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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION THREE

MISSION DEL AMO MOBILEHOME  
PARK, LLC

Plaintiff and Respondent,

v.

DON KERBY et al.,

Defendants and Appellants.

G052292

(Super. Ct. No. 30-2014-00762034)

O P I N I O N

Appeal from an order of the Superior Court of Orange County, Franz E. Miller, Judge. Appeal dismissed.

Don Kerby, in pro. per.; Jacquelyn Kerby, in pro. per.; and Kyle Kerby, in pro per., for Defendants and Appellants.

Hart King, C. William Dahlin and Rhonda H. Mehlman for Plaintiff and Respondent.

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Defendants and appellants Don, Jacquelyn, and Kyle Kerby (defendants) rent a space in a mobilehome park owned by respondent Mission Del Amo Mobilehome Park, LLC (plaintiff). In January 2015, the court granted plaintiff's petition for an injunction against continuing or recurring violations of mobilehome park rules. (Civ. Code, § 798.88, subd. (a); all further undesignated statutory references are to the Civil Code.)<sup>1</sup> Specifically, the court ordered defendants to allow plaintiff and its employees or agents reasonable access to defendants' mobilehome space "for the repair, replacement or maintenance of the Park's infrastructure, or public utilities, specifically including natural gas, electricity, water and sewer lines."

In February 2015, plaintiff filed a motion for attorney fees as the prevailing party on the petition, citing sections 798.85<sup>2</sup> and 1717, and Code of Civil Procedure section 1033.5, subd. (a)(10). The motion included copies of the court's order granting injunctive relief, attorney billing statements, and a memorandum of costs. Plaintiff's sought total fees and costs of \$16, 512.00.

On March 19, defendants filed a form "Notice of Related Case" and opposition to plaintiff's attorney fee motion. These documents included a two-page memorandum of points and authorities, with attached documents, all of which referred to an unlawful detainer action (Super Ct. case No. 30-2014-00739893). But defendants did not identify any court error with respect to the award of attorney fees in this case.

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<sup>1</sup> Section 798.88 states, "(a) In addition to any right under Article 6 (commencing with Section 798.55) to terminate the tenancy of a homeowner, any person in violation of a reasonable rule or regulation of a mobilehome park may be enjoined from the violation as provided in this section."

<sup>2</sup> Section 798.85 provides, "In any action arising out of the provisions of this chapter the prevailing party shall be entitled to reasonable attorney's fees and costs. A party shall be deemed a prevailing party for the purposes of this section if the judgment is rendered in his or her favor or where the litigation is dismissed in his or her favor prior to or during the trial, unless the parties otherwise agree in the settlement or compromise."

On April 17, 2015, the court granted plaintiff's motion and ordered defendants to pay \$16,512.00 in attorney fees and costs.

Seven days later, defendants filed documents entitled, "MOTION TO VACATE JUDGMENT," and "NOTICE OF INTENT TO FILE A MOTION FOR NEW TRIAL AND NOTICE OF MOTION FOR JUDGMENT NOTWITHSTANDING THE VERDICT." The attached memorandum of points and authorities asserted the attorney fee order violated multiple sections of the Code of Civil Procedure, and that plaintiff committed "misrepresentations, fraud, or other wrongful acts." There were also claims of court bias and error.

Plaintiff's opposition noted defendants' utter disregard for the California Rules of Court, and their total failure to allege any facts, or law, that would affect the injunction.

Defendants' reply recounted the history of the unlawful detainer action, using 69 pages of exhibits related to that case in the process.

The court denied defendants' motions on June 3.

On July 20, defendants filed a notice of appeal. The notice of appeal states defendants appealed from the court's April 17, 2015, attorney fee order only. However, defendants' opening brief does not identify any basis for reversal of the court's attorney fee order and does not conform to the rules for appeals set forth in California Rules of Court, rule 8.204. To the contrary, defendants' brief is a collection of unexplained documents, such as a copy of a decision which was rendered in the unlawful detainer case after the attorney fees were awarded in this case.

Plaintiff moved to dismiss the appeal based on defendants' failure to identify any error, or follow the California Rules of Court pertaining to appeals. This court notified the parties the motion to dismiss would be decided in conjunction with the appeal. Defendants filed no opposition. "A 'reviewing court has inherent power, on motion or its own motion, to dismiss an appeal . . . ." (*In re Sade C.* (1996) 13

Cal.4th 952, 994.) Plaintiff's motion to dismiss the appeal is granted for the reasons stated.

**DISPOSITION**

The appeal is dismissed. Each party to bear their own costs on appeal.

THOMPSON, J.

WE CONCUR:

BEDSWORTH, ACTING P. J.

IKOLA, J.