

Filed 10/2/18 Rosen v. Lavitt CA2/2

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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION TWO

AARON ROSEN,

Plaintiff and Appellant,

v.

ALEX LAVITT et al.,

Defendants and Respondents.

B279592

(Los Angeles County
Super. Ct. No. LC100512)

APPEAL from a judgment of the Superior Court of Los Angeles County. Huey P. Cotton, Jr., Judge. Affirmed.

Law Offices of John F. Nicholson and John F. Nicholson for Plaintiff and Appellant.

The Casas Law Firm and Joseph N. Casas for Defendants and Respondents.

Aaron Rosen (Rosen) appeals the dismissal of his third amended complaint (TAC) after the trial court granted summary judgment in favor of Alex Lavitt (Lavitt) and Gooseneck, LLC (Gooseneck) (collectively the Lavitt Parties). The main issues in this case revolve around Rosen's claims to half the proceeds from the sale of a carwash as well as his claims that Lavitt interfered with two of Rosen's real estate investment opportunities. In this appeal, Rosen has submitted inadequate briefs and we deem his arguments waived.

We affirm the judgment.

FACTS

Rosen's opening brief does not contain a statement of facts. Rather, it contains a statement of the case that recites a purported factual background. That statement contains no record citations and is in violation of California Rules of Court, rule 8.204(1)(C) and (2)(C). Accordingly, we have not considered Rosen's factual summary.

Briefly, the following transpired.

Rosen filed the TAC and sued the Lavitt Parties for, inter alia, breach of contract, breach of the implied covenant of good faith and fair dealing, negligent interference with prospective economic advantage, intentional interference with prospective economic advantage, breach of fiduciary duty, and declaratory relief. Broken down to basics, the TAC alleged (1) Lavitt failed to split the proceeds of the sale of the carwash that he and Rosen jointly owned, and (2) Lavitt interfered with two of Rosen's real estate investment opportunities.

The Lavitt Parties moved for summary judgment or, in the alternative, summary adjudication. The trial court granted

summary judgment, dismissed the TAC and entered judgment for the Lavitt Parties.

This appeal followed.

DISCUSSION

Rosen has made appellate review impossible. He failed to provide a factual summary with record citations. Many of the record citations in the discussion sections of his briefs are to trial court briefs rather than evidence. His appellate briefs are so confusing, redundant and divorced from legal concepts, pertinent evidence, and the trial court's ruling that we are unable to decipher them. Because the issues raised in Rosen's briefs are not properly presented or sufficiently developed to be cognizable, we treat his arguments as waived. (*People v. Stanley* (1995) 10 Cal.4th 764, 793.) Simply put, it "is not our responsibility to develop an appellant's argument." (*Alvarez v. Jacmar Pacific Pizza Corp.* (2002) 100 Cal.App.4th 1190, 1206, fn. 11.) "The reviewing court is not required to make an independent, unassisted study of the record in search of error or grounds to support the judgment. It is entitled to the assistance of counsel. . . . [¶] It is the duty of appellants' counsel, not the courts, 'by argument and the citation of authorities to show that the claimed error exists.' [Citation.]" (*Sprague v. Equifax, Inc.* (1985) 166 Cal.App.3d 1012, 1050.)

DISPOSITION

The judgment is affirmed. The Lavitt Parties shall recover their costs on appeal.

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_____, J.
ASHMANN-GERST

We concur:

_____, P. J.
LUI

_____, J.
CHAVEZ