PATENAUDE & FELIX, A.P.C.
Raymond A. Patenaude, Esq. (#128855)
Laura M. D'Anna, Esq. (#266113)
Nathalia A. Aguirre, Esq. (#337628)
James R. Konrad, Esq. (#182943)
Nkaujhli M. Lo, Esq. (#362059)
Aryanna Young, Esq. (#344361)
William Wang, Esq. (#362372)
9619 Chesapeake Drive, Suite 300
San Diego, California 92123
California DFPI Debt Collector License # 10678-99
Tele: (858) 244-7600 Fax: (858) 836-0318
E-mail Address: SD.Legal@Pandf.us

Attorneys for Plaintiff
CREDIT CORP SOLUTIONS, INC.

SUPERIOR COURT OF CALIFORNIA

COUNTY OF LOS ANGELES, SAN FERNANDO DIVISION

CREDIT CORP SOLUTIONS, INC., Plaintiff, v. LISA NEVILLE, and DOES 1 through 15, inclusive, Defendant(s).	Case No. 25CHLC17110 **PLAINTIFF'S OPPOSITION TO DEFENDANT'S MOTION FOR LEAVE TO FILE CROSS-COMPLAINT** Date: February 04, 2026 Time: 8:30 AM Dept: K

I. INTRODUCTION

Plaintiff Credit Corp Solutions Inc. ("Plaintiff") hereby submits its Opposition to the Motion for Leave to File Cross-Complaint filed by Defendant Lisa Neville ("Defendant").

On April 16, 2025, Plaintiff filed the underlying Complaint for breach of contract, seeking recovery of the unpaid balance of $2,064.89. On April 30, 2025, Defendant was served by substituted service through her daughter, Rachelle Neville, at their undisputed home address of 1745 S Hayworth Ave., Los Angeles, CA 90035. Upon the filing of Defendant's Answer, the court scheduled this case for a non-jury trial set on April 22, 2026. On July 15, 2025, Defendant,

Lisa Neville, mailed Plaintiff a letter requesting debt validation. On July 21, 2025, Plaintiff sent Defendant debt validation documentation, including the Bill of Sale and billing statements fulfilling all statutory debt validation requirements.

On October 31, 2025, Plaintiff received Defendant's counsel's email correspondence requesting Plaintiff to stipulate to the filing of Ms. Neville's proposed cross-complaint. Plaintiff respectfully declined Defendant's request, and initiated settlement discussion for potential resolution. No settlement discussion occurred. On November 18, 2025, Defendant filed Motion for Leave to File Cross-Complaint.

Plaintiff respectfully contends that Defendant's time for filing or requesting to file a Cross-Complaint has long passed; given that her alleged Cross-Complaint is compulsory and should have been filed concurrently with her Answer back in July 11, 2025, and further, this matter is ripe for trial without any further delay. For all these reasons, the instant motion must be denied.

II. LEGAL ARGUMENT

A. Defendant Has Waived Her Right to Assert a Cross-Complaint

Defendant's motion is severely untimely, procedurally deficient, and meritless.

There are two types of cross-complaints: compulsory cross-complaints and permissive cross-complaints. A compulsory cross-complaint is a cross-complaint that is asserted against the plaintiff and related to the subject matter of the complaint. (Code Civ. Proc., § 426.30.) A cross-complaint is "related" to the complaint if it arises out of the same transaction, occurrence, or series of transactions or occurrences as the complaint. (Code Civ. Proc., § 426.10(c).) To be considered a compulsory cross-complaint, the related cause of action must have existed at the time defendant served its answer to the complaint. (*Weil & Brown, California Practice Guide*

(2008), Civil Procedure Before Trial §6:516; See also *Crocker Nat'l Bank v. Emerald* (1990) 221 Cal.App.3d 852, 864.).

Here, Defendant's vague proposed Cross-Complaint is compulsory in nature as it stems from the same exact transactions as outlined in Plaintiff's underlying lawsuit. Moreover, Defendant concedes in her argument that her cross-complaint is compulsory. Under Code of Civil Procedure §426.30, Compulsory cross-complaints must be filed before or at the same time as the answer to the original complaint, if not timely filed, the right to assert them is waived. Therefore, Defendant's deadline to file any cross-complaint was in July 2025 when the answer was filed. Defendant has waived her right to file the cross-complaint.

B. <u>Defendant's Lack of Knowledge and Diligence Do Not Excuse Delay</u>

Defendant contends that leave should be granted because she was unaware that a cross-complaint could be filed until she retained counsel. However, ignorance of the law is not excusable neglect, mistake, or inadvertence. (*Harrison v. County of Del Norte* (1985) 168 Cal.App.3d 1, 7.) Accordingly, Defendant's lack of knowledge regarding the ability to file a cross-complaint does not satisfy the good faith requirement of Code of Civil Procedure §426.50, and leave to file should be denied.

Additionally, Defendant was served with the Complaint in April 30, 2025 and chose to proceed without counsel for several months (See Decl. Wang ¶ 4). Voluntarily representing oneself "is not, for that reason, entitled to any more (or less) consideration than a lawyer. Thus, any alleged ignorance of legal matters or failure to properly represent [herself] can hardly constitute 'mistake, inadvertence, surprise or excusable neglect,' as those terms are used in §473.'" (*Goodson v. Bogerts, Inc.,* 252 Cal. App. 2d 32, 40.) Although *Goodson* interpreted Code of Civil Procedure §473, its principle, that ignorance of the law or self-representation does not excuse procedural delay, it is equally applicable to Code of Civil Procedure §426.50, which

permits leave to file a cross-complaint for oversight, inadvertence, mistake, or neglect, but only if the moving party acted in good faith. Defendant's failure to timely assert a cross-complaint demonstrates a clear lack of diligence in pursuing available legal remedies. Although she was served with the Complaint on April 30, 2025, Defendant did not retain counsel until October 30, 2025, six (6) months later, and did not file her Motion for Leave until November 18, 2025. By waiting for six (6) months to retain counsel and nearly seven (7) months to seek leave to file, Defendant failed to exercise the diligence required to preserve her rights under the law. Moreover, trial is currently set to being in three (3) months, and granting leave at this late stage would prejudice the parties and the court by forcing unnecessary delays, disruption of trial preparation, and potential re-setting of the trial date. Such prolonged delay is inconsistent with the showing of good faith required for relief and warrants denial of the motion.

Not to mention, the record undermines Defendant's claimed lack of awareness. Defendant's Answer and accompanying Proof of Service were filed by Public Counsel (See Decl. Wang ¶ 3), the same firm that now represents her, demonstrating that Defendant had access to legal assistance at the time her Answer was filed. Although Defendant may not have been formally represented at that time, the involvement of Public Counsel in filing her responsive pleading undermines her assertion that she lacked knowledge of available procedural remedies or the ability to assert them. This inconsistency further demonstrates Defendant's lack of good faith and diligence, and weighs strongly against granting leave under Code of Civil Procedure §426.50.

Therefore, the Court should deny Defendant's motion for leave to file a cross-complaint.

C. <u>Granting the Motion Would Substantially Prejudice Plaintiff</u>

Permitting Defendant to assert a belated cross-complaint at this stage would significantly expand the scope of the litigation, require additional discovery, increase costs, and delay resolution of the case.

Should the motion be granted, Plaintiff will be burdened to complete new discovery 30 days before the initial bench trial date, April 22, 2026. Meaning from the date of the Motion being heard in court on February 02, 2026 to March 22, 2026, Plaintiff will only have 48 Calendar Days (or 35 business days) to discover, compile, and make effective arguments against Defendant's new claims, along with responses to Defendant's other affirmative defenses. The goal of discovery is to promote fairness and efficiency to all parties.

In addition, permitting the late cross-complaint would likely necessitate additional procedural motions, such as demurrers, motions to strike, or other responsive pleadings, further increasing the workload, costs, and complexity of the case. Plaintiff's hurdle would be too high to complete effective representation, while promoting fairness and efficiency during trial. The weight of introducing Defendant's Motion would be outweighed by the prejudicial factors that would result.

Plaintiff would be furthered prejudiced by Defendant's Motion because the claims being made are ones that have already been stated in the Answer as affirmative defenses, or were claims considered prior to the Answer, but were withheld and such delay in admittance impairs Plaintiff's ability to defend itself within the scarce amount time before trial (See Decl. Wang ¶ 5). For instance, Defendant's Motion claims violation of the Fair Debt Buying Practices Act (FDBPA), and Rosenthal Fair Debt Collection Practices Act; however, in her Answer, Defendant makes the same claims under the same FDBPA, and Rosenthal Fair Debt Collection Act in her Affirmative Defenses. Defendant repeating her affirmative defenses in her Motion emphasizes that she had full knowledge of the response she wanted to submit to the court at the time of the Answer and her submission as a cross-complaint repeats and limits discovery resources for Plaintiff and waste the court's time hearing the argument.

The Motion to Leave to File Cross Complaint was created to factor in oversight, inadvertence, neglect, mistake, or other similar causes not so a party can regurgitate claims. Should the Court grant Defendant's Motion it would prejudice the Plaintiff by allowing the opposing party to take a second bite at the apple and reclaim issues that should have been brought at the time of the Answer against the Plaintiff which would circumvent Civil Procedure rules.

The prejudice to Plaintiff is too high for the Motion to be granted.

III. CONCLUSION

Defendant's Motion for Leave to File Cross-Complaint is untimely, procedurally improper, and unsupported by good faith or diligence. Granting leave would substantially prejudice Plaintiff. For these reasons, Defendant's motion should be denied in its entirety.

Date: January 15, 2026

Respectfully submitted,
PATENAUDE & FELIX, A.P.C.

By: _____
William Wang, Esq.
Attorney for Plaintiff,
CREDIT CORP SOLUTIONS, INC.

PROOF OF SERVICE

Credit Corp Solutions v. Neville
Los Angeles Superior Court Case No. 25CHLC17110

I, Jhane Robinson, hereby declare:

I am a citizen of the United States and am employed in the County of San Diego, State of California. I am over the age of eighteen years and am not a party to this action. My business address is 9619 Chesapeake Drive, Suite 300 San Diego, California 92123.

On **January 21, 2026** I served the within:

1. **Plaintiff's Opposition to Defendant's Motion for Leave to File Cross-Complaint**
2. **Declaration of William Wang in Support of Plaintiff's Opposition to Defendant's Motion for Leave to File Cross-Complaint**

ON:

David Zhao, Esq.
Public Counsel
610 Ardmore Ave
Los Angeles, CA 90005

Email: dzhao@publiccounsel.org

[ ] (BY HAND) I caused the said document to be delivered by hand in an envelope addressed to the person above at the address noted above.

[x] (BY EMAIL) I caused the said document to be transmitted by email to the email address indicated after the addressee(s) noted above. **[EXCEPT AS TO THOSE WHO HAVE NO EMAIL LISTED ABOVE].**

[ ] (BY FIRST CLASS US MAIL) I am readily familiar with the business practice at my place of business for collection and processing of correspondence for mailing with the United States Postal Service. Correspondence so collected and processed is deposited with the United States Postal Service that same day in the ordinary course of business.

I declare, under penalty of perjury, that the foregoing is true and correct.

Executed on January 21, 2026 in Houston, Texas

Jhane Robinson