

11/18/25

No. 25- 681

IN THE
Supreme Court of the United States

ZHI WU, LEI JIANG,

Petitioners,

v.

COLDWELL BANKER REALTY, KEVIN CHU,
AIMEE RAN SONG AND XIAOXIN CHEN

Respondents.

ON PETITION FOR A WRIT OF CERTIORARI TO THE
SUPERIOR COURT OF CALIFORNIA FOR THE COUNTY OF ALAMEDA

PETITION FOR A WRIT OF CERTIORARI

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QUESTIONS PRESENTED

This petition arises from a California civil action in which a privately compensated discovery referee, whose impartiality was formally questioned, was nevertheless permitted to continue acting and to recommend terminating sanctions. During the disqualification proceedings, the trial court allowed opposing counsel to advocate for the referee's neutrality, and it refused to hear lay testimony demonstrating reasonable doubt as to impartiality. The trial court then denied Petitioners' motion to disqualify the referee, adopted the referee's terminating-sanction recommendations, entered default, vacated Petitioners' jury-trial date, and ordered more than \$500,000 in attorney's fees in conjunction with the default order, with further proceedings threatening the forced sale of Petitioners' home. The case presents recurring questions under the Fourteenth Amendment's Due Process Clause concerning the constitutional limits on state procedures that allow a challenged adjudicator to continue exercising judicial power.

1. Whether the Due Process Clause of the Fourteenth Amendment is violated when a state court allows a privately compensated discovery referee, acting in a quasi-judicial capacity and whose impartiality has been formally challenged, to continue exercising judicial authority and to issue termination-sanction recommendations while a disqualification motion was pending, thereby depriving litigants of their constitutional right to a neutral and impartial decisionmaker.

2. Whether the Due Process Clause of the Fourteenth Amendment is violated when, contrary to mandatory judicial-disqualification procedures, a state court permits opposing counsel to advocate for the challenged referee's impartiality, refuses to consider lay testimony demonstrating reasonable doubt as to neutrality, and then adopts the referee's termination-sanction recommendations before the disqualification motion concludes, resulting in default, deprivation of property, and the loss of Petitioners' fundamental right to a civil jury trial as protected by the Fourteenth Amendment's guarantee of due process.

PARTIES TO THE PROCEEDING

The petitioners are Lei Jiang and Zhi Wu. Petitioners were defendants and cross-complainants in the state trial court and appellants in the court of appeals.

The Respondents are Coldwell Banker Realty, Kevin Chu, Aimee Ran Song, and Xiaoxin Chen. Respondent Chu was the plaintiff and cross-defendant in the state trial court and appellee in the court of appeals. Respondents Coldwell Banker Realty, Song, and Chen were the cross-defendants in the state trial court and appellee in the court of appeals.

RULE 29.6 STATEMENT

None of the petitioners is a nongovernmental corporation.

None of the petitioners has a parent corporation or shares held by a publicly traded company.

STATEMENT OF RELATED PROCEEDINGS

This case arises from and is related to the following proceedings in the California Superior Court for the County of Alameda, the California Court of Appeal, and the California Supreme Court:

- Chu v. Wu et al., No. HG21106221 (Cal. Super. Ct.), order denying Petitioner's verified statement to disqualify Judge Murphy as discovery referee dated May 22, 2025;
- Wu et al. v. Super. Ct., No. A173390 (Cal. Ct. App.), Petition for Writ of Mandate denied July 30, 2025;
- Wu et al. v. Super. Ct., No. S292365 (Cal.), Petition for Review and application for stay denied August 20, 2025.

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PETITION FOR WRIT OF CERTIORARI

This petition seeks review of the Superior Court's order entered May 22, 2025. Petitioners Lei Jiang and Zhi Wu respectfully request that this court issue a writ of certiorari to reverse and remand the decisions below.

OPINIONS BELOW

The Supreme Court of California summarily denied Petitioner's Petition for Review and application for stay on August 20, 2025 with order reproduced at App.10a. The First Appellate District of the Court of Appeal of California summarily denied Petitioner's Petition for Writ of Mandate on July 30, 2025 with order reproduced at App.11a-12a. The California Superior Court for the County of Alameda issued order denying Petitioner's verified statement to disqualify Judge Murphy as discovery referee on May 22, 2025. The order is unpublished and reproduced at App.1a-9a.

STATEMENT OF JURISDICTION

The Supreme Court of California entered judgment on August 20, 2025. App.10a. This petition is timely filed pursuant to Supreme Court Rule 13.1. This Court has jurisdiction under 28 U.S.C. § 1254(1).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Relevant provisions (Constitution Amend. XIV § 1; Cal. Const., art. I, § 7(a); Cal. Const., art. I, § 16; Cal. Code Civ. Proc., § 639; Cal. Code Civ. Proc., § 170.1(a)(6)(A)(iii);

Cal. Code Civ. Proc., § 170.3(c); Cal. Code Civ. Proc., § 170.4(d)) are reproduced in Appendix J to this petition at App.62a-68a.

STATEMENT OF THE CASE

A. Background: From Real Estate Fraud Dispute to Litigation Abuse

This case began as a residential real estate fraud dispute but has evolved into a test of whether ordinary citizens can secure due process and the right to a jury trial when confronting powerful, well-connected adversaries. Petitioners Lei Jiang (“Jiang”) and Zhi Wu (“Wu”), both working professionals with no prior litigation experience, were defrauded in the attempted sale of their Fremont home by Coldwell Banker Realty (“CB”) and its licensed agents, Aimee Ran Song (“Song”) and Xiaoxin Chen (“Chen”).

The misconduct traces back to June 2021, when Song and Chen, acting as Petitioners’ listing agents under CB’s supervision, misrepresented material facts and concealed key information. They breached their fiduciary duties and the Listing Agreement by failing to promptly present all offers, misrepresenting the number of offers, and manufacturing false urgency by claiming Petitioners had only twenty minutes to sign a one-page counteroffer or risk losing buyer Kevin Chu (“Chu”) to another property. This representation was false.

Unbeknownst to Petitioners, Chu had already signed a ten-page purchase agreement on June 22, 2021. Song and Chen withheld that document until after Petitioners

signed the one-page counteroffer on June 23, 2021, misleading them into believing the counteroffer related only to price negotiations. The concealment of the purchase agreement also enabled Chu, with the agents' assistance, to re-enter the Fremont property for an "inspection" despite an explicit "0 days" access term in the purchase agreement. Petitioners allege that this inspection was part of a deliberate scheme to identify supposed defects and leverage further price concessions, a tactic possible only because the agents withheld the true agreement. Their suspicion proved correct: mere hours after Petitioners signed the counteroffer on June 23, 2021, Chen directed buyer Chu to return to the property for an additional inspection that had no contractual basis.

