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NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION EIGHT

RAPHAEL IRVING, Plaintiff and Appellant, v. GREATER NEW BETHEL BAPTIST CHURCH, INC., et al., Defendants and Respondents.	B279002 (Los Angeles County Super. Ct. No. BC616918)

APPEAL from an order of the Superior Court of Los Angeles County, Teresa A. Beaudet, Judge. Affirmed.

Raphael Irving, in pro. per., for Plaintiff and Appellant.

Berman, Berman, Berman, Schneider & Lowary, Mark E. Lowary and Gina M. Genatempo, for Defendants and Respondents.

INTRODUCTION

The trial court concluded all the allegations in plaintiff Raphael Irving's lawsuit arose out of protected activity and did not have the minimal merit to withstand defendants' anti-SLAPP (Strategic Lawsuit Against Public Participation) motion. Plaintiff appeals; but by failing to present meaningful arguments, he has forfeited them. We affirm.

FACTUAL AND PROCEDURAL BACKGROUND

Plaintiff was an unsuccessful candidate to become the pastor of the Greater New Bethel Baptist Church (the church). After he was eliminated from contention, he sued the church and three individuals—Earl A. Pleasant, Ronald Nezey, and Rikki T. Ferrell—for defamation and negligent infliction of emotional distress. Pleasant alone was named in the cause of action for intentional infliction of emotional distress. The church was also sued for "vicarious liability" based on the allegation it was responsible for Pleasant's conduct. Plaintiff sought more than $3 million in damages from defendants, as well as an order vacating the pastoral election, which was won by defendant Ferrell.

The operative pleading is the first amended complaint (FAC). The allegations arise from statements made during a public forum at the church on April 12, 2015, where all the individual parties were present. On that date, plaintiff was still in contention to be elected as the new pastor. Mr. Pleasant, "within his official capacity as [the current] Pastor and President of the Corporation . . . blamed [plaintiff] for the decrease in Sunday School Classes and accused [plaintiff] of talking about his fraternity during the Tuesday night teacher's class instead of teaching the lesson. [Pleasant] accused [p]laintiff of seeking the

office [of pastor] for his own gratitude to stand with his peers as a pastor. [Pleasant] went on to state that there is a passage of scripture that bothers him about [p]laintiff—Acts 20:28-31 regarding 'grievous wolves' entering in to the flock (which was a direct reference to [plaintiff] as a wolf among the people and not a true candidate). [Pleasant] accused [p]laintiff of 'Campaigning' for the position of Pastor and posting election information on Facebook."

Defendants responded to the FAC with an anti-SLAPP motion. (Code Civ. Proc., § 425.16.) Defendants' motion was argued and granted on September 8, 2016; the hearing was not reported. The trial court issued a detailed ruling, concluding all of plaintiff's causes of action arose from speech protected under the anti-SLAPP statute and plaintiff did not demonstrate a probability of prevailing. Plaintiff timely appealed.

RECORD ON APPEAL

Plaintiff's designations of the documents to be included in the clerk's transcripts were sparse, but "Defendants' Special Motion to Strike Plaintiff's First Amended Complaint" was one of them. Plaintiff indicated an incorrect filing date on the Judicial Council form, however, and defendants' motion was not included in the clerk's transcript. The superior court has since provided this court with defendants' anti-SLAPP motion, which was filed August 11, 2016. The record on appeal also includes the FAC, plaintiff's opposition to the anti-SLAPP motion,[1] and the trial court's ruling.

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[1] Plaintiff titled his opposition as "Amended Notice of Objection, Objection of Order on the Special Motion to Strike by Defendants . . . on First Amended Complaint." It included his declaration.

The appellate record does not include the trial court's minutes from the hearing, but plaintiff attached those to the civil case information statement. Plaintiff's request for a settled statement was denied.

