No. 23-1350

ORIGINAL

In The Supreme Court of the United States

ROBERT KORMAN AND NANCY RYTI,
Specially-Appearing Petitioners,

v.

SUPERIOR COURT OF THE STATE OF CALIFORNIA, SAN FRANCISCO,
Respondent.

CHARLES ADAM NUNZIATO,
Real Party in Interest.

ON PETITION FOR WRIT OF CERTIORARI TO THE CALIFORNIA SUPREME COURT

PETITION FOR A WRIT OF CERTIORARI

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QUESTION PRESENTED

Whether proof of a judge's commission of bias and prejudice against a litigant in a case alone mandates his immediate disqualification and reversal of all of his orders without the need for any additional proof from an extrajudicial source.

PARTIES TO PROCEEDING

The parties to this proceeding are Petitioners Robert Korman and his wife Nancy Ryti, California Supreme Court, California Court of Appeal First Appellate District, San Francisco Superior Court and real party in interest Charles Adam Nunziato.

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PETITION FOR WRIT OF CERTIORARI

Specially-appearing petitioners Robert Korman and his wife Nancy Ryit (Petitioners) petition this Court to review the California Supreme Court's improper summary denials of their petition for review and request for stay. Pet. App. D, 13a.

Petitioners request review of California Code of Civil Procedure § 170.2(b), the extrajudicial source rule, for Constitutional legitimacy, particularly where it unconstitutionally requires them to identify an unnecessary extrajudicial source to disqualify a judge, San Francisco Superior Court Hon. Harold E. Kahn (Judge Kahn) for his bias against them in a case. Pet. App. F, 15a.

In Petitioners' case, the extrajudicial source rule unconstitutionally burdens them with the unconstitutional obligation to identify a source outside of Plaintiff's improper lawsuit that establishes Judge Kahn's unabashed bias against them. Pet. Apps. A, C, 1a, 9a.

This added burden has produced the effect of trampling on Petitioners' Constitutional rights to due process, equal protection, an impartial tribunal and freedom from makeshift litigation. Pet. App. A-F, 1a-14a.

The extrajudicial source rule unconstitutionally operates in this case to drain what meager resources Petitioners currently have into the hands of opportunistic third parties who have absolutely no legal right to their property but for California's overbearing and arbitrary extrajudicial source rule. Pet. App. F, 15a.

If this Court determines that California's Code of Civil Procedure § 170.2(b) extrajudicial source rule is indeed unconstitutional, then Petitioners request that

this Court establish a nationwide federal rule abolishing the archaic and prejudicial extrajudicial source rule. Pet. App. F, 15a. This would serve to resolve the circuit split in authority and more efficiently safeguard litigants from the unacceptable scourge of judicial bias that tarnishes the "palladium" of federal and state judicial integrity. *Potashnick* v. *Port City Const. Co.*, 609 F.2d 1101, 1111 (5th Cir. 1980) (". . . [I]f any reasonable factual basis for doubting the judge's impartiality exists, the judge 'shall' disqualify himself . . . ."); *United Farm Workers of America* v. *Superior Court* (1985) 170 Cal.App.3d 97, 104 (". . . [I]f a reasonable man would entertain doubts concerning the judge's impartiality, disqualification is mandated."); *Spruance* v. *Commission on Judicial Qualifications* (1975) 13 Cal.3d 778, 802 (". . . [I]t is our duty to preserve the integrity and independence of the judiciary . . . .").

OPINIONS AND ORDERS BELOW

On October 23 2023, Judge Kahn issued a clearly biased order striking Petitioners' Motion to Disqualify him and summarily denied their request for a stay in proceedings (Motion). Pet. App. A, 1a.

On November 13, 2023, the California Court of Appeal denied Petitioners' Petition for Writ of Mandate, Prohibition or Other Appropriate Relief and Request for Stay to disqualify Judge Kahn (Writ). Pet. App. B, 8a.

On November 16, 2023, Judge Kahn issued another self-serving biased order striking Petitioners' Motion for Reconsideration of his order striking their Motion. Pet. App. C, 9a.

