

1 STATE OF ILLINOIS)
2) SS:
2 COUNTY OF C O O K)

3
4 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS,
4 COUNTY DEPARTMENT - PROBATE DIVISION

5 IN RE: THE ESTATE OF:)
6)
7 MARY SYKES,) 09-P-4585
7)
8 A Disabled Person.)

9
10 REPORT OF PROCEEDINGS had in the above-entitled
11 cause, taken before the HONORABLE CHERYL CESARIO,
12 Judge of said Court on Monday, November 29, 2010.

13

14 APPEARANCES:

15 MR. PETER SCHMIEDEL,
16 Appeared on behalf of the Guardian,
17
18 MR. JOEL BRODSKY,
17 Appeared on behalf of Gloria Sykes;
19
19 MR. ADAM STERN and
20 MS. CYNTHIA FARENKA,
20 Guardians ad litem.

21 COURT REPORTER:

22 GINA M. LYNCH, C.S.R.
22 Official Court Reporter
23 C.S.R. #084-003445
23 69 WEST WASHINGTON - 9th Floor
24 Chicago, Illinois 60602

1 THE COURT: I have Turner at 3:00 p.m. This is
2 an S.O.J. from 12. All of these people are here for
3 Mary Sykes matter. 09P4585.

4 Why don't you advise the Court and give me the
5 status here.

6 MR. SCHMIEDEL: Peter Schmiedel,
7 S-C-H-M-I-E-D-E-L. I am attorney for the guardian,
8 plenary guardian of the person in the estate of Mary
9 Sykes.

10 THE COURT: Attorney for the person and estate.
11 Who is that person?

12 MR. SCHMIEDEL: Her name is Carolyn Toerpe.

13 THE COURT: With a C?

14 MR. SCHMIEDEL: Carolyn with a C. Thank you.
15 Toerpe. Her mother Mary Sykes is the disabled adult.

16 THE COURT: All right. Counsel?

17 MS. FARENZA: Cynthia Farenga, F-A-R-E-N-G-A. I
18 am one of two Guardians ad litem, Judge. I was
19 originally appointed and Mr. Stern was appointed
20 special G.A.L. because a number of visits were
21 required to the ward's placement in Naperville, and he
22 is much closer than I am, so we have been dividing
23 duties.

24 THE COURT: Okay. Sir?

1 MR. BRODSKY: Joel Brodsky. I am currently the
2 attorney for Gloria Sykes the daughter of the ward and
3 the sister of plenary guardian.

4 I have pending two motions. One, is a motion to
5 withdraw as attorney for Gloria Sykes.

6 The second motion is a motion to present
7 information to the Court in camera and under seal
8 which I believe I have an obligation --

9 THE COURT: What is that relevant to, sir?

10 MR. BRODSKY: It is relevant to --

11 THE COURT: The other motion? The motion to
12 withdraw?

13 MR. BRODSKY: In a way, yes, it is. I would say
14 that is the best way of phrasing it.

15 THE COURT: Counsel?

16 MR. STERN: Adam Stern, S-T-E-R-N, the other
17 Guardian ad litem as Mr. Farenga mentioned.

18 THE COURT: Ma'am?

19 MS. BAKKEN: Yolanda Bakken, sister of Mary
20 Sykes.

21 THE COURT: Will you spell your last name?

22 MS. BAKKEN: B-A-K-K-E-N.

23 THE COURT: You are the sister of Mary. Older
24 sister, younger sister?

1 MS. BAKKEN: Older.

2 THE COURT: Did you have any other brothers and
3 sisters in your family besides you and Mary?

4 MS. BAKKEN: I am sorry. My sister is older than
5 I am.

6 THE COURT: How old are you, ma'am?

7 MS. BAKKEN: Eighty-one.

8 THE COURT: How old is your sister now?

9 MS. BAKKEN: My sister Mary?

10 THE COURT: Yes.

11 MS. BAKKEN: Ninety-one. She will be 92 come
12 January.

13 THE COURT: Okay.

14 MS. FARENKA: Third sister.

15 THE COURT: Do you have any specific role here?
16 Are you a Guardian ad litem -- strike that. Are you a
17 guardian of the person?

18 MS. BAKKEN: No, I am not.

19 THE COURT: Do you live with her? Have you taken
20 care of her? No, you are here because you are a
21 family member and you care?

22 MS. BAKKEN: Because I am not allowed to see her
23 or talk to her on the phone.

24 THE COURT: Is there some kind of order of

1 protection in place?

2 MS. BAKKEN: I really don't understand all of it.

3 I am hard of hearing so I missed a lot of things that
4 are being said.

5 THE COURT: Can you hear me?

6 MS. BAKKEN: Yes.

7 THE COURT: To your knowledge, there is no order
8 of protection in place?

9 LADY: I don't believe there is.

10 THE COURT: Counsel, is there an order of
11 protection in place?

12 MR. STERN: It is not an order of protection, but
13 there are orders on visitation that Judge Connors
14 previously entered. We are not here for that today,
15 Judge.

16 THE COURT: No. Okay. I just need to know what
17 is going on.

18 Ma'am?

19 MS. KATHY BAKKEN: Kathey Bakken, niece of Mary
20 Sykes.

21 THE COURT: Is this your mom by chance?

22 MS. KATHY BAKKEN: Yes.

23 THE COURT: All right. Sir?

24 MR. EVANS: Scott Evans.

1 THE COURT: Who are you, Scott?

2 MR. EVANS: A friend of the Sykes family.

3 THE COURT: You are a friend of Mary Sykes?

4 MR. EVANS: Yes, I have known her for 15 years.

5 THE COURT: For 15 years. Do you live in
6 proximity to her, sir?

7 MR. EVANS: No, she lives on the North Side of
8 Chicago. I live in Des Plaines.

9 THE COURT: You just came along.

10 MS. GLORIA SYKES: Gloria Jean Sykes, and I am
11 the daughter of Mary J. Sykes. I have up on appeal
12 this whole guardianship right now, and also I object
13 to what Mr. Brodsky is doing under, you know,
14 attorney-client privilege here. I am just shocked
15 Mr. Brodsky has not even talked to me in the last few
16 months.

