

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS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 This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.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

SYRUS PARVIZIAN,

Plaintiff and Appellant,

v.

CALIFORNIA DEPARTMENT OF
TRANSPORTATION et al.,

Defendants and Respondents.

B235558

(Los Angeles County
Super. Ct. No. LC092105)

APPEAL from a judgment of the Superior Court of Los Angeles County.

Ruth A. Kwan, Judge. Affirmed.

Syrus Parvizian, in pro. per., for Plaintiff and Appellant.

Ronald W. Beals, Chief Counsel, Linda Cohen Harrel, Deputy Chief Counsel, Jill Siciliano-Okoye, Helen Lemmon Alarcon for Defendant and Respondent California Department of Transportation.

Law Offices of Torres & Brenner, Anita Susan Brenner for Defendant and Respondent County of Los Angeles.

Plaintiff and appellant Syrus Parvizian appeals from the judgment entered in favor of defendants and respondents, the County of Los Angeles, and the State of California's Department of Transportation, on his complaint, after respondents' demurrers were granted without leave to amend. We affirm.

Facts and Discussion

By way of background, appellant was for a time employed by the Department of Transportation, and was for a time married to Malak Parvizian. He has earlier filed lawsuits and appeals in the family law action, and earlier sued the State for wrongful termination and related causes of action.¹

This lawsuit was filed on December 14, 2010. The complaint brought causes of action titled breach of fiduciary duty, legal malpractice, abuse of discretion, breach of written employment agreement, constructive fraud, and fraud and defraud.

The factual allegations generally concerned two subjects; a December 2001 order in the family law proceeding, and appellant's termination from employment with the Department of Transportation, which was alleged to have taken place in 2003. As to the family law proceeding, the allegation was that the family law court made an order that a sum representing child and spousal support be deducted from appellant's Department of Transportation paycheck and deposited in a County trust fund for the benefit of appellant's wife and child, and that the defendants, the superior court, his former wife's attorney and others committed fraud and misconduct in the calculation of support and support arrearages and in execution of the support order. As to the wrongful termination, the complaint alleged the Department of Transportation breached an employment agreement by failing to pay sums due to him in salary and in severance pay, wrongfully terminated him from employment, and acted wrongfully in other respects.

¹ The Department of Transportation's request that we take judicial notice of various of this court's docket entries concerning that litigation is granted.

All defendants demurred on a number of grounds, including the statute of limitations. Appellant was served with notice of the demurrers, then with notice of a continued hearing date on the motions. He did not file any opposition, and did not appear for the hearing. On June 9, 2011, the trial court granted all three demurrers on statute of limitations grounds. Appellant's motions for reconsideration were denied, and judgment was entered in defendants' favor.² Appellant filed a notice of appeal from the judgment and all other rulings.

Appellant makes many arguments on appeal, generally concerning a related case order, the transfer of the case, and the conduct of the trial judge and attorneys for the defendants.

He makes no argument concerning statute of limitations except to say that the process of complaining about the Department of Transportation's unspecified violations takes time, and that the child support order was continuing.

We find nothing in these arguments which establishes that the trial court's ruling was in error. Further, issues not raised in the trial court cannot be raised for the first time on appeal (*Sea & Sage Audubon Society, Inc. v. Planning Com.* (1983) 34 Cal.3d 412, 417), unless there is a public policy or other exception, and there is none here. (*Jones v. Wagner* (2001) 90 Cal.App.4th 466, 481; *In re Aaron B.* (1996) 46 Cal.App.4th 843, 846.)

The judgment is thus affirmed.

² Malak Parvizian was also a defendant in the lawsuit. Judgment was entered in her favor after her demurrer was sustained without leave to amend, on grounds of statute of limitations. She has not filed a brief on appeal.

Disposition

The judgment is affirmed. Respondents to recover costs on appeal.

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

ARMSTRONG, J.

We concur:

TURNER, P. J.

MOSK, J.