



John J. Stein

PARTNER

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AREAS OF EXPERTISE

Litigation, Trusts and Estates, Fiduciary Duty/Shareholder & Partnership Disputes, Government Representation

Overview

Mr. Stein is a member of the Firm's Litigation Department. Mr. Stein has broad complex civil litigation experience with a practice that focuses on trust, estate, and probate litigation.

In his trust, estate, and probate litigation practice, Mr. Stein has represented fiduciaries (including executors, trustees, and conservators), will beneficiaries, trust beneficiaries, and interested third parties. He has litigated creditor's claims, will contests, breach of trust and fiduciary duty actions, and elder abuse actions.

Mr. Stein's broader complex civil litigation experience extends to contract disputes, business tort claims, real estate disputes, and civil fraud and conspiracy actions. He has represented a variety of clients in connection with their complex civil litigation matters, including Fortune 500 companies, governmental entities and officials, non-profit organizations, and individuals.

Experience

Matters representative of Mr. Stein's trust, estate, and probate litigation practice include the following:

Defended Against Attempts To Invalidate Will And Recovered More Than \$16 Million In Creditor's Claims

Represented the named executors and various beneficiaries against a will contest and creditor's claims initiated by decedent's surviving spouse. Through the use of successive demurrers and motions to strike, the surviving spouse's claims failed to progress beyond the pleading stage, her attempts to invalidate the decedent's will were abandoned, and her creditor's claims were resolved through a minimal distribution of assets.

Defended Trustee Against Undue Influence, Breach of Fiduciary Duty, Breach Of Trust, and Elder Abuse Claims

Defended a decedent's son, individually and in his capacity as a trustee of multiple family trusts, against claims brought by the son's stepmother. Claiming misconduct by both the decedent and the son, the stepmother raised claims of undue influence, breach of fiduciary duty, breach of trust, and elder abuse (among other claims) and sought millions-of-dollars in damages. Despite the stepmother's sweeping claims, the case settled with the stepmother receiving a small percentage of the amount she sought.

Successfully Petitioned The Court To Permit Almost \$90 Million In Gifts From Trust

Represented the trustee of a trust containing more than \$350 million in assets and secured court approval for the trustee to make nearly \$90 million in tax efficient gifts on behalf of the trust's beneficiary.

Compelled Trustees To Transfer Millions In Trust Assets To Client

Represented a Bay Area family foundation, the charitable remainder beneficiary of a trust, in an action to compel two individuals to acknowledge their removal as trustees and transfer all trust assets to the foundation. Despite being intransigent prior to the institution of a lawsuit, the former trustees acceded to the relief sought by the foundation shortly after the petition was filed.

Mr. Stein's broad complex civil litigation experience includes the recent representation of Alameda County against a pharmaceutical industry lawsuit challenging the constitutionality of the County's groundbreaking drug disposal ordinance. The trial court granted summary judgment in favor of the County, the Ninth Circuit unanimously affirmed the judgment, and the United States Supreme Court denied the pharmaceutical industry's petition for writ of certiorari. See *Pharm. Research & Mfrs. of Am. v. County of Alameda*, 967 F. Supp. 2d 1339 (N.D. Cal. 2013), *aff'd* 768 F.3d 1037 (9th Cir. 2014), *cert. denied* 135 S. Ct. 2348 (2015).

Prior to joining the Firm, Mr. Stein served as a legal research attorney to the Honorable John E. Munter in the Complex Litigation Department of the San Francisco Superior Court.

Publications/Speaking

Enforcing Arbitration Provisions in Trust Instruments (*ABTL Report Northern California*, Vol. 23, No. 4, Summer 2015)

2.23.12 / Articles

Old Concept, New Law

Education

University of California, Irvine

B.A., Political Science, *magna cum laude*, 2004

University of California,

Hastings College of the Law

J.D., *cum laude*, 2007

Admissions

California State Bar

All California State Courts

U.S. District Court for the Northern, Central and Southern Districts of California

Ninth Circuit Court of Appeals

Accolades

2013-2017 "Rising Star" in Northern California by *Super Lawyers Magazine*.

