

No. 26–95

In the Supreme Court of the United States

JOHN ZHONG, ET AL.,

Petitioners,

v.

SUPERIOR COURT OF CALIFORNIA,
LOS ANGELES COUNTY, ET AL.,

Respondents.

ON PETITION FOR WRIT OF CERTIORARI
TO THE COURT OF APPEAL OF CALIFORNIA
SECOND APPELLATE DISTRICT

SECOND SUPPLEMENTAL BRIEF

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INTRODUCTION

Pursuant to Rule 15.8, Petitioners call the Court's attention to intervening proceedings in the same state-court action. On August 12, 2026, the trial court lifted its temporary discretionary stay, awarded the City of Diamond Bar \$32,118 in appellate attorney's fees, and declined to hear Petitioner John Zhong's oral argument on the fee motion. The court made those rulings while acknowledging that the petition in No. 26–95 remained pending and that the renewed stay application in No. 26A145 had been submitted to the Chief Justice.

Petitioners do not contend that the pending petition automatically stayed the state proceedings. The intervening orders matter for a narrower reason: the petition asks whether due process permits the assigned judge to continue presiding after Petitioners' verified disqualification statement was struck without application of the federal constitutional standard. The August 12 proceeding demonstrates that the challenged judge continues to make consequential rulings in the underlying action while that question remains live.

I. The August 12 Ruling Is an Intervening Matter

The Court's docket shows that No. 26–95 was docketed on July 21, 2026, with a response due August 20, 2026. The docket also shows that application No. 26A145 was denied by Justice Kagan on August 3 and refiled and submitted to the Chief Justice on August 6. The August 12 ruling occurred after Petitioners' prior filing and therefore was not previously available.

At the August 12 hearing, the trial court stated that it was lifting its discretionary stay. The minute order records that the court knew No. 26–95 remained pending and knew the renewed application was under consideration. The court nevertheless proceeded to decide the fee motion and awarded \$32,118, although payment was deferred until final judgment. 2d Suppl. App. 2–3.

II. The Written Record and the August 12 Minute Order Are in Material Tension

Before the continued hearing, Petitioners filed a supplemental objection addressing the fee records and a written request under California Rule of Court 3.1306 for limited testimony or, alternatively, a continuance and a line-item allocation. Those papers identified the 122.3 appellate hours, the additional 9.5 fee-motion hours, the 235.3-hour matter report, mixed and redacted entries, allocation issues, and asserted duplication among timekeepers. 2d Suppl. App. 26–31, 42–47. Petitioners also filed a notice that they intended to contest the tentative ruling and requested oral argument. 2d Suppl. App. 24. The motions were later continued to August 12.

The August 12 minute order first states that the court considered Petitioners’ written objections. 2d Suppl. App. 2. It then states that Petitioner had not contested the billing entries in writing, had waived the objections, and would not be permitted to present oral argument on the fee motion. 2d Suppl. App. 3. The order did not rely on a failure to request argument; it characterized the proposed oral objections as inappropriate. *Ibid.* The order does not expressly resolve the written Rule 3.1306 request for limited

testimony or the alternative request for a line-item procedure. The court adopted the tentative ruling and awarded the full amount. *Ibid.*

Petitioners recognize that evidentiary and fee-management rulings ordinarily rest within a trial court's discretion. The relevance here is not to ask this Court to review the fee calculation in the first instance. Rather, the record supplies a concrete, post-petition example of the ongoing consequences of leaving the challenged judge in control of the action and of the need for a reasoned adjudication of the federal disqualification claim.

III. The Intervening Proceedings Confirm That the Question Presented Remains Live

The petition presents a structural due-process question concerning an objectively intolerable risk of bias and the summary rejection of a verified disqualification claim. The August 12 orders do not alter the judgment under review and are not offered as a new question presented. They confirm, however, that the disqualification dispute has continuing practical consequences. The challenged judge remains assigned to the case, controls the procedure used to decide contested matters, and has entered a substantial fee award affecting Petitioners.

The supplemental appendix includes the August 12 tentative ruling and minute order and the filings necessary to understand the procedural record. Earlier July and August orders are included only to show the sequence leading to the continued August 12 hearing.

CONCLUSION

The Court should consider these intervening matters in deciding the pending petition and should grant the petition for a writ of certiorari.

Respectfully submitted.

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AUGUST 2026

Pro Se Petitioners

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Appendix A

**SUPERIOR COURT OF CALIFORNIA,
COUNTY OF LOS ANGELES**

Civil Division

East District, Pomona Courthouse South, Department G

23PSCV02124

August 12, 2026

**CITY OF DIAMOND BAR,
A MUNICIPAL CORPORATION**

8:30 AM

vs CATHERINE LI, et al.

Judge: Honorable Salvatore CSR: None

Sirna ERM: None

Judicial Assistant: Melissa Deputy Sheriff: None

Vasquez

Courtroom Assistant: Cris

Rodelo

APPEARANCES:

For Plaintiff(s): William Litvak via LA Court Connect

For Defendant(s): Catherine Li Self-Represented Litigant; John Zhong Self-Represented Litigant

NATURE OF PROCEEDINGS: Case Management Conference (Further); Hearing on Motion for Attorney Fees; Hearing on Motion for Order to File Cross-Complaint; Order to Show Cause Re: Status of Writ of Certiorari;

The matter is called for hearing.

At initial calendar call, Defendant, CATHERINE LI is not present but is in route.

2d Suppl. App. 2

Court and parties discuss the status of the case.

The Court notes that Defendant, JOHN ZHONG and only Mr. Zhong sought relief in Supreme Court case, B356123 and the Court has received the Appellate Courts DENIAL of the Petition which was filed on 08/11/2026 by the Appellate Court.

The Court issued a discretionary STAY up until today.

The Court will now lift the STAY this date and the Court finds no grounds to continue the STAY but the Court acknowledges that Defendant ZHONG renewed the Petition with the Supreme Court and that Petition is currently being evaluated by Chief Justice, JOHN ROBERTS.

Now, the Court will proceed on the two pending Motions.

Before the Motions are called for hearing, Defendant ZHONG requests the Court to continue the STAY.

The matter is argued.

The Court disagrees with Defendant ZHONG's analysis and the Court seeks no benefit to continue, therefore the oral request is **DENIED**.

Motion for Attorneys Fees is called for hearing.

The Court issues a Tentative Ruling.

Plaintiff's Counsel submits to the Court's Tentative Ruling.

The Court clarifies that the Court considered Defendants objections and the objections are part of the Court Docket, and the Court has addressed the objections in the Court's Tentative Ruling.

To the extent Defendant ZHONG is making an oral Opposition to the billing entries by Plaintiff, the Court DECLINES to consider Defendants oral objec-

2d Suppl. App. 3

tions because they were not placed in written Opposition form and Plaintiff did not have an opportunity to file a Reply, and lastly, the Court finds oral objections to be inappropriate.

The Court will not itemize the billing as Defendant ZHONG did not contest entries or provide basis for the Court to tax fees or costs.

The Court further finds that Defendant ZHONG did not address itemized billing in written Opposition.

Defendant is advised that he cannot oppose a Motion through an Ex-parte Application. Defendant needed to file a separate Opposition directly to the Motion.

The Court finds because Defendant ZHONG did not attack itemized billing, the Court finds that Defendant has waived his objections and again, the Court will not consider oral argument.

Now, the Court will adopt its Tentative Ruling and Plaintiff City of Diamond Bar's Motion for Appellate Attorney's Fees is **GRANTED** in the total amount of \$32,118.00.

The Court's findings are reflected in the Court's Tentative Ruling, which is filed this date and incorporated into the Court file.

Pursuant to Code of Civil Procedure §128, subd. (a)(8), the Court will not require Defendants pay the Attorney's Fee award until after the Court renders a Final Judgment.

The matter proceeds.

Now, Defendant LI is present in Court.

Motion for Leave to File Cross-Complaint is called for hearing.

The Court issues a Tentative Ruling.

The Court notes that it previously **DENIED** Defendant LI's Ex-parte to withdrawal from Motion to File Cross-Complaint.

At this time, Defendant LI renews her request, and the request is heard and is **GRANTED**. The Court will allow Defendant LI to withdrawal from her request for Leave to File Motion for Cross-Complaint. In Open Court, Defendant LI states she will not seek leave in the future to file a Cross-Complaint in this action.

As requested by Defendant LI, the Court clarifies that this will not change the status of Defendant LI as a Defendant.

Defendant ZHONG argues.

Again, as to this Motion, the Court finds it prejudicial to Plaintiff on Defendant's newly discovered facts raised in oral argument.

The matter is further argued.

Over the objection of Plaintiff's Counsel, Defendant's oral request to DENY the Motion Without Prejudice is heard and is **GRANTED**, therefore, the Court will amend its Tentative Ruling and Defendant John Zhong Amended Motion for Leave to File a Cross-Complaint is **DENIED** Without Prejudice.

With the Court's Ruling, Defendant ZHONG is admonished to follow Court Rules when it comes to filing pleadings.

Case Management Conference is called for hearing.

Parties discuss ADR Options.

The matter is briefly discussed and argued.

Now, Defendants advise the Court they are amenable to Mediation.

