

SUPREME COURT OF THE STATE OF NEW YORK, APPELLATE DIVISION,
SECOND JUDICIAL DEPARTMENT

Matter of Hilda Geffen Trust

2019 N.Y. Slip Op. 3337 (App. Div. 2019) · No. 2016-13015 · Decided May 1, 2019

SUMMARY

The Appellate Division, Second Department, affirmed an order denying objectants’ motion to compel discovery concerning attorneys’ fees billed to trustees of the Hilda Geffen Trust. The court held that discovery concerning fees agreed upon in a settlement agreement was irrelevant and immaterial, and found the remaining contentions academic in light of a related appeal.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, Second Judicial Department
WRITING FOR THE COURT	William F. Mastro, J.P.; Leonard B. Austin, J.; Sheri S. Roman, J.; Valerie Brathwaite Nelson, J.
JURISDICTION	New York
DECIDED	May 1, 2019
DOCKET	2016-13015
DISPOSITION	affirmed
PROCEDURAL POSTURE	In a proceeding to judicially settle trust accounts, the objectants appealed from an order of the Surrogate’s Court denying their motion to compel discovery concerning attorneys’ fees paid or agreed to be paid by the trust.
STANDARD OF REVIEW	Abuse of discretion; the Appellate Division reviewed whether the Surrogate’s Court providently exercised its discretion in denying discovery as irrelevant and immaterial.
PRECEDENTIAL VALUE	Published appellate decision
PARTIES	Elizabeth R. Grant, Barry M. Grant v. L. Bonnie Reiffel, James A. Reiffel, Gerald & Lawrence Blumberg, LLP, Orans, Elsen, Lupert & Brown, LLP

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QUESTIONS PRESENTED

1. Whether the Surrogate's Court properly denied the objectants' motion to compel discovery concerning attorneys' fees covered by the parties' settlement agreement.
2. Whether the objectants' remaining contentions warranted appellate relief.

HOLDINGS

1. The Surrogate's Court providently exercised its discretion in denying the objectants' motion to compel discovery regarding the agreed-upon attorneys' fees because the discovery demands were irrelevant and immaterial.

KEY QUOTATIONS

*“The Surrogate's Court providently exercised its discretion in denying that branch of the objectants' motion which sought to compel discovery regarding the agreed-upon attorneys' fees on the basis that such demands were irrelevant and immaterial” (*2)*

FACTUAL BACKGROUND

Hilda Geffen established a trust and died in April 2008. Her daughter L. Bonnie Reiffel was a cotrustee with Geffen, and James A. Reiffel succeeded Geffen as the other trustee. The trustees prepared accountings and commenced a judicial settlement proceeding, after which the residual beneficiaries entered into a settlement agreement providing that the objectants did not object to certain fees billed by the trustees' attorneys. The objectants subsequently sought discovery concerning the calculation of those agreed-upon attorneys' fees.

PROCEDURAL HISTORY

The trustees prepared accountings and commenced a proceeding in the Surrogate's Court to judicially settle the accounts. After objections were filed, the parties entered into an August 19, 2011 settlement agreement under which the objectants agreed not to object to certain attorneys' fees. The objectants later moved to compel discovery concerning the calculation of those fees. The Surrogate's Court denied that branch of the motion, and the Appellate Division affirmed insofar as appealed from.

DISPOSITION

affirmed

CASES CITED

- Matter of Miller, 132 AD3d 768

- Matter of Hilda Geffen Trust, Appellate Division Docket No. 2017-11300, decided herewith

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