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Top 100 Lawyers 2022



Benjamin K. Riley handles a wide variety of complex and challenging cases, including intellectual property and business litigation, but a growing part of his practice is trust and estate litigation.

With the expansion of wealth in the last couple of decades and the anticipated “Great Wealth Transfer” — the gradual shift of finances from the boomer generation to millennials — Riley expects further growth in this area of law.

In what he described as the biggest case of his career, Riley is representing the co-trustees of the \$2.3 billion trust of Robert Naify, the former owner of the United Artists theater chain, against a claim by Naify’s stepdaughter that her mother was not accorded her full share of community property. *Christina Cortese v. John Sherwood et al.*, PTR-300479 (S.F. Sup. Ct., filed Dec. 30, 2016).

Christina Cortese sought approximately \$800 million. The co-trustees contend that most of Naify’s assets were separate property consisting of stock from the family theater business, and further that Cortese’s claims are barred by a written release, the statute of limitations and laches. The case, Riley said, raises cutting-edge legal issues of probate and family law.

“This one is quite complex ... The major defense is that this was a family business that Mr. Naify owned, and it was a separate property inherited

20 years before the marriage. There are all sorts of separate and inherited property issues,” he said. “It’s incredibly interesting and very challenging. But as a trial lawyer, it’s the top of the profession.”

The case is in post-trial briefing, and Riley expects a ruling by the end of the year.

In a related matter, Riley obtained a complete defense verdict last year in a \$250 million case that involved Cortese’s allegation that Naify orally promised to leave her a golf course property in Spain and to treat her the same as his biological daughters in his final trust. *Christina Cortese v. John Sherwood et al.*, PTR-16-299823 (S.F. Sup. Ct., filed Nov. 16, 2016).

Cortese sought to recover in excess of \$250 million. Riley and the co-trustees established that not only were Naify’s wills and trusts contrary to the alleged promises, Naify fired Cortese from her GM position in 2009 and thereafter refused to speak to her. The case is currently on appeal.

He also successfully resolved a petition brought by a second stepdaughter, again alleging improper allocation of community property. The court-approved settlement provides a lifetime trust for housing and certain living expenses, but no lump-sum payment.

— Jennifer Chung Klam

Top 100 | **BENJAMIN K. RILEY**

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