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Daily Journal's Top 100 Lawyers



*Benjamin K.
Riley*

**Bartko Zankel Bunzel
& Miller**

San Francisco
Litigation

Benjamin K. Riley is a principal at Bartko Zankel Bunzel & Miller, where he focuses on trusts and estates, intellectual property and commercial cases. He joined the 45-attorney complex litigation boutique in 2010.

Over his career, Riley calculates that he has tried 30 cases to verdict, accumulating more than 16 months in trial.

"I'm proud of that," he said. "I love trying cases."

For the past six years, Riley and his firm have represented the estate of the late billionaire Robert A. Naify, a movie theater tycoon whose United Artists Theatres empire is now part of Regal Cinemas. Naify died in 2016 at age 94. In three related probate cases where a stepdaughter and her sister sought about \$1 billion in damages, Riley obtained two defense verdicts and settled one on favorable terms.

The most recent and complex matter ended in February 2023 with a 65-page statement of decision by a probate judge holding that claims by the stepdaughter, Christina Cortese, were barred by the affirmative defenses argued by Riley. The lead defendant is one of the estate's trustees. *Cortese v. Sherwood et al.*, PTR-300479 (San Francisco Super. Ct., filed July 31, 2018).

"Mr. Naify left her \$21 million, but she thought she should have had much more," Riley said. The complexity arose from Cortese's claim that Naify failed to fund her mother's trust with its share of community property — forcing Riley to trace the disposition of Naify's assets over 25 years.

Riley said that during 15 hours of cross-examination, he demonstrated to the court that Cortese was not a credible witness. "She acknowledges that she'd received annual accountings of her mother's trust," showing its assets considerably lower than the billion dollars she alleged it contained.

"Also, I caught their accounting expert in three major mistakes," Riley said. "I structured that cross to end in a climactic moment when the expert had to admit she was off by \$4 million."

He also displayed detailed charts — prepared by law partner Sony B. Barari — showing the distribution of hundreds of Naify's assets. "That saved us weeks of trial time," Riley said.

"We gave up cost judgments in exchange for her agreement not to appeal," Riley said. "It was an incredibly successful result."

—John Roemer