

EXHIBIT F

IN THE CIRCUIT COURT OF THE
ELEVENTH JUDICIAL CIRCUIT
IN AND FOR MIAMI-DADE COUNTY,
FLORIDA

IN RE: THE GUARDIANSHIP
OF HELEN STONE,
Ward.

PROBATE DIVISION

CASE NO.: 12-4330 GD-05

**ORDER GRANTING PETITION FOR SANCTIONS AGAINST BARBARA STONE
AND HER COUNSEL UNDER THE COURT'S INHERENT CONTEMPT POWERS
AND DENYING BARBARA STONE'S VERIFIED MOTION TO CORRECT ILLEGAL
ORDER**

THESE CAUSES having come before this Court on May 7, 2019, and the Court having reviewed: the Petition for Sanctions Against Barbara Stone and her Counsel Under the Court's Inherent Contempt Powers; Barbara Stone's Response to Motion for Sanctions; Barbara Stone's Verified Motion to Correct Illegal Order; and the Guardian's Response to Verified Motion to Correct Illegal Order, and the Court having reviewed the file and having extensively reviewed the pleadings at hand, having heard argument of counsel for the Guardian, Barbara Stone nor her counsel Arthur J. Morburger attending, and being fully advised in the premises, hereby finds, orders, and adjudges as follows:

ORDERED AND ADJUDGED that the Guardian's Petition for Sanctions Against Barbara Stone and her Counsel Under the Court's Inherent Contempt Powers is GRANTED for the following reasons:

I. Legal Standard

1. In Bitterman v. Bitterman, 714 So.2d 356, 365 (Fla. 1998), the Florida Supreme Court discussed the inequitable conduct doctrine, stating:

The inequitable conduct doctrine permits the award of attorney's fees where one party has exhibited egregious conduct or acted in bad faith. Attorney's

fees based on a party's inequitable conduct have been recognized by other courts in this country. See *Vaughan v. Atkinson*, 369 U.S. 527, 530-31, 82 S.Ct. 997, 8 L.Ed.2d 88 (1962) (awarding attorney's fees based on respondent's "recalcitrance" and "callous" attitude); *Rolax v. Atlantic Coast Line R.R. Co.*, 186 F.2d 473, 481 (4th Cir.1951) (holding that attorney's fees were justified because "plaintiffs of small means have been subjected to discriminatory and oppressive conduct by a powerful labor organization"). We note that this doctrine is rarely applicable. It is reserved for those extreme cases where a party acts "in bad faith, vexatiously, wantonly, or for oppressive reasons." *Foster v. Tourtellotte*, 704 F.2d 1109, 1111 (9th Cir.1983) (quoting *F.D. Rich Co. v. United States ex rel. Industrial Lumber Co.*, 417 U.S. 116, 129, 94 S.Ct. 2157, 2165, 40 L.Ed.2d 703 (1974)). "Bad faith may be found not only in the actions that led to the lawsuit, but also in the conduct of the litigation." *Dogherra v. Safeway Stores, Inc.*, 679 F.2d 1293, 1298 (9th Cir.1982) (quoting *Hall v. Cole*, 412 U.S. 1, 15, 93 S.Ct. 1943, 1951, 36 L.Ed.2d 702 (1973)). This Court and other courts in this state have recognized that attorney's fees can be awarded in situations where one party has acted vexatiously or in bad faith. See *Florida Patient's Compensation Fund v. Rowe*, 472 So.2d 1145, 1148 (Fla.1985) ("This state has recognized a limited exception to this general American Rule in situations involving inequitable conduct."); *Hilton Oil Transport v. Oil Transport Co.*, 659 So.2d 1141, 1153 (Fla. 3d DCA 1995); *In re Estate of DuVal*, 174 So.2d 580, 587 (Fla. 2d DCA 1965).

2. In *Boca Burger, Inc. v. Forum*, 912 So.2d 561, 571 (Fla. 2005), the Florida Supreme Court further discussed the notion that although counsel "does have an obligation to be faithful to [his client's] lawful objectives, that obligation cannot be used to justify unprofessional conduct by elevating the perceived duty to zealously represent over all other duties." (citing *Lingle v. Dion*, 776 So.2d 1073, 1078 (Fla. 4th DCA 2001) (alterations in original) (quoting *Visoly v. Sec. Pac. Credit Corp.*, 768 So.2d 482, 492 (Fla. 3d DCA 2000)). The Florida Supreme Court continued, stating that:

Section 57.105, as well as the Florida Bar rules of professional conduct and even the oath of admission to the Florida Bar, all warn-if any warning were needed-that counsel must be governed by considerations other than mere zealous advocacy for the client. See § 57.105, Fla. Stat. (2002) (allowing a court to sanction the losing party and the losing party's attorney if the court finds the losing party's attorney knew or should have known that a claim or defense was not supported by the application of then-existing law); R. Regulating Fla. Bar 4-

3.3(a)(1) ("A lawyer shall not knowingly make a false statement of material fact or law to a tribunal."); Oath of Admission, Fla. Bar J., Sept. 2004, at 2 ("I will employ for the purposes of maintaining the causes confided to me such means only as are consistent with truth and honor, and will never seek to mislead the judge or jury by any artifice or false statement of fact or law."). Rule 4-3.3(a)(3) of the Rules Regulating the Florida Bar specifically prohibits an attorney from knowingly "fail[ing] to disclose to the tribunal legal authority in the controlling jurisdiction known to the lawyer to be directly adverse to the position of the client and not disclosed by opposing counsel." *Id.*

3. The justification for attorney's fees for bad faith litigation conduct, is found in Moakley v. Smallwood, 826 So.2d 221 (Fla. 2002), where the Florida Supreme Court declared that a trial judge has the inherent authority to award attorney's fees against a party for bad faith or egregious conduct in litigation, even though no statute authorizes the award. See also Bitterman, 714 So.2d 356; Aoude v. Mobile Oil Corp., 892 F.2d 1115 (1st Cir. 1989) (discussing the court's inherent power to do "whatever is reasonably necessary to deter abuse of the judicial process.").

