

Erika J. Gasaway

Shareholder

egasaway@hopkinscarley.com

Phone: 408.299.1370



- **Services**

- Trust & Estate Litigation
- Litigation
- Real Estate

- **Industries**

- Banking & Financial Services

Overview

Erika Gasaway is Co-chair of Hopkins & Carley's Trust and Estate Litigation practice and is based in the firm's San Jose office.

She represents and advises professional fiduciaries, trustees, beneficiaries, high net-worth individuals, families, and their businesses on a range of trust and estate litigation matters including:

- Trust contests including undue influence, lack of capacity, forgery, lack of due execution
- Disputes over trustee accountings, fiduciary duties, breach of trust and actions for suspending or removing trustees
- Disputes over ownership of trust property pursuant Probate Code section 850
- Financial elder abuse
- Real estate matters including unlawful detainers, quiet title actions, partitions and easements
- Corporate matters including fiduciary and shareholder duties and bequests of ownership interestss

Experience

- Prevailed in a trial on undue influence claims brought against beneficiaries who received millions of dollars worth of

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70 South First Street

San Jose, CA 95113 | 408.286.9800

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555 Twin Dolphin Drive, Ste 200

Redwood City, CA 94065 | 650.804.7600

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intervivos and testamentary gifts of real property and business assets from the decedents.

- First chaired a bench trial in which dispositive motions in limine were granted, resulting in a multi million dollar judgment for the Plaintiff.
- Successfully obtained a permanent restraining order and a full award of attorney's fees after an evidentiary hearing that spanned several months on behalf of an ailing elderly client who was being targeted for elder abuse.
- Obtained a judgment after trial for millions of dollars in mesne profits generated by a commercial property after the trustee was found to have breached his fiduciary duty and unduly influenced the settlors of the trust, which also resulted in quieting title in favor of clients.

Insights

Publications

- Trusts and Estates Section of the California Lawyers Association Case Alert on *Key v. Tyler*
- Trusts and Estates Section of the California Lawyers Association Case Alert on *Hamilton v. Green*
- Trusts and Estates Section of the California Lawyers Association Case Alert on *Zahnleuter v. Mueller*
- Trusts and Estates Section of the California Lawyers Association Case Alert on *Starr v. Ashbrook*
- Trusts and Estates Section of the California Lawyers Association Case Alert on *Tedesco v. White*
- Trusts and Estates Section of the California Lawyers Association Case Alert on *Städel Art Museum v. Mulvill*
- Trusts and Estates Section of the California Lawyers Association Legislative Alert on AB 1663 regarding supported decision making as an alternative to the probate conservatorship system
- Money Matters video on trustee notifications pursuant to Probate Code section 16061.7 and 16061.7
- Trusts and Estates Section of the California Lawyers Association Case Alert on *White v. Davis*
- Trusts and Estates Section of the California Lawyers Association Case Alert on *Parker v. Schwarcz*

Speaking Engagements

- "Planners Plan and Litigators Laugh," Sacramento Estate Planning Council Forum, May 30, 2024
- "Taking the Ick Out of Litigation," California PFAC conference, May 17, 2024
- "Taking the 'Ick' Out of Litigation," Placer County Chapter of the Professional Fiduciaries Association of California, March 26, 2024
- What to Count on in an Accounting for the "Trust Me!" podcast of the Trusts and Estates Section of the California Lawyers Association, December 2023
- "Honing Your Spidey Senses: Navigating the Web of Fiduciary Duties," Society of Financial Service Professionals - Silicon Valley Chapter, August 11, 2022

Professional Activities

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- Professional Fiduciary Association of California, affiliate member
- California Lawyers Association, Trusts and Estate Section, Executive Committee volunteer
- Silicon Valley Bar Association, Member
- San Mateo County Bar Association, Member
- Society of Trust and Estate Practitioners, Contentious Trusts and Estates Special Interest Group, Member
- Rotary Club of San Jose, Member

Bar Admissions

- State Bar of California (2009)

Court Admissions

- U.S. Court of Appeals, Ninth Circuit
- U.S. District Court for the Northern District of California
- U.S. District Court for the Eastern District of California
- U.S. District Court for the Southern District of California

Education

- J.D. (Magna Cum Laude), Santa Clara University School of Law
- B.A., University of California, Davis