

STATE OF ILLINOIS )  
                                  ) SS.  
COUNTY OF COOK     )

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

THE ESTATE OF                             )  
   )  
MARY G. SYKES,                            ) 09 P 4585  
   )  
a disabled person.                        )  
   )

REPORT OF PROCEEDINGS had at the hearing of  
the above-entitled cause, before the Honorable JANE  
STUART, one of the Judges of said Court, on Thursday,  
the 16th day of February, A.D., 2012.

PRESENT:

MR. PETER SCHMIEDEL,  
on behalf of the Guardian;

MR. ADAM STERN,  
Guardian Ad Litem,

MS. GLORIA SYKES.

Candace G. Jagers, License #084-004494  
Official Court Reporter  
69 W. Washington, Suite 900  
Chicago, IL 60602

1 MR. SCHMIEDEL: Peter Schmiedel on behalf of  
2 Carolyn Toerpe, the guardian of the person and estate  
3 of Mary Sykes.

4 MR. STERN: Adam Stern, S T E R N, one of two  
5 Guardian Ad Litem assigned to this case.

6 THE COURT: I understand Ms. Farenga is not coming.

7 MR. STERN: That's correct, Judge. She was not  
8 able to make it today.

9 MS. SYKES: My name is Gloria Jean Sykes, and I do  
10 not submit to the jurisdiction of this court because  
11 you haven't met the Sadini (phonetic) requirements nor  
12 has there been a 21401 petition citation. I just got  
13 an e-mail from Ms. Cynthia Farenga who claims that this  
14 hearing is supposed to be about --

15 THE COURT: That's enough. You've identified  
16 yourself. Stop talking. I have an order that was  
17 entered on December 21st continuing this matter to  
18 today. I'm going to read it for the purposes of the  
19 record.

20 The matter being heard on status on the  
21 petition for partition and the petition to set aside  
22 apportionment agreement previously filed by the  
23 guardian. Gloria Sykes having filed several motions to  
24 have the judge recuse herself and for a declaratory

1 judgment. Adam Stern, Peter Schmiedel and -- I can't  
2 make this out -- Oh, Gloria Sykes pro se present in  
3 court.

4 It is hereby ordered, one, all new motions  
5 filed by any, quote, next friends are stricken and will  
6 not be heard. Two, the petition for partition is  
7 entered and continued to February 16, 2012, at 2 p.m.  
8 Peter Schmiedel shall tender in writing to Gloria Sykes  
9 the contact information for Dr. Shaw.

10 Did you do that, sir?

11 MR. SCHMIEDEL: Judge, I did. In fact, I mailed --  
12 Initially I mailed a copy of a letter with Dr. Shaw's  
13 contact information to Ms. Sykes on January 13 of 2012.  
14 That letter came back. I have a copy. You can see the  
15 postmark is January 13th.

16 MS. SYKES: Can I see what's inside that envelope,  
17 please?

18 THE COURT: Nothing's in the envelope now.

19 MS. SYKES: Because it's the same envelope they  
20 brought --

21 THE COURT: Nothing is in the envelope at this  
22 time.

23 MS. SYKES: We don't know --

24 THE COURT: Stop, ma'am.

1 MR. SCHMIEDEL: I have a copy of that letter that  
2 is in the envelope, Judge.

3 THE COURT: I will note that this envelope bears a  
4 postmark date of January 13, 2012.

5 MR. SCHMIEDEL: Yes. This is the letter that was  
6 in the -- was in -- a copy of a letter that was in  
7 the -- that was addressed to Ms. Sykes. In any event,  
8 when that came back, I e-mailed Ms. Sykes the  
9 information from Dr. Shaw on January 30th of 2012.  
10 That is I can show you -- This is the cover e-mail as  
11 well as the letter that went to her giving her  
12 Dr. Shaw's information.

13 THE COURT: This is from an Amanda Bern (phonetic).

14 MR. SCHMIEDEL: Yes.

15 THE COURT: With your firm?

16 MR. SCHMIEDEL: Correct. My colleague who's here.

17 THE COURT: She's sitting here. It indicates that  
18 it's to e-mail address of gloami@msn.com. It's saying  
19 that it's copies to Peter Schmiedel,  
20 cfarenga@comast.net, and Adam Stern. It references the  
21 Estate of Mary G. Sykes, a disabled adult. Gives the  
22 court case number. And it has some numbers here,  
23 1 30 12. I assume that's the date.

