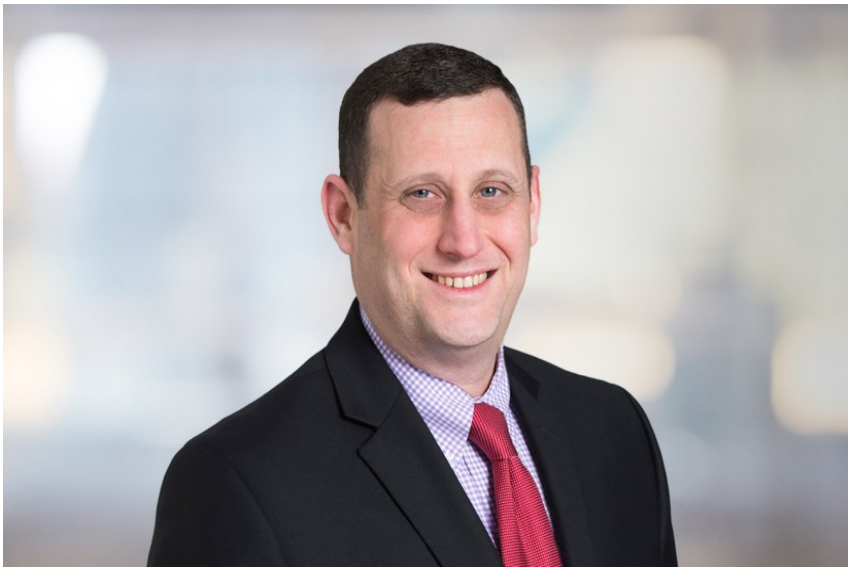


Contact

Steven H. Holinstat

Partner

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Steven Holinstat is a partner in the Litigation Department and is the Head of the Fiduciary Litigation Group. Over the past two decades, he has handled complex, high-profile litigations that have resulted in hundreds of millions of dollars in recoveries.

Steve has a broad and diverse background in all aspects of high-stakes commercial litigation, with a focus on all aspects of fiduciary litigation, including litigation involving real estate and closely-held business assets of the type typically held by our high-net worth clients. Steve is the lead litigator in a number of high-net-worth trust and estate matters, and has developed a reputation for being adept at intervening and resolving challenging interfamily disputes before they escalate into full-blown litigation.

When litigation is unavoidable, Steve is an aggressive and experienced trial lawyer. He has handled cases before federal and state courts around the country and numerous arbitrations before JAMS, the American Arbitration Association, the Financial Industry Regulatory Authority (formerly the National Association of Securities Dealers, or NASD) and the International Chamber of Commerce.

Steve is a frequent speaker, lecturer and author on various fiduciary litigation-related issues, including:

- Anticipating and Preparing for Estate Litigation
- Mitigating the Risks of Fiduciary Litigation: Guidelines for Institutional Trustees
- Legal & Ethical Challenges in Assessing Your Client's Mental Capacity and Ability To Exercise Free Will
- Managing Fiduciary Duties Regarding Investment in Today's Economic Environment
- Estate Planning: Anticipating and Preparing for Estate Litigation
Estate and Trust Administration Disputes
- Identifying and Addressing Potential Issues Involving Clients With Diminished Mental Capacity and/or Who May Be Unduly Influenced by Others
- "The Family Office Conundrum," *New York Law Journal* (April 24, 2018)
- "Who Can Recant a Decant? Who is the 'Creator' of a Decanted Trust?," *New York Law Journal* (August 29, 2016)

Steve has also been the Chair of and a Panelist at a CLE for Taking & Defending Depositions that was held at the NYC Bar Association.

Matters

Published Decisions:

- *Selim 730 LLC v. Shvo 730 LLC*, 2024 WL 4981225 (N.Y. Sup. Ct. Dec. 4, 2024)
- *Discover Property & Cas. Co. v. Nat'l Football League*, 2019 WL 5067918 (N.Y. Sup. Ct. Oct. 9, 2019)
- *In Re Platinum-Beechwood Litig.*, 390 F. Supp.3d 483 (S.D.N.Y. 2019)
- *In Re Platinum-Beechwood Litig.*, 2019 WL 2569653 (S.D.N.Y. June 21, 2019)
- *In Re Platinum-Beechwood Litig.*, 378 F. Supp.3d 318 (S.D.N.Y. 2019)
- *In Re Platinum-Beechwood Litig.*, 377 F. Supp.3d 414 (S.D.N.Y. 2019)
- *Slifka v. Slifka*, 2019 WL 1771261 (N.Y. Sup. Ct. Apr. 19, 2019), *aff'd*, 177 A.D.3d 418 (1st Dep't 2019)

