

Sheppard Mullin Prevails in Complex Family Trust Dispute

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Sheppard Mullin successfully represented the eldest daughter in a complex family dispute over the validity of two amendments to a family trust. Partner Steve Braccini represented one of three siblings at trial and successfully obtained the cancellation of the subject amendments. What was unusual about the case was that it involved a rare “pre-death” contest, as the father of the three siblings is still alive, though has diminished mental capacity.

“This case involved the battle over control of winery, following the survivor settlor’s cognitive decline,” said Braccini. “It was literally a bet-the-farm (or more accurately, vineyard) case.”

Braccini, along with senior associates Wendy Krog and Kendal Fletcher, recently joined Sheppard Mullin’s Private Wealth and Fiduciary Litigation practice in Palo Alto. Braccini is a fellow of the prestigious American College of Trusts & Estates Counsel (ACTEC) and is former Chair of the San Mateo County Bar Association, Estate Planning and Probate Section.

Background on the Case

In 2003, Richard and Donna Mattern created and executed the Mattern 2003 Revocable Trust naming the two of them as Trustors. After Donna’s death in 2014, a 1st Amendment was executed appointing the eldest daughter (Julie Golden) as co-trustee with her father. In 2015, a 2nd Amendment was executed again naming Julie as co-trustee and also stating that in the event of Richard’s death, Julie would serve as the sole Trustee of the Trust. The 2nd Amendment also confirmed that Mattern Vineyards (Ukiah, CA) would be distributed to all three siblings in equal shares.

Over time, two of the siblings (Julie and her younger brother John) began to have disagreements and conflicts regarding the management of the family’s vineyards. In August 2017, after Julie had severed her relationship with the attorney who had represented her and her family in connection with the administration of the Trust, her brother John and the attorney drafted the 3rd Amendment with added John on as a co-trustee and also separated out a specific portion of the Mattern Vineyards to be his “equal share.” The day after executing the 3rd Amendment, John had the 4th Amendment – removing Julie as co-trustee and appointing him as sole co-trustee with Richard – drafted. His father Richard signed both Amendments while suffering from advanced dementia and being subjected to John’s undue influence. Unlike the 1st and 2nd Amendments, though, John’s two sisters were not privy to the details of the 3rd and 4th Amendments.

Once Julie discovered what had happened, she hired Sheppard Mullin partner Steve Braccini to help cancel the new amendments to the trust. And after trial, the Court did just that.

Attorneys

Steven P. Braccini

Kendal Fletcher

Practice Areas

Litigation