

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Barefield v. HSBC Mortgage Services, Inc.

Barefield v. HSBC Mortgage Services, Inc. · No. 1:21-cv-00613 JLT CDB · Decided March 15, 2023

SUMMARY

The United States District Court for the Eastern District of California granted defendants’ motions to dismiss Debra Barefield’s First Amended Complaint and denied her motion to strike. The court held that the claims concerning foreclosure, eviction, quiet title, cancellation of a grant deed, and intentional infliction of emotional distress were barred by res judicata and/or inadequately pleaded. Dismissal was without leave to amend.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Charis E. Tourn
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	March 15, 2023
DOCKET	1:21-cv-00613 JLT CDB
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff, proceeding pro se, filed a First Amended Complaint asserting claims arising from a foreclosure, eviction, alleged lack of foreclosure notice, quiet title, cancellation of a grant deed, and intentional infliction of emotional distress. Defendants moved to dismiss under Federal Rule of Civil Procedure 12(b)(6) and asserted claim preclusion. Plaintiff moved to strike one motion to dismiss.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court tests the legal sufficiency of the claim, accepts well-pleaded factual allegations as true, construes the complaint in the plaintiff's favor, and determines whether the complaint states a facially plausible claim. The court may consider the pleadings, attached exhibits, and matters subject to judicial notice, including facts contradicted by judicially noticeable public records. A pro se pleading is construed liberally but must still allege facts sufficient to state a claim.
PRECEDENTIAL VALUE	unpublished_nonprecedential

PARTIES

Debra Barefield v. HSBC Mortgage Services, Inc., U.S. Bank Trust, N.A., as Trustee for LSF10 Master Participation Trust, Caliber Home Loans, Inc., Summit Management Company, LLC, Chicago Title Company, Nickolas Tenhaeff, Lynae Tenhaeff

TOPICS

motions to dismiss

res judicata

foreclosure

eviction

quiet title

PRACTICE AREAS

civil procedure

real estate

foreclosure

remedies

QUESTIONS PRESENTED

1. Whether Barefield's motion to strike a defendant's motion to dismiss was authorized under Federal Rule of Civil Procedure 12(f).
2. Whether the prior California unlawful-detainer judgment and Barefield's prior federal actions barred the claims under res judicata.
3. Whether the First Amended Complaint should be dismissed with prejudice and without leave to amend because claim preclusion made amendment futile.

HOLDINGS

1. The motion to strike was denied because Rule 12(f) applies to pleadings, and a motion to dismiss is not a pleading.
2. The prior California unlawful-detainer judgment barred the claims for failure to provide foreclosure notice, wrongful or retaliatory eviction, quiet title, and cancellation of instruments because the same party was involved, the prior judgment was final and on the merits, and the claims involved the same primary right adjudicated in the unlawful-detainer action.
3. The prior federal actions, particularly Barefield I, also barred all claims in the First Amended Complaint under res judicata.

KEY QUOTATIONS

“In an unlawful detainer action brought pursuant to Code of Civil Procedure section 1161a, subdivision (b) (3), the plaintiff must show that he or she acquired the property at a regularly conducted sale and thereafter ‘duly perfected’ title.” (at 18)

“Section 1161a provides for a narrow and sharply focused examination of title.” (at 19)

“Consequently, “once a California state court grants an unlawful detainer judgement in favor of a foreclosure sale purchaser, the original trustor or borrower is foreclosed under the doctrine of claim preclusion from arguing that the foreclosure sale itself was improper.”” (at 20)

FACTUAL BACKGROUND

Thomas W. Hatch purchased a Bakersfield residence in 2005 and obtained a loan secured by a deed of trust. After Hatch's death, Debra Barefield claimed an interest in the property through the estate and a trust. The property was sold at a trustee's sale in September 2018, U.S. Bank obtained a state-court unlawful-detainer judgment and writ of possession, and Barefield was later evicted. She then filed this action challenging the foreclosure, notice, eviction, title, grant deed, and defendants' alleged conduct toward her.

PROCEDURAL HISTORY

Barefield initiated the action on April 9, 2021, and filed the First Amended Complaint on August 2, 2021. Defendants moved to dismiss, and Barefield moved to strike one motion as untimely. The court denied the motion to strike, granted the motions to dismiss, dismissed the First Amended Complaint with prejudice and without leave to amend, directed entry of judgment for defendants, and closed the case.

