

App. 1

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT
FILED

Jan. 21, 2022

Molly C. Dwyer, Clerk
U.S. Court of Appeals

| | |
|---------------------------------|--|
| YAN SUI | No. 20-55892 D.C. No. 8:20-cv-00864- JAK Central District of California, Santa Ana |
| Appellant | |
| v. | ORDER |
| RICHARD A. MARSHACK; et al., | |
| Appellees. | |

Before: TALLMAN, CHRISTEN and NGUYEN,
Circuit Judges

This court has reviewed the notice of appeal filed August 7, 2020 in the above-reference district court docket pursuant to the pre-filing review order entered in docket No. 17-80091. Because the appeal is so insubstantial as to not warrant further review, it shall not be permitted to proceed. *See In re Thomas* 508 F. 3d 1225 (9th Cir. 2007). Appeal No. 20-55892 is therefore dismissed.

This order, served on the district court for the Central District of California, shall constitute the

App. 2

mandate of this court.

No motions for reconsideration, rehearing, clarification, stay of the mandate, or any other submissions shall be filed or entertained.

All pending motions are denied as moot.

DISMISSED.

App. 3

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

| | |
|----------------------|---|
| YAN SUI, PEI-YU YANG | Case No. |
| Plaintiffs | 8:13-cv-01607-JAK |
| v | (AJWx) Mar.9, 2018 |
| RICHARD A. MARSHACK, | CIVIL MINUTES - |
| et al | GENERAL |
| Defendants | Present: The Hon. John A. Kronstadt, U.S. District Judge |

Proceedings: (In Chambers) Order re Motion for the Issuance of a Pre-Filing Order against Plaintiffs (dkts. 219, 222); Request for Attorney's Fees (dkt. 226); Motion to Strike Portion of Plaintiff's Opposition to the Trustee's Motion (dkt. 235) Plaintiffs' Motion for Sanctions against Wells Fargo Bank (dkts. 242, 243)

I. Introduction

After a hearing that was conducted on December 18, 2017, Plaintiff Yan Sui ("Sui") was held in contempt due to his repeated and direct violation of court orders. *See* Dkt. 213.¹ At that time, Defen-

¹. Plaintiff did not appear at December 18 hearing despite an order directing him to do so. Dkts. 213, 204.

App.4

dants were granted leave to file a motion seeking an Order deeming Sui and/or co-Plaintiff Pei-yu Yang (“Yang”) as vexatious litigant(s) pursuant to Local Rule 83-8. Defendants were also granted leave to seek any additional fees and costs incurred in connection with the contempt proceedings. *Id.*

On Jan. 5, 2018, defendant Wells Fargo Bank (“Wells Fargo”) filed a motion to Deem Plaintiffs Vexatious Litigants and for the Issuance of a Pre-Filing Order against Plaintiffs. Dkt. 219) (“Wells Fargo Motion”). On Jan. 11, 2018, defendant Richard Marshack filed separate Motion for the Issuance of a Pre-Filing Order and Declaration that Plaintiffs are Vexatious Litigants. Dkt. 222 (“Marshack Motion”) (collectively, the “Motions”). Plaintiffs have filed an opposition to each of these motions. Dkts. 230, 231.² Wells Fargo and Marshack each replied. Dkts. 233, 234.

⁴. In response to Plaintiff’s Opposition to the Marshack Motion, Marshack filed a motion to strike portions of the Opposition. Dkt. 235. Its basis was the statement in the Opposition that “Marshack believes that he is a Nazi SS member and has the power to rob the property from Jewish people and put them in concentration camp [sic]. Go somewhere Elso to enjoy the power!” See Dkt. 231 at 32. This statement is inappropriate. The motion to strike it is GRANTED pursuant to Fed. R. Civ. P. 12(f). *See Cortina v. Goya Foods*, 94 F. Supp. 3d 1174, 1182 (S.D. Cal. 2015) (a statement is “scandalous” under Rule 12(f) if it “improperly cases a derogatory light on someone, most typically a party to the action.”). *See also* Wright and Miller, FEDERAL PRACTICE AND PROCEDURE § 1382.

App. 5

On January 12, 2018, defendants Marshack, Marshack Hays LLP, Clarance Yoshikane, Pickford Real Estate, Inc. and Dentons US LLP (collectively, the “Trustee Defendants”) filed a Request for Attorneys’ fees in connection with the contempt proceedings. Dkt. 226 (“Attorney’s Fees Request”). Plaintiffs filed an opposition. Dkt. 239.

Upon a determination that the matters raised by the Motions and the Attorney’s Fees Request could be decided without oral argument, the matters were taken under submission. Dkt. 232. For the reasons state in this order, both the Wells Fargo Motion and the Marshack Motion are GRANTED, and the Attorney’s fees Request is GRANTED IN PART.

While the Motions were pending, Plaintiffs filed Motions for Sanctions against Wells Fargo and its counsel. Dkts. 242, 243 (“Plaintiffs’ Motion for Sanctions”). This case is closed (Dkt. 152), and, no leave has been sought or granted to file these motions. Furthermore, the arguments presented are the same as those that have been raised, considered, and rejected in several prior orders. Therefore, Plaintiffs’ Motion for Sanctions are DENIED.

II. Factual and Procedural Background ³

3. Request for Judicial Notice were submitted in connection with both Motions. Dkts. 220, 224. (“Marshack RJD” and “Wells Fargo RJD,” respectively). These requests seek judicial notice of Various documents that have been filed in courts in other proceedings between the parties. These documents are subject to judicial notice, *see Fed. R. Evid. 201; Lee v. City of Los Angeles*, 250 F.3d 668, 688-89 (9th Cir. 2001), and the requests are GRANTED.

App. 6

A. The Bankruptcy Action: United States Bankruptcy Court for the Central District of Cal, Case No 8:11-bk-20448-CB.

On July 27, 2011, Sui filed a petition for bankruptcy in the U.S. Bankruptcy Court for the Central District of California. *See* Ex. 2 to Marshack RJD, Dkt. 224-1 at 6-81, Docket report for Case No.: 8:11-bk-20448-CB of Richard Marshack (“Marshack Decl”), Dkt. 222 at 38-44 ¶ 3. As part of his responsibilities as Trustee and on behalf of Sui’s creditor, Marshack attempted to recover property that Sui allegedly fraudulently transferred to Yang in 2009. *Id* ¶¶ 2-3. Marshack declares that, since the Bankruptcy Action was initiated in 2011, and in an effort to impede Marshack’s efforts to recover the allegedly fraudulently transferred property, Sui and Yang have contested or appealed every order entered by the Bankruptcy Court. This has led to 36 contested matters, three adversary proceedings, and 12 bankruptcy related-appeals. *Id.* ¶4. The Trustee Defendants contend that Sui also initiated four civil actions against Marshack and his agents, each of which arose out of the Bankruptcy Action, lacked merit and was unsuccessful.

