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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION ONE

DAVID DARYL JONES,

Plaintiff and Appellant,

v.

CITY OF PASADENA,

Defendant and Respondent.

B272106

(Los Angeles County
Super. Ct. No. BC527900)

APPEAL from an order of the Superior Court of Los Angeles County, Holly J. Fujie, Judge. Affirmed.

David Daryl Jones, in pro. per., for Plaintiff and Appellant.

Michele Beal Bagneris, City Attorney, John W. Nam,
Deputy City Attorney, for Defendant and Respondent.

Plaintiff David Daryl Jones, in pro. per., appeals from a judgment entered in favor of defendant City of Pasadena (City) after the trial court granted the City's motion for summary judgment.

Because appellate courts presume the order of the trial court is correct, the burden is on the appealing party to demonstrate error, which necessarily includes providing an adequate record for this court to conduct a meaningful review of the trial court's actions. Here, the record on appeal does not contain the pleadings, the papers filed in connection with the summary judgment motion, or the reporter's transcript from the summary judgment hearing. Without these documents, we cannot review the trial court's summary judgment order. Accordingly, we affirm.

BACKGROUND

We glean the following facts from the trial court's order granting summary judgment and the trial court docket: In November 2013, Jones filed an action for wrongful death, alleging paramedics from the City's fire department were negligent in transporting his son to an emergency room after his son was shot by a third party. In October 2015, the trial court deemed as admitted matters set forth in the City's requests for admissions. In March 2016, the trial court granted the City's motion for summary judgment, stating that based on the trial court's October 2015 order regarding the requests for admissions, Jones had admitted he "has no evidence in support of his cause of action for general negligence" and "has suffered no compensatory damages, physical injuries, emotional distress, or property damage" as a result of the incident alleged in the complaint.

In May 2016, judgment was entered in favor of the City. Jones appealed.

In designating the record on appeal, Jones elected to proceed with a clerk's transcript, but on his election form did not request the inclusion of any documents related to the summary judgment motion.¹ And, while Jones initially designated the reporter's transcript from the summary judgment motion hearing, the reporter's transcript is not in the record, apparently because the deposit was not paid.

DISCUSSION

On appeal, Jones argues the judgment should be reversed in light of his pro. per. status and the City's alleged misconduct in filing the summary judgment motion despite extending his time to respond to its interrogatories.²

A self-represented party on appeal “is to be treated like any other party and is entitled to the same, but no greater consideration than other litigants and attorneys. [Citation.]” (*Nwosu v. Uba* (2004) 122 Cal.App.4th 1229, 1247; accord *Rappleyea v. Campbell* (1994) 8 Cal.4th 975, 984-985 [self-represented litigant not entitled to lenient treatment].)

On appeal, an order of the superior court is presumed to be correct. (*Denham v. Superior Court* (1970) 2 Cal.3d 557, 564.)

¹ As noted on the designation form, the clerk automatically includes certain required documents (such as the judgment or order appealed from and the docket) in the clerk's transcript.

² Jones provides no record citations for his factual assertions or description of the proceedings below. (See Cal. Rules of Court, rule 8.204(a)(1)(C) [a party must “[s]upport any reference to a matter in the record by a citation to the volume and page number of the record where the matter appears”].)

Accordingly, in order to prevail on appeal, the party challenging the judgment must present sufficient argument and legal authority and a sufficient record to demonstrate prejudicial error. (*Niko v. Foreman* (2006) 144 Cal.App.4th 344, 368; *Oliveira v. Kiesler* (2012) 206 Cal.App.4th 1349, 1362.) Thus, “if the record is inadequate for meaningful review, the appellant defaults and the decision of the trial court should be affirmed.” (*Gee v. American Realty & Construction, Inc.* (2002) 99 Cal.App.4th 1412, 1416; accord *Hernandez v. California Hospital Medical Center* (2000) 78 Cal.App.4th 498, 502 [issue resolved against appellant due to inadequate record where the record on appeal lacked copies of motion to strike and opposition].)

Here, the record on appeal does not contain the pleadings, the papers filed in connection with the summary judgment motion, or the reporter’s transcript from the summary judgment hearing. Without these documents, we cannot review the summary judgment order and must presume that the trial court’s order is correct.

DISPOSITION

The judgment is affirmed. The City is entitled to recover its costs on appeal.

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CHANNEY, J.

We concur:

ROTHSCHILD, P. J.

LUI, J.