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STATE OF ILLINOIS)
) SS:
COUNTY OF COOK)

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

IN RE THE ESTATE OF:)
)
)
MARY SYKES,) No. 09 P 4585
)
a Disabled Person.)

REPORT OF PROCEEDINGS had at the hearing of the
above-entitled cause, before the Honorable JANE STUART,
Judge of said court, on the 19th day of April, A.D. 2011.

PRESENT:

- MR. PETER SCHMIEDEL,
on behalf of Carolyn Toerpe;
- MR. ADAM STERN,
guardian ad litem;
- MS. CYNTHIA FARENGA,
guardian ad litem;
- MS. GLORIA JEAN SYKES,
having filed a pro se appearance.

Staci M. Diez, CSR No. 084-003297
Official Court Reporter - Circuit Court of Cook County
County Department, Probate Division

1 THE COURT: Good afternoon. Sykes.

2 MR. SCHMIEDEL: Ms. Farenga is on her way. She
3 said we could start without her. It's up to the Court.

4 MR. STERN: That's correct. I got the same
5 message from her as well.

6 THE COURT: Who are you?

7 MS. TOERPE: Carolyn Toerpe, guardian of Mary
8 Sykes and daughter.

9 THE COURT: Could you spell your last name.

10 MS. TOERPE: T-o-e-r-p-e.

11 MR. SCHMIEDEL: Peter Schmiedel,
12 S-c-h-m-i-e-d-e-l. I'm the attorney for Ms. Toerpe.

13 MR. STERN: Adam Stern, S-t-e-r-n, one of the
14 two guardians ad litem.

15 MS. SYKES: Gloria Jean Sykes, pro se, Mary Sykes'
16 youngest daughter, and I'm an interested party in this
17 case.

18 THE COURT: Good afternoon to all. As I noted
19 before, Ms. Farenga is not here. The first thing I see
20 of the documents that are before me are -- and I should
21 for the record note that Ms. Farenga is one of the
22 two GALs in this matter and, I believe, the original
23 guardian ad litem.

24 MR. STERN: Correct.

1 THE COURT: I have a filing from Ms. Sykes, an
2 emergency motion for a continuance. And what are we
3 continuing in this? What do you want continued?

4 MS. SYKES: I only received last night a copy, you
5 know, an email of the plenary guardian's accounting, so
6 I have not had an opportunity to respond to that. And
7 then this afternoon while I was leaving I received an
8 email of an unverified motion in response to the -- my
9 motion to stay -- to stricken [sic] Dr. Shah's
10 testimony. And so I need time to respond to that, your
11 Honor.

12 MR. SCHMIEDEL: Judge, the accounting was served
13 on her a long time ago. We went through the accounting
14 the last time. The Court asked to make some
15 clarifications with respect to it. That's what we did.
16 Same thing with the inventory: You asked us to
17 basically add up some of the inventory items, which we
18 did.

19 I don't know why we need to postpone this any
20 further than today. I think we're ready to proceed.
21 And, quite frankly, there was a very -- we went over
22 all of the accounting entries last time, and the only
23 thing you asked us to do was break out some entries,
24 which we did, with respect to some medical expenses as

1 well as some expenses for the daughter of Mary Sykes
2 that's being cared for at the home of my client as
3 well.

4 So we are ready to proceed. I don't think
5 there's any reason for us to be able to -- to have to
6 postpone it any further.

7 As far as the motion as far as Dr. Shah's is
8 concerned, it was my understanding it was due today. I
9 did give a copy earlier this morning. It's my
10 response; it doesn't need to be verified. It's my
11 response to the motion to strike his testimony. And I
12 believe that to the extent the Court wants to take a
13 look at it, we're prepared to deal with that today.

14 But we also have other matters up today that
15 have been set for quite some time and continued from
16 time to time, one which is the partition action and the
17 motion for default with respect to the partition
18 action. That has been set before this Court on a
19 number of occasions, the last of which was the last
20 time we were here in April, April 4th I believe it was,
21 that it was indicated that the partition action and the
22 motion for a default on the partition action was
23 continued to today. So certainly that is ripe for us
24 to go forward. Mr. Stern has also filed a report to

1 the Court with respect to certain issues that have
2 arisen since the last time we were before the Court as
3 well.

4 So I don't see that -- you know, it's a
5 torturous process that we have to go through all the
6 time here. We'd really like to push these things
7 forward. I'd really like to push the partition action
8 forward. There's certainly no reason for us to delay
9 the partition action. It's been pending since last
10 year. Ms. Sykes has been granted every indulgence with
11 respect to it and, quite frankly, has nothing to
12 address the issue of either answering the partition
13 action or doing anything with respect to the motion for
14 default, so it's ripe, the entry of a default judgment
15 today.

16 THE COURT: May I just see the order that was
17 entered on March 29th. This matter coming on to be
18 heard on the rule to show cause against Gloria Sykes,
19 the supplemental GAL report of Cynthia Farenga, first
20 additional inventory, first current account of the
21 guardian, citation to discover assets of Gloria Sykes,
22 motion to strike Dr. Shah's testimony, and motion to
23 quash their summons. So that was all there on the 29th
24 of March.

1 It is hereby ordered, one, the first current
2 account and first amended inventory entered and
3 continued to today.

4 So, Ms. Sykes, it would appear, if this is
5 indeed the same document, that this was set to be heard
6 today as to the accounting and the inventory.

7 Two, accounting of guardian as agent under
8 power of attorney of Mary Sykes should be presented on
9 April 19th.

10 MR. SCHMIEDEL: We need some additional time.
11 Part of the problem with that is we need the records
12 from the bank that go back, which we don't have yet.
13 And Ms. Toerpe has actually inquired of the bank in
14 terms of the cost of retrieving the bank statements
15 that go back to the point where she started to act as
16 the agent under the power of attorney.

17 I will say to you, Judge, that really what
18 we're talking about here is her paying bills for her
19 mother during that period of time. But nonetheless, we
20 want to present you a completed picture as possible,
21 and to that we need some time in order for us to be
22 able to get the documents necessary to present it.

23 MS. SYKES: Your Honor, I haven't --

24 THE COURT: No. I haven't finished the order

1 that's here.

2 Three, petition for partition and guardian's
3 previously filed motion for default under the partition
4 action is entered and continued to today, 4-19. And
5 for Gloria Sykes' motion to strike Dr. Shah's testimony
6 is entered and continued to today, April 19th.
7 Guardian to file written response, which has been
8 tendered.

9 Five, motion to quash service of summons is
10 stricken as moot. Okay.

11 MS. SYKES: With all due respect, your Honor,
12 regarding the accounting, the supplemental regarding
13 the dog or any other medical expenses, being that I
14 just basically received it last night, I do have some
15 objections. And I have --

16 THE COURT: No, you didn't receive them last
17 night; you had it on the 29th of March.

18 MS. SYKES: Well, not the new stuff.

19 THE COURT: If there were changes then I'm going
20 to give you time. I'll give her time.

21 MR. SCHMIEDEL: The changes, Judge, were what you
22 requested.

23 THE COURT: I understand that. She has as much of
24 a right to look at the completed document and make

1 whatever comments she wants to make on it. I will
2 enter and continue it. Thank you for the changes that
3 you have made, and you've made it clear you've made
4 those in keeping with certain directions I gave you at
5 the last date. Is that correct?

6 MR. SCHMIEDEL: Correct.

7 MS. SYKES: And, your Honor, regarding the
8 partition default, being that my attorney had some
9 problems with me -- and obviously it's my opinion that
10 he turned on me -- I was not allowed and he did not put
11 in an affirmative defense of which I have. And I
12 finally --

13 THE COURT: To what?

14 MS. SYKES: On the petition.

15 THE COURT: For partition?

16 MS. SYKES: Yes.

17 THE COURT: Okay.

18 MS. SYKES: There was no affirmative defense put
19 in, and Mr. Brodsky has withheld my documents. But I
20 was just recently able to procure the document that I
21 need for the affirmative defense. And I am
22 respectfully requesting from this Court that I have an
23 opportunity and at least give me a week to put together
24 my affirmative defense.

1 THE COURT: Give me one moment.

2 MR. SCHMIEDEL: Judge, this has been pending since
3 the fall.

4 THE COURT: When did Mr. Brodsky withdraw?

5 MR. STERN: November 29th, somewhere around that
6 time, of 2010, so a significant period of time.

7 THE COURT: All right.

8 MR. SCHMIEDEL: And so we're talking five months
9 ago this has been continued and continued and continued
10 and continued.

11 THE COURT: Let me ask you because I wasn't -- I
12 don't believe I was the judge at that time. Let me ask
13 you: When that was before the Court, I believe there
14 was some negotiations at one point that were going
15 forward between at least Mr. Brodsky representing
16 Ms. Sykes and the guardian of the person. Am I
17 correct?

18 MR. SCHMIEDEL: That would be the summer of last
19 year. That is correct, Judge.

20 THE COURT: Was that before this --

21 MR. SCHMIEDEL: No, the partition action had
22 already been filed.

23 THE COURT: All right. Was the negotiation -- did
24 it have to do with the partition?

1 MR. SCHMIEDEL: Part of it did, yes.

2 THE COURT: So is it possible to assume that
3 during the time that this negotiation was going on that
4 Mr. Brodsky did not file? That was the basis upon
5 which he didn't file --

6 MR. SCHMIEDEL: That is correct, Judge. That is
7 exactly the basis upon which he did not file.

8 THE COURT: -- the affirmative defenses?

9 MR. STERN: He did file a motion to dismiss the
10 partition that was heard by Judge Connors and was
11 denied.

12 THE COURT: Okay. But then he's -- I don't know
13 what his motion --

14 MR. SCHMIEDEL: If I could catch up. But after
15 the negotiations broke down, I filed a motion for a --
16 I filed a motion for default. She was given -- and
17 then he was still in the case. And she was given
18 30 days in which to file a response to the petition at
19 that point in time, and that is what has been continued
20 from time to time and has still not been -- we
21 continued this in front of you when it was assigned to
22 you in December. It got caught up with everything
23 else.

24 And so we're talking at least a four and a

1 half month period of time or longer when this has been
2 a ripe issue. And, again, we're trying to focus on
3 what's best for Mary Sykes.

4 And this is an important issue because this
5 is a home in which she has an interest which is sitting
6 empty which is -- needed to be sold in order to be able
7 to raise money for her care going forward. That is the
8 only reason why we're asking for this partition action,
9 because she is of record. In fact, it was her money
10 that was used to purchase this home and she is --

11 MS. SYKES: Objection.

12 MR. SCHMIEDEL: -- she is on title to this.
13 Ms. Sykes can deny this until the day she dies, but she
14 knows that her mother is on title. This Court and
15 every Court -- the partition action itself has with it
16 the fact that she is an interested party in the sense
17 that she is a joint tenant on the title, and she has
18 the right to a partition action.

19 MS. SYKES: Objection.

20 THE COURT: Let me ask you a question. Noted.
21 But he said nothing that is testimony; it's simply
22 argument at this point.

