EDWARD G. FATES (BAR NO. 227809)
E-Mail: tfates@allenmatkins.com
ALLEN MATKINS LECK GAMBLE
MALLORY & NATSIS LLP
One America Plaza
600 West Broadway, 27th Floor
San Diego, California 92101-0903
Phone: (619) 233-1155
Fax: (619) 233-1158

ANDREW E. MINA (BAR NO. 323044)
E-Mail: amina@allenmatkins.com
ALLEN MATKINS LECK GAMBLE
MALLORY & NATSIS LLP
2010 Main Street, 8th Floor
Irvine, California 92614-7214
Phone: (949) 553-1313
Fax: (949) 553-8354

Proposed Special Conflicts Counsel to the
Debtor and Debtor-in-Possession

UNITED STATE BANKRUPTCY COURT

SOUTHERN DISTRICT OF CALIFORNIA

In re

CASHCALL,

Debtor.

Case No. 26-03102-JBM11

REPLY TO JUDGMENT CREDITOR EDUARDO DE LA TORRE'S OBJECTION TO APPLICATION FOR ENTRY OF AN ORDER (I) AUTHORIZING RETENTION AND EMPLOYMENT OF ALLEN MATKINS LECK GAMBLE MALLORY & NATSIS LLP AS SPECIAL CONFLICTS COUNSEL TO THE DEBTOR; AND (II) GRANTING RELATED RELIEF (DKT. 138)

Date: November 4, 2026
Time: 10:00 a.m.
Ctrm: 118
Judge: Hon. J. Barrett Marum

CashCall, Inc., as Debtor in Possession, and Allen Matkins Leck Gamble Mallory & Natsis ("Allen Matkins") hereby respond to the Objection of Judgment Creditor Eduardo De La Torre ("De La Torre") to the application to employ Allen Matkins as special conflicts counsel to the Debtor in Possession ("Special Counsel Application").

De La Torre's Objection to the Special Counsel Application, and his related motion for relief from stay (Dkt. 164), are based on the false premise that De La Torre retains standing to prosecute an avoidance action belonging to the bankruptcy estate – specifically, a fraudulent transfer claim arising from a prepetition $45 million transfer made by the Debtor to its former principal, J. Paul Reddam. The law is clear, however, that the Debtor in Possession now has exclusive standing to pursue all avoidance claims, including the fraudulent transfer claim that is the subject of De La Torre's action pending in Orange County Superior Court ("Fraudulent Transfer Case"). The Debtor in Possession is in the process of removing the Fraudulent Transfer Case to Bankruptcy Court in the Central District of California and having it transferred to this Court as a related adversary proceeding, such that the Debtor in Possession, as the real party in interest with exclusive standing to prosecute the fraudulent transfer claim, can do so before this Court.

As De La Torre no longer has no standing to prosecute the Fraudulent Transfer Case, which is the sole basis for his Objection, the Objection should be overruled and the Special Counsel Application should be approved.

I. DISCUSSION

The Objection focuses solely on the Fraudulent Transfer Case (which has now been removed to Bankruptcy Court) and presents no basis to deny the Special Counsel Application.

A. The Debtor in Possession Has Exclusive Standing to Prosecute the Fraudulent Transfer Case

Under the Bankruptcy Code, a trustee has the exclusive authority to prosecute fraudulent transfer actions once a debtor files for bankruptcy. "Only the chapter 7 trustee may prosecute a fraudulent transfer action once a debtor files for bankruptcy." *In re Manton*, 585 B.R. 630, 635 (Bankr. N.D. Ga. 2018). This principle extends to other designated representatives of the estate, including chapter 13 trustees and chapter 11 debtors in possession. *Id*. at 635 n.3.

The Ninth Circuit has clearly held that the "bankruptcy code endows the bankruptcy trustee with the exclusive right to sue on behalf of the estate" absent abandonment of the claims. *Estate of Spirtos v. One San Bernardino County Superior Court Case Numbered SPR 02211*, 443 F.3d 1172, 1176 (9th Cir. 2006).

Section 544(b) of the Bankruptcy Code provides the statutory foundation for the trustee's ability to step into a creditor's shoes. The statute provides that "the trustee may avoid any transfer of an interest of the debtor in property or any obligation incurred by the debtor that is voidable under applicable law by a creditor holding an unsecured claim." 11 U.S.C. § 544(b)(1). Therefore, "§ 544(b) allows a trustee to step into the shoes of an unsecured creditor to 'avoid' a debtor's transfer which would be avoidable under state law." *Baek v. Halvorson*, 2019 WL 13039652, at *2 (C.D. Cal. Mar. 26, 2019).

Accordingly, fraudulent transfer claims "become estate property 'once bankruptcy is under way' by virtue of the trustee's successor rights under § 544(b)." *In re Moore*, 608 F.3d 253, 261 (5th Cir. 2010). This includes pre-petition claims, which "are properly considered property of the estate." *In re Sinclair*, 2017 Bankr. LEXIS 4074, at n.4 (Bankr. E.D. Cal. 2017) ("claims or contentions" relating to pre-petition state court action was property of the estate that fell "under the Trustee's exclusive control").

"§§ 544 and 548 provide exclusive standing to a trustee to prosecute a fraudulent conveyance action unless the trustee has abandoned that claim or the automatic stay has been lifted." *In re Manton*, 585 B.R. at 636 (citing *In re Tessmer*, 329 B.R. 776 (Bankr. M.D. Ga. 2005); *Clift v. Gustafson* (*In re Gustafson*), 316 B.R. 753, 758 (Bankr. S.D. Ga. 2004)).

Pursuant to Federal Rule of Bankruptcy Procedure 6009, "[w]ith or without court approval, the trustee or debtor in possession may: […] (b) commence and prosecute in any tribunal an action or proceeding on the estate's behalf." Fed. R. Bankr. P. 6009. Importantly, "the right to intervene in Rule 6009 is absolute and not subject to court approval." *In re Manton*, 585 B.R. at 636. *See also In re Vandevort*, 2009 WL 7809927, at *1 (9th Cir. Sept. 8, 2009) (trustee has a right to intervene and prosecute any action on behalf of the estate under Rule 6009).

Here, the Debtor, operating with the powers of a trustee under 11 U.S.C. § 1107(a), is the proper party to pursue any fraudulent transfer claims against Reddam for the benefit of all creditors of the estate. The Debtor has not abandoned the fraudulent transfer claim, to the contrary, the Debtor has identified the $45 million distribution as a central asset of this estate and has retained special counsel to pursue such claims. Because the Debtor in Possession holds exclusive standing to prosecute fraudulent transfer actions, De La Torre's attempt to continue the Fraudulent Transfer Case directly conflicts with the Bankruptcy Code's framework for centralizing claims administration.

De La Torre's Fraudulent Transfer Case seeks to recover the same $45 million distribution that forms the basis of the estate's fraudulent transfer claim. Allowing De La Torre to proceed would permit one creditor to circumvent the orderly distribution process mandated by the Bankruptcy Code and potentially obtain a recovery to which he would not otherwise be entitled under the Code's priority scheme.

