

Million-Dollar VERDICTS & SETTLEMENTS 2014

JUDGMENTS

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\$1,044,599

Estate: Wife committed fraud with will

Plaintiff Estate of Iwan Hlywa alleged claims of fraud, conversion, undue influence and unjust enrichment against defendant Maria Wintoniw, decedent's second wife. They had been married five years.

Hlywa had amassed an estate worth approximately \$1.5 million, and his health had begun to decline significantly following a heart attack in 2007. Hlywa's sons and defendant testified that he was a very frugal man.

Plaintiff alleged that defendant wire transferred \$340,000 to her relatives in Ukraine without Hlywa's knowledge or permission, or through misrepresentation or false impression. Plaintiff also argued that defendant exerted undue influence, or committed fraud, with regard to Hlywa's execution of a will, revocation of a prenuptial agreement and transfer of deeds approximately three months before his death.

Following a three-week trial, a Macomb County jury determined that the prenuptial agreement was valid; the will and revocation of the prenuptial agreement were invalid; defendant had committed fraud and conversion with regard to the wire transfers; and defendant was enriched unjustly at the Hlywa's expense. In addition, the jury



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determined that Hlywa's execution of the deeds was the result of fraud by defendant.

The jury awarded plaintiff \$499,414.25 in damages. Judge Carl J. Marlinga trebled the \$185,820 in conversion award damages, and with interest and attorney fees, entered the judgment at \$1,044,599.

Nina S. Korkis, co-counsel for plaintiff, provided case information.

Type of action: Fraud, conversion, unjust enrichment, undue influence

Type of injuries: Depletion of estate assets; wire transferring funds without permission or under false impression; procuring will; revocation of prenuptial agreement and deeds by fraud or undue influence

Name of case: *Hlywa v. Wintoniw*

Court/Case nos./Date: Macomb County Probate Court; 11-204-235-CZP, 11-204-284-DE; March 25, 2014

Tried before: Jury

Name of judge: Carl J. Marlinga

Verdict amount: \$499,414

Judgment amount: \$1,044,599

Case evaluation: \$280,000

Special damages: \$557,460 in trebled conversion damages

Attorneys for plaintiff: Nina S. Korkis, Patrick J. McQueeney

Attorney for defendant: Walter J. Czechowski