

**IN THE CIRCUIT COURT IN AND FOR THE ELEVENTH JUDICIAL CIRCUIT,
DADE COUNTY, FLORIDA**

COOK AND LOWY PA
A Florida Professional Association
Plaintiff

CASE NO: 14-001165 CA 01
DIVISION 25

Vs

BARBARA STONE

Defendant

**MOTION TO DISMISS MOTION TO ENTER FINAL JUDGMENT AND
MOTION TO STRIKE DEFAULT JUDGMENT
OR TO TRANSFER TO FEDERAL COURT**

The Plaintiff hereby files this Motion to dismiss motion to enter final judgment and Motion to Strike Default Judgment or Transfer to Federal Court and on information and belief states as follows:

1. Ronald Lowy has acted as an accomplice and conspirator in a racketeering enterprise that operates in the probate/guardian court who is human trafficking Plaintiff's mother, money laundering her assets and engaging in acts of terror and torture that violate the UN Convention as set forth in Exhibit 3.
2. Defendant, as a Florida Bar member has now filed as a whistleblower against all members of the Florida Bar including Ron Lowy and exposing the corruption, racketeering ring, human trafficking and money laundering that is the sole agenda in Michael Genden's court that is in reality a crime ring operating out of the courthouse (please see paragraph below). Defendant is being subjected to vicious retaliation as a Florida Bar member as a result.
3. There may be an appearance of impropriety and/or bias for this Court to enter a harsh default judgment against Defendant on a procedural technicality on the very same day it was filed by Plaintiff when Defendant that enables Plaintiff to engage in sharp practices and deception against Defendant by using counsel who is in conflict and leaving Defendant unclear as to the party to whom a response should be filed. Defendant advised Your Honor of this explanation for Defendant's delay and one that clearly demonstrates this the default was caused by Plaintiff's own intentional deception. This is particularly egregious as Plaintiff is a party to the abuse and exploitation of her mother and a predicate cause of Defendant's retaliation.

4. This Court may recall Plaintiff failed to appear at a recent hearing even after having contacted Your Honor's judicial assistant and confirming the time and date of the hearing and Your Honor did not rule against him but granted a new hearing date. This Court should avoid an appearance of bias against Defendant by not granting the same courtesy.
5. Defendant sought to schedule a hearing immediately after the rescheduled hearing and requested a date from Plaintiff's attorney who declined to provide a time and date. It would be inequitable to deny Defendant's due process and substitute procedure over substance.
6. Moreover, Defendant has a valid and reasonable excuse for her delay in responding as her mother is gravely ill from abuse by the racketeers described in the attached Exhibits. This has occurred because Ron Lowy failed to provide the legal services he represented would be provided in his retainer agreement. Ron Lowy sabotaged Defendant and she has spent every minute over the past months relentlessly fighting to save her mother's life because Plaintiff acted as an accomplice to her abuse in conspiracy with Roy Lustig, his cohort in this racketeering scam.
7. Plaintiff's action in Petitioning for a final judgment so that is criminal acts could be rewarded is devious, underhanded and sneaky and he should be held accountable.
8. Defendant has reported Plaintiff to law enforcement as a conspirator in a racketeering enterprise and a criminal investigation is underway.
9. Defendant, as a member of the Florida Bar has now filed a whistleblower complaint against Michael Genden, Roy Lustig and Alan Stone, all of whom are members of the Florida Bar and Jacqueline Hertz and Blaire Lapidés, state actors appointed by Florida Bar members (Exhibit 1) with law enforcement as she is mandated to do under Florida Bar rules. The denial of due process, equal protection and obstruction of justice shown by these retaliatory acts are vividly demonstrated by the following:

a. Florida Bar Members and the Florida Bar are Inherently Conflicted from Handling any aspect of Plaintiff - Whistleblower's matter.

