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2 **IN THE SUPREME COURT OF THE STATE OF NEVADA**

3 JESUS AREVALO,

4 Appellant,

5 vs.

6 CATHERINE DELEO,

7 Respondent,

} Supreme Court Case No. 81359
D.C. Case No. D448514

RETURNED
UNFILED

OCT 11 2020

SEP 30 2020

ELIZABETH A. BROWN
CLERK OF SUPREME COURT

BY  DEPUTY CLERK

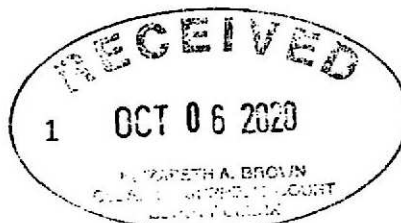
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9 **REPLY TO "OPPOSITION TO MOTION TO STAY FINANCIAL**
10 **ORDERS PENDING APPEAL AND TO RECONSIDER/CORRECT**
11 **CHILD SUPPORT CALCULATION**

12 COMES NOW Appellant, in Proper Person, and respectfully Replies to
13 Defendant's "Opposition" as follows:

14 1. That the sums at issue are all disputed, and it is inappropriate NOT to
15 stay financial orders due to the dispute as to SUMS in this matter. It is not only the
16 fact that Appellant disputes the existence of an obligation, due to the statute of
17 limitations tolling. He also disputes the sums alleged even if the statute of limitations
18 had not tolled. For example, Respondent is seeking \$185,000 to secure interest in
19 Appellant's pension, after only a three year marriage. This is excessive, and was
20 arbitrarily and capriciously set by Respondent's counsel, who is NOT an actuary and
21 NOT qualified to make such valuation.

22 2. That if Appellant prevails, no sums are due and owing, and Appellant will
23 have no way of recouping any sums wrongfully taken.

24 3. That Appellant is living on disability retirement, as he has since 2013, and
25 he financially cannot afford the additional and excessive orders set forth in this
26 matter, pending appeal. Further, he is raising two children on this income, and it IS
27 a financial hardship.



20-38563

1 Respondent, on the other hand, not only works full time, has only one child to
2 support, but she also recently a \$200,000 life insurance policy due to the death of her
3 husband, Steve DeLao, from STATE FARM - in addition to receiving monthly death
4 benefits - all unclaimed on her FDF, which ARE RELEVANT to child support, as
5 well. Respondent definitely does not have an urgent financial need for QDRO
6 benefits after a 3 year marriage, that she failed to raise for SIX YEARS OF
7 LITIGATION, which Appellant believes are lost due to the Statute of Limitations.

8 Respondent would experience no financial harm to stay these orders.

9 4. That in over six years of "ongoing" litigation, Respondent had not ONCE
10 addressed the issue of a QDRO/Pension.

11 5. That it is wholly inappropriate that insurance be purchased to secure
12 alleged pension benefits - a "wagering contract" - especially when sums calculated
13 were NOT DETERMINED BY AN ACTUARY - the only person qualified to
14 determine such sum. (See also *Power v. Power*)

15 Further, as Appellant has disability retirement only, and his wife being laid off
16 and/or furloughed due to COVID19, with his consumer credit maxed out, he has no
17 financial ability to secure \$183,273.84, he also had to turn in a leased vehicle and
18 cannot afford a vehicle of his own.

19 6. That the State District Court made orders relating to the Federal Tax Return
20 that raises an issue if this court even has jurisdiction to do so.

21 7. That the court Stay any Order for child support, as it WAS NOT and IS
22 NOT based upon Respondent's actual income - evidence of which Respondent
23 provided to Appellant immediately after court hearing.

24 8. That it is further wholly inappropriate that the court has changed the
25 preparer of the QDRO, and Respondent's attorney himself prepared it, racing it for
26 the judges signature without a countersignature of Appellant, in less than the 10 days
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28

1 he should have to review it! There are excessive irregularities that make one question
2 the bias of the court.

3 Respondent NEVER provided Appellant a draft of a QDRO that they DID
4 prepare - without court ordered to do so.


5 9. Respondent committed FRAUD and PERJURY on her FDF, failing to
6 disclose approximately \$600 per week income at the time, and has never updated her
7 FDF to include the death benefits from her husband; monies from his pension and
8 401K, or her income since she resumed employment. She knew it, and her attorney
9 knew it. Yet, the only think the District Court did was stay the sum, rather that
10 calculate the proper sum based upon her actual income.

11 Respondent also failed to properly indicate the sum she paid for attorney fees.

12 10. District Court does not maintain jurisdiction over issues of property. The
13 QDRO was to secure the pension. It is the QDRO that includes the language that the
14 Court shall retain jurisdiction over the pension; not the Decree of Divorce. Since the
15 QDRO was not filed within six years, it is lost to the Statute of Limitations. The
16 preparation of the QDRO is NOT merely a ministerial act.

17 This Reply is made and based upon all the records and files in this action,
18 Points and Authorities and any oral argument at the time of hearing.

19 Dated this 25th day of September, 2020.

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22 JESUS LUIS AREVALO
23 Appellant in Proper Person
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10 **CERTIFICATE OF SERVICE**

11
12 I hereby certify that on the 25th day of September, 2020, I served a copy of
13 the REPLY TO "OPPOSITION" upon the below-listed party by the below
14 designated method:

15 ☒ U.S. Mail, postage prepaid

16 ☐ Electronic mail (email)

17 ☐ Hand Delivery

18 ☐ Facsimile Transmission

19 ☐ Certified Mail, Receipt No. _____, return receipt requested.

20 Address:

21 WILLYCK LAW GROUP
22 LORIEN K. COLE, ESQ.
23 3591 E. Bonanza, Suite 200
Las Vegas, NV 89110

24
25 
26 Person Serving
27
28