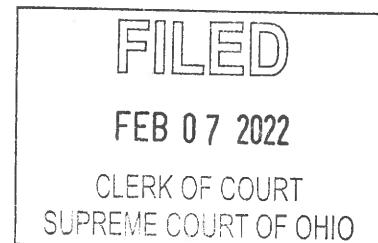


IN THE SUPREME COURT OF OHIO

S SQUARED PROPERTIES, LLC :
2600 Euclid Avenue :
Cincinnati, Ohio 45219 :
and :
PARNEET S. SOHI, SUCCESSOR :
TRUSTEE :
Under the Parneet S. Sohi Irrevocable Trust :
2600 Euclid Avenue :
Cincinnati, Ohio 45219 :
Relators, :
v. :
HONORABLE AMY L. SEARCY :
Hamilton County Court of Common Pleas :
Domestic Relations Division :
800 Broadway Avenue :
Cincinnati, Ohio 45202 :
Respondent. :
:

22-0135



**MOTION FOR EMERGENCY STAY OF RELATORS S SQUARED PROPERTIES, LLC
AND PARNEET S. SOHI, SUCCESSOR TRUSTEE, AND MEMORANDUM IN
SUPPORT**

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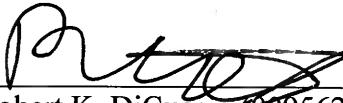
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Irrevocable Trust Agreement dated October
31, 2000*

Relators S Squared Properties, LLC (“S Squared”), and Parneet S. Sohi, Successor Trustee under the Parneet S. Sohi Irrevocable Trust Agreement dated October 31, 2000 (“Dr. Sohi”; collectively, S Squared and Dr. Sohi are at times herein referred to as “Relators”), by and through counsel, and hereby move the Court to issue an order staying all proceedings in Hamilton County Court of Common Pleas, Domestic Relations Division Case Number DR2101256, *Baljeet Kaur v. Parneet Sohi*. An emergency stay is imperative due to the upcoming non-oral hearing date on Baljeet Kaur’s Motion to Add Parties, scheduled for Noon on February 7, 2022, as well as the upcoming oral hearing on Baljeet Kaur’s Motion to Enforce scheduled for March 21, 2022. Failure to grant this Motion will likely lead to irreparable harm to Relators if the Respondent is permitted to continue exercising jurisdiction over these matters.

The grounds for this Motion are more fully explained in the attached Memorandum in Support. The Affidavit of Parneet S. Sohi, Successor Trustee is attached to Relators’ concurrently filed Complaint for Writ of Prohibition; said Affidavit and Complaint for Writ of Prohibition are incorporated by reference herein.

Respectfully submitted,



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*Irrevocable Trust Agreement dated October
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MEMORANDUM IN SUPPORT

I. INTRODUCTION

Relators have concurrently filed a Complaint for Writ of Prohibition, seeking to preclude Judge Amy L. Searcy (“Respondent”) from exercising jurisdiction over the collateral issue of a breach of contract action between third parties to a divorce case. As detailed in Relators’ Complaint for Writ of Prohibition, Respondent has no jurisdiction to decide the breach of contract/specific performance case between Kingsley Investment Group, LLC and S Squared, which is already pending in the General Division Litigation (as defined below). Relators filed this motion for an emergency stay asking the Court to (1) stay all further proceedings in the Domestic Division Litigation, including but not limited to the February 7, 2022 non-oral hearing date on the Motion to Add Defendants, as well as the March 21, 2022 oral hearing date on the Motion to Enforce; and (2) stay any order issued by Respondent which infringes on the General Division Litigation.

II. FACTUAL BACKGROUND

On or about April 24, 2021, S Squared, as seller, entered into a contract with Kingsley Investment Group, LLC (“Kingsley”), as buyer, for the sale of the Real Property for the sum of One Million Two Hundred Thousand Dollars (the “Contract”). The Contract, by its terms, was required to close on or before August 22, 2021. Kingsley and S Squared did not close the Contract on the appointed date.