24 MR. SCHMIEDEL: Correct.

1 THE COURT: L E T, I assume that's an abbreviation  
2 for "letter" to GJS, Gloria Jean Shaw [sic] re:  
3 Dr. Shaw, and it's a PDF document. And it restates  
4 that it's sending a copy of the PDF document. Thank  
5 you.

6 MR. SCHMIEDEL: Yes, Judge. And also indicates on  
7 that letter of January 30, which the Court has -- I  
8 also told Ms. Sykes that it was my position that in as  
9 much as I had already called Dr. Shaw, I had paid for  
10 his afternoon attendance fee, and that I had finished  
11 my examination of him, if she wanted to call Dr. Shaw,  
12 that it was her obligation to make arrangements to have  
13 him here, to pay his attendance fee for his afternoon  
14 session, and to make whatever arrangements she needed  
15 to get Dr. Shaw today.

16 MS. SYKES: You're Honor --

17 THE COURT: Stop, please. Now, No. 4 on the order  
18 from December 21, Gloria Sykes' motion for recusal,  
19 petition for declaratory judgment, and memorandum  
20 support of are denied. Five, Gloria Sykes received in  
21 open court a 6-page Mary Sykes trust from the GAL.

22 MR. SCHMIEDEL: Yes.

23 THE COURT: What was that?

24 MR. SCHMIEDEL: She had asked previously for a copy

1 of the trust of Mary G. Sykes, and Mr. Stern provided  
2 that to her in open court.

3 THE COURT: And, six, the final point, the petition  
4 to set aside the apportionment agreement is set for  
5 hearing on February 16th, 2012, and February 21, 2012,  
6 both at 2 p.m.

7 Now, the order does not state who was going  
8 pay for Dr. Shaw to appear. And I don't know if there  
9 was any statement made by the Court at that time or if  
10 the issue came up. Do you remember --

11 MS. SYKES: Yes, it did.

12 MR. SCHMIEDEL: It did not come up.

13 THE COURT: Excuse me.

14 MR. STERN: I do not recall it coming up at all.

15 THE COURT: Just one second. How much did it cost  
16 to have Dr. Shaw here?

17 MR. SCHMIEDEL: \$700.

18 Mary Sykes is running out of money, Judge. It  
19 really is not -- We've had to go into this --

20 MS. SYKES: -- recross him. It's their --

21 THE COURT: Stop, please. Stop, please.

22 MS. SYKES: Your Honor, I'm not paying for their  
23 witness.

24 THE COURT: Please stop, please stop talking.

1 I would like to -- I kind of would like to see  
2 what I said because I remember that the Court on its on  
3 motion stated that when Dr. Shaw appeared back in May  
4 that I was somewhat surprised that he was here. I  
5 really would like to see what the Court ordered because  
6 even though I realize you told Ms. Sykes that she would  
7 have to be responsible for his coming back, I don't  
8 know that is -- that was the Court's intention, and I  
9 don't know what I said. It's been some time.

10 MR. SCHMIEDEL: Understood.

11 THE COURT: You didn't get a transcript of the last  
12 hearing, did you?

13 MR. SCHMIEDEL: I don't know. I believe Ms. Sykes  
14 does. I do not have a copy of the transcript.

15 Of the last hearing or when Dr. Shaw  
16 testified?

17 THE COURT: No, no. On December 21.

18 MR. SCHMIEDEL: No, I did not get.

19 THE COURT: Which was the first time this came up.

20 MR. SCHMIEDEL: I don't believe that issue was  
21 really addressed in terms of who is going to be  
22 responsible for paying him. What you wanted me to do  
23 is give her the information as to where he was and how  
24 to contact him.

1 THE COURT: And to give her an opportunity to get  
2 in contact with him. And I gave some direction as if  
3 he were to come, even how she was to treat him -- It  
4 wouldn't be a cross-examination. I don't remember. I  
5 don't remember all of it. But I know that that was  
6 part of my order or my statement from the bench. I  
7 don't remember the rest of it.

8 MS. SYKES: It's a court order.

9 THE COURT: This is the court order.

10 MS. SYKES: No, your Honor. There was a court  
11 order previous when it was set for December 1st,  
12 December 2nd.

13 THE COURT: Let me see the order. Do you have it?

14 MS. SYKES: I don't have that court order. But  
15 it's specific in that court order that Mr. --

16 THE COURT: No, no, no. If it's a court order, as  
17 you know, I like to have specificity in the orders for  
18 this very reason.

19 MR. STERN: Would it be helpful to look at her  
20 motion that she filed on Dr. Shaw?

21 MS. SYKES: It's not about my motion. It's  
22 about --

23 THE COURT: When was that motion filed?

24 MR. SCHMIEDEL: She filed a motion to strike his



1 testimony, Judge.

