



COURT

Rauschenberg trust trial is nearing an end

Set for today:
Start of closing
arguments

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Attorneys will deliver closing arguments today in the trial to determine how much three trustees of the Robert Rauschenberg Revocable Trust should be paid for work done for the late artist's charitable foundation.

The trustees say they should be paid \$60 million.

The trustees believe the amount they receive should be based on the value of the artist's estate. They say they grew the assets from \$600 million to \$2.2 billion.

Meanwhile, the Robert Rauschenberg Foundation says the focus is how much the work performed by the trustees is worth.

Bob Goldman, foundation attorney, has said a

more appropriate fee for the trustees would be about \$300,000 to less than \$1 million.

On Tuesday, Naples attorney Laird A. Lile, an expert witness on trusts and trustee fees hired by the foundation's legal team, testified a more reasonable fee is \$375,000, or \$250 per hour for 1,500 hours. He based his assessment on the Lodestar method, used to calculate attorney's fees based on hours worked and a reasonable amount per hour.

Michael Gay, the trustees' attorney, questioned the method used and said Lile's calculations had not taken into account additional work performed by trustees, such as maintaining the artist's properties.

The trustees are Benet Grutman, who was Rauschenberg's accountant; Darryl Pottorf, friend, companion and executor of the artist's will; and Bill Goldston, who partnered with the artist



Trustee attorney Michael Gay writes notes on a large pad in the courtroom during testimony. MARY WOZNIAK/THE NEWS-PRESS

for a fine art print publishing company. The three have already paid themselves \$1.9 million each.

Earlier Tuesday, Christopher Rauschenberg, the late artist's son and head of his foundation, testified about his father's legacy. Rauschenberg, who died May 12, 2008, also was a philanthropist. His will stated his estate should go into a trust that was overseen and con-

trolled by his friends, the three trustees. The trust was to distribute the artist's assets to his beneficiaries, with the foundation being primary beneficiary.

Goldman also read deposition testimony from trustees Goldston and Pottorf.

Goldston testified the trustees deserved \$20 million each for their services, and he lost 12 pounds and developed stomach problems from the stress of dealing with the trust.

However, Pottorf's testimony said he considered the \$60 million amount "absurd." He made the comments during a voice mail left on the phone of foundation Executive Director Christy MacLear. Pottorf said no one really expected that amount and suggested "coming to the table," to work out the matter.

Court documents show the foundation claims Pottorf harassed MacLear,

and other staff, leaving as many as 75 obscene and threatening voice mails in a week.

Pottorf's testimony was that he made the phone calls because he was "furious" MacLear did not return his messages. But in the portion of a transcript of one of Pottorf's phone calls read by Goldman, Pottorf said "I don't need that kind of

money. I already have my own."