

## Fiduciary, Trusts & Estates Litigation

Cohen & Gresser's dedicated Fiduciary, Trusts & Estates Litigation (FTEL) practice handles high-profile and complex fiduciary and trust and estate litigation matters for corporate, institutional and individual clients. Our team has deep experience representing clients including beneficiaries, executors, and trustees in disputes around will contests, trust and estate planning and administration, appointment and removal of trustees, breaches of fiduciary duty, probate disputes, and other matters.

Our services include:

- Breach of duty and management claims
- Charitable trust administration and disputes
- Contested accountings
- Dispute resolution
- Discovery investigations and proceedings
- Fiduciary and trustee appointment and removal proceedings and fee disputes
- Investment Disputes
- Kinship proceedings
- Undue influence actions
- Will and trust provision interpretation and contests

### Representative Matters

Representing the trustee of a \$100 million trust in connection with a long-running, highly contested proceeding in New York's Surrogate's Court. The case has proceeded through extensive discovery and motion practice and is awaiting trial.

Advised the beneficiary, a French national, of a trust with assets in excess of \$250 million in a criminal investigation conducted by the U.S. Department of Justice and the IRS, UK's HMRC, and Swiss Federal Tax Administration in allegations of tax fraud.

Represented client, a registered representative at a major global financial services company, in a complex, multi-faceted litigation, with claims arising from (i) an allegedly improper distribution from a trust account, and (ii) alleged tortious interference and other misconduct by client in connection with complainant's contentious divorce proceedings. The firm defended against claims that intertwine fiduciary obligations, trust law, and personal allegations, with significant reputational and financial implications.

Representing brokerage and management trust company in a dispute between beneficiaries to decedent's accounts that held approximately \$50 million. The client entities are defendants only for declaratory judgment claims.

Represented client in a breach of fiduciary duty action brought by a litigation trustee in connection with the Chapter 11 bankruptcy of an international marine fuel logistics company. Secured dismissal with prejudice at the district court, which was affirmed by the Second Circuit, holding that the trustee failed to adequately allege that defendants either failed to implement controls or consciously disregarded their oversight duties.

Represented fiduciary of mentally incompetent parent in proceeding brought by daughter under Mental Hygiene Law to establish guardianship over parent.

Represented estate in obtaining surcharge from trustee for mismanaging estate assets by pursuing baseless litigation and taking attorney fees.