

APPENDIX

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN FRANCISCO

CHARLES ADAM NUNZIATO

CASE No. 22-601126

PLAINTIFF

v.

ROBERT J. KORMAN, ET AL.

DEFENDANTS

ORDER STRIKING
VERIFIED MOTION TO
DISQUALIFY HON.
HAROLD E. KAHN AND
TO STAY PROCEEDINGS
IN THE ALTERNATIVE,
VERIFIED ANSWER OF
JUDGE HAROLD E. KAHN

FILED OCT. 23, 2023 -
DEPUTY CLERK OF THE
COURT "JULIO...R.M."
HAROLD KAHN, "s/"
JUDGE OF THE SUPERIOR
COURT

APPENDIX A – SAN FRANCISCO SUPERIOR COURT RETIRED JUDGE
HAROLD E. KAHN’S ORDER FILED OCTOBER 23, 2023 STRIKING
PETITIONERS’ MOTION TO DISQUALIFY JUDGE KAHN

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN FRANCISCO

CHARLES ADAM NUNZIATO,

Plaintiff,

v.

ROBERT J. KORMAN, et al.,

Defendants.

Case No.: CGC 22-601126

ORDER STRIKING VERIFIED
MOTION TO DISQUALIFY HON.
HAROLD E. KAHN AND TO STAY
PROCEEDINGS; IN THE
ALTERNATIVE, VERIFIED ANSWER
OF JUDGE HAROLD E. KAHN

On August 5, 2022, plaintiff Charles Adam Nunziato filed a complaint for wrongful eviction against defendants Robert J. Korman, individually and as trustee of the Korman Family Irrevocable Trust, and Nany E. Ryti, individually and as trustee of the Nancy E. Ryti Spousal Trust.

On October 6, 2022, defendants filed a motion to quash service of the summons or stay or dismiss. Defendant's motion was heard by the Honorable Charles F. Haines, Judge of the Superior Court of California, County of San Francisco (Judge Haines), who denied the motion. Thereafter, defendants filed a motion for reconsideration of Judge Haines's order, which was denied by Judge Haines.

On May 26, 2023, defendants filed a motion to quash service of plaintiff's request for entry of default, statement of damages, and proof of service. Plaintiff filed an opposition. Both sides presented declarations in support of, and opposition to the motion. The hearing of defend motion was assigned to the undersigned retired judge of the Superior Court, sitting by assi to the real property court of the Superior Court of California, County of San Francisco. September 5, 2023, a tentative ruling on defendants' motion was posted online. The next day, at the

hearing of defendants' motion, defendant Robert J. Korman stated that he had additional documents that he wanted to introduce into evidence at the hearing. The Court granted defendants' request. Additionally, defendant Robert J. Korman stated that he intended to cross-examine the process server at the motion hearing. The Court granted defendant's request to present oral testimony but placed a five-minute time limit on the examination. After the examination, defendant Robert J. Korman argued against the tentative. The Court then issued an order declining defendants' motion.

On September 27, 2023, defendants filed the instant "Specially Appearing Defendants' Notice of and Verified Motion to Disqualify Hon. Harold E. Kahn and to Stay Proceedings" (statement of disqualification). On October 13, 2023, defendants served the statement of disqualification on the undersigned judicial officer. In the statement of disqualification, defendants claim that the Court's limitation on plaintiff's presentation of oral testimony at the hearing of the motion, and the Court's order denying defendants' motion, demonstrate that the undersigned judicial officer is biased against defendants. Additionally, defendants contend that a person aware of the facts might reasonably entertain a doubt that the Court would be impartial.

Defendants' statement of disqualification does not state facts which constitute ground for disqualification of the Court pursuant to Code of Civil Procedure section 170.1. Where, as here the disqualification statement does not reveal any grounds for disqualification on its face, the Court can strike the statement of disqualification. (Code Civ. Proc. §170.4(b); *Neblett v. Pacific Mutual Life Ins. Co.* (1943) 22 Cal.2d 393, 401.)

