

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF  
CALIFORNIA

Jean-Paul Prentice, et al. v. Wells Fargo Bank NA., et al.

Prentice v. Wells Fargo Bank · No. 2:25-cv-01276-DJC-CKD (PS) · Decided December 11, 2025

SUMMARY

The United States District Court for the Eastern District of California recommends granting defendants’ motions to dismiss a Truth in Lending Act action arising from a home-improvement contract and financing arrangement. The court concludes that the claims are barred by res judicata because they involve the same primary right, parties or parties in privity, and a final small-claims judgment on the merits, and recommends dismissal without leave to amend.

CASE DETAILS

|                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|--------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT              | United States District Court for the Eastern District of California                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| JURISDICTION       | United States District Court for the Eastern District of California                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| DECIDED            | December 11, 2025                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| DOCKET             | 2:25-cv-01276-DJC-CKD (PS)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| DISPOSITION        | other                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| PROCEDURAL POSTURE | Plaintiffs proceeding pro se filed an action under the Truth in Lending Act. Defendants moved to dismiss under Federal Rule of Civil Procedure 12(b)(6), asserting claim preclusion based on a prior Sacramento County Superior Court small-claims judgment. The magistrate judge issued an order on requests for judicial notice and plaintiffs' motion for trial, and findings and recommendations recommending dismissal without leave to amend.                                                                                             |
| STANDARD OF REVIEW | On a Rule 12(b)(6) motion, the court accepts well-pleaded allegations as true and construes them in the plaintiff’s favor, but conclusory statements and formulaic recitations do not suffice. The court may consider materials incorporated into or relied upon by the complaint and matters of public record. Claim preclusion may be resolved on a motion to dismiss when it does not present disputed factual issues. Pro se pleadings are liberally construed, and leave to amend is ordinarily provided unless amendment would be futile. |
| PRECEDENTIAL VALUE | nonprecedential                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |

## PARTIES

Jean-Paul Prentice, Virginia G. Prentice v. Wells Fargo Bank N.A.,  
Leaf Filter North, LLC, Leaf Filter International, Inc.

## TOPICS

res judicata

motions to dismiss

truth in lending

consumer protection

civil procedure

## PRACTICE AREAS

civil procedure

consumer protection

contracts

## QUESTIONS PRESENTED

1. Whether Wells Fargo could join Leaf Filter's motion to dismiss.
2. Whether the court could take judicial notice of filings from plaintiffs' prior small-claims action and whether plaintiffs' separate request for judicial notice should be granted.
3. Whether plaintiffs' Truth in Lending Act claims were barred by California claim preclusion based on the prior small-claims judgment.
4. Whether the small-claims judgment was final and on the merits despite the absence of a right to appeal.
5. Whether plaintiffs should be granted leave to amend.

## HOLDINGS

1. The court permitted Wells Fargo to join Leaf Filter's motion to dismiss because the allegations and asserted grounds were substantially similar and separate briefing would be redundant.
2. Plaintiffs' federal claims were barred by res judicata because they involved the same primary right and injury, the same defendants, and a prior final judgment on the merits.
3. Leave to amend was properly denied because the claims were barred by res judicata and amendment would be futile.

## KEY QUOTATIONS

*“Res judicata “precludes a party from relitigating (1) the same claim, (2) against the same party, (3) when that claim proceeded to a final judgment on the merits in a prior action.””* (at 8)

*“A small claims court plaintiff, taking advantage of the speedy, inexpensive procedures and other benefits of that court, accepts all of its attending disadvantages such as the denial of the right to an attorney or to an appeal.”* (at 9)

## FACTUAL BACKGROUND

Plaintiffs alleged that Leaf Filter deprived them of the Truth in Lending Act rescission period and failed to provide the required rescission notices while scheduling work during that period. They alleged that Leaf Filter received approximately \$7,999 financed through Wells Fargo, refused to rescind after notice, and that Wells Fargo continued collection efforts. Before filing the federal action, Jean-Paul Prentice brought a substantially

similar small-claims action alleging deprivation of the cancellation period and seeking approximately \$7,990; the small-claims court entered judgment against him on March 26, 2025.