2d Suppl. App. 5

The parties in the above-captioned case are referred to the Mediation Volunteer Panel (MVP), a court-connected program administered by the Los Angeles Superior Court's Alternative Dispute Resolution (ADR) Office. Cases referred to the MVP program will be eligible for three hours of virtual mediation at no cost with a qualified and impartial mediator who volunteers preparation time and the first three hours of the virtual mediation session. Thereafter, if the parties wish to continue the mediation, the mediator may charge the hourly rate as listed in their MVP profile listed on the Court's website at www.lacourt.org/ADR.

The ADR Office will email a detailed Notice of Referral to Mediation (Notice) to all parties and their attorneys of record. The Notice directs the parties or their attorneys to meet and confer regarding the selection of a mediator and submit an online Response to the Notice. Parties may select a mediator from the MVP profiles or request the ADR Office to assign a mediator. Mediator profiles, including contact information, areas of expertise, and hourly rates, are available on the Court's ADR webpage. Regardless of the method of mediator selection, the plaintiff or plaintiff's counsel must submit an online Response within 15 calendar days of the date on the Notice. A link to the Response Form is available on the Court's ADR webpage and on the Notice of Referral to Mediation.

The ADR Office will email a Notice of Mediator Assignment to the mediator and the parties in all MVP cases once the Response Form is received and processed. If an MVP mediator is not available, the ADR Office may refer cases to other no-cost or low-

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cost mediation resources when necessary (e. g. Mediation Center of Los Angeles or the Civil Mediation Vendor Resource List).

The assigned MVP mediator will communicate mediation details, including preparation instructions and the date, time, and links to the virtual mediation session. The entire mediation process must be completed prior to the completion date set by the judge. Parties and attorneys are responsible for attending the mediation session and ensuring that all persons necessary to resolve the case participate.

The mediation shall be completed by 12/31/2026.

Submission of an action to mediation does not affect time periods specified in the Trial Court Delay Reduction Act (Gov. Code, §68600 et seq.) except as provided in C.R.C. 3.896 (a).

Parties are directed to read and comply with the MVP information and procedures outlined in the General Order in re Mediation Volunteer Panel and Notice of Referral to Mediation. For questions, parties should contact the ADR Office at 213-830-0458 or ADRCivil@lacourt.org.

Post-Mediation Status Conference /Trial Setting Conference is scheduled for 01/20/2027 at 08:30 AM in Department G at Pomona Courthouse South.

The Court notes that Plaintiff waives Trial by Jury and notes that based on the type of case, there is no right to a Trial by Jury.

Defendants are requesting a Jury Trial.

If Defendants still seek Trial by Jury, Defendants may brief the the issue to the Court.

Plaintiff's Counsel is directed to give notice.

2d Suppl. App. 7

Appendix B

[Filed: Aug. 12, 2026]

**DEPARTMENT G - LAW AND MOTION
RULINGS**

The Court may change tentative rulings at any time. Therefore, counsel are advised to check this website periodically to determine whether any changes or updates have been made to the tentative ruling. Counsel may submit on a tentative ruling by calling the clerk in Department G at (909) 802-1104 after 8:30 a.m. the morning of the hearing.

Case Number: 23PSCV02124 Hearing Date: August 12, 2026 Dept: G

Plaintiff City of Diamond Bar's Motion for Appellate Attorney's Fees

Respondent: Defendants John Zhong and Catherine Li

Defendants John Zhong and Catherine Li's Amended Motion for Leave to File a Cross-Complaint

Respondent: Plaintiff City of Diamond Bar

FINAL RULING

Plaintiff City of Diamond Bar's Motion for Appellate Attorney's Fees is GRANTED in the total amount of \$32,118.00.

Defendants John Zhong and Catherine Li's Amended Motion for Leave to File a Cross-Complaint is DENIED without prejudice.

BACKGROUND

This is a nuisance abatement action. Defendants John Zhong and Catherine Li (collectively, Defendants) are the alleged owners of real property within the boundaries of plaintiff City of Diamond Bar (the City). Beginning in March 2022, Defendants allegedly used their real property for short-term rentals in violation of Diamond Bar Municipal Code section 22.08.030. Defendants allegedly refused to comply despite the City's notices of violation of the ordinance.

On July 14, 2023, the City filed the Complaint, alleging causes of action for (1) public nuisance and (2) public nuisance per se.

On September 11, 2023, the City filed a notice of pendency of action (*lis pendens*). On October 9, 2023, the court denied Defendants' motion to expunge *lis pendens*.

On December 18, 2023, Defendants filed a Cross-Complaint. On January 17, 2024, the court struck the Cross-Complaint without prejudice.

On August 1, 2025, the City filed a motion for appellate attorney's fees. On August 4, 2025, Defendants filed the opposition (labeled as an objection). On September 24, 2025, the City filed the reply, and Defendants filed a supplemental opposition. On September 25, 2025, the City objected to the supplemental opposition, and on September 29, 2025, Defendants filed a response to the objection. On June 22, 2026, Defendants filed a revised opposition (labeled as an objection), and on July 10, 2026, the City filed a revised reply.

On June 22, 2026, Defendants filed an amended motion for leave to file a cross-complaint. On July

10, 2026, the City filed the opposition, and Defendants filed the reply.

This case is set for a case management conference (further), a continued hearing on the motion for attorney's fees, and a hearing on the amended motion for leave to file a cross-complaint on July 23, 2026.

OBJECTIONS

The City objects to the supplemental opposition Defendants filed against the motion for appellate attorney's fees. The court did not grant Defendants leave to file a supplemental opposition to the motion for appellate attorney's fees. Thus, the court sustains the City's objection and does not consider the supplemental opposition.

Defendants object to the July 10, 2026 declaration of Eric P. Markus. "The general rule of motion practice . . . is that new evidence is not permitted with reply papers." (*Jay v. Muhaffey* (2013) 218 Cal. App. 4th 1522, 1537.) However, "the trial court had discretion whether to accept new evidence with the reply papers," and "points raised for the first time in a reply brief will ordinarily not be considered." (*Id.* at 1538, cleaned up, emphasis added.) The supplemental declaration and attached exhibit do not raise points for the first time; they clarify points previously made in the motion. Thus, the court overrules Defendants' objection.

The City objects to Defendants objection, *supra*, interpreting it as an improper brief. The confusion is understandable because Defendants label their briefs as "objections." (*See, e.g., 7/10/2026 Obj., p. 1.*) However, the court interpreted Defendants' June 22, 2026 "objection" as the revised opposition, which it

authorized at the June 11, 2026 hearing, and interpreted the July 10, 2026 “objection” as a proper objection. (See 6/11/2026 Min. Order, authorizing the parties to provide revised briefs after the court found Defendants’ original opposition contained hallucinated authorities.) In any event, the court did not consider the arguments contained in Defendants’ July 10, 2026 objection, only the objections themselves, and the court ultimately overrules Defendants’ objection. Thus, the court overrules the City’s objection.

REQUEST FOR JUDICIAL NOTICE

The City requests that the court take judicial notice of its own records and of a section of the City’s municipal code. The court may take judicial notice of the records of any California court or any court of record in the United States. (Evid. Code, §452, subd. (d).) The court may also take judicial notice of regulations and legislative enactments issued by a public entity in the United States. (Evid. Code, §452, subd. (b).)

Thus, the court takes judicial notice of the requested records.

Defendants also request that the court take judicial notice of its own records. As stated above, the court may take judicial notice of the records of any California court, including its own. (Evid. Code, §452, subd. (d)(1).)

Thus, the court takes judicial notice of the requested records.

MOTION FOR APPELLATE ATTORNEY’S FEES

The City moves for an award of its appellate attorney’s fees in the amount of \$32,118.00. For the fol-

lowing reasons, the court **GRANTS** the motion for appellate attorney's fees.

Legal Standard

As in trial court litigation, attorney's fees on appeal are recoverable if authorized by contract, statute, or law. (Code Civ. Proc., §1033.5, subd. (a)(10); *see People ex rel. Cooper v. Mitchell Brothers' Santa Ana Theater* (1985) 165 Cal.App.3d 378, 387.) Statutory authorization for the recovery of attorney's fees incurred in trial court proceedings necessarily includes attorney's fees incurred on appeal. The statute need not expressly authorize fees on appeal. (*Morcos v. Bd. of Retirement* (1990) 51 Cal.3d 924, 927, stating that "fees, if recoverable at all—pursuant to either statute or parties' agreement—are available for services at trial and on appeal," internal quotation omitted.) Unless the appellate court orders otherwise, it is within the trial court's sound discretion to entertain a request for appellate attorney's fees notwithstanding the absence of specific direction from the appellate court. (*See* Cal. Rules of Court, rule 8.278(d)(2); *Butler-Rupp v. Lourdeaux* (2007) 154 Cal.App.4th 918, 924.) If the appellate court's opinion is silent on the subject of attorney's fees, the appellate judgment does not preclude a party from seeking them, and the issue of entitlement to fees on appeal will be determined on remand by motion made in the trial court pursuant to California Rules of Court, rule 3.1702. (Cal. Rules of Court, rule 8.278(d)(2); *see Gale v. Super. Ct.* (2004) 122 Cal.App.4th 1388, 1399.)

"It is well established that the determination of what constitutes reasonable attorney fees is commit-

ted to the discretion of the trial court, whose decision cannot be reversed in the absence of an abuse of discretion.” (*Melnyk v. Robledo* (1976) 64 Cal. App. 3d 618, 623.) The fee setting inquiry in California ordinarily “begins with the ‘lodestar’ [method], i. e., the number of hours reasonably expended multiplied by the reasonable hourly rate.” (*Graciano v. Robinson Ford Sales, Inc.* (2006) 144 Cal. App. 4th 140, 154.) “The reasonable hourly rate is that prevailing in the community for similar work.” (*Margolin v. Regional Planning Com.* (1982) 134 Cal. App. 3d 999, 1004.) “Under the lodestar method, a party who qualifies for a fee should recover for all hours reasonably spent unless special circumstances would render an award unjust.” (*Vo v. Las Virgenes Municipal Water Dist.* (2000) 79 Cal. App. 4th 440, 446.)

