

IN THE SUPREME COURT OF THE STATE OF NEVADA

Brian Yu

Appellant,

vs.

Ruorong Yu


Respondent.

Supreme Court No. 70348

District Court No. D-13-478791-D

FILED

DEC 22 2017

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY / 
DEPUTY CLERK

APPELLANT'S INFORMAL BRIEF

INSTRUCTIONS: If you are an appellant proceeding pro se (without an attorney) in the Nevada Supreme Court, you must file either (1) a brief that complies with Nevada Rule of Appellate Procedure (NRAP) 28(a), or (2) a completed copy of this informal brief form, see NRAP 28(k), with the Nevada Supreme Court on or before the due date, see NRAP 31. In civil appeals, if you do not file one of these documents by the due date, the Nevada Supreme Court may dismiss your appeal. In postconviction criminal appeals, if you do not file one of these documents by the due date, the Nevada Supreme Court or Nevada Court of Appeals may decide your appeal on the record without briefing.

HOW TO FILL OUT THIS FORM: This form must be typed, unless you are incarcerated, in which case it must be clearly handwritten. You do not need to refer to legal authority or the district court record. If you are completing your brief on this form, write only in the space allowed on the form. **Additional pages and attachments are not allowed.** If typing an informal brief, you may either use the lined paper contained in this form or an equivalent number of pages of your own paper. Your brief will be stricken if you fail to follow the directions in this form and the Nevada Rules of Appellate Procedure.

WHERE TO FILE THE BRIEF: You may submit your brief for filing in person or by mail.

To file your brief in person: Briefs may be submitted for filing Monday through Friday, 8:00 a.m. to 4:00 p.m.

Carson City: Bring the brief to the Clerk's Office at the Supreme Court of Nevada, 201 South Carson Street, Carson City, Nevada, 89701.

Las Vegas: Place your brief in the Clerk's Office Drop Box at the Las Vegas Courthouse for the Nevada Appellate Courts, 408 East Clark Avenue, Las Vegas, Nevada, 89101.

CLERK OF SUPREME COURT
Informal Brief Form October 2017

To file your brief by mail: Mail the brief to the Clerk of the Supreme Court of Nevada, 201 South Carson Street, Carson City, Nevada 89701. **Your brief must be postmarked on or before the due date.**

You must file the original brief and 1 copy with the clerk of the Nevada Supreme Court. If you want the clerk to return a file-stamped copy of your brief, you must file the original form and 2 copies and include a self-addressed, stamped envelope. Documents cannot be faxed or emailed to the Supreme Court Clerk's Office.

Copies of the brief must be mailed or delivered to the other parties to this appeal or to the parties' attorneys, if they have attorneys. You must also include a proper certificate of service or complete the certificate that is attached to the informal brief form.

CAUTION: Pro se parties are prohibited from representing other parties. A pro se party may not complete a brief on behalf of other parties. Pro se parties may collaborate on their briefs, however, provided that if one brief is submitted on behalf of multiple pro se parties, each party must sign and date the brief to confirm that he or she has participated in the preparation of the brief and, by his or her signature, joins in the arguments and representations contained therein.

Judgment or Order You Are Appealing. List the judgment or order that you are appealing from and the date that the judgment or order was filed in the district court.

Filed Date	Name of Judgment or Order
6-09-2015	Divorce Decree
4-26-2016	Order From Hearing
7-20-2017	Order

Notice of Appeal. Give the date you filed your notice of appeal in the district court: 05-04-2016

Related Cases. List all other court cases related to this case. Provide the case number, title of the case and name of the court where the case was filed.

Case No.	Case Title	Name of Court
N/A		
N/A		
N/A		

Pro Bono Counsel. Would you be interested in having pro bono counsel assigned to represent you in this appeal?

☒ Yes ☐ No

NOTE: If the court determines that your case may be appropriate for having pro bono counsel assigned, an appropriate order will be entered. Assignment of pro bono counsel is not automatic.

Statement of Facts. Explain the facts of your case. (Your answer must be provided in the space allowed.)

A) 3-08-2002 Brian Yu married Ruorong Xu in Shanghai China. In the wedding party, none of Ruorong's immediate family members show up.

Ruorong's excuse was ridiculous.

B) Brian couldn't file Ruorong's son Caixuan Xu's immigration visa together, Ruorong needed to file for him herself. That took 10 years.

C) From 2004 to 2012 every year Ruorong went back Shanghai to see her son, total time of stayed in Shanghai was 4 years

D) March 2012 Caixuan Xu finally got his visa came to the U.S..

