

IN THE US DISTRICT COURT OF THE SOUTHERN DISTRICT OF FLORIDA

STATE OF FLORIDA

FILED by *[Signature]* D.C.  
APR 30 2015  
STEVEN M. LARIMORE  
CLERK U.S. DIST. CT.  
S. D. of FLA. - MIAMI

CASE NO: 15 CV-20150 - JKL

Barbara Stone

**Counter-Plaintiff**

Helen Stone

**Third Party Plaintiff.**

Helen Stone is represented by her natural daughter

Barbara Stone

V

Roy Lustig,

**Counter Defendant.**

The State of Florida;

The Florida Bar Association and its members including

but not limited:

Michael Genden, individually and in any official capacity;

Alan Stone, individually and in any official capacity;

Roy Lustig, individually and in any official capacity;

Fred E. Glickman, individually and in any official capacity;

**COUNTERCLAIM AND  
DECLARATORY JUDGMENT CLAIM**

**DEMAND FOR JURY TRIAL**

Adria Quintela, individually and in any official capacity;  
James K. Fisher, individually and in any official capacity;  
Richard Martinez, individually and in any official capacity;  
Ron Lowy, individually and in any official capacity;  
and  
Jacqueline Hertz, guardian, individually and in any  
official capacity  
Blair Lapidis, guardian, individually and in any  
official capacity  
Regents Park at Aventura, Inc. a Florida corporation  
Eddie Burzinski, individually and in any official capacity

**Third Party Defendants.**

---

**VERIFIED COUNTERCLAIM AND DECLARATORY JUDGMENT CLAIM**

Barbara Stone (“Counter-Plaintiff”) sui juris and on behalf of her mother, Helen Stone (“Third-Party Plaintiff”) hereby files this Counterclaim and Declaratory Judgment Claim against the above captioned Counter-Defendant and all Third Party Defendants and under information and belief states as follows:

**INTRODUCTION**

**This action is precedent setting. It involves whistleblowing against the highest levels of the Florida Judicial System and the self-policing Florida Bar association including Supreme Court Judges and other Judges, Prosecutors, and Private Attorney at Law, all tied together**

**through the Florida Bar Association and committing crimes with impunity against victims in various combinations of legal abuse schemes utilizing the courts and other agencies controlled by Florida Bar lawyers to aid and abet. Whistleblowing against the Florida Bar by an insider, a member of the Florida Bar for over 25 years, Barbara Stone, Esq. is exposing what can be defined as serial killings in probate/guardian courts in a “murder for hire” racket masterminded by criminal racketeers proffering legal degrees and in the highest levels of the legal profession and its regulatory body.**

This scheme’s perpetrators have apparently already murdered countless vulnerable elderly adults in the State of Florida under the guise of “guardianship” and “probate” by merciless drugging, isolation, abuse, extortion, forced removal from their homes, confiscating the assets of their victims without their knowledge by judges issuing fraudulent orders to transfer their money to attorneys, guardians and other “state officials” acting under color of law abuse whereby the victims are paying these racketeers who are committing crimes against them and are being deprived of food, medical attention, legal rights and services.

This racketeering conspiracy has been witnessed and experienced first-hand by Counter Plaintiff and Third Party Plaintiff and countless other victims of this enterprise throughout the State of Florida. It is masterminded at the highest levels of Florida Bar members.

Because Barbara Stone, Counter-Plaintiff is a whistleblower on behalf of herself and her mother against the Florida Bar and certain of its members and where her mother is a legally defenseless elderly citizen, both Barbara and her mother are being retaliated by acts of domestic terrorism under 18 U.S.C. § 2331 and crimes against Humanity.

It appears there is a domestic terrorist organization operating with the legal system, where a mob styled infiltration has occurred at the highest level in the legal system, using the court as their

business address to facilitate their crimes and operate a human trafficking, money laundering racketeering enterprise under color of law abuse in the State of Florida that is given cover by the Florida Bar, which protects its rogue predator members who are part of the scheme and artifice to defraud citizens.

A victim is targeted in the Probate/Guardianship court, their assets then stolen through unlawful means orchestrated to bleed their assets and they are slowly put to their death by illegal court “edicts” that strip them of their legal rights, their assets, order their isolation from family members and the public, they are secreted away from public eyes, kept imprisoned and caged, forcibly and chemically restrained with illegal psychotropic drugs, kidnapped and forcibly removed from their home, their identities are stolen, their right to counsel denied and they are tormented and terrorized in secret.

Stone in blowing the whistle on this corruption has first-hand knowledge of the terror tactics employed against her and her mother and many other victims who are suffering similar plights. Several national news reports have surfaced in the last year describing these abusive and horrific guardianship/probate schemes.

The Florida Bar members who control membership discipline have extortionary ways to silence its members who become outspoken against the corruption and attempt to report the corruption as duty bound to do. These whistleblower members attempting to expose the racket are silenced through an ex parte back channel of threats of disbarment and loss of livelihood, harassments, malicious prosecutions, false arrests and other persecutions to retaliate against them if they dare speak up as will be evidenced herein in the Stones’ personal onslaught of terror. This perversion of Justice to commit and cover up malicious crimes by those charged with upholding the law has left

victims stripped of their Civil and Constitutional Right, denied fair and impartial treatment under law that obstructs any chance of Justice and are further denied of their rights to seek redress from the courts, private counsel, prosecutors, criminal authorities, as all of these are controlled or influenced by Florida Bar members.

The depravity, terror and life endangering threats that Barbara Stone and her mother are suffering at the hands of a maniacal judge, attorneys and state actor guardians in a mob-type racketeering enterprise would not be fathomable were they not true.

Barbara Stone's mother is being slowly murdered by drugging, isolating and caging her in a lock-down facility and stealing her assets. Counter-Plaintiff has been repeatedly retaliated against and falsely arrested, maliciously prosecuted and jailed by JUDGES who are members of the Florida Bar for Barbara's attempts to protect her mother from their torture and for exposing their crimes.

Because the Florida Bar and the Judicial Disciplinary Committee cover up these crimes, these racketeers make blood sport of criminally assaulting victims embroiled in the probate/guardian court or who try to seek redress. Counter-Plaintiff has lost her livelihood and hundreds of thousands dollars trying to protect her mother and is in great fear of the criminal posing as a judge in her mother's matter as he orchestrates diabolical depravities against her mother and her.

This judge and his racket have captured Barbara Stone and her mother in their criminal "guardian" racket. This judge uses extortionary threats of contempt, entrapment, sanctions, false arrest, fines, maliciously prosecution and other coercion against Barbara Stone to silence her and hold her mother hostage while her mother is being slowly murdered and her assets transferred to his cronies. In his most recent terror attack, he has issued another Nazi gestapo-type "edict" in the form of an "order to show cause" against Counter-Plaintiff veiled with threats in another relentless accusation he hurls against Counter-Plaintiff that is rooted in fraudulent, perjured schemes

orchestrated by racketeers. THE ONLY THING OCCURRING IN THE PROBATE GUARDIAN COURT IS MASSIVE FINANCIAL FRAUD.

This will seek that this matter be transferred to the Honorable Judge John Robert Blakey in the Northern District of Illinois as he is renown for his expertise in racketeering RICO styled mob organizations, that typically have components deep inside government, courts and prosecutorial officials to aid, abet and cover up for the enterprise and that he appoint an investigator and prosecutor who shall not be members of the Florida Bar and protected by the Federal government from influence by anyone.

### **BACKGROUND**

1. Counter-Plaintiff is a 25 + year member of the Florida Bar.
2. As an attorney, Counter-Plaintiff is mandated to report misconduct of others pursuant to Rule 4-8.3 of the Florida Bar and it was this duty bound oath that made Barbara file both criminal complaints with authorities, civil actions and ethics actions against the attorneys involved in the crimes.
3. Counter-Plaintiff is a Florida Bar member whistle-blower who is exposing the racketeer guardian enterprise by Florida Bar members who are criminals acting under the guise of attorneys at law in a criminal racketeering scheme using the business address of probate/guardian courts across the state of Florida and in combination with guardians and private attorneys.
4. The probate/guardian court in Miami Dade County, Florida forces elderly vulnerable persons into guardianship as once forced in guardianship, all of their life savings are immediately transferred to these racketeers and they and their loved ones are instantly stripped of their right to make legal decisions for their health, maintenance and properties.

5. This matter is about a racketeering crime taking place under the guise of “guardianship” wherein Counter-Plaintiff’s mother is being grossly abused and extorted.

6. Third Party Plaintiff has been subjected to inhumane, depraved crimes: human trafficking, theft, extortion and money laundering of her assets, systemic use of psychotropic drugs that carry black box warnings, isolation, use of feeding tubes to avoid feeding by mouth so she can enjoy the pleasure of eating, placing her in diapers to avoid attending to her hygiene and repeated trips to the hospital emergency room for admission for life threatening conditions including but not limited dehydration, malnutrition, infections, fractures and more.

7. Other felony crimes have been and are being committed by Roy Lustig, Michael Genden, Alan Stone, Jacqueline Hertz, Blaire Lapidés (the “Direct Perpetrators”) who are involved in the racketeer “guardianship”, a criminal racketeering enterprise posing as a court proceeding, constituting Fraud in the court, Fraud on the court and Fraud by the court by the court Attorney at Law Officers of the court and fiduciaries appointed by the court.

8. The reach of the organization is at the highest level of the courts and since the Florida Bar can control any member, the victims and their families are derailed of rights to protection from law enforcement, prosecutors and the Florida Bar, when they complain about the judges, lawyers and guardians, leaving them denied due process and procedure and their justice obstructed.

9. Counter-Plaintiff has a need for an emergency declaratory judgment as her mother is an elderly disabled person who is victim of this racket and is close to death from abuse. Due to Counter Plaintiff’s whistleblowing the retaliation against her and her mother has grown increasingly frightening to the point where Counter-Plaintiff is facing vicious threats of criminal retaliation because Michael Genden is an accomplice to and orchestrator of fraudulent, false and fabricated

accusations that he and Roy Lustig ceaselessly and viciously hurl against Counter-Plaintiff in this horrifying racket in which Counter- Plaintiff and her mother are embedded.

10. Michael Genden's court operates under color of law abuse and no due process or procedure is afforded in his court to the victims and those under his guardianships and they are further retaliated against if they assert their rights or try and notify law enforcement, prosecutors or the Florida Bar of the bad faith acts of the court not only in the court but by the other agencies, who again are run primarily by attorney at law members of the Florida Bar.

11. This operation drains its victims for legal, guardian, court and other racketeering fees for entering its illegal scheme (the probate racket) and for legal, guardian, court and other racketeering fees after the victims and their family members are terrorized and tortured in order to attempt to exit the racket (the re-probate racket).

12. There is generally no remedy to exit by the victim as this is a criminal racket designed solely to perpetuate fees and to operate under color of law abuse to keep its victims in the racket.

13. Counter-Plaintiff herself filed for "guardianship" of her mother seeking to protect her from these very same criminal activities of torture, abuse and financial crimes that were used by her estranged sibling, Alan Stone and now employed by the direct Defendants, including but not limited to, isolation, physical abuse, caging, deprivation of food and medical care and exploitation.

14. The purpose for the initial guardianship, the protection of Helen Stone from abuse by her son and the return of the embezzled assets to Helen Stone by Alan Stone was never accomplished.

15. Instead, for Counter -Plaintiff's attempt to report these crimes of Florida Bar attorneys at law and others, her and her mother were plundered into a nightmare of abuse, massive financial fraud and loss of legal rights.



16. Third -Party Plaintiff had no need of a guardianship other than to have her removed from her son's control and abusive care and the court appointed a guardian without affording Third Party Plaintiff Due Process and Procedure.

17. A disabled person like Counter-Plaintiff's mother has a right to accommodations under the Americans with Disabilities Act, 42 C.F.R. 431 not penal punishment and denial of all rights.

