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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FOUR

PRINCESS TUCKER,

Plaintiff and Appellant,

v.

SAMY F. FARID, M.D., INC.,

Defendant and Respondent.

B281247

(Los Angeles County
Super. Ct. No. MC026278)

APPEAL from a judgment of the Superior Court of Los Angeles County, Brian C. Yep, Judge. Affirmed.

Princess Tucker, in pro. per., for Plaintiff and Appellant.

Cole Pedroza, Kenneth R. Pedroza and James L. Canto, II;
LaFollette, Johnson, DeHaas, Fesler & Ames, Mark M. Stewart and
Scott A. Blakeley, for Defendant and Respondent.

Appellant Princess Tucker's suit against her former physician, respondent Samy Farid, M.D., was resolved by summary judgment in favor of respondent. Appellant filed a timely notice of appeal. However, she provides an inadequate record, and her briefs on appeal fail to raise any cogent argument supporting reversal of the trial court's order. Accordingly, we affirm.

FACTUAL AND PROCEDURAL BACKGROUND

According to the facts set forth in the summary judgment motion, appellant suffered from pelvic pain due to fibroids, and was sent to respondent for evaluation. Respondent confirmed the diagnosis. Respondent suggested laparoscopic surgery to remove the fibroids, but appellant's medical insurer refused to pay for the surgery. Appellant's chart was re-dated and amended to state "this is not optional surgery," and to clarify that the fibroids were causing appellant "severe constant pain."

Appellant, acting in propria persona, filed a complaint against respondent in April 2016. Appellant's complaint is not in the record. According to respondent's motion for summary judgment, the complaint contained a single cause of action for medical malpractice. It alleged appellant was dissatisfied with the treatment she received during her consultations with respondent because respondent made her "feel bad." Appellant apparently further contended that respondent was at fault for the insurer's denial of her claim for surgery, as he improperly completed the paperwork.

Respondent filed a motion for summary judgment. Included was a declaration by Steven Hartford, M.D., a Board-certified obstetrician and gynecologist, who had been in private practice for over 30 years. Dr. Hartford was "familiar with the standard of care in

the medical profession for physicians practicing Obstetrics and Gynecology,” including “the medical management of patients with pelvic pain secondary to an enlarged monomatous uterus,” and for “physicians practicing within the confines and auspices of a clinic setting and a hospital setting, such as the private practice location of [respondent] in Lancaster, CA.” Dr. Hartford reported that he had reviewed appellant’s medical records and the complaint. He expressed the opinion that “the care and treatment provided to [appellant] in this matter was, at all relevant times, appropriate and complied [with] the standard of care.”

Appellant filed no opposition to the motion for summary judgment. The parties stipulated to have the motion heard by a commissioner. At the February 2, 2017 hearing, appellant was asked to state her reasons for opposition. She described the pain caused by the fibroids, and asserted that respondent “neglect[ed]” her by sending “pages to [her] insurer to get [the surgery] denied.” The court granted the motion, judgment was entered in favor of respondent, and appellant filed a notice of appeal.

DISCUSSION

Although our review of a summary judgment is de novo, it is limited to issues which have been adequately raised and supported in [appellant’s] brief.” (*Reyes v. Kosha* (1998) 65 Cal.App.4th 451, 466, fn. 6; accord *Kim v. Sumitomo Bank* (1993) 17 Cal.App.4th 974, 978-979.) Appellant represented herself below and represents herself in this appeal. A self-represented litigant is “held to the same restrictive rules of procedure as an attorney” and is “entitled to the same, but no greater, consideration than other litigants and attorneys [citations].” (*Nelson v. Gaunt* (1981) 125 Cal.App.3d 623, 638-639; accord,

County of Orange v. Smith (2005) 132 Cal.App.4th 1434, 1444.) At the trial court level, a layman is not excused from failing to prove his or her cause of action. (*Harding v. Coliazo* (1986) 177 Cal.App.3d 1044, 1055-1056; *Doran v. Dreyer* (1956) 143 Cal.App.2d 289, 290.)

On appeal, a trial court's order is presumed correct, and it is up to the appellant to demonstrate error based on the record. (*In re Marriage of Falcone and Fyke* (2008) 164 Cal.App.4th 814, 822.)

“‘This is not only a general principle of appellate practice but an ingredient of the constitutional doctrine of reversible error.’ [Citations.]” (*Denham v. Superior Court* (1970) 2 Cal.3d 557, 564.) It means that the appellant must present an adequate record for review, as we can neither review the sufficiency of the evidence nor make a finding that the court erred without it. (*Oliveria v. Kiesler* (2012) 206 Cal.App.4th 1349, 1362.) In addition, the appellant must “present[] legal authority on each point made and factual analysis, supported by appropriate citations to the material facts in the record.” (*Keyes v. Bowen* (2010) 189 Cal.App.4th 647, 655-656.) Each point should be made separately, under a heading “showing the nature of the question to be presented and the point to be made” or the point will be forfeited. (*Id.* at p. 656.) “This court is not required to discuss or consider points which are not argued or which are not supported by citation to authorities or the record.” (*MST Farms v. C. G. 1464* (1988) 204 Cal.App.3d 304, 306.)

Here, the record is insufficient to permit review of the summary judgment. The clerk's transcript contains the docket sheet, the trial court's order, and the final judgment, but none of the pleadings and papers before the court at the time of the summary judgment. Respondent provided in his separate appendix the memorandum and statement of undisputed facts filed in support of summary judgment,

but not the exhibits. Neither party provided the complaint. Moreover, appellant's brief contains no citation to, or discussion of, legal authority or anything in the record. She contends that she did not want the matter resolved by a commissioner, but the docket sheet and minute order indicated she stipulated to that procedure. Much of her brief discusses parties she believes were in some way responsible for her claimed injuries but were not named in the underlying proceeding. The portion of her brief that mentions respondent contains no discussion of the summary judgment motion or the merits of her claims against him.¹ On this record, we are compelled to affirm the judgment .

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¹ Appellant submitted two separate motions to augment the record. The documents attached consisted of copies of documents generated in an unrelated Social Security disability proceeding and handwritten statements that are either duplicative of her briefs or irrelevant to this appeal. Accordingly, we deny the motions.

DISPOSITION

The judgment is affirmed. Respondent is awarded his costs on appeal.

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MANELLA, P. J.

We concur:

COLLINS, J.

MICON, J.*

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