“[A] computation of time spent on a case and the reasonable value of that time is fundamental to a determination of an appropriate [attorney’s] fee award.” (*Margolin v. Regional Planning Com.*, *supra*, 134 Cal. App. 3d 999, 1004.) The lodestar figure may then be adjusted, based on consideration of factors specific to the case, in order to fix the fee at the fair market value for the legal services provided. (*See Serrano v. Priest* (1977) 20 Cal. 3d 25, 49, discussing factors relevant to proper attorney’s fees award.) Such an approach anchors the trial court’s analysis to an objective determination of the value of the attorney’s services, ensuring that the amount awarded is not arbitrary. (*Id.* at 48, fn. 23.) The factors considered in determining the modification of the lodestar include “(1) the novelty and difficulty of the questions involved, (2) the skill displayed in presenting them, (3) the extent to which the nature of

the litigation precluded other employment by the attorneys, [and] (4) the contingent nature of the fee award.” (*Mountjoy v. Bank of America* (2016) 245 Cal. App. 4th 266, 271.) “[T]he burden is on the party seeking attorney fees to prove that the fees it seeks are reasonable.” (*Gorman v. Tassajara Development Corp.* (2009) 178 Cal. App. 4th 44, 98.) “[A]n award of attorney fees may be based on counsel’s declarations, without production of detailed time records.” (*Raining Data Corp. v. Barrenechea* (2009) 175 Cal. App. 4th 1363, 1375.) “[P]aralegal fees may be awarded as attorney’s fees if the trial court deems it appropriate... .” (*Roe v. Halbig* (2018) 29 Cal. App. 5th 286, 312.)

Where a party is challenging the reasonableness of attorney’s fees as excessive that party must “attack the itemized billing[] with evidence that the fees claimed were not appropriate, or obtain the declaration of an attorney with expertise in the procedural and substantive law to demonstrate that the fees claimed were unreasonable.” (*Premier Medical Management Systems, Inc. v. Cal. Ins. Guarantee Assn.* (2008) 163 Cal. App. 4th 550, 563–564.) “[I]t is the burden of the challenging party to point to the specific items challenged, with a sufficient argument and citations to the evidence and arguments that fees claimed are excessive, duplicative, or unrelated do not suffice.” (*Id.* at 564.) “General arguments that fees claimed are excessive, duplicative, or unrelated do not suffice.” (*Ibid.*) A “court should defer to the winning lawyer’s professional judgment as to the tasks completed in an action because he won, and might not have, had he been more of a slacker.” (*Moreno v. City of Sacramento* (9th Cir. 2008) 534

F.3d 1106, 1111.) A losing party cannot litigate tenaciously then be heard to complain about the time spent or tasks performed by the prevailing party in response. (*City of Riverside v. Rivera* (1986) 477 U.S. 561, 580, fn. 11.) Where a defendant does not produce evidence contradicting the reasonableness of counsel's hourly rates, the court will deem an attorney's hourly rate as reasonable. (*Goglin v. BMW of North America, LLC* (2016) 4 Cal. App. 5th 462, 473.)

Discussion

To decide the City's motion for appellate attorney's fees, the court must determine (1) whether the City is a prevailing party entitled to costs, and if it is, (2) whether the motion is premature, and if not, (3) whether the cost award includes the City's attorney's fees and, if it does, then the court determines the attorney's fee award by considering (4) the reasonableness of the claimed hours and (5) the reasonableness of counsel's rates.

Prevailing Party

"[A] prevailing party is entitled as a matter of right to recover costs in any action or proceeding." (Code Civ. Proc., §1032, subd. (b).) Regarding costs on appeal, "[t]he prevailing party is the respondent if the Court of Appeal affirms the judgment without modification or dismisses the appeal. The prevailing party is the appellant if the court reverses the judgment in its entirety." (Cal. Rules of Court, rule 8.278(a)(2).) :

Here, Defendants appealed this court's issuance of a preliminary injunction. (See 12/14/2023 Notice of Appeal, §1.) Defendants' appeal was unsuccessful. The Court of Appeal affirmed this court's order.

(See 6/23/2025 Remittitur, p. 8, holding, “The order is affirmed. The City is entitled to its costs on appeal.”; *see also* Cal. Rules of Court, rule 8.278(a)(2).) Thus, the court finds that the City is the prevailing party entitled to costs on appeal.

Timing of the Motion

“A notice of motion to claim attorney’s fees for services up to and including the rendition of judgment in the trial court—including attorney’s fees on an appeal before the rendition of judgment in the trial court—must be served and filed within the time for filing a notice of appeal under rules 8.104 and 8.108 in an unlimited civil case... .” (Cal. Rules of Court, rule 3.1702(b)(1).) Rule 8.104 deals with the time to appeal, and rule 8.108 deals with extending the time to appeal. Rule 8.104 specifies that an appeal must be filed “on or before” the dates of certain events; it does not prohibit an appeal from being filed too early, only stating that it should not be filed too late. (Cal. Rules of Court, rule 8.104.)

Here, the City filed its motion for attorney’s fees on August 1, 2025. (*See* Mot. Atty’s Fees, p. 1.) The court finds the motion is filed timely under Rule 3.1702 because the City filed the motion before any of the events specified in Rule 8.104. Thus, it is appropriate for the court to consider the motion for attorney’s fees before the entry of final judgment.

As a matter of fairness, however, the court notes its authority to control its own process to make it conform to justice. (*See* Code Civ. Proc., §128, subd. (a)(8).) If it is in the furtherance of justice, then the court will not require that Defendants pay the attorney’s fee award until after the court renders a final

judgment. But even if the court defers Defendants' obligation to pay attorney's fees as part of the costs on appeal, the court need not wait to decide the underlying issue of costs on appeal until after final judgment. The costs the City incurred on appeal in the past will not change in the future, so the court may decide the issue of costs on appeal now.

Attorney's Fees as Part of the Cost Award

"With regard to an award of attorney fees in litigation, California generally follows what is commonly referred to as the American Rule, which provides that each party to a lawsuit must ordinarily pay his or her own attorney fees." (*Tract 19051 Homeowners Assn. v. Kemp* (2015) 60 Cal.4th 1135, 1142, cleaned up.) "Except as attorney's fees are specifically provided for by statute, the measure and mode of compensation of attorneys and counselors at law is left to the agreement, express or implied, of the parties; but parties to actions or proceedings are entitled to their costs..." (Code Civ. Proc., §1021.) Section 1033.5 lists categories of recoverable costs, including "Attorney's fees, when authorized by . . . (A) Contract[,] (B) Statute[,] [or] (C) Law." (Code Civ. Proc., §1033.5, subd. (a)(10).)

Here, the Diamond Bar Municipal Code provides, "Attorney's fees . . . shall be awarded to the prevailing party in any action taken by the city to abate a public nuisance. . . ." (Diamond Bar Mun. Code, §1.04.010, subd. (e).) This case is explicitly an action by the City to abate a public nuisance. (*See* Compl., pp. 5–6.) As stated above, the Court of Appeal awarded the City its costs on appeal. (*See* 6/23/2025 Remittitur, p. 8, stating, "The City is enti-

tled to its costs on appeal.”) Thus, the cost award may include attorney's fees as part of the cost award under Code of Civil Procedure section 1033.5 because it is authorized by the Diamond Bar Municipal Code.

Reasonableness of the Claimed Hours

The City substantiated 122.3 hours from counsel in this litigation. A verified fee bill is “prima facie evidence the costs, expenses and services listed were necessarily incurred.” (*Hadley v. Krepel* (1985) 167 Cal. App. 3d 677, 682.) However, counsel bears the burden to demonstrate the reasonableness of charges. (*Mikhaeilpoor v. BMW of North America, LLC* (2020) 48 Cal. App. 5th 240, 247.) Fees should be denied where the court finds the tasks unreasonable or unnecessary since “padding in the form of inefficient or duplicative efforts is not subject to compensation.” (*Ketchum v. Moses* (2001) 24 Cal. 4th 1122, 1132.)

Here, the City’s counsel claims 122.3 hours of legal work and provides their itemized fee bill. (Litvak Decl., ¶ 9; Litvak Decl., Exh. B.) Upon review of the invoice, the court finds the hours spent on the appeal appear reasonable.

For their part, Defendants did not attack the City’s itemized billing with evidence that the fees claimed are not appropriate. (Orig. Opp. Atty’s Fees, pp. 2–11; Rev’d Opp., pp. 2–15.) The original opposition argues at length that the City’s claimed hours are excessive citing claimed authorities, almost all of which are misquoted or do not exist. The revised opposition focuses more on whether the City is entitled to attorney’s fees at all as opposed to specific challenges to the City’s fee bill. Defendants’ argu-

ments do not overcome the prima facie evidence of the City's fee bill.

Therefore, the City substantiated all 122.3 hours from counsel in this litigation.