23 The partition action seeks to divide the
24 interest, if you will, and sell the interest of the

1 Ward in this house?

2 MR. SCHMIEDEL: The way it works is the partition
3 action seeks to -- that's what it seeks. But you can't
4 partition it so, therefore, you have to sell --

5 THE COURT: Sell all of it.

6 MR. SCHMIEDEL: Exactly, Judge. Because if it was
7 farmland, we could partition it, but we can't partition
8 this. That's the purpose of filing the partition
9 action.

10 You get three commissioners that go out and
11 they evaluate it and they come back and they say this
12 can't be partitioned; therefore, the Court enters an
13 order that it be sold and that the proceeds be divided
14 between the people who have the equal right to the
15 proceeds. In this case --

16 MS. SYKES: And that's why I want to file the
17 affirmative --

18 THE COURT: In keeping with their percentage
19 interest in the property?

20 MR. SCHMIEDEL: Yes.

21 MS. SYKES: Your Honor --

22 THE COURT: If they're joint tenants then the --

23 MS. SYKES: Your Honor --

24 THE COURT: Excuse me. The presumption would be

1 that there was an equal holding.

2 MS. SYKES: There wasn't. I paid for it, your
3 Honor. I paid the mortgages. I paid for it. I
4 maintained it. It was rendered uninhabitable, your
5 Honor, only because of a lawsuit and mold. And I
6 suffered the damages; that was settled. And then in
7 2009 Judge Connors ordered that I stop all
8 construction. Had she not done that, I would have been
9 living in my home at this time.

10 This is an affirmative action I would like --
11 defense I would like to file that Mr. Brodsky didn't
12 do. Because during that time after Mr. Schmiedel filed
13 his motion Mr. Brodsky -- I had basically asked him to
14 withdraw, so we had problems. Mr. Brodsky, like I said
15 as you know, we had major problems.

16 And I have contracts that are legal contracts
17 that this home was in joint tenancy for survivorship.
18 It is not a part of my mother's estate. And the only
19 way she has access to -- equity in it at all if any
20 because -- if any equity is the fact that if she
21 precedes me in life. And I have now found that
22 document that states that.

23 The objection here, your Honor, is what we
24 learned is that the guardian has sold not only my

1 mother's home, has a buyer for it, but they want the
2 back property, too. So this whole idea here is
3 basically so Gloria is evicted from mother's home where
4 I was allowed to -- my mother invited me in after my
5 home was rendered uninhabitable and I was diagnosed
6 with a small rare breast cancer. And then once I
7 settled it, I have contractors there. I have a
8 building permit. I have everything. And the Court
9 ordered that I stop doing any kind of repairs on my
10 home.

11 The concept here is that Gloria should be
12 rendered uninhabitable again, that Gloria should be
13 homeless again, that Gloria -- everything that --
14 Gloria has poured over \$150,000 into that property.
15 She has poured over \$150,000 in my mother's property,
16 and that I should get nothing from this property.

17 THE COURT: All right. Having said that, I'm
18 going to tell you you're wrong. If property is held in
19 joint tenancy, then all the parties named have
20 generally an equal interest in the property. You are
21 right: There's generally language of survivorship
22 there, and whoever is the last to survive takes all.

23 (Enter Ms. Farenga.)

24 THE COURT: But that does not mean that the other

1 joint tenants do not have an equal and current interest
2 in the property. If there is -- and you have
3 acknowledged a joint tenancy, then your mother has 50%
4 interest if it's just the two of you in the property,
5 and that is the law. That is the law no matter how --

6 MS. SYKES: My mother --

7 THE COURT: Excuse me. No matter how you -- how
8 much you paid, how much she didn't pay, that is the
9 law. So the amount you paid does not overcome the law
10 as to joint tenancy. She has a 50% interest.

11 And in the accounting that was put before me,
12 accounting that's being entered and continued which you
13 have said you want to have a chance to review and raise
14 any objections that you might have, in that accounting
15 from what I saw in the courtesy copy, it would appear
16 that there is no money at this time to take care of
17 Mary Sykes, and Mary Sykes --

18 MS. SYKES: That's not true.

19 THE COURT: And Mary Sykes is indeed and in fact
20 the focus of this Court's efforts. She is the person
21 this Court is seeking to protect.

22 I find it interesting that you say to me
23 that's not true that she doesn't have any money, when
24 if that were true and you had other items to put before

1 us in that this is pretty much the same accounting that
2 was here in March and in -- March was the first time,
3 wasn't it? I am amazed that you don't come here with
4 something more substantial than it's not true.

5 I want to acknowledge that we've been joined
6 by the original GAL. What is your name?

7 MS. FARENGA: Good morning, your Honor. Cynthia
8 Farenga.

9 THE COURT: Thank you. Will you spell your name
10 for the court reporter.

11 MS. FARENGA: F-a-r-e-n-g-a.

12 THE COURT: You look like you want to say
13 something. What do you want to say?

14 MS. FARENGA: Oh, no. I was just going to
15 apologize. I was receiving some documents in response
16 to a subpoena I sent to a bank concerning this, Symetra
17 funds. And they were to have sent them yesterday, and
18 they didn't send them until late this morning, and it
19 just took awhile to make copies and so forth. Thank
20 you.

21 MR. SCHMIEDEL: Judge, you've been most patient in
22 dealing with a very difficult situation. But the
23 record needs to be clear as to what the -- what
24 happened here and why this is important for us to go

1 forward.

2 The money that was used to purchase the brown
3 house was -- the proceeds were a mortgage that Mary
4 Sykes took out on her own home that was held in trust.
5 That was the money that was used to purchase that home.

6 MS. SYKES: It was not held in trust.

7 THE COURT: Excuse me, ma'am. Excuse me. Go on.

8 MS. SYKES: Objection.

9 THE COURT: Noted.

10 MR. SCHMIEDEL: The house is now in trust.

11 THE COURT: That's the house that is --

12 MR. SCHMIEDEL: The white house, correct.

13 THE COURT: -- held by --

14 MR. SCHMIEDEL: The trust.

15 THE COURT: -- the trust?

16 MR. SCHMIEDEL: Yes, it was placed in trust.

17 THE COURT: The one where Ms. Gloria Sykes is
18 living?

19 MR. SCHMIEDEL: Yes.

20 THE COURT: But that is actually owned by a trust
21 that benefits Mary Sykes and Mrs. Toerpe?

22 MS. SYKES: Only.

23 THE COURT: Yes.

24 MS. SYKES: Claiming that my mother disinherited

1 me; that this course must mean my mother --

2 THE COURT: Excuse me.

3 MS. SYKES: -- disinherited me.

4 THE COURT: How did she disinherit you? Stop.
5 Please, ma'am, just stop.

6 MR. SCHMIEDEL: After the house was purchased,
7 there were a series of mortgages that were taken out on
8 the brown house including the last one of \$165,000 that
9 was --

10 MS. SYKES: Objection; untrue.

11 MR. SCHMIEDEL: -- used by Gloria Sykes. Mary
12 Sykes got no benefit from the mortgage that was taken
13 out.

14 MS. SYKES: Wait a minute here.

15 THE COURT: Excuse me, ma'am. You will stop.

16 What does this have to do with what is before
17 me today? Are you trying to go forward on the
18 partition action?

19 MR. SCHMIEDEL: Yes, Judge. But I want the record
20 to be clear as to what happened here, and Ms. Sykes has
21 a habit --

22 MS. SYKES: Well, you don't know, sir.
23 Objection.

24 THE COURT: Stop, please, ma'am.

1 MR. SCHMIEDEL: So the short answer is yes, I
2 would like to go forward on the partition.

3 MS. SYKES: And I'd like --

4 THE COURT: Ms. Sykes, stop.

5 Ms. Farenga, is there any position that you
6 want to make clear? Everyone else has had an
7 opportunity to --

8 MS. FARENGA: I appreciate it. I do. I'll be
9 brief.

10 I think we have all acknowledged from time to
11 time that sometimes Mary Sykes' interests get a little
12 lost because it becomes an issue of Gloria Sykes'
13 rights.

14 I think it's imperative that we move forward,
15 and I think it's imperative that if we possibly can
16 re-set a couple of dates with an eye towards concluding
17 all of the --

18 THE COURT: That would be wonderful.

19 MS. FARENGA: -- relevant matters. You know, we
20 can do it in complex civil matters, in federal court
21 criminal cases, and I think we can certainly do it
22 here. We just have to get the time from the Court, and
23 everyone has to be told that this is the time we're
24 going to have.

1 I also think that we need to formally put in
2 writing any discovery, any final discovery requests or
3 witnesses, because every time we come to court new
4 names come up and it gets continued. There's no end to
5 the discovery because of the way this -- we kind of
6 backed into this hearing. That's what I have to say
7 about that.

8 And then later when the time is right but
9 hopefully before we leave today, I would like to update
10 the Court about the response to subpoena I received to
11 the First Federal Credit Union in Merrillville,
12 Indiana. The Court will recall that that bank has an
13 account that is now frozen per Court order that
14 contained what we are referring to as the Symetra
15 funds, which were the Lumberman's funds. And I have
16 some records concerning withdrawals from that account
17 prior to the very most recent freeze.

18 MS. SYKES: There's been no withdrawals from those
19 accounts.

20 THE COURT: Excuse me, ma'am. Stop. Did you want
21 to say something, Mr. Stern?

22 MR. STERN: Just on the partition action and the
23 petition for default, Judge, petition for default has
24 been pending for several months now. You mentioned

1 earlier Mr. Brodsky withdrew end of November of 2010.
2 Ms. Gloria Sykes --

3 THE COURT: Are you talking about the partition
4 action?

5 MR. STERN: Partition suit, and then there was a
6 subsequent motion for default because there's been no
7 answer filed on the partition action. As this Court
8 has eloquently stated, this is about Mary Sykes and her
9 interest in her estate. I think Gloria Sykes has been
10 given an ample opportunity to respond to the partition
11 action. Her continuance motion that she filed today, I
12 see no reference to asking for a partition action to be
13 continued.

14 And so I believe the default is appropriate.
15 That's been on file regarding this file, and I think
16 the Court should rule on the default appropriately and
17 then the partition action after that.

18 THE COURT: If I were to rule on the default, what
19 is it that you're saying that Ms. Sykes is in default
20 for?

21 MR. STERN: Not answering.

22 THE COURT: Not answering the petition for
23 partition?

24 MR. SCHMIEDEL: Partition. So the relief

1 requested in the partition action would be granted.

2 MS. SYKES: Mr. Brodsky did not respond to it.

3 THE COURT: Excuse me. Excuse me.

4 MS. FARENGA: The partition action, I believe it
5 was filed in August, and then the request for default
6 was filed in November.

7 THE COURT: That sounds like what I've been told.

8 I, however, think I will note some things.
9 In the response -- in the emergency motion for
10 continuance, which I only received as I came on the
11 bench, the prayer for relief asks that -- says that
12 Gloria Jean Sykes, pro se, an interested party, be
13 provided copies of any documents plenary guardian
14 intends to file instanter and she be given 21 days to
15 examine, to address the issues raised by said
16 documents. It is respectfully requested that this
17 Honorable Court turns this case over to the State's
18 Attorney's office for full investigation into the
19 aforesaid stated charges and that this Honorable Court
20 subpoena Debbie Holda, and that's H-o-l-d-a, and Tom
21 Quinlan to give testimony regarding visits they
22 supervise and that all visitation reports from the
23 visits be turned over to the Court and to the movant.

