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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION ONE

Estate of MARLON BRANDON GRIGGS, a Minor.
SHERRY GRANT,  Petitioner and Appellant,  v.  MICHAEL J. SEIBERT,  Objector and Respondent.

B287442

(Los Angeles County  
Super. Ct. No. BP114689)

APPEAL from orders of the Superior Court of Los Angeles County. David J. Cowan, Judge. Affirmed.

Law Offices of Charles O. Agege, Charles O. Agege for  
Petitioner and Appellant.

Holland & Knight, Vivian L. Thoreen, Robert Barton and  
Vivian M. Rivera for Objector and Respondent.

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Sherry Grant, the parent of a minor for whose estate the probate court has appointed a guardian, appeals from the court's orders approving the guardian's accounting and issuing instructions to sell real property owned by the estate. Grant contends the court abused its discretion in conducting a hearing, and no substantial evidence supports its orders. We affirm.

### **BACKGROUND**

John R. Griggs died in 2009, leaving his entire estate to his minor son. Grant, the minor's mother, acted as guardian of the estate until 2017, when the probate court removed her and appointed Michael J. Seibert, a professional fiduciary, as guardian of the estate. Grant resisted efforts in California and Florida to remove her from oversight of the estate, and repeatedly resisted the court's efforts to appoint an independent attorney to represent the minor. When she and the minor moved to Florida, Grant installed her brother and sister in a two-unit residence owned by the estate in Santa Monica.

Grant's brother and sister paid no rent to the estate and resisted eviction proceedings initiated by Seibert, apparently retaining Steven Tamer, an attorney specializing in real estate and tenant and eviction law, to represent them in the proceedings. Those proceedings are ongoing.

In 2017, Seibert filed an accounting and a petition for instructions to: (1) File a Probate Code section 2619 petition (citation to person controlling estate property) against Grant seeking rents from the Santa Monica property; (2) sell the property; and (3) marshal other estate assets. Seibert represented that Grant and the minor no longer lived in the Santa Monica residence.

Tamer filed a petition to be appointed the minor's guardian ad litem, and represented to the court that the minor, who was then only 13 years old, had retained him.

Seibert's matters were set for hearing on September 28, 2017, then continued to October 12, the court ordering that "no later than October 12, [2017], [Grant] must file any objections that she has to those . . . matters or they're deemed waived forever." Grant filed no objection to either Seibert's accounting or petition.

Grant and Tamer appeared telephonically at the October 19 hearing, and Tamer requested a continuance to afford him time to review Seibert's accounting. The court granted the request and continued the matter a second time, to November 1, 2017.

At the continued hearing Grant appeared telephonically by CourtCall, a remote appearance platform. The court had admonished Grant multiple times in the past to let others speak during hearings. For example, on May 4, 2016, after several failed attempts to rein her in, the court said, "You're really impossible, ma'am. I've told you several times you need – if you want to stay in this and act . . . you've really reached—my patience level is getting there. You need to calm down if you want to stay as a court representative; otherwise, I cannot work with you in this case." On October 19, 2017, the court said, "The judge gets to decide who speaks first and who speaks second and who gets to run the courtroom. . . . [I]f you want to disrupt the proceedings, we'll just put an end to right now and people can submit things in writing. . . . I'm going to cut you off the phone if you keep interrupting."

Despite the court's prior admonitions Grant embarked on a long, uninterrupted monologue in which she complained about Seibert's appointment and actions as guardian of the estate and made several representations about the minor's purported desires, including his desire that the Santa Monica residence not be sold. Although ostensibly relating the minor's wishes, Grant also described her own wishes and repeatedly referred to estate property as hers or "ours."

Due possibly to CourtCall's technical limitations (only one person may speak at a time), the court was unable to participate in the discussion while Grant persisted in her monologue, which showed no sign of pausing. The court therefore terminated the call, stating it "had to turn off the CourtCall because [Grant ] would not let [the court] say a word. She's ranting, unfortunately, about a lot of things that [it] could not respond to because she would not let [the court] speak. In addition, the court reporter was unable to write down much of what she said because she's speaking on a speaker phone and that's why the court has difficulty with CourtCall for contested, complex matters like this." The court later ordered that any future appearances by Grant be in person.

After Grant's exit the court heard argument from Tamer and then denied his motion to be appointed guardian ad litem, stating it was not convinced he would independently serve the minor's best interests, and suspected that Grant had secured Tamer's appearance to thwart the court's prior efforts to appoint an independent attorney for the minor.

The court found that no objection had been filed either to Seibert's accounting or his petition for instructions, and approved

both and issued seven other orders pertaining to estate administration.

Grant appealed. Although in her notice of appeal Grant states that she appeals from the court’s “order,” of which there were several, in her opening brief she objects only to the orders (1) denying Tamer’s petition to be appointed guardian ad litem and (2) approving Seibert’s accounting and granting his petition for instructions. We will therefore review only those orders.

### **DISCUSSION**

#### **A. The Court Acted Within Its Discretion in Conducting the Hearing**

Grant argues the court abused its discretion by terminating her telephonic appearance and proceeding in her absence. We disagree.

