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IN THE CIRCUIT COURT OF THE
SEVENTEENTH JUDICIAL CIRCUIT
IN AND FOR BROWARD COUNTY

CASE NO.: CACE 15-6431

BARBARA STONE,
Plaintiff,

-vs-

JACQUELINE HERTZ,
Individually and in Any
Official Capacity, BLAIRE
LAPIDES, Individually and
in Any Official Capacity,
ROY LUSTIG, Individually
and in Any Official
Capacity. ANGEL CARE
MANAGEMENT, A Florida
Corporation, ALAN STONE,
Individually and in Any
Official Capacity, EDDIE
BURZINSKI, Individually
and In Any Official
Capacity, REGENTS PARK, a
Nursing Facility,
Defendants.

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HEARING RE: Motion

- - -

The above-entitled cause came on for
Hearing before the HONORABLE JUDGE SANDRA PEARLMAN, at
the Broward County Courthouse, 201 Southeast 6th Street,
Room 940, Fort Lauderdale, Florida, on April 21, 2015,
scheduled for 3:30, commencing at 3:50 p.m. to time p.m.

1 APPEARANCES:

2 On Behalf of the Plaintiff:
3 BARBARA STONE, ESQUIRE
4 Pro Se

5 On Behalf of the Defendants:
6 ROY R. LUSTIG, ESQUIRE
7 LAW OFFICES OF ROY R. LUSTIG, P.A.
8 28 West Flagler Street
9 Suite 710
10 Miami, Florida 33130
11 (305) 371-4213

12 ALSO PRESENT: Blaire Lapides, Eliot Ivan Bernstein,
13 Dr. Robert Sarhan

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1 (The following proceedings were had:)

2 THE COURT: All right. This is Barbara Stone
3 versus --

4 MS. STONE: Yes, Your Honor.

5 THE COURT: -- Jacqueline Hertz. And we're on
6 the record for this. Yes? Okay. Do all the
7 parties want to identify themselves for the record,
8 please.

9 Actually, maybe we should take -- I thought
10 that was going to be quicker. I apologize. Let me
11 take this one more, as you're going to be a little
12 while. Is your other side here?

13 (A discussion was held off the record.)

14 (A recess was taken.)

15 THE COURT: All right. Okay. Back again.
16 Sorry. We're here on Barbara Stone v. Jacqueline
17 Hertz. Does everybody want to identify themselves
18 for the record, please.

19 MS. STONE: Barbara Stone, Your Honor.

20 MR. BERNSTEIN: Eliot Bernstein, Your Honor.

21 DR. SARHAN: Dr. Robert Sarhan.

22 MR. LUSTIG: Your Honor, Roy Lustig on behalf
23 of Jacqueline Hertz, Blaire Lapidés, and myself,
24 pro se. To my left is -- is Blaire Lapidés, one of
25 the defendants and co-guardian of the person and

1 property of Helen Stone.

2 MS. STONE: Your Honor, may I just make an
3 opening statement, please?

4 THE COURT: Sure.

5 MS. STONE: Okay. Okay. Um, Your Honor, I'd
6 like to state for the record that I think it is
7 utterly inappropriate for Roy Lustig to be present
8 at this hearing, and there's a number of reasons.
9 There're several very big problems.

10 I filed with this Court an affidavit from an
11 attorney that was going to be representing my
12 mother. And at the last hearing, she got a phone
13 call from someone purporting to be Michael Genden,
14 the judge in the probate court, who threatened her
15 and told her that she could not be -- she said, "I
16 was in contact with Barbara Stone, who informed me
17 that there was a hearing on another date." And on
18 April 8th, outside of the court, she spoke with an
19 attorney, Roy Lustig, who stated that I should not
20 represent Helen Stone. The person identified
21 themselves on the phone as Judge Genden, stating
22 that he heard that she had a hearing in front of
23 another judge earlier and that she had no right to
24 file anything and that she should have known
25 better.

1 She explained that she didn't file anything.
2 And then he proceeded to state that he was going to
3 file a Bar complaint against the attorney. He
4 informed -- he informed the attorney that I was
5 wearing an ankle bracelet, and he alleged that I --
6 that she was doing wrongdoing. And she responded
7 that she thought it was pretty outrageous that I,
8 meaning me, Barbara Stone, was not allowed to see
9 my own mother because of a guardianship in which
10 there's been criminal allegations made by me
11 against Roy Lustig, Blaire Lapidés, Alan Stone,
12 Michael Genden, and Jacqueline Hertz. So there's
13 been a formal criminal complaint filed against
14 these people for abuse, retaliation, terror,
15 torture, and other crimes against humanity against
16 my mother.

17 So to continue with her affidavit, she said
18 that she was amaze -- she said -- she said that at
19 -- she emphasized that, at Mrs. Stone's age, it was
20 wrong for her to be removed from her mother when
21 her mother was so sick and possibly dying. She
22 goes on to say in the affidavit, "I stated I was
23 amazed that in the two-hour timeframe from the time
24 the hearing ended and this conversation began, Roy
25 Lustig called him about the Broward hearing."

1 The person at the end of the line, who stated
2 that he was Michael Genden, said, "Yes, it's
3 important that he be informed of this matter." And
4 he said that it was acceptable because he needed to
5 know everything that was happening in one of his
6 cases. However, it's a Bar canon violation for
7 there to be an independent investigation by any
8 judge as to the matter that's before their court.

9 She felt threatened by the judge's actions and
10 felt that both Roy Lustig and the judge's ex parte
11 communication was inappropriate, if that was the
12 judge on the other end of the phone. And she also
13 said, in the alternative, she thought that perhaps
14 Roy Lustig had someone impersonate the judge to
15 scare her off the case, which is also outrageous
16 and a violation of the Florida Bar rules. And I'd
17 like to just enter this in evidence, if --

18 MR. LUSTIG: Objection, Your Honor, please.

19 MS. STONE: Excuse me. I'm -- I'm -- I'm not
20 finished.

21 THE COURT: One at a time. This is --

22 MR. LUSTIG: This is part of her pleadings
23 already.

24 THE COURT: Right. It's part of your
25 pleadings.

1 MS. STONE: Except that -- except that it goes
2 to the heart of him being present because I filed
3 for a temporary restraining order, which we have
4 before this Court. And he's made a threat to the
5 attorney for my mother. And he's retaliating
6 against me because I filed a whistleblower action
7 with the -- against the Florida Bar; against Roy
8 Lustig; against these parties, these other parties,
9 Blaire Lapidés and Jacqueline Hertz, being
10 designated by officers of the Court; Michael
11 Genden, who's also a member of the Florida Bar. I
12 filed a complaint with the Supreme Court and all of
13 the Supreme Court judges that I am a whistleblower
14 against criminal activity, against violation of
15 ethics, violation of canons. Therefore, I'm being
16 retaliated against and it's inappropriate.

17 It's also inappropriate because Florida Bar
18 rules prohibit somebody who's going to be a
19 material witness to a case to appear as an
20 attorney. So he's not only violated criminal
21 rules. He's -- he's violated Florida Bar rules and
22 he's violated canons of the -- of the Florida Bar.

23 THE COURT: And who is the legal guardian
24 right now of your mother?

25 MS. STONE: The guardians for -- the guardians

1 for my mother, against whom I filed criminal
2 complaints, is this woman right here, Blaire
3 Lapidés, and Jacqueline Hertz. And, again, my
4 mother's been admitted to the hospital.

5 THE COURT: How did -- how did Ms. Lapidés and
6 Ms. Hertz become official -- official capacity or
7 guardian for your mother?

8 MS. STONE: Okay. I -- I -- may I just ask
9 Your Honor a question? Because I -- I -- I feel
10 that it's inappropriate, particularly since he's
11 going to be a material witness to anything that
12 comes up in this matter, for him to be present;
13 especially since I filed for a restraining order
14 for the protection of my mother, who's getting
15 caught in the crossfires [sic]. And it's -- and my
16 mother's wellbeing and safety should be --

17 THE COURT: The problem is --

18 MS. STONE: -- the first consideration.

19 THE COURT: -- he's being sued. So he's a
20 defendant in the case, according to your complaint.
21 I can't forbid him from being in the courtroom.

22 MS. STONE: Well, I think that that probably
23 needs to be sorted out because -- because he's --
24 he's purporting to represent two clients who are
25 being sued. And he's going to be a material

1 witness to statements or to -- or to, um, the
2 courtroom proceedings against these two clients,
3 his two clients. So it's a clear conflict of
4 interest.

5 THE COURT: Well, I don't know if it's a
6 conflict of interest. And that's not before me
7 right now.

8 MS. STONE: I -- well, I do believe that it --

9 THE COURT: As far as the --

10 MS. STONE: Again, it -- it's important
11 because, you know, we're here to protect -- we're
12 here to give protection to my mother, who needs the
13 protection. And they're working against me. Roy
14 Lustig has filed a vicious SLAPP lawsuit against
15 me. There is -- it -- it's utterly ludicrous for
16 anyone to think that he's acting in my mother's
17 best interests. It's impossible. He's taken over
18 \$250,000 from my mother in fees, in staged
19 fraudulent litigation that he's filed against me to
20 keep my mother away from me, in violation of my
21 mother's wishes. She (indicating), has taken over
22 \$50,000 for the year 2013. And Jacqueline Hertz
23 has taken another \$75,000. And she's taken another
24 --

25 THE COURT: Okay.

1 MS. STONE: -- \$15,000 in fees --

2 THE COURT: Why are --

3 MS. STONE: -- to go against my mother's best
4 wishes.

5 THE COURT: Why are they -- again, I'll ask:
6 Why is Ms. Hertz and Ms. Lapides the guardians for
7 your mother?

8 MS. STONE: Okay. So I filed a guard -- I --
9 I lived up in New York at the time this -- this
10 action commenced. And I filed for a guardianship
11 of my mother after thinking about it for a very
12 long time. Because what's precipitated everything
13 that they're doing, the isolation, the secrecy, the
14 self-greed, the -- what -- what they're trying to
15 do is use my mother to get their fees.

16 So my brother had taken over my mother's
17 accounts years before when my dad, who's an
18 honorable war veteran and took care of his family
19 matters, passed away. My bother, who was a
20 financial advisor, took over the accounts. And, so
21 um -- and so it went for a while until he began to
22 isolate my mother from me. And he did that by
23 removing her telephone, by telling the, um --

24 THE COURT: All right. Ms. Stone, I allotted
25 15 minutes for this hearing. So if you can answer

1 my question. Why is the --

2 MS. STONE: Okay. I -- I -- I apologize, Your
3 Honor.

4 THE COURT: Why are they the guardian for your
5 mother?

6 MS. STONE: Okay. So I brought my mother to
7 guardianship court.

8 THE COURT: Yes.

9 MS. STONE: I brought my mother --

10 (A discussion was held off the record.)

11 THE COURT: Sorry. Go ahead. Go ahead.

12 MS. STONE: Okay. Thank you, Your Honor. I
13 brought my mother to -- to -- I -- I sought a
14 guardianship for my mother because my brother
15 embezzled \$700,000 of her money. I thought I was
16 protecting her. I thought I was doing the right
17 thing by her. She was so isolated --

18 THE COURT: Okay. You answered my question.
19 So the people that were appointed or the persons
20 that were appointed were the --

21 MS. STONE: Not -- not exactly. Not exactly.

22 THE COURT: Okay.

23 MS. STONE: These people, Jacqueline Hertz --
24 Jacqueline Hertz and Blaire Lapidés were brought in
25 by my brother at the time of the hearing.

1 Unbeknownst to me, they were brought in to continue
2 his abuse, to cover up his embezzlement, to cover
3 up his isolation, to make sure that I never got one
4 -- one document, one bit of discovery. And that's
5 the way it goes.

6 The first thing that they did when they
7 stepped in to act as guardian was that they filed a
8 fraudulent petition in front of the Court to say
9 that I tried to give my mother unauthorized
10 medication. Can you imagine, when I objected to
11 them giving her something called MiraLAX.

12 And please give me two minutes because I think
13 it's important for you to understand what goes on
14 in these cases. This is a very big issue
15 throughout the State of Florida today and
16 throughout the country. And so I just ask Your
17 Honor to give me two minutes and let me explain
18 this one little aspect, if I may.

19 THE COURT: Okay.

20 MS. STONE: Okay. So this all started with my
21 objection to an aide, strangers that they had
22 coming in and out of my mother's house. I'm not
23 supposed to have anything to do with anybody that
24 goes into my mother's house because everything is a
25 secret.

1 So they were going to give my mother something
2 called MiraLAX, which to the normal person,
3 everybody thinks, MiraLAX, oh, that's a laxative.
4 Not true in the underworld of guardianship.
5 MiraLAX has been pulled off the shelf. And this
6 was unbeknownst to me at the time. I just knew
7 what happened when my mother took that drug.
8 MiraLAX has been pulled off the shelf. It's
9 contraindicated for people that over 60 years old.
10 It causes what's called "agitation."

11 "Agitation" is guardian speak. That's their
12 favorite word, "agitation," because then, they can
13 blame everything on family members who cause
14 agitation. They caused the agitation by giving my
15 mother MiraLAX. MiraLAX was also pulled off the
16 shelf because it causes heart failure and it causes
17 kidney failure. I didn't know that at the time,
18 but they gave my mother agitation -- MiraLAX so
19 they could blame it on me, that I caused agitation
20 to my mother. And they ran to court that same day.
21 And they put a petition in front of this judge, who
22 doesn't know a thing about taking care of the
23 elderly people. And he signs this petition --
24 fraudulent petition saying that I wanted these
25 people to give my mother unauthorized medication,

1 when I had talked to her the day before and said,
2 "Let's clear with the doctor exactly what she
3 should and what she shouldn't be given." And so --

4 THE COURT: So is there an order forbidding
5 you --

6 MS. STONE: There -- there are probably --

7 THE COURT: -- to have contact with your
8 mother?

9 MS. STONE: There are probably seven or eight
10 or nine or ten orders prohibiting me from seeing my
11 mother, who I brought to guardianship court to
12 protect her. Now there is one fraudulent order
13 after another, based on his fraudulent petitions.
14 And I --

15 THE COURT: So let me ask you this: Has this
16 been brought in front of the Court, where you're
17 saying that this is fraudulent? Or was there a
18 hearing on whether or not you should --

19 MS. STONE: Whenever --

20 THE COURT: -- be prohibited from having --

21 MS. STONE: Thank you.

22 THE COURT: -- contact with your mother?

23 MS. STONE: Thank you for asking me those
24 questions. Whenever I raise the issue of fraud on
25 the Court, the Court either issues an edict -- I

1 don't call it an order because it's not an order --
2 telling me that I cannot file anymore pleadings or
3 telling me that I can't see the court file.

