

Fees

Widow may not sue late husband's companies for legal costs

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By: Jordana Mishory

A Broward Circuit judge has ruled the widow of caterer Michael Pecora could not sue her late husband's companies for legal fees she owed after they failed to issue stock in her name.

Pecora murdered his business partner, Jerome Berlin, at their Davie event hall and then committed suicide in 2003.

The murder-suicide spawned more than a dozen lawsuits alleging everything from wrongful death to breach of contract. Pecora's widow Arlene contended that many of these lawsuits would not have been filed if the companies — Signature Grand, Grand Partners and Deux Michel — had issued her husband's stock in her name when first requested.

Pecora won a determination in Broward Circuit Court that she owned her late husband's stock. That case went up on appeal to the 4th District Court of Appeal.

Pecora claimed she wouldn't have needed a court order declaring she owned an interest in the companies if she had gained control of the stock when she first requested the transfer the year of the murder-suicide. She also claimed Berlin's family wouldn't have filed a wrongful death suit against her husband's estate if it didn't have any money in it.

The companies, which ran the catering halls Signature Grand in Davie and Signature Gardens in Kendall, had paid shareholder distributions and the key-man life insurance proceeds to her husband's estate.

Broward Circuit Judge Jeffrey Streitfeld ruled last week that the companies distributed the stocks correctly, noting payments to the estate were made under a court order with Arlene Pecora's consent. The three-page order also noted claims based on the companies' failure to deliver stock certificates were barred by the statute of limitations.

Pecora also challenged company payments to the receiver for Berlin's estate. In a separate ruling, Streitfeld said she would have to pursue that issue in Berlin's probate case.

Pecora and Berlin, a prominent Democratic Party fundraiser, appeared to work together seamlessly, but tensions bubbled beneath the surface. Court records show the two men disagreed on everything from how to manage the business to where to purchase a company-owned condominium. The day after Berlin fired Arlene Pecora from her managerial role at the Signature Grand, Michael Pecora shot Berlin in the head and then himself.

The heirs have been feuding for years, filing lawsuits claiming wrongful death, defamation and tortious interference. Judges presiding over the two men's probate cases appointed administrators to run the businesses, who tried to sell them as a way to halt the litigation. Although Berlin's son Bret won the bid to purchase the two banquet halls, the sale was never completed.

"The ruling of Judge Streitfeld would signal the drawing to an end of the litigation between the parties and the respective families," said the companies' attorney, Glenn Waldman of Waldman Trigoboff Hildebrandt Marx & Calnan in Weston.

Pecora's attorney, Craig Rubinstein, did not return a call for comment by deadline.

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Arlene Pecora

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