

No.: 19-8758

SUPREME COURT OF THE UNITED STATES

Li Qin & Zhixun Sun

Petitioner

vs.

99 Cents Only Stores LLC

Respondents

On Petition for a Writ of Certiorari to
Supreme Court of State of California

PETITION FOR THE REHEARING

Petitioner in *pro per*
Li Qin & Zhixun Sun
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Email: sunzx_123@yahoo.com

PETITION FOR REHEARING

Petitioner Li Qin brings [Petition for Rehearing] to the court decision on Oct 5, 2020: *"The Court today entered the following order in the above-entitled case: The petition for a writ of certiorari is denied."* signed by Clerk, Scott S. Harris, pursuant to US Supreme Court rule 44.1. *Any petition for the rehearing of any judgment or decision of the Court on merits shall be filed within 25 days after entry of the judgment or decision.*

The Justices regularly deny a petition for a writ of certiorari per Rule 16.

1. After considering the documents distributed under Rule 15, the Court will enter an appropriate order. The order may be a summary disposition on the merits.

Unusually, I got the notice signed by the court clerk, as exactly doomed by opposed counsel Stephen E. Norris, a former clerk of Justice Ruth Bader Ginsburg. He had intimidated to kill my [Petition] before Justices see it. My [Petition] deems not be reviewed by Justices as on distribution conference scheduled on Sep 29, 2020 at all. Thereby my petition for rehearing is necessary as a due process.

Statement of Fact

I was adopted by an American veteran at age 6. I received the public education from elementary school to high school at City of Berkeley California. On 2005, I completed my graduate education at UCLA, and be conferred [Degree of Doctor of Philosophy with major in Art and Performance] and [The Degree of Master or Science with a Major in Education]. I worked as a leading dancer and choreographer for Anaheim Disneyland Park and a professor of performance art for UCLA. I paid off my student loans in 2012 and achieved my American dream like millions diligent citizen. (**Appendix I**)

The Slip and Fall Accident Unexpectedly, my dream was shattered on May 8, 2013. I suffered a slip and fall injury at Defendant's 99 Cents Only Store. **(Appendix II)** I lost a viable fetus, broken my left hip, and suffered a traumatic brain injury with numbness and weakness of my left side body.

My Injuries and Medical Records I have been wheelchair-bounded since then and underwent a surgery of total hip joint replacement on Jan 26, 2014, one month after I gave a healthy birth to my baby son on Dec 18, 2013. Unfortunately, the hip surgery was not quite successful, only 2/5 hip joint function. My artificial hip joint dislocated on July, 2019 and further deteriorated my mobility and life quality. At current time, my husband and son take fulltime home care for me. Even my 6 years old little son learned how to push my wheelchair to help me. If the conservative treatments failure, I will undergo two repair surgeries for my chronical small bowel obstruction and my dysfunction left hip joint respectively. **(Appendix III)**

The Jury Trial Aug 2018, Los Angeles superior court judge, Frederick Shaller, preside a jury trial of my personal injury case. Defendant's counsel, Michael Dolan, present a fake [Stipulation Re Li Qin's Damages] signed by an unknown attorney. Any [Stipulation] without party's signature must be invalidated by California Civil Procedure Code 664.6. Anyhow, Dolan brainwashed Shaller's head and Shaller sold his soul to Dolan. Shaller partially granted Dolan's fake [Stipulation] and precluded the record of 911 EMT call by Store manager, all my medical records, surgical records, reports of expert witness, my family tax return and W-2 from the jury. Throughout the trial, Dolan never

defend Store's negligence or liability or denied the fact that Store's janitor was chatting and kissing with two female customers for 20 minutes and failed to clean up a puddle of liquid soap spilled on the sale floor that cause injuries to two customers. I was the second victim of that preventable accident.

At the morning of Aug 23, 2018, a female court clerk expelled me, my husband Sun, and my son Charley out of the courtroom under Dolan requested, and then Dolan displayed a sub rosa video to impeach my disability. At the adjournment, my counsel, David Lin came out the courtroom and told us that defendant play a surprising video to impeach my disability that killed this case. That video shown I and Charley were walking and shopping at a Costco Store. My family were very upset that I need crutches and walker to move around in home, where did Defendant got such a sub rosa video from? Back home, my son Charley recalled that he was shopping with his aunt Jing Qin at Costco Store at afternoon of August 19, 2018.

