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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FIVE

In re Marriage of JEFFREY
and BONNIE FRANKE.

B289196

(Los Angeles County
Super. Ct. No. BD377508)

JEFFREY ALLAN FRANKE,

Respondent,

v.

BONNIE JANE O'CONNOR,

Appellant.

APPEAL from orders of the Superior Court of Los Angeles County, Christine Byrd and Lawrence Riff, Judges. Affirmed.

Bonnie Jane O'Connor, in pro. per., for Appellant.

Law Offices of Mary Catherine M. Bohen and Mary
Catherine M. Bohen, for Respondent.

Appellant Bonnie Jane O'Connor appeals from an order denying a domestic violence restraining order and an order granting her request for modification of spousal support. On appeal, O'Connor contends: (1) there was evidence of domestic violence during the marriage; (2) the trial court should have allowed discovery of undisclosed assets; (3) the trial court's findings concerning her disability were not supported by substantial evidence; (4) the trial court's modification of the spousal support order was not supported by substantial evidence; (5) she should have been awarded funds to retain an attorney; (6) a statement of decision was required; and (7) the trial court abused its discretion by taking a hearing off calendar on her earlier request for modification of spousal support on the same grounds. Beyond these bare assertions, however, O'Connor's briefs on appeal do not comply with fundamental rules of appellate procedure and no error has been shown. Therefore, we affirm.

FACTS AND PROCEDURAL BACKGROUND¹

Dissolution Judgment and Stipulated Modification

O'Connor and Franke were married in 1986 and had three children. O'Connor holds a three-year nursing hospital diploma; Franke has degrees from Stanford University and the University of Southern California. Franke filed a petition for dissolution in October 2002. Both parties were represented by counsel during the dissolution proceedings.

The stipulated judgment entered in April 2005 gave sole custody of the children to O'Connor. Franke agreed to pay child support of \$1,000 per child per month, and spousal support of \$1,000 per month until June 30, 2012. The court retained jurisdiction to extend spousal support beyond June 30, 2012, if O'Connor applied for an extension of spousal support before that date. O'Connor was advised that the policy of the State is for each person to become self-

¹ On the court's own motion, we take judicial notice of the appellate records and unpublished opinions in O'Connor's prior appeals, docket numbers B256682 and B269097. (See *Forbes v. County of San Bernardino* (2002) 101 Cal.App.4th 48, 50–51; Evid. Code, §§ 452, subd. (d), 459, subd. (a).) The facts about requests for modification of spousal support on November 15, 2013, April 22, 2014, and August 21, 2015, are from the appellate records in the prior appeals. (*In re Marriage of Franke* (July 17, 2015, B256682) [nonpub. opn.], same cause (June 12, 2017, B269097) [nonpub. opn.].)

supporting. The court found O'Connor to be in good health, with a nursing degree, and there was a reasonable expectation that she would be able to re-enter the job market after a period of re-training. Franke moved out of the area immediately, and moved out of the state within a few years.

O'Connor began employment at a hospital in May 2011. She was hospitalized, however, for several weeks in 2011, and exhausted her state disability benefits. She was approved to return to limited duties in January 2012, but became unable to work again on February 23, 2012. Her doctor placed her on temporary disability and ordered that she could not work for two months, but anticipated that she could return to work on April 23, 2012.

During the time that she was on temporary disability, O'Connor and Franke agreed to increase and extend O'Connor's spousal support payments. O'Connor prepared a written stipulation, which she signed on February 23, 2012, and Franke signed on March 4, 2012. Neither was represented by counsel in connection with the stipulation. O'Connor's doctor ultimately extended the date for her to return to work.

The trial court entered the parties' stipulated order on May 17, 2012, modifying the 2005 judgment as follows: "1. The parties hereby agree that [Franke] shall pay to [O'Connor] the sum of One Thousand Two Hundred Dollars (\$1,200.00) per month for a further period of five (5) years, commencing on July 1, 2012 with the last payment being made on December 1, 2017. [¶] 2. All orders not

inconsistent with the modifications made herein shall remain in full force and effect.” Franke’s child support obligation ceased the following month when the youngest child completed high school in June 2012.

First and Second Requests for Modification of Spousal Support

On November 15, 2013, O’Connor, representing herself, filed a request for modification of spousal support from \$1,200 to \$3,811 a month, and to extend spousal support beyond the termination date in 2017. O’Connor’s evidence reflected that she had not returned to work since February 23, 2012, due to her health issues. In her income and expense declaration, she stated that her mortgage was \$2,263 per month and her total expenses were \$3,718. In a supplemental declaration, she stated that her house was in foreclosure proceedings as of February 2014, and she had qualified for food stamps. She provided evidence of Franke’s ability to pay, including his monthly salary of more than \$12,000.

