

This Administration Feels Like  
Litigation: What to Do When  
People Start Fighting

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Challenges  
to the  
Documents

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Probate Code  
Section 16061.7

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# Contested Administrations

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# The Biggest Issue in Probate Litigation

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# What Will Be Litigated?



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# Red Flags



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Moeller v. Superior  
Court (1997)  
16 Cal.4th 1124

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Communications  
With Other  
Beneficiaries

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# Don't Believe Your Client

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# Notice of Proposed Action

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# Procedural Gateways

- Probate Code 17000: Third Parties
- Existence of Trust, Creditors and Other Third Party Actions
- Probate Code 17200: Trustee or Beneficiary
- Probate Code 17200(b): Nonexclusive List of "Internal Affairs" Petitions
- Plead in the Alternative

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# Suspension vs. Removal

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# Status Hearing

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# Discovery

- Demand for Production
- Requests for Admissions
- Form Interrogatories
- Special Interrogatories
- Depositions (Don't Open the Envelope!)

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## Meet and Confer/Motion to Compel

- Calendar Deadline for Response (30 Days)
- Privilege Log
- Calendar Deadline for Motion to Compel
- Meet and Confer
- Written Extensions of Time
- Judicial Attitudes

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## Evidentiary Hearing

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## Appeals

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# And Only the Lawyers Won

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## Mediation: Perception vs. Reality



vs.

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# Mediation Privilege

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If You Mess Up,  
Fess Up

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Probate Code  
Section 850

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Estate of  
Giraldin (2012)  
55 Cal.4th 1058

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# Elder Abuse

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# The Big Picture

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