

PROVIDENCE, SC.

SUPERIOR COURT

(FILED: July 28, 2026)

**IN RE: ESTATE OF RENEE H.
RAPAPORTE, JAY ROSENSTEIN,
CPA, in his capacity as Trustee of the
Renee H. Rapaporte Revocable Trust,
*Petitioner,***

V.

FORREST KARL GARDNER,
Respondent,

and

TRUSTMAN SENGER,
Interested Party.

• • • • •

C.A. No. PM-2024-05022

DECISION

STERN, J. On June 10 and June 11, 2026, this Court held a bench trial arising from a Petition for Instructions with respect to the disposition of the Renee H. Rapaporte Revocable Trust (“Trust”). The trial was limited to determining whether Jay Rosenstein, Trustee and Executor of the Estate of Renee H. Rapaporte (“Petitioner”), correctly determined that Forrest “Karl” Gardner (“Respondent”) was not Renee H. Rapaporte’s (“Ms. Rapaporte”) “significant other” at the time of her death. Pursuant to Rule 19 of the Superior Court Rules of Civil Procedure, Trustman Senger (“Interested Party”) was joined as an interested party because she is a residual beneficiary of the estate. Jurisdiction is pursuant to Rule 52 of the Superior Court Rules of Civil Procedure and G.L. 1956 § 8-2-13.

I

Facts and Travel

On September 20, 2024, Petitioner filed an Amended Petition for Instructions. (Docket.) Petitioner resides in and administers the Trust in Rhode Island. Am. Pet. for Instructions ¶ 1.

After Ms. Rapaporte's death on November 2, 2023, the seventh revision of the Trust took effect. *See id.* ¶¶ 7–8. Article III of the Trust contained disbursements to multiple beneficiaries, one of whom was Respondent. *See* Am. Pet. for Instructions Ex. 1, Article III, ¶ A. Respondent was the beneficiary of the following conditional disbursement: “(4) One million dollars (\$1,000,000) to my dear friend, Karl Gardner, of Burlington, Massachusetts, if he survives me by thirty (30) days, AND if at my death he is my significant other.” *Id.* While the temporal language in the conditional disbursement clause was shared among other beneficiaries, Respondent's condition precedent of being a “significant other” was unique only to him. *See id.* Further, while the Trust contained a list of defined terms, “significant other” was not one of them. *See id.* at Article XIII.

In examining the condition precedent of Respondent's disbursement in Article III, Petitioner determined that Respondent was not Ms. Rapaporte's “significant other” at the time of her death. *See* Am. Pet. for Instructions ¶ 26. On August 12, 2024, Respondent made a formal demand to Petitioner for the aforementioned disbursement. *See id.* ¶ 27. As part of this demand, Respondent threatened legal action if Petitioner refused to pay, and Petitioner thereby filed the instant Am. Petition for Instructions. *See id.* ¶ 29.

Following an uncontested Motion to Add a Party filed by Respondent, Interested Party, Ms. Rapaporte's daughter, was added to the present case in December 2024 in a *pro se* capacity. *See* Order, C.A. No. PM-2024-05022, Dec. 12, 2024. In April 2025, this Court ruled on a Motion

for Judgment on the Pleadings, submitted by Interested Party and joined by Petitioner. (Decision, C.A. No. PM-2024-05022, Apr. 29, 2025.) In denying that motion, this Court held the inclusion of both “dear friend” and “significant other” terminology in the Trust indicated that Ms. Rapaporte “intended to define ‘significant other’ as something more than a relationship between ‘dear friends.’” *Id.* at 9. Within the context of the present case, this Court defined “significant other” as “an important person with whom one shares a close, spouse-like or similar romantic relationship.” *Id.* However, the question of whether Respondent was Ms. Rapaporte’s “significant other” at the time of her death could not be determined as a matter of law, and this Court held that such a question should be “reserved for the factfinder after the pleadings stage.” *See id.*