18. Counter-Plaintiff has previously filed Federal lawsuits against Direct Perpetrators and others that were derailed by other Florida Bar members.

19. As a result of this and other ruthless retaliation, Counter-Plaintiff has claimed whistleblower status in this lawsuit as she has reported racketeering, human trafficking, money laundering and other heinous crimes committed by judges and attorneys to The Florida Bar, Florida Supreme Court, the Florida Judicial Qualifications Commission, the State Attorney of Miami Dade County, the Attorney General and other agencies and organizations.

20. Counter-Plaintiff's mother has been repeatedly admitted to the hospital by emergency where she is brought close to the brink of death and the guardians and their attorney use Counter-Plaintiff's mother's money to fight Counter-Plaintiff's efforts to protect her mother and enrich themselves through these litigations that drain Third Party Plaintiff's assets.

21. Third-Party Plaintiff is the widow of an honorable army veteran, William Stone, whose patriotic and noble military service in WWII to his country is being trampled by our country's treatment of his wife by the very system he fought to protect to preserve our rights to life, liberty and pursuit of happiness.

22. Counter-Plaintiff has exposed criminal and fraudulent acts of other attorneys at law, as a whistleblower who is duty bound under oath as a Florida Bar member to protect the general public from rogue predator attorneys at law, no matter their titles. In retaliation for said whistleblowing,

Counter-Plaintiff and her mother, an honored widow of a war veteran are being obstructed justice and retaliated against in mob styled retaliation against informants.

23. Counter Plaintiff has alleged that her brother Alan Stone has misappropriated for personal gain \$700,000 from Third Party Plaintiff's assets which she has reported to the proper authorities.

24. The Direct Perpetrators are alleged to have taken approximately \$600,000 through abusive legal fees, guardian fees and theft of assets which Counter Plaintiff has reported to the proper authorities.

25. **Counter-Plaintiff's mother must be protected.** Third-Party Plaintiff has little left for her care and maintenance as her assets have been drained. She has had no rehabilitation and been deprived of proper medical care. Her muscles are atrophying, her vital organs are being shut down. She is being drugged and tortured to her death. This lawsuit has been filed against the perpetrators of her abuse, puts her in imminent grave danger.

26. Counter-Plaintiff is in need of a declaration of rights and a trial by jury under the Americans with Disabilities Act, 42 C.F.R. 431.200 (2)

### **JURISDICTION**

27. This Court has subject matter jurisdiction pursuant to the following statutes:

- a) Title 28 U.S.C. § 2403 Federal Question Jurisdiction
- b) Federal Declaratory Judgment Act and 28 U.S.C. §2201 and §2202
- c) Title 18, U.S.C. § 241: Conspiracy Against Rights
- d) Title 18, U.S.C. § 242: Deprivation of Rights Under Color of Law
- e) Title 18, U.S.C. § 245: Federally Protected Activities
- f) Title 18 U.S. C. § 1091: Genocide
- g) Federal Tort Claims Act

- h) Rule 57 and 65, Federal Rules of Civil Procedure and 28 U.S.C. §2201 and §2202
- i) Title 28 U.S.C. § 1331: Federal Question
- j) Title 28 U.S.C. § 1332: Diversity of Citizen, Amount in Question and Costs
- k) Title 28 U.S.C. § 1343: Civil Rights
- l) Title 28 U.S.C. § 1367: Federal Supplemental Jurisdiction
- m) Title 42 U.S.C. § 1983
- n) Title 42 U.S.C. § 12101 et seq., the American's with Disabilities Act 1990 as amended and

The Civil Rights Act of 1964, USC § 1983, 1985, 1988

- o) Title 42, U.S.C. § 14141: Pattern and Practice
- p) Article II, Section 2 of the United States Constitution
- q) Amendment I of the United States Constitution
- r) Fourth, Fifth and Fourteenth Amendments of the United States Constitution
- s) The general legal and equitable powers of the State of Florida
- t) Counter-Plaintiff claims federal jurisdiction pursuant to Article III § 2 which extends the

jurisdiction to cases arising under the U.S. Constitution.

u) Counter-Plaintiff brings this suit pursuant to Title 42 U.S. Code § 1983 and 18 U.S.C § 242 for violations of certain protections guaranteed to her by the First, Fifth, Sixth and Eighth, Ninth and Fourteenth Amendments of the federal Constitution, by the defendant Genden under color of law in his capacity as a judge in probate court of the 11<sup>th</sup> Circuit Court of Miami Dade County and the Jacqueline Hertz Enterprise.

v) The matter in controversy, exclusive of interest and costs, exceeds \$75,000, the minimum jurisdictional amount in this Court.

## VENUE

28. Venue is proper in the Court of Honorable Judge John Robert Blakey in the U. S District Court of the Northern District of Illinois, Northern Division because he is a renowned expert on racketeering, and in to obtain due process and equal protection because the Florida courts and prosecutors are all members of the Florida Bar and because as this is a conspiracy it is impossible to know who has become tainted and poisoned.

## PARTIES

29. Counter-Plaintiff, Barbara Stone, a resident of the State of Florida.

30. Third Party Plaintiff, Helen Stone, a resident of the State of Florida.

31. Third Party Defendant, The State of Florida

32. Third Party Defendant, The Florida Bar Association, an unincorporated association in the State of Florida

### **The following members of the Florida Bar Association:**

a. Counter Defendant, Michael Genden is a judge in the Miami Dade Probate Court, residing in Florida. He is being sued for his acts that were performed in a non-judicial capacity and in abuse of color of law for which he has no judicial immunity.

b. Counter-Defendant, Roy Lustig is an attorney licensed to practice in Florida. He is being sued in his individual and any official capacity.

c. Third Party Defendant, Fred E. Glickman is an attorney residing in the State of Florida

d. Third Party Defendant, Alan Stone is an attorney residing in the State of Florida. He is being sued in his individual and any official capacity.

e. Third Party Defendant, Adria Quintela, is an attorney residing in the State of Florida.

She is being sued in her individual and any official capacity.

f. Third Party Defendant, James Fisher is an attorney residing in the State of Florida.

He is being sued in his individual and any official capacity.

g. Third Party Defendant, Richard Martinez, is an attorney residing in the State of Florida. He is being sued in his individual and any official capacity

h. Third Party Defendant, Ron Lowy, is an attorney residing in the State of Florida. He is being sued in his individual and any official capacity

**The following parties who are appointed officers of the court:**

a. Third Party Defendant, Jacqueline Hertz, is an individual residing in the State of Florida. She is being sued in her individual and any official capacity

b. Third Party Defendant Blaire Lapidés, is an individual residing in the State of Florida. She is being sued in her individual and any official capacity

c. Third Party Defendant Eddie Burzinski, is an individual residing in the State of Florida. He is being sued in his individual and any official capacity

d. Third Party Defendant, Regents Park at Aventura, Inc. is a corporation in the State of Florida

**JURY TRIAL**

33. Counter-Plaintiff hereby makes demand for Jury Trial

**DECLARATORY JUDGMENT QUESTIONS PRESENTED**

34. How does a victim obtain Relief from a Mafia- type enterprise that operates in the courts under the pretense of “guardianship” under color of law abuse but that is engaged in crimes and

LEFT BLANK

where no relief can be sought because members of the Florida Bar are the ones from whom relief must be sought.

35. Define what protections and rights citizens have when those charged with adjudication and prosecution of the criminal acts against them are the very people committing the crimes against them and denying them due process through obstruction to deny them their fundamental rights by acting outside the color of law to deny rights to victims of their abuse scheme.

36. Counter-Plaintiff and Third Party Plaintiff's rights have been denied in every court, by every Florida Bar member and by every Florida agency in which they have sought redress and remedy. This claim assumes that the State of Florida system of jurisprudence is controlled by a select group of high ranking members of the Florida Bar who are corrupted and running or abetting racketeering operations in the various courts and those members who try to protect client victims are threatened or disbarred in case fixing style to preclude any chance of victims getting counsel or prosecution by Florida Bar members. This is evidenced in the Genden and Lustig extortionary threat letter to drive another Florida Bar member from representing Counter Plaintiff and Third Party Plaintiff as exhibited herein. The attorney subsequently resigned as counsel due to the threat letter. Genden has denied Counter Plaintiff's and Third Party Plaintiff's right to the courts as a result of fraud on, in and by his court and has threatened counsel sought by Counter Plaintiff and Third Party Plaintiff in an orchestrated plan to victimize her and her mother, keep them embedded in this racket, deny their due process and obstruct their justice.

37. Recently a sympathetic Broward County Judge, after hearing of the vicious crimes and retaliation against Counter Plaintiff and Third Party Plaintiff over the last two years by the Direct Perpetrators advised Counter Plaintiff to amend her complaint with a whistleblower count for protection was driven off the case for having sympathy and her suggestion.

38. How can Counter-Plaintiff and Third Party Plaintiff get protected counsel in a jurisdiction and venue that is composed only of members of the Florida Bar that can be threatened and intimidated. How can any justice be served without protected investigators and protected prosecutors who cannot be threatened and intimidated by the Florida Bar and its failed self regulating policy that violates Florida's constitution. All of these criminal and civil complaints now need to be investigated by an investigator outside of the state of Florida who is not conflicted with Counter Plaintiff's whistleblowing efforts against the member organization and protected by a Federal judge. Further these conflict free adjudicators and prosecutors cannot be contacted by any Florida Attorney involved in these matters or any member, without reporting all contact to this Court. They need protection and remedy from a federal judge and prosecutors as life endangering is coming against Counter-Plaintiff from the highest levels of the Florida Bar and its members who are involved in the criminal enterprise described herein.

## COUNT ONE

### WHISTLEBLOWER STATUS AND PROTECTION

39. Plaintiff repeats and realleges each and every allegation contained in foregoing paragraphs and incorporates them herein.

**40. Counter-Plaintiff seeks Federal Protection for her and her mother as they are in life-threatening danger due to threats, denial of due process and procedure that is obstructing justice and vicious threats and retaliation.**

41. Counter-Plaintiff seeks this Court's urgent transfer of this matter to Honorable Judge John Robert Blakey in the USDC of the Northern District of Illinois who is an expert in the racketeering enterprise, corruption and cover up that is manifest in this matter.



42. Because the Counter Defendant and Third Party Defendants are part of an attorney association composed of known and unknown conspirators, this is a precedent setting case.

43. The grave and imminent danger to Counter-Plaintiff and her mother is evidenced by the all the following acts of retaliation against her, including but not limited to, Massive fraud, legal and court escalation of retaliation and denial of due process and procedure against Counter-Plaintiff and her mother that obstructs justice, intentionally and with scienter,

44. Holding Counter-Plaintiff's mother hostage in a criminal racketeer guardian enterprise operated by a criminals posing as judges, attorneys and state appointed "guardians" and terrorizing Counter-Plaintiff for her exposure of this racket and her desperate attempts to save her mother's life.

45. Further retaliatory acts have occurred since Counter-Plaintiff's joined together with Eliot Bernstein whose RICO case was related to Attorney at Law Whistleblowers, Christine C. Anderson, Esq. who was a member of the New York Supreme Court First Department Departmental Disciplinary Committee, who blew the whistle on one of the largest legal system corruptions that reached into the highest levels of government agencies.

46. Other attorneys throughout the country are being viciously retaliated by exposing the rampant corruption and racketeering in the legal system. Attorneys such as Christine Andersen, Esq., Joanne Denison, Esq., Ken Ditkowsky, Esq., Lanre Amu, Esq., Jeff Norkin, Esq., Candice Schwager, Esq. and thousands of other honorable attorneys who are complying with their mandate to report wrongdoing that not only violates civil laws but is a criminal danger to society and the public **are being viciously retaliated and their law licenses threatened and suspended and they face or have been disbarred for complying with their mandated oath to report. This is the only act that they attorneys are being retaliated against. This retaliatory is solely due to their attempts to report wrongdoing.**

47. The same terrorist tactics that are employed in the probate/guardian racket are used in foreclosure courts that force citizens from their homes because of market manipulations done by predator rogue attorneys for greed and self-gain.