Importantly, the court must note that fabricated citations and erroneous statements of law require a court to spend excessive time on the immediate proceeding to attempt to track down fabricated legal authority and then to research the issues presented without assistance. (*See Noland v. Land of the Free, L. P.* (2025) 114 Cal.App.5th 426, 447–448, paraphrased.) Here, Defendants' provided false and non-existent citations to legal authority. Further, the court does not excuse Defendants' misrepresentations about relevant authorities based on their lack of legal representation. (*Rancho Mirage Country Club Homeowners Assn. v. Hazelbaker* (2016) 2 Cal.App.5th 252, 262, noting that "[w]hen a litigant is appearing in propria persona, [they are] entitled to the same, but no greater, consideration than other litigants and attorneys.")

Defendants are admonished that before filing any future document with the court, Defendants "must carefully check every case citation, fact, and argument to make sure that they are correct and proper. [They] cannot delegate that role to AI, computers, robots, or any other form of technology." (*Noland, supra*, at 446, cleaned up.) The court will not accept or tolerate Defendants' future citation to hallucinated authorities as exhibited in their original opposition.

Reasonableness of Counsel's Rates

The City established the reasonableness of the requested hourly rates. Counsel charges the City \$250 for attorney work and \$185 for paralegal work, which is below the rates charged by lawyers with similar skill and experience. (Litvak Decl., ¶ 6.) Defendants do not challenge the discounted government rate. (Orig. Opp. Atty's Fees, p. 9; *see generally* Rev'd Opp. Atty's Fees, failing to argue against the government rate.) The City's attorneys spent 109.5 hours at a rate of \$250, which totals \$27,375.00 for attorney work. The City's paralegal spent 12.8 hours at a rate of \$185, which equals \$2,368.00 for paralegal work. Thus, the appropriate award of attorney's fees is \$29,743.00 for the appeal. Additionally, counsel spent 9.5 hours at a rate of \$250, which equals \$2,375.00 for the motion.

Therefore, the appropriate award of attorney's fees is \$32,118.00.

Accordingly, the court GRANTS the motion for attorney's fees in the amount of \$32,118.00.

The court elects to exercise its discretion under Code Civ. Proc., §128, subd. (a)(8) with respect to the award of attorney's fees. The court will not require that Defendants pay the attorney's fee award until after the court renders a final judgment.

LEAVE TO FILE CROSS-COMPLAINT

Defendants seek leave to file a cross-complaint. For the following reasons, the court **DENIES** the motion for leave to file a cross-complaint.

Legal Standard

Pursuant to Code of Civil Procedure section 428.50, a party is entitled to "file a cross-complaint

against any of the parties who filed the complaint or cross-complaint against [them] before or at the same time as the answer to the complaint or cross-complaint.” (Code Civ. Proc., §428.50, subd. (a).) Furthermore, “[a]ny other cross-complaint may be filed at any time before the court has set a date for trial.” (Code Civ. Proc., §428.50, subd. (b).) If a cross-complaint is not filed within these guidelines, it may only be filed with leave of the court, who may grant it “in the interest of justice at any time during the course of the action.” (Code Civ. Proc., §428.50, subd. (c).)

A cross-complaint is compulsory when a related cause of action existed at the time of serving the defendant’s answer to the complaint. (Code Civ. Proc., §426.30, subd. (a); *see also Crocker Nat. Bank v. Emerald* (1990) 221 Cal.App. 3d 852, 864.) A “[r]elated cause of action” means “a cause of action which arises out of the same transaction, occurrence, or series of transactions or occurrences as the cause of action which the plaintiff alleges in his complaint.” (Code Civ. Proc., §426.10, subd. (c).) Leave must be granted to file a compulsory cross-complaint when the defendant is acting in good faith. (Code Civ. Proc., §426.50.)

“[W]hat constitutes ‘good faith’—or lack of it—under Code of Civil Procedure Section 426.50 must be determined in light of and in conformity with the liberality conferred upon the trial courts by the section and by prior law. ... [T]his principle of liberality requires that a strong showing of bad faith be made in order to support a denial of the right to file a cross-complaint under this section.” (*Foot’s Transfer & Storage Co. v. Super. Ct.* (1980) 114

Cal. App. 3d 897, 902.) A determination of bad faith may be premised on “substantial injustice or prejudice” to the opposing party. (*Id.* at 903; *see also Gherman v. Colburn* (1977) 72 Cal. App. 3d 544, 560, fn. 9, stating that leave to file a cross complaint was properly denied where a defendant’s motion “was merely a tactical strategic maneuver to deprive plaintiffs of a right to a jury trial.”)

Discussion

The court previously found that it “cannot determine . . . the merit of Defendants’ motion without an explanation of the subsequently discovered additional facts and without a copy of the proposed cross-complaint.” (8/25/2025 Order Re: Court’s Final Tentative Ruling, p. 2, internal quotation omitted.)

Here, as with the previous motion for leave to file a cross-complaint, Defendants provide a declaration with a proposed cross-complaint but fail to include newly discovered facts that serve as a basis for the pleading. (*See generally* Amend. Mot. for Leave, Zhong and Li Decl.) Even if the court interprets the allegations Defendants included in their declaration as newly discovered facts, the Defendants knew these facts before they filed their Answer. (*See* Amend. Mot. for Leave, Zhong and Li Decl., ¶¶ 3–6; *see also* Compl., ¶¶ 25–27.) Defendants contend, “knowledge of facts before the Answer does not, by itself, establish bad faith.” (Reply for Leave, p. 2, capitalization changed.) Even so, knowledge of these facts before the Answer demonstrates that such facts were not newly discovered. As such, these facts cannot serve as the basis for a late-filed cross-complaint.

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Therefore, the court finds Defendants failed to provide a reason and good cause for the court to accept Defendant's late-filed cross-complaint.

Accordingly, the court **DENIES** the motion for leave to file a cross-complaint.

CONCLUSION

For these reasons, the motion for appellate attorney's fees is **GRANTED** in the **total amount of \$32,118.00**, but the court will not require defendants John Zhong and Catherine Li to pay this amount until the court renders a final judgment.

The amended motion for leave to file a cross-complaint is **DENIED**.

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Appendix C

[Filed: Jul. 21, 2026]

JOHN ZHONG, Defendant In Pro Per
CATHERINE LI, Defendant In Pro Per
3333 S. Brea Canyon Road, Suite 101
Diamond Bar, California 91765
Telephone: (626) 839-5898 | Mobile: (626) 991-3676
Email: info@zhongtax.com

**SUPERIOR COURT OF
THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES - EAST JUDICIAL
DISTRICT
POMONA COURTHOUSE SOUTH**

CITY OF DIAMOND BAR, a municipal corporation, Plaintiff, v. JOHN ZHONG, an individual; CATHERINE LI, an individual; and DOES 1 through 50, Defendants.	Case No. 23PSCV02124 [Assigned for all purposes to Hon. Salvatore T. Sirna, Dept. G] DEFENDANTS' NOTICE OF INTENT TO CONTEST TENTATIVE RULING AND REQUEST FOR ORAL ARGUMENT Hearing Date: July 23, 2026 Fee Motion: 8:30 a.m. Cross-Complaint Motion: 9:30 a.m. Department: G
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**NOTICE OF INTENT TO
CONTEST TENTATIVE RULING**

Defendants John Zhong and Catherine Li will appear and contest both portions of the July 23, 2026 tentative ruling. This notice presents no new evidence and is not offered as an unauthorized supplemental opposition. Defendants request oral argument on the following separate issues:

1. APPELLATE ATTORNEY-FEE MOTION

Defendants contest the full \$32,118 amount and will rely on the existing record concerning the unexplained selection of 122.3 hours from a 235.3-hour matter report, mixed and redacted entries, overlapping review by several timekeepers, clerical tasks, and the lack of a complete included-and-excluded allocation. Defendants request that the Court decline the full award; continue the amount issue for a line-item allocation and targeted response; make item-specific reductions; or defer determination and entry until final judgment.

Defendants acknowledge that California Rule of Court 3.1702 permits a motion for appellate fees before final trial-court judgment. Nonfinality is asserted only as an alternative case-management reason to defer determination and entry, not as an automatic jurisdictional bar.

**2. AMENDED MOTION FOR LEAVE TO FILE
CROSS-COMPLAINT**

Defendants contest treating newly discovered facts as an absolute prerequisite to relief under Code of Civil Procedure section 426.50. That statute permits a late compulsory cross-complaint omitted

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through oversight, inadvertence, mistake, neglect, or other cause when the party acted in good faith. Defendants request leave to file a narrowed pleading or, alternatively, ten days to cure any declaration deficiency under California Rule of Court 3.1324. If no trial date has been set, Defendants also request clarification of Code of Civil Procedure section 428.50(b).

Defendants request that the final minute order separately identify the Court's disposition and reasons on the fee amount, the requested deferral, the good-faith standard, any Rule 3.1324 deficiency, and each request for alternative relief.

Dated: July 21, 2026

/s/ John Zhong,
Defendant In Pro Per

/s/ Catherine Li,
Defendant In Pro Per

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Appendix D

[Filed: Jul. 20, 2026]

JOHN ZHONG, Defendant In Pro Per
CATHERINE LI, Defendant In Pro Per
3333 S. Brea Canyon Road, Suite 101
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Telephone: (626) 839-5898 | Mobile: (626) 991-3676
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**SUPERIOR COURT OF
THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES - EAST JUDICIAL
DISTRICT
POMONA COURTHOUSE SOUTH**

CITY OF DIAMOND BAR, a municipal corpo- ration, Plaintiff,	Case No. 23PSCV02124 [Assigned for all purposes to Hon. Salvatore T. Sirna, Dept. G]
v.	DEFENDANTS' WRIT- TEN STATEMENT RE- QUESTING PERMIS- SION TO PRESENT LIMITED ORAL TES- TIMONY UNDER CAL- IFORNIA RULE OF COURT 3.1306; AL- TERNATIVE REQUEST FOR BRIEF CONTINU- ANCE AND LINE-ITEM ALLOCATION
JOHN ZHONG, an indi- vidual; CATHERINE LI, an individual; and DOES 1 through 50, Defendants.	Hearing: July 23, 2026 at 8:30 a.m. Department: G

WRITTEN STATEMENT UNDER RULE 3.1306

Defendants John Zhong and Catherine Li submit this written statement under California Rule of Court 3.1306(b). They request permission to present limited oral testimony concerning the identification, segregation, and reasonableness of the hours included in Plaintiff City of Diamond Bar's \$32,118 appellate-fee request. This is a procedural request only. It is not a general sur-reply and does not add new grounds concerning fee entitlement.

RELIEF REQUESTED

1. Permit Defendants to examine William Litvak for no more than 20 minutes and Eric P. Markus for no more than 10 minutes at the July 23 hearing, with limited follow-up by Plaintiff.
2. Alternatively, continue the fee motion for 14 to 21 days and order Plaintiff to serve a line-item allocation identifying every entry included in the 122.3 appellate hours and the additional 9.5 fee-motion hours.
3. If Plaintiff asserts privilege over task descriptions, permit Plaintiff to lodge unredacted records for in-camera review while serving a nonprivileged summary sufficient to identify the date, timekeeper, hours, general task, included amount, excluded amount, rate, and claimed fee.
4. Permit Defendants five court days after service of the allocation to file a targeted response, and permit Plaintiff a short reply limited to that response.

**NATURE AND EXTENT OF
PROPOSED TESTIMONY**

The proposed testimony is limited to factual matters within the declarants' personal knowledge and will not seek disclosure of privileged legal advice.

5. William Litvak would be asked to identify the entries that total 122.3 appellate hours and 9.5 fee-motion hours; identify all mixed or block-billed entries excluded from the request; explain whether any entry was partially included; reconcile the full 235.3-hour matter report with the 131.8 hours claimed; identify whether Gilbert Mikalian's time was included or excluded; and explain the nonduplicative division of labor among the timekeepers.
6. Eric P. Markus would be asked to explain the method used to prepare the annotated or green-arrow exhibit; state whether each arrow marks an entire entry or an allocated portion; reconcile the statement that Mr. Sanchez's 15.3 hours followed the May 28, 2024 opening brief with five marked entries totaling 4.2 hours that predate that brief; and identify the "Opposition and Memorandum" referenced in the March 6 entry and the allocation of the mixed June 24 entry.
7. Defendants do not request testimony from every attorney or staff member. The two declarants are the least burdensome witnesses because they supplied the declarations and allocation evidence on which Plaintiff relies.

GOOD CAUSE

8. Rule 3.1306 ordinarily limits law-and-motion evidence to declarations and judicially noticeable

materials, but permits oral testimony for good cause. The requested testimony concerns material factual disputes that cannot be resolved reliably from the present redacted and unmarked records.

9. Plaintiff seeks \$29,743 for 122.3 appellate hours and another \$2,375 for 9.5 hours preparing the fee motion. The underlying report totals 235.3 matter hours and includes trial-court, contempt, cross-complaint, lis-pendens, discovery, case-management, and enforcement work. The report does not identify every entry included in, excluded from, or partially allocated to the requested lodestar.
10. Mr. Litvak declared that all Sanchez entries combining appeal work with unrelated work were excluded. The annotated reply exhibit identifies only Mr. Sanchez's 15.3 hours. It does not identify the entries supporting the remaining 107.0 appellate hours or the 9.5 fee-motion hours. Several marked entries remain mixed or materially redacted.
11. The evidence supporting a fee motion should permit the Court to evaluate overstaffing, the time spent on particular work, and whether the hours were reasonably expended. (*Christian Research Institute v. Alnor* (2008) 165 Cal.App.4th 1315, 1320; *In re Marriage of Nassimi* (2016) 3 Cal.App.5th 667, 695–696.) Block billing may be reduced or disregarded when it prevents allocation. (*Nassimi, supra*, at pp. 695–696.)
12. A fee request that appears unreasonably inflated may be reduced or denied, and only hours rea-

sonably spent are compensable. (*Ketchum v. Moses* (2001) 24 Cal.4th 1122, 1132, 1137.) Any reduction, however, should be tied to identified tasks or categories rather than an arbitrary percentage. (*Mountjoy v. Bank of America, N.A.* (2016) 245 Cal.App.4th 266, 281–282.) Limited testimony or a line-item chart will permit an item-specific ruling.

13. Defendants recall discussion at a prior hearing concerning additional billing detail. The June 11, 2026 minute order does not memorialize a line-item production direction. Defendants therefore do not represent their recollection as an existing written order and instead make the present request under Rule 3.1306.

ALTERNATIVE LINE-ITEM PROCEDURE

If the Court declines oral testimony, Defendants request a brief continuance and a chart containing the following columns for every claimed entry:

14. For each claimed entry, the chart should identify the date, timekeeper, total hours, nonprivileged general task description, included hours, excluded hours and reason, allocation of mixed work, hourly rate, amount claimed, and any overlapping review, revision, research, oral-argument, calendaring, filing, service, or fee-motion work by another timekeeper.

CONCLUSION

Defendants respectfully request the limited oral testimony described above. Alternatively, they request a 14-to-21-day continuance, line-item allocation, in-camera procedure for genuinely privileged

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information, and a short opportunity to respond. If Plaintiff declines to provide sufficient substantiation, Defendants request denial without prejudice or an award limited to hours supported by item-specific findings.

Dated: July 19, 2026

/s/ John Zhong

John Zhong,

Defendant In Pro Per

/s/ Catherine Li

Catherine Li,

Defendant In Pro Per

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Appendix E

[Filed: Jul. 20, 2026]

JOHN ZHONG, Defendant In Pro Per
CATHERINE LI, Defendant In Pro Per
3333 S. Brea Canyon Road, Suite 101
Diamond Bar, California 91765
Telephone: (626) 839-5898 | Mobile: (626) 991-3676
Email: info@zhongtax.com

**SUPERIOR COURT OF
THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES - EAST JUDICIAL
DISTRICT
POMONA COURTHOUSE SOUTH**

CITY OF DIAMOND BAR, a municipal corporation, Plaintiff,	Case No. 23PSCV02124 [Assigned for all purposes to Hon. Salvatore T. Sirna, Dept. G]
v.	DECLARATION OF JOHN ZHONG IN SUP- PORT OF SUPPLE- MENTAL OBJECTION AND RULE 3.1306 RE- QUEST
JOHN ZHONG, an indi- vidual; CATHERINE LI, an individual; and DOES 1 through 10, in- clusive, Defendants.	Hearing: July 23, 2026 Time: 8:30 a.m. Dept.: G

DECLARATION OF JOHN ZHONG

I, John Zhong, declare:

1. I am a Defendant in this action and represent myself. I have personal knowledge of the procedural facts stated here and, if called, could testify competently to them.

2. I reviewed Plaintiff's attorney-fee motion, supporting declarations, billing report, reply papers, and supplemental or annotated billing material.
3. The complete billing report reflects 235.3 hours and \$53,398.50, while Plaintiff requests compensation for 122.3 appellate hours and 9.5 additional fee-motion hours. From the submitted material, I cannot identify every individual billing entry included in those totals, every excluded entry, or every partial allocation.
4. The billing report includes entries concerning matters other than the appeal, including trial-court proceedings, discovery, contempt, cross-complaint issues, lis pendens, case management, settlement communications, and enforcement work.
5. Plaintiff's annotated reply material identifies certain Brandon Sanchez entries, but it does not identify the complete set of entries comprising the other claimed appellate hours and fee-motion hours. I therefore cannot meaningfully determine from the face of the records whether each claimed entry is appellate, duplicative, clerical, mixed, or otherwise properly included.
6. Attached as Exhibit A is a true and correct copy of the Court's October 28, 2025 minute order downloaded or obtained from the court record.
7. Attached as Exhibit B is a true and correct copy of the Court's February 3, 2026 minute order downloaded or obtained from the court record.
8. I understand that the written minute orders do not state that Plaintiff was ordered to provide one-by-one billing detail. I do not offer them for that proposition. I offer them as accurate pro-

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cedural history relevant to Defendants' request that the Court decide the fee motion on a sufficiently developed record.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on July 19, 2026, at Diamond Bar, California.

