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

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  
12th day of August, A.D., 2011.

PRESENT:

MR. ADAM STERN,  
Court-Appointed Guardian Ad Litem;  
MS. SUE FEGE  
MR. SCOTT EVANS

CHARLENE J. THOMAS, CSR, RPR  
Official Court Reporter  
CSR License No. 084-001251  
69 West Washington Street, Suite 900  
Chicago, Illinois 60602

1 THE COURT: Sykes.  
2 Hello, hello.  
3 MR. STERN: Good morning, Your Honor.  
4 MS. FEGE: Good morning.  
5 MR. EVANS: Good morning.  
6 THE COURT: Who are you?  
7 MR. STERN: Adam Stern, S-t-e-r-n, one of two  
8 Guardian Ad Litem assigned to the case.  
9 THE COURT: And who are you?  
10 MS. FEGE: I'm Sue Fege.  
11 THE COURT: How do you spell your last name?  
12 MS. FEGE: F as in Frank -e-g-e.  
13 THE COURT: Thank you.  
14 And who are you?  
15 MR. EVANS: I'm Scott Evans.  
16 THE COURT: What?  
17 MR. EVANS: I'm Scott Evans.  
18 THE COURT: Hello, Mr. Evans.  
19 I have your verified petition for a  
20 temporary substitute guardian and emergency hearing,  
21 and this is what you filed for the Court; is that  
22 correct?  
23 MR. EVANS: Correct, Your Honor.  
24 THE COURT: All right. If you want to say

1 something for the record about what you filed.

2 MS. FEGE: What we filed?

3 MR. EVANS: Yes.

4 THE COURT: One of you.

5 MR. EVANS: Go ahead.

6 MS. FEGE: Well, I'm just here to say that I'm  
7 a very dear friend of Mary's and my mother also and  
8 Scott and his mother, we have been friends for a long  
9 time, done a lot of things together. And I just feel  
10 that I need to, you know, speak up for her and  
11 have -- hopefully, have an attorney be appointed to  
12 her on her behalf.

13 And we just, you know, need to -- as far as  
14 Carolyn is concerned, his client, is the Respondent  
15 on a petition -- is the Respondent on a petition for  
16 an order of protection, and the Illinois Probate Code  
17 mandates that she be removed as guardian for Mary.

18 THE COURT: Have you seen this other document,  
19 a memorandum of law?

20 MR. STERN: No.

21 THE COURT: All right. Why don't I show that.  
22 Do you have an extra -- another copy?

23 MR. EVANS: Yes, I do. I meant to hand that  
24 over earlier so Your Honor --

1 THE COURT: I have two copies here, so --

2 MR. EVANS: That's right. These were for him  
3 anyway.

4 THE COURT: All right. Why don't I give you an  
5 opportunity to read that, if you'll step away, and  
6 then I'll call it back later. Okay?

7 MR. EVANS: Thank you.

8 MR. STERN: Judge, I have two other cases over  
9 in 1807 as well.

10 THE COURT: All right. And then you can come  
11 back.

12 MR. STERN: I will.

13 THE COURT: When you come back, we'll call this  
14 up again.

15 MR. STERN: All right. Thank you, Your Honor.

16 THE COURT: Thank you.

17

18 (The above-entitled cause was  
19 passed and later recalled.)

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1 THE COURT: Sykes.

2 Who are you, sir?

3 MR. STERN: Adam Stern, S-t-e-r-n, one of the  
4 two Guardians Ad Litem assigned to this case.

5 THE COURT: And who are you?

6 MS. FEGE: Sue Fege, F-e-g-e.

7 THE COURT: And who are you, sir?

8 MR. EVANS: Scott Evans, E-v-a-n-s.

9 THE COURT: All right. There is a verified  
10 emergency petition for appointment of a legal  
11 counselor for Mary G. Sykes and a memorandum of law  
12 filed today.

