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1 SUPREME COURT OF THE STATE OF NEW YORK
2 COUNTY OF KINGS: CIVIL TERM : PART MLP 76M

3 -----X
4 In the Matter of the Application of

5 JERALD ROSENBLOOM, Petitioner,

6 Pursuant to Article 81 of the Mental Hygiene Law
7 for the Appointment of a Guardian of the Person
8 and Property of NATHANIEL REID LAMAR, an
9 Alleged Incapacitated Person.

10 -----X
11 Index No. 100442/2015

12 360 Adams Street
13 Brooklyn, New York
14 February 11, 2016

15 B E F O R E : HONORABLE MICHAEL L. PESCE,
16 Justice

17 A P P E A R A N C E S:

18 JERALD ROSENBLOOM, ESQ.
19 Petitioner

20 15 Maiden Lane, Ste. 600
21 New York, New York 10038

22 GREENFIELD STEIN & SENIOR, LLP
23 Attorneys for AIP
24 600 Third Ave.

25 New York, New York 10016

BY: ANGELO M. GRASSO, ESQ.

SALEM, SHOR & SAPERSTEIN, LLP
Attorneys for AIP (Court-appointed)

3000 Marcus Avenue, Ste. 1E6
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BY: ARIELLA T. GASNER, ESQ.

LAW OFFICES OF THOMAS SCIACCA PLLC
Attorneys for Lawrence Gile

44 Wall Street
New York, New York 10005

BY: THOMAS SCIACCA, ESQ.

- and -

ZACHARY ALBRIGHT WHITING, ESQ.

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1 ALSO PRESENT:

2 RENE E OPPENHEIMER, ESQ.
Court Evaluator

3 MAREA ADAMS
4 JULIA LICHTBLAU
LAWRENCE GILE
5 TERESA ALMORA
ANGELINA CAZARES
6

7 HANK HOROWITZ, CSR
Official Court Reporter
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9 THE CLERK: Judge Michael L. Pesce presiding.
10 Calendar No. 1. Nathaniel Reid Lamar.

11 Order to show cause, relief, appointment of a
12 guardian. Appearances, please.

13 MR. ROSENBLOOM: Jerald Rosenbloom, 15 Maiden
14 Lane, New York, NY.

15 Your Honor, we've discussed a settlement.

16 THE COURT: One second. Let's get all the
17 players here.

18 VOICE: Can we bring Mr. Lamar up, Your Honor?

19 THE COURT: Sure.

20 (Pause)

21 THE COURT: The matter is on the record. You can
22 all sit. Remain seated. Because when you move those
23 chairs nothing else could be heard.

24 Appearances. Beginning with?

25 MR. WHITING: Zachary Albright Whiting, Law

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1 Offices of Thomas Sciacca.

2 THE COURT: So you are Mr. Whiting?

3 MR. WHITING: Yes.

4 THE COURT: Of Sciacca's office.

5 And the petitioner?

6 MR. ROSENBLOOM: Jerald Rosenbloom, petitioner.

7 MR. GRASSO: Good morning again, Your Honor.

8 Angelo Grasso, Greenfield Stein and Senior,

9 attorney for the Nathaniel Lamar.

10 MS. GASNER: Ariella Gasner, 3000 Marcus Avenue,

11 Lake Success, New York 11042. Court-appointed attorney

12 for Mr. Lamar.

13 MS. OPPENHEIMER: Renee Oppenheimer, 1862 East

14 26th Street, Brooklyn, New York 11229, court evaluator.

15 THE COURT: So do we have an understanding? An

16 agreement?

17 MR. GRASSO: I think with a conference, Your

18 Honor. I think we're pretty close.

19 THE COURT: One second.

20 Mr. Lamar.

21 THE AIP: Yes.

22 THE COURT: Mr. Lamar?

23 THE AIP: Yes.

24 THE COURT: Hi. Good morning.

25 THE AIP: Good morning.

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1 THE COURT: You remember me?

2 THE AIP: Yes.

3 THE COURT: Yes? From? Yesterday?

4 THE AIP: I just had a, just a stressful day.

5 THE COURT: Well, I hope it's -- yes. We're
6 going to try and fix it. Okay.

7 THE AIP: I will try not to produce any stress,
8 Your Honor.

9 THE COURT: Try not to add to it. Okay.
10 Recess.

11 (Short recess taken)

12 THE CLERK: Remain seated.

13 THE COURT: Mr. Lamar, I hope you didn't fall
14 asleep.

15 THE AIP: No.

16 THE COURT: Waiting for us.

17 THE AIP: Not a chance.

18 THE COURT: You can imagine what it's like when
19 you have six lawyers and a judge in a room.

20 THE AIP: It's been too interesting to fall
21 asleep.

22 THE COURT: Actually it was. I have been doing
23 these cases for 12 years and I have handled maybe
24 thousands.

25 THE AIP: Excuse me, Your Honor. I'm not hearing

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1 you.

