Filed 2/8/10 Harris-Scott v. City of Los Angeles CA2/8

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION EIGHT

HELEN M. HARRIS-SCOTT, Plaintiff and Appellant, v. CITY OF LOS ANGELES et al., Defendants and Respondents.	B213650 (Los Angeles County Super. Ct. No. SC099290)

APPEAL from a judgment of the Superior Court of Los Angeles County. John L. Segal, Judge. Affirmed.

Helen M. Harris-Scott, in pro. per., for Plaintiff and Appellant.

Carmen A. Trutanich, City Attorney, Janet G. Bogigian, Assistant City Attorney, and Amy Jo Field, Deputy City Attorney, for Defendant and Respondent City of Los Angeles.

No appearance for Defendant and Respondent County of Los Angeles.

Helen Harris-Scott, representing herself, appeals from a judgment dismissing her action after the court sustained without leave to amend demurrers to the complaint by defendants, the City of Los Angeles and its police department (City) and the County of Los Angeles. Only the City has appeared in response to this appeal. We affirm the judgment, because appellant has not provided a record sufficient to permit determination of her appeal.

FACTS

According to the register of actions which commences the clerk's transcript, appellant filed her complaint on August 5, 2008, and an amended complaint the following day. Respondents' demurrers were sustained in October 2008, and judgment of dismissal was entered November 19, 2008. Plaintiff filed her notice of appeal on January 12, 2009.

The record on appeal consists solely of the basic items required of a clerk's transcript by California Rules of Court, rule 8.122(b) (undesignated references to rules are to those rules), together with appellant's "responses" to the demurrers, and three exhibits which she also designated.[1] The record does not contain either the complaint, the demurring papers, or a reporter's transcript of the hearing at which the demurrers were sustained.

DISCUSSION

As the complaining party on appeal, appellant bears the burden of showing reversible error with respect to the judgment, which is presumed to be correct. Inherent in this burden is the obligation to present an appellate record sufficient to enable determination of the issues. (Eisenberg et al., Cal. Practice Guide: Civil Appeals & Writs (Rutter 2009) ¶ 4:2, pp. 4-1-4-2); see, e.g., *Hernandez v. California Hospital Medical Center* (2000) 78 Cal.App.4th 498, 502; *Rossiter v. Benoit* (1979) 88 Cal.App.3d 706,

---

[1] Appellant also has attached to her brief a copy of a tentative ruling on the demurrers by the trial court.

712.) "Failure to provide an adequate record on an issue requires that the issue be resolved against [appellant]." (*Hernandez, supra,* at p. 502.)

These rules were recently applied in a situation very similar to that here. In *Bains v. Moores* (2009) 172 Cal.App.4th 445, the plaintiffs sought, among other things, reversal of an order sustaining certain defendants' demurrers to the second amended complaint. However, plaintiffs did not include in the record "either the operative complaint or the demurrers, thus making it impossible for th[e appellate] court to review the complaint de novo to determine whether it states a cause of action. On that basis alone," the court ruled, plaintiffs' claim had to be rejected. (*Id.* at p. 478.)

The same holds true here. The record contains no documentation of either the contents of appellant's complaint or the grounds of the demurrers respondents advanced against it. Of the matters that appellant designated, her demurrer responses consist of nonspecific references to failure to make arrests to protect her from danger, and her exhibits comprise communications to the City's mayor and police department, complaining similarly and in one instance asserting that plaintiff had been pursued by the late entertainer Michael Jackson.

The City stresses that the tentative ruling (attached to appellant's brief) indicates that she could not state a cause of action in view of the governmental immunities for failure to furnish police protection or to make an arrest (Gov. Code, §§ 845, 846.) Fundamentally, however, the judgment must be affirmed because appellant has not provided a record of the proceedings sufficient to show that error underlies it.

DISPOSITION

The judgment is affirmed.

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

MOHR, J.*

We concur:

RUBIN, ACTING P. J.

FLIER, J.

---

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