

IN THE SUPREME COURT OF THE STATE OF NEVADA

Brian Yu

Appellant,

vs.

Ruorong Yu

Respondent.

Supreme Court No. 86578

District Court No. D-13-478791-D

FILED

MAY 31 2023

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY [Signature]
CHIEF DEPUTY CLERK

MOTION FOR STAY FORM
FOR PARTIES WITHOUT ATTORNEYS

INSTRUCTIONS: Write only in the space allowed on the form. **Additional pages and attachments are not permitted.** The Nevada Supreme Court prefers short and direct statements. Citation to legal authority or the district court record is not required but would be helpful to the Court.

Any form you file with the Nevada Supreme Court must be mailed or delivered to all other parties to this appeal or to the parties' attorneys.

You may file your forms in person or by mail. You must file the original and 2 copies with the Clerk of the Nevada Supreme Court. If you want the clerk to return a file-stamped copy of your form, you must submit the original and 3 copies and include a self-addressed, stamped envelope. Documents cannot be faxed or e-mailed to the Clerk's Office.

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Clerk of the Court
Supreme Court of Nevada
201 South Carson Street
Carson City, Nevada 89701
Telephone: (775) 684-1600 or (702) 486-9300



Judgment or Order You Are Appealing. Specify 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
4-14-2023	ORDER FROM HEARING ON MARCH 10, 2023

Notice of Appeal. Specify the date you filed your notice of appeal in the district court: 5-11-2023

Order to be Stayed. A stay from the Nevada Supreme Court prevents enforcement of a district court order. What do you want stayed?

4-14-2023 ~~Five~~ Court Orders are going to stay while appeal is in progress,

FOUR

Statement of Facts. Briefly explain the facts related to your request for a stay. (Your answer must be provided in the space allowed.)

Court's Finding: 1) & 2). Saying Synchrony Bank account and Capital Gain account were concealed accounts, that was wrong. Totally ignore mass of the evidence has been filed on record for these issues. The money deposited into both accounts were from GE Interest Plus account, when GE closed their program, they recommended Brian move the money to Synchrony Bank at Atlanta, and GE Interest Plus account was community property. After Brian and Ruorong 8-22-2015 signed an agreement to settle GE account money. Ruorong got her fair share of \$52,788.84. Since Brian deposited the remainder of the balance of \$33,563.45 into his Chase Bank account and issued a check of \$52,788.84 to Ruorong, $\$52,788.84 - \$33,563.45 = \$19,225.39$, that was Brian's own money in Chase Bank account. Therefore $\$60,000$ (money deposited into in Synchrony bank) + $\$10,000$ (money deposited into Gain Capital) - $\$19,225.39 = \$50,774.61$, that is Brian's share of GE Interest Plus account money. **3).** When appellant retired from City of Las Vegas on 9-8-2018, after tax City paid appellant \$22,112.71 for sick leave and vacation pay, which including 503.40 hours sick leave and 285.40 hours vacation appellant accrued before 3-8-

2002 married to Respondent, which Respondent shall not be sharing part of it. Therefore, when court calculating Respondent's share benefit was based on Appellant's 6-15-2015 pay-slip of 987.09 hours sick leave and 519.87 hours vacation at 51.19/hour. The correction calculation **formular** should be like this: $\frac{1}{2} \{ (987.09 - 503.40) + (519.87 - 285.40) \} \times \$51.19 = \$18,381.31$. that is a big difference with court's finding of half of \$69,158.00=\$34,579.00. 4). Defendant owes Plaintiff \$19,989.00 for shortfall of the E-Trade 0241 account.

Court Ordered: 1). Defendant shall PAY Plaintiff one half (1/2) of the balance of Synchrony Bank account, either at the time the account was opened 6-26-2015. **a).** Court's Order totally ignore the evidence that the money in Synchrony Bank account was part of Defendant's half of GE account money. **b).** Although Ruorong signed the GE Interest Plus account settlement agreement in the present of witness and the cancelled check of \$52,788.84 proved that the money had been deposited into her bank account. Ruorong still denied she got her share of GE money of \$52,788.84, and filed claims she should have half of the Brian's share of GE money in Synchrony Bank and Gain Capital. **c).** Since Ruorong filed her claims both accounts were frozen by court order. 7-20-2017 filed court ORDER allowed Ruorong's attorney Mr. Kurth withdrew \$20,000 from Synchrony Bank account for his attorney fee. With years of interests, this account current balance was around \$45,000. Court ordered Defendant shall pay Plaintiff half of 6-26-2015 account balance of \$60,000 was unrealistic. **2).** Plaintiff only entitled half of the Gain Capital original account balance of \$2,663.27. **3).** Plaintiff misled the court, after deducted the sick leave and vacation hours Defendant accrued before 3-8-2002 of marriage. Plaintiff only entitled \$18,381.31 of Defendant's sick and vacation benefit. **4).** Defendant owes Plaintiff \$19,989.00 for the shortfall of the E-Trade 0241 account should be offset by \$20,000 Mr. Kurth withdrew from Synchrony Bank for his attorney fee.

Effect on Your Appeal. If a stay is denied, how will this affect the issues you are appealing? (Your answer must be provided in the space allowed.)

If the stay is denied, then Respondent may file writ to execute the court orders to get the money her didn't entitle to by court orders, when my money was gone then my appeal became meaningless.

Harm to You. What serious harm will you experience if a stay is denied? (Your answer must be provided in the space allowed.)

If a stay is denied, then, Brian will loss his share of GE account money that was deposited into Synchrony Bank account and Gain Capital account, total \$35,000, and Brian need to pay her \$16,197.69 more on sick leave and vacation hours benefit, that she didn't entitle to, and Brian need to pay for her \$20,000 attorney fee.

Harm to Others. What harm will the other side experience if the stay is granted? (Your answer must be provided in the space allowed.)

If the stay is granted that will do no harm for Respondent. She already got her fair share of the money, but she is very greedy kept filing claim for more money with fabricated evidence that can't prove beyond the reasonable doubt. She knew, I knew she already got lot more money on this divorce than she actually deserves. (Brian worked for 57 years, this marriage last 11 years.)

Success on Appeal. Why are you likely to win this appeal? (Your answer must be provided in the space allowed.)

First, I have faith on justice and believe in truth will be prevailed. **Second**, the court order was submitted by Respondent with misleading information in her favor for Judge's signature. **Third**, there are mass of filed information and evidence that were filed in records by appellant's former attorney Miss Veiga and by Appellant. **Fourth**, 7-25-2014 trial court order #3 stated: "Any PROPERTY or DEBT inquired from this date (7-25-2014) forward shall be the party that inquired the DEBT as their SOLE and SEPARATE OBLIGATION.....". Therefore, saying Synchrony Bank and Gain Capital accounts where concealed accounts have no legal base. Let the evidence has the chance does the talking, Appellant will win the appeal.

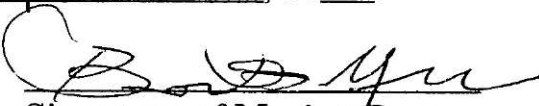
CERTIFICATE OF SERVICE

I certify that on the date indicated below, I served a copy of this completed appeal statement 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):

Ruorong Yu
6721 Old Valley Street
Las Vegas, NV 89149

DATED this 25 day of MAY, 2023


Signature of Moving Party
Brian Yu

Print Name of Moving Party

7809 Snowden Lane #202

Address

Las Vegas, NV 89128

City/State/Zip

702-416-3684

Telephone