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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SEVEN

YOUNGSOO S. LEE,

Plaintiff and Appellant,

v.

BAC HOME LOAN SERVICES et al.,

Defendants and Respondents.

B244353

(Los Angeles County
Super. Ct. No. KC063752)

APPEAL from an order of the Superior Court of Los Angeles County,
Robert A. Dukes, Judge. Affirmed.

Youngsoo S. Lee, in pro. per., for Plaintiff and Appellant.

Bryan Cave, Christopher L. Dueringer and Paul J. Rogoff for Defendants
and Respondents.

Youngsoo Lee filed a three-page opening brief in which he says he appeals from the dismissal of his complaint against Bank of America, N.A. (successor by merger of BAC Home Loan Services, L.P. (erroneously sued as BAC Home Loan Services)) and Mortgage Electronic Registration Systems, Inc. (erroneously sued as MERSCORP) (hereafter Bank of America), relating to a non-judicial foreclosure sale of his real property, apparently after its demurrer to his complaint was sustained without leave to amend, but argues the trial court erred in rejecting his motion for new trial predicated on new evidence.¹ Without explanation or any citations to the record, he sets out a number of provisions of Title 15, section 77 (but no other authorities), mentions “security-based swaps” and says he had a federally secured loan so “the matter is precluded from a State Court, wherein they lack subject jurisdiction” as a matter of “preemption of State law.” He says he seeks “[r]emand[] to the District Court.” The brief is otherwise unintelligible.

According to the clerk’s transcript, the trial court issued a tentative ruling on Bank of America’s demurrer to Lee’s complaint (filed in May 2012), indicating the court had granted Bank of America’s request for judicial notice of “Exhibits A-S,” which established that Lee had previously filed a complaint in federal court (in July 2011), predicated on identical allegations regarding predatory lending, improper securitization and wrongful foreclosure, and in February 2012, the federal court had dismissed Lee’s claims with prejudice.² The trial court concluded the doctrine of res judicata barred Lee’s May 2012 complaint. Although Lee had failed to address the res judicata bar in his opposition to Bank of America’s demurrer, the trial court indicated the court would hear from Lee regarding whether leave to amend was warranted.

According to the trial court’s order, after reading and considering all papers filed and after hearing and considering oral argument, the request for judicial notice was granted, Bank of America’s demurrer to Lee’s complaint was sustained without leave to

¹ There appears to be no mention of a motion for new trial in the record.

² In designating the record on appeal, Lee did not include Bank of America’s request for judicial notice. (*Nelson v. Anderson* (1999) 72 Cal.App.4th 111, 136-137.)

amend on the ground all claims were barred by the doctrine of res judicata (among other grounds) and Lee's complaint was dismissed with prejudice.³

The trial court's "judgment is presumed to be correct, and it is appellant's burden to affirmatively show error. (*Denham v. Superior Court* (1970) 2 Cal.3d 557, 564 [86 Cal. Rptr. 65, 468 P.2d 193].) To demonstrate error, appellant must present meaningful legal analysis supported by citations to authority and citations to facts in the record that support the claim of error. (*City of Lincoln v. Barringer* (2002) 102 Cal.App.4th 1211, 1239, fn. 16 [126 Cal. Rptr. 2d 178]; *In re Marriage of Nichols* (1994) 27 Cal.App.4th 661, 672–673, fn. 3 [33 Cal. Rptr. 2d 13].) When a point is asserted without argument and authority for the proposition, 'it is deemed to be without foundation and requires no discussion by the reviewing court.' (*Atchley v. City of Fresno* [(1984)] 151 Cal. App. 3d [635,] 647; accord, *Berger v. Godden* [(1985)] 163 Cal. App. 3d [1113,] 1117 [failure of appellant to advance any pertinent or intelligible legal argument ... constitute[s] an abandonment of the [claim of error]].) Hence, conclusory claims of error will fail." (*In re S.C.* (2006) 138 Cal.App.4th 396, 408.)

The order of dismissal is affirmed. Bank of America is entitled to recover its costs on appeal.

WOODS, J.

We concur:

PERLUSS, P. J.

ZELON, J.

³ The record on appeal does not include the reporter's transcript.