## PROCEDURAL HISTORY

Plaintiffs filed the federal complaint on May 5, 2025. Leaf Filter moved to dismiss and sought judicial notice of filings from plaintiffs' prior small-claims action; Wells Fargo joined the motion. After briefing, the court granted Leaf Filter's request for judicial notice, denied plaintiffs' request, denied plaintiffs' motion for trial as moot, and recommended granting defendants' motions to dismiss without leave to amend. The findings and recommendations were referred to the assigned district judge under 28 U.S.C. § 636(b)(1), subject to objections.

## DISPOSITION

other

## REMAND INSTRUCTIONS

The findings and recommendations were submitted to the assigned district judge for review under 28 U.S.C. § 636(b)(1). Parties were given fourteen days to file objections.

## CASES CITED

- *Balistreri v. Pacifica Police Department*, 901 F.2d 696, 699 (9th Cir. 1990)
- *Hishon v. King & Spalding*, 467 U.S. 69, 73 (1984)
- *Love v. United States*, 915 F.2d 1242, 1245 (9th Cir. 1990)
- *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009)
- *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555, 570 (2007)
- *Drawsand v. F.F. Properties, L.L.P.*, 866 F. Supp. 2d 1110, 1125 (N.D. Cal. 2011)
- *Scott v. Kuhlmann*, 746 F.2d 1377, 1378 (9th Cir. 1984)
- *Lee v. City of Los Angeles*, 250 F.3d 668, 688-89 (9th Cir. 2001)
- *Hebbe v. Pliler*, 627 F.3d 338, 342 n.7 (9th Cir. 2010)
- *Bennett v. Medtronic, Inc.*, 285 F.3d 801, 803 n.2 (9th Cir. 2002)
- *Apothio, LLC v. Kern County*, 599 F. Supp. 3d 983, 1002 (E.D. Cal. 2022)
- *United States ex rel. Ambrosecchia v. Paddock Laboratories, LLC*, 855 F.3d 949, 956 (8th Cir. 2017)
- *Grover Products LLC v. Air Horns of Texas, LLC*, 2025 WL 2855904, at \*7 (C.D. Cal. Oct. 6, 2025)
- *Tatung Co., Ltd. v. Shu Tze Hsu*, 217 F. Supp. 3d 1138, 1151 (C.D. Cal. 2016)
- *White v. City of Pasadena*, 671 F.3d 918, 926 (9th Cir. 2012)
- *Migra v. Warren City School District Board of Education*, 465 U.S. 75, 81 (1984)
- *Kay v. City of Rancho Palos Verdes*, 504 F.3d 803, 808 (9th Cir. 2007)
- *Mycogen Corp. v. Monsanto Co.*, 28 Cal. 4th 888, 896-97 (2002)
- *Citizens for Open Access to Sand & Tide, Inc. v. Seadrift Association*, 60 Cal. App. 4th 1053, 1064-65 (1998)
- *Palomar Mobilehome Park Association v. City of San Marcos*, 989 F.2d 362, 364 (9th Cir. 1993)

- Adam Bros. Farming v. County of Santa Barbara, 604 F.3d 1142, 1148-49 (9th Cir. 2010)
- Furnace v. Giurbino, 838 F.3d 1019, 1024 (9th Cir. 2016)
- Crowley v. Katleman, 8 Cal. 4th 666, 682 (1994)
- Frank v. Ocwen Loan Servicing, LLC, 2017 WL 8116460, at \*4 (C.D. Cal. Mar. 30, 2017)
- Janson v. Deutsche Bank National Trust Co., 2015 WL 1250092, at \*9 (Mar. 18, 2015)
- DKN Holdings LLC v. Faerber, 61 Cal. 4th 813, 825 (2015)
- People v. Scott, 85 Cal. App. 4th 905, 919 (2000)
- Sommer v. City of Redondo Beach, 2019 WL 2970835, at \*5 (C.D. Cal. Mar. 12, 2019)
- Hawkins v. Bewley Allen Cadillac, 959 F.2d 240 (9th Cir. 1992) (unpublished)
- Sanderson v. Niemann, 17 Cal. 2d 563, 573 (1941)
- Parada v. Claims Court, 70 Cal. App. 3d 766, 769 (1977)
- Cook v. Superior Court, 274 Cal. App. 2d 675, 677-78 (1969)
- Pitzen v. Superior Court, 120 Cal. App. 4th 1374, 1380 (2004)
- Sandoval v. Superior Court, 140 Cal. App. 3d 932, 936-37 (1983)
- Cruz v. Select Portfolio Servicing, Inc., 2019 WL 2299857, at \*5 (N.D. Cal. May 30, 2019)
- Turner v. Duncan, 158 F.3d 449, 455 (9th Cir. 1998)
- Martinez v. Ylst, 951 F.2d 1153, 1156-57 (9th Cir. 1991)

## OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF  
 CALIFORNIA 10 11 JEAN-PAUL PRENTICE, et al., No. 2:25-cv-01276-DJC-CKD (PS) 12  
 Plaintiffs, ORDER AND FINDINGS AND RECOMMENDATIONS GRANTING 13 v.  
 DEFENDANTS' MOTIONS TO DISMISS 14 WELLS FARGO BANK NA., et al., (ECF Nos. 13,  
 16) 15 Defendants. 16 17 Plaintiffs Jean-Paul Prentice and Virginia G. Prentice proceed without  
 counsel and seek 18 relief under the Truth in Lending Act (15 U.S.C. § 1601, et seq.).<sup>1</sup> Presently  
 before the Court is 19 defendants Leaf Filter North, LLC and Leaf Filter Int'l, Inc.'s ("Leaf  
 Filter") motion to dismiss.

20 (ECF No. 13.) Defendant Wells Fargo Bank NA. ("Wells Fargo") has requested to join in the 21  
 motion to dismiss. (ECF No. 16.) This motion is fully briefed. (See ECF Nos. 29-31.) The Court  
 22 took the matter under submission without oral argument pursuant to Local Rule 230(c). (ECF  
 No. 23 18.)

For the reasons set forth below, defendants' motion should be GRANTED. 24 I. Background 25 A.  
 Procedural Background 26 Plaintiffs initiated this action by filing a Complaint on May 5, 2025.  
 (ECF No. 1.) On June 27 1 This matter is before the undersigned pursuant to 28 U.S.C. § 636(b)  
 (1) and Local Rule 28 302(c)(21). 1 23, 2025, plaintiffs paid the filing fee for this action.

(See Docket.) Defendants Leaf Filter filed a 2 motion to dismiss and a request for judicial notice on July 14, 2025. (ECF Nos. 13, 14.) 3 Defendant Wells Fargo joined in the motion to dismiss on July 24, 2025. (ECF No. 16.)

On 4 August 5, 2025, the Court vacated the hearing on the motion to dismiss because plaintiffs had not 5 filed an opposition. (ECF No. 18.) Plaintiffs filed multiple requests for extensions of time to file 6 an opposition (ECF Nos. 20, 22), which the Court granted (ECF Nos. 21, 23).

On October 14, 7 2025, plaintiffs filed an opposition. (ECF No. 29.) Defendants Leaf Filter filed a reply (ECF No. 8 30) and defendant Wells Fargo joined in the reply (ECF No. 31). Plaintiffs filed an additional 9 “reply” to defendants’ replies.<sup>2</sup> (ECF No. 32.) Plaintiff also filed a request for judicial notice 10 (ECF No. 24) and defendant Wells Fargo objected (ECF No. 25).

11 B. The Complaint 12 In the Complaint, plaintiffs allege that defendant Leaf Filter North “deprived plaintiffs of 13 the three day rescission period provided in the Truth in Lending Act (TILA) or Regulation Z, and 14 the five-day rescission period provided for in the contract between the parties, because the work 15 was schedule[d] during the rescission period.” (ECF No. 1 at 7.)

Plaintiffs also allege defendant 16 Leaf Filter North did not provide either plaintiff with two copies of the Notice of Rescission forms 17 required by the TILA and scheduled work on April 22, 2024, the first day of the rescission period. 18 (Id.) Defendant Leaf Filter North received \$7,999 from defendant Wells Fargo and refused to 19 rescind the contract despite plaintiff’s notice of rescission on May 31, 2024.

