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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
IN AND FOR THE SECOND APPELLATE DISTRICT
DIVISION 8

Stanislav Arbit,)
Plaintiff and Appellant,) Court of Appeal Case: B340261
v.)
Mark Zuckerberg,)
Defendant and Respondent.)

Appellant's Opening Brief

Appeal From a Judgment
Of The Superior Court, Los Angeles County, No. 23TRCP00474
Southwest District, Torrance Courthouse
Honorable Douglas W. Stern
Honorable Gary Y. Tanaka

Stanislav Arbit
440 North Barranca Avenue Unit 7377
Covina, CA 91723
Telephone: (480) 818-4418
Email: stan@securepower.io
Appellant
Self-Represented

Certificate of Interested Entities or Persons

TO BE FILED IN THE COURT OF APPEAL

APP-008

| | |
|--|---|
| COURT OF APPEAL 2nd APPELLATE DISTRICT, DIVISION 8 | COURT OF APPEAL CASE NUMBER: B340261 |
| ATTORNEY OR PARTY WITHOUT ATTORNEY: Self-Represented STATE BAR NUMBER: NAME: Stanislav Arbit FIRM NAME: STREET ADDRESS: 440 North Barranca Avenue 7377 CITY: Covina STATE: CA ZIP CODE: 91723 TELEPHONE NO.: (480) 818-4418 FAX NO.: E-MAIL ADDRESS: stan@securepower.io ATTORNEY FOR (name): | SUPERIOR COURT CASE NUMBER: 23TRCP00474 |
| APPELLANT/ PETITIONER: Stanislav Arbit RESPONDENT/ REAL PARTY IN INTEREST: Mark Zuckerberg | |
| CERTIFICATE OF INTERESTED ENTITIES OR PERSONS | |
| (Check one): <input checked="" type="checkbox"/> INITIAL CERTIFICATE <input type="checkbox"/> SUPPLEMENTAL CERTIFICATE | |
| Notice: Please read rules 8.208 and 8.488 before completing this form. You may use this form for the initial certificate in an appeal when you file your brief or a prebriefing motion, application, or opposition to such a motion or application in the Court of Appeal, and when you file a petition for an extraordinary writ. You may also use this form as a supplemental certificate when you learn of changed or additional information that must be disclosed. | |

1. This form is being submitted on behalf of the following party (name): **Stanislav Arbit**
2. a. There are no interested entities or persons that must be listed in this certificate under rule 8.208.
- b. Interested entities or persons required to be listed under rule 8.208 are as follows:

| | Full name of interested entity or person | Nature of interest (Explain): |
|-----|---|--|
| (1) | Meta Platforms, Inc. | Defendant is the chairman, chief executive officer, and controlling shareholder. |
| (2) | | |
| (3) | | |
| (4) | | |
| (5) | | |
| | <input type="checkbox"/> Continued on attachment 2. | |

The undersigned certifies that the above-listed persons or entities (corporations, partnerships, firms, or any other association, but not including government entities or their agencies) have either (1) an ownership interest of 10 percent or more in the party if it is an entity; or (2) a financial or other interest in the outcome of the proceeding that the justices should consider in determining whether to disqualify themselves, as defined in rule 8.208(e)(2).

Date: **01/20/25**

| | |
|--|---|
| Stanislav Arbit <small>(TYPE OR PRINT NAME)</small> | <small>(SIGNATURE OF APPELLANT OR ATTORNEY)</small> |
|--|---|

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1 **Statement of the Case**

2 Appellant-Plaintiff, Stanislav Arbit, makes his first appeal for this unlimited civil
3 stalking, and defamation case seeking damages and an injunction. Please note that
4 Appellant-Plaintiff will cite the superior court file (SC file) in addition to the clerk's
5 transcript (CT). This appeal is based on an erroneous order striking the Statement of
6 Disqualification (CT 109), an erroneous order sustaining a demurrer without leave to amend
7 (CT 141), and the final judgment that followed (CT 132).

8 The complaint was filed on 12/18/2023. Supplemental facts that cure the deficiencies
9 in the complaint were filed as declarations along with ex parte applications on 02/16/2024
10 (SC file 02/16/2024 Declaration Of Stanislav Arbit Restraining Order Hearing); 03/18/2024
11 (SC file 03/18/2024 Declaration (of Stanislav Arbit)); 03/21/2024 (SC file 03/21/2024
12 Declaration (of Stanislav Arbit)); 04/15/2024 (SC file 04/15/2024 Declaration Of Stanislav
13 Arbit); and 04/25/2024 (SC File 04/25/2024 Declaration in Support of Ex Parte
14 Application). Appellant-Plaintiff's ex parte applications, consisting of a TRO (SC file
15 02/20/2024 Ex Parte Application (for a TRO), and four applications (CT 13, 62, 72 & 82)
16 for service by publication were denied (CT 60, 71, 81, 90). Appellant-Plaintiff's motion for
17 disqualification was struck on 05/01/2024 (CT 109) before the defendant was served (SC
18 file 05/28/2024 Proof of Personal Service).

19 On 06/07/2024, Defendant filed a demurrer without motion to strike. (SC file
20 06/07/2024 Defendant Mark Zuckerberg's Notice of Demurrer and Demurrer To Plaintiff's
21 Complaint; Memorandum of Points and Authorities In Support.) On 08/01/2024 Judge
22 Stern sustained the demurrer and entered an order sustaining the demurrer without leave to
23 amend on 08/05/2024. (CT 141.) Judgment was filed on 08/05/2024. (CT 132.)

24 **Statement of Appealability**

25 There is a final judgment (CT 132) of dismissal (after demurrer (CT 141)) and the
26 case is finished. (Code Civ. Proc., § 904.1, subd. (a)(1).)
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1 **Statement of Facts**

2 Supplemental facts filed as declarations along with ex parte applications in this case
3 that describe organized crimes that can be directly linked to the defendant, Mark
4 Zuckerberg:

5 Threats of violence have been, and continue to be, an element of Mark
6 Zuckerberg’s, and his co-conspirators’, constant campaign to terrorize
7 Plaintiff, Stanislav Arbit.

8 The pattern of stalking and harassment started at Facebook’s Menlo
9 Park, CA campus in 2017, where I was a data center infrastructure
10 management engineer.

11 Some incidents of stalking and harassment involve people that I
12 encountered while working at Facebook’s main campus in Menlo Park, CA. I
13 only know one of these people’s names—her name is Alex Grunwald. Alex
14 Grunwald has shown up at my home in Santa Monica around July 2021, and
15 my home in downtown Los Angeles, around January 2022.

16 An unknown Facebook employee stalked me in San Francisco after my
17 Facebook contract ended, and another unknown Facebook employee stalked
18 me in New York City in 2019.

19 Since I left Facebook in 2017, representatives from Facebook have
20 contacted me for odd, non-employment-related reasons.

21 An example of a recent operation started shortly after I filed a civil
22 complaint against Mark Zuckerberg for stalking and defamation (case:
23 23TRCP00474, Los Angeles County, 12/18/23). For about a week, I started
24 encountering people on crutches and casts at a significantly higher occurrence
25 than I have in my previous 41 years. All of these people acknowledged me.

26 After the indirect threats described in [the preceding paragraph]
27 paragraph [], I have been the victim of numerous counts of attempted
28 vehicular homicide. After one near-miss, the driver acted like he missed out
on a bonus payment.

The most recent count of attempted vehicular homicide occurred on
February 14, 2024, at approximately 11:45 AM as I was driving North on the
405. The attempt involved at least three cars, two of which acted as
distractions while a third attempted to sideswipe me while it was traveling
15-20 MPH faster than other traffic. I took emergency evasive maneuvers to
narrowly avoid contact.

People have also started to run at me, sometimes pretending to be
distracted and running directly at me even after I move out of their way.

1 A different operation involves cars taking fast right turns while
2 overtaking a car in the lane closest to the sidewalk—as I’m walking by. This
3 type of threat started in January of this year. A recent occurrence was on
4 1/19/24 around 8:10 AM.

5 The last few weeks people have been assaulting me and pretending it
6 was an accident. For instance, at the grocery store, people have been bumping
7 me with their shopping carts. At first, it was just one cart. Then it was
8 multiple carts running into me one after the other.

9 After the episodes with the carts, at the same grocery store, a person
10 put their hand on me to physically restrain my movement.

11 About two weeks ago, a person flung their backup at me while I was in
12 my gym’s locker room.

13 Another violent threat at the gym also occurred in February when a
14 person stood next to me in the locker room as I was getting dressed and
15 punched the air near my head.

16 On Feb. 10, I was walking down the path I usually walk for exercise
17 and a person in a truck stopped in front of me with the windows down and,
18 while driving off, loudly asked me what gang I was in and inquired if I was a
19 Crip or a Blood. The next day, while taking the same walk, I found an
20 ammunition casing at approximately the same location.

21 My phone was hacked. One recent indicator of this occurred on
22 02/02/24 at 11:15 AM while I was preparing a message to Fox News Corp. to
23 let them know about the stalking and harassment lawsuit I filed against Mark
24 Elliot Zuckerberg. While I was considering what the body of the message
25 should include—and purposefully not touching any part of the screen—I saw
26 the letter “y” appear. I didn’t move, and I double-checked to make sure
27 nothing was touching the screen. This behavior is consistent with other signs
28 of hacking.

The examples listed above are just some examples of the daily,
constant harassment orchestrated by Mark Zuckerberg.

If Defendant is not restrained, Plaintiff fears great bodily injury will
result.

Defendant will suffer negligible or no harm if the restraining order is
granted, in that we are separated geographically, and no good reason exists for
Mark Zuckerberg, or his agents, assigns, employees, partners, and all those
acting in concert with Mark Zuckerberg to be interacting with me directly or
indirectly outside of our court proceedings.

(SC file 02/16/2024 Declaration Of Stanislav Arbit Restraining Order Hearing.)

| Date | Plaintiff | Sheriff | Defendant | Documents Attached |
|----------|---|----------------------|---|--------------------|
| 12/31/23 | Notice of Lawsuit Email to Mark Zuckerberg. Summons & complaint package is attached. | | Defendant did not respond. Defendant's email server accepted 2/3 emails for delivery. | |
| 01/09/24 | Request to serve Summons and complaint package. Summons and Complaint and SER001 Attached as requested. | No response | | Exhibit 4 (SER001) |
| 01/17/24 | Request to Serve Notice of Case Reassignment | Requested Fee Waiver | | Exhibit 5 (SER001) |
| 01/17/24 | Sent copy of fee waiver | | | |

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| Date | Plaintiff | Sheriff | Defendant | Documents Attached |
|----------|---|---|-----------|--------------------|
| 01/19/24 | | Responded to Notice of Case Reassignment Request with an [acknowledgment] | | |
| 02/22/24 | Requested status update for summons and complaint service. Attached corresponding SER001 and service packet | | | |
| 02/26/24 | | Responded with: "The service was [unsuccessful]" | | |
| 02/26/24 | Requested a copy of POS for summons and complaint | Responded with POF for Notice of Case Reassignment | | |

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| Date | Plaintiff | Sheriff | Defendant | Documents Attached |
|----------------------------|---|--|-----------|--------------------|
| 02/26/24 | Requested status update for summons and complaint service. Attached corresponding SER001 and service packet | | | |
| 02/27/24 Asked when the | | Asked when the request for service of summons and complaint was submitted to the sheriff's office. | | |
| 02/27/24 | Answered sheriff's question, that the request was submitted on Jan 9. | Responded saying service was not attempted because a fee waiver is missing | | |

| Date | Plaintiff | Sheriff | Defendant | Documents Attached |
|----------|--|----------------------------|-----------|--------------------|
| 02/27/24 | Requested confirmation that service was not attempted for summons and complaint and attached the fee waiver. | No response as of 03/04/24 | | |

(SC file 03/05/2024 Declaration (of Stanislav Arbit))

On 03/06/24, I submitted a request to the San Mateo Sheriff’s Office (SMSO) for substitutive service.

