

## Radio Drama Network Fraud Suit Will Proceed

**August 02, 2019**

In a 21-page opinion issued on July 15, 2019, Surrogate Nora Anderson rejected an attempt to dismiss the Petition of our client, Radio Drama Network, to invalidate testamentary instruments that deprived it of a \$100 million bequest from its founder, radio pioneer Himan Brown. The Petition claims that Richard Kay, Mr. Brown's estate lawyer, defrauded Radio Drama Network out of this bequest when he deceived Mr. Brown into substituting a charitable trust that he controlled as the beneficiary of his estate. Radio Drama Network's claims of fraud, fraudulent concealment, and undue influence will now proceed to discovery and trial. The opinion also determined that the Surrogate's Court did not have subject matter jurisdiction to decide Radio Drama Network's claim that Kay had breached his fiduciary duty as a director of the foundation, and Radio Drama Network has the option of pursuing that claim in New York Supreme Court.

Carter Ledyard attorneys Pamela A. Mann, Gary D. Sesser, and Judith M. Wallace represent Radio Drama Network in its petition seeking to invalidate provisions of Mr. Brown's revocable trust that directed Mr. Brown's assets to the charitable trust controlled by Richard Kay and that dramatically increased the amount of trustee commissions he receives.

For more from the New York Law Journal, click [here](#).

### related professionals

**Pamela A. Mann** / Partner

D 212-238-8758

[mann@clm.com](mailto:mann@clm.com)

**Gary D. Sesser** / Partner

D 212-238-8820

[sesser@clm.com](mailto:sesser@clm.com)

**Judith Wallace** / Partner

D 212-238-8743

[wallace@clm.com](mailto:wallace@clm.com)

---