As noted above, the Debtor in Possession is in the process of removing the Fraudulent Transfer Case to Bankruptcy Court in the Central District of California and having it transferred to this Court as a related adversary proceeding. This will allow the Debtor in Possession, as the real party in interest with exclusive standing to prosecute the fraudulent transfer claim, to do so before this Court – and for the benefit of all creditors, not just De La Torre.

A Notice of Removal was filed on October 6, 2026 in the United States Bankruptcy Court for the Central District of California and is attached hereto as **Exhibit A**. Corresponding notices have also been filed in this Court (Dkt. 192) and the Orange County Superior Court. The Debtor in Possession will ask the Bankruptcy Court in the Central District to transfer venue of the Fraudulent Transfer Case to this Court such that the case can be opened as an adversary proceeding related to this Chapter 11 case.

The Debtor in Possession intends to substitute in as the plaintiff / real party in interest under Federal Rule of Bankruptcy Procedure 6009 and move to miss the claim as to CashCall, Inc. because the relief sought in the Fraudulent Transfer Case is solely against Reddam (the recipient of the transfer at issue).[1] The recovery on the fraudulent transfer claim will then go, as it must, to the bankruptcy estate for the benefit of all creditors.

B. <u>There is No Statute of Limitations Issue Presented By the Debtor in Possession Prosecuting the Fraudulent Transfer Case</u>

As discussed above, through the removal, transfer of venue and real party substitution steps outlined above, the Debtor in Possession, as the exclusive party with standing, will prosecute the existing Fraudulent Transfer Case for the benefit of the bankruptcy estate. As De La Torre notes, the Fraudulent Transfer Case was brought within the statute of limitations under Cal. Civ. Code § 3439 (within four

[1] As the Court noted at the hearing held on September 17, 2026, it is not clear why CashCall, Inc. was a named defendant in the Fraudulent Transfer Case considering that the relief sought is against Reddam as the transferee.

years of the transfer at issue, which occurred in October 2021). The Debtor in Possession will substitute into the removed Fraudulent Transfer Case as the plaintiff / real party in interest under Federal Rule of Bankruptcy Procedure 6009. Therefore, there is no need for new a fraudulent transfer claim to be filed, which would potentially trigger a statute of limitation defense.

C. The Debtor in Possession Has No Conflict of Interest

As the Court knows, Mr. Reddam has fully resigned and no longer has any role with the Debtor. The Debtor is now under the new, independent management of Craig Jalbert as Independent Director, and Leslie Gladstone as Chief Restructuring Officer. Allen Matkins, as proposed special conflicts counsel, will represent the Debtor in Possession in pursuing the Fraudulent Transfer Case against Reddam. Therefore, no conflicts of interest exist as to the Debtor in Possession's prosecution of the Fraudulent Transfer Case for the benefit of the bankruptcy estate.

There may well be other avoidance actions brought by the Debtor in Possession (represented by special conflicts counsel) against entities owned or controlled by Reddam. Those avoidance claims, however, in no way create a conflict of interest or any basis for disqualifying the Debtor in Possession from prosecuting the Fraudulent Transfer Case.

D. The Debtor in Possession Is Not Bound By Positions Taken by CashCall Prior to the Petition

Under Ninth Circuit and California law, the Debtor-in-Possession is permitted to take legal positions in bankruptcy that are inconsistent with CashCall's pre-petition positions. This is because the Debtor in Possession acts in a fundamentally different legal capacity than the pre-petition debtor: as a fiduciary for the estate and its creditors under 11 U.S.C. § 1107(a), not as a party acting in its own self-interest.

In *In re An-Tze Cheng*, 308 B.R. 448 (B.A.P. 9th Cir. 2004), *aff'd and remanded* (9th Cir. Dec. 23, 2005), the court held that "the debtor's different

capacities, as debtor and as debtor in possession performing duties of the trustee, must be considered when fashioning a judicial estoppel remedy and that a remedy must be calibrated so as not to harm bystanders." *Id.* at 451. It explained that a debtor-in-possession "is the representative of the estate and is saddled with the same fiduciary duty as a trustee to maximize the value of the estate available to pay creditors." *Id.* at 455.

The *Cheng* court relied on Restatement (Second) of Judgments § 36, and stated "[a] person who is acting in multiple capacities is ordinarily permitted to take inconsistent positions without triggering claim or issue preclusion." *Id.* at 455. Most directly on point, it stated that "a debtor in possession ordinarily may not be judicially estopped on account of an earlier inconsistent position taken as debtor." *Id.* at 457. It added that "[i]t is particularly difficult to justify estoppel when different capacities are involved." *Id.*

Even where estoppel is warranted, "there is no good reason to estop the estate or visit harm on the general body of creditors." *Id.* at 460. The remedy "is in the nature of a shield, not a sword." *Id.* at 461. Estopping the Debtor-in-Possession from bringing a fraudulent transfer claim would shift the loss onto unsecured creditors, which is the kind of harm to bystanders *Cheng* condemned. *See Id.* at 459–60.

The Ninth Circuit BAP further stated that "In either scenario involving different capacities, it is more likely that the debtor will perform the requisite trustee duties 'with complete fidelity to the interests of' the estate if the debtor is free to take positions on behalf of the estate independent of what is done for the debtor's own account." *Id.* at 457 (quoting Restatement (2d) of Judgments § 36, comment a). Here, permitting the Debtor-in-Possession to pursue the Fraudulent Transfer Case, notwithstanding CashCall's prior defense of the Fraudulent Transfer Case, enables the Debtor to fulfill its fiduciary duties to the estate and creditors.

While *Cheng* involved inconsistent positions taken during the bankruptcy case, and noted that "[t]he effect on the trustee of the debtor's prepetition acts is a different question," I*d.* at 455 n.2, its rationale applies with equal force to pre-petition conduct. The basis for the rule, that a fiduciary should be free to act in the estate's interest without being bound by the debtor's prior self-interested positions, does not depend on when the debtor took the inconsistent position.

Additionally, in *In re Liu*, 611 B.R. 864 (B.A.P. 9th Cir. 2020), the Ninth Circuit BAP held, in the preference context, that "there are no exceptions or defenses to avoidance of preferences other than those specified in the statute." *Id.* at 880. The court rejected the defendant's "unclean hands, breach of fiduciary duty, and estoppel" defenses. *Id.* at 881. While *Liu* addressed preference claims under § 547, its reasoning applies by analogy to fraudulent transfer claims. De La Torre's attempt to invoke CashCall's prior conduct as a bar to the estate's avoidance claim finds no support in the Bankruptcy Code's statutory framework.

II. CONCLUSION

De La Torre's Objection is focused solely on the Fraudulent Transfer Case, which he no longer has standing to prosecute. The case has been removed to Bankruptcy Court such that the real party in interest, the Debtor in Possession, may substitute in and pursue the case for the benefit of the bankruptcy estate. De La Torre's Objection presents no basis to deny the Special Counsel Application and should therefore be overruled.

