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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION THREE

NEWMAYER & DILLION, LLP,

Cross-complainant and Respondent,

v.

JACK MAU,

Cross-defendant and Appellant.

G045604

(Super. Ct. No. 30-2009-00304810)

O P I N I O N

Appeal from a judgment of the Superior Court of Orange County, John C. Gastelum, Judge. Affirmed.

Jack Mau, in pro. per., for Cross-defendant and Appellant.

Newmeyer & Dillion and Ben P. Ammerman for Cross-complainant and Respondent.

Jack Mau (“Mau”) appeals from a judgment awarding Newmeyer & Dillion, LLP (“Newmeyer”) attorney fees for services it rendered to Mau in two matters. Mau’s one-page opening brief is devoid of any legal argument, citation to authorities, or citations to the record on appeal. Accordingly, he has failed to meet his appellate burden and we affirm the judgment.

## FACTS AND PROCEDURE

### *Complaint and Cross-Complaint*

In September 2009, HIT, Inc. (“HIT”), a company owned and operated by Mau, filed a complaint against Newmeyer alleging professional negligence for inadequate representation in a failed real estate transaction. Newmeyer filed a demurrer to HIT’s complaint and a cross-complaint against Mau seeking payment for legal services provided in the real estate transaction and in an unrelated labor dispute. Newmeyer’s demurrer to HIT’s complaint was sustained without leave to amend, and we affirmed the judgment on the complaint. (*Hit, Inc. v. Newmeyer & Dillion* (Mar. 2, 2012, G044927) [nonpub. opn.] )

At the bench trial on Newmeyer’s cross-complaint, Mau represented himself. The court granted Newmeyer’s motion in limine precluding Mau from raising alleged legal malpractice or professional negligence as a defense for his failure to pay legal fees. It determined Mau owed Newmeyer for legal services rendered in the real estate matter and the labor dispute and awarded damages in the form of attorney fees to Newmeyer in the amount of \$21,210 plus costs.

## DISCUSSION

Mau contends the judgment should be reversed. We disagree.

Mau’s one-page opening brief is comprised of five sentences completely unsupported by any references to the record or citations to any legal authority. Mau hints at the following general claims of error: (1) He was denied the opportunity to adequately

cross-examine the Newmeyer attorney who performed the legal services and should have been granted a continuance to secure the appearance of that attorney; and (2) the court erred by not allowing him to introduce evidence of the claimed malpractice by Newmeyer.

A judgment or order of the lower court is presumed correct. (*Denham v. Superior Court* (1970) 2 Cal.3d 557, 564 (*Denham*)). It is the appellant's burden to demonstrate the existence of reversible error. (*San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1996) 42 Cal.App.4th 608, 626.) The trial court rulings Mau appeals are reviewed under the abuse of discretion standard. (*Denham, supra*, 2 Cal.3d. at p. 566.) This standard is applied to rulings on evidence (*Pannu v. Land Rover of North America, Inc.* (2011) 191 Cal.App.4th 1298, 1317), as well as the trial court's discretion to deny a continuance. (*Johnson v. Alameda County Medical Center* (2012) 205 Cal.App.4th 521, 532.) Discretion is only abused in those instances where the court "exceeds the bounds of reason." (*Denham, supra*, 2 Cal.3d at p. 566.)

In view of Mau's complete failure to include any citations to the record or to any legal authority, or to engage in any meaningful analysis of his claims of error, he has failed to carry his appellate burden to show an abuse of discretion. Statements in a brief regarding issues in the appellate record must cite to the corresponding page of the record. (Cal. Rules of Court, rule 8.204(a)(1)(C).) We may disregard the portions of appellant's brief in noncompliance with this rule. (*Dominguez v. Financial Indem. Co.* (2010) 183 Cal.App.4th 388, 392, fn. 2.) Moreover, "'The reviewing court is not required to make an independent, unassisted study of the record in search of error or grounds to support the judgment. . . . [E]very brief should contain a legal argument with citation of authorities on the points made. If none is furnished on a particular point, the court may treat it as waived, and pass it without consideration.' [Citation.]" (*McComber v. Wells* (1999) 72 Cal.App.4th 512, 522-523 (*McComber*)).

An appellant acting in propria persona has the same burden to affirmatively demonstrate reversible error as one represented by counsel and is not entitled to special treatment. (*Id.* at p. 523; see also *Stebly v. Litton Loan Servicing, LLP* (2011) 202 Cal.App.4th 522, 606.) In view of Mau's opening brief's complete failure to provide references to record, citations to legal authority, or any analysis of his claims of error, meaningful appellate review impossible. Thus, we disregard the brief in its entirety and affirm the judgment. (*McComber, supra*, 72 Cal.App.4th at p. 522.)

#### DISPOSITION

The judgment is affirmed. Respondent is awarded its costs on appeal.

O'LEARY, P. J.

WE CONCUR:

MOORE, J.

IKOLA, J.