NOT FOR PUBLICATION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: FRANK LANE ITALIANE, Jr.; ALICIA ITALIANE, Debtors, ------------------------------ FRANK LANE ITALIANE, Jr., Appellant, v. JEFFREY CATANZARITE FAMILY LIMITED PARTNERSHIP; et al., Appellees.	No. 21-60054 BAP No. 20-1247 MEMORANDUM*

Appeal from the Ninth Circuit
Bankruptcy Appellate Panel
Spraker, Gan, and Faris, Bankruptcy Judges, Presiding

Submitted December 2, 2022**
San Francisco, California

Before: WALLACE, FERNANDEZ, SILVERMAN, Circuit Judges.

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

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

Frank Lane Italiane, Jr. (Lane) appeals pro se from the Bankruptcy Appellate Panel for the Ninth Circuit (BAP), which affirmed the bankruptcy court's summary judgment. We have jurisdiction pursuant to 28 U.S.C. § 158(d). We review a bankruptcy court's rulings de novo with no deference to the BAP. *See In re Candland*, 90 F.3d 1466, 1469 (9th Cir. 1996). We review a bankruptcy court's grant of summary judgment de novo. *See In re Sabban*, 600 F.3d 1219, 1221–22 (9th Cir. 2010). Finally, we review the availability of issue preclusion de novo and the bankruptcy court's application of issue preclusion for abuse of discretion. *See Dias v. Elique*, 436 F.3d 1125, 1128 (9th Cir. 2006). We affirm.

First, the bankruptcy court correctly held that issue preclusion was available to the California state-court stipulated judgment. Whether a state-court judgment is to be granted preclusive effect in a later bankruptcy proceeding is "determined by the preclusion law of the state in which the judgment was issued." *In re Harmon*, 250 F.3d 1240, 1245 (9th Cir. 2001); *see also Lucido v. Super. Ct.*, 51 Cal. 3d 335, 341 (1990). Under California law, a stipulated judgment entered under Cal. Civ. Proc. Code § 664.6 "may properly be given collateral estoppel effect, at least when the parties manifest an intent to be collaterally bound by its terms." *Cal. State Auto. Ass'n Inter-Ins. Bureau v. Super. Ct.*, 50 Cal. 3d 658, 664 & n.2 (1990). Here, as the parties' settlement agreement and stipulated judgment plainly agreed to a judgment for fraudulent concealment and agreed that the debt would be nondischargeable in Lane's bankruptcy proceeding, issue preclusion was appropriate.

Second, the bankruptcy court correctly held that issue preclusion was available to the state court's determination that Lane did not lack mental capacity when he entered into the settlement agreement. Relevant here, Lane's mental capacity was "actually litigated" in state court, as Lane had an "opportunity for a full presentation of the issue." *Jackson v. Yarbray*, 179 Cal. App. 4th 75, 95 (2009), *discussing Groves v. Peterson*, 100 Cal. App. 4th 659, 667–68 (2002).

Last, the bankruptcy court did not abuse its discretion in its application of issue preclusion. Once courts have found that issue preclusion is available, courts may only apply issue preclusion if application would "further[] the public policies underlying the doctrine," namely, "preservation of the integrity of the judicial system, promotion of judicial economy, and protection of litigants from harassment by vexatious litigation[.]" *In re Harmon*, 250 F.3d at 1245; *Lucido*, 51 Cal. 3d at 343. Lane does not point to any recognized public policies that weigh against the application of issue preclusion here.

AFFIRMED.