

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

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

5 IN THE MATTER OF THE ESTATE,)
6 OF) No. 09 P 4585
7 MARY SYKES,)
8 A DISABLED PERSON.)

9 REPORT OF PROCEEDINGS had at the hearing of
10 the above-entitled cause before the Honorable MAUREEN
11 CONNORS, Judge of said Court, on November 6, 2009.

12 PRESENT:

13 MR. ADAM STERN AND MS. CYNTHIA FARENGA,
14 Appeared as the Guardians Ad Litem;

15 MS. WENDY CAPPELLETTO,
16 Appeared on behalf of the
Office of the Public Guardian;

17 MR. MARK WALLER,
Appeared on behalf of Caroline Toerpe;

18 MR. JAY DOLGIN,
19 Appeared on behalf of Gloria Sykes.

20
21
22 Marie K. Koppers
Official Court Reporter
23 69 W. Washington, Suite 900
Chicago, IL 60602
24 License No. 084-004087

1 THE CLERK: Estate of Sykes.

2 MR. DOLGIN: Jay Dolgin, D-o-l-g-i-n, co-counsel
3 for Gloria Sykes, S-y-k-e-s, case number 09-P-4585.

4 THE COURT: Thank you.

5 MS. FARENGA: Good morning, your Honor. Cynthia
6 Farenga, F-a-r-e-n-g-a, guardian ad litem for Mary Sykes.

7 MS. STERN: Adam Stern, the other guardian ad
8 litem.

9 THE COURT: I suppose we should do something about
10 that.

11 And madam, you are?

12 MS. CAPPELLETTO: Good morning, your Honor. Wendy
13 Cappelletto from the Office of the Public Guardian.

14 MR. DOLGIN: Mr. Waller is not here. Mr. Waller's
15 son is here. He must have gone -- oh, there he is.

16 MR. WALLER: Good morning, your Honor. Mark
17 Waller on behalf of Caroline Toerpe, the temporary guardian.

18 THE COURT: All right. So as far as the temporary
19 guardianship is concerned, what is the status on Ms. Sykes
20 now? Do you know, Counsel?

21 MR. WALLER: No, I don't.

22 THE COURT: Do you have any idea?

23 MR. WALLER: No, I do not.

24 MR. STERN: Mary is still living with Caroline

1 Toerpe.

2 THE COURT: You represent the guardian?

3 MR. WALLER: Well, Harvey Waller does. I'm here.

4 This is an emergency. He just called me.

5 THE COURT: I know. All right. How is she doing?

6 MR. STERN: She is doing well. She is still

7 living with her daughter, Caroline, the temporary guardian,

8 in Naperville. I visited with her and Tom Kleinhenz a couple

9 Sundays ago. She is actually doing wonderful. She's happy.

10 She's content. She's, obviously, very confused. Twice

11 during the conversation, you know, she thought her husband

12 was still alive and he is deceased. You know, she is very

13 confused. That week, she had a meeting with some of her

14 friends at the Botanical Gardens. She remembered bits and

15 pieces of it. But, you know, she's doing well.

16 THE COURT: Is visitation proceeding, do you know?

17 MR. STERN: There has been one or two visits since

18 the last court date.

19 THE COURT: Okay. Very good.

20 MS. FARENGA: I did speak to Mr. Kleinhenz

21 yesterday. He said that he had a full day and if his

22 presence was needed he would come, but I didn't think it was.

23 THE COURT: It was just a status report.

24 MS. FARENGA: And he said the same thing as

1 Mr. Stern said.

2 THE COURT: Okay. Very good. What do we have
3 today?

4 MR. DOLGIN: Let me do a little cleanup before we
5 get into that. Judge, Dr. Amders visited and we had filed our
6 cross-petition. And this is the original report, which I
7 think conforms with the prior report that was filed with this
8 court.

9 MS. FARENGA: Do you have any extra --

10 MR. DOLGIN: I don't. I have one that I got
11 stamped and I will send them out. I also have, Judge, filed
12 today for Mr. Stone and myself a petition or motion to
13 withdraw. We are concerned about it, however, because of the
14 emergency motion that was filed today.

