

4 Trials Digest 23d 13, 2019 WL 7627508 (Cal.Super.) (Verdict and Settlement Summary)

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Superior Court, Plumas County, California.

Accomazzo v. Ashley

**TOPIC:**

Synopsis: Attorney allegedly defrauds dying man out of family cabin

Case Type: Fraud & Misrepresentation; Fraud; Elder & Vulnerable Adult; Financial Abuse & Neglect; Personal Property; Conversion; Professional Malpractice; Attorney

DOCKET NUMBER: CV17-00025

STATE: California

COUNTY: Plumas

Verdict/Judgment Date: October 24, 2019

JUDGE: [Leonard J. LaCasse](#)

**ATTORNEYS:**

Plaintiff: [Bill Ford](#), Law Offices of Bill Ford, San Rafael, CA; [James Burns](#), Law Offices of Bill Ford, San Rafael, CA

Defendant (Ashley): Albert Cordova, San Rafael, CA

Defendant (King): [Robert D. McIlroy](#), Law Offices of Robert D. McIlroy, Quincy, CA

**SUMMARY:**

Verdict/Judgment: Plaintiff

Verdict/Judgment Amount: \$640,000

Range Amount: \$500,000 - 999,999

\$120,000 to plaintiffs from defendants Robert Ashley and Alice King for past economic loss

\$120,000 to plaintiffs from defendants Robert Ashley and Alice King for future economic loss

\$400,000 to plaintiffs from defendant Robert Ashley for pain and suffering

Trial Type: Jury

Trial Length: 3 weeks

Deliberations: Not reported

Jury Poll: Not reported

**EXPERTS:**

Plaintiff: [Shelley Salpeter](#), M.D., Internal Medicine, Geriatrics and Palliative Care, Woodside, CA; Marshal Oldman, Esq., Legal Malpractice, Oldman Cooley et al LLP, Encino, CA; Carole Benson, Real Estate, Portola, CA

Defendant (Robert Ashley and Marilyn Ashley): [Neal Benowitz](#), M.D., Tobacco and Opioid Addiction, UCSF Center for Tobacco Control and Research and Education, San Francisco, CA

Defendant (Marilyn Ashley): Carl Leverenz, Esq., Legal Malpractice, Chico, CA

**FACTS/CONTENTIONS:**

According to the plaintiffs' lawyer: Plaintiffs Steven Accomazzo, Nathan Accomazzo, Tyler Accomazzo, Brandon Accomazzo and Jesse Accomazzo were the brother and four nephews of decedent Stacey Accomazzo. Plaintiffs claimed that defendant Robert Ashley, a lawyer licensed to practice law in California, and his mother, defendant Marilyn Ashley, met with decedent in mid-January 2017 and Robert Ashley told Stacey Accomazzo that he would set up a revocable living trust for him at no charge and that the trust would name his nephews as beneficiaries. Stacey Accomazzo wanted his property at 3 Pine Cone Court, Blairsden, California, to be transferred into a trust for his nephews. This was confirmed by two witnesses that overheard the conversation between defendants Ashley and decedent. Instead, defendant Robert Ashley, a complete stranger to defendant Alice King, retained defendant King to obtain a gift deed in favor of defendant Robert Ashley, which was executed at a time when Stacey Accomazzo had [metastatic lung cancer](#) and a [perforated bowel](#), had just been taken off life-support the day before, and was in an intensive care unit at Renown Hospital in Reno, Nevada. This transaction occurred on Feb. 5, 2017.

Plaintiffs' medical expert opined that due to decedent's medical condition and the various drugs he was taking to keep him alive and for pain, including large doses of [morphine](#), that he lacked legal capacity and was in a state of [delirium](#) at the time he signed the deed. Plaintiffs, as successors in interest to decedent, alleged causes of action against defendants Ashley for false promise, dependent adult financial abuse, and conversion. They asserted a cause of action against defendant King for professional negligence.

Defendant Robert Ashley contended that decedent wanted to give him his only property because they had been close friends, and defendant Marilyn Ashley contended that her conduct was reasonable because she asked him questions in the ICU about his intentions.

The jury found that defendant King was professionally negligent for drafting the gift deed and having the decedent sign the deed in his condition at the hospital. The jury also found that defendant Robert Ashley engaged in fraud and abuse of a dependent adult.

**SETTLEMENT DISCUSSIONS:**

Not reported.

**CLAIMED DAMAGES:**

Not reported.

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