

RETURN DATE: September 20, 2022

Susan Kendall Newman, individually; Susan Kendall Newman, as Trustee of the Susan Newman Charitable Remainder Unitrust; Elinor T. (Nell) Newman, individually; Elinor T. (Nell) Newman, as Trustee of the Elinor T. (Nell) Newman Charitable Remainder Unitrust; SN Foundation, Inc.; and NN Foundation, Inc.,

Plaintiffs,

against

Newman's Own Foundation,

Defendant.

DOCKET NO.:

SUPERIOR COURT

J.D. of STAMFORD-NORWALK

**COMPLAINT**

August 23, 2022

JURY TRIAL DEMANDED

Susan Kendall Newman, individually and as Trustee of the Susan Newman Charitable Remainder Unitrust; Elinor T. (Nell) Newman, individually and as Trustee of the Elinor T. (Nell) Newman Charitable Remainder Unitrust; SN Foundation, Inc.; and NN Foundation, Inc. by and through their undersigned attorneys, for their Complaint against Newman's Own Foundation, allege, on knowledge as to their own actions, and otherwise upon information and belief, as follows:

### **PRELIMINARY STATEMENT**

1. Paul Newman achieved worldwide fame as an actor and director, but his most lasting and treasured legacy lies in his dedication to philanthropy and family, which is now under assault, ironically, by Newman's Own Foundation, the very organization he founded in an effort to preserve and expand that legacy. Mr. Newman created a unique model that donates hundreds of millions of dollars to those in need, by selling high quality snacks and other food products bearing his name and likeness under the "Newman's Own" brand.

2. The heart of Mr. Newman's estate planning was to keep his children involved in philanthropy, specifically by requiring Newman's Own Foundation to allocate a certain amount of its millions of dollars of annual donations to charities identified by his daughters. But mere days after his death, those Mr. Newman had entrusted with the stewardship of his legacy turned on him, made thinly-veiled threats of disinheritance to his daughters, and leveraged their control over his estate to set the stage for disenfranchisement of his family.

3. Mr. Newman's daughters, Susan Kendall Newman and Nell Newman, however, will no longer stand idly by. After years of Newman's Own Foundation contradicting their father's intentions and instructions at seemingly every opportunity, they bring this suit, along with the "Daughters' Foundations" their father established for their respective philanthropic efforts, to protect the program that he spent the last decade of his life designing and enacting.

4. Mr. Newman granted to Newman's Own Foundation the rights to his name, image and likeness and other publicity and intellectual property rights, but not unconditionally. Instead, Mr. Newman made that grant on the condition that Newman's Own Foundation allocate \$400,000 each year to each of his "Daughters' Foundations," for them to donate to charities identified by his daughters pursuant to specific rules that he established.

5. The "Daughters' Foundation" program was a check on Newman's Own Foundation's ability to stray too far from Mr. Newman's priorities for philanthropy. At least a portion of donations was required to be directed each year by his daughters, in whom he had diligently instilled his frugal and benevolent charitable sensibilities. Over the years, however, Newman's Own Foundation lost its way and strayed from its mission to preserve and honor Paul Newman's legacy. The years since Mr. Newman's death consist of a long and consistent pattern

of disregard, by those in control, of Mr. Newman's specific intentions and direction, coupled with mismanagement, scandal, and questionable practices.

6. Most recently, Newman's Own Foundation decided, unilaterally, to reduce by half the amounts that Mr. Newman required should be donated at the direction of his children. The writing on the wall is clear: this is a step towards Newman's Own Foundation ultimately dismantling entirely one of the most important aspects of Mr. Newman's plans for his philanthropic legacy by removing his family from the giving process altogether.

7. Mr. Newman's will and related documents, however, specifically provide a way to prevent uses of his publicity and intellectual property rights that are inconsistent with uses he approved during his life. During his life, Mr. Newman allowed Newman's Own Foundation to license his publicity and intellectual property rights to Newman's Own, Inc. in exchange for the royalty payments that would fund the Newman's Own Foundation donations each year. Mr. Newman also specifically conditioned that arrangement on his Philanthropic Plan for Daughters, also known as the Newman's Own Brood Fund (and, later, repackaged by Newman's Own Foundation as the Community Partners Program), continuing throughout each daughters' lifetime. Newman's Own Foundation has unilaterally halved the amounts that Mr. Newman required be allocated to donations identified by his daughters – from \$400,000 per year per daughter, to \$200,000 per year per daughter.

8. If this transgression were to stand unchallenged, it would set a precedent for further transgressions and, eventually, the complete elimination of Plaintiffs' rights to guide a portion of the donations from revenues derived from their father's publicity and intellectual property rights. Newman's Own Foundation's conduct violates the strict condition that Paul Newman imposed upon its use of those rights.

9. Accordingly, Plaintiffs, individually, as beneficiaries of Mr. Newman's estate, and as trustees of certain trusts established by his estate plan, bring this action for breach of fiduciary duty, seeking \$1.6 million of damages to be donated to charities in keeping with Paul Newman's wishes, imposition of a constructive trust, and a declaratory judgment to require Newman's Own Foundation to comply with Paul Newman's instructions now and in the future.

## **JURISDICTION**

10. This Court has jurisdiction over the defendant because its principal place of business is in Connecticut, it regularly conducts business within the State of Connecticut, and the transactions and events underlying this action occurred within the State of Connecticut.

## **VENUE**

11. Venue in this Judicial District is proper pursuant to Conn. Gen. Stat. § 53-451 sub. (c)(1)-(2) and (f).

## **PARTIES**

12. Susan Kendall Newman ("**Susan Newman**") is an individual who resides in Oregon and is the trustee of the Susan Newman Charitable Remainder Unitrust (the "**SN Unitrust**"). Susan Newman is also the daughter of the deceased actor and philanthropist, Paul Newman. Paul Newman was the Settlor and initial trustee of the Amended and Restated Newman Living Trust Number One (the "**Living Trust**," as amended), which established the SN Unitrust. Susan Newman is a beneficiary of the Living Trust and several trusts established by the Living Trust, including the SN Unitrust.

13. Elinor T. (Nell) Newman ("**Nell Newman**") is an individual who resides in California and is the trustee of the Elinor T. (Nell) Newman Charitable Remainder Unitrust (the

“**NN Unitrust**”). Nell Newman is also the daughter of Paul Newman. The NN Unitrust was also established by the Living Trust. Nell Newman is a beneficiary of the Living Trust and several trusts established by the Living Trust, including the NN Unitrust.

