

Mintz Secures Resounding Victory in Multi-Venue Estate Dispute

PRIMARY INDUSTRY

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Key Facts

- Mintz represented Pamela Birkenfeld in defending numerous lawsuits brought by her stepson, Bradley Birkenfeld. The litigation saga included state court complaints, all of which were dismissed, and three appeals affirming the trial court dismissals.
- Pamela Birkenfeld is the elderly widow of Bradley's father, Dr. Ronald Birkenfeld.
- Bradley Birkenfeld, who resides in Malta, had previously secured a whistleblower award of approximately \$100 million.
- In one of two cases in 2023, the appeals court upheld the dismissal of tortious interference claims, finding that Bradley had no "legally protected interest" in his father's estate since he would not benefit from the trust into which the estate poured.
- The second appeal, a case of first impression, affirmed the dismissal of Bradley's objection to Pamela being named the personal representative of Ronald's estate because Bradley is not an "interested person" under Ronald's estate.

The Situation

Our client, Pamela Birkenfeld, has faced a barrage of lawsuits brought by her stepson, Bradley Birkenfeld. Bradley filed his first complaint in superior court on December 27, 2020, which was the very next business day after his father's death. Both the original complaint and the amended complaint were dismissed, and Bradley pursued two appeals, both of which were denied. Bradley filed a second case in the probate court, which was dismissed and then affirmed by the appeals court. He filed yet another case in superior court, and all claims against Pamela have been dismissed.

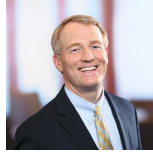
The Approach

This litigation campaign has been full of spite but devoid of substance. Our objective was to obtain dismissal of every action and uphold the dismissals on appeal. That objective was achieved. Along the way we deployed resources as conservatively as possible so as to minimize the amount of legal fees incurred by Pamela — as it appeared that Bradley simply wanted to punish his stepmother by forcing her to incur fees defending suits that lacked merit.

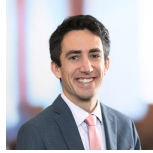
The Outcome

From a simple perspective, Bradley lost and Pamela won at every turn. But from a broader perspective, the appeals court clarified trust and probate law in areas where the appellate law is not fully developed in the state in question. Trust law is now more fully developed in that the appeals court ruled that Bradley had no standing to pursue a tortious interference claim where Bradley would not benefit under the trust, if at all, until after Pamela dies. Probate law is now more fully developed in that the appeals court held that someone does not have standing in the personal representative appointment process unless he or she has an actual interest in the estate at issue.

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