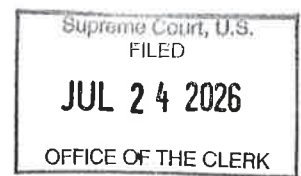


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(No. 26-95)



IN THE SUPREME COURT OF THE UNITED STATES

JOHN ZHONG AND CATHERINE LI,

Applicants and Petitioners,

v.

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

Respondents.

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

**TO THE HONORABLE ELENA KAGAN, ASSOCIATE JUSTICE
OF THE SUPREME COURT OF THE UNITED STATES AND
CIRCUIT JUSTICE FOR THE NINTH CIRCUIT**

**REVISED EMERGENCY APPLICATION FOR AN IMMEDIATE
ADMINISTRATIVE STAY AND A LIMITED STAY PENDING
DISPOSITION OF PETITION FOR WRIT OF CERTIORARI**

NO. 26-95

**IMMEDIATE RELIEF REQUESTED BEFORE EXPIRATION OF THE SUPERIOR COURT'S
FOURTEEN-DAY STAY OR ENTRY OR IMPLEMENTATION OF THE JULY 21 TENTATIVE**

RULING

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EMERGENCY APPLICATION

Applicants John Zhong and Catherine Li respectfully apply under Supreme Court Rules 22 and 23, 28 U.S.C. §§ 1257(a), 1651(a), and 2101(f), for an immediate administrative stay and a limited stay preserving this Court's ability to review the completed California judicial-disqualification writ proceeding now docketed as No. 26-95. On July 21, 2026, the Clerk docketed the petition and set Respondents' response due August 20, 2026. App. 84a. That docketing satisfied the condition in the Superior Court's July 15 order for a fourteen-day stay. App. 77a-82a. Also on July 21, the same judicial officer whose continued participation is the subject of the petition posted a tentative ruling that would award \$32,118 in appellate attorney fees and deny leave to file a cross-complaint. App. 86a-92a. Applicants do not rely on the adverse tentative ruling as independent proof of bias; they rely on it to show that consequential adjudication by the challenged judicial officer remains imminent when the temporary state stay expires.

RELIEF REQUESTED

1. Enter an immediate administrative stay of any further adjudicatory proceedings in Los Angeles Superior Court Case No. 23PSCV02124 before the challenged judicial officer, including adoption, entry, enforcement, or implementation of the July 21, 2026 tentative ruling, while this application and any response are considered.
2. After consideration, stay further adjudicatory proceedings before that judicial officer pending disposition of Petition No. 26-95, or until this Court otherwise directs.
3. Alternatively, preserve or extend the Superior Court's existing fourteen-day stay until fourteen days after disposition of Petition No. 26-95, or for another short period sufficient for orderly consideration of this application and Respondents' response.

4. If any July 23 hearing has already occurred, stay entry, enforcement, or implementation of any resulting attorney-fee, cross-complaint, or case-management order, and stay further proceedings before the challenged judicial officer while this application is considered.

Applicants do not ask the Circuit Justice to decide the merits of the fee motion, the proposed cross-complaint, or the underlying nuisance action. They do not contend that docketing itself divests the Superior Court of jurisdiction. They seek only temporary preservation of the status quo. If the Circuit Justice concludes that a renewed request below is required, Applicants request an administrative stay long enough to make that request and promptly supplement this filing.

QUESTION PRESENTED

Whether an immediate administrative stay and a limited stay should preserve the status quo where Petition No. 26-95 has been docketed, the Superior Court's conditional fourteen-day stay has been triggered, the same judicial officer whose continued participation is challenged remains assigned, and that officer has issued a tentative ruling poised for adoption after the temporary stay.

ORDERS AND JUDGMENT SOUGHT TO BE REVIEWED

1. The Los Angeles Superior Court entered an October 2, 2025 order striking Applicants' verified statement of judicial disqualification and filed a verified answer. App. 6a-12a.
2. The California Court of Appeal denied the exclusive statutory writ petition on October 14, 2025. App. 4a.
3. The Supreme Court of California denied review and a stay on October 22, 2025, in No. S293574. App. 2a.