14. SN Foundation is a Connecticut non-profit corporation with status as a charitable foundation under Section 501(c)(3) of the Internal Revenue Code. SN Foundation is a beneficiary of the Living Trust and certain other trusts created under its auspices.

15. NN Foundation is a Connecticut non-profit corporation with status as a charitable foundation under Section 501(c)(3) of the Internal Revenue Code. NN Foundation is a beneficiary of the Living Trust and certain other trusts created under its auspices.

16. Upon information and belief, Newman’s Own Foundation (“**NOF**”) is a Delaware corporation with its headquarters in Westport, Connecticut and with status as a charitable foundation under Section 501(c)(3) of the Internal Revenue Code. NOF is a beneficiary of the Living Trust, a residual trustee of the Living Trust and various trusts created under its auspices, a co-trustee of the SN Unitrust and a co-trustee of the NN Unitrust.

## **FACTS**

### *Paul Newman’s Philanthropy and Family Planning*

17. Paul Newman passed away on September 26, 2008. During his lifetime, he became famous for being an Academy Award® winning actor, film director, racecar driver, and entrepreneur. The roles he cherished most, however, were those of husband, father and philanthropist. His love of family, and for helping others, permeated and directed everything he did in life and his plans for his legacy.

18. In 1982, Mr. Newman founded Newman’s Own, Inc. (“Newman’s Own”), a food and beverage company that started with a line of salad dressings and soon followed with

pasta sauce and other items. Newman's Own was profitable in its first year of operations and Mr. Newman gave all the after-tax profits away to good causes, taking no personal compensation for himself. Mr. Newman continued this charitable mission and Newman's Own gave away more than \$50 million during its first decade of business. By that time, Newman's Own had expanded to include lemonade, microwave popcorn, salsa and other products that Mr. Newman considered consistent with his insistence that quality always trumps the bottom line.

19. A cornerstone of Mr. Newman's convictions was his philanthropic legacy living on through his family. Accordingly, he strove to instill within his five daughters a drive to consider charitable purposes throughout their lives. As early as the 1980's, Mr. Newman began inviting his daughters to each direct \$25,000 of donations annually to charities of their choosing, further cultivating his childrens' philanthropic interests. Mr. Newman expanded his own charitable endeavors, setting an example for his children to follow by, amongst other things, founding The Hole in the Wall Gang Camp in 1988, to give seriously ill children the chance to "raise a little hell" at summer camp and other programs in Connecticut. In 1993, Nell Newman and her father founded Newman's Own Organics, a snack and pet food company specializing in organic products. As with Newman's Own, and consistent with Mr. Newman's overall philosophy, Newman's Own Organics paid royalties for the use of Mr. Newman's name, image and likeness, which were donated to charity.

20. Mr. Newman's desire for his children to play a continuing and significant role in the charitable giving from the food business donations was at the heart of his estate planning from the beginning. A letter from his long-time attorney, Leo Nevas, dated April 27, 1998 (the "April 1998 Letter") described Mr. Newman's intentions based on "several meetings with Paul" and summarized Mr. Newman's objectives as being to eliminate estate taxes, minimize income

taxes of Newman's Own while providing for the continuity of that business, and "[g]ive Paul's children the major voice in the distribution of a large part of the funds for charity." The April 1998 Letter recommends formation of "a private foundation which could administer and dispose of the licenses and royalty fees for charitable purposes in accordance with Paul's wishes," which ultimately became NOF. Mr. Newman instructed his assistant to send copies of the April 1998 Letter to his wife, Joanne Woodward, and all of his daughters, with the following note: "This seems to be where we are headed. – Pop."

21. The April 1998 Letter explains that Newman's Own, a for-profit company, could avoid substantial income taxes if the foundation (a non-profit company) were to hold the rights to license and receive royalties for the use of Mr. Newman's name, image and likeness. As an example, the letter presents a hypothetical scenario in which Newman's Own has \$10 million of income but pays \$9 million to the foundation in royalties, leaving only \$1 million of taxable income in Newman's Own. Assuming an approximate 35% tax rate, the letter explains that, "in this scenario, Newman's Own's real profits of \$10,000,000.00 would involve only a tax of \$350,000.00 and all of the remainder would be disbursed for charitable purposes."

### *Paul Newman's Allocation of Funding for His Daughters' Charitable Giving*

22. Mr. Newman began discussions with his family and his advisors about his long-term planning for charitable giving. In preparation for a February 3, 1998 family meeting, Mr. Newman had discussions with his advisor, Robert Forrester (who ultimately became CEO of Newman's Own and President and a board member of NOF). In a January 27, 1998 memorandum to Mr. Newman, prepared in preparation for the February 3 meeting, Forrester outlined his understanding of Mr. Newman's intentions about the private foundation that would

become NOF. Forrester listed the following as one of “basic assumptions and objectives” of Mr. Newman’s intentions:

You would like contributions to continue to reflect, as much as possible, your interest, but also increasingly involve other members of your family in future planning and grant making.

23. Forrester continued by noting that “[a] critical consideration is the role you wish to have your children play in the present and future affairs of the philanthropy in its grant making.” Noting that “having the children substantially involved is a wonderful thing,” Forrester continued by recommending that Mr. Newman do the following:

Begin the children in grant making now, e.g., create the “Newman’s Own Brood Fund” – allocate 10% of annual grant making to this. Have the children create their own foundation in terms of a process, governance and grant making framework.

24. In discussing the form of the charitable organization that would become NOF, Forrester advised Mr. Newman on the distinctions between a donor-advised fund and a private foundation run by a board of directors, stating that:

The fundamental difference between the two is the issue of control. There is far more control that a family and donor can maintain with a private foundation than when it is a donor advised foundation.

25. On February 3, 1998, Mr. Newman convened a meeting with his family, during which his daughters were presented with Mr. Forrester’s January 27, 1998 memorandum. With Mr. Forrester present, Mr. Newman presented his daughters with his plan for the “Newman’s Own Brood Fund.” The mechanism for funding that plan was the grant of his intellectual property rights to NOF, a corresponding license to and royalty payments from Newman’s Own, and a concomitant requirement use those payments to fund the Daughters’ Foundations’ charitable donations.