2 THE COURT: Do you remember when?

3 MS. SYKES: It was done in April soon after -- It  
4 was done in a timely manner.

5 THE COURT: He said he came in May. So it couldn't  
6 have been in April.

7 MR. SCHMIEDEL: Sometime subsequent to --

8 MS. SYKES: It's within 30 days. You came back to  
9 the court, your Honor, with all due respect and said  
10 that --

11 THE COURT: Wait a minute.

12 MS. SYKES: Because there was no due process.

13 THE COURT: Stop, stop. In fact, this was an issue  
14 I was thinking of as I was coming in to court today.

15 MS. SYKES: I thought it was before March, your  
16 Honor, because I came with my witnesses on March 23rd,  
17 and that's when you sent everybody out in the hallway  
18 and handcuffed me --

19 THE COURT: Dr. Shaw was not here.

20 MR. STERN: May 16th court date, it looks like.

21 MR. SCHMIEDEL: There's also a court date that  
22 approved the accounting, second accounting May 20 of  
23 2011.

24 THE COURT: Yes. He wouldn't have come on the date

1 of the accounting.

2 MS. SYKES: May I get the transcript?

3 THE COURT: If you have a transcript, I'll look at  
4 the transcript. What I need to see is the transcript  
5 from the last date if you have it.

6 MS. SYKES: I didn't bring those with me, your  
7 Honor. I do have the ones when he testified.

8 THE COURT: No. That's not the issue here today.  
9 Because I would not have entered -- The ruling comes  
10 months after that, so don't even bother. That is not  
11 relevant to this.

12 MS. SYKES: He testified on March 18th.

13 MR. SCHMIEDEL: March 18th.

14 MS. SYKES: Then the order read that I was to come  
15 back on the 23rd with my witnesses initially, and I did  
16 that. And they were put in the hallway. That was --  
17 The proceeding wasn't allowed.

18 THE COURT: Do you have a copy of the order from  
19 March 18th?

20 MR. SCHMIEDEL: Yes. That's the freeze order,  
21 Judge.

22 THE COURT: (Reading.) This reads in pertinent  
23 part, one, motion of Gloria Sykes to hold Peter J.  
24 Schmiedel in direct contempt of court is denied. And,

1 two, motion of Joel Brodsky, B R O D S K Y, to strike  
2 motion to hold Peter J. Schmiedel in direct contempt of  
3 court and request to remove contempt motion from the  
4 file of this case is denied. Joel Brodsky's motion,  
5 however, remains part of the record in this case. And,  
6 three, petition for partition and citation to discover  
7 are continued for hearing on March 29, 2011, at 2:00.  
8 Four, hearing on rule to show cause and hearing on  
9 interest of Mary Sykes and settlement funds from  
10 Lumberman (phonetic) case entered and continued to  
11 March 29, '11, at 2:00. First current account of the  
12 guardian shall be presented on, I believe, March 29th.

13 Let's go to March 29th.

14 MS. SYKES: Your Honor, with all due respect, you  
15 set it for December 1st and December 2nd, so it would  
16 be the motion previous to that.

17 THE COURT: March 29. Let's see. We have a report  
18 of the Guardian Ad Litem on March 29. We had a motion  
19 filed by CVLS. We had --

20 MR. STERN: They were a witness I believe Gloria  
21 Sykes subpoenaed, and they came in on a motion to quash  
22 or something, if I recall.

23 THE COURT: March 29, an order to compel production  
24 of documents allowed. Let's bring that up, if you

1 will, Ms. Clerk. This is a handwritten order that was  
2 entered on March 29. It reads, This cause coming on to  
3 be heard on a motion to quash subpoena served on Jordan  
4 Lipman (phonetic) --

5 MS. SYKES: That was mother's attorney --

6 THE COURT: Served on Jordan Lipman, the Court  
7 having considered the motion and heard arguments of the  
8 parties noting the objection of Gloria Sykes and being  
9 fully advised of premises of -- I quashed that  
10 subpoena. Okay, let's go back.

11 MR. SCHMIEDEL: I think the hearing date was  
12 May 20th.

13 THE COURT: It looks like there's a lot of paper on  
14 this date.

15 MR. SCHMIEDEL: Because I have a file-stamped copy  
16 of my motion to declare the apportionment agreement  
17 null and void which is filed on May 20th.

