

# Elusive Justice

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## False Advocacy

*A Case Study of Social Rights  
for Limited Conservatees  
Reveals a Larger Problem of  
Defective Legal Representation*

## Exhibit D

Thomas F. Coleman, J.D.  
Executive Director  
Disability and Guardianship Project  
Spectrum Institute

[www.spectruminstitute.org/elusive](http://www.spectruminstitute.org/elusive)

June 1, 2015

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July 17, 2008

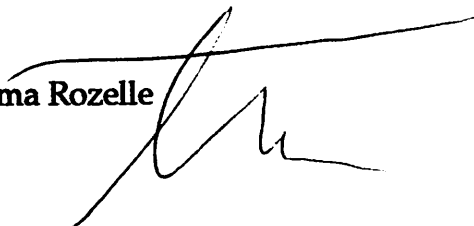
To Whom It May Concern:

I have known Gregory Demer for a number of years, since I have been serving as an aide to his classmates as an employee of the Los Angeles Unified School District.

Increasingly, over the past few months, on arriving at school from his father's house, Greg has stated that he had been afraid or upset about something negative his father had said. On July 16, when I asked Greg if he wanted me to visit his new apartment, he said enthusiastically "Yes!" When I asked if I could bring his Dad and stepmother along, he said strongly "No! You cannot do that. They're too scary."

I declare under penalty of perjury under the laws of the State of California that the foregoing information is true and correct.

Thelma Rozelle

A handwritten signature in black ink, appearing to be 'Thelma Rozelle', written over a horizontal line. The signature is stylized and cursive.

July 15, 2008

I have known Greg Demer for approximately 11 years. I am a friend and mentor to his younger brother Eric (Ricky), and have visited with them at home 4 or 5 times a month over those 11 years. I would therefore say that I know Greg fairly well, have had many meals with him etc.

Greg has no problem expressing his likes and dislikes, or stating things that he does or does not want to do. Sometimes these are expressed a little brusquely, with some chance of causing hurt feelings, but I have found them to be consistent and reliable.

On Sunday, July 13, during lunch, I asked Greg how he liked his current living situation, and he said, "I have my own apartment. I like my apartment." I asked him whether he wanted to visit me in the Marina, and he said, "yes". I asked him if he wanted to visit his Dad, and he said "No, that's too scary". He shook his head several times and repeated, "That's too scary"

A handwritten signature in cursive script that reads "Alan Garfinkel".

Alan Garfinkel

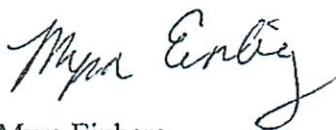
July 30, 2008

My name is Myra Einberg. I have had the pleasure of knowing Gregory Demer for about 3 years as his Home Room Teacher at Venice High School. Over the years, I've noticed that Greg is generally cheerful when he comes to school from his mother's house.

However, almost every day that he comes to school from his father's house, Gregory shows worry and seeks reassurance, saying things such as "Ms. Einberg, I'm not lazy." Or "I'm not a weenie."

More specifically, on Monday, June 30, 2008, Greg told me twice: "Dad is scary," and, once, "Dad is too scary."

I declare under penalty of perjury under the laws of the State of California that the foregoing information is true and correct.

A handwritten signature in cursive script that reads "Myra Einberg". The signature is written in dark ink and is positioned above the printed name.

Myra Einberg

July 15, 2008

To Whom It May Concern:

I have known Gregory Demer for about eight years. I have been his aide at school since junior high school. This summer, he told me that he was happy at his new apartment, and that he felt safe there. Yesterday, he said "I'm independent and misery-free." I asked him "Free from what misery?" He answered, "From Dad, Melissa and Julia." I asked "Why?" He said, "Because they are mean to me. Dad and Melissa are too scary and say mean hurtful words to me." Today I asked, "Do you want your Dad to see your apartment?" He answered "No! He doesn't belong there. I will tell him to go away. I don't want to see Dad!"

I declare under penalty of perjury under the laws of the State of California that the foregoing information is true and correct.

Carol Bertoni



1 SANTA MONICA, CA; FRIDAY, SEPTEMBER 5, 2008; 11:30 A.M.

2 DEPARTMENT WE N HON. CRAIG D. KARLAN, JUDGE

3 APPEARANCES:

4 (APPEARANCES AS HERETOFORE NOTED.)

5 (TANYA D. MC COWAN, OFFICIAL REPORTER.)

6  
7 THE COURT: DEMER. APPEARANCES LEFT TO RIGHT.

8 MR. GAULKE: PAUL GAULKE, COURT-APPOINTED ATTORNEY FOR  
9 GREG DEMER.

10 MRS. MELISSA DEMER: MELISSA RYDER-DEMER, THE STEPMOTHER  
11 OF GREG DEMER.

12 DR. JOSEPH DEMER: JOSEPH DEMER, THE FATHER.

13 MR. NEWMAN: MICHAEL NEWMAN FOR THE DEMERS.

14 MR. LITTLE: ROBERT LITTLE, L-I-T-T-L-E, ON BEHALF OF  
15 THE LIMITED CONSERVATOR DR. LINDA DEMER WHO IS PRESENT TO MY  
16 LEFT.

17 THE COURT: WELCOME, EVERYBODY. WHERE DO WE STAND  
18 TODAY?

19 MR. GAULKE: YOUR HONOR, THE STATUS REPORT CONFERENCE IS  
20 TO COME BACK AND FIND OUT IF WE CAN SETTLE. THE PARTIES  
21 HAVE BEEN UNABLE TO SETTLE. THERE IS AN EX PARTE BEFORE THE  
22 COURT. I CAN TELL THE COURT THAT I HAVE SEEN MY CLIENT NOW  
23 SEVERAL TIMES AND HE IS CONSISTENT WITH WHAT HE TELLS ME.  
24 AND ON THE ISSUES THAT I BELIEVE HE IS COMPETENT TO ADVISE  
25 ME OF HIS WISHES HE DOES STILL WANT HIS MOTHER TO BE THE  
26 CONSERVATOR. AND AT THIS POINT HE DOES NOT WANT TO VISIT  
27 WITH HIS FATHER. THERE HAS BEEN ONE VISITATION WE WERE ABLE  
28 TO PUT TOGETHER WITH THE CONSERVATEE AND MELISSA HERE AND

1 HIS SISTER JULIA.

2 MR. LITTLE: AND CINDERELLA.

3 MR. GAULKE: CINDERELLA.

4 MR. LITTLE: AND I INTERJECTED. AND SUPERVISOR ALAN  
5 GARFIELD.

6 MR. GAULKE: YOUR HONOR, AT THIS POINT IN TIME MY CLIENT  
7 HAS SAID HE DOESN'T WANT ANYMORE VISITATIONS WITH EITHER HIS  
8 FATHER JOE OR MELISSA OR JULIA. I BELIEVE HE CAN TELL ME AT  
9 THE TIME I TALKED TO HIM AND I BELIEVE HE'S COMPETENT ENOUGH  
10 TO TELL ME WHO HE WANTS TO SEE. THERE HAS BEEN NO RECORD  
11 AND I DO NOT BELIEVE THERE IS ANY EVIDENCE OF ANY PHYSICAL  
12 ABUSE BY THE FATHER OR THE FATHER'S FAMILY AGAINST MY  
13 CLIENT. WHAT IT AMOUNTS TO, I BELIEVE, IS GREG IS NOT  
14 COMFORTABLE WITH HEARING THINGS THAT HE FEELS HE'S  
15 UNCOMFORTABLE LISTENING TO.

16 THE COURT: WHAT DOES THAT MEAN?

17 MR. GAULKE: WELL, THE THINGS HE'S TELLING ME HE'S  
18 UNCOMFORTABLE WITH EITHER HE -- IT'S EITHER HIS FATHER  
19 GIVING HIM TOUGH LOVE IN MY CLIENT'S VIEW OR MY CLIENT,  
20 BECAUSE OF HIS DIAGNOSIS AND IF HE WAS A COMPETENT YOUNG  
21 ADULT, MAYBE THIS WOULDN'T BE A BIG THING TO HIM. BUT I  
22 BELIEVE IN HIS MIND HIS FEELING IS HE'S UNCOMFORTABLE SEEING  
23 HIS FATHER AT THIS TIME. I DON'T KNOW IF IT AMOUNTS TO  
24 ANYTHING THAT I WOULD BE CONCERNED ABOUT, BUT I BELIEVE HE'S  
25 COMPETENT ENOUGH TO TELL ME THAT'S WHAT HE'S FEELING.

26 THE COURT: WHY IS STEPMOTHER AND HIS SISTER?

27 MR. GAULKE: I DON'T KNOW, YOUR HONOR. IT CONCERNS ME  
28 AND I WISH I HAD THE ANSWER FOR IT. I CAN TELL YOU WHAT THE



1 WORDS HE USED, BUT I DON'T KNOW IF IT AGAIN AMOUNTS TO  
2 ANYTHING THAT I WOULD BE CONCERNED ABOUT. I THINK THAT IT  
3 MIGHT BE -- MAYBE IT'S REBELLION HIS PART.

4 THE COURT: WHO BROUGHT THE EX PARTE TODAY?

5 MR. NEWMAN: I DID. WELL, NO. IT'S AN EX PARTE THAT  
6 WAS ACTUALLY BROUGHT IN THE MIDDLE OF JULY. AND THE REAL EX  
7 PARTE --

8 THE COURT: OH, THIS IS THE SAME ONE?

9 MR. NEWMAN: AND THIS IS WHERE I THINK WE HAVE LOST  
10 FOCUS TO A DEGREE. MY ORIGINAL EX PARTE WAS --

11 THE COURT: TO COMPLY WITH THE ORDER, THE AGREEMENT.

12 MR. NEWMAN: AND HERE IS ANOTHER WEEK TO PLEASE DO IT.

13 MS. ALBERIO: I DIDN'T KNOW THIS WAS ON THE CALENDAR  
14 BECAUSE IT WAS SET FOR 10:30.

15 THE COURT: I REMEMBER NOW. I'M NOT SUPPOSED TO SET  
16 ANYTHING FOR 10:30. EVERYTHING GETS SET AT 9:15 OR THEY  
17 DON'T PULL THE FILE. I CAN TELL YOU TO SHOW UP AT 10:30,  
18 BUT IF WE ACTUALLY SET IT FOR 10:30, SHE HAS WARNED ME  
19 BEFORE. THAT'S WHY IT'S ON THE CALENDAR. SO IT'S MY FAULT.

20 LET ME ASK A SOLUTION AT THIS POINT. YOU WANT THE  
21 AGREEMENT ENFORCED. YOU HAVE MR. GAULKE TELLING ME THAT --

22 MR. NEWMAN: BEFORE YOU GO THERE, THE VISITATION CAME UP  
23 AFTER. ALL WE ARE SAYING IS GIVE US THE COMMUNICATION.  
24 YOU'VE EVEN SEEN WE HAD TO COME HERE TO FIND OUT THAT HE'S  
25 AT SUMMER CAMP, WHERE HE'S LIVING, AND THOSE TYPES OF  
26 THINGS. EVEN NOW WE KNOW ACROSS L.A. COUNTY WE HAVE A  
27 SCHOOL YEAR STARTING. THE LAST WE HEARD IS -- AND THIS WAS  
28 IN THE JURY ROOM -- HE MIGHT BE GOING TO PATHWAYS. HE MIGHT

1 BE TAKING A CLASS AT VENICE, WHAT HAVE YOU. ALL WE HAVE  
2 REPEATEDLY ASKED -- AND I SAID TO MR. LITTLE, "JUST GET ON  
3 THE PHONE." I STILL DON'T HAVE A COMMUNICATION FROM LINDA  
4 DEMER. IF SHE HAS COMMUNICATED TO JOE -- AND I HAVE A  
5 WRITTEN E-MAIL THAT MAYBE HE WILL BE IN PATHWAYS, WE WILL  
6 KNOW BY WHEN OR MAYBE HE WILL TAKE A CLASS AT VENICE, JUST A  
7 STATUS, THEN GIVE IT TO ME AND I WILL CONFRONT MY CLIENT.

8 MR. LITTLE: YOUR HONOR, I NEED TO MAKE A RECORD  
9 BRIEFLY.

10 THE COURT: HOLD ON. NO. LET HIM FINISH THE THOUGHT.

11 MR. LITTLE: HE'S DISCLOSING WHAT WAS DISCUSSED IN THE  
12 JURY ROOM THAT IS CLEARLY INADMISSIBLE. IT WAS PART OF A  
13 SETTLEMENT DISCUSSION AND A MEDIATION. AND TO PUT THAT ON  
14 THE RECORD IT IS INADMISSIBLE. I NEED TO MAKE THAT  
15 OBJECTION. YOUR HONOR CAN OVERRULE ME.

16 THE COURT: WELL, WHAT HE SAID ABOUT WHAT HAPPENED IN  
17 THE JURY ROOM WAS SO BRIEF AND SO QUICKLY WENT OVER MY HEAD  
18 THAT I'M NOT SURE WHAT HE DISCLOSED THAT WAS CONFIDENTIAL.  
19 I'M SIMPLY FOCUSING -- AND IF YOU REPEAT IT, YOU ARE GOING  
20 TO REMIND ME. SO I DON'T EVEN REMEMBER BECAUSE I'M NOT  
21 FOCUSING ON WHAT YOU TALKED ABOUT IN THE JURY ROOM.

22 I AGREE WITH YOU. I DON'T WANT TO HEAR ABOUT ANY  
23 CONFIDENTIAL DISCUSSIONS. BUT THE AGREEMENT THAT WAS  
24 ENTERED INTO REQUIRES THERE TO BE AN EXCHANGE OF  
25 INFORMATION.

26 MR. LITTLE: REQUIRED. PAST TENSE. THE AGREEMENT THAT  
27 EXISTED, THE PINNACLE NEXUS ON THAT AGREEMENT, IS IF GREGORY  
28 LIVES IN THE DUAL HOUSEHOLD, HIS CUSTODY TRACKS RICKY AND/OR

1 ERIC, THEN HE SHALL LIVE IN BOTH HOUSEHOLDS. HERE WHAT WE  
2 HAVE IS THE CONSIDERATION FOR THE AGREEMENT HAS FAILED  
3 BECAUSE THE AGREEMENT, THE NEXUS OF THE AGREEMENT, IS NEXT  
4 TO GREG TURNING 18, COMING OUT OF CUSTODY. HE'S NOW 21  
5 YEARS OLD. THEREFORE, HE'S NOW BECOMING AN ADULT.

