

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

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MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

In re: DR. ROOTS HERBS, LLC

Debtor

No. 24-7446

B.A.P. No.
24-1058

GRETA SEDEAL CURTIS,

Appellant.

MEMORANDUM*

v.

AMMEC INVESTMENTS, II; SISTERS IN
LAW, LLC; DR. ROOTS HERBS,
LLC; VINCENT THAMES; ROBERT
ANTHONY BROWN; CHARLES
HASBUN; SALEH HASBUN,

Appellees.

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

In re: DR. ROOTS HERBS, LLC

Debtor

GRETA SEDEAL CURTIS,

Appellant.

v.

AMMEC INVESTMENTS, II; SISTERS IN
LAW, LLC; DR. ROOTS HERBS,
LLC; VINCENT THAMES; ROBERT
ANTHONY BROWN; CHARLES
HASBUN; SALEH HASBUN,

Appellees.

No. 24-7447

B.A.P. No.
24-1092

Appeal from the Ninth Circuit
Bankruptcy Appellate Panel

Gary A. Spraker, Scott H. Gan, and Frederick Philip Corbit, Bankruptcy Judges,
Presiding

Submitted March 16, 2026**

Before: CLIFTON, FRIEDLAND, and BENNETT, Circuit Judges.

Defendant-Appellant Greta Curtis was formerly a licensed attorney, but she was disbarred in 2014. Around that time, Curtis was representing Plaintiff-

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Appellee Ammec Investments II, Inc. (“Ammec”) in an unrelated lawsuit. As payment for Curtis’s legal services, Ammec executed a grant deed to Sisters in Law, LLC (“Sisters”), a company owned and controlled by Curtis, conveying a 5.774% interest in two parcels of Los Angeles real property (“property”). Sisters executed a deed conveying that interest in the property to Dr. Roots Herbs, LLC (“Roots”), the debtor in this bankruptcy case, another company owned and controlled by Curtis. Curtis executed a deed of trust on behalf of Roots to secure a purported debt of \$150,000 that Roots owed to Vincent Thames. Roots then conveyed the property to Curtis. Curtis subsequently conveyed the property back to Roots.

Ammec sued Curtis, Roots, and Sisters in California state court for fraud and quiet title, requesting that the state court cancel and void the deed with which Ammec conveyed the property interest to Sisters (the “Ammec/Sisters deed”). The court bifurcated the fraud and quiet title claims. Ammec’s fraud claim failed. Ammec did, however, prevail on its quiet title claim in a bench trial. The court found that the Ammec/Sisters deed was executed to pay attorney’s fees to Curtis and that Curtis had violated the California Rules of Professional Conduct by failing to prepare a written fee agreement and by failing to disclose actual or potential conflicts of interest. Based on these findings, the court declared that the deed was voidable under *Sheppard, Mullin, Richter & Hampton, LLP v. J-M Manufacturing*

Co., 6 Cal. 5th 59 (2018), and *Fletcher v. Davis*, 33 Cal. 4th 61 (2004), and voided the deed.

Several years later, Curtis filed for bankruptcy on behalf of Roots and listed the property as one of Roots's assets. She did not list Thames as a creditor of Roots, despite the deed of trust. Ammec commenced an adversary proceeding against Roots, Curtis, Sisters, and Thames, requesting determinations that the deeds conveying the property interest from Sisters to Roots and from Roots to Curtis and the deed of trust to Thames (the "downstream transfers") were void and cancelled under California Civil Code § 3412. Curtis filed cross claims against Ammec, seeking, among other things, declarations that the deeds from Ammec to Sisters, from Sisters to Roots, and from Roots to Thames were valid. Thames did not appear. Ammec moved to dismiss Curtis's cross claims and for summary judgment as to the claims in its adversary complaint, and the bankruptcy court granted both motions. Curtis appealed both orders. The Bankruptcy Appellate Panel ("BAP") consolidated the appeals and affirmed both orders. Curtis appealed that decision to this court.¹

We review the summary judgment ruling de novo. *In re Ahaza Sys., Inc.*,

¹ Curtis does not make any specific arguments regarding the dismissal of her cross claims or as to the denial of her cross-motion for summary judgment in her opening brief, so we consider those arguments forfeited. *Orr v. Plumb*, 884 F.3d 923, 932 (9th Cir. 2018).

