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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SIXTH APPELLATE DISTRICT

In re the Marriage of CHERYL JARVI-
JONES HOWARD and HUGH JAMES
HOWARD.

H036510
(Santa Cruz County
Super. Ct. No. FL023983)

CHERYL JARVI-JONES HOWARD,

Respondent,

v.

HUGH JAMES HOWARD,

Appellant.

Hugh James Howard (Howard), proceeding in pro per, appeals a post judgment order awarding attorney fees in a marital dissolution action filed by respondent Cheryl Jarvi-Jones Howard (Jarvi-Jones) in 2006.

STATEMENT OF THE CASE

On November 1, 2010, the court issued an order to show cause why Howard should not pay additional support arrearages and attorney fees to Jarvi-Jones. On November 17, 2010, the court conducted a hearing on the order to show cause, and Howard did not file an opposition to the order, nor did he appear in court. The court ordered Howard to pay additional attorney fees to Jarvi-Jones in the amount of \$16,162.

The order was filed on December 8, 2010, and Howard filed a notice of appeal on January 10, 2011.

DISCUSSION

In this appeal, Howard challenges the post judgment order in which the court awarded Jarvi-Jones additional attorney fees. Howard asserts a number of claims in this appeal, many of which are unintelligible. It appears that some of Howard's arguments relate to previous orders regarding marital property that are not appealable.

With regard to the order that is subject to the notice of appeal, we deduce that Howard argues the award for additional attorney fees was unjustified, the order is void, because he never stipulated to having the matter heard by a commissioner, and the order violates California Rules of Court Rule 3.1213, because the court did not require the prevailing party to submit a proposed order to the opposing party for approval.

At the hearing on the order to show cause in this case, Howard did not appear, nor did he file an opposition.

As a general rule, appellate review is limited to those issues that the appellant has preserved for appeal. The California Supreme Court has instructed that “ ‘[a]n appellate court will ordinarily not consider procedural defects or erroneous rulings, in connection with relief sought or defenses asserted, where an objection could have been but was not presented to the lower court by some appropriate method The circumstances may involve such intentional acts or acquiescence as to be appropriately classified under the headings of estoppel or waiver Often, however, the explanation is simply that it is *unfair to the trial judge and to the adverse party* to take advantage of an error on appeal when it could easily have been corrected at the trial.’ [Citation.]’ ” (*Doers v. Golden Gate Bridge etc. Dist.* (1979) 23 Cal.3d 180, 184, fn. 1.)

Thus, a party's failure to object to an error in the trial court results in a forfeiture of that claim of error on appeal. (*In re S.B.* (2004) 32 Cal.4th 1287, 1293, fn.2.) “As

many courts have noted, any other rule would permit a party to trifle with the courts by standing silently by, thus permitting the proceedings to reach a conclusion in which the party could acquiesce if favorable and avoid if unfavorable.” (*In re Urayna L.* (1999) 75 Cal.App.4th 883, 886.)

The fact that Howard was given notice of the hearing on the order to show cause, but failed to appear or make a response waives any issues on appeal. “The principles of appellate review are well settled that questions not raised in the trial court will not be considered on appeal [citations] and that an appellant will not be heard to urge error which he is estopped to urge or which he has waived by failure to make proper objection in the court below.” (*Estate of D’Avila* (1963) 217 Cal.App.2d. 123, 126-127.) Therefore, we will affirm the order.

DISPOSITION

The order is affirmed.

RUSHING, P.J.

WE CONCUR:

PREMO, J.

ELIA, J.