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Ekaterina Strulyov

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA CLARA

In re the Marriage of:
EKATERINA STRULYOV,

Petitioner,

vs.

EUGENE STRULYOV,

Respondent.

Case No.: 19FL001660

**PETITIONER'S REPLY TO OPPOSITION
TO MOTION FOR ATTORNEY FEES ON
APPEAL**

Date: **9-24-2025**

Time: **9:00 a.m.**

Dept: **74**

I. INTRODUCTION

The motion by Petitioner, Ekaterina Strulyov ("Ekaterina"), sought attorney fees for having to oppose the appeal filed by Respondent, Eugene Strulyov ("Eugene"). In ruling on this motion, this Court has no authority to look beyond the appellate decision itself, which is law of the case, or to award any further reimbursements or monies to Eugene other than was what already determined by this Court and affirmed on appeal.

In Opposition, Eugene, as usual, seeks to raise a host of issues that are not before this Court and to make requests that are not only baseless, but far outside this Court's jurisdiction. If anything, Eugene's Opposition—which at 18 pages far exceeds the 10-page limit, and includes another 57 pages of exhibits—demonstrates why fees under Family Code section 271 are warranted. No matter how many times Eugene is given a court order or told "you are wrong" or "please stop litigating," he doesn't listen. Rather, he redoubles his efforts. This must stop. Ekaterina has request fees in a very reasonable amount, which should be awarded, and one can

1 only hope this will cause Eugene to finally stop litigating with his ex-wife over matters that have
2 been determined.

3 4 **II. LEGAL ARGUMENT**

5 **A. Eugene’s Assertion that This Court and the Appellate Court Are “Wrong” Is Irrelevant and Improper**

6 The first several pages of Eugene’s opposition are devoted to once again trying to show
7 this Court that he is right and it and the appellate court are wrong. Such argument has no place in
8 the opposition to the fee motion. The appellate court ruling is law of the case, and Eugene’s
9 argument, which seeks to disparage both Ekaterina’s counsel and this Court, is unpersuasive,
10 irrelevant and improper. It only more conclusively shows why sanctions are warranted.

11 Eugene’s argument on appeal, and again now in this court, that the Google stock was not
12 an omitted asset were and still are improper. (Opp pp. 8-9.) The appellate court found the stock
13 was an omitted asset in the first appeal, which was law of the case on remand. That Eugene again
14 repeats this tired and misguided argument further shows why sanctions are warranted.

15 Similarly, his repeated assertion that he was right to appeal because he still believes
16 Ekaterina received more of the community property—despite this court’s determination, as
17 affirmed on appeal, that it had the discretion under the law to divide the Google stock as it did—
18 further show why sanctions are warranted. So does his repeated assertion that “Ekaterina was
19 already paid.” (Opp. At p. 16.) He simply cannot, and will not, let it go. This has caused
20 Ekaterina’s own legal fees to balloon. Because he is in pro per, he can spend his own time on
21 single-spaced diatribes, ranting against the court system, requiring Ekaterina to respond, lest the
22 court find she has conceded to his points.

23 Likewise, his claim that he did not receive a “fair trial” rests on his incorrect assertion that
24 he was legally permitted to file a peremptory challenge to the judge that had already made factual
25 findings, and further seeks to relitigate matters that were already determined on the first appeal,
26 and not at issue on remand. These arguments further show why sanctions are necessary.

27 **B. Eugene’s Claim That He “Offered Settlement” Is Improper, Incorrect and Irrelevant**

28 Not only is Eugene’s reference to settlement negotiations improper under Evidence Code
sections 1152 and 1154, but his claim that he made a good-faith effort to settle the matter is

1 undermined by his own evidence in support of this offer and his description of the settlement offer
2 itself.

3 First, Eugene states that Ekaterina offered to return 100 of the stocks prior to the trial on
4 remand. This was a legitimate offer that would have avoided the trial following remand, and was
5 a far better deal for Eugene than what he obtained after that trial. If anything, it demonstrates
6 Ekaterina's willingness to resolve the matter in a way that would have saved Eugene not just the
7 time of trial, but a large portion of the Google stock that was ultimately awarded to her.

8 Second, Eugene's "settlement offer" does not actually offer to settle for any amount; it
9 merely promises to "listen" to an offer by Ekaterina if that offer contains mathematical calculations
10 that "prove" Eugene is wrong. Ekaterina was not required to play that game. Eugene never made
11 a settlement offer that would have resolved the matter short of trial. Then he appealed when he
12 did not like the decision, even though it was well grounded in law and based on credibility
13 determinations against him. Such weighs in favor of Ekaterina's request for fees as sanctions.

14 **C. The Instant Case Was not of "First Impression" and Sanctions Were Warranted**

15 The court did not publish this case, as it made no new law and did not cut any new legal
16 ground, as the appellate court clearly stated in denying Eugene's request for publication. Once
17 again, Eugene's argument is based on his unwillingness to acknowledge that the Google stock was
18 an omitted asset, as the appellate court held on the first appeal, and as such needed to be divided
19 equally, unless there was a basis for an unequal division. (Fam.Code §2552.) The trial court found
20 no basis on which to divide the omitted asset unequally, and awarded half of it to Ekaterina,
21 consistent with the statute and well-settled law. The appellate court affirmed, as the trial court's
22 decision was entirely consistent with the law.

