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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FOUR

ARARAT YOUSEFI,

Plaintiff and Respondent,

v.

ARIS NAZARIAN,

Defendant and Appellant.

B271655

(Los Angeles County
Super. Ct. No. BC541674)

APPEAL from a judgment of the Superior Court for Los Angeles County, Malcolm H. Mackey, Judge. Affirmed.

Aris Nazarian, in pro. per., for Defendant and Appellant.

Pacific Pine Law Group and Eugene S. Fu for Plaintiff and Respondent.

Defendant Aris Nazarian appeals from a judgment in favor of plaintiff Ararat Yousefi following a three-day bench trial of claims arising from an alleged partnership between the two men. Nazarian, who is representing himself in this appeal (he was represented by counsel in the trial court), argues that the judgment is contrary to the evidence presented, and that the trial court failed to address certain issues. His appellant's opening brief, however, fails to cite to *any* evidence, and fails to support any of his arguments with citation to the record or legal authority. Therefore, we find that Nazarian has forfeited his arguments, and we affirm the judgment.

BACKGROUND

Yousefi filed a first amended complaint alleging that he and Nazarian entered into a verbal partnership agreement in 2009 for the purpose of forming a trucking business, Crystal Express, Inc., a truck brokerage firm, and other ventures. Yousefi alleged that under the partnership agreement, he owned 50 percent of the partnership and was to be the managing director of partnership; Nazarian owned the remaining 50 percent and was responsible for keeping an accurate accounting of the businesses.

The complaint alleged that Nazarian failed to keep an accurate accounting and made unnecessary purchases, hired unnecessary truck drivers, brokers, and agents, and used company money for personal purposes, among other purportedly improper conduct. Based on this alleged conduct, the complaint alleged 10 causes of action, for breach of the partnership agreement, breach of the implied covenant of good faith

and fair dealing, breach of fiduciary duty, dissolution of partnership, constructive trust, conversion, accounting, quantum meruit, breach of employment contract, and violation of Business and Professions Code section 17200.

The case went to trial before the court. Trial lasted three days, during which Yousefi, Kellye Seals (an attorney who consulted with Yousefi and Nazarian and drafted some documents related to their businesses), and Nazarian testified as part of Yousefi's case in chief. At the close of Yousefi's case in chief, Nazarian's counsel moved for judgment under Code of Civil Procedure section 631.8. The trial court denied the motion. The court then immediately began addressing the amounts it determined were owed by Nazarian to Yousefi based upon the evidence. Nazarian's counsel did not seek to present any witnesses or other evidence.

The court found that Yousefi was entitled to recover \$14,125 from Nazarian, plus costs. There is no indication in the record that either party requested a statement of decision; none was issued. On April 5, 2016, the trial court entered judgment against Nazarian and in favor of Yousefi in the amount of \$14,125, plus costs of \$2,449.75, for a total judgment of \$16,574.75. Nazarian timely filed a notice of appeal from the judgment.

DISCUSSION

Nazarian contends on appeal that (1) the judgment is not supported by the evidence; (2) the judgment "was very incomplete in that there were many issues that remained unclear and there were

[items] that the judge simply did not address”; and (3) the trial court did not allow him to present his case in chief. We conclude that Nazarian has forfeited all these contentions.

On appeal, “[w]e must presume the judgment is correct, and the appellant bears the burden of demonstrating error.” (*Jones v. Department of Corrections & Rehabilitation* (2007) 152 Cal.App.4th 1367, 1376.) We presume the trial court correctly followed the law (*Wilson v. Sunshine Meat & Liquor Co.* (1983) 34 Cal.3d 554, 563), and, “[w]hen no statement of decision is requested and issued, we imply all findings necessary to support the judgment. [Citation.]” (*Cahill v. San Diego Gas & Electric Co.* (2011) 194 Cal.App.4th 939, 956.)

“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 [or, if unrepresented, the appellant] 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.)

“Appellate briefs [also] must provide argument and legal authority for the positions taken. “When an appellant fails to raise a point, or asserts it but fails to support it with reasoned argument and citations to authority, we treat the point as waived.” [Citation.] ‘We are not bound to develop appellants’ argument for them. [Citation.] The absence of cogent legal argument or citation to authority allows

this court to treat the contention as waived.’ [Citations.]” (*Cahill v. San Diego Gas & Electric Co.*, *supra*, 194 Cal.App.4th at p. 956.)

Finally, “[a] party who challenges the sufficiency of the evidence to support a particular finding must *summarize the evidence* on that point, *favorable and unfavorable*, and *show how and why it is insufficient*. [Citation.]’ [Citation.] Where a party presents only facts and inferences favorable to his or her position, ‘the contention that the findings are not supported by substantial evidence may be deemed waived.’ [Citation.]” (*Schmidlin v. City of Palo Alto* (2007) 157 Cal.App.4th 728, 738; see also *Foreman & Clark Corp. v. Fallon* (1971) 3 Cal.3d 875, 881-882.) Moreover, that summary of the evidence must include citations to the evidence contained in the record or else the issue is waived. (*Nwosu v. Uba* (2004) 122 Cal.App.4th 1229, 1246.)

Nazarian has met none of these requirements.

For example, in his appellant’s opening brief, Nazarian sets forth only his version of the facts, which is taken entirely from his counsel’s opening statement at trial, rather than from the evidence presented at trial. Although in the argument section he makes some mention of some of the allegations of Yousefi’s complaint, he does not discuss any of the evidence Yousefi presented at trial. And although he contends that the evidence he presented demonstrates the error of the trial court’s judgment, he does not include any citations to the record where that evidence may be found.¹

¹ In fact, the only citations to the record in his entire opening brief are found in the statement of facts, which, as we noted, is based entirely on Nazarian’s counsel’s opening statement rather than any evidence.

Similarly, in contending that the judgment was incomplete and failed to address several issues, Nazarian fails to show, with citations to the record, where those issues were raised, what evidence was presented regarding those issues, and whether he requested rulings on those issues.

With regard to Nazarian's contention that the trial court did not allow him to present his case in chief, Nazarian fails to show, by citation to the record, that his counsel objected to the trial court's proceeding to judgment following the denial of Nazarian's motion for judgment after Yousefi rested his case. Without such an objection, the issue is forfeited. (*Keener v. Jeld-Wen, Inc.* (2009) 46 Cal.4th 247, 264.)

Finally, Nazarian does not provide any cogent legal argument, with citation to legal authority, anywhere in his opening brief. Indeed, his brief contains only one citation to legal authority, for the point that "[i]f there are conflicts in the facts, the court will resolve the conflict in favor of the party who won in the trial court" -- a legal point that provides him no support for any of his contentions. (Citing *Williams v. Wraxall* (1995) 33 Cal.App.4th 120, 132.)

We are aware that Nazarian is not represented by counsel in his appeal. But that does not absolve him of the responsibility to provide a full and complete statement of facts, citations to the record, and cogent legal argument supported by citation to legal authority. "When a litigant is appearing in propria persona, he is entitled to the same, but no greater, consideration than other litigants and attorneys. . . . Further, the in propria persona litigant is held to the same restrictive rules of procedure as an attorney." (*Bianco v. California Highway*

Patrol (1994) 24 Cal.App.4th 1113, 1125-1126.) Accordingly, we find that Nazarian has forfeited his contentions on appeal, and we affirm the judgment.

DISPOSITION

The judgment is affirmed. Yousefi shall recover his costs on appeal.

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WILLHITE, J.

We concur:

MANELLA, P. J.

COLLINS, J.