13 MR. STERN: I'm sorry, Judge, what was that  
14 first thing you mentioned?

15 THE COURT: This is -- I just noticed, this is  
16 not what I had as a courtesy at all.

17 MR. STERN: I have not seen that document.

18 THE COURT: Have a seat. You can look at it,  
19 I'm sorry.

20 MR. EVANS: Sorry.

21 THE COURT: Have a seat.

22 MR. EVANS: Let me see what you have.

23 THE COURT: He has a right to look at it. I'm  
24 not going to require him to respond to something he

1 hasn't seen and I didn't know it was here either.  
2 You can have a seat.

3 Step away. If you're going to have a  
4 conversation, I don't want to hear it.

5 MR. EVANS: Sorry, Judge.

6 THE COURT: No, I'm just reminding you, I'm  
7 here.

8 (Brief interruption.)

9 THE COURT: Are you ready?

10 MR. EVANS: Sure.

11 THE COURT: Oh, I'm so sorry.

12 Sykes. And I'm not going to have you  
13 identify yourselves again because I think the court  
14 reporter has that information.

15 All right. Can I have what I gave you back  
16 because that's the only thing I had. The only  
17 courtesy copy I had was a verified petition for  
18 temporary substitute guardian and emergency hearing.

19 Today I have been handed, as I noted  
20 earlier, verified emergency petition for appointment  
21 of legal counselor for Mary Sykes and a memorandum of  
22 law. Which one did you want to take up first?

23 MR. EVANS: Your Honor, the main one.

24 THE COURT: Which is the main one?

1 MR. EVANS: The one that was submitted a week  
2 or so ago that's on 755 ILCS --

3 THE COURT: What's the name of the petition?

4 MR. EVANS: It's the named Respondent.

5 THE COURT: Respondent.

6 MR. EVANS: Yes, this is about the named  
7 Respondent to the --

8 THE COURT: What's name of the -- I've read the  
9 three descriptions.

10 MR. EVANS: It's the one on your right, I  
11 believe.

12 THE COURT: The verified petition for temporary  
13 substitute guardian and emergency hearing.

14 MR. EVANS: Yes, Your Honor.

15 THE COURT: All right. You want to make an  
16 argument in support of that, are you ready to do that  
17 or you're ready to respond?

18 MR. STERN: I can respond.

19 THE COURT: All right. Well, make your  
20 argument, sir. And also, I would ask is Ms. Fege?

21 MS. FEGE: Fege.

22 THE COURT: Fege, if Ms. Fege is going to make  
23 an argument in support of this petition and that  
24 she's one of the Petitioners?

1 MR. EVANS: Yes.

2 THE COURT: Okay. What is your argument in  
3 support of your petition?

4 MS. FEGE: On July 23rd --

5 THE COURT: You're going to make the argument  
6 for both.

7 MR. EVANS: Yes.

8 THE COURT: Okay. Ms. Fege is.

9 MR. STERN: Judge, just so the record is clear,  
10 the other two petitions, the notice of memorandum of  
11 law and the notice for counsel or whatever --

12 THE COURT: Verified emergency petition for  
13 appointment of legal counselor of Mary G. Sykes.

14 MR. STERN: If you look at both of those  
15 documents, Judge, the certificate of service says  
16 that they hand-delivered or mailed by U.S. mail on  
17 August 12th, 2011, prior to 5:00 p.m.

18 There are three additional people listed on  
19 the notice list. I don't know if they were  
20 hand-delivered at sometime between this morning and  
21 it's now 12:35, or it's planned to be mailed sometime  
22 between 12:35 and 5:00 p.m. today --

23 THE COURT: You're saying there wasn't  
24 appropriate notice.



1 MR. STERN: Correct.

2 THE COURT: All right.

3 MR. EVANS: Yes, they have not been noticed.

4 THE COURT: All right. Then we will then enter  
5 and continue for notice these other two -- well, the  
6 verified emergency petition for appointment of legal  
7 counsel for Mary G. Sykes, and I presume also the  
8 memorandum of law.

