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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SEVEN

GEORGE STOUT,

Plaintiff and Respondent,

v.

STEPHEN KELLY,

Defendant and Appellant.

B279825

(Los Angeles County  
Super. Ct. No. YC068858)

APPEAL from a judgment of the Superior Court of Los Angeles County, Ramona G. See, Judge. Affirmed.

Stephen Peter Kelly, in pro. per., for Defendant and Appellant.

Law Offices of Thomas Carter and Thomas P. Carter, for Plaintiff and Respondent.

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George Stout bought investment coins from Stephen Kelly and his company, Global Crossroads, Inc. Stout sued Kelly and Global Crossroads, Inc. for fraud, breach of fiduciary duty and unfair competition, among other things. After a court trial, the court entered judgment in favor of Stout and against Kelly and Global Crossroads, Inc. in the amount of \$176,361.01. Kelly appeals. We affirm.

Several related principles of appellate review mandate affirmance.

First, Kelly has not included a reporter's transcript of the proceedings in the record on appeal. The clerk's transcript basically contains only a case summary, a minute order containing the trial court's ruling (presumably intended to function as a statement of decision), and the judgment. We thus treat the appeal as one on the judgment roll. (Cf. Code Civ. Proc., § 670, subd. (b) [defining contents of judgment roll].)

On a judgment roll appeal, our review is limited to errors appearing on the face of the record. (*Nielsen v. Gibson* (2009) 178 Cal.App.4th 318, 324-325.)

We presume a judgment of the lower court is correct. Where, as here, the appeal is on the judgment roll alone, the question of the sufficiency of the evidence to support the findings of the trial court is not open. Instead, we conclusively presume the evidence supports the findings. The only remaining questions are the sufficiency of the pleadings and whether the findings support the judgment. (*Taylor v. Nu Digital Marketing, Inc.* (2016) 245 Cal.App.4th 283, 287-288.)

The record given to us does not contain the pleadings, which would ordinarily be required for a judgment roll appeal.

Because the pleadings are not in the appellate record, the sufficiency of the pleadings is not open to question.

Second, it is the appellant's burden to demonstrate error. (*Ruelas v. Superior Court* (2015) 235 Cal.App.4th 374, 383.) To do so, an appellant must present meaningful legal analysis supported by citations to authority and citations to facts in the record that support the claim of error. Mere suggestions of error and conclusory claims of error will fail. (*Multani v. Witkin & Neal* (2013) 215 Cal.App.4th 1428, 1457; see also Cal. Rules of Court, rules 8.204(a)(1) and 8.204(a)(2).) Kelly's brief does not comply with this requirement. It contains no citations to the record. In addition, it makes factual assertions unsupported by the minimal record we have.

Third, the appellant has the burden of providing an adequate record, which is to say a record that demonstrates the claimed error. If an appellant provides an inadequate record to resolve an issue on appeal, or fails to cite to the record, we may treat the issue as forfeited by the appellant. (Cal. Rules of Court, rule 8.204(a)(1)(C); *Hotels Nevada, LLC v. L.A. Pacific Center, Inc.* (2012) 203 Cal.App.4th 336, 348.) Kelly's appeal fails this standard.

Finally, Kelly's brief does not support claims of error with meaningful argument and citation to authority. (*Allen v. City of Sacramento* (2015) 234 Cal.App.4th 41, 52.)

In sum, Kelly's appellate submissions do not meet his burden on appeal.

We acknowledge parties representing themselves have more limited understanding of the rules on appeal than do experienced appellate attorneys. We strive to avoid applying technical rules of procedure in a manner that deprives a party of

a hearing. Mere self-representation, however, is not a ground for exceptionally lenient treatment. (*Rappleyea v. Campbell* (1994) 8 Cal.4th 975, 984-985.)

Kelly's deficient brief and failure to provide an adequate appellate record prevent Stout from responding meaningfully to Kelly's claims of error. Stout's opposition brief noted the deficiencies in Kelly's opening brief and asked we deem Kelly's argument forfeited on appeal. Kelly did not file a reply brief in response or request the opportunity to file a satisfactory opening brief. Even were we to excuse Kelly's failure to comply with rules of appellate procedure, we have no basis for resolving his claims.

Accordingly, we presume the judgment is correct and affirm. (*Taylor v. Nu Digital Marketing, Inc.*, *supra*, 245 Cal.App.4th at pp. 287-288.)

### **DISPOSITION**

The judgment is affirmed. Stout is to recover his costs on appeal.

WILEY, J.\*

We concur:

PERLUSS, P. J.

SEGAL, J.

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