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VIRGINIA:

In the Supreme Court of Virginia held at the Supreme Court Building in the City of Richmond on Tuesday the 23rd day of November, 2021.

Alice Jin-Yue Guan, Appellant,

against Record No. 200995
Circuit Court No. CL07003662

Bing Ran, Appellee.

From the Circuit Court of the City of Alexandria

On September 30, 2021 came the appellant, who is self-represented, and filed a “motion to strip jurisdiction and vacate all orders signed on and after Feb. 27, 2019 in the Circuit Court for the City of Alexandria in civil case no. CL07003662 and in this Court for lack of jurisdiction” in the referenced matter.

Upon consideration whereof, the Court denies all the relief requested in the motion.

A Copy,

Teste:

Muriel-Theresa Pitney, Clerk

By: /s/ Lesley K. Smith
Deputy Clerk

VIRGINIA:

**IN THE CIRCUIT COURT FOR
THE CITY OF ALEXANDRIA**

Alice Jin-Yue Guan
Plaintiff

v. Case No. CL07003662

Bing Ran
Defendant

ORDER

(Filed Jun. 3, 2019)

THIS CAUSE is before the Court on the on the parties' motions and affidavits for attorney's fees and costs, including Plaintiff's supplemental motion and affidavit; related to the litigation following the 2017 remand from the Court of Appeals. The remand from the Court of Appeals instructed to this Court to recalculate the amount owed by Mr. Ran to Ms. Guan pursuant to the terms of the parties' October 15, 2008 amendment ("2008 Amendment") to their Property Settlement Agreement ("PSA"), and to reconsider this Court's decision regarding award of attorney's fees from the original trial in light of the ruling of the Court of Appeals; and

UPON CONSIDERATION that following three-day bench trial from August 27-29, 2018, and this Court's letter opinion dated February 5, 2019, this Court found that Defendant owed Plaintiff \$23,899 under the terms of the 2008 Amendment, and that as the

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prevailing party at trial Plaintiff was entitled to \$350,000 of the over \$755,000 she incurred in legal fees and costs in the original trial; and

UPON FURTHER CONSIDERATION that Section 16 of the PSA provides, in pertinent part, that “the prevailing party shall have the right to have all of his or her reasonable legal fees and costs in the matter reimbursed by the party who does not prevail,” and the term “prevailing party” in PSA refers to the party in whose favor a judgment is rendered, regardless of the amount of damages awarded. The reasonableness of attorney’s fees are within this Court’s discretion according to the circumstances of the case, and relevant factors include, but are not limited to, the time and effort expended by the attorney, the nature of the services rendered, the complexity of the services, the value of the services to the client, the results obtained, and whether the services were necessary and appropriate;

AND IT APPEARING that Plaintiff was the prevailing party per this Court’s February 5, 2019 letter opinion; and

IT FURTHER APPEARING that from the detailed and comprehensive records submitted by and on the behalf of Plaintiff, an award of fees to Plaintiff in the amount of \$81,000 is appropriate and reasonable for the expenses incurred by Plaintiff during the remand litigation;

It is ADJUDGED, ORDERED and DECREED that Plaintiff is awarded \$81,000.00 in attorney’s fees,

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costs, and expenses, to be paid by Defendant within 60 days of entry of this order; and

Pursuant to Rule 1:13, endorsement of this Order by counsel is hereby dispensed with.

ENTERED this 3 day of June, 2019.

/s/ [Illegible]

Judge

COPIES TO:

Alice Jin-Yue Guan
4250 Alafaya Trail
#212-163
Oviedo, FL 32765
Petitioner, Pro Se

Copy Teste:
Edward Semonian, Clerk
By [Illegible], Deputy Clerk
Certified this 5th day of
June, 2019

Christopher W. Schinstock
SCHINSTOCK & BARTOL, PLLC
439 N. Lee Street
Alexandria, VA 22314
Counsel for Defendant

VIRGINIA:

**IN THE CIRCUIT COURT FOR
THE CITY OF ALEXANDRIA**

ALICE JIN-YUE GUAN,)	
<i>Plaintiff,</i>)	
v.)	CL07003662
BING RAN,)	
<i>Defendant.</i>)	

ORDER

(Filed May 22, 2019)