9 Will you then go forward, sir, as you have  
10 indicated, or ma'am, on the verified petition for  
11 temporary substitute guardian and emergency hearing.

12 MS. FEGE: Yes, on July 23rd, 2011, next best  
13 friend filed a verified motion under  
14 755 ILCS 511(A) 10(1), alleging that guardian,  
15 Carolyn Toerpe -- the guardian, Carolyn Toerpe, is  
16 the named Respondent on the petition for an order of  
17 protection. That Carolyn Toerpe should therefore be  
18 removed as guardian of Mary Sykes and that as a  
19 matter of law, the appointment of temporary  
20 substitute guardian is mandated under the facts and  
21 circumstances presented.

22 Next best friends are longtime friends of  
23 Mary Sykes and family, and we are familiar with the  
24 facts and circumstances of Mary Sykes' guardianship.

1           We ask that the Court take immediate and  
2 affirmative action to protect Mary Sykes and remove  
3 the appointed guardian, Carolyn Toerpe, as mandated  
4 by Illinois 755 ILCS 511(A) 10(1) for an order  
5 appointing Sue Fege as temporary substitute guardian  
6 pending further order from this Court and for all  
7 just, proper and appropriate relief upon these  
8 premises.

9           THE COURT: I'll ask you a question. As I look  
10 through your exhibits, Exhibit A is the complaint  
11 brought by -- this says it was signed by Mary Sykes,  
12 and this was from 2009. That's the date I have here  
13 on the copy that you have appended.

14           MR. EVANS: I believe June 9th, 2009, when Mary  
15 submitted the petition.

16           THE COURT: That was June 9th, 2009. This  
17 case -- and then there was a hearing that was had,  
18 and you have attached the -- you have attached the  
19 transcript of that hearing, and that hearing appears  
20 to have taken place on June 9th, 2009, in which it  
21 appears that the Judge was denying the petition for  
22 an order of protection. And yet, I have some order  
23 dated 6/30 2009, although it only sets the matter for  
24 status hearing on 7/21/09.

1                   There is no finding here that an order of  
2 protection is appropriate. I don't see that in what  
3 you have given me. I see the three things, which is  
4 the transcript of the hearing where the Judge refuses  
5 to enter an order, I see the printed order, the  
6 disposition order as it is titled, which is basically  
7 a continuation order, and I see the original petition  
8 in 2009.

9                   Now, this is the problem I'm going to have.  
10 I'm looking at what you have. I have this -- I can  
11 ask my clerk -- what is this? I can ask my clerk to  
12 look this up and I'm going to ask, 09 P 4585.

13                   MR. STERN: That's our case, Judge, the  
14 guardianship case.

15                   THE COURT: Yes, I know.

16                   MR. STERN: Oh, okay.

17                   MR. EVANS: But the petition --

18                   THE COURT: What was the day it was filed,  
19 July 20th, 2009?

20                   THE CLERK: The guardianship, yes.

21                   THE COURT: Can we find the date that Judge  
22 Connors appointed the guardian?

23                   THE CLERK: Sure.

24                   MR. EVANS: It would be December 10th.

1           THE COURT: I'm going to verify that, if that's  
2 okay. December 10th.

3           MR. STERN: That's correct, it is.

4           THE COURT: December. Oh, you're checking to  
5 make sure.

6           THE CLERK: 10/23/09.

7           THE COURT: Is that the date of appointment?

8           MR. STERN: That was for temporary  
9 guardianship.

10          THE COURT: Oh, that's temporary. Okay.

11          THE CLERK: So that's 10/23/09. Go back to  
12 11/12/09, that's the time -- December 10th of '09.

13          THE COURT: So this would have been before  
14 Judge Connors when she entered the order, this whole  
15 matter.