17 MR. BRODSKY: That is not true.

18 MS. GLORIA SYKES: Just through e-mails, and then
19 he is trying to get something on the sneak that is so
20 secret that the other side knows what it is, but I
21 don't know what it is.

22 I just feel that I have an opportunity to see
23 what he is going to do and if need be, Your Honor, is
24 to contest it.

1 THE COURT: Can I ask you a question?

2 MS. GLORIA SYKES: Sure.

3 THE COURT: You hired him sometime ago?

4 MS. GLORIA SYKES: I did. We have had some
5 differences and I refused to -- in fact, in his motion
6 to withdraw is because I refused to listen to his
7 advice, and there is some advice there that I have
8 listened to and some that I have listened to that I am
9 sorry I did and others that I just -- it's in my best
10 interest not to listen to it.

11 THE COURT: Did you have a cross-petition at one
12 time to be the guardian of your mom?

13 MS. GLORIA SYKES: I did, Your Honor, and of
14 course everything is on appeal right now.

15 THE COURT: So did you not prevail, in other
16 words?

17 MS. GLORIA SYKES: Well, Your Honor, with all due
18 respect, if you saw the nine volumes of court record
19 you can understand that I never got any due process --
20 either did my mother through this whole thing, and
21 that is very clear in the appeal in nine volumes.

22 THE COURT: We will let that go wherever it goes.
23 I don't have any jurisdiction over that as we say.
24 Let me ask you a question though. At this point do

1 you have any objection if your attorney withdraws?

2 MS. GLORIA SYKES: Oh, no, I am glad he is
3 withdrawing. I just object to him filing anything
4 secretly that I have no --

5 MR. DITKOWSKY: I am Kenneth Ditkowsky,
6 D-I-T-K-O-W-S-K-Y. I represent friends and family of
7 Mary Sykes.

8 THE COURT: Which particular friends and family?

9 MR. DITKOWSKY: These people.

10 THE COURT: Can I have their names?

11 MS. FARENKA: There is no appearance on file.

12 MR. DITKOWSKY: I tried to file an appearance.
13 It was denied.

14 THE COURT: By who?

15 MR. DITKOWSKY: By Judge Connors.

16 THE COURT: A long time ago, sir?

17 MR. DITKOWSKY: A long time ago is relative.

18 THE COURT: Then tell me the date, sir?

19 MR. DITKOWSKY: It was April of this year,
20 somewhere around April of this year, and there is some
21 issues involved some of which are up tomorrow.

22 MR. STERN: So the record is clear, Judge, I
23 think I got the impression that he tried to represent
24 these individuals in front of Judge Connors --

1 THE COURT: These three individuals, mother,
2 daughter and friend of family.

3 MR. SCHMIEDEL: And Gloria Sykes.

4 THE COURT: Wait a minute. Wait a minute. I am
5 just trying to get the lay of the land here.

6 MR. SCHMIEDEL: We have a court record, Judge,
7 when Judge Connors pressed Mr. Ditkowsky directly as
8 to whether or not he represented Gloria Sykes. He
9 said she was one of the friends and family that he
10 represented.

11 THE COURT: Well, how could he represent her if I
12 have another attorney who represents her?

13 MR. SCHMIEDEL: You want a brief procedural
14 history in terms of where things are at?

15 THE COURT: That is what I am trying to get here.

16 MR. SCHMIEDEL: There was a petition for
17 guardianship filed by my Carolyn Toerpe in 2009.

18 THE COURT: Is Carolyn related to Mary Sykes?

19 MR. SCHMIEDEL: She is the daughter. There are
20 two daughters. She is the sister of Gloria Sykes.

21 THE COURT: Carolyn and Gloria. Okay.

22 MR. SCHMIEDEL: Correct, they are sisters. At
23 some point before I got involved, Gloria Sykes filed a
24 cross-petition asking for her to be named as the

1 guardian, actually, asking first for the office of the
2 public guardian to be named as the guardian for her
3 mother. She got Doctor Amder (phonetic) to do a
4 report with respect to her mother. Doctor Amder
5 (phonetic) found her to be completely unable to make
6 personal and financial decisions and was unable to
7 make personal and financial decisions for a bit of
8 time prior to 2009.

9 In December of 2009 my client was appointed the
10 plenary guardian of the person and the estate.

11 Prior to that date --

12 THE COURT: After trial, sir?

13 MR. SCHMIEDEL: No. There was a hearing on the
14 care plan, but there was no objection by Mary to the
15 appointment of the guardian.

16 MS. GLORIA SYKES: Yes, there was.

17 THE COURT: All right. I will check the record
18 for that. Please don't interrupt.

19 MR. SCHMIEDEL: There was no objection.

20 Mr. Stern was present and asked whether or not there
21 was any objection. He had talked to her on a number
22 of occasions.

23 THE COURT: Move on from there, Counsel.

24 MR. SCHMIEDEL: Prior to December of 2009, there

1 was an emergency motion that was filed with respect to
2 the possession of certain funds about \$300,000 of
3 funds that were the subject of a separate lawsuit
4 involving a home that both Gloria Sykes and Mary Sykes
5 are owners of.

6 THE COURT: Where is that lawsuit pending?

7 MR. SCHMIEDEL: It was pending in the Chancery
8 Division -- in Law Division.

9 MR. DITKOWSKY: It was not pending. It was
10 decided.

11 THE COURT: Excuse me, sir. Right now you don't
12 have an appearance, so if you just let me catch up on
13 this and if it's wrong it's okay. I am just trying to
14 get the lay of the land. Nothing is taken as fact.
15 Okay.

