

A Major Win for a Family Trust

Client:	Beneficiaries of trust dating from 1960
Industry:	Diversified, multi-generational family enterprise
Area of Law:	Litigation; Estates, Trusts & Tax Planning
Venue:	Ninth Judicial Circuit, Orange County, Florida
Result:	Removal of defendant trustee, with possible damages under consideration



“Defendant...materially breached his fiduciary duties to the Trust in question and to Plaintiffs...” —Judge John E. Jordan, in an order issued July 8, 2022

Members of our Litigation and Trust and Estates/Private Wealth Sections represented a father and his adult children, descendants of a family that founded a major agricultural and energy conglomerate before the Civil War, in a lawsuit against a one-time family friend.

Court proceedings showed that as trustee of the family’s trust, the man unilaterally took compensation from the trust, the sum of which was never agreed upon with the beneficiaries. He also failed to file or pay taxes on time, failed to deposit royalty checks and other income checks for the trust, became non-responsive to inquiries from the beneficiaries, and relocated the trust without notice.

The father testified that upon learning of the trustee’s misdeeds, he felt “physically ill,” “stunned” and “betrayed.”

After a Pillsbury litigator cross-examined the defendant—a sophisticated man with years of experience as a senior bank executive—the father commented that he had only watched trials in movies but believed he had just witnessed “the most total destruction of a witness.”

At the end of the three-day bench trial, the court granted an expansive interim order, finding defendant breached his fiduciary duties, ordering his immediate removal and appointing an interim trustee. Proceedings to determine money damages were expected to follow.