On June 24, 2021, the agents demanded that Petitioners either sign the ten-page agreement or pay Chu a large sum for his supposed damages. Petitioners, now suspicious of the agents' insistence that "Chu was the best buyer they would ever find," conducted their own review of public records. That investigation revealed that Chu had a history of bankruptcies, federal tax delinquencies, property defaults, and even a reported criminal record involving fraud on a gambling vessel. Based on these findings, Petitioners reasonably refused to sign the concealed purchase agreement.

Following that refusal, the agents harassed and threatened Petitioners and their family for months, conduct so severe that the Alameda County Superior Court issued permanent restraining orders against Song and Chen (Case Nos. HG21106045, HG21106052) in September 2021.

Despite those rulings, CB's agents, who were also representing Chu as buyer's agents, used the concealed purchase agreement to help Chu assert nonexistent contractual rights, even though they had previously admitted in writing that no ratified contract existed because Petitioners never signed the 10-page purchase agreement. On July 21, 2021, Song referred attorney Eric Hartnett to Chu to file a meritless breach of contract and specific performance lawsuit against Petitioners, which CB and its agents supported through abusive discovery tactics intended to exhaust and intimidate Petitioners.

As Song and Chen's employer, CB had a statutory and fiduciary duty to supervise its agents' conduct and is vicariously liable for their fraudulent misrepresentations, concealment, and resulting harm. In December 2021, Petitioners filed cross-complaints against CB, Song, Chen, and Chu for fraud, breach of contract, and intentional infliction of emotional distress.

On or about November 19, 2021, Petitioners paid the full jury-trial fee of \$150 pursuant to Cal. Code Civ. Proc., § 631, and a "Notice of Posting of Jury Fees" was duly docketed on the trial court's portal.

After years of discovery, Chu produced no competent evidence to substantiate his alleged damages claiming that he had suffered losses from withdrawing his children from school and canceling a rental lease. The record confirms that the underlying fraud claims, rather than Petitioners' conduct, were the true source of this protracted litigation.

Opposing parties moved to continue or vacate the trial date three times. The first motion, filed by Chu on January

19, 2024 and joined by CB, was granted, continuing trial from May 31, 2024 to November 22, 2024. A second motion, filed on June 24, 2024, was granted, vacating the date and later resetting trial for December 5, 2025. A third motion, filed on September 25, 2025, became moot when the trial court vacated the trial date on October 7, 2025 to proceed by default judgment.

The court-appointed referee, Judge Kevin Murphy, a former colleague of opposing counsel and a long-time colleague of opposing counsel's father, issued harsh recommendations including terminating sanctions while motion to disqualify referee was still pending and the referee refused to recuse himself. The referee's undisclosed professional ties to opposing counsel and repeated paid engagements with opposing counsel's firm created a clear appearance of bias.

Despite verified statements detailing these conflicts and public declarations questioning the referee's neutrality, the trial court adopted his recommendations, entering default and extinguishing Petitioners' fraud and emotional-distress cross-claims, thereby depriving them of their constitutional right to a neutral adjudicator and a jury trial. This pattern of undisclosed relationships and procedural inequality now forms the constitutional question presented.

B. Appointment of Referee

Since the start of the lawsuit, Petitioners have worked diligently to respond to discovery requests. They had produced over 1,800 pages of substantial verified responses to opposing parties' excessive number of

discovery requests. But opposing parties filed about 20 discovery motions mostly without good faith meet and confer required by statute. The trial court's order on January 18, 2024 to release the parties from the informal discovery conference requirement made it easier for opposing parties to file discovery motions without the court-supervised informal discovery conference safeguard.

Due to the large volume of discovery motions filed by opposing parties, the trial court intended to appoint all discovery motions to referee in its March 28, 2024 order. CB nominated retired Judge Kevin Murphy and another referee in the referee selection process. CB's counsel, Mr. Alex Hector Ramon, was well aware that he had worked with Judge Murphy in the same court in 2009 and 2010, yet he affirmatively denied having any prior relationship with the referee nominee, Judge Murphy in his April 3, 2024 email to all parties. During the April 11, 2024 hearing, Mr. Ramon also acknowledged to the trial court that Judge Murphy was their nominee.

Petitioners, citing Cal. Code Civ. Proc. § 639(d)(6)(A) and supported by Petitioner Wu's verified declarations and competent evidence, objected to the appointment of a private referee on grounds of financial hardship. Their showing satisfied the standard recognized in *McDonald v. Superior Court* (1994) 22 Cal.App.4th 364, 370, ("*McDonald*"), which confirmed that a litigant's sworn declaration of financial hardship constitutes competent evidence. Petitioners demonstrated that opposing parties' abusive litigation tactics, mounting attorney's fees, and the property's negative cash flow, exacerbated by a lis pendens on the property filed by the buyer to prevent

it from selling, had already imposed severe economic strain. They further argued that the substantial financial disparity between Petitioners and Coldwell Banker Realty rendered the use of an expensive, privately compensated referee unjust and inconsistent with equal access to justice. Moreover, in the March 28, 2024 hearing, opposing parties did not agree to voluntarily pay referee fees as Cal. Code Civ. Proc. § 639(d)(6)(A) provides “another party has agreed voluntarily to pay that additional share of the referee’s fee”. Nevertheless, the trial court proceeded with the appointment.

On April 16, 2024, the Alameda County Superior Court appointed retired Judge Kevin Murphy of ADR Services as discovery referee for “all discovery purposes.” under Cal. Code Civ. Proc., § 639 and without Petitioners’ consent. The hourly rate of Judge Murphy was \$800 in this case. The court also allowed the referee to recommend allocation of referee costs based on the referee’s determination as to which side is more to blame for a given discovery dispute. Judge Murphy disclosed six mediations and one arbitration for the opposing firm Hoge Fenton within two years but failed to reveal his prior judicial collegial relationship with opposing counsel Mr. Alex Hector Ramon and his father Judge Hector Ramon.

