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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION EIGHT

JEFFREY G. THOMAS, et al.,

Plaintiffs and Appellants,

v.

NORMAN SOLOMON, et al.,

Defendants and Respondents.

B287017

(Los Angeles County
Super. Ct. No. BC546574)

APPEAL from an order of the Superior Court of Los Angeles County. Samantha Jessner, Judge. Affirmed.

Jeffrey G. Thomas in pro per for Plaintiff and Appellant.

Hugh J. Gibson for Defendants and Respondents.

INTRODUCTION

Attorney Jeffrey G. Thomas appeals monetary sanctions awarded against him in connection with a motion for reconsideration filed in the trial court. Thomas represented plaintiff True Harmony in litigation disputing the ownership of real property located in downtown Los Angeles. After judgments were entered against True Harmony finding that others owned the property, Thomas brought the current action on behalf of True Harmony to void those prior judgments. Defendant and respondent Norman Solomon successfully demurred. Following the court's order sustaining the demurrer without leave to amend and its entry of judgment dismissing the complaint, Thomas filed a motion for reconsideration. Respondent Solomon requested Thomas withdraw his motion because the court lacked jurisdiction to hear it. Thomas refused and caused defendants to incur over \$20,000 in expenses defending the frivolous motion. Defendants then brought, and the court granted, a motion for sanctions against Thomas for pursuing the improper reconsideration motion.

Thomas appeals from the order awarding sanctions. We affirm because the trial court correctly found it lacked jurisdiction to hear the motion for reconsideration. The court did not abuse its discretion in awarding sanctions for Thomas's frivolous motion. The court reasonably could have found that Thomas knew his motion was frivolous because Solomon's counsel had sent Thomas relevant authority. We also grant respondent Solomon's motion for appellate sanctions based on Thomas's failure to comply with court orders and frivolous appeal of matters not properly before this court. Sanctions in the amount of \$65,480.64 are imposed on Thomas, with \$56,980.64

payable to respondents and \$8,500 payable to the clerk of this court.

FACTS AND PROCEDURAL BACKGROUND

This case is the latest in lengthy litigation between True Harmony and other parties over the ownership of 1130 South Hope Street, in downtown Los Angeles (“the property”). Attorney Jeffrey Thomas has represented True Harmony throughout the present and earlier litigation. Thomas also represented other clients in connection with litigation over the property; one client (Ray Hiem) we briefly discuss below to provide context.

1. Prior Litigation Related to the Property

In February 2008, 1130 South Hope Street Investment Associates LLC sued True Harmony, among others, to quiet title to the property. In a judgment filed June 3, 2009, based on an arbitration award, the trial court found in favor of the LLC. The court concluded that 1130 South Hope Street Investment Associates, LLC “is the sole owner of the Property located at 1130 South Hope Street.” The court found True Harmony was a 50 percent owner of 1130 South Hope Street Investment Associates, LLC, with another individual. The judgment stated “True Harmony has not had any interest in the Property that could be transferred or encumbered since October 9, 2003,” and only the manager of 1130 South Hope Street Investment Associates, LLC had the ability to authorize transfers or encumbrances of the property. The court found that attempts by True Harmony or its representatives to transfer or encumber the property were void.

The property was subsequently sold and additional litigation arose out of the sale. In July 2011, 1130 Hope Street Investment Associates, LLC filed an interpleader complaint against several parties and requested the trial court resolve the

defendants' competing claims to interests in the sale proceeds. The court eventually directed 1130 Hope Street Investment Associates, LLC to distribute the sale funds to an entity called Hope Park Lofts and an individual named Rosario Perry. Defendant Ray Hiem was eventually dismissed from the interpleader action. His cross-complaint was stricken for his failure to serve the cross-defendants and his motion to vacate that decision was denied for lack of jurisdiction. The appellant in the present case, attorney Jeffrey G. Thomas, represented Ray Hiem in the trial court and related earlier appellate proceedings.