24 I believe this visitation has to do with the

1 visits of Ms. Sykes with Mrs. Sykes. Is that correct,
2 Ms. Sykes?

3 MS. SYKES: Yes, that was in response -- yes, your
4 Honor. That's in response to this second supplementary
5 report by the GAL that he accused me of undue influence
6 and other matters, which is hearsay, number one.
7 Number two, but regarding --

8 THE COURT: There wasn't testimony in court. And
9 as I understand it, it was an email correspondence
10 between you and one of the guardians ad litem, so
11 that's not a matter before this Court.

12 MS. SYKES: Well, he wrote something in his
13 second -- yes, his response here which I just received
14 yesterday -- I mean in his --

15 THE COURT: Is it an email?

16 MS. SYKES: It's in his response. I don't have
17 that email in there. But in his second report, your
18 Honor, he makes some very serious allegations not only
19 accusing me of undue influence but claiming that it is
20 because of me that my cousin no longer is supervising;
21 that also is not true.

22 THE COURT: That's not what's before me today.
23 That's not before me today.

24 MS. SYKES: That was just my prayer for relief.

1 But in terms of the judgment, your Honor,
2 Mr. Brodsky refused to turn over my documents. I had
3 no way of filing an affirmative defense.

4 THE COURT: Ma'am, let me say this to you: You
5 can get a copy of the deed from the recorder's office.
6 It can be certified or not certified; you decide that.
7 You can get copies of anything, any checks you wrote
8 from your bank. I presume if you wrote the checks --

9 MS. SYKES: Yes.

10 THE COURT: -- it's your account, therefore, the
11 bank will give you whatever records you need. So if
12 you have that, those documents are going to speak for
13 themselves, especially the recorded deed that's -- I
14 presume there is for the house that you're asking for
15 partition on.

16 MS. SYKES: But there's a legal document, your
17 Honor, that was also filed with them that I could not
18 get. Mr. Schmiedel and --

19 THE COURT: What is it?

20 MS. SYKES: In fact it's --

21 THE COURT: It's what?

22 MS. SYKES: Well, number one is it's not a part
23 of -- it's a letter from my mother's attorney to my
24 mother explaining to her exactly what the trust is all

1 about and my mother protecting the home --

2 THE COURT: This is not about the trust.

3 MS. SYKES: -- that she gifted to me.

4 THE COURT: No, you're not talking about what
5 we're talking about. We're talking about not the house
6 that's in trust but rather the other house.

7 MS. SYKES: My home.

8 THE COURT: The one that's vacant.

9 MS. SYKES: It's vacant because of a lawsuit, your
10 Honor, and I would like to live in my house.

11 THE COURT: A lawsuit that is terminated. Then
12 you can -- once we set the value for the property, you
13 can pay over that half of that value, and that money
14 would then go into your mothers' account and estate,
15 and you would have 100 percent title to the property,
16 so that's all that has to happen.

17 If you want to live in your house, if you
18 want to do all of this, and I believe this is the house
19 where there was the Lumberman settlement --

20 MS. SYKES: Yes.

21 THE COURT: So you have the lion's share of that
22 money. And I don't know how much we're going to
23 find -- and I'm going to set the sale price of -- I
24 don't know how much I'm going to say that's worth, but

1 whatever it is, if you paid 50% of it, then the whole
2 house is yours.

3 MS. SYKES: Your Honor, I have paid into the
4 mortgage on my mother's house and into the mortgage on
5 my house. I have maintained my house.

6 THE COURT: Good for you because you don't own the
7 house 100 percent. I'm going to say that to you again.
8 That is as a matter of law. It is in joint tenancy.

9 MS. SYKES: For survivorship.

10 THE COURT: No, ma'am. That's not the way the law
11 reads in Illinois.

12 MS. SYKES: Your Honor --

13 THE COURT: And I'm not going to debate this with
14 you. You may not like it. You may interpret it any
15 way you want to, but that does not change the law.

16 MS. SYKES: Your Honor --

17 THE COURT: It does not change the law, ma'am.

18 MS. SYKES: Your Honor, I would like to have the
19 opportunity to put in an affirmative defense.

20 THE COURT: What affirmative defense do you think
21 you have?

22 MS. SYKES: Well, I will get documents where --

23 THE COURT: No, no. Tell me what you're looking
24 for because unless --

1 MS. SYKES: I have legal documents --

2 THE COURT: Let me say this to you: Unless it
3 has -- I perceive that there is some viable legal basis
4 for it that finding certain documents you might have a
5 good argument. I am moving closer and closer to taking
6 up the suggestion of Ms. Farenga setting this matter
7 for hearing.

8 So what documents do you think you need to
9 perfect your affirmative defense?

10 MS. SYKES: I have legal documents that are
11 also -- I have the attorney that wrote up --

12 THE COURT: That does not control.

13 MS. SYKES: I have legal documents, your Honor.

14 THE COURT: What legal documents?

15 MS. SYKES: I have legal documents.

16 THE COURT: What legal documents? Describe them.

17 MS. SYKES: My mother sat down with an attorney
18 back in 1998 and then again in 2000. And even when she
19 sat down and wrote up the trust she protected me
20 because the home was given to me as a gift. The fact
21 that I as a single woman left it in joint tenancy for
22 survivorship is because I'm single.

23 THE COURT: Ma'am, let me say to you: That's not
24 a defense.

1 MS. SYKES: It's not a good defense?

2 THE COURT: It's not a defense.

3 MS. SYKES: Well, then, your Honor, then you do
4 what --

5 THE COURT: That is not a defense.

6 MS. SYKES: -- you write your orders and I will
7 appeal.

8 THE COURT: We are going to set this down for
9 hearing. And I want the order to reveal that you
10 should exchange any witness list, any discovery that
11 needs to be done.

12 MR. SCHMIEDEL: Talking about the partition
13 action?

14 THE COURT: The partition action. Let me have the
15 book, please, ma'am.

16 MS. SYKES: I will have to get an attorney.

17 THE COURT: That's not this Court's concern.

18 MR. SCHMIEDEL: I don't see any witnesses needing
19 to be called on the default, Judge. I mean if that's
20 what we're dealing with. We're dealing with the legal
21 issue on the default?

22 THE COURT: Then we will have a hearing on the
23 default.

24 Now, you're welcome to get an attorney;

1 they're welcome to come in. But I want the order today
2 to reveal that this trial date will not be delayed.

3 Let the record also state that this motion
4 for default has been in place since November.

5 MR. SCHMIEDEL: Probably before that, Judge.
6 Actually, I have a copy of when it was --

7 THE COURT: This is April, so we're talking about
8 approximately six months to today.

9 MR. SCHMIEDEL: I stand corrected. January 25th,
10 2011 the motion for default judgment was filed.

11 THE COURT: I'm going to set this matter for July.
12 Is everybody going to be in town? I will be. Will you
13 be in town? Will you be in town (indicating)?

14 MS. SYKES: I will be in town in July.

15 THE COURT: Will you be in town, Mr. Schmiedel?

16 MR. SCHMIEDEL: I have trial in DuPage County
17 starting on July 25th.

18 THE COURT: All right. Will you be in town,
19 Mr. Stern?

20 MR. STERN: Yes.

21 THE COURT: Ms. Farenga?

22 MS. FARENGA: I will be in and out due to driving
23 kids to camp. I'll get my book.

24 THE COURT: Please get your book so we can try to

1 figure out a date so it will be six months.

2 MS. FARENGA: I'm wondering, your Honor, if
3 there's anything a little earlier because of the
4 question of the condition of the brown house and who
5 will be paying the expenses for maintenance.

6 MS. SYKES: I've been paying them and I will
7 continue to pay them.

8 THE COURT: I don't think anyone addressed
9 anything to you, ma'am. And you have been here enough,
10 so you know that your comments are directed to the
11 Bench.

12 MS. FARENGA: Let's see. So that was my
13 suggestion, that if we could accelerate it for the
14 protection of the real estate. Otherwise it's
15 probably -- if the Court wants to start with the dates
16 that are convenient to the Court, I can --

17 THE COURT: July for me is --

18 MS. FARENGA: Is wide open?

19 MR. SCHMIEDEL: Again, Judge, this is just on the
20 default?

21 THE COURT: Yes.

22 MR. SCHMIEDEL: Just for the record, I would ask
23 the Court to enter a default and then what you could do
24 is then have some time to move to vacate it. I mean, I

1 don't want to tell her what to do here, but it seems to
2 me that the default is ripe, and we need to get past
3 that state.

4 THE COURT: And there's never been an order
5 granting the default?

6 MR. SCHMIEDEL: That's correct. If you granted
7 the default she would have a certain amount of time in
8 which to then move to vacate it and present the Court
9 with what you would think was some kind of legal
10 defense that would prevent the default or be in defense
11 to it, in which case we could accelerate the whole
12 process.

13 Instead of having a hearing on the default,
14 we would actually have a hearing on the partition
15 action. Because what the partition action would
16 require and how it works is that you would name three
17 commissioners. They would go out. They would evaluate
18 the place. They would determine that, in fact, it was
19 not partitionable. They would then recommend a price
20 that the Court would then set or not set, and it would
21 go to a sale. And that is the thing I would like to
22 try to get to.

23 THE COURT: When you say a sale, it would be
24 listed with a realtor?

1 MR. SCHMIEDEL: Yes. It would be sold --
2 actually, I think it's sold to the Sheriff's office,
3 but it's sold. But in any event, it would be sold.
4 And this Court would obviously be involved and it would
5 be setting the price.

6 But that's the process of going -- that's the
7 process that needs to be going. So if you waited until
8 that late date, then we would have to -- if we were
9 able to dispose of the default today, get a date for
10 her to respond, set an interim date to determine
11 whether or not she has any valid defense, which I don't
12 believe she has any valid defense --

13 THE COURT: I'll tell you this --

14 MR. SCHMIEDEL: If you don't have the valid
15 defense then we could enter the -- we could go forward
16 with the default -- or go forward with the partition
17 action itself.

18 MS. FARENGA: Also, then we might save part of the
19 prime selling season being the summer and early fall.

20 MS. SYKES: Objection, your Honor.

21 MS. FARENGA: I thought the house was not
22 inhabitable.

23 THE COURT: But this is not the house that she's
24 living in. This is the house that is owned partially

1 by Ms. Sykes and partially by Mrs. Sykes; they're joint
2 tenants with rights of survivorship.