THIS MATTER came to be heard upon the following pleadings filed by the both parties: the Defendant's Affidavit and Petition for Issuance of Rule to show Cause; Defendant's Supplement to Affidavit and Petition for Issuance of Rule to Show Cause; Defendant's Rule to Show Cause; Plaintiff's Motion for Entry of Rule to Show Cause and for Temporary Injunction and for Declaratory Judgment; Plaintiff's Affidavit and Petition for Issuance of Rule to Show Cause and for Setting Trial to Determine Damages; Plaintiff's Amended Motion for Entry of Rule to Show Cause and for Temporary Injunction; Plaintiff's Supplemental and Revised Affidavit and Petition for Issuance of Rule to Show Cause, for Declaratory Judgment, and or Setting Trial to Determine Damages; Plaintiff's Motion/or Emergency Motion to Stay April 24, 2019 Order; Plaintiff's Motion/or Emergency Motion to Keep the \$2.3M in the and to Freeze AdSTM Fidelity Account Ending

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in 1090; Defendant's Reply to Plaintiff's Motion for Entry of Rule to Show Cause and for Temporary Injunction and for Declaratory Judgment; Plaintiff's Second Supplemental and Revised Affidavit and Petition for Issuance of Rule to Show Cause, for Declaratory Judgment and for Setting Trial to Determine Damages and for Sanctions; Defendant's Motion for Entry of Rule to Show Cause and Affidavit and Petition for issuance of Rule to Show Cause; Defendant's Reply to Plaintiff's Second Supplemental and Revised Affidavit and Petition for Issuance of Rule to Show Cause, for Declaratory Judgment and for Setting Trial to Determine Damages and for Sanctions.; Plaintiff's Opposition to Defendant's Motion for Entry of Rule to Show Cause and Defendant's Affidavit and Petition for issuance of Rule to Show Cause; Plaintiff's Second Supplemental Verified Answers and Responses to Rule to Show Cause.

AND IT APPEARING to the Court that the following relief should be granted; it is, hereby, and this Court ruling from the bench on May 22, 2019 is hereby incorporated *in haec verba*, said transcript to be expeditiously filed with this Court in this matter,

ORDERED, ADJUDGED and DECREED as follows:

1. The Plaintiff is found to have breached the Amendment, as specifically set forth in Defendant's Affidavit and Petition for Issuance of Rule to Show Cause filed on February 19, 2019, Defendant's Supplement to Affidavit and Petition for Issuance of Rule to Show

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Cause filed on February 22, 2019, and as presented at the hearing on May 22, 2019.

2. The Plaintiff is therefore found to be in willful contempt of this Court's May 13, 2016 Amended Final Order.

3. This Court therefore finds that pursuant to paragraph 17 of the Amendment, the Property Settlement Agreement of December 15, 2006 has become the governing agreement rather than the Amendment.

4. The Plaintiff's pending pleadings for the hearing of May 22, 2019 are denied and dismissed with prejudice for the reasons set forth in Defendant's Reply to Plaintiff's Motion for Entry of Rule to Show Cause and for Temporary Injunction and Declaratory Judgment, in Defendant's Reply to Plaintiff's Second Supplemental and Revised Affidavit and Petition for Issuance of Rule to Show Cause, for Declaratory Judgment and for Setting Trial to Determine Damages and for Sanctions, as well as upon evidence presented and argument of counsel for Defendant during the May 22, 2019 hearing. This Court specifically finds and rules in that regard that the \$2,294,000 was improperly removed by Plaintiff, and that said monies were and remain solely the funds belonging only to AdSTM and not the Plaintiff individually.

5. A permanent injunction against the Plaintiff is hereby granted, until further order of this Court, enjoining her from having any contact with any AdSTM employees, attorneys and/or clients as well as

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enjoining her from having any physical access to any of AdSTM's offices and properties.

6. Plaintiff is permanently enjoined, until further order of this Court, from representing to third parties that she is the 51% majority shareholder of AdSTM as she is 49%.

7. Pursuant to Virginia Code §8.01-631(A) this Court finds, and therefore orders, that it would be improper and/or unnecessary to require Defendant to post a bond pursuant to this permanent injunction.

8. This Court finds and rules that pursuant to paragraph 16 of the PSA Bing has prevailed in this matter, finds the fees he set forth in Defendant's Attorneys' Fees Affidavit admitted into evidence during the May 22, 2019 hearing are reasonable, and orders Plaintiff to pay Defendant \$71,164.25 by ~~June 1, 2019~~ [July 21, 2019 /s/ [Illegible]].

AND THIS CAUSE IS CONTINUED PENDING THE ADJUDICATION OF THE ISSUE OF REMAND ATTORNEYS' FEES AND COSTS,

Entered this 22 day of May, 2019.

