

Press Release

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JUDGE COLEMAN DISMISSES CHALLENGE TO TOMASELLA WILL

REVISED WILL WAS NOT A RESULT OF UNDUE INFLUENCE

MORRISTOWN, N.J., March 4, 2015 – Following a seven day bench trial, Superior Court Judge Edward M. Coleman dismissed a challenge to the last will and testament of Joseph Tomasella. The claim had been filed on behalf of the decedent's adult daughter who, along with her brother, had been disinherited by Tomasella in favor of his second wife, Mary Lou Tomasella. Strong arguments by Mary Lou's attorney, Martin Newmark (Of Counsel to the firm of Porzio Bromberg & Newman), supported evidence of Joseph's sound judgment and Mary Lou's rightful inheritance.

The contesting heirs claimed that their father's 2008 will, which had left them one half of his more than \$3 million estate, was his last valid will because the March 2010 version was the result of undue influence. The 2010 will left Joseph's entire estate to Mary Lou. According to the siblings, the undue influence exercised by Mary Lou consisted of systematically isolating the decedent from his family and taking advantage of his ill health and alleged narcotic drug addiction.

Attorney Martin Newmark successfully argued that Mary Ann was the natural recipient of her deceased husband's estate and that she neither isolated him from his family nor took advantage of his ill health or alleged addiction. Rather, Newmark argued, the disinheritance of the decedent's children was due to the fact that his son had a history of drug addiction and that following the decedent's divorce from his first wife, his daughter, Carol Veneroso, had effectively ended all meaningful contact with her father.

Judge Coleman found that the widow's explanation for the revised 2010 will was more plausible than the allegations made by the contesting children, particularly in view of the evidence of the failure on the part of the decedent's daughter to regularly communicate with her father in recent years and not at all when he was hospitalized with a life-threatening illness. This, according to the judge, coupled with evidence that showed that the decedent was a strong-willed individual, clearly demonstrated that the will in question was not the result of undue influence.

The attorneys for the contesting daughter, Carol Veneroso, were Daniel Barnes and Ronald Israel of the law firm of Wolff & Samson.

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