

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT COURT IN MIAMI-DADE
COUNTY, FLORIDA

IN RE: GUARDIANSHIP OF HELEN STONE

CASE NO.: I2-4330 GD 01

**VERIFIED SWORN EMERGENCY PETITION AND AFFIDAVIT FOR
IMMEDIATE DISQUALIFICATION OF JUDGE MICHAEL GENDEN**

COMES NOW Barbara Stone ("Petitioner") and files under information and belief this Verified Emergency Petition and Affidavit for Immediate Disqualification of Judge Michael Genden, pursuant to Fla R. Admin P. 2.330 and section 38.10, Florida Statutes, for the following grounds and reasons:

1. Rule 2.330 (a) **Application**. This rule applies only to county and circuit judges in all matters in all divisions of court. Michael Genden is a circuit judge in the 11th Judicial Circuit.
2. Rules 2.330 (b) **Parties**. Any party, including the state, may move to disqualify the trial judge assigned to the case on grounds provided by rule, by statute, or by the Code of Judicial Conduct. Petitioner, a party to the case moves to disqualify trial judge Genden provided by rules, statute and by the Code of Judicial Conduct.
 - a. Genden has violated Canons 1, 2, 3 and 6 as set forth in Exhibit 4 enclosed herein.
 - b. Genden has violated Statutes
 - c. Genden has violated Rules
3. Rules 2.330 (c) **Motion**. A motion to disqualify shall:
 - (1) be in writing.

This Motion is in writing.
 - (2) allege specifically the facts and reasons upon which the movant relies as the grounds for disqualification.

This Motion specifically alleges specific facts and reasons upon which the movant relies as the grounds for disqualification.
 - (3) be sworn to by the party by signing the motion under oath or by a separate affidavit.

Petitioner is acting pro se and has no attorney and therefore Petitioner has sworn to and signed this Motion for Disqualification under oath and before a notary as required by Rule 2.330 (c)

(4) include the dates of all previously granted motions to disqualify filed under this rule in the case and the dates of the orders granting those motions.

There has been no previously granted motions to disqualify in this case filed under Rule 2.330

(4) The attorney for the party shall also separately certify that the motion and the client's statements are made in good faith. In addition to filing with the clerk, the movant shall immediately serve a copy of the motion on the subject judge as set forth in Florida Rule of

4. Rule 2.330 (d) **Grounds**. A motion to disqualify shall show:

(1) that the party fears that he or she will not receive a fair trial or hearing because of specifically described prejudice or bias of the judge.

That Petitioner fears that she will not receive a fair trial or hearing because of the following specifically described prejudice or bias of Judge Genden under Rule 2.330 (d) including but not limited to:

- i. A member of the Florida Bar 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 (Exhibit 1). This threatening phone-call not only extorted the threatened Florida Bar member but it also viciously retaliated against Petitioner 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 Petitioner 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 Judge Genden's actions. The threatened member

of the Florida Bar thought it was outrageous that Petitioner could not see her own mother. 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.

- ii. The allegations against Michael Genden contained in the attached criminal complaint (Exhibit 2) Petitioner has filed against Michael Genden with law enforcement creates bias and prejudice against Petitioner and causes an appearance of impropriety and deny due process and procedure, impeding fair and impartial adjudication by Judge Genden as he is the alleged perpetrator of the criminal acts. Included in that Petition are allegations that Michael Genden is involved in human trafficking, crimes against humanity, theft of the estate assets of Helen Stone and money laundering of such stolen assets.
- iii. The allegations against Michael Genden contained in the whistleblower action filed with Florida Supreme Court Judges and others (Exhibit 3) by Petitioner who is an attorney and a member of the Florida Bar acting as an attorney whistleblower has exposed the corruption and criminal activity in Michael Genden's court. The criminal acts and ethical violations alleged against Michael Genden in the whistleblower complaint create bias and prejudice against Petitioner and cause an appearance of impropriety and deny due process and procedure and impede fair and impartial adjudication by Judge Genden.
- iv. The allegations against Michael Genden contained in the attached letter filed by Petitioner with the Judicial Qualifications Commission complaining of criminal acts and breach of judicial canons and ethics by Michael Genden including the issuance of an unlawful Rule to show cause and Order to show cause unlawfully issued on the basis of fraudulent Petitions (Exhibit 4) creates bias and prejudice against Petitioner and cause an appearance of impropriety and deny due process and procedure and impede

fair and impartial adjudication by Judge Genden. The reasons the Rule to show cause and Order to show cause are unlawful, retaliatory, without merit and issued on the basis of fraud and perjury are set forth in Paragraph A. 2. of the attached complaint against Michael Genden filed with the Judicial Qualifications Commission.

- v. Michael Genden is acting outside his jurisdiction and his orders are void and must be stricken. Michael Genden is a disqualified judge who has not relinquished his unlawful jurisdiction.
- vi. Michael Genden has a personal interest to be adverse to Petitioner because Petitioner has filed a criminal and other complaints against Michael Genden.
- vii. Petitioner has been viciously retaliated by Michael Genden retaliates against Petitioner by denying her access to his corrupt court in one manner or another and removing another of her rights.
- viii. Michael Genden has repeatedly retaliated against Petitioner and shown favoritism against her. Michael Genden has never ruled once in her favor in any Petitions filed by her or the “guardians” in his Court.
- ix. Michael Genden is an accomplice to aggravated abuse and massive financial fraud of an elderly person.
- x. A prior Federal Lawsuit was filed against Michael Genden and another Federal lawsuit is pending filing immediately which both have Michael Genden as a defendant. This creates adversity and conflict between Petitioner and Judge Genden and impedes impartiality and precludes Michael Genden from acting as Judge. It is unknown if Michael Genden reported these liabilities as he is required to do acting in his judicial role to all and any liability companies and bonding companies. It appears he has not reported these liabilities as an insurance company and/or bonding company would likely not allow him to continue to act as a judge in this matter and would have removed him from the bench in this matter.

(2) That the judge before whom the case is pending, or some person related to said judge by consanguinity or affinity within the third degree, is a party thereto or is interested in the result thereof, or that said judge is related to an attorney or counselor of record in the cause by consanguinity or affinity within the third degree, or that said judge is a material witness for or against one of the parties to the cause.

Judge Genden is and will be a material witness for Petitioner in this case regarding the allegations in the criminal complaint relating to this case.

5. **Rule 2.330 (e) Time.** A motion to disqualify shall be filed within a reasonable time not to exceed 10 days after discovery of the facts constituting the grounds for the motion and shall be promptly presented to the court for an immediate ruling. Any motion for disqualification made during a hearing or trial must be based on facts discovered during the hearing or trial and may be stated on the record, provided that it is also promptly reduced to writing in compliance with subdivision (c) and promptly filed. A motion made during hearing or trial shall be ruled on immediately.

This Motion is being made within 10 days from Petitioner's receipt of the affidavit from the Florida Bar member described in Paragraph 4 (1) i above.

This Motion is being made within 10 days from Petitioner's receipt of the "Rule to show cause" and "Order to show cause" described Paragraph 4 (1) iv and Exhibit 4, the letter to the Judicial Qualifications Commission.

Both of the foregoing are grounds for Judge Genden's disqualifications as described herein and in the attachments to this Motion.

6. (f) **Determination** — Initial Motion. The judge against whom an initial motion to disqualify under subdivision (d)(1) is directed shall determine only the legal sufficiency of the motion and shall not pass on the truth of the facts alleged. If the motion is legally sufficient, the judge shall immediately enter an order granting disqualification and proceed no further in the action. If any

motion is legally insufficient, an order denying the motion shall immediately be entered. No other reason for denial shall be stated, and an order of denial shall not take issue with the motion.

Petitioner states that the Motion is legally sufficient under Rule 2.330.

7. (g) **Determination — Successive Motions.** If a judge has been previously disqualified on motion for alleged prejudice or partiality under subdivision (d)(1), a successor judge shall not be disqualified based on a successive motion by the same party unless the successor judge rules that he or she is in fact not fair or impartial in the case. Such a successor judge may rule on the truth of the facts alleged in support of the motion.

Petitioner states there have been no Successive Motions.

8. (h) **Prior Rulings.** Prior factual or legal rulings by a disqualified judge may be reconsidered and vacated or amended by a successor judge based upon a motion for reconsideration, which must be filed within 20 days of the order of disqualification, unless good cause is shown for a delay in moving for reconsideration or other grounds for reconsideration exist.

Petitioner seeks that upon disqualification of Judge Genden, that all prior factual or legal ruling be vacated by the successor judge due to the alleged criminal acts and civil torts against Petitioner and her mother.

9. (i) **Judge's Initiative.** Nothing in this rule limits the judge's authority to enter an order of disqualification on the judge's own initiative.

Petitioner states that Judge Genden should have already entered an order of disqualification on his own initiative according to Judicial Canons, Statutes and Rules when he became aware that disqualification was mandated of him but refused to do so on the repeated requests of Petitioner. If for any reason Judge Genden finds this Motion legally insufficient for any reason, Judge Genden must disqualify himself on his own initiative as set forth under this rule 2.330 (i).

10. (j) **Time for Determination.** The judge shall rule on a motion to disqualify immediately, but no later than 30 days after the service of the motion as set forth in subdivision (c). If not ruled on within 30 days of service, the motion shall be deemed granted and the moving party may seek an order from the court directing the clerk to reassign the case.

Petitioner demands due to the EMERGENCY NATURE of this case where claims have been made that Petitioner's mother is in life threatening condition due to the abusive Guardianship that this Disqualification be made instantly as it is legally sufficient. Delays could cause the death of Petitioner's mother which would result in charges of Murder against those complained of in the attached Exhibits.

11. Florida Statutes 38.10 - Disqualification of judge for prejudice; application; affidavits; etc.—Whenever a party to any action or proceeding makes and files an affidavit stating fear that he or she will not receive a fair trial in the court where the suit is pending on account of the prejudice of the judge of that court against the applicant or in favor of the adverse party, the judge shall proceed no further, but another judge shall be designated in the manner prescribed by the laws of this state for the substitution of judges for the trial of causes in which the presiding judge is disqualified. Every such affidavit shall state the facts and the reasons for the belief that any such bias or prejudice exists and shall be accompanied by a certificate of counsel of record that such affidavit and application are made in good faith.

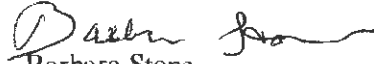
Petitioner has supplied a legally sufficient Affidavit herein.

WHEREFORE, the Petitioner requests that Judge Genden immediately disqualify as this is a legally sufficient pleading.

Under Penalties of perjury, I swear under oath and affirm that I have read the foregoing and the facts alleged are made in good faith and are true to the best of my knowledge and belief.

Dated this 25th day of April, 2015

Respectfully Submitted,


Barbara Stone

244 Fifth Avenue – B296

New York, NY 10001

Telephone. 212.994.5482 Fax: 212.994.5481

bstone575@gmail.com

CERTIFICATE OF SERVICE

Petitioner does hereby certify that the foregoing Petition was served on all parties by e-file with the clerk of the court this 25th day of April, 2015.



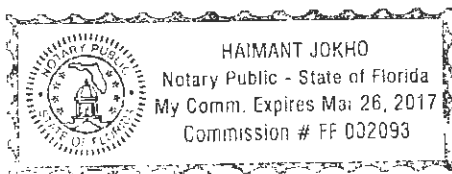
Barbara Stone

STATE OF FLORIDA

COUNTY OF BROWARD

Sworn to or affirmed and subscribed before me this 25th day of April, 2015 by Barbara Stone who is known to me or produced the following identification. FL DC

NOTARY PUBLIC



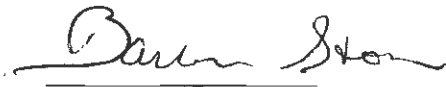
Print name of Notary: Haimant Jokho

Stamp

My commission expires: 26 March 2017

AFFIDAVIT

Affiant, Barbara Stone hereby states under oath that the attached Verified Emergency Petition and Affidavit for Immediate Disqualification of Judge Michael Genden is true and correct to the best of her knowledge and belief



Barbara Stone

April 25, 2015

STATE OF FLORIDA

COUNTY OF BROWARD

Sworn to or affirmed and subscribed before me this 25th day of April, 2015 by Barbara Stone who is known to me or produced the following identification FL DL

Notary Public

Print name: Haimant Jokho

Stamp

My commission expires: 26 March 2017

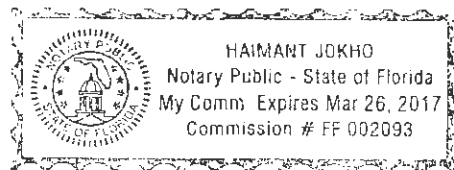


EXHIBIT 1

Notarized Affidavit dated April 15, 2015 by a Florida Bar member attesting to retaliation against her by the person identified as Michael Genden

AFFIDAVIT

STATE OF FLORIDA}

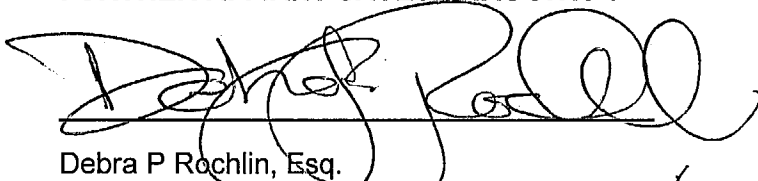
COUNTY OF BROWARD}

BEFORE ME, the undersigned authority, appeared DEBRA P. ROCHLIN, Esq, after being first duly sworn, deposes and says as follows:

1. Helen Stone's rabbi contacted me to explained to me that Helen used to be a member of his synagogue and was in a guardianship where she was very unhappy and fearful and she had asked him to obtain legal representation for her.
2. He requested that I represent her due to her present circumstances.
3. I was also in contact by Barbara Stone who informed me that there was a hearing before Judge Michael Kaplan on April 8, 2015. She explained she filed a Petition on behalf of her mother to seek an injunction against Blaire Lapides (one of the guardians in her mother's matter.)
4. On April 8, 2015, outside of Judge Michael Kaplan chambers I spoke with attorney Roy Lustig who stated that I should not represent Helen Stone.
5. At the hearing, Judge Kaplan stated that as a representative of Helen Stone I should file a separate action and would not accept my presence in the case.
6. Judge Kaplan entertained Roy Lustig's Motion to Dismiss and ruled that Barbara Stone did not have standing to act on behalf of her mother even though she had raised repeated allegations of repeat violence and abuse against her mother.
7. Two hours after the hearing, I received a phone call from someone who identified himself as Miami Dade County Judge Michael Genden. When I checked the number that the call came from, I was informed by a clerk that it was the central number for the Miami-Dade courthouses – 305.520.4000.
8. The person who identified himself as Judge Gedden, stated that he heard, I was in a hearing in front of Judge Kaplan earlier and that I had no right to file anything and should have known better. I explained that I did not file anything. He then proceeded to state that he was going to file a bar complaint against me. He informed me that Barbara Stone was wearing an arrest ankle bracelet. He alleged wrongdoing by Barbara Stone. I told him I was aware of the ankle bracelet and I felt it was pretty outrageous that she was not permitted to see her own mother because of the guardianship. I emphasized that at Mrs. Stone's age, it was wrong for her to be removed from her mother when her mother was so sick and possibly dying.
9. I stated I was amazed that in the two hour time frame from the time the hearing ended and this conversation began, Roy Lustig called him about the Broward hearing. The person at the end of the line who stated he was Judge Gedden said yes because it was important he be informed of all matters related to Helen Stone. I said this was ex-parte communication between himself and Mr. Lustig, Esq. He said that it was acceptable because he needed to know everything that was happening in one of his cases. He said he knew I was in front of Judge Shapiro the day before (that's how I knew he spoke to Roy Lustig, because I shared that information with Roy)

10. I felt threatened by the Judges actions and felt that both Roy Lustigs and the Judges ex-parte communication to be inappropriate if that was really the judge on the other end of the phone line.
11. In the alternative, I thought that perhaps Roy Lustig, Esq had someone impersonate the Judge to scare me off the case which is also outrageous and a violation of the bar rules of professional conduct.

This statement is true and correct to the best of my knowledge and belief.
FURTHER AFFIANT SAYETH NAUGHT.

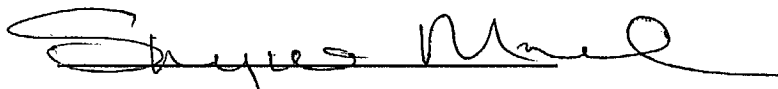


Debra P Rochlin, Esq.
Attorney and Supreme Court Certified Mediator / Law Offices of Debra P Rochlin
900 South Andrews Ave
Fort Lauderdale, Florida 33316
Tel: 954.832.9009

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgements, that the foregoing instrument was acknowledged before me on this 15 day of April 2015 by Debra P Rochlin, Esq.

who is personally known to me, and who did take an oath.

WITNESS my hand and official seal in the County and State last aforesaid.



NOTARY PUBLIC

SHAYNE MALEKOVIC
NOTARY PUBLIC - STATE OF FLORIDA
COMMISSION # FF175546
EXPIRES 11/30/2018
BONDED THRU 1-888-NOTARY1

{S E A L}

EXHIBIT 2

March 2, 2014 Criminal Complaint Against Michael Genden and Others

CRIMINAL COMPLAINT

This Criminal Complaint is filed by Barbara Stone on her behalf and on behalf of her mother (individually "Complainant" and collectively "Complainants") nunc pro tunc as of September, 2012 against Michael Genden, Roy Lustig, Jacqueline Hertz, Blaire Lapidés and Alan Stone (collectively the "Parties" and individually "Genden", "Lustig", "Hertz", "Lapidés" and "Stone") . The parties set forth in this Criminal Complaint are conspirators in a criminal enterprise and racketeering ring in Dade County, Florida.

SUMMARY OF CRIMES OF THE PARTIES

1. **The Parties have committed felony financial fraud. They have extorted over \$1,400,000 from Claimant's mother, an elderly disabled adult. They are stealing these assets in the form of fees.**
2. ***These Parties who have extorted \$1,400,000 from Claimant's mother have filed perjured statements, fabricated and lied and perpetrated fraud on the court to orchestrate false charges against Claimant.***
3. My mother has not benefitted from anything these parties have done. To the contrary, they have denied her rights and her wishes and deprived her of food, medical attention and services and her assets have been fraudulently confiscated and embezzled.
4. On November 9, 2013, Claimant's mother was admitted by emergency to the hospital with life threatening conditions including ***malnutrition, dehydration, fractures, pneumonia, hernia, infection, fractures that could be the result of a fall and a host of other life threatening conditions.*** Each one of these life threatening conditions alone constitutes elder abuse under Florida Statute 825 ***Together they constitute aggravated abuse.***
5. Two days prior to her being sent by ambulance to the hospital, on November 7, 2013, Helen Stone was seen by her spiritual leader, Rabbi Ed Farber, at Barbara Stone's bequest who found her drugged up, incoherent and starved whereupon he immediately informed the judge who failed to investigate..
6. Claimant's mother is in a feeding tube as a result of abuse and being emaciated, a life endangering tactic taken by racketeer guardians to serve their own interest so they do not have to take the time to feed their victims. Her mother has a natural right to eat and she is being deprived of that right. The feeding tube is laced with illegal psychotropic drugs that are prohibited under Florida Statute 394.
7. The Parties have deprived Claimants of unalienable endowed rights protected by the Constitution, by acting under color of law abuse, abuse of power, fraudulently, with intrinsic, extrinsic fraud and fraud on the court and fraud in the inducement to commit criminal acts and acted outside jurisdiction and in his own capacity.
8. The Parties willfully and viciously retaliated against, threatened and coerced Claimants because they objected and exposed the Parties criminal acts.
9. The Parties engaged in the crimes of human trafficking, money laundering, racketeering, extortion, misprision of felony, abuse of power, color of law abuse and other capital and infamous crimes in order to plunder the assets of elderly vulnerable disabled Citizens.
10. Claimants rights under 18 USC 241 and 242 have been deprived.
11. The Parties conspired and acted in collusion to commit Fraud "with purpose to incriminate another" in violation of the Constitution and Title 18 USC §1001, Title 18 USC §1621, 42 USC, FS 825, 836, 843 and other Federal and State Statutes in Obstruction of Justice and False Statements Using Sham Legal Process.

12. The Parties have committed and or abetted the following crimes:

- First degree felonies under Florida Statutes 825 committing financial fraud and exploitation in a sum of \$100,000 or more from an elder person
- First degree felonies of abuse and aggravated abuse under Florida Statutes 825
- Perjury
- Tampering with evidence
- Obstructing justice
- Dereliction of Duty
- Violation of Bill of Rights 1st & 6th Amendment
- United States Constitution Art 3 Sec 3
- Conspiracy under USC 371
- Theft and Fraud, fraud on the court, intrinsic and extrinsic fraud and fraud in the inducement
- Tampering with court records, transcripts and other records
- Forgery
- Securing writings by deception,
- Fabricated evidence that victim lacked capacity to give consent
- Kidnapping,
- Abduction
- Unlawful Restraint
- Elder Abuse and Aggravated Abuse
- Elder Exploitation
- Depriving crime victim of medical care
- Discrimination
- Retaliation
- Coercion
- Attempted Murder
- Premeditated Murder
- Official Misconduct
- Abuse of Power
- Color of Law Abuse
- Criminal Racketeering
- Human Trafficking
- Money Laundering
- False Arrest
- Entrapment
- Battery
- Wire fraud, mail fraud and bank fraud
- Conversion
- Breach of fiduciary duty
- Lying to the fed government and courts system 18 USC 1001
- False imprisonment
- Theft and Fraud, fraud on the court, intrinsic and extrinsic fraud and fraud in the inducement
- Kidnapping,
- Abduction
- Unlawful Restraint
- Discrimination
- Retaliation under the ADA and 42 USC 12203
- Attempted Murder (use of contraindicated drugs, isolation from family members and friends, suspicious falls leading to confinement to bed, etc.)

- 18 U.S. Code § 3 - Accessory after the fact
 - 18 USC 4 Misprison of felony
 - Official Misconduct
 - Color of Law/Due Process violations Abuse - 42 USC 1983
 - Criminal Racketeering
 - Battery for repetitive fractures, administration of chemical restraints contraindicated by the FDA,
 - Wrongful implantation of a feeding tube without consent, and deprivation of the sensation of food and chewing against her will
 - Loss of consortium between parent and child
 - Torture under the international treaties against torture
13. Florida is the number one corrupt state according to the Center for Public Integrity. People are warned not to retire in or visit Florida because of the guardianship scam. A recent MetLife study calls elder abuse the crime of the 21st century. As early as 1985, elder abuse was called a “national disgrace” by the U.S. Representatives, Subcommittee on Health and Long-Term Care of the Committee on Aging. More than a quarter-century later, it is still a national disgrace and breeding ground for subversive activity.
 14. A report by the U. S. Government Accountability Office finds guardian abuse of the elderly is rampant. The attached Washington Examiner article exposes judges like Michael Genden who engage in corruption.
 15. **Because Complainants have stated Michael Genden is engaged in heinous crimes using the Courthouse as a criminal racketeering operation and Complainants are exposing these crimes, Complainants are fearful of further retaliation and seek protection from law enforcement.**
 16. Complainant, Barbara Stone has been falsely arrested as a result of the acts of Michael Genden and others who themselves purposely and maliciously engage in the foregoing crimes and employ the court, the very institution they have subverted to achieve their own ends.
 17. Roy Lustig has been found guilty of fraud, perjury and repeatedly lying under oath. This was the finding by the 3rd DCA in LEO’S GULF LIQUORS v CHANDRESH LAKHANI ET AL, CASE NO. 3D00-130 where the Court 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).
18. Making false statements is a Federal offense under Title 18 USC§ 1001. These crimes were committed for Intimidation, Retaliation and Interference with civil rights pursuant to Florida Statutes and 42 USC §1983, 18 USC§ 241 & 242. Perjury is a federal felony under 18 U.S. Code § 1621
 19. The unlawful fraudulent stay away orders against Affiant were issued in order to empower Hertz, Lapides, Stone and Lustig to commit crimes of abuse and exploitation in secrecy
 20. **This is all about staged fraudulent litigation to take the assets of a disabled vulnerable person.**

CRIMES PERPETRATED BY ALAN STONE

FORGERY, FRAUD, EMBEZZLEMENT ABUSE AND AGGREGATED ABUSE OF THE ELDERLY,

**FRAUD IN THE INDUCEMENT
FINANCIAL FRAUD AND EXPLOITATION,
CUSTODY OFFENSES, RACKETEERING, HUMAN TRAFFICKING
MONEY LAUDERING,
DISCRIMINATION AND RETAILIATION**

21. Alan Stone engages in a pattern and practice of financial misconduct and abuse and aggravated abuse of Claimant's mother.
22. *Alan Stone was terminated from two financial firms, UBS and Wachovia for forgery and financial fraud.*
23. Prior to his termination, he made a business out of moving from one financial firm to the next to take advantage of "bonus" money he was paid upfront to be applied to commissions. He always left the firm before his contract was up, thereby breaching his contract and refusing to return the advance. His rotation through the different firms was his wrongful source of income.
24. Alan Stone was fired from one firm, USB, for forging client documents. He was then placed on "heightened supervision" requiring his transactions be monitored with future firms.
25. *This was his status when he joined Wachovia where he commenced the financial fraud of Affiant's mother's assets, forgery of her checks and wire transfers of her money to his accounts.*
26. Affiant has since learned she filed this guardianship that Alan Stone brought in Jacqueline Hertz and Blaire Lapides who are controlling Affiant's mother to be his puppets to cover up his misappropriation of Affiant's mother's assets
27. **Alan Stone has embezzled over \$625,000 of Affiant's mother's assets** that he transferred to himself using a series of wire transfers to attempt to hide where the assets were transferred
28. Alan Stone has physically and emotionally abused Affiant's mother.
29. Affiant's mother was repeatedly admitted to the hospital with suspicious fractures and falls between 2009 and 2012 during the time she was isolated from the outside world by Alan Stone.
 - a. Alan Stone perpetuated a fraud. He designed Affiant and her mother as "trustees" on the accounts documents in the many firms in which he contacted as an employee and broke his contract knowing that this designation was false as he has already enlisted Blaire Lapides in his scheme to defraud Affiant's mother.
 - b. The pattern and practice of fraud and self -dealing for which Roy Lustig was found guilty by the 3rd DCA was exactly the conduct in which Alan Stone engaged.
 - c. Affiant later came to realize that Alan Stone deviously and with willful intent to defraud fraudulently set up the accounts in that manner in order that he could unilaterally remove Affiant as trustee, thereby being able to benefit from his own wrongful acts.
30. The divisive actions of Alan Stone were obvious as he coerced Affiant's mother to go from one attorney to the next to change her trust documents according to the status of pending litigation depending on whether he thought his fraud would be discovered.
31. Alan Stone deceptively informed Affiant's mother that once she reached the age of 80, she was no longer permitted to drive. . This devious scheme also accomplished Alan Stone's goal to keep Affiant's

mother isolated and under his control for her very existence – for her to even to be able to have food, she was totally reliant on and subjected to the agenda of Alan Stone.

CRIMES PERPETRATED BY BLAIRE LAPIDES, JACQUELINE HERTZ AND ROY LUSTIG

FRAUD, EMBEZZLEMENT, PERJURY, SLANDER, LYING UNDER OATH ABUSE AND AGGREGATED ABUSE OF THE ELDERLY, FRAUD IN THE INDUCEMENT FINANCIAL FRAUD AND EXPLOITATION, CUSTODY OFFENSES, RACKETEERING, HUMAN TRAFFICKING MONEY LAUNDERING, FALSE IMPRISONMENT, ABDUCTION, KIDNAPPING, DISCRIMINATION AND RETALIATION

32. Michael Genden placed Claimant's mother in the hands of criminals.
33. These predators include a complete stranger, Jacqueline Hertz with a track record of fraud and murder and an estranged distant opportunistic Blaire Lapides who had committed fraud and was not registered as a "guardian" and Roy Lustig who was found guilty of crimes by the 3rd DCA . Claimant later learn these guardians were brought in by Alan Stone to cover up his embezzlement of her assets.
34. An illegal agreement was signed at the time that unlawfully removed Claimant's mother's rights.
35. Helen Stone was not a party to the agreement nor does she have knowledge of the agreement.
36. The agreement and all subsequent orders stripped Helen Stone of all of her constitutional and civil rights in violation of the Constitution of the United States
37. An agreement that violates due process and the Constitution is void on its face. The agreement discriminated and retaliated against Helen Stone taking away all of her rights is not a proper accommodation under the ADA. It is likened to severing an arm to remedy a splinter in a finger.
38. **Removing a disabled, elderly person from their prior life, isolating and segregating them from their family and acquaintances, removing all of their assets and possessions from them and abetting the theft and dissipating of the assets is a venal retaliatory and criminal act.**
39. The guardianship is predicated upon a void, unlawful and illegal agreement which was the basis of ensuing fraudulent illegal segregation and isolation upon which fraudulent void orders were issued.
40. Jacqueline Hertz, a professed guardian has *fabricated credentials, schooling, education, qualifications and experience*. She does not have a license issued by the State. She does not have the required credentials pursuant to Florida Statutes including a letter from a judge and repeatedly failed to provide a bond or proof of her educational requirements.
41. Jacqueline Hertz has a pattern of criminal abuse and exploitation. She routinely loots the assets of her victims with fraudulent accountings and accountings that deliberately fail to disclose the finances of her victims or the amounts that are being distributed.

42. Jacqueline Hertz has a real estate license which is an inherent conflict of interest as she is prohibited by law from participating in the assets of persons under her control. She routinely sells the home of her victim from under them. The homes are sold illegally and also for less than market value to her cohorts in order to launder money. Using a real estate license to participate in commissions is an inherent conflict of interest and the commissions are a motivation for her to sell the house of her prey. This also violates the guardian statute which prohibits her from benefiting in the assets of persons under her control.
43. Jacqueline Hertz isolates the person in her control from their family by fabricating slanderous false allegations against their closest family member in order to obtain an illegal fraudulent “stay away order” that is issued by colluding judges like Michael Genden so she can operate her scam in secrecy. She then engages in her atrocities, abuse, sells the homes of the elderly from under them, ties up their family in fabricated litigation and steals their assets.
44. *She isolated Claimant from her mother on the basis of fraudulent accusations. She obtained a similar order against Marilyn Hirsch, the daughter of Rose Hirsch who she abused and deprived her life. She isolated Carol Holder, a respected educator at a University from her husband. She abused Mrs. Dorothea Landmann and upon her death attempted to take control of her daughter in a guardianship. She brazenly and flagrantly fabricates and commits fraud on the court.*
45. Blaire Lapides is an estranged opportunistic distant relative. She has not complied with the education and other requirements for a guardian and has not posted a bond. She is embezzled Helen Stone’s assets.
46. Their attorney, Roy Lustig is a disgraced attorney *who has been found guilty by the 3rd DCA of perjury, lying under oath and fraud on the court* (please reference the attached court opinion). *He has been sanctioned by the Florida Bar.*
47. Roy Lustig is engaged in a pattern of staged, fraudulent litigation to perpetuate his illegal conduct in order to extort fees from Helen Stone.
48. **It is criminally negligent for Michael Genden to place an elderly vulnerable adult under the control of these predators.**
49. Affiant’s mother has been starved, bruised, threatened, drugged, isolated and caged. She has been removed from her home against her will. Her property has been looted by Respondents Alan Stone, Jacqueline Hertz and Blaire Lapides and Roy Lustig.. Affiant’s mother has been denigrated, denied food, medical attention and care.
50. Immediately after their installation as Helen Stone’s guardians, they forcibly isolated her from association with the outside world and is kept in complete isolation from friends and family of her choosing so these guardians and their attorney could exploit and abuse her in secrecy. *They have taken an 86 year old woman taken into “custody”.*
51. On November 9, 2013, Claimant’s mother was admitted by emergency to the hospital with life threatening conditions including *malnutrition, dehydration, fractures, pneumonia, hernia, infection, fractures that could be the result of a fall and a host of other life threatening conditions.* Each one of these life threatening conditions alone constitutes elder abuse under Florida Statute 825 *Together they constitute aggravated abuse.*

52. Two days prior to her being sent by ambulance to the hospital, on November 7, 2013, Helen Stone was seen by her spiritual leader, Rabbi Ed Farber, at Barbara Stone's bequest who found her drugged up, incoherent and starved whereupon he immediately informed the judge who failed to investigate..
53. Claimant's mother is in a feeding tube as a result of abuse and being emaciated, a life endangering tactic taken by racketeer guardians to serve their own interest so they do not have to take the time to feed their victims. Her mother has a natural right to eat and she is being deprived of that right. The feeding tube is laced with illegal psychotropic drugs that are prohibited under Florida Statute 394.
54. A predator exploiter like Jacqueline Hertz isolates the elderly person by not allowing them to communicate or socialize with their friends. When family or friends call or visit, the exploiter intercedes and tells them that all is well and typically will interject themselves into any conversation such friends and family members attempt to have with the elderly person. The classic case is an exploiter who prevents the elderly person from answering any questions placed before him or her by speaking for them. The infirm person never speaks because the exploiter has seized control of the conversation. When family or friends pre-schedule a visit, the exploiter makes certain that the elderly person is out of the house or answers the door stating that the elderly person is resting and that he or she will call them (which never occurs) upon awakening. This is a slow process that takes place over an extended period of time. The isolation eventually causes the elderly person to submit to the exploiter's propaganda that they are all that the elderly person has in the form of friends. Furthermore, the exploiter continually suggests that the elderly person's family and close friends have abandoned them and without the exploiter's help the elderly person will be placed in a nursing home to wither away. Lacking any outside influences to expose the exploiters charade, the elderly person is eventually convinced of the family and friend's fabricated conspiracy.
55. ***Their isolation plot is accomplished by submitting patently false, fraudulent and malicious allegations to a conspiring judge who issues unlawful "stay away" orders against a family member who is closest to the victim and the most desperate to remove their loved one from the atrocities of the guardian enterprise, all of which constitutes offenses and deprivation of rights under Federal and F.B.I. color of law abuse and Florida Statutes 825 and other laws.***
56. Their false allegations and accusations not only are the precursor to their goal of isolation of their victims by fraudulent void stay away orders issued by a court without jurisdiction, but they also accomplish another component of their goal, i.e. they are rewarded by conspiring judges with an award of guardian and legal fees for their own wrongful illegal acts.
57. **Making false allegations to obtain a stay away order is perjury pursuant to Federal and Florida Statutes a criminal offense**
58. Immediately after their installation as Helen Stone's guardians, they isolated her from Claimant based on fabricated allegations so these guardians and their attorney could exploit and abuse her in secrecy.
59. **Incredibly this matter stems from the fact that Michael Genden order her mother be isolated from Claimant's mother because Claimant objected to their use of Miralax, a laxitive pulled off the shelf by the FDA because it causes heart and kidney failure.** These vicious guardians vilified Barbara in Court by alleging Barbara sought to give her mother "unauthorized medication" It is impossible for Barbara Stone to offer her mother unauthorized medication where there was no such medication. This depraved scam could only concocted by guardians who committed fraud on the court that was abetted by Michael Genden in whose court, the only thing that occurs is fraud. Thus on the basis of perjury committed by Jacqueline Hertz and Blaire Lapidès, Michael Genden removed an elderly woman from her daughter, leading the way to the atrocities that ensued.

60. **This was the basis for all fraudulent litigation that ensued.** Jacqueline Hertz sole goal is to perpetuate litigation by slandering family members so and her attorney can embezzle the funds of the person in her control. Secrecy is an integral part of this operation.
61. The chicanery of a fraudulent isolation petition almost caused the death of Claimant's mother and Claimant's arrest.
62. Every possession and every asset of Mrs. Stone that has been fraudulently "awarded" to these criminals is the result of their fabricated petition to isolated Mrs. Stone from her daughter because her daughter objected to her mother being given Miralax.
63. **Only in a court like Michael Genden's court, could a laxative result in the award of \$1,400,000 in fraudulent bills. Michael Genden has committed treason, a fraud on the U.S.**
64. **Because of a laxative, Mrs. Stone was cruelly isolated from her daughter.** Helen Stone pleads to see her daughter and does not even know why her daughter does not visit or that she is being denied seeing her mother. This in and of itself is abuse.
65. **Claimant is filing this notice of abuse and abuse report and complaint for which she requests law enforcement redress and insure the safety of her mother.**
- d. *Her mother is kept in a locked down facility virtually under house arrest against her will*
 - e. *She is chemically restrained with psychotropic drugs*
 - f. *Her speech is slurred because she is medicated by drugs strong enough to kill her.*
 - g. *Her obvious overmedication is for the benefit of the guardians and their aides so they can ignore her mother.*
 - h. *The fake "aides" are to isolate Helen Stone not to benefit her. They are to prevent Helen Stone from having rehabilitation not to facilitate her rehabilitation*
 - i. *Mrs. Stone is not permitted to stand up from her wheelchair although she is perfectly capable of walking.*
 - j. *Helen Stone was given fake glasses after her glasses were inexplicably broken and her mother is incurring constant headaches because she is unable to see. It was over 9 months before glasses were provided that were not provided in consultation with her mother's ophthalmologist therefore, it is still uncertain if her glasses are medically accurate.*
 - k. *Barbara Stone's mother is cruelly and abusively being denied her wishes to see Barbara Stone, in order to stage litigation to plunder her assets an act of criminal abuse under Florida Statutes 825.*
 - l. *Barbara Stone's mother is cruelly and abusively being denied her wishes to see her spiritual leader or have any visitor whatsoever by Roy Lustig an act of criminal abuse under Florida Statutes 825 and a crime under the Medicare and other patient bill of rights.*
 - m. *Cruelly, Helen Stone does not even know why her daughter does not visit*
 - n. *Helen Stone, a person protected under AADA has not been in possession or control of her assets or personal property nor has she been consulted or allowed any input whatsoever concerning the use or disposition of her assets. Instead, her assets have been dissipated by people who are controlling her against her will and endangering her.*
 - o. *Barbara Stone and Helen Stone have been spied on by cunning "aides" who charge Helen Stone but do not attend her care – they are planted by the guardians to keep her isolated.*
 - p. *The guardians have committed insurance fraud, bank fraud, wire fraud, internet fraud, mail fraud, Medicaid and medicare fraud, social security and veteran's*

administration fraud and embezzled federal benefits of Helen Stone to financially benefit themselves.

- q. *All of the foregoing actions are acts of pre-meditated murder – a deliberate attempt to slowly and methodically deprive Mrs. Stone of her life.*

CRIMES PERPETRATED BY MICHAEL GENDEN

FORGERY, FRAUD, EMBEZZLEMENT ABUSE AND AGGREGATED ABUSE OF THE ELDERLY, FRAUD IN THE INDUCEMENT FINANCIAL FRAUD AND EXPLOITATION, CUSTODY OFFENSES, RACKETEERING, HUMAN TRAFFICKING, MONEY LAUNDERING, ENTRAPMENT, DISCRIMINATION AND RETALIATION

66. *In the face of hospital reports evidencing abuse and repeated witness statements, Michael Genden. In violation of his mandate refused to investigate criminal conduct of her mother's guardians and embezzling of her assets by their attorney. Michael Genden ignored the hospital records showing aggravated abuse and the many frantic letters, testimony, witnesses and affidavits to Barbara Stone's mother abuse.*
67. *The very same day Michael Genden denied holding a hearing on Claimant's Petition to investigate the safety of her mother, she was rushed by emergency to the hospital. While she was in the hospital, she was then forced to suffer surgery to implant a feeding tube because as she had been denied food, she was starved and became emaciated.*
68. *Instead of investigating the aggravated abuse by the guardians, Michael Genden is covering up their abuse and his participation in their abuse either for his own gain or to grant favors.*
69. *Michael Genden has and is acting without jurisdiction, in violation of criminal laws.*
70. *Michael Genden has violated the U.S. and the Florida Constitution by prohibiting advocates and supporters of Affiant from being present in his courtroom.*
71. *Michael Genden has entrapped Claimant in order to collude with Roy Lustig in the participation of her mother's assets.*
72. *Michael Genden routinely pre-signs orders. Transcripts are routinely altered.*
73. Upon Helen Stone's admission to the hospital, *the guardians should have been suspended immediately* by Michael Genden and the guardians should have been investigated. The attached confidential hospital records speak for themselves of Helen Stone's aggravated abuse.
74. The affidavits and testimony of witnesses to Barbara Stone'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, her mother was "painfully thin" and in clothes that were huge, that she was unkempt and unattended and desperately missed association with her daughter, Barbara Stone.
75. On December 7, 2013, 2 days prior to Helen Stone's emergency admission to the hospital where she almost died as a result of aggravated abuse by persons wrongfully placed in charge of her care by a probate court judge, Barbara Stone submitted an emergency petition for the probate court to appoint an

attorney, an independent doctor and a court monitor for her mother. The probate judge did nothing Not only did he not grant the petition, the probate judge did not even **hear** the petition in direct violation of Federal and State laws mandating abuse of an elderly, disabled person be investigated.

76. As no action was taken by Michael Genden to protect her mother, Barbara Stone filed a petition to remove the Guardians. The petition was not heard for over 3 months all the while the guardians were committing crimes and theft and Helen Stone was being abused despite the fact that Genden is required to hear an emergency petition within 48 hours. Matters pertaining to the elderly are exigent – they require immediate attention.
77. Genden's court abets fraud on the court, perjury, lying under oath and fabricated and false and slanderous actions by person who are brazenly committing such acts. This is particularly heinous in a court of law that is responsible for the very life and safety of an elderly, vulnerable person.
78. Jacqueline Hertz, Blaire Lapides, Roy Lustig and Michael Genden have segregated Helen Stone from the community and are violating Federal laws regarding core values of America for the Constitutional rights and privileges granted to its citizens. In a gross understatement of the criminality of this matter:

Helen Stone is not integrated into the community, stimulated, socially enriched, being rehabilitated and is not in any way benefiting from being locked down, isolated, chemically restrained, in a feeding tube and drugged in violation of the mandate of the ADA, Federal and State laws prohibiting elder abuse and exploitation and pursuant to Olmstead v LC wherein the Supreme Court stated

"institutional placement of persons who can handle and benefit from community settings perpetuates unwarranted assumptions that persons so isolated are incapable of or unworthy of participating in community life." "Confinement in an institution severely diminishes the everyday life activities of individuals, including family relations, social contacts, work options, economic independence, educational advancement, and cultural enrichment."

79. Pursuant to Florida Statutes 825:

(2) **“Aggravated abuse of an elderly person or disabled adult” occurs when a person:**

- (a) **Commits aggravated battery on an elderly person or disabled adult;**
- (b) **Willfully tortures, maliciously punishes, or willfully and unlawfully cages, an elderly person or disabled adult; or**
- (c) **Knowingly or willfully abuses an elderly person or disabled adult and in so doing causes great bodily harm, permanent disability, or permanent disfigurement to the elderly person or disabled adult.**

A person who commits aggravated abuse of an elderly person or disabled adult commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

- (3)(a) **“Neglect of an elderly person or disabled adult” means:**

1. ***A caregiver's failure or omission to provide an elderly person or disabled adult with the care, supervision, and services necessary to maintain the elderly person's or disabled adult's physical and mental health, including, but not limited to, food, nutrition, clothing, shelter, supervision, medicine, and medical services that a prudent person would consider essential for the well-being of the elderly person or disabled adult; or***
2. ***A caregiver's failure to make a reasonable effort to protect an elderly person or disabled adult from abuse, neglect, or exploitation by another person.***

Neglect of an elderly person or disabled adult may be based on repeated conduct or on a single incident or omission that results in, or could reasonably be expected to result in, serious physical or psychological injury, or a substantial risk of death, to an elderly person or disabled adult.

(b) *A person who willfully or by culpable negligence neglects an elderly person or disabled adult and in so doing causes great bodily harm, permanent disability, or permanent disfigurement to the elderly person or disabled adult commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.*

(c) *A person who willfully or by culpable negligence neglects an elderly person or disabled adult without causing great bodily harm, permanent disability, or permanent disfigurement to the elderly person or disabled adult commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.*

80. Chapter 415 Florida Statutes defines “exploitation” as a person who:

Stands in a position of trust and confidence with a vulnerable adult and knowingly, by deception or intimidation, obtains or uses, or endeavors to obtain or use, a vulnerable adult’s funds, assets, or property with the intent to temporarily or permanently deprive a vulnerable adult of the use, benefit, or possession of the funds, assets, or property for the benefit of someone other than the vulnerable adult; or Knows or should know that the vulnerable adult lacks the capacity to consent, and obtains or uses, or endeavors to obtain or use, the vulnerable adult’s funds, assets, or property with the intent to temporarily or permanently deprive the vulnerable adult of the use, benefit, or possession of the funds, assets, or property for the benefit of someone other than the vulnerable adult.

“Exploitation” may include, but is not limited to: Breaches of fiduciary relationships, such as the misuse of a power of attorney or the abuse of guardianship duties, resulting in the unauthorized appropriation, sale, or transfer of property; Unauthorized taking of personal assets; Misappropriation, misuse, or transfer of moneys belonging to a vulnerable adult from a personal or joint account; or Intentional or negligent failure to effectively use a vulnerable adult’s income and assets for the necessities required for that person’s support and maintenance.

81. Further heinous repercussions are evidenced by the fact that family members like Barbara Stone who expose guardian abuse and the looting of their loved one’s assets are stuck in a perverse, intentional no win, Catch-22 situations *because the guardian fights their objection with the assets of their loved one. Helen Stone is being charged for her own abuse.*
82. Volumes of fraudulent invoices were submitted relentlessly, in fact, fanatically and ex parte by an arsenal of attorneys purportedly engaged in “representing” Claimant’s mother whose “non action” and “non representation” is vividly illustrated by their pages of charges for staged fraudulent litigation and were rewarded and illegally ordered fraudulent fees without any investigation by Michael Genden as to how their “services” could have any relationship whatsoever to Claimant’s mother’s best interest who was being starved to death.
83. *All the while, Barbara Stone’s mother, in a feeding tube implanted as a result of aggravated abuse by Jacqueline Hertz, 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 rights, 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 Jacqueline Hertz to abuse and exploit her.*
84. What is undeniable is barbaric abuse and crime against humanity.

85. Michael Genden's abuse of power is heightened by the fact her mother's matter is an emergency exigent due to elder abuse warning signs, her age, and frail health and the dire need for Barbara Stone to have her mother's safety and well-being forthwith overseen and insured by an impartial judge.
86. Since being placed in guardianship:
- a) Helen Stone has not personally appeared or spoken a word in the guardianship proceeding.
 - b) Helen Stone has been forcibly kept from occupying her residence of choice and she held against her will forcibly confined to a residence against her will.
 - c) Helen Stone has been forcibly and intentionally isolated from association with the outside world and family members and friends of her choosing.
 - d) Helen Stone, a person protected under AADA has not been in possession or control of her assets or personal property nor has she been consulted or allowed any input whatsoever concerning the use or disposition of her assets. Her assets have in fact been dissipated by people who are controlling her against her will and endangering her.
87. Family members like Barbara Stone, the loved one of an elderly vulnerable relative is vilified by the guardian industry. They are made to appear as an interloper. They face retaliation, intimidation and coercion to silence them. They are jailed for contempt, court ordered into silence and sued for speaking the truth, all the while our aging parents are caged, isolated and drugged, under a sentence of death in order to transfer their assets to the guardian enterprise.
88. Michael Genden acting in conspiracy with Roy Lustig falsely accused Barbara Stone of violating his retaliatory stay away orders that was issued ex parte on the basis of what he knew and acknowledged were slanderous allegations against her. He then brought false criminal charges against Barbara Stone that he fabricated with Roy Lustig and knew to be false. He tried Barbara Stone a mock trial in his own court, a blatant denial of due process.
89. Michael Genden violates elder abuse criminal laws by perpetrating the abuse of Barbara Stone's mother.
90. Once Michael Genden was unable to silence Barbara Stone from exposing his abuse, he viciously retaliated against her, converting his court into a criminal court where he became the judge, the arbiter and the person who filed criminal charges against her to "try" her in a mock hearing for violating his illegal and ex parte stay away order wrongfully issued on the basis of fabricated, fraudulent and slanderous statements by fraudulent guardians had expired by its own terms.
91. Michael Genden and Roy Lustig obstructed justice and fraudulent orchestrated Barbara Stone's arrest. Michael Genden acknowledged in open court in a transcript that the illegal order was issued on the basis of a fraudulent allegation. Further, his unlawful ex parte temporary restraining order expired by operation of law pursuant to FL State 741.30 which states an ex parte temporary state away order expires after 15 days.
92. Some of the illegal and unlawful provisions in his orders include:
- a. Repeatedly pre-signing orders and then holding "mock" hearings although an order has already been signed.
 - b. ***Rewarding predators Roy Lustig for participating in his criminal scam of a concocted criminal trial with legal fees for participating in this scam by allowing him to embezzle over \$250,000 of Helen Stone's assets.***

- c. *Rewarding predators Jacqueline Hertz and Blaire Lapidès approximately \$200,000 from Helen Stone's assets forcing her to pay for her own abuse.*
- d. An unlawful order denying Barbara Stone the right to petition for his disqualification,
- e. An illegal order denying Barbara Stone the right to file any pleadings after Barbara Stone exposed the corruption and fraud in his court.
- f. An illegal order prohibiting Barbara Stone from contacting anyone to report the abuse of her mother thereby entrapping her to act in the role of a conspirator to abuse,
- g. Ordering recording his expired, illegal order in "criminal records" denying Helen Stone the right to see her daughter thus retaliating against Barbara Stone by threatening her with illegal criminal charges for his own criminal retaliation and discrimination against her and her mother.
- h. There are presently other vindictive fraudulent petitions pending including a petition to hold Barbara Stone in criminal contempt and for massive additional fraudulent fees.
93. Michael Genden has denied Barbara Stone her right of access to the very file she commenced by establishing the guardianship. Further, he did this in a manner that is deceptive and deceitful. As he knew that an order denying Barbara Stone access to her file would be unconstitutional and a violation of due process, he issued an "edict" that he illegally demanded and threatened court staff to post on the file
94. ***These fraudulent, staged acts are solely for the purpose of embezzling Helen Stone's assets.***
95. Barbara Stone's mother is a vulnerable adult who has been denied protection under the very laws that are supposed to protect her, she is gravely ill, she is abused and her wishes are being violated and she has no court of redress.
96. Not only are Michael Genden's orders void, they are illegal, unlawful and treasonous as they violate the Constitution and the judicial oath of office. He uses his court to retaliate against Claimant, certainly not for the best interest of Helen Stone.
97. The false charges against Barbara Stone are the Machiavellian orchestration of wrongdoers. This is exactly the same conduct that the 3rd DCA found Roy Lustig engaged, stating in their opinion 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."
98. The retaliation against Barbara Stone is multiplied because for each action they take to retaliate against Barbara Stone, they punish Helen Stone in acts of vicious and cruel and heightened retaliation.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge and belief.

Dated: March 2, 2015



Barbara Stone, without prejudice

CASE CITATIONS

NO JUDICIAL IMMUNITY, VOID ORDERS, NO JURISDICTION

Judicial immunity does not exist for judges who engage in criminal activity, for judges who connive with, aid and abet the criminal activity of another judge, or to a judge for damages sustained by a person who has been harmed by the judge's connivance with, aiding and abetting, another judge's criminal activity.

An illegal agreement by a corrupt judge prior to any judicial proceedings does not resemble anything close to a normal judicial function. The court in *Rankin v. Howard*, 633 F.2d 844 (9th Cir. 1980), *cert. denied*, 451 1985] any personal prejudice or economic interest in a case is not acting judicially, and should be held liable for any resulting damages. *Brewer v. Blackwell*, 692 F.2d 387, 397 (5th Cir. 1982) (judge vindicating personal objectives not acting judicially); *Harper v. Merckle*, 638 F.2d 848, 859 (5th Cir.) ("[W]hen a judge has acted out of personal motivation and has used his judicial office as an offensive weapon to vindicate personal objectives, then the judge's actions do not amount to 'judicial acts.'"), *cert. denied*, 454 U.S. 816 (1981); *Harris v. Harvey*, 605 F.2d 330, 336 (7th Cir. 1979) (judge could be held liable for nonjudicial "racially motivated" critical communications to the press), *cert. denied*, 445 U.S. 938 (1980)

Harper v. Merckle, 638 F.2d 848 (5th Cir.), *cert. denied*, 454 U.S. 816, 102 S.Ct. 93, 70 L.Ed.2d 85 (1981)(holding a contempt proceeding and ordering plaintiff incarcerated were not judicial acts where controversy that led to incarceration did not center around any matter pending before the judge, but around domestic problems of plaintiff former wife who worked at the courthouse); *Harris v. Harvey*, 605 F.2d 330 (7th Cir.1979), *cert. denied*, 445 U.S. 938, 100 S.Ct. 1331, 63 L.Ed.2d 772 (1980)(allegedly repeated communications to the press and city officials which were critical of police lieutenant, and the improper instigation of criminal proceedings against the lieutenant by judge as part of a racial campaign to discredit lieutenant were not judicial acts).

This court also has held that the initiation of accusatory processes, such as criminal prosecutions or civil contempt proceedings, is a non-judicial act that may subject a judge to liability. *Sevier v. Turner*, 742 F.2d 262, 272 (6th Cir.1984).

"The right of action created by statute *relating to deprivation under color of law* of a right secured by the constitution and the laws of the U.S. and comes claims which are based solely on statutory violations of Federal Law and applied to the claim that claimants had been deprived of their rights, in some capacity, to which they were entitled." (*Owen v. Independence* 100 Vol. Supreme Court Reports. 1398: [1982]; *Main v. Thiboutot* 100 Vol. Supreme Court Reports. 2502, 1982)

Judges are under the illusion that they have absolute immunity, but all the cases that are cited making such a claim are without authority [people] and will fail in the federal and state courts in a court of record. Only the people are sovereign; all servants are under statutes and therefore liable to USC 18 and 42. "Where there is no jurisdiction, there can be no discretion;" they are not above the law when they commit a crime; they will go to jail and are subject to civil suits. "No man in this country is so high that he is above the law. No officer of the law may set that law at defiance with impunity. All the officers of the government, from the highest to the lowest, are creatures of the law and are bound to obey it.... It is the only supreme power in our system of government, and every man who, by accepting office participates in its functions, is only the more strongly bound to submit to that supremacy, and to observe the limitations which it imposes on the exercise of the authority which it gives." (*U.S. v. Lee*, 106 U.S. 196, 220 1 S. Ct. 240, 261, 27 L. Ed 171; 1882)

"Any judge who does not comply with his oath to the Constitution of the United States wars against that Constitution and engages in acts in violation of the supreme law of the land. The judge is engaged in acts of treason." (*Cooper v. Aaron*, 358 U.S. 1, 78 S. Ct. 1401; 1958)

VOID JUDGMENTS AND ORDERS

FAILURE TO DEFEND THE CONSTITUTION:

Marbury v. Madison: 5 US 137 (1803): "No provision of the Constitution is designed to be without effect," "Anything that is in conflict is null and void of law", "Clearly, for a secondary law to come in conflict with the supreme Law was illogical, for certainly, the supreme Law would prevail over all other laws and certainly our forefathers had intended that the supreme Law would be the bases of all law and for any law to come in conflict would be null and void of law, it would bear no power to enforce, in would bear no obligation to obey, it would purport to settle as if it had never existed, for unconstitutionality would date from the enactment of such a law, not from the date so branded in an open court of law, no courts are bound to uphold it, and no Citizens are bound to obey it. It operates as a near nullity or a fiction of law."

If any statement, within any law, which is passed, is unconstitutional, the whole law is unconstitutional by *Marbury v. Madison*.

Shephard's Citations: All cases which have cited *Marbury v. Madison* case, to the Supreme Court has not ever been over turned. See *Shephard's Citation of Marbury v. Madison*. Title 5, US Code Sec. 556(d), Sec. 557, Sec.706:

Title 18, US Code Sec.2381: In the presents of two or more witnesses of the same overt act, or in an open court of law, if you fail to timely move to protect and defend the Constitution of the United States and honor your oath of office, you are subject to the charge of capital felony treason. American Jurisprudence Book 16: Constitution Law Section 16Am Jur 2d: 16AmJur2d., Sec. 97: (The people are the beneficiary of the US Constitution)

Bary v. United States - 273 US 128 "Then a constitution should receive a literal interpretation in favor of the Citizen, is especially true, with respect to those provisions which were designed to safeguard the liberty and security of the Citizen in regard to person and property." "Any constitutional provision intended to confer a benefit should be liberally construed in favor in the clearly intended and expressly designated beneficiary"

Mudook v. Penn., 319 US 105:(1943) "A state may not impose a charge for the enjoyment of a right granted by the Federal Constitution and that a flat license tax here involves restraints in advance the constitutional liberties of Press and Religion and inevitably tends to suppress their existence. That the ordinance is non-discriminatory and that is applies also to peddlers of wares and merchandise is immaterial. The liberties granted by the first amendment are and in a preferred position. Since the privilege in question is guaranteed by the Federal Constitution and exist independently of the state's authority, the inquiry as to whether the state has given something for which it cannot ask a return, is irrelevant. No state may convert any secured liberty into a privilege and issue a license and a fee for it"

Shuttlesworth v. Birmingham AL, 373 US 262:(1962) "If the state does convert your right into a privilege and issue a license and a fee for it, you can ignore the license and a fee and engage the right with impunity."

United States v. Bishop, 412 US 346: Sets the standard for criminal violation of Willful Intent

It must be proven that you are the party, it must be proven that you had the method or opportunity to do the thing. it must be proven that you did this with a Willful Intent.

Willfulness - "An evil motive or intent to avoid a known duty or task under a law, with a moral certainty."

Owen v. Independence, 100 Vol. Supreme Court Reports. 1398:(1982) "Now since the prosecutor does not have a cause of action for which relief can be granted, your Honor, may it please the court, Counsel is specifically precluded performing his major task, therefore, your Honor, may it please the court, at this time, I would Motion most graciously for a dismissal of Prejudice, for failure to state a cause of action for which relief may be granted by this Honorable Court and I would like to collect my cost and fees for having to defend this frivolous complaint, Sir, may it please the court."

Main v. Thiboutot, 100 Vol. Supreme Court Reports. 2502:(1982) "The right of action created by statute relating to deprivation under color of law, of a right secured by the constitution and the laws of the United States and comes claims which are based solely on statutory violations of Federal Law and applied to the claim that claimants had been deprived of their rights, in some capacity, to which they were entitled." "Officers of the court have no immunity when violating constitutional right, from liability" (When any public servant violates your rights they do so at their own peril.)

Title 42 US Code Sec. 1983, Sec. 1985, & Sec. 1986: Clearly established the right to sue anyone who violates your constitutional rights. The Constitution guarantees: he who would unlawfully jeopardize your property loses property to you, and that's what justice is all about.

"Judge, you are deemed to know the law and are sworn to uphold it. You can hardly claim that you acted in good faith for willful deformation of a law and you certainly cannot plead ignorance of the law, for that would make the law look stupid for a knowledgeable judge to claim ignorance of a law, when a Citizen on the street cannot claim ignorance of the law. Therefore, there is no judicial immunity."

Boyd v. United States 116 USR 616: "The Court is to protect against encroachment of constitutionality or secured liberty. It is equivalent to a compulsory production of papers, to make the non - production of them a confession of the allegations which is pretended they will prove. The seizure of compensatory production of a man's private papers to be used in evidence against him is equivalent to compelling him to be a witness against himself, violation of the fifth amendment, and in a prosecution for a crime, penalty or forfeiture is equally within the prohibition of the fifth amendment."

VALLELY V. NORTHERN FIRE & MARINE INS. CO. 254 U.S. 348 (41 S.Ct. 116, 65 L.Ed. 297) 1920. Courts are constituted by authority and they cannot beyond the power delegated to them. If they act beyond that authority, and certainly in contravention of it, their judgments and orders are regarded as nullities. ***They are not voidable, but simply void, and this even prior to reversal.*** Elliott v. Peirsol, 1 Pet. 328, 340, 7 L. Ed. 164; Old Wayne Life Ass'n v. McDonough, [204 U. S. 8](#), 27 Sup. Ct. 236, 51 L. Ed. 345.

Elliott v. Piersol, 1 Pet. 328, 340, 26 U.S. 328, 340 (1828) Under Federal law which is applicable to all states, the U.S. Supreme Court stated that if a court is "without authority, its judgments and orders are regarded as nullities. They are not voidable, but simply void; and form no bar to a recovery sought, ***even prior to a reversal in opposition to them. They constitute no justification; and all persons concerned in executing such judgments or sentences, are considered, in law, as trespassers.***"

Courts lose jurisdiction if they do not follow Due Process of Law.

Should a judge not disqualify himself, then the judge is in violation of the Due Process Clause of the U.S. Constitution. United States v. Sciuto, 521 F.2d 842, 845 (7th Cir. 1996) ("The right to a tribunal free from bias or prejudice is based, not on section 144, but on the Due Process Clause.").

Should a judge issue any order after he has been disqualified by law, and if the party has been denied of any of his / her property, then the judge may have been engaged in the Federal Crime of "interference

with interstate commerce". The judge has acted in the judge's personal capacity and not in the judge's judicial capacity. It has been said that this judge, acting in this manner, has no more lawful authority than someone's next-door neighbor (provided that he is not a judge).

The Supreme Court has also held that if a judge wars against the Constitution, or if he acts without jurisdiction, he has engaged in treason to the Constitution. If a judge acts after he has been automatically disqualified by law, then he is acting without jurisdiction, and that suggest that he is then engaging in criminal acts of treason, and may be engaged in extortion and the interference with interstate commerce.

Courts have repeatedly ruled that judges have no immunity for their criminal acts. Since both treason and the interference with interstate commerce are criminal acts, no judge has immunity to engage in such acts.

FRAUD ON THE COURT

It is also clear and well-settled law that any attempt to commit "fraud upon the court" vitiates the entire proceeding. The People of the State of Illinois v. Fred E. Sterling, 357 Ill. 354; 192 N.E. 229 (1934) ("The maxim that fraud vitiates every transaction into which it enters applies to judgments as well as to contracts and other transactions. "); Allen F. Moore v. Stanley F. Sievers, 336 Ill. 316; 168 N.E. 259 (1929) ("The maxim that fraud vitiates every transaction into which it enters ..."); In re Village of Willowbrook, 37 Ill.App.2d 393 (1962) ("It is axiomatic that fraud vitiates everything."); Dunham v. Dunham, 57 Ill.App. 475 (1894), affirmed 162 Ill. 589 (1896); Skelly Oil Co. v. Universal Oil Products Co., 338 Ill.App. 79, 86 N.E.2d 875, 883-4 (1949); Thomas Stasel v. The American Home Security Corporation, 362 Ill. 350; 199 N.E. 798 (1935).

Under Federal law, when any officer of the court has committed "fraud upon the court", the orders and judgment of that court are void, of no legal force or effect.

Open Government - The "Sunshine" Law

Florida began its tradition of openness back in 1909 with the passage of Chapter 119 of the Florida Statutes or the "Public Records Law." This law provides that any records made or received by any public agency in the course of its official business are available for inspection, unless specifically exempted by the Florida Legislature. Over the years, the definition of what constitutes "public records" has come to include not just traditional written documents such as papers, maps and books, but also tapes, photographs, film, sound recordings and records stored in computers.

Florida's Government-in-the-Sunshine Law was enacted in 1967. Today, the Sunshine Law regarding open government can be found in Chapter 286 of the Florida Statutes. These statutes establish a basic right of access to most meetings of boards, commissions and other governing bodies of state and local governmental agencies or authorities.

Throughout the history of Florida's open government, its courts have consistently supported the public's right of access to governmental meetings and records. As such, they also have been defining and redefining what a public record is and who is covered under the open meetings law. One area of public concern was whether or not the Legislature was covered under the open meetings requirements. **To address that concerns, a Constitutional amendment was passed overwhelmingly by the voters in 1990 providing for open meetings in the legislative branch of government.**

The Attorney General's Office has consistently sought to safeguard Florida's pioneering Government-in-the-Sunshine laws. Our attorneys have worked, both in the courtroom and out, to halt public records violations. In 1991, a decision by the Florida Supreme Court raised questions which made it clear that the best way to ensure the public's right of access to all three branches of government was to secure that right through the Florida Constitution. The Attorney General's Office then drafted a definitive constitutional amendment, which guaranteed continued openness in the state's government and reaffirmed the application of open government to the legislative branch and expanded it to the judiciary. This amendment passed in 1992.

Unlawful activity of a judge, Code of Judicial Conduct.

The Constitution for the United States of America - Article III Section 1 "The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour ... "

Florida Judicial Oath Art. II. § 5(b), Fla. Const.

Under Federal law which is applicable to all states, the U.S. Supreme Court stated that if a court is "without authority, its judgments and orders are regarded as nullities. They are not voidable, but simply void; and form no bar to a recovery sought, even prior to a reversal in opposition to them. They constitute no justification; and all persons concerned in executing such judgments or sentences, are considered, in law, as trespassers." [Elliot v. Piersol, 1 Pet. 328, 340, 26 U.S. 328, 340 (1828)]

[World-Wide Volkswagen Corp. v. Woodson, 444 U.S. 286 \(1980\)](#) A judgment rendered in violation of due process is void in the rendering State and is not entitled to full faith and credit elsewhere. Pennoyer v. Neff, 95 U.S. 714, 732-733 (1878)."

Courts can only act upon matters that are properly brought before them pursuant to 'the settled law, practice and usage.' Randolph v. Jenks v. Merchants' Nat'l Bank, 77 Tenn. 63, 68 (Tenn. 1882). That was not the case in Hodge. "Orders issued by a court without jurisdiction are void, and we are under an affirmative duty to vacate void orders without reaching the merits of the issues on appeal." Hodge, 2007 WL 3202769, at *2 (citing Tenn. R. App. P. 13(b); [First American Trust Co. v. Franklin-Murray Dev. Co. L.P., 59 S.W.3d 135, 141 \(Tenn. Ct. App. 2001\)](#)). Accordingly, we vacated the 2005 Order of Reference as being void due to a lack of jurisdiction. Id. at *4

"* * * Furthermore, tampering with the administration of justice in the manner indisputably shown here involves far more than an injury to a single litigant. It is a wrong against the institutions set up to protect and safeguard the public, institutions in which fraud cannot complacently be tolerated consistently with the good order of society. Surely it cannot be that preservation of the integrity of the judicial process must always wait upon the diligence of litigants. The public welfare demands that the agencies of public justice be not so impotent that they must always be mute and helpless victims of deception and fraud."

And, it is well-established that person may not be held in contempt for failure to comply with a void order. *Davis v. City of Bowling Green*, 289 S.W.2d 506 (Ky. 1956).

Subject matter can never be presumed, never be waived, and cannot be construed even by mutual consent of the parties. Subject matter jurisdiction is two part: the statutory or common law authority for the court to hear the case and the appearance and testimony of a competent fact witness, in other words, **sufficiency of pleadings**. Subject matter jurisdictional failings:

<http://famguardian.org/TaxFreedom/CitesByTopic/VoidJudgment.htm>

Gentry v. Gentry, 924 SW 2d 678 - Tenn: Supreme Court 1996

The standard for determining whether a judgment is **void** is well settled: whether the court had general jurisdiction of the subject matter, whether the judgment was wholly outside the pleadings, and whether the court had jurisdiction of the parties.

- in [Dalton v. Deuel, 2008](#)

... , on **the face** of the record, "(1) that the Court. had no general jurisdiction of the subject matter of the litigation; or (2) that the decree itself is wholly outside of the pleadings, and no binding consent thereto is shown in the record; or (3) that the Court had no jurisdiction of the party complaining, in person or by representation of interest; in which case it is **void** only as to such ...

- in [STATE EX REL. CITY OF CHATTANOOGA v. DELINQUENT TAXPAYERS, 2008](#)

A judgment is considered **void** if the record demonstrates that the court entering it lacked jurisdiction over either the subject matter or the person, or did not have the authority to make the challenged judgment.

- in [Team Design v. Gottlieb, 2002](#)

As stated in *Brown*, *Brown v. Brown*, 198 Tenn. 600, 281 S.W.2d 492 (1955). A distinction must be made in this regard between the mere erroneous exercise of a power granted, and the usurpation of a power where none exists. *Id.* 281 S.W.2d at 499.

“Fraud upon the court” makes void the orders and judgments of that court. The U.S. Supreme Court has consistently held that a void order is void at all times, does not have to be reversed or vacated by a judge, cannot be made valid by any judge, nor does it gain validity by the passage of time. The order is void ab initio. *Vallely v. Northern Fire & Marine Ins. Co.*, 254 U.S. 348, 41 S.Ct. 116 (1920). “Fraud destroys the validity of everything into which it enters,” *Nudd v. Burrows* (1875), 91 US 426, 23 Led 286,290; particularly when ***“a judge himself is a party to the fraud,”*** *Cone v. Harris* (Okl. 1924), 230 P. 721, 723. *Windsor v. McVeigh* (1876), 93 US 276, 23 Led 914, 918.

“Silence can only be equated with fraud where there is a legal or moral duty to speak or when an inquiry left unanswered would be intentionally misleading.” See ***U.S. V. Tweel*, 550 F.2d.297.**

EXHIBIT 3

**Whistleblower Letter filed with Florida
Supreme Court Justice and Judges**

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By Email, Fax and Overnight Mail

April 12, 2015

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
Florida Supreme Court
500 South Duval Street
Tallahassee, Florida 32399-1925

Re: Attorney Whistleblower of Corrupt and Criminal Activity of Judges, Prosecutors and Attorneys that are all Members of the Florida Bar, Retaliation by The Florida Bar against Whistleblower Member of the Florida Bar and the need for whistleblower protection

Dear Chief Justice Labarga and Judge Pariente, Judge Lewis, Judge Quince, Judge Canady, Judge Polston and Judge Perry:

As a Florida Bar member, I am mandated under Rule 4-8.3 to report misconduct by attorneys and judges. Under the Judicial Canons 3, Judges have the same duty and obligation.

With this letter, upon information and belief, I am summarizing the vicious retaliation to which I, as a Member of the Florida Bar have been subjected as a result of my acting as a whistleblower and exposing the rampant corruption in the probate / guardianship enterprise in the court of Michael Genden and the horrific abuse, terror and torture to which he and the highly corrupt "guardian" enterprise he has installed to humanly owned my mother.


The attached letter documents the crimes perpetrated against my mother by Michael Genden, a judge in the probate court in the 11th Circuit and member of the Florida Bar and Roy Lustig, an apparent criminal disguised as an attorney and other Judges and attorneys who are Members of the Florida Bar who hold my mother hostage and subject her to unimaginable cruelty and crimes against humanity to stop me and retaliate against my mother and against me, a mandated reporter of wrongdoing as an attorney and a member of the Florida Bar from reporting and exposing the heinous criminal activities and racketeering ring engaged in human trafficking, money laundering, wire and mail fraud, extorting the assets and personal property of elderly adults who are being preyed upon by this criminal enterprise that operates out of the courthouse under the guise of "guardianship."

Media from all over the country are exposing this criminal guardian racket including Susannah Frame, Chief Investigative Reporter at King TV and Janet Christensen Obrien who flew in from Seattle to make a prominent film that received a prestigious IMDb ranking documenting my mother's story and others.

