

## Bren's children seeking millions

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Christie and David Bren just want what's due them, their lawyer says; no more, no less. And by their calculations, that could be about \$2.2 million a month -- each.

The teenage children of billionaire Orange County land developer Donald L. Bren will return to court Jan. 3 to try to force their father to pay child support commensurate with his wealth.

Bren, chairman of the Irvine Co. and one of the country's richest businessmen, said he is willing to pay whatever a judge deems appropriate, but has been fighting efforts to force him to disclose details about his assets and finances.

The dispute, according legal experts, has potential implications for the way courts determine child support and is the latest in a series of legal battles in which California's rich and famous have fought to keep their financial holdings private.

Last year, for example, supermarket billionaire Ronald Burkle tried repeatedly to keep his personal finances secret in a bitter divorce, leading to a ruling that overturned a state law allowing litigants to seal court records.

According to court papers, Bren had two children with Jennifer McKay Gold, whom he never married. For years, the couple had an out-of-court agreement on the amount of financial support the billionaire would pay for the children. Ultimately, Gold and the children went to court, arguing that Bren wasn't paying enough. The dispute sparked a series of lawsuits and legal appeals.

The current litigation centers largely on a complex formula that judges typically use to fashion support orders. To craft those orders, judges require detailed financial information on a parent's ability to pay, as well as information on the amount of time each parent spends with the child. Judges can change the support amount suggested under the formula depending on the unique circumstances of a case, experts said.

Under state law, child support is largely based on the parents' income, so the child can share in the same standard of living as the wealthier parent. There is no upper limit on the amount of support that can be ordered. The average child support order in Los Angeles County is \$345 per month, said Al Reyes of the county Child Support Services Department.

Grace Ganz Blumberg, a professor at the UCLA School of Law who helped create the child support formula, said the system was set up for the average litigant, not the very rich.

"Child support rules . . . don't make a lot of sense when applied to people of extraordinary means," she said.

One issue a judge must determine, Blumberg said, is whether Christie, 19, and David, 15, have a legitimate need for their father's financial information, or whether they are seeking it as a ploy to harass him in hopes of receiving an enormous settlement.

Herma Hill Kay, a professor at UC Berkeley's Boalt Hall School of Law, was skeptical of Bren's claims.

"Because you've got a lot of money, you don't need to abide by the disclosure rules? That argument doesn't work," Kay said. "The court has to apply the guidelines any time a judge sets child support. Saying 'I have more' won't take the court off the hook."

According to court papers, Bren and Gold signed an agreement in 1989 after a seven-month negotiation that provided Gold \$3,500 per month of general support for each child. The amount was increased to \$5,000 a month in 1991, and was revised again later to provide an additional \$2,500 a month for private school costs. In turn, she agreed not to go to court, and to keep his relationship with them a secret. According to Bren's lawyers, Bren paid \$17,000 a month for each child, tax-free.

Bren promised "always to take care of the children," Gold alleged in court papers. The developer made all payments, but declined her separate requests for a new car and a piano, according to court papers.

In 1997, Gold alleges, Bren stopped seeing the children after she told him over dinner at the Beverly Wilshire Hotel that she "wanted to change their relationship, that she wanted to no longer be intimately involved with him."

Four years later, Gold said she ran into Bren at the Ivy, an exclusive restaurant near Beverly Hills, where he "refused to speak to the children or acknowledge them."

In 2003, Christie and David went to court alleging that Bren broke his promise to support them in a style commensurate with his wealth.

Hillel Chodos, the children's attorney, said Bren tricked Gold

into settling on behalf of the children for far less than she could have received in court.

Plugging what is publicly known of Bren's wealth into the state's child support formula, Christie and David each could be entitled to \$2.2 million a month, Chodos said.

A fair support level, however, cannot be determined until Bren's children know his net worth and income, he said.

Forbes magazine has estimated Bren's worth at \$8.5 billion.

A trial judge had dismissed a lawsuit filed by the mother and halted proceedings on the children's claims last year. After an appellate ruling, the children's suit was allowed to go forward.

Lawyers for Bren have argued he has scrupulously complied with a series of agreements he entered into more than 17 years ago with Gold. He never denied paternity, but because the children were the potential victims of kidnapping for ransom, he asked Gold not to identify them as his children.

Because Bren is willing to pay whatever a court orders, there is no need for investigation of his assets and finances, said his lawyer, Robert C. Welsh.

The teenagers' mother "was represented by experienced counsel of her own choosing," Welsh said. "They negotiated private written agreements that [Bren] has abided by every step along the way."

Chodos acknowledged in court recently that "a child can't eat a million dollars worth of food. I understand that. But it is always a function of what the father, the paying parent, is able to provide. Maybe they need a yacht like Donald Bren has, maybe a plane like Bren has, maybe they need a house in Newport Beach and in Beverly Hills."

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