6 THE COURT: DOES THAT SEEM FAIR TO YOU?

7 MR. LITTLE: YES, FOR THE FOLLOWING REASON. HERE WE  
8 HAVE AN INTERSECTION OF THE LANTERMAN DISABILITIES ACT AND  
9 THE PROBATE CODE. AND THE LANTERMAN ACT SPECIFICALLY SAYS  
10 AND THE PHILOSOPHY BEHIND IT IS IN CALIFORNIA "WE SHALL NOT  
11 TREAT PERSONS WITH DEVELOPMENTAL DISABILITIES AS CHILDREN;  
12 THAT THEY SHALL HAVE THE SAME RIGHTS AND RESPONSIBILITIES AS  
13 EVERYONE ELSE." AND THAT INFORMATION HAS GOT TO BE BRIEFED.  
14 IT'S GOT TO COME BEFORE THE COURT. I HAVE TO DO IT. IT'S  
15 GOT TO BE RESPONDED. AT THIS POINT --

16 THE COURT: I DON'T FOLLOW YOUR ARGUMENT AT ALL. WE  
17 GRANT LIMITED CONSERVATORSHIPS ALL THE TIME FOR PEOPLE WITH  
18 DEVELOPMENTAL DISABILITIES. THAT'S WHAT THE LAW REQUIRES IF  
19 IT'S APPROPRIATE.

20 MR. LITTLE: YES.

21 THE COURT: BUT YOU HAVE AN AGREEMENT HERE WHICH SIMPLY  
22 DISCUSSES EXCHANGE OF INFORMATION. WHAT YOU ARE SAYING IS  
23 BECAUSE GREG DOESN'T LIVE AT HOME ANYMORE, YOUR CLIENT IS NO  
24 LONGER REQUIRED TO SHARE ANY INFORMATION ON ANY DECISIONS  
25 THAT ARE MADE?

26 MR. LITTLE: AND WE HAVE A PROBATE INVESTIGATOR'S REPORT  
27 SAYING VISITATION NEEDS TO BE SCRUTINIZED AND INDICATING TO  
28 THE CONSERVATOR THAT GREG SHOULD NOT SEE HIS FATHER. WE

1 HAVE NOW A PVP IN THE COURT TELLING THE COURT THAT THE  
2 CONSERVATEE DOES NOT WISH TO SEE HIS FATHER. SO NOW THE  
3 COURT IS GOING TO SUBSTITUTE ITS OWN JUDGMENT FOR THAT OF  
4 THE CONSERVATEE?

5 THE COURT: ARE YOU SUGGESTING I'M NOT SUPPOSED TO USE  
6 MY JUDGMENTS WHEN MAKING DECISIONS?

7 MR. LITTLE: OF COURSE NOT, YOUR HONOR. BUT WHAT I'M  
8 SUGGESTING IS THAT MINIMUM DUE PROCESS REQUIRES REASONABLE  
9 NOTICE AND AN OPPORTUNITY TO BE HEARD. THIS INFORMATION --

10 THE COURT: HOLD ON, COUNSEL. YOU ARE DOING THIS  
11 BACKWARDS. THEY BROUGHT THE PETITION. YOU HAVE AN  
12 AGREEMENT THAT YOUR CLIENT IS NOT COMPLYING WITH APPARENTLY.  
13 IF SHE BELIEVES THAT THE AGREEMENT IS NO LONGER VALID  
14 BECAUSE OF CHANGE IN CIRCUMSTANCES, WHY AREN'T YOU BRINGING  
15 A PETITION?

16 MR. LITTLE: I AM GOING TO.

17 THE COURT: HOLD ON.

18 MR. LITTLE: ON THEIR PETITION THEY HAVE THE BURDEN OF  
19 PERSUASION, YOUR HONOR.

20 THE COURT: TANYA, DON'T TAKE IT DOWN. IF I'M TALKING,  
21 TAKE DOWN WHAT I SAY.

22 MR. LITTLE: I APOLOGIZE, YOUR HONOR. I'M A LITTLE  
23 EMOTIONAL ABOUT THIS TODAY.

24 THE COURT: THAT'S A PROBLEM. YOU ARE SUPPOSED TO BE AN  
25 ADVOCATE, BUT YOU NEED TO BE OBJECTIVE AND LISTEN TO WHAT  
26 I'M SAYING. IT'S NOT HELPFUL TO HAVE AN ADVOCATE WHO IS  
27 BECOMING EMOTIONAL.

28 MR. LITTLE: I AGREE, YOUR HONOR.

1 THE COURT: THEY BROUGHT THE PETITION SAYING HERE IS AN  
2 AGREEMENT. YOU HAVE TO UNDERSTAND WHAT IF THE SHOE WERE ON  
3 THE OTHER FOOT? ALL I'M SUGGESTING IS IF YOU FEEL THERE'S A  
4 PROBLEM, YOU HAVE HAD AT LEAST TWO MONTHS NOW AND YOU  
5 HAVEN'T BROUGHT A PETITION YOURSELF.

6 MR. LITTLE: I JUST GOT THEIR PROPOSED ORDER FROM  
7 MR. NEWMAN THIS WEEK ON FRIDAY OF LAST WEEK, AND I  
8 UNDERSTAND THE COURT DOESN'T HAVE THE FILE. BUT, YOUR  
9 HONOR, YOU SHOULD TAKE A LOOK AT IT. IT'S HOLDING THIS  
10 WOMAN HOSTAGE.

11 THE COURT: THESE ARE DIFFERENT ISSUES. WHETHER I AGREE  
12 WITH HIS PROPOSED ORDER OR NOT, I'M NOT EVEN AT THAT POINT.  
13 YOU HAVE AN AGREEMENT. YOU ARE SAYING THERE ARE CHANGED  
14 CIRCUMSTANCES AND THEREFORE IT DOESN'T APPLY ANYMORE. YOU  
15 CAN'T JUST UNILATERALLY WALK AWAY FROM AN AGREEMENT.

16 MR. LITTLE: I'M NOT DOING THAT, YOUR HONOR.

17 THE COURT: MY UNDERSTANDING OF THIS CASE, NUMBER ONE,  
18 IT'S BEEN HOTLY LITIGATED FROM ITS INCEPTION. IT TAKES TWO  
19 PEOPLE TO DO THAT. I RECOGNIZE ONE CAN BE MORE HOSTILE THAN  
20 THE OTHER, BUT IT DOES TAKE TWO PEOPLE TO DO THIS AND YOU  
21 HAVE TWO SIDES HERE.

22 SECOND THING IS THERE WAS AN AGREEMENT THAT WAS  
23 REACHED WHEREBY YOUR CLIENT WOULD BE -- WAS IT -- I NEED THE  
24 FILE TO REFRESH. WAS IT GUARDIAN OR CONSERVATOR?

25 MR. GAULKE: CONSERVATOR.

26 THE COURT: YOUR CLIENT TOOK OVER AND THE AGREEMENT WAS  
27 THAT YOU SHARE INFORMATION WITH HER EX-HUSBAND.

28 MR. LITTLE: AND SHE HAS. THEY ALLEGE SHE HASN'T. SHE

1 HAS.

2 THE COURT: HOW IS SHE SHARING? IS SHE DOING IT BY  
3 E-MAIL SO THERE'S PROOF OF IT?

4 MR. LITTLE: YES, YOUR HONOR.

5 THE COURT: THEN WE SET IT FOR A HEARING. IT'S SIMPLE.  
6 BECAUSE IF THERE'S PROOF OF IT -- YOU SHOULD BE DOING IT BY  
7 E-MAIL. YOU ARE GOING TO BE ABLE TO COME HERE WITH 50, 100  
8 E-MAILS THAT SHOWS EVERY BIT OF CORRESPONDENCE.

9 MR. NEWMAN, WHAT DO YOU WANT TO DO AT THIS POINT?  
10 I HAVE TWO OPTIONS. EITHER SET IT FOR A HEARING. I CAN  
11 APPOINT A 730 EXPERT TO ACT AS BEST INTEREST WHICH IS  
12 SOMETHING I'M CONSIDERING DOING. MR. GAULKE IS GOING TO BE  
13 AN ADVOCATE FOR MR. DEMER, GREG DEMER. I'M NOT GOING TO  
14 REMOVE HIM FROM THAT ROLE. I KNOW THERE WAS SOME SUGGESTION  
15 PREVIOUSLY THAT SOMEBODY ELSE SHOULD COME ON. IF I DID  
16 BRING SOMEBODY ELSE ON, IT WOULD BE AS A 730 EXPERT AS TO  
17 INTEREST. BUT I THINK IT WOULD BE INAPPROPRIATE TO REMOVE  
18 MR. GAULKE SIMPLY BECAUSE HE NOW HAS AN OPINION.

19 MR. NEWMAN: I CONCUR. I WANT TO STATE ONE THING. WE  
20 DON'T EVEN HAVE A CHANGE IN CIRCUMSTANCE. THIS AGREEMENT  
21 WAS WRITTEN BY DAVID COLEMAN, LINDA DEMER'S ATTORNEY. IT  
22 WAS WRITTEN AT A TIME THAT THE BOY WAS BECOMING MAJORITY.  
23 IT WAS WRITTEN AT A TIME THAT WE HAD COMPETING PETITIONS FOR  
24 A LIMITED CONSERVATORSHIP. IT WAS SPECIFICALLY TO ADDRESS  
25 THE SITUATION WHERE WE ARE TODAY OTHER THAN THE FACT THEY NO  
26 LONGER LIVE BETWEEN HOMES. IT DOESN'T MATTER.

27 THE COURT: I GET ALL OF THAT. THE ONLY CHANGE I HAVE  
28 HEARD IS HE'S NOW LIVING ON HIS OWN.

1 MR. NEWMAN: SO I WOULD LIKE A 730 APPOINTED. I WOULD  
2 LIKE -- AND HERE IS MY BIGGEST CONCERN. IT'S A CONCERN AS  
3 AN ADVOCATE. IT'S A CONCERN AS AN OFFICER OF THIS COURT.  
4 IT'S A CONCERN AS A FATHER. WE HAVE BEEN HERE TWO AND A  
5 HALF MONTHS. THERE IS NO COURT INVESTIGATION THAT SAYS JOE  
6 DEMER IS A BAD PERSON. HE WAS LIVING -- GREG DEMER WAS  
7 LIVING IN HIS HOME EVERY OTHER WEEK UNTIL HE WENT IN  
8 INDEPENDENT LIVING. AND NOW WHAT REALLY BOTHERS ME AS THE  
9 ROLES I JUST STATED, IT'S ALMOST LIKE IT'S GOT THE ELEMENTS  
10 OF ELDER ABUSE. HE'S BEING ISOLATED. EVERYONE AROUND HIM  
11 IS UNDER THE CONTROL OF LINDA.

12 THE COURT: WAIT A SECOND. IN FAIRNESS, MR. GAULKE IS  
13 NOT UNDER THE INFLUENCE.

14 MR. NEWMAN: MY POINT IS IT'S ALMOST LIKE AN ISOLATION.  
15 AND WHAT I WOULD LIKE THE COURT TO DO, BECAUSE I THINK IT'S  
16 IMPORTANT, IF I LOOK AT LINDA'S COMPETING PETITION, SHE  
17 WROTE GREGORY MAY INDICATE PREFERENCES AS HIS OWN WHETHER  
18 THE PREFERENCE IS ACTUALLY OF THE LAST PERSON HE SPOKE TO.  
19 JACKSON CHEN, THE PVP WROTE, "AT THE TIME GREGORY IS UNABLE  
20 TO UNDERSTAND THE NATURE AND EFFECT OF HIS CONSERVATORSHIP  
21 PROCEEDING. DURING MY INTERVIEW OF HIM HE EXHIBITED A  
22 TENDENCY TO RESPOND TO QUESTIONS IN A WAY HE BELIEVES THE  
23 QUESTIONS WANT."

24 AND THEN ALSO AN ADDENDUM TO THE PETITION SAYS THAT  
25 "GREGORY IS VULNERABLE TO UNDUE INFLUENCE FROM OTHERS. HE'S  
26 BEEN ISOLATED."

27 THE OTHER NIGHT WHAT WE WERE -- MR. GAULKE HAS SAID  
28 TO ME IN A PHONE CONVERSATION -- AND I KNOW MR. GAULKE WILL

1 CORRECT ME IF I'M WRONG -- THAT THE ORIGINAL VISITATION THAT  
2 WAS SUGGESTED WAS THAT MELISSA AND THE DAUGHTER GO TO THE  
3 APARTMENT AND GO FOR A SWIM. IT GOT SWITCHED, I BELIEVE, BY  
4 LINDA DEMER TO A DINNER AT THE SPITFIRE. WE HAVE A DINNER  
5 AT THE SPITFIRE, WHICH IS A RESTAURANT OVER BY THE AIRPORT.  
6 AND THE FELLOW WHO BROUGHT GREGORY THERE, A GUY NAMED  
7 GARFUNKEL, SITS IN THE BAR PERIODICALLY, WALKS BY THE TABLE.  
8 IT WAS LIKE A SUPERVISED. AND, AGAIN, WHY DOES -- AND  
9 GARFUNKEL AND MELISSA HAVE NOT GOTTEN ALONG IN THE PAST. IT  
10 WAS DONE AS AN IRRITANT.

11 THE COURT: WHO WAS THERE?

12 MRS. MELISSA DEMER: IT WAS ME AND MY DAUGHTER AND A  
13 CHARACTER CINDERELLA. BUT IT WAS SOMETHING HE PROMISED GREG  
14 THAT HE EARNED BEFORE HE LEFT US. SO SHE CAME TO JOIN US  
15 FOR DINNER.

