

Appendix A

Supreme Court FILED

July 26th, 2023

Jorge Navarette, Clerk

Deputy

Court of Appeal, Fourth Appellate District,

Division Three – No. G062468

S280064

IN THE SUPREME COURT OF CALIFORNIA

En Banc

ARTHUR LOPEZ, Plaintiff and Appellant,

v.

OUR LADY QUEEN OF ANGELS CATHOLIC

CHURCH, Defendant and Respondent.

The petition for review is denied.

GUERRERO

Chief Justice

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| | | entitled matter is hereby extended to and including August 16 th , 2023, or the date upon which review is either granted or denied. |
| 07/26/2023 | Petition for review denied | |

Appendix B: CA Court of Appeals Opinion

IN THE COURT OF APPEAL OF THE STATE OF
CALIFORNIA FOURTH APPELLATE DISTRICT
DIVISION THREE

On March 20th, 2023, appellant filed a notice of appeal from an order entered the same day.

Appellant is a vexatious litigant subject to a prefiling order (See Code Civ. Proc., 391, subd. (b), 391.7). Appellant is not represented by counsel in this appeal.

Appellant is obligated to file a request for permission to file any new litigation, including an appeal, which he did on March 29th, 2023. (391, subd. (a); *John v. Superior Court* (2016) 63 Cal. 4th 91, 93.). The vexatious litigant must support the

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| | | granted or denied. |
| 07/26/2023 | Petition for review denied | |

Appendix B: CA Court of Appeals Opinion

**IN THE COURT OF APPEAL OF THE STATE OF
CALIFORNIA FOURTH APPELLATE DISTRICT**

**DIVISION THREE Case No. G062468 (Super. Ct.
No. 30-2022-01271461) ORDER Filed on April 11,
2023**

request to file new litigation by providing “facts and legal authority telling the court with specificity why [the proposed litigation] has merit.” (*In re R.H.* (2009) 170 Cal.App.4th 678, 708, disapproved on other grounds in *John, Supra*, 63 Cal.4th 91.) An initial determination of “merit” under section 391.7, subdivision (b), does not mean the vexatious litigant will ultimately prevail. (*Kobayashi v. Superior Court* (2009) 175 Cal.App.4th 536,541 [standard for assessing merit of proposed appeal is “the simple showing of an arguable issue”].)

Appellant’s notice of appeal lists the following rulings as part of his appeal from an order entered on March 20th, 2023: (1) denial of transfer of venue; (2) denial of stay; (3) denial of leave to amend; (4) dismissal of case; (5) sustaining

of demurrer; (6) collusion; and (7) deprivation of U.S. Constitutional Civil Rights 14th and 7th amendments.

The court's March 20th, 2023, unsigned minute order denied appellant's motion for transfer and sustained without leave to amend respondents' demurrer. The minute order also denied appellant's request for a stay of proceedings.

Appellant's request for permission represents this appeal has merit because the court "abused its discretion" by not granting leave to amend the operative complaint. Moreover, appellant cites the unusual circumstance that the court evaluated the demurrer as against both the original complaint and the first amended complaint, as there was uncertainty as to which

pleading was in effect. Finally, appellant asserts that the court erred by refusing to stay its proceedings after an appeal had been filed.

To the extent this appeal purports to be an appeal from an order denying a motion to transfer venue, the order is not appealable. (400 [writ petition may be filed to challenge venue order].)

To the extent this appeal purports to be an appeal from an order sustaining a demurrer, such an order is not appealable. (*Flores v. Department of Corrections & Rehabilitation* (2014) 224 Cal.App.4th 199,203-204.)

To the extent the appeal purports to challenge the trial court's refusal to stay all proceedings following the filing of appellant's first

appeal in case number G062431, that order was not appealable as it is a prejudgment order not listed in the Code of Civil Procedure as an appealable order.

Appellant's application attaches a copy of a March 22nd, 2023, signed judgment of dismissal. This court has discretion to allow this appeal to be treated as a premature appeal from the judgment. (Cal. Rules of Court, rule 8.104(d)(2).)

However, there is no potential merit to this appeal. As stated in the court's minute order, appellant "failed to coherently plead any factual basis for any" of the causes of action that were alleged. Appellant does not identify how the complaint would be alleged to provide facts sufficient to plead a cause of action. (*Hedwall v. PCMV, LLC* (2018) 22 Cal.App.5th 564,579-580.)

And even if appellant could coherently plead factual allegations, appellant does not explain how the allegations (that discrimination occurred in 2012) can be brought within the statute of limitations.

Appellant's request for permission to file an appeal is DENIED. This proceeding is DISMISSED. (391.7, subd. (C).)

O'LEARY, P.J.

PROOF OF SERVICE

Arthur López

Vs.

Our Lady Queen of Angels Catholic Church, et al

I, Arthur Lopez, do swear or declare that on this date, December 22, 2023, as required by Supreme Court Rule 29 I have served the enclosed and PETITION FOR A WRIT OF CERTIORARI on each party to the above proceeding or that party's counsel, and on every other person required to be served, by depositing an envelope containing the above documents in the United States mail properly addressed to each of them and with first-class postage prepaid, or by delivery to a third-