**48. OUR NATION IS IN CRISES. The very fabric of our nation, its legal system, is at risk from within jeopardizing the rights of all citizens.**

49. These terrorist retaliatory tactics harm the profession as a whole and the public who is unable to rely on the legal profession and the legal system to protect their rights, their family and their property.

50. These whistleblowers and others who are exposing the corruptions in the court and government agencies controlled primarily by criminals cloaked as lawyers are in life threatening danger and being viciously retaliated against by the lawyers, judges, prosecutors and the Bar Associations that they are blowing the whistle on who are acting in various combinations of racketeering type schemes and using their legal degrees to commit crimes and then cover them up with virtually no fear of retribution as the cover up is at the highest levels of the failed self-policing Attorney at Law Disciplinary Departments, State Bars and Judicial Conduct Commissions.

51. The self-policing Bar Associations and Judicial Commissions instead of protecting those exposing their rogue members and investigating the complaints filed by their members and other victims and reporting the bad actors to criminal authorities are instead retaliating against victims and whistleblower members who are duty bound under the Rules of Professional Conduct to report misconduct of judges and attorneys.

52. Retaliation against the Whistleblower members of the Florida Bar include extortionary threats of disbarment used in efforts to force these brave and heroic whistleblowers from pursuing their acts to expose the bad actors and further the State Bar Associations and Judicial Conduct

Commissions are denying due process and procedure of the Whistleblowers' complaints by disbarring them and preventing and dismantling their efforts to protect their clients, themselves, their families and the public at large from the dangers of the rogue Attorneys at Law, Judges and Prosecutors they are exposing.

53. The danger to Counter-Plaintiff and her mother is further evidenced by Counter-Plaintiff's receipt of a phone call at 4am. on April 11, 2015 from Candice Schwinger, Esq. of Texas, another Whistleblower, informing her and others, including Eliot Bernstein and his three minor children, that their lives and those of their families were in imminent danger for their whistleblowing efforts against Judicial and Attorney at Law corruption and to instantly seek federal and state protections. This phone call is documented in the attached *Exhibit 1*.

54. This wakeup call warning of imminent danger and for Counter Plaintiff to get herself and her mother protected made by a licensed Attorney at Law coincided with the time that Michael Genden and Roy Lustig were stepping up their efforts to silence Stone and deny her rights to counsel for her and her mother by making threats against a Florida Bar attorney who was acting as Barbara and her mother's counsel. Again, the attorney resigned as counsel in fear.

55. On or about the same time of this disturbing phone call, Roy Lustig was conspiring with others to increase the barrage of legal hearings and pleadings calculated to heighten the pressure on Stone through these Sharp Practices done intentionally to tie her up from reporting their misconduct to criminal authorities.

56. Lustig and Genden are acting in conspiracy with Richard Martinez, another criminal pretending to be an attorney who was disbarred for years for criminal activity.

57. Martinez is representing racketeer Ron Lowy who is suing Counter-Plaintiff to get paid for acting as an accomplice to his criminal activity in abetting the abuse, torture and crimes against her mother while sabotaging Counter-Plaintiff and extorting money from her.

58. Ron Lowy initially used Counter-Plaintiff's attorney to sue Counter-Plaintiff to coerce her to pay Lowy for his acting as unknowing to Stone as an accomplice to the crimes against Counter-Plaintiff's mother.

59. Ron Lowy and Richard Martinez used their unethical machination to thwart and confuse Counter-Plaintiff procedurally from responding as it was impossible to respond to an attorney acting in conflict.

60. Ron Lowy and Richard Martinez conspired this ploy to facilitate a default judgment against Counter-Plaintiff from another conspiring judge.

61. Judge Jorge Cueto without due process and an evidentiary hearing issued a default judgment against Counter Plaintiff. Judge Jorge Cueto continues to deny Counter Plaintiff's due process by ignoring the intentional ploy of Ron Lowy which is further shown to be collusive as a meritorious counterclaim against Ron Lowy is of record by Counter Plaintiff.

62. Roy Lustig has filed a myriad of other vicious retaliatory litigation against Counter-Plaintiff including Roy Lustig's SLAPP lawsuit against Counter-Plaintiff for exposing his criminal activity

63. Roy Lustig is colluding in conspiracy with Michael Genden's obsession to take unlawful jurisdiction on and unlawfully aware Fred Glickman's extortive fees as he is part and parcel of the racketeer enterprise that is frantically engaged in the feeding frenzy of Third Party Plaintiff's assets while he has nothing whatsoever to do with her mother and in fact is the cause of her imprisonment in this racket.

64. The denial of due process, equal protection, obstruction of justice and retaliatory acts

proliferate because the Florida Bar protects the corruption and criminal actions of its members instead of holding them accountable and issuing strong sanctions as it appears the enterprise has infiltrated any agency that can investigate them and the self-policing Bar Association is steeped in corruption by retaliating against members doing the right thing and promote members doing the wrong thing.

65. One need only look at the statement Counter-Plaintiff filed with the Florida Bar informing them of the vicious crimes being perpetrated by Roy Lustig (*Exhibit 2*) that Adria Quitela, the staff attorney for the Florida Bar refused to investigate.

66. Instead Quitela closed the file without opening it and ran a “sting operation” sending the complaint to Roy Lustig so he would have knowledge of the crimes alleged and give him the opportunity to cover them up and she then commenced a campaign of harassment and intimidation against Stone.

67. Quitela targeted Counter-Plaintiff and repeatedly harassed her with fraudulent allegations of ethics violations conjured in order to attempt to disbar her in retaliation.

68. There is a conflict of interest inherent in the Florida Bar’s self-disciplinary policy for how can a state organization regulate itself and its members and skirt traditional discipline from criminal investigation.

69. The self- policing policy of the Florida Bar does not work – Florida Bar members cannot unbiasedly investigate the actions of other Florida Bar members. Florida Bar Members should be conflicted out from investigating another attorney who is a member of the Florida Bar which is a patent denial of due process and obstruction of justice and creates an overwhelming Appearance of Impropriety to the general public and the reason lawyers have the lowest approval rating of any professional organization.

70. The self policing aspect of the Florida Bar becomes even more inherently biased, conflicted and unjust when the complaint is made by another Florida Bar member against another Florida Bar member and the investigator is yet another Florida Bar member.

71. The same inherent conflict of interest that exists with the Florida Bar also exists with the Judicial Qualifications Commission. Florida Bar Members again regulate Judges, who are other Florida Bar members when a Florida Bar member files a complaint against a Florida State Judge with the Judicial Qualifications Commission.

72. Florida Bar Members and the Florida Bar are Inherently Conflicted from handling any aspect of Counter-Plaintiff Whistleblower matters due to these conflicts that place her conflicted with every member whether they are involved or not, as Counter Plaintiff cannot know which members are involved in the conspiracy due to the secretive nature of a conspiracies members.

73. The Whistleblowing Criminal Acts reported in the attached criminal report filed with law enforcement by Counter Plaintiff, a Florida Bar member, against Michael Genden, Roy Lustig, Alan Stone, all Florida Bar Members and the court appointed guardians, Jacqueline Hertz and Blaire Lapidés (*Exhibit 3*) as she is mandated to do under Florida Bar Rule 4-8.3, which requires that she report misconduct by attorneys and judges has led to all these retaliatory acts that mandate protection of Stone and her mother..

74. Counter-Plaintiff's mandated whistleblower action against members of the Florida Bar she has become aware are violating law and ethics and her complaints against the Florida Bar itself has created an irrefutable, unwaivable conflict with every member of the Florida Bar whether it be a judge, prosecutor or private attorney and therefore no member of the Florida Bar can handle any aspects of any legal, investigatory or prosecutorial matters in which Counter-Plaintiff is a party.

75. Counter-Plaintiff's mandated whistleblower status against members of the Florida Bar and the Florida Bar itself has created an appearance of impropriety by any member of the Florida Bar who is involved in any aspects of any legal, investigatory or prosecutorial matters in which Counter-Plaintiff is a party.

76. Counter-Plaintiff's mandated whistleblower reporting of members of the Florida Bar and the Florida Bar itself who have acted outside the color of law and ethics has created a setting of bias, prejudice or partiality against Counter-Plaintiff manifested by the Florida Bar and the Florida Bar members as a result of an intrinsic fear of retaliation.

77. Counter-Plaintiff's mandated whistleblower actions now require an independent investigation and adjudication of any matters relating to Counter-Plaintiff whistleblower as every Florida Bar member and the Florida Bar itself has a vested interest in protecting the Florida Bar organization. For example a successful prosecution by Counter-Plaintiff could increase the cost of insurance to the other members. Another example would be the conflict that if Counter-Plaintiff were successful against other Florida Bar Members or the Florida Bar itself, this could have a profound on the reputation of organization as a whole and cause a massive loss of confidence by the general public.

78. Due to the inherent conflict in the Florida Bar self-policing its members, it has manifested into an attorney protection agency not a consumer protection agency due to the irrefutable vested interest and conflict of interest created.

79. These vested interests give an appearance of impropriety and are a danger to the public's confidence in the Florida Bar and its members.

80. **Anyone who seeks to assist Counter-Plaintiff with representation is retaliated against.** The attached notarized affidavit (*Exhibit 4*) from a Florida Bar member who was representing Counter-Plaintiff's mother and suddenly ceased her representation because she was **threatened by a person who represented himself to be MICHAEL GENDEN**. This brave attorney was extorted and/or threatened with retaliation by either Michael Genden and /or Roy Lustig acting in concert according to the Affiant. Others who have attempted to represent Counter-Plaintiff and her mother or act as advocate for them become victims of extortion by this mob like racket that is holding Counter-Plaintiff's mother hostage.

81. Counter-Plaintiff has reported Florida Bar Judges and the Attorneys to the Florida Supreme Court judges, Chief Justice Jorge Labarga; Justice Barbara J. Pariente; Justice R. Fred Lewis; Justice Peggy A. Quince; Justice Charles T. Canady; Justice Ricky Polston; Justice James E.C. Perry and the Florida Bar President, Gregory Coleman pursuant to the attached correspondence (*Exhibit*

5) wherein Counter-Plaintiff has reported these crimes, fraud and racketeering activity as a Florida Bar attorney duty bound under Florida Bar Rules to report the misconduct and thereby became a whistleblower and a whistleblower of the crimes being committed by Florida Bar members including judges, attorneys, state attorneys and the guardians as state actors.

82. Counter-Plaintiff filed for Genden's emergency disqualification (*Exhibit 6*) on April 27, 2015 after learning of his extortion of a Florida Bar member to cease representation of her and her mother and the pleading set forth his bad acts that require disqualification immediately. The Emergency Disqualification Petition to protect Counter-Plaintiff's mother has not only been ignored by Michael Genden to this date but in collusion with Roy Lustig, he has orchestrated an unlawful "motion to strike" Counter Plaintiff's motion for his disqualification (described in Paragraph 85) in this ongoing mountain of corruption and fraud.

83. Instead of ruling on the emergency motion for his disqualification, Michael Genden ruled without jurisdiction on a fee petition filed by Fred Glickman, a member of the racket enterprise who fraudulently caused Counter-Plaintiff's mother to be placed into a fraudulent guardianship seeking to extort his fraudulent bills from Petitioner's mother's assets, issuing an Order awarding Fred Glickman for his criminal conduct.

84. Michael Genden refused to rule on the Petition to disqualify as he has issued an illegal Order to Show cause based on fraud and perjury and it is apparent that he seeks to make Counter-Plaintiff fear his further retaliation against her.

85. Genden in violation of his ethical obligations to rule on his disqualification before proceeding further has viciously ruled to deplete Third Party Plaintiff's assets through an Order granted for outrageous fees and yet fails to rule on his disqualification first, which if legally sufficient will be cause to remove and make null and void all of his Orders.



