that issue in the dissolution judgment. "[I]f the court elects to reserve jurisdiction to decide a severable, collateral matter, such as the division of the community property, at a time subsequent to the entry of the interlocutory judgment dissolving the marriage, no appeal may be taken from any interim or preliminary ruling or decision the court may make as to that collateral matter even though the ruling or decision is embodied in the interlocutory judgment of dissolution of marriage." (*In re Marriage of Van Sickle, supra*, 68 Cal.App.3d at p. 737.) Insofar as it concerns disposition of the embryos, Anderson's appeal seeks review of an order that "was not sufficiently final and was merely preliminary to the actual resolution of the dispute." (*In re Marriage of Ellis* (2002) 101 Cal.App.4th 400, 403.) The appeal thus had no effect on the trial court's jurisdiction to rule on disposition of the embryos in its April 24 order. (See *In re Marriage of Fink* (1976) 54 Cal.App.3d 357, 362 [where portions of judgment are severable, appeal from one portion brings up only that portion].)

The court's order on disposition of the embryos is properly before us, however, because Anderson filed an "amended notice of appeal" on June 17, 2014. That notice identified the April 24 order as one of the orders from which the appeal was taken, and it was also timely with respect to that order. (Cal. Rules of Court, rules 8.100(a)(2) [notice of appeal sufficient if it identifies particular judgment or order being appealed]; 8.104(a)(1)(A), (B) [appeal timely if notice filed within 60 days of service of notice of

entry of judgment].)⁷ Anderson therefore preserved her appeal rights with respect to the April 24 order's decision on disposition of the embryos, and we could review that issue on the merits. But while the April 24 order's findings and grant of Hansen's motion for destruction of the embryos is properly before us, Anderson makes no argument challenging it beyond her claim that the trial court lacked jurisdiction. Having rejected that argument and having found the trial court had jurisdiction, we will affirm that portion of the order.

Although Anderson's April 18 notice of appeal did not divest the trial court of jurisdiction to decide the disposition of the embryos, it *did* deprive the court of jurisdiction to act on the other requests for relief that were either pending when Anderson filed her appeal or were filed afterwards. Thus, the trial court lacked jurisdiction to rule on Anderson's motion regarding the parties' daughter's name, her motions to vacate and amend the judgment, and her motion for reconsideration. (See *Betz v. Pankow*, *supra*, 16 Cal.App.4th at pp. 937, 938 [motion for reconsideration may only be filed while case is still pending in trial court; trial court does not retain jurisdiction to vacate amended judgment during pendency of appeal].) The trial court's orders on those matters are therefore void for want of subject matter jurisdiction. (*Varian Medical Systems*, *supra*, 35 Cal.4th at pp. 196, 198.)

Having clarified our jurisdiction to decide the issues before us, we now address whether the record on appeal is adequate to permit informed appellate review.

II. *The Adequacy of the Record*

There are a number of deficiencies in the record before us. Anderson elected to provide the record by filing an appendix under California Rules of Court, rule 8.124.⁸ That rule specifies that an appendix must contain all items required by rule 8.122(b)(1), as well as “[a]ny item listed in rule 8.122(b)(3) that is necessary for proper consideration

⁷ Appellant's appendix does not contain a copy of any notice of entry of the April 24 order. The appeal is necessarily timely, however, since it was filed less than 60 days after April 24.

⁸ All further rules citations are to the California Rules of Court.

of the issues, including, for an appellant's appendix, any item that the appellant should reasonably assume the respondent will rely on[.]” (Rule 8.124(a)(b)(1)(A), (B).) The contents of the appendix must be arranged chronologically. (Rules 8.124(d)(1), 8.144(a)(1)(C).) Anderson has not followed these rules. The documents in the appendix are presented in random order, making it difficult for us to follow the course of the litigation. More significant is Anderson's failure to include documents such as Hansen's responses to motions she filed. (See, e.g., *Hernandez v. California Hospital Medical Center* (2000) 78 Cal.App.4th 498, 502 [failure to include motion and opposition in record on appeal fatal to appellant's claim that trial court erred in granting motion].)