18 MS. SYKES: They have no jurisdiction.

19 MR. SCHMIEDEL: March 18.

20 THE COURT: Stop, ma'am.

21 MR. STERN: I've never been served.

22 THE COURT: Just stop. On 4/19, there's an  
23 order -- Look at that one. On April 19, this matter  
24 being heard, amended first current account, the first

1 amended inventory, guardian's petition for petition for  
2 partition guardianship, motion to default Gloria Sykes  
3 on the partition, guardian's petition for authority to  
4 expend funds for dental services, GAL Stern's second  
5 supplemental report, and petition for reimbursement,  
6 Gloria Sykes' emergency motion for continuance, and  
7 Gloria Sykes' previously filed motions to strike  
8 testimony of Dr. Shaw. There it is. It's on the --  
9 Did I say the 19th of April?

10 It's hereby ordered Gloria Sykes' motion for  
11 continuance in relation to the accounting and inventory  
12 and response to her motion to strike Dr. Shaw is  
13 granted. All other relief requested is denied. Gloria  
14 Sykes is given to May 16 to file any objections to the  
15 accounting or amended inventory. Three, the motion for  
16 default Gloria Sykes in this partition action is  
17 withdrawn without prejudice. Gloria Sykes -- something  
18 to -- is given to May 16th, 2011, to file her answer to  
19 petition for partition.

20 Let's see if there's anything more at the  
21 bottom or if there's a second page. Oh, there is more.  
22 The motion to strike testimony of Dr. Shaw is entered  
23 and continued to May 20 at 2 p.m. Gloria Sykes shall  
24 file any reply to the guardian's response by May 16,

1 2011. Upon oral request of GAL Farenga regarding  
2 information of the symmetric funds, GAL Farenga shall  
3 file a written motion or pleading within 14 days, and  
4 Gloria Sykes shall have to May 16, 2011, to reply. The  
5 hearing on this motion will be heard on May 20, 2011,  
6 at 2 p.m.. six, petition for authority pay dental  
7 services is granted. Seven, the guardian can reimburse  
8 Adam Stern for certain costs. And, eight, the  
9 accounting and amended inventory shall be heard on  
10 May 20. And the petition for partition shall be heard  
11 for hearing on July 8, 2011.

12 Is that signed at the bottom, can you tell?  
13 Okay. So that's that. Go back to the -- What would  
14 you call it, the history page?

15 MS. SYKES: Again, I believe it was in September,  
16 your Honor, because you gave us two months for  
17 discovery. And Mr. Schmiedel -- The transcripts will  
18 be clear that Mr. Schmiedel was told to contact  
19 Dr. Shaw and see if he would be available for the 1st  
20 or December 2nd, so --

21 THE COURT: Do you know what date?

22 MS. SYKES: It was in September. I know you gave  
23 us a couple months for discovery of which at that time  
24 too I also sent --

1 THE COURT: It's hard for me to look at this thing  
2 and interpret what I'm saying. Here it is. Here's one  
3 on 9/8. The item ends in 56. Do you see that? On  
4 September 8, this matter coming on to be heard for a  
5 ruling on guardian's petition for partition; guardian's  
6 petition is set aside, apportionment payment; and  
7 Gloria Sykes' motion to strike Dr. Shaw's testimony.  
8 Present in court Peter Schmiedel, Cynthia Farenga, Adam  
9 Stern, and Gloria Sykes. It's hereby ordered, one,  
10 Gloria Sykes' motion to strike Dr. Shaw's testimony is  
11 denied. However, the Court shall allow Gloria Sykes to  
12 recross-examine Dr. Shaw on hearing on the guardian's  
13 petition to set aside apportionment agreement. Two,  
14 the petition to set aside apportionment agreement is  
15 set for evidentiary hearing on 12/1/2011 at 10:15 and  
16 12/2 at 10:15, both dates reserved for the entire day.  
17 Three, Gloria Sykes' oral motion to reconsider --  
18 something about the partition -- partition petition is  
19 denied. Four, the Court finds that Mary Sykes and  
20 Gloria Sykes hold the real estate and gives the address  
21 on Avondale in joint tenancy with rights of  
22 survivorship. The petition for partition is granted  
23 and is entered and continued to 9/14/11 to appoint a  
24 commissioner. Parties are encouraged to submit names

1 by the GAL Farenga petition -- something -- continued  
2 12/1 at 10:15.