On December 13, 2023, the California Supreme Court summarily without reservation denied Petitioner's petition for review of the Court of Appeal's denial of their Writ and request for stay. Pet. App. D, 13a.

On February 16, 2024, another retired San Francisco Superior Court jurist Hon. Ronald E. Quidachay (Judge Quidachay) improperly summarily removed from the court's calendar Petitioners' scheduled hearing of their Motion for Reconsideration of Judge Kahn's order striking Petitioners' Motion for Reconsideration of his order striking their Motion. Petitioner Korman opposed the court's irrational tentative ruling issued the previous day and appeared on February 16, 2024 to argue his Motion. The court unusually made Petitioner Korman wait for two hours for his case to be called and then retired Judge Quidachay finally took the bench, summarily removed Petitioner Korman's Motion from the court's calendar and proceeded improperly to badger, criticize and harangue Petitioner Korman without letting him present his arguments, all in violation of due process, equal protection and the First and Fourteenth Amendments. Pet. App. E, 14a (Mini-Minutes of February 16, 2024 hearing).

JURISDICTION

On December 13, 2023, the California Supreme Court summarily denied Petitioners' petition to review the California Court of Appeal's denial of their Writ and request for stay. The Court's improper and groundless application of California Code of Civil Procedure § 170.2(b) to Petitioners' case draws into sharp-focused question this statute's palpably improbable Constitutional validity, at least as

improperly applied under these facts to Petitioners in violation of their due process, equal protection and First and Fourteenth Amendment rights to be free from any "hint or appearance" of judicial bias. *Potashnick* v. *Port City Const. Co.*, 609 F.2d 1101, 1111 (5th Cir. 1980).

The Court's purposeful misapplication of the outdated extrajudicial source statute is "repugnant to the Constitution" to the extent that it illicitly infringes on Petitioners' due process and equal protection rights. But for the Court's on-going errors in perpetuating a veritable rogues' gallery for opportunistic plaintiffs, Petitioners would be free otherwise from misguided and unsupported efforts to drag them unnecessarily into court and indefinitely held hostage by a partial tribunal that favors parties represented by counsel but disfavors disabled, elderly litigants specially appearing *in propria persona*. Petitioners merely are trying to defend themselves from fabricated claims and related judicial corruption and prejudice. Pet. App. A, 1a.

This Court therefore has jurisdiction under 28 U. S.C. § 1257 ("Final judgments or decrees rendered by the highest court of a State in which a decision could be had, may be reviewed by the Supreme Court by writ of certiorari . . . ."); *Banks* v. *California*, 395 U. S. 708 (1969) (requirement of first asking for Supreme Court of California review of the Court of Appeal's judgment before seeking U. S. Supreme Court review).

STATUTORY PROVISIONS

The pertinent statutory provisions are 28 U. S.C. § 455 (Disqualification of Justice, Judge, or Magistrate Judge) and California Code of Civil Procedure §§ 170.1 (Disqualification of Judges), 170.2(b) (extrajudicial source rule) and 170.4(b) (permitting trial judge to strike statement of disqualification against him or her); and 916 (Proceedings in Trial Court Stayed upon Perfection of Appeal). Pet. App. F, 15a.

STATEMENT OF THE CASE

I. Background

A. Respondent San Francisco Superior Court's Permission of Real Party-in-Interest's "Sewer Service" of Summons, Complaint, Request for Entry of Default, Statement of Damages and Proofs of Service on Petitioners Establishes Bias against Them.

Petitioners Robert Korman and Nancy Ryti are specially-appearing defendants in the underlying action now pending in Respondent San Francisco Superior Court, Department 501, entitled CHARLES ADAM NUNZIATO v. ROBERT KORMAN AND NANCY RYTI, ET AL., San Francisco Superior Court case no. CGC 22-601126 ("Lawsuit").