15 THE COURT: Did I get a copy of the motion to
16 withdraw?

17 MR. DOLGIN: I just filed it downstairs. You know
18 what? There's multiple copies. I apologize.

19 THE COURT: So it was filed but not noticed?

20 MR. DOLGIN: Not noticed yet.

21 THE COURT: Your motion was filed, notice to go
22 out, and counsel is still of record.

23 MR. DOLGIN: The problem we have, Judge, is that
24 if things aren't going right and Ms. Sykes is very unhappy

1 with us and writes lots of e-mails about how we are not
2 capable handling this matter --

3 THE COURT: This is your client?

4 MR. DOLGIN: My client. So it's difficult to
5 represent someone who is unhappy and not willing to
6 communicate. But as I said, I'm concerned about Ms.
7 Farenga's emergency motion today. Neither Mr. Stone nor I
8 want to abandon her in this moment, because it will be
9 21 days, you know, that she has to get substitute counsel. I
10 don't know what is best, but I'm certainly willing to be here
11 today and to argue on behalf of her. And perhaps we should
12 enter and continue our motions and set it for another status
13 when we could proceed with that.

14 THE COURT: Counsel, do you want to proceed on
15 your motion today?

16 MS. FARENGA: Yes. I thought counsel was talking
17 about his motion to withdraw.

18 THE COURT: Are you talking about your motion to
19 withdraw?

20 MR. DOLGIN: Yes.

21 THE COURT: Oh, yes. Fine. We can enter and
22 continue that. On the emergency motion for temporary
23 restraining order?

24 MR. DOLGIN: Well, there, Judge, we would like,

1 number one, to be able to respond. My recollection, and I
2 haven't done temporary restraining orders in quite sometime,
3 but I thought there had to be something beyond money damages
4 at issue, and I think the only issue here is cash and where
5 it is. We are actually attempting to put that together and
6 have received some documentation from Ms. Sykes. And I sent
7 her an e-mail this morning with very specific points that she
8 is supposed to bring into Mr. Stone's office hopefully on
9 Monday. I doubt it will happen that quickly. She may have
10 to get some copies from banks.

11 But the issue with respect to the judgment and the
12 \$707,000 that was paid out, Mr. Stone has spoken -- he has
13 been ill. He has been in the hospital a couple times this
14 week. But he has spoken to the attorneys who handled that
15 matter. And my understanding is, the bulk of that case was
16 really for emotional distress, for loss of personal property.

17 What had happened is, there was ice damming, there
18 was mold that resulted. As a result of that, when the mold
19 was discovered, they had to move out, couldn't take anything
20 with them -- or she couldn't take anything with her.

21 Whatever was in that house, in terms of her personal property
22 and her manuscripts, et cetera, were destroyed. And so a
23 substantial amount of the damages here -- I think \$103,000 or
24 \$110,000 is what it took to remove the mold. Everything else

1 in that case really relates to her and her problems and her
2 emotional distress. That's what has been related to me,
3 so --

4 THE COURT: Well, that would have to be verified.
5 If that's true, maybe you have a different posture here.

6 MR. DOLGIN: And what we would like is the
7 opportunity to respond to this and to talk to -- you know,
8 talk more fully to the lawyers. I'm trying to verify as to
9 whether or not Mary Sykes actually consulted with a lawyer
10 with regard to this decision. I'm not going to say that she
11 has or she hasn't, because I have not spoken to her yet, but
12 I have been told that, that did happen.

13 So if we could have an opportunity to respond and
14 set this matter for hearing. And if I can -- we have told
15 Ms. Sykes that she has to do a complete and accurate
16 accounting of every dollar from the receipt of that \$707,000.
17 I would like the opportunity to be able to get that
18 accounting and confirm it with bank statements. And I don't
19 know her very well, but I don't think she lives very high. I
20 don't think -- I mean, I know that she's bought a camper.