Judge Shaller only admitted this video to jury plus his absurd jury instruction to identify me as the subject in the video by their same clothes as the video lack an identifiable front face image of the subject.

Jury had to verdict in favor to defendant in the absence of plaintiff's evidences. The foreperson told Lin and Sun that at the initial deliberating, jury even couldn't find out a piece of plaintiff's income document or tax report to calculate the damage. He believed that video killed this case.

Sep 20, 2018, my sister Jing personally served the court clerk and Dolan with her declaration re the sub rosa video. Judge Shaller might realize Dolan's frauds and granted a new trial scheduled on October 23, 2018. (**Appendices IV**)

Judge Shaller rejected Jing's declaration and imposed \$1500 sanction against Qin and Sun each in retaliation their notice of disqualification him. We lost our faith on Judge Shaller who may preside a new fair trial.

Appeal on the Appellant Court of California Nov 15, 2018, even both I and Dolan required the reporter's transcript be included in the records of appeal. Dolan had hired a private temporary court reporter to control all record of oral process on the jury trial. In defiance of appellate law of California, Judge Shaller refused to disclose his own trial records on appeal: "*without a record of the oral proceedings, the appellate court may presume that what occurred at the trial or hearing supports the challenged judgment.*"

Dolan concealed the video for 6 months until Feb 26, 2019, Defendant's new counsel Stephen E. Norris provided me with a video created on the same day as its metadata indicated. Anyhow, that video did proved that Judge Shaller's jury instruction was baseless. Li and Jing wore totally different set of clothes.

Dec 19, 2019, 2nd Court of Appeal of California denied my appeal: "*Qin and Sun have not provided us with a record demonstrating any trial court error.*"

Even admitted 50 confirmed trial records and exhibits submitted on appellate court, Justices made an unprofessional conclusion: "*The record contains no information from which to develop a factual background.*" Many judges and justices who concerned this case couldn't find those trial records concealed in a storage room. (**Appendixes V**).

Mar 11, 2020, The Supreme Court of California refused to review my case.

Appeal up to US Supreme Court Jun 6, 2020, I appeal my case up to US Supreme Court. From the end of August to Sep 28, 2020, Stephen sent a legal server to my home almost every day, demanded me sign a \$200,000 [Stipulation] to solve the case before Sep 29, 2020, as Store's insurer had already spent almost \$2,000,000 insurance on attorney fee, but willing to pay the remain \$200,000 to solve this case. Stephen made multiple phone calls to me and introduced himself as a special appellate attorney. He had worked as a clerk of Justice Ruth Bader Ginsburg and of other two Justices in this court. He advised me to pay attention to his photos with Justice Ginsburg posted on his law firm website and tried to convince me that he still has his personal influence over this Court and over all appellate courts of California as well and so I should understand why all my appeals had been denied. Stephen admonished me to accept his \$200,000 offer, otherwise he would kill both of my [Petitions] before the Justice can see them and I get nothing eventually. I required Stephen mail [Stipulation] to me for consideration. I couldn't accept his oral offer because my medical bill excess \$500,000, I lost my earning capacity, and need a fulltime care for the rest of my life. At the initial, I don't believe Stephen is such a powerful attorney who could wiggle this Court until Oct 10, 2020, all happen as he exactly intimidated.

CONCLUSION

Petitioner Li Qin respectfully request that this Court grant the petition for rehearing and order full briefing and argument on the merits of this case.

Respectfully Submitted Petitioner Li Qin in pro ser Oct 18, 2020.