Wells Fargo filed a proof of claim in the Bankruptcy Action in 2012. *See* Ex. A to Wells Fargo RJD, Dkt. 220-1 at 1-35. In 2016, Sui moved to strike that claim. *See* Ex. C to Wells Fargo RJD, Dkt. 220-1 at 50-69. This motion was denied by the Bankruptcy

App. 7

Court. *See* Ex. D to Wells Fargo RJN, 220-1 at 74. Sui then filed a nearly identical motion to strike Wells Fargo's claim in the Bankruptcy Action, which repeated the same arguments that had been previously advanced, and rejected, by the Bankruptcy Court. *See* Ex. E to Wells Fargo RJN, Dkt. 220-1 at 76-86. This motion was denied. Ex. F to Wells Fargo RJN, Dkt. 220-1 25 92.

B. First Lawsuit: Orange County Superior Court, Case No. 30-2012-00592626

Marshack declares that, on Aug. 21, 2012, Sui and Yang filed a complaint in Orange County Superior Court, Case No. 30-2012-00592626 ("First Lawsuit").

⁴. The allegations of the First Lawsuit arose out of the Bankruptcy Action and the administrative of the Bankruptcy estate by the Trustee Defendants. *See* Marshack Decl. ¶6. The First Action was removed to the Bankruptcy Court, and was dismissed. *Id.*

Plaintiffs appealed the Bankruptcy Court's dismissal to the District Court, where it was assigned the case number 12-cv-01961-MWF. *See* Ex. 4 to Marshack RJN, Dkt. 224-1 at 99-103. The dismissal as affirmed on April 29, 2013. *Id.* The decision to affirm was based, in part, on the "Barton doctrine,"

⁴. The Marshack Motion cites Exhibit 3 to the Marshack RJN, which is described as the complaint in the First Lawsuit. However, Exhibit 3 is a complaint filed by Sui on March 15, 2010, against Stephen Price and 2176 Pacific Homeowners Association. The Bankruptcy Action was not filed until July 2011.

App. 8

under which a “party must first obtain leave of the bankruptcy court before it initiates an action in another forum against a bankruptcy trustee or other officer appointed by the bankruptcy court for acts done in the officer’s official capacity.” *Id.* (citing *In re Crown Vantage, Inc.*, 421 F. 3d 963, 970 (9th Cir. 2005)). Plaintiffs subsequently filed appeals to the Ninth Circuit and U.S. Supreme Court, both of which denied review. *See* Dkt. 222 at 10; Ex. 5 to Marshack RJD, Dkt. 224-1 at 105.

C. Second Lawsuit (The Present Action): United States District Court for the Central District of California, Case No. 13-cv-01607-JAK

Sui and Yang filed this action, Case No. 13-cv-01607 - JAK, on Oct. 15, 2013. *See* Dkt.1. The allegations and claims advanced by Plaintiffs arise almost exclusively from the Bankruptcy Action, including that administration of bankruptcy estate by the Trustee. *Id.*

On June 20, 2014, Magistrate Judge Wistrich issued a Report and Recommendation. It recommended granting the motion to dismiss brought by the Trustee Defendants. *See* Dkt. 96. The primary basis for the recommendation was the *Barton* doctrine, and Plaintiffs’ failure to seek leave from the Bankruptcy court, as required, to advance claims relating to the Bankruptcy Action in the District Court. *See id.* at 7 (“Since plaintiffs failed to obtain leave of the Bankruptcy Court before filing this

App. 9

action against the Trustee [D]efendants, and since plaintiffs' claims arise from the Trustee [D]efendants' 'alleged acts ...committed in the bankruptcy setting[,]' the District Court lacks subject matter jurisdiction over plaintiffs' federal and state law claims against the Trustee defendants."). The Report and Recommendation was adopted by this Court on July 23, 2014. Dkt. 99. Plaintiffs appealed to the Ninth Circuit. Dkt. 101. The appeal was dismissed for lack of jurisdiction, because the challenged order was not a final, appealable judgment. Dkt. 108.

Wells Fargo, who was also named as a Defendant in this action, also filed a motion to dismiss. Dkt. 5. In support of this motion it relied, in part, on the argument that Plaintiffs' allegations are based on challenges to Wells Fargo's proof of claim that had already be considered and rejected in the Bankruptcy Action. On Feb. 4, 2015, Judge Wistrich issued another Report and Recommendation, which recommended granting Wells Fargo's motion. Dkt. That report was adopted by this Court on April 10, 2015, and judgment was entered against Plaintiffs. Dkts 151, 152.⁵

Plaintiffs again appealed to the Ninth Circuit. Dkt.

5. As noted in the judgment dismissing this case, the claims against the Trustee Defendants were dismissed "without prejudice" to plaintiffs' ability to refile those claims, provided plaintiffs first obtain written leave to do so from the Bankruptcy Court." Dkt. 152. The federal claims against Wells Fargo were dismissed with prejudice, and the state claims against Wells Fargo were dismissed without prejudice. *Id.*

App.10

157. On May 18, 2017, the Ninth Circuit affirmed the dismissal of the claims against both the Trustee Defendants and Wells Fargo. Dkt. 191. That decision provided that, because Plaintiffs “neither sought leave to sue the trustee from the [B]ankruptcy [C]ourt nor alleged facts sufficient to show that the trustee acted outside the scope of his official capacity,” the claims were properly dismissed under the *Barton* doctrine. *Id.* at 2. It also concluded that plaintiffs didn’t raise any arguments regarding the basis of the dismissal of the claims against Wells Fargo, thereby, waiving any challenge to them. *Id.*

Plaintiffs then filed a motion in this action, which framed as a request to re-open the case after appeal, and for sanctions, damages, and attorney’s fees. Dkt. 194. Plaintiffs restated prior arguments against both the Trustee Defendants and Wells Fargo, all of which had been considered, and rejected, by the Bankruptcy Court, this Court, and the Ninth Circuit. Upon review of these arguments, and a determination as to their lack of merit, the motion was striken on Aug. 1, 2017 Dkt. 195.