Code of Civil Procedure section 170.3(c)(1) requires that the statement of disqualification set forth "the facts constituting the grounds" for the disqualification of the judge. Mere allegations setting forth the conclusions of the declarant do not constitute such facts. (*Ephraim v. Superior Court* (1941) 42 Cal.App.2d 578, 578-

579; *Urias v. Harris Farms, Inc.* (1991) 234 Cal.App.1.3d 415, 426.) As the party seeking the disqualification of the Court, defendants have the burden of showing that the Court is biased or prejudiced; and, in the absence of proof, the presumption is that no bias or prejudice exists. (*Betz v. Pankow* (1993) 16 Cal.App.4th 919, 926; *see also, Estate of Buchman* (1955) 132 Cal.App.2d 81, 104.) The party raising the issue of bias "has a heavy burden and must 'clearly' establish the appearance of bias." (*Wechsler v. Superior Court* (2014) 224 Cal.App.4th 384, 391.)

Defendants did not meet their burden. California Rules of Court, rule 3.1306(a) states that "[e]vidence received at a law and motion hearing must be by declaration or request for judicial notice without testimony or cross-examination, unless the court orders otherwise for good cause shown." The defendants here were not entitled as a matter of right to call witnesses and present oral testimony at the motion hearing as they claim. That the Court granted defendants' request to call the process server as a witness at the motion hearing, but limited the time of defendants' examination, is not a fact that clearly establishes bias by any objective standard. That the Court issued an order denying defendants' motion is not a fact that establishes bias by any objective standard. Yet, "[i]n the context of judicial recusal, '[p]otential bias and prejudice must clearly be established by an objective standard.'" (*Haworth v. Superior Court* (2010) 50 Cal 4th 372, 389; *Roitz v. Coldwell Banker Residential Brokerage Co.* (1998) 62 Cal.App.4th 716, 724 ("Potential bias and prejudice must clearly be established.")) Defendants' subjective belief that the Court is biased against them is irrelevant and not controlling in a motion to disqualify for cause. (*United Farm Workers of America v. Superior Court* (1985) 170 Cal.App.3d 97, *Stanford University v. Superior Court* (1985) 173 Cal.App.3d 403, 408 ("the litigant's necessarily partisan views do not provide the applicable frame of reference.")) "[T]he partisan litigant emotionally involved in the controversy underlying the

lawsuit is not the disinterested objective observer whose doubts concerning the judge's impartiality provide the governing stand (*Haworth*, at p. 389.) Rather, "[t]o show bias or prejudice . . . there must be declarations showing indications of personal bias or the existence of some fixed anticipatory prejudgment." (*In re the Marriage of Fenton* (1982) 134 Cal.App.3d 451, 457.) No such showing was made here.

As stated in *People v. Ford* (1914) 25 Cal.App. 388,395:

It is not sufficient in a case of this kind, to allege in the affidavit simply that the defendant believes that he cannot have a fair and impartial trial, etc., but it must be made to appear by the affidavit or affidavits on file that a fair and impartial trial cannot be had before the judge about to try the case, by reason of the bias and prejudice of such judge. (Citation.) The affidavit or affidavits must not only state facts, but the facts stated must establish to the satisfaction of a reasonable mind that the judge has a bias or prejudice that will in all probability prevent him from dealing fairly with the defendant.

Additionally, the court in *Ensher, Alexander & Barsoom, Inc. v. Ensher* (1964) Cal.App.2d 318, 322-323, stated: Bias or prejudice consists of a 'mental attitude or disposition of the judge towards a party to the litigation . . .' (Citation.) In order for the judge to be disqualified, the prejudice must be against a particular party . . . and sufficient to impair the judge's impartiality so that it appears probable that a fair trial cannot be held. (Citations.), (*See also, Flier v. Superior Court* (1994) 23 Cal.App.4th 165, 171 ("[T]he challenge must be to the effect that the judge would not be able to be impartial toward a particular party.").)

"To disqualify a judge, the alleged bias must constitute 'animus more active and deep-rooted than an attitude of disapproval toward certain persons because of their known conduct.'" (*U.S. v. Wilkerson* (9th Cir. 2000) 208 F.3d 794, 799.) Defendants did not clearly establish the undersigned judicial officer has an

active, deep-rooted animus towards them. Nor did clearly establish that a person aware of the facts might reasonably entertain a doubt that the undersigned judicial officer would be fair and impartial in this matter. The test for such a determination is an objective one; "whether a reasonable member of the public at large, aware of all the facts, would fairly entertain doubts concerning the judge's impartiality." (*Briggs v. Superior Court* (2001) 87 Cal.App.4th 312, 319.)

The 'reasonable person' is not someone who is 'hypersensitive or unduly suspicious,' but rather is a 'well-informed, thoughtful observer.' (Citation.) '[T]he partisan litigant emotionally involved in the controversy underlying the lawsuit is not the *disinterested objective observer* whose doubts concerning the judge's impartiality provide the governing standard.' (Citations.) (*Wechsler v. Superior Court* (2014) 224 Cal. App. 4th 384, 391.)

