

**A30B448**  
**HEARING      DECEMBER 7, 2009**

5      In Re the Estate of,

6 Mary G. Sykes, No. 09 P 4585

## 7 An Alleged Disabled.

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10 REPORT OF PROCEEDINGS of the above-entitled  
11 cause held at the Richard J. Daley Center, Courtroom  
12 1814, Chicago, Illinois, before the HONORABLE  
13 MAUREEN E. CONNORS, Judge of said Court, commencing  
14 at the hour of 9:30 o'clock a.m. on the 7th day of  
15 December 2009.

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24 FILE NO. : A30B448

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1           THE COURT: We were supposed to start at  
2 9:30 -- stay down there, if you would, please, and make  
3 sure you speak loud enough so this gentleman can hear  
4 you. Are we ready to go? And if you have a card, that  
5 would be nice, he would appreciate that.

6           MS. FARENZA: I'm Cynthia Farenga,  
7 F-a-r-e-n-g-a, ad litem for Mary Sykes, S-y-k-e-s.

8           MR. STERN: Adam Stern, S-t-e-r-n, special  
9 guardian ad litem for Mary Sykes.

10          MR. WALLER: Mark Waller, Waller, counsel  
11 for Carolyn Toerpe, the temporary guardian.

12          MR. ALEXANDER: Randall Alexander.

13          MS. DENISON: Your Honor --

14          THE COURT: You're petitioning to  
15 appear -- I don't know who you represent, sir?

16          MR. ALEXANDER: We're petitioning to appear  
17 for Gloria Sykes in this case.

18          MS. DENISON: Julian Denison and I'm  
19 with -- we're together with the same firm and we're  
20 petitioning to appear for Gloria Sykes and our petition  
21 is up on motion this morning for --

22          THE COURT: Thank you.

23          Sir.

24          MR. DOLGIN: Jay Dolgin, D-o-l-g-i-n, Dolgin

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1           remaining from Mr. Dolgin's tenure. I don't know that  
2 Ms. Denison is going to be allowed in the case, but I  
3 already know that she doesn't know about these issues  
4 because we've talked about it so that's why I'm raising  
5 it now. One is Gloria Sykes was required to produce the  
6 names of the beneficiaries to the bank accounts, there  
7 were three bank accounts that are in her name alone and  
8 she said that there were beneficiaries, tried to produce  
9 the names, that has not happened. And the other is that  
10 she -- between being ordered and agreeing to, was  
11 supposed to have produced an accounting a while ago and  
12 also had in Court with either Mr. Stone, who is now out  
13 of the case or Mr. Dolgin, I don't remember, but a big,  
14 thick package which purportedly contained copies of 500  
15 checks, of which someone from our side was supposed to  
16 have been provided a copy of it and that has not  
17 happened.

18          THE COURT: Mr. Dolgin, do you recall  
19 there was a Court order relative to turning over  
20 beneficiaries, their names on accounts --

21          MR. DOLGIN: I don't recall that  
22 specifically, but I do know that we have been trying to  
23 get discovery in this case for quite some time. We had  
24 a status several weeks ago --

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1          & Fischer. We are acting on behalf of Gloria Sykes and  
2 I have a motion pending to withdraw.

3          THE COURT: Okay. Thank you very much.

4          MR. STERN: For the record, I just want to  
5 observe that it is 9:53, we were set at 9:30. I know I  
6 have other matters at ten and the Court does as well.

7          THE COURT: Yes, it took a little longer.

8          MS. FARENZA: I do as well. The other thing  
9 is I'm going to ask that once an order leaves the  
10 courtroom and has been agreed to, that it not be  
11 changed, because the time of this order was changed and  
12 it just caused a lot of problems. It was changed to  
13 accommodate the court and for that I don't object, but  
14 just for the record in the future.

15          THE COURT: I don't know who changed what  
16 order. What your talking about?

17          MS. FARENZA: You know what? Forget it,  
18 it's okay. I'll just --

19          THE COURT: An order was submitted to me  
20 that I didn't approve of. I scratched certain things  
21 out on it and I don't know if counsel was here or not --

22          MS. FARENZA: This was all about the timing.  
23 That's okay, it's not worth the time.

24          Your Honor, there are two unresolved issues

1          THE COURT: Just from your client, though,  
2 the information?

3          MR. DOLGIN: I do not have the information,  
4 but it is information that is certainly obtainable.

5          THE COURT: I just want to know was it  
6 ordered, do you agree it was ordered?

7          MR. DOLGIN: I don't recall if it was  
8 ordered or not.

9          THE COURT: Did you find --

10         MR. STERN: It wasn't put in an actual Court  
11 order, Judge. To my recollection, and we can order  
12 transcripts if you want, Judge Stone had the packet with  
13 them and made the representation that he would make  
14 copies or get copies made and distribute to everybody,  
15 and then he withdrew and that never occurred.

16          THE COURT: That wasn't done, but there's an  
17 order on --

18         MS. FARENZA: I looked in the Court file, I  
19 don't see an order, but I also know there was an  
20 agreement in front of the Court and that's how this came  
21 to be an issue.

22          THE COURT: Again, if it's not an order,  
23 it's hard for me to enforce it. So we need to get that  
24 in the order today. Anything else?

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2 (Pages 2 to 5)

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1           MR. DOLGIN: Why don't we provide a  
2 discovery schedule, your Honor, so that everybody will  
3 be able to pass documents back and forth and it will be  
4 clear.

5           THE COURT: Let's -- hold off. One thing at  
6 a time now. As far as the accounting, was that Court  
7 ordered?

8           MS. FARENKA: No.

9           MR. STERN: It was agreed to on the record.

10          MS. FARENKA: The Court actually directed it  
11 and I don't why it didn't -- the court also directed  
12 that the beneficiary be provided with, Ms. Sykes  
13 testified, that the assets were in her name only. I do  
14 not know why they were not reduced to a Court order.

15          THE COURT: Okay, so there's not an order --

16          MS. FARENKA: Provide deadlines today.

17          THE COURT: All right. Counsel, what's your  
18 pleasure here today?

19          MR. DOLGIN: My pleasure is to withdraw,  
20 your Honor. I would, however, like to defer that until  
21 Ms. Denison gets to present -- because I do not want to  
22 leave Gloria without counsel so --

23          THE COURT: Is this a timely issue, Mr.

24          Stern? She doesn't represent a litigant now and she

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1           than you represent her as an interested person, a sister  
2 or a daughter. So if you represent her as a litigant,  
3 there's a possibility you may be called as a witness in  
4 the case, that's what we're looking at then. I wanted  
5 to get that cleared up before we go forward.

6           MS. DENISON: I intend to represent her as a  
7 litigant.

8           THE COURT: Okay. Who made the motion?

9           MR. STERN: Just for the record, Gloria  
10 Sykes entered the courtroom while we were speaking and  
11 previously Carolyn Sykes(sic) and her husband Fred  
12 Sykes(sic) are both in the courtroom as well.

13          MS. FARENKA: Toerpe.

14          MR. WALLER: Toerpe.

15          MR. STERN: Toerpe, sorry, are in the  
16 courtroom. Just so the record is clear, because we have  
17 two court reporters.

18          THE COURT: Thank you very much, okay.

19          MR. WALLER: Judge, I have filed based on  
20 previous discussions with the Court a motion to deny the  
21 additional appearance of Joanne Denison or her firm  
22 representing Gloria Sykes. The Court has a courtesy  
23 copy of my petition as well as a response from Ms.  
24 Denison and her firm.

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1          wants to --

2          MR. STERN: Well, actually I disagree with  
3 that, Judge, because --

4          THE COURT: What pleading does she have on  
5 file?

6          MR. STERN: Ms. Gloria Sykes is --

7          MS. FARENKA: She has a motion to dissolve  
8 the temporary restraining order.

9          THE COURT: That stays. Are you going to be  
10 adopting that?

11         MS. FARENKA: Yes.

12         MR. STERN: You drafted it, even though it's  
13 a motion. I think your name is on the motion, as I  
14 recall.

15         THE COURT: It makes a difference what  
16 pleadings are pending and if you're a litigant, other  
17 than an interested party. So there are -- I don't know,  
18 I don't recall specifically. There is a pleading  
19 pending that you're going to adopt, is that right?

20         MS. DENISON: Your Honor, I'd prefer to just  
21 go ahead with it and get this cleared up now so we're  
22 prepared for the argument --

23         THE COURT: I'll telling you what my concern  
24 is. If you represent her as a litigant, it's different

1          There are a couple of issues, but I think  
2 the most paramount one is the fact the rules of ethical  
3 procedure which I've cited in my motion basically say  
4 that if you may be called as a witness and a layer knows  
5 this, they cannot represent a party in the proceeding.

6          THE COURT: Who would be calling, counsel,  
7 as a witness?

8          MR. WALLER: What we know so far and what  
9 this Court has based the TRO -- we know so as far as is  
10 the Court is based on a TRO, is that there was a  
11 settlement of a lawsuit in the end of 2008, where Gloria  
12 Sykes and Mary Sykes were both Plaintiffs in that  
13 proceeding, where a \$1.3 million settlement was reached.  
14 In that settlement Gloria Sykes received 100 percent of  
15 the monies and Mary Sykes received zero based on pretty  
16 much two documents, the settlement agreement and more  
17 importantly an apportionment agreement, that whereas  
18 Gloria and Mary were both signers to this, and the only  
19 other signer on the document was Joanne Denison as the  
20 Notary to this. There's not any letterhead and it's not  
21 on -- no one -- there's no portion there that says who  
22 drafted this document. That apportionment agreement  
23 basically says that Mary's giving up her -- any portion  
24 of the settlement and that Gloria Sykes will receive 100

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3 (Pages 6 to 9)

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1 percent of this, and this Court has already received  
2 testimony from Ms. Sykes that she received, you know,  
3 minus fees and minus payback of a loan, received of the  
4 funds from the settlement, which again is the basis of  
5 the TRO which is still pending. The money that this  
6 Court allowed Gloria Sykes to keep is approximately  
7 99,000 and the rest of it was frozen, there was two  
8 banks accounts and that's still at issue, is the motion  
9 currently pending to dissolve the TRO. It is  
10 contemplated and all the parties are aware to this, that  
11 once a guardian is established, that a citation  
12 proceeding or other proceedings will need to be  
13 initiated against Gloria Sykes to figure out if Mary  
14 should have received any of that money. What's at issue  
15 is in October of 2008, when that apportionment agreement  
16 was signed by Mary Sykes and Gloria Sykes, is that there  
17 are questions of fact about whether one who drafted that  
18 apportionment agreement, what legal advice Mary Sykes  
19 got at the time, what Ms. Mary Sykes competency was at  
20 the time, because now we know she suffers from dementia,  
21 we have two doctors's reports that substantiate it.  
22 These are always issues of fact that need to be resolved  
23 in the TRO proceeding or any subsequent citation  
24 proceedings. Ms. Denison, as an attorney who notarized

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1 motion and counsel does not deny this in her response,  
2 is the e-mail that she sent to Cynthia Farenga prior to,  
3 knowing that Gloria Sykes wanted to -- asked her to  
4 represent her in these proceedings. Her e-mail said I  
5 did -- the quote is: "However, I did spend considerable  
6 time with both of them discussing the document and what  
7 it meant and other issues."

