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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FIVE

MASSOUD YASHOUAFAR, et al.,

Plaintiffs and Appellants,

v.

VAN NUYS PLYWOOD, LLC, A
CALIFORNIA LIMITED LIABILITY
COMPANY, et al.,

Defendants and Respondents.

B266901

(Los Angeles County
Super. Ct. No. SC111198)

Appeal from a judgment of the Superior Court of the
County of Los Angeles, Richard A. Stone, Judge. Dismissed.

Law Offices of Kevin M. Davis, Kevin M. Davis, for
Plaintiffs and Appellants.

Robins Kaplan LLP, Christopher S. Reeder, Wesley W.
Lew, for Defendants and Respondents.

BACKGROUND

In their opening brief, plaintiffs and appellants Massoud Yashouafar and Milbank Holding Corporation (plaintiffs) contend that the trial court erred when it awarded defendants and respondents Van Nuys Plywood, LLC, PY Note Investors, LLC, and Danny Pakravan (defendants) expert witness fees as costs. But plaintiffs did not appeal from the postjudgment order that awarded the challenged costs. Instead, they expressly appealed from an earlier postjudgment order awarding attorney fees.

On July 9, 2015, the trial court held a hearing on defendants' motion for attorney fees. At the end of the hearing, the trial court ruled that its tentative ruling would be the final ruling of the court. The copy of the trial court's July 9, 2015, ruling attached to the civil case information sheet provides, in pertinent part: "14. Motion is granted in part. Defendants are awarded attorney's fees against [p]laintiffs in the amount of \$607,750.00. Defendants are to serve and lodge an amended proposed judgment on or before July 6, [sic] 2015. Costs will be determined pursuant to costs bill and [p]laintiffs' motion to tax same." There is no judgment or amended judgment in our record.

On July 22, 2015, the trial court held a hearing on plaintiffs' motion to tax costs. At the end of the hearing, the trial court took the matter under submission and advised the parties that it would issue a ruling after it considered a reply brief. The order on the motion to tax costs, however, is not in our record.

On September 11, 2015, plaintiffs filed their notice of appeal which expressly provided that they were appealing from the trial court's July 9, 2015, postjudgment order awarding attorney fees. There is no mention in that notice of the order

issued following the July 22, 2015, hearing on plaintiffs’ motion to tax costs or any judgment or amended judgment.

DISCUSSION

In their respondents’ brief, defendants contend that the matter should be dismissed because this court lacks jurisdiction to consider a postjudgment order—the July 22, 2015, order on plaintiffs’ motion to tax costs—from which plaintiffs have not appealed. We agree.

It is well established that where ““several judgments and/or orders occurring close in time are separately appealable (e.g., judgment and order awarding attorney fees), each appealable judgment and order must be expressly specified—in either a single notice of appeal or multiple notices of appeal—in order to be reviewable on appeal.”” (*DeZerega v. Meggs* (2000) 83 Cal.App.4th 28, 43 [99 Cal.Rptr.2d 366]; accord, *Colony Hill v. Ghamaty* (2006) 143 Cal.App.4th 1156, 1171 [50 Cal.Rptr.3d 247].) The policy of liberally construing a notice of appeal in favor of its sufficiency (Cal. Rules of Court, rule 8.100(a)(2)) does not apply if the notice is so specific it cannot be read as reaching a judgment or order not mentioned at all. (*Glassco v. El Sereno Country Club, Inc.* (1932) 217 Cal. 90, 92 [17 P.2d 703]; *Sears, Roebuck & Co. v. National Union Fire Ins. Co. of Pittsburgh* (2005) 131 Cal.App.4th 1342, 1352 [32 Cal.Rptr.3d 717].)” (*Filbin v. Fitzgerald* (2012) 211 Cal.App.4th 154, 173.)

Here, the notice of appeal expressly mentions only the July 9, 2015, postjudgment order granting defendants’ motion for attorney fees. The notice does not mention the subsequent postjudgment order on plaintiffs motion to tax costs or any judgment or amended judgment. Given the specificity of the

notice of appeal, we cannot construe it as encompassing a subsequent postjudgment order on a distinct motion.

DISPOSITION

The appeal is dismissed. Defendants are awarded costs on appeal.

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KIN, J.*

We concur:

TURNER, P. J.

BAKER, J.

* Judge of the Superior Court of the County of Los Angeles, appointed by the Chief Justice pursuant to article VI, section 6 of the California Constitution.