

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

3 IN THE MATTER OF)
4)
5 THE ESTATE OF,)
6)
7) No. 09 P 4585
8)
9)
10) GLORIA SYKES,
11)
12) a disabled person.

13) REPORT OF PROCEEDINGS had at the
14) hearing of the above-entitled cause before the
15) Honorable JANE STUART, on the 21st day of December,
16) A.D., 2011.

17 PRESENT:

18) MR. PETER SCHMIEDEL,
19)
20) Appeared on behalf of Carolyn Thorpe;

21) MR. ADAM STERN,
22)
23) Appeared as the Guardian Ad Litem.

24) Susan Cosgrove, CSR
25) CSR 084-002378
26) Official Court Reporter
27) 312-603-8438

1 THE CLERK: Sykes.

2 THE COURT: Hello everyone.

3 MR. SCHMIEDEL: Judge, how are you today?

4 THE COURT: Fine.

5 MR. SCHMIEDEL: Peter Schmiedel,
6 S-c-h-m-i-e-d-e-l, for Carolyn Thorpe.

7 MR. STERN: Adam Stern, S-t-e-r-n, one of the
8 two guardian ad litemS appointed. Miss Bricha
9 (Phonetic) could not be here today.

10 THE COURT: Who are you?

11 MS. G. SYKES: I am Gloria Jean Sykes, I am
12 Mary G. Sykes' youngest daughter. I don't see Mary
13 G. Sykes in court today.

14 I don't submit to the jurisdiction of this
15 court on the guardianship. I don't submit to the
16 jurisdiction of this court on any partition.

17 And in light of the fact that this court
18 is a defendant in an ADA claim, I find that it is
19 very prejudicial for this court to do anything at
20 this point in time.

21 THE COURT: Okay. And you are?

22 MR. EVANS: Scott Evans. Good afternoon, and I
23 am a friend of Mary Sykes.

24 THE COURT: I have something that has been

1 filed by the next friend. I have said before there
2 is no such standing or office in the probate
3 division as to any disabled adult.

4 You are not aware of any such standing,
5 are you, counsel.

6 MR. SCHMIEDEL: No. The only person
7 representing Miss Sykes is Carolyn Thorpe.

8 THE COURT: Because she is the guardian
9 appointed by the court.

10 MR. SCHMIEDEL: Correct.

11 THE COURT: Whoever the guardian is, they would
12 be the only person who can represent the interests
13 of the court's ward.

14 MS. G. SYKES: Judge --

15 THE COURT: Excuse me, I am not speaking to
16 you. And therefore, I am going to strike this and
17 not even hear it. Thank you. Is there anything
18 else before the court?

19 MS. G. SYKES: Yes.

20 MR. SCHMIEDEL: I have the order from the last
21 court date.

22 We were here to set a date for hearings on
23 various petitions that are pending.

24 MS. G. SYKES: Your Honor --

1 MR. STERN: If I can make one statement for the
2 record. There is a licensed attorney in the
3 courtroom, who has previously tried to file an
4 appearance for Gloria Sykes, and Judge Connors
5 ruled she couldn't. And there was a conflict, and
6 she is the lawyer that notarized the apportionment
7 agreement.

8 And just for the court's awareness, in the
9 last few weeks there has been certain blogs that
10 have been authored by her about this case and about
11 the Probate Division itself, and she is typing in
12 the courtroom, as we speak.

13 THE COURT: Thank you very much.

14 MS. G. SYKES: Your Honor, there is a recent
15 Appellate Court decision that came down and found
16 Mr. Stern and Mr. Schmiedel in violation of
17 constitutional rights, et cetera, et cetera.

18 THE COURT: There is no Appellate Court opinion
19 that this court has had put before it. Have you
20 received same?

21 MR. SCHMIEDEL: We have. This is totally
22 inaccurate. There was nothing in the Appellate
23 Court opinion that said anything about either
24 myself or Mr. Stern.