8                   THE COURT: What page is that on?  
9                   MR. WALLER: It's an attachment, but it's  
10 also on page five of her response -- or her reply  
11 memorandum.

12                   MR. ALEXANDER: It's in the text of the  
13 response as well.

14                   THE COURT: Okay.

15                   MR. STERN: Does anyone have any objection,  
16 I'll just give her a copy? Ms. Denison?

17                   MS. DENISON: No, that's fine.

18                   MR. WALLER: Again, it goes on to say they  
19 had counsel of record for the case, but I believe there  
20 were controversies with the settlement, those may be  
21 subject to attorney-client privilege and that would take  
22 a Court order to divulge.

23                   Again, this goes -- this just shows  
24 regardless of what they talked about, at this point that

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1 the signatures of both Gloria Sykes and Mary Sykes on  
2 that document is a witness. If you look at her response  
3 that she filed with the Court, it's -- she tends to  
4 sort of dissuade the Court that she only notarized the  
5 document and didn't do anything substantive, didn't have  
6 any discussions with Mary, didn't give any legal advice  
7 to Mary. Well, even if we take that for true, which I  
8 don't know is true, but even if we take -- for the  
9 purposes of today assume that's true, that is also a key  
10 fact that will need to come out in the citation  
11 proceeding and the TRO proceeding. Because whether Mary  
12 Sykes got independent legal advice or got any legal  
13 advice before signing that document, which she gave away  
14 her portion of \$1.3 million, that is a fact that needs  
15 to come out in sworn testimony and Ms. Denison by -- in  
16 her own admission in her pleading has said that she did  
17 not give any legal advice to Mary Sykes. I don't know  
18 if that's true, we don't know what happened then in the  
19 conversation. Unfortunately, Mary Sykes in her dementia  
20 is too far gone to provide us any insight to do that and  
21 that is the facts that we're dealing with, but that  
22 alone, in itself, rises to a level and shows that she's  
23 going to be a witness in any subsequent proceedings  
24 regarding the lumberman funds. I also point out in my

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1 information may be very pertinent to, again, Mary Sykes,  
2 which she understood at the time what she was signing  
3 when she gave away her portion of a \$1.3 million  
4 judgment. These are all facts that show that under our  
5 ethical rules -- any lawyer standing before you would  
6 know under these circumstances that she may be called as  
7 a witness. The rules say may be called as a witness, it  
8 doesn't say must, by the way, it says may be, and I'm  
9 telling -- as an officer of this Court and everything  
10 that this Court has heard on this case, she is going to  
11 be called as a witness, it's not even a may, but the  
12 rule only says may in it.

13                   The other -- two other points I make in my  
14 motion I just want to clarify. There is a question of  
15 whether there's a general conflict of interest, what did  
16 Mary Sykes know when she met with Joanne Denison who is  
17 known to Mary Sykes and if you look at Joanne Denison's  
18 response again, if says she's been friends with the  
19 family, she's attended family functions. I think no one  
20 can argue that Mary Sykes definitely did not know that  
21 Joanne Denison was a lawyer. And so the fact that she  
22 was -- she wants to say she was just a notary at the  
23 time, again, the facts will dispute which goes to  
24 whether she's a witness or not in this case, but it also

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4 (Pages 10 to 13)

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1 goes to what did Mary Sykes, by going to Joanne Denison  
2 to have her notarize this document, what did Mary Sykes  
3 in her mind believe the conversation or the  
4 communication when they met -- again, considerable time  
5 with her, which is what the e-mail says, whether that  
6 rose to the level of an attorney-client relationship and  
7 privilege, again I think it just goes to show you that  
8 Ms. Denison cannot represent Gloria Sykes in these  
9 proceedings. The issue is the apportionment of this  
10 \$1.3 million. Mary Sykes may have at the time  
11 considered her to be someone giving legal advice or not  
12 when she had a notarized document. Again, it's a  
13 question of fact and both rules apply.

14 The third point I just want to make out,  
15 Judge, this case has been now in this Court for four  
16 months. We've had multiple lawyers representing Gloria  
17 Sykes. We've had Ira Cohen, we've had Jay Dolgin twice,  
18 we've had Judge Stone, and now we have Joanne Denison.  
19 You know what? I understand and the case law is clear  
20 and I point that out on motion that, yes, the litigant  
21 does have the right to have their own lawyer, as long as  
22 there's no conflict -- consideration preventing them.  
23 There is nothing that I found that gives you the right  
24 to keep changing your lawyer every month in a case or

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1 your Honor, we say that there isn't grounds to  
2 disqualify Ms. Denison because there is no conflict of  
3 interest. Specifically counsel here points to Rule 3.7  
4 of the Code of Ethics and he cites in his motion  
5 Subsection A, where he states that an attorney may not  
6 accept representation where he may be called as a  
7 witness. However, Subsection B we argue applies where a  
8 lawyer may accept representation where he may be called  
9 other than on behalf of his client, and he may continue  
10 to do so until he or she reasonably knows or should know  
11 that their testimony may prejudice the client. Here Ms.  
12 Denison could only testify as to the notarization of the  
13 document and other facts that would not prejudice her  
14 client. And also with regard to that, opposing counsel  
15 has the burden of proving that such prejudice would  
16 occur. A mere anticipation of such prejudice does not  
17 amount to proving that burden.

18 With regard to notarization, Ms. Denison did  
19 not represent either Gloria or Mary Sykes during the  
20 time that these documents were notarized. She merely  
21 notarized the documents. The Illinois Notary Public Act  
22 generally recognizes that attorneys may act as notaries,  
23 specifically even documents where they've created such  
24 as affidavits. And, again, during this lawsuit where

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1 every couple of weeks or when something -- there's a  
2 disagreement or there's something going on. There are  
3 proceedings that are presented to a disabled person that  
4 needs to move forward and this Court has done an  
5 excellent job of making sure that that takes place, but  
6 I mean every time there's a change of lawyer, again,  
7 imposes more delays. You know, one lawyer doesn't know  
8 what the other lawyer promised on the record, another  
9 lawyer doesn't know -- so forth. I mean it poses delays  
10 which hurts eventually Mary Sykes's interest. So, you  
11 know what, if Gloria Sykes wanted Joanne Denison to  
12 represent her from day one in the guardianship, then she  
13 should have came in and hired her at the beginning, not  
14 Ira Cohen, not Jay Dolgin, not Judge Stone, and not now  
15 Joanne Denison. There is no absolute right to multiple  
16 attorneys to represent you in a case that's only been  
17 here since the summer. But just in summary, the most  
18 important point is that the rules -- the rules say if a  
19 lawyer knows that she's going to -- may be called as a  
20 witness, that she should not be representing a party in  
21 the case, and that is clear is what is happening in this  
22 case here.

23           THE COURT: Who wishes to respond?  
24           MR. ALEXANDER: I will, your Honor. Again,

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1 the settlement, a settlement apportion documents were  
2 created, both Gloria Sykes and Mary Sykes were  
3 represented by litigation counsel, not Ms. Denison. The  
4 fact that she spoke with them with regard to the e-mail  
5 that they bring up, she only spoke with Mary Sykes and  
6 Gloria Sykes with regard to the amount of the  
7 settlement, the issues regarding the amount of the  
8 settlement and the amount that the litigation counsel  
9 was to receive from that settlement. She didn't --

10           THE COURT: Is that what the e-mail said?

11           MR. ALEXANDER: It points specifically to  
12 the settlement document, it doesn't say the settlement  
13 apportionment.

14           THE COURT: Okay.

15           MR. ALEXANDER: Further, your Honor, with  
16 regard to, you know, representation of former clients,  
17 again the party moving to disqualify has the burden of  
18 proving these facts in such disqualification. Here  
19 and I actually cite in my pleadings that for an  
20 attorney-client relationship to be found there has to be  
21 a consent to its formation, specifically a client must  
22 explicitly authorize an attorney to work on his behalf  
23 and the attorney must indicate an acceptance of that  
24 authority.

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5 (Pages 14 to 17)

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1            THE COURT: But aren't those facts that we  
2 don't know right now, the Court doesn't know?  
3            MR. ALEXANDER: It may or may not be known  
4 to the Court as of right now. However, it would not bar  
5 Ms. Denison as acting as Gloria Sykes's counsel because  
6 of the fact that her testimony with regard to these  
7 issues would not prejudice her. Therefore, she may  
8 still accept this representation until she knows or  
9 should know that such a prejudice would occur on behalf  
10 of her testimony.

11           THE COURT: What's the impact on Mary Sykes?

12           MR. ALEXANDER: The impact -- there is  
13 no -- the rules state that an attorney cannot represent  
14 another in a substantially related matter without  
15 consent. Here there was no representation of Mary  
16 Sykes --

17           THE COURT: Again, that's your conclusion.  
18 How do I know that to be true without getting into the  
19 factual situation that's around it?

20           MR. ALEXANDER: For the purpose of  
21 disqualification, your Honor, the opposing Counsel has  
22 the burden of providing that such a disqualification  
23 would exist.

24           THE COURT: All right.

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1            Joanne Denison did not draft that document, again that  
2 is a factual information that this Court is going to  
3 have to hear on testimony in determining who actually  
4 drafted this document that Mary eventually and Joanne  
5 Denison notarized. Either way, whether it's drafted or  
6 not, it's still -- she's still going to need under oath  
7 tell us what -- how things occurred when this document  
8 was signed and what led to her involvement in this case.  
9 They're all factual disputes that lead to her being a  
10 witness in this case. Whether it's under A or under B,  
11 if she did to draft the document and litigation -- did  
12 not draft the document, then it could be something that  
13 could be -- you know, how did Gloria get ahold of the  
14 apportion agreement. These are facts for the Court to  
15 determine in the TRO proceeding that's still pending  
16 when the citation that -- that's going to be heard. And  
17 with regard to the other issues, I stand on my previous  
18 argument.

19           MS. FARENGA: And I adopt those arguments  
20 and just ask for two sentences. It's a guarantee that  
21 Ms. Sykes will be called, based on among other things,  
22 the sentence I did spend considerable time with both of  
23 them discussing the document and what it meant and other  
24 issues. And second, if there is an attorney-client

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1            MR. ALEXANDER: And with regard to the issue  
2 of numerous counsel, we believe that the client should  
3 not be prejudiced by the number of attorneys whom  
4 represent them. It's paramount to them to seek the  
5 client or to seek the representation that they want.  
6 Specifically the Seventh Circuit said that such a matter  
7 significantly in its importance and should not be  
8 disturbed unless a specifically identifiable impropriety  
9 has occurred, not will occur, but has occurred. And  
10 without opposing counsel being able to produce this  
11 burden of evidence and meeting this bar, then we would  
12 argue that we should be allowed to represent Gloria  
13 Sykes in this case.