In Franke’s responsive declaration, he argued that the court had not retained jurisdiction over spousal support, because O’Connor had not made an application to extend support as required under the dissolution judgment. He argued that O’Connor was disabled and unemployed when the 2012 agreement was made and at present, so she had not

shown any failure of expectations underlying the 2012 agreement.

When Franke appeared at the April 18, 2014 hearing, O'Connor requested a continuance. She stated that she had not seen Franke in more than 12 years. She asked the court to require Franke to pay for a lawyer for her in order to level the playing field. The trial court took the matter off calendar, and denied the request without prejudice.

On April 22, 2014, O'Connor filed a request for modification of spousal support from \$1,200 to \$4,200 a month, and a permanent extension. In her declaration, she stated that her doctor determined on February 23, 2012, that she could not work for two months. It had been anticipated that she would return to work on April 23, 2012, but the date was later extended. She was not eligible for state disability benefits, because she had exhausted her benefits in 2011. Franke was not truthful about his financial circumstances when they negotiated the stipulation in February 2012.

In Franke's response, he argued there was no evidence of the nature of O'Connor's disability, or evidence that she made a diligent effort to find and maintain employment. Franke denied making any false or misleading statements about his finances.

The trial court denied the request without prejudice for failure to show a material change in circumstance. O'Connor filed a notice of appeal from the orders denying the requests to modify spousal support. This appellate court affirmed the

orders in a nonpublished opinion. (*In re Marriage of Franke* (July 17, 2015, B256682).)

Third Request for Modification

On August 21, 2015, O'Connor filed a request for modification of spousal support seeking a permanent spousal support award of \$4,500 per month. She declared that she was on unpaid disability leave when she signed the modification order in February 2012, with an expected return date of April 2012, but she was not cleared to return to work. She submitted a partially redacted decision of an administrative law judge for the Social Security Administration Office of Disability Adjudication and Review issued on April 20, 2015. In connection with the receipt of disability benefits under the Social Security Act (20 C.F.R. § 404.929 et seq.), the administrative law judge found O'Connor had been permanently disabled since August 24, 2013. The decision found O'Connor had hypertension, tachycardia, and degenerative disc disease of the cervical spine, in addition to redacted findings. O'Connor began receiving social security disability benefits of \$1,365 per month in May 2015. Her mortgage was \$2,263, and her home continued to be in the foreclosure process.

Franke filed a responsive declaration. He asserted that the court did not have jurisdiction to modify the spousal support order, because O'Connor had not made an

application to extend support as required under the stipulated judgment.

A hearing was held on September 30, 2015. The trial court found that the April 5, 2005 judgment required a request to modify or extend spousal support have been filed prior to June 30, 2012, which O'Connor had not filed. Instead, the parties' stipulated order for support entered on May 17, 2012, did not allow for modification, and it did not reserve jurisdiction to the court to modify or extend support. The trial court concluded that it had no jurisdiction under the May 17, 2012 order to modify or further extend spousal support. The court denied the request without prejudice. O'Connor filed a timely notice of appeal.

This appellate court reversed the order in a nonpublished opinion and remanded for further proceedings. (*In re Marriage of Franke* (June 12, 2017, B269097).) We determined that the trial court had jurisdiction to modify and extend spousal support payments under the May 2012 support order. We also concluded that if the trial court had exercised its jurisdiction, it was reasonably probable that O'Connor would have obtained a more favorable result, because there was evidence from which the court could find changed circumstances to support modification of spousal support.

Proceeding for Domestic Violence Restraining Order

On November 27, 2017, O'Connor sought a domestic violence restraining order against Franke pursuant to the Domestic Violence Prevention Act (Fam. Code, § 6200 et seq.) (DVPA). She stated her belief that Jeffrey was having his agents follow her to coerce and intimidate her. She believed Jeffrey or his agents hacked her internet activity, because her internet had "suspicious activity." A year earlier, a man slid open a window of her house and took pictures inside. She thought the man could have been associated with the foreclosure proceedings or an agent of Franke. She had been followed in her car several times by people that she believed were Franke's agents. She also described incidents that took place during the marriage approximately 15 years earlier.