- The Whistleblowing Criminal Acts reported in the attached criminal report filed against Michael Genden, Roy Lustig, Alan Stone all being Florida Bar Members and the guardians, Jacqueline Hertz and Blaire Lapidés as State Actors appointed by Florida Bar members (*Exhibit 1*) by Plaintiff who is also a member of the Florida Bar with law enforcement as she is mandated to do under Florida Bar Rule 4-8.3 which requires that she report misconduct by attorneys and judges.
- Plaintiff's mandated whistleblower status against members of the Florida Bar and against the Florida Bar itself has created an irrefutable, un-waivable conflict with every member of the

- Florida Bar whether it be a judge, prosecutor or private attorney and therefore no member of the Florida Bar can handle any aspects of any legal, investigatory or prosecutorial matters in which Plaintiff is a party.
- Plaintiff's mandated whistleblower status against members of the Florida Bar and the Florida Bar itself has created an appearance of impropriety by any member of the Florida Bar who is involved in any aspects of any legal, investigatory or prosecutorial matters in which Plaintiff is a party.
 - Plaintiff's mandated whistleblower status against members of the Florida Bar and the Florida Bar itself has created a setting of bias, prejudice or partiality against Plaintiff manifested by the Florida Bar and the Florida Bar members as a result of an intrinsic fear of retaliation.
 - Plaintiff's mandated whistleblower status requires that there must now be independent investigation and adjudication of any matters relating to Plaintiff whistleblower as every Florida Bar member and the Florida Bar itself has a vested interest in protecting the Florida Bar organization. For example a successful prosecution by Plaintiff could increase the cost of insurance to the other members. Another example would be the conflict that if Plaintiff were successful against other Florida Bar Members or the Florida Bar itself, this could have a profound on the reputation of organization as a whole and cause a massive loss of confidence by the general public.
 - There should be no ruling as to Plaintiff's matter by a member of the Florida Bar because they have a vested interest. Some of these vested interests include concerns about raising the insurance rates that could cost members more money and these matters give the Florida Bar a bad reputation.
 - Due to the inherent conflict in the Florida Bar's self-policing its members, it has manifested into an attorney protection agency not a consumer protection agency due to the irrefutable vested interest and conflict of interest created.
 - These vested interests give an appearance of impropriety and are a danger to the public's confidence in the Florida Bar and its members.
 - All Florida Bar members and the Florida Bar should now be conflicted out of hearing Plaintiff's matter because she is a Florida Bar member and a whistleblower who is no longer aligned with the organization.

b. Anyone who seeks to assist Plaintiff with representation is retaliated.

The attached notarized affidavit (*Exhibit 2*) from a Florida Bar member who was representing Plaintiff's mother and suddenly ceased her representation because she was threatened by someone who identified himself as Michael Genden. This brave attorney was extorted and/or threatened with retaliation by either Michael Genden and /or Roy Lustig acting in concert according to the Affiant. Others who have attempted to

represent Plaintiff and her mother or act as advocate for them become victims of extortion by this mob like racket that is holding Plaintiff's mother hostage.

c. Plaintiff is a whistleblower and is being viciously retaliated by Florida Bar members as a result of her whistleblowing and her mother is being held hostage in retaliation.

Plaintiff has reported Florida Bar Judges and the Attorneys to the Florida Supreme Court judges, Chief Justice Jorge Labarga; Justice Barbara J. Pariente; Justice R. Fred Lewis; Justice Peggy A. Quince; Justice Charles T. Canady; Justice Ricky Polston; Justice James E.C. Perry and the Florida Bar President, Gregory Coleman pursuant to the attached correspondence (*Exhibit 3*) wherein Plaintiff has reported these crimes, fraud and racketeering activity as a Florida Bar attorney duty bound under Florida Bar Rules to report the misconduct and thereby became a whistleblower and a whistleblower of the crimes being committed by Florida Bar members including judges, attorneys, state attorneys and the guardians as state actors.

d. Plaintiff is being retaliated by Plaintiff, Ron Lowy and Richard Martinez

Ron Lowy has been identified as a part of the racketeering enterprise that operates out of the probate/guardian court. Ron Lowy intentionally sabotaged Defendant and ran a merciless self-serving fee generating operation. Plaintiff and her mother are enmeshed in a racketeering scheme involving many Florida Bar attorneys who are acting in concert to terrorize Plaintiff and her mother and loot and extort them.