In light of these deficiencies, we would be justified in either awarding sanctions against Anderson (*Committee to Save the Beverly Highlands Homes Assn. v. Beverly Highlands Homes Assn.* (2001) 92 Cal.App.4th 1247, 1273, fn. 10), striking the appendix (*Nguyen v. Proton Technology Corp.* (1999) 69 Cal.App.4th 140, 145, fn. 7), or even dismissing the appeal (*In re Marriage of Green* (1984) 159 Cal.App.3d 1163, 1164.) In the interest of resolving this litigation, however, we will exercise our discretion to overlook Anderson's noncompliance with our rules. Her failure to provide us with an adequate record is nevertheless not without consequence. We must presume the judgment is correct and that the record contains evidence supporting the trial court's findings. (*In re Marriage of Arceneaux* (1990) 51 Cal.3d 1130, 1133; *In re Marriage of Fink* (1979) 25 Cal.3d 877, 887.) Thus, “ ‘appellant defaults, if [she] predicates error only on the part of the record [s]he provides the trial court, but . . . does not present to the appellate court portions of the proceedings below which may provide grounds upon which the decision of the trial court could be affirmed.’ [Citation.]” (*Osgood v. Landon* (2005) 127 Cal.App.4th 425, 435.) As we explain, these established principles of appellate review prevent us from reaching a number of Anderson's contentions.

III. *Anderson Has Forfeited Her Claim that the Dissolution Judgment Differs From the Settlement Agreement*

Anderson raises a number of challenges to the language of the dissolution judgment, all of which are based on the premise that the judgment is inconsistent with the

parties' settlement agreement. Relying on cases decided under section 664.6,⁹ Anderson's fundamental contention is that the judgment contains terms that were not read into the record after the judicially supervised settlement conference on December 6, 2013. Anderson argues the only terms that may be included in the judgment are those the court actually stated on the record on that day. She further claims she did not in fact agree to a number of terms included in the written dissolution judgment.

In its attachment to the dissolution judgment, the trial court explained that the issues resolved by the judgment "had been discussed, in whole or in part, at the settlement conference, but had either not been mentioned by the court when the agreement was read into the record, or reserved for later determination." The trial court stated it had drafted its judgment after consideration of the parties' two proposed judgments, the court's own notes, and previous orders entered in the case. Anderson's appendix contains what appear to be portions of the documents submitted with the parties' proposed judgments.¹⁰ It also contains certain pendente lite orders entered in the course of the litigation, but we have no way of knowing whether these are the "previous orders" to which the trial court referred. We must presume the record contains sufficient evidence to support the trial court's findings. (*In re Marriage of Fink, supra*, 25 Cal.3d at p. 887.) Where, as here, the appellant "has not produced the full record the court

⁹ That section provides: "If parties to pending litigation stipulate, in a writing signed by the parties outside the presence of the court or orally before the court, for settlement of the case, or part thereof, the court, upon motion, may enter judgment pursuant to the terms of the settlement. If requested by the parties, the court may retain jurisdiction over the parties to enforce the settlement until performance in full of the terms of the settlement." (§ 664.6.)

¹⁰ We say portions because at least one of the documents authored by Anderson refers to a 24-page attachment described as "the order . . . as recorded by Court Reporter, Deborah Bartunek on December 6, 2013." While the record contains a reporter's transcript by Deborah Bartunek dated December 6, 2013, the transcript is only 13 pages long. In addition, it is unclear whether the record contains all of Hansen's filings in connection with his proposed judgment. The only documents in the appendix are those filed by Anderson, although they do attach material drafted by Hansen's counsel. And while Anderson has provided her communications with the court and with Hansen's counsel, none of their communications with her are part of the record.