Respondent, the Superior Court of the State of California for the County of San Francisco, Honorable Harold E. Kahn (ret.) presiding by designation in Department 501 following Petitioners' peremptory challenge of Honorable Charles F. Haines, is now, and at all times mentioned has been, a duly constituted court exercising judicial functions in connection with the underlying action.

Charles Adam Nunziato is the plaintiff in the Lawsuit, and is the real party in interest herein (Plaintiff).

Plaintiff's counsel is Bryan A. Kurtz, Esq. and his law firm is Tenant Law Group. Mr. Kurtz, Esq.'s process server is Jeffrey Pink (Mr. Pink) of Are You Being Served?.

Plaintiff filed an original action for Wrongful Eviction on August 5, 2022.

Mr. Pink submitted in the Lawsuit a patently fraudulent Proof of Service and perjurious Declaration of Due Diligence falsely and perfunctorily stating that he personally served Petitioners at their residence, 3380 Jackson Street, San Francisco, California ("Residence") on September 7, 2022, at 2:13 p.m.

On May 24, 2023, Mr. Pink invented a corrupt deceitful scheme that he concocted inaccurately alleging that he personally served Plaintiff's Request for Entry of Default, Statement of Damages and Proofs of Service on Petitioners at their Residence. He lied by falsely stating, however, in his Declaration of Due Diligence filed on May 25, 2023 that he announced service and left documents on Petitioners' doorstep after whomever he thought he saw through their door obscured by a curtain had left.

B. Denial of Petitioners' Motion to Quash Is Further Evidence of Bias.

On May 26, 2023, Petitioners filed a Motion to Quash Mr. Pink's improper Service of Plaintiff's Request for Entry of Default, Statement of Damages and Proofs of Service (Motion). Hearing on Petitioners' Motion occurred on September 6, 2023 (Hearing). During the Hearing, Judge Kahn engaged in obvious indisputable

partiality against Petitioners and in clear favor of Plaintiff, which lacked justification or merit.

For example, during the Hearing, Petitioner Korman, who was personally in court, stated to Judge Kahn that the images on Zoom, including the image of witness Mr. Pink, in Department 501 were "blurry." Judge Kahn responded, "I think it's blurry no matter what angle you have." Reporter's Transcript of May 26, 2023 hearing on Petitioners' Motion to Quash (RT) 4:22-23. Judge Kahn made no due process effort to ameliorate the blurry obfuscated images, gravely disadvantaging Petitioners.

Judge Kahn unreasonably and groundlessly limited Petitioner Korman's cross-exam of Mr. Pink to "five minutes." RT 7:24.

Plaintiff's counsel Bryan A. Kurtz, Esq. attempted to interpose a frivolous, nonsensical, specious relevance objection to one of Petitioner Korman's questions about the date and time Mr. Pink first observed Petitioner Korman, but Judge Kahn wantonly ruled, "Mr. Kurtz, let's just go with the five minutes." RT 8:16-9:10.

Judge Kahn intentionally and schemingly interrupted Petitioner Korman's cross-exam of Mr. Pink by asking, "What's the question?" that required repetition of the question. RT 15:12-16:6.

Petitioner Korman asked Mr. Pink, "Well, if you didn't see them, then that means you weren't sure?" Judge Kahn intentionally interrupted Mr. Pink and prevented him from answering by unfairly and unconscionably stating, "Last question, and that's a rhetorical question. Okay." RT 16:13-16.

Petitioner Korman stated he had two cases to cite. Judge Kahn then stated, "You can cite your cases, but you're done with your cross-examination." RT 16:19-22.

Judge Kahn thereafter summarily and promptly confirmed his tentative ruling, summarily denied Petitioners' Motion and demanded that Petitioners file only an answer to Plaintiff's Complaint by September 29, 2023, despite Petitioner Korman's representation to the Court that he needs a stay of proceedings to exhaust his appeals. Plaintiff, in unison with Judge Kahn, had also previously improperly insisted and pressured that Petitioners only file an answer rather than some other responsive pleading such as a demurrer to or motion to strike Plaintiff's Complaint. RT 17:22-18:23.