26. On May 4, 1999, Mr. Newman wrote a handwritten note addressed “To the Newman Clan. All.” and stated that “[i]t is no secret that I will soon be completing my 75<sup>th</sup> year on this planet.” The note requested a family meeting to discuss Mr. Newman’s legacy, estate, and long-term planning for continued family philanthropy, “for all of you to ask questions of your aging father while the opportunity still exists.” Mr. Newman invited “[q]uestions about my intention as regards to family, questions about expectations, about history[,] family responsibilities, trusts, business continuity, charity ---- in short, everything.” Mr. Newman requested that the “Clan” send him questions in writing in advance so that he could “have a fair amount of time to assemble cogent answers.” The letter concluded with the Latin for ‘peace be with you,’: “Pax Vobiscum, Your affectionate Pa.”

27. A few days later, at Mr. Newman’s request, Forrester wrote to Mr. Newman again, sharing additional thoughts and ideas based on their discussions over the preceding months about Mr. Newman’s philanthropic planning. Forrester encouraged Mr. Newman “to think that form should follow substance and the substance in this case should be your wishes. . . . In other words, be certain that any plan or structure being recommended carries out *your* wishes.”

28. Forrester continued that “[t]he most important issue for you to address involves your children making future decisions.” Forrester continued by suggesting, among other things:

I recommend that you get the kids involved, at some level, now so that they can get the experience of what it is really like to run a foundation and can connect with the network that there is out there to help people who are running foundations.

You might want to think about allocating five to ten percent, i.e., \$500,000 to \$1 million a year of the present contribution level to the “kids decision making”. By having the kids begin to operate

now, there is the opportunity to assist, guide, educate and support them, before the big responsibilities really come their way.

29. Forrester also told Mr. Newman:

I think it would be wise for you to have a personal message describing your intentions. There is no better way to help the future figure out your intentions than by saying it yourself in your own words, as opposed to future lawyers and judges trying to interpret legal documents. This is something many in the foundation world wish they had. In your case, it might be fun to do it in a video form. It is a great legacy.

As discussed below, Mr. Newman did, in fact leave personal messages describing his intentions, including in documents presented to his family and in recorded video form.

*Paul Newman's Establishment of NOF and Its Continuing Funding for the Daughters' Foundations*

30. In 2005, Mr. Newman established NOF. It was the centerpiece of the plan for his philanthropic legacy, consisting of his family's continuing involvement in directing the grants and identifying the charities that would benefit from donations of the royalties paid by the food and beverage companies bearing his name and image. The lynchpin of his plan was the royalty structure conceived of years before, through which NOF would be granted the rights to Mr. Newman's name, image, likeness, signature, persona and related intellectual property rights in exchange for, among other things, implementing Mr. Newman's directions for his children's charitable giving. NOF would, in turn, license those rights to Newman's Own and Newman's Own Organics in exchange for the payment of royalties, which NOF would use to implement Mr. Newman's directives and otherwise exercise its charitable mission.

31. Mr. Newman intended for this royalty structure to maximize the amounts NOF and his children would donate to charities. Paying royalties as a licensing expense to NOF

meant the food companies, which were for-profit organizations, could deduct those payments as business expenses, reducing and largely eliminating any taxable profit, which in turn maximized the amount available for charitable giving through NOF. This structure also protected against any risk that inefficiencies at the operating company level might detract from charitable giving by having other expenses reduce the amount of profits available for donations. According to Mr. Newman, “[t]he reason we set up a royalty system is because that royalty comes off the top of every product sold and goes to charity. So, even if you don’t make a profit, money goes to charity.” This structure was Mr. Newman’s plan for many years, having been conceived at least as early as April 1998, when it was described in the April 1998 Letter (discussed above) from Mr. Newman’s long-time attorney, Leo Nevas.

32. The corollary of the royalty structure in Mr. Newman’s plan was the involvement of his children in the charitable giving that would be his legacy. Around the time of the establishment of NOF, Mr. Newman carefully laid out his intentions for how the charitable giving should be accomplished, during and after his lifetime. Mr. Newman presented his intended structure to his daughters in meetings and documents beginning as early as October 2005.

33. The structure, according to Mr. Newman, would begin with royalty payments from Newman’s Own and Newman’s Own Organics, to NOF. While NOF was intended to be the “major grant-making entity,” Mr. Newman’s plan also specifically called for NOF to make grants to foundations established in his Daughters’ names (the “Daughters’ Foundations”), including the SN Foundation and the NN Foundation. The Daughters’ Foundations, each under the stewardship of one of his daughters, would in turn donate those grants to charities identified by the applicable Daughters’ Foundation.

### The 2005 Chart

34. In an October 2005 chart that Mr. Newman shared with and discussed with his daughters (the “2005 Chart”), Mr. Newman laid out specific plans for the Daughters’ Foundations. The 2005 Chart explained that Newman’s Own would pay royalties to NOF for the use of Mr. Newman’s intellectual property, which NOF would use to distribute funding to the Daughters’ Foundations, which in turn would donate to charities. The 2005 chart set forth specific rules for how the Daughters’ Foundations would operate, including, among other things, the following (the “Daughters’ Foundation Rules”):

- a. Each Daughters’ Foundation would be established as a Connecticut membership corporation;
- b. NOF would distribute \$400,000 to each Daughters’ Foundation annually, through the lifetime of the applicable daughter;
- c. The Daughters’ Foundation would have to pay out the \$400,000 through charitable grants by the end of the year following the year of receipt to charities relating to education; health; the environment; arts & culture; religious, scientific & human services; emergency relief; animal welfare; and international affairs (the “Classes of Charity”);
- d. No more than 20% of the grants made in any one year would go to a single charity or a single Class of Charity; and
- e. Each Daughters’ Foundation would be allowed to pay reasonable compensation to its managers, including each daughter;

- f. The Daughters' Foundations would be the residual beneficiaries of Mr. Newman's estate after the death of his wife, Joanne Woodward, which would have to be distributed through grants over the course of fifteen years, with any remainder at the end of that period going to NOF (no more than 25% in any given year and at least one-third every five years); and
- g. Upon the death of any daughter, the NOF funding of \$400,000 per year would cease and the assets of the Daughters' Foundation corresponding to the deceased daughter would be distributed to the other Daughters' Foundations.