16 THE COURT: AT THIS POINT I NEED TO --

17 MR. NEWMAN: SO I WOULD LIKE THE COURT TO -- SINCE  
18 THERE'S NO SUGGESTION, I WOULD LIKE THE COURT TO SAY  
19 MR. DEMER CAN EVEN GO BY THE APARTMENT, NOT AT A TIME THAT  
20 WOULD BE IN ANY CONFLICT WITH HIS SON'S INDEPENDENT LIVING  
21 SCHEDULE, BUT THAT HE MIGHT DRIVE BY AND JUST GO SWIMMING.  
22 THE BOY HAS CALLED HIM AND SAID HE WANTED TO GO FLY. AND WE  
23 HAVE BEEN TOLD --

24 THE COURT: I TAKE IT YOU FLY, MR. DEMER?

25 MRS. MELISSA DEMER: THEY ARE BOTH DOCTORS.

26 THE COURT: WHAT KIND OF DOCTOR ARE YOU?

27 DR. JOSEPH DEMER: AN OPHTHALMOLOGIST AND PROFESSOR OF  
28 NEUROLOGY AT UCLA.



1 DR. LINDA DEMER: I'M A PROFESSOR OF CARDIOLOGY MEDICINE  
2 AND PHYSIOLOGY.

3 THE COURT: SO YOU ARE ON FACULTY?

4 DR. JOSEPH DEMER: YES.

5 THE COURT: DIFFERENT DEPARTMENTS.

6 MR. NEWMAN: TO CUT TO THE CHASE, I WOULD LIKE TO BE  
7 ABLE TO SEE HIM HAVE VISITATION. I KNOW MR. GAULKE DOES NOT  
8 ENJOY THAT ROLE AND IT'S REALLY NOT HIS ROLE. IN ADDITION  
9 TO THE 730, I GUESS IF WE HAVE TO GO DOWN THAT PATH AND  
10 MAYBE IT'S STILL A STEP AWAY, MAYBE WE NEED TO HAVE A PSYCH  
11 EVAL. BECAUSE WHEN LINDA CAN PUT IN PETITION AND THE PRIOR  
12 PVP CAN HAVE A POSITION DIFFERENT THAN MR. GAULKE'S -- AND  
13 I'M NOT SAYING EITHER ONE IS CORRECT -- MAYBE WE NEED A  
14 WHOLE PSYCH EVAL. TO SEE WHAT HIS COMPETENCE IS.

15 MR. LITTLE: WHEN HE WAS 17. I JUST WANT TO PUT THAT IN  
16 THERE.

17 THE COURT: I'LL GO RIGHT OVER TO YOU NEXT. ANYTHING  
18 ELSE, MR. NEWMAN?

19 MR. NEWMAN: NO.

20 THE COURT: GO AHEAD.

21 MR. LITTLE: THANK YOU, YOUR HONOR. AND I APOLOGIZE TO  
22 THE COURT. I'M EMOTIONAL BECAUSE I'VE NEVER LIKED BULLYING  
23 AND I'VE BEEN AN ADVOCATE IN THE DISABILITY AREA FOR A WHILE  
24 AND IT RILES ME WHEN WE ARE GOING TO TREAT GREG -- WHEN WE  
25 ARE NOT GOING TO RESPECT GREG'S WISHES, DESIRES, AND SO ON  
26 AND SO FORTH JUST AS THEY ARE ARTICULATED IN THE LAW.

27 I HAVE LOOKED AT THE PROPOSED ORDER THAT MR. NEWMAN  
28 SENT. NOT ONLY IS IT IMPOSSIBLE FOR DR. DEMER, LINDA DEMER.

1 IT WOULD BE IMPOSSIBLE FOR ANY THIRD PERSON TO DO THIS.  
2 THEY ARE SUPPOSED TO MEET AND CONFER. YOUR HONOR, YOU CAN  
3 TAKE A LOOK AT IT. IT'S BEYOND ONEROUS. IT'S LIKE AN  
4 INVOLUNTARY SERVITUDE. IT'S IMPOSSIBLE. THE WAY I VIEW  
5 THIS CASE RIGHT NOW IS AS FOLLOWS: I THINK YOUR HONOR DOES  
6 NEED TO APPOINT A 730.

7 THE COURT: YOU AGREE WITH THAT, MR. NEWMAN?

8 MR. NEWMAN: YES.

9 THE COURT: YOU BOTH AGREE ON THAT? CARMEN, DO WE HAVE  
10 SOMEBODY?

11 MS. ALBERIO: WE HAVE SEVERAL PEOPLE IN THE AUDIENCE,  
12 YOUR HONOR.

13 THE COURT: SO WE WILL APPOINT SOMEBODY. WE WILL SEE.  
14 WE WILL DO THAT. WHAT ELSE?

15 MR. LITTLE: I THINK THAT --

16 THE COURT: IT'S GOING TO TAKE AT LEAST TWO OR  
17 THREE WEEKS. IT SHOULD BE SET FOR A FULL HEARING TO  
18 DETERMINE -- THE PROBLEM IS YOU DON'T HAVE A PETITION. SO  
19 THE ONLY PETITION THAT WE DECIDE AT HEARING IS HAS THE  
20 AGREEMENT BEEN BREACHED?

21 MR. NEWMAN: ALL I'VE REPEATEDLY ASKED --

22 THE COURT: LET ME STAY ON THE SUBJECT --

23 MR. LITTLE: YEAH. AND, YOUR HONOR, I SHOULD RESPOND TO  
24 THAT. BASED ON -- I SPOKE TO MR. GAULKE YESTERDAY. BASED  
25 ON THAT CONVERSATION, WHICH IS BASED ON HIS MEETINGS WITH  
26 THE CONSERVATEE, I HAVE TO DO SOMETHING NOW. YOU ARE RIGHT.  
27 SO I WILL BE FILING A PETITION UNDER PROBATE CODE 2351.5.  
28 AND I SHALL PETITION THE COURT TO AMEND THE LETTERS OF

1 CONSERVATORSHIP. AND UNDER SUBDIVISION D OF THAT WE NEED TO  
2 FOLLOW FULL CIVIL PROCEDURE. THERE'S A RIGHT TO A JURY  
3 TRIAL.

4 THE COURT: I DON'T KNOW THAT THERE IS A RIGHT TO A JURY  
5 TRIAL TO AMEND. YOU'LL HAVE TO BRIEF THAT.

6 MR. LITTLE: I UNDERSTAND, YOUR HONOR.

7 THE COURT: I'M NOT SAYING THERE ISN'T, BUT I'M NOT SURE  
8 THERE IS.

9 MR. LITTLE: I UNDERSTAND, YOUR HONOR. I THINK THAT  
10 SUBDIVISION D SAYS THAT THE COURT SHALL HEAR AND DETERMINE  
11 THE MATTER ACCORDING TO THE LAWS AND PROCEDURES RELAYING THE  
12 TRIAL OF CIVIL ACTIONS INCLUDING TRIAL BY JURY IF DEMANDED.  
13 BUT I WILL BRIEF THAT FOR YOUR HONOR. SO I THINK --

14 THE COURT: WE ARE STILL PUTTING THE CART BEFORE THE  
15 HORSE. LET'S GET THE PETITION FILED. I CAN'T GIVE YOU A  
16 FAIR COMMENT UNTIL I SEE IT.

17 MR. LITTLE: I UNDERSTAND, YOUR HONOR. IN ALL FAIRNESS,  
18 I DIDN'T KNOW THIS WAS GOING TO BE NECESSARY UNTIL A, I GOT  
19 MY CORRESPONDENCE. AND MIKE AND -- EXCUSE ME -- MR. NEWMAN  
20 AND I HAD A COLLOQUY. AND B --

21 THE COURT: WHEN ARE YOU GOING TO FILE YOUR PETITION?

22 MR. LITTLE: I HAVE GOT TO DO IT POSTHASTE. SO I WOULD  
23 SAY --

24 THE COURT: BY WHEN?

25 MR. LITTLE: LET'S LOOK AT THE CALENDAR.

26 MR. NEWMAN: CAN I MAKE A COMMENT?

27 MR. LITTLE: SEPTEMBER 12TH, YOUR HONOR.

28 MR. GAULKE: THE HEARING DATE FOR US TO COME BACK?

1 THE COURT: YOU ARE TALKING ABOUT PROBABLY A TWO- OR  
2 THREE-DAY HEARING AT THIS POINT. AND IF IT'S A JURY TRIAL,  
3 IT WILL BE A WEEK.

4 MR. LITTLE: WE ARE TALKING WE HAVE GOT TO SUBPOENA  
5 WITNESSES AND THERE HAS TO BE DISCOVERY.

6 THE COURT: I UNDERSTAND. SO IN THE INTERIM I'M GOING  
7 TO HAVE TO MAKE ORDERS RELATING TO DR. DEMER AND VISITATION.

8 MR. GAULKE: AND, YOUR HONOR, IF I MAY SPEAK ON THAT?  
9 AGAIN, I BELIEVE MY CLIENT IS COMPETENT ENOUGH TO ANSWER MY  
10 QUESTIONS REGARDING VISITATION. HE DOESN'T WANT TO DO IT.  
11 I WOULD RATHER THAT THE 730 EXPERT APPRISE THE COURT OF WHAT  
12 MIGHT BE IN THE BEST INTEREST. BUT AS AN ADVOCATE, I WOULD  
13 HAVE TO ADVOCATE FOR MY CLIENT.

14 THE COURT: LAST WORD AND THEN ONE LAST THING.

15 MR. NEWMAN: BEFORE WE GET TO REALLY HAVING TO BRING  
16 THIS TO A HEARING, WHICH I THINK IS A WASTE OF EVERYBODY'S  
17 MONEY AND COURT TIME --

18 THE COURT: IF HE'S GOING TO FILE A PETITION --

19 MR. NEWMAN: THAT'S HIS RIGHT. BUT I WOULD LIKE IT TO  
20 BE PUT OFF LONG ENOUGH TO SEE WHAT THE 730 PERSON SAYS. IF  
21 WE HAD TO GET A PSYCH EVAL., SO BE IT.

22 MR. LITTLE: THAT'S REASONABLE.

23 MR. NEWMAN: WHAT I'VE BEEN SAYING ALL ALONG AND WHAT  
24 MR. LITTLE IS REFERRING TO IS A PROPOSED FUTURE THING WHICH  
25 I TOLD HIM WAS EVEN OVER BOARD. "PLEASE REWRITE IT." THE  
26 PRIOR ORDER WAS MEET AND CONFER BEFORE YOU EVER MOVE HIM.  
27 THAT DIDN'T OCCUR. THE PRIOR ORDER IS THINGS LIKE "JUST  
28 COMMUNICATE." I DON'T KNOW IF WE CAN HAVE A SPECIAL MASTER

1 MR. LITTLE: I BELIEVE I'M IN RIVERSIDE THAT 18TH AND  
2 19TH. AND I THINK --

3 THE COURT: THE 17TH.

4 MRS. MELISSA DEMER: WE HAVE A CONFLICT.

5 THE COURT: DO YOU KNOW IF YOU ARE IN RIVERSIDE?

6 MR. LITTLE: I WILL KNOW ON TUESDAY.

7 THE COURT: WHY WILL YOU KNOW TUESDAY?

8 MR. LITTLE: BECAUSE THE ATTORNEYS WILL CALL ME AND TELL  
9 ME WHETHER I HAVE TO BE AT A HEARING IN RIVERSIDE.

10 THE COURT: WELL, SINCE YOU DON'T KNOW, WHY DON'T WE SET  
11 OUR HEARING NOW? I CAN TELL YOU YOU HAVE TO BE HERE.

12 MR. LITTLE: YOUR HONOR, LET'S DO THAT. AND IF I HAVE A  
13 CONFLICT, YOUR HONOR, I'LL BRING THE APPROPRIATE PAPERS.

14 THE COURT: SEPTEMBER 18TH AT 9:30. AND LET THE  
15 ATTORNEYS IN THE OTHER CASE KNOW AND THEY CAN SET IT EARLIER  
16 IN THE WEEK OR FRIDAY OR MONDAY OR SOMETHING.

17 MR. LITTLE: THANK YOU, YOUR HONOR.

18 THE COURT: NOTICE WAIVED?

19 MR. NEWMAN: YES.

20 MR. LITTLE: YES, YOUR HONOR.

21 THE COURT: CARMEN WILL CONTACT COUNSEL AND LET YOU KNOW  
22 WHO HAS BEEN SELECTED AND WHO IS WILLING TO TAKE THE  
23 APPOINTMENT. AND WE ARE GOING TO MAKE CERTAIN THAT THAT  
24 PERSON HAS THE ABILITY AND THE TIME TO DO THIS NOW AND  
25 NOT -- I DON'T WANT SOMEBODY WHO IS GOING TO COME IN TWO  
26 WEEKS AND SAY THEY NEED TWO MORE WEEKS UNLESS THERE'S A GOOD  
27 REASON FOR IT. I WANT SOMEBODY'S WHOSE SCHEDULE IS OPEN AND  
28 WILL BE ABLE TO TAKE THIS ON IMMEDIATELY. THEY WILL BE IN

1 TOUCH WITH MR. GAULKE.

2 MR. GAULKE: YOUR HONOR, JUST TO MAKE CLEAR, COUNSEL  
3 MR. LITTLE IS GOING TO PREPARE AND FILE HIS PETITION BY?

4 THE COURT: NO. I THINK THEY AGREED THAT THEY WANT TO  
5 WAIT UNTIL THE 730 REPORT WHICH IS FINE WITH THE COURT.

6 MR. GAULKE: OKAY.

7 MR. LITTLE: I'M SORRY, YOUR HONOR?

8 MR. GAULKE: YOU DO NOT HAVE TO FILE YOUR PETITION UNTIL  
9 AFTER OUR HEARING.

10 MR. LITTLE: UNTIL THE 730. I UNDERSTAND NOW.

11 (THE PROCEEDINGS WERE CONCLUDED.)

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1 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
2 FOR THE COUNTY OF LOS ANGELES

3 DEPARTMENT WE N

HON. CRAIG D. KARLAN, JUDGE

4  
5 IN RE THE MATTER OF: )

6 GREGORY R. DEMER )

NO. SP006273

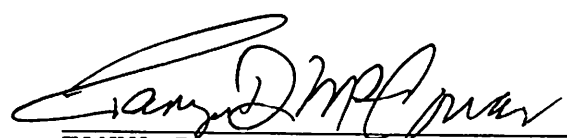
7 CONSERVATORSHIP )

8 )  
9 ) REPORTER'S  
CERTIFICATE

10 \_\_\_\_\_ )

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13 I, TANYA D. MCCOWAN, OFFICIAL REPORTER OF THE  
14 SUPERIOR COURT OF THE STATE OF CALIFORNIA, FOR THE COUNTY OF  
15 LOS ANGELES, DO HEREBY CERTIFY THAT I DID CORRECTLY REPORT  
16 THE PROCEEDINGS CONTAINED HEREIN AND THAT THE FOREGOING  
17 PAGES 1 THROUGH 17, INCLUSIVE, COMPRISE A FULL, TRUE, AND  
18 CORRECT TRANSCRIPT OF THE PROCEEDINGS AND TESTIMONY TAKEN IN  
19 THE MATTER OF THE ABOVE-ENTITLED CAUSE ON SEPTEMBER 5, 2008.