An evidentiary hearing was held on December 18, 2017. One of the parties' sons testified about incidents during the parties' marriage. He had not seen his father in approximately 15 years. O'Connor testified that her car had been followed twice by unknown drivers, a man had broken the screen on her window to take pictures of the inside of her house a year earlier, suspicious activity on her internet account had been reported to her several times, her porch light went out right after her son changed the bulb, and a person took her picture while driving by her.

Both parties testified about incidents that took place during the marriage, before the dissolution was finalized.

Franke testified that the marriage was not happy, particularly toward the end. The parties had a lot of arguments and confrontations. He would be trying to walk away, and O'Connor would keep following him, going after him, so he would push back. She kept talking and pushing, when he was trying to get away, and it was possible he punched her or pushed her down. He once kicked in a locked hotel suite door and paid the repair charges. One time, he was yelling and screaming to be let into the house, and the police responded. As soon as he came home at night, O'Connor would confront him, pushing him and questioning his judgment. When she kept following him, he would push to get her away from him or grab her arm to push her away from him, which could have caused bruises or pulled her hair. He may have slapped her after being provoked. One time after they had separated, it was his night to have dinner with the kids and O'Connor refused to leave. He got mad and threw a kitchen knife at the sink; it bounced and broke a window. He was not proud of what happened, but it was not a happy situation and that was why he left.

The trial court denied O'Connor's request for a restraining order. The court found O'Connor had not established by a preponderance of the evidence that any abuse occurred within the meaning of the Family Code. In addition, the court stated, "With respect to the credibility of [O'Connor], the Court finds that [O'Connor] is not a credible witness. Her testimony regarding present time, her testimony was vague, conclusory, and lacked in the specifics

that would give it any reliability. [O'Connor's] appearance in court, her rambling answers, are reminiscent of somebody with a mental illness. [¶] And with respect to the allegations regarding events that occurred during the term of the marriage, the Court is persuaded that it was a bad home situation, but the Court is not persuaded that there was any abuse in the marriage within the meaning of the Family Code.” The court further stated, “the Court is not persuaded that any of the conduct that actually occurred during the term of the marriage rises to the level of abuse within the meaning of the domestic violence statute; but in the alternative, if it did raise to that level, the Court finds, based on the testimony of both of the parties, that it would be covered by the [rule of *In re Marriage of G.* (2017) 11 Cal.App.5th 773, 779–780,] and that the conduct appears to have been self-defense of one party against the other.”

The court added, “And the Court has considered all of these different time periods because under Family Code section 6301, the length of time since the alleged act of abuse is not, by itself, determinative; so the Court has considered the totality of the circumstances in determining that the restraining order should be denied. [¶] In sum, based on the lack of credibility of the moving party, the Court finds that the moving party has failed to establish by a preponderance of the evidence that any abuse occurred within the meaning of the Family Code; and, therefore, the request for a restraining order is denied.” The court dissolved the temporary restraining order.

Fourth Request for Modification of Spousal Support

On November 27, 2017, O'Connor also filed a new request for an order seeking an increase of spousal support from \$1,200 to \$8,600 per month, that the support be made permanent and indefinite, that it be retroactive to the filing of the August 21, 2015 request, and for an award of \$100,000 to hire an attorney. O'Connor filed a declaration in support of her request for orders. Franke moved to strike O'Connor's declaration in support of her request for orders and requested the court take judicial notice of certain documents.

On December 28, 2017, a hearing was held on the November 27, 2017 request. The court noted that the parties would return on February 15, 2018, for a status conference on the August 21, 2015 request following the remittitur from the appellate court. The trial court asked whether the parties wanted to postpone the hearing to have a unified hearing on both requests in February. The court warned the parties that regardless of the ruling on the November 27, 2017 request, it was possible there would be a hearing on the August 21, 2015 request to determine if O'Connor was entitled to relief from the time that request was filed until the time of the most recent request. O'Connor agreed that both requests should be heard in February, but stated that she needed spousal support immediately. Asked to choose whether to proceed on both requests in February, without a temporary support order, or to proceed immediately on the most recent request, O'Connor

chose to proceed that day on the most recent request. Franke was also ready to proceed.

The court noted that the test for both of O'Connor's requests was whether there had been a material change in circumstances between the May 2012 support order and the present. The court also advised the parties that ruling on the November 27, 2017 request could subsume issues that would have otherwise been heard in February in connection with the August 21, 2015 request. The court clarified that there were no motions to compel discovery at issue and the hearing did not involve any discovery abuse.

