



## RELATED PRACTICES

Corporate & Business Litigation

Trusts, Estates & Tax

## Trusts & Estates Litigation

The Morris Nichols Trusts & Estates Litigation practice is comprised of a team of nationally-recognized fiduciary litigators and trust and estates attorneys that have a deep understanding of Delaware's highly-specialized trust laws. We have represented individual and corporate trustees, as well as beneficiaries, charitable organizations and executors in all types of trusts and estates litigation including, for example: defense of directed trusts, choice of law issues, breach of trust, capacity, undue influence and validity challenges, construction of governing instruments, removal of trustees, creditor claims, and trustee compensation. Our attorneys have extensive experience in both Chancery Court and Delaware Supreme Court cases and handle every stage of litigation from pre-litigation fact review and counseling to settlement negotiations, trial, and appellate proceedings.

**Thomas Pulsifer**, **Todd Flubacher** and **Thomas Briggs** each has well over a decade of fiduciary litigation experience and they have worked on some of the most important Delaware trust cases of the last several decades. All three have been selected for inclusion in *The Best Lawyers in America* as leading Delaware attorneys for "Litigation-Trusts and Estates" work. As Delaware trusts and estates practitioners, Thomas Pulsifer and Todd Flubacher contribute their vast experience in matters of trust law in the litigation practice. They are both Fellows of the American College of Trust and Estate Counsel (ACTEC), are both former chairs of the Delaware State Bar Association (DSBA) Estates and Trust Section and have assisted in the development of Delaware's trust statutes as members of the DSBA Estates and Trust Section. Thomas Briggs has focused on the trusts and estates litigation practice area for his entire career and is involved in all of the firm's litigation in this area.

Morris Nichols has a long-standing history of participating in Delaware's most important trusts and estates cases over the last 60 years, including seminal cases such as *Mennen v. Wilmington Trust Company*, *Lewis v. Hanson*, *R. Leigh Duemler v. Wilmington Trust Company*, *The Estate of Howard Hughes*, *McNeil v. McNeil*, *In re Barker Trust Agreement*, *Stegemeier v. Magness*, *Riggs Nat'l Bank v. Zimmer and Security Trust Co. v. Sharp*.

## Representative Matters

- Represented trustee of a directed trust in defense of beneficiary claims. *Mennen v. Wilmington Trust Company*
- Represent beneficiaries in dispute over disposition of trust. *IMO Trust FBO Samuel F. duPont U/A Dtd. Aug. 4, 1936*, C.A. No. 12904-MG
- Served as Special Litigation Trustee. *In re: The Milton Grant 2006 Irrevocable trust Agreement Number One*
- Represent trustee in dispute over disposition of trust. *IMO Trust Under Will of Harold S. Schutt*, C.A. 10574-MZ

- Represent beneficiary in dispute over trust. *IMO Opperman, Dwight D. Special Trust*, C.A. No. 9718-ML
- Represent settlor in dispute over trust. *IMO Susan D. Elia Irrev. Trust U/A Dtd. Sept. 15, 2011*, C.A. No. 9472-MA
- Represented parents of minor beneficiaries in a matter involving a variety of fiduciary issues. *IMO: Two Trusts Created Pursuant to Agreement Dated April 29, 1991 Known as JBG Childrens 1991 Trust Agreement*, C.A. No. 5894-VCP
- Represented executor and trustee in defense of challenge to will and trust. *In re Estate of Seppi*, C.A. 3189-MA, 2010
- Represented trustee in case involving creditor claim against estate and trust. *In re Trust Under Agreement of Walter F. Wickes, III*, C.A. 2515-VCS, 2008
- Represented trustee in construction matter. *In re Barker Trust Agreement*, C.A. 20455-VCL, 2007
- Represented trustee of a directed trust in defense of beneficiary claims. *R. Leigh Duemler v. Wilmington Trust Company*, C.A. 20033, V.C. Strine (Del. Ch. Oct. 28, 2004) (Trans.)
- Represented trustee in breach of trust challenges. *McNeil v. McNeil*, No. 490,2001, 497,2001, 505,2001 and *McNeil v. Bennett*, C.A. No. 15875
- Represented trustee in fee dispute. *In re Trust Under Agreement of Christopher L. Ward*, C.M. 9841-N.C., 2001
- Represented trustee in seminal self-dealing case. *Stegemeier v. Magness*, C.A. 12845, 1998, *vacated*, 728 A.2d 557 (Del. 1999), remanded to 1999 WL 1083874 (Del. Ch. Nov. 23, 1999)
- Represented trustee in breach of trust challenges. *Bishop v. McNeil*, C.A. 15508, 1999
- Represented trustee in construction matter involving power of appointment. *Dickinson v. Wilmington Trust Co.*, 734 A.2d 605 (Del. Ch. 1999)
- Represented Estate of Howard Hughes. *In re Estate of Hughes*, No. 67743, 1984
- Represented Estate of Howard Hughes in challenge to control of charitable corporation. *Wier v. Howard Hughes Medical Institute*, 407 A.2d 1051 (Del. Ch. Oct. 26, 1979)
- Represented beneficiaries in trust construction action. *Wilmington Trust Co. v. Coyne*, 373 A.2d 867 (Del. Ch. 1977)
- Represented beneficiary in trust construction action. *Riggs Nat'l Bank v. Zimmer*, 355 A.2d 709 (Del. Ch. 1976), 304 A.2d 69 (Del. Ch. 1973)
- Represented beneficiaries in seminal spendthrift case involving multiple trust issues. *Wilmington Trust Co. v. Carpenter*, 315 A.2d 625 (Del. Ch. 1974)
- Represented beneficiaries in trust construction case. *Wilmington Trust Co. v. Huber*, 311 A.2d 892 (Del. Ch. 1973)
- Represented trustee in Delaware's seminal conflicts of laws case. *Lewis v. Hanson*, 119 A.2d 901 (Del. Ch. 1955)
- Represented parties in seminal spendthrift case. *Security Trust Co. v. Sharp*, 77 A.2d 543 (Del. Ch. 1950)

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