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**Appendix G:**

*FEB 11 2025*

Court of Appeal, Fourth Appellate District, Division One - No,  
D085203

**S288895**

Jorge Navarrete  
Clerk Deputy

**IN THE SUPREME COURT OF CALIFORNIA**

**En  
Banc**

**MARIA HERTA, Petitioner,**

**V**

**SUPERIOR COURT OF SAN DIEGO COUNTY, Respondent;**

**MARIUS HERTA, Real Party in Interest.**

The motion to accept filing by email is denied.

The petition for review and application for stay are denied.

**GUERRERO**

*Chief  
Justice*

**Appendix F:**

**COURT OF APPEAL, FOURTH APPELLATE  
DISTRICT DIVISION ONE  
STATE OF CALIFORNIA**

***01/09/2025***

**MARIA HERTA,**

Petitioner,

v.

**THE SUPERIOR COURT OF SAN**

**DIEGO COUNTY,**

Respondent;

**MARIUS HERTA,**

Real Party in Interest. THE

COURT:

**D085203**

**(San Diego County**

**Super. Ct. No. 21FL008169C)**

The petition for writ of mandate has been read and considered by

Justices Irion, Do, and Kelety. The petition is denied.

**IRION, Acting P. J.**

Copies to: All parties

**Appendix A:**

Court of Appeal  
FOURTH APPELLATE DISTRICT  
Division One  
750 B Street, Suite 300  
San Diego, CA 92101  
[www.courts.ca.gov](http://www.courts.ca.gov)  
(619) 744-0760

*October 10, 2024*

RE: MARIUS HERTA,  
Respondent,  
v.  
MARIA HERTA,  
Appellant.  
**D084967**  
**San Diego County Super. Ct. No. 21FL008169C**

Dear Appellant:

A notice of appeal has been filed and assigned the above number. Division One maintains a comprehensive internet web site containing case information (except on confidential cases), oral argument calendars, opinions (published and unpublished), local rules, frequently asked questions, practices and procedures, biographies of the court's justices and extern program information. The web site can be accessed at: <http://www.courts.ca.gov/4dca.htm>.

To assist you with the appellate process, the basic appellate procedures, which are the subjects of the majority of the telephone inquiries received by this office, can be accessed at: <http://www.courts.ca.gov/2988.htm>. It is a quick and convenient reference tool for answering basic procedural questions. In addition, the

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California Court of Appeal Step by Step Manual describes in simple terms the civil appellate process and the related California Rules of Court that are in effect as of the date of the bottom of the page in each chapter and can be accessed at:

<http://www.courts.ca.gov/8676.htm>. If you are unable to access the basic appellate procedures or the California Court of Appeal Step by Step Manual on the website, please contact the clerk's office for a hard copy. Additionally, you may visit the California Appellate Courts Self-Help Resource Center at

<https://selfhelp.appellate.courts.ca.gov>.

I trust you will find the answers to many of your procedural questions on the court's internet web site. Of course, if you cannot find the answer to your question there or in the California Rules of Court, please feel free to contact us for assistance.

Thank you for your consideration and attention to these matters.

Sincerely,

BRANDON L. HENSON, CLERK

BY: Martha Torres, Deputy Clerk

cc: All Parties

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**Appendix B:**

**FILED ELECTRONICALLY**  
Brandon L. Henson, Clerk  
By: Martha Torres  
**10/10/2024**

**COURT OF APPEAL - STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE**

**MARIUS HERTA,**  
Respondent,  
v.  
**MARIA HERTA,**  
Appellant.  
D084967  
San Diego County Super. Ct. No. 21FL008169C

**THE COURT:**

On the court's own motion calendar preference is **GRANTED**. The appeal is expedited. No extensions of time will be granted except upon stipulation of the parties or on a strong showing of good cause. The appeal will be placed upon the first available calendar following completion of briefing.

**MCCONNELL**

Presiding Justice

cc: All Parties

**Appendix C:**

**10/29/2024**

**COURT OF APPEAL - STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE**

MARIUS HERTA,  
Respondent,

v.

