

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FIVE

SATISH SHETTY,

Plaintiff and Appellant,

v.

STANDARD PACIFIC MORTGAGE,
INC. formally known as FAMILY
LENDING SERVICES, INC. et al.,

Defendant and Respondent.

B272283

(Los Angeles County
Super. Ct. No. BC573820)

APPEAL from an order of the Superior Court of Los Angeles County, Michael Johnson, Judge. Dismissed.

Satish Shetty, in pro. per., for Plaintiff and Appellant.

Finlayson Toffer Roosevelt & Lilly and Jesse S. Finlayson
for Defendant and Respondent.

Plaintiff, Satish Shetty, purports to appeal from an order dismissing his appeal which challenged the foreclosure on and the securitization of a loan. Defendant, Standard Pacific Mortgage formerly known as Family Lending Services, Inc., has moved to dismiss the appeal. We agree that plaintiff's notice of appeal was not timely filed as to defendant.

On August 26, 2015, defendant's demurrer to the complaint was sustained without leave to amend and the case dismissed in a written order executed by the trial court. On August 31, 2015, the notice of entry of the judgment was filed as to the August 26, 2015 dismissal. There were codefendants who also challenged plaintiff's complaint. On April 8, 2016, judgment on the pleadings was entered in the codefendants' favor. The notice of appeal as to defendant was filed on May 13, 2016.

The notice of appeal is untimely as to the August 26, 2015 dismissal order. The notice of appeal was filed more than 60 days after service of the notice of entry of the dismissal order in violation of California Rules of Court, rule 8.104(a)(1)(B). Hence, the appeal must be dismissed. (*Adoption of Alexander S.* (1988) 44 Cal.3d 857, 862-864; *Hollister Convalescent Hosp. Inc. v. Rico* (1975) 15 Cal.3d 660, 674.)

There is no merit to plaintiff's argument that the one judgment rule extended the time to file the notice of appeal. According to plaintiff, he had until after resolution of the codefendants' judgment on the pleadings motions to file his notice of appeal from the August 26, 2015 dismissal. This contention has no merit. The August 26, 2015 dismissal order was immediately appealable as it was a final disposition of all disputes between defendant and plaintiff. (Cal. Rules of Court, rule 8.104(e); see *Mid-Wilshire Associates v. O'Leary* (1992) 7

Cal.App.4th 1450, 1454.) The April 8, 2016 filing of the judgment on the pleadings did not extend the time to file the notice of appeal. (*Ellis v. Ellis* (2015) 235 Cal.App.4th 837, 842; *Laraway v. Pasadena Unified School Dist.* (2002) 98 Cal.App.4th 579, 583.) Thus, the one final judgment rule does not extend the time to file plaintiff's notice of appeal as they relate to his claims against defendant. (*Justus v. Atchison* (1977) 19 Cal.3d 564, 568, disapproved on another point in *Ochoa v. Superior Court* (1985) 39 Cal.3d 159, 171; *Barton v. Ahmanson Developments, Inc.* (1993) 17 Cal.App.4th 1358, 1361.)

The purported appeal is dismissed as to all claims against defendant, Standard Pacific Mortgage formerly known as Family Lending Services, Inc. Defendant shall recover its costs incurred on appeal from plaintiff, Satish Shetty.

NOT TO BE PUBLISHED IN THE
OFFICIAL REPORTS

TURNER, P. J.

We concur:

BAKER, J.

KIN, J.*

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