21 THE COURT: Didn't she admit that \$300,000 of it
22 was gone?

23 MS. FARENGA: Your Honor, she admitted --

24 MR. DOLGIN: I'm not sure -- I'm really concerned

1 about anything that she said. I have been talking to her,
2 and her highs and her lows are beyond belief. And I really
3 don't believe in a year, from what I have been able to
4 discern, that she could spend that kind of money. No, she
5 hasn't spent it --

6 THE COURT: But didn't she say here in court --

7 MS. FARENGA: She said -- first of all, it's my
8 turn now on my motion --

9 THE COURT: He is asking for time to respond. Do
10 you want me to give him leave to respond?

11 MS. FARENGA: Not without argument I don't, your
12 Honor, because, first of all, everything counsel has talked
13 about is, of course, hearsay.

14 Gloria Sykes, the last time we were in court,
15 stated that she had approximately three hundred and forty or
16 fifty thousand dollars left of a settlement of \$500,000, and
17 the Court may remember admonishing her not to spend that
18 money. In fact, in private conversations with me, she had
19 also told me she received \$500,000 from the settlement and
20 had spent \$800,000 in attorney's fees. In fact, that is an
21 absolute misrepresentation. The settlement agreement and the
22 settlement order, which I attached as exhibits, state that
23 \$707,000 was distributed to Gloria Sykes and \$500,000 was
24 distributed in fees and then there was, I think, a \$98,000

1 lien. Anyway, she received \$200,000 more than she admitted
2 to me privately and I believe more than she stated in open
3 court.

4 The issue is not from the perspective of Mary
5 Sykes. The issue is not what happened to that money and
6 whether she spent it legitimately or Illegitimately. I'm
7 told she got an Infinity vehicle. The issue is freezing
8 whatever money is left at this instant in time, because we
9 now know (a), that she lied about the amount she received and
10 she received \$707,000; (b), it took ten days to track down
11 the chancery lawsuit and then it turned out to be a warehouse
12 file. It came in. I reviewed it late Wednesday afternoon.
13 And there was the document which my motion refers to called
14 the apportionment agreement, which is signed, and purportedly
15 signed by Mary Sykes, in October of 2008 stating that she's
16 giving -- and this is in my motion, so that I don't
17 paraphrase, but basically that Gloria can have all the money
18 and they will talk about it later.

19 This lawsuit -- you know, I don't know what it
20 concerned. I don't know who suffered damages, but I do know
21 that Gloria Sykes owes Mary Sykes a lot of money for a
22 mortgage that Mary Sykes obtained on Gloria's behalf. So,
23 you know, an accounting is not the point. The point is right
24 now, at this point in time, what money exists that Gloria has

1 control of, that money needs to be frozen because, in all
2 probability, a portion or all of that money belongs to Mary
3 Sykes.

4 Furthermore, the lawsuit indemnity agreement
5 specifically states that Mary Sykes is a party that was added
6 to a party and it's a little late in the game now to be
7 saying her interest was negligible or whatever.

8 I filed an emergency notice to produce Gloria
9 Sykes for today because that's the only way to find out where
10 the assets are held. She needs to be under oath. And I
11 would ask the Court to do a couple of things: To enter an
12 order to requiring her presence as soon as possible on the
13 Court's schedule, Monday, if possible, expanding either the
14 temporary guardian's authority or the guardians ad litem
15 authorities to speak to the lawyers who handled the case on
16 behalf of Mary and Gloria, because Mary's name is on that
17 settlement, and I would also ask for a general order
18 directing Gloria not to spend any funds. We can set aside
19 \$1,000 or \$2,000 for her immediate living expenses, but not
20 to spend any other funds until this court determines
21 ultimately whether that money or any portion of that belongs
22 to Mary.

23 The Court may recall the testimony -- or the
24 reported testimony of Caroline Toerpe, that she runs short

1 every month on Mary's expenses. Mary receives \$1300 a month
2 and \$900 of it goes for the mortgage. That gives her \$400
3 left to live on. And Caroline Toerpe makes up whatever
4 difference she needs to live on.

5 THE COURT: All right. In response to your
6 emergency notice to produce her --

7 MR. DOLGIN: Well, I could not reach her
8 yesterday. I sent her an e-mail. One of her cousins called
9 me and told me she was not well. And I didn't -- in all
10 fairness here, Judge, I did talk to Ms. Farenga about 2:00 or
11 2:30. She told me she was going to be sending this out. I
12 never got the whole document and what I did get was handed to
13 me as I was walking out of my office yesterday afternoon. I
14 never saw until this morning the notice to produce her.

