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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SEVEN

PSHATOIA LAROSE,

B339800

Plaintiff and Appellant,

(Los Angeles County
Super. Ct. No. 24STCV07104)

v.

BEYONCE KNOWLES,

Defendant and Respondent.

APPEAL from an order of the Superior Court of Los Angeles County, Michelle Williams Court, Judge. Dismissed.

Pshatoia Larose, in propria persona, for Plaintiff and Appellant.

No appearance for Defendant and Respondent.

INTRODUCTION

Pshatoia Larose, in propria persona, appeals the dismissal of her complaint against Beyonce Knowles. The trial court did not allow Larose to proceed with her lawsuit because Larose was previously declared a vexatious litigant, and Larose did not obtain permission to file new litigation. (See Code Civ. Proc., § 391.7.)¹ We dismiss the appeal because we lack jurisdiction as Larose appealed from a nonappealable order.

FACTUAL AND PROCEDURAL BACKGROUND²

Before she filed the present action, Larose was declared a vexatious litigant on February 27, 2024, in *Larose v. Combs* (Super. Ct. L.A. County, 2024, No. 23STRO08199).³

Section 391.7 prohibits a vexatious litigant “from filing any new litigation in the courts of this state in propria persona without first obtaining leave of the presiding justice or presiding judge of the court where the litigation is proposed to be filed.” (§ 391.7, subd. (a.)) “The presiding justice or presiding judge shall permit

¹ Undesignated statutory references are to the Code of Civil Procedure unless otherwise specified.

² On our own motion, we take judicial notice of the superior court’s minute orders in this case, as well as the record in Larose’s related appeal (case no. B337714), to provide context for this appeal. (See Evid. Code, §§ 452, subd. (d) [judicial notice may be taken of “[r]ecords of . . . any court of this state”], 459.)

³ Larose separately appealed the dismissal of her action in *Larose v. Combs*, and that appeal is currently pending in this court (case no. B337714).

the filing of that litigation only if it appears that the litigation has merit and has not been filed for the purposes of harassment or delay.” (*Id.*, subd. (b).) In Los Angeles County Superior Court, the presiding judge has delegated this authority and responsibility to the supervising judge of the civil division. (See *id.*, subd. (e).) “If the clerk mistakenly files the litigation without the order, . . . the [court] may direct the clerk to file and serve, on the plaintiff and other parties a notice stating that the plaintiff is a vexatious litigant subject to a prefiling order The filing of the notice shall automatically stay the litigation. The litigation shall be automatically dismissed unless the plaintiff within 10 days of the filing of that notice obtains an order from the presiding justice or presiding judge permitting the filing of the litigation.” (*Id.*, subd. (c).)

On March 21, 2024, the clerk of the superior court filed Larose’s complaint against Knowles in propria persona even though Larose had not obtained permission from the supervising judge of the civil division, as she was required to under section 391.7. The record does not contain a copy of Larose’s complaint, but based on the superior court’s minute orders, the allegations included “unauthorized use of intellectual property, invasion of privacy, stalking and harassment, violation of Lanham Act, phone identity hacks, data breach, unauthorized phone tapping, and group conspiracy to cause harm.”

On March 25, 2024, after her complaint had already been filed, Larose submitted a request to file new litigation as a vexatious litigant. Larose asserted that her complaint was meritorious because “Defendant has and continues to use my data unauthorized at a loss to me and gain for profits for Defendant. Defendant has made threats due to my

acknowledgement of hacking and using images from my phone.”” Larose stated the litigation was not brought for harassment or delay because Knowles was ““stalking and harassing” her. Larose attached exhibits, including photographs and screenshots of social media posts.

On May 6, 2024, the superior court issued an order under section 391.7 notifying the parties that Larose was a vexatious litigant subject to a prefiling order and staying the litigation. The order also denied Larose’s untimely request for leave to file the complaint, which the court construed as a “request for retroactive permission to continue litigating.” The court determined that Larose’s complaint “lacks sufficient allegations of fact” and “fails to state a cause of action,” and the exhibits Larose provided were “insufficient to demonstrate the merits of the claims asserted in the complaint, or any other claims.” The complaint was dismissed without prejudice on June 4, 2024.