The trial court asked O'Connor about evidence that she was totally disabled from performing any type of work. Franke's request for judicial notice included the redacted social security decision. O'Connor testified that the nature of her total medical disability was arthritis, severe pain, tachycardia and high blood pressure. Franke argued that his ability to pay had been diminished and his assets dissipated by defending a case in federal court that O'Connor had filed against him, the domestic violence proceedings, and the multiple requests for modification orders.

The court granted Franke's request for judicial notice and took the matter under submission. On January 17, 2018, the trial court entered an order on the November 27, 2017 request. The court found that by requesting relief retroactive to August 21, 2015, O'Connor had implicitly acknowledged that the factual basis for her latest request was identical to the factual basis of the August 21, 2015

request set for hearing on February 15, 2018. As a result, the court's order encompassed both requests and the February 15, 2018 hearing was taken off calendar as moot.

The court found that O'Connor had not shown, and the evidence submitted by Franke did not reveal, what O'Connor's reasonable needs were in 2012 when the parties agreed to modify the spousal support order. O'Connor had also failed to show that her reasonable needs increased since 2012, but the evidence supplied by Franke permitted an inference that the reasonable cost of satisfying O'Connor's reasonable needs had increased. The court found O'Connor's most recent income and expense declaration, however, was unrealistic and unreasonable.

The court noted that documentation showed the Social Security Administration had determined O'Connor was disabled. O'Connor was receiving Social Security Disability Income, but had refused to produce unredacted medical records that would have permitted Franke to evaluate whether O'Connor was totally disabled or whether there was work available to her within her limitations. The court did not accept O'Connor's assertion that she was totally disabled. The Court accepted that she could not work in her customary field of endeavor in nursing. It was unclear whether O'Connor could ever become truly self-supporting considering her disability, but the court believed she could contribute to her own support, which she was not pursuing despite her obligation to do so. For the same reasons, it was not clear whether O'Connor had marketable skills.

The court made other required findings as well. The court found O'Connor's reasonable needs were \$3,750 per month. She received \$1,369 per month in social security disability income. Her monthly mortgage payment was comparable to the cost of renting an apartment in the community. The court considered the obligations, assets, ages, and health of the parties. The marriage was 16 years and four months, and had terminated nearly 16 years prior. Franke had dutifully paid spousal support for the entire period until his obligation ended on December 1, 2017.

The court found the factor of objective hardship, unrelated to the conduct of the parties, favored O'Connor. She had a degree of disability keeping her from becoming economically self-sufficient as the parties intended in 2002. But the court did not find that she was totally disabled; rather, the court found she could likely contribute something toward her financial support, but that she was not pursuing work despite her obligation to do so. By way of example, the court noted that even working from home for 40 hours per month at \$12 per hour would contribute \$900 per month.

The court found the factor of subjective hardship, related to the conduct of the parties, strongly favored Franke. O'Connor's post-judgment disability was unfortunate, but the court found and emphatically notified O'Connor that it was not Franke's responsibility to provide for her financial welfare and well-being indefinitely and permanently. The court was not persuaded that O'Connor had timely raised any claim of fraud or non-disclosure, or

that Franke's attorneys had committed misconduct. Franke's perception that he had been victimized by O'Connor had merit. The court noted that O'Connor's litigation of claims in federal court that were obviously time barred was plainly meritless, as was O'Connor's assertion of domestic violence and request for a restraining order years after the parties even resided in the same city. The more desperate O'Connor perceived her situation relative to the impending foreclosure, the louder, more strident and florid her claims became against Franke in court. One effect of O'Connor's conduct had been to require Franke to expend large sums on travel and lawyers to address legal and factual assertions that no court found not to have any merit whatsoever.

Based on these findings, the court granted O'Connor's request for a modification order extending the time period for payment of support. Franke was ordered to pay additional spousal support of \$1,000 per month from December 1, 2017 to December 31, 2019, then pay \$750 per month from January 1, 2020 to December 31, 2022, following which Franke's spousal support obligation would terminate. The court found Franke had the ability to pay the increased support.

The court denied O'Connor's request for attorney fees. She had not established that an award of attorney fees was reasonably necessary and would be wisely devoted to the expeditious resolution of the matter. Moreover, O'Connor provided no evidentiary basis for the court to evaluate the

nature and complexity of the proposed future litigation or the time to be consumed by counsel.