14           THE COURT: All right.

15           Final word?

16           MR. STERN: Yes, your Honor.

17           With regard to the issue of who drafted the  
18 apportion agreement is a huge fact that this Court is  
19 going to be used to determine. Both counsel, you know,  
20 mentioned that they had litigation counsel, again in  
21 this case both litigation counsel did not draft the  
22 document. So this -- again, who drafted the apportion  
23 agreement that Mary Sykes when she gave up her portion  
24 of the \$1.3 million is a specific fact in issue and if

1            relationship between Mary Sykes and Ms. Denison, only  
2 Mary Sykes could waive that and Mary Sykes is not  
3 competent to waive that. So we -- the Court has to  
4 protect her interest and if there is any err, it has to  
5 be made on the side of protecting Mary Sykes.

6            THE COURT: All right.

7            MR. STERN: I would just say one last --  
8 mere hypothesis and speculation would not meet this  
9 burden of proving the facts and necessitate  
10 disqualification at this point.

11           THE COURT: But again, Counsel, I'd have to  
12 have a hearing on disqualification, would I not? So how  
13 can I let counsel proceed to represent someone if  
14 there's a major question as to whether or not she's  
15 compromising her attorney -- if there was an attorney  
16 client relationship with her and Mary Sykes? I mean, as  
17 Ms. Farenga points out, counsel says in her e-mail I did  
18 spend considerable time with both of them discussing the  
19 document and what it meant and other issues.

20           Now, if a lawyer spends considerable time  
21 discussing a fairly complicated and sophisticated legal  
22 document and what it means to someone, have they've  
23 established attorney-client relationship? I don't know,  
24 but that's a question of fact, isn't it?

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6 (Pages 18 to 21)

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1           MR. STERN: Yes, your Honor. I would say it  
2 is a question of fact but --

3           THE COURT: So how will I determine whether  
4 or not that relationship exists? I have to have a  
5 hearing, and while we're waiting to have that hearing,  
6 how can I let counsel represent someone who -- she's  
7 going to be called as a witness in that hearing to  
8 determine whether or not there was an attorney-client  
9 relationship?

10          MR. STERN: Your Honor, without prejudicing  
11 her client, she can accept that representation.

12          THE COURT: No, no, the question is her  
13 client Mark Sykes as well, that's the important  
14 question. Yes, that's what the important question is  
15 so --

16          MR. STERN: I just keep pointing back to the  
17 fact that without a specifically identifiable  
18 impropriety which had occurred and having been approved  
19 as occurred, disqualification at this point would be  
20 improper.

21          THE COURT: Well, again I would say she  
22 can't represent her for now until we get it straightened  
23 out. If there's a finding that there is no -- that they  
24 sat down for five seconds and she said here's the paper,

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1           questions and see -- because this matter could be  
2 resolved right now.

3           THE COURT: We're here for hearing on the  
4 motion at this point, are we not?

5           MS. FARENKA: Yes, your Honor.

6           THE COURT: So because of those issues that  
7 remain -- and why would you want to put your own license  
8 on the line like that, counsel? I don't understand  
9 that, but that's fine. We're going to proceed and --  
10 we'll have to have a hearing on whether or not she  
11 should be disqualified, but as of now while we're going  
12 through that, counsel, I can't have you represent Gloria  
13 Sykes at this point, it's just not fair to Mary Sykes.

14          MS. FARENKA: And we need to conclude Mary  
15 Sykes's guardianship.

16          THE COURT: Yes, we're going to move  
17 forward. All right, that will be the order for now.

18          MS. FARENKA: We will be back at 11:00, your  
19 Honor.

20          THE COURT: Okay. Thank you.

21          Mr. Dolgin, where does this place you now?

22          MR. DOLGIN: Judge, I am supposed to be  
23 substituted for today by a Kevin Joyce. He -- I don't  
24 know why he's not here now, so I guess I will postpone

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1           whatever, and there's no relationship, attorney-client  
2 relationship, that's a completely different story than  
3 if they've labored over it for hours. I don't know what  
4 happened. I don't know what the depth of the  
5 relationship between your client and Mary Sykes was, I  
6 just don't know. So for me to say, yeah, you talked to  
7 her about it, whatever, you can still represent her  
8 daughter who may be in conflict with her. I mean, I  
9 just can't do that, counsel, until I know what happened.  
10 So why would I compromise Mary Sykes in order to protect  
11 again the right that you claim your client has to get  
12 whatever lawyers she wants, yeah, fine, she can. The  
13 same person is -- under the law it's protected. The law  
14 goes out of its way to protect a disabled person.

15          I don't have any other alternative, if she  
16 wasn't a disabled person I'd still have to have a  
17 hearing on it. But she is, counsel, so how -- we can  
18 have a hearing and we can determine if Ms. Denison is  
19 able to represent her, but she's not going to represent  
20 her now while I have that question in my mind as to  
21 whether or not there's a conflict or some kind of  
22 impropriety?

23          MR. ALEXANDER: Judge, Ms. Denison is here.  
24 Can we put her on the stand and allow her to answer the

Page 23

1           this until 11:00, at which time --

2           THE COURT: It's up to you. I'll give you  
3 leave to withdraw, if you want -- it's up to you, sir.

4           MR. STERN: Judge, we're setting a date for  
5 the petition on Carolyn Forbes guardianship. I just  
6 don't want you -- you know, this to be causing any  
7 delays.

8           MS. FARENKA: But the withdrawal happened  
9 after that.

10          THE COURT: I understand.

11          MR. DOLGIN: Well, under the -- you know,  
12 Judge, I'm going to try to get ahold of Kevin Joyce, if  
13 he will be here at eleven, then I would ask to withdraw  
14 and allow him to substitute.

15          THE COURT: All right, very good.

16          Thank you.

17          (Proceedings adjourned  
18          at 10:00 o'clock a.m.)

19          THE COURT: Sykes, the lawyers up here to be  
20 identified first, and anyone else what wants to step up  
21 feel free.

22          MS. DOLGIN: Jay Dolgin, D-o-l-g-i-n, Dolgin  
23 & Fischer, asking to withdraw on behalf of Gloria Sykes.

24          THE COURT: Do you want a ruling on that?

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7 (Pages 22 to 25)

**A30B448**  
**HEARING      DECEMBER 7, 2009**

1            MR. DOLGIN: Judge, let me state one  
 2    thing -- well, let everybody introduce themselves and  
 3    then --  
 4            THE COURT: Let's get their names, yes.  
 5            MR. STERN: Adams Stern, Stern, special  
 6    guardian ad litem.  
 7            MR. WALLER: Harvey Jack Waller on behalf of  
 8    Carolyn -- the Petitioner.  
 9            THE COURT: Thank you.  
 10          MS. FARENGA: Cynthia Farenga, guardian ad  
 11    litem for Mary Sykes.  
 12          THE COURT: Madame, your name, please?  
 13          GLORIA SYKES: Gloria Jean Sykes, Mary  
 14    Sykes's daughter.  
 15          THE COURT: Thank you. And sir, you are?  
 16          MR. EVANS: I'm Scott --  
 17          THE COURT: Can you hear him? Okay, a  
 18    little bit louder, sir. Mr. Evans, you are related?  
 19          MR. EVANS: No. A friend of the Sykes  
 20    family since 1995.  
 21          THE COURT: Madame?  
 22          MS. PORTO: Patti, with an I, Porto,  
 23    P-o-r-t-o, Catholic Charities, protective services.  
 24          THE COURT: Thank you.

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1            Joyce shares space. They have not been able to reach  
 2    him. He and his wife apparently practice together.  
 3    Neither one of them, they have tried texting them,  
 4    e-mailing them, calling them, and I think that when -- I  
 5    spoke to him on Friday, he was prepared to step in here  
 6    and handle these matter today, your Honor. The fact  
 7    that he cannot be reached raises a concern. Mr.  
 8    Amerani's office is concerned about him.  
 9            So I, number one, would ask to withdraw, and  
 10          number two, that this matter be continued so that -- I  
 11    mean, we have a lot of people who have come here this  
 12    morning as well to appear, it's inconvenient for  
 13    everyone. I do not think -- Mary Sykes, for all the  
 14    reports that we've had, Mary Sykes is not at risk in her  
 15    current circumstances, and for us to proceed without  
 16    having Mr. Joyce substitute for me I think could be  
 17    prejudicial to Ms. Gloria Sykes.  
 18          THE COURT: All right. On the request for  
 19    continuance, does anybody want to respond?  
 20          MR. WALLER: Your Honor, we delivered last  
 21    week to you and everybody else the care plan for the  
 22    person in the estate. We'd like your Honor to hear that  
 23    today.  
 24          THE COURT: So do you object to a

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1            MR. TOERPE: Carolyn Toerpe, daughter of  
 2    Mary Sykes.  
 3            MR. TOERPE: Fred Toerpe, son-in-law.  
 4            THE COURT: Madame, you are?  
 5            YOLANDA BAKKEN: Me?  
 6            THE COURT: Yes. How do you spell your last  
 7    name?  
 8            MS. BAKKEN: B-a-k-k-e-n.  
 9            THE COURT: Madame, your name?  
 10          YOLANDA BAKKEN: Yolanda Bakken.  
 11          THE COURT: You're related to Mary --  
 12          YOLANDA BAKKEN: My sister is Mary Sykes.  
 13          THE COURT: Thank you. Ma'am, you are?  
 14    Spell your last name.  
 15          MS. NICKSIC: N-i-c-k-s-i-c.  
 16          THE COURT: How are you connected to Mary  
 17    Sykes.  
 18          MS. NICKSIC: A friend.  
 19          THE COURT: A friend of Mrs. Sykes, Mary.  
 20    Okay.  
 21          MR. DOLGIN: Judge, a gentleman by the name  
 22    of Kevin Joyce was supposed to be here this morning. He  
 23    was filing his appearance, he was going to substitute  
 24    for me. I spoken with Sam Amerani's office where Mr.

