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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FIVE

EHSAN TORABI TEHRANI,

Plaintiff and Appellant,

v.

J.P. MORGAN CHASE BANK, N.A.,

Defendant and Respondent.

B272109

(Los Angeles County
Super. Ct. No. SC124765)

APPEAL from a judgment of the Superior Court of Los Angeles County, Mitchell L. Beckloff, Judge. Affirmed.

Ehsan Torabi Tehrani, in pro. per., for Plaintiff and Appellant.

Bryan Cave, Glenn J. Plattner, Richard P. Steelman, Jr., and Deborah P. Heald, for Defendant and Respondent.

Can we review the propriety of a trial court's demurrer ruling when the appellate record does not include the operative complaint? The answer is obviously "no," and because it is plaintiff's burden to furnish an adequate record, we affirm the judgment below.

I. BACKGROUND

Ehsan Torabi Tehrani (plaintiff) filed a complaint in propria persona against JPMorgan Chase Bank, N.A. (defendant) and others, asserting various causes of action. Plaintiff later filed a First Amended Complaint (the operative complaint), but a copy of that complaint is not included in the record.¹

Defendant demurred to the operative complaint and argued, among other things, that claim preclusion principles required dismissal of the action because the same claims and allegations had been finally adjudicated in two earlier lawsuits between the same parties. The judgment of dismissal that is included in the appellate record indicates the trial court sustained the demurrer via an "[o]rder of April 5, 2016 on the grounds that the [operative complaint] is barred by the doctrine of Res Judicata." The record on appeal includes no reporter's transcript of the demurrer hearing, nor does it include a copy of

¹ In his designation of the record on appeal, plaintiff did specify that the First Amended Complaint, his opposition to the demurrer, and the "judgment or order appealed from" should be included in the record. The clerk of the superior court determined these records were missing from the court's file and asked plaintiff to provide copies of those documents. Plaintiff failed to do so.

the April 5, 2016, order referenced in the judgment dismissing plaintiff's case with prejudice.

II. DISCUSSION

“It is well settled . . . that a party challenging a judgment has the burden of showing reversible error by an adequate record.’ (*Ballard v. Uribe* (1986) 41 Cal.3d 564, 574 [].)” (*Bains v. Moores* (2009) 172 Cal.App.4th 445, 478.) “A necessary corollary to this rule is that if the record is inadequate for meaningful review, the appellant defaults and the decision of the trial court should be affirmed.” (*Mountain Lion Coalition v. Fish & Game Com.* (1989) 214 Cal.App.3d 1043, 1051, fn. 9; cf. *Rhule v. WaveFront Technology, Inc.* (2017) 8 Cal.App.5th 1223, 1228-1229 [affirming trial court order where the inadequacy of the appellate record made it impossible to ascertain the basis of the trial court’s reasoning or the merits of the plaintiff’s contentions on appeal].)

Having failed to ensure the record includes the operative complaint and the trial court’s order on the demurrer (and a reporter’s transcript of the demurrer hearing), plaintiff has not met his burden of providing an adequate record; we cannot assess the viability of the operative complaint without reading it. We accordingly affirm the trial court’s judgment. (*Bains v. Moores, supra*, 172 Cal.App.4th at p. 478 [“[P]laintiffs have failed to include in the record either the operative complaint or the demurrers, thus making it impossible for this court to review the complaint de novo to determine whether it states a cause of action. On that basis alone, we must reject plaintiffs’ claim”].)

DISPOSITION

The judgment is affirmed. Defendant is to recover its costs on appeal.

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BAKER, J.

We concur:

KRIEGLER, Acting P.J.

LANDIN, J.*

* Judge of the Los Angeles Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.