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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FIVE

In re Marriage of DOLLY
YOOZBASHIZADEH and MAHDI
YOOZBASHIZADEH.

B278378

(Los Angeles County
Super. Ct. No. YD064849)

DOLLY YOOZBASHIZADEH,

Petitioner and Appellant,

v.

MAHDI YOOZBASHIZADEH,

Defendant and Respondent.

APPEAL from a judgment of the Superior Court of the
County of Los Angeles, Glenda Veasey, Judge. Dismissed.

Dolly Kiose, in pro. per., Abraham A. Labbad for
Petitioner and Appellant.

Mahdi Yoozbashizadeh, in pro. per., for Defendant and
Respondent.

The judgment dissolving the marriage between Dolly Yoozbashizadeh (now, Kiosea) and Mahdi Yoozbashizadeh (Yoozbashizadeh) was entered November 9, 2015. It provided, inter alia, for joint legal and physical custody of the parties' three minor children.

Kiosea subsequently petitioned the family law court for modification of the custody orders. The matter was called for hearing on September 27, 2016. At that hearing, both parties were represented by counsel. The minutes indicate the judge spoke with counsel in chambers, ordered the parties to participate in a two-day parenting plan assessment, and continued the hearing on Kiosea's petition to May 18, 2017.

Kiosea appealed from this minute order. We asked the parties to submit letter briefs as to whether the September 27, 2016 order was appealable. Yoozbashizadeh maintained it was not. Kiosea, then represented by counsel, asserted it was. Her attorney cited Code of Civil Procedure section 904.1, subdivisions (a)(2) and (a)(10). Neither provision is applicable, however.

Kiosea "did not appeal from a court order finally approving or denying a modification of custody, but rather from an order that the parties attend a parenting plan assessment. This order was 'preparatory to [a] later proceeding[]' and therefore not appealable." (*In re Marriage of Olson* (2015) 238 Cal.App.4th 1458, 1462, quoting *Lakin v. Watkins Associated Industries* (1993) 6 Cal.4th 644, 653).).

Upon receiving a request for oral argument, we advised the parties to be prepared to address appealability and mootness. Kiosea and Yoozbashizadeh, each in pro. per., agreed they completed the parenting plan assessment and the trial court had already ruled on Kiosea's petition to modify child custody. Kiosea

nonetheless asked this court to exercise its discretion to review the appealed-from minute order. But this is not a situation where an appealable order was mooted by subsequent events. The appeal was from a nonappealable order. It must be dismissed.

DISPOSITION

The appeal is dismissed.

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DUNNING, J.*

We concur:

KRIEGLER, Acting P. J.

BAKER, J.

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