Dated: October 6, 2026

ALLEN MATKINS LECK GAMBLE MALLORY & NATSIS LLP

By: */s/Edward G. Fates*
EDWARD G. FATES
Proposed Counsel to the
Debtor and Debtor-in-Possession

EXHIBIT INDEX

EXHIBIT NO.	DESCRIPTION	PAGE NO.
Exhibit A	Notice of Removal	10

EXHIBIT A

EDWARD G. FATES (BAR NO. 227809)
E-Mail: tfates@allenmatkins.com
ALLEN MATKINS LECK GAMBLE
MALLORY & NATSIS LLP
One America Plaza
600 West Broadway, 27th Floor
San Diego, California 92101-0903
Phone: (619) 233-1155
Fax: (619) 233-1158

ANDREW E. MINA (BAR NO. 323044)
E-Mail: amina@allenmatkins.com
ALLEN MATKINS LECK GAMBLE
MALLORY & NATSIS LLP
2010 Main Street, 8th Floor
Irvine, California 92614-7214
Phone: (949) 553-1313
Fax: (949) 553-8354

Proposed Special Counsel to the
Debtor-in-Possession

UNITED STATES BANKRUPTCY COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA

In re CashCall, Inc., Debtor Bankruptcy Pending in Southern District of California	Case No.:_____ **NOTICE OF REMOVAL** Related Bankruptcy Case: United States Bankruptcy Court Southern District of California Case No. 26-03102-JMB11 Chapter 11 Judge: Hon. Barrett Marum Courtroom: 118
EDUARDO DE LA TORRE, Plaintiff, v.	Removed Case: Orange County Superior Court, Case No. 30-2024-01421309-CU-NP-NJC

JOHN PAUL REDDAM; CASHCALL, INC., a California corporation; and DOE 1 through DOE 20, inclusive,

Defendants.

TO THE CLERK OF THE UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA:

PLEASE TAKE NOTICE that Debtor CashCall, Inc. ("Debtor") hereby files this Notice of Removal pursuant to 28 U.S.C. § 1452, and Federal Rule of Bankruptcy Procedure 9027, removing the above-captioned civil action, *De La Torre v. Reddam, et al.*, Case No. 30-2024-01421309-CU-NP-NJC, from the Superior Court of California, County of Orange (the "State Court Action"), to this Court. In support of this Notice of Removal, Debtor states as follows:

Background

1. On August 21, 2024, Plaintiff Eduardo De La Torre filed the State Court Action in the Superior Court of California, County of Orange, asserting claims under the California Uniform Voidable Transactions Act (Civil Code §§ 3439 et seq.) to avoid and recover a distribution CashCall made to Mr. John Paul Reddam in October 2021. A true and correct copy of the Summons and Complaint is attached hereto as **Exhibit A**.

2. On July 20, 2026, CashCall filed a voluntary petition for relief under Chapter 11 of the Bankruptcy Code in the United States Bankruptcy Court for the Southern District of California, Case No. 26-03102-JBM11 (the "Bankruptcy Case").

Basis for Relief

3. Removal is proper under 28 USC § 1441(a) because the state court where the State Court Action is pending is located in this district.

4. This Court has jurisdiction over this removed action pursuant to 28 U.S.C. §§ 1334 and 157. Section 1334(b) provides that "the district courts shall have original but not exclusive jurisdiction of all civil proceedings arising under title 11,

or arising in or related to cases under title 11." "Related to jurisdiction case contains two subsets: (1) causes of action owned by the debtor that become property of the estate under § 541; and (2) suits between third parties which in one way or another affect the administration of the bankruptcy case." *In re Young Jin Yoon*, 627 B.R. 905, 915 (Bankr. C.D. Cal. 2021). The State Court Action falls within both categories: it involves causes of action that are property of the estate under § 541, and its outcome could conceivably have an effect on the administration of the Bankruptcy Case.

5. The State Court Action seeks to avoid and recover the October 2021 distribution to Mr. Reddam as a voidable transfer. If successful, any recovery would constitute property of the bankruptcy estate under 11 U.S.C. § 541(a)(3), which includes "[a]ny interest in property that the trustee recovers" under various avoiding power provisions. Accordingly, the State Court Action directly affects property of the estate and should be administered by the Bankruptcy Court to ensure orderly distribution to all creditors.

6. Removal is proper under 28 U.S.C. § 1452(a), which provides that "[a] party may remove any claim or cause of action in a civil action ... to the district court for the district where such civil action is pending, if such district court has jurisdiction of such claim or cause of action under section 1334 of this title." Because this Court has "related to" jurisdiction over the State Court Action, removal is authorized.

7. Removal to this Court will promote judicial economy and ensure that claims affecting the bankruptcy estate are resolved in a single forum. The State Court Action involves the same parties, transactions, and issues that are central to the administration of the Bankruptcy Case. Allowing the State Court Action to proceed separately would risk inconsistent judgments and interfere with the Bankruptcy Court's ability to administer the estate efficiently.

8. Pursuant to Federal Rule of Bankruptcy Procedure 9027(b)(2), Debtor will promptly file a copy of this Notice of Removal with the clerk of the Superior

Court of California, County of Orange, and serve the same on all parties to the State Court Action.

Timeliness of Removal

9. This Notice of Removal is timely filed. Federal Rule of Bankruptcy Procedure 9027(a)(2) provides that when a claim or cause of action is pending in state court when a bankruptcy case is commenced, the notice of removal must be filed within "90 days after the order for relief in the bankruptcy case." Fed. R. Bankr. P. 9027(a)(2)(A). The Bankruptcy Case was commenced on July 20, 2026, and this Notice of Removal is filed within 90 days of that date.

10. Debtor consents to this removal and to entry of final orders or judgment by the Bankruptcy Court in this proceeding.

11. Debtor will request that this case be transferred to the United States Bankruptcy Court for the Southern District of California as an adversary proceeding related to Chapter 11 Case No. 26-03102-JBM11 (*In re CashCall, Inc.*) pending before the Honorable Barrett Marum.

WHEREFORE, Debtor respectfully requests that this Court accept this Notice of Removal and assume jurisdiction over this action.

Dated: October 6, 2026

ALLEN MATKINS LECK GAMBLE MALLORY & NATSIS LLP

By: */s/ Andrew E. Mina*
Andrew E. Mina
Proposed Special Counsel to the Debtor and Debtor-in-Possession

PROOF OF SERVICE

I am employed in the County of Orange, State of California. I am over the age of eighteen (18) and am not a party to this action. My business address is 2010 Main Street, 8th Floor, Irvine, California 92614-7214.

On October 6, 2026, I served the within document(s) described as:

NOTICE OF REMOVAL

on the interested parties in this action as stated below:

Please see attached Service List.

☒ **BY E-MAIL OR ELECTRONIC TRANSMISSION:** Based on and in accordance with a court order or agreement of the parties to accept service by e-mail or electronic transmission, I caused a true copy of the document to be sent to the persons at the corresponding electronic address as indicated in the attached Service List on the above-mentioned date. My electronic notification address is kpreston@allenmatkins.com. I am readily familiar with this firm's Microsoft Outlook electronic mail system and did not receive any electronic message or other indication that the transmission was unsuccessful.

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on October 6, 2026, at Irvine, California.