On 03/08/24 they responded with “We currently have an open service for these documents.”

On 03/13/24 at 06:42 a.m., I asked SMSO for a status update for case 23TRCP00474 after informing the SMSO that “The crimes are ongoing and the damages continue to accrue. Please consider this matter urgent”.

On Thursday, 03/14/24 at 01:30 p.m., after not getting a response to the status update request submitted on 03/13/24, I called the San Mateo Sheriff’s Office. After a short automated message, I was routed to the Civil Unit Team. The call lasted for 13 minutes while they researched the case and confirmed my identity. The call concluded with a promise that my request for substituted service would be honored, but would be delayed due to limited staff.

This request is made ex parte because of the immediate and irreparable danger that has occurred and continues to occur.

It has become crystal clear to me that my computer has been hacked. I do not have reliable access to the internet which is not compromised.

I am under constant physical surveillance.

On, or around 03/12/24, two people were waiting for me outside of a building, where I usually exist, and initiated an approach with the intent of physically engaging me—or intimidating me with the possibility of a physical altercation.

1 I have reason to believe that I am regularly getting mildly poisoned
2 with a significant dose administered on 03/13/24 which caused a notable
3 increase in discomfort, pain, and loss of sleep.

4 The building automation system in the building where I work often
5 “fails” and either locks me out of the building or locks me in, or holds me in
6 the elevator for an extended amount of time after arriving at a floor.

7 As a food delivery driver, I have to navigate around coordinated
8 “accident” setups. The most recent event occurred on 03/17/24 around 2:45
9 p.m. on PCH.

10 On, or around, 03/14/24 and 03/15/24, at two different parking lots that
11 I typically can be[]found in, I survived an attempted vehicular battery while
12 walking.

13 On, or around 03/11/24, my right front car window was completely
14 smashed.

15 On 03/14/24 around 07:30 p.m., a man threatened me with a knife in
16 the locker room of the gym that I frequent Monday through Friday.

17 Mark Zuckerberg first received actual notice of this lawsuit last year.

18 The Sheriff’s Office has attempted personal service at least six times.

19 Publication of this lawsuit is likely, and an order for publication can
20 advance us to discovery where I, Stanislav Arbit, Plaintiff, believe I can
21 uncover a preponderance of evidence to prevail in this lawsuit.

22 (SC file 03/18/2024 Declaration (of Stanislav Arbit))

23 As stated in the declaration filed on 03/05/24, the first request to serve
24 the summons and complaint was submitted on 01/09/24.

25 Based on a phone call with the San Mateo Sheriff’s Office (SMSO) on
26 03/19/24, their first attempt to serve the summons and complaint was on
27 2/29/24 and another attempt was made on 03/14/24. SMSO told me that
28 security denied them entrance and they did not leave a copy of the summons
and complaint (i.e., substitutive service was not an option).

Service for other papers has failed four times—not including the
attempts mentioned in the previous paragraph.

This request is made ex parte because of the immediate and irreparable
danger that has occurred and continues to occur.

I believe that the vandalism described in § 20 of the declaration filed
on 3/18/24 was not a random occurrence. A police report was filed with El
Segundo PD. The case number is 0456.

1 I believe that the presiding Judge—Douglas W. Stern— has an
2 undisclosed conflict of interest, one that precludes him from faithfully
3 executing his judicial duties.

(SC file 03/21/2024 Declaration (of Stanislav Arbit))

4 The first SER-001, “Request for Sheriff to Serve Court Papers,” for
5 service of summons was submitted by Plaintiff to San Mateo Sheriff’s Office
6 (SMSO) on 01/09/24.

7 The SMSO made their first attempt to serve the summons and
8 complaint on 02/29/24 and another attempt was made on 03/14/24. (*Filed on*
9 *04/08/24*)

10 On 03/06/24, I submitted a request to the SMSO for substitutive
11 service.

12 On 03/08/24 they responded with “We currently have an open service
13 for these documents.”

14 On 03/13/24 at 06:42 a.m., I asked SMSO for a status update for case
15 23TRCP00474 after informing the SMSO that “The crimes are ongoing and
16 the damages continue to accrue. Please consider this matter urgent.”

17 On Thursday, 03/14/24 at 01:30 p.m., after not getting a response to the
18 status update
19 request submitted on 03/13/24, I called the San Mateo Sheriff’s Office. After a
20 short automated message, I was routed to the Civil Unit Team. The call lasted
21 for 13 minutes while they researched the case and confirmed my identity. The
22 call concluded with a promise that my request for substituted service would
23 be honored, but would be delayed due to limited staff.

24 On 04/05/24, I submitted the second SER-001 requesting substitutive
25 service.

26 On 04/11/24, I contacted SMSO for a status update. I didn’t receive a
27 response.

28 On 04/12/24, I sent a second request to SMSO (including Sheriff
Corpus, ccorpus@smcgov.org) for a status update on the request for
substitutive service. They responded with “An attempt was made, however[,]
the service was unsuccessful[,] and a card was left. The documents are still
out for service.”

On 04/12/24, I contacted Sheriff Corpus directly, asking why they
[had] been unable or unwilling to execute the service request. Lt. Dan
Reynolds responded, saying that they are working on it without providing any
details.

My computer and phone have been hacked. I do not have reliable
access to the internet which is not compromised—effectively confining me as

1 a virtual slave, unable to obtain employment, manage my business, or receive
2 essential, life-sustaining governmental services.

3 I am under constant physical surveillance.

4 I am under a constant threat of physical violence.

5 I have reason to believe that I am regularly getting mildly poisoned
6 with a significant dose administered on 03/13/24 which caused a notable
7 increase in discomfort, pain, and loss of sleep.

8 I have reason to believe that I am a victim of targeted biological
9 warfare. The most recent occurrence was on, or around, 04/10/24.

10 The building automation system in the building where I work often
11 “fails” and either locks me out of the building or locks me in, or holds me in
12 the elevator for an extended amount of time after arriving at a floor. The last
13 occurrence was on April 12, 2024.

14 I have to navigate around coordinated car accident setups. The most
15 recent event occurred on 04/13/24 around 11:00 AM on La Tijera Boulevard.
16 (SC File 04/15/2024 DECLARATION OF STANISLAV ARBIT)

17 At the first hearing with Judge Douglas W. Stern (03/06/24), after
18 appearances, Mr. Stern told me, Stanislav Arbit, the Plaintiff, that he does not
19 care about this case, he believes that I don’t care, and he made it known that
20 he strongly disapproves of how the complaint was titled.

21 At the next hearing (3/19/24), Judge Stern demonstrated his proclaimed
22 disinterest by exhibiting a willful lack of understanding of the motion before
23 him. I stated that he is not reading what I am submitting and I reiterated the
24 gravity of the situation and asked if it would be helpful if I came back the next
25 day so that Mr. Stern could have more time to familiarize himself with the
26 motion. Mr. Stern declined the suggestion and denied the motion.

27 In the declaration that I filed on 3/21/24, I stated the following: “I believe
28 that the presiding Judge—Douglas W. Stern—has an undisclosed conflict of
interest, one that precludes him from faithfully executing his judicial duties.”

The hearing after being told by Plaintiff that he is not reading or
understanding the documents being submitted, Douglas W. Stern’s courtroom
had a sheriff’s deputy present. Right before Plaintiff’s case was called the
deputy positioned himself at the door leading to Plaintiff’s desk. Plaintiff
stated his name with an armed deputy next to him—both of the
deputy’s hands could reach Plaintiff without having to adjust his stance.

After appearances, Douglas W. Stern asked Plaintiff about what exactly
Mr. Stern was not understanding. Plaintiff told him that everything he wanted
Mr. Stern to understand was in the filed documents. This hearing occurred on

1 3/26/24 and included the declaration (filed on 3/21) that accused Mr. Stern of
2 having an undisclosed conflict of interest. Mr. Stern then
3 stated he is once again denying the motion. Plaintiff left the courtroom
4 immediately and was followed to the elevator by the deputy. Before the
elevator's doors closed the armed deputy made a showing of stretching his
arms.

5 Before leaving the Torrance Courthouse, Plaintiff stopped by the library to
6 do legal research. While conducting the research, various deputies would
poke their heads in and make a comment before leaving.

7 On 03/28/24, I emailed a litigation hold to Dept. B, addressed to Mr.
8 Stern. It was emailed to tordeptb@lacourt.org at 9:14 a.m. as an attachment
(Exhibit 1).

9 On 04/13/24, I emailed a copy of a cease and desist letter addressed to Mr.
10 Stern and sent it to tordeptb@lacourt.org on 04/13/24 (Exhibit 2).

11 On 04/16/24, Mr. Stern ruled, without calling the matter for hearing
against an Ex Parte Application.

12 While I believe the aforementioned facts are enough for Mr. Stern to have
13 recused himself, I am now also stating explicitly that I believe Mr. Stern has
14 conspired with Defendant, either directly or indirectly, to manipulate the
proceedings in a way that unfairly harms the plaintiff.

15 (SC File 04/25/2024 Declaration in Support of Ex Parte Application)

16 VERIFIED ANSWER OF DOUGLAS W. STERN

17 I am a Judge of the Superior Court and as such have been assigned to
preside over this case.

18 I am not prejudiced or biased against or in favor of any party to this
19 proceeding or their counsel.

20 All rulings I have made this action have been based upon facts and
arguments officially presented to me and upon my understanding of the law.

21 All statements I have made and all actions I have taken in this
22 proceeding have been done in furtherance of what I believe were my judicial
duties.

23 My statements and rulings are set forth in the records and the files
24 herein, which are the best evidence of those statements and rulings. To the
25 extent Plaintiffs descriptions or interpretations of those statements and rulings
26 are inconsistent therewith, those inconsistent descriptions and interpretations
are denied.

27 Plaintiff's characterizations of what was said by the Court are
28 inaccurate. The Court did not state that it did not care about the case. The
Court has read the papers submitted by Plaintiff on all occasions.

1 I know of no facts or circumstances which would require my
2 disqualification or recusal in this case.

(CT 114)

3
4 It is within my belief and knowledge that the defendant is a principal in
5 a fifth-column network that conspires to target Americans, who do not have
6 utility to them, to remove them from society by any available means,
including murder.