3 So it seems that this -- I don't know that I  
4 ever ruled on who was going to pay.

5 MR. SCHMIEDEL: Right.

6 MS. SYKES: Why would I pay for his witness, your  
7 Honor? I wouldn't call him as a witness.

8 MR. SCHMIEDEL: Just a couple of things I want to  
9 make clear because there's been a lot of going on, as  
10 you know. Dr. Shaw was initially called on March 18 in  
11 connection because this Court wanted to hear some  
12 evidence to determine whether or not you wanted to  
13 order Gloria Sykes to disclose the whereabouts of the  
14 money and the funds. So he testified on March 18 not  
15 pursuant to the motion to declare the apportionment  
16 agreement null and void. That had not been filed as of  
17 yet. So when testified and was cross-examined on the  
18 issue of whether or not she had the capacity to be able  
19 to -- Because you wanted to -- You specifically raised  
20 that issue. Does she have the capacity to enter into  
21 the contract in October of 2008.

22 MS. SYKES: Right. Mary Sykes wasn't here --

23 THE COURT: Excuse me. Excuse me. You have to  
24 stop talking.



1 MR. SCHMIEDEL: So in response or following  
2 Dr. Shaw' testimony -- after Dr. Shaw's testimony --

3 THE COURT: Ms. Sykes did a very nice  
4 cross-examination.

5 MR. SCHMIEDEL: Yes. You ordered her to disclose  
6 the whereabouts of the funds. That occurred on  
7 March 18. In fact, that's --

8 MS. SYKES: No, it didn't happen on March 18th. It  
9 happened on the 23rd, your Honor.

10 MR. SCHMIEDEL: Thank you. It happened the next  
11 court date.

12 THE COURT: That didn't happen that day when --

13 MR. SCHMIEDEL: Happened in close --

14 THE COURT: Stop. Stop talking, please.

15 MR. SCHMIEDEL: In any event, it happened  
16 subsequent shortly after Dr. Shaw testified. And so  
17 he's never testified relative to the motion to declare  
18 the apportionment agreement null and void.

19 MS. SYKES: Yes, he did, your Honor. That was the  
20 whole idea.

21 THE COURT: Excuse me, excuse me.

22 MS. SYKES: I've got the transcript, your Honor.

23 THE COURT: Excuse me, ma'am.

24 MR. SCHMIEDEL: So the cross-examination of

1 Dr. Shaw -- In my motion to declare the apportionment  
2 agreement null and void, I referred to Dr. Shaw's  
3 testimony and attached some other exhibits. So we're  
4 kind of on a parallel track here on some level in terms  
5 of her coming in to cross-examine Dr. Shaw relative --

6 THE COURT: All of this comes about because in my  
7 initial order setting down today for Dr. Shaw to appear  
8 I did not make it clear who'd be responsible for  
9 producing him.

10 MR. SCHMIEDEL: And really -- Yes.

11 THE COURT: That's not my fault.

12 MR. SCHMIEDEL: Well, I don't think you should  
13 fault yourself, Judge.

14 THE COURT: Right. I'm not going to beat myself  
15 over the head too much. Do you know approximately how  
16 much is left in the ward's estate, approximately?

17 MS. SYKES: Your Honor, I ask that you just strike  
18 the testimony. He didn't appear.

19 THE COURT: I can't strike the testimony.

20 MS. SYKES: You have no jurisdiction.

21 THE COURT: Oh, right. Okay.

22 MR. SCHMIEDEL: About 48.

23 THE COURT: 48? Whether you recognize I have  
24 jurisdiction or not really doesn't determine the

1 authority that I have in this case. I'm going to say  
2 this to you and I hope in a way that you will  
3 understand: This Court -- And when I say "this court,"  
4 not me, another judge, had a petition, a petition filed  
5 by Ms. Toerpe seeking to become guardian of Mary G.  
6 Sykes. After evidence, appropriate evidence was put  
7 before that judge --

8 MS. SYKES: There was no evidence. And no one was  
9 served, your Honor.

10 THE COURT: Excuse me. You have no right to  
11 service. The only person who has the right to be  
12 personally served is Mary G. Sykes.

13 MS. SYKES: Well, she's not here, your Honor.

14 THE COURT: That determination was made by the  
15 judge prior to the appointment of the guardian of the  
16 person and estate, Ms. Toerpe.

17 MS. SYKES: So --

18 THE COURT: You still need to stop talking. Now,  
19 one of the tasks of the probate court when it comes to  
20 matters concerning disabled adults is to protect the  
21 assets that belong to the disabled adult once there's  
22 been such a finding.