DISCUSSION

We never presume error by the trial court. (*Keyes v. Bowen* (2010) 189 Cal.App.4th 647, 655.) We reverse an order only if there has been a miscarriage of justice. (Cal. Const., art. VI, § 13.) An appellant's burden is to establish the trial court erred and then to demonstrate prejudice as the result of the error. (*Widson v. International Harvester Co.* (1984) 153 Cal.App.3d 45, 53.) An appellant also has the duty to support his challenge with cogent argument, citations to relevant authorities, and accurate references to the record. "[C]iting cases without any discussion of their application to the present case results in forfeiture . . . [and] [w]e are not required to examine undeveloped claims or to supply arguments for the litigants." (*Allen v. City of Sacramento* (2015) 234 Cal.App.4th 41, 52 (*Allen*); Cal. Rules of Court, rule 8.204.) Plaintiff's status as a self-represented litigant does not relieve him of these obligations. (*Nwosu v. Uba* (2004) 122 Cal.App.4th 1229, 1246.)

Plaintiff's opening brief provides a general overview of the law as it pertains to anti-SLAPP motions. Plaintiff does not explain, however, how the trial court failed to adhere to the law applicable to anti-SLAPP motions. This omission is fatal to the appeal.

Rather than address the anti-SLAPP issues with appropriate citations to authorities and the record, plaintiff's opening brief makes a series of conclusory statements that do not preserve any issues for this court's review. (*Multani v. Knight*

(2018) 23 Cal.App.5th 837, 853, fn. 12, citing *Allen, supra,* 234 Cal.App.4th at p. 52.) First, he complains the trial court did not receive into evidence a recording of the statements made during the April 12, 2015 meeting. But nothing in the record suggests plaintiff ever asked the trial court to consider that evidence. In any event, as plaintiff recognizes, defendants never denied making the statements. Defendants' position always has been the statements were protected speech "made in a place open to the public or a public forum in connection with an issue of public interest" (Code Civ. Proc., § 425.16, subd. (e)(3)) or made "in connection with a public issue or an issue of public interest" (*id.*, subd. (e)(4)).

In his opening brief, plaintiff also seeks to introduce evidence that one week after the allegedly defamatory statements were made, he was asked to give the sermon to the congregation. This evidence was not before the trial court, and plaintiff makes no effort to explain how it relates to the anti-SLAPP issues.

Plaintiff concludes the allegedly defamatory statements violated the church's bylaws and provisions of the California Corporations Code that "clearly prohibit [defendants] from bringing allegations of any unvalidated offenses by a member before the membership without first giving written notice of consultation to the alleged offending member." This conclusion is reached without citations to the church's bylaws or specific Corporations Code provisions or references to the appellate record. Once again, plaintiff does not explain the relevance of this argument to the issues on review.

Finally, in a two-sentence argument, plaintiff contends, "The only defense to Slander is the Truth. At no time during the proceedings did the Defendants/Respondents present any

evidence that they made truthful statements against the Appellant; nor did the [trial] court require them to, prior to granting the Anti-SLAPP ruling which was an error by the court." Here, as well, plaintiff fails to offer any well-grounded argument.

Plaintiff's reply brief does not correct any of the opening brief's deficiencies. There, plaintiff concludes, without citing any authorities or the record, that he "satisfied his burden to show that his defamation claims . . . have at least minimal merit. He referenced the breach of the by-laws within his complaint." This was not sufficient and did not preserve the issue for appellate review: "In opposing an anti-SLAPP motion, the plaintiff cannot rely on the allegations of the complaint, but must produce evidence that would be admissible at trial." (*HMS Capital, Inc. v. Lawyers Title Co.* (2004) 118 Cal.App.4th 204, 212.)

We recognize plaintiff is not an attorney. But he is held to the same standards that apply to attorneys. (*Kobayashi v. Superior Court* (2009) 175 Cal.App.4th 536, 543.) As the Supreme Court has held, to do otherwise and treat plaintiff more leniently because he is representing himself "would lead to a quagmire in the trial courts, and would be unfair to the other parties to litigation." (*Rappleyea v. Campbell* (1994) 8 Cal.4th 975, 984-985.) By failing to adhere to the basic rules of appellate procedure, plaintiff has forfeited his claims on appeal. (*Okorie v. Los Angeles Unified School Dist.* (2017) 14 Cal.App.5th 574, 599-600.)

DISPOSITION

The order is affirmed. Defendants are awarded costs and attorney fees on appeal, in an amount to be determined by the trial court. (See Code Civ. Proc., § 425.16, subd. (c).)

DUNNING, J.*

We concur:

GRIMES, Acting P. J.

STRATTON, J.

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