23 The appeal was meritless and warrants sanctions under Family Code section 271 even if
24 did not rise to the level of "frivolous" that warrants sanctions under Code of Civil Procedure
25 section 907 in the appellate court. The two statutes have different standards. Section 907 is much
26 more stringent and permits sanctions "When it appears to the reviewing court that the appeal was
27 frivolous or taken solely for delay...". (Code Civ.Proc. §907.) Here, the appellate court found the
28 appeal meritless, stating "the claims raised in the appeal are largely premised on Eugene's
misapprehension of the nature of the remand order and his erroneous insistence that the trial court
was obligated to ensure an equal division of the overall community property when dividing the

Google stock.” (Opinion at p. 20.) But it did not find the argument “entirely unreasonable” and based on its own review, did not find Eugene’s motives “clearly improper.” This Court has a far greater history with Eugene and his improper motives in repeatedly litigating matters with which he disagrees.

Moreover, the standard for sanctions under Family Code section 271 is far less stringent than section 907. Section 271 does not require frivolousness; it merely requires a frustration of the policy of the law to promote settlement and reduce the cost of litigation, which Eugene has clearly exhibited on the appeal. Courts can and do affirm sanctions under 271 while denying sanctions under section 907, as set forth in *In re Marriage of Hargrave* (1995) 36 Cal.App.4th 1313, 1323-1324, in which the court stated,

We do not believe the present appeal was frivolous due to the unclear effect of innocent spouse status prior to the Ninth Circuit's recent decision, and we therefore reject respondent's invitation to award additional attorney fees under section 907 of the Code of Civil Procedure. We conclude, however, that the trial court's order imposing attorney fees under section 271 of the Family Code for “frustrat[ing] the policy of the law to promote settlement of litigation and, where possible, to reduce the cost of litigation by encouraging cooperation between the parties and attorneys” was proper and should be affirmed.

As in *Hargrave*, sanctions under section 271 are warranted.

D. Eugene Has the Ability to Pay

Eugene claims the family court “put [him] over \$100,000 in debt.” (Opp at p. 16.) He takes no responsibility for having over-litigated issues, including those on which it was clear he would lose—and did lose—yet he continued litigating. He claims he cannot pay because he “only” makes \$180,000 per year, although he does acknowledge that he likely has a \$20,000 bonus coming in February 2026. His claims of expenses for his rental house are entirely lacking in any documentary evidence. And it begs the question as to why he is retaining the home if it really is losing money every month. This does not appear to be a wise financial decision (assuming it is true) and should not be a basis on which Eugene may cry poverty.

In his estimated expenses, he appears to have included all of his expenses for his condo (\$300 property taxes, \$500 maintenance and repair, \$516 HOA, and \$877 for the partners loan) as expenses, yet he has not included the \$2500 he receives in rent as income; instead he has double-

1 counted these expenses as negative \$900 in income on page 2. This has the effect of making his
2 expenses seem higher and his income lower than it actually is. He actually receives \$17,500 per
3 month in income and has \$10,672 per month in expenses, if the rental income and condo expenses
4 are properly allocated.

5 Additionally, he has included his \$1934 in child support as “child care” and he claims
6 another \$1200 per month for groceries and household expenses plus \$500 per month for eating
7 and another \$500 per month for entertainment, gifts and vacation. These sums are either inflated
8 (how can one person spend \$1700 per month on groceries and eating out?) or they show Eugene
9 is well equipped to pay the \$11,830 in attorney fees requested in the motion plus the additional
10 fees for this Reply as set forth below.

11 Ekaterina’s financial situation has no bearing on Family Code section 271 fees and should
12 not be considered in making the award. The only reason Ekaterina filed an I&E is because some
13 courts require an I&E even for fees limited to section 271. Her income and assets are not relevant
14 to this motion, and may not be a legal basis on which to deny fees.

15 **E. Ekaterina Is Entitled to Additional Attorney Fees for This Reply**

16 In her motion, Ekaterina sought attorney fees in the modest sum of \$11,830.74 for the
17 attorney fees she incurred on the appeal. This includes the \$535.74 in costs as set forth in the July
18 2, 2025 memorandum of costs, to which Eugene did not file a motion to tax or strike. These costs
19 are thus owed regardless of the outcome of this motion. (See CCP 1034(b); CRC Rule 8.278(c)
20 [requiring motion to strike or tax].) Instead of simply agreeing to pay the fees or seek to resolve
21 the matter, Eugene filed an 18-page opposition. Such necessitated at least another 3 hours of
22 attorney time, at \$350 per hour, for a total of another \$1050.00.

23 Ekaterina thus requests \$11,830 in fees and costs plus \$1050 for this reply for a total of
24 \$12,880.74 in fees and costs on appeal and for having to file the motion and this reply to the
25 opposition papers.

26 Dated: September 17, 2025

27 By: Stephanie J. Finelli
Stephanie J. Finelli
Attorney for Ekaterina Strulyov