16 So it was in the law division?

17 MR. SCHMIEDEL: It was in the law division.
18 There was a settlement and in October of 2008 Mary
19 Sykes purportedly signed an agreement to proportion
20 all of the settlement funds to Gloria. That is in
21 dispute. There was about \$300,000 left in the
22 November of 2009 when an emergency motion was brought,
23 and an order was entered freezing the \$300,000 worth
24 of funds. The order was entered by Judge Connors.

1 THE COURT: Is it still in effect?

2 MR. SCHMIEDEL: Yes, Judge. It is still in
3 effect. Actually, there was no objection at the time
4 Ms.-- this is I think the fourth lawyer that -- the
5 sixth lawyer that she has had.

6 There was an order that was entered that froze
7 the account pending further order of court. After the
8 appointment -- after the appointment, Gloria Sykes
9 filed a motion to reconsider the appointment of my
10 client as the guardian. That was denied early in 2001
11 -- excuse me -- 2010, in May of this year.

12 Prior, sometime over the spring we became
13 concerned that the money that was subject to the
14 freeze was no longer frozen. In fact, in May of this
15 year, Ms. Gloria Sykes withdrew the money from the
16 account, and on August 25th of this year Judge Connors
17 having learned after filing an emergency motion Judge
18 Connors entered another order on August 25th of 2010
19 requiring Gloria Sykes to appear in court to testify
20 as to where the money was, under oath, ordering her
21 not to access that fund and ordered that the funds
22 remain to be frozen and they could not be accessed.

23 We were attempting unsuccessfully to serve
24 Ms. Sykes with that order for the better part of the

1 summer. We were unsuccessful. We briefly entered
2 into some --

3 THE COURT: Do you have any idea how unfrozen
4 money was allowed to be released?

5 MR. SCHMIEDEL: No, because we have not had a
6 hearing with respect to that.

7 THE COURT: So you know. Can you tell --

8 MS. GLORIA SYKES: Your Honor --

9 MR. BRODSKY: I think she needs to be quiet
10 because of the contempt.

11 THE COURT: What contempt?

12 MR. BRODSKI: Because there is a rule to show
13 cause against her.

14 THE COURT: It may be against your best interest.
15 Hang on one minute. If you still want to tell me, you
16 can tell me.

17 MR. DITKOWSKY: Your Honor, may I explain?

18 THE COURT: No.

19 MR. BRODSKY: This man does not have an
20 appearance.

21 THE COURT: Counsel, I have already told him.
22 Quiet. Everybody, quiet.

23 Yes, Mr. Schmiedel.

24 MR. SCHMIEDEL: Let me go back.

1 THE COURT: Couldn't get service.

2 MR. SCHMIEDEL: Couldn't get service. Got
3 service not too long ago, and we were set up for
4 December 8th. Not only do we serve her with the
5 August order, but we also served her with the citation
6 to recover assets in order to be able to determine
7 what the status of funds are which are critical for
8 Mary's ongoing care. However, Mr. Ditkowsky in April
9 of this year --

10 THE COURT: Who?

11 MR. SCHMIEDEL: Mr. Ditkowsky sent out a letter
12 to a Doctor, one of Mary's doctors and an appearance
13 that indicated to the Doctor that he was going to be
14 filing an appearance on behalf of Mary Sykes.

15 MR. DITKOWSKY: Objection.

16 THE COURT: Okay.

17 MR. SCHMIEDEL: And that prompted Mr. Stern to
18 file an emergency motion because Mary had been under
19 guardianship and filed an emergency motion with
20 respect to that particular piece of correspondence
21 that Mr. Ditkowsky had sent trying to get her medical
22 records.

23 As a consequence of that, a sanction motion was
24 entered against Mr. Ditkowsky. He was ordered to

1 refrain from indicating that he had ever represented
2 Mary Sykes, and that sanction motion is still pending.
3 Actually, the sanction motion was upheld. The only
4 thing that was left to be determined is the amount of
5 fees that Mr. Ditkowski or the kind of sanction tha
6 tshould be entered against Mr. Ditkowski.

7 Judge Fleming when before Judge Fleming he denied
8 Mr. Ditkowski's motion to reconsider the sanctions
9 being imposed and was prepared tomorrow which the case
10 is up to rule on the appropriateness of the monetary
11 sanctions.

12 In between that time Mr. Ditkowski came to court
13 indicated that he represented friends and family of
14 Mary Sykes. After he had attempted to claim he
15 represented Mary Sykes, Judge Connors pressed
16 Mr. Ditkowski on who had paid him. He refused to say
17 who his clients were initially. He refused say who
18 had paid him any money. He ultimately indicated one
19 of the friends of Mary Sykes that he was representing
20 was Gloria Sykes, so this is the man who on the first
21 instance came into court --

22 THE COURT: Counsel, that is enough. Just the
23 facts. Do you have anything further?

24 MR. SCHMIEDEL: Well, then subsequent to our

1 engaging in possible settlement negotiations Mr.
2 Brodsky is now in a position that he wishes to
3 withdraw. There has been just huge amounts of
4 communication back and forth between the G.A.L.'s and
5 Mr. Ditkowski and Mr. Brodsky that has caused great
6 concern as to what is going on, and that is one of the
7 reasons I understand Mr. Brodsky wishes to address
8 these issues with the Court because he has grave
9 concerns with respect to what's happening.

10 Also, one other thing. Mr. Ditkowski in one of
11 his e-mails indicated that he had previously
12 represented Mary Sykes by having done her estate
13 planning, and so in an email which I have with me, if
14 the Court wishes to see it, he indicated in an e-mail
15 that he circulated that he had represented Mary Sykes
16 previously.

