

Carter Ledyard Client Obtains Favorable Surrogate's Court Decision Denying Motion to Dismiss its Malpractice Claim

July 11, 2016

On July 7, 2016, the New York Law Journal published a recent decision by the New York County Surrogate's Court in *Neuberger Berman Trust Co. N.A. v. Schlesinger*, File No. 0735/1983 H, in favor of firm client Neuberger Berman Trust Co. N.A. Neuberger Berman, co-fiduciary for an estate and related trusts, brought an action for legal malpractice against the law firm of Hofheimer Gartlir & Gross LLP and the estate of Edward S. Schlesinger, a former Hofheimer partner and co-fiduciary, relating to the miscalculation of estate taxes. The Hofheimer firm moved to dismiss the malpractice claim, arguing that it was barred by the three year statute of limitations and that the continuous representation doctrine did not apply to toll the limitations period. In its June 21, 2016 decision, the Court denied the motion to dismiss, holding that the scope and duration of Hofheimer's representation of Neuberger Berman were factual matters that precluded a determination as to the applicability of the continuous representation doctrine to the malpractice claim.

Carter Ledyard Partners Gary D. Sesser and Daniel J. McSwiggan and Counsel Matthew D. Dunn represent Neuberger in these proceedings.

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