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ØOŠÖÖ G€GHÁT OBÜÁFÎ Á€GKI ÁÚT SOÞÕÁÔUWÞVŸ ÙWÚÒÜOUÜÁÔUWÜVÁÔŠÒÜS ÒBØOŠÖÖ ÔOBÒÁÐÁGOÐ BEÌ HGÎ BFÁSÞV HONORABLE WYMAN YIP Hearing Date: March 17, 2023 Without Oral Argument

SUPERIOR COURT OF THE STATE OF WASHINGTON FOR THE COUNTY OF KING

In re the Matter of

Case No. 22-4-08326-1 KNT

THE SHARON M. HAROLD IRREVOCABLE TRUST DATED NOVEMBER 12, 2004,

a Trust.

SUR-OPPOSITION OF RESPONDENTS TO MOTION OF PETITIONER FOR APPOINTMENT OF A LITIGATION GUARDIAN AD LITEM FOR SHARON M. HAROLD

I. INTRODUCTION

Grantor Sharon M. Harold ("Grantor") and Residual Beneficiaries Charles A. Harold, Jr., John J. Harold, Angel Harold, Amy Jane Small, and Josette Harold Ramirez (hereinafter collectively referred to as "Respondents") hereby submit this Sur-Opposition to Petitioner's Reply in Support of the Motion for Appointment of a Litigation Guardian Ad Litem ("LGAL") for Sharon M. Harold. The inaccuracy of these statements will be shown herein. Respondents reiterate their request that this motion be denied outright or at a minimum, held over until after the Temporary Protection Order and Hearing scheduled for March 20, 2023.

To put the case in layperson's terms, a Grandson (Trustee) is suing his Grandmother (Grantor) and using her money to do so simply because Grandma asked Grandson for an accounting of her Trust (which Grandson had not done in 12, now 13 years). Grandma disagreed with how her Grandson accounted for HER trust funds. When Grandma found out that Grandson's Accounting of Trust (AOT) was actually a

mis-accounting of Trust (MAOT), Grandson then used this TEDRA proceeding to bombard the court with attacks on his Grandmother in an attempt to confuse the Court and hide his malfeasance.

Petitioner and his attorneys continue to grandstand, file frivolous and litigious motions to churn their attorney fees against Grantor's Trust, misuse their IOLTA deposits and commit perjury before this Court, all in an attempt to distract the Court and further diminish Grantor's Trust funds. When Petitioner first started threatening Respondents with litigation if they did not sign a release (a violation of RCW 9A.56.130), the balance of the Trust was approximately \$700,000, now it is approximately \$500,000.

Each time Petitioner files any motion of any kind, Respondents are required by this Court to respond or risk an adverse ruling of the Court. Each time Respondents respond, as in this present opposition, double dipping occurs. Petitioner's attorney's take money from Grantor's trust to pay for the original motion, then take money from Grantor's trust to pay to reply to the opposition to that frivolous motion they generated in the first place. This is the definition of litigious. This churning of attorney fees is a perpetual motion machine that will eventually result in Grantor's trust fund being completely depleted, leaving her no money for her end-of-life planning.

As an offer of proof to Lane Powell's perpetual attorney fee machine, Respondents will now reply to their perjury laced comments in the latest round of this frivolous litigation.

A. <u>Notice Was Given to All Parties Regarding the Filing of The Petition for Protective Order.</u>

At the February 3 hearing before Commissioner Henry Judson, Respondent Charles A. Harold, Jr. stated, "We would be filing a protection order against Mr. Paice to allow us to get an oversight on what's going on with this case so we can put [Grantor] into an assisted living facility." (Schilbach Dec., Ex. A, p. 5. [Dkt. #52]) Furthermore, Respondents believe there is no duty to give notice to a Respondent

 (Paice) by a Protected Party (Sharon M. Harold) because that would forward Respondent and could cause retribution by a Respondent harming a Protected Part. Instructions from the Protection Court only call for service by various processes.

B. <u>The \$20,740.50 Disbursement Was Received by Grantor and Deposited</u> Into Her Account.

On March 13, 2023, Grantor's USAA account showed a deposit of \$20,740.50. As of this writing, it appears that the deposit has been withdrawn. After speaking with USAA, Respondents were told that there were several reasons for this occurrence, one of them being that a stop payment was put on the check. Respondents have no further information regarding this deposit but do know that Grantor's account is NOT frozen as alleged by Petitioner.

