

Erika J. Gasaway

Shareholder

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Practices

Litigation
Real Estate
Trust & Estate Litigation

Industries

Financial Institutions

Bar Admissions

State Bar of California (2009)

Court Admissions

U.S. Court of Appeals for the 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



Erika Gasaway, Shareholder in the San Jose office of Hopkins & Carley, is a member of the Trust and Estate and Real Estate Practices.

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

- Undue influence
- Fiduciary duties
- Elder abuse
- Quiet title
- Easements
- Partitions

Representative Experience

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

Publications

- 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. Mulviill*
- 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

- 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 and Community Activities

- 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