86. On April 29, 2015 Roy Lustig acting in concert with Michael Genden **filed a Motion to strike Counter-Plaintiff's Petition for Michael Genden's disqualification. In a bizarre filing Lustig seeks to strike a motion for a Judge to disqualify based on the fact that Genden prohibited Stone from filing any documents without counsel and when Stone's counsel was threatened and would no longer file on Stone's behalf she had to pursue her and her mother's rights Pro Se and file the disqualification pleading to protect herself and others from his extortionary and retaliatory acts. Stone obviously cannot get due process when counsel is threatened to drop her and her mother as counsel or else.**

87. This terror tactic of others to deny Stone and her mother of due process and procedure is part of the racketeering operation to silence those who are pursuing their legal rights by a denial of counsel that is a guaranteed right under our constitution.

88. Roy Lustig and Michael Genden are employing these unlawful tactics and sharp practices to prevent Counter Plaintiff's continued whistleblower efforts. **Despite Michael Genden having a disqualification in his hand with severe ethical violations of law and ethics and being a party to criminal misconduct that he is said to be a part of, he is ignoring the urgency of an emergency order such that Counter-Plaintiff can tend to the emergency needs of her mother and instead he ruled on a petition for which he has no jurisdiction to drain assets from the assets of Counter-Plaintiff's mother to pay an attorney who has nothing whatsoever to do with Counter-Plaintiff's mother..**

89. This unlawful act is beyond a civil breach of duty – it is a malicious criminal act of exploitation.

90. Roy Lustig and Michael Genden are acting in collusion to cover up their criminal activities by attempting to poison every court or attorney or prosecutor in which Counter-Plaintiff has

appeared to deny her due process and obstruct her justice and retaliate against her for exposing their criminal activities as she is mandated to do.

91. Federal Judge Kathleen William, a Florida Bar member engaged in the retaliatory actions against Counter-Plaintiff as she denied one of Counter-Plaintiff's lawsuits with prejudice after a delay of over 8 months and without any hearing.

92. Federal Judge Robert Scola denied the other lawsuit that was limited to denial of accommodations under the Americans with Disabilities Act sua sponte within days apparently covering up for Michael Genden and his racketeering enterprise and engaging in retaliation against Counter-Plaintiff.

93. Additional fraudulent, retaliatory actions by Roy Lustig that have occurred since the filing of Counter-Plaintiff's criminal complaint against him

94. In April, 2015, Counter-Plaintiff brought this matter to a judge in Broward County, Judge Perlman to obtain an independent medical evaluation of her mother that could be done in 24 hours for which Counter-Plaintiff agreed to pay. Judge Perlman expressed sympathy to Counter-Plaintiff and Third Party Plaintiff and acknowledged that it would be beneficial to all parties.

95. Judge Perlman suggested Counter-Plaintiff claim whistleblower status and expressed sympathy after hearing all of the retaliatory acts against Counter-Plaintiff. This Judge said she thought Counter-Plaintiff needed whistleblower protection and advised Stone to amend her complaint to include a Whistleblower count. (See *Exhibit 7* transcript page \_\_)

96. Instead of agreeing to the evaluation, Roy Lustig rejected the request that would be in the best of not only Third Party Plaintiff which is the purpose of a fiduciary but would benefit all parties.

97. He thereafter on April 27, 2015 attacked this Judge for her well-reasoned statements and disqualified her.

98. Roy Lustig forced this State Judge off the case because she was **sympathetic** to Counter-Plaintiff's case and because she thought Counter-Plaintiff needed **Whistleblower protections** and told Counter-Plaintiff to amend as such (See *Exhibit 8* Court Order on Disqualification.)

99. This Judge was then supplanted by Judge Emperor who had been arrested and found guilty for DUI (*Exhibit 9*). She was obviously planted by members of the Florida Bar and is compromised by them as they can control her due to her transgression and weakness to stand up to those who control her ability to continue to serve as Judge. Thus this Judge was obviously and purposely substituted as she has lingering criminal misconduct that can be used by Florida Bar members against her to cover up their racket in which Counter Plaintiff and Third Party Plaintiff are embroiled.

100. The disqualification of Michael Genden that Counter Plaintiff submitted and remains pending before Michael Genden was sought to be strikened by Roy Lustig. Instead of immediately ruling on his legally sufficient disqualification upon which Michael Genden should have done sua sponte on his own initiation, he conspired with Roy Lustig to attempt to obfuscate his duty to disqualify by this clearly lawless, self-serving act. This is further prima facie evidence that Roy Lustig and Michael Genden are working together to disarm and deny any due process and procedure to the point where a judge refuses to on his own disqualification and conspires with opposing counsel to obtain a Motion to Strike his disqualification to avoid releasing his unlawful grip over Counter Plaintiff and her mother.

101. **Michael Genden's refusal to rule on his disqualification and to disqualify is part of a pattern and practice of criminal misconduct. He has created a threatening environment whereby he ordered that Counter Plaintiff cannot file pleadings without counsel (which Order he issued in response to Counter Plaintiff's petition seeking a trial by jury) and**

**Michael Genden then threatens the counsel she obtains thereby precluding her from complying with his own order (albeit it being an order that is rooted in fraud and denial of due process). He has devised and created an extortionary threat and barrier to compliance with his own orders (albeit unlawful) and to the justice system.**

102. The infiltration of this unlawful means of extortion at the hands of racketeers has racketed up to terrorist acts of retaliation as Michael Genden thereafter issued two retaliatory and threatening “orders to show cause” as follows:

a. Following Michael Genden’s denial of Counter-Plaintiff’s Petition for a trial by jury issued so that Michael Genden could cover up the fraud in his court which Petition he used as a means to deny her right to due process, Counter Plaintiff thereafter sought a transfer from Michael Genden’s court by Petition to the probate/guardianship administrative Judge, Maria Korvick (filed by Counter-Plaintiff in accordance the instructions by another administrative Judge, Jennifer Bailey) Michael Genden then unlawfully seized on Counter-Plaintiff’s filing to Maria Korvick as a basis for his issuing a fraudulent, intimidating “Rule to show cause” threatening her with contempt for purportedly violating his order that was unlawful when it was clear Counter Plaintiff **filed nothing in his court.**

b. Michael Genden issued a second fraudulent ‘order to show cause’ on the basis of an undisclosed fraudulent affidavit by Blaire Lapidés which is assumed was filed under oath and perjured who produced an illegally obtained photo of Counter Plaintiff’s attorney, Joanne Denison and fraudulently accused her attorney of attempting to see Plaintiff’s mother (who the Direct Perpetrators have kidnapped and placed in isolation by Michael Genden in violation of a litany of Federal and State laws). This perported accusation

against Joanne Denison was fraudulent, suspected to be perjured and produced ex parte yet Michael Genden in continuance of his racketeering activities has threatened Counter Plaintiff with contempt based on an ex parte fraudulent sham pleading in his court.

**103. What is all the more heinous and repulsive is that all of these vicious attacks on Counter Plaintiff are collusive attempts to AVOID THE ENTIRE REASON FOR THIS MATTER – the welfare of her mother, Third Party Plaintiff and an investigation of her obvious abuse, terror and exploitation. Third Party Plaintiff is in grave danger and the danger is escalating each day that she is retained in this racket where diversionary criminal tactics are perpetrated.**

104. For the foregoing reasons, again this case cannot be heard by any member of the Florida bar including this Court, as good judges are replaced with new judges that are comprised and beholden to their master.

105. Therefore, Counter-Plaintiff requests this matter be turned over to Honorable Federal Judge John Robert Blakely in the Southern District of Illinois for the reasons set forth below.

106. Because Florida Bar members are involved in a racketeering enterprise, it is unknown which members are part of the conspiracy and Counter-Plaintiff is currently limiting the collusion and conspiracy to those Florida Bar members listed herein, that are known to her, the very fact that all acts relating to Counter-Plaintiff's matter involve members of the Florida Bar leaves other members of the Florida Bar suspect due to the secretive nature of the conspirators. As such, it is best to err on the side of caution and remove this matter to a Federal Court that has no nexus to, participation by or includes any Florida Bar members.

107. Counter-Plaintiff's lawsuit has similar elements to that of Christine Anderson, Esq. who is blowing the whistle on the most senior levels of corruption in the New York courts. Christine Anderson, Esq. was an attorney in the legal disciplinary department of the New York Supreme Court

Appellate Division First Department and was terminated for reporting corruption, cronyism and favoritism whereby complaints against attorneys were whitewashed and not investigated.

108. Counter-Plaintiff's matter is all the more escalated, urgent and menacing as her mother is being held hostage by these racketeers and her life is in grave danger.

## **COUNT TWO**

### **RICO**

109. This is an action for violations of the Racketeering and Corrupt Organizations Act.

110. Plaintiff repeats and realleges each and every allegation contained in foregoing paragraphs and incorporates them herein.

111. Counter-Plaintiff has been conspired against by 2 or more members of the Florida Bar and others acting in concert to deprive Plaintiff and her mother of legal rights.

112. At the onset, when Counter-Plaintiff was fighting for justice for herself and her mother and she was being subjected to heinous legal abuse and her mother was suffering the atrocities and terror by the court officers and Florida Bar members who were controlling the outcome, Counter-Plaintiff was not yet aware that these acts were being perpetrated because she and her mother were the victims of a racketeering enterprise.

113. Once Counter-Plaintiff became aware that her mother was being human trafficked and her assets were being looted and that all of the atrocities that were occurring were the deliberate agenda of the racketeering enterprise and Counter-Plaintiff's exposure of the enterprise, the retaliation against her escalated and her due process was being grossly denied and her justice became brazenly obstructed by unlawful rulings. As Counter-Plaintiff fought the racket in multiple courts controlled by Florida Bar members, the cycle of vindictive retaliation has spiraled to the point where Michael Genden's and Roy Lustig's acts are those of homeland terrorists. These are the criminal

predicate acts in this RICO complaint that Stone is seeking this Court to join the Attorney General in the action to prosecute:

- a. Kidnapping
- b. False Imprisonment
- c. Racketeering
- d. Conspiracy
- e. Human Trafficking
- f. Extortion
- g. Threats on Government Officials
- h. Extortion against Counter-Plaintiff's law license

114. All the Third Party Defendants and Counter Defendant acted in concert to retaliate against Counter-Plaintiff for exposing their corruption racket.

115. As a result of the Third Party Defendants and Counter Defendants' violations of RICO, Third Party Defendants and Counter Defendants' should be ordered to compensate Counter Plaintiff and Third party Plaintiff for the value of the wrongfully obtained benefits and ordered to disgorge all profits derived from the assets of Third Party Plaintiff. Third Party Defendants and Counter Defendants' should be ordered to pay treble damages and costs and attorney's fees. There should also be an order of injunction to prevent and restrain Third Party Defendants and Counter Defendants' from committing such RICO violations.

### **COUNT THREE**

#### **CIVIL CONSPIRACY**

116. This is an action for Civil Conspiracy against Counter Defendant and Third Party Defendants.

117. Plaintiff repeats and realleges each and every allegation contained in foregoing paragraphs and incorporates them herein.

118. Counter Defendant and Third Party Defendants have acted together in various combinations to deprive Counter-Plaintiff and her mother of their rights to life, liberty and the pursuit of happiness and deprive them of their property.

119. In retaliation for Counter-Plaintiff's complaints to the state agencies and law enforcement for an investigation of the criminal violation of Federal Laws by the Defendants, government attorneys and judges' obstruction of her due process rights and equal protection and those of her mother, an interstate criminal conspiracy in violation of 18 U.S.C 1204, 4, 201, 241, 242 1341, 1343, 1513, 1951 and the Racketeer Influenced and Corrupt Organizations Act ("RICO") – 18 USC 1962 (c) and (d) as well as Florida Statutes was undertaken by government officials and judges at both the Federal and State levels to "resist the execution of the laws under color of authority". The linchpin of the interstate criminal conspiracy was the issuance of void orders to deprive Counter-Plaintiff and her mother of their due process rights and equal protection and obstruct their justice. The issuance of void orders violates the void order doctrine.