I am a whistleblower to the criminal and racketeer activity by Michael Genden, Roy Lustig and other judges and attorneys who are members of the Florida Bar. Michael Genden is an accomplice to repeated attempts to pre-meditatively murder my mother by drugging her into a stupor with chemical restraints that carry black box warnings, isolating her by illegal court "edicts" denying me my right to the court and covering up the fraud, perjury, extortion and felony crimes of Roy Lustig, Jacqueline Hertz, Blaire Lapidés and Alan Stone, each who are guilty of felony crimes as set forth in the attached letter.

This will seek whistleblower protection for me and on behalf of my mother and her emergency admission to the hospital as she is in grave danger. I fear for my safety and the safety and life of my mother.

I look forward to your urgent response.



Barbara Stone
enclosures

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By Email, Fax and Overnight Mail

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Tallahassee, Florida 32399-1925

Re: Attorney Whistleblower of Corrupt and Criminal Activity of Judges, Prosecutors and Attorneys that are all Members of the Florida Bar, Retaliation by The Florida Bar against Whistleblower Member of the Florida Bar and the need for whistleblower protection

Dear Chief Justice Labarga and Judge Pariente, Judge Lewis, Judge Quince, Judge Canady, Judge Polston and Judge Perry:

I am writing to you on information and belief as Judges and Members of the Florida Bar who oversee the Florida Bar and its self-regulating Attorney Disciplinary System to report the following and allege:

1. The conflict of interest inherent in the Florida Bar's self-disciplinary policy. 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. It 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.
2. 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.

The Florida Bar's self-disciplinary policy operates currently to create and protect a culture of corruption. Statistics show only 1% -4% of the complaints result in any action taken.

As a Florida Bar member, I am mandated under Rule 4-8.3 to report misconduct by attorneys and judges. Under the Judicial Canons 3, Judges have the same duty and obligation.

Of my approximately 20 complaints reported against members of the Florida Bar replete with egregious and documented evidence of criminal conduct, **not one complaint** resulted in any action taken.

As to the Judicial Qualifications Commission, in response to my 20+ page complaint and extensive exhibits against Michael Genden for documented fraud, cover up of fraud and criminal actions, including obstruction of justice, misuse of office, abuse of power and misuse of power, I received a no action form letter.

I am skeptical that the complaint was even reviewed as I encountered division by the attorneys for the JQC. Michael Genden's conduct is so vicious, menacing and criminal in nature, it would be impossible for a legitimate investigation not to find corruption and misconduct warranting his removal from the bench and criminal prosecution. As a result the criminal acts of Michael Genden have escalated into full blown vicious retaliation attacks against me and my mother who he is mandated to protect. Yet due to my whistleblowing efforts to report his and others involved in what is depicted as a criminal racketeering scheme of the elderly, involving human

trafficking via a guardianship scheme and estate pilfering scheme that misuses the legal system to operate and is run by Members of the Florida Bar acting in their different capacities as lawyers, judges, prosecutors, guardians, all coordinated to legally abuse the victim and deny rights to them and deny rights to family members trying to protect them and their assets.

The senior staff attorneys at the Florida Bar including Adria Quintela and Arlene Sankel are engaged in a massive cover up of attorney corruption that has been ignored and shielded by the Florida Bar for so long that attorneys, thinking they will have no accountability by the Florida Bar collude against their clients on a routine basis, take retainers and make back door deals with judges and attorneys to benefit themselves and sabotage their client.

Under information and belief, Adria Quintela is involved in an inappropriate romantic relationship with Roy Lustig, who together with Michael Genden is masterminding the criminal racketeering enterprise that is engaged in the attempted pre-meditated murder of my mother. As a member of the Florida Bar and a whistleblower, I have exposed the alleged corruption and have been retaliated against by not only the Members of the Bar that I exposed but then by the Florida Bar directly and their oversight the Florida Supreme Court and further been subjected to the blocking of my Florida Bar complaints of criminal misconduct by Roy Lustig, vicious retaliation and Ms. Quintela's malicious involvement with the Court to perpetrate her criminal activity.

I am a mandated reporter under the Rules of Professional Conduct governing Florida lawyers yet the Florida Bar retaliates with vicious assaults and threats to remove my license and take other retaliatory action when I report.

My situation is similar to that of Christine Anderson, a New York attorney. Ms. Anderson was fired as a staff attorney at the disciplinary committee in retaliation for exercising her First Amendment rights in complaining to court officials that well-connected attorneys received preferential treatment and that the committee had "whitewashed" certain cases.

An October 30, 2007 article in the New York Law Journal By Daniel Wise described Anderson's firing, "...in retaliation for complaining that her superiors has engaged in a 'pattern and practice of whitewashing and routinely dismissing complaints against certain select attorneys'" and noted that Christine C. Anderson has worked for the disciplinary committee for six years. The article revealed that Ms. Anderson asked that a federal monitor be appointed to oversee the disciplinary committee's operations and explained that "in 2005, Ms. Anderson charged in her complaint, she discovered that the chief counsel of the disciplinary committee, Thomas J. Cahill and Sherry K. Cohen, its first deputy counsel were "apparently engaged in a "numbers game" and practice" of "selectively dismissing complaints against attorneys for their "own personal and political reasons." The New York Law Journal also reported that the first "whitewash" alleged by Anderson involved "a highly sensitive investigation," which had uncovered "overwhelming concrete evidence of misconduct" by an attorney. Cohen made the complaint disappear despite the recommendation that a formal complaint be filed against the lawyer. Anderson also claimed that a large ethics complaint file containing "indisputable evidence of misconduct" had been "gutted." And another incident involving Sherry Cohen saw a complaint whitewashed because Cohen said, "she had a prior 'working relationship' with the attorney for the lawyer under investigation and sought to avoid having his client formally charged 'as a favor'.

In my case, there are far more menacing threats. My mother is being used as a hostage and being tortured by crimes against humanity that are torture under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment that has been Adopted and opened for signature, ratification and accession by General Assembly resolution 39/46 of 10 December 1984 and entry into force 26 June 1987, in accordance with article 27 (1) a portion of which is set forth below.

I am being retaliated for exposing my mother's torture by judges, attorneys and guardians and threatened that if I do not play by being silent to the corruption and racket and stop objecting to and exposing it, my mother will continue be held hostage and tortured and I will be unable to ever see her.

Opening Provisions of the Convention Against Torture:

The States Parties to this Convention,

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Recognizing that those rights derive from the inherent dignity of the human person,

Considering the obligation of States under the Charter, in particular Article 55, to promote universal respect for, and observance of, human rights and fundamental freedoms,

Having regard to article 5 of the Universal Declaration of Human Rights and article 7 of the International Covenant on Civil and Political Rights, both of which provide that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment,

Having regard also to the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the General Assembly on 9 December 1975,

Desiring to make more effective the struggle against torture and other cruel, inhuman or degrading treatment or punishment throughout the world,

Have agreed as follows:

PART I

Article 1

1. For the purposes of this Convention, the term "torture" means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.

2. This article is without prejudice to any international instrument or national legislation which does or may contain provisions of wider application.

Article 2

1. Each State Party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction.

2. No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture.

3. An order from a superior officer or a public authority may not be invoked as a justification of torture.

Attorney corruption has festered and escalated hand in hand with the rampant judicial corruption whereby judges who are also attorneys have no oversight by their regulatory agency, the Judicial Qualifications Commission. Many judges thinking they have no accountability use their courts to reward their cronies, trade favors and engage in fraudulent trade practices. The judges acknowledge they have not read pleadings, treat the law as irrelevant or misstate it to suit their purpose and routinely act as opposing counsel in order to reach the outcome they have

preordained. The level of fraud, theft of assets and personal property, perjury and corruption in the court system has reached epic proportions.

We are in a crises – lives are endangered and families are being destroyed by the very system that is mandated to protect us. The legal system has become de facto and the court operate under kangaroo law – the system is penal, vicious and fraudulent.

The news is replete with stories of parents losing their children in family court, adults being horrifically abused in guardian/probate court, homes being stolen from families in foreclosure as a result of mortgages that have been robo-signed (i.e. forged and fraudulently notarized documents then rubber stamped by conspiring Judges) by attorneys at law or more aptly criminals disguised as attorneys at law, and struggling workers forced to file bankruptcy when they lose their life savings to greedy attorneys and dishonest judges. The Department of Children and Family Services was exposed by the Miami Herald as inept and corrupt but it is far worse – it has become a human trafficker of children and adults that steals loved ones from their families and places them in grave danger. Estates of the elderly bled dry to Attorneys at law who bilk the estates for fees and more and “guardians” who are assigned to those that complain to silence them as well.

Wifredo Ferrer, the USDA in the Southern District of Florida acknowledged in a recent interview with Steve Kroft on 60 Minutes that Florida is the corruption capital of the world.

THIS IS A HUGE WAKE UP CALL.

For myself as an attorney, my experience in the court system is a disgusting, shocking horror story akin to trying to get Justice in Germany under Nazi control as I plead in vain to save my mother’s life with corrupt judges who are part of the cover up.

I brought my mother to Michael Genden’s court to protect her from physical and emotional abuse of my estranged sibling Alan Stone who embezzled \$700,000 of her assets. I filed for my mother’s guardianship under the misguided belief I would be protecting her from the abuse and exploitation of my estranged sibling. Instead I have subjected her to a racketeering criminal enterprise. Instead of investigating documented evidence of my mother’s abuse and exploitation by these guardians, Michael Genden is not only protecting the guardians, he is working with them and controlling them as officers of his court.

As a result of placing my mother in Michael Genden’s court:

- My mother has suffered starvation, physical abuse, emotional turmoil, isolation, financial exploitation, bedsores, bruises and has been attacked repeatedly by strangers who enter her home without her permission.
- She has been repeatedly admitted to the hospital by emergency with life threatening conditions as a result of abuse, neglect, torture and malicious harm. The EMERGENCY admissions are necessary because she is deprived care until her condition becomes a crises.
- On the first emergency hospital admission, my mother suffered 20+ life threatening conditions including pneumonia, dehydration, malnutrition, infection, fractures from suspected fall, fungus, hernia, bedsores, bruises and other wounds. MY MOTHER ALMOST DIED FROM GROSS ABUSE. Roy Lustig, the attorney for the guardians and a member of the Florida Bar, denied in fraudulent court filings that these conditions set forth in medical records were suffered by mother in order to cover up his actions as accomplice to the abuse
- My mother’s stomach was cut open to implant a feeding tube that was done without need or medical testing because she became emaciated because she was deprived food. This was done for the convenience of the “guardians” as my mother was perfectly capable of eating so they would not have to take the time to feed her. My mother has not been fed by mouth in over a year.
- She is laced with psychotropic drugs that carry black box warnings and administered in violation of Florida Statutes 394. She is chemically restrained.
- She was abducted, forcibly removed from her home and is forced to reside in a vile nursing home against her will where she is caged and isolated in a lock down facility
- She is denied visits from her family, friends and rabbi in violation of Federal and State laws.
- She is forced to remain seated in a wheelchair when she is perfectly capable of walking for the convenient of

illiterate "aides" planted by Jacqueline Hertz and Blaire Lapidès to hasten her death, not to provide her care.

- She is denied rehabilitation.
- I am denied SEEING MY OWN MOTHER WHO I BROUGHT TO MICHAEL GENDEN'S COURT TO PROTECT HER. This is because Michael Genden is a racketeer whose sole purpose is to drain my mother's assets and enable her abuse to occur in secrecy with no eyes. I have produced a film with Janet Christensen Obrien entitled "Eyes on Predator Guardians" that exposes this crime.
- Her assets are being drained by the criminal racketeers that Michael Genden has installed to control her. She has been forced to pay over \$600,000 to these racketeers. She is forced by Michael Genden to pay criminals to commit crimes against her.
- My mother was recently admitted to the hospital twice in one week. On the day after my mother was admitted to the hospital, Roy Lustig, Blaire Lapidès and Jacqueline Hertz signed a petition under oath and penalty of perjury that none of my mother's needs were unmet. This fraudulent "plan" failed to disclose my mother was in the hospital by emergency admission at the time of its filing. Their intentional fabrication should cause their immediate removal as guardians and cause their arrest and the arrest and disbarment of Roy Lustig for abuse and exploitation of an elderly person.
- Michael Genden knows of these crimes. He has established this fraudulent enterprise and thereafter is purposely blocking my due process and obstructing justice to cover up not only for the acts of the racketeers he installed to control my mother but to also cover up his criminal activity.
- Michael Genden issues unlawful and unconstitutional "edicts" to isolate me from my mother in order to enable her abuse to occur in secrecy and to set me up and entrap me for PROTECTING MY OWN MOTHER FROM HIS CRIMES.
- Michael Genden has maliciously, viciously and with willful intent caused my false arrest on the absurd charge of "interfering" with the 'custody' of my own mother whom they term an "incompetent" because he not only has failed to protect my mother, he is an accomplice to the crimes being perpetrated. Michael Genden deliberately set up my false arrest because this depraved racketeer criminal enterprise criminally endangered my mother. My actions saved my mother's life for which he continues to viciously retaliate.
- Michael Genden has ignored and failed to investigate the repeated hospital emergency admissions of my mother. In her most recent emergency admission, she was discharged after a day and half because the racketeers denied her being fully evaluated and then she was readmitted the following day with pneumonia and other life threatening illnesses. She was again removed from the hospital without having adequate evaluation.
- Michael Genden has knowingly placed my mother in the hands of criminals and is an accomplice to these crimes.

These acts have been reported to your office. Michael Genden is engaged in criminal activity. Michael Genden has no authority to prevent me from protecting my mother from his criminal activities. To the contrary, I have an inalienable and constitutional right to protect my mother. Michael Genden has lost any perceived immunity as these acts are far outside the color of law and his jurisdiction. I am a whistleblower to the criminal activity by Michael Genden, Roy Lustig, Blaire Lapidès, Jacqueline Hertz and, Alan Stone as set forth below and the criminal and corrupt acts other judges and attorneys who are members of the Florida Bar hereafter set forth:

1. Michael Genden is a probate court judge in the 11th circuit who is a Member of the Florida Bar. Michael Genden with reckless disregard for the safety of my mother placed her in the hands of criminals. He then issued fraudulent illegal "isolation" orders against me to enable them to commit their crimes in secrecy. Because he knowingly failed to protect my mother, he is an accomplice to her abuse. I was forced to step in and protect my mother from harm, from being in danger.

It is criminally negligent and a conflict of interest for Michael Genden to keep my mother under the control of persons with a criminal and/or questionable background and who have sued me, her daughter to retaliate for my exposing this racket. It is criminally negligent for Michael Genden to keep my mother under the control of persons who have caused her emergency admission to the hospital three times.

It is a Federal and State crime for Michael Genden to abet the drugging my mother into a stupor by psychotropic drugs that carry black box warnings. It is a federal and state crime for Michael Genden

to issue an isolation edict against me and my mother's spiritual leader and deny my mother's right to see anyone she chooses.

Michael Genden pre-signs orders, holds preordained hearings wherein he has already signed orders, alters orders, has entrapped me for allegedly violating his illegal isolation orders, issues unlawful orders, has failed to investigate misconduct and criminal conduct, has failed to protect my mother and is instead perpetuating the abuse, has issued orders that he acknowledges are replete with fraud, he has viciously and intentionally set me up to be falsely arrested, has retaliated against me for protecting my mother and exposing his fraudulent court that he uses to cause injury to my mother and he has violated his oath of office (which I have requested and he has not provided) and he is violating the constitution that provides judges shall serve on good behavior

Michael Genden is an accomplice to repeated attempts to pre-meditatively murder my mother by drugging her with chemical restraints that carry black box warnings, isolating her by illegal court "edicts" denying me my right to the court and covering up the fraud, perjury, extortion and felony crimes of Roy Lustig, Jacqueline Hertz, Blaire Lapidès and Alan Stone, each whom are guilty of felony crimes:

Michael Genden has a pattern and practice of unlawful activity. He has terrorized many other family members in his court.

2. Roy Lustig is a Member of the Florida Bar. He was found guilty of perjury, repeatedly lying under oath and fraud on the court in the case of Leo's Gulf Liquors v Chadresh Lakhani et al CASE NO. 3D00-130 Lower Tribunal No: 96-21267. Yet no or insignificant action was taken against him by the Florida Bar.

Roy Lustig has sued me in retaliation for exposing his racket operation. As shown in the probate court file, he has repeatedly perjured himself in this matter. He filed a fraudulent "guardian plan" under oath and did not disclose my mother was in the hospital at the time he filed the report. He denied my mother's medical condition that was set forth on her medical records. He is a perjurer, a fabricator and is working hand in hand with Michael Genden to extort my mother's assets to pay for his crimes. He has extorted over \$250,000 from my mother who is forced by Michael Genden to pay Roy Lustig to criminally abuse her.

3. Jacqueline Hertz is an associate Member of the Miami Beach Bar Association and seemingly a serial killer. She has caused the death of many of the victims she has humanly owned in "guardianship" by the same tactics she uses on my mother – drugging, isolation and torture.

The legal definition of this deranged murder plot that many of the family members of our loved ones have come to understand is "depraved heart murder". It is defined in Duhaime's Legal Directory as:

"Where an individual under circumstances evidencing a depraved indifference to human life, recklessly engaged in conduct which created a grave risk of death to another person and thereby caused the death of another person.

Jacqueline Hertz is engaged in Nazi gestapo tactics - putting an elderly person in "guardianship" and causing their murder.

4. Blaire Lapidès is not qualified to be a court appointed Officer of the Court as a "guardian" under the Florida Statutes. She and Alan Stone are acting in collusion to cover up his embezzlement and extort the assets of my mother to pay their criminal racket. Blaire Lapidès has engaged in voter fraud, a felony crime.

Blair Lapidès and Jacqueline Hertz have sued me, the daughter of their victim in retaliatory for exposing their crimes.

5. Alan Stone is an attorney and a Member of the Florida Bar. He has embezzled \$700,000 from my mother and caused her repeated unexplained emergency hospital admissions for suspicious falls and fractures.

In addition to Alan Stone's embezzlement of \$700,000, over \$600,000 has been extorted from my mother by guardians, attorneys, accountants and others in this racket where she is ordered to pay for her own abuse by Michael Genden. It should be noted I have never sought any money from the Court or my mother. To the contrary, I have hemorrhaged legal fees to try to protect her. A portion of these fees have been extorted from me to attempt to "re-probate" a "guardianship" that was unlawful at the outset. This racket fraudulently extorts its victim's asset to create a "guardianship" and then once its victims recognize they are ensnared in a criminal racket, they are forced to incur extortive fees in desperate efforts to protect their loved ones, all to no avail.

This seeks this Court take immediate steps to protect my mother and compel the emergency admission of my mother to the hospital. This court is duty bound under the Judicial Code and Florida Bar rules to take action against the criminal acts and wrongdoing of Michael Genden as reported by a Florida Bar member well versed in law and protect my mother.

These crimes are especially heinous because they involve the life and safety of an elderly adult. These are special victim's crimes and crimes against humanity.

I have filed for protection by law enforcement against this office who is participating in blatant, manufactured and court-orchestrated criminal activities designed to engage in divisive attacks on me to divert attention from obscene crimes being perpetuated by criminals posing as judges and attorneys in a racketeering enterprise operating in the guise of "probate" and "guardianship".

The guardianship court is intentionally designed to do two things:

1. falsely place a victim into a fraudulent guardianship to actually "probate" the estate of a living person by generating fraudulent legal and guardian fees and whittling down the estate values to beneficiaries ; and
2. re-probate the fraudulent guardianship after objections are raised by the family members to the crimes that are orchestrated to create fights and dissention among family members to benefit the attorneys, guardians, court system and others in order to generate fraudulent legal and guardian and other fees that are derived by staging fights and dissention against and among family members.

Once I became a victim of the probate/guardian court system and recognized it and exposed it as a fraudulent FBI defined racketeering enterprise that uses the courthouse as its business address to human traffic elderly adult, launder their money and commit crimes of terror and crimes against humanity, **I became so viciously retaliated by the Florida Bar and its members that I fear for my safety and that of my mother.**

I have taken my complaints of wrongdoing and criminal activity to the Judicial Qualifications Commission, the Florida Bar and at the suggestion of your office, copied your office with documents describing activities of judges and attorneys who are engaging in gang/mob type activities that shock the conscience and prima facie constitute crimes that should cause the arrest of persons involved.

Instead of investigating my complaints and documented evidence of criminal activity, your office and the Florida Bar has viciously retaliated and terrorized me. Further, the self-regulating judicial and attorney oversight agencies are using my reports of wrongdoing and criminal activity to cover them up. **It appears that any member trying to expose the crimes will lose their license.**

As a whistle blower, I am being targeted, stalked and hunted. It appears your office and the Florida Bar is trying to shut me down, take my property, falsely, in retaliation, sanction or disbar me, viciously retaliate against me through staged criminal acts that are further abuses of legal process and it appears you are acting as an accomplice to and abetting the torture, abuse and extortion inflicted on my elderly mother whose life is at risk.

Your office has accused me of exposing crimes perpetrated by a highly corrupt judge, Michael Genden who seeks to commit his crimes in secrecy. As a duty bound under oath attorney whistleblower, I have exposed the dirty secrets of the probate /guardian court and the heinous crimes against humanity committed by judges in this court – racketeering, human trafficking, money laundering, kidnapping, use of chemical

restraints that carry black box warnings, isolation, torture scheme run by ignorant and arrogant judges who are unqualified to act as guardian judges as they have no comprehension of the Federal and State laws that protect elderly adults because their only concern is how to drain their assets to reward themselves and their cronies.

I have been denied due process and my justice has been obstructed by every Florida state agency, court and state officer, almost every one of them a Member of the Florida Bar and oversighted by the FLORIDA BAR and not criminal prosecutors who are not affiliated members:

1. I sought a grand jury by the state attorney, a member of the Florida Bar (attached) and **received no response**. Two weeks later my mother was rushed by emergency to the hospital where she suffer 20+ life threatening conditions and almost died.
2. I sought protection from the police who fail to investigate. Instead they have only made inquiries to the abusers, turning the abuse back to hands of the abusers.
3. I sought protection for my mother from the Department of Children and Family Services, a highly corrupt agency who turns my allegations of abuse back to the abusers.
4. I sought intervention by each of the criminals, disguised as court judges who retaliate against me and act in collusion with the state attorney, again ALL OF THEM MEMBERS OF THE FLORIDA BAR and cover up for Michael Genden. In further vicious retaliation for my filing a federal lawsuit against one of these judges Victoria Brennan, for her violations of judicial canons, she herself arrested me.
5. I sought intervention by each of the criminals disguised as judges who are prosecuting me because I have exposed Michael Genden's racketeering operation. They ignored and failed to investigate my mother's abuse. Instead, they unethically and in violation of judicial canons engaged in ex parte communications with Michael Genden, covered up for him and turned by complaints of abuse back to the abuser, like a concentration camp victim trying to expose the torture and murder of the prisoners to the Gestapo, only to go back to the camp to be put in an oven.
6. I, a licensed Member of the Florida Bar and duty bound to report the crimes I have witnessed along with others have reported these crimes to Chief Judge Bertila Soto. She ignored these complaints and thereafter, she denied accountability. Thereafter, to cover up the criminal activity, she along with others shut down access to the pleadings in the probate court in violation of the Sunshine Law and the U.S. Constitution.
7. I, a licensed Member of the Florida Bar and duty bound to report the crimes I have witnessed reported the crimes and racketeering activity to all members of the Board of Directors of the Florida Bar. I discussed this criminal activity with Florida Bar Member and Florida Bar Director Ian Cominsky and requested a task force and an investigation. Instead, he is the very same attorney who is a part of this witch hunt to retaliate against me for whistleblowing and exposing the corrupt guardian racket.
8. I, as a licensed Member of the Florida Bar and duty bound to report the crimes I have witnessed reported wrongdoing to your office and your clerk threatened that he will send out the marshals on me. I was thereafter viciously retaliated from your office with complaints by the Florida Bar.
9. Legal counsel who has appeared on my behalf has been threatened by Michael Genden and Roy Lustig with bar complaints and other acts of retaliation. I am unable to obtain legal counsel as Florida Bar members fear retaliation from other Florida Bar members and Judges.
10. It is apparent that after my repeated efforts to expose a corrupt group of attorneys and judges including whistleblower attempts to Gregory Coleman, the President of the Florida Bar instead is engaged in a retaliatory campaign of terror against me, a long standing member of the Florida Bar, now retired with over 35 years of service as a practicing and non-practicing attorney without any client complaints in my career.

I have been obstructed of justice at every turn by the very system who is supposed to protect the elderly in guardianship by the members of the Florida Bar. I am retaliated by every agency who has Florida Bar members in it against whom I report the wrongdoing. The corrupt Florida Bar members have infiltrated at the highest levels of the attorney regulation to block any complaints against their cronies and subsequently quashed every investigation with a retaliatory act against me. My mother is again at the brink of death as a result of retaliation

against me. This should never happen to anyone – not once. The attached photos document shameful horrific crimes of abuse by the guardian racketeers against elderly persons who are their victims. I routinely receive letters from news reporters around the country like Susannah Frame, Chief Investigative Reporter at King TV who is aghast at the atrocities committed against my mother and I by judges, attorneys and guardians. Janet Christiansen Obrien flew in from Seattle to produce a feature film that contains a prestigious IMDb ranking entitled “Eyes on Predator Guardians” It is my duty to report these crimes as a witness to protect the public at large. <https://archive.org/details/scm-450995-eyesonpredatorguardians-film->

The state legal and judicial system has denied my due process and obstructed justice. I am now being viciously attacked by judges and attorneys and stalked by the Florida Bar. My complaints and whistle blowing have subjected my mother and I to gross injustice depriving us of our freedom, liberty and constitutional rights

Moreover the attorneys and judges involved in the probate/ guardian racket have created this fraudulent protection racket to solve a problem that this racket itself caused. The below is a link to one of the best videos that describes this racket.

Rense & Marti Oakley Guardianship Theft, Looting And Murder: <https://youtu.be/1zO35jrVcZ0>

Several articles are attached that further describe this racket.

The conduct of all parties involved in this retaliation and cover up scheme is particularly heinous because many people’s lives are endangered, including my mother’s life. In my own personal instance, the danger has escalated to the point where I live in grave fear for my mother’s life and for mine. I am being terrorized and endangered by the agencies who are mandated to protect me because I am a whistle blower of corruption, racketeering, human trafficking, money laundering, isolation, chemical restraints and other crimes in the probate/guardian court by judges, guardians and attorneys in a racketeer enterprise that operates under the guise of “guardianship.”

There are many good lawyers who fear exposing the corruption of other bar members due to their fear of retaliation by Florida bar members who control the system. Even if they report the crimes as require, their complaints are dismissed and retaliation is vicious and swift in this “play in the system or pay back in retaliation or else scheme.”

This will request that you provide me with the documentation as required under the whistle blower laws in order for me to obtain whistle blower protection by your agency. This will request that you provide me with counsel.

I am in fear of my safety and the safety and life of my mother. My elderly mother is frail and in grave health. She must be ordered to be placed in the hospital and Michael Genden’s fraudulent, void and illegal isolation orders stricken. The attached affidavits reflect a miniscule part of the horrific abuse and crimes to which my mother has been subjected.

Any Judge or attorney involved in harming my mother and the denial of my right to protect my mother or who is contributing to her harm is committing Federal and State crimes of retaliation, denial of due process, equal protection, obstructing justice, color of law abuse, abuse of power. These Judges are committing state crimes of misuse of public office and official misconduct under Florida Statute abetting elder abuse under Florida Statutes 825 and acting as an accomplice to attempts to murder my mother.

Therefore, I seek a Federal Court monitor to monitor the JCC and the Florida Bar and their oversight the Florida Supreme Court and oversight all complaints against any Attorney at Law in the state of Florida.

Due to my whistleblowing, I have been falsely arrested by JUDGES. The very same judges who are purposely abetting the abuse of my mother and maliciously obstructing my due process. They issue unlawful void orders preventing me from seeing my mother or reporting her abuse, setting me up for their retaliation for allegedly violating illegal orders preventing me from contacting authorities, protecting my mother and insuring her safety as I am mandated to do by law. They are perpetrators of crimes issuing orders that are against the law.

They are protecting and covering up for Michael Genden who is an accomplice to physical and emotional abuse of my mother and the extortion of her assets to pay a racketeer enterprise to commit crime. They use my mother's assets to fight my objections to their racketeer ring and criminal activity. In my court appearances on my mother's behalf, I plead with Judges to investigate documented abuse yet they cover it up and viciously attack me.

I have become entrenched in relentless litigation because racketeer attorneys ex parte together to orchestrate retaliatory litigation against me for exposing their corruption as a whistleblower. I am barraged and stalked with retaliatory court-filings these predators create to exploit my mother's assets. No sooner do I extricate myself from one vile retaliatory campaign, I become enmeshed in another, including the Florida Bar's retaliatory attacks on me when the Florida Bar should insure the investigation and seek the arrest of the parties involved in this racketeering enterprise. The continuation of this retaliation exposes the Florida Bar to civil and criminal liability.

It appears Michael Genden is being protected by the Florida Bar, the Florida Supreme Court and the Judicial Qualifications Commission from the criminal activity in which he is apparently engaged. It is unethical, violates judicial canons and unlawful to subject my mother and me to unlawful, void "edicts" that Michael Genden intentionally issues without jurisdiction in order to retaliate against me and these orders must be stricken. Further, the matters of my mother are an emergency – they demand urgency and certainly she should not be prejudiced by an arrogant, lawless judge. He has refused to provide his oath of office. Michael Genden has no immunity for his unlawful acts and criminal acts.

Below is a list of the Judges and Attorneys and State Actor "Guardians" who are involved in the racketeer enterprise relating to my mother:

1. Judges	Florida Bar Number	My Case No
Michael Genden	127270	12-4330, F 13-29726
Maria Korvick	163088	12-4330
Celeste Muir	162498	12-4330
Michael Kaplan	444420	DVCE 15- 2321
Maria Verde	151157	F 13-29726
Migna Sanchez Llorens	28428	F 13-29726
Victoria Brennan	845401	F 13-29726
Bertila Soto	822752	12-4330, F 13-29726
2. State Attorneys		
Katherine Fernandez Rundel	240303	F 13-29726
Don Horn	350885	F 13-29726
Natalia Maresma	91535	F 13-29726
Stacy Turansky	93118	F 13-29726
Annette del Aquila	40546	F 13-29726
Jose Arrojo	744808	F 13-29726
Luis Pino	99095	F 13-29726
Linda Kelly Kearson	516309	12-4330
3. Private Attorneys as Officers of the Court		
Roy Lustig	280070	12-4330 and F 13-29726
Mark Raymond	373397	12-4330 and F 13-29726
Lawrence Levy	116505	12-4330
Steven Dolchin	178125	12-4330
Stephen Hertz	91940	12-4330 and F 13-29726
Alan Stone	296961	12-4330 and F 13-29726

Robert Trinkler	972088	12-4330
Joy Carr	219940	12-4330
David Goldberg	378062	12-4330
Fred Glickman	340766	12-4330
Ron Lowy	501069	12-4330
Teresa Abood Hoffman	871982	12-4330
Andrew Herron	861560	12-4330
David DePietro	10370	12-4330
Jeffrey Kern	162919	
Paul Cowan	374911	
Jeffrey Weinkle	271934	F 13 29726
Lawrence Metsch	133162	F 13 29726
Walter Reynoso	525693	F 13 29726
Joel Defabio	311529	F 13 29726
Justin Beckham	569038	F 13 29726
Helmuth Solis	42355	F 13 29726
4. Guardians as Officers of the Court		
Jacqueline Hertz		12-4330, F 13 29726
Blaire Lapides		12-4330, F 13 29726
Anthony Romano		12-4330

The infiltration of fraud by the judges, attorneys, guardians and other parties is so extensive, it is virtually impossible to document it all. Retirees and tourists are being warned to stay away from the State of Florida.

The 4th DCA has taken a strong position against the human trafficking crime ring run by the Florida probate courts. It recently overthrew the "guardianship" of Colonel Alan Smith a retired veteran in the case of GLENDA MARTINEZ, Appellant, v. THE GUARDIANSHIP OF J. ALAN SMITH, Appellee. No. 4D13-4095 [March 18, 2015]. Col. Smith was captured in a predator guardianship and was viciously abused and beaten. His leg had been broken and his eyes had been slashed. In the world of guardianship racketeering, where feeding tubes are routinely implanted for the convenience of the "guardians" and "aides," and sensory pleasures such as eating, having dentures, eyeglasses and accommodations are denied, as with my mother, Col Smith's stomach was cut open to implant a feeding tube. He was placed in diapers for the convenience of this racket enterprise and denied any rehabilitation. The Court issued "isolation" orders and "annulled" his marriage to attempt to insure the secrecy of the racketeering enterprise that was human trafficking him and draining and money laundering his assets. I visited with him and his wife after he was freed from being human trafficked and he was almost paralyzed, unable to speak and traumatized from over 2 years of abuse. The attached articles set forth his ordeal. Victims and the press are exposing the guardian corruption scam that is rampant in the State of Florida. Law enforcement investigations are underway.

My mother is the widow of an honorable army veteran, William Stone, whose patriotic and noble military service to his country is being trampled by a dishonorable judge, Michael Genden who is a disqualified judge who refuses to disqualify and relinquish his unlawful jurisdiction. He issues "edicts" denying my mother's due process as I have exposed the fraud in his court as a whistleblower to honor my duty as an attorney and that of my father as an honored veteran to protect our country. My mother and I are being obstructed justice in retaliation.

I hold all of the people involved in this charade and travesty of justice responsible.

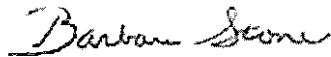
In the event my mother should die while under the tutelage / human ownership of the state and its agencies and officers who are acting outside the color of law and in opposition to their duties to protect the public, I will be filing murder charges against every individual who acted outside the color of law. This will request immediate protection for my mother and her emergency hospital admission. My mother is in medical crises and grave danger.

This will request that you seek the appointment of a special Federal monitor prosecutor to investigate the crimes.

These are grave and serious allegations. My mother and I are unable to obtain investigation, adjudication and justice in the courts of Florida because all oversight agents are members of the Florida Bar and I am being viciously retaliated as a whistleblower by the Florida Bar and its members. I will be taking this action to the Federal Courts in another state where I personally will seek a Federal investigation to oversight the Florida Bar member and obtain non-conflicted review by an independent Federal Prosecutor.

I look forward to your urgent response.

Sincerely,



Barbara Stone

Cc: Eric Holder, Esq.
Loretta Lynch, Esq.
Michael Horowitz, Esq. Inspector General of the DOJ
Office of Professional Responsibility - DOJ
President Barack Obama Esq.
Preet Bharara, Esq.
Judge Shira A. Scheindlin – US District Court – Southern District of NY
New York Times
Wall Street Journal
FBI
United States Senate Judiciary Committee
United State House of Representatives Judieary Committee
Christine Anderson, Esq.
Joanne M. Denison, Esq.
Candice Schwager, Esq.
Gregory Coleman, Esq.
Judicial Qualifications Commission
Other Law Enforcement, Media, Legislative and Interested Parties

Enclosures

SHAMEFUL PHOTOS OF ELDERLY VULNERABLE VICTIMS OF
THE GUARDIAN RACKET

WHO HAVE BEEN PUMMELED AND BEATEN
BY GESTAPO LIKE TERRORISTS
AND LEFT TO DIE

SO THEIR ASSETS CAN BE LOOTED

MY MOTHER, HELEN STONE'S PHOTO IS INCLUDED
THE WIDOW OF WILLIAM STONE
AN HONORABLE PATRIOTIC WAR VETERAN
SHE IS BEING BEATEN, ABUSED AND TERRORIZED BY THIS COUNTRY

Mrs A - Another
Victim in guardianship



Another Victim in Guardianship





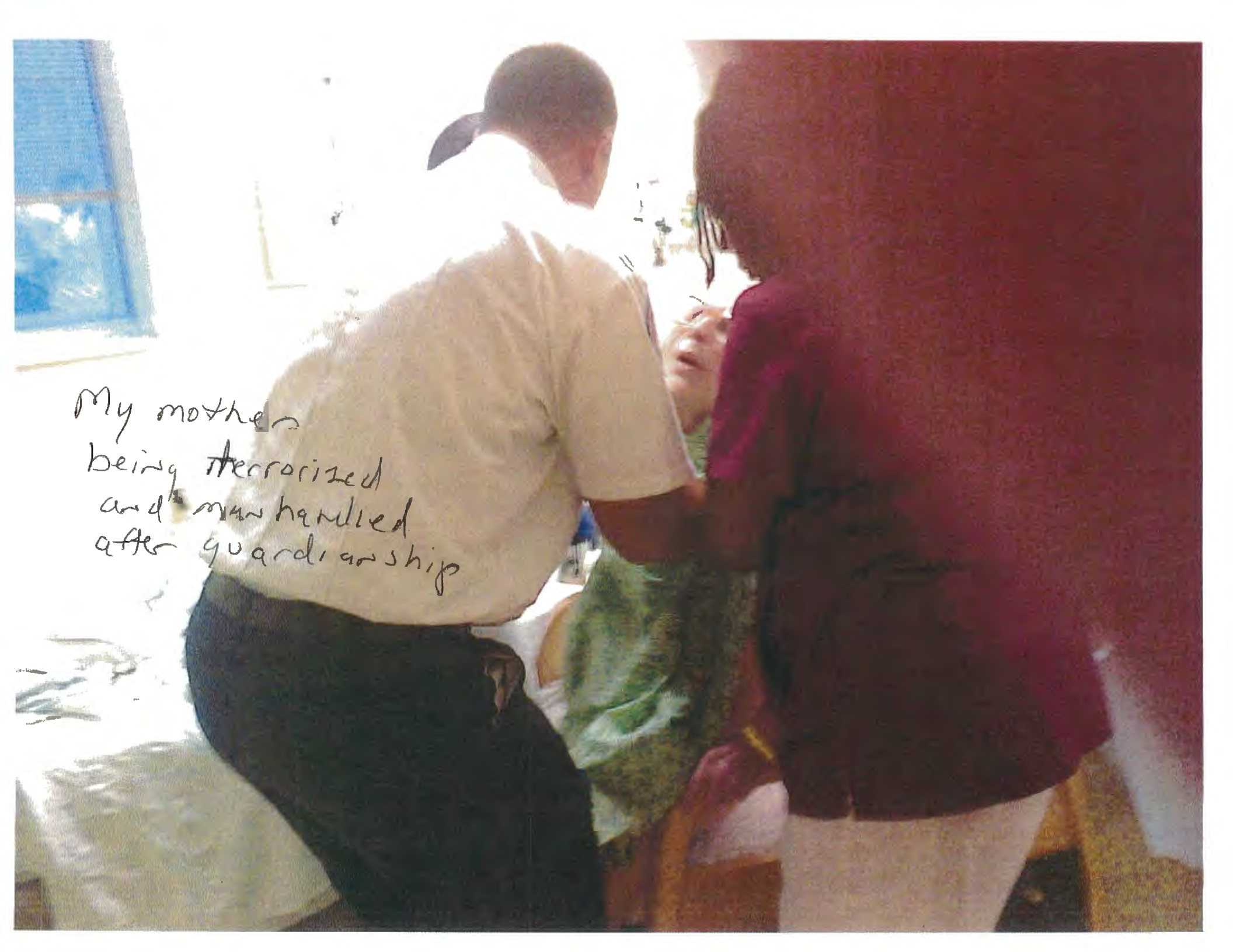
My
Mother
Before
Guardian
with
me
at her
Surprise
Party



My mother
emaciated
after guardianship



My mother
bruised, suturing
life threatening
conditions
after
guardianship



My mother
being terrorized
and man handled
after guardianship

N. Mom



C. Asleep



D. Sleeping



WILLIE JO MILLS (2012 – 2014)

Ginger Lott's Care

A. Statin Drugs Crying



B. Statin Drugs Crying



WILLIE JO MILLS (2012 – PRESENT) – exhibit 2

**OCTOBER 23, 2013 SKIN TEARS AND BRUISING WITH PATCHES
NOT DATED (ILLEGAL)**



GRAND JURY REQUEST
DENIED A HEARING AND DUE PROCESS
OBSTRUCTION OF JUSTICE
COVER UP OF JUDICIAL WRONGDOING AND RACKETEERING

From: bstone12@hotmail.com
To: roseannedare@miamisao.com
Date: Mon, 18 Nov 2013 19:17:32 +0000
Subject: Complaint against Jacqueline Hertz for Guardian Abuse

Dear Members of the Grand Jury:

The Florida guardianship system has become rampant with abusive, corrupt guardians who use the system to prey on vulnerable, elderly people.

My mother, Helen Stone, is an 86 year old widow who had slight dementia at the time she entered a guardianship. Her assets were being handled by her son, my brother. I received notice from her bank that monies were being moved from her accounts and I had no choice but to file a guardianship to protect her from financial exploitation -

My mother was then plunged into a nightmare of terror by her abusive guardian, Jacqueline Hertz, located at 767 Arthur Godfrey Rd, Miami, FL 33140. Hertz began her reign of terror by isolating my mother and denying her the services to which she was accustomed.

Hertz then commenced a vile smear campaign against me, a loving daughter in order to completely remove my mother from her daughter and the outside world. Hertz's vile and retaliatory action was in response to my objection to Hertz's incompetent aide's administering unauthorized medication to my mother causing me fear that she would have to be taken to the hospital in the middle of the night. Hertz had removed my mother's identification and possessions and I would not even be able to have her admitted to the hospital.

I requested she remove this substandard and unqualified aide. In retaliatory response, she defamed me and in breach of ethics and without an evidentiary hearing, based on complete hearsay and the lies of Jacqueline Hertz, she removed an 86 year old widowed woman from her beloved daughter and the only person in the world with whom she had outside contact.

This is the classic textbook case of elder abuse and all of you on this Grand Jury know that to be a fact. DO NOT CONTINUE TO PRETEND THIS DISGUSTING DEVIOUS SELF SERVING GUARDIAN AGENDA DOES NOT EXIST. It is rampant and the time to hold these corrupt guardians accountable is long overdue. Hertz has a 30 year history of defaming family members who are closest to the "Ward" by fabricating lies in order to have them removed from visitation unless Hertz is present.

Hertz viciously refused my mother's pleas to see her own daughter. She uses this devious tactic for several reasons:

- she can provide substandard care to my mother with no one overseeing her conduct
- she can orchestrate her filthy tactics to actually charge my mother for her to supervise her own daughter when I visit.
- The inherent conflict of interest by Hertz in pursuing her own agenda to control my mother is diametrically in opposition to my mother's interest for me to be with her.
- she can insure there is no privacy when I visit so my 86 year old mother cannot articulate her abusive situation.
- she can insure that no one can visit the Ward to observe the depraved abuse and financial exploitation that she deliberately inflicts.
- My mother has since been held in captivity by Hertz. She was utterly removed from the outside world. Many times, she had no food and even if there was food, she was incapable of feeding herself .

I live in NY. I am my sole means of support. I have suffered extreme financial hardship to pay exorbitant legal fees, leave my job on last minute notice, make last minute travel plans, rent a car and hotel all for my frantic concerns about my mother.

Hertz is a predator who preys on the elderly. Hertz has been so empowered by her lack of accountability by the courts that she feels invincible.

My mother went without food, medical attention, suffered bruises and torture at the hands of jacqueline Hertz. My religious leader went to see her on Nov 6, 2013 and found her incoherent and without food. Two days on later on Nov 8, 2013 my mother was rushed to the hospital where she remains malnourished and starved.

Because of Jacqueline Hertz abuse my mother needed to have surgery to implant a peg device into her stomach so badly starved was she. Hertz caused 86 year old mother to need surgery.

Hertz has a real estate license, a glaring conflict of interest for a guardian. She unilaterally decides if she wants to sell a "Ward's" house from under them to obtain a commission rather than seeing to her Wards best interest.

In fact as is glaringly obvious, her motivation is far greater to see that the "Ward" is not attended or becomes terminal whenever she so determines. Her commission from the sale of their property provides her a huge incentive to abuse a Ward and jeopardize their safety.

This virulent, glaring conflict of interest could not be more obvious. Yet the probate court judges deliberately ignore and in fact collude with Jacqueline Hertz in this diabolical conduct that is immoral and unethical.

Hertz is engaging in human trafficking and racketeering.

I request this grand jury cease tolerating this maniacal conduct by guardians - endangering the lives of their own Wards for their financial gain.

My mother's golden years have been spent in captivity and starved, abused and financially exploited at the hands of Jacqueline Hertz.

She has committed similar atrocities on many of her other "Wards". Her reign of terror MUST come to an end.

Hertz put Edith Perez into a guardianship after her daughter had sought to be her guardian to care for her and then dismissed the Guardianship after her mother moved to another state. Hertz she petitioned to be a successor guardian - as per her petition "to handle her florida assets". Mrs Perez was getting money from worker comp claim. Hertz settled it out for \$90000 - Hertz took \$72000 - the rest went to the attorneys - mrs perez got \$0

Hertz did the same to Lacy Waters who was getting a settlement payment from a cruise accident. Hertz took it all.

Hertz has filed dozens of petitions to sell properties of her "wards".

She took a home equity loan on a person's house after she bilked her out of all her money because she wanted to steal even more.

The list goes on and on. She petitioned for guardianship for several other people - took all their money and made them destitute and then put them in a public guardianship

The abuse, isolation, starvation and hypertropic drugging of vulnerable elderly citizens paves the way for this corrupt guardian to steal the money of a Ward.

A report by MetLife calls elder abuse the "Crime of the Century." Jacqueline Hertz's has become so empowered by her lack of accountability that she has brazenly committed atrocities on my mother for which she will never recover.

Many members of other families have submitted to the Grand Jury the repugnant abuse their elderly relative has suffered. Many of these people are in financial ruin after racking up legal fees struggling to get legal help from the very attorneys who are perpetuating the Guardian abuse.

It is incumbent on this Grand Jury to say NO and show the American public this conduct will not be tolerated and guardians who abuse and exploit the elderly will ne held accountable.

I can be reached on my cell number as shown below with any questions.

Barbara Stone

Tel: 212.994,5482

Fax: 212.994,5481

Sent from my BlackBerry®



GUARDIANSHIP GULAG

SUNDAY, DECEMBER 11, 2005

GUARDIANSHIP: A PREDATORIAL PRACTICE

GOVERNMENT and JUDICIALLY APPROVED STRATAGEM
(RECIPE) FOR ABUSE and EXPLOITATION OF THE ELDERLY
AND DISABLED_ A PREDATORY PRACTICE

GUARDIANSHIP Note:

The author is not stating these abuses occur in every court in the US; yet, these cases are actually very common. It is not necessary to be under guardianship to be victimized by abusive authority; guardianship is simply the most effective, efficient, common vehicle to attain the profiteering goal. Human rights and judicial violations are the means.

1.) PREDATORS CIRCLE- can be: govt. agencies, APS(Adult Protection Services) and their contract agencies, County Area Agency on Aging, State Dept. of Aging, social workers, nursing facility corporations, care providers, care givers, law enforcement, attorneys (including guardian ad litem), courts(judges, court reporters), and their associates, such as medical doctor, psychiatrist, other professionals or greedy family members/in-laws. Litigation is the slaughterhouse. The predators co-operate(collude) with each other for mutual benefit: financial gain, real estate, Fed. funding stream, favors, job security, political agenda, etc.

2.) PREY(TARGETED WARD and ADVOCATE) - elders and disabled who are victims of crime, accident, friendly neighbor's call to APS (Adult Protective Services), family disagreement that's litigated, health crisis, family crisis, any event that results in litigation; you can be advised, intimidated into believing _you need a lawyer, hence, litigation. Also, targeted: elder property owner(especially if property

ABOUT ME

GUARDIANSHIP GULAG
LUZERNE CO., PENNSYLVANIA,
UNITED STATES

The illegally obtained guardianship has changed my life utterly and completely. I am the adult daughter of my involuntary institutionalized mother. I have a Durable Power of Attorney(DPOA). I sought assistance for felony white collar crimes committed against my mother and myself. That was over 4 yrs. ago, when my mother was abducted from an Alzheimer's Day Club in CA. I was caring for her in my home for over a yr. and she was brought to PA where the family home is by the perpetrators. She has been locked up in PA ever since because I sought assistance from the LUZERNE CO. AREA AGENCY ON AGING, the county arm of the PA STATE DEPT. OF AGING. Felony crimes were suppressed. THE POWER GRANTED TO GUARDIANS IS THE POWER OF OWNERSHIP; IT IS THE POWER TO DEMOTE A HUMAN BEING TO A WARD WHO HAS NO RIGHTS AT ALL. Not even the rights of a dog; the SPCA can be called for a dog but not for a ward. All issues, choices(denial of choices), rights, possessions, finances, property, family, contact of the ward is ruled by the guardian. HOW'S

ARTICLES

On Thu, Jan 29, 2015 at 12:45 AM, Frame, Susannah <sframe@king5.com> wrote:

Hi Barbara,

This is Susannah Frame from KING. Linda Byron passed along your contact information. First off, I am so so very sorry for what has happened to your mother...and to you. Just heartbreaking. By happenstance, I ended up investigating elder abuse/guardianship abuse along with Linda and am currently investigating this issue. For the next week or so I will be embroiled with two other investigations. After that I would love to talk to you about your situation. In the meantime if you could send me any documentation or information, that would be great. The more the better for us.

Thank you for thinking of us here at the KING 5 Investigative Unit. Our goal is to always expose the truth and to enact change for the better. I think we can and should do this for our dear seniors.

I'm hoping you have not reached to other media outlets? We cannot pursue stories that other media outlets are working on...including newspapers, online, etc. Just an FYI.

Thank you Barbara!

Susannah Frame
Chief Investigative Reporter
KING Television
[206.448.3876](tel:206.448.3876)
[Susannah's bio](#)



Judges, lawyers use guardianships to prey on elderly

BARBARA HOLLINGSWORTH • | NOVEMBER 01, 2011 AT 7:05 PM

Think your well-tended nest egg will protect you from the depredations of old age? Don't count on it.

Little has changed since the D.C. Court of Appeals ruled almost a decade ago that Probate Judge Kaye Christian abused her power by ordering retired economist Mollie Orshansky, creator of the federal poverty line, removed from her sister's care in New York and placed in a District guardianship against her will.

Even multimillionaires cannot prevent a judge from appointing a total stranger to take complete control of their affairs -- and banish family members who object.

That's what happened to five-term D.C. Council member Hilda Mason and her husband, Charles, a Harvard graduate who traced his lineage back to the Plymouth landing. Despite Charles' \$22.5 million fortune, this power couple ended their lives in squalor.

Blind, wheelchair-bound and suffering from diabetes and skin cancer, Charles spent his last days in dirty clothing and worn-out shoes, with fingernails so long they curled around his fingers.

"He looked like a hobo," one witness told *The Washington Examiner*. His frail wife suffered a broken collarbone when one of her "caregivers" ran her over with a four-wheel-drive vehicle.

At the time of Hilda Mason's death in 2007, debris and broken furniture littered every room of the couple's once-stately Shepherd Park home. The roof leaked and the house was infested with rodents and insects.

As attorneys helped themselves to the couple's assets, Episcopal Senior Ministries reported that "there appears to be no individual or group that is currently responsible for the cleaning/condition of the house."

According to a Jan. 9, 2001, court transcript, a clearly competent Charles Mason testified before the same Judge Christian that he no longer wanted the Virginia attorney he had previously hired to represent him.

Less than three months later, Charles was declared incompetent after an adverse reaction to a

psychotropic cocktail landed him in Suburban Hospital's psychiatric ward.

The judge refused to dismiss the lawyer, but OK'd a settlement agreement allegedly signed by Charles Mason after he had been declared incompetent that prohibited his own wife from "interfering" with his care.

Guardianship abuse is not limited to people with money, as Laura Francois-Eugene, a supervisor at the Department of Homeland Security, learned the hard way.

Her mother's only financial resources are her modest D.C. home and a small monthly Social Security check. But after a fall left the elderly woman temporarily paralyzed, Probate Judge Franklin Burgess appointed a conservator to handle her affairs despite the fact that her daughter had previously been named her legal guardian.

Francois-Eugene told *The Washington Examiner* she is forced to pay for her mother's food, dentures, medicine and clothing out of her own salary because the court-appointed conservator has been hoarding her mother's Social Security benefits.

The same thing is happening to another 91-year-old woman, a former D.C. Public Schools employee forced into a guardianship after Maryland lawyers characterized her daily walk as "wandering."

"Some lawyers took all my money," she told us, adding that she can't access her own pension or Social Security benefits, even to buy herself an ice cream cone.

The National Association to Stop Guardianship Abuse has documented hundreds of cases in which family members are denied any say in their loved ones' care, even as court-appointed fiduciaries are given total control. After the estate is sucked dry, the wards are often dumped onto Medicaid rolls -- if they're still alive.

Advocates call the pattern "Isolate, Medicate, Steal the Estate." They're meeting with Sen. Amy Klobuchar, D-Minn., on Capitol Hill today seeking an end to well-intentioned guardianship laws gone horribly awry.

Next week: For some, the only way out of the guardianship Gulag is feet-first.

Barbara F. Hollingsworth is The Examiner's local opinion editor.

Web URL: <http://washingtonexaminer.com/article/41333>

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THURSDAY, NOVEMBER 28, 2013

Give Thanks: Days are Numbered for "Ethics" Disgrace Roy Reardon

Corrupt Ethics Chairman Roy L. Reardon, 84, Being Replaced in 34 Days

There's another reason to be appreciative this Thanksgiving Day. The long-time back and Chairman of the New York State Court's First Department's make-believe attorney ethics department, the Departmental Disciplinary Committee (the "DDC"), Roy L. Reardon of Simpson Thacher will be replaced on January 1, 2014.

No announcement has been made as to who will become the next attorney ethics chief white-washer. In theory, the Presiding Judge of the 1st Department, Luis A. Gonzalez, chooses a new chairman; in practice, corrupt insiders direct who will next fill the roll of Chairman of the DDC.

Roy Reardon, who replaced Paul J. Curran, has presided over the continuing-troubled "ethics" group charged with monitoring attorney ethics. Instead, Reardon protected guilty insiders, and destroyed others who were not in the club.

Mr. Reardon was formally accused of the widespread covering-up of serious ethics complaints by attorneys who conduct business in the Bronx and Manhattan, according to a source close to his Lexington Avenue law firm.

Reardon, of Simpson Thacher and Bartlett, was once regarded as a gentleman with high ethical standards but, according to the source, "he sold his soul." The source says many workers were furious that Reardon personally allowed crimes by connected attorneys to be swept under the rug. "This animal [Reardon] has a blind eye toward sexual assaults upon women by New York Lawyers, and he has even blanket free passes to any attorney who is politically connected."

Reardon was also accused of covering for corrupt Judicial Ethics Chief Counsel Robert Tembeckjian and Alan Friedberg, who was appointed chief counsel of the DDC by Lippman at the same time Reardon was appointed.

Mr. Reardon joined Simpson Thacher in 1954 after graduating St. John's Law School, and was appointed Chairman of the DDC in December of 2007 by then-presiding 1st Department Presiding Justice Jonathan Lippman. Jonathan Lippman called Reardon a "stellar appointee" adding, "Roy L. Reardon brings to

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Ethicsgate: Give Thanks: Days are Numbered for "Ethics" Disgrace Roy Reardon

his new role invaluable credibility and expertise as well as more than five decades experience as a litigator, arbitrator and mediator. The range and depth of his experience gained during his distinguished legal career make him the ideal candidate for this position and the court is so pleased that he has accepted this appointment. He has been a stalwart on the DDC for many years and I am certain that under his leadership, the Committee will continue to thrive."

Posted by Ethics Gate at 1:36 PM

3+1 +1 Recommend this on Google

3 comments:



Anonymous November 28, 2013 at 2:14 PM

Ask Roy Reardon how many lawyers from his (Simpson Thatcher) or his wife's law firms (Milberg Weiss and Allen & Overy) have been disciplined. (Mrs. Reardon is also Patricia Hynes) I have more information to provide but have to get back to the good-lasting turkey.

Reply



Anonymous November 20, 2013 at 3:13 PM

I have personally dealt with Reardon in his capacity as Chairman of the DDC. He did an excellent job at pretending to care, but in the end, he knew all along that our complaint was going to be whitewashed and that no investigation was going to take place into allegations of unethical conduct engaged in by the various attorneys complained of. Due to the widespread corruption throughout our judicial system, the people need to start having a say in who gets elected to these key positions pertaining to attorney and judicial "ethics." If Reardon is replaced with another guy similar to Reardon, what does it all matter?

Reply



Anonymous January 11, 2014 at 11:15 AM

Why are they hiding the fact that Ernest Collazo is the new DDC Chairman?

<http://www.nycourts.gov/courts/ad1/Committees&Programs/DDC/Ind ex.shtml>

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FRIDAY, FEBRUARY 15, 2013

NY Governor Andrew Cuomo Asked to Shut Down Judicial "Ethics" Offices

New York State Governor Andrew Cuomo has been formally requested to immediately shut down the offices of *The Commission on Judicial Conduct* (the "CJC"), the state agency charged with overseeing the ethics of all judges in the Empire State. The request comes from a public integrity group after confirmation that the CJC has been involved in illegally wiretapping and other illegal "black bag operations" for years. Governor Cuomo is asked to send New York State Troopers to close and secure the state's three judicial ethics offices: the main office on the 12th floor at 61 Broadway in Manhattan, the capital office in Albany at the Corning Tower in the Empire State Plaza, and the northwest regional office at 400 Andrews Street in Rochester.

The Governor is asked to telephone the Assistant United States Attorney who is overseeing the millions of items of evidence, most of which that has been secreted from the public- and the governor- by a federal court order.

Governor Cuomo was provided with the direct telephone number of the involved federal prosecutor, and simply requested to confirm that evidence exists that certain state employees in New York's so-called judicial "ethics" committee illegally wiretapped state judges.

The request to the governor will be posted at www.ethicsgate.com later today. (Media inquiries can be made to 202-374-3680.)

Posted by Ethics Gate at 7:57 AM

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2 comments:



Anonymous February 15, 2013 at 8:46 AM

It's about friggin' time something get done!

Reply



jw February 15, 2013 at 9:03 AM

Mike Ventre, Senator John J. Bonacic

I have gone to every Office of Court Administration and Library as

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instructed by the Warren County Court Clerk's Office. The APPEAL that was filed and the TRANSMISSION of the Record for appeal along with THE APPEAL ITSELF has been requested for many many months. The ILLEGAL FORECLOSURE and the Faked and Altered and Fraudulent Lien and Loan Papers of Arthur Greenberg Were FAKED and ALTERED. The reality is the greatly delayed payment or consideration for the Foreclosure Sale violated that sale as allowing a bidding Months to pay is simply unconscionable and improper. The payment for the sale was NOT required the Day of The Sale as should have been the case. My Father and His Mother as well as My Brother Clifford has gone to the sale to bid themselves and or redeem the property for cash. Instead My Father was arrested and jailed. I want the entire Appellate Record THE APPEAL ITSELF and all records regarding My father being JAILED that day.

This is a Federal Freedom of Information Act and a FOIL Demand as well as a Report Of Judicial Corruption. Your copy of my correspondence with ms Vogel in the Warren County Court's Office is below.

Thank You

Dear Ms. Vogel,

I am needing a Copy of the Final Judgement or Final Order of Foreclosure and the Notice of Appeal which would have been filed by Attorney John Hall, Sr (The Late Judge John Hall) and the Determination of That Appeal as decided by the Appeals Court.

Additionally Clifford Witham was arrested and Jailed at the Foreclosure Sale on January 12th or so 1970. I am needing the Charges and The Final Adjudication regarding that arrest and incarceration. It should be in the Docket File for the Date of the Foreclosure Possibly as a Docket Margin Entry made by the Judge or Clerk.

I am needing the APPEAL that was filed produced and the Appellate Court's Full Records

In connection with this Seizure and Sale of My Families Marina The East Shores Harbour the Payment for the Foreclosure Bid was NOT paid for MONTHS after the Sale and That is SIMPLY improper and very unlawful.

Thank You

Judson William

Respond In Writing Only.

Clifford B. Witham II and Anita F. Witham. Index # 13876 commenced July 18, 1969 with Arthur R. Greenberg as ptf vs. Clifford B Witham and Anita Witham, et al as def.

The docket card lists a number of documents filed, including a notice of appeal on June 24, 1971, followed by ref report 5/31/73, order and aff of serv of notice of motion.

I am needing the Appellate Decision or Ruling / Action on the Appeal. I need the records of the action taken by the Appeals Court
Thank You

Reply

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Unethical "Ethics" Lawyers Get Axed

Marti Oakley, *Contributing Writer*
Activist Post

When we think of human trafficking most of us immediately assume that this occurs only in the arena of sexual exploitation. At some point in time this may have been true. Today, human trafficking encompasses many forms and there is not one of us who can safely assume that we would somehow be exempt from any type of human trafficking.

While the sexual exploitation and trafficking for the purposes of sex is often highlighted in MSM, rarely do they ever report on the trafficking that occurs courtesy of our courts, unscrupulous politicians and yes, even those demi-gods....doctors, therapists and psychiatrists. There is money to be made exploiting the vulnerable, the sick, the weak, the aging (with assets) and even children who have been unfortunate enough to become wards of the state and forced into foster care. While sexual activity may not be the cause and concern in these instances, what happens to these individuals is no less a form of human trafficking for profit.

In each of the above stated groups, the trafficking of human beings for profit is facilitated by social service agencies, corrupt probate courts, and family courts. To be declared a "ward of the state", is to be housed by, and to receive necessities and protection of the government. It also means to lose any and all rights of any kind, whatsoever. The "state" now owns what has become a chattel property and may do with that property whatever it desires to do. This oftentimes includes a form of leasing out the ward for pharmaceutical experimentation and profit, as was exposed in Florida and Alaska, just to name two, over the last several years resulting in the exposure of massive Medicaid fraud as foster children are routinely forced to take off-label high gear psychotropic drugs and vaccines. In a May, 2009 article, :author Evelyn Pringle notes: It is hard to come up with an adjective that adequately conveys the horror this is inflicting on America's children and youth. Suffice it to say that when the country wakes up to the carnage this has caused, it will be recognized as the largest iatrogenic (doctor caused) public health disaster in history.

These days, it seems more evident that the concern for children is not so much their safety and well-being, but rather; How much are they worth in the foster care system? As with our public school systems, big pharma is more than willing to pay for every child added to the forced drugging programs.

Trafficking of the elderly (with assets)

The human trafficking of the elderly (with assets) has become a national epidemic and disgrace. Probate courts routinely work with predatory professional guardians, payrolling attorneys, owners of notoriously abusive care facilities and social agencies to target and then obtain guardianship/conservatorship of the elderly whose only crime was to age with assets. These predatory professional guardians, strangers to the victim and their families, make their living robbing the estates of their victims.

Again, once this "guardianship" has been sanctioned by the cooperating probate judge, the victim loses all rights of any kind whatsoever and is for all intents and purposes "dead in the law". The guardian/conservator now legally owns the victim and can avail themselves of all of the victim's assets of any kind. These predators can and do instruct doctors to begin the administering of psychotropic medications not approved for use on the elderly, and many of the doctors who are also tapping the estate for inflated billing charges, comply with these requests.

Once legally kidnapped with the help of the cooperating probate judge and the local police department who conduct the kidnapping as a SWAT team raid, the victim is quickly housed in a participating facility and started on a drug regime that is seldom called for.

The drugs are especially useful when administered just prior to what is laughingly called a "competency hearing".

The profits from human trafficking of the aging (with assets) was documented in the 2007 GAO report with estimates well over a billion in stolen assets obtained by professional predatory guardians/conservators and some family members across 48 states, although the GAO focused on only 20 cases:

The GAO focused on cases in which a family member, agency, or private business was appointed as a guardian. In 20 cases, guardians appointed and approved by courts stole \$5.4 million in assets from 158 incapacitated adults."

The recent Committee on Aging hearing very carefully orchestrated and scripted the public hearing to make it appear that the abuse is most always at the hands of family and friends. In truth, the largest percentage of cases of exploitation are committed by professional strangers who have a well established system in place with the same predators routinely involved in these deadly guardianships as is exemplified when examining the cases in a specific geographical area. The same judges, the same predatory professional guardians, the same payrolling attorneys and the same doctors and participating facilities, all involved in one predatory case after another. The staged committee hearing barely touched on this aspect of exploitation of the elderly, if at all.

What are you worth as a prisoner?

When John Ashcroft, the former Attorney General for the US under GW Bush, handed down sentencing guidelines to the states, not one state refused those guidelines even though Ashcroft was not lawfully empowered to make such demands. The result has been a explosion in the number of individuals held in federal and state prisons, many for what should have been short term sentences for minor crimes. This allowed Merrill Lynch to begin selling prisoner bonds, globally. And ML isn't the only company engaged in the profitable human trafficking trade of selling human beings on the open market.

The sentencing guidelines were needed to confirm that prisoner X would be available for exploitation and forced labor for a guaranteed length of time. The whole system is run by C.J.T.S. a corporation dedicated to the tracking and coding of prisoners and provides the software to do it. Using this system and one called CUSIP:

From Owners of the American Prison System
a nine digit number (called Ordinance Number) is issued for the Certificate of Stocks going internationally to ANNA (Lynn's note: see link for ANNA which is in Brussels, Belgium at www.cusip.com). These Securities are sold through the Commodity and Security Exchange. The bottom line is they are selling stocks in the prison system. The jails are referred to as Warehouses and the prisoners are called Goods

From the moment a person is arrested for any reason, the prisoner cash register starts ringing. This can be for something as simple as a traffic ticket. The law enforcement department making the arrest assigns a pre-defined code to the charges being made. This code has a monetary value and the money starts rolling from this point on all the way through the system. Publicly traded prisoner stocks, took a tumble in 2008, but look as if they will rebound as the Obama Administration along with Senators McCain and Lieberman, and others such as Graham and Shumer devise plans to increase ever greater numbers of US citizens under the false flag of national security.

Prisoners can also be subjected to forced drugging, pharmaceutical experimentation or exposure to pathogens among many other things.

Are you safe?

Never think for a moment that you are safe from the predator class. If anyone sees the opportunity to make a buck off you, your kids, your parents or anyone for that matter, you can quickly find yourself totally disenfranchised, without rights, without defense and without any means of extricating yourself from the system.

Human trafficking has evolved. We are now all considered commodities to be sold, traded, and used on the global market and as the global demand for organ transplants increases any one of us could be worth more dead than alive. We have been totally devalued as human beings and rendered as commodities. Our own government refers to us as "human capital, or as human expenditures" as if we were used cars sitting on a government sale lot.

Arizona and exploitation of vulnerable adults in probate courts

What is a "ward" ?

a. Law A minor or incompetent person placed under the care or protection of a guardian or court. b. A person under the protection or care of another. 7. The state of being under guard; custody. 8. The act of guarding or

protecting; guardianship.

chat·tel

n.

1. Law An article of movable personal property.

2. A slave.

Massive Medicaid Fraud Exposed in Psychiatric Drugging of Kids in US

Legally kidnapped: PBS reports Forced drugging of foster care kids

Prisoners of the system: Corporate organized crime runs the system of human trafficking for profit

Slave labor in Georgia

Marti Oakley is a political activist and former op-ed columnist for the St Cloud Times in Minnesota. She was a member of the Times Writer's Group until she resigned in September of 07. She is neither Democrat nor Republican, since neither party is representative of the American people. She says what she thinks, means what she says, and is known for being outspoken. She is hopeful that the American public will wake up to what is happening to our beloved country . . . little of it is left. Her website is The PPJ Gazette



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Court Appointed Guardianship Abuses Run Rampant in American Courts

by [Michael Volpe](http://rebelpondit.com/author/michael-volpe/)

<http://rebelpondit.com/author/michael-volpe/>

November 21, 2014

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Following multiple RebelPundit reports

<http://rebelpondit.com/how-the-cook-county-public-guardian-can-take-your-home/> on guardianship abuse

<http://rebelpondit.com/how-new-yorks-elderly-lose-their-homes-to-guardianship/>, our latest investigation reveals

this problem is widespread across the country and there is top to bottom corruption in court appointed guardianship in Harris County, Texas.

After speaking to victims, lawyers, and activists, the investigation reveals that the probate court in Harris County works much like a good ole boys club where judges receive campaign contributions from lawyers who then receive favorable rulings. In a court with little oversight, several victims suffered physical and mental abuse and were left to effectively be euthanized.

Guardianship is a court created power to take decisions of healthcare and finances away from those the court has deemed incapacitated and unable to make those decisions for themselves.

Initially started to protect the elderly and mentally challenged from being taken advantage of, it has often been corrupted, having the opposite effect. Those perfectly healthy who are effectively jailed and held against their wills, often end up in nursing homes away from their families.

Sherry Johnston told RebelPundit her mother was one of those victims. Her mother died in September 2014, weighing less than thirty pounds her normal weight. She provided Rebel Pundit with a series of photos which showed bruising, bed sores, and she made a [YouTube video of doctors and guardianship professionals](https://www.youtube.com/watch?v=Y8G3xIVvoQ&feature=youtu.be) (<https://www.youtube.com/watch?v=Y8G3xIVvoQ&feature=youtu.be>) refusing to provide her mother with treatment, instead choosing to send her to hospice care to die.

Johnston said her ordeal started when a family dispute led to an order placing her mother, Willie Jo Mills, in guardianship. Rather than choosing a family member to be her guardian, Judge Christine Butts, appointed David Dixel to be the guardian.

The judge also appointed a Guardian ad Litem (GAL) and an Attorney ad Litem to oversee the case, all at the expense of the estate. Rather than allowing Mills to live with Johnston, as both wanted, Dixel placed Mills in the Silverado Nursing Home in Kingwood, Texas, in the spring 2009.

The estate was charged \$7,000 a month for the care.

"At Silverado she was abused, isolated and neglected," Johnston told RebelPundit.

Dexel, whose name came up repeatedly in the investigation, is out of the office until December, according to his law office, and didn't respond with a statement on this and other cases.

According to campaign finance records, Dexel contributed \$1,000 to Butts' campaign while the GAL in the case, Howard Reiner, contributed \$2,500 to Butts campaign in 2013.

Reiner didn't return a phone message left at his law office.

Butts was re-elected in November 2014.

Johnston said her mother's estate has been charged nearly \$300,000 in total fees by court professionals, including lawyers like Dexel and Reiner who charged between \$250-300 per hour for their services.

Debbie Valdez, President of Guardianship Reform Advocates for the Disabled and Elderly (GRADE) is not surprised and said poorly thought out legislation has led to problems in the State of Texas and Harris County.

She told Rebel Pundit that her group has received complaints against three of the four elected probate judges in Harris County.

The most notorious judge is Mike Wood (<http://www.estateofdenial.com/2008/06/06/might-houston-probate-judge-mike-wood-see-the-error-of-his-ways/>) who has been featured (<http://www.chron.com/news/houston-texas/article/Millionaire-84-died-fleeing-Harris-probate-court-1664166.php>) in a number of exposes in Houston (<http://www.chron.com/news/casey/article/Judge-Wood-slapped-again-1761436.php>) area media (<http://www.houstonpress.com/2004-05-13/news/the-end-game/>). Valdez said in 2005, Woods was one of several judges to testify in front of the Texas legislature to argue for more ambitious guardianship laws, claiming elderly would be victimized without them.

The result was bill SB 6, which Valdez told RebelPundit has done the opposite, leading to far more corruption and abuse.

