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California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FIVE

JOHN J. KWAK,

Plaintiff and Appellant,

v.

GOLDEN CROWN DENTAL LAB, INC.
et al.,

Defendants and Respondents.

B253558

(Los Angeles County
Super. Ct. No. BC465932)

APPEAL from a judgment of the Superior Court of Los Angeles County.
Barbara A. Meiers, Judge. Dismissed.

Baird A. Brown for Plaintiff and Appellant.

Law Offices of Chanhoo C. Joo, Frank E. Marchetti and Chanhoo C. Joo for
Defendants and Respondents.

* * * * *

Plaintiff and appellant John J. Kwak appeals from a trial court order sustaining the demurrer of defendants Glen Kim and Golden Crown Dental Lab, Inc. without leave to amend. It is elementary that “[a]n order sustaining a demurrer without leave to amend is *not* an appealable order; only a judgment entered on such an order can be appealed.” (*I.J. Weinrot & Son, Inc. v. Jackson* (1985) 40 Cal.3d 327, 331; Code Civ. Proc., § 904.1.) We recognize that appellate courts do frequently “save” such erroneous appeals by treating them as being from a subsequently entered judgment of dismissal. (See, e.g., *Bame v. City of Del Mar* (2001) 86 Cal.App.4th 1346, 1353, fn. 5.) However, in the present case no judgment of dismissal has yet been entered. “[T]he ultimate responsibility rests with the appealing party; plaintiff could have requested the trial court to compel defendant to prepare the judgment or requested permission to prepare and file the judgment himself to perfect his appeal rights.” (*Jordan v. Malone* (1992) 5 Cal.App.4th 18, 21.)

Because no appealable order or judgment has been entered in this case, the appeal is premature and, on this court’s own motion, the appeal is dismissed.

DISPOSITION

The appeal is dismissed.

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GOODMAN, J.*

We concur:

MOSK, Acting P.J.

KRIEGLER, J.

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