

DEC 19 2025

SURROGATE'S COURT : SUFFOLK COUNTY

DOREEN A. QUINN
CHIEF CLERK

In the Matter of the Application of)
Denise Jennings, as Administrator of)
the Estate of)

WILLIAM JOSEPH JENNINGS,)

Deceased,)

For Turnover of Digital Assets in the)
Possession of Apple Inc., Google Inc.,)
and Darkroom Technologies Inc.,)
Pursuant to Article 13-A of the EPTL)
and SCPA 2103.)

DECISION

By: HON. VINCENT J. MESSINA, JR.
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Surrogate
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Dated: December 19, 2025
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File #: 2024-2189/A
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By this proceeding, petitioner, the duly appointed fiduciary of the estate of this decedent, seeks an order directing Apple Inc. (hereinafter "Apple") to provide her with access to the digital assets other than the content information of electronic communications stored in decedent's Apple account, including a catalogue of electronic communications, files, photographs, videos, contacts, calendar and notes; an order directing Google Inc. (hereinafter "Google") to provide her with access to the digital assets other than the content information of electronic communications stored in decedent's Google accounts, including a catalogue of electronic communications, files, photographs, videos, contacts, calendar and notes; and an order directing Darkroom Technologies Inc. (hereinafter "Darkroom") to turn over to petitioner photographs and other assets in decedent's Darkroom account.

Jurisdiction has been obtained over those shown as necessary parties to this proceeding and no one has appeared in opposition to the relief requested by petitioner.

Decedent died on November 4, 2023, survived by his parents, Joseph Jennings and Denise Jennings, petitioner. Pursuant to decree dated September 20, 2024, petitioner was appointed administrator of his estate and limited letters of administration issued accordingly.

Petitioner asserts that when the decedent died, he was the only user of an Apple ID with an associated email address w*****e@me.com and the only user of Google accounts with associated email addresses w*****e@gmail.com and w*****3@gmail.com. Petitioner is of a good faith belief that

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access to these electronic records is necessary to identify, locate and manage estate assets, including but not limited to, bank accounts and other assets which decedent's estate may have an ownership interest. Thus, petitioner requests a catalogue of electronic communications contained in the Apple and Google accounts.

According to petitioner, Apple requires a court order granting her access to data stored in decedent's account, specifying petitioner's name, decedent's name and decedent's Apple ID; that decedent was the owner of all accounts associated with the Apple ID; that petitioner is the personal representative of decedent's estate; that as the personal representative, petitioner is the "agent" of decedent and her "authorization constitutes 'lawful consent' as those terms are used in the Electronic Communication Privacy Act or equivalent law;" and that "Apple is ordered by the court to assist in the recovery of decedent's personal data from their accounts, which may contain third-party, personally identifiable information or data."

According to petitioner, Goggle requires a court order granting her access to data stored in decedent's accounts, specifying that decedent is deceased; that decedent "is the sole account holder of the named account;" that petitioner "has a legal right to obtain the content;" "that disclosure of the content would not violate any applicable laws, including but not limited to the Electronic Communication Privacy Act and any state equivalent;" "that there is sufficient consent pursuant to the Stored Communications Act;" "the specific Gmail content being requested;" and "that Google LLC is ordered to produce the requested Gmail content to the requesting party."

With respect to Darkroom, petitioner avers that decedent was an avid photographer and maintained an online gallery with Darkroom at https://g*****1.darkroom.com/ and his account is w*****3@gmail.com. According to petitioner, Darkroom's Terms of Use state that by posting his photographs to the Darkroom website, decedent granted Darkroom a license to reproduce and sell his photographs. Petitioner advises that Darkroom has not responded to her request for transfer of decedent's account to her as administrator and avers that "to the extent that decedent's estate

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has an ownership interest in Decedent's photographs in the possession of Darkroom, petitioner is obligated to collect and manage these photographs." It is unclear from petitioner's application the specific relief being sought at this time as it relates to the purported license.

Petitioner asserts that, as the duly appointed fiduciary, she is the legal personal representative of the decedent and that a court order would constitute "lawful consent" as those terms are set forth in the Electronic Communication Privacy Act (18 USC §§ 2510, *et seq.*) and the Stored Communications Act (18 USC §§ 2701, *et seq.*). Petitioner avers that under the circumstances presented, there is no state or federal law that prohibits disclosure of the contents stored in decedent's accounts.

EPTL Article 13-A, which addresses access to digital assets, became effective in September 2016. This article, as it relates to this proceeding, is applicable to an administrator acting for a decedent who died before, or after its effective date (EPTL 13-A-2.1(a)(2)) and a custodian if the user resided in this state at the time of his death (EPTL 13-A-2.1(b)).

Pursuant to the relevant provisions of Article 13-A, where a user utilizes an "online tool" which is a service provided by a custodian that permits a user to give directions for disclosure or nondisclosure of digital assets to a third party, such directive overrides a contrary directive contained in a will, trust, power of attorney or other record. Petitioner states that decedent did not grant her or anyone else access to the content information of his electronic communications. It does not appear that decedent addressed disclosure of his digital assets via a will, trust or other record (EPTL 13-A-2.2(b)).

The court notes that a distinction must be made between content based disclosure and non-content based disclosure with respect to a deceased user. Subject to other requirements, disclosure of content of electronic communications involves an affirmative act by the decedent whether online or via an instrument or document (EPTL 13-A-3.1), while disclosure of non-content based digital assets merely requires that the decedent did not prohibit the disclosures (EPTL 13-A-3.2).

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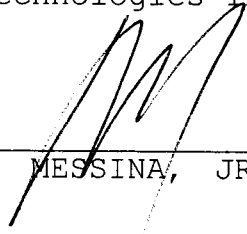
Based on the foregoing the court finds that decedent was the user of the Apple account associated with the Apple ID of w*****e@me.com; that the petitioner is decedent's distributee and the duly appointed fiduciary of decedent's estate; that no lawful consent is required for disclosure of the catalogue of the contents of the electronic communications, and other digital assets that do not constitute as electronic communications under the Stored Communications Act (18 USC §§2701, et seq.) or the New York Administration of Digital Assets law (EPTL Article 13-A).

Based on the foregoing the court finds that petitioner has a legal right to obtain the content of decedent's Google accounts associated with w*****3@gmail.com and w*****e@gmail.com; petitioner requests disclosure of the electronic records, including files, photographs, videos, emails, contacts, calendar and notes stored in decedent's Google accounts; the disclosure of these contents would not violate any applicable laws, including but not limited to the Electronic Communications Privacy Act and any state equivalent; and there is sufficient consent pursuant to the Stored Communications Act.

Based on the foregoing application the court finds that petitioner has a legal right to obtain access to decedent's Darkroom account.

Accordingly, there being no opposition and it appearing reasonably necessary to the administration of the estate, the relief requested by petitioner is granted as set forth in this decision.

Petitioner is directed to submit separate orders directed to Apple Inc., Google, Inc. and Darkroom Technologies Inc.



VINCENT J. MESSINA, JR., Surrogate

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