One problem is that the law turned Texas into a court initiated guardianship state. By this Valdez explained, once any report is made of an individual to probate court, they are immediately put into the guardianship system even before its determined, if in fact, the ward is incapacitated.

"We see court initiated guardianship as very dangerous."

That's exactly what happened to her mother said Johnston.

"She never had due process," Johnston said of her mother. "She never saw a judge or anything (before being put into the guardianship system)."

This creates a "presumed guilty" dynamic.

Another problem is that courts are run entirely through a network the judge controls. In the case of Mills, her family wasn't allowed to hire an attorney for her, but was instead appointed an attorney by the courts.

Valdez added, with attorneys and social workers are being invited into a dynamic where they are looking to please the judge and to make decisions which will prolong guardianship and thus add to the fees.

Possibly the most disturbing story was that of Helen Hale.

In an extensive expose, Lisa Olsen of the Houston Chronicle (extensive%20expose of the case, but upon speaking with the family, the end result is that more than three years later nothing has changed.) wrote:

Under a court-ordered guardianship, 86-year-old widow Helen Hale was plucked from the house she and her husband had built on wooded acreage in Cypress for their retirement and relocated to an unlicensed group home run by a caregiver with a criminal history.

In some of the state's largest counties, like Harris, Travis and Bexar, so many people are in guardianships that each probate judge oversees from 1,500 to 3,000 'wards' of the court. Yet most judges have only a single investigator to check out potential problems.

Upon speaking with Hale's family, the end result is that more than three years later nothing has changed.

RebelPundit conducted interviews with Hale's daughter Susan Staley and her granddaughter, Jennifer Goings, and though Hale has six children, Judge Butts, without explanation, chose a daughter with a history of drug use who had recently spent more than a decade without seeing her mother, as her guardian.

Goings provided RebelPundit with a series of photos which show bruises, bed sores, and other signs of neglect perpetrated on her grandmother.

The photos of Hale's bed sores from one of the unsanitary nursing homes she's been forced to stay in were to graphic for publishing.

Staley said she can't remember the last time she's seen her mother, because in order to do that she'd first need to get permission from her estranged sibling guardian.

"I won't give her the satisfaction," Staley said.

The Goings family has written a series of letters and emails begging Judge Butts to reconsider this decision including one written by Ron Goings on April 4, 2012.

"She (Helen Hale) has asked us to please get her out of this situation. At every turn we have been painted into a corner as being aggressive, manipulative and now as terrorists. I cannot understand how the court and its investigators and supposed guardians can be so blind."

Harris County has a population of 4.1 million people, according to the 2010 census, making it the largest county in Texas and third largest in the country. It includes the cities of Houston and Sugar Land.

Judge Butts provided a statement to RebelPundit addressing these two cases:

I am unable to comment specifically on the cases you identified, as the Code of Judicial Conduct provides in part that, 'A judge shall abstain from public comment about a pending or impending proceeding which may come before the judge's court in a manner which suggests to a reasonable person the judge's probable decision on any particular case.'

However, I will tell you that, with regard to the cases involving Helen Hale and Willie Jo Mills, such cases were contested in that the children of Ms. Hale and Ms. Mills were in dispute as to the appropriate choice of guardian. With regard to all cases in Probate Court 4, copies of the pleadings (which include orders of the court and reports of the court investigator) are available through the Harris County Clerk's office.

"Ms. Mills due process rights were violated when she was not allowed to participate in resolving the dispute in Judge Butts court, instead Judge Butts removed all her civil, constitutional and human rights by forcing a guardianship upon her which ultimately placed Ms. Mills in an abusive and exploitive lifestyle until she died." Sherry Johnston said in response to Butts' statement. "Ms. Mills guardian ad litem, attorney ad litem, guardian, were and remain to be much better protected by the guardianship placed on Ms. Mills than she was, while she suffered, and her estate paid for the



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Murders by Caregiver

People that are responsible for the care of a person of any age that have intentionally caused the death of that person.

One of the questions that these murders raise is related to other forms of "euthanasia" and withholding care.

Withholding care against the wishes of the patient is euthanasia.

Withholding needed medications against the wishes of the patient is euthanasia. Preventing patients from getting necessary medical care is euthanasia. Patients with prepaid medical service coverage that have their life sustaining or necessary medical care discontinued because of an administrative order, or corporate cost containment agendas, or for personal employee financial gain such as in the form of bonus are being euthanized.

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- ☐ Repetitive
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Law Enforcement and District Attorneys should remember that A CRIME of taking any life is one that should be investigated and prosecuted. Political purposes should never play a part in the refusal to prosecute these issues.

Google

Nov. 18, 2009

Dameria Lawhorn, 51, has been charged with seven counts of elder abuse for allegedly overdosing seven patients with morphine.

<http://medicalserialkillers.kaiserpapers.org/dameria-lawhorn.html>

Caregiver serial killers probably may be responsible for more deaths each year than the transient sexual psychopath serial killers that receive much more public attention. Nevertheless, there has been little serious work profiling this group of murderers.

Update -

News Release

September 08, 2009

For Immediate Release

Contact: Scott Gerber or Evan Westrup, (510) 622-4500

Scott.Gerber@doj.ca.gov or Evan.Westrup@doj.ca.gov

Brown Files Criminal Charges Against Former Nursing Home

Administrator in Kern Valley Elder Abuse Case


Bakersfield - Attorney General Edmund G. Brown Jr. announced that Kern Valley Hospital administrator Pamela Ott was charged on eight felony counts of elder abuse today for allowing staff to forcibly administer psychotropic medications to patients for their own convenience, rather than for their patients' therapeutic interests. These


actions are alleged to have resulted in the deaths of three nursing home residents.

"As hospital administrator, Pamela Ott, was ultimately responsible for safeguarding the welfare of her patients," Brown said. "Instead, Ott abdicated her responsibility and allowed the staff of the Kern Valley Hospital to forcibly sedate patients who questioned their care."

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Brown the charges against Ott in Kern County Superior Court. She surrendered herself in court this morning and pled not guilty. She was released on her own recognizance on the condition that she not run a skilled nursing facility. A preliminary hearing is set for November 4, 2009. Today's charges are in addition to those filed in February 2009 against:

- Gwen Hughes, the former Director of Nursing at the skilled nursing facility of the Kern Valley Healthcare District in Lake Isabella, Kern County on charges of elder abuse and assault with a deadly weapon.
- Debbi Hayes, the former pharmacist at the Valley Healthcare District, on charges of elder abuse and assault with a deadly weapon. On August 14, 2009, Hayes pled no contest to a felony charge of conspiracy to commit an act injurious to public health. She is a cooperating witness for the people.
- Dr. Hoshang Pormir, a staff physician at Kern Valley Healthcare District, who was serving as the medical director of the skilled nursing facility, on charges of elder abuse.

As the Administrator of the Kern Valley Health Care District, Ott hired and supervised Director of Nursing Gwen Hughes.

Upon taking over in September 2006, Hughes ordered that Alzheimer's and other dementia patients be given high doses of psychotropic medications to make them more tranquil and easy to control. She ordered the administration of these medications to patients who argued with her, were noisy, or who were otherwise disruptive. Two patients who resisted were held down and forcibly given injections. Ms. Ott was informed of these actions and allowed them to continue.

Hughes is also alleged to have directed Debbi Hayes, the hospital pharmacist, to fill prescriptions for psychotropic medications. Hayes wrote and filled these prescriptions without first obtaining a doctor's approval.

Dr. Pormir approved these psychotropic medications only some time after they had been administered and without examining the patients first and determining whether these psychotropic medications were medically necessary.

Several of these patients are alleged to have had medical complications as a result of being given these psychotropic medications, including lethargy and the inability to eat or drink properly. It is believed that three patients died and one patient suffered great bodily injury as a result.

The investigation

Kern Valley Healthcare District operates a small community hospital and skilled nursing facility in Lake Isabella. The case came to the attention of authorities in January 2007, when an ombudsman reported to the Bakersfield office of the California Department of Public Health that a patient in the skilled nursing facility had been held down and given an injection of psychotropic medication by force.

The Department of Public Health immediately sent an investigative team with a doctor, a nurse, and a doctor of pharmacology. They determined that 22 patients, including some who were suffering from Alzheimer's at the skilled nursing facility, were being given high doses of psychotropic medication not for therapeutic reasons, but to simply control and quiet them for the convenience of the staff.

The Department of Public Health issued a Certificate of Immediate Jeopardy which resulted in the immediate dismissal of the Ms. Hughes. The matter was then turned over to the California Department of Justice, Bureau of Medi-Cal Fraud and Elder Abuse.

Special Agents from the Bureau of Medi-Cal Fraud and Elder Abuse began a year-long investigation, with the co-operation and assistance of the Department of Public Health and the administration of the Kern Valley Healthcare District.

A search warrant was served on the facility in August 2008, resulting in the seizure of numerous medical files and records.

If convicted, all defendants could face up to 11 years in prison.

The case is being prosecuted by the Attorney General's Bureau of Medi-Cal Fraud and Elder Abuse, with the co-operation and assistance of the Kern County District Attorney's Office.

To view the news releases issued February 2009 about this case, go to <http://ag.ca.gov/newsalerts/release.php?id=1682&>.

To report elder abuse or Medi-Cal fraud, call the Bureau of Medi-Cal Fraud and Elder Abuse's hotline at (800) 722-0432.

The complaints are attached.

###

You may view the full account of this posting, including possible attachments, in the News & Alerts section of our website at: <http://ag.ca.gov/newsalerts/release.php?id=1798>



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Arrested:

- Gwen Hughes, 55, the former director of nursing.
- Debbi Gayle Hayes, 51, the facility's former pharmacist.
- Dr. Hoshang M. Pormir, 48, a staff physician at Kern Valley Healthcare District, who was medical director of the skilled nursing facility.

Reports detail fatal druggings at nursing facility

BY STACEY SHEPARD AND JAMES BURGER, Californian staff writers sshepard@bakersfield.com, jburger@bakersfield.com | Wednesday, Feb 18 2009 04:20 PM

Last Updated Friday, Mar 27 2009 01:21 PM

In one allegation, nursing home resident Opal Towery was injected with anti-psychotic drugs after an argument with the nursing director and spent the next week in a zombie-like state.

In another, Louise Zimmerman was pinned down by four staffers and injected with the same drugs because she was biting, hitting and kicking others. She never regained full consciousness.

Those were among the disturbing stories in a criminal complaint filed by the California Attorney General's office that led to the arrests Wednesday of three current and former employees of the Kern Valley Healthcare District's skilled nursing facility.

The complaint alleges a nursing director, pharmacist and physician drugged at least 22 elderly residents with mood-altering medications to quiet and control them, leading to the deaths of three.

The alleged druggings occurred between August 2006 and January 2007.

"These are powerful medications that were given, in some cases against people's will, primarily for management, not health reasons," Attorney General Edmund G. Brown Jr. said. "It's unconscionable behavior and it's certainly not what people expect when they entrust their parents or grandparents to a skilled nursing home."

District officials declined to comment but released a statement saying they fully cooperated with the investigation and have taken corrective action. Subsequent inspections have found no significant problems, the statement said.

Arrested were:

- Gwen Hughes, 55, the former director of nursing.
- Debbi Gayle Hayes, 51, the facility's former pharmacist.
- Dr. Hoshang M. Pormir, 48, a staff physician at Kern Valley Healthcare District, who was medical director of the skilled nursing facility.

Hughes and Hayes face eight felony charges of causing harm or death to an elder or dependent adult and two felony charges of assault with a deadly weapon through overmedication.

Pormir faces eight felony charges of causing harm or death to an elder or dependent adult.

They were being held at the Kern County Jail in Bakersfield. Hughes and Hayes were held on \$450,000 bail. Pormir was held on \$400,000 bail.

If convicted, the three face up to 11 years in prison.

Hughes declined to be interviewed. Hayes and Pormir did not respond to interview requests.

THE COMPLAINT

The 27-page complaint describes interviews with facility nurses and medical experts who say Hughes ordered certain patients to receive high and unnecessary doses of anti-psychotic drugs.

Pharmacist Hayes followed her orders, telling investigators she thought Hughes was knowledgeable in the treatment of psychiatric conditions. Pormir, the physician, signed off on the orders after the drugs were administered, according to the interviews.

They say Hughes' orders often came after residents acted out or complained, and were often administered without patient consent. At least two residents were forcibly injected; a third had psychotropic drugs sprinkled on her food.

The investigation found none of the residents received a medical exam or diagnosis prior to receiving the powerful doses.

Samuel Obair II, a pharmacist who assisted with the investigation, called the situation "beyond appalling," saying it was "the first time that I have ever run into this severity where it affected so many individuals and was being done so blatantly," according to the documents.

The situation came to the attention of authorities in January 2007, when an unnamed healthcare ombudsman filed a complaint after seeing Zimmerman held down and forcibly injected with drugs.

THE ALLEGED VICTIMS

The attorney general's investigation identified three residents believed to have died as a result of being drugged and neglected:

- Fannie May Brinkley died Dec. 23, 2006, after receiving Depakote, a drug to treat mood disorders. After not eating for six days, she was rushed to the emergency room, where she died.
- Eddie Dolenc was given unnecessary anti-psychotic medication that caused him to become extremely sedated, and unable to eat or drink. He died one month after being admitted to the facility, likely from dehydration or pneumonia.

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By [Lucas Sullivan & Josh Jarman](#)*The Columbus Dispatch* • Sunday December 28, 2014 6:12 AM

Comments: 1

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Julie Crum just wants the couch, rocking chair and riding lawn mower back, because they belonged to her father before dementia and depression overtook him.

She's fighting through Franklin County Probate Court to get them from a Columbus lawyer who was recently indicted and is accused of stealing \$41,000 from people he was appointed by the court to protect.

Paul S. Kormanik was supposed to be their guardian. Guardians control nearly every aspect of the lives of people the courts call wards.

Crum's family is one of at least two accusing Kormanik of stealing belongings, family heirlooms and cash from his wards.

The families became suspicious after they read the five-part *Dispatch* series "Unguarded," which detailed a statewide probate system in which a lack of court oversight allows unscrupulous guardians to prey on people they swore to protect. The series is available online here.

Among the worst, according to prosecutors and criminal investigators, was Kormanik.

Franklin County Prosecutor Ron O'Brien said recently that Kormanik chose "to financially exploit Ohio's vulnerable citizens."

Kormanik had been responsible for the lives of nearly 400 people in central Ohio. He had amassed those wards through years of court appointments and a series of judges who were looking for easy answers to handle the increasing number of people who needed a guardian to make personal, medical and financial decisions for them.

Kormanik resigned in late August after investigators for Ohio Attorney General Mike DeWine and O'Brien began questioning the actions *The Dispatch* had described. Kormanik cited personal reasons for his resignation.

He was indicted in October on felony theft charges and turned himself in. He later was released on \$100,000 bond and could get up to 4 1/2 years in prison if convicted.

Susan Wasserman, one of Ohio's two master guardians, was appointed to oversee several of Kormanik's wards, including Crum's father, Richard E. Roberts.



TOM DODGE | DISPATCH

Former guardian Paul S. Kormanik is sworn in as a witness in a Franklin County Probate Court hearing. He invoked his right not to testify against himself and refused to answer questions.

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Crum said at least 49 items were missing from Roberts' home. Court documents show that Kormanik paid the family of his paralegal, Julie Whisner, \$3,400 to remove Roberts' belongings so they could be sold at auction. County Probate Judge Robert G. Montgomery, who was in office at the time, approved those fees.

Kormanik, 64, wrote in a November 2013 court filing that he was auctioning off the items because "the personal property is of nominal value. ... There would be no money to pay for long-term storage."

Records obtained by *TheDispatch* show that Kormanik has sold about 50 homes belonging to his wards at auction in the past several years. He often paid his son or daughters, or employees of his law practice, with the wards' money to empty out the houses.

He almost always used the same auctioneer, Mike Brandy, and real-estate agent, Jim Boyd, to list the properties.

The 49 missing items that Crum and Wasserman identified from Roberts' house were never listed in Brandy's records or anywhere else in Kormanik's liquidation of the estate. One of those items, found at Whisner's home, was a Poulan riding mower.

During a court hearing last week to determine where the items are, Whisner said she took the mower because she had an understanding with Kormanik that she would make an offer to purchase it. She said that a dollar amount was never discussed, however, though her family kept and used the mower for almost a year.

The Whisners later tried to buy the mower from the Roberts family, but the family said no. The Whisners then said they would return the mower only if Roberts' family paid a \$120 delivery fee.

Wasserman sent a check for the delivery fee, but the mower still has not been returned.

As for the other missing items, Joseph Whisner, Julie's son, said he removed a large leather sofa from the house; he said he recalled it because he needed help carrying the heavy item. He also remembered taking other pieces of furniture from the house, including a love seat, a stone-top table and a tea cart.

None of those items was sold at auction, and none appears on an inventory of items from the home prepared by the auction house. Some of the items can clearly be seen in photos of the property taken by a real-estate agent who listed the home for sale.

Both Joseph Whisner and his mother testified that they took the items from the Roberts' home to Brandy's auction house in Groveport. Brandy testified, however, that if anyone says they delivered the items to his warehouse, "they didn't."

He said that the inventory-tracking system the business uses would have captured all the items brought to his warehouse from the Roberts estate, even those that never sold, unless they were worthless and discarded as junk.

Kormanik took the witness stand during the hearing. He invoked his constitutional right not to testify against himself and refused to answer questions. He also did not respond to a reporter's questions after the hearing.

Linda Gomez was at the Roberts hearing last week.

Gomez and her attorney, George E. Georgeff, said several items are missing from the estate of Marcia Pendleton, Gomez's mother.

"There is a missing gun and some very expensive pieces of furniture that we have pictures of that are now unaccounted for from my mother's beautiful Bexley home," Gomez said. "I want to know what happened to them."

Kormanik filed a motion in Probate Court in June accusing Gomez of taking items, including jewelry, from the house. A court hearing scheduled for November to sort out the details of that case has been delayed until February.

Gomez said she's also concerned that more than \$55,000 that Kormanik was managing for her mother did not show up on financial statements he filed with the court.

"This has been nothing but a nightmare," said Gomez, who replaced Kormanik as her mother's guardian in September.

Kormanik's criminal case is scheduled for a discovery hearing in late February. O'Brien said his investigation

of Kormanik continues.

Kormanik's former wards have since been dispersed to a handful of other guardians. In response to *The Dispatch* series, DeWine has created and published an Ohio Guardianship Guide for probate courts to hand out to guardians.

State legislators also introduced House Bill 624, which calls for a ward's bill of rights. The bill also would require probate courts to give guardians DeWine's handbook. The bill did not make it to a vote in the legislative session that just ended.

State Rep. Dorothy Pelanda, R-Marysville, who co-wrote the bill with Sen. Shannon Jones, R-Springboro, said she has been working with probate judges across the state and plans to reintroduce the bill with clearer requirements of guardians.

"This is something that has to be done to protect Ohio's most vulnerable residents," Pelanda said on Wednesday.

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COMMENTS

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SUSAN RILEY (SULEE)

I hope this guys gets the entire 4.5 years in prison. But I would also like a list of the names of the judges who, because it was the easiest thing to do, gave him all these cases.

2014-12-28 17:17:14.0

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The Scandalous Use Of Feeding Tubes In Nursing Homes



By Jack Halpern, CEO, My Elder Advocate

Imbedded in today's nursing home culture is a practice that has, unfortunately, been notoriously associated with elder abuse. Nationwide, many nursing home residents with advanced cognitive impairments are tube fed (up to 35 percent, according to some studies), despite no demonstrated benefits of such an intervention in this population.

Feeding tube abuse in a substandard nursing home can be a death sentence. Thankfully, My Elder Advocate has been very successful in preventing this abuse from occurring in many cases when we have been called in early enough to advocate for clients losing weight and showing other signs of abuse.

There are legitimate scenarios where feeding tube usage is recommended, such as when older adults in nursing homes have difficulty swallowing or when it is viewed as a precautionary measure to prevent aspiration pneumonia. Whether temporary or permanent, these situations require close monitoring in order to avoid potentially life-threatening complications, and it is not appropriate for use with all patients.

Often, the first initial advocates for a patient in a nursing home are family members. Margaret Mino is one such family member, who noticed significant weight loss in her Uncle Rufus, now aged 89. Lifelong cognitive difficulties have meant that he always needed some form of help. In the last few years, though, Rufus has been unable to eat solid food.

After Rufus lost more than thirty pounds, Margaret brought her concerns to nursing home staff. When a temporary feeding tube was suggested, Margaret was hesitant, after facing a similar decision with her father and having educated herself about the downsides of feeding tubes in advanced dementia patients.

Few questions are harder to answer than the one considered by Margaret. Proper nutrition is viewed as a basic right and as a way to demonstrate concern and care, but it can actually do more harm than good to use feeding tubes for patients with advanced dementia. These patients can become more susceptible to pressure ulcers, infection, or emotional challenges.

Dementia, which is increasingly recognized as a terminal illness, can become more complicated and serious when a patient stops eating. Hand feeding, as opposed to the use of a tube, can provide a safer and more comfortable alternative for the patient. The added investment of time involved in hand feeding shows a greater commitment to the care and well-being of patients.

Research backs up concerns like those shared by Margaret: the American Geriatrics Society recommends that feeding tubes should not be used for patients who have advanced dementia as a result of treatment and patient burdens that these tubes can cause.


If you believe that your loved one with advanced dementia is being abused through forced usage of a feeding tube, contact My Elder Advocate at 212-945-7550 early to help ensure that your loved one receives the care, respect, and dignity that he or she deserves. Early intervention can minimize problems and give you peace of mind.

Posted on 10/31/2014 at 8:37:00 AM

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Post investigates: How professional guardian got marriage annulled

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Updated: 5:25 p.m. Friday, April 3, 2015 | Posted: 11:40 a.m. Friday, April 3, 2015

By John Pacenti - Palm Beach Post Staff Writer

Glenda Martinez-Smith found the love of her life as a senior citizen.

Martinez-Smith, 68, said she felt like she hit the lottery when she met retired Army Col. J. Alan Smith of Boynton Beach through a senior dating website. "It was like a fairy tale," she recalls.



Glenda Martinez Smith holds her husband Alan Smith's hand. He suffered traumatic brain injury in a car crash in 2010. (Richard ... [Read More](#)

But the retired school teacher said their bliss was destroyed when a judge found her husband incapacitated after a car crash and appointed a professional guardian.

With the blessing of two Palm Beach County circuit court judges, the

guardian put Smith, who had suffered a traumatic brain injury, in a nursing home, got Martinez-Smith banned from ever seeing him again and annulled the couple's marriage.

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"That was the most horrible day of my life, the day my marriage was annulled," she said.



Glenda Martinez Smith smiles as her husband Alan Smith opens his eyes while waiting for a doctor's appointment at Holy Cross ... Read More

Besides annulling her marriage, one judge kicked her out of court and another threatened her with arrest. Still, Martinez-Smith persevered, winning appeal after appeal and wresting control back from the professional guardian.

Professional guardians are the subject of several bills moving rapidly through the Florida Legislature. Critics and lawmakers themselves say many guardians are siphoning the assets of wards to pay for their exorbitant fees.

It is not unusual for a judge to give professional guardians absolute control over a ward's property, finances, medical decisions and housing. And all it takes is 40 hours of training and a modest background check to become a professional guardian and earn \$85 an hour.



Post investigates: How professional guardian got marriage annulled

The modus operandi of many professional guardians is to "litigate, isolate, medicate and take the estate," said Dr. Sam Sugar, an activist on the guardianship issue.

Not all wards are seniors. Some are younger adults found incapacitated, but with 3.7 million people over 65 in Florida – the highest percentage in the United States – the business prospects for professional guardians are very good. As a result, the ranks have swelled from 108 in 2003 to 456, according to the Florida Department of Elder Affairs.

\$200,000 in legal fees

Business is also very good for the attorneys who flock around these guardians.

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Post investigates: Professional guardian's lawyer empties man's home

Every professional guardian employs at least one attorney to traverse the landscape of social services, nursing homes and liquidating assets. These lawyers come at a steep price, charging hundreds of dollars an hour in addition to the guardians' fees.

Martinez-Smith has spent a good part of her life savings — \$200,000 and counting — in legal fees fighting guardian John Cramer and orders by judges on his behalf. She got three rulings reversed on appeal and the annulment to her marriage is pending.

Smith's assets paid Cramer \$16,500 a month, said Martinez-Smith, who has not seen an accounting of how the money is spent. Cramer liquidated two of Smith's life insurance policies for \$145,000 recently, she said.

"According to anyone's observation, this is a legal form of grand theft and robbery. It's exploitation of the elderly," Martinez said. "These guardians have to be stopped."

The Florida Bar president, West Palm Beach attorney Greg Coleman, supports the legislation, saying there is a need to address the "bad actors," whether they be guardians or their attorneys.

"The population is aging and this is something that is going to be more and more of an issue. The more protection the better," he said.

In the meantime, the retired Army colonel's health deteriorated without the necessary physical therapy at the nursing home. Today, the 83-year-old is nearly completely paralyzed and cannot speak.

Before the guardian put him in the nursing home, he was walking and talking, Martinez-Smith said. "How could they do this to him?"

Cramer, the guardian, did not return a calls for comment and his attorney Ellen Morris of Boca Raton declined to comment.

Lawmaker: They're 'cockroaches'

It's stories like Martinez-Smith's that have caught the attention of lawmakers.

Rep. Kathleen C. Passidomo, R-Naples, a sponsor of one of the bills, told a Justice appropriations subcommittee in February that it is time to rein in professional guardians.

"There are billions of dollars in the state of Florida that are being maintained by guardians of incapacitated wards — billions. Most of these incapacitated wards are vulnerable elder citizens," she said.

Sen. Nancy Detert, a Venice Republican sponsoring another bill, made headlines last month when she referred to professional guardians as “cockroaches” at a committee meeting.

The impetus behind these bills is a ragtag group of family members who say they have seen professional guardians abuse their vast powers against their loved ones.

“The bottom line always bounces back to the fact that in a guardianship, one person – a complete stranger with no attachment to the ward or their family – is given the right to own another person like a piece of property and can do whatever they want without fear of reprisal,” said Sugar, a retired physician from Aventura who is co-founder of Americans Against Abusive Probate Guardianships.

“Take that away and these acts of these nasty guardians are felonies and civil rights violations.”

Professional guardians often come into play when there is family discord and financially comfortable or wealthy wards are involved.

Once in place, guardians and their attorneys can liquidate long-held stock, bonds, insurance policies and sell property, whether it be the family home or jewelry. Family members are often kept in the dark because payments to the guardian and his attorneys from the ward’s assets are filed in court automatically under seal.

If a ward dies, the guardian then can seek to become the personal representative of the estate. Then the guardian and attorney, under state law, are entitled to 3 percent each of the estate if it’s worth at least \$100,000.

‘Geriatric head hunters’

Sugar’s group says the professional guardian industry is teeming with abuse.

It has documented numerous cases in which estates were decimated by guardians and elder law attorneys through unnecessary legal filings. They claim evidence of straw sales of family homes so they could be sold at a profit by a third party.

The organization also says they know of “trolling” where for-profit guardians employ spotters to target the elderly at assisted living facilities or senior centers.

“Trolling can be accomplished most easily under the guise of a free seminar for financial planning for elders,” Sugar said. “We were

recently successful in aborting one of these seminars at a synagogue when we informed the leadership that the proposed speaker had been a key figure in several cases well known to us.”

Licensed clinical social worker Wendi Cassand, with offices in Boca Raton and Daytona Beach, said she has seen the trolling. “I call them geriatric head hunters,” she said. “They approach them while they are under duress to get their power of attorney.”

After three years of lobbying, Sugar now has the attention of key lawmakers.

Proposed legislation – such as HB5, SB1226 and SB318 – aim to eliminate favoritism by judges with a random rotation of guardian appointments, a proposal recently adopted in Miami-Dade County. The bills also make it harder for temporary guardians to become permanent and for abusive guardians to be disciplined.

Jetta Getty, a professional guardian in Daytona Beach and president of the Florida Guardianship Association, characterized the majority of the proposals as well-intentioned but ultimately harmful to the ward. “It would be putting people who are less qualified in the mix and add an extra layer of cost,” Getty said.

Some want to rid the landscape altogether of professional guardians, saying the system is far too incestuous.

“It cannot be fixed. Judges have been given too much power,” said Robert Sarhan of Miami-Dade County, who claims his mother, Yvonne Sarhan, was killed by a professional guardian’s mismanagement of her medication. “The judges in probate courts are doing a lot of favors for their friends. These judges get elected by these law firms and they allow them to get into these estates and suck them dry.”

Sarhan is joined in his position by others such as Barbara Stone of Hollywood. She has been arrested twice fighting a professional guardian who put her mother, Helen Stone, in a nursing home. Stone said she was the one who sought a professional guardianship, fearing embezzlement of her mother’s assets by her brother but is now barred from seeing her mom.

“I was warned if you put your mother in a guardianship, you will end up not being able to see her and they will steal all her money and when the money is gone she is going to die,” she said.

\$850 birthday cake delivery

Many of these concerns about professional guardianships were raised years ago, in July 2004, by the Government Accountability Office in a special report. In one case cited, an estate of a New York ward was billed \$850 for legal services when the guardian brought a birthday cake to a nursing home. Another guardian in New York charged a ward \$300 for depositing her Social Security check. In Arizona, a guardian embezzled \$1.2 million.

Palm Beach County Clerk Sharon Bock got the reform rolling when she pushed through a legislative change that requires family — not professional — guardians to undergo a credit and background check and for the clerk to conduct audits of guardianships where needed.

She hired a full-time auditor and set up an abuse hotline. Her office has investigated more than 700 cases since 2011 and uncovered more than \$4.1 million in questionable expenditures from all types of guardians.

"This is an issue near and dear to our heart," Bock said. "Our role is to be looking at the financial exploitation of someone who has been made a ward of the court."

Sugar said it's important to note professional guardians are only part of the problem.

Attorneys are huge beneficiaries, he said. If a family tries to fight a guardianship, there are numerous lawyers for numerous members of the family, the ward, the guardian and others. A simple 20-minute conference call between these parties easily cost the estate upwards of \$1,000.

"It's even worse when you have a deposition where for every one lawyer, two or three partners show up. You can have an estate drained of \$4,800 in an hour just to sit and talk about the case," Sugar said. "Some lawyers do this to just prolong the case to maximize billings."

Payments aren't public

Sugar said the estate of his late mother-in-law Idelle Stern was drained of at least \$5 million because of a professional guardianship. "We don't know the exact amount. We are not allowed to see what they are billing."

And some judges don't seem to want the public to know either.

Court documents show that Miami-Dade Judge Bernard Shapiro said at a hearing he didn't want the media to get wind of the fees being requested in a case because the public would be outraged. "This case

potentially is going to blow up and cause us all problems. The fees are out of control," Shapiro said at a Jan. 8 hearing. The case is now in front of a different judge.

Jack Halpern, CEO of Elder Care in New York City, runs a company that offers an alternative to professional guardians by helping seniors navigate health care and the legal system. He says the problems are larger than just reining in the professional guardians, calling the proposed Florida legislation "a Band-Aid on an elephant."

"The problem involves judges, guardianship attorneys, adult protective services employees, and not-for-profit religious and secular agencies, who are profiting from these guardianship cases," he said.

Martinez-Smith doesn't want to talk about the judges in her case. But the appellate court has supported her three times so far by reversing Palm Beach County Circuit Judges Martin Colln and David French, who sit in the Delray Beach courthouse.

Smith had ended up in the clutches of a guardianship when the couple were still engaged. After the car accident in 2010, one of Smith's children petitioned a judge to find him incapacitated. Colin appointed Cramer as a temporary guardian and Martinez-Smith initially retained control of her husband's medical care.

But Cramer asked Colin to cut out Martinez-Smith altogether. At a hearing on the matter, Colin kicked Martinez-Smith out of the courtroom "on the basis of a perceived insult to him," according to a 4th District Court of Appeal opinion.

Colin told Martinez-Smith that her entire demeanor, including "her face, her voice, her sound, may be unpleasant to everyone else" but her husband. The appellate court told Colin to recuse himself, saying "that would lead any reasonably prudent person to fear that she would not receive a fair hearing before the judge."

But Martinez-Smith found little solace when the case was transferred to French.

Judge threatens arrest

Cramer had complained that Martinez-Smith was abusive to the staff over the lack of her husband's care at the nursing home. French removed her as a health-surrogate and banned her from seeing her husband. In the courtroom, French pointed his finger at Martinez-Smith and said he would have her arrested if she even went near her husband at the nursing home.

At a subsequent hearing, French also granted the guardian's request to annul the marriage. "I was crying in his courtroom," Martinez-Smith said.

Again, the appellate court reversed, ousting Cramer as guardian on March 18. It said French abused his discretion in not following Smith's wishes that his wife be in control of his medical care and assets.

"It's not surprising that someone strongly advocating for excellent care for their loved one would be at odds with staff which may be less than diligent in delivering such care," the opinion written by appellate court Judge Martha Warner stated.

Martinez-Smith's attorney, Jennifer Carroll of Palm Beach Gardens, said the recent opinion is precedent-setting because the court said the wishes of the ward are paramount.

"The most important thing about this is that each individual has a fundamental right to choose their guardian or medical caregiver," Carroll said.

Now that Cramer is out, Martinez-Smith is again her husband's health-care surrogate. On Wednesday, she had him transported to Holy Cross Hospital in Fort Lauderdale to be examined. He arrived in a wheelchair, alert but also unresponsive, dehydrated and with sores all over his body.

She comforted him, rubbing his chest in the wheelchair. "We are going to do everything we can to make you better," she told him.

Proposed legislative changes

- Assure due process and adherence to the constitutional and statutory safeguards
- Severely restrict the so called "emergency temporary guardianship"
- Allow outside independent evidence to be considered in court when determining incapacity
- Assure transparency in guardianship fees, records, estate administration and communication
- Establish effective monitoring and reporting systems

How guardianship works

- **Step 1:** Someone - any competent adult - petitions the court, saying he/she believes an elderly or disabled person is too limited to make their own decisions.
- **Step 2:** In 5 days, the court appoints an attorney for the potential ward and a three person committee to evaluate the

person. One member must be a physician or psychiatrist. Others can be another doctor, psychologist, nurse, social worker or lay person who could give the court an expert opinion. They report back in 15 days.

- **Step 3:** The court sets a hearing within 14 days.
- **Step 4:** If the person is declared a ward of the state, a guardian is appointed. The guardian is represented by an attorney. Both are paid by the ward's assets.
- **Step 5:** The guardian takes an inventory of the assets and submits it to the court. They also file a guardianship plan.
- **Step 6:** The guardian and attorney often begin liquidating those assets to pay the ward's bills - including the fees of the guardian and the attorney.
- **Step 7:** Each year, the guardian must file an annual accounting with the judge.

What The Post Found

The Post spent months, scouring dozens of documents and conducting interviews to uncover complaints about professional guardians, their attorneys and the judges that preside over their cases.

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Saturday, February 5, 2011

Granny-knapping: One Iowa family fights to free their mother from a predatory guardianship

Marti Oakley, Contributing Writer
Activist Post

This story recounted below, is being repeated across the country in every state of the union as predatory guardians, with the aid of banks, attorneys and corrupt courts and police departments, prey on the elderly. Using the aid of the courts, and numerous violations of due process, civil rights and violating many laws, the elderly are being virtually kidnapped from their homes, isolated from family and friends and declared incompetent. Once this process is set in motion with the sanction of the courts, the theft of the estate begins. Everybody gets a piece of the pie while the victim....now held prisoner in a participating nursing home or other facility, is drugged, isolated and held against their will.

Think this can't happen in America? We got laws, right? Yes we do, but the courts have decided they can make their own and are not obliged to honor those pesky laws or the rights of the people victimized by them.

This is one Iowa family's short history of the kidnapping and imprisonment of their mother as "the Team", comprised of bankers, attorneys and a predatory guardian attempt to seize and liquidate the assets of the woman they now hold hostage.

Dorothy Driesen, a 90-year-old widowed Mother, has had her estate taken away from her by court decree and forced to reside at a nursing home that has had multiple felony accounts charged against it in 2003.

The judge took our Mother into his chamber, asked her a few questions and then declared her incompetent, fired her son as Trustee, appointed a bank to be her new Trustee and set a court appointed guardian over her. All of this happened within one days time upon the filing of court documents by the wannabe guardian and friend of the court.

After this drastic and unbelievable event in the local district court, the two sons of our Mother have been falsely accused of various things and incarcerated on three separate occasions. To add insult to injury, the two sons of our Mother and their families have not been able to visit their Mother since August of 2008.

The last call that was made from our Mother during New Years weekend in 2009 was a call of desperation in which our Mother claimed her life was in danger and she pleaded with us to get her out of this nursing facility. That is the last time that the family of our Mother has heard her voice. Mail that the family tries to send our Mother is received by the guardian and does not seem to reach our Mother.

Shortly after our Mother was incarcerated in this nursing home after the disastrous court decision, the family would attempt to visit our Mother and shortly after we would arrive, either the guardian would show up standing in the door way and demand that we leave or the town police officer would show up and demand the same.

This case has been heard at the county/district level starting in early 2008 and appealed to the state Supreme Court. The original trustee lost the first court battle as the Trust attorney did not preserve error relative to the long standing Irrevocable amendment of the Trust. The predators and bank, thinking they had victory, filed for more perceived damages from the original trustee, Jay Driesen who is Dorothy's son in his neighboring, Lyon County.

Unable to find an attorney to represent himself or stand in the way of the bank and its "team", Jay decided to fight back and save his incarcerated Mother and her Irrevocable Trust. For over one year, the predators and bank have attempted to gain their loot and then to shut the case down by way of motion. The bank has been unsuccessful and the case is scheduled for a jury trial the 14th of October. Jay's goal is to reinstate the

Irrevocable Trust and to secure his incarcerated Mother. Mother Driesen has had all of her visitation rights with her family taken away since the bank took over.

Update: 9/15/10:

The Lyon County Clerk is listing the case as closed. This ruling means a denial of our previously scheduled jury trial. We are filing last minute items for preservation and to amend the ruling. And then on to the Iowa Supreme Court appeal. The appeal has been filed. Numerous errors and illegalities, from the county case, are being brought to light in the appeal.

Update: 01/04/11

The predators have filed again in the Sioux County, IA Court using a past customer of Jay's business. The "team", as they are known, is now attempting to lay claims of a fraudulent transfer of land Jay made to his brother, Merlyn, three and one half years ago. The bank, who is now trustee of Mother Driesen's Irrevocable Trust is seeking to use the past customer in gaining access to Merlyn's farm land as the bank/trustee has a judgment against Jay from the Lyon Co case which is currently under appeal. It has come to light that old Judgment Dockets, against Jay's former business, have fraudulently been changed in the caption to include Jay rather than only the former business of Jay as set in the original judgment ruling against Jay's former company by the South Dakota Court.

Marti Oakley is a political activist and former op-ed columnist for the St Cloud Times in Minnesota. She was a member of the Times Writer's Group until she resigned in September of 07. She is neither Democrat nor Republican, since neither party is representative of the American people. She says what she thinks, means what she says, and is known for being outspoken. She is hopeful that the American public will wake up to what is happening to our beloved country . . . little of it is left. Her website is The PPJ Gazette

Recently by Marti Oakley:

"No one is bound to obey an unconstitutional law and no courts are bound to enforce it."

Jacksonville Attorney Arrested for Grand Theft and Exploiting Elderly

Posted on April 24, 2013 by Cynthia Veintemillas, Attorney at Law



Jacksonville Attorney Nichols arrested for felony crimes

Cynthia Nichols is an attorney in Jacksonville. She graduated from Stetson University in 1981 and has been practicing law in Florida “focusing mainly on elderly estate management.” She handled many guardianship cases. She was arrested last Friday for Jacksonville grand theft and exploitation of the elderly. The exploitation of the elderly charge is Section 825.103 of the Florida Statute. Nichols was arrested pursuant to Section 825.103(2)(a), because the funds or property involved in the exploitation of the elderly person is valued at \$100,000 or more. This is a first-degree felony crime. As for the Jacksonville theft charge, this is a felony, because she was accused of stealing between \$5,000 and 10,000 dollars. The Jacksonville Theft Law is in Florida Statute 812.014. Nicholas was arrested for violating Section 812.014(2)(C)(2). This is a third-degree felony.

Action News reported:

“The charges came after the family of one of three victims filed a complaint with the Florida Department of Children and Families in November 2012. ‘That is the highest amount that we’ve seen in an exploitation case in Jacksonville in several years,’ says DCF spokesman John Harrell. Harrell calls the case disturbing and alarming. As an attorney, Nichols had access to all of her clients’ money and served as guardian over their financial accounts. Further investigation by the State Attorney’s office reveals Nichols used her clients accounts to fund a lavish lifestyle for her and a friend, Gina Bateh, who is a five-time convicted felon.”

The Jacksonville Sheriff's Office met with DCF and began an investigation in early November 2012. They learned that "Nichols used money from one client's account to buy two vehicles that were used by Bateh and her daughter. Nichols also bought a Southside home that she allowed Bateh to live in. Bateh was paid a weekly salary to care for a second victim who only lived in the home for a short time." There was also a third victim. It has been alleged that "Nichols withdrew money from a third client's account using his ATM card. The family says their loved one is unable to use a card and did not make the withdraws."

Rich Mantei has been a prosecutor in Duval County FL for many years. He spoke to Action News about the case. He stated that bank record were pretty much clear. The police are still conducting an investigation. Because there may be other victims that were unaware of Nicholas criminal conduct, "Mantei says Nichols may have even more victims and additional charges may be filed."

Nicholas bond was set at \$5,003 per count. Since she was charged with two counts, she bonded out before going to court at \$10,006. Because she bonded out, she will not have to stay in jail while defending her criminal case. This does not mean that she will not serve a jail or prison sentence if she pleads guilty to the crime or is found guilty after a jury trial. If additional victims come forward with evidence, she could be arrested on new charges. This means that she would need to post a separate bond for the new arrest.

Nicholas is set for arraignment on May 9, 2013, but this court date is subject to change. On that date, she will enter a plea of guilty, no contest, or not guilty. As a Jacksonville criminal lawyer, I believe that she will plea not guilty. I am sure that she is already working on a defense to these serious charges. When a Jacksonville criminal attorney his hire for a case like this, he or she has a lot of catching up to do. You have to start working on it immediately. The police have been investigating Nicholas and collecting evidence for almost 6 months. They are bank records and allegations that date back to two years ago. I am sure that there are a lot of witnesses, and as Assistant State Attorney Mantei stated, more victims could come forward with additional evidence against Nichols.

There is another worry for Nichols. The Florida Bar governs lawyers in Jacksonville FL. They will surely be conducting their own investigation. This could result in Nichols being disbarred. The Florida Bar may also issue monetary sanctions against her. Even if the criminal charges are later dropped or she is found not guilty, the Florida Bar may still move forward with their punishment.

This entry was posted in [Arrest](#), [Grand Theft](#), [Theft](#). Bookmark the [permalink](#).

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Judges Dropping Like Flies In Whistleblower Burton Case, Official Calls Case “Politically Motivated”

Posted by Adrian Wyllie June 16, 2011 [4 Comments](#) 3577 views
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A 1787 Network Exclusive

By Adrian Wyllie

HAMILTON COUNTY, FLORIDA – Robert "Bob" Burton was arrested on Sunday, June 5, 2011 and charged with recording a telephone conversation with Ryan Tyson, the former Chief of Staff of Florida Senator Charlie Dean. Burton was detained at the Hamilton County jail before posting a \$50,000 surety bond on Friday, June 10. He is awaiting trial for unlawful interception of communication and unlawful disclosure of electronic communication under Florida statute 934.03.



Circuit Judge Gregory S. Parker

During the recorded conversation, Tyson allegedly admitted that state agencies were engaged in illegal activities. Burton later posted this recorded conversation on YouTube as evidence of corruption.

Within days of this recording being published, Burton's home was raided, and his computer and other electronic equipment were seized by the FDLE. YouTube deleted Burton's video under orders from a Florida judge. At roughly the same time, Tyson's employment with Senator Dean's office was terminated.

See our previous story: [Whistleblower's home raided by armed FDLE agents.](#)

After multiple attempts, I was able to speak with Tyson by phone. However, upon identifying myself, Tyson immediately hung up and would not answer attempts to reconnect. All attempts to contact Senator Charlie Dean for comment, including two visits to his office in Tallahassee, have been unsuccessful.

There also seems to be a reluctance among circuit court judges to hear the case. The first judge to preside over the Burton case, Circuit Judge Gregory S. Parker, recused himself without officially citing a reason or conflict. I contacted Judge Parker to ask why.

Parker said he recused himself from the case because of an Internet blog comment that he attributed to Burton. Parker said that members of a local tea party group contacted him to alert him of the blog post, which they said was threatening in nature. While Parker said that he did not feel threatened by Burton's comments, he chose to recuse himself to ensure there was no appearance of retaliation for Burton's comments in his ruling.

Parker declined to comment any further about the case.

After Parker recused himself, the case was then assigned to acting Circuit Court Judge Sonny Scaff, who also recused himself from the case without citing a reason. Messages to Judge Scaff's office for comment were not returned.

As of the time of this posting, Dixie County Court Judge Frederick L. Koberlein is assigned to Burton's case. Though Koberlein is a county judge from outside of the jurisdiction in this case, he is an acting judge for the third judicial circuit court of Florida in this matter.

Perhaps the reason that these judges have recused themselves is the appearance that the case against Burton may be part of a larger cover-up, which deep political implications.

At the heart of the issue may be state agencies breaking Florida law, and possibly federal laws, in order to fulfill objectives under UN Agenda 21. Burton has been actively investigating sweetheart land deals throughout Florida that allegedly have connections to Agenda 21, and coercive transfers of resource-rich property from individual citizens to non-governmental organizations, or NGOs.

Burton claims to have made direct connections between Tyson, Sen. Dean, and others to the United Nations group Local Governments for Sustainability (ICLEI) and the implementation of Agenda 21.

Among ICLEI's goals, as stated in their 2010-2015 strategy document, are "Management of global environmental goods: Climate, Biodiversity, Water, Food," and "Sustainability management, land use and development, climate change adaptation and resilience management, procurement."

These actions are to be taken under UN governance, and are intended to do so in direct connection with local governments, in order to circumvent state laws, federal laws and the United States Constitution. Another excerpt from the above document supports this concept: "As we see the increasing inability of governments to address the critical trends, and as we witness the weakening of the global multilateral governance mechanisms, we realize that the onus of effecting rapid transformation of our economies, infrastructures and lifestyles shifts to cities and local governments."

One state government official said under the condition of anonymity that this case is highly irregular, and appears to be "politically motivated."

But if Burton's allegations about the content of these recordings with Ryan Tyson, as well as a variety of other evidence he's collect in the course of his investigations into state government corruption, then prosecutor Skip Jarvis, FDLE Special Agent Eric Daniels, and several other state officials and Judges may be guilty of a third-degree felony under Florida statute 914.23 which governs retaliation against witnesses and informants.

The 1787 Network is continuing our investigation into this developing story.

Affidavits and Statements of Mrs. Stone's abuse and deprivation of care

Rabbi Edwin Farber
הרב איסר פיכל בן אברהם חירש לפסי פרבר

AFFIDAVIT OF RABBI ED FARBER

I, RABBI ED FARBER, being duly sworn, state as follows:

- I have served as the Rabbi of Beth Torah Synagogue in North Miami Beach for 18 years. Prior to my serving as Rabbi, I was the Rabbi at Temple Samu-El Or Olom for 16 years in S. Dade Miami.
- I began visiting Helen Stone in August of 2013. I had met her son and then later her daughter and learned that Mrs. Stone and her family had been part of the Beth Torah congregation I serve for many years prior to my arrival there as the Rabbi.
- I visited Mrs. Stone in her apartment in Aventura frequently which is very nearby my home and my synagogue.
- From the very first visit I had many concerns about her care. At first I wondered why the aides, who knew I was coming, didn't make sure that Mrs. Stone was dressed and comfortable to receive her Rabbi. She was always in pajamas and a type of bathrobe with her hair unkempt and she would apologize to me about her dress.
- I told her it wasn't important and that she should feel comfortable in her own home. But it seemed odd to me that the aides had no concern about how she was dressed even in the middle of the afternoon.
- I observed that Mrs. Stone did not have adequate food in the house and she was painfully thin. I was so concerned that following my visit, I ordered food to be delivered to the house. On subsequent visits, there was never sufficient food.
- I also noted that Mrs. Stone was very unsteady on her feet and as she gave me a tour of the apartment and told me the story of her upbringing in the Deep South and her move to Miami as a young girl I asked her about a walker. She told me she didn't have one. I looked around the apartment and indeed there wasn't one in sight. It was only after I indicated my concern that a few days later two walkers – one with a seat and one without – appeared in the apartment.
- I asked Mrs. Stone if she was getting out on a regular basis and she told me she wasn't. The guardians indicated to me that she was taken out regularly – sometimes to a beauty parlor – and that Mrs. Stone was just forgetful. Yet not one time when I visited her was her hair done so this caused me to wonder what the accurate story was. I discussed all this with her daughter Barbara who was gravely concerned about her mother's care.




- In all my discussions with Mrs. Stone the biggest topic was her daughter. She was upset that she didn't see her daughter more often. She said that was her only really joy anymore as all her friends in the building were gone and Barbara was her best friend.
- Mrs. Stone would talk about how good her daughter was but she lived in NY and didn't have time to visit her that often. I didn't tell her that in fact her daughter was right here in Florida but her visits were restricted. At one point Barbara had been here three straight weeks and was only allowed to see her mother once a week during that stretch of time.
- Mrs. Stone also told me repeatedly that she would like her own lawyer. I did not know how to follow up on that but I did try to keep the court abreast of all that I had noted in my visits.
- One Friday I visited her to wish her a 'Good Shabbos' and she was very happy to see me and gave me the same tour and history lesson. She was very animated and asked about my family and my grandchildren. I told her I had to go to New Jersey for a conference and would see her next week.
- I came back the following Wednesday and when I came in I found Mrs. Stone sitting on the couch unable to lift her head or utter a single sentence. She mumbled some words but they were incomprehensible. She was not sleeping – she was awake but not functioning. I could not believe that the aides had not called a Doctor or 911 as something was clearly very wrong with Mrs. Stone. The woman who was walking me around the apartment 5 days before and giving me a history lesson about her family in the Deep South could not lift her head, focus her eyes or say a sentence. I went to take a video of her to send to the guardians so they would see the situation and the aide called the guardian. I thought it was to alert the guardian to Mrs. Stone's condition. As it turned out it was to alert the guardians to the fact that I was taking a video and I was told to stop or to leave immediately. I stopped, left and composed a text to the guardians alerting them to Mrs. Stone's condition.
- That text was sent on November 6th. I have a copy in my phone. I also alerted Barbara to the situation. It wasn't for another day and ½ until Mrs. Stone was hospitalized and was so weak that they had to put a feeding tube in her as she didn't have the strength to swallow. That took nearly 36 hours to hospitalize her is beyond my comprehension. What did she do for food during those 36 hours? I cannot imagine that she was able to swallow in that condition.
- I continued to visit Mrs. Stone in the hospital and in the rehab at Palm Gardens. At that time Barbara was given by the court regular visiting hours every day and that was a great source of happiness to Mrs. Stone.
- Barbara was there during the entire time her visits were allowed. She devoted much time seeing to it that her mother ate and attended the rehab provided by Palm Gardens.
- Several times I visited her in Palm Gardens with Barbara there and the conversations were very animated.
- Mrs. Stone wanted to get out of bed to go to the bathroom but she was told she couldn't and this greatly agitated her. It was the aide hired by the guardians who told her this.
- We have people in our synagogue who help us with visitation of the elderly and the ill. Those visits were not welcome by the guardians and they came to an end rather quickly.
- I asked a few times to be able to talk with Mrs. Stone privately but the aides refused to allow me to do that. I felt that Mrs. Stone might have felt intimidated by the aides presence and wouldn't talk to me in a direct fashion about how she was doing and how she felt.

- Whenever Barbara visited her mother, she was actually "shadowed" by an aide. The aide literally followed her less than 1 foot away. It was bizarre and a brazen intrusion on Mrs. Stone's personal space and greatly impeded her enjoyment of her visits from Barbara.
- After Mrs. Stone left Palm Gardens I was contacted by the guardians and told that I would not be welcome to visit Mrs. Stone anymore and would not be apprised of her location. I was agitating her they said my visits resulted in 'pain' and 'anguish' for Mrs. Stone.
- They of course had never been there during my visits and I can assure you it was anything but that. Mrs. Stone enjoyed my visits and except for the one time she could not even respond which I described above she was always very happy to see me.
- The reason the guardians didn't want me to visit was that they were aware that I was writing to the court about my concerns about the care Mrs. Stone was receiving. I asked them to arrange for another Rabbi to visit but never received a response.
- So here we have them trying to first isolate Mrs. Stone from her daughter and then from me and from anyone who tried to visit her from the synagogue.
- What we have here is an increasing isolation of Mrs. Stone from anyone other than her aides who I can assure you paid little attention to her.
- At the previous hearing, instead of investigating the obvious neglect and abuse of Mrs. Stone and her inexplicable emaciated condition, the hearing was centered around Barbara Stone.
- Further, throughout their oversight of Mrs. Stone, these guardians have ignored Mrs. Stone needs. It was only after I raised concerns about her care that any attention to her needs was provided. She was deprived food. She did not have a walker until I complained.
- Her medications were not posted anywhere in the house yet she had people administering medication without any apparent knowledge of what she was being given. Mrs. Stone appear drugged and over medicated on many occasions.
- It was over 36 hours before she was taken to the hospital when it was obvious she was in severe distress. No, I am not a Doctor, but it doesn't take a Dr. to see that a person is in severe distress. I may not be a Doctor but I was a son for 55 years of my life and if I saw my mother like that I would have dialed 911 in an instant.



The fact that by the time she got to the hospital she needed a feeding tube is an indication that her caregivers and her guardians who were alerted by me to the situation simply allowed her waited months to too long – way too long.

Mrs. Stone should not be isolated, neglected and abused. She needs enrichment, not deprivation and she needs to see her daughter and to have her Rabbi visit her.


Rabbi Ed Farber

STATE OF FL
COUNTY OF DADE

Sworn to and subscribed before me this 11th day of February, 2014 by Rabbi Ed Farber.


NOTARY PUBLIC
KAREN SHOVALI
 KAREN SHOVALI
MY COMMISSION # EE 066583
EXPIRES: March 21, 2015
Bonded Thru Budget History Services

(Printed or typed name of notary public and stamp)

My commission expires: 3-21-15

AFFIDAVIT OF HARRIET COLLIER

I, HARRIET COLLIER, being duly sworn, state as follows:

- I am a Licensed Occupational Therapist with many years of experience in caring for elderly persons. My credentials are attached.
- I was present on June 17, 2013 and June 19, 2013, when Barbara Stone was visiting with her mother, Helen Stone.
- On both visits with Mrs. Stone she told me how happy she was that her daughter Barbara Stone had come to see her. The saddest thing to me was hearing Mrs. Stone mother repeatedly state throughout both visits her desire to have her daughter Barbara stay with her at her apartment during her daughter's visit.
- It was clear that she was happy to see her daughter Barbara and with her daughter's visit, as demonstrated by her saying aloud in front of me and her caregivers, Jackie Hertz on Tuesday and me and Blaire Lapides on Thursday that she wanted Barbara to spend the night. When she asked where her daughter Barbara was staying, she was visibly distressed upon hearing that Barbara would not be staying with her and confused about why not.
- I was surprised at Mrs. Stone's appearance. She was shockingly thin, wearing clothes that were clearly much too large. She, herself, commented numerous times about her lack of appetite and her awareness/concern about her weight loss.
- I think that the current caregivers lack strategies to identify appropriate meals that would increase caloric intake and ensure adequate nutrition.
- Caregivers involved with dementia patients need to have special training to handle the nutritional challenges that accompany dementia.
- Additionally it does not appear her weight is being monitored.
- Mrs. Stone spoke repeatedly throughout both evenings about how "bad" she looked, wearing sweatpants that were rolled at the waist, and underwear that was so big it was falling down. Since her conversation included things like her being raised around fine clothing, how proud she was about the way she dressed herself, how your father dressed, how she dressed her children, and her shopping at high end department stores, I was shocked that she is now being dressed in dull sweat suits, even to go out to dinner with her visiting daughter. She had no makeup or jewelry on, yet our conversation included her proudly telling me that she used to be known as the "earring lady" because of her extensive collection of beautiful earrings.
- Mrs. Stone's hair needed to be washed and styled.
- Mrs. Stone's social isolation saddened me, especially when I heard her say how much she enjoyed having dinner out both nights with her daughter, Barbara Stone, me, and both guardians. She was social in the restaurant, and she clearly enjoyed the conversation and the meal. Throughout dinner and when we returned to her apartment, she repeatedly said how much she enjoyed being out and being involved in such "good conversation."

Exhibit "B"

EXHIBIT 4

JQC Complaint Against Michael Genden

Barbara Stone
244 Fifth Avenue #B296
New York, NY 10001
Tel: 212.994.5482 Fax: 212.994.5481
Bstone575@gmail.com

By overnight delivery

URGENT AND EMERGENCY

April 25, 2015

Florida Judicial Qualification Commission
Post Office Box 14106
Tallahassee, Florida 32317

RE: Michael Genden – a criminal operating under the guise of a probate/guardian judge in the 11th Circuit – Dade County

Dear Members of the Judicial Qualifications Committee

I am writing to you on information and belief as Judges and Members of the Florida Bar who oversee the self-regulating Judicial Disciplinary System to report the following and allege under information and belief:

1. The conflict of interest inherent in the Florida Bar's self-disciplinary policy. 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. It 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.
2. 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.

The Judicial Qualification Committee's self-disciplinary policy operates currently to create and protect a culture of corruption. Statistics show only 1% of the complaints result in any action taken. As a Florida Bar member, I am mandated under Rule 4-8.3 to report misconduct by attorneys and judges. Under the Judicial Canons 3, Judges have the same duty and obligation.

Of my approximately 20 complaints filed against members of the Florida Bar replete with egregious and documented evidence of criminal conduct, **not one complaint** resulted in any action taken.

As to the Judicial Qualifications Commission, in response to my 20+ page complaint and extensive exhibits against Michael Genden for documented fraud, cover up of fraud and criminal actions, including obstruction of justice, misuse of office, abuse of power and misuse of power, I received a no action form letter. My complaint alleges not only violations of the rules of professional conduct and judicial canons but also criminal statutes.

Pursuant to Judicial Canon 3 (d) as set forth below that requires judge report the wrongdoing of other judges, this will request that this Commission report Judge Michael Genden to Federal law enforcement for an investigation of his criminal actions while your investigation is underway for his breach of conduct and judicial ethics.

In order to avoid any appearance of impropriety or conflict of interest that is now created by my Whistleblowing actions against the Florida Bar and by extension unfortunately because all conspirators to the racketeering scheme are unknown, all Florida Bar members are tainted by the activities of a few, this will therefore request that this Commission transfer this matter to a Federal Court judge to a jurisdiction outside the State of Florida and outside the reach of corrupted Florida Bar members of members who can threaten and intimidate good members in order to deny due process and procedure to their victims and anyone opposing their RICO- type enterprise and obstruct their justice.

Judge Michael Genden has engaged in criminal and unethical conduct as described in the following documents and has violated the judicial canons that are described in Paragraph B. below.

A. CRIMINAL CONDUCT AND BREACH OF FIDUCIARY DUTY BY JUDGE MICHAEL GENDEN:

1. **Complaint filed July 11, 2014 against Michael Genden** (Exhibit 1) who is accomplice to the attempted premeditative murder of my mother by a racketeering ring that operates out of the courthouse to which I received a “no action” letter from the Judicial Qualifications Committee

I am skeptical that the Members reviewed the complaint as it contained documented evidence of crimes, fraud, and misprision of felony, abuse of office and other unlawfully activity and actions that violate his oath of office and evidence treasonous conduct.

Because no action was taken against this judge involved in criminal activity, Michael Genden is an accomplice to the continuing criminal actions against my mother and the grave harm that has come to her. She was recently admitted to the hospital **twice in the same week** and as before, Michael Genden did not investigate her repeated hospital admission.

2. **Rule to show cause dated April 7, 2015 unlawfully filed against me by Judge Michael Genden and Order to show cause dated April 9, 2015 pursuant to a fraudulent affidavit filed in secret against me by Blaire Lapidès** (Exhibit 2). *These fraudulent documents were apparently the subject of a “hearing” held conspiratorially and ex parte between Michael Genden and Roy Lustig on April 14, 2015 on a “petition to appoint a special process server” to serve the foregoing fraudulent fabricated “Rule” and “Order” to show cause documents.*

Because the only thing that occurs in Judge Michael Genden’s court is fraud on the court and fraud in the Court, and because the crimes occur insidiously and in secret, the racketeering ring intentionally makes it virtually impossible to wade through their fraud.

This racket benefits financially from orchestrating fraudulent documents, engaging in fraud on the court, orchestrating staged litigation, retaliating against me, holding my mother hostage and perpetrating crimes as they are paid for their crimes from the assets of their victim pursuant to fraudulent orders by a conspiring accomplice judge, Michael Genden.

They ruthless retaliate against me by stalking, coercing and harassing me forcing me to respond their criminal and retaliatory acts in a string of courts in a series of legal process abuse actions that are orchestrated to cause intentional interference and scienter making it impossible for me to timely file in all courts a response to their criminal, toxic, vexatious, retaliatory and legal process abuse in collusion with other Florida Bar members involved in these matters who are known and unknown at this time. Further, these criminal retaliatory acts are orchestrated to keep me perpetually on the defensive as they maliciously and ceaselessly divert my time and efforts to respond to their Machiavellian evil schemes to block my efforts to remove my mother from their human trafficking, money laundering enterprise that they operate using the business address of the courthouse.

Having been exposed to these masterminds of fraud, corruption, criminal actions, retaliation, perjury and a string of other crimes for over 2 years now, I have become somewhat of an expert in breaking down their fabricated, perjured statements filed by this racketeering ring who is human trafficking my mother and money laundering her assets and engage in the blood sport of retaliating against me and filing fraudulent documents to extort my mother. Therefore, this will break down the fraud attendant in the foregoing “Rule” and “Order”.

- a. As to the “Rule to show cause”: In retaliation for my informing Judge Maria Korvick that a fraudulent “guardian plan” was filed in Michael Genden’s court by the racketeering ring who is humanly trafficking my mother on the day after she was emergency admitted to the hospital with life threatening conditions because of ongoing abuse and terror in his court that deliberately failed to state that my mother was in the hospital at the time the fraudulent “guardian plan” was filed, Michael Genden filed the attached Rule to Show Cause against me. He “served” me with this vindictive, retaliatory “Rule” when I was at a hearing in another court exposing his corruption and racketeering ring and seeking justice for my mother.

At the time I filed this Petition informing Judge Maria Korvick of the fraud in Michael Genden’s court, Michael Genden raced from his court, chased me down the hall and cornered me in an elevator and demanded that 3 police office unlawfully accost me and remove me from a public courthouse building in Michael Genden’s threatening, evil effort to obstruct my justice and deny me from exposing his criminal activity. When I thereafter exposed his criminal action of chasing me down the hall and imprisoning me in an elevator and removing me illegally from a public building in another court, he ordered a “special process server” to deliver his illegal “Rule to Show Cause” to my home, thereby stalking, threatening and harassing me and a string of felonies.

To make clear, the “Rule to show cause” has nothing whatsoever to do with anything filed in Michael Genden’s court. The filing (Exhibit 3) was made to Maria Korvick, the administrative judge in the probate court to transfer my matter from Michael Genden and to another jurisdiction was at the instructions of Judge Bailey (Exhibit 4) This “Rule” has no relationship to my petitioning his purported “court” for anything. I will never again appear in his court and will be suing him in Federal Court. Michael Genden is a

disqualified judge who maliciously refuses to relinquish his unlawful jurisdiction. The “filing” that he alleges violated one of his void orders that deprived me of my right to file documents and appear in court was not submitted to Michael Genden at all.

- b. As to the “Order to show cause”, Blaire Lapides illegally and without permission took a photo of my attorney, Joanne Denison while she was in attendance at a hearing on my false arrest because of fraudulent allegations by Blaire Lapides made against me to keep my mother isolated from me so that Blaire Lapides could terrorize her and extort her in secrecy. Because Blaire Lapides is a criminal racketeer who is protected by Michael Genden who is an accomplice to the torture and extortion of my mother, Blaire Lapides perjures fraudulent statements as a matter of course as she is engaged in the “murder for hire” scheme perpetrated in the probate/guardian court whereby judges, guardians and attorneys are acting in concert in a racketeer enterprise that operates under the guise of a “guardianship” that instead disables victims of their legal rights, removes them from their family members who may try to protect them, institutionalizes them and then depletes and drains their assets for personal gain and when done leave victims on the brink of death. Blaire Lapides perjured her statements as attorney Joanne Denison did not go the facility as shown in the attached statement of Joanne Denison (Exhibit 5)
3. **Complaint filed January 12, 2015 against Michael Genden** (Exhibit 6) which to which I received no response. In fact, I received an email from Judge Evander’s judicial assistant under the mistaken belief that she was responding to Judge Evander asking if she should ignore this complaint which I filed along with a number of others complaints by family members of victim.
4. **Criminal complaint dated March 2, 2014 I have filed with law enforcement against Michael Genden** and others in this racketeering ring involved in the human trafficking, money laundering and torture of my mother (Exhibit 7).
5. **Notarized Affidavit dated April 15, 2015 by a Florida Bar member attesting to retaliation against her by the person identified as Michael Genden** (Exhibit 8) This Affidavit by a member of the Florida Bar 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 Petitioner 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 Petitioner 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 Judge Genden’s actions. The threatened member of the Florida Bar thought it was outrageous that Petitioner could not see her own mother. 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.
6. **My Attorney/ Whistleblower letter dated April 12, 2015 filed with the Florida Supreme Court** (Exhibit 9)
7. **My Motion to Disqualify Michael Genden dated April 25, 2015 (Exhibit 10).**

B. CANONS VIOLATED BY JUDGE MICHAEL GENDEN:

Canon 1: A Judge Shall Uphold the Integrity And Independence of the Judiciary

An independent and honorable judiciary is indispensable to justice in our society. A judge should participate in establishing, maintaining, and enforcing high standards of conduct, and shall personally observe those standards so that the integrity and independence of the judiciary may be preserved. The provisions of this Code should be construed and applied to further that objective.

COMMENTARY: Deference to the judgments and rulings of courts depends upon public confidence in the integrity and independence of judges. The integrity and independence of judges depend in turn upon their acting without fear or favor. Although judges should be independent, they must comply with the law, including the provisions of this Code. Public confidence in the impartiality of the judiciary is maintained by the adherence of each judge to this responsibility. Conversely, violation of this Code diminishes public confidence in the judiciary and thereby does injury to the system of government under law.

VIOLATIONS OF CANON 1 BY MICHAEL GENDEN.

1. Michael Genden has violated this canon as he lacks integrity and operates a lawless court wherein he issues orders that he knows to be fraudulent and are based on fraudulent filings.
2. Michael Genden is an accomplice to the embezzlement and extortion of an estimated \$600,000 from my mother by the predators he installed to control her.
3. Michael Genden failed to demand the return of \$700,000 assets that were embezzled from her.
4. Michael Genden is an accomplice and a participant in criminal acts of torture and terror and life endangerment against my mother.
5. Michael Genden failed to investigate FOUR emergency hospital admissions where my mother almost died. He failed to investigate reports by witnesses to her abuse.
6. Michael Genden failed to even hold a hearing on my petition seeking an investigation of crime of elder abuse, the most serious of crimes.
7. Michael Genden was obligated on his own initiative to suspend the guardians and investigate my mother's abuse at the time reports of her abuse by myself and others were submitted to him.
8. Michael Genden lacks impartiality and flagrantly rules in favor of his cronies and cohorts, using the disability of my mother as an opportunity to drain her assets.
9. Michael Genden has arrogantly placed his ego above the welfare and interest of my mother, defiantly holding me in contempt for violating his illegal isolation orders that penally punish my mother by isolating her from me because Michael Genden is more interested in stroking his own ego than insuring the safety and wellbeing of my mother.
10. Michael Genden is misusing his court and abusing his power to engage in a vendetta against me and retaliate against me for exposing his corruption.
11. Michael Genden is knowingly and maliciously acting outside of his jurisdiction by unlawfully colluding with his crony, Fred Glickman to hear a matter relating to my fee arrangements with Fred Glickman, my prior attorney who I terminated once I discovered he was part and parcel of this racketeering enterprise, yet Michael Genden in contempt of the law continues to act outside of his jurisdiction to retaliate against me by holding "hearings" to act as an accomplice to the extortion of fees relating to my prior attorney that have nothing whatsoever to do with matters relating to my mother. A copy of my objection to Michael Genden's threatened retaliatory hearing to illegally "arbitrate" matters of my fee arrangement with a prior attorney and outside of Michael Genden's jurisdiction is set forth in Exhibit 11.

In the matter of In re Graziano, 696 So 2d 244, (Fla 1997) the judge was removed from office after hiring a friend as guardian ad litem despite the friend's lesser qualifications than other applicants and granting her raise for poor performance.

Michael Genden's conduct is even more offensive. He abetted financial extortion of the assets of my mother, an elderly woman who is supposed to be in his protection by his crony Roy Lustig and state officers, Jacqueline Hertz and Blaire Lapides, he has engaged in aggravated physical elder abuse. Not only should he be impeached and removed from office, he should be criminally investigated and held liable for elder abuse and aggravated abuse and exploitation. His orders must be stricken and declared void.

Canon 2: A Judge Shall Avoid Impropriety and the Appearance of Impropriety in all of the Judge's Activities

- A. A judge shall respect and comply with the law and shall act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.
- B. A judge shall not allow family, social, political or other relationships to influence the judge's judicial conduct or judgment. A judge shall not lend the prestige of judicial office to advance the private interests of the judge or others; nor shall a judge convey or permit others to convey the impression that they are in a special position to influence the judge. A judge shall not testify voluntarily as a character witness.
- C. A judge should not hold membership in an organization that practices invidious discrimination on the basis of race, sex, religion, or national origin. Membership in a fraternal, sororal, religious, or ethnic heritage organization shall not be deemed to be a violation of this provision.

COMMENTARY: Canon 2A. Irresponsible or improper conduct by judges erodes public confidence in the judiciary. A judge must avoid all impropriety and appearance of impropriety. A judge must expect to be the subject of constant public scrutiny.

The prohibition against behaving with impropriety or the appearance of impropriety applies to both the professional and personal conduct of a judge. Because it is not practicable to list all prohibited acts, the proscription is necessarily cast in general terms that extend to conduct by judges that is harmful although not specifically mentioned in the Code. Actual improprieties under this standard include violations of law, court rules, or other specific provisions of this Code. The test for appearance of impropriety is whether the conduct would create in reasonable minds, with knowledge of all the relevant circumstances that a reasonable inquiry would disclose, a perception that the judge's ability to carry out judicial responsibilities with integrity, impartiality, and competence is impaired. **Canon 2B.** Maintaining the prestige of judicial office is essential to a system of government in which the judiciary functions independently of the executive and legislative branches. A judge must avoid lending the prestige of judicial office for the advancement of the private interests of others.

