

Tentative Opinion
April 30, 2025 Calendar
Division Eight
Justices Stratton, Wiley, and Viramontes

B327355 – *Bat World Sanctuary, et al. v. Cummins*

We have received a request for oral argument from one or more of the parties to this appeal. Here is a summary of the court's tentative opinion.

We are inclined to affirm the orders. We are inclined to conclude appellant has not shown she was denied a fair proceeding in the trial court. While the court erred by denying appellant's request for a court reporter at the hearing on the motion for reconsideration of the denial of the motion to vacate the renewal, the record does not demonstrate this was due to bias or an improper motive, and neither may be presumed. (*In re M.V.* (2025) 109 Cal.App.5th 486.) We are inclined to hold that the record (including the recording of the hearing) does not support appellant's claim the trial court was rude to her at the hearing on the motion for reconsideration. We are also inclined to conclude the trial court did not abuse its discretion when it limited oral argument and declined to accept further written argument at the hearing, because the motion for reconsideration was insufficient as a matter of law and could not be granted (Code Civ. Proc., § 1008 subd. (a)), and the trial court has inherent authority to expedite proceedings that do not aid the court. (*California Crane School, Inc. v. National Com. for Certification of Crane Operators* (2014) 226 Cal.App.4th 12, 22.)

We are inclined to reject appellant's remaining arguments of an unfair proceeding. Most pertain to events outside the scope of this appeal, and those that relate to this appeal lack merit: although appellant accuses the trial court of destroying a document, that document is included in the record on appeal, and appellant was not prevented from appealing properly by the lack of a reporter's transcript because we have not rejected any of her arguments on that ground.

We are inclined to reject appellant's argument that respondent does not exist. This issue has been conclusively and finally resolved against appellant in other court proceedings, and even if it had not been resolved against her, appellant's briefing on this topic is insufficient to present an issue for review because it rests on factual statements not supported by citations to admissible evidence in the record on appeal.

We are inclined to reject appellant's claims that the renewal of the judgment was not properly or timely filed because appellant has not supported her claims of error with legal authority and citations to admissible evidence in the record, supported by reasoned argument applying that authority to the relevant admissible evidence.

Finally, we are inclined to reject appellant's argument that post-judgment interest must be calculated at five percent because that is the rate specified in the original Texas judgment. Section 1710.25, subdivision (b) provides that once a sister state judgment is entered, "[f]rom the time of entry, interest shall accrue on the judgment so entered at the rate of interest applicable to a judgment entered in this state." The interest rate for post-judgment interest in California is 10 percent. (§ 685.010.)

If you wish to cite and discuss any significant new authority at argument that was not cited in any party's brief because it was not available in time to be included, you must give your opponent the citation in a letter before argument, and file a copy of the letter with the clerk's office. (Cal. Rules of Court, rule 8.254.)

The court will not entertain further briefing or grant a continuance based on the issuance of this tentative opinion.

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