/s/ John Zhong

John Zhong, Declarant

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JOHN ZHONG, Defendant In Pro Per
CATHERINE LI, Defendant In Pro Per
3333 S. Brea Canyon Road, Suite 101
Diamond Bar, California 91765
Telephone: (626) 839-5898 | Mobile: (626) 991-3676
Email: info@zhongtax.com

**SUPERIOR COURT OF THE STATE OF CALI-
FORNIA
COUNTY OF LOS ANGELES - EAST JUDICIAL
DISTRICT
POMONA COURTHOUSE SOUTH**

CITY OF DIAMOND BAR, a municipal corpo- ration, Plaintiff,	Case No. 23PSCV02124 [Assigned for all purposes to Hon. Salvatore T. Sirna, Dept. G]
v.	EXHIBIT A TO DEC- LARATION OF JOHN ZHONG
JOHN ZHONG, an indi- vidual; CATHERINE LI, an individual; and DOES 1 through 10, in- clusive, Defendants.	Hearing: July 23, 2026 Time: 8:30 a.m. Dept.: G

**EXHIBIT A
OCTOBER 28, 2025 MINUTE ORDER**

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**SUPERIOR COURT OF CALIFORNIA, COUNTY
OF LOS ANGELES**

Civil Division

East District, Pomona Courthouse South, Depart-
ment G

23PSCV02124

October 28, 2025

**CITY OF DIAMOND BAR, A
MUNICIPAL CORPORA-
TION**

8:30 AM

vs CATHERINE LI, et al.

Judge: Honorable Salvatore
Sirna

CSR: None

ERM: None

Judicial Assistant: Melissa
Vasquez

Deputy Sheriff:
None

Courtroom Assistant: Londie
Olmos

APPEARANCES: :

For Plaintiff(s): William Litvak Appearing by Sarah
Edmiston via LA Court Connect

For Defendant(s): Catherine Li Self-Represented Lit-
igant via LA Court Connect; John Zhong
Self-Represented Litigant via LA Court Connect

NATURE OF PROCEEDINGS: Status Conference
Re: Status of Writ of Mandate; Hearing on Motion for
Attorney Fees (Setting Date Only); Hearing on Mo-
tion for Order to File Cross-Complaint (Setting Date
Only);

The matter is called for hearing.

Court and parties discuss the status of the Writ of Mandate.

At this time, the Court notes that Defendants' filed a Writ of Mandate and it was **DENIED** by the Appellate Court, thereafter Defendants' filed Writ with the Supreme Court seeking a stay and the Court notes that the request was **DENIED** on 10/22/2025. '

Defendants' are not in agreement with the Court and represent to the Court that they re-filed the Petition on 10/22/2025.

The Court has no showing of a secondary Petition being filed.

At the request of the Defendants', the matter is placed on second call to allow Defendants' to further research.

The matter is re-called.

Defendant, JOHN ZHONG represents to the Court that he contacted the Federal Court on the break and confirmed there was a Federal Case pending. The Court was not aware of any pending Federal Case. Now, Defendants' seek a continuance to allow them to file Petition with the Federal Court. Defendants' request is **GRANTED** and the matter is set as follows:

Case Management Conference (Further) and Status Conference Re: Petition to US Supreme Court is scheduled for 02/03/2026 at 09:30 AM in Department G at Pomona Courthouse South.

Pursuant to oral stipulation, the Hearing on Motion for Attorney Fees (Setting Date Only) scheduled for 10/28/2025, and Hearing on Motion for Order to File Cross-Complaint (Setting Date Only) scheduled

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for 10/28/2025 are continued to 02/03/2026 at 09:30 AM in Department G at Pomona Courthouse South.

As to Defendants' Motion for Leave to file Amended Cross-Complaint, the Court is not inclined to have parties provide additional briefing. The Court will allow oral argument.

As to the Motion for Attorney Fees, the Court posted a Tentative Ruling. The Court is not inclined to adopt its Tentative Ruling. The Court is inclined on providing the City with an opportunity to provide further briefing on limited issue if Attorney Fees are appropriate with no finding of nuisance or if the City agrees to allow the Court to deny Motion Without Prejudice and permit the City to file at a later date.

Plaintiff's Counsel is directed to give notice.

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JOHN ZHONG, Defendant In Pro Per
CATHERINE LI, Defendant In Pro Per
3333 S. Brea Canyon Road, Suite 101
Diamond Bar, California 91765
Telephone: (626) 839-5898 | Mobile: (626) 991-3676
Email: info@zhongtax.com

**SUPERIOR COURT OF THE STATE OF CALI-
FORNIA
COUNTY OF LOS ANGELES - EAST JUDICIAL
DISTRICT
POMONA COURTHOUSE SOUTH**

CITY OF DIAMOND BAR, a municipal corpo- ration, Plaintiff,	Case No. 23PSCV02124 [Assigned for all purposes to Hon. Salvatore T. Sirna, Dept. G]
v.	EXHIBIT B TO DEC- LARATION OF JOHN ZHONG
JOHN ZHONG, an indi- vidual; CATHERINE LI, an individual; and DOES 1 through 10, in- clusive, Defendants.	Hearing: July 23, 2026 Time: 8:30 a.m. Dept.: G

**EXHIBIT B
FEBRUARY 3, 2026 MINUTE ORDER**

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**SUPERIOR COURT OF CALIFORNIA, COUNTY
OF LOS ANGELES**

Civil Division

East District, Pomona Courthouse South, Department G

23PSCV02124

February 3, 2026

**CITY OF DIAMOND BAR, A
MUNICIPAL CORPORATION**

9:30 AM

vs CATHERINE LI, et al.

Judge: Honorable Salvatore
Sirna

CSR: None

ERM: None

Judicial Assistant: Melissa
Vasquez

Deputy Sheriff:
None

Courtroom Assistant: Londie
Olmos

APPEARANCES:

For Plaintiff(s): William Litvak Appearing by Sarah
Edmiston via LA Court Connect

For Defendant(s): Catherine Li Self-Represented Lit-
igant via LA Court Connect; John Zhong
Self-Represented Litigant via LA Court Connect

NATURE OF PROCEEDINGS: Case Management
Conference (Further) and Status Conference Re: Pe-
tition to US Supreme Court; Hearing on Motion for
Attorney Fees (Setting Date Only); Hearing on Mo-
tion for Order to File Cross-Complaint (Setting Date
Only);

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The matter is called for hearing.

The Court has read and considered the Status Report, Status Conference Statement and 6 Statement of the Case filed herein.

The matter is discussed.

Through these pleadings, the Court notes that the Writ of Certiorari is still pending before the U.S. Supreme Court.

The matter is further discussed.

As this Court has no jurisdiction, Motion(s) will not be heard until after the Supreme Court has made a Final Ruling as to the Writ of Certiorari.

On the Court's own motion, the Case Management Conference (Further) and Status Conference Re: Petition to US Supreme Court scheduled for 02/03/2026, Hearing on Motion for Attorney Fees (Setting Date Only) scheduled for 02/03/2026, and Hearing on Motion for Order to File Cross-Complaint (Setting Date Only) scheduled for 02/03/2026 are continued to 06/11/2026 at 08:30 AM in Department G at Pomona Courthouse South.

Case to remain STAYED pending the next hearing date.

Plaintiff's Counsel is directed to give notice.

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Appendix F

[Filed: Jul. 20, 2026]

JOHN ZHONG, Defendant In Pro Per
CATHERINE LI, Defendant In Pro Per
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Telephone: (626) 839-5898 | Mobile: (626) 991-3676
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**SUPERIOR COURT OF
THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES - EAST JUDICIAL
DISTRICT
POMONA COURTHOUSE SOUTH**

CITY OF DIAMOND BAR, a municipal corporation, Plaintiff,	Case No. 23PSCV02124 [Assigned for all purposes to Hon. Salvatore T. Sirna, Dept. G]
v.	DEFENDANTS' SUPPLEMENTAL OBJECTION TO NEW ALLOCATION EVIDENCE IN PLAINTIFF'S REPLY; REQUEST FOR LIMITED TESTIMONY OR CONTINUANCE
JOHN ZHONG, an individual; CATHERINE LI, an individual; and DOES 1 through 10, inclusive, Defendants.	Hearing: July 23, 2026 Time: 8:30 a.m. Dept.: G

**DEFENDANTS' SUPPLEMENTAL OBJECTION
TO NEW ALLOCATION EVIDENCE IN
PLAINTIFF'S REPLY**

Defendants John Zhong and Catherine Li submit this narrowly limited supplemental objection because Plaintiff's reply and supplemental declaration present new allocation material that was not available when Defendants filed their opposition. Defendants do not seek an unrestricted sur-reply. They ask the Court either to disregard new reply evidence that cannot fairly be tested, permit limited examination under California Rule of Court 3.1306, or briefly continue the hearing so Plaintiff can identify the entries comprising its request and Defendants can respond.

**I. THE CLAIMED HOURS STILL ARE NOT
IDENTIFIED LINE BY LINE**

Plaintiff requests \$29,743 for 122.3 appellate hours and an additional \$2,375 for 9.5 hours preparing the fee motion, for a total request of \$32,118. The complete matter report, however, reflects 235.3 hours and \$53,398.50 and contains substantial trial-court and enforcement work, including discovery, preliminary-injunction proceedings, contempt, cross-complaint issues, lis pendens, case management, settlement communications, and other nonappellate matters.

The annotated reply material identifies only the entries attributed to Brandon Sanchez. It still does not identify, entry by entry, the remaining approximately 107 appellate hours or the 9.5 fee-motion hours. It also does not state which mixed entries were excluded, which were partially allocated, or the method used to allocate any mixed entry. Without

that information, Defendants and the Court cannot reliably determine whether the claimed hours are appellate, nonduplicative, nonclerical, and reasonably expended.