The trial court failed to consider Petitioners’ financial hardship when issuing the April 16, 2024 order appointing a discovery referee. On June 11, 2024, Petitioners filed a writ of mandate with stay request in the California Court of Appeal (Case No. A170662), challenging the appointment based on an improper referee-selection process. The writ was summarily denied. In that filing, Petitioners cited multiple precedents establishing that a

referee should not be appointed where there is a significant economic disparity between the parties.

California courts have long held that trial courts must avoid referring cases to privately compensated referees without careful justification. Fees “charged by privately compensated discovery referees allow affluent litigants to avoid discovery compliance by pricing enforcement of legitimate discovery demands beyond the means of indigent plaintiffs. This advantage based on wealth flows directly from the trial court’s order imposing equal division of fees between indigent plaintiffs and an adverse litigant of far superior financial means.” (*Solorzano v. Superior Court*, (1993) 18 Cal.App.4th 603, (“*Solorzano*.”)) A “trial court must also avoid the appearance of delegating judicial functions to referees.” (*Id.*) In *Taggares v. Superior Court* (1998) 62 Cal.App.4th 94, 106, the court held that unless a cost-free option is provided, a reference may not be ordered over objection. Likewise, *Hood v. Superior Court* (1999) 72 Cal.App.4th 446, 450, confirmed that imposing referee costs on a litigant of modest means violates the right of access to the courts. In *McDonald*, the appellate court held that where economic hardship is raised, the trial court must determine a fair apportionment of referee costs before issuing its order.

On August 26, 2024, Petitioners filed a motion to disqualify the discovery referee on the grounds that Judge Murphy, ADR Services, and opposing counsel’s firm, Hoge Fenton, maintained ongoing financial relationships; that Judge Murphy’s comments during the May 30, 2024 hearing reflected an appearance of bias; and that his scheduling decisions demonstrated partiality. The trial court denied the motion. On October 13, 2024, Petitioners

filed a writ petition in the California Court of Appeal (Case No. A171500), arguing that the disqualification motion should have been granted because the referee failed to file a verified answer as required by statute. The Court of Appeal summarily denied the writ.

C. Petitioners' Verified Statements of Disqualification

On February 11, 2025, Petitioner Wu discovered new and material facts about the undisclosed relationship between the referee and opposing counsel and prepared a Verified Statement to Disqualify Discovery Referee Kevin Murphy pursuant to Cal. Code Civ. Proc., § 170.1(a)(6)(A)(iii). The verified statement asserted that Referee Murphy's impartiality could reasonably be questioned because of undisclosed professional and personal ties between opposing counsel and the referee. The referee had overlapping service in the same court as opposing counsel Mr. Alex Hector Ramon from 2009 to 2010. Also, the referee had served on the same bench as opposing counsel's father, Judge Hector Ramon, during their tenure on the Santa Clara Superior Court from 2006 to 2011. The verified statement alleged that these undisclosed relationships created an appearance of bias inconsistent with Cal. Code Civ. Proc., § 170.1(a)(6)(A)(iii) and the Due Process Clause of the Fourteenth Amendment. Considering opposing counsel's firm, Hoge Fenton Jones & Appel had repeatedly retained him as mediator and arbitrator in the preceding two years made the appearance of bias even worse.

Due to the in-person service request for the Verified Statement, Petitioner asked Referee Judge Murphy

during a hearing on March 11, 2025, about how to properly serve him pursuant to Cal. Code Civ. Proc., § 170.3(c) (1). App.40a-42a. Judge Murphy declined to provide any method or accept service. Petitioners also hired process servers to attempt the in-person service, but it failed to serve in-person after three attempts, only left the files on the front door of Judge Murphy's house on or about March 10, 2025. As a result, Petitioners were forced to file a separate Motion for Order Authorizing Alternative Service on March 6, 2025, which the Superior Court granted on March 26, 2025 to allow alternative service. The referee's refusal to facilitate service delayed the statutory disqualification process and further demonstrated a lack of impartiality toward Petitioners.

On March 17, 2025, after the March 11, 2025 hearing and before the issuing of March 26, 2025 order to allow alternative service, the referee made Recommendation No.8 which was a substantive recommendation of termination sanction to strike Petitioners' answer to CB as well as Petitioners' cross-complaint to CB. By the time the termination sanction was granted, Petitioners had produced over 1,800 pages of documents; provided hundreds of pages of verified discovery responses; completed 7 hours of deposition testimony by Petitioner Jiang, and 10 hours of deposition by Petitioner Wu.

On May 11, 2025, Petitioners filed a supplemental verified statement of disqualification, after discovering additional facts and collecting written opinions from randomly encountered members of the public in public locations using an identical survey form. Each individual, when informed of the referee's prior professional and collegial connections with the opposing counsel's family,

expressed doubt that the referee could remain impartial. The supplemental filing was intended to demonstrate that a reasonable person, apprised of these circumstances, would doubt the referee's neutrality.

The survey was done with a proper methodology of unbiased sampling as stated in paragraph three of Declaration of Lei Jiang in Support of Verified Statement of Zhi Wu to Disqualify Discovery Referee Judge Kevin Murphy Pursuant to Cal. Code Civ. Proc., § 170.1: "On May 10, 2025, Defendants collected opinions of persons we didn't know at public locations in a city of California for around 40 minutes. We randomly walked to persons, presented relevant facts in this case, and collected the persons' answer to the question regarding if the persons doubt that Judge Murphy would be able to be impartial in the case. The results showed persons aware of the facts doubted the referee would be impartial in this case. The true and correct copies of the responses to facts and question presented randomly to persons in public locations are attached as Exhibit A. The question was formatted as 'Aware of the facts to the right, do you doubt that Judge Murphy would be able to be impartial as a referee in this case? Please check Yes or No' as shown in Exhibit A. Exhibit A showed that persons checked 'Yes' for the above-mentioned question to express their doubts on Judge Murphy's ability to be impartial." And in paragraph five: "Because persons aware of the facts had reasonably entertain a doubt that the judge would be able to be impartial, Judge Murphy must be disqualified under Code Civ. Proc., § 170.1(a)(6)(A)(iii)."

More than ten survey results with signatures from members of public and contact information provided by

members of public were exhibited in Petitioner Jiang's declaration. One of the survey results on page 3 of Exhibit A to Petitioner Jiang's declaration is reproduced in the Appendix G. App.48a-50a. All surveys presented the same content, and each member of the public who participated signed to express doubt regarding the referee's ability to remain impartial.