These fears are well grounded. Plaintiff and others who are speaking up against the corruption by the Florida Bar were contacted in the middle of the night last weekend by an attorney who stated that she and her family were in danger and the attorney informed Plaintiff that she should contact the department of justice, the FBI and other law enforcement and Plaintiff has filed such complaints. Plaintiff has grave fears for her mother's life and safety as her mother was emergency admitted to the hospital twice recently with life endangering conditions. These grave conditions were intentionally not disclosed in a "guardian plan" filed in Michael Genden's court by Roy Lustig, Blaire Lapides and Jacqueline Hertz under penalties of perjury

Again, Plaintiff reiterates to this Court her serious and grave concerns because she and her mother are immersed in a racketeering ring perpetrated by members of the Florida Bar and the Florida Bar itself. Any reasonable person would concur that none of these inconceivable criminal actions could otherwise be occurring. Ron Lowy's actions are the acts of an accomplice in a mob-like crime ring that engaging in criminal conduct and forces their victims to pay to have crimes committed against them. These actions were decried by the 3rd DCA Court in the case of *Leo's Liquor Store v CHANDRESH LAKHANI ET AL*, CASE NO. 3D00-130 wherein the court found Roy Lustig, a cohort of

Ron Lowy in this racket guilty of fraud on the court, perjury and repeatedly lying under oath.

The Court therein cited In Metropolitan Dade County v. Martinsen, 736 So. 2d 794, 795 (Fla. 3d DCA 1999), that restated the well-settled principle **“that a party who has been guilty of fraud or misconduct in the prosecution or defense of a civil proceeding should not be permitted to continue to employ the very institution it has subverted to achieve her ends.” Hanono v. Murphy, 723 So. 2d 892, 895 (Fla. 3d DCA 1998)**

10. These is absolutely nothing that Ron Lowy did in his pretense of representation of Defendant that benefited her. To the contrary, he set up Defendant for a false arrest for saving her mother’s life by conspiring with opposing counsel and Michael Genden to concoct an “Order” that contradicted his ruling in open court and in any event was issued unlawfully and without jurisdiction.
11. Ron Lowy is engages in willful misconduct and has retaliated against Plaintiff for objecting to his conduct.
12. Plaintiff urges Your Honor to carefully review the attached documents and exhibits that set forth the crimes and retaliation by Florida Bar members and attempts to extort Attorneys at Law that are members of the Florida Bar if they help Plaintiff’s defenseless mother.
13. Plaintiff suggest that Your Honor cannot hear this matter because of the conflict of interest as a member of the Florida Bar that Plaintiff is blowing the whistle on or for fear of retaliation by the Florida Bar, other judges who are members of the Florida Bar, because there is a vested interest in protecting the Florida Bar or because of concerns of an appearance of impropriety that Bar Members investigating allegations of against other Florida Bar Members irrefutably gives, Plaintiff suggests that Your Honor order the transfer of this matter to a Federal Court in another jurisdiction of Plaintiff’s choosing where it will not be heard by a judge or prosecuted or investigated by a judge , prosecutor or investigator who is a member of the Florida Bar. In the alternative, should Your Honor feel there is not an appearance of impropriety, vested interest or an inherent conflict by a member of the Florida Bar deciding upon on a matter presented by another Florida Bar member Plaintiff requests that this Court Deny the Motion for a Final Judgment that precludes an evidentiary hearing and not act in concert with the racketeering enterprise and violate Plaintiff’s rights to due process, equal protection and obstruct her justice. Any transfer of this matter must be made to a Federal Court outside of the jurisdiction of the Florida Bar because Defendant has been denied due process, equal protection, her justice is being obstructed and she is retaliated by Plaintiff, a Florida Bar member.

WHEREFORE, Plaintiff seeks this Court:

1. Deny the Motion for final judgment and schedule a special set hearing on Defendant's motion to set aside the default judgment should Your Honor feel there is not an irrefutable, inherent conflict of interest, appearance of impropriety, vested interest or inherent setting of bias, prejudice or partiality by a member of the Florida Bar deciding upon on a matter involving another Florida Bar member.
2. In the alternative, if Your Honor feels that there could be an irrefutable inherent conflict of interest, appearance of impropriety, vested interest or inherent setting of bias, prejudice or partiality by a member of the Florida Bar deciding upon a matter involving another Florida Bar member, Plaintiff seeks that this matter be transferred to a Federal Court in a jurisdiction outside the State of Florida of Plaintiff's choosing where it may be heard by an independent Federal Judge who is not a member of the Florida Bar such that Plaintiff's due process and equal protection and the due process and equal protection of her mother shall not be denied and their justice obstructed.
3. Plaintiff seeks a Federal court monitor to investigate this matter and Federal whistleblower protection.