7 Plaintiff is a former contingent worker at Facebook, Inc. Facebook,
8 Inc. is operated by the defendant. Plaintiff believes he was targeted because of
this relationship.

9 Defendant's program can be described as Full Cycle Human Resource
10 Management (FCHRM). FCHRM is analogous to a washing machine cycle.
11 FCHRM's cycle is approximately one year. And much like a washing
12 machine, most of the time is spent in the agitation phase. During the agitation
13 phase, the Defendant has tried to agitate, frighten, confuse, and mobilize the
plaintiff.

14 Around the one-year mark, they force the victim, or in this case, they
15 forced me out of housing and employment. This is the drain and spin phase.
16 At this point, you are on the run and exhaust your resources. If you are able to
17 settle back into housing and gain income the cycle will start again.

18 The goal, and eventual result, is to have the victim's savings drained,
19 all credit exhausted, and for the victim's resume to have a long gap in
employment. At this point, the victim is essentially boxed in.

20 Defendant uses patterns as his criminal signature—employing various
21 motifs to string individual events together.

22 Most days contain multiple events, and it is rare for a day to go by
23 without an event.

24 Defendant spies on the plaintiff and reflects gathered intelligence in his
25 choreographed field performances and direct inauthentic interactions with
26 Plaintiff.

27 While permanent removal of the victim is the primary goal, the
28 secondary goal is complete isolation from society, and the tertiary goal is
being blocked from housing and employment. But any inconvenience, insult,
manipulation, or scam, no matter how slight, is an achievement to the
defendant and his network of coconspirators.

The scheme is highly organized, resource intensive, and typically
coupled with plausible deniability, and whenever possible, blame is shifted
through misinformation. The underlying mechanics of this novel setup are, by

1 design, difficult to express. The sheer complexity of their over-engineered
2 system serves as a cover for their criminal enterprise.

3 Defendant maliciously defamed Plaintiff with the goal of precluding
4 him from gaining employment in any field or industry.

5 Defendant maliciously defamed Plaintiff with the goal of critically
6 damaging his business.

7 Defendant has made credible threats and Plaintiff believes Defendant
8 has and will continue to conspire to cause the plaintiff great bodily harm and
9 death.

10 (SC file 12/18/2023 Stalking Conspiracy & Defamation Conspiracy Compliant for
11 Injunction and Damages Filed by Stanislav Arbit (Petitioner))

12 **Argument**

13 **I. Introduction**

14 Immediately after appearances, Judge Stern’s first words to Appellant-Plaintiff upon
15 their first encounter in court were designed to persuade Appellant-Plaintiff to abandon his
16 complaint. Judge Stern spoke with frustration when he said to Arbit, “I don’t care about this
17 case. You don’t care about this case.” Judge Stern continued to express his disapproving
18 prejudgment of Appellant-Plaintiff’s complaint while shaking his head and frowning.
19 Appellant-Plaintiff alleged in his Statement that Judge Stern was indeed interested in the
20 case, but his interests were less than honorable. (SC File 04/25/2024 Declaration in Support
21 of Ex Parte Application.)

22 Judge Stern falsely asserted that “the Statement does not, on its face, disclose any
23 grounds for disqualification.” (CT 109.) Appellant-Plaintiff’s Statement, in addition to
24 being facially sufficient, was both substantial and concerning. (SC File 04/25/2024
25 Declaration in Support of Ex Parte Application.) Judge Stern chose to ignore the statements
26 of fact outlined in Appellant-Plaintiff’s Motion and Declaration to Dismiss Judge Stern and
27 ignored Appellant-Plaintiff’s explicit statement of malfeasance directly attributable to Judge
28 Stern. (*Ibid.*)

While Judge Stern would continue to prove his lack of interest in honorably
adjudicating this case at every opportunity, including in his order striking Appellant-

1 Plaintiff's Motion and Declaration for Disqualification of Judge Stern, it became apparent
2 to Appellant-Plaintiff that the situation is much more serious than simple incompetence or
3 lack of interest. (CT 109; SC File 04/25/2024 Declaration in Support of Ex Parte
4 Application.)

5 Judge Stern's statement opening statement, "I don't care about this case. You don't
6 care about this case," would make any reasonable person entertain doubts concerning the
7 judge's impartiality. Disqualification was therefore mandated but was instead erroneously
8 declined and the Statement was struck from the record. (CT 109.)

9 Plaintiff-Appellant submitted multiple declarations with ex parte applications
10 containing supplemental facts in support of his case. Judge Stern wrongfully denied leave to
11 amend but "leave to amend is appropriate when issues are developing."

12 But beyond that, given that the complaint here was the original complaint,
13 other principles guide us as well, principles we confirmed in [citation] "[F]or
14 an original complaint, regardless whether the plaintiff has requested leave to
15 amend, it has long been the rule that a trial court's denial of leave to amend
16 constitutes an abuse of discretion unless the complaint 'shows on its face that
17 it is incapable of amendment.' [Citations] [where it appeared that plaintiff
18 attempted in good faith to state a cause of action and it was 'not at all clear
19 that plaintiff could not have amended' to overcome the demurrer, it was error
20 for the trial court to refuse to grant plaintiff at least one opportunity to
21 amend].)

22 *Tarrar Enters. v. Associated Indem. Corp.*, 83 Cal.App.5th 685, 688-89 (Cal. Ct. App. 2022)

23
24 Of dispositive significance, facts alleged in the record as declarations, a partial rough
25 draft of an updated complaint (Arbit, *Arbit v. Meta* (2025) <[https://www.securepower.io/
26 arbit-v-meta-et-al](https://www.securepower.io/arbit-v-meta-et-al)> [As of January 13, 2025]), and the additional facts alleged in Section V
27 show that there is a reasonable possibility that Appellant-Plaintiff can amend the complaint
28 to state a cause of action.

1 **II. Standard of Review**

2 The standard of review for the order Striking the Statement of Disqualification (CT
3 109) is de novo because “Legislature provided trial judges limited authority to strike
4 statements of disqualification that were facially insufficient or frivolous.” (*N. Am. Title Co.*
5 *v. Superior Court of Fresno Cnty.*, 91 Cal.App.5th 948, 989 (Cal. Ct. App. 2023); CT 109).
6 In other words, Judge Stern did not have the authority to question the facts, even though he
7 perjurally denied making his initial prejudicial statements—and failed to address most of
8 the facts outlined in Appellant-Plaintiff’s Statement of Disqualification (SC File 04/25/2024
9 Declaration in Support of Ex Parte Application). Judge Stern’s denial of the initial statement
10 of disinterest and failure to address most of the Appellant-Plaintiff’s Statement (CT 114),
11 does not discount Appellant-Plaintiff’s Statement (SC File 04/25/2024 Declaration in
12 Support of Ex Parte Application).

13 With the facts not open to dispute, most of which are completely ignored by Judge
14 Stern, this appeal is made as a question of law. Questions of law are reviewed de novo. (See
15 *People v. Prunty* (2015) 62 Cal. 4th 59, 71, 192 Cal. Rptr. 3d 309, 355 P.3d 480;
16 *Weatherford v. City of San Rafael* (2017) 2 Cal. 5th 1241, 1247, 218 Cal. Rptr. 3d 394, 395
17 P.3d 274.); (Code Civ. Proc., § 170.3 subd. (c)(5).)

18 The standard of review for the order granting the demurrer without leave to amend is
19 reviewed de novo. (*Lo v. Lee*, 24 Cal.App.5th 1065, 1070 (Cal. Ct. App. 2018) [“The
20 standard by which we review an order sustaining a demurrer without leave to amend is well
21 established. We review the order de novo....”].)

22 The standard of review for the denial of the leave to amend is abuse of discretion.
23 (*Lo, supra*, 24 Cal.App.5th at p. 1070 [“While the decision to sustain or overrule a demurrer
24 is a legal ruling subject to de novo review, the granting of leave to amend involves an
25 exercise of the trial court's discretion.”] [Citations] [“We thus review the denial of leave to
26 amend for abuse of discretion.”] [Citations].)

1 **III. The Order Denying Leave to Amend and the Order Striking the Statement of**
2 **Disqualification Are Subject to Review After the Final Judgement**

3 The interlocutory order to strike Arbit’s Statement of Disqualification (SC File
4 04/25/2024 Declaration in Support of Ex Parte Application) is not appealable. (Code Civ.
5 Proc., § 904.1, subd. (a)(1))

6 The interlocutory order to strike Arbit’s Statement of Disqualification (SC File
7 04/25/2024 Declaration in Support of Ex Parte Application) and the order sustaining the
8 demurrer are subject to review in this appeal as part of the final judgment. (Code Civ. Proc.,
9 § 906.)

10 **IV. Judge Stern Erred in His Ruling on the Demurrer**

11 **A. Judge Stern’s Denial of Leave to Amend Was Patently Absurd**

12 Judge Stern’s basis his denial of leave to amend because no opposition to the
13 demurrer was filed. This is legally wrong because it is a well-established principle that no
14 request to amend an initial complaint is required. (*Eghtesad v. State Farm Gen. Ins. Co.*, 51
15 Cal.App.5th 406, 265 Cal. Rptr. 3d 227 (Cal. Ct. App. 2020).)

16 Denying leave to amend in this case is also patently absurd because the record
17 reflects that Appellant-Plaintiff submitted declarations with six ex parte applications that
18 included supplemental facts that support the initial complaint. The basis of each of those six
19 ex parte applications was the risk of immediate, ongoing, and irreparable physical harm.

20 After declaring his disinterest in the case, proclaiming—without any apparent factual
21 or reasonable basis—that the Appellant-Plaintiff is not interested in this case, and
22 intimidating Appellant-Plaintiff out of his courtroom and the courthouse with armed men,
23 Judge Stern chose to ignore the facts filed in the ex parte applications which could be
24 incorporated into an amended complaint thereby curing the deficiencies of the original
25 complaint.

26 Furthermore, there is nothing in the original complaint that suggests it cannot be
27 cured with additional information. “when confronted with an original complaint we focus
28

1 not on what facts the plaintiff shows he can allege in an amended complaint, but rather on
2 whether anything in the original complaint forecloses amendment.” (*Eghtesad*, supra, 51
3 Cal.App.5th at p. 413.) “Regardless of whether a request therefore was made, unless the
4 complaint shows on its face that it is incapable of amendment, denial of leave to amend
5 constitutes an abuse of discretion. (Citation.)” (*Lee v. Los Angeles City Metro. Transit Auth.*,
6 107 Cal.App.4th 848, 854 (Cal. Ct. App. 2003))

7 Judge Stern’s order sustaining the demurrer (CT 141) did not state why the
8 complaint could not be amended. Neither Judge Stern’s self-proclaimed (willful) disinterest
9 nor his (willful) incompetence can serve as an excuse for making this error. Appellant-
10 Plaintiff believes classic corruption is the driving force behind Judge Stern’s order denying
11 Appellant-Plaintiff leave to amend.