4. Fla. Prob. R. Rule 5.041, Service of Pleadings and Documents provides in part that:

Unless the court orders otherwise, every petition or motion for an order determining rights of an interested person, and every other pleading or document filed in the particular proceeding which is the subject matter of such petition or motion, except applications for witness subpoenas, shall be served on interested persons as set forth in Florida Rule of Judicial Administration 2.516 unless these rules, the Florida Probate Code, or the Florida Guardianship Law provides otherwise. (Emphasis added)

5. Fla. R. Jud. Admin., Rule 2.516. Service of Pleadings and Documents provides in part that:

(a) Service; When Required. Unless the court otherwise orders, or a statute or supreme court administrative order specifies a different means of service, every pleading subsequent to the initial pleading and every formal notice or required to be served in the manner provided for service of formal notice, must be served in accordance with this rule on each party. No service need be made on parties against whom a default has been entered, except that pleadings asserting new or

additional claims against them must be served in the manner provided for service of summons.

(b) Service; How Made. When service is required or permitted to be made upon a party represented by an attorney, service must be made upon the attorney unless service upon the party is ordered by the court.

II. Background

6. The guardianship proceeding was originally commenced by Barbara Stone, daughter of Helen Stone, the Ward, in October 2012 by the filing of her Emergency Petition to Appoint a Temporary Guardian and a Petition to Determine the Capacity of Helen Stone. After receiving the report of the examining committee recommending a limited guardianship, the Court, on November 20, 2012, entered its Order Determining Limited Capacity. The Ward was found to be incapacitated and had most, though not all, of the rights delineated in Section 744.3215(2) and (3), Florida Statutes, removed. At that time, Anthony Romano was appointed Limited Guardian of the Person and Property of the Ward.

7. On February 7, 2013, Jacqueline Hertz and Blaire Lapides were appointed Successor Limited Co-Guardians of the Person of the Ward and Lapides was appointed Successor Guardian of the Property of the Ward, both replacing Romano. Both Hertz and Lapides were handpicked by Stone and her brother, Alan Stone, inasmuch as Lapides is a cousin of theirs and had been confirmed by them in writing in their Global Settlement Agreement filed with the Court. The Global Settlement Agreement involved litigation between the two siblings regarding their mother, the ward, and her assets and litigation between them. Barbara and Alan were both exhaustively questioned and examined by the Court as to their understanding the significance of the terms of the

Global Settlement Agreement and the guardianship at the time it was confirmed and approved.

8. On November 22, 2013, on the Stipulation for Substitution of Counsel for the Co-Guardians, the Court entered its Order of Substitution of Counsel substituting Roy R. Lustig, Esq, of Roy R. Lustig, P.A., as counsel relieving Steven B. Dolchin, Esq, of Steven B. Dolchin, P.A. of further responsibility in this Guardianship as counsel for the Co-Guardians.

9. From the onset of the guardianship, the docket reveals excessive amounts of vexatious, wanton, oppressive pleadings and litigation filed against the guardian and her counsel by and on behalf of Barbara Stone.

10. On July 25, 2015, Hertz passed away and a Suggestion of Death was filed with the Court on August 3, 2015.

11. On September 11, 2015, Stone entered into a Plea Agreement with the State of Florida by which she agreed to plead nolo contendere to one count of interference with the Guardian's custody of the Ward, a felony of the third degree in violation of Section 787.03, Florida Statutes. As part of the Plea Agreement, Stone also agreed that she would have no contact, directly or indirectly, with her mother, the Ward, or any of the parties, attorneys, or other participants in this guardianship proceeding, unless approved by this Court or other court of competent jurisdiction. The Plea Agreement was ultimately violated by Stone who was sentenced to prison and who has now served her sentence and has been released.

12. On November 3, 2016, the Court entered its Order Determining that the Ward was totally incapacitated and finding no alternative to appointing a plenary guardian to provide for the Ward's welfare and safety. The Court further entered its Order on November 8, 2016, appointing Lapides as the Plenary Guardian of the person and property of the Ward.

13. The Ward is now 91 years of age and has been a resident of Miami-Dade County, Florida residing in a local assisted living/nursing facility.

14. On March 25, 2019, Barbara Stone and her counsel, Arthur J. Morburger, plead the following certifications and allegations in the Certificate Accompanying Verified Petition for Temporary Restraining Order E-Filed in the E-Portal under filing #86897718 and the Verified Petition for Temporary Restraining Order and Removal of Guardian:

"This is a certification by the undersigned, attorney for the Petitioner, as follows:

a. Blaire Lapides and Roy R. Lustig have no jurisdiction and no standing with regard to Helen Stone and thereby they have not been given notice; (Certificate ¶4.)

b. Blaire Lapides and Roy R. Lustig have assumed unlawful control over Helen Stone. They have no legal authority in this manner and are not entitled to notice; (Certificate ¶6.)

c. The Petition overwhelming evidence that Helen Stone's assets are grossly and negligently exploited and Blaire Lapides and Roy R. Lustig have violated Florida criminal and civil laws; (Certificate ¶8.)

d. Helen Stone's condition has been repeatedly lied about and misrepresented by Blaire Lapides. The guardian reports filed by Blaire Lapides and Roy R. Lustig have been perjured; (Certificate ¶9.) and

e. Imposter Lustig is not an authorized attorney for Unauthorized Lapides (Verified Petition ¶XXXIII, P43)

15. The Certificate Accompanying the Verified Petition for Temporary Restraining Order and the Verified Petition for Temporary Restraining Order and Removal of Guardian which were filed under penalties of perjury, both personally attack the Guardian and her counsel Lustig without any evidence to support the argument. The Verified Motion and Certificate were both filed without notice with accompanying Orders for this court to execute presumably without any notice being given to either the Guardian or her counsel.

16. Notwithstanding the requirements of both Fla. Prob. R. Rule 5.041 and Fla. R. Jud. Admin., Rule 2.516., and the fact that Morburger knew Lustig's email address having previously filed pleadings in this guardianship through the E-Portal to Lustig, in this instance, Morburger never intended on giving nor serving the Guardian or Lustig with copies of either pleading and was expecting this Court to execute the Orders that were attached to the pleadings. The pleading under penalties of perjury and the determination by counsel for Barbara Stone to intentionally withhold copies of the pleading by not serving them on either the Guardian or Lustig and expecting the Court to enter the attached Orders is an obvious affront to the administration of justice. Barbara Stone intended in bad faith, with the assistance of Morburger, to employ efforts to subvert the rules to achieve their goals.