3 MS. FARENGA: That's the brown house.

4 MS. SYKES: And the lawsuit that --

5 THE COURT: And she's not legal --

6 MS. SYKES: -- had I been able to I --

7 THE COURT: Excuse me, ma'am.

8 MS. SYKES: -- would have rebuilt my home --

9 THE COURT: Excuse me, ma'am.

10 MS. SYKES: -- and be living there right now.

11 A JUROR: Ms. Sykes is not living in that house.

12 MS. SYKES: I am occupying the property, your
13 Honor.

14 THE COURT: And she is living in the white house?

15 MS. FARENGA: Right.

16 MS. SYKES: I am still occupying the property.

17 THE COURT: Excuse me, Ms. Sykes.

18 MS. SYKES: I have property in there and I use the
19 garage, your Honor. I would like that on the record.

20 THE COURT: Mr. Schmiedel, I would prefer -- you
21 can do what you will -- I would prefer to have a
22 hearing on the partition action itself; have a hearing,
23 just a straight hearing on that.

24 My thinking is that way we're not dealing

1 with the default, et cetera, et cetera. It will be a
2 day where whatever is going to be presented is
3 presented, and I once presented with evidence will make
4 a determination.

5 MR. SCHMIEDEL: Why don't we do this: Why don't
6 we give her 14 days to file an answer to the partition
7 action. And then once we have the pleadings and once
8 we're at issue in the pleadings, she's already filed a
9 motion to dismiss the partition action, so she can't
10 file another motion to dismiss it.

11 THE COURT: That motion has been dismissed.

12 MR. SCHMIEDEL: The motion was denied.

13 THE COURT: Are you listening to this?

14 MS. SYKES: It was denied without a hearing.

15 THE COURT: Well, that's fine.

16 Are you listening to this? You have to file
17 an answer at this point. The law says you cannot now
18 come with another motion to dismiss. You must file an
19 answer, if at all. And whatever you do is, of course,
20 your decision. I'm just trying to make sure that you
21 understand where we are in this process.

22 You were suggesting 14 days, but go ahead.

23 MS. SYKES: I would need 28 days, your Honor.

24 THE COURT: Stop. Please. I want to hear what

1 he's saying.

2 MR. SCHMIEDEL: Give her some time to file an
3 answer. Once that answer is on file, if she does file
4 the answer, we can set the motion for -- there will
5 be -- there's no -- this is a very legal dominated --
6 it's not a matter of evidentiary. It's not an
7 evidentiary thing.

8 She files it. We show that there's joint
9 tenancy. We'll provide the Court with a certified copy
10 of the deed. Once that happens, then this Court then
11 appoints the commissioners. And there's people who are
12 available to do that. They go out and they make their
13 recommendation to the Court. So that's what -- that's
14 how this works. It's not really -- there's no evidence
15 that needs to be put on.

16 THE COURT: Okay.

17 MR. SCHMIEDEL: But --

18 MS. SYKES: Your Honor, may I ask a question,
19 please?

20 THE COURT: Let him finish his sentence and then I
21 will call on you.

22 MR. SCHMIEDEL: So it seems to me for the sake of
23 today, if I withdrew the motion for a default judgment
24 and --

1 THE COURT: Without prejudice.

2 MR. SCHMIEDEL: Without prejudice and grant what
3 the Court believes is a reasonable time for Ms. Sykes
4 to file an answer to the partition action, and then we
5 set the matter for a hearing shortly thereafter, or
6 thereafter as the Court would, but I would ask for
7 shortly thereafter.

8 THE COURT: I am willing to give you 28 days,
9 ma'am. And, thank you, Mr. Schmiedel.

10 I am willing to give you 28 days, ma'am, to
11 file your response however that response is structured.
12 However, again I say to you that a motion to dismiss
13 will not be accepted and will not have any impact in
14 this.

15 MS. SYKES: What am I responding to, your Honor,
16 because that's not clear?

17 THE COURT: You're responding to the partition
18 action. Do you have a copy of your original motion?

19 MR. SCHMIEDEL: I may, Judge. Let me see if I do.

20 THE COURT: If you don't then I'm going to ask you
21 to send that to Ms. Sykes. Do you have one?

22 MR. STERN: I don't have it. I have already sent
23 it to her previously. I can re-send it to her.

24 THE COURT: All right. Then you will do that, is

1 that correct, Mr. Stern?

2 MR. STERN: I don't have a problem with that.

3 THE COURT: When you send it I'd like for you to
4 send it as well to Mr. Schmiedel and to Ms. Farenga.

5 MR. STERN: Okay, your Honor.

6 MR. SCHMIEDEL: I have a copy, Judge.

7 THE COURT: You have a copy of it?

8 MR. SCHMIEDEL: I do.

9 THE COURT: All right.

10 MR. SCHMIEDEL: I am tendering in open court to
11 Ms. Sykes a copy of the petition for partition.

12 THE COURT: Ms. Sykes, do you acknowledge receipt?

13 MS. SYKES: Yes, I just wanted to go through the
14 whole thing so I make sure that --

15 THE COURT: Okay. So this is what I'm going to
16 do: You have 28 days to respond in writing. The month
17 of June is a month when I won't be here, one of those
18 strange ones where I won't be here 12 days. There are
19 only at most 22 working days probably in the month, so
20 I would like to set this for -- I had turned to the
21 12th of July. We could also do it in the first week of
22 July. Which is best for you?

23 MS. FARENGA: First week of July, your Honor.

24 THE COURT: All right. And what's best for you,

1 Mr. Schmiedel?

2 MR. SCHMIEDEL: As I say, I have this jury
3 trial --

4 THE COURT: The 25th.

5 MR. SCHMIEDEL: -- the 25th, so probably the
6 earlier -- let me just see what's --

7 THE COURT: Sooner is better than later.

8 MR. SCHMIEDEL: The first week of July.

9 MS. SYKES: Well, that's the 4th of July week.

10 MR. SCHMIEDEL: You want to do July 7th, Judge, or
11 something like that?

12 THE COURT: July 7th is -- will you be in town on
13 the 7th of July?

14 MR. STERN: Yes.

15 THE COURT: Will you be in town on the 7th?

16 MS. FARENGA: Yes, your Honor.

17 THE COURT: Will you be in town on the 7th?

18 MS. SYKES: I'm checking, your Honor. Can we
19 possibly do it the 8th on Friday instead of on a
20 Thursday?

21 THE COURT: I'd prefer not to do it on the 8th.

22 MS. SYKES: Again, I have these -- I have live
23 radio shows and --

24 MS. FARENGA: It's on Wednesday.

1 MS. SYKES: That puts me -- I basically work -- I
2 have two days a week, Ms. Farenga. Two days a week,
3 that's it.

4 THE COURT: One more time: Who do you speak to?
5 Me.

6 MS. SYKES: What?

7 THE COURT: Me. You don't speak to Ms. Farenga,
8 you speak to me.

9 MS. SYKES: I have two days a week that are really
10 important. Okay. I'm recording all day on Wednesdays,
11 and then on Thursdays which everyone here in the court,
12 the guardian ad litem and Mr. Schmiedel and my sister
13 realize on Thursday I do what they call, you know, post
14 production for the next thing that I have to turn in to
15 my boss.

16 MS. FARENGA: No, we have no such knowledge of
17 that. We've never been told that. Ms. Sykes for
18 someone who has no income is busier with a non-paying
19 job than anyone I know. And it is not a radio show --

20 MS. SYKES: Objection, your Honor.

21 MS. FARENGA: -- it's an internet program. And I
22 believe that Ms. Sykes pays for the privilege of being
23 on the air.

24 MR. STERN: July 5th, Judge.

1 MS. SYKES: Objection, your Honor.

2 THE COURT: She says she's there the 5th and the
3 6th; isn't that right? Your show is on Tuesday?

4 MS. SYKES: It's on Wednesday, and then Thursday I
5 have work to do.

6 THE COURT: You know what, let's do this Friday
7 the 8th at 2:00 o'clock. And we will be going ahead no
8 matter what.

9 MS. SYKES: What should I expect that's going to
10 happen on --

11 THE COURT: We're going to have a hearing and --

12 MS. SYKES: And what does this hearing entail,
13 please?

14 THE COURT: -- evidence will be put before me.

15 MS. SYKES: And am I allowed witnesses?

16 THE COURT: Sure. But I would -- yes, sure.

17 MR. SCHMIEDEL: Well, Judge, again, I don't
18 believe there's a need. It's not an evidentiary issue.
19 The issue is who owns the property; that's the only
20 issue here is who owns the property.

21 THE COURT: I understand that is the only issue,
22 and I would agree that that is the only issue.

23 MR. SCHMIEDEL: I don't know what witnesses. If
24 she has a witness that says the deed isn't the deed, I

1 suppose she can put a very narrow witness on. But the
2 deed is the deed as recorded and it has --

3 THE COURT: And one of the problems here is we're
4 a res notice state. And if this is a recorded deed,
5 it's going to supercede any oral testimony.

6 MR. SCHMIEDEL: Correct. So I don't see the need
7 for it, but let's see what her answer says and then we
8 can go from there. So I would not envision the need
9 for any witnesses to testify on that day.

10 THE COURT: If there was any inquiry between the
11 parties as to who would be appearing, I would allow
12 such discovery.

13 MS. SYKES: And, your Honor, at this point do I
14 present the X amount of dollars that I have spent on
15 this house and maintained it?

16 THE COURT: I don't think you understand, ma'am, I
17 really don't. This is not about -- ownership in
18 Illinois is not about how much money you put into it.
19 Ownership is whose name is on the deed in Illinois.

20 MS. SYKES: So let me get this straight. So in
21 other words, my mother has no equity in the house other
22 than in joint tenancy. She's never lived in the house.
23 She's never maintained it. She's never done anything.

24 THE COURT: None of these things are before --

1 MS. SYKES: -- and you're telling me -- I just
2 want to get this straight, your Honor.

3 THE COURT: That's fine.

4 MS. SYKES: You're telling me that even though
5 it's not my mother's wishes, it would never have been
6 my mother's wishes, that you could just sell the
7 property and I loose everything that I put into my
8 house?

9 THE COURT: No. You'd get half of it.

10 MS. SYKES: I only get half of --

11 THE COURT: Of the sale price.

12 MS. SYKES: So nothing I put into it makes any
13 difference?

14 THE COURT: No, it doesn't --

15 MS. SYKES: Well --

16 THE COURT: -- not in terms of ownership.

17 MS. SYKES: Okay. I've seen, you know, in
18 divorces and everything else that's -- it's always an
19 equity portion.

20 THE COURT: This isn't a divorce. And one
21 other -- no, I will not say that. I will say that
22 until they believe it is appropriate.

23 MS. SYKES: Your Honor, I would like to make a
24 note, too, that this guardianship is under appeal. And

1 if I prevail on that appeal then --

2 THE COURT: If you prevail that will be very
3 interesting. Okay.

4 Now, what else do we have? We've got that
5 under way. What else do we have?

6 MS. FARENGA: Well, I came in later, so I don't
7 know if Mr. Stern made his report or if the Court took
8 action on this emergency motion for continuance other
9 than setting the partition.

10 THE COURT: No, we didn't. Then this emergency
11 motion for continuance -- if you haven't read it. And
12 as I have indicated on the record, if you look at the
13 prayer for relief --

14 MS. FARENGA: Yes, I have.

15 THE COURT: -- it has nothing to do with the
16 partition action or even, though, moneys. I believe
17 this primarily has to do with visitation and a reaction
18 of Ms. Sykes to comments made by Mr. Stern in an email
19 exchange between the two of them.

