

**IN THE COURT OF COMMON PLEAS  
HAMILTON COUNTY, OHIO**

MAX THORNTON, et al.,

Case No. A 2304252

**Plaintiffs,**

Judge Tom Heekin

**vs.**

PAUL WOESTE,

**MOTION TO TRANSFER CASE TO  
THE COMMERCIAL DOCKET**

**Defendant.**

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Pursuant to Loc.R. 48(E) of the Hamilton County Court of Common Pleas Local Rules (effective March 1, 2024), Plaintiffs hereby move this Court for an order transferring this case to the commercial docket. The transfer is warranted under Loc.R. 48(E)(2)(a), and Sup.R. 49.05.

Loc.R. 48(E)(2)(a) provides: “The factors set forth in Sup.R. 49.05 and 49.06 shall be dispositive in determining whether a case shall be transferred to or removed from the commercial docket.”

In relevant part, Sup.R. 49.05 provides that the cases involving the following issues should be transferred to the commercial docket:

- (A) The formation, governance, dissolution, or liquidation of a business entity;
- (B) The rights or obligations between or among the owners, shareholders, partners, or members of a business entity, or rights and obligations between or among any of them and the business entity;
- ...
- (D) The rights, obligations, liability, or indemnity of an officer, director, manager, trustee, partner, or member of a business entity owed to or from the business entity;
- (E) Disputes between or among two or more business entities or individuals as to their business or investment activities relating to contracts, transactions, or relationships between or among them, including without limitation the following:

...

(3) The purchase or sale of a business entity or the assets of a business entity.

Relevant to Sup.R. 49.05(A), Count Seven of Plaintiffs' Complaint relates to declarations regarding the governance of two LLCs and Count Ten relates to dissolution of one of those LLCs.

Relevant to Sup.R. 49.05(B) and (D), Counts One, Two, and Three of Plaintiffs' Complaint relate to breaches of two LLC operating agreements by Defendant, Count Four, Five, and Six relate to breaches of duties by Defendant related to those LLCs, and Count Nine relates to removal of Defendant's management authority.

Relevant to Sup.R. 49.05(E)(3), Count Eight of Plaintiff's Complaint relates to fraudulent inducement to purchase a membership interest in an LLC.

Sup.R. 49.06 lists cases that are not to be placed on the commercial docket and none of those disqualifiers apply here.

In other words, Sup.R. 49.05 is "dispositive" of the issue before the Court as the vast majority of the claims raised in Plaintiffs' Complaint relate to the claims specifically listed in Sup.R. 49.05. Accordingly, the Court should transfer this case to the commercial docket.

Respectfully submitted,

/s/ Paul Kerridge

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**CERTIFICATE OF SERVICE**

I hereby certify that a true and accurate copy of the foregoing was served this 24th day of April 2024, via electronic mail upon the following:

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*/s/ Paul Kerridge*  
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