17 THE COURT: I want to go back to one more thing.
18 Why Judge Connors decided that Yolanda's visitation
19 would be limited.

20 MR. SCHMIEDEL: There was not any limitation on
21 her specifically. There was supervised visitation
22 that was going forward and on one of the supervised
23 visitations even though there was an agreement not to
24 tape or video tape Mary Sykes, a video tape was made

1 of Mary Sykes that they then pedaled to the media,
2 Channel 2 which called me and wanted to put on the air
3 a videotape that they had taken against the promise
4 that they had made to the Judge and to Carolyn Toerpe
5 not to videotape a visit with her and her mother.

6 THE COURT: Where does the ward live?

7 MR. SCHMIEDEL: She lives with my client in
8 Naperville, Illinois, who has been the object of a
9 campaign of harassment by having called the Naperville
10 police on a number of occasions stating that there is
11 elder abuse.

12 THE COURT: Counsel, that is a criminal charge
13 that harassment so let me just stick to --

14 MR. SCHMIEDEL: Well, Judge, there has been
15 numerous reports of elder abuse to the Naperville
16 police. I have a report from the Naperville police
17 department.

18 THE COURT: How would I have jurisdiction
19 relevant to that?

20 MR. SCHMIEDEL: I am just giving you a history as
21 to why there has not been visitation.

22 THE COURT: I have a 3:00. I have lots of people
23 here today.

24 MS. FARENKA: There was a visit.

1 THE COURT: Was the visit between her and her
2 sister Yolanda?

3 MS. FARENKA: Yes.

4 MS. GLORIA SYKES: Your Honor --

5 THE COURT: One minute, dear.

6 Now, first, on the issue of Mr. Ditkowsky, if
7 Judge Fleming heard a motion to reconsider on that --
8 what was that, a 137 sanction?

9 MR. SCHMIEDEL: Yes.

10 THE COURT: Then it's my view that that is a
11 substantive decision and there is no S.O.J. as to that
12 issue so --

13 MR. SCHMIEDEL: You can send it back.

14 MR. STERN: I addressed Judge Fleming and he
15 wasn't sure.

16 THE COURT: If you read the case law, I am pretty
17 sure that is exactly what you will find.

18 MR. DITKOWSKY: I have no problem where it goes
19 just so that it is heard tomorrow and get rid of it.

20 THE COURT: Well, it is set for tomorrow and that
21 can go forward.

22 MR. DITKOWSKY: Counsel's statement is so
23 biased --

24 THE COURT: It doesn't matter. I am not hearing

1 it. Okay. Let's put that to rest.

2 Number two, where is your motion to withdraw?

3 May I see it?

4 MR. BRODSKY: Yes, Your Honor, and I did get the
5 green card back. It is set for the 8th.

6 THE COURT: May I see it now?

7 MR. BRODSKY: I was not prepared to give it to
8 you. Here you go, and here is the green card, Judge.

9 THE COURT: You got a copy of the motion to
10 withdraw, right?

11 MS. GLORIA SYKES: Yes.

12 THE COURT: Give me one minute please to read
13 this. Please. Okay. You agree with your counsel
14 withdrawing. Is that right?

15 MS. GLORIA SYKES: Yes.

16 MR. BRODSKY: Judge, here is an order I have
17 drafted which grants me leave to withdraw, strikes the
18 December 8th date, advances it to today's date, grants
19 me leave to withdraw. I did put a status date order
20 line in there, but I don't think you are going to need
21 it. You can strike it.

22 THE COURT: As long as she is in open court.

23 MR. SCHMIEDEL: We have other matters up on
24 December 8th so you shouldn't strike it.

1 THE COURT: I am not striking December 8th. I
2 don't think this needs to be --

3 MR. BRODSKY: Paragraph five is unnecessary.

4 THE COURT: Just a minute. I am not even there
5 yet.

6 MR. BRODSKY: So we have that order to be
7 entered.

8 THE COURT: Okay. I have entered this order.

9 MR. BRODSKY: The next matter, Your Honor, is the
10 motion --

11 MR. DITKOWSKY: She should get 21 days to find
12 new counsel.

13 THE COURT: That is what the rules are. In 21
14 days you will bring new counsel.

15 MR. BRODSKY: Mr. Ditkowski doesn't have an
16 appearance in this case. As a matter of fact, he is
17 in such a blatant conflict of interest. I think he
18 should just sit down --

19 THE COURT: Counsel, if you don't mind, I will
20 run the courtroom.

21 What else do you have?

22 MR. BRODSKY: I had a motion filed for leave to
23 present information in camera and under seal?

24 THE COURT: You are withdrawing now?

1 MR. BRODSKY: Correct, Judge.

2 THE COURT: Do the rules bind you here, and what
3 rule are you talking about?

4 MR. BRODSKY: Well, Your Honor, if you want to
5 stay in open court I will.

6 THE COURT: No. I want you to tell me what rule
7 you are talking about.

8 MR. BRODSKY: The rule that I think compels me to
9 do this, the rule of professional conduct 1.14.

10 THE COURT: I can go get my rules in the back.
11 1.14.

12 MR. BRODSKY: You many want to do that. I don't
13 want to talk in detail about it. That is why I want
14 to do it in camera.

15 THE COURT: I am just wondering now that you are
16 no longer the attorney of record whether indeed this
17 is something that needs to be heard in open court, and
18 if it does, maybe it's something that you just
19 disclose to the guardians ad litem.

20 MR. BRODSKY: Your Honor, I think the guardian ad
21 litem and Gloria Sykes are in an adversary position.
22 This is why I thought the best person to address these
23 issues to are the court because --

24 THE COURT: The guardian ad litem is really

1 supposed to be generally neutral.