Two petitions for writ of mandamus and two appeals emanated from the interpleader action. Three of these proceedings were initiated by Thomas on behalf of Hiem. Division Seven of this court denied Hiem's writ as untimely and dismissed his first appeal for lack of standing.

In an unpublished opinion filed in April 2015, Division Seven considered Hiem's second appeal and issued an opinion affirming the trial court's order denying Hiem's motion to vacate for lack of jurisdiction. (*1130 Hope Street Investment Associates, LLC v. Haiem* (Apr. 27, 2015, No. B254143) 2015 WL 1897822.) In the opinion, Division Seven sanctioned Thomas individually (not his client) for filing a frivolous appeal. The court explained that through Hiem's second appeal, Thomas (1) attempted to circumvent Division Seven's prior orders dismissing his first appeal and (2) impermissibly argued the merits of an order which had not been timely appealed. (*Id.* at p. 9.) When opposing counsel asked Thomas to limit the scope of his appeal to matter properly before the court, Thomas made gratuitous and unprofessional comments. (*Id.* at pp. 8-9.) Thomas also resisted opposing counsel's efforts to create a competent record for

appellate review. (*Id.* at pp. 9-10.) The court further observed Thomas’s appeal lacked citation to a single authority to support his position that the motion to vacate was timely and the trial court had jurisdiction to hear it. (*Id.* at p. 10.) The court sanctioned Thomas \$58,650. (*Id.* at p. 12.)

2. The Present Lawsuit: True Harmony Sues to Void the Prior Judgment

The case from which this appeal arises was initially filed in May 2014 by True Harmony.¹ Two-and-one-half years later, on January 19, 2017, True Harmony filed a second amended complaint against 1130 South Hope Street Investment Associates, LLC and others, including Norman Solomon, seeking to (1) void the trial court’s prior judgment and (2) declare True Harmony as the owner of the property. The causes of action included “equitable action to void judgment and orders of this court,” “equitable relief to enforce the quiet title statute,” cancellation of instruments, violations of charitable trust and corporation laws, “restitution and injunction against unfair, fraudulent, and unlawful practices,” retaliation, and conversion of personal property. (Capitalization omitted.)

Solomon filed demurrers to the second amended complaint.² At the April 7, 2017 hearing, the trial court sustained Solomon’s demurrers without leave to amend. That same day, the trial court signed and entered a judgment dismissing the second amended complaint with prejudice. Solomon filed with the court and served Thomas as True

¹ The record does not contain the original complaint.

² As the present appeal only involves defendant Solomon’s motion for sanctions, we focus on his responsive motions.

Harmony's attorney with the written notice of entry of judgment that same day by mail. True Harmony did not appeal the judgment dismissing the second amended complaint within the required 60 days from notice of entry of judgment. As a result, the judgment became final on June 7, 2017.

3. True Harmony's Motion for Reconsideration

On April 17, 2017, Thomas filed a motion for reconsideration of the April 7th ruling sustaining the demurrers. In July 2017, well before Solomon's response to the motion for reconsideration was due, counsel for Solomon informed Thomas in multiple letters that the trial court lacked jurisdiction to hear the motion for reconsideration because judgment had already been entered (on April 7th). Counsel also told Thomas that the court would not re-characterize the motion as one for new trial or to vacate because the statutory sixty days had elapsed since entry of judgment and no new facts or law were presented.

Thomas nonetheless continued to pursue True Harmony's motion for reconsideration. Solomon was forced to prepare an opposition. In response to Solomon's opposition, True Harmony filed a 10-page reply, supplemental declaration, and more exhibits. Two weeks later, True Harmony filed an ex parte application to file a supplemental memorandum of points and authorities in support of the motion for reconsideration. The court denied plaintiff's ex parte application on October 10, 2017.

On October 17, 2017, the trial court denied the motion for reconsideration, concluding that it lacked jurisdiction to hear the motion. The court also found no good cause to construe the motion for reconsideration as a motion for new trial or motion to vacate, explaining that the jurisdictional period to rule on such motions expired.

