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IN THE CIRCUIT COURT OF THE 11TH JUDICIAL CIRCUIT  
IN AND FOR MIAMI-DADE COUNTY, FLORIDA

PROBATE DIVISION  
CASE NO.: 12-4330 GD 01

IN RE: GUARDIANSHIP OF  
HELEN R. STONE,  
Ward.

\_\_\_\_\_ / .

EMERGENCY MOTION TO REMOVE BARBARA STONE  
FROM WARD'S RESIDENCE AND IMPOSE SUPERVISED VISITATION

The above-styled cause came on for Hearing  
before THE HONORABLE MICHAEL A. GENDEN, at the Dade  
County Courthouse, 73 West Flagler Street, Miami,  
Florida 33130, on the 8th day of March, 2013, and  
commencing at 10:00 o'clock a.m.

Reported by:  
LUCIE MASI, CSR  
Notary Public  
Esquire Deposition Services

1 APPEARANCES :

2

ON BEHALF OF THE GUARDIANS :

3

STEVEN B. DOLCHIN, P.A.

4

BY: STEVEN B. DOLCHIN, ESQUIRE

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BROAD AND CASSEL

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BY: GARY LEHMAN, ESQUIRE

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ADRIAN PHILIP THOMAS, P.A.

10

BY: SEAN PERKINS, ESQUIRE

515 East Las Olas Blvd., Suite 1050

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Fort Lauderdale, Florida 33301

Appearing on behalf of Barbara Stone

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2 (Whereupon, the following proceedings were  
3 had:)

4 THE COURT: This is the case of Stone.

5 MR. DOLCHIN: This is the case of  
6 Guardianship of Helen R. Stone.

7 My name is Steven Dolchin. I represent the  
8 Co-Guardians of the Person.

9 THE COURT: Case Number 12-4330.

10 MR. LEHMAN: Gary Lehman and Amy Steele  
11 Donner of Broad and Cassel on behalf of Alan  
12 Stone.

13 MR. PERKINS: Sean Perkins with the Law  
14 Office of Adrian Thomas, on behalf of Barbara  
15 Stone, who is present.

16 MS. HERTZ: Jacqueline Hertz, Co-Guardian of  
17 the Person.

18 MS. LAPIDES: Blaire Lapides, Co-Guardian of  
19 the Person.

20 THE COURT: We're here on, from what I  
21 understand, is an Emergency Motion concerning Mrs.  
22 Stone's daughter interfering with the duties of  
23 the Guardian.

24 And what's alleged in the Petition is that  
25 she is becoming a nuisance with regards to ongoing

1 phone calls to the Guardian at odd hours.

2 And that, from what's alleged, Mrs. Stone,  
3 the Ward, is desirous of having her daughter  
4 removed from the house.

5 MR. DOLCHIN: That's correct, Your Honor.

6 THE COURT: So if you want to add anything to  
7 your Petition, go right ahead.

8 MR. DOLCHIN: First of all, thank you for  
9 hearing this on such prompt notice.

10 We gave expedited Notice to all the parties  
11 because of the emergency nature of the matter.

12 I represent the Successor Co-Guardians of the  
13 Person.

14 THE COURT: Mrs. Stone, he's not going to do  
15 that when you guys are talking; I just can't have  
16 that.

17 Go ahead.

18 MR. DOLCHIN: I represent the Successor  
19 Co-Guardians of the Person.

20 THE COURT: Ms. Hertz and the cousin, Ms.  
21 Lapidés.

22 MR. DOLCHIN: Yes. There was a Settlement  
23 Agreement, by the way, which I think is very  
24 telling.

25 THE COURT: I was there.

1 MR. DOLCHIN: Yes, I know you were.

2 Particularly, the Settlement Agreement states  
3 that Blaire Lapedes and Jackie Hertz will be  
4 Co-Guardians of the Person for Helen Stone.

5 In the event of a dispute between the  
6 Co-Guardians, Jackie will have veto power and  
7 Jackie is exclusive as to visitation only.

8 So dealing with the visitation rights,  
9 they've made a determination --

10 THE COURT" Who's "they"?

11 MR. DOLCHIN: "They" being the Co-Guardians  
12 of the person.

13 The Co-Guardians of the person have made a  
14 determination that it's in the best interest of  
15 Helen Stone, the Ward, that Barbara not be in her  
16 house.

17 Right now, Barbara Stone lives in New York,  
18 from my understanding, and she's staying with her  
19 mother.

20 Apparently, she's creating a situation where  
21 her mother is unable to function properly. Her  
22 health is deteriorating.