Respectfully Submitted,



Barbara Stone
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Tel: 212 994 5482 Fax: 212.994.5481
Bstone575@gmail.com

CERTIFICATE OF SERVICE

I HEREBY certify that on the 17th day of April, 2015, the foregoing document was filed and served by efileing on Richard Martinez at richardmartinezsq@gmail.com in accordance with the Florida Rules of Procedure.



Barbara Stone

EXHIBIT 1

CRIMINAL COMPLAINT

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

SUMMARY OF CRIMES OF THE PARTIES

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

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

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

- 18 U.S. Code § 3 - Accessory after the fact
 - 18 USC 4 Misprison of felony
 - Official Misconduct
 - Color of Law/Due Process violations Abuse - 42 USC 1983
 - Criminal Racketeering
 - Battery for repetitive fractures, administration of chemical restraints contraindicated by the FDA,
 - Wrongful implantation of a feeding tube without consent, and deprivation of the sensation of food and chewing against her will
 - Loss of consortium between parent and child
 - Torture under the international treaties against torture
13. Florida is the number one corrupt state according to the Center for Public Integrity. People are warned not to retire in or visit Florida because of the guardianship scam. A recent MetLife study calls elder abuse the crime of the 21st century. As early as 1985, elder abuse was called a “national disgrace” by the U.S. Representatives, Subcommittee on Health and Long-Term Care of the Committee on Aging. More than a quarter-century later, it is still a national disgrace and breeding ground for subversive activity.
14. A report by the U. S. Government Accountability Office finds guardian abuse of the elderly is rampant. The attached Washington Examiner article exposes judges like Michael Genden who engage in corruption.
15. **Because Complainants have stated Michael Genden is engaged in heinous crimes using the Courthouse as a criminal racketeering operation and Complainants are exposing these crimes, Complainants are fearful of further retaliation and seek protection from law enforcement.**
16. Complainant, Barbara Stone has been falsely arrested as a result of the acts of Michael Genden and others who themselves purposely and maliciously engage in the foregoing crimes and employ the court, the very institution they have subverted to achieve their own ends.
17. Roy Lustig has been found guilty of fraud, perjury and repeatedly lying under oath. This was the finding by the 3rd DCA in LEO’S GULF LIQUORS v CHANDRESH LAKHANI ET AL, CASE NO. 3D00-130 where the Court stated:
- In Metropolitan Dade County v. Martinsen, 736 So. 2d 794, 795 (Fla. 3d DCA 1999), this Court restated the well-settled principle "that a party who has been guilty of fraud or misconduct in the prosecution or defense of a civil proceeding should not be permitted to continue to employ the very institution it has subverted to achieve her ends." Hanono v. Murphy, 723 So. 2d 892, 895 (Fla. 3d DCA 1998) (citing Carter v. Carter, 88 So. 2d 153, 157 (Fla. 1956).
18. Making false statements is a Federal offense under Title 18 USC§ 1001. These crimes were committed for Intimidation, Retaliation and Interference with civil rights pursuant to Florida Statutes and 42 USC §1983, 18 USC§ 241 & 242. Perjury is a federal felony under 18 U.S. Code § 1621
19. The unlawful fraudulent stay away orders against Affiant were issued in order to empower Hertz, Lapides, Stone and Lustig to commit crimes of abuse and exploitation in secrecy
20. **This is all about staged fraudulent litigation to take the assets of a disabled vulnerable person.**