II

Standard of Review

Rule 52(a) of the Superior Court Rules of Civil Procedure states that “[i]n all actions tried upon the facts without a jury . . . the court shall find the facts specially and state separately its conclusions of law thereon[.]” Super. R. Civ. P. 52(a). In a nonjury trial, “[t]he trial justice sits as a trier of fact as well as of law.” *Parella v. Montalbano*, 899 A.2d 1226, 1239 (R.I. 2006) (quoting *Hood v. Hawkins*, 478 A.2d 181, 184 (R.I. 1984)). “‘Consequently, [the trial justice] weighs and considers the evidence, passes upon the credibility of the witnesses, and draws proper inferences.’” *Id.* (quoting *Hood*, 478 A.2d at 184). “‘The task of determining the credibility of witnesses is peculiarly the function of the trial justice when sitting without a jury.’” *Id.* (quoting *Hood*, 478 A.2d at 184). Our Supreme Court has stated that a trial justice “‘need not engage in extensive analysis and discussion of all the evidence. Even brief findings and conclusions are sufficient if they address and resolve the controlling and essential factual issues

in the case.” *Hilley v. Lawrence*, 972 A.2d 643, 650–51 (R.I. 2009) (quoting *Donnelly v. Cowsill*, 716 A.2d 742, 747 (R.I. 1998)).

III

Discussion

The underlying facts leading up to this trial are largely undisputed. The issue arises from the parties’ sharp disagreement concerning how those facts should be interpreted. The sole question before this Court is whether Respondent has established, by a preponderance of the evidence, that he was Ms. Rapaporte’s “significant other” at the time of her death.

A

Respondent’s Testimony

The parties stipulated that Respondent bears the burden of proof, and therefore this case hinges upon whether Respondent provided sufficient evidence to meet this burden. *See* Tr. 4:12–20, June 10, 2026. Accordingly, Respondent testified first. Respondent stated on direct examination that he currently resides in Burlington, Massachusetts, and has done so for the last twenty years. *Id.* at 11:24–12:2. Respondent first met Ms. Rapaporte in the 1990s. *Id.* at 13:19–14:2. In late 2002, the two began to date after Respondent and his wife separated. *Id.* at 14:19–15:2. In 2005, while he was still working full-time, Respondent began living with Ms. Rapaporte at her home in Brookline, Massachusetts, for what he described as “full-time, seven days a week,” while separately maintaining his leased apartment in Burlington, Massachusetts. *See id.* at 15:20–16:2, 20:12–15. Respondent and Ms. Rapaporte enjoyed an extensive shared lifestyle that included physical intimacy, multiple trips both domestic and abroad, and concert and theater visits. *Id.* at 15:15–19, 18:13–19:4. While living together, Respondent made Ms. Rapaporte’s breakfast, bought her flowers, held her hand, gave her gifts, and celebrated her birthday, which

he testified to doing because he “loved her and it made her happy.” *Id.* at 104:19–105:25. Respondent and Interested Party disagree as to an exact time frame for Ms. Rapaporte’s cognitive decline, but her memory issues appear to have begun sometime in the early or perhaps mid–2010s. *See id.* at 20:21–22:7, 23:11–24, 162:1–3. Ms. Rapaporte was eventually diagnosed with dementia. *Id.* Post diagnosis, two aides were hired to take care of her during the workday while Respondent was ostensibly at work. *Id.* at 24:14–21. Interested Party increased her annual visits from once a year to twice a year as a result. *Id.* at 25:11–24.

It was revealed on cross-examination that Respondent, after he had retired in 2012, neglected to share his retirement status with Ms. Rapaporte. *Id.* at 99:24–101:8. Instead, he continued to leave the house in the morning and return in the evening as if he were still working, often going back to his apartment in Burlington to do activities that he had planned for himself. *Id.* at 100:13–101:8. At times, Respondent would spend more than two weeks at his Burlington residence, which he never rented out to anyone else. *Id.* at 99:11–23. On redirect examination, Respondent explained that Ms. Rapaporte, despite being fourteen years older than him, had “more energy, interest, and sometimes she would wear me out. So I just looked at it as a little time out for myself.” *Id.* at 139:1–8. Respondent also clarified that he never missed any of Ms. Rapaporte’s doctor’s appointments because of this conduct. *Id.*

Ms. Rapaporte did not learn of his retirement until January 2017, when, due to her progressively worsening condition, she moved to Grand Oaks, an assisted living facility in Washington, DC. *Id.* at 29:21–30:11, 32:22–24, 100:2–8. Upon returning from DC, where Respondent dropped Ms. Rapaporte off with her family, including Interested Party, Respondent moved out of Ms. Rapaporte’s Brookline home and back into his Burlington apartment. *Id.* at 33:13–21, 35:17–21. Respondent testified that when the decision was made to move Ms.