4 And as a matter of fact, as I was sitting in
5 your court just now, a process server came in and
6 served me with process. Michael Genden is asking
7 me to appear before his court, where he's a
8 disqualified judge and he won't give up
9 jurisdiction, to answer his order to show cause why
10 I filed the last pleading that I filed in his court
11 to point out the fraud. Because, under penalties
12 of perjury, Roy Lustig, Blaire Lapidés, and
13 Jacqueline Hertz filed a guardianship plan with the
14 judge, under penalties of perjury, saying none of
15 my mother's needs were unmet when, in fact, she was
16 in the hospital when they filed the report. She
17 was in the hospital with life threatening diseases
18 for the third time, that I'm aware of. And then
19 they yanked her out of the hospital the very next
20 day because they didn't -- because they want to put
21 her back in this vile place. And then she got
22 admitted to the hospital again the following day.

23 The same people that follow her around from
24 the facility to the hospital are the very same
25 people that don't take care of her. Because she's

1 now had pneumonia three times, and she gets
2 repeatedly --

3 THE COURT: So you haven't --

4 MS. STONE: -- admitted to the hospital.

5 THE COURT: -- answered my question,
6 Ms. Stone. Why have you been prohibited from
7 seeing your mother?

8 MS. STONE: Because I objected to them giving
9 her MiraLAX. And they filed a petition in court
10 and said that I wanted her to be given unauthorized
11 medication. And so there was no evidentiary
12 hearing. There was nothing that was done, except
13 that Michael Genden took their order and signed it.
14 And he added in there, "And oh, by the way, you
15 need to give -- we need to have five days' notice
16 and these people have to oversee you when you go to
17 see your mother."

18 THE COURT: All right. So you have access to
19 your mother.

20 THE WITNESS: No. I have no access to my
21 mother. I've been arrested three times for going
22 to see my mother. I've been arrested three times
23 because Michael Genden is covering up in his court
24 because he doesn't want anybody to know the nasty
25 criminal activities that are taking place. How is

1 it possible that I have been arrested? I brought
2 my mother to court.

3 THE COURT: Let me ask you: Have you appealed
4 any of these orders? Have you --

5 MS. STONE: I've appeal -- yeah. Okay.
6 That's a good question. So I -- so I filed the
7 first petition for his disqualification after
8 he entrapped --

9 THE COURT: No. Have you appealed --

10 MS. STONE: I -- I filed the -- I -- I filed
11 the petition --

12 THE COURT: Do you want to know what I'm
13 asking or do you want to just rant? Have you --

14 MS. STONE: I -- I --

15 THE COURT: That's okay. Have you appealed
16 the order prohibiting you from seeing your mother?

17 MS. STONE: Um, that one is in the process.
18 That one's in the process.

19 THE COURT: Have you done any type of a writ?

20 MS. STONE: Yes. I did a writ. I did a writ
21 the first time when he refused to disqualify after
22 I filed a lawsuit against him.

23 THE COURT: No. As far as having access to
24 your mother, when you're the one that brought the
25 guardianship. I mean --

1 MS. STONE: Um, there is something pending. I
2 -- I'll tell you why nothing's really been done
3 quite so much. Because as a diversion, they had me
4 arrested. And so I've been very busy dealing with
5 my criminal court action.

6 THE COURT: I understand that. But the
7 procedural process, when one doesn't like or
8 disagrees with one's ruling, is to appeal it. I
9 mean, that's -- that's our judicial system. If
10 you are in disagreement with the ruling, you don't
11 like it, you think the judge is wrong, you appeal
12 it.

13 MS. STONE: Okay. Well, may I respond to
14 that?

15 THE COURT: Sure.

16 MS. STONE: Okay. I -- the reason that
17 particular ruling wasn't appealed is because
18 they're busy retaliating against my attorney. So
19 it's very difficult for me to get an attorney,
20 number one.

21 And number two, I've been busy in federal
22 court now for the last -- I'm sorry, in -- in
23 criminal court because of criminal charges they --
24 they filed against me fraudulently.

25 And number three, when you're dealing with

1 someone like my mother, who's an elderly person and
2 who's been abused, every minute of every day is
3 precious. And so I -- I -- I -- I know that it
4 takes an -- an appellate court a long time to make
5 decisions. And so I feel like, if I'm not going to
6 be -- I -- I have an inalienable right. I have a
7 Constitutional right to take care of my mother.

8 And so I feel -- and I've -- and I've
9 expressed it -- Michael Genden runs a racketeer
10 court. I feel that it's not appropriate for me to
11 have to go run to an appellate court --

12 THE COURT: Are you referring to a judge down
13 in Miami-Dade?

14 MS. STONE: Yes, I am. Yes, Your Honor.

15 THE COURT: I would probably caution you
16 against...

17 MS. STONE: I'm sorry.

18 THE COURT: I just don't think it's
19 appropriate to...

20 MS. STONE: I apologize. But I'm only
21 speaking the truth, Your Honor. I'm --

22 THE COURT: You can say your --

23 MS. STONE: -- required to report wrongful
24 conduct.

25 THE COURT: You can say, "in your opinion" or

1 you can say --

2 MS. STONE: In my opinion.

3 THE COURT: -- that --

4 MS. STONE: In my opinion.

5 THE COURT: -- it's your impression.

6 Yes, sir. Yes?

7 DR. SARHAN: Your Honor, can I say something,
8 please?

9 THE COURT: Go ahead.

10 DR. SARHAN: My name is Dr. Robert Sarhan.
11 I've been doing this for 12 years. And I can tell
12 you that I know the term "racketeering" is strong.
13 But my mom's life ended in guardianship on
14 Seroquel, which is -- she was intoxicated, which is
15 contraindicated as well. So what she's saying is
16 true.

17 MR. LUSTIG: Your Honor, if I may.

18 DR. SARHAN: And then what she's saying
19 is true that --

20 MR. LUSTIG: Objection.

21 THE COURT: Okay. You can make your
22 objection in --

23 DR. SARHAN: -- this is happening -- this is
24 happening all over the country. I spoke with
25 Michelle Obama about this. I spoke to Hillary

1 Clinton. What we're trying to do is we're trying
2 to help elderly people grow old without these
3 problems.

4 But what I'm saying is, is that these judges
5 are working so close with Roy Lustig. And it's --
6 it's all of these people. They isolated my --
7 myself from my mother. So what I'm saying is,
8 there's a pattern. It's an established pattern of
9 isolate the elderly, medicate the elderly, steal
10 the estate. Isolate, medicate, steal the estate.

11 I'm here doing this for 12 years, um, helping,
12 going to court, speaking, and trying to educate
13 judges that are not aware of these situations. But
14 I'm saying that what she's saying is absolutely
15 true. She -- she may be a little excited.

16 MR. LUSTIG: Objection.

17 DR. SARHAN: She may be a little excited, only
18 because she's got your ear. And we appreciate you
19 listening. But the fact is that many don't listen.
20 And this is a big problem that we have in this
21 country.

22 My mother was a very healthy woman. She was
23 put on Seroquel, which is for schizophrenia. She
24 has no schizophrenia. She's now dead. Okay? This
25 woman, Helen Stone, who I have met, was fully

1 competent. She was just trying to protect her
2 mother from her brother, who stole \$700,000 from
3 her. But how is it that her mother was in a
4 guardianship and ends up in the hospital with a
5 30-pound weight loss, dehydration, malnutrition,
6 um, emaciated, pneumonia, hernia, fractures,
7 fingernails that were brittle? Because this lady
8 here allowed the caretakers --

9 MR. LUSTIG: Your Honor, I object.

10 DR. SARHAN: -- to take the food home to their
11 own home and not feed her mother. You cannot get a
12 30-pound weight loss, dehydration, and malnutrition
13 by feeding a person properly. And these people
14 should be in jail. I'm sorry, Your Honor, but
15 that's --

16 MS. STONE: Yes.

17 DR. SARHAN: -- that's the truth.

18 MS. STONE: Absolutely right. And for them to
19 be here and present in this hearing, when this
20 hearing is all about my mother and the fact that
21 she's neglected -- she's been in the hospital by
22 emergency four times; three times with pneumonia,
23 malnutrition, dehydration, 30-pound weight loss.
24 And, again, repeatedly, she goes back to the
25 hospital.

1 So I go back to the affidavit that I stated.
2 I'm required to report wrongdoing by judges.

3 THE COURT: Well, let me just state that, if
4 everything that you're saying is true, it's
5 absolutely horrific. There is no doubt about it.
6 It's absolutely horrific. My only question to you,
7 Ms. Stone, is: What is it that -- what relief are
8 you asking of me? What can I do, as a Broward
9 County judge?

10 MS. STONE: Okay.

11 THE COURT: What jurisdiction do I have over
12 this case?

13 MS. STONE: Okay. Well, I'm filing the
14 declaratory judgment action. And the declaratory
15 judgment action is a different action than the
16 action that's in Dade County. And it goes to the
17 venue of the defendants. Two of the four
18 defendants live in Broward County. I live in
19 Broward County. So I'm entitled to file this
20 action in Broward County. And I'm seeking relief
21 in Broward County, and I'm seeking for my mother to
22 be removed.

23 And as a matter of fact, I've filed a lawsuit.
24 The -- this lawsuit includes the nursing facility
25 where my mother is located. So she's in a lockdown

1 facility in a nursing home.

2 THE COURT: Right. But that's in Miami-Dade
3 County.

4 MS. STONE: Well, I -- I'm just saying, it's
5 -- it effects all of -- it effects what's going on
6 here.

7 THE COURT: Right. But if it is --

8 MS. STONE: What if there's -- but there's an
9 immediacy.

10 THE COURT: I understand that. And that's why
11 I set it down in an emergency fashion. But in
12 order for me to have jurisdiction over this case,
13 you have to plead jurisdiction. You have to plead
14 that you have the right to have this heard in
15 Broward County. I didn't see any of that in your
16 emergency --

17 MS. STONE: I've -- I've alleged that I'm
18 being retaliated in all of the courts in Dade
19 County. And I've alleged and now I'm -- I'm
20 bringing forth to this Court, and I believe I've
21 said it in my documents, that Blaire Lapides lives
22 in Broward County. She's a defendant. My brother,
23 Alan Stone, lives in Broward County. I live in
24 Broward County. And so under the rules of
25 procedure, venue is appropriate in Broward County

1 because this is a -- this is a cause of action in
2 Broward County.

3 THE COURT: So what is it that I can do, just
4 put a different -- I mean, obviously, I haven't
5 been the judge on the case and I don't know how
6 long your mother has been in guardianship. I can't
7 just take everything that you're saying as true. I
8 mean, I can say it's allegations. But what is it
9 that I can do? I mean, maybe put a different
10 guardian in place, somebody objective, somebody
11 who, as you say, doesn't have an interest, if
12 that's true. And I'm not making any finding that
13 that is true. But you're asking me to replace -- I
14 mean, I can't just take away guardianship and have
15 --

16 MS. STONE: Yes, Your Honor. I have another
17 qualified guardian. And I would like to -- I've
18 submitted who that is in my -- in my temporary
19 restraining order. I'm afraid to announce that
20 because I'm afraid of retaliation by the parties
21 here. He's a qualified attorney that's got degrees
22 from prestigious schools. And he's also taken care
23 of his own family members that have lived to be in
24 their 90s.

25 I would also like my mother to be ordered to

1 be taken to Florida Memorial Hospital where she's
2 going to go through a series of tests by an
3 independent doctor to make sure that she gets
4 stabilized.

5 THE COURT: Well, I would have the guardian
6 tell me that.

7 MS. STONE: Yes, ma'am.

8 THE COURT: I would have --

9 MS. STONE: Yes, Your Honor.

10 THE COURT: If what you're asking for relief,
11 I would have to appoint someone, uh, who's an
12 objective person, have them go and do an
13 evaluation, get a medical evaluation, you know,
14 immediately. I'd say within 24 hours. And then
15 make a recommendation as to what they think should
16 be done.

17 MS. STONE: Yes.

18 THE COURT: I don't think I can -- I mean, as
19 far as the relief that you're asking, I can't just
20 go ahead and move your mother. I don't know what
21 the condition of her health is. I don't know if it
22 would endanger her health. I don't know if
23 everything that you're telling me is true and
24 accurate, factually. I'm not saying that you're
25 not telling me the truth. I'm just saying that I

1 don't know that any of this is -- is actually the
2 situation. So I think I would have to know the
3 name of the guardian, though.

4 MS. STONE: Yes, Your Honor. May I just
5 consult for one second?

6 THE COURT: Yes.

7 MS. STONE: Yes, Your Honor. I -- I just want
8 to reiterate, I -- I'm very uncomfortable. I feel
9 retaliated as it is. I have no problem. I've
10 submitted --

11 THE COURT: Well, I can appoint a -- a
12 guardian.

13 MS. STONE: Well, that's -- I -- I'm afraid
14 that that's going to be taking her out of the
15 frying pan into a fire. I have a qualified
16 guardian. I have a person that I've submitted to
17 you in my documents for the TRO. I would
18 appreciate if you'd just, you know, you -- please
19 feel free to look at the name. But, again, there's
20 been such vicious retaliation as -- as to --

21 MR. LUSTIG: Your Honor, if I may, to clarify,
22 there's a pending temporary restraining order,
23 other than what was plead within the petitions?

