

**C**onrad O'Brien regularly represents both individual and institutional clients who owe fiduciary duties to a class or group of persons, e.g., the executor or executrix of an estate to the beneficiaries; a trustee to the beneficiaries (income and principal) of a trust; the administrator of an ERISA plan to the plan participants; or corporate directors and officers to the corporation. We have obtained successful results in a variety of matters, including suits alleging a breach of fiduciary duty or asserting claims for benefits or moneys due under the terms of a particular instrument or plan.

Representative matters include the following:

- Conrad O'Brien represented the executor and trustee in a surcharge action alleging mismanagement of the testator's law firm and unreasonable executor/trustee fees. Following nine days of trial, the Orphans Court approved the accounting and the executor/trustee fee. The result was not appealed.
- Conrad O'Brien represented the executor and trustee in a surcharge action alleging mismanagement of the testator's law firm and unreasonable executor/trustee fees. Following nine days of trial, the Orphans Court approved the accounting and the executor/trustee fee. The result was not appealed.
- Conrad O'Brien represented a start-up technology company and its principals in a former employer's claims for breach of restrictive covenants, misuse of trade secret and confidential information and breach of fiduciary duty. After four days of trial, our clients prevailed on the firm's motion for a preliminary injunction, which the court denied.
- Conrad O'Brien represented the executors in a will contest challenging the mental capacity of the testator and charging the executors with exerting undue influence. After a twelve day trial before the Orphans Court Judge, we secured a judgment in favor of the executors, and the judgment was affirmed on appeal.
- Conrad O'Brien represented a plan administrator in a claim for plan benefits under ERISA and obtained a favorable settlement at an early stage of the proceedings.

### Attorney Contact

John A. Guernsey  
Howard M. Klein

### Phone

215.864.8066  
215.864.8068

### Fax

215.864.0066  
215.864.0068

### E-Mail

jguernsey@conradobrien.com  
hklein@conradobrien.com

