SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

CIVIL DIVISION

Frederick J. Shaddock
Plaintiff

v. Case No. 2025 CAB 004804

Oksana S. Shaddock
Defendant

MOTION TO DISMISS AMENDED COMPLAINT
(SCR-Civil Procedure 12(b))

Defendant, Oksana Shaddock, by her attorney, Robert Case Liotta, moves this Honorable Court to dismiss the Amended Complaint . Defendant filed a Motion to Dismiss the original Complaint and filed a Reply to the Opposition. Plaintiff then filed a Motion for Leave to Amend Complaint to add a Count for Equitable Reformation of Title which was granted. Plaintiff's Amended Complaint was filed on November 12, 2025. Rather than to simply add the requested count for Reformation of Title, Plaintiff has now filed an entirely new and different Complaint and has added two counts; one for "equitable reformation of title" and one for "Injunction Against Obstructions". In further violation of the leave that he was granted, Plaintiff has expanded his requests for relief as follows:

Original Complaint:

- Declare Quit Claim deed void
- Confirm that the DC coop remains marital property

Amended Complaint:

- Declare DC Coop marital with 50/50 equity
- Void Quit Claim deed
- Reform title
- Enjoin obstructions

At every step in this litigation, Plaintiff has abused the legal process and the Defendant. His current overstepping of the leave granted to him to amend requires Defendant to re-address the changed Complaint to just simply reassert her long pending Motion to Dismiss.

As grounds for this Motion Defendant states as follows:

FIRST DEFENSE

(Lack of Subject Matter Jurisdiction)

The Court lacks jurisdiction to enter a declaratory judgment or make any other ruling which could effectively void a Quit Claim Deed or to declare property to be marital. Furthermore, the Civil Division does not have jurisdiction over actions involving marital property rights. Actions for adjudication of marital property rights are specifically required to be brought as part of an action brought in the Family Court. DC Code Section 11-1101lists sixteen actions that must be brought in the Family Court . Number 8 states "determinations and adjudications of property rights …in any action referred to in this section". The other actions in the section that could include an adjudication of marital property rights involve a divorce. No divorce has been filed in the District of Columbia but Plaintiff has filed for divorce in Iowa, claiming residency in Iowa, and that case is pending. (In Re The marriage of Fredrick J. Shaddock and Oksana Shemet Shaddock , in the Iowa District Court for Jefferson County, Case No. 08511 CDCV402015) . The Civil Division of this court has no jurisdiction to adjudicate the issues raised by the Plaintiff. He can proceed with his Iowa divorce case or file for divorce in the District of Columbia if he believes there is jurisdiction to do so.

SECOND DEFENSE

(Lack of Personal Jurisdiction)

Neither party currently resides in the District of Columbia and Defendant has not consented to be sued in the District of Columbia. In the Iowa Divorce Case, Plaintiff claims that he is a resident of Iowa.

THIRD DEFENSE

(Insufficient Process)

Defendant has not been properly served.

FOURTH DEFENSE

(Failure to State a Claim Upon Which Relief Can be Granted)

Defendant has failed to state a claim upon which relief can be granted. This court could not declare the Quit Claim Deed void and declare property to be "marital' by a declaratory judgment. A declaratory judgment is utilized almost exclusively to clarify a Constitutional issue and is of no use to grant the remedies requested by Plaintiff. If the Court ignores the incorrect heading of the Complaint and assumes that it is a request to void the Quit Claim Deed and to "confirm" that property is marital, then it must be denied for the reasons stated above and below.

FACTUAL AND LEGAL ARGUMENT

1. The Complaint fails to state a claim upon which relief can be granted. Plaintiff seeks to have this Court enter a declaratory judgment that the Quit Claim Deed is "void, null, and of no legal effect". The Quit Claim Deed in question related to the property located at 520 N Street, SW, Suite S-316, Washington, DC 20004". (Hereinafter referred to as The Property). The Property is titled in Defendant's sole name and has been so titled since the purchase by Defendant.

2. The parties were married when the Property was purchased. Ordinarily property purchased during a marriage is considered marital property but it lost that status when Plaintiff 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). This Quit Claim Deed constitutes a "postnuptial agreement" which specifically removes The Property from equitable distribution and will require that any divorce Court to award the Property solely to Defendant pursuant to DC Code 16-910 (a) as her separate property.