Rapaporte to Grand Oaks, “I think a part of me died at that point because we were going to be separated.” *Id.* at 32:1–22. Respondent cited Ms. Rapaporte’s dementia as the reason “we couldn’t be together” and that he “became a visitor instead of a really truly companion, as far as I could see.” *Id.* at 32:2–21.

Respondent physically visited Ms. Rapaporte at Grand Oaks approximately thirty–three times between March 2017 to February 2020, approximately twenty–five of which occurred in the first two years. *Id.* at 64:11–13, 102:19–22. Respondent emphasized the importance of physically touching Ms. Rapaporte during his in–person visits “so that she felt love, that someone cared about her and loved her.” *Id.* at 65:25–66:13. Ms. Rapaporte appeared to react positively to Respondent’s in–person visits, with Respondent testifying that she “beamed every time I showed up. It was like Christmas to her.” *Id.* at 66:14–17. Respondent further testified that he began to notice Ms. Rapaporte had trouble remembering details during his in–person visits. *See id.* at 66:18–67:2. Starting the summer after the onset of the COVID pandemic in 2020, due to in–person visiting restrictions at Grand Oaks, Respondent began to virtually meet with Ms. Rapaporte via weekly video calls that lasted approximately fifteen minutes each, for a total of 154 video calls throughout the remainder of her life. *Id.* at 67:12–18, 68:18–69:6, 71:14–24. During these calls, Respondent would tell Ms. Rapaporte he loved her, recite stories, sing to her, and, as revealed on cross-examination, tell her in detail that he would visit her soon, although he never did. *See id.* at 69:7–70:7, 111:2–112:3, 103:15–19.

On cross-examination, Respondent revealed that over the six-year period in which he met with Ms. Rapaporte via visits and virtual calls, he took more than 2,000 photographs of Ms. Rapaporte, taking the time to date many of the photographs, but framing none of them. *Id.* at 108:22–109:24. Respondent explained on redirect examination that he took these photographs to

remember Ms. Rapaporte and memorialize her for a book he plans to write about her life. *Id.* at 138:2–11. After Grand Oaks eventually reopened for in-person visits, Respondent continued his weekly video calls, stating that his perception was that Ms. Rapaporte could no longer connect with anyone, that she was unresponsive to him talking or singing or joking, and that this made him depressed. *Id.* at 72:24–73:15. Respondent testified that Ms. Rapaporte spoke just one word to him in 2022 and that she said nothing in 2023. *Id.* at 71:7–13. He stated that he, “wouldn’t want to go and simply hold the . . . hand of a women [*sic*] that was virtually a living corpse. It was too, too, too crazy, too sad for me.” *Id.* at 73:12–15. Respondent added that he did not send Ms. Rapaporte any flowers or cards, or write her letters, because he did not believe she could have felt any joy from receiving them, as “[s]he was beyond reach as far as I could tell.” *Id.* at 73:17–74:3.

In May 2022, Respondent learned that Ms. Rapaporte was being moved to hospice and informed Petitioner that “[i]t appear[ed] that Renee has entered the final phase of her life. Thankfully, Renee doesn’t seem to be aware of her condition and so is without depression, anger, or frustration.” *Id.* at 74:14–76:1; Joint Ex. 2. Respondent also indicated that he would be out of the country for the next three weeks and would be unable to share future updates, for what he later described as a vacation to Ireland. *See id.* at 76:2–6. While Respondent considered cancelling the longstanding trip, he decided not to because he could not get a refund and because he viewed Ms. Rapaporte as “beyond joy or comfort.” *Id.* at 76:7–16.

On October 27, 2023, Respondent attempted to conduct his weekly video call but was unable to connect with anyone at Grand Oaks. *Id.* at 78:8–19. Respondent inquired further with Grand Oaks that same day and spoke with the social director who set up the video calls, who said she would get back to him. *Id.* at 78:20–79:7, 112:24–113:6. After she failed to return his call,

Respondent called again on November 3, 2023, and left a message at Grand Oaks that went unreturned. *Id.* at 79:8–20. Respondent did not attempt to reach out to Petitioner, Interested Party, or anyone else to check on Ms. Rapaporte. *Id.* at 113:12–22.