2 MR. BRODSKY: I understand, Judge, but Ms. Sykes
3 does not feel so. She feels they are her adversaries.

4 MR. BRODSKY: I am very concerned. Things I have
5 seen, and I have six pages of notes that lead me to
6 the conclusion under 1.14 that and especially 1.14(c).
7 I have an obligation to tell someone in authority the
8 things that I know. I don't want to -- I want to do
9 it in camera and under seal, so that nobody knows
10 about it other than the Court, so you can take action
11 if you feel you need to or not, but I don't want
12 anybody else to know about it. It's nobody else's
13 business except myself and the Court.

14 MS. GLORIA SYKES: So --

15 THE COURT: I will have to think about that,
16 Counsel.

17 MR. BRODSKY: If you look at 1.14(c) I think you
18 will understand what I am talking about.

19 THE COURT: C?

20 MR. BRODSKY: Yes, 1.14 and 1.14(c).

21 MS. GLORIA SYKES: You Honor, with all due
22 respect --

23 THE COURT: I am trying to remember.

24 MR. BRODSKY: You will never remember.

1 THE COURT: Counsel, I sit on the committee of
2 the Supreme Court. I actually might know.

3 MR. BRODSKY: You might know then. I didn't know
4 about that rule until it was pointed out to me.

5 THE COURT: Believe me I have many copies of
6 those rules.

7 All right. Why don't we do that relative to this
8 motion we will put this on.

9 Now, you say the 8th. Don't I have a hearing
10 already at 2:00 p.m.?

11 THE CLERK: Yes, ma'am.

12 THE COURT: The case I have at 2:00 on that date
13 is like this one and the one sitting behind you. That
14 is what the 2:00's are for. I am not sure that is the
15 best day, and I certainly can't have a hearing because
16 I already have one set. And right now the only -- do
17 I have any 2:00's in December?

18 THE CLERK: 17th or 21st.

19 MR. SCHMIEDEL: I can't do the 17th. I can do
20 the 21st.

21 THE COURT: Madam Clerk, I thought I had
22 something on 21st.

23 THE CLERK: It was Mary Ferguson.

24 December 30th that would be all, Judge.

1 THE COURT: What is the urgency here?

2 MR. SCHMIEDEL: There is \$300,000 worth of money
3 that should have been frozen that may be accessed to
4 be paying counsel. Not this counsel but
5 Mr. Ditkowski.

6 MS. GLORIA SYKES: Your Honor, there is a final
7 order on that.

8 THE COURT: Wait a minute. Wait a minute. Wait
9 a minute. You do not represent her.

10 Now listen to me. If you speak, you are speaking
11 without advice of counsel. I have not sworn you, but
12 there is a transcript of what you say so people try to
13 use that against you at some further hearing.

14 Do you understand?

15 MS. GLORIA SYKES: I understand.

16 THE COURT: What do you want to tell me?

17 MS. GLORIA SYKES: Number one is I have an
18 appearance on for pro se.

19 THE COURT: You are your own lawyer right now.

20 MS. GLORIA SYKES: I am not waiving any of my
21 rights, Your Honor, for attorney, but I will tell you
22 the Lumberman's case -- it was settled in
23 October/November of 2008, and there was a final order.
24 There has never been a verified 214.01 petition, and,

1 in fact, if you will let me read what Judge Connors
2 read about that having to have that petition --

3 MS. FARENKA: Actually, Your Honor, we don't have
4 appearances from Ms. Sykes except as to the appellate
5 matter as representing herself.

6 MS. GLORIA SYKES: I have represented myself four
7 times already, Your Honor, in front of Judge Connors
8 and there is an appearance and you know it.

9 THE COURT: Here is all I want to ask you about
10 is are you prepared to tell the Court whether this
11 money is all intact and in one place, and you will
12 agree to a freeze order between now and whenever you
13 come back.

14 MS. GLORIA SYKES: No, Your Honor, number one is
15 I have a valid final order.

16 THE COURT: Can I ask -- I thought there was a
17 freeze order?

18 MS. FARENKA: There was, Your Honor, pursuant to
19 my motion. It was my motion, Your Honor. The problem
20 was that Ms. Sykes was in court with her then several
21 lawyers ago and Judge Connors pressed her for the
22 information as to the location of the assets and
23 Ms. Sykes gave an answer that was either intentionally
24 or unintentionally confusing.

1 The freeze order was taken by the former
2 guardian's lawyer. It was -- the asset was described
3 as Chase Symetra, and it turns out that Symetra is
4 completely unrelated to Chase, so the Symetra account
5 was never frozen, and this was not discovered until
6 the spring.

7 MS. GLORIA SYKES: Your Honor, there is no due
8 process to get that initial thing. They ambushed me
9 in court. We walked into court and all of a sudden my
10 sister's attorney says: We just found this package
11 with Gloria's name all over it and Cynthia Farenga has
12 a list of questions. My attorney objected, Your
13 Honor. There is no 214.01 verified petition. I had a
14 final order. I obeyed my final order in Judge
15 Mulhern's court.

16 THE COURT: Mary Mulhern.

17 MS. GLORIA SYKES: It was a final order. Okay.
18 We also brought in affidavits from my attorneys. We
19 also had a motion -- it was a TRO that was listed, a
20 TRO based on no verified petition.

21 THE COURT: What happened to the TRO? Was the
22 TRO brought here?

23 MS. GLORIA SYKES: The TRO was brought in, and it
24 was for ten days whatever TRO's are for, and then

1 Mr. Waller wrote a citation. It was dismissed -- it
2 went no place.

3 THE COURT: Who is Mr. Waller?

4 MS. GLORIA SYKES: Mr. Waller was my sister's
5 initial attorney. It was dismissed. It was not
6 heard. We were supposed to hear it, because they did
7 not have a 214.01. You know, we all know that there
8 is due process.

