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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION EIGHT

SARA HASSMAN,

Plaintiff and Appellant,

v.

SEASTROM AND SEASTROM,

Defendant and Respondent.

B288685

(Los Angeles County  
Super. Ct. No. BC580980)

APPEAL from an order of the Superior Court of  
Los Angeles County, Elizabeth Allen White, Judge. Affirmed.

Sara Hassman, in pro. per., for Plaintiff and Appellant.

Nemecek & Cole, Jonathan B. Cole, Mark Schaeffer and  
Marshall R. Cole for Defendant and Respondent.

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## FACTUAL AND PROCEDURAL BACKGROUND

Plaintiff Sara Hassman filed this Los Angeles County Superior Court civil lawsuit for damages based on conduct that occurred during her earlier Orange County Superior Court marriage dissolution action. This is plaintiff's second appeal from rulings in favor of defendant Seastrom and Seastrom, the law firm that represented her former husband in the family law matter.<sup>1</sup>

Seastrom and Seastrom responded to this action by filing an anti-SLAPP (Strategic Lawsuit Against Public Participation) motion, which the trial court granted. (Code Civ. Proc., § 425.16.) In the first appeal, this court affirmed the trial court's order and awarded the law firm costs on appeal, which included attorney fees. (*Hassman v. Seastrom and Seastrom* (Aug. 16, 2017, B267984 [nonpub. opn.].))

After the remittitur issued, Seastrom and Seastrom returned to the trial court and, in a contested hearing, was awarded \$19,125.44 in attorney fees.<sup>2</sup> Plaintiff promptly noticed an appeal from the award of appellate attorney fees.

Plaintiff proceeded in propria persona in the trial court and continues to represent herself here. Because plaintiff is a vexatious litigant, this court issued an order to show cause

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<sup>1</sup> Plaintiff named 15 defendants in the civil action. Seastrom and Seastrom is the only defendant involved in this appeal.

<sup>2</sup> The trial court reduced the amount defendant requested by more than two-thirds, noting it was "of the opinion that this was a cut-and-dried anti-SLAPP suit as to which there was a very low probability of reversal on appeal."

The hearing was reported, but the record before this court does not include a reporter's transcript.

requiring her to “show in writing ‘that the litigation has merit and has not been taken for purposes of harassment or delay.’ (Code Civ. Proc., § 391.7, subd. (b).)” Plaintiff responded, and the appeal was permitted to proceed.

Nonetheless, other than acknowledging that attorney fees were granted, plaintiff’s opening brief fails to challenge either defendant’s right to receive the fees or the amount awarded. Instead, she renews her attacks on the anti-SLAPP motion itself and contends defendant, its attorneys of record, and the trial court entered into a conspiracy to deprive her of constitutional rights.

Defendant, in its own brief, alerted plaintiff to the deficiencies in her opening brief. But plaintiff’s reply brief reiterates the opening brief themes and raises a number of complaints concerning the 2010 dissolution judgment itself.

## **DISCUSSION**

### **I. Forfeiture**

Plaintiff’s status as a self-represented litigant does not entitle her to ignore appellate rules. (*Nwosu v. Uba* (2004) 122 Cal.App.4th 1229, 1246.) As the appellant, plaintiff has the duty to support her challenge to the award of attorney fees with cogent argument, citations to relevant authorities, and accurate references to the record. (*Allen v. City of Sacramento* (2015) 234 Cal.App.4th 41, 52; Cal. Rules of Court, rule 8.204.) Her briefs miss all these marks. Plaintiff’s failure to comply with the basic rules of appellate procedure results in the forfeiture of her claims on appeal.<sup>3</sup> (*Allen, supra*, at p. 52; *Del Real v. City of Riverside* (2002) 95 Cal.App.4th 761, 768.)

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<sup>3</sup> Plaintiff’s mention of what appears to be a clerical or typographical error in the proposed order submitted by

## II. Meritless Appeal

With statutory exceptions not relevant here, Code of Civil Procedure section 425.16, subdivision (c)(1) authorizes attorney fees to the prevailing defendant in the trial court and on appeal. (*Mendoza v. ADP Screening & Selection Services, Inc.* (2010) 182 Cal.App.4th 1644, 1659.) The statutory language is unambiguous and appellate decisions in this area are plentiful and consistent. This appeal has no merit, and we are convinced all reasonable attorneys would agree. (*In re Marriage of Flaherty* (1982) 31 Cal.3d 637, 650.) For this reason, we admonish plaintiff.

Having read plaintiff's opening and reply briefs, we conclude plaintiff, in her response to the vexatious litigant order, misrepresented the basis for the attorney fees award and her appeal. All litigants, including vexatious ones, are cautioned to be scrupulous in their factual and legal representations to the courts of this state. As the Court of Appeal recognizes, the rules of professional conduct apply to pro per litigants: "To say otherwise would be to give pro per litigants (and particularly vexatious litigants representing themselves) an unfair advantage over parties represented by attorneys bound by that code. Under those rules, an attorney may not intentionally mislead a court. (See Bus. & Prof. Code, § 6068, subd. (d); Rules Prof. Conduct,

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defendant's counsel does not change the analysis or result. The proposed order erroneously stated the hearing on the motion for appellate attorney fees occurred on March 7, 2018. The trial court corrected the typographical error in the order filed on March 5, 2018. The trial court's minutes and signed order for the services of an official court reporter pro tempore confirm the hearing was conducted on March 5, 2018.

rule 5–200(B).) Neither may a pro per.” (*Kobayashi v. Superior Court* (2009) 175 Cal.App.4th 536, 543.)

The overarching theme in plaintiff’s briefs and in her oral argument is that this court must correct wrongs she alleges occurred as many as eight years ago in family law proceedings conducted in another county. We do not have that power. It was established more than 95 years ago that an appellate court’s jurisdiction is limited by the record in the case before it. (*Harpold v. Superior Court* (1922) 58 Cal.App. 629, 631.) The rule endures today. (*In re Carpenter* (1995) 9 Cal.4th 634, 646 [“[a]ppellate jurisdiction is limited to the four corners of the record on appeal”].) No law authorizes this court to act as plaintiff asks.

### **III. Attorney Fees and Costs on Appeal**

Defendant is awarded its costs, including attorney fees, for defending this appeal. We decline defendant’s request to permit it to file a memorandum of costs and notice a motion for attorney fees to be heard in this court in the first instance. (*Security Pacific National Bank v. Adamo* (1983) 142 Cal.App.3d 492, 498.)

### **DISPOSITION**

The order is affirmed. Defendant is awarded costs, including attorney fees, on appeal, in an amount to be determined by the trial court. (See Code Civ. Proc., § 425.16, subd. (c).)

DUNNING, J.\*

We concur:

RUBIN, Acting P. J.

GRIMES, J.

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\* Judge of the Orange Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.