II. PLAINTIFF BEARS THE BURDEN TO SUBSTANTIATE REASONABLE HOURS

The lodestar begins with the number of hours reasonably expended multiplied by a reasonable hourly rate. The fee claimant must substantiate the hours and should eliminate excessive, redundant, or otherwise unnecessary time. (*Ketchum v. Moses* (2001) 24 Cal. 4th 1122, 1132; *Christian Research Institute v. Alnor* (2008) 165 Cal. App. 4th 1315, 1320, 1329.) A fee claimant may not shift to the Court the responsibility to prune an inadequately supported request. (*Christian Research*, *supra*, at p. 1329; *Mountjoy v. Bank of America, N. A.* (2016) 245 Cal. App. 4th 266, 281.)

Block billing is not automatically forbidden, but it presents a serious allocation problem where recoverable and nonrecoverable work are combined. When the evidence does not permit a reliable allocation, the court may assign a reasonable allocation or disregard inadequately supported entries. (*In re Marriage of Nassimi* (2016) 3 Cal. App. 5th 667, 695–696.)

III. THE RECORD RAISES SPECIFIC DUPLICATION AND STAFFING CONCERNS

Plaintiff's declarations describe work by Gilbert Mikalian, Brandon Sanchez, William Litvak, Eric Markus, Sarah Edmiston, and paralegal Ronal Alvarado, yet the numerical allocation does not transparently account for every timekeeper. The invoices

also reflect repeated review, revision, citation checking, formatting, and filing preparation by several professionals on the same appellate brief. Defendants do not contend that every instance of multiple-attorney work is improper. They contend that Plaintiff must identify the separate, nonduplicative role performed by each timekeeper before shifting those charges.

Christian Research affirmed a substantial reduction where several attorneys billed extensive and duplicative time, including block-billed and unnecessary work. (*Christian Research, supra*, 165 Cal.App.4th at pp. 1320–1329.) Likewise, a trial court may substantially reduce a request based on unrelated work, administrative work, duplication, padding, vague entries, and block billing when its findings are tied to the record. (*569 East County Boulevard, LLC v. Backcountry Against the Dump, Inc.* (2016) 6 Cal. App. 5th 426, 436–441.)

IV. LIMITED TESTIMONY OR A SHORT CONTINUANCE IS THE FAIR PROCEDURE

Rule 3.1306 ordinarily limits evidence at a law-and-motion hearing to declarations and judicially noticeable matters, but the Court may permit testimony for good cause. Here, the material dispute is factual and narrow: which entries are included, excluded, or partially allocated; who performed them; what general nonprivileged task was performed; and whether overlapping work was separately necessary.

Defendants therefore request no more than 20 minutes to examine William Litvak, the principal fee declarant and allocator, and, only if needed, no more than 10 minutes to examine Eric Markus concerning

the annotated reply exhibit. Defendants will not seek privileged advice, strategy, or attorney-client communications.

Alternatively, Defendants request a 14-to-21-day continuance and an order requiring a line-item chart stating for each claimed entry: date, timekeeper, total hours, nonprivileged general task, included hours, excluded hours, method of allocation for mixed work, hourly rate, and amount claimed. Any genuinely privileged detail may remain redacted or be submitted for in-camera review, provided Defendants receive enough nonprivileged information to test the request.

V. THE ATTACHED MINUTE ORDERS SUPPORT A CAREFUL, DEVELOPED RECORD

The October 28, 2025 minute order states that the Court was not inclined to adopt its then-tentative ruling on attorney fees and contemplated providing the City an opportunity for further briefing on the limited entitlement issue. A true and correct copy is attached as Exhibit A.

The February 3, 2026 minute order continued the fee matter and stated that the case would remain stayed pending the next hearing date while the certiorari matter remained unresolved. A true and correct copy is attached as Exhibit B. Defendants do not contend that either written order required a one-by-one billing production. They rely on the orders only as procedural history showing that the Court has previously required a developed record before adjudicating this fee motion.

VI. ALTERNATIVE AMOUNT IF THE COURT REACHES THE LODESTAR

Defendants' primary request is denial without prejudice, limited testimony, or a short continuance because the present allocation is incomplete. If the Court nevertheless fixes an amount now, Defendants request an item-specific reduction rather than an arbitrary percentage. At Plaintiff's own \$250 attorney rate, a restrained task budget of approximately 32 compensable attorney-equivalent hours would equal \$8,000: four hours for record and opening-brief review, sixteen hours for focused research and respondent-brief preparation, four hours for senior revision, four hours for oral-argument preparation and appearance, and four hours for the fee motion. Defendants offer this only as a fallback ceiling based on the limited work adequately demonstrated, not as evidence of a universal market price.

CONCLUSION

Defendants respectfully request that the Court disregard inadequately identified new reply allocations; permit the limited testimony requested under Rule 3.1306; or continue the hearing and order a line-item included-and-excluded chart. If the Court rules on amount now, Defendants request exclusion of unsupported, mixed, duplicative, clerical, and nonappellate time and an award no greater than the hours supported by item-specific findings.

Dated: July 19, 2026

/s/ John Zhong

John Zhong,

Defendant In Pro Per

/s/ Catherine Li

Catherine Li,

Defendant In Pro Per

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Appendix G

**SUPERIOR COURT OF CALIFORNIA,
COUNTY OF LOS ANGELES**

Civil Division
East District, Pomona Courthouse South,
Department G

23PSCV02124 July 28, 2026

CITY OF DIAMOND BAR, A MU- 9:00 AM

NICIPAL CORPORATION

vs CATHERINE LI, et al.

Judge: Honorable Salvatore Sirna CSR: None

Judicial Assistant: Melissa Vasquez ERM: None

Courtroom Assistant: Cris Rodelo Deputy Sheriff: None

APPEARANCES:

For Plaintiff(s): William Litvak Appearing by Eric Markus via LA Court Connect

For Defendant(s): John Zhong Self-Represented Litigant

NATURE OF PROCEEDINGS: Defendant, JOHN ZHONG's Ex-parte Application to Continue August 12, 20226 Hearings and OSC to September 4, 2026 or Later;

The matter is NOT called for hearing.

The Court's Ruling is provided to the Judicial Assistant.

Court's Ruling:

Defendant John Zhong (Zhong), individually, requests an extension of the current discretionary stay (entered on July 23, 2026, and staying the case until August 12, 2026), while Defendant Zhong's writ of certiorari is pending in the US Supreme Court. The ex parte application is accompanied by the declaration of Zhong and four (4) exhibits – this court's July 23, 2026, minute order; a US Supreme Court docket confirmation for matter No. 26-95; an order from this court dated July 15, 2026; and a Fed Ex package label addressed to the Clerk of the US Supreme Court.

Defendant Zhong requests an extension of the current discretionary stay to September 4, 2026 so that the City of Diamond may file its respondent brief which is due by August 20. Defendant Zhong argues that a short extension to September 4, 2026, or later would permit the City of Diamond Bar's response period to run and allow approximately fourteen (14) additional days for a status determination or action on any emergency application. Defendant Zhong submits that the requested period is finite, readily reversible, and tied to an objective federal deadline rather than an indefinite request to await final disposition of Defendants' writ of certiorari.

The court also received an opposition from Plaintiff City of Diamond Bar (Diamond Bar). Plaintiff argues that the ex parte application should be denied because Defendant failed to demonstrate irreparable harm, immediate danger, or other statutory basis for ex parte relief in violation of California Rules of Court, Rule 3.1202(c). Additionally, Plaintiff argues that the August 20, 2026, response deadline is for the City, not for the US Supreme Court to rule on Defendants' writ of certiorari. As such, Defendant's

request to extend the current discretionary stay bears no relationship to issues affecting this case. The court agrees.

As a preliminary matter, the court notes that Defendant provided Plaintiff with proper notice of this ex parte application pursuant to California Rules of Court, Rule 3.1203. Defendant Zhong's declaration re: service, however, did not give the required notice to Defendant Catherine Li, as required. The declaration references notice to counsel for Plaintiff Diamond Bar, only. Since Defendant Zhong seeks relief related to the entire case, the court finds Defendant Zhong was required to provide Defendant Li with proper notice of this hearing. Defendant Zhong's failure to provide proper notice to all parties is grounds to **DENY** the ex parte application.

Although notice of the ex parte is defective, the court elects to also address the merits of Defendant Zhong's application.

California Rules of Court, Rule 3.1202(c) requires an applicant seeking ex parte relief to make an affirmative factual showing in a declaration containing competent testimony based on personal knowledge of irreparable harm, immediate danger, or any other statutory basis for granting relief ex parte. The court finds the declaration Defendant Zhong fails to satisfy this requirement. Specifically, the declaration of Defendant Zhong fails to provide the court with requisite good cause for an extension of the current discretionary stay. Additionally, Defendant Zhong fails to articulate the irreparable harm, immediate danger, or other statutory basis for ex parte relief.

A California case is **not automatically stayed** upon the filing of a petition for writ of certiorari with the U. S. Supreme Court. The automatic stay provisions of Code of Civil Procedure, §§916 and 917.1 do not apply. These automatic stay provisions apply to appeals within the California court system but do not extend to a petition for writ of certiorari filed in the U. S. Supreme Court.

This court acknowledges, however, that once the US Supreme Court grants certiorari, the granting of the writ itself acts to stay enforcement of any decisions by this court, divesting this court of jurisdiction. See, *Waskey v. Hammer* (1910) 179 F. 273, 274 (9th Cir.), holding a certiorari to a subordinate court or tribunal operates as a stay of proceedings from the time of its service or of formal notice of its issuance. Once a case is stayed by action of the US Supreme Court, the stay remains in effect until the Supreme Court decides the case or otherwise orders.