17. Conversely, Stone and Morburger argue in part in their Response to the Motion for Sanctions that this Court has no jurisdiction to preside over or hear any Motions filed by Roy R. Lustig on the grounds that he has no standing to file pleadings in this matter as further set forth in their Temporary Restraining Order based upon their allegations that he is not the designated attorney authorized by the Court pursuant to the Court Ordered agreement. They further argue that the Motion for Sanctions is outside the jurisdiction of this Court, due to the fact that it was done in criminal violation of Florida Statutes.

18. Finally, after review of the file, it appears that more than Five Hundred and Sixteen Thousand (\$516,000.00) Dollars have been paid from the assets of the Ward cumulatively to counsel for the guardian and the guardian in handling, defending and responding to the filings and cases and abusive egregious conduct filed by and on behalf of Barbara Stone.

III. Findings

19. The Court having reviewed the file, the Petition for Sanctions, Response to Motion for Sanctions, heard argument of counsel for the guardian and being fully advised in the premises, hereby finds as follows:

a. First, the Court finds that Stone and Morburger have exhibited egregious conduct and acted in bad faith making spurious statements in both the Certificate Accompanying Verified Petition for Temporary Restraining Order and the Verified Petition for Temporary Restraining Order and Removal of Guardian. These filings were more than a mistake, neglect or inadvertence and were not susceptible to more than one interpretation, that being a willful, deliberate act to subvert and in contravention to the rules of law in order to achieve the goals of removing both the guardian, Lapides and her counsel, Lustig.

i. In reaching this determination, the Court relies on the language used by Mr. Morburger on behalf of Barbara Stone in the Certificate Accompanying Verified Petition for Temporary Restraining Order and the Verified Petition for Temporary Restraining Order and Removal of Guardian, specifically his certification in making the legal conclusions that neither the guardian Blaire Lapides nor her counsel Roy R. Lustig have jurisdiction or

standing with regard to the Ward and they were not giving them notice in violation of Fla. Prob. R. Rule 5.041 and Fla. R. Jud. Admin., Rule 2.516.

ii. Similarly, the frequent frivolous filing of meritless pleadings and their deliberate and continual filing demonstrates an egregious abuse of the judicial process and ultimate interference with the timely administration of justice, taxing the Ward's assets to defend the guardianship, the duly appointed guardian and her counsel.

iii. The Court is concerned about conduct exhibited by Mr. Morburger, counsel for Barbara Stone in his outright spurious statements against the guardian and her counsel.

iv. Furthermore, there is no credible evidence to support a finding that the guardian, Blaire Lapides or her counsel Roy R. Lustig have grossly and negligently exploited the assets of the Ward.

v. Finally, the Court finds Mr. Morburger's acknowledged decision to exclude counsel for the guardian and the guardian from service of pleadings in the guardianship is a clear violation of both Fla. Prob. R. Rule 5.041 and Fla. R. Jud. Admin., Rule 2.516.

b. The Court finds that counsel for the guardian, Roy R. Lustig, is authorized to file pleadings in this guardianship on behalf of the guardian and defend same, the Court Orders all counsel, present and future for all parties to serve all filings to counsel for the guardian.

IV. Award Relief

20. As a result of these findings, the Court imposes the following sanctions:

a. The Petition for Sanctions Against Barbara Stone and her Counsel Under the Court's Inherent Contempt Powers is hereby **GRANTED**.

i. The Court reiterates and confirms for the record the previous appointment of Blaire Lapidès as the plenary guardian of Helen Stone and her appointment of her counsel, Roy R. Lustig.

iii. Notwithstanding Barbara Stone's constitutional right to have counsel of her own choosing, further pleadings filed by Mr. Morburger on behalf of Barbara Stone in this guardianship shall require the review of and approval of the pleading and filing of a Notice of Appearance by an additional member in good standing with the Florida Bar.

iv. Further, this Court affirms the Order entered on January 6, 2015 by Judge Michael A. Genden prohibiting Barbara Stone from filing any pleadings in this Court unless it is filed by a member in good standing with the Florida Bar and the Judge's staff is instructed to not allow Barbara Stone individually to set anymore matters in this Court, subject to subparagraph (iii) above, in respect to Mr. Morburger.

v. Due to the flagrant abuse of the legal system and violation of the rules of court, filings Verified by Barbara Stone and Certifications by her counsel Mr. Morburger, this Court awards the Guardian her attorney fees and costs associated with the Certificate Accompanying Verified Petition for Temporary Restraining Order and the Verified Petition for Temporary Restraining Order and Removal of Guardian.

21. To the extent that any of the above sanctions require future fee hearings and/or hearings to determine whether Barbara Stone and/or her counsel Mr. Morburger are responsible for paying the sanction(s) discussed herein, those issues will be addressed and resolved separately.

FURTHER ORDERED AND ADJUDGED that Barbara Stone's Verified Motion to Correct Illegal Order is hereby **DENIED** for the following reasons:

I. Legal Standard

22. Florida law expressly provides that a judge is not limited in his "ability to enter an order of disqualification on the judge's own initiative," Fla. R. Jud. Admin. 2.330(i), with or without explaining his decision, *Williams v. State*, 241 So. 3d 958, 959 (Fla. 1st DCA 2018); *see also Sume v. State*, 773 So. 2d 600, 602 (Fla. 1st DCA 2000) (explaining that "recusal" is the process by which a judge voluntarily removes himself, while "disqualification" is the process by which a litigant may seek to remove a judge from a particular case).

23. A judge who has entered an order of recusal or disqualification shall "proceed no further in the action." Fla. R. Jud. Admin. 2.330(f); *see also Jenkins v. Motorola, Inc.*, 911 So. 2d 196, 197 (Fla. 3d DCA 2005) ("A judge who enters an order disqualifying himself or herself is barred from further participation in the case."). As such, once a judge enters an order of recusal or disqualification, he may not reconsider the order, even if the judge "entered the order in error." *Jenkins*, 911 So. 2d at 197; *see also Deberry v. Ward*, 625 So. 2d 992, 993 (Fla. 4th DCA 1993) ("[a] judge may not reconsider his decision to disqualify," even when the disqualification order is the result of a clerical mistake).