20 MS. SYKES: No. In a second motion, your Honor,
21 number two regarding the citation and all of that, I
22 was not allowed to have any testimony or defense last
23 time I was in court.

24 THE COURT: What testimony? What defense are you

1 talking about?

2 MS. SYKES: When I was in court on the 29th, I was
3 not allowed to have any testimony or in defense --

4 THE COURT: Of what?

5 MS. SYKES: -- regarding the lumberman's and the
6 money.

7 THE COURT: There's never been a decision made on
8 that, ma'am.

9 MS. FARENGA: That case is still proceeding, your
10 Honor, as you know. And I don't even know if the
11 guardian has finished their case in chief.

12 MS. SYKES: Excuse me. Excuse me. Your Honor,
13 because I wasn't allowed a defense on the --

14 THE COURT: A defense to what?

15 MS. SYKES: Well, we were supposed to continue the
16 whole thing last time so I could have a defense
17 regarding what was going on with the Lumberman's case,
18 and I was not allowed to have that.

19 THE COURT: Because -- let me tell you why. As
20 far as I'm aware, there's never been any proffer of any
21 evidence.

22 Has there been a charge about the Lumberman's
23 case? Let me see where we are procedurally; that's
24 what I want to know.

1 MR. STERN: The only thing pending was the
2 citation regarding --

3 THE COURT: That's what I thought.

4 MR. STERN: -- the money.

5 THE COURT: That's it.

6 MR. STERN: There's no other further proceedings
7 or pleadings that I'm aware of.

8 THE COURT: And as I have told you many times and
9 I'll tell you again: There is certainly a freeze
10 order. The Court has not seized any money, redirected
11 any money, or said that the money belongs to anyone in
12 particular. It is simply a freeze order to maintain
13 the status quo, period. Period.

14 MS. SYKES: I understand that, your Honor.

15 THE COURT: Then there's no defense to that.

16 MS. SYKES: But you brought in testimony so we can
17 wrap this up and move it forward, and I was not allowed
18 that testimony.

19 THE COURT: No one was ready to do that, ma'am.
20 First we had to find the money so that we could freeze
21 it; now it is frozen.

22 MS. SYKES: Well, then I'd like a bond put up on
23 this money, your Honor.

24 THE COURT: Why? Nobody has access to it. A bond

1 would be inappropriate.

2 MS. SYKES: There can be damages, your Honor.

3 THE COURT: By the banks?

4 MS. SYKES: There could be damages, your Honor.

5 THE COURT: No, there won't be damages, ma'am,
6 because the bank is going to hold it. I inquired of
7 you --

8 MS. SYKES: An appeal has been -- you got a notice
9 of an appeal on that order, your Honor.

10 THE COURT: Well, if there's an appeal on that
11 order, then that's certainly something that's not
12 before me.

13 Now, is there anything else that is before me
14 today?

15 MS. FARENGA: I would like to report to the Court
16 about the response from U.S. Federal Credit Union.

17 THE COURT: All right.

18 MS. FARENGA: I tendered a subpoena to them after
19 the Court froze the account at our last court hearing,
20 and I asked them for a record of any withdrawals or
21 checks drawn on the account. That reply literally did
22 not come to me until a couple hours ago, so I have a
23 copy for Ms. Sykes. What I wanted to report is that --
24 I know I have a copy for Ms. Sykes.

1 MS. SYKES: Your Honor, I never received a
2 subpoena, and I have no knowledge of --

3 THE COURT: Let her finish. Please stop.

4 MS. FARENGA: I mailed this.

5 MS. SYKES: Your Honor, I have no knowledge of
6 that, and I never knew about a subpoena.

7 THE COURT: Fine. Then we'll learn about it
8 together. Please go on.

9 MS. FARENGA: So what I learned, your Honor, was
10 that this account contains \$62 in the name of Susan
11 Niksik (phonetic) and another person, Karen -- I'll
12 find it. Another person named Niksik. It contained
13 \$62 until a deposit of \$253,000, which is the Symetra
14 check. The Symetra check was actually enclosed with
15 the subpoena response on August 31st of 2010.

16 Since that time, from what I can discern,
17 \$85,000 has been withdrawn from that account in a
18 combination of cash and cashiers checks.

19 MS. SYKES: Objection. There wasn't \$85,000
20 because there wasn't that kind of money in the account.

21 THE COURT: Excuse me, ma'am. Stop talking.

22 MS. FARENGA: There's an account statement that
23 has the deposit from Symetra.

24 THE COURT: Go ahead.

1 MS. FARENGA: Okay. We then have two cashiers
2 checks, one for \$20,000 made payable to Gloria Sykes
3 drawn on that account, and one for \$10,000 made payable
4 to Gloria Sykes drawn on that account.

5 THE COURT: So that's 50,000?

6 MS. FARENGA: 30,000 in cashiers checks were made
7 payable specifically to Gloria Sykes. Then is there
8 \$55,000 worth of withdrawals in cash, some of which
9 were on their face withdrawn by Gloria Sykes.

10 THE COURT: Let me ask you this: Do you have --
11 does anybody have a copy of the information you're
12 reading?

13 MS. FARENGA: Nobody else does, your Honor,
14 because I just this second got it. And let me tender
15 it to Mister -- I'm going to have to ask, gentlemen,
16 that you share.

17 THE COURT: No, I have a better idea. We have a
18 whole copy machine, and I'm going to -- would you do
19 that for me. The deputy has indicated that he will
20 make copies, and we can have one, two, three, four
21 copies and maybe one more just for the record, so six
22 copies. We can do that.

23 MS. FARENGA: Thank you, your Honor.

24 MS. SYKES: Your Honor, I object on the basis to

1 the fact that there's still nothing saying --

2 THE COURT: Why don't you wait until --

3 MS. SYKES: -- that this money belongs to anybody
4 but me --

5 THE COURT: -- you can see it.

6 MS. SYKES: -- number one. And number two is Ms.
7 Farenga's math has to be incredibly off. If there's
8 \$201,000 according to this left and there was only
9 250,000 put in, I don't know how you can withdraw
10 \$85,000, Ms. Farenga.

11 THE COURT: Don't respond, please. Thank you.
12 Now, number one, of course comments should not be made
13 directly to you.

14 Is there anything before the Court while we
15 wait for our copying?

16 MR. STERN: Judge, I filed two things, one is the
17 second supplemental guardian ad litem's report which
18 Gloria Sykes has mentioned a few times which does
19 contain the email that she referenced, Judge, where I
20 felt the Court needs to know the comments that were
21 being made by Gloria Sykes regarding the Court,
22 insinuations that were being made.

23 MS. SYKES: It was a question, your Honor.
24 Objection. And it's not a verified email, your Honor.

1 THE COURT: What are you talking about?

2 MR. STERN: Judge, I gave you a courtesy copy.

3 THE COURT: Yes. I'm looking for it in all these
4 things.

5 MS. SYKES: Your Honor, that's why I'd like a
6 continuance on that so I can please respond to this.

7 THE COURT: Let me find it first. I just got this
8 notice of appeal. Did everyone get this notice of
9 appeal?

10 MR. STERN: Filed by Kenneth Ditkowsky on behalf
11 of Gloria Sykes.

12 MS. SYKES: Not on behalf of me, your Honor, on
13 behalf of friends and family.

14 THE COURT: Excuse me. D-i-t-k-o-w-s-k-y. It
15 says he's an attorney on appeal.

16 MS. FARENGA: Although he has no appearance on
17 file.

18 MR. STERN: Does it say who he's appealing for,
19 Judge?

20 THE COURT: This is something -- he's appealing
21 the order freezing funds in the name of a non-party.
22 It's an injunction, extra-territorial, it being ordered
23 in the -- ordered the funds are not within the State of
24 Illinois but Indiana. The order is in the nature of an

1 injunction dated March 29, copy of this order attached
2 hereto made part hereof as is set forth in detail.

3 Well, the whole matter of the freezing of the
4 funds is on appeal, so there's nothing we can do about
5 that. Moving on --

6 MS. FARENGA: Well, actually, your Honor, it can't
7 be on appeal because Mr. Ditekowsky doesn't have an
8 appearance on file at this trial level or the appellate
9 level.

10 THE COURT: I am a little -- you see, when people
11 don't do things properly in the regular order, it puts
12 us all in a strange situation. In that this document
13 is there, this means we can make no decision relative
14 to those funds until the Appellate Court would then
15 decide that this was an appropriate order entered by
16 this Court, or rule that it is not an appropriate
17 order.

18 MS. FARENGA: I misunderstood. Yes, your Honor,
19 that's correct.

20 THE COURT: So it would seem that we have to move
21 on.

22 MS. FARENGA: What I wanted to be able to do
23 with -- just so I don't lose sight when the deputy
24 returns is to ask the Court to ask Ms. Sykes where she

1 deposited the \$30,000 in cashiers checks because the
2 bank -- the back, the reverse side of the checks shows
3 an account number but doesn't show the bank in which it
4 was deposited. And since she has testified that is
5 there no other accounts, we need to verify that.
6 Because if there are other accounts, they may need to
7 be frozen.

8 MR. SCHMIEDEL: You may recall, Judge, you
9 specifically at the end of the day when she came out
10 and she finally told us where that account was, you
11 looked her in the eye and you asked her: Are there any
12 other accounts.

13 MS. SYKES: Objection. You asked if --

14 THE COURT: Excuse me, ma'am.

15 MR. SCHMIEDEL: She said no.

16 MS. SYKES: You asked me --

17 THE COURT: Excuse me, ma'am.

18 Are you finished speaking?

19 MR. SCHMIEDEL: Yes, Judge.

20 MS. FARENGA: Yes.

21 THE COURT: Now, Ms. Sykes.

22 MS. SYKES: Your Honor, you asked if Ms. Susan
23 Niksik had any other accounts with the money in it, and
24 you leaned forward and I said no. And there is no

1 other accounts that Susan Niksik has with that money in
2 it. That was the specific question. And I cannot
3 afford the transcripts, but I am certain that that was
4 the question.

5 MR. SCHMIEDEL: That was not the question.

6 MS. SYKES: That was the question.

7 MR. SCHMIEDEL: The question was to her, are there
8 any other accounts. I don't care about whether or not
9 Susan Niksik had any other accounts. You asked her
10 whether or not there were any other accounts. You
11 looked her in the eye -- I believe you almost
12 admonished her to think about it before she answered
13 the question. And she said there was no other account.

14 THE COURT: No, stop, Ms. Sykes. Mr. Stern?

15 MR. STERN: Judge, I think whether the specific
16 question was asked at that moment is actually relevant
17 because this is a continuation of her previous
18 testimony before where she said she didn't know where
19 the money was, the initial freeze order that she took
20 out Symetra and she didn't know where that was. And
21 then we have this other motion and information from
22 Joel Brodsky about there being a -- Ms. Gloria Sykes,
23 whatever you want to call it, lying or whatever it is,
24 and then that's when you re-asked her the questions on

1 the last court date.