reviewed . . . [w]e cannot presume error from an incomplete record.” (*Christie v. Kimball* (2012) 202 Cal.App.4th 1407, 1412.) To the contrary, established principles of appellate review require us to presume the omitted portions of the record “would demonstrate *the absence of error*.” (*In re Estate of Fain* (1999) 75 Cal.App.4th 973, 992, italics added.) We must therefore presume the omitted documents would support the trial court’s finding that the parties agreed to the terms embodied in the dissolution judgment.¹¹

IV. *Anderson Fails to Show the Claimed Errors Were Prejudicial*

Even if Anderson’s arguments were not forfeited because of the inadequacy of the record, they would fail for another reason. Anderson has not shown how the claimed errors prejudiced her. For example, as explained above, Anderson objects to the portion of the dissolution judgment ruling that her daughter’s last name shall be Anderson-Hansen. She fails to explain, however, how she or her daughter is prejudiced by the change of name. Before we may reverse a judgment, the California Constitution requires that “there . . . be some reasonably specific articulated showing of a miscarriage of justice, at least on the appellate level if not earlier[.]” (*In re Marriage of Steiner and Hosseini* (2004) 117 Cal.App.4th 519, 525, fn. 3; see Cal. Const., art. VI, § 13 [“No judgment shall be set aside . . . for any error as to any matter of procedure, unless, after an examination of the entire cause, including the evidence, the court shall be of the opinion that the error complained of has resulted in a miscarriage of justice.”].) Anderson makes no such showing.

¹¹ We find further support for our conclusion in the trial court’s April 24 order. There, the trial court specifically confronted Anderson’s claim that the issue of name change was not part of the settlement agreement. The court wrote: “During a judicially supervised settlement conference the issue of the name change was again discussed and [Anderson’s] attorney *expressly stated* that [Anderson] was agreeable to the birth certificate reflecting [daughter’s] last name as Anderson-Hansen. [Anderson] was present.” The trial judge could properly rely on her own recollection in deciding what the parties had agreed to in the settlement conference. (*Kohn v. Jaymar-Ruby, Inc.* (1994) 23 Cal.App.4th 1530, 1533.) Thus, at least with respect to this issue, the record suggests Anderson did, in fact, agree to the terms of the judgment she now seeks to challenge.

Equally puzzling are Anderson's quibbles with the dissolution judgment's terms regarding disposition of the embryos. She takes issue with the wording of the paragraph of the judgment stating, "[Hansen] shall have no parental or financial obligations of any kind relating to these embryos if they are used in any manner in the future." Anderson asks us to modify the judgment by replacing the word "obligations" with the word "responsibility." Here again, she fails to explain how the trial court's language is in any way prejudicial to her or how her suggested change would result in a more favorable judgment. Even if the wording is somehow erroneous, such minor semantic errors are not reversible. (E.g., *Kraus v. Willow Park Public Golf Course* (1977) 73 Cal.App.3d 354, 374 [trial court's mislabeling of trust as "resulting" rather than "constructive" not reversible error]; see 9 Witkin, Cal. Procedure, *supra*, § 426, pp. 482-483 [mere inadvertent misuse of terms is not reversible error].)

Similarly, although Anderson challenges the trial court's decision to require Hansen to maintain medical coverage for the parties' daughter and the child support provisions of the dissolution judgment, her only argument is that the court's recitation of the terms of settlement at the December 6, 2013 hearing does not reflect any agreement on these issues.¹² We have already concluded Anderson's failure to provide an adequate record has forfeited any challenge to the trial court's determination as to the content of the parties' settlement agreement. In addition, Anderson does not explain how either she or her daughter could possibly be prejudiced by a judgment compelling *Hansen* to pay for the child's medical insurance. If the trial court erred in incorporating this term into the