CRIMES PERPETRATED BY ALAN STONE

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

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

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

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

CRIMES PERPETRATED BY BLAIRE LAPIDES, JACQUELINE HERTZ AND ROY LUSTIG

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

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

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

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

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

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

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

CRIMES PERPETRATED BY MICHAEL GENDEN

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

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

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

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

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

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

79. Pursuant to Florida Statutes 825:

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

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

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

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

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

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

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

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

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

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

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

81. Further heinous repercussions are evidenced by the fact that family members like Barbara Stone who expose guardian abuse and the looting of their loved one’s assets are stuck in a perverse, intentional no win, Catch-22 situations *because the guardian fights their objection with the assets of their loved one. Helen Stone is being charged for her own abuse.*
82. Volumes of fraudulent invoices were submitted relentlessly, in fact, fanatically and ex parte by an arsenal of attorneys purportedly engaged in “representing” Claimant’s mother whose “non action” and “non representation” is vividly illustrated by their pages of charges for staged fraudulent litigation and were rewarded and illegally ordered fraudulent fees without any investigation by Michael Genden as to how their “services” could have any relationship whatsoever to Claimant’s mother’s best interest who was being starved to death.
83. *All the while, Barbara Stone’s mother, in a feeding tube implanted as a result of aggravated abuse by Jacqueline Hertz, removed from her home, emaciated, deprived of association with her daughter and completely kept in the dark as to why she can’t see her daughter, restrained in a facility, deprived of her rights, denied representation and protection from the very people who are acting in their own best interest is forced under unlawful “color of law” to pay Jacqueline Hertz to abuse and exploit her.*
84. What is undeniable is barbaric abuse and crime against humanity.

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

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

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

Dated: March 2, 2015



Barbara Stone, without prejudice

CASE CITATIONS
NO JUDICIAL IMMUNITY, VOID ORDERS, NO JURISDICTION

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

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

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

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

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

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

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

VOID JUDGMENTS AND ORDERS

FAILURE TO DEFEND THE CONSTITUTION:

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

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

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

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

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

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

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

United States v. Bishop, 412 US 346: Sets the standard for criminal violation of Willful Intent
It must be proven that you are the party, it must be proven that you had the method or opportunity to do the thing. it must be proven that you did this with a Willful Intent.
Willfulness - "An evil motive or intent to avoid a known duty or task under a law, with a moral certainty."

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

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

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

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

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

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

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

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

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

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

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

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

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

FRAUD ON THE COURT

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

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

Open Government - The "Sunshine" Law

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

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

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

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

Unlawful activity of a judge, Code of Judicial Conduct.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

EXHIBIT 2

AFFIDAVIT

STATE OF FLORIDA}

COUNTY OF BROWARD}

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

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

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

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

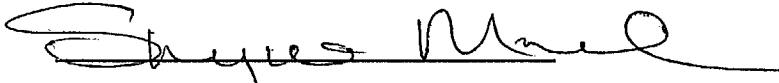


Debra P Rochlin, Esq.
Attorney and Supreme Court Certified Mediator/Law Offices of Debra P Rochlin
900 South Andrews Ave
Fort Lauderdale, Florida 33316
Tel: 954.832.9009

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

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

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



NOTARY PUBLIC

SHAYNE MALEKOVIC
NOTARY PUBLIC - STATE OF FLORIDA
COMMISSION # FF179546
EXPIRES 11/30/2018
BONDED THRU 1-888-NOTARY1

{ S E A L }

EXHIBIT 3

Barbara Stone
244 Fifth Avenue # B 296
New York, NY 10001
Tel: 212.994.5482 Fax: 212.994.5481
bstone575@gmail.com

By Email, Fax and Overnight Mail

April 12, 2015

Chief Justice Jorge Labarga; Justice Barbara J. Pariente; Justice R. Fred Lewis; Justice Peggy A. Quince; Justice Charles T. Canady; Justice Ricky Polston; Justice James E.C. Perry
Florida Supreme Court
500 South Duval Street
Tallahassee, Florida 32399-1925

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

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

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

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

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

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

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

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

I look forward to your urgent response.

Barbara Stone

Barbara Stone
enclosures

Barbara Stone
244 Fifth Avenue # B 296
New York, NY 10001
Tel: 212.994.5482 Fax: 212.994.5481
bstone575@gmail.com

By Email, Fax and Overnight Mail

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

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

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

1. The conflict of interest inherent in the Florida Bar's self-disciplinary policy. The self-policing policy of the Florida Bar does not work – Florida Bar members cannot unbiasedly investigate the actions of other Florida Bar members.. Florida Bar Members should be conflicted out from investigating another attorney who is a member of the Florida Bar which is a patent denial of due process and obstruction of justice. It becomes even more inherently biased, conflicted and unjust when the complaint is made by another Florida Bar member against another Florida Bar member and the investigator is yet another Florida Bar member.
2. The same inherent conflict of interest that exists with the Florida Bar also exists with the Judicial Qualifications Commission. Florida Bar Members again regulate Judges, who are other Florida Bar members when a Florida Bar member files a complaint against a Florida State Judge with the Judicial Qualifications Commission.