C. Trial Court's Striking of Petitioners' Motion to Disqualify Judge Kahn Is More Evidence of Bias.

On September 27, 2023, Petitioners filed a C.C.P. § 170.1 Motion to Disqualify Judge Kahn for cause. On October 13, 2023, Petitioners served Judge Kahn with their Motion to Disqualify him. On October 23, 2023, Judge Kahn forthwith struck Petitioners' Motion to Disqualify him and, alternatively, filed a verified answer. Pet. App. A 1a.

On November 6, 2023, Petitioners filed a Motion for Reconsideration of Judge Kahn's Order striking their Motion to Disqualify him and a Petition for Writ of Mandate, Prohibition or other Appropriate Relief in the Court of Appeal. On November 16, 2023, Judge Kahn defiantly struck Petitioners' Motion for Reconsideration and, alternatively, filed a terse verified answer. Pet. App. C 9a.

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D. Court of Appeal's Summary Denial of Petitioners' Petition for Writ of Mandate, Prohibition and Other Appropriate Relief Endorsed the Trial Court's Bias.

On November 13, 2023, the Court of Appeal summarily denied Petitioners' November 6, 2023 Petition for Writ, effectively endorsing the unconstitutional extrajudicial source rule. Pet. App. B 8a; Pet. App. F 14a.

E. Supreme Court's Summary Denial of Petitioner's Petition for Review Endorsed Trial Court's Bias.

On December 13, 2023, the Supreme Court likewise summarily denied Petitioners' Petition for Review, effectively endorsing the unconstitutional extrajudicial source rule. Pet. App. D 13a; Pet. App. F 14a.

F. Trial Court's Summary Striking of Petitioners' Hearing on Their Motion for Reconsideration of Judge Kahn's Order Proves a Deliberate Effort to Avoid Addressing Bias and Infringed on Petitioners' Right to Be Heard.

On February 16, 2024, another retired San Francisco Superior Court judge Hon. Ronald E. Quidachay summarily struck Petitioners' court-scheduled hearing on their Motion for Reconsideration of Judge Kahn's November 16, 2023 order summarily and stridently striking their Motion for Reconsideration of Judge Kahn's October 23, 2023 order striking Petitioners' Motion to Disqualify him, after a lengthy uninformed diatribe inventing non-existent faults with Petitioners' pleadings and baselessly assuming all of their motions lacked legal merit or probity.

II. Procedural History

On August 5, 2022, real party-in-interest plaintiff and tenant Charles Adam Nunziato (Plaintiff) improperly filed an unsubstantiated wrongful eviction

complaint against disabled elderly petitioners and landlords Robert Korman and his wife Nancy Ryti (Petitioners) in San Francisco Superior Court, 400 McAllister Street, San Francisco, California.

Petitioners moved to quash real party-in-interest plaintiff Charles Adam Nunziato's (Plaintiff) improper service of his Summons and Complaint on them. Petitioners' motion was denied.

Petitioners then successfully peremptorily challenged the trial judge who was hearing their case, San Francisco Superior Court Hon. Charles F. Haines.

Petitioners moved to quash Plaintiff's improper service of his deficient Request for Entry of Default, Statement of Damages and Proofs of Service on them. Petitioners' motion was denied.

Petitioners then moved to disqualify the replacement trial judge who was hearing their case, retired San Francisco Superior Court Hon. Harold E. Kahn (Judge Kahn). On October 23, 2023, Judge Kahn improperly struck their Motion to Disqualify him. Appendix A.

On November 13, 2023, the California Court of Appeal First Appellate District summarily denied Petitioners' Writ of Mandate, Prohibition or Other Appropriate Relief. Appendix B.

On November 16, 2023, Judge Kahn struck Petitioners' Motion for Reconsideration of his order striking their Motion to Disqualify him. Appendix C.

On December 13, 2023, the California Supreme Court summarily Petitioners' Petition for Review. Appendix D.

