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Mark E. House, Esq.
Allison E. Evans, Esq.

July 1, 2014

Catherine Shanellaris, Esq.
Shanellaris & Schirch, PLLC
35 East Pearl Street
Nashua, New Hampshire 03060

Re: Dr. Peter Rosier, deceased, Trust & Estate litigation matter

Dear Ms. Shanellaris:

We currently represent Gail Rosier ("Gail" or "Ms. Rosier") in a complex Arizona litigation matter concerning the Estate and Trust(s) of her deceased husband, Peter Rosier (the "Decedent" or "Dr. Rosier"). I am writing to you regarding such litigation at the direct request of my client. Ms. Rosier has also asked me to share with you any non-privileged information related to the case as you may need and/or request.

The probate litigation was commenced on April 1, 2009, designated Arizona Superior Court Cause No. PB2009-050356 (the "Probate Action"). It has since been consolidated with a separately filed civil lawsuit, and has required extensive amounts of discovery and involved a variety of claims/counterclaims, and has been subjected to two (2) appeals. In the simplest of terms, the Probate Action stems from a series of ill-advised steps taken in connection with Dr. Rosier's estate planning and financial affairs, and the disastrous consequences which Ms. Rosier was caused as a result.

In the weeks before his death, while suffering from a terminal illness, Dr. Rosier placed a great reliance upon an 'eleventh hour' estate planning attorney, John Pattullo ("Mr. Pattullo"), to correct what was already a defective and misunderstood estate/financial plan. As discovery mechanisms in the case have revealed, Mr. Pattullo unfortunately proved to be both incompetent and negligent in rendering services to the Dr. Rosier, and things were only made worse as a result.

In the two years that followed the Decedent's passing (2007-2009), Ms. Rosier found herself lost in a fog. She was not provided with information about the true nature and effect of the Decedent's estate planning instruments at the time of his death, and was not given any indication that she had in fact been divested of significant rights and interests thereunder. Instead, Ms. Rosier, a grieving widow, deferred to her stepchildren, Jacob and Elizabeth Rosier (the "Rosier Children"), and to their **joint attorney** – Mr. Pattullo – who they dually hired to represent them in connection with a global, out-of-court administration of Decedent's assets and affairs. As would later become clear, Mr. Pattullo was in a glaring conflict of interest position. Throughout the two year period, he withheld critical filings and information, corresponded regularly and unilaterally with the Rosier Children, and took steps to ensure that they received essentially the entirety of the Decedent's wealth at Gail's exclusion. This is the nexus of the Probate Action.¹

In connection with the final estate planning done in February 2007, Ms. Rosier was advised to quitclaim her primary marital residence (the "Scottsdale Residence"), which she and the Decedent then held as community property, into the simultaneously established Peter Rosier Trust (the "Peter Trust"), which Mr. Pattullo drafted. Pursuant to the terms of the Peter Trust, the Scottsdale Residence was to be devised to Ms. Rosier upon the Decedent's death, and was further supposed to be funded with sufficient assets to cover costs of maintenance and living expenses. However, no other assets were transferred into the Peter Trust before Dr. Rosier's death (which occurred just a few weeks later). In fact, as it turned out, nearly all of Decedent's assets were in a separate trust that had been created by his first spouse, Patricia, long before his marriage to Gail. Pursuant to the aforementioned Patricia Rosier Trust (the "Patricia Trust"), the assets therein were distributable at Decedent's death to only the Rosier Children. Although Dr. Rosier was not an initial grantor/settlor, he treated the Patricia Trust as same throughout the years following Patricia's death. This includes the years that he was married to Gail, during which time marital funds were regularly contributed into and withdrawn from the Patricia Trust – to which of course Gail herself had no individual beneficial interest.

As a result of the foregoing, Gail was left without any means to pay for expenses, including the substantial mortgage on the Scottsdale Residence, following her husband's death. She furthermore was entitled to a payment of \$300,000.00 from the Estate per the express terms of her Prenuptial Agreement with Dr. Rosier; however, there were insufficient probate assets to pay such an amount, as again all of Dr. Rosier's wealth was inappropriately tied up in the Patricia Trust. Although Ms. Rosier

¹ A copy of the Second Amended Answer and Counterclaim to First Amended Complaint, Ms. Rosier's governing pleading in the Probate Action, is enclosed herewith for further detail and reference.

admittedly did receive some life insurance proceeds after Decedent's death, these entirely went toward paying down the mortgage on the property, but ultimately to no avail – the Scottsdale Residence was lost in foreclosure in approximately early 2009. In the meantime, however, with Mr. Pattullo's assistance, the Rosier Children secured nearly \$1.9 million in distributions to themselves from the Patricia Trust, without providing any notice to Gail.

As you may be aware, Ms. Rosier further suffered a "reversal of fortune" by becoming the target of a professional con-artist team in late 2008. Whatever resources were left and had not been used in attempting to save the Scottsdale Residence were completely wiped out in the scam. Even worse, Ms. Rosier was incarcerated by the Maricopa County Attorneys' office and was accused of being an accomplice of the con-men, not a victim. As she had no resources to hire an attorney or make bail, the Probate Action proceeded while she was incarcerated through Fennemore Craig's representation. Despite all odds being stacked against her, an adverse judicial probate/civil decision was appealed to the Arizona Court of Appeals, and was reversed and remanded in Gail's favor, during the period of incarceration.