On September 2, 2021, Kingsley filed a Complaint in the Hamilton County Court of Common Pleas, General Division, claiming that the failure to close the Contract was caused by S Squared, raising causes of action of Specific Performance, Breach of Contract, and Fraud (the “Complaint”). This Complaint initiated Hamilton County Court of Common Pleas Case Number

A 2103093, *Kingsley Investment Group, LLC v. S Squared Properties, LLC* (the “General Division Litigation”).

On October 1, 2021, S Squared filed an Answer and Counterclaim in the General Division Litigation in response to Kingsley’s Complaint, claiming that the failure to close the Contract was caused, among other reasons, by Kingsley’s breach of the Contract (the “Answer/Counterclaim”). On October 29, 2021, S Squared filed a Motion for Joinder in the General Division Litigation, moving the court to join certain necessary parties to the General Division Litigation, to wit: Chester C. Sudbrack, III; Sudbrack Kron, LLC, and Southern Ohio Land Title Agency, LLC (“Joinder Defendants”).

On December 13, 2021, the Hamilton County Court of Common Pleas, General Division entered an order joining the Joinder Defendants and providing S Squared with leave to assert crossclaims against said parties. On January 7, 2022, S Squared filed its Crossclaims in the General Division Litigation against the Joinder Defendants, asserting claims for Breach of Fiduciary, Statutory, and Common Law Duties, Indemnity/Contribution, and Declaratory Judgment (“Crossclaims”).

On or about January 17, 2022, Ms. Baljeet Kaur, Dr. Sohi’s wife (“Ms. Kaur”), filed a Motion to Enforce Sale in the Domestic Division Litigation, requesting that the Domestic Relations Division enter an order requiring S Squared to specifically perform the Contract (“Motion to Enforce”). This is the first instance during the Domestic Division Litigation wherein the Domestic Relations Division was asked to adjudicate the dispute between Kingsley and S Squared – four months after it was raised in the General Division Litigation. On or about January 24, 2022, Ms. Kaur filed a Motion to Add Additional Third Party Defendants in the Domestic Division Litigation, including S Squared and the Parneet S. Sohi Irrevocable Trust as requested

additional defendants (“Motion to Add Defendants”). As of the date of filing this Complaint for Writ of Prohibition, neither the Motion to Enforce nor the Motion to Add Defendants have been ruled on by Respondent. Upon information and belief, Respondent has set a non-oral hearing date regarding the Motion to Add Defendants on February 7, 2022 at noon, and an oral hearing date regarding the Motion to Enforce on March 21, 2022.

III. LAW AND ANALYSIS

This Court has the inherent jurisdiction to stay the proceedings of lower courts. *See State v. Hochhausler*, 76 Ohio St.3d 455, 464, 668 N.E.2d 457 (1996); *see also* S.Ct.Pract.R. 4.01(A)(2). Although this Court “generally await[s] a response to render this determination ... under S.Ct.Prac.R. XIV(4), a party may request emergency relief.” *State ex rel. Stern v. Mascio*, 81 Ohio St. 3d 297, 298, 692 N.E.2d 253 (1998). *See also* S.Ct.R.Prac. 4.01(C) (“The Supreme Court may act upon a motion before the deadline for filing a response to the motion, if the interests of justice warrant immediate consideration by the Supreme Court.”).

Here, the Court should exercise its discretion to issue a stay based upon the upcoming hearing dates where Judge Amy L. Searcy will exercise jurisdiction over matters patently and unambiguously outside her authority as a Judge of the Court of Common Pleas, Domestic Relations Division. Ohio Revised Code 3105.011 “has been consistently interpreted as excluding collateral claims and non-domestic relations matters from the jurisdiction of the domestic relations court.” *Lisboa v. Karner*, 167 Ohio App. 3d 359, 2006-Ohio-3024, 855 N.E.2d 136, ¶ 6 (8th Dist.). The jurisdiction of the Domestic Relations Division “is limited to the determination of domestic relations matters.” *Hudson v. Hudson*, 6th Dist. Lucas No. L-21-1040, 2021-Ohio-4036, ¶ 34, citing *Mitchell v. Mitchell*, 11th Dist. Portage No. 2007-P-0023, 2008-Ohio-833, ¶

60. The issue of whether to enforce the Contract between Kingsley and S Squared is entirely outside the realm of “domestic relations matters.”