SUPREME COURT OF THE UNITED STATES

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PETITION FOR THE REHEARING

TABLE OF APPENDIXS

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- (1) Li Qin's Diploma of the Degree of Mater of Science of Education
- (2) Li Qin's Diploma of the Degree of Ph.D. of Arts and Performance
- (3) Li Qin's Stage Photo Before Injury
- (4) Li Qin's W-2 (2013)
- (5) Li Qin's Family Tax Return (2012)

Appendices II The Slip and Fall Accident at Defendant's Store

- (1) The Record of Store's Manager's 911 for EMT
- (2) Store's Video Record: Janitor Octavio Jimenez was kissing and chatting with female customer.
- (3) Li Qin was carried out of the Store in gurney by EMT

Appendices III Qin's Medical Records and Post-Injury Life

- (1) Qin's Medical and Surgical Records
- (2) Qin's Image of Left Hip Fracture X 3
- (3) Qin's Artificial Hip Joint was Dislocated on Jul 2019
- (4) Qin's Photos of Post-Injury Life X 2

Appendices IV Notice of Hearing of Motion for New Trial

**Appendices V The List of 50 Confirmed Trial Records & Exhibits
Included in Record of Appellate Court of California**

No.: 19-8758

SUPREME COURT OF THE UNITED STATES

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Appendices I

- (1) Li Qin's Diploma of the Degree of Mater of Science of Education
- (2) Li Qin's Diploma of the Degree of Ph.D. of Arts and Performance
- (3) Li Qin's Stage Photo Before Injury
- (4) Li Qin's W-2 (2013)
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Appendices II

- (1) The Record of Store's Manager's 911 for EMT
- (2) Store's Video Record: Janitor Octavio Jimenez was kissing and chatting with female customer.
- (3) Li Qin was carried out of the Store in gurney by EMT

The Record of 911 EMS Call on May 8, 2013
LA County Fire Department #

- County fire department.
- Yes, I am at 99 Cents Only Store
- What is the address there?
- The address is 11811 Hawthorne Blvd
- What City?
- Hawthorne.
- And the Cross Street?
- The 118th
- Your phone number?
- The phone number is (310) 697 699
- It's for a male or female?
- Female. She is pregnant.
- Female. How old she is
- She is in 30
- What is wrong?
- She has t pain on leg, like that stuff.
- She is awake?
- Hon?
- She is conscious.right now?
- Yes. She is conscious.
- All right, that is at 11811 South Hawthorne Blvd at City of Hawthorne at 99 Cents Store. Is that correct? She is inside the store?
- Yes.
- Ours is pop out on the way.
- She has any difficulty in breath?
- No
- Does she look pale? Or is in full steady?
- She is not red. She already in pale.
- She is on pale.
- Yes
- Ok, any nausea or vomiting?
- No.
- Does she say other than pregnancy, Is there any medical conditions
- I didn't ask her yet.
- Can you ask her?
- I am away far from her
- Ok. ours is on the way
- Thank You.

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Qin's Medical Records and Post-Injury Life

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- (2) Qin's Image of Left Hip Fracture X 3
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PETITION FOR THE REHEARING

Appendices IV

Notice of Hearing of Motion for New Trial

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES		CONFORMED COPY Resident Superior Court ORIGINAL FILED Superior Court of California County of Los Angeles
COURTHOUSE ADDRESS: 111 N. HILL STREET, LOS ANGELES, CA 90012		SEP 20 2018
PLAINTIFF/PETITIONER: LI QIN & ZHIXUN SUN, SAMUEL		Sherri R. Carter, Executive Officer/Clerk
DEFENDANT/RESPONDENT: 99 CENTS ONLY STORES, ET AL		By Rosemarie D. Aquino, Deputy
NOTICE OF HEARING OF MOTION FOR NEW TRIAL		CASE NUMBER: BC 543607

To the parties herein and to their attorneys of record:

You are hereby notified that, pursuant to the Notice of Intention to Move for a New Trial filed herein, hearing of such motion is set for OCTOBER 23, 2018 at 8:30 m., in Department 46 of the Superior Court, County of Los Angeles, located in the courthouse at 111 N. Hill Street, Los Angeles, California 90012.

SHERRI R. CARTER, Executive Officer/Clerk

By: R. AQUINO
Deputy Clerk

Dated: 9/20/2018

CERTIFICATE OF MAILING

I, the below named Executive Officer/Clerk of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that on this date I served the Notice of Hearing of Motion for New Trial upon each party or counsel named below by depositing in the United States mail at the courthouse in LOS ANGELES, California, one copy of the original filed herein in a separate sealed envelop for each address as shown below with the postage thereon fully prepaid.