4. Solomon's Motion for Sanctions

On September 25, 2017, Solomon served on Thomas by hand delivery a motion requesting sanctions pursuant to Code of Civil Procedure section 128.7.³ On October 17, 2017, Solomon filed the motion for sanctions with the trial court. Solomon argued that the motion for reconsideration was frivolous, untimely, and baseless. He requested \$26,410 in attorney's fees and costs.

Thomas and True Harmony opposed the motion, arguing that the court lacked jurisdiction to hear the sanctions motion, the motion for sanctions was a "sham pleading," True Harmony's motion for reconsideration was not outside the court's jurisdiction, and the court should use its discretion to deny sanctions.

On November 30, 2017, the court granted the motion for sanctions, finding that Thomas violated section 128.7 by proceeding with a motion for reconsideration that had no basis in the law. The court sanctioned Thomas (not his client) \$23,350, which was the amount of Solomon's reasonable attorney's fees and costs. The court slightly decreased the fees and costs initially claimed by Solomon by excluding fees associated with preparing a notice of ruling and attending the hearing.

5. Appellate Filings

On December 18, 2017, Thomas filed two notices of appeal, one on behalf of True Harmony and another on behalf of himself. Thomas identified three orders in each notice of appeal: (1) the order made on October 10, 2017 denying True Harmony's request to file supplemental briefing in support of its motion for

³ All subsequent statutory references are to the Code of Civil Procedure unless indicated otherwise.

reconsideration, (2) the order made on October 17, 2017, denying reconsideration, and (3) the order made on November 30, 2017 awarding sanctions against Thomas.

Counsel for Solomon sent Thomas four letters in January and February 2018. The first responded to the notice of appeal, informing Thomas that the motion for reconsideration was not appealable and that his appeal of sanctions was not meritorious. The second letter responded to inaccuracies in Thomas's Civil Case Information Statements and reiterated that the motion for reconsideration was not appealable. The letter warned that Solomon would seek sanctions from the appellate court because of the unnecessary and inappropriate expense he would incur in defending the appeal. The third letter followed up on the earlier correspondence and informed Thomas that Solomon would seek dismissal of the appeal.

Thomas then emailed Solomon's counsel asking counsel "to simply state the grounds for [the] motion to dismiss in a single letter, and make it succinct." Solomon's counsel responded in a fourth letter enclosing copies of the earlier correspondence, again asserting the appeal was frivolous, and asking Thomas to dismiss the appeal. Solomon's counsel sent Thomas a fifth letter in April 2018, asking Thomas to dismiss the appeal and recapitulating the reasons for dismissal.

Thomas did not abandon the appeal or any of its improper components. On April 6, Solomon filed a motion to dismiss the appeal of True Harmony in its entirety and Thomas's appeal as to the two orders made in October 2017 regarding the motion for reconsideration. Thomas filed a 54-page opposition, to which Solomon subsequently replied. On May 4, 2018, this court dismissed the appeal entirely as to True Harmony for lack of

standing as no sanctions order had been made against True Harmony. We dismissed as untimely Thomas's appeal as to all orders except for the sanctions order.

Thomas then filed a 45-page petition for rehearing of the dismissal, arguing that all his appeals and all of True Harmony's appeals should be allowed to proceed. We denied the petition.

On May 23, 2018, ignoring this court's order, Thomas filed an opening brief on behalf of himself *and* True Harmony, arguing that the trial court made an error in sustaining Solomon's demurrer and that sanctions should not have been imposed. The opening brief concluded that this court "must reverse . . . and remand to the Superior Court to permit amendment of the pleading and the action to continue in the Superior Court." Notably, our May 4, 2018 dismissal order had concluded that the trial court's ruling on the demurrer was irrelevant to the appeal for the motion for sanctions. Also on May 23, 2018, Thomas filed a request for judicial notice.⁴

On June 4, 2018, Thomas sent this court and served on Solomon a 37-page "Supplement to Appellant's Opening Brief," arguing yet again that True Harmony ought to be given the right to file a third amended complaint in the underlying action.

In early June 2018, Solomon's counsel sent Thomas a letter asking Thomas to withdraw all appeals on behalf of True Harmony, confirm that his appeal is limited to the sanctions, withdraw his request for judicial notice, and withdraw his supplemental brief. The letter provided legal argument as to why Thomas should take the requested actions. Thomas declined.

On June 11, 2018, Solomon moved to strike (1) Thomas's opening brief filed on behalf of True Harmony, (2) the request for

⁴ We deny this request for judicial notice.

judicial notice, and (3) appellant's supplemental brief (or to reject it if not yet filed).

On July 11, 2018, we struck Thomas's opening brief because it failed to limit its arguments to the sanctions order. We also struck the supplemental brief. We indicated Thomas could file a new opening brief limited to the sanctions order.

Thomas then filed a revised brief titled "Thomas Appellant's Opening Brief." The new brief again went outside the scope of the appeal by launching into an argument about the ownership and sale of the property in the fact section and a section on "unclean hands." In his appellate brief, Solomon indicates he chose not to file another motion to strike the new opening brief because of the expense involved. We also observe that the appendix filed by Thomas has some key omissions: Thomas includes only 7 of the 23 exhibits that were originally filed with Solomon's the motion for sanctions.

After the case was fully briefed, Solomon filed a motion for sanctions on appeal, supported by a declaration from counsel and exhibits. Thomas filed opposition and a motion to strike. We deny the motion to strike and grant Solomon's motion for appellate sanctions for the reasons stated below.

DISCUSSION

We address the merits of Thomas's appeal of the trial court's order awarding sanctions, and Solomon's motion for sanctions in turn.

1. Standard of Review for the Trial Court Sanctions

"We review a Code of Civil Procedure section 128.7 sanctions award under the abuse of discretion standard. [Citation.] We presume the trial court's order is correct and do not substitute our judgment for that of the trial court. [Citation.]

To be entitled to relief on appeal, the court's action must be sufficiently grave to amount to a manifest miscarriage of justice.” (*Peake v. Underwood* (2014) 227 Cal.App.4th 428, 441.)

“However, the proper interpretation of a statute relied upon by the trial court as its authority to award sanctions is a question of law, which we review de novo.” (*Martorana v. Marlin & Saltzman* (2009) 175 Cal.App.4th 685, 698.)

2. The Trial Court Properly Concluded It Lacked Jurisdiction to Hear the Motion for Reconsideration

The predicate to the trial court's award of sanctions is the validity of the trial court's denial of the motion for reconsideration. Thomas argues that the trial court “erred in deciding that it had no jurisdiction to decide [True Harmony's] motion for reconsideration” and therefore Solomon's motion for sanctions lacked merit. We summarize our earlier chronology. On April 7, 2017, the trial court sustained the demurrer without leave to amend, and then signed and entered a judgment dismissing the second amended complaint with prejudice. The judgment was served on Thomas via mail on April 7, 2017. Thomas filed a motion for reconsideration 10 days later, on April 17, 2017.

We conclude that the trial court correctly determined it lacked jurisdiction to hear the motion for reconsideration. The Supreme Court has held, “After entry of judgment, the superior court [does] not have jurisdiction to entertain or decide a motion for reconsideration.” (*Aguilar v. Atlantic Richfield Co.* (2001) 25 Cal.4th 826, 859; *Safeco Ins. Co. v. Architectural Facades Unlimited, Inc.* (2005) 134 Cal.App.4th 1477, 1482 [“It is well settled that entry of judgment divests the trial court of authority to rule on a motion for reconsideration.”].) We also agree the trial

court properly concluded that by the time of the October hearing, it could not construe the motion for reconsideration as a motion to vacate or for new trial because the 60-day jurisdictional timeline for ruling on such motions had lapsed. (See § 663a, subd. (b) [“the power of the court to rule on a motion to set aside and vacate a judgment shall expire 60 days from the mailing of notice of entry of judgment by the clerk of the court pursuant to Section 664.5, or 60 days after service upon the moving party by any party of written notice of entry of the judgment, whichever is earlier”]; § 660 [stating the same for motion for new trial].)⁵

Thomas asserts that the judgment was entered on May 1, 2017 or May 19, 2017, and that his motion was filed before its entry. Thomas provides no citation to the record for these entry of judgment dates. The entry of judgment was clearly dated April 7, 2017. Even if judgment had been entered after Thomas filed a motion for reconsideration, it would not benefit Thomas. “The issue is jurisdictional. Once the trial court has entered judgment, it is without power to grant reconsideration. The fact that a motion for reconsideration may have been pending when judgment was entered does not restore this power to the trial court.” (*APRI Ins. Co. S.A. v. Superior Court* (1999) 76 Cal.App.4th 176, 182.)

Thomas next contends that the judgment was not valid because it was entered before “the court entered the written minute order in the public records.” Thomas fails to support this argument with any citation to the record. On the contrary, the court’s minute order dated April 7, 2017, at 9:00 a.m., indicates

⁵ We observe that True Harmony’s motion was brought exclusively pursuant to section 1008 as a motion for reconsideration.

that it first sustained Solomon’s demurrer without leave to amend before it dismissed the appeal. After stating the reasons for sustaining the demurrer, the minute order states: “LATER: A judgment dismissing complaint of True Harmony as to defendants Norman Solomon, 1130 Hope Street Investment Associates, LLC, and Hope Street Lofts . . . with prejudice, is signed, filed and entered on this date.” The minute order states that it was made and entered on April 7, 2017. Nothing in the record before us shows that the trial court’s entry of judgment took place before the court sustained the demurrer. An appellate brief 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.” (Cal. Rules of Court, rule 8.204(a)(1)(C).) Indeed, “[i]t is axiomatic that an appellant must support all statements of fact in his briefs with citations to the record.” (*Pierotti v. Torian* (2000) 81 Cal.App.4th 17, 29 (*Pierotti*).) Thomas failed to do so.

Thomas cites *Pacific Home v. County of Los Angeles* (1953) 41 Cal.2d 855, 857, *In re Marriage of Drake* (1997) 53 Cal.App.4th 1139, 1170, and *Newman v. Overland P.R. Co.* (1901) 132 Cal. 73, 75, for support of his proposition that the ruling must be written in the minutes before the court enters judgment. Yet, these cases are inapt as they deal with conflicts between written and oral rulings. None support Thomas’s contention that there must be a minute order before entry of judgment. We therefore deem this argument waived. (*Benach v. County of Los Angeles* (2007) 149 Cal.App.4th 836, 852 [appellant must provide legal authority to support his contentions, otherwise his arguments are waived].)

3. Thomas’s Remaining Arguments Are Unpersuasive

Thomas argues that the trial court awarded “punitive sanctions without the procedural safeguards required by due process of the laws.” Thomas’s contention that the sanctions were punitive is not supported by the record. The trial court explicitly awarded sanctions pursuant to section 128.7. “Section 128.7 is designed to be remedial, not punitive.” (*Galleria Plus, Inc. v. Hanmi Bank* (2009) 179 Cal.App.4th 535, 538.) And, the amount of the sanctions was measured by the attorney fees and costs that Solomon incurred.

To the extent Thomas’s argument could be construed as arguing the court abused its discretion, we conclude there was no abuse. Solomon’s counsel clearly and correctly made Thomas well aware that Thomas’s motion for reconsideration had no basis in law, yet Thomas still pursued it and caused Solomon to needlessly incur thousands of dollars in attorneys’ fees.