16          MR. STERN: That's correct.

17          THE COURT: Okay. From 2009.

18                 Did you want to say anything else in  
19 support of your petition for temporary substitute  
20 guardian and emergency hearing?

21          MR. EVANS: No, Your Honor, we think it's  
22 pretty straightforward.

23          MS. FEGE: I would like Mary to be appointed a  
24 lawyer also for herself.

1 MR. EVANS: But that's continued.

2 MS. FEGE: Oh, okay.

3 THE COURT: All right. Go ahead.

4 MR. STERN: As Your Honor just pointed out, the  
5 proceeding that they are referencing occurred prior  
6 to the guardianship. And actually, the orders that  
7 are attached to the exhibit show that the Domestic  
8 Violence Judge knew that it was pending or was  
9 anticipating a pending guardianship and transferred  
10 the case to the guardianship, and to my knowledge has  
11 never entered any orders against Carolyn Toerpe.

12 This case, as you're well aware of, has had  
13 many court dates and many Judges. Judge Connors --  
14 as an officer of the court, I can tell you that Judge  
15 Connors was aware of the order of protection and that  
16 there was an order of protection filed prior to the  
17 guardianship being filed. And as the Guardian Ad  
18 Litem and -- as well we also knew of the petition  
19 that's being filed, and again there was never any  
20 findings against Carolyn Toerpe based on those  
21 petitions.

22 There's been, to my knowledge, no new order  
23 of protection petitions or allegations or anything  
24 else being filed. So I don't believe the statute

1 that they are citing applies. That applies to when  
2 there's a current exigent circumstances that need the  
3 removal of a guardian because of an order of  
4 protection. Until the Court can sort out the  
5 circumstances and facts for those circumstances, then  
6 there may be a time the guardian needs to be removed  
7 temporarily as to why that portion of the statute is  
8 here.

9 It is not -- it's my understanding and my  
10 belief that it's not meant to prohibit someone from  
11 ever becoming guardian if they have ever been named  
12 as Respondent in the petition for an order of  
13 protection.

14 That would not comply with due process,  
15 that would -- I mean anyone can file a petition at  
16 any time without having a ruling on it. It is not an  
17 ultimate bar from someone ever serving as a guardian,  
18 which I think is -- if you read the statute in the  
19 Probate Act, which is why it says temporary successor  
20 guardian because it's anticipating that there would  
21 be a hearing on the order of protection. And whether  
22 the order of protection was granted or not would then  
23 decide whether that temporary should be a permanent  
24 removal or a temporary removal.

1           If the Probate Act meant to bar anyone from  
2 ever being able to respond to an order of protection  
3 proceeding and they could never be a guardian again,  
4 the Probate Act would have said that. That's not  
5 what it says.

6           As the Guardian Ad Litem as we have  
7 testified in this court many, many times and with  
8 other Judges that heard this case prior to you, we  
9 feel that the allegations in the petition aren't  
10 warranted in this removal petition and other  
11 petitions that have been filed in the court.

12           As this Court is well aware, there's a very  
13 thick, as Gloria Sykes would like to say, nine  
14 volumes of case records in this case. There have  
15 been allegations over and over again with Carolyn  
16 Toerpe made by various individuals, and every  
17 professional that has ever investigated, to my  
18 knowledge, never finds any of those allegations  
19 warranted.

20           This is another attack against Carolyn  
21 Toerpe that is again, in my estimation as Guardian Ad  
22 Litem in this case, an attack, and that's simply what  
23 it is.

24           I believe the petition should be denied on

1 its face for the reasons I just stated. I also don't  
2 believe the petition is in its proper format. It's  
3 not a petition for a citation, it's again referring  
4 to an alleged disabled person even though she's been  
5 adjudicated in 2009.

6           You know, this case is -- as this Court is  
7 very well aware goes on a lot of different tangents  
8 and a lot of different players and parties that try  
9 to become involved in this case, and they are  
10 distractions from the issues that this Court is  
11 currently having under advisement, and currently we  
12 have a court date in September waiting for your  
13 ruling on other issues.