1 THE COURT: Do you have it?

2 MR. SCHMIEDEL: I don't have it with me. What
3 it did do there was sanctions were entered by Judge
4 Connors against Kenneth Witkowski (Phonetic) that
5 was later affirmed by Judge Fleming for his
6 actions, which he thought was sanctionable by
7 sending out an appearance form to a doctor and
8 trying to solicit information on Mary Sykes'
9 medical records prior to his entering an
10 appearance.

11 Judge Connors directed Mr. Stern to file
12 something with the ARDC, and he filed a sanction
13 motion; and that sanction motion was granted, and
14 that sanction was vacated by the Appellate court
15 this week or last week.

16 And in their opinion, they ordered -- they
17 directed the Appellate Court clerk to send their
18 opinion and refer the matter to the ARDC.

19 They said the proper path to deal with
20 Mr. Widkowski's (Phonetic) improper behavior was to
21 send it to the ARDC. And that was sent to the ARDC
22 on the direction of the Appellate Court panel, and
23 that is the Appellate Court opinion Miss Sykes
24 refers to.

1 MS. G. SYKES: May I direct --

2 THE COURT: No, may I have the opinion in my
3 hand?

4 MS. G. SYKES: I don't have the opinion. Do
5 you have a copy of the opinion.

6 UNIDENTIFIED PERSON: Which one?

7 THE COURT: The --

8 UNIDENTIFIED PERSON: That is on my laptop and
9 she took --

10 THE COURT: Stop, ma'am. I have an order that
11 was entered by this court on November 9th, and this
12 matter coming on to be heard on the status of the
13 bankruptcy of Gloria Sykes and a partition action
14 to set aside apportionment agreement hereby ordered
15 the court -- the bankruptcy stay has been modified
16 and lifted to permit this matter --

17 MR. SCHMIEDEL: Yes.

18 THE COURT: -- to proceed and all matters here
19 attached bankruptcy order -- and I remember reading
20 that.

21 Two, the guardian is to submit
22 commissioner's name regarding partition action on
23 or before September 21, 2011, December 21 --

24 MR. SCHMIEDEL: Yes.

1 THE COURT: And three, dates for hearing on
2 partition, the --

3 MR. SCHMIEDEL: Apportionment.

4 THE COURT: The continued examination of Doctor
5 Shaw, and the motion to set aside the apportionment
6 agreement will be set on December 21st, 2011,
7 today.

8 MR. SCHMIEDEL: I have submitted it.

9 MS. G. SYKES: Your Honor, here's verification
10 that I am appealing that the Bankruptcy Court
11 abstained from making a decision, and this is now
12 in the U.S. District Court.

13 THE COURT: They didn't abstain, they reached a
14 decision.

15 MS. G. SYKES: We have a court transcript.

16 THE COURT: Excuse me, I did receive the copy
17 of the order out of the Bankruptcy Court.

18 MS. G. SYKES: I have a copy of the transcript,
19 which she said she abstained from making a
20 decision.

21 THE COURT: That is not the decision.

22 MS. G. SYKES: She said, per the record, she
23 dismissed it, per the record.

24 THE COURT: Excuse me.

1 MS. G. SYKES: It is obviously that no matter
2 what I say I am wrong.

3 THE COURT: That might be.

4 MS. G. SYKES: You do what you will do.

5 THE COURT: I will, thank you. What is it you
6 are trying to hand me?

7 MR. SCHMIEDEL: A copy of the order entered on
8 October 25th lifting the stay.

9 MS. G. SYKES: It says per the record, and we
10 have a copy of the record.

11 THE COURT: This is an order that is -- this
12 order will prevail. This is an order dated October
13 25th, order modifying automatic stay.

