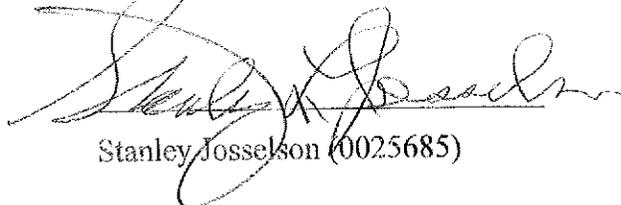


Certificate of Service

A copy of this Motion has been sent to both Respondents by US mail on 4/28/2010.

Respondents: Judge Lance Mason 1200 Ontario St. Courtroom 16C Cleveland, Ohio 44113,

Judge Laura Gallagher, Probate Court 1 Lakeside Ave. Cleveland, Ohio 44113.



Stanley Josselson (0025685)

MEMORANDUM IN SUPPORT

A. Probate Case 2009 ADV 144867

On 2/26/2009, the Plaintiffs Vera and Alex Schurowliew (Relator's siblings) filed a Complaint for Concealment of Assets in the Probate Court, pursuant to the Probate Court's instructions on 1/26/2009 in Probate case 2008 ADV 136931 that the Concealment Complaint comply with ORC 2109.50. This new Concealment Complaint was filed under case # 2009 ADV 144867. The Concealment Complaint was amended on 3/24/2009 to include the newly appointed Administrator of the Estate of Sofija Schurowliew as a Defendant. The new Concealment Complaint concerned the Estate of Sofija Schurowliew and the Sofija Schurowliew Income Trust. In the Amended Complaint for Concealment of Assets, Plaintiffs requested, in addition to the 10% penalty called for in ORC 2109.50, attorney fees, costs, and other just and equitable relief. Discovery in the case has been completed as of 2/12/2010. The case has proceeded through discovery and some motions.

B. Cuyahoga Common Pleas Court case CV 09 684581:

On 2/11/2009, the Plaintiffs filed a Complaint in Cuyahoga Court of Common Pleas under case # CV 09 684581. The Complaint in Common Pleas concerned the *same Sofija Schurowliew Income Trust and the Estate of Sofija Schurowliew*. The Complaint included the Counts of Negligence/Breach of Fiduciary Duty, Fraud, Conversion, Interference with Expectancy of Inheritance, and Unjust Enrichment, and asked for various types of relief. Discovery is ongoing in this particular case, and in reality, has been going on since November 13, 2007, in Probate Court, as the issues in the Common Pleas case are the same as the issues in the current probate case, the previous probate case (2008 ADV 136931) and some of the issues in the Guardianship Case against Sofija Schurowliew. The Guardianship Case (2007 GDN 131077) was originally started by Plaintiff Vera Schurowliew to gain control of her mother's assets in spite of two medical determinations from Cleveland Clinic physicians that her mother

was competent, as well as that of the Probate Court Investigator Ralph Zarnick and Probate Magistrate (now Chief Magistrate) Charles Brown. Discovery in CV 09 684581 is ongoing. The Court has yet to rule on Defendant's Motion for Summary Judgment filed in November of 2009, his Motion to Dismiss based on the Statute of Limitations ORC 2305.09, and his Motion to Dismiss for Lack of Subject Matter Jurisdiction (based on exclusive jurisdiction over estates by Probate Court).

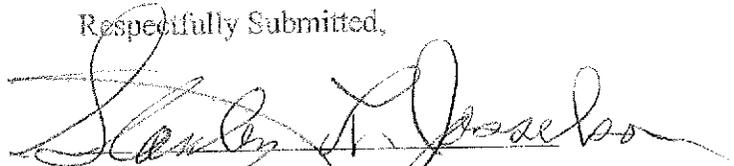
Relator requests an immediate Stay in both proceedings (Probate and Common Pleas) because a shift in jurisdiction will alter the various causes of action to be addressed in both Courts, probably calling for amended pleadings, limiting the scope of discovery in one case, and expanding that scope in the companion case. On the other hand, if only the Probate Case is ultimately permitted to continue, with merely an issue of additional damages in Common Pleas, continuing the status quo would result in an unnecessary expenditure of judicial resources in Common Pleas. Also, if that is the outcome, expanded discovery may be required in the Probate matter, with a possibility of new filings in Probate Court to reflect the Probate Court's apparently expanded role. Relator asks the Supreme Court to consider his proposition that it is important to first establish which Court should hear which issues before launching into two full scale trials on what are, in reality, the same issues and the same fact patterns.

Two possibly concurrent trials could lead to contradictory and inconsistent results. Such an outcome would launch a myriad of confusing and possibly contradictory appeals, as well.

WHEREFORE,

the Relator prays the Supreme Court to immediately Stay both proceedings while it makes a definitive determination as to where the cases and issues should be heard, by which Court, and when (in relation to each other).

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Stanley Josselson", written over a horizontal line.

Stanley Josselson (0025085)
Marion Building
1276 W. 3rd St. #411
Cleveland, Ohio 44113
216-696-8070
JosselsonLaw@gmail.com