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# Sacks Glazier Franklin & Lodise LLP

Litigation for Substantial Trusts and Estates



February

2016

Welcome to the [Sacks, Glazier, Franklin & Lodise](#) newsletter. We are committed to keeping our clients apprised of the latest industry happenings. We welcome your questions and comments. Please contact us at [info@trustlitigation.la](mailto:info@trustlitigation.la).

AS SEEN IN *L.A. LAWYER*

Enforcing "No Contest"  
Clauses in the Face of  
Anti-SLAPP Motions:  
Strategic and Practical Considerations

By: Eunice Y. Lim and Douglas E. Lawson

Trust and estate litigators are turning to anti-SLAPP motions to attack petitions to disinherit beneficiaries under "no contest" clauses. The consequences are two-fold: (1) parties seeking to disinherit a beneficiary for violating a "no contest" clause are forced to meet a higher evidentiary burden before proceeding to the fact-finding stage, and (2) parties must endure delays in discovery and proceedings while the anti-SLAPP issues are decided and appealed.

A SLAPP is a "Strategic Lawsuit Against Public Participation" that includes a malicious or frivolous

cause of action intended to chill the valid exercise of First Amendment rights. California's anti-SLAPP statute provides for a special motion to strike any cause of action "arising from" activity exercising the rights of petition and free speech.

[Read full article](#)

## FIRM SUCCESSES

### Four SGFL Attorneys Successfully Execute Prosecution Of Writ Petition

In an unpublished decision, the Court of Appeal, Second District, issued a peremptory writ directing the Superior Court to grant a motion for mistrial for two of three petitions tried together in the lower court. The motion arose from the second probate judge's unwillingness to grant a mistrial when the original probate judge retired without having determined all the factual issues raised in the two pleadings, including attorney's fees.

In the Court of Appeal, **Matthew McMurtrey**, **Robert Sacks**, **Jessica Uzategui** and **Ryan Houck** successfully argued that their client's due process right to have the same judge determine all the factual issues raised by the pleadings was infringed when the second probate judge refused to grant the mistrial. The Court of Appeal agreed and ordered the Superior Court to grant a mistrial on two of three petitions involving a multi-million dollar Trust.

### Five SGFL Partners Selected as 2016 Southern California

# Super Lawyers

### Partner Margaret Lodise Named to "Top 50 Women" List.



Robert Sacks



Kenneth Glazier



Terry Franklin



Matthew McMurtrey



Margaret Lodise

Partners **Robert Sacks**, **Kenneth Glazier**, **Terrence Franklin**, **Margaret Lodise** and Managing Partner **Matthew McMurtrey** have been selected for inclusion on the 2016 Southern California Super Lawyers list for their work in estate & trust litigation. Margaret has also been selected for inclusion on the "Top 50 Women" list.

Robert has been named to the Super Lawyers' list for 13 consecutive years, Terrence and Margaret for 12 consecutive years, Kenneth for 11 years and Matthew for 2 consecutive years.

Super Lawyers is a rating service of the top five percent of outstanding lawyers who have attained a high degree of peer recognition and professional achievement. The selection process is multi-phased and includes independent research, peer nominations and peer evaluations.

## UPCOMING SPEAKING ENGAGEMENTS

## Partner Terry Franklin To Lead Discussion On The Will Contest Of John Sutton

Partner **Terry Franklin** is leading a discussion with the [Texas BAR Continuing Legal Education](#) in Santa Fe, NM, on April 28-29, 2016, and the [Spring Symposia](#) in Boston, MA, on May 12-13, 2016, on The Will Contest of John Sutton. In this discussion, Mr. Franklin will go back almost 170 years to discover the Will which was intended to free his ancestors in the antebellum South as well as the Will contest that sought to keep them in brutal slavery. Mr. Franklin will exhibit original documents from the 1846 probate file and will discuss what's not-so-new in estate litigation.

[Register for the Texas Bar CLE Symposia](#)

[Register for the Spring Symposia](#)

## Partner Robert Sacks To Present On Tortious Interference With Expected Inheritance

On March 8, 2016, Partner **Robert Sacks** will team with the [American College Of Trust And Estate Counsel](#) and the [American Law Institute Continuing Legal Education](#) in presenting, "Tortious Interference With Expected Inheritance." This tele-seminar and audio webcast will highlight elements needed for the validity of a claim, public policy considerations and concerns and how recognition of the tort provides opportunity for additional litigation.

[Register for ACTEC](#)

## Contact Us

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STAY CONNECTED:

