Filed 10/21/16 Marriage of Neville CA2/1

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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION ONE

In re the Marriage of ASHLEY and PATRICK NEVILLE.	B263658 (Los Angeles County Super. Ct. No. BD446328)
ASHLEY B. TUCKER, Respondent, v. PATRICK J. NEVILLE, Appellant.	

APPEAL from an order of the Superior Court of Los Angeles County. Armen Tamzarian, Judge. Affirmed.

Patrick J. Neville, in pro. per., for Appellant.

No appearance for Respondent.

Patrick Neville (Neville) appeals from an order dated February 17, 2015, in a marital dissolution action. The order adopted a statement of decision by retired Commissioner Keith M. Clemens, which recommended disposition of various claims by respondent Ashley Tucker (Tucker)[1] for arrearages in child support and other obligations, as well as claimed offsets by Neville. We affirm.

We cannot ascertain from Neville's brief what aspects of the trial court's order he disputes or the basis on which he seeks reversal. The brief does not contain a single citation to the record. It quotes several cases, but without relating them to any aspect of the court's order or explaining why they might be relevant to his claim. In short, the brief contains no discernable explanation of the claim of error or the grounds for appeal. Because it provides this court with no basis to question the trial court's order, we must affirm.

BACKGROUND

1. Trial Court Proceedings

The parties' marriage was dissolved pursuant to a judgment dated February 13, 2008. The parties have one child, who was 12 years old at the time of the hearing at issue.

On August 22, 2014, Tucker filed a request for order (RFO) concerning various claimed arrearages. The parties stipulated that retired Commissioner Clemens could serve as referee (Referee). The Referee conducted a hearing on February 11, 2015, at which both parties represented themselves. Neville apparently left "abruptly" before the hearing was concluded.

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[1] Ashley has changed her last name to Tucker. We use her current last name for ease of reference.

The Referee considered the documents the parties provided, including some documents submitted after the hearing. On some issues the Referee researched questions by placing telephone calls to a bank during the hearing. The child support items at issue included school and after school expenses, Neville's obligation to fund a "529 account" for the child, health care premiums and expenses, and expenses for extracurricular activities. The non-child support items at issue included Neville's portion of payments on student loans, a debt owed to a third party, a promissory note from Neville to Tucker, and attorney fees. The Referee concluded that some claims could not be adjudicated because they were not included in Tucker's RFO. The Referee also evaluated the payments that Neville claimed he had made to Tucker to determine a set-off amount.

Following the hearing, the Referee prepared a detailed, 18-page statement of decision, explaining his recommended resolution of the various claims. The Referee found that Neville owed $62,250 on his obligation to fund a 529 account for the child, plus interest. He also found that Neville owed Tucker $55,135.46 for various obligations on which interest could not be assessed. The Referee credited $41,814.60 of payments by Neville to Tucker against that amount, leaving a total of $13,320.86 that Neville owed on non-interest bearing obligations.

The trial court adopted the Referee's statement of decision as the order of the court at a hearing on February 17, 2015.

2. This Appeal

In his brief, Neville appears to claim that he did not receive credit for some payments that he made to Tucker. He also complains that Tucker was permitted to "introduce new payments/evidence/exhibits" that Neville claims he did not have a

chance to review. Neville does not support these claims with any evidence in the record. He also does not explain how, if at all, his claims relate to the particular categories of expenses and set-offs that the Referee discussed in his detailed decision.

DISCUSSION

We review the trial court's findings of fact under the substantial evidence standard. (*In re Marriage of Rothrock* (2008) 159 Cal.App.4th 223, 230, 236 (*Rothrock*) [substantial evidence supported the trial court's award for underpayment of child's uninsured medical costs].) Under that standard, we examine the evidence in the light most favorable to the prevailing party, and we give the prevailing party the benefit of every reasonable inference. (*Id.* at p. 230.)

However, a party may not challenge the sufficiency of the evidence underlying a trial court order simply by complaining about the order. An appellant who challenges a factual finding must identify the evidentiary basis for the challenge in his or her brief. (*Rothrock, supra,* 159 Cal.App.4th at p. 230.) " '[A] reviewing court must presume that the record contains evidence to support every finding of fact, and an appellant who contends that some particular finding is not supported is required to set forth in his brief a summary of the material evidence upon that issue. Unless this is done, the error assigned is deemed to be waived. [Citation.] It is incumbent upon appellants to state fully, with transcript references, the evidence which is claimed to be insufficient to support the findings.' " (*In re Marriage of Fink* (1979) 25 Cal.3d 877, 887, quoting *McCosker v. McCosker* (1954) 122 Cal.App.2d 498, 500.)

Neville has not met that obligation here. His challenge to the trial court's factual findings concerning the amount of his obligations to Tucker is therefore waived.

Moreover, Neville has not provided sufficient information about his arguments on appeal to permit us to analyze the relevant evidence even if we were to attempt to do so. We are unable to determine from Neville's brief what aspect of the trial court's calculations he claims were incorrect and what particular payments he believes the trial court should have credited.

The most specific reference in his brief concerns his claim that he "paid for several airfares that Mrs. Tucker was required to pay and the referee accepted those payments." Neville claims that those payments "were not deducted from balance due." The Referee's statement of decision confirms that "in three instances [Neville] offered to pay for tickets for [the child] that would have otherwise been [Tucker's] responsibility." The statement of decision as adopted by the court awarded the cost of those tickets as an offset for Neville, and the calculations in the statement of decision reflect that the costs were in fact credited against what Neville owed. Thus, from what we have available in the record, this claim appears to be without merit.

In addition to his unsupported factual claims, Neville cites several cases without explaining their relevance to this case. One of those cases, *Lammers v. Superior Court* (2000) 83 Cal.App.4th 1309, concerns a denial of due process in the manner that a particular family law court procedure was applied to the appellant. However, the procedure at issue in that case—a local practice of requiring parties to notify the court if they wished to have their papers read before a hearing—has no relevance here. If Neville wished to raise some particular due process complaint,

he was required to identify the issue, articulate his argument, and support the argument with legal authority. "When an issue is unsupported by pertinent or cognizable legal argument it may be deemed abandoned and discussion by the reviewing court is unnecessary." (*Landry v. Berryessa Union School Dist.* (1995) 39 Cal.App.4th 691, 699–700.)

Tucker did not file a brief. "[W]e do not treat the failure to file a respondent's brief as a 'default' (i.e., an admission of error) but independently examine the record and reverse only if prejudicial error is found." (*Kennedy v. Eldridge* (2011) 201 Cal.App.4th 1197, 1203; see Cal. Rules of Court, rule 8.220(a)(2).)

Neville's decision to represent himself does not exempt him from the requirements of appellate practice. (*Nwosu v. Uba* (2004) 122 Cal.App.4th 1229, 1246–1247.) A party who represents himself or herself " 'is to be treated like any other party and is entitled to the same, but no greater consideration than other litigants and attorneys.' " (*Id.* at p. 1247.)

DISPOSITION

The trial court's order is affirmed. Tucker is entitled to recover her costs (if any) on appeal.

NOT TO BE PUBLISHED.

LUI, J.

We concur:

ROTHSCHILD, P. J.

CHANEY, J.