The disinterested objective observer would not have doubts as to whether the undersigned judicial officer would be fair and impartial in this case because the present challenge is based entirely on the Court's statements, decisions and rulings issued during the proceedings in this case. Code of Civil Procedure section 170.2, subdivision (b), makes clear that it is not ground for disqualification that a judge "[h]as in any capacity expressed a view on a legal or factual issue presented in the proceeding...." Moreover, "judicial remarks during the course of a trial that are critical or disapproving of, or even hostile to the parties or their cases, ordinarily do not support bias or partiality challenge." (*Liteky v. United States* (1994) 510 U.S. 540, 555; *see also, Marr v. Southern California Gas Co.* (1925) 195 Cal. 352, 354.)

[O]pinions formed by the judge on the basis of facts introduced or events occurring in the course of the current proceedings, or of prior proceedings, do not constitute a basis for a bias or partiality motion unless they display a

deep-seated favoritism or antagonism that would make fair judgment impossible.

(*Liteky*, 510 U.S. at 555; *see also*, *Marr v. Southern California Gas Co.* (1925) 195 Cal. 352, "[A] judge will normally and properly form opinions on the law, the evidence and witnesses, from the presentation of the case. These opinions and expressions thereof make critical or disparaging to one party's position, but they are reached after a hearing performance of the judicial duty to decide the case, and do not constitute a ground for disqualification." (*Haldane v. Haldane* (1965) 232 Cal.App.2d 393, 395.) "When making a ruling, a judge interprets the evidence, weighs credibility, and makes findings. In doing so, the judge necessarily makes and expresses determinations in favor of and against parties. How could it be otherwise? We will not hold that every statement a judge makes to explain his or her reason for ruling against a party constitutes evidence of judicial bias.

Colombo (2003) 111 Cal.App.4th 1210, 1219.)

In *McEwen v. Occidental Life Ins. Co.* (1916) 172 Cal. 6, the court stated that findings based upon evidence and argument officially presented can almost never constitute a valid basis for disqualification. "Erroneous rulings against a litigant, even when numerous and continuous, do not establish a charge of bias and prejudice." (*Dietrich v. Litton Industries, Inc.* (1970) 1 Cal.App.3d 704, 719.) A party's remedy for an erroneous ruling is not a motion to disqualify but rather review by appeal or writ. (*McEwen v. Occidental Life Ins. Co.*, at p. 11; *see also*, *Ryan v. Welte* (1948) 87 Cal.App.2d 888, 893, "[A] wrong opinion on the law of a case does not disqualify a judge, nor is it evidence of bias or prejudice.") Otherwise, "no judge who is reversed by a higher court on any ruling or decision would ever be qualified to proceed further in the particular case." (*Ryan v. Welte*, 87 Cal.App.2d at 893.) The proper remedy is an appeal from the erroneous ruling. (*Ibid.*)

As stated in *Liteky*, *supra*, 510 U.S. at 555:

[J]udicial rulings alone almost never constitute valid basis for a bias or partiality motion. (Citation.) In and of themselves ... they cannot possibly show reliance upon an extrajudicial source; and can only in the rarest circumstances evidence the degree of favoritism or antagonism required ... when no extrajudicial source is involved. Almost invariably, they are proper grounds for appeal, not for recusal. In this case, if defendants disagreed with the Court's ruling, their remedy was by way of an appeal or writ petition. Code of Civil Procedure section 170 states that it is the duty of the judge to hear matters assigned to him or her. Indeed, the Court of Appeal has stated that it is the court's *obligation* not to recuse itself where there are no grounds for disqualification.

Judicial responsibility does not require shrinking every time an advocate asserts the objective and fair judge appears to be biased. The duty of a judge to sit where not disqualified is equally as strong as the duty not to sit when disqualified. (Citation.) (*Briggs v. Superior Court* (2001) 87 Cal.App.4th 312, 319.)

Accordingly, because defendants' statement of disqualification discloses no legal ground for disqualification on its face, it is ordered stricken pursuant to Code of Civil Procedure section 170.4, subdivisions (b).

The parties are reminded that this determination of the question of disqualification is an appealable order and may be reviewed only by a writ of mandate from the Court of Appeal sought within 10 days of notice to the parties of the decision. (Code of Civ. Proc., § 170.3(d).)

