

No. 19-_____

In the
Supreme Court of the United States

RICHARD J. FIELDS,

Petitioner,

v.

DIANA PALMERI, OLGA PALMERI, VICTOR PALMERI,
CYNTHIA PALMERI and ANA GARZON YEPEZ,

Respondents.

On Petition for an Extraordirary Writ of Mandamus
to the New York Court of Appeals

PETITION FOR
EXTRAORDINARY WRIT OF MANDAMUS

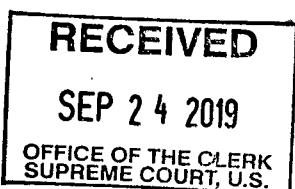
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QUESTIONS PRESENTED

This case relates to a 9 million dollar estate of a 96 year old blind man and his family which had three mental patients. Within one hour Judge Rita Mella in the New York County Surrogate's Court gave all Sydney Fields' estate to the nieces of his third wife (she predeceased him). After that all the appellate courts rejected my appeal. That is why I am here looking for justice. Below are questions raised in my Case. Thank you for your attention.

- (i) Should we ignore a forged initial because our law does not require an initial to make a Will valid? How about people falsifying a will by switching its pages?
- (ii) Should we allow lawyers to conceal a person's psychiatric problem before accusing him and causing him a big loss? (Nine Million Dollars)
- (iii) Should we allow a judge to recognize a will-drafter's affirmations rather than the decedents' statements which were recorded on audiotape?
- (iv) Shouldn't video and audiotapes be mandatory and required by law for Will drafters who provide service for blind people? Shouldn't we at least require their Wills being read aloud in front of the witnesses?

LIST OF THE PARTIES

Petitioner

- Richard J. Fields (Pro Se)

Respondents

- Diana Palmeri
- Olga Palmeri
- Victor Palmeri
- Cynthia Palmeri
- Ana Garzon Yepez

Name of Party to Whom Writ of Mandamus is Sought

- New York Court of Appeals

LIST OF THE PROCEEDINGS BELOW

N.Y. County Surrogates Court, No. 2016-111. *Probate Proceeding, Will of Sydney H. Fields*, Decree of Probate issued July 20, 2018.

Supreme Court of N.Y., 1st Judicial Department, County of New York, M-3860, M-4076, *Probate Proceeding, Will of Sydney H. Fields*, Final Order entered December 27, 2018.

N.Y. Court of Appeals, *Richard Fields v. Diana Palmeri*, No. 2019-125, Final Order entered April 2, 2019.

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PETITION FOR A WRIT OF MANDAMUS

Surrogate's Court of New York County Judge Rita Mella on the date 26th March, 2018 dismissed my objection to the probating of Sydney's Will of 2014. (App.12a-19a). Her decision has been published already.

On the date of 25th Sep, 2018 the First Judicial Department in the Country of New York denied my appeal of an order of the Surrogate's Court of New York County and on the date of 27th Dec, 2018 they denied my motion to reopen my appeal (case number #M-3860/M-4067). A copy of that decision appears in the Appendix. (App.4a-5a). Decisions not being published yet.

On the date of 31st Jan, 2019 the Supreme Court of the State of New York and New York County dismissed our case (#101305/2018) and told me to appeal it to the Appellate Division. (App.3a). Decision not being published.

On the date of 2nd April, 2019 the State of New York Court of Appeals denied my appeal MO No. 2019-125 and admitted that their order does not finally determine the proceeding within the meaning of the constitution. (App.1a-2a).

On the date of 27th June, 2019 the State of New York Court of Appeals denied my motion for re-argument. (App.20a).

Decisions are being published already.

OPINIONS BELOW

The Order of the Court of Appeals for the State of New York, dated April 2, 2019 is included below at App.1a. The Order of the New York Appellate Division, First Judicial Department, dated December 27, 2018 is included below at App.4a.¹ The underlying Opinion of the Surrogate's Court in New York County, New York, dated March 26, 2016 is included below at App.12a. That court's Decree of Probate, dated July 20, 2018 is included below at App.8a,

JURISDICTION

The New York Court of Appeals denied a timely motion for re-argument on June 27, 2019. (App.20a) This Petition for Extraordinary Writ of Mandamus is filed pursuant to Sup. Ct. R. 20.4(a). This Court has jurisdiction under 28 U.S.C. § 1651.

¹ Due to the long procedural history in this case, the New York Court of Appeals notes that its order of April 2, 2019 pertains to the December 27, 2018 Appellate Division order (App.4a), and not to the earlier order of September 25, 2018. (App.6a).



RULE 20 STATEMENT

A. Name and Function of Parties to Whom Mandamus is Sought to be Directed

Petitioner seeks a writ of mandamus issued to the New York Court of Appeals.

B. Specific Relief Sought

The New York Court of Appeals dismissed the Petitioner's appeal on the grounds that "Such [appellate] order does not finally determine the proceeding within the meaning of the Constitution; and it is further Petitioner seeks an order directed New York Court of Appeals"

This case involves the probate of the will of the late Sydney H. Fields, father of the Petitioner Richard Fields. The Decree of Probate (App.8a). has been issued excluding the Petitioner who is the child of the Decedent. Nothing can have more finality than such a judgment and the transfer of assets away from his son and rightful heir, the Petitioner is imminent without the intervention of this Court.

The Petitioner seeks the issuance of a Writ of Mandamus to the New York Court of Appeals with directions that a final judgment is in place and the appeal of the Petitioner is ripe for review. The Petitioner further requests review by this court of the history, documents, and testimony in this case which should conclusively determine that the Petitioner is a rightful heir; and *igitur* direct the New York County

Surrogate's Court to vacate the Order of Probate and enter judgment in favor of Petitioner.

