

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

PAZUNIAK LAW OFFICE, LLC and)
GEORGE PUZUNIAK,)
)
Plaintiffs,)
) C.A. No. N14C-12-259 EMD
v.)
)
PI-NET INTERNATIONAL, INC. and)
LAKSHMI ARUNACHALAM,)
)
Defendants.)

ORDER DENYING, WITHOUT PREJUDICE, DEFENDANT DR. LAKSHMI ARUNACHALAM’S LETTER MOTION TO HON. JUDGE DAVIS TO HAVE PLAINTIFFS RETURN THE CLIENT IOLTA TRUST ACCOUNT BALANCE IMMEDIATELY, AS GEORGE PAZUNIAK HAS ALREADY PAID HIMSELF ALL THE MONEY THAT HE SHOWS IN HIS ACCOUNTING, AND NOT A PENNY OF THE IOLTA TRUST ACCOUNT BELONGS TO HIM

Dr. Lakshmi Arunachalam, Menlo Park, California, *Defendant Pro Se.*

George Pazuniak, Esquire, Pazuniak Law Office LLC, Wilmington, Delaware, *Attorney for Plaintiffs Pazuniak Law Office, LLC and George Pazuniak.*

DAVIS, J.

Upon consideration of Defendant Dr. Lakshmi Arunachalam’s Letter Motion to Hon. Judge Davis to Have Plaintiffs Return the Client IOLTA Trust Account Balance Immediately, as George Pazuniak has Already Paid Himself all the Money that He Shows in His Accounting, and Not a Penny of the IOLTA Trust Account Belongs to Him (“IOLTA Letter Motion”) filed by Defendant Lakshmi Arunachalam; Plaintiffs’ Answering Brief in Opposition to (i) Defendants’ Motion to Stay, Transfer and/or Dismiss, Filed on June 1, 2015; and (ii) Defendant Lakshmi Arunachalam’s Letter Motion to Have Plaintiffs Return the Client IOLTA Trust Account Balance Immediately, filed on June 1, 2015 (“Answering Brief”) filed by Plaintiffs Pazuniak Law Office, LLC and George Pazuniak; the First Amended and Supplemental Complaint (the

“Complaint”); the arguments of the parties advanced in the IOLTA Letter Motion and the Answering Brief; the entire record of this civil action; and, the Court having determined no hearing is necessary on the IOLTA Letter Motion:

1. This is a civil action brought by Plaintiffs Pazuniak Law Office, LLC and Mr. Pazuniak (collectively, “Pazuniak Law”). Through the Complaint, Pazuniak Law seeks declaratory relief as to certain funds held by Pazuniak Law in an IOLTA escrow trust account (the “IOLTA Account”) – “COUNT I Declaratory Judgment Against Pi-Net Regarding Distribution of Trust Funds and Other Rights and Obligations.”¹ In addition, Pazuniak Law alleges that Defendants Pi-Net International, Inc. (“Pi-Net”) and Dr. Arunachalam are liable to Pazuniak Law on claims of common law libel and tortious interference with prospective business opportunities.

2. The Letter Motion asks the Court to order Pazuniak Law to return \$28,173.73 from the IOLTA Account to Pi-Net and Dr. Arunachalam. Dr. Arunachalam also asks the Court to resolve the “problem” regarding certain monies purported paid to Pazuniak Law from settlement payments made into the IOLTA Account. Pazuniak Law opposes the relief sought in the Letter Motion, contending that Dr. Arunachalam has no right to the IOLTA Account funds, the Letter Motion is procedurally deficient, and Dr. Arunachalam has not shown “entitlement” to the relief sought in the Letter Motion.

3. The Court has thoroughly reviewed the Letter Motion and the Answering Brief. The Letter Motion is not in a form generally recognized as a form of relief under Rules 12, 56, 64 or 67 of the Superior Court Civil Rules. The Letter Motion contains factual allegations supported by calculations, reconciliations and accountings. As framed, the Letter Motion is in

¹ Complaint at ¶¶8 and 19-23.

the form of an answer to the Complaint's Count I, or an affirmative claim for relief that should be asserted under Rule 13 of the Superior Court Civil Rules as a counter-claim.

4. The Court should not, at this time, determine the validity of the arguments made by Dr. Arunchalam in the Letter Motion. The Court finds that the Letter Motion is premature and procedurally deficient. The Complaint seeks to resolve issues relating to the funds held in the IOLTA Account. Dr. Arunachalam can assert the rights she believes she has to the IOLTA Account in an answer filed in response to the Complaint, and seek recovery of funds purportedly improperly paid to Pazuniak Law as a counter-claim to the Complaint.

IT IS HEREBY ORDERED, for the reasons set forth herein, that Defendant Dr. Lakshmi Arunachalam's Letter Motion to Hon. Judge Davis to Have Plaintiffs Return the Client IOLTA Trust Account Balance Immediately, as George Pazuniak has Already Paid Himself all the Money that He Shows in His Accounting, and Not a Penny of the IOLTA Trust Account Belongs to Him is **DENIED** without prejudice to (i) Dr. Arunachalam's right to assert the claims made in the Letter Motion in an answer, counter-claim or other forms of motions *allowed* under the Superior Court Civil Rules, or (ii) Pazuniak Law opposing such claims in responsive pleadings or other forms of motions *allowed* under the Superior Court Civil Rules.

Dated: July 5, 2016
Wilmington, Delaware

/s/ *Eric M. Davis*
Eric M. Davis, Judge