

**NOT TO BE PUBLISHED IN OFFICIAL REPORTS**

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION THREE

In re Marriage of RENUKA and  
SHANKARA RAGHURAMAN.

RENUKA SUNDARAM,

Respondent,

v.

SHANKARA RAGHURAMAN,

Appellant.

G049489

(Super. Ct. No. 10D000729)

O P I N I O N

Appeal from a judgment of the Superior Court of Orange County, Ronald P. Kreber, Judge. Affirmed.

Shankara Raghuraman, in pro. per., for Appellant.

Law Office of Ronald B. Funk and Ronald B. Funk for Respondent.

\* \* \*

Shankara Raghuraman (Husband) appeals as a self-represented litigant from a judgment filed November 1, 2013, in the dissolution of his marriage to Renuka Raghuraman (Wife). Husband has filed an opening brief of more than 23 pages, while Wife's respondent's brief merely throws up its hands and says it is impossible to address any of Husband's arguments.<sup>1</sup>

Husband's brief raises these issues:

- (1) the fact the trial court awarded \$133,000 in attorney fees to the Wife "in the nature of support";
- (2) the merits of the trial court's award of \$133,000 in attorney fees to the Wife;
- (3) the merits of a spousal support award of \$4,400 a month;
- (4) the characterization of certain accounts in India as community property and the concomitant charges of those accounts to Husband;
- (5) the merits of the award of "sole legal custody" of the couple's children to the Wife;
- (6) the merits of the award of \$50,000 in sanctions against Husband under sections 271 and 1101 of the Family Code.

The main problem with Husband's appeal is not, as Wife asserts, his failure to include record *references* in his opening brief. That deficiency might, in theory, have been corrected by returning the opening brief to him for inclusion of record references, then giving Wife the opportunity to file her brief in response. (See Cal. Rules of Court, rule 8.204(e)(2)(A).)<sup>2</sup> The real deficiency is the lack of a *record*.

---

<sup>1</sup> Wife's respondent's brief consists of four sentences, which may be quoted in their entirety now: "Appellant's brief utterly fails to comply with the applicable statutes and court rules for appellate briefs. There are absolutely no citations to the records, and there have been no valid arguments made for appropriate relief by this Court. [¶] As such, it is impossible for Respondent to adequately address the sufficiency of Appellant's arguments, as, indeed, many of them are difficult to ascertain. [¶] This appeal, as it exists, for these reasons, cannot be granted, and the underlying judgment must be affirmed."

<sup>2</sup> The rule provides:  
"(e) If a brief does not comply with this rule:

In the appeal before us, Husband has furnished a record that consists of two main components: (1) a clerk’s transcript that reflects much of the superior court’s file, but leaves out a substantial number of filings that might reveal to an appellate court the actual nature of the disputes between the parties at the trial level,<sup>3</sup> and (2) a reporter’s transcript that consists of the transcript of six hearings during the course of roughly three years of litigation (2010 through 2013), but conspicuously does *not* include the transcript of the trial, which appears to have been conducted in October 2012.

The most substantive part of the material that *is* included in the clerk’s transcript is Husband’s brief regarding attorney fees, filed November 5, 2012. (At the time Husband was represented by an attorney.) The brief uses the literary device of an extended metaphor in which the dissolution litigation is likened to a raft trip that becomes a harrowing experience as the raft encounters increasingly more turbulent waters.<sup>4</sup> While the brief is entertaining reading, it makes no attempt to identify the nature of Wife’s request for attorney fees (the total figure isn’t even given) or systematically challenge that request. Rather, much of the brief consists of anecdotes from the course of the litigation, apparently intended to illustrate putatively unreasonable or obnoxious litigation tactics by Wife’s then counsel. The centerpiece of the brief appears to be Wife’s attorney

---

“ . . . .  
“(2) If the brief is filed, the reviewing court may, on its own or a party’s motion, with or without notice:

“(A) Order the brief returned for corrections and refile within a specified time. . . .”  
3 A comparison of the superior court docket – which is nothing more than a list of filings – shows *at least* the following filings were not included:

Wife’s motion for attorney fees and costs filed August 3, 2011.  
Wife’s points and authorities filed December 15, 2011, apparently in response to a motion by Husband for modification filed September 13, 2011.  
Some sort of motion for modification filed by Husband January 20, 2012.  
Husband’s and Wife’s points and authorities filed February 2012.  
Wife’s points and authorities filed in June 2012.  
Wife’s trial brief filed in June 2012.  
A trial hearing brief and points and authorities filed by Wife in August 2012.  
Points and authorities filed by Wife in September 2012.

4 E.g., In referring to Husband’s deposition, his brief says: “Instead of gentle winding river, this case became a torrent as a hypersensitive [name of attorney in Wife’s counsel’s firm] ‘left the conference room in and ran downstairs in a panic’ . . . [and] the bomb squad was called.”

refusing to accommodate a last-minute business trip to Poland which Husband had to make when his deposition was scheduled, yet sending an associate to “tread water” when Wife’s counsel was running late to Wife’s deposition. There is a reference to some unexplained bomb scare, and allusions to refusals on the part of Wife’s counsel to meet and confer over issues which are not identified. And, while there are *excerpts* of Wife’s counsel’s billings to her client – apparently to make the point the case was being overworked by Wife’s counsel’s office, such as multiple attorneys working on the same matter – Wife’s actual request for fees and its supporting material is simply not to be found.