The petition for a writ of certiorari seeks review of the completed state writ proceeding and is now docketed as No. 26-95. App. 84a. The underlying municipal-enforcement action remains pending. Applicants candidly acknowledge that the ongoing nature of that action creates a threshold finality question, but submit that California's exclusive and time-limited writ process makes the disqualification determination final for federal review.

PARTIES

Applicants are John Zhong and Catherine Li, petitioners in No. 26-95 and defendants in Los Angeles Superior Court Case No. 23PSCV02124. Respondents are the Superior Court of California, County of Los Angeles, and the City of Diamond Bar, among others identified on the docket. William Litvak of Dapeer, Rosenblit & Litvak, LLP is counsel of record for the City.

JURISDICTION AND AUTHORITY

This application invokes 28 U.S.C. § 1257(a), which permits review of final judgments or decrees rendered by the highest state court in which a decision could be had; 28 U.S.C. § 2101(f), which permits a Justice to stay execution or enforcement of a final judgment subject to certiorari review; and the All Writs Act, 28 U.S.C. § 1651(a), to the limited extent necessary to preserve this Court's prospective jurisdiction. Rules 22 and 23 govern the form and consideration of this application.

California law makes the determination of judicial disqualification nonappealable and reviewable only by a writ of mandate filed within ten days. Cal. Code Civ. Proc. § 170.3(d). Applicants timely used that exclusive procedure; the Court of Appeal denied the writ, and the California Supreme Court denied review and a stay. App. 2a, 4a.

Under the pragmatic finality doctrine, a state-court federal issue may be reviewable even when further proceedings remain if the issue has been finally decided and will survive regardless of the later proceedings, or if later federal review cannot be had. *Cox Broadcasting Corp. v. Cohn*, 420 U.S. 469, 477-486 (1975); see *Moore v. Harper*, 600 U.S. 1, 16-17 (2023). Here, § 170.3(d) forecloses later appellate review of the disqualification ruling, and future merits proceedings cannot reopen the completed writ decision.

Applicants therefore submit that the writ judgment is sufficiently final and self-contained for § 1257 review, and that continued proceedings before the challenged judge are the practical implementation of that judgment. Applicants acknowledge that the Court may disagree with this finality theory; this application does not conceal that substantial jurisdictional issue.

COMPLIANCE WITH SUPREME COURT RULE 23.3

Rule 23.3 requires particular reasons why relief is unavailable elsewhere and, except in extraordinary circumstances, requires that the requested relief first be sought below. Applicants sought a stay in the California Supreme Court during the completed disqualification writ proceeding; that court denied both review and a stay on October 22, 2025. App. 2a. Applicants also sought immediate protection from the affected proceedings in the Superior Court and append the conformed July 15 order and official minute order. App. 65a-82a.

Applicants' July 15, 2026 ex parte application requested a continuance or temporary stay of the attorney-fee hearing, case-management conference, and cross-complaint hearing. App. 65a-76a. Judge Salvatore T. Sirna denied the broader request without prejudice but ordered a fourteen-day stay if a Supreme Court docket number issued before the July 23 proceedings. App. 77a-82a.

The Clerk docketed the petition as No. 26-95 on July 21, 2026, thereby satisfying the condition stated in the July 15 order. App. 84a. That state-court protection is temporary. It expires well before Respondents' August 20 deadline to respond to the certiorari petition and before ordinary consideration of the petition can occur. The docketing therefore moots only the former filing-status uncertainty; it does not moot the need for a stay extending beyond the short state-court period.

On July 21, the Superior Court posted a tentative ruling granting the City's fee motion in the amount of \$32,118 and denying Applicants' amended motion for leave to file a cross-complaint. App. 86a-92a. The tentative itself states that the court may change it and that it is not final merely because it was posted. Applicants do not contend that the tentative, standing alone, establishes actual bias. It shows that the same challenged judicial officer remains poised to decide consequential matters as soon as the temporary stay ends.

The lower-court relief is therefore incomplete. The fourteen-day pause is administratively manageable and confirms that a short stay causes limited prejudice, but it does not preserve the status quo through the certiorari response period or this Court's consideration. Without federal interim relief, the structural issue presented in No. 26-95 may be overtaken by additional adjudication before the same challenged judicial officer.

