



BARTKO PAVIA SECURES TRIAL VICTORY IN \$250+ MILLION ALLEGED ORAL PROMISE CASE

Press Release

28, March 2021

Bartko Pavia clients, the Co-Trustees of the Robert A. Naify Trust, won a complete victory after a court trial held in February and March 2021. The Petitioner, Christina Cortese, alleged that her stepfather, Robert Naify, orally promised to leave her a golf course in Marbella, Spain, and to treat her the same as his two biological daughters in his final trust. Ms. Cortese, represented by Holland & Knight, sought recovery of the golf course and other assets worth between \$250 million and \$300 million. The Bartko team argued that Ms. Cortese could not meet the required standard of clear and convincing proof, and put on substantial evidence from Robert Naify's wills and trusts, actions, and documents disproving the petitioner's claims.

After a three-week trial, with 17 witnesses, Judge Richard B. Ulmer Jr. issued a [Statement of Decision](#) rejecting Ms. Cortese's three oral promise claims. As recited in the Decision, "Christina's case failed at its initial step — the requirement to prove by clear and convincing evidence that [Robert Naify] made any of the three purported promises." Petitioner's post-trial motions were denied and [Judgment](#) has been entered in favor of the Co-Trustees, including an award of legal costs against the Petitioner of \$99,000. The Bartko team consisted of [Ben Riley](#), [Rob Bunzel](#), [Sony Barari](#) and Gabriella Wilkins. Ben Riley commented: "We are extremely pleased with the Court's Statement of Decision and believe it accurately reflects Robert Naify's intent and final wishes. The law appropriately requires a high standard of proof for oral inheritance claims asserted after death, and our clients felt strongly that these claims were without merit and required a vigorous and complete defense."

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General Counsel

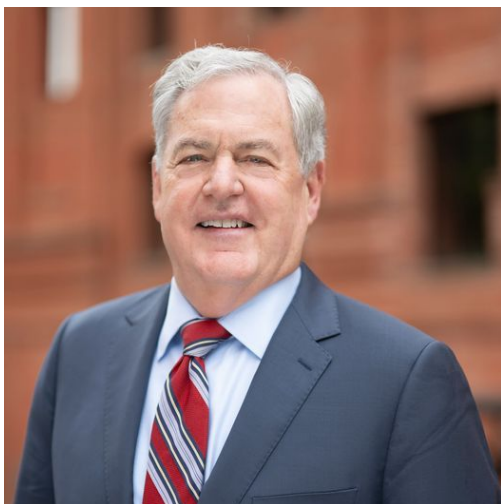
☎ 415.956.1900



SONY B. BARARI

Partner

☎ 415.956.1900



BENJAMIN K. RILEY

Partner

📞 415.956.1900