

Minute Orders

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Action:

**HEARING ON ORDER TO SHOW CAUSE RE: T.R.O. (ELDER ABUSE) - SIGNED STEPHEN D. CUNNISON
08/01/2002 - 10:00 AM DEPT. 01**

PETITIONER IS/ARE TEMPORARY CTOR (PVT PROF CTOR: MELODIE Z. SCOTT)

NO PROOF OF PERSONAL SERVICE ON DEF: JANET PHELAN.

NO PROOF OF MAILING NOTICE OF OSC TO ELLEN WEINFURTNER (ATTY FOR DEF) OR GILBERT GUTIERREZ (ATTY FOR CTEE)
RESPONSE TO PETITON FOR PROTECTIVE ORDERS FILED 6/21/02

PETITIONER REQUESTS A PROTECTIVE ORDER TO RESTRAIN JANET PHELAN FROM AMALIE PHELAN

PETITIONER REQUESTS RESTRAINED PERSON STAY 100 YARDS FROM PROTECTED PERSONS: RESIDENCE, VEHICLES/PLACE
OF CAREGIVERS

PURSUANT TO (WI 15610(G)) DEFINITION OF ABUSE MEANS: PHYSICAL ABUSE, NEGLECT, INTIMIDATION,
CRUEL PUNISHMENT, FIDUCIARY ABUSE, ABANDONMENT, ISOLATION, OR OTHER TREATMENT WITH RESULTING
PHYSICAL HARM OR PAIN OR MENTAL SUFFERING.

PETITIONER ALLEGES VISITS BY DEFENDENT CAUSES CTEE GREAT STRESS AND MENTAL ANGUISH, & CAUSED DR TO
DISCONT CTEES CARE.

EXAMINED BY C. HATHAWAY ON 06/19/02

PRINT MINUTE ORDER

PRINT MINUTE ORDER

PRINT MINUTE ORDER

Jack Smith
7911 1/8 West Norton Ave.
Los Angeles, Ca 90046
Monday, October 07, 2002
Wednesday, October 16, 2002

Janet Phelan
2143 Locust Ave.
Long Beach, CA. 90806

Dear Ms. Phelan and any Others it May Concern;

I have been asked to recount the events as I witnessed them in the Riverside courthouse. To the best of my knowledge this letter will recount what I saw and heard on August 1st, 2002.

I went with Janet Phelan to witness the scheduled hearings in the Riverside Court on August 1st, 2002. Ms. Phelan and I had been informed that two hearings were going to be held that day.

The first hearing scheduled was a hearing on the permanent conservatorship of Amalie Phelan and whether Melodie Scott should be appointed as the permanent conservator. This hearing took place as scheduled.

We were also told by the clerk's office that a second hearing regarding a TR being brought against Janet Phelan was also scheduled for that same day half after the first hearing.

After a brief recess from the first hearing we waited for the second hearing to start, at some point we were informed that the second hearing was not going to take place at all that day. The bailiff asked us to leave and we did so. We were told that the court was now closed. The second hearing was not held, at least not in public so that Janet Phelan could not speak on her behalf.

I have been told that the hearing took place anyway in closed chambers away from public witnesses. I find this whole matter very strange indeed.

In closing all I know is that I was told the second hearing was scheduled. We also saw it scheduled on the computer screen at the clerk's office. I do not know why we were asked to leave, further I do not know why we were told the court was closed. Janet Phelan, should have had the right to speak in her own defense.

Sincerely

Jack Smith

Jack Smith

Jack Smith 10-16-02

State of California
County Los Angeles
Subscribed and Sworn to before me
This 16th Day of October, 2002
Mary Public
Notary Public

*Notary seal
blacked per
legal advice*

From the abandonment of this conservator, Amalie was accustomed to exercising her free will, going where she wished, when she wished, seeing whom she wished--in short, she was accustomed to having control over her own life. Now she lives under the thumb of a conservator and an attorney whom she regards as indifferent, even hostile, to her wishes. She has tried to dismiss the attorney but the judge ignored her letter requesting it. Now I fear Amalie is beginning to lose hope of ever being free again to make her own decisions.

