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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION THREE

In re Marriage of ALI and SOUSAN DARIAN.	
ALI DARIAN, Appellant, v. SOUSAN DARIAN, Respondent.	G046784 (Super. Ct. No. 02D009176) O P I N I O N

Appeal from a postjudgment order of the Superior Court of Orange County, Ronald P. Kreber, Judge. Appeal dismissed.

Law Offices of David P. Berschauer and David P. Berschauer for Appellant.

Center for Enforcement of Family Support and Raymond R. Goldstein for Respondent.

* * *

Ex-husband Ali Darian appeals a postjudgment order authorizing the joinder of two nonparties to this dissolution of marriage action: (1) Ali's sister Vida Darian and (2) the Alvand Family Limited Partnership (Alvand), described as an "estate planning tool" by Ali.[1] (See Cal. Rules of Court, rule 5.24 ["A person who claims or controls an interest in any matter subject to disposition in the proceeding may be joined as a party to the family law case only as provided in this chapter"]; Fam. Code, § 2021, subd. (a).) Ex-wife Sousan Darian moved to join these parties based on accusations that Ali transferred ownership of real property to Alvand without consideration and encumbered the same real property by granting deeds of trust to Vida without consideration, all as part of an effort to avoid payment of "well over $250,000 in child support, spousal support and equalization arrears."

After this case had been fully briefed, we asked the parties to address in a letter brief whether Ali has standing to pursue this appeal. (See Code Civ. Proc., § 902 ["Any party aggrieved may appeal in the cases prescribed in this title"]; *Serrano v. Stefan Merli Plastering Co., Inc.* (2008) 162 Cal.App.4th 1014, 1026 ["Only a party aggrieved by a judgment or order has standing to appeal the judgment or order"].) To be cognizable on appeal, "'the aggrieved party's interest must be immediate, pecuniary and substantial, and not merely a nominal or remote consequence of the judgment.'" (*In re FairWageLaw* (2009) 176 Cal.App.4th 279, 285.) The standing requirement is jurisdictional. (*Sabi v. Sterling* (2010) 183 Cal.App.4th 916, 947.)

Vida and Alvand may at some appropriate time challenge their joinder in the action. (See, e.g., *Babcock v. Superior Court* (1994) 29 Cal.App.4th 721, 724-726 [girlfriend of ex-husband unsuccessfully claimed that her joinder in dissolution of

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[1] There was a prior appeal arising out of this action, but it has little bearing on the instant appeal other than to illustrate some of the difficulties Sousan has faced in enforcing the judgment against Ali. (*In re Marriage of Darian* (Sept. 22, 2011, G043746) [nonpub. opn.].)

marriage action was improper].) Indeed, Vida and Alvand may demur to the complaint by which they are joined to the action on the ground that "[t]here is a defect or misjoinder of parties." (Code Civ. Proc., § 430.10, subd. (d).)

But Ali, who is a separate person from his sister and Alvand, is not aggrieved directly by the court's order. Simply opposing an order at the trial court level is not enough to establish appellate standing. (Cf. *In re K.C.* (2011) 52 Cal.4th 231, 239 [that a "'parent takes a position on a matter at issue in a juvenile dependency case that affects his or her child does not alone constitute a sufficient reason to establish standing to challenge an adverse ruling on it'"].) This is not a case in which Ali's "rights or interests are injuriously affected by the order in an immediate, pecuniary and substantial manner." (*In re Marriage of Justice* (1984) 157 Cal.App.3d 82, 86, fn. 4 [ex-husband had standing to appeal a postjudgment order directing the pension board to pay wife a percentage of husband's retirement and/or disability payments].)

Instead, the court's postjudgment order merely allows two nonparties to be joined to the action based on allegations that assets were fraudulently transferred to these nonparties. Ali asserts in his letter brief that there is now a cloud on "his Real Property." But the entire basis of the joinder motion is that Ali apparently no longer has legal title to the properties at issue, thereby blocking Sousan's collection efforts. We reject Ali's unsupported contention that he should have the right to "stand[] in the shoes of his estate planning entity Alvand Limited Family Partnership." (See Cal. Corp. Code, § 16203 ["Property acquired by a partnership is property of the partnership and not of the partners individually"]; see also Weil & Brown, Cal. Practice Guide: Civil Procedure Before Trial (The Rutter Group 2012) ¶ 2:15.5, p. 2-11(rev. # 2012) ["Individual partners may not sue for damage to the partnership property or to their individual 'beneficial interest' in the property"].) One can speculate that the joinder of Alvand and Vida will be the first step in a process that ultimately results in Ali's partnership interest in Alvand losing

value. But Ali provides no support for the theory that a speculative, contingent, and indirect effect supports a finding of appellate standing.

Accordingly, we dismiss the appeal. We express no opinion on the question of whether joinder was appropriate in this case or, conversely, whether Sousan should be required to pursue her fraudulent conveyance claim in a separate lawsuit.

DISPOSITION

The appeal is dismissed. Sousan shall recover costs incurred.

IKOLA, J.

WE CONCUR:

MOORE, ACTING P. J.

ARONSON, J.