23 MS. SYKES: They're not her assets, your Honor.  
24 They belong to me. I have a final court order.

1 THE COURT: Excuse me, ma'am. And this Court is  
2 given the authority, and when I say "this court,"  
3 again, I'm not speaking of myself. I'm speaking of the  
4 probate court as it hears cases having to do with  
5 disabled adults. Has also the authority to go back in  
6 time prior to the adjudication which is the day that  
7 the now ward was declared disabled and unable to make  
8 decisions and communicate their decisions  
9 appropriately.

10 The Court has authority to go back, and if  
11 there's been something that was done, and I told you  
12 this on this -- when this case was first in front of  
13 me -- If there was something that was done and it was  
14 done when the now ward was unable and actually disabled  
15 and unable to make reasonable decisions about  
16 themselves or their person, then this court by statute  
17 is given the authority to bring that back into the  
18 estate of the disabled adult.

19 MS. SYKES: With a 21401, your Honor.

20 THE COURT: No. There's no need for that in this  
21 courtroom, ma'am. Excuse me, ma'am, please stop.

22 MS. SYKES: So there's no due process in this  
23 court? Is that what you're telling me?

24 THE COURT: I don't think that anyone could call

1 the protracted hearings we have had here as a lack of  
2 due process.

3 MS. SYKES: I have a final order for Judge Mulbern  
4 (phonetic), was done in 2009. My mother had an  
5 attorney --

6 THE COURT: Okay. Why don't you take her outside?  
7 Thank you very much.

8 MS. SYKES: Why don't you bring --

9 THE COURT: Once she's quieted down, you can bring  
10 her back in.

11 MS. SYKES: You have no jurisdiction on me. I'm  
12 leaving. I have no reason to be here, obviously. You  
13 have held ex-parte meetings. You have no jurisdiction,  
14 never been served. I'm sorry. The last time this  
15 happened they stopped talking before --

16 (Ms. Sykes exits.)

17 THE COURT: This is what we're going to do. Right  
18 now Gloria Sykes has left the courtroom. It is -- I  
19 heard her say that she was going to leave. I don't  
20 know if she is. I don't -- I would hope that she'd  
21 come back so we can get something done. But I have to  
22 agree with her. I am not going to put a body  
23 attachment on her and drag her back in front of me.  
24 Why don't we give her a moment, and I'm going to step

1 away for about 15 minutes. And I'll come back and see  
2 where we are. Thank you.

3 (Short recess.)

4 THE COURT: Ms. Sykes, do you want to come forward?

5 MS. SYKES: You have not satisfied the Sadini  
6 requirement, nor has there been a 21401, nor any kind  
7 of service on me so whatever.

8 THE COURT: Is that a yes or no?

9 MS. SYKES: What?

10 THE COURT: Are you going to come forward?

11 MS. SYKES: Excuse me?

12 THE COURT: Are you going to stand up here and  
13 participate?

14 MS. SYKES: Well, I don't know. I can't say  
15 anything. I have nothing in my defense. You don't let  
16 me talk.

17 THE COURT: No, I don't let you talk while other  
18 people are talking, and I don't let you talk while  
19 people that I've asked questions to are answering the  
20 question.

21 MS. SYKES: Well, your Honor, with all due respect,  
22 just because Mr. Schmiedel says it, doesn't mean it's  
23 true.

24 THE COURT: Stop talking.

1 MR. SCHMIEDEL: Judge, I have a suggestion. In  
2 light of the kind of parallel purposes for Dr. Shaw,  
3 one was to -- Initially when the freeze order to give  
4 the Court some insight into whether or not you should  
5 order the disclosure of the whereabouts of the -- of  
6 the frozen funds and the subsequent motion that I  
7 filed, the motion to declare the apportionment  
8 agreement null and void, I think to make the record  
9 clear I think that we should enter and continue the  
10 motion to declare the apportionment agreement null and  
11 void. I will call Dr. Shaw. I will get in touch with  
12 him. I will call him in connection with this motion.  
13 Okay? And she can do whatever -- She can cross-examine  
14 him.

15 THE COURT: She won't be limited to only the  
16 motion?

17 MR. SCHMIEDEL: She won't be limited to what the  
18 issue was before. She can cross-examine him relative  
19 to the motion to declare the apportionment agreement  
20 null and void. I think we should set that for a  
21 hearing date. Probably's going to have to be in April  
22 now so that the record is clear that what I'm  
23 proceeding on as far as Dr. Shaw, as well as the other  
24 documents that I'm going to ask the Court to consider,

1 which are documents that are of public record. I'm  
2 also going to tell you I'm going to call Ms. Sykes for  
3 a very limited purpose as well.