In addition to the motions to dismiss, and Plaintiffs’ successive and unsuccessful appeals, the Trustee Defendants had submitted evidence to support the claim that Plaintiffs have filed two dozen motions in this action between its inception and December 2017. *See Ex. C to Marshack Motion, Dkt. 222 at 60-64 (Table of Motions filed by Plaintiffs),*

App.11

The record reflects that, with the exception of a motion seeking leave to file a reply in connection with another pending motion (Dkt. 63), Plaintiffs did not prevail in any of these motions. *Id.*

D. Third Lawsuit and First Contempt Order:

United States District Court for the Central District of California, Case No. 15-cv-00559-JAK

On January 14, 2015, Sui and Yang initiated a new action, Case No. 15-00059-JAK (“Third Lawsuit”), which advanced 26 causes of action against 19 defendants, including the Trustee Defendants and Wells Fargo. *See Ex. I* to Wells Fargo RJN, Dkt. 220-1 at 107 (Third Lawsuit Complaint).⁶ The allegations against the Trustee Defendants once again focus on matters relating to the Bankruptcy Action and the administration of the bankruptcy estate by the Trustee Defendants. *See generally id.*

The Trustee Defendants and other named Defendants in the Third Lawsuit, moved for an order finding that Sui and Yang were in contempt. Dkt. 121.⁷ On March 3, 2015, Judge Wistrich issued an

6. The Third Lawsuit also named the following defendants: Jess R. Bressi (“Bressi”), attorney for the Trustee Defendants, in his individual capacity, Bankruptcy Judge, Catherin Bauer, who presided over the Bankruptcy Action; and the Office of United States Trustee

7. That motion, and the resulting contempt proceedings, were docketed in this action (the Second Lawsuit, Case No. 13-cv-1607)

App. 12

Order to Shaw Cause re Contempt (“First OSC”). Dkt. 139. A hearing was held on the First OSC on June 29, 2015. Plaintiffs did not attend notwithstanding an order that they do so. On June 30, 2015, an order issued that found Sui and Yang in contempt for violating the prior orders precluding them from filing the Third Lawsuit without first leave from the Bankruptcy Court. *See* Dkt. 166 (“First Contempt Order”). As a consequence of the First Contempt Order, the Third Lawsuit was dismissed with prejudice. *See* Dkt. 187; Ex. 14 to Marshack RJD, Dkt. 224-2 at 15.

Plaintiffs appealed the dismissal of the Third Lawsuit to the Ninth Circuit, which affirmed. *See* Ex. J to Wells Fargo RJD, Dkt. 220-1 at 129-130. The Ninth Circuit held that this Court did not “abuse its discretion by imposing terminating sanction under its “inherent equitable powers to dismiss actions for ..abusive litigation practices.” *Id.* at 130 (citing *Tele-video Sys., Inc., v. Heidenthal*, 826 F. 2d 915, 916 (9th Cir. 1987)). Once again, Plaintiffs then filed a motion to re-open the Third Lawsuit, notwithstanding the affirmance. *See* Ex. K to Wells Fargo RJD, Dkt. 220-1 at 132. That motion was also struck.

E. Fourth Lawsuit and Second Contempt Order:
United States District court for the Central
District of California, Case No. 16-cv-00223-JAK
On Feb. 9, 2016, Sui filed another action in this
Court, Case No. 16-cv-00223-JAK (“Fourth Lawsuit”)
advancing 16 causes of action against several defen-

App. 13

dants, including Wells Fargo, *See* Ex. 16 to Marshack RJN, Dkt. 224-2 at 28 (Fourth Lawsuit Complaint). Marshack was not named as a defendant. However, Jess Bressi, counsel to Marshack, and several other professionals retained by him in his capacity as Trustee, were named as defendants. *See id.*

Because the Fourth Lawsuit was filed in violation of the *Barton* doctrine and the First Contempt Order, Defendants again sought to have Sui found in contempt. Dkt. 181. On Sept. 13, 2017, Judge Wistrich issued another Order to Show Cause re Contempt (“Second OSC”). He also issued an Report and Recommendation providing that the Fourth Lawsuit should be dismissed under the *Barton* doctrine. *See* Ex. 22 to Marshack RJN, Dkt. 224-2 at 91-113. That Report and Recommendation also determined that the claims advanced against Wells Fargo were precluded by the dismissal of similar allegations that were considered and rejected in the Bankruptcy Action, the Second Action, and the Third Action. *Id.* at 100-103. On November 20, 2017, the Report and Recommendation was accepted in full, and judgment was entered dismissing the Fourth Lawsuit. *See* Exs 23, 24 to Marshack RJN, Dkt. 224-2 at 114-117.

On December 18, 2017, a hearing was held on the Second OSC. Plaintiffs failed to appeared in violation of the order requiring them to do so. Dkt. 213. It was again determined that Sui was in contempt due to his repeated failure to comply with

App. 14

court orders. *Id.*

F. Prior Pre-Filing Orders

Several courts have found Plaintiffs to be vexatious litigants, and have entered corresponding pre-filing orders. On June 16, 2016, the Bankruptcy Court entered a pre-filing against Plaintiffs. *See* Ex. 27 to Marshack RJD, Dkt. 224-2 at 159-163. That order barred Sui and Yang from filing any pleading in this bankruptcy case, or any adversary proceeding related to this bankruptcy case, which repeats or attempts to “re-litigate an issue of fact or law previously raised by Mr. Sui and which was actually and necessarily decided against him in a previous order or judgment of this bankruptcy court which has become final and not subject to appeal....” *Id.* at 160-61. The pre-filing order attached a non-exhaustive list of arguments that were subject to its restrictions. *See id.* at 162-63. It included five that had been rejected previously. *Id.* The Trustee Defendants have Attached to their proposed order a similar list of arguments they argue should be restricted by the pre-filing order they seek here. *See* Ex. 1 to Proposed Order lodged concurrently with Marshack Motion, Dkt. 223-1.

On May 21, 2017, the Ninth Circuit issued an order to show cause why a pre-filing order should not be entered against Sui. *See* 19 to Marshack RJD, Dkt. 224-2 at 82. The order to show cause identified the 22 appellate proceedings that had been initiated

App. 15

by Sui since 2012. *Id.* The list has been attached to the Marshack Motion. *See* Ex. D to Marshack Motion, Dkt. 222 at 66. It shows that, with the exception of two fee awards that were vacated and remanded, Sui failed to prevail on any of the 22 proceedings before the Ninth Circuit. *Id.* The Ninth Circuit issued its pre-filing order against Sui on Aug. 18, 2017, *See* Ex. 20 to Marshack RJD, Dkt. 224-2 at 87.