The Peter Trust provides for certain specific monetary devises of \$7,500.00 to be made to each of Gail's children, Connor and Logan. For obvious reasons, no devises were ever made by any of the designated successor co-trustees – which includes Jacob, Elizabeth and Gail. Furthermore, to my knowledge, your client, Jeffrey Strobel has never appeared as a party, whether individually or on behalf of any of his children, in the Probate Action. In addition, to my knowledge Mr. Strobel has never otherwise taken any actions to obtain information, let alone enforce any potential interests, pursuant to the governing estate planning instruments of the Decedent and/or the specific provisions/devises set forth therein. The record of the Probate Action in any event establishes that, as the Peter Trust was not properly funded, no monetary distributions were made/specific devises satisfied therefrom following the Decedent's death. The sole asset that was in fact transferred into the Peter Trust before death – the Scottsdale Residence – remained a trust asset until it was lost to foreclosure.

Please be advised that this is an exceptionally condensed and simplified version of the events and allegations that underlie the ongoing Probate Action. However, it is unequivocal that Mrs. Rosier's position in the dispute is that she was completely excluded and wrongfully divested of her significant rights and interests in the Estate/Trust of her deceased husband. This resulted from years of improper handling of the Patricia Trust, ill-advised and incomplete last-minute estate planning, and improper and wrongful conduct by Mr. Pattullo and the Rosier Children in the two year period that followed Dr. Rosier's death. Mrs. Rosier was destined for misfortune under the circumstances, and within two years she was without any assets, let alone a roof over her head.

There are a few additional specific points that I have been asked to address in this letter, as set forth below:

- First, to the best of my knowledge and belief, Ms. Rosier has expended \$0.00 in attorneys' fees since the Probate Action was commenced on April 1, 2009. It is my understanding that Mrs. Rosier's former attorneys of record, Fennemore Craig, PC, represented her on a contingency fee basis, and never collected any funds from her in connection with same.² I can personally represent to you that my law firm has at all times represented Mrs. Rosier pursuant to a contingency fee arrangement, and thus Mrs. Rosier has never paid us a single cent in attorneys' fees.
- To date, Ms. Rosier has not been paid any portion of the \$300,000.00 obligation owed to her under Prenuptial Agreement.
- There was a blatant disqualifying conflict of interest in Mr. Pattullo's representation of Mrs. Rosier and the Rosier Children which should have been immediately recognized and disclosed. We feel that the evidence strongly shows that, both before and after Dr. Rosier's death, Mr. Pattullo's conduct was highly improper and negligent. Should you have the time and inclination, a complete copy of Mr. Pattullo's deposition transcript is enclosed herewith for the purpose of fully illustrating the foregoing.³
- The Rosier Children conveniently filed the Probate Action on April 1, 2009 – just weeks after the two year anniversary of the date of the Decedent's death. Pursuant to Arizona law, creditor's claims cannot be brought later than two (2) years after the Decedent's date of death. As Ms. Rosier had no reason to believe that her co-clients and attorney had no intention of satisfying the \$300,000.00 due to her under the Prenuptial Agreement, she had not sought to open probate or present the claim as a creditor.

I have been advised by my client that she pledged the value of a particular property located in Hopkinton, MA (the "MA Property"), for the education of her son, Connor, in a 2007 New Hampshire family law proceeding. This pledge was apparently based Gail's good faith belief that she and her husband had jointly acquired a partial interest in the MA Property, which was intended to help the Decedent's former/second spouse, Eleni, acquire living accommodations. Specifically, Gail believed that the amount invested by her marital community in the property was \$105,000.00. Dr. Rosier, however, had handled the entire transaction regarding the property, as was consistent

² We succeeded Fennemore Craig as Dr. Rosier's counsel of record in March, 2014.

³ It is also worth noting that Mr. Pattullo has a disciplinary history with the Arizona State Bar.

with his hands-on-dominance and control over financial matters in his marriage to Gail. Unbeknownst to Gail, the property transaction was handled and acquired entirely through Dr. Rosier's individual IRA – which, at that time, Gail had no beneficial interest in. Therefore, despite her belief to the contrary, Gail had no individual rights, interests or incidents of ownership in the MA Property.

The status and disposition of the MA Property was indeterminate until sometime in 2012, when comprehensive documents and records were produced by Equity Trust Company in response to a Subpoena Duces Tecum issued in connection with the Probate Action. As part of the estate planning services rendered in February 2007, Mr. Patullo had witnessed the Decedent's execution of an original *"IRA Designation of Change of Beneficiary"* form which designated Gail, for the first time, as an equal one-third (1/3) beneficiary of the IRA with the Rosier Children. However, Mr. Pattullo had failed to submit the Form to Equity Trust Company after the Decedent's death, and remarkably he sat on same for nearly five (5) full years until finally being prompted by counsel to do so.

The foregoing is indicative of the overall, general mishandling of the Decedent's affairs, and the mess that has slowly been unraveling since his passing. It has taken years to conduct discovery and determine the status or disposition of the underlying assets. In summary, although Gail was later designated as an equal beneficiary of the Decedent's IRA, this was unclear until nearly five years after the date of her husband's death in 2007. Moreover, as of the current date, Gail has not received any distribution of her one-third (1/3) beneficial interest, and the IRA continues to be held and maintained by Equity Trust.

Hopefully you find this letter informative and/or useful to the ongoing legal proceedings in New Hampshire. If you have any questions or requests for documentation relating to the Probate Action, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in blue ink, appearing to be 'Mark E. House', with a long horizontal line extending to the right.

Mark E. House
Allison E. Evans