On February 7, 2024, retired San Francisco Superior Court Hon. Ronald E. Quidachay improperly removed from the court's calendar the scheduled hearing on Petitioners' Motion for Reconsideration of Judge Kahn's order striking their Motion to Disqualify him. Appendix E.

REASONS FOR GRANTING PETITION

I. The Court Should Grant Review to Resolve a Pivotal and Weighty Circuit Split on the Proper Standard to Disqualify Trial Court Judges.

This Court should grant review to resolve a longstanding federal circuit and California appellate split on the proper standard to apply to disqualification of judges for bias. *Moskal* v. *United States*, 498 U. S. 103, 106 (1990) (". . . [W]e granted certiorari to resolve a divergence of opinion among the Courts of Appeals. (citations omitted)"); 28 U. S.C. § 455; Cal. Code Civ. Proc. §§ 170.1, 170.2(b), 170.4, 916; Cal. Rules of Court, Rule 8.500(b)(1).

Some federal circuits arbitrarily require litigants to prove judges' bias or prejudice from an "extrajudicial source" to warrant disqualification. *Wolfson* v. *Palmieri*, 396 F.2d 121, 124-125 (2d Cir. 1968) (citing *United States* v. *Grinnell Corp.*, 384 U. S. 563, 583 (1966)); *United States* v. *Mitchell*, 886 F.2d 667, 671 (4th Cir. 1989) (" 'The alleged bias must derive from an extra-judicial source. It must result in an opinion on the merits on a basis other than that learned by the judge from his participation in the matter.' *In re Beard,* 811 F.2d 818, 827 (4 Cir.1987)."); *Hale* v. *Firestone Tire & Rubber Co.*,756 F.2d 1322, 1329 (8th Cir. 1985) ("Facts learned by a judge in his judicial capacity cannot be the basis for disqualification. (citations omitted)."). "On the other hand, to establish the extrajudicial source of

bias and prejudice would often be difficult or impossible and this is not required." *Wolfson* v. *Palmieri*, 396 F.2d 121, 124-125 (2d Cir. 1968).

Other circuits adhere to a less draconian more Constitutionally appropriate rule that does not require stringent, inflexible establishment of an extrajudicial source of bias and prejudice to warrant judicial disqualification. *Potashnick* v. *Port City Const. Co.*, 609 F.2d 1101, 1110-1111 (5th Cir. 1980); *United Farm Workers of America* v. *Superior Court* (1985) 170 Cal.App.3d 97, 104.

> Clearly, the goal of the judicial disqualification statute is to foster the *appearance* of impartiality. *Cf.* E. Thode, *Reporter's Notes to Code of Judicial Conduct* 60-61 (1973). This overriding concern with appearances, which also pervades the Code of Judicial Conduct and the ABA Code of Professional Responsibility, stems from the recognized need for an unimpeachable judicial system in which the public has unwavering confidence. As this court has noted, 'the protection of the integrity and dignity of the judicial process from any hint or appearance of bias is the palladium of our judicial system.' *United States* v. *Columbia Broadcasting System, Inc.*, 497 F.2d 107, 109 (5th Cir. 1974).[8] Any question of a judge's impartiality threatens the purity of the judicial process and its institutions.
>
> *Potashnick* v. *Port City Const. Co.*, 609 F.2d 1101, 1111 (5th Cir. 1980).

Establishing a bright-line rule that holds judicial bias from any source mandates a judge's immediate disqualification would necessarily protect "the integrity and dignity of the judicial process from any hint or appearance of bias . . . ." *Ibid.*

Failing to do so, therefore, would tarnish the "palladium of our judicial system." *Id.* A new federal rule requiring the immediate disqualification of judges who threaten the integrity and dignity of the judicial process by causing through their own acts or omissions any hint or appearance of bias would eliminate

therefore the threat partiality poses to "the purity of the judicial process and its institutions." *Potashnick* v. *Port City Const. Co.*, 609 F.2d 1101, 1111 (5th Cir. 1980).

Moreover, a well-etched bright-line, vivid, brilliant federal rule would eliminate the severe, brutally grim extrajudicial source requirement that a hindered, oppressed litigant already faces while under attack by a biased, bigoted, intolerant, overtly callous judge in a case. This new rule would secure uniformity of decision, settle this important question of law and provide greater access to courts nationwide by relieving litigants from partial judges who succumb to the latent temptation to insert themselves unnecessarily into cases that the extrajudicial source requirement improperly causes. *Potashnick* v. *Port City Const. Co.*, 609 F.2d 1101, 1110-1111 (5th Cir. 1980); Cal. Rules of Court. Rule 8.500(b)(1).

Removing the requirement of providing an extrajudicial source for judicial bias and prejudice will better promote due process, equal protection and First and Fourteenth Amendment rights for disabled and elderly litigants that is sorely lacking in the current split regime. *Ibid.*

"From the very beginning, our state and national constitutions and laws have laid great emphasis on procedural and substantive safeguards designed to assure fair trials before impartial tribunals in which every defendant stands equal before the law." *Gideon v. Wainwright*, 372 U. S. 335, 344 (1962).

"Such an opportunity, where the state has undertaken to provide it, is a right which must be made available to all on equal terms." *Brown v. Board of*

Education, 347 U. S. 483, 493 (1953) (overruling *Plessy v. Ferguson*, 163 U. S. 537 (1896)).

"If the State does not desire to appear, we request the Attorney General to advise whether the State's default shall be construed as a concession of invalidity." *Brown v. Board of Education*, 344 U. S. 141, 142 (1952).

"When contending parties invoke the process of the courts, however, it becomes our unsought responsibility to resolve the federal and constitutional issues the judicial system has been forced to confront." *Bush v. Gore*, 531 U. S. 98, 111 (2000).

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". . . [D]efendant's practice consists of repeated violations of specific statutory provisions of both the Code of Civil Procedure and the Civil Code; such a pattern of behavior clearly constitutes 'unlawful' conduct, and if an enterprise pursues such a course of conduct as a 'business practice,' we conclude that the activity may be enjoined under section 3369." *Barquis* v. *Merchants Collection Assn.* (1972) 7 Cal.3d 94, 113.

Accordingly, Petitioners request that the Court grant review to resolve the circuit split on the proper standard to apply to disqualify trial court judges in favor of the more principled reasonable person standard and rejection of the draconian extrajudicial source standard. *Potashnick* v. *Port City Const. Co.*, 609 F.2d 1101, 1110-1111 (5th Cir. 1980).

Summary denials of Petitioners' petition by the California Supreme Court and writ of mandate, prohibition or other appropriate relief by the Court of Appeal highlight the oppressive onus created by the impermissible split of authority in the federal circuits on the proper standard that should apply to disqualify biased trial court judges. Pet. Apps. B, D 8a, 13a.

If this Court were to establish a pristine bright line rule by reversing all of Judge Kahn's contestable, dubious, unconscionable orders in the State of California without requiring any extrajudicial source of bias, then courts nationwide would receive from this Court more consistent, orderly and uniform guidance on how to

disqualify conspicuously, unquestionably biased judges according to the less severe rule that does not require an extrajudicial source of bias in favor of the less severe reasonable person standard.

Resolution of the federal circuit split would then provide a national federal bright-line rule to California courts on how to apply properly and more efficiently California Code of Civil Procedure section 170.1 to trial judges. California Rules of Court, rule 8.500(b)(1); *United Farm Workers of America* v. *Superior Court* (1985) 170 Cal.App.3d 97, 104; Pet. App. 1a, 9a, 14a.

A discernible split of authority also exists at the state level in California about the proper standard to apply for disqualifying judges. The Fifth Appellate District follows a reasonable person standard, but the First Appellate District follows a more judge-oriented abuse of discretion rule. A clearly demarcated well-illuminated bright line federal rule from the U. S. Supreme Court would resolve this burdensome and time-consuming split that unconstitutionally burdens litigants.