24. In sum, "Florida law is clear that once a judge recuses himself or herself for whatever reason, the judge may not thereafter reconsider the recusal decision and reassert judicial authority over the case." *Miller v. Bell S. Phone Co.*, 860 So. 2d 523, 523 (Fla. 1st DCA 2003); *accord Margulies v. Margulies*, 528 So. 2d 957, 960-61 (Fla. 3d DCA 1988) (collecting cases).

II. Background

25. On March 25, 2019, the Ward's daughter, Barbara Stone, filed a Verified Petition for Temporary Restraining Order and Removal of Guardian ("Verified Petition"). The next day, Judge Jorge Cueto entered an Order of Recusal recusing himself from further consideration of this case.

26. Barbara Stone then filed her Verified Motion to Correct Illegal Order in which she requests that Judge Cueto reconsider his own recusal so that he can grant her Verified Petition and enter the Temporary Restraining Order.

27. In her Motion, Barbara Stone asserts that Judge Cueto was not authorized to recuse himself because Stone did not submit a petition seeking his disqualification. (Mot. ¶¶ 5, 6.).

28. On April 12, 2019, the Guardian filed her Response to the Verified Motion to Correct Illegal Order arguing that once Judge Cueto signed the Order of Recusal, he was barred from further participation in this case and no longer had jurisdiction to entertain Barbara Stone's Motion to correct the supposedly illegal Order of Recusal.

III. Findings

29. The Court finds that once Judge Cueto entered his Order of Recusal, "he no longer had jurisdiction to entertain any other motion," including Stone's Motion requesting that Judge Cueto correct the supposedly Illegal Order of Recusal.

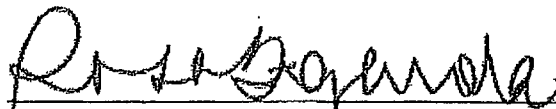
i. In reaching this determination, the Court relies on Florida law which expressly provides that a judge is not limited in his "ability to enter an order of disqualification on the judge's own initiative," Fla. R. Jud. Admin. 2.330(i), with or without explaining his

decision, *Williams v. State*, 241 So. 3d 958, 959 (Fla. 1st DCA 2018); *see also Sume v. State*, 773 So. 2d 600, 602 (Fla. 1st DCA 2000).

a. A judge who has entered an order of recusal or disqualification shall "proceed no further in the action." Fla. R. Jud. Admin. 2.330(f); *see also Jenkins v. Motorola, Inc.*, 911 So. 2d 196, 197 (Fla. 3d DCA 2005) ("A judge who enters an order disqualifying himself or herself is barred from further participation in the case.").

ii. Finally, this Court finds that Judge Cueto's Order of Recusal entered on March 26, 2019 was proper.

DONE AND ORDERED in Chambers at Miami-Dade County, Florida, on 05/13/19.


ROSA FIGAROLA
CIRCUIT COURT JUDGE

The parties served with this Order are indicated in the Florida Courts E-Filing Portal "Notice of Service of Court Documents" email confirmation. The movant/petitioner shall IMMEDIATELY serve a true and correct copy of this Order, by mail, facsimile, email or hand-delivery, to all parties/counsel of record for whom service is not indicated in the "Notice of Service of Court Documents" email confirmation, and file proof of service with the Clerk of Courts.

Copies provided to parties.

IN THE CIRCUIT COURT OF THE
11th JUDICIAL CIRCUIT IN AND FOR
MIAMI-DADE COUNTY, FLORIDA

IN RE: GUARDIANSHIP OF

PROBATE DIVISION

HELEN R. STONE

CASE NO: 12-4330 GD 01

the Ward

ORDER ON EMERGENCY PETITION TO REMOVE BARBARA STONE
FROM WARD'S RESIDENCE AND IMPOSE SUPERVISED VISITATION

THIS MATTER came before this court on March 8, 2013 upon an Emergency Petition to Remove Barbara Stone from Ward's Residence and Impose Supervised Visitation filed by the Successor Co-Guardians of the Person, JACQUELINE HERTZ and BLAIRE LAPIDES. This court finds that (a) the parties attorney's were furnished telephonic and written notice of this hearing with copies of the Motion on an expedited basis due to the emergency nature of this matter; (b) on February 7, 2013 the Successor Co-Guardians were duly appointed and Letters of Co-Guardianship of the Person were issued; (c) the Successor Co-Guardians of the Person have the power to determine what persons may have access to and visit with the Ward; (d) the Ward's care, custody, control and delegable rights and powers have been relegated to the Co-Guardians of the Person, other than the right to vote and travel with assistance that she retained; (e) the Ward's daughter, BARBARA STONE, while staying with the Ward at her residence engaged in conduct that adversely effected the health, care and welfare of the Ward; and (f) there is competent substantial evidence that in the best interest of Ward, BARBARA STONE's right of visitation should be restricted. It is therefore:

ADJUDGED, that BARBARA STONE is hereby ordered and directed to vacate and leave the Ward's residence located at 18181 N. E. 31st Court, Apartment 110, North Miami Beach, Florida 33160 no later than 6:00 p.m. on March 8, 2013.

FURTHER ADJUDGED, that BARBARA STONE is prohibited from staying at the Ward's residence while visiting the Ward hereafter; and all further visits with the Ward shall be supervised by either a Successor Co-Guardian of the Person or a health care worker with at least five (5) days advanced notice given to a Successor Co-Guardian of the Person of BARBARA STONE's intentions to visit. BARBARA STONE may continue to speak to the Ward by telephone. The length of the

EXHIBIT "A"

A TRUE COPY
CERTIFICATION ON LAST PAGE
HARVEY RUVIN, CLERK

supervised visitation with the Ward shall be determined at the discretion of the Successor Co-Guardians of the Person.

^{5:00 PM}
FURTHER ADJUDGED, that should BARBARA STONE fail to vacate and remove herself from the Ward's residence by no later than 5:00 p.m. on March 8, 2013, either Co-Guardian of the Person may enforce this Court Order by presenting a certified copy to a Miami-Dade County Deputy Sheriff.

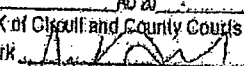
ORDERED in Chambers in Miami-Dade County, Florida, this 08 day of March, 2013.