Applicants recognize that a renewed discretionary state request may be possible. But no state procedure can reopen the completed and exclusive § 170.3(d) disqualification review, and the Superior Court already denied broader relief while granting only a short conditional stay. If the Circuit Justice requires a renewed lower-court request tailored to the post-docketing circumstances, Applicants request an administrative stay sufficient to make that filing and promptly provide the resulting order.

STATEMENT OF FACTS

1. On October 2, 2025, the Superior Court struck Applicants' verified disqualification statement.

The order relied on timeliness, the insufficiency of disagreements with rulings, and the absence of facts establishing an appearance of bias. App. 6a-12a.

2. Applicants timely sought the exclusive writ review authorized by California Code of Civil

Procedure § 170.3(d). The Court of Appeal denied relief on October 14, 2025. App. 4a.

3. The California Supreme Court denied review and a stay on October 22, 2025. App. 2a.

4. Applicants mailed their original petition for a writ of certiorari on December 30, 2025. The

petition presents a Fourteenth Amendment question concerning the objective constitutional standard for judicial disqualification. App. 25a-33a.

5. On January 7, 2026, the Clerk returned the papers for specified form and certificate

corrections and allowed sixty days for corrected submission under Rule 14.5. App. 14a.

STATEMENT OF FACTS - CONTINUED

6. A commercial Supreme Court printer prepared forty corrected booklet copies and the accompanying appendix. The package was sent by UPS Next Day Air on January 22, 2026, and delivered on January 29, 2026. App. 16a-19a.
7. After Clerk's Office personnel later advised that original physical signatures were missing, Applicants promptly supplied wet-signed pages. USPS tracking reflects delivery or pickup in Washington, D.C. on June 18, 2026. App. 21a-23a.
8. Applicants made repeated status inquiries and sent written requests on July 8 and July 13 asking whether the corrected petition and signatures had been matched and whether any deficiency remained. App. 52a-55a.
9. Applicants also prepared and served a motion requesting only a prompt filing-status determination or identification of any remaining deficiency. App. 35a-50a.

STATEMENT OF FACTS - CONTINUED

10. On July 15, 2026, Applicants presented an ex parte application asking the Superior Court to continue or temporarily stay the attorney-fee, case-management, and cross-complaint proceedings. App. 65a-76a. The court denied broader relief without prejudice but ordered a fourteen-day stay if a Supreme Court docket number issued before the hearings. App. 77a-82a.
11. On July 21, 2026, the Supreme Court docketed the petition as No. 26-95. The docket identifies the Court of Appeal of California, Second Appellate District, as the lower court, and lists Respondents' response due August 20, 2026. App. 84a.
12. Docketing satisfied the condition in the July 15 Superior Court order and triggered the temporary fourteen-day stay. Applicants do not contend that docketing independently removes the Superior Court's jurisdiction.
13. Also on July 21, 2026, Department G posted a tentative ruling granting the City's motion for appellate attorney fees in the amount of \$32,118 and denying Applicants' amended motion for leave to file a cross-complaint. App. 86a-92a.
14. The tentative ruling is not itself final, but it demonstrates that the same judicial officer whose continued participation is challenged in No. 26-95 remains prepared to make consequential rulings when the short state stay expires.
15. If a July 23 hearing has already occurred by the time this application is received, Applicants request that the stay apply to entry, enforcement, or implementation of any resulting orders and to all further adjudicatory proceedings before the challenged judicial officer.
16. Applicants do not contend that the tentative ruling or any adverse ruling, standing alone, proves actual bias. Their subjective concern is not the governing test. The preserved question is objective: whether the alleged circumstances, considered cumulatively, created a constitutionally intolerable probability or risk of bias.

GOVERNING STANDARD

A stay pending certiorari requires a reasonable probability that four Justices will consider the issue sufficiently meritorious to grant review, a fair prospect that a majority will vote to reverse, and a likelihood of irreparable harm absent relief. In a close case, the Circuit Justice also balances the equities and relative harms. *Hollingsworth v. Perry*, 558 U.S. 183, 190 (2010) (per curiam). The likelihood of success and irreparable injury are the most critical factors. *Nken v. Holder*, 556 U.S. 418, 434 (2009).

An administrative stay serves the narrower function of preserving the status quo while the Circuit Justice considers an emergency application and any response. The current state-court stay provides only temporary protection. Because Respondents' certiorari response is not due until August 20, the state stay will expire before ordinary consideration can occur.

