



**Charles W. Pieterse,**  
Partner

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#### Practice Areas

- Litigation & Arbitration
- Trusts & Estates - Litigation

#### Education

- University of Massachusetts
- Fordham University School of Law

#### Admitted to Practice

- Connecticut (1986)
- Massachusetts (1987)
- New York (1998)
- U.S. Supreme Court
- U.S. Court of Appeals, Seventh Circuit
- U.S. Court of Appeals, Second Circuit
- U.S. District Court, District of Connecticut
- U.S. District Court, Southern District of New York
- U.S. District Court, Eastern District of New York
- U.S. Tax Court

#### Biography

Charlie is Co-chair of the Firm's Litigation Department and leads the Firm's Trust and Estate's litigation group. Charlie has over 35 years of litigation experience with Whitman Breed and its predecessor firms, including Whitman Breed's former Manhattan office. Charlie has represented clients before state and federal trial and appellate courts, probate courts and administrative bodies in a broad range of matters, including trusts and estate litigation, complex business and commercial litigation, and commercial lending litigation.

Charlie's trusts and estate litigation experience includes representation of corporate and individual trustees, executors, beneficiaries, conservators, guardians and attorneys-in-fact, and service as a guardian ad litem or court-appointed attorney, in disputes involving all aspects of probate and trust and estate litigation, including breach of fiduciary duty claims, trustee surcharge and removal proceedings, contested accountings, will and trust contests, construction and decanting proceedings, conservatorship and guardianship proceedings and contested lifetime transfers.

#### Professional & Community Affiliation

- American Bar Association
- Connecticut Bar Association
  - Estates & Probate Section (Executive Committee)
  - Litigation Section
- Connecticut Bar Foundation: James W. Cooper Fellow
- American College of Trust and Estate Counsel
- Fairfield County Bar Association
- Greenwich Bar Association (President, 2004-05; Vice President, 2003-04)
- Family and Children's Agency (Vice President, Board of Directors, 2008 to present)
- Community Centers, Inc. (President, Board of Directors, 1993-99)
- Lawyers for Children America Volunteer Attorney (Connecticut Regional Leadership Council Member)
- Dean's Law Firm Advisory Council, Fordham Law School (2014-present)
- President, Connecticut Chapter, Fordham Law School Alumni Association (2010-2012, 2014-2016)

#### Honors & Recognition

- Chosen for inclusion in Chambers High Net Worth Guide (Chambers & Partners) as a leading private wealth lawyer in Connecticut, 2021 (Private Wealth Disputes) (Band 1)
- Chosen for inclusion in Chambers High Net Worth Guide (Chambers & Partners) as a leading private wealth lawyer in Connecticut, 2018, 2019, and 2020. (Trusts and Estates Litigation) (Band 2)

## Honors & Recognition Continued

- Elected Fellow, American College of Trust and Estate Counsel (“ACTEC”), October 2019
- AV Preeminent Rating, Martindale-Hubbell® Peer Review Ratings™
- Recognized as Lawyer of the Year, Litigation – Trusts & Estates, Stamford, CT, in the 26th Edition of Best Lawyers in America
- Recognized in the 23rd, 24th, 25th, 26th, 27th, and 28th Editions of The Best Lawyers in America for the practice area of Litigation – Trust & Estates (2017-2022). See selection methodology at <https://www.bestlawyers.com/Methodology>
- 2018 Top 50 Connecticut Super Lawyer Selectee. See selection information at [https://www.superlawyers.com/connecticut/selection\\_details.html](https://www.superlawyers.com/connecticut/selection_details.html)
- Connecticut Super Lawyer® 2006-2021 (Trusts & Estates Litigation). See selection information at [https://www.superlawyers.com/connecticut/selection\\_details.html](https://www.superlawyers.com/connecticut/selection_details.html)
- New England Super Lawyer® 2008-2021 (Trusts & Estates Litigation). See selection information at [https://www.superlawyers.com/connecticut/selection\\_details.html](https://www.superlawyers.com/connecticut/selection_details.html)
- Selected as Fellow, Litigation Counsel of America, 2018. See selection information at <https://www.litcounsel.org/about/overview.html>
- Selected as a James W. Cooper Fellow, Connecticut Bar Foundation, February 2018
- Recipient, Anne C. Cary Volunteerism Award, Family & Children’s Agency (2013)
- Recipient, 2011 Connecticut Family Champion award presented by Connecticut Council of Family Service Agencies (2011)
- Robert G. Krause Probate Pro Bono Award (2008)
- Named to Connecticut Bar Association’s annual Pro Bono Honor Roll (multiple years)