A court is vested by statute with power to “provide for the orderly conduct of proceedings before it, or its officers” (Code Civ. Proc., § 128, subd. (a)(3)), and “has both the inherent authority and responsibility to fairly and efficiently administer all of the judicial proceedings that are pending before it . . .” (*People v. Engram* (2010) 50 Cal.4th 1131, 1146.) This includes “the responsibility to guard against outbursts . . . or any conduct calculated to obstruct justice” (*People v. Slocum* (1975) 52 Cal.App.3d 867, 883) and “to guard against . . . unnecessary indulgences that tend to delay the conduct of . . . proceedings” (*California Crane School, Inc. v. National Com. for Certification of Crane Operators* (2014) 226 Cal.App.4th 12, 22), and the right to “order [disruptive individuals] excluded from the room” (*People v. Tugwell* (1917) 32 Cal.App. 520, 524).

A court may permit telephonic appearances but may require personal appearance if it “determines on a hearing-by-

hearing basis that a personal appearance would materially assist in the . . . effective management or resolution of the particular case.” (Code Civ. Proc., § 367.5, subds. (b)(2) & (c); see Cal. Rules of Court, rule 3.670(f).)

We review for abuse of discretion a court’s exercise of its authority to control proceedings. (*People ex rel. Reisig v. Acuna* (2017) 9 Cal.App.5th 1, 23-24.)

Here, the court found that Grant’s participation by telephone hampered proceedings by rendering communication essentially one-way. A court must not permit any individual to take over proceedings to the benefit only of her own cause. It was therefore well within the court’s discretion to terminate Grant’s telephone call.

Grant argues that the importance and “extremely contested” nature of the proceedings obligated the court to continue the matter until such time as she could appear in person. We disagree. A court’s responsibility to control proceedings does not vary according to the importance or contested nature of the matter under consideration. All court proceedings are important to the parties, and many are highly contested. Neither must a court continue a matter to permit a disruptive individual to amend her conduct—absent some pressing due process concern, which we do not see and Grant does not claim. To do so would encourage disruption by providing the disruptor a safe harbor and second chance should her unruly conduct prove ineffective. Here, Grant had ample opportunity to object to Seibert’s accounting or petitions, and sought and obtained two continuances to afford her an opportunity to do so. She filed no objection. She cannot now complain she was denied a fair opportunity to participate in the proceedings.

**B. Grant Forfeited Her Objections to the Court's Orders**

Grant argues the court's acceptance of Seibert's accounting and granting his petition for instructions were unsupported by substantial evidence. She forfeited the argument by failing to object to either the accounting or petition below.

"An interested person may appear and make a response or objection in writing at or before" a probate hearing. (Prob. Code, § 1043, subd. (a).) An objection not filed in the probate court may not be raised for the first time on appeal. (*In re D'Avila's Estate* (1963) 217 Cal.App.2d 123, 129; *In re McKenzie's Estate* (1962) 199 Cal.App.2d 393, 400 ["objection was not raised in the probate court and appellants are not entitled to raise it here"]; *In re Kirkpatrick's Estate* (1952) 109 Cal.App.2d 709, 713.)

Here, Grant had three opportunities to file objections to Seibert's accounting and petitions, but failed to do so. Therefore, her appeal of the court's orders accepting the accounting and granting the petition are barred.

**C. Grant Lacks Standing to Appeal the Order Denying Tamer's Appointment**

Grant argues the court abused its discretion by refusing to appoint Tamer as her son's guardian ad litem. We conclude she has no standing to appeal that order.

Section 902 of the Code of Civil Procedure provides that any party "aggrieved" by a judgment or order may appeal. But "[i]t is generally held . . . that only parties of record may appeal . . . ." (*County of Alameda v. Carleson* (1971) 5 Cal.3d 730, 736.) Because Grant was not a party of record, she has no standing to appeal from the court's orders.

Even if she were a party, Grant offers no explanation how she was aggrieved by the court's refusal to appoint Tamer as her

son's guardian ad litem. "Although standing to appeal is construed liberally . . . [a]n aggrieved person, for this purpose, is one whose rights or interests are injuriously affected by the decision in an immediate and substantial way, and not as a nominal or remote consequence of the decision." (*In re K.C.* (2011) 52 Cal.4th 231, 236.) In an action to quiet title to real property, for example, a party is aggrieved, within the meaning of Code of Civil Procedure section 902, only if it claims an interest in the property in controversy. (*Landfield v. Gardner* (1948) 88 Cal.App.2d 320, 323.) "Injurious effect on *another party* is insufficient to give rise to appellate standing." (*Conservatorship of Gregory D.* (2013) 214 Cal.App.4th 62, 67 [conservatee's mother lacked standing to appeal petition for instructions regarding administration of the conservatorship].)

If Grant believes that her *son* has been aggrieved by Seibert's mishandling of his estate or by the court's orders, her remedy is to seek Seibert's removal as guardian of the estate or appointment of independent counsel to represent the minor.

In any event, a court "has discretion to accept or deny an application for appointment of a guardian ad litem," and may deny such an application when there is a conflict of interest. (*J.W. v. Superior Court* (1993) 17 Cal.App.4th 958, 964, fn. 5.) Here, it appeared that Tamer represented individuals who allegedly wrongfully occupied property belonging to the minor's estate. His appointment as the minor's guardian ad litem therefore would have presented a clear conflict of interest.



**DISPOSITION**

The orders are affirmed. Respondent is to recover costs on appeal.

NOT TO BE PUBLISHED

CHANEY, Acting P. J.

We concur:

BENDIX, J.

WEINGART, 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.