✓ LI QIN
13437 KORNBLUM AVENUE, APT. #A
HAWTHORNE, CA 90250

DOLAN & ASSOCIATES
MICHAEL A. DOLAN, JR., ESQ.
31355 OAK CREST DRIVE, SUITE 220
WESTLAKE VILLAGE, CA 91361

✓ ZHIXUN SUN
13437 KORNBLUM AVENUE, APT. #A
HAWTHORNE, CA 90250

Dated: 9/20/2018

SHERRI R. CARTER, Executive Officer/Clerk

By: R. AQUINO
Deputy Clerk

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SUPREME COURT OF THE UNITED STATES

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Appendices V

**50 Confirmed Trial Record & Exhibits
Included in Record of Appeal**

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SECOND APPELLATE DISCTRRICT

Li Qin & Zhixun Samuel Sun in pro per
Plaintiff and Appellant,
vs.
99 Cents Only Stores LLC.
Defendant and Respondent

Court of Appeal
Case No: B292445
Superior Court
Case No: BC543607

COURT OF APPEAL - SECOND DIST.

FILED

Nov 30, 2018

DANIEL P. POTTER, Clerk

jzelaya

Deputy Clerk

APPEAL from a Judgment after Jury Trial
The Superior Court of California, County of Los Angeles
Stanley Mosk Courthouse
Department 46, Honorable Judge Frederick C. Shaller

APPELLANT'S APPNEDIX

Volume One

LI QIN & ZHIXUN SAMUEL SUN, Self-represented
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APPELLANT' APPENDIX

By Chronology

VOLUME ONE

5	Description	#
6	PART 1: THE ACCIDENT OF SLIP & FALL	
7	The Video Record of the Accident of Slip and Fall Injury	1
8	The Record of 911 EMS on May 8, 2103	2
9	PART 2: THE ORTHOPEDIC RECORDS	
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11	Medical Records of Kaiser Permanente	4
12	Medical Records of Pacific Orthopedic Associates	5
13	X-Ray of Lumbar Spine: Grade1 Anterolithesis	
14	MRI, X-Ray Imagines of Left Hip Fracture	6
15	Pictures of Ms. Qin's Post-Injury Life and Post-Surgery	7
16	PART 3: THE RECORD OF TRAUMATIC BRAIN INJURY	
17	Summary of Ms. Qin's Neurologic Injury	8
18	Medical Records by Neurologist Dr. Michael P. Tan & MRI Report	9
19	PART 4: THE LOSS OF ONE VIABLE FETUS &	
20	THE SURVIVAL CHILD'S DEVELOPMENT PROBLEM	
21	Summary of Loss of One Viable Fetus	10
22	[2 Frozen Embryo Transfer Form] & Ultrasound Images of Twin Pregnancy	11
23	Record of Kaiser Fertility Clinic	12
24	Survival Child's [Severe Development Phonological Disorder]	13

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SECOND APPELLATE DISTRICT

✓
✓

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APPELLANT'S APPNEDIX

Volume Two

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APPELLANET'S APPENDIX

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10	Report of Nicole Chan L.C.S.W	7/25	17
11	Writing of Orthopedic Surgeon, Richard C. Rosenberg MD.	6/4	18
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14	PART 7: THE DEPOSITIONS		
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16	Deposition of Mr. Zhixun Sun	8/9/2016	20
17	Deposition of Mr. Charley Qin	5/5/2017	21
18	Deposition of Neurologist Dr. Michael P. Tan	11/1/2016	22

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jzelaya _____ Deputy Clerk

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Stanley Mosk Courthouse
Department 46, Honorable Judge Frederick C. Shaller

APPELLANT'S APPNEDIX

Volume Three

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3 **APPELLANT'S APPENDIX**

4 **VOLUME THREE**

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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
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COURT OF APPEAL - SECOND DIST.

F I L E D
Nov 30, 2018

DANIEL P. POTTER, Clerk
jzelaya Deputy Clerk

APPEAL from a Judgment after Jury Trial
The Superior Court of California, County of Los Angeles
Stanley Mosk Courthouse
Department 46, Honorable Judge Frederick C. Shaller

APPELLANT'S APPNEDIX

Volume Four

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APPELLANT'S APPENDIX

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