2 THE COURT: Okay. It's all right.

3 THE AIP: I'm not hearing, it's interfering with
4 our communication.

5 THE COURT: By the way, can he get a hearing aid?

6 MR. ROSENBLOOM: He needs to see an audiologist.

7 Yes, that's one of the problems. Yes.

8 THE COURT: Put that on the list.

9 By the way, Ms. Oppenheimer, if ever it gets,
10 like, a lot, you have two options. You can call me for
11 help and I'll appoint someone. Or you can look to the
12 cast of characters here to help you. Because it is going
13 to be a lot of work.

14 Again, I will repeat at the beginning. You are
15 to be in touch on a daily basis once he goes back home,
16 daily basis, visit once a week. And then you can reduce
17 that schedule accordingly according to his adjustment at
18 home.

19 MS. OPPENHEIMER: Okay.

20 THE COURT: And then continue with the other
21 tasks.

22 Court's finding on the application of Jerald
23 Rosenbloom pursuant to Article 81 of the Mental Hygiene
24 Law on the property and person of Nathaniel Reid Lamar,
25 that Mr. Lamar is a person in need of supervision and

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1 assistance with the tasks of daily living given his age
2 and infirmities. This Court is appointing
3 Miss Oppenheimer --

4 Do we have a full name somewhere?

5 MS. OPPENHEIMER: Renee.

6 THE COURT: Renee Oppenheimer as the guardian of
7 the person and property of Mr. Lamar.

8 So Mr. Grasso, you will prepare the order.

9 MR. GRASSO: Yes, Your Honor.

10 THE COURT: Miss Oppenheimer is to procure a bond
11 of \$2,250,000. And the order shall provide for --

12 You need an immediate order, immediately?

13 MS. GASNER: I had requested it.

14 THE COURT: We'll deal with your request.

15 MS. GASNER: I would like, if I could, Your
16 Honor, submit a temporary order to this Court to sign.

17 THE COURT: In writing. But I'll put it on the
18 record that a temporary order will be issued by this Court
19 giving Miss Oppenheimer powers to prepare the home of
20 Mr. Lamar, making whatever alternations are necessary and
21 purchase whatever furnishings are necessary to make the
22 premises safe for Mr. Lamar to return home.

23 In addition, you are to obtain the services of a
24 geriatric care manager for the purpose of putting in place
25 licensed home health attendants on a 24/7 basis. And you

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1 are to determine whatever payments Mr. Lamar's insurance
2 coverage can provide and supplement it with Mr. Lamar's
3 income for the time being by having Mr. Rosenbloom issue
4 checks until you receive a commission. And upon your
5 receipt of a commission you will assume those duties as
6 well as all the duties that we have discussed in chambers
7 and which will be included by Mr. Grasso in the order.

8 You are also to proceed expeditiously with the
9 transfer of the Degraw Street property to Lend Trust for
10 the purposes of converting the land into a park. And the
11 park shall have the name of?

12 MR. ROSENBLOOM: Adlington Lamar Garden.

13 THE COURT: As well as Nathaniel Reid Lamar.
14 Ultimately, eventually.

15 What else?

16 MS. GASNER: Your Honor, if I may, per the order,
17 we wanted I believe that Rosenbloom and Hofflich shall be
18 retained for legal services in connection with the real
19 property of Mr. Lamar.

20 THE COURT: Eventually also provide an accounting
21 for the last five years.

22 MR. ROSENBLOOM: Your Honor, the power of
23 attorney I believe I took over as agent this year. I was
24 not a power of attorney prior to that date.

25 THE COURT: And who was?

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1 MR. ROSENBLOOM: There was none. Mr. Lamar
2 managed his --

3 THE COURT: You would have to get an accountant
4 and start looking or you start looking at all paperwork
5 that exists for the past couple of years to have some
6 accounting done in the event that you feel there's
7 something amiss.

8 MR. GRASSO: I would think, Your Honor, that the
9 correct way to say this was that Mr. Rosenbloom should be
10 directed to account for whatever his term is as attorney
11 in fact, whenever that commenced.