C. Why Petitioners Have Filed for Relief in This Court

Petitioner timely filed appeals in the New York Appellate Division and the New York Court of Appeals. Instead of addressing the issues on the merits, the Court of Appeals "punted" by fallaciously claiming that it was premature to file an appeal claiming that the lower court orders were not finally determinative.

Thus, with remedies in the New York state courts now exhausted, the Petitioner turns to the United States Supreme Court for a Writ of Mandamus.



STATEMENT OF THE CASE

On March 26, 2018, Surrogate's Court for New York County Judge Rita Mella dismissed my objection to the probating of Sydney's Will of 2014. (App.12a-19a). Her decision has been published already.

On September 25, 2018 the first Judicial Department in the Country of New York denied my appeal of an order of the Surrogate's Court of New York County and on the date of December 27, 2018 they denied my motion to reopen my appeal (case number #M-3860/M-4067). A copy of that decision appears in Appendix. (App.4a-5a).

On January 31, 2019 the Supreme Court of the State of New York and New York County dismissed

my case (#101305/2018) and told me to appeal it to the Appellate Division. (App.3a).

On April 2, 2019 the State of New York Court of Appeals denied my appeal Mo. No. 2019-125 (App.1a-2a) and on the grounds that the order of the appellate Division did not finally determine the proceeding within the meaning of the Constitution. The Court of Appeals did not explain or elaborate on what constitutional standard it was relying upon in its order.

On the date of June 27, 2019 the State of New York court of Appeals denied my motion for reargument. (App.20a).

REASONS FOR GRANTING THE WRIT

My name is Richard Fields. I am receiving psychiatric treatment (App168a, 169a) and living on the SSI program for more than twenty years. Because of my psychotic behavior Fields family members did not contact each other all these years. Taking advantage of the situation, four nieces of Sydney Fields' third wife (she predeceased him) distribute my father's 9 million dollar estate. Compared with the previous will the 2014 will increased the Palmeris' shares from 1% to 100%, double of what Sydney gave to his wife, their aunt. The 2014 will also reduce the charity's share from 4 million dollars to \$1,500 without any explanation from the decedent. For that reason the attorney general of NY State considered that a felony was involved. (App.21a-24a).

Below is what actually happened:

I. THEY COMMITTED PERJURY ABOUT SYDNEY'S VISION.

Five days before the Will was signed the 96 years old testator, Sydney Fields, talked to the broker from Vanguard: "I can't read, I can't read, I can't read any type, you know, and, and that's why I can't handle those pages., I, I, I, I, I, can't, I can't read them, no, I can't read. . . . I mean, with my magnifying glass I can read large print, but I can't read anything that's—that's on papers." His statement was recorded by Vanguard's phone system. (App.56a).

Eye exam report provided by Janet Serle confirmed Sydney's vision as below: On Dec 5th 2014, blind in

both eyes. (App.43a line 2-4). On Sep 3rd 2014, legally blind: (App.44a line 2-4) right eye was totally blind and his left eye could not count fingers from 3 feet away. (App.42a chart). The 2014 will was signed on Oct 6th 2014, between legal blind to blind. The respondent's lawyers ordered and forwarded those records to me in 2016 but tried to dismiss them in 2018.

However, the judge believed that Sydney could read just because a magnifying glass is mentioned. "Here the fact that the attesting witnesses could not confirm whether decedent had his magnifying glass that day (the attorney-drafter and one of the witnesses testified that he had.) (App.16a line 4-8). Below was the witness, wife of will-drafter Edward Curtin, Jill Curtin said:

"I have a memory of a magnifying glass. It's a black rectangle with a handle, but I am not sure if that was Mr. Fields. I believe he might have, you know. . . ." (App.76a). That Will was signed in Curtin's small apartment and who else was there and needed a magnifying glass that day? When again Jill Curtin answered the question about: "Did you see Mr. Fields read with or without the magnifying glass?" She refused to confirm and said: "I have this little memory of him with the magnifying glass, but. . ." (App.77a).

Edward Curtin showed the same contradictions in his deposition. "He was there with a magnifying glass. We looked at every page. Whether he—I wasn't inside his mind to know whether he actually read every single word." (App.79a). He meanwhile confirmed that: "I think there was a combination of that. We sat side by side on the final version of the will and in part he

was using his magnifying glass to read sections and part I would read to him. I think he also used his magnifying glass to ascertain that what I was saying was there, was there." (App.78a last paragraph).

Respondent Diana Palmeri said: "Yes, I observed him reading. . . . He used the magnifying glass." (App. 66a).

Their lawyer Haas said: "The fact that the decedent had a limited—this is limited eyesight, again, judge, is a nonissue. All right? There is nothing to prevent a person who has limited eyesight from signing a will. Nothing provided as to the fact that he couldn't read or he couldn't see and simply said legally blind is a "far cry from being actually blind. An actually blind person may still execute a will. . . ." (App.26a).

Their other lawyer Messina told the Judge: "Sidney Fields actually states that he can read with a magnifying glass. "In addition to the fact that the statement may say legally blind, which is a far cry from being actually blind. An actually blind person may still execute a will. . . ." (App.27a).

Under their intensive convincing Judge Mella also concluded: "The fact that decedent had some visual impairment, even to the point of 'legal' blindness as objectant argues, does not change this conclusion because blind persons may make wills. (App.16a, ppg. 2).