- *Slifka v. Slifka*, 80 N.Y.S.3d 13 (1st 2018)
- Oasis Therapeutic Life Ctrs., Inc. v. Wade, 198 A.3d 1015 (N.J. App. Ct. 2018)
- Senior Health Ins. Co. of PA. v. Beechwood Re Ltd., 345 F. Supp.3d 515 (S.D.N.Y. 2018)
- *JPMorgan Chase Bank, N.A. v. Loutit*, 2013 WL 497329 (N.Y. Sup. Ct. N.Y. Co. Jan. 12, 2013)
- *Felty v. Felty,* 969 N.Y.S.2d 557 (2d Dep't 2013)
- *Mera v. Rodriguez*, 904 N.Y.S.2d 83 (2d Dep't 2010)
- *Mera v. Rodriguez*, 899 N.Y.S.2d 893 (2d Dep't 2010)
- *Rogers Street, LLC v. BMR-Rogers Street LLC*, 2009 WL 3644730 (Mass. Super. Aug. 19, 2009)
- *Rosenberg v. MetLife, Inc.*, 8 N.Y.3d 359 (N.Y. 2007)
- *Abbott Labs. v. Church & Dwight, Inc.*, 2007 WL 3120007 (N.D.Ill. 23, 2007)
- *Moscow Dynamo v. Ovechkin*, 412 F. Supp.2d 24 (D.D.C. 2006)
- *Eli Lilly & Co. v. Emisphere Tech*., Inc., 408 F.Supp.2d 668 (S.D.Ind. 6, 2006)
- *Hartog Rahal Partnership v. Am. Motorists Ins. Co*., 359 F. Supp.2d 331 (S.D.N.Y. 2005)
- *In re Llewellyn*, 2014 WL 7337462 (N.Y. Surr. Ct. Dec. 23, 2014), *aff'd* 135 A.D.3d 499 (1st 2016)
- *Bayerische Landesbank v. v. John Street LLC*, 2011 WL 11166187 (N.Y. Sup. Ct. Aug. 1, 2011), *aff'd*, 960 N.Y.S.2d 64 (1st Dep't 2013)
- *Church & Dwight Co., Inc. v. Abbott Labs*., 2008 WL 2566193 (D.N.J. June 24, 2008)
- *Church & Dwight Co., Inc. v. Abbott Labs*., 2008 WL 2565547 (D.N.J. June 24, 2008)
- *Church & Dwight Co., Inc. v. Abbott Labs*., 2008 WL 2565349 (D.N.J. June 24, 2008)

- *Church & Dwight Co., Inc. v. Abbott Labs*., 2007 WL 1101446 (D.N.J. 11,2007)

Key Fiduciary Litigation Representations:

- Representing the spouse of an incapacitated real estate mogul of a multi-billion dollar real estate empire in connection with multiple litigations in New York and Delaware and in connection with mediation.
- Defending a California trustee in a hotly contested removal proceeding involved a trust overseeing tens of millions of dollars in closely-held real estate assets.
- Representing two daughters of an incapacitated person that was the subject of a NY Guardianship proceeding to dispute the proposed sale of the family's $100+ million dollar real estate empire that the trustees sought to enforce without first seeking the beneficiaries' prior consent.
- Representing the billionaire founder of a well-known diet company in connection with his petitions to remove his ex-wife as the trustee of trusts for the benefit of their children.
- Representing the trustee and beneficiary of various trusts owning certain fee and leasehold interests in a major parcel of commercial real estate in Manhattan worth hundreds of millions of dollars in defeating the minority owners' efforts to block a sale of that property.
- The estate of one of the nation's most prominent African-American businessmen in defeating efforts to challenge his will, allowing him to leave virtually his entire $70-plus million estate to charity.
- A co-trustee and beneficiary of a real estate mogul (and the executor of his wife's estate) whose real estate empire included more than $100 million in commercial and residential properties. Steve successfully engineered a global settlement among all parties to avoid all-out family litigation, and put in place a procedure for diversifying the family's real estate portfolio to generate future liquidity for the family.
- An institutional trustee against a claim for breach of New York's prudent investor rule for failing to diversify the trust's concentrated holdings, and

successfully obtaining the dismissal of that claim as a matter of law;

- The executor of the estate of a famous boxer in her successful efforts to settle a multi-million dollar claim by his children from a former marriage under a decades-old, separation agreement, where the claim could have potentially wiped out most, if not all, of the estate.
- The trustee of the estate of a prominent scientist and former professor at a prestigious New York college in his efforts to settle a claim by the IRS to recover tens of millions of dollars in royalties the decedent had received and the IRS contended constituted ordinary income as opposed to capital gains.
- An executor in a successful strategy of litigation followed by mediation to enable an estate to recover its 50% stock interests in two closely held real estate holding companies, and then liquidating these entities to free up significant cash for the estate's beneficiaries.
- An executor in a complex accounting action commenced by a dissatisfied heir 30 years after the decedent's death and involving claims of breach of fiduciary duty and self-dealing.

Practices

Litigation, Tax Controversy and Litigation, Private Client Services, Fiduciary Litigation, Global Finance, Restrictive Covenants, Trade Secrets & Unfair Competition, Real Estate Litigation, Family Offices

Industries

Asset Management, Private Capital, Private Equity, Real Estate

Education

Fordham University School of Law, J.D.
cum laude
Order of the Coif
Staff Member, *Fordham Environmental Law Journal*
University of Michigan, B.A.
cum laude

Admissions & Qualifications

New York

Connecticut

Court Admissions

U.S. Court of Appeals, Sixth Circuit

U.S. Court of Appeals, Second Circuit

U.S. Court of Appeals, Fourth Circuit

U.S. District Court, New York, Eastern District

U.S. District Court, New York, Southern District

Memberships

New York City Bar Association

Member, Trusts, Estate & Surrogate's Court Committee (NYCBA)

Member, Litigation Committee (NYCBA)

Member, Alternative Dispute Resolution Committee (NYCBA)

American Bar Association

New York State Bar Association

Awards & Recognition

Best Lawyers in America Litigation: Trusts and Estates 2022-2027

Unsung Hero Award 2019

Lawyers of Distinction Award for Civil Litigation 2019