2 In any event, what Ms. Farenga is saying now
3 is that some of that money was taken out of the account
4 in Merrillville, Indiana, and it looks like it was
5 deposited into another account. So either way, whether
6 she was asked on the last court date or the court date
7 before, it's clear Ms. Gloria Sykes knew where the
8 money was. And a portion of this money was taken out
9 of the account in Merrillville, Indiana and put into
10 another account.

11 So either way, whether she was asked last
12 time or this time, she knows the subject the Court is
13 inquiring about, and she's trying to again evade this
14 Court's questions and this Court's inquiry on where
15 that money went.

16 THE COURT: Ms. Sykes.

17 MS. SYKES: With all due respect, your Honor,
18 first and foremost, when the question was asked to me
19 it was -- I never lied to this Court. You asked me if
20 I knew where money was that my mother had an interest
21 in, and I said I do not know if there's any accounts
22 where my mother has an interest in. I did not lie,
23 because I do not know of any accounts that my mother
24 has any interest in. And, in fact, your Honor, I wrote

1 an affidavit and I purged myself.

2 The only account that -- you know, if I have
3 any accounts now, they are my personal accounts that I
4 have had loans put into it and money that I have earned
5 in spite of what Ms. Farenga would like to admit that I
6 don't make any living. I am a freelance writer and
7 journalist. I have a book that I have sold, and I do
8 have a very small income.

9 Now, when you asked me the question -- I
10 filed an affidavit. I purged myself. And that
11 affidavit, unfortunately, has been ignored. Because as
12 I understand it, your Honor, the questioning came right
13 after -- and I have the transcript here -- the
14 questioning came right after on the 18th, I believe it
15 was of November, after you told me -- and it's in this
16 statement, and I respectfully -- you know, I don't mean
17 to have to quote because I don't have it in front of
18 me, but you said that every single one of these
19 attorneys and everyone here agrees that you don't even
20 know if -- let's -- you said let's not spin our wheels
21 because we don't even know if there's any money that
22 Ms. Sykes, Mary Sykes, even has an interest in.

23 And so when the questions was formulated to
24 me, it was about money that my mother had an interest

1 in that this Court even agreed that we don't even know
2 that there's no --

3 THE COURT: Ms. Sykes, I'm going to stop you. You
4 are getting things out of the order in which they
5 occurred. You have made subsequent statements after
6 the November date. That is not the issue that is
7 before me right now. What is before me right now is
8 Mr. Stern's second supplemental report.

9 MS. SYKES: Thank you.

10 THE COURT: Will you summarize this report for the
11 record.

12 MR. STERN: Yes, your Honor. There are two things
13 that I just wanted the Court to know about since the
14 last court date. One is a series of emails that went
15 back between myself and Gloria Sykes. In that email
16 specifically she posed the question: Was there some
17 deal between you, Ms. Farenga, Mr. Schmiedel, and the
18 Judge? Sure sounds like it, Mr. Stern. I thought
19 those comments needed to be apprised of your Honor that
20 she was insinuating that there may be something
21 untoward or something -- whatever it may be. But I
22 thought that the Court needs to be aware of that.

23 This is on top of, as you may or may not
24 know, but that appellate brief was recently just struck

1 at the Appellate Court --

2 MS. SYKES: Objection, your Honor.

3 THE COURT: Stop, Ms. Sykes.

4 MR. STERN: -- because of statements against Judge
5 Connors. And the Appellate Court specifically rejected
6 the appeal based on those.

7 MS. SYKES: Objection.

8 THE COURT: Excuse me.

9 MR. STERN: So I felt this Court needed to know
10 what Ms. Sykes was saying. She also says in that email
11 that she's been -- she was circulating that email
12 that -- when she made those comments to the media, to
13 Mr. Evans, congressional committees, state police
14 organizations and so forth. So I felt that since it's
15 being published out there that your Honor should know
16 about that comment.

17 MS. SYKES: Your Honor, I'm publishing, your
18 Honor, where he wrote me an email and said there are
19 people that --

20 THE COURT: I didn't ask you to respond.

21 MS. SYKES: -- say you are crazy, that you are --

22 THE COURT: I did not ask you to respond.

23 MR. STERN: I also want to give you an update,
24 Judge, on the visitation issue as well. The current

1 supervisor is no longer willing to supervise.
2 Supervised visits at this point are what the
3 recommendation was for additional visitation. And that
4 was it.

5 MR. SCHMIEDEL: Judge, I anticipated that in
6 Mr. Stern's report that he would indicate that the
7 Appellate Court had entered an order striking her brief
8 based upon the unsubstantiated outright false and
9 malicious assertions of fraud and misconduct committed
10 by the Circuit Court judge who presided over the
11 guardianship proceedings; that Ms. Sykes would deny
12 that. I give her a copy of the Appellate Court order
13 that was entered.

14 MS. SYKES: That was your statement, your Honor.
15 And, yes, that gave me an opportunity --

16 THE COURT: Excuse me. This order --

17 MS. SYKES: Your Honor --

18 THE COURT: Stop. This order was entered by the
19 Appellate Court, First District. It was entered on
20 March 31st. And it reads: This cause coming to be
21 heard on the guardian Appellee's motion to dismiss and
22 for other sanctions filed January 18, 2011, response
23 having been filed and the Court being fully advised of
24 the premises, it is hereby ordered for many of the

1 reasons stated in the guardian Appellee's motion, the
2 brief filed by the Appellant, Gloria Jean Sykes, is
3 stricken in its entirety. They're non-exhausting
4 (phonetic). The reasons to strike the brief include in
5 the words of the Appellee the, quote, the brief is also
6 replete with unsubstantiated and outright false and
7 malicious assertions of fraud and misconduct allegedly
8 committed by the Circuit Court judge who presided over
9 guardianship proceedings as well as two court-appointed
10 guardians ad litem who were appointed to represent
11 Mary's best interest before the trial court, close
12 quote. And the brief violates various subparts of
13 Supreme Court Rule 341.

14 The Appellant is ordered to file a
15 replacement brief on or about May 2nd, 2011 that fully
16 complies with Supreme Court Rules and does not contain
17 assertions or accusations unsubstantiated by the record
18 and not pertinent to the issue raised in her notice of
19 appeal. No extension will be granted. The Appellant,
20 regardless of her pro se status, is on notice that
21 willful failure to comply with this order may result in
22 sanctions under Supreme Court Rule 375. The Appellee's
23 request for sanctions and other relief set forth in her
24 motion are denied at this time.

1 Now, it seems to me, Mr. Stern, that you and
2 Ms. Sykes had, shall we say, an email conversation.

3 MR. STERN: Correct.

4 THE COURT: Ms. Sykes does in her -- in what
5 appears to be her response to you, assert some belief
6 that there was some, I think the word was deal. Is it
7 deal?

8 MR. STERN: Yes.

9 THE COURT: That I don't know -- my only problem
10 is ascertaining what deal that could be, because I
11 don't know of any benefit that I would receive
12 personally, that the guardian ad litem who served and
13 had not been paid, and looking at the first current
14 account doesn't -- I don't know how they would be paid
15 at this juncture.

16 I don't know what the deal is, and I'm sort
17 of hard-pressed to make any ruling or even inquire in
18 that though there is an assertion by Ms. Sykes that she
19 has widely disseminated these assertions to various
20 governmental bodies and judicial bodies and was it the
21 police as well?

22 MR. STERN: Yes.

23 THE COURT: But there's no showing that this
24 actually happened. And I think the take-away from me

1 at this point is that there is no unsupervised
2 visitation. And without someone --

3 MS. SYKES: Your Honor --

4 THE COURT: Excuse me -- to supervise the
5 visitation, then I guess we can't have any. I don't
6 know what else we can do --

7 MS. SYKES: Your Honor, I've asked you --

8 THE COURT: -- unless you can come up with
9 someone, anybody can, please, if you have an idea of
10 who would be an appropriate substitute to be supervisor
11 of the visitation.

12 MS. FARENGA: Mr. Stern has volunteered to provide
13 names to Ms. Sykes.

14 MS. SYKES: I'm not paying for supervision, number
15 one.

16 But, your Honor, I would like to see the
17 reports from the visitation. They are withholding
18 reports.

19 THE COURT: That's not before me. There is no
20 issue before me other than trying to set it up. I
21 can't force someone to be a supervisor. This was a
22 cousin who was being the supervisor?

23 MS. SYKES: Right. I gave him 11 people.

24 THE COURT: Excuse me.

1 MS. SYKES: I gave him 11 people.

2 THE COURT: Excuse me, ma'am. Was the cousin
3 paid?

4 MR. SCHMIEDEL: No.

5 THE COURT: So there is nothing before me.

6 You have been given 11 names?

7 MR. STERN: That's correct.

8 THE COURT: When were you given the 11 names?

9 MR. STERN: Some time ago.

10 THE COURT: All right. And now it becomes
11 imperative that you look through those.

12 MR. STERN: I can just tell you at this point,
13 Judge, this is the second person recommended by Gloria
14 Sykes that has not worked out. And based on -- in my
15 opinion, and this is -- and the guardian, you know, on
16 the case law controls visitation. Even though there's
17 a court order that says supervised, it's still the
18 guardian's control.

19 But, Judge, at this point, Judge, I do not
20 feel comfortable -- and I've talked to Ms. Farenga
21 about this as well -- do not feel comfortable with
22 anybody that Gloria Sykes has picked to supervise the
23 visitation because of all the ongoing issues and
24 animosity in this case. And I've mentioned in my

1 report that it must be at this point in my humble
2 opinion a professional experienced in adult
3 guardianship matters. And, unfortunately, we've
4 reached this point, Judge, because two people that have
5 been identified by Gloria Sykes we've tried it, and it
6 has not worked out.

7 MS. SYKES: Why have they not worked out, your
8 Honor? They haven't worked out because they've been --

9 THE COURT: Excuse me.

10 MS. SYKES: -- harassed, your Honor.

11 THE COURT: Excuse me.

12 MS. SYKES: Objection.

13 THE COURT: Excuse me.

14 MS. SYKES: Your Honor --

15 THE COURT: Just stop talking.

16 MS. FARENGA: Those two people have asked to stop
17 supervising or have stated they would not --

18 THE COURT: Excuse me. I believe you were in
19 charge of the -- did you talk to this last person?

20 MR. STERN: I have exchanged many emails with
21 this person, correct.

22 THE COURT: All right. To your understanding why
23 did this last person stop?

24 MR. STERN: Judge, honestly I don't know the

1 exact answer because the last email -- and it's
2 attached to the continuance motion -- came from her
3 husband that basically said to stop contacting her.

4 It all came about after -- what I believe,
5 and this is just my opinion -- of two instances; one
6 being that Gloria Sykes mentioned in court previous to
7 that that she wanted her to come in and testify. I
8 believe she did not want to testify. As well as --

9 MS. SYKES: Not true.

10 MR. STERN: -- the service of process on one of
11 the orders was done right after visitation. She felt
12 uncomfortable that it was done during visitation time.
13 So I think those two things were sort of the breaking
14 points.

