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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIFTH APPELLATE DISTRICT

MONIKA GILL,

Plaintiff and Respondent,

v.

SANDEEP SINGH MINHAS,

Defendant and Appellant.

F090847

(Super. Ct. No. CV-25-008814)

OPINION

THE COURT[*]

APPEAL from an order of the Superior Court of Stanislaus County. John D. Freeland, Judge.

Sandeep Singh Minhas, in pro. per., for Defendant and Appellant.

McKenna, Brink, Signorotti and Dominic V. Signorotti for Plaintiff and Respondent.

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[*] Before Franson, Acting P. J., DeSantos, J. and Harrell, J.

Defendant and appellant Sandeep Singh Minhas,[1] in propria persona, filed a notice of appeal purporting to challenge the trial court's order denying his motion to quash service of summons. We conclude the order is not appealable and decline to exercise our discretion to treat the appeal as a petition for writ of mandate. We therefore dismiss the appeal.

BACKGROUND

Plaintiff and respondent Monika Gill, while in propria persona,[2] filed a complaint against her former husband, Sandeep, and Sandeep's mother, Roop Rani Minhas, regarding an alleged fraudulent transfer of property.

On October 14, 2025, Monika filed a proof of service of summons stating Sandeep was served with a summons and the complaint on October 2, 2025. On October 22, 2025, Monika filed an amended proof of service stating Sandeep was served with a summons and the complaint on October 12, 2025. Declarations attached to the amended proof of service reflected that the original proof of service mistakenly listed the date of service as October 2, 2025, but the correct date of service was October 12, 2025.

On November 3, 2025, Sandeep filed a motion to quash service of summons. Attached to the motion was a declaration by Sandeep discussing video evidence purporting to show the process server at Sandeep's residence. Screenshots of the video footage were attached, and Sandeep submitted the videos to the trial court via a USB drive.

On November 21, 2025, the trial court heard argument regarding Sandeep's motion to quash service of summons. The court took the matter under submission to review a CD of Sandeep's video evidence. The same day, the court issued and served a

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1 We refer to the parties on appeal by their first names because some parties share the same last name. No disrespect is intended.

2 Monika became represented by counsel after she filed her complaint.

minute order denying Sandeep's motion. Service of the court's order was made on Sandeep by mail to a Nevada address.

On December 1, 2025, Sandeep filed a notice of appeal challenging the trial court's order denying his motion to quash service of summons and citing Code of Civil Procedure section 904.1, subdivision (a)(3).[3] Sandeep filed his opening brief on May 11, 2026, and Monika subsequently filed her respondent's brief. Sandeep did not file a reply brief.

We issued an order advising the parties that the trial court's order was not appealable and requesting supplemental briefing limited to addressing whether unusual circumstances warrant treating Sandeep's appeal as a petition for writ of mandate. Both parties filed supplemental letter briefs.

DISCUSSION

"Appellate courts have jurisdiction over a direct appeal, like the present one, only where there is an appealable order or judgment." (*Katzenstein v. Chabad of Poway* (2015) 237 Cal.App.4th 759, 765.) "A trial court's order is appealable when it is made so by statute." (*Griset v. Fair Political Practices Com.* (2001) 25 Cal.4th 688, 696; § 904.) Section 904.1 identifies appealable orders and judgments.

Whether a party raises a jurisdictional objection, "[a] reviewing court must raise the issue on its own initiative whenever a doubt exists as to whether" a trial court's order is appealable under section 904.1. (*Jennings v. Marralle* (1994) 8 Cal.4th 121, 126.) " 'An attempt to appeal from a nonappealable order does not give this court jurisdiction or authority to review it.' [Citation.] Consequently, it is the duty of the court to dismiss an appeal from an order that is not appealable." (*Doe v. United States Swimming, Inc.* (2011) 200 Cal.App.4th 1424, 1432.)

Section 904.1, subdivision (a)(3) permits an appeal "[f]rom an order *granting* a

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[3] Further statutory references are to the Code of Civil Procedure.

motion to quash service of summons." (Italics added.) An order denying a motion to quash service of summons, however, is not appealable and may only be challenged by a petition for writ of mandate. (*ViaView, Inc. v. Retzlaff* (2016) 1 Cal.App.5th 198, 212–213; *People v. Mena* (2012) 54 Cal.4th 146, 156.) Specifically, section 418.10, subdivision (c) provides in relevant part: "If the motion [to quash service of summons] is denied by the trial court, the defendant, within 10 days after service upon him or her of a written notice of entry of an order of the court denying his or her motion, or within any further time not exceeding 20 days that the trial court may for good cause allow, and before pleading, may petition an appropriate reviewing court for a writ of mandate to require the trial court to enter its order quashing the service of summons or staying or dismissing the action."

Because section 418.10, subdivision (c) requires a writ petition be filed within 10 days after service of notice of entry of the trial court's order (or within an additional 20 days as the court may allow for good cause), this time limit is ostensibly jurisdictional. (See *People v. Superior Court* (*Brent*) (1992) 2 Cal.App.4th 675, 683 ["Where a statute sets forth a specific time limit within which a writ petition must be filed, the failure to file a petition within that time limit has been held to be jurisdictional."].)[4] The failure to timely file a writ petition is generally fatal where the time limits are jurisdictional. (See *MinCal Consumer Law Group v. Carlsbad Police Dept.* (2013) 214 Cal.App.4th 259, 264 [identifying statutory deadlines for writ petitions that are jurisdictional].)