15 But I really think producing her without me being
16 able to find the money and/or where it was and to be able to
17 accurately respond, because I don't think that she's really
18 capable, in some instances, of responding. This is a lady
19 who is homeless. She thinks they're going take her money
20 away.

21 THE COURT: She's homeless?

22 MR. DOLGIN: She was. There was a period of time
23 where she was homeless.

24 THE COURT: She's not now?

1 MR. DOLGIN: Well, she is living in her mother's
2 house. She did pay money toward the mortgage every month.
3 That has stopped since her mother is with Caroline.

4 So this is a complex case. There was a lot of
5 money, as I said before. We believe substantially or
6 materially most of that money is really money of our client
7 Gloria, but we do believe that we all need to know what
8 happened to the money. And we are working very hard to be
9 able to put that together. I can't do that by Monday.

10 THE COURT: What is your opinion here, Counsel?

11 MR. STERN: Judge, what concerns me, besides the
12 fact you already heard about how Gloria misrepresented the
13 amount of money and what she received, she's also stated in
14 court on more than one occasion that her mother was not a
15 part of the counterclaim or part of the lawsuit. I mean, she
16 was adamant about that. And we can -- that just concerns me,
17 coupled with counsel's statements about, you know, she
18 doesn't understand the questions being posed to her. At the
19 same time, she's the keeper of these funds. And in looking
20 at these documents, I mean, no one can argue at this point
21 that Mary was not a party to the proceedings. I mean, in
22 fact, she had to sign off on something in October of 2008.
23 And so no one can argue she wasn't a party to the
24 proceedings. We don't know whether Gloria's entitled to a

1 percentage, Mary's entitled to a percentage. That's what we
2 don't know.

3 This court has an obligation to protect Mary's
4 funds. And this court heard testimony the last couple of
5 months that, you know, Mary doesn't have a lot of funds and
6 she's living paycheck to paycheck and the family is assisting
7 her. At the same time, Gloria is living in the home. She is
8 living there but won't pay the mortgage because her mother is
9 not living there. Not only the fact that she is there
10 herself, that -- it's complicated. The financial situation
11 is convoluted. There is no question about that.

12 At this time, we need to protect whatever Mary's
13 interest is. And I don't think giving Gloria more time to
14 respond to this is going to in any way -- as counsel said, we
15 can give her some funds for daily living. I mean, she claims
16 she's employed. She should have other money outside of this
17 lawsuit to live on. But this is to protect Mary. And I
18 think counsel in her emergency petition has laid out the
19 grounds for this court to act accordingly.

20 THE COURT: All right. Counsel, as far as the
21 guardian is concerned?

22 MR. WALLER: We don't object. We support her
23 motion.

24 MS. FARENGA: In fact, your Honor, I don't know

1 what is left, but Gloria Sykes also has received a settlement
2 from a lawsuit she had filed with Starbucks. But the fact is
3 that there is a mortgage of approximately \$150,000 on Mary's
4 home that Mary took in order to enable Gloria to buy the back
5 property. We know that. We know money is owed.

6 MR. DOLGIN: And do you know who paid that
7 mortgage all these years since 1998?

8 THE COURT: We are not going to argue the issue
9 right now. There are serious issues here of finances.

10 MR. DOLGIN: And I don't disagree with that,
11 Judge. But we need to have the opportunity to actually get
12 the information together.

13 THE COURT: From a woman that made serious
14 misrepresentations to the Court?

15 MR. DOLGIN: This lawsuit that was filed was
16 originally filed by Lumbermen's against Gloria. Gloria
17 countersued. That lawsuit went on for years between Gloria
18 and Lumbermen's. It was toward the end of the lawsuit where
19 the lawyers decided because the property was in joint tenancy
20 they needed to add Mrs. Mary Sykes to the lawsuit.

21 THE COURT: Yes, because maybe she had some
22 financial stake in it.

23 MR. DOLGIN: And that's right. But what I'm
24 saying is, this lawsuit went on for six years or seven years.

1 And so the issues couldn't have just been the mold in the
2 house, which is what Lumbermen's originally sued her for. It
3 had to be the issues that related to Gloria Sykes and the
4 loss of her property and her well-being.