482 F.3d 1118, 1123 (9th Cir. 2007). Summary judgment is appropriate where the “movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law.” Fed. R. Civ. P. 56(a).

The theory underlying all of the claims in Ammec’s adversary proceeding is that because the Ammec/Sisters deed was voidable (and void), and the downstream transfers were not to bona fide purchasers for value, the downstream transfers were themselves void.

1. Many of Curtis’s arguments on appeal are attempts to collaterally attack the state court judgment holding that the Ammec/Sisters deed was voidable and voiding the deed. Contrary to Curtis’s arguments, that state court judgment is final. Although neither Curtis nor Roots were parties to the final judgment voiding the deed, the judgment is enforceable against them because Curtis controlled the defense of both Sisters (a party to the judgment) and Roots (a nonparty), and she and Roots had the same incentive to litigate as Sisters. Cal. Civ. Proc. Code § 1908(b). Full faith and credit principles prevent us or the bankruptcy court from considering collateral attacks on the state court judgment. *See* 28 U.S.C. § 1738.

2. The bankruptcy court correctly held that Ammec was entitled to summary judgment on its claims.² Under California law, where a deed is voidable, as the

² Curtis does not have standing to bring an appeal on behalf of Vincent Thames, so her claim regarding the Thames deed of trust is not properly before us. *See Powers v. Ohio*, 499 U.S. 400, 410 (1991) (“In the ordinary course, a litigant

Ammec/Sisters deed is, subsequent bona fide purchasers of the property may take title, but title is voidable as to non-bona fide purchasers. *See Schiavon v. Arnaudo Bros.*, 100 Cal. Rptr. 2d 801, 802 (Ct. App. 2000). “The general rule places the burden of proof upon a person claiming bona fide purchaser status to present evidence that he or she acquired interest in the property without notice of the prior interest.” *Vasquez v. LBS Fin. Credit Union*, 265 Cal. Rptr. 3d 78, 86 (Ct. App. 2020) (quoting *Gates Rubber Co. v. Ulman*, 262 Cal. Rptr. 630, 636 n.6 (Ct. App. 1989)).

Because Roots is in Chapter 7 bankruptcy, only the bankruptcy trustee can bring claims on its behalf. *Estate of Spirtos v. One San Bernardino Cnty. Superior Ct. Case Numbered SPR 02211*, 443 F.3d 1172, 1176 (9th Cir. 2006). Curtis is not Roots’s bankruptcy trustee, so she lacks the authority to appeal the bankruptcy court’s voiding of the deed transferring the property from Sisters to Roots, and Roots’s bankruptcy trustee has not chosen to appeal. For this reason, the claim relating to the bankruptcy court’s voiding of the deed transferring the property from Sisters to Roots is not properly before us.

must assert his or her own legal rights and interests, and cannot rest a claim to relief on the legal rights or interests of third parties.”). Even if Curtis did have third-party standing as to that claim, she has forfeited any argument challenging the voiding of the Thames deed of trust by failing to raise it in her opening brief. *Orr*, 884 F.3d at 932.

Curtis has not, in her briefing before this court, pointed to any evidence in the record to support the conclusion that she is a bona fide purchaser for value of the property. By contrast, Ammec points to the facts that it was Curtis's unethical conduct that rendered the Ammec/Sisters deed voidable, and that Curtis was the sole owner and manager of Sisters, as support for its argument that Curtis had notice of the Ammec/Sisters deed's infirmity and was thus not a bona fide purchaser. In light of those facts, the bankruptcy court did not err in granting summary judgment to Ammec on its claims.

3. Curtis argues that Ammec's adversary complaint is deficient because it requested only declaratory relief and declaratory relief needs to have an underlying substantive claim. Ammec's request for declaratory relief does have an underlying substantive claim—a claim under California Civil Code § 3412. A proceeding seeking a declaratory judgment regarding the validity of an interest in property is a proper adversary proceeding. Fed. R. Bankr. P. 7001(b), (i).

4. Curtis also argues that the adversary proceeding was untimely filed because the statute of limitations for a claim against an attorney for a wrongful act or omission under California Civil Procedure Code § 340.6(a) is one year, and it has been over a year since Ammec conveyed the property to Sisters. The adversary complaint does not assert a claim under California Civil Procedure Code § 340.6, so that statute of limitations is irrelevant.

AFFIRMED.