

PARTY WITHOUT ATTORNEY OR ATTORNEY NAME: Eugene Strulyov FIRM NAME: STREET ADDRESS: 18350 Hatteras St. #138 CITY: Tarzana TELEPHONE NO.: 818-306-7030 E-MAIL ADDRESS: eugene.strulyov@gmail.com ATTORNEY FOR (name): STATE BAR NUMBER: STATE: CA ZIP CODE: 91356 FAX NO.:	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: 201 N. First St MAILING ADDRESS: 191 N. First St. CITY AND ZIP CODE: San Jose CA 95113 BRANCH NAME: Family Justice Division	
PETITIONER: Ekaterina Strulyov RESPONDENT: Eugene Strulyov OTHER PARENT/PARTY:	
REQUEST FOR ORDER <input checked="" type="checkbox"/> CHANGE <input type="checkbox"/> TEMPORARY EMERGENCY ORDERS <input type="checkbox"/> Child Custody <input type="checkbox"/> Visitation (Parenting Time) <input type="checkbox"/> Spousal or Partner Support <input type="checkbox"/> Child Support <input type="checkbox"/> Domestic Violence Order <input type="checkbox"/> Attorney's Fees and Costs <input type="checkbox"/> Property Control <input checked="" type="checkbox"/> Other (specify): motion for new trial	CASE NUMBER: 19FL001660

NOTICE OF HEARING

1. TO (name(s)): Ekaterina Strulyov
 Petitioner Respondent Other Parent/Party Other (specify):

2. A COURT HEARING WILL BE HELD AS FOLLOWS:

a. Date:	Time:	<input type="checkbox"/> Dept.: 72	<input type="checkbox"/> Room.:
b. Address of court <input type="checkbox"/> same as noted above <input type="checkbox"/> other (specify):			

3. **WARNING to the person served with the Request for Order:** The court may make the requested orders without you if you do not file a *Responsive Declaration to Request for Order* (form FL-320), serve a copy on the other parties at least nine court days before the hearing (unless the court has ordered a shorter period of time), and appear at the hearing. (See form FL-320-INFO for more information.)

(Forms FL-300-INFO and DV-400-INFO provide information about completing this form.)

COURT ORDER

(FOR COURT USE ONLY)

It is ordered that:

- 4. Time for service until the hearing is shortened. Service must be on or before (date):
- 5. A *Responsive Declaration to Request for Order* (form FL-320) must be served on or before (date):
- 6. The parties must attend an appointment for child custody mediation or child custody recommending counseling as follows (specify date, time, and location):
- 7. The orders in *Temporary Emergency (Ex Parte) Orders* (form FL-305) apply to this proceeding and must be personally served with all documents filed with this *Request for Order*.
- 8. Other (specify):

Date:

JUDICIAL OFFICER

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REQUEST FOR ORDER

Note: Place a mark [X] in front of the box that applies to your case or to your request. If you need more space, mark the box for "Attachment." For example, mark "Attachment 2a" to indicate that the list of children's names and birth dates continues on a paper attached to this form. Then, on a sheet of paper, list each attachment number followed by your request. At the top of the paper, write your name, case number, and "FL-300" as a title. (You may use Attached Declaration (form MC-031) for this purpose.)

1. [] RESTRAINING ORDER INFORMATION

One or more domestic violence restraining/protective orders are now in effect between (specify):

[] Petitioner [] Respondent [] Other Parent/Party (Attach a copy of the orders if you have one.)

The orders are from the following court or courts (specify county and state):

- a. [] Criminal: County/state (specify): Case No. (if known):
- b. [] Family: County/state (specify): Case No. (if known):
- c. [] Juvenile: County/state (specify): Case No. (if known):
- d. [] Other: County/state (specify): Case No. (if known):

2. [] CHILD CUSTODY

[] I request temporary emergency orders

[] VISITATION (PARENTING TIME)

a. I request that the court make orders about the following children (specify):

Child's Name	Date of Birth	[] Legal Custody to (person who decides: health, education, etc):	[] Physical Custody to (person with whom child lives):
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b. [] The orders I request for [] child custody [] visitation (parenting time) are:

[] Attachment 2a.

(1) [] Specified in the attached forms:

- [] Form FL-305 [] Form FL-311 [] Form FL-312 [] Form FL-341(C)
- [] Form FL-341(D) [] Form FL-341(E) [] Other (specify):

(2) [] As follows (specify):

[] Attachment 2b.

c. The orders that I request are in the best interest of the children because (specify):

[] Attachment 2c.

d. [] This is a change from the current order for [] child custody [] visitation (parenting time).

(1) [] The order for legal or physical custody was filed on (date): . The court ordered (specify):

(2) [] The visitation (parenting time) order was filed on (date): . The court ordered (specify):

[] Attachment 2d.

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3. CHILD SUPPORT

(Note: An earnings assignment may be issued. See *Income Withholding for Support* (form FL-195))

a. I request that the court order child support as follows:

Child's name and age

I request support for each child Monthly amount (\$) requested
based on the child support guideline. (if not by guideline)

b. I want to change a current court order for child support filed on (date):
The court ordered child support as follows (specify):

Attachment 3a.

c. I have completed and filed with this *Request for Order* a current *Income and Expense Declaration* (form FL-150) or I filed a current *Financial Statement (Simplified)* (form FL-155) because I meet the requirements to file form FL-155.

d. The court should make or change the support orders because (specify):
The ordered amount far exceeds the guideline. See attachment 10.

Attachment 3d.