24 THE COURT: No. I think it's a --

25 MR. LUSTIG: In the dec action?

1 THE COURT: That's what I think it is.

2 MR. LUSTIG: Okay. Thank you, Your Honor.

3 THE COURT: I think Ms. Stone is --

4 MR. LUSTIG: All right.

5 THE COURT: -- using the term. But it isn't
6 -- which is -- I think she moved for an emergency
7 injunction, meaning to move --

8 MR. LUSTIG: Okay.

9 THE COURT: -- the patient. But --

10 MR. LUSTIG: I didn't recall, Your Honor -- I
11 didn't recall seeing any name.

12 THE COURT: I don't remember seeing it. Do
13 you want to refer me to the page?

14 MS. STONE: Yes.

15 THE COURT: It's about a hundred pages here.

16 MR. LUSTIG: 139.

17 THE COURT: Okay.

18 MS. STONE: Again, I'm going to object to any
19 word that comes out of his mouth. He's not
20 entitled to know anything about what goes on with
21 my mother.

22 THE COURT: All right. Again, Mr. Lustig is
23 named as a defendant in this case. I have to allow
24 him to appear in court and to represent himself, if
25 he wishes, and/or whoever else is there.

1 MS. STONE: Yeah. And -- and, Your Honor, I
2 do want to point out one other thing. I want to
3 point out a couple of other things. Number one,
4 the -- the Third DCA found Roy Lustig guilty of
5 fraud on the Court, perjury, and repeatedly lying
6 under oath. The matter was supposed to be referred
7 to the State Bar Association, and it was supposed
8 to be referred to the criminal courts. And I don't
9 know that that ever happened. But nonetheless,
10 he's got criminality in his background. And so for
11 this --

12 THE COURT: Ms. Stone, I asked you to get
13 me --

14 MS. STONE: Yes. May I --

15 THE COURT: -- the name of --

16 MS. STONE: May I approach?

17 THE COURT: Yes.

18 MS. STONE: May I approach?

19 THE COURT: Meg.

20 THE BAILIFF: If you would just point to
21 whatever page.

22 MS. STONE: I'm sorry. I have --

23 THE BAILIFF: No, no. Take your time. No.
24 Take your time.

25 (Whereupon, a discussion was held off the

1 record after which the following proceedings were
2 held.)

3 THE COURT: Okay. I mean, based on what
4 you're telling me, Ms. Stone, before I go ahead and
5 just name somebody, I would have to do some type of
6 -- I mean, I have a duty to check this person out.
7 I mean, do you have a --

8 MS. STONE: In the alternative, Your Honor,
9 I'm -- I'm her daughter. I should be her guardian.

10 THE COURT: Right. But having -- everything
11 that I've heard thus far -- you being arrested,
12 having an ankle monitor, there being orders -- do
13 you want to listen or not?

14 MS. STONE: I'm sorry. Yes, ma'am.

15 THE COURT: Orders against you prohibiting you
16 from -- I can't just say, "Okay, all those are
17 wrong."

18 MS. STONE: Okay.

19 THE COURT: Okay? I'd be sitting in an
20 appellate capacity --

21 MS. STONE: Okay.

22 THE COURT: -- if I was going to do that.

23 MS. STONE: I have -- I have no objection to
24 alternatives. I have -- I have no objection.

25 THE COURT: Okay.

1 MS. STONE: I have no objection. If you
2 choose -- may I just --

3 THE COURT: Sure. Can you tell me the --

4 MS. STONE: You know, if you could pick one
5 while you review, um --

6 THE COURT: Okay. Is this person -- I'm
7 sorry.

8 Your name again?

9 MR. BERNSTEIN: My name's Eliot Ivan
10 Bernstein.

11 THE COURT: Mr. Bernstein.

12 MR. BERNSTEIN: Yes, ma'am.

13 THE COURT: Are you related to Ms. Stone?

14 MR. BERNSTEIN: No. I'm her friend.

15 THE COURT: Okay. Are you just a friend or?

16 MR. BERNSTEIN: I am.

17 THE COURT: Okay. You're assisting her?

18 MR. BERNSTEIN: I have been.

19 THE COURT: Okay. I mean, I notice that she
20 keeps going to you. And I didn't know if --

21 MR. BERNSTEIN: I'm --

22 THE COURT: -- if you have an interest in this
23 case or are you --

24 MR. BERNSTEIN: I'm just trying to help her
25 get her mom.

1 THE COURT: Okay.

2 MR. BERNSTEIN: I apologize.

3 THE COURT: No, no, no, no, no. You don't
4 have to apologize.

5 MR. BERNSTEIN: Okay.

6 THE COURT: I just...

7 MR. BERNSTEIN: And I didn't mean to
8 interrupt. I apologize.

9 THE COURT: No. You didn't interrupt.

10 (The Court addresses court staff.)

11 MR. LUSTIG: Your Honor?

12 THE COURT: Yes.

13 MR. LUSTIG: If I may, counsel's --

14 (The Court addresses court staff.)

15 MS. STONE: Like I said, I have no objection
16 to Your Honor choosing the guardian, as well.

17 THE COURT: All right. Yes, Mr. Lustig.

18 MR. LUSTIG: Uh, I don't mean to interject,
19 unless counsel's finished.

20 THE COURT: No. It's okay. I'm ready to hear
21 from you.

22 MR. LUSTIG: Inasmuch as counsel has given
23 Your Honor something, I would like to see it.

24 THE COURT: It's a name. I don't know that
25 I'm using it. So...

1 MR. LUSTIG: Well, I would ask the Court if I
2 could publish the name. I would have the right to
3 know what's going on and what --

4 MS. STONE: I --

5 MR. LUSTIG: -- she is publishing to the Court
6 that --

7 MS. STONE: I -- I object. I'm submitting a
8 name --

9 MR. LUSTIG: Excuse me.

10 MS. STONE: -- to the Court.

11 THE COURT: All right. First of all, we can't
12 interrupt each other.

13 MS. STONE: I'm sorry.

14 MR. LUSTIG: I would ask the Court, inasmuch
15 as the Court is considering the use of that
16 particular name, that I'd have the right to know,
17 inasmuch as I represent the defendants. I
18 represent the co-guardians of Helen Stone, and I'm
19 ready to present our argument now --

20 MS. STONE: May I respond --

21 MR. LUSTIG: -- if it wishes.

22 MS. STONE: -- Your Honor?

23 THE COURT: One second.

24 I agree with you, Mr. Lustig. Yes. And if I
25 am considering it, I absolutely will --

1 MR. LUSTIG: Thank you, Your Honor.

2 THE COURT: -- turn over the name.

3 MS. STONE: May I respond, Your Honor?

4 THE COURT: Yes.

5 MS. STONE: I -- I object because we've seen
6 how there's been vicious retaliation against anyone
7 that I choose to surround my mother with. And so
8 no doubt, he and Michael Genden and whoever else is
9 involved in this will pick up the phone, retaliate
10 against this gentleman, and there we go again. So
11 there's a lot of reasons why, including the fact
12 that he's got a criminal past; including the fact
13 that I've filed criminal charges against him;
14 including the fact that he does not belong anywhere
15 near my mother, he should not be involved in anyone
16 making any decision regarding my mother or to know
17 who they are, because of the retaliation.

18 THE COURT: All right. Just so that you know,
19 Ms. Stone, if I do grant your request and if I do
20 appoint another guardian, Mr. Lustig, Ms. Hertz,
21 Ms. Lapides are all going to know the name of the
22 court-appointed guardian. So there should be no
23 retaliation against you whatsoever because it was
24 appointed by the Court.

25 MS. STONE: Thank you. Thank you.

1 THE COURT: Okay. All right.

2 Yes, Mr. Lustig.

3 MR. LUSTIG: May it please the Court, Your
4 Honor, Roy R. Lustig on behalf of --

5 MS. STONE: One -- I just want to reiterate,
6 I've objected to his appearance in court. I've
7 objected to his making any statements in the court.
8 I've given Your Honor the reasons why. I've given
9 Your Honor the reasons of the retaliation, his --
10 his actually not allowing my mother to have an
11 attorney. I don't think that he should be present,
12 and I'm again stating my objections to his making
13 any appearances whatsoever.

14 THE COURT: All right. And I've overruled
15 that because Mr. Lustig has been named as a
16 defendant in this case. So --

17 MS. STONE: But, again, he's representing
18 other clients. And there is a Florida Bar rule.
19 And if you'll just give me one minute, I will point
20 out the rule for you.

21 THE COURT: All right. But there's no motion
22 to disqualify Mr. Lustig right now.

23 MS. STONE: Well, I --

24 THE COURT: That has not been filed. It's not
25 been set. It's not been noticed.

1 Yes, Mr. Lustig.

2 MR. LUSTIG: If it may please the Court, Your
3 Honor, as I said, I'm here pro se, on behalf of
4 myself, on behalf of the two guardians, Blaire
5 Lapedes and Jacqueline Hertz, who are the duly
6 appointed guardians of Helen Stone, Barbara Stone's
7 mother and Alan Stone's mother. For historical
8 aspect, Your Honor -- and normally I wouldn't do
9 this but for the fact that Ms. Stone has now given
10 her understanding of history to this Court. I want
11 this Court to have a little background in respect
12 to what's really gone on here.

13 Prior to the appointment of my clients, there
14 was an emergency temporary guardian that was
15 appointed, uh, at the bequest of Ms. Stone and, uh,
16 her brother joined. Ms. Stone brought an action
17 against him that initiated litigation between the
18 parties, that being Ms. Stone, her brother, Alan
19 Stone, and that particular emergency temporary
20 guardian that was appointed.

21 The parties then went into an agreement, what
22 I would call a global agreement, Your Honor, to
23 where Ms. Stone, her brother, Alan Stone, uh,
24 entered into a number of agreements between each
25 other, inasmuch as Ms. Stone had sued her brother

1 and she had lost. Her brother had -- she had taken
2 it up on appeal. She lost. And her brother
3 obtained attorney's fees against her. And they had
4 to agree that, at the time of their mother's death,
5 that Alan Stone would get paid out of his portion
6 of their mother's estate.

7 At that point, the two had agreed that they
8 wanted a new appointment and to remove the existing
9 -- what was the emergency temporary guardian. The
10 two had agreed to both Jacqueline Hertz and Blaire
11 Lapidés. And I want this Court to know that
12 Ms. Lapidés is a relative of Ms. Stone.

13 THE COURT: How is she related?

14 MS. STONE: May I just --

15 MR. LUSTIG: Let --

16 THE COURT: You can't interrupt him.

17 MS. STONE: She's an estranged distant cousin.

18 THE COURT: How is she related?

19 MR. LUSTIG: She's a cousin, Your Honor. And
20 she wasn't estranged until Ms. --

21 MS. STONE: Until she --

22 MR. LUSTIG: -- until Ms. Stone filed four
23 lawsuits against her.

24 THE COURT: And when was -- and when was Ms.
25 Lapidés appointed?

1 MR. LUSTIG: Uh, Your Honor, I had attached a
2 copy of the order into my -- with my pleadings. I
3 didn't bring -- well, maybe I did.

4 MS. LAPIDES: February of 2013.

5 THE COURT: I do have it.

6 MR. LUSTIG: I apologize. I have it.

7 THE COURT: Well, I have this order from Judge
8 Genden, January, 2013.

9 MR. LUSTIG: I believe I attached the order.
10 I may -- no. Maybe it's in another pleading. No.
11 There it is. It's February 7th, 2013. It was
12 entered. And I -- I would notify the Court or
13 advise the Court that at the time, because it was
14 so contentious between the parties, what was going
15 on there, that Judge Genden brought -- I believe,
16 if I recall, there were seven attorneys that were
17 present. Brought all seven attorneys in,
18 Ms. Stone, her brother, Alan Stone, in and reviewed
19 the entire global agreement with them on the
20 record -- of which I have, uh, copies of the -- of
21 the transcript as well -- explaining to Ms. Stone
22 her rights; explaining to Ms. Stone and asking
23 Ms. Stone, does she understand everything that
24 she's done in respect to the global agreement,
25 notwithstanding she had two attorneys. Ms. Stone

1 admitted that she did and agreed to the global
2 settlement agreement. That's what came about as
3 far as the appointment of my two clients, the
4 co-guardians.

5 Since that day, my clients have been subjected
6 to sham pleadings, frivolous pleadings, scandalous
7 pleadings against them individually, against their
8 families, notwithstanding myself, who's also been
9 subjected to Ms. Stone.

10 Ms. Stone, since that time, has filed three
11 federal lawsuits against three judges that were
12 before -- that she was before, all of which have
13 been dismissed. She has filed a lawsuit against
14 the governor of the State of Florida, the, um --
15 the -- Katherine Rundle Fernandez [sic], the state
16 attorney of Miami-Dade, and four assistant state
17 attorneys of Miami-Dade, who are on her cases.

18 And to inform the Court, the reason why
19 Ms. Stone is wearing a bracelet is because
20 Ms. Stone abducted her mother from a facility. And
21 the reason that she was able to abduct her mother
22 from the facility is that previous counsel, prior
23 to myself, being, uh, retained by the co-guardians,
24 had obtained an order whereby Ms. Stone was able
25 to, uh, visit her mother and see her mother.

1 Ms. Stone was living with her mother.

2 Prior to all of this coming about, I would
3 notify the Court that there were eight complaints
4 that had been filed with the Aventura Police
5 Department, whereby Mrs. Stone's mother at the
6 time, when she was competent, had asked the police
7 to come and remove her daughter from her apartment
8 because of issues between her and her daughter,
9 which is an ongoing family problem.

10 Subsequent to that, Judge Genden, over my
11 objection, had agreed to allow Ms. Stone to see her
12 mother during periods during the day. Uh, I think
13 it was 9:00 to -- 9:00 to 12:00 and 2:00 to 5:00
14 during the day to go see her mother. On one of
15 those days, Ms. Stone proceeded to go into the
16 facility and wheeled her mother out and took her
17 mother away. Which the facility had contacted the
18 Aventura Police Department, which ended up with
19 Miami-Dade Police Department and located Ms. Stone
20 in Fort Lauderdale somewhere with her mother in the
21 room.

22 Prior to that time, Ms. Stone -- excuse me.
23 Strike that.

24 Prior to that time, Helen Stone's physician,
25 Dr. Pianko, and other -- and the facility had

1 ordered what they call a "swallowing test" to make
2 sure that Ms. Stone could swallow. There were
3 issues concerning her nutrition, that she wasn't
4 getting enough, and whether she could swallow
5 properly. Based on that result, the, um --
6 Dr. Pianko had ordered that there be a insertion of
7 a feeding tube so that they could give her
8 nutrition during that period of time.