120. As a result of denial of conspiracy, Counter Plaintiff and Third Party Plaintiff have incurred significant expenses and damages, including but not limited to its attorneys' fees and costs.

#### **COUNT FOUR**

##### **DENIAL OF DUE PROCESS**

121. This is an action for Denial of Due process to Counter-Plaintiff and her mother.

122. Plaintiff repeats and realleges each and every allegations contained in foregoing



123. The underbelly of the guardian industry business plan is well- known and reported: a) to identify the elderly or anyone who is expected to come into assets by way of a settlement; b) to petition for their guardianship or become court appointed; and c) to transfer all assets from this prey to their guardian enterprise by any means and as quickly as possible.

124. Counter-Plaintiff's mother's rights were unconstitutionally stripped, her assets diverted to the guardian enterprise, her right of association with her daughter removed, her assets gorged by a frenzy of lawyers and guardian entities, her home invaded by unsavory people, her daily existence a terror and her quality of life a shambles as a result of Defendant Genden's edicts, his unlawful orders, done without trial or due process removing all of Counter-Plaintiff's mother's constitutional rights including the right to associate with her daughter, the Counter-Plaintiff.

125. *The very same day Defendant Genden denied Counter-Plaintiff's Petition to even have a hearing to investigate the safety of Counter-Plaintiff's infirmed 86 year old mother, her beautiful, shattered and defiled mother was admitted to the hospital for malnutrition, dehydration, fractures, pneumonia and a host of other life threatening conditions. The medical records produced by Counter-Plaintiff were suppressed by the Jacqueline Hertz Enterprise and Defendant Genden who denied Counter-Plaintiff's petition to investigate the apparent aggravated abuse of her mother.*

126. Defendant Genden ignored the many frantic letters, testimony, witnesses and affidavits to Counter-Plaintiff's mother abuse. *The affidavits and testimony of witnesses to Counter-Plaintiff's mother's abuse evidence red flag warnings of elder abuse – isolation, deprivation of food, medical attention and services, denial of association with her daughter, despite her pleas, the fact that her mother was "painfully thin" and in clothes that were huge, that she was unkept and unattended and desperately missed her association with her daughter, the Counter-Plaintiff.*

127. Defendant Genden then retaliated against Counter-Plaintiff, once again issuing unlawful orders restricting Counter-Plaintiff's association with her mother.

128. Defendant Genden retaliated against Counter-Plaintiff by falsely charging her with a contrived crime which he conspired with Roy Lustig of contacting her mother's facility to determine her whereabouts after the Jacqueline Hertz Enterprise kidnapped her mother and took her to an unknown location.

129. All the while instead of investigating the abuse by the Direct Perpetrators Genden concocted a phone call by Counter-Plaintiff into a criminal offense, and colluded with and abetted the monstrous abuse, starvation and isolation of her mother by the other Direct Perpetrators.

130. Defendant, Genden is engaged in a pattern of hostile, retaliatory, threatening and prejudicial misconduct against Counter-Plaintiff to punish her for her desperate attempts to extricate her mother from apparent aggravated abuse and exploitation committed by the Jacqueline Hertz Enterprise. Genden has apparently conspired and participated in the most egregious offense of elder abuse.

131. At no time has Defendant Genden even seen Counter-Plaintiff's mother. Probate judges should be especially aware and mindful of their highest obligations to care for and see to the best interest of a vulnerable elderly person. This judge apparently willfully and deliberately ignored his mandate. This is systemic in kangaroo probate courts operating under an unconstitutional law.

132. Once Counter-Plaintiff saw her mother in a feeding tube forced on her as a result of the Jacqueline Hertz Enterprise apparent aggravated abuse of her mother and having no lawful court of law in which to seek redress, Counter-Plaintiff desperately attempted to remove her mother from the Jacqueline Hertz Enterprise and was wrongfully arrested for her efforts. All wrongful charges

against her were dropped except an allegation she was in violation of an unlawful “edict” order issued by Defendant Genden unlawfully restricting her association with her mother.

133. Void “edicts” are ceaselessly issued by Michael Genden illegally forcing an elderly woman who was deprived of food, medical attention, her simple needs, her hair unkept, her nails filthy, her clothes falling off her emaciated body to pay approximately extorted fees for criminal activities. Approximately \$600,000 has been extorted from Third Party Plaintiff to pay Direct Perpetrators for their criminal actions. As a result aforesaid acts, Third Party Defendants and Counter Defendants’ should be ordered to compensate Counter Plaintiff and Third party Plaintiff for the value of the wrongfully obtained benefits and ordered to disgorge all profits derived from Third Party Plaintiff.

134. The retaliation and conspiracy underscores the vicious, punishing abuses inherent in the guardianship enterprise. It is a mockery of justice that all of Third Party Plaintiff’s rights should be removed as a consequence of the wrongful acts of her son and that Third Party Plaintiff, instead of Third Party Plaintiff’s son, is subjected to venal punishment by the removal of her rights.

135. *The guardianship statute is nothing more than a reenactment of slavery against the elderly and the vulnerable.* Slaves, holocaust victims and an adult under guardianship share common considerations:

- *They never had (or have) any access whatsoever to a review and appeal regarding the decisions being made about their lives.*
- *They have no right to a jury trial to defend the removal of their Constitutional rights.*
- *They have less rights than a convicted felon.*

136. As a result of denial of due process, Counter Plaintiff and Third Party Plaintiff have incurred significant expenses and damages, including but not limited to attorneys’ fees and costs.

## COUNT FIVE

### BREACH OF FIDUCIARY DUTIES

137. Counter-Plaintiff repeats and realleges the foregoing paragraphs and incorporates them herein.

138. Instead of fulfilling their obligations to provide accommodations to Helen Stone pursuant to Federal and Florida Statutes, the guardians have acted in willful and wanton violation of their powers and engaged in an onslaught of drugging, chemical restraints, failing to provide and depriving Helen Stone of food and medical attention, secretive filings, deprived Helen Stone of the use of her own assets, viciously and cruelly isolated Helen Stone from Counter-Plaintiff, the very person who sought to protect her mother, removed Helen Stone from her prior life, friends and activities, the guardians failed to marshal the extorted assets, mis-managed Helen Stone's assets and engaged in a series of divisive and fraudulent pleadings and filings solely for the purpose of extorting Helen Stone's assets.

139. *All the while, Counter-Plaintiff's mother, in a feeding tube implanted as a result of apparent abuse and aggravated abuse by the Jacqueline Hertz Enterprise, removed from her home, emaciated, deprived of association with her daughter and completely kept in the dark as to why she can't see her daughter, restrained in a facility, deprived of her constitutional rights, disabled, denied representation and protection from the very people who are acting in their own best interest is forced under unlawful "color of law" to pay the Jacqueline Hertz Enterprise to apparently abuse and exploit her.*

140. Attached is an Affidavit dated April 15, 2015 by a Florida Bar member. Michael Genden did contact the Affiant to threaten he would file a bar complaint against her to threaten and extort her that she could not represent Third-Party Plaintiff

141. Affiant has alleged that Michael Genden has intimidated her by threatening to file a bar complaint against her that would destroy her legal career, remove her livelihood and destroy her ability to earn a living. This threatening phone-call not only extorted the threatened Florida Bar member but it also viciously retaliated against Counter-Plaintiff and her mother as it denied their due process and obstructed their justice as immediately after receiving this threatening phone call, the Florida Bar member withdrew as counsel for Petitioner's mother placing Counter-Plaintiff and her mother in grave danger without counsel. This Florida Bar member also alleged ex parte communication between Michael Genden and Roy Lustig. The Florida Bar member stated she felt threatened by Michael Genden's actions. The threatened member of the Florida Bar thought it was outrageous that Petitioner could not see her own mother.

142. Threatening an officer of the state is a state crime and denies due process and obstructs justice, creating bias and prejudice against Petitioner and impedes fair and impartial adjudication by Judge Genden.

143. Michael Genden placed Counter-Plaintiff's mother under the control of miscreants, the other Direct Perpetrators.

144. Roy Lustig has been found guilty of fraud on the court, repeatedly lying under oath and perjury by the 3<sup>rd</sup> DCA in the attached case of *LEO'S GULF LIQUORS v CHANDRESH LAKHANI ET AL*, CASE NO. 3D00-130 who found Roy Lustig guilty of fraud, perjury and lying under oath. The Court therein stated:

In *Metropolitan Dade County v. Martinsen*, 736 So. 2d 794, 795 (Fla. 3d DCA 1999), this Court restated the well-settled principle "that a party who has been guilty of fraud or misconduct in the prosecution or defense of a civil proceeding should not be permitted to continue to employ the very institution it has subverted to achieve her ends." *Hanono v.*

*Murphy*, 723 So. 2d 892, 895 (Fla. 3d DCA 1998) (citing *Carter v. Carter*, 88 So. 2d 153, 157 (Fla. 1956).

145. Roy Lustig has a long pattern and history of fraud on the court, perjury and repeatedly lying under oath. Once a party engages in these crimes, they have a propensity and a predisposition and Roy Lustig has repeatedly committed these crimes.

146. The guardians, Jacqueline Hertz and Blaire Lapidés repeatedly fail to disclose the grave conditions of Counter-Plaintiff's mother.

147. On March 27, 2015, Roy Lustig, Blaire Lapidés and Jacqueline Hertz filed a fraudulent "guardian plan" under penalties of perjury wherein they failed to disclose that Counter-Plaintiff's mother was in the hospital for life threatening conditions at the time the fraudulent report was filed.

148. This protection racket prevents Counter-Plaintiff from her inalienable and constitutional right to protect her mother and deliberately caused the false arrest of Counter-Plaintiff, the very same person who placed her mother into guardianship to protect her mother.

149. The pattern and history of bad conduct of Jacqueline Hertz (*Exhibit 10*) was repeatedly brought to the attention of the Defendant Genden. He not only ignored and hostilely rejected this complaint but he closed down all access to the records of the probate court. He participates and acts as an accomplice to the rampant abuses.

150. On information and belief Jacqueline Hertz is a serial killer. She deprives elderly adults of their lives by drugging, abuse and isolation

151. The direct Defendants have repeatedly shown their depraved indifference and disregard for Counter-Plaintiff's mother's safety by doing the following 123.

152. The Direct Perpetrators have extorted approximately \$600,000 of Third-Party Plaintiff's assets.

153. Alan Stone has embezzled \$700,000 of Third Party Plaintiff's assets.

154. Counter-Plaintiff's arrest was precipitated by vindictive, false allegations against Counter-Plaintiff to obtain a void order under unlawful "color of law" by a prejudice judge in a court of no law that has been bought by campaign contributions and common knowledge that any orders by a guardian in probate court in Dade County will automatically be signed despite their obvious and brazen fraud on the court.

155. Counter-Plaintiff desperate attempts sought to redress her mother's abuse in court, she was met with a predetermined outcome that would not only refuse to investigate flagrant warnings of elder abuse but would maliciously ignore, participate in and abet the abuse of her mother that the court is mandated to prevent. In fact the judge has never even seen Counter-Plaintiff's mother much less investigated her abuse.

156. Counter-Plaintiff repeats and realleges the foregoing paragraphs and incorporates them herein.

157. Defendant and Third Party Defendants and others have intentionally misstated material facts and omitted material facts.

158. Defendants and Third Party Defendants knew their statements were false, or they had a reckless disregard for the truth.

159. Defendant and Third Party Defendants never had any intention of performing their obligations.

160. Defendants and Third Party Defendants sought to bind Counter-Plaintiff but not themselves.

161. Defendant and Third Party Defendants deliberately perpetrated a fraud on the court and engaged in fraud in the inducement.

162. Michael Genden has a pattern of prejudice and bias against Counter-Plaintiff.

163. Michael Genden Genden has demanded she not appear in court without counsel. He has denied her right to access her file.

