

Court of Appeal, First Appellate District, Division Five - No. A163175, A163815,
A164342

S273512

IN THE SUPREME COURT OF CALIFORNIA

En Banc

ARNOLD LEONG, Plaintiff and Respondent,

v.

WARREN HAVENS et al., Defendants and Appellants;

SUSAN UECKER, Respondent.

**SUPREME COURT
FILED**

APR 27 2022

Jorge Navarrete Clerk

Deputy

AND CONSOLIDATED CASES

The petition for review is denied.

CANTIL-SAKAUYE

Chief Justice

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT
DIVISION FIVE

ARNOLD LEONG,
Plaintiff and Respondent,

v.

WARREN HAVENS, et al.,
Defendants and Appellants;

SUSAN UECKER,
Respondent.

A163175 /A163815 /A164342

(Alameda County
Super. Ct. No. 2002070640)

BY THE COURT:*

IT IS ORDERED that the order filed on February 4, 2022, is modified to read as follows and the petition for rehearing is DENIED:

The Receiver's "motion to consolidate and dismiss appeals under the disentitlement doctrine," filed on January 14, 2022, is granted. Consolidation is appropriate because all three appeals involve the same underlying trial court action and the common issue of disentitlement. (See *Pacific Legal Foundation v. California Coastal Com.* (1982) 33 Cal.3d 158, 165, fn. 3.) The Receiver has demonstrated appellant's continued willful noncompliance with the trial court's receivership orders. Therefore, for the reasons set forth in this court's prior opinion, *Leong v. Havens* (Oct. 23, 2019, A149113, et al.) [nonpub. opn.], dismissal pursuant to the disentitlement doctrine is warranted. (See *Gwartz v. Weilert* (2014) 231 Cal.App.4th 750, 757.)

Appellant's "motion to strike and . . . request under rule 8.54 for a hearing," filed on February 3, 2022, is denied.

* Before Jackson, P.J., Needham, J., and Burns, J.

The modification effects no change in the judgment.

Dated: 03/01/2022 Jackson, P.J., P.J.

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Appellant's "motion to strike and . . . request under rule 8.54 for a hearing," filed on February 3, 2022, is denied.

Dated: 02/04/2022

Jackson, P.J., P.J.