15 THE COURT: What service of process?

16 MR. STERN: There was an order that was entered
17 that Gloria Sykes did not appear on, so counsel for the
18 guardian had it served on her by special process
19 server.

20 THE COURT: Okay.

21 MR. STERN: And so I believe that was sort of the
22 breaking point.

23 There was a series -- I had many discussions
24 with -- email with the supervisor. And Ms. Sykes,

1 Gloria Sykes, would report something that happened in
2 the visit. I would try to confirm it; it would be
3 different. I think there was a lot of --

4 MS. SYKES: Hearsay.

5 THE COURT: Excuse me. He's talking about
6 conversations he had.

7 MR. STERN: Your Honor, I think she felt she was
8 caught -- this is my personal opinion based on my
9 emails -- that she was caught in the middle between two
10 sisters and sort of being the middle person as well. I
11 think it all led -- the email from her husband
12 references that it was actually starting to make her
13 ill being the supervisor and being caught in the
14 middle. I did not bother to call her after that
15 because the email was clear that she didn't want to be
16 contacted anymore.

17 THE COURT: Okay.

18 MS. SYKES: Your Honor, I would ask that you would
19 talk directly to Deborah Holda because what he's saying
20 is hearsay, number one. And number two, he's very
21 clear here because she was getting a barrage of calls
22 from the attorneys. And again, there was reports she
23 submitted in writing that are very clear that every
24 visit is loving, every visit is fun.

1 THE COURT: That doesn't matter. That doesn't
2 matter. Let me make sure you understand: That's not
3 going to have any, any impact on the visitation order,
4 whether it's loving and fun. No, that's not the
5 determiner here.

6 Your mother has been found to be disabled and
7 not able to make decisions for herself, not able to
8 appreciate the realities that she finds herself in from
9 moment to moment, as well as the larger reality of her
10 life at this time. So that is not persuasive --

11 MS. SYKES: Your Honor, we've been all --

12 THE COURT: Excuse me, ma'am. Excuse me, ma'am.

13 Further, I am not going to -- and nor do I
14 think I have the authority to -- force anybody to
15 supervise visitation; anybody, even people we would
16 pay. But there is no money according to the first
17 current account that's been put before me. And if
18 there is no money, then I have no idea from whence this
19 Court is now going to find money to pay for
20 supervision.

21 MS. SYKES: Your Honor, why do we need
22 supervision?

23 THE COURT: We need supervision.

24 MS. SYKES: For what reason, your Honor?

1 THE COURT: Because of your prior conduct.

2 MS. SYKES: What is my prior conduct?

3 THE COURT: I have made a record of that, and I'm
4 not going to go back over it, ma'am. This is not about
5 you. Let me say this one more time: This is about
6 Mrs. Mary Sykes, period.

7 MS. SYKES: Your Honor, do I have a right to know
8 what my former conduct is because --

9 THE COURT: You were there; I would think you
10 would know.

11 MS. SYKES: I was not there, your Honor. I've
12 never had any problems with visits with my mother, and
13 there's no evidence of any problems with visits with my
14 mother.

15 THE COURT: Now, having said that, my former order
16 I think I entered in January that this would have to be
17 supervised visitation --

18 MR. STERN: Judge Connors had an order that it had
19 to be supervised, and that order has never been
20 vacated.

21 THE COURT: And I had supported that order and
22 kept it in place. Okay. So that's where we stand now.

23 If you have some more people I would prevail
24 upon -- Mr. Stern, if Ms. Sykes would give you a list

1 of others, then I would ask you to see what you could
2 do and --

3 MS. SYKES: Your Honor, I've given him every
4 friend, every dear, dear friend and family member what
5 the suggestion was here.

6 THE COURT: I have nothing to do with --

7 MS. SYKES: He said every family and friend are
8 bad people.

9 THE COURT: I never heard that. What I heard is
10 that nobody wants to be in the middle.

11 MS. SYKES: That's not true. He didn't ask any of
12 them except for Debbie Holda. That's the only one he
13 asked.

14 THE COURT: Okay. Good. So whatever you can do,
15 I would appreciate it.

16 MR. STERN: Okay, your Honor.

17 THE COURT: Is there anything else before me?

18 MR. STERN: Judge, I did file a small petition for
19 reimbursement from the estate.

20 THE COURT: For the 300 some dollars?

21 MR. STERN: \$423. As you mentioned a few minutes
22 ago, Ms. Farenga and I have spent costs out of my own
23 money. I know there's not a lot of money in this
24 estate, but I would appreciate it, Judge, if I could

1 get reimbursed.

2 THE COURT: No objection?

3 MS. SYKES: I have an objection. I know I was an
4 interested party.

5 THE COURT: Well, you have no standing when it
6 comes to this.

7 MS. SYKES: It's under appeal.

8 THE COURT: And I'm going to allow the expenses.
9 What were they for?

10 MR. STERN: They were mainly for transcripts and
11 certified orders.

12 THE COURT: Thank you.

13 MS. SYKES: Your Honor, that's out on appeal
14 though.

15 THE COURT: No, that would be, I believe, an
16 expense that would be -- fairly seem to come out of the
17 estate.

18 MR. SCHMIEDEL: Judge, I had the dental. There
19 was a petition that I gave you this morning requesting
20 authority to allow expenditures to take care of dental
21 work for Mary Sykes.

22 THE COURT: How much?

23 MR. SCHMIEDEL: I have the petition here, Judge.

24 MS. TOERPE: I believe it's around \$2,300 give or

1 take for the front partial, your Honor.

2 MS. SYKES: Your Honor --

3 MS. TOERPE: And the root canal is around \$1,100.

4 THE COURT: Here it is.

5 MS. TOERPE: The former partial was found in
6 mother's home. I did bring it to the doctor. He did
7 attempt to use that, but because it's changed over the
8 years and mother has lost another tooth since then, so
9 he was not able to incorporate that partial.

10 THE COURT: This poor woman needs a root canal?

11 MS. TOERPE: There's one tooth in the front that
12 needs to be saved in order for the partial to --

13 THE COURT: More importantly, if you need a root
14 canal that would indicate that there's some damage to
15 the tooth with possibly some pain, of course.

16 MS. SYKES: Your Honor, I have everything that was
17 already ordered for her prior to my sister taking it.
18 And prior to the adjudication my mother's dentist had
19 already ordered it and everything's -- yes, your Honor.
20 Yes, my sister was totally aware of her previous doctor
21 that my sister refused to go back to her previous and
22 long-time dentist -- had already done all the x-rays
23 two years ago. And had Carolyn allowed -- Ms. Toerpe
24 allowed my mother to go back, okay, at that point this

1 would have been taken care of and paid for.

2 I would also like to direct you to my
3 mother's care plan that my sister put in where my
4 sister said in her care plan and under oath that any
5 additional expenses for my mother's care would be taken
6 care of.

7 My mother also has incredible health
8 insurance that at one point did also cover dental
9 insurance, which is something I want to bring up.

10 THE COURT: Have you looked for dental insurance?

11 MS. TOERPE: Did not.

12 THE COURT: Is that the health insurance she has?

13 MS. SYKES: She has Blue Cross Blue Shield, too,
14 from the City of Chicago, your Honor.

15 THE COURT: But that doesn't give you coverage for
16 dental work?

17 MS. SYKES: It did, your Honor, at one point. I
18 know it did because I was taking care of my mother for
19 a very -- not taking care of her. We were together for
20 a very long time, and I know exactly what her insurance
21 took care of.

22 THE COURT: This is what I'm going to tell you,
23 that whatever the dentist did two years ago is not
24 going to have any value now. One of the things that I

1 do know, and I think the logic is that when you're
2 missing teeth, there has been a shift now --

3 MS. SYKES: I understand that. All I'm saying
4 is --

5 THE COURT: -- and the whole structure of her
6 mouth has changed --

7 MS. SYKES: All I'm saying, your Honor --

8 THE COURT: -- so it is necessary that we do
9 anything now. I'm sure you want your mother to have
10 teeth to allow herself to eat, et cetera, and I'm going
11 to grant this expenditure.

12 MR. SCHMIEDEL: Thank you.

13 MS. SYKES: Your Honor, just for the record,
14 please, this was brought up --

15 THE COURT: No, ma'am. No, ma'am.

16 MS. SYKES: -- numerous times in motion --

17 THE COURT: No, ma'am. No, ma'am.

18 MS. SYKES: -- to get this fixed.

19 THE COURT: No, ma'am.

20 MR. STERN: What date are we setting for the
21 accounting and inventory?

22 THE COURT: We said 28 days. Why don't we set
23 this for the accounting and inventory -- today is
24 April 19. Let's look at -- everybody get your

1 calendars out. Friday the 10th of June?

2 MS. SYKES: I'm in Washington, D.C.

3 MS. TOERPE: I have four days at the end of my
4 school year for clean up and accounting, and that's the
5 9th, 10th, 13th and 14th.

6 THE COURT: Friday the 24th of June?

7 MR. STERN: I'm out of town the 16th through the
8 24th.

9 MR. SCHMIEDEL: How about the 15th?

10 THE COURT: 15th I'm out of town at a seminar for
11 the courts.

12 MR. STERN: June 27th, June 29th?

13 THE COURT: I'm not here. I told you June is not
14 good.

15 MS. FARENGA: Could we do it July 8th when we have
16 the partition set?

17 THE COURT: Well, I was hoping to do it before
18 then.

19 MS. FARENGA: Then we have to go into May.

20 THE COURT: Yes, how does May sound?

21 MS. FARENGA: May has lots of potential.

22 THE COURT: We said whatever is going to be filed
23 by Ms. Sykes would have to be filed in 28 days, so that
24 takes us to the 26th of April. The 2nd of May would be

1 14 days, the 9th of May 21 days, and the 16th of May
2 would be 26 days. So let's cross our fingers for May
3 20th.

4 MR. SCHMIEDEL: May 20th at 2:00 p.m.?

5 THE COURT: Yes.

6 MS. FARENGA: Works for me, your Honor.

7 MS. SYKES: Your Honor, with all due respect, I
8 have to have everything turned in no later than May
9 16th, is that correct?

10 THE COURT: 28 days. So May 20th at 2:00 o'clock.
11 And I want you to list -- for status on the accounting.

12 MS. FARENGA: Then while we're on a roll, your
13 Honor --

14 THE COURT: And the inventory which hasn't been
15 accepted yet.

16 MR. STERN: Amended inventory. The inventory has
17 been accepted, it's just the amended or supplement to
18 it.

19 THE COURT: Okay. And the status on filing the
20 response to partition action should be filed by then.

21 MS. SYKES: I will have it. You mean my response,
22 my affirmative defense?

23 THE COURT: Whatever. Okay. Is there anything
24 else?

1 MS. FARENGA: Yes, there are.

2 MS. SYKES: Is there a date for the affirmative
3 defense that I work towards, or do I -- are we just --
4 it has to be done before July --

5 THE COURT: It has to be filed.

6 MR. STERN: That's 28 days also.

7 THE COURT: What?

8 MR. STERN: Her answer or other --

9 MR. SCHMIEDEL: She can't otherwise plead. She
10 has to answer.

11 MS. SYKES: That has to be done by May 16 too?
12 And then that one again the court date is July 8; is
13 that correct?