23 It's not in her best interest to have Barbara  
24 there. Barbara is interfering with the care  
25 that's supposed to be provided.

1 Barbara is also creating a lot of problems  
2 with the Co-Guardians of the Person.

3 The Co-Guardians of the Person feel that it  
4 is best for Barbara to leave the home.

5 And if she's going to visit with her mother,  
6 it should be done by some supervised visitation.

7 THE COURT: First of all, was the Global  
8 Agreement executed by everybody?

9 MR. DOLCHIN: No, it wasn't, Your Honor.  
10 Gary Lehman could probably address this better,  
11 but you did have a statement on the record, and  
12 everybody agreed.

13 THE COURT: I understand. I was here, and I  
14 went through it.

15 MR. LEHMAN: I sent it to everyone for  
16 signature. I've asked that they return it to me  
17 by 4:00 p.m. today via email. And if it's not  
18 signed, I will be seeking to enforce it.

19 THE COURT: I understand, by a Petition to  
20 Enforce.

21 What's the position of your client, Mrs.  
22 Stone, the daughter.

23 MR. PERKINS: Your Honor, if it please the  
24 Court.

25 Can I make a couple of quick points?

1 THE COURT: Go right ahead.

2 MR. PERKINS: First off, we object. This  
3 was Noticed at 5:12 p.m. yesterday for 10:00 a.m.  
4 today.

5 I'm a certainly a Florida Bar licensed  
6 attorney.

7 Robert Trinkler, as everyone knows, has been  
8 handling this matter. So I'm not privy to what  
9 was put on the record, and the late Notice does  
10 prejudice Ms. Stone.

11 THE COURT: How?

12 MR. PERKINS: How? Because --

13 THE COURT: Yes. What would she have done  
14 differently? These are simple allegations.

15 She's disturbing the ability of the Guardians  
16 to do their job.

17 They've been given exclusive abilities,  
18 specifically Ms. Hertz, as the go-to person -- for  
19 lack of a better term -- in determining disputes,  
20 even among themselves.

21 How has she been prejudiced -- to me, it's  
22 like when I was in Criminal Court and somebody  
23 would say, "I never saw that photograph."

24 And I would say, "Well, what would you do  
25 differently? There it is, look at it. You can't

1 change it."

2 These are very simple allegations. How have  
3 you been prejudiced?

4 MR. PERKINS: By not having adequate time to  
5 prepare.

6 For instance: There are hearsay statements  
7 attributed to the Ward in this Petition, which  
8 should have been brought as an Injunction.

9 THE COURT: I understand, I understand.

10 MR. PERKINS: So we have these statements.

11 Basically, there's three phone calls which  
12 take place after business hours, which were made  
13 because of Ms. Stone's concern for her mother and  
14 things she was told by the Co-Guardian.

15 THE COURT: That's a very diplomatic way of  
16 saying it, "after hours".

17 3:00 o'clock in the morning is certainly a  
18 lot longer than "after hours".

19 So what are you suggesting, that you would  
20 like to do what to prepare?

21 MR. PERKINS: Well, I think it's  
22 inappropriate that an Injunction is being asked  
23 for to bar my client from seeing her mother  
24 without permission of the Co-Guardians.

25 THE COURT: Everybody has agreed that the



1 Co-Guardians are the ones that have the right to  
2 make these decisions.

3 We all knew this. We sat here -- first of  
4 all, you weren't here, so in fairness to you --

5 MR. PERKINS: And I apologize for my lack  
6 of -- I tried to get caught up this morning.

7 THE COURT: No, no. Please don't.

8 We had a hearing set about three weeks ago,  
9 whatever it was -- it's somewhere in that  
10 neighborhood -- at 1:30.

11 I appeared at 1:30 ready to go. I was told,  
12 quote, "Give us a moment. We're trying to work  
13 some things out."

14 At a quarter to 3:00 -- because I looked at  
15 the clock exactly -- everybody came in here and  
16 said, "We have a Global Settlement."

17 We went on the record; went around the room.  
18 Everybody was here; everybody agreed to the,  
19 quote, "Global Settlement".

20 And everybody left, and that was it.  
21 Everybody shook hands, "Goodbye. Have a nice day."

22 So you can't -- you know as a lawyer and as a  
23 member of the Bar, you can't agree to something  
24 one day and say you want a do-over the next day.

25 So what was done in that Global Settlement

1 was: You are the onliest people who have the  
2 right to make these decisions.