Both verified statements are part of the record below and are accurately summarized here to avoid unnecessary duplication and printing expense. The allegations therein form the factual foundation for Petitioners' due-process claim that they were denied a neutral and impartial adjudicator.

D. Referee's Verified Answer

On April 1, 2025, Under Cal. Code Civ. Proc., § 170.3(c) (3), Judge Murphy filed his verified answer to Petitioners' verified statement served on or about March 26, 2025, denying bias and asserting he had not communicated privately with counsel. Judge Murphy's verified answer is reproduced in Appendix F with Exhibits omitted. App.43a-47a. He admitted, however, that he was a long-time colleague with opposing counsel's father Judge Hector Ramon. He explained that he did not know that opposing counsel was the son of his former colleague. App.46a. However, the referee refused to recuse himself after learning the fact giving rise to an appearance of bias. The referee also admitted that he had served repeatedly as mediator or arbitrator for opposing counsel's law firm.

For the supplemental verified statement file on May 11, 2025, the referee did not file any verified answer.

**E. Improper Opposition from opposing parties
and Hearing Procedure**

The hearing for the verified statement to disqualification failed to proceed in the manner required by law. It was heard by the same trial court judge who appointed the referee. It allowed opposing parties to argue on behalf of the referee and advocate the referee's impartiality, despite statute only allowing the referee to answer. Moreover, the lay witnesses' doubts about the referee's impartiality satisfied every element required under Cal. Code Civ. Proc. § 170.1(a)(6)(A)(iii) and should have been considered by the court but were not. Even though a couple of lay witnesses appeared at the online hearing, the trial court did not permit them to testify. State proceedings as a whole deprived Petitioners of their federal constitutional right to due process and a neutral adjudicator.

First, the Disqualification Motion Was Heard in Excess of the Trial Court's Jurisdiction. Under California law, by definition, referee is a judge. (Cal. Code Civ. Proc., § 170.5(a).) Cal. Code Civ. Proc., § 170.3(c)(5) provides: "[T]he question of disqualification shall be heard and determined by another judge agreed upon by all the parties who have appeared or, in the event they are unable to agree within five days of notification of the judge's answer, by a judge selected by the chairperson of the Judicial Council, or if the chairperson is unable to act, the vice chairperson."

By statute above, the disqualification motion should be heard by a judge all parties agreed, or a judge selected by the chairperson (vice chairperson) of the Judicial Council. A judicial challenge to disqualify referee for cause under

Cal. Code Civ. Proc., § 170.1 should not be heard in front of a judge that is not agreed by all parties, especially should not be in front of the same judge who had appointed the referee as in this case.

In response to Petitioners' May 11, 2025 supplemental verified statement, on May 14, 2025, opposing counsel Mr. Ramon filed "Evidentiary Objections to Verified Statement and Declarations," attacking Petitioners' verified statements. Under Cal. Code Civ. Proc., § 170.3(c), only the referee may respond; no party has standing to object. Nonetheless, the trial court's tentative ruling of May 16, 2025 sustained "Cross-Defendants' Evidentiary Objections Nos. 1-4." App.57a.

In the May 21, 2025 hearing on the verified statement of disqualification, counsel for all opposing parties appeared and were permitted to argue in support of Referee Judge Murphy's impartiality. App.13a-39a. The referee himself did not appear. Petitioners objected that opposing counsel had no statutory authority to advocate on behalf of the referee, and that permitting such argument violated Cal. Code Civ. Proc. § 170.3(c) and fundamental due process. App.16a. Nevertheless, the trial court allowed opposing counsel to proceed with their arguments. App.33a-36a.

Noticeably, both opposing parties' counsels were afforded plenty of opportunity to argue, but they did not dispute any fact in Petitioners' survey. App.33a-36a. Nor did they mention any other facts that would possibly overturn reasonable persons' doubt about Judge Murphy's impartiality.

In addition, in the May 21, 2025 online hearing, a couple of the lay witnesses, who had expressed their doubt

in Judge Murphy's impartiality after reading the list of facts, appeared in the zoom meeting and were ready to testify. Jiang had respectfully requested the trial court to allow evidentiary hearing and allow the witnesses to speak so that the reliability issue of the surveys mentioned by the court could be addressed. App.17a, App.25a-26a. However, the trial court stated the survey was only a creative approach by pro se litigants. App.25a. Despite the lay witnesses' presence at the Zoom hearing, the trial court refused to permit them to testify regarding the survey evidence and entirely disregarded that evidence without citing any legal basis.

In May 21 hearing, the trial court made Conflicting Statements regarding the surveys in Exhibit A and B to Jiang's declaration in support of the May 12 verified statement. At first, the trial court stated the exhibits were not reliable and cherry picking, App.16a-17a, which proved that the trial court was looking at the May 12 verified statement.

However, a few minutes later in the hearing, the trial court stated the May 12 verified statement was not in front of it and would not be considered. App.36a-37a.

In the May 22 order, the trial court again shifted its position, stating that it had considered the survey materials included in the May 12 verified statement, but nevertheless deemed them inadmissible hearsay. App.4a. However, the only reason the evidence could be characterized as hearsay is because the court refused to allow the lay witness, who was present at the hearing and prepared to testify, to give live testimony. Had the court permitted the witness to testify, the evidence would not have been hearsay at all.

The inconsistent statements of the trial court in hearing and in the order showed the important survey evidence was not properly considered by the trial court.

On May 22, 2025, disqualification motion was denied by the trial court. App.1a-9a.

F. Adoption of Termination-Sanction Recommendations from a Referee Whose Impartiality Was Under Formal Challenge

Due process requires that no person be deprived of property, rights, or claims except by a neutral adjudicator (*In re Murchison* (1955) 349 U.S. 133; (“*In re Murchison*.”)) *Caperton v. A.T. Massey Coal Co.* (2009) 556 U.S. 868. (“*Caperton*.”)) Continuing proceedings while a disqualification challenge is unresolved strips that protection of any practical effect.

However, the trial court adopted multiple recommendations from the referee whose impartiality is challenged.

While Petitioners’ motion to disqualify Referee Murphy was still pending appellate review, the referee issued Recommendation No. 8, proposing a termination sanction against Petitioners filed by CB, lacking factual and legal support. CB’s discovery motions, despite its exhaustive efforts, identified minor, non-material discovery issues such as certain email records were produced in pdf format rather than native format, without demonstrating that the format was improper or caused any prejudice whatsoever. These minor discovery issues were obviously disproportional to the extreme termination sanction.