12 **B. Judge Stern Is Willfully Blind**

13 Judge Douglas W. Stern has been practicing law since 1978. The most generous
14 assumption that Appellant-Plaintiff can make for Judge Stern’s blatant disregard for the law
15 and the facts contained in the record is willful blindness. The ex parte applications are, of
16 course, part of the record and Judge Stern references the TRO in the final judgment; he
17 presided over the subsequent ex parte applications—so we know he was aware of their
18 existence—but, if viewed in the most generous light to Judge Douglas W. Stern, he chose
19 not to consider their contents.

20 The Supreme Court has commented on willful blindness regarding both criminal and
21 civil litigation, and much like California’s Court of Appeals, the Court does not condone
22 willful blindness as a valid defense. (*Global-Tech Appliances, Inc. v. Seb S. A.*, 563 U.S.
23 754, 766 (2011) [“The doctrine of willful blindness is well established in criminal law.
24 Many criminal statutes require proof that a defendant acted knowingly or willfully, and
25 courts applying the doctrine of willful blindness hold that defendants cannot escape the
26 reach of these statutes by deliberately shielding themselves from clear evidence of critical
27 facts that are strongly suggested by the circumstances. The traditional rationale for this
28

1 doctrine is that defendants who behave in this manner are just as culpable as those who
2 have actual knowledge.”]; *Id.* at p. 768 [“Given the long history of willful blindness and its
3 wide acceptance in the Federal Judiciary, we can see no reason why the doctrine should not
4 apply in civil lawsuits”]; *In re Douglas*, 200 Cal.App.4th 236, 244 (Cal. Ct. App. 2011)
5 [“California law does not condone willful ignorance”].)

6 **V. Plaintiff Can Amend the Original Complaint With Additional Facts to Cure the**
7 **Deficiencies**

8 **A. Appellant’s Affirmation of Ability to Allege Additional Facts First**
9 **Made on Appeal Is Legally Sufficient to Allow Complaint Amendment**

10 If allowed to amend the complaint, Appellant-Plaintiff, Stanislav Arbit, can cure the
11 deficiencies in the original complaint by pleading facts not in the original complaint. “When
12 any court makes an order sustaining a demurrer without leave to amend the question as to
13 whether or not such court abused its discretion in making such an order is open on appeal
14 even though no request to amend such pleading was made.” (Code Civ. Proc., § 472, subd.
15 (c)(a).) “[I]n any event, an appellant may rely on statements made for the first time on
16 appeal to show that there is a reasonable possibility that the complaint can be amended to
17 state a cause of action. [Citation.]” (*Eghtesad*, *supra*, 51 Cal.App.5th at pp. 414.)

18 This long-standing rule remains valid. The current edition of a leading
19 practical treatise explains, “[I]n the case of an *original* complaint, plaintiff
20 need not even request leave to amend. ‘Unless the complaint shows on its face
21 that it is incapable of amendment, denial of leave to amend constitutes an
22 abuse of discretion, irrespective of whether leave to amend is requested or
23 not.’” [Citations.] “Rarely should a judge sustain a demurrer to an *initial*
24 complaint without granting leave to amend.” [Citations.] “Denial of leave to
25 amend is appropriate only when it conclusively appears that there is no
26 possibility of alleging facts under which recovery can be obtained.”
27 [Citations.] “This rule advances the policy goal of deciding cases on the
28

1 merits and serves the interest of fairness. Our Supreme Court has observed
2 that where 'plaintiff has not had an opportunity to amend the complaint in
3 response to the demurrer, leave to amend is liberally allowed as a matter of
4 fairness, unless the complaint shows on its face that it is incapable of
5 amendment.' [Citations.] "Our concerns about fairness are heightened in cases
6 like Eghtesad's, where Eghtesad represented himself....

7 (*Eghtesad*, supra, 51 Cal.App.5th at pp. 411–412.)

8 **B. An Updated Complaint Is Proof That There Exists More Than a**
9 **Reasonable Possibility That Appellant-Plaintiff Can Amend the**
10 **Complaint to State a Cause of Action**

11 Appellant-Plaintiff's partial rough draft of an updated complaint is proof that there
12 exists more than a reasonable possibility that Appellant-Plaintiff can amend the complaint
13 to state a cause of action. (*Arbit, Arbit v. Meta (2025)* <[https://www.securepower.io/arbit-v-](https://www.securepower.io/arbit-v-meta-et-al)
14 [meta-et-al](https://www.securepower.io/arbit-v-meta-et-al)> [As of January 13, 2025].)

15 The updated complaint names the defendant in the instant case, Mark Elliot
16 Zuckerberg, as a co-defendant and includes the actions stated in this case and additional
17 actions that have been added because of the ongoing nature of the situation and because
18 Appellant-Plaintiff (a self-represented pauper) has become more familiar with our legal
19 system.

20 **C. Additional Facts Not in the Record That Support Causes of Action**

21 On days when a physical or electronic stalking operation, or a series of operations, is
22 planned, and the execution, in whole or in part, is likely to result in the Appellant-Plaintiff
23 being sent to jail, the hospital, or the morgue, Respondent-Defendant, Mark Zuckerberg,
24 sends Appellant-Plaintiff, Stanislav Arbit, an email from the Instagram domain late at night
25 or early in the morning before the event(s). The emails continued long after Appellant-
26 Plaintiff unsubscribed from all Instagram emails.
27
28

1 Defendant-Respondent uses aliases on burner phones running applications owned
2 and operated by Meta Platforms, Inc., to plan and execute the stalking of Appellant-
3 Plaintiff, Stanislav Arbit. Defamation, along with digital currency, is leveraged as social
4 engineering tools to employ agents to act on Defendant’s behalf. Specifically, Mark Elliot
5 Zuckerberg, *falsely* claims that Appellant-Plaintiff is a pedophile and a thief.

6 Defendant-Respondent trades information, that is gleaned from the company he
7 operates (Meta Platforms), for in-kind services from intelligence apparatuses of nations
8 (France, China, and India) hostile to the United States to terrorize Appellant-Plaintiff—to
9 neutralize a competitive threat; entertainment that is monetized on Meta Platforms
10 application’s; and for his sadistic desires.

11 Defendant personally traffics in obscenity, stalking, and harassment using the
12 applications owned and operated by the company of which he is the CEO, Chairman, and
13 controlling shareholder. Defendant personally recruits common criminals as agents acting
14 on his behalf for his terror campaign against Plaintiff-Appellant. Plaintiff-Appellant intends
15 to prove that the agents involved are organized and sponsored by Defendant-Respondent.

16 The Defendant-Respondent first started stalking Appellant-Plaintiff in 2016/2017 at
17 Facebook’s Menlo Park headquarters. Starting on April 25, 2024, and continuing as of the
18 writing of this section on January 8, 2025, Appellant-Plaintiff has been documenting facts
19 that can be incorporated into a new complaint. These facts are not in the record and have
20 not yet been added to the Appellant’s partial rough draft of a new complaint. (Arbit, *Arbit v.*
21 *Meta* (2025) <<https://www.securepower.io/arbit-v-meta-et-al>> [As of January 13, 2025].)

22 Not including the email headers, Appellant-Plaintiff has over 80,000 words marking
23 the time and location of evidentiary facts that mostly occurred on a corporate campus that
24 has video surveillance and RFID access control and has received a litigation hold months
25 ago. (Arbit, *Facts* (2025) <<https://www.securepower.io/facts>> [As of January 7, 2025].)

26 The operations are sophisticated and would be best explained by demonstration
27 rather than narrative. Displaying the evidentiary evidence on a graph, with “x” being time
28

1 and “y” being the severity of each event (e.g., rude, civil limited, civil unlimited,
2 misdemeanor, and felony), there is a constant daily execution of two types of events. One
3 category is what Appellant-Plaintiff refers to as “presence and event timing irritation,
4 intimidation, and instigation.” The second constant daily category is mimicking. Both of
5 these two baseline event categories leverage constant physical and electronic surveillance
6 and unauthorized access to computers, computer systems, and computer data. Both of the
7 baseline categories don’t typically exceed the threshold with what a police officer can help
8 with. With both of these categories, the goal is to keep all conspirators as unknown “Does.”

9 Occasionally, the conspirators make careful plans and execute events that exceed the
10 baseline threshold and have made forays all the way up into premeditated attempted murder.
11 However, even if they are not successful in accomplishing higher levels of criminality,
12 integrating the events over time yields truly torturous results.

13 The purpose of each event varies. Many are based on hacking Appellant-Plaintiff’s
14 computers and phones; many are reflections (mimicking) of personal data, actions, and
15 events, including in times when one expects privacy such as a bathroom, home, car, or
16 private office using hidden recording devices and the unauthorized access to Appellant-
17 Plaintiff’s computers and phones; some are attempts to defraud; some involve robbery;
18 some are actual attempts at violence; some are psychological operations; some are denial of
19 specific services; some are placed witnesses coupled with instigation operations; some are
20 manufactured delays; some are bad examples; some are setups for future events; many
21 involve the laxatives magnesium citrate and Escherichia coli; inauthentic behavior is
22 constant, often involving poorly acted out skits designed to manipulate, foreshadow or
23 suggest future threats; some are distractions; some are biological attacks with sick people
24 purposely targeting Appellant-Plaintiff with viral loads, including trespassing into private
25 spaces; some are annoying; some are celebrations of a successful terror campaign; many are
26 involve honeypots, including minors; some involve the torture and death of pets; some
27
28

1 involve sexualizing children; some are implicit threats; some are explicit threats; and some
2 are kidnapping and murder attempts.

3 **VI. Judge Stern’s Erred When He Had the Facially Sufficient Statement of**
4 **Disqualification Struck From the Record**

5 In the order (CT 109) to strike Appellant-Plaintiff’s Statement of Disqualification
6 (SC File 04/25/2024 Declaration in Support of Ex Parte Application), Judge Stern
7 erroneously concluded that Appellant-Plaintiff’s Statement (*Ibid*) “does not, on its face,
8 disclose any grounds for disqualification, the Court strikes it pursuant to Code of Civil
9 Procedure section 170.4, subdivision (b).” (CT 109.) Judge Stern’s claim of lack of interest
10 in this case, at the first hearing, is on display in his willful mischaracterization of Appellant-
11 Plaintiff’s Statement of Disqualification (SC File 04/25/2024 Declaration in Support of Ex
12 Parte Application). In addition to the initial troubling statement of disinterest, the Statement
13 of Disqualification (*Ibid*) outlines other judicial acts of misconduct undertaken by Judge
14 Stern, any of which exceed any reasonable threshold of disqualification of a Judge.

15 Judge Stern’s order striking Appellant-Plaintiff’s Statement of Disqualification (CT
16 109) was an attempt to pass upon the facts and law contained in Arbit’s Statement of
17 Disqualification (SC File 04/25/2024 Declaration in Support of Ex Parte Application)—an
18 act specifically disallowed in Code Civ. Proc., § 170.3, subd. (c)(5).

19 **A. Judge Stern Erred When He Willfully Ignored Facts and**
20 **Mischaracterized Arbit’s Statement of Disqualification**

21 Arbit’s Statement contains factually supported allegations of bias. A judge telling one
22 party in a case that he does not care about the case and believes that the petitioner does not
23 care about the case indicates that he has prejudged the complaint and is biased against the
24 petitioner. This opening statement upon first meeting Appellant-Plaintiff, is sufficient
25 grounds for disqualification. (SC File 04/25/2024 Declaration in Support of Ex Parte
26 Application.)
27
28

1 While it is understandable that a judge might find some of his cases more interesting
2 than others, that should not relieve him of his judicial duties to remain impartial, and it
3 shouldn't mean denying legal recourse to a subset of cases that have the misfortune of being
4 assigned to his courtroom.

