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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION TWO

MICHELLE SOUCH et al., Plaintiffs and Appellants, v. IOD INCORPORATED, Defendant and Respondent.	B241722 (Los Angeles County Super. Ct. No. BC463635)

APPEAL from a judgment of the Superior Court of Los Angeles County. William F. Fahey, Judge. Affirmed.

Themis Law Group and Timothy P. Mitchell for Plaintiffs and Appellants.

Foley & Lardner, Tami S. Smason and Lauren T. Clark for Defendant and Respondent.

Plaintiffs and appellants Michelle Souch, Daniel Anderson, and Darren Wise appeal from a judgment following a trial court order granting defendant and respondent IOD Incorporated's motion for summary judgment. Because plaintiffs failed to provide us with an adequate record on appeal, we affirm.

FACTUAL AND PROCEDURAL BACKGROUND

From the limited record provided on appeal, we know that on June 16, 2011, plaintiffs filed a complaint against defendant. On January 5, 2012, defendant moved for summary judgment. On May 1, 2012, the trial court granted defendant's motion on eight different and independent grounds: (1) plaintiffs failed to timely serve their opposition to defendant's motion, prejudicing defendant; (2) plaintiffs presented no competent evidence that they have standing; (3) plaintiffs presented no competent evidence that defendant communicated with them; (4) plaintiffs presented no competent evidence that they relied upon any communication from defendant; (5) plaintiffs presented no competent evidence that they were misled by any communication from defendant; (6) plaintiffs presented no competent evidence of damages; (7) plaintiffs relied upon incorrect interpretations of Health and Safety Code section 123100 et seq. and Evidence Code section 1158; and (8) there was no issue of material fact, thereby entitling defendant to judgment as a matter of law.

Judgment was entered, and plaintiffs' timely appeal ensued.

DISCUSSION

An appellate court presumes that the judgment appealed from is correct. (*Ballard v. Uribe* (1986) 41 Cal.3d 564, 574; *Denham v. Superior Court* (1970) 2 Cal.3d 557, 564.) We adopt all intendments and inferences to affirm the judgment unless the record expressly contradicts them. (See *Brewer v. Simpson* (1960) 53 Cal.2d 567, 583.) An appellant has the burden of overcoming the presumption of correctness, and we decline to consider the issues raised in plaintiff's opening brief that are not properly presented or sufficiently developed to be cognizable, and we treat them as waived. (*People v. Stanley* (1995) 10 Cal.4th 764, 793; *People v. Turner* (1994) 8 Cal.4th 137, 214, fn. 19; *In re*

David L. (1991) 234 Cal.App.3d 1655, 1661; *Mansell v. Board of Administration* (1994) 30 Cal.App.4th 539, 545–546.)

Plaintiffs do not provide us with the basic information that we need to determine whether the trial court erred in granting defendant's motion for summary judgment. They did not provide us with a copy of their complaint or their opposition to defendant's motion. Absent these critical papers, we cannot evaluate the merits of plaintiffs' appeal. (*Brown v. Boren* (1999) 74 Cal.App.4th 1303, 1320–1321; *Torres v. Reardon* (1992) 3 Cal.App.4th 831, 836.)

It is well-settled that an appellate court may affirm a summary judgment on any correct legal theory, so long as the parties had an adequate opportunity to address that theory in the trial court. (*California School of Culinary Arts v. Lujan* (2003) 112 Cal.App.4th 16, 22.) Because eight independent grounds are set forth in the trial court's order, and plaintiffs do not challenge all of them, we must affirm.

DISPOSITION

The judgment of the trial court is affirmed. Defendant is entitled to costs on appeal.

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_____, J.
ASHMANN-GERST

We concur:

_____, P. J.
BOREN

_____, J.
CHAVEZ