On May 23, 2025, while the disqualification issue remained unresolved, the trial court adopted the biased referee's Recommendation No. 8. In its order, the court stated that it had independently reviewed the referee's recommendation and the underlying record before adopting it in full. However, because a verified disqualification motion was pending, the referee lacked authority under Cal. Code Civ. Proc. § 170.4(d) to hear or act on any substantive matter, and the trial court likewise should not have considered or adopted the resulting recommendation at that time.

Additionally, the referee's findings in Recommendation No. 8, characterizing as "hearsay" Petitioners' explanation for a reasonable short delay in Jiang's discovery responses due to her medical condition following a severe car accident in September 2024, directly contradicted the trial court's prior order acknowledging that circumstance. This inconsistency demonstrates that the referee's recommendations were adopted without meaningful independent review by the trial court as required by trial court's non-delegable judicial function under Cal. Code Civ. Proc. § 644(b).

California law could not be clearer. Under Cal. Code Civ. Proc. § 170.4(d), once a verified statement of disqualification is filed, the challenged judicial officer "shall not further participate in the proceeding" until the question of disqualification has been determined. Thus, a referee whose impartiality has been formally challenged is divested of all authority to hear or decide any substantive matter while the disqualification motion remains pending.

In the July 16, 2025 referee hearing, Petitioners explicitly invoked Cal. Code Civ. Proc. § 170.4(d) and Petitioner Wu stated: “Your Honor, we have provided notice in writing and clearly cited CCP § 170.4(d), stating that any hearing on substantive matters is unauthorized while disqualification is pending. We appear for the limited purpose of objecting to jurisdiction and will not argue the merits. According to CCP § 170.4(d), the referee lacks jurisdiction to act while disqualification is pending. Our motion to disqualify the discovery referee is pending in the Court of Appeal with case number A173390 . . . Any action taken in this case while the disqualification motion is pending is in excess of jurisdiction under CCP § 170.4(d).” This objection was also sent in writing to the referee and all parties before and after the hearing.

Despite this objection, the referee insisted on proceeding to hear substantive matters and Petitioners never answered any question on substantive matters. Shortly after the hearing, the referee issued Recommendation No. 10 to grant a termination sanction against Petitioners requested by Chu, without a valid hearing on the merits.

The trial court, rather than enforcing the statutory bar, adopted the referee’s recommendation wholesale, stating that “The Court has reviewed the Referee’s Recommended Decision and Order No. 10”, “oral argument would not assist the Court given the clear evidentiary record” and that Petitioners’ “procedural objections are not well taken.”

The trial court had also adopted the referee’s recommendations No. 1-5 and 7, 8 to sanction Petitioners for a total of over \$43,760.

This sequence violated both state law and the Fourteenth Amendment's Due Process Clause. Cal. Code Civ. Proc. § 170.4(d) embodies the state's own safeguard to preserve impartiality during disqualification proceedings. When a court disregards that mandatory rule and permits a challenged adjudicator to continue exercising judicial power, the resulting orders are not merely procedural errors, but also constitutionally void. This case thus presents an important federal question: whether a state's failure to enforce its own disqualification rules, thereby allowing a questioned judicial officer to continue ruling, violates the Due Process Clause's guarantee of a neutral and lawful adjudicator.

G. Appellate Proceedings and Denials

On June 4, 2025, within the ten-day statutory deadline, Petitioners filed a writ of mandate in the California Court of Appeal (1st Dist., Case No. A173390) to challenge the May 22, 2025 order as issued in excess of jurisdiction, violative of due process, entered without consideration of lay testimony demonstrating reasonable doubt as to neutrality, and unsupported by substantial evidence, among other grounds.

The writ of mandate was assigned to Division Three, which had the most justices with prior ties to the trial judge and referee, unlike the other divisions that had minimal overlap.

On July 30, 2025, the Court of Appeal summarily denied the writ without opinion, stating "The petition for writ of mandate is denied. Petitioners failed to provide an adequate record. (Cal. Rules of Court, rule 8.486(b).)"

The petition is also substantially identical to prior petitions filed in this court (case Nos. A170662, A171500) and is denied as repetitive. (*Hagan v. Superior Court* (1962) 57 Cal.2d 767.)” App.12a.

For the issue of “inadequate record” in the order, pro se litigants are usually permitted to cure such defects under *Bai v. Yip* (2024) 107 Cal.App.5th 188. The omission was easily correctable and non-prejudicial, yet the court denied review instead of allowing correction, undermining public confidence in impartial appellate review.

For the second reason for denial, the petition was “substantially identical” to earlier petitions filed, Petitioners’ verified statements of February 11, 2025 and May 11, 2025 were based on newly discovered facts that were not and could not have been raised in prior petitions. Those new facts revealed that opposing counsel Mr. Alex Hector Ramon had served as a judicial extern in the same court where both his father, Judge Hector Ramon, and Referee Judge Murphy had served concurrently, creating a previously undisclosed appearance of partiality. The state court’s characterization of the petition as “repetitive” thus disregarded new and material evidence, depriving Petitioners of any opportunity to obtain a fair and impartial review of bias under the governing statute and the Due Process Clause.

On August 11, 2025, Petitioners filed petition for review with stay request to the California Supreme Court. On August 20, 2025, the petition was summarily denied without opinion. App.10a.

H. Subsequent Proceedings Illustrating Continuing Due-Process Harm

On July 31, 2025, the day after the Court of Appeal summarily denied Petitioners' writ, CB filed request for entry of default via CIV-100 form, seeking to default Petitioners on CB's cross-complaint with attorney's fee award request of \$535,044.50, relying solely on trial court's order adopting referee's recommendation No. 8.

Petitioners had filed and served written opposition to CB's default request on August 5, 2025, arguing that any attorney-fee award must be sought by noticed motion with evidentiary declarations under Cal. Rules of Court, rule 3.1702, and that embedding a fee demand in a CIV-100 default form is procedurally defective. The opposition also argued CB's default request failed to attach any ratified 10-page purchase agreement bearing Petitioners' signatures, because none exists. They exhibited only a single counteroffer page from Kevin Chu, which cannot prove the existence of a ratified contract. Yet CB had requested commission of the house purchase transaction of over \$40,000.