3 And that's why we have these type of Global  
4 Settlements, because we can't have willy nilly,  
5 "Well, you can make the decisions on Tuesdays,  
6 Thursdays and Saturdays" -- hold on, Mrs. Stone.  
7 I'm going to let you talk.

8 MS. STONE: Thank you.

9 THE COURT: "You can make these decisions on  
10 Tuesdays, Thursdays and Saturdays, but I get to  
11 make them on Mondays, Wednesdays and Fridays, and  
12 half a day Sunday."

13 There's got to be some finality to what  
14 people agree to.

15 Now I've been a Judge 20 years, and know what  
16 I'm doing. I'm not wet behind the ears. So  
17 unless you can tell me how you've been prejudiced,  
18 I'm wide open to listen to what have to say.

19 I'm ready to go forward, so I'm giving you  
20 the floor.

21 MR. PERKINS: Thank you, Your Honor.

22 I think we're prejudiced by not having the  
23 opportunity to follow up with these allegations.

24 THE COURT: By doing what?

25 You certainly don't think I'm going to let

1 you take the Deposition of Ms. Stone, do you?

2 MR. PERKINS: No, sir, and I'm not asking to.

3 THE COURT: Well, what would you like to do?

4 MR. PERKINS: Well, at the very least, I  
5 think it would be prudent to hear from the  
6 attorney for the Ward.

7 THE COURT: The attorney for the Ward?

8 MR. PERKINS: Mr. Levy, I believe.

9 Mr. Levy got Noticed. Mr. Levy said he  
10 didn't think it's necessary, but if this Court  
11 wants to, we can get him on the telephone.

12 THE COURT: I'd be more than happy to do  
13 that.

14 I don't know what he's going to add or not.  
15 Mr. Levy is merely the mouthpiece, for lack  
16 of a better term, for the Guardian.

17 I sit here every day looking at Petitions for  
18 approval of this, "Give us the right to file a  
19 lawsuit. Give us the right to take money out to  
20 buy braces. Give us money to do this, do that."

21 They're merely the mouthpiece for what the  
22 Guardians need.

23 So I'm sure Mr. Levy wasn't on the phone at  
24 3:00 in the morning, so it either happened or it  
25 didn't.

1           That's enough for me to say, something has  
2 got to change.

3           MR. PERKINS: And Your Honor, when you say  
4 "it either happened or it didn't", are you  
5 referring to these telephone calls at odd hours?

6           THE COURT: Yes, I absolutely am, because  
7 this can't go on.

8           Can you imagine being called at 3:00 o'clock  
9 in the morning like this?

10          I see Mrs. Stone is chuckling.

11          MS. STONE:: It's so funny.

12          THE COURT: I don't know whether she believes  
13 it or doesn't believe it.

14          MS. STONE: When I speak, you'll hear it.

15          THE COURT: But I would be more than happy  
16 to put people under oath and make a finding of  
17 fact, which is what Judges do.

18          You want me to do that, I'll swear in the  
19 Guardians and let them talk.

20          Raise your right hands, ma'am?

21          MR. PERKINS: And also the aide, Your Honor.

22          THE COURT: Do everybody solemnly swear the  
23 evidence you're about to give will be the truth,  
24 the whole truth and nothing but the truth, so help  
25 you God?

1 MS. HERTZ: Yes.

2 MS. LAPIDES: Yes.

3 THE AIDE: Yes.

4 THE COURT: Go ahead, sir.

5 MS. STONE: Wait. But you didn't finish --

6 THE COURT: I want to hear the testimony.

7 MR. PERKINS: We're going to invoke the Rule  
8 of Sequestration as it relates to the aide.

9 I realize the Co-Guardians are parties.

10 THE COURT: Ma'am, can you step outside just  
11 for a minute? It has nothing to do with you.  
12 It's an issue of law.

13 When they're finished, you can come back.

14 (Whereupon, the aide exited chambers, after  
15 which the following proceedings were had:)

16 THE COURT: I've got a doctor's appointment  
17 at Baptist Hospital at 11:30, which I got in  
18 because it's important that I be there.

19 If we have to run this over to next week, we  
20 will.

21 MR. PERKINS: Do you want to address  
22 something?

23 MS. STONE: I'd like to speak.

24 THE COURT: What do you want to say?

25 MS. STONE: You can put me under oath.

1 THE COURT: Do you solemnly swear the  
2 evidence you're about to give will be the truth,  
3 the whole truth --

4 THE COURT: She has to take down a complete  
5 sentence.

6 Do you solemnly swear the evidence you're  
7 about to give will be the truth, the whole truth  
8 and nothing but the truth?