Canon 3: A Judge Shall Perform the Duties of Judicial Office Impartially and Diligently

A. Judicial Duties in General.

The judicial duties of a judge take precedence over all the judge's other activities. The judge's judicial duties include all the duties of the judge's office prescribed by law. In the performance of these duties, the specific standards set forth in the following sections apply.

B. Adjudicative Responsibilities.

(1) A judge shall hear and decide matters assigned to the judge except those in which disqualification is required.

(2) A judge shall be faithful to the law and maintain professional competence in it. A judge shall not be swayed by partisan interests, public clamor, or fear of criticism.

(3) A judge shall require order and decorum in proceedings before the judge.

(4) A judge shall be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, and others with whom the judge deals in an official capacity, and shall require similar conduct of lawyers, and of staff, court officials, and others subject to the judge's direction and control.

(5) A judge shall perform judicial duties without bias or prejudice. A judge shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice, including but not limited to bias or prejudice based upon race, sex, religion, national origin, disability, age, sexual orientation, or socioeconomic status, and shall not permit staff, court officials, and others subject to

the judge's direction and control to do so. This section does not preclude the consideration of race, sex, religion, national origin, disability, age, sexual orientation, socioeconomic status, or other similar factors when they are issues in the proceeding.

(6) A judge shall require lawyers in proceedings before the judge to refrain from manifesting, by words, gestures, or other conduct, bias or prejudice based upon race, sex, religion, national origin, disability, age, sexual orientation, or socioeconomic status, against parties, witnesses, counsel, or others. This Section 3B(6) does not preclude legitimate advocacy when race, sex, religion, national origin, disability, age, sexual orientation, socioeconomic status, or other similar factors are issues in the proceeding.

(7) A judge shall accord to every person who has a legal interest in a proceeding, or that person's lawyer, the right to be heard according to law. A judge shall not initiate, permit, or consider ex parte communications, or consider other communications made to the judge outside the presence of the parties concerning a pending or impending proceeding except that:

(a) Where circumstances require, ex parte communications for scheduling, administrative purposes, or emergencies that do not deal with substantive matters or issues on the merits are authorized, provided:

(i) the judge reasonably believes that no party will gain a procedural or tactical advantage as a result of the ex parte communication, and

(ii) the judge makes provision promptly to notify all other parties of the substance of the ex parte communication and allows an opportunity to respond.

(b) A judge may obtain the advice of a disinterested expert on the law applicable to a proceeding before the judge if the judge gives notice to the parties of the person consulted and the substance of the advice and affords the parties reasonable opportunity to respond.

(c) A judge may consult with other judges or with court personnel whose function is to aid the judge in carrying out the judge's adjudicative responsibilities.

(d) A judge may, with the consent of the parties, confer separately with the parties and their lawyers in an effort to mediate or settle matters pending before the judge.

(e) A judge may initiate or consider any ex parte communications when expressly authorized by law to do so.

(8) A judge shall dispose of all judicial matters promptly, efficiently, and fairly.

(9) A judge shall not, while a proceeding is pending or impending in any court, make any public comment that might reasonably be expected to affect its outcome or impair its fairness or make any nonpublic comment that might substantially interfere with a fair trial or hearing. The judge shall require similar abstention on the part of court personnel subject to the judge's direction and control. This Section does not prohibit judges from making public statements in the course of their official duties or from explaining for public information the procedures of the court. This Section does not apply to proceedings in which the judge is a litigant in a personal capacity.

(10) A judge shall not, with respect to parties or classes of parties, cases, controversies or issues likely to come before the court, make pledges, promises or commitments that are inconsistent with the impartial performance of the adjudicative duties of the office.

(11) A judge shall not commend or criticize jurors for their verdict other than in a court order or opinion in a proceeding, but may express appreciation to jurors for their service to the judicial system and the community.

(12) A judge shall not disclose or use, for any purpose unrelated to judicial duties, nonpublic information acquired in a judicial capacity.

C. Administrative Responsibilities.

(1) A judge shall diligently discharge the judge's administrative responsibilities without bias or prejudice and maintain professional competence in judicial administration, and should cooperate with other judges and court officials in the administration of court business.

(2) A judge shall require staff, court officials, and others subject to the judge's direction and control to observe the standards of fidelity and diligence that apply to the judge and to refrain from manifesting bias or prejudice in the performance of their official duties.

(3) A judge with supervisory authority for the judicial performance of other judges shall take reasonable measures to assure the prompt disposition of matters before them and the proper performance of their other judicial responsibilities.

(4) A judge shall not make unnecessary appointments. A judge shall exercise the power of appointment impartially and on the basis of merit. A judge shall avoid nepotism and favoritism. A judge shall not approve compensation of appointees beyond the fair value of services rendered.

D. Disciplinary Responsibilities.

(1) A judge who receives information or has actual knowledge that substantial likelihood exists that another judge has committed a violation of this Code shall take appropriate action.

(2) A judge who receives information or has actual knowledge that substantial likelihood exists that a lawyer has committed a violation of the Rules Regulating The Florida Bar shall take appropriate action.

(3) Acts of a judge, in the discharge of disciplinary responsibilities, required or permitted by Sections 3D(1) and 3D(2) are part of a judge's judicial duties and shall be absolutely privileged, and no civil action predicated thereon may be instituted against the judge.

E. Disqualification.

(1) A judge shall disqualify himself or herself in a proceeding in which the judge's impartiality might reasonably be questioned, including but not limited to instances where:

(a) the judge has a personal bias or prejudice concerning a party or a party's lawyer, or personal knowledge of disputed evidentiary facts concerning the proceeding;

- (b) the judge served as a lawyer or was the lower court judge in the matter in controversy, or a lawyer with whom the judge previously practiced law served during such association as a lawyer concerning the matter, or the judge has been a material witness concerning it;
- (c) the judge knows that he or she individually or as a fiduciary, or the judge's spouse, parent, or child wherever residing, or any other member of the judge's family residing in the judge's household has an economic interest in the subject matter in controversy or in a party to the proceeding or has any other more than de minimis interest that could be substantially affected by the proceeding;
- (d) the judge or the judge's spouse, or a person within the third degree of relationship to either of them, or the spouse of such a person:
 - (i) is a party to the proceeding, or an officer, director, or trustee of a party;
 - (ii) is acting as a lawyer in the proceeding;
 - (iii) is known by the judge to have a more than de minimis interest that could be substantially affected by the proceeding;
 - (iv) is to the judge's knowledge likely to be a material witness in the proceeding;
- (e) the judge's spouse or a person within the third degree of relationship to the judge participated as a lower court judge in a decision to be reviewed by the judge.
- (f) the judge, while a judge or a candidate for judicial office, has made a public statement that commits, or appears to commit, the judge with respect to:
 - (i) parties or classes of parties in the proceeding;
 - (ii) an issue in the proceeding; or
 - (iii) the controversy in the proceeding.

(2) A judge should keep informed about the judge's personal and fiduciary economic interests, and make a reasonable effort to keep informed about the economic interests of the judge's spouse and minor children residing in the judge's household.

COMMENTARY: Canon 3B(4). The duty to hear all proceedings fairly and with patience is not inconsistent with the duty to dispose promptly of the business of the court. Judges can be efficient and business-like while being patient and deliberate. Canon 3B(5). A judge must refrain from speech, gestures or other conduct that could reasonably be perceived as sexual harassment and must require the same standard of conduct of others subject to the judge's direction and control.

A judge must perform judicial duties impartially and fairly. A judge who manifests bias on any basis in a proceeding impairs the fairness of the proceeding and brings the judiciary into disrepute. Facial expression and body language, in addition to oral communication, can give to parties or lawyers in the proceeding, jurors, the media and others an appearance of judicial bias. A judge must be alert to avoid behavior that may be perceived as prejudicial. Canon 3B(7). The proscription against communications concerning a proceeding includes communications from lawyers, law teachers, and other persons who are not participants in the proceeding, except to the limited extent permitted. To the extent reasonably possible, all parties or their lawyers shall be included in communications with a judge. Whenever presence of a party or notice to a party is required by Section 3B(7), it is the party's lawyer, or if the party is unrepresented, the party who is to be present or to whom notice is to be given.

Certain ex parte communication is approved by Section 3B(7) to facilitate scheduling and other administrative purposes and to accommodate emergencies. In general, however, a judge must discourage ex parte communication and allow it only if all the criteria stated in Section 3B(7) are

clearly met. A judge must disclose to all parties all ex parte communications described in Sections 3B(7)(a) and 3B(7)(b) regarding a proceeding pending or impending before the judge. A judge must not independently investigate facts in a case and must consider only the evidence presented. A judge may request a party to submit proposed findings of fact and conclusions of law, so long as the other parties are apprised of the request and are given an opportunity to respond to the proposed findings and conclusions. A judge must make reasonable efforts, including the provision of appropriate supervision, to ensure that Section 3B(7) is not violated through law clerks or other personnel on the judge's staff.

If communication between the trial judge and the appellate court with respect to a proceeding is permitted, a copy of any written communication or the substance of any oral communication should be provided to all parties. Canon 3B(8). In disposing of matters promptly, efficiently, and fairly, a judge must demonstrate due regard for the rights of the parties to be heard and to have issues resolved without unnecessary cost or delay. Containing costs while preserving fundamental rights of parties also protects the interests of witnesses and the general public. A judge should monitor and supervise cases so as to reduce or eliminate dilatory practices, avoidable delays, and unnecessary costs. A judge should encourage and seek to facilitate settlement, but parties should not feel coerced into surrendering the right to have their controversy resolved by the courts.

Prompt disposition of the court's business requires a judge to devote adequate time to judicial duties, to be punctual in attending court and expeditious in determining matters under submission, and to insist that court officials, litigants, and their lawyers cooperate with the judge to that end.

Canon 3B(9) and 3B(10). Sections 3B(9) and (10) restrictions on judicial speech are essential to the maintenance of the integrity, impartiality, and independence of the judiciary.

Canon 3D. Appropriate action may include direct communication with the judge or lawyer who has committed the violation, other direct action if available, or reporting the violation to the appropriate authority or other agency. If the conduct is minor, the Canon allows a judge to address the problem solely by direct communication with the offender. **A judge having knowledge, however, that another judge has committed a violation of this Code that raises a substantial question as to that other judge's fitness for office or has knowledge that a lawyer has committed a violation of the Rules of Professional Conduct that raises a substantial question as to the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects, is required under this Canon to inform the appropriate authority.**

Canon 3E(1). Under this rule, a judge is disqualified whenever the judge's impartiality might reasonably be questioned, regardless of whether any of the specific rules in Section 3E(1) apply..

VIOLATIONS OF CANON 2 AND CANON 3 BY JUDGE MICHAEL GENDEN:

I reiterate to this Commission my serious and grave fears for my mother's safety and mine as we are immersed in a racketeering ring perpetrated by members of the Florida Bar and the Florida Bar itself. Any reasonable person would concur that none of these inconceivable criminal actions could otherwise be occurring. The parties' actions are the acts of a psychopath criminals. These fears are well grounded:

- I and others who are speaking up against the corruption by the Florida Bar were contacted in the middle of the night last weekend by an attorney who stated that she and her family were in danger and the attorney informed Plaintiff that she should contact the department of justice, the FBI and other law enforcement and Plaintiff has filed such complaints.
- I have grave fears for my mother's life and safety as my mother was emergency admitted to the hospital twice recently with life endangering conditions.
- These grave conditions were intentionally not disclosed in a "guardian plan" filed in Michael Genden's court by Roy Lustig, Blaire Lapides and Jacqueline Hertz under penalties of perjury.
- Whenever I notify Michael Genden of the fraud on his court, he denies my access to the court and makes rulings on matters that are not before his court in order to further remove my rights.
- Michael Genden has failed to report the isolation, abuse and extortion of my mother by Roy Lustig, a Florida Bar member.
- His unlawful orders that must be stricken.

Michael Genden is not only a disqualified judge who is acting without jurisdiction and unlawfully retaining jurisdiction, he is engaged in criminal activity. Michael Genden is causing grave harm to others that appear in his court and he is destroying families. The public must be warned.

Canon 6: Fiscal Matters of a Judge Shall be Conducted in a Manner That Does Not Give the Appearance of Influence or Impropriety; a Judge Shall Regularly File Public Reports as Required by Article II, Section 8, of the Constitution of Florida, and Shall Publicly Report Gifts; Additional Financial Information Shall be Filed With the Judicial Qualifications Commission to Ensure Full Financial Disclosure

B. Public Financial Reporting.

(1) Income and Assets. A judge shall file such public report as may be required by law for all public officials to comply fully with the provisions of Article II, Section 8, of the Constitution of Florida.

C. Confidential Financial Reporting to the Judicial Qualifications Commission.

To ensure that complete financial information is available for all judicial officers, there shall be filed with the Judicial Qualifications Commission on or before July 1 of each year, if not already included in the public report to be filed under Canon 6B(1) and (2), a verified list of the names of the corporations and other business entities in which the judge has a financial interest as of December 31 of the preceding year, which shall be transmitted in a separate sealed envelope, placed by the Commission in safekeeping, and not be opened or the contents thereof disclosed except in the manner hereinafter provided.

POSSIBLE TAX ISSUES THAT ARE VIOLATIONS OF CANON 6 BY MICHAEL GENDEN:

1. Michael Genden claims \$2,000,000 from a pension but his prior employment does not appear to warrant this huge pension amount.

2. Michael Genden claims income of \$247,000 in 2007 with a salary of \$145,000. He shows total income of \$400,000. He only declares half of the interest in his house when the tax return is joint - him and his wife.
3. Michael Genden's pension plan goes down to \$1,300,000 the following year. (2008). He claims his personal property to be valued at half of what it was in 2007.
4. In 2008, he no longer claims his cars. Michael Genden claims \$165,000 from a profit sharing company - Gabriell Bach. He claims on a half interest in his house even though he filed jointly with his wife.
5. In 2010, Michael Genden's pension plan is much larger than in prior years. He pays much less in taxes. His returns show his son has \$17,000 in qualified expenses. He sold a half interest in property for less than he paid for it.

This will request this complaint of criminal, racketeering and unethical conduct of Michael Genden be investigated by a Federal Prosecutor or monitor who is not a member of the Florida Bar and the transfer of this matter to a jurisdiction outside the State of Florida and the reach of corrupted Florida Bar members who can threaten and intimidate good members to deny due process and procedure to their victims and anyone opposing their RICO- type enterprise and obstruct their justice. The entire profession is being tainted by these rogue Florida Bar members.

All Florida Bar members, good and bad, should be conflicted out of hearing any of my matters because I am a Florida Bar member and a whistleblower who is no longer aligned with the operations of the Florida Bar. This reason all members must be excluded is because as with any conspiracy, the participants are both known and unknown and it is impossible to ascertain who is involved in the conspiracy.

In the event my mother should die while under the tutelage / human ownership of the state and its agencies and officers who are acting outside the color of law and in opposition to their duties to protect the public, I will be filing murder charges against every individual who acted outside the color of law.

This will request immediate protection for my mother. My mother is in medical crises and grave danger. This is being submitted for emergency action and seeks your urgent and immediate review and reporting to Federal law enforcement authorities.

My mother is being slowly murdered by isolation, drugging, abuse and torture as defined in the UN convention against torture. I am being viciously retaliated, falsely arrested and falsely and vindictively "house monitored" like a caged animal to deny my due process and equal protection and obstruct my justice which acts are all the more heinous because they are cunningly perpetuated by Michael Genden so he can cover up his crimes.

His actions are the same as those preceding the Nazi Germany and the Nuremberg trials. While I plead for my mother's life, he is participating in her torture and her attempted premeditated murder. Because Michael Genden has not been held accountable, his vicious retaliation has escalated and my mother and I are in grave danger. I feel the public must be warned and this complaint is being made public. Our elderly and vulnerable citizens are suffering criminal abuse and financial

exploitation because of Judges like Michael Genden. He is a disgraced judge and should be removed from office immediately.

Further, Michael Genden is a disqualified judge who refuses to relinquish his wrongful jurisdiction, he has violated my constitutional and due process rights and those of my mother, and he operates a court without jurisdiction, and as a disqualified judge and has violated his judicial oath of office.

I look forward to your urgent and immediate response and can be reached at the number below with any questions. I have a complete package of the fraudulent documents should you determine to commence a complete, thorough and comprehensive investigation.

Respectfully submitted,



Barbara Stone

Enclosures

Cc: Eric Holder, Esq,
Loretta Lynch, Esq.
Michael Horowitz, Esq. Inspector General of the DOJ
Office of Professional Responsibility - DOJ
President Barack Obama Esq.
Preet Bharara, Esq.
Judge Shira A. Scheindlin – US District Court – Southern District of NY
New York Times
Wall Street Journal
FBI
United States Senate Judiciary Committee
United State House of Representatives Judiciary Committee
Christine Anderson, Esq.
Joanne M. Denison, Esq.
Candice Schwager, Esq.
Gregory Coleman, Esq.
Other Law Enforcement, Media, Legislative and Interested Parties

The moral test of government is how that government treats those who are in the dawn of life, the children; those who are in the twilight of life, the elderly; and those who are in shadows of life, the sick, the needy and the handicapped.

Hubert H Humphrey

EXHIBIT 1

Complaint filed July 11, 2014 against Michael Genden

Barbara Stone
244 Fifth Avenue #B296
New York, NY 10001
Tel: 212.994.5482 Fax: 212.994.5481
Bstone12@hotmail.com

URGENT AND EMERGENCY

July 11, 2014

Florida Judicial Qualification Commission
Post Office Box 14106
Tallahassee, Florida 32317

RE: Michael Genden – probate judge in 11th Circuit – Dade Count

Dear Members of the Judicial Qualifications Committee

I am writing about the heinous misconduct of Michael Genden whose actions constitute far more than judicial misconduct, breach of ethics and abuse of power. He has violated not only judicial canons but he is engaged in felony crimes. He has engaged in the intentional infliction of harm to a person over the age of 65. He has unlawfully used his office to collude with and participate in fraud and commit perjury.

Michael Genden has caused and abetted horrific abuse of my mother and engaged in the embezzlement of her assets in a fraudulent and contrived guardianship. He has retaliated viciously against me for exposing his abusive conduct.

Michael Genden's criminal acts include:

- He has abetted and participated in aggravated assault of an elderly person, a crime under Florida Statutes 784 and aggravated abuse and exploitation, a crime under Florida Statutes 825.
- He has used his court for his own personal gain.
- He has committed malicious prosecution against me. He has used his court as a criminal vehicle to file false criminal charges against me for trying to protect my mother against scam guardians under whose care my mother is now in a feeding tube because she was deprived food and medical care. .

Judicial Canon violations:

- His court is a hostile on sided unlawful court where he violates the law with impunity and with supreme arrogance, the exact opposite of judicial temperament.
- He has wilfully violated his judicial oath.

The colossal horrific abuse and financial exploitation suffered by my mother because of Michael Genden's depravity warrants that he be immediately removed from the bench. To allow this ignorant, collusive person to be the arbiter of the fate of vulnerable, defenseless people such as my mother is the height of irresponsibility. This will request this oversight committee to take emergency reform measures and the immediate removal of Michael Genden from the bench.

Florida has become the number one corrupt state in the country according to the Center for Public Integrity because of judges like Michael Genden who like many other judges have absolutely no accountability and act outside the law. People are warned not to retire in or visit Florida because of the guardianship scam. A recent MetLife study calls elder abuse the crime of the 21st century. As early as 1985, elder abuse was called a "national disgrace" by the U.S. House of Representatives, Subcommittee on Health and Long-Term Care of the Select Committee on Aging. More than a quarter-century later, it continues to be a national disgrace and a breeding ground for subversive activity. A report by the Government Accountability Office finds guardian abuse of the elderly is rampant. The attached article by the Washington Examiner exposes judges like Michael Genden who engage in a culture of corruption.

Michael Genden is viciously allowing and perpetrating the financial exploitation and physical aggravated abuse of my 86 year old mother who is in a guardianship under the control of his court. He knowingly allows her to be abused, aggravated abused, exploited and embezzled in a predator guardianship and participating in the abuse and exploitation. Further, he is using my mother to retaliate against me as has stooped so below his judicial canons that he openly uses my mother a "sport" to pursue his obsessive venal desire to harm me because I have exposed him as perverse person who engages in elder abuse and exploitation. My mother is not safeguarded in his courtroom, she is a tool for him to use to wage war with me to cover up his criminally abusive and exploitive conduct and violation of his judicial obligations.

It is important for this committee to be aware of the full nature of the perverse acts committed by Michael Genden to understand how his conduct has almost caused my mother's death. She is hanging on by a thread *as she is now in a feeding tube* because of his horrific abuse of power and abetment of crimes. The following sets forth his specific acts of criminal conduct, retaliation and breach of ethics:

Physical Abuse and Aggravated Abuse and Battery:

1. My 86 year old mother has been starved, bruised, threatened, drugged, isolated and caged. She has been removed from her home against her will. Her property has been looted by her guardians, Jacqueline Hertz and Blaire Lapides and their attorney Roy Lustig, persons. She has been denigrated, denied food and medical attention and removed against her will from her home.

2. Jacqueline Hertz, a professed “professional” guardian in fact has ***fabricated her credentials, schooling, education, qualifications and experience***. She removed her entire website when the undersigned filed notice of her lies and fraudulent credentials. Blaire Lapides is an estranged opportunistic distant relative. Jacqueline Hertz has a pattern of criminal abuse and exploitation. Central to their control is secrecy so they can commit abuse and theft with no eyes. The very first order of business in which Jacqueline Hertz engages in her scam guardianships is to isolate the person in her control from their family by fabricating slanderous false allegations against their closest family member in order to obtain an illegal fraudulent “stay away order” that is issued by colluding judges like Michael Genden so she can operate her scam in secrecy. She then engages in her atrocities, abuse, sells the homes of the elderly from under them, ties up their family in litigation and steals their assets.
3. Their attorney, Roy Lustig is a disgraced attorney ***who has been found guilty by the 3rd DCA of perjury, lying under oath and fraud on the court*** (please reference the attached court opinion). ***He has been sanctioned by the Florida Bar.***
4. Roy Lustig and Jaqueline Hertz and Blaire Lapides are a breed of attorney and guardians who prey on the elderly and are abetted by judges such as Michael Genden who operate outside the law.
5. Acting with complete disregard of his mandate to protect my mother and in a gross abuse of power, incredulously, Michael Genden entrusted my mother to the control of a guardianship that is orchestrated by this band of criminals
6. I myself filed the guardianship because my mother was being abused and exploited by her son, Alan Stone, my sibling. Alan Stone embezzled her assets that he transferred to himself by using a series of wire transfers to attempt to block the discovery of where the assets were transferred Alan Stone was subsequently fired from his position with the firm in which he worked during the time of the financial transfer as it was obvious he was committing financial fraud and elder exploitation. Alan Stone isolated my mother completely from the outside world, removed her telephones and all contact with the outside world. My mother was hospitalized repeatedly for unexplained and suspicious falls and fractures. As Alan Stone was the only person who saw her, there were concerns that he caused her injuries. He was engaged in the same abusive conduct exhibited by these guardians and their attorney
7. Unbeknownst to me at the time, I thought I was protecting my mother from abuse and exploitation by filing for guardianship. I was unaware that the guardian industry is rife with fraud and probate courts such as Michael Genden’s who operate outside the law. I expected, as should be the case that my mother would be nurtured, nourished and her assets used for her well-being. ***My mother’s abuse escalated under the control of the guardians – this stranger with fabricated credentials and an estranged distant relative who have perpetuated such aggravated abuse on Petitioner’s mother that she was forced to suffer surgery to implant a feeding tube because she was deprived food.***
8. I was incorrectly wrongfully informed by attorneys with whom I consulted that I was not able to be my mother’s guardian as I was living in another state and did not seek to be her guardian for that reason.

9. Thus my mother she was placed in the hands of a complete stranger, Jacqueline Hertz and an estranged distant opportunistic Blaire Lapidès. These guardians were brought in my sibling as I later learned to cover up his embezzlement of her assets. A settlement agreement was signed at the time with the understanding that the assets he had embezzled would be returned to my mother and there would be a reunification of the family. There was no intention by any of the parties to comply with the agreement and no compliance with the agreement has occurred since its inception. The agreement was a scam perpetuated by Jacqueline Hertz. It was the result of fraud and fraud in the inducement.
10. I entered into the agreement as it expressed the intent to unify the family and act in my mother's best interest. This could not be further from the truth as all ensuing actions substantiate.
11. Immediately upon being placed in the control of Jacqueline Hertz, my mother was neglected and abused and exploited. She was denied food, services and medical attention. My repeated Petitions to investigate her care were denied by Michael Genden.
12. I have attempted to terminate the guardians' for being derelict of their duties just as I would be entitled to fire a yardman or a garbage man for being derelict in their duties or violating the law. Not so in Michael Genden's courtroom as these persons are friends and there is an apparent exchange of benefits and favors. Another far superior applicant as described hereafter was refused by Michael Genden.
- 13. In the matter of In re Graziano, 696 So 2d 244, (Fla 1997) the judge was removed from office after hiring a friend as guardian ad litem despite the friend's lesser qualifications than other applicants and granting her raise for poor performance.**
14. My mother's aggravated abuse continued relentlessly almost causing her death. She was admitted by emergency to the hospital with life threatening conditions including *malnutrition, dehydration, fractures, pneumonia, infection, fractures that could be the result of a fall and a host of other life threatening conditions.* (The confidential hospital admission report can be provided). Her assets have been embezzled with the participation of Michel Genden.
15. Each one of these life threatening conditions alone constitutes elder abuse under Florida Statute 825. *Together they constitute aggravated abuse and exploitation.*
16. These horrific abuses were repeated brought to the attention of Michael Genden.
- 17. Any other judge would have immediately suspended these guardians and demanded an investigation. Not so Michael Genden who operates a lawless court outside the law.**
18. Immediately upon being appointed guardian, these scam characters removed all of my mother's services and denied her medical attention and sufficient food and oversight of her medical needs. I sent my mother's religious leader to watch over her whoever I was at my residence out of state. My mother's religious leader and a social worker and others observed abuse, neglect and exploitation.
19. Attached are the repeated letters from the spiritual leader, Ed Farber to Michael Genden setting forth Petitioner's mother's abuse.

20. *Two days prior to her being sent by ambulance to the hospital, she was seen by her spiritual leader at my request who found her drugged up, incoherent and unable to lift her head. She was starved, and there was no food in the house. He immediately informed Genden as set forth in the attached Affidavit.*
21. I immediately filed an emergency hearing demanding Michael Genden investigate my mother's abuse and to appoint an independent doctor, attorney and court monitor.
22. Michael Genden DENIED EVEN HEARING the petition setting forth the crimes that were being committed against an elderly vulnerable person.
23. *The very same day Michael Genden denied hold a hearing to hear my Petition (attached) to investigate the safety of my infirmed 86 year old mother, she was admitted to the hospital with the life threatening illnesses set forth above. While she was in the hospital, she was then forced to suffer surgery to implant a feeding tube because as she had been denied food, she was starved and became emaciated.*
24. It should not have been necessary for me to incur exorbitant legal fees to petition the court to investigate the brazen abuse of my mother. *This should have been done by Michael Genden on his own initiative yet he did not look into the abuse and refused to respond to my many Petitions, the many letters of my mother's spiritual leading pleading for him to stop my mother's abuse and the statement of a social worker of my mother's neglect and abuse.*
25. The undersigned filed a petition to remove the Guardians. This petition was not heard for OVER 2 months. Michael Genden is required to hear an emergency petition within 48 hours. The most significant consideration in the probate court should be that the persons are vulnerable, elderly and disabled. This alone demands a hearing immediately. Not so in the unlawful court of Michael Genden. He allowed the hearing on my Petition to remove these guardian to be delayed for months all the while the guardians were committed acts of crime and theft and my mother was being abused.
26. *When my mother was admitted to the hospital with life threatening conditions so severe they almost caused her death and caused her to have a feeding tube implanted, Michael Genden should have IMMEDIATELY SUSPENDED THE GUATDIANS AND INITIATED AN INVESTIGATION* of what occurred without even the need for the undersigned to petition for anything. My mother was denied food. My mother suffered surgery to implant a feeding tube so badly was she abused. AND MICHAEL GENDEN DID NOTHING
27. *In Michael Genden's court that operates outside the law, he ignored, in fact sanctioned the abuse. Michael Genden ignored the hospital records showing aggravated abuse and the attached many frantic letters, testimony, witnesses and affidavits to Petitioner's mother abuse.*
28. *Instead of investigating the aggravated abuse by the guardians, Michael Genden is covering up their abuse and his participation in their abuse either for his own gain or to grant favors.*
29. I was forced to expend outrageous legal fees to petition for the removal of the guardians. My repeated petitions to investigate and remove the guardian were met with denial and excuses. The repeated notices (attached) by my mother's rabbi and social worker of her abuse and neglect were ignored. The well respected leader of one of the most prominent congregations in Miami was treated with disdain and

disrespect by this judge in order for him to perpetuate my other's abuse, which could only conclude resulted in his gain and currying of favors. . My mother's rabbi is one of the most respected leaders in the community who presides over one of the largest synagogues in Miami. He was disrespected and ignored by this arrogant unlawful judge.

30. I was forced to file repeated Petitions because Michael Genden continued to ignore his responsibility to investigate my mother's abuse although this Petition was required to be heard in 2 days as an emergency, in the lawless court of Michael Genden who operates outside the law was delayed for months. In the interim my mother was deteriorating. I demanded she have a room with 24/7 camera surveillance to protect her from the guardians'.
31. Prior to my mother's admission to the hospital, whenever I would visit her house, she had little food, no services, was denied medical attention and was in fear of the "aides" Jacqueline Hertz installed.
32. Even in the face of my repeated and specific petitions regarding the abuse and aggravated abuse, Michael Genden went on in his unlawful court without protecting my mother. He conspired with these criminal guardians and their attorney to cover up their abuse. He used the life threatening jeopardy to my mother's life to embezzle my mother's assets by PAYING ROY LUSTIG over \$42,000 in less than 3 months
33. Jacqueline *Hertz, even in the face of a hospital admission records that shows the multiple life threatening conditions of her mother, brazenly made up false report and informed Petitioner upon her mother's admission to the hospital that she suffered "back pain"*
34. *Jacqueline Hertz's colossal lie that my mother was admitted to the hospital for "back pain" is just another example of the guardian fabrications and fraud that occurs in Michael Genden's unlawful court as there are no repercussions to the fraud and perjury that goes on in his court.*
35. The purported objective of guardianship industry is the "best interest of the ward". This could not be further from the truth. With regard to Petitioner's mother and the thousands of other guardianships that occur in the state of Florida, the "wards" best interest is not even on the list of interests – the guardianship industry is all about the best interest of the "guardian enterprise" to loot and misappropriate the assets of their "ward"
36. Long before my mother's admission to the hospital and her surgery for a feeding tube, Michael Genden had repeated evidence of her abuse. I had filed a grand jury request. The attached affidavits and testimony of witnesses that had been provided to Michael Genden of Petitioner's mother's abuse evidencing red flag warnings of elder abuse – isolation, deprivation of food, medical attention and services, isolation and denial of association with her daughter, despite her pleas.
37. This matter is all the more egregious as my mother has been suffering needlessly because Michael Genden is supremely arrogant, thinking he is beyond the law by disgustingly retaliating against my beautiful defenseless mother because I have demanded his accountability for her abuse. He has no judicial temperament. A person who commits horrific abuse of a vulnerable elderly person is simply a monster. He does not belong on the bench.

38. ***Michael Genden has never even seen my mother and in the face of hospital reports evidencing abuse and repeated witness statements refused to investigate criminal conduct of my mother's guardians and embezzling of her assets by their attorney.***
39. 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 willfully and deliberately ignored his mandate.
40. Petitioner's mother has not personally appeared in the guardianship proceeding.
41. Since being hospitalized, my mother has been forcibly kept from occupying her residence of choice and she has been held against her will forcibly confined to a residence not of her choosing.
42. Since being placed under guardianship, my mother has been forcibly and intentionally isolated from association with the outside world and family members of her choosing and is kept in complete isolation from friends and family of her choosing.
43. Since being placed under guardianship, my mother, a person protected under AADA has not been in possession or control of her assets or personal property nor has she been consulted or allowed any input whatsoever concerning the use or disposition of her assets. Her assets have in fact been dissipated by people who are controlling her against her will and endangering her.
44. It is an inconceivable mockery of justice that in the upside down lawless court of Michael Genden, I, the daughter of an 86 year old woman in a feeding tube because of her aggravated abuse and who is pleading who is pleading to Petitioner would be arrested for seeing and protecting her own mother from abuse by her guardians who are engaged in criminal acts and the guardians and their attorney are ordered by Genden to loot her assets instead of him suspending them and seeking their arrest.
45. ***These guardian have engaged in a pattern of protracted and concocted litigation to enrich themselves and their corrupt "care" facilities" who are part and parcel of Jacqueline Hertz and Michael Genden's guardianship scam that is perpetrated to abuse my mother and embezzle my mother's assets.***
46. The "aides" used by Jacqueline Hertz are actually person she installed to invade my mother's privacy. The lengths she went to as abetted by Michel Genden in this regard are perverse. She installed baby monitors in the house. She illegally recorded conversations. She used my mother's assets to pay for "aides" to purportedly care for my mother when she actually used them to spy on the interactions I had with my mother so they could report to Hertz. Attached is a sampling of their "report" of my activities coming in and out of a room, ***for which they charged my mother.***
47. **I presented a substitute guardian to the court, Arthur Morburger, an attorney with impeccable credentials with degrees from Harvard and Yale and who was licensed as an attorney in four states. He was denied.**
48. Realizing the futility of receiving a fair hearing by Michael Genden on any issue and the impossibility of his addressing or investigating her mother's abuse, I withdrew, without prejudice, my Petition for the removal of the guardians and sought his recusal (attached) for failing to investigate the aggravated abuse of my mother and the embezzlement to her assets and entrapping me.

49. He denied the recusal. In his lawless court, in fact he denied my right to petition for recusal based on his further lawless conduct. He was thereby free to perpetuate the abuse of my mother and the extortion of her assets.
50. **As noted, in the matter of In re Graziano, 696 So 2d 244, (Fla 1997) the judge was removed from office after hiring a friend as guardian ad litem despite the friend's lesser qualifications than other applicants and granting her raise for poor performance.**
51. **Michael Genden's conduct was far worse. Not only did he fail to replace his friend Roy Lustig and the guardians with a person with far superior credentials, he colluded with abuse and corruption. He abetted embezzlement by his friend and crony Roy Lustig. He failed to demand the investigation of Alan Stone's embezzlement. He sanctioned the vicious punishment of my mother**
52. **So too, here, Michael Genden must be removed from office.**

Abuse and Aggravated Abuse by Isolation and Cruelty and Illegal Stay Away Orders

1. Florida Statutes 825 provides isolation of an elderly person is a criminal offense.
2. These guardians benefit by their oversight by charging my mother to deny her access to the very person she was desperate to see. They were the very persons who had a vested interest in covering up their abuse.
3. The isolation of an elderly person alone and with no other abuse is a crime pursuant to Florida Statutes yet these shadowy guardians engaged in this conduct because it was colluded by Michael Genden.
4. Central to the orchestration of abusive guardians of the ilk of Jacqueline Hertz and Blaire Lapides is their scheme is isolate their victims from the outside world so they can commit her abuse in secrecy
5. ***Their isolation plot is accomplished by submitting patently false, fraudulent and malicious allegations to a conspiring judge who issues unlawful "stay away" orders against a family member who is closest to the victim and the most desperate to remove their loved one from the atrocities of the guardian enterprise, all of which constitutes offenses and deprivation of rights under Federal and F.B.I. color of law abuse and Florida Statutes 825 and other laws.***
6. Their false allegations and accusations not only are the precursor to their goal of isolation of their victims by fraudulent void stay away orders issued by a court without jurisdiction, but they also accomplish another component of their goal, i.e. they are rewarded by conspiring judges with an award of guardian and legal fees for their own wrongful illegal acts.
7. It should be noted that making false allegations to obtain a stay away order is perjury, a criminal offense but in the lawless world of Michael Genden, there are no repercussions to slander, perjury or fraud on the court. His court is the very definition of these acts. Jacqueline Hertz, a fabricated guardian with false credentials slings these fabrications with impunity. Michael Genden is an accomplice to the perjury.
8. Further heinous repercussions are evidenced by the fact that families who are concerned that a guardian is abusing and/or looting their loved one's assets are stuck in a perverse, intentional no win, Catch-22

situations because the guardian fights their objection with the assets of their loved

9. Immediately after their installation as my mother's guardians, they isolated from me based on slanderous, fabricated allegations so these guardians and their attorney could exploit and abuse her in secrecy. ***This is unheard of – an 86 year old woman taken into “custody” by persons with fabricated credentials and being placed in isolation.***
10. The guardians defamed, slandered and threatened Petitioner in order to obtain illegal stay away orders that are issued by Michael Genden without jurisdiction in order to perpetuate the cruel isolation of Petitioner's mother so the guardian can operate in secrecy.
11. The isolation of an elderly person is abuse pursuant to F.S. 825.
12. Justice is perverted in the guardian industry. The family member, the loved one of an elderly vulnerable relative is vilified by the guardian enterprise. They are made to appear as an interloper. They face retaliation, intimidation and coercion to silence them. They are jailed for contempt, court ordered into silence and sued for speaking the truth, all the while our aging parents are caged, isolated and drugged, under a sentence of death in order to transfer their assets to the guardian enterprise.
13. By his isolation of my mother HE IMPOSED A VENAL PUNISHMENT ON MY MOTHER, isolating her from the daughter she pleads to see. In his lawless court one sided court, these guardians who abused my mother so horrifically that she has a feeding tube are acting are running amok because he runs a corrupt court and abets criminal conduct.
14. Michael Genden ORDERS OF ISOLATION issued on the basis of obvious perjury is the conduct of a deviant. He removed an 86 year old woman who has no voice from her daughter. He vilified a family. He offered up an elderly woman to a crime spree. My mother had strangers entering her home who committed unspeakable acts on her. Michael Genden is truly a monster and to allow him to preside over cases involving elderly vulnerable persons is the height of reckless abuse of responsibility.
15. Michael Genden is a textbook example of a judge who knowingly abets elder abuse by a guardian and vilifies a loving family member as described in the attached article by the Washington Examiner.
16. ***I like many others who are desperate to protect our elderly parents was falsely arrested for trying to protect my mother from the aggregated abuse, isolation and exploitation the guardians and their attorney are inflicting. All wrongful arrest charges were dropped except for the wrongful arrest of interfering with custody when my mother's “custody” is in the hands of criminals who are abusing my mother. I have again been recently arrested. My crime? SEEING MY MOTHER.***
17. My arrest was reported in the attached New Times article ***that exposes the pattern and history of exploitation, theft of assets of a person in her control and abuse of vulnerable persons by Jacqueline Hertz.*** It further exposes Jacqueline Hertz as a liar who falsely stated the cause of my mother's hospital admission was “back pain” a brazen fabrication when the hospital records reflect horrific abuse and life threatening conditions. She lies with impunity as her abuse and exploitation of Petitioner's mother is being participated in and abetted by Michel Genden. There are no repercussions to her criminal acts in Michael Gender's court.

18. *It is the ultimate irony that my arrest actually saved my mother's life as caused such attention to her plight to the public.*
19. Thereafter, because everything in guardianship works exactly the opposite of what should occur, the guardians retaliated against my mother by secretly removing her mother from the facility where she had some semblance of rehabilitation and she is now kept in a locked down facility, restrained in bed. Michael Genden allowed these criminal characters to kidnap my mother and move her to parts unknown so they can continue their abuse in secrecy. Genden has no idea where she is.
20. My mother is being punished for my attempts to protect her in the depraved world of guardianship. And this corrupt judge who is perpetrator of my mother's abuse, Michael Genden, never even knew or inquired where my mother is being held against her will.
21. Even with the exposure of all of the appalling conduct of Jacqueline Hertz, Michael Genden ALLOWED AN 86 YEAR OLD WOMAN TO BE abused almost to the point where she lost her life and continues to perpetrate her abuse.
22. *I was recently arrested again on false charges for the preposterous crime of seeing my own mother who is desperate to see me. This is an unconscionable situation and a travesty of justice. Everything should be done to insure Helen Stone has the finest possible quality of life and enjoys her golden years. Yet because my mother has been treated worse than a dog by Michael Genden, I fear my mother does not have long to live and I will never see her mother again.*
23. *I once again observed abuse of her mother in my last visit where I was wrongfully arrested for violating an expired and unlawful stay away order. My mother has no rehabilitation, instead she is shoved down in her chair when she attempts to rehabilitate herself, she is kept in a locked down facility virtually under house arrest, she is drugged up, her speech is slurred, her obvious overmedication is for the benefit of the guardians and their aides so they can ignore Petitioner's mother, her mother was given fake glasses after her glasses were inexplicably broken (attached) and her mother is incurring constant headaches because she is unable to see.*
24. Such is the depravity that occurs in the court of Genden. My mother pleads repeatedly to see me. The guardians are cruelly denying my mother's wishes to see her daughter and cruelly denying the companionship of her daughter. My mother does not even know why her daughter does not visit.
25. *All the while, my mother, in a feeding tube implanted as a result of apparent abuse and aggravated abuse by Jacqueline Hertz, 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 Jacqueline Hertz to apparently abuse and exploit her.*

Freedom of association, is the individual right to come together with other individuals and collectively express, promote, pursue and defend common interests. The right to freedom of association has been included in a number of national constitutions and human rights instruments,

including the United States Bill of Rights, European Convention on Human Rights and the Canadian Charter of Rights and Freedoms.

Participating in and Abetting Financial Exploitation and Embezzlement

1. *Notwithstanding the aggravated abuse committed on her mother, Michael Genden refused to investigate their conduct.* Instead, he is rewarding them for their abuse by allowing them to loot my mother's assets.
2. Michael Genden is allowing these thugs to bill my mother for their corrupt conduct.
3. *Genden rewarded Roy Lustig, the attorney for the guardians with over \$42,000 in legal fees that it could not be more obvious were sought by Lustig to use my mother for his own greed. As noted Roy Lustig has been found guilty by the 3rd DCA of perjury, fraud on the court and lying under oath.*
4. Roy Lustig is engaged in a frenzy extorting my mother's assets. Michael Genden allowed his concocted charges of over \$42,000 to criminally deny my mother association with her daughter. Roy Lustig has submitted another bill of \$37,000 to deny my mother association with her daughter. My mother pays him to deny her access to the daughter she is desperate to see. Like everything else in the corrupt, upside down world of guardianship, here she pays the guardians and their attorney to abuse her
5. In the ultimate upside down world of Genden, he paid \$1,500 to a crony attorney, Eric Virgil who affirmed "ore tenus" that he as the expert thought it was just fine for Michael Genden to allow Roy Lustig to embezzle my mother's assets.
6. Roy Lustig has submitted a Jacqueline Hertz "confidential invoice" and a host of other "confidential" reports, i.e. notice of non-notice in utter disregard of any semblance of due process, knowing it does not exist in the guardian enterprise (Attached).
7. *The submission of "confidential" invoice is an oxymoron.*
8. *Appalling Void orders were issued by Michael Genden illegally forcing an 86 year old woman who was deprived of food, medical attention, her simple needs, her hair unkempt, her nails filthy, her clothes falling off her emaciated body to pay approximately \$300,000 to the Jacqueline Hertz Enterprise (not including the "confidential" invoice of Jacqueline Hertz) could only occur in a lawless court..*
9. I, like others, have futilely paid extortive fees to saboteur attorneys who while professing to be representing me to extricate her mother from the living nightmare of guardianship were all the while colluding with the activities of Jacqueline Hertz and Michal Genden
10. Volumes of invoices were submitted relentlessly, in fact, fanatically and ex parte by the arsenal of attorneys purportedly engaged in "representing" Petitioner's mother whose "non action" and "non representation" is vividly illustrated by their pages of charges for nothing more than "receipt and review" was rewarded and illegally ordered without nary an inquiry by Defendant Genden as to how their "services" could have any relationship whatsoever to Petitioner's mother's best interest who was being starved to death.

11. My mother has been embezzled with the participation and abetment of over \$300,000 by the attorneys and guardians. *Yet Petitioner's mother was not provided food and is in a feeding tube as a result in a locked down facility.*
12. ***SOMETHING IS CLEARLY VERY WRONG WITH THIS PICTURE.*** What is undeniable is a law enabling this outcome to occur to vulnerable and elderly citizens is barbaric, an abomination, a travesty, a crime against humanity.

Retaliation, Vindictive Conduct and Malicious Prosecution

1. Once Michael Genden was unable to silence me from exposing his abuse, he proceeded with a vengeance to viciously retaliate against me, converting his court into a criminal court where he became the judge, the arbiter and the person who filed criminal charges against me to “try” me in a mockery of a hearing for violating his stay away order that albeit illegal and done ex parte on the basis of preposterous slanderous statements by fraudulent guardians had expired by its own terms.
2. The “trial” that ensued was something that only a person with a depraved mind could conceive:
 - a. Michael Genden pre-signed an illegal order to show cause in collusion with Roy Lustig alleging I violated his illegal stay away order on the basis of slander and defamation against me and fraud on the court without due process and an evidentiary hearing.
 - b. This stay away order, albeit illegal had already expired by its own terms.
 - c. Michael Genden then deliberately set up a hearing to ask me questions purposely designed to entrap me.
 - d. My crime? Making a phone call to the prior facility where my mother was kept to determine where she was after Jacqueline Hertz kidnapped my mother and removed her from the rehabilitation facility.
 - e. Michael Genden held a mock criminal trial against me *instead of investigating criminal abuse by Jacqueline Hertz and Roy Lustig.*
 - f. In the travesty of the trial that ultimately ensued, the charges were shown to be false and were dismissed.
 - g. Even then, Michael Genden deviously sought to dismiss the matter by the entry of an “Order dismissing the Hearing Date” instead of a Dismissal of the Order to Show Cause which was finally entered after I incurred further expense and emotional distress.
 - h. Disgusting and was illegal and solely for the purpose of keeping me entwined in fabricated criminal charges so that the abuse of my mother could continue. . He encouraged and abetting Roy Lustig in asking me questions that would substantiated his already issued Order alleging my violation of his prior orders issued without an evidentiary hearing and to collude with the abuse of these guardians and their attorney.

- i. The lawsuit against me which was dismissed was filed with malice and for retaliation to deviously occupy Petitioner for the sole purpose of distracting her from her efforts to remove her mother from Jacqueline Hertz and to cause her to incur expense, attorney's fees, anguish and burden in connection and for which punitive damages are sought.
- j. *Thereafter, he rewarded Roy Lustig for participating in his criminal scam of a concocted criminal trial with legal fees for participating in this scam by allowing him to embezzle over \$42,000 of my mother's assets.*
- k. *Roy Lustig has a pending \$37,000 bill before Michael Genden for perpetuating fraud on the court.*

Abuse of Power, Unlawful Color of Law Abuse, Immoral Conduct, Violation of Judicial Oath of Office, Violation of Due Process and Constitutional Rights, Fraud on the Court

Some of Michael Genden's more flagrant violations of due process include:

- a. Michael Genden has denied Petitioner her right of access to the very file she commenced by establishing the guardianship.
- b. He has done this in a manner that is deceptive and deceitful and is representative of the manner in which operates outside the law- as he knew that an order denying Petitioner access to her file would be unconstitutional and a violation of due process on its face, he issued an "edict" that he illegally demanded court staff post on the file.(attached)
- c. Notwithstanding the fact that guardians are required to provide accountings each year to interested persons to which Petitioner is entitled as a daughter, he abets Roy Lustig's filing of no filing of documents that he refused to disclose to petitioner (see attached)
- d. Despite the fact that Florida statutes 744 require the guardian to file an accounting before the end of the **year and despite the fact that Michael Genden's own order stated no extensions would be granted**, he issued 3 extensions to file and accounting, delaying the accounting for over 90 days.
- e. He has now scheduled a pretext of a hearing to pretend that he will determine if the guardians can hire the very same accountants that were used by Alan Stone to cover up his embezzlement of Petitioner's mother's assets when in fact they have already hired these accountants and when in fact it is irrelevant whether or not Petitioner agrees to the hiring of already hired accountants as Michael Genden has denied her access to the accounting records. The "hearing" is just a pretense to allow Roy Lustig to embezzle additional assets from Petitioner's mother to attend a fraudulent hearing.
- f. He denied me, the daughter of an abused elderly person who initiated the guardianship access to her records.so he and the guardians could cover up their abuse.
- g. Michael Genden's prejudice and personal vendetta against Petitioner has taken a huge toll on her. As a result of his using his court to personal attack Petitioner, she has become traumatized by him. She has suffered severe emotional distress and financial hardship because of the need for an array of

attorneys she can ill afford and should be unnecessary to stop her mother's abuse but for Michael Genden's prejudice against her.

- h. Michael Genden's apathy of, personal vendetta against and failure to provide due process to Petitioner was obvious at the onset. His disregard for her mother's rights was apparent as despite the fact that her mother's court appointed attorney failed to show up repeatedly for hearings, this was discarded by Michael Genden as he stated that Petitioner's mother's attorney was **"only a mouthpiece for the guardians"**. Michael Genden's actions outside the law have festered and escalated until it has become not only an impediment to justice but a deliberate sabotage of justice.
- i. He sabotaged Petitioner by contradicting a ruling he issued on open court by later handwriting changes that severely prejudiced Petitioner (which ruling Petitioner now realizes was unlawful even without his handwritten additions as it was issued based his prior unlawful ruling made without an evidentiary hearing).
- j. The fact that at no time did he even see Petitioner's mother much less investigate her condition in light of red flag warnings of elder abuse is sufficient evidence of his abuse of power.
- k. Michael Genden engages in ex parte communications with Roy Lustig as a matter of course.
- l. In fact it seems that Roy Lustig is running Michael Genden's courtroom so apparent is it that Michael Genden is exchanging favors with his friend Roy Lustig in utter disregard for any pretense of propriety.
- m. Roy Lustig has no fear of accountability as a result of his "secretive, confidential filings" in an after the fact attempt to hide his failure to carry out his mandate to insure the safety and well-being of Petitioner's mother. His obvious ex parte communication only serves as an admission of his wrongdoing.
- n. Ore Tenus", "Ex Parte", "Secrecy" "Confidential Invoices" "Repressed Medical Evidence" "Fraudulent Orders" and "Void Orders" under Unlawful "Color of Law" result when a court that is a "Kangaroo Court" operates under wrongful color of law and abuse of power. Only in a court of deceit, sham, chicanery and false, unlawful "color of law," a "Kangaroo Court" could such self-serving, conniving and perverted events occur.
- o. Michael Genden's prejudice and impropriety is heightened by the fact my mother's matter is an emergency due to elder abuse, her age, and frail health and the dire need for Petitioner to have her mother's safety and well-being forthwith overseen and insured by an impartial judge.
- p. Michael Genden acting in conspiracy with Roy Lustig falsely accused Petitioner of violating his retaliatory stay away orders that was issued ex parte on the basis of what he knew were slanderous allegations against me. He then brought criminal charges against Petitioner that he fabricated with Roy Lustig and knew to be false. He tried Petitioner a mock trial in his own court, a blatant denial of due process. He initially dismissed these false charges by an unlawful order "dismissing the court date of the criminal charge". It was only after Petitioner needed to expend additional legal fees to redress his wrongful charges that he dismissed the action.

- q. Petitioner has repeatedly attempted to have Michael Genden recuse yet he refused. Not only has he perpetrated abuse of Petitioner's mother, he has filed false criminal charges against Petitioner. He has abetted elder abuse by failing to investigate crimes of abuse committed against Petitioner's mother. He perpetuated the embezzlement of over \$42,000. Roy Lustig now seeks another \$37,000 in the sham of a guardianship from Petitioner's mother to perpetuate her abuse. He is the subject of a lawsuit filed by Petitioner. Michael Genden runs a one sided court to benefit himself. He has violated every possible judicial cannon by his refusal to recuse and elder abuse criminal laws by perpetrating the abuse of Petitioner's mother.

Pending Acts of Abuse of Power, Fraud, Wrongful Color of Law and Malfeasance

1. The guardian have a pending "petition" before Genden for his permission to hire accountants that they have already hired to cover up their conduct. They also have a petition before Genden to hire the very same accountant used by Alan Stone to cover up his embezzlement of her assets.
2. In another of his unlawful pretenses of running a court of law, preposterously Genden has scheduled a hearing on these petitions. It is beyond believable that he would schedule a pretend hearing as he has denied me the right to review the accounting.
3. The hearing is solely for the purpose of allowing Roy Lustig and these guardians to bill time at a hearing in a court of no jurisdiction so they can embezzle more money from my defenseless mother who has no attorney to defend her.
4. On that note, it should be noted that her "court appointed" attorney, Larry Levy, absconded with over \$24,000 of her assets. He was viewed by Michael Genden as a **"mouthpiece of the guardians"** as Michael Genden so stated in a hearing in his lawless court. To date, Genden has allowed the embezzlement of over \$300,000 of my mother's assets. YET MY MOTHER WAS PROVIDED NO FOOD OR SERVICES.
5. Michael Genden is a disqualified judge who is committed acts of tyranny and elder abuse yet he continues to preside over this matter where his rulings are void and his conduct requires severe reprimand and removal from office.
6. Petitioner was again wrongfully arrested last week ***absurdly for seeing her mother***. Petitioner is being vilified. She was wrongfully arrested because Michael Genden is retaliating against her even though Michael Gender's unlawful ex parte temporary restraining order issued 6 months ago expired by operation of law pursuant to ***FL State 741.30 which states an ex parte temporary state away order expires after 15 days***.

Michael Genden is engaged in a personal vendetta against the undersigned for exposing him as a judge who operates outside the law and abets elder abuse of her mother and his cover up of his failure to protect her mother. Michael Genden is a shameful representative of the judiciary in Dade County.

This debacle “guardianship is exactly the opposite of what should occur when an elderly parent is placed in control of a guardians – there should be complete transparency and the encouragement and unification of the family unit.

For Michael Genden to put my mother in harm’s way and perpetrate this fake and fraudulent guardianship - in fact to place my mother in danger of losing her life and the resulting outcome that she is in a feeding tube destined in a lock down facility is so repugnant that this committee should remove Michael Genden from the bench and demand a criminal investigation.

Michael Genden in his supreme arrogance operates outside the law. Michael Genden engages in and abetted the abuse of a vulnerable 86 year old woman who was brought to his court for protection. He ignored the warning signs of elder abuse. He ignored my letter pleading for him to protect my mother. He ignored hospital records that reported extensive life threatening conditions. He ignored evidence of embezzlement by Alan Stone. He ignore the repeated letters and Affidavits of a respected rabbi who stated my mother’s that was drugged and incoherent, that medical records were not posted as required, that she was unkempt, that she was desperate to see her daughter, that there was inadequate food in the house among other things. He ignored the report of a social worker who stated her mother was “painfully thin” and in clothes that were huge, that she was unkempt and unattended and desperately missed her association with her daughter, the undersigned. He ignored repeated petitions by the undersigned.

Michael Genden is the epitome of an unfit judge. His conduct is a shameful representation of the judiciary.

Michael Genden ignored every safeguard and warning sign of elder abuse. MICHAEL GENDEN IS UNFIT TO ACT AS A JUDGE. MICHAEL GENDEN IGNORED THE VERY PROTECTIONS FOR MY MOTHER THAT HE IS MANDATED TO OVERSEE. HE IS ABETTING THE VERY ABUSE HE IS RESPONSIBLE TO INSURE DOES NOT OCCUR.

I have suffered unconscionable emotional distress watching my mother being terrorized, vandalized, violated, looted, bruised and black and blue, expressing her terror that the guardians were going to kill her and ultimately suffering surgery for the implantation of a feeding tube because she was deprived food and medical attention by a gang of criminal guardians and their attorney who Michael Genden placed in control of my mother.

Void Orders:

Michael Genden has endangered the life and safety of Helen Stone. ***Michael Genden is depriving my mother of her life.*** In appalling display of the most heinous arrogance, he has held himself above the law. My 86 year old mother's life has been defiled and persecuted in his courtroom. Neither this judge nor any other such person who takes a judicial oath shall subject any vulnerable adult or elderly citizen of the State of Florida to such a debacle of justice.

Michael Genden has abetted criminal elder abuse, aggravated elder abuse and financial exploitation. Michael Genden has issued unconstitutional orders without an evidentiary hearing. Michael Genden has denied Barbara Stone and Helen Stone due process. Michael Genden never had jurisdiction. Michael Genden issued fraudulent and void "orders" based on fraud and fraud on the Court. Michael Genden issued "orders" based on slanderous and defamatory statements which he knew were false. Michael Genden has engaged in ex parte conduct. **Michael Genden has violated the US Constitution.** Michael Genden's orders are void.

Supreme Court Decisions on Void Orders

A judgment may not be rendered in violation of constitutional protections. The validity of a judgment may be affected by a failure to give the constitutionally required due process notice and an opportunity to be heard. *Earle v. McVeigh*, 91 US 503, 23 L Ed 398. See also Restatements, Judgments ' 4(b). *Prather v Loyd*, 86 Idaho 45, 382 P2d 910. The limitations inherent in the requirements of due process and equal protection of the law extend to judicial as well as political branches of government, so that a judgment may not be rendered in violation of those constitutional limitations and guarantees. *Hanson v Denckla*, 357 US 235, 2 L Ed 2d 1283, 78 S Ct 1228.

A void judgment is not entitled to the respect accorded a valid adjudication, but may be entirely disregarded, or declared inoperative by any tribunal in which effect is sought to be given to it. It is attended by none of the consequences of a valid adjudication. It has no legal or binding force or efficacy for any purpose or at any place. ... It is not entitled to enforcement ... ***All proceedings founded on the void judgment are themselves regarded as invalid. 30A Am Jur Judgments " 44, 45.***

No Opportunity to Be Heard

It is a fundamental doctrine of law that a party to be affected by a personal judgment must have his day in court, and an opportunity to be heard. *Renaud v. Abbott*, 116 US 277, 29 L Ed 629, 6 S Ct 1194. Every person is entitled to an opportunity to be heard in a court of law upon every question involving his rights or interests, before he is affected by any judicial decision on the question. *Earle v McVeigh*, 91 US 503, 23 L Ed 398.

A judgment of a court without hearing the party or giving him an opportunity to be heard is not a judicial determination of his rights. *Sabariego v Maverick*, 124 US 261, 31 L Ed 430, 8 S Ct 461, and is not entitled to respect in any other tribunal.

"A void judgment does not create any binding obligation. Federal decisions addressing void state court judgments include *Kalb v. Feuerstein* (1940) 308 US 433, 60 S Ct 343, 84 L ed 370; *Ex parte Rowland* (1882) 104 U.S. 604, 26 L.Ed. 861: "A judgment which is void upon its face, and which requires only an inspection of the judgment roll to demonstrate its wants of vitality is a dead limb upon the judicial tree, which should be lopped off, if the power to do so exists." *People v. Greene*, 71 Cal. 100 [16 Pac. 197, 5 Am. St. Rep. 448]. "If a court grants relief, which under the circumstances it hasn't any authority to grant, its judgment is to that extent void." (1 Freeman on Judgments, 120-c.) An illegal order is forever void.

Orders Exceeding Jurisdiction

An order that exceeds the jurisdiction of the court is void, and can be attacked in any proceeding in any court where the validity of the judgment comes into issue. (See *Rose v. Himely* (1808) 4 Cranch 241, 2 L ed 608; *Pennoyer v. Neff* (1877) 95 US 714, 24 L ed 565; *Thompson v. Whitman* (1873) 18 Wall 457, 21 L ED 897; *Windsor v. McVeigh* (1876) 93 US 274, 23 L ed 914; *McDonald v. Mabee* (1917) 243 US 90, 37 Sct 343, 61 L ed 608.

"If a court grants relief, which under the circumstances it hasn't any authority to grant, its judgment is to that extent void." (1 Freeman on Judgments, 120-c.) "A void judgment is no judgment at all and is without legal effect." (*Jordon v. Gilligan*, 500 F.2d 701, 710 (6th Cir. 1974)) "a court must vacate any judgment entered in excess of its jurisdiction." (*Lubben v. Selective Service System Local Bd. No. 27*, 453 F.2d 645 (1st Cir. 1972).).

A void judgment does not create any binding obligation. Federal decisions addressing void state court judgments include *Kalb v. Feuerstein* (1940) 308 US 433, 60 S Ct 343, 84 L ed 370. Federal judges issued orders permanently barring Stich from filing any papers in federal courts. After Judges Robert Jones and Edward Jellen corruptly seized and started to liquidate Stich's assets, Judge Jones issued an unconstitutional order barring Stich from filing any objection to the seizure and liquidation.

Void Orders Can Be Attacked At Any Time

An order that exceeds the jurisdiction of the court, is void, or voidable, and can be attacked in any proceeding in any court where the validity of the judgment comes into issue. (See *Rose v. Himely* (1808) 4 Cranch 241, 2 L ed 608; *Pennoyer v. Neff* (1877) 95 US 714, 24 L ed 565; *Thompson v. Whitman* (1873) 18 Wall 457, 21 L ED 897; *Windsor v. McVeigh* (1876) 93 US 274, 23 L ed 914; *McDonald v. Mabee* (1917) 243 US 90, 37 Sct 343, 61 L ed 608.

U.S. v. Holtzman, 762 F.2d 720 (9th Cir. 1985) ("Portion of judgment directing defendant not to import vehicles without first obtaining approval ... was not appropriately limited in duration and, thus, district court abused its discretion by not vacating it as being prospectively inequitable." *Id* at 722.)

VOID ORDERS

1. An order is void if it was procured by fraud upon the court," *In re Village of Willowbrook*, 37 Ill. App. 3D 393(1962)
2. The United States Supreme Court has clearly, and repeatedly, held that any judge who acts without jurisdiction is engaged in an act of treason. **U.S. v. Will**, 449 U.S. 200, 216, 101, S. Ct. 471, 66 L.Ed. 2d 392, 406 (1980): **Cohens v. Virginia**, 19 U.S. (6 Wheat) 264, 404, 5 L.Ed 257 (1821).
3. **Due Process** is a requirement of the U.S. Constitution. Violation of the United States Constitution by a judge deprives that person from acting as a judge under the law. He/She is acting as a private person, and not in the capacity of being a judge (and, therefore, has no jurisdiction). The United States Supreme Court, in **Twining v. New Jersey**, 211 U.S. 78, 29 S.Ct. 14, 24, (1908), stated that "Due Process requires that the court which assumes to determine the rights of parties shall have jurisdiction."; citing **Old Wayne Mut. Life Assoc. V. McDonough**, 204 U. S. 8, 27 S. Ct. 236 (1907); **Scott v McNeal**, 154 U.S. 34, 14, S. Ct. 1108 (1894); **Pennoyer v. Neff**, 95 U.S. 714, 733 (1877).
4. The state Supreme Courts have held that those who aid, abet, advise, act upon and execute the order of a judge who acts without jurisdiction are equally guilty. They are equally guilty of a crime against the U.S. Government.
5. A **void** order is an order issued without jurisdiction by a judge and is **void ab initio** and does not have to be declared **void** by a judge to be **void**. Only an inspection of the record of the case showing that the judge was without jurisdiction or *violated a person's due process rights*, or *where fraud was involved in the attempted procurement of jurisdiction, is sufficient for an order to be void*. **Potenz Corp. v. Petrozzini**, 170 Ill. App. 3d 617, 525 N.E. 2d 173, 175 (1988). In instances herein, the law has stated that the orders are **void ab initio** and not voidable because they are already **void**.
6. A void order is void ab initio and does not have to be declared void by a judge. The law is established by the U.S. Supreme Court in **Valley v. Northern Fire & Marine Ins. Co.**, 254 U.S. 348, 41 S. Ct. 116 (1920) as well as other state courts, e.g. by the Illinois Supreme Court in **People v. Miller**. A party may have a court vacate a **void** order, but the **void** order is still **void ab initio**, whether vacated or not; a piece of paper does not determine whether an order is **void**, it just memorializes it, makes it legally binding and voids out all previous orders returning the case to the date prior to action leading to void ab initio.
7. This principle of law was stated by the U.S. Supreme Court as "Courts are constituted by authority and they cannot go beyond that power delegated to them. If they act beyond that authority, and certainly in contravention of it, their judgments and orders are regarded as nullities. They are not voidable, but

simply **VOID, AND THIS IS EVEN PRIOR TO REVERSAL.**” [Emphasis added]. Vallely v. Northern Fire and Marine Ins. Co., 254 U.S. 348, 41 S. Ct. 116 (1920). See also Old Wayne Mut. I. Assoc. v. McDonough, 204 U.S. 8, 27 S.Ct. 236 (1907); Williamson v. Berry, 8 How. 495, 540, 12 L. Ed. 1170, 1189, (1850); Rose v. Himely, 4 Cranch 241, 269, 2 L.Ed. 608, 617 (1808).

8. Pursuant to the **Vallely** court decision, a **void** order does not have to be reversed by any court to be a **void** order. Courts have also held that, since a **void** order is not a final order, but is in effect no order at all, it cannot even be appealed. Courts have held that a **void** decision is not in essence a decision at all, and never becomes final. Consistent with this holding, in 1991, the U.S. Supreme Court stated that, “Since such jurisdictional defect deprives not only the initial court but also the appellate court of its power over the case or controversy, to permit the appellate court to ignore it. ...[Would be an] unlawful action by the appellate court itself.” **Freytag v. Commissioner**, 501 U.S. 868 (1991); **Miller**, supra. Following the same principle, it would be an unlawful action for a court to rely on an order issued by a judge who did not have subject-matter jurisdiction and therefore the order he issued was **Void ab initio**.

9. A **void** order has no legal force or effect. As one court stated, a **void** order is equivalent to a blank piece of paper.

10. **VIOLATION OF THE CONSTITUTION**

A Judge has no lawful authority to issue any order which violates the Supreme Law of the Land.

The First Amendment to the U.S. Constitution states that all entities have the mandatory right of an adequate, complete, effective, fair, full meaningful and timely access to the court.

The First and the Fourteenth Amendment to the U.S. Constitution guarantees the right of association.

The Fifth and Fourteenth Amendment guarantees Due Process and Equal Protection to all. “*No state shall deprive any person of life, liberty or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.*” *United States Constitutional Amendment XIV and adopted by State of Indiana Constitution.*

“Choices about marriage, family life, and upbringing of children are among associational rights ranked as of basic importance in our society, rights sheltered by the Fourteenth Amendment against State’s unwarranted usurpation, disregard, or disrespect. U.S.C.A. Constitutional Amendment 14.

Michael Genden’s conduct fit the following definitions as set forth in Black’s law dictionary:

Corruption:

“Illegality; a vicious and fraudulent intention to evade the prohibitions of the law. The act of an official or fiduciary person who unlawfully and wrongfully uses his station or character to procure some benefit for himself or for another person, contrary to duty and the rights of others. U. S. v. Johnson (C. C.) 20 Fed. 082;

State v. Ragsdale. 59 Mo. App. 003; Wight v. Rindskopf, 43 Wis. 351; Worsham v. Murchison, 00 Ga. 719; U. S. v. Edwards (C. C.) 43 Fed. 07.”

Criminal:

“The name given to a person who has committed a serious crime”.

Criminal Intent

“The knowledge that you are performing an unlawful act and has the intentions to commit a crime.”

Habitual Criminal Statute

“A law that will impose a more severe punishment for a crime committed several times by the same person.”

Embezzlement:

“The fraudulent appropriation to his own use or benefit of property or money in trusted to him by another, by a clerk, agent, trustee, public officer, or other person acting in a fiduciary character. See 4 Bl. Comm. 230, 231; 3 Kent, Comm. 194; 4 Steph. Comm. 108, 109, 219; Fagnan v. Knox, 40 N. Y. Super. Ct. 49; State v. Sullivan, 49 La. Ann. 197, 21 South. OSS. 02 Am. St. Rep. 044; State v. Trolson, 21 Nev. 419, 32 Pac. 930; Moore v. U. S., 100 U. S. 208, 10 Sup. Ct. 294, 40 L. Ed. 422; Fulton v. Hammond (C. C.) 11 Fed. 293; People v. Gordon, 133 Cal. 328, 05 Pac. 740, 85 Am. St. Rep. 174. Embezzlement is the fraudulent appropriation of property by a person to whom it has been entrusted. Pen. Code Cal. i 503; Pen. Code Dak.

Michael Genden’s conduct constitutes elder abuse as defined by Florida statutes 825. The relevant portions are set forth below:

825.101 Definitions.—As used in this chapter:

(8) “Intimidation” means the communication by word or act to an elderly person or disabled adult that the elderly person or disabled adult will be deprived of food, nutrition, clothing, shelter, supervision, medicine, medical services, money, or financial support or will suffer physical violence.

(11) “Position of trust and confidence” with respect to an elderly person or a disabled adult means the position of a person who:

(c) Has a legal or fiduciary relationship with the elderly person or disabled adult, including, but not limited to, a court-appointed or voluntary guardian, trustee, attorney, or conservator;

(e) Is any other person who has been entrusted with or has assumed responsibility for the use or management of the elderly person’s or disabled adult’s funds, assets, or property.

(12) “Property” means anything of value and includes:

(a) Real property, including things growing on, affixed to, and found in land.

(b) Tangible or intangible personal property, including rights, privileges, interests, and claims.

825.102 Abuse, aggravated abuse, and neglect of an elderly person or disabled adult; penalties.—

(1) “Abuse of an elderly person or disabled adult” means:

- (a) *Intentional infliction of physical or psychological injury upon an elderly person or disabled adult;*
- (b) *An intentional act that could reasonably be expected to result in physical or psychological injury to an elderly person or disabled adult; or*
- (c) *Active encouragement of any person to commit an act that results or could reasonably be expected to result in physical or psychological injury to an elderly person or disabled adult.*

A person who knowingly or willfully abuses an elderly person or disabled adult without causing great bodily harm, permanent disability, or permanent disfigurement to the elderly person or disabled adult commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) “Aggravated abuse of an elderly person or disabled adult” occurs when a person:

- (a) Commits aggravated battery on an elderly person or disabled adult;
- (b) *Willfully tortures, maliciously punishes, or willfully and unlawfully cages, an elderly person or disabled adult; or*
- (c) *Knowingly or willfully abuses an elderly person or disabled adult and in so doing causes great bodily harm, permanent disability, or permanent disfigurement to the elderly person or disabled adult.*

A person who commits aggravated abuse of an elderly person or disabled adult commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3)(a) “Neglect of an elderly person or disabled adult” means:

1. A caregiver’s failure or omission to provide an elderly person or disabled adult with the care, supervision, and services necessary to maintain the elderly person’s or disabled adult’s physical and mental health, including, but not limited to, food, nutrition, clothing, shelter, supervision, medicine, and medical services that a prudent person would consider essential for the well-being of the elderly person or disabled adult; or
2. A caregiver’s failure to make a reasonable effort to protect an elderly person or disabled adult from abuse, neglect, or exploitation by another person.

Neglect of an elderly person or disabled adult may be based on repeated conduct or on a single incident or omission that results in, or could reasonably be expected to result in, serious physical or psychological injury, or a substantial risk of death, to an elderly person or disabled adult.

(b) *A person who willfully or by culpable negligence neglects an elderly person or disabled adult and in so doing causes great bodily harm, permanent disability, or permanent disfigurement to the elderly person or disabled adult commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.*

(c) *A person who willfully or by culpable negligence neglects an elderly person or disabled adult without causing great bodily harm, permanent disability, or permanent disfigurement to the elderly person or disabled adult commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.*

History.—s. 3, ch. 95-158; s. 2, ch. 96-322; s. 1, ch. 2008-160.