II. THEY DID NOT READ THE WILL OUT LOUD TO A BLIND MAN.

Judge Mella ignored one thing: For a blind man the law requires the Will drafter to read the will out loud in front of the witnesses (*Matter of Hubert*, 26 Misc. 461 57 N.Y. Supp. 648 *Affd.*, 48 App. Div. 91, 62 N.Y. Supp. 932, 98 quoted in *Annotated Consolidated Laws of New York* 1917. *See also Matter of MacCready*, 82 Misc. 2d 531, 369 N.Y.S.2d 325 (1975). In this case, even Edward Curtin himself as well as the witnesses admitted that there was never a Will read out loud in the process. When Curtin explained the Will side by side there were no witnesses present as well.

Below are Edward and Jill Curtin who answered the question about if they read the will out loud:

Q: Did you hear Mr. Curtin read the will to Mr. Fields?

A [Jill Curtin]: No. I don't know—I did not know what was in the will.

Q: Did Mr. Curtin read the Will to Sydney Fields out loud?

A: Not in my presence. (App.76a, line 14-21).

Q: You say in your affirmation: Prior to signing his will I read the entire text thereof to Mr. Fields and he concurred with it accurately as reflected in his testamentary wishes?

A [Edward Curtin]: That's right.

Q: When did that happen?

A: Prior to the time we did the actual—we called the witnesses in to do the execution.

Q: So the witnesses were not there when this took place, is that correct?

A: That is correct. (App.79a-80a).

[. . .]

Q: Is it correct to state that the witnesses never heard you read off to Mr. Fields the fourth paragraph of the will on page 1 concerning the beneficiaries as to what their percentages would be, et cetera?

A: The witnesses did not hear me read any of the provision of the will at any time. (App.85a-86a).

It is obvious that in this case no witness could tell if Mr. Fields knew his will before signing it.

III. THEY USED A FORGER INITIAL TO SWITCH A PAGE AND FALSIFY A WILL.

In the 2014 will all distributions were listed on the first page. Switching that page can falsify the whole will. My handwriting expert Mr. Curt Baggett confirmed that the initial on that page was forged. (App.109a, 113a). The circle on the bottom of the forged S was much large then the S that Sydney signed. It was handled perfectly without a mark X which Sydney always required when he signed. It is obvious that the initial was made carefully by someone who could see. Disqualify Mr. Baggett helping them go nowhere.

Since no witness knew whether the 2014 will was the same will that Mr. Fields signed the distributions

could easily have been changed by switching the page. Our argument is: when switching one page can give them the distribution they need why should they bother to forge the signature in the last page, committed undue influence or duress? To answer our argument they simply announced: American law does not require initials to make a will valid. The judge repeated what they said.

Judge Mella agreed their opinion and said: *“Even if the court were to consider this letter an affidavit of an expert, there is no requirement that a testator initial the pages of a will for it to be valid. Instead, all that is required in this regard is that it have been signed ‘at the end thereof (id). The opinion letter is not addressed to the real issue—whether it is decedent’s signature at the end of the will—a fact that objectant does not contest with competent evidence”* (App.18a last paragraph).

Judge Mella also believed forged one initial was insignificant. She ignored us because we did not challenge initials in the other pages and signature in the last page.

IV. THEIR DISPOSITIVE TERMS OF A PROPOSED INSTRUMENT WAS BASED ON CURTIN’S AFFIRMATION.

When saying a blind man can make a will the judge also mentioned: “Here, the attorney-drafter testified that the dispositive terms of a proposed instrument were provided to him by decedent himself and confirmed those dispositive provisions of the will orally to decedent shortly before execution.” (App.16a line 17-line 22).

Instrument that was recognized by Judge Mella had only names and numbers. It had no date, no signature, no stamp, and most of all did not mention anything about altering the will. That instrument was written with strong strokes, in a straight line, and in an identical way. It does not look like it was written by a 96 year old blind man who can hardly control his pen but looks like it was made by cutting and pasting on a computer. (App.122a-123a).

Curtin told us what happened when he received the instrument:

Q: Did Mr. Fields make out this sheet in front of you?

A: No.

Q: Can you tell me what he said and what you said, concerning when this was handed to you?

A: He said this is the way I want to have the —his estate, his residuary estate distributed.

Q: And, do you know if this document was made out by Mr. Fields?

A: I don't know for certain, but he is the only person that gave it to me.

In this picture, the distributions of a 9 million dollars will were based on an instrument. However, as the only back-up materials the instrument itself needed Curtin's affirmations to back it up. Curtin told us it was only Sydney who gave him the instrument orally; the numbers 20, 40, 15, and 10 mean the distribution of Sydney's residuary estate. (App.87a).

He also has to explain why there was a 5% difference between the instrument and the will. Curtin said Sydney told him on the phone to switch 5% from Diana to Victor. (App.83a).

On whole, the names and numbers on that instrument had nothing to do with the Will. It became the dispositive provisions of the will just because Curtin attesting to it.

A draft of the 2006 will has only Curtin's mark-up was present as the back-up document for the 2016 will as well. Curtin wrote down whatever without any audiotapes recording his conversation with Sydney. (App.124a-128a).

V. THEY COMMITTED PERJURY ABOUT THE RELATIONSHIP BETWEEN SYDNEY AND THE PALMERIS.

A. The 2006 Will Shows Sydney Worried Someone May Contest His Will.

Another perjury Curtin made was he mentioned the relationship between Sydney and the Palmeris. He attested: "*In the previous superseded will, Mr. Fields had left the bulk of his estate to his wife, Teresa Fields, but when she died in September of 2014, Mr. Fields was compelled to have a new will drafted, wherein he provided for his residuary estate to be distributed amongst members of his deceased wife's family whom he had come to embrace as his own family.*" In the deposition he admitted that "Those are my words" (App.81a).

