

CALIFORNIA COURT OF APPEAL, SECOND APPELLATE DISTRICT,  
DIVISION EIGHT

Kim v. New Life Oasis Church

B331916 · No. B331916 · Decided March 3, 2025

SUMMARY

The California Court of Appeal affirmed judgment against attorney Steven C. Kim, holding that issue preclusion barred his effort to relitigate the validity of a deed of trust lien that had been extinguished in earlier litigation. The court concluded that the lien issue had been finally adjudicated, actually litigated, and necessarily decided, and that Kim was in privity with his former client, who had participated in the earlier action. The court also awarded costs to the respondents.

CASE DETAILS

|                       |                                                                                                                                                                                                                                |
|-----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | California Court of Appeal, Second Appellate District, Division Eight                                                                                                                                                          |
| WRITING FOR THE COURT | Wiley, J.; Grimes, Acting P. J.; Viramontes, J.                                                                                                                                                                                |
| JURISDICTION          | California Court of Appeal, Second Appellate District, Division Eight                                                                                                                                                          |
| DECIDED               | March 3, 2025                                                                                                                                                                                                                  |
| DOCKET                | B331916                                                                                                                                                                                                                        |
| DISPOSITION           | affirmed                                                                                                                                                                                                                       |
| PROCEDURAL POSTURE    | Kim appealed from a judgment entered after the trial court granted New Life Oasis Church's and Bank of Hope's motion for judgment on the pleadings without leave to amend and later ruled for New Life on its cross-complaint. |
| STANDARD OF REVIEW    | The opinion does not expressly state a separate standard of review for the judgment on the pleadings; it reviews the trial court's issue-preclusion ruling as a legal question.                                                |
| PRECEDENTIAL VALUE    | Published and certified for publication                                                                                                                                                                                        |
| PARTIES               | Steven C. Kim v. New Life Oasis Church, Bank of Hope                                                                                                                                                                           |

TOPICS

- res judicata
- motion for judgment on the pleadings
- appellate procedure
- civil procedure
- real estate

PRACTICE AREAS

## QUESTIONS PRESENTED

1. Whether issue preclusion barred Kim from relitigating the validity and extinguishment of his deed of trust.
2. Whether Kim was in privity with Central Korean Evangelical Church for purposes of issue preclusion.
3. Whether the trial court properly granted judgment on the pleadings without leave to amend.

## HOLDINGS

1. Issue preclusion barred Kim's action because the validity and extinguishment of his lien had been finally adjudicated, the identical issue had been actually litigated and necessarily decided, and the issue was asserted against Kim as a person in privity with a party to the earlier action.
2. Kim was in privity with Central Korean because he had a financial interest in the lien issue and controlled the earlier litigation in cooperation with his client.

## KEY QUOTATIONS

*“Issue preclusion prevents relitigation of previously decided issues and applies only (1) after final adjudication (2) of an identical issue (3) actually litigated and necessarily decided in the first suit and (4) asserted against one who was a party in the first suit or one in privity with that party.” (at 6)*

*“In Kerner, Justice Walter Croskey recited that a person who is not a party but who controls an action in cooperation with others is bound by the adjudications of litigated matters if that person had a proprietary or financial interest in the judgment.” (at 7)*

## FACTUAL BACKGROUND

Attorney Steven C. Kim held a deed of trust against real property owned by his client, Central Korean Evangelical Church, to secure unpaid attorney fees. In prior litigation, New Life Oasis Church obtained specific performance of its purchase option, and the trial court ordered Kim's deed of trust extinguished so the sale could proceed. Kim did not obtain appellate standing in that case and, three days after the appeal was dismissed, filed a new action seeking to establish that the lien was valid and that the earlier order was void.

## PROCEDURAL HISTORY

In earlier litigation, the trial court ordered specific performance of New Life's purchase option and extinguished Kim's deed of trust securing unpaid attorney fees. An appeal by Central Korean Evangelical Church and its pastor was dismissed because they lacked standing, and Kim did not pursue the procedure available to obtain appellate standing; no Supreme Court review was sought. Three days after that decision, Kim filed this action seeking declarations that the lien remained valid and that the earlier expungement order was void, along with injunctive relief. The trial court held that issue preclusion barred the action, granted judgment on the pleadings without leave to amend, and ruled for New Life on its cross-complaint.

## DISPOSITION

affirmed

#### CASES CITED

- Pacific Southwest District of the Church of the Brethren v. Church of the Brethren, Inc. (June 23, 2014, 2 B247729) [nonpub. opn.]
- Central Korean Evangelical Church v. Superior Court (July 15, 2015, B260831) [nonpub. opn.]
- New Life Oasis Church v. Central Korean Evangelical Church (July 16, 2018, B281703) [nonpub. opn.]
- New Life Oasis Church v. Central Korean Evangelical Church (Sept. 17, 2018, B286061) [nonpub. opn.]
- New Life Oasis Church v. Central Korean Evangelical Church (Aug. 20, 2018, B284456) [nonpub. opn.]
- Samara v. Matar, Samara v. Matar (2018) 5 Cal.5th 322, 326
- Kerner v. Superior Court (2012) 206 Cal.App.4th 84, 126

---

Retrieved from lawtools.ai · <https://lawtools.ai/cases/state/california-court-of-appeal-second-appellate-district-division-eight-california-court-of-appeal-secon/2025/kim-v-new-life-oasis-church-veaa768m>