4. SPOUSAL OR DOMESTIC PARTNER SUPPORT

(Note: An *Earnings Assignment Order For Spousal or Partner Support* (form FL-435) may be issued.)

a. Amount requested (monthly): \$

b. I want the court to change end the current support order filed on (date):
The court ordered \$ _____ per month for support.

c. This request is to modify (change) spousal or partner support after entry of a judgment.
I have completed and attached *Spousal or Partner Support Declaration Attachment* (form FL-157) or a declaration that addresses the same factors covered in form FL-157.

d. I have completed and filed a current *Income and Expense Declaration* (form FL-150) in support of my request.

e. The court should make, change, or end the support orders because (specify):

Attachment 4e.

5. PROPERTY CONTROL

I request temporary emergency orders

a. The petitioner respondent other parent/party be given exclusive temporary use, possession, and control of the following property that we own or are buying lease or rent (specify):

b. The petitioner respondent other parent/party be ordered to make the following payments on debts and liens coming due while the order is in effect:

Pay to: _____ For: _____ Amount: \$ _____ Due date: _____

Pay to: _____ For: _____ Amount: \$ _____ Due date: _____

Pay to: _____ For: _____ Amount: \$ _____ Due date: _____

Pay to: _____ For: _____ Amount: \$ _____ Due date: _____

c. This is a change from the current order for property control filed on (date):

d. Specify in Attachment 5d the reasons why the court should make or change the property control orders.

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6. ATTORNEY'S FEES AND COSTS
I request attorney's fees and costs, which total (specify amount): \$ _____ . I filed the following to support my request:
- a. A current *Income and Expense Declaration* (form FL-150).
 - b. A *Request for Attorney's Fees and Costs Attachment* (form FL-319) or a declaration that addresses the factors covered in that form.
 - c. A *Supporting Declaration for Attorney's Fees and Costs Attachment* (form FL-158) or a declaration that addresses the factors covered in that form.

7. DOMESTIC VIOLENCE ORDER

- Do not use this form to ask for domestic violence restraining orders! Read form DV-505-INFO, *How Do I Ask for a Temporary Restraining Order*, for forms and information you need to ask for domestic violence restraining orders.
- Read form DV-400-INFO, *How to Change or End a Domestic Violence Restraining Order* for more information.

- a. The *Restraining Order After Hearing* (form DV-130) was filed on (date): _____
- b. I request that the court change end the personal conduct, stay-away, move-out orders, or other protective orders made in *Restraining Order After Hearing* (form DV-130). (If you want to change the orders, complete 7c.)
- c. I request that the court make the following changes to the restraining orders (specify): Attachment 7c.
- d. I want the court to change or end the orders because (specify): Attachment 7d.

8. OTHER ORDERS REQUESTED (specify): Attachment 8.
Grounds for new trial are set out in the attachment

9. TIME FOR SERVICE / TIME UNTIL HEARING I urgently need:
- a. To serve the *Request for Order* no less than (number): _____ court days before the hearing.
 - b. The hearing date and service of the the *Request for Order* to be sooner.
 - c. I need the order because (specify): Attachment 9c.

10. FACTS TO SUPPORT the orders I request are listed below. The facts that I write in support and attach to this request cannot be longer than 10 pages, unless the court gives me permission. Attachment 10.
If the court addresses the concerns raised in the Objection filed on 04/04/2024 I will withdraw this motion.

I declare under penalty of perjury under the laws of the State of California that the information provided in this form and all attachments is true and correct.

Date: 4/17/2024

Eugene Strulyov
(TYPE OR PRINT NAME)


(SIGNATURE OF APPLICANT)



Requests for Accommodations

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the proceeding. Contact the clerk's office or go to www.courts.ca.gov/forms for *Request for Accommodations by Persons With Disabilities and Response* (form MC-410). (Civ. Code, § 54.8.)

Attachment 8

(1) Irregularity in the proceedings, court orders or abuse of discretion:

- Family Court allowed Ekaterina to relitigate issues she already lost. The court overruled my multiple objections as to this relitigation. While the court ultimately did not rule on the issues previously decided against Ekaterina, this relitigation still consumed much of the trial time which was scheduled for only ½ day. Consequently, I did not have time to ask many of the relevant questions.
- Family Court refused to issue Statement of Decision. This refusal is subject to reversal per se on appeal, as it has resulted in a miscarriage of justice. Family Court specifically refused to state (1) how much Ekaterina was owed and (2) how much she actually received, but its FOAH implies that she was underpaid.

(2) Accident or surprise, which ordinary prudence could not have guarded against:

- I had no idea Family Court would permit Ekaterina to relitigate issues she already lost, over my multiple objections. This is highly improper.

(3) Excessive or inadequate damages:

- Even by the most charitable interpretation of FOAH, Family Court is effectively awarding Ekaterina \$54,000 worth of assets over an alleged \$2800 underpayment (stemming from the \$13000 of capital gains which were subject to income taxes). Evidence actually shows that Ekaterina was overpaid, despite this taxable gain, so this award is wholly unjustified.

(4) Insufficiency of the evidence to justify the verdict or other decision, or the verdict or other decision is against the law:

- FOAH implies (without clearly stating it) that Ekaterina was underpaid. This conclusion cannot be reached from the evidence presented. In fact the evidence shows the opposite. Family Court reached this implied conclusion without clearly stating (1) how much Ekaterina was owed and (2) how much she actually received.

(5) Error in law, occurring at the trial and excepted to by the moving party:

- FOAH is contrary to Fam. Code § 2550 which requires community assets to be divided equally. Family Court failed to do that and in fact may have further exacerbated unequal division in Ekaterina's favor.
- This is also a misuse of Fam. Code § 2556 which is meant to cover situations where assets were truly hidden, not the situations where the "aggrieved" party had already received cash value of the assets.