14           And again, I believe these are just  
15 distractions again to get away from the heart of the  
16 issues which is the -- which is a lot to do with the  
17 financial aspects of the real estate and the other  
18 issues that other parties in this case have raised.

19           THE COURT: You get the last word, one of you.

20           MR. EVANS: I don't know where to begin.

21           MS. FEGE: Yes, the heart of the issue would be  
22 her not being able to go back to her own home and  
23 not be --

24           THE COURT: That's not before me.



1 MR. FEGE: -- with her friends.

2 THE COURT: That's not before me.

3 MR. EVANS: Okay. As far as -- I'd just like  
4 to say, Your Honor, that if you follow the money --

5 THE COURT: I'm going to stop you for one  
6 second.

7 MR. EVANS: Okay.

8 THE COURT: You're not an attorney, are you,  
9 ma'am?

10 MS. FEGE: No.

11 THE COURT: All right. Let me say this, I  
12 don't know if you are or not.

13 MR. EVANS: No.

14 THE COURT: I know you have been here before.  
15 And you certainly have been in the courtroom while I  
16 have been on the bench and we have had various  
17 hearings on various motions.

18 MS. FEGE: I just have a lot of heart --

19 THE COURT: This is not -- court is run by  
20 rules. Clearly, I am required to use and recognize  
21 the law and follow what the law dictates. Not my own  
22 personal decisions, what I would want as an  
23 individual away from this courthouse, away from this  
24 courtroom, but rather what the law would dictate. I

1 swore to do that and it is my duty to do that.

2 There is also a way that the Court has  
3 determined these hearings should be heard, and one of  
4 the things that is required is that when a case is  
5 called before the Court, that all the parties who are  
6 going to have to appear before the Court know what  
7 the issue is.

8 So I've been told we were going forward on  
9 this petition for temporary substitute guardian, et  
10 cetera. You will note that when I found these two  
11 other documents, the first thing I did was to ask  
12 Mr. Stern if he had seen them. If he hadn't seen  
13 them then he would not be able to respond to them.  
14 Makes some sense, doesn't it?

15 MS. FEGE: Right.

16 THE COURT: So when I tell you we're not going  
17 to go beyond what's before me, we're not going to go  
18 beyond what's before me, and I want you to understand  
19 why. Because we can't -- this isn't like  
20 conversation and it is very structured, and I hope  
21 you understand why I'm stopping you at this point.  
22 Okay? Okay? I just -- you've heard me. Whether you  
23 agree or not, you've heard me.

24 MS. FEGE: No, I'm not saying I don't agree.

1 I'm just trying to comprehend it. I'm just -- go  
2 ahead.

3 THE COURT: It's not what you expect and it's  
4 not TV, and it certainly isn't what you see, either,  
5 during the afternoon or at night. Please, sir --

6 MR. EVANS: Thank you. Thank you for pointing  
7 it out. Yes, I really don't know where to go from  
8 here on this. We thought this was pretty much a  
9 straightforward shot. Mr. Stern, as usual, makes an  
10 excellent argument and maybe we're just stuck with  
11 the next try, Your Honor.

12 THE COURT: All right. Then are you going to  
13 withdraw the petition or do you want me to rule on  
14 it?

15 MR. EVANS: No, I'd appreciate a ruling on it,  
16 please.

17 THE COURT: All right. Then I am going to  
18 adopt the reasoning of the Guardian Ad Litem and deny  
19 your petition.