C. The Petition for Protection Order Is Not Meritless.

A Temporary Protection Order was granted by the Protection Court. The Court ordered financial accounts related to Petitioner frozen in part because of his self-reported "inadvertent" commingling of Trust money between various accounts related to Grantor. If the Petition for Protection Order is meritless or baseless, that is for the Protection Court to decide, not Lane Powell. If this is "judge-shopping" as alleged, then Petitioner went "venue shopping" when he brought this Petition before this Court. Clearly this matter belongs either in California or in Federal District Court because of: (1) the four different states Respondents reside in, (2) the common defense of Grantor position Respondents hold as Joint Respondents in common, (3) the violations of various federal laws, and (4) the conflicts of authority and jurisdiction. Respondents have not exercised their right to move this matter to a federal court because they are united in one cause and one cause only: to stop Petitioner's spending of Grantor's Trust funds on meritless, frivolous and litigious litigation and use her Trust funds to place her into an assisted living facility

D. The Freezing of Petitioner's "Family Personal Bank Account."

The bank account numbers listed in the Protective Order were taken from the

BECU's financial statements of the alleged "Trust" account for Sharon M. Harold, managed by Petitioner and provided to Grantor and Respondent's by the family accountant David Llewellyn. Several of those statements list a transfer from the "Trust" account to another BECU account listing the receiving BECU account number. That account number is NOT an account stated as one of Grantor's alleged "Trust" accounts. At various times, as stated by Petitioner himself in documents filed before this Court, Petitioner transferred alleged "Trust" assets to this non-trust account. Since Petitioner's MAOT is clear as mud, Respondents and the Protection Court correctly froze this account because at this point the Court and Respondents have no idea what is happening with Grantor's Trust funds. The Protection Court has ordered Petitioner (named Respondent in the Protection Hearing) to appear with an actual AOT as required by California Probate Code § 1060 et seq.

Additionally, as stated in the recent Supplemental Brief to the Protection Court, Respondents believe Petitioner's "Family Personal Bank Account" is not in fact frozen at all because Respondent was able to deposit funds into Petitioner's account using Zelle and verify the deposits.

E. The Interests of Grantor are Completely Aligned with Attorneys in Fact Charles A. Harold, Jr. and Amy Jane Small; A LGAL Is Unwarranted, Unnecessary and Unwanted.

Respondents reiterate that the goal of Grantor as well as Respondents is to place her in an appropriate assisted living facility. In order to accomplish this, Respondents want to ensure that there are and will be sufficient funds. It is Petitioner who has consistently and repeatedly claimed there were not enough funds to move Grantor into assisted living. It is Petitioner whose interests are not aligned with Grantor because he would not release funds for an assisted living facility and because he continues to spend her money in an attempt to ratify his breaches of duty as a trustee. The ratification of Petitioner's breaches is not the business of the trust, or respectfully this Court and therefore Grantor's trust funds should not be paying for Petitioner to

defend himself. Since Grantor and Respondents are united, a LGAL is unwarranted.

Since Petitioner is spending Grantor's trust at an alarming rate, which will result in there not being enough funds to take care of Grantor for the rest of her life, Respondents see that as a "serious immediate harm or irreparable injury," justifying the Protective Order. Paying for a LGAL would add to the exponential depletion of Grantor's trust fund. Petitioner and his counsel are of course aware of this and do not seem to care. Another example of churning attorney fees. For this reason, an LGAL is unwarranted and unwanted by Grantor.

F. Petitioner Conflates "Incapacity" with "Vulnerable Adult".

Grantor is a properly defined as a "Vulnerable Adult" per RCW 74.34.020(21)(a)(f), which is unrelated to incapacity. Petitioner tries to conflate "Vulnerable Adult" with incapacity with zero proof, even though Petitioner is personally aware this proof exists.

Petitioner has not seen or spoken to Grantor since mid-2022. It seems Petitioner and his attorney's purport to have personal knowledge of Grantor's incapacity simply because she disagreed with Petitioner's MAOT, made up her own mind that Petitioner has discrepancies in his MAOT math, and decided the personal actions Petitioner took were against the interests of Grantor.

Again, Petitioner and his attorney's offer zero proof and continue to churn their attorney fees in an attempt to use up her Trust funds and discourage Respondents from fighting this litigious litigation. The Court will recall this is exactly what Petitioner's attorneys stated in several pre-litigation letters to Respondents, threatening litigation unless a "release" of Petitioner was signed.