- 10-07-2012 Ruorong moved out from our residence at 6721 Old Valley Street, and refused to tell Brian where she lived.
- E) 4-19-2013 Ruorong filed her complaint for divorce. Inside the complaint Summons contained 3 different time frame police reports accused Brian for domestic violence, which Brian didn't know and never been questioned by police.
- F) At 7-25-2014 trial Divorce was granted.
- G) At 8-22-2014 trial, Court ruled properties division. Ruorong's attorney Mr. Fred Page was ordered to draft the Divorce Decree. Brian's attorney Mr. Herb Sachs was ordered to review the draft.
- H) Mr. Sachs didn't agree ETrade IRA account as community property.
- I) 2-14-2015 Mr. Sachs passed away. Then Mr. Page was fired. The Divorce Decree draft never been finalized.
- J) 6-09-2015 Ruorong filed Mr. Page's Divorce Decree draft in Court.
- K) GE Interest Plus account was Brian's Social Security direct deposit account, due to co-mingle became community property. GE closed their program, customers asked to transfer money out.
- L) 8-14-2015 Ruorong filed Motion claims \$191,763 Joint Preliminary Injunction (JPI), \$111,563 was from GE Interest Plus account.
- M) 8-22-2015 Brian and Ruorong agreed to settle GE Interest Plus account. When money changed hand, mutual friend Xiaoping Yao agreed to be the witness and let us use his office as our meeting place. Ruorong came with an interpreter, Brian handed Ruorong a Chase Bank check of \$52,788.84, Ruorong signed the paper agreed to waive any claims to Brian's accounts regarding to GE money transfer.
- N) 1-13-2016 Ruorong filed Motion, JPI claims was \$176,559 without GE.
- O) 1-20-2016 Brian filed Motion. #1 responded to Ruorong's claim on GE with a copy of GE Settlement Agreement. #8 responded to Ruorong's

JPI claims. Motion was scheduled for hearing on 2-18-2016. Then the hearing was cancel. At 2-01-2016 trial Court's ruling on JPI without hearing Brian's argument was unfair to Brian.

P) 1-27-2016 Ruorong filed MISC #8 Ruorong claiming she should get 100% of GE Interest Plus account money, not only 50%.

Q) 2-07-2017 Ruorong's attorney Robert Kurth filed SAO wanted to get \$88,280 out from ETrade account 6774-0241 regardless that was appealing on Supreme Court.

R) 7-20-2017 Mr. Kurth filed ORDER got \$20,000 out from Brian's Bank account ending 8595 for his attorney fee.

S) 8-01-2017 Brian filed MSTA. Exhibit "C" with copy of GE Settlement Agreement with witness's "To Whom It May Concern". The scheduled 8-31-2017 Court hearing was cancel, failed to stop Mr. Kurth's greed.

T) Court didn't give the chance to Brian for oral argument in Court.

Statement of District Court Error. Explain why you believe the district court was wrong. Also state what action you want the Nevada Supreme Court to take. (Your answer must be provided in the space allowed.)

1) 6-09-2015 Divorce Decree filed by Ruorong was Mr. Page's draft that was not finalized. When signed by Judge became Court Order naturally the contains would favor to Ruorong.

2) 6-09-2015 Divorce Decree ruled all finance account equal divide. That is not right those accounts opened before marriage, should deduct account balance before marriage, then equally divide. Ruling was wrong.

3) 6-09-2015 Divorce Decree ruled Brian's ETrade IRA account ending 9250 as community property was wrong. 4-26-2000 Brian opened 457 Hartford Deferred Compensation retirement account (Now MassMutual) that disqualified Brian makes IRA contribution from 2000 and on Mr. Page found no evidences prove Brian made IRA contribution into ETrade

IRA account ending 9250. ETrade IRA account is not community property, Court's ruling was wrong. The ruling should be reverse.

4) Before marriage Brain bought a condominium at 7809 Snowden Lane #202, Las Vegas. During the marriage Ruorong kept asking Brian put her name on the Deed of the condo, Brian kept telling her that was not necessary. Then Ruorong changed tactic, 3-09-2008 at midnight Ruorong woke up Brian, when Brian was in the status of half wake half sleep wrote down what Ruorong wanted, went back to sleep and forgot all about it. In order to support the Chinese Note as valid evidence, Ruorong lied in Court at the testimony stand telling a different story. The testimony was accepted by Court. Brian wanted to challenge Ruorong if she could tell the same story today! Brian's job working with City of Las Vegas is writing land legal descriptions. If Brian in sound mind voluntary write some legal paper to Ruorong, that paper would be written in English, consider under the condition that Chinese Note was written that Note shouldn't have any weight as valid legal evidence. Court's ruling was wrong, should be reverse.