In the event that a timely writ is sought and an appellate court determines that an answer should have been timely filed, such an answer is filed herewith.

GOOD CAUSE APPEARING THEREFORE, It is so ordered.

Date: October 20, 2023



Harold E. Kahn,

Judge of the Superior Court, Ret.

CALIFORNIA COURT OF APPEAL
FIRST APPELLATE DISTRICT
DIVISION FIVE

KORMAN ET AL,
Appellants

CASE NO. A169008

v.

THE SUPERIOR COURT OF
THE CITY AND COUNTY
OF SAN FRANCISCO
Respondent

PETITION SUMMARILY
DENIED BY ORDER

CHARLES D. JOHNSON
CLERK/EXECUTIVE
OFFICER
ELECTRONICALLY
FILED ON 11/13/2023
BY A. REASONER,
DEPUTY CLERK

CHARLES ADAM NUNZIATO,
Real Party In Interest

DATE: 11/13/2023
"s/" JACKSON, P. J.

APPENDIX B – CALIFORNIA COURT OF APPEAL’S NOVEMBER 13, 2023
DENIAL OF PETITIONERS’ WRIT OF MANDATE, PROHIBITION OR OTHER
APPROPRIATE RELIEF AND REQUEST FOR STAY TO DISQUALIFY JUDGE
KAHN

CALIFORNIA COURT OF APPEAL
FIRST APPELLATE DISTRICT
DIVISION 5

Korman et al.,

Appellants,

v.

The Superior Court of the City and
County of San Francisco,

Respondent.

Charles Adam Nunziato,

Real Party in Interest.

Case No. A169008

PETITION SUMMARILY DENIED BY
ORDER

BY THE COURT:*

The petition for writ of mandate, prohibition, or other appropriate relief, along with the related request for a stay, are denied. Petitioners have failed to demonstrate the court erred in striking their verified motion to disqualify the trial judge on the ground the motion discloses no legal grounds for disqualification. (Code Civ. Proc., §§ 170.2, subd. (b), 170.4, subd. (b); see *Dietrich v. Litton Industries, Inc.* (1970) 12 Cal.App.3d 704, 719 [claims that court's rulings are erroneous do not establish bias or prejudice]; *Ryan v. Welte* (1948) 87 Cal.App.2d 888, 893 [same]; see also *Urias v. Harris Farms, Inc.* (1991) 234 Cal.App.3d 415, 426 [conclusory allegations do not support challenge for cause].)

* Before Jackson, P.J., Simons, J., and Chou, J.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN FRANCISCO

CHARLES ADAM NUNZIATO, CASE NO. 22-601126

Plaintiff

v.

ROBERT J. KORMAN, et al.,

Defendants

ORDER STRIKING DEFENDANTS'
"NOTICE OF AND JOINT MOTION
FOR RECONSIDERATION OF
HON. HAROLD KAHN'S OCTOBER
23, 2023 ORDER..." IN THE
ALTERNATIVE, VERIFIED ANSWER
OF JUDGE HAROLD E. KAHN

FILED NOV. 16, 2023 KENNETH
HUNT DEPUTY CLERK OF THE
SUPERIOR COURT

DATE NOV. 16, 2023 "s/" HAROLD
KAHN, JUDGE OF THE SUPERIOR
COURT

APPENDIX C – SAN FRANCISCO SUPERIOR COURT JUDGE KAHN'S ORDER
FILED NOVEMBER 16, 2023 STRIKING PETITIONERS' MOTION FOR
RECONSIDERATION OF JUDGE KAHN'S ORDER STRIKING THEIR MOTION
TO DISQUALIFY JUDGE KAHN

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN FRANCISCO

CHARLES ADAM NUNZIATO,

Plaintiff,

v.

ROBERT J. KORMAN, et al.,

Defendants.

Case No.: CGC 22-601126

ORDER STRIKING DEFENDANTS'
"NOTICE OF AND JOINT MOTION
FOR RECONSIDERATION OF HON.
HAROLD E. KAHN'S OCTOBER 23,
2023 ORDER STRIKING SPECIALLY-
APPEARING DEFENDANTS' MOTION
TO DISQUALIFY HON. HAROLD E.
KAHN AND TO STAY PROCEEDINGS"
("SECOND STATEMENT OF
DISQUALIFICATION"); IN THE
ALTERNATIVE, VERIFIED ANSWER
OF JUDGE HAROLD E. KAHN

* * *

On October 23, 2023, the Court issued an order striking the first statement of disqualification on the basis that it failed to state grounds for disqualification on its face.