*Mr. Newman's Meetings with His Family About the Required Funding for the Daughters' Foundations*

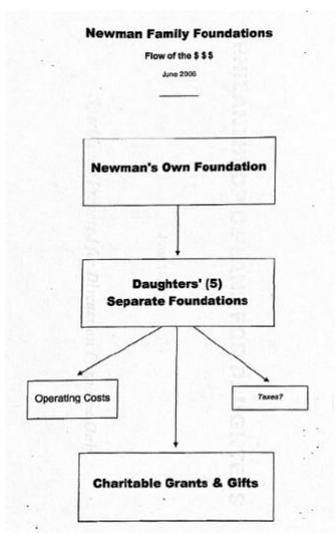
35. Throughout the years, beginning with the February 3, 1998 family meeting and continuing through the balance of his lifetime (particularly during the time period following the formation of NOF), Mr. Newman had various meetings with his daughters and his wife, during which he explained and reiterated the plan that NOF's license of Mr. Newman's intellectual property rights to Newman's Own in exchange for royalty payments to fund his "Philanthropic Plans for Daughters" (also referred to as the "Newman's Own Brood Fund"). This included the requirement that NOF would distribute \$400,000 per year to each Daughters' Foundation, which would in turn distribute it to charities identified by the daughters in accordance with the Daughters' Foundation Rules. The consistent emphasis in these meetings was on including the daughters in Mr. Newman's philanthropy.

36. Mr. Newman had his advisors meet with his daughters on several occasions, each of which included a reiteration of the philanthropy plan that would require NOF to fund the Daughters' Foundations with a certain amount of the royalties received from Newman's Own.

These meetings included a meeting between Susan Newman and Forrester in Mr. Newman's home office at his New York City apartment, during which Forrester again confirmed that NOF would fund the Daughters' Foundations in certain annual amounts. These meetings also included other business and philanthropy advisors, attorneys, and accountants, who confirmed Mr. Newman's very specific plan for NOF to fund the Daughters' Foundations.

### The 2006 Presentation

37. Mr. Newman formalized his plans for NOF to use his intellectual property rights to fund the Daughters' Foundations. On June 15, 2006, Mr. Newman's accounting team provided a presentation on "Newman Family Foundations" and "PHILANTHROPIC PLANS FOR DAUGHTERS" (the "2006 Presentation"). Consistent with Mr. Newman's long-standing plans, as described above, the 2006 Presentation described the "Flow of the \$\$\$" as going from NOF to the Daughters' Foundations and then to charities chosen by the daughters:



38. The 2006 Presentation explains that "[t]he basic intention is to provide an opportunity for each daughter to express her philanthropic interests and individuality, while at

the same time, providing a framework that expresses some of PLN's [Paul L. Newman's] wishes and helps bring order to the mutual interdependence of the various entities." It continues that "[t]he NOF will have an important, but limited, oversight role," and reiterates the Daughters' Foundation Rules. The 2006 Presentation further explained that "[i]t will be the policy, i.e. stated expectation, of NOF to make annual grants, presently totaling \$400,000, to each daughter's foundation" and that "[t]he plan is to have the foundations operational by 2007."

### The 2007 Video

39. In August 2007, in an echo of Forrester's suggestion in his 1999 memorandum, Mr. Newman recorded his intentions on video. During a recorded interview conducted by Forrester (who, at this point, was serving as President and Chief Operating Officer of NOF), Mr. Newman once again confirmed his now long-standing plan for NOF to fund the Daughters' Foundations, including discussion of the Daughters' Foundation Rules:

Q. [Forrester]: I know you're a very private individual about these matters, so if you would care to share what your thoughts are, in your experience, about how a family should involve other members of its family, how a person like yourself thinks about these matters? And, is your family involved in philanthropy and, if they are, are they involved with you? Is there some . . . do you have a Newman's family program on philanthropy?

A. [Mr. Newman]: Well, Newman's Own Organics is a vital part of the community. All my children get a certain amount to be able to give away every year, and they will be giving away my estate as well.

\* \* \*

Yes, they are involved. They sit on the board of the companies and the foundation.

Q. [Forrester]: So, it's an individual matter that you make it available to the family but don't necessarily have an expectation that they do it your way?

A. [Mr. Newman]: No, they do it however they want to do it. No, I do have restrictions, now that I think about it. I think, um, I ask them not to,

to devote more than twenty percent of the total amount that they give each year to any, uh, given sector. . . .

### *Paul Newman's Declining Health and Mental Capacity*

40. Not long after making that video, Mr. Newman was diagnosed with cancer. His symptoms began around the time of the video. He underwent surgery to remove part of his lung, and later was diagnosed with acute lymphoblastic leukemia. During this time, Mr. Newman spent weeks in debilitating pain and enduring extensive hospital stays for various treatments, including chemotherapy. By 2008, it became apparent that Mr. Newman's health problems included a loss of his faculties. In late February 2008, Mr. Newman wrote to a close friend, describing his state of mind as being one of confusion, inability to recall events, and having his mind and mouth "put south" in terms of a diminished capacity to communicate. According to his wife, he had been acting in a manner that was "something short of insane":

During these some weeks in the hospital, I am reminded that I haven't been extraordinarily communicative. I do know family and compatriots have been in touch.

Actually, for the first week I didn't know where I was. In fact, weeks ago I could remember asking Joanne, with confusion, "What happened?" She said, "You don't remember going to the hospital at four o'clock in the morning, something short of insane?" I didn't.

For weeks now, the doctors both at Norwalk Hospital and New York Presbyterian Hospital have been seeking. They finally got the source but not yet cause or specific insult. Tests and more tests.

On top of all this, as you know, I don't always have much to say and much of the time, as you well know, I don't have anything to say. It's not out of lack of affection because of indifference, it's just that I have nothing to say. And then if you add hospitals, it puts both my mind and mouth south.

At any rate, I am diagnosed – some good, some in between, and some questionable.

They haven't told me yet if I can have a glass of wine with friends.

Come visit anyway.

Square dancing at 7:15pm every night.

Kisses,

PL

41. Mr. Newman's confusion continued throughout the year. On August 5, 2008, Forrester wrote to Mr. Newman's longtime assistant, copying Brian Murphy (Mr. Newman's long-time business manager) and Judy Keppelman (an estate planning attorney whom Forrester had arranged for Mr. Newman to engage in late 2007), confirming that Forrester and Murphy had taken decisions, including about Mr. Newman's estate planning, out of Mr. Newman's hands and into their own:

[W]e are encountering issues with PN calling Leo's office making requests relating to his estate plan. He is also making the same requests multiple times, he made 3 of Jamie today. One such requests [sic] was actually resolved to his satisfaction in the meeting Judy Keppelman and I had with PN and JW July 24, which he obviously doesn't remember.

Paul forgets, at times, who his estate lawyer is, and this could create very serious problems to his plans, which have been diligently worked on over the past year. It is important that anything related to these plans be referred to Judy, me, or Brian.

I will speak with Paul about this, but want to be certain that you are aware of the situation. Your help in this matter is very important. Let's talk.