5) 6-09-2015 Divorce Decree page 8 #7 ordered \$60,000 (\$61,658 to be exact) which Ruorong owe Brian on buy out community property at 6721 Old Valley Street, Las Vegas, to be offset by MassMutual account money. That is not fair to Brian, because \$61,658 was after tax money and the money in MassMutual account is before tax money. Court's ruling needs to revise.

6) Ruorong was an accountant she knew how to play number games, she bombarded the Court with figures came out from nowhere. Ruorong's 8-14-2015 Motion Exhibit "1" JPI claims was \$191,763, but 1-13-2016 Motion Exhibit "B" JPI claim was \$176,559. if we filter out only keep those figures appeared on both claims, then the reasonable claim

became \$80,200, this figure should be deducted \$34,350 Brian payed out by Court order through Mr. Page to Mr. Page and Ruorong. Brian has all the cancel checks, also need to deduct 15 months mortgage payment and utilities bills for 6721 Old Valley Street which was occupied by Ruorong until Brian signed off the Quitclaim Deed on the house. The total mortgage and utility payments was \$25,500 as shown on Brian's 1-20-2016 Motion #5. Adjusted Ruorong's JPI claims should be: $\$80,200 - \$34,250 - \$25,500 = \$20,450$, half of it = \$10,225. That is a big different with \$88,280 being charged on Brian for JPI. \$10,225 could be easily offset by \$61,658 Ruorong owe Brian on buy out the house. District Court's ruling on JPI was wrong need to revise.

7) ETrade account 6774-0241 never been legally divided yet.

2-07-2017 ORDER AFTER HEARING order released fund from ETrade 6774-0241 for \$88,280 JPI claim, that create a big mess on this account. Before the Court order was executed account balance was \$140,000 in stock value. Court order forced ETrade to split account into two accounts created a new account ending 0714 for Ruorong with \$4,541 cash, 100 shares of Face Book (FB), 500 shares of NVTDA Corporation (NVDA), 16.5 share of Dell Corporation (DVMT).

Account 6776-0241 was liquidated into all cash by selling 100 shares of FB at \$120/share (now FB \$180/share), 500 shares of NVDA at \$103 /share (now \$196/share), and selling 16,5 shares of DVMT at \$56/share (now DVMT \$83/share). Then ETrade issued a check to the Constable of Clark County of \$20,034. The check finally deposited into Ruorong's Bank of America account. Etrade account 6774-0241 account balance \$46,000 all cash, and the account was freezed Court ORDER release fund for \$88,280 JPI claim was wrong. need to revise.

- 8) When time comes to divide ETrade accounts, Ruorong's ETrade account ending 0714 remains as community property.
- 9) 2-07-2017 ORDER AFTER HEARING, Court ruled those accounts on GE Interest Plus Settlement Agreement which Ruorong already agreed to waive any claim as community properties was wrong, need to revise.
- 10) Mr. Kurth should be ordered to return \$20,000 he withdrew from Brian's Synchrony Bank account 5007228595.
- 11) Brian requests a QDRO Court Order for MassMutual to divide this account. MassMutual needs a QDRO date and a exact number of QDRO money. At Brian's 8-1-2017 filed MSTTA Exhibit "D" according to to PERS QDRO Formula Brian proposed a work sheet for QDRO date as 6-09-2015 QDRO figure should be \$130,788 for Ruorong. If QDRO date as 6-09-2015 Divorce Decree ruled 7-25-2014, then QDRO figure should be \$116,620 for Ruorong. Court rules either way Brian will accept
- 12) Brian humbly requests the Court sends a mediator to help how to settle this long lasting divorce court case: D-13-478791-D. Thank you.

DATED this 19th day of December, 2017.


Signature of Appellant

Brian Yu

Print Name of Appellant

CERTIFICATE OF SERVICE

I certify that on the date indicated below, I served a copy of this completed informal brief form upon all parties to the appeal as follows:

- ☐ By personally serving it upon him/her; or
- ☒ By mailing it by first-class mail with sufficient postage prepaid to the following address(es) (list names and address(es) of parties served):

Ruorong Yu
6721 Old Valley Street
Las Vegas, NV 89149

DATED this 19th day of December, 2017.



Signature of Appellant

Brian Yu

Print Name of Appellant

7809 Snowden Lane #202

Address

Las Vegas, NV 89128

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702-416-3684

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