Applicants recognize that a stay is extraordinary and not a matter of right. They also recognize two serious obstacles: the Court may disagree that the completed writ proceeding is final under § 1257, and the petition record is not accompanied by a developed state appellate opinion addressing the federal Due Process Clause. Those limitations counsel in favor of narrow, time-limited relief rather than an open-ended halt to the state action.

REASONS FOR GRANTING RELIEF

The requested administrative stay is warranted because the docketing of No. 26-95 has made the federal proceeding concrete; the state court's fourteen-day stay is too short to preserve the status quo through the response period; the same challenged judicial officer remains assigned; and the July 21 tentative ruling shows that consequential adjudication is imminent when the temporary stay expires.

**I. THE COMPLETED DISQUALIFICATION-WRIT PROCEEDING IS REVIEWABLE
AND PRESENTS A SUBSTANTIAL FEDERAL QUESTION.**

California has made writ review the exclusive and final mechanism for reviewing a judicial-disqualification determination. Cal. Code Civ. Proc. § 170.3(d). Applicants used that mechanism, the Court of Appeal denied the writ, and the California Supreme Court denied review. Future proceedings in the enforcement action cannot restore the expired statutory writ remedy or permit an ordinary appeal of the recusal ruling.

That posture falls within the pragmatic finality principles described in *Cox Broadcasting* and *Moore*: the federal impartial-tribunal issue has been finally resolved in the separate writ proceeding and either will survive regardless of the underlying merits or cannot be reviewed later at all. *Cox Broadcasting*, 420 U.S. at 480-481; *Moore*, 600 U.S. at 16-17.

The question is also substantial. The petition invokes the Fourteenth Amendment and this Court's objective-bias decisions. App. 25a-33a. The Court of Appeal's brief order cited California procedural authorities, and the California Supreme Court summarily denied review and a stay. Applicants contend that no state appellate court separately applied the federal constitutional inquiry they presented.

Applicants acknowledge that the orders below contain reasons and that the Superior Court rejected the factual sufficiency of the challenge. The certiorari question is therefore not whether the state courts wrote nothing, but whether the completed state procedure adequately adjudicated the independently asserted federal due-process standard. That narrower framing avoids overstating the record.

II. APPLICANTS HAVE A FAIR PROSPECT OF PREVAILING ON THE PRESERVED IMPARTIAL-TRIBUNAL QUESTION.

A fair trial before a fair tribunal is a basic requirement of due process. In *re Murchison*, 349 U.S. 133, 136 (1955). The inquiry is objective: recusal is constitutionally required when the probability of actual bias is too high to be tolerable. *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868, 872, 876-877 (2009). When a constitutionally disqualified judge participates, the error is structural. *Williams v. Pennsylvania*, 579 U.S. 1, 8-10 (2016).

Applicants contend that their verified challenge invoked these federal principles but was resolved through state timeliness and sufficiency doctrines without a separate determination whether the alleged circumstances, considered cumulatively, created an objectively intolerable risk of bias. The Court of Appeal then denied the exclusive writ in a short order, and the California Supreme Court denied review.

The merits showing is not free from doubt. The Superior Court stated that the allegations were untimely, consisted largely of disagreements with rulings, and did not establish an appearance of bias. App. 6a-12a. The application does not ask the Circuit Justice to decide the disputed allegations now. It asks only to preserve the status quo long enough for orderly consideration of whether the federal standard received constitutionally sufficient treatment.

III. PROCEEDING BEFORE THE SAME CHALLENGED JUDICIAL OFFICER CREATES THE CLAIMED IRREPARABLE STRUCTURAL HARM.

Applicants do not rely principally on the possible monetary effect of the proposed attorney-fee award; monetary injury ordinarily may be addressed through later review. Their primary claimed harm is structural: continued adjudication by the same judicial officer whose participation is the subject of No. 26-95. That participation - not simply the outcome of a particular ruling - is the injury Applicants seek to prevent while this Court considers its prospective jurisdiction.

Williams explains that participation by a constitutionally disqualified judge is not amenable to harmless-error analysis. 579 U.S. at 14. California law compounds the problem because § 170.3(d) bars a later appeal from the disqualification determination. Once additional proceedings occur, no later stay can restore the opportunity to have those proceedings sequenced after federal consideration of the tribunal question.