On November 6, 2023, Respondent travelled to New York City where he sustained an injury that ultimately required a full hip replacement. *Id.* at 113:23–114:4. He spent approximately one week in the hospital before moving to the internal rehabilitation wing. *Id.* at 114:5–12. During his time in the rehabilitation wing, Respondent had access to his phone and iPad and reached out to friends and family to update them on his condition. *Id.* at 114:13–23. Respondent, however, did not attempt to contact Ms. Rapaporte, citing his distraction from the accident as well as that he was waiting for Grand Oaks to call him back, and that he wanted to “be courteous and not be pushy.” *Id.* at 79:21–80:5, 138:16–21, 114:17–115:13. He was released on December 6, 2023, whereupon he returned to his Burlington residence. *Id.* at 81:3–8. On December 11, 2023, Respondent heard from his and Ms. Rapaporte’s hairdresser that Ms. Rapaporte may have died, which prompted Respondent to e-mail Petitioner for confirmation. *Id.* at 81:9–82:14, 115:24–116:13. Upon receiving this e-mail, Petitioner responded, “Yes, she has passed away on November 2nd. Who told you?” *Id.* at 84:10–13. Respondent testified on direct examination that neither Interested Party nor anyone from her family ever reached out to Respondent to inform him of Ms. Rapaporte’s death. *Id.* at 85:1–9.

Throughout the duration of their relationship, Respondent lacked both power of attorney and healthcare proxy. *Id.* at 112:4–13. The two did not usually share expenses, except when travelling, and while living in her home most of Respondent’s expenses were paid for by Ms. Rapaporte, although the two always maintained separate credit cards, bank accounts, and investments. *Id.* at 19:5–20:20. Respondent testified that he had no physical or financial issues

that would have prevented him from visiting Ms. Rapaporte in 2022 or 2023. *Id.* at 118:24–119:7. In July 2019, Respondent was diagnosed with lymphoma that left him immunocompromised. *Id.* at 67:19–25. As part of his treatment, Respondent was advised to avoid close proximity to sick people and crowds. *Id.* at 68:1–13.

B

Interested Party’s Testimony

At the conclusion of Respondent’s testimony, Interested Party took the stand. As a *pro se* litigant testifying and questioning herself, Petitioner’s counsel ultimately facilitated the direct examination of Interested Party. *See id.* at 143:9–148:1. Interested Party testified that in 2010, she asked Respondent to consider living with Ms. Rapaporte full time, and he declined. *Id.* at 151:1–152:22. Upon Ms. Rapaporte’s move to Grand Oaks, she stayed in assisted living for approximately six months before moving into memory care, where Interested Party hired private aids to take care of her mother. *Id.* at 150:1–10. All expenses associated with her mother’s medical care were paid for by Ms. Rapaporte herself, with Interested Party testifying to no known contributions from Respondent. *Id.* at 149:23–150:19.

From the time that her mother arrived in Washington, DC until her death, Interested Party estimated that she visited her mother in excess of one thousand times, sometimes twice a day, except when Respondent was visiting, in which case she would forgo any visits. *Id.* at 148:22–149:6. Interested Party initially allowed, then prevented, and then again allowed Respondent to visit Ms. Rapaporte. *Id.* at 156:22–158:5. Interested Party explained this course of conduct as stemming from concerns about how a visit would impact her mother’s transition to living in Grand Oaks. *Id.* After February 2020, Interested Party never again impeded Respondent from visiting. *Id.* at 160:6–8. Throughout 2022 and 2023, Interested Party testified that Ms. Rapaporte

responded positively to in-person visits from her friends and family, which consisted of hand-holding and listening to music. *See id.* at 152:23–155:18. Interested Party testified that her own virtual calls with Ms. Rapaporte were incomparable to in-person visits, calling them “100 percent different,” and that Ms. Rapaporte would not even open her eyes during virtual calls. *Id.* at 156:5–21.

Prior to the trial, the last time Interested Party heard from Respondent was in an e-mail from February 2020 that dealt with an upcoming visit. *Id.* at 158:8–14. On cross-examination, Interested Party clarified that Ms. Rapaporte’s “2022 hospice was not a dangerous situation.” *Id.* at 183:12–17. On redirect, Interested Party explained that the reason she did not inform Respondent of Ms. Rapaporte’s death was that Interested Party had not heard from him since 2020. *Id.* at 183:18–20.

