

Kelvin Yan  
Respondent in Pro Per  
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Respondent in Pro Per

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF ORANGE – LAMOREAUX JUSTICE CENTER

|                      |   |                                 |
|----------------------|---|---------------------------------|
| HELEN SU IRVING YAN, | } | Case No.: 21D003196             |
| Petitioner,          |   | <b>RESPONDENT’S TRIAL BRIEF</b> |
| vs.                  |   |                                 |
| KELVIN YAN,          |   |                                 |
| Respondent.          |   |                                 |

Respondent, KELVIN YAN (hereinafter referred to as “Respondent”), hereby submits the following Mediation Brief, including facts and contentions, in support of his positions regarding the following trial issues:

- A. Division of assets and debts;
- B. Assignment of separate property;
- C. Child and Spousal Support; and
- D. Attorney fees and costs.

**STATISTICAL INFORMATION**

Date of Marriage: June 2006

Date of Separation: January 04, 2020

Status terminated on by Judgment: May 06, 2024

1 Minor Children: Kory Yan (DOB 10/10/08); Kristy Yan (DOB 12/27/10); and Kurtis  
2 (DOB 04/10/15)

3 **II.**

4 **ALL RELEVANT ORDERS**

5 A. **NONE EXISTS IN THIS MATTER**

- 6 1. Since DOS, Respondent has **voluntarily** contributed \$6,000 per month as  
7 and for support to Petitioner.
- 8 2. On July 13, 2022, Respondent **voluntarily** paid off the mortgage of the  
9 family residence where Petitioner continues to reside, in the approximate  
10 amount of \$535,446.18 from community property funds.
- 11 3. On May 2022, Respondent **voluntarily** contributed \$100,000 as an early  
12 distribution to Petitioner by way of a deposit to Petitioner's E-Trade  
13 Brokerage xxx7701.
- 14 4. In 2022, Respondent **voluntarily** purchased a Tesla Model 3 for \$61,103  
15 for Petitioner (she has had exclusive use and possession of this vehicle since  
16 its purchase).
- 17 5. Since DOS, Petitioner and Respondent have **voluntarily** continued to share  
18 custody and visitation of the minor children with Respondent having every  
19 Friday to Sunday of each week, as well as equally splitting all holidays.

20 **III.**

21 **ISSUES**

22 A. **Division of community property assets and debts:**

23 **Current Order:** None

24 **Respondent's request:** split the community property assets and debts pursuant to the  
25 detailed Marital Balance Sheet (MBS) Respondent has prepared.  
26  
27  
28

1           **Respondent's position:** Petitioner's MBS prepared is inaccurate and unreliable.  
2 Throughout the MBS, Petitioner assigns assets and debts incorrectly to each party and fails to  
3 utilize fair market values.

4           a.) On line 57, Petitioner has assigned her own Tesla Model 3 vehicle that she has  
5 exclusive use and possession over to Respondent. She incorrectly allocated the  
6 purchase price of the vehicle in 2022, rather than its current FMV.

7           b.) On line 68, Respondent took a loan on his Allianz Life Insurance policy in the  
8 amount of \$84,676.43 on June 5, 2024 which was deposited into the parties joint  
9 account with BOA xx4781. Petitioner utilized approximately \$40,000 for her own,  
10 post date of separation debts. The life insurance policy was valued at \$105,775 less  
11 the loan balance, totaling: \$21,099. Instead, Petitioner has assigned the previous  
12 value to Respondent, rather than the actual value.

13           c.) The reimbursement claims including line 105 -108 have no substantiating back up  
14 documentation and are inaccurate.

15           d.) Petitioner falsely alleges a phantom property in China valued at \$300,000 on the  
16 MBS (line 34). Respondent has NEVER owned any real property in China.  
17 Petitioner has no documentation whatsoever to support such a nonsensical claim  
18 that is self serving.

19       **B.     Spousal and child support:**

20           **Current Order:** None

21           **Respondent's request:** Respondent requests to maintain status quo of \$4,000 (\$700  
22 for spousal support and \$3,300 for child support) per month payable to Petitioner one half of the  
23 first and one half on the fifteenth. KORY (\$643); KRISTI (\$966); and KURTIS (\$1691).  
24 Commencing June 01, 2027, child support for KORY shall terminate. Respondent's income is at  
25 or near \$10,000 per month. Petitioner's income is at or near \$3,000 per month.

26           **Respondent's position:** Petitioner's cash available of support report falsely alleges that  
27 Respondent earns a gross monthly income of \$62,673, which is wholly inaccurate and not  
28

substantiated by any documentation. Petitioner alleges her monthly income is \$88. The report is unreliable. Petitioner is gainfully employed at two (2) jobs and recently alleged in an email that she is working as much as possible. According to her own draft, she is only working 4 hours per MONTH. Petitioner's need for support has also greatly lessened as she lives in the family residence, debt free (no mortgage). She also resides with her long time significant other since 2023. Respondent has continued to pay the property taxes for the family residence from 2020- 2024. Respondent has substantial reimbursement claims he is willing to waive, should a appropriate formal agreement be reached.

**C. Attorney Fees and Costs:**

**Current Order:** None

**Respondent's request:** each party pay their own legal fees and costs incurred in this pending dissolution action.

**Respondent's position:** Respondent has made numerous attempts to mediate the matter to no avail since 2020. I retained Steven Unruh in 2021 as our first mediator. We both agreed he wasn't a good fit. I retained Parris Trimble as our second mediator. After several sessions Petitioner refused to move forward. Thereafter, I retained Jeanann Khlaife. Petitioner refused to accept the property declarations and ceased working with this mediator. Petitioner simply refuses to respond timely, realistically and/or accurately. Respondent has voluntarily contributed the following as and for Petitioner's attorney fees and costs and does not believe any further payment is appropriate nor necessary. The marital estate remains middle class and the funds she has thus far utilized for attorney fees and costs is irresponsible and exaggerated. Petitioner has approximately \$250,000 in liquid funds in her eTrade brokerage account, funded by the community, post date of separation. Respondent has no such liquidity whatsoever.

a.) March 02, 2024 - \$9,000

b.) April 08, 2024 - \$3,500

c.) January 3, 2024 - \$4,466

d.) February 16, 2024 - \$897

1 e.) May 17, 2024 - \$8,000

2 f.) Total: \$25,863

3 **IV.**

4 A. **CONCLUSION:**

5 Respondent requests a realistic and present determination of income available for  
6 support for both parties as well as fair market values for the various businesses that remain in  
7 existence and assignment of separate property assets and debts to the parties.

8 Respectfully submitted,

9 Date: August 17, 2026

10 \_\_\_\_\_  
KELVIN YAN, Respondent