In the Opposition to this motion, Grantor stated she possessed doctor's reports proving her mental capacity and offered them to the court for private viewing. Grantor has since changed her mind in order to prove that she is not incapacitated. See Exhibit 1 attached hereto.

Petitioner has personal knowledge that Dr. Lottman's report submitted herein

SUR-OPPOSITION TO MOTION FOR APPOINTMENT - 6 OF A LITIGATION GUARDIAN AD LITEM

exists because it was requested by Petitioner's and Grantor's previous attorney, Jeanne Kvale, as part of her duty to verify that Grantor had the capacity to understand the conflict of interest between Petitioner and Grantor. Petitioner and Grantor were eventually let go by Ms. Kvale for the inherent conflict of interest between Petitioner and Grantor discuss herein. Therefore, for Petitioner to allege Grantor has a capacity issued when he had personal knowledge that was not true is perjury before this Court.

G. Respondents Charles A. Harold and Amy Jane Small Act in the Very Best Interest of Grantor as Her Attorneys-in-Fact In All Aspects of this Matter, but Especially Regarding Her \$20,740.50 Disbursement Check.

After stating in open court that Respondents would be seeking a protection order, Charles A. Harold, Grantor and Amy Jane Small discussed at length the implications of such actions. All parties were fully aware that the promise of a check from Petitioner and his attorney to reimburse Grantor for previous attorney fees could be stopped when accounts were frozen.

Based upon previous unfulfilled statements from Petitioner to send Grantor money, attorneys-in-fact and Grantor did not believe this latest offer of a check would be fulfilled. This was based upon a simple fact: Grantor asked for money. Petitioner then replied through his attorney that a check would be issued, but it would arrive in several weeks, not overnight via courier or overnight via Zelle as was Petitioner's previous practice. This resulted in the letter sent by Grantor to this Court and received by the Court's clerk Mr. Luiken wherein Grantor ask Petitioner to send her money immediately.

Because Grantor was fully aware that her \$20,740.50 disbursement check could be frozen, contingency plans were made and all Respondents, as they have done for the past six months, are contributing to Grantor's needs. She is in fact better off than she has been in the past under Petitioner's now exposed fiduciary breaches.

CONCLUSION

Every argument made by Petitioner in his Reply is easily disproved. The

1 2 3 4 5	DATED: March 16, 2023	s/Angel Harold Angel Harold, Residual Beneficiary and Respondent in pro se 9317 Balcom Ave. Northridge, CA 91325 Tel: (661) 289-4238 Email: angelharold25@gmail.com
6	DATED M 40, 2002	
7	DATED: March 16, 2023	s/Amy Jane Small Amy Jane Small, Residual Beneficiary and
8		Respondent in pro se P.O. Box 352
9		Graeagle, CA 96103 Tel: (805) 827-0051
10		Email: aj.harold9@gmail.com
11		
12	DATED: March 16, 2023	s/Josette Harold Ramirez
13		Josette Harold Ramirez, Residual Beneficiary and Respondent in pro se
14 15		11319 Playa St. Culver City, CA 90230
16		Tel: (310) 280-6229 Email: <u>jobabe007@gmail.com</u>
17		
18		We certify that this memorandum contains 2,157 words, in compliance with the Local Civil Rules.
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Harold, Sharon M

MRN: 27410447

Encounter Date: 06/01/2022



Anton Lotman, MD Physician Specialty: Neurology Progress Notes 🛕 💆

Signed

Encounter Date: 6/1/2022

This is a follow up appointment for a very pleasant, 84-year-old woman with history of small parietal stroke, mild cognitive impairment of amnestic type obstructive sleep apnea.

Patient has recurrent episodes of TIA when she feels drowsy, and increased difficulty with balance.

This episodes not frequent and can last about half an hour. Patient does not report any progression of cognitive impairment, she is able to maintain active lifestyle, she drives motor vehicle without any particular problems.

has a past medical history of Anisocoria, Barrett's esophagus, Bipolar disorder (CMS/HCC), Celiac crisis, Chronic ethmoidal sinusitis, Chronic laryngitis, Chronic rhinitis, Congestive heart failure (CHF) (CMS/HCC), COPD (chronic obstructive pulmonary disease) (CMS/HCC), Depression, Dysphagia, Esophageal reflux, Female stress incontinence, Hypercholesterolemia, Hypertension, Hypothyroidism, Lichen sclerosus et atrophicus, MCI (mild cognitive impairment), Migraine without status migrainosus, not intractable, Nasal turbinate hypertrophy, Obesity, OSA (obstructive sleep apnea), and Pelvic floor dysfunction.