The Orange County Superior Court also issued a pre-filing order against Sui. It required him to post a \$25,000 bond in order to maintain the First Lawsuit. *See* Ex. 28 to Marshack RJD, Dkt. 224-2 at 165.⁸

III. Analysis

A. The Motions: Whether Sui and Yang Should be Deemed Vexatious Litigants and Whether a Pre-Filing Order against Them Should Be Issued (Dkts. 219, 222)

1. Legal Standards

“District court have the inherent power to file restrictive pre-filing orders against vexatious litigants with abusive and lengthy histories of litigation. ‘*Weisman v. Quail Lodge, Inc.*, 179 F.3d 1194, 1197 (9th Cir. 1999). ‘Such pre-filing orders

⁸. The Trustee Defendants state that this order was later reversed by the Appellate Div. of the Superior Court due to insufficient proof establishing no reasonable probability that Sui could have prevailed on his claims. *See* Dkt. 222 at 19-20.

App. 16

papers unless he or she first meets certain requirements, such as obtaining leave of the court or filing declaration that support the merits of the case.” *Id.* (citing *O’Laughlin v. Doe*, 920 F. 2d, 614, 616 (9th Cir. 1990) (requiring pro se inmate deemed vexatious litigant to show good cause before being permitted to file future actions.)); *De Long v. Hennessey*, 912 F. 2d 1144, 1146-47 (9th Cir. 1990) (prohibiting filings of pro se litigant proceeding in forma pauperis without leave of the district court.) The Ninth Circuit has recognized that “such pre-filing orders should rarely be filed.” *De Long*, 912 F. 2d, at 1147. However, “[f]lagrant abuse of the judicial process cannot be tolerated because it enables one person to preempt the use of judicial time that properly could be used to consider the meritorious claims of other litigants.” *Id.* at 1148.

The Ninth Circuit has established the guidelines for determining whether a litigant is vexatious, thereby warranting the imposition of a pre-filing order against him or her.

“When district court seek to impose pre-filing restrictions, they must: (1) give litigants notice and an opportunity to oppose the order before it [is] entered; (2) compile an adequate record for appellate review, including a listing of all the cases and motions that let the district court to conclude that a vexatious litigant order was needed; (3) make substantive findings of frivolousness or harassment; and (4) tailor the

App. 17

Order narrowly so as to closely fit the specific vice encountered."

Ringgold-Lockhart v. County of Los Angeles, 761 F. 3d 1057, 1062 (9th Cir. 2014) (internal quotation marks omitted).

Similarly, Local Rule 83-8.1 provides:

It is the policy of the Court to discourage vexatious litigation and to provide persons who are subject to vexatious litigation with security against the costs of defending against such litigation and appropriate orders to control such litigation. It is the intent of this rule to augment the inherent power of the Court to control vexatious litigation and nothing in this rule shall be construed to limit the Court's inherent power in that regard.

L. R. 83-8.1

2. Application

Plaintiff has filed many actions, each of which arise from the Bankruptcy Action. For the reasons stated above, each was frivolous and many were redundant. They imposed substantial and unnecessary burdens on the courts and the parties involved in each.

Plaintiffs argued that, because Yang is not a party to the Bankruptcy Action, it is unnecessary under the Barton doctrine for Plaintiffs to have sought, or to seek, leave from the Bankruptcy Court to advance allegations against the Trustee Defendants as to Sui's allegedly fraudulent transfer of his Property to Yang. See Dkt. 231 at 13-14. This argu-

App. 18

ment has been addressed repeatedly; each of Plaintiffs' successive civil actions against the Trustee Defendants has been dismissed under the *Barton* Doctrine.

Plaintiffs also argue that, because the judicial system "encourage[s] individuals to seek relief for violations of their civil rights," *see Harris v. Maricopa County Superior Court*, 631 F.3d 963, 968 (9th Cir. 2011), repeated attempts to vindicate claims that have been rejected do not constitute vexatious litigation. *See* Dkt 231 at 11. *Harris* holds that, because the operative civil rights statutes recognize the importance of such claims, prevailing defendants in those actions can recover fees and costs only in 'exceptional circumstance in which the plaintiff's claims are frivolous, unreasonable or without foundation.' 631 F. 3d at 968 (internal quotation marks and citation omitted). *Harris* does not support the right of a litigant to file successive, frivolous actions. Access to justice is, of course, is important, but this right does not mean that litigants can bring baseless claims on an iterative basis. *See* 28 U.S.C. § 1651(a); *De Long*, 912 F. 3d at 1147; *Ringgold-Lockhart*, 761 F. 3d at 1062; Local Rule 83-8.1. The standards set forth in these cases, statute and rule have been met here. Duplicative actions have been brought, court orders ignored, and frivolous claims asserted.

For the foregoing reasons, Plaintiffs are declared vexatious litigants with respect to all proceedings in

App. 19

this District. Therefore, injunctive relief is necessary and appropriate to prevent an abuse of the judicial process and an unnecessary expenditure of limited judicial and party recourses. Accordingly, both the Wells Fargo Motion and the Marshack Motion are

GRANTED

It is ordered that, until and all such complaints or filings have been presented for pre-filing review by a Magistrate Judge of this Court who has approved the filing, the Clerk of this court shall not accept for filing any further complaints or filings by or on behalf of Yan Sui or Pei-yu Yang that: (i) arise from the same nucleus of operative facts as those at issue in the following cases; or (ii) expressly or implicitly seek to challenge any order previously entered in any of the following cases:

1. Bankruptcy Action, Case No. 8:11-bk-20448-CB (United States Bankruptcy Court for the Central District of California);
2. The First Lawsuit, Case No. 30-2012-00592626 (Orange County Superior Court)
3. The Second Lawsuit (the present action): Case No. 13-cv-1607-JAK (United States District Court for the Central District of California)
4. The Third Lawsuit: Case No. 15-cv-00059-JAK (United States District Court for the Central District of California)
5. The Fourth Lawsuit; Case No. 16-cv-00223-JAK (United States District Court for the

App. 20

Central District of California)

All documents proffered for filing by Sui and/or Yang that are within the scope of this Order shall include the following statement in the caption, in the following font: **“THIS FILING IS SUBJECT TO A VEXATIOUS LITIGANT PRE-FLING ORDER.”**