Even if Respondent had the authority to decide these collateral issues, the jurisdictional-priority rule would prevent Respondent from exercising jurisdiction over issues which were previously pending in the General Division Litigation. “As between [state] courts of concurrent jurisdiction, the tribunal whose power is first invoked by the institution of proper proceedings acquires jurisdiction, to the exclusion of all other tribunals, to adjudicate upon the whole issue and settle the rights of the parties.” *State ex rel. C.V. v. Adoption Link, Inc.*, 157 Ohio St. 3d 105, 2019-Ohio-2118, 132 N.E.3d 651, ¶ 32. With its Complaint, Kingsley has asked the Hamilton County Court of Common Pleas, General Division to enter an ordering requiring S Squared to specifically perform the Contract and sell the Real Property to Kingsley. That issue has been before the Hamilton County Court of Common Pleas, General Division since September 2, 2021. It was not until on or about January 17, 2022 that the issue of enforcement of the Contract was raised for the first time in the Domestic Division Litigation by Ms. Kaur’s Motion to Enforce. Then, on or about January 24, 2022, Ms. Kaur moved the Domestic Relations Division to add S Squared as a party to the Domestic Division Litigation.

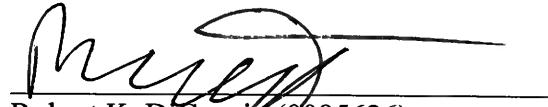
A review of the Motion to Enforce lays bare the simple fact that both the General Division Litigation and the Domestic Division Litigation are now tasked with deciding the same whole issue amongst Kingsley and S Squared. The Motion to Enforce states that “[o]n September 2, 2021, **Kingsley filed a Complaint to enforce the sale....** Kingsley and his [sic] attorney Patrick M. O’Neill will testify that Kingsley is currently ready, willing and able to close on the sale.” Affidavit of Parneet S. Sohi, Trustee at Exhibit E (emphasis added). Ms. Kaur’s Motion to Enforce states in no uncertain terms that (1) the Motion to Enforce is seeking the exact

same relief previously requested by Kingsley in the General Division Litigation (i.e., enforcing the sale of the Real Property), and (2) Kingsley has collaborated with Ms. Kaur's counsel to move the Domestic Relations Division to enforce the sale of the Real Property. The jurisdictional-priority rule prevents Respondent from exercising jurisdiction over the Contract dispute between Kingsley and S Squared, as that matter was first addressed in the General Division Litigation.

There would be irreparable harm to Relators if this Motion is not granted. If Respondent is permitted to continue exercising jurisdiction over these collateral issues, Relators will be subjected to likely inconsistent rulings between the Domestic Division Litigation and the General Division Litigation. Further, S Squared will be forced to litigate the same issues twice, likely incurring twice the expense in doing so. Based on the foregoing, Relators respectfully request that the Court grant this Motion.

For purposes of judicial economy, Relators incorporate by reference herein each and every assertion/statement found in their Complaint for Writ of Prohibition and Affidavit of Parneet S. Sohi, Successor Trustee, which have been filed concurrently herewith.

Respectfully submitted,



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Successor Trustee under the Parneet S. Sohi
Irrevocable Trust Agreement dated October
31, 2000*

CERTIFICATE OF SERVICE

I hereby certify a copy of the foregoing Motion for Emergency Stay was served upon Respondent Honorable Amy L. Searcy at Hamilton County Court of Common Pleas, Domestic Relations Division, 800 Broadway Avenue, Cincinnati, Ohio 45202 via hand delivery on February 7, 2022:

H. Borellis, 6 y RICD

Hallie S. Borellis (0076510)