825.103 Exploitation of an elderly person or disabled adult; penalties.—

(1) “Exploitation of an elderly person or disabled adult” means:

- (a) *Knowingly, by deception or intimidation, obtaining or using, or endeavoring to obtain or use, an elderly person’s or disabled adult’s funds, assets, or property with the intent to temporarily or permanently deprive the elderly person or disabled adult of the use, benefit, or possession of the funds, assets, or property, or to benefit someone other than the elderly person or disabled adult, by a person who:*

1. *Stands in a position of trust and confidence with the elderly person or disabled adult; or*
2. *Has a business relationship with the elderly person or disabled adult;*

(b) Obtaining or using, endeavoring to obtain or use, or conspiring with another to obtain or use an elderly person's or disabled adult's funds, assets, or property with the intent to temporarily or permanently deprive the elderly person or disabled adult of the use, benefit, or possession of the funds, assets, or property, or to benefit someone other than the elderly person or disabled adult, by a person who knows or reasonably should know that the elderly person or disabled adult lacks the capacity to consent; or

(c) Breach of a fiduciary duty to an elderly person or disabled adult by the person's guardian or agent under a power of attorney which results in an unauthorized appropriation, sale, or transfer of property.

(2)(a) If the funds, assets, or property involved in the exploitation of the elderly person or disabled adult is valued at \$100,000 or more, the offender commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) If the funds, assets, or property involved in the exploitation of the elderly person or disabled adult is valued at \$20,000 or more, but less than \$100,000, the offender commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) If the funds, assets, or property involved in the exploitation of an elderly person or disabled adult is valued at less than \$20,000, the offender commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

History.—s. 4, ch. 95-158; s. 5, ch. 96-322; s. 1, ch. 97-78; s. 29, ch. 2009-223.

The moral test of government is how that government treats those who are in the dawn of life, the children; those who are in the twilight of life, the elderly; and those who are in shadows of life, the sick, the needy and the handicapped.

Hubert H Humphrey

Our elderly and vulnerable citizens are suffering criminal abuse and financial exploitation because of Judges like Michael Genden. He is a disgraced judge and should be removed from office immediately. My mother's abuse at his hands is shameful and his conduct is the act of a criminal.

Michael Genden represents all that is wrong with the legal system. He is a judge that not only does not follow the law, he uses his court to abuse the judicial system. He violated that sanctity of his fellow judges and the judiciary by perpetrating crimes in his courtroom. His abuse permeates the court of Migna Llorens who is violating Petitioner's due process and constitutional rights by operating a court that does not follow the law and engages in abuse of judicial power.

I and my 86 year old mother have no judge, no court of law, no legal and Constitutional rights and no due process. Michael Genden has violated my constitutional and due process rights and those of my mother, he operates a court without jurisdiction, and as a disqualified judge and has violated his judicial oath of office

In the matter of In re Graziano, 696 So 2d 244, (Fla 1997) the judge was removed from office after hiring a friend as guardian ad litem despite the friend's lesser qualifications than other applicants and granting her raise for poor performance.

Michael Genden's conduct is even more offensive. He abetted financial extortion of his friend Roy Lustig, he has engaged in aggravated physical elder abuse. Not only should he be impeached and removed from office, he should be criminally investigated and held liable for elder abuse and aggravated abuse and exploitation. His orders must be declared void.

I look forward to your emergency attention to this matter.

Respectfully submitted,

Barbara Stone

Enclosures

EXHIBIT 2

Order Appointing “Special Process Server”

**Rule to show cause dated April 7, 2015 filed against me by Judge Michael Genden and
Order to show cause dated April 9, 2015 pursuant to a fraudulent affidavit filed in secret
against me by Blaire Lapidès**

2015 APR 14 AM 11:39
CLERK OF CIRCUIT COURT

IN THE CIRCUIT COURT OF THE 11TH
JUDICIAL CIRCUIT IN AND FOR
MIAMI-DADE COUNTY, FLORIDA

PROBATE DIVISION

CASE NUMBER: 12-4330 GD 01

IN RE: GUARDIANSHIP OF
HELEN STONE

ORDER APPOINTING SPECIAL PROCESS SERVER

THIS CAUSE having come on to be heard on the Petition to Appoint a Special Process Server for this case, and the Court having heard argument of counsel, and being otherwise advised in the premises; it is

ORDERED AND ADJUDGED that said Petition be, and the same is hereby GRANTED. Jorge Estarellas, with Process Server ID Number 1294, is hereby appointed as Special Process Server in this Case.

DONE AND ORDERED in Chambers at Miami-Dade County, Florida, on this 14th day of April, 2015.



MICHAEL A. GENDEN
CIRCUIT COURT JUDGE

STATE OF FLORIDA, COUNTY OF MIAMI-DADE

I HEREBY CERTIFY that the foregoing is a true and correct copy of the original on file in this office. APR 14 2015 AD 20

HARVEY RUVIN, CLERK of Circuit and County Courts

Deputy Clerk


CAROLINA BENITEZ



IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
IN AND FOR MIAMI-DADE COUNTY, FLORIDA

RULE TO SHOW CAUSE

IN RE: GUARDIANSHIP OF
HELEN STONE

PROBATE DIVISION

CASE NO.12-4330 GD01

TO: BARBARA STONE
244 5TH AVENUE B296
NEW YORK, NEW YORK 10001
Barbara Stone
101 N. Ocean Drive 752
Hollywood, Florida 33019

*Posted
4:31 PM
4/23/15
1294*

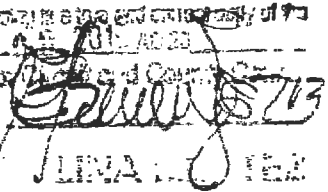
THIS CAUSE, having come on to be heard on the Petitions filed on April 6, 2015 by Barbara Stone in complete disregard of my Order Prohibiting Barbara Stone from Filing Anymore Pleadings, Motions and Objections in this Court and this Court being fully advised, it is ORDERED that you, BARBARA STONE are hereby commanded to appear before the undersigned Judge at: 701 NW 1st Court, 8th Floor, #811, Miami-Dade County, Florida, on the 4th day of May, 2015, at 11:30 a.m. on said date and at the time show cause, if any, why you should not be adjudged in contempt and punished by assessment of attorneys' fees, costs, fine and/or jail for your failure to comply with my Order Prohibiting Barbara Stone from Filing Anymore Pleadings, Motions and Objections in this Court unless it is filed by a member in good standing with the Florida Bar signed on January 6, 2015.

DONE AND ORDERED in Chambers in Miami, Miami Dade County, Florida, this 7th day of April, 2015.


MICHAEL A. GENDEN
CIRCUIT COURT JUDGE

Roy Lustig, Esq.
Suite 710, Courthouse Plaza
28 W Flagler St
Miami, Florida 331301806

STATE OF FLORIDA, COUNTY OF MIAMI-DADE
I HEREBY CERTIFY that the foregoing is a true and correct copy of the
original on file in the office of the Clerk of the Court.
MARVEY KUYEN, CLERK of the Court
Deputy Clerk


LINA



2015 APR -9 AM 11:07

IN RE: GUARDIANSHIP OF
HELEN STONE,
the Ward

IN THE CIRCUIT COURT IN AND FOR
MIAMI-DADE COUNTY, FLORIDA.

PROBATE DIVISION
CASE NO.: 12-4330 GD 01

ORDER TO SHOW CAUSE

UPON CONSIDERATION of the Co-Guardian Blaire Lapidès's Motion for the Issuance of an Order to Show Cause with the Affidavits of Marie Escarment and Blaire Lapidès being sworn to and filed with the Court in this cause on March 2, 2015, and upon review of this Court's Emergency Order for Contempt and Temporary Injunction Against Violence from Barbara Stone, dated December 20, 2013 ("Order"), this Court finds:

That the attached Order dated December 20, 2013, enjoined Barbara Stone from performing any of the following acts:

Paragraph 3 "No Contact. Unless otherwise provided herein, Barbara Stone shall have no contact with the Ward, Helen Stone or the Co-Guardians Blaire Lapidès 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 Lapidès, Jacqueline Hertz or any persons treating and/or caring for Helen Stone in person, by mail, e-mail, fax, telephone, through another 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 residence, current residence, or current placement or residence to which Helen Stone may move; Blaire Lapidès's permanent residence, current residence, or residence to which Blaire Lapidès may move or employment; or Jacqueline Hertz's permanent residence, current residence, or residence to which Jacqueline Hertz may move or employment"

The Co-Guardian has petitioned this Court for an Order adjudging Barbara Stone to be in Indirect Criminal Contempt of Court for the willful disregard and disobedience of the provisions of this Court's Order of December 20, 2013, by engaging in the following acts of conduct:

FILED COPY
CERTIFICATION BY LAW OFFICE
MARLEY BROWN, CLERK

- a. Barbara Stone using Joanne Denison, under the pretense of being Alex Talbot, the daughter of Elza Talbot her mother's recently deceased friend, to contact her mother, Helen Stone, by entering the facility where the Ward, Helen Stone resides and by further trying to enter her room;
- b. By continuing to make contact with the persons treating and/or caring for Helen Stone in person, by fax, telephone and through other persons.

NOW, THEREFORE, it is ORDERED AND ADJUDGED that Barbara Stone shall appear before this Court on the 4th day of May, 2015, at 11:30Am, on the 8th Floor, of the Overtown Transit Village, North Tower, 701 NW 1st Court, Miami, Florida 33136, to be arraigned and then and there show cause why she should not be held in and punished for indirect criminal contempt of Court, pursuant to Fla. R. Crim. P. 3.840, for her willful failure to comply with the terms of the above Order dated December 20, 2013. Such punishment, if imposed, may include a fine and/or or incarceration or probation.

Should the Court determine, based upon the evidence presented at the hearing, that Barbara Stone's conduct warrants sanctions for civil contempt in addition to or instead of indirect criminal contempt, the Court reserves the right to find Barbara Stone guilty of civil contempt and impose appropriate civil sanctions.

You have the right to be represented by an attorney.

FAILURE TO APPEAR AT THE HEARING MAY RESULT IN THE COURT ISSUING A WRIT OF BODILY ATTACHMENT FOR YOUR ARREST. IF YOU ARE ARRESTED, YOU MAY BE HELD IN JAIL UP TO 48 HOURS BEFORE A HEARING IS HELD.

2 PAGE COPY
REPRODUCTION OF LAST PAGE
MAY 14 2015 11:30

The Sheriff of Miami Dade County, Florida is hereby ordered to serve a copy of this Order to Show Cause on Barbara Stone, and to make a return showing such service.

DONE AND ORDERED in chambers at Miami Dade County, Florida this 9 day
of April, 2015.


MICHAEL A. GENDEN
CIRCUIT COURT JUDGE

Copies to: Roy R. Lustig, Esq.
Barbara Stone, Pro Se
Mark F. Raymond, Esq.

STATE OF FLORIDA, COUNTY OF MIAMI-DADE
I HEREBY CERTIFY that the foregoing is a true and correct copy of the
original on file in this office. APR 9 2015
HARVEY RUVIN, CLERK of Circuit and County Court

Deputy Clerk

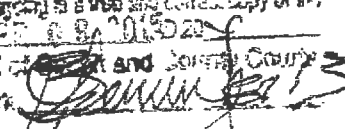

CAROLINA BENITEZ



EXHIBIT 3

Petition to Maria Korvick, the administrative judge in the probate court to transfer my matter from
Michael Genden and to another jurisdiction

IN THE ELEVENTH JUDICIAL CIRCUIT COURT IN MIAMI-DADE COUNTY, FLORIDA

IN RE: GUARDIANSHIP OF HELEN STONE

PROBATE DIVISION
CASE NO: 12-4330

ATTACHED EMERGENCY PETITIONS
TO FILE PETITION AND
PETITION TO TRANSFER JUDGE
AND FOR PETITIONER TO SEE HER GRAVELY ILL MOTHER
ARE SUBMITTED TO
JUDGE MARIA KORVICK

April 2, 2015

A handwritten signature in cursive script that reads "Barbara Stone".

Barbara Stone

Tel: 212.994.5482 / Fax: 212.994.5481 / Bstone12@hotmail.com

IN THE ELEVENTH JUDICIAL CIRCUIT COURT IN MIAMI-DADE COUNTY, FLORIDA

IN RE: GUARDIANSHIP OF HELEN STONE

PROBATE DIVISION

CASE NO: 12-4330

EMERGENCY PETITION TO FILE PETITION

The Petitioner, Barbara Stone ("Petitioner"), daughter of Mrs. Helen Stone ("Mrs. Stone") and interested party hereby emergency petitions to file the attached Petition on the following grounds:

1. Michael Genden has repeatedly denied Petitioner who her due process because he is prejudice and bias
2. Petitioner has grave fears of Michael Genden who has terrorized and tortured her and her mother because he is an unfit and arrogant judge without a whit of knowledge about the laws of guardians or the accommodations that must be provided to Petitioner's mother came on the bench in probate and has used her mother's guardianship as an opportunity to grant ownership of her mother to predators with a pattern and history of criminal activity as set forth in the attached.
3. It is inconceivable to Petitioner that Michael Genden has been installed over her mother's case and abetted atrocities set forth in the attached to occur to her mother, repeated hospitalization, lies and fraud from miscreants to occur in his courtroom to the point where Petitioner mother is now back in the hospital for the 2nd time in a week and on the brink of death.
4. Michael Genden has denied Petitioner her right to file documents in this matter because she has exposed the fraud in his court and caused her false arrest for protecting her mother from miscreants who have engaged in fraud on the court.
5. Petitioner's mother is in grave and imminent danger and on the brink of death and requires an impartial unbiased judge.

Whereas Petitioner seeks to file the attached petition to transfer this matter to an unbiased and unprejudiced judge and to see her gravely ill mother.

Under penalties of perjury, Petitioner declares she has read the foregoing and the facts alleged are true to the best of her knowledge and belief.

April 2, 2015



Barbara Stone

Tel: 212.994.5482 / Fax: 212.994.5481 / Bstone12@hotmail.com

IN RE: GUARDIANSHIP OF HELEN STONE

PROBATE DIVISION
CASE NO: 12-4330

EMERGENCY PETITION TO TRANSFER JUDGE TO A VISTING JUDGE
AND FOR PETITIONER TO SEE HER MOTHER

The Petitioner, Barbara Stone ("Petitioner"), daughter of Mrs. Helen Stone ("Mrs. Stone") and interested party hereby emergency petitions this Court to transfer the matter to an impartial, unbiased judge on the following grounds on information and belief which grounds are a minuscule recitation of the enormity of Michael Genden's fraudulent court:

1. Michael Genden has intentionally denied Petitioner and her mother due process.
2. Michael Genden has intentionally denied Petitioner and her mother equal protection. Each time Petitioner comes into his court not once has her requests been granted – in fact this arrogant disgusting pretense of a judge removes and violates her rights for matters that are not even at issue.
3. Petitioner has filed a notice of criminal activity against Michael Genden with law enforcement against him. It is an utter absurdity to think he is a legitimate impartial "judge" in this matter. He is a disgusting pompous buffoon who has upon information and belief engaged in criminal activity
4. When Petitioner notified Michael Genden of fraud on the court perpetrated by Roy Lustig who has a criminal past having been found guilty of fraud on the court, lying under oath and perjury and who should be barred from coming anywhere near Petitioner's elderly disabled mother, Michael Genden in a colossally arrogant denial and cover up of the fraud committed in his court denied Petitioner the right to file pleadings
5. Michael Genden has failed to protect Petitioner's mother on every level.
6. On information and belief, Michael Genden is a racketeer who is colluding with Roy Lustig and Jacqueline Hertz and Blaire Lapidés to commit felony crimes on Petitioner's mother and extort her assets. He has failed to require the guardians marshal the over \$700,000 that Alan Stone has embezzled from Petitioner's mother. He has abetted these vultures to feed on Petitioner's mother's assets, colluding in their draining of over \$600,000 in fraudulent legal fees for devious schemes they have orchestrated and then forced Petitioner's mother to pay for their fraud.
7. Roy Lustig wrongly and fraudulently misinformed and misrepresented this Court of the condition of Mrs. Stone stating in a fraudulent petition that he filed to embezzle fees that "Barbara Stone has made false statement and accusation regarding her mother's history of pneumonia and being admitted to the hospital suffering pneumonia, malnourished, and dehydrated, none of which was noted or diagnosed by the attending physicians at the time of admission into the hospital..."
8. In fact all of these conditions were reported by the attending physicians at the time of admission. **His lies are apparent as the attached medical report reflect these life threatening conditions and a host of other life endangering complications.**
9. Petitioner's mother was admitted to the hospital by emergency TWICE last week after the guardians heaped their abuse on her and failed to insure she was treated properly upon her first emergency hospital admission.
10. On the next day after Petitioner's mother was admitted to the hospital, the racketeer enterprise anointed by Michael Genden comprised of Roy Lustig, Blaire Lapidés, Alan Stone and Jacqueline Hertz filed the attached fraudulent fabricated "guardian plan" that pretended all is fine with her mother who they have abused like a dog. **This scam "guardian plan" in an extraordinary, brazen, big, huge, colossal, enormous, gigantic, titanic, massive lie did not indicate that Petitioner's mother was rushed by emergency to the hospital and was in the hospital at the time the fraudulent "plan" was filed. Such are the pond scum that run a racket so flagrant that even Michael Genden, the master of cover up and fraud will be unable to cover up this perversion by these predators.**

This brazen, big, huge, colossal, enormous, gigantic, titanic, massive fraudulent "guardian plan" fails to reveal that Petitioner's mother has no rehabilitation whatsoever, that the very same illiterate, abusive, unfit, just off the boat aides who almost caused her mother to die are still installed in her abuse, that the facility is a warehouse where Petitioner's mother is caged on lock down on the third floor without secondary elevator access and she would die in the event of a fire, that the facility is a disgusting place where Petitioner's mother is left in her urine and feces and is denied seeing her own rabbi. Such is the duplicity for this Machiavellian pond scum who call themselves "guardians", an oxymoron for miscreant deviants.

11. Of particular note is the fact that Petitioner brought her mother to this court to protect her. Instead, Genden has placed her mother in the hands of these unfit, self-serving miscreants. He has maliciously retaliated against Petitioner removing her from her mother because of his arrogance in finding her in "contempt" of his racketeering court. His illusions of "contempt" in his court although absurd, even if true have nothing whatsoever to do with Petitioner's relationship with her mother.
12. It is ludicrous to pretend that Michael Genden is an unbiased legitimate judge who is operating in Petitioner's mother best interest. Michael Genden has destroyed her mother, abetted her abuse, ruined the life of her daughter and abetted the extortion of every dime owned by her mother. Her mother has been deprived food and medical attention, suffered a battery at the instructions of these predator guardians by their allowing her stomach to be cut open to implant a feeding tube because they caused her emaciation, that the feeding tube is used for their convenience to lace Petitioner's mother with drugs, she was forcibly removed her from her home, forced her into a facility against her will, abetted her drugging with psychotropic drugs and is failed to investigate the horrific abuse at the time of her mother's first hospitalization in November, 2013. Now the fraudulent fake guardians that Michael Genden has empowered to control Petitioner's mother caused Petitioner's mother to be rushed by emergency to the hospital and these predators who Michael Genden entrusted her mother have filed fraudulent reports that fail to disclose the gravity of the life endangering condition of Petitioner's mother.
13. It is not in the best interest of Mother Stone to have her assets drained for Fraudulent orchestrated schemes by Roy Lustig, Jacqueline Hertz and Blaire Lapides. It is not in the best interest of Mrs. Stone to be forced to pay approximately \$600,000 to a guardian racketeering enterprise who are committing criminal acts.
14. It is not in the best interest of Mrs. Stone to have over \$700,000 of her assets embezzled by Alan Stone.
15. It is in the best interest for Mrs. Stone not to be drugged, isolated, chemically restrained, feed through a feeding tube laced with drugs and forced to reside in a lock down facility.
16. Mrs. Stone has been defrauded, abused, denied due process and victimized. This guardianship is the result of fraud on the Court. This guardianship is perpetuated by fraud and collusion by Michael Genden, an arrogant vindictive disgusting excuse for a judge. He arrived in probate court without a whit of knowledge about the needs or elderly disabled persons. He sees Petitioner's mother as an opportunity for theft and abuse.
17. **Michael Genden's disgusting perverted reign of terror is over.** It is despicable that this arrogant buffoon has terrorized Petitioner and her mother, colluded with his racketeer cohorts in the unspeakable abuse and financial rape of Petitioner's mother, isolated Petitioner from her frail, gravely ill mother and devastated Petitioner's life.

WHEREFORE, the Petitioner, Barbara Stone, seeks the emergency transfer of this fraudulent guardianship from Michael Genden to a visiting legitimate judge who will be unbiased and to strike Michael Genden's unlawful unconstitutional "isolation order".

Under penalties of perjury, Petitioner declares she has read the foregoing and the facts alleged are true to the best of her knowledge and belief.

April 2, 2015



Barbara Stone

Tel: 212.994.5482 / Fax: 212.994.5481 / Bstone12@hotmail.com

Certificate of Service

I hereby certify that a copy was sent to Mark Raymond at mraymond@broadandcassel.com and Roy Lustig at roy@rlustig-law.com this 2nd day of April, 2015

Barbara Stone

cc: Chief Justice Labarga
Chief Judge Bertila Soto
Judge Jennifer Bailey
Maria Mihaic
Judicial Qualifications Commission
Press and legislators

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IN THE ELEVENTH JUDICIAL CIRCUIT COURT IN MIAMI-DADE COUNTY, FLORIDA

IN RE: GUARDIANSHIP OF HELEN STONE

PROBATE DIVISION
CASE NO: 12-4330

ORDER ON TRANSFER TO A VISTING JUDGE

It is hereby ORDERED that this matter is transferred to visiting judge _____

DONE AND ORDERED THIS ____ day of April, 2015.

Judge

IN THE ELEVENTH JUDICIAL CIRCUIT COURT IN MIAMI-DADE COUNTY, FLORIDA

IN RE: GUARDIANSHIP OF HELEN STONE

PROBATE DIVISION
CASE NO: 12-4330

ORDER

It is hereby ORDERED that Petitioner may visit her mother.

DONE AND ORDERED THIS __ day of April, 2015.

Judge

Hospital Records

AVENTURA HOSPITAL AND MEDICAL CENTER (OCCAT)
Consultation Note - Brief
REPORT #: 1119-0909 REPORT STATUS: Signed
DATE: 11/19/13 TIME: 1612

PATIENT: STONE, HELEN
ACCOUNT #: V032430267
AGE: 86 SEX: F
ADM DT: 11/09/13

UNIT #: V00204847
ROOM/BED: V.811-N-A
ATTEND: Planko, Leonard
AUTHOR: Rodriguez, Marc

* ALL edits or amendments must be made on the electronic/computer document *

Brief Consult Note

Problem List

Medical Problems

(Acute)

Benign hypertension (Chronic)
Compression fracture of lumbar spine (Acute)
Dementia (Chronic)
Gastritis (Chronic)
Hypothyroidism (Chronic)

Requesting Clinician: Dr. Ramirez

Reason for consult:

Vascular access

Longterm iv antibiotic

History of present illness:

86 yr old female w/PMH as below presented to Aventura Er with decreased strength, unsteady gait, incontinence, functional decline. Pt has leukocytosis with poss. pneumonia/uti and needs vascular access for longterm iv antibiotics. I have been consulted on this case to provide vascular access via picc line insertion.

Significant past med/surg hx:

Hypertension, GERD, severe osteoporosis, followed by Dr. Oberstein, h/o L1 and L3 compression fractures, depression, glaucoma, hypothyroidism, and dementia.

Goiter removal

Allergies:

Allergies:

Macrolide Antibiotics (Coded, Severe, ITCH, 11/08/13)

Penicillins (Coded, Severe, ITCH, 11/08/13)

azithromycin (Coded, Severe, ITCH, 11/08/13)

clarithromycin (From BIAXIN) (Coded, Severe, ITCH, 11/08/13)

prednisolone (Coded, Severe, ITCH, 11/08/13)

Home medications:

Home Medications:

RUN DATE: 12/09/13
RUN TIME: 0440
RUN USER: NPF.FEMO

ADVENTURA HOSP & MED CTR
CODING SUMMARY

PAGE 1

NAME: STONE, HELEN

ACCT#: V032430267
FORM

ADM DATE: 11/09/13 1347
ATTEND PHYS: Dianko, Leonard
DIS DT/TH: 11/20/13 1126
DIS DISP: SNF CERTIFIED MEDICARE BED
LOS: 11
PT CLASS: IN.MCR

UNIT#: V00204847
SEX: F
AGE: 06
DOB: 10/01/27
FIN CLASS: 01
ABS STATUS: FINAL

DIAGNOSES

POA INDICATOR

ADMIT	781.2	ABNORMALITY OF GAIT	
PRINC	276.51	DEHYDRATION	Y
	484	PNEUMONIA, ORGANISM NOS	N
	340.31	METABOLIC ENCEPHALOPATHY	Y
	599.0	URIN TRACT INFECTION NOS	N
	263.9	PROTEIN-CAL MALNUTR NOS	Y
	733.13	PATHOLOGIC FRACTURE, VERTEBRAE	Y
	268.9	VITAMIN D DEFICIENCY NOS	Y
	041.4	PROTEUS INFECTION NOS	N
	110.1	DERMATOPHYTOSIS OF NAIL	Y
	110.4	DERMATOPHYTOSIS OF FOOT	Y
	703.0	INGROWING NAIL	Y
	530.81	ESOPHAGEAL REFLUX	Y
	333.3	DIAPHRAGMATIC HERNIA	Y
	535.50	UNSP GASTRITIS & GASTRODUODENITIS W/O BLEEDING	Y
	564.00	UNSPEC CONSTIPATION	N
	401.1	BENIGN HYPERTENSION	Y
	244.0	POSTSURGICAL HYPOTHYROID	Y
	715.90	OSTEOARTHRITIS NOS-UNSPEC	Y
	338.29	OTHER CHRONIC PAIN	Y
	733.00	OSTEOPOROSIS NOS	Y
	311	DEPRESSIVE DISORDER NEC	Y
	365.9	GLAUCOMA NOS	Y
	331.0	ALZHEIMER'S DISEASE	Y
	294.20	DEMENTIA IN CONDITIONS W/O BEHAVIORAL DISTURB	Y
	781.2	ABNORMALITY OF GAIT	Y
	789.7	ADULT FAILURE TO THRIVE	Y

REASON FOR VISIT DX

OPERATIONS

DATE	PROC CODE & NAME	SURGEON	ANESTHESIOLOGIST
11/14/13	43.11 PERCUTANEOUS [ENDOSCOPIC] GAST	Wolfson, Daniel	Moyola, Jose
11/14/13	96.6 ENTERAL INFUSION OF CONCENTRAT	Wolfson, Daniel	
11/19/13	38.93 VENOUS CATHETERIZATION NEC	Sahalon, Haim	
11/11/13	86.27 DEBRIDEMENT OF NAIL, NAIL BED	Adler, Charlton	

CPT:

DRG: 440 MISC DISORDERS OF NUTRITION, METABOLISM, FLUIDS/ELECTROLY

STATUS	\$REIMB	MIN-LOS	STD-LOS	COST WT	GRP VERS	GRP PG
F	5906.25		3.3	1.1111	31	01

Patient: STONE, HELEN

MRN: V00204847

Encounter: V032430267

Page 1 of 2

HEART: Revealed regular sinus rhythm.

BRFASYS: Negative.

LUNGS: Clear, but obviously detail examination is difficult because of her interbody weakness and immobility.

ABDOMEN: Soft. She complains of tenderness throughout the abdomen, but I cannot palpate anything. There is no rebound or guarding. This is mostly complaining of discomfort on examining. There are no palpable lymph nodes anywhere.

EXTREMITIES: Unremarkable. She has 2 ecchymosis on each knee reminiscent of having fallen or similar.

NEUROLOGICAL: Nonfocal, but she is somewhat demented. She responds to verbal stimulus. Follows some commands. She is mostly upset all the time and is not oriented.

IMPRESSION:

1. Severe leukocytosis, apparently leukemoid reaction without any obvious cause.
2. Functional decline.
3. Dementia.
4. Hypothyroidism.
5. History of depression.
6. History of arthritis, osteoporosis, and compression fractures of the spine.
7. History of hypertension.
8. History of gastroesophageal reflux disease.
9. Plasma cell dyscrasia?

Again as I mentioned above, the laboratory data really reveals the absence of anemia with this very severe leukocytosis, which does not even have a left shift. The multiple chemistries again are mostly unreliable except for the persistence of hypercalcemia. B12 is normal. The serum protein electrophoresis revealed that is suspicious for a paraprotein spike.

I have ordered a multiplicity of studies to try to clarify these.

Thank very much again for allowing me to participate in the care of this patient. I will follow her along with you.

Enrique Davila, MD

ED/MedQ

DO: 11/13/2013 10:49

DT: 11/13/2013 20:51

LOD: 6:57

Job #: 954744/587754993

CC: Enrique Davila, MD

Lina Ramirez, MD

Fax: 3059315625

Leonard Panko, MD

PATIENT NAME: STONE, HELEN

ACCOUNT #: V032430267

VIOLATION OF HUMAN AND CIVIL AND RELIGIOUS RIGHTS

.

From: Rabbi Farber 7865861816

Received: Apr 2, 2015 2:38 PM

I am unable to visit mom. They have a list at the nurses station of who can visit and who can't. Your name and my name are on the no list and your brother's name and the guardians name are on the guest list. Anyone comes to visit must go to the nurses station and they have a list there. So I'm afraid there's nothing I can do.

FRAUDULENT GUARDIAN PLAN

**IN THE CIRCUIT COURT OF THE
11th JUDICIAL CIRCUIT IN AND FOR
MIAMI-DADE COUNTY, FLORIDA**

IN RE: GUARDIANSHIP OF

PROBATE DIVISION

HELEN R. STONE,

FILE NUMBER: 12-4330

An Incapacitated Person /

DIVISION: 01

ANNUAL GUARDIANSHIP PLAN

Blaire Lapidès and Jacqueline Hertz, the Co-guardians of the person of Helen R. Stone, (the Ward), submit the following plan as the annual guardianship report of these Co-Guardians:

The annual guardianship plan for the period beginning on **January 1, 2015**, and ending on **December 31, 2015**, shall be as follows:

1. The Ward's address at the time of filing this plan is at Regents Park of Aventura, located at 18905 NE 25th Avenue, Aventura, FL 33180.
2. During the prior twelve (12) months, Helen R. Stone, the Incapacitated Person, resided at Regents Park of Aventura, a skilled nursing facility, 18905 NE 25th Avenue, Aventura, FL 33180.
3. The residential setting best suited for the current needs of this Ward would be to remain at Regents Park of Aventura or another like skilled nursing facility.
4. Regents Park of Aventura offers the ward services for all nutritional needs on a daily basis, linen and laundry service, and maid service for heavy cleaning of her room on a daily basis, and a full range of daily activities programs. Mrs. Stone continues to require twenty-four (24) hour supervision, assistance with bathing, dressing and grooming, nutritional intake, and supervision of medications as well as stimulating programs for her cognitive impairment. The facility provides her with the appropriate level of daily care required to maintain her optimal well-being. In addition, Mrs. Stone has the assistance of a private duty attendant 7 days a week and 12 hours per day from Caring Home Associates, a licensed agency.
5. The Co-Guardians visit with Helen R. Stone on a regular basis, or as needed. The Co-Guardians will continue to monitor the Ward during the next twelve (12) months to see

Annual Guardianship Plan

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that she remains comfortable at the skilled nursing facility. Furthermore, there will be regular Plan of Care Meetings with the facility staff as well as telephone conferences with the Facility's staff and the Co-Guardians for the purpose of obtaining pertinent information concerning the Ward, her medical condition, and any additional needs she may require.

6. Helen R. Stone is currently in fair physical condition based on her age and underlying medical conditions. She continues to do well at the skilled nursing facility. She currently receives twenty four (24) hour daily care in this setting from the staff as well as the private duty attendant(s), and the present plan is to continue with this arrangement.

Dr. Leonard Pianko is Helen R. Stone's treating and primary physician and will monitor her condition every month or more frequently when necessary, and will continue to do so in order that her medical needs are appropriately met.

During the prior twelve months, Helen R. Stone had received routine tests as needed and physical therapy. Mrs. Stone is on a Peg Feeding Tube because of moderate oral phase with severe pharyngeal dysphagia. Periodically she is re-examined by Swallow Diagnostics, Inc. to evaluate her continued need for the Peg Feeding Tube. She received her last modified barium swallow study on September 2, 2014. Furthermore, she had been seen on a regular basis for podiatric, endocrinology, and psychiatric care.

Regents Park at Aventura sees that the Ward has received adequate medical supplies and prescription medications from the skilled nursing facility's contracted medical supply company and pharmacy. Personal supplies will be purchased and brought to the skilled nursing facility for Mrs. Stone by the Co-Guardians.

7. Attached is a report by Dr. Leonard Pianko, Mrs. Stone's primary physician, who examined the Ward no more than ninety (90) days before the date this plan was filed, including an evaluation of the Ward's condition and a statement of the current level of capacity of the Ward.
8. The plan for provision of medical, mental health and rehabilitative services in the next twelve (12) months will be as follows: The Co-Guardians will continue to monitor Helen R. Stone on a regular basis to see that her physical and personal needs are being met. Should the Ward require additional services by medical providers, it will be the responsibility of Regents Park of Aventura to secure said services for the Ward and to confer with the Co-Guardians. Mrs. Stone's present primary care physician, Dr. Leonard Pianko, or another in-house primary care physician of the skilled nursing facility, will continue to provide Helen R. Stone with optimum medical attention.

Annual Guardianship Plan

Page 3


9. Helen R. Stone enjoys listening to her television programs and music as well as participating in the daily programs provided to her at the skilled nursing facility. She also enjoys her visits from the Co-Guardians, her son, Alan Stone as well as her religious and spiritual guidance from her Rabbi. In addition, she receives added attention and companionship from her private duty attendant(s).
10. Mrs. Stone is 87 years of age and displays physical limitations. She requires the use of a wheelchair. Her mental status continues to diminish. She is under the care of her primary care physician at the skilled nursing facility for all her medical and mental assessments. Regular visits and assessments will continue to be scheduled with her primary care physician, the medical staff in his office, or another in-house physician at the skilled nursing facility. Should other medical services be needed, as in the past, those services will be provided.
11. Helen R. Stone maintains a supportive and friendly relationship with her Co-Guardians and her son, Alan Stone. Helen R. Stone continues to do well and has not had any serious medical events in the past year.

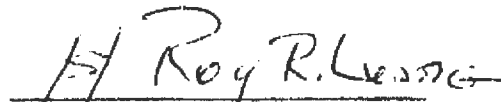
WARD DOES NOT HAVE ANY UNMET SOCIAL NEEDS AT THE CURRENT TIME. HER DAUGHTER, BARBARA STONE, HAS BEEN PROHIBITED BY THE COURTS FROM VISITATION WITH HER MOTHER OR INTEFERING WITH HER MOTIHER'S CARE OR ENVIRONMENT.

12. During the prior twelve (12) month period, the Ward received regular medical care by her physicians. Beauty appointments have been scheduled for her on a regular basis to maintain her nails and hair. Podiatry, dermatology, eye examinations, and swallow evaluations tests have also been scheduled. Her weight has remained constant.
13. Helen R. Stone is currently receiving sufficient monthly funds for which she is able to live at the Skilled Nursing Facility and to have purchased personal necessities. All nutritional and medical services are provided for at the Skilled Nursing Facility.
14. Helen R. Stone is not capable of having any of her rights restored at this time due to her impaired judgment abilities and medical condition. The Co-Guardians do not anticipate that any of Ward's rights which have already been taken away should be restored during the next twelve (12) months.
15. This plan has not been reviewed with the Ward because of her cognitive impairment.

Under penalty of perjury, we declare that we have read the foregoing, and the facts alleged true,
to the best of our knowledge and belief.

Executed this 27th day of March, 2015.


BLAIRE LAPIDES, Co-Guardian


ROY R. LUSTIG, ESQ.
Attorney for Co-Guardians
Florida Bar No. 1280978
Roy R. Lustig, P.A.
28 West Flagler Street, Suite 710
Miami, FL 33130
Telephone (305) 371-4213
E-Mail: Roy@RLLustig-law.com


JACQUELINE HERTZ, Co-Guardian

IN THE CIRCUIT COURT IN AND FOR DADE COUNTY, FLORIDA

PROBATE DIVISION

IN RE: GUARDIANSHIP OF

HELEN STONE
Incapacitated

Case Number: 12-4330 GD

Division: (01)

PHYSICIAN'S REPORT
(Required by Florida Statutes, Section 744.3675)

1. Name: LEONARD PIANKO, M.D.
Address: 21150 BISCAYNE BLVD. #200, AVENTURA, FL 33180
2. Name of Ward: HELEN STONE
3. Date of Exam: 3/16/14
4. Purpose of Examination:
A. Regular Checkup ✓
B. Treatment for _____
5. Evaluation of Ward's condition:
(Specify mental and physical condition at time of examination)
continued and disabled
6. Description of Ward's capacity to living independently:
can't live independently
7. The Ward (does) (does not) continue to need assistance of a guardian.
8. Is the Ward capable of being restored to capacity at this time? (Yes) (No) (No)
9. Date of this Report: 3/16/14
10. Signature of physician completing this report: [Signature]
Address of Physician: 21150 Biscayne Blvd Aventura FL 33180

EXHIBIT 4

Letter of instruction from Judge Bailey to file request for transfer with Judge Korvick



CIRCUIT COURT
ELEVENTH JUDICIAL CIRCUIT OF FLORIDA

JENNIFER D. BAILEY
ADMINISTRATIVE JUDGE

DADE COUNTY COURTHOUSE
73 WEST FLAGLER STREET
MIAMI, FLORIDA 33130

February 24, 2015

Barbara Stone
244 Fifth Avenue, #B 296
New York, NY 10001
Bstone575@gmail.com

Re: Guardianship of Helen Stone, Case No. 12-4330 CP- Division 01

Dear Ms. Stone,

As Administrative Judge of the Circuit Civil Division, I have received the papers you delivered to my office today, titled "Criminal Complaint."

This court has no jurisdiction over such filing. If you believe a crime has been committed, you need to contact the appropriate police department or the Miami-Dade County State Attorney's Office.

Your complaint appears to be directed at events in the Probate Division of the Court, which would be presented to the Administrative Judge Maria Korvick, who is responsible for the Probate Division. Your motion to transfer Case Number 12-4330 in the Probate Division would need to be presented Judge Korvick.

Finally, when you came to my office to drop off your papers, you were accompanied by a videographer. Please find enclosed a copy of Administrative Order No. 14-02, which specifies how and when taping is permitted. Please comply with this A.O. in any future visits to my office.

Complaints about an individual judge can be made to the Judicial Qualifications Commission at 500 S. Duval Street, Tallahassee, FL 32399.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jennifer D. Bailey". The signature is fluid and cursive, with the first name "Jennifer" being more prominent than the last name "Bailey".

Jennifer D. Bailey

JDB/mep

cc: Chief Bertila Soto
Administrative Judge Maria Korvick

EXHIBIT 5
Statement of Joanne Denison

**DECLARATION OF JOANNE DENISON,
ABUSIVE GUARDIAN ATTORNEY EXPERT**

1. I am an Illinois attorney who has been licensed for 29 years, with 5 years of intensive experience in troubled elder law matters. I run two widely read and very popular blogs, www.MaryGSykes.com and www.justice4every1.com which have had approximately 90,000 views since Dec. 2011.
2. I am an expert in reports of abusive guardianships and have represented as a lawyer many family members of elderly adults who are victims of criminal actions engaged in by guardians who gravely harm elderly vulnerable adults.
3. I have represented in the past and now represent her now as a corruption blogger Barbara Stone and affirm that her mother is in grave and imminent life threatening danger.
4. Upon information and belief, Barbara Stone's mother has been terrorized by guardians and "aides" and "caretakers" that are willfully and negligently forced upon her mother. These "aides" speak little English and they are not properly trained in elder care. They refuse to provide licenses and do not have nursing degrees or CNA's or are they licensed in any manner. They are unqualified and unfit and have repeatedly placed her mother in grave and imminent harm such that Mrs. Helen Stone was hospitalized in early 2013 for over 3 weeks with bruising, lacerations, dehydration and malnutrition. It appears Mrs. Helen Stone was emergency admitted to the hospital in October, 2014 and this was done in secrecy and never disclosed to Barbara Stone and apparently the Court.

Barbara Stone's mother was rushed to the hospital on March 25, 2015 for a serious life threatening condition and then discharged without proper precautions taken, upon information and belief. She was then READMITTED the very next day with

further life endangering conditions due to lack of proper care, upon information and belief.

Both the Guardians and care takers were involved. This has been reported to law enforcement and the matter is under investigation.

5. Without this court's immediate intervention and issuance of an emergency injunction, I have no doubt her mother will die due to abuse and/or neglect, as so many elderly have fallen victims of murder through the nation's Probate Court System. In Illinois, Lydia Tyler, Rose Drabik, Dorothy Baker, Alice Gore and others have been starved and dehydrated to death in the probate court system. Carol Wyman was nearly killed in one of Illinois most dangerous nursing homes, but she escaped to Colorado to be with her son. Now Alan Frake is at risk and no one is doing anything about his torture and impending death. It is imperative this Court act to save Mrs. Helen Stone from impending torture and death.
6. I have at least a dozen tales of my clients' elderly parents dying when injunctions were not IMMEDIATELY issued against abusive guardians and care takers. One client's father, Alan Frake is currently being drugged so severely, he can't lift up his head, he can barely speak and when he does his speech is inaudible. For months prior, he had a severe problems the guardian denied. Numerous reports have been handed to the abusers. Months earlier, Mr. Alan Frake was a vibrant strong man. Now his muscles have all atrophied and he barely says anything and is confined to a wheel chair with an alarm with undiagnosed hip pain the guardians always deny. This is a typical case path.
7. The needs of elderly adults are of an emergency nature. There is no time to delay to protect their safety.

8. Upon information and belief, Mrs. Helen Stone ("Mother Helen") has been mercilessly drugged, chemically restrained, isolated from a plurality of her former friends and family in violation of federal and state law, she has been forcibly placed in a lock down unit of a facility where she receives no rehabilitation. The guardian has replaced Mother Helen's family with state care workers and illiterate "aides".
9. The guardians have falsely charged Barbara Stone with interfering with their "custody" of her mother who they abuse, extort and terrorize. At a hearing which Barbara Stone was forced to attend to defend herself against this unconscionable charges because her due process is denied and her justice is obstructed, Blaire Lapidès took an unauthorized photo of me. She took this photo without my knowledge to deliberately perjure her statement in a fraudulent affidavit she apparently filed with the probate/guardian court to falsely state that I went into the facility where she and the others in this human trafficking racket are holding Mrs. Helen Stone hostage. I never went into the facility and Blaire Lapidès is perjuring statements. The court should allow Barbara Stone to subpoena video security from the facility on the date in question to show that Ms. Lapidès is an unmitigated liar and perjurer and then charge her with perjury and remove from any guardianship case permanently as she cannot be trusted.
10. Barbara Stone's mother is in imminent and grave danger. Without this court's immediate issuance of an injunction, there is no doubt her mother Helen Stone will die.

Declarant saith nothing further.

April 25, 2015

_____/esign/joannendenison/_____
Joanne M Denison, Executive
Director
Justice 4 Every1, NFP
A social justice not for profit
312.553.1300

EXHIBIT 6

My Complaint filed January 15, 2015 with the JQC against Michael Genden

Barbara Stone
244 Fifth Avenue #B296
New York, NY 10001
Tel: 212.994.5482 Fax: 212.994.5481
Bstone12@hotmail.com

By fax to 386 947 1562

URGENT AND EMERGENCY

January 12, 2015

Honorable Judge Kerry I. Evander
Fifth District Court of Appeal
300 South Beach Street
Daytona Beach, FL 32114

RE: Michael Genden – probate judge in 11th Circuit – Dade Count

Dear Honorable Judge Evander:

My matter involves an abusive guardianship of my mother, an elderly, vulnerable adult. Thus it is urgent as is the case with all elderly vulnerable adults who are being grave abused and exploited.

The abuse and extortion of elderly and vulnerable adults that has infiltrated and festered in probate court is not only a national disgrace but these judges are engaged in brazenly criminal conduct.

My mother and I are victims of Michael Genden. He has terrorized my mother, stripped her of her rights and her assets and viciously retaliated against us. Michael Genden's actions constitute far more than judicial misconduct, breach of ethics and abuse of power. He has engaged in the intentional infliction of harm to a person over the age of 65, a felony crime. He has unlawfully used his office to collude with and participate in fraud and commit perjury.

Michael Genden has caused and abetted horrific abuse of our loved ones and engaged in the embezzlement of their assets in a fraudulent and contrived guardianship. He has retaliated viciously against us for exposing his abusive conduct.

Michael Genden's criminal acts include:

- He has abetted and participated in aggravated assault of an elderly person, a crime under Florida Statutes 784 and aggravated abuse and exploitation, a crime under Florida Statutes 825.
- He has used his court for his own personal gain.
- He has pre-signed orders and then holds fraudulent "mock" hearings.
- He has signed orders that he acknowledged were fabricated and fraudulent
- He has closed his courtroom and refused to allow our witnesses and advocates to appear
- He has failed to produce his judicial oath.
- His court is a hostile one sided court where he violates the law intentionally and arrogantly.
- **HE HAS DRAINED AND TRANSFERRED OVER \$1,400,000 of my mother's assets to predators who are engaged in staged fabricated litigation and crimes.**
- Absolutely nothing legitimate takes place in his court. The only thing that occurs in his court is the illegal transfer of the assets of his victims, vulnerable elderly and disabled adults to predator attorneys and guardians.

BACKGROUND

1. I filed to have a guardianship established for my mother because she was being abused and exploited by her son, Alan Stone, my estranged sibling. Alan Stone embezzled over \$625,000 of her assets that he transferred to himself by using a series of wire transfers to attempt to block the discovery of where the assets were transferred. Alan Stone was subsequently fired from his position with the firm in which he worked during the time of the financial transfer as it was obvious he was committing financial fraud and elder exploitation. He had been previously fired from a prior firm for forging client documents. Alan Stone isolated my mother completely from the outside world, removed her telephones and all contact with the outside world. My mother was hospitalized repeatedly for unexplained and suspicious falls and fractures. As Alan Stone was the only person who saw her, there were concerns that he caused her injuries. He was engaged in the same abusive conduct exhibited by these guardians and their attorney.
2. Michael Genden allowed my mother to be placed in the control of unvetted, unqualified “guardians.” A complete stranger, Jacqueline Hertz was placed in control of my mother in conjunction with an estranged distant opportunistic relative who I later learned were brought in by Alan Stone to cover up his embezzlement. Neither has complied with Florida Statute requirements to serve as guardian. Jacqueline Hertz has a pattern and practice of abuse and theft.
3. Their attorney, Roy Lustig is a disgraced attorney *who has been found guilty by the 3rd DCA of perjury, lying under oath and fraud on the court* (please reference the attached court opinion). *He has been sanctioned by the Florida Bar.*
4. Roy Lustig and Jacqueline Hertz and Blaire Lapides are a breed of attorney and guardians who prey on the elderly and are abetted by judges such as Michael Genden who operate outside the law.
5. Acting with complete disregard of his mandate to protect my mother and with gross abuse of power, Michael Genden put my mother in the control of these predators.
6. Central to their control is secrecy so they can commit abuse and theft with no eyes. The very first order of business in which Jacqueline Hertz engages in her scam guardianships is to isolate the person in her control from their family by fabricating slanderous false allegations against their closest family member in order to obtain an illegal fraudulent “stay away order” that is issued by colluding judges like Michael Genden so she can operate her scam in secrecy.
7. At a hearing to request the guardians require the return of the embezzled money to my mother’s accounts, Michael Genden in violation of the law, refused.
8. My mother was abused so badly by these predators that she was admitted by emergency to the hospital with life threatening conditions including *malnutrition, dehydration, fractures, pneumonia, infection, fractures that could be the result of a fall and a host of other life threatening conditions.*
9. Each one of these life threatening conditions alone constitutes elder abuse under Florida Statute 825. *Together they constitute aggravated abuse and exploitation.*
10. Michael Genden on his own should have immediately suspended these predator guardians immediately when these horrific abuses were brought to his attention. MICHAEL GENDEN REFUSED TO INVESTIGATE DESPITE BEING REPEATED REQUESTS TO REMOVE THE GUARDIANS.
11. *The very same day Michael Genden denied hold a hearing to hear one of my Petitions (attached) to investigate the safety of my infirmed 86 year old mother, she was admitted to the hospital with the life threatening illnesses set forth above. While she was in the hospital, she was then forced to suffer*

surgery to implant a feeding tube because as she had been denied food, she was starved and became emaciated.

12. Realizing the futility of receiving a fair hearing by Michael Genden on any issue and the impossibility of his addressing or investigating her mother's abuse, I withdrew, without prejudice, my Petition for the removal of the guardians and sought his recusal (attached) for failing to investigate the aggravated abuse of my mother and the embezzlement to her assets and entrapping me.
13. I hoped an new judge would understood the needs of elderly vulnerable adults as it was obvious Michael Genden was an arrogant, incompetent and unqualified to oversee the matters of elderly disabled adults. He repeatedly refused to recuse.
14. Because of the vicious abuse of my mother and Michael Genden's deliberate failure to remove the predator guardians and commence an investigation, I interceded to protect my mother and was wrongfully arrested.
15. It must be understood, I am an attorney. I had filed a petition for a grand jury indictment of the predators who were abusing my mother (attached) and not only was there no investigation in violation of Federal mandates that require all complaints on elder abuse be investigated (and there is a mandate for the investigation) I did not even receive a response to my request for an investigation.
16. Michael Genden at no time ever even saw my mother. There was not even a pretense that he was interested in my mother's well-being. The only thing of interest to Michael Genden was emptying my mother's bank account and rewarding his cronies for their staged litigation.
17. Florida has become the number one corrupt state in the country according to the Center for Public Integrity because of judges like Michael Genden who like many other judges have absolutely no accountability and act outside the law. People are warned not to retire in or visit Florida because of the guardianship scam. A recent MetLife study calls elder abuse the crime of the 21st century. As early as 1985, elder abuse was called a "national disgrace" by the U.S. House of Representatives, Subcommittee on Health and Long-Term Care of the Select Committee on Aging. More than a quarter-century later, it continues to be a national disgrace and a breeding ground for subversive activity. A report by the Government Accountability Office finds guardian abuse of the elderly is rampant. The attached article by the Washington Examiner exposes judges like Michael Genden who engage in a culture of corruption.
18. In Michael Genden's courtroom it is obvious he is exchanging of benefits and favors with discredited and predator guardians and their attorney. Another far superior applicant as described hereafter was refused by Michael Genden.
19. Over \$600,000 has been drained from my mother's account by Michael Genden to award these predators for abusing my mother in a disgraceful display of self interest in rewarding his cronies. Over \$625,000 was embezzled from my mother by her son at the time of the guardianship.
20. **In the matter of In re Graziano, 696 So 2d 244, (Fla 1997) the judge was removed from office after hiring a friend as guardian ad litem despite the friend's lesser qualifications than other applicants and granting her raise for poor performance.**
21. This matter is all the more egregious as my mother has been suffering needlessly because Michael Genden is supremely arrogant, thinking he is beyond the law by disgustingly retaliating against my beautiful defenseless mother because I have demanded his accountability for her abuse. He has no judicial temperament. A person who commits horrific abuse of a vulnerable elderly person is simply a monster. He does not belong on the bench.

22. 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 willfully and deliberately ignored his mandate.
23. Since being placed in guardianship, Michael Genden has been directly responsible for abetting and participating in elder abuse and exploitation
 - a. My mother was starved, denied food and medical attention, lost 30 pounds, was emaciated and admitted by emergency to the hospital.
 - b. She was forced to suffer surgery to implant a feeding tube without a review by this highly corrupt court.
 - c. She is being laced with psychotropic drugs.
 - d. She has been kidnapped from her home.
 - e. She has been forcibly kept from occupying her residence of choice
 - f. She has been held against her will forcibly confined to a residence not of her choosing.
 - g. She has been denied all constitutional civil and human rights
 - h. Since being placed under guardianship, my mother has been forcibly and intentionally isolated from association with the outside world and family members of her choosing and is kept in complete isolation from friends and family of her choosing.
 - i. My mother, a person protected under ADAA has not been in possession or control of her assets or personal property nor has she been consulted or allowed any input whatsoever concerning the use or disposition of her assets.
 - j. Her assets have in fact been drained by people who are controlling her against her will and endangering her.
24. **I presented a substitute guardian to the court, Arthur Morburger, an attorney with impeccable credentials with degrees from Harvard and Yale and who was licensed as an attorney in four states. He was denied.**
25. **As noted, in the matter of In re Graziano, 696 So 2d 244, (Fla 1997) the judge was removed from office after hiring a friend as guardian ad litem despite the friend's lesser qualifications than other applicants and granting her raise for poor performance.**
26. **Michael Genden's conduct was far worse. Not only did he fail to replace his friend Roy Lustig and the guardians with a person with far superior credentials, he colluded with abuse and corruption. He abetted embezzlement by his friend and crony Roy Lustig. He failed to demand the investigation of Alan Stone's embezzlement. He sanctioned the vicious punishment of my mother**

Abuse and Aggravated Abuse by Isolation and Cruelty and Illegal Stay Away Orders

1. Florida Statutes 825 provides isolation of an elderly person is a criminal offense.
2. These predator attorneys and guardians benefit by their oversight by charging my mother to deny her access to the very person she is desperate to see. They were the very persons who had a vested interest in covering up their abuse.
3. ***Their isolation plot is accomplished by submitting patently false, fraudulent and malicious allegations to a conspiring judge who issues unlawful "stay away" orders against a family member who is closest to the victim and the most desperate to remove their loved one from the atrocities of the guardian enterprise, all of which constitutes offenses and deprivation of rights under Federal and F.B.I. color of law abuse and Florida Statutes 825 and other laws.***
4. Their false allegations and accusations not only are the precursor to their goal of isolation of their victims by fraudulent void stay away orders issued by a court without jurisdiction, but they also accomplish another component of their goal, i.e. they are rewarded by conspiring judges with an award of guardian

and legal fees for their own wrongful illegal acts.

5. Michael Genden ORDERS OF ISOLATION issued on the basis of obvious perjury is misprision of felony and obstruction of justice. He removed an 86 year old woman who has no voice from her daughter. He vilified a family. He offered up an elderly woman to a crime spree. My mother had strangers entering her home who committed unspeakable acts on her. Michael Genden is truly a monster and to allow him to preside over cases involving elderly vulnerable persons is the height of reckless abuse of responsibility.
6. It should be noted that making false allegations to obtain a stay away order is perjury, a criminal offense but in the lawless world of Michael Genden, there are no repercussions to slander, perjury or fraud on the court. His court is the very definition of these acts. Jacqueline Hertz, a fabricated guardian with false credentials slings these fabrications with impunity. Michael Genden has acknowledged the petitions submitted by these predators are fraudulent and he signs them nonetheless. He is an accomplice to perjury.
7. By Michael Genden's isolation of my mother HE IMPOSED A VENAL PUNISHMENT ON MY MOTHER, isolating her from the daughter she pleads to see. In his lawless court one sided court, these guardians who abused my mother so horrifically that she has a feeding tube are acting are running amok because he runs a corrupt court and abets criminal conduct.
8. The attached article by the Washington Examiner exposed Michael Genden's scam.
9. My arrest was reported in the attached New Times article *that exposes the pattern and history of exploitation, theft of assets of a person in her control and abuse of vulnerable persons by Jacqueline Hertz*. It further exposes Jacqueline Hertz as a liar who falsely stated the cause of my mother's hospital admission was "back pain" a brazen fabrication when the hospital records reflect horrific abuse and life threatening conditions. She lies with impunity as her abuse and exploitation of Petitioner's mother is being participated in and abetted by Michel Genden. There are no repercussions to her criminal acts in Michael Gender's court.
10. *My arrest saved my mother's life and thereafter Michael Genden began a massive conspiracy and crime spree to cover up his crimes.*
11. The predator guardians have kidnapped my mother so they can continue their abuse in secrecy. Genden has no idea where she is.
12. Michael Genden is punishing my mother for my attempts to protect her.
13. *All the while, my mother, in a feeding tube implanted as a result of abuse and aggravated abuse by Jacqueline Hertz, 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 Jacqueline Hertz to apparently abuse and exploit her.*

Freedom of association, is the individual right to come together with other individuals and collectively express, promote, pursue and defend common interests. The right to freedom of association has been included in a number of national constitutions and human rights instruments, including the United States Bill of Rights, European Convention on Human Rights and the Canadian Charter of Rights and Freedoms.

Retaliation, Vindictive Conduct and Malicious Prosecution

1. Once Michael Genden was unable to silence me from exposing his abuse, he proceeded with a vengeance to viciously retaliate against me, converting his court into a criminal court where he became the judge,

the arbiter and the person who filed criminal charges against me to “try” me in a mockery of a hearing for violating his stay away order that albeit illegal and done ex parte on the basis of preposterous slanderous statements by fraudulent guardians had expired by its own terms.

2. The “trial” that ensued was something that only a person with a depraved mind could conceive:
 - a. Michael Genden pre-signed an illegal order to show cause in collusion with Roy Lustig alleging I violated his illegal stay away order on the basis of slander and defamation against me and fraud on the court without due process and an evidentiary hearing.
 - b. This stay away order, albeit illegal had already expired by its own terms.
 - c. Michael Genden then deliberately set up a hearing to ask me questions purposely designed to entrap me.
 - d. I was “tried” by this criminal for making a phone call to the prior facility where my mother was kept to determine where she was after Jacqueline Hertz kidnapped my mother and removed her from the rehabilitation facility.
 - e. Michael Genden held a mock criminal trial against me *instead of investigating criminal abuse by Jacqueline Hertz and Roy Lustig.*
 - f. Roy Lustig tampered with the fake witness he concocted, preparing an affidavit for the fake witness to sign, charging my mother for his falsifying documents.
 - g. In the travesty of the trial that ultimately ensued, the charges were acknowledged to be false and were dismissed.
 - h. Even then, Michael Genden deviously sought to dismiss the matter by the entry of an “Order dismissing the Hearing Date” instead of a Dismissal of the Order to Show Cause which was finally entered after I incurred further expense and emotional distress.
 - i. Disgusting and was illegal and solely for the purpose of keeping me entwined in fabricated criminal charges so that the abuse of my mother could continue. . He encouraged and abetting Roy Lustig in asking me questions that would substantiated his already issued Order alleging my violation of his prior orders issued without an evidentiary hearing and to collude with the abuse of these guardians and their attorney.
 - j. The lawsuit against me which was dismissed was filed with malice and for retaliation to deviously occupy Petitioner for the sole purpose of distracting her from her efforts to remove her mother from Jacqueline Hertz and to cause her to incur expense, attorney’s fees, anguish and burden in connection and for which punitive damages are sought.
 - k. *Thereafter, he rewarded Roy Lustig for participating in his criminal scam of a concocted criminal trial with legal fees for participating in this scam.*
 - l. Genden did not strike his illegal order, thus orchestrating and setting me up to be further entrapped by him.

Abuse of Power, Unlawful Color of Law Abuse, Immoral Conduct, Violation of Judicial Oath of Office, Violation of Due Process and Constitutional Rights, Fraud on the Court, Criminal Activity

- a. Michael Genden has denied me access to the very file I commenced by establishing the guardianship.

- b. He has done this in a manner that is deceptive and deceitful and is representative of the manner in which operates outside the law- as he knew that an order denying Petitioner access to her file would be unconstitutional and a violation of due process on its face, he issued an “edict” that he illegally demanded court staff post on the file.(attached)
- c. Notwithstanding the fact that guardians are required to provide accountings each year to interested persons to which Petitioner is entitled as a daughter, he abets Roy Lustig’s filing of no filing of documents that he refused to disclose to me
- d. **Michael Genden has knowingly abetted Roy Lustig’s denial of my mother’s right to observe her religion, denying her association with her spiritual leader of 15 years (attached illegal directive)**
- e. Michael Genden’s apathy of, personal vendetta against and failure to provide due process was obvious at the onset. His disregard for my mother’s rights was apparent as despite the fact that my mother’s court appointed attorney failed to show up repeatedly for hearings, this was discarded by Michael Genden as he stated that Petitioner’s mother’s attorney was “**only a mouthpiece for the guardians**”.
- f. He sabotaged me by contradicting a ruling he issued on open court by later handwriting changes that severely prejudiced me (which ruling was unlawful even without his handwritten additions as it was issued based his prior unlawful ruling made without an evidentiary hearing).
- g. The fact that at no time did he even see my mother much less investigate her condition in light of red flag warnings of elder abuse is sufficient evidence of his abuse of power.
- h. Michael Genden engages in ex parte communications with Roy Lustig as a matter of course.
- i. Ore Tenus”, “Ex Parte”, “Secrecy” “Confidential Invoices” “Repressed Medical Evidence” “Fraudulent Orders” and “Void Orders” under Unlawful “Color of Law” result when a court that is a “Kangaroo Court” operates under wrongful color of law and abuse of power. Only in a court of deceit, sham, chicanery and false, unlawful “color of law,” a “Kangaroo Court” could such self-serving, conniving and perverted events occur.
- j.
- k. Michael Genden’s prejudice and impropriety is heightened by the fact my mother’s matter is an emergency due to elder abuse, her age, and frail health and the dire need for Petitioner to have her mother’s safety and well-being forthwith overseen and insured by an impartial judge.

Michael Genden is committing acts of tyranny.

Michael Genden is engaged in a personal vendetta against the undersigned for exposing him as a judge who operates outside the law and abets elder abuse of her mother and his cover up of his failure to protect her mother. Michael Genden is a shameful representative of the judiciary.

Michael Genden has endangered the life and safety of Helen Stone. Michael Genden has abetted criminal elder abuse, aggravated elder abuse and financial exploitation. Michael Genden has issued unconstitutional orders without an evidentiary hearing. Michael Genden has denied Barbara Stone and Helen Stone due process. Michael Genden never had jurisdiction. Michael Genden issued fraudulent and void “orders” based on fraud and fraud on the Court. Michael Genden issued “orders” based on slanderous and defamatory statements which he knew were false. Michael Genden has engaged in ex parte conduct.

It is a fundamental doctrine of law that a party to be affected by a personal judgment must have his day in court, and an opportunity to be heard. *Renaud v. Abbott*, 116 US 277, 29 L Ed 629, 6 S Ct 1194. Every person

is entitled to an opportunity to be heard in a court of law upon every question involving his rights or interests, before he is affected by any judicial decision on the question. *Earle v McVeigh*, 91 US 503, 23 L Ed 398.

A judgment of a court without hearing the party or giving him an opportunity to be heard is not a judicial determination of his rights. *Sabariego v Maverick*, 124 US 261, 31 L Ed 430, 8 S Ct 461, and is not entitled to respect in any other tribunal.

The United States Supreme Court has clearly, and repeatedly, held that any judge who acts without jurisdiction is engaged in an act of treason. **U.S. v. Will**, 449 U.S. 200, 216, 101, S. Ct. 471, 66 L.Ed. 2d 392, 406 (1980); **Cohens v. Virginia**, 19 U.S. (6 Wheat) 264, 404, 5 L.Ed 257 (1821).

Due Process is a requirement of the U.S. Constitution. Violation of the United States Constitution by a judge deprives that person from acting as a judge under the law. He/She is acting as a private person, and not in the capacity of being a judge (and, therefore, has no jurisdiction). The United States Supreme Court, in **Twining v. New Jersey**, 211 U.S. 78, 29 S.Ct. 14, 24, (1908), stated that "Due Process requires that the court which assumes to determine the rights of parties shall have jurisdiction."; citing **Old Wayne Mut. Life Assoc. V. McDonough**, 204 U. S. 8, 27 S. Ct. 236 (1907); **Scott v McNeal**, 154 U.S. 34, 14, S. Ct. 1108 (1894); **Pennoyer v. Neff**, 95 U.S. 714, 733 (1877).

Michael Genden has violated the US Constitution.

A Judge has no lawful authority to issue any order which violates the Supreme Law of the Land.

The First Amendment to the U.S. Constitution states that all entities have the mandatory right of an adequate, complete, effective, fair, full meaningful and timely access to the court.

The First and the Fourteenth Amendment to the U.S. Constitution guarantees the right of association.

The Fifth and Fourteenth Amendment guarantees Due Process and Equal Protection to all. *"No state shall deprive any person of life, liberty or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."* United States Constitutional Amendment XIV

"Choices about marriage, family life, and upbringing of children are among associational rights ranked as of basic importance in our society, rights sheltered by the Fourteenth Amendment against State's unwarranted usurpation, disregard, or disrespect. U.S.C.A. Constitutional Amendment 14.

I and my 86 year old mother have no judge, no court of law, no legal and Constitutional rights and no due process.

Michael Genden abets financial extortion, he has engaged in aggravated physical elder abuse. Not only should he be impeached and removed from office, he should be criminally investigated and held liable for elder abuse and aggravated abuse and exploitation.

I seek your emergency attention to this matter.

Respectfully submitted,



Barbara Stone

Enclosures

825.101 Definitions.—As used in this chapter:

(8) “Intimidation” means the communication by word or act to an elderly person or disabled adult that the elderly person or disabled adult will be deprived of food, nutrition, clothing, shelter, supervision, medicine, medical services, money, or financial support or will suffer physical violence.

(11) “Position of trust and confidence” with respect to an elderly person or a disabled adult means the position of a person who:

(c) Has a legal or fiduciary relationship with the elderly person or disabled adult, including, but not limited to, a court-appointed or voluntary guardian, trustee, attorney, or conservator;

(e) Is any other person who has been entrusted with or has assumed responsibility for the use or management of the elderly person’s or disabled adult’s funds, assets, or property.

(12) “Property” means anything of value and includes:

(a) Real property, including things growing on, affixed to, and found in land.

(b) Tangible or intangible personal property, including rights, privileges, interests, and claims.

825.102 Abuse, aggravated abuse, and neglect of an elderly person or disabled adult; penalties.—

(1) “Abuse of an elderly person or disabled adult” means:

(a) Intentional infliction of physical or psychological injury upon an elderly person or disabled adult;

(b) An intentional act that could reasonably be expected to result in physical or psychological injury to an elderly person or disabled adult; or

(c) Active encouragement of any person to commit an act that results or could reasonably be expected to result in physical or psychological injury to an elderly person or disabled adult.

A person who knowingly or willfully abuses an elderly person or disabled adult without causing great bodily harm, permanent disability, or permanent disfigurement to the elderly person or disabled adult commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) “Aggravated abuse of an elderly person or disabled adult” occurs when a person:

(a) Commits aggravated battery on an elderly person or disabled adult;

(b) Willfully tortures, maliciously punishes, or willfully and unlawfully cages, an elderly person or disabled adult; or

(c) Knowingly or willfully abuses an elderly person or disabled adult and in so doing causes great bodily harm, permanent disability, or permanent disfigurement to the elderly person or disabled adult.

A person who commits aggravated abuse of an elderly person or disabled adult commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3)(a) “Neglect of an elderly person or disabled adult” means:

1. A caregiver’s failure or omission to provide an elderly person or disabled adult with the care, supervision, and services necessary to maintain the elderly person’s or disabled adult’s physical and mental health, including, but not limited to, food, nutrition, clothing, shelter, supervision, medicine, and medical services that a prudent person would consider essential for the well-being of the elderly person or disabled adult; or

2. A caregiver’s failure to make a reasonable effort to protect an elderly person or disabled adult from abuse, neglect, or exploitation by another person.

Neglect of an elderly person or disabled adult may be based on repeated conduct or on a single incident or omission that results in, or could reasonably be expected to result in, serious physical or psychological injury, or a substantial risk of death, to an elderly person or disabled adult.

(b) A person who willfully or by culpable negligence neglects an elderly person or disabled adult and in so doing causes great bodily harm, permanent disability, or permanent disfigurement to the elderly person or disabled adult commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) A person who willfully or by culpable negligence neglects an elderly person or disabled adult without causing great bodily harm, permanent disability, or permanent disfigurement to the elderly person or disabled adult commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

History.—s. 3, ch. 95-158; s. 2, ch. 96-322; s. 1, ch. 2008-160.

825.103 Exploitation of an elderly person or disabled adult; penalties.—

(1) “Exploitation of an elderly person or disabled adult” means:

(a) Knowingly, by deception or intimidation, obtaining or using, or endeavoring to obtain or use, an elderly person’s or disabled adult’s funds, assets, or property with the intent to temporarily or permanently deprive the elderly person or disabled adult of the use, benefit, or possession of the funds, assets, or property, or to benefit someone other than the elderly person or disabled adult, by a person who:

1. Stands in a position of trust and confidence with the elderly person or disabled adult; or

2. Has a business relationship with the elderly person or disabled adult;

(b) Obtaining or using, endeavoring to obtain or use, or conspiring with another to obtain or use an elderly person’s or disabled adult’s funds, assets, or property with the intent to temporarily or permanently deprive the elderly person or disabled adult of the use, benefit, or possession of the funds, assets, or property, or to benefit someone other than the elderly person or disabled adult, by a person who knows or reasonably should know that the elderly person or disabled adult lacks the capacity to consent; or

(c) Breach of a fiduciary duty to an elderly person or disabled adult by the person’s guardian or agent under a power of attorney which results in an unauthorized appropriation, sale, or transfer of property.

(2)(a) If the funds, assets, or property involved in the exploitation of the elderly person or disabled adult is valued at \$100,000 or more, the offender commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) If the funds, assets, or property involved in the exploitation of the elderly person or disabled adult is valued at \$20,000 or more, but less than \$100,000, the offender commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) If the funds, assets, or property involved in the exploitation of an elderly person or disabled adult is valued at less than \$20,000, the offender commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

History.—s. 4, ch. 95-158; s. 5, ch. 96-322; s. 1, ch. 97-78; s. 29, ch. 2009-223.

EXHIBIT 7

Criminal complaint dated March 2, 2014 I have filed with law enforcement against Michael Genden

CRIMINAL COMPLAINT

This Criminal Complaint is filed by Barbara Stone on her behalf and on behalf of her mother (individually "Complainant" and collectively "Complainants") nunc pro tunc as of September, 2012 against Michael Genden, Roy Lustig, Jacqueline Hertz, Blaire Lapidés and Alan Stone (collectively the "Parties" and individually "Genden", "Lustig", "Hertz", "Lapidés" and "Stone") . The parties set forth in this Criminal Complaint are conspirators in a criminal enterprise and racketeering ring in Dade County, Florida.