20 MS. FEGE: Can I ask a question?

21 THE COURT: You can ask. I may not answer, but  
22 you can ask.

23 MS. FEGE: Why Mary can't be appointed an  
24 attorney.

1 THE COURT: Not before me. Not before me.

2 MR. EVANS: Next, next.

3 THE COURT: Not before me. And you don't want  
4 to talk to anybody, do you? I don't know what you  
5 want to do. You're asking for legal advice. I'm not  
6 here to give legal advice --

7 MS. FEGE: Okay.

8 THE COURT: -- at all.

9 MR. EVANS: Yes, I understand. I understand.  
10 I've sat through about 32 of these and I should know  
11 better than some of the things I've --

12 THE COURT: No, no, no. Thank you very much.

13 MR. EVANS: Thank you, Your Honor.

14 MR. STERN: Thank you, your Honor.

15 THE COURT: You'll draw the order?

16 MR. STERN: I will. Have a good weekend.

17 THE COURT: You, too.

18 MR. STERN: I have a follow-up question.

19 THE COURT: What's your follow-up question?  
20 Come back, come back, come back. See, I'm very big  
21 on everybody knowing what's going on. It's not fair  
22 otherwise.

23 MR. STERN: Since you are entering and  
24 continuing the other motion, are you scheduling it

1 for a date certain?

2 THE COURT: Do you have everybody's time  
3 schedule?

4 MR. STERN: I do not.

5 THE COURT: Okay. Let me have the book. Thank  
6 you.

7 Do you have your calendars with you?

8 MR. EVANS: Yes.

9 THE COURT: Okay. What day were you -- what  
10 days were you thinking? You need service. I know  
11 that Mr. Schmiedel, he said he was taking his  
12 daughter to school.

13 MR. STERN: Correct, today.

14 THE COURT: Okay. When would he be back, do  
15 you know?

16 MR. STERN: I think it's just --

17 THE COURT: There and back.

18 MR. STERN: I mean, I don't want to disclose  
19 his school but I think it's not too far.

20 THE COURT: Okay. There and back. So we  
21 can -- you tell me.

22 MR. STERN: I think we still need to give  
23 notice to Ms. Farenga and Ms. Sykes --

24 THE COURT: Yes.

1           MR. STERN:  -- Gloria Sykes, so it has to be at  
2 least five days for notice by mail.

3           THE COURT:  How about Monday the 29th at  
4 2:00 o'clock, or do you want -- we can do it at --  
5 why don't we do it at 11:30 on Monday the 29th.  
6 How's that for you?

7           MR. STERN:  That would work because I have an  
8 afternoon hearing.

9           THE COURT:  Okay.  11:30 on Monday the 29th.  
10 Okay?

11          MR. EVANS:  Thank you very much, Your Honor.

12          THE COURT:  You're welcome.  Make sure that  
13 your notice indicates --

14          MR. STERN:  Yes, I'll get them out today.

15          THE COURT:  -- the date and time of hearing.

16          MR. STERN:  Right.

17          THE COURT:  Thank you.

18          MR. EVANS:  Thank you.

19

20                               (Which were all the proceedings  
21                               had in the above-entitled cause.)  
22  
23  
24

1 STATE OF ILLINOIS )

2 ) SS:

3 COUNTY OF C O O K )

4

5 I, CHARLENE J. THOMAS, an Official Court  
6 Reporter for the Circuit Court of Cook County, County  
7 Department, Probate Division, do hereby certify that  
8 I reported in shorthand the proceedings had at the  
9 hearing in the above-entitled cause; that I  
10 thereafter caused the foregoing to be transcribed  
11 into typewriting, which I hereby certify to be a true  
12 and accurate transcript of the Report of Proceedings  
13 had before the HONORABLE JANE STUART, Judge of said  
14 court.

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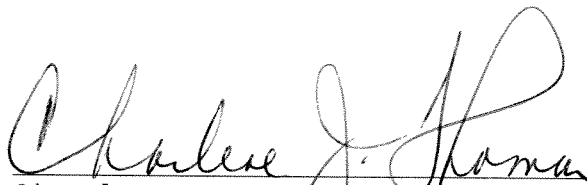
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Charlene J. Thomas  
Official Court Reporter  
CSR No. 084-001251

Dated this 18th day  
of June, A. D., 2012.