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

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

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

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

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

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

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

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

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

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

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

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

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

Opening Provisions of the Convention Against Torture:

The States Parties to this Convention,

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

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

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

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

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

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

Have agreed as follows:

PART I

Article 1

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

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

Article 2

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

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

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

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

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

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

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

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

THIS IS A HUGE WAKE UP CALL.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The guardianship court is intentionally designed to do two things:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Several articles are attached that further describe this racket.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

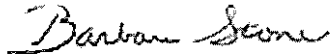
In the event my mother should die while under the tutelage / human ownership of the state and its agencies and officers who are acting outside the color of law and in opposition to their duties to protect the public, I will be filing murder charges against every individual who acted outside the color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

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

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

I look forward to your urgent response.

Sincerely,



Barbara Stone

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

Enclosures

SHAMEFUL PHOTOS OF ELDERLY VULNERABLE VICTIMS OF
THE GUARDIAN RACKET

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

SO THEIR ASSETS CAN BE LOOTED

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

Mrs A - Another
Victim in guardianship



Another Victim in Guardianship






My
Mother
Before
Guardian
with
me
at her
Surprise
Party



My mother
emaciated
after guardianship



My mother
bruised, suturing
life threatening
conditions
after
guardianship



My mother
being terrorized
and manhandled
after guardianship

N. Mom



C. Asleep



D. Sleeping



WILLIE JO MILLS (2012 – 2014)

Ginger Lott's Care

A. Statin Drugs Crying



B. Statin Drugs Crying



WILLIE JO MILLS (2012 - PRESENT) - exhibit 2

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



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

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

Dear Members of the Grand Jury:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Hertz is engaging in human trafficking and racketeering.

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

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

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

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

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

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

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

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

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

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

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

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

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

Barbara Stone

Tel: 212.994,5482

Fax: 212.994,5481

Sent from my BlackBerry®



GUARDIANSHIP GULAG

SUNDAY, DECEMBER 11, 2005

GUARDIANSHIP: A PREDATORIAL PRACTICE

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

GUARDIANSHIP Note:

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

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

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

ABOUT ME

GUARDIANSHIP GULAG
LUZERNE CO., PENNSYLVANIA,
UNITED STATES

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

ARTICLES

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

Hi Barbara,

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

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

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

Thank you Barbara!

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

The Examiner

WASHINGTON

Judges, lawyers use guardianships to prey on elderly

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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THURSDAY, NOVEMBER 28, 2013

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

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

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

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

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

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

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

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

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

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

Posted by Ethics Gate at 1:36 PM

3+1 +1 Recommend this on Google

3 comments:

Anonymous November 28, 2013 at 2:14 PM

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

Reply

Anonymous November 20, 2013 at 3:13 PM

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

Reply

Anonymous January 11, 2014 at 11:15 AM

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

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

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FRIDAY, FEBRUARY 15, 2013

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

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

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


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


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

Posted by Ethics Gate at 7:57 AM

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2 comments:

 **Anonymous** February 15, 2013 at 8:46 AM
It's about friggin' time something get done!
Reply

 **jw** February 15, 2013 at 9:03 AM
Mike Ventra, Senator John J. Bonacic

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

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

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

Thank You

Dear Ms. Vogel,

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

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

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

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

Thank You

Judson William

Respond In Writing Only.

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

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

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

Reply

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Unethical "Ethics" Lawyers Get Axed

Marti Oakley, *Contributing Writer*
Activist Post

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

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

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

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

Trafficking of the elderly (with assets)

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

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

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

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

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

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

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

What are you worth as a prisoner?

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

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

From Owners of the American Prison System

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

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

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

Are you safe?

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

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

Arizona and exploitation of vulnerable adults in probate courts

What is a "ward" ?

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

protecting; guardianship.

chat-tel

n.

1. Law An article of movable personal property.

2. A slave.

Massive Medicaid Fraud Exposed in Psychiatric Drugging of Kids in US

Legally kidnapped: PBS reports Forced drugging of foster care kids

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

Slave labor in Georgia

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



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Court Appointed Guardianship Abuses Run Rampant in American Courts

by [Michael Volpe](#)

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

November 21, 2014

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Following multiple [RebelPundit reports \(http://rebelpondit.com/how-the-cook-county-public-guardian-can-take-your-home/\)](#) on [guardianship abuse \(http://rebelpondit.com/how-new-yorks-elderly-lose-their-homes-to-guardianship/\)](#), our latest investigation reveals this problem is widespread across the country and there is top to bottom corruption in court appointed guardianship in Harris County, Texas.