12 MR. ROSENBLOOM: 2015.

13 MR. GRASSO: Whatever that date was.

14 MS. GASNER: Your Honor, also that the guardian
15 has to keep Larry Gile apprised of all medical
16 developments in relation to Mr. Lamar, which is something
17 Mr. Lamar asked. That the power of attorney and health
18 care proxy we could request be revoked upon issuance of
19 the commission to the guardian.

20 Actually, if we could revoke the health care
21 proxy in the temporary order and allow Ms. Oppenheimer to
22 begin making medical decisions.

23 THE COURT: Not until she receives the
24 commission.

25 MS. GASNER: Okay. Thank you.

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1 THE COURT: So that stays in effect until then.

2 MS. GASNER: Okay.

3 THE COURT: And the reason is that there's no
4 risk. Very little risk for Mr. Lamar. So you could put
5 that in the order.

6 MR. GRASSO: Yes, Your Honor.

7 THE COURT: Now, again, you are to circulate a
8 draft of the order to everyone. And if anyone has any
9 question you can discuss it with Mr. Grasso, or, and if
10 there's if there's a dispute then you call my chambers.

11 MR. GRASSO: It will be around no later than
12 Tuesday, Your Honor, and I'll need everyone's email
13 address.

14 THE COURT: Anything else?

15 MR. ROSENBLOOM: I also request that the order
16 provide that Mr. Lamar's will be retained in my custody in
17 my office.

18 THE COURT: Have you looked at the will?

19 MR. ROSENBLOOM: Yes, I've provided copies.

20 MR. GRASSO: I haven't gotten a copy of the will.
21 I know the Court evaluator has received a copy.

22 THE COURT: Can we give Mr. Grasso a copy of the
23 will?

24 MR. ROSENBLOOM: Of course.

25 THE COURT: But I am going to rely on Mr. Lamar's

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1 wish as to what he wants done with that will.

2 MR. ROSENBLOOM: Okay.

3 THE COURT: So you'll have to find out just by
4 asking him a question. You can ask him now, actually, if
5 he wants Mr. Rosenbloom to retain the will in his
6 possession. But we will circulate the will to you. You
7 will get a copy and Mr. Grasso will get a copy.

8 MS. OPPENHEIMER: I have a copy.

9 MR. GRASSO: I think Miss Gasner and I have not
10 gotten a copy.

11 THE COURT: He's never mentioned anything about
12 the will, has he? Because he's very clear with what he
13 wants. I'm not concerned with the will and I don't get
14 involved with wills. That's for the surrogate court.
15 Unless there's something that affects the safety and
16 health of Mr. Lamar.

17 MS. OPPENHEIMER: He's looked at his will
18 recently and I think he's okay with his will. He even
19 made amendments even most recently to his will. So he's
20 pretty on top of it.

21 THE COURT: Let's leave it at that.

22 Anything else?

23 MR. ROSENBLOOM: No, Your Honor.

24 THE COURT: Sure? Five lawyers. Nothing else?
25 Okay. Anything comes up call me.

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Mr. Lamar?

THE AIP: Yes, sir.

THE COURT: You can hear me him?

THE AIP: Do I know where I am?

THE COURT: No. No. It was nice to see you.

THE AIP: Sir, I have to come practically and sit
on your desk there. I'm not -- it's not a good day for
my --

THE COURT: Your hearing.

THE AIP: My tubes.

THE COURT: Take care of that.

THE AIP: I'm sorry.

THE COURT: Get a doctor.

MS. OPPENHEIMER: He said it was nice to see you.

THE AIP: It's been extremely educating to be
part of this morning. I need say no more.

THE COURT: That's true.

THE AIP: It's just been very interesting.

THE COURT: It has been.

THE AIP: Both days.

THE COURT: Yes. Okay. Good luck to you.

MS. OPPENHEIMER: Good luck. He said good luck
to you.

THE AIP: I'm sorry?

MS. OPPENHEIMER: He wishes you good luck.

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1 THE AIP: Oh, that's good. I'm glad to hear
2 that.

3 THE COURT: I rarely -- but I have -- visited
4 individuals whose case I handle at their home. So when
5 you go back home I'm going to ring your bell.

6 THE AIP: Tell me what he said.

7 MS. OPPENHEIMER: He said he's going to visit you
8 when you come home.

9 THE AIP: I should hope so.

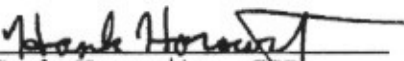
10 THE COURT: I will.

11 REPORTER'S CERTIFICATION

12 I hereby certify that the foregoing is a true
13 and accurate transcript of the proceedings.

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Hank Horowitz, CSR
Official Court Reporter.

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