5 Judge Stern's statement to the Appellant-Plaintiff, who was standing in front of him,
6 that he believes that Appellant-Plaintiff does not care about the case that he has taken the
7 time to write and file, and for the second time is standing in the Torrance Courthouse
8 explaining to a judge that his life is literally in danger, is truly puzzling and *indicative of an*
9 *outside influence*.

10 The Statement of Disqualification (SC File 04/25/2024 Declaration in Support of Ex
11 Parte Application) describes Judge Stern engaging the services of Los Angeles County
12 Sheriff's deputies to intimidate Arbit at a hearing where the hearing's filed papers stated, by
13 signed declaration, that the Appellant-Plaintiff believes that Judge Stern has an undisclosed
14 conflict of interest. The Statement continues by describing how deputies attempted to
15 intimidate Appellant-Plaintiff while he was researching in the library, and the Statement
16 outlines Appellant-Plaintiff sending a letter asking Judge Stern to cease his harassment and
17 to advise him that he is under litigation hold for a related case. (*Ibid.*)

18 Finally, Appellant-Plaintiff's Statement (SC File 04/25/2024 Declaration in Support
19 of Ex Parte Application) explicitly alleges a conspiracy between the Judge and the
20 defendant to manipulate the proceedings in a way that unfairly harms the plaintiff. Yet
21 Judge Stern dares to claim that the Statement (*Ibid*) does not, on its face, disclose any
22 grounds for disqualification and is not subject to review by another judge as prescribed by
23 Code Civ. Proc., § 170.3, subd. (c)(5).

24 There is a standard for disqualification: "A person aware of the facts might
25 reasonably entertain a doubt that the judge would be able to be impartial." (Code Civ. Proc.,
26 § 170.1, subd. (a)(6)(A)(iii).) If Judge Stern does not believe that his actions require
27 disqualification then he is not a reasonable man.
28

1 The reason given for the change is the difficulty in showing that a judge is
2 biased unless the judge so admits. In addition, public perceptions of justice
3 are not furthered when a judge who is reasonably thought to be biased in a
4 matter hears the case." [Citation.] "The standard for disqualification ... is
5 fundamentally an objective one. It represents a legislative judgment that due
6 to the sensitivity of the question and inherent difficulties of proof as well as
7 the importance of public confidence in the judicial system, the issue is not
8 limited to the existence of an actual bias. Rather, if a reasonable man would
9 entertain doubts concerning the judge's impartiality, disqualification is
10 mandated." [Citation.]”)

11 *N. Am. Title Co., supra*, 91 Cal.App.5th at pp. 976–977

12 A statement of disqualification that facially discloses no legal grounds for
13 disqualification and a statement of disqualification that should be granted based on the
14 established standard are mutually exclusive. Appellant-Plaintiff’s Statement (SC File
15 04/25/2024 Declaration in Support of Ex Parte Application) objectively meets the standard
16 set by Code Civ. Proc., § 170.1, subd. (a)(6)(A)(iii) (“A person aware of the facts might
17 reasonably entertain a doubt that the judge would be able to be impartial.”)

18 Code Civ. Proc., § 170 allows judges to strike a statement of disqualification but the
19 legal path for this authority is not a straight line and it has been previously withdrawn:

20 In 1981, section 170 was amended to prevent trial judges from striking
21 statements of disqualification under any circumstance. [Citation.] Under the
22 1981 amendment, the sufficiency of the statement of disqualification, which
23 the trial judge could previously review, "must now clearly be referred to
24 another judge." [Citation.] Proponents of the legislation argued "that in order
25 to insure both propriety and the appearance of propriety [*sic*], no judge,
26 including those from single judge courts, should make a ruling on *any* matter
27 dealing with his or her disqualification." [Citation.]”)

1 “The State Bar of California provided a statement justifying the
2 amendment, observing, " “[this] anomalous case law creates substantial
3 potential for impropriety and for the appearance of impropriety. It permits a
4 challenged judge to totally avoid the disqualification hearing and, in essence,
5 to rule upon his disqualification, thereby leaving the party purporting to be
6 aggrieved to the uncertain remedy of a prerogative writ.” [Citation.], " “The
7 proposed amendment eliminates the anomaly and requires that all issues
8 concerning disqualification for cause be determined by another judge.””
9 [Citation.]

10 *N. Am. Title Co., supra*, 91 Cal.App.5th at pp. 975–976.

11 When the judicial authority to strike a motion of disqualification was reintroduced it
12 was done so with objections. “”To my mind there is a real danger that the wrong kind of
13 judge will overreach any authority he may have to strike.” [Citation.]” (*N. Am. Title Co.*,
14 *supra*, 91 Cal.App.5th at p. 976.)

15 The California Judges Association was concerned that criminal defendants filing
16 frivolous challenges would waste a significant amount of judicial time and money. (*N. Am.*
17 *Title Co., supra*, 91 Cal.App.5th at p. 976. [“However, the California Judges Association
18 expressed countervailing concerns that judges would be unable to quickly address the large
19 number of frivolous attempts to disqualify judges. “[F]rivolous challenges from criminal
20 defendants representing themselves are a serious and growing problem which wastes a
21 significant amount of judicial time and money.” (Citation.)”])

22 However, in the instant case, the Appellant-Plaintiff in this unlimited civil case is not
23 only alleging criminality against the defendant but is also alleging criminality against the
24 judge. And in this case, the judicial costs of the miscarriage of justice are offset to the Court
25 of Appeal of the State of California, Second Appellate District. Furthermore, as of the
26 writing of this section on December 22, 2024, it has been 241 days since Arbit filed his
27 Statement of Disqualification (SC File 04/25/2024 Declaration in Support of Ex Parte
28

1 Application) and was subsequently wrongfully denied a fair reading and judgment (CT
2 109). Meanwhile, the defendant’s terror campaign has continued, thereby compounding the
3 damage suffered by the plaintiff and giving the defendant additional opportunities to inflict
4 irreparable harm. And inflicting irreparable harm upon Plaintiff is Defendant’s, and co-
5 conspirator Judge Stern’s, objective.

6 As a California Judge, Douglas W. Stern is subject, by law, to the Code of Judicial
7 Ethics. (CALIFORNIA CODE OF JUDICIAL ETHICS, <[https://www.courts.ca.gov/
8 documents/ca_code_judicial_ethics.pdf](https://www.courts.ca.gov/documents/ca_code_judicial_ethics.pdf)> [as of January 20, 2025].)

9 The importance of the code is stated in the first paragraph of page 3:

10 Our legal system is based on the principle that an independent, fair, and
11 competent judiciary will interpret and apply the laws that govern us. The role
12 of the judiciary is central to American concepts of justice and the rule of law.
13 Intrinsic to this code are the precepts that judges, individually and
14 collectively, must respect and honor the judicial office as a public trust and
15 must strive to enhance and maintain confidence in our legal system. The judge
16 is an arbiter of facts and law for the resolution of disputes and is a highly
17 visible member of government under the rule of law.

18 Douglas W. Stern not only appears to be biased in favor of the defendant, he is
19 actively hostile towards Plaintiff, and Plaintiff’s right to petition the government. Judge.
20 Stern has not maintained impartiality and has diminished public confidence in the judiciary.

21 **B. Judge Stern Erred When He Demonstrated His Willful Incompetence**

22 Willful incompetence is a classic strategy used by the defendant, Mark Zuckerberg,
23 to obstruct legal proceedings.¹ At the second hearing with Defendant’s co-conspirator,
24 Judge Stern, Arbit was forced to explicitly state to Judge Stern that he was not reading or
25 understanding what was submitted to him. Judge Stern was eager to cherrypick any
26 statement that would allow him to dismiss the ex parte motion before him.

27 ¹ IN RE: FACEBOOK, INC. CONSUMER PRIVACY USER PROFILE LITIGATION, No 3:18-md-02843-VC,
28 Doc. 1104, (02/09/23) <[https://fingfx.thomsonreuters.com/gfx/legaldocs/zgvobklmnpd/
FacebookGibson_sanctions.pdf](https://fingfx.thomsonreuters.com/gfx/legaldocs/zgvobklmnpd/FacebookGibson_sanctions.pdf)> [Last viewed on January 22, 2025]

1 Once again, the filed motion contained new facts alleging ongoing physical attacks
2 against Arbit and his property, and the San Mateo Sheriff's Office's inability and refusal to
3 execute service on the defendant. (SC file 03/18/2024 Declaration (of Stanislav Arbit).) As
4 a direct consequence of the defendant's ongoing war with Appellant-Plaintiff, using the
5 Sheriff's Office was Arbit's only method of executing service on the defendant.

6 After informing Judge Stern that he is not reading or understanding the filed
7 documents, Arbit asked if it would be helpful if the hearing would be trailed to the next day
8 to allow Judge Stern time to make any changes necessary to accommodate the business
9 before him, such as reading the papers that Appellant-Plaintiff filed.

10 In a willful show of weaponized incompetence Judge Stern declined the suggestion
11 of trailing the hearing and declined to take a moment to reread the motion and declaration
12 and denied the ex parte motion (CT 71). Two more motions (CT 72 & 82) with new facts
13 but of similar content would be filed and denied (CT 81, 90). In Judge Stern's order (CT
14 109) striking the Statement of Disqualification, Judge Stern argues for his right to be wrong,
15 and being wrong is not grounds for disqualification. Judge Stern continues to state that
16 Appellant-Plaintiff's "disagreement with the Court's rulings is not a valid basis for
17 disqualification." But this is a fundamental (and purposeful) misunderstanding of the law.

18 Judge Stern did not have the authority to strike the statement as insufficient. While a
19 judge may strike a statement of disqualification in certain cases, he abused his discretion in
20 striking the Statement of Disqualification in this case. (SC File 04/25/2024 Declaration in
21 Support of Ex Parte Application.) "[I]f on its face it discloses no legal grounds for
22 disqualification." (Code Civ. Proc., § 170.4, subd. (b).) "However, by its express terms, the
23 authority of the trial judge to strike under section 170.4, subdivision (b) is limited by the
24 terms of section 170.3, subdivision (c)(5). That subdivision states, "A judge who refuses to
25 recuse himself or herself shall not pass upon his or her own disqualification *or upon the*
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1 *sufficiency in law, fact, or otherwise, of the statement of disqualification filed by a party."*
2 *([Citation].), emphasis added.)"* (*N. Am. Title Co., supra*, 91 Cal.App.5th at p. 988.)

3 Judge Stern's argument that Arbit's disagreement with the ruling is not grounds for
4 disqualification is fatally flawed because he does not have the authority to make that
5 designation, and in doing so he does what Code Civ. Proc., § 170.3, subd. (c)(5) instructs
6 him not to do (he passes on the sufficiency in law or fact of the allegations presented in the
7 statement of disqualification).