9 MS. STONE: Yes, sir.

10 THE COURT: Go ahead. What do you want to  
11 say?

12 MS. STONE: What I want to say is --

13 THE COURT: And you can sit down, please.

14 MS. STONE: If you don't mind, I'd rather  
15 stand.

16 THE COURT: I don't mind; stand. If you want  
17 to stand, stand.

18 MS. STONE: I would appreciate standing up,  
19 yes.

20 You know, we had a conversation about this  
21 before we came here.

22 THE COURT: Who is "we"?

23 MS. STONE: My attorney and I, because the  
24 Guardianship -- if you want to --

25 MR. PERKINS: What we talk about is

1 privileged.

2 THE COURT: Unless she wants to waive the  
3 privilege, and apparently she does, but I want you  
4 to be able to counsel her.

5 MR. PERKINS: Yes.

6 Please, anything we discussed, do not bring  
7 up here in open Court; it's privileged.

8 THE COURT: Unless you choose not to.

9 MS. STONE: I bought a Petition -- I want to  
10 go back to what we're all here for.

11 I bought a Petition for my mother to be  
12 declared incompetent and to have a Guardian  
13 appointed because my brother was financially  
14 abusing her and he was abusing my mother.

15 So it's undisputed that that's what happened.  
16 My mother's --

17 THE COURT; Why is it undisputed, because you  
18 say so?

19 MS. STONE: Because the Guardianship  
20 succeeded.

21 THE COURT: No, no, no. Guardianships are  
22 appointed because somebody is incompetent and  
23 needs a Guardian.

24 MS. STONE: But we had to --

25 THE COURT; Hold on, ma'am.

1           You can have a Guardian appointed for a nine  
2 year old who was involved in a horrible auto  
3 accident.

4           You can have a Guardianship for a 15 year old  
5 who's father died and they left him a million  
6 dollars.

7           There are all kinds of reasons for having a  
8 Guardianship.

9           In this circumstance, it's because somebody  
10 is incapable of handling their own affairs;  
11 whether that's a Limited Guardianship or a Plenary  
12 Guardianship.

13           But clearly, nobody doubted that she needed a  
14 Guardian, but that's all water under the bridge.

15           MS. STONE: Sir, if I may, may I please make  
16 my statement?

17           I mean, that's what I'm here for.

18           THE COURT: No, that's not what you're here  
19 for.

20           We are here for me to determine the ethicacy  
21 of the allegations; that's the only reason we're  
22 here.

23           I'm not going to go back to what happened  
24 weeks ago, months ago. I'm not relitigating that.

25           There was a Global Settlement entered into.



1 That usually means that whatever was going on,  
2 whatever problems were going on, have been  
3 resolved.

4 That's what a "settlement" means, "We have  
5 settled our differences."

6 So I'm not going back there, Mrs. Stone.  
7 And I don't think it does you well to start to go  
8 back to Point A and start all over again, because  
9 that's not why I'm here.

10 I'm here because they filed a Petition, and I  
11 said "Get them in."

12 MS. STONE: Okay. So we had to have a  
13 Third-Party Guardian.

14 And why did we have to have a Third-Party  
15 Guardian? Because there was a problem with having  
16 my brother as the Guardian.

17 So I now have Blaire Lapidés, who hasn't seen  
18 my mother in ten years, and I have this lady  
19 (indicating).

20 I'm going to be really short, and then I'm  
21 going to get to the point.

22 So I was very worried about my mother given  
23 what's been given. So I sat down with these  
24 ladies for two hours on Tuesday, and I went  
25 through something that I took a lot of time to

1 prepare.

2 And we went through all of these issues that  
3 I would like to see done with regard to my mother.

4 So they wrote a lot of notes, but nothing  
5 happened.

6 So now on Wednesday -- and one of the issues  
7 that I covered was doctors. I wanted a list of  
8 her medications and I wanted to make sure that one  
9 doctor was in charge of all of her medications, so  
10 that they knew exactly what my mother had to take.

11 So at that point, they could have said to me,  
12 "You know what? If some medication has to be  
13 taken, let the doctor decide. This is what the  
14 protocol is", but they didn't.

15 THE COURT: Let me just say something to you  
16 that I think I'm saying for your benefit, and  
17 maybe it will help you.

18 You have excellent lawyers representing you.  
19 What most people do when they need something in  
20 Court or they're not happy with the way things are  
21 going with the Guardian, is they get their lawyer  
22 to file a Petition; Petition to -- whatever it is.

23 They don't just take the bull by the horns or  
24 the ball in their hands and run with it.

25 They come to Court and they address the Court

1 through their attorneys. They don't just run  
2 roughshod over people, and then come in and say  
3 "This is what I want to happen."