3. In 2025 Plaintiff filed for divorce in Iowa and that case is pending in Iowa where Plaintiff claims residency. The issue of property distribution is properly before that Court. It will determine if The Property is marital or not and it will deal with the Quit Claim Deed if it is presented in that case. There is simply no basis and no jurisdiction for this court to be deciding on the legitimacy of a document that is not being offered in any pending case in this Court. Defendant did raise the existence of the Quit Claim Deed in another case Plaintiff filed in this Court (Shaddock v. Shaddock 2025 CAB 000953) wherein he asked the Court to add his name to the title claiming he had that right because the Property was marital pursuant to DC Code 16-910. That case was dismissed on Defendant's Motion to Dismiss and is res judicata on the issue of adding Plaintiff to the deed or to reformation of the title to the Property..

4. There is no divorce or any other case pending in this Court that relates to the Property. Petitioner cites no authority for his request for a declaratory judgment for the simple reason that there is none. He is basically asking this Court to make a ruling on an issue that is not pending in any District of Columbia matter to the effect that the Property is marital and that the Quit Claim Deed is void, There is simply no grounds for such relief. Even if authority existed, Petitioner has waived all rights he might have to The Property; not once but twice. (Plaintiff executed a

Post Nuptial Agreement on March 11, 2025 wherein he again waived any rights he may have had to ownership of The Property). The Complaint is groundless and must be dismissed.

5. With regard to the request that this Court confirm that The Property is marital, there is likewise no basis for this Court to take such action. This is basically the same relief Plaintiff requested in his dismissed case. This suit is filed in the Civil Division. If Petitioner were to file an action for divorce in the Family Court and if that Court had jurisdiction, 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. There is certainly no basis and no jurisdiction to make some sort of an advance ruling on subject matter that is under the purview of the Family Court if it is under the jurisdiction of any Court in the District of Columbia. Given the residency of the parties and the pendency of a divorce case in Iowa it is unlikely that a DC Court would even have jurisdiction.

6. Plaintiff regularly asserts that this Court can decide if the Property is marital or not pursuant to DC Code 16-910 but he ignores the fact that this section starts with the statement that, "Upon entry of a final decree of legal separation, annulment or divorce…the court shall …value and distribute all other property…." There is no authority anywhere else for this Court to make a determination of whether a property is marital or not.

7.Plaintiff has added a "Count III' requesting that this Court "enjoin eviction, threats, access denial". He was not granted leave to add this Count but regardless Plaintiff has not even alleged the basic grounds for an injunction nor has he

asserted any facts that might justify an injunction. The request is totally unrelated to the substance of the original Complaint or the Amended Complaint which relate solely to the legal status of the Property.

8. Plaintiff has added Count IV; Equitable reformation of Title. There is no provision for such an action in the DC Code except to reform a trust in the event of mutual mistake. Plaintiff cites no authority in his amended Complaint. In his Motion for Leave he claims authority under DC Code 16-910 but there is no such provision in that code section. He cites the Court to Bender v. Bender, 292 A2d 702 (DC 1972) but Defendant was unable to locate any such case under that Citation. Regardless there is no basis for this Court to intervene and to change the Title to the Cooperative shares simply because Plaintiff alleges that he should have been on the title because he was married to Defendant when she bought the property in her own name. Women, even married women, are allowed to own property in the District of Columbia in their separate names. Perhaps Plaintiff is unaware of that fact.

9. Defendant incorporates by reference her Corrected Reply to Opposition to Motion to Dismiss.

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

Respectfully Submitted,



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POINTS AND AUTHORITIES

Superior Court Rule of Civil Procedure 12(b)(1) through (6). Jurisdiction is dictated by DC Code Sections 11-1101 et seq. D. C. Code Section 16-910 governs the determination of marital versus non-marital property in a Family Court case.



CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on this 18 day of November 2025 a copy of the foregoing Motion to Dismiss Ammended Complaint was sent via email and eFile to Frederick J. Shaddock, 806 North 4th Street, Fairfield, Iowa 52556.



Robert Case Liotta