Without requesting any back-up material Judge Mella accept Curtin's perjuries and said "*that was a natural will, benefiting members of the family of*

decedent's spouse, with whom decedent was close and whom he considered his family." (App.14a last para).

However, in the 2006 will Sydney seriously put down a statement which reflected that he noticed and tried to prevent someone stealing his money. He said:

"If any beneficiary other than my wife Teresa Fields shall in any manner directly or indirectly attempt to contest or oppose the validity of this will or commence, maintain or join in except as a party defendant, or be in any way, directly or indirectly, interfere or instrumental in the institution or maintenance of any action or proceeding in any court for the purpose of preventing the probate of this will or for the purpose of attacking the validity of this will or any provisions thereof, then in such event such beneficiary shall forfeit his or her share hereunder. . ." (App.144a).

That statement was written as the TENTH in the 2006 Will. (App.142a).

As the will drafter Curtin's used "the bulk of his estate" instead of 50% to mention what Teresa had in the 2006 Will and then made it to 100% in the 2014 will.

The 2006 will only allowed Teresa left the money to Victor but nobody else. In the 2014 Will Curtin said Sydney distributed his assets to 5 Palmeris but without any reference. That obvious was a perjury comparing with what Sydney wrote down.

Information from Vanguard's phone records proves their relationship was not as good as Curtin claims.

Five days before signing the Will Sydney tried to arrange a huge fund transfer without letting Diana and Curtin know. He could not read documents but refused to get help from Diana and he was very afraid to let Edward Curtin know about his assets as well. He made the broker travel from Philadelphia to help him finish the transfer. Diana knew that 1.5 years later when Sydney died.

After the 2014 will was signed and a half year before Sydney died he got an exemption from the bank and limited Diana's POA to only one account and explained his worries. (App.61a).

Mr. Kern: So at Vanguard when we add an agent, it's done at the account level, not at the fund level. So if you name an agent it would be for all the funds in that account?

Mr. Fields: Well, well, I mean, that puts me at a disadvantage, I mean, she had, she has access to all of my accounts and I could be dispossessed if I have an argument with her or anything. I wanted to limit her to one account, is there any way that can be done?

Mr. Kern: Uh,

Mr. Fields: I mean, can I open up a, a, can I shift that account to, to another title? (App.61a).

The above conversation shows Sydney did not intend to give all his assets to the Palmeris like what

the 2016 will said. He kept the money from her because he has another arrangement. (App.64a).

Until he died, as the executor, Sydney did not release money to the Palmeri family according to what Teresa Fields' Will said.

Diana's deposition also shows that the Palmeris' relationship with Sydney was not close enough to make them have all Sydney's assets. Sydney never met Ana Garzon Yepez before 2014 his wife died. Victor Palmeri Jr. lived in Hawaii and Diana was only sure Sydney met Victor he was in high school. Cynthia Palmeri lived in NC and came to NJ twice per years. Diana moved back to NJ from the West Coast after the year of 2000, Sydney went to NJ with his wife only, on holidays, a few times a year. He never took a trip with them and never spent overnight in their home. (App.69a-72a).

On the whole only Curtin's affirmation is not enough to explain this perplexing question: How did distant stranger relations inherit double of what their aunt Teresa Fields would have received. The most obvious explanation is fraud, unless have strong evidences and they have none.

VI. THEY DON'T HAVE A VALID WITNESS AND THE WILL HAS MAJOR MISTAKES.

A. Suzanne Lehman Refused to Confirm Basic Things.

Q. Did that happen? Did Mr. Fields say, yes that's my will and that is why you signed the affidavit?

A. To tell you the truth, the process was never—I mean, Mr. Fields spoke and agreed . . . Whether he spoke up, I don't remember that he did and he said it to me. But it was definitely being led by his lawyer. (App.73a).

[. . .]

Suzanne Lehman refused to say she saw Mr. Fields sign the Will as well.

Q. Sitting here today do you recall watching him sign?

A. I do not recall. (App.74a-75a).

Judge ignored the fact and said "when there is a contemporaneous affidavit of the attesting witnesses reciting the facts of due execution a presumption of proper execution arises." (App.16 a first para).

B. Will Pages That Witnesses Signed Had Serious Mistakes.

In the 2014 Will Curtin mention Testator is "her" instead of "his". It said "On this 6th day of October, 2014, Sydney H. Fields, the above-named testator, in our presence subscribed and sealed the foregoing instrument and declared the same to be her Last Will and Testament: and we, thereupon, at her request and in her presence and in the presence of each other, have hereunto subscribed our names as attesting witnesses." (App.143a last paragraph). This is a clear evident that the attesting witnesses saw a woman but not a man signing the will.

Another issue was in the witnesses' affidavit that made the document invalid as well. That

affidavit date was typed on July 26th, 2006 and was altered on Oct 6th, 2014 by pen. According to the Notary Public law, a notarized document must be only typed or handwritten. It will be invalid when it was composed by both way. (App.155a-156a). They even did not provide witness' affidavit when probated the Will until we question about it. The above mistakes are enough to disqualify the 2014 Will yet Mella believed: "Objectant failed to present any evidence of a mistake."