MARIA HERTA,  
Appellant.

**D084967**

**San Diego County Super. Ct. No. 21FL008169C**

**THE COURT:**

The notice of appeal filed by appellant Maria Herta on October 4, 2024, indicates that she is appealing: (1) a judgment entered on December 20, 2021; (2) a findings and order after hearing issued on October 6, 2022; and (3) a domestic violence restraining order (Form DV-130) issued on March 25, 2024. A notice of appeal must be filed no later than 180 days after entry of the judgment or order being appealed. (Cal. Rules of Court, rule 8.104(a)(1).) The instant appeal appears to have been untimely filed more than 180 days after the entry of the judgment and two orders. If an appeal is filed late, the appellate court is without jurisdiction to proceed and must dismiss the appeal. (Cal. Rules of Court, rule 8.104(b); *Van Beurden Ins. Services, Inc. v. Customized Worldwide Weather Ins. Agency, Inc.* (1997) 15 Cal.App.4th 51, 56.) The court requests that appellant, within 10 days of this order, submit a

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letter explaining why her appeal of the above judgment and orders should not be dismissed as untimely. Respondent may also submit a letter addressing timeliness of the appeal within the same 10-day period.

**MCCONNELL**

Presiding Justice

cc: All Parties

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**Appendix D:**

**11/13/2024**

**COURT OF APPEAL - STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE**

MARIUS HERTA,  
Respondent,  
v.  
MARIA HERTA,  
Appellant.  
D084967  
San Diego County Super. Ct. No. 21FL008169C

**THE COURT:**

The notice of appeal, filed October 4, 2024, was required to be filed no later than 180 days after the issuance of the November 2021 marital dissolution and custody order judgment, the October 6, 2022 custody Findings and Order After Hearing, and the March 25, 2024 restraining order. (Cal. Rules of Court, rule 8.104(a)(1)(C).) Appellant's letter submitted in response to this court's October 29, 2024 order asking why the court should not dismiss the appeal as untimely does not demonstrate the appeal is timely. If a notice of appeal is filed late, the reviewing court is without jurisdiction to proceed and must dismiss the appeal. (Cal. Rules of Court, rule 8.104(b); *Van Beurden Ins. Services, Inc. v. Customized Worldwide Ins. Agency, Inc.* (1997) 15

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Cal.4th 51, 56.) The matter having been considered by Presiding Justice McConnell and Associate Justices Buchanan and Castillo, the appeal is DISMISSED as untimely. (Cal. Rules of Court, rule 8.104(b).)

**MCCONNELL**

Presiding Justice

**cc:** All Parties

**Appendix E:**

**11/20/2024**

**COURT OF APPEAL - STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE**

**MARIUS HERTA,**

Respondent,

v.

**MARIA HERTA,**

Appellant.

**D084967**

**San Diego County Super. Ct. No. 21FL008169C**

**THE COURT:**

Appellant Maria Herta's motion for reconsideration of the dismissal of her appeal, filed November 18, 2024, is DENIED.

**MCCONNELL**

Presiding Justice

**Appendix H:**

*January 16, 2025*

**COURT OF APPEAL - STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE**

San Diego County Superior Court - Main

P.O. Box 120128

San Diego, CA 92112

RE: MARIUS HERTA,

Respondent,

v.

MARIA HERTA,  
Appellant.

**D084967**

**San Diego County Super. Ct. No. 21FL008169C**

**\* \* \* REMITTITUR \* \* \***

I, Brandon L. Henson, Clerk of the Court of Appeal of the State of California, for the Fourth Appellate District, certify the attached is a true and correct copy of the original opinion or decision entered in the above-entitled case on November 13, 2024, and that this opinion or decision has now become final.

Appellant  Respondent to recover costs.

Each party to bear own costs.

Other (See Below)

Witness my hand and the seal of the Court affixed this January 16,

2025 BRANDON L. HENSON, Clerk By: Jose Rodriguez, Deputy

Clerk cc: All Parties (Copy of remittitur only, Cal. Rules of Court, rule 8.272(d).)