8 In striking the statement of disqualification, the trial judge argued the
9 statements were not disqualifying as they were statements of frustration
10 (citation), erroneous legal rulings (citation), or the expression of a view on a
11 legal or factual issue presented in the proceeding (§ 170.2, subd. (b)). By
12 engaging in the ultimate determination whether the statements were legal
13 findings or statements of frustration rather than statements indicating an
14 appearance of impartiality, the trial judge was passing on the sufficiency in
15 law or fact of the allegations presented in the statement of disqualification. In
16 enacting section 170.4, subdivision (b), the Legislature provided trial judges
17 limited authority to strike statements of disqualification that were facially
18 insufficient or frivolous. By strictly limiting the ability of trial judges to strike
19 only those statements which on their face disclose no legal grounds for
20 disqualification, the Legislature was attempting to balance the need for
21 prompt adjudication of frivolous statements of disqualification while limiting
22 the "substantial potential for impropriety" created by allowing the challenged
23 judge to strike statements to avoid review of the statement of disqualification
24 by another judge. (Citation.)

25 (*N. Am. Title Co., supra*, 91 Cal.App.5th at p. 988–989)

26 In Section III, Judge Stern states, "The facts do not suggest bias or prejudice, and
27 thus do not establish the appearance of bias sufficient to disqualify the undersigned judge
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1 from hearing this case.”(CT 112.) Here Judge Stern contradicts his assertion made in
2 Section II (CT 111) that the Statement (SC File 04/25/2024 Declaration in Support of Ex
3 Parte Application) lacked facts, and once again, Judge Stern oversteps his authority by
4 passing upon the Statement (*Ibid*). This is further evidenced in Judge Stern’s conclusion,
5 where he states that the parties (he means Plaintiff, because officially the defendant has not
6 been served yet) “the determination of the question of judicial disqualification is not an
7 appealable order and may be reviewed only by a writ of mandate from the court of Appeal,
8 sought within 10 days’ notice to the parties of the decision.” (CT113). There can be no
9 doubt that Judge Stern was misusing the order to strike (*Ibid*) as a method of engaging as
10 the ultimate determinator of whether Appellant-Plaintiff’s Statement (SC File 04/25/2024
11 Declaration in Support of Ex Parte Application) described an appearance of impartiality.

12 Appellant-Plaintiff’s Statement was both substantial and concerning and contained
13 multiple allegations, any one of which should have been viewed as facially sufficient for
14 review by another judge. (SC File 04/25/2024 Declaration in Support of Ex Parte
15 Application.) Judge Stern’s actions would lead a fully informed, reasonable member of the
16 public to entertain doubts that Judge Stern retained an appearance of being impartial. It is
17 also reasonable to assume that the pattern of bias would have continued throughout the
18 duration of the case. “The trial of a case should not only be fair in fact, but it should also
19 appear to be fair. And where the contrary appears, it shocks the judicial instinct to allow the
20 judgment to stand.” (*N. Am. Title Co.*, supra, 91 Cal.App.5th at p. 991.)

21 Judge Stern contends that disagreement with the Court’s ruling is not a valid basis
22 for disqualification but in doing so Judge Stern is passing upon the Statement of
23 Disqualification. (CT 110.) Judge Stern cites *People v. Guerra* (2006) 37 Cal.4th 1067,
24 1112 as case law for this argument but the Defendant did not submit a Statement of
25 Disqualification in that case. Judge Stern’s argument also does not support striking the
26 Statement based on the case law he cited because that was not at issue in *People*, at p. 1067.
27 Judge Stern supplements this smokescreen argument with *McEwen v. Occidental Life Ins.*
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1 Co. (1916) 172 Cal. 6, 11, but again, he does not have authority to rule a Statement of
2 Disqualification arising out of his conduct—and the caselaw he is citing also has nothing to
3 do with striking a Statement of Disqualification.

4 Judge Stern cites *Ryan v. Welte*, 87 Cal.App.2d 888, 198 P.2d 351 (Cal. Ct. App.
5 1948) in support of his order striking the Statement (CT 109). But again, Judge Stern does
6 not have the authority to pass upon a statement of disqualification. This is made clear in his
7 own (outdated) citation when the objections were assigned to a different judge and the
8 appeal was made on the other judge’s ruling and not a judge ruling on his own bias as Judge
9 Stern has done by way of an order to strike the Statement. (*Ryan*, at p.351.)

10 In Section II (CT 111) Judge Stern continues to pass upon the Statement of
11 Disqualification (SC File 04/25/2024 Declaration in Support of Ex Parte Application) and
12 continues to demonstrate his willful weaponized incompetence by claiming that “The mere
13 conclusions of the pleader are insufficient to establish grounds for disqualification..” (CT
14 111.) This simply does not align with the reality. Appellant-Plaintiff’s declaration (SC File
15 04/25/2024 Declaration in Support of Ex Parte Application) states that Judge Stern told
16 Appellant-Plaintiff that he (Judge Stern) does not care about this case and that he believes
17 Appellant-Plaintiff does not care about this case. This is a fact and not an opinion,
18 speculation, or conclusion. (*Ibid.*) It is also a fact and not a conclusion that the Judge was
19 emailed a notice of litigation and a cease and desist letter for his actions in this case. (*Ibid.*)
20 It is a fact that at the hearing where the filed papers alleged that Judge Stern had an
21 undisclosed conflict of interest, an armed deputy stood next to Arbit. (*Ibid.*) It is also a fact
22 and not a conclusion that the presence of the deputy was not reflected by the Court.
23 Furthermore, it is a fact that the armed deputy followed Appellant-Plaintiff out of the
24 courtroom while stretching his arms; likewise, it is a fact, supported by a signed declaration,
25 that a stream of deputies followed Arbit into the library while Appellant-Plaintiff was
26 researching immediately after the hearing. (*Ibid.*) Lastly, it is also a fact that Judge Stern
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1 denied (CT 60, 71, 81 & 90) four motions for alternative service that clearly stated, with
2 supportive facts, the urgency and need for said action (CT 13, 62, 72 & 82).

3 Judge Stern cited *In re Morelli*, 11 Cal.App.3d 819, 847 n.20 (Cal. Ct. App. 1970) in
4 support of this straw man argument, but the facts speak for themselves, he was explicitly
5 biased, he prejudged the case, and he was excessively hostile (among other more serious
6 accusations) and he erred when struck the Statement (CT 109). As a footnote in *In re*
7 *Morelli*, at p. 819 states, “It was held that it was only where an appropriate issue of fact is
8 raised concerning the disqualifications of the trial judge that he is prevented from passing
9 upon the question of his own disqualification....”.

10 It should also be noted that the Code of Civil Procedure section 170 has been
11 modified several times since the previously cited case was decided. (*N. Am. Title Co.*, *supra*,
12 91 Cal.App.5th at pp. 975–977.)

13 Judge Stern also cited *Urias v. Harris Farms, Inc.*, 234 Cal.App.3d 415 (Cal. Ct.
14 App. 1991) in support of striking the order under the straw man argument that the Statement
15 contained only “unsubstantiated opinions, speculation, and conclusions.” (CT 111.)
16 *Urias, supra*, 234 Cal.App.3d at p. 426, was itself citing the previously cited case of *In re*
17 *Morelli, supra*, 11 Cal.App.3d at p. 819. “Harris Farms contends these statements are
18 insufficient as a matter of law because they fail to state facts showing the judge was
19 disqualified to hear the case. (9) Section 170.3, subdivision (c)(1) requires that the
20 disqualification statement set forth "the facts constituting the grounds" for disqualification
21 of the judge. Mere conclusions of the pleader are insufficient. [Citation] (*Urias, supra*, 234
22 Cal.App.3d at p. 426.) Because Appellant-Plaintiff’s Statement (SC File 04/25/2024
23 Declaration in Support of Ex Parte Application) contained factual allegations of bias, it was
24 not eligible for striking.

25 *Urias, supra*, 234 Cal.App.3d at p. 421 n.4 also addresses another
26 “misunderstanding” of Judge Stern’s. Judge Stern wrote in a footnote that:
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1 The Court notes that the Declaration supporting Plaintiff's request to recuse
2 the assigned judge does not technically verify all of the facts in the Statement.
(CT 109.)

3 However, as Judge Stern's citation points out, Arbit's inclusion of a declaration is legally
4 sufficient. (*Urias, supra*, 234 Cal.App.3d at p. 421 n.4 ["While the statement of
5 disqualification was not verified as required by section 170.3, subdivision (c)(1), it was in
6 the form of a declaration under penalty of perjury which is sufficient. [Citation.]."])

7 Judge Stern cited *United Farm Workers of America v. Superior Court* (1985) 173
8 Cal.App.3d 97, 104 and stated: "A party's belief as to a judge's bias or prejudice is
9 irrelevant and does not control in a proceeding to disqualify for cause, because the test that
10 is applied is an objective one." Appellant-Plaintiff is unable to find this citation. However,
11 Judge Stern also cited: *Hayworth v. Superior Court* (2010) 50 Cal.4th 372, 389.) Again,
12 Appellant-Plaintiff is unable to find this citation, but if we assume Judge Stern meant to cite
13 *Haworth v. Superior Court*, 235 P.3d 152, 50 Cal.4th 372, 112 Cal. Rptr. 3d 853 (Cal.
14 2010), then we can see that Judge Stern was also trying to cite *United Farm Workers of*
15 *America v. Superior Court* (1985) 170 Cal.App.3d 97, 104, 216 Cal.Rptr. 4, which is cited
16 in *Haworth v. Superior Court*, 235 P.3d 152, 50 Cal.4th 372, 112 Cal. Rptr. 3d 853 (Cal.
17 2010). But this still leads to a dead end because Judge Stern's reason for quoting *Hayworth*
18 *v. Superior Court* (2010) 50 Cal.4th 372, 389.) was to claim that the "Supreme Court of
19 California has cautioned that party raising the issue of bias has a heavy burden and must
20 clearly establish the appearance of bias" yet the there is no such statement in any case. Even
21 if there was such a statement, Arbit's Statement of Disqualification clearly establishes the
22 appearance of bias, and most certainly exceeds any reasonable standard for avoiding an
23 order to strike. "To ensure that the proceedings appear to the public to be impartial and
24 hence worthy of their confidence, the situation must be viewed through the eyes of the
25 objective person." [Citations.] (*United Farm Workers of America. supra*, 170 Cal.App.3d at
26 p.104.)
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1 Judge Stern cites *Leland Stanford Junior University v. Superior Court* (1985) 173
2 Cal.App.3d 403, 408, “the litigants’ necessarily partisan views [do] not provide the
3 applicable frame of reference.” (CT 111.) But Judge Stern is cherrypicking statements while
4 ignoring more critical information that does not support his objective(s)—this appears to be
5 his typical modus operandi— at least in this case. As *Leland* at p. 408 explained, in proper
6 context, it is neither the judge’s personal view of impartiality nor the litigant’s that is
7 dispositive, rather, it is if a lay person not involved in the case would entertain doubts
8 concerning a judge’s impartiality:

9 Rather, if a reasonable man would entertain doubts concerning the judge's
10 impartiality, disqualification is mandated. ‘To ensure that the proceedings
11 appear to the public to be impartial and hence worthy of their confidence, the
12 situation must be viewed through the eyes of the objective person.’
13 [Citations.] While this objective standard clearly indicates that the decision on
14 disqualification not be based on the judge's personal view of his own
15 impartiality [fn. omitted], it also suggests that the litigants' necessarily
16 partisan views not provide the applicable frame of reference. [Citations.]
17 Rather, a judge faced with a potential ground for disqualification ought to
18 consider how his participation in a given case looks to the average person on
19 the street.