14 MS. G. SYKES: Right. And since that date we
15 have been in court.

16 THE COURT: The automatic stay, as it applies
17 to Carolyn Thorpe in her capacity of the trustee of
18 Mary Sykes' trust is also modified to permit her to
19 comply with all orders entered or to be entered
20 into a case 10 M1 712719 pending in the Municipal
21 Building. What is that?

22 MR. SCHMIEDEL: A forcible action, the
23 eviction.

24 THE COURT: Yes, so that the bankruptcy

1 wouldn't prevent the eviction action from going
2 forward.

3 MR. SCHMIEDEL: Correct.

4 MS. G. SYKES: And it says right here that I
5 filed a verified motion to -- I filed a verified
6 motion to alter and amend, and for relief from
7 judgment.

8 THE COURT: And it was not given.

9 MS. G. SYKES: Soon after this and I did this,
10 and this was not --

11 THE COURT: I am not hearing the eviction
12 action.

13 MS. G. SYKES: You are hearing a partition and
14 that can be under a stay continued.

15 THE COURT: Is there anything in the law that
16 says this partition is before that body?

17 MR. SCHMIEDEL: No.

18 MS. G. SYKES: Yes, it is in the bankruptcy
19 schedules, and it is a violation of my schedule.

20 THE COURT: Is it in the bankruptcy schedules?

21 MR. SCHMIEDEL: That was part of the reason we
22 did the lifting of the stay, the stay was lifted so
23 we could proceed before this court on the partition
24 action.

1 THE COURT: May I see that again?

2 MR. SCHMIEDEL: She has appealed that, but
3 there is no stay of the Bankruptcy Judge order
4 relative --

5 MS. G. SYKES: That doesn't mean --

6 THE COURT: Stop, please stop talking.

7 MR. SCHMIEDEL: It specifically states that we
8 can proceed with the partition action, Judge.

9 THE COURT: This reads in the beginning, It is
10 hereby ordered that the automatic stay, as it
11 applies to Carolyn Thorpe in her capacity -- in her
12 capacity as guardian and trustee and as trustee of
13 the Mary Sykes' trust is modified to permit -- that
14 means the automatic stay is permitted to permit
15 Carolyn Thorpe to comply with all matters entered
16 in 4585, which are the last numbers in this court
17 case pending in the Probate Division of the Circuit
18 Court of Cook County, Illinois, and to proceed on
19 all matters pending in the Probate Court, including
20 the petition for partition and the petition to set
21 aside apportionment agreement, so I would disagree.

22 MS. G. SYKES: That is under appeal with the
23 U.S. District Court.

24 THE COURT: I would disagree with you. Now,

1 what is before me today?

2 MR. SCHMIEDEL: Just the setting of a hearing
3 date. We did submit Mr. Garofalo's (Phonetic) name
4 to Miss Sykes as a possible commissioner. He wants
5 to do some thinking about it. And what we would
6 like to do --

7 THE COURT: Enter and continue this and give
8 him some time?

9 MR. SCHMIEDEL: We would like to do that. But
10 we would like to set, there are two other issues,
11 the apportionment and the hearing on the continued
12 testimony of Doctor Shaw and the setting aside of
13 the apportionment agreement.

14 We would like to get a hearing date on
15 that so we can proceed on that and have an answer
16 for you on the partition action by that time as
17 well.

18 We need to resolve some of these issues,
19 and I know that the bank in Indiana is agreeing to
20 honor the stay.

21 THE COURT: All right, so --

22 MR. SCHMIEDEL: Honor the freeze.

23 MS. G. SYKES: There are many motions before
24 you.

1 THE COURT: Excuse me, I am going to set this
2 matter. So for how long do you think you need,
3 counsel?

4 MR. SCHMIEDEL: I will leave it to you in terms
5 of what time you have perhaps at the end of
6 January, beginning of February.