Karrle Preston

Karrle A. Preston

Service List

Michael A. Gould THE GOULD LAW FIRM 161 Fashion Lane, Suite 207 Tustin, California 92780-3364 Telephone: (714) 592-4936 Email: Michael@wageandhourlaw.com Aarin@wageandhourlaw.com	Attorneys for Eduardo De La Torre
Arthur D. Levy Law Office of Arthur D. Levy 610 – 6th Street, Suite 420 Oakland, CA 94612 Telephone: (415) 702-4551 Email: arthur@yesquire.com	Attorneys for Eduardo De La Torre
Brad W. Seiling Donald R. Brown Manatt, Phelps & Phillips, LLP 2049 Century Park East, Suite 1700 Los Angeles, CA 90067 Telephone: (310) 312-4000 Email: BSeiling@manatt.com dbrown@manatt.com	Attorneys for Debtor CashCall, Inc.
David A. Wood Aaron E. De Leest Marshack Hays Wood LLP 870 Roosevelt, Irvine, CA 92620 Telephone: (949) 333-7777 Email: dwood@marshackhays.com adeleest@marshackhays.com	Attorneys for J. Paul Reddam and Absolute Zero Corporation

Haeji Hong DOJ-Ust 880 Front St., Suite 3230 San Diego, CA 92101 619-557-5013 Email: Haeji.Hong@usdoj.gov	Attorney for United States Trustee – USBC, Southern District of California
Office of the United States Trustee Regional Headquarters 915 Wilshire Blvd., Suite 1850 Los Angeles, California 90017 Email: USTP.Region16@usdoj.gov	USBC, Central District of California

EXHIBIT A

Electronically Filed by Superior Court of California, County of Orange, 09/03/2024 02:35:00 PM.
30-2024-01421309-CU-NP-NJC - ROA # 9 - DAVID H. YAMASAKI, Clerk of the Court By V. Hammer, Deputy Clerk.

SUM-100

SUMMONS
(CITACION JUDICIAL)

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):
JOHN PAUL REDDAM; CASHCALL, INC., a California corporation; and DOE 1 through DOE 20, inclusive,

YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):
EDUARDO DE LA TORRE,

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (*www.courtinfo.ca.gov/selfhelp*), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (*www.lawhelpcalifornia.org*), the California Courts Online Self-Help Center (*www.courtinfo.ca.gov/selfhelp*), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of $10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. ***¡AVISO!*** *Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.*

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. AVISO: Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de $10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:
(El nombre y dirección de la corte es): Orange County Superior Court

1275 N. Berkeley Ave., Fullerton, Ca 92832

CASE NUMBER:
(Número del Caso):
30-2024-01421309-CU-NP-NJC

Judge Nathan Vu

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

Michael A. Gould, Aarin A. Zeif,The Gould Law Firm,161 Fashion Lane, Suite 207,Tustin, Ca 92780,714-592-4936;Law Offices of Arthur D. Levy, 610-16th St., Suite 420, Oakland, Ca 94612, 415-702-4551

DATE: *(Fecha)* 09/03/2024 DAVID H. YAMASAKI, Clerk of the Court Clerk, by *(Secretario)* V. Hammer, Deputy *(Adjunto)*

(For proof of service of this summons, use Proof of Service of Summons *(form POS-010).)*
(Para prueba de entrega de esta citatión use el formulario Proof of Service of Summons, *(POS-010)).*

NOTICE TO THE PERSON SERVED: You are served
1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of *(specify):*
3. ☐ on behalf of *(specify):*
   under: ☐ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)
   ☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)
   ☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)
   ☐ other *(specify):*
4. ☐ by personal delivery on *(date)*:

Form Adopted for Mandatory Use
Judicial Council of California
SUM-100 [Rev. July 1, 2009]

SUMMONS

Code of Civil Procedure §§ 412.20, 465
www.courts.ca.gov

Electronically Filed by Superior Court of California, County of Orange, 08/21/2024 04:34:15 PM.
30-2024-01421309-CU-NP-NJC - ROA # 2 - DAVID H. YAMASAKI, Clerk of the Court By A. Gill, Deputy Clerk.

Michael A. Gould (SBN 151851)
Michael@wageandhourlaw.com
Aarin A. Zeif (SBN 247088)
Aarin@wageandhourlaw.com
THE GOULD LAW FIRM
161 Fashion Lane, Suite 207
Tustin, California 92780-3364
Telephone: (714) 592-4936

Arthur D. Levy (SBN 95659)
arthur@yesquire.com
LAW OFFICE OF ARTHUR D. LEVY
610 – 16th Street, Suite 420
Oakland, CA 94612
Telephone: (415) 702-4551

Attorneys for Plaintiff
EDUARDO DE LA TORRE

Additional Counsel listed on signature page

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF ORANGE

EDUARDO DE LA TORRE,

Plaintiff,

v.

JOHN PAUL REDDAM; CASHCALL, INC., a California corporation; and DOE 1 through DOE 20, inclusive,

Defendants.

Case No. 30-2024-01421309-CU-NP-NJC

Assigned for All Purposes
Judge Nathan Vu

COMPLAINT FOR AVOIDANCE AND RECOVERY OF VOIDABLE TRANSFER [Civil Code §§ 3934 *et seq.*]

Plaintiff Eduardo De La Torre, for himself and for the benefit of the Class certified in *De La Torre v. CashCall, Inc*., San Mateo Superior Court Case No. 19CIV01235, complains against defendants, and each of them, pursuant to Civil Code section 3439.07, and alleges as follows:

1. Eduardo De La Torre is the plaintiff and class representative in a class action lawsuit against defendant CashCall, Inc. ("CashCall") in San Mateo County Superior Court, *De La Torre v. CashCall, Inc*., San Mateo Superior Court Case No. 19CIV01235.

2. The Court in *De La Torre v. CashCall* certified a plaintiff Class and has rendered a money judgment against CashCall in favor of the Class.

3. Plaintiff brings this action for himself and for the benefit of the Class in *De La Torre v. CashCall* pursuant to the Uniform Voidable Transactions Act (UVTA), Civil Code §§ 3934 *et seq*., to avoid and recover a large money distribution CashCall made in October 2021 to its sole shareholder, defendant John Paul Reddam, in violation of the UVTA, and any other transfers CashCall has made to Mr. Reddam in violation of the UVTA.

4. Defendant John Paul Reddam is, and all material times was, the sole shareholder and Chief Executive Officer of CashCall. Plaintiff is informed and believes, and on that basis alleges, that Reddam is a resident of California and resides in Orange County, California.

5. Defendant CashCall is a California corporation whose principal place of business is located in Orange County, California. Plaintiff joins CashCall as a defendant in this case because CashCall may have an interest relating to the subject of this action and be so situated that the disposition of the action in its absence may as a practical matter impair or impede its ability to protect that interest.

6. Defendants DOE 1 through DOE 20 are persons or entities whose true names and identities are now unknown to plaintiff, and who therefore are sued by these fictitious names. Plaintiff will amend this complaint to allege the true names and capacities of these fictitiously named defendants when they are ascertained. Each of the fictitiously named defendants is a recipient of and/or has possession of distributions made by CashCall in violation of the UVTA and is liable to pay these distributions to plaintiff for his benefit and for the benefit of the Class certified in *De La Torre v. CashCall, Inc*.