B. The Request for an Award of Attorney’s Fees (Dkt. 226)

The Trustee Defendants seek and award of \$57,193.50 in attorney’s fees and costs ⁹ Dkt. 226. This amount is based on the following: (i) fees and costs incurred directly in connection with the Trustee Defendants’ Contempt Motion (Dkt. 181); and (ii) fees and costs that would not have been incurred “but for” Plaintiffs’ lawsuit against the Trustee Defendants, the filing of which was the basis of the contempt order. *See* Dkt. 226 at 2. The materials submitted in support of the Attorney’s Fees Request show that Bressi performed substantially all of the work for which an award is sought. *See* Declaration of Jess Bressi (“Bressi Decl.”), Dkt. 226 at 5-7 ¶ 6. ¹⁰

Bressi is a partner at Dentons US LLP, which

⁹. A previous order was issued on March 3, 2016, awarding \$30,319.50 in attorney’s fees and costs in connection with Bressi’s work on prior proceedings. See Dkt. 179. The fees and costs sought here are distinct from the work performed that resulted in the prior award.

¹⁰. Bressi declares that, for a 20-day period when he was hospitalized, Lawrence Kouns (“Kouns”) worked on this action. Bressi Decl. ¶ 6. Kouns billed 6.4 hours at \$675 per hour for a total \$4,320. *Id.*

App. 21

serves as special litigation counsel to Marshack as the Chapter 7 trustee in the bankruptcy proceedings.

Id. ¶ 1. His hourly rate in 2016 was \$645, and his hourly rate in 2017 was \$675. *Id.* ¶ 9. The evidence submitted shows that he billed 41.7 hours in connection with the Contempt Motion, and 45 hours in connection with “but for” matters as described above.

See Exs. 1-2 to Bressi Decl., Dkt 226 at 9-20.¹¹

That work was performed between Feb. 2016 and December 2017. *Id.*

The Court has reviewed the billing records that have been submitted. In light of the Court’s substantial experience with matters adjudicated in this Court, including the amount of time that is reasonably required to complete certain tasks, as well as the hourly rates that are appropriate given the nature of the issues that are presented it is determined that the fee request is reasonable. Thus, Bressi’s experience and background, the nature of the matters presented, and the efficiency of having a single lawyer handle all aspects of a matter, justifies hourly rates of \$645 for 2016, and \$675 for 2017.¹²

Based on the Court’s familiarity with the proceedings that have been conducted in this action, the

11. 45 hours of “but for” time includes 6.4 hours billed by Kouns.

12. The prior order awarding attorney’s fees approved \$615 hourly rate, for work performed in 2015. *See* Dkt. 179 at 3-4. The \$645 and \$675 rates reflect reasonably annual rate increases from the 2015 rate of \$615 (\$30 per year).

App. 22

performed, the quality of that work, and the issues presented with respect to the contempt proceedings and other matters, it is determined that a reasonable fee award in this matter is \$53,100. This award reflects a reduction of \$4,039.50 from the amount requested based on the following modifications as to the reasonable amount of time necessary for two tasks:

- “Prepare for and attend OSC; review and analysis of all pleadings filed in support and opposition to OSC; prepared outline of argument if called up by Court” (Dkt. 226 at 10); reduced by 3.50 Hours from 12.5 to 9 hours;
- “Analyze and draft responses to Five Motions filed after 4th Lawsuit” (*id*); reduced by 2.60 hours from 17.6 to 15 hours.

IV. Conclusion

For the foregoing reasons, both the Wells Fargo Motion and the Marshack Motion are **GRANTED**. Plaintiffs Yan Sui and Pei-yu Yang are deemed to be vexatious litigants in this Court. This Order constitutes a pre-filing order that shall be applied by the Clerk of Court under the terms stated herein. The request for an award of attorney’s fees and costs is also **GRANTED**, and \$53,100 is awarded to the Trustee Defendants, for which Plaintiffs are jointly and severally liable.

IT IS SO ORDERED Initials of Preparer: ak

App. 23

UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
SANTA ANA

| | |
|-----------------|--------------------|
| In re: YAN SUI, | Case No.: 8:11-bk- |
| | 20448-CB |
| Debtor | Chapter 7 |
| | ORDER GRANTING |
| | MOTION FOR |
| | ENTRY FOR |
| | AMENDED PRE- |
| | FILING ORDER |
| | (Filed and Entered |
| | June 30, 2016) |
| | Date: Oct. 6, 2015 |
| | Time: 2:30 p.m. |
| | Ctrm: 5C |

An initial hearing was held on November 12, 2013, at 2:30 p.m., before the Honorable Catherine E. Bauer, United States Bankruptcy Judge for the Central District of California, in Courtroom 5D located at 411 West Fourth St., Santa Ana, CA, on Chapter 7 Trustee's Motion for: (1) Pre-Filing Order; and (2) Order Requiring Leave to Sue Trustee Richard A. Marshack and his Professionals filed September 30, 2013 as Docket #227 ("Motion"). David M. Goodrich of Marshack Hays LLP appeared on behalf of Trustee. Respondents Yan Sui ("Mr. Sui")

App. 24

and Pei-yu Yang (“Ms. Yang”) did not appear at the hearing.

After considering the Motion, all other related pleadings, and the arguments and representations of counsel at the hearing, the Court entered an order granting the Motion on December 19, 2013, as Docket #249 (“Order”). Mr. Sui and Ms. Yang (collectively, the “Sui Litigants”) subsequently appealed the Order to the United States Bankruptcy Appellate Panel of the Ninth Circuit Court of Appeals (“BAP”). After appellate briefing and oral argument, the BAP issued a memorandum (“BAP Memo”) vacating and remanding for the Court to modify the Order consistent with *Ringgold-Lockhart*, a decision of the Ninth Circuit issued after entry of the Order.¹

A subsequent hearing was held on October 6, 2015, at 2:30 p.m., before the Honorable Catherine E. Bauer, United States Bankruptcy Judge for the Central District of California, in Courtroom 5D located at 411 West Fourth St., Santa Ana, CA, on Trustee’s Motion for: for Entry of Amended Order filed September 9, 2015 as Docket #384 (“Second Motion”). Chad V. Haes of Marshack Hays LLP

1. *Ringgold-Lockhart v. County of Los Angeles*, 761 F.3d 1057 (2014). In issuing an order consistent with *Ringgold*, the Court is also guided by the application of the *Ringgold* standard in the context of a bankruptcy as stated in *In re Melcher*, 2014 WL 1410235, at *2 (B.A.P. 9th Cir. Apr. 11, 2014).

