

*This opinion will be unpublished and may not be cited except as provided by Minn. Stat. § 480A.08, subd. 3 (2012).*

**STATE OF MINNESOTA  
IN COURT OF APPEALS  
A13-1701**

In re the Marriage of:  
Nader Charles Kazeminy, petitioner,  
Respondent,

vs.

Jibil Eftekhar Kazeminy,  
Appellant

**Filed May 5, 2014  
Affirmed  
Worke, Judge**

Hennepin County District Court  
File No. 27-FA-12-7936

Denis E. Grande, Susan A. Daudelin, Mackall, Crouse & Moore, PLC, Minneapolis, Minnesota (for respondent)

Mark J. Briol, Scott A. Benson, Morgan R. Smock, Briol & Associates, PLLC, Minneapolis, Minnesota (for appellant)

Considered and decided by Kirk, Presiding Judge; Worke, Judge; and Larkin, Judge.

**UNPUBLISHED OPINION**

**WORKE**, Judge

Appellant challenges an anti-suit injunction imposed in this marriage-dissolution proceeding that bars her from pursuing certain trust actions in probate court. We affirm.

## FACTS

Appellant Jibil Eftekhari Kazeminy and respondent Nader Charles Kazeminy, who were married in 1995 and have two minor children together, initiated marriage-dissolution proceedings in 2012. The parties stipulated that a consensual special magistrate (CSM) would adjudicate all issues arising from the dissolution proceedings.

Appellant attempted to obtain financial information about three trusts of which respondent is a beneficiary: the Irrevocable Trust of Nasser J. Kazeminy (Nasser Trust), the Yvonne P. Kazeminy-Mofrad Irrevocable Trust (Yvonne Trust), and the Nader C. Kazeminy Irrevocable Trust (Nader Trust). The two minor children are contingent beneficiaries of the Nasser and Yvonne Trusts, and appellant is a contingent beneficiary of the Nader Trust until the marriage is dissolved. In February 2013, appellant served respondent with discovery requests seeking financial information about the three trusts. After respondent objected to the requests, appellant filed three petitions in April 2013 for trust accounting in probate court. Appellant brought the actions relevant to the Yvonne and Nader Trusts on behalf of her minor children and the action relevant to the Nader Trust on her own behalf.

In June 2013, in the dissolution proceedings, appellant moved the CSM to compel discovery of the trusts' finances. In a July 25, 2013 order, the CSM granted limited discovery, but did not allow appellant to obtain financial statements that documented trust transactions, accounting of income, assets and liabilities, expenses, or tax returns.

In July 2013, respondent moved the CSM to enjoin the probate court proceedings. On August 15, 2013, the CSM enjoined appellant from pursuing the trust-accounting

actions in probate court pending the outcome of the dissolution proceedings. The CSM based the injunction on its exclusive jurisdiction to adjudicate any discovery disputes arising during the dissolution proceeding. This appeal followed.<sup>1</sup>

## D E C I S I O N

A district court that obtains jurisdiction over a case “has the authority to determine all relevant issues,” and may, in its discretion, enjoin “the prosecution of other suits raising the same issues until a final judgment is issued.” *Minn. Mut. Life Ins. v. Anderson*, 410 N.W.2d 80, 81 (Minn. App. 1987) (citation omitted). We will not reverse a district court’s decision to issue an anti-suit injunction absent a clear abuse of discretion. *First State Ins. Co. v. Minn. Mining & Mfg. Co.*, 535 N.W.2d 684, 687 (Minn. App. 1995), *review denied* (Minn. Oct. 13, 1995).

We examine the propriety of an anti-suit injunction with “a three-part test of substantial similarity,” in which we assess the similarity of the parties, the similarity of the issues, and “the capacity of the first action to dispose of the action to be enjoined.” *Id.* (citation omitted).

### ***Similarity of the parties***

The first prong of the test requires “substantial similarity” between the parties in the enjoined suit and the parties before the district court. *Id.* Here, the parties to the dissolution proceeding are appellant and respondent, and the parties to the probate court proceedings are appellant, or appellant on behalf of her minor children, and the trusts

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<sup>1</sup> The decision of a CSM is “binding and includes the right of appeal to” this court. Minn. R. Gen. Prac. 114.02(a)(2).

themselves. Despite issuing the anti-suit injunction, the CSM acknowledged that, in a strictly factual sense, the parties to the probate court proceedings differed from the parties to the dissolution proceeding.