The July 21 tentative ruling illustrates the immediacy without deciding the merits. It would resolve a \$32,118 fee request and deny leave to assert proposed cross-claims. Applicants do not ask the Circuit Justice to review those merits through this application. They ask only that the same challenged judicial officer not adopt, enter, implement, or build further proceedings upon those rulings before No. 26-95 can receive orderly consideration.

An administrative stay is the only relief capable of preserving the status quo beyond the short state-court pause. If any hearing has already occurred, the same preservation function can be served by staying entry, enforcement, implementation, and further proceedings.

IV. DOCKETING AND THE TEMPORARY STATE STAY DO NOT MOOT THE APPLICATION; THE EQUITIES FAVOR NARROW RELIEF.

Docketing has removed the former uncertainty over whether a petition existed on this Court's docket, but it has not resolved Petition No. 26-95. The state court's fourteen-day stay ends before Respondents' August 20 response deadline. App. 84a. A short federal administrative stay would preserve rather than disrupt the orderly process now underway in this Court.

The requested relief is narrow. It does not vacate an existing substantive order, grant certiorari, decide the fee motion or cross-complaint, or prevent Respondents from preserving every argument. It asks only that adjudication before the challenged judicial officer pause while the application is considered.

Applicants have acted with documented diligence: they corrected the petition, supplied wet signatures, pursued written status requests, served Respondents, sought relief below, and promptly notified the state court of docketing. They will report any material state or federal development within twenty-four hours.

The All Writs Act supports only relief necessary or appropriate in aid of this Court's jurisdiction. 28 U.S.C. § 1651(a). Applicants candidly acknowledge the substantial finality question under § 1257 and § 2101(f). The docketed petition, completed § 170.3(d) writ process, existing short state stay, and imminent further participation of the challenged judge nonetheless justify narrow interim protection while that threshold question is considered.

CONCLUSION

Applicants respectfully request an immediate administrative stay of further adjudicatory proceedings in Los Angeles Superior Court Case No. 23PSCV02124 before the challenged judicial officer, including adoption, entry, enforcement, or implementation of the July 21 tentative ruling, while this application is considered. They further request a limited stay pending disposition of Petition No. 26-95. Alternatively, they request preservation or extension of the existing state-court stay for a short period sufficient for orderly briefing and consideration. If any July 23 hearing has already occurred, Applicants request that the stay apply to resulting orders and all further proceedings.

Applicants respectfully request action before expiration of the Superior Court's fourteen-day stay or before any attempt to adopt, enter, enforce, or implement the tentative ruling, whichever occurs first.

Respectfully submitted,



John Zhong, Applicant Pro Se
Dated: July 23, 2026



Catherine Li, Applicant Pro Se

VERIFICATION

We, John Zhong and Catherine Li, declare under penalty of perjury under the laws of the United States of America that the factual statements in this revised emergency application based on our personal knowledge are true and correct. We further declare that the petition was docketed as No. 26-95 on July 21, 2026; that the July 15 Superior Court order provides a fourteen-day stay upon docketing; that the July 21 tentative ruling is attached; and that the same judicial officer remains assigned to the underlying action. We do not declare that the tentative ruling itself proves actual bias. See 28 U.S.C. § 1746.

Executed on July 23, 2026, in Los Angeles County, California.



John Zhong, Applicant Pro Se



Catherine Li, Applicant Pro Se

No. 26-95

IN THE SUPREME COURT OF THE UNITED STATES

JOHN ZHONG AND CATHERINE LI,

Applicants and Petitioners,

v.

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

Respondents.

**NOTICE OF DOCKETING AND SUPPLEMENTAL STATEMENT OF
MATERIAL DEVELOPMENTS IN SUPPORT OF EMERGENCY
APPLICATION
FOR AN IMMEDIATE ADMINISTRATIVE STAY**

Applicants John Zhong and Catherine Li submit this short supplement to notify the Circuit Justice of material developments occurring after preparation of their emergency application. If the original application has not yet been filed, Applicants respectfully request that the Clerk treat the concurrently submitted revised application as the operative filing. If the original application has already been filed, Applicants request that this document be associated with that application and with Petition No. 26-95.