DISPOSITION

dismissed

CASES CITED

- MGIC Indem. Corp. v. Weisman, 803 F.2d 500, 504 (9th Cir. 1986)
- Steckman v. Hart Brewing, Inc., 143 F.3d 1293, 1295-96 (9th Cir. 1998)
- United States v. Bernal-Obeso, 989 F.2d 331, 333 (9th Cir. 1993)
- Lane v. Vitek Real Estate Indus. Group, 713 F. Supp. 2d 1092, 1096-97 (E.D. Cal. 2010)
- Argueta v. J.P. Morgan Chase, 787 F. Supp. 2d 1099, 1102-03 (E.D. Cal. 2011)
- Garden v. Am. Home Mortg. Servicing, 691 F. Supp. 2d 1192, 1196 (E.D. Cal. 2010)
- Reyn's Pasta Bella, LLC v. Visa USA, Inc., 442 F.3d 741, 746 n.6 (9th Cir. 2006)
- United States ex rel. Robinson Rancheria Citizens Council v. Borneo, Inc., 971 F.2d 244, 248 (9th Cir. 1992)
- Navarro v. Block, 250 F.3d 729, 732 (9th Cir. 2001)
- Outdoor Media Group, Inc. v. City of Beaumont, 506 F.3d 895, 899 (9th Cir. 2007)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 570 (2007)
- Hospital Bldg. Co. v. Rex Hospital Trustees, 425 U.S. 738, 740 (1976)
- Jenkins v. McKeithen, 395 U.S. 411, 421 (1969)
- Ileto v. Glock, Inc., 349 F.3d 1191, 1200 (9th Cir. 2003)
- Hughes v. Rowe, 449 U.S. 5, 10 (1980)
- Karim-Panahi v. Los Angeles Police Dep't, 839 F.2d 621, 623 (9th Cir. 1988)
- Bretz v. Kelman, 773 F.2d 1026, 1027 n.1 (9th Cir. 1985)
- Ivey v. Bd. of Regents of Univ. of Alaska, 673 F.2d 266, 268 (9th Cir. 1982)
- Scheuer v. Rhodes, 416 U.S. 232, 236 (1974)
- Sidney-Vinstein v. A.H. Robins Co., 697 F.2d 880, 885 (9th Cir. 1983)
- Neveau v. City of Fresno, 392 F. Supp. 2d 1159, 1170 (E.D. Cal. 2005)

- *Fantasy, Inc. v. Fogerty*, 984 F.2d 1524, 1527-28 (9th Cir. 1993)
- *Parklane Hosiery Co. v. Shore*, 439 U.S. 322, 326 (1979)
- *Montana v. United States*, 440 U.S. 147 (1979)
- *Headwaters Inc. v. U.S. Forest Serv.*, 399 F.3d 1047, 1051 (9th Cir. 2005)
- *Wassmann v. South Orange County Community College Dist.*, 24 Cal. App. 5th 825, 844 (2018)
- *Owens v. Kaiser Found. Health Plan, Inc.*, 244 F.3d 708, 713 (9th Cir. 2001)
- *Lopez Reyes v. Kenosian & Miele, LLP*, 619 F. Supp. 2d 796, 809 (N.D. Cal. 2009)
- *Nathanson v. Hecker*, 99 Cal. App. 4th 1158, 1162 (2002)
- *Vella v. Hudgins*, 20 Cal. 3d 251, 257 (1977)
- *People v. Scott*, 85 Cal. App. 4th 905, 919 (2000)
- *Barker v. Fleming*, 423 F.3d 1085, 1092 (9th Cir. 2005)
- *U.S. ex rel. Hyatt v. Mirza*, 2018 WL 6653319, at *4 n.5 (E.D. Cal. Dec. 19, 2018)
- *Castle v. Mortgage Elec. Registration Systems, Inc.*, 2011 WL 3626560, at *5 (C.D. Cal. Aug. 16, 2011)
- *Robi v. Five Platters, Inc.*, 838 F.2d 318, 324 (9th Cir. 1988)
- *Zimmerman v. Stotter*, 160 Cal. App. 3d 1067 (1984)
- *Ann v. Tindle*, 321 F. App'x 619, 619-20 (9th Cir. 2009)
- *McAlister v. Essex Prop. Trust*, 504 F. Supp. 2d 903, 909 (C.D. Cal. 2007)
- *Freeze v. Salot*, 122 Cal. App. 2d 561, 565-66 (1954)
- *Hopkins v. Wells Fargo Bank, N.A.*, 2013 WL 2253837, at *4-6 (E.D. Cal. May 22, 2013)
- *Howitson v. Evans Hotels LLC*, 81 Cal. App. 5th 475, 487 (2022)
- *Taylor v. Sturgell*, 553 U.S. 880, 891 & n.4 (2008)
- *Semtek Int'l Inc. v. Lockheed Martin Corp.*, 531 U.S. 497, 508 (2001)
- *Constantini v. Trans World Airlines*, 681 F.2d 1199, 1201 (9th Cir. 1982)
- *Silverado Modjeska Recreation & Park Dist. v. County of Orange*, 197 Cal. App. 4th 282, 297 (2011)
- *Janson v. Deutsche Bank National Trust Co.*, 2015 WL 1250092, at *7 (N.D. Cal. Mar. 18, 2015)
- *Miller v. JP Morgan Chase Bank, N.A.*, 2021 WL 2379750, at *4 (E.D. Cal. June 9, 2021)
- *Colebrook v. CIT Bank, N.A.*, 64 Cal. App. 5th 259, 264 (2021)
- *Beard v. Sheet Metal Workers Union, Local 150*, 908 F.2d 474, 477 n.3 (9th Cir. 1990)
- *Burlington N. Santa Fe R.R. v. Assiniboine & Sioux Tribes of Fort Peck Reservation*, 323 F.3d 767, 770 (9th Cir. 2003)
- *Lopez v. Smith*, 203 F.3d 1122, 1127, 1130 (9th Cir. 2000)
- *Leadsinger, Inc. v. BMG Music Publishing*, 512 F.3d 522, 532 (9th Cir. 2008)
- *Davis v. County of Maui*, 454 F. App'x 582, 583 (9th Cir. 2011)