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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION ONE

JEFFREY CHU,

Plaintiff, Cross-defendant and
Respondent,

v.

ARVIND SHANKAR,

Defendant, Cross-complainant and
Appellant.

B251363

(Los Angeles County
Super. Ct. No. BC377123)

APPEAL from an order of the Superior Court of Los Angeles County. Michael Stern, Judge. Appeal dismissed.

Arvind Shankar, in pro. per., for Defendant, Cross-complainant, and Appellant.

Moon & Yang and Kane Moon for Plaintiff, Cross-defendant, and Respondent.

Defendant and cross-complainant Dr. Arvind Shankar appeals in propria persona from an order denying his motion “for an order directing the post-judgment unit to enforce the amended judgment against additional judgment debtor Dr. Chu.” (Block capitals omitted.) We dismiss the appeal because the challenged order is not appealable.

This litigation arises from the operation of Chu Sarang Medical, Inc. (CSM), which was allegedly a “California professional medical corporation.” Dr. Jeffrey Chu and CSM filed suit against Shankar and other defendants, alleging claims for fraud, breach of fiduciary duty, breach of contract, accounting, recovery of personal property, “damages for unauthorized use of name,” and indemnity. Shankar cross-complained against Chu and CSM, alleging claims for breach of contract, breach of fiduciary duty, wrongful termination of employment, and indemnity. The record on appeal contains the third amended complaint but contains no version of the cross-complaint. (The parties state in their briefs that the cross-complaint is contained in the record on a separate appeal that is also pending.)

Shankar and CSM settled their claims against each other. On that basis, the trial court entered judgment in favor of Shankar and against CSM in the amount of \$1.5 million.

Shankar then moved for an order adding Chu as an additional judgment debtor on the judgment against CSM. On March 27, 2013, the trial court entered a minute order granting that motion. The court directed Shankar to prepare a proposed amended judgment and set a deadline for filing objections to the proposed amended judgment. The record on appeal does not indicate whether the court ever entered an amended judgment.

On July 9, 2013, Shankar moved “for an order directing the post-judgment unit to enforce the amended judgment against additional judgment debtor Dr. Chu.” (Block capitals omitted.) On September 11, 2013, the trial court entered a minute order denying that motion. Shankar timely filed the present appeal from that order.

Shankar contends that the challenged order is an appealable postjudgment order under subdivision (a)(2) of Code of Civil Procedure section 904.1 (section 904.1). That is not correct.

“Generally speaking, only final judgments are appealable under [section 904.1].” (*Mercury Interactive Corp. v. Klein* (2007) 158 Cal.App.4th 60, 75.) ““A judgment is final “when it terminates the litigation between the parties on the merits of the case and leaves nothing to be done but to enforce by execution what has been determined.”” [Citations.]” (*Sullivan v. Delta Air Lines, Inc.* (1997) 15 Cal.4th 288, 304.) In addition, “when the case involves multiple parties and a judgment is entered which leaves no issue to be determined as to one party,” the judgment is appealable as to that party. (*Justus v. Atchison* (1977) 19 Cal.3d 564, 568.)

The record on appeal contains no judgment as to Chu. Assuming for the sake of argument that the trial court did enter an amended judgment in accord with its minute order of March 27, 2013, adding Chu to the judgment against CSM, that amended judgment would not be a final judgment as to either Chu or Shankar, because it resolved none of the pending claims and cross-claims between Chu and Shankar. In his opening brief, Shankar concedes that his cross-claims “against Dr. Chu as an individual remain pending.”

Because there is no final judgment in this action resolving all issues as to all parties, and because there is no final judgment as to Chu or Shankar either, the challenged order is not appealable as a postjudgment order. Shankar states no other basis for appealability, and we are aware of none. The appeal must accordingly be dismissed.

DISPOSITION

The appeal is dismissed. Respondent shall recover his costs of appeal.

NOT TO BE PUBLISHED.

ROTHSCHILD, P. J.

We concur:

CHANEY, J.

JOHNSON, J.