Bob.

Upon information and belief, a few days later, an August 11, 2008 medical report on Mr. Newman's condition stated that "Memory loss continues to be an issue."

42. Forrester's email states that Mr. Newman's estate plans had "been diligently worked on over the past year," which was the time period when he was confused, experiencing lack of recall and a diminished ability to communicate, with his mind "put south," and acting "something short of insane." This was also the period when the Living Trust was amended and restated, and his Last Will and Testament rewritten. What Forrester's email does not mention,

but which is clear from Mr. Newman's history of meetings and correspondence, is that these plans actually had been diligently worked on and, with respect to NOF's obligation to fund the Daughters' Foundations, consistently described, for many years.

*Forrester and Murphy Assume Control of NOF and Paul Newman's Estate*

43. During this final year of Mr. Newman's life, when his illness and treatments had caused his mind to be 'put south,' Forrester and Murphy consolidated their control of NOF, which ultimately would have drastic consequences for Mr. Newman's stated intentions about his legacy and his family. Since its creation, the sole member of NOF had been Mr. Newman. But on July 29, 2008, only two months before his death and only days before Forrester's email instructing Mr. Newman's assistant that Mr. Newman should not make requests of other advisors without Forrester or Murphy's involvement and control, Mr. Newman signed a "Written Consent of Sole Member," appointing Forrester and Murphy as NOF's second and third members.

44. This fateful decision gave the members (solely Forrester and Murphy after Mr. Newman's impending death) the ability to appoint the NOF Board of Directors which, in turn, would have complete control over NOF's affairs, including its charitable disbursements. Forrester would later claim that this arrangement meant the Board had a fiduciary duty to disregard Mr. Newman's well-documented intentions about the NOF's duty to fund the Daughters' Foundations in exchange for its use of Mr. Newman's intellectual property as the mechanism to receive tax-free royalties from Newman's Own.

45. Paul Newman passed away on September 26, 2008 after a yearlong battle with lung cancer and leukemia. The unfortunate history since his passing includes an extensive pattern and practice of Forrester, Murphy, and NOF ignoring, contradicting and/or disregarding Mr. Newman's stated intentions and desires for his legacy. Hindsight reveals that this pattern

began prior to Mr. Newman's death. The Living Trust, executed on April 11, 2008 with Mr. Newman as initial trustee, makes it clear that if Mr. Newman were to cease to act as the trustee, his replacement would be co-trustees consisting of Forrester, Murphy, and a third trustee appointed by a majority vote of Mr. Newman's daughters.

46. It had been clear for some time, as evidenced by Forrester's August 5, 2008 email, that Mr. Newman was unable to act as trustee of the Living Trust. Rather than advise Mr. Newman's daughters of their right to, and their father's unequivocal direction that they should, appoint a co-trustee to act with Forrester and Murphy, Forrester and Murphy instead unilaterally seized control of Mr. Newman's affairs, as to NOF and as to his estate planning decisions. This appears to have been going on for some time prior to Forrester's August 5, 2008 email, perhaps even as early as January or February 2008, when Mr. Newman's February 27, 2008 letter confirmed that he had been without his mental faculties for at least several weeks.

*NOF, Forrester and Murphy's Long Pattern of Contradicting Mr. Newman's Intentions and Directives*

47. NOF quickly exercised the power over Mr. Newman's legacy that Forrester and Murphy had appropriated. On September 30, 2008, in the midst of the family's grieving over Mr. Newman's death only four days earlier, and before his will had even been submitted to probate, Forrester wrote to Mr. Newman's daughters to advise that he and Murphy, through the NOF Board, had decided to disregard their father's long-standing plans for the Daughters' Foundations and replace them with a plan of their own. Hiding behind the guise of having been "advised by legal counsel," Forrester announced that Mr. Newman's "Philanthropic Plans for Daughters," which Mr. Newman had planned for a decade before his death and affectionately

referred to as the “Newman’s Own Brood Fund,” was being replaced with what Forrester coined as NOF’s “Grant Recommendation Program.”

48. Forrester’s memo, on NOF letterhead, makes no mention of Mr. Newman, his legacy, or his philanthropic goals. It makes no mention of his clearly articulated “policy, i.e., stated expectation” requirement about his daughters being in charge of their Daughters’ Foundation allocations. It makes no mention of Mr. Newman’s clear directive, in his video interview with Forrester, that his daughters would “do it however they want to do it,” subject only to the Daughters’ Foundation Rules. Forrester’s memo, on NOF letterhead, also conveniently fails to acknowledge that NOF’s rights to use Mr. Newman’s intellectual property was and always had been conditioned on compliance with Mr. Newman’s intentions for the Newman’s Own Brood Fund.

49. Rather than providing \$400,000 per year for each Daughters’ Foundation to donate to charities in accordance with the Daughters’ Foundation Rules, as Mr. Newman always required, the “Grant Recommendation Program” instead would require that the donations be made directly by NOF.

50. Rather than providing \$400,000 per year for each Daughters’ Foundation throughout each daughter’s lifetime, as Mr. Newman always required, the “Grant Recommendation Program” provided that NOF would unilaterally decide each year whether “the program will be continued” and, if so, in what amount.

51. Rather than empowering Mr. Newman’s daughters to remain actively engaged in philanthropy, as Mr. Newman always required, including by providing for up to \$100,000 of market-based compensation for each daughter’s work on behalf of her Daughters’ Foundation, the “Grant Recommendation Program” relegated the daughters to merely making

recommendations and affirmatively provided that the daughters “shall not be compensated for their activities on behalf of the Foundation.”

52. Notably, Forrester’s memo also makes no mention of Mr. Newman’s direction that his daughters appoint a third person to serve as a co-trustee of the Living Trust with Forrester and Murphy. The memo also fails to mention Mr. Newman’s oft-stated desire that, while they lived, at least one or more of his daughters should serve on NOF’s Board. NOF, under Forrester’s and Murphy’s leadership and continuing to this day, has subverted this desire, having only had one daughter on the Board for a period of time and with limited responsibilities and access. The memo marked the start of a long march of disregard for Mr. Newman’s stated intentions for his philanthropic legacy. While that march may have begun under Forrester’s reign, it continues under the mantle of NOF to this day.