MAR 08 2013


CIRCUIT COURT JUDGE

Copies furnished: Steven B. Dolchin, Esq.
Robert M. Trinkler, Esq.
Lawrence Levy, Esq.
Deborah R. Waks, Esq.
Mark F. Raymond, Esq.

MICHAEL A. GENDEN
CIRCUIT COURT JUDGE

STATE OF FLORIDA, COUNTY OF MIAMI-DADE
I HEREBY CERTIFY that the foregoing is a true and correct copy of the
original on file in this office. AD 20
HARVEY RUVIN, CLERK of Circuit and County Courts
Deputy Clerk 



MAR 08 2013

EXHIBIT "1"

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
IN AND FOR MIAMI-DADE COUNTY, FLORIDA

IN RE: THE
GUARDIANSHIP
OF HELEN STONE,

File No. 12-4330-GD
PROBATE DIVISION

Incapacitated.

ORDER AUTHORIZING HOSPITAL VISITATION
BETWEEN THE WARD AND THE PETITIONER

THIS CAUSE, having come before the Court on November 14, 2015, upon the
Petitioner's Ore Tenus Motion for Court Authorization for Hospital Visitation between the Ward
and the Petitioner, and this Court having reviewed the file, and having heard from the
record, it is hereby ORDERED AND ADJUDGED as follows:

FILED FOR RECORD
13 NOV 15 AM 10:26
CLERK, CIRCUIT & COUNTY CLERKS
-DADE COUNTY, FLORIDA

1. The Petitioner, BARBARA STONE, is authorized to visit the Ward, HELEN STONE, during her current hospitalization and rehabilitation, at the hospital/rehabilitation facility, from 9:00 a.m. to 12:00 p.m. and from 3:00 p.m. to 5:00 p.m. daily.

2. BARBARA STONE shall be permitted to visit with HELEN STONE for the entire duration of time set forth above and without the supervision of the Co-Guardians for HELEN STONE.

3. BARBARA STONE shall not impede, interfere with, or disrupt the hospital/rehabilitation facility staff's ability to perform their duties and treat HELEN STONE.

4. Should the hospital/rehabilitation facility staff have a good faith belief that

BARBARA STONE has become an impediment to the staff's ability to perform their duties in

of which consists the Ward

caring for HELEN STONE or has become harmful to the care and treatment of HELEN STONE, the hospital/rehabilitation facility staff shall immediately contact one of the Co-Guardians for HELEN STONE (Blair Lapides at 454-648 7907 or Jacqueline Hertz at 786-269-7751) to notify them of BARBARA STONE's actions in violation of this Order.

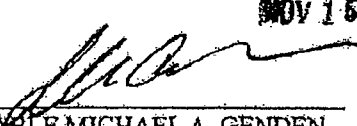
5. In the event the Co-Guardians are contacted by the staff and advised of the staff's good faith belief that BARBARA STONE has become an impediment to the staff's ability to perform their duties in caring for HELEN STONE or has become harmful to the care and treatment of HELEN STONE, the Co-Guardians may seek an emergency order from the Court removing BARBARA STONE from the facility and terminating further unsupervised institutional visitations.

6. Counsel for the parties shall attempt to communicate with each other as to any issues that may arise during visitation.

7. Upon entry of this Order, the Co-Guardians shall immediately serve this Order upon Aventura Hospital and Medical Center so that they are aware of entry of this Order, of BARBARA STONE's unsupervised visitation rights, and the remedies available should BARBARA STONE interfere with the care and treatment of HELEN STONE as set forth above.

DONE AND ORDERED in Miami-Dade County, Florida on this 15 day of November, 2013.

NOV 15 2013


HONORABLE MICHAEL A. GENDEN
CIRCUIT COURT JUDGE

cc: Roy Lustig, Esq.
Ronald S. Lowy, Esq.
Aventura Hospital and Medical Center

MICHAEL A. GENDEN
CIRCUIT JUDGE

STATE OF FLORIDA, COUNTY OF MIAMI-DADE
I HEREBY CERTIFY that the foregoing is a true and correct copy of the
original on file in this office. NO 20
LAWRENCE D. BROWN, CLERK of Circuit Court



FILED FOR RECORD
2014 APR -2 AM 11:54
CLERK OF COURT
MIAMI-DADE COUNTY, FLORIDA

IN RE: GUARDIANSHIP OF
HELEN STONE,
the Ward

IN THE CIRCUIT COURT IN AND FOR
MIAMI-DADE COUNTY, FLORIDA.

PROBATE DIVISION
CASE NO.: 12-4330 GD 01


ORDER CANCELLING ORDER TO SHOW CAUSE HEARING

THIS CAUSE, having come before this Court on March 31, 2014, upon the Co-Guardians Voluntary Dismissal of the Motion for an Order to Show Cause and the Court having reviewed the pleadings and being fully advised in the premises, it is

ORDERED and ADJUDGED that the Order to Show Cause Hearing re-set for April 4, 2014, at 1:45 p.m., is hereby cancelled.

DONE AND ORDERED in chambers at Miami Dade County, Florida this _____ day of _____, 2014.

APR 01 2014


MICHAEL A. GENDEN
CIRCUIT COURT JUDGE

Copies to: Roy R. Lustig, Esq.
Jeffrey D. Weinkle, Esq.
Mark F. Raymond, Esq.

MICHAEL A. GENDEN
CIRCUIT COURT JUDGE

IN RE: GUARDIANSHIP OF
HELEN STONE,
the Ward

FILED FOR RECORD

2014 FEB 11 AM 10:08

CLERK, CIRCUIT & COUNTY CLERKS
MIAMI-DADE COUNTY, FLORIDA

IN THE CIRCUIT COURT IN AND FOR
MIAMI-DADE COUNTY, FLORIDA.