5 THE COURT: Yes, but we can get that all sorted
6 out, Counsel. I don't know. There are allegations all over
7 the place. I have no idea. But we can find that out. But
8 while we are trying to get that figured out, Mrs. Gloria
9 Sykes has access to all that money, some of which may be her
10 mother's money.

11 MR. DOLGIN: I don't argue with that. But I don't
12 think we can tie up all of the money that she has, and none
13 of us knows how much she does have.

14 THE COURT: And why didn't she appear here today?

15 MS. FARENGA: I noticed this to Mr. Stone, her
16 other attorney. My fax indicates that pages went through,
17 not that I'm suggesting -- I know that the notice to produce
18 was received by someone. And all we need from Gloria right
19 now requires no research whatsoever. We need her statement,
20 her date of birth, her social security number and her
21 disclosure of where her bank accounts are. And that is why
22 we need her and that is all we need right now.

23 THE COURT: The argument that there is an adequate
24 remedy of law, I don't know that there is, Counsel, because

1 once the money is gone, enter a judgment against her, how
2 does that --

3 MR. DOLGIN: Well, there is other property, there
4 is other property. There's property that's available to be
5 converted to cash.

6 THE COURT: I don't know this. What other
7 property?

8 MR. DOLGIN: There is a house that is in the back
9 that is worth X amount of dollars. It's in joint tenancy.
10 Half of that house is Gloria's, is it not?

11 MS. FARENGA: That is the mold damaged house.

12 MR. DOLGIN: Well, the mold was removed.

13 THE COURT: I don't think we clearly have an
14 adequate remedy of law. I think you have satisfied the
15 requirement for a temporary restraining order. I am going to
16 grant it.

17 Counsel for the public guardian?

18 MS. CAPPELLETTO: I was just going to say that
19 both properties are mortgaged.

20 THE COURT: Both properties are mortgaged. I am
21 going grant your request for relief today, Counsel, and
22 demand she appear in court and provide you with the
23 information. So pick a date when you are making your demand
24 for her to appear. Hopefully, she will come in.

1 MS. FARENGA: And your Honor, can that order also
2 include permission for someone on her behalf to speak to the
3 lawyers who handled the lawsuit?

4 THE COURT: Any objection?

5 MR. DOLGIN: We don't care.

6 MR. WALLER: I don't have an objection to that.

7 Could we be included with the authority --

8 MS. FARENGA: Well, sure. Your client is the
9 temporary guardian.

10 MR. WALLER: We would like the order to indicate
11 that.

12 THE COURT: Okay. Thank you.

13 (Which were all the proceedings
14 had in the above-entitled matter
15 on November 6, 2009.)

16

17

18

19

20

21

22

23

24

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

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

5 I, MARIE K. KOPPERS, an Official Court
6 Reporter of the Circuit Court of Cook County, County
7 Department-Probate Division, do hereby certify that I
8 reported in shorthand the proceedings had in the
9 above-entitled cause and that the foregoing is a true and
10 correct transcript of all the proceedings heard before the
11 HONORABLE MAUREEN CONNORS, Judge of said court.

12
13
14 
15 MARIE K. KOPPERS

16
17 Dated this 19th day of January, 2010.
18
19
20
21
22
23
24

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

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

5 I, the Honorable Maureen Connors, Judge of the
6 Circuit Court of Cook County, presiding judge at the hearing
7 of the aforementioned cause, do hereby certify that the above
8 and foregoing is a true and correct Report of Proceedings had
9 at the said hearing.

10 AND, FORASMUCH, THEREFORE, as the matters and
11 things hereinbefore set forth do not otherwise fully appear
12 of record, the attorney for the _____ tenders this
13 Report of Proceedings and prays that the same may be signed
14 and sealed by the Judge of this court pursuant to the statute
15 in such case made and provided.

16 WHICH IS ACCORDINGLY DONE this _____ day of
17 _____, 2010.

18

19 _____
20 Honorable Maureen Connors
21 Circuit Court of Cook County, Illinois

22

23

24