53. Mr. Newman’s wife and daughters were all shocked when his will was read to them because it was different in many important respects from what Mr. Newman and his advisors had explained to them and others many times over the years. The will, which had been replaced in April 2008, was amended with a codicil on July 24, 2008, less than two weeks before Forrester’s email to Mr. Newman’s assistant. As discussed above, in the August 5, 2008 email Forrester stated that Mr. Newman did not remember events that had occurred on the very day of that codicil (July 24) and acknowledged that that he had for some time been forgetting things, before essentially seizing control over Mr. Newman’s decisions by requiring them to be funneled through him and Brian Murphy.

54. Upon information and belief, when she heard the details of how Mr. Newman’s estate would be disbursed, his wife Joanne exclaimed, “Oh, my god, that’s not what it was supposed to be!” When Mr. Newman’s family made standard requests for information

about how and why certain things had been changed in Mr. Newman's estate planning, their requests were denied and they essentially were threatened with disinheritance, by citation to provisions in the will providing that anyone who contested the will would forfeit and cease to have any rights as a beneficiary of Mr. Newman's estate. Shortly afterwards, Mr. Newman's wife fired Judy Keppelman as her attorney. (For purposes of clarity and the avoidance of doubt, this complaint is not challenging Mr. Newman's will or the Living Trust; instead, as described further below, this complaint seeks to *enforce* the provisions of the will and the Living Trust.)

55. Upon information and belief, Mr. Newman had executed an additional codicil to his will, in which he bequeathed one of his racecars to his personal driver, and which had been witnessed by his longtime housekeeper and one of his nurses. This codicil, mysteriously, was not included in probate of Mr. Newman's will. Upon information and belief, the driver filed a lawsuit about the matter, in which depositions were taken, but the complaint eventually was withdrawn.

56. Upon information and belief, a theme of secrecy permeated NOF. Although Forrester famously and repeatedly touted the importance of "transparency" prior to Mr. Newman's death, once he had consolidated his control over NOF, Mr. Newman's family became concerned with what they viewed as a pattern of NOF requiring virtually everyone who interacted with NOF to sign a non-disclosure agreement. Family members received inquiries from people, including employees and charitable partners, who had serious concerns about their interactions with NOF and feared retaliation that would threaten their employment, their retirement, and/or their charitable funding.

57. In 2009, Forrester and Murphy unilaterally decided to cease funding for Mr. Newman's racing team, despite Mr. Newman's stated intention for that funding to continue.

58. In 2011, NOF unilaterally reduced and eventually ceased funding the Scott Newman Center, a non-profit organization dedicated to the prevention of substance abuse and domestic violence. Mr. Newman had founded the Center in the 1980's in honor of his son, Scott Newman, who had tragically died from an accidental drug and alcohol overdose.

59. In 2015, NOF essentially cancelled Newman's Own Organics, as Mr. Newman and Nell Newman had founded and conceived of it. Leveraging its control over Mr. Newman's intellectual property, NOF refused to renew Newman's Own Organics' license to use Mr. Newman's name and image in connection with its products. Newman's Own Organics had been the source of millions of dollars of charitable funding, but without the use of the brand that Mr. Newman and Nell Newman had spent years cultivating and building, it had no viable choice other than to cede to NOF's refusal to deal. Newman's Own thereafter commandeered the Newman's Own Organics brand, removed Nell Newman from the logo, and operated it as a division of its own.

60. Mr. Newman specifically directed his estate, both in the Living Trust and his will, to guarantee up to \$10 million for Newman's Own to purchase Newman's Own Organics. Instead, as stated, NOF simply cancelled Newman's Own Organics, by refusing to renew its license to use Mr. Newman's intellectual property, and then appropriated the Newman's Own Organics line of products for itself. This flatly contradicted Mr. Newman's express wishes.

61. Mr. Newman famously did not believe in what he referred to as "noisy philanthropy." He gave to charity to help people in need, not to get credit for it or to see his name in lights or on the side of a building. Instead, he wanted as much money as possible to go to the charities, rather than unnecessary or inefficient business expenses; hence, his explanation

that “[t]he reason we set up a royalty system is because that royalty comes off the top of every product sold and goes to charity. So, even if you don’t make a profit, money goes to charity.”

62. NOF took the opposite approach after Mr. Newman’s death, including by changing the business structure so that Newman’s Own would no longer pay to NOF “royalties off the top,” as Mr. Newman wanted, but would pay its profits -- *i.e.*, the moneys left after expenses, thereby directly undermining Mr. Newman’s overall strategy. Newman’s Own quietly introduced this change in its label, which began to read “all profits to charity.” NOF also began dramatically increasing its non-charitable expenditures, including buying a building reportedly for a total cost, including renovations, of between \$12 million to \$14 million. Upon information and belief, certain Board members, including Forrester, may have been taking salaries not only from NOF (which would be a matter of public record on the non-profit organization’s Form 990 annual tax filing), but also from other entities owned by NOF (which were not required to be publicly disclosed).

63. Upon information and belief, Bob Forrester had a business providing consulting services to non-profits in planning, management, governance, communications, and strategic fundraising. Upon information and belief, Forrester initially provided these services through Payne Forrester and Associates LLC and later through a company known as the Alford Group. Apparently, in order to receive funding from NOF, upon information and belief, many charities were instructed that they should use Forrester’s Alford Group for consulting services which, if true, would appear to be a clear conflict of interest, if not the type of self-dealing and waste that Mr. Newman abhorred.

64. Similarly, upon information and belief, during the period when Forrester was running NOF, more than half of its donations went to less than one percent of the recipients,

many of which had close relationships with members of NOF's Board. Upon information and belief, Forrester also consistently travelled First Class, often accompanied by his wife, staying in expensive hotels and having their trips fully funded by NOF. Forrester also employed a personal driver, paid for by NOF. Forrester's alleged practices were flatly inconsistent with Mr. Newman's emphasis on frugality, efficiency, and integrity in all of his affairs.

65. Mr. Newman also specifically directed his estate to invest up to \$500,000 in Mr. Newman's restaurant in Westport, Connecticut. Mr. Newman had founded The Dressing Room restaurant, located on the grounds of the Westport Country Playhouse, as Fairfield County's first farm-to-table restaurant. Upon information and belief, Forrester and Murphy chose not to follow this direction and, in 2014, The Dressing Room permanently closed its doors.

66. NOF, in the last few years, has also rejected Mr. Newman's long-standing desires with respect to the types of charities NOF should support. Upon information and belief, NOF has essentially eliminated its funding of charities involved in the arts, climate change awareness, and environmental issues. These were three areas of lifetime commitment and the charitable sectors that Mr. Newman always felt warranted the most urgent support, second only (perhaps) to helping children in need.