App. 25

appeared on behalf of Trustee. The Sui Litigants failed to appear.

After considering the Motion, the Memo, the Second Motion, all pleadings filed by Mr. Sui and Ms. Yang in response to the Second Motion, all other pleadings and papers filed in this case, and the oral arguments of counsel during the hearing, the Court finds that proper notice has been given, and finding good cause for the reasons stated in the Trustee's moving papers and by the Court on the record, the Court makes its Order as follows:

IT IS ORDERED:

1. The Second Motion is granted.
2. Mr. Sui and Ms. Yang's failure to appear at the hearing on the Second Motion is deemed to be their consent to the relief sought in the Second Motion pursuant to Local Bankruptcy Rule 9013-1(j).
3. Mr. Sui is barred from filing any pleading in this bankruptcy case, or any adversary proceeding related to this bankruptcy case, which repeats or attempts to re-litigate an issue of fact or law previously raised by Mr. Sui and which was actually and necessarily decided against him in a previous order or judgment of this bankruptcy court which has become final and not subject to appeal, including but not limited to those on Exhibit "1;"
4. Ms. Yang is barred from filing any pleading in this bankruptcy case, or any adversary proceeding related to this bankruptcy case, which repeats or

App. 26

attempts to relitigate an issue of fact or law previously raised by Ms. Yang and which was actually and necessarily decided against her in a previous order or judgment of this bankruptcy court which has become final and not subject to appeal, including but not limited to those on Exhibit "1;"

5. Any violation(s) of this Order may result in the issuance of an Order to Show Cause re Contempt directed at the offending party or parties. Any Order adjudicating Mr. Sui or Ms. Yang to be in contempt of an Order of this Court may also include: (a) an award of monetary sanctions payable to the party or parties that requested issuance of the Order to Show Cause; (b) an award of monetary sanctions payable to the Court; (c) the issuance an Order directing the United States Marshals Service to apprehend and cause Mr. Sui or Ms. Yang to be incarcerated by federal authorities until this Court enters a further order determining that the offending party or parties has purged their contempt by voluntarily dismissing the previously asserted arguments from the offending pleading(s); or (d) any other relief determined by the Court to coerce Mr. Sui's or Ms. Yang's compliance with this Order;

6. Should the Trustee or his retained professionals be required to oppose any pleading filed by Mr. Sui or Ms. Yang that violates the terms of this Order, it will be sufficient for the opposing party to provide a list by Docket Numbers of the previous pleadings filed

App. 27

and the resulting Order adjudicating such issue of fact or law; and

7. It is further ordered that the Trustee's Request for Judicial Notice in Support of the Motion is granted in its entirety, and the Court takes judicial notice of each of the attached 54 exhibits.

EXHIBIT 1

KEY:

* Order adverse to Mr. Sui and/or Ms. Yang appealed. Appeal subsequently dismissed.

** Order adverse to Mr. Sui and/or Ms. Yang appealed. Appeals now exhausted.

*** No appeal taken of order adverse to Mr. Sui and/or Ms. Yang.

**** Appeal pending or no bankruptcy court order entered adjudicating the respective contested matter.

1. Surplus Estate Argument – On the following 13 occasions, Mr. Sui and Ms. Yang have unsuccessfully argued that Mr. Sui's bankruptcy case will result in a "surplus" to Mr. Sui and that the Trustee's administration of the bankruptcy estate is an unlawful attack on Mr. Sui's alleged surplus:

Main Bankruptcy Case Docket Nos. 274* - Mr. Sui's opposition to application for compensation of special litigation counsel McKenna Long & Aldridge LLP, 282* - Mr. Sui's amended opposition to application for compensation of special litigation counsel McKenna Long & Aldridge LLP, 293* - Mr. Sui's opposition to application for compensation of

App. 28

Marshack Hays LLP, **349*** - Mr. Sui's opposition to Trustee's motion for order authorizing sale of real property, and **380***** - Mr. Sui's response to Trustee's objection to homestead exemption;

Adversary Case No. 8:11-ap-01356-CB, Docket No. **127***** - Mr. Sui and Ms. Yang's peremptory challenge;

Adversary Case No. 8:13-ap-01246-CB, Docket Nos. **11***** - Mr. Sui's motion to intervene, **30**** - Ms. Yang's motion to strike complaint, **63***** - Ms. Yang's opposition to motion to compel responses, **105*** - Ms. Yang's amended opposition to motion for entry of default judgment, **145****** - Ms. Yang's opposition to motion for OSC, and **146****** - Mr. Sui's opposition to motion for OSC; **148****** - Mr. Sui's motion for OSC.

2. Marriage/Separate Property Argument – On the following 10 occasions, Mr. Sui and Ms. Yang have unsuccessfully argued that a District Court order avoiding the prepetition transfer of the real property commonly known as 2176 Pacific Avenue, #C, Costa Mesa, CA 92627-4891 (“Property”) from Mr. Sui to Ms. Yang is void because they are not legally married and/or the Property was the separate property of Ms. Yang on the petition date:

Main Bankruptcy Case, Docket No. **327***** - Mr. Sui and Ms. Yang's peremptory challenge and **380***** - Mr. Sui's response to Trustee's objection to homestead exemption;

App. 29

Adversary Case No. 8:11-ap-01356-CB, Docket Nos. **64**** - Ms. Yang's opposition to Trustee's motion for summary adjudication, **95***** - Ms. Yang's motion to dismiss adversary, and **127*****;

Adversary Case No. 8:13-ap-01246-CB, Docket Nos. **6***** - Ms. Yang's motion to dismiss adversary, **138***** - Mr. Sui and Ms. Yang's opposition to issuance of writ of assistance, **143*****, **145******, and **146******.

3. Lack of Trustee's Signature on Complaint Argument – On the following 22 occasions, Mr. Sui and Ms. Yang have unsuccessfully argued that the Trustee's alleged failure to execute the complaint commencing

Adversary Case No. 8:11-ap-01356-CB results in all orders in and related to that adversary proceeding being void and/or invalid:

Main Bankruptcy Case, Docket Nos. **274***, **282***, **293***, **327*****, **349****, and **380*****;

Adversary Case No. 8:11-ap-01356-CB, Docket Nos. **7***** - Ms. Yang's motion to dismiss adversary, **64****, **95*****, and **127*****; Adversary Case No. 8:13-ap-01246-CB, Docket Nos. **6*****, **30****, **42***** - Ms. Yang's motion for leave to appeal, **63*****, **70****** - Ms. Yang's trial brief, **81***** - Ms. Yang's opposition to motion to continue trial and extend discovery cut-off, **105***, **138*****, **143*****, **145******, **146******, and **148******.

