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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SEVEN

KRYSTAL SPANGLE et al.,

Plaintiffs and Appellants,

v.

GALPIN MOTORS, INC.,

Defendant and Respondent.

B276030

(Los Angeles County
Super. Ct. No. LC101144)

APPEAL from a judgment of the Superior Court of
Los Angeles County, Rick Brown, Judge. Affirmed.

Krystal Spangle and Lamarke Boyd, in pro. per., for
Plaintiffs and Appellants.

Scali Rasmussen, Robert D. Daniels and Robert C. Mizar
for Defendant and Respondent.

INTRODUCTION

Krystal Spangle and Lamarke Boyd, representing themselves, appeal from the judgment entered after the trial court granted a motion for summary judgment by Galpin Motors, Inc. Spangle and Boyd suggest the trial court erred in granting the motion, but they do not provide an adequate record for us to review that ruling. Therefore, we affirm.

FACTUAL AND PROCEDURAL BACKGROUND

In December 2013 Spangle and Boyd filed this case against Galpin Motors, Inc. (evidently sued erroneously as Galpin Ford Motor Company). The pleadings are not in the record, but it appears from the briefs on appeal that the operative first amended complaint alleged Galpin Motors refused to sell Spangle and Boyd a car because they are a “mixed couple” (Spangle is white, Boyd is African American) and cited their inability to obtain credit approval as a pretext, even when Spangle produced a letter from a financial services company suggesting she had obtained approval. Neither the record nor the briefs on appeal disclose the causes of action Spangle and Boyd asserted.

Galpin Motors moved for summary judgment, which Spangle and Boyd opposed. The record, however, does not contain the memoranda of points and authorities or the declarations, if any, filed in support of and in opposition to the motion, nor does the record include a reporter’s transcript of the hearing. The only documents in the record are the trial court’s order granting the motion and the judgment in favor of Galpin Motors. Spangle and Boyd timely appealed.

DISCUSSION

“Summary judgment is appropriate if ‘all the papers submitted show that there is no triable issue as to any material fact and that the moving party is entitled to a judgment as a matter of law.’ [Citation.] We review a trial court’s decision to grant summary judgment de novo.” (*Lopez v. Friant & Associates, LLC* (2017) 15 Cal.App.5th 773, 777.) ““On review of a summary judgment, the appellant has the burden of showing error, even if he did not bear the burden in the trial court.”” (*Dinslage v. City and County of San Francisco* (2016) 5 Cal.App.5th 368, 379.) “[D]e novo review does not obligate us to cull the record for the benefit of the appellant in order to attempt to uncover the requisite triable issues. As with an appeal from any judgment, it is the appellant’s responsibility to affirmatively demonstrate error and, therefore, to point out the triable issues the appellant claims are present by citation to the record and any supporting authority. In other words, review is limited to issues which have been adequately raised and briefed.” (*Mark Tanner Construction, Inc. v. HUB Internat. Ins. Services, Inc.* (2014) 224 Cal.App.4th 574, 583-584, italics omitted.)

Spangle and Boyd appear to contend the trial court erred in granting Galpin Motors’ motion for summary judgment because “evidence presented by the defense was falsified,” and the trial court “would not listen to what [Spangle] had to say.” We cannot meaningfully evaluate these contentions, however, because nothing in the record establishes what issues the parties raised, what arguments they made, or what evidence they submitted in connection with the motion. Although the trial court’s order granting Galpin Motors’ motion for summary judgment states

Spangle had “no credit score,” the record does not include any evidence (true or false) Galpin Motors presented, nor does it show what Spangle tried to say or whether the court listened.

As a result, Spangle and Boyd’s appeal cannot succeed. “[T]he cardinal rule of appellate review [is] that a judgment or order of the trial court is presumed correct and prejudicial error must be affirmatively shown. [Citation.] ‘In the absence of a contrary showing in the record, all presumptions in favor of the trial court’s action will be made by the appellate court. “[I]f any matters could have been presented to the court below which would have authorized the order complained of, it will be presumed that such matters were presented.” [Citation.] This general principle of appellate practice is an aspect of the constitutional doctrine of reversible error. [Citation.] “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.” [Citation.] ‘Consequently, [appellant] has the burden of providing an adequate record. [Citation.] Failure to provide an adequate record on an issue requires that the issue be resolved against [appellant].” (*Foust v. San Jose Construction Co., Inc.* (2011) 198 Cal.App.4th 181, 187; see *Hotels Nevada, LLC v. L.A. Pacific Center, Inc.* (2012) 203 Cal.App.4th 336, 348 [“[b]y failing to provide an adequate record, appellant cannot meet his burden to show error and we must resolve any challenge to the order against him”]).¹

¹ We acknowledge a self-represented litigant’s understanding of the rules on appeal is likely more limited than an experienced appellate attorney’s, and, whenever possible, we will not strictly apply technical rules of procedure in a manner that deprives litigants of a hearing. Nevertheless, we must apply these

DISPOSITION

The judgment is affirmed. The parties are to bear their costs on appeal.

SEGAL, J.

We concur:

PERLUSS, P. J.

FEUER, J.*

principles and substantive rules to a self-represented litigant's arguments on appeal, just as we would to those litigants who are represented by attorneys. (See *Rappleyea v. Campbell* (1994) 8 Cal.4th 975, 984-985; *In re Marriage of Furie* (2017) 16 Cal.App.5th 816, 824; *Hopkins & Carley v. Gens* (2011) 200 Cal.App.4th 1401, 1414.)

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