7 THE COURT: Okay.

8 MR. SCHMIEDEL: Okay. I would say an afternoon
9 to complete Doctor Shaw's testimony.

10 THE COURT: The 26th of January, that is a
11 Thursday. Is that convenient for you?

12 MS. G. SYKES: I'll be out of town.

13 THE COURT: When will you be returning?

14 MS. G. SYKES: I need to set a schedule. I am
15 on an event for my book.

16 THE COURT: When will you return?

17 MS. G. SYKES: I don't have that in front of
18 me, your Honor. But I can get that to you --

19 THE COURT: Do you have an idea? Will you be
20 back by April?

21 MS. G. SYKES: I have to be back for the U.S.
22 District Court I believe it is in February, and I
23 really appreciate --

24 THE COURT: What date in February?

1 MS. G. SYKES: I don't have that, your Honor,
2 but it would probably be the end of the first week
3 in February.

4 THE COURT: Then let's set this then.

5 MR. SCHMIEDEL: February 2nd?

6 THE COURT: No, the end of the first week so --
7 she doesn't know if she will be back before then,
8 so two clock on Thursday the 16th.

9 MS. G. SYKES: Your Honor, we have not had an
10 opportunity to do any kind of subpoenas or
11 discovery on this because last time.

12 THE COURT: Discovery on what?

13 MS. G. SYKES: On this matter with Doctor Shaw.

14 THE COURT: Then you should do that and you
15 have from now until how long do you think you will
16 need, because if you want to do some discovery,
17 fine.

18 MS. G. SYKES: Your Honor, it is the holidays
19 right now.

20 THE COURT: That doesn't matter, and this
21 matter continues to go on. I will note if there
22 was a desire for discovery, you have known since
23 November.

24 MR. SCHMIEDEL: Longer than that.

1 THE COURT: No, that Doctor Shaw was going to
2 come back, so if you had started then you could
3 have made time for this, so that was your decision.

4 MS. G. SYKES: No, your Honor, they were
5 supposed to provide me with information, which they
6 never did pursuant to court order.

7 THE COURT: No, they were not supposed to
8 provide you with any information as to Doctor Shaw.

9 MS. G. SYKES: Yes, they were.

10 THE COURT: That is the 16th of February.

11 MS. G. SYKES: Your Honor --

12 THE COURT: Do you have a telephone number? Do
13 you have a telephone number for Doctor Shaw and an
14 address?

15 MR. SCHMIEDEL: I do, but I don't have it on
16 me, Judge.

17 THE COURT: All right, then I will direct you,
18 and I want this in the order, that that information
19 should be in writing and given to Miss Sykes.

20 MS. G. SYKES: Your Honor, there are other
21 things before you, including a motion for you to
22 recuse yourself, a motion --

23 THE COURT: From whom?

24 MS. G. SYKES: From me, as an interested party.

1 THE COURT: I deny that motion.

2 MS. G. SYKES: You deny that motion?

3 THE COURT: You don't have standing to bring
4 that.

5 MS. G. SYKES: If I don't have standing to
6 bring that, but you have standing to freeze assets,
7 you have standing to do all this other stuff, but I
8 have no standing?

9 THE COURT: That is correct.

10 MS. G. SYKES: Even though the Illinois Statute
11 of the Probate Act 1975 claims I do.

12 THE COURT: Go ahead.

13 MS. G. SYKES: I have no standing then I guess
14 to present the memoranda of law that you got a copy
15 of in support of to vacate the freeze order. I
16 have no standing to put a motion in to vacate the
17 order vacating the Indiana Credit Union Account,
18 and I would imagine you are going to say I have no
19 standing to put a petition in for a declaratory
20 judgment either that my sister does not have to
21 comply with one court order that you have written.
22 She was supposed to produce the trust, and she has
23 never done that. So --

24 MR. SCHMIEDEL: Judge, she is not an income

1 beneficiary of the trust. I don't believe she has
2 any right to receive the trust.