An appellate court has the discretion to treat an appeal from a nonappealable order as a petition for writ of mandate but that power "should be exercised sparingly and only in unusual circumstances." (*Black Diamond Asphalt, Inc. v. Superior Court* (2003) 114 Cal.App.4th 109, 114; *H.D. Arnaiz, Ltd. v. County of San Joaquin* (2002) 96 Cal.App.4th

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[4] The time for filing a writ petition under section 418.10, subdivision (c) is extended by section 1013 when service of notice is by mail. (*Optical Surplus, Inc. v. Superior Court* (1991) 228 Cal.App.3d 776, 780, fn. 2.)

1357, 1366–1367.) " 'Routine granting of requests to treat improper appeals as writs where there are no exigent reasons for doing so would only encourage parties to burden appellate courts with reviews of intermediate orders.' " (*San Joaquin County Dept. of Child Support Services v. Winn* (2008) 163 Cal.App.4th 296, 301.)

Accordingly, we may treat Sandeep's notice of appeal as a timely writ petition if there are unusual circumstances. (E.g., *Coronado Police Officers Assn v. Carroll* (2003) 106 Cal.App.4th 1001, 1006 [circumstances justified treating notice of appeal filed within statutory time period as a timely writ petition].) In *Olson v. Cory* (1983) 35 Cal.3d 390, our Supreme Court concluded "unusual circumstances" that justify treating an improper appeal as a petition for writ of mandate include: when requiring the parties to wait for a final judgment might lead to unnecessary trial proceedings, the briefs and record included, in substance, the necessary elements for a proceeding for a writ of mandate, there was no indication the trial court would appear as a party in a writ proceeding, the appealability of the order was not clear, and the parties urged the court to decide the issues rather than dismiss the appeal. (*Id*. at pp. 400–401.)

This case does not present unusual circumstances. The issue of appealability is clear, as discussed above, and the record is insufficient for a proceeding for a writ. As the appellant, Sandeep has the burden of providing an adequate record. (*Herrera v. Doctors Medical Center of Modesto, Inc.* (2021) 67 Cal.App.5th 538, 546 [appellant must affirmatively demonstrate the lower court erred by filing an adequate record].) A petition seeking review of a trial court's ruling must be accompanied by all documents and exhibits submitted to the trial court supporting the petitioner's position. (Cal. Rules of Court, rule 8.486(b)(1).) Though the clerk's transcript includes snapshots of the video evidence Sandeep submitted to the trial court in support of his motion to quash service, the videos themselves are not contained in the record. This omission is significant because the trial court expressly took Sandeep's motion under submission to view those videos after Sandeep criticized the court's failure to review that evidence at the hearing

on his motion.

Furthermore, the parties disagree that this court should address the merits of the disputed order as Monika requests dismissal of the appeal. Sandeep contends party consensus is not a strict requirement for treating an appeal as a writ petition, citing *H.D. Arnaiz, Ltd. v. County of San Joaquin*, *supra*, 96 Cal.App.4th 1357. That case is distinguishable because unusual circumstances justified addressing the trial court's order including that the record was adequate and the order's appealability was unclear. (*Id*. at p. 1367.) As already discussed, those circumstances are absent here.

Sandeep claims he has no adequate remedy by ordinary appeal because the challenged order concerns the trial court's jurisdiction, the court's subsequent orders are causing him irreparable harm, and he is forced to continue litigation. These circumstances are not unusual as the same could presumably be said of any order denying a motion to quash service of summons and, as Sandeep recognizes, is precisely why writ review is available to challenge such an order. The analysis of whether writ review was appropriate in *Duke v. Superior Court* (2017) 18 Cal.App.5th 490, relied on by Sandeep, is inapposite because the appellant in that case filed a writ petition, not an improper appeal. (*Id.* at pp. 497–498.)

Though Sandeep acknowledges his self-represented status does not excuse his failure to comply with procedural rules, he nonetheless raises his in propria persona status as "part of the overall picture" and claims he filed his notice of appeal in good faith. A self-represented litigant is "treated like any other party and is entitled to the same, but no greater, consideration than other litigants having attorneys." (*Elena S. v. Kroutik* (2016) 247 Cal.App.4th 570, 574.) Accordingly, "mere self-representation is not a ground for exceptionally lenient treatment. Except when a particular rule provides otherwise, the rules of civil procedure must apply equally to parties represented by counsel and those who forgo attorney representation." (*Rappleyea v. Campbell* (1994) 8 Cal.4th 975, 984–985.) Sandeep's lack of counsel does not affect whether his appeal should be treated as a

writ petition.

In sum, the order is not appealable, and we decline to exercise our discretion to treat the appeal as a petition for writ of mandate. Sandeep's request for leave to file a formal petition for writ of mandate incorporating the existing record and opening brief is denied.

DISPOSITION

The appeal is dismissed. Respondent is entitled to her costs on appeal.