IV

Analysis

This Court wishes to clarify that the following analysis is not intended to provide a broad moral or legal standard for what constitutes a “significant other” relationship. This Court’s prior definition of a “significant other” was made in the context of this specific Trust and should be limited in its application to the present case. (Decision, C.A. No. PM-2024-05022, Apr. 29, 2025.) Given the wording of the Trust, it is necessary to perform an objective assessment of the testimony herein to determine whether Respondent was Ms. Rapaporte’s “significant other” at the time of her death.

In making such a determination, this Court does not intend to set down any definitive rule or statement with regard to the ability or capacity of people in general to maintain a personal relationship with a family member or friend who has been diagnosed with a serious illness like

dementia. There are certainly relationships that may defy what a traditionally typical “significant other” relationship looks like, such as those that are long distance. Nonetheless, this Court must make such a determination under the facts at hand, and, given that the parties have stipulated that Respondent bears the burden of proof, this Court will primarily focus on Respondent’s conduct at the time of Ms. Rapaporte’s death, in addition to the credibility of his testimony. Petitioner and Respondent are in agreement that Respondent was likely Ms. Rapaporte’s “significant other” at some point in the past. *See* Am. Pet. for Instructions ¶ 26. What is less clear is whether they remained significant others at the time of her death.

Respondent’s testimony relied extensively on the historical nature of the quality and duration of his relationship with Ms. Rapaporte. *See* Resp. to Pet. for Instructions. Respondent devoted hours of testimony to describing the extensive lifestyle that the two enjoyed together in the years preceding Ms. Rapaporte’s dementia diagnosis and subsequent move to Washington, DC. *See* Tr. 15:15–19, 18:17–19:4, June 10, 2026. To an extent, it is understandable that Respondent wished to provide context for his relationship with Ms. Rapaporte, in an apparent effort to bolster his credibility for the claim that he was her “significant other.” Significantly less time, however, was devoted to the nature of Respondent’s relationship with Ms. Rapaporte in the months or even years immediately preceding her death.

In this Court’s view, the historical context of Respondent’s relationship with Ms. Rapaporte is less relevant than his conduct at and immediately surrounding the time of her death. That Respondent appeared to be a “significant other” at some point in the past does not create any sort of rebuttable presumption that he continued to be so for the many intervening years leading up to Ms. Rapaporte’s death, nor does it shift the burden of proof away from the Respondent. In fact, some of the information Respondent provided as historical context for his

relationship with Ms. Rapaporte ultimately weakened his credibility. Such information indicated a pattern of a decline in the “significant other” relationship, including the slowdown of his visits prior to 2020, the lack of in-person visits post-2020, coupled with his unfulfilled promises to visit, and his puzzling lack of persistence in following up to check on Ms. Rapaporte’s status in November 2023.

Respondent’s final attempted video call with Ms. Rapaporte occurred on October 27, 2023. *Id.* at 78:8–19. After the video call initially failed to connect, Respondent followed up the same day with a call to Grand Oaks and was told that someone would call him back, to no avail. *Id.* at 78:14–20, 112:24–113:6. While Respondent called again and left a message nearly a week later, he never inquired after November 3, 2023, citing his desire to avoid being pushy. *Id.* at 79:10–80:5, 138:16–21.

While in New York City on November 6, 2023, Respondent suffered a hip injury that required hospitalization, leading to a month-long hospital stay. *Id.* at 113:23–114:4. Respondent did not contact Ms. Rapaporte during his hospitalization, despite contacting friends and family. *Id.* at 114:17–115:13. Even after he left the hospital, Respondent still did not contact Ms. Rapaporte to share news of his injury or to inquire about her status, even though, at that point, it had been more than six weeks since he last heard from her. *See id.* at 81:3–8, 112:17–23. These six weeks of silence are especially damaging to Respondent’s theory, because Respondent admitted that he was capable of and did contact his friends and family to update them on his condition while he was hospitalized. *See id.* at 81:3–8, 112:17–23, 114:17–115:13. Moreover, given that Respondent was accustomed to a weekly call with Ms. Rapaporte, approximately six weeks of silence meant six missed calls with no outreach on Respondent’s part. *See id.* This Court would expect that a “significant other” would attempt to contact their partner if they were

accustomed to weekly calls for nearly three years and then, suddenly, heard nothing at all for six weeks. Such persistence is part of a relationship that this Court would expect, at a minimum, between “dear friends,” but even more so for a “significant other,” especially when one partner is acutely aware of the other’s declining health. This behavior lends weight to the argument that, at the immediate time of Ms. Rapaporte’s death, Respondent was not acting as Ms. Rapaporte’s “significant other.”