3 THE COURT: Then you should respond to the
4 motion.

5 MR. SCHMIEDEL: I think she already has a copy
6 of it.

7 THE COURT: Just stop, stop please.

8 MR. SCHMIEDEL: Mr. Stern has a copy of it.

9 MS. G. SYKES: That is not the full trust.

10 MR. STERN: This is the copy that I have.

11 MR. SCHMIEDEL: That is the copy that we have.
12 This is our trust.

13 THE COURT: Excuse me. This is impossible for
14 the court reporter to take down any record. You
15 cannot have two people or three people speaking at
16 the same time.

17 Mr. Stern, do you have a copy of the
18 trust?

19 MR. STERN: I have a copy of the six-page
20 document that is entitled declaration of trust by
21 Mary G. Sykes as trustor and trustee under the Mary
22 G. Sykes trust dated May 27th, 2005.

23 THE COURT: Is it your understanding that that
24 is a complete document as a trust?

1 MR. STERN: To my knowledge, yes.

2 THE COURT: Do you have an extra copy?

3 MR. STERN: Yes.

4 THE COURT: Counsel, will you tender that to
5 Miss Sykes?

6 MR. STERN: Yes.

7 THE COURT: Do you acknowledge receipt?

8 MS. G. SYKES: Yes, this is not a full copy.

9 THE COURT: Excuse me.

10 MS. G. SYKES: Well --

11 THE COURT: Excuse me. In open court Miss
12 Sykes has been handed the six-page trust that one
13 of the guardian ad litem has had in his
14 possession. He says that he believes that it is
15 complete.

16 That is the only information you have
17 about the trust?

18 MR. STERN: That is correct.

19 THE COURT: In terms of documentation?

20 MR. STERN: Yes.

21 MS. G. SYKES: Then you will have to admit that
22 in this case.

23 THE COURT: I have not read it, and I am not
24 going to read it right now, ma'am.

1 MS. G. SYKES: This proves that my sister is
2 not the trustee.

3 THE COURT: Excuse me.

4 MS. G. SYKES: It says in here that my sister
5 is not the trustee.

6 THE COURT: Excuse me.

7 MS. G. SYKES: You don't want to know that.

8 THE COURT: This is not the appropriate way to
9 put any information before me.

10 MS. G. SYKES: You told me I have no standing
11 to put information before you.

12 THE COURT: And I would tell you that you need
13 to understand that if you have to write something
14 out, now a declaratory judgment, I think that is
15 inappropriate.

16 As far as your mother's ownership in the
17 apportionment agreement and any rights that she
18 has, that is why we are having the hearing. That
19 is what I wanted to have from the very first that
20 this case was before me. That we would have a
21 hearing and discern whether Mary Sykes had the
22 capacity on the signing of the apportionment
23 agreement to sign that agreement.

24 I told you then and I tell you now, if the

1 evidence produced indicates that at that time she
2 had that capacity, then the money, the whole
3 account will be unfrozen.

4 I had wondered why you have persisted in
5 dragging this out when the sooner that this can be
6 resolved, the sooner you will know if indeed that
7 money will be unfrozen, as it were. It is only
8 frozen -- excuse me, me excuse me, there has been
9 no decision made at this time that that indeed is
10 money that is due Mary Sykes' estate.

11 I hope you hear me. And I have tried to
12 make it as clear as I can.

13 MS. G. SYKES: So this court thinks it is
14 appropriate to pauper me and render me homeless?

15 THE COURT: My focus, ma'am, is in what is in
16 the best interests of Mary Sykes according to the
17 law.

18 MS. G. SYKES: Where is Mary Sykes?

19 THE COURT: She doesn't have to be here because
20 she is a court ward.

21 MS. G. SYKES: According to the ADA she has a
22 right to be in court, and the only person that you
23 should protect is Mary Sykes, and she has a right
24 according to the ADA to have access to the court

1 and you give that to everybody else and it is in
2 the Illinois -- in the Probate Act of 1975 that at
3 any point in time my mother can come to court and
4 she should have 24/7 access to court, and she has
5 been denied that right.