1. THE PETITION HAS BEEN DOCKETED AS NO. 26-95.

On July 21, 2026, the Clerk docketed the petition as No. 26-95. The official docket identifies the Court of Appeal of California, Second Appellate District, as the lower court and states that Respondents' response is due August 20, 2026. The official docket report is Appendix R to the revised application, App. 83a-84a.

2. DOCKETING TRIGGERED THE SUPERIOR COURT'S FOURTEEN-DAY STAY.

The Los Angeles Superior Court's July 15, 2026 order denied broader ex parte relief without prejudice but provided that, if a Supreme Court docket number issued before the July 23 proceedings, the attorney-fee hearing, case-management conference, and cross-complaint hearing would be stayed for fourteen calendar days. The docketing of No. 26-95 satisfied that

condition. Applicants do not contend that docketing independently divests the Superior Court of jurisdiction. They rely on the Superior Court's own conditional order.

3. THE TEMPORARY STATE STAY DOES NOT MOOT THE FEDERAL APPLICATION.

The state stay is short and expires before Respondents' August 20 deadline to respond to the certiorari petition. It therefore cannot preserve the status quo through ordinary consideration of No. 26-95. Docketing moots only the former uncertainty over whether the petition would appear on this Court's docket. It does not resolve the underlying impartial-tribunal question or the need for interim protection after the state stay ends.

4. THE SAME CHALLENGED JUDICIAL OFFICER HAS POSTED A CONSEQUENTIAL TENTATIVE RULING.

Also on July 21, 2026, Department G posted a tentative ruling that would grant the City \$32,118 in appellate attorney fees and deny Applicants leave to file a cross-complaint. The tentative is Appendix S, App. 85a-92a. Applicants do not contend that an adverse tentative ruling, standing alone, proves actual bias. They submit it to show that the same judicial officer whose continued participation is the subject of No. 26-95 remains poised to make consequential decisions immediately after the temporary state stay.

5. UPDATED RELIEF REQUESTED

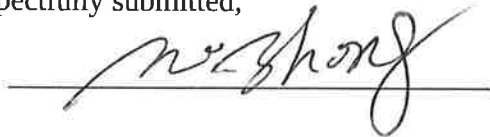
Applicants respectfully request an immediate administrative stay of further adjudicatory proceedings in Los Angeles Superior Court Case No. 23PSCV02124 before the challenged judicial officer, including adoption, entry, enforcement, or implementation of the July 21 tentative ruling, while the emergency application is considered. If a July 23 hearing has already occurred, Applicants request a stay of entry, enforcement, or implementation of any resulting orders and of all further proceedings before that judicial officer.

Applicants further request a limited stay pending disposition of Petition No. 26-95. Alternatively, they request preservation or extension of the state court's existing fourteen-day

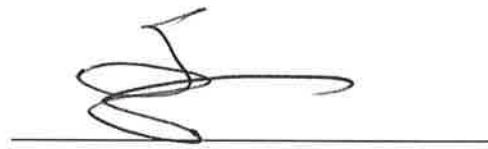
stay for a short period sufficient for orderly briefing and consideration. If the Circuit Justice concludes that a renewed lower-court request is required, Applicants request an administrative stay long enough to make that request and promptly supplement the filing.

Applicants continue to acknowledge the substantial threshold finality question identified in the revised application. They seek no ruling here on the merits of the fee motion, cross-complaint, or underlying enforcement action. Their request is limited to preservation of the status quo while this Court considers its prospective jurisdiction and the emergency application.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "John Zhong", written over a horizontal line.

John Zhong, Applicant Pro Se

A handwritten signature in cursive script, appearing to read "Catherine Li", written over a horizontal line.

Catherine Li, Applicant Pro Se

Dated: July 23, 2026

No. 26-95

IN THE SUPREME COURT OF THE UNITED STATES

JOHN ZHONG AND CATHERINE LI, Applicants and Petitioners,

v.

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

**APPENDIX TO REVISED EMERGENCY APPLICATION FOR AN IMMEDIATE
ADMINISTRATIVE STAY AND A LIMITED STAY PENDING DISPOSITION
OF PETITION FOR A WRIT OF CERTIORARI NO. 26-95**

Including the July 15, 2026 state-court order, official docket report, and July 21,
2026 tentative ruling.

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**Additional material
from this filing is
available in the
Clerk's Office.**