Filed 11/29/12 Christensen v. Ridgecrest Holdings CA2/8

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION EIGHT

DAVID CHRISTENSEN, Plaintiff and Appellant, v. RIDGECREST HOLDINGS, INC., Defendant and Respondent.	B235780 (Los Angeles County Super. Ct. No. SC104129)

APPEAL from an order of the Superior Court of Los Angeles County. Linda K. Lefkowitz, Judge. Dismissed.

David Christensen, in pro. per., for Plaintiff and Appellant.

Schaffer, Lax , McNaughton & Chen, Jill A. Franklin and Yaron F. Dunkel for Defendant and Respondent.

David Christensen filed an action for personal injury damages against Ridgecrest Holdings, Inc.[1] Christensen eventually filed a third amended complaint (complaint), to which Ridgecrest filed a demurrer. The trial court sustained the demurrer without leave to amend and entered judgment in favor of Ridgecrest. We dismiss the appeal.

FACTS

Christensen's complaint alleges causes of action for personal injury. According to the complaint, he was hired as a limousine driver and went to a property on Ridgecrest Drive in Beverly Hills. When he arrived, armed security personnel directed him to unload heavy items from a moving truck and put them into a house on the property. During the process, Christensen claims he injured his shoulder. The only allegation indicating Ridgecrest's involvement is that the property is owned by Ridgecrest Holdings, Inc. The complaint does not identify who hired Christensen, but his prior pleadings alleged he was hired to drive for Princess Munira, a member of the Saudi royal family.

The following causes of action are alleged, listed respectively: negligence, "gross negligence," a violation of the Fair Employment and Housing Act (FEHA), intentional infliction of emotional distress, negligent infliction of emotional distress, "diminished quality of life" and "coercion." The complaint does not differentiate any of the causes of action as to any of many defendants, thus all of the causes of action appear to apply to all defendants, and thus to Ridgecrest.

Ridgecrest filed a demurrer, but it is not included in the record on appeal. We only know that the demurrer was filed because the record includes a copy of a final judgment, dated July 1, 2011, in favor Ridgecrest. It states that the court sustained Ridgecrest's demurrer without leave to amend. On July 11, 2011, Ridgecrest served notice of entry of judgment on Christensen.

Christensen filed a timely notice of appeal.

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[1] The current appeal involves only Christensen and Ridgecrest. Accordingly, we do not include reference to any other parties.

In April 2012, Ridgecrest filed its first of two motions to dismiss. In it, Ridgecrest sought dismissal for Christensen's failure to serve his notice of appeal and his notice designating the record on Ridgecrest. In May 2012, Ridgecrest filed its second motion to dismiss. This time, Ridgecrest argued that the record was so deficient that it could not prepare a meaningful response to the current appeal. In late May, Christensen filed a motion to augment the record on appeal, which we granted in part, and denied in part. On June 11, 2012, we issued an order deferring a ruling on Ridgecrest's motion to dismiss until after Christensen filed his opening brief on appeal. On June 25, 2012, Christensen filed his opening brief on appeal. On July 3, 2012, we issued an order deferring the motion to dismiss the appeal to the panel.

DISCUSSION

It is an appellant's burden to procure an adequate record on appeal which allows for review of the issues. (*Foust v. San Jose Construction Co., Inc*. (2011) 198 Cal.App.4th 181, 187.) When an appellant fails to procure an adequate record allowing the reviewing court to undertake its task, the court may dismiss the appeal. (See *McKenna v. Fine* (1953) 119 Cal.App.2d 655, 657; and see also *Demkowski v. Lee* (1991) 233 Cal.App.3d 1251, 1256 [when the appellant fails to procure an adequate record on appeal, the proper remedy is a motion to dismiss]; and *Broderick v. Majestic Ice Cream Co*. (1942) 54 Cal.App.2d 410, 411 [in the absence of an adequate record, the appeal "is dismissed"].)

Christensen's appeal tasks this court with reviewing an order on a demurrer filed by Ridgecrest, but he has not provided us with a copy of the demurrer. Because the basis for the trial court's order — Ridgecrest's demurrer and any opposition or reply — is not part of the record procured by Christensen, we find it appropriate to dismiss his appeal.[2]

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[2] In his brief, Christensen also take issue the denial of a motion to quash and the grant of Ridgecrest's request to make a special appearance at a case management conference. Neither issue was listed in his notice of appeal and therefore we do not address them here. (*Norman I. Krug Real Estate Investments, Inc., v. Praszker* (1990) 220 Cal.App.3d 35, 46.)

Apart from the deficient record, we find no error in the trial court's ruling. A demurrer tests the legal sufficiency of a pleading, meaning that the only issue involved in addressing a demurrer is whether the challenged pleading alleges facts stating a cause of action as to the defendant who filed the demurrer. (See, e.g., *Committee on Children's Television, Inc. v. General Foods Corp*. (1983) 35 Cal.3d 197, 213.) An order sustaining a demurrer is reviewed on appeal under a de novo standard. Our task is to determine whether Christensen's complaint alleges facts stating a cause of action against Ridgecrest. (*Committee for Green Foothills v. Santa Clara County Bd. of Supervisors* (2010) 48 Cal.4th 32, 42.) A trial court's order sustaining a demurrer will be affirmed on appeal when any of the grounds asserted in the demurrer is well taken. (*Aubry v. Tri-City Hospital Dist*. (1992) 2 Cal.4th 962, 966-967.) This means the trial court's ruling on the demurrer filed by Ridgecrest is important only to the extent that this reviewing court must pass on the correctness of the ruling; the reasons given for the trial court's ruling are not binding. (*Ibid*.)

The complaint does not allege facts stating any cognizable cause of action against Ridgecrest. Even without benefit of Ridgecrest's demurrer, the complaint fails to state a claim showing Ridgecrest could be liable under any legal theory. The only allegation in the complaint regarding Ridgecrest is that it owned the Ridgecrest Drive property where Christensen was injured. Because the complaint does not allege that any physical defect in the property or improper maintenance of the property caused Christensen's injury, there are no facts supporting causes of action for negligence or "gross negligence." To the extent the complaint alleges that Christensen was injured while moving heavy items, there are no facts alleged showing that Ridgecrest had any connection with moving the items. A cause of action for FEHA is not alleged as to Ridgecrest because no facts are alleged showing an employment relationship between Christensen and Ridgecrest. There is no allegation Ridgecrest engaged in "outrageous" conduct to support a claim for intentional infliction of emotional distress, no allegation of negligence by Ridgecrest to

support a claim for negligent infliction of emotional distress. Finally, there are no such causes of action for "diminished quality of life" or "coercion."

Christensen requests that he be given another chance to file another amended pleading, this time with the assistance of an attorney. Christensen's arguments in his opening brief on appeal have not shown how the defects in his compliant can be cured by any further amendment, and his request is therefore denied. (*J.B. Aguerre, Inc. v. American Guarantee & Liability Ins. Co*. (1997) 59 Cal.App.4th 6, 18.)

DISPOSITION

The appeal is dismissed as to defendant and respondent Ridgecrest Holdings, Inc.

BIGELOW, P. J.

We concur:

RUBIN, J.

FLIER, J.