Further, the court finds no prejudice to either party by proceeding on August 12, 2026, with hearings on the pending motions. Plaintiff's motion for appellate attorney's fees and Defendants' motion for leave to file a cross-complaint have been pending for a significant period of time. The parties fully briefed both motions, have had an opportunity to file supplemental briefing, and have the benefit of the court's tentative ruling on both motions. The court finds no harm to the parties to finally rule on these motions. The appellate rights of the parties to challenge the court's final ruling on both motions is not negatively affected by proceeding on August 12, 2026.

Additionally, federal statute, 28 U.S.C. §2101(f), expressly provides an additional avenue by which Defendant Zhong may seek a stay of this action with the federal courts, including the US Supreme Court, while awaiting a decision on the writ of certiorari.

Based on the above analysis, Defendant Zhong's ex parte application to extend the discretionary stay beyond August 12, 2026, is **DENIED**. All dates remain as set and the current stay remains in effect until the hearing on August 12, 2026.

Interlineated Proposed Order is signed and filed this date

Defendant Zhong is ordered to give notice to all parties.

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Appendix H

[Filed: Jul. 28, 2026]

JOHN ZHONG, Defendant In Pro Per
3333 S. Brea Canyon Road, Suite 101
Diamond Bar, California 91765
Telephone: (626) 839-5898 | Mobile: (626) 991-3676
Email: info@zhongtax.com

**SUPERIOR COURT OF
THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES - EAST JUDICIAL
DISTRICT
POMONA COURTHOUSE SOUTH**

CITY OF DIAMOND BAR, a municipal corporation, Plaintiff,	Case No. 23PSCV02124 [Assigned for all purposes to Hon. Salvatore T. Sirna, Dept. G]
v. JOHN ZHONG, et al., Defendants.	ORDER ON DEFEND- ANT JOHN ZHONG'S EX PARTE APPLICA- TION TO CONTINUE AUGUST 12, 2026 HEARINGS AND OSC; ALTERNATIVE RE- QUEST TO EXTEND TEMPORARY STAY Ex Parte Date: July 28, 2026 Time: 9:00 a.m. Department: G

ORDER

Defendant John Zhong's ex parte application came before the Court on July 28, 2026, at 9:00 a.m. in Department G. The Court considered the application, declarations, exhibits, any opposition, oral argument, and the record. John Zhong appeared solely for himself. The Court orders as follows:

1. DISPOSITION - CHECK ONE:

- ☐ The application is **GRANTED**.
- ☐ The application is **GRANTED IN PART** as stated below.
- ☐ The application is **DENIED WITHOUT PREJUDICE**.
- ☒ The application is **DENIED**.
- ☐ OTHER: _____

2. CALENDAR RELIEF - CHECK ALL THAT APPLY:

- ☐ All four matters presently set for August 12, 2026 at 8:30 a.m. are continued to _____, 2026 at _____.m. in Department G.
- ☐ Only the Motion for Appellate Attorney Fees and Motion for Leave to File a Cross-Complaint are continued to _____, 2026 at _____.m.; the CMC and writ-status OSC remain set for August 12, 2026.
- ☐ The August 12 hearing will proceed only as a status conference/OSC; the Court will not reach the fee or cross-complaint merits on that date.
- ☒ The August 12 settings remain unchanged.

3. STAY AND TENTATIVE RULING - CHECK ALL THAT APPLY:

- ☐ The July 23 temporary stay is extended through _____, 2026.

☐ The July 21 tentative ruling will not be adopted, entered, enforced, or implemented before the continued hearing and full oral argument.

☐ The temporary stay expires on _____, 2026.

☒ No additional stay is granted.

4. John Zhong shall file and serve a concise status notice within two court days after any response or waiver in U. S. Supreme Court No. 26-95, any extension or change to the response deadline, any order on the emergency application, or any disposition of the petition.

5. This order does not determine the merits, timeliness, or jurisdictional sufficiency of No. 26-95; does not treat the federal petition or application as an automatic stay; and does not decide the fee motion, cross-complaint motion, or prior disqualification issue.

6. ☒ All parties retain their objections, merits arguments, and right to oral argument on August 12, 2026.

☐ Other briefing or lodging permitted:

7. ☐ The parties are encouraged to participate in voluntary mediation or a settlement conference during the continued period.

8. REASONS FOR RULING:

☐ Stated on the record.

☐ No sufficient showing of immediate harm or good cause.

☐ A shorter or partial continuance adequately protects the parties.

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☒ Other: SEE WRITTEN RULING BY COURT
DENYING DEFENDANT ZHONG'S EX PARTE
APPLICATION.

9. All other orders remain in effect unless expressly
modified.

IT IS SO ORDERED.

Dated: July 28, 2026

/s/ Salvatore T. Sirna

HON. SALVATORE T. SIRNA
JUDGE OF THE SUPERIOR COURT

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Appendix I

**SUPERIOR COURT OF CALIFORNIA,
COUNTY OF LOS ANGELES**

Civil Division
East District, Pomona Courthouse South,
Department G

23PSCV02124

August 7, 2026

**CITY OF DIAMOND BAR, A MU-
NICIPAL CORPORATION**

9:00 AM

vs CATHERINE LI, et al.

Judge: Honorable Salvatore Sirna CSR: None

Judicial Assistant: Melissa Vasquez ERM: None

Courtroom Assistant: Crystal Maldonado Deputy Sheriff:
None

APPEARANCES:

For Plaintiff(s): William Litvak via LA Court Connect

For Defendant(s): John Zhong Self-Represented Litigant

NATURE OF PROCEEDINGS: Defendant's Ex-Parte Application for Limited Procedural Order Recognizing Catherine Li's Withdrawal from Pending Motion; Defendant's Ex-Parte Application Defendant's Ex Parte Application to Recognize Withdrawal from Pending Motion;

The matter is NOT called for hearing.

The Judicial Assistant is provided with the Court's Ruling.

Court's Ruling:

Defendants John Zhong (Zhong) and Catherine Li (Li) both filed individual ex parte applications. Zhong seeks an order from the court recognizing that Li seeks to withdraw her motion for leave to file a cross-complaint. Li seeks an order acknowledging that Li no longer seeks leave to file a cross-complaint and an order from the court deferring ruling on the City of Diamond Bar's motion for appellate attorneys' fees which is set for hearing on August 12, 2026. Zhong's ex parte application is accompanied by Zhong's declaration. Li's ex parte application is accompanied by Li's declaration. The City of Diamond Bar did file a written opposition on 08/06/2026.

As a preliminary matter, the court finds that Defendants Zhong and Li provided Plaintiff City of Diamond Bar with proper notice of the two ex parte applications pursuant to California Rules of Court, Rule 3.1203. The court notes that the current ex parte applications are the third and fourth such requests filed since July 15, 2026. Defendants are reminded that the ex parte application process is not a substitute for Code of Civil Procedure, §1005 and its notice requirements for motions. Further, the court issued a discretionary stay on July 23, 2026, at the request of Defendants Zhong and Li while their writ of certiorari remained pending in the US Supreme Court. That stay remains in place and has not been modified by the court. The ex parte applications by Defendants Zhong and Li are silent as to the stay and whether Defendants Zhong and Li seek a lifting of the stay to consider their pending applications.

California Rules of Court, Rule 3.1202(c) requires an applicant seeking ex parte relief to make an affirmative factual showing in a declaration containing competent testimony based on personal knowledge of irreparable harm, immediate danger, or any other statutory basis for granting relief ex parte. The court finds the declarations by Defendants Zhong and Li fail to satisfy this requirement. Specifically, the case is stayed until the hearings set for August 12, 2026. On August 12, 2026, the court will hear Plaintiff City of Diamond Bar's motion for appellate attorneys' fees and Defendants' motion for leave to file a cross-complaint. Defendants fail to request a lifting of the current stay to address their ex parte applications. Notwithstanding the stay that remains in place, the court finds that both Defendant Zhong and Defendant Li fail to articulate the irreparable harm, immediate danger, or other statutory basis for ex parte relief. The court is not persuaded by Defendants' argument that the pending August 12, 2026 hearing is good cause to consider Defendants' applications on an expedited, ex parte basis. Since Defendants fail to request a lifting of the stay and fail to provide the court with good cause to take such action, the court **DECLINES** to consider both ex parte applications submitted by Defendants Zhong and Li.

The court's decision to decline consideration of Defendants' ex parte applications is **WITHOUT PREJUDICE** to Defendants Zhong and Li who may address the relief sought in their ex parte applications at the hearing on August 12, 2026.

Defendants are directed to California Rules of Court, Rule 3.1304, which governs the time of hear-

ing and notice requirements for law and motion hearings. Under subdivision (b), the moving party has an affirmative duty to immediately notify the court if a matter will not be heard on the scheduled date. This notification obligation is triggered as soon as the moving party decides not to proceed with the hearing. The court understands that Defendant Li does not seek to proceed on her motion for leave to file a cross-complaint. However, Defendant Li does not make clear whether she stipulates not to renew her motion for leave to file a cross-complaint at a later date if she is permitted to withdraw the motion. Defendant Li may address this point at the August 12, 2026. Finally, subdivision (c) separately allows a party to give notice that they will not appear and will submit the matter without an appearance, unless the court orders otherwise, in which case the court must rule on the motion as if the party had appeared.

The court will proceed with the pending motions set for August 12, 2026, tentative rulings for which have already been posted, based on the framework set forth in California Rules of Court, Rule 3.1304.

Defendants Zhong and Li are ordered to give notice.