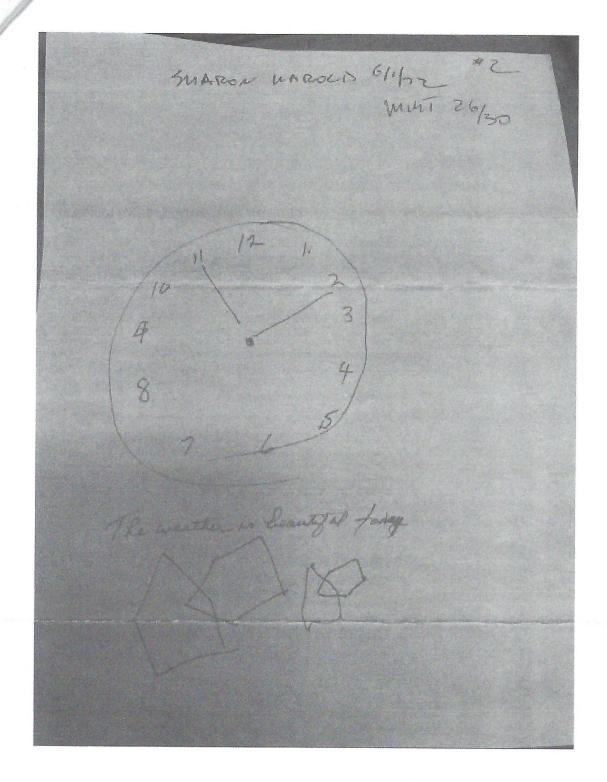
Current Outpatient Medications:

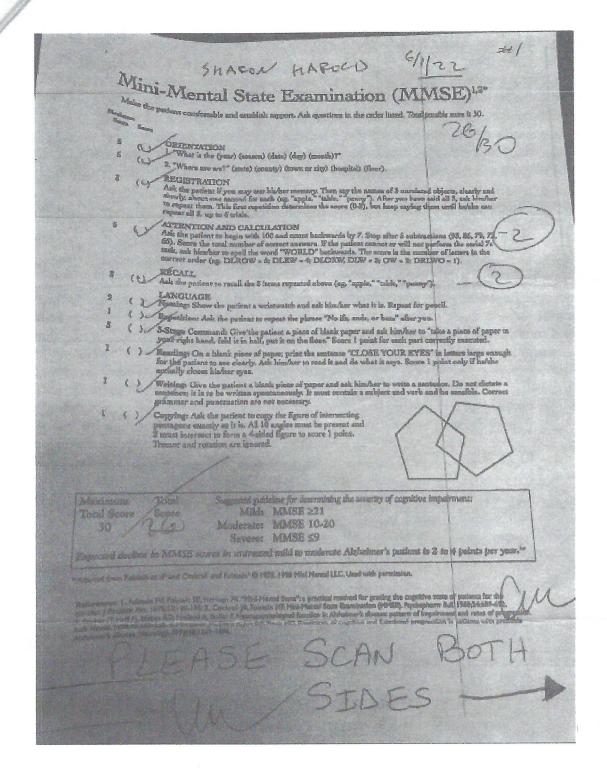
- aspirin 81 mg chewable tablet, Chew 81 mg daily., Disp: , Rfl:
- umeclidinium-vilanteroL (Anoro Ellipta) 62.5-25 mcg/actuation blister with device, ANORO ELLIPTA 62.5-25 MCG/INH AEPB, Disp: , Rfl:
- amoxicillin-pot clavulanate (Augmentin) 500-125 mg per tablet, , Disp: , Rfl:
- carvediloL (Coreg) 12.5 mg tablet, Take 12.5 mg by mouth., Disp:, Rfl:
- cephalexin (Keflex) 500 mg capsule, , Disp: , Rfl:
- · clindamycin (Cleocin) 300 mg capsule, , Disp: , Rfl:
- clopidogreL (Plavix) 75 mg tablet, Take 75 mg by mouth daily., Disp: , Rfl:
- diazePAM (Valium) 5 mg tablet, Take 5 mg by mouth every 8 (eight) hours as needed for anxiety., Disp:, Rfl:
- DULoxetine (Cymbalta) 30 mg DR capsule, TAKE 1 CAPSULE BY MOUTH DAILY (DO NOT CRUSH OR CHEW) (Patient not taking: Reported on 3/29/2022), Disp: 30 capsule, Rfl: 3
- estradioL (Estrace) 0.01 % (0.1 mg/gram) vaginal cream, Insert into the vagina., Disp: , Rfl:
- fluconazole (Diflucan) 150 mg tablet, , Disp: , Rfl:
- fluocinonide (Lidex) 0.05 % cream, Apply topically daily. As directed, Disp: , Rfl:
- fluticasone propionate (Flovent Diskus) 50 mcg/actuation diskus inhaler, = 1 EA, Inhale, bid, # 60 EA, 0 Refill(s), Type: Maintenance, Disp:, Rfl:
- folic acid/multivit-min/lutein (CENTRUM SILVER ORAL), Take by mouth daily., Disp: , Rfl:

- Encounter Date: 06/01/2022
- · furosemide (Lasix) 20 mg tablet, , Disp: , Rfl:
- gabapentin (Neurontin) 600 mg tablet, , Disp: , Rfl:
- · ketoconazole (Nizoral) 2 % cream, , Disp: , Rfl:
- \bullet Lactobac no.41/Bifidobact no.7 (PROBIOTIC-10 ORAL), Take by mouth daily., Disp: , Rfl:
- · lidocaine (Xylocaine) 5 % ointment, , Disp: , Rfl:
- memantine (Namenda) 10 mg tablet, Take 10 mg by mouth 2 (two) times a day.,
 Disp: , Rfl:
- NIFEdipine XL (Procardia XL) 30 mg tablet extended release 24 hr 24 hr tablet, Take 2 (two) tablets (60 mg total) by mouth daily., Disp: 180 tablet, Rfl: 3
- ondansetron (Zofran) 4 mg tablet, , Disp: , Rfl:
- oxyCODONE (Roxicodone) 5 mg immediate release tablet, , Disp: , Rfl:
- pantoprazole (Protonix) 20 mg EC tablet, Take 1 tablet by mouth daily., Disp: , Rfl:
- · potassium chloride (Klor-Con) 10 mEq CR tablet, , Disp: , Rfl:
- predniSONE (Deltasone) 20 mg tablet, , Disp: , Rfl:
- pregabalin (Lyrica) 100 mg capsule, Take 1 capsule three times daily. (Patient not taking: Reported on 3/29/2022), Disp: 90 capsule, Rfl: 3
- terbinafine (LamISIL) 250 mg tablet, Take 250 mg by mouth daily., Disp: , Rfl:
- triamcinolone (Kenalog) 0.025 % ointment, , Disp: , Rfl:
- valACYclovir (Valtrex) 1 gram tablet, , Disp: , Rfl:

Blood pressure 162/78, pulse 63, resp. rate 16, height 1.651 m (5' 5").

Encounter Date: 06/01/2022





Evaluation performed with the presence of case manager Geenna Berrier. Mini-Mental test score was 26 from 30. Patient oriented to place and time, oriented to person, has good level of attention, judgment and comprehension. She was able to calculate with some difficulty, has decreased short-term memory, has preserved visual-spatial skills. Patient was able to read them to write. She was able to follow

three-step commands without any difficulties. Patient has normal speech, able to name and able to repeat.

Encounter Date: 06/01/2022

Pupils are round, symmetrically reactive to light, full eye movement intact. Patient has symmetrical facial expression, normal sensory exam over the face. No pronator drift, muscle strength 4+ from 5 in upper and lower extremities. Symmetrical deep tendon reflexes +1 biceps triceps and brachioradialis and patella, absence of ankle reflexes. No Babinski sign. Normal sensory exam to pinprick light touch, decreased sensation for vibration over the feet.. No ataxia on finger-nose maneuver. The patient gait ataxic with wide station, gait affected by degenerative arthritis of knees and hips. Patient has regular heart tones, no bruits over carotid arteries.

IMPRESSION: The patient is 84-year-old woman with mild cognitive impairment of amnestic type, we do not see full scale clinical picture of dementia. Patient is competent and make own decisions as she has preserved level of judgment, attention and comprehension. The patient has decreased short-term memory as a result of vascular disease of brain. She has several episodes of TIA. Recommend complete evaluation with carotid duplex ultrasound to follow-up progression of internal carotid stenosis, repeat MRI of the brain to rule out mini strokes. Patient continue aspirin for secondary stroke prevention.

Patient treated with CPAP for obstructive treatment has good compliance.

She should continue with fall precautions. Gait ataxic and recommend ambulation with cane. Patient will be checked for metabolic screen, thyroid function and vitamins level. Follow-up with neurologist scheduled in 3 months.