On January 29, 2018, O'Connor requested a statement of decision for the January 17, 2018 order. She also filed a motion for reconsideration. The trial court issued a corrected order on January 30, 2018. On February 8, 2018, O'Connor requested a statement of decision explaining the legal and factual basis for the January 30, 2018 order. On February 13, 2018, O'Connor filed an ex parte application for an order modifying spousal support and for an award of attorney fees. The court denied the ex parte application. O'Connor filed a timely notice of appeal from the orders entered on December 18, 2017, and January 17, 2018.

DISCUSSION

Standard of Review

In general, we review an order granting or denying a protective order under the DVPA based on the abuse of discretion standard. (*Burquet v. Brumbaugh* (2014) 223 Cal.App.4th 1140, 1143.) We accept as true all of the evidence tending to establish the correctness of the trial court's findings, resolving every conflict in the evidence in favor of the judgment, to determine whether there is any substantial evidence, contradicted or uncontradicted, that supports the trial court's finding. (*Ibid.*)

In addition, “The trial court has broad discretion to decide whether to modify a spousal support order. [Citation.]’ (*In re Marriage of Tydlaska* (2003) 114 Cal.App.4th 572, 575.) In exercising that discretion, the court must consider the required factors set out in section 4320. (*In re Marriage of Left* (2012) 208 Cal.App.4th 1137, 1150.) The court has discretion as to the weight it gives to each factor (*In re Marriage of Cheriton* (2001) 92 Cal.App.4th 269, 304), and then “the ultimate decision as to amount and duration of spousal support rests within its broad discretion and will not be reversed on appeal absent an abuse of [its] discretion.” [Citation.]’ (*In re Marriage of Left*, at p. 1150.)” (*In re Marriage of Shimkus* (2016) 244 Cal.App.4th 1262, 1273, fn. omitted.)

Moreover, “[E]rror alone does not warrant reversal. ‘It is a fundamental principle of appellate jurisprudence in this state that a judgment will not be reversed unless it can be shown that a trial court error in the case affected the result.’ [Citation.] “The burden is on the appellant, not alone to show error, but to show injury from the error.” [Citation.] ‘Injury is not presumed from error, but injury must appear affirmatively upon the court’s examination of the entire record.’ [Citation.] ‘Only when an error has resulted in a miscarriage of justice will it be deemed to be prejudicial so as to require reversal.’ [Citation.] A miscarriage of justice is not found ‘unless it appears reasonably probable that, absent the error, the appellant would have obtained a more

favorable result.’ [Citation.]” (*In re Marriage of Falcone & Fyke* (2008) 164 Cal.App.4th 814, 822–823.)

No Abuse of Discretion Demonstrated on Appeal

On appeal, O’Connor’s briefs are an unintelligible compilation of accusations and factual claims which fail to comply with fundamental rules of appellate procedure. “[M]ere self-representation is not a ground for exceptionally lenient treatment. Except when a particular rule provides otherwise, the rules of civil procedure must apply equally to parties represented by counsel and those who forgo attorney representation.” (*Rappleyea v. Campbell* (1994) 8 Cal.4th 975, 984–985.) O’Connor has waived her right to argue on appeal that the orders were not supported by substantial evidence or an abuse of the trial court’s discretion, because she has violated numerous rules of court in failing to properly state the evidence and the nature of the proceedings in the trial court.

“‘It is well established that a reviewing court starts with the presumption that the record contains evidence to sustain every finding of fact.’ [Citations.]” (*Foreman & Clark Corp. v. Fallon* (1971) 3 Cal.3d 875, 881 (*Foreman*).) All material evidence must be set forth in the appellant’s briefs, and not merely appellant’s own evidence. (*Ibid.* [“A recitation of only defendants’ evidence is not the ‘demonstration’ contemplated under the above rule” requiring them to demonstrate that there is no substantial

evidence to support the judgment]; *Jordan v. City of Santa Barbara* (1996) 46 Cal.App.4th 1245, 1255 (*Jordan*).)

Failure to do so amounts to a waiver of the alleged error. In such a case, we may presume the record contains evidence to sustain every finding of fact. (*Foreman, supra*, at p. 881; *Jordan, supra*, at p. 1255.)

In addition, each assertion in the appellant's statement of facts must be supported by a citation to the record where the applicable facts recited may be found and verified. (Cal. Rules of Court, rule 8.204(a)(1)(C).) "As a general rule, '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.' [Citations.] It is the duty of counsel to refer the reviewing court to the portion of the record which supports appellant's contentions on appeal. [Citation.] If no citation 'is furnished on a particular point, the court may treat it as waived.' [Citation.]" (*Guthrey v. State of California* (1998) 63 Cal.App.4th 1108, 1115 (*Guthrey*); see also *Goodstein v. Cedars-Sinai Medical Center* (1998) 66 Cal.App.4th 1257, 1260, fn. 1.) In this case, the recitations of facts and arguments in O'Connor's briefs are devoid of citations to the reporter's transcript of the hearings held in the lower court.