The trial court disregarded Petitioners' timely filed opposition without legal basis and proceeded without hearing to rule Petitioners pay CB over half million attorney fees and costs. The trial court's subsequent order, issued on or about October 7, 2025, granted CB's request for default, requested commission of over \$40,000 as well as substantial attorney fees over \$500,000, and permitted CB to supplement its fee submissions, yet did not permit Petitioners any comparable opportunity to supplement their opposition or contest the default on

equal footing. This deprivation of more than half a million dollars, without consideration of Petitioners' opposition or a hearing, failed the balancing test required by *Mathews v. Eldridge*, 424 U.S. 319 (1976). The private interest at stake, a substantial deprivation of property, is significant; the risk of erroneous deprivation is extreme where no hearing or opportunity to oppose is afforded; and the government's burden in providing such a hearing would have been minimal.

On October 7, 2025, the trial court also ordered to vacate the jury trial date originally scheduled on December 5, 2025. This order deprived Petitioners of their fundamental rights to due process and jury trial, as the default judgment and fee imposition resulted directly from actions of a referee whose impartiality was under formal challenge. It illustrates how the failure to honor mandatory disqualification procedures infected subsequent proceedings and caused irreversible constitutional harm.

REASONS FOR GRANTING THE WRIT

I. The Case Presents a Recurring and Nationally Important Question about Structural Due Process and Judicial Neutrality.

The Fourteenth Amendment to the United States Constitution provides in relevant part: "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; **nor shall any**

State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws." (U.S. Const., Amend. XIV, § 1, emphasis added.)

Similarly, the California Constitution guarantees that: **"A person may not be deprived of life, liberty, or property without due process of law** or denied equal protection of the laws." (Cal. Const., art. I, § 7(a), emphasis added.)

The first and most fundamental requirement of due process is the right to a hearing before a neutral and impartial decisionmaker. That right is not a technical formality but a structural safeguard essential to the legitimacy of all judicial proceedings.

In this case, Petitioners were denied that guarantee. A referee with undisclosed professional and personal ties to opposing counsel and his judicial family continued to act after a formal disqualification motion was filed, issuing recommendations that terminated Petitioners' case, entered them default, vacated their jury trial, and compelled them to pay over \$500,000 in attorney's fees, effectively stripping them of property and access to justice without an impartial tribunal.

Such deprivation strikes at the heart of constitutional due process. The protections of the Fourteenth Amendment and the California Constitution are not reserved for the powerful or represented, but for every citizen who stands before the court. If a biased adjudicator can determine the outcome of a case merely because one party is unrepresented or lacks resources, then no ordinary person can be confident that justice is equal under law.

This case illustrates how the erosion of neutrality at the trial level can cascade into a systemic failure of due process. What happened to Petitioners could happen to any citizen, any homeowner, employee, or small business owner, who faces a well-connected opponent in the courts of this country.

“... **the Due Process Clause** has been implemented by objective standards that **do not require proof of actual bias**. See *Tumey*, 273 U. S., at 532; *Mayberry*, 400 U. S., at 465–466; *Lavoie*, 475 U. S., at 825. . . .” *Withrow*, 421 U. S., at 47.” (*Caperton*, emphasis added.) As this Court held in *Caperton*, even the probability of bias violates due process, and this case presents an equally compelling need for constitutional correction.

This case raises a fundamental constitutional issue that extends far beyond Petitioners’ individual dispute: whether state courts may permit a judicial officer whose impartiality has been formally challenged to continue acting in the same case, issuing rulings that deprive litigants of property and their fundamental right to a jury trial.

Although this Court in *La Buy v. Howes Leather Co., Inc.*, 352 U.S. 249 (1957), held that the referral of complex matters to a master must be justified by “exceptional circumstances,” many state courts have since treated such appointments as routine. The general concept of delegating judicial duties to a neutral third-party, often called a referee, discovery master, or temporary judge, has become widespread across jurisdictions. Yet few state systems adhere to *La Buy*’s narrow standard, and none has provided a consistent or quantifiable definition

of what constitutes "exceptional circumstances." As a result, trial courts frequently refer substantial matters to privately compensated referees without meaningful oversight, sometimes even permitting those referees to continue acting after their impartiality has been formally challenged for cause. This divergence from the federal benchmark underscores the need for this Court's clarification of the constitutional limits on state-court delegation of judicial power under the Due Process Clause.

The Due Process Clause of the Fourteenth Amendment guarantees not only an absence of actual bias but also the appearance of impartiality essential to public confidence in the judiciary. (*Caperton*.)

"The justice system not only must be fair to all litigants; it must also appear to be so. The increasingly common practice of referring discovery matters, without regard to the financial burdens imposed upon litigants, threatens to undermine both of these goals." (*Solorzano*.) This concern is not confined to California. Across the nation, state courts increasingly delegate judicial functions to private referees, discovery masters, and retired judges whose ongoing paid relationships with repeat-player law firms create systemic risks of bias. The danger is magnified when, as in this case, a referee whose impartiality has been formally challenged continues to act and issue dispositive recommendations, effectively exercising judicial power without constitutional accountability. Such practices erode public confidence in the judiciary and call for this Court's guidance to ensure that justice is not only done, but seen to be done.

This Court's guidance is urgently needed to clarify that when a judicial officer is subject to a pending disqualification motion, due process forbids that officer from continuing to act in the case until the challenge is resolved by a neutral tribunal. The issue affects not only California's large population but also litigants in every jurisdiction that uses private judicial officers. Without intervention, lower courts will continue to permit challenged adjudicators to issue substantive rulings, eroding confidence in judicial neutrality and creating an uneven playing field between institutional litigants and individuals representing themselves.

II. This Case Highlights a Systemic Failure of State Courts to Safeguard the Federal Due Process Rights of Self-Represented and Economically Disadvantaged Litigants.

Petitioners' experience is emblematic of a broader problem: the procedural safeguards of disqualification statutes are often disregarded when the parties are unrepresented or lack financial parity with institutional litigants. Here, the trial court appointed a referee at an hourly rate of \$800, an amount Petitioners could scarcely afford, without their consent. Petitioners had already paid the referee more than \$10,000. Yet, despite Petitioners' severe financial strain, the referee continued to demand additional payments and stated that any pending motions would be taken off calendar if further fees were not paid.

The \$800 hourly rate is also exceeding most litigants' weekly income. It does not only jeopardize the fairness of individual proceedings but also perpetuate a systemic two-tier justice model: one for the wealthy, who can afford

private adjudicators and extended litigation, and another for ordinary litigants whose access to a fair tribunal is contingent upon their financial means.