C. Regarding the Wills

1. The Will of 1997 (App.130a-App.136a)

In 1997 May 20th Sydney Fields made his first will. That was about two years after he received my harassing pictures, and filed an order of protection. It was also after he lost the right to visit Kenneth's children because he refused to listen to Kenneth to end the relationship with me.

In that Will he gave Victor \$65,000; gave each children of Cynthia Palmeri and Diana Palmeri Lukac \$5,000; gave his Uncle Solomon Rosen \$35,000; gave

Richard J. Fields \$35,000; and he said: For reasons best known to my son Kenneth L Fields, I deliberately make no provision for him in this will and it is my intention that he received no part of my estate.

Upon the death of Teresa Fields, the net of all my estate and income shall be distributed by the Trustees as follows:

25% to the City College, 10% to the United Jewish Appeal of New York.

25% to my granddaughter Elizabeth Fields
25% to my grandson Alex Fields.

15% to my grandson Lewis D. Fields. He also designated Pia Fields as Lewis Fields' trustee.

Again having me arrested in 1994-1996, in his 1997 Will Sydney Fields still considered I am his son because he noticed that I was sick. Instead he left nothing to Kenneth who forced my father to end the relationship with me.

2. The Will of 2006 (App.137a-143a)

On the will of 2006, Sydney again gave nothing to Olga, Cynthia Palmeri and Diana Palmeri (only gave \$5,000 to each of their children) To Victor Palmeri, Jr, Lewis D. Fields and his uncle Solomon Rosen he gave the equal amount \$35,000. He made no provision for his sons Kenneth, Richard and his grandchildren Elizabeth and Alex.

He kept the charity amount: 25% to the City College Fund of the City University of NY; 10% to the United Jewish Appeal of NY; 15% to the Baruch College Fund of the City University of NY.

He did allow 50% left to Victor Palmeri Jr after Teresa died. But again that was only when Teresa live longer than him and beside that he prevented anyone else took his money.

3. The 2014 Will (App.147a-152a)

The distributions of the 2014 will only gave \$500 to the CITY COLLEGE FUN, \$500 to JEWISH APPEAL OF NEW YORK, and \$1,000 to the BARUCH

COLLEGE instead of 4.5 million dollars in the previous will.

All the rest, residue and remainder of Sydney's property and estate is distributed as below (App.148a):

- A. 20% to Olga Palmeri, if she should predecease me, I leave her share of my residuary estate to Victor Palmeri, Sr.
- B. 35% to Diana Palmeri. If she should predecease me, I leave her share in equal percentages to her husband, DAVID and each of their three children, with DAVID to act as trustee of the shares left to their children until they reach majority.
- C. 20% to Victor Palmeri, Jr. If he should predecease me, I leave his share to Olga Palmeri.
- D. 15% to Cynthia Palmeri, if she should predecease me, I leave her share in equal shares to each of her children, per stirpes.
- E. 10% to Ana Maria Garzon Yepez, currently residing at Francisco Oliva Oe3-73 y Cap Edmundo Chiriboga Casa #46 Quito, Ecuador, or her heirs if she should predecease me.

D. My arguments are raised as below:

1. Sydney never mentioned Olga Palmeri, her sister-in-law, in his previous two wills. However she became the number one beneficiary in the 2014 will.

It looks like it was Olga's children made the will and endorsed their mother.

2. In his previous wills Sydney never worried how the money would go if his beneficiaries pre-deceased him. The 2014 will reflected the beneficiaries' worries and seriously protected each of their families' benefit. It looks like the will was made by beneficiaries themselves rather than Sydney.

3. The 2014 will give Victor 20% and allowed him to inherit 20% when his mother died. It comforted the mother and satisfied the son. Victor would have 50% of the estate if Teresa lived longer than Sydney. He therefore cannot stand Diana got more than him. The 5% transfer back and forth reflected fighting in Palmer's family. Curtin committed perjury when he answered how Sydney indicated him to make the change. He said "there may have been a phone conversation, I don't recall" (App.83a).

4. That dispositive instrument they presented had only names and numbers. (App.122a). However, in the 2014 will it list Ana Maria Garzon Yepez lived in Francisco Oliva Oe3-73 y Cap Edmundo Chiriboga Casa #46 Quito, Ecuador. How did Sydney know and remember that long address and forward it accurately to Curtin? Yet judge Mella believed "The testimony of the attorney-drafter, which established that the beneficiaries had no direct involvement in the preparation of the execution of the will." (App.14a-15a). She believed so because Curtin's affirmations said so.

**E. Credibility of Edward Curtin and Their
Counsels Are Questionable.**

Regarding this case the NYS Attorney General's objection not only attacked the Palmeri family they also believed "other persons acting independently or in concert or privity with Diana". (App.22a). Curtin is a retired lawyer living in a rental apartment which he uses it as an office. Sydney knew him from an advertisement in the street many years ago. Sydney never had business contacts with him except to let him draft wills. Our discoveries prove that the assumptions of the NYS Attorney General are correct. Curtin's credibility is questionable.

1. Vanguard's phone records show Sydney did not trust Edward Curtin at all. When broker Kern suggested him to get Curtin to fill out forms for the fund transfers Sydney was very panicky.

Mr. Kern: And a question came up, so you mentioned that you have a meeting with your attorney this afternoon?

Mr. Fields: Yes.

Mr. Kern: Do you believe that your attorney would be able to help you out with these forms?

Mr. Fields: No, no, he knows nothing about the forms.

Mr. Kern: Okay.

Mr. Fields: I am not discussing any forms with him.

Mr. Kern: Okay, okay, that was just a question that had come up if the attorney could, could assist you with this.