9 Notwithstanding the feeding tube,
10 notwithstanding the court orders against Ms. Stone
11 -- and let me interject that the order that allowed
12 Ms. Stone to see her mother during this period of
13 time also stated that Ms. Stone could not interfere
14 with those that are giving services to Ms. Stone,
15 could not interfere with the facility, could not
16 with the medical help, et cetera, et cetera.

17 Ms. Stone went and took her mother and took
18 her mother to go eat without being -- without the
19 nutrition being liquid, which caused the problem in
20 respect to the fact that she has a chewing problem.
21 Notwithstanding that, she was arrested and brought
22 on charges in Miami-Dade County.

23 Since that time, although Ms. Stone speaks in
24 reference to me personally, although I find -- I
25 don't understand her making statements of that

1 kind, inasmuch as she is a, uh -- an attorney, she
2 directs her vengeance against me personally, as if
3 I control everything. Well, Ms. Stone was put into
4 the Dade County jail on two other instances for
5 violation of two other judges' orders, nothing to
6 do with myself.

7 Since that time, as I've stated, Ms. Stone has
8 been on her vilification crusade, delusional, if I
9 may add.

10 THE COURT: Well, let me ask you a question.

11 MR. LUSTIG: Yes, Your Honor.

12 THE COURT: And -- and --

13 MR. LUSTIG: I -- I'll cut to the chase. I
14 apologize.

15 THE COURT: No, no, no. It's okay. It's
16 okay. But, I mean, you can't deny the pictures
17 and --

18 MR. LUSTIG: Yes, I can.

19 THE COURT: That's not the case?

20 MR. LUSTIG: That's absolutely not the case.
21 Those -- some of those pictures --

22 THE COURT: She doesn't look like that? She's
23 not --

24 MR. LUSTIG: First of all --

25 THE COURT: -- a 90-pound weakling?

1 MR. LUSTIG: If I may.

2 THE COURT: Sure.

3 MR. LUSTIG: If I may, she's 86 years old.

4 And she was not in the best of health to begin
5 with, before the guardianship. That's the first
6 point. Second of all, before I even go to that
7 issue, the true crux of this issue is what I've
8 laid out before the Court in my motion to dismiss,
9 in that this Court doesn't have jurisdiction,
10 respectfully. It does not have jurisdiction on
11 this case. I've cited the case, the Supreme Court
12 of Florida case, Benedict v. Foster, 300 So. 2nd 8,
13 which is very clear on point, Your Honor. It's on
14 all fours. This guardianship was brought in Dade
15 County. Venue belonged in Dade County, pursuant to
16 744.202, Florida Statutes. Ms. Stone, meaning
17 Helen Stone, lived in Dade County, had always lived
18 in Dade County, in Aventura, that is. And pursuant
19 to the Supreme Court's order, the case belongs to
20 where the case started. This case belongs -- was
21 started in Miami-Dade County in the guardianship of
22 Miami-Dade County in the Eleventh Judicial Circuit.
23 And it is before Judge Genden. That's where this
24 case belongs. This Court, respectfully, Your
25 Honor, does not have jurisdiction to do anything in

1 respect to this guardianship.

2 MS. STONE: May I respond, Your Honor?

3 THE COURT: Give me just one second.

4 What about the fact that she's basically
5 bringing a whistleblower action?

6 MR. LUSTIG: No. This Court doesn't have that
7 either. That would have to be brought separate and
8 apart, Your Honor. This -- that's -- the
9 whistleblower statute, first of all, is not -- I
10 didn't address that because that is just another
11 issue that she's put in. It's very difficult on a
12 -- we have one, two, three pleadings, Your Honor.

13 If I may, there's a complaint for emergency
14 declaratory judgment, which I don't know, is a
15 hundred and something pages. There was a motion in
16 opposition to motion to dismiss or transfer matter
17 and motion to strike or to transfer to federal
18 court, which is 139 pages. And then there was a
19 petition for emergency hearing and instatement of
20 presentation -- representation, excuse me,
21 confirmation of service of process as to defendants
22 Hertz, Lapides, Lustig, Angle Care Management, and
23 Stone, which was another -- I don't know how many
24 pages, Your Honor.

25 All together, there must be 350 pages, none of

1 which are coherent, I'm sorry to say. It is -- it
2 -- I virtually spent hours. And I gave up on
3 trying to understand and get to the issues that
4 have been pled. There's documentation that's been
5 taken off the Internet that's been added to this --
6 to these complaints that do not -- that aren't even
7 -- that do not even go to the issue. There are
8 claims that are made that scandalous.

9 There's nothing here that this Court could
10 truly hear. The whole issue, even by the words of
11 Barbara Stone, is the guardianship. This is all
12 about the guardianship. This is all about orders
13 that have been issued in Miami-Dade County that
14 this Court doesn't have jurisdiction to take.

15 THE COURT: Let me ask you a question. What
16 would be the harm if I just, uh, ordered that there
17 be an independent doctor examine, um, Ms. Stone?

18 MR. LUSTIG: Well, the harm would be that this
19 Court doesn't have the jurisdiction to do it, first
20 of all.

21 Second of all, that has been ordered on a
22 number of occasions. I want this Court to know
23 that Ms. Stone has been made four -- five -- five
24 complaints to the Department of Children and Family
25 Services, which is -- they have been out there and

1 done an investigation on each single complaint.

2 All --

3 THE COURT: When was the last independent
4 evaluation done --

5 MR. LUSTIG: If I may ask --

6 THE COURT: -- by DCF?

7 MR. LUSTIG: -- my client exactly --

8 THE COURT: DCF was March?

9 MR. LUSTIG: March. Last one.

10 THE COURT: Do you have a copy of that?

11 MS. LAPIDES: No. I have not gotten --

12 MR. LUSTIG: I could get the Court one. I
13 don't have it because I wasn't anticipating. But
14 I --

15 THE COURT: Ms. Stone, have you seen that
16 report?

17 MS. STONE: Actually, thank you for asking me
18 the question. I did make a statement with regard
19 to the Department of Children and Family Services.
20 And there was an exposè done by the Miami Herald, a
21 10-page spread.

22 THE COURT: Did you receive --

23 MS. STONE: I have never been given the --

24 MR. LUSTIG: Your Honor --

25 MS. STONE: Please, may I answer.

1 I've never been given the report. They've
2 never come back to me. And DCF is not a medical
3 team to go in and do the proper --

4 THE COURT: All right. If I --

5 MS. STONE: -- medical evaluation.

6 THE COURT: -- order a doctor to do an
7 independent evaluation, who's going to pay for it?

8 MS. STONE: Well, let me just --

9 THE COURT: Who is going to pay for the
10 doctor?

11 MS. STONE: Okay. I -- I don't think it needs
12 to be an independent -- may I please answer?
13 Because I don't think that's going to answer the --
14 that's not going to solve the problem. I've sued
15 the facility where my mother's located. Everything
16 that he stated to you -- he's told you that my
17 mother didn't have malnutrition, didn't have
18 pneumonia --

19 THE COURT: Ms. Stone. Ms. Stone.

20 MS. STONE: If she -- it's dangerous -- it's
21 dangerous --

22 THE COURT: Ms. Stone.

23 MS. STONE: -- dangerous to keep my mother in
24 the possession of these people.

25 THE COURT: Ms. Stone.

1 MS. STONE: My mother would have to go into
2 the hospital. She'd have to go into Florida
3 Memorial Hospital and let them do -- get the -- get
4 her into protection. Let them do --

5 THE COURT: Ms. Stone. Who is going to pay?
6 If I order an independent evaluation by a doctor,
7 who is going to pay for that?

8 MS. STONE: Well, I -- I think we would have
9 to address -- I have no problem paying for anything
10 and everything for my mother.

11 THE COURT: Okay.

12 MS. STONE: I have no problem paying for
13 anything and everything for my --

14 THE COURT: All right. So the answer is that
15 you will.

16 MS. STONE: But the question becomes, the
17 doctor's evaluation has to be in a hospital setting
18 where all --

19 THE COURT: Well, why don't you --

20 MS. STONE: -- of the evaluations take place --

21 THE COURT: -- let the doctor tell me that?

22 MS. STONE: But it's impossible for a doctor
23 to go over to this facility where my mother is in a
24 feeding tube, laced with drugs, not allowed to
25 stand up. There's a whole history. It's not

1 simple. My mother's been denied rehabilitation.
2 And I want to point out to the Court -- may I?
3 Please, Your Honor.

4 THE COURT: Ma'am, we're not -- I interrupted
5 Mr. Lustig's argument to just ask that one
6 question.

7 MS. STONE: So I -- my mother needs to go to
8 the hospital --

9 THE COURT: I understand --

10 MS. STONE: -- where she needs to --

11 THE COURT: -- that that's what you think.

12 MS. STONE: -- be evaluated.

13 THE COURT: And I understand that's what you
14 think needs to be done. Okay. I am not prepared
15 to do that. I can't just order that. I don't have
16 any information in front of me. I have no record
17 evidence. I have no testimony. I have no
18 evidence --

19 MS. STONE: Your Honor, may --

20 THE COURT: -- if that's the case.

21 MS. STONE: May I -- may I respond? Because I
22 submitted to you a number of affidavits that showed
23 that my mother was -- was -- had not -- did not
24 have food in her house; that my mother was
25 painfully thin. I submitted medical records --

1 THE COURT: But we're talking --

2 MS. STONE: -- for four hospital admissions by
3 emergency.

4 THE COURT: Right. But you're talking about
5 right now.

6 MS. STONE: Yes. She was just admitted to the
7 hospital twice at the end of March --

8 THE COURT: Okay.

9 MS. STONE: -- where -- twice in one week, she
10 was admitted to the hospital.

11 THE COURT: Okay. Did she --

12 MS. STONE: And they filed a guardian's plan
13 with Michael Genden at the time my mother was in
14 the hospital, and they didn't tell Michael Genden
15 that my mother was in the hospital at the time.

16 THE COURT: I read that. Is she out of the
17 hospital now?

18 MS. STONE: I -- I don't know where my mother
19 is right now.

20 MR. LUSTIG: Your Honor --

21 MS. STONE: This is all very scary.

22 THE COURT: Okay. Is she out of the hospital?

23 MR. LUSTIG: Yes, Your Honor.

24 THE COURT: Okay. So is she back in the
25 facility?

1 MR. LUSTIG: Yes, Your Honor.

2 THE COURT: Okay. So she's at a facility. So
3 what would prevent -- the facility can't prevent a
4 doctor from going in and doing an independent --

5 MS. STONE: But --

6 THE COURT: -- evaluation.

7 MS. STONE: -- the doctor can't go in and do
8 an independent --

9 THE COURT: Why?

10 MS. STONE: He doesn't have the medical
11 equipment. He's going to look at her and see --

12 THE COURT: A doctor --

13 MS. STONE: -- that she's got a tube in her
14 stomach. She doesn't need a tube in her stomach.
15 And in response to his fraudulent statement, where
16 he said that medical tests were done before they
17 put a tube in her stomach, that is absolutely a
18 fabricated statement.

19 THE COURT: Okay.

20 MS. STONE: That wasn't done.

21 THE COURT: All right. Ms. Stone. Ms. Stone,
22 right now, this is a she-said/he-said.

23 MS. STONE: No, no, no. I've submitted the
24 medical records to you. I --

25 THE COURT: Medical records are not evidence.

1 MS. STONE: I -- well --

2 THE COURT: It's not evidence.

3 MS. STONE: They --

4 THE COURT: You need a foundation to admit
5 those. They're not evidence.

6 MS. STONE: Okay. Well, we have -- we have a
7 serious problem with people that I filed a criminal
8 complaint with. My mother should be protected, and
9 there's no harm in taking her to the hospital and
10 letting her get a whole routine test done to see
11 why she's not getting any rehab.

12 THE COURT: I don't -- Ms. Stone, I don't know
13 what the condition -- the medical condition is of
14 your mother, number one. Number two, I don't know
15 if it would endanger her life by moving her. I'm
16 not going to order that she be moved unless or
17 until I send a doctor in there --

18 MS. STONE: Well --

19 THE COURT: -- and they do an independent
20 evaluation as to what her condition is and have
21 them report back to me. If they report back to me
22 and say, "We need to have her in a hospital setting
23 in order to evaluate her medical condition," then
24 I'll consider it. I can't just order that she be
25 moved. I can't do that.

1 MS. STONE: Well, um, I --

2 THE COURT: Your complaint -- yes, sir. Is
3 there something --

4 DR. SARHAN: Your Honor, I have to leave. I
5 teach a class at Miami-Dade College.

6 THE COURT: Okay.

7 DR. SARHAN: I'm sorry. I don't want to
8 disrespect you.

9 THE COURT: That's okay. You said you're a
10 doctor?

11 DR. SARHAN: Yes, Your Honor. And one of the
12 big problems is that Ms. Stone is not even walking.
13 And one of the problems when you're sitting in a
14 wheelchair all the time, when she was walking fine
15 prior to the guardianship, is that her bowels are
16 not going to be moving properly. So walking really
17 stimulates the whole body.

18 MR. LUSTIG: I object to this testimony. I'll
19 put him on the stand, if Your Honor wants to put
20 him on the stand. Let me cross-examine him.

21 THE COURT: I don't --

22 DR. SARHAN: I'm just saying, Your Honor, it's
23 just common sense. If a person is not walking,
24 they lose their -- their muscles to atrophy and
25 things like that.

1 THE COURT: Are you answering my question in
2 the negative or positive? Or does it have anything
3 do with whether or not a doctor can go in and do an
4 independent evaluation? That's my only question
5 out there right now.

6 MS. STONE: I just have one other question.
7 Why don't --

8 THE COURT: Excuse me. Wait.

9 MS. STONE: -- these people -- why don't
10 they --

11 THE COURT: Excuse me.

12 MS. STONE: -- step down?

13 MR. LUSTIG: Your Honor --

14 (All speaking at once.)

15 THE COURT: Everybody have a seat.

16 DR. SARHAN: There are certain -- to answer
17 that, there would be probably certain tests that
18 need to be done like, uh --

19 THE COURT: What kind of doctor are you?

20 DR. SARHAN: I'm just in general practice. I
21 work for the -- I worked for the Department of
22 Justice, federal prison for many years.

23 MR. LUSTIG: Used to.

24 DR. SARHAN: And the thing is, Your Honor
25 that, you know, there's certain tests, blood tests,

1 things like that, that they need to do because she
2 was malnourished and had malnutrition.

3 THE COURT: All right. Right now, there's no
4 evidence in front of me for me to make that
5 finding. I can't just willy-nilly say, "Oh, all
6 these tests are going to be done. I believe
7 everything you say, Ms. Stone."

8 MS. STONE: Yes, Your Honor.

9 THE COURT: "I don't believe anything" --

10 MS. STONE: I understand.

11 THE COURT: -- "you say, Mr. Lustig."

12 MS. STONE: I understand.

13 THE COURT: It doesn't work like that.

14 MS. STONE: I understand.

15 THE COURT: In order for me to make a ruling,
16 I need evidence.

17 MS. STONE: I -- I -- accept. But I just want
18 to say one thing. Why don't these people simply
19 step down? Most guardians step down when there's
20 so much acrimony. Why don't they just step down?

21 MR. LUSTIG: Your Honor, if I may.

22 (Whereupon, Dr. Sarhan leaves the hearing
23 room.)

24 THE COURT: Do you want to respond to that?

25 MR. LUSTIG: No.

1 MS. STONE: Yes, Your Honor. I accept your --
2 I will have -- that's fine. We can have --

3 THE COURT: Well, I haven't ordered it. I'm
4 just saying -- yes, Mr. Lustig.

5 MR. LUSTIG: Okay. Your Honor,
6 notwithstanding the statements of Ms. Stone, she
7 too has to abide by the law. And the law is what
8 I've cited to this Court. If the Court doesn't
9 have a copy of the case, I'll be glad to give a
10 copy of the case.

11 THE COURT: I have it. Yeah. Benedict v.
12 Foster?

13 MR. LUSTIG: Yes, Your Honor.

14 THE COURT: Yeah.

15 MR. LUSTIG: It is on all fours.

16 THE COURT: Well, the thing is, though, this
17 isn't -- I mean, I guess it is about her
18 guardianship.

19 MR. LUSTIG: Sure.

20 THE COURT: It's more than that. Yeah.

21 MR. LUSTIG: No. It's not more than that. It
22 is about the guardianship. She's been asked to --
23 asked you to request the guardian. She's asked you
24 to take control of her mother. She's asked you to
25 remove her from a facility. She's asked you to

1 take her away from the physicians that are treating
2 her. She's asked you to take it away from the
3 jurisdiction of a Dade County court and a Dade
4 County judge who sat on this case for a year.

5 MS. LAPIDES: Two-and-a-half years.

6 MR. LUSTIG: For -- well, almost two years,
7 two-and-a-half years. Every judge that she has
8 been before she has accused of criminal behavior.
9 She's filed Bar complaints against every state
10 attorney, myself included. She's filed -- she's
11 filed lawsuits against all three of the judges in
12 federal court. All three have been -- they've all
13 been dismissed, all the cases.

14 MS. STONE: Your Honor, there's -- on --

15 MR. LUSTIG: She --

16 MS. STONE: There's -- there's an issue. We
17 have a seriously ill woman.

18 MR. LUSTIG: No.

19 MS. STONE: There's the issue. There's no
20 harm done.

21 THE COURT: I know, but --

22 MS. STONE: There's no harm done in having her
23 evaluated, and I will pay for the evaluation.

24 MR. LUSTIG: There is harm done.

25 THE COURT: Here's the thing, Ms. Stone.

1 Mr. Lustig is saying that I can't order anything
2 because I have no jurisdiction.

3 MS. STONE: But he's wrong because we've
4 proven that Your Honor does have jurisdiction
5 because, as a judge, you've now been told that
6 there's wrongdoing by him.

7 And -- and you should also question in your
8 mind, why is all of this happening when I simply
9 brought my mother to guardianship court to protect
10 her. Why is all of this happening? I'm bound and
11 obligated. I have no interest in dealing with this
12 matter in the way it had to be handled. All I
13 wanted was for my mother to be protected. And
14 since then, she's been on the brink of death
15 repeatedly. I can't see my mother. I've been
16 arrested. I've been forced to take action to
17 protect my mother.

18 I will take a bullet for my mother. I will do
19 anything for my mother. I will pay for her
20 evaluation. Now, let her just get an independent
21 doctor. No harm done. No harm done. And then
22 we'll see the results of whatever the doctor says,
23 and then we'll be able to take it from there. But
24 we're at an emergency situation for my mother.

25 And if these people really had my mother's

1 best interests in mind, they wouldn't have any
2 objection whatsoever to having a -- an evaluation
3 of my mother done, for which I will pay for.

4 MR. LUSTIG: Your Honor, in response, briefly.
5 There are attending physicians. Ms. Stone, meaning
6 Helen Stone, sees regularly, uh, physicians, taken
7 to physicians. Physicians see her at the facility.
8 When there is an issue the, uh, guardians demand
9 that she be taken to the hospital, whenever there's
10 a question.

11 There is no problem with Helen Stone. The
12 problem is Barbara Stone. The problem has always
13 been Barbara Stone. Before my clients came into
14 this case, before I came into this case, that
15 family's been dysfunctional. She doesn't speak to
16 her brother. Her brother doesn't speak to her.

17 MS. STONE: May I respond, Your Honor?

18 MR. LUSTIG: Her --

19 MS. STONE: This -- this has absolutely
20 nothing to do with my mother's health.

21 THE COURT: Well, don't interrupt.

22 Go ahead.

23 MS. STONE: This has nothing to do with my
24 mother's health.

25 THE COURT: Ma'am, it's his turn.

1 MR. LUSTIG: The historical aspect is so
2 important in this case because I would tell you
3 honestly, Your Honor, if my clients knew what went
4 on in this family when they took on this position,
5 I assure you, none of them, and nor I, would have
6 ever taken the position.

7 MS. STONE: So resign.

8 MR. LUSTIG: Okay.

9 MS. STONE: Now that you know what the
10 situation is --

11 MR. LUSTIG: Well, let me --

12 MS. STONE: -- you can resign any time.

13 MR. LUSTIG: Let me explain to the Court why
14 Ms. Stone does this. Because Ms. Stone knows that
15 throughout Dade County and now throughout Broward
16 County, inasmuch as you know -- I assume, Your
17 Honor, by reading the pleadings, you know that
18 Ms. Stone -- last week, we were before Judge
19 Kaplan, where she filed, um -- she filed a
20 complaint for domestic -- repeat domestic violence
21 against my clients again for her -- her mother.

22 THE COURT: So what happened with that?

23 MR. LUSTIG: That case was dismissed with
24 prejudice. Ms. -- I argued before the Court that
25 Ms. Stone did not have standing to stand before the

1 Court on behalf of her mother and argue on behalf
2 of her mother.

3 MS. STONE: May I respond to that?

4 MR. LUSTIG: What has gone on here, Your
5 Honor, is, as I said, this vilification crusade can
6 no longer go on in Dade County because Ms. Stone
7 has run through a litany of judges in Dade County.
8 Not only has she run through a litany of judges in
9 Dade County, but she has noted every single judge
10 in Dade County on everything, as she has done in
11 Broward County now, where Judge Kaplan notified me
12 before the hearing -- before the hearing started,
13 that is, to see if I wanted him to recuse himself,
14 that Ms. Stone had sent her pleading with a -- in
15 the form of a letter to Judge Kaplan and every
16 judge in the Seventeenth Judicial Circuit, along
17 with, I guess, some other political leaders that
18 were on there because there were like a hundred
19 some odd. I don't know.

20 THE COURT: I didn't get that letter.

21 MR. LUSTIG: Um, I don't know. I thought I
22 saw you on it. But maybe you didn't personally get
23 the letter, but it was sent out. I mean --

24 THE COURT: Okay.

25 MR. LUSTIG: Taking the words of Judge Kaplan,

1 he says, "I believe that every judge in the
2 Seventeenth is on here."

3 I said, "That's fine. I'm -- I'm used to it.
4 I understand it."

5 The bottom line, Your Honor, again, just going
6 to the law, the law is very clear on this issue.
7 It's a Dade County jurisdictional issue, not
8 Broward. This Court, respectfully, doesn't have
9 the jurisdiction to rule on anything to what's been
10 pled here. It all ties, unfortunately, to a family
11 issue, which I will tell this Court is what
12 typically goes on when you have siblings that argue
13 with each other and are -- and there's a
14 dysfunctional family. The only means that they
15 have is -- seems to be the court system. And they
16 -- that's where everything comes about and it
17 ultimately ends up in a guardianship. And
18 unfortunately, siblings fight with the guardians.
19 And that's what this case is all about.

20 MS. STONE: Your Honor, May I respond to that,
21 please?

22 THE COURT: Give me one minute. Ms. Stone,
23 have you read the Benedict v. Foster case?

24 MS. STONE: I don't believe that applies
25 because I brought a separate declaratory judgement

1 action which provides where actions may be begun.
2 Actions may be brought only the in court where the
3 defendant resides, where the cause of action
4 accrued, or where the property in litigation is
5 located. So, as I've stated, there's two of --

6 THE COURT: Yeah. But the declaratory --

7 MS. STONE: -- the defendants that reside
8 there.

9 THE COURT: The declaratory judgement on what?

10 MS. STONE: The declaratory judgement on
11 dealing with matters relating to--

12 THE COURT: The guardianship.

13 MS. STONE: -- the guardianship and the
14 actions that they've taken with regard to the
15 guardianship. I filed a whistleblower action. I
16 am not going to be able to get due process in Dade
17 County. I filed a criminal complaint against these
18 people. Everything -- every word out of this
19 gentleman's mouth has been to retaliate against me.
20 He's never seen my mother. He doesn't know
21 anything about my mother. There's nothing in his
22 -- anything that he's done, including taking
23 \$250,000 from my mother to go against her wishes.
24 He's in it for Roy Lustig. That's all. She's in
25 it for Blaire Lapedes. And I'm in it because I

1 love my mother more than anything. And I am her
2 advocate and I am her voice.

3 And she's been admitted to the hospital four
4 times with all of the things that I've said that
5 she's been admitted to. And I filed the medical
6 records with you that make those statements. My
7 mother is going to die unless she gets medical
8 intervention immediately. My mother will die.

9 Robert Sarhan has told Your Honor about how
10 his mother died because the guardians involved in
11 his case drugged her up. And the medical report
12 upon her death showed that she died from being
13 drugged by Seroquel and other drugs that have black
14 box warnings. Psychotropic drugs.

15 So all I'm asking Your Honor to do is simply
16 get someone in there. Let's get the doctor's
17 report. And if these people weren't after --
18 weren't out to retaliate, they would welcome
19 another doctor to go see my mother. This shouldn't
20 be secret. Nothing should be secret. This should
21 be a completely transparent proceeding where a
22 doctor goes in and evaluates my mother. And then
23 we can take it from there.

24 MR. LUSTIG: In response briefly, Your Honor.
25 First of all, I would tell the Court that I wish I

1 was paid \$250,000 for this case because I'm worth
2 three times that amount for the litigation that's
3 gone on in this case. I would let the Court know
4 there are around five volumes of pleadings that
5 have been filed by Ms. Stone. And I would tell the
6 Court that 95 percent of all costs, attorney's
7 fees, and expenses are solely due to this woman's
8 pleadings that have been filed.

9 Second, Ms. Stone again said -- made a
10 statement that I've never seen her mother. Well,
11 that's incorrect as well. I have visited her
12 mother in the hospital and I visited her in the
13 facility. So that is incorrect.

14 As far as the psychotropic drugs, just like
15 everything else that Ms. Stone says, it's --
16 Ms. Stone believes that the end justifies the
17 means. What she says makes no difference about --
18 to anybody, makes no difference what she says about
19 anybody or anything, as long as the end justifies
20 the means in her mind.

21 MS. STONE: May I ask the Court to ask Roy
22 Lustig why he's appearing pro se? Why doesn't he
23 have representation?

24 MR. LUSTIG: I apologize, Your Honor. I
25 didn't mean to laugh. I apologize.

1 MS. STONE: I think -- I think it's a good
2 question.

3 MR. LUSTIG: I think you're --

4 THE COURT: All right. All right.

5 MS. STONE: Especially when he's involved in
6 the threats against me.

7 THE COURT: Okay.

8 MS. STONE: He's been involved in threats
9 against me that have been documented by a reputable
10 attorney, who put herself on the line by making
11 that affidavit. I have other statements by other
12 people that have also been retaliated against.
13 Again, this all goes back to my mother's life. My
14 mother should be the overriding concern.

15 THE COURT: Well, as far as the whistleblower
16 action...

17 MR. LUSTIG: The subject matter is in Dade
18 County.

19 THE COURT: Well, but if she's a resident here
20 and the defendants are residents here --

21 MR. LUSTIG: The defendants -- wait a minute.
22 First of all, I am not a resident here. Second of
23 all --

24 THE COURT: Ms. Hertz and Ms. Lapidés are.

25 MR. LUSTIG: Ms. Lapidés is. Ms. Hertz is

1 not, I don't believe.

2 MS. LAPIDES: No, she is not.

3 MR. LUSTIG: No, she's not a resident.

4 MS. LAPIDES: No. I am the only resident of
5 Broward County on that list.

6 Alan Stone is a resident a legal resident --

7 Alan Stone --

8 (All speaking at once.)

9 MR. LUSTIG: Please. We've got enough going
10 on here. First of all, if I may, Your Honor, I
11 apologize. But Ms. Stone seems to think that,
12 although I brought myself before this Court, there
13 was a reason. Because I've had to do this so many
14 times that she doesn't seem to understand or
15 appreciate the fact that you just can't e-mail
16 people complaints and believe that they're under
17 service, process of service of notice to be -- come
18 before this Court.

19 Alan Stone has not been properly served. My
20 client, Blaire Lapidés, hasn't been. My client
21 Jacqueline Hertz wasn't, nor I. But we brought
22 ourselves before the Court because we know what's
23 going on here. We've been through this, I can't
24 tell this Court, how many times. This is nothing
25 new to us.

1 THE COURT: Has anyone been served?

2 MR. LUSTIG: No.

3 MS. STONE: They were served. They were
4 served by eService. So if -- they were served by
5 eService. He filed a notice of appearance. And he
6 proceeded to appear in court.

7 MR. LUSTIG: No. I didn't file a notice of
8 appearance in this case. I filed it in last week's
9 case. But notwithstanding that --

10 MS. STONE: But he filed a response. He filed
11 a response.

12 MR. LUSTIG: Yes.

13 THE COURT: Okay.

14 MS. STONE: So he accepted and he said that he
15 was appearing pro se.

16 THE COURT: Okay. So Roy Lustig is in this
17 case.

18 MR. LUSTIG: Yes, Your Honor.

19 THE COURT: Jacqueline Hertz is in this case
20 and Blaire Lapidés is in this case.

21 MR. LUSTIG: The three of us along with Alan
22 -- well, who she is -- who she has named? She
23 named her brother, Alan Stone. She named the
24 facility, Regents Park, I believe is the name. She
25 -- she named the executive director of Regents Park

1 as well.

2 Nobody has been properly served. I brought
3 myself before the Court because I know what's going
4 on here. I was concerned because the fact that
5 Ms. Stone, in all of her cases, has filed in every
6 single case that it was an emergency. I've been
7 through this. I can't tell this Court how many
8 times that I've been before a court. Federal court
9 as well.

10 THE COURT: I have to tell you though,
11 Mr. Lustig, I'm very concerned with what I read
12 here.

13 MR. LUSTIG: Well, Your Honor, understanding
14 that anybody reading that would be concerned not
15 knowing who wrote it and the true facts. But
16 because somebody writes it doesn't make it so,
17 especially from the individual who wrote it.

18 THE COURT: Okay. What's this hearing that
19 you have in front of Judge Genden?

20 MS. STONE: The upcoming hearing?

21 THE COURT: Yes.

22 MS. STONE: Is for him to hold me in contempt
23 of his court for filing a pleading that I filed
24 with this Court saying that Roy Lustig and Blaire
25 Lapidés and Jacqueline Hertz filed a guardianship

1 plan that was -- that was done under penalties of
2 perjury, and they failed to inform him that my
3 mother was in the hospital at the time that they
4 filed the plan.

5 THE COURT: Okay. So this --

6 MS. STONE: And that's in response to my
7 filing that pleading. He denied my -- and he's
8 holding me in contempt of court for revealing the
9 fraud on his court.

10 THE COURT: When is that hearing?

11 MS. STONE: I won't be attending that hearing.
12 I will be filing a petition again for his
13 disqualification. So right now, my mother has no
14 judge. I have not made any appearances in his
15 court because he's a disqualified judge that will
16 not give up jurisdiction. My mother has no
17 protection. My mother does not have a judge, nor
18 do I.

19 MR. LUSTIG: Your Honor, Ms. Stone has, from
20 the onset, tried to forum shop. Um, she has moved
21 for recusal for every judge that she's been before.
22 I've been to the Third District Court of Appeals.
23 I've been to the Eleventh Circuit Court of Appeals.
24 I've been to the federal court. I've been now to
25 the Seventeenth Judicial District twice in -- in a

1 period of seven days.

2 And I suspect that this is not the end. I
3 suspect that she will find another jurisdiction in
4 which to go to. As a matter of fact, in her
5 pleadings, she's asked this Court to take control
6 of her mother and move it to a court outside this
7 state.

8 MS. STONE: Your Honor, we have an affidavit
9 that's been entered into evidence where he and/or
10 Michael Genden has called a Florida Bar attorney
11 threatening them that my mother cannot get
12 representation.

13 THE COURT: All right. I read that, but they
14 don't know that it was Judge Genden. And that's in
15 the affidavit. They say, "If it was him." There's
16 -- there's nothing --

17 MR. LUSTIG: First, Your Honor --

18 MS. STONE: Except that I think it has to be
19 taken on its face that she received a phone call.
20 She's concerned that there's a phone call. And why
21 would the phone call be made right after she
22 appeared at a hearing when, in fact, she and I was
23 present at the hearing?

24 MR. LUSTIG: I would be glad to tell the story
25 of what happened.

1 MS. STONE: And he told her that she couldn't
2 represent my mother.

3 MR. LUSTIG: Your Honor, I have no problem
4 informing this Court what really happened that --
5 last week, if the Court so chooses and wants to get
6 involved in that. I would suggest it's not in the
7 best interest of Ms. Stone, nor -- nor the attorney
8 who filed that affidavit, which misrepresents
9 exactly what happened and made a statement in that
10 affidavit that Judge Kaplan -- she's under oath,
11 says there, Judge Kaplan made a statement. I have
12 the transcripts with me, Your Honor. And I tell
13 you I've gone through the transcript three times
14 and that Judge Kaplan never made that statement
15 that the attorney says he made.

16 MS. STONE: Your Honor, this is about my
17 mother's health --

18 MR. LUSTIG: Ugh.

19 MS. STONE: -- and safety and welfare. I
20 don't understand why it should be anything other
21 than that. My mother needs to have an independent
22 doctor to look into her and make sure that she's
23 protected.

24 THE COURT: The problem is, Ms. Stone, I don't
25 know if I have jurisdiction.

1 MS. STONE: I believe that you have
2 jurisdiction, Your Honor. I've -- I've pointed out
3 the statute which provides for venue. And it says
4 that if there are -- if one of the defendants lives
5 in the county --

6 THE COURT: What are you reading at?

7 MS. STONE: Yes, Your Honor, may I -- may I?

8 THE COURT: Maggie, I need you up here,
9 please.

10 MS. STONE: It's Florida Statutes 47. It's,
11 um -- it's 47, dash -- 47-011. And then there's
12 also another provision in that statute that says
13 that -- that when any, um -- it says, "Where venue
14 may have been laid in two or more counties, the
15 person bringing the action may select the county to
16 which the action is transferred."

17 This is in Florida Rules of Civil Procedure
18 as well.

19 THE COURT: I'm sorry. Where were you
20 reading?

21 MS. STONE: That's another section of the
22 Florida Rules of Civil Procedures where it talks
23 about the county. If there's two counties where an
24 action could be held, the plaintiff selects the
25 county.

1 MR. LUSTIG: That's -- that's one of the rules
2 Your Honor, venue. And the other one is 744.202 in
3 respect to this. And it has nothing to do with
4 subject matter jurisdiction, but the rules state
5 what they state.

6 THE COURT: Well, it could be where the
7 defendant resides or where the action accrued or
8 with the --

9 MR. LUSTIG: Only to the extent that there's
10 subject matter jurisdiction. There is no subject
11 matter jurisdiction.

12 THE COURT: Well, the subject matter
13 jurisdiction meaning her mother?

14 MR. LUSTIG: Well, that's what every single
15 one of these pleadings is about.

16 MS. STONE: No. Subject matter --

17 MR. LUSTIG: There is nothing else --

18 MR. STONE: -- jurisdiction is the retaliation
19 by Bar members in Miami-Dade, by Florida Bar
20 members in Miami-Dade and the retaliation and --
21 and the -- and -- and the criminality of their
22 conduct. And the criminality of their conduct,
23 which I -- I -- I believe I filed a copy of my
24 criminal complaint against them.

25 MR. LUSTIG: Your Honor --

1 MS. STONE: I'd be happy to give you another
2 copy of the criminal complaint.

3 THE COURT: Ms. Stone, I have nothing to do
4 with the criminal complaint.

5 MS. STONE: Yes. But understand that for --
6 for this to be -- to --

7 MR. LUSTIG: I would notify the Court, Your
8 Honor, that yes, she has filed complaints with the
9 Florida Bar. And yes, the Florida Bar has
10 investigated. And to that extent, Ms. Stone is
11 under proceedings for disbarment in the -- with the
12 Florida Bar. So she's the only one that's being
13 investigated by the Florida Bar. She has filed
14 complaints, I admit, against me numerous times, as
15 well as Judge Genden, as well as the three other
16 judges, as well as four state -- assistant state
17 attorney's. Absolutely. And she has accused me of
18 conspiring with each one of them and controlling
19 the courts, which I would tell this Court that I
20 wish I did. I controlled the criminal courts, I
21 controlled the guardianship courts, and I
22 controlled the civil division. Notwithstanding all
23 of that, if I did, I wouldn't be standing before
24 this Court trying to earn a living.

25 MS. STONE: Trying to cover up everything that

1 you've done, every act that you've taken against my
2 mother, trying to retaliate against me, and trying
3 to prevent my mother from getting the appropriate
4 medical care that she needs. And it is incredible
5 to me that I have had to go through this
6 retaliation, this scary and frightening situation
7 so that my mother, who I brought to court, to
8 protect her, can be protected. It is incredible to
9 me the amount of hostility.

10 THE COURT: Well, I want to hear from
11 Ms. Hertz --

12 MS. STONE: I'm sorry?

13 THE COURT: -- if that's possible.

14 MR. LUSTIG: No. Ms. Lapidés.

15 THE COURT: Ms. Lapidés. I'm sorry. Sorry.

16 MR. LUSTIG: Yes.

17 MS. LAPIDES: Yes, ma'am.

18 THE COURT: I had 50 percent chance of getting
19 it right.

20 MS. LAPIDES: That's okay. That's quite all
21 right.

22 THE COURT: Can I swear you in?

23 MS. LAPIDES: I'm sorry.

24 THE COURT: Can I swear you in?

25 MR. LUSTIG: Yes.

1 MS. LAPIDES: Sure. Absolutely.

2 THE COURT: You can stay there.

3 Thereupon,

4 BLAIRE LAPIDES

5 was called as a witness and, having been duly sworn, was
6 examined and testified as follows:

7 EXAMINATION

8 BY THE COURT:

9 Q. Okay. Can you enlighten me a little bit here.
10 You can stay there. It's okay.

11 A. Okay.

12 Q. Or wherever you're comfortable.

13 A. I'm fine here. What -- do you want to ask me
14 questions? Do you want -- what would you like to know,
15 judge?

16 Q. I would like you to tell me what's going on
17 here.

18 A. I am, along with Jacque Hertz, trying to do
19 our best for Aunt Helen.

20 Q. So why does Ms. Stone keep having a problem
21 with the way her mother is being cared for and treated?

22 A. Because Barbara cannot control me.

23 Q. Well, forget about Barbara controlling you.
24 If I went to go see Helen Stone right now, what kind of
25 condition would she be in?

1 A. She'd be fine. She and I were out this
2 morning.

3 Q. She's fine?

4 A. She's fine. She's an 87-year-old woman. She
5 does have health issues.

6 Q. I don't have a 100-year-old great aunt. She's
7 fine.

8 A. Yeah.

9 MR. LUSTIG: Well, she has dementia, too.

10 THE WITNESS: She has dementia. She has a
11 very unsteady gait. She is using a wheelchair.
12 She gets physical and occupational therapy five
13 days a week, which of course Barbara's not aware of
14 because she's not allowed to see her mother. So
15 she assumes that nothing is being done.

16 MS. STONE: Your Honor, may I ask why I'm not
17 allowed to go see my mother? Maybe that would be a
18 good question.

19 THE COURT: Well, we'll get to that a minute.

20 MS. LAPIDES: Okay. When -- when the MiraLAX,
21 as Barbara calls it, issue came up, it was not
22 about MiraLAX, Your Honor. That's in Barbara's
23 mind. That's what she wants to make --

24 BY THE COURT:

25 Q. I want to hear more about the condition of

1 Ms. Helen Stone.

2 A. She's fine. She was in the hospital because
3 she --

4 Q. Well, why does she keep going? I mean --

5 A. Okay.

6 Q. -- did you read the --

7 A. We're talking about four times in two -- two
8 and -- two plus years.

9 Q. Okay.

10 A. Okay. All right.

11 Q. Is she eating? I mean --

12 A. She can --

13 Q. -- is she being force-fed?

14 A. Okay. She is not being fed by mouth because
15 she does not swallow properly. She aspirates, which
16 means that the food and the, uh, liquids will go into
17 her lungs, which can cause pneumonia. That is a very
18 serious health hazard. There has been --

19 Q. Well, how does she eat?

20 A. She is being fed by a feeding tube. She gets
21 all of her nutrition by a feeding tube. Barbara has
22 countered that she has lost a hundred, uh -- she's lost
23 30 pounds.

24 MS. STONE: Forty.

25 THE WITNESS: Oh, 40 pounds now. Okay. So

1 we're at 40 pounds. Helen is now weighing 120
2 pounds. She is 4'10". Um, I would venture to say
3 with an additional 30 or 40 pounds, she would be
4 seriously overweight. She is appropriately --

5 BY THE COURT:

6 Q. So she's eating? She's being fed?

7 A. She's being -

8 Q. She's gets regular --

9 A. She's given nutrition.

10 Q. She has regular care? She has doctors?

11 A. She has -- she sees the doctor, probably --

12 I'd have to go back and look at my list. But, I mean, I
13 have a list of --

14 Q. Is Regent Park a -- it's a nursing home?

15 A. It is a licensed facility. Uh, they care for
16 all manners of people. She is on the third floor, which
17 is identified as the dementia floor.

18 Q. And as the guardian, uh, your in charge of
19 what? Making the decisions for the doctors?

20 A. I'm sorry. Making what?

21 Q. Are you in charge of making the decisions as
22 it relates to the doctors? Is that what the guardian
23 does?

24 A. Which doctor she sees? Is that what you're
25 asking?

1 Q. Well, whatever. Her care. Are you her --

2 A. Okay. The doctors -- No. The doctors make
3 the decisions. I am not a licensed medical individual.
4 The doctors make the decisions and make recommendations
5 about what care she needs. That's what they do.

6 Q. Are you the guardian as far as her money and
7 her estate? Is what it is?

8 A. Yeah. I am guardian of her property and
9 co-guardian of her person.

10 Q. And is there money in trust or in a bank
11 account?

12 A. Yes. It is restricted accounts. Uh, there is
13 an amount that is moved from the account to -- from the
14 restricted account to the unrestricted account that
15 gives me the, um, authority to pay her bills and pay for
16 her care. That has approved -- actually, that was all
17 approved by the previous guardians with the court, and I
18 just took that over.

19 Q. All right. And that means her -- whatever
20 costs for her to live at the nursing facility, whatever
21 medical bills she has.

22 A. Right.

23 Q. And then your legal fees for that.

24 MR. LUSTIG: Well, she doesn't have a legal --

25 I mean --

1 THE WITNESS: I don't have legal fees.

2 THE COURT: So --

3 (All speaking at once.)

4 THE WITNESS: When I took --

5 THE COURT: That's what I mean, the legal fees
6 that you incur by doing this.

7 MS. STONE: And guardian fees.

8 THE WITNESS: The guardianship fees. My issue
9 with the guardianship fees initially was that this
10 is family. And I will not, uh, charge for taking
11 care of my Aunt Helen. I just wasn't going to do
12 it. That's what family does for each other.
13 However, I have spent untold hundreds and hundreds
14 of hours dealing with the litigation that Barbara
15 has initiated that has nothing to do with Helen.

16 BY THE COURT:

17 Q. No. What I'm --

18 A. And so I do take fees for that.

19 Q. Okay. Let me ask you this. Why can't
20 Barbara, if she had a -- somebody with her, whatever you
21 want to call that, a controlled visit, why can't Barbara
22 see her mother?

23 MR. LUSTIG: May I respond to that, since it's
24 a legal issue?

25 THE COURT: Why is it a legal issue? She's

1 the guardian.

2 MR. LUSTIG: No. It has nothing to do with
3 her.

4 THE WITNESS: No.

5 MR. LUSTIG: She can't order it one way or
6 another. There's two pending stay-away orders from
7 the criminal court, that we had nothing to do with.

8 THE COURT: Who had something to do with them?

9 MR. LUSTIG: The state attorney's office.

10 THE COURT: But who initiated them?

11 MR. LUSTIG: The Aventura police and the
12 Metro-Dade police when she --

13 THE COURT: Why?

14 MR. LUSTIG: -- was arrested for abducting her
15 mother when she took her mother off the premises,
16 didn't tell anybody. And they found her nine hours
17 later in Fort Lauderdale. That's why.

18 THE COURT: Why is that abducting? She's her
19 mother.

20 MR. LUSTIG: Because she was under a previous
21 court order that she could not interfere with the
22 facility. She could not interfere with her
23 mother's duty.

24 THE COURT: Okay. How does she get that
25 changed? How does she get visitation rights to her

1 mother?

2 MR. LUSTIG: You get an attorney, Your Honor.
3 That's what she's been asked to do, instead of
4 filing pro se, which is what's been going on here.
5 You get yourself an attorney, which is what Judge
6 Genden ordered her to do. Get a Florida Bar
7 attorney and -- to represent you. That's all that
8 needs to be done here. Okay? I can't do anything
9 about stay-away orders with the -- with the
10 criminal court. I don't practice criminal law.

11 In reference to Judge Genden, he has an
12 injunction and stay-away order that was issued
13 against her after she abducted her mother.

14 THE COURT: All right. Let me go back.
15 Ms. Lapides is telling me that she's fine.

16 BY THE COURT:

17 Q. You were with her this morning. You went out.

18 A. Yes. We went out this morning.

19 Q. When you say you went out, where did you go?

20 A. She had a doctor's appointment and we went to
21 see the doctor. And everything was fine.

22 Q. And so then she goes back for lunch and she
23 gets fed by a feeding tube?

24 A. Yes. She gets fed, actually, I think it's
25 five times a day. Smaller amounts because of her GERD

1 that has been an issue for, I don't know, 30, 40, 50
2 years with her. So it's smaller amounts and more
3 frequent feedings.

4 Q. So what is your opinion as to what's going on
5 here?

6 A. My opinion is that -- my opinion is that,
7 prior to Helen's dementia advancing to the point that
8 it's at now, um, Helen repeatedly wanted her daughter
9 out of the house; unplugged her phone; didn't want to
10 speak to her; didn't want to have anything to do with
11 her; would eventually relent, and the cycle would start
12 all over again. That was unbeknownst to me when I took
13 over this case, when I was -- became involved. And I
14 only found that out afterwards. I do know that in -- I
15 believe it was 2008 --

16 Q. Does -- does Helen want to see Barbara?

17 A. Helen has never mentioned Barbara to me.

18 Q. Are you --

19 A. And when I have asked, on a couple of
20 occasions at the direction of Judge Genden, at one time
21 Helen said, "She's mean to me. I don't want to see
22 her."

23 MS. STONE: This is --

24 MS. LAPIDES: And the other time --

25 MS. STONE: Oh, my God. This is just --

1 MS. LAPIDES: And the other time, Helen said,
2 "No. She's rude to people." Now, I see Helen
3 about once a week. Helen never asks about Barbara.

4 THE COURT: Well, let me ask you something.
5 How --

6 MR. LUSTIG: She has dementia.

7 THE COURT: How much time is on the criminal
8 stay-away order? That's not forever, is it?

9 MR. LUSTIG: It's been renewed. Judge, she
10 recently decided to take on a criminal court judge.
11 And, um, she was taken into custody on that day
12 after the hearing for showing up an hour and a half
13 late and lying to the Court. So I can't tell you,
14 to be honest, in respect to the criminal court
15 issues.

16 THE COURT: Ms. Stone, when is the criminal
17 stay-away order completed? When -- when is that?

18 MS. STONE: Okay. The stay-away order --
19 think about what's going on here, Your Honor. I
20 was arrested because I went to see my mother?
21 Because Michael Genden wants to pay these people
22 all this money to deny my mother's wishes? This
23 whole thing is just like -- it's surreal.

24 So they don't want anybody to see anything.
25 Ask Ms. Lapides why she didn't have my brother, who

1 embezzled \$700,000 from my mother -- why didn't she
2 just have him return the money to my mother's
3 account? Why is it that, yes, I signed this
4 agreement and now I want to terminate it? Because
5 my mother's needs are not met.

6 I submitted the -- I submitted the medical
7 records. I have -- I've paid for an independent
8 medical doctor to examine the records because I
9 wanted to hear what he thought. And he was
10 appalled. My mother had wounds on her. My mother
11 had bruises. My mother has pictures of bruises and
12 wounds and -- and all kinds of, um, medical
13 problems that shouldn't happen. They've got people
14 there that they say watch her 24 hours a day.

15 THE COURT: Have you reported the nursing
16 home, if you --

17 MS. STONE: Yes, I've reported the nursing
18 home. Yes. And I've reported to DCF. And DCF
19 never got back to me because on one of -- on one of
20 Roy Lustig's bills -- and I have a stack of bills
21 here -- instead of reporting back to me, they
22 called Roy Lustig.

23 Actually, you know what would be helpful right
24 now? There's two attorneys that I submitted
25 affidavits to you from. There's an attorney in

1 Chicago, who is an expert on abusive guardianships.
2 And there's an attorney --

3 MR. LUSTIG: Who is under disciplinary --

4 MS. STONE: Yes. She's under disciplinary
5 action because -- because she blogs about it and no
6 one wants to hear about this. But she continues to
7 blog. And so she's been -- just like I'm under
8 disciplinary action from the Florida Bar because I
9 filed a complaint against Roy Lustig. And it
10 happened to go in front of a woman named Adria
11 Quintela, who I understand under information and
12 belief, has had a relationship or is involved in a
13 relationship with Roy Lustig. And therefore -- and
14 I have all the documents.

15 My files are completely transparent. I will
16 give Your Honor anything and everything that she
17 wants because I believe that everything that goes
18 on in a guardianship should be a completely
19 transparent matter.

20 So I filed a complaint against Roy Lustig and
21 I alleged criminal activity. And normally, when
22 you file a complaint, they give a copy to the other
23 side and the other side has a chance to respond.
24 But that's not what happened at all. I filed it
25 and Adria Quintela gave Roy Lustig a copy of the

1 complaint. Simultaneously, she told me that she
2 was closing her file. And I wrote her back. And
3 it's all of record. I've sent it around, and I'm
4 happy to show it to Your Honor. Why would you
5 close your file before you opened your file? So
6 the point is --

7 MR. LUSTIG: Your Honor, may I respond?

8 MS. STONE: The point is that we're -- this is
9 digressing from anything. I would not be doing
10 this. I'm an attorney. I have never had a Bar
11 complaint filed against me.

12 MS. LUSTIG: She's --

13 MS. STONE: I am my mother's daughter and my
14 mother has no advocate.

15 And I just want to say one other thing in
16 connection with Michael Genden because I -- just
17 like -- just like Dr. Sarhan thinks, it's important
18 for judges to understand. It is the absolute
19 epitome of stupidity and arrogance for Michael
20 Genden to tell Blair Lapidés and Jacqueline Hertz
21 to supervise me when I'm going to see my mom, when
22 they have a vested interest in not letting me see
23 my mother.

24 THE COURT: What's the vested interest?

25 MS. STONE: The vested interest is they don't

1 want me there. This is a secret operation.

2 THE COURT: But why? Why wouldn't they want
3 you there?

4 MS. STONE: I don't know why they wouldn't
5 want me there.

6 MR. LUSTIG: Your Honor --

7 MS. STONE: I guess it's because I've
8 uncovered a lot of corruption. I've uncovered a
9 lot of fraud in the court. And every time I
10 uncover it, I bring it up to the court. I bring up
11 my problems to the court. And -- and the medical
12 -- the medical records speak for themselves, Your
13 Honor. The medical records speak for themselves.
14 Why are they keeping everything secret? Why would
15 they file a guardianship plan and say that my
16 mother was -- none of my mother's needs were unmet,
17 when she was in the hospital at the time?

18 MR. LUSTIG: Your Honor, may I respond
19 briefly? And I apologize for having to respond
20 each time, but I've been accused of certain things
21 once again. Now, I've been accused now of having
22 an affair, notwithstanding I've been married for 42
23 years to the same woman. I've been accused now of
24 having an affair with some attorney from the
25 Florida Bar who is bringing an action against

1 Ms. Stone. I will tell the Court I've never heard
2 of this woman. I've never met this woman. I've
3 never seen this woman, and I've never had an affair
4 with this woman. That's the first point.

5 Second point, Ms. Stone keeps referring to the
6 fact that this is a conspiracy. Again, I control
7 this. I control that. I assure this Court -- and
8 I don't think I have to because the Court knows how
9 the system works -- that I don't control anything.
10 I hardly can control my own office, forget about
11 controlling the court system and, nonetheless, the
12 judges. Okay?

13 Ms. Stone has made scandalous statements about
14 all of these judges and has made no -- no qualm
15 about sending it to over 125 news organizations.
16 She wants to know why she has a problem with the
17 Florida Bar? I suggest she looks at the rules of
18 ethics in respect to that. That's why she has a
19 problem.

20 THE COURT: All right. We're getting off
21 the --

22 MR. LUSTIG: I apologize, Your Honor.

23 THE COURT: -- the topic.

24 MR. LUSTIG: I just wanted to respond.

25 MS. STONE: Your Honor, please, I just would

1 like for us to go back to having my mother get an
2 independent medical evaluation, which I will pay
3 for.

4 THE COURT: But the problem is, Ms. Stone,
5 getting back to that, I don't know that I have -- I
6 would love to help you out. I really would. I'm
7 bothered by all of this only because I don't know
8 -- I haven't been the judge on this case. And I
9 don't know the history, but for what is being
10 represented to me. And if I take everything that
11 you say as truthful and accurate, everything that
12 Mr. Lustig as truthful and accurate, and everything
13 that Ms. Lapedes says as truthful and accurate,
14 what am I left with?

15 MS. STONE: You're left with getting the
16 medical evaluation for my mother. The medical
17 records speak for themselves. We've got a
18 seriously ill woman --

19 THE COURT: But that's why --

20 MS. STONE: -- that needs intervention by this
21 Court. My mother will die.

22 THE COURT: Ms. Stone.

23 MS. STONE: My mother will die.

24 THE COURT: Ms. Stone, I am extremely
25 sympathetic to the situation. I can't even imagine

1 being in the position that you're in. With that
2 being said, the Florida Supreme Court, in Benedict
3 v. Foster, 300 So. 2nd 8, Florida 1974, decides
4 this exact matter. And it said that where a court
5 of a certain jurisdiction has already accepted
6 jurisdiction, that's the jurisdiction that needs to
7 continue to rule on all the matters.

8 MS. STONE: But, Your Honor, that's why I
9 would like for you to speak to the -- bring in the
10 attorneys that I suggested that we bring in as an
11 expert witness. They're both expert witnesses.
12 They can testify to you that they've gone in for
13 TROs for the same situation and the TROs need to be
14 granted or their clients have died.

15 This is like telling me to take the abuse back
16 to the abuser. It's like asking me to plead for my
17 mother's life in front of a judge where all of his
18 court is filled with fraud. There's nothing that
19 goes on in his court but fraud.

20 THE COURT: No. No. That's not what I'm saying
21 at all. The jurisdiction of this Court is
22 Miami-Dade County. You can -- I'm not saying you
23 can't bring this action in Miami-Dade County.

24 MS. STONE: I'm bringing the action in the
25 county where the defendant resides. There's

1 nothing wrong with bringing an action in the county
2 where the defendant resides. And, again, I see no
3 reason why this Court can't simply order a doctor
4 to go see my mother.

5 THE COURT: Apparently, the only defendant
6 that resides in this county is Blaire Lapidés.

7 MS. STONE: Well, my -- my brother -- my
8 brother is married to someone who lives in Dade
9 County and he lives in her house. So he lives in
10 Dade County. But it doesn't matter because I do
11 have a defendant in Dade County. And therefore,
12 the choice of forum should be the plaintiffs,
13 according to the -- according to the Rules of Civil
14 Procedure.

15 MR. LUSTIG: That's -- that's --

16 MS. STONE: And there should be no objection.
17 There should be no objection. We're not --

18 MR. LUSTIG: Your Honor --

19 MS. STONE: We're not upsetting the apple
20 cart. We're simply getting an independent medical
21 evaluation done for my mother, which again, they
22 should welcome. If there's nothing wrong, so be
23 it.

24 MR. LUSTIG: Your Honor, you know, that's a
25 false assumption, first of all. Making a statement

1 that, if they had no -- why would they be making --
2 obviously, they must be -- you must be guilty if
3 you hire an attorney because otherwise you'd be
4 telling me -- the police officer everything that's
5 the truth. The same logic applies here.

6 We've got a court that has jurisdiction. We
7 have a judge. She has taken the judge up to the
8 Third District. Third District has ruled.

9 THE COURT: Well, Ms. Stone, I'm not saying
10 your issues that you presented have to stay in --
11 in probate. You can file this in regular circuit
12 court.

13 MS. STONE: Your Honor, I -- I'm not going to
14 be able to file in Dade County. There's threats
15 that have been made. There's threats that have
16 been made. There's threats by the judge that have
17 been made. It's impossible for me to have due
18 process and for my mother to have due process in
19 Dade County.

20 And I'm here. The venue is proper, according
21 to the Rules of Civil Procedure. I'm just asking
22 Your Honor to please -- to please have her seen by
23 a -- by a medical doctor. That's all I'm asking
24 Your Honor to do.

25 MR. LUSTIG: You're asking -- Your Honor, she's

1 asking this Court to go outside the law to do what
2 she wants. Okay? And the thought process alone of
3 saying that she can't trust any judge in Miami-Dade
4 County is so ludicrous, we won't even go into that.
5 She can bring an action in the general jurisdiction
6 division, if she so chose.

7 THE COURT: Okay.

8 MR. LUSTIG: I'd also tell the Court that, in
9 each of those federal cases, they were dismissed
10 with prejudice.

11 THE COURT: I read it.

12 MR. LUSTIG: Okay. I apologize, Your Honor.

13 THE COURT: I mean, I read Judge Williams'
14 order.

15 MR. LUSTIG: Yes.

16 THE COURT: I'm not going to dismiss it with
17 prejudice.

18 MR. LUSTIG: I mean, that's up to this Court,
19 Your Honor. I think the Court should. I don't
20 think this Court has jurisdiction at all, subject
21 matter. But --

22 THE COURT: I don't --

23 MR. LUSTIG: -- I'll leave that up to the
24 Court.

25 THE COURT: I don't believe I do either.

1 MS. STONE: May -- may I say something?

2 THE COURT: I'm not dismissing it with
3 prejudice.

4 MS. STONE: May I say something, Your Honor?

5 THE COURT: Yes.

6 MS. STONE: If you feel like you're not able
7 to bring in -- to come in and -- and, uh, provide a
8 remedy for my mother, I've made it very clear that
9 I feel that the Florida Bar members are retaliating
10 against me. And therefore, I would ask -- I would
11 ask this Court to order this action transferred to
12 a federal court outside of the state immediately
13 where I can get my mother emergency relief.

14 THE COURT: I can't do that.

15 MS. STONE: And I've made -- I've made it very
16 clear that the members of the Florida Bar who --
17 the judges or the attorneys who are members of the
18 Florida Bar, I'm getting retaliated. I'm here with
19 a simple request.

20 THE COURT: Ms. Stone. Ms. Stone, again, with
21 all due respect, again, I am very sympathetic to
22 your situation. I feel horrible. Again, if this
23 is what's going on, I feel horrible that you can't
24 see your mom; that you've been prevented -- that
25 you've been arrested; that -- like I said, I can't

1 even imagine being in your situation. But having
2 said that, I'm dismissing it. If you want to move
3 to amend and if you can make a case for
4 jurisdiction, then make a case for jurisdiction.
5 But merely stating that every judge in Miami-Dade
6 County can't hear the case is not enough. You
7 can't just make that statement. You have to -- in
8 the complaint, you have to allege jurisdiction,
9 just like you would allege a cause of action.

10 MS. STONE: Your Honor, I'm asking Your Honor
11 to step up and do the right thing. I'm asking Your
12 Honor --

13 MR. BERNSTEIN: Well, she just told you to
14 amend it. So I'd take that and stop right there.

15 THE COURT: I would listen to your friend of
16 the court over there.

17 MS. STONE: You know, I -- I have to --

18 MR. BERNSTEIN: Your Honor, I'll speak on that
19 for a second. I am involved in a massive
20 corruption scandal involving judges, attorneys, and
21 whistleblowers. In fact, I filed a --

22 MR. LUSTIG: I object. Your Honor, this is
23 irrelevant.

24 MR. BERNSTEIN: No. This is serious stuff.

25 MR. LUSTIG: This is irrelevant.

1 (All speaking at once.)

2 MS. STONE: No, no. His witnesses got to
3 speak. His witnesses just got to speak in your
4 courtroom.

5 (All speaking at once.)

6 MS. BERNSTEIN: No, no. It's okay. It's
7 fine.

8 (All speaking at once.)

9 MS. STONE: No. I think it's important for
10 Your Honor to know. I think it's important for
11 Your Honor to know.

12 MR. LUSTIG: Your Honor, I don't know this
13 gentleman. I don't know --

14 THE COURT: Mr. Bernstein.

15 MR. LUSTIG: -- whatever he's saying may be
16 the honest-to-God truth.

17 MS. STONE: Why the secrecy?

18 MR. LUSTIG: The point is, it is irrelevant to
19 this issue. It doesn't belong in this case.

20 THE COURT: I've already ruled. So --

21 MR. LUSTIG: Yeah.

22 THE COURT: But I'm trying to explain to
23 Ms. Stone. Even though she is a member of the Bar,
24 I don't know what kind of law you practice, but I
25 would strongly suggest you get counsel and --

1 MR. BERNSTEIN: Can she protect the counsel?

2 THE COURT: And this is a serious situation,
3 Ms. Stone. And if what you're saying is true and
4 if you are seriously and genuinely concerned about
5 your mother's wellbeing, then I suggest you get on
6 it immediately and you have counsel do something.
7 Because it appears, from everything that I've read,
8 that you are no longer welcome to file pleadings in
9 probate court regarding the guardianship of your
10 mother, which means if you want anyone to hear you,
11 anyone at all over there, you need counsel.

12 MS. STONE: Then, Your Honor, I would ask for
13 you to assign me counsel because I'm unable to get
14 counsel.

15 THE COURT: Have you been to the Dade County
16 Bar?

17 MS. STONE: I've been to -- I've had --

18 THE COURT: Referrals?

19 MS. STONE: I've had many counsel, many people
20 represent me. And they are -- they resigned or
21 they -- they withdraw because there have been
22 retaliations by Michael Genden and by Roy Lustig.
23 Or they make deals behind my back, and I don't know
24 about it. And all the deals are done behind my
25 back. And this is the way --

1 THE COURT: Have you been to legal aid for
2 whatever --

3 MS. STONE: I don't think that legal aid
4 handles this type of matter. But I'm not seeking
5 legal aid. I'm seeking to pay an attorney, but I'm
6 unable to get an attorney.

7 THE COURT: But you have money to hire an
8 attorney, right?

9 MS. STONE: I've been through -- I have very
10 little left, in terms of being able to hire an
11 attorney. But, again, to protect my mother, I've
12 hemorrhaged money.

13 THE COURT: Okay.

14 MS. STONE: I would like to bring you my
15 records and show you again. Everything that I have
16 is completely transparent. And so I'm not able to
17 get counsel. And I don't know why I should have to
18 have counsel before --

19 THE COURT: I'm not telling you that you have
20 to have counsel.

21 MS. STONE: -- before filing.

22 THE COURT: I'm suggesting. I'm suggesting
23 because you are heavily, heavily emotionally
24 involved in this case. If you had somebody
25 speaking on your behalf and somebody advocating on

1 your behalf, just like you want to advocate for
2 your mother, you would be much more well-suited.

3 MS. STONE: But I'm unable to get anybody to
4 advocate on my behalf because this issue is well
5 known to the courts to be an issue where these
6 probate courts --

7 THE COURT: I'm sure this issue is well known.
8 I'm sure there's organizations out there.

9 Mr. Bernstein, you said you've been doing
10 this.

11 The doctor who was here said he's been doing
12 this. I'm sure there's organizations that are well
13 known around --

14 MS. STONE: But he's representing himself pro
15 se.

16 THE COURT: -- if not the county, the state,
17 the country that are interested in elderly abuse or
18 whatever it is or whatever the cause is that's
19 going on. I'm sure there are people out there that
20 would be more than happy to help you out.

21 MR. BERNSTEIN: Your Honor?

22 THE COURT: Yes.

23 MR. BERNSTEIN: As being a whistleblower of
24 the Florida Bar, it becomes very difficult for
25 attorneys to come and help her without fearing

1 retribution and threats and whatever from other
2 members. You have solid evidence that that
3 occurred from a member of the Florida Bar who put
4 her --

5 MR. LUSTIG: Your Honor --

6 MR. BERNSTEIN: -- reputation and license on
7 the line. I'm just saying, from an outside casual
8 observer.

9 MR. LUSTIG: Your Honor --

10 MR. BERNSTEIN: It's very hard to witness --

11 MR. LUSTIG: I object.

12 MR. BERNSTEIN: It's a very simple and narrow
13 thing.

14 MR. LUSTIG: You want to put him on the stand?

15 MR. BERNSTEIN: Could you -- could you protect
16 her attorney by saying to her attorney, You're not
17 -- you know, "You're to report to me and tell me if
18 anybody contacts you regarding this case, that's
19 outside of the typical channels in the case and
20 immediately report to me for -- and I will protect
21 you"? Because I do know two of the lawyers she's
22 talking about and people are scared. I mean,
23 you're taking on a case where you're helping
24 somebody who's blowing the whistle on serious
25 judges in a racketeering scheme she's described,

1 which is very serious allegations, as you know.

2 So, you know -- and she's willing to take them
3 on and do this, obviously. So all she's saying is,
4 I think, "I'll come back to your Court with a
5 modified amended complaint" --

6 THE COURT: And if it is for a whistleblower,
7 then you need to file that --

8 MR. BERNSTEIN: As a count.

9 THE COURT: I'm sorry?

10 MR. BERNSTEIN: As a count?

11 THE COURT: As a count.

12 MR. BERNSTEIN: Yeah.

13 THE COURT: And you need to state a cause of
14 action.

15 MR. BERNSTEIN: Okay.

16 THE COURT: And not a hundred pages of
17 attachments, criminal complaints. You need to
18 state a cause of action, if that's what you want
19 this Court to do, if that's what your relief is,
20 then you need to plead a case for whistleblower.

21 MS. STONE: Your Honor, may I --

22 THE COURT: Not to say plaintiff is a
23 whistleblower.

24 (A discussion was held between Ms. Stone and
25 Mr. Bernstein.)

1 THE COURT: Ms. Stone, are you listening?
2 Ms. Stone. Ms. Stone, if you want to plead a case for
3 whistleblower, you need to either hire a counsel or you
4 need to research the statute on whistleblowing, what the
5 elements are for a whistleblower, and you need to state
6 those and list those all in a cause of action, if that's
7 what you are asking this Court. That's not what I read
8 in here, except you saying, "Plaintiff is a
9 whistleblower." Okay?

10 So the dismiss -- the complaint failed on that
11 as well. It doesn't state a cause of action. Okay.
12 Other than the jurisdictional issue with regard to the
13 guardianship, it doesn't state a cause of action as to
14 whistleblower. You can't just say, "I'm a
15 whistleblower" and that's a cause of action. You have
16 to state the -- what the elements are and you have to go
17 through that. Okay?

18 MR. BERNSTEIN: Thank you.

19 THE COURT: Okay. Thank you all very much.

20 MR. LUSTIG: Is the Court going to prepare its
21 own order or would the Court like me to submit it?

22 THE COURT: No. You can just say it's denied
23 regarding the guardianship due to --

24 MR. LUSTIG: Well, it's --

25 THE COURT: -- jurisdictional and failure to

1 state a cause of action.

2 MS. STONE: So it wasn't failure to -- it was
3 failure to state a whistleblower cause of action.

4 MR. LUSTIG: The whole --

5 THE COURT: That is correct.

6 MR. LUSTIG: Fine.

7 MS. STONE: No, no, no. It was failure to
8 state a whistleblower cause of action.

9 THE COURT: Right. But I couldn't tell, from
10 what I read, what other causes of action you're
11 trying to --

12 MR. LUSTIG: I'm going to prepare it now, if
13 the Court doesn't mind.

14 THE COURT: That's fine.

15 MR. LUSTIG: Thank you.

16 THE COURT: Whatever relief you're requesting,
17 you have to state what the cause of action is,
18 Ms. Stone.

19 MS. STONE: Yes. And I believe I did state
20 the cause of action.

21 MR. BERNSTEIN: You'll replead.

22 THE COURT: Yes.

23 MR. BERNSTEIN: It's not perfect, but...

24 MS. STONE: No. But I think the cause of
25 action was that there's criminality involved and in

1 the guardianship.

2 THE COURT: Okay. So if you're pleading
3 criminality, then you have to plead that as a cause
4 of action.

5 MR. BERNSTEIN: Right.

6 THE COURT: You can't just say it's
7 criminality. You have to go through the statute of
8 intentional tort and you have to go through the
9 elements and you have to proof the -- or you have
10 to allege the elements. So that's where counsel
11 could come in and help you craft a complaint.

12 MS. STONE: I believe that it was contained
13 adequately.

14 MR. BERNSTEIN: Thank you, Your Honor.

15 THE COURT: Okay. Thank you.

16 MR. BERNSTEIN: That was very compassionate
17 and caring. Great to hear that these days..

18 THE COURT: Good luck.

19 MR. LUSTIG: It doesn't have to say leave to
20 amend, it is denied without prejudice.

21 THE COURT: That is true, but the jurisdiction
22 I guess she could re-file. She can try to replead
23 jurisdiction.

24 MR. LUSTIG: Yeah.

25 THE COURT: All right.

1 MS. STONE: I believe there are overriding
2 considerations.

3 THE COURT: But equity does not trump the law.
4 The law is the law.

5 MS. STONE: There were equitable claims.

6

7 (The proceedings were concluded at 5:55 p.m.)

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1 REPORTER'S CERTIFICATE

2
3 STATE OF FLORIDA
4 COUNTY OF BROWARD

5
6 I, Abby G. Schofel, and Notary Public in
7 and for the State of Florida at large, do hereby certify
8 that I was authorized to and did report said hearing in
stenotype; and that the foregoing pages, numbered from 1
to 109, inclusive, are a true and correct transcription
of my shorthand notes of said hearing.

9 I further certify that said hearing was
10 taken at the time and place hereinabove set forth and
11 that the taking of said hearing was commenced and
completed as hereinabove set out.

12 I further certify that I am not an
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17 IN WITNESS WHEREOF, I have hereunto set my
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