Moreover, when Petitioners filed verified statements alleging bias under Cal. Code Civ. Proc., § 170.1, the referee declined to provide any method or accept service in March 11, 2025 hearing. App.40a-42a. The court failed to assign the challenge to an independent judge as Cal. Code Civ. Proc., § 170.3(c)(5) mandates, and opposing counsel, whose firm had paid the referee repeatedly as a mediator, was permitted to argue in the referee's defense. App.33a-36a.

The precedents emphasized that opinion on the impartiality of the referee should from "layperson, 'someone outside the judicial system,'" "[T]he reasonable person must be viewed from the perspective of the reasonable layperson, 'someone outside the judicial system,' because 'judicial insiders, 'accustomed to the process of dispassionate decision making and keenly aware of their Constitutional and ethical obligations to decide matters solely on the merits, may regard asserted conflicts to be more innocuous than an outsider would.'" (*Wechsler v. Superior Court* (2014) 224 Cal.App.4th 384, 391; citing *In re Kensington International Limited* (3d Cir. 2004) 368 F.3d 289, 303.)

However, the trial court did not allow the layperson witnesses to testify in the May 21 hearing without citing any legal basis. Nor did the trial court properly consider the written surveys about the doubt of members of public on the impartiality of the referee.

The Court of Appeal's summary denial compounded the due process violation by rejecting the petition as "repetitive," despite new and material facts demonstrating undisclosed relationships between the referee and opposing counsel. A state's refusal to consider newly discovered evidence of judicial bias violates fundamental fairness and the federal guarantee of due process. See *Caperton*.

California's Constitution, like those of nearly all states, guarantees the right to a civil jury trial – "Trial by jury is an inviolate right and shall be secured to all... In a civil cause a jury may be waived by the consent of the parties expressed as prescribed by statute." (Cal. Const., art. I, § 16.) App.63a. Petitioners invoke that background not to raise a state-law question, but to illustrate the seriousness of the deprivation: the state's own jury-trial guarantee was nullified through procedures that failed to meet the minimum standards of federal due process. The Fourteenth Amendment's Due Process Clause forbids a state from depriving individuals of such fundamental trial rights through procedures that lack neutrality or fairness.

The result was not merely procedural error but a structural breakdown of neutral adjudication: a biased referee recommending termination sanctions, a trial court adopting those recommendations without meaningful review, and an appellate system dismissing a good-faith writ on curable technical grounds. The same pattern can, and does, occur nationwide, especially where pro se or low-resource litigants face law firms that regularly employ retired judges as mediators or referees. Without this Court's intervention, such practices will continue to disadvantage self-represented or less resourceful parties

and compromise the judiciary's promise of impartial justice.

III. This Case Raises an Important Fourteenth Amendment Question Concerning the Loss of Jury Adjudication Through Biased and Procedurally Defective Proceedings.

The principle that civil litigants must not be deprived of a fair determination of facts by procedural manipulation or judicial bias is a cornerstone of American justice. The Fourteenth Amendment's Due Process Clause protects not only against the deprivation of life, liberty, or property without lawful procedure, but also against structural distortions that compromise the impartiality and integrity of the adjudicative process.

The right to a civil jury trial, though not directly incorporated through the Seventh Amendment, is "deeply rooted in this Nation's history and tradition" and remains essential to the concept of due process under the Fourteenth Amendment. As James Madison observed, "*Trial by jury in civil cases is as essential to secure the liberty of the people as any one of the pre-existent rights of nature.*" (1789.)

Here, Petitioners were deprived of that fundamental safeguard not by verdict or waiver, but through the adoption of the recommendation from a discovery referee whose impartiality had been formally challenged that led to termination of Petitioners' claims and the vacatur of their scheduled jury trial. Such deprivation offends the structural fairness guaranteed by the Due Process Clause.

Although the Seventh Amendment's jury-trial guarantee applies directly to federal courts, its underlying principle — citizen participation in the fact-finding process and protection against judicial overreach — is deeply rooted in Anglo-American jurisprudence and forms an essential component of the liberty safeguarded by the Fourteenth Amendment's Due Process Clause. Here, Petitioners were deprived of that fundamental right through biased and procedurally defective adjudication, a deprivation that offends the structural fairness the Fourteenth Amendment guarantees.

This Court has long recognized that structural bias impermissibly distorts the fact-finding process. (*Caperton*.) When judicial bias combines with procedural devices that preclude any opportunity for a jury or factfinder to weigh the evidence, the violation of due process is magnified. The use of discovery sanctions or default mechanisms to terminate meritorious claims before trial, especially where the decisionmaker's neutrality is in question, poses a growing national problem that disproportionately harms self-represented and economically disadvantaged litigants.

Across the states, courts increasingly rely on private referees and discovery masters who exercise quasi-judicial power. Without meaningful limits, these officers can, as here, eliminate a party's access to a jury through rulings rendered while their own impartiality is under challenge. This practice undermines public confidence not only in the jury system but in the rule of law itself.

Review by this Court is essential to reaffirm that the Fourteenth Amendment's Due Process guarantee forbids

the deprivation of property, rights, or access to a jury determination through biased or procedurally defective adjudication.

IV. This Case Is an Ideal Vehicle to Address How Termination Sanctions Imposed by a Judicial Referee Whose Impartiality Is in Question Violate the Fourteenth Amendment's Due Process Guarantee.

“Despite this broad discretion, the courts have long recognized that the terminating sanction is a drastic penalty and should be used sparingly.” (*Lopez v. Watchtower Bible & Tract Society of New York, Inc.* (2016) 246 Cal.App.4th 566).

However, the referee recommended terminating sanctions against pro se litigants who had produced thousands of pages of discovery, imposing the most severe penalty available in civil litigation. The recommendation was made while the disqualification motion was pending and despite Petitioner's documented medical reasons for a short delay in supplementing discovery.

Cal. Code Civ. Proc., §170.4(d) provides that once a statement of disqualification is filed, the challenged judge “shall have no power to act” in the proceeding, except to strike the statement if untimely or legally insufficient. The same rule applies to referees under Cal. Code Civ. Proc., §170.5(a). Allowing a referee whose impartiality is reasonably questioned to continue hearing matters and for the trial court to execute those recommendations undermines the statutory purpose of preventing even the appearance of impropriety.