/s/ [Illegible]

JUDGE

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SEEN AND AGREED:

/s/ Christopher W. Schinstock
Christopher W. Schinstock,
V.S.B. No.: 36179
Kyle F. Bartol, V.S.B. No.: 42581
Schinstock & Bartol, PLLC
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Email: cschinstock@schinstocklaw.com
Email: kbartol@schinstocklaw.com
Counsel for Defendant

SEEN AND objected & disagreed based on the filed
documents & the arguments in hearings]

/s/ Alice Jin-Yue Guan
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Email: Aliceguan.2016@gmail.com
Plaintiff Pro Se

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VIRGINIA:

IN THE CIRCUIT COURT FOR
THE CITY OF ALEXANDRIA

Guan _____

Plaintiff

CASE NO. CL07003662

vs.

Ran _____

Defendant

ORDER

This cause came on this day upon [the Plaintiff's Emergency Motion for Recusal of Judge Clark or as an alternative for substitution of Judge Clark] ;

AND IT APPEARING that [the Motion should be denied] _____

it is therefore

ORDERED. ADJUDGED, and DECREED that
[That the Plaintiff's Motion is denied was dismissed.]

Entered this 8 day of May, 2019.

/s/ [Illegible]
JUDGE

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SEEN:[& disagreed & SEEN: [and Agreed]
objected per oral argument
& Exhibits referenced
open filed documents
with the court.]

/s/ Alice Guan /s/ [Illegible]
Counsel for Plaintiff Counsel for Defendant
[USB #42581]

VIRGINIA:

**IN THE CIRCUIT COURT FOR
THE CITY OF ALEXANDRIA**

ALICE JIN-YUE GUAN,)	
<i>Plaintiff,</i>)	
v.)	CL07003662
BING RAN,)	
<i>Defendant.</i>)	

ORDER GRANTING TEMPORARY INJUNCTION

(Filed Apr. 24, 2019)

THIS MATER came to be heard upon the Defendant's Motion for Entry of Rule to Show Cause and For Temporary Injunction filed against the Plaintiff, ALICE JIN-YUE GUAN.

AND IT APPEARING to the Court that the following relief should be granted; it is, hereby,

ORDERED ADJUDGED and DECREED as follows:

1. A temporary injunction against the Plaintiff is hereby granted enjoining her from having any contact with any AdSTM employees, attorneys and/or clients as well as enjoining her from having any physical access to any of AdSTM's offices and properties.

2. Plaintiff is hereby ordered to immediately return any funds or properties of AdSTM that she may

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have improperly acquired, and to immediately close any AdSTM accounts she has improperly opened[, including, but not limited to, the \$2,238,000 in Fidelity Bank and the \$56,000 in the TD Bank.]

3. Plaintiff is enjoined from representing to third parties that she is the 51% majority shareholder of AdSTM, as she is 49%.

4. Pursuant to Virginia Code §8.01-631(A) this Court finds, and therefore orders, that it would be improper and/or unnecessary to require Defendant to post a bond pursuant to this temporary injunction.

AND THIS CAUSE IS CONTINUED,

Entered this 24 day of April, 2019.

/s/ [Illegible]

JUDGE

SEEN AND AGREED:

/s/ Kyle F. Bartol
Christopher W. Schinstock,
V.S.B. No.: 36179
Kyle F. Bartol, V.S.B. No.: 42581
Schinstock & Bartol, PLLC
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Email: kbartol@schinstocklaw.com
Counsel for Defendant

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SEEN AND [Disagreed & objected as stated in oppositions/responses, supplemental oppositions/responses & in oral arguments]

/s/

Alice Jin-Yue Guan
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Plaintiff Pro Se

VIRGINIA:

IN THE CIRCUIT COURT FOR
THE CITY OF ALEXANDRIA

ALICE JIN-YUE GUAN
Plaintiff

v.

CL07003662

BING RAN,
Defendants

ORDER

(Filed Mar. 7, 2019)

This matter came before the court on remand from the Court of Appeals with instructions to this Court to recalculate the amount owed by Mr. Ran to Ms. Guan pursuant to the terms of the parties' October 15, 2008 amendment to their property settlement agreement and to reconsider this Court's decision regarding award of attorney's fees in light of the ruling of the Court of Appeals, and

With regard to the amount owed under the amendment, the Court found the testimony of the Defendant's expert, Mr. Rosenberg, as well as the testimony of his lay witnesses to be entirely credible. This was particularly so when considered in light of the testimony of Ms. Guan, which this Court found to be not only uncorroborated by any independent evidence but often incredible, and

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The Court therefore finds that the amount owed by Defendant to Plaintiff under the amendment to be \$23,899.00, and

At trial, Plaintiff incurred fees in the amount of \$543,024.00 and costs in the amount of \$212,517.46. The Defendant incurred fees and costs totaling \$424,682.62, and

After scrutinizing the documents submitted in support of the fee application the finds that an award of fees to Plaintiff in the amount of \$350,000.00 is appropriate in for the expenses incurred by Plaintiff at the trial of this matter, it is therefore

ORDERED that the defendant is to satisfy his obligations under this order within (90) days of the date of this order.

