

State of New Hampshire  
Rockingham County Superior Court

SARASWATI MANDIRAM, INC.  
and  
PANDIT RAMADHEEN RAMSAMOOJ

v.

G&G, LLC and G&G Epping, LLC

Rock.Super.Ct..No.07-C-392

**MOTION TO PRESERVE STATUS QUO PENDING APPEAL  
and  
MOTION FOR EMERGENCY HEARING AND ORDER**

**N**OW COMES Saraswati Mandiram and Pandit Ramadheen Ramsamooj, by and through their attorney, Joshua L. Gordon, and respectfully request this honorable court to preserve the status quo pending appeal, and to do so on an emergency basis.

As grounds it is stated:

1. On Friday, December 14, 2007, at 5:00 P.M., (immediately prior to this weekend) counsel for Saraswati Mandiram received a call from G&G's Attorney Christopher Hilson. Attorney Hilson indicated that his client intends to evict Pandit Ramadheen Ramsamooj and the other residents of Saraswati Mandiram on or about Tuesday, December 18 (tomorrow), unless Saraswati Mandiram withdraws its appeal at the Supreme Court on Monday (today). In this case there are several million dollars at stake, as well as the title to the land at issue. Saraswati Mandiram and Pandit Ramadheen Ramsamooj believe they have stated appellate issues that are worthy of the Supreme Court's concern, and believe that reversal and remand, and thus an

opportunity to seek damages and reinstatement of title, are possible – even probable – outcomes.

2. A central issue in the appeal of this case is whether G&G, or its associated entities, actually have ownership interests in the land.

3. Regardless of the character of Saraswati Mandiram, if entry, eviction, or alienation are allowed to proceed, those actions will essentially undermine the exact issues on appeal.

4. Saraswati Mandiram is a Hindu Temple, or Ashram. In the Hindu tradition, land on which religious customs are practiced takes on the nature of hallowed ground. G&G has made little secret that it intends to develop the land. Entry into the place of worship with shoes, excavation of the land, and other such disturbances are irremediable harms.

5. Pandit Ramadheen Ramsamooj and the priests at Saraswati Mandiram are the spiritual leaders and teachers of the Hindu community in New Hampshire and beyond. Eviction of the them from the premises would deprive the community of its place of worship, and is thus also an irremediable harm.

6. G&G has also purportedly sold the land to G&G Epping, an entity that did not exist at the time of the transaction, in order to create a third-party-purchaser whose interests cannot be reached. *Lewis v. Dudley*, 70 N.H. 594 (1901). G&G has made no secret that it intends to sell the land to developers, or to subdivide and develop the land and then sell it to others. Doing so would permanently deprive Saraswati Mandiram of the land even if it wins the appeal.

7. The superior court has authority and jurisdiction to preserve the status quo pending appeal. *Boynton v. Figueroa*, 154 N.H. 592 (2006); *Scontsas v. Citizens Ins. Co. of N. J.*, 109 N.H. 386 (1969) (trial court not abuse discretion granting order preventing taking depositions

pending appeal to preserve status quo); *New Hampshire Milk Dealers' Ass'n v. New Hampshire Milk Control Bd.*, 107 N.H. 150 (1966); *Exeter Realty Corp. v. Buck*, 104 N.H. 199 (1962).

8. The trial court should preserve the status quo unless the opposing party can show irreparable harm. *Hillsborough County v. Superior Court*, 109 N.H. 333 (1969).

9. Due to the emergency created by G&G, Saraswati Mandiram and Pandit Ramadheen Ramsamooj request court action before the end of business today, Monday, December 17, 2007.

**W**HEREFORE, Saraswati Mandiram respectfully requests this honorable Court to issue an emergency order preventing G&G (and its associated entities) from entering the land, from evicting Pandit Ramadheen Ramsamooj and the residents of Saraswati Mandiram, from taking any action that would disturb the land as a religious sanctuary during the pendency of the appeal, and from alienating any purported interest in the land.

Respectfully submitted  
for Saraswati Mandiram  
and Pandit Ramadheen Ramsamooj  
by their attorney,

Dated: December 17, 2007

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Joshua L. Gordon, Esq.  
Law Office of Joshua Gordon  
26 S. Main St., #175  
Concord, NH 03301  
603-226-4225

I hereby certify on this 17<sup>nd</sup> day of December 2007, a copy of the foregoing is being forwarded to Christopher T. Hilson, Esq..

Dated: December 17, 2007

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Joshua L. Gordon, Esq.

State of New Hampshire  
Rockingham County Superior Court

SARASWATI MANDIRAM, INC.  
and  
PANDIT RAMADHEEN RAMSAMOOJ

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Rock.Super.Ct..No.07-C-392

**LIMITED APPEARANCE**

Now comes Joshua L. Gordon, Esq., and enters his appearance in the above-referenced matter on behalf of the Saraswati Mandiram and Pandit Ramadheen Ramsamooj for the limited purpose of seeking to protect the status quo pending appeal.