This principle is consistent with due process, which requires that no person be deprived of property, rights, or claims except by a neutral adjudicator (*In re Murchison; Caperton*). Continuing proceedings while a disqualification challenge is unresolved strips that protect any practical effect. However, in this case, the referee continued to give recommendations on motions and the trial court continued to adopt the referee's recommendations while appeal of disqualification motion was pending. Petitioners had requested immediate stay of referee proceedings in their petition for review in CA supreme court but got denied.

A "probability of bias" of the decisionmaker is sufficient ground to trigger mandate recuse of judges. (*Caperton*.) In *Caperton*, the court ruled that judges must recuse themselves from cases that have a reasonable chance of bias.

"Any justice, judge, or magistrate of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned." 28 U.S.C. § 455(a) as amended." (*Liljeberg v. Health Services Acquisition Corp.*, 486 U.S. 847 (1988)).

Here, Petitioners explicitly raised the issue of recusal both in written correspondence and during a hearing on May 14, 2025, asking the discovery referee directly whether he would step aside in light of his undisclosed relationships with opposing counsel and the pending disqualification motion based on his prior professional association with opposing counsel and counsel's father, both of whom had served with him in the same court. App.51a-52a. The referee stated that he

would not recuse himself, despite acknowledging those prior associations. App.53a. Moreover, opposing counsel failed to disclose these relationships when nominating the referee.

This refusal to step aside despite undisclosed relationships created a constitutionally intolerable risk of bias and directly contravened the appearance-of-neutrality standard articulated in *Caperton*.

As Petitioners had argued in their petition for review in California Supreme Court, while Cal. Code Civ. Proc., § 639 allows a court to appoint a referee for discovery matters, it does not permit delegation of ultimate fact finding on dispositive issues to a nonjudicial officer in a way that defeats the right to have factual disputes resolved by a jury. (*Aetna Life Ins. Co. v. Superior Court* (1986) 182 Cal.App.3d 431, 435–436).

In this case, the referee's termination-sanction recommendations went far beyond discovery assistance: they resolved dispositive factual issues, entered default, and extinguished Petitioners' cross-claims for fraud and emotional distress, effectively functioning as judicial determinations of liability. By adopting these recommendations while disqualification was pending, the trial court delegated core adjudicative functions to a biased, privately compensated referee—contrary to both Cal. Code Civ. Proc., § 639's limitations and the Fourteenth Amendment's due-process guarantee of a neutral decisionmaker.

This case therefore presents an ideal vehicle for the Court to clarify that due process requires

automatic suspension of a judicial officer's authority to act once a verified disqualification statement is filed, and that adjudication of such challenges must be free from participation by parties or judges with any prior involvement in the appointment.

V. The Question Is Exceptionally Important to Maintaining Public Confidence in the Integrity of Judicial Systems.

Public trust in the judiciary depends on the perception that courts are neutral arbiters. When litigants discover that their appointed adjudicator has ongoing financial or professional ties to their opponent's counsel, and that state courts will disregard statutory safeguards to protect those ties, confidence in the system erodes. This case is an ideal vehicle to reaffirm that due process protects not only the wealthy or the represented, but every citizen who comes before a court.

The Due Process Clause protects not only against actual bias but also against circumstances where "the probability of actual bias on the part of the judge or decisionmaker is too high to be constitutionally tolerable." (*Caperton*.) As this Court long ago explained, "justice must satisfy the appearance of justice." (*Offutt v. United States*, 348 U.S. 11, 14 (1954).) And "our system of law has always endeavored to prevent even the probability of unfairness." (*In re Murchison*.) In *Williams v. Pennsylvania*, the Court reiterated that due process guarantees an absence of actual bias and applies an objective standard to assess whether the likelihood of bias is "too high to be constitutionally tolerable." The Court emphasized that both the appearance and reality of impartial justice are

essential to maintaining public legitimacy and confidence in the judiciary. (*Williams v. Pennsylvania*, 579 U.S. 1 (2016).) Together, these cases make clear that even the appearance of partiality undermines public confidence in the judiciary and offends due process.

Under Cal. Code Civ. Proc., § 170.1(a)(6)(A)(iii) a judge (and by extension, a referee appointed under Cal. Code Civ. Proc., § 639) must be disqualified if “[a] person aware of the facts might reasonably entertain a doubt that the judge would be able to be impartial.”

This is an objective test, concerned not with actual bias, but with the appearance of bias. The facts here satisfy the objective test many times over.

First, a professional overlap. The referee and opposing counsel worked in the same courthouse during overlapping years, fostering familiarity and professional association.

Second, a judicial family connection. The referee was a longtime colleague of opposing counsel’s father, Judge Ramon, a sitting judge in the same system.

Third, ongoing financial relationships. Opposing counsel’s firm had repeatedly hired the referee as a mediator, paying tens of thousands of dollars in fees.

Fourth, public perception evidence. Petitioners presented survey results from randomly encountered members of the public in California, showing that awareness of these facts overwhelmingly led to doubt about the referee’s impartiality.

This Court specifically noted the importance of avoiding situations that “offer a possible temptation” to the average judge to rule in favor of one side. (*Caperton*, quoting *Tumey v. Ohio* (1927) 273 U.S. 510, 532.) The ongoing business ties and prior collegial relationships fall squarely within the kind of “possible temptation” that erodes public confidence.

Precedents also established that “The standard for disqualification provided for in subdivision (a)(6) [(A)(iii)] of section 170.1 is fundamentally an objective one. It represents a legislative judgment that due to the sensitivity of the question and inherent difficulties of proof as well as **the importance of public confidence in the judicial system, the issue is not limited to the existence of an actual bias. Rather, if a reasonable man would entertain doubts concerning the judge’s impartiality, disqualification is mandated.** “To ensure that the proceedings **appear to the public to be impartial and hence worthy of their confidence**, the situation must be viewed through the eyes of the objective person.”” (*Jolie v. Superior Court* (2021) 66 Cal.App.5th 1025, 1039-1040 (citing *United Farm Workers of America v. Superior Court* (1985) 170 Cal.App.3d 97, 104.), emphasis added.)

By granting certiorari, this Court would restore essential limits on judicial power, protect the right to an impartial decisionmaker, and reinforce the principle that the appearance of neutrality is indispensable to the rule of law.

CONCLUSION

For the foregoing reasons, certiorari should be granted.

Respectfully submitted,

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