20  
21 DATED THIS 18TH DAY OF JULY, 2011

22  
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26   
27 TANYA D. MCCOWAN, CSR NO. 10147  
28 OFFICIAL REPORTER





1 liability insurance coverage in effect and does not and has not represented any party to the  
2 proceeding other than the Conservatee.

3 2. In connection with this matter, I have received and reviewed the following  
4 documentation:

5 A. The Psychological Evaluation and Assessment of GREGORY DEMER by  
6 ESTHER B. HESS, PhD. ;

7 B. Court Filings and Declarations and Exhibits in Support of the Parties'  
8 Positions;

9 C. Probate Investigator's Report dated May 19, 2008 ;

10 D. The Settlement Agreement dated June 17, 2005, between LINDA DEMER  
11 and JOSEPH DEMER regarding the Limited Conservatorship;

12 3. I expect to have received and read the Report of 730 Expert, THOMAS  
13 BELTRAN, prior to the hearing.

14 4. In performance of my function as PVP Attorney for GREGORY DEMER, I have  
15 had the following conversations relative to the within Proceedings:

16 A. I have spoken with both parents of GREGORY DEMER, JOSEPH  
17 DEMER and LINDA DEMER, on several occasions;

18 B. I have spoken numerous times with Attorney MICHAEL NEWMANN for  
19 JOSEPH DEMER, and attorney ROBERT LITTLE for LINDA DEMER,  
20 as well as the Court Appointed 730 Expert, THOMAS BELTRAN;

21 C. I have spoken with various teachers and caregivers who know GREGORY  
22 DEMER as well as employees of Westside Regional Center, where he is a  
23 longtime Client, and with Doctor ESTHER B. HESS who has recently  
24 conducted an evaluation and assessment per Court Order.

25 5. I have seen GREGORY DEMER at his residence off of Sepulveda Boulevard in  
26 West Los Angeles where he shares a two bedroom apartment with another young man and where  
27 last year he embarked on independent living after splitting time between his mother's and father's  
28 residences. He enjoys his independent living very much and he appears to be thriving by all

1 accounts. He attends Venice High School and engages in work-related programs during the day.

2 6. The Probate Investigator Report suggested that the time GREGORY DEMER  
3 spends with his father should be "closely scrutinized" and that his safety and well being should be  
4 priorities. These concerns were raised by interviews with GREGORY DEMER's teachers and  
5 caregivers as they experienced changes in GREGORY DEMER's behavior and certain phrases  
6 that GREGORY DEMER used after spending time with his father. I have met with GREGORY  
7 DEMER three times at his residence and once this last Monday at Spitfire Grill at the Santa  
8 Monica Airport where he enjoys having meals in close proximity to the airport. We have always  
9 spoken privately and he seems at ease and comfortable when we talk. He is very upbeat and a  
10 happy young man with varied interests and many people who care about him and all things  
11 concerning him.

12 7. In all our conversations GREGORY DEMER has been fairly consistent. He says  
13 his father does not hurt him physically or curse or yell at him but he does say that his father is  
14 "scary." After four meetings with him and several telephone conversations, I am still not sure  
15 what "scary" means. Most recently, at the Spitfire Grill he told me again that his dad is scary and  
16 he doesn't want to see him. However, he also told me that now DR. HESS is scary and he doesn't  
17 want to see her. He also said that his brother is scary and mean to him. Throughout my meetings  
18 with GREGORY DEMER and my discussion with others, I could not conclude emotional or  
19 mental abuse is, in fact, occurring or has ever occurred, but would suggest that perhaps  
20 GREGORY DEMER is just overly sensitive about statements that may have been said to him or  
21 to the tone in which those statements were spoken to him. In both our conversations and in  
22 GREGORY DEMER's conversations with others, he has used phrases which include, "I'm not  
23 stupid," "I'm not lazy," "I must avoid mistakes." It is my belief these phrases, if directed to him,  
24 make him uncomfortable. Currently, he enjoys new found independence and he has come to  
25 understand that he can decide who he wants to see and who he does not want to see. I believe he  
26 is exercising those choices.

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CONCLUSION

8. Whether GREGORY DEMER truly understands why or if he is truly "scared" of his father, I do not know. However, as I understand my responsibilities as Probate Volunteer Panel Attorney for GREGORY DEMER, I believe I must advocate for my client if he clearly tells me what he wants and he has done that. GREGORY DEMER does not wish to see his father at this time. He should not be forced to do so.

9. Although I do not believe that GREGORY DEMER appreciates the nature and effect of the Conservatorship, he consistently states that he wants his mother to make any and all decisions pertaining to his life. I take this to mean he wishes LINDA DEMER to continue to act as his Conservator.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

3/4/09

  
PAUL T. GAULKE

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SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

DEPARTMENT WESTERN

HON. CRAIG D. KARLAN, JUDGE

IN RE THE MATTER OF: )

GREGORY R. DEMER )

CONSERVATORSHIP )

NO. SP006273 )

REPORTER'S TRANSCRIPT OF PROCEEDINGS

THURSDAY, MARCH 5, 2009

APPEARANCES:

FOR CONSERVATOR:

ROBERT C. LITTLE, ESQ.

FOR CONSERVATEE:

PAUL GAULKE, PVP  
THOMAS BELTRAN, 730 EXPERT

FOR JOSEPH DEMER:

MICHAEL NEWMAN, ESQ.

ALSO PRESENT:

GREGORY DEMER  
THELMA ROZELLE

**COPY**

TANYA D. MCCOWAN, CSR NO. 10147  
OFFICIAL REPORTER

MIGHT RESOLVE MUCH OF WHAT'S BEFORE US HERE. IF IT DOESN'T  
WORK, THEN WE ARE NO WORSE OFF. WE SIMPLY HAVE TRIED A  
REASONABLE SOLUTION AND WE HAVE TO LOOK AT WHAT OTHER  
SOLUTIONS THERE ARE WHETHER IT'S TO PUT AN INDEPENDENT  
PERSON IN OR SOMETHING ELSE. THAT SEEMS TO ME TO BE THE  
MOST REASONABLE APPROACH.

P.9

MR. GAULKE: YOUR HONOR, THE OTHER ISSUE IS VISITATION  
OR WHETHER WE ARE GOING TO HAVE ONGOING THERAPIST'S  
INVOLVEMENT.

THE COURT: THE RECOMMENDATION OF DR. HESS SEEMS TO BE  
TO CONTINUE THE PROCESS THAT HAS ALREADY BEGUN. THE WAY I  
READ HER REPORT IS GREG LIVES ON HIS OWN NOW. HE'S NOT  
GOING TO BE SLEEPING -- I DON'T KNOW. DOES HE SPEND TIME AT  
YOUR HOUSE? DOES HE SLEEP THERE?

DR. LINDA DEMER: NO.

THE COURT: SO HE VISITS YOU. HE'S GOING TO VISIT AT  
SOME POINT. THAT'S THE ISSUE I UNDERSTAND. HE'S HAD DINNER  
ONCE OR TWICE. IT SEEMS THAT THE WHOLE GOAL HERE IS TO  
CONTINUE WITH THE PROCESS WE ARE AT AND LET HIM LIVE  
INDEPENDENTLY. AND I DON'T KNOW WHAT'S GOING ON IN TERMS OF  
WHAT I READ IN THE REPORTS. AND I THINK MR. GAULKE HAS  
ECHOED THE SAME SENTIMENT. GREG HAS SAID CERTAIN THINGS.  
SOME OF IT STARTED THE WHOLE REASON WHY WE WERE HERE AND WHY  
IT'S TAKEN SO LONG. AND I DON'T KNOW WHAT'S GOING ON THERE.  
AND, FRANKLY, THE EXPERT, WHO HAS MET WITH HIM REPEATEDLY,  
SEEMS TO BELIEVE THAT CERTAIN WORDS MEAN DIFFERENT THINGS  
THAN WHAT'S BEING SAID. SO "SCARY" SEEMS TO ME THE WAY HIS  
STEPSISTER LAUGHS AS AN EXAMPLE. SHE PROBABLY HAS A VERY

1 TERMS OF AN ACTUAL ORDER, WHAT WOULD YOU RECOMMEND?

2 MR. BELTRAN: I THINK WE HAVE -- THE ORDER I THINK  
3 SHOULD BE TO CONTINUE, THAT BOTH PARTIES SHALL DIRECT THEM  
4 AND EVERYONE THEY ARE WORKING WITH THAT TO MAKE MUTUALLY  
5 AGREEABLE TIMES TO MEET WITH DR. HESS ON A WEEKLY BASIS AND  
6 THAT THEY SHOULD REPORT BACK IN THREE MONTHS AND GIVE A  
7 REPORT ON THE PROGRESS.

8 THE COURT: MR. NEWMAN.

9 MR. NEWMAN: I THINK THAT'S CORRECT. AND I WOULD GO  
10 BACK TO MY SUGGESTION THAT IF TOM BELTRAN IS WILLING AFTER  
11 HOW HE WAS TRYING TO EXPLAIN TO ME IN A WAY THAT I STILL  
12 DON'T TOTALLY UNDERSTAND THE VAGUENESS OF THE PRIOR ORDER  
13 AND HOW HE WOULDN'T SEE IT WORKING TODAY, I WOULD SUGGEST  
14 THAT WE ASK MR. BELTRAN IF YOU ARE WILLING TO CLEAN UP THAT  
15 LETTER AS A SIDE AGREEMENT THAT WOULD MAKE IT ONE ORDER.  
16 MAYBE HE NEEDS THREE OR FOUR WEEKS TO DO THAT. CIRCULATE IT  
17 AND IT MAY BE SOMETHING THAT MR. LITTLE AND I CAN AGREE ON.

18 THE COURT: THE WAY I TAKE WHAT HE'S SAYING -- AND MAYBE  
19 I'VE OVERSIMPLIFIED IT. I'M SIMPLE, AND I TAKE IT. MY  
20 ANALYSIS, IF YOU HAVE IT ON THE LETTERS, IT'S MORE LIKELY TO  
21 BE FOLLOWED. IF YOU HAVE A SEPARATE SIDE AGREEMENT, THEY  
22 ARE GOING TO THROW THEIR HANDS UP IN THE AIR AND SAY, "NO.  
23 YOU ARE THE CONSERVATOR. YOU ARE IN CHARGE."

24 I HAVE DEALT WITH THOUSANDS OF THESE. "TOO BAD."  
25 SO IF IT'S HERE, THE THOUGHT IS IT'S JUST MORE LIKELY TO GET  
26 COMPLIED WITH EVEN THOUGH IT'S REDUNDANT.

27 MR. BELTRAN: THAT WAS MY THOUGHT. IT SHOULD SAY THE  
28 CONSERVATOR DOES NOT HAVE THE POWER TO SET SOCIAL CONTACTS.

Please CONFORM

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Attorneys for  
WESTSIDE REGIONAL CENTER

CONFORMED COPY  
OF ORIGINAL FILED  
Los Angeles Superior Court

AUG 02 2011

John A. Clarke, Executive Offices/Clerk

By A. WILLIAMS  
DEPUTY

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
IN AND FOR THE COUNTY OF LOS ANGELES  
SANTA MONICA COURTHOUSE

In Re the Probate Conservatorship of  
the Person of

GREGORY DEMER,

Conservatee.

CASE NO. SP 006273

REPORT OF WESTSIDE REGIONAL  
CENTER ON REQUEST OF JOSEPH L.  
DEMER TO REMOVE CONSERVATOR,  
ETC.

Judge: The Honorable Joseph S. Biderman  
Hearing Date: August 5, 2011  
Hearing Time: 9:00 a.m.  
Dept.: A

TO THE HONORABLE COURT AND TO ALL INTERESTED PARTIES:

Westside Regional Center ("WRC") has reviewed the "Petition for Termination of Linda Cotterman as Limited Conscrator of Gregory R. Demer and Other Relief," and the Declaration of Joseph L. Demer, M.D., Ph.D., in support thereon. The other relief includes "that the Petitioner be granted the power to access the confidential records and papers of GREGORY, and the power to act as the Authorized Representative of GREGORY in matters involving any Regional Center from (sic) that provides evaluations or services to GREGORY." (Petition, page 3, lines 17 - 20.)

- 0 -

REPORT OF WESTSIDE REGIONAL CENTER

ENRIGHT & OCHEL TREE, LLP  
ATTORNEYS AT LAW

1 Gavin Linderman, Gregory R. Demer's Client Program Coordinator at WRC, met  
2 with Gregory R. Demer and his Conservator, Linda Cotterman, on July 20, 2011. Gregory  
3 expressed happiness with his conservator and with his program and services through the  
4 agency known as "My Life." Gregory does not wish to change anything about his present  
5 program and services, except that he does not want to have to go to church with his father  
6 on Sunday mornings.

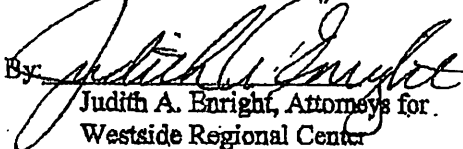
7 Gregory's present conservator and program and services through My Life appear to  
8 be appropriate for him at this time. He does not do well with change. There does not  
9 appear to be any need to change his program or services at the present time.

10 WRC finds Linda Cotterman to be a very effective advocate for and authorized  
11 representative for Gregory with Westside Regional Center.

12 Respectfully submitted,

ENRIGHT & OCHEL TREE, LLP

13 Dated: 8/1/11

By:   
Judith A. Enright, Attorneys for  
Westside Regional Center

VERIFICATION

17 I, BILL FREEMAN, am the Assistant Director for Client Services for Westside  
18 Regional Center. I have read the foregoing REPORT OF WESTSIDE REGIONAL  
19 CENTER ON REQUEST OF JOSEPH L. DEMER TO REMOVE CONSERVATOR,  
20 ETC., and I know the contents thereof to be true of my own personal knowledge or on  
21 knowledge based on information provided to me. As to the allegations based on  
22 information and belief, I do believe them to be true. I am legally authorized to make this  
23 verification on behalf of Westside Regional Center. I declare under penalty of perjury,  
24 under the laws of the State of California, that foregoing is true and correct. Executed this  
25 1<sup>st</sup> day of August, 2011, at Los Angeles, California.