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1    continuance?  
 2          MR. WALLER: Yes.  
 3          THE COURT: Sir.  
 4          MR. STERN: We object as well, Judge.  
 5          Myself, as the guardian ad litem. I mean, again,  
 6    there's a couple of issues related to who represents  
 7    Gloria and in what capacity. It is my understanding in  
 8    my absence, which again I apologize, you had a contested  
 9    hearing on Gloria Sykes's care plan and the guardianship  
 10          which -- maybe I'm using the wrong language, but -- what  
 11    we're presented with today is a petition which has been  
 12    pending for some time with the appointment of guardian.  
 13          I don't know since there's no other petition pending for  
 14    guardianship, the deadlines have -- the two deadlines  
 15    have been set, both of those passed some time ago. The  
 16    only petition pending for guardianship that's up today  
 17    at 11:00 o'clock. As the Court's aware and you'll  
 18    remember from this morning, Ms. Gloria Sykes has had a  
 19    number of opportunities to have attorneys represent her.  
 20          Mr. Dolgin is now on his second motion to withdraw. I  
 21    don't believe that Mary Sykes should be prejudiced or  
 22    counsel should also be prejudiced on going forward on  
 23    their petition today because Ms. Sykes can't get along  
 24    with attorney number four. So I think we need to

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8 (Pages 26 to 29)

**A30B448**  
**HEARING      DECEMBER 7, 2009**

1 proceed today and I do vehemently object to any  
2 continuance.  
3        MS. FARENGA: I agree. This is going to end  
4 up costing somebody a small fortune, all the appearances  
5 and Gloria Sykes at this point is an interested person,  
6 she's not a party. This is not going to be a contested  
7 matter because her -- care plan, this Court will ask  
8 whatever questions and if the Court feels there's not  
9 enough information, then it should be continued.  
10 Otherwise, the care plan is here and Mary Sykes needs  
11 some finality.  
12        THE COURT: All right, counsel, with all due  
13 respect, I mean this case has been going on for quite  
14 some time and it's not a criminal case, it's a civil  
15 case, she's entitled to be represented, but I can't keep  
16 continuing it for her representation. So the request  
17 for continuance is denied.  
18        Do you wish to proceed today, counsel?  
19        MR. WALLER: Yes, your Honor.  
20        THE COURT: Are you offering a care plan  
21 today?  
22        MR. WALLER: I have another copy, your  
23 Honor. Everyone should have it --  
24        MS. DOLGIN: Judge, am I permitted to

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1        THE COURT: But your lawyer -- alleged new  
2 lawyer is not here?  
3        GLORIA SYKES: Something could have  
4 happened, your Honor.  
5        MR. DOLGIN: Judge, I did speak with Mr.  
6 Joyce on the phone on Friday and he did corroborate that  
7 he had met with her and that he had been retained and  
8 that he would be here, and we also had e-mails --  
9        THE COURT: Out of courtesy, he could have  
10 called.  
11        MR. DOLGIN: Well, that's why we're  
12 concerned. I specifically contacted his office and  
13 spoke with Mr. Amerani, either his receptionist or  
14 someone who indicated to me that it is not usual for  
15 this to occur. That they are concerned about his well  
16 being, neither he nor his wife have able to be reached  
17 today.  
18        MS. FARENGA: Your Honor, I --  
19        THE COURT: The ruling has been made, we're  
20 done.  
21        MR. STERN: For the record, can we just  
22 state a time --  
23        THE COURT: It's five minutes after twelve,  
24 the case was scheduled for 11:00 o'clock and no phone

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1 withdraw or not here?  
2        THE COURT: Yes. Do you want a ruling on  
3 that?  
4        MR. DOLGIN: I would like a ruling on that.  
5        THE COURT: Counsel, you are permitted to  
6 withdraw, and then you have 28 days --  
7        MR. DOLGIN: I've provided for that in the  
8 order.  
9        MS. FARENGA: Your Honor, is it possible  
10 that Counsel's withdrawal can be delayed until the Court  
11 rules on its care plan? Otherwise, I know --  
12        THE COURT: It's a civil case.  
13        MS. FARENGA: Okay, it doesn't matter.  
14        THE COURT: Madame, do you have a lawyer  
15 here to represent you here today?  
16        GLORIA SYKES: Well, it was JoAnne Denison,  
17 but there seems to be a problem there. Kevin Joyce is  
18 up to par on this and if he -- had he appeared today, we  
19 were going to file another petition for guardianship and  
20 other petitions we were going to be filing and I feel  
21 that we really should have that right, that I am  
22 represented, so proper questioning is done, also to my  
23 sister, as when I was on the stand, I was questioned by  
24 opposing counsel.

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1 call has been received from this gentleman by anyone?  
2        MR. DOLGIN: We have received nothing.  
3        THE COURT: All right. Thank you very much.  
4        Are we going to get an OP request on this as  
5 well?  
6        MR. STERN: We are Judge, and --  
7        THE COURT: One thing at a time. Okay, has  
8 everyone reviewed this order?  
9        MS. FARENGA: The GAL and the other parties  
10 are gone.  
11        THE COURT: That's all I need to hear.  
12        MR. STERN: We can review it, Judge.  
13        THE COURT: All right. So are we ready to  
14 proceed on the presentation of the proposed care plan of  
15 the proposed guardian?  
16        MR. WALLER: Your Honor, you said you want  
17 another copy --  
18        THE COURT: I had it here, but there was  
19 some writing on it. I wasn't sure it was the official  
20 one that was handed -- there were some strikeouts and  
21 things when I got it.  
22        MR. WALLER: Now you have the original.  
23        THE COURT: Okay. Mr. Stern, have you  
24 received a copy?

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9 (Pages 30 to 33)

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**HEARING      DECEMBER 7, 2009**

1           MR. STERN: I have, your Honor.  
2           THE COURT: All right. Mr. Dolgin, did you  
3 get a copy of this proposed care plan?  
4           MR. DOLGIN: I did.  
5           THE COURT: Did your client see it?  
6           MR. DOLGIN: I believe --  
7           THE COURT: Madam, did you see the care  
8 plan?  
9           GLORIA SYKES: I did. I don't have my copy  
10 with me.  
11          THE COURT: Okay, thank you. So we got a  
12 copy, I read it. Did you get a copy of it?  
13          MR. STERN: I have, your Honor.  
14          THE COURT: And Ms. Farenga, did you have a  
15 copy of it?  
16          MS. FARENKA: Yes, yes.  
17          THE COURT: Any comments that you have  
18 initially on what's been proposed.  
19          MR. STERN: No. I believe it actually is  
20 very supportive of Mary and a combination of what's been  
21 occurring and what the plans are in the future. I think  
22 it's in Mary's best interest this care plan be initiated  
23 and for Carolyn to be appointed plenary guardian.  
24          THE COURT: All right, and Ms. Farenga?

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1           or 23 that attends college, one of them will be there at  
2 all times. There is also a plan to pay bills for her  
3 and to investigate if there are other assets that belong  
4 to Ms. Sykes, and she's going to retain a financial  
5 adviser, too, in this matter if necessary.  
6           THE COURT: Anything that's done to change  
7 her plan would be done through the Court, you understand  
8 that?  
9           MR. WALLER: We understand that all -- I'm  
10 not talking to an estate plan at all.  
11          THE COURT: But there would be no changing  
12 of any assets.  
13          MR. WALLER: No.  
14          THE COURT: There are very few assets here,  
15 are there not?  
16          MR. WALLER: Right, there are very few at  
17 this time. There is the issue with the proceeds from  
18 the settlement, which I intend to issue a citation.  
19          THE COURT: Your client would be in the  
20 position of entering or asking to issue a citation  
21 against her sister, is that right?  
22          MR. WALLER: Yes.  
23          THE COURT: She understands that?  
24          MR. WALLER: Yes. We've talked to her this

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1           MS. FARENKA: I agree.  
2           THE COURT: No objection?  
3           MS. FARENKA: None.  
4           THE COURT: Counsel, do you want to make  
5 some kind of presentation on the record here?  
6           MR. WALLER: Yes --  
7           THE COURT: And again, Mr. Stern, does Mrs.  
8 Sykes have any objection to her present care plan?  
9           MR. STERN: No, she does not.  
10          THE COURT: Do you know that she has any  
11 objection to her present care plan?  
12          MS. FARENKA: Well, we divided -- Mr. Stern  
13 has the last --  
14          THE COURT: All right, very good. Thank  
15 you.  
16          MR. WALLER: Your Honor, on behalf of  
17 Carolyn Toerpe, Petitioner, I offered a revised care  
18 plan dated December 2nd, 2009 and calls for what the  
19 daughter is going to do, provide for medical, senior  
20 citizen programs in the community near Ms. Toerpe, it  
21 also states she has living accommodations that are  
22 adequate in her home and she will have around-the-clock  
23 care provided either by herself, her husband who is now  
24 retired, and she also has a daughter about 24 years old,

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1 morning about that.  
2           THE COURT: Do you know if there's any  
3 powers of attorney in place for health care?  
4           MR. WALLER: Yes, they are, your Honor.  
5           THE COURT: Do you have any of those  
6 documents?  
7           MR. WALLER: I do have them in my file.  
8           THE COURT: Have they ever been addressed by  
9 order at all?  
10          MR. STERN: No.  
11          THE COURT: Ms. Sykes, do you have a copy of  
12 the -- or do you have the original for the power of  
13 attorney for health care?  
14          GLORIA SYKES: Yes, I do.  
15          THE COURT: Do you have that with you  
16 today?  
17          GLORIA SYKES: Yes, I do.  
18          MS. FARENKA: Your honor, I'm tendering a  
19 power of attorney for health care dated May 14th, 2005,  
20 naming Carolyn Toerpe and I'm tendering a power of  
21 attorney dated May 19th, 2005 for property nominating  
22 Carolyn Toerpe.  
23          THE COURT: Are you aware that there's a  
24 power of attorney that was signed as of -- it looks like

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10 (Pages 34 to 37)

**A30B448**  
**HEARING      DECEMBER 7, 2009**

1 June 25th, '09, stating that Gloria Sykes would be power  
2 of attorney?  
3            MS. FARENZA: No, your Honor.  
4            THE COURT: Madame, is there any reason --  
5 has this been brought to the Court before?  
6            GLORIA SYKES: Yes, it was, your Honor.  
7 Yes, it was, Ira Cohen.  
8            THE COURT: Did you have the original at  
9 that time?  
10          GLORIA SYKES: Yes, we did.  
11          THE COURT: It could very well be. I don't  
12 recall everything, but if you want to take a look at  
13 that for a minute, lawyers?  
14          GLORIA SYKES: I have copies of --  
15          THE COURT: When was she diagnosed with  
16 dementia? Ms. Toerpe, do you know when she was  
17 diagnosed?  
18          CAROLYN TOERPE: January 2008.  
19          THE COURT: January '08.  
20          GLORIA SYKES: Your Honor, there is no  
21 diagnosis as of January '08 of dementia.  
22          THE COURT: Well, when did you think she was  
23 diagnosed with that?  
24          GLORIA SYKES: Dr. Patel actually signed the

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1 sign a power of attorney?  
2            GLORIA SYKES: Yes, but Mr. Litman, the  
3 attorney, he will be here in Court. We can get a  
4 continuance --  
5            THE COURT: Who is Mr. Litman?  
6            GLORIA SYKES: He is the attorney that met  
7 with my mother for over 45 minutes alone.  
8            THE COURT: In June of '09.  
9            GLORIA SYKES: On June -- yes, of '09.  
10          THE COURT: What's the date? Do we have --  
11          MR. STERN: Your Honor, I have a copy, I  
12 don't have the original, of a health care executed  
13 14 May 2005.  
14          THE COURT: I know, that's the one that your  
15 client has. But this lady is producing one that she  
16 says that she gets the authority to make decisions. I'm  
17 really interested in knowing the note of the diagnosis.  
18 Do we have the original doctor's report?  
19          GLORIA SYKES: Your Honor, a diagnosis of  
20 dementia doesn't mean that a person is incompetent and  
21 unable to --  
22          THE COURT: No, we both understand that.  
23          MR. STERN: Just for the record, I want it  
24 clear, Ms. Denison is now approaching Gloria Sykes and

