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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

THIRD APPELLATE DISTRICT

(Shasta)

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In re the Marriage of DAVID and CARRIE  
LASKIEWICZ.

DAVID LASKIEWICZ,

Appellant,

v.

CARRIE NOAH-SHORT,

Respondent;

SHASTA COUNTY DEPARTMENT OF CHILD  
SUPPORT SERVICES,

Intervener and Respondent.

C070150

(Super. Ct. No.  
89CVFL0096924)

David Lee Laskiewicz appeals from various trial court orders in this family law proceeding. He contends the trial court (1) erred in backdating a status-only judgment of

divorce to a date 20 years earlier; (2) abused its discretion in failing to require opposing counsel to document the distribution of trust funds; and (3) abused its discretion in disregarding a prior order issued by another judge because that was the law of the case.

We begin with a clarification regarding the scope of this appeal. David's<sup>1</sup> notice of appeal indicates he is appealing from a trial court order dated November 17, 2011, in which the trial court denied David's motion for reconsideration of the divorce judgment, denied David's motion to set aside opposing counsel's declaration in support of entry of the divorce judgment, and scheduled trial to address property issues. Nonetheless, David's contentions on appeal address additional matters. As we explain in parts I and III, David's challenges to the prior nunc pro tunc judgment are untimely and are not properly before this court. However, to the extent his second contention challenges the trial court's order dated December 9, 2011 -- in which the trial court terminated jurisdiction over spousal support and ruled that the property in the possession of each party was their separate property -- that contention is timely and we will interpret the notice of appeal broadly to include an appeal from the December 9, 2011 order. (Cal. Rules of Court, rule 8.100.) Any party aggrieved by our broad interpretation of the notice of appeal may petition for rehearing. (Gov. Code, § 68081.)

Regarding the merits of his appeal, David has elected to proceed on a clerk's transcript (Cal. Rules of Court, rule 8.121), and the appellate record does not include a reporter's transcript. This is referred to as a "judgment roll" appeal. (*Allen v. Toten* (1985) 172 Cal.App.3d 1079, 1082-1083; *Krueger v. Bank of America* (1983) 145 Cal.App.3d 204, 207.) On the face of the limited record, David does not establish trial court error. Accordingly, we will affirm the trial court's orders.

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<sup>1</sup> We will refer to the parties by their first names for clarity.

## BACKGROUND

In 2011, Carrie Noah-Short filed a motion for entry of a status-only judgment of divorce nunc pro tunc. She asked that the judgment be effective in 1991, 20 years earlier. Carrie explained: “When we were last in court it was somewhere around 1991. My ex-husband was sent to Federal prison, was not mentally stable, I had the children and I was under the belief that a dissolution had been granted. The children are grown, property has been disposed of and I have moved on with my life. In July, 1992, I remarried believing that I was divorced and have recently found out that this is not the case. This is not only embarrassing but it also causes legal problems for me.”

After a continuance to effectuate service, the parties appeared on Carrie’s motion. David appeared by telephone without counsel, and Carrie appeared with her attorney Russell Swartz. The trial court entered judgment of divorce nunc pro tunc effective May 29, 1991. The trial court also indicated that it would set a further hearing to resolve property issues, but David objected and said he would not be present. The trial court found that “there is no community property subject to disposition by the Court.” A notice of entry of judgment was mailed to David.

David subsequently filed a motion to vacate the declaration of Russell Swartz that had been submitted in support of Carrie’s motion for a nunc pro tunc judgment. David also filed a motion asking the trial court to reconsider its decision to enter a status-only judgment nunc pro tunc, and a motion to disqualify the trial judge pursuant to Code of Civil Procedure section 170.6. The trial court denied the Code of Civil Procedure section 170.6 challenge as untimely, denied David’s other motions after taking them under submission, and set a trial date to address property issues.

After the close of evidence at trial, the trial court ruled that “each person shall keep the property currently in their possession as their sole and separate property.” The trial court also terminated jurisdiction over spousal support as to both parties.