(Id.) Defendant Wells 20 Fargo was advised that Leaf Filter North deprived plaintiffs of the rescission period, but Wells 21 Fargo continues to attempt to collect \$7,999 plus additional fees and costs. (Id.) Plaintiffs also list 22 12 C.F.R. § 226, et seq. and “Article III, Section I, 14th Amendment” as a basis for federal 23 jurisdiction. (Id. at 4.) Plaintiffs seek damages, including for costs for prosecuting their claim in 24 2 Plaintiffs have filed an additional reply, called a surreply, to defendants’ motion to dismiss after 25 the motion had been fully briefed.

(ECF No. 32.) A district court may allow a surreply to be filed, but only “where a valid reason for such additional briefing exists, such as where the movant raises 26 new arguments in its reply brief.” *Hill v. England*, 2005 WL 3031136, at \*1 (E.D. Cal. Nov. 8, 27 2005). This surreply was filed without leave of court.

The Court has reviewed the surreply and notes that it is substantially similar to plaintiffs’ opposition. Accordingly, the Court will not 28 consider plaintiffs’ surreply. 1 the California Superior Court, Small Claims division. (Id. at 7.) 2 II. Legal Standards 3 Dismissal under Federal Rule of Civil Procedure 12(b)(6) may be warranted for “the lack 4 of a cognizable legal theory or the absence of sufficient facts alleged under a cognizable legal 5 theory.” *Balistreri v. Pacifica Police Dep’t*, 901 F.2d 696, 699 (9th Cir.

1990). In evaluating 6 whether a complaint states a claim on which relief may be granted, the court accepts as true the 7 allegations in the complaint and construes the allegations in the light most favorable to the 8 plaintiff. *Hishon v. King & Spalding*, 467 U.S. 69, 73 (1984); *Love v. United States*, 915 F.2d 9 1242, 1245 (9th Cir. 1989). “[R]ecitals of the elements of a cause of action, supported by mere 10 conclusory statements, do not suffice” to state a valid claim for relief.

*Ashcroft v. Iqbal*, 556 U.S. 11 662, 678 (2009). A complaint must do more than allege mere “labels and conclusions” or “a 12 formulaic recitation of the elements of a cause of action.” *Bell Atl. Corp. v. Twombly*, 550 U.S. 13 544, 555 (2007).

To state a valid claim for relief, a plaintiff must allege “enough facts to state a 14 claim to relief that is plausible on its face.” *Id.* at 570. A claim that is plausible on its face has 15 sufficient factual content to allow a reasonable inference that the defendant is liable for the 16 misconduct alleged. *Iqbal*, 556 U.S. at 678. This plausibility standard “asks for more than a sheer 17 possibility that a defendant has acted unlawfully.” *Id.* 18 “A defendant may raise the affirmative defense of res judicata by way of a motion to 19 dismiss under Rule 12(b)(6).” *Drawsand v. F.F.*

*Properties, L.L.P.*, 866 F. Supp. 2d 1110, 1125 20 (N.D. Cal. 2011) (citing *Scott v. Kuhlmann*, 746 F.2d 1377, 1378 (9th Cir. 1984)). Res judicata 21 may be asserted in a motion to dismiss so long as it does not raise any disputed issues of fact. 22 *Scott*, 746 F.2d at 1378. 23 In ruling on a motion to dismiss brought under Rule 12(b)(6), the court may consider 24 material properly submitted as part of the complaint and documents that are not physically 25 attached to the complaint if their authenticity is not contested and the plaintiff’s complaint 26 necessarily relies on them.

*Lee v. City of Los Angeles*, 250 F.3d 668, 688-89 (9th Cir. 2001). The 27 court may also consider matters of public record. *Id.* 28 Pro se pleadings are to be liberally construed. *Hebbe v. Pliler*, 627 F.3d 338, 342 n.7 (9th 1 Cir. 2010) (liberal construction appropriate post-*Iqbal*). Prior to dismissal, a court shall inform the 2 plaintiff of deficiencies in the complaint and give the plaintiff an opportunity to cure them—if it 3 appears at all possible the defects can be corrected.

See *Lopez v. Smith*, 203 F.3d 1122, 1130-31 4 (9th Cir. 2000). However, if amendment would be futile, no leave to amend need be given. *Cahill 5 v. Liberty Mut. Ins. Co.*, 80 F.3d 336, 339 (9th Cir. 1996). 6 III. Discussion 7 Defendants are moving to dismiss plaintiffs’ complaint based on res judicata and argue 8 that plaintiffs are attempting to relitigate their claims that were already adjudicated by the small 9 claims court.