Furthermore, after February 2020, Respondent never visited Ms. Rapaporte in person, even after COVID restrictions at Grand Oaks were relaxed. *Id.* at 67:12–18, 103:15–104:10. He testified that he was not physically or financially restricted from visiting her. *Id.* at 118:24–119:7. Respondent initially stated on direct how important he thought it was to physically touch Ms. Rapaporte when he was visiting in person “so that she felt love, that someone cared about her and loved her.” *Id.* at 66:2–13. He further testified that Ms. Rapaporte responded well to his in-person visits. *See id.* at 66:14–17. Interested Party also testified that Ms. Rapaporte reacted completely different during in-person visits compared to virtual calls, and that Ms. Rapaporte was able to react to Interested Party’s presence throughout 2022 and 2023. *Id.* at 154:21–156:21.

Despite Respondent’s prior testimony emphasizing the importance of physically touching Ms. Rapaporte during his visits, it is difficult to reconcile this with the fact that he never visited her in person during the last three years of her life, and therefore he was unable to physically interact with Ms. Rapaporte. *Id.* at 103:15–104:10. Based on Respondent’s prior testimony, as well as the testimony of Interested Party, it appears that Ms. Rapaporte may have been able to connect, albeit perhaps not always verbally, with her in-person visitors. Respondent, however, would not have been able to know this because he ceased his in-person visits even after Grand Oaks lifted their COVID visiting restrictions. *Id.* at 72:24–73:15. Respondent cited the

depressing nature of seeing Ms. Rapaporte in her condition and that it was his perception that she could no longer connect with anyone. *Id.* He testified that he “wouldn’t want to go and simply hold the . . . hand of a women [*sic*] that was virtually a living corpse. It was too, too, too crazy, too sad for me.” *Id.* While understandably painful for all parties involved, this does not explain why Respondent ceased giving Ms. Rapaporte flowers, gifts, or celebrating her birthday with her – all things he had done with her while they were living together in Brookline, at perhaps the height of their “significant other” relationship. *Id.* at 104:19–105:25. The lack of flowers and gifts are especially confusing, because sending them to Ms. Rapaporte would not necessitate Respondent interacting with her. This reasoning also fails to explain the apparent slowdown in visits even prior to 2020. *Id.* at 103:13–22.

While Respondent visited Ms. Rapaporte thirty-three times over four years until February 2020, twenty-five of those visits were during the first two years and the remaining eight during the last two years, indicating an already present slowdown even prior to the COVID pandemic. *See id.* at 64:11–13, 103:13–22. The reason for the slowdown is unclear. While it is possible that Respondent’s lymphoma diagnosis was at least partially responsible, his diagnosis did not stop him from engaging in extensive domestic and international travel, such as his three week trip to Ireland in May 2022 that took place in spite of his learning that Ms. Rapaporte was entering hospice care. *See id.* at 75:17–76:6. This trip in particular is especially damaging to Respondent’s theory, as one would expect someone to forgo a personal vacation in lieu of visiting their “significant other” upon that person’s entry into hospice care. *See Joint Ex. 2.*