26  
27   
28 BILL FREEMAN



1 Paul T. Gaulke, Esq. [SBN 82089]  
2 Law Offices of HROMADKA & GAULKE  
3 11661 San Vicente Blvd., Ste. 410  
4 Los Angeles, CA 90049-5112  
5 (310) 820-4100  
6 Fax (310) 820-8565

7 Attorneys for GREGORY R. DEMER, Conservatee

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 FOR THE COUNTY OF LOS ANGELES

11	In the Limited Conservatorship	)	CASE NO. SP006273
12	of the Person of	)	UPDATED REPORT OF PVP ATTORNEY
13		)	<u>Hearing:</u>
14		)	Date: <del>May 13, 2011</del> 8-3-11 TC
15	GREGORY R. DEMER,	)	Time: 9:00 AM
16		)	Dept: A
17		)	
18	Conservatee.	)	

19  
20 This Report is an update of my previous PVP Report of May 13, 2011 and is consistent  
21 with previous PVP Reports, especially the Report dated June 9, 2010 for the court hearing of June  
22 11, 2010.

23 Since the previous court hearing, I met with GREGORY DEMER at his residence on  
24 July 26, 2011, and conferred with a caregiver, CAROL, and EDGAR, a representative of "MY  
25 LIFE."

26 I have been PVP attorney for GREGORY DEMER for three (3) years now. During that  
27 period, I have always had a difficult time trying to determine how much of what Greg says to me  
28 in our many conversations has been truly factual, his own thought-out opinion, or just words he

1 has heard and memorized.

2 GREGORY DEMER's capacity for memory recall is amazing. He remembers, almost  
3 word for word, our conversations from three (3) years ago. He remembers my children's names,  
4 their favorite Disney experiences and can tell me what type of jetliner I will be taking and what  
5 airports it will stop through to my destination when I tell him the airlines I am using for my flight.

6 My problem has to do with whether GREG's analysis of situations or his reasoning are his  
7 thoughts or things he has heard from others. The experts who have assisted us in this matter have  
8 addressed such issues in the past.

9 When I met last with GREG on July 26, 2011, he greeted me with "Hello PAUL  
10 GAULKE, you are my old lawyer. I have a new attorney and his name is DAN RODARTE."  
11 DANIEL RODARTE did appear at our last hearing, but had not returned several of my phone  
12 calls to discuss these matters.

13 I have just now (Wednesday, August 3, 2011, A.M.) received an email from Mr. Rodarte  
14 who has filed an Opposition to the Petition for Termination before the court. He appears "in pro  
15 se" as a friend of Greg. In light of this filing we should probably have some clarification of both  
16 my status as PVP as well as the status of Mr. Rodarte. Greg says Rodarte is his current attorney  
17 and I am his old attorney. If we are to believe the truth of Greg's words, I may be fired and Mr.  
18 Rodarte hired as counsel. There is also an issue of Greg's ability to contract.

19 I may be selling my client short, but I'm not certain GREG can reach the conclusion on his  
20 own that he needs an attorney, let alone go out and find one by himself.

21 GREG continued in our conversation by saying that "RODARTE tells me I have my own  
22 personal day every Sunday" and, "Saturday is my own personal day too."

23 When I asked him if he sees his father on Sundays his response was, "I do not. I will  
24 never see him again. Father is annoying."

25 Upon further questioning, he did state that "with Dad, I like to fly in his plane and go to  
26 movies," and, "I like MELISSA (JOE's wife) and "Pink" (stepsister). He was certain he would be  
27 attending "Bruin Woods" with his Father on August 6<sup>th</sup>.

28 GREG used to say his Dad was "scary" and that Dad hurt him, but after therapy sessions

1 with DR. GALE he no longer uses those terms. Now he says his father is "annoying."

2 I believe GREG is susceptible to using language he has heard from others, which is why it  
3 has been difficult for me to ascertain how much of what he says is his own reasoned thought.  
4 However, I do not mean to say individuals are actively trying to influence him to speak badly of  
5 JOE DEMER. I think there is an inherent conflict in what we are trying to do for GREG.

6 On the one hand, we are instituting rules about who and when he visits people (mother,  
7 LINDA, on Saturday and father JOE on Sunday.) and telling him he must be where they want him  
8 to be.

9 On the other hand, we are trying to make him the best he can be. Encouraging him to  
10 make his own decisions and to organize and determine his own calendar and appointments. This  
11 is what "MY LIFE" and WESTSIDE REGIONAL CENTER see as a priority in GREG's  
12 education. They want him to retain power over his social contacts.

13 I have been told by MY LIFE, GREG's caregivers and the conservator, LINDA  
14 COTTERMAN, that they all try very hard to encourage GREG to see his father on Sunday, but  
15 sometimes GREG just doesn't want to go and refuses. I can see the difficulty in coercing this  
16 rather large, young adult to budge if he doesn't agree, especially when he is being taught to be  
17 independent. However I am disappointed that the parties' stipulation was never embraced.  
18 Perhaps we could have made it easier on Joe and Greg to get together.

19 If given the choice, GREG will choose his mother over his father. He will choose  
20 Disneyland and airplanes over both his parents. I don't see a perfect or best answer here. As hard  
21 as we have tried, and many have tried mightily, there doesn't appear to be a situation that will  
22 please everyone.

23 My client's life appears very good right now. He always seems upbeat and content. I  
24 would rather not see drastic changes in his routine although I do believe he is resilient and flexible  
25 to some extent. I don't necessarily believe it's in Greg's best interest to capriciously change  
26 appointments with his parents when something else comes up that he would rather do. Long term  
27 it is probably better that he cultivate a solid relationship with his parents. On the other hand, if I  
28 am to advocate for what my client tells me, then he should only see his parents when he is

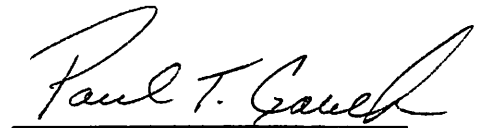
1 agreeable.

2 CONCLUSION

3 It may well be that whoever is conservator should be given authority to make all decisions  
4 as the conservator determines to be in GREG's best interest and let it go at that. Trying to involve  
5 parents in conflict has not worked well. The Conservator should be strongly encouraged to allow  
6 as much contact between individual parents and GREG as possible because that will always be in  
7 GREG's best interest. I also believe additional sessions with DR. GALE would be of benefit to  
8 GREG and JOE DEMER. GREG said he liked seeing DR. GALE and would do so again.  
9 Responsibility for payment would have to be worked out.

10 I declare under penalty of perjury under the laws of the State of California that the  
11 foregoing is true and correct.

12  
13 Dated: 8/3/11, 2011



14 PAUL T. GAULKE



1 Petitioner, Respondent, and Ms. Demer, and therefore Respondent believes that it would be best  
2 for all parties to keep My Life Foundation as the primary care giver for the Conservatee as they  
3 provide the most care at the least cost.

4 Further, Violet and the Conservatee have developed a rapport with one another after  
5 working together for such a long time. The Conservatee has expressed his continued desire to  
6 have Violet continue to serve as his care giver, and Respondent believes that there is no need to  
7 have the Conservatee deal with drastic changes in his life, namely working with a new and  
8 unfamiliar care giver. Additionally, Respondent has informed Petitioner that My Life Foundation  
9 is currently undergoing a transition in which Violet will not be acting as the Conservatee's care  
10 giver within approximately six (6) months.

11 Accordingly, to maintain the benefit, financially, that My Life Foundation provides and  
12 avoiding seeking a more costly care giving service, Respondent believes that the use of My Life  
13 Foundation to provide care to the Conservatee is in the best interests of the Conservatee.

14 **E. Scheduling Familial Visits Between the Conservatee and His Family.**

15 From the inception of Respondent's appointment as Limited Conservator, disputes  
16 between Respondent and Petitioner, concerning the scheduling of Petitioner and Ms. Demer's  
17 visitation with the Conservatee, have been prevalent. The Conservatee participates in many social  
18 activities, and many of those social and work-related activities are scheduled on the weekends.  
19 Petitioner and Ms. Demer have busy schedules during the week, with their full time employment  
20 at their respective medical professions, therefore leaving them with only the weekend to visit with  
21 their son. Petitioner has been adamant at all times about attending church with the Conservatee  
22 on Sundays, however the Conservatee's activities conflict with the Church service. In order to  
23 promote the Conservatee's growth in independent living, the Conservator has encouraged the  
24 Conservatee to continue participating in his employment, social activities, and education and  
25 allowed the Conservatee to decide whether he would like to visit with his parents or opt to  
26 participate in his extracurricular activities.

27 Problems arose as the Conservatee often chose to participate in his social activities and  
28 employment rather than allow his parents to have time to visit with him on the weekends. To

1 DANIEL D. RODARTE, Bar No. 90001  
2 1036 El Medio Ave.  
3 Pacific Palisades, CA 90272  
4 310-454-2451  
5 [rodartelaw@earthlink.net](mailto:rodartelaw@earthlink.net)

6 *In Pro Se* (Probate Code Section 2653)

7 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
8 **COUNTY OF LOS ANGELES, WEST DISTRICT**

9 IN RE:

10 The Limited Conservatorship of  
11 Gregory R. Demer,  
12 Limited Conservatee.

Case No. SP006273

**JOINT TRIAL STATEMENT**

13 Trial Date: September 19, 2011  
14 Time: 9:30 a.m.  
15 Dept.: A

16  
17  
18 This Joint Trial Statement is presented on behalf of (a) Gregory Demer, Conservatee, (b)  
19 Linda Cotterman, Limited Conservator, (c) Linda Demer, Objector, and (d) Daniel Rodarte,  
20 Objector. Petitioner, Joseph Demer, refused to participate in the preparation of this joint  
21 statement and, instead, has submitted a unilateral trial statement to the court.

22 **I. JOINT STATEMENT COMPLIANCE.**

23 On August 5, 2011, the Court set the Petition to Remove Linda Cotterman as Limited  
24 Conservator for trial on September 19, 2011. Pursuant to Local Rule 4.15(c), the deadline to  
25 complete the joint statement meet and confer process was August 19, 2011. Petitioner, Joseph  
26 Demer, failed to timely convene the meet and confer. Consequently, on August 31, 2011, Mr.  
27 Gaulke's associate, Duncan Hromadka, initiated meet and confer efforts to prepare this joint trial

1 4. Objector: Linda Demer. Lyn Hinojosa, Esq., and Susan Jabowski, Esq., are counsel  
2 for Linda Demer.

3 5. Objector: Daniel D. Rodarte, *In pro se*.

4  
5 **B. THE RELEVANT PLEADINGS AND PRIOR COURT ORDERS.**

6 1. Court Order appointing Linda Demer as Limited Conservator for Gregory R. Demer  
7 entered on July 25, 2005, and Letters of Conservatorship filed on July 25, 2005. *See*, Exhibit 2.

8 The petition of Linda Demer for appointment as the limited conservator was granted by the  
9 Court after noticed hearing. Linda Demer did not request, the Court did not order, and the Letters  
10 of Conservatorship do not provide, that the limited conservator be granted the power to control  
11 conservatee's social contacts and relationships.

12 2. Court Order Pursuant to Settlement Agreement entered on July 2, 2009. *See*, Exhibit 3.

13 This order approves a settlement agreement between Joseph L. Demer and Linda Demer  
14 regarding, *inter alia*,

15 (a) Linda's resignation as limited conservator;

16 (b) the process for selection of a successor limited conservator;

17 (c) the settling parties stated goal for the (as yet unselected) successor limited conservator  
18 to provide "the care, maintenance, and growth of Gregory towards independent living while  
19 maintaining a relationship between Gregory and his parents, his stepmother and his siblings;"

20 (d) the allocation of certain costs and expenses between the settling parties;

21 (e) the settling parties' direction to the (as yet unselected) successor limited conservator to  
22 use best efforts to recover cost of care from the Regional Center and other public agencies, taking  
23 into consideration the costs of such action;

24 (f) the settling parties' direction that the (as yet unselected) successor limited conservator  
25 meet and confer separately with the settling parties regarding "Gregory's living situation,

26

27

28



1 Attorney is concerned about the Order dated July 2, 2009 in that it institutes rules about who the  
2 Conservatee must see and when, without regard to promoting the Conservatee's care, maintenance  
3 and growth towards independent living, which is what the Conservatee's caregivers, MyLife  
4 Foundation, and the Westside Regional Center are promoting. Based on the Conservatee's present  
5 condition, it is PVP Attorney's position the status quo remain and that Ms. Cotterman  
6 shall continue serving as Conservator at this time.

7 9. Report of Thomas Beltran filed June 7, 2011.

8 10. Linda Demer's Objection to the Petition, filed on August 2, 2011.

9 11. Daniel Rodarte's Opposition to Petition for Termination, filed on August 2, 2011.

10 Rodarte contends (1) that Ms. Cotterman has at all times acted in good faith and in the best  
11 interests of the conservatee; (2) that the Court's July 2, 2009, order approving the settlement  
12 agreement between Joseph Demer and Linda Demer is in excess of the court's jurisdiction and  
13 void to the extent it purports to impose upon the limited conservator additional duties and powers  
14 in excess of those authorized by the Probate Code; and, (3) that the order is in excess of the  
15 court's jurisdiction and void to the extent that it purports to impair conservatee's civil and  
16 constitutional rights to control his social contacts and relationships.

17 **C. PROCEDURAL FACTS.**

18 The Court appointed Linda Cotterman to serve as Limited Conservator for Gregory Demer  
19 on August 28, 2009. Letters of Conservatorship were duly issued to Ms. Cotterman on September  
20 11, 2009. Ms. Cotterman continues to serve as Limited Conservator for Gregory Demer.

21 Petitioner, Joseph Demer, initiated the present petition to remove Linda Cotterman as  
22 Limited Conservator on April 11, 2011. Linda Cotterman responded to the petition on May 11,  
23 2011, and filed a supplemental response on August 2, 2011. Paul Gaulke, PVP counsel for  
24 conservatee Gregory Demer, submitted his PVP report to the Court on May 11, 2011, and an  
25 updated report on August 3, 2011. Thomas E. Beltran, the court-appointed Evidence Code Section  
26 730 expert, submitted his report to the Court on June 7, 2011. Linda Demer, the mother of

27

28

1 conservatee, submitted her objections to the petition on August 2, 2011. Objector Daniel D.  
2 Rodarte submitted his objections to the petition on August 2, 2011.

