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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FIVE

SYLVIA M. BELLO,

Plaintiff and Appellant,

v.

INTEGRITY PROPERTY
MANAGEMENT et al.,

Defendants and Respondents.

B280317

(Los Angeles County
Super. Ct. No. BC549750)

APPEAL from a judgment of the Superior Court of Los Angeles County, Gail Ruderman Feuer, Judge. Dismissed.

Sylvia M. Bello, in pro. per., for Plaintiff and Appellant.

Foley & Mansfield, Peter B. Langbord and Daniel C.

Heaton for Defendants and Respondents.

Plaintiff, Sylvia M. Bello, appeals from a judgment in her favor of \$56,550 entered after a jury trial. Defendants, Integrity Property Management and G & K Hanson Properties, LLC, have moved to dismiss plaintiff's appeal on waiver grounds. As plaintiff has accepted the jury verdict's benefits *and* her counsel, Andrew E. Smyth, has executed a full acknowledgement of satisfaction of judgment, we agree and dismiss the appeal.

On November 18, 2016, judgment was entered on the special verdict in plaintiff's favor. On December 14, 2016, defense counsel tendered two cashiers checks totaling \$56,907.35 to Mr. Smyth. Neither plaintiff nor Mr. Smyth expressed any reservation, objection or condition regarding acceptance of the two checks. The checks were deposited into Mr. Smyth's client trust account. Mr. Smyth then executed a full satisfaction of judgment which was filed in the trial court. Defendants argue that acceptance of the two checks *and* the execution of the full satisfaction of judgment waives plaintiff's right to appeal. We agree. (*Mathys v. Turner* (1956) 46 Cal.2d 364, 366; *Giometti v. Etienne* (1936) 5 Cal.2d 411, 414-415; *Watson v. McEwen* (1964) 225 Cal.App.2d 771, 775; *Guho v. City of San Diego* (1932) 124 Cal.App. 680, 683-684.) We need not address the parties' other arguments. Acceptance of the funds without condition *and* execution of the full satisfaction of judgment ends the matter. Nor need we address any issue of mootness.

The appeal is dismissed. Defendants, Integrity Property Management and G & K Hanson Properties, LLC., shall recover their costs incurred on appeal from plaintiff, Sylvia M. Bello.
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TURNER, P. J.

We concur:

KRIEGLER, J.

DUNNING, J. *

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