(ECF No. 13 at 3; see ECF No. 14.) Plaintiffs do not argue that the case in small 10 claims court is based on different claims than those alleged in this Court, but rather argue that in a 11 small claims court case where plaintiffs have no right to appeal, the small claims judgment is not 12 final, and cannot be given res judicata effect. (ECF No. 29 at 3.)

13 A. Defendant Wells Fargo's Joinder in Leaf Filter's Motion to Dismiss 14 Defendant Wells Fargo filed a joinder in Leaf Filter's motion to dismiss and reply to the 15 motion to dismiss. (ECF Nos. 13, 31.) "Allowing one party to join another party's motion is a 16 matter well within the district court's substantial case management discretion." *Apothio, LLC v. 17 Kern Cnty.*, 599 F. Supp. 3d 983, 1002 (E.D.

Cal. 2022) (citing *United States ex rel. 18 Ambrosecchia v. Paddock Lab'ys, LLC*, 855 F.3d 949, 956 (8th Cir. 2017)). The court will allow 19 a party to join in a motion when either (1) "the parties are so similarly situated that filing an 20 independent motion would be redundant," or (2) "the party seeking joinder specifically points 21 out: which parts of the motion apply to the joining party, the joining party's basis for standing, 22 and the factual similarities between the joining party and moving party that give rise to a similar 23 claim or defense." *Grover Prods.*

*LLC v. Air Horns of Texas, LLC*, 2025 WL 2855904, at \*7 24 (C.D. Cal. Oct. 6, 2025) (citing *Tatung Co., Ltd. v. Shu Tze Hsu*, 217 F. Supp. 3d 1138, 1151 25 (C.D. Cal. 2016)). 26 Wells Fargo argues that it joins in Leaf Filter's motion to promote judicial efficiency 27 because the allegations in the Complaint against Wells Fargo are essentially the same as the 28 allegations against Leaf Filter, and the arguments made in Leaf Filter's motion to dismiss are 1 essentially the same as the arguments Wells Fargo would make.

(Id. at 2.) The Court finds that 2 joinder in this case is appropriate. 3 B. Requests for Judicial Notice 4 Defendant Leaf Filter asks the court to take judicial notice of various court filings in 5 *Prentice v. LeafFilter North LLC, et al.*, Case No. 24SC000591 (hereinafter "prior case No. 6 24SC000591"), plaintiffs' prior case in the Sacramento County Superior Court, Small Claims 7 Court.

(ECF No. 14.) The court grants the request and takes judicial notice of the court filings in 8 plaintiffs' prior case No. 24SC000591. See, e.g., *Bennett v. Medtronic, Inc.*, 285 F.3d 801, 803 9 n.2 (9th Cir. 2002) ("[W]e may take notice of proceedings in other courts, both within and 10 without the federal judicial system, if those proceedings have a direct relation to matters at issue" 11 (internal quotation omitted)).

12 Plaintiffs also filed a request for judicial notice, and request the Court take judicial notice 13 of the fact that an individual named Savannah Page, an attorney for defendant Wells Fargo, took 14 part in the case in small claims court. (ECF No. 24.) Defendant Wells Fargo filed objections. 15 (ECF No. 25.)

Under Federal Rules of Evidence 201, the court may judicially notice a fact that is 16 not subject to reasonable dispute because it "is generally known within the trial court's territorial 17 jurisdiction" or "can be accurately and readily determined from sources whose accuracy cannot 18 reasonably be questioned." Fed. R. Evid. 201.

In support of plaintiffs' request, they attached the 19 "case register" from prior case no. 24SC000591 in the Sacramento County Superior Court. (ECF 20 No. 24.) This document does not contain the name Savannah Page. Further, plaintiffs have not 21 demonstrated that this fact is generally known within the trial court's jurisdiction or that it can be 22 accurately determined from sources whose accuracy cannot reasonably be questioned.

See Fed. R. 23 Evid. 201. Accordingly, plaintiffs' request for judicial notice is denied. 24 C. Res Judicata/Claim Preclusion 25 Res judicata is an affirmative defense available by motion to dismiss under Federal Rule 26 of Civil Procedure 12(b)(6). Scott, 746 F.2d at 1378.