Larose timely appealed.

DISCUSSION

Larose argues that the dismissal of her complaint was unconstitutional and the superior court judge was biased. Larose asserts she was unaware of the section 391.7 prefiling requirement, and she “does not agree with being listed as [a] vexatious litigant.” She requests the reinstatement of her complaint and “the opportunity to present evidence and have a fair trial before an impartial jury.”

Before we may address Larose's arguments, we must consider whether we have jurisdiction to hear her appeal. (See *Jennings v. Marralle* (1994) 8 Cal.4th 121, 126 [appellate court must independently confirm jurisdiction over appeal].) “[A]ppellate jurisdiction” is simply the power of a reviewing court to correct error in a trial court proceeding.” (*Leone v. Medical Board* (2000) 22 Cal.4th 660, 666.)

“A reviewing court has jurisdiction over a direct appeal only when there is (1) an appealable order or (2) an appealable judgment.” (*Griset v. Fair Political Practices Com.* (2001) 25 Cal.4th 688, 696; accord, *Efron v. Kalmanovitz* (1960) 185 Cal.App.2d 149, 152.) Statutes define which orders and judgments are appealable. (See *Kirk v. Ratner* (2022) 74 Cal.App.5th 1052, 1060; accord, *Garau v. Torrance Unified School Dist.* (2006) 137 Cal.App.4th 192, 198; see § 904.1 [listing appealable orders and judgments in civil cases].) If a party appeals from a nonappealable order, the reviewing court has no appellate jurisdiction and is required to dismiss the appeal. (See *Efron*, at p. 152.)

“[A] trial court order denying a vexatious litigant's request to file new litigation under section 391.7 is not appealable.”⁴ (*In re Marriage of Deal* (2022) 80 Cal.App.5th 71, 79.) This is

⁴ A party may appeal an order declaring him or her a vexatious litigant and imposing a prefilming requirement under section 391.7. (See *In re Marriage of Deal, supra*, 80 Cal.App.5th at p. 79; *In re Marriage of Rifkin & Carty* (2015) 234 Cal.App.4th 1339, 1347; *Luckett v. Panos* (2008) 161 Cal.App.4th 77, 89-90.) As noted, Larose is separately appealing the judgment in which she was declared a vexatious litigant (case no. B337714), and that issue is not before us.

because a section 391.7 order “is not among the appealable orders listed in section 904.1” and “there is no final judgment as no new litigation was allowed.” (*Id.* at p. 78.) Because the dismissal of Larose’s complaint was effectively a section 391.7 order denying her permission to proceed with the litigation, Larose has appealed from a nonappealable order, and we must dismiss her appeal. (See *ibid.*)

Even if we were to consider Larose’s arguments, she has not demonstrated the trial court erred. First, Larose argues that she was denied her federal constitutional rights, but courts have held the vexatious litigant prefilings requirement is constitutional. (See *Hupp v. Solera Oak Valley Greens Assn.* (2017)

12 Cal.App.5th 1300, 1312 [“*Vexatious litigant statutes are constitutional and do not deprive a litigant of due process of law.*”]; *Wolfgram v. Wells Fargo Bank* (1997) 53 Cal.App.4th 43, 60.) As to the trial judge’s “bias,” it is long established that “[a] trial court’s rulings against a party . . . do not, by themselves, support a charge of bias.” (*Severson & Werson, P.C. v. Sepehry-Fard* (2019) 37 Cal.App.5th 938, 952; accord, *People v. Farley* (2009) 46 Cal.4th 1053, 1110.) Finally, Larose challenges her status as a vexatious litigant, but that issue is not properly before us because Larose was declared a vexatious litigant and was made subject to the section 391.7 prefilings order in a different case. (See *In re Marriage of Rifkin & Carty* (2015) 234 Cal.App.4th 1339, 1347 [a party must challenge vexatious litigant order imposing a prefilings requirement in an appeal from that order].)

DISPOSITION

The appeal is dismissed.

MARTINEZ, P. J.

We concur:

SEGAL, J.

STONE, J.