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1 final form, the medical doctor, on August 17, only after  
2 writing my sister four letters.  
3            THE COURT: No, no. I just want to know  
4 when do you know your mother was diagnosed with  
5 dementia, what was the date?  
6            GLORIA SYKES: She had a mild dementia and  
7 then --  
8            THE COURT: I just want to know what the  
9 date was when she was first diagnosed with that?  
10          GLORIA SYKES: As far as I know, and I've  
11 been at her medical doctor's office every time with her,  
12 the first time this came up was a year ago, it was very  
13 mild.  
14          THE COURT: So when was that, can you give  
15 me a date?  
16          GLORIA SYKES: My attorneys had all that  
17 information. I don't want to say anything in Court  
18 right now. They're ready to present this.  
19          THE COURT: I know. But you would have the  
20 information because you're the daughter?  
21          GLORIA SYKES: I don't have that information  
22 in front of me, your Honor.  
23          THE COURT: So there would be a question as  
24 to whether or not she had the capacity in June of '09 to

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1 is handing documents --  
2            THE COURT: The record will so reflect that.  
3            Madam, just because she was diagnosed  
4 doesn't mean that she's incompetent, you're right. But  
5 there's certainly a question about it though.  
6            GLORIA SYKES: That's why I have Mr. Litman  
7 who will appear in court.  
8            THE COURT: Who's Mr. Litman?  
9            GLORIA SYKES: Mr. Litman was the attorney  
10 that mother met with on June 25th.  
11          THE COURT: He's not here today, though, is  
12 he?  
13          GLORIA SYKES: No, he has to be subpoenaed.  
14 We will be having the notary Kelly Yost, she can be on  
15 the phone or she might be able to come this afternoon --  
16          THE COURT: Madame, you cannot tell me when  
17 your mother was first diagnosed with dementia?  
18          GLORIA SYKES: I don't have the records in  
19 front of me, your Honor.  
20          THE COURT: So you don't know and your  
21 sister tells me that it was sometime in '08, is that  
22 right?  
23          CAROLYN TOERPE: January or February of '08  
24 is when mom went to the doctor and did speak with

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**A30B448**  
**HEARING      DECEMBER 7, 2009**

1 Dr. Patel on the phone.  
2        THE COURT: So here's the information I  
3 have. One person says it was '08, and you say you don't  
4 know?  
5        GLORIA SYKES: Your Honor --  
6        THE COURT: So what I'm going to do is  
7 expend the power under the authority of this power of  
8 attorney for right now.  
9        MS. FARENKA: And noting that it was not  
10 raised at the petition for -- Ms. Sykes's own petition  
11 of guardianship.  
12       MR. STERN: No pleadings have been filed as  
13 well.  
14       THE COURT: Yes, this was never presented in  
15 a pleading before?  
16       GLORIA SYKES: Your Honor, it wasn't. My  
17 attorney stood before you and he presented it. There  
18 was supposed to have been some cross papers that we were  
19 making copies with everybody, Mr. Ira Cohen.  
20       THE COURT: Well, I'm going to expend it at  
21 this time. There's a question about her competency at  
22 the time. But if you can prove up that she was  
23 competent at the time that this was signed, then that's  
24 a different story.

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1        THE COURT: Are we going to get Dr. Patel's  
2 original?  
3        MR. STERN: They told me he's left the  
4 building so --  
5        MS. FARENKA: I think we should call his  
6 assistant and someone should go and pick it up after  
7 this matter.  
8        THE COURT: Where is his office, anyway?  
9        MR. WALLER: 30 North LaSalle.  
10       THE COURT: Do you want to give him a call,  
11 outside, please? Thank you.  
12       Now, Madame, do you have any questions for  
13 your sister about her care plan?  
14       GLORIA SYKES: Yes, I do.  
15       THE COURT: All right. Go ahead, you want  
16 to ask her?  
17       Madame, raise your right hand, to be sworn.  
18       THE CLERK: Do you solemnly swear the  
19 testimony you're about to give will be the truth, the  
20 whole truth, nothing but the truth, so help you God?  
21       THE WITNESS: I do.  
22       THE COURT: And state your name nice and  
23 loud, for the record.  
24       THE WITNESS: Carolyn C-a-r-o-l-y-n, Toerpe,

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1        Okay, very good. Now, do we have the  
2 original doctor's report or not?  
3        MS. FARENKA: I have a photocopy, I don't  
4 have an original.  
5        THE COURT: I rarely keep those.  
6        MS. FARENKA: Is it possible because --  
7        MR. STERN: There was a hearing --  
8        THE COURT: One at a time, folks.  
9        Does that look like a copy? If you're  
10 relying -- I need the original.  
11       MR. STERN: That was secured by Gloria Sykes  
12 and Jay Dolgin.  
13       THE COURT: I need to get it, so is he still  
14 here, or get Dr. Ender to sign it again.  
15       GLORIA SYKES: Your Honor, if I may?  
16       THE COURT: Sure.  
17       GLORIA SYKES: I'd like to present this  
18 letter to my sister from Dr. Patel, longtime standing,  
19 where he actually notifies my sister that he cannot sign  
20 the form, saying she is partially or totally incompetent  
21 and --  
22       THE COURT: Okay, hang onto that. So  
23 Dr. Patel would not sign a CC 211?  
24       GLORIA SYKES: Right, he wouldn't do it.

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1 T-o-e-r-p-e.  
2        MR. STERN: For the record, Judge, Ms.  
3 Denison is now tendering her notebook, her computer  
4 notebook that she is reading things to -- Gloria Sykes?  
5        THE COURT: The record will so reflect.  
6        All right, madame, go ahead.  
7        DIRECT EXAMINATION  
8 BY MS. SYKES:  
9        **Q. Did you make any double mortgage payments on your**  
10 **mother's house over the last couple of months?**  
11       MS. FARENKA: Objection.  
12       THE COURT: Grounds -- did you or didn't  
13 you, madame, I don't know.  
14       THE WITNESS: No.  
15 BY MS. SYKES:  
16       **Q. You did not, okay. Who helped your mother with**  
17 **her finances from 2004 to 2008?**  
18       MS. FARENKA: Objection, relevance --  
19       THE COURT: It's not relevant to this  
20 proceeding. This has to do with the care plan we're  
21 offering.  
22       GLORIA SYKES: Your Honor, I believe it is  
23 relevant because in my sister's care plan she's talking  
24 about her finances and how she's going --

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12 (Pages 42 to 45)

**A30B448**  
**HEARING      DECEMBER 7, 2009**

1        THE COURT: We disagree, so you can ask your  
2 next question.  
3 BY MS. SYKES:  
4        **Q. In your care plan you talked about putting mom's**  
5 **assets into conservative investment programs, but will**  
6 **there be an FDIC?**  
7        A. Yes.  
8        **Q. If they are not FDI -- okay, you said yes.**  
9        **The computer is just --**  
10      THE COURT: Any other questions you have,  
11 madame?  
12      GLORIA SYKES: Yes, there is.  
13      MR. STERN: Can you instruct Ms. Denison not  
14 to approach the --  
15      THE COURT: Ms. Denison, sit down.  
16      GLORIA SYKES: Am I to assume that I'm not  
17 allowed to ask any questions, even though her care  
18 plan --  
19      THE COURT: Ask your questions, please.  
20      GLORIA SYKES: Regarding finances, you're  
21 saying I can't --  
22      THE COURT: No, please ask your next  
23 question.  
24 BY MS. SYKES:

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1        **Q. Was there any point in time, before you became**  
2 **the temporary guardian, that you realized your mother**  
3 **could or could not write out her own checks?**  
4        A. Yes.  
5        **Q. Did you let her write out her own checks?**  
6        A. I'm confused on the question. I'm sorry.  
7        THE COURT: If you don't understand, you  
8 don't understand. Next question.  
9 BY MS. SYKES:  
10      **Q. Referring to the garden club meeting on November**  
11 **18, who was watching Mary, your mother, and why could**  
12 **they not take care of her, why could they not take her**  
13 **to the garden club? You have that specifically in**  
14 **your --**  
15      A. The original garden club --  
16      THE COURT: Just a minute.  
17      MR. STERN: I object to the question. She  
18 has to tell us what date, what year.  
19      GLORIA SYKES: I said November 18, 2009.  
20      THE COURT: Does this have anything to do  
21 with the proposed care plan?  
22      GLORIA SYKES: Yes, it's in her proposed  
23 plan.  
24      THE COURT: As far as going forward?

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1        **Q. Did you know if anyone got your mother a**  
2 **financial advisor at any point in time to help her with**  
3 **her finances?**  
4        A. I don't understand the question.  
5        **Q. Did you know at any point in time, in the last**  
6 **five or six years, whether or not your mother had**  
7 **contacted a financial adviser to help her with her**  
8 **estate planning?**  
9        THE COURT: Okay, thank you. Do you know if  
10 your mother consulted anybody?  
11      THE WITNESS: I do not know that mother  
12 contacted anyone personally.  
13      THE COURT: Thank you.  
14 BY MS. SYKES:  
15      **Q. Do you let your mother write her checks or pay**  
16 **any of her bills right now?**  
17      A. Currently write them?  
18      **Q. Yes.**  
19      A. No.  
20      **Q. Why not?**  
21      MR. STERN: Objection, there's a temporary  
22 guardianship --  
23      THE COURT: Sustained.  
24 BY MS. SYKES:

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1        GLORIA SYKES: It's in her proposed care  
2 plan, as she gave explanations as to why she wasn't  
3 allowing her mother to attend garden club meetings,  
4 which she had been going to for 40 years.  
5        THE COURT: Is your mother going to go to  
6 garden club now?  
7        THE WITNESS: No.  
8        MS. FARENZA: Your Honor, we were in Court  
9 on the 18th, it was rescheduled from the 11th.  
10      THE COURT: So next --  
11      GLORIA SYKES: But our concern is who was  
12 watching her? They're telling us that there's always  
13 somebody there, however they note in there that Fred was  
14 too busy to take her and if Fred was too busy to take  
15 her, we'd like to know who has been watching her?  
16      MR. STERN: Is there a question pending?  
17      THE COURT: No, no question.  
18      Next question now. Please, madame, a  
19 question --  
20 BY MS. SYKES:  
21      **Q. What daily activities do you do with your mom?**  
22      A. We walk, we bake, we read newspapers, we engage  
23 in telephone conversations with friends and family.  
24      **Q. Who are these friends and family that you engage**

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13 (Pages 46 to 49)