4 Most people take advantage of the members of  
5 The Bar that they have, that they respect enough  
6 to represent them, and come to me and ask me for  
7 certain things.

8 What's going on here is very unusual. Having  
9 said all that -- and I'm going to say this for the  
10 last time -- there was an agreement on the record  
11 that these people are the Guardians with certain  
12 powers.

13 To use the old Superman, "with powers far  
14 beyond those of mortal men."

15 That's what you guys agreed on. I can't have  
16 a Global Settlement which allows these people to  
17 make important decisions that Guardians make, and  
18 then have somebody come in and say "You know what?  
19 I don't like the way they're working."

20 We have things such as Motions to Remove  
21 Guardians; that's how we do it.

22 MS. STONE: Okay, fine.

23 THE COURT: And then I have a hearing, and I  
24 find out whether or not the Guardian has a legal  
25 reason to be removed, underlying legal reason.

1           It's not just "I don't like the way things  
2           are going."

3           When you form a corporation and you elect  
4           somebody president of the corporation, you can't  
5           come along later and then say "You know, I don't  
6           like the decision he made." Well, then you  
7           shouldn't have made him president of the  
8           corporation.

9           When we elect a Governor, we elect a  
10          Governor. The only way to get him out, vote him  
11          out next time, et cetera, et cetera.

12          That's what you agreed to.

13          I want these phone calls to stop.

14          MS. STONE: Excuse me, can I just explain?

15          THE COURT: Are you calling at 3:00 in the  
16          morning?

17          MS. STONE: I called her at 3:00 in the  
18          morning because I thought my mother needed to go  
19          to the hospital.

20          Yes, I called her at 3:00 in the morning  
21          because the aide, while I was out, let my mother  
22          take this medication (indicating) without a  
23          doctor's prescription or without doctor  
24          authorization, and my mother was in the bathroom  
25          all night long.

1           So I was panicky. At 3:00 o'clock in the  
2 morning, I certainly did call her and I did what I  
3 was supposed to do.

4           THE COURT: Could you please stop it and --  
5 are you still at the house?

6           MS. STONE: Yes.

7           THE COURT: Why are you there? They don't  
8 want you there.

9           MS. STONE: But they have to have a  
10 reasonable reason why I shouldn't be.

11          THE COURT: No, they don't.

12          MS. STONE: So it can totally --

13          THE COURT: You have agreed to these people  
14 being the Guardians. I don't understand why you  
15 can't get that through your head.

16          What do you think "Guardian" means?

17          MS. STONE: So if my mother was going to die  
18 at 3:00 in the morning, I'm not supposed to call  
19 the Guardian? I mean, explain.

20          THE COURT: Was your mother dying at 3:00 in  
21 the morning?

22          MS. STONE: My mother was very sick at 3:00  
23 in the morning.

24          My mother was sick enough, so that I thought  
25 I should have to consider taking her to the

1 hospital.

2 THE COURT: What I would like you do from now  
3 on is: I would like you to go through your  
4 lawyers. Ask them to file appropriate Petitions  
5 with me, so everybody can be heard -- that's  
6 what's called "procedural due process" -- and I  
7 will make Rulings.

8 I have no dog in this fight.

9 MS. STONE: It seems you don't like me,  
10 Judge. It seems you don't like me.

11 THE COURT: It has nothing to do with you.

12 MS. STONE: No, it seems that you don't like  
13 me.

14 THE COURT: Listen, Mrs. Stone, I'm not going  
15 down this road with you, okay?

16 You came in here along with everybody else.  
17 I was prepared to have a hearing three, four weeks  
18 ago. And everybody came into my chambers and  
19 said, "We have a settlement."

20 If something was happening that they didn't  
21 like, you would be here saying, "Your Honor, we  
22 have a settlement; that's what they agreed to."

23 I didn't make that settlement. I wasn't out  
24 there for an hour and half preparing the  
25 Settlement.

1 Mr. Raymond came in here with five pages of  
2 notes, read it into the record, and everybody  
3 said "We agree".

4 What you agree to is that the Guardians are  
5 the people to make these decisions.

6 If you think they're doing something wrong,  
7 you need to file a Petition to have them removed.

8 Your lawyer will tell you that that's the way  
9 things happen.

10 You can't just take the bull by the horns. I  
11 understand this is your mother.

12 I had a father that passed away; I had a  
13 mother that passed away. We all love our parents.

14 But we are in a Legal Guardianship situation.  
15 And there's no reason to have a Legal Guardianship  
16 situation if people could say, "Well, only if I  
17 agree to it. Only if I'm happy with it."