The day after I saw her, I came across the following quote in a LA Times article from US Circuit Court Judge Robert M. Takasugi, whose entire tenure was part of the Japanese internment during WWII. Regarding his father who died at age 57, Takasugi said this: "I think he died, if anything, of the stress that was caused by feeling he was totally helpless." Feeling "totally helpless," I fear, is how Amalie is now feeling. And why wouldn't she?

I told Amalie I met her attorney Gutierrez at the courthouse. "I've been trying to unload him," she said. A bit later, his name came up again and she said, "I've been trying to shake him; I can't get rid of him. He's like a shark. I've never known anyone before who insisted on being employed by someone who's been trying to remove such a relationship. I have no trust in whatever position he assumes. I don't think that he has any basic interest in assisting me. I think it depends on the way he perceives it for his own interests."

I asked if she wanted Janet to try to find an attorney for her and see if she could get the judge to appoint him to replace Gutierrez. She said, "If she could, that would be wonderful."

About her condition, she said "I'm not as pulled together and as motivated as I used to be. I was once ready to jump bodies." She said she thinks she might be up to going to court on the 18th.

I then read to her the two-page description of our last conversation, page 46: "Interview with Amalie Phelan." Whenever I quoted her in the document, I paused and asked if that was correct; she said "yes" in each instance. When I finished, I handed it to her; she scanned down each page. I said, "If this is accurate would you be willing to write that on the last page?" She said, "It is accurate; I am willing." I placed my signature of the document on top of a yellow legal pad on my lap and moving the pen carefully, she wrote this at the bottom of the last page: "I have read these 2 pages and they are accurate. Amalie M. Phelan, June 28/02"

Sincerely,

Patricia Lambert

Patricia Lambert

June 25, 2002

INTERVIEW WITH AMALIE PHELAN

My name is Patricia Lavabell. I'm an old friend of the Phelan family.

Today I drove to Antaresa Villa Convalescence & Rehabilitation Care Center, at 1675 Barlow Rd., Redlands, California (telephone # 609-793-1882), and spoke at length with Amalie Phelan in her room (312A). I had called her earlier and told her I was nearby and wanted to see her, if that was okay. She said, with great animation, "Oh, that's wonderful." I arrived at 3:20 pm and left at 4:20 pm.

When I got there, she was asleep--or dozed out, fully-clothed, on top of the bedspread. I tipped over to greet her roommate with a wave, she informed me in a whisper, pointing Amalie's direction, "She never has any visitors." I whispered back, "Well, I'm here."

I started to sit down and wait for Amalie to wake up. But she opened her eyes, saw me, smiled, and sat right up. We hugged and I sat down on her bed. I was surprised at how unchanged and how well she looked: Her hair appeared recently done, her color looked good, and her eyes were clear, wide and alert. She was dressed nicely in pants and a top and a great pair of slant, comfortable-looking shoes, which I commented on. During our conversation, it was obvious to me that Amalie is beginning to forget things; her short-term memory is lagging. She is quite aware of it and told me so.

I showed her a picture of me (taken during an interview conducted when the Howard Hughes book was a bestseller, a print of which once hung in her house). She handled the photograph, smiling, and I said I was going to get her a copy of it to have in her room. "Oh," she said, "That would be so nice."

Then I asked her if she had ever seen a copy of the restraining order against Janet or the Declaration supporting it, or if anyone had ever read that Declaration to her over the telephone. She replied "No."

I told her I was going to be at the hearing tomorrow, and I wanted to try and give her a voice in the courtroom, if I could. She said "wonderful."

I asked her if she could read okay. She said she could. I asked if she could read small print. She said she thought so. I told her I wanted to give her a two-page document to read and after she read it I wanted her to comment on the contents and I would write down what she said and try to get her remarks entered into the record tomorrow. I said the document was the Declaration of Melody Scott in support of the restraining order against Janet. I asked if she was willing to do this. She said "I am."

I handed the Declaration to her, and then I sat at the end of the bed watching her reaction. In the course of reading it, she gasped several times; twice she stopped and looked at me. In the first instance, she said: "This makes me

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