As an example, under the heading "Legal Argument Four," O'Connor's brief states, "[The trial court judges] abused their discretion and prejudicially harmed [O'Connor], and her Constitutional rights, when [Franke] finally admitted to Domestic Violence and Abuse, numerous

physical assaults, against [O'Connor] after years of denials under oath (which even made 6/12/17 Appellate Opinion), in RFA's, Rogs, verified declarations." O'Connor cites six pages of the clerk's transcript in support of this contention and none of the reporter's transcript. As stated above, we review an order denying a protective order for an abuse of discretion. The trial court in this case concluded that O'Connor's testimony was not credible, and the evidence did not amount to domestic abuse under the statute or meet the standard for a protective order under the DVPA. We do not reweigh evidence on appeal. To meet her burden to demonstrate error, O'Connor had to explain how the factual record, viewed in the light most favorable to the trial court's order, showed that the trial court abused its discretion. Instead, O'Connor simply provided the statutory definition of abuse set forth in Family Code section 6203, and reiterated her contention that Franke admitted to domestic abuse. She does not address the trial court's explicit factual findings that Franke's admissions did not constitute domestic abuse and that his actions were taken in self-defense. She does not explain how the trial court abused its discretion by denying the petition in light of the statutory direction to the court to consider the "totality of the circumstances." (Fam. Code, § 6301, subd. (c).) She did not make a specific factual argument supported by citation to evidence in the reporter's transcript, and did not provide citation to case law that would support finding an abuse of discretion based on the factual record in this case.

An appellant must present legal analysis and relevant supporting authority for each point asserted, with appropriate citations to the record on appeal. (*Duarte v. Chino Community Hospital* (1999) 72 Cal.App.4th 849, 856.) The opening brief must state the nature of the action, the relief sought in the trial court, the judgment or order appealed from, and summarize the significant facts, but limited to matters in the record. (Cal. Rules of Court, rule 8.204(a)(2)(A), (C).) The appellant must support each point by argument, and if possible, provide citation of authority. (Cal. Rules of Court, rule 8.204(a)(1)(B).) These are not mere technical requirements, but important rules of appellate procedure designed to alleviate the burden on the court by requiring litigants to present their cause systematically, so that the court “may be advised, as they read, of the exact question under consideration, instead of being compelled to extricate it from the mass.” (*Landa v. Steinberg* (1932) 126 Cal.App. 324, 325.)

For example, O’Connor makes the bare assertion in her appellate brief that the trial court abused its discretion by failing to issue a statement of decision that O’Connor requested. She fails to provide any citation to the record for her request for a statement of decision. She also fails to cite any legal authority that she made a timely request and the trial court was required to issue a statement of decision. (Code Civ. Proc., § 632 [when trial is concluded in one calendar day, a request for a statement of decision must be made prior to submission of the matter for decision].) Our

review of the record shows both of O'Connor's requests for a statement of decision were untimely, because the trial concluded in one day and the requests were made after the trial court issued its order.

O'Connor's legal arguments are unintelligible or nonexistent, include rambling accusations, and are devoid of citations to legal authority. “““Instead of a fair and sincere effort to show that the trial court was wrong, appellant's brief is a mere challenge to respondent[] to prove that the court was right.””” (*People v. Dougherty* (1982) 138 Cal.App.3d 278, 283, quoting *Grand v. Griesinger* (1958) 160 Cal.App.2d 397, 403.) Thus, we find her assignments of error to be waived, and we reject them on this basis. (*Guthrey, supra*, 63 Cal.App.4th at pp. 1115–1116; *Landry v. Berryessa Union School Dist.* (1995) 39 Cal.App.4th 691, 699–700; *Mansell v. Board of Administration* (1994) 30 Cal.App.4th 539, 545 [“We are not required to search the record to ascertain whether it contains support for [appellant's] contentions”].)

DISPOSITION

The December 18, 2017 order and the January 17, 2018 order, as corrected on January 30, 2018, are affirmed. Respondent Jeffrey Allan Franke is awarded his costs on appeal.

MOOR, J.

We concur:

BAKER, Acting P. J.

KIM, J.