**A30B448**  
**HEARING      DECEMBER 7, 2009**

<p>1    <b>in conversations with on a daily basis?</b></p> <p>2    A. Her sister Josephine, Nolton Krol.</p> <p>3    <b>Q. Are you standing before the Court, under oath</b></p> <p>4    <b>right now, and telling me that you -- that Aunt</b></p> <p>5    <b>Josephine and Mom talk on a daily basis?</b></p> <p>6    A. No, not on a daily basis, generally two or three</p> <p>7    times a week.</p> <p>8    <b>Q. Thank you. If the Exelon patch isn't working and</b></p> <p>9    <b>since you have proclaimed that mom is falling into,</b></p> <p>10   <b>quote, unquote, Alzheimer's, have you done anything or</b></p> <p>11   <b>any kind of research to, perhaps, help her so she can</b></p> <p>12   <b>better maintain her memory and her ability to function</b></p> <p>13   <b>as she had in the past?</b></p> <p>14   A. I'm not a doctor, your Honor. She takes the</p> <p>15   patch on a daily basis and we have proposed in our care</p> <p>16   plan and have already initiated online courses with</p> <p>17   dementia patients. We are scheduled to attend a class</p> <p>18   on December 28th.</p> <p>19        THE COURT: Who's her doctor now?</p> <p>20        THE WITNESS: At this point it is still</p> <p>21   Dr. Patel.</p> <p>22        THE COURT: Has the doctor recommended any</p> <p>23   other prescriptions for the diagnosis of dementia?</p> <p>24        THE WITNESS: No. One of the other doctors</p>	<p>1    <b>to -- work with somebody in an hour?</b></p> <p>2    MR. STERN: Objection.</p> <p>3    THE COURT: Yes, sustained. Ma'am, you're</p> <p>4    making a statement. Next question.</p> <p>5    BY MS. SYKES:</p> <p>6    <b>Q. Has Mary had a CBC recently?</b></p> <p>7    THE COURT: Can you tell me what a CBC is?</p> <p>8    GLORIA SYKES: It is a complete workup with</p> <p>9    blood and --</p> <p>10      THE COURT: CBC?</p> <p>11      GLORIA SYKES: CBC.</p> <p>12      THE COURT: That means complete blood what,</p> <p>13   I don't know?</p> <p>14      GLORIA SYKES: Complete blood count or --</p> <p>15      THE COURT: I don't know. Is that what it</p> <p>16   means?</p> <p>17      GLORIA SYKES: I've only heard it's a CBC</p> <p>18   and I'm apologizing --</p> <p>19      THE COURT: Well, do you know what this is,</p> <p>20   CBC?</p> <p>21      GLORIA SYKES: Yes, it's a complete workup</p> <p>22   on her blood.</p> <p>23      THE COURT: Has she had a complete workup on</p> <p>24   her blood, that's the question? Do you know, madame?</p>
<p>Page 50</p>	<p>Page 52</p>
<p>1    did recommend a different medication, but has not</p> <p>2    started at this point.</p> <p>3        THE COURT: Any other questions, madame?</p> <p>4        GLORIA SYKES: Yes, there is. Thank you</p> <p>5    very much.</p> <p>6    BY MS. SYKES:</p> <p>7    <b>Q. Regarding those online courses, I was doing some</b></p> <p>8    <b>research and I'm curious. You said there was one on the</b></p> <p>9    <b>28th and that's an online course that the two of you are</b></p> <p>10   <b>taking?</b></p> <p>11   A. The online course is currently, the 28th is an</p> <p>12   on-site.</p> <p>13   <b>Q. And where is that on-site?</b></p> <p>14        THE COURT: Do you recall, madame?</p> <p>15        THE WITNESS: Tabor Hills.</p> <p>16   BY MS. SYKES:</p> <p>17   <b>Q. And how long is this course?</b></p> <p>18   A. I'm not -- my husband is actually the one that's</p> <p>19   doing the research on that, your Honor. I believe it's</p> <p>20   a couple of weeks.</p> <p>21   <b>Q. What exactly is going on with this course? I</b></p> <p>22   <b>mean exactly what is the title of the course, and from</b></p> <p>23   <b>my research on this course it was an hour and I am</b></p> <p>24   <b>concerned really about what kind of education would get</b></p>	<p>1    THE WITNESS: It's my understanding you took</p> <p>2    mother to a doctor who has refused contacts with me and</p> <p>3    had that done back in September when allegedly she had</p> <p>4    kidney failure.</p> <p>5    BY MS. SYKES:</p> <p>6    <b>Q. Since you brought up Dr. Uman, did you not</b></p> <p>7    <b>contact Dr. Uman?</b></p> <p>8        A. We contacted Dr. Uman six separate times on</p> <p>9    six -- many occasions and he refused to call me.</p> <p>10      <b>Q. At any point did you tell Dr. Uman that he had no</b></p> <p>11   <b>right to --</b></p> <p>12        A. I have never spoken with Dr. Uman.</p> <p>13      <b>Q. Okay. Has she had a flu shot or any kind of shot</b></p> <p>14   <b>this year?</b></p> <p>15        A. We are pending that shot with Dr. Patel. She did</p> <p>16   not have a flu shot in the last year, however.</p> <p>17      <b>Q. Dr. Rabin and Dr. Amber completed an evaluation</b></p> <p>18   <b>of your mother for this court. Did she have a complete</b></p> <p>19   <b>blood workup that you saw and you were aware of at this</b></p> <p>20   <b>time?</b></p> <p>21        THE COURT: We've heard this already.</p> <p>22        MR. STERN: Objection, asked and answer.</p> <p>23        THE COURT: Sustained.</p> <p>24   BY MS. SYKES:</p>
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**A30B448**  
**HEARING      DECEMBER 7, 2009**

1   **Q. Did either of those doctors check to see if her**  
 2   **hearing aids were installed and cleaned properly?**

3       THE COURT: Do you know, madame?

4       THE WITNESS: I believe -- I don't know. I  
 5    was no there --

6    BY MS. SYKES:

7    **Q. Did they ask you about what she ate prior to the**  
 8   **examination, to determine if her blood sugar level was**  
 9   **elevated or too depressed?**

10      A. I was not present during the evaluations  
 11    regarding the ad litem's work.

12    **Q. Did you mention to your mother -- excuse me, I'll**  
 13   **take that back, please.**

14      **Have you or are you going to work with a**  
 15   **nutritionist with your mother?**

16      A. If it deems necessary, absolutely.

17    **Q. Do you feel that it's applicable that when -- on**  
 18   **June 30th -- excuse me, I take that back. On September**  
 19   **20th, when she was -- the Court ordered to go -- return**  
 20   **with you, she was about 100 pounds, and yet when we came**  
 21   **back in a couple of weeks, it was reported that she only**  
 22   **weighed 91 pounds. Do you feel that there is a**  
 23   **necessity to understand better why your mother lost such**  
 24   **drastic weight in such a short time?**

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1       MR. STERN: I object, your Honor. There's  
 2    no foundation.

3       THE COURT: I don't know, madame, do you  
 4    have -- you can answer that.

5    BY MS. SYKES:

6    **Q. Did you ever hear your mother request to be**  
 7   **living in her own home?**

8       MR. STERN: Was that the next question?

9       THE COURT: That was the next question.

10      Madame, did you ever hear that your mother wants to live  
 11    in her own home?

12      THE WITNESS: Most recently, no.

13    BY MS. SYKES:

14    **Q. Were you not there last week when I called and I**  
 15   **was speaking to mother on the telephone?**

16      MR. STERN: Objection, not in evidence --

17      THE COURT: Sustained. Any other questions,  
 18    madame?

19      GLORIA SYKES: Yes, I do.

20    BY MS. SYKES:

21    **Q. You have never heard your mother ask that I or**  
 22   **anybody else pick her up because she wanted to come**  
 23   **home?**

24      MR. STERN: Objection --

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1       MR. STERN: Objection, assumes facts not in  
 2    evidence and is also argumentative.

3       THE COURT: Sustained. Any other questions,  
 4    madame?

5       MS. SYKES: Yes, I do, but your Honor, it  
 6    was put in evidence --

7       THE COURT: Madame, please. We disagree,  
 8    then we just move on. Next question.

9    BY MS. SYKES:

10    **Q. You mentioned in your care plan that Fred's**  
 11   **mother passed away due to Alzheimer's. Was it actually**  
 12   **Alzheimer's, was it diagnosed via an autopsy?**

13      MR. STERN: Your Honor, I object as to the  
 14    relevance.

15      THE COURT: Sustained. Next question.

16    BY MS. SYKES:

17    **Q. Did you care for Mrs. Toerpe in your home or was**  
 18   **she put in a nursing home?**

19      MR. STERN: Your Honor, I object, it's  
 20    relevance.

21      THE COURT: Sustained. Next question.

22    BY MS. SYKES:

23    **Q. Does it bother you that Mary still wants -- your**  
 24   **mom still wants to live in her own home until she dies?**

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1       MS. FARENZA: That's not what --

2       THE COURT: One at a time.

3       MR. STERN: Objection, that's not -- she's  
 4    mis-phrase what her previous testimony was.

5       THE COURT: Do you want to rephrase that,  
 6    madame?

7       GLORIA SYKES: Yes.

8    BY MS. SYKES:

9    **Q. Have you ever heard your mother tell me or**  
 10   **anybody else, family or friends, while she was on the**  
 11   **phone or while we were there -- while I was there**  
 12   **visiting her or while Aunt Josephine was there visiting**  
 13   **her or Aunt Yolonda was there visiting her, that she**  
 14   **wanted to come home?**

15      THE COURT: Well, I think I've heard this,  
 16    that she expressed at some point she wanted to go home,  
 17    right?

18      THE WITNESS: And she also believed she  
 19    lived at 2435 West Lexington also.

20      THE COURT: Okay, next question.

21    BY MS. SYKES:

22    **Q. She did ever tell me when I was on the phone with**  
 23   **her that she lived there?**

24      MR. STERN: Objection, asked and answered.

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15 (Pages 54 to 57)

**A30B448**  
**HEARING      DECEMBER 7, 2009**

1           THE COURT: Sustained.  
2           GLORIA SYKES: Your Honor, it is  
3 important --  
4           THE COURT: Madame, it may be important to  
5 you, but it's not legally acceptable. How would she  
6 know what your mother said to you on the phone? Next  
7 question.  
8 BY MS. SYKES:  
9   **Q. When mom was on the phone with me last week, did**  
10 **you --**  
11          THE COURT: Were you listening, by the way,  
12 on the phone when she was on the phone with your mother?  
13          THE WITNESS: Yes.  
14          THE COURT: Oh, you were, then you do know.  
15 Okay.  
16          GLORIA SYKES: Yes, your Honor. That's what  
17 I'm saying, she is always listening.  
18          THE COURT: Okay. Next question.  
19 BY MS. SYKES:  
20   **Q. When I was speaking to mom on the phone the other**  
21 **day and we were talking about setting up Christmas**  
22 **decorations, did you grab the phone from her and say to**  
23 **me in a very loud voice you have to listen to me,**  
24 **there's a Court order in effect and you cannot visit**

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1          BY MS. SYKES:  
2   **Q. Do you have plans of selling mother's home at**  
3 **6014 North Avondale in Chicago, Illinois, 60631?**  
4          MR. STERN: Your Honor, I object to the  
5 relevancy of that question.  
6          THE COURT: Yes. This is the care plan so  
7 I -- do you know right now what you're going to do?  
8          THE WITNESS: No, your Honor.  
9          THE COURT: She doesn't know.  
10         GLORIA SYKES: She talks about it in her  
11 care plan.  
12         THE COURT: But she doesn't know at this  
13 point.  
14 BY MS. SYKES:  
15   **Q. In your care plan you did not even mention me.**  
16 **Is it your intention never to let me see mother again,**  
17 **as you have told me?**  
18          MR. STERN: Your Honor, I object to that --  
19          THE COURT: No, overruled.  
20          Madame, is that your intention?  
21          THE WITNESS: No, your Honor, not at all.  
22 In fact, in my care plan I address that I'm already  
23 beginning the process, the healing process of family  
24 members.