¹² Hansen contends Anderson's attack on the child support and custody provisions of the dissolution judgment are now moot. His respondent's appendix contains postappeal filings and orders from both the Marin County Superior Court and the Santa Clara County Superior Court. These materials are not properly part of the record on appeal, because they postdate the judgment and orders under review. We could take judicial notice of these documents. (See *Rubenstein v. Rubenstein* (2000) 81 Cal.App.4th 1131, 1151, fn. 10 [in action between divorced spouses, court took judicial notice of documents filed in federal litigation between same parties]; see Evid. Code, §§ 452, subd. (d)(1), 459, subd. (a).) But Hansen has not filed a motion for judicial notice (see rule 8.252(a)(1)), and since we conclude Anderson's contentions are meritless, we need not delve into the issue of mootness.

judgment, any error would seem to favor Anderson, and Hansen, the only party who might possibly be aggrieved, has not appealed. (See *In re Marriage of Moore* (1980) 28 Cal.3d 366, 374 [any error in determining parties' interest in residence favored appellant; reversal of that portion of dissolution judgment unwarranted].)

Anderson's remaining contentions are largely disagreements about the wording of the dissolution judgment. She essentially asks us to rewrite that document using words she thinks appropriate. Anderson misapprehends this court's function. We are a court of review, and the Code of Civil Procedure grants us only the power to "review the verdict or decision" of the trial court. (§ 906.) It also mandates that we "disregard any error, improper ruling, . . . or defect, in . . . proceedings which, in the opinion of [the reviewing] court, does not affect the substantial rights of the parties." (§ 475.) Moreover, there is "no presumption that error is prejudicial, or that injury was done if error is shown." (§ 475.) Absent some showing by Anderson that she was harmed by the language she would have us change, we may not disturb the trial court's judgment.

V. *Remedy*

As explained in part I, *ante*, with one exception, the orders the trial court entered after Anderson filed her notice of appeal are void for want of subject matter jurisdiction. (See *Varian Medical Systems, supra*, 35 Cal.4th at p. 197.) Thus, the portions of the April 24 order that concern issues other than disposition of the embryos are void. (*Id.* at pp. 196-197 [under § 916, notice of appeal divests trial court of jurisdiction over any matter embraced in or affected by appeal].) The appeal divested the trial court of jurisdiction over the matters described in section II of that order, entitled "Regarding Wife's Request for Order that the Judgment Be Amended." The same is true of the trial court's June 5, 2014 order denying Anderson's motion for reconsideration. Because we find the trial court's rulings on those matters void, our " 'jurisdiction is limited to reversing the trial court's void acts.' [Citation.]"¹³ (*Id.* at p. 200.)

¹³ Our reversal would seem to have little practical consequence, however, since Anderson's motions to amend portions of the judgment and for reconsideration raised the

The April 24 order is not void insofar as it resolves disposition of the embryos. The trial court reserved jurisdiction over that issue in the dissolution judgment, and it was therefore not embraced in Anderson's April 18 appeal. (See *In re Marriage of Horowitz*, *supra*, 159 Cal.App.3d at pp. 384-385 [matter of spousal support not embraced in interlocutory judgment of dissolution since trial court reserved jurisdiction over that issue].) We will therefore affirm section I of the April 24 order, which is entitled "Regarding Petitioner/Husband's Request for Order for Destruction of Cryo-preserved Embryos."

Finally, since we have rejected Anderson's challenges to the February 14, 2014 dissolution judgment, we will affirm it.

DISPOSITION

The February 14, 2014 dissolution judgment is affirmed.

The portion of the trial court's April 24, 2014 order regarding disposition of the cryopreserved embryos, which appears at pages one through six of the "Attachment to Findings and Order After Hearing," is affirmed. The portion of the April 24, 2014 order regarding the remaining issues, which appears at pages six through eight of the "Attachment to Findings and Order After Hearing," is reversed.

The order of June 5, 2014, denying appellant Anderson's motion for reconsideration is reversed.

Respondent Hansen shall recover his costs on appeal. (Rule 8.278(a)(3).)

same arguments she has made in this court. In this opinion, we have decided those issues adversely to Anderson.

Jones, P.J.

We concur:

Simons, J.

Bruiniers, J.

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