

# **Without Jurisdiction or Authority to Review, California Appellate Court Dismisses Appeal of Trial Court's Statement of Decision**

Article By:

Nora A. Valenza-Frost

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Finding that a California trial court's statement of decision was not a judgment or appealable order, the California Court of Appeal dismissed the appeal, having no jurisdiction or authority to review it.

The appellant argued that the statement of decision was a final judgment within the meaning of California Code of Civil Procedure section 904.1(a)(1). The court disagreed, as a judgment is final "when it terminates the litigation between the parties on the merits of the case and leaves nothing to be done but to enforce by execution what has been determined." Thus, a statement of decision will be appealable only when it is "signed and filed and does, in fact, constitute the court's final decision on the merits." The court found that the statement of decision was a limited ruling on a discrete issue that did "not finally resolve the dispute alleged in the operative pleadings."

The appellant argued, in the alternative, that its opening brief should be treated as a petition for a writ of mandate. The court noted, "Although we have the power to treat the purported appeal as a petition for writ of mandate, we should not exercise that power except under unusual circumstances." Seeing no justification for such relief, the court held that "[u]nder the circumstances presented here, treating the instant appeal as a writ application would ... encourage parties to knowingly appeal from nonappealable orders, safe in the knowledge that their appeal will be saved by the appellate courts. We cannot condone or encourage such practice."

[Warwick Cal. Corp. v. Applied Underwriters, Inc.](#), No. A155523 (Cal. Ct. Ap. Jan. 7, 2020).

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National Law Review, Volume X, Number 30

Source URL: <https://natlawreview.com/article/without-jurisdiction-or-authority-to-review-california-appellate-court-dismisses>