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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION TWO

26 MOORPARK, LLC., et al.,

Plaintiffs and Respondents,

v.

JOSEPH BOODAIE,

Defendant and Appellant.

B271766

(Los Angeles County  
Super. Ct. No. LC085957)

APPEAL from a judgment of the Superior Court of Los Angeles County.  
Frank J. Johnson, Judge. Affirmed.

Joseph Boodaie, in pro. per., for Defendant and Appellant.

Netzah & Shem-Tov, Inc., Shalem Shem-Tov for Plaintiffs and  
Respondents.

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Appellant Joseph Boodaie (Boodaie) appeals from a postjudgment order ruling he is the owner of Osher and Osher, Inc. (Osher), and that respondents 26 Moorpark, LLC (Moorpark) and Kourosh Vosoghi (Vosoghi) (Respondents) have the right to levy on Osher's stock certificates as his personal property. Boodaie was self-represented at the postjudgment hearing and remains so on appeal. His opening brief lacks a coherent factual statement, mandatory citations to the trial court record, and applicable legal arguments and authority. He also fails to provide an adequate record, omitting documents relevant to his contentions. We affirm the postjudgment order.

### **BACKGROUND**

In June 2009, Mitra Kohanof filed a complaint for declaratory relief against Boodaie, Moorpark, Vosoghi and others seeking a determination that her interest in the promissory note and deed of trust secured by real property located at 13037 Moorpark Street, Studio City, California, was first in time and senior to the interest of any other assignees. Sometime thereafter, Respondents filed a cross-complaint against Boodaie and others; however a copy of the cross-complaint was not designated for inclusion in the clerk's transcript. Rather, Boodaie only included copy of a default judgment entered against himself and All Century, Inc.,<sup>1</sup> related to the cross-complaint in which he was ordered to pay certain amounts to Respondents, totaling \$3,873,987.66. Boodaie also included a copy of a minute order, dated March 1, 2016,<sup>2</sup> and a postjudgment order, dated March 17, 2016, in which the trial court ruled that Boodaie was the owner of Osher, thereby granting

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<sup>1</sup> All Century, Inc., is not a party to this appeal.

<sup>2</sup> Boodaie designated the reporter's transcript from the March 1, 2016 hearing as part of the record on appeal.

Respondents the legal right to levy upon Osher's stock certificates as his personal property in order to satisfy the judgment related to the cross-complaint entered in their favor against him.<sup>3</sup> It is the March 17, 2016 postjudgment order that is the subject of this appeal.

### **DISCUSSION**

“A judgment or order of the lower court is *presumed correct* . . . and error must be affirmatively shown.” (*Denham v. Superior Court* (1970) 2 Cal.3d 557, 564, original italics.) “An appellant must provide an argument and legal authority to support his contentions. This burden requires more than a mere assertion that the judgment is wrong.” (*Benach v. County of Los Angeles* (2007) 149 Cal.App.4th 836, 852.) “Consequently, plaintiff [also] has the burden of providing an adequate record.” (*Hernandez v. California Hospital Medical Center* (2000) 78 Cal.App.4th 498, 502.) “When an appellant fails to raise a point, or asserts it but fails to support it with reasoned argument and citations to authority, we treat the point as waived.” (*Badie v. Bank of America* (1998) 67 Cal.App.4th 779, 784–785.) These rules apply even where a person is self-represented on appeal. (*Leslie v. Board of Medical Quality Assurance* (1991) 234 Cal.App. 3d 117, 121 [“Even though appellant is in propria persona, he is held to the same ‘restrictive procedural rules as an attorney’”].)

Here, Boodaie's opening brief contains an incomplete summary of significant facts and, in many places, lacks necessary citations to the trial court record, in direct violation of California Rules of Court, rules 8.204(a)(1)(C), 8.204(a)(2)(C). His arguments are unclear and overlapping,

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<sup>3</sup> The trial court noted that due to a related bankruptcy Respondents could not levy Osher's stock certificates without “further proceedings in Bankruptcy court.”

are combined with snippets of case law and vague challenges to portions of the trial court's ruling on other matters, and fail to explain how pertinent legal principles apply to the facts of the case. (*Hodjat v. State Farm Mutual Automobile Ins. Co.* (2012) 211 Cal.App.4th 1, 10 ["It is not the court's duty to attempt to resurrect an appellant's case or comb through the record for evidentiary items . . ."].) For example, Boodaie takes issue with a subpoena apparently issued by Vosoghi to JP Morgan, Chase bank, and TD Ameritrade for the production of records related to Osher; however, the notice of appeal does not include any order related to a subpoena.<sup>4</sup> (Cal. Rules of Court, rule 8.100(a)(2) [notice of appeal must identify the particular judgment or order being appealed].) Boodaie also contends the trial court abused its discretion in ruling that he is the owner of Osher, but neither the documents designated for inclusion in the clerk's transcript nor the reporter's transcript shed any light on the nature of Boodaie's claims or the evidence before the trial court. (*Hernandez v. California Hospital Medical Center, supra*, 78 Cal.App.4th at p. 502 ["Failure to provide an adequate record on an issue requires that the issue be resolved against plaintiff."].) Given the sparse record and unintelligible opening brief, the March 17, 2016 postjudgment order is affirmed. (*In re Sade C.* (1996) 13 Cal.4th 952, 994 ["With no error or other defect claimed against the orders appealed from, the Court of Appeal was presented with no reason to proceed to the merits of any unraised 'points'—and, a fortiori, no reason to reverse or even modify the orders in question."].)

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<sup>4</sup> The March 1, 2016 minute order references motions to quash filed by Osher, and not Boodaie, which were stricken by the trial court because Osher was not represented by counsel.

**DISPOSITION**

The March 17, 2016 postjudgment order is affirmed. Respondents shall be entitled to their costs on appeal. (Cal. Rules of Court, rule 8.278(a)(2).)

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GOODMAN, J.\*

We concur:

ASHMANN-GERST, Acting P.J.

HOFFSTADT, J.

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\* Retired judge of the Los Angeles Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.