## STANDARD OF REVIEW

It is the burden of the party challenging a judgment to provide an adequate record to assess claims of error. (*Ketchum v. Moses* (2001) 24 Cal.4th 1122, 1140-1141.) When an appeal is “on the judgment roll” (*Allen v. Toten, supra*, 172 Cal.App.3d at pp. 1082-1083), we must conclusively presume evidence was presented that is sufficient to support the court’s findings. (*Ehrler v. Ehrler* (1981) 126 Cal.App.3d 147, 154.) Our review is limited to determining whether any error “appears on the face of the record.” (*National Secretarial Service, Inc. v. Froehlich* (1989) 210 Cal.App.3d 510, 521; Cal. Rules of Court, rule 8.163.) Absent a showing to the contrary, we must presume the trial court’s judgment is correct (*Denham v. Superior Court* (1970) 2 Cal.3d 557, 564) and we must adopt all inferences in favor of the judgment, unless the record expressly contradicts them. (See *Brewer v. Simpson* (1960) 53 Cal.2d 567, 583.)

These standards apply even when a party is representing himself on appeal. (*Leslie v. Board of Medical Quality Assurance* (1991) 234 Cal.App.3d 117, 121; see also *Nelson v. Gaunt* (1981) 125 Cal.App.3d 623, 638-639; *Wantuch v. Davis* (1995) 32 Cal.App.4th 786, 795.)

## DISCUSSION

### I

David contends the trial court erred in backdating the status-only judgment of divorce to May 29, 1991, because the evidence showed the omission 20 years earlier was not a mistake. His contention is not timely.

The judgment was entered on September 26, 2011, and the notice of entry of judgment was served on David the following day. David was served through the United States Postal Service at the address he identified on his pleadings. David thus had 60 days from September 27, 2011, to file his notice of appeal from the status-only judgment. (Cal. Rules of Court, rule 8.104 (a)(1).) He did not file a notice of appeal within that time period. David’s motion for reconsideration did not extend his time to appeal from the

judgment, and the trial court's denial of that motion was not an appealable order. (Code of Civ. Proc., § 904.1; *Powell v. County of Orange* (2011) 197 Cal.App.4th 1573, 1576-1577; *Reese v. Wal-Mart Stores, Inc.* (1999) 73 Cal.App.4th 1225, 1242.)

Accordingly, his contentions attacking the status-only judgment nunc pro tunc are not properly before this court.

## II

David next contends the trial court abused its discretion when it did not require opposing counsel to document the distribution of trust funds. But his claim fails because it is not supported by any meaningful argument or citations to relevant legal authority. (*People v. Hardy* (1992) 2 Cal.4th 86, 150 [a reviewing court need not address any issue purportedly raised without argument or citation to relevant authority]; *Guthrey v. State of California* (1998) 63 Cal.App.4th 1108, 1115-1116 [merely setting forth general legal principles without specifically demonstrating how they establish error is insufficient to raise a cognizable issue on appeal]; *Estate of Hoffman* (1963) 213 Cal.App.2d 635, 639 ["It is the duty of counsel to support his claim by argument and citation of authority. [A reviewing court is] not obliged to perform the duty resting on counsel".])

David's claim also fails because without a reporter's transcript of the relevant proceedings in the trial court, we must presume the trial court made sufficient findings to support its decision and that the evidence was sufficient to sustain those findings. (*Ehrler v. Ehrler, supra*, 126 Cal.App.3d at p. 154.) David has not established error on the face of this record.

## III

David further contends the trial court abused its discretion in disregarding the order of a prior judge, because the prior order was the law of the case. David is referring to a prior order continuing the hearing on Carrie's motion for entry of judgment nunc pro tunc to permit proper service on David.

This contention is another untimely challenge to the status-only judgment nunc pro tunc. As we explained in part I, the contention is not properly before this court.

DISPOSITION

The orders of the trial court are affirmed.

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MAURO, J.

We concur:

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ROBIE, Acting P. J.

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HOCH, J.