9 THE COURT: Can I ask you a question?

10 MS. GLORIA SYKES: Sure.

11 THE COURT: How much of the money have you used?

12 MS. GLORIA SYKES: Your Honor, I am not answering
13 that question based on the grounds I was the insured.
14 I got the policy. My mother was never before the
15 court.

16 MS. FARENKA: Yes, she was.

17 MS. GLORIA SYKES: She was never before the
18 court. You do not know, ma'am.

19 THE COURT: Ma'am, no arguing with anybody. All
20 right.

21 MS. GLORIA SYKES: And I had a motion to dismiss
22 this citation which is supposed to be up for tomorrow,
23 and I have demanded a jury trial.

24 THE COURT: On a motion to dismiss?

1 MS. GLORIA SYKES: To dismiss the citation, yes.

2 I would really like to see once, Your Honor, please,

3 Your Honor, just once due process in this case where I
4 am also --

5 THE COURT: I don't think there is jury trial
6 allowed on a motion to dismiss.

7 Now, on the trial on the citation I think that
8 the statute says that you can have a jury trial, but
9 usually on motions you don't get trials. You get a
10 hearing. You get a hearing. I don't know if you want
11 to have a hearing. I don't think you can get a jury
12 trial.

13 MS. GLORIA SYKES: Because I have to tell you,
14 Your Honor, with all due respect, my mother filed an
15 order of protection against my sister. It was
16 converted. They didn't even have jurisdiction over my
17 mother. They wrote orders, the court. There was a
18 series of mistakes that went on and on and on. She
19 had an order of protection against my sister. In that
20 order of protection --

21 THE COURT: You know, here is the thing.

22 MS. GLORIA SYKES: It was converted into a
23 plenary guardianship. They have written orders sua
24 sponte that are just horrendous.

1 THE COURT: You know what, you spoke about nine
2 volumes, and I don't know what it is I have here, and
3 I can't really decide this without doing some reading.

4 MS. GLORIA SYKES: Right. Well, Your Honor, I
5 can give you courtesy copies of my appeal, and I am
6 sure they can give you the response.

7 THE COURT: Let me just think about that. That
8 is not in front of me, but if you said something about
9 a motion and there is a citation pending, right?

10 MR. SCHMIEDEL: Judge, there is a citation --

11 MS. GLORIA SYKES: And I have a motion, yes. And
12 I can also give you courtesy copies of all of the
13 transcripts if you would like to really catch up.

14 THE COURT: Well, here is the problem: It is on
15 appeal. That is not in front of me.

16 MS. GLORIA SYKES: This whole thing with the
17 money and who it belongs to and what happened, you
18 know --

19 THE COURT: Was that all in the trial?

20 MS. GLORIA SYKES: There was never a trial. I
21 never had a trial.

22 MR. SCHMIEDEL: There was a hearing.

23 MS. GLORIA SYKES: I never had it. It was
24 supposed to be December 10th. It never happened.

1 THE COURT: Of '09?

2 MS. GLORIA SYKES: Of '09, yes.

3 THE COURT: I can pull at least -- what I will do
4 is I will --

5 MR. SCHMIEDEL: Judge, I have the entire record
6 in my office, but the citation that is pending is the
7 citation to discover assets. It is not a citation to
8 recover assets. It is simply a citation --

9 THE COURT: Do you have a motion to dismiss the
10 citation to discover?

11 MS. GLORIA SYKES: Yes.

12 MR. SCHMIEDEL: There is no basis --

13 THE COURT: I will read it and I will see what I
14 think about that but --

15 MR. SCHMIEDEL: But there is also an order that
16 she appear and testify under oath --

17 THE COURT: She is right here.

18 MR. SCHMIEDEL: -- as to where the money is.

19 THE COURT: And the statute provides that.

20 MS. GLORIA SYKES: Why do I have to tell him
21 where my money is when it belongs to me?

22 THE COURT: Well, the citation to discover -- and
23 this is why it is a good idea to have an attorney.
24 That is what the law says. You know, if you get --

1 now this is my old copy. I have four more. If you
2 look under citations it says that you can be called to
3 court to answer questions under oath. It says that.

4 MR. DITKOWSKY: There is not one --

5 MS. GLORIA SYKES: There is no verified petition.

6 MR. BRODSKY: Your Honor --

7 THE COURT: Please don't talk, sir.

8 MR. BRODSKY: Your Honor, if I may, this is part
9 of the reason --

10 THE COURT: Counsel, you really cannot talk
11 either.

12 MR. BRODSKY: It goes to my motion.

13 THE COURT: I am going to decide whether or not I
14 should even hear that.

15 MR. BRODSKY: There is a problem going on, and I
16 think Your Honor can kind of see --

17 THE COURT: Well, all I see right now is people
18 who disagree.

19 MS. BAKKEN: Your Honor, may I say something? It
20 was mentioned -- I don't know if I misunderstood or
21 not about the having supervised visits with my sister.
22 The last visit that I made with her, the 22nd of
23 August I went there with my daughter. I was in the
24 doorway holding the screen door like this. She wanted

1 us to come in. My sister come running toward the
2 door. We hugged and kissed, and she grabbed hold of
3 my hand like a shake, strong grip and her daughter was
4 on her right. Her daughter's husband come running
5 down the steps fast. I thought he was going to fall
6 and I was watching him.

7 As soon as he got to my sister, he started
8 pulling her left hand down to the ground, and then
9 Carol turned around and started pushing my sister's
10 right shoulder down. And my sister hollered out:
11 Please, don't hurt my sister. If she was not holding
12 on my hand -- Carol turned around and gave me a shove
13 like this and pushed me into the doorway.

14 THE COURT: If you wanted to press charges, you
15 could. If you felt that there was a criminal offense
16 against you, you could have pressed charges.