7. On March 7, 2019, plaintiff filed *De La Torre v. CashCall* as a class action, seeking restitution and injunctive relief under the Unfair Competition Law, Business & Professions Code §§ 17200 *et seq*. The complaint challenged CashCall's $2,600 consumer installment loans as unconscionable, in violation of Civil Code section 1670.5 and Financial Code section 22302, and requested restitution of interest paid on those loans by members of the Class. Plaintiff requested that the court certify a plaintiff Class defined as "All individuals who, while residing in California, borrowed from $2,500 to $2,600 from CashCall, Inc., for personal, family or household use at any time from August 1, 2005 to July 10, 2011."

8. The case was assigned to the Honorable Marie S. Weiner, Judge of the San Mateo Superior Court.

9. On January 16, 2020, Judge Weiner granted plaintiff's Motion for Class Certification. The Court certified a Class consisting of "All individuals who, while residing in California, borrowed from $2,500 to $2,600 from CashCall for personal, family or household use at any time from August 1, 2005 to July 10, 2011."

10. By later Stipulation and Order, the Class definition was amended as follows: "All individuals who, while residing in California, borrowed from $2,500 to $2,600 from CashCall for personal, family or household use at any time from August, 1, 2005 to July 10, 2011, whose loans had an interest rate of 90% or more."

11. In 2021, Judge Weiner presided over the trial of *De La Torre v. CashCall*. The trial began on March 8, 2021, and testimony concluded on May 18, 2021.

12. During the trial, Class Counsel presented expert testimony calculating the restitution sought on behalf of the Class as $292,393,266 and $243,355,073, based on two different calculation methodologies. These calculations were based on borrower transactional data, including borrower payments, that CashCall had produced for the period through May 13, 2020.

13. On or about August 6, 2021, CashCall reached a settlement in principle of a legal malpractice action (the "Katten Litigation") CashCall had filed against the law firm of Katten Muchin Rosenman LLP ("Katten").

14. On or about August 21, 2021, CashCall and Katten signed a settlement agreement and the Katten Litigation was dismissed.

15. On August 31, 2021, at CashCall's request, final argument was scheduled in *De La Torre v. CashCall* for November 1, 2021.

16. On or about September 16, 2021, Katten and/or entities on Katten's behalf wired the initial settlement payment of the Katten Litigation to CashCall.

17. On September 20, 2021 and October 4, 2021, Class Counsel and counsel for CashCall submitted simultaneous opening and closing post-trial briefs in *De La Torre v. CashCall*. In plaintiff's September 20, 2021 brief, plaintiff requested that the court award restitution of $292,393,266 in interest to the Class, in accordance with the evidence plaintiff submitted at trial.

18. On or about October 19, 2021, CashCall made a large money distribution to Mr. Reddam (the "Transfer"). The Transfer was over half of the net settlement payment wired to CashCall on or about September 16, 2021.

19. On November 1, 2021, Judge Weiner heard closing arguments in *De La Torre v. CashCall*.

20. On January 20, 2022, Judge Weiner issued a Tentative Decision After Court Trial, proposing to award the Class "any and all interest payments made to Defendant CashCall Inc. on those consumer loans funded during the Class Period; offset by any and all principal amounts (including the $75 fees) on the consumer loans made by Defendant to Plaintiff and the Class on those same consumer loans."

21. On November 7, 2023, Judge Weiner entered an Amended Judgment After Court Trial (the "Amended Judgment"), awarding the Class a money judgment of $245,515,389 on account of interest paid to CashCall by class members. A true and correct copy of the Amended Judgment After Court Trial is attached as Exhibit "A".

22. CashCall has appealed the Amended Judgment, but has not posted any bond, and collection of the Amended Judgment has not been stayed.

23. The amount of interest paid by plaintiff and the members of the Class was calculable on or before May 13, 2020, the date CashCall produced the transactional records on which the restitution calculations were based.

24. Plaintiff is informed and believes, and on that basis alleges, that CashCall made the Transfer to Mr. Reddam with actual intent to hinder, delay, or defraud the Class in the collection of the Amended Judgment in *De La Torre v. CashCall*, and/or without receiving a reasonably equivalent value in exchange for the Transfer.

25. Plaintiff is informed and believes, and on that basis alleges, that at the time of the Transfer to Mr. Reddam, CashCall believed or reasonably should have believed that it was about to incur liability to the Class in *De La Torre v. CashCall* beyond CashCall's ability to pay.

26. Plaintiff is informed and believes, and on that basis alleges, that CashCall made the Transfer to Mr. Reddam without receiving a reasonably equivalent value in exchange, and that CashCall was insolvent at that time of the Transfer.

27. The Amended Judgment in *De La Torre v. CashCall* exceeds the amount of the Transfer. Plaintiff seeks to avoid and recover the entire Transfer and have the entire Transfer avoided and for a money judgment to be entered against Mr. Reddam in the amount of the Transfer, plus prejudgment interest and costs, and any additional transfers established by the plaintiff, in favor of Plaintiff and the Class.

FIRST CAUSE OF ACTION
Avoidance and Recovery of Actual Fraudulent Transfer
Cal. Civ. Code §§ 3934 *et seq.*

28. Plaintiff realleges the allegations set forth in paragraphs 1 through 27 above and incorporates them by reference.

29. The Transfer was a transfer of an interest of CashCall in property.

30. Plaintiff is informed and believes, and on that basis alleges, that CashCall made the Transfer and incurred obligations relating to the Transfer with actual intent to hinder, delay, or defraud Plaintiff and the Class a creditor of CashCall.

31. Based on the foregoing, Plaintiff requests judgment as set forth below.

SECOND CAUSE OF ACTION
Avoidance and Recovery of Constructive Fraudulent Transfer
Cal. Civ. Code §§ 3934 *et seq.*

32. Plaintiff realleges the allegations set forth in paragraphs 1 through 27 above and incorporates them by reference.

33. The Transfer was a transfer of an interest of CashCall in property.

34. Plaintiff is informed and believes, and on that basis alleges, that that CashCall received less than a reasonably equivalent value in exchange for the Transfer.

35. Plaintiff is informed and believes, and on that basis alleges, that CashCall was insolvent on the date that the Transfer was made or became insolvent as a result of the Transfer, or was engaged in a business or transaction or was about to engage in a business or transaction for which any property remaining with CashCall was unreasonably small capital.

Based on the foregoing, plaintiff requests judgment as set forth below.