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1   **mother without paying for supervision?**  
2          THE COURT: Did you state that, madame?  
3          THE WITNESS: Yes, I did.  
4          THE COURT: Okay, next question.  
5 BY MS. SYKES:  
6   **Q. Was mother in the background saying please, let**  
7 **me talk to my daughter Gloria and was she agitated?**  
8          A. The agitation was not due to what I stated, but a  
9 previous conversation that you were having with her,  
10 which is why I took the phone from my mother, yes.  
11          GLORIA SYKES: Your Honor, for the record,  
12 we were talking about putting --  
13          THE COURT: No, no, you're only asking  
14 questions, madame. You can't make a statement. Any  
15 other questions?  
16          GLORIA SYKES: Yes, I do.  
17 BY MS. SYKES:  
18   **Q. Do you have plans of selling mother's home as**  
19 **guardian?**  
20          MR. STERN: Objection, relevance, which home  
21 or --  
22          GLORIA SYKES: She only owns one home and  
23 that is at 601 --  
24          THE COURT: Next question.

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1          BY MS. SYKES:  
2   **Q. No, that was with Aunt Yolanda and --**  
3          THE COURT: Madame, you cannot testify, you  
4 only ask questions at this point.  
5          GLORIA SYKES: May I please see the care  
6 plan?  
7          THE COURT: No, madame. Ask questions.  
8 BY MS. SYKES:  
9   **Q. Do you have any intention of letting mother visit**  
10 **her family or friends as she used to at their homes or**  
11 **go out to lunch or go out and play miniature golf as she**  
12 **did the day before she went to your home on June 20th --**  
13 **excuse me, on September 20th?**  
14          MR. STERN: I'm going to object to a  
15 compound question --  
16          THE COURT: Do you understand the question,  
17 madame?  
18          THE WITNESS: Yes, I do.  
19          THE COURT: Respond, please.  
20          THE WITNESS: Pending the Court's decision  
21 on guardianship and the healing process, absolutely.  
22          THE COURT: That would be a positive for  
23 visitation, right?  
24          THE WITNESS: Absolutely.

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16 (Pages 58 to 61)

**A30B448**  
**HEARING      DECEMBER 7, 2009**

1        MS. SYKES: I have a question.  
2 BY MS. SYKES:  
3        **Q. Who is healing in this situation?**  
4        THE COURT: Objection, sustained. Anything  
5 else, madame?  
6        GLORIA SYKES: Your Honor, she's talking  
7 about --  
8        THE COURT: Madame, you have to ask the next  
9 question.  
10 BY MS. SYKES:  
11      **Q. Have you at any time since June 30th, when**  
12 **mother was taken from the Court, have you ever -- time**  
13 **called me up or talked to me on the phone and told me**  
14 **that I would never see my mother again?**  
15      A. No.  
16      **Q. Have you at any time in my presence or in**  
17 **anybody's presence, over the phone or otherwise, told**  
18 **relatives or friends that they would never be able to**  
19 **talk or see mom again?**  
20      A. Never.  
21      **Q. Have you ever, when we were visiting or at any**  
22 **other point in time told friends that they can never**  
23 **come to your house again, as long as they are friends**  
24 **with me?**

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1        GLORIA SYKES: I can't? I can't bring up  
2 witnesses?  
3        THE COURT: Just a minute. Madame, do you  
4 want to ask your niece any questions about her care  
5 plan?  
6        YOLANDA BAKKEN: Why don't she tell the  
7 truth once in a while?  
8        THE COURT: Do you want to ask her any  
9 questions about the care plan, madame?  
10      She asked if she's every going to see her  
11 sister. Can you answer that, madame?  
12      CAROLYN TOERPE: Absolutely.  
13      YOLANDA BAKKEN: Why don't you answer the  
14 phone when I call?  
15      CAROLYN TOERPE: Perhaps we're not at home.  
16      YOLANDA BAKKEN: You're never home then.  
17      THE COURT: We're not arguing.  
18      YOLANDA BAKKEN: She's off galavanting  
19 around.  
20      THE COURT: Madame, any other questions?  
21      YOLANDA BAKKEN: Well, that's it. I call  
22 three or four times a day, nobody answers. And when I  
23 did get one through, he turned around and very snotty to  
24 me on the phone, why am I calling her.

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1        A. Never.  
2        GLORIA SYKES: I'm done, your Honor, with  
3 them. But I do have other people I'd like to bring to  
4 the stand.  
5        THE COURT: Okay. So those are your  
6 questions?  
7        GLORIA SYKES: Yes.  
8        THE COURT: Thank you. Very good.  
9        Do we have a doctor's report.  
10      MR. WALLER: I actually talked to Mr. Dolgin  
11 directly, he was looking for it. He said if he found  
12 it, he would send somebody over with it.  
13      THE COURT: All right. Madame, do you have  
14 any comment you want to make about your sister's care  
15 plan?  
16      YOLANDA BAKKEN: Yes. I'd like to know if  
17 I'll ever see my sister alive again?  
18      THE COURT: I sure hope so. Are there  
19 visitation in this plan --  
20      YOLANDA BAKKEN: There is not visit --  
21      GLORIA SYKES: I'm going to ask you  
22 questions.  
23      THE COURT: No, you're not asking her  
24 questions.

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1        THE COURT: You understand the  
2 responsibilities that come along with guardianship,  
3 madame?  
4        THE WITNESS: Yes.  
5        THE COURT: Because of the emotion in this  
6 family, you can't treat anyone with disrespect --  
7        THE WITNESS: No, your Honor.  
8        THE COURT: You've got to rise a little bit,  
9 what's happened in the past will not happen in the  
10 future. All right, thank you.  
11      MR. STERN: Your Honor, there is a Court  
12 order barring --  
13      GLORIA SYKES: Your Honor, there's other  
14 family members that came to the Court today that would  
15 like to ask questions, since the attorney is not here to  
16 ask them questions.  
17      THE COURT: Okay, ma'am, are you comfortable  
18 standing here or do you want to sit down?  
19      YOLANDA BAKKEN: No, I'll stand.  
20      THE COURT: All right, who wants to ask  
21 questions? Are these family members? We're talking  
22 about family, family only.  
23      GLORIA SYKES: Your Honor, I object to not  
24 allowing Mr. Evans in. He has been more family to my

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17 (Pages 62 to 65)

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**HEARING      DECEMBER 7, 2009**

1 mother than my sister over the last 11 years.  
2           THE COURT: Thank you for your statement.  
3 Anyone else who's family? No? All right, very good --  
4           GLORIA SYKES: Did you raise your hand?  
5           KATHY BAKKEN: Yes.  
6           THE COURT: Sorry. Your name, for the  
7 record?  
8           KATHY BAKKEN: Kathy Bakken.  
9           THE COURT: How are you related to Mary?  
10          KATHY BAKKEN: A niece.  
11          THE COURT: All right. What did you want to  
12 ask your cousin?  
13          KATHY BAKKEN: I'm curious in the care plan,  
14 and I don't have it in front of me and I did a brief  
15 run-through of it so I might be a little off base on  
16 some of it, but I know there was mention about  
17 visitation and contact with family and friends and I'm  
18 wondering how that contact would be arranged, because my  
19 concern is that based on past experience that it's very  
20 difficult to have any contact whatsoever. So how could  
21 that possibly be arranged?  
22          THE COURT: Wait, wait, wait -- just a  
23 minute, please. Madame, can you answer that?  
24          THE WITNESS: We'd do it the same way we did

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1           FRED TOERPE: I've been investigating that  
2 so I have the answers for this question.  
3           THE COURT: Okay. So are there any classes  
4 for folks with dementia, if there is such a thing as a  
5 class for dementia?  
6           FRED TOERPE: No. What we're investigating  
7 is -- she has moderate dementia and at those senior  
8 citizen center, they don't have the kind of classes --  
9           THE COURT: No, I understand. But what's  
10 the proposal? Is she going to do something during the  
11 day?  
12          FRED TOERPE: We're investigating to see if  
13 they have programs that might help with dementia.  
14          THE COURT: So we'll find out about that.  
15          FRED TOERPE: To understand Alzheimer's,  
16 you know, to understand dementia so we can treat it  
17 better.  
18          THE COURT: Okay, very good. Any other  
19 questions then?  
20          KATHY BAKKEN: The care plan doesn't really  
21 talk much about daily activities and I was curious what  
22 daily activities, other than sweeping or peeling  
23 vegetables, are being done to help my aunt stay alert?  
24          MS. FARENKA: Didn't you already ask that

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1 it with Aunt Jo, you make a phone call, we set a time  
2 and a date, I went and picked her up, she came and spent  
3 the day.  
4           KATHY BAKKEN: What I have seen in the  
5 last --  
6           THE COURT: You can't make a statement,  
7 madame. Ask the question.  
8           If there's any problem with visitation,  
9 would you consult the guardian ad litem so maybe they  
10 can help you with that?  
11          THE WITNESS: Yes.  
12          THE COURT: Fine, very good. Any other  
13 questions, madame?  
14          KATHY BAKKEN: I noticed in the care plan  
15 there was mention of basically classes for my aunt to  
16 retain her cognitive ability, and I'm curious what  
17 classes the park center offers that might be  
18 appropriate?  
19          THE COURT: Do you know if the park center  
20 offers any classes for her to retain her ability --  
21          KATHY BAKKEN: Basically for her --  
22          THE COURT: Do they have any classes, do you  
23 know?  
24          THE WITNESS: I apologize.

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1 question, your Honor?  
2           THE COURT: We have --  
3          KATHY BAKKEN: No, that was about the park  
4 district.  
5           THE COURT: No, no, this lady asked the  
6 questions. We have heard that, thank you.  
7          Anything else?  
8          KATHY BAKKEN: I am curious about the online  
9 course --  
10         THE WITNESS: It's through the Alzheimer's  
11 foundation, the first session is called Memory 101.  
12         THE COURT: What's the problem with that?  
13         KATHY BAKKEN: It's a one-hour class held on  
14 site --  
15         THE COURT: What's wrong with that?  
16         KATHY BAKKEN: It's not an online course and  
17 it's not --  
18         THE COURT: Wait, that's enough. No more  
19 questions. Thank you very much.  
20         We have a doctor's report?  
21         YOLANDA BAKKEN: She don't want to hear  
22 nothing.  
23         MR. WALLER: Jay Dolgin said somebody's on  
24 their way --

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18 (Pages 66 to 69)

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**HEARING      DECEMBER 7, 2009**

1            GLORIA SYKES: Your Honor, I have a question  
2 to ask my brother-in-law.  
3            MR. WALLER: Your Honor, I have several  
4 other matters that I need to bring up.  
5            THE COURT: We'll have the doctor's report,  
6 it will be here momentarily.  
7            GLORIA SYKES: Your Honor, months ago I  
8 recall -- I filed for pro se. Doesn't that give me the  
9 right to ask questions of people?  
10          THE COURT: Didn't I have give you -- ask  
11 questions of your sister?  
12          GLORIA SYKES: Well, to ask questions  
13 directly to my aunts and friends, as when I was put on  
14 the stand other attorneys were able to ask me questions  
15 and they brought up other people to the stand to say  
16 things about me.  
17          THE COURT: So --  
18          GLORIA SYKES: All I'm asking is for  
19 something fair here, that as a pro se, I can -- had I  
20 had an attorney today, they would have asked and called  
21 my Aunt Yolanda, they would have called my cousin  
22 Kathy --  
23          THE COURT: Do you think the care plan is  
24 appropriate that your niece has brought forward, madame?