164. Michael Genden has threatened her.

165. Michael Genden has prejudiced her.

166. Genden has stated in open court that he was glad she was not present in a hearing.

167. Michael Genden issued orders that were entered upon false allegations.

168. Michael Genden changed his orders at whim following his pronouncements in open court.

169. Michael Genden acted in collusion with Defendants Lapidés and Hertz to issue unlawful “edits” that Counter-Plaintiff could not visit her mother without the “supervision” of the Hertz or Lapidés based on hearsay fraudulent statements by Hertz in order to isolate Counter-Plaintiff’s mother so the Direct Perpetrators could commence their nefarious abuse and exploitation of Counter-Plaintiff’s mother in secrecy.

170. Defendant Genden cleared the way for the Direct Perpetrators to extort money from Counter-Plaintiff’s mother ad infinitum as there was no reason for them to ever renounce their dictatorship over Counter-Plaintiff’s mother to perpetuate their greed.

171. As this “guardian” racketeering scam exists to extort fees, Michael Genden rewards the criminal racketeers posing as attorneys and “guardians” with extortive fees from Third Party Plaintiff’s assets to pay these racketeers to commit crimes, deprive Counter-Plaintiff and Third-Party Plaintiff their due process and obstruct their justice.



172. The extreme severity of Counter-Plaintiff's and Third Party Plaintiff's danger warrants emergency measures and the immediate injunction against these Direct Perpetrators.

173. As a result of breach of fiduciary duties as aforesaid, Counter Plaintiff and Third Party Plaintiff have incurred significant expenses and damages, including but not limited to attorneys' fees and costs.

## COUNT SIX

### DEPRIVATION OF EQUAL PROTECTION AND CIVIL RIGHTS

174. This is an action for deprivation of Equal Protection and Equal Rights to Counter-Plaintiff and her mother.

175. Counter-Plaintiff repeats and realleges the foregoing paragraphs and incorporates them herein.

176. This is a claim against Defendant and Third Party Defendants for deprivation of rights under unlawful color of law pursuant to 42 U.S.C § 1983 for implementing, maintaining and enforcing policies and practices in violation of Counter-Plaintiff's rights, privileges and immunities to equal protection.

177. Michael Genden has maintained policies and practices discriminating against Counter-Plaintiff and giving special treatment to the Direct Perpetrators. Michael Genden rewards the Direct Perpetrators with extortive legal fees derived and perpetrated from her exploitation and abuse of Counter-Plaintiff's mother.

178. Jacqueline Hertz is a campaign contributor to Michael Genden's supervisory judge and his court is thereby tainted.

179. Counter-Plaintiff is unable to obtain unbiased legal representation so pervasive is the racketeer enterprise and the influence by Michael Genden over the legal community who repeatedly sabotages Counter-Plaintiff and her mother as they are conspirators to the racketeering enterprise and do not want to be perceived as anything other than an ally of the enterprise which they know Michael Genden favors.

180. Counter-Plaintiff would find that while she was in the office of one attorney, another attorney in the firm was on the telephone with Jacqueline Hertz reporting and revealing the confidential matters discussed by Counter-Plaintiff.

181. It is impossible for Counter-Plaintiff to obtain legal representation so widespread is the apparent infiltration of the Defendants and Third Party Defendants.

182. The Direct Perpetrators have physically, emotionally and psychologically abused, committed aggravated abuse and financial extortion and exploitation upon Counter-Plaintiff's mother.

183. They are engaged in a concerted campaign to extort, defraud, trick, deceive, and retaliate against Counter-Plaintiff and her mother through the perpetration of litigation to force control over and transfer the assets of Third Party Plaintiff to their enterprise. They operate under unlawful "color of law" to secretly engage in abuse and extortion of assets from their victims by harassment, threats, assaults, abuses, denigration, impugn and other unlawful means.

184. The Direct Perpetrators engage in practices with preordained access to the court to impose unlawful, fraudulent and illegal deprivations restrictions and penalties on Counter-Plaintiff and others through illegal "protective" and "stay away orders"

185. Fraudulent and perjured petitions, affidavits and other documents are routinely filed by the Direct Perpetrators.

186. As a result of Deprivation of equal protection and Civil rights, Counter Plaintiff and Third Party Plaintiff have incurred significant expenses and damages, including but not limited to attorneys' fees and costs.

**COUNT SEVEN**  
**MALICIOUS PROSECUTION BY JUDGE GENDEN, ROY LUSTIG**  
**JACQUELINE HERTZ AND BLAIRE LAPIDES**  
**AND VIOLATION OF**  
**CONSTITUTIONAL RIGHTS**

187. This is an action for Malicious Prosecution and violation of Constitutional Rights by Michael Genden, Roy Lustig, Jacqueline Hertz, Alan Stone and Blaire Lapidés.

188. Counter-Plaintiff repeats and realleges the foregoing paragraphs and incorporates them herein.

189. Michael Genden's history of unethical and bad conduct set forth with specificity herein removes him from any semblance of acting in a judicial capacity and judicial immunity in connection with Counter-Plaintiff's action against him as set forth therein.

190. Counter Defendant Genden conspired with and abetted the abuse of Third Party Plaintiff enabling her condition to deteriorate so badly that she was forced to suffer surgery to implant a feeding tube.

191. There is **nothing more telling of the color of law abuses that occur in "guardianship" than the conduct of Michael Genden who maliciously and criminally entrapped Counter-Plaintiff for making a phone call to find her mother while suppressing the screaming atrocities that were being committed on her mother by the Jacqueline Hertz Enterprise resulting in a SURGERY TO IMPLANT A FEEDING TUBE IN HER MOTHER AS SHE WAS DENIED FOOD.**

192. When Counter-Plaintiff attempted to appease Defendant Genden's despicable conduct for the benefit of her mother by writing and delivering Defendant Genden a letter (Exhibit 11) whereby she took the blame for Defendant Genden's suppression of her mother's abuse and his ostracizing her in order to plead for her mother's life, her pleading letter was literally thrown back in her face by Defendant Genden.

193. Defendant Genden has screamingly ordered Counter-Plaintiff out of the courthouse repeatedly.

194. Defendant Genden in his illegal attempts to cover up his abetment of her mother's abuse has resorted to demanding court personnel post an edict on the court file prohibiting Counter-Plaintiff access to the very file that she herself initiated. (*Exhibit 12*) deviously and circuitously denying Counter-Plaintiff due process knowing that such act if carried out by order would be an illegal, void order.

195. Defendant Genden's has resorted to such perverse efforts to silence Counter-Plaintiff's efforts to rescue her mother that he willfully and maliciously entrapped her to subject her to criminal contempt in his courtroom in a relentless effort to silence her from exposing the unlawful acts of the guardianship industry and the unlawful guardianships courts.

196. Defendant *Genden's unlawful, illegal and void orders prohibiting Counter-Plaintiff from reporting suspected abuse of her mother to the authorities by virtue of his illegal, unlawful and void order* (*Exhibit 13*) *subjected Counter-Plaintiff to criminal conduct as she is mandated to report elder abuse*

197. Defendant Genden's gross judicial misconduct by his ex parte after the fact communication with Roy Lustig on May 16, 2014 after an attempt was made to serve process on

him of this lawsuit resulting in a self-serving “confidential” notice of no notice filing by Roy Lustig in an obvious attempt to cover up the brazen abuse of Counter-Plaintiff’s mother.

198. Defendant Genden’s unlawful award of over \$500,000 to Roy Lustig and his crony’s “expert” fees brazenly abets elder abuse in violation of Florida and Federal statutes and the financial extortion and exploitation of Counter-Plaintiff’s mother.

199. Genden’s conduct was done outside the scope of his judicial act and is therefore not protected by judicial immunity.

200. Each of the persons named in this Count conspired to assert a false criminal charge against Counter-Plaintiff without grounds or probable cause.

201. On December 5, 2013, Counter-Plaintiff filed a Verified Petition to Remove the Guardians on the grounds that her mother was being abused and exploited and to appoint another guardian. A hearing on that Petition was scheduled to be held on February 11, 2014 at 1:30 P.M.

202. While that Petition was pending, on December 20, 2013, Judge Genden entered an unlawful no contact Order which in pertinent part provided:

“3. No Contact. Unless otherwise provided herein, Barbara Stone shall have no contact with the Ward, Helen Stone or the Co-Guardians Blaire Lapidés and Jacqueline Hertz or any persons treating and/or caring for the Ward, Helen Stone. Barbara Stone shall not directly or indirectly contact Helen Stone Blaire Lapidés, Jacqueline Hertz or any persons treating and/or caring for Helen Stone in person, by mail, e-mail, fax, telephone, through any other person. Or in any other manner. Unless otherwise provided herein, Barbara Stone shall not go to, in or within 1000 feet of: Helen Stone’s permanent resident, current residence or current placement or residence to which Helen Stone may move Blaire Lapidés’s permanent residence, current residence, or residence to which Blaire Lapidés may move or

employment; or Jacqueline Hertz's permanent residence, current residence, or residence to which Jacqueline Hertz may move or employment.”

203. By issuing that Order, in the stroke of a pen, without an evidentiary hearing or iota of evidence, Judge Genden cruelly and unconscionably isolated a gravely ill mother from her daughter.

204. As Counter-Plaintiff was leaving the courthouse after that hearing, when finally the Order to Show Cause was served upon her by a process server, she realized for the first time that a carefully orchestrated trap had been laid for her by the guardian's attorney which was aided and abetted by Judge Genden.

205. Counter-Plaintiff later learned that the allegations and criminal charges against Counter-Plaintiff were willfully and deliberately filed knowing they were false.

206. Defendant Lustig, admitted in an repugnant “oops email” to Counter-Plaintiff's attorney that he lied and knew that Counter-Plaintiff's mother was not in the facility that she called, yet nonetheless continued his malicious charade of pursuing “criminal charges” against Counter-Plaintiff by relentlessly exploiting Counter-Plaintiff and her mother to his fraud and charade in order to extort her funds to pay Roy Lustig for her abuse.

207. Knowing his claim was false, he nonetheless subpoenaed the facility director and others to pursue this “mock trial,” that was in fact an evil witch hunt. The Defendant Genden conspired in and abetted the allegations.

208. In the trial that ultimately ensued, the fraudulent staged charges against Counter-Plaintiff were shown to be false and were dismissed.

209. The lawsuit against Counter-Plaintiff was filed with malice and for retaliation to deviously occupy Counter-Plaintiff for the sole purpose of distracting her from her efforts to remove her mother from the Jacqueline Hertz Enterprise and to cause her to incur expense, attorney's fees, anguish and burden in connection and for which punitive damages are sought.

210. As a result of aforesaid malicious acts and violations of Constitutional rights, Counter Plaintiff and Third Party Plaintiff have incurred significant expenses and damages, including but not limited to attorneys' fees and costs.

### **COUNT EIGHT**

#### **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

211. Counter-Plaintiff repeats and realleges the foregoing paragraphs and incorporates them herein.

212. This is a count by Counter-Plaintiff against Counter-Defendant and Third Party Defendants for injury by virtue of the intentional and extreme and outrageous nature of their conduct causing severe mental distress and constitutional deprivation.

213. In performing each acts ascribed to them in this Complaint, each Defendant intended to cause or acted in reckless disregard of the likelihood of causing and did cause Counter-Plaintiff extreme emotional distress.

214. As a result of aforesaid intentional acts of Counter-Defendant and Third Party Defendants, Counter Plaintiff and Third Party Plaintiff have suffered mental distress and incurred significant expenses and damages, including but not limited to attorneys' fees and costs.