20 *Leland* at p. 408 also notes, “that the issue is not limited to the existence of an actual bias.”

21 Next, Judge Stern cites a federal case (CT 111) which is not binding in this case nor
22 is it persuasive, because Judge Stern continues to ignore the facts presented in Arbit’s
23 Statement of Disqualification (SC File 04/25/2024 Declaration in Support of Ex Parte
24 Application). To be more explicit, for Judge Stern’s sake, a fact is not “rumor, speculation,
25 belief, conclusion, innuendo, suspicion, opinion, or other similar non-factual matters.”
26 (*Clemens v. U.S. Dist. Court for Central Dist. of Cal.* (2005) 428 F.3d 1175, 1178.) (An
27 example of a fact would be Plaintiff stating, under penalty of perjury, that the judge in this
28 case said (not implied or suggested) that he does not care about this case and that he does
not think the plaintiff cares about this case.

1 In *Clemens, supra*, 428 F.3d at p. 1178. The United States Court of Appeals, Ninth
2 Circuit, echos the same standard as prescribed by the California Code of Civil Procedure:

3
4 In analyzing § 455(a) disqualification motions, we employ an objective test:
5 “whether a reasonable person with knowledge of all the facts would conclude
6 that the judge's impartiality might reasonably be questioned.” [Citations].

7 "Section 455(a) asks whether a reasonable person perceives a significant risk
8 that the judge will resolve the case on a basis other than the merits."

9 [Citation]. The "reasonable person" in this context means a "well-informed,
10 thoughtful observer," as opposed to a "hypersensitive or unduly suspicious
11 person." [Citation]. In determining whether disqualification is warranted
12 under § 455(a), we also apply the general rule that questions about a judge's
13 impartiality must stem from "extrajudicial" factors, [citation], that is, from
14 sources other than the judicial proceeding at hand. [Citations.]

15 *Clemens, supra*, 428 F.3d at p. 1178

16
17 An example of an extrajudicial factor in this case would be the *fact* that Judge Stern
18 received a litigation hold notice for a Federal civil RICO case that involves his actions in
19 the instant case.

20
21 Judge Stern argues that bias exists where the judge evidences a “predisposition to
22 decide a cause or an issue in a certain way, which does to leave the mind perfectly open to
23 conviction.” (CT 112). But Judge Stern prejudged this case from the first meeting with the
24 plaintiff, where he declared his disinterest, assumed the plaintiff had no interest in the case
25 (and by extension, his life), and shook his head and frowned in displeasure after saying he
26 had read the complaint (SC File 04/25/2024 Declaration in Support of Ex Parte
27 Application). Judge Stern would then go on to deny four ex parte motions at four separate
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1 hearings—acts that serve as proof of actual bias (even though proof of actual bias is not a
2 requirement for disqualification [*N. Am. Title Co.*, *supra*, 91 Cal.App.5th at pp. 976–977]).
3 If Judge Stern were truly interested in leaving any appearance of unfairness out, he would
4 not have stricken the statement ((*SC File 04/25/2024 Declaration in Support of Ex Parte*
5 *Application*)). We are left with the possibility that Judge Stern is simply incompetent and is
6 not aware that striking a statement or admitting bias are not his only two options, and
7 assigning the question of disqualification to another judge was not even an option he was
8 aware of— this simply doesn’t pass the smell test. Judge Stern is quite adept at
9 cherrypicking arguments that fit his narrative. And in the instant case, much like the cited
10 case, the following is true:

11
12 To any member of the discerning public, it would reasonably appear Judge
13 Tharp had prejudged without fact and without hearing the ultimate outcome
14 of an enormous and complex case. He appears to have prejudged the outcome
15 of the specific pretrial matter before him long before any judge is authorized
16 to "tote up" or to commence his conclusionary thinking. In so doing, he has
17 broken a prime ground rule of the judge's craft. "The trial of a case should not
18 only be fair in fact, but it should also appear to be fair. And where the contrary
19 appears, it shocks the judicial instinct to allow the judgment to stand.”

20 [Citations.]

21 *Pacific & Southwest Annual Conference of United Methodist Church v. Superior Court*
22 (1978) 82 Cal.3d 72, 88.)

23
24 Judge Stern will be a defendant, along with the defendant in the instant case, in a
25 Federal civil RICO case and this knowledge most certainly colors his already tainted view
26 of Appellant-Plaintiff and his complaint—so much so that he attempted to intimidate the
27 Appellant-Plaintiff with lethal force. It is important to remember that “ It is often stated that
28 it is not only the *fact* but the *appearance* of prejudice that should disqualify a judge.”

1 (*Pacific & Southwest Annual Conference of United Methodist Church, supra*, 82 Cal.3d 72,
2 at p. 88.)

3 In the last section (CT) Judge Stern cites the California Code of Judicial Ethics,
4 Canon 3B(8) to assert his duty to decide the case when not disqualified. The cited text says:
5 “A judge shall dispose of all judicial matters fairly, promptly, and efficiently. A judge shall
6 manage the courtroom in a manner that provides all litigants the opportunity to have their
7 matters fairly adducted in accordance with the law.” (*Ibid.*) A reasonable layperson aware of
8 the facts would not agree that Judge Stern has been fair, and a reasonable person would not
9 expect Judge Stern to “right the ship,” so to speak, and become fair as the proceedings
10 continued. Judge Stern prejudged the case, and based on his initial comment, immediately
11 after appearances, that the Appellant-Plaintiff does not care about this case, it appears that
12 Judge Stern was improperly influenced (by acts yet unknown to the Appellant-Plaintiff)
13 before the defendant was served or made an appearance. It appears that Judge Stern
14 purposely delayed the proceedings even in the face of extraordinary, life-threatening facts—
15 which hardly qualifies as promptly or efficiently.

16
17 2/3 of a year has passed since Appellant-Plaintiff filed the Statement of
18 Disqualification (SC File 04/25/2024 Declaration in Support of Ex Parte Application). More
19 time will pass before Arbit has a chance to use the legal system to protect his life, property,
20 and rights from constant and ongoing attacks—this situation is far from fair, prompt, and
21 efficient.

22 In Judge Stern’s order, he states “that the determination of the question of judicial
23 disqualification is not an appealable order and my reviewed only by writ of mandate from
24 the Court of Appeal, south within 10 days’ notice to the Parties of the Decision. (Code Civ.
25 Proc. § 170.3, subd. (d).)” (CT 113.) This is evidence that Judge Stern looked up the code
26 but chose to ignore the subdivision immediately preceding the one he quoted, which
27 requires that another judge hears and determines the question of Disqualification. (Code
28 Civ. Proc., § 170.3 subd. (c)(5).)

1 Because Judge Stern refused to recuse himself (which he should have done without
2 being prompted with a Statement of Disqualification) the question of disqualification should
3 have been heard by another judge. In a willful act of incompetence and corruption, Judge
4 Stern stuck (CT 109) Arbit’s Statement of Disqualification (SC File 04/25/2024 Declaration
5 in Support of Ex Parte Application) as an act designed to *look* like a judicial error. In
6 striking Arbit’s Statement Judge Stern attempted to bury Appellant-Plaintiff’s case.

7 **C. Judge Stern Erred When He Willfully Ignored and Denied His Explicit**
8 **Statement of Bias**

9 Appellant-Plaintiff scheduled an ex parte hearing for 03/06/2024, in department “B”
10 with Judge Stern—the Judge assigned to this case. (CT 13.) When Appellant-Plaintiff
11 arrived at the courtroom it was closed with a note saying it was “Dark” for the day.
12 Appellant-Plaintiff stood in front of the door while deciding what to do. After some time
13 had passed, a person told him that Department “M” was handling Judge Stern’s ex parte
14 applications this morning. Appellant-Plaintiff went to “Department “M” where he signed in
15 and sat down to wait for his turn.

16 Appellant-Plaintiff was then told that Judge Stern had shown up and his hearing had
17 been rescheduled back to Department “B.” Appellant-Plaintiff went back to Department
18 “B” and Arbit v. Zuckerberg was called and immediately after appearances, Judge Stern
19 said, “I don’t care about his case. You don’t care about this case.” Judge Stern continued, “I
20 read the complaint...” he didn’t finish that sentence, he just shook his head and frowned
21 while looking at Appellant-Arbit. (SC File 04/25/2024 Declaration in Support of Ex Parte
22 Application.) Appellant-Plaintiff made a written note of his lack of caring and waited for
23 him to finish his absurd proclamation. Judge Stern followed up by bringing up the
24 complaint’s title in a slightly questioning way. Again, Plaintiff-Appellant offered up no
25 response to this performance. So Judge Stern asked a direct question, “Why don’t you tell
26 me what you are trying to accomplish....”
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1 Plaintiff explained the already detailed ex parte application for alternative service
2 (CT 13), the declaration (SC file 03/05/2024 Declaration of Stanislav Arbit; Filed by:
3 Stanislav Arbit (Petitioner)) detailing the San Mateo’s Sheriff’s Office runaround, and why
4 alternative service was the only viable method for service in this case. Judge Stern acted as
5 if he was seeing the filed papers for the first time, and he commented, as he was looking
6 through the documents that the pages should be numbered. Plaintiff informed the Judge that
7 they were numbered. Judge Stern continued his visibly agitated complaining by asking
8 Plaintiff not to submit 47-page motions to his courtroom. Plaintiff agreed not to submit 47-
9 page motions and then Judge Stern denied the application.

10 In Judge Stern’s answer to the Disqualification Statement, Judge Stern committed
11 perjury when he wrote, “The Court did not state that it did not care about the case.” (CT
12 114.)

13 **VII. Judge Stern Erred When He Attempted to Intimidate Arbit at the Courthouse**
14 **Using Deputies**

15 A fair reading of the Statement of Disqualification (SC File 04/25/2024 Declaration
16 in Support of Ex Parte Application) would include an implicit allegation of conspiracy
17 between the deputy that was present at the hearing on 03/26/2024 and Judge Stern to
18 intimidate Arbit. The minute order filed by the court fails to list the deputy who conspired
19 with Judge Stern to intimidate Appellant-Plaintiff. (CT 81.) This was the first time that a
20 deputy had been present in either of the two departments (“Dept. M” & “Dept. B”) where
21 hearings for this case had been scheduled.