Under the Full Faith and Credit Clause of 27 the United States Constitution, federal courts "give to a state-court judgment the same preclusive 28 effect as would be given that judgment under the law of the [s]tate in which the judgment was 1 rendered." White v. City of Pasadena, 671 F.3d 918, 926 (9th Cir. 2012) (citing Migra v. Warren 2 City Sch. Dist. Bd. of Ed., 465 U.S. 75, 81 (1984)); see U.S. Const. art. IV, § 1; 28 U.S.C. § 1738.

3 "[T]o determine the preclusive effect of [a] California state court decision, [the court applies] 4 California law." Kay v. City of Rancho Palos Verdes, 504 F.3d 803, 808 (9th Cir. 2007); see also 5 Mycogen Corp. v. Monsanto Co., 28 Cal. 4th 888, 896 (2002) (claim preclusion is known as res 6 judicata under California law and "describes the preclusive effect of a final judgment on the 7 merits").

8 Res judicata is premised on the principle that "the party to be affected, or some other with 9 whom he is in privity" has previously litigated the same issue and "should not be permitted to 10 litigate it again...." Citizens for Open Access to Sand & Tide, Inc. v. Seadrift Ass'n, 60 Cal. 11 App. 4th 1053, 1064-65 (1998). Like other jurisdictions' claim preclusion doctrines, California 12 res judicata bars any claim that could have or should have been litigated in the prior action.

See 13 Palomar Mobilehome Park Ass'n v. City of San Marcos, 989 F.2d 362, 364 (9th Cir. 1993). Res 14 judicata "precludes a party from relitigating (1) the same claim, (2) against the same party, 15 (3) when that claim proceeded to a final judgment on the merits in a prior action." Adam Bros. 16 Farming v. Cnty. of Santa Barbara, 604 F.3d 1142, 1148-49 (9th Cir.

2010). 17 1. Same Claims 18 To determine whether a party is litigating the same claims for purposes of res judicata in 19 California, courts apply the "primary rights" theory. See Furnace v. Giurbino, 838 F.3d 1019, 20 1024 (9th Cir. 2016). Two claims or causes of action are considered the same claim if they arise 21 from "the same invasion of a primary right." Adam Bros. Farming, 604 F.3d at 1149 (citation 22 omitted).

A "primary right" is the "right to be free from a particular injury, regardless of the legal 23 theory on which liability for the injury is based." Id. (citations omitted). Thus, res judicata focuses 24 on the underlying harm suffered—not the cause(s) of action asserted. See Furnace, 838 F.3d at 25

1024; see also *Crowley v. Katleman*, 8 Cal. 4th 666, 682 (1994) (“[T]he violation of a single 26 primary right gives rise to but a single cause of action.”). “Consequently, ‘if two actions involve 27 the same injury to the plaintiff and the same wrong by the defendant[,] then the same primary 28 right is at stake even if in the second suit the plaintiff pleads different theories of recovery, seeks 1 different forms of relief and/or adds new facts supporting recovery.’” *Frank v. Ocwen Loan 2 Servicing, LLC*, 2017 WL 8116460, at \*4 (C.D.

Cal. Mar. 30, 2017) (quoting *Furnace*, 838 F.3d 3 at 1024). 4 As an initial matter, the Court notes that defendants do not apply the “primary right” 5 analysis but rather analyze whether the claims are based on the same common nucleus of 6 operative facts. (See ECF No. 13 at 5.)

The proper test under California law is the primary rights 7 analysis, which is what the Court will apply here. See *Furnace*, 838 F.3d at 1024. Here, plaintiff 8 Jean-Paul brought his claim in small claims court in the Sacramento County Superior Court, 9 alleging defendant Leaf Filter violated the Truth in Lending Act by depriving plaintiff of the 10 “right to cancel period” by scheduling work during the cancellation period.

(ECF No. 14-2 at 3.) 11 Plaintiff also stated that scheduling work during the cancellation period violated the “prohibited 12 acts until rescission period ends” of the Federal Truth in Lending Act. (Id.) Plaintiff further stated 13 that defendant did not provide a written waiver of notice to cancellation from plaintiff in 14 accordance with California Civil Code section 1689.4-1689.14.