Lotman, Anton E, MD

Electronically signed by Anton Lotman, MD at 6/1/2022 3:29 PM

Office Visit on 6/1/2022 Note shared with patient

Additional Documentation

Vitals:

BP 162/78 Pulse 63 Resp 16 Ht 1.651 m (5' 5") Wt 105 kg (232 lb 6.4 oz) BMi 38.67 kg/m²

BSA 2.1 m² More Vitals

Encounter Info: Billing Info, History, Allergies

Orders Placed

Comprehensive Metabolic Panel (Resulted 6/1/2022, Abnormal)
CBC Auto Differential (Resulted 6/1/2022)
Folate (Resulted 6/1/2022)
TSH (Resulted 6/1/2022)
Vitamin B12 (Resulted 6/1/2022)

MR' HEAD WO/W CONTRAST





Harold, Sharon M

MRN: 02615198, Legal Sex: Female, 6/14/1937 (85 yrs), Outpatient Accession #: 106883356

Final Result

HAROLD, SHARON M

DOB: 06/14/1937 Age: 85 Years

Org: PHOR

Location: PHMC

MRN: 311265 Facility MRN: 02615198

Gender: F

Ordering Provider: IAN COE MD

Class:

Outpatient

Date of Service: 03/09/2023 11:00 AM Accession: 7055116

Outside Order Number: 106883356

MR Head w and wo contrast

IMPRESSION:

- 1. No evidence of acute ischemia.
- 2. Chronic left parieto-occipital infarct. Smaller chronic infarct within the left genu of the corpus callosum is new compared to 6/9/2022.
- 3. Moderate chronic microvascular disease and global parenchymal volume loss.
- 4. No abnormal enhancement. No mass or mass effect.

INDICATION:

GENDER/AGE: Female, 85 years

ORDER INDICATION: G45.9:Transient cerebral ischemic

attack, unspecified

HISTORY PER PATIENT: TIA,

TECHNIQUE: MR images of the brain were obtained using the following sequences: Sagittal T1, axial diffusion-weighted, axial T1, axial T2, axial FLAIR, and axial gradient refocused are performed pre gadolinium. Post gadolinium axial T1 and coronal T1 sequences were obtained.

CONTRAST: 10 mmol GADOBUTROL 10 MMOL/10 ML (1 MMOL/ML) IV SOLN

COMPARISON: Brain MRI 6/9/2022.

FINDINGS:

Parenchyma: No infarct on DWI. No hemorrhage. No mass or mass effect. Again seen is encephalomalacia and gliosis

Appointment Info

Exam Date

3/9/2023

Department

Peace Harbor MRI

© 541-997-8412

Q 400 NINTH ST

FLORENCE OR 97439

Reason for Exam

TIA,

Diagnosis

Transient cerebral ischemia, unspecified type

Providers

PCP

Rio M Lion, DO

© 541-271-2163

• 620 RANCH RD

REEDSPORT OR 97467

Ordering Provider

lan P Coe, MD

(S) 541-271-2163

620 Ranch Rd REEDSPORT OR 97467

Attending Provider

lan P Coe, MD

© 541-271-2163

Q 620 Ranch Rd

REEDSPORT OR 97467

involving the left parieto-occipital region, consistent with prior ischemic insult. Smaller focus of encephalomalacia and gliosis involving the genu of the corpus callosum on the left compatible with a additional focus of chronic ischemia new compared to 6/9/2022. Patchy and confluent areas of T2/FLAIR signal hyperintensity are present within the periventricular and subcortical white matter, which are nonspecific but compatible with moderate chronic microvascular ischemic changes. Global parenchymal volume loss.

Abnormal enhancement: None

Extra-axial collection: None

Ventricles: No hydrocephalus.

Intracranial arterial flow voids: Central intracranial arterial flow voids are maintained.

Osseous Structures: No aggressive osseous lesions. Degenerative changes of the upper cervical spine.

Included Orbits: Normal

Paranasal Sinuses: Predominantly clear.

Tympanomastoid Cavities: Predominantly clear.

Other: None

DICTATED BY: Ryan E Tade, M.D., on 3/9/2023 1:10 PM PST DICTATION LOCATION: 3333 Riverbend Dr. - Springfield, OR 97477

End of Diagnostic report for accession: 7055116 Interpreted/Electronically Signed By: Ryan E. Tade, MD on 03/09/2023 01:10 PM

Signed by Ryan E Tade, MD on 3/9/2023 1:10 PM