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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION EIGHT

DIANE GREENBERG et al.,

Plaintiffs and Respondents,

v.

ALEXANDER KRONIK,

Defendant and Appellant.

B269826

(Los Angeles County
Super. Ct. No. SC118806)

APPEAL from a judgment of the Superior Court of the
County of Los Angeles, Gerald Rosenberg, Judge. Affirmed.

Alexander Kronik, in pro. per., and David Chapman for
Defendant and Appellant.

The Law Offices of David H. Greenberg and Emily A. Ruby
for Plaintiffs and Respondents.

* * * * *

Following a bench trial, plaintiffs Diane Greenberg and the David & Diane Greenberg Family Trust obtained a judgment of nearly \$10,000 against defendant Alexander Kronik, doing business as Palace of Glass. The dispute concerns a custom glass window plaintiffs contracted defendant to fabricate, but that defendant failed to deliver within the specified time. Plaintiffs were represented by Mrs. Greenberg's husband in the proceedings below, and defendant represented himself (although he had attorney representation at some points in the proceedings).

Defendant makes a number of claims of error on appeal, including that the trial court abused its discretion by failing to reclassify the case as a limited jurisdiction case, that plaintiff Mrs. Greenberg fraudulently induced defendant to enter into the contract by misrepresenting that she was a licensed designer, that plaintiffs breached the contract by requesting a number of change orders, that plaintiffs' damages are unsupported, and that plaintiffs' fraud cause of action was not pled with sufficient specificity.

The appellate record and defendant's briefs are inadequate for appellate review, and we affirm.

BACKGROUND

It seems from the limited record before us that the basic facts are that Mrs. Greenberg ordered a custom window from defendant, paid a deposit of \$1,825, but defendant breached the contract by failing to deliver the glass on schedule. Plaintiffs ultimately obtained a replacement window from another vendor.

We briefly summarize the procedural history. Plaintiffs obtained a default judgment against defendant after he was served by publication and failed to answer. The default was set

aside following defendant's motion to set aside the default, and the case was dismissed without prejudice when plaintiffs failed to appear at a hearing. Plaintiffs' motion to set aside the dismissal was granted, and the action was reinstated. Three years after the case was filed, it was tried to the court and went to judgment in favor of plaintiffs.

Defendant appealed the judgment. Defendant elected to proceed on appeal without a reporter's transcript, and did not provide a settled or agreed statement. His designation of the record on appeal also did not include many vital documents, such as the operative complaint.

DISCUSSION

This appeal suffers from a number of deficiencies preventing appellate review. First, the appellate record is inadequate. No transcript of the trial or settled statement was provided. Absent an oral transcript of the proceedings or its equivalent, an appellant cannot challenge the sufficiency of the evidence supporting a judgment. (*Aguilar v. Avis Rent A Car System, Inc.* (1999) 21 Cal.4th 121, 132; *Foust v. San Jose Construction Co., Inc.* (2011) 198 Cal.App.4th 181, 186-188; see also Cal. Rules of Court, rules 8.120(b), 8.134, 8.137.) Moreover, the operative complaint was not included in the record on appeal. (See Cal. Rules of Court, rule 8.124(b)(1)(B).)

It was defendant's duty to "present a complete record for appellate review. . . ." (*Stasz v. Eisenberg* (2010) 190 Cal.App.4th 1032, 1039; *Foust v. San Jose Construction Co., Inc.*, *supra*, 198 Cal.App.4th at pp. 186-187.) "[I]f the record is inadequate for meaningful review, the appellant defaults and the decision of the trial court should be affirmed." (*Mountain Lion Coalition v. Fish & Game Com* (1989) 214 Cal.App.3d 1043, 1051.) To the extent

that defendant challenges the classification of the case as an unlimited case, the sufficiency of the allegations of fraud, plaintiffs’ purported fraud and breaches of the contract, and the adequacy of the proof of damages, the record is insufficient to enable us to review these claims of error.

Moreover, defendant’s appellate briefs do not include adequate citations to the record on appeal, do not discuss the evidence adduced at trial in support of the judgment, and contain no legal analysis whatsoever. (*Nwosu v. Uba* (2004) 122 Cal.App.4th 1229, 1246 [we may disregard any claims when no appropriate reference to the record is furnished]; see also Cal. Rules of Court, rule 8.204(a)(2)(C) [an appellant must recite in the opening brief all “significant facts”]; *Foreman & Clark Corp. v. Fallon* (1971) 3 Cal.3d 875, 881 [same]; Cal. Rules of Court, rule 8.204(a)(1)(B) [a brief must contain reasoned argument and legal authority to support its contentions]; *Benach v. County of Los Angeles* (2007) 149 Cal.App.4th 836, 852 [same].) Therefore, any claim of error has been waived.¹

DISPOSITION

The judgment is affirmed. Plaintiffs are awarded their costs on appeal.

GRIMES, J.

WE CONCUR:

BIGELOW, P. J.

RUBIN, J.

¹ Counsel appeared on behalf of defendant at oral argument to request a continuance to correct the deficiencies in this appeal; we denied the request.