

# DAILY REPORT

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## Estate Dispute Yields \$554K Fee Award in Cobb County

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BY KATHERYN TUCKER

A Cobb County judge has awarded \$554,000 in attorney fees against parties and lawyers in an estate dispute.

Senior Superior Court Judge G. Grant Brantley awarded \$553,911 in fees and expenses of litigation, plus \$1,054 to reimburse the cost of the court reporter for a hearing, to Jim and Connie Kamler.

According to Brantley’s order, Jim is the son of Virtue Kamler, who died in 2012. Virtue moved from an assisted living home in California to live with and be cared for by Jim and his wife, Connie, in their Cobb County home, for more than two years prior to her death. Jim was also her trustee. They were sued unsuccessfully by two of Jim’s sisters alleg-



Edwin J. Schklar and Maggie Heim of Schklar & Heim LLC.

(Courtesy photo)

ing “intentional and negligent wrongdoing,” Brantley said.

“We are very pleased that our clients received this award of fees and expenses,” Edwin Schklar of Schklar & Heim LLC said Friday. He represented the Kamlers along with his wife and law partner, Maggie Heim.

Schklar said the relatives challenging the Kamlers asked the jury at trial for \$2.5 million in damages.

“The order makes it clear that admissible evidence is necessary at trial, not mere allegations, guesses, or concerns,” Schklar said. “The trial

jury returned a defendants' verdict in record time, five minutes or less from the time they received the trial exhibits in the jury room."

The docket includes a full-page list of attorneys who've worked on the case since it was filed in 2013. Brantley awarded the fees against Judy Bubniak and Jean Southward, as well as their counsel of record, Erik Broel, Stephanie Banks and Amy Pierson. They were all represented in the matter before Brantley by Don Brown, William Story and R. David Ware of Hall Booth Smith.

"We are still actively working on this matter and have no information to share at this time," Brown said Friday.

Brantley said that during the trial, the relatives suing the Kamlers "presented no evi-

dence whatsoever of any error" in the trust accounting. The judge said the plaintiffs called only two witnesses: "themselves." Brantley said they testified as to their "beliefs" and "concerns" about how Jim had managed his mother's finances.

From the time she moved to Georgia from California, Virtue Kamler required 24-hour-a-day supervised care because of advanced dementia with delusions, Brantley said. "At trial, Southward admitted that she did not know what her mother's condition was in Georgia because Southward never came to Georgia to see for herself after Virtue moved from California," Brantley said.

Brantley said Bubniak objected to some of the Kamlers' home expenses, an ambulance bill and other costs

charged to the trust account, but presented no evidence. When asked for the ambulance bill in question, Brantley said, Bubniak "admitted that she could not find it."

The judge said Bubniak objected to reimbursing Jim, Connie and their daughter for Virtue's care—which the trust allowed. Bubniak alleged the trust "may have paid too much for the home care the Kamlers provided but presented no evidence whatsoever that more was actually paid than was authorized."

The case is *Bubniak v. Kamler*, No. 13-1-8555-52.

*Katheryn Hayes Tucker is an Atlanta-based reporter covering legal news for the Daily Report and other ALM publications.*