SUMMARY OF CRIMES OF THE PARTIES

1. **The Parties have committed felony financial fraud. They have extorted over \$1,400,000 from Claimant's mother, an elderly disabled adult. They are stealing these assets in the form of fees.**
2. ***These Parties who have extorted \$1,400,000 from Claimant's mother have filed perjured statements, fabricated and lied and perpetrated fraud on the court to orchestrate false charges against Claimant.***
3. My mother has not benefitted from anything these parties have done. To the contrary, they have denied her rights and her wishes and deprived her of food, medical attention and services and her assets have been fraudulently confiscated and embezzled.
4. On November 9, 2013, Claimant's mother was admitted by emergency to the hospital with life threatening conditions including ***malnutrition, dehydration, fractures, pneumonia, hernia, infection, fractures that could be the result of a fall and a host of other life threatening conditions.*** Each one of these life threatening conditions alone constitutes elder abuse under Florida Statute 825 ***Together they constitute aggravated abuse.***
5. Two days prior to her being sent by ambulance to the hospital, on November 7, 2013, Helen Stone was seen by her spiritual leader, Rabbi Ed Farber, at Barbara Stone's bequest who found her drugged up, incoherent and starved whereupon he immediately informed the judge who failed to investigate..
6. Claimant's mother is in a feeding tube as a result of abuse and being emaciated, a life endangering tactic taken by racketeer guardians to serve their own interest so they do not have to take the time to feed their victims. Her mother has a natural right to eat and she is being deprived of that right. The feeding tube is laced with illegal psychotropic drugs that are prohibited under Florida Statute 394.
7. The Parties have deprived Claimants of unalienable endowed rights protected by the Constitution, by acting under color of law abuse, abuse of power, fraudulently, with intrinsic, extrinsic fraud and fraud on the court and fraud in the inducement to commit criminal acts and acted outside jurisdiction and in his own capacity.
8. The Parties willfully and viciously retaliated against, threatened and coerced Claimants because they objected and exposed the Parties criminal acts.
9. The Parties engaged in the crimes of human trafficking, money laundering, racketeering, extortion, misprision of felony, abuse of power, color of law abuse and other capital and infamous crimes in order to plunder the assets of elderly vulnerable disabled Citizens.
10. Claimants rights under 18 USC 241 and 242 have been deprived.
11. The Parties conspired and acted in collusion to commit Fraud "with purpose to incriminate another" in violation of the Constitution and Title 18 USC §1001, Title 18 USC §1621, 42 USC, FS 825, 836, 843 and other Federal and State Statutes in Obstruction of Justice and False Statements Using Sham Legal Process.

12. The Parties have committed and or abetted the following crimes:

- First degree felonies under Florida Statutes 825 committing financial fraud and exploitation in a sum of \$100,000 or more from an elder person
- First degree felonies of abuse and aggravated abuse under Florida Statutes 825
- Perjury
- Tampering with evidence
- Obstructing justice
- Dereliction of Duty
- Violation of Bill of Rights 1st & 6th Amendment
- United States Constitution Art 3 Sec 3
- Conspiracy under USC 371
- Theft and Fraud, fraud on the court, intrinsic and extrinsic fraud and fraud in the inducement
- Tampering with court records, transcripts and other records
- Forgery
- Securing writings by deception,
- Fabricated evidence that victim lacked capacity to give consent
- Kidnapping,
- Abduction
- Unlawful Restraint
- Elder Abuse and Aggravated Abuse
- Elder Exploitation
- Depriving crime victim of medical care
- Discrimination
- Retaliation
- Coercion
- Attempted Murder
- Premeditated Murder
- Official Misconduct
- Abuse of Power
- Color of Law Abuse
- Criminal Racketeering
- Human Trafficking
- Money Laundering
- False Arrest
- Entrapment
- Battery
- Wire fraud, mail fraud and bank fraud
- Conversion
- Breach of fiduciary duty
- Lying to the fed government and courts system 18 USC 1001
- False imprisonment
- Theft and Fraud, fraud on the court, intrinsic and extrinsic fraud and fraud in the inducement
- Kidnapping,
- Abduction
- Unlawful Restraint
- Discrimination
- Retaliation under the ADA and 42 USC 12203
- Attempted Murder (use of contraindicated drugs, isolation from family members and friends, suspicious falls leading to confinement to bed, etc.)

- 18 U.S. Code § 3 - Accessory after the fact
 - 18 USC 4 Misprison of felony
 - Official Misconduct
 - Color of Law/Due Process violations Abuse - 42 USC 1983
 - Criminal Racketeering
 - Battery for repetitive fractures, administration of chemical restraints contraindicated by the FDA,
 - Wrongful implantation of a feeding tube without consent, and deprivation of the sensation of food and chewing against her will
 - Loss of consortium between parent and child
 - Torture under the international treaties against torture
13. Florida is the number one corrupt state according to the Center for Public Integrity. People are warned not to retire in or visit Florida because of the guardianship scam. A recent MetLife study calls elder abuse the crime of the 21st century. As early as 1985, elder abuse was called a “national disgrace” by the U.S. Representatives, Subcommittee on Health and Long-Term Care of the Committee on Aging. More than a quarter-century later, it is still a national disgrace and breeding ground for subversive activity.
 14. A report by the U. S. Government Accountability Office finds guardian abuse of the elderly is rampant. The attached Washington Examiner article exposes judges like Michael Genden who engage in corruption.
 15. **Because Complainants have stated Michael Genden is engaged in heinous crimes using the Courthouse as a criminal racketeering operation and Complainants are exposing these crimes, Complainants are fearful of further retaliation and seek protection from law enforcement.**
 16. Complainant, Barbara Stone has been falsely arrested as a result of the acts of Michael Genden and others who themselves purposely and maliciously engage in the foregoing crimes and employ the court, the very institution they have subverted to achieve their own ends.
 17. Roy Lustig has been found guilty of fraud, perjury and repeatedly lying under oath. This was the finding by the 3rd DCA in LEO’S GULF LIQUORS v CHANDRESH LAKHANI ET AL, CASE NO. 3D00-130 where the Court 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).
18. Making false statements is a Federal offense under Title 18 USC§ 1001. These crimes were committed for Intimidation, Retaliation and Interference with civil rights pursuant to Florida Statutes and 42 USC §1983, 18 USC§ 241 & 242. Perjury is a federal felony under 18 U.S. Code § 1621
 19. The unlawful fraudulent stay away orders against Affiant were issued in order to empower Hertz, Lapides, Stone and Lustig to commit crimes of abuse and exploitation in secrecy
 20. **This is all about staged fraudulent litigation to take the assets of a disabled vulnerable person.**

CRIMES PERPETRATED BY ALAN STONE

FORGERY, FRAUD, EMBEZZLEMENT ABUSE AND AGGREGATED ABUSE OF THE ELDERLY,

**FRAUD IN THE INDUCEMENT
FINANCIAL FRAUD AND EXPLOITATION,
CUSTODY OFFENSES, RACKETEERING, HUMAN TRAFFICKING
MONEY LAUDERING,
DISCRIMINATION AND RETAILIATION**

21. Alan Stone engages in a pattern and practice of financial misconduct and abuse and aggravated abuse of Claimant's mother.
22. *Alan Stone was terminated from two financial firms, UBS and Wachovia for forgery and financial fraud.*
23. Prior to his termination, he made a business out of moving from one financial firm to the next to take advantage of "bonus" money he was paid upfront to be applied to commissions. He always left the firm before his contract was up, thereby breaching his contract and refusing to return the advance. His rotation through the different firms was his wrongful source of income.
24. Alan Stone was fired from one firm, USB, for forging client documents. He was then placed on "heightened supervision" requiring his transactions be monitored with future firms.
25. *This was his status when he joined Wachovia where he commenced the financial fraud of Affiant's mother's assets, forgery of her checks and wire transfers of her money to his accounts.*
26. Affiant has since learned she filed this guardianship that Alan Stone brought in Jacqueline Hertz and Blaire Lapides who are controlling Affiant's mother to be his puppets to cover up his misappropriation of Affiant's mother's assets
27. **Alan Stone has embezzled over \$625,000 of Affiant's mother's assets** that he transferred to himself using a series of wire transfers to attempt to hide where the assets were transferred
28. Alan Stone has physically and emotionally abused Affiant's mother.
29. Affiant's mother was repeatedly admitted to the hospital with suspicious fractures and falls between 2009 and 2012 during the time she was isolated from the outside world by Alan Stone.
 - a. Alan Stone perpetuated a fraud. He designed Affiant and her mother as "trustees" on the accounts documents in the many firms in which he contacted as an employee and broke his contract knowing that this designation was false as he has already enlisted Blaire Lapides in his scheme to defraud Affiant's mother.
 - b. The pattern and practice of fraud and self -dealing for which Roy Lustig was found guilty by the 3rd DCA was exactly the conduct in which Alan Stone engaged.
 - c. Affiant later came to realize that Alan Stone deviously and with willful intent to defraud fraudulently set up the accounts in that manner in order that he could unilaterally remove Affiant as trustee, thereby being able to benefit from his own wrongful acts.
30. The divisive actions of Alan Stone were obvious as he coerced Affiant's mother to go from one attorney to the next to change her trust documents according to the status of pending litigation depending on whether he thought his fraud would be discovered.
31. Alan Stone deceptively informed Affiant's mother that once she reached the age of 80, she was no longer permitted to drive. . This devious scheme also accomplished Alan Stone's goal to keep Affiant's

mother isolated and under his control for her very existence – for her to even to be able to have food, she was totally reliant on and subjected to the agenda of Alan Stone.

CRIMES PERPETRATED BY BLAIRE LAPIDES, JACQUELINE HERTZ AND ROY LUSTIG

FRAUD, EMBEZZLEMENT, PERJURY, SLANDER, LYING UNDER OATH ABUSE AND AGGREGATED ABUSE OF THE ELDERLY, FRAUD IN THE INDUCEMENT FINANCIAL FRAUD AND EXPLOITATION, CUSTODY OFFENSES, RACKETEERING, HUMAN TRAFFICKING MONEY LAUNDERING, FALSE IMPRISONMENT, ABDUCTION, KIDNAPPING, DISCRIMINATION AND RETALIATION

32. Michael Genden placed Claimant's mother in the hands of criminals.
33. These predators include a complete stranger, Jacqueline Hertz with a track record of fraud and murder and an estranged distant opportunistic Blaire Lapides who had committed fraud and was not registered as a "guardian" and Roy Lustig who was found guilty of crimes by the 3rd DCA . Claimant later learn these guardians were brought in by Alan Stone to cover up his embezzlement of her assets.
34. An illegal agreement was signed at the time that unlawfully removed Claimant's mother's rights.
35. Helen Stone was not a party to the agreement nor does she have knowledge of the agreement.
36. The agreement and all subsequent orders stripped Helen Stone of all of her constitutional and civil rights in violation of the Constitution of the United States
37. An agreement that violates due process and the Constitution is void on its face. The agreement discriminated and retaliated against Helen Stone taking away all of her rights is not a proper accommodation under the ADA. It is likened to severing an arm to remedy a splinter in a finger.
38. **Removing a disabled, elderly person from their prior life, isolating and segregating them from their family and acquaintances, removing all of their assets and possessions from them and abetting the theft and dissipating of the assets is a venal retaliatory and criminal act.**
39. The guardianship is predicated upon a void, unlawful and illegal agreement which was the basis of ensuing fraudulent illegal segregation and isolation upon which fraudulent void orders were issued.
40. Jacqueline Hertz, a professed guardian has *fabricated credentials, schooling, education, qualifications and experience*. She does not have a license issued by the State. She does not have the required credentials pursuant to Florida Statutes including a letter from a judge and repeatedly failed to provide a bond or proof of her educational requirements.
41. Jacqueline Hertz has a pattern of criminal abuse and exploitation. She routinely loots the assets of her victims with fraudulent accountings and accountings that deliberately fail to disclose the finances of her victims or the amounts that are being distributed.

42. Jacqueline Hertz has a real estate license which is an inherent conflict of interest as she is prohibited by law from participating in the assets of persons under her control. She routinely sells the home of her victim from under them. The homes are sold illegally and also for less than market value to her cohorts in order to launder money. Using a real estate license to participate in commissions is an inherent conflict of interest and the commissions are a motivation for her to sell the house of her prey. This also violates the guardian statute which prohibits her from benefiting in the assets of persons under her control.
43. Jacqueline Hertz isolates the person in her control from their family by fabricating slanderous false allegations against their closest family member in order to obtain an illegal fraudulent “stay away order” that is issued by colluding judges like Michael Genden so she can operate her scam in secrecy. She then engages in her atrocities, abuse, sells the homes of the elderly from under them, ties up their family in fabricated litigation and steals their assets.
44. ***She isolated Claimant from her mother on the basis of fraudulent accusations. She obtained a similar order against Marilyn Hirsch, the daughter of Rose Hirsch who she abused and deprived her life. She isolated Carol Holder, a respected educator at a University from her husband. She abused Mrs. Dorothea Landmann and upon her death attempted to take control of her daughter in a guardianship. She brazenly and flagrantly fabricates and commits fraud on the court.***
45. Blaire Lapides is an estranged opportunistic distant relative. She has not complied with the education and other requirements for a guardian and has not posted a bond. She is embezzled Helen Stone’s assets.
46. Their attorney, Roy Lustig is a disgraced attorney ***who has been found guilty by the 3rd DCA of perjury, lying under oath and fraud on the court*** (please reference the attached court opinion). ***He has been sanctioned by the Florida Bar.***
47. Roy Lustig is engaged in a pattern of staged, fraudulent litigation to perpetuate his illegal conduct in order to extort fees from Helen Stone.
48. **It is criminally negligent for Michael Genden to place an elderly vulnerable adult under the control of these predators.**
49. Affiant’s mother has been starved, bruised, threatened, drugged, isolated and caged. She has been removed from her home against her will. Her property has been looted by Respondents Alan Stone, Jacqueline Hertz and Blaire Lapides and Roy Lustig.. Affiant’s mother has been denigrated, denied food, medical attention and care.
50. Immediately after their installation as Helen Stone’s guardians, they forcibly isolated her from association with the outside world and is kept in complete isolation from friends and family of her choosing so these guardians and their attorney could exploit and abuse her in secrecy. ***They have taken an 86 year old woman taken into “custody”.***
51. On November 9, 2013, Claimant’s mother was admitted by emergency to the hospital with life threatening conditions including ***malnutrition, dehydration, fractures, pneumonia, hernia, infection, fractures that could be the result of a fall and a host of other life threatening conditions.*** Each one of these life threatening conditions alone constitutes elder abuse under Florida Statute 825 ***Together they constitute aggravated abuse.***

52. Two days prior to her being sent by ambulance to the hospital, on November 7, 2013, Helen Stone was seen by her spiritual leader, Rabbi Ed Farber, at Barbara Stone's bequest who found her drugged up, incoherent and starved whereupon he immediately informed the judge who failed to investigate..
53. Claimant's mother is in a feeding tube as a result of abuse and being emaciated, a life endangering tactic taken by racketeer guardians to serve their own interest so they do not have to take the time to feed their victims. Her mother has a natural right to eat and she is being deprived of that right. The feeding tube is laced with illegal psychotropic drugs that are prohibited under Florida Statute 394.
54. A predator exploiter like Jacqueline Hertz isolates the elderly person by not allowing them to communicate or socialize with their friends. When family or friends call or visit, the exploiter intercedes and tells them that all is well and typically will interject themselves into any conversation such friends and family members attempt to have with the elderly person. The classic case is an exploiter who prevents the elderly person from answering any questions placed before him or her by speaking for them. The infirm person never speaks because the exploiter has seized control of the conversation. When family or friends pre-schedule a visit, the exploiter makes certain that the elderly person is out of the house or answers the door stating that the elderly person is resting and that he or she will call them (which never occurs) upon awakening. This is a slow process that takes place over an extended period of time. The isolation eventually causes the elderly person to submit to the exploiter's propaganda that they are all that the elderly person has in the form of friends. Furthermore, the exploiter continually suggests that the elderly person's family and close friends have abandoned them and without the exploiter's help the elderly person will be placed in a nursing home to wither away. Lacking any outside influences to expose the exploiters charade, the elderly person is eventually convinced of the family and friend's fabricated conspiracy.
55. ***Their isolation plot is accomplished by submitting patently false, fraudulent and malicious allegations to a conspiring judge who issues unlawful "stay away" orders against a family member who is closest to the victim and the most desperate to remove their loved one from the atrocities of the guardian enterprise, all of which constitutes offenses and deprivation of rights under Federal and F.B.I. color of law abuse and Florida Statutes 825 and other laws.***
56. Their false allegations and accusations not only are the precursor to their goal of isolation of their victims by fraudulent void stay away orders issued by a court without jurisdiction, but they also accomplish another component of their goal, i.e. they are rewarded by conspiring judges with an award of guardian and legal fees for their own wrongful illegal acts.
57. **Making false allegations to obtain a stay away order is perjury pursuant to Federal and Florida Statutes a criminal offense**
58. Immediately after their installation as Helen Stone's guardians, they isolated her from Claimant based on fabricated allegations so these guardians and their attorney could exploit and abuse her in secrecy.
59. ***Incredibly this matter stems from the fact that Michael Genden order her mother be isolated from Claimant's mother because Claimant objected to their use of Miralax, a laxitive pulled off the shelf by the FDA because it causes heart and kidney failure.*** These vicious guardians vilified Barbara in Court by alleging Barbara sought to give her mother "unauthorized medication" It is impossible for Barbara Stone to offer her mother unauthorized medication where there was no such medication. This depraved scam could only concocted by guardians who committed fraud on the court that was abetted by Michael Genden in whose court, the only thing that occurs is fraud. Thus on the basis of perjury committed by Jacqueline Hertz and Blaire Lapidès, Michael Genden removed an elderly woman from her daughter, leading the way to the atrocities that ensued.

60. **This was the basis for all fraudulent litigation that ensued.** Jacqueline Hertz sole goal is to perpetuate litigation by slandering family members so and her attorney can embezzle the funds of the person in her control. Secrecy is an integral part of this operation.
61. The chicanery of a fraudulent isolation petition almost caused the death of Claimant's mother and Claimant's arrest.
62. Every possession and every asset of Mrs. Stone that has been fraudulently "awarded" to these criminals is the result of their fabricated petition to isolated Mrs. Stone from her daughter because her daughter objected to her mother being given Miralax.
63. **Only in a court like Michael Genden's court, could a laxative result in the award of \$1,400,000 in fraudulent bills. Michael Genden has committed treason, a fraud on the U.S.**
64. **Because of a laxative, Mrs. Stone was cruelly isolated from her daughter.** Helen Stone pleads to see her daughter and does not even know why her daughter does not visit or that she is being denied seeing her mother. This in and of itself is abuse.
65. **Claimant is filing this notice of abuse and abuse report and complaint for which she requests law enforcement redress and insure the safety of her mother.**
- d. *Her mother is kept in a locked down facility virtually under house arrest against her will*
 - e. *She is chemically restrained with psychotropic drugs*
 - f. *Her speech is slurred because she is medicated by drugs strong enough to kill her.*
 - g. *Her obvious overmedication is for the benefit of the guardians and their aides so they can ignore her mother.*
 - h. *The fake "aides" are to isolate Helen Stone not to benefit her. They are to prevent Helen Stone from having rehabilitation not to facilitate her rehabilitation*
 - i. *Mrs. Stone is not permitted to stand up from her wheelchair although she is perfectly capable of walking.*
 - j. *Helen Stone was given fake glasses after her glasses were inexplicably broken and her mother is incurring constant headaches because she is unable to see. It was over 9 months before glasses were provided that were not provided in consultation with her mother's ophthalmologist therefore, it is still uncertain if her glasses are medically accurate.*
 - k. *Barbara Stone's mother is cruelly and abusively being denied her wishes to see Barbara Stone, in order to stage litigation to plunder her assets an act of criminal abuse under Florida Statutes 825.*
 - l. *Barbara Stone's mother is cruelly and abusively being denied her wishes to see her spiritual leader or have any visitor whatsoever by Roy Lustig an act of criminal abuse under Florida Statutes 825 and a crime under the Medicare and other patient bill of rights.*
 - m. *Cruelly, Helen Stone does not even know why her daughter does not visit*
 - n. *Helen Stone, a person protected under AADA has not been in possession or control of her assets or personal property nor has she been consulted or allowed any input whatsoever concerning the use or disposition of her assets. Instead, her assets have been dissipated by people who are controlling her against her will and endangering her.*
 - o. *Barbara Stone and Helen Stone have been spied on by cunning "aides" who charge Helen Stone but do not attend her care – they are planted by the guardians to keep her isolated.*
 - p. *The guardians have committed insurance fraud, bank fraud, wire fraud, internet fraud, mail fraud, Medicaid and medicare fraud, social security and veteran's*

administration fraud and embezzled federal benefits of Helen Stone to financially benefit themselves.

- q. *All of the foregoing actions are acts of pre-meditated murder – a deliberate attempt to slowly and methodically deprive Mrs. Stone of her life.*

CRIMES PERPETRATED BY MICHAEL GENDEN

FORGERY, FRAUD, EMBEZZLEMENT ABUSE AND AGGREGATED ABUSE OF THE ELDERLY, FRAUD IN THE INDUCEMENT FINANCIAL FRAUD AND EXPLOITATION, CUSTODY OFFENSES, RACKETEERING, HUMAN TRAFFICKING, MONEY LAUNDERING, ENTRAPMENT, DISCRIMINATION AND RETALIATION

66. *In the face of hospital reports evidencing abuse and repeated witness statements, Michael Genden. In violation of his mandate refused to investigate criminal conduct of her mother's guardians and embezzling of her assets by their attorney. Michael Genden ignored the hospital records showing aggravated abuse and the many frantic letters, testimony, witnesses and affidavits to Barbara Stone's mother abuse.*
67. *The very same day Michael Genden denied holding a hearing on Claimant's Petition to investigate the safety of her mother, she was rushed by emergency to the hospital. While she was in the hospital, she was then forced to suffer surgery to implant a feeding tube because as she had been denied food, she was starved and became emaciated.*
68. *Instead of investigating the aggravated abuse by the guardians, Michael Genden is covering up their abuse and his participation in their abuse either for his own gain or to grant favors.*
69. *Michael Genden has and is acting without jurisdiction, in violation of criminal laws.*
70. *Michael Genden has violated the U.S. and the Florida Constitution by prohibiting advocates and supporters of Affiant from being present in his courtroom.*
71. *Michael Genden has entrapped Claimant in order to collude with Roy Lustig in the participation of her mother's assets.*
72. *Michael Genden routinely pre-signs orders. Transcripts are routinely altered.*
73. Upon Helen Stone's admission to the hospital, *the guardians should have been suspended immediately* by Michael Genden and the guardians should have been investigated. The attached confidential hospital records speak for themselves of Helen Stone's aggravated abuse.
74. The affidavits and testimony of witnesses to Barbara Stone'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, her mother was "painfully thin" and in clothes that were huge, that she was unkempt and unattended and desperately missed association with her daughter, Barbara Stone.
75. On December 7, 2013, 2 days prior to Helen Stone's emergency admission to the hospital where she almost died as a result of aggravated abuse by persons wrongfully placed in charge of her care by a probate court judge, Barbara Stone submitted an emergency petition for the probate court to appoint an

attorney, an independent doctor and a court monitor for her mother. The probate judge did nothing Not only did he not grant the petition, the probate judge did not even **hear** the petition in direct violation of Federal and State laws mandating abuse of an elderly, disabled person be investigated.

76. As no action was taken by Michael Genden to protect her mother, Barbara Stone filed a petition to remove the Guardians. The petition was not heard for over 3 months all the while the guardians were committing crimes and theft and Helen Stone was being abused despite the fact that Genden is required to hear an emergency petition within 48 hours. Matters pertaining to the elderly are exigent – they require immediate attention.
77. Genden's court abets fraud on the court, perjury, lying under oath and fabricated and false and slanderous actions by person who are brazenly committing such acts. This is particularly heinous in a court of law that is responsible for the very life and safety of an elderly, vulnerable person.
78. Jacqueline Hertz, Blaire Lapidés, Roy Lustig and Michael Genden have segregated Helen Stone from the community and are violating Federal laws regarding core values of America for the Constitutional rights and privileges granted to its citizens. In a gross understatement of the criminality of this matter:

Helen Stone is not integrated into the community, stimulated, socially enriched, being rehabilitated and is not in any way benefiting from being locked down, isolated, chemically restrained, in a feeding tube and drugged in violation of the mandate of the ADA, Federal and State laws prohibiting elder abuse and exploitation and pursuant to *Olmstead v LC* wherein the Supreme Court stated

"institutional placement of persons who can handle and benefit from community settings perpetuates unwarranted assumptions that persons so isolated are incapable of or unworthy of participating in community life." "Confinement in an institution severely diminishes the everyday life activities of individuals, including family relations, social contacts, work options, economic independence, educational advancement, and cultural enrichment."

79. Pursuant to Florida Statutes 825:

(2) **"Aggravated abuse of an elderly person or disabled adult" occurs when a person:**

- (a) **Commits aggravated battery on an elderly person or disabled adult;**
- (b) **Willfully tortures, maliciously punishes, or willfully and unlawfully cages, an elderly person or disabled adult; or**
- (c) **Knowingly or willfully abuses an elderly person or disabled adult and in so doing causes great bodily harm, permanent disability, or permanent disfigurement to the elderly person or disabled adult.**

A person who commits aggravated abuse of an elderly person or disabled adult commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

- (3)(a) "Neglect of an elderly person or disabled adult" means:

1. *A caregiver's failure or omission to provide an elderly person or disabled adult with the care, supervision, and services necessary to maintain the elderly person's or disabled adult's physical and mental health, including, but not limited to, food, nutrition, clothing, shelter, supervision, medicine, and medical services that a prudent person would consider essential for the well-being of the elderly person or disabled adult; or*
2. *A caregiver's failure to make a reasonable effort to protect an elderly person or disabled adult from abuse, neglect, or exploitation by another person.*

Neglect of an elderly person or disabled adult may be based on repeated conduct or on a single incident or omission that results in, or could reasonably be expected to result in, serious physical or psychological injury, or a substantial risk of death, to an elderly person or disabled adult.

(b) *A person who willfully or by culpable negligence neglects an elderly person or disabled adult and in so doing causes great bodily harm, permanent disability, or permanent disfigurement to the elderly person or disabled adult commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.*

(c) *A person who willfully or by culpable negligence neglects an elderly person or disabled adult without causing great bodily harm, permanent disability, or permanent disfigurement to the elderly person or disabled adult commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.*

80. Chapter 415 Florida Statutes defines “exploitation” as a person who:

Stands in a position of trust and confidence with a vulnerable adult and knowingly, by deception or intimidation, obtains or uses, or endeavors to obtain or use, a vulnerable adult’s funds, assets, or property with the intent to temporarily or permanently deprive a vulnerable adult of the use, benefit, or possession of the funds, assets, or property for the benefit of someone other than the vulnerable adult; or Knows or should know that the vulnerable adult lacks the capacity to consent, and obtains or uses, or endeavors to obtain or use, the vulnerable adult’s funds, assets, or property with the intent to temporarily or permanently deprive the vulnerable adult of the use, benefit, or possession of the funds, assets, or property for the benefit of someone other than the vulnerable adult.

“Exploitation” may include, but is not limited to: Breaches of fiduciary relationships, such as the misuse of a power of attorney or the abuse of guardianship duties, resulting in the unauthorized appropriation, sale, or transfer of property; Unauthorized taking of personal assets; Misappropriation, misuse, or transfer of moneys belonging to a vulnerable adult from a personal or joint account; or Intentional or negligent failure to effectively use a vulnerable adult’s income and assets for the necessities required for that person’s support and maintenance.

81. Further heinous repercussions are evidenced by the fact that family members like Barbara Stone who expose guardian abuse and the looting of their loved one’s assets are stuck in a perverse, intentional no win, Catch-22 situations *because the guardian fights their objection with the assets of their loved one. Helen Stone is being charged for her own abuse.*
82. Volumes of fraudulent invoices were submitted relentlessly, in fact, fanatically and ex parte by an arsenal of attorneys purportedly engaged in “representing” Claimant’s mother whose “non action” and “non representation” is vividly illustrated by their pages of charges for staged fraudulent litigation and were rewarded and illegally ordered fraudulent fees without any investigation by Michael Genden as to how their “services” could have any relationship whatsoever to Claimant’s mother’s best interest who was being starved to death.
83. *All the while, Barbara Stone’s mother, in a feeding tube implanted as a result of aggravated abuse by Jacqueline Hertz, 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 rights, 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 Jacqueline Hertz to abuse and exploit her.*
84. What is undeniable is barbaric abuse and crime against humanity.

85. Michael Genden's abuse of power is heightened by the fact her mother's matter is an emergency exigent due to elder abuse warning signs, her age, and frail health and the dire need for Barbara Stone to have her mother's safety and well-being forthwith overseen and insured by an impartial judge.
86. Since being placed in guardianship:
- a) Helen Stone has not personally appeared or spoken a word in the guardianship proceeding.
 - b) Helen Stone has been forcibly kept from occupying her residence of choice and she held against her will forcibly confined to a residence against her will.
 - c) Helen Stone has been forcibly and intentionally isolated from association with the outside world and family members and friends of her choosing.
 - d) Helen Stone, a person protected under AADA has not been in possession or control of her assets or personal property nor has she been consulted or allowed any input whatsoever concerning the use or disposition of her assets. Her assets have in fact been dissipated by people who are controlling her against her will and endangering her.
87. Family members like Barbara Stone, the loved one of an elderly vulnerable relative is vilified by the guardian industry. They are made to appear as an interloper. They face retaliation, intimidation and coercion to silence them. They are jailed for contempt, court ordered into silence and sued for speaking the truth, all the while our aging parents are caged, isolated and drugged, under a sentence of death in order to transfer their assets to the guardian enterprise.
88. Michael Genden acting in conspiracy with Roy Lustig falsely accused Barbara Stone of violating his retaliatory stay away orders that was issued ex parte on the basis of what he knew and acknowledged were slanderous allegations against her. He then brought false criminal charges against Barbara Stone that he fabricated with Roy Lustig and knew to be false. He tried Barbara Stone a mock trial in his own court, a blatant denial of due process.
89. Michael Genden violates elder abuse criminal laws by perpetrating the abuse of Barbara Stone's mother.
90. Once Michael Genden was unable to silence Barbara Stone from exposing his abuse, he viciously retaliated against her, converting his court into a criminal court where he became the judge, the arbiter and the person who filed criminal charges against her to "try" her in a mock hearing for violating his illegal and ex parte stay away order wrongfully issued on the basis of fabricated, fraudulent and slanderous statements by fraudulent guardians had expired by its own terms.
91. Michael Genden and Roy Lustig obstructed justice and fraudulent orchestrated Barbara Stone's arrest. Michael Genden acknowledged in open court in a transcript that the illegal order was issued on the basis of a fraudulent allegation. Further, his unlawful ex parte temporary restraining order expired by operation of law pursuant to FL State 741.30 which states an ex parte temporary state away order expires after 15 days.
92. Some of the illegal and unlawful provisions in his orders include:
- a. Repeatedly pre-signing orders and then holding "mock" hearings although an order has already been signed.
 - b. ***Rewarding predators Roy Lustig for participating in his criminal scam of a concocted criminal trial with legal fees for participating in this scam by allowing him to embezzle over \$250,000 of Helen Stone's assets.***

- c. *Rewarding predators Jacqueline Hertz and Blaire Lapidès approximately \$200,000 from Helen Stone's assets forcing her to pay for her own abuse.*
- d. An unlawful order denying Barbara Stone the right to petition for his disqualification,
- e. An illegal order denying Barbara Stone the right to file any pleadings after Barbara Stone exposed the corruption and fraud in his court.
- f. An illegal order prohibiting Barbara Stone from contacting anyone to report the abuse of her mother thereby entrapping her to act in the role of a conspirator to abuse,
- g. Ordering recording his expired, illegal order in "criminal records" denying Helen Stone the right to see her daughter thus retaliating against Barbara Stone by threatening her with illegal criminal charges for his own criminal retaliation and discrimination against her and her mother.
- h. There are presently other vindictive fraudulent petitions pending including a petition to hold Barbara Stone in criminal contempt and for massive additional fraudulent fees.
93. Michael Genden has denied Barbara Stone her right of access to the very file she commenced by establishing the guardianship. Further, he did this in a manner that is deceptive and deceitful. As he knew that an order denying Barbara Stone access to her file would be unconstitutional and a violation of due process, he issued an "edict" that he illegally demanded and threatened court staff to post on the file
94. *These fraudulent, staged acts are solely for the purpose of embezzling Helen Stone's assets.*
95. Barbara Stone's mother is a vulnerable adult who has been denied protection under the very laws that are supposed to protect her, she is gravely ill, she is abused and her wishes are being violated and she has no court of redress.
96. Not only are Michael Genden's orders void, they are illegal, unlawful and treasonous as they violate the Constitution and the judicial oath of office. He uses his court to retaliate against Claimant, certainly not for the best interest of Helen Stone.
97. The false charges against Barbara Stone are the Machiavellian orchestration of wrongdoers. This is exactly the same conduct that the 3rd DCA found Roy Lustig engaged, stating in their opinion 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."
98. The retaliation against Barbara Stone is multiplied because for each action they take to retaliate against Barbara Stone, they punish Helen Stone in acts of vicious and cruel and heightened retaliation.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge and belief.

Dated: March 2, 2015



Barbara Stone, without prejudice

CASE CITATIONS

NO JUDICIAL IMMUNITY, VOID ORDERS, NO JURISDICTION

Judicial immunity does not exist for judges who engage in criminal activity, for judges who connive with, aid and abet the criminal activity of another judge, or to a judge for damages sustained by a person who has been harmed by the judge's connivance with, aiding and abetting, another judge's criminal activity.

An illegal agreement by a corrupt judge prior to any judicial proceedings does not resemble anything close to a normal judicial function. The court in *Rankin v. Howard*, 633 F.2d 844 (9th Cir. 1980), *cert. denied*, 451 1985] any personal prejudice or economic interest in a case is not acting judicially, and should be held liable for any resulting damages *Brewer v. Blackwell*, 692 F.2d 387, 397 (5th Cir. 1982) (judge vindicating personal objectives not acting judicially); *Harper v. Merckle*, 638 F.2d 848, 859 (5th Cir.) ("[W]hen a judge has acted out of personal motivation and has used his judicial office as an offensive weapon to vindicate personal objectives, then the judge's actions do not amount to 'judicial acts.'"), *cert. denied*, 454 U.S. 816 (1981); *Harris v. Harvey*, 605 F.2d 330, 336 (7th Cir. 1979) (judge could be held liable for nonjudicial "racially motivated" critical communications to the press), *cert. denied*, 445 U.S. 938 (1980)

Harper v. Merckle, 638 F.2d 848 (5th Cir.), *cert. denied*, 454 U.S. 816, 102 S.Ct. 93, 70 L.Ed.2d 85 (1981)(holding a contempt proceeding and ordering plaintiff incarcerated were not judicial acts where controversy that led to incarceration did not center around any matter pending before the judge, but around domestic problems of plaintiff former wife who worked at the courthouse); *Harris v. Harvey*, 605 F.2d 330 (7th Cir.1979), *cert. denied*, 445 U.S. 938, 100 S.Ct. 1331, 63 L.Ed.2d 772 (1980)(allegedly repeated communications to the press and city officials which were critical of police lieutenant, and the improper instigation of criminal proceedings against the lieutenant by judge as part of a racial campaign to discredit lieutenant were not judicial acts).

This court also has held that the initiation of accusatory processes, such as criminal prosecutions or civil contempt proceedings, is a non-judicial act that may subject a judge to liability. *Sevier v. Turner*, 742 F.2d 262, 272 (6th Cir.1984).

"The right of action created by statute *relating to deprivation under color of law* of a right secured by the constitution and the laws of the U.S. and comes claims which are based solely on statutory violations of Federal Law and applied to the claim that claimants had been deprived of their rights, in some capacity, to which they were entitled." (*Owen v. Independence* 100 Vol. Supreme Court Reports. 1398: [1982]; *Main v. Thiboutot* 100 Vol. Supreme Court Reports. 2502, 1982)

Judges are under the illusion that they have absolute immunity, but all the cases that are cited making such a claim are without authority [people] and will fail in the federal and state courts in a court of record. Only the people are sovereign; all servants are under statutes and therefore liable to USC 18 and 42. "Where there is no jurisdiction, there can be no discretion;" they are not above the law when they commit a crime; they will go to jail and are subject to civil suits. "No man in this country is so high that he is above the law. No officer of the law may set that law at defiance with impunity. All the officers of the government, from the highest to the lowest, are creatures of the law and are bound to obey it.... It is the only supreme power in our system of government, and every man who, by accepting office participates in its functions, is only the more strongly bound to submit to that supremacy, and to observe the limitations which it imposes on the exercise of the authority which it gives." (*U.S. v. Lee*, 106 U.S. 196, 220 1 S. Ct. 240, 261, 27 L. Ed 171; 1882)

"Any judge who does not comply with his oath to the Constitution of the United States wars against that Constitution and engages in acts in violation of the supreme law of the land. The judge is engaged in acts of treason." (*Cooper v. Aaron*, 358 U.S. 1, 78 S. Ct. 1401; 1958)

VOID JUDGMENTS AND ORDERS

FAILURE TO DEFEND THE CONSTITUTION:

Marbury v. Madison: 5 US 137 (1803): "No provision of the Constitution is designed to be without effect," "Anything that is in conflict is null and void of law", "Clearly, for a secondary law to come in conflict with the supreme Law was illogical, for certainly, the supreme Law would prevail over all other laws and certainly our forefathers had intended that the supreme Law would be the bases of all law and for any law to come in conflict would be null and void of law, it would bear no power to enforce, in would bear no obligation to obey, it would purport to settle as if it had never existed, for unconstitutionality would date from the enactment of such a law, not from the date so branded in an open court of law, no courts are bound to uphold it, and no Citizens are bound to obey it. It operates as a near nullity or a fiction of law."

If any statement, within any law, which is passed, is unconstitutional, the whole law is unconstitutional by *Marbury v. Madison*.

Shephard's Citations: All cases which have cited *Marbury v. Madison* case, to the Supreme Court has not ever been over turned. See *Shephard's Citation of Marbury v. Madison*. Title 5, US Code Sec. 556(d), Sec. 557, Sec.706:

Title 18, US Code Sec.2381: In the presents of two or more witnesses of the same overt act, or in an open court of law, if you fail to timely move to protect and defend the Constitution of the United States and honor your oath of office, you are subject to the charge of capital felony treason. American Jurisprudence Book 16: Constitution Law Section 16Am Jur 2d: 16AmJur2d., Sec. 97: (The people are the beneficiary of the US Constitution)

Bary v. United States - 273 US 128 "Then a constitution should receive a literal interpretation in favor of the Citizen, is especially true, with respect to those provisions which were designed to safeguard the liberty and security of the Citizen in regard to person and property." "Any constitutional provision intended to confer a benefit should be liberally construed in favor in the clearly intended and expressly designated beneficiary"

Mudook v. Penn., 319 US 105:(1943) "A state may not impose a charge for the enjoyment of a right granted by the Federal Constitution and that a flat license tax here involves restraints in advance the constitutional liberties of Press and Religion and inevitably tends to suppress their existence. That the ordinance is non-discriminatory and that is applies also to peddlers of wares and merchandise is immaterial. The liberties granted by the first amendment are and in a preferred position. Since the privilege in question is guaranteed by the Federal Constitution and exist independently of the state's authority, the inquiry as to whether the state has given something for which it cannot ask a return, is irrelevant. No state may convert any secured liberty into a privilege and issue a license and a fee for it"

Shuttlesworth v. Birmingham AL, 373 US 262:(1962) "If the state does convert your right into a privilege and issue a license and a fee for it, you can ignore the license and a fee and engage the right with impunity."

United States v. Bishop, 412 US 346: Sets the standard for criminal violation of Willful Intent

It must be proven that you are the party, it must be proven that you had the method or opportunity to do the thing. it must be proven that you did this with a Willful Intent.

Willfulness - "An evil motive or intent to avoid a known duty or task under a law, with a moral certainty."

Owen v. Independence, 100 Vol. Supreme Court Reports. 1398:(1982) "Now since the prosecutor does not have a cause of action for which relief can be granted, your Honor, may it please the court, Counsel is specifically precluded performing his major task, therefore, your Honor, may it please the court, at this time, I would Motion most graciously for a dismissal of Prejudice, for failure to state a cause of action for which relief may be granted by this Honorable Court and I would like to collect my cost and fees for having to defend this frivolous complaint, Sir, may it please the court."

Main v. Thiboutot, 100 Vol. Supreme Court Reports. 2502:(1982) "The right of action created by statute relating to deprivation under color of law, of a right secured by the constitution and the laws of the United States and comes claims which are based solely on statutory violations of Federal Law and applied to the claim that claimants had been deprived of their rights, in some capacity, to which they were entitled." "Officers of the court have no immunity when violating constitutional right, from liability" (When any public servant violates your rights they do so at their own peril.)

Title 42 US Code Sec. 1983, Sec. 1985, & Sec. 1986: Clearly established the right to sue anyone who violates your constitutional rights. The Constitution guarantees: he who would unlawfully jeopardize your property loses property to you, and that's what justice is all about.

"Judge, you are deemed to know the law and are sworn to uphold it. You can hardly claim that you acted in good faith for willful deformation of a law and you certainly cannot plead ignorance of the law, for that would make the law look stupid for a knowledgeable judge to claim ignorance of a law, when a Citizen on the street cannot claim ignorance of the law. Therefore, there is no judicial immunity."

Boyd v. United States 116 USR 616: "The Court is to protect against encroachment of constitutionality or secured liberty. It is equivalent to a compulsory production of papers, to make the non - production of them a confession of the allegations which is pretended they will prove. The seizure of compensatory production of a man's private papers to be used in evidence against him is equivalent to compelling him to be a witness against himself, violation of the fifth amendment, and in a prosecution for a crime, penalty or forfeiture is equally within the prohibition of the fifth amendment."

VALLELY V. NORTHERN FIRE & MARINE INS. CO. 254 U.S. 348 (41 S.Ct. 116, 65 L.Ed. 297) 1920. Courts are constituted by authority and they cannot beyond the power delegated to them. If they act beyond that authority, and certainly in contravention of it, their judgments and orders are regarded as nullities. ***They are not voidable, but simply void, and this even prior to reversal.*** Elliott v. Peirsol, 1 Pet. 328, 340, 7 L. Ed. 164; Old Wayne Life Ass'n v. McDonough, [204 U. S. 8](#), 27 Sup. Ct. 236, 51 L. Ed. 345.

Elliott v. Piersol, 1 Pet. 328, 340, 26 U.S. 328, 340 (1828) Under Federal law which is applicable to all states, the U.S. Supreme Court stated that if a court is "without authority, its judgments and orders are regarded as nullities. They are not voidable, but simply void; and form no bar to a recovery sought, ***even prior to a reversal in opposition to them. They constitute no justification; and all persons concerned in executing such judgments or sentences, are considered, in law, as trespassers.***"

Courts lose jurisdiction if they do not follow Due Process of Law.

Should a judge not disqualify himself, then the judge is in violation of the Due Process Clause of the U.S. Constitution. United States v. Sciuto, 521 F.2d 842, 845 (7th Cir. 1996) ("The right to a tribunal free from bias or prejudice is based, not on section 144, but on the Due Process Clause.").

Should a judge issue any order after he has been disqualified by law, and if the party has been denied of any of his / her property, then the judge may have been engaged in the Federal Crime of "interference

with interstate commerce". The judge has acted in the judge's personal capacity and not in the judge's judicial capacity. It has been said that this judge, acting in this manner, has no more lawful authority than someone's next-door neighbor (provided that he is not a judge).

The Supreme Court has also held that if a judge wars against the Constitution, or if he acts without jurisdiction, he has engaged in treason to the Constitution. If a judge acts after he has been automatically disqualified by law, then he is acting without jurisdiction, and that suggest that he is then engaging in criminal acts of treason, and may be engaged in extortion and the interference with interstate commerce.

Courts have repeatedly ruled that judges have no immunity for their criminal acts. Since both treason and the interference with interstate commerce are criminal acts, no judge has immunity to engage in such acts.

FRAUD ON THE COURT

It is also clear and well-settled law that any attempt to commit "fraud upon the court" vitiates the entire proceeding. The People of the State of Illinois v. Fred E. Sterling, 357 Ill. 354; 192 N.E. 229 (1934) ("The maxim that fraud vitiates every transaction into which it enters applies to judgments as well as to contracts and other transactions. "); Allen F. Moore v. Stanley F. Sievers, 336 Ill. 316; 168 N.E. 259 (1929) ("The maxim that fraud vitiates every transaction into which it enters ..."); In re Village of Willowbrook, 37 Ill.App.2d 393 (1962) ("It is axiomatic that fraud vitiates everything."); Dunham v. Dunham, 57 Ill.App. 475 (1894), affirmed 162 Ill. 589 (1896); Skelly Oil Co. v. Universal Oil Products Co., 338 Ill.App. 79, 86 N.E.2d 875, 883-4 (1949); Thomas Stasel v. The American Home Security Corporation, 362 Ill. 350; 199 N.E. 798 (1935).

Under Federal law, when any officer of the court has committed "fraud upon the court", the orders and judgment of that court are void, of no legal force or effect.

Open Government - The "Sunshine" Law

Florida began its tradition of openness back in 1909 with the passage of Chapter 119 of the Florida Statutes or the "Public Records Law." This law provides that any records made or received by any public agency in the course of its official business are available for inspection, unless specifically exempted by the Florida Legislature. Over the years, the definition of what constitutes "public records" has come to include not just traditional written documents such as papers, maps and books, but also tapes, photographs, film, sound recordings and records stored in computers.

Florida's Government-in-the-Sunshine Law was enacted in 1967. Today, the Sunshine Law regarding open government can be found in Chapter 286 of the Florida Statutes. These statutes establish a basic right of access to most meetings of boards, commissions and other governing bodies of state and local governmental agencies or authorities.

Throughout the history of Florida's open government, its courts have consistently supported the public's right of access to governmental meetings and records. As such, they also have been defining and redefining what a public record is and who is covered under the open meetings law. One area of public concern was whether or not the Legislature was covered under the open meetings requirements. **To address that concerns, a Constitutional amendment was passed overwhelmingly by the voters in 1990 providing for open meetings in the legislative branch of government.**

The Attorney General's Office has consistently sought to safeguard Florida's pioneering Government-in-the-Sunshine laws. Our attorneys have worked, both in the courtroom and out, to halt public records violations. In 1991, a decision by the Florida Supreme Court raised questions which made it clear that the best way to ensure the public's right of access to all three branches of government was to secure that right through the Florida Constitution. The Attorney General's Office then drafted a definitive constitutional amendment, which guaranteed continued openness in the state's government and reaffirmed the application of open government to the legislative branch and expanded it to the judiciary. This amendment passed in 1992.

Unlawful activity of a judge, Code of Judicial Conduct.

The Constitution for the United States of America - Article III Section 1 "The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour ... "

Florida Judicial Oath Art. II. § 5(b), Fla. Const.

Under Federal law which is applicable to all states, the U.S. Supreme Court stated that if a court is "without authority, its judgments and orders are regarded as nullities. They are not voidable, but simply void; and form no bar to a recovery sought, even prior to a reversal in opposition to them. They constitute no justification; and all persons concerned in executing such judgments or sentences, are considered, in law, as trespassers." [Elliot v. Piersol, 1 Pet. 328, 340, 26 U.S. 328, 340 (1828)]

[World-Wide Volkswagen Corp. v. Woodson, 444 U.S. 286 \(1980\)](#) A judgment rendered in violation of due process is void in the rendering State and is not entitled to full faith and credit elsewhere. Pennoyer v. Neff, 95 U.S. 714, 732-733 (1878)."

Courts can only act upon matters that are properly brought before them pursuant to 'the settled law, practice and usage.' Randolph v. Jenks v. Merchants' Nat'l Bank, 77 Tenn. 63, 68 (Tenn. 1882). That was not the case in Hodge. "Orders issued by a court without jurisdiction are void, and we are under an affirmative duty to vacate void orders without reaching the merits of the issues on appeal." Hodge, 2007 WL 3202769, at *2 (citing Tenn. R. App. P. 13(b); [First American Trust Co. v. Franklin-Murray Dev. Co. L.P.](#), 59 S.W.3d 135, 141 (Tenn. Ct. App. 2001)). Accordingly, we vacated the 2005 Order of Reference as being void due to a lack of jurisdiction. Id. at *4

"* * * Furthermore, tampering with the administration of justice in the manner indisputably shown here involves far more than an injury to a single litigant. It is a wrong against the institutions set up to protect and safeguard the public, institutions in which fraud cannot complacently be tolerated consistently with the good order of society. Surely it cannot be that preservation of the integrity of the judicial process must always wait upon the diligence of litigants. The public welfare demands that the agencies of public justice be not so impotent that they must always be mute and helpless victims of deception and fraud."

And, it is well-established that person may not be held in contempt for failure to comply with a void order. *Davis v. City of Bowling Green*, 289 S.W.2d 506 (Ky. 1956).

Subject matter can never be presumed, never be waived, and cannot be construed even by mutual consent of the parties. Subject matter jurisdiction is two part: the statutory or common law authority for the court to hear the case and the appearance and testimony of a competent fact witness, in other words, **sufficiency of pleadings**. Subject matter jurisdictional failings:

<http://famguardian.org/TaxFreedom/CitesByTopic/VoidJudgment.htm>

Gentry v. Gentry, 924 SW 2d 678 - Tenn: Supreme Court 1996

The standard for determining whether a judgment is **void** is well settled: whether the court had general jurisdiction of the subject matter, whether the judgment was wholly outside the pleadings, and whether the court had jurisdiction of the parties.

- in [Dalton v. Deuel, 2008](#)

... , on **the face** of the record, "(1) that the Court. had no general jurisdiction of the subject matter of the litigation; or (2) that the decree itself is wholly outside of the pleadings, and no binding consent thereto is shown in the record; or (3) that the Court had no jurisdiction of the party complaining, in person or by representation of interest; in which case it is **void** only as to such ...

- in [STATE EX REL. CITY OF CHATTANOOGA v. DELINQUENT TAXPAYERS, 2008](#)

A judgment is considered **void** if the record demonstrates that the court entering it lacked jurisdiction over either the subject matter or the person, or did not have the authority to make the challenged judgment.

- in [Team Design v. Gottlieb, 2002](#)

As stated in *Brown*, *Brown v. Brown*, 198 Tenn. 600, 281 S.W.2d 492 (1955). A distinction must be made in this regard between the mere erroneous exercise of a power granted, and the usurpation of a power where none exists. *Id.* 281 S.W.2d at 499.

“Fraud upon the court” makes void the orders and judgments of that court. The U.S. Supreme Court has consistently held that a void order is void at all times, does not have to be reversed or vacated by a judge, cannot be made valid by any judge, nor does it gain validity by the passage of time. The order is void ab initio. *Vallely v. Northern Fire & Marine Ins. Co.*, 254 U.S. 348, 41 S.Ct. 116 (1920). “Fraud destroys the validity of everything into which it enters,” *Nudd v. Burrows* (1875), 91 US 426, 23 Led 286,290; particularly when ***“a judge himself is a party to the fraud,”*** *Cone v. Harris* (Okl. 1924), 230 P. 721, 723. *Windsor v. McVeigh* (1876), 93 US 276, 23 Led 914, 918.

“Silence can only be equated with fraud where there is a legal or moral duty to speak or when an inquiry left unanswered would be intentionally misleading.” See ***U.S. V. Tweel*, 550 F.2d.297.**

EXHIBIT 8

Notarized Affidavit dated April 15, 2015 by a Florida Bar member attesting to retaliation against her by the person identified as Michael Genden

AFFIDAVIT

STATE OF FLORIDA}

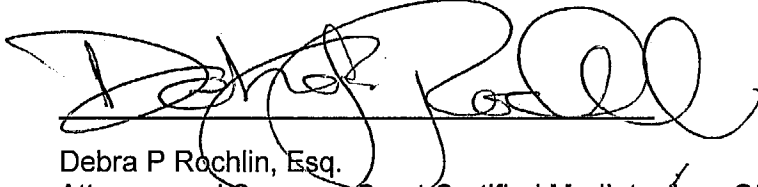
COUNTY OF BROWARD}

BEFORE ME, the undersigned authority, appeared DEBRA P. ROCHLIN, Esq, after being first duly sworn, deposes and says as follows:

1. Helen Stone's rabbi contacted me to explained to me that Helen used to be a member of his synagogue and was in a guardianship where she was very unhappy and fearful and she had asked him to obtain legal representation for her.
2. He requested that I represent her due to her present circumstances.
3. I was also in contact by Barbara Stone who informed me that there was a hearing before Judge Michael Kaplan on April 8, 2015. She explained she filed a Petition on behalf of her mother to seek an injunction against Blaire Lapides (one of the guardians in her mother's matter.)
4. On April 8, 2015, outside of Judge Michael Kaplan chambers I spoke with attorney Roy Lustig who stated that I should not represent Helen Stone.
5. At the hearing, Judge Kaplan stated that as a representative of Helen Stone I should file a separate action and would not accept my presence in the case.
6. Judge Kaplan entertained Roy Lustig's Motion to Dismiss and ruled that Barbara Stone did not have standing to act on behalf of her mother even though she had raised repeated allegations of repeat violence and abuse against her mother.
7. Two hours after the hearing, I received a phone call from someone who identified himself as Miami Dade County Judge Michael Genden. When I checked the number that the call came from, I was informed by a clerk that it was the central number for the Miami-Dade courthouses – 305.520.4000.
8. The person who identified himself as Judge Genden, stated that he heard, I was in a hearing in front of Judge Kaplan earlier and that I had no right to file anything and should have known better. I explained that I did not file anything. He then proceeded to state that he was going to file a bar complaint against me. He informed me that Barbara Stone was wearing an arrest ankle bracelet. He alleged wrongdoing by Barbara Stone. I told him I was aware of the ankle bracelet and I felt it was pretty outrageous that she was not permitted to see her own mother because of the guardianship. I emphasized that at Mrs. Stone's age, it was wrong for her to be removed from her mother when her mother was so sick and possibly dying.
9. I stated I was amazed that in the two hour time frame from the time the hearing ended and this conversation began, Roy Lustig called him about the Broward hearing. The person at the end of the line who stated he was Judge Genden said yes because it was important he be informed of all matters related to Helen Stone. I said this was ex-parte communication between himself and Mr. Lustig, Esq. He said that it was acceptable because he needed to know everything that was happening in one of his cases. He said he knew I was in front of Judge Shapiro the day before (that's how I knew he spoke to Roy Lustig, because I shared that information with Roy)

10. I felt threatened by the Judges actions and felt that both Roy Lustigs and the Judges ex-parte communication to be inappropriate if that was really the judge on the other end of the phone line.
11. In the alternative, I thought that perhaps Roy Lustig, Esq had someone impersonate the Judge to scare me off the case which is also outrageous and a violation of the bar rules of professional conduct.

This statement is true and correct to the best of my knowledge and belief.
FURTHER AFFIANT SAYETH NAUGHT.

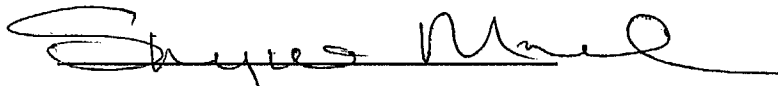


Debra P Rochlin, Esq.
Attorney and Supreme Court Certified Mediator / Law Offices of Debra P Rochlin
900 South Andrews Ave
Fort Lauderdale, Florida 33316
Tel: 954.832.9009

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgements, that the foregoing instrument was acknowledged before me on this 15 day of April 2015 by Debra P Rochlin, Esq.

who is personally known to me, and who did take an oath.

WITNESS my hand and official seal in the County and State last aforesaid.



NOTARY PUBLIC

SHAYNE MALEKOVIC
NOTARY PUBLIC - STATE OF FLORIDA
COMMISSION # FF178546
EXPIRES 11/30/2018
BONDED THRU 1-888-NOTARY1

{ S E A L }

EXHIBIT 9

My Attorney/ Whistleblower letter dated April 12, 2015 filed with the Florida Supreme Court

Barbara Stone
244 Fifth Avenue # B 296
New York, NY 10001
Tel: 212.994.5482 Fax: 212.994.5481
bstone575@gmail.com

By Email, Fax and Overnight Mail

April 12, 2015

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
Florida Supreme Court
500 South Duval Street
Tallahassee, Florida 32399-1925

Re: Attorney Whistleblower of Corrupt and Criminal Activity of Judges, Prosecutors and Attorneys that are all Members of the Florida Bar, Retaliation by The Florida Bar against Whistleblower Member of the Florida Bar and the need for whistleblower protection

Dear Chief Justice Labarga and Judge Pariente, Judge Lewis, Judge Quince, Judge Canady, Judge Polston and Judge Perry:

As a Florida Bar member, I am mandated under Rule 4-8.3 to report misconduct by attorneys and judges. Under the Judicial Canons 3, Judges have the same duty and obligation.

With this letter, upon information and belief, I am summarizing the vicious retaliation to which I, as a Member of the Florida Bar have been subjected as a result of my acting as a whistleblower and exposing the rampant corruption in the probate / guardianship enterprise in the court of Michael Genden and the horrific abuse, terror and torture to which he and the highly corrupt "guardian" enterprise he has installed to humanly owned my mother.


The attached letter documents the crimes perpetrated against my mother by Michael Genden, a judge in the probate court in the 11th Circuit and member of the Florida Bar and Roy Lustig, an apparent criminal disguised as an attorney and other Judges and attorneys who are Members of the Florida Bar who hold my mother hostage and subject her to unimaginable cruelty and crimes against humanity to stop me and retaliate against my mother and against me, a mandated reporter of wrongdoing as an attorney and a member of the Florida Bar from reporting and exposing the heinous criminal activities and racketeering ring engaged in human trafficking, money laundering, wire and mail fraud, extorting the assets and personal property of elderly adults who are being preyed upon by this criminal enterprise that operates out of the courthouse under the guise of "guardianship."

Media from all over the country are exposing this criminal guardian racket including Susannah Frame, Chief Investigative Reporter at King TV and Janet Christensen O'Brien who flew in from Seattle to make a prominent film that received a prestigious IMDb ranking documenting my mother's story and others.

I am a whistleblower to the criminal and racketeer activity by Michael Genden, Roy Lustig and other judges and attorneys who are members of the Florida Bar. Michael Genden is an accomplice to repeated attempts to pre-meditatively murder my mother by drugging her into a stupor with chemical restraints that carry black box warnings, isolating her by illegal court "edicts" denying me my right to the court and covering up the fraud, perjury, extortion and felony crimes of Roy Lustig, Jacqueline Hertz, Blaire Lapidés and Alan Stone, each who are guilty of felony crimes as set forth in the attached letter.

This will seek whistleblower protection for me and on behalf of my mother and her emergency admission to the hospital as she is in grave danger. I fear for my safety and the safety and life of my mother.

I look forward to your urgent response.



Barbara Stone
enclosures

Barbara Stone
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New York, NY 10001
Tel: 212.994.5482 Fax: 212.994.5481
bstone575@gmail.com

By Email, Fax and Overnight Mail

April 12, 2015

Chief Justice Jorge Labarga; Justice Barbara J. Pariente; Justice R. Fred Lewis; Justice Peggy A. Quince;
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Re: Attorney Whistleblower of Corrupt and Criminal Activity of Judges, Prosecutors and Attorneys that are all
Members of the Florida Bar, Retaliation by The Florida Bar against Whistleblower Member of the Florida
Bar and the need for whistleblower protection

Dear Chief Justice Labarga and Judge Pariente, Judge Lewis, Judge Quince, Judge Canady, Judge Polston and
Judge Perry:

I am writing to you on information and belief as Judges and Members of the Florida Bar who oversee the Florida
Bar and its self- regulating Attorney Disciplinary System to report the following and allege:

1. The conflict of interest inherent in the Florida Bar's self-disciplinary policy. 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. It 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.
2. 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.

The Florida Bar's self-disciplinary policy operates currently to create and protect a culture of corruption. Statistics show only 1% -4% of the complaints result in any action taken.

As a Florida Bar member, I am mandated under Rule 4-8.3 to report misconduct by attorneys and judges. Under the Judicial Canons 3, Judges have the same duty and obligation.

Of my approximately 20 complaints reported against members of the Florida Bar replete with egregious and documented evidence of criminal conduct, **not one complaint** resulted in any action taken.

As to the Judicial Qualifications Commission, in response to my 20+ page complaint and extensive exhibits against Michael Genden for documented fraud, cover up of fraud and criminal actions, including obstruction of justice, misuse of office, abuse of power and misuse of power, I received a no action form letter.

I am skeptical that the complaint was even reviewed as I encountered division by the attorneys for the JQC. Michael Genden's conduct is so vicious, menacing and criminal in nature, it would be impossible for a legitimate investigation not to find corruption and misconduct warranting his removal from the bench and criminal prosecution. As a result the criminal acts of Michael Genden have escalated into full blown vicious retaliation attacks against me and my mother who he is mandated to protect. Yet due to my whistleblowing efforts to report his and others involved in what is depicted as a criminal racketeering scheme of the elderly, involving human

trafficking via a guardianship scheme and estate pilfering scheme that misuses the legal system to operate and is run by Members of the Florida Bar acting in their different capacities as lawyers, judges, prosecutors, guardians, all coordinated to legally abuse the victim and deny rights to them and deny rights to family members trying to protect them and their assets.

The senior staff attorneys at the Florida Bar including Adria Quintela and Arlene Sankel are engaged in a massive cover up of attorney corruption that has been ignored and shielded by the Florida Bar for so long that attorneys, thinking they will have no accountability by the Florida Bar collude against their clients on a routine basis, take retainers and make back door deals with judges and attorneys to benefit themselves and sabotage their client.

Under information and belief, Adria Quintela is involved in an inappropriate romantic relationship with Roy Lustig, who together with Michael Genden is masterminding the criminal racketeering enterprise that is engaged in the attempted pre-meditated murder of my mother. As a member of the Florida Bar and a whistleblower, I have exposed the alleged corruption and have been retaliated against by not only the Members of the Bar that I exposed but then by the Florida Bar directly and their oversight the Florida Supreme Court and further been subjected to the blocking of my Florida Bar complaints of criminal misconduct by Roy Lustig, vicious retaliation and Ms. Quintela's malicious involvement with the Court to perpetrate her criminal activity.

I am a mandated reporter under the Rules of Professional Conduct governing Florida lawyers yet the Florida Bar retaliates with vicious assaults and threats to remove my license and take other retaliatory action when I report.

My situation is similar to that of Christine Anderson, a New York attorney. Ms. Anderson was fired as a staff attorney at the disciplinary committee in retaliation for exercising her First Amendment rights in complaining to court officials that well-connected attorneys received preferential treatment and that the committee had "whitewashed" certain cases.

An October 30, 2007 article in the New York Law Journal By Daniel Wise described Anderson's firing, "...in retaliation for complaining that her superiors has engaged in a 'pattern and practice of whitewashing and routinely dismissing complaints against certain select attorneys'" and noted that Christine C. Anderson has worked for the disciplinary committee for six years. The article revealed that Ms. Anderson asked that a federal monitor be appointed to oversee the disciplinary committee's operations and explained that "in 2005, Ms. Anderson charged in her complaint, she discovered that the chief counsel of the disciplinary committee, Thomas J. Cahill and Sherry K. Cohen, its first deputy counsel were "apparently engaged in a "numbers game" and practice" of "selectively dismissing complaints against attorneys for their "own personal and political reasons." The New York Law Journal also reported that the first "whitewash" alleged by Anderson involved "a highly sensitive investigation," which had uncovered "overwhelming concrete evidence of misconduct" by an attorney. Cohen made the complaint disappear despite the recommendation that a formal complaint be filed against the lawyer. Anderson also claimed that a large ethics complaint file containing "indisputable evidence of misconduct" had been "gutted." And another incident involving Sherry Cohen saw a complaint whitewashed because Cohen said, "she had a prior 'working relationship' with the attorney for the lawyer under investigation and sought to avoid having his client formally charged 'as a favor'.

In my case, there are far more menacing threats. My mother is being used as a hostage and being tortured by crimes against humanity that are torture under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment that has been Adopted and opened for signature, ratification and accession by General Assembly resolution 39/46 of 10 December 1984 and entry into force 26 June 1987, in accordance with article 27 (1) a portion of which is set forth below.

I am being retaliated for exposing my mother's torture by judges, attorneys and guardians and threatened that if I do not play by being silent to the corruption and racket and stop objecting to and exposing it, my mother will continue be held hostage and tortured and I will be unable to ever see her.

Opening Provisions of the Convention Against Torture:

The States Parties to this Convention,

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Recognizing that those rights derive from the inherent dignity of the human person,

Considering the obligation of States under the Charter, in particular Article 55, to promote universal respect for, and observance of, human rights and fundamental freedoms,

Having regard to article 5 of the Universal Declaration of Human Rights and article 7 of the International Covenant on Civil and Political Rights, both of which provide that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment,

Having regard also to the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the General Assembly on 9 December 1975,

Desiring to make more effective the struggle against torture and other cruel, inhuman or degrading treatment or punishment throughout the world,

Have agreed as follows:

PART I

Article 1

1. For the purposes of this Convention, the term "torture" means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.

2. This article is without prejudice to any international instrument or national legislation which does or may contain provisions of wider application.

Article 2

1. Each State Party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction.

2. No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture.

3. An order from a superior officer or a public authority may not be invoked as a justification of torture.

Attorney corruption has festered and escalated hand in hand with the rampant judicial corruption whereby judges who are also attorneys have no oversight by their regulatory agency, the Judicial Qualifications Commission. Many judges thinking they have no accountability use their courts to reward their cronies, trade favors and engage in fraudulent trade practices. The judges acknowledge they have not read pleadings, treat the law as irrelevant or misstate it to suit their purpose and routinely act as opposing counsel in order to reach the outcome they have

preordained. The level of fraud, theft of assets and personal property, perjury and corruption in the court system has reached epic proportions.

We are in a crises – lives are endangered and families are being destroyed by the very system that is mandated to protect us. The legal system has become de facto and the court operate under kangaroo law – the system is penal, vicious and fraudulent.

The news is replete with stories of parents losing their children in family court, adults being horrifically abused in guardian/probate court, homes being stolen from families in foreclosure as a result of mortgages that have been robo-signed (i.e. forged and fraudulently notarized documents then rubber stamped by conspiring Judges) by attorneys at law or more aptly criminals disguised as attorneys at law, and struggling workers forced to file bankruptcy when they lose their life savings to greedy attorneys and dishonest judges. The Department of Children and Family Services was exposed by the Miami Herald as inept and corrupt but it is far worse – it has become a human trafficker of children and adults that steals loved ones from their families and places them in grave danger. Estates of the elderly bled dry to Attorneys at law who bilk the estates for fees and more and “guardians” who are assigned to those that complain to silence them as well.

Wifredo Ferrer, the USDA in the Southern District of Florida acknowledged in a recent interview with Steve Kroft on 60 Minutes that Florida is the corruption capital of the world.

THIS IS A HUGE WAKE UP CALL.

For myself as an attorney, my experience in the court system is a disgusting, shocking horror story akin to trying to get Justice in Germany under Nazi control as I plead in vain to save my mother’s life with corrupt judges who are part of the cover up.

I brought my mother to Michael Genden’s court to protect her from physical and emotional abuse of my estranged sibling Alan Stone who embezzled \$700,000 of her assets. I filed for my mother’s guardianship under the misguided belief I would be protecting her from the abuse and exploitation of my estranged sibling. Instead I have subjected her to a racketeering criminal enterprise. Instead of investigating documented evidence of my mother’s abuse and exploitation by these guardians, Michael Genden is not only protecting the guardians, he is working with them and controlling them as officers of his court.

As a result of placing my mother in Michael Genden’s court:

- My mother has suffered starvation, physical abuse, emotional turmoil, isolation, financial exploitation, bedsores, bruises and has been attacked repeatedly by strangers who enter her home without her permission.
- She has been repeatedly admitted to the hospital by emergency with life threatening conditions as a result of abuse, neglect, torture and malicious harm. The EMERGENCY admissions are necessary because she is deprived care until her condition becomes a crises.
- On the first emergency hospital admission, my mother suffered 20+ life threatening conditions including pneumonia, dehydration, malnutrition, infection, fractures from suspected fall, fungus, hernia, bedsores, bruises and other wounds. MY MOTHER ALMOST DIED FROM GROSS ABUSE. Roy Lustig, the attorney for the guardians and a member of the Florida Bar, denied in fraudulent court filings that these conditions set forth in medical records were suffered by mother in order to cover up his actions as accomplice to the abuse
- My mother’s stomach was cut open to implant a feeding tube that was done without need or medical testing because she became emaciated because she was deprived food. This was done for the convenience of the “guardians” as my mother was perfectly capable of eating so they would not have to take the time to feed her. My mother has not been fed by mouth in over a year.
- She is laced with psychotropic drugs that carry black box warnings and administered in violation of Florida Statutes 394. She is chemically restrained.
- She was abducted, forcibly removed from her home and is forced to reside in a vile nursing home against her will where she is caged and isolated in a lock down facility
- She is denied visits from her family, friends and rabbi in visitation of Federal and State laws.
- She is forced to remain seated in a wheelchair when she is perfectly capable of walking for the convenient of

illiterate "aides" planted by Jacqueline Hertz and Blaire Lapidès to hasten her death, not to provide her care.

- She is denied rehabilitation.
- I am denied SEEING MY OWN MOTHER WHO I BROUGHT TO MICHAEL GENDEN'S COURT TO PROTECT HER. This is because Michael Genden is a racketeer whose sole purpose is to drain my mother's assets and enable her abuse to occur in secrecy with no eyes. I have produced a film with Janet Christensen Obrien entitled "Eyes on Predator Guardians" that exposes this crime.
- Her assets are being drained by the criminal racketeers that Michael Genden has installed to control her. She has been forced to pay over \$600,000 to these racketeers. She is forced by Michael Genden to pay criminals to commit crimes against her.
- My mother was recently admitted to the hospital twice in one week. On the day after my mother was admitted to the hospital, Roy Lustig, Blaire Lapidès and Jacqueline Hertz signed a petition under oath and penalty of perjury that none of my mother's needs were unmet. This fraudulent "plan" failed to disclose my mother was in the hospital by emergency admission at the time of its filing. Their intentional fabrication should cause their immediate removal as guardians and cause their arrest and the arrest and disbarment of Roy Lustig for abuse and exploitation of an elderly person.
- Michael Genden knows of these crimes. He has established this fraudulent enterprise and thereafter is purposely blocking my due process and obstructing justice to cover up not only for the acts of the racketeers he installed to control my mother but to also cover up his criminal activity.
- Michael Genden issues unlawful and unconstitutional "edicts" to isolate me from my mother in order to enable her abuse to occur in secrecy and to set me up and entrap me for PROTECTING MY OWN MOTHER FROM HIS CRIMES.
- Michael Genden has maliciously, viciously and with willful intent caused my false arrest on the absurd charge of "interfering" with the 'custody' of my own mother whom they term an "incompetent" because he not only has failed to protect my mother, he is an accomplice to the crimes being perpetrated. Michael Genden deliberately set up my false arrest because this depraved racketeer criminal enterprise criminally endangered my mother. My actions saved my mother's life for which he continues to viciously retaliate.
- Michael Genden has ignored and failed to investigation the repeated hospital emergency admissions of my mother. In her most recent emergency admission, she was discharged after a day and half because the racketeers denied her being fully evaluated and then she was readmitted the following day with pneumonia and other life threatening illnesses. She was again removed from the hospital without having adequate evaluation.
- Michael Genden has knowingly placed my mother in the hands of criminals and is an accomplice to these crimes.