17 MS. BAKKEN: I didn't want to add more fuel to
18 the fire.

19 THE COURT: All right. Tell me what it is you
20 want --

21 MS. BAKKEN: There is too many lies. Your Honor,
22 I have known my sister all my life. She was like my
23 mother to me. She never lied to me. She told me a
24 lot of the things from the time these two were young,

1 and I told her: Mary, straighten her out now. Don't
2 let her get by with the lies. She is like a
3 pathological liar. I am sorry. There is too many
4 lies I know about and they are never corrected.

5 MS. GLORIA SYKES: Your Honor --

6 THE COURT: I don't know if I can correct a
7 family history, and I don't think that is my job, but
8 I will listen to the citation to discover.

9 MS. BAKKEN: I am trying to have somebody have an
10 open mind.

11 THE COURT: Well, I have an open mind. I don't
12 know any of you, and I don't know anything about
13 anything, so I am trying for you here.

14 MS. GLORIA SYKES: What do you mean you will
15 listen to the citation?

16 THE COURT: Well, he has a citation. You have a
17 motion to dismiss. We will deal with that at the same
18 time.

19 MS. GLORIA SYKES: We are supposed to be here
20 tomorrow for that. Should we --

21 MS. FARENKA: Judge Fleming.

22 MR. STERN: I don't believe it's up tomorrow.

23 MR. SCHMIEDEL: It is scheduled in front of Judge
24 Fleming.

1 MS. GLORIA SYKES: I thought we would do both
2 once.

3 THE COURT: But the motion to reconsider that
4 stays with Judge Fleming. Your motion to dismiss on
5 the citation is more properly set here, so it was set
6 for December 8th. Let's get back to this so I can
7 move on to my other people who are waiting, and I have
8 something on the 9th. The 10th I have something.
9 People can't make the 17th?

10 MS. FARENKA: Your Honor, this money is
11 unsecured --

12 THE COURT: Excuse me. Can I ask you a question?
13 MS. GLORIA SYKES: Yes.

14 THE COURT: If I have to hear your case in
15 January, would you promise me between now and then
16 that you wouldn't access any more money, if you have
17 any access?

18 MS. GLORIA SYKES: Your Honor, I am living on
19 this money right now because of this craziness in my
20 life. I have no choice. They talk about me harassing
21 them. You wouldn't believe how they harassed me.

22 THE COURT: Just one minute. I will tell you
23 what I will do. I will set it on the 8th. I will see
24 what happens with Holt on status tomorrow. I should

1 be able to find one of you to let you know if we can
2 hear it at 2:00 on the 8th. I might have to change my
3 order.

4 MS. GLORIA SYKES: I need to get an attorney,
5 Your Honor.

6 THE COURT: Well, then we are going to have to go
7 into January.

8 MR. SCHMIEDEL: Judge, she just admitted that she
9 is violating the court orders that were entered.

10 THE COURT: Counsel, I have to be honest with
11 you. I have not seen the orders.

12 MR. SCHMIEDEL: I will be happy to show them to
13 you.

14 THE COURT: If the court order was entered and
15 served to the wrong party, I have to really think
16 about it.

17 MR. SCHMIEDEL: The court order wasn't entered
18 and served to the wrong party.

19 THE COURT: You said Chase Symetra.

20 MS. FARENKA: It's an annuity.

21 MR. SCHMIEDEL: Judge, it went to her. That was
22 the order that was entered in the August.

23 THE COURT: One moment, please.

24 What does this have to do with the case?

1 MR. SCHMIEDEL: There is another rule to show
2 cause.

3 THE COURT: Nevermind. Quiet, everybody.
4 Quiet. Quiet. Strike that last comment, please.
5 Counsel, did you give this to me because you
6 thought the freeze order was in here, because I will
7 be frank. I don't see it here.

8 MR. SCHMIEDEL: Here, Judge, this is what I am
9 talking about.

10 THE COURT: Not to be naive, but I thought she
11 was supposed to appear on August 16th?

12 MS. FARENKA: She evaded service, Your Honor.

13 THE COURT: So finally she received service and
14 it was continued?

15 MR. SCHMIEDEL: It was set for the same date for
16 the citation.

17 THE COURT: When did she receive service?

18 MR. SCHMIEDEL: She received service --

19 MS. GLORIA SYKES: On what do you call it day --
20 Labor Day, not Labor Day, Veteran's Day.

21 MR. SCHMIEDEL: On November 11, 2010.

22 THE COURT: Here is what we are going have to do.
23 I am telling you now. I have no idea what I am going
24 to decide, but I will decide something. If I decide

1 that you have converted funds, then there may be a
2 penalty above just the return of said funds.

3 On the other hand, I may decide that what you say
4 is absolutely correct, and there was no taking, and so
5 then there would be no extra penalty. I just want you
6 to know that you don't have a lawyer as you stand here
7 today that is a possibility, and the reason I am
8 asking you to make that promise which really is to
9 protect you at least in the interim period while you
10 are getting that attorney and while we set it for a
11 future hearing.

12 MS. GLORIA SYKES: I do respect that, Your Honor,
13 but --

14 THE COURT: So I told you. Okay.

15 MS. GLORIA SYKES: Can I just show you something,
16 Your Honor, because, again, there was no verified
17 petition. You can't get --

18 THE COURT: I can't look at that issue of law
19 right now because I am not having a hearing on that
20 issue, but we will set that for a hearing. You will,
21 I am assuming, have an attorney. It will be a January
22 date. That is it.

23 MR. BRODSKY: Your Honor, on my motion, I really
24 think that before you do any actions which potentially

1 result in incarceration or fines for contempt of court
2 you really need to hear the information I have.

3 THE COURT: I need to look at the 1.14(c) motion
4 and see whether I think it's applicable. I will do
5 that on the 8th, but not at 2:00 .

