Filed 7/18/12 Chase Bank USA v. Yegikyan CA2/2

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION TWO

CHASE BANK USA, N.A., Plaintiff and Respondent, v. AYVAZ YEGIKYAN, Defendant and Appellant.	B231910 (Los Angeles County Super. Ct. No. EC051952)

APPEAL from a judgment of the Superior Court of Los Angeles County. David Sherman Milton, Judge. Affirmed.

Ayvaz Yegikyan, in pro. per., for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

Defendant and appellant Ayvaz Yegikyan (appellant) appeals from a judgment entered against him and in favor of plaintiff and respondent Chase Bank USA, N.A. (Chase). Because appellant has not met his burden on appeal, we conclude that the trial court properly entered judgment for Chase. Accordingly, we affirm.

Inadequacies of Appellant's Opening Brief and Record

Appellant's opening brief suggests possible theories as to why the judgment was improper: (1) He was precluded from introducing certain letters into evidence; (2) Chase unilaterally (and without notice) changed the terms of the agreement between Chase and appellant; (3) It was actually Chase, not appellant, that breached the parties' agreement; and (4) Chase rebuked appellant's efforts to resolve this matter. Absent a cogent argument, supported by legal authority and citations to a complete record on appeal, we have no basis to reverse.

The first problem is with appellant's six-page opening brief. It violates California Rules of Court, rule 8.204(a) because it does not contain a table of contents and table of authorities (Cal. Rules of Court, rule 8.204(a)(1)(A)), is not supported by any legal authority (Cal. Rules of Court, rule 8.204(a)(1)(B)), and is not supported by any citations to the record on appeal (Cal. Rules of Court, rule 8.204(a)(1)(C)).

"'The reviewing court is not required to make an independent, unassisted study of the record in search of error or grounds to support the judgment. It is entitled to the assistance of counsel [or the litigant if, as here, the litigant chooses to represent himself]. Accordingly every brief should contain a legal argument with citation of authorities on the points made. If none is furnished on a particular point, the court may treat it as waived, and pass it without consideration.' [Citation.] [¶] It is the duty of [appellant], not of the courts, 'by argument and the citation of authorities to show that the claimed error exists.' [Citation.]" (*Sprague v. Equifax, Inc.* (1985) 166 Cal.App.3d 1012, 1050.) Since the issues as raised in appellant's opening brief are not properly presented or sufficiently developed to be cognizable, we decline to consider them and treat them as waived. (*People v. Stanley* (1995) 10 Cal.4th 764, 793; *People v. Turner* (1994) 8 Cal.4th 137, 214, fn. 19; *In re David L.* (1991) 234 Cal.App.3d 1655, 1661.) Nor does

appellant's election to act as his own attorney on appeal entitle him to any leniency as to the rules of practice and procedure; otherwise, ignorance unjustly is rewarded. (*Rappleyea v. Campbell* (1994) 8 Cal.4th 975, 984–985; *Lombardi v. Citizens Nat. Trust Etc. Bank* (1955) 137 Cal.App.2d 206, 208–209.)

Moreover, an appellate court presumes that the judgment appealed from is correct. (*Denham v. Superior Court* (1970) 2 Cal.3d 557, 564.) We adopt all intendments and inferences to affirm the judgment unless the record expressly contradicts them. (See *Brewer v. Simpson* (1960) 53 Cal.2d 567, 583.) Appellant has the burden of overcoming the presumption of correctness (*Maria P. v. Riles* (1987) 43 Cal.3d 1281, 1295), and he did not do so here.

The opening brief is not the only failure of appellant; the record wholly is inadequate. The record presented by appellant consists solely of the notice of trial, notice and application to reconsider and set aside order granting judgment for Chase, appellant's reply brief filed in response to Chase's opposition, a copy of the minute order denying appellant's motion for reconsideration, and appellant's notice of appeal, to which a copy of the judgment is attached. Appellant has not overcome the presumption of the correctness of the trial court's judgment because he has not presented an adequate record. (*Brown v. Boren* (1999) 74 Cal.App.4th 1303, 1320–1321.)

DISPOSITION

The judgment is affirmed. Appellant is to bear his own costs on appeal.

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS.

_____, J.
ASHMANN-GERST

We concur:

_____, P. J.
BOREN

_____, J.
DOI TODD