Mr. Fields: No, no. No, I'm no, no, he has—he doesn't know anything about these forms, so I didn't mention anything to him. (App.59a).

VII. THEY DISMISSED THE RECORD WHEN IT WAS MADE UP OF AFFIRMATIONS.

Curtin did not mention Sydney's vision problem in the affirmation he made in April, 2016. All he said was "As the supervisor who drafted the Will and supervised the execution thereof, I attest and affirm without qualification that Sydney Fields was completely competent, lucid and keenly aware of the contents of the Will and the dispositions made therein." They tried to dismiss that affirmation in 2018.

Large portion of the document that we exchanged during the discovery period were dismissed by the respondent's counsel in their motion to the First Judicial Department of the County of New York. That include:

Eye doctor Janet Searle confirmed that Sydney was blind in both eyes. They denied it even though they are the one who ordered it and forwarded us.

Sydney's autograph and his lawsuit that proof how much Sydney loved his family. They dismiss it because it put Palmeris in embarrass position.

Affidavit Edward Curtin made in April, 2016 from there Sydney's vision problem was not mentioned at all. They dismiss it because we basing on that questioning Curtin's credibility.

They dismissed most of the depositions even though they quoted the same thing as we quoted. Their excuse is that those documents were not filed in the Surrogate's Court. We spent \$100,000 to depose witnesses and make the discoveries from 2014 to 2016. Since Judge Mella dismissed us within 60 minutes we had no chance and no need to file those documents in the Surrogate's Court anymore. They used that as excuse to stop us from using those documents when we filed an appeal in the Appellate Court.

They dismissed all the transcripts of the USB provided by Vanguard. They cannot deny that Sydney's voice was recorded in it and they challenged the submitting process. In the court hearing their lawyer Messina asked the judge to ignore the flashdrive and said: I just have one other point to address on counsels appoints. He referred to the statement of the broker named Jeffrey Kern. That statement was not admittance to form. It's not a testimonial statement. It was not sworn to. Mr. Kern has not authenticated the statement. It was not submitted along with a business record certificate." (App.27a line 11-19).

Their reason include:

Vanguard is "an out-of-state party". They meanwhile forwarded us Sydney's account information provided by such an out-of-state party.

The flashdrive "was not accompanied by a business record certification." The flashdrive was provided by Vanguard's legal department and attached with a letter signed by their legal aide. They said that was a flashdrive without a certification.

"Kern was not "sworn to". The flashdrive recorded conversations between Jeffrey Kern and Sydney. Vanguard provided it to us without Kern's comments or opinions and that is why it is not sworn to.

"The USB contains alleged unauthenticated recordings". They received the flashdrive six months before the court hearing. They did nothing and simply dismiss the transcript my lawyer forwarded to them.

During the appeal, they avoided answering my arguments but used strategies to dismiss my motions. The clerk in the Surrogate's Court helped us to appeal our case *Pro Se* to the New York State Supreme Court Appellate Division. The respondent's lawyer rejected my appeal motion with the reason that I was supposed to have Mr. Chen as my lawyer. (App.90a-91a). They let their front desk reject our motion and simply said they were unable to locate the lawyer Mr. Messina. Sydney and his Will drafter both live in NYC. They told the Supreme Court of New York State to dismiss my case because the Palmeris are not NYS residents. According to their logic criminals from out of state can commit crimes in New York City and should not be held accountable by our laws. Their strategy worked on all those appellate courts and that is why I was rejected again and again. If Americans allow lawyers to play games by interpreting laws like that there will be no laws and no justice in our country.

How can we recognize their credibly and their affidavits when they ignored the fact like that? Under their intense misleading Judge Mella did not mention a word about Vanguard's flashdrive. Before the hearing ended my counsel mention Vanguard's tape record Mella still ignored it (App.30a-31a).

VIII. THEY RELY ON AFFIRMATIONS.

They dismissed any documents that they don't like and meanwhile used three lawyers and 7 people to support them by making affirmations or interpreting laws. Curtin is the one who made the most affirmations in this case:

1. Sydney embraced the Palmeris like his family members. That is why he gave them all his money (App.88a the last two para).
2. Sydney "was the only one to give the instrument to Curtin." Those 10, 15, 20, and 40 means the percentage of his dispositive estate to the Palmeris. (App.87a).
3. Curtin switched the 5% from Diana to Victor based on Sydney's indication on the telephone.
4. Curtin copied the 2006 provisions to accuse Richard Fields and Kenneth in the 2014 Will and had no reference. He simply attested because Sydney told him to do that (App.88a-89a).
5. In the 2006 will, the only Fields family member Lewis Fields had same provision as Victor. In the 2014 will Victor got eventually four million dollars eventually and Lewis got nothing. Curtin had no reference and just accused that Lewis refused to see Sydney. Sydney actually kept pictures Lewis sent to him in 2005.
6. Curtin admitted that he never read the will out loud and no witnesses were present when he read the will side by side with Sydney. Since he said Sydney could read with a magnifying glass his Will execution was considered duly by judge Mella.

7. Curtin and his witness attesting that it was an aide who accompanied Sydney to the law office when the will was signed and the beneficiaries were not involved. Curtin's apartment has two bedrooms, one office room, one bedroom and the waiting area is his living room. It is impossible that none of them could remember the aide's age, gender, ethnic group, and contact ways. The Judge Mella simply said the aide "appears to have stayed in a separate area". (App.16a line 10-14). She then announced that "the testimony of the attorney-drafter, which established that the beneficiaries had no direct involvement in the preparation of the execution of the will." (App. 14a-15a).

