



KLG NEWS & EVENTS

Peter Theobald will be speaking on Thursday May 23, 2013 for the National Business Institute. The Topic is "Everything You Don't Know About E-Discovery (But Wish You Did)".

[Register Here](#)

David Gralnick, CPA/ABV will be speaking on Thursday July 25, 2013 from 7:30p.m. to 9:15p.m. at Long Island University Post Campus. The topic is: "Forensic Accounting".

MATRIMONIAL & ENHANCED EARNINGS CASE OF INTEREST

LAUZONIS v. LAUZONIS (Appellate Division, Fourth Department) - The Appellate Court determined that the Supreme Court erred in the distribution of the marital assets, namely the investment account, a 403-b deferred compensation account, the husband's pre-retirement death benefits, and the husband's enhanced earnings from his masters degree.

With respect to the investment account, there was no question that those funds constitute marital property, both parties had testified that the source was from refinancing of the marital home prior to the commencement of action and that the proceeds from refinance were invested in the market. The Appellate Court felt that the husband did not overcome the presumption that the jointly titled property should be divided equally.

The husband made contributions from his wages to a 403-b account during the course of the marriage and therefore should be equitably distributed to both parties. Additionally, the death benefit through the teacher retirement system accrued during the marriage and therefore should be equally distributed to both as well.

Of further contention are the enhanced earnings of the husband from his master's degree. The record demonstrated that the parties married shortly after the wife's college graduation and that the husband was teaching high school and had five years in which to obtain a master's. The wife's claim was that she put her own master's on hold while the husband pursued the degree and the Appellate Court determined that she indeed did make a modest contribution toward the husband's attainment of the degree and was entitled to the enhanced earnings.

[LINK TO DECISION](#)

SHAREHOLDER DISPUTE CASE OF INTEREST

DIEL v. DIEL (Supreme Court - Kings County) - Two brothers, Adam and Shlomo, both owning 50% of Aisd Corporation, a company that owns a property located in Brooklyn entered into a Stipulation to purchase Adam's 50% share of the business interest. However, after agreement on the stipulation, Shlomo failed to follow through on the purchase of Adam's interest. The review of the Court determined that Shlomo simply changed his mind after entering into the Stipulation, when the tenant of the property stopped paying rent and the property was no longer generating income. A ceasing of income receipt by the property was dealt with in the Stipulation and would simply suspend payments to Adam for his interest but would not cancel the deal to buy his interest. As such, the Court orders Shlomo to effectuate and carry out the agreement.

[LINK TO DECISION](#)

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COMPUTER FORENSIC & eDISCOVERY ARTICLES OF INTEREST

Busted! How Happy Accidents Help Forensic Examiners Prove Data Theft - "A big part of my practice is assisting courts and lawyers in cases where it's alleged that a departing employee has walked off with proprietary data. There's quite a lot of that. Studies in the U.S. and abroad suggest that some two-thirds of departing white collar employees leave with proprietary data. So, it seems data theft is the norm... This post is offered as a *general* introduction to *selected* aspects of Windows Registry and artifact analysis and peculiarities of Windows MAC dates and times. The goal is to introduce you to same, not equip you to conduct forensic exams or march into court assuming this is all you need to know."

[LINK TO ARTICLE](#)

Availability of Clawback Order Thwarts Claim of Undue Burden Based on Cost to Review - "In this brief opinion, the court considered Defendants' claim that the burden of producing the requested ESI outweighed its potential benefit to the class action plaintiffs and granted Plaintiffs' motion to compel." In granting Plaintiff's motion to compel, the court reasoned that "a clawback order can protect Defendants against a claim of waiver, such that Defendants need no longer bear the cost of reviewing the ESI for responsiveness and privilege. To further reduce any undue burden, Plaintiffs may need to refine their proposed search terms to narrow the pool of potentially relevant documents. *In light of these options, Defendants have not shown that producing the requested ESI will be unduly burdensome.*"

[LINK TO ARTICLE](#)

[LINK TO OPINION](#)

Digital Signatures Are Safer Than Ink on Paper - "Pen and paper is an inferior option for executing legally binding agreements. Yet a recent study commissioned by Adobe Systems Inc. found that 98 percent of surveyed managers "still rely on hard copy in the 'last mile' to deliver contracts to get clients and customers to sign on the dotted line." Such madness needs to cease. Electronic signatures are an idea whose time has long since come... The technology is there. So is the law. With few exceptions, electronic signatures are equal to their ink counterparts. Since being introduced in 1999, the Uniform Electronic Transactions Act has been adopted in 47 states and the District of Columbia. The U.S. federal government joined the party in 2000 with the Electronic Signatures in Global and National Commerce Act. ESIGN has a European counterpart in the 1999/93/EC Directive on Electronic Signatures."

[LINK TO ARTICLE](#)

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