Endorsement of this order is dispensed with pursuant to Rule 1:13.

Entered this 7 day of March, 2019.

/s/ James C. Clark
James C. Clark, Judge

Copies mailed to:

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Christopher W. Schinstock
SCHINSTOCK & BARTOL, PLLC
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Alexandria, VA 22314

VIRGINIA:

**IN THE CIRCUIT COURT FOR
THE CITY OF ALEXANDRIA**

ALICE JIN-YUE GUAN,)	
<i>Plaintiff,</i>)	
v.)	CL07003662
BING RAN,)	
<i>Defendant.</i>)	

ORDER GRANTING TEMPORARY INJUNCTION

(Filed Feb. 27, 2019)

THIS MATTER came to be heard upon the Defendant's Motion for Entry of Rule to Show Cause and For Temporary Injunction filed against the Plaintiff, ALICE JIN-YUE GUAN.

AND IT APPEARING to the Court that the following relief should be granted; it is, hereby,

ORDERED, ADJUDGED and DECREED as follows:

1. A temporary injunction against the Plaintiff is hereby granted enjoining her from having any contact with any AdSTM employees, attorneys and/or clients as well as enjoining her from having any physical access to any of AdSTM's offices and properties.

2. Plaintiff is hereby ordered to immediately return any funds or properties of AdSTM that she may

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have improperly acquired, and to immediately close any AdSTM accounts she has improperly opened.

[3. Plaintiff was enjoined from representing to thus parties that she is the 51% majority shareholder of AdSTM, as she is 49%.]

AND THIS CAUSE IS CONTINUED,

Entered this 27 day of February, 2019.

/s/ [Illegible]
JUDGE

SEEN AND AGREED:

/s/ Christopher W. Schinstock
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Counsel for Defendant

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SEEN AND DISAGREED _____:

/s/ Alice Jin-Yue Guan
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Plaintiff Pro Se

VIRGINIA:

IN THE CIRCUIT COURT FOR
THE CITY OF ALEXANDRIA

ALICE JIN-YUE GUAN,)	
<i>Plaintiff,</i>)	
vs.)	Civil Action No.
BING RAN,)	CL07003662
<i>Defendant.</i>)	

[AMENDED] ORDER

(Filed May 13, 2016)

THIS MATTER CAME ON FOR TRIAL before the Court on August 31 through September 2, 2015, on the Court's Rule to Show Cause dated October 20, 2014, as to why the Defendant, Bing Ran, should not be held in contempt for failure to pay amounts ordered to be paid to the Plaintiff, Alice Jin-Yue Guan, pursuant to the Court's Final Decree of Divorce dated November 30, 2007;

And the Defendant, by his Motion to Modify Decree of Divorce filed May 1, 2015, having moved the Court for incorporation into the Final Decree of Divorce an Amendment, dated October 15, 2008, to the parties' Property Settlement Agreement dated December 15, 2006, which was previously incorporated into the Final Decree of Divorce;

And the Defendant, by his Motion for Attorney's Fees filed February 9, 2015, seeking an award of his

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reasonable attorneys' fees incurred in this subject litigation;

And the Court having heard and considered the testimony of the witnesses and the exhibits and other evidence presented at trial;

And the Court having considered the proposed findings of fact and conclusions of law and briefs filed by the parties in lieu of closing arguments;

And the Court having set forth its findings of fact and rulings of law in a Letter Opinion dated December 22, 2015, which Letter Opinion is incorporated herein and made a part hereof by reference.

NOW THEREFORE, it is hereby ORDERED, ADJUDGED and DECREED:

1. That the October 15, 2008 Amendment to the parties' Property Settlement Agreement (the "PSA") dated December 15, 2006, Exhibit A, attached, be the controlling document in this matter from the time of its execution until this litigation, and is for that purpose incorporated into the parties' Final Decree of Divorce, pursuant to Va. Code § 20-109(C). The PSA is the controlling document from October 10, 2014 and continuing thereafter.

