

No.

In the Supreme Court of the United States

JOHN ZHONG AND CATHERINE LI,

Petitioners,

v.

SUPERIOR COURT OF CALIFORNIA, LOS ANGELES COUNTY, HON.
SALVATORE T. SIRNA, CITY OF DIAMOND BAR, RESPONDENTS.

ON PETITION FOR WRIT OF CERTIORARI
TO THE SUPREME COURT OF CALIFORNIA

APPENDIX

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Appendix A

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Case Summary / Disposition (Case No. S293574)

Case: Li v. S.C. (City of Diamond Bar)

Division: SF

Disposition:

Date: 10/22/2025

Description: Petition and Stay denied.

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Appendix B

[Filed: Oct. 14, 2025]

IN THE COURT OF APPEAL OF
THE STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT
DIVISION FIVE

CATHERINE LI et al.,
Petitioners,

v.

THE SUPERIOR COURT OF
LOS ANGELES COUNTY,
Respondent.

CITY OF DIAMOND BAR,
Real Party in Interest.

B349374

(Super. Ct. No. 23PSCV02124)
(Salvatore T. Sirna, Judge)

ORDER

THE COURT:

The court has read and considered the petition for writ of mandate filed October 6, 2025. The petition is denied. Petitioner fails to demonstrate the respondent court erred in striking the statement of disqualification. (See Code Civ. Proc., § 170.4, subd. (b); *Tri Counties Bank v. Superior Court* (2008) 167 Cal.App.4th 1332, 1337-1338; *People v. Armstrong* (2019) 6 Cal.5th 735, 798.)

HOFFSTADT, P.J. MOOR, J. KIM (D.), J.

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Appendix C
[Filed: Oct. 2, 2025]

SUPERIOR COURT OF
THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

CITY OF DIAMOND BAR	CASE NO.
Plaintiff,	23PSCV02124
v.	ORDER STRIKING
CATHERINE LI and	STATEMENT OF
JOHN ZHONG,	DISQUALIFICATION;
Defendants.	VERIFIED ANSWER

On October 2, 2025 Defendants Catherine Li and John Zhong filed and served a Verified Statement of Disqualification ("Statement").

As the Statement on its face demonstrates no legal grounds for disqualification, it is stricken pursuant to Code of Civil Procedure section 170.4, subdivision (b), as explained below.

Discussion

***The Statement Is Based on Untimely Allegations
That Cannot Form the Basis For Disqualifica-
tion of the Assigned Judge***

The first grounds for Defendants' Statement are claims related to vaguely referenced prior rulings: "*Judge Sima [sic] has consistently demonstrated bias in favor of the City of Diamond Bar. His rulings repeatedly strike or discount Defendants' filings while sustaining the City's positions....*" Statement 2:17-20.

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The last ruling¹ this Court issued was on August 25, 2025.

Thus, any rulings from August 25, 2025 (or before) identified as grounds for disqualification, were not raised “at the earliest practical opportunity.” (Code Civ. Proc., § 170.3 subd. (c)(1) [a statement of disqualification “shall be presented at the earliest practical opportunity after discovery of the facts constituting the grounds for disqualification.”]). “The reason for requiring a prompt claim of bias is that a party should not be allowed to play fast and loose with the administration of justice by deliberately refraining from raising any objection, on the chance that he might get a favorable decision, and still be free to urge the objection as grounds for upsetting an unfavorable judgment.” (*Keating v. Superior Court* (1955) 45 Cal.2d 440, 446 (internal citation omitted); *Tri Counties Bank v. Superior Court* (2008) 167 Cal.App.4th 1332, 1337-1338.) Therefore, Defendants’ untimely allegations cannot be grounds for disqualification.

Magana v. Superior Court (2018) 22 Cal.App.5th 840 is instructive on the issue of timeliness as presented here. The defendant in *Magana* presented a statement of disqualification on March 16, 2018 where “all of the purported facts it recites as a basis for recusing the trial judge related to events that had occurred nearly one month earlier, on February 21 and February 22....” *Id.* at 856. The Court of Appeal agreed that the Statement was untimely and the “trial judge did not abuse his discretion in denying the challenge as untimely.” *Id.* at 857. Given the timeline

¹ The Statement also refers to the Court’s September 30, 2025 tentative ruling, which of course is not a final ruling.

here, the allegations from August 25, 2025 or before are untimely raised on October 2, 2025. Further, Defendants only filed the Statement after reading the court's tentative rulings for motions that were set for hearing on October 2, 2025.

***Disagreement with the Court's Rulings
Is Insufficient to Disqualify a Judge***

The remaining allegations in the Statement relating to the Court's September 30, 2025 tentative ruling are not ripe, given that a tentative ruling is not a final ruling. In fact, the motions set on October 2, 2025 were not called for hearing because Defendants served the court with a copy of the Statement. Nevertheless, even if the September 30, 2025 ruling had been a final ruling, the Statement would be based only on a disagreement with the court's rulings, an insufficient basis on its own for disqualification.

The California Supreme Court has held that "a trial court's numerous rulings against a party — even when erroneous — do not establish a charge of judicial bias, especially when they are subject to review." (*People v. Guerra* (2006) 37 Cal.4th 1067, 1112 [overruled on other grounds]; see also *McEwen v. Occidental Life Ins. Co.* (1916) 172 Cal. 6, 11 ["Erroneous rulings against a litigant, even when numerous and continuous, form no ground for a charge of bias or prejudice Nor are a judge's expressions of opinion, uttered in what he conceives to be the discharge of his judicial duty, evidence of bias or prejudice."].) A party's remedy for an erroneous ruling is not a motion to disqualify but rather review by appeal or writ. (See *Ryan v. Welte* (1948) 87 Cal.App.2d 888, 893 ["[A] wrong opinion on the law of a case does not disqualify a judge,

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nor is it evidence of bias or prejudice”].) Here, Defendants’ disagreement with the court’s rulings is insufficient to disqualify the undersigned since Defendants’ appellate rights remain.