8. Diana told a lie about the first time she met Curtin. Diana said: "I spoke to him at the will signing — sorry I did not say will signing. At the will reading, will reading." She later emphasized it again: "I did not mean to say will-signing, I did not meet him at any will signing." (App.67a). However, Curtin said there was no will reading at all. (App.68a last two para). Diana said she "have no power over any account, he (Sydney) never initiated anything in terms of finances. He told me what to do. She admitted her POA in Vanguard until we mentioned it.

IX. THEY ACCUSED ME BUT AVOIDED MENTIONING MY MENTAL STATE.

They knew my mental status but never mentioned it in the court when they attacked me. On March 27, 2017, they requested the court to have an emergency meeting to stop my crazy behavior because I mailed more than 50 letters to them within five days. I lost my mind after a long deposition and told them I

would give up. In the letters they gave to the court they mentioned: "During Objectant's initial deposition, Objectant related that he was presently taking psychotropic drugs and that the medication might affect his ability to answer questions and recall events, Objectant testified that he is a diagnosed paranoid schizophrenic." (App.166a last para). However when they attacked me for harassing my father they never mentioned my mental state as well as Judge Mella.(App.12a).

In the Will of 2014 Curtin simply type words my father said in 2006. He admit that "I typed it in this affirmation . . . Sydney wanted to be sure that this provision was left in the 2014 will as well as the provision relating to his son, Kenneth." (App.89a).

Blood is thicker than water and time should be able to wash the conflicts between father and sons. I need valid reference but not just affirmation to proof my father still hated his sons 20 years after those harasses and tragedy happened.

My father was born one day after my grandfather died on Dec 30, 1918. A flu then killed 26 million people all over the world. A doctor, Groginsky, risked his life to help my family and signed both the death and birth certificates. Born with a sad background my father considered he was the backbone and worked very hard to bring his family up to middle class. Unfortunately his first two wives were psychiatric patients and that made his family fall apart. The first wife Sara lived in a mental hospital since their son, Kenneth was 2 years old. Kenneth left home earlier and his relationship with Sydney was not close.

My mother Gladys was a schoolteacher. She got no alimony from her multimillionaire husband when

devoiced. She cried in front of me since I was a helpless three years child. She walked for one hundred blocks in the winter when she put food on a table to feed me like feeding a cat. She constantly cursed and attacked my father and drove me crazy. She lost her job and became homeless a few times. She received psychiatric treatment at the end of her life. My father's assets mixed with her tears and blood.

1989-1991 before and after Lewis was born, my father met us every week. I ran away 1991 when my father referred me to a mental hospital where they kept me as an inpatient. I believed what my mother said my father should send me to law school instead and I was very upset. My father told me if I walk away I would destroy his hard work for this family in his whole life. Lewis lost his chance to see my father since then. (App.97a-105a).

From 1994 to 1995 I sent pictures to my father and sent threatening notes to my half-brother, Kenneth when I lost my mind. It could be seen from my expressions shown in those pictures (App.189a-191a).

My father did have me arrested during those days. Yet he refused to end the relationship with me and for that reason he lost the court case when he asked for visiting Kenneth's children. He was upset and said this in his biography: Nobody, especially children should be denied any source of healthy love since there is no such thing as too much love. (App.188a). Thing were out of his control and since that Fields family felt apart.

I did not hire a lawyer to sue my father for money. My mother's lawyer ran after my father for money and gave me nothing when he won the case. I

never get a chance to explain that to my father. That lawyer stole my money as well as the Palmeris.

I was in and out of mental hospital in the last twenty years and lost my shelter a few times. I never contacted my father again because I did not want to bother him. The Palmeris took advantage of the situation and took all my father's assets. Judge Mella simply accepted their accusations. She described me in this way "He admits that he did not have a relationship with decedent and that he never saw his father for the last 19 years of his life. Moreover, objectant admits that, over the years, he sent his father correspondence and photographs that were harassing or threatening." (App.12a). I am living on SSI now and receiving psychiatric treatment. Acted as Pro Se I have Pia Fields, my son's mother composed this motions. I read, corrected and presented them. Pia pictures my grandmother was watching my grandfather's dead body being moved out and gave my father born birth. She admire the doctor and think of giving this family a hand herself as well. She did not expect that we really need her. She fights and is desponded when the little baby then was robbed in our courtrooms and nobody gave a damn. Things are ugly comparing with what the doctor did one hundred years ago.



CONCLUSION

You should review our case and dismiss the 2014 will for the reasons listed below:

1. The will execution process was unduly! The Will for a blind man was never read out loud in front of the witnesses. The respondent and her lawyers committed perjury and said Sydney could read. Judge Mella believed it was because a magnifying glass was mentioned by two attesting witnesses.
2. Judge Mella didn't question about the forged initial that resulted in switching the distribution and falsifying the will. She said: "... there is no requirement that a testator initial the pages of a will for it to be valid." (App.18a).
3. Judge Mella simply accepted the will drafter's affirmation and believed a "dispositive terms of the proposed instrument was provided by decedent orally". No video or audiotapes related to the 2014 will were requested. She meanwhile ignored the only audiotapes that recorded the decedent's statement about his vision. She ignored medical report provided by the eye doctor as well.
4. They took advantage of a family that had three mental patients. The appellate courts never reviewed my appeals even though American law never punish but only help psychiatric patients.