2. The terms of the October 15 amendment and the PSA shall be applied utilizing the numbers generated from Mr. Rosenberg's expert report on behalf of Mr. Ran, as set forth in Mr. Rosenberg's report (Defendant's trial exhibit 79 and Mr. Rosenberg's attached

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exhibit 1). The overpaid amount in that report is \$1,976,899.

3. That the alleged 2008 overpayments to Ms. Guan claimed by Mr. Ran in the total amount of \$2,462,083, as enumerated in Mr. Rosenberg's report and his exhibit 1, taken by Ms. Guan from Advanced Systems Technology and Management, Inc., a Virginia corporation, ("AdSTM") during the period January 1, 2008 through June 30, 2008 are her separate property and are not offsets against amounts subsequently accruing to her under the PSA, the October 15, 2008 Amendment, or otherwise.

4. That AdSTM therefore owes Ms. Guan a total of \$485,184 in salary, bonus and profit distributions pursuant to the October 15, 2008 Amendment and the PSA for the period through March 15, 2015. Mr. Ran shall guarantee that AdSTM pays this amount to Ms. Guan. Prejudgment interest at 6% shall accrue on this amount from October 10, 2014 until paid.

5. That as of October 15, 2008, the initial \$50,000 installment of Spousal Support required to be paid by Mr. Ran to Ms. Guan pursuant to the terms of the PSA and the Final Decree of Divorce had accrued and remains due and payable by Mr. Ran, but that the remaining \$200,000 in Spousal Support payments, in annual \$50,000 installments beginning on July 5, 2009 and continuing through July 5, 2012, were waived by the October 15, 2008 Amendment to the PSA and the parties' subsequent reliance upon the terms of that Amendment.

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6. That, for the reasons previously stated, Mr. Ran is therefore justly indebted to Ms. Guan in the amount of \$50,000 and AdSTM is indebted to Ms. Oven in the amount of \$485,184, plus prejudgment interest. The total amount indebted to Ms. Guan is accordingly \$535,184, plus prejudgment interest described above

7. That the \$50,000 of alimony is entitled to simple judgment interest of 6% from July 5, 2008 through May 13, 2016 and thereafter until paid in full by Mr. Ran, all as set forth in the following attached Vader interest arrearage calculation.

8. That the Court finds that, due to the facts and circumstances of this case, including the imprecise and confusing language employed by the parties in their various agreements, the Court will withhold a finding of contempt, provided that Mr. Ran and AdSTM, satisfy in full the sums owed to Ms. Oven as set forth in this order including interest, within 10 days of the entry of this Order.

9. The parties' motions for an award of attorneys' fees and costs are denied. Each patty shall bear their own costs and attorneys' fees.

THIS ORDER IS FINAL.

ENTER this 13 day of May, 2016:

/s/ James C. Clark
James C. Clark, Circuit Judge

SEEN AND OBJECTED TO, for the reasons stated in Plaintiff's Proposed Findings of Fact and Conclusions

of Law and her Reply Memorandum, including but not limited to her entitlement to spousal support post-July 5, 2008; and the Plaintiff's Motion and Reply Brief filed in connection with the attorneys' fee motion, and the exhibit proffered in court on May 13, 2016.

/s/ John Thorpe Richards, Jr.
John Thorpe Richards, Jr.,
Counsel for Plaintiff

SEEN AND OBJECTED TO for the reasons stated in Defendant's Closing Argument Memorandum Setting Forth Defendant's Proposed Findings of Fact and Conclusions of Law filed with the Court on November 2, 2015 as well as Defendant's January and April, 2016, pleadings filed in this cause; and as argued on May 13, 2016.

/s/ Christopher W. Schinstock
Christopher W. Schinstock,
Counsel for Defendant

VIRGINIA:

In the Supreme Court of Virginia held at the Supreme Court Building in the City of Richmond on Thursday the 6th day of January, 2022.

Alice Jin-Yue Guan, Appellant,

against Record No. 200995

Circuit Court No. CL07003662

Bing Ran, Appellee.

From the Circuit Court of the City of Alexandria

On December 9, 2021 came the appellant, who is self-represented, and filed, respectively, a “petition for rehearing en banc,” which is being treated as a motion to reconsider this Court’s November 23, 2021 order, and a “motion to accept or motion for time to accept the petition for rehearing en banc,” in this case.

Upon consideration whereof, all relief requested in the said pleadings is denied.

A Copy,

Teste:

Muriel-Theresa Pitney, Clerk

By: /s/ [Illegible]
Deputy Clerk