18 Do what's necessary to be done through your  
19 lawyers, if you think that are legal reasonable  
20 grounds to remove them. And I'm here to listen.

21 MS. STONE: May I ask a question?

22 THE COURT: Of course. I don't know why you  
23 brought your lawyer, but go right ahead.

24 MS. STONE: Did you want to say something?

25 MR. PERKINS: I don't mean to interrupt you,

1 so please, by all means.

2 MS. STONE: Did you want to say something?

3 MR. PERKINS: At the appropriate time, I --

4 THE COURT: Well, the appropriate time is  
5 coming. Ms. Donner, did you want to say  
6 something?

7 MS. DONNER: The only thing I want to say is  
8 that I know you remember it very well, Your Honor.

9 But you actually went around the room and made  
10 everybody consent --

11 THE COURT: As I said earlier, I was here.

12 MS. STONE: But I never said yes to the  
13 Settlement.

14 THE COURT: Okay.

15 MS. STONE: I had some questions about it.

16 THE COURT: No, ma'am, you did say "yes".

17 THE COURT: That's a good point. Let's get  
18 the record. Could you get me the record of the  
19 Settlement Agreement?

20 What do you want to say, sir?

21 MR. PERKINS: I don't think the timing is  
22 proper, and that's why I'm hesitant to continue on  
23 with my objections to the Petition that we're here  
24 on.

25 It's essentially an Injunction keeping her



1 out. I understand everything --

2 THE COURT: No, it's not an Injunction. It  
3 is, "Your Honor, we have two Guardians that have  
4 been appointed pursuant to an Agreement, which  
5 gives them certain powers. One of those powers  
6 unquestionably is the right to make decisions on  
7 behalf of Mrs. Stone."

8 They believe at this point that it is in the  
9 best interest of Mrs. Stone -- not the daughter --  
10 that the daughter leave the premises until further  
11 notice and until further opportunity for the Court  
12 to determine that they're wrong or they should be  
13 removed.

14 But right now, they have been given that  
15 power.

16 MR. PERKINS: I don't disagree with you, Your  
17 Honor, but I disagree with the vehicle that  
18 they're traveling under, under 744.3215.

19 THE COURT: What other vehicle could they  
20 travel under?

21 MR. PERKINS: Injunctive Relief.

22 THE COURT: A rose by another name is still a  
23 rose.

24 They're saying, "We have an Agreement. They  
25 are the Guardians. They believe it's not in the

1 best interest of Mrs. Stone for her daughter to be  
2 there now", and I'm ordering her to leave the  
3 premises until further hearing, which I will give  
4 you an opportunity to present to me, as you said  
5 "at another time".

6 I'll have a full-blown hearing and find out  
7 whether or not your client should be allowed to  
8 move back in.

9 MS. STONE: But I did want to ask you a  
10 question, and you said that I could speak.

11 So what I'm hearing is that, at 3:00 o'clock  
12 in the morning, after the aide gave my mother  
13 medicine that she should have given my mother  
14 medicine, because I was reasonable and picked up  
15 the phone and I called the Guardian --

16 THE COURT: How did you find out that your  
17 mother was in the bathroom at 3:00 o'clock?

18 MS. STONE: Because I was there. She was in  
19 the bathroom all night long. She's been in the  
20 bathroom for three days now.

21 As a matter of fact, she's at the doctor --

22 THE COURT: Is she being taken to the doctor?

23 MS. STONE: When I called Jackie and I said  
24 to her, "I think that we need to either get her to  
25 the hospital"-- Jackie did not even know that my

1 mother had a doctor's appointment this morning,  
2 which is where she is right now.

3 THE COURT: Who took her there?

4 JACKIE: Excuse me, I made that appointment.

5 MS. STONE: But you didn't tell me on the  
6 phone. You didn't tell me on the phone.

7 MS. HERTZ: I told you she --

8 MS. STONE: No, you didn't. No, didn't.

9 MS. HERTZ: I told you she had an  
10 appointment.

11 MS. STONE: Jackie, you did not tell me she  
12 had an appointment.

13 THE COURT: Who made the appointment? She  
14 says she made the appointment.

15 MS. HERTZ: My office.

16 THE COURT: Where is she now?

17 MS. STONE: My mother is at the doctor  
18 without me.

19 THE COURT: Which doctor? What kind of  
20 doctor?

21 MS. STONE: She's at her internist.

22 THE COURT: That sounds to me like the place  
23 she should be.

24 MS. STONE: Right. And that's where Jackie  
25 should be and that's where I should be, so that we

1 can find out what's going on.

