

**From:** Noam Chomsky <[REDACTED]>

**To:** "jeffrey E." <jeevacation@gmail.com>, Valeria Chomsky <[REDACTED]>

**Subject:** Re: trust

**Date:** Fri, 20 Oct 2017 04:23:43 +0000

**Inline-Images:** image001.gif

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Movers just finished today, which is why Valeria was so busy, supervising all of it and taking care of other matters, like arranging sale of apartment. More of that tomorrow. Should leave on Saturday, with luck. And it'll take a week or more for everything to arrive. Then massive unpacking job, mainly with books, not just from home but from several rooms at MIT that I'd picked up over the years.

On Fri, Oct 20, 2017 at 12:16 AM, jeffrey E. <jeevacation@gmail.com> wrote:  
no problem. when do you leave cambridge?

On Fri, Oct 20, 2017 at 6:13 AM, Noam Chomsky <[REDACTED]> wrote:  
Right now I'd like to wait a few days for a response from him. I've never made any remotely similar request before, and he presumably wants a little time to deal with it. If I don't hear soon, I'll proceed as you suggest, first asking him whether he can proceed as I requested, and then following your suggestion here.

On Fri, Oct 20, 2017 at 12:09 AM, jeffrey E. <jeevacation@gmail.com> wrote:  
the issues that deborah raise regarding the balancing act between you and the children (beneficialies). only comes into play when the trustee (max) is fearful of a lawsuit. otherwise he can simply ask the children if its ok with them. I think you can feel free to ask max, directly. why is it taking so long. ? are you worried about the children bringing a claim. if so, why dont you ask them. ? also ask when the accounting will be ready. ?

On Fri, Oct 20, 2017 at 6:03 AM, Noam Chomsky <[REDACTED]> wrote:  
No idea what he is talking about. He has raised any such possibility to me, haven't heard any hint from anywhere else. Would have to ask him

On Thu, Oct 19, 2017 at 10:31 PM, jeffrey E. <jeevacation@gmail.com> wrote:  
It seems odd that max is concerned that the children will sue him

On Fri, Oct 20, 2017 at 4:29 AM jeffrey E. <jeevacation@gmail.com> wrote:  
Ask Deborah for an update

On Fri, Oct 20, 2017 at 4:28 AM Noam Chomsky <[REDACTED]> wrote:  
Good idea, and will talk it over with Valeria -- who's now so involved in all of the aspects of the Big Move -- today and the next few days -- that she can barely think about it. My immediate feeling, before consultation with her, is that we should delay this option until we see the outcome of the request for the distribution of the trust.

Noam

On Thu, Oct 19, 2017 at 11:46 AM, jeffrey E. <jeevacation@gmail.com> wrote:  
it seems if both the trustees resign, you can appoint two people you trust.

On Wed, Oct 18, 2017 at 9:27 PM, Noam Chomsky <[REDACTED]> wrote:  
Thanks for the information. Could you please let me know what steps I should take to regain control of the trust.

Thanks,

Noam

----- Forwarded message -----

From: **Deborah Pechet Quinan** [REDACTED]  
Date: Tue, Oct 17, 2017 at 7:21 PM  
Subject: RE: trust  
To: Noam Chomsky [REDACTED] >  
Cc: Gene Landy <[REDACTED]>, "Valeria Chomsky ([REDACTED])  
[REDACTED] <[REDACTED]>

Hi Noam,

Max is asking because he has a duty to balance your interests, with the interests of the children who are the remainder beneficiaries. This is a matter of general fiduciary law governing trustees, absent a provision in the trust that specifically permits a trustee to disregard the interests of the remainder beneficiaries. Such a provision does not appear in Carol's trust. Please see page 2, paragraph 5.1 of the trust, attached. The trust is governed under Massachusetts law (see page 14 paragraph 13.6 of the trust) and it is possible that I may find case law to support the proposition that the interest of the beneficiary who is the surviving spouse takes precedence over the remainder beneficiaries of a marital trust; or a case that provides some guidance, such as to what extent the other financial circumstances of the surviving spouse must be taken into account when a trustee considers making a discretionary principal distribution. Please let me know if you would like me to research these specific issues. This is generally the same issue we grappled with when you requested principal distributions for tax payments.

At this juncture I think it is a good idea to review to review the trustee appointment, removal, and resignation provisions of Carol's trust, and the history of the trusteeships. I summarize these provisions for you and Valeria below and I attach all of the referenced documentation.

Trustee Removal: You have the power under the trust instrument to remove Max provided that you are joined in the removal by a majority of your children, and provided that after the removal an independent trustee is serving. See the trustee removal provisions on page 5 at paragraph 8.2(a).

Trustee Resignations: Either or both of Max and Harry may resign as trustees voluntarily. See resignation provisions at page 5, paragraph 8.2(b).

Trustee Appointments: If one trustee resigns, the other appoints a successor. If both resign at the same time, they appointment their successors together. You must approve the appointments of the

successor trustees. If there are no remaining or resigning trustees you make the appointment. A minimum of two trustees are required under the terms of the trust. See appointment provisions at page 5, paragraphs 8.1(b)-(d).