4. Lack of Creditors Argument – On the following 22 occasions, Mr. Sui and Ms. Yang have unsuccess-

App. 30

fully argued that this Court lacks jurisdiction over Mr. Sui and Ms. Yang and that the Trustee's administration of the bankruptcy estate is improper because, *inter alia*: (1) Mr. Sui paid off all creditors postpetition;

(2) the Trustee prevented Mr. Sui from paying off certain creditors; (3) certain proofs of claim are invalid and/or inapplicable in a Chapter 7; (4) Mr. Sui objected to certain proofs of claim; and (5) the administrative claims of the Trustee and his professionals are unlawful and improper:

Main Bankruptcy Case, Docket Nos. 241*** - Mr. Sui and Ms. Yang's motion for leave to appeal, 274*, 282*, 293*, 308*** - Mr. Sui's opposition to motion for order authorizing 2004 examination, 327***, 335*** - Mr. Sui and Ms. Yang's reply in support of peremptory challenge, 349**, 351** - Mr. Sui and Ms. Yang's supplemental opposition to Trustee's motion for order authorizing sale of real property, and 380***;

Adversary Case No. 8:11-ap-01356-CB, Docket Nos. 7***, 28* - Ms. Yang's motion to dismiss adversary, 64**, 91*** - Mr. Sui and Ms. Yang's motion to recuse, 95***, and 127**;

Adversary Case No. 8:13-ap-01246-CB, Docket Nos. 6***, 11***, 30**, 63***, 66*** - Ms. Yang's surreply in opposition to motion to compel responses, 148****.

5. Discharge Injunction Violation Argument –
On the following 19 occasions, Mr. Sui and Ms. Yang

App. 31

have unsuccessfully argued that the Trustee's administration of the bankruptcy estate violates the discharge injunction preventing pre-petition creditors from seeking to collect on their pre-petition debts:

 Main Bankruptcy Case, Docket Nos. **282***, **293***, **327*****, **335*****, and **349****;

 Adversary Case No. 8:11-ap-01356-CB, Docket Nos. **28***, **95*****, **127*****;

 Adversary Case No. 8:13-ap-01246-CB, Docket Nos. **6*****, **42*****, **63*****, **70******, **81*****, **105***, **138*****, **143*****, **145******, **146******, **148******.

App. 32

UNITED STATES BANKRUPTCY COURT

CENTRAL DISTRICT OF CALIFORNIA

411 West Fourth Street, Suite 2030

Santa Ana, CA92701-4593

NOTICE OF DISMISSAL

Debtor Information: Bankruptcy No.8:20-ap-
01047-CB, Chapter 0

You are notified that an order was entered
DISMISSING the above-captioned case and
vacating the discharge if previously entered. The
Court retains jurisdiction on all issues involving
sanctions, any bar against being a debtor in bank-
ruptcy, all issues arising under Bankruptcy Code
§§105,109(g), 110, 329, 349, and 362, and to any
Additional extent provided by law.

Adversary opened in error violating Amended Pre-
Filing order.

Dated: April 21, 2020

For the Court,

Kathleen J. Campbell

Clerk of Court

App. 33

UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
411 West Fourth Street, Suite 2030
Santa Ana, CA92701-4593

Docket Entry

04/21/2020 Adversary Case 8:20-ap-01047-Closed.
The complaint filed in the above case has been
disposed of and is no longer pending due to the
dismissal of the complaint or main case, the entry of
a judgment or the transfer of the adversary proce-
ding to another division or district. Since it appears
that no further matters are pending that requires the
Adversary proceeding remain open, it is ordered that
this adversary proceeding is closed (Le, James)
(Entered:04/21/2020).

App 34

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
CIVIL MINUTES - GENERAL

Case No. SA CV20-00864 JAK Date July 1, 2020

Title: In re Yan Sui

Present: The Honorable JOHN A. KRONSTADT,
UNITED STATES DISTRICT JUDGE

Cheryl Wynn Not Reported

Deputy Clerk Court Reporter / Recorder

Attorneys Present for Plaintiffs: Attorneys Present
for Defendants:

Not Present Not Present

**Proceedings: (IN CHAMBERS) APPELLEE'S
MOTION TO DISMISS APPEAL (DKT. 9);
APPELLEE WELL FARGO BANK, N.A.'S
REQUEST FOR ORDER DISMISSING APPEAL
FOR FAILURE TO COMPLY WITH PRE-
FILING ORDER (DKT. 12)**

JS-6

On April 9, 2020, Yang Sui ("Sui") filed a "Complaint to Recover Real Property and Damages" (the "Complaint") in the U.S. Bankruptcy Court for the Central District of California. Case No. 8:20-ap-01047-CB, Dkt. 1. A Notice of Dismissal issued on April 20, 2020, which provided, "Adversary opened in error violating Amended Pre-filing Order entered 6-30-16 as Docket #487." Case No. 8:20-ap-01047-CB, Dkt. 2. This refers to an order entered on June 30, 2016 (the "June 2016 Order") in Case No. 8:11-

App. 35

bk-20488, which is related to Case No. 8:20-ap-01047-CB. The June 2016 Order states that Sui could not “fil[e] any pleading in this bankruptcy case, or any adversary proceeding related to this bankruptcy case, which repeats or attempts to relitigate an issue of fact or law previously raised by Mr. Sui and which was actually and necessarily decided against him in a previous order or judgment of this bankruptcy court which has become final and not subject to appeal” Case No. 8:11-bk-20488, Dkt. 487 at 2.

Sui filed a “Notice of Appeal from Notice of Dismissal by Bankruptcy Court in Lieu of an Amended Pre-Filing Order” (the “Notice of Appeal”) seeking appellate review by a court in this District. Dkt. 1 at 1-2.