## COUNT NINE

### **HARASSMENT, BULLYING, INTENTIONAL ABUSE AND TORTIOUS INTERFERENCE WITH FAMILY ASSOCIATION, INVASION OF PRIVACY, DEPRIVATION OF CONSTITUTIONAL RIGHTS**

215. Counter-Plaintiff repeats and realleges the foregoing paragraphs and incorporates them herein.

216. Defendants and the Third Party Defendants participate as a conspirator and as a conduit and scam devised to impose fear, retaliation, intimidation, duress, undue influence over Counter-Plaintiff's mother and bullying to impede Counter-Plaintiff's association with her critically ill mother that resulted from Defendants Jacqueline Hertz and Blaire Lapides abuse of her mother.

217. The Direct Perpetrators engage in elder abuse and exploitation. They illegally deny Counter-Plaintiff's mother the right of privacy to visit with her mother.

218. They inflict cruel punishment on Counter-Plaintiff mother by misrepresenting to her that Counter-Plaintiff did not want to see her when they were cruelly denying Counter-Plaintiff's mother the right to see her daughter despite her pleas.

219. The Direct Perpetrators purposely employ these strong-arm and apparently illegal actions to intimidate Counter-Plaintiff and Counter-Plaintiff's mother, violate their Constitutional Rights of free speech, privacy and religion and impede Counter-Plaintiff's and Counter-Plaintiff's mother's right of association.

220. As a result of aforesaid acts of Counter-Defendant and Third Party Defendants, Counter Plaintiff and Third Party Plaintiff have suffered mental distress and incurred significant expenses and damages, including but not limited to attorneys' fees and costs.



## COUNT TEN

### FRAUD, INTRINSIC FRAUD, EXTRINSIC FRAUD, FRAUD ON THE COURT, CONSPIRACY AND OBSTRUCTION OF JUSTICE

221. Counter-Plaintiff repeats and realleges the foregoing paragraphs and incorporates them herein.

222. Defendants Genden, the Jacqueline Hertz Enterprise, Blaire Lapidés, Alan Stone and Defendant Genden have engaged in conspiracy to commit a criminal offense

223. Defendants and Third Party Defendants and others have intentionally misstated material facts and omitted material facts. They knew their statements were false, or they had a reckless disregard for the truth. The Defendant and Third Party Defendants never had any intention of performing their obligations. They sought to bind Counter-Plaintiff but not themselves. They deliberately perpetrated a fraud on the court and engaged in fraud in the inducement.

224. Defendants have engaged in duress upon Counter-Plaintiff to deny Counter-Plaintiff and her mother their constitutional rights, civil liberties and freedom of association.

225. The Direct Perpetrators illegally removed Counter-Plaintiff's mother's rights to visitation, in violation of her constitutional rights and due process

226. Upon information and belief, Defendants, in some way or manner, came to a mutual understanding to try to accomplish this common and unlawful plan; these defendants, knowing the unlawful purpose of the plan, willfully joined in it; during the existence of the conspiracy, at least one of the defendants knowingly perpetrated a fraud on the court.

227. Michael Genden's orders are the result of fraud, intrinsic and extrinsic fraud, fraud in the inducement and false statements and are void and a nullity.

228. Michael Genden has exposed Counter-Plaintiff to criminal conduct by prohibiting her from reporting elder abuse she is mandated to report pursuant to Federal and Florida abuse statutes.

229. Defendant Genden's orders prohibiting Counter-Plaintiff from reporting suspected abuse of her mother are void.

230. Defendant Genden's order prohibiting Counter-Plaintiff's association with her mother on the basis of false, defamatory, fraudulent allegations against Counter-Plaintiff are void

231. Defendant Genden has violated Counter-Plaintiff's constitutional rights to association with her mother and engaged in the abuse of her mother by issuing voids orders denying her rights to associate with her daughter.

232. Michael Genden has perpetrated vicious and retaliatory abuse on a defenseless elderly woman by abetting the guardianship of the Jacqueline Hertz Enterprise, a person with false credentials and a history of extortion and the trading of human lives for profit.

233. Michael Genden has a pattern of prejudice and bias against Counter-Plaintiff. He has demanded she not appear in court without counsel. He has denied her right to access her file. He has threatened her. He has prejudiced her. He has stated in open court that he was glad she was not present in a hearing.

234. Michael Genden is an accomplice to abuse and extortion.

235. He retaliates against Counter-Plaintiff by issuing isolation "edicts" so his unlawful activity can be carried out in secrecy

236. Counter-Plaintiff seeks an injunction retraining the Jacqueline Hertz Enterprise from the operation of her scam enterprise and affirming Counter-Plaintiff's repudiation of the illegal orders entered by Defendant Genden and voiding such orders.

## COUNT ELEVEN

### DEPRIVATION OF EQUAL PROTECTION AND COLOR OF LAW ABUSE

237. This is a claim against Defendants, the Jacqueline Hertz Enterprise and Judge Genden for deprivation of rights under unlawful color of law pursuant to 42 U.S.C § 1983 for implementing, maintaining and enforcing policies and practices in violation of Counter-Plaintiff's rights, privileges and immunities to equal protection.

238. Plaintiff repeats and realleges each and every allegation contained in foregoing paragraphs and incorporates them herein.

239. Genden has maintained policies and practices discriminating against Counter-Plaintiff and giving special treatment to the Direct Perpetrators. Genden rewards them with extortive legal fees derived and perpetrated from their exploitation and abuse of Counter-Plaintiff's mother.

240. Jacqueline Hertz is a campaign contributor to Genden's supervisory judge and his court is thereby tainted.

241. The Jacqueline Hertz Enterprise engages in practices with preordained access to the court to impose unlawful, fraudulent and illegal deprivations restrictions and penalties on Counter-Plaintiff and others through illegal "protective" and "stay away orders" By threatening and processing their illegal petitions and orders, the Jacqueline Hertz Enterprise has defrauded Counter-Plaintiff.

242. As a result of aforesaid acts of Counter-Defendant and Third Party Defendants, Counter Plaintiff and Third Party Plaintiff have suffered mental distress and incurred significant expenses and damages, including but not limited to attorneys' fees and costs.

## **COUNT TWELVE**

### **CIVIL EXTORTION**

243. Michael Genden verbally maliciously threatened a Florida Bar member, Debra Rochlin to disbar her and threaten her reputation.

244. Michael Genden with intent thereby extort Ms. Rochlin to gain an advantage to threaten her to refrain from representing Counter-Plaintiff's mother. The Florida Bar through certain of its member by written communication maliciously accused courter Counter-Plaintiff of offenses as part of a retaliation to stop her whistleblower against the Florida Bar by attempting to disbar her and deprive her of her reputation an her livelihood and her ability to earn income and in so has malicious exposed her to disgrace in her reputation with intent to gain advantage to force her to cease her attempts to expose their criminal racketeering activities.

245. Further they are trying to force her to refrain from doing what she is required under Florida Bar Rule 4.83 to do.

246. That thru the misuse of criminal proceeding Counter-Plaintiff is being extorted and threatened to silence her whistleblowing activities and gain advantage and have disgraced her reputation by forcing her to wear a public shackle .

247. Florida Bar members who are using these tactics include Roy Lustig, Ron Lowy, Richard Martinez, Alan Stone and Michael Genden the guardians who are acting under color of law abuse as an accomplice this racket of extortion.

248. As a result aforesaid acts, Roy Lustig, Ron Lowy, Richard Martinez, Alan Stone and Michael Genden should be ordered to compensate Counter Plaintiff and Third party Plaintiff for the value of the wrongfully obtained benefits and ordered to disgorge all profits derived from Third Party Plaintiff.

## COUNT THIRTEEN

### VIOLATIONS OF AMERICANS WITH DISABILITIES ACT

249. At all times relevant hereto and because of their disability, Counter-Defendants have whether individually, collectively, jointly and whether in concert among all or select few, in violation of Title II of 42 U.S.C. § 12101 et seq. The Americans with Disabilities Act 1990 as amended and in violation of the First, Fifth and Fourteenth Amendments of the U.S. Constitutional, Denied and deprived Counter-Plaintiffs:

- i. All meaningful and equal access to the courts and to the services, programs and activities of the Florida State Court including without limitation equal access to a meaning review and appeal process;
- ii. Any reasonable accommodation to Counter-Plaintiff, notwithstanding that the requested accommodations have been provided to others under the same circumstances, thereby evidencing discrimination and retaliation against Counter-Plaintiff

250. At all times relevant hereto and because of their disability, Counter- Defendants have whether individually, collectively, jointly and whether in concert among all or select few, in violation of Title II of 42 U.S.C. § 12101 et seq. The Americans with Disabilities Act 1990 as amended and in violation of the First, Fifth and Fourteenth Amendments of the U.S. Constitutional, Denied and deprived Counter-Plaintiff's mother adequate healthcare and access to the public accommodations of healthcare services sufficient to address Counter-Plaintiff's mothers special needs relating to her disability which included among other things, adequate assessment and therapeutic treatment sufficiently goal oriented toward restoration and rehabilitation

251. At all times relevant hereto and because of their disability, Counter-Defendants have whether individually, collectively, jointly and whether in concert among all or select few, in violation of Title II of 42 U.S.C. § 12101 et seq. The Americans with Disabilities Act 1990 as amended and in violation of the First, Fifth and Fourteenth Amendments of the U.S. Constitutional intentionally and with deliberate indifference, excluded Counter-Plaintiff completely appearing at and or participating in any and all proceeding involving the administration of the guardianship matter and likewise exclude Counter-Plaintiff's mother from participation in any and all decision-making which effect the course of her life and the ultimate disposition and control of her assets

252. At all times relevant hereto and because of their disability, Defendants have whether individually, collectively, jointly and whether in concert among all or select few, in violation of Title II of 42 U.S.C. § 12101 et seq. The Americans with Disabilities Act 1990 as amended and in violation of the First, Fifth and Fourteenth Amendments of the U.S. Constitutional intentionally and with deliberate indifference, excluded Counter-Plaintiff completely appearing at and or participating in any and all proceeding involving the administration of the guardianship matter and likewise exclude Counter-Plaintiff's mother from participation in any and all decision-making which effect the course of her life and the ultimate disposition and control of her assets

253. At all times relevant hereto and because of their disability, Defendants have whether individually, collectively, jointly and whether in concert among all or select few, in violation of Title II of 42 U.S.C. § 12101 et seq. The Americans with Disabilities Act 1990 as amended and in violation of the First, Fifth and Fourteenth Amendments of the U.S. Constitution intentionally and with deliberate indifference, excluded Counter-Plaintiff completely appearing at and or participating in any and all proceeding involving the administration of the guardianship matter and likewise

exclude Counter-Plaintiff's mother from participation in any and all decision-making which effect the course of her life and the ultimate disposition and control of her assets

254. At all times relevant hereto and because of their disability, Defendants have whether individually, collectively, jointly and whether in concert among all or select few, in violation of Title II of 42 U.S.C. § 12101 et seq. The Americans with Disabilities Act 1990 as amended and in violation of the First, Fifth and Fourteenth Amendments of the U.S. Constitution have in bad faith, assumed roles adversarial to Counter-Plaintiff's mother's rights, privileges and immunities and depriving Counter-Plaintiff of in violation of 42 USC Sections 1981, 1983 and 1985, the free exercise of the First Amendment right to both petition for redress and the right to associate freely with those of her choosing, the Fourth Amendment right to privacy and to be secure in her person and paper free from unreasonable search and seizures, the fifth and fourteenth Amendment rights to due process of law and equal protection under the law and the rights of familiar unity and the Ninth Amendment right to privacy and persona autonomy in Counter-Plaintiff's right to choose freely in pursuit of her own happiness, dignity and self- determination.

255. As a result of Judge Genden's threats, abuse, malicious prosecution and hostile courtroom, Counter-Plaintiff is in fear of even appearing in his courtroom. The very judge who should be meting justice is maliciously denigrating Counter-Plaintiff in order to perpetuate her mother's abuse and aggravated abuse in concert with the Jacqueline Hertz Enterprise.

256. Genden's conduct was done outside the scope of his judicial act and is therefore not protected by judicial immunity.

257. Counter-Plaintiff has been deprived of state and federal constitutional rights, damaged and injured in a nature and amount to be proven at trial.