Respectfully submitted  
for Saraswati Mandiram  
and Pandit Ramadheen Ramsamooj  
by their attorney,

Dated: December 17, 2007

Joshua L. Gordon, Esq.  
Law Office of Joshua Gordon  
26 S. Main St., #175  
Concord, NH 03301  
603-226-4225

I hereby certify on this 17<sup>th</sup> day of December 2007, a copy of the foregoing is being forwarded to Hilson.

Dated: December 17, 2007

Joshua L. Gordon, Esq.

# State of New Hampshire Supreme Court

SARASWATI MANDIRAM, INC. &  
PANDIT RAMADHEEN RAMSAMOOJ

v.

N.H. Sup. Court. No. 2007-0572

G & G, LLC.

## **MOTION TO DISQUALIFY ATTORNEY CHRISTOPHER HILSON**

**N**OW COMES Saraswati Mandiram, Inc., &a, by and through their attorney, Joshua L. Gordon, and respectfully requests this honorable court to disqualify Attorney Hilson from representing G&G, LLC and G&G Epping, LLC in this matter.

As grounds it is stated:

1. For several of the causes of action identified in Saraswati Mandiram's brief, a material fact is whether or not G&G Epping was the second highest bidder at the foreclosure auction. Also at issue is whether G&G sold the property for a high-enough price to comport with its various duties. For these matters, Christopher T. Hilson, counsel for both G&G and G&G Epping, is a material witness. He or his firm, Donahue, Tucker & Ciandella, PLLC, ran the foreclosure sale and therefore is in the best position to testify whether G&G Epping was actually present, and whether it even was in existence at the time.
2. In various pleadings Attorney Hilson has represented that G&G Epping was the second highest bidder at the sale. The documents cited in Saraswati Mandiram's brief clearly demonstrate, however, that G&G Epping did not exist at the time of the sale – its corporate

papers are dated two months later – and therefore cannot have been the second highest bidder.

Attorney Hilson’s representations, therefore, are material misstatements.

3. Moreover, G&G and G&G Epping were the seller and buyer, respectively, at the foreclosure sale. It appears that they have conflicting interests. As the seller, G&G must get the highest price possible, both for its own interests, and to fulfill its fiduciary and other duties toward Saraswati Mandiram. As the buyer, G&G Epping necessarily desires the lowest price possible.

4. Being the lawyer for both sides in a foreclosure sale is an inherent conflict of interest. *Murphy v. Financial Development Corp.*, 126 N.H. 536, 541 (1985) (pointing out the problems of “mortgagee’s dual role as seller and potential buyer at the foreclosure sale, and of the conflicting interests involved”).

5. Numerous jurisdictions have held that a lawyer should not represent both sides in a real estate transaction. *See Hines v. Donovan*, 101 N.H. 239 (1958); *In re Moores*, 854 N.E.2d 350 (Ind. 2006); *Re Elam*, 211 SW2d 710 (Mo. 1948) (attorney disbarred for representing both); *People v. Belina*, 765 P2d 121 (Colo. 1988); *In re Pohlman*, 604 N.Y.S.2d 661, 194 App Div 2d 96, (1993) (attorney censured); *Re Complaint of Griffith*, 748 P2d 86. (Or. 1987) (attorney censured); *Re Nelson*, 332 NW2d 811 (Wis. 1983) (attorney censured).

6. A material false statement made in writing justifies discipline. *Bosse’s Case*, 155 N.H. 128 (2007). Filing a pleading with a false statement justifies discipline. *Thomas v Ogilby*, 44 F.2d 890.(D.C. Cir. 1930); *Re Holden*, 4 A.2d 882 (Vt. 1939); *In re Pinkston*, 852 So. 2d 966 (La. 2003); *Diaz v. Commission for Lawyer Discipline*, 953 S.W.2d 435 (Tex. App. Austin 1997).

7. A motion to disqualify the offending attorney may be filed to bring the potential conflict of interest to the court's attention. *Reyes Canada v. Rey Hernandez*, 193 F. Supp. 2d 409 (D.P.R. 2002). The opposing party has standing to bring such a motion. *Northwest Bypass Group v. U.S. Army Corps of Engineers*, 488 F.Supp.2d 22 (D.N.H. 2007).

8. The court has authority to disqualify a lawyer who is precluded from representing a party due to a conflict of interest. *In re Charlisse C.*, 58 Cal.Rptr.3d 173 (Cal.App. 2007). The court has a duty to disqualify Attorney Hilson here. *Fiandaca v. Cunningham*, 827 F.2d 825 (1<sup>st</sup> Cir. 1987) (failure to disqualify held abuse of discretion) (citing N.H. R.Prof.Cond. 1.7).

**W**HEREFORE, Saraswati Mandiram respectfully requests this honorable Court to disqualify Attorney Hilson from representing G&G, LLC and G&G Epping, LLC in this matter.

Respectfully submitted  
for Saraswati Mandiram, &a.  
by their attorney,

Dated: December 17, 2007

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Joshua L. Gordon, Esq.  
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I hereby certify on this 17<sup>th</sup> day of December 2007, a copy of the foregoing is being forwarded to Christopher T. Hilson, Esq.

Dated: December 17, 2007

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Joshua L. Gordon, Esq.