On November 6, 2023, defendants filed "Notice of and Joint Motion for Reconsideration of Hon. Harold E. Kahn's October 23, 2023 Order Striking Specially Appearing Defendants' Motion to Disqualify Hon. Harold E. Kahn and to Stay Proceedings" in which they allege that new grounds for the judge's disqualification exist. The purported new grounds for disqualification are "Judge Kahn's on-going refusal to recuse himself and Defendants' submission on

November 6, 2023 of a Writ of Mandate, Prohibition or Other Appropriate Relief to reverse Judge Kahn's [Strike] Order."¹ Regarding the claim of an on-going refusal to recuse, defendants contend that the undersigned judicial officer erred in striking the first statement of disqualification. Defendant further contend that the undersigned had an obligation to recuse when defendants filed their first statement of disqualification and has a continued obligation to recuse based on the allegations set forth in the first statement of disqualification. Defendants seek an order 1) "reversing" the order striking the first statement of disqualification; 2) disqualifying the undersigned judicial office from presiding over this case; and 3) staying the case "until Plaintiff properly serves Plaintiff's documents on Defendants in compliance with California's service statutes." Code of Civil Procedure section 170.3 sets forth the exclusive means for seeking a judge's disqualification pursuant to Code of Civil Procedure section 170.1. (*See, People v. Nieves* (2021) 11 Cal.5th 404,498, fn. 13; *PBA, LLC v. KPOD, Ltd.* (2003) 112 Cal.App.4th 965, 971.) There is no provision in Code of Civil Procedure section 170.3 which permits a party to file a motion for reconsideration of an order denying or striking the statement of disqualification. Indeed, statement of disqualification is not a motion, and law and motion procedural rules do not apply. (*Urias v. Harris Farms, Inc.* (1991) 234 Cal.App.3d 415, 422; *Truck Ins. Exchange v. Superior Court* (1998) 67 Cal.App.4th 142, 147.) Rather, if a party disagrees with the order denying or striking the statement of disqualification, the exclusive means of challenging that order is by petition for writ of mandate to a higher court pursuant to Code of Civil Procedure section 170.3(d). (*Rivera v. Hillard* (2023) 89 Cal.App.5th 964,976; *PBA, LLC v. KPOD, Ltd.*, 112 Cal.App.4th at 971.) On the other hand, if a party believes that there are facts constituting *new* grounds for a judge's disqualification pursuant to Code of Civil Procedure section 170.1, the party's remedy is not to file a motion for reconsideration but to file

and serve a written verified statement of disqualification which sets forth the facts constituting the new grounds. (Code Civ. Proc., § 170.3(c)(1).)

In this case, defendants' exclusive remedy if they disagreed with the order striking the first statement of disqualification was to file a petition for writ of mandate to a higher court. Defendant did file such a petition in the Court of Appeal. To the extent that defendants believe that there are facts constituting new grounds for the judge's disqualification, their remedy is to file a second statement of disqualification pursuant to Code of Civil Procedure section 170.3. In this instance, defendants title their pleading a motion for reconsideration, but because section 170.3 does not authorize a motion for reconsideration, and because defendants seek the undersigned judicial officer's disqualification based on purported new grounds for disqualification, the Court construe defendants' filing as a second statement of disqualification pursuant to Code of Civil Procedure section 170.3.² Code of Civil Procedure section 170.4(c)(3) states:

A party may file no more than one statement of disqualification against a judge unless facts suggesting new grounds for disqualification are first learned of or arise after the first statement of disqualification was filed. Repetitive statements of disqualification not alleging facts suggesting new grounds for disqualification shall be stricken by the judge against whom they are filed. Although defendants claim to set forth facts constituting new grounds for disqualification of the undersigned judicial officer in the second statement of disqualification, it is based entirely on the same facts and grounds for disqualification as set forth in the first statement of disqualification. In the second statement of disqualification, defendants contend that the undersigned judicial officer should have recused himself when the first statement of disqualification was filed, and should recuse now because of the facts and allegations set forth in the first statement of disqualification. These are not facts constituting new grounds for disqualification. Accordingly, because the second statement of disqualification is impermissibly repetitive of the prior

challenge, it is ordered stricken pursuant to Code of Civil Procedure section 170.4(c)(3).³

Additionally, defendants' second statement of disqualification does not state facts which constitute grounds for disqualification of the Court pursuant to Code of Civil Procedure section 170.1. Where, as here, the disqualification statement does not reveal any grounds for disqualification on its face, the Court can strike the statement of disqualification. (Code Civ. Proc. § 170.4(b); *Neblett v. Pacific Mutual Life Ins. Co.* (1943) 22 Cal.2d 393, 401.)

