

CLERK OF THE SUPERIOR COURT
By Delna Tuitolo
Deputy

STATE OF CALIFORNIA

OF ALAMEDA

CASE NO. HG15773556

**VERIFIED STATEMENT OF
DONGXIAO YUE OF
DISQUALIFICATION OF JUDGE
DENNIS HAYASHI AND NOTICE OF
DISQUALIFICATION**

(Code of Civil Procedure §170.3(c))

1 Honorable Judge Hayashi 's unwillingness to consider Plaintiff's in-court statement that Defendant
2 had agreed to service by fax in writing.

3 74. The Honorable Judge Hayashi is disqualified under Code of Civil Procedure
4 §170.1(a)(1)(A) and (B) because Defendants justified their defamatory attacks on Plaintiff in part
5 on Plaintiff's writings on Chen, the parties in this action dispute on Plaintiff's writings about Chen,
6 and the Honorable Judge Hayashi has personal knowledge about Chen, such as Chen's above
7 mentioned speech which Plaintiff severely criticized.

8 75. The Honorable Judge Hayashi is disqualified under Code of Civil Procedure
9 §170.1(a)(1)(A) and (B), because Defendants justified their defamatory attacks on Plaintiff in part
10 on Plaintiff's writing on the Japanese, the parties in this action dispute on Plaintiff's writings on
11 Japanese and the Honorable Judge Hayashi and his family have personal knowledge about the
12 disputed facts, such as the evacuation of Japanese from military areas during the war against Japan.

13 76. The Honorable Judge Hayashi is disqualified under Code of Civil Procedure
14 §170.1(a)(6)(A)(iii) because (1) Chen is his personal friend with a strong bond built from
15 comradeship in the Korematsu case, (2) Defendant Yang alleged (falsely) that Plaintiff
16 "condemned" Chen as a "low life judge" and that Plaintiff's writings provoked Defendant's
17 reactions, and (3) a person aware of the facts might reasonably entertain a doubt that the judge
18 would be able to be impartial in deciding Plaintiff's defamation claims against Yang.

13 76. The Honorable Judge Hayashi is disqualified under Code of Civil Procedure
14 §170.1(a)(6)(A)(iii) because (1) Chen is his personal friend with a strong bond built from
15 comradeship in the Korematsu case; (2) Defendant Yang alleged (falsely) that Plaintiff
16 "condemned" Chen as a "low life judge" and that Plaintiff's writings provoked Defendant's
17 reactions, and (3) a person aware of the facts might reasonably entertain a doubt that the judge
18 would be able to be impartial in deciding Plaintiff's defamation claims against Yang.

19 77. The Honorable Judge Hayashi is disqualified under Code of Civil Procedure
20 §170.1(a)(6)(A)(iii) because Defendant Yang alleged (falsely) that Plaintiff "preached hatred and
21 violence against Japanese" including "bombing the Japanese by nuclear weapons" and that
22 Plaintiff's such writings provoked Yang's reactions to Plaintiff; and a person aware of the facts
23 might reasonably entertain a doubt that the judge would be able to be impartial in deciding
24 Plaintiff's defamation claims against Yang.

25 78. The Honorable Judge Hayashi is disqualified under Code of Civil Procedure
26 §170.1(a)(6)(A)(iii) because (1) he is emotionally attached to Japanese issues such as the
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1 Korematsu case, (2) Defendant made an issue of Plaintiff's articles about the Second World War,
2 Japanese war crimes and Korematsu, and (3) a person aware of the facts might reasonably
3 entertain a doubt that the judge would be able to be impartial.

4 79. The Honorable Judge Hayashi is disqualified under and Code of Civil Procedure
5 §170.1(a)(6)(B) and Code of Civil Procedure §170.3 (b)(2)(A) because he has shown prejudice
6 against Plaintiff and favoritism towards Defendant Yang, as detailed above. In fact, the Honorable
7 Judge Hayashi 's prejudice and bias have made the instant case impossible for Plaintiff to proceed
8 in a fair and just manner, even though Plaintiff has followed all the court orders to the letter. The
9 Honorable Judge Hayashi's disqualification from the case will promote the appearance of justice in
10 the eyes of the public.

11 I certify and declare under penalty of perjury of the laws of the State of California that all the
12 facts stated in forgoing declaration are true and correct.

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15 Dated: March 16, 2016

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