### *NOF's Complicity in Forrester's Mismanagement and Misconduct*

67. Besides this long and consistent pattern and practice of NOF and its leadership eschewing Mr. Newman's stated directions and intentions, Mr. Newman's family also became concerned about behavior from that leadership that was, in their opinion, embarrassing to Mr. Newman's memory and contrary to his intentions for his legacy and the mission of NOF. Mr. Newman's daughters received reports of Forrester engaging in questionable management decisions and creating a punitive and unhealthy work environment, including reports of repeated

public drunkenness at restaurants and NOF events. Forrester, or his staff, made a practice of opening mail addressed to Nell Newman and withholding it, and other information, from Mr. Newman's daughters. For example, when the U.S. Postal Service decided to honor Mr. Newman with a stamp bearing his image, NOF, upon information and belief, falsely told the USPS representatives that Mr. Newman's daughters were not interested in attending the USPS event hosted at NOF's offices to commemorate the historic stamp issuance.

68. Mr. Newman's daughters were equally concerned about what they viewed as complicity of the NOF Board in Forrester's alleged mismanagement, questionable behavior and efforts to subvert their father's intentions and directives. Nell Newman and Susan Newman believed, and continue to believe, that the rest of the Board had a duty to the foundation and to their father's memory to affirmatively act rather than condone and enable Forrester's misconduct. Upon information and belief, however, the Board repeatedly failed to act until the threat of a potentially embarrassing public scandal forced its hand. The Board conducted an investigation using outside counsel whom they described as specializing in sexual harassment investigations. Upon information and belief, the investigation came to include allegations of misconduct, including harassment, from several employees and/or former employees.

69. Upon information and belief, as a result of this investigation, the Board removed Forrester from his position as CEO in May 2019, but he remained as a director on the Board through at least the end of the year. Consistent with Forrester's penchant for non-disclosure agreements at NOF, the Board prioritized secrecy over transparency, again contrary to Mr. Newman's vision for NOF. The Board never made the investigation available to the public and refused requests from the Newman family for its disclosure.

*NOF Dismantles Paul Newman's Plan for the Daughters' Foundations*

70. Most recently, the Board unilaterally chose to further disregard Mr. Newman's express wishes for the Daughters' Foundations. As discussed above, Forrester and Murphy, only days after Mr. Newman's death, unilaterally changed Mr. Newman's long-standing plan by cutting the Daughters' Foundations out of the process in favor of the "Grant Recommendation Program." Instead, NOF claimed that it would decide on an annual basis whether to provide any funding for charities identified by Mr. Newman's daughters and in what amount.

71. This was an impermissible deviation from Mr. Newman's wishes at the time, but it did acknowledge the funding levels of Mr. Newman's goals and requirements. Pursuant to the "Grant Recommendation Program," which also came to be referred to as the "Community Partners Program," NOF directed donations to charities identified by Mr. Newman's daughters in the amount of \$400,000 per year. Although Mr. Newman's daughters raised concerns about this, and other departures from Mr. Newman's wishes, the specter of threatened disinheritance left them feeling without any choice other than to participate in the Grant Recommendation / Community Partners Program which at least, for the time being, still donated funds to charities they were involved with identifying.

72. That all changed, however, in 2020. For the first time, after eleven years of funding at the required \$400,000 level, NOF decided unilaterally to cut funding for the Community Partners Program by fifty percent. So, instead of directing \$400,000 to charities identified by each of Mr. Newman's daughters annually, as Mr. Newman had directed, NOF funded only half of that amount in 2020 and again in 2021. Upon information and belief, NOF intends a similarly reduced amount of funding for 2022. These changes came despite food sales at Newman's Own being up, at least according to reports from Brian Murphy and others at NOF.

73. NOF, nonetheless, continues to use Mr. Newman’s name, image and likeness to generate the revenues that it donates to charity. As discussed above, however, Mr. Newman conditioned NOF’s rights to use his intellectual property on its continued compliance with his Philanthropic Plans for Daughters, which expressly included the \$400,000 level of funding for each Daughters’ Foundation to donate in turn, through the lifetime of each applicable daughter. NOF’s unilateral, unwarranted and unjustifiable reduction of this amount is a violation of that condition and continues to the long pattern of marginalizing Mr. Newman’s family.

*The Living Trust Provides for Enforcement of Paul Newman’s Plan for the Daughters’ Foundations*

74. Although there were a variety of changes in Mr. Newman’s final will and estate plan that were made during the period of his illness and lack of full mental capacity, which his family questioned, an important provision remained. The Living Trust expressly grants to the various trustees appointed under its auspices important rights to police the use of Mr. Newman’s “Publicity and IP Rights.” Mr. Newman defined these rights as including “my name, signature, image (still and moving, photographed and drawn), voice, personal . . . and various related trademarks . . . together with the goodwill associated with any such rights . . . .”

75. Specifically, Section 6(D) of the Living Trust provides that the trustees “shall have the following powers:”

(D) To take any and all reasonable measures to . . . prevent uses of my Publicity and IP Rights that I either explicitly did not approve during my lifetime or that are inconsistent with those uses I did explicitly approve regardless of whether they were disapproved during my lifetime.

Although the Living Trust provides for the Publicity and IP Rights to be held by NOF after Mr. Newman’s death, Section 6(D) is a clear expression of Mr. Newman’s intention to condition that

grant on NOF's use of those rights only in ways that were not inconsistent with uses that he explicitly approved during his lifetime.

76. From the beginning of NOF's existence, its right to receive royalty payments from the use of Mr. Newman's Publicity and IP Rights was always subject to the requirement of funding the Daughters' Foundations in the amount of \$400,000 per year. This requirement is clear in the 2005 Chart, the 2006 Presentation, Mr. Newman's 2007 video message, the planning documents for the NOF/Daughters' Foundations for several years prior to establishment of NOF, and many meetings and discussions during the decade preceding Mr. Newman's death.

77. Accordingly, NOF's right to continue using Mr. Newman's Publicity and IP Rights is contingent on the condition that it fund the full \$400,000 of annual giving by each of Mr. Newman's daughters. Its failure to do so is a use of Mr. Newman's Publicity and IP Rights that is "inconsistent with those uses I did explicitly approve regardless of whether they were disapproved during my lifetime." Pursuant to Mr. Newman's express direction in the Living Trust, the trustees, including Susan Newman and Nell Newman, have the power to prevent that use.