If we win the case we will set up a fund to memorialize doctor Groginsky and my father. We will use the fund to promote ideas about building retire-

ment homes. Pia said compared with the proposal our case is insignificant. For the \$100,000 legal fee she paid I allowed her to mention her proposal here. She said if we lose she at least has compensation and ends her worries for this world. Having people like Mella run this country she should not brother. She was the author of a book "Why Life Events are Predestined and How Our Universe Originated" (whydestiny.com). She ties up this case and her proposal together to bet their destiny. She believes what people deserved are fixed in their lives. If they overtake fortunes they have to pay in the other hand, such as having cancer, losing a job, or having sick children who get no chance to enjoy their money. For the nine million dollars assets Sydney had his father and stepfather die earlier, has two crazy wives, and lost contact with his two sons. For the suffering he had and the donations he tried to make the power that helped him to accumulate those assets allow him to come back as Lewis' son and do things that are more important. We are just chess pieces of the secret power. Below are things that the Fields family might do in the future.

Something Beyond This Case

The debt of the US government is over 22 trillion dollars as of today and its social security fund will dry up in 2034. America could not, as Donald Trump expects, be great again when the government's debt continued to increase. Over 50% of the government's expenses relate to social security, Medicare, Medicaid, and welfare for the low income class. Building up retirement homes can help us reduce those mandatory expenses. The proposal is introduced below:

For people who sign up for the agreement the government will build them apartments in the retirement centers near the city. The rent of the apartments will be covered by part of their social security payment. A unit cost \$50,000 can rent for 700\$/monthly. In 30 years a \$50,000 investment will save \$240,000 in social security for the government. In this way government becomes a big landlord instead but no more than a welfare distributor.

Today in NYC half a room in that kind of facility costs \$10,000 monthly. Retired people even owe their apartment will left no pension after paying maintenance. A retirement center charges much lower for the reasons listed below:

1. The land is cheaper because they are located in the suburbs. However, their own transportation can make the place as convenient as the city.
2. In the center the younger tenants take care of the older ones and as a return are being taken care when they get old. It save government's expenses in.
3. Members are being taken care of by members of the allied health. It will encourage people to do exercise instead of taking medicine. In this way we can prevent unreasonable medical expenses.
4. People have entertainment in the center such as sing, dance, cook, play poker, watch TV. They also work in its farm for organic food. People can either cook their own meal or eat food provide by the center. People can register with friends or family members who are over 50 years old. Their owe apartments keep their private lives.

The retirement centers in suburb could collect rents as city's standard because its management and transportation. That is how the profit margin is created.

We are promoting a new philosophy here: A successful life means having minimum material to obtain maximum joy. We are not for seeking profit such as what our drug factories and hospitals did. Today, health insurance cost is about 25% of our income and that makes our government and people bankrupt eventually because making a profit is the medical field's goal. When we encourage people to substitute material needs with spiritual entertainments we have reasons to tell the medical companies to limit their profits.

It sounds like we are promoting socialism. We need to do something special because we have 7.5 trillion populations live in our globe which has limited resources. When some people accumulate their fortune greedily it is difficult to maintain a decent life for the others. Due to debt they carry Western governments can no longer reduce conform the poor by distributing welfare, yet refugees are rolling into there. Conflicts between the poor and the rich can no longer be covered by the government's welfare policy. The ideology of the capitalist system, market auto-adjustment, obviously could not create jobs for a few trillion people. Using spiritual entertainment to substitute the material consumption is the best thing we should do. Helping people settle on a piece of land can solve the refugee problem on the border and the homeless problem in the city. People who cannot pay rent should move away from the cities just like people who have no money to pay for their food should not

sit in a restaurant. The problem is how to settle them humanely. Our manufacturers will not move back unless the salary is reduced in this country. The only possibility is that people are willing to get a low salary when their living expenses are low but they are happy. Centers we mentioned above can make that happen and we can encourage our manufacturers to settle around there.

We can end the capitalist by promoting entertainment rather than encourage consuming. People work less hours, make less money but have more time to enjoy life. (can either reading the Bible or playing poker) Things they get in the centers are about the same and at some point this is socialism. Things might work out because we use totally different ways to approach such a goal.

1. This system is not run by hateful poor people or corrupt leaders in a dictatorial way, like most communist countries are. With 1.4 trillion people and with limited resource it is not practical that force Chinese run their country by market auto-adjustment. We should allow their government manages things and we should do the same thing.

2. We made people help each other in a harmony environment. Instead of distributing welfare governments make a profit as a big landlord. It invests the social security build retirement centers, rents that to people and substitutes the social security paychecks.

We change the society not by revolutionary violence or street riots but by changing the valuation standards of our young generation. They start to use the least material to obtain the most enjoyment. They will embrace the green resources and get support

from our farms but not rely on jobs that are provided by capitalists who consider profit is first. They will not make unnecessary consumption to maintain jobs for the society as well. They will live in a harmonious way. They still work and learn but no longer fight for jobs and the market like what capitalists told them.

When people retire in their fifties, 20 to 30% of jobs will be opened to the young generation. People from the same country graduate from the same college or people who have the same religion can set up their own centers. In this way we can avoid conflicts between different races or different classes. All the centers get funds from the government and pay rent with the tenant's social security fund in the long term. Hopefully, we can get help from businesses such as Amazon, Facebook, Microsoft, and Warren Buffett. In this way we can fulfill the socialist system in a practical and peaceful way. We do not need to fight for jobs and merchandise markets and we do not need to produce weapons and send troops to fight with the socialist countries. Instead we show them how we are approaching their goal through a harmonious means.

Respectfully submitted,

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