* * *

Accordingly, because defendants' second statement of disqualification is repetitive of the first statement of disqualification and discloses no legal grounds for disqualification on its face, it is ordered stricken pursuant to Code of Civil Procedure section 170.4, subdivisions (b) and (c).

The parties are reminded that this determination of the question of disqualification is an appealable order and may be reviewed only by a writ of mandate from the Court of Appeal sought within 10 days of notice to the parties of the decision. (Code of Civ. Proc., § 170.3(d).)

In the event that a timely writ is sought and an appellate court determines that an answer should have been timely filed, such an answer is filed herewith.

GOOD CAUSE APPEARING THEREFORE, It is so ordered.

Date: November 15, 2023



Harold E. Kahn,
Judge of the Superior Court,

IN THE SUPREME COURT OF CALIFORNIA
En Banc

CASE NO. S282811

Robert Korman, et al.,

Petitioners

v.

The Superior Court of the City and
County of San Francisco,

Respondent

The Petition for Review and
Application for stay are denied

Charles Adam Nunziato,
Real Party in Interest

SUPREME COURT - FILED
DEC. 13, 2023 Jorge Navarette
"s/" CLERK _____ DEPUTY

APPENDIX D – CALIFORNIA SUPREME COURT'S DECEMBER 13, 2023
DENIAL OF PETITIONERS' PETITION TO REVIEW COURT OF APPEAL'S
DENIAL OF THEIR WRIT AND REQUEST FOR STAY

CALIFORNIA SUPREME COURT

Korman et al.,

Petitioners,

v.

The Superior Court of the City and
County of San Francisco,

Respondent.

Charles Adam Nunziato,

Real Party in Interest.

Case No. S282811

PETITION AND STAY DENIED

Petition and Stay denied.

APPENDIX E – MINI-MINUTES OF SAN FRANCISCO SUPERIOR COURT
RETIRED JUDGE RONALD E. QUIDACHAY'S FEBRUARY 16, 2024 REMOVAL
FROM THE COURT'S CALENDAR OF PETITIONERS' SCHEDULED HEARING
ON THEIR MOTION FOR RECONSIDERATION OF JUDGE KAHN'S ORDER
STRIKING THEIR MOTION TO DISQUALIFY JUDGE KAHN

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN FRANCISCO

CHARLES ADAM NUNZIATO,

Plaintiff,

v.

ROBERT J. KORMAN, et al.,

Defendants.

Case No.: CGC 22-601126

Mini-Minutes

Ntc Of And Joint Mtn For Reconsideration Of Hon. Harold E Kahn's Oct 23, 23
Order Striking Specially-Appearing Mtn To Disqualify Hon. Harold E Kahn And To
Stay Proceedings

Off Calendar Feb-16-2024 Text Ruling

MINI MINUTES: APPEARANCES:

Robert J. Korman; 415-346-4364; defendant, appearing in pro per.

Mr. Korman contests the court's tentative decision. Mr. Korman states that he did not give notice to plaintiff that he would be appearing in court today to contest the tentative ruling until after 4:00pm yesterday. After reviewing the pleadings and listening to oral arguments the court adopts the tentative ruling as follows:

DEFENDANTS' JOINT MOTION FOR RECONSIDERATION OF HON. HAROLD

E KAHN'S OCT 23, 23 ORDER STRIKING, MOTION TO DISQUALIFY HON. HAROLD E KAHN AND TO STAY PROCEEDINGS is OFF CALENDAR. Motion Stricken per November 16, 2023 order.

Judge: Ronald E. Quidachay; Clerk: Kenneth B. Hunt; Court reporter: Sonia B. Rogers, CSR #8153, soniabrogers@live.com, 415-981-3498 (D501)

APPENDIX F – CALIFORNIA CODE OF CIVIL PROCEDURE § 170.2(b)
(extrajudicial source rule)

“It shall not be grounds for disqualification that the judge:

*

*

*

(b) Has in any capacity expressed a view on a legal or factual issue presented in the proceeding, except as provided in paragraph (2) of subdivision (a) of, or subdivision (b) or (c) of, Section 170.1.”