***Opinions and Conclusions are Insufficient
to Disqualify a Judge***

Defendants’ opinions and conclusions that the court’s rulings demonstrate bias is also insufficient to disqualify the undersigned.

Code of Civil Procedure section 170.3, subdivision (c)(1) requires the disqualification statement to set forth “the facts constituting the grounds” for disqualification of the judge. Mere conclusions of the pleader are insufficient. (*In re Morelli* (1970) 11 Cal.App.3d 819, 843; *Urias v. Harris Farms, Inc.* (1991) 234 Cal.App.3d 415, 426.) A party’s belief as to a judge’s bias and prejudice is irrelevant and not controlling in a motion to disqualify for cause, as the test applied is an objective one. (*United Farm Workers of America v. Superior Court* (1985) 170 Cal.App.3d 97, 104; *Leland Stanford Junior University v. Superior Court* (1985) 173 Cal.App.3d 403, 408 [“the litigants’ necessarily partisan views [do] not provide the applicable frame of reference”].) The facts and circumstances prompting a challenge for cause must be evaluated in the context of the entire proceeding and not based solely upon isolated conduct or remarks. (*Flier v. Superior Court* (1994) 23 Cal.App.4th 165, 171-172.) Thus, the opinions and conclusions of Defendants are insufficient to disqualify the undersigned.

***The Statement is Insufficient for Disqualification
Based on an Appearance of Bias***

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The Statement does not present facts to demonstrate an appearance of bias. Code of Civil Procedure section 170.1, subdivision (a)(6)(A)(iii) provides that a judge shall be disqualified if a person aware of the facts might reasonably entertain a doubt that the judge would be able to be impartial. The California Supreme Court has cautioned that this is a heavy burden and "must clearly be established by an objective standard." (*Haworth v. Superior Court* (2010) 50 Cal.4th 372, 389 [quoting *People v. Chatman* (2006) 38 Cal.4th 344, 363].) "[T]he appearance-of-partiality standard must not be so broadly construed that it becomes, in effect, presumptive, so that recusal is mandated upon the merest unsubstantiated suggestion of personal bias or prejudice." (*Haworth*, 50 Cal.4th at 389 [quoting *United States v. Holland* (9th Cir. 2008) 519 F.3d 909, 913 (internal quotation marks and citation omitted)].) Where perceived bias toward counsel is alleged, "[I]t must be more than a quick flare-up or isolated occurrence." *In re Buckley* (1973) 10 Cal.3d 237.

To the extent the Statement asserts that the undersigned is biased or prejudiced against Defendants (or biased in favor of the Plaintiff), the Statement has not alleged sufficient facts to clearly establish the appearance of bias. The undersigned is not prejudiced or biased in favor of or against any party to this proceeding. The court has made all rulings, in writing, with copies to the parties, based on the facts and arguments officially presented, has acted in furtherance of his judicial duties, and has not prejudged any legal or factual claims in this case. Thus, absent any other facts suggesting prejudice or bias, the facts alleged in the Statement do not disqualify the undersigned.

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***A Judge Has a Duty to Decide When Not
Disqualified***

A judge has both an ethical and statutory duty to decide cases where, as here, there are no legal grounds for disqualification. (Cal. Code Jud. Ethics, canon 3B(1); Code Civ. Proc., § 170; Cal. Rules of Court, rule 10.608(1)(A).) After careful consideration and a thorough review of the Statement, this court finds no grounds for disqualification. The court will continue to decide all matters assigned in this case consistent with the ethical and statutory duties of the undersigned.

CONCLUSION

Because the Statement on its face discloses no legal grounds for disqualification and is untimely, it is ordered stricken pursuant to Code of Civil Procedure section 170.4, subdivision (b).

The parties are reminded that the determination of the question of the disqualification is not an appealable order and may be reviewed only by a writ of mandate from the Court of Appeal sought within ten (10) days of notice to the parties of the decision. (Code Civ. Proc., § 170.3(d).) If a timely writ is sought, and an appellate court determines that an answer should have been timely filed, such an answer is filed herewith. (See *PBA, LLC v. KPOD, Ltd.* (2003) 112 Cal.App.4th 965, 972; accord, *Fine v. Superior Court* (2002) 97 Cal.App.4th 651, 658.)

GOOD CAUSE APPEARING THEREFORE, it is so ordered.

Date: Oct 2, 2025

/s/ Salvatore T. Sirna
Judge Salvatore T. Sirna

Verified Answer of Salvatore T. Sirna

I, Salvatore T. Sirna, declare:

1. I am a Judge of the Superior Court and as such was assigned to preside over this case.
2. I am not prejudiced or biased in favor of or against any party or counsel to this proceeding.
3. All rulings made by me in this action have been based on facts and arguments officially presented to me and upon my understanding of the law. My statements and rulings are set forth in the records and the files therein, which are the best evidence hereof. To the extent the moving party's statement of those rulings and statements are inconsistent therewith, they are denied.
4. All statements made by me and all actions taken by me in this proceeding have been done in furtherance of what I believe were my judicial duties and obligations.
5. I have not prejudged any legal or factual claims in this case.
6. I know of no facts or circumstances which would require my disqualification or recusal in this case.

I declare under penalty of perjury that the foregoing is true and correct and of my own personal knowledge, except as to those matters stated to be on my information and belief, and as to those matters, I believe them to be true.

Executed this 2 day of October 2025, at Los Angeles, California.

/s/ Salvatore T. Sirna
Salvatore T. Sirna