Thomas also argues that Solomon’s alleged “unclean hands” are a ground for reversal. Thomas requests this court to take judicial notice of documents in support of his unclean hands argument that did not exist when the trial court entered its sanctions order. We decline to do so. This argument is merely an attempt to relitigate the underlying complaint and True Harmony’s claims of fraud. In making this frivolous argument, Thomas has violated our court order specifically limiting his appeal to the sanctions motion.

We conclude this part of our discussion by affirming the trial court’s sanctions order. We next turn to Solomon’s motion for sanctions on appeal.

4. Thomas’s Conduct on Appeal Warrants Sanctions

Solomon requests sanctions against Thomas for pursuing a substantively frivolous appeal and repeatedly violating our court

orders. We agree that Thomas’s appellate filings were largely frivolous and done in violation of court orders and rules.

Section 907 provides: “When it appears to the reviewing court that the appeal was frivolous or taken solely for delay, it may add to the costs on appeal such damages as may be just.” California Rules of Court, rule 8.276(a)(1) and (4) provide for sanctions for “[t]aking a frivolous appeal, . . . appealing solely to cause delay,” or “[c]omitting any unreasonable violation of these rules.” (*Id.* at subd. (a)(4).)

An appeal may be frivolous based upon either subjective or objective criteria. (*In re Marriage of Flaherty* (1982) 31 Cal.3d 637, 649.) “[A]n appeal should be held to be frivolous only when it is prosecuted for an improper motive—to harass the respondent or delay the effect of an adverse judgment—or when it indisputably has no merit—when any reasonable person would agree that the appeal is totally and completely without merit.” (*Id.* at p. 650.) “ ‘ “While each of the above standards provides independent authority for a sanctions award, in practice the two standards usually are used together ‘with one providing evidence of the other. Thus, the total lack of merit of an appeal is viewed as evidence that appellant must have intended it only for delay.’ ” (*Personal Court Reporters, Inc. v. Rand* (2012) 205 Cal.App.4th 182, 191 (citations omitted).)

Here, Thomas sought to prosecute an appeal on behalf of a party that clearly lacked standing, and attack a judgment that had long become final. The only order properly appealed was the sanctions order itself.⁶ The only party with standing to appeal

⁶ Because a motion for reconsideration was unavailable following entry of judgment, no appeal is available from its denial. (*Safeco Ins. Co. v. Architectural Facades Unlimited, Inc.*,

that order was Thomas. Nonetheless, Thomas filed two improper notices of appeal on behalf of himself and True Harmony, identifying two additional orders related to his motion for reconsideration that were not appealable. When Solomon wrote Thomas letters asking him to limit his appeal to the sanctions order, Thomas refused. Solomon unnecessarily incurred costs in filing a successful motion to dismiss the improper appeals. Thomas then filed a motion for rehearing, which was also denied by this court.

Despite our order striking True Harmony's appeal, Thomas filed an opening brief on behalf of both True Harmony and himself. The appeal addressed the merits of the underlying case and demurrer, and was not limited to the sanctions order. Solomon again corresponded with Thomas asking him to withdraw his improper brief. Thomas refused. Solomon then incurred further costs bringing a successful motion to strike the opening brief. Even after we ordered Thomas to limit his brief to the sanctions order, Thomas still argued the underlying judgment and matters unrelated to sanctions in the new opening brief.

supra, 134 Cal.App.4th at pp. 1480–1481 [motion for reconsideration did not extend 60-day period to appeal after notice of entry of judgment, where judgment entered before ruling on motion for reconsideration because trial court lost jurisdiction to hear motion for reconsideration].) And, even if the October 17, 2017 order was appealable, Thomas failed to timely file his notice of appeal from it; notice of appeal was filed on December 20, 2017, beyond the permitted 60 days. (See Cal. Rules of Court, rule 8.104.)