78. Plaintiffs have made several requests for NOF to cease the reduction of funding, which violates this condition on its rights to use Mr. Newman's Publicity and IP Rights. NOF refused, and continues to reduce the required funding of his daughters' charitable giving. Accordingly, Plaintiffs have brought this suit in their capacities as trustees, and as beneficiaries, of the Living Trust and the various trusts created under its auspices. Plaintiffs are not seeking any personal compensation in this lawsuit, other than to recover the amounts NOF has withheld from its required funding, which Plaintiffs will give away to charities consistent with Mr. Newman's long-standing plans.

## **COUNT I: Breach of Fiduciary Duty**

79. Plaintiffs repeat and reallege paragraphs 1 through 77 hereof, as if fully set forth herein.

80. Mr. Newman's grant to NOF of the right to use and own his Publicity and IP Rights was restricted in that Mr. Newman conditioned NOF's right to generate revenue from those Publicity and IP Rights upon NOF's continuing obligation to make \$400,000 per year available to each of his daughters, through the Daughters' Foundation, to give away to charities of their choosing, subject to and in compliance with the Daughters' Foundation Rules.

81. Mr. Newman's grant to NOF of his Publicity and IP Rights with restrictions established a fiduciary relationship between NOF and each of the trusts created under the Living Trust, as well as SN Foundation and NN Foundation, as the charitable beneficiaries of the restriction, giving rise to a duty of loyalty on the part of NOF to Plaintiffs, an obligation for NOF to act in the best interests of Plaintiffs with respect to the implementation of the restriction on Mr. Newman's grant to NOF, and an obligation for NOF to act in good faith in any matter relating to Plaintiffs with respect to implementation of that restriction.

82. NOF violated its fiduciary duty by disregarding the restriction on the grant from Mr. Newman and advancing its own interest to the detriment of Plaintiffs, by unilaterally reducing the amount of funding available for Mr. Newman's daughters, individually or through SN Foundation and NN Foundation, to direct to charities of their choosing in accordance with the Daughters' Foundation Rules.

83. NOF's violation was the proximate cause of damages to Plaintiffs in an amount to be proven at trial but believed to be in excess of \$1.6 million.

## **COUNT II: Constructive Trust**

84. Plaintiffs repeat and reallege paragraphs 1 through 82 hereof, as if fully set forth herein.

85. Mr. Newman's grant to NOF of his Publicity and IP Rights was clearly accompanied by and subject to his intent for NOF's use of those rights to benefit Plaintiffs to the extent of a continuing obligation for NOF to annually direct \$400,000 per participating daughter to charities identified by each daughter, directly or through the Daughters' Foundations and in all events consistent with the Daughters' Foundation Rules.

86. As an organization of which Mr. Newman was a member, as a trustee of the Living Trust and certain trusts created under its auspices, as a beneficiary of the Living Trust, and as the grantee of Mr. Newman's Publicity and IP rights, NOF stood in a relationship of confidence and trust with Plaintiffs, as beneficiaries and as trustees of the Living Trust and certain trusts created under its auspices, and as third parties whom Mr. Newman expressly intended to benefit from his grant to NOF of his Publicity and IP Rights.

87. NOF will be unjustly enriched if it is allowed to use the Publicity and IP Rights without complying with the continuing obligation to transfer \$400,000 per year to each of the Daughters' Foundations for them to donate, in turn, to charities identified by them in accordance with the Daughters' Foundation Rules, as Mr. Newman intended in granting the Publicity and IP Rights to NOF.

88. Under the foregoing circumstances, a constructive trust is created by operation of law for the benefit of the Daughters Foundations to the extent of NOF's continuing obligation to fund their charitable giving of \$400,000 per year for each of the Daughters' Foundations.

### **COUNT III: Declaratory Judgment**

89. Plaintiffs repeat and reallege paragraphs 1 through 87 hereof, as if fully set forth herein.

90. Plaintiffs have legal and equitable interests at stake in the form of a danger of loss or uncertainty as to their legal rights with respect to whether NOF is obligated to continue funding the Community Partners Program, or otherwise fulfill Mr. Newman's direction that NOF provide the Daughters' Foundations each with \$400,000 annually to fund their respective charitable donations in accordance with Daughters' Foundation Rules.

91. There is an actual bona fide and substantial question or issue in dispute and substantial uncertainty with regard to whether NOF is obligated to continue funding the Community Partners Program, or otherwise fulfill Mr. Newman's direction that NOF provide the Daughters' Foundations each with \$400,000 annually to fund their respective charitable donations in accordance with Daughters' Foundation Rules, which question or issue requires resolution between the parties.

92. Accordingly, Plaintiffs request a declaratory judgment confirming that NOF is obligated to continue funding the Community Partners Program, or otherwise fulfill Mr. Newman's direction that NOF provide the Daughters' Foundations each with \$400,000 annually to fund their respective charitable donations in accordance with Daughters' Foundation Rules.

**WHEREFORE**, Susan Kendall Newman, Elinor T. (Nell) Newman, SN Foundation, Inc., and NN Foundation, Inc. request judgment as follows:

A. On Count I, awarding damages in an amount to be determined but believed to be in excess of \$1.6 million;

B. On Count II, imposing a constructive trust on Mr. Newman's Publicity and IP Rights so they are used in accordance with the restrictions upon which he granted them to NOF, namely, obligating NOF to continue funding the Community Partners Program or otherwise fulfill Mr. Newman's direction that NOF provide the Daughters' Foundations each with \$400,000 annually to fund their respective charitable donations in accordance with the Daughters' Foundation Rules.

C. On Count III, issuing a declaratory judgment declaring that NOF is obligated to continue funding the Community Partners Program or otherwise fulfill Mr. Newman's direction that NOF provide the Daughters' Foundations each with \$400,000 annually to fund their respective charitable donations in accordance with the Daughters' Foundation Rules;

D. Awarding Plaintiffs their costs and reasonable attorney's fees; and

E. Granting Plaintiffs such other and further relief as the Court deems just and proper.

Dated: August 23, 2022

Respectfully submitted,

**LACHTMAN COHEN P.C.**



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Plaintiffs,

against

Newman's Own Foundation,

Defendant.

DOCKET NO.:

SUPERIOR COURT

J.D. of STAMFORD/NORWALK

August 23, 2022

**STATEMENT OF AMOUNT IN CONTROVERSY**

Pursuant to Practice Book § 10-20 and Conn. Gen. Stat. § 52-91, Plaintiffs claim monetary damages in excess of fifteen thousand dollars (\$15,000.00), exclusive of interest and costs.

Dated: August 23, 2022

**LACHTMAN COHEN P.C.**

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