14 MR. SCHMIEDEL: We hear it.

15 THE COURT: For the hearing.

16 MR. STERN: Status on the May 20th date.

17 MS. SYKES: And status on May 20th. Beautiful.
18 Thank you.

19 MS. FARENGA: Not quite. We're not quite done.

20 The two things that I see needing to be done,
21 your Honor, are asking Ms. Sykes about this pretty
22 significant number of cash withdrawals, and especially
23 about the cashiers checks totaling \$30,000 that are
24 specifically made out to her from the Federal Credit

1 Union account, one for 20,000 and one for 10,000. And
2 both of them are endorsed on the back. One is endorsed
3 for deposit only. One is endorsed for deposit only
4 with an account name, but there is no bank name on
5 either one.

6 Now, this account in Indiana had \$62 in it
7 until the Symetra check of 253,000 was deposited. I
8 cannot see any deposits other than that 253,000; ergo
9 any withdrawal comes from the Symetra money, you know,
10 unless it's for \$62.00.

11 MS. SYKES: Your Honor, I have not been served or
12 noticed, and I have no opportunity --

13 MS. FARENGA: This is ongoing.

14 THE COURT: Please stop interrupting. Please.

15 MS. FARENGA: The order to reveal the whereabouts
16 on the Lumberman's money has been ongoing for more than
17 a year. And, you know, we had to fight tooth and nail
18 to get the identity of the Indiana bank. And now we
19 see that some of the money from the -- I mean, it's a
20 lot of money gone between September 2010 and the
21 present. 30,000 of it was clearly transferred to
22 another institution, and this is money --

23 MS. SYKES: Your Honor, again --

24 MS. FARENGA: -- that was supposed to --

1 THE COURT: Stop talking.

2 MS. FARENGA: This amount of money was covered by
3 the initial court order of Judge Connors which was --

4 MS. SYKES: 30 days.

5 MS. FARENGA: -- which was continued --

6 MS. SYKES: TRO --

7 THE COURT: You need to stop talking. Just stop.
8 Continue, Ms. Farenga.

9 MS. FARENGA: Thank you, your Honor.

10 If Ms. Sykes answered it to begin with --

11 MS. SYKES: Your Honor --

12 THE COURT: Please.

13 MS. FARENGA: -- this wouldn't be -- okay.

14 So there's a very -- it's just a black and
15 white connection from Symetra to the bank in Indiana to
16 Gloria Sykes. \$253,000 was the amount to have been
17 frozen, approximately, and anything short of that needs
18 to be accounted for by Gloria Sykes so that we can
19 freeze it if it's left.

20 The two easiest withdrawals to deal with
21 right now are a \$20,000 check made payable to Gloria
22 Sykes and a \$10,000 check. Gloria Sykes, I can't
23 recall now whether she testified or whether she put in
24 a pleading that she was receiving \$1,500 a month for

1 healthcare, that this was a health account. I honestly
2 expected when I received this response from the Indiana
3 bank to find a series of \$1,500 withdrawals or checks.
4 I didn't see any of those. I see these much larger
5 amounts which include \$10,000 in cash withdrawn,
6 \$15,000, \$2,000, another one for \$5,000 cash. That is
7 all Symetra money.

8 THE COURT: Ms. Sykes?

9 MS. SYKES: Objection, your Honor, based on the
10 ground that last week on the 29th I had testimony here
11 which would have cleared everything up, your Honor.
12 However, I was not allowed to have testimony or
13 witnesses at that point in time. I subpoenaed people.
14 I subpoenaed -- I had documents. I had an attorney
15 here, and everything would have been cleared up.

16 By the denial of my civil rights and my
17 opportunity to be heard --

18 THE COURT: Not this case, ma'am.

19 MS. SYKES: Your Honor --

20 THE COURT: Not this case. Now let me say this to
21 you --

22 MS. SYKES: There was no citation. I provided the
23 Court with the document that Mr. Schmiedel claimed was
24 the citation. It is not filed. It was asking for

1 additional time. It was never granted.

2 THE COURT: No, it wasn't. Now let me say this to
3 you again: Nothing has happened to this money in
4 Indiana, it is simply being held.

5 MS. FARENGA: That's right. And that's all --

6 THE COURT: The status quo is being maintained.

7 I am a little uncomfortable with your
8 inquiry. I realize you just got this. I think I want
9 something in writing to make that inquiry, because this
10 is particular and, yes, I would agree that a very broad
11 reading would say this was part of the Symetra money,
12 but we don't -- though there is plenty to give one
13 suspicion, we don't have anything documented. So I
14 would prefer to have something in writing, some
15 requirement, some motion of some sort.

16 MS. FARENGA: I'm going to just ask for the
17 soonest date the Court has available. I can get a
18 pleading --

19 THE COURT: You can always come in and ask for
20 that. You want to do this at the 2:00 o'clock time, I
21 take it?

22 MS. FARENGA: Perhaps. Perhaps everything in this
23 case. But it might behoove us to actually just set it.
24 Because if I come in and ask for a date, it's virtually

1 certain that Ms. Sykes will object to the date.

2 THE COURT: And I'm going to also say to you that
3 there is another issue here, and that is all that money
4 that is still being held at that savings -- that credit
5 union in Indiana, what Ms. Sykes was attempting to
6 recite earlier this afternoon was when I told her that
7 as it stands right now no Court has found that all the
8 money that was in this Symetra account ever belonged,
9 any of it, to Mrs. Mary Sykes.

10 MS. FARENGA: That's correct.

11 THE COURT: There has never been a hearing on what
12 is actually the issue. Ms. Mary Sykes' ability to
13 knowingly enter into the agreement relative to the
14 Lumberman's settlement; there has never been a hearing
15 on that. And until there is a hearing, other than
16 freezing the account, maintaining the status quo, I am
17 a little uncomfortable going further than that. And I
18 hope you understand why.

19 MS. FARENGA: Your Honor, all I'm asking for as
20 one of Mary's advocates is that it be frozen. And I'm
21 asking that pursuant to a written motion --

22 THE COURT: I'm not going to unfreeze it.

23 MS. FARENGA: No, no. I understand. I mean, I'm
24 not asking or suggesting that this is a determination

1 of ownership. This is simply preserving the status
2 quo. And if it turns out that some of the money from
3 the Symetra Indiana account was removed and to the
4 degree --

5 THE COURT: I understand.

6 MS. FARENGA: Right. So I'm not asking for
7 ownership.

8 THE COURT: And I understand one of the reasons
9 you might not have anything, a motion or anything is
10 you simply didn't have time, having just received the
11 information immediately before leaving to come to
12 court.

13 MS. FARENGA: I did, your Honor. The person who
14 was supposed to address this last week it turns out was
15 out of town last week, a fact her supervisor failed to
16 mention to me.

17 THE COURT: Tell you what I'm going to do: If we
18 need it, if we need it, let's look at May 13th. It's a
19 Friday. And we can tentatively set this down for May
20 13th, and any motions you want to bring relative to
21 those funds in Indiana I would hear on that date. If
22 it turns out that it is unnecessary, then I will strike
23 the date, and it is not necessary for anybody to come.
24 But you should come unless you get an affirmative call

1 telling you not to. Am I clear?

2 MR. SCHMIEDEL: Yes.

3 MS. SYKES: I don't understand what you're saying,
4 your Honor.

5 THE COURT: We're setting it down for
6 2:00 o'clock. This is a tentative date.

7 MS. SYKES: The week of May 13th I'm in
8 Washington, D.C., your Honor.

9 THE COURT: Okay. Then let's do it May 20th.
10 I'll see you on May 20th. So we will see you then.
11 And if you would like, what you can do, once you have
12 written something you can bring it, get a date, bring
13 it at the 10:00 o'clock call, and then we will set out
14 a briefing schedule for it with potential hearing on it
15 on May 20th.

16 MR. SCHMIEDEL: The only loose end, Judge, is what
17 do you want to do with the motion to strike Dr. Shah,
18 enter and continue that?

19 THE COURT: Enter and continue it.

20 MR. SCHMIEDEL: To the 20th?

21 THE COURT: Yes. We're just going to enter and
22 continue that at this time.

23 MR. SCHMIEDEL: Okay.

24 MS. SYKES: I do have an opportunity to respond to

1 his response, do I not?

2 THE COURT: Respond to whose response? What are
3 you talking about?

4 MR. SCHMIEDEL: I filed a response to her motion
5 to strike.

6 THE COURT: You mean to reply?

7 MS. SYKES: I get to reply to that?

8 THE COURT: Yes, certainly.

9 MS. SYKES: That's what I thought.

10 MS. FARENGA: I'm wondering, your Honor, since
11 we're already into July if we can't just go ahead and
12 try to set days, perhaps two days.

13 THE COURT: Believe it or not, we're coming up on
14 a lot of stuff.

15 MS. FARENGA: We have not in any way addressed the
16 underlying issue of Mary's potential interest in the
17 funds via proving her competency.

18 MR. SCHMIEDEL: Something will happen between now
19 and one of other court dates.

20 THE COURT: Something will happen?

21 MR. SCHMIEDEL: I plan on doing something.

22 THE COURT: And so once that is before me --
23 because I don't know that we have anything that's
24 challenged her competency. Was there something --

1 because it's history -- let me make a record that I am
2 the third judge on this file, fourth or fifth.

3 MS. FARENGA: Well, fourth plus a hearing by a
4 fifth.

5 THE COURT: Yes. Okay. So is there things that
6 were filed before it came before me. As far as I know,
7 there's never been a motion to challenge the
8 Lumberman's settlement or agreement for the settlement
9 proceeds based on her possible disability.

10 MR. SCHMIEDEL: That's correct.

11 MR. STERN: You inquired, Judge, and you wanted
12 some preliminary information, but there's never been
13 pleadings on file.

14 THE COURT: Well, then we can't do anything about
15 that until there are.

16 MR. SCHMIEDEL: How much time, 14 days to file a
17 response to Dr. Shah -- a reply?

18 THE COURT: Yes, you can take as much --

19 MR. SCHMIEDEL: No, no, no. How much time does
20 she --

21 THE COURT: Oh, you can file that on the -- pick
22 the same 28 days.

23 MR. SCHMIEDEL: Okay.

24 MS. SYKES: So everything has to be filed

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before -- on the 16th, May 16th?

THE COURT: Yes.

MS. SYKES: All my stuff?

THE COURT: Yes. Thank you so much.

(Which were all the proceedings had in
the aforementioned cause.)

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

I, STACI M. DIEZ, Official Shorthand Reporter of the Circuit Court of Cook County, , do hereby certify that I reported in shorthand the proceedings had in the above-entitled cause, and that the foregoing is a true and correct transcript of the proceedings had.

Staci M. Diez

Official Shorthand Reporter
Circuit Court of Cook County
County Department, Probate Division
License No. 084-003297