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	:	SUPERIOR COURT OF NEW JERSEY
JOSEPH VILLANI, in his capacity as	:	LAW DIVISION: BERGEN COUNTY
Executor of the Estate of Benedetto	:	DOCKET NO: BER-L-
Luciano Villani (a/k/a Benny Villani),	:	
	:	
Plaintiff,	:	
	:	
v.	:	
	:	<u>COMPLAINT</u>
P. GREGORY HESS and DAVIDSON,	:	
DAWSON & CLARK LLP,	:	
	:	
Defendants.	:	
	:	

The Plaintiff, Joseph Villani (“the Executor”), in his capacity as the Executor of the Estate of Benny Villani (“the Estate”), by way of Complaint against the defendants, P. Gregory Hess (“Hess”) and Davidson, Dawson & Clark LLP (“The Davidson Firm”), hereby states as follows:

COUNT ONE

Professional Malpractice

1. The Plaintiff, Joseph Villani, is the Executor of the estate of his late father, Benedetto Lucian Villani (also known as “Benny Villani”), which as of the date of the filing of this Complaint is pending in Bergen County, New Jersey.

2. Defendant P. Gregory Hess, a resident of Westchester County, New York, is an attorney at law licensed to practice in the states of New York and Florida, and at all times relevant to this action was Senior Counsel to defendant Davidson, Dawson & Clark LLP.

3. Defendant Davidson, Dawson & Clark LLP is a law firm, operating as a limited liability partnership, located in the County of New York, State of New York, having its principal place of business at 60 East 42nd Street, New York,

4. At certain times relevant to this Complaint, The Davidson Firm, and specifically Hess, provided legal services to Benny Villani in the drafting of his Last Will & Testament, in the drafting of certain trusts, and more generally in the planning of his estate.

5. At all relevant times, defendant Hess held himself out as being competent in all areas of law relevant to the services for which the Davidson Firm had been retained by Benny Villani.

6. In performing legal services for Benny Villani, Hess was required to exercise such care, skill, and diligence as are commonly exercised by other attorneys under similar conditions and in similar circumstances.

7. Defendant Hess, in his capacity as an individual attorney and his capacity as a partner and employee of The Davidson Firm, negligently failed to exercise the aforesaid degree of care, skill, and diligence in the planning of Benny Villani's estate, and in the preparation of the documents through which such planning was effectuated.

8. Specifically, but not by way of limitation, Hess negligently structured Benny Villani's estate, including the preparation of his Last Will & Testament and certain trusts, in such a way that the estate has needlessly incurred liability for hundreds of thousands of dollars in generation skipping transfer taxes, as well as other taxes and expenses, that it need not have incurred.

9. Furthermore, at no time relevant to the Complaint was Hess licensed to practice law in the State of New Jersey.

10. Nevertheless, in his representation of Benny Villani, during the course of which Hess repeatedly came to Benny Villani's home to provide legal advice, Hess unlawfully engaged in the unlicensed practice of law in New Jersey by drafting estate documents, the content of which he knew full well would be subject to the laws of the State of New Jersey, and by advising Benny Villani as to the planning of his estate in general, knowing full well that such estate would be probated in, and subject to, the laws of the state of New Jersey.

11. Hess's breach of his duty to Benny Villani through his failure to exercise the aforesaid degree of care, skill, and diligence, is the direct and proximate cause of the damages suffered by the Estate of Benny Villani.

WHEREFORE, Plaintiff requests judgment against each of the defendants for compensatory damages, consequential damages, punitive damages, attorneys fees, litigation expenses, prejudgment interest, costs of suit, and such further relief as the Court deems just and proper.

/s/ Jeffrey A. Bronster
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Counsel for the Plaintiff

Dated: June 7, 2018

CERTIFICATION PURSUANT TO R. 4:5-1(b)(2) and (b)(3)

I hereby certify that to the best of my knowledge and belief, the subject matter of this Complaint is not the subject of any other pending or contemplated lawsuit or proceeding, except as follows: the claims contained herein were first filed in the United States District Court for the District of New Jersey, captioned, *Villani v. Hess, et al.*, Civil Action No. 2:18-cv-01549. However, due to newly-discovered information as to the State of residence of one of the partners of the corporate defendant, that action will shortly be dismissed for lack of jurisdiction; that there are no other persons who should be named as parties hereto; that confidential personal identifiers have been redacted from documents now submitted to the Court; and that confidential personal identifiers will be redacted from all documents submitted in the future in accordance with Rule 1:38-7(b). I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing is wilfully false I am subject to punishment.

/s/ Jeffrey A. Bronster
JEFFREY A. BRONSTER, ESQ.

DATED: June 7, 2018