

SUPREME COURT OF CALIFORNIA

Walker v. Los Angeles County Metropolitan Transportation Authority

35 Cal. 4th 15, 104 P.3d 844, 23 Cal. Rptr. 3d 490 (2005) · No. S123853 · Decided February 3, 2005

SUMMARY

The Supreme Court of California held that an order denying a motion for new trial is not independently appealable but may be reviewed on appeal from the underlying judgment. When a notice of appeal identifies only the order denying a new trial, the reviewing court should construe it as an appeal from the judgment if it is reasonably clear that the appellant intended to appeal the judgment and the respondent would not be misled or prejudiced. The court reversed the Court of Appeal’s dismissal and remanded for that determination.

CASE DETAILS

COURT	Supreme Court of California
WRITING FOR THE COURT	Baxter, J.; George, C.J.; Kennard, J.; Werdegar, J.; Chin, J.; Brown, J.; Moreno, J.
JURISDICTION	California
DECIDED	February 3, 2005
DOCKET	S123853
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Renee Walker sought review of a Court of Appeal decision dismissing her appeal because her notice of appeal identified only the nonappealable order denying her motion for a new trial. The Supreme Court reviewed whether the notice could be construed as an appeal from the underlying judgment.
STANDARD OF REVIEW	The Supreme Court reviewed the legal question concerning the construction and appealability of a notice of appeal de novo.
PRECEDENTIAL VALUE	Published and precedential California Supreme Court opinion
PARTIES	Renee Walker v. Los Angeles County Metropolitan Transportation Authority

TOPICS

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appellate jurisdiction

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether an order denying a motion for new trial is independently appealable.
2. Whether a notice of appeal identifying only an order denying a new trial may be liberally construed as an appeal from an existing underlying judgment when the appellant's intent is reasonably clear and the respondent would not be misled or prejudiced.
3. Whether construing the notice of appeal to encompass the underlying judgment violates California's appellate jurisdiction clause or the one-final-judgment rule.

HOLDINGS

1. An order denying a motion for new trial is not independently appealable; it may be reviewed only on appeal from the underlying judgment.
2. A reviewing court should construe a notice of appeal from an order denying a new trial as an appeal from the underlying judgment when it is reasonably clear that the appellant intended to appeal from the judgment and the respondent would not be misled or prejudiced.
3. Construing the notice of appeal to encompass the existing underlying judgment does not violate California's appellate jurisdiction clause or the one-final-judgment rule.

KEY QUOTATIONS

“a reviewing court should construe a notice of appeal from an order denying a new trial to be an appeal from the underlying judgment when it is reasonably clear the appellant intended to appeal from the judgment and the respondent would not be misled or prejudiced.” (495)

“An order denying a motion for new trial is nonappealable.” (491)

“The Court of Appeal therefore erred in dismissing the appeal without considering whether, on these facts, the notice might be construed to encompass the underlying judgment.” (494)

FACTUAL BACKGROUND

The Los Angeles County Metropolitan Transportation Authority terminated Renee Walker, who had worked as a secretary and administrative assistant. Walker alleged that the termination was retaliation for her cooperation with an Office of Inspector General investigation and asserted wrongful termination in violation of public policy and a violation of Labor Code section 1102.5. A jury returned a defense verdict, after which Walker filed a notice of appeal identifying only the order denying her motion for a new trial.

PROCEDURAL HISTORY

A jury returned a defense verdict for the Los Angeles County Metropolitan Transportation Authority, and judgment was entered on November 13, 2001. Walker moved for a new trial and for judgment notwithstanding the verdict; both motions were denied. She filed a notice of appeal identifying only the order denying a new trial. The Court of Appeal dismissed the appeal, and the Supreme Court reversed and remanded for consideration of whether the notice should be construed to encompass the underlying judgment.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The Court of Appeal was directed to determine whether, under the facts, Walker's notice of appeal could be construed to encompass the underlying judgment because her intended appeal was reasonably clear and the respondent would not be misled or prejudiced.

CASES CITED

- Rodriguez v. Barnett, 52 Cal. 2d 154, 156, 338 P.2d 907 (1959)
- Hamasaki v. Flotho, 39 Cal. 2d 602, 608, 248 P.2d 910 (1952)
- Vibert v. Berger, 64 Cal. 2d 65, 67-68, 48 Cal. Rptr. 886, 410 P.2d 390 (1966)
- Lund v. Superior Court, 61 Cal. 2d 698, 709, 39 Cal. Rptr. 891, 394 P.2d 707 (1964)
- Rao v. Campo, 233 Cal. App. 3d 1557, 1564, 285 Cal. Rptr. 691 (1991)
- Zavala v. Arce, 58 Cal. App. 4th 915, 924-925, 68 Cal. Rptr. 2d 571 (1997)
- Tillery v. Richland, 158 Cal. App. 3d 957, 962, 205 Cal. Rptr. 191 (1984)
- LaCount v. Hensel Phelps Construction Co., 79 Cal. App. 3d 754, 761-762 & n.3, 145 Cal. Rptr. 244 (1978)
- Libby v. Conway, 192 Cal. App. 2d 865, 867-868, 13 Cal. Rptr. 830 (1961)
- Shonkoff v. Dant Investment Co., 258 Cal. App. 2d 101, 102, 65 Cal. Rptr. 463 (1968)
- Martin v. Johnson, 88 Cal. App. 3d 595, 608, 151 Cal. Rptr. 816 (1979)
- City of Los Angeles v. Glassell, 203 Cal. 44, 46, 262 P. 1084 (1928)
- Roberts v. Colyear, 179 Cal. 669, 670, 180 P. 937 (1919)
- Bresnahan v. Chrysler Corp., 65 Cal. App. 4th 1149, 1151 n.1, 76 Cal. Rptr. 2d 804 (1998)
- Jones v. Sieve, 203 Cal. App. 3d 359, 363 n.2, 249 Cal. Rptr. 821 (1988)
- Fogo v. Cutter Laboratories, Inc., 68 Cal. App. 3d 744, 748-749, 137 Cal. Rptr. 417 (1977)
- Griset v. Fair Political Practices Commission, 25 Cal. 4th 688, 696-697, 107 Cal. Rptr. 2d 149, 23 P.3d 43 (2001)
- Jennings v. Marralle, 8 Cal. 4th 121, 126, 32 Cal. Rptr. 2d 275, 876 P.2d 1074 (1994)
- Hill v. City of Long Beach, 33 Cal. App. 4th 1684, 1695-1696, 40 Cal. Rptr. 2d 125 (1995)
- Shpiller v. Harry C's Redlands, 13 Cal. App. 4th 1177, 1179-1180, 16 Cal. Rptr. 2d 814 (1993)
- Munoz v. Florentine Gardens, 235 Cal. App. 3d 1730, 1731-1732, 1 Cal. Rptr. 2d 609 (1991)
- City of Shasta Lake v. County of Shasta, 75 Cal. App. 4th 1, 11, 88 Cal. Rptr. 2d 863 (1999)

