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LOS ANGELES
SUPERIOR COURT
NORTHEAST DISTRICT

Attorneys for Respondent Lupe Esparza

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

10 In the Matter of)
11 THE ESTATE OF AMELIA V. LOPEZ,)
12)
13 Deceased.)
14 _____)
15 BEATRICE ROSALES, Administrator with)
16 Will Annexed of the Estate of Amelia Lopez,)
17 Petitioner)
18 Vs.)
19 LUPE ESPARZA, Respondent)
20 _____)
21 and related cross-petitions)
_____)

CASE NO. GP 011294

Respondent and Cross-Petitioner Lupe Esparza's Trial Brief

Date: July 9, 2007
Time: **8:30 a.m.**
Department: A

I. INTRODUCTION

Respondent and Cross-Petitioner Lupe Esparza is the daughter of Decedent Amelia V. Lopez. Ms. Esparza did not finish high school and has worked in factories, as a truck driver and as a caretaker for the elderly.

As a middle-aged woman, Ms. Esparza spent over a decade living with and caring for first her elderly father and then her mother (Decedent Lopez) while her grown siblings had little to do with them. Ms. Esparza's parents appreciated her care and company. They promised and

1 intended to reward her.

2 In 1999, Ms. Lopez deeded two pieces of real property in Los Angeles to Ms. Esparza
3 after her son Richard Esparza (Lupe's brother) and sister Beatrice Rosales filed a
4 conservatorship lawsuit to wrest control of their mother's money.

5 This lawsuit pertains to the efforts of the Estate (controlled by Ms. Lopez's siblings,
6 none of whom were caretakers for their mother) to reclaim the subject real property. It also
7 pertains to Ms. Esparza's efforts to be compensated for (1) the years of service she provided
8 caring for her mother Decedent Lopez, and (2) the repairs and maintenance that Ms. Esparza
9 caused to be provided for the subject real property since Ms. Lopez died.

10 The lawsuit also seeks to rescind a 2005 transaction in which Las Vegas con artist Jack
11 Whitehorn – who has admitted under oath to engaging in the unlicensed practice of law –
12 tricked Ms. Esparza into deeding to him a 50% interest in the two subject properties.

13
14 **II. STATEMENT OF FACTS**

15 **A. Lupe Esparza**

16 Lupe Esparza is 71 years old and the daughter of Decedent Amelia Lopez. Ms. Esparza
17 attended high school and later took classes at a community college. During her life, she worked
18 in a variety of aircraft or electronics factories, as a truck driver, as a cashier, and as a live-in
19 caretaker for the elderly. She has no education or training in the law or real estate.

20 **B. Pete Lozano**

21 Pete Lozano is the adult son of Ms. Esparza. He was a truck driver before becoming
22 disabled. Since 2005 he has helped his mother with doing repairs and maintenance at the
23 subject real properties.

24 **C. Beatrice Rosales**

25 Beatrice Rosales is the sister of Lupe Esparza. She is the current executor of the Estate
26 but admitted to the Court on the record (through her lawyer on June 19, 2007) that she does not
27 want to serve as the Executor.

28 Ms. Rosales either lives or spends most of her time in Washington state. For over a

1 decade, she has spent much of her time driving around the nation in an expensive motor home
2 that she bought with money that her mother lent her (and which has yet to be repaid).

3 D. Richard Esparza

4 Richard Esparza is the brother of Lupe Esparza. He is a retired police officer.

5 E. Jack Whitehorn

6 Respondent Jack Whitehorn attended two years of law school at the University of
7 Tennessee in the 1950. Whitehorn did not graduate, and he never sat for the bar anywhere. In
8 1960, Whitehorn bought a small radio station (WFDR) in Manchester, Georgia, which he ran
9 from there for 21 years. During this time, Whitehorn himself handled all legal matters
10 involving the FCC.

11 In 1979, Whitehorn moved to Las Vegas. After about seven years, he started working
12 there as a “legal consultant” who charges \$395/hour. By Whitehorn’s own admission at
13 deposition (before he asserted the 5th Amendment) his “consulting work” includes charging
14 laymen \$395/hour to prepare wills and trusts that are “good to go.” He also had a fraud
15 judgment entered against him in Tennessee involving real estate.

16 F. Lupe Esparza’s Return to Los Angeles To Care For Her Parents

17 In 1988, Lupe Esparza was working in Reno, NV. At the request of her parents, Ms.
18 Esparza returned to Los Angeles to help care for her father. After caring for him for years, Ms.
19 Esparza assumed responsibility of caring for her elderly mother Decedent Amelia Lopez.

20 In appreciation for her efforts, Lupe’s parents told her that they would care and provide
21 for her. In 1993, as a partial action on this promise, her mother Ms. Lopez amended the codicil
22 to her will to provide that Lupe would receive a home that Decedent Lopez owned 1444
23 Playground Street (“Playground”) in Los Angeles.

24 Throughout this period, Ms. Esparza provided daily care and daily companionship to her
25 mother. Ms. Esparza would take Ms. Lopez shopping, to doctor’s appointments, out for meals
26 (Ms. Lopez enjoyed eating in modest restaurants and regularly talked about how she had
27 “cooked enough” in her life), on excursions and out for meals. Although Ms. Lopez had
28 remarried, her new husband often took trips to Mexico, at which times she particularly valued