The Court has reviewed the following filings: the Notice of Appeal (Dkt. 1); Appellees’ Motion to Dismiss Appeal, filed by Richard A. Marshack, Marshack Hays LLP, Dentons US LLP, and Jess R. Bressi (Dkt. 9); Appellee Wells Fargo Bank, N.A.’s Request for Order Dismissing Appeal for Failure to Comply with Pre-Filing Order (Dkt. 12) (together with Appellees’ Motion to Dismiss Appeal, the “Motions to Dismiss”); the Pre-Filing Order issued in *Yan Sui, et al., v. Richard A. Marshack, et al.*, No. CV 13-01607-JAK (AJW) (the “Marshack Action”) (Dkt. 246); and other filings in this action. Based on that review, it has been determined that the

App. 36

challenge to the adversary proceeding raised by this appeal presents allegations that are based on the same common nucleus of operative facts as those alleged by Sui in the Marshack Action and the other prior actions he filed against Wells Fargo that are identified in the Pre-Filing Order. Consequently, any document that Sui seeks to file is subject to the Pre-Filing Order. This includes matters filed in a Bankruptcy Court, a subsequent ruling and a putative appeal by Sui to the District Court. This determination is consistent with, and prevents an effort to side-step and evade the Pre-Filing Order. Because Sui failed to comply with the Pre-Filing Order, the Notice of Appeal is **STRICKEN**, the Motions to Dismiss are **GRANTED**, and the appeal is **DISMISSED**.

IT IS SO ORDERED.

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App 37

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
CIVIL MINUTES – GENERAL

Case No. SA CV20-00864 JAK Date July 9, 2020

Title: In re Yan Sui

Present: The Honorable JOHN A. KRONSTADT,
UNITED STATES DISTRICT JUDGE

Cheryl Wynn Not Reported

Deputy Clerk Court Reporter / Recorder

Attorneys Present for Plaintiffs: Attorneys Present
for Defendants:

Not Present Not Present

Proceedings: (IN CHAMBERS) ORDER

REINSTATING DISMISSAL (DKT. 35)

On May 7, 2020, Yan Sui (“Sui”) filed “Plaintiff’s Notice of Appeal from Notice of Dismissal by Bankruptcy Court in Lieu of an Amended Pre-Filing Order” (the “Notice of Appeal”). Dkt. 1. On July 1, 2020, an order issued (the “Dismissal Order”). Dkt. 29. The Dismissal Order granted “Appellees’ Motion to Dismiss Appeal,” which was filed by Richard A. Marshack, Marshack Hays LLP, Dentons US LLP, and Jess R. Bressi (Dkt. 9), and “Appellee Wells Fargo Bank, N.A.’s Request for Order Dismissing Appeal for Failure to Comply with Pre-Filing Order” (Dkt. 12) (collectively, the “Motions to Dismiss”). That order also struck the Notice of Appeal, and dismissed the appeal. Dkt. 29. The Dismissal Order provided the relevant factual and procedural back-

App 38

ground of the appeal and the basis for those rulings. That discussion is incorporated by this reference. On June 24, 2020, Sui filed “Appellant’s Conditional Objection to Transfer of Appeal to Hon. Kronstadt, Combined with a Motion for Reconsideration Based on New Judicial Admission that Trustee Sold Non-Bankruptcy Estate, Motion to Transfer Back” (the “Motion”). Dkt. 30. On July 8, 2020, the Motion was construed as one to disqualify this bench officer (Dkt. 34) and was referred to Judge Walter for determination (Dkt. 36). Because that request to disqualify was pending, the Court issued an order on July 8, 2020 (the “July 8 Order”) that vacated the Dismissal Order pending a determination of the Motion. Dkt. 35.

On July 9, 2020, Judge Walter issued an order that denied the Motion as one construed as a motion to disqualify. Dkt. 38. Therefore, the July 8 Order is **VACATED**, and the Dismissal Order is **REINSTATED**:

i.e., the Motions to Dismiss are **GRANTED**, the Notice of Appeal is **STRICKEN**, and the appeal is **DISMISSED**. As a result, “Appellees’ Joint Ex Parte Application for Extension of Time to File Appellees’ Response Briefs” (the “Application” (Dkt. 37)) and Sui’s Opposition to the Application (Dkt. 39) are **MOOT**.

IT IS SO ORDERED.

App 39

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

| | |
|-------------------------------|-------------------------|
| In re | No. SACV20-864-JAK |
| YAN SUI, | Filed: 7/10/2020 |
| Debtor/Appellant, | Clerk of U. S. District |
| v. | Court, Central Dist. of |
| RICHARD A. MARSHACK, et al | California |
| Appellees | By: <u>CW</u> Deputy |
| | ORDER |

The Court is in receipt of "Appellant's Request that Court Reopen Appeal, etc" ("Request"). The pre-filing review having been conducted by a Magistrate Judge, the Court ruled that the Request shall not be Filed and shall be returned unfiled to Appellant. See Orders filed July 1, 2020 and July 9, 2020; "Order Granting Motion for Entry of Amended Pre-Filing Order," filed June 30, 2016 in *In re Yan Sui*, United States Bankruptcy Court for the Central District of California case number 8:11-bk-20448-CB; see also Order filed March 9, 2018 in Yan Sui, et al, v. Richard, et al.,SA CV13-01607-JAK. IT IS SO ORDERED.

DATED: July 10, 2020

App 40

By: / s / John. A. Kronstadt

JOHN A. KRONSTADT
UNITED STATES DISTRICT JUDGE

App 41

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

| | |
|-------------------------------|------------------------------|
| In re | No. SACV20-864-JAK |
| YAN SUI, | Filed: 7/29/2020 |
| Debtor/Appellant, | Clerk of U. S. District |
| v. | Court, Central Dist. of |
| RICHARD A. MARSHACK, et al | California |
| Appellees | By: <u>CW</u> Deputy |
| | ORDER (Pre-Filing Review) |

The Court is in receipt of “Appellant’s Ex-Parte Application to Set Aside the Transfer, etc.,” dated July 17, 2020 (“the Application”). The pre-filing review having been conducted by a Magistrate Judge, the Court ruled that the Application shall not be filed and shall be returned unfiled to Appellant. See Orders filed July 1, 2020 and July 9, 2020; “Order Granting Motion for Entry of Amended Pre-Filing Order,” filed June 30, 2016 in In re Yan Sui, United States Bankruptcy Court for the Central District of California case number 8:11-bk-20448-CB; See also Order filed March 9, 2018 in Yan Sui, et al. v. Richard Marshack, et al., SACV 13-01607-JAK.

IT IS SO ORDERED

App 42

DATED: July 29, 2020

By: / s / John. A. Kronstadt

JOHN A. KRONSTADT
UNITED STATES DISTRICT JUDGE