The first opening brief and the improper portions of Thomas's second opening brief "indisputably ha[ve] no merit." (*In re Marriage of Flaherty*, *supra*, 31 Cal.3d at p. 650.) Similar to Thomas's appeal before Division Seven, here Thomas (1) attempted to circumvent court orders dismissing the improper appeals and (2) impermissibly argued the merits of a judgment which was not appealed. (*1130 Hope Street Investment Associates, LLC v. Haiem*, *supra*, 2015 WL 1897822, at p. 9.)

It is evident from Thomas's pursuit of improper appeals and plain disobedience of our court orders that his briefing and motions are frivolous and intended to harass Solomon. Such improper briefing generated unnecessary and substantial costs for Solomon. As another appellate court wrote when awarding sanctions, "an opening brief is not an appropriate vehicle for an attorney to 'vent his spleen' after losing This is because, once the brief is filed, both the opponent and the state must expend resources in defending against and processing the appeal. Thus, an unsupported appellate tirade is more than just words on paper; it represents a real cost to the opposing party and to the state." (*Pierotti*, *supra*, 81 Cal.App.4th at pp. 32–33.) "[S]uch an outburst, when committed to the pages of an opening brief, becomes an expensive proposition for all those concerned. Justice requires that those costs fall on the person (or persons) who unreasonably caused them." (*Id.* at p. 33.) We therefore conclude considerable sanctions are appropriate in this case.

5. Significant Appellate Sanctions Are Deserved

In setting the amount of sanctions on appeal, we consider " "the amount of respondent's attorney's fees on appeal; the amount of the judgment against appellant; the degree of objective frivolousness and delay; and the need for discouragement of like

conduct in the future.” ’ ’ (*Kleveland v. Siegel & Wolensky, LLP* (2013) 215 Cal.App.4th 534, 558.)

Here, Solomon seeks \$82,380.64 in sanctions, composed of \$75,950 in attorney’s fees and \$6,430.64 in costs. The attorney’s fees are based on 151.9 hours of work by counsel, billing at a rate of \$500 per hour. Counsel provided billing records accounting for his time and itemizing the tasks he conducted while litigating this appeal. Counsel’s declaration also provided an overview of the attorney’s fees and hours of work attributable to major tasks or filings. As for the costs, they are separately accounted for in an itemized list attached as an exhibit to the motion for sanctions.

We have reviewed the billing records, counsel’s declaration, and the documents filed with this court from the inception of this appeal to present. We grant Solomon’s motion for attorney’s fees in the amount of \$56,980.64, which is the amount we find to be directly attributable to Thomas’s frivolous briefing and appellate notices. Excluded from this amount are the fees Solomon necessarily incurred for what should have been an appeal limited to the trial court’s sanction order. We reduce the \$82,380.64 requested by the \$9,650 attributed to attorney-client correspondence, and the \$15,750 attributed to writing the respondent’s brief on the merits. We also impose \$8,500 payable directly to the clerk of this court to reimburse costs of processing the various frivolous aspects of Thomas’s appellate filings. (See *Kleveland v. Siegel & Wolensky, LLP, supra*, 215 Cal.App.4th at p. 558 [imposing \$52,727.56 in sanctions payable to respondent and \$8,500 payable to appellate court clerk].)

DISPOSITION

We affirm the trial court's sanctions order. Respondent Norman Solomon is awarded costs on appeal.

Sanctions in the amount of \$65,480.64 are imposed on Thomas, with \$56,980.64 payable to respondents and \$8,500 payable to the clerk of this court within 90 days of the date of remittitur.

Having found Jeffrey G. Thomas, State Bar No. 83076, has violated court rules and orders in such a degree as to require sanctions in the amount of \$65,480.64, we order Thomas and the clerk of this court to each forward a copy of this opinion to the State Bar within 30 days after the issuance of our remittitur. (Bus. & Prof. Code, §§ 6086.7, subd. (a)(3) & 6068, subd. (o)(3); *Pierotti, supra*, 81 Cal.App.4th at pp. 37–38.)

RUBIN, J.

WE CONCUR:

BIGELOW, P.J.

GRIMES, J.