These acts have been reported to your office. Michael Genden is engaged in criminal activity. Michael Genden has no authority to prevent me from protecting my mother from his criminal activities. To the contrary, I have an inalienable and constitutional right to protect my mother. Michael Genden has lost any perceived immunity as these acts are far outside the color of law and his jurisdiction. I am a whistleblower to the criminal activity by Michael Genden, Roy Lustig, Blaire Lapidès, Jacqueline Hertz and, Alan Stone as set forth below and the criminal and corrupt acts other judges and attorneys who are members of the Florida Bar hereafter set forth:

1. Michael Genden is a probate court judge in the 11th circuit who is a Member of the Florida Bar. Michael Genden with reckless disregard for the safety of my mother placed her in the hands of criminals. He then issued fraudulent illegal "isolation" orders against me to enable them to commit their crimes in secrecy. Because he knowingly failed to protect my mother, he is an accomplice to her abuse. I was forced to step in and protect my mother from harm, from being in danger.

It is criminally negligent and a conflict of interest for Michael Genden to keep my mother under the control of persons with a criminal and/or questionable background and who have sued me, her daughter to retaliate for my exposing this racket. It is criminally negligent for Michael Genden to keep my mother under the control of persons who have caused her emergency admission to the hospital three times.

It is a Federal and State crime for Michael Genden to abet the drugging my mother into a stupor by psychotropic drugs that carry black box warnings. It is a federal and state crime for Michael Genden

to issue an isolation edict against me and my mother's spiritual leader and deny my mother's right to see anyone she chooses.

Michael Genden pre-signs orders, holds preordained hearings wherein he has already signed orders, alters orders, has entrapped me for allegedly violating his illegal isolation orders, issues unlawful orders, has failed to investigate misconduct and criminal conduct, has failed to protect my mother and is instead perpetuating the abuse, has issued orders that he acknowledges are replete with fraud, he has viciously and intentionally set me up to be falsely arrested, has retaliated against me for protecting my mother and exposing his fraudulent court that he uses to cause injury to my mother and he has violated his oath of office (which I have requested and he has not provided) and he is violating the constitution that provides judges shall serve on good behavior

Michael Genden is an accomplice to repeated attempts to pre-meditatively murder my mother by drugging her with chemical restraints that carry black box warnings, isolating her by illegal court "edicts" denying me my right to the court and covering up the fraud, perjury, extortion and felony crimes of Roy Lustig, Jacqueline Hertz, Blaire Lapidès and Alan Stone, each whom are guilty of felony crimes:

Michael Genden has a pattern and practice of unlawful activity. He has terrorized many other family members in his court.

2. Roy Lustig is a Member of the Florida Bar. He was found guilty of perjury, repeatedly lying under oath and fraud on the court in the case of *Leo's Gulf Liquors v Chadresh Lakhani et al* CASE NO. 3D00-130 Lower Tribunal No: 96-21267. Yet no or insignificant action was taken against him by the Florida Bar.

Roy Lustig has sued me in retaliation for exposing his racket operation. As shown in the probate court file, he has repeatedly perjured himself in this matter. He filed a fraudulent "guardian plan" under oath and did not disclose my mother was in the hospital at the time he filed the report. He denied my mother's medical condition that was set forth on her medical records. He is a perjurer, a fabricator and is working hand in hand with Michael Genden to extort my mother's assets to pay for his crimes. He has extorted over \$250,000 from my mother who is forced by Michael Genden to pay Roy Lustig to criminally abuse her.

3. Jacqueline Hertz is an associate Member of the Miami Beach Bar Association and seemingly a serial killer. She has caused the death of many of the victims she has humanly owned in "guardianship" by the same tactics she uses on my mother – drugging, isolation and torture.

The legal definition of this deranged murder plot that many of the family members of our loved ones have come to understand is "depraved heart murder". It is defined in Duhaime's Legal Directory as:

"Where an individual under circumstances evidencing a depraved indifference to human life, recklessly engaged in conduct which created a grave risk of death to another person and thereby caused the death of another person.

Jacqueline Hertz is engaged in Nazi gestapo tactics - putting an elderly person in "guardianship" and causing their murder.

4. Blaire Lapidès is not qualified to be a court appointed Officer of the Court as a "guardian" under the Florida Statutes. She and Alan Stone are acting in collusion to cover up his embezzlement and extort the assets of my mother to pay their criminal racket. Blaire Lapidès has engaged in voter fraud, a felony crime.

Blaire Lapidès and Jacqueline Hertz have sued me, the daughter of their victim in retaliatory for exposing their crimes.

5. Alan Stone is an attorney and a Member of the Florida Bar. He has embezzled \$700,000 from my mother and caused her repeated unexplained emergency hospital admissions for suspicious falls and fractures.

In addition to Alan Stone's embezzlement of \$700,000, over \$600,000 has been extorted from my mother by guardians, attorneys, accountants and others in this racket where she is ordered to pay for her own abuse by Michael Genden. It should be noted I have never sought any money from the Court or my mother. To the contrary, I have hemorrhaged legal fees to try to protect her. A portion of these fees have been extorted from me to attempt to "re-probate" a "guardianship" that was unlawful at the outset. This racket fraudulently extorts its victim's asset to create a "guardianship" and then once its victims recognize they are ensnared in a criminal racket, they are forced to incur extortive fees in desperate efforts to protect their loved ones, all to no avail.

This seeks this Court take immediate steps to protect my mother and compel the emergency admission of my mother to the hospital. This court is duty bound under the Judicial Code and Florida Bar rules to take action against the criminal acts and wrongdoing of Michael Genden as reported by a Florida Bar member well versed in law and protect my mother.

These crimes are especially heinous because they involve the life and safety of an elderly adult. These are special victim's crimes and crimes against humanity.

I have filed for protection by law enforcement against this office who is participating in blatant, manufactured and court-orchestrated criminal activities designed to engage in divisive attacks on me to divert attention from obscene crimes being perpetuated by criminals posing as judges and attorneys in a racketeering enterprise operating in the guise of "probate" and "guardianship".

The guardianship court is intentionally designed to do two things:

1. falsely place a victim into a fraudulent guardianship to actually "probate" the estate of a living person by generating fraudulent legal and guardian fees and whittling down the estate values to beneficiaries ; and
2. re-probate the fraudulent guardianship after objections are raised by the family members to the crimes that are orchestrated to create fights and dissention among family members to benefit the attorneys, guardians, court system and others in order to generate fraudulent legal and guardian and other fees that are derived by staging fights and dissention against and among family members.

Once I became a victim of the probate/guardian court system and recognized it and exposed it as a fraudulent FBI defined racketeering enterprise that uses the courthouse as its business address to human traffic elderly adult, launder their money and commit crimes of terror and crimes against humanity, **I became so viciously retaliated by the Florida Bar and its members that I fear for my safety and that of my mother.**

I have taken my complaints of wrongdoing and criminal activity to the Judicial Qualifications Commission, the Florida Bar and at the suggestion of your office, copied your office with documents describing activities of judges and attorneys who are engaging in gang/mob type activities that shock the conscience and prima facie constitute crimes that should cause the arrest of persons involved.

Instead of investigating my complaints and documented evidence of criminal activity, your office and the Florida Bar has viciously retaliated and terrorized me. Further, the self-regulating judicial and attorney oversight agencies are using my reports of wrongdoing and criminal activity to cover them up. **It appears that any member trying to expose the crimes will lose their license.**

As a whistle blower, I am being targeted, stalked and hunted. It appears your office and the Florida Bar is trying to shut me down, take my property, falsely, in retaliation, sanction or disbar me, viciously retaliate against me through staged criminal acts that are further abuses of legal process and it appears you are acting as an accomplice to and abetting the torture, abuse and extortion inflicted on my elderly mother whose life is at risk.

Your office has accused me of exposing crimes perpetrated by a highly corrupt judge, Michael Genden who seeks to commit his crimes in secrecy. As a duty bound under oath attorney whistleblower, I have exposed the dirty secrets of the probate /guardian court and the heinous crimes against humanity committed by judges in this court – racketeering, human trafficking, money laundering, kidnapping, use of chemical

restraints that carry black box warnings, isolation, torture scheme run by ignorant and arrogant judges who are unqualified to act as guardian judges as they have no comprehension of the Federal and State laws that protect elderly adults because their only concern is how to drain their assets to reward themselves and their cronies.

I have been denied due process and my justice has been obstructed by every Florida state agency, court and state officer, almost every one of them a Member of the Florida Bar and oversighted by the FLORIDA BAR and not criminal prosecutors who are not affiliated members:

1. I sought a grand jury by the state attorney, a member of the Florida Bar (attached) and **received no response**. Two weeks later my mother was rushed by emergency to the hospital where she suffer 20+ life threatening conditions and almost died.
2. I sought protection from the police who fail to investigate. Instead they have only made inquiries to the abusers, turning the abuse back to hands of the abusers.
3. I sought protection for my mother from the Department of Children and Family Services, a highly corrupt agency who turns my allegations of abuse back to the abusers.
4. I sought intervention by each of the criminals, disguised as court judges who retaliate against me and act in collusion with the state attorney, again ALL OF THEM MEMBERS OF THE FLORIDA BAR and cover up for Michael Genden. In further vicious retaliation for my filing a federal lawsuit against one of these judges Victoria Brennan, for her violations of judicial canons, she herself arrested me.
5. I sought intervention by each of the criminals disguised as judges who are prosecuting me because I have exposed Michael Genden's racketeering operation. They ignored and failed to investigate my mother's abuse. Instead, they unethically and in violation of judicial canons engaged in ex parte communications with Michael Genden, covered up for him and turned by complaints of abuse back to the abuser, like a concentration camp victim trying to expose the torture and murder of the prisoners to the Gestapo, only to go back to the camp to be put in an oven.
6. I, a licensed Member of the Florida Bar and duty bound to report the crimes I have witnessed along with others have reported these crimes to Chief Judge Bertila Soto. She ignored these complaints and thereafter, she denied accountability. Thereafter, to cover up the criminal activity, she along with others shut down access to the pleadings in the probate court in violation of the Sunshine Law and the U.S. Constitution.
7. I, a licensed Member of the Florida Bar and duty bound to report the crimes I have witnessed reported the crimes and racketeering activity to all members of the Board of Directors of the Florida Bar. I discussed this criminal activity with Florida Bar Member and Florida Bar Director Ian Cominsky and requested a task force and an investigation. Instead, he is the very same attorney who is a part of this witch hunt to retaliate against me for whistleblowing and exposing the corrupt guardian racket.
8. I, as a licensed Member of the Florida Bar and duty bound to report the crimes I have witnessed reported wrongdoing to your office and your clerk threatened that he will send out the marshals on me. I was thereafter viciously retaliated from your office with complaints by the Florida Bar.
9. Legal counsel who has appeared on my behalf has been threatened by Michael Genden and Roy Lustig with bar complaints and other acts of retaliation. I am unable to obtain legal counsel as Florida Bar members fear retaliation from other Florida Bar members and Judges.
10. It is apparent that after my repeated efforts to expose a corrupt group of attorneys and judges including whistleblower attempts to Gregory Coleman, the President of the Florida Bar instead is engaged in a retaliatory campaign of terror against me, a long standing member of the Florida Bar, now retired with over 35 years of service as a practicing and non-practicing attorney without any client complaints in my career.

I have been obstructed of justice at every turn by the very system who is supposed to protect the elderly in guardianship by the members of the Florida Bar. I am retaliated by every agency who has Florida Bar members in it against whom I report the wrongdoing. The corrupt Florida Bar members have infiltrated at the highest levels of the attorney regulation to block any complaints against their cronies and subsequently quashed every investigation with a retaliatory act against me. My mother is again at the brink of death as a result of retaliation

against me. This should never happen to anyone – not once. The attached photos document shameful horrific crimes of abuse by the guardian racketeers against elderly persons who are their victims. I routinely receive letters from news reporters around the country like Susannah Frame, Chief Investigative Reporter at King TV who is aghast at the atrocities committed against my mother and I by judges, attorneys and guardians. Janet Christiansen Obrien flew in from Seattle to produce a feature film that contains a prestigious IMDb ranking entitled “Eyes on Predator Guardians” It is my duty to report these crimes as a witness to protect the public at large. <https://archive.org/details/scm-450995-eyesonpredatorguardians-film->

The state legal and judicial system has denied my due process and obstructed justice. I am now being viciously attacked by judges and attorneys and stalked by the Florida Bar. My complaints and whistle blowing have subjected my mother and I to gross injustice depriving us of our freedom, liberty and constitutional rights

Moreover the attorneys and judges involved in the probate/ guardian racket have created this fraudulent protection racket to solve a problem that this racket itself caused. The below is a link to one of the best videos that describes this racket.

Rense & Marti Oakley Guardianship Theft, Looting And Murder: <https://youtu.be/1zO35jrVcZ0>

Several articles are attached that further describe this racket.

The conduct of all parties involved in this retaliation and cover up scheme is particularly heinous because many people’s lives are endangered, including my mother’s life. In my own personal instance, the danger has escalated to the point where I live in grave fear for my mother’s life and for mine. I am being terrorized and endangered by the agencies who are mandated to protect me because I am a whistle blower of corruption, racketeering, human trafficking, money laundering, isolation, chemical restraints and other crimes in the probate/guardian court by judges, guardians and attorneys in a racketeer enterprise that operates under the guise of “guardianship.”

There are many good lawyers who fear exposing the corruption of other bar members due to their fear of retaliation by Florida bar members who control the system. Even if they report the crimes as require, their complaints are dismissed and retaliation is vicious and swift in this “play in the system or pay back in retaliation or else scheme.”

This will request that you provide me with the documentation as required under the whistle blower laws in order for me to obtain whistle blower protection by your agency. This will request that you provide me with counsel.

I am in fear of my safety and the safety and life of my mother. My elderly mother is frail and in grave health. She must be ordered to be placed in the hospital and Michael Genden’s fraudulent, void and illegal isolation orders stricken. The attached affidavits reflect a miniscule part of the horrific abuse and crimes to which my mother has been subjected.

Any Judge or attorney involved in harming my mother and the denial of my right to protect my mother or who is contributing to her harm is committing Federal and State crimes of retaliation, denial of due process, equal protection, obstructing justice, color of law abuse, abuse of power. These Judges are committing state crimes of misuse of public office and official misconduct under Florida Statute abetting elder abuse under Florida Statutes 825 and acting as an accomplice to attempts to murder my mother.

Therefore, I seek a Federal Court monitor to monitor the JCC and the Florida Bar and their oversight the Florida Supreme Court and oversight all complaints against any Attorney at Law in the state of Florida.

Due to my whistleblowing, I have been falsely arrested by JUDGES. The very same judges who are purposely abetting the abuse of my mother and maliciously obstructing my due process. They issue unlawful void orders preventing me from seeing my mother or reporting her abuse, setting me up for their retaliation for allegedly violating illegal orders preventing me from contacting authorities, protecting my mother and insuring her safety as I am mandated to do by law. They are perpetrators of crimes issuing orders that are against the law.

They are protecting and covering up for Michael Genden who is an accomplice to physical and emotional abuse of my mother and the extortion of her assets to pay a racketeer enterprise to commit crime. They use my mother's assets to fight my objections to their racketeer ring and criminal activity. In my court appearances on my mother's behalf, I plead with Judges to investigate documented abuse yet they cover it up and viciously attack me.

I have become entrenched in relentless litigation because racketeer attorneys ex parte together to orchestrate retaliatory litigation against me for exposing their corruption as a whistleblower. I am barraged and stalked with retaliatory court-filings these predators create to exploit my mother's assets. No sooner do I extricate myself from one vile retaliatory campaign, I become enmeshed in another, including the Florida Bar's retaliatory attacks on me when the Florida Bar should insure the investigation and seek the arrest of the parties involved in this racketeering enterprise. The continuation of this retaliation exposes the Florida Bar to civil and criminal liability.

It appears Michael Genden is being protected by the Florida Bar, the Florida Supreme Court and the Judicial Qualifications Commission from the criminal activity in which he is apparently engaged. It is unethical, violates judicial canons and unlawful to subject my mother and me to unlawful, void "edicts" that Michael Genden intentionally issues without jurisdiction in order to retaliate against me and these orders must be stricken. Further, the matters of my mother are an emergency – they demand urgency and certainly she should not be prejudiced by an arrogant, lawless judge. He has refused to provide his oath of office. Michael Genden has no immunity for his unlawful acts and criminal acts.

Below is a list of the Judges and Attorneys and State Actor "Guardians" who are involved in the racketeer enterprise relating to my mother:

1. Judges	Florida Bar Number	My Case No
Michael Genden	127270	12-4330, F 13-29726
Maria Korvick	163088	12-4330
Celeste Muir	162498	12-4330
Michael Kaplan	444420	DVCE 15- 2321
Maria Verde	151157	F 13-29726
Migna Sanchez Llorens	28428	F 13-29726
Victoria Brennan	845401	F 13-29726
Bertila Soto	822752	12-4330, F 13-29726
2. State Attorneys		
Katherine Fernandez Rundel	240303	F 13-29726
Don Horn	350885	F 13-29726
Natalia Maresma	91535	F 13-29726
Stacy Turansky	93118	F 13-29726
Annette del Aquila	40546	F 13-29726
Jose Arrojo	744808	F 13-29726
Luis Pino	99095	F 13-29726
Linda Kelly Kearson	516309	12-4330
3. Private Attorneys as Officers of the Court		
Roy Lustig	280070	12-4330 and F 13-29726
Mark Raymond	373397	12-4330 and F 13-29726
Lawrence Levy	116505	12-4330
Steven Dolchin	178125	12-4330
Stephen Hertz	91940	12-4330 and F 13-29726
Alan Stone	296961	12-4330 and F 13-29726

Robert Trinkler	972088	12-4330
Joy Carr	219940	12-4330
David Goldberg	378062	12-4330
Fred Glickman	340766	12-4330
Ron Lowy	501069	12-4330
Teresa Abood Hoffman	871982	12-4330
Andrew Herron	861560	12-4330
David DePietro	10370	12-4330
Jeffrey Kern	162919	
Paul Cowan	374911	
Jeffrey Weinkle	271934	F 13 29726
Lawrence Metsch	133162	F 13 29726
Walter Reynoso	525693	F 13 29726
Joel Defabio	311529	F 13 29726
Justin Beckham	569038	F 13 29726
Helmuth Solis	42355	F 13 29726
4. Guardians as Officers of the Court		
Jacqueline Hertz		12-4330, F 13 29726
Blaire Lapides		12-4330, F 13 29726
Anthony Romano		12-4330

The infiltration of fraud by the judges, attorneys, guardians and other parties is so extensive, it is virtually impossible to document it all. Retirees and tourists are being warned to stay away from the State of Florida.

The 4th DCA has taken a strong position against the human trafficking crime ring run by the Florida probate courts. It recently overthrew the "guardianship" of Colonel Alan Smith a retired veteran in the case of GLENDA MARTINEZ, Appellant, v. THE GUARDIANSHIP OF J. ALAN SMITH, Appellee. No. 4D13-4095 [March 18, 2015]. Col. Smith was captured in a predator guardianship and was viciously abused and beaten. His leg had been broken and his eyes had been slashed. In the world of guardianship racketeering, where feeding tubes are routinely implanted for the convenience of the "guardians" and "aides," and sensory pleasures such as eating, having dentures, eyeglasses and accommodations are denied, as with my mother, Col Smith's stomach was cut open to implant a feeding tube. He was placed in diapers for the convenience of this racket enterprise and denied any rehabilitation. The Court issued "isolation" orders and "annulled" his marriage to attempt to insure the secrecy of the racketeering enterprise that was human trafficking him and draining and money laundering his assets. I visited with him and his wife after he was freed from being human trafficked and he was almost paralyzed, unable to speak and traumatized from over 2 years of abuse. The attached articles set forth his ordeal. Victims and the press are exposing the guardian corruption scam that is rampant in the State of Florida. Law enforcement investigations are underway.

My mother is the widow of an honorable army veteran, William Stone, whose patriotic and noble military service to his country is being trampled by a dishonorable judge, Michael Genden who is a disqualified judge who refuses to disqualify and relinquish his unlawful jurisdiction. He issues "edicts" denying my mother's due process as I have exposed the fraud in his court as a whistleblower to honor my duty as an attorney and that of my father as an honored veteran to protect our country. My mother and I are being obstructed justice in retaliation.

I hold all of the people involved in this charade and travesty of justice responsible.

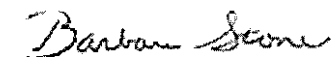
In the event my mother should die while under the tutelage / human ownership of the state and its agencies and officers who are acting outside the color of law and in opposition to their duties to protect the public, I will be filing murder charges against every individual who acted outside the color of law. This will request immediate protection for my mother and her emergency hospital admission. My mother is in medical crises and grave danger.

This will request that you seek the appointment of a special Federal monitor prosecutor to investigate the crimes.

These are grave and serious allegations. My mother and I are unable to obtain investigation, adjudication and justice in the courts of Florida because all oversight agents are members of the Florida Bar and I am being viciously retaliated as a whistleblower by the Florida Bar and its members. I will be taking this action to the Federal Courts in another state where I personally will seek a Federal investigation to oversight the Florida Bar member and obtain non-conflicted review by an independent Federal Prosecutor.

I look forward to your urgent response.

Sincerely,



Barbara Stone

Cc: Eric Holder, Esq.
Loretta Lynch, Esq.
Michael Horowitz, Esq. Inspector General of the DOJ
Office of Professional Responsibility - DOJ
President Barack Obama Esq.
Preet Bharara, Esq.
Judge Shira A. Scheindlin – US District Court – Southern District of NY
New York Times
Wall Street Journal
FBI
United States Senate Judiciary Committee
United State House of Representatives Judieary Committee
Christine Anderson, Esq.
Joanne M. Denison, Esq.
Candice Schwager, Esq.
Gregory Coleman, Esq.
Judicial Qualifications Commission
Other Law Enforcement, Media, Legislative and Interested Parties

Enclosures

SHAMEFUL PHOTOS OF ELDERLY VULNERABLE VICTIMS OF
THE GUARDIAN RACKET

WHO HAVE BEEN PUMMELED AND BEATEN
BY GESTAPO LIKE TERRORISTS
AND LEFT TO DIE

SO THEIR ASSETS CAN BE LOOTED

MY MOTHER, HELEN STONE'S PHOTO IS INCLUDED
THE WIDOW OF WILLIAM STONE
AN HONORABLE PATRIOTIC WAR VETERAN
SHE IS BEING BEATEN, ABUSED AND TERRORIZED BY THIS COUNTRY

Mrs A - Another
Victim in guardianship



Another Victim in Guardianships






My
Mother
Before
Guardian
with
me
at her
Surprise
Party



My mother
emaciated
after guardianship



My mother
bruised, suturing
life threatening
conditions
after
Guardianship



My mother
being terrorized
and man handled
after guardianship

N. Mom



C. Asleep



D. Sleeping



WILLIE JO MILLS (2012 – 2014)

Ginger Lott's Care

A. Statin Drugs Crying



B. Statin Drugs Crying



WILLIE JO MILLS (2012 – PRESENT) – exhibit 2

**OCTOBER 23, 2013 SKIN TEARS AND BRUISING WITH PATCHES
NOT DATED (ILLEGAL)**



GRAND JURY REQUEST

DENIED A HEARING AND DUE PROCESS

OBSTRUCTION OF JUSTICE

COVER UP OF JUDICIAL WRONGDOING AND RACKETEERING

From: bstone12@hotmail.com
To: roseannedare@miamisao.com
Date: Mon, 18 Nov 2013 19:17:32 +0000
Subject: Complaint against Jacqueline Hertz for Guardian Abuse

Dear Members of the Grand Jury:

The Florida guardianship system has become rampant with abusive, corrupt guardians who use the system to prey on vulnerable, elderly people.

My mother, Helen Stone, is an 86 year old widow who had slight dementia at the time she entered a guardianship. Her assets were being handled by her son, my brother. I received notice from her bank that monies were being moved from her accounts and I had no choice but to file a guardianship to protect her from financial exploitation -

My mother was then plunged into a nightmare of terror by her abusive guardian, Jacqueline Hertz, located at 767 Arthur Godfrey Rd, Miami, FL 33140. Hertz began her reign of terror by isolating my mother and denying her the services to which she was accustomed.

Hertz then commenced a vile smear campaign against me, a loving daughter in order to completely remove my mother from her daughter and the outside world. Hertz's vile and retaliatory action was in response to my objection to Hertz's incompetent aide's administering unauthorized medication to my mother causing me fear that she would have to be taken to the hospital in the middle of the night. Hertz had removed my mother's identification and possessions and I would not even be able to have her admitted to the hospital.

I requested she remove this substandard and unqualified aide. In retaliatory response, she defamed me and in breach of ethics and without an evidentiary hearing, based on complete hearsay and the lies of Jacqueline Hertz, she removed an 86 year old widowed woman from her beloved daughter and the only person in the world with whom she had outside contact.

This is the classic textbook case of elder abuse and all of you on this Grand Jury know that to be a fact. DO NOT CONTINUE TO PRETEND THIS DISGUSTING DEVIOUS SELF SERVING GUARDIAN AGENDA DOES NOT EXIST. It is rampant and the time to hold these corrupt guardians accountable is long overdue. Hertz has a 30 year history of defaming family members who are closest to the "Ward" by fabricating lies in order to have them removed from visitation unless Hertz is present.

Hertz viciously refused my mother's pleas to see her own daughter. She uses this devious tactic for several reasons:

- she can provide substandard care to my mother with no one overseeing her conduct
- she can orchestrate her filthy tactics to actually charge my mother for her to supervise her own daughter when I visit.
- The inherent conflict of interest by Hertz in pursuing her own agenda to control my mother is diametrically in opposition to my mother's interest for me to be with her.
- she can insure there is no privacy when I visit so my 86 year old mother cannot articulate her abusive situation.
- she can insure that no one can visit the Ward to observe the depraved abuse and financial exploitation that she deliberately inflicts.
- My mother has since been held in captivity by Hertz. She was utterly removed from the outside world. Many times, she had no food and even if there was food, she was incapable of feeding herself .

I live in NY. I am my sole means of support. I have suffered extreme financial hardship to pay exorbitant legal fees, leave my job on last minute notice, make last minute travel plans, rent a car and hotel all for my frantic concerns about my mother.

Hertz is a predator who preys on the elderly. Hertz has been so empowered by her lack of accountability by the courts that she feels invincible.

My mother went without food, medical attention, suffered bruises and torture at the hands of jacqueline Hertz. My religious leader went to see her on Nov 6, 2013 and found her incoherent and without food. Two days on later on Nov 8, 2013 my mother was rushed to the hospital where she remains malnourished and starved.

Because of Jacqueline Hertz abuse my mother needed to have surgery to implant a peg device into her stomach so badly starved was she. Hertz caused 86 year old mother to need surgery.

Hertz has a real estate license, a glaring conflict of interest for a guardian. She unilaterally decides if she wants to sell a "Ward's" house from under them to obtain a commission rather than seeing to her Wards best interest.

In fact as is glaringly obvious, her motivation is far greater to see that the "Ward" is not attended or becomes terminal whenever she so determines. Her commission from the sale of their property provides her a huge incentive to abuse a Ward and jeopardize their safety.

This virulent, glaring conflict of interest could not be more obvious. Yet the probate court judges deliberately ignore and in fact collude with Jacqueline Hertz in this diabolical conduct that is immoral and unethical.

Hertz is engaging in human trafficking and racketeering.

I request this grand jury cease tolerating this maniacal conduct by guardians - endangering the lives of their own Wards for their financial gain.

My mother's golden years have been spent in captivity and starved, abused and financially exploited at the hands of Jacqueline Hertz.

She has committed similiar atrocities on many of her other "Wards". Her reign of terror MUST come to an end.

Hertz put Edith Perez into a guardianship after her daughter had sought to be her guardian to care for her and then dismissed the Guardianship after her mother moved to another state. Hertz she petitioned to be a successor guardian - as per her petition "to handle her florida assets". Mrs Perez was getting money from worker comp claim. Hertz settled it out for \$90000 - Hertz took \$72000 - the rest went to the attorneys - mrs perez got \$0

Hertz did the same to Lacy Waters who was getting a settlement payment from a cruise accident. Hertz took it all.

Hertz has filed dozens of petitions to sell properties of her "wards".

She took a home equity loan on a person's house after she bilked her out of all her money because she wanted to steal even more.

The list goes on and on. She petitioned for guardianship for several other people - took all their money and made them destitute and then put them in a public guardianship

The abuse, isolation, starvation and hypertropic drugging of vulnerable elderly citizens paves the way for this corrupt guardian to steal the money of a Ward.

A report by MetLife calls elder abuse the "Crime of the Century." Jacqueline Hertz's has become so empowered by her lack of accountability that she has brazenly committed atrocities on my mother for which she will never recover.

Many members of other families have submitted to the Grand Jury the repugnant abuse their elderly relative has suffered. Many of these people are in financial ruin after racking up legal fees struggling to get legal help from the very attorneys who are perpetuating the Guardian abuse.

It is incumbent on this Grand Jury to say NO and show the American public this conduct will not be tolerated and guardians who abuse and exploit the elderly will ne held accountable.

I can be reached on my cell number as shown below with any questions.

Barbara Stone

Tel: 212.994,5482

Fax: 212.994,5481

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GUARDIANSHIP GULAG

SUNDAY, DECEMBER 11, 2005

GUARDIANSHIP: A PREDATORIAL PRACTICE

GOVERNMENT and JUDICIALLY APPROVED STRATAGEM
(RECIPE) FOR ABUSE and EXPLOITATION OF THE ELDERLY
AND DISABLED_ A PREDATORY PRACTICE

GUARDIANSHIP Note:

The author is not stating these abuses occur in every court in the US; yet, these cases are actually very common. It is not necessary to be under guardianship to be victimized by abusive authority; guardianship is simply the most effective, efficient, common vehicle to attain the profiteering goal. Human rights and judicial violations are the means.

1.) PREDATORS CIRCLE- can be: govt. agencies, APS(Adult Protection Services) and their contract agencies, County Area Agency on Aging, State Dept. of Aging, social workers, nursing facility corporations, care providers, care givers, law enforcement, attorneys (including guardian ad litem), courts(judges, court reporters), and their associates, such as medical doctor, psychiatrist, other professionals or greedy family members/in-laws. Litigation is the slaughterhouse. The predators co-operate(collude) with each other for mutual benefit: financial gain, real estate, Fed. funding stream, favors, job security, political agenda, etc.

2.) PREY(TARGETED WARD and ADVOCATE) - elders and disabled who are victims of crime, accident, friendly neighbor's call to APS (Adult Protective Services), family disagreement that's litigated, health crisis, family crisis, any event that results in litigation; you can be advised, intimidated into believing _you need a lawyer, hence, litigation. Also, targeted: elder property owner(especially if property

ABOUT ME

GUARDIANSHIP GULAG
LUZERNE CO., PENNSYLVANIA,
UNITED STATES

The illegally obtained guardianship has changed my life utterly and completely. I am the adult daughter of my involuntary institutionalized mother. I have a Durable Power of Attorney(DPOA). I sought assistance for felony white collar crimes committed against my mother and myself. That was over 4 yrs. ago, when my mother was abducted from an Alzheimer's Day Club in CA. I was caring for her in my home for over a yr. and she was brought to PA where the family home is by the perpetrators. She has been locked up in PA ever since because I sought assistance from the LUZERNE CO. AREA AGENCY ON AGING, the county arm of the PA STATE DEPT. OF AGING. Felony crimes were suppressed. THE POWER GRANTED TO GUARDIANS IS THE POWER OF OWNERSHIP; IT IS THE POWER TO DEMOTE A HUMAN BEING TO A WARD WHO HAS NO RIGHTS AT ALL. Not even the rights of a dog; the SPCA can be called for a dog but not for a ward. All issues, choices(denial of choices), rights, possessions, finances, property, family, contact of the ward is ruled by the guardian. HOW'S

ARTICLES

On Thu, Jan 29, 2015 at 12:45 AM, Frame, Susannah <sframe@king5.com> wrote:

Hi Barbara,

This is Susannah Frame from KING. Linda Byron passed along your contact information. First off, I am so so very sorry for what has happened to your mother...and to you. Just heartbreaking. By happenstance, I ended up investigating elder abuse/guardianship abuse along with Linda and am currently investigating this issue. For the next week or so I will be embroiled with two other investigations. After that I would love to talk to you about your situation. In the meantime if you could send me any documentation or information, that would be great. The more the better for us.

Thank you for thinking of us here at the KING 5 Investigative Unit. Our goal is to always expose the truth and to enact change for the better. I think we can and should do this for our dear seniors.

I'm hoping you have not reached to other media outlets? We cannot pursue stories that other media outlets are working on...including newspapers, online, etc. Just an FYI.

Thank you Barbara!

Susannah Frame
Chief Investigative Reporter
KING Television
[206.448.3876](tel:206.448.3876)
[Susannah's bio](#)



Judges, lawyers use guardianships to prey on elderly

BARBARA HOLLINGSWORTH • | NOVEMBER 01, 2011 AT 7:05 PM

Think your well-tended nest egg will protect you from the depredations of old age? Don't count on it.

Little has changed since the D.C. Court of Appeals ruled almost a decade ago that Probate Judge Kaye Christian abused her power by ordering retired economist Mollie Orshansky, creator of the federal poverty line, removed from her sister's care in New York and placed in a District guardianship against her will.

Even multimillionaires cannot prevent a judge from appointing a total stranger to take complete control of their affairs -- and banish family members who object.

That's what happened to five-term D.C. Council member Hilda Mason and her husband, Charles, a Harvard graduate who traced his lineage back to the Plymouth landing. Despite Charles' \$22.5 million fortune, this power couple ended their lives in squalor.

Blind, wheelchair-bound and suffering from diabetes and skin cancer, Charles spent his last days in dirty clothing and worn-out shoes, with fingernails so long they curled around his fingers.

"He looked like a hobo," one witness told *The Washington Examiner*. His frail wife suffered a broken collarbone when one of her "caregivers" ran her over with a four-wheel-drive vehicle.

At the time of Hilda Mason's death in 2007, debris and broken furniture littered every room of the couple's once-stately Shepherd Park home. The roof leaked and the house was infested with rodents and insects.

As attorneys helped themselves to the couple's assets, Episcopal Senior Ministries reported that "there appears to be no individual or group that is currently responsible for the cleaning/condition of the house."

According to a Jan. 9, 2001, court transcript, a clearly competent Charles Mason testified before the same Judge Christian that he no longer wanted the Virginia attorney he had previously hired to represent him.

Less than three months later, Charles was declared incompetent after an adverse reaction to a

psychotropic cocktail landed him in Suburban Hospital's psychiatric ward.

The judge refused to dismiss the lawyer, but OK'd a settlement agreement allegedly signed by Charles Mason after he had been declared incompetent that prohibited his own wife from "interfering" with his care.

Guardianship abuse is not limited to people with money, as Laura Francois-Eugene, a supervisor at the Department of Homeland Security, learned the hard way.

Her mother's only financial resources are her modest D.C. home and a small monthly Social Security check. But after a fall left the elderly woman temporarily paralyzed, Probate Judge Franklin Burgess appointed a conservator to handle her affairs despite the fact that her daughter had previously been named her legal guardian.

Francois-Eugene told *The Washington Examiner* she is forced to pay for her mother's food, dentures, medicine and clothing out of her own salary because the court-appointed conservator has been hoarding her mother's Social Security benefits.

The same thing is happening to another 91-year-old woman, a former D.C. Public Schools employee forced into a guardianship after Maryland lawyers characterized her daily walk as "wandering."

"Some lawyers took all my money," she told us, adding that she can't access her own pension or Social Security benefits, even to buy herself an ice cream cone.

The National Association to Stop Guardianship Abuse has documented hundreds of cases in which family members are denied any say in their loved ones' care, even as court-appointed fiduciaries are given total control. After the estate is sucked dry, the wards are often dumped onto Medicaid rolls -- if they're still alive.

Advocates call the pattern "Isolate, Medicate, Steal the Estate." They're meeting with Sen. Amy Klobuchar, D-Minn., on Capitol Hill today seeking an end to well-intentioned guardianship laws gone horribly awry.

Next week: For some, the only way out of the guardianship Gulag is feet-first.

Barbara F. Hollingsworth is The Examiner's local opinion editor.

Web URL: <http://washingtonexaminer.com/article/41333>

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THURSDAY, NOVEMBER 28, 2013

Give Thanks: Days are Numbered for "Ethics" Disgrace Roy Reardon

Corrupt Ethics Chairman Roy L. Reardon, 84, Being Replaced in 34 Days

There's another reason to be appreciative this Thanksgiving Day. The long-time back and Chairman of the New York State Court's First Department's make-believe attorney ethics department, the Departmental Disciplinary Committee (the "DDC"), Roy L. Reardon of Simpson Thacher will be replaced on January 1, 2014.

No announcement has been made as to who will become the next attorney ethics chief white-washer. In theory, the Presiding Judge of the 1st Department, Luis A. Gonzalez, chooses a new chairman; in practice, corrupt insiders direct who will next fill the roll of Chairman of the DDC.

Roy Reardon, who replaced Paul J. Curtan, has presided over the continuing-troubled "ethics" group charged with monitoring attorney ethics. Instead, Reardon protected guilty insiders, and destroyed others who were not in the club.

Mr. Reardon was formally accused of the widespread covering-up of serious ethics complaints by attorneys who conduct business in the Bronx and Manhattan, according to a source close to his Lexington Avenue law firm.

Reardon, of Simpson Thacher and Bartlett, was once regarded as a gentlemen with high ethical standards but, according to the source, "he sold his soul." The source says many workers were furious that Reardon personally allowed crimes by connected attorneys to be swept under the rug. "This animal [Reardon] has a blind eye toward sexual assaults upon women by New York Lawyers, and he has even blanket free passes to any attorney who is politically connected."

Reardon was also accused of covering for corrupt Judicial Ethics Chief Counsel Robert Tembeckjian and Alan Friedberg, who was appointed chief counsel of the DDC by Lippman at the same time Reardon was appointed.

Mr. Reardon joined Simpson Thacher in 1954 after graduating St. John's Law School, and was appointed Chairman of the DDC in December of 2007 by then-presiding 1st Department Presiding Justice Jonathan Lippman. Jonathan Lippman called Reardon a "stellar appointee" adding, "Roy L. Reardon brings to

COMING SOON.....

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his new role invaluable credibility and expertise as well as more than five decades experience as a litigator, arbitrator and mediator. The range and depth of his experience gained during his distinguished legal career make him the ideal candidate for this position and the court is so pleased that he has accepted this appointment. He has been a stalwart on the DDC for many years and I am certain that under his leadership, the Committee will continue to thrive."

Posted by Ethics Gate at 1:36 PM

3+1 +1 Recommend this on Google

3 comments:



Anonymous November 28, 2013 at 2:14 PM

Ask Roy Reardon how many lawyers from his (Simpson Thacher) or his wife's law firms (Milberg Weiss and Allen & Overy) have been disciplined. (Mrs. Reardon is also Patricia Hynes) I have more information to provide but have to get back to the good-tasting turkey.

Reply



Anonymous November 20, 2013 at 3:13 PM

I have personally dealt with Reardon in his capacity as Chairman of the DDC. He did an excellent job at pretending to care, but in the end, he knew all along that our complaint was going to be whitewashed and that no investigation was going to take place into allegations of unethical conduct engaged in by the various attorneys complained of. Due to the widespread corruption throughout our judicial system, the people need to start having a say in who gets elected to these key positions pertaining to attorney and judicial "ethics." If Reardon is replaced with another guy similar to Reardon, what does it all matter?

Reply



Anonymous January 11, 2014 at 11:15 AM

Why are they hiding the fact that Ernest Collazo is the new DDC Chairman?

<http://www.nycourts.gov/courts/ad1/Committees&Programs/DDC/index.shtml>

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FRIDAY, FEBRUARY 15, 2013

NY Governor Andrew Cuomo Asked to Shut Down Judicial "Ethics" Offices

New York State Governor Andrew Cuomo has been formally requested to immediately shut down the offices of The Commission on Judicial Conduct (the "CJC"), the state agency charged with overseeing the ethics of all judges in the Empire State. The request comes from a public integrity group after confirmation that the CJC has been involved in illegally wiretapping and other illegal "black bag operations" for years. Governor Cuomo is asked to send New York State Troopers to close and secure the state's three judicial ethics offices: the main office on the 12th floor at 61 Broadway in Manhattan, the capital office in Albany at the Corning Tower in the Empire State Plaza, and the northwest regional office at 400 Andrews Street in Rochester.

The Governor is asked to telephone the Assistant United States Attorney who is overseeing the millions of items of evidence, most of which that has been secreted from the public- and the governor- by a federal court order.

Governor Cuomo was provided with the direct telephone number of the involved federal prosecutor, and simply requested to confirm that evidence exists that certain state employees in New York's so-called judicial "ethics" committed illegally wiretapped state judges.

The request to the governor will be posted at www.ethicsgate.com later today. (Media inquiries can be made to 202-374-3680.)

Posted by Ethics Gate at 7:57 AM

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2 comments:



Anonymous February 15, 2013 at 8:48 AM

It's about friggin' time something get done!

[Reply](#)



jw February 15, 2013 at 9:03 AM

Mike Venira, Senator John J. Bonacic

I have gone to every Office of Court Administration and Library as

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instructed by the Warren County Court Clerk's Office, The APPEAL that was filed and the TRANSMISSION of the Record for appeal along with THE APPEAL ITSELF has been requested for many many months. The ILLEGAL FORECLOSURE and the Faked and Altered and Fraudulent Lien and Loan Papers of Arthur Greenberg Were FAKED and ALTERED. The reality is the greatly delayed payment or consideration for the Foreclosure Sale violated that sale as allowing a bidding Months to pay is simply unconscionable and improper. The payment for the sale was NOT required the Day of The Sale as should have been the case. My Father and His Mother as well as My Brother Clifford has gone to the sale to bid themselves and or redeem the property for cash. Instead My Father was arrested and jailed. I want the entire Appellate Record THE APPEAL ITSELF and all records regarding My father being JAILED that day.

This is a Federal Freedom of Information Act and a FOIL Demand as well as a Report Of Judicial Corruption. Your copy of my correspondence with ms Vogel in the Warren County Court's Office is below.

Thank You

Dear Ms. Vogel,

I am needing a Copy of the Final Judgement or Final Order of Foreclosure and the Notice of Appeal which would have been filed by Attorney John Hall, Sr (The Late Judge John Hall) and the Determination of That Appeal as decided by the Appeals Court.

Additionally Clifford Witham was arrested and Jailed at the Foreclosure Sale on January 12th or so 1970. I am needing the Charges and The Final Adjudication regarding that arrest and incarceration. It should be in the Docket File for the Date of the Foreclosure Possibly as a Docket Margin Entry made by the Judge or Clerk.

I am needing the APPEAL that was filed produced and the Appellate Court's Full Records

In connection with this Seizure and Sale of My Families Marina The East Shores Harbour the Payment for the Foreclosure Bid was NOT paid for MONTHS after the Sale and That is SIMPLY improper and very unlawful.

Thank You

Judson Witham

Respond In Writing Only.

Clifford B. Witham II and Anita F. Witham, Index # 13876 commenced July 18, 1968 with Arthur R. Greenberg as ptf vs. Clifford B Witham and Anita Witham, et al as def.

The docket card lists a number of documents filed, including a notice of appeal on June 24, 1971, followed by ref report 5/31/73, order and aff of serv of notice of motion.

I am needing the Appellate Decision or Ruling / Action on the Appeal. I need the records of the action taken by the Appeals Court

Thank You

Reply

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Unethical "Ethics" Lawyers Get Axed

**Mart Oakley, Contributing Writer
Activist Post**

When we think of human trafficking most of us immediately assume that this occurs only in the arena of sexual exploitation. At some point in time this may have been true. Today, human trafficking encompasses many forms and there is not one of us who can safely assume that we would somehow be exempt from any type of human trafficking.

While the sexual exploitation and trafficking for the purposes of sex is often highlighted in MSM, rarely do they ever report on the trafficking that occurs courtesy of our courts, unscrupulous politicians and yes, even those demi-gods...doctors, therapists and psychiatrists. There is money to be made exploiting the vulnerable, the sick, the weak, the aging (with assets) and even children who have been unfortunate enough to become wards of the state and forced into foster care. While sexual activity may not be the cause and concern in these instances, what happens to these individuals is no less a form of human trafficking for profit.

In each of the above stated groups, the trafficking of human beings for profit is facilitated by social service agencies, corrupt probate courts, and family courts. To be declared a "ward of the state", is to be housed by, and to receive necessities and protection of the government. It also means to lose any and all rights of any kind, whatsoever. The "state" now owns what has become a chattel property and may do with that property whatever it desires to do. This oftentimes includes a form of leasing out the ward for pharmaceutical experimentation and profit, as was exposed in Florida and Alaska, just to name two, over the last several years resulting in the exposure of massive Medicaid fraud as foster children are routinely forced to take off-label high gear psychotropic drugs and vaccines. In a May, 2009 article, author Evelyn Pringle notes: It is hard to come up with an adjective that adequately conveys the horror this is inflicting on America's children and youth. Suffice it to say that when the country wakes up to the carnage this has caused, it will be recognized as the largest iatrogenic (doctor caused) public health disaster in history.

These days, it seems more evident that the concern for children is not so much their safety and well-being, but rather, How much are they worth in the foster care system? As with our public school systems, big pharma is more than willing to pay for every child added to the forced drugging programs.

Trafficking of the elderly (with assets)

The human trafficking of the elderly (with assets) has become a national epidemic and disgrace. Probate courts routinely work with predatory professional guardians, payrolling attorneys, owners of notoriously abusive care facilities and social agencies to target and then obtain guardianship/conservatorship of the elderly whose only crime was to age with assets. These predatory professional guardians, strangers to the victim and their families, make their living robbing the estates of their victims.

Again, once this "guardianship" has been sanctioned by the cooperating probate judge, the victim loses all rights of any kind whatsoever and is for all intents and purposes "dead in the law". The guardian/conservator now legally owns the victim and can avail themselves of all of the victim's assets of any kind. These predators can and do instruct doctors to begin the administering of psychotropic medications not approved for use on the elderly, and many of the doctors who are also tapping the estate for inflated billing charges, comply with these requests.

Once legally kidnapped with the help of the cooperating probate judge and the local police department who confidant the kidnapping as a SWAT team raid, the victim is quickly housed in a participating facility and started on a drug regime that is seldom called for.

The drugs are especially useful when administered just prior to what is laughingly called a "competency hearing".

The profits from human trafficking of the aging (with assets) was documented in the 2007 GAO report with estimates well over a billion in stolen assets obtained by professional predatory guardians/conservators and some family members across 48 states, although the GAO focused on only 20 cases:

The GAO focused on cases in which a family member, agency, or private business was appointed as a guardian. In 20 cases, guardians appointed and approved by courts stole \$5.4 million in assets from 158 incapacitated adults."

The recent Committee on Aging hearing very carefully orchestrated and scripted the public hearing to make it appear that the abuse is most always at the hands of family and friends. In truth, the largest percentage of cases of exploitation are committed by professional strangers who have a well established system in place with the same predators routinely involved in these deadly guardianships as is exemplified when examining the cases in a specific geographical area. The same judges, the same predatory professional guardians, the same payrolling attorneys and the same doctors and participating facilities, all involved in one predatory case after another. The staged committee hearing barely touched on this aspect of exploitation of the elderly, if at all.

What are you worth as a prisoner?

When John Ashcroft, the former Attorney General for the US under GW Bush, handed down sentencing guidelines to the states, not one state refused those guidelines even though Ashcroft was not lawfully empowered to make such demands. The result has been a explosion in the number of individuals held in federal and state prisons, many for what should have been short term sentences for minor crimes. This allowed Merrill Lynch to begin selling prisoner bonds, globally. And ML isn't the only company engaged in the profitable human trafficking trade of selling human beings on the open market.

The sentencing guidelines were needed to confirm that prisoner X would be available for exploitation and forced labor for a guaranteed length of time. The whole system is run by C.J.T.S. a corporation dedicated to the tracking and coding of prisoners and provides the software to do it. Using this system and one called CUSIP:

From Owners of the American Prison System

a nine digit number (called Ordinance Number) is issued for the Certificate of Stocks going internationally to ANNA (Lynn's note: see link for ANNA which is in Brussels, Belgium at www.cusip.com). These Securities are sold through the Commodity and Security Exchange. The bottom line is they are selling stocks in the prison system. The jails are referred to as Warehouses and the prisoners are called Goods

From the moment a person is arrested for any reason, the prisoner cash register starts ringing. This can be for something as simple as a traffic ticket. The law enforcement department making the arrest assigns a pre-defined code to the charges being made. This code has a monetary value and the money starts rolling from this point on all the way through the system. Publicly traded prisoner stocks, took a tumble in 2008, but look as if they will rebound as the Obama Administration along with Senators McCain and Lieberman, and others such as Graham and Shumer devise plans to increase ever greater numbers of US citizens under the false flag of national security.

Prisoners can also be subjected to forced drugging, pharmaceutical experimentation or exposure to pathogens among many other things.

Are you safe?

Never think for a moment that you are safe from the predator class. If anyone sees the opportunity to make a buck off you, your kids, your parents or anyone for that matter, you can quickly find yourself totally disenfranchised, without rights, without defense and without any means of extricating yourself from the system.

Human trafficking has evolved. We are now all considered commodities to be sold, traded, and used on the global market and as the global demand for organ transplants increases any one of us could be worth more dead than alive. We have been totally devalued as human beings and rendered as commodities. Our own government refers to us as "human capital, or as human expenditures" as if we were used cars sitting on a government sale lot.

Arizona and exploitation of vulnerable adults in probate courts

What is a "ward" ?

a. Law A minor or incompetent person placed under the care or protection of a guardian or court. b. A person under the protection or care of another. 7. The state of being under guard; custody. 8. The act of guarding or

protecting; guardianship.

chat·tel

n.

1. Law An article of movable personal property.

2. A slave.

Massive Medicaid Fraud Exposed in Psychiatric Drugging of Kids in US

Legally kidnapped: PBS reports Forced drugging of foster care kids

Prisoners of the system: Corporate organized crime runs the system of human trafficking for profit

Slave labor in Georgia

Marti Oakley is a political activist and former op-ed columnist for the St Cloud Times in Minnesota. She was a member of the Times Writer's Group until she resigned in September of 07. She is neither Democrat nor Republican, since neither party is representative of the American people. She says what she thinks, means what she says, and is known for being outspoken. She is hopeful that the American public will wake up to what is happening to our beloved country . . . little of it is left. Her website is The PPJ Gazette



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Court Appointed Guardianship Abuses Run Rampant in American Courts

by [Michael Volpe](#)

<http://rebelpondit.com/author/michael-volpe/>

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Following multiple [RebelPundit reports](#) <http://rebelpondit.com/how-the-cook-county-public-guardian-can-take-your-home/> on guardianship abuse <http://rebelpondit.com/how-new-yorks-elderly-lose-their-homes-to-guardianship/>, our latest investigation reveals this problem is widespread across the country and there is top to bottom corruption in court appointed guardianship in Harris County, Texas.

After speaking to victims, lawyers, and activists, the investigation reveals that the probate court in Harris County works much like a good ole boys club where judges receive campaign contributions from lawyers who then receive favorable rulings. In a court with little oversight, several victims suffered physical and mental abuse and were left to effectively be euthanized.

Guardianship is a court created power to take decisions of healthcare and finances away from those the court has deemed incapacitated and unable to make those decisions for themselves.

Initially started to protect the elderly and mentally challenged from being taken advantage of, it has often been corrupted, having the opposite effect. Those perfectly healthy who are effectively jailed and held against their wills, often end up in nursing homes away from their families.

Sherry Johnston told RebelPundit her mother was one of those victims. Her mother died in September 2014, weighing less than thirty pounds her normal weight. She provided Rebel Pundit with a series of photos which showed bruising, bed sores, and she made a [YouTube video of doctors and guardianship professionals](https://www.youtube.com/watch?v=Y8G3xYlvoQ&feature=youtu.be) (<https://www.youtube.com/watch?v=Y8G3xYlvoQ&feature=youtu.be>) refusing to provide her mother with treatment, instead choosing to send her to hospice care to die.

Johnston said her ordeal started when a family dispute led to an order placing her mother, Willie Jo Mills, in guardianship. Rather than choosing a family member to be her guardian, Judge Christine Butts, appointed David Dixel to be the guardian.

The judge also appointed a Guardian ad Litem (GAL) and an Attorney ad Litem to oversee the case, all at the expense of the estate. Rather than allowing Mills to live with Johnston, as both wanted, Dixel placed Mills in the Silverado Nursing Home in Kingwood, Texas, in the spring 2009.

The estate was charged \$7,000 a month for the care.

"At Silverado she was abused, isolated and neglected," Johnston told RebelPundit.

Dexel, whose name came up repeatedly in the investigation, is out of the office until December, according to his law office, and didn't respond with a statement on this and other cases.

According to campaign finance records, Dexel contributed \$1,000 to Butts' campaign while the GAL in the case, Howard Reiner, contributed \$2,500 to Butts campaign in 2013.

Reiner didn't return a phone message left at his law office.

Butts was re-elected in November 2014.

Johnston said her mother's estate has been charged nearly \$300,000 in total fees by court professionals, including lawyers like Dexel and Reiner who charged between \$250-300 per hour for their services.

Debbie Valdez, President of Guardianship Reform Advocates for the Disabled and Elderly (GRADE) is not surprised and said poorly thought out legislation has led to problems in the State of Texas and Harris County.

She told Rebel Pundit that her group has received complaints against three of the four elected probate judges in Harris County.

The most notorious judge is Mike Wood (<http://www.estatenofdenial.com/2008/06/06/might-houston-probate-judge-mike-wood-see-the-error-of-his-ways/>) who has been featured (<http://www.chron.com/news/houston-texas/article/Millionaire-84-died-fleeing-Harris-probate-court-1664166.php>) in a number of exposes in Houston (<http://www.chron.com/news/casey/article/Judge-Wood-slapped-again-1761436.php>) area media (<http://www.houstonpress.com/2004-05-13/news/the-end-game/>). Valdez said in 2005, Woods was one of several judges to testify in front of the Texas legislature to argue for more ambitious guardianship laws, claiming elderly would be victimized without them.

The result was bill SB 6, which Valdez told RebelPundit has done the opposite, leading to far more corruption and abuse.

One problem is that the law turned Texas into a court initiated guardianship state. By this Valdez explained, once any report is made of an individual to probate court, they are immediately put into the guardianship system even before its determined, if in fact, the ward is incapacitated.

"We see court initiated guardianship as very dangerous."

That's exactly what happened to her mother said Johnston.

"She never had due process," Johnston said of her mother. "She never saw a judge or anything (before being put into the guardianship system)."

This creates a "presumed guilty" dynamic.

Another problem is that courts are run entirely through a network the judge controls. In the case of Mills, her family wasn't allowed to hire an attorney for her, but was instead appointed an attorney by the courts.

Valdez added, with attorneys and social workers are being invited into a dynamic where they are looking to please the judge and to make decisions which will prolong guardianship and thus add to the fees.

Possibly the most disturbing story was that of Helen Hale.

In an extensive expose, Lisa Olsen of the Houston Chronicle (extensive%20expose of the case, but upon speaking with the family, the end result is that more than three years later nothing has changed.) wrote:

Under a court-ordered guardianship, 86-year-old widow Helen Hale was plucked from the house she and her husband had built on wooded acreage in Cypress for their retirement and relocated to an unlicensed group home run by a caregiver with a criminal history.

In some of the state's largest counties, like Harris, Travis and Bexar, so many people are in guardianships that each probate judge oversees from 1,500 to 3,000 'wards' of the court. Yet most judges have only a single investigator to check out potential problems.

Upon speaking with Hale's family, the end result is that more than three years later nothing has changed.

RebelPundit conducted interviews with Hale's daughter Susan Staley and her granddaughter, Jennifer Goings, and though Hale has six children, Judge Butts, without explanation, chose a daughter with a history of drug use who had recently spent more than a decade without seeing her mother, as her guardian.

Goings provided RebelPundit with a series of photos which show bruises, bed sores, and other signs of neglect perpetrated on her grandmother.

The photos of Hale's bed sores from one of the unsanitary nursing homes she's been forced to stay in were to graphic for publishing.

Staley said she can't remember the last time she's seen her mother, because in order to do that she'd first need to get permission from her estranged sibling guardian.

"I won't give her the satisfaction," Staley said.

The Goings family has written a series of letters and emails begging Judge Butts to reconsider this decision including one written by Ron Goings on April 4, 2012.

"She (Helen Hale) has asked us to please get her out of this situation. At every turn we have been painted into a corner as being aggressive, manipulative and now as terrorists. I cannot understand how the court and its investigators and supposed guardians can be so blind."

Harris County has a population of 4.1 million people, according to the 2010 census, making it the largest county in Texas and third largest in the country. It includes the cities of Houston and Sugar Land.

Judge Butts provided a statement to RebelPundit addressing these two cases:

I am unable to comment specifically on the cases you identified, as the Code of Judicial Conduct provides in part that, 'A judge shall abstain from public comment about a pending or impending proceeding which may come before the judge's court in a manner which suggests to a reasonable person the judge's probable decision on any particular case.'

However, I will tell you that, with regard to the cases involving Helen Hale and Willie Jo Mills, such cases were contested in that the children of Ms. Hale and Ms. Mills were in dispute as to the appropriate choice of guardian. With regard to all cases in Probate Court 4, copies of the pleadings (which include orders of the court and reports of the court investigator) are available through the Harris County Clerk's office.

"Ms. Mills due process rights were violated when she was not allowed to participate in resolving the dispute in Judge Butts court, instead Judge Butts removed all her civil, constitutional and human rights by forcing a guardianship upon her which ultimately placed Ms. Mills in an abusive and exploitive lifestyle until she died." Sherry Johnston said in response to Butts' statement. "Ms. Mills guardian ad litem, attorney ad litem, guardian, were and remain to be much better protected by the guardianship placed on Ms. Mills than she was, while she suffered, and her estate paid for the



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Murders by Caregiver

People that are responsible for the care of a person of any age that have intentionally caused the death of that person.

One of the questions that these murders raise is related to other forms of "euthanasia" and withholding care.

Withholding care against the wishes of the patient is euthanasia.

Withholding needed medications against the wishes of the patient is euthanasia. Preventing patients from getting necessary medical care is euthanasia. Patients with prepaid medical service coverage that have their life sustaining or necessary medical care discontinued because of an administrative order, or corporate cost containment agendas, or for personal employee financial gain such as in the form of bonus are being euthanized.

It's gone. [Undo](#)

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- ☐ Repetitive
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Law Enforcement and District Attorneys should remember that A CRIME of taking any life is one that should be investigated and prosecuted. Political purposes should never play a part in the refusal to prosecute these issues.

Google

Nov. 18, 2009

Damera Lawhorn, 51, has been charged with seven counts of elder abuse for allegedly overdosing seven patients with morphine.

<http://medicalserialkillers.kaiserpapers.org/damera-lawhorn.html>

Caregiver serial killers probably may be responsible for more deaths each year than the transient sexual psychopath serial killers that receive much more public attention. Nevertheless, there has been little serious work profiling this group of murderers.

Update -

News Release

September 08, 2009

For Immediate Release

Contact: Scott Gerber or Evan Westrup, (510) 622-4500

Scott.Gerber@doj.ca.gov or Evan.Westrup@doj.ca.gov

Brown Files Criminal Charges Against Former Nursing Home

Administrator in Kern Valley Elder Abuse Case


Bakersfield - Attorney General Edmund G. Brown Jr. announced that Kern Valley Hospital administrator Pamela Ott was charged on eight felony counts of elder abuse today for allowing staff to forcibly administer psychotropic medications to patients for their own convenience, rather than for their patients' therapeutic interests. These

actions are alleged to have resulted in the deaths of three nursing home residents.

"As hospital administrator, Pamela Ott, was ultimately responsible for safeguarding the welfare of her patients," Brown said. "Instead, Ott abdicated her responsibility and allowed the staff of the Kern Valley Hospital to forcibly sedate patients who questioned their care."

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Brown the charges against Ott in Kern County Superior Court. She surrendered herself in court this morning and pled not guilty. She was released on her own recognizance on the condition that she not run a skilled nursing facility. A preliminary hearing is set for November 4, 2009. Today's charges are in addition to those filed in February 2009 against:

- Gwen Hughes, the former Director of Nursing at the skilled nursing facility of the Kern Valley Healthcare District in Lake Isabella, Kern County on charges of elder abuse and assault with a deadly weapon.
- Debbi Hayes, the former pharmacist at the Valley Healthcare District, on charges of elder abuse and assault with a deadly weapon. On August 14, 2009, Hayes pled no contest to a felony charge of conspiracy to commit an act injurious to public health. She is a cooperating witness for the people.
- Dr. Hoshang Pormir, a staff physician at Kern Valley Healthcare District, who was serving as the medical director of the skilled nursing facility, on charges of elder abuse.

As the Administrator of the Kern Valley Health Care District, Ott hired and supervised Director of Nursing Gwen Hughes.

Upon taking over in September 2006, Hughes ordered that Alzheimer's and other dementia patients be given high doses of psychotropic medications to make them more tranquil and easy to control. She ordered the administration of these medications to patients who argued with her, were noisy, or who were otherwise disruptive. Two patients who resisted were held down and forcibly given injections. Ms. Ott was informed of these actions and allowed them to continue.

Hughes is also alleged to have directed Debbi Hayes, the hospital pharmacist, to fill prescriptions for psychotropic medications. Hayes wrote and filled these prescriptions without first obtaining a doctor's approval.

Dr. Pormir approved these psychotropic medications only some time after they had been administered and without examining the patients first and determining whether these psychotropic medications were medically necessary.

Several of these patients are alleged to have had medical complications as a result of being given these psychotropic medications, including lethargy and the inability to eat or drink properly. It is believed that three patients died and one patient suffered great bodily injury as a result.

The investigation

Kern Valley Healthcare District operates a small community hospital and skilled nursing facility in Lake Isabella. The case came to the attention of authorities in January 2007, when an ombudsman reported to the Bakersfield office of the California Department of Public Health that a patient in the skilled nursing facility had been held down and given an injection of psychotropic medication by force.

The Department of Public Health immediately sent an investigative team with a doctor, a nurse, and a doctor of pharmacology. They determined that 22 patients, including some who were suffering from Alzheimer's at the skilled nursing facility, were being given high doses of psychotropic medication not for therapeutic reasons, but to simply control and quiet them for the convenience of the staff.

The Department of Public Health issued a Certificate of Immediate Jeopardy which resulted in the immediate dismissal of the Ms. Hughes. The matter was then turned over to the California Department of Justice, Bureau of Medi-Cal Fraud and Elder Abuse.

Special Agents from the Bureau of Medi-Cal Fraud and Elder Abuse began a year-long investigation, with the co-operation and assistance of the Department of Public Health and the administration of the Kern Valley Healthcare District.

A search warrant was served on the facility in August 2008, resulting in the seizure of numerous medical files and records.

If convicted, all defendants could face up to 11 years in prison.

The case is being prosecuted by the Attorney General's Bureau of Medi-Cal Fraud and Elder Abuse, with the co-operation and assistance of the Kern County District Attorney's Office.

To view the news releases issued February 2009 about this case, go to <http://ag.ca.gov/newsalerts/release.php?id=1682&>.

To report elder abuse or Medi-Cal fraud, call the Bureau of Medi-Cal Fraud and Elder Abuse's hotline at (800) 722-0432.

The complaints are attached.

###

You may view the full account of this posting, including possible attachments, in the News & Alerts section of our website at: <http://ag.ca.gov/newsalerts/release.php?id=1798>



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Arrested:

- Gwen Hughes, 55, the former director of nursing.
- Debbi Gayle Hayes, 51, the facility's former pharmacist.
- Dr. Hoshang M. Pormir, 48, a staff physician at Kern Valley Healthcare District, who was medical director of the skilled nursing facility.

Reports detail fatal druggings at nursing facility

BY STACEY SHEPARD AND JAMES BURGER, Californian staff writers sshepard@bakersfield.com, jburger@bakersfield.com | Wednesday, Feb 18 2009 04:20 PM

Last Updated Friday, Mar 27 2009 01:21 PM

In one allegation, nursing home resident Opal Towery was injected with anti-psychotic drugs after an argument with the nursing director and spent the next week in a zombie-like state.

In another, Louise Zimmerman was pinned down by four staffers and injected with the same drugs because she was biting, hitting and kicking others. She never regained full consciousness.

Those were among the disturbing stories in a criminal complaint filed by the California Attorney General's office that led to the arrests Wednesday of three current and former employees of the Kern Valley Healthcare District's skilled nursing facility.

The complaint alleges a nursing director, pharmacist and physician drugged at least 22 elderly residents with mood-altering medications to quiet and control them, leading to the deaths of three.

The alleged druggings occurred between August 2006 and January 2007.

"These are powerful medications that were given, in some cases against people's will, primarily for management, not health reasons," Attorney General Edmund G. Brown Jr. said. "It's unconscionable behavior and it's certainly not what people expect when they entrust their parents or grandparents to a skilled nursing home."

District officials declined to comment but released a statement saying they fully cooperated with the investigation and have taken corrective action. Subsequent inspections have found no significant problems, the statement said.

Arrested were:

- Gwen Hughes, 55, the former director of nursing.
- Debbi Gayle Hayes, 51, the facility's former pharmacist.
- Dr. Hoshang M. Pormir, 48, a staff physician at Kern Valley Healthcare District, who was medical director of the skilled nursing facility.

Hughes and Hayes face eight felony charges of causing harm or death to an elder or dependent adult and two felony charges of assault with a deadly weapon through overmedication.

Pormir faces eight felony charges of causing harm or death to an elder or dependent adult.

They were being held at the Kern County Jail in Bakersfield. Hughes and Hayes were held on \$450,000 bail. Pormir was held on \$400,000 bail.

If convicted, the three face up to 11 years in prison.

Hughes declined to be interviewed. Hayes and Pormir did not respond to interview requests.

THE COMPLAINT

The 27-page complaint describes interviews with facility nurses and medical experts who say Hughes ordered certain patients to receive high and unnecessary doses of anti-psychotic drugs.

Pharmacist Hayes followed her orders, telling investigators she thought Hughes was knowledgeable in the treatment of psychiatric conditions. Pormir, the physician, signed off on the orders after the drugs were administered, according to the interviews.

They say Hughes' orders often came after residents acted out or complained, and were often administered without patient consent. At least two residents were forcibly injected; a third had psychotropic drugs sprinkled on her food.

The investigation found none of the residents received a medical exam or diagnosis prior to receiving the powerful doses.

Samuel Obair II, a pharmacist who assisted with the investigation, called the situation "beyond appalling," saying it was "the first time that I have ever run into this severity where it affected so many individuals and was being done so blatantly," according to the documents.

The situation came to the attention of authorities in January 2007, when an unnamed healthcare ombudsman filed a complaint after seeing Zimmerman held down and forcibly injected with drugs.

THE ALLEGED VICTIMS

The attorney general's investigation identified three residents believed to have died as a result of being drugged and neglected:

- Fannie May Brinkley died Dec. 23, 2006, after receiving Depakote, a drug to treat mood disorders. After not eating for six days, she was rushed to the emergency room, where she died.
- Eddie Dolenc was given unnecessary anti-psychotic medication that caused him to become extremely sedated, and unable to eat or drink. He died one month after being admitted to the facility, likely from dehydration or pneumonia.

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By [Lucas Sullivan](#) & [Josh Jarman](#)*The Columbus Dispatch* • Sunday December 28, 2014 6:12 AM

Comments: 1

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Julie Crum just wants the couch, rocking chair and riding lawn mower back, because they belonged to her father before dementia and depression overtook him.

She's fighting through Franklin County Probate Court to get them from a Columbus lawyer who was recently indicted and is accused of stealing \$41,000 from people he was appointed by the court to protect.

Paul S. Kormanik was supposed to be their guardian. Guardians control nearly every aspect of the lives of people the courts call wards.

Crum's family is one of at least two accusing Kormanik of stealing belongings, family heirlooms and cash from his wards.

The families became suspicious after they read the five-part *Dispatch* series "Unguarded," which detailed a statewide probate system in which a lack of court oversight allows unscrupulous guardians to prey on people they swore to protect. The series is available online [here](#).

Among the worst, according to prosecutors and criminal investigators, was Kormanik.

Franklin County Prosecutor Ron O'Brien said recently that Kormanik chose "to financially exploit Ohio's vulnerable citizens."

Kormanik had been responsible for the lives of nearly 400 people in central Ohio. He had amassed those wards through years of court appointments and a series of judges who were looking for easy answers to handle the increasing number of people who needed a guardian to make personal, medical and financial decisions for them.

Kormanik resigned in late August after investigators for Ohio Attorney General Mike DeWine and O'Brien began questioning the actions *The Dispatch* had described. Kormanik cited personal reasons for his resignation.

He was indicted in October on felony theft charges and turned himself in. He later was released on \$100,000 bond and could get up to 4 1/2 years in prison if convicted.

Susan Wasserman, one of Ohio's two master guardians, was appointed to oversee several of Kormanik's wards, including Crum's father, Richard E. Roberts.



TOM DODGE | DISPATCH

Former guardian Paul S. Kormanik is sworn in as a witness in a Franklin County Probate Court hearing. He invoked his right not to testify against himself and refused to answer questions.

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Crum said at least 49 items were missing from Roberts' home. Court documents show that Kormanik paid the family of his paralegal, Julie Whisner, \$3,400 to remove Roberts' belongings so they could be sold at auction. County Probate Judge Robert G. Montgomery, who was in office at the time, approved those fees.

Kormanik, 64, wrote in a November 2013 court filing that he was auctioning off the items because "the personal property is of nominal value. ... There would be no money to pay for long-term storage."

Records obtained by *The Dispatch* show that Kormanik has sold about 50 homes belonging to his wards at auction in the past several years. He often paid his son or daughters, or employees of his law practice, with the wards' money to empty out the houses.

He almost always used the same auctioneer, Mike Brandy, and real-estate agent, Jim Boyd, to list the properties.

The 49 missing items that Crum and Wasserman identified from Roberts' house were never listed in Brandy's records or anywhere else in Kormanik's liquidation of the estate. One of those items, found at Whisner's home, was a Poulan riding mower.

During a court hearing last week to determine where the items are, Whisner said she took the mower because she had an understanding with Kormanik that she would make an offer to purchase it. She said that a dollar amount was never discussed, however, though her family kept and used the mower for almost a year.

The Whisners later tried to buy the mower from the Roberts family, but the family said no. The Whisners then said they would return the mower only if Roberts' family paid a \$120 delivery fee.

Wasserman sent a check for the delivery fee, but the mower still has not been returned.

As for the other missing items, Joseph Whisner, Julie's son, said he removed a large leather sofa from the house; he said he recalled it because he needed help carrying the heavy item. He also remembered taking other pieces of furniture from the house, including a love seat, a stone-top table and a tea cart.

None of those items was sold at auction, and none appears on an inventory of items from the home prepared by the auction house. Some of the items can clearly be seen in photos of the property taken by a real-estate agent who listed the home for sale.

Both Joseph Whisner and his mother testified that they took the items from the Roberts' home to Brandy's auction house in Groveport. Brandy testified, however, that if anyone says they delivered the items to his warehouse, "they didn't."