PROBATE DIVISION
CASE NO.: 12-4330 GD 01

ORDER TO SHOW CAUSE

UPON CONSIDERATION of the Co-Guardians Jacqueline Hertz and Blaire Lapides's Motion for the Issuance of an Order to Show Cause and the attached sworn affidavit filed with the Court by the Co-Guardians in this cause and upon review of this Court's its Emergency Order for Contempt and Temporary Injunction Against Violence from Barbara Stone, dated December 20, 2013 ("Order"), this Court finds:

That the attached Order enjoined Barbara Stone from performing any of the following acts:

Paragraph 3 "No Contact. Unless otherwise provided herein, Barbara Stone shall have no contact with the Ward, Helen Stone or the Co-Guardians Blaire Lapides and Jacqueline Hertz or any persons treating and/or caring for the Ward, Helen Stone. Barbara Stone shall not directly or indirectly contact Helen Stone, Blaire Lapides, Jacqueline Hertz or any persons treating and/or caring for Helen Stone in person, by mail, e-mail, fax, telephone, through another person, or in any other manner. Unless otherwise provided herein, Barbara Stone shall not go to, in, or within 1000 feet of: Helen Stone's permanent residence, current residence, or current placement or residence to which Helen Stone may move; Blaire LAPIDES' permanent residence, current residence, or residence to which Blaire Lapides may move or employment; or Jacqueline Hertz's permanent residence, current residence, or residence to which Jacqueline Hertz may move or employment"

The Co-Guardians have petitioned this Court for an Order adjudging Barbara Stone to be in Indirect Criminal Contempt of Court for the willful disregard and disobedience of the provisions of this Court's Order by engaging in the following acts of conduct:

- a. On December 30, 2013, Barbara Stone called by phone the Palm Gardens of Aventura Rehabilitation Facility and spoke with Chris Tetrault, its Administrator, *"demanding to be informed of the location of her mother Helen Stone"*; and
- b. On December 30, 2013, Barbara Stone's 7th new counsel Lawrence R. Metsch, faxed a letter to Mr. Steve G. Phillip, President of Darmony, Inc, d/b/a ComfortKeepers, and its franchisees offices and corporate offices to the attention of its chairman. Comfortkeepers is a company that the Co-Guardians having been using to supply 24/7 caregiver and nursing staff for the Ward. Mr. Metsch stated in part that, *"The law firm represents Ms. Barbara Stone, the adult daughter of Mrs. Helen R. Stone, as Incapacitated Person, whose guardianship estate is being administered under the above-styled case. On behalf of Ms. Barbara Stone, we have this date filed an emergency supplemental petition to remove the co-guardians of the person and the property of Mrs. Helen R. Stone, an Incapacitated Person, on the grounds of abuse and neglect. Ms. Barbara Stone is concerned that, during December, 2013, your agency sent a person to care for Mrs. Helen R. Stone, an Incapacitated Person, in the Palm Garden facility, Aventura, Florida, who did not possess a Florida health care license. That person was administering oxygen and performing other medical procedures requiring Florida licensure....."*

NOW, THEREFORE, it is ORDERED AND ADJUDGED that Barbara Stone shall appear before this Court on the 19 day of MARCH, 2014, at 11:30 A m, in Room 308, of the Miami Dade County Courthouse, 73 West Flagler Street, Miami, Florida to be arraigned and then and there show cause why she should not be held in and punished for indirect criminal contempt of Court, pursuant to Fla. R. Crim. P. 3.840, for her willful failure to comply with the terms of the above Order. Such punishment, if imposed, may include a fine and/or or incarceration or probation.

Should the Court determine, based upon the evidence presented at the hearing, that Barbara Stone's conduct warrants sanctions for civil contempt in addition to or instead of indirect criminal contempt, the Court reserves the right to find Barbara Stone guilty of civil contempt and impose appropriate civil sanctions.

You have the right to be represented by an attorney.

FAILURE TO APPEAR AT THE HEARING MAY RESULT IN THE COURT ISSUING A WRIT OF BODILY ATTACHMENT FOR YOUR ARREST. IF YOU ARE ARRESTED, YOU MAY BE HELD IN JAIL UP TO 48 HOURS BEFORE A HEARING IS HELD.

The Sheriff of Miami Dade County, Florida is hereby ordered to serve a copy of this Order on Barbara Stone, and to make a return showing such service.

DONE AND ORDERED in chambers at Miami Dade County, Florida this 11 day of February, 2014.

FEB 11 2014

MICHAEL A. GENDEN
CIRCUIT COURT JUDGE

Copies to: Roy R. Lustig, Esq.
Barbara Stone, Pro Se
Mark F. Raymond, Esq.

MICHAEL A. GENDEN
CIRCUIT COURT JUDGE

2014 MAR 24 PM 3:50

IN THE CIRCUIT COURT OF THE 11TH
JUDICIAL CIRCUIT IN AND FOR
MIAMI-DADE COUNTY, FLORIDA

PROBATE DIVISION

CASE NUMBER: 12-4330GD 01

IN RE: GUARDIANSHIP OF

HELEN STONE
Ward

**ORDER DENYING MOTION FOR LEAVE TO FILE AMENDED MOTION
TO DISQUALIFY TRIAL JUDGE**

THIS CAUSE having come on to be heard upon Petitioner Barbara Stone's Motion for Leave to File Amended Motion to Disqualify Trial Judge, and being otherwise advised in the premises; it is

ORDERED AND ADJUDGED that Barbara Stone's Motion for Leave to File Amended Motion to Disqualified Trial Judge is hereby DENIED.

DONE AND ORDERED in Chambers at Miami-Dade County, Florida, on this 20th day of March, 2014.

MAR 20 2014


MICHAEL A. GENDEN
CIRCUIT COURT JUDGE

Copies furnished to:
Roy Lustig, Esq.
Suite 710, Courthouse Plaza
28 W Flagler St
Miami, Florida 331301808
Jeffrey Weinkle, Esq.
19 W Flagler St Ste 407
Miami, Florida 331304404
Mark Raymond, Esq.
Broad and Cassel
2 S Biscayne Blvd Ste 2100
Miami, Florida 331311811

MICHAEL A. GENDEN
CIRCUIT COURT JUDGE

IN THE CIRCUIT COURT OF THE 11TH
JUDICIAL CIRCUIT IN AND FOR
MIAMI-DADE COUNTY, FLORIDA

IN RE: GUARDIANSHIP OF

HELEN STONE,
Ward

PROBATE DIVISION: GD 01

CASE NO.: 2012-4330

**Order Granting Co-Guardians Petition for an Order Directing the Sheriff of Miami
Dade County, Florida/Metro Dade Police Department to Enter this Court's
Emergency Order For Contempt and Temporary Injunction Against Violence From
Barbara Stone, Dated December 20, 2013, into the FCIC/NCIC Data Banks**