Additionally, it is understandable that seeing a loved one in pain takes its toll on oneself. Nonetheless, while Respondent cited the depression of seeing Ms. Rapaporte as essentially a shell of her former self as a reason not to visit her in person, he still took 2,000 photographs of

her, many of which were taken in 2022 and 2023 when she was unable to even speak. *Id.* at Tr. 71:7–13, 72:20–73:15, 108:22–109:24, June 10, 2026. Respondent’s explanation that he did not want to see Ms. Rapaporte in person due to her condition is difficult to reconcile with the fact that he took hundreds of photographs of her while she was in this state. As Respondent testified on direct examination, he “wouldn’t want to go and simply hold the . . . hand of a women [sic] that was virtually a living corpse. It was too, too, too crazy, too sad for me.” *Id.* at 72:24–73:15. However, Respondent was more than willing to take hundreds of photographs of the woman he called “virtually a living corpse.” *Id.* Respondent’s explanation for not visiting in person is therefore contradicted by his own behavior. Likewise, as revealed on cross-examination, Respondent would give detailed descriptions of how he would visit Ms. Rapaporte soon. *See id.* at 69:7–70:7, 111:2–112:3, 103:15–19. And yet, Respondent did not follow through on those promises. *See id.* at 67:12–18.

This Court also finds it concerning that Respondent testified extensively about his history with Ms. Rapaporte, and yet he declined to share, on direct, that he had lied to Ms. Rapaporte for years with respect to his retirement status. *Id.* at 99:24–101:8. Respondent only revealed as much when prompted on cross-examination, which damages his credibility further. *Id.* Respondent’s explanation that Ms. Rapaporte had more energy than him and he needed time for himself is at odds with the idea that her health was declining to the point that she needed to be moved to a care facility. *See id.* at 139:1–8. Furthermore, Respondent also stated at the beginning of his testimony that he had resided in his Burlington apartment for twenty years, a period which curiously entails the time he claims to have been living with Ms. Rapaporte “full-time, seven days a week” in her Brookline home. *See id.* at 15:20–16:2, 20:12–15, 99:11–23. While this Court understands why Respondent did not wish for the information about his retirement status

or his “full time” living arrangement to come to light, the fact that Respondent was not entirely forthcoming on direct, when coupled with his broken promises to visit Ms. Rapaporte, and his own acts contradicting his explanations, Respondent’s credibility can reasonably be called into question.

It is not lost on this Court that there may be some hostility from Interested Party directed toward Respondent. On cross-examination, Interested Party was somewhat evasive, and at times combative in her answers that concerned Respondent. *See* 162:4–10, 163:2–13, 164:24–165:6, 168:17–23, 169:5–17, 177:7–11, 184:19–185:1. Notwithstanding Interested Party’s apparent animosity toward Respondent, her answers nonetheless appeared genuine and truthful. This Court heard credible testimony from her on the care of her mother once she arrived in Washington, DC and on her mother’s behavior during in-person and virtual visits. Nevertheless, it is possible that such animosity may have played a role in the dearth of information Respondent had about Ms. Rapaporte’s status.

However, Respondent was fully capable of checking on Ms. Rapaporte at any time, via direct outreach to Grand Oaks, or via intermediaries, such as his e-mail to Petitioner confirming her death. *Id.* at 81:9–82:14. Equally understandable is that Respondent may have been trying to avoid the unpleasantness of interacting with someone who showed him visible disdain; however, this is perhaps the type of sacrifice that one might expect in service of their “significant other.”

While this Court believes that Respondent was honest about his perceived relationship with Ms. Rapaporte while they were living together, this Court’s analysis was limited to an objective assessment of whether Respondent was Ms. Rapaporte’s “significant other” at the time of her death. Respondent’s subjective beliefs were often contradicted by his own actions and his explanations were simply insufficient to meet his burden of proof. Given that the parties

stipulated that Respondent bears the burden of proof, this Court holds that Respondent has failed to meet that burden, owing to the credibility of his testimony and his behavior at the time of Ms. Rapaporte's death. *Id.* at 4:12–20.

V

Conclusion

Based on the foregoing, namely that Respondent has failed to demonstrate by a preponderance of the evidence that he was Ms. Rapaporte's "significant other" at the time of her death, the Petition for Instructions filed by Jay Rosenstein, Trustee of Renee H. Rapaporte Revocable Trust is **GRANTED**. Counsel shall submit the appropriate order and separate judgment for entry.



RHODE ISLAND SUPERIOR COURT

Decision Addendum Sheet

TITLE OF CASE: In Re: Estate of Renee H. Rapaporte v. Gardner, et al.

CASE NO: PM-2024-05022

COURT: Providence County Superior Court

DATE DECISION FILED: July 28, 2026

JUSTICE/MAGISTRATE: Stern, J.

ATTORNEYS:

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