

## Definition of "Breach"

breach of fiduciary duty is a breach of trust

Rest. (2d) § 351A(1)(b)(ii)

breach of trust

breach of the fiduciary duty of loyalty

## Elements of the claim

the claimant has to prove that there is a breach of the fiduciary duty of loyalty

### the claimant has to prove (fiduciary relationship)

1. entered a fiduciary relationship with the claimant
2. breached the duty of loyalty
3. was a breach of the duty of loyalty
4. the claimant suffered a loss as a result of the breach
5. the claimant suffered a loss as a result of the breach
6. the claimant suffered a loss as a result of the breach

## Defence

### Defence to the claim

1. the claimant has to prove that the claimant is a claimant
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6. the claimant has to prove that the claimant is a claimant
7. the claimant has to prove that the claimant is a claimant
8. the claimant has to prove that the claimant is a claimant

## Conclusion

### the claimant has to prove (breach of duty)

1. entered a fiduciary relationship with the claimant
2. breached the duty of loyalty
3. was a breach of the duty of loyalty
4. the claimant suffered a loss as a result of the breach
5. the claimant suffered a loss as a result of the breach
6. the claimant suffered a loss as a result of the breach
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### Defence to the claim

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