The California Supreme Court's summary denial of Petitioners' Petition for Review and Court of Appeal's summary denial of Petitioners' Writ conflict with *United Farm Workers of America* v. *Superior Court* (1985) 170 Cal.App.3d 97, 104 in that it says nothing at all about whether a reasonable person would entertain doubts about Judge Kahn's candor, impartiality or probity. This Court should take into further account that Judge Kahn is a retired judge who is sitting by designation after Petitioners successfully peremptorily challenged Hon. Charles F. Haines in Department 501 of San Francisco Superior Court.

The subjective, unsubstantiated denial of Petitioners' Writ therefore creates an impermissible disagreeable schism and split of authority between the First and Fifth Appellate Districts concerning the appropriate legal standard for disqualification of partial judges. Cal. Rules of Court, rule 8.500(b)(1).

Petitioners assert that California's First Appellate District should follow its Fifth Appellate District's reasonable person standard as announced in *United Farm Workers of America* v. *Superior Court* (1985) 170 Cal.App.3d 97, 104, rather continue to adhere to its unconstitutional subjective standard in order to fulfill its ". . . duty to preserve the independence and integrity of the judiciary." *Spruance* v. *Commission on Judicial Qualifications* (1975) 13 Cal.3d 778, 802.

The Supreme Court has the singular authoritative power to resolve this split to benefit all Californians by reversing the California Supreme Court's facile denial of Petitioners' Petition for Review and Court of Appeal's jejune summary denial of Petitioners' Writ, which would operate "to secure uniformity of decision." California Rules of Court, rule 8.500(b)(1); *Barquis* v. *Merchants Collection Assn.* (1972) 7 Cal.3d 94, 113.

II. Stay Is Necessary to Prevent Irreparable Harm to Petitioners.

A stay of further proceedings in the trial court is necessary to preserve the *status quo* and provide this Court with sufficient time to consider this Petition to prevent further irreparable harm to Petitioners. Cal. Code Civ. Proc. § 1086; *Palma* v. *U. S. Industries Fasteners, Inc.* (1984) 36 Cal.3d 171, 182 (stay on summary judgment writ of mandate ". . . to remain in effect 'pending finality of this writ.' ").

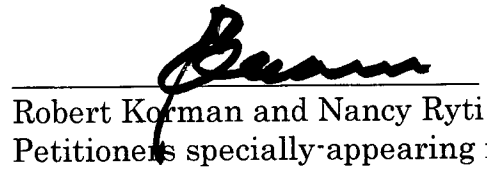
"If there is an internal tension between proscription and protection in the statute, we cannot assume that, in its subsequent enforcement, ambiguities will be resolved in favor of adequate protection of First Amendment rights." *N.A.A.C.P.* v. *Button*, 371 U. S. 415, 438 (1962). "Precision of regulation must be the touchstone in an area so closely touching our most precious freedoms." *N.A.A.C.P.* v. *Button* (1962) 371 U. S. 415, 438. "Engrained in our concept of due process is the requirement of notice." *Lambert* v. *California*, 355 U. S. 225, 228 (1957).

Accordingly, the California Supreme Court's summary denial of Petitioners' Petition for Review adversely affects administration of procedural laws by allowing the flagrant misuse of trial judge disqualification statutes to misappropriate funds that the Legislature did not appropriate. Pet. App. 13a, 14a; *United States* v. *Commodities Trading Corp.*, 339 U. S. 121, 130 (1949); *Edwards* v. *California*, 314 U. S. 160, 177 (1941); *United States* v. *The Libellants, etc., of the Schooner Amistad*, 40 U. S. 518, 594 (1841) ("Fraud will vitiate any, even the most solemn transactions; and an asserted title to property, founded upon it, is utterly void.").

CONCLUSION

For the foregoing reasons, Petitioners respectfully requests that this Court grant their Petition for Writ of Certiorari.

Respectfully submitted,



Robert Kor[illegible]man and Nancy Ryti
Petitioners specially-appearing i*n propria persona*

Dated: April 5, 2024