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Superior Court
of the District of Columbia

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

CIVIL DIVISION

Frederick J. Shaddock
Petitioner

v. Case No. 2025 CAB 000953

Oksana S. Shaddock
Respondent

MOTION TO DISMISS COMPLAINT (PETITION)

Respondent (Defendant), Oksana Shaddock, by her attorney, Robert Case Liotta, moves this Honorable Court to dismiss the Complaint. The Complaint is incorrectly titled as a Petition and the parties are incorrectly identified as Petitioner and Respondent. In order to avoid confusion, the incorrect usage utilized by the Petitioner shall be utilized herein.. As grounds for this Motion Respondent states as follows:

FIRST DEFENSE

Respondent was never served with a summons or the Petition. She learned of the existence of the Petition indirectly and chooses to respond.

SECOND DEFENSE

The Court lacks subject matter jurisdiction to add a spouse to the title of separately and solely titled property.

THIRD DEFENSE

1. The Petition, fails to state a claim upon which relief can be granted. Petitioner seeks to have this Court enter an order that he "be added to the title of the Property located at 520 N Street, SW, Suite S-316, Washington, DC 20004". (Hereinafter referred to as The Property). This request for relief appears at the end of the Petition but at the beginning he requests "a finding of fact establishing marital property". He grounds these requests in the claims that (1) the parties were married when the Respondent purchased the Property in her sole name, (2) the

parties bought another property in Iowa that they titled in joint names and (3) that he has made financial contributions to The Property.

2. The parties were married when each property was purchased. That fact establishes that the properties were marital when purchased. However, The Property lost that status when Petitioner executed a Quit Claim Deed on December 7, 2013, for consideration, which not only quit-claimed in favor of Respondent but quit claimed "all the right, title, interest, claim or demand which the GRANTOR may have had in …" The Property. It further states: that "neither Grantor nor any other person claiming under him shall at any time claim or demand any right, title, or interest to the said tract of land or appurtenances." (See attached Quit Claim Deed)

3. In 2024, Petitioner filed for a divorce in Iowa. On March 11, 2025 the parties entered into a Post-Nuptial Agreement (See attached Post Nuptial Agreement) wherein they agreed to resume the marriage and to dismiss the divorce case. Petitioner has dismissed the divorce case.

4. The Post-Nuptial Agreement buttresses the provisions of the Quit Claim Deed. It provides in Section 2 that, "Rick quitclaims and waives any right title or interest he may have in the Washington Condo". In Section 2.a. it states: "In the event of a dissolution of marriage, ownership of the condominium in Washington, DC shall be awarded to Oksana as her sole and separate property."

5. Petitioner cannot maintain this action in light of having waived all interest in The Property both before he brought this suit and after he brought it.

6. There was no basis in law for a suit to add a name to a title for the reasons stated. Petitioner sites no authority for his suit for the simple reason that there is none. Even if authority existed, Petitioner has waived all rights he might have to The Property; not once but twice. And those waivers specifically included "title". The "Petition" is groundless and must be dismissed.

7. With regard to the request that the Court enter Findings of Fact that The Property is marital, there is likewise no basis for this Court to take such action. This suit is filed in the Civil Division. If Petitioner were to file an action for divorce in the Family Court, that Court would make a determination as to whether

or not the Property was or was not marital. Given the two waivers of all rights and the clear statement in the post Nuptial Agreement that The property "shall be awarded to Oksana as her sole and separate property, there is no way the court would declare it to be marital property.

WHEREFORE, Defendant/Respondent moves this Honorable Court dismiss the case or treat this Motion as one for summary judgment under SCR 56 and enter summary judgment in favor of Defendant/Respondent.

Respectfully Submitted,



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POINTS AND AUTHORITIES

Superior Court Rule of Civil Procedure 12(b)(1) and (6). Petitioner/Plaintiff has not established subject matter jurisdiction in this matter under Rule 12(b)(1) and he has failed to state a claim upon which relief can be granted under Rule 12(b)(6).

D. C. Code Section 16-910 would govern the determination of marital versus non-marital property in a Family Court case.



Robert Case Liotta

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on this 18 day of March 2025 a copy of the foregoing Reply to Opposition to Motion to Continue Trial was sent via email and CaseFileExpress to Frederick J. Shaddock, 520 N Street, SW, S-316, Washington, DC 20024



Robert Case Liotta