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1 process that Carolyn Toerpe talked about in my opinion  
2 will allow the phone calls and see how family members  
3 react. You'll recall that the history here of family  
4 members asking inappropriate questions and --  
5            THE COURT: That doesn't define anything.  
6 We have to allow access, as I mentioned we are --  
7            GLORIA SYKES: Your Honor, acting as pro  
8 see, I am -- and as an American citizen and under the  
9 constitution of the United States, I am completely  
10 appalled that Mr. Adam Stern can make allegations that  
11 are unfounded in this Court as to what happened with my  
12 aunt and my sister.  
13          THE COURT: All right. Thank you. That  
14 will be all for today.  
15          Do we have the doctor's report or not?  
16          MR. WALLER: Right.  
17          THE COURT: You're going to come back this  
18 afternoon with it?  
19          MR. WALLER: That is not an original copy.  
20          GLORIA SYKES: Your Honor, is that the one  
21 dated June 30th? Is this the one dated June 30th?  
22          THE COURT: No, no. I need a doctor's  
23 report, so you're going to come back this afternoon or  
24 tomorrow?

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1            YOLANDA BAKKEN: No.  
2            THE COURT: Madame, do you think the care is  
3 appropriate?  
4            KATHY BAKKEN: No.  
5            THE COURT: Why not.  
6            KATHY BAKKEN: My aunt -- her wishes are not  
7 being followed. She's clearly stated her wishes and  
8 they haven't been followed at all, as to what she wants  
9 in her life, how she wants to live until the end of her  
10 life. She has been restricted speaking with her sister,  
11 my mother has seen my aunt I think three times since  
12 June 30th and they were very close. Over 150 phones  
13 have been placed that have not been answered, but for  
14 one time when Fred said do no call here again, and the  
15 second call that was answered was on November 29th, when  
16 my other aunt was visiting.  
17          THE COURT: Do we have a time that's  
18 scheduled for phones to come in?  
19          MR. STERN: We started doing schedules with  
20 some relatives and then there was an incident that  
21 occurred at the house and then a more restrictive --  
22 that basically restricted most families from visiting --  
23          THE COURT: Right, but phone calls.  
24          MR. STERN: At this point -- the healing

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1            MR. STERN: Your Honor, it was tendered  
2 to --  
3            THE COURT: Either way --  
4            MR. STERN: Mr. Dolgin said he searched  
5 through his files and that's all he had.  
6            THE COURT: That's not an original.  
7            MS. FARENZA: Your Honor, I don't think it  
8 is.  
9            MR. STERN: It may not be, it's hard to  
10 tell.  
11          MS. FARENZA: The last page may be actually,  
12 that's what I thought, but the front page is --  
13          THE COURT: Do we have a bond? You've  
14 already posted it on the -- I just need the doctor's  
15 report.  
16          MR. WALLER: We'll contact him and see if we  
17 can bring --  
18          THE COURT: This afternoon, tomorrow?  
19          MS. FARENZA: You know what? Let's call  
20 Dr. Amber on the cell phone and --  
21          THE COURT: Yes, call him up.  
22          MR. WALLER: And I have several other items,  
23 your Honor, okay, several items.  
24          GLORIA SYKES: Your Honor --

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19 (Pages 70 to 73)

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1           THE COURT: One at a time, ma'am.  
2           MR. WALLER: Mr. Dolgin had issued  
3        subpoenas --  
4           THE COURT: He's withdrawn from the case.  
5           MR. WALLER: So can all those be quashed?  
6           THE COURT: I'm not quashing them, but you  
7        don't have to respond to them.  
8           MS. FARENKA: Okay, they're just calling --  
9           MR. WALLER: The recipients do not have to  
10        respond, all right, put that in the order. There's a  
11        safety deposit box that belongs to Mary Sykes and I  
12        believe Gloria has the key. We'd like an order barring  
13        her from entry and an order asking her to turn over the  
14        safety deposit box.  
15           GLORIA SYKES: I don't have it, your Honor.  
16           THE COURT: Where is it?  
17           GLORIA SYKES: My mother had it and as far  
18        as I know she went there on her own and I believe my  
19        name is on it. I do not have the keys.  
20           THE COURT: She doesn't have the keys.  
21        You'd better contact the bank immediately.  
22           MR. WALLER: Can we find out which bank it  
23        is?  
24           THE COURT: What bank is it?

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1           THE COURT: No, there was a ruling today  
2        that no, she couldn't represent you now.  
3           GLORIA SYKES: Right. But there was a  
4        continuance so we can have her represent me and that's  
5        what Ms. Denison --  
6           THE COURT: It's denied as of right now. If  
7        she wants to file some pleading to allow for a hearing  
8        that would allow her to represent you, that's a  
9        different story so --  
10          MS. DENISON: Can I have leave to file a  
11        motion for a hearing then?  
12          THE COURT: Sure.  
13          GLORIA SYKES: Your Honor, may I please get  
14        this straight? Have I actually been denied counsel?  
15          THE COURT: Absolutely not.  
16          GLORIA SYKES: Well, we asked for a  
17        continuance because it's evident that the attorneys that  
18        I hired that were very familiar with this case, probably  
19        something terrible may have happened to them. They are  
20        very reliable and you -- and as far as -- this has been  
21        a mockery.  
22          THE COURT: Madame, no name calling here.  
23          GLORIA SYKES: My cousin Paulette, who's in  
24        Florida --

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1           GLORIA SYKES: It's Park National and your  
2        Honor, I can actually contest that there's absolutely  
3        nothing in there because my sister removed all her  
4        financial papers at the beginning of the year.  
5           MR. WALLER: We can -- I'll order her not to  
6        enter?  
7           THE COURT: Yes.  
8           MR. WALLER: The third thing is there was a  
9        hearing this morning which I wasn't present at, there's  
10        a disagreement as to the order that was entered by your  
11        Honor regarding Ms. Denison's representation of Gloria.  
12          THE COURT: Who prepared the order?  
13          MS. FARENKA: I prepared it and then Ms.  
14        Denison wrote on it.  
15          THE COURT: Did I sign any order --  
16          MR. WALLER: No, no. There was an issue and  
17        so we presented --  
18          THE COURT: All right.  
19          MS. FARENKA: I said the motion was denied.  
20        I thought if there was to be a hearing there would be  
21        motions.  
22          GLORIA SYKES: Your Honor, I sat in the back  
23        here and I heard it say there'll be a continuance to see  
24        whether or not Ms. Dennison could represent me.

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1           THE COURT: That's enough from you, madame,  
2        please --  
3           GLORIA SYKES: She would like to --  
4           THE COURT: Please don't take anything else  
5        down.  
6           (Off the record.)  
7           THE COURT: I can't listen to two people at  
8        one time. So are you going to let this man talk?  
9           MR. WALLER: I'd like to get an order of  
10        your Honor requiring Gloria to provide accounting. She  
11        was supposed to -- one of her lawyers said that he had  
12        all the documentation regarding the Lumberman's case,  
13        all the checks issued --  
14          THE COURT: Has there been a prior order  
15        relative to --  
16          GLORIA SYKES: Your Honor, my attorney --  
17          THE COURT: Madame, please be quiet.  
18          MR. WALLER: There's other accounting  
19        issues, any bills that she's paid, payments --  
20          THE COURT: Counsel, get a pleading on file.  
21        I don't know what to tell you.  
22          MS. DENISON: They filed a citation to ask  
23        me that, which is being responded to. I believe I need  
24        that 28 days to respond to that, without an order put

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20 (Pages 74 to 77)

**A30B448**  
**HEARING      DECEMBER 7, 2009**

1 into the Court today.  
2 MR. WALLER: Your Honor, I do have a  
3 petition --  
4 THE COURT: You don't even have a guardian  
5 appointed yet, Counsel.  
6 GLORIA SYKES: Your Honor, I would also like  
7 to put in a motion to have my sister's finances and what  
8 she's paid for my mother also put into a record, that we  
9 have an accounting for my sister?  
10 THE COURT: Okay. Anything else?  
11 When are you bringing in the doctor's report  
12 in, today, tomorrow?  
13 MR. WALLER: Your Honor, I was going to step  
14 out and call right now.  
15 THE COURT: Okay, thank you.  
16 GLORIA SYKES: Your Honor, can I get in a  
17 continuance so on my --  
18 THE COURT: You have 21 days for your lawyer  
19 to file an appearance. Did you get the order from Mr.  
20 Dolgin, did he give you the order?  
21 GLORIA SYKES: Yes, he did. But I'm talking  
22 about the power of attorney over medical?  
23 THE COURT: That's suspended.  
24 GLORIA SYKES: What does that mean, your

1 STATE OF ILLINOIS )  
2 )SS.  
3 COUNTY OF C O O K )  
4  
5 DAVID J. DEMSKI, being first duly sworn on oath  
6 says that he is a court reporter doing business in the  
7 City of Chicago; that he reported in shorthand the  
8 proceedings given at the taking of said hearing on the  
9 7th day of December, 2009, and that the foregoing is a  
10 true and correct transcript of his shorthand notes so  
11 taken as aforesaid, and contains all the proceedings  
12 given at said hearing.  
13  
14

---

15 DAVID J. DEMSKI - CSR# 084-004386  
16  
17  
18  
19  
20  
21  
22  
23  
24

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1 Honor, suspended?  
2 THE COURT: You can't execute any authority  
3 under it at this point, ma'am.  
4 GLORIA SYKES: And the reason why I can't,  
5 your Honor.  
6 THE COURT: Because I'm concerned about her  
7 capacity at the time of her execution of that document,  
8 if there's a guardian in place, and a power of attorney  
9 in place, it's very complicated for the health care  
10 providers to provide the appropriate care and they don't  
11 know who to get the decision from.  
12 GLORIA SYKES: Yes, your Honor, but this  
13 order, this petition, I can prove that my mother was of  
14 sound mind when she did that.  
15 THE COURT: Good. Then you'll get a lawyer  
16 in here and get that hearing going. Okay?  
17 MS. FARENGA: For the record, your Honor,  
18 that power of attorney was not presented when --  
19 THE COURT: Thank you. Please step back  
20 everybody, we're waiting to hear from Dr. Amber. Thank  
21 you.  
22 (Proceedings concluded  
23 at 1:30 o'clock p.m.)  
24

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21 (Pages 78 to 80)

**A30B448**  
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