4 And then depending on what her testimony is,  
5 there may be some rebuttal. She can call who she wants  
6 to in response to once it's rest. But we should make  
7 the record clear that we're proceeding on this motion,  
8 and this evidence is being heard in connection with  
9 this motion, give this Court a clear record on which to  
10 rule up or down to the merits of the motion. I think  
11 that makes the most sense. There's been lots of balls  
12 in the air here. And I think to clarify the record, to  
13 make sure the record is clean and clear and going  
14 forward, I think that is the most sensible thing for us  
15 to do rather than to be proceeding on something that  
16 could be misinterpreted or confused.

17 And what I want to do is get finality here.  
18 And once we get finality, I want it to be done. I want  
19 it to be done in a way that we can defend it if the  
20 Court rules in our favor.

21 THE COURT: I think that is very reasonable. Thank  
22 you.

23 MS. SYKES: Will you please serve me? I'd like to  
24 have --



1 THE COURT: I'm not going to serve you, ma'am.

2 MR. SCHMIEDEL: She's been served, Judge. For the  
3 record, there's a notice of motion, a certificate of  
4 service that the document in question was sent to  
5 Gloria Sykes on May 20 of 2011. It was sent to her  
6 through the post office box that she had given. She's  
7 had it. She knows about it. She's got it. She's come  
8 to court with respect to it. The notion that she would  
9 stand in front of this Court and tell her she's never  
10 had this motion or doesn't know anything about this  
11 position is preposterous.

12 MS. SYKES: I know about the motion. I've never  
13 been served regarding a citation to 1401 to discover it  
14 was a final order. I have never received that. The  
15 two years is over.

16 THE COURT: Okay. Mr. Stern, do you remember  
17 before the other judges -- Because before this was on  
18 my call it was in front of three other judges.

19 MR. STERN: That's correct.

20 THE COURT: Was there ever a citation issued as  
21 against -- to recover?

22 MR. STERN: To discover assets.

23 MR. SCHMIEDEL: Yes.

24 THE COURT: Not a citation to recover but a

1 citation to discover.

2 MR. SCHMIEDEL: Correct.

3 THE COURT: They have not filed anything to take.  
4 They filed something to find out if you have?

5 MR. SCHMIEDEL: Find out what you have. And now to  
6 void a contract that was entered into by Mary Sykes.

7 MS. SYKES: It is not a void contract. My mother  
8 had an attorney.

9 THE COURT: No. I didn't remove that it was void.  
10 And just because she had an attorney -- Excuse me,  
11 ma'am. Just because she had an attorney does not make  
12 it then absolutely invoidable.

13 MS. SYKES: Then bring in her attorney.

14 THE COURT: That's not what's going to rule here.  
15 On April 5 -- Do you want to talk to Dr. Shaw, see what  
16 his availability is because you're back on Tuesday?

17 MR. SCHMIEDEL: Why don't we do that? That makes  
18 good sense. We're back on Tuesday. I also have a  
19 subpoena that is out on a Kevin Solom (phonetic), so I  
20 would like that entered and continued generally so he  
21 doesn't have to appear on the 21st. So why don't we do  
22 that. We're here on the 21st. Mr. Stern actually in  
23 connection with partition action does have -- We do  
24 have a commissioner.

1 MS. SYKES: Again, your Honor, with the partition  
2 action, I was never served. There was no evidentiary  
3 hearing. I never have an opportunity to be heard.  
4 Cynthia Farenga never complied with court orders in  
5 responding to certain motions. Plus the fact I have  
6 now learned that Cynthia Farenga's husband actually  
7 served my financial advisor. And that is, No. 1,  
8 illegal. No. 2, as I've never seen what she served him  
9 with. So I'd really like to know how you can say that  
10 there's been due process here when everybody just  
11 willy-nilly goes out and says, We served her. If you  
12 recall, your Honor, I got served by a pizza flyer.

13 THE COURT: There's never been a decision on  
14 whether the funds from the apportionment agreement were  
15 indeed improperly taken by you. I've never reached  
16 that decision. That's why we're still going forward on  
17 the citation to discover. If the --

18 MR. STERN: And you also froze my assets.

19 THE COURT: Yes, of course. If the -- It proves  
20 that indeed the ward was incompetent and -- Well,  
21 incompetent is not the proper term -- unable to make an  
22 appropriate decision at the time of the apportionment  
23 decision -- agreement being signed, then I would  
24 anticipate that the guardian through her attorney would

1 be filing a citation to recover. There's a big  
2 difference between the two. First you have to discover  
3 if it's appropriate. Then if it is appropriate, then  
4 you -- then he would file a  
5 petition -- pardon me -- a citation recover. If it  
6 does show at the end of the hearing and the evidence  
7 put before the court that as of the date of the  
8 apportionment agreement your mother was capable of  
9 making reasonable decisions about herself and her  
10 property, then the citation to recover will not be  
11 found.