2 THE COURT: Well, who took her there?

3 MS. STONE: The aide said to me this morning  
4 as I was leaving to come down here, she said "You  
5 know, I think your mother has an appointment."

6 And I said, "Yes, she does. She has a  
7 doctor's appointment."

8 And the aide said to me, "I don't know where  
9 to take her. Where am I going to take her?"

10 And I said, "Excuse me, I'm going to go look  
11 it up" -- because I knew the doctor's name.

12 And so I wrote it down for her with a phone  
13 number, and then the aide said to me, "What time  
14 is the doctor's appointment?"

15 And I said, "She supposed to be at the doctor  
16 at 11:00 o'clock."

17 The aide didn't know where the doctor was;  
18 who the doctor was; what time it was.

19 THE COURT: Well, how did she get there this  
20 morning? That's the only question on the table.

21 How did she get there?

22 MS. STONE: I guess the aide took her in the  
23 car.

24 THE COURT: Well, let me ask Ms. Hertz.

25 Do you know how Ms. Stone got to the doctor

1 this morning?

2 MS. HERTZ: The private duty attendant took  
3 her, and she had the instructions; where to go and  
4 the time.

5 In fact, the doctor, at any point in time,  
6 may be calling me here because I'm the Guardian.

7 I've already faxed to him the medications  
8 she --

9 MS. STONE: Excuse me, that's because I  
10 called her secretary yesterday and I said,  
11 "Jennifer, could you make sure that this lady  
12 sends the instructions over to the doctor?"

13 And I had asked her --

14 MS. HERTZ: Excuse me --

15 MS. STONE: That's what happened.

16 MS. HERTZ: Excuse me. My protocol in the  
17 all the years that I have been in care management  
18 guardianship is that a medication tracking chart  
19 is always sent the day of the appointment or the  
20 day before.

21 MS. STONE: But that's not what your  
22 secretary said to me.

23 She said, "You know what? I'm going to write  
24 that down and I'm going to make sure that she does  
25 that"; that's what your secretary said.

1 MS. HERTZ: No.

2 MS. STONE: Let's get her on the phone.

3 MS. HERTZ: We always send--

4 THE COURT: Enough. I'm not going to sit  
5 here and listen to this bickering because I don't  
6 have time.

7 I have to go to the doctor. If you would  
8 like to schedule another hearing so that we can  
9 determine whether or not these ladies have done  
10 anything wrong which legally warrants them to be  
11 removed as Guardian, you can do that.

12 But right now, I'm going to sign an Order  
13 requiring Ms. Stone to leave the house until  
14 further notice.

15 Have a nice day.

16 MS. STONE: I just want to say for the record  
17 that I called at 3:00 o'clock.

18 THE COURT: Hold on, Ms. Stone. When you  
19 say, "I'd like to say for the record", to us, that  
20 means you have to give the court reporter a chance  
21 to get back on the record.

22 Otherwise, your comments will not be on the  
23 record.

24 Go ahead.

25 MS. STONE: It seems like the Guardians can

1 just make any kind of decision, reasonable or  
2 unreasonable, whatever they want to do which, to  
3 me, is not what a Guardian should be doing.

4 THE COURT: Let me tell you again, and this  
5 is the last time I'll tell you-- and I think your  
6 lawyer understands-- I'm giving you legal  
7 instruction.

8 Sometimes Guardians have to be removed  
9 because they're not doing their job. Sometimes  
10 Guardians have to be removed because they're  
11 stealing from the Ward.

12 There's various insundry reasons why  
13 Guardians have to be removed. And the way that's  
14 done is: Somebody files a Petition who's an  
15 interested party, to wit, yourself in this case,  
16 and files a Petition, Petition to Remove Guardian,  
17 and alleges the reasons.

18 Please, ma'am. I'm really trying to help  
19 you.

20 MS. STONE: Your Honor, it would seem like a  
21 decision could be made as to right now, if what  
22 they did was reasonable.

23 Why do we have to blow this up into removing  
24 the Guardians? Is what they did reasonable  
25 because I called at 3:00.

1 THE COURT: Would you please explain to your  
2 client that Courts deal with the matters are  
3 pending in front of them.

4 Just like your lawyer said, quote, unquote, "I  
5 haven't had enough time to prepare", you can't  
6 expect them to sit here and now morph this into a  
7 Petition to Remove the Guardians.