RELIEF SOUGHT

Plaintiff requests the following relief for himself and on behalf of Class *in De La Torre v. CashCall*:

1. On the First and Second Causes of Action:

a. Entry of a judgment in favor of plaintiff, for his benefit and for the benefit of the Class in *De La Torre v. CashCall*, and against defendants, and each of them, avoiding the Transfer and any other fraudulent transfer established by the Plaintiff, and awarding a money judgment in the full amount of the Transfer (and any additional established fraudulent transfers).

b. Prejudgment attachment and/or other provisional relief against defendants, pursuant to Code of Civil Procedure section 3439.07, subd. (a)(2) and (b);

c. Preliminary and permanent injunctive relief against further disposition of the Transfer by the defendants, and each of them, pursuant to Code of Civil Procedure section 3439.07(a)(3);

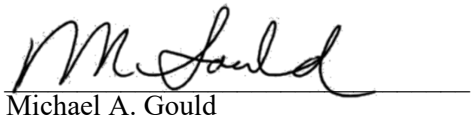
d. Issuance of writ(s) of execution, pursuant to Code of Civil Procedure section 3439.07(c);

e. Prejudgment interest;

f. Costs of suit; and

2. Such other and further orders and relief as may be necessary and proper to effectuate the avoidance and recovery of all transfers to Mr. Reddam in violation of the UVTA, and payment to or for the benefit of plaintiff and the Class in *De La Torre v. CashCall.*

DATED: August 21, 2024

By: 
Michael A. Gould

Michael A. Gould (SBN 151851)
Aarin A. Zeif (SBN 247088)
THE GOULD LAW FIRM
161 Fashion Lane, Suite 207
Tustin, California 92780-3364
Telephone: (714) 592-4936
Michael@wageandhourlaw.com
aarin@wageandhourlaw.com

Arthur D. Levy (SBN 95659)
LAW OFFICE OF ARTHUR D. LEVY
610 – 16th Street
Suite 420
Oakland, CA 94612
Telephone: (415) 702-4551
arthur@yesquire.com

James C. Sturdevant (SBN 94551)
THE STURDEVANT LAW FIRM
A Professional Corporation
P. O. Box 151560
San Rafael, CA 94915
Telephone: (415) 518-8636
jsturdevant@sturdevantlaw.com

Steven M. Tindall (SBN 187862)
GIBBS LAW GROUP LLP
505 14th Street, Suite 1110
Oakland, CA 94612
Telephone: (510) 350-9700
smt@classlawgroup.com

Jessica Riggin (SBN 281712)
RUKIN HYLAND & RIGGIN LLP
1939 Harrison Street, Suite 925
Oakland, CA 94612
Telephone: (415) 421-1800
jriggin@rukinhyland.com

Damon Connolly (SBN 139779)
Damon Connolly Law Offices
1888 Las Gallinas Ave.
San Rafael, CA 94903
Telephone: (415) 250-6127
damon@damonconnollylaw.com

Attorneys for Plaintiff
EDUARDO DE LA TORRE

Exhibit A

FILED
SAN MATEO COUNTY
NOV 07 2023
Clerk of the Superior Court
By DEPUTY CLERK

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN MATEO

COMPLEX CIVIL LITIGATION

EDUARDO DE LA TORRE, on behalf of all others similarly situated and the general public,

Plaintiffs,

vs.

CASHCALL, INC., a California corporation, and DOES 1 through 25 inclusive,

Defendants.
_____/

Case No. 19CIV01235
CLASS ACTION

Assigned for All Purposes to
Hon. Marie S. Weiner, Dept. 2

***AMENDED* JUDGMENT AFTER COURT TRIAL**

Court Trial was held in Department 2 of this Court before the Honorable Marie S. Weiner, as the single-assigned judge. James Sturdevant of The Sturdevant Law Firm, Steven Tindall of Gibbs Law Group LLP, Arthur Levy, Esq., and Jessica Riggin of Rukin Hyland & Riggin LLP appeared on behalf of Plaintiff de la Torre and the Certified Class; and Brad Seiling, Donald Brown, and Justin Jones-Rodriguez of Manatt Phelps & Phillips LLP appeared on behalf of Defendant CashCall Inc.

This complex case and certified class action commenced Court Trial on March 8, 2021, the presentation of evidence concluded on May 14, 2021, written Closing

Argument Briefs were filed concluding October 4, 2021, and oral Closing Arguments were conducted and concluded on November 1, 2021. A Tentative Decision was issued. A Proposed Statement of Decision was issued. Objections to the Proposed Statement of Decision were filed by the parties. A Final Statement of Decision after Court Trial was issued. Judgment was entered, and post-trial motions filed – in response to which this Court decided to issue an Amended Final Statement of Decision and this Amended Judgment.

IT IS HEREBY DECIDED, ORDERED AND ADJUDGED that Judgment shall be and is entered in favor of Plaintiff Eduardo de la Torre and the Certified Class and against Defendant CashCall Inc.

The Certified Class was previously certified and defined as follows: "All individuals who, while residing in California, borrowed from $2,500 to $2,600 from CashCall for personal, family or household use at any time from August 1, 2005 to July 10, 2011." Plaintiff Eduardo De La Torre was previously appointed the Plaintiff Class Representative.

The Amended Final Statement of Decision after Court Trial entered November 7, 2023 is incorporated herein by reference. Plaintiff and the Certified Class have proven, by a preponderance of the evidence, their cause of action for violation of Business & Professions Code Section 17200 *et seq.* based upon violation of Financial Code Section 22302 (and related Civil Code Section 1670.5).

Plaintiff and the Class are entitled to monetary restitution of any and all interest payments made to Defendant CashCall Inc. on those $2600 consumer loans funded during the Class Period. Accordingly, Plaintiff Eduardo de la Torre and the Certified Class are awarded monetary restitution under Business & Professions Code Section

17200 *et seq.* for the total amount of **$245,515,389,** against Defendant CashCall Inc. This reflects the return (restitution) of all interest paid by those Class members who have paid to Defendant more than the amount of their principal on their 101,564 loans. No monetary restitution is awarded on the 32,284 loans to those Class members who have paid to Defendant less than the amount of the principal of their loans.

Injunctive relief is granted to Plaintiff and the Class, as follows: Defendant CashCall Inc., and any and all of its parents, subsidiaries, assignees, transferees, loan portfolio purchasers, representatives, agents, officers, directors, employees, and/or trustees, are enjoined from and shall not collect, receive, charge, take, or obtain payments of any *interest* on any consumer loans entered into at any time from August 1, 2005 to July 10, 2011 between any Plaintiff or any member of the Certified Class on the one hand, and Defendant CashCall Inc. on the other hand, with an initial principal amount of $2,500 to $2,600. This is not a prohibition against collection of any principal still due and owing only on the 32,284 loans to those Class members whose net payments to Defendant are less than the amount of the principal of their loans.

No prejudgment interest is awarded.

Plaintiff and the Certified Class are the prevailing parties entitled to statutory costs upon timely filing and service of a Memorandum of Costs.

The Plan of Distribution of the Amended Judgment proceeds to the Plaintiff and members of the Certified Class shall be proposed and considered by the Court after entry of the Amended Judgment.

Plaintiff shall immediately file and serve formal Notice of Entry of Amended Judgment.