He said that the inventory-tracking system the business uses would have captured all the items brought to his warehouse from the Roberts estate, even those that never sold, unless they were worthless and discarded as junk.

Kormanik took the witness stand during the hearing. He invoked his constitutional right not to testify against himself and refused to answer questions. He also did not respond to a reporter's questions after the hearing.

Linda Gomez was at the Roberts hearing last week.

Gomez and her attorney, George E. Georgeff, said several items are missing from the estate of Marcia Pendleton, Gomez's mother.

"There is a missing gun and some very expensive pieces of furniture that we have pictures of that are now unaccounted for from my mother's beautiful Bexley home," Gomez said. "I want to know what happened to them."

Kormanik filed a motion in Probate Court in June accusing Gomez of taking items, including jewelry, from the house. A court hearing scheduled for November to sort out the details of that case has been delayed until February.

Gomez said she's also concerned that more than \$55,000 that Kormanik was managing for her mother did not show up on financial statements he filed with the court.

"This has been nothing but a nightmare," said Gomez, who replaced Kormanik as her mother's guardian in September.

Kormanik's criminal case is scheduled for a discovery hearing in late February. O'Brien said his investigation

of Kormanik continues.

Kormanik's former wards have since been dispersed to a handful of other guardians. In response to *The Dispatch* series, DeWine has created and published an Ohio Guardianship Guide for probate courts to hand out to guardians.

State legislators also introduced House Bill 624, which calls for a ward's bill of rights. The bill also would require probate courts to give guardians DeWine's handbook. The bill did not make it to a vote in the legislative session that just ended.

State Rep. Dorothy Pelanda, R-Marysville, who co-wrote the bill with Sen. Shannon Jones, R-Springboro, said she has been working with probate judges across the state and plans to reintroduce the bill with clearer requirements of guardians.

"This is something that has to be done to protect Ohio's most vulnerable residents," Pelanda said on Wednesday.

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SUSAN RILEY (SULEE)

I hope this guys gets the entire 4-5 years in prison. But I would also like a list of the names of the judges who, because it was the easiest thing to do, gave him all these cases.

2014-12-28 17:17:14.0

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The Scandalous Use Of Feeding Tubes In Nursing Homes



By Jack Halpern, CEO, My Elder Advocate

Imbedded in today's nursing home culture is a practice that has, unfortunately, been notoriously associated with elder abuse. Nationwide, many nursing home residents with advanced cognitive impairments are tube fed (up to 35 percent, according to some studies), despite no demonstrated benefits of such an intervention in this population.

Feeding tube abuse in a substandard nursing home can be a death sentence. Thankfully, My Elder Advocate has been very successful in preventing this abuse from occurring in many cases when we have been called in early enough to advocate for clients losing weight and showing other signs of abuse.

There are legitimate scenarios where feeding tube usage is recommended, such as when older adults in nursing homes have difficulty swallowing or when it is viewed as a precautionary measure to prevent aspiration pneumonia. Whether temporary or permanent, these situations require close monitoring in order to avoid potentially life-threatening complications, and it is not appropriate for use with all patients.

Often, the first initial advocates for a patient in a nursing home are family members. Margaret Mino is one such family member, who noticed significant weight loss in her Uncle Rufus, now aged 89. Lifelong cognitive difficulties have meant that he always needed some form of help. In the last few years, though, Rufus has been unable to eat solid food.

After Rufus lost more than thirty pounds, Margaret brought her concerns to nursing home staff. When a temporary feeding tube was suggested, Margaret was hesitant, after facing a similar decision with her father and having educated herself about the downsides of feeding tubes in advanced dementia patients.

Few questions are harder to answer than the one considered by Margaret. Proper nutrition is viewed as a basic right and as a way to demonstrate concern and care, but it can actually do more harm than good to use feeding tubes for patients with advanced dementia. These patients can become more susceptible to pressure ulcers, infection, or emotional challenges.

Dementia, which is increasingly recognized as a terminal illness, can become more complicated and serious when a patient stops eating. Hand feeding, as opposed to the use of a tube, can provide a safer and more comfortable alternative for the patient. The added investment of time involved in hand feeding shows a greater commitment to the care and well-being of patients.

Research backs up concerns like those shared by Margaret: the American Geriatrics Society recommends that feeding tubes should not be used for patients who have advanced dementia as a result of treatment and patient burdens that these tubes can cause.


If you believe that your loved one with advanced dementia is being abused through forced usage of a feeding tube, contact My Elder Advocate at 212-945-7550 early to help ensure that your loved one receives the care, respect, and dignity that he or she deserves. Early intervention can minimize problems and give you peace of mind.

Posted on 10/31/2014 at 8:37:00 AM

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Post investigates: How professional guardian got marriage annulled

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Updated: 5:25 p.m. Friday, April 3, 2015 | Posted: 11:40 a.m. Friday, April 3, 2015

By John Pacenti - Palm Beach Post Staff Writer

Glenda Martinez-Smith found the love of her life as a senior citizen.

Martinez-Smith, 68, said she felt like she hit the lottery when she met retired Army Col. J. Alan Smith of Boynton Beach through a senior dating website. "It was like a fairy tale," she recalls.



Glenda Martinez Smith holds her husband Alan Smith's hand. He suffered traumatic brain injury in a car crash in 2010. (Richard ... [Read More](#))

But the retired school teacher said their bliss was destroyed when a judge found her husband incapacitated after a car crash and appointed a professional guardian.

With the blessing of two Palm Beach County circuit court judges, the guardian put Smith, who had suffered a traumatic brain injury, in a nursing home, got Martinez-Smith banned from ever seeing him again and annulled the couple's marriage.

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"That was the most horrible day of my life, the day my marriage was annulled," she said.



Glenda Martinez Smith smiles as her husband Alan Smith opens his eyes while waiting for a doctor's appointment at Holy Cross ... [Read More](#)

Besides annulling her marriage, one judge kicked her out of court and another threatened her with arrest. Still, Martinez-Smith persevered, winning appeal after appeal and wresting control back from the professional guardian.

Professional guardians are the subject of several bills moving rapidly through the Florida Legislature. Critics and lawmakers themselves say many guardians are siphoning the assets of wards to pay for their exorbitant fees.

It is not unusual for a judge to give professional guardians absolute control over a ward's property, finances, medical decisions and housing. And all it takes is 40 hours of training and a modest background check to become a professional guardian and earn \$85 an hour.



Post Investigates: How professional guardian got marriage annulled

The modus operandi of many professional guardians is to "litigate, isolate, medicate and take the estate," said Dr. Sam Sugar, an activist on the guardianship issue.

Not all wards are seniors. Some are younger adults found incapacitated, but with 3.7 million people over 65 in Florida – the highest percentage in the United States – the business prospects for professional guardians are very good. As a result, the ranks have swelled from 108 in 2003 to 456, according to the Florida Department of Elder Affairs.

\$200,000 in legal fees

Business is also very good for the attorneys who flock around these guardians.

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Every professional guardian employs at least one attorney to traverse the landscape of social services, nursing homes and liquidating assets. These lawyers come at a steep price, charging hundreds of dollars an hour in addition to the guardians' fees.

Martinez-Smith has spent a good part of her life savings — \$200,000 and counting — in legal fees fighting guardian John Cramer and orders by judges on his behalf. She got three rulings reversed on appeal and the annulment to her marriage is pending.

Smith's assets paid Cramer \$16,500 a month, said Martinez-Smith, who has not seen an accounting of how the money is spent. Cramer liquidated two of Smith's life insurance policies for \$145,000 recently, she said.

"According to anyone's observation, this is a legal form of grand theft and robbery. It's exploitation of the elderly," Martinez said. "These guardians have to be stopped."

The Florida Bar president, West Palm Beach attorney Greg Coleman, supports the legislation, saying there is a need to address the "bad actors," whether they be guardians or their attorneys.

"The population is aging and this is something that is going to be more and more of an issue. The more protection the better," he said.

In the meantime, the retired Army colonel's health deteriorated without the necessary physical therapy at the nursing home. Today, the 83-year-old is nearly completely paralyzed and cannot speak.

Before the guardian put him in the nursing home, he was walking and talking, Martinez-Smith said. "How could they do this to him?"

Cramer, the guardian, did not return a calls for comment and his attorney Ellen Morris of Boca Raton declined to comment.

Lawmaker: They're 'cockroaches'

It's stories like Martinez-Smith's that have caught the attention of lawmakers.

Rep. Kathleen C. Passidomo, R-Naples, a sponsor of one of the bills, told a Justice appropriations subcommittee in February that it is time to rein in professional guardians.

"There are billions of dollars in the state of Florida that are being maintained by guardians of incapacitated wards — billions. Most of these incapacitated wards are vulnerable elder citizens," she said.

Sen. Nancy Detert, a Venice Republican sponsoring another bill, made headlines last month when she referred to professional guardians as “cockroaches” at a committee meeting.

The impetus behind these bills is a ragtag group of family members who say they have seen professional guardians abuse their vast powers against their loved ones.

“The bottom line always bounces back to the fact that in a guardianship, one person – a complete stranger with no attachment to the ward or their family – is given the right to own another person like a piece of property and can do whatever they want without fear of reprisal,” said Sugar, a retired physician from Aventura who is co-founder of Americans Against Abusive Probate Guardianships.

“Take that away and these acts of these nasty guardians are felonies and civil rights violations.”

Professional guardians often come into play when there is family discord and financially comfortable or wealthy wards are involved.

Once in place, guardians and their attorneys can liquidate long-held stock, bonds, insurance policies and sell property, whether it be the family home or jewelry. Family members are often kept in the dark because payments to the guardian and his attorneys from the ward’s assets are filed in court automatically under seal.

If a ward dies, the guardian then can seek to become the personal representative of the estate. Then the guardian and attorney, under state law, are entitled to 3 percent each of the estate if it’s worth at least \$100,000.

‘Geriatric head hunters’

Sugar’s group says the professional guardian industry is teeming with abuse.

It has documented numerous cases in which estates were decimated by guardians and elder law attorneys through unnecessary legal filings. They claim evidence of straw sales of family homes so they could be sold at a profit by a third party.

The organization also says they know of “trolling” where for-profit guardians employ spotters to target the elderly at assisted living facilities or senior centers.

“Trolling can be accomplished most easily under the guise of a free seminar for financial planning for elders,” Sugar said. “We were

recently successful in aborting one of these seminars at a synagogue when we informed the leadership that the proposed speaker had been a key figure in several cases well known to us.”

Licensed clinical social worker Wendi Cassand, with offices in Boca Raton and Daytona Beach, said she has seen the trolling. “I call them geriatric head hunters,” she said. “They approach them while they are under duress to get their power of attorney.”

After three years of lobbying, Sugar now has the attention of key lawmakers.

Proposed legislation – such as HB5, SB1226 and SB318 – aim to eliminate favoritism by judges with a random rotation of guardian appointments, a proposal recently adopted in Miami-Dade County. The bills also make it harder for temporary guardians to become permanent and for abusive guardians to be disciplined.

Jetta Getty, a professional guardian in Daytona Beach and president of the Florida Guardianship Association, characterized the majority of the proposals as well-intentioned but ultimately harmful to the ward. “It would be putting people who are less qualified in the mix and add an extra layer of cost,” Getty said.

Some want to rid the landscape altogether of professional guardians, saying the system is far too incestuous.

“It cannot be fixed. Judges have been given too much power,” said Robert Sarhan of Miami-Dade County, who claims his mother, Yvonne Sarhan, was killed by a professional guardian’s mismanagement of her medication. “The judges in probate courts are doing a lot of favors for their friends. These judges get elected by these law firms and they allow them to get into these estates and suck them dry.”

Sarhan is joined in his position by others such as Barbara Stone of Hollywood. She has been arrested twice fighting a professional guardian who put her mother, Helen Stone, in a nursing home. Stone said she was the one who sought a professional guardianship, fearing embezzlement of her mother’s assets by her brother but is now barred from seeing her mom.

“I was warned if you put your mother in a guardianship, you will end up not being able to see her and they will steal all her money and when the money is gone she is going to die,” she said.

\$850 birthday cake delivery

Many of these concerns about professional guardianships were raised years ago, in July 2004, by the Government Accountability Office in a special report. In one case cited, an estate of a New York ward was billed \$850 for legal services when the guardian brought a birthday cake to a nursing home. Another guardian in New York charged a ward \$300 for depositing her Social Security check. In Arizona, a guardian embezzled \$1.2 million.

Palm Beach County Clerk Sharon Bock got the reform rolling when she pushed through a legislative change that requires family — not professional — guardians to undergo a credit and background check and for the clerk to conduct audits of guardianships where needed.

She hired a full-time auditor and set up an abuse hotline. Her office has investigated more than 700 cases since 2011 and uncovered more than \$4.1 million in questionable expenditures from all types of guardians.

"This is an issue near and dear to our heart," Bock said. "Our role is to be looking at the financial exploitation of someone who has been made a ward of the court."

Sugar said it's important to note professional guardians are only part of the problem.

Attorneys are huge beneficiaries, he said. If a family tries to fight a guardianship, there are numerous lawyers for numerous members of the family, the ward, the guardian and others. A simple 20-minute conference call between these parties easily cost the estate upwards of \$1,000.

"It's even worse when you have a deposition where for every one lawyer, two or three partners show up. You can have an estate drained of \$4,800 in an hour just to sit and talk about the case," Sugar said. "Some lawyers do this to just prolong the case to maximize billings."

Payments aren't public

Sugar said the estate of his late mother-in-law Idelle Stern was drained of at least \$5 million because of a professional guardianship. "We don't know the exact amount. We are not allowed to see what they are billing."

And some judges don't seem to want the public to know either.

Court documents show that Miami-Dade Judge Bernard Shapiro said at a hearing he didn't want the media to get wind of the fees being requested in a case because the public would be outraged. "This case

potentially is going to blow up and cause us all problems. The fees are out of control," Shapiro said at a Jan. 8 hearing. The case is now in front of a different judge.

Jack Halpern, CEO of Elder Care in New York City, runs a company that offers an alternative to professional guardians by helping seniors navigate health care and the legal system. He says the problems are larger than just reining in the professional guardians, calling the proposed Florida legislation "a Band-Aid on an elephant."

"The problem involves judges, guardianship attorneys, adult protective services employees, and not-for-profit religious and secular agencies, who are profiting from these guardianship cases," he said.

Martinez-Smith doesn't want to talk about the judges in her case. But the appellate court has supported her three times so far by reversing Palm Beach County Circuit Judges Martin Colln and David French, who sit in the Delray Beach courthouse.

Smith had ended up in the clutches of a guardianship when the couple were still engaged. After the car accident in 2010, one of Smith's children petitioned a judge to find him incapacitated. Colin appointed Cramer as a temporary guardian and Martinez-Smith initially retained control of her husband's medical care.

But Cramer asked Colin to cut out Martinez-Smith altogether. At a hearing on the matter, Colin kicked Martinez-Smith out of the courtroom "on the basis of a perceived insult to him," according to a 4th District Court of Appeal opinion.

Colin told Martinez-Smith that her entire demeanor, including "her face, her voice, her sound, may be unpleasant to everyone else" but her husband. The appellate court told Colin to recuse himself, saying "that would lead any reasonably prudent person to fear that she would not receive a fair hearing before the judge."

But Martinez-Smith found little solace when the case was transferred to French.

Judge threatens arrest

Cramer had complained that Martinez-Smith was abusive to the staff over the lack of her husband's care at the nursing home. French removed her as a health-surrogate and banned her from seeing her husband. In the courtroom, French pointed his finger at Martinez-Smith and said he would have her arrested if she even went near her husband at the nursing home.

At a subsequent hearing, French also granted the guardian's request to annul the marriage. "I was crying in his courtroom," Martinez-Smith said.

Again, the appellate court reversed, ousting Cramer as guardian on March 18. It said French abused his discretion in not following Smith's wishes that his wife be in control of his medical care and assets.

"It's not surprising that someone strongly advocating for excellent care for their loved one would be at odds with staff which may be less than diligent in delivering such care," the opinion written by appellate court Judge Martha Warner stated.

Martinez-Smith's attorney, Jennifer Carroll of Palm Beach Gardens, said the recent opinion is precedent-setting because the court said the wishes of the ward are paramount.

"The most important thing about this is that each individual has a fundamental right to choose their guardian or medical caregiver," Carroll said.

Now that Cramer is out, Martinez-Smith is again her husband's health-care surrogate. On Wednesday, she had him transported to Holy Cross Hospital in Fort Lauderdale to be examined. He arrived in a wheelchair, alert but also unresponsive, dehydrated and with sores all over his body.

She comforted him, rubbing his chest in the wheelchair. "We are going to do everything we can to make you better," she told him.

Proposed legislative changes

- Assure due process and adherence to the constitutional and statutory safeguards
- Severely restrict the so called "emergency temporary guardianship"
- Allow outside independent evidence to be considered in court when determining incapacity
- Assure transparency in guardianship fees, records, estate administration and communication
- Establish effective monitoring and reporting systems

How guardianship works

- **Step 1:** Someone - any competent adult - petitions the court, saying he/she believes an elderly or disabled person is too limited to make their own decisions.
- **Step 2:** In 5 days, the court appoints an attorney for the potential ward and a three person committee to evaluate the

person. One member must be a physician or psychiatrist. Others can be another doctor, psychologist, nurse, social worker or lay person who could give the court an expert opinion. They report back in 15 days.

- **Step 3:** The court sets a hearing within 14 days.
- **Step 4:** If the person is declared a ward of the state, a guardian is appointed. The guardian is represented by an attorney. Both are paid by the ward's assets.
- **Step 5:** The guardian takes an inventory of the assets and submits it to the court. They also file a guardianship plan.
- **Step 6:** The guardian and attorney often begin liquidating those assets to pay the ward's bills - including the fees of the guardian and the attorney.
- **Step 7:** Each year, the guardian must file an annual accounting with the judge.

What The Post Found

The Post spent months, scouring dozens of documents and conducting interviews to uncover complaints about professional guardians, their attorneys and the judges that preside over their cases.

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Saturday, February 5, 2011

Granny-knapping: One Iowa family fights to free their mother from a predatory guardianship

Marti Oakley, Contributing Writer
Activist Post

This story recounted below, is being repeated across the country in every state of the union as predatory guardians, with the aid of banks, attorneys and corrupt courts and police departments, prey on the elderly. Using the aid of the courts, and numerous violations of due process, civil rights and violating many laws, the elderly are being virtually kidnapped from their homes, isolated from family and friends and declared incompetent. Once this process is set in motion with the sanction of the courts, the theft of the estate begins. Everybody gets a piece of the pie while the victim...now held prisoner in a participating nursing home or other facility, is drugged, isolated and held against their will.

Think this can't happen in America? We got laws, right? Yes we do, but the courts have decided they can make their own and are not obliged to honor those pesky laws or the rights of the people victimized by them.

This is one Iowa family's short history of the kidnapping and imprisonment of their mother as "the Team", comprised of bankers, attorneys and a predatory guardian attempt to seize and liquidate the assets of the woman they now hold hostage.

Dorothy Driesen, a 90-year-old widowed Mother, has had her estate taken away from her by court decree and forced to reside at a nursing home that has had multiple felony accounts charged against it in 2003.

The judge took our Mother into his chamber, asked her a few questions and then declared her incompetent, fired her son as Trustee, appointed a bank to be her new Trustee and set a court appointed guardian over her. All of this happened within one days time upon the filing of court documents by the wannabe guardian and friend of the court.

After this drastic and unbelievable event in the local district court, the two sons of our Mother have been falsely accused of various things and incarcerated on three separate occasions. To add insult to injury, the two sons of our Mother and their families have not been able to visit their Mother since August of 2008.

The last call that was made from our Mother during New Years weekend in 2009 was a call of desperation in which our Mother claimed her life was in danger and she pleaded with us to get her out of this nursing facility. That is the last time that the family of our Mother has heard her voice. Mail that the family tries to send our Mother is received by the guardian and does not seem to reach our Mother.

Shortly after our Mother was incarcerated in this nursing home after the disastrous court decision, the family would attempt to visit our Mother and shortly after we would arrive, either the guardian would show up standing in the door way and demand that we leave or the town police officer would show up and demand the same.

This case has been heard at the county/district level starting in early 2008 and appealed to the state Supreme Court. The original trustee lost the first court battle as the Trust attorney did not preserve error relative to the long standing Irrevocable amendment of the Trust. The predators and bank, thinking they had victory, filed for more perceived damages from the original trustee, Jay Driesen who is Dorothy's son in his neighboring, Lyon County.

Unable to find an attorney to represent himself or stand in the way of the bank and its "team", Jay decided to fight back and save his incarcerated Mother and her Irrevocable Trust. For over one year, the predators and bank have attempted to gain their loot and then to shut the case down by way of motion. The bank has been unsuccessful and the case is scheduled for a jury trial the 14th of October. Jay's goal is to reinstate the

Irrevocable Trust and to secure his incarcerated Mother. Mother Driesen has had all of her visitation rights with her family taken away since the bank took over.

Update: 9/15/10:

The Lyon County Clerk is listing the case as closed. This ruling means a denial of our previously scheduled jury trial. We are filing last minute items for preservation and to amend the ruling. And then on to the Iowa Supreme Court appeal. The appeal has been filed. Numerous errors and illegalities, from the county case, are being brought to light in the appeal.

Update: 01/04/11

The predators have filed again in the Sioux County, IA Court using a past customer of Jay's business. The "team", as they are known, is now attempting to lay claims of a fraudulent transfer of land Jay made to his brother, Merlyn, three and one half years ago. The bank, who is now trustee of Mother Driesen's Irrevocable Trust is seeking to use the past customer in gaining access to Merlyn's farm land as the bank/trustee has a judgment against Jay from the Lyon Co case which is currently under appeal. It has come to light that old Judgment Dockets, against Jay's former business, have fraudulently been changed in the caption to include Jay rather than only the former business of Jay as set in the original judgment ruling against Jay's former company by the South Dakota Court.

Marti Oakley is a political activist and former op-ed columnist for the St Cloud Times in Minnesota. She was a member of the Times Writer's Group until she resigned in September of 07. She is neither Democrat nor Republican, since neither party is representative of the American people. She says what she thinks, means what she says, and is known for being outspoken. She is hopeful that the American public will wake up to what is happening to our beloved country . . . little of it is left. Her website is The PPJ Gazette

Recently by Marti Oakley:

"No one is bound to obey an unconstitutional law and no courts are bound to enforce it."

Jacksonville Attorney Arrested for Grand Theft and Exploiting Elderly

Posted on April 24, 2013 by Cynthia Veintemillas, Attorney at Law



Jacksonville Attorney Nichols arrested for felony crimes

Cynthia Nichols is an attorney in Jacksonville. She graduated from Stetson University in 1981 and has been practicing law in Florida “focusing mainly on elderly estate management.” She handled many guardianship cases. She was arrested last Friday for Jacksonville grand theft and exploitation of the elderly. The exploitation of the elderly charge is Section 825.103 of the Florida Statute. Nichols was arrested pursuant to Section 825.103(2)(a), because the funds or property involved in the exploitation of the elderly person is valued at \$100,000 or more. This is a first-degree felony crime. As for the Jacksonville theft charge, this is a felony, because she was accused of stealing between \$5,000 and 10,000 dollars. The **Jacksonville Theft Law is in Florida Statute 812.014**. Nicholas was arrested for violating Section 812.014(2)(C)(2). This is a third-degree felony.

Action News reported:

“The charges came after the family of one of three victims filed a complaint with the Florida Department of Children and Families in November 2012. ‘That is the highest amount that we’ve seen in an exploitation case in Jacksonville in several years,’ says DCF spokesman John Harrell. Harrell calls the case disturbing and alarming. As an attorney, Nichols had access to all of her clients’ money and served as guardian over their financial accounts. Further investigation by the State Attorney’s office reveals Nichols used her clients accounts to fund a lavish lifestyle for her and a friend, Gina Bateh, who is a five-time convicted felon.”

The Jacksonville Sheriff's Office met with DCF and began an investigation in early November 2012. They learned that "Nichols used money from one client's account to buy two vehicles that were used by Bateh and her daughter. Nichols also bought a Southside home that she allowed Bateh to live in. Bateh was paid a weekly salary to care for a second victim who only lived in the home for a short time." There was also a third victim. It has been alleged that "Nichols withdrew money from a third client's account using his ATM card. The family says their loved one is unable to use a card and did not make the withdraws."

Rich Mantei has been a prosecutor in Duval County FL for many years. He spoke to Action News about the case. He stated that bank record were pretty much clear. The police are still conducting an investigation. Because there may be other victims that were unaware of Nicholas criminal conduct, "Mantei says Nichols may have even more victims and additional charges may be filed."

Nicholas bond was set at \$5,003 per count. Since she was charged with two counts, she bonded out before going to court at \$10,006. Because she bonded out, she will not have to stay in jail while defending her criminal case. This does not mean that she will not serve a jail or prison sentence if she pleads guilty to the crime or is found guilty after a jury trial. If additional victims come forward with evidence, she could be arrested on new charges. This means that she would need to post a separate bond for the new arrest.

Nicholas is set for arraignment on May 9, 2013, but this court date is subject to change. On that date, she will enter a plea of guilty, no contest, or not guilty. As a Jacksonville criminal lawyer, I believe that she will plea not guilty. I am sure that she is already working on a defense to these serious charges. When a Jacksonville criminal attorney his hire for a case like this, he or she has a lot of catching up to do. You have to start working on it immediately. The police have been investigating Nicholas and collecting evidence for almost 6 months. They are bank records and allegations that date back to two years ago. I am sure that there are a lot of witnesses, and as Assistant State Attorney Mantei stated, more victims could come forward with additional evidence against Nichols.

There is another worry for Nichols. The Florida Bar governs lawyers in Jacksonville FL. They will surely be conducting their own investigation. This could result in Nichols being disbarred. The Florida Bar may also issue monetary sanctions against her. Even if the criminal charges are later dropped or she is found not guilty, the Florida Bar may still move forward with their punishment.

This entry was posted in [Arrest](#), [Grand Theft](#), [Theft](#). Bookmark the [permalink](#).

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Judges Dropping Like Flies In Whistleblower Burton Case, Official Calls Case “Politically Motivated”

Posted by Adrian Wyllie June 16, 2011 [4 Comments](#) 3577 views
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A 1787 Network Exclusive

By Adrian Wyllie

HAMILTON COUNTY, FLORIDA – Robert "Bob" Burton was arrested on Sunday, June 5, 2011 and charged with recording a telephone conversation with Ryan Tyson, the former Chief of Staff of Florida Senator Charlie Dean. Burton was detained at the Hamilton County jail before posting a \$50,000 surety bond on Friday, June 10. He is awaiting trial for unlawful interception of communication and unlawful disclosure of electronic communication under Florida statute 934.03.



Circuit Judge Gregory S. Parker

During the recorded conversation, Tyson allegedly admitted that state agencies were engaged in illegal activities. Burton later posted this recorded conversation on YouTube as evidence of corruption.

Within days of this recording being published, Burton's home was raided, and his computer and other electronic equipment were seized by the FDLE. YouTube deleted Burton's video under orders from a Florida judge. At roughly the same time, Tyson's employment with Senator Dean's office was terminated.

See our previous story: [Whistleblower's home raided by armed FDLE agents.](#)

After multiple attempts, I was able to speak with Tyson by phone. However, upon identifying myself, Tyson immediately hung up and would not answer attempts to reconnect. All attempts to contact Senator Charlie Dean for comment, including two visits to his office in Tallahassee, have been unsuccessful.

There also seems to be a reluctance among circuit court judges to hear the case. The first judge to preside over the Burton case, Circuit Judge Gregory S. Parker, recused himself without officially citing a reason or conflict. I contacted Judge Parker to ask why.

Parker said he recused himself from the case because of an Internet blog comment that he attributed to Burton. Parker said that members of a local tea party group contacted him to alert him of the blog post, which they said was threatening in nature. While Parker said that he did not feel threatened by Burton's comments, he chose to recuse himself to ensure there was no appearance of retaliation for Burton's comments in his ruling.

Parker declined to comment any further about the case.

After Parker recused himself, the case was then assigned to acting Circuit Court Judge Sonny Scaff, who also recused himself from the case without citing a reason. Messages to Judge Scaff's office for comment were not returned.

As of the time of this posting, Dixie County Court Judge Frederick L. Koberlein is assigned to Burton's case. Though Koberlein is a county judge from outside of the jurisdiction in this case, he is an acting judge for the third judicial circuit court of Florida in this matter.

Perhaps the reason that these judges have recused themselves is the appearance that the case against Burton may be part of a larger cover-up, which deep political implications.

At the heart of the issue may be state agencies breaking Florida law, and possibly federal laws, in order to fulfill objectives under UN Agenda 21. Burton has been actively investigating sweetheart land deals throughout Florida that allegedly have connections to Agenda 21, and coercive transfers of resource-rich property from individual citizens to non-governmental organizations, or NGOs.

Burton claims to have made direct connections between Tyson, Sen. Dean, and others to the United Nations group Local Governments for Sustainability (ICLEI) and the implementation of Agenda 21.

Among ICLEI's goals, as stated in their 2010-2015 strategy document, are "Management of global environmental goods: Climate, Biodiversity, Water, Food," and "Sustainability management, land use and development, climate change adaptation and resilience management, procurement."

These actions are to be taken under UN governance, and are intended to do so in direct connection with local governments, in order to circumvent state laws, federal laws and the United States Constitution. Another excerpt from the above document supports this concept: "As we see the increasing inability of governments to address the critical trends, and as we witness the weakening of the global multilateral governance mechanisms, we realize that the onus of effecting rapid transformation of our economies, infrastructures and lifestyles shifts to cities and local governments."

One state government official said under the condition of anonymity that this case is highly irregular, and appears to be "politically motivated."

But if Burton's allegations about the content of these recordings with Ryan Tyson, as well as a variety of other evidence he's collect in the course of his investigations into state government corruption, then prosecutor Skip Jarvis, FDLE Special Agent Eric Daniels, and several other state officials and Judges may be guilty of a third-degree felony under Florida statute 914.23 which governs retaliation against witnesses and informants.

The 1787 Network is continuing our investigation into this developing story.

Affidavits and Statements of Mrs. Stone's abuse and deprivation of care

Rabbi Edwin Farber
הרב איסר פיכל בן אברהם חירש לפסי פרבר

AFFIDAVIT OF RABBI ED FARBER

I, RABBI ED FARBER, being duly sworn, state as follows:

- I have served as the Rabbi of Beth Torah Synagogue in North Miami Beach for 18 years. Prior to my serving as Rabbi, I was the Rabbi at Temple Samu-El Or Olom for 16 years in S. Dade Miami.
- I began visiting Helen Stone in August of 2013. I had met her son and then later her daughter and learned that Mrs. Stone and her family had been part of the Beth Torah congregation I serve for many years prior to my arrival there as the Rabbi.
- I visited Mrs. Stone in her apartment in Aventura frequently which is very nearby my home and my synagogue.
- From the very first visit I had many concerns about her care. At first I wondered why the aides, who knew I was coming, didn't make sure that Mrs. Stone was dressed and comfortable to receive her Rabbi. She was always in pajamas and a type of bathrobe with her hair unkempt and she would apologize to me about her dress.
- I told her it wasn't important and that she should feel comfortable in her own home. But it seemed odd to me that the aides had no concern about how she was dressed even in the middle of the afternoon.
- I observed that Mrs. Stone did not have adequate food in the house and she was painfully thin. I was so concerned that following my visit, I ordered food to be delivered to the house. On subsequent visits, there was never sufficient food.
- I also noted that Mrs. Stone was very unsteady on her feet and as she gave me a tour of the apartment and told me the story of her upbringing in the Deep South and her move to Miami as a young girl I asked her about a walker. She told me she didn't have one. I looked around the apartment and indeed there wasn't one in sight. It was only after I indicated my concern that a few days later two walkers – one with a seat and one without – appeared in the apartment.
- I asked Mrs. Stone if she was getting out on a regular basis and she told me she wasn't. The guardians indicated to me that she was taken out regularly – sometimes to a beauty parlor – and that Mrs. Stone was just forgetful. Yet not one time when I visited her was her hair done so this caused me to wonder what the accurate story was. I discussed all this with her daughter Barbara who was gravely concerned about her mother's care.



- In all my discussions with Mrs. Stone the biggest topic was her daughter. She was upset that she didn't see her daughter more often. She said that was her only really joy anymore as all her friends in the building were gone and Barbara was her best friend.
- Mrs. Stone would talk about how good her daughter was but she lived in NY and didn't have time to visit her that often. I didn't tell her that in fact her daughter was right here in Florida but her visits were restricted. At one point Barbara had been here three straight weeks and was only allowed to see her mother once a week during that stretch of time.
- Mrs. Stone also told me repeatedly that she would like her own lawyer. I did not know how to follow up on that but I did try to keep the court abreast of all that I had noted in my visits.
- One Friday I visited her to wish her a 'Good Shabbos' and she was very happy to see me and gave me the same tour and history lesson. She was very animated and asked about my family and my grandchildren. I told her I had to go to New Jersey for a conference and would see her next week.
- I came back the following Wednesday and when I came in I found Mrs. Stone sitting on the couch unable to lift her head or utter a single sentence. She mumbled some words but they were incomprehensible. She was not sleeping - she was awake but not functioning. I could not believe that the aides had not called a Doctor or 911 as something was clearly very wrong with Mrs. Stone. The woman who was walking me around the apartment 5 days before and giving me a history lesson about her family in the Deep South could not lift her head, focus her eyes or say a sentence. I went to take a video of her to send to the guardians so they would see the situation and the aide called the guardian. I thought it was to alert the guardian to Mrs. Stone's condition. As it turned out it was to alert the guardians to the fact that I was taking a video and I was told to stop or to leave immediately. I stopped, left and composed a text to the guardians alerting them to Mrs. Stone's condition.
- That text was sent on November 6th. I have a copy in my phone. I also alerted Barbara to the situation. It wasn't for another day and 1/2 until Mrs. Stone was hospitalized and was so weak that they had to put a feeding tube in her as she didn't have the strength to swallow. That took nearly 36 hours to hospitalize her is beyond my comprehension. What did she do for food during those 36 hours? I cannot imagine that she was able to swallow in that condition.
- I continued to visit Mrs. Stone in the hospital and in the rehab at Palm Gardens. At that time Barbara was given by the court regular visiting hours every day and that was a great source of happiness to Mrs. Stone.
- Barbara was there during the entire time her visits were allowed. She devoted much time seeing to it that her mother ate and attended the rehab provided by Palm Gardens.
- Several times I visited her in Palm Gardens with Barbara there and the conversations were very animated.
- Mrs. Stone wanted to get out of bed to go to the bathroom but she was told she couldn't and this greatly agitated her. It was the aide hired by the guardians who told her this.
- We have people in our synagogue who help us with visitation of the elderly and the ill. Those visits were not welcome by the guardians and they came to an end rather quickly.
- I asked a few times to be able to talk with Mrs. Stone privately but the aides refused to allow me to do that. I felt that Mrs. Stone might have felt intimidated by the aides presence and wouldn't talk to me in a direct fashion about how she was doing and how she felt.

- Whenever Barbara visited her mother, she was actually "shadowed" by an aide. The aide literally followed her less than 1 foot away. It was bizarre and a brazen intrusion on Mrs. Stone's personal space and greatly impeded her enjoyment of her visits from Barbara.
- After Mrs. Stone left Palm Gardens I was contacted by the guardians and told that I would not be welcome to visit Mrs. Stone anymore and would not be apprised of her location. I was agitating her they said my visits resulted in 'pain' and 'anguish' for Mrs. Stone.
- They of course had never been there during my visits and I can assure you it was anything but that. Mrs. Stone enjoyed my visits and except for the one time she could not even respond which I described above she was always very happy to see me.
- The reason the guardians didn't want me to visit was that they were aware that I was writing to the court about my concerns about the care Mrs. Stone was receiving. I asked them to arrange for another Rabbi to visit but never received a response.
- So here we have them trying to first isolate Mrs. Stone from her daughter and then from me and from anyone who tried to visit her from the synagogue.
- What we have here is an increasing isolation of Mrs. Stone from anyone other than her aides who I can assure you paid little attention to her.
- At the previous hearing, instead of investigating the obvious neglect and abuse of Mrs. Stone and her inexplicable emaciated condition, the hearing was centered around Barbara Stone.
- Further, throughout their oversight of Mrs. Stone, these guardians have ignored Mrs. Stone needs. It was only after I raised concerns about her care that any attention to her needs was provided. She was deprived food. She did not have a walker until I complained.
- Her medications were not posted anywhere in the house yet she had people administering medication without any apparent knowledge of what she was being given. Mrs. Stone appear drugged and over medicated on many occasions.
- It was over 36 hours before she was taken to the hospital when it was obvious she was in severe distress. No, I am not a Doctor, but it doesn't take a Dr. to see that a person is in severe distress. I may not be a Doctor but I was a son for 55 years of my life and if I saw my mother like that I would have dialed 911 in an instant.

The fact that by the time she got to the hospital she needed a feeding tube is an indication that her caregivers and her guardians who were alerted by me to the situation simply allowed her waited months to too long – way too long.


Mrs. Stone should not be isolated, neglected and abused. She needs enrichment, not deprivation and she needs to see her daughter and to have her Rabbi visit her.

[Signature]
Rabbi Ed Farber

STATE OF FL
COUNTY OF DADE

Sworn to and subscribed before me this 11th day of February, 2014 by Rabbi Ed Farber.

[Signature]
NOTARY PUBLIC
KAREN SHOVALI

 KAREN SHOVALI
MY COMMISSION # EE 065503
EXPIRES: March 21, 2015
Bonded Thru Budget History Services

(Printed or typed name of notary public and stamp)

My commission expires: 3-21-15

AFFIDAVIT OF HARRIET COLLIER

I, HARRIET COLLIER, being duly sworn, state as follows:

- I am a Licensed Occupational Therapist with many years of experience in caring for elderly persons. My credentials are attached.
- I was present on June 17, 2013 and June 19, 2013, when Barbara Stone was visiting with her mother, Helen Stone.
- On both visits with Mrs. Stone she told me how happy she was that her daughter Barbara Stone had come to see her. The saddest thing to me was hearing Mrs. Stone mother repeatedly state throughout both visits her desire to have her daughter Barbara stay with her at her apartment during her daughter's visit.
- It was clear that she was happy to see her daughter Barbara and with her daughter's visit, as demonstrated by her saying aloud in front of me and her caregivers, Jackie Hertz on Tuesday and me and Blaire Lapides on Thursday that she wanted Barbara to spend the night. When she asked where her daughter Barbara was staying, she was visibly distressed upon hearing that Barbara would not be staying with her and confused about why not.
- I was surprised at Mrs. Stone's appearance. She was shockingly thin, wearing clothes that were clearly much too large. She, herself, commented numerous times about her lack of appetite and her awareness/concern about her weight loss.
- I think that the current caregivers lack strategies to identify appropriate meals that would increase caloric intake and ensure adequate nutrition.
- Caregivers involved with dementia patients need to have special training to handle the nutritional challenges that accompany dementia.
- Additionally it does not appear her weight is being monitored.
- Mrs. Stone spoke repeatedly throughout both evenings about how "bad" she looked, wearing sweatpants that were rolled at the waist, and underwear that was so big it was falling down. Since her conversation included things like her being raised around fine clothing, how proud she was about the way she dressed herself, how your father dressed, how she dressed her children, and her shopping at high end department stores, I was shocked that she is now being dressed in dull sweat suits, even to go out to dinner with her visiting daughter. She had no makeup or jewelry on, yet our conversation included her proudly telling me that she used to be known as the "earring lady" because of her extensive collection of beautiful earrings.
- Mrs. Stone's hair needed to be washed and styled.
- Mrs. Stone's social isolation saddened me, especially when I heard her say how much she enjoyed having dinner out both nights with her daughter, Barbara Stone, me, and both guardians. She was social in the restaurant, and she clearly enjoyed the conversation and the meal. Throughout dinner and when we returned to her apartment, she repeatedly said how much she enjoyed being out and being involved in such "good conversation."

Exhibit "B"

EXHIBIT 10

My Motion to Disqualify Michael Genden dated April 25, 2015

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT COURT IN MIAMI-DADE
COUNTY, FLORIDA

IN RE: GUARDIANSHIP OF HELEN STONE

CASE NO.: I2-4330 GD 01

**VERIFIED SWORN EMERGENCY PETITION AND AFFIDAVIT FOR
IMMEDIATE DISQUALIFICATION OF JUDGE MICHAEL GENDEN**

COMES NOW Barbara Stone ("Petitioner") and files under information and belief this Verified Emergency Petition and Affidavit for Immediate Disqualification of Judge Michael Genden, pursuant to Fla. Admin P. 2.330 and section 38.10, Florida Statutes, for the following grounds and reasons:

1. Rule 2.330 (a) **Application**. This rule applies only to county and circuit judges in all matters in all divisions of court. Michael Genden is a circuit judge in the 11th Judicial Circuit.
2. Rules 2.330 (b) **Parties**. Any party, including the state, may move to disqualify the trial judge assigned to the case on grounds provided by rule, by statute, or by the Code of Judicial Conduct. Petitioner, a party to the case moves to disqualify trial judge Genden provided by rules, statute and by the Code of Judicial Conduct.
 - a. Genden has violated Canons 1, 2, 3 and 6 as set forth in Exhibit 4 enclosed herein.
 - b. Genden has violated Statutes
 - c. Genden has violated Rules
3. Rules 2.330 (c) **Motion**. A motion to disqualify shall:
 - (1) be in writing.

This Motion is in writing.
 - (2) allege specifically the facts and reasons upon which the movant relies as the grounds for disqualification.

This Motion specifically alleges specific facts and reasons upon which the movant relies as the grounds for disqualification.
 - (3) be sworn to by the party by signing the motion under oath or by a separate affidavit.

Petitioner is acting pro se and has no attorney and therefore Petitioner has sworn to and signed this Motion for Disqualification under oath and before a notary as required by Rule 2.330 (c)

(4) include the dates of all previously granted motions to disqualify filed under this rule in the case and the dates of the orders granting those motions.

There has been no previously granted motions to disqualify in this case filed under Rule 2.330

(4) The attorney for the party shall also separately certify that the motion and the client's statements are made in good faith. In addition to filing with the clerk, the movant shall immediately serve a copy of the motion on the subject judge as set forth in Florida Rule of

4. Rule 2.330 (d) **Grounds.** A motion to disqualify shall show:

(1) that the party fears that he or she will not receive a fair trial or hearing because of specifically described prejudice or bias of the judge.

That Petitioner fears that she will not receive a fair trial or hearing because of the following specifically described prejudice or bias of Judge Genden under Rule 2.330

(d) including but not limited to:

- i. A member of the Florida Bar 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 (Exhibit 1). This threatening phone-call not only extorted the threatened Florida Bar member but it also viciously retaliated against Petitioner 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 Petitioner 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 Judge Genden's actions. The threatened member

of the Florida Bar thought it was outrageous that Petitioner could not see her own mother. 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.

- ii. The allegations against Michael Genden contained in the attached criminal complaint (Exhibit 2) Petitioner has filed against Michael Genden with law enforcement creates bias and prejudice against Petitioner and causes an appearance of impropriety and deny due process and procedure, impeding fair and impartial adjudication by Judge Genden as he is the alleged perpetrator of the criminal acts. Included in that Petition are allegations that Michael Genden is involved in human trafficking, crimes against humanity, theft of the estate assets of Helen Stone and money laundering of such stolen assets.
- iii. The allegations against Michael Genden contained in the whistleblower action filed with Florida Supreme Court Judges and others (Exhibit 3) by Petitioner who is an attorney and a member of the Florida Bar acting as an attorney whistleblower has exposed the corruption and criminal activity in Michael Genden's court. The criminal acts and ethical violations alleged against Michael Genden in the whistleblower complaint create bias and prejudice against Petitioner and cause an appearance of impropriety and deny due process and procedure and impede fair and impartial adjudication by Judge Genden.
- iv. The allegations against Michael Genden contained in the attached letter filed by Petitioner with the Judicial Qualifications Commission complaining of criminal acts and breach of judicial canons and ethics by Michael Genden including the issuance of an unlawful Rule to show cause and Order to show cause unlawfully issued on the basis of fraudulent Petitions (Exhibit 4) creates bias and prejudice against Petitioner and cause an appearance of impropriety and deny due process and procedure and impede

fair and impartial adjudication by Judge Genden. The reasons the Rule to show cause and Order to show cause are unlawful, retaliatory, without merit and issued on the basis of fraud and perjury are set forth in Paragraph A. 2. of the attached complaint against Michael Genden filed with the Judicial Qualifications Commission.

- v. Michael Genden is acting outside his jurisdiction and his orders are void and must be stricken. Michael Genden is a disqualified judge who has not relinquished his unlawful jurisdiction.
- vi. Michael Genden has a personal interest to be adverse to Petitioner because Petitioner has filed a criminal and other complaints against Michael Genden.
- vii. Petitioner has been viciously retaliated by Michael Genden retaliates against Petitioner by denying her access to his corrupt court in one manner or another and removing another of her rights.
- viii. Michael Genden has repeatedly retaliated against Petitioner and shown favoritism against her. Michael Genden has never ruled once in her favor in any Petitions filed by her or the “guardians” in his Court.
- ix. Michael Genden is an accomplice to aggravated abuse and massive financial fraud of an elderly person.
- x. A prior Federal Lawsuit was filed against Michael Genden and another Federal lawsuit is pending filing immediately which both have Michael Genden as a defendant. This creates adversity and conflict between Petitioner and Judge Genden and impedes impartiality and precludes Michael Genden from acting as Judge. It is unknown if Michael Genden reported these liabilities as he is required to do acting in his judicial role to all and any liability companies and bonding companies. It appears he has not reported these liabilities as an insurance company and/or bonding company would likely not allow him to continue to act as a judge in this matter and would have removed him from the bench in this matter.

(2) That the judge before whom the case is pending, or some person related to said judge by consanguinity or affinity within the third degree, is a party thereto or is interested in the result thereof, or that said judge is related to an attorney or counselor of record in the cause by consanguinity or affinity within the third degree, or that said judge is a material witness for or against one of the parties to the cause.

Judge Genden is and will be a material witness for Petitioner in this case regarding the allegations in the criminal complaint relating to this case.

5. **Rule 2.330 (e) Time.** A motion to disqualify shall be filed within a reasonable time not to exceed 10 days after discovery of the facts constituting the grounds for the motion and shall be promptly presented to the court for an immediate ruling. Any motion for disqualification made during a hearing or trial must be based on facts discovered during the hearing or trial and may be stated on the record, provided that it is also promptly reduced to writing in compliance with subdivision (c) and promptly filed. A motion made during hearing or trial shall be ruled on immediately.

This Motion is being made within 10 days from Petitioner's receipt of the affidavit from the Florida Bar member described in Paragraph 4 (1) i above.

This Motion is being made within 10 days from Petitioner's receipt of the "Rule to show cause" and "Order to show cause" described Paragraph 4 (1) iv and Exhibit 4, the letter to the Judicial Qualifications Commission.

Both of the foregoing are grounds for Judge Genden's disqualifications as described herein and in the attachments to this Motion.

6. (f) **Determination** — Initial Motion. The judge against whom an initial motion to disqualify under subdivision (d)(1) is directed shall determine only the legal sufficiency of the motion and shall not pass on the truth of the facts alleged. If the motion is legally sufficient, the judge shall immediately enter an order granting disqualification and proceed no further in the action. If any

motion is legally insufficient, an order denying the motion shall immediately be entered. No other reason for denial shall be stated, and an order of denial shall not take issue with the motion.

Petitioner states that the Motion is legally sufficient under Rule 2.330.

7. (g) **Determination — Successive Motions.** If a judge has been previously disqualified on motion for alleged prejudice or partiality under subdivision (d)(1), a successor judge shall not be disqualified based on a successive motion by the same party unless the successor judge rules that he or she is in fact not fair or impartial in the case. Such a successor judge may rule on the truth of the facts alleged in support of the motion.

Petitioner states there have been no Successive Motions.

8. (h) **Prior Rulings.** Prior factual or legal rulings by a disqualified judge may be reconsidered and vacated or amended by a successor judge based upon a motion for reconsideration, which must be filed within 20 days of the order of disqualification, unless good cause is shown for a delay in moving for reconsideration or other grounds for reconsideration exist.

Petitioner seeks that upon disqualification of Judge Genden, that all prior factual or legal ruling be vacated by the successor judge due to the alleged criminal acts and civil torts against Petitioner and her mother.

9. (i) Judge's **Initiative.** Nothing in this rule limits the judge's authority to enter an order of disqualification on the judge's own initiative.

Petitioner states that Judge Genden should have already entered an order of disqualification on his own initiative according to Judicial Canons, Statutes and Rules when he became aware that disqualification was mandated of him but refused to do so on the repeated requests of Petitioner. If for any reason Judge Genden finds this Motion legally insufficient for any reason, Judge Genden must disqualify himself on his own initiative as set forth under this rule 2.330 (i).

10. (j) **Time for Determination.** The judge shall rule on a motion to disqualify immediately, but no later than 30 days after the service of the motion as set forth in subdivision (c). If not ruled on within 30 days of service, the motion shall be deemed granted and the moving party may seek an order from the court directing the clerk to reassign the case.

Petitioner demands due to the EMERGENCY NATURE of this case where claims have been made that Petitioner's mother is in life threatening condition due to the abusive Guardianship that this Disqualification be made instantly as it is legally sufficient. Delays could cause the death of Petitioner's mother which would result in charges of Murder against those complained of in the attached Exhibits.

11. Florida Statutes 38.10 - Disqualification of judge for prejudice; application; affidavits; etc.—Whenever a party to any action or proceeding makes and files an affidavit stating fear that he or she will not receive a fair trial in the court where the suit is pending on account of the prejudice of the judge of that court against the applicant or in favor of the adverse party, the judge shall proceed no further, but another judge shall be designated in the manner prescribed by the laws of this state for the substitution of judges for the trial of causes in which the presiding judge is disqualified. Every such affidavit shall state the facts and the reasons for the belief that any such bias or prejudice exists and shall be accompanied by a certificate of counsel of record that such affidavit and application are made in good faith.

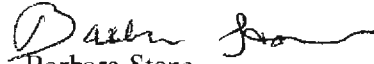
Petitioner has supplied a legally sufficient Affidavit herein.

WHEREFORE, the Petitioner requests that Judge Genden immediately disqualify as this is a legally sufficient pleading.

Under Penalties of perjury, I swear under oath and affirm that I have read the foregoing and the facts alleged are made in good faith and are true to the best of my knowledge and belief.

Dated this 25th day of April, 2015

Respectfully Submitted,


Barbara Stone

244 Fifth Avenue – B296

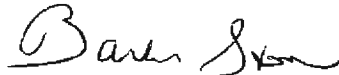
New York, NY 10001

Telephone. 212.994.5482 Fax: 212.994.5481

bstone575@gmail.com

CERTIFICATE OF SERVICE

Petitioner does hereby certify that the foregoing Petition was served on all parties by e-file with the clerk of the court this 25th day of April, 2015.



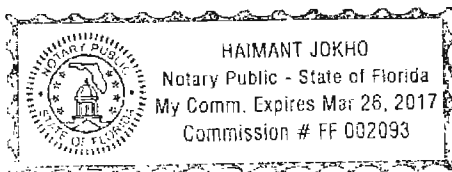
Barbara Stone

STATE OF FLORIDA

COUNTY OF BROWARD

Sworn to or affirmed and subscribed before me this 25th day of April, 2015 by Barbara Stone who is known to me or produced the following identification. FL DC

NOTARY PUBLIC



Print name of Notary: Haimant Jokho

Stamp

My commission expires: 26 March 2017

AFFIDAVIT

Affiant, Barbara Stone hereby states under oath that the attached Verified Emergency Petition and Affidavit for Immediate Disqualification of Judge Michael Genden is true and correct to the best of her knowledge and belief



Barbara Stone

April 25, 2015

STATE OF FLORIDA

COUNTY OF BROWARD

Sworn to or affirmed and subscribed before me this 25th day of April, 2015 by Barbara Stone who is known to me or produced the following identification FL DL

Notary Public

Print name: Haimant Jokho

Stamp

My commission expires: 26 March 2017

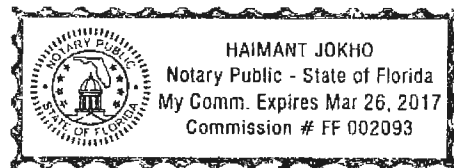


EXHIBIT 11

**My response to Fred Glickman's unlawful Petition
to Charge my mother for his racketeer fees against me**

IN THE ELEVENTH JUDICIAL CIRCUIT COURT IN MIAMI-DADE COUNTY, FLORIDA
PROBATE DIVISION

CASE NO: 12-4330

IN RE: GUARDIANSHIP OF HELEN STONE

RESPONSE TO FRED GLICKMAN'S PETITION FOR FEES AND CHARGING LIEN,
MOTION TO STRIKE NOTICE OF HEARING
AND MOTION TO DISMISS

The Petitioner, Barbara Stone hereby files her response to Fred Glickman's Petition for fees and charging lien, Motion to strike Notice of Hearing and Motion to Dismiss and states as follows:

1. Fred Glickman ("Glickman") improperly scheduled a hearing on April 30 to extort fees from Petitioner without clearing this date with her or obtaining her availability. A notice of unavailability is attached.
2. This Court does not have jurisdiction. Glickman's suit to extort legal fees against Petitioner is a civil matter between Petitioner and Glickman. Glickman is not the attorney for Mrs. Stone nor does he represent the guardian. Florida Statutes 744 which provides for the reimbursement of legal fees to a prevailing party who benefits the ward inures to the benefit of Petitioner, not to the benefit of Glickman.
3. A motion seeking to impose a charging lien requires an evidentiary hearing. In order to be entitled to a charging lien, the attorney must adduce evidence that the services he performed contributed to the client's receipt of the fruits to which the attorney seeks to attach that charging lien. See *Richman Greer Weil Brumbaugh Mirabito & Christensen, P.A. v. Michael Chernak, Kathleen Chernak and the Watershed Treatment Programs, Inc., f/k/a The Watershed-Act II, Inc., a Florida corporation* 991 So. 2d 875 (4th DCA Fla 2008) and *Sinclair, Louis, Siegel, Heath, Nussbaum & Zavertrnik P.A. v. Phillip E. Baucom*, 428 So.2d 1383. In the absence of that evidence, the charging lien must be denied.
4. Glickman's notice of hearing omitted any reference to an evidentiary hearing. See *Christian Herranz, v. Roberto Siam* 2 So.3d 1105 (3rd DCA, Fla 2009) which holds that a notice of hearing which fails to specify that evidence is to be taken at the hearing precludes the introduction of evidence at the hearing. U.S.C.A. Const.Amend. 14; West's F.S.A. RCP Rule 1.150. Since a charging lien hearing requires the movant to adduce supporting evidence, Glickman's failure to specify in the notice of hearing that an evidentiary hearing is being scheduled bars any determination of entitlement to a charging lien at that scheduled hearing.
5. Even if Glickman would have noticed the matter for an evidentiary hearing, he would in any event have had no right to a charging lien because his so-called services did not contribute to the alleged "fruits" upon which he seeks to attach his lien. Furthermore, his motion impermissibly seeks now to attach the lien to an inheritance, despite the fact that his earlier notice of charging lien sought instead to attach the lien to the proceeds of the guardianship, an entirely different matter. See *Richman Greer Weil Brumbaugh Mirabito & Christensen, P.A. v. Michael Chernak, Kathleen Chernak and the Watershed Treatment Programs, Inc., f/k/a The Watershed-Act II, Inc., a Florida corporation* 991 So. 2d 875 (4th DCA Fla 2008) wherein the court held the services provided by an attorney must

produce a positive judgment or settlement for the client, since the lien will only attach to the tangible fruits of the service. See also *Sinclair, Louis, Siegel, Heath, Nussbaum & Zavertnik P.A. v. Phillip E. Baucom*, 428 So.2d 1383 (Fla 1983).

6. Fred Glickman has no right to fees on fees. See *Mediplex Construction of Florida, Inc v Jerome Schaub*, 856 So.2d 13 (4th DCA 2003) which held that plaintiffs were not entitled to attorney fees for time spent litigating claim for attorney fees. The contract upon which his claim is based does not authorize fees for litigating a claim for fees. He drafted the contract and therefore the contract should be construed strictly against him in that regard. See also *Eisman v. Ross*, 664 So2d 1128 (Fla 3d DCA 1995).
7. Fred Glickman's petition to extort fees from Petitioner should have already been dismissed at the time Fred Glickman failed to show up for his own previously scheduled fee hearing. Further, Fred Glickman should pay the legal fees Petitioner's mother was extorted and forced to pay to Roy Lustig.
8. Petitioner seeks legal fees, court costs and other sanctions against Fred Glickman.

WHEREFORE, the Petitioner requests the dismissal of Fred Glickman's petition, legal fees and sanctions against Fred Glickman.



Barbara Stone

I HEREBY CERTIFY that a true and correct copy of the foregoing was sent via email on April 25, 2014 to Mark Raymond at mraymond@broadandcassel.com and Roy Lustig at roy@rlustig-law.com



Barbara Stone

Cc: American Civil Liberties Union

EXHIBIT 12

VOID ORDERS

VOID ORDERS

The orders entered by Michael Genden are null and void and of no force and effect as they are procured by fraud, without jurisdiction, result of unlawful rulings, are unconstitutional and violate due process and obstruct justice.

A. Fraud on the Court:

An order is void if it was procured by fraud upon the court,” In re Village of Willowbrook, 37 Ill. App. 3D 393(1962)

A void judgment is one that has been procured by extrinsic or collateral fraud, or entered by court that did not have jurisdiction over subject matter or the parties, Rook v. Rook, 353 S.E. 2d 756 (Va. 1987).

A void judgment which includes judgment entered by a court which lacks jurisdiction over the parties or the subject matter, or lacks inherent power to enter the particular judgment, or an order procured by fraud, can be attacked at any time, in any court, either directly or collaterally, provided that the party is properly before the court. See Long v. Shorebank Development Corp., 182 F.3d 548 (C.A. 7 Ill. 1999)

B. Void Judgment is a nullity:

A void judgment is one which, from its inception, was a complete nullity and without legal effect. See Lubben v. Selective Service System Local Bd. No. 27, 453 F.2d 645, 14 A.L.R. Fed. 298 (C.A. 1 Mass. 1972)

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A void judgment is one which, from its inception, is and forever continues to be absolutely null, without legal efficacy, ineffectual to bind the parties or to support a right, of no legal force and effect whatever, and incapable of enforcement in any manner or to any degree. Loyd v. Director, Dept. of Public Safety, 480 So.2d 577 (Ala.Civ.App. 1985). A judgment shown by evidence to be invalid for want of jurisdiction is a void judgment or at all events has all attributes of a void judgment, City of Los Angeles v. Morgan, 234 P.2d 319 (Cal.App. 2 Dist. 1951).

Void judgment which is subject to collateral attack, is simulated judgment devoid of any potency because of jurisdictional defects, Ward. v. Terriere, 386 P.2d 352 (Colo. 1963). A void judgment is a simulated judgment devoid of any potency because of jurisdictional defects only, in the court rendering it and defect of jurisdiction may relate to a party or parties, the subject matter, the cause of action, the question to be determined, or relief to be granted, Davidson Chevrolet, Inc. v. City and County of Denver, 330 P.2d 1116, certiorari denied 79 S.Ct. 609, [359 U.S. 926](#), 3 L.Ed. 2d 629 (Colo. 1958).

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Title 5, US Code Sec. 556(d), Sec. 557, Sec.706: Courts lose jurisdiction if they do not follow Due Process.

An order that exceeds the jurisdiction of the court is void, and can be attacked in any proceeding in any court where the validity of the judgment comes into issue. (See *Rose v. Himely* (1808) 4 Cranch 241, 2 L ed 608; *Pennoyer v. Neff* (1877) 95 US 714, 24 L ed 565; *Thompson v. Whitman* (1873) 18 Wall 457, 21 L ed 897; *Windsor v. McVeigh* (1876) 93 US 274, 23 L ed 914; *McDonald v. Mabee* (1917) 243 US 90, 37 Sct 343, 61 L ed 608.

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D. Void judgments do not have to be declared void by a judge

A **void** order is an order issued without jurisdiction by a judge and is **void ab initio** and does not have to be declared **void** by a judge to be **void**. Only an inspection of the record of the case showing that the judge was without jurisdiction or *violated a person's due process rights*, or *where fraud was involved in the attempted procurement of jurisdiction*, is sufficient for an order to be **void**. ***Potenz Corp. v. Petrozzini***, 170 Ill. App. 3d 617, 525 N.E. 2d 173, 175 (1988). In instances herein, the law has stated that the orders are **void ab initio** and not voidable because they are already **void**.

A **void order is void ab initio and does not have to be declared void by a judge**. The law is established by the U.S. Supreme Court in ***Valley v. Northern Fire & Marine Ins. Co.***, 254 U.S. 348, 41 S. Ct. 116 (1920) as well as other state courts, e.g. by the Illinois Supreme Court in ***People v. Miller***. A party may have a court vacate a **void** order, but the **void** order is still **void ab initio**, whether vacated or not; a piece of paper does not determine whether an order is **void**, it just memorializes it, makes it legally binding and voids out all previous orders returning the case to the date prior to action leading to void ab initio.

This principle of law was stated by the U.S. Supreme Court as "Courts are constituted by authority and they cannot go beyond that power delegated to them. If they act beyond that authority, and certainly in contravention of it, their judgments and orders are regarded as nullities. They are not voidable, but simply **VOID, AND THIS IS EVEN PRIOR TO REVERSAL** ." [Emphasis added]. ***Valley v. Northern Fire and Marine Ins. Co.***, 254 U.S. 348, 41 S. Ct. 116 (1920). See also ***Old Wayne Mut. I. Assoc. v. McDonough***, 204 U.S. 8, 27 S.Ct. 236 (1907); ***Williamson v. Berry***, 8 How. 495, 540, 12 L. Ed. 1170, 1189, (1850); ***Rose v. Himely***, 4 Cranch 241, 269, 2 L.Ed. 608, 617 (1808).

Pursuant to the **Valley** court decision, a **void** order does not have to be reversed by any court to be a **void** order. **Courts have also held that, since a void order is not a final order, but is in effect no order at all, it cannot even be appealed. Courts have held that a void decision is not in essence a decision at all, and never becomes final. Consistent with this holding, in 1991, the U.S. Supreme Court stated that, "Since such jurisdictional defect deprives not only the initial court but also the appellate court of its power over the case or controversy, to permit the appellate court to ignore it. ...[Would be an] unlawful action by the appellate court itself."** *Freytag v. Commissioner*, 501 U.S. 868 (1991); *Miller*, supra. Following the same

principle, it would be an unlawful action for a court to rely on an order issued by a judge who did not have subject-matter jurisdiction and therefore the order he issued was **Void ab initio**.

A **void** order has no legal force or effect. As one court stated, a **void** order is equivalent to a blank piece of paper.

A void judgment is not entitled to the respect accorded a valid adjudication, but may be entirely disregarded, or declared inoperative by any tribunal in which effect is sought to be given to it. It is attended by none of the consequences of a valid adjudication. It has no legal or binding force or efficacy for any purpose or at any place. ... It is not entitled to enforcement ... All proceedings founded on the void judgment are themselves regarded as invalid. 30A Am Jur Judgments " 44, 45.

D. Void In Violation of Due Process

Due Process is a requirement of the U.S. Constitution. Violation of the United States Constitution by a judge deprives that person from acting as a judge under the law. He/She is acting as a private person, and not in the capacity of being a judge (and, therefore, has no jurisdiction). The United States Supreme Court, in Twining v. New Jersey, 211 U.S. 78, 29 S.Ct. 14, 24, (1908), stated that "Due Process requires that the court which assumes to determine the rights of parties shall have jurisdiction."; citing Old Wayne Mut. Life Assoc. V. McDonough, 204 U. S. 8, 27 S. Ct. 236 (1907); Scott v McNeal, 154 U.S. 34, 14, S. Ct. 1108 (1894); Pennoyer v. Neff, 95 U.S. 714, 733 (1877).

Judgment is a void judgment if court that rendered judgment lacked jurisdiction of the subject matter, or of the parties, or acted in a manner inconsistent with due process, Fed Rules Civ. Proc., Rule 60(b)(4), 28 U.S.C.A.; U.S.C.A. Const Amend. 5. Klugh v. U.S., 620 F.Supp. 892 (D.S.C. 1985).

E. Void in Violation of Right to be Heard

It is a fundamental doctrine of law that a party to be affected by a personal judgment must have his day in court, and an opportunity to be heard. *Renaud v. Abbott*, 116 US 277, 29 L Ed 629, 6 S Ct 1194. Every person is entitled to an opportunity to be heard in a court of law upon every question involving his rights or interests, before he is affected by any judicial decision on the question. *Earle v McVeigh*, 91 US 503, 23 L Ed 398.

A judgment of a court without hearing the party or giving him an opportunity to be heard is not a judicial determination of his rights. *Sabariego v Maverick*, 124 US 261, 31 L Ed 430, 8 S Ct 461, and is not entitled to respect in any other tribunal.

"A void judgment does not create any binding obligation. Federal decisions addressing void state court judgments include *Kalb v. Feuerstein* (1940) 308 US 433, 60 S Ct 343, 84 L ed 370; *Ex parte Rowland* (1882) 104 U.S. 604, 26 L.Ed. 861: "A judgment which is void upon its face, and which requires only an inspection of the judgment roll to demonstrate its want of vitality is a dead limb upon the judicial tree, which should be lopped off, if the power to do so exists."

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"Officers of the court have no immunity, when violating a Constitutional right, from liability. For they are deemed to know the law." -- Owen v. Independence, 100 S.C.T. 1398, 445 US 622; Scheuer v. Rhodes, 416 U.S. 232.

A Judge has no lawful authority to issue any order which violates the Supreme Law of the Land.

The First Amendment to the U.S. Constitution states that all entities have the mandatory right of an adequate, complete, effective, fair, full meaningful and timely access to the court.

The First and the Fourteenth Amendment to the U.S. Constitution guarantees the right of association.

The Fifth and Fourteenth Amendment guarantees Due Process and Equal Protection to all. *"No state shall deprive any person of life, liberty or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."* *United States Constitutional Amendment XIV and adopted by State of Indiana Constitution.*

"Choices about marriage, family life, and upbringing of children are among associational rights ranked as of basic importance in our society, rights sheltered by the Fourteenth Amendment against State's unwarranted usurpation, disregard, or disrespect. U.S.C.A. Constitutional Amendment 14.

A judgment may not be rendered in violation of constitutional protections. The validity of a judgment may be affected by a failure to give the constitutionally required due process notice and an opportunity to be heard. *Earle v. McVeigh*, 91 US 503, 23 L Ed 398. See also Restatements, Judgments ' 4(b). *Prather v Loyd*, 86 Idaho 45, 382 P2d 910. The limitations inherent in the requirements of due process and equal protection of the law extend to judicial as well as political branches of government, so that a judgment may not be rendered in violation of those constitutional limitations and guarantees. *Hanson v Denckla*, 357 US 235, 2 L Ed 2d 1283, 78 S Ct 1228.

G. Void Orders Can Be Attacked At Any Time

An order that exceeds the jurisdiction of the court, is void, or voidable, and can be attacked in any proceeding in any court where the validity of the judgment comes into issue. (See *Rose v. Himely* (1808) 4 Cranch 241, 2 L ed 608; *Pennoyer v. Neff* (1877) 95 US 714, 24 L ed 565; *Thompson v. Whitman* (1873) 18 Wall 457, 21 L Ed 897; *Windsor v. McVeigh* (1876) 93 US 274, 23 L ed 914; *McDonald v. Mabee* (1917) 243 US 90, 37 Sct 343, 61 L ed 608. *U.S. v. Holtzman*, 762 F.2d 720 (9th Cir. 1985) ("Portion of judgment directing defendant not to import vehicles without first obtaining approval ... was not appropriately limited in duration and, thus, district court abused its discretion by not vacating it as being prospectively inequitable." Id at 722.)

H. Abetting a Void Order is a crime Against the State

The state Supreme Courts have held that those who aid, abet, advise, act upon and execute the order of a judge who acts without jurisdiction are equally guilty. They are equally guilty of a crime against the U.S. Government.

EXHIBIT 5

Void Orders

VOID ORDERS

The orders entered are null and void and of no force and effect as they are procured by fraud, without jurisdiction, result of unlawful rulings, are unconstitutional and violate due process and obstruct justice.

A. Fraud on the Court:

An order is void if it was procured by fraud upon the court,” In re Village of Willowbrook, 37 Ill. App. 3D 393(1962)

A void judgment is one that has been procured by extrinsic or collateral fraud, or entered by court that did not have jurisdiction over subject matter or the parties, Rook v. Rook, 353 S.E. 2d 756 (Va. 1987).

A void judgment which includes judgment entered by a court which lacks jurisdiction over the parties or the subject matter, or lacks inherent power to enter the particular judgment, or an order procured by fraud, can be attacked at any time, in any court, either directly or collaterally, provided that the party is properly before the court. See Long v. Shorebank Development Corp., 182 F.3d 548 (C.A. 7 Ill. 1999)

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The Fifth and Fourteenth Amendment guarantees Due Process and Equal Protection to all. *"No state shall deprive any person of life, liberty or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."* United States Constitutional Amendment XIV and adopted by State of Indiana Constitution.

"Choices about marriage, family life, and upbringing of children are among associational rights ranked as of basic importance in our society, rights sheltered by the Fourteenth Amendment against State's unwarranted usurpation, disregard, or disrespect. U.S.C.A. Constitutional Amendment 14.

A judgment may not be rendered in violation of constitutional protections. The validity of a judgment may be affected by a failure to give the constitutionally required due process notice and an opportunity to be heard. *Earle v. McVeigh*, 91 US 503, 23 L Ed 398. See also Restatements, Judgments ' 4(b). *Prather v Loyd*, 86 Idaho 45, 382 P2d 910. The limitations inherent in the requirements of due process and equal protection of the law extend to judicial as well as political branches of government, so that a judgment may not be rendered in violation of those constitutional limitations and guarantees. *Hanson v Denckla*, 357 US 235, 2 L Ed 2d 1283, 78 S Ct 1228.

G. Void Orders Can Be Attacked At Any Time

An order that exceeds the jurisdiction of the court, is void, or voidable, and can be attacked in any proceeding in any court where the validity of the judgment comes into issue. (See *Rose v. Himely* (1808) 4 Cranch 241, 2 L ed 608; *Pennoyer v. Neff* (1877) 95 US 714, 24 L ed 565; *Thompson v. Whitman* (1873) 18 Wall 457, 21 L Ed 897; *Windsor v. McVeigh* (1876) 93 US 274, 23 L ed 914; *McDonald v. Mabee* (1917) 243 US 90, 37 Sct 343, 61 L ed 608. *U.S. v. Holtzman*, 762 F.2d 720 (9th Cir. 1985) ("Portion of judgment directing defendant not to import vehicles without first obtaining approval ... was not appropriately limited in duration and, thus, district court abused its discretion by not vacating it as being prospectively inequitable." Id at 722.)

H. Abetting a Void Order is a crime Against the State

The state Supreme Courts have held that those who aid, abet, advise, act upon and execute the order of a judge who acts without jurisdiction are equally guilty. They are equally guilty of a crime against the U.S. Government.