(Id.) Plaintiff Jean-Paul alleged 15 that \$7,990 was financed through defendant Wells Fargo. (Id.) 16 Plaintiffs’ claim in this Court involves the same injury to plaintiffs and the same wrong by 17 defendants as plaintiff Jean-Paul’s case in state court. See *Frank*, 2017 WL 8116460, at \*4.

In this 18 Court, plaintiffs are alleging that defendant violated the Truth in Lending Act by depriving 19 plaintiffs of the proper rescission period, and by scheduling work during the rescission period. (See 20 ECF No. 1 at 7.) Further, plaintiffs in this case seek almost the same amount of money from 21 defendant Wells Fargo as was sought in the small claims court: \$7,990 compared to \$7,999.

(ECF 22 No. 1 at 7; ECF No. 14-2 at 3.) Accordingly, plaintiffs’ claim in this Court are based on the same 23 primary right as the claim in the small claims court and the same claims element is met. 24 2. Same Parties 25 *Res judicata* requires that the parties before the court be identical or in privity with the 26 parties to prior litigation. See *Janson v. Deutsche Bank Nat.*

*Tr. Co.*, 2015 WL 1250092, at \*9 27 (Mar. 18, 2015) (citing *Mycogen*, 28 Cal. 4th at 896-97). Privity includes “a mutual or successive 28 relationship to the same rights of property, or to such an identification in interest of one person 1 with another as to represent the same legal rights.” *Id.* (citations omitted); see also *DKN Holdings 2 LLC v. Faerber*, 61 Cal. 4th 813, 825 (2015) (“In this context, a party is one who is directly 3 interested in the subject matter, and had a right to make a

defense, or to control the proceeding, 4 and to appeal from the judgment.” (internal quotes omitted)).

5 Here, the defendants in this action are the same as the defendants in the small claims court 6 action. Plaintiff Jean-Paul is also the same in both actions. However, plaintiff Virginia G. Prentice 7 was not a party to the small claims court case. Defendants state that Jean-Paul and Virginia are 8 husband and wife. (ECF No. 13 at 7.)

In the Deed of Trust attached to plaintiff Jean-Paul’s 9 “request for court order and answer” filed in the small claims court that this Court took judicial 10 notice of, it states that Jean-Paul and Virginia are husband and wife. (ECF No. 14-1 at 6.) 11 Defendants argue that Virginia is in privity with Jean-Paul because she does not allege any 12 additional damages than those claimed by Jean-Paul, she has identical legal rights to him in 13 relation to the facts of this case, she had not participated in the work contract and subsequent 14 attempt at rescission, and the claims she asserts derive exclusively from claims asserted by Jean- 15 Paul.

(ECF No. 13 at 7.) The Court agrees. The Court finds that plaintiff Virginia Prentice is in 16 privity with plaintiff Jean-Paul Prentice. See Janson, 2015 WL 1250092, at \*9. Accordingly, the 17 second element is satisfied. 18 3. Final Judgment on the Merits 19 A final judgment on the merits is one where “no further judicial act remains to be done to 20 end the litigation.” Frank, 2017 WL 8116460, at \*6 (quoting *People v. Scott*, 85 Cal. App.

4th 21 905, 919 (2000)). A small claims court judgment on the merits is final and entitled to preclusive 22 effect under California law. *Sommer v. City of Redondo Beach*, 2019 WL 2970835, at \*5 (C.D. 23 Cal. Mar. 12, 2019) (citing *Hawkins v. Bewley Allen Cadillac*, 959 F.2d 240 (9th Cir. 1992) 24 (unpublished opinion); *Sanderson v. Niemann*, 17 Cal. 2d 563, 573 (1941)).

A natural person may 25 choose to bring an action in small claims court instead of superior court if the amount of the 26 demand does not exceed \$12,500. Cal. Civ. Proc. Code § 116.221. A plaintiff who “elects to 27 proceed in the small claims court is finally bound by an adverse judgment” and gives up the right 28 to appeal a judgment entered against him. *Parada v. Claims Court*, 70 Cal. App.

3d 766, 769 1 (1977); see Cal. Civ. Proc. Code § 116.710(a). This is because “[a] small claims court plaintiff, 2 taking advantage of the speedy, inexpensive procedures and other benefits of that court, accepts 3 all of its attending disadvantages such as the denial of the right to an attorney or to an appeal.” 4 *Cook v. Superior Court*, 274 Cal. App. 2d 675, 677-78 (1969).

