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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FIVE

PEGGY W. MIN,

Petitioner and Appellant,

v.

JEROEN SPARREBOOM,

Respondent and Respondent.

B252388

(Los Angeles County  
Super. Ct. No. YD059829)

APPEAL from a judgment of the Superior Court of the County of Los Angeles,  
Marc D. Gross, Judge. Affirmed.

Peggy W. Min, in pro. per., for Petitioner and Appellant.

Kevin Rhine for Respondent and Respondent.

## INTRODUCTION

Petitioner and appellant Peggy Min (petitioner) purports to appeal from a judgment of nullity entered against her and in favor of respondent Jeroen Sparreboom (respondent) based on a stipulation in a marital dissolution proceeding. For the reasons explained below, we affirm the judgment due to fundamental inadequacies in petitioner's briefing and because she has failed to demonstrate affirmatively reversible trial court error.

## BACKGROUND

Petitioner entered into a stipulation and judgment of annulment with respondent in connection with a marriage dissolution proceeding between the parties. Respondent subsequently moved to enforce the stipulation,<sup>1</sup> and following evidentiary hearings at which testimony was taken, the trial court granted the motion and entered a judgment of nullity based on the terms of the stipulation. Plaintiff filed a notice of appeal from the judgment.

## DISCUSSION

We begin our analysis of petitioner's appeal by applying the presumption of correctness. "A "'judgment or order of the lower court is *presumed correct*[, and a]ll intendments and presumptions are indulged to support it on matters as to which the record is silent, and error must be affirmatively shown.'" [Citation.]" As this court has stated, "we apply the general rule "that a trial court is presumed to have been aware of and followed the applicable law.'" (*People v. Stowell* (2003) 31 Cal.4th 1107, 1114 [6 Cal.Rptr.3d 723, 79 P.3d 1030].) "This rule derives in part from the presumption of Evidence Code section 664 "that official duty has been regularly performed," . . . ." (*In re Julian R.* (2009) 47 Cal.4th 487, 498-499.)

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<sup>1</sup> Although the opposition to the motion to enforce the stipulation and the reply in support of it are in the record, the motion and supporting papers are not.

Our analysis is also guided by the respective burdens of the parties on appeal. It is well established that the burden of establishing trial court error rests solely with the appellant. (*Del Real v. City of Riverside* (2002) 95 Cal.App.4th 761, 766 [“It is the appellant’s burden to demonstrate the existence of reversible error”].) As a result, we “have no duty to search the record for evidence and may disregard any factual contention not supported by proper citations to the record.” (*Air Couriers International v. Employment Development Department* (2007) 150 Cal.App.4th 923, 928.) Moreover, “[t]he absence of cogent legal argument or citation to authority allows this court to treat the contention as waived.” (*Cahill v. San Diego Gas & Electric Co.* (2011) 194 Cal.App.4th 939, 956.) It is not the role of a reviewing court to independently seek out support for an appellant’s conclusory assertions, and such assertions may be rejected without consideration. (*People v. Stanley* (1995) 10 Cal.4th 764, 793.) A reviewing court is “not required to scrutinize the . . . record” to find support for an appellant’s assertions. (*People v. DeSantis* (1992) 2 Cal.4th 1198, 1227-1228.)

Petitioner’s opening brief makes certain blanket assertions, apparently related to the judgment from which she appeals. For example, petitioner claims that respondent and her niece submitted false documents to the trial court and that during the divorce proceeding, respondent did not submit to the trial court a disclosure of income and expenses required by Family Code section 2100, subdivision (c). But neither of these assertions is linked to any specific defect in the judgment. Moreover, there is no allegation of extrinsic fraud that may be used to challenge a judgment. (See *In re Marriage of Stevenot* (1984) 154 Cal.App.3d 1051, 1061, 1068, 1071.) And petitioner fails to plead any extrinsic fraud with the required particularity and specificity. (*Kuehn v. Kuehn* (2000) 85 Cal.App.4th 824, 831.) In addition, her brief contains only sporadic citations to the record and legal authority, and it lacks cogent argument concerning her claims on appeal, which claims are, at best, conclusory and undeveloped. In short, it is unclear from petitioner’s brief what her claims of error are and why we should disturb the judgment of the trial court.

In addition to the substantive deficiencies in petitioner’s opening brief, she has also failed to comply with the following mandatory California Rules of Court: rule 8.204(a)(2)(A) [opening brief must include statement of fundamental background information, including nature of action, the relief sought at trial, and the judgment or order appealed from]; rule 8.204(a)(2)(B) [opening brief must include statement of appealability]; rule 8.204(a)(1)(B) [appellate brief must state each point under a separate heading or subheading summarizing the point, and support each point by argument and citation to legal authority]; rule 8.204(a)(1)(C) [appellate brief must support any reference to matter in record by citation to volume and page number of record]; and rule 8.204(a)(2)(C) [opening brief must provide summary of facts limited to matters in record]. As a result, we can treat petitioner’s arguments as waived. (*See Nwosu v. Uba* (2004) 122 Cal.App.4th 1229, 1246 [failure to follow rules results in waiver]; *Duarte v. Chino Community Hospital* (1999) 72 Cal.App.4th 849, 856 [party that fails to support an argument with citations to the record waives that argument]; *McComber v. Wells* (1999) 72 Cal.App.4th 512, 522.) Although petitioner “is representing herself in this appeal she is not entitled to special treatment and is required to follow the rules.” (*Id.* at p. 523; see also *Nwosu v. Uba, supra*, 122 Cal.App.4th at pp. 1246-1247.)

Based on our review of petitioner’s opening brief, and consistent with the authorities cited above, we conclude that petitioner has failed to comply with the foregoing California Rules of Court and otherwise failed to carry her burden of affirmatively demonstrating reversible trial court error. We therefore affirm the judgment from which she appeals.

## **DISPOSITION**

The judgment is affirmed. No costs are awarded.

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MOSK, J.

We concur:

TURNER, P. J.

GOODMAN, J.\*

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