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

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

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

Sherry Johnston told RebelPundit her mother was one of those victims. Her mother died in September 2014, weighing less than thirty pounds her normal weight. She provided Rebel Pundit with a series of photos which showed bruising, bed sores, and she made a [YouTube video of doctors and guardianship professionals](https://www.youtube.com/watch?v=Y8G3xYlvoQ&feature=youtu.be) (<https://www.youtube.com/watch?v=Y8G3xYlvoQ&feature=youtu.be>) refusing to provide her mother with treatment, instead choosing to send her to hospice care to die.

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

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

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

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

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

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

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

Butts was re-elected in November 2014.

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

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

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

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

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

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

"We see court initiated guardianship as very dangerous."

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

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

This creates a "presumed guilty" dynamic.

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

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

Possibly the most disturbing story was that of Helen Hale.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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Murders by Caregiver

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

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

Withholding care against the wishes of the patient is euthanasia.

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

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

Google

Nov. 18, 2009

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

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

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

Update -

News Release

September 08, 2009

For Immediate Release

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

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

Brown Files Criminal Charges Against Former Nursing Home Administrator in Kern Valley Elder Abuse Case


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


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

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

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

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

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

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

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

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

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

The investigation

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

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

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

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

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

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

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

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

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

The complaints are attached.

###

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



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Arrested:

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

Reports detail fatal druggings at nursing facility

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

Last Updated Friday, Mar 27 2009 01:21 PM

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

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

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

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

The alleged druggings occurred between August 2006 and January 2007.

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

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

Arrested were:

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

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

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

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

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

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

THE COMPLAINT

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

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

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

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

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

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

THE ALLEGED VICTIMS

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

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

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

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

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

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

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

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

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

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

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

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

He was indicted in October on felony theft charges and turned himself in. He later was released on \$100,000 bond and could get up to 41/2 years in prison if convicted.

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



TOM DODGE | DISPATCH

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Linda Gomez was at the Roberts hearing last week.

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

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

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

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

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

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

of Kormanik continues.

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

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

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

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

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SUSAN RILEY (SULEE)

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

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31

The Scandalous Use Of Feeding Tubes In Nursing Homes



By Jack Halpern, CEO, My Elder Advocate

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

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

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

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

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

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

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

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


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

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

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Post investigates: How professional guardian got marriage annulled

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

By John Pacenti - Palm Beach Post Staff Writer

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

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



RICHARD GRAULICH

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

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

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

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

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



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

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

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

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



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

Post investigates: How professional guardian got marriage annulled

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

\$200,000 in legal fees

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

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

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

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

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

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

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

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

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

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

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

Lawmaker: They're 'cockroaches'

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

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

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

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

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

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

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

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

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

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

‘Geriatric head hunters’

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

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

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

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

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

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

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

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

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

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

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

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

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

\$850 birthday cake delivery

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

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

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

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

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

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

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

Payments aren't public

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

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

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

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

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

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

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

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

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

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

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

Judge threatens arrest

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

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

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

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

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

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

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

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

Proposed legislative changes

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

How guardianship works

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

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

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

What The Post Found

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

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Saturday, February 5, 2011

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

Marti Oakley, *Contributing Writer*
Activist Post

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

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

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

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

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

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

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

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

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

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

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

Update: 9/15/10:

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

Update: 01/04/11

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

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

Recently by Marti Oakley:

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

Jacksonville Attorney Arrested for Grand Theft and Exploiting Elderly

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



Jacksonville Attorney Nichols arrested for felony crimes

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

Action News reported:

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

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

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

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

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

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

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

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

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

14 Votes

A 1787 Network Exclusive

By Adrian Wyllie

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



Circuit Judge Gregory S. Parker

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

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

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

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

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

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

Parker declined to comment any further about the case.

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

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

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

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

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

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

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

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

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

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

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

Rabbi Edwin Farber
הרב איסר פיבל בן אברהם הירש לפסי פרבר

AFFIDAVIT OF RABBI ED FARBER

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

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



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

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

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

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



Rabbi Ed Farber

STATE OF FL

COUNTY OF DADE

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



NOTARY PUBLIC

KAREN SHOVALI



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

(Printed or typed name of notary public and stamp)

My commission expires: 3-21-15

AFFIDAVIT OF HARRIET COLLIER

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

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

Exhibit "B"