THIS CAUSE, having come before this Court on September 10, 2014, upon the
Co-Guardians Petition for an Order Directing the Sherriff of Miami-Dade County, Florida/Metro Dade
Police Department to Enter this Courts Emergency Order for Contempt and Temporary Injunction
Against Violence from Barbara Stone, dated December 20, 2013, into the FCIC/NCIC Data Banks and
after having heard argument of counsel and the Court being fully advised in the premises; it is

ORDERED and ADJUDGED as follows:

1. The Co-Guardians Petition for an Order Directing the Sherriff of Miami-Dade County,
Florida/Metro Dade Police Department to Enter this Courts Emergency Order for
Contempt and Temporary Injunction Against Violence from Barbara Stone, dated
December 20, 2013, into the FCIC/NCIC Data Banks, is hereby granted.
2. The Sherriff of Miami Dade-County, Florida/Metro Dade Police Department, Central
Records Dept, is hereby ordered to immediately enter into the FCIC/NCIC Data Banks
this Courts Emergency Order For Contempt and Temporary Injunction Against Violence
From Barbara Stone, dated December 20, 2013, of which a certified copy is attached.

3. Counsel for the Co-Guardians, Roy R. Lustig, is hereby Ordered to deliver a certified copy of this Order and the December 20, 2013, Order to the Central Records Dept of the Sheriff of Miami Dade County, Florida/Metro Dade Police Department located at 9105 NW 25th Street, Doral, Florida 33172, for its entry into the FCIC/NCIC Data Banks.

DONE AND ORDERED in Chambers at Miami-Dade County, Florida on this ____ day
of _____, 2014.

MICHAEL A. GENDEN
CIRCUIT COURT JUDGE

Copies to:
Roy R. Lustig, Esq.
Jeffrey D. Weinkle, Esq.
Barbara Stone, Pro Se.
Mark F. Raymond, Esq.

Conformed Copy

SEP 12 2014

Michael A. Genden
Circuit Judge

IN THE CIRCUIT COURT FOR MIAMI-DADE COUNTY,
FLORIDA PROBATE DIVISION

IN RE: GUARDIANSHIP OF

HELEN STONE

File No. 12-4330
Division 01

**EMERGENCY ORDER FOR CONTEMPT AND
TEMPORARY INJUNCTION AGAINST VIOLENCE
FROM BARBARA STONE**

On the Emergency Motion by the Co-Guardians Blaire Lapidés and Jacqueline Hertz, for a Court Order for Contempt and Sanctions in the form of a Temporary Injunction for Protection from Barbara Stone for Violation of Court Order dated November 15, 2013 ("Emergency Motion"). The Court having jurisdiction of the parties and the subject matter under the laws of Florida, the court having examined the file in this proceeding and finding that the material allegations of the Motion are true, and being otherwise fully advised.

FINDINGS

The statements made under oath by the Co-Guardians appear that the Ward, Helen Stone, is a victim of violence by Barbara Stone, and the Co-Guardians Blaire Lapidés and Jacqueline Hertz have reasonable cause to believe they are in imminent danger of becoming victims of violence by Barbara Stone, and that irreparable harm and injury will probably occur in the form of violence to them or persons lawfully with treating or caring for the Ward, Helen Stone, unless this injunction is issued without notice. That Barbara Stone has violated this Court's Order of November 15, 2013.

TEMPORARY INJUNCTION AND TERMS

This injunction shall be effective until a hearing on a Final Judgment for Protection against Violence is issued in this cause and this Temporary Injunction shall remain in full force and effect until that Final Judgment of Injunction is issued. This injunction is valid and enforceable in all counties of the State of Florida. The terms of this injunction may not be changed by either party alone or by both parties together. Only the Court may modify the terms of this injunction. Either party may request the change or end this injunction. Any violation of this injunction, whether or not at the invitation of the

FILED FOR RECORD
NOV 20 2013 PM 2:03
CLERK
A TRUE COPY
CERTIFICATION ON LAST PAGE

Ward, Helen Stone, or anyone else, may subject Barbara Stone to civil or indirect criminal contempt proceedings, including the imposition of a fine or imprisonment, and also may subject Barbara Stone to criminal prosecution, including the imposition of a fine, jail, or both, as provided by Florida Statutes. In addition, it is a federal criminal felony offense to cross state lines or enter Indian country for the purpose of engaging in conduct that is prohibited in this injunction.

ORDERED AND ADJUDGED as follows:

1. The Emergency Motion is hereby **GRANTED**.
2. **Violence Prohibited.** Barbara Stone shall not commit, or cause any other person to commit, any acts of violence against the Ward, Helen Stone, the Co-Guardians Blaire Lapides and Jacqueline Hertz. Violence includes: assault, aggravated assault, battery, aggravated battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any other criminal offense resulting in physical injury or death to the Ward, Helen Stone, the Co-Guardians Blaire Lapides and Jacqueline Hertz or any of their family or household members who are residing with them or persons treating and/or caring for the Ward, Helen Stone.
3. **No Contact.** Unless otherwise provided herein, Barbara Stone shall have no contact with the Ward, Helen Stone or the Co-Guardians Blaire Lapides and Jacqueline Hertz or any persons treating and/or caring for the Ward, Helen Stone. Barbara Stone shall not directly or indirectly contact Helen Stone, Blaire Lapides, Jacqueline Hertz or any persons treating and/or caring for Helen Stone in person, by mail, e-mail, fax, telephone, through another person, or in any other manner. Unless otherwise provided herein, Barbara Stone shall not go to, in, or within 1000 feet of: Helen Stone's permanent residence, current residence, or current placement or residence to which Helen Stone may move; Blaire Lapides's permanent residence, current residence, or residence to which Blaire Lapides may move or employment; or Jacqueline Hertz's permanent residence, current residence, or residences to which Jacqueline Hertz may move or employment;

DIRECTIONS TO LAW ENFORCEMENT OFFICER IN ENFORCING THIS INJUNCTION

1. The Sheriff of Miami Dade County, or any other authorized law enforcement officer, is ordered to serve this temporary injunction upon Barbara Stone as soon as possible after its issuance.


