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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION THREE

Conservatorship of the Person of
J.D. II.

J.D., as Conservator, etc.,

Petitioner and Respondent,

v.

D.D.,

Objector and Appellant.

G063686

(Super. Ct. No. 30-2019-
01104251)

O P I N I O N

Appeal from an order of the Superior Court of Orange County,
Ebrahim Baytieh, Judge. Affirmed. Request for judicial notice denied.

D.D., in pro. per., for Objector and Appellant.

J.D., in pro. per., for Petitioner and Respondent.

This is now the fourth appeal we have reviewed in the present conservatorship case. Appellant D.D. and respondent J.D. are the parents of conservatee J.D. II.¹ Each of the appeals in this matter have been filed by D.D., and in each appeal, she has failed to articulate any legitimate basis to reverse the order or judgment she has contested. This appeal is no different.

Today's appeal involves an order granting J.D.'s motion to declare D.D. a vexatious litigant. The trial court found D.D. fits the statutory definition of a vexatious litigant under Code of Civil Procedure section 391, subdivision (b)(1) because she has filed more than five unsuccessful litigations in propria persona within the past seven years, and has continually contested venue and the appointment of a guardian ad litem despite our affirmance of the court's actions on these issues.

D.D. states the trial court erred by so ruling, but provides neither the legal authority nor the record required to show any error. As a result, we affirm the court's order.

FACTUAL AND PROCEDURAL HISTORY

We have summarized the facts of this case on multiple occasions in previous opinions and need not recite them again here.² Relevant to our inquiry is the motion filed by J.D. on August 23, 2023, to declare D.D. a vexatious litigant. We do not have the motion itself in our record. The register of actions in the case shows no opposition was filed by D.D.

¹ We use the first initial of the parties' first and last names to protect their privacy, and not out of disrespect.

² For a history of the prior proceedings, see this court's nonpublished opinions in *Conservatorship of J.D. II* (June 20, 2025, G063069); *Conservatorship of John D. II* (Dec. 20, 2022, G060634); and *Conservatorship of John D. II* (Aug. 25, 2022, G059954).

The motion was scheduled for hearing on November 29, 2023, and the trial court took the matter under submission. A couple of days later, the court issued a minute order granting J.D.’s motion. Having taken judicial notice of 24 exhibits submitted by J.D., the court found he had demonstrated D.D. had engaged in a “pattern . . . of making repeated, unmeritorious filings.” A prefiling order was entered on December 1, 2023. This appeal followed.

DISCUSSION

We first note that, while D.D.’s notice of appeal specifically attaches the trial court’s vexatious litigant ruling, her opening brief purports to appeal not only that ruling, but also “other rulings, as well as a change of venue to Los Angeles County, where Appellant works as an educator specializing in special needs education.” Any such “other rulings” are not part of our record, and we do not consider them to be within the scope of this appeal.³ The appellant “has the burden of providing an adequate record. [Citation.] Failure to provide an adequate record on an issue requires that the issue be resolved against [the appellant].” (*Jameson v. Desta* (2018) 5 Cal.5th 594, 609.) We therefore only review the vexatious litigant ruling.

³ D.D. has also requested that we take judicial notice of a lawsuit she filed in federal district court against the Los Alamitos School District and other individuals. We deny her request. The federal lawsuit is irrelevant to the discrete issue we resolve here.

I.

STANDARD OF REVIEW

“A [trial] court exercises its discretion in determining whether a person is a vexatious litigant. [Citation.] We uphold the court’s ruling if it is supported by substantial evidence. [Citations.] On appeal, we presume the order declaring a litigant vexatious is correct and imply findings necessary to support the judgment.” (*Garcia v. Lacey* (2014) 231 Cal.App.4th 402, 407.)

II.

D.D. HAS FAILED TO DEMONSTRATE ANY ERROR BY THE TRIAL COURT IN GRANTING J.D.’S MOTION

D.D. argues the trial court did not establish a pattern of vexatious litigation on her part, and she was simply engaging in good faith advocacy for her son. But she cites nothing in the record which would refute the court’s conclusions. Instead, she cites to *Ringgold-Lockhart v. County of Los Angeles* (9th Cir. 2014) 761 F.3d 1057. *Ringgold-Lockhart* was a federal case, and as such, discussed the standards in federal courts for declaring a litigant vexatious. (*Id.* at p. 1061.) Under California law, part 2, title 3A of the Code of Civil Procedure provides the standards and procedures for declaring a litigant vexatious. Thus, *Ringgold-Lockhart* is inapposite.

D.D. also claims the trial court did not let her present evidence and the judges were biased against her. But the record shows D.D. filed no opposition to J.D.’s motion in the first place. In short, D.D. has failed to demonstrate any error by the court.

DISPOSITION

The order declaring appellant a vexatious litigant is affirmed.

Respondent to recover his costs on appeal.

MOTOIKE, ACTING P. J.

WE CONCUR:

DELANEY, J.

SCOTT, J.