### RELIEF SOUGHT

258. Counter-Plaintiff request this Court determine that this Court is in conflict for the reasons set forth herein and transfer this matter and all other matters involving Counter Plaintiff and Third Party Plaintiff including Case No: 12-4330 GD 01; Case No: F13029726 and Case No: 14-1165 CA 01 to Judge John Robert Blakey in the Northern District of Illinois who is a known and renown expert in civil and criminal racketeering, court and other corruption and fraud as Counter-Plaintiff and her mother, Third Party Plaintiff are being denied due process and equal protect unable to obtain due process in the State of Florida for herself and her mother and her justice and that of her mother is being obstructed as she is a whistleblower against the Florida Bar. Counter-Plaintiff has no person, professional or other relationship with Judge Blakey.

259. If this Court continues to hear this matter in conflict to adjudicate this matter, Counter-Plaintiff seeks the following relief:

- a. All civil relief be granted to Counter Plaintiff as a Whistleblower.
- b. Declaratory Judgment responding to the questions presented in Paragraph 34-38 of this Counterclaim.
- c. Grant all relief for RICO claims including joining the Attorney General to prosecute the criminal predicate acts set forth in Courts Two and Three and any other civil relief of RICO that this Court deems just and equitable
- d. Order an immediate injunction against Michael Genden, Alan Stone, Jacqueline Hertz, Blaire Lapidés and Roy Lustig suspending them from any involvement with her mother Helen Stone and prohibiting them from access to her



mother's accounts and trampling on Counter-Plaintiff and her mother's due process rights for this Court to hear their case before a trial by jury.

e. The freezing of and transfer of all assets of Counter-Plaintiff's mother to this Court to cut off the interference and extortion of Counter-Plaintiff's mother's assets and enjoining them from using any of Counter-Plaintiff's mother's assets whatsoever to defend this action and/or their abuse, exploitation and extortion of Counter-Plaintiff and Counter-Plaintiff's mother as set forth herein.

f. An award of compensatory damages against Defendant and Third Party Defendants because they are associated with aggravating circumstances, an award of punitive damages in an amount sufficient to deter future like conduct by them for their suppression of Counter Plaintiff and her mother's Constitutional Rights, right to free speech and deprivation of due process and threats.

g. Legal fees and costs pursuant to 42 U.S.C. Section 12205 and 42 U.S.C Section 1988.

h. Grant injunctive relief enjoining the state probate proceedings involving Counter Plaintiff and her mother including Case No: 12-4330 GD 01; Case No: F13029726 and Case No: 14-1165 CA 01 and transferring these state proceeding and all records therein to this Court for a conflict free fair and impartial adjudication

i. Disgorgement of all legal and fiduciary fees taken from Counter Plaintiff and Third Party Plaintiff.

j. This Court appoint a Federal Prosecutor and Investigator who are not members of the Florida Bar to investigate the crimes set forth herein and in Counter- Plaintiff's criminal complaint, denial of due process and obstruction of justice

and other violations of ethics, canons, and breach of fiduciary duties by the Defendant and the Third Party Defendants

k. Removal of Florida Bar member from involvement in any matter relating to Counter Plaintiff and Third Party Plaintiff

l. As a result of the Third Party Defendants and Counter Defendants' violations of RICO, Third Party Defendants and Counter Defendants' should be ordered to compensate Counter Plaintiff and Third party Plaintiff for the value of the wrongfully obtained benefits and ordered to disgorge all profits derived from the assets of Third Party Plaintiff. Third Party Defendants and Counter Defendants' should be ordered to pay treble damages and costs and attorney's fees. There should also be an order of injunction to prevent and restrain Third Party Defendants and Counter Defendants' from committing such RICO violations.

m. As a result of the Counter-Defendant's and Third Party Defendant's acts, Counter-Plaintiff and her mother now suffer and will continue to suffer irreparable injury and monetary damages, and that Plaintiffs are entitled to damages sustained to date and continuing in excess of at least TEN MILLION DOLLARS (\$10,000,000) as well as punitive damages, costs and attorney's fees.

n. Counter-Plaintiff seeks whistleblower protection for herself and her mother. Counter-Plaintiff expresses her fears for her mother's safety and will consider any harm to her mother or herself the direct result of retaliation against her filing this action.

o. Counter-Plaintiff seeks an emergency, urgent expedited hearing and the immediate and emergency issuance of the requested injunctions due to

grave and retaliatory threats to Counter Plaintiff and her fears for her safety and that of her mother, her mother's frail health and the grave danger to her mother by being held hostage by the parties to this lawsuit in vicious retaliation against Counter Plaintiff..

p. Counter-Plaintiff seeks liberal leave to amend.

Dated: April 30, 2014

Respectfully submitted:



Barbara Stone  
244 Fifth Avenue #B296  
New York, New York 10001  
Telephone: 212.994.5482  
Facsimile: 212.994.5481  
Email: bstone12@hotmail.com

**VERIFICATION OF BARBARA STONE**

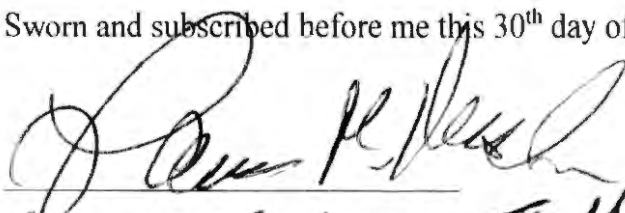
Personally appeared before me, the undersigned Notary Public duly authorized to administer oaths, Barbara Stone, who after being duly sworn deposes and states under penalties of perjury that the facts alleged in the foregoing VERIFIED COUNTERCLAIM are true and correct to the best of her knowledge.

Dated: April 30, 2015

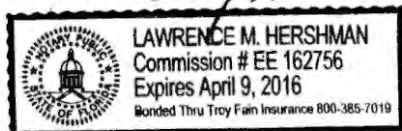


Barbara Stone

Sworn and subscribed before me this 30<sup>th</sup> day of April, 2015.

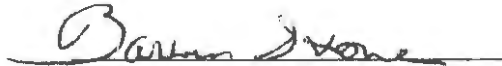


PERSONALLY KNOWN BY ME



## CERTIFICATE OF SERVICE

Plaintiff hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's Electronic System per Federal Rule of Civil Procedure 5(b) (2) (E). Any other counsel of record or party will be served by facsimile transmission and/or first class mail this 30<sup>th</sup> day of April, 2015

A handwritten signature in black ink, appearing to read "Barbara Stone", is written over a horizontal line.

Barbara Stone

## LIST OF EXHIBITS

**All Exhibit URL's are hereby full incorporated herein by reference hereto.**

<b>Description</b>	<b>Exhibit No</b>
1. Phone call reporting danger	1
<a href="http://www.iviewit.tv/Barbara/counter/Item%201%20threat%20from%20candice.docx">http://www.iviewit.tv/Barbara/counter/Item%201%20threat%20from%20candice.docx</a>	
2. The statement Counter-Plaintiff filed with the Florida Bar informing them of the vicious crimes being perpetrated by Roy Lustig	2
<a href="http://www.iviewit.tv/Barbara/counter/florida%20bar%20letter.pdf">http://www.iviewit.tv/Barbara/counter/florida%20bar%20letter.pdf</a>	
<a href="http://www.iviewit.tv/Barbara/counter/Full%20page%20photo.pdf">http://www.iviewit.tv/Barbara/counter/Full%20page%20photo.pdf</a>	
3. Criminal report filed with law enforcement by Barbara against Michael Genden, Roy Lustig, Alan Stone, all Florida Bar Members and the court appointed guardians, Jacqueline Hertz and Blaire Lapides	3
<a href="http://www.iviewit.tv/Barbara/counter/Criminal%20Complaint%20March%202,%202015.pdf">http://www.iviewit.tv/Barbara/counter/Criminal%20Complaint%20March%202,%202015.pdf</a>	
4. Notarized affidavit from a Florida Bar member representing Counter-Plaintiff's mother	4
<a href="http://www.iviewit.tv/Barbara/counter/Affidavit%20Rochlin.pdf">http://www.iviewit.tv/Barbara/counter/Affidavit%20Rochlin.pdf</a>	
5. Counter-Plaintiff has reported Florida Bar Judges and the Attorneys to the Florida Supreme Court judges, Chief Justice Jorge Labarga; Justice Barbara J. Pariente; Justice R. Fred Lewis; Justice Peggy A. Quince; Justice Charles T. Canady; Justice Ricky Polston; Justice James E.C. Perry and the Florida Bar President, Gregory Coleman pursuant to the attached Correspondence	5
<a href="http://www.iviewit.tv/Barbara/counter/Florida%20Attorney%20blows%20whistle%20on%20corrupt%20courts,%20judges,%20lawyers,%20prosecutors%20and%20guardians%20and%20covered%20up%20by%20Florida%20Bar.pdf">http://www.iviewit.tv/Barbara/counter/Florida%20Attorney%20blows%20whistle%20on%20corrupt%20courts,%20judges,%20lawyers,%20prosecutors%20and%20guardians%20and%20covered%20up%20by%20Florida%20Bar.pdf</a>	

6. Counter-Plaintiff filed for Genden’s emergency disqualification on April 27, 2015 6

<http://www.iviewit.tv/Barbara/counter/Verified%20Emergency%20Motion%20to%20Disqualify%20Michael%20Genden%20and%20AffidavitL.pdf>

7. April, 2015 transcript by the Judge Perlman suggesting Counter-Plaintiff claim whistleblower status 7

<http://www.iviewit.tv/Barbara/counter/4-21-15%20EXPEDITE%20Hrg%20Barbara%20Stone%20Judge%20Pearlman.pdf>

8. Court Order on disqualification 8  
Notified by JA – not available

9. Judge was supplanted by Judge Imperator who was arrested and found guilty for DUI 9

10. The pattern and history of bad conduct of Jacqueline Hertz was repeatedly brought to the attention of the Defendant Genden 10

11. Letter to Genden by Counter Plaintiff 11

12. Defendant Genden “edict” that court personnel are demanded to post on the court file prohibiting Counter-Plaintiff access to the very file that she herself initiated 12

<http://www.iviewit.tv/Barbara/counter/Full%20page%20photo.pdf>

13. Defendant Genden's unlawful, illegal and void orders prohibiting Counter-Plaintiff from reporting suspected abuse of her mother to the authorities

13

Miscellaneous Roy Lustig Fraud:

- a. Isolation edict against Counter Plaintiff's mother
- b. Finding by 3<sup>rd</sup> DCA of Fraud on the court, perjury and lying under Oath

<http://www.iviewit.tv/Barbara/counter/Roy%20Lustig%20isolation%20edict.pdf>

<http://www.iviewit.tv/Barbara/counter/Roy%20Lustig%20-%20fraud%20on%20the%20court.pdf>

Miscellaneous Complaints filed by Counter Plaintiff against Roy Lustig to the Florida Bar

<http://www.iviewit.tv/Barbara/counter/Schuyler%20letter%20to%20Stone%20-%20Roy%20Lustig.pdf>

<http://www.iviewit.tv/Barbara/counter/Shanell%20M.%20Schuyler.pdf>

<http://www.iviewit.tv/Barbara/counter/Stone%20letter%20to%20Schuyler%20Florida%20Bar%20-%20Roy%20Lustig.pdf>

<http://www.iviewit.tv/Barbara/counter/Stone%20letter%20to%20Schuyler%20Florida%20Bar%20-%20Roy%20Lustig.pdf>

<http://www.iviewit.tv/Barbara/counter/Stone%20notification%20to%20Florida%20Bar%20-%20Roy%20Lustig.pdf>

Letter of Instruction from Judge Jennifer Bailey with Instruction to File Request to Transfer Judge with Judge Maria Korvick

<http://www.iviewit.tv/Barbara/counter/Response%20by%20Judge%20Jennifer%20Bailey%20to%20my%20petition%20to%20save%20my%20mot.pdf>