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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION THREE

KAREN SHIOHAMA,

Plaintiff and Appellant,

v.

SIMON PROPERTY GROUP, INC.,

Defendant and Respondent.

G045337

(Super. Ct. No. 30-2009-00308995)

O P I N I O N

Appeal from an order of the Superior Court of Orange County, Charles Margines, Judge. Dismissed.

Christopher J. Hennes for Plaintiff and Appellant.

Homan & Stone, Gene S. Stone and Marvin Amoroso for Defendant and Respondent.

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Plaintiff and appellant Karen Shiohama (appellant) filed a personal injury lawsuit arising out of a purported trip and fall at The Block at Orange. She claimed she was injured when she tripped on a crack and fell on the paved walkway. She asserted that there was a height differential of about a half an inch in the pavement.

Defendant and respondent Simon Property Group, Inc. prevailed on a summary judgment motion. In its March 16, 2011 minute order, the court found that the alleged defect in the paved walkway was trivial as a matter of law. Appellant thereafter filed a notice of appeal from a purported “[j]udgment after an order granting a summary judgment motion.”

By order of June 26, 2012, we informed the parties that this court, on its own motion, was considering dismissing the appeal as taken from a nonappealable order. The record on appeal contains a copy of a minute order granting summary judgment, but does not contain a copy of a judgment. An order granting summary judgment is nonappealable. (*Saben, Earlix & Associates v. Fillet* (2005) 134 Cal.App.4th 1024, 1030.) We ordered appellant to file a copy of the judgment with this court no later than 12:00 noon on July 3, 2012.

On July 3, 2012, appellant informed this court that she had learned there was no judgment in the superior court file. Consequently, she requested an opportunity to file any necessary motions and obtain a judgment. She requested an extension of time to August 3, 2012 for this purpose.

By order of July 5, 2012, we vacated submission of the matter to permit appellant to obtain a judgment and file a copy with this court. (Cal. Rules of Court, rule 8.256(e).) We gave appellant until August 3, 2012 to file the copy of the judgment and ordered that the matter be resubmitted on August 9, 2012.

On August 3, 2012, appellant “faxed” an extension request to this court, seeking until August 13, 2012 to obtain and file a judgment. Appellant represented that she had contacted respondent’s counsel on August 2, 2012 regarding a proposed

judgment and had not received a reply.

Appellant has had ample opportunity to obtain a judgment in this matter. The extension request is denied. The appeal is dismissed as taken from a nonappealable order. (*Saben, Earlix & Associates v. Fillet, supra*, 134 Cal.App.4th at p. 1030.)

MOORE, J.

WE CONCUR:

RYLAARSDAM, ACTING P. J.

BEDSWORTH, J.