

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION THREE

COURT OF APPEAL – SECOND DIST.

FILED

Sep 10, 2018

JOSEPH A. LANE, Clerk

Z. Clayton Deputy Clerk

ELLIOT BROIDY,

Petitioner,

v.

THE SUPERIOR COURT OF LOS
ANGELES COUNTY,

Respondent;

SHERA BECHARD,

Real Party in Interest.

B292473

(Los Angeles County
Super. Ct. No. BC712913)
(Elizabeth A. White, Judge)

ORDER


BY THE COURT,

We have read and considered the petition captioned “Separately Filed Emergency Petition for Temporary Stay of Trial Court Proceedings Pending Petition for Writ of Supersedeas and Mandate; Memorandum In Support Thereof,” filed on September 7, 2018.

In the absence of any indication that an appeal has been filed and that the challenged order is appealable, we construe this as a petition for writ of mandate and accompanying stay request. The California Rules of Court do not provide for the filing of a request for a temporary stay separately from an extraordinary writ explaining the urgency and need for extraordinary relief, supported by adequate documentation.

A petition that seeks review of a trial court ruling must be accompanied by an adequate record, including the ruling from which the petition seeks relief, all documents and exhibits submitted to the trial court supporting and opposing the petitioner's position, any other documents submitted to the trial court that are necessary for a complete understanding of the case and the ruling under review, and the reporter's transcript of the oral proceedings that resulted in the ruling under review. (Cal. Rules of Court, rule 8.486 (b)(1).) In exigent circumstances the petition may be filed without the required documents but must include a declaration explaining the urgency and circumstances making the documents unavailable and fairly summarizes their substance. (Cal. Rules of Court, rule 8.486 (b)(2).) If a reporter's transcript is unavailable the record must include a declaration explaining why it is unavailable and fairly summarizing the proceedings. (Cal. Rules of Court, rule 8.486 (b)(3).) If the petition does not include the required record or explanations or does not present facts sufficient to excuse the failure to submit them, the court may summarily deny a stay request, the petition, or both. (Cal. Rules of Court, rule 8.486 (b)(4).)

The petition and request for stay now before us does not comply with any of these requirements, failing even to adequately explain the facts that are necessary for a complete understanding of the case and the ruling under review. Accordingly, the petition for writ of mandate and request for a temporary stay are denied.


EDMON, P. J.


LAVIN, J.


EGERTON, J.