22 The declaration filed along with this ex parte application was filed on 03/21/2024.
23 (SC file 03/21/2024 Declaration (of Stanislav Arbit).) The declaration included the
24 following statement: “I believe that the presiding Judge Douglas W. Stern - has an
25 undisclosed conflict of interest, one that precludes him from faithfully executing his judicial
26 duties.” (*Ibid*)
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1 When Arbit arrived at the courthouse he was allowed to pass through security
2 without further inspection with the handheld metal detector as has been the case every other
3 time that Arbit had entered the courthouse wearing his metal belt. The deputy working the
4 metal detector smugly waved him through. Upon arrival at Judge Stern’s courtroom (Dept.
5 “B”), the deputy was already there and standing near the assistants. Appellant-Plaintiff’s
6 case was called first, and Appellant-Plaintiff walked to the table furthest from the assistants.
7 The deputy followed and stood next to Appellant-Plaintiff with one leg on a chair and his
8 arms within reach of Appellant-Plaintiff. After appearances, Judge Stern began by asking
9 Appellant-Plaintiff, “What is it that I don’t understand?” Appellant-Plaintiff replied that
10 everything that he wanted the Judge Stern to understand was contained in the filed
11 documents. Judge Stern then informed Appellant-Plaintiff that his application was denied.
12 Appellant-Plaintiff left immediately and was followed by the deputy. As Appellant-Plaintiff
13 turned to face the elevator doors, he could see the armed deputy following him and
14 stretching his arms while staring at Appellant-Plaintiff. Appellant-Plaintiff asked the deputy
15 if it was typical for a deputy to be present in this courtroom and the deputy answered with a
16 smug smile, “sometimes.” (SC File 04/25/2024 Declaration in Support of Ex Parte
17 Application.)

18 Appellant-Plaintiff rode the elevator down to the first floor and headed to the
19 courthouse’s library to do research. While sitting at a computer in the library, Appellant-
20 Plaintiff was near and could see the library’s door. Within the first five minutes, a stream of
21 deputies would walk by and comment while looking into the library. The comments were
22 made to indicate plausible deniability for their presence and delivered with intentionally
23 terrible acting and smug looks. (SC File 04/25/2024 Declaration in Support of Ex Parte
24 Application.)

25 Arbit believes that Judge Stern meant to intimidate Appellant-Plaintiff away from
26 court and if Appellant-Plaintiff offered an argument to Judge Stern’s ruling then the backup
27 plan would have been for the deputy to detain Appellant-Plaintiff and plant a weapon on
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1 him. It was around this time that a large picture frame was seen over several days along
2 Appellant-Plaintiff’s typical walking path as part of the ongoing terror campaign against
3 him.

4 The Los Angeles County Sheriff’s Department Court Services Division Manual, §
5 3-05/020.00 describes the deputy’s duty to coordinate with the Judge and clerk: “[T]he
6 bailiff shall attempt to inform the judge and inquire of any special requirements the judge
7 may have for that case.” It is a reasonable deduction, given the context, that the deputies
8 were acting on behalf of Judge Stern (and the defendant).

9 **VIII. Judge Stern Erred When He Presided Over Subsequent Proceedings**

10 Judge Stern should have recused himself before ruling on the demurrer.

11 Judge Stern should have had another judge review the facially sufficient Statement of
12 Disqualification before ruling on the demurrer.

13 Judge Stern should have recused himself after receiving a litigation hold and a cease and
14 desist notice from Appellant-Plaintiff.

15 Based on the evidence, Judge Stern should have recused himself before the first hearing
16 on 03/06/2024.

17 **IX. Judge Stern Erred When He Attempted to Cover Up His Actions**

18 Supplemental facts for Judge Stern’s disqualification that occurred after the
19 Statement of Disqualification was erroneously struck (CT 109) pertain to Judge Stern’s
20 efforts to obstruct Appellant-Plaintiff’s efforts to initiate an appeal. The trial court leveraged
21 the fact that the appeal process starts in his courtroom by manufacturing delays and
22 erroneously rejecting documents in an attempt to manipulate Appellant-Plaintiff into
23 violating a court order and persuade Appellant-Plaintiff to no longer pursue an appeal.
24 Judge Stern was attempting to cover up his corruption.

25 Arbit submitted his Notice of Appeal the day after the Judgment, 08/06/2024, and as
26 with all previous e-filed submissions, it was reviewed the same day (and accepted). The law
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1 requires that a Notice Designating Record on Appeal be submitted within 10 days. (Cal.
2 Rules of Court, rule 8.121(a).)

3 The next day, Appellant-Plaintiff submitted a Notice Designating Record on Appeal.
4 This document was not reviewed the same day or the next. However, the Proof of Service
5 filed with it was reviewed and accepted the next day. Because of prior improprieties
6 perpetrated by the presiding Judge, Douglas W. Stern, Appellant-Plaintiff felt implored to
7 follow up on his suspicions that the papers he filed were being purposefully unprocessed.
8 Appellant-Plaintiff called the clerk's office and was told that electronically filed documents
9 are handled by individuals without any contact information and that a wait time of several
10 months is a possibility.

11 Facing a 10-day deadline to file a Notice Designating Record on Appeal, Arbit
12 emailed the court. (Cal. Rules of Court, rule 8.121(a).) The first email was to the
13 department's email address. It did not contain any attachments and was simply a forward of
14 a receipt of an e-file submission with two documents listed in the body of the email and
15 asking for confirmation of receipt. The first email was sent on the 08/09/2024. No response
16 was provided. Several days later, on 08/12/2024, with four days left, Arbit emailed the
17 department again and added Judge Stern to the email chain (still no attachments, just asking
18 if the submitted documents were received).

19 While no response was ever provided to Appellant-Plaintiff's inquiry sent to
20 tordeptb@lacourt.org, Appellant-Plaintiff did receive an email from said email address. The
21 body of the email contained a disclaimer that this was sent from an unmonitored account
22 (contrary to information provided by the court's assistance while Appellant-Plaintiff was
23 present in court). The email included a copy of an order filed by the court on that date. (CT
24 144.)

25 The order called out Appellant-Plaintiff's two emails as improper and considered ex
26 parte communications. (CT 144.) The court demanded that "NO" further emails be sent by
27 any person in this case to Judge Stern or the Court's email resource account. (*Ibid.*)
28

1 Appellant-Plaintiff believes this was an attempt to bait Arbit into responding by email
2 thereby violating a court order. Appellant-Plaintiff’s intention, in addition to filing this
3 appeal, was to have a record of Judge Stern’s malfeasance for Appellant-Plaintiff’s related
4 case against Judge Stern.

5 Also, on 08/12/2024, Appellant-Plaintiff contacted his e-file service provider and
6 was informed that the court did not fully reject the submitted Notice Designating Record on
7 Appeal. Rejection requires a two-step process before it can be sent back to the e-file service
8 provider and updated in their system. The first step is to approve or reject. The second step
9 is to provide a reason. Without both of those two steps completed, the filer is not updated
10 with any new information beyond the initial submission. This is a continuation of Judge
11 Stern’s, and the Defendant’s, pattern of willful incompetence designed to obstruct justice
12 and deny Plaintiff access to California’s courts.

13 Appellant-Plaintiff’s e-file provider reached out to the court for additional
14 information and was able to get an update that night, 08/12/2024, around 10:00 pm for the
15 Notice submitted on 08/07/2024.

16 After noticing an error, Appellant-Plaintiff submitted another copy of the Notice
17 Designating Record on Appeal on 08/12/24 around 4:30 pm. It was rejected 24 hours later.
18 It was rejected because Appellant-Plaintiff was unaware that the Unlimited Civil cases are
19 not recorded like limited civil cases are, and without a court reporter (which is unattainable
20 for a person on a fee waiver) there was no official record of Judge Stern’s paid
21 performances. The court also added, “Please do not attach file stamped documents
22 (FW-003).”

23 Form FW-003 is a fee waiver. It was included with Appellant’s Notice Designating
24 Record on Appeal, optional form APP-003, because § 1(a)(2)(a) was checked requesting the
25 clerk’s transcripts at no cost under rules Cal. Rules of Court, rule 3.50–3.58. § 1(a)(2) of
26 APP-003, states that, “I have submitted the following document with this notice designating
27 the record (check (a) or (b)).” The Judicial Council of California approved this form and
28

1 included the specific language requiring the inclusion of FW-003 for a request for the
2 clerk’s transcripts and a request for the clerk’s transcript is required to commence an appeal.

3 Given the context, the previous rejection note was added to provide additional
4 friction in Appellant-Plaintiff’s efforts to appeal the final judgment in this case. Judge
5 Stern’s court would build on this previous rejection by rejecting a Notice Designating
6 Record on Appeal that was submitted on 08/15/2024 at 10:24 AM PDT. The reason given
7 for this rejection was: "Respondent selected also was selected as having a fee waiver. Our
8 records indicate that Mark Zuckerberg does not have a fee waiver on file. The system will
9 not allow processing of the document unless the correction is made." This rejection was
10 made on 08/22/2024 at 11:00 AM PDT, a week later and well past the 10-day deadline for
11 filing the Notice Designating Record on Appeal.

12 Proof of service was submitted on 08/15/2024 at 09:52 AM, it was sent using form
13 APP-009, a “Form Approved for Optional Use Judicial Council of California APP-009
14 [Rev. January 1, 2017].” The court denied it with the reason stated being: “Must submit in
15 proper court format.” Even though this was submitted about 30 minutes before the Notice in
16 the previous paragraph, it was reviewed the same day (08/15/2024 03:39 PM PDT) and not
17 a week later. Judge Stern was running down the clock knowing that Notice Designating
18 Record on Appeal had an error. This was another attempt to goad Appellant-Plaintiff into
19 emailing the court thereby violating Judge Stern’s order.

20 Finally, critical declarations requested by Appellant-Plaintiff were excluded from the
21 Clerk’s Transcript.

22 **X. Conclusion**

23 Judge Stern’s errors were prejudicial. If allowed to amend the complaint, Appellant-
24 Plaintiff, Stanislav Arbit, can cure the deficiencies in the original complaint by pleading
25 facts not in the initial complaint.

26 For all of the foregoing reasons, Appellant-Plaintiff respectfully requests that the
27 final judgment, along with all of the interlocutory orders since the Statement of
28

1 Disqualification was filed, be reversed. Appellant-Plaintiff respectfully requests that the
2 case be remanded back to the trial court for another judge to rule on the Disqualification
3 Statement and allow the Appellant-Plaintiff to amend his original complaint.
4

5 Respectfully submitted,
6 /Stanislav Arbit/
7 January 22, 2025
8 By: Stanislav Arbit, Appellant
9 440 N. Barranca Ave. #7377
10 Covina, CA 91723
11 Phone: (480) 818-4418
12 Email: stan@securepower.io
13

14 **CERTIFICATE OF COMPLIANCE**

15 Counsel of Record hereby certifies that pursuant to Rule 8.204(c)(1) or 8.360(b)(1)
16 of the California Rules of Court, the enclosed brief of Stanislav Arbit is produced using 13-
17 point Tims New Roman type including footnotes and contains approximately 13,913 words,
18 which is less than the total words permitted by the rules of court. Counsel relies
19 on the word count of the computer program used to prepare this brief.
20
21

22 Dated: 01/22/2025
23

24 Signed: /Stanislav Arbit/

25 Print Name: Stanislav Arbit, Appellant-Plaintiff
26

27 Attorney(s) for: Self-Represented
28