8 They have a right to prepare for that.

9 MS. STONE: But that's not what this is. It  
10 was to make a decision as to whether it was  
11 reasonable for me to call Jackie at 3:00 o'clock  
12 in the morning because my mother had to go to the  
13 hospital; was that a reasonable thing to do.

14 THE COURT: I have to go see Dr. Fernandez.  
15 He's got me in on an emergency basis, and I don't  
16 know if have enough time in 45 minutes to get to  
17 Baptist Hospital.

18 MR. DOLCHIN: Your Honor, we'd like to be  
19 able to put in the Order that we'd like Ms. Stone  
20 to be able to leave by no later than 2:00 o'clock  
21 this afternoon.

22 THE COURT: When are you going to leave,  
23 ma'am?

24 MS. STONE: I have appointments, so I'm not  
25 going to be able to get my mother's house until



1 much later today.

2 THE COURT: I want you out of there by the  
3 end of the business day.

4 MS. STONE: I'm not going to be able to get  
5 out of there by the end of the business day  
6 because I have appointments.

7 THE COURT: What appointments?

8 MS. STONE: I have appointments. I have  
9 business appointments.

10 THE COURT: What appointments?

11 MS. STONE: I don't think I need to give you  
12 my calendar.

13 THE COURT: Okay. You know what? I want you  
14 out of there by 5:00 o'clock.

15 If you're not out of there by 5:00 o'clock,  
16 they're authorized to file a Petition for Contempt  
17 against you.

18 MS. STONE: Of course, of course. Nobody  
19 likes me because I'm the squeaky wheel.

20 You don't like me. You don't like me.  
21 Nobody likes me.

22 THE COURT: Ma'am, if you want to put words  
23 in your mouth and say that -- I am doing my job.

24 I've been asked to make Rulings, and I've  
25 done them.

1           But I'm telling you now, and I hope your  
2 lawyer will tell you, that you should not take  
3 what I'm saying lightly.

4           I am telling you now: You should not take  
5 what I'm saying lightly.

6           Judges hear things; they make Rulings.

7           I have done my job. I've made my Rulings.

8           If you want to believe the whole world is  
9 against you, I can't change your mind.

10          But I have had a matter brought in front of  
11 me; I've made a Ruling.

12          If you don't like the Ruling, there's an  
13 Appellate Court that's out there in West Dade,  
14 which your lawyer can go and take an Appeal.

15          I think it would behoove you to take her out  
16 and explain to her what I just said.

17          MR. PERKINS: Yes, sir.

18          THE COURT: Let me say one last thing: Ms.  
19 Stone, you may not like the Rulings I make, but  
20 unfortunately for everybody that's been coming in  
21 front of me for 20 years, the State pays me to  
22 make those Rulings.

23          And whether you like those Rulings or you  
24 don't like those Rulings, or anybody likes those  
25 Rulings or any Ruling I've made out of tens of

1 thousands of Rulings that I've made in the last 20  
2 years, I'm the one that gets paid by the State to  
3 make those Rulings.

4 And that's why they have another level of  
5 judicial intervention called the "appellate  
6 system", which you have every right to go and take  
7 an Appeal.

8 I have been reversed before; I've been  
9 affirmed before. It won't be the first time or  
10 last time that I am reversed or affirmed.

11 Your lawyer will explain to you what your  
12 rights are; you have every right to do that. And  
13 I implore you to do that, if you think I've been  
14 wrong.

15 Have a nice day.

16 (Thereupon, the hearing was concluded.)

17 -----  
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25

1 STATE OF FLORIDA        )  
                                  )  
2 COUNTY OF DADE         )

3           I, LUCIE MASI, C.S.R., a notary public in and  
4 for the County of Dade and State of Florida, do hereby  
5 certify that the above-styled hearing was transcribed  
6 to the best of my ability, and that pages 1 through 35,  
7 inclusive, was recorded stenographically by me and  
8 reduced to typewriting by me.

9           I FURTHER CERTIFY that the foregoing  
10 transcript of the said hearing is a true and correct  
11 transcript of the testimony given and proceedings had  
12 at the time and place specified hereinbefore.

13           I FURTHER CERTIFY that I am not a relative or  
14 employee or attorney or counsel of any of the parties,  
15 nor a relative or employee of such attorney or counsel,  
16 or financially interested directly or indirectly in  
17 this action.

18           IN WITNESS WHEREOF, I have hereunto set my  
19 hand and seal of office at Miami, Florida, on the 18th  
20 day of March, 2013.

21  
22  
23  
24  
25  
                                  LUCIE MASI  
                                  Certified Shorthand Reporter  
                                  Notary Public