## Publications & Presentations

- Moderator and Speaker, Connecticut Bar Association, Elder Law Section, “Preservation of the Estate Plan in the Face of Incapacity, Disruption and Avarice,” April 28, 2021
- Moderator and Speaker, 2020 Federal Tax Institute of New England, “The Hazards of Ethical Lawyering,” November 10, 2020
- Moderator and Speaker, American Law Institute, “Attorneys Representing Estate and Trust Beneficiaries and Fiduciaries 2018,” American Law Institute: “When Offshore Trust Disputes Washup Onshore” (a presentation focusing on the legal, procedural and strategic issues arising in domestic litigation involving offshore trusts), July 2019
- Moderator and Speaker, Connecticut Bar Association Attorneys Connecticut Legal Conference: Conservatorship Litigation – “A Discussion of Strategic, Legal and Ethical Issues,” June 2019
- Speaker, Cambridge Forum on Private Wealth Litigation: Guardianship/Conservatorship Litigation Strategies, April 2019
- Speaker, Quinnipiac University School of Law Attorney/Law Students/Law Faculty Emerging Scholars Discussion Series: A Discussion of Tortious Inheritance with Inheritance – whether it should be recognized in Connecticut, April 2019
- Speaker, “The Ultimate Guide to Probate,” National Business Institute, September 2018, Topic: “Ethical Practice Considerations and Concerns in Probate Court”
- Speaker, “Estate Administration from Start to Finish,” National Business Institute, May 2018, Topic: “Ethics and Estate Administration”
- Speaker, “Estate Administration from Start to Finish,” National Business Institute, May 2017, Topic: “Ethical Practice Considerations and Concerns in Probate Court”
- Speaker, “The Probate Process from Start to Finish for Paralegals,” National Business Institute, April 2017, Topic: “Ethical Perils in the Probate Process”

## Publications & Presentations Continued

- Speaker, “The Ultimate Guide to Probate,” National Business Institute, November 2016, Topic: “Ethical Practice Considerations and Concerns in Probate Court”
- Speaker, “Drafting Trustee Releases and Beneficiary Consents,” Connecticut Bar Association, Estates and Probate Section and Young Lawyers Section, New Haven, CT, May 12, 2015
- “Releases between Trustees and Beneficiaries: Ensuring Enforceability” published in the Connecticut Bar Association Estates & Probate Newsletter, December 2014
- Speaker, “Representing Estate and Trust Beneficiaries,” American Law Institute Continuing Legal Education Group (ALI-CLE), Chicago, Ill., July 2014, Topic: “Releases and Their Challenges.”
- “The Effectiveness of Retention Clauses and Exculpatory Language under Connecticut Law” published in the Connecticut Bar Association Estates & Probate Newsletter, May 2010 (Co-Author).
- “Exculpation and Proaction,” “Estate Planning” Magazine, February, 2010 (Co-Author).
- Speaker, “Representing Estate and Trust Beneficiaries and Fiduciaries,” American Law Institute-American Bar Association, Chicago, Illinois, July 2009, Topic: “Exculpatory Language in Wills and Trusts”
- Guest Commentary: “Companion Opinions Address Emerging Trend in Standard of Proof of Debt Owed,” Bank Bailout Litigation News, November 9, 1998, Commercial Lending Litigation News, November 1998.
- “A Question of Fault – Apportioning Contract Damages,” Metropolitan Corporate Counsel, October 1997.

## Representative Trust & Estates Litigation

Together with co-counsel from Simpson Thacher & Bartlett, represented trustees in action in which adverse party sought to challenge creation of charitable trust by means of the exercise of testamentary power of appointment. Trial Court decision, involving an issue of first impression, was a complete victory for trustees and consortium of other interested parties supporting the charitable trust, which is believed to be among the largest charitable gifts in Connecticut history. *Helen Z. Benjamin, et al. v. Ralph P. Corasaniti, et al.*, 2020 WL 3058149 (Conn. Super. May 1, 2020)

Successfully dismissed appeal taken by a Swiss trustee from probate court decision holding that it had jurisdiction to hear a trust accounting petition, thereby preserving the probate court’s finding of jurisdiction in a case where the trustee had twice moved to dismiss claiming that the petition should be brought in an offshore jurisdiction. *Rysaffe Fiduciaires SARL v. Hind El Achchabi*, 2018 WL 1936468 (Conn. Super. April 3, 2018).

Successfully moved to strike claims for tortious interference with an inheritance and tortious interference with a contract in a dispute over nearly \$20 million in transfers. Our motion raised the unsettled issue of whether and in what circumstances Connecticut courts should recognize a cause of action for tortious interference with an inheritance. The Superior Court agreed with our arguments that (i) the plaintiffs had failed to plead the level of tortious conduct required to state such a claim and (ii) that the plaintiffs had no legitimate expectancy interest under the divorce agreement under which the plaintiffs’ claims allegedly arose. *Zupa v. Zupa*, 2018 WL 18552 (Conn. Super. June 20, 2018).