A TRUE COPY
CERTIFICATION ON LAST PAGE
JANET E. RUVIN, CLERK

2. This injunction is valid in all counties of the State of Florida. Violation of this injunction should be reported to the appropriate law enforcement agency. Law enforcement officers of the jurisdiction in which a violation of this injunction occurs shall enforce the provisions.

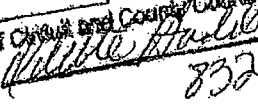
3. Should any Florida law enforcement officer having jurisdiction have probable cause to believe that Barbara Stone has knowingly violated this injunction, the officer may arrest Barbara Stone, confine her in the county jail without bail, and bring her before this Court on the next regular court day so that Barbara Stone can be dealt with according to law. The arresting agent shall notify the State Attorney's Office immediately after arrest. THIS INJUNCTION IS ENFORCEABLE IN ALL COUNTIES OF FLORIDA AND LAW ENFORCEMENT OFFICERS MAY EFFECT ARRESTS PURSUANT TO SECTION 901.15(6), FLORIDA STATUTES.

4. This injunction shall stay in effect until such time as a hearing on a permanent final judgment of injunction is issued against Barbara Stone protecting the Ward, the Co-Guardians and all persons lawfully with treating and/or caring for the Ward.

Done and Ordered in Chambers in Miami Dade County, Florida on this 12/20, 2013.


MICHAEL A. GENDEN
CIRCUIT COURT JUDGE

MICHAEL A. GENDEN
CIRCUIT COURT JUDGE

STATE OF FLORIDA, COUNTY OF MIAMI-DADE
I HEREBY CERTIFY that the foregoing is a true and correct copy of the
original on file in this office. AD 20
HARVEY RUVIN, CLERK of Circuit and County Courts
Deputy Clerk 
8329



DEC 20 2013

IN THE CIRCUIT COURT OF THE 11TH
JUDICIAL CIRCUIT IN AND FOR
MIAMI-DADE COUNTY, FLORIDA

PROBATE DIVISION

CASE NUMBER: 12-4330 GD 01

IN RE: GUARDIANSHIP OF
HELEN STONE

ORDER

THIS CAUSE having come on to be heard upon Barbara Stone's Petition for mediation, it is thereupon

ORDERED AND ADJUDGED that said Motion/Petition be, and the same is, hereby Denied. However, the Lawyer for the Guardians, Roy Lustig is ordered to communicate with the Guardians for the purpose of finding out if the ward is interested in having any contact with Barbara Stone. The Guardians shall advise the Court in writing of their findings.

DONE AND ORDERED in Chambers at Miami-Dade County, Florida, on this 6th day of November, 2014.

NOV 06 2014


MICHAEL A. GENDEN
CIRCUIT COURT JUDGE

Copies furnished to:
Barbara Stone
Roy Lustig
Guardians

MICHAEL A. GENDEN
CIRCUIT COURT JUDGE

CLERK, CIRCUIT & COUNTY CLERK
MIAMI-DADE COUNTY, FLORIDA

FILED FOR RECORD
NOV -7 PM 4:26

EXHIBIT C AND D

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT IN AND FOR
MIAMI-DADE COUNTY, FLORIDA

STATE OF FLORIDA,

Plaintiff,

vs.

BARBARA STONE,

Defendant.

CRIMINAL DIVISION

DIVISION 18

CASE NO.: F13-29726

JUDGE: MIGNA SANCHEZ-LLORENS

CLERK
CIRCUIT & COUNTY COURTS
MIAMI-DADE COUNTY, FL
CIRCUIT CLERK
MIGNA SANCHEZ-LLORENS

2014 SEP -9 AM 11:25

FILED FOR RECORD

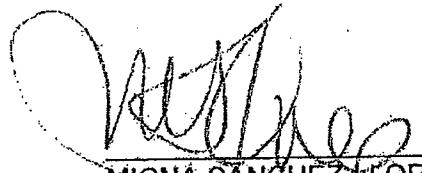
ORDER OF RECUSAL

THIS CAUSE came upon this Court's own Motion and the Court being fully advised in the premises, it is:

DONE AND ORDERED that the undersigned Circuit Court Judge hereby recuses herself from further consideration of this case.

IT IS FURTHER ORDERED that this cause shall be reassigned to another section of this Court in accordance with established procedure.

DONE AND ORDERED in Chambers at Miami-Dade County, this 9 day of September, 2014.


MIGNA SANCHEZ-LLORENS
CIRCUIT COURT JUDGE

Copies furnished to:
Barbara Stone, *pro se* Defendant
Attorneys of Record/ State Attorney's Office

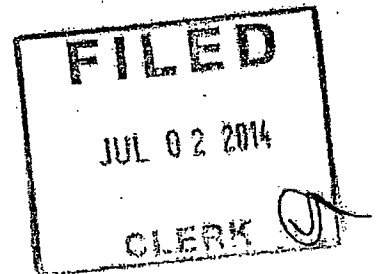
IN THE CIRCUIT COURT OF THE ELEVENTH
JUDICIAL CIRCUIT IN AND FOR MIAMI-DADE
COUNTY, FLORIDA

CASE NO: F13-29726
JUDGE: MIGNA SANCHEZ-LLORENS

STATE OF FLORIDA,
Plaintiff,

v.

BARBARA STONE,
Defendant.



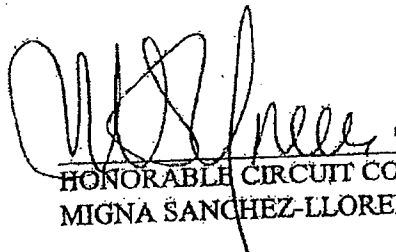
ORDER ON MOTION TO WITHDRAW

THIS CAUSE having come before the Court pursuant to the Counsel's Motion to
Withdraw, and having considered the same, it is hereby,

ORDERED AND ADJUDGED that Counsel's Motion, and the same is hereby

GRANTED.

DONE AND ORDERED in Chambers at Miami-Dade County, Florida this ____ day of
JULY, 2014.


HONORABLE CIRCUIT COURT JUDGE
MIGNA SANCHEZ-LLORENS

Walter A. Reynoso Esquire
Office of the State Attorney