6 THE COURT: Let me say this, ma'am, you don't
7 know if she was denied it. This court didn't enter
8 an order that required that she couldn't come.

9 MS. G. SYKES: She has written letters.

10 THE COURT: I don't know about any letters that
11 have been written to me.

12 MS. G. SYKES: We put them into documentation
13 that you have stricken because you said I have no
14 standing.

15 THE COURT: I would also note that she is
16 represented before this court.

17 MS. G. SYKES: No.

18 THE COURT: By her guardian.

19 MS. G. SYKES: There is a conflict of interest.

20 THE COURT: Ma'am, I am going to deny that
21 argument.

22 MS. G. SYKES: Okay. My sister is also the
23 respondent to a petition for an order, an order of
24 protection, and by the statute --

1 THE COURT: That has been resolved.

2 MS. G. SYKES: No.

3 THE COURT: Long ago.

4 MS. G. SYKES: No, it hasn't.

5 THE COURT: And she was -- I think that was
6 dismissed.

7 MS. G. SYKES: No.

8 MR. STERN: It was consolidated with the
9 probate case, and then the guardian was appointed.
10 And there was never a hearing or ruling on that
11 petition back in 2009.

12 THE COURT: Did Judge Connors enter an order?

13 MR. STERN: No.

14 THE COURT: What? What happened to that case?

15 MR. SCHMIEDEL: Never prosecuted.

16 MS. G. SYKES: Because they prevented it from
17 being prosecuted.

18 THE COURT: I don't know what they did.

19 MS. G. SYKES: They agreed to a known abuser.
20 It is a verified petition.

21 THE COURT: That doesn't mean it is true. That
22 does not mean it is a lie, but does not mean it is
23 the truth?

24 MS. G. SYKES: There are people at the

1 courthouse at Harrison Street that fraudulently met
2 with my mother, and they lied.

3 THE COURT: Is there anything else before me?

4 MR. SCHMIEDEL: Judge, it really -- it is one
5 thing to say these things and to rewrite history
6 like this, it is obscene.

7 MS. G. SYKES: I have an ADA complaint based on
8 the recent --

9 THE COURT: That has nothing to do with this
10 court.

11 MS. G. SYKES: It does.

12 THE COURT: It has nothing to do with these
13 proceedings.

14 MS. G. SYKES: He has deceived your court.

15 THE COURT: Stop talking. Is there anything
16 else before me today?

17 MR. STERN: Do we want to second -- a second
18 date for the apportionment?

19 THE COURT: Yes, the 16th of February. I could
20 see you the following week, Tuesday the 21st on the
21 apportionment.

22 MR. STERN: Fine.

23 THE COURT: That would be two o'clock.

24 MR. STERN: Judge, I don't know if this is

1 correct or not. It is scheduled at ten o'clock on
2 February 16th, if in fact there is something
3 scheduled --

4 THE COURT: This is 09 P 4585.

5 MR. STERN: It could be an error.

6 THE CLERK: 2-16.

7 MR. STERN: I may be mistaken.

8 THE CLERK: I have not seen it.

9 MR. STERN: I think that is it.

10 THE COURT: Thank you very much.

11 (Which were all of the
12 proceedings heard in
13 the above-entitled
14 cause.)
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1 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
2 COUNTY DEPARTMENT-PROBATE DIVISION

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6 I, SUSAN J. COSGROVE, an Official
7 Court Reporter of the Circuit Court of Cook County,
8 County Department - Probate Division, do hereby
9 certify that I reported in shorthand the evidence
10 had in the above-entitled cause and that the
11 foregoing is a true and correct transcript of all
12 the evidence heard before the HONORABLE JANE
13 STUART, Judge of said court.

14
15
16 
17 _____
 SUSAN J. COSGROVE

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23 Dated this 14th day
24 of May, 2012.