DATED: November 7, 2023

HON. MARIE S. WEINER
JUDGE OF THE SUPERIOR COURT

B1040 (FORM 1040) (12/24)

ADVERSARY PROCEEDING COVER SHEET (Instructions on Reverse)	**ADVERSARY PROCEEDING NUMBER** (Court Use Only)

PLAINTIFFS	**DEFENDANTS**
EDUARDO DE LA TORRE	JOHN PAUL REDDAM; CASHCALL, INC.,et al.
ATTORNEYS (Firm Name, Address, and Telephone No.) Arthur D. Levy (Cal. Bar No. 95659) LAW OFFICE OF ARTHUR D. LEVY 610 – 16th Street, Suite 420 Oakland, CA 94612 Telephone: (415) 702-4551	**ATTORNEYS** (If Known) Edward G. Fates (Bar No. 227809 Andrew E. Mina (Bar No. 323044) ALLEN MATKINS LECK GAMBLE MALLORY & NATSIS LLP One America Plaza 600 West Broadway, 27th Floor San Diego, California 92101 Phone: (619) 233-1155
PARTY (Check One Box Only) □ Debtor □ U.S. Trustee/Bankruptcy Admin ☒ Creditor □ Other □ Trustee	**PARTY** (Check One Box Only) ☒ Debtor □ U.S. Trustee/Bankruptcy Admin □ Creditor □ Other □ Trustee

CAUSE OF ACTION (WRITE A BRIEF STATEMENT OF CAUSE OF ACTION, INCLUDING ALL U.S. STATUTES INVOLVED)

The State Court Action asserts two causes of action under the California Uniform Voidable Transactions Act. The First Cause of Action alleges that Cashcall made the distribution to Mr. Reddam with actual intent to hinder, delay, or defraud the class plaintiffs. The Second Cause of Action alleges that Cashcall made the distribution without receiving reasonably equivalent value in exchange, and that Cashcall was insolvent at the time of the distribution or became insolvent as a result thereof. Plaintiff seeks to avoid and recover the entire distribution, plus prejudgment interest, costs, and injunctive relief.

NATURE OF SUIT

(Number up to five (5) boxes starting with lead cause of action as 1, first alternative cause as 2, second alternative cause as 3, etc.)

FRBP 7001(a) – Recovery of Money/Property
- ☐ 11-Recovery of money/property - §542 turnover of property
- ☐ 12-Recovery of money/property - §547 preference
- ☒ 13-Recovery of money/property - §548 fraudulent transfer
- ☐ 14-Recovery of money/property - other

FRBP 7001(b) – Validity, Priority or Extent of Lien
- ☐ 21-Validity, priority or extent of lien or other interest in property

FRBP 7001(c) – Approval of Sale of Property
- ☐ 31-Approval of sale of property of estate and of a co-owner - §363(h)

FRBP 7001(d) – Objection/Revocation of Discharge
- ☐ 41-Objection / revocation of discharge - §727(c),(d),(e)

FRBP 7001(e) – Revocation of Confirmation
- ☐ 51-Revocation of confirmation

FRBP 7001(f) – Dischargeability
- ☐ 66-Dischargeability - §523(a)(1),(14),(14A) priority tax claims
- ☐ 62-Dischargeability - §523(a)(2), false pretenses, false representation, actual fraud
- ☐ 67-Dischargeability - §523(a)(4), fraud as fiduciary, embezzlement, larceny

(continued next column)

FRBP 7001(f) – Dischargeability (continued)
- ☐ 61-Dischargeability - §523(a)(5), domestic support
- ☐ 68-Dischargeability - §523(a)(6), willful and malicious injury
- ☐ 63-Dischargeability - §523(a)(8), student loan
- ☐ 64-Dischargeability - §523(a)(15), divorce or separation obligation (other than domestic support)
- ☐ 65-Dischargeability - other

FRBP 7001(g) – Injunctive Relief
- ☐ 71-Injunctive relief – imposition of stay
- ☐ 72-Injunctive relief – other

FRBP 7001(h) Subordination of Claim or Interest
- ☐ 81-Subordination of claim or interest

FRBP 7001(i) Declaratory Judgment
- ☐ 91-Declaratory judgment

FRBP 7001(j) Determination of Removed Action
- ☐ 01-Determination of removed claim or cause

Other
- ☐ SS-SIPA Case – 15 U.S.C. §§78aaa *et.seq.*
- ☐ 02-Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy case)

□ Check if this case involves a substantive issue of state law	□ Check if this is asserted to be a class action under FRCP 23
☒ Check if a jury trial is demanded in complaint	Demand $
Other Relief Sought	

B1040 (FORM 1040) (12/24)

BANKRUPTCY CASE IN WHICH THIS ADVERSARY PROCEEDING ARISES		
NAME OF DEBTOR Cashcall, Inc.	BANKRUPTCY CASE NO. 26-03102-JBM11	
DISTRICT IN WHICH CASE IS PENDING Southern District of California	DIVISION OFFICE	NAME OF JUDGE Hon. Barrett Marum
RELATED ADVERSARY PROCEEDING (IF ANY)		
PLAINTIFF	DEFENDANT	ADVERSARY PROCEEDING NO.
DISTRICT IN WHICH ADVERSARY IS PENDING	DIVISION OFFICE	NAME OF JUDGE
SIGNATURE OF ATTORNEY (OR PLAINTIFF) *s/ Andrew E. Mina*		
DATE 10/6/2026	PRINT NAME OF ATTORNEY (OR PLAINTIFF) Andrew E. Mina	

INSTRUCTIONS

The filing of a bankruptcy case creates an "estate" under the jurisdiction of the bankruptcy court which consists of all of the property of the debtor, wherever that property is located. Because the bankruptcy estate is so extensive and the jurisdiction of the court so broad, there may be lawsuits over the property or property rights of the estate. There also may be lawsuits concerning the debtor's discharge. If such a lawsuit is filed in a bankruptcy court, it is called an adversary proceeding.

A party filing an adversary proceeding must also complete and file Form 1040, the Adversary Proceeding Cover Sheet, unless the party files the adversary proceeding electronically through the court's Case Management/Electronic Case Filing system (CM/ECF). (CM/ECF captures the information on Form 1040 as part of the filing process.) When completed, the cover sheet summarizes basic information on the adversary proceeding. The clerk of court needs the information to process the adversary proceeding and prepare required statistical reports on court activity.

The cover sheet and the information contained on it do not replace or supplement the filing and service of pleadings or other papers as required by law, the Bankruptcy Rules, or the local rules of court. The cover sheet, which is largely self-explanatory, must be completed by the plaintiff's attorney (or by the plaintiff if the plaintiff is not represented by an attorney). A separate cover sheet must be submitted to the clerk for each complaint filed.

Plaintiffs and **Defendants.** Give the names of the plaintiffs and defendants exactly as they appear on the complaint.

Attorneys. Give the names and addresses of the attorneys, if known.

Party. Check the most appropriate box in the first column for the plaintiffs and the second column for the defendants.

Demand. Enter the dollar amount being demanded in the complaint.

Signature. This cover sheet must be signed by the attorney of record in the box on the second page of the form. If the plaintiff is represented by a law firm, a member of the firm must sign. If the plaintiff is pro se, that is, not represented by an attorney, the plaintiff must sign.