On behalf of trustee, challenged settlor’s putative restatement of a \$40 million trust purporting to significantly amend its terms. The background was complex: the trust derived from foreign and domestic trusts originating from a foreign source and the case raised cutting-edge issues regarding the use of a power of appointment to restate an irrevocable trust. We successfully resolved all issues between and among the trustee, the settlor and the beneficiaries.

Successfully resolved claims against corporate fiduciary in contested accounting proceeding wherein

### **Representative Trust & Estates Litigation Continued**

beneficiaries sought to surcharge trustee in an amount in excess of \$70 million. Issues included trustee's compliance with Prudent Investor Act, including whether it had a duty to diversify concentrated holdings, and scope of protection afforded trustee under exculpatory language of trust instrument.

Successfully defended individual trustee in removal proceeding brought by trust beneficiaries alleging breach of fiduciary duty, hostility and failure to properly manage trust assets. Case settled upon favorable terms after close of evidence.

Successfully defended corporate fiduciary against trust beneficiaries' claims seeking damages for breach of fiduciary duty, fraud, conversion and unfair trade practices. Case concluded upon beneficiaries withdrawal of all claims.

Successfully opposed, on behalf of Vermont fiduciary, attempt by decedent's former attorney to contest Vermont will and instead probate an earlier will in Connecticut, including vacating attorney's ex parte appointment as temporary administrator.

Successfully represented trust beneficiary seeking to remove individual trustees and install successor trustees to ensure substantial family trust administered in manner consistent with settlor's intent.

Successfully represented out-of-state receiver of insolvent insurance company seeking recovery from Connecticut estate.

Successfully resolved will contest by decedent's daughter and sole heir contending late father's "death-bed" will was procured by undue influence exercised by decedent's girlfriend.

Representation of son contesting actions of stepfather who commenced involuntary Guardianship proceeding in Florida against son's mother. Matter involved proceedings in both Connecticut and Florida.

### **Representative Commercial Litigation**

Successfully obtained dismissal of claims against a national bank by investors who claimed that our client, acting as an investment advisor, breached an oral modification to the parties' investment agreement, causing the plaintiffs substantial losses. The District Court agreed with our argument that the plaintiff's claim was barred by the parol evidence rule, and dismissed the claim with prejudice. *Gibilisco v. Wells Fargo Bank, N.A.*, 2015 WL 2383746 (D. Conn., 2015).

Successfully obtained dismissal of fraudulent transfer claims brought by foreign bank against overseas clients on grounds clients were not subject to suit in New York. New York's Appellate Division, First Department, unanimously affirmed ruling of New York Supreme Court. *Deutsche Bank AG v. Vik*, 163 A.D.3d 414 (1st Dept' 2018).

Successfully defended insurer in complex insurance coverage dispute involving a claim in excess of \$150 million by a multinational corporation under the errors and omissions coverage of a combined specialty insurance policy.

Successfully defended national financial institution serving as trustee of construction project financing in dispute involving claim in excess of \$80 million by general contractor arising out of project developer's termination of general contractor and its subsequent claims against, inter alia, trustee for claims of

**Representative Commercial Litigation Continued**

breach of implied contract, fraud and negligent administration of funds.

Represented internet comparison shopping provider in dispute involving claim by former director for options and consulting fees. Matter favorably resolved after securing dismissal of former director's counterclaims and prevailing in venue dispute. *Dealttime.com v. McNulty*, 123 F. Supp. 2d 750 (S.D.N.Y.2000).

Successfully defended, through appeal, international corporation and its domestic manufacturing subsidiary in \$60 million breach of contract/warranty case. *Outboard Marine Corp v. Babcock Industries, Inc.*, 106 F.3d 182 (7th Cir. 1997); *Outboard Marine Corp v. Babcock Industries*, 1995, N.D. Ill., 1995 Lexis C429; *Outboard Marine Corp v. Babcock Industries*, 1994, N.D. Ill., 1994 Lexis 11998.

Member of national defense counsel team which successfully defended manufacturer of prescription drug in connection with nationwide class action and multi district litigation proceeding. The litigation involved more than 250 suits and claimants throughout the nation. *Valentino v. Carter Wallace, Inc.*, 97 F.3d 1227 (9th Cir. 1996).

Coordinated international investment group's investigation and prosecution of claims arising out of its multimillion dollar investment with founders and control group of prominent theme restaurant companies. Responsible for international financial investigation and prosecution of claims against control group and its multiple corporate entities. Successfully removed control group and favorably resolved lawsuits commenced in Italy, Ireland and the United States and international letter of credit proceeding.

Member of team defending national financial institution's subsidiary against claims arising out of client's cancellation of purchase of \$275 million mortgage loan pool. Involved in all aspects of case, with primary contribution to discovery directed to representations concerning, and actual credit quality of, mortgage pool.