Trustee History of Carol's Trust: I have attached for your reference the following trust documents which document the trusteeship over the trust's term to date :

1. Carol's original trust dated 10/18/1989 in which you and she were co-trustees;
2. The First Amendment of Carol's trust dated 4/18/1991 by which she removed you as co-trustee and appointed Eric Menoyo as co-trustee to serve along with her. (Your acknowledgment of this removal is contained in this document);
3. The Second Amendment of Carol's trust dated 1/11/2007 by which she changed the provisions for the children after your death and also named you as a successor trustee to her upon her death or at any other time she ceased to serve as trustee, and she named Harry as a successor trustee to you in this document as well;
4. Your Declination to serve as successor trustee to Carol after her death, dated 1/22/2009;
5. Harry's Acceptance to serve as successor trustee to you after you declined to serve as trustee, dated 3/2/2009; and
6. Harry's Appointment of Max as successor trustee to Eric Menoyo after Eric Menoyo's death and your assent to that appointment, dated 5/20/2009.

I hope the above information is helpful. Please let me know if you would like me to do the research mentioned in the first paragraph of this note above, and if you would like to consider pursuing a change of trustees. I'm happy to discuss all of this with you and Valeria to clarify any questions you may have. Please also let me know if you would like me to speak with Max tomorrow or if you would like me to postpone the call.

I look forward to hearing from you.

All my best,

Deborah

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**Deborah Pechet Quinan, Esq. LL.M.**

Shareholder

Chair, Trusts & Estates Group

[255 State Street, 7th Floor | Boston, MA 02109](#)



  
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**From:** Noam Chomsky [mailto:  
**Sent:** Tuesday, October 17, 2017 4:37 PM  
**To:** Deborah Pechet Quinan  
**Cc:** Gene Landy; Valeria Chomsky (  
**Subject:** Re: trust

I don't see what there is to discuss with Max, and I don't understand his letter. It reads as if he is responsible for administering the trusts to ensure my financial future. This is the first time I have heard anything like this, and I do not know what the basis might be for such a conception.

I requested a distribution from the marital trust, my first such request, apart from a request for a withdrawal to cover taxes, which was not accepted without conditions that I found totally inappropriate.

I don't see what more is involved.

Noam

On Tue, Oct 17, 2017 at 3:33 PM, Deborah Pechet Quinan () wrote:

Dear Max,

I am available at 3:00 p.m. tomorrow afternoon, and would be happy to speak provided that Noam and Valeria give me permission to do so.

Best,

Deborah

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**Deborah Pechet Quinan, Esq. LL.M.**

Shareholder

Chair, Trusts & Estates Group

[255 State Street, 7th Floor | Boston, MA 02109](#)



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**From:** Max Kohlenberg [REDACTED]  
**Sent:** Tuesday, October 17, 2017 3:24 PM  
**To:** Deborah Pechet Quinan  
**Cc:** Gene Landy  
**Subject:** RE: trust

Would you have time for a call to discuss this tomorrow Deborah? In particular, I'd like to review with you how I might gather information about Noam's financial circumstances and needs, so that I can evaluate this request in light of my concerns that (a) the trusts remain available for his support over the balance of his lifetime, and (b) distributions from the trust are dedicated to his needs.

I am available tomorrow from 7am to 10am and again from 2pm to 4pm.

Thanks,

Max

A. Max Kohlenberg

Howland Evangelista Kohlenberg Burnett, LLP

One Financial Plaza – Suite 1600

Providence, Rhode Island 02903



[www.hekblaw.com](http://www.hekblaw.com)

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**From:** Deborah Pechet Quinan [REDACTED]  
**Sent:** Tuesday, October 17, 2017 2:53 PM  
**To:** Max Kohlenberg  
**Cc:** Gene Landy  
**Subject:** RE: trust

Hi Max,

Noam has not requested my input into this request.

Thanks,

Deborah

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**Deborah Pechet Quinan, Esq. LL.M.**  
Shareholder  
Chair, Trusts & Estates Group  
[255 State Street, 7th Floor | Boston, MA 02109](http://www.hekblaw.com)

[Redacted]

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**From:** Max Kohlenberg [Redacted]  
**Sent:** Monday, October 16, 2017 9:56 PM  
**To:** Deborah Pechet Quinan  
**Subject:** Fwd: trust

-  
Deborah -

I welcome your thoughts on this.

Thanks,

-  
Max  
-

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

**From:** Max Kohlenberg [Redacted] >  
**Date:** 10/16/17 9:55 PM (GMT-05:00)  
**To:** Noam Chomsky <[Redacted]>

Subject: Re: trust

Thanks for the quick reply Noam. I will get back to you tomorrow.

Max

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: Noam Chomsky <[REDACTED]>

Date: 10/16/17 9:14 PM (GMT-05:00)

To: Max Kohlenberg <[REDACTED]>

Subject: Re: trust

I meant \$500,000.

Noam

On Mon, Oct 16, 2017 at 9:00 PM, Max Kohlenberg <[REDACTED]> wrote:

Forgive me for asking Noam, but did you mean \$500,000, or \$50,000?

Thanks,

Max

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: Noam Chomsky <[REDACTED]>

Date: 10/16/17 6:44 PM (GMT-05:00)

To: Max Kohlenberg <[REDACTED]>

Subject: trust

Dear Max,

I would like to ask for a distribution from one of the marital trusts, for \$500,000, to deal with current expenses of mine.

Thanks for your consideration

Noam

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