The test for a properly issued anti-suit injunction is one of “substantial similarity,” not exact similarity. *Id.* Even if the parties to a second-filed action are not exactly the same as the parties to a first-filed action, a district court may issue an anti-suit injunction. *See id.* (holding that the district court did not abuse its discretion by finding a similarity of the parties when the second-filed suit involved a subset of the parties to the first-filed suit).

The record shows, and appellant admits, that her goal in both the dissolution proceeding and the probate court actions is to obtain financial information about the trusts, either from respondent in the dissolution action or from the trustees in the probate court actions. The record thus shows that, for the purposes of the discovery dispute, although there is a technical difference between the parties in the two sets of actions, there is no substantive difference because each party is simply a person or entity whose relation to the underlying trusts affords access to the information that appellant seeks. The CSM did not abuse its discretion by issuing an anti-suit injunction based on the finding that the parties were substantially similar.

### ***Similarity of the issues***

The second prong of the test requires us to examine the similarity of the issues raised in the enjoined suit to those before the district court. *Id.* Here, the CSM described the issues raised in the dissolution proceeding as “interests in property, spousal

maintenance and child support,” and the issues raised in the probate court proceedings as the rights of appellant and her children under the three trusts. The CSM acknowledged that the issues in the two proceedings were, strictly speaking, different.

A properly issued anti-suit injunction requires “substantial similarity,” not an exact overlap of all of the issues between the two suits. *Id.* A comparison of issues does not depend on the causes of action pleaded, but on the “paramount and threshold” issues that flow through both proceedings. *Id.* We have upheld an anti-suit injunction when “at least some of the issues” raised in an enjoined proceeding were “identical” to issues before the enjoining court. *Doerr v. Warner*, 247 Minn. 98, 108, 76 N.W.2d 505, 513 (1956).

The record shows that the issues before the probate court and the CSM were substantially similar in the context of the trusts’ finances. Despite differences in procedure and context, the “paramount and threshold” issue in both the relevant portion of the dissolution proceeding and the probate court actions was to obtain financial information about the trusts. *See First State*, 535 N.W.2d at 687. The CSM did not abuse its discretion by issuing an anti-suit injunction based on the finding that the issues were substantially similar.

***Capacity of the first action to dispose of the second***

The third substantial similarity factor for the propriety of an anti-suit injunction is “the capacity of the first action to dispose of the action to be enjoined.” *Id.* This factor does not require that the issues raised in the first-filed action strictly preclude those raised in the second action. Instead, we determine which action is more comprehensive. *Id.* at

688. If the first-filed action will bind all parties on the central issues of the case, it is the more comprehensive, and thus dispositive of the action to be enjoined. *Id.*

Here, the resolution of the dissolution proceeding will bind all parties on issues including child custody, child support, parenting time, and division of marital property. Whether appellant or the children have rights to the trust proceeds, and the extent to which information about the trusts is thus discoverable, is one subset of those issues. When the CSM issues the judgment and decree finalizing the marriage dissolution, the parties will be bound by whatever decision it makes regarding the trusts. At that point, there will be no purpose, and possibly no standing, for appellant to continue pursuing the probate court actions. The dissolution proceeding is the more comprehensive proceeding, which will bind all parties on the central issues of the case. *See id.* The CSM did not abuse its discretion by finding that the dissolution proceeding is dispositive of the probate court actions.

The similarity of the parties, the similarity of the issues, and the capacity of the first-filed suit to dispose of the latter suit all support the CSM's finding that the probate court actions were substantially similar to the dissolution proceeding. Because that finding was supported by the evidence, the anti-suit injunction did not constitute an abuse of the CSM's discretion.<sup>2</sup> *See id.*

**Affirmed.**

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<sup>2</sup> Because the CSM's proper issuance of the anti-suit injunction is dispositive of this appeal, we decline to address appellant's standing argument.