Attorney or Party Name, Address, Telephone FA Nos., State Bar No. Email Address	FOR COURT USE ONLY
EDWARD G. FATES (BAR NO. 0) *E-Mail: tfates allenmat ins.com* *ALLEN MAT INS LEC GAMBLE MALLORY NATSIS LLP* *One America Pla a* *00 West Broadway, th Floor* *San Diego, California 101-0 03* *Phone: (1) 33-11* ☐ *Individual appearing without an attorney* ☒ *Attorney for: CashCall, Inc.*	

UNITED STATES AN RUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA

In re: *CashCall, Inc. (debtor in possession, ban ruptcy case pending in Southern District of California)* Debtor(s). *EDUARDO DE LA TORRE* Plaintiff(s), vs. *JOHN PAUL REDDAM CASHCALL, INC., a California corporation and DOE 1 through DOE 0, inclusive* Defendant.	CASE NO.: *-0310 -JBM11 (SD Cal Ban ruptcy)* CHAPTER: *11* ADVERSARY NO.: ***NOTICE OF STATUS CONFERENCE RE REMOVAL OF ACTION*** ***L R***

TO: ALL PARTIES IN REMOVED ACTION, ANY TRUSTEE APPOINTED IN THE BANKRUPTCY CASE, AND THE U.S. TRUSTEE: A Notice of Removal of Action (Removal Notice) was filed under 2 U.S.C. §1452(a), FRBP 9027 and LBR 9027-1(a). A copy of the Removal Notice accompanies this Notice of Status Conference (Status Conference Notice).

Removing Party: *CashCall, Inc.*
Date of Filing of Removal Notice: *10/0 / 0*
Court division from which action is removed: *Orange County Superior Court*
Case No. of Removed Action: *30- 0 -01 130 -CU-NP-NJC*

1) ***S C r*** A status conference on the Removal Notice has been set for:

Hearing date:	Address:
Time:	☐ 255 East Temple Street, Los Angeles, CA 90012 ☐ 3420 Twelfth Street, Riverside, CA 92501
Courtroom:	☒ 411 West Fourth Street, Santa Ana, CA 92701 ☐ 1415 State Street, Santa Barbara, CA 93101 ☐ 21041 Burbank Boulevard, Woodland Hills, CA 91367

2) ***S r S C r N*** Pursuant to LBR 9027-1(b)(3), no later than 14 days after the Status Conference Notice is issued and filed, the party who filed the Removal Notice must serve the Status Conference Notice on all parties to the removed action, any trustee appointed in the bankruptcy case, the United States trustee, and a udge s copy as provided in the Court Manual.

3) ***Pr r R J r Tr*** Pursuant to LBR 9027-1(e), no later than 14 days after service of the Removal Notice (plus an additional 3 days if you were served by mail, electronically or pursuant to F.R. Civ. P. 5(b)(2(D),(E) or (F)), a party to the removed action must comply with LBR 9015-2 to preserve any right to trial by ury.

4) ***FR P ( )( ) S*** Pursuant to FRBP 9027(e)(3), no later than 14 days after the filing of the Removal Notice (plus an additional 3 days if you were served by mail, electronically or pursuant to F.R. Civ. P. 5(b)(2(D),(E) or (F)),, a party to the removed action (other than the party who filed the Removal Notice) must file with the clerk the statement required under FRBP 9027(e)(3) and serve the statement upon all other parties to the removed action.

5) ***L D*** Pursuant to FRBP 9027(a)(1) and 9027(e)(2), and LBR 9027-1(d), sub ect to LBR 9027-1(d)(2)(B), no later than 30 days after the filing of the Removal Notice, the party who filed the Removal Notice must file with the clerk, all of the following items pertaining to the action being removed:

(a) A copy of the docket from the court where the removed litigation was pending; and

(b) A copy of every document reflected on the docket, whether the document was filed by a party or entered by the court. These copies must be provided in chronological order according to the date the document was filed.

6) ***J S R r*** - Pursuant to LBR 7016-1(a)(2), no later than ***d r r S C r*** , all parties to this adversary proceeding must participate in filing a oint status report (JSR) and deliver a udge s copy as required in the Court Manual. The JSR must be prepared according to the instructions set forth on the court s website at www.cacb.uscourts.gov.

KATHLEEN J. CAMPBELL, CLERK OF COURT

Date:

By:
Deputy Clerk

EDWARD G. FATES (BAR NO. 227809)
E-Mail: tfates@allenmatkins.com
ALLEN MATKINS LECK GAMBLE
MALLORY & NATSIS LLP
One America Plaza
600 West Broadway, 27th Floor
San Diego, California 92101-0903
Phone: (619) 233-1155
Fax: (619) 233-1158

ANDREW E. MINA (BAR NO. 323044)
E-Mail: amina@allenmatkins.com
ALLEN MATKINS LECK GAMBLE
MALLORY & NATSIS LLP
2010 Main Street, 8th Floor
Irvine, California 92614-7214
Phone: (949) 553-1313
Fax: (949) 553-8354

Proposed Special Conflicts Counsel to the
Debtor and Debtor-in-Possession

UNITED STATE BANKRUPTCY COURT

SOUTHERN DISTRICT OF CALIFORNIA

In re CASHCALL, Debtor.	Case No. 26-03102-JBM11 **CERTIFICATE OF SERVICE** Date: November 4, 2026 Time: 10:00 a.m. Ctrm: 118 Judge: Hon. J. Barrett Marum

CERTIFICATE OF SERVICE

The undersigned hereby certifies that: I am over the age of eighteen (18) and not a party to the within action. I am employed in the law firm of Allen Matkins Leck Gamble Mallory & Natsis LLP, One America Plaza, 600 West Broadway, 27th Floor, San Diego, California 92101-0903.

On October 6, 2026, I used the United States Bankruptcy Court, Southern District of California's Electronic Case Filing System, with the ECF registered to Edward G. Fates to file the following document:

REPLY TO JUDGMENT CREDITOR EDUARDO DE LA TORRE'S OBJECTION TO APPLICATION FOR ENTRY OF AN ORDER (I) AUTHORIZING RETENTION AND EMPLOYMENT OF ALLEN MATKINS LECK GAMBLE MALLORY & NATSIS LLP AS SPECIAL CONFLICTS COUNSEL TO THE DEBTOR; AND (II) GRANTING RELATED RELIEF (DKT. 138)

The ECF system is designed to send an e-mail message to all parties in the case, which constitutes service. The parties served by e-mail in this case are found on the Court's Electronic Mail Notice List and the attached Service List

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on October 6, 2026, at San Diego, California.

Pamela T. Lewis

SERVICE LIST

Schuyler Carroll on behalf of Debtor CashCall, Inc.
scarroll@manatt.com

Christina Coll on behalf of Interested Party Interested Party
christina.coll@cfpb.gov, maria.ardike@cfpb.gov, Maggie.Quaranto@cfpb.gov, mary.warren@cfpb.gov, timothy.belsan@cfpb.gov

Aaron E. De Leest on behalf of Interested Party Interested Party
adeleest@marshackhays.com, adeleest@ecf.courtdrive.com, alinares@ecf.courtdrive.com

Patrick L DuBois on behalf of Debtor CashCall, Inc.
pdubois@manatt.com

Haeji Hong on behalf of United States Trustee United States Trustee
Haeji.Hong@usdoj.gov, USTP.Region15@usdoj.gov, tiffany.l.carroll@usdoj.gov

Arthur D Levy on behalf of Interested Party Interested Party
arthur@yesquire.com

United States Trustee
ustp.region15@usdoj.gov

Mary K. Warren on behalf of Interested Party Interested Party
mary.warren@cfpb.gov

David A. Wood on behalf of Interested Party Interested Party
dwood@marshackhays.com, alinares@ecf.courtdrive.com