12 MS. SYKES: Your Honor, I have a question here.  
13 Okay? I came into court with witnesses on March 23 of  
14 last year and my mother's attorney. You sent them out  
15 into the hallway. You brought me into the back,  
16 handcuffed me to a chair.

17 THE COURT: I didn't take you anywhere.

18 MS. SYKES: You did. You brought me into the back.

19 THE COURT: I did not take you anywhere. I  
20 directed the sheriff's deputies to take you.

21 MS. SYKES: Well, whatever. And I was handcuffed  
22 to a chair without notice or anything.

23 THE COURT: Was she handcuffed to the chair?

24 MS. SYKES: I turned over my -- that I have a final

1 court order from the judge from a settlement that the  
2 Appellate Court made a ruling that the damage is --

3 THE COURT: No, no. You're trying to mix all this  
4 up together.

5 MS. SYKES: I'm not. You've already froze all of  
6 the assets.

7 THE COURT: Froze does not mean taken. Now, taken  
8 is when it doesn't come back to you.

9 MS. SYKES: You stopped me from building my home.  
10 You're now selling my other home. They are getting me  
11 evicted in another court. I really wonder what's going  
12 on here when my mother's not here. There's an '88  
13 complaint. You are a defendant. Mr. Stern's a  
14 defendant. Mr. Schmiedel's a defendant. Ms. Farenga's  
15 a defendant. Carolyn Toerpe. They are all defendants.  
16 I find this as retaliation.

17 THE COURT: I don't even know what you're talking  
18 about. I will see you --

19 MR. STERN: One final thing. On the partition  
20 action which was continued for today, I have notified  
21 Ms. Sykes prior to court that I have nominated  
22 somebody. They are likely just to file a nomination  
23 today. If we can come back on Tuesday to discuss that?

24 MS. SYKES: My home is in my bankruptcy, your

1 Honor.

2 THE COURT: Thank you.

3 MS. SYKES: It's very dangerous to touch a  
4 bankruptcy unless you want to go --

5 THE COURT: Thank you very much.

6 MS. SYKES: -- money doesn't belong --

7 THE COURT: That's enough. Thank you very much.

8 Ms. Sykes, the information about the e-mail  
9 that was sent to you with the contact information for  
10 Mr. -- for Dr. Shaw and the copy of the letter and a  
11 copy of some order from March -- May 20, 2011, which  
12 were tendered to me by Mr. Schmiedel including this  
13 envelope I am now going to return to you because I  
14 don't think that is at issue any longer.

15 MR. SCHMIEDEL: Thank you.

16 MS. SYKES: Your Honor, that is the same envelope  
17 he brought into another court.

18 THE COURT: No, it's not because it has another  
19 postmark on it.

20 MS. SYKES: I know what it is. It's the same date  
21 that he said he mailed something into the bankruptcy  
22 court, and that's on a transcript, your Honor.

23 THE COURT: He really might have done -- mailed two  
24 things.

1 MS. SYKES: Can I get --

2 THE COURT: No, you may not.

3 MS. SYKES: No. So, in other words, it's not -- It  
4 doesn't say return to you --

5 MR. SCHMIEDEL: Please admonish her to leave me  
6 alone.

7 MS. SYKES: It doesn't say returned to him.

8 THE COURT: Thank you. You have to go. Say  
9 good-bye.

10 MS. SYKES: I will report it to the U.S. Postal  
11 Service he's taking my mail. Doesn't say return to  
12 him.

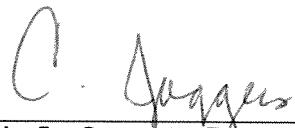
13 THE COURT: Good-bye.

14 (Which were all the proceedings had in  
15 the above-entitled cause.)  
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STATE OF ILLINOIS     )  
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COUNTY OF COOK        )

I, CANDACE G. JAGGERS, an Official Court Reporter for the Circuit Court of Cook County, Illinois, do hereby certify that I reported in shorthand the proceedings had on the hearing in the above-entitled cause; that I, thereafter, caused the foregoing to be transcribed into typewriting, which I hereby certify to be a true and accurate transcript of the proceedings.

  
\_\_\_\_\_  
Official Court Reporter  
CSR# 084-004494  
Circuit Court of Cook County,  
County Department-Probate Division

Dated this 17th day of May, 2012.