This is true “even where [the 5 plaintiff] can demonstrate the small claims court clearly erred as a matter of law.” *Pitzen v. 6 Superior Court*, 120 Cal. App. 4th 1374, 1380 (2004). 7 Here, a notice of entry of judgment against plaintiff Jean-Paul in small claims court was 8 entered on March 26, 2025. (ECF No. 14-3 at 2.)

The court specified that “Plaintiff accepted the 9 work and did not seek to rescind the contract until the rescission period had expired, by which 10 time it was too late.” (Id.) Plaintiff Jean-Paul filed a request to correct or cancel judgment and 11 answer on April 24, 2025. (ECF No. 14-4.) Plaintiff received a notice of rejection on April 28, 12 2025, stating that his document was being returned because he cannot appeal his own case.

(ECF 13 No. 14-5 at 2.) On May 1, 2025, an order on request for court order was issued, denying plaintiff 14 Jean-Paul’s request because he was seeking an appeal of the Court’s judgment which was not 15 permitted. (ECF No. 14-6 at 2.) 16 Plaintiffs argue that because there was no right to appeal in small claims court, the small 17 claims court judgment was not final.

(ECF No. 29 at 3 (citing *Sandoval v. Superior Court*, 140 18 Cal. App. 3d 932 (1983)).) However, the case plaintiffs cite is not supportive of this proposition. 19 In *Sandoval*, the court held that a pending appeal of a trial court judgment is not final, “once the 20 appeal is settled favorably to the plaintiff and thereafter dismissed” the trial court judgment is 21 sufficiently final.

140 Cal. App. 3d at 936-37. Further, plaintiff Jean-Paul’s small claims court 22 judgment was a final judgment on the merits, and is entitled to a preclusive effect. See *Sommer*, 23 2019 WL 2970835, at \*5. 24 Accordingly, the final judgment in plaintiffs’ small claims court case is sufficient to 25 satisfy the third element. 26 IV. Conclusion 27 Because plaintiffs’ claims are barred by res judicata and cannot be saved by amendment, 28 the undersigned recommends dismissing all claims without leave to amend.

See *Cruz v. Select 1 || Portfolio Servicing, Inc.*, 2019 WL 2299857, at \*5 (N.D. Cal. May 30, 2019) (finding leave to 2 || amend to be futile when case was dismissed based on res judicata). 3 Plaintiffs also filed a motion for trial to the court. (ECF No. 3.)

In light of the 4 || recommendation to dismiss plaintiffs’ claims without leave to amend, the Court denies plaintiffs’ 5 || motion as moot. 6 Accordingly, IT IS HEREBY ORDERED that: 7 1. Defendants Leaf Filter North, LLC and Leaf Filter Int’l, Inc.’s request for judicial 8 notice (ECF No. 14) is GRANTED; 9 2. Plaintiffs’ request for judicial notice (ECF No. 24) is DENIED; and 10 3.

Plaintiffs’ motion for trial to the court (ECF No. 3) is DENIED as moot. 1] Further, IT IS RECOMMENDED that defendants Leaf Filter North, LLC and Leaf Filter 12 | Int’l, Inc., and Wells Fargo’s motions to dismiss (ECF No. 13; ECF No. 16) are GRANTED 13 || without leave to amend. 14 These findings and recommendations are submitted to the United States District Judge 15 || assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1).

Within fourteen (14) 16 || days after being served with these findings and recommendations, any party may file written 17 || objections with the court and serve a copy on all parties. Such a document should be captioned 18 || “Objections to Magistrate Judge’s Findings and

Recommendations.” Any reply to the objections 19 || shall be served on all parties and filed with the court within fourteen (14) days after service of the 20 || objections.

The parties are advised that failure to file objections within the specified time may 21 || waive the right to appeal the District Court’s order. *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 22 | 1998); *Martinez v. Ylst*, 951 F.2d 1153, 1156-57 (9th Cir. 1991). 23 || Dated: December 11, 2025 ( a8 } Kt | Ld a a 25 UNITED STATES MAGISTRATE JUDGE 26 27 38 5, pren.1276.25 10