In a word, the record furnished by Husband is simply inadequate to review the issues he has raised in his opening brief. *All* of the issues raised depend, one way or the other, on evidence that presumably would have been presented at trial plus, in some cases (like Wife’s attorney fee request), has already been the subject of moving papers. But we have been furnished with neither a transcript of the trial nor those moving papers.<sup>5</sup>

It is the responsibility of an appellant – that is, the party who feels aggrieved from the result in the trial court – to furnish a record that demonstrates some sort of prejudicial error on the part of the trial court. (E.g., *Hearn v. Howard* (2009) 177 Cal.App.4th 1193, 1200 [“In connection with our review, we note that it is the appellant’s burden to furnish a record adequate for review.”]; *Srithong v. Total Investment Co.*

---

<sup>5</sup> The closest Husband comes to having an issue which might be decided on the record he has furnished is the one involving whether the \$133,000 in attorney fees awarded “in the nature of support” is itself supportable by substantial evidence. It is clear from the reporter’s transcript Wife’s counsel wanted to make the fees “in the nature of support” in order to preempt any attempt by Husband in bankruptcy court to try to obtain a discharge of those fees. *Whether* these fees really are in the nature of support or not, however, cannot be ascertained from the record supplied us on appeal. Not only do we not have a trial transcript, we don’t even have the Wife’s moving papers supporting her attorney fee request. We can say, however, that ultimately, it is the federal bankruptcy court who has the last word on the question. (See Hogoboom & King, Cal. Practice Guide: Family Law (The Rutter Group 2014) ¶ 18:72, p. 18-30.1 [“[i]t is up to the *bankruptcy court* to determine whether debt serves a *predominantly child, spousal or family support function*”].) And while we recognize that bankruptcy courts will look to state courts for guidance on the question, since our decision today is not on the merits we are unable to provide any such guidance.

(1994) 23 Cal.App.4th 721, 725, fn. 3 [“It was of course the duty of Srithong, as the appellant, to furnish an adequate record for review.”]; *Dobner v. Borrini* (1970) 4 Cal.App.3d Supp. 1, 5 [“It is the duty of appellant to furnish a record which demonstrates error. One which only shows that error may or may not have occurred is insufficient to support . . . a reversal.”]; 9 Witkin, Cal. Procedure (5th ed. 2008) Appeal, § 628, p. 704 [“The appellant must affirmatively show error by an adequate record.”].)

To be sure, it is possible the judgment from which Husband appeals might be a miscarriage of justice. Or not. We simply cannot know, because we do not have a record that would allow us to make that call. We have examined the entirety of the record Husband *has* furnished, but there is nothing in it that would allow us to say, based on what is in there alone, that there was some error or abuse of discretion on the part of the trial court. Husband has not provided Wife’s side of the story. (See *Guardianship of Simpson* (1998) 67 Cal.App.4th 914, 935, fn. 16 [importance of hearing both sides].)

Equal justice under law means that we cannot show self-represented litigants like Husband here favoritism to offset their mistakes. Parties in propria persona must be accorded the same treatment as parties represented by attorneys. (See *Rappleyea v. Campbell* (1994) 8 Cal.4th 975, 985 [“A doctrine generally requiring or permitting exceptional treatment of parties who represent themselves would lead to a quagmire in the trial courts, and would be unfair to the other parties to litigation.”]; *Kobayashi v. Superior Court* (2009) 175 Cal.App.4th 536, 543 [“Pro. per. litigants are held to the same standards as attorneys.”]; see also *Gamet v. Blanchard* (2001) 91 Cal.App.4th 1276, 1287 (dis. opn. of Bedsworth, J.) [parties in propria persona should not be treated the same “only different”].) While we might be able to send a brief back to have it conform to the relevant rules of court, we know of no authority that would allow us to procure a reporter’s transcript of a trial to make up for a civil party’s own omission. And to do so, even if we could, would be unfair to Wife.

The absence of a trial transcript requires us to assume that at the trial Wife presented evidence which would support each of the trial court's challenged decisions. (*Sears, Roebuck & Co. v. National Union Fire Ins. Co. of Pittsburgh* (2005) 131 Cal.App.4th 1342, 1352, fn. 7; *People v. Seneca Ins. Co.* (2004) 116 Cal.App.4th 75, 97; *Hernandez v. California Hospital Medical Center* (2000) 78 Cal.App.4th 498, 502; *Null v. City of Los Angeles* (1988) 206 Cal.App.3d 1528, 1532.)

The judgment is affirmed. We have, however, discretion in one matter. Given Wife's successful decision not to substantively contest any aspect of the appeal which should have limited her costs to a nugatory amount, in the interests of justice each side will bear their own costs on appeal.

BEDSWORTH, ACTING P. J.

WE CONCUR:

MOORE, J.

IKOLA, J.