6 MR. BRODSKY: And somebody will call me and tell
7 me whether or not to be here.

8 THE COURT: Yes, someone will call you.

9 MS. FARENKA: Your Honor, may I ask when Your
10 Honor is reviewing the record, and it's a huge record,
11 but there was a misstatement Mary Sykes was a named
12 plaintiff in the law division. It's in black and
13 white.

14 THE COURT: The only thing I want to see -- I
15 would like to see Judge Mulhern's settlement.

16 MS. GLORIA SYKES: I got it right here.

17 MS. FARENKA: And then, Your Honor, if you read
18 that in combination with the doctor's report --

19 THE COURT: Those are not allowed to be kept. If
20 people want to give me things to read prior to the
21 8th, and I will change the time.

22 MS. FARENKA: Your Honor, I will provide you with
23 the medical reports.

24 THE COURT: I will see you at 11:30 December 8th

1 for status and a ruling on your motion.

2 MR. BRODSKY: I didn't put --

3 MS. GLORIA SYKES: They all have copies.

4 MR. STERN: For the record what is being
5 tendered?

6 THE COURT: I don't know. A copy of an order, I
7 believe.

8 MS. GLORIA SYKES: A copy of an order from Judge
9 Mulhern from November 16th or 15th.

10 THE COURT: Was there a settlement agreement?

11 MS. GLORIA SYKES: That is a settlement
12 agreement.

13 THE COURT: That is what I want to see.

14 MS. FARENKA: I object unless the apportionment
15 agreement is also a part of that.

16 THE COURT: I am not sure I can read this. Thank
17 you, everybody. I am sorry I don't have more time
18 today.

19 MR. STERN: I have one more question, Judge. do
20 you need an order then for the other matter tomorrow
21 that goes back to Judge Fleming?

22 THE COURT: I need that to go back to Judge
23 Fleming, and then your motion tomorrow should be
24 continued for December 8th, and then we will continue

1 it on whatever day you chose in the future. All
2 right.

3 MS. GLORIA SYKES: Now, again, I want to make
4 sure I am correct here. I do not have -- I have
5 talked to somebody, but I don't know if I will have
6 somebody that can make it for the 8th.

7 THE COURT: Right. What we are gong to do -- not
8 for the 8th. We are going to give you 21 days to hire
9 an attorney. Put that date in the order, and that
10 person needs to file an appearance by that date.

11 Okay?

12 MR. BRODSKY: That is already in the order.

13 THE COURT: I know. I am just trying to explain
14 to her, counsel.

15 MS. BAKKEN: Your Honor.

16 THE COURT: Yes, Dear, I must move on. I am so
17 sorry. See. It's not fair.

18 MS. BAKKEN: When Gloria got the house in the
19 back of my sister's home, my sister put up the
20 mortgage for her.

21 MS. GLORIA SYKES: No, she didn't.

22 MS. BAKKEN: But wait a minute. She is a single
23 girl. Whose name was she going to put on there? My
24 sister Mary was very honored, and she had called me on

1 the phone and I remember that distinctly. She says:
2 Gloria Jean is going to be putting my name on her
3 house with her. I said: Mary, that is fantastic. I
4 mean, this is the only way Mary's name was on the
5 house.

6 THE COURT: Okay. Well, you know, I am not sure
7 that is in front of me. I just want to talk to you
8 all because you all have all this history. I have no
9 history, and I am just trying to take the issues that
10 are pending and deal with them. I don't want to see
11 you get shuttled yet again to another Judge, so let's
12 just calm down a little bit and try to take things as
13 they come.

14 MS. GLORIA SYKES: Your Honor, would you please
15 let them at least talk to my mother on the phone.
16 There is no order saying I can't talk to my mother on
17 the phone.

18 THE COURT: Excuse me?

19 MR. STERN: There is a whole history and we
20 trying to cram it in an hour. This started -- the
21 court date was a year and a half ago.

22 THE COURT: Is she not allowed to talk to her
23 mother on the phone?

24 MS. GLORIA SYKES: My sister won't let me talk to

1 my mother on the phone.

2 MR. STERN: The attorneys aren't even in control
3 of visitation. There is a whole history here on abuse
4 here.

5 THE COURT: You know what, I will revisit that on
6 the 8th. Can you give me that history?

7 MR. STERN: I would love to.

8 THE COURT: Would you put it in writing, counsel?

9 MR. STERN: Yes.

10 MS. GLORIA SYKES: And, Your Honor, I will
11 provide you with the transcripts when my sister was
12 under oath on December 7th, because I would like you
13 to read those.

14 (Which were all the proceedings had in
15 the above-entitled cause.)

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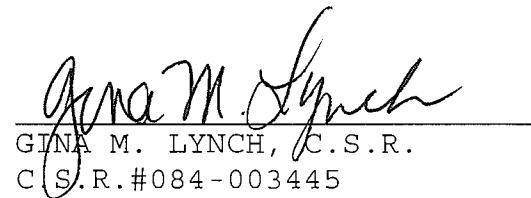
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24

1 STATE OF ILLINOIS)
2) SS:
2 COUNT OF C O O K)

3
4 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS,
5 COUNTY DEPARTMENT-PROBATE DIVISION

6
7 I, GINA M. LYNCH, Official Court Reporter of the
8 Circuit Court of Cook County, do hereby certify that I
9 reported in shorthand the proceedings had on the
10 hearing in the aforementioned cause; that I thereafter
11 caused the foregoing to be transcribed into
12 typewriting, which I hereby certify to be a true and
13 accurate transcript of the Report of Proceedings had
14 before the Honorable CHERYL CESARIO, Judge of said
15 court.

16
17 
18 GINA M. LYNCH, C.S.R.
19 C.S.R.#084-003445

20
21
22
23
24 Dated this 3rd day of December, 2010.