3 **D. STATEMENT OF FACTS**

4 Gregory Demer is a remarkable young man. Though beset with a developmental disability  
5 necessitating the protection and assistance of a limited conservatorship, Gregory is intelligent and  
6 energetic. With the assistance of services provided primarily through the Westside Regional  
7 Center, Gregory lives independently in an apartment complex in West Los Angeles. With the  
8 assistance of dedicated caregivers, Gregory enjoys daily a wide-variety of productive and  
9 meaningful community activities, such as:

- 10 (a) Volunteer work at an LAX hanger where he is assisting in the refurbishing of an F-86  
11 Sabre;
- 12 (b) Volunteer work at St. Bead's church in West Los Angeles;
- 13 (c) Volunteer work at a UCLA office;
- 14 (d) Volunteer work at the Westside Center for Independent Living (WCIL);
- 15 (e) Physical fitness work-outs, including Tae Kwon Do workouts;
- 16 (f) Participation in Special Olympics; and
- 17 (g) Part-time employment at Spitfire Restaurant.

18 By all accounts, Gregory continues to flourish and enjoys a busy and satisfying active schedule.

19 Yet, despite this success, petitioner seeks the removal of the limited conservator, Linda  
20 Cotterman, based on alleged violations of a settlement agreement between petitioner and Linda  
21 Demer. The settlement agreement was approved by the Court and entered as a stipulated order on  
22 July 2, 2009.

23 Objectors Linda Demer and Daniel Rodarte contend that the July 2 order is in excess of the  
24 Court's jurisdiction to the extent it purports to require the limited conservator to control Gregory's  
25 social contacts and relationships, as such powers have never been granted by this court after  
26

1 noticed hearing, applying a clear and convincing evidentiary standard, to establish the need for  
2 such powers, and would severely limit Gregory's civil and Constitutional rights.

3 PVP Attorney contends that though Linda Cotterman failed to follow the July 2, 2009,  
4 settlement agreement, Ms. Cotterman has not breached any of her fiduciary duties as a  
5 Conservator of the Person for the Conservatee and Ms. Cotterman has always acted in the best  
6 interests of the Conservatee to make sure that he is properly cared for and maintains a healthy  
7 social life.

8 The Limited Conservator, as a private fiduciary, contends that at all times she has acted for  
9 the benefit of the limited conservatee, and followed the terms of the settlement agreement to the  
10 extent possible. She is willing and able to continue serving as limited conservator, but as a  
11 private professional conservator, she has no personal interest in the outcome and will willingly  
12 step aside if another individual is agreed upon by the parties or preferred by the court.

13  
14 **IV. UNCONTESTED ISSUES.**

15 The Court determined that Gregory Demer is a developmentally disabled adult and that the  
16 appointment of a Limited Conservator is in Gregory's best interest. Specifically, pursuant to  
17 Probate Code Sections 1828.5, 1830 and 2351.5, the Court granted the Limited Conservator the  
18 following powers: (a) to fix conservatee's residence or specific dwelling; (b) to access  
19 conservatee's confidential records and papers; (c) to contract on conservatee's behalf; (d) to  
20 consent or withhold consent to medical treatment for conservatee; and (e) to make decisions  
21 regarding conservatee's education. The Limited Conservator did not request, nor did the court  
22 grant the Limited Conservator the power to control Gregory's social contacts and relationships.

23  
24 **V. CONTESTED ISSUES.**

25 The following issues are contested:

26 A. Whether the Limited Conservator has breached her duties to the Conservatee;

1 SHAPIRO, RODARTE & FORMAN LLP  
CARL A. SHAPIRO, Bar No. 72612  
2 JEFFREY A. KIBURTZ, Bar No. 228127  
233 Wilshire Boulevard, Suite 700  
3 Santa Monica, California 90401-1220  
Telephone: (310) 319-5400  
4 Facsimile: (310) 319-5401

5 Attorneys for  
MY LIFE FOUNDATION

**CONFORMED COPY**  
OF ORIGINAL FILED  
Los Angeles Superior Court

MAR 08 2012

John A. Clarke, Executive Officer/Clerk

By M. Vandeman, Deputy

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 COUNTY OF LOS ANGELES, WEST DISTRICT

11 IN RE:

12 The Limited Conservatorship of  
Gregory R. Demer,

13 Limited Conservatee.

Case No. ~~SP~~ SP006273

MY LIFE FOUNDATION'S *EX PARTE*  
APPLICATION FOR CLARIFICATION RE  
ORDERS RE PROVISION OF SERVICES  
BY MY LIFE FOUNDATION;  
DECLARATIONS OF JEFFREY A.  
KIBURTZ AND TIMOTHY DE HAVEN IN  
SUPPORT THEREOF

[(PROPOSED) ORDER FILED UNDER  
SEPARATE COVER CONCURRENTLY  
HEREWITH]

Assigned to: Hon. Joseph F. Biderman

Date: March 9, 2012

Time: 9:00 a.m.

Dept.: A

21 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

22 My Life Foundation ("My Life") hereby applies to the Court *ex parte* for a determination  
23 of whether any of the Orders previously entered by this Court require certain, enumerated staff  
24 members of My Life to stop providing services to the Limited Conservatee, Gregory R. Demer  
25 ("Mr. Demer").

26 Mr. Demer is a highly-functioning, developmentally-disabled adult whose living is assisted  
27 on an around-the-clock ("24/7") basis, with My Life staff providing the vast majority of that  
28 assistance. The care provided by My Life is pursuant to a contract it has entered into with the

**Jeffrey Kiburtz**

---

**From:** Thomas Beltran [thomas@thomasbeltran.com]  
**Sent:** Wednesday, March 07, 2012 3:33 PM  
**To:** 'Joseph Demer'; 'Cynthia R. Pollock'; pgaulke@hromadka-gaulke.com  
**Cc:** DanRodarte; 'Duncan P. Hromadka'; Jeffrey Kiburtz  
**Subject:** RE: Demer - SP006273 Draft Order  
**Attachments:** Order\_Rev.pdf

Please find the attached draft order. I will add the approved as to form and content language in the final order. Tom

Thomas E. Beltran  
BELTRAN, BELTRAN, SMITH, OPPEL & MacKENZIE, LLP  
11500 Olympic Blvd., Suite 400  
Los Angeles, California 90064

Please note new FAX number.

Telephone: (310) 444-3006  
Facsimile: (310) 693-9467

3/7/2012

1 Hitchman; Bruce Hitchman was in attendance. Thomas Beltran, Esq., court-appointed  
2 expert. Daniel D. Rodarte, Esq., for and with Dr. Linda Demer. Dr. Joseph Demer, *in*  
3 *pro per*. There were no other appearances.

4 After reviewing the pleadings and other documents filed in this matter, inquiry  
5 by the court of the parties and argument heard, the Court makes the following  
6 FINDINGS:

7 1. That all notices have been given as required by law;

8 2. That My Life Foundation currently provides day-to-day supervision for  
9 the Limited Conservatee, as a vendor of the Westside Regional Center;

10 3. Dr. Linda Demer has represented to My Life Foundation that her appeal  
11 of the trial court order stayed any mandatory visitation orders made by the Probate  
12 Department. Dr. Joseph Demer however, has represented to My Life Foundation that  
13 the mandatory visitation orders are still in effect. My Life Foundation seeks  
14 clarification of this point;

15 4. In July 2009, Dr. Linda Demer, Dr. Joseph Demer, and the Limited  
16 Conservatee entered into an agreement concerning several points, including visitation,  
17 which was then made the order of this Court;

18 5. Pursuant to the agreement, Dr. Linda Demer and Dr. Joseph Demer are  
19 entitled to once-a-week scheduled visitation with the Limited Conservatee and  
20 additional visitation with the Limited Conservatee's consent;

21 6. My Life Foundation staff report that the Limited Conservatee, on occasion,  
22 will state his wish to leave his apartment to avoid visitation with his father;

23 8. On days where a parent has visitation, and the Limited Conservatee wishes  
24 to engage in an activity which would conflict with the visitation, My Life Foundation  
25 staff should use prompts and redirection in an attempt to encourage the Limited  
26 Conservatee to remain in his apartment so he can be picked up by the parent with  
27 visitation on that day;

28

1 SHAPIRO, RODARTE & FORMAN LLP  
CARL W. SHAPIRO, Bar No. 72612  
2 JEFFREY A. KIBURTZ, Bar No. 228127  
233 Wilshire Boulevard, Suite 700  
3 Santa Monica, California 90401-1220  
Telephone: (310) 319-5400  
4 Facsimile: (310) 319-5401

5 Attorneys for MY LIFE FOUNDATION

6  
7  
8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 COUNTY OF LOS ANGELES, WEST DISTRICT

10  
11 IN RE:

12 The Limited Conservatorship of  
Gregory R. Demer,  
13 Limited Conservatee.

Case No. SP006273

14 MY LIFE FOUNDATION'S OBJECTIONS  
TO AND MOTION TO STRIKE PORTIONS  
OF SUBMISSIONS FILED BY JOSEPH  
15 DEMER, M.D. AND LEE ANN H.  
HITCHMAN AND BRUCE HITCHMAN,  
LIMITED CO-CONSERVATORS;  
16 DECLARATION OF TIMOTHY DE HAVEN  
IN SUPPORT THEREOF

17 Assigned to: Hon. Joseph F. Biderman  
Department A

18 Date: June 29, 2012  
19 Time: 9:00 a.m.  
Dept.: WE-A

20  
21 My Life Foundation hereby objects to and moves to strike portions of papers filed by  
22 Limited Co-Conservators Lee Ann H. Hitchman and Bruce A. Hitchman (collectively,  
23 "Hitchmans") and Joseph Demer, M.D. ("Dr. Demer – Father") on or around June 22, 2012 on the  
24 following grounds:

25 1) *Objection to the Hitchmans' Request for Authority to Control the Limited Conservatee*  
26 *Gregory Demer's Social and Sexual Contacts and Relationships.*

27  
28 -1-

MY LIFE FOUNDATION'S OBJECTIONS TO AND MOTION TO STRIKE PORTIONS  
OF SUBMISSIONS FILED BY JOSEPH DEMER, M.D. AND LEE ANN H. HITCHMAN  
AND BRUCE HITCHMAN, LIMITED CO-CONSERVATORS;  
DECLARATION OF TIMOTHY DE HAVEN IN SUPPORT THEREOF

Fax sent by : 3103195401

SHAPIRO RODARTE

06-28-12 12:00

Pg: 2/2

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DECLARATION OF TIMOTHY DE HAVEN


I, Timothy De Haven, state as follows:

1. I am the Director of My Life Foundation ("My Life"), and have been working in the field of care for developmentally disabled individuals for more than 18 years. I have personal knowledge of the facts set forth herein and could competently testify to those facts.

2. Attached hereto as Exhibit A is a true and correct copy of Mr. Gregory Demer's operative Individual Program Plan with non-relevant information redacted for confidentiality purposes.

Executed on June 28, 2012, at Los Angeles, California.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.



Timothy De Haven



All services listed in this report that are being funded during the current fiscal year are an appropriate and a cost effective way of meeting Gregory Demer's needs.

REDACTED

During the IPP Greg stated without prompting that things he dislikes are going to church and going with his dad on Sundays. There is currently a court mandated visitation schedule which requires Greg to see both of his parents on alternating weekends, followed by a personal weekend.

REDACTED

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT  
DIVISION THREE

COURT OF APPEAL CASE NO. B237896

---

*In re the Conservatorship of the Person of Gregory R. Demer,  
Limited Conservatee,*

GREGORY R. DEMER, ET AL.,

Petitioners and Respondents,

vs.

LINDA L. DEMER,

Objector and Appellant.

---

Appeal From The Los Angeles County Superior Court  
Honorable John L. Segal  
Superior Court Case No. SP006273

---

**APPELLANT'S OPENING BRIEF**

---

DANIEL D. RODARTE, State Bar No. 90001  
1036 El Medio Avenue  
Pacific Palisades, California 90272  
Telephone: (310) 454-2451

Attorney for Objector and Appellant  
LINDA L. DEMER

(6) The limited conservatee's right to control his or her own social and sexual contacts and relationships.

(7) Decisions concerning the education of the limited conservatee.

*(Probate Code § 2351.5(b) (emphasis added).)*

Importantly, in each instance in which a limited conservator has been appointed for Gregory (i.e., Linda Demer, Mrs. Cotterman and, most recently, Bruce and Lee Ann Hitchman), **there has never been a request made in the petition for appointment, and no order of appointment has been entered, to limit Gregory's rights to control his own social contacts and relationships pursuant to Probate Code Section 2351.5(b)(6).** (AA001-AA013, AA040-AA042, AA196-AA200.) Indeed, there has never been any evidentiary showing (by clear and convincing evidence as required by Probate Code Section 1801(e), or otherwise) that Gregory's constitutional protected liberty and privacy rights to control his own social contacts and relationships should be curtailed due to some unalleged and unproven mental or adaptive limitations.

More specifically, the only powers requested in the petition for appointment of the Hitchmans as the successor limited co-conservators, and the only powers granted by the court in its order appointing the Hitchmans successor limited co-conservators, were the powers (1) to determine Gregory's residence; (2) to access Gregory's confidential records; (3) to

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Los Angeles Superior Court

JUN 25 2012

John A. Clarke, Executive Officer/Clerk

By M. Kurihara, Deputy

1 LAW OFFICE OF CYNTHIA R. POLLOCK  
Cynthia R. Pollock, State Bar No. 153298  
2 Stephanie J. Unguez, State Bar No. 263366  
Pier Plaza, Suite 101  
3 109 West Torrance Boulevard  
Redondo Beach, California 90277  
4 Telephone: (310) 798-6150  
Facsimile: (310) 798-6850  
5

6 Attorney for Lee Ann H. Hitchman, Limited Co-Conservator (PPF Lic. No. 162)  
Attorney for Bruce A. Hitchman, Limited Co-Conservator (PPF Lic. No. 419)  
7

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 COUNTY OF LOS ANGELES

10 In the Matter of the Limited Conservatorship  
11 of the Person of:

12 Gregory R. Demer,  
13 Limited Conservatee.

Case No. SP006273

PETITION FOR AUTHORITY TO  
CONTROL LIMITED CONSERVATEE'S  
SOCIAL AND SEXUAL CONTACTS AND  
RELATIONSHIPS

[Probate Code Sections 1801(d) and 2351.5]

Date: AUG 09 2012

Time: 8:30 a.m.

Dept.: WE-N A

Judge: The Honorable Craig D. Karlan

Bidelman

14  
15  
16  
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18  
19 Petitioners, Lee Ann H. Hitchman and Bruce A. Hitchman, as Limited Co-Conservators  
of the Person of Gregory R. Demer, allege the following:

20 1. Summary of Relief Requested: Joseph L. Demer, M.D., Ph.D., the father of the  
21 limited conservatee ("Joe"), and Linda L. Demer, M.D., Ph.D., the mother of the limited  
22 conservatee ("Linda"), have to date expended a great deal of time, expense, and court resources  
23 attempting to resolve disputes related to "visitation" with the limited conservatee, Gregory R.  
24 Demer ("Greg"). California Probate Code Section 2351.5. provides that a limited conservator  
25 does not have the power to control a limited conservatee's social and sexual contacts and  
26 relationships without a specific court order. The Petitioners believe Greg does not have the  
27  
28

1 ability to make meaningful decisions in this regard, and therefore request a court order granting  
2 them authority to make such decisions on Greg's behalf, which would ultimately be in Greg's  
3 best interest.

4       2.     Supporting Documents: This petition is supported by a DECLARATION OF  
5 LEE ANN HITCHMAN IN SUPPORT OF PETITION FOR AUTHORITY TO CONTROL  
6 LIMITED CONSERVATEE'S SOCIAL AND SEXUAL CONTACTS AND RELATIONSHIPS,  
7 attached hereto as **Exhibit "A,"** and a DECLARATION OF BRUCE HITCHMAN IN  
8 SUPPORT OF PETITION FOR AUTHORITY TO CONTROL LIMITED CONSERVATEE'S  
9 SOCIAL AND SEXUAL CONTACTS AND RELATIONSHIPS, attached hereto as **Exhibit**  
10 **"B,"** as well as other reports referred to in this petition and other supporting evidence as may be  
11 offered in support of this petition or at trial.

12       3.     Background Information: Greg has been diagnosed with autism and is 25 years  
13 of age. His parents are divorced. Greg appears by all accounts to be extremely susceptible to the  
14 influence of whomever spoke to him last, and has difficulty thinking in more than one dimension  
15 at a time. He will often express one desire, then completely change his mind in an instant. Due to  
16 the acrimonious relationship between his parents, this puts Greg in the unfortunate position of  
17 being caught in the middle. Each parent tries to cajole Greg, for example, with trips to  
18 Disneyland, while also trying to undermine the other, to Greg's detriment. This is an unhealthy  
19 situation for any child of divorced parents, but is made worse by Greg's disabilities.

20       4.     Report by Dr. Bruce M. Gale, Ph.D., dated January 25, 2010: Dr. Bruce M.  
21 Gale, Ph.D. was appointed by this court to assist with reunification therapy between Greg and his  
22 father. Joe desires to have a meaningful relationship with his son, but has encountered obstacles  
23 when he is told that "Greg's own desires" conflict with their scheduled visits. Therefore, Dr.  
24 Gale's observations include statements about Greg's ability to make meaningful decisions, and  
25 are relevant to the issue at hand.

1 On the other hand, existing court orders allow the father visitation every Sunday, leaving  
2 Gregory little time for his own activities or enjoyment. Allowing the limited co-conservators to  
3 set visitation parameters would also help this situation.

4 In his Evaluation Report, dated 01/25/2010, Dr. Gale states on page 2 that "sometimes  
5 Gregory made statements that appeared contrary, but, on further examination, there was no  
6 'substance' behind them. For example, when he was asked about how he had come to the office,  
7 he said that his father had driven him. Then he spontaneously added, with considerable feeling in  
8 his voice, 'It was a mean thing to do.' I expressed puzzlement at this comment and repeated my  
9 question. This time, however, after responding, he added, 'It was a nice thing to do.'"

10 Dr. Gale also states, on page 3 of his report, "It is not uncommon for individuals with  
11 autism to make statements in this manner that appear extreme, but are not factually linked. At  
12 times, this does not necessarily appear even to be due to their perceptions of events, but rather is  
13 the nature of autism; where language communications do not always reflect existing perceptions  
14 of underlying factual information." On page 5, Dr. Gale states "Gregory is highly suggestible and  
15 there have been apparent times when his statements, more reflective of autistic social and  
16 language deficits, have been hastily interpreted as wants and rights."

17 5. Testimony by Dr. Bruce M. Gale, Ph.D., on September 19, 2011: Dr. Bruce M.  
18 Gale, Ph.D., was called as a witness at trial on September 19, 2011. On page 110 of the  
19 transcript, Dr. Gale states, "Gregory functions at the level intellectually, socially, and in terms of  
20 his overall language skills at what would be considered a childhood or pre-teenage level. And so  
21 I would say that the majority of his ability to form decisions would be on par with what you  
22 would expect of a seven-year-old, maybe an eight-year-old." When asked if Gregory is subject to  
23 influence by people around him, Dr. Gale unequivocally answered, "Yes." When asked how he  
24 would go about ascertaining what Greg wants to do, Dr. Gale said, "...based upon how I phrased  
25 a question, he would provide me with entirely contrary responses." Dr. Gale also reported  
26 echolalic behavior by Greg, which he describes on page 111 as "the process of in a somewhat  
27 parrot-like manner repeating the responses or portion of the responses that one has just heard."

1 When asked how one would know if Greg is expressing a free and rational choice to visit or not  
2 visit with this father's family, Dr. Gale stated on page 116, "I would be difficult for someone to  
3 assess, and it would require – in my opinion, it would require that someone be properly trained  
4 on how to very neutrally ask questions so as to not unintentionally sway his opinions."

5 6. Necessary to Promote and Protect Greg's Well-being [Probate Code Section  
6 1801(d)]: Granting of this petition is "necessary to promote and protect the well-being of the  
7 individual" because currently Greg is under a great deal of pressure from both parents. For  
8 example, Petitioners have been informed that Greg tends to text when he is nervous, and in the  
9 last few months Greg's texts have risen dramatically. Greg wants to please both of his parents,  
10 and does not wish to take sides, yet that is precisely what he is being asked to do. Leaving this  
11 decision in the hands of an independent professional would relieve Greg of this burden, and  
12 minimize battles between the parents for control.

13 In addition to the parental visitation issues, Petitioners are concerned that Greg may not  
14 be able to effectively manage his other social and sexual contacts, due to the nature of his  
15 disability, and that he sometimes exhibits inappropriate social behaviors. It's important for Greg  
16 to have the support of trained, skilled professionals who can help him manage these behaviors,  
17 for his own protection and the protection of others.

18 7. Encourages the Development of Maximum Self-Reliance and Independence  
19 [Probate Code Section 1801(d)]: The power requested in this petition is "designed to encourage  
20 the development of maximum self-reliance and independence of the individual" because right  
21 now Greg is not able to make meaningful decisions due to the pressure he is under from both  
22 parents. By allowing an independent professional to make decisions or assist him in this regard, it  
23 provides Greg with the space to slowly begin learning to make such decisions in a more  
24 independent manner. It would also allow both parents fair access to Greg without the need to  
25 impose a rigid and inflexible schedule, thereby allowing Greg to schedule more independent  
26 activities.

1           8.     Greg's Proven Mental and Adaptive Limitations [Probate Code Section  
2 1801(d)]: Based on observations of Greg and how he interacts with his parents, Petitioners  
3 believe the requested power is "necessitated by the individual's proven mental and adaptive  
4 limitations." For example, his frequent and nearly instantaneous changes of mind have been  
5 observed first hand.

6           9.     Conservatorship Care Plan dated June 7, 2011: Page 10 of the Revised  
7 Conservatorship Care Plan states, "The conservator shall determine the appropriate mix of  
8 programming and activities..." Under the present plan, the conservators are already charged with  
9 a great deal of responsibility and control over Greg's schedule, including his educational and  
10 employment activities, clubs, volunteer activities, and structured events and groups for persons  
11 with developmental disabilities. In order to effectively meet the responsibilities outlined in the  
12 Care Plan, it is necessary for the limited co-conservators to have complete cooperation and open  
13 communication with his care providers. Toward this end, the limited co-conservators seek a court  
14 order granting them the authority to control Greg's social and sexual contacts.

15          10.    Appeal by Linda L. Demer: There is currently an appeal pending by Linda L.  
16 Demer, which alleges, among other things, that the Court's orders on November 18, 2012  
17 regarding the "visitation schedule" violate Greg's constitutional rights to liberty and autonomy  
18 privacy because there have been no orders limiting his right to control his own social and sexual  
19 contacts and relationships, pursuant to Prob. Code § 2351.5. Therefore, Petitioners are now  
20 seeking such an order.

21           This court has the authority to decide this issue, despite the pending appeal, because no  
22 previous orders on this issue have been made, and as such it is outside the scope of the appeal.

23          11.    Judicial Economy: In the six months since Petitioners were appointed, the parties  
24 have incurred an estimated \$100,000 in attorney's fees and conservator's fees, primarily over  
25 "visitation" issues. Linda L. Demer's appeal is based largely on the presumption that Greg is able  
26 to exercise his civil rights regarding visitation. An adjudication of this issue is necessary to quiet  
27 the litigation on the parties for the benefit of Gregory.



1 WHEREFORE, Petitioners pray that:

2 1. Lee Ann H. Hitchman and Bruce A. Hitchman, limited co-conservators, be  
3 granted the power to control Gregory R. Demer's social and sexual contacts and relationships,  
4 pursuant to California Probate Code Section 2351.5(b)(6); and

5 2. For such other and further relief as the court deems necessary.  
6

7 Executed this 20 day of June, 2012.

8 LAW OFFICE OF CYNTHIA R. POLLOCK

9  
10 By: C. R. Pollock  
11 Cynthia R. Pollock,  
12 Attorney for Lee Ann H. Hitchman and  
13 Bruce A. Hitchman

14 Lee Ann H. Hitchman  
15 Lee Ann H. Hitchman

16 Bruce A. Hitchman  
17 Bruce A. Hitchman

18 VERIFICATION

19 We have read the foregoing Petition and know the contents thereof; the same is true of  
20 our own knowledge except as to the matters which are therein stated on our information and  
21 belief, and as to those matters we believe them to be true.

22 We declare under penalty of perjury under the laws of the State of California that the  
23 foregoing is true and correct and that this verification is executed on June 20,  
24 2012, in the City of Newport Beach, State of California.

25 Lee Ann H. Hitchman  
26 Lee Ann H. Hitchman

27 Bruce A. Hitchman  
28 Bruce A. Hitchman

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2 Julie A. Ocheltree, California State Bar No. 180146  
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5 Beverly Hills, California 90212-3423  
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7 Facsimile: (310) 273-7635

8 Attorneys for WESTSIDE REGIONAL CENTER

9  
10 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
11 IN AND FOR THE COUNTY OF LOS ANGELES

<p>12 In Re the Probate Conservatorship of 13 the Person of</p> <p>14 GREGORY R. DEMER,</p> <p>15 Limited Conservatee.</p>	<p>16 ) CASE NO. SP006273</p> <p>17 ) DECLARATION OF WILLIAM FEEMAN</p> <p>18 ) IN OBJECTION TO PETITION FOR</p> <p>19 ) AUTHORITY TO CONTROL LIMITED</p> <p>20 ) CONSERVATEE'S SOCIAL AND</p> <p>21 ) SEXUAL CONTACTS AND</p> <p>22 ) RELATIONSHIPS</p> <p>23 ) [Probate Code Section 1827.5]</p> <p>24 ) Judge: The Honorable Joseph S. Biderman</p> <p>25 ) Hearing Date: August 9, 2012</p> <p>26 ) Hearing Time: 8:30 a.m.</p> <p>27 ) Dept.: WE - A</p>
--	---

ENRIGHT & OCHELTRREE, LLP  
ATTORNEYS AT LAW

28 I, WILLIAM FEEMAN, BS, RN, CDDN, declare as follows:

1. I am the Assistant Director of Client Services at Westside Regional Center ("WRC") and have been involved in Gregory Demer's services at WRC for many years. I have personal knowledge of the facts set forth in this declaration. If called upon as a witness to testify, I could and would testify as stated below.

2. In accordance with Probate Code section 1827.5, WRC strongly recommends against granting the Limited Conservators power over Gregory Demer's social and sexual contacts and relationships.

3. There are very few circumstances in which WRC would recommend such power and Gregory Demer certainly has not presented any such circumstances.

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4. Mr. Demer should be permitted to make his own choices about whom he spends time with and what he does with his time. Based upon his voluminous records at WRC, he has never demonstrated behavioral issues which would justify termination of his right to make his own such choices.

5. To the contrary, Gregory Demer has demonstrated an ability to create a rich social and work life. It would be a very sad thing for him to lose the ability to continue with his volunteer work and preferred socialization simply to satisfy his parent's and conservators' need to control his social life.

I declare under penalty of perjury, under the laws of the State of California, that foregoing is true and correct. Executed this 2<sup>nd</sup> day of August, 2012, at Culver City, California.

  
WILLIAM FEEMAN

ENRIGHT & OCHELTRER, LLP  
ATTORNEYS AT LAW

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES**

DATE: 05/16/13

DEPT. WEA

HONORABLE JOSEPH S. BIDERMAN  
P-3  
HONORABLE

JUDGE

L. PASTEL  
R. FLORES CRT ASST

DEPUTY CLERK

JUDGE PRO TEM

ELECTRONIC RECORDING MONITOR

NONE

Deputy Sheriff

R. DUDLEY, CSR# 6505

Reporter

8:30 am

SP006273  
In Re the Matter of:  
DEMER, GREGORY R. -  
CONSERVATORSHIP

Counsel for  
Petitioner: NO APPEARANCE

**NATURE OF PROCEEDINGS:**

PETN FOR ALLOW OF FEES TO PVP ATTORNEY

ATTORNEY ORDER

\*\*\*\*\*

MATTER IS CONTINUED TO 00/00/0000 AT 0:00AM IN DEPARTMENT WE-A.

CALENDARED IN ERROR  NO APPEARANCES

OFF CALENDAR, AT REQUEST OF \_\_\_\_\_

\*\*\*\*\*

Petition Granted and PVP attorney discharged

Petition Denied

As Supplemented.

Citee Discharged  New Citation to issue.

Citee(s) Ordered Back

\_\_\_\_\_ To Give Notice  Notice Waived

\$ \_\_\_\_\_ Bond...\$ \_\_\_\_\_ Surety

(OR AS OTHERWISE PROVIDED BY LAW)

MINUTES ENTERED 05/16/13 COUNTY CLERK
---

8-8-13

Honorable Roy Paul  
Superior Court  
111 North Hill Street  
Dept 29  
Los Angeles, CA 90066

Dear Judge,

They tried to take away my

Social rights I need a name

Please appoint 1 for me.

thanks.

Caregiver

(59)

SF006273

Order \_\_\_\_\_  
Petition \_\_\_\_\_  
Clerk endorsed by \_\_\_\_\_  
Checked by \_\_\_\_\_  
Scanned by \_\_\_\_\_

**SCANNED**

1 **LAW OFFICE OF CYNTHIA R. POLLOCK**  
Cynthia R. Pollock; SBN: 153298\*  
2 Haroun R. Nabhan; SBN: 272273  
3 Certified Elder Law Attorney (CELA)\*  
National Elder Law Foundation\*  
109 West Torrance Boulevard, Suite 101  
4 Redondo Beach, California 90277  
(310) 798-6150 (telephone)  
5 (310) 798-6850 (facsimile)

CONFORMED COPY  
ORIGINAL FILED  
Superior Court of California  
County Of Los Angeles

FEB 20 2014

Sherri R. Carter, Executive Officer/Clerk  
By: JOANNE THOMAS, Deputy

6 Attorneys for Lee Ann Hitchman and Bruce A. Hitchman,  
7 Limited Co-Conservators

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 COUNTY OF LOS ANGELES

FEB 20 2014

11 In the Matter of the Limited Conservatorship  
12 of the Person of:

Case No. SP006273

13 GREGORY R. DEMER,  
14 Limited Conservatee.

AMENDED PETITION FOR AUTHORITY TO  
CONTROL LIMITED CONSERVATEE'S  
SOCIAL AND SEXUAL CONTACTS AND  
RELATIONSHIPS - SHARED POWERS

[Prob. C. §1801(d) and 2351.5]  
4-25  
Date: ~~February 26~~, 2014  
Time: 8:30 a.m.  
Dept: 29

18 PETITIONERS, LEE ANN HITCHMAN and BRUCE HITCHMAN, ("BRUCE and LEE  
19 ANN") Limited Co-Conservators of the Person of GREGORY R. DEMER, hereby amend their Petition  
20 for Authority to Control Limited Conservatee's Social and Sexual Contacts and Relationships as  
21 follows:

22 1. History of this Case. As this case is new both to the Judge hearing this matter, and Dr.  
23 Linda Demer's new counsel, as well as possibly the new PVP attorney, a chronology of this case is set  
24 forth as Exhibit "A."

25 2. The Current Situation. 2.1. The Limited Conservatee, GREGORY DEMER  
26 ("GREG"), is an adult with autism. Petitioner's allege GREG's condition inhibits his ability to make  
27 meaningful decisions with regard to his social and sexual contacts and relationships, and renders him  
28 susceptible the influence of others. Greg also has a tendency to participate with enthusiasm in the choice

1 before him, and is not able to process fully prior or future arrangements, or the need to enhance family  
2 relationships of both his mother and his father. This tendency makes him subject to manipulation or  
3 suggestion. These assertions are supported by the reports attached as **Exhibit "B."**

4 2.2. At present, a stipulation has been entered into between GREG's parents, DR. JOSEPH  
5 DEMER ("JOE") and DR. LINDA DEMER ("LINDA"). This stipulation was dated July 2, 2009, and is  
6 attached as **Exhibit "C."** Such stipulation provided in part:

7 "4. The primary goal of the Independent [referring to the conservator] shall be the care,  
8 maintenance, and growth of GREGORY towards independent living while maintaining a  
9 relationship between GREGORY and his parents, his stepmother and his siblings."  
(Parenthetical explanation added.)

10 2.3. On November 18, 2011, the Court ordered a visitation schedule for GREG, attached as  
11 **Exhibit "D,"** as follows:

12 "a. The first weekend, Saturday and Sunday only, shall be designated to the Limited  
13 Conservatee Gregory R. Demer, in which he shall have control of decision making on how that weekend  
14 shall be spent by him." [Note the Court struck the words **sole and complete** from this proposed order  
when ordering the same].

15 b. The second weekend, Saturday and Sunday only, shall be designated to Joseph L.  
16 Demer, M.D., Ph.D., in which Joseph L. Demer, M.D., Ph.D. shall have control of decision-making on  
17 how that weekend visitation, if any, will be spent with the Limited Conservatee, Gregory R. Demer. The  
Limited Conservatee, Gregory R. Demer, may elect an overnight stay with Joseph L. Demer, M.D.,  
Ph.D.'s [sic] at Joseph L. Demer, M.D., Ph.D.'s home or elsewhere; [Note the Court struck the words  
**sole and complete** from this proposed order when ordering the same].

18 c. The third weekend, Saturday and Sunday only, shall be designated to Linda L.  
19 Demer, M.D., Ph.D., in which Linda L. Demer, M.D., Ph.D. shall have control of decision-making on  
20 how that weekend visitation, if any, will be spent with the Limited Conservatee, Gregory R. Demer. The  
21 Limited Conservatee, Gregory R. Demer, may elect an overnight stay with Linda L. Demer, M.D.,  
Ph.D.'s [sic] at Linda L. Demer, M.D., Ph.D.'s home or elsewhere; [Note the Court struck the words  
**sole and complete** from this proposed order when ordering the same].

22 d. Upon the conclusion of the third week, the rotation of visitation shall commence  
23 again, beginning with the Limited Conservatee Gregory R. Demer's personal weekend, followed by  
24 Joseph L. Demer, M.D., Ph.D.'s weekend, and concluding with Linda L. Demer, M.D., Ph.D.'s  
25 weekend, and such visitation designation shall remain ongoing until ordered otherwise by the Court."

26 2.4. Dr. Linda Demer appealed this decision, and was found not to have standing related to the  
27 same. In re Conservatorship of Gregory D. (California Court of Appeal, Second Appellate District,  
28 March 5, 2013, Case No. B237896). Linda petitioned for review by the Supreme Court, which was  
denied June 12, 2013 (Case No. S209942).

1           2.5. Another Order After Hearing was entered related to a Petition to Clarify the February 24,  
2 2012 order, which also dealt with visitation. This Order was entered in response to an Ex Parte petition  
3 by My Life Foundation, GREG's prior supportive living vendor. Such Order is attached as Exhibit "E"  
4 and provides in pertinent part

5           1. "Dr. Demer, the father has a continued right to visit the Limited Conservatee, Gregory Demer  
6 at 8:30 a.m. on Sundays. As necessary, the Limited Conservatee's caregivers should utilize prompting  
7 and redirection to assure that the Limited Conservatee is available, at his apartment, to be picked-up by  
8 the parent with scheduled visitation for a particular day.

9           2. If the Limited Conservatee insists upon leaving his apartment prior to the scheduled visitation  
10 with a parent, the Limited Conservatee's caregivers should advise the parent with scheduled visitation by  
11 cell phone, on an on-going basis, of Limited Conservatee's location to allow and facilitate pick up. "

12           2.6 PETITIONERS believe this schedule is too restrictive for GREG and not in his best  
13 interests. For example, PETITIONERS would like to explore employment for GREG through  
14 PathPoint, who is the vendor offering employment services as a liaison to Department of Rehabilitation.  
15 However, this is impossible so long as GREG is tied to a rigid visitation schedule. As with any job,  
16 GREG has to be willing to work flexible hours and weekends, and has to commit to that before being  
17 considered for the program. JOE is unwilling to lose any ground and stipulate to less visitation at this  
18 time, as he has had to fight for visitation and reunification at great expense to himself. LINDA would  
19 support GREG's efforts to get a job and for a more flexible visitation schedule. Both parents are highly  
20 regarding professionals, so a schedule of some sort is going to be essential in maintaining the  
21 relationships. PETITIONERS are seeking the powers, shared with GREG, to balance all of these  
22 competing interests to the best of their abilities.

23           2.7. Many issues related to GREG's social and sexual contacts still remain unresolved. For  
24 example, JOE and LINDA disagree over whether GREG should continue to have a friendship with his  
25 former caregivers, whom he continues to see in a non-professional capacity. JOE is opposed to such a  
26 relationship, but LINDA is not. GREG regards such people as his friends and he would be distressed if  
27 such persons were excluded.

28           2.8. LINDA is concerned that GREG's freedom to make his own decisions regarding social  
contacts is not being respected.



1 2.9. JOE believes LINDA is and continues to thwart his efforts to see his son by various  
2 manipulation, coaching GREG to assert continuously that he does not want to see his father (which  
3 GREG asserts ongoing --even at inappropriate times).

4 2.10. LINDA believes JOE is rigid in his expectations, is treating GREG as one would a child,  
5 and is insisting on the visitation order without any flexibility whatsoever, to GREG's detriment.

6 2.11. It appears to Co-conservators that each parent's concern has merit. PETITIONERS are  
7 confident however, if they are simply allowed to focus on GREG and what is best for him, considering  
8 all factors and taking into account GREG's input and active participation, they can help him make good  
9 choices in balancing all of these competing interests.

10 2.12. Power in the Event of Conflict. If there is a conflict over visitation, PETITIONERS  
11 request they act as final authority. This power has historically been granted to PETITIONERS, as they  
12 already have authority to determine GREG's holiday schedule, as necessary.

13 3. The Co-Conservators Involvement in Decision-Making Related to Social and  
14 Sexual Contacts is Necessary. Historically, the conflict in this case has been between GREG's parents  
15 and not between the GREG and PETITIONERS. Moreover, GREG has had great difficulty exercising  
16 his own free will regarding his social relationships due to his disability, and the reasons set forth above.  
17 In most cases, JOE and LINDA have been at odds with one another on these issues, and GREG has been  
18 caught in the middle. Therefore, PETITIONERS believe that their involvement, as neutral parties, is  
19 necessary to ensure GREG is being treated fairly and his best interests are being considered.

20 4. Proposed Decision-Making Authority for Co-Conservators. In their petition,  
21 PETITIONERS initially requested a court order granting them sole authority to make decisions on  
22 GREG's behalf regarding his social and sexual contacts. PETITIONERS now believe that it would be in  
23 GREG's best interest for them to share this decision-making power with GREG, and only have to assert  
24 their authority when there is an unresolved conflict over visitation. Although PETITIONERS believe  
25 GREG is incapable for making meaningful decisions on his own, they believe that GREG is capable of  
26 participation in decisions with them regarding his social and sexual contacts. Further, granting  
27 PETITIONERS such shared-authority, will allow them to assist GREG to overcome the type of stubborn  
28

1 impasses that have plagued this case from the outset and resulted in unnecessary litigation and stress on  
2 GREG.

3 5. PETITIONERS believe it is important for GREG to have significant time with both his  
4 father and mother. GREG is exceedingly fortunate that both of his parents care deeply about him and  
5 want to spend time with him, and provide him with financial support, and it is the intention of the  
6 PETITIONERS that these relationships not erode. PETITIONERS also want to assist GREG in the  
7 maturation process. For example, when GREG makes a decision to spend time with a parent and  
8 schedules are rearranged and sometimes special arrangements made, it is socially responsible to keep  
9 those arrangements. It is extremely important that the circle of support is enhanced for GREG, rather  
10 than allowed to deteriorate because of protracted litigation.

11 6. The effect of this Court order would not be to replace the requirements of the  
12 paragraph 3. of the November 18, 2011 order or subsequent orders in effect related to visitation, and  
13 such orders seem to be working for the most part, but rather, to enhance these orders, allowing Co-  
14 conservators to divert from such Order in their discretion in Greg's best interest, and with Greg's input.

15 **REVISED PRAYER:**

16 **WHEREFORE, PETITIONERS pray** for an order of this Court granting:

17 1. LEE ANN HITCHMAN and BRUCE A. HITCHMAN, as Limited Co-Conservators, the  
18 authority to make decisions together with the Limited Conservatee, GREGORY DEMER, regarding his  
19 social and sexual contacts and relationships, as a shared power, pursuant to Probate Code §2351.5(b)(6);

20 2. In the event of an unresolved conflict, LEE ANN HITCHMAN and BRUCE A.  
21 HITCHMAN, as Limited Co-Conservators have the authority to resolve any conflict regarding visitation;

22 and

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

1 3. Such other and further relief as the Court deems necessary and proper.

2 Dated: February 17, 2014

3 LAW OFFICE OF CYNTHIA R. POLLOCK

4 By: [Signature]  
5 Cynthia R. Pollock,  
6 Attorney for Co-Conservators

[Signature]  
Lee Ann Hitchman,  
Limited Co-Conservator

[Signature]  
Bruce Hitchman,  
Limited Co-Conservator

8 VERIFICATION

9 We have read the foregoing petition and know the contents thereof; the same is true of our own  
10 knowledge except as to the matters which are therein stated on our information and belief, and as to  
11 those matters we believe them to be true.

12 We declare under penalty of perjury under the laws of the State of California that the foregoing  
13 is true and correct and that this verification is executed on Feb 17, 2014, at Redondo  
14 Beach, California.

15 [Signature]  
16 Lee Ann Hitchman

17 [Signature]  
18 Bruce Hitchman

1 Judith A. Enright, California State Bar No. 76336  
Julie A. Ocheltree, California State Bar No. 180146  
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5 Attorneys for WESTSIDE REGIONAL CENTER  
6  
7

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
9 **IN AND FOR THE COUNTY OF LOS ANGELES**

10  
11 In Re the Probate Conservatorship of ) CASE NO. SP006273  
the Person of )  
12 ) DECLARATION OF WILLIAM FEEMAN  
13 GREGORY R. DEMER, ) IN RENEWED OBJECTION TO PETITION  
FOR AUTHORITY TO CONTROL  
14 ) LIMITED CONSERVATEE'S SOCIAL  
AND SEXUAL CONTACTS AND  
15 ) RELATIONSHIPS  
Limited Conservatee. ) [Probate Code Section 1827.5]  
16 )  
17 ) Judge: