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IN THE CIRCUIT COURT OF THE
ELEVENTH JUDICIAL CIRCUIT
IN AND FOR MIAMI DADE COUNTY

CASE NO.: 2012-4330 GD 01

IN RE: GUARDIANSHIP OF
HELEN STONE

_____ /

HEARING RE: Motion

- - -

The above-entitled cause came on for
Hearing before the HONORABLE JUDGE MICHAEL GENDEN, at
the Probate Courthouse, 701 Northwest 1st Court, 8th
Floor, Miami, Florida, on May 4, 2015, scheduled for
11:30, commencing at 11:42 a.m. to 11:47 p.m.

1 APPEARANCES:

2 On Behalf of the Plaintiff:
3 CANDICE SCHWAGER, ESQUIRE
4 (Telephonically)

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 Lapidés
13 Barbara Stone (Telephonically)

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1 (Whereupon, the following proceedings were held:)

2 THE BAILIFF: Good morning. You're in
3 chambers with --

4 MS. SCHWAGER: Good morning.

5 THE BAILIFF: You're in chambers with judge --
6 in Judge Genden's chambers. Uh, who's on the
7 phone?

8 MS. SCHWAGER: My name is Candice Schwager,
9 S-c-h-w-a-g-e-r. I'm an elder law attorney in
10 Texas.

11 And, Your Honor, I apologize for the late
12 notice. I just got retained.

13 THE COURT: Ma'am, are you a Florida lawyer?

14 MS. SCHWAGER: I'm not. But my local counsel
15 is Marc Soss. He is a Florida lawyer.

16 THE COURT: Okay. Well, I'm sorry, ma'am.
17 You have no business, you know this, appearing in a
18 hearing in a Florida court. You're not a member of
19 the Florida Bar.

20 MS. SCHWAGER: I have filed a motion for a pro
21 hac vice, Your Honor.

22 THE COURT: Yeah. Well, no, ma'am. You can't
23 just, quote, file a motion for pro hac vice and
24 inject yourself into this hearing. No, ma'am. I'm
25 sorry. When you file a motion on behalf of Barbara

1 Stone and it comes in front of the Court, the Court
2 will rule on it. But right now, you have no
3 juris -- you have no right to be in this hearing,
4 number one. And number two, I don't know who this
5 other person is. So with all due respect --

6 MS. SCHWAGER: Ms. Stone is on the phone.

7 THE COURT: That's fine. Ms. Stone is
8 supposed to be here and she's not here.

9 MS. SCHWAGER: She's before a federal judge,
10 Your Honor.

11 THE COURT: She's before a federal judge.
12 That's interesting. She's got a court reporter,
13 who's been hired, who's here. She's got witnesses
14 outside, and she's got you here. What federal
15 judge is she in front of?

16 MS. SCHWAGER: I -- I don't know right now.
17 She's in the federal courthouse, Your Honor.

18 THE COURT: Okay. Well, you can tell her,
19 because I don't know if she's there or not there,
20 this hearing was supposed to start at 11:30. It is
21 now 11:30 -- 11:42. She is not here. She asked
22 witnesses, who are sitting outside, to be here.
23 She ordered a court reporter. I'm here.

24 Mr. Lustig, will you state -- announce your
25 appearance.

1 MR. LUSTIG: Yes. Roy R. Lustig on behalf of
2 the guardians, uh, Blaire Lapidés and Jacqueline
3 Hertz. And to --

4 MS. SCHWAGER: Counsel --

5 MR. LUSTIG: And to my left is Blaire Lapidés.

6 THE COURT: And she is -- who is she?

7 MR. LUSTIG: Blaire Lapidés is the co-guardian
8 of the person and guardian of the property of Helen
9 Stone.

10 THE COURT: Okay. Ms. Schwager, we're going
11 to hang up the phone because you have no right to
12 be involved in this hearing.

13 MS. STONE: Your Honor, I'm here. And I'm
14 suggesting you have no jurisdiction, which is --

15 THE COURT: Oh, who's here? Who's here?

16 MS. STONE: Yes. This is -- this is Barbara
17 Stone. And I'm --

18 THE COURT: I thought you were --

19 MS. STONE: -- suggesting that you have no
20 jurisdiction. And I'm moving --

21 THE COURT: -- in front of a federal judge?

22 MS. STONE: -- for your disqualify -- yes. I
23 stepped out.

24 THE COURT: You stepped out of where?

25 MS. STONE: I stepped out.

1 THE COURT: Out of where?

2 MS. STONE: Out of court *** so that I could
3 comply with my requirements. I filed a motion for
4 your disqualification, and there's no jurisdiction
5 to hear --

6 THE COURT: Yes, ma'am. Yes, ma'am.

7 MS. STONE: Your disqualification is pending.

8 THE COURT: Okay. Ma'am. Ma'am, you are not
9 here. You're ordered to be here. You're not here.
10 You cannot appear by phone.

11 MS. STONE: I am on the phone and I have
12 everyone here and I'm in front of a federal judge.
13 And --

14 THE COURT: What federal judge? What federal
15 judge?

16 MS. STONE: I -- I -- I am here --

17 THE COURT: What --

18 MS. STONE: -- to file a motion for --

19 THE COURT: What federal --

20 MS. SCHWAGER: Okay. You have the right to
21 remain silent.

22 THE COURT: What federal judge are you in
23 front of?

24 MS. SCHWAGER: I'm advising you to remain
25 silent.

1 THE COURT: What federal judge are you in
2 front of?

3 MS. STONE: I've been advised -- I've been
4 advised by my attorney to remain silent.

5 THE COURT: Okay. I want the record to
6 reflect that this hearing was set for 11:30.
7 Ms. Stone has witnesses outside. Why, I don't
8 know. But they're out there on a motion for
9 rule -- on a rule to show cause for violating my
10 order not allowing you to file petitions or
11 pleadings in this Court without having a Florida
12 Bar member. You are not here. You were told to be
13 here. You knew to be here. You were served many
14 different ways. You hired a court reporter.

15 MS. STONE: Yes. And I'm here by phone, sir.

16 THE COURT: No, ma'am. No, ma'am. No, ma'am.
17 No, ma'am. You are not here by phone.

18 You then filed a motion to recuse me, which is
19 going to be denied as legally insufficient. I will
20 follow that up --

21 MS. SCHWAGER: You have the right --

22 THE COURT: Excuse me?

23 MS. SCHWAGER: I was talking to Barbara. I
24 apologize. I thought you were finished, Your
25 Honor.

1 THE COURT: Okay. You filed a petition to
2 recuse me in which you've claimed in the petition
3 that I am engaged in human trafficking. This is
4 your second motion to recuse me. That is being
5 denied as legally insufficient. It will be
6 followed up with an order.

7 You then filed an injunction, a TRO against
8 me, which has been denied by the county court just
9 last Friday. You filed several pleadings in
10 derogation of my order. With the motion to recuse
11 me, the second motion, you filed 300 pages of
12 attachments. And you cannot appear by phone.
13 Therefore, I am issuing a writ of bodily attachment
14 to have you picked up.

15 Is there anything else you want to say?

16 MS. STONE: Your Honor, you have to -- yes.
17 Your Honor, you must rule on your
18 disqualification --

19 THE COURT: I just did.

20 MS. STONE: -- as being legally
21 insufficient --

22 THE COURT: I just did.

23 MS. STONE: -- a legal expert --

24 THE COURT: I just did.

25 MS. STONE: You have a -- you have a

1 responsibility --

2 MS. SCHWAGER: Barbara --

3 MS. STONE: -- on your --

4 MS. SCHWAGER: -- it's not an issue.

5 THE COURT: Ms. Schwager, do you see what I'm

6 dealing with here?

7 MS. SCHWAGER: Your Honor, I would ask that

8 you please -- Your Honor, I would ask that you

9 please rule on your disqualification.

10 THE COURT: I just did. I said it was being

11 denied as legally insufficient.

12 MS. SCHWAGER: Your Honor, there's an

13 independent duty under Caperton v. Massey to recuse

14 when there's any appearance of impropriety --

15 THE COURT: Ma'am. Ma'am, you have no right,

16 none, to be arguing. You're a member of the Texas

17 Bar, and you are trying to practice law in Florida.

18 And you know how inappropriate and wrong that is.

19 I can't believe that you're doing that, knowing

20 you're not a member of the Florida Bar.

21 This is where we're going. It's like through

22 the looking glass. It gets weirder and weirder.

23 This hearing is over. I am issuing a writ of

24 bodily attachment. And Ms. Stone will be picked up

25 and taken to jail. And when she's done with that,

1 then we will then reset the motion --

2 MS. STONE: Your Honor, you don't have the
3 right to issue anything in connection with a
4 criminal matter because --

5 MS. SCHWAGER: Barbara --

6 THE COURT: Yes, ma'am. You know, what? You
7 know what? Ms. Stone, this hearing is over. Have
8 a lovely day.

9 (The proceedings were concluded at 11:47 a.m.)

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REPORTER'S CERTIFICATE

STATE OF FLORIDA
COUNTY OF MIAMI DADE

I, Abby G. Schofel, and Notary Public in and for the State of Florida at large, do hereby certify that I was authorized to and did report said hearing in stenotype; and that the foregoing pages, numbered from 1 to 10, inclusive, are a true and correct transcription of my shorthand notes of said hearing.

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

I further certify that I am not an attorney or counsel of any of the parties, nor am I a relative or employee of any attorney or counsel of party connected with the action, nor am I financially interested in the action.

The foregoing certification of this transcript does not apply to any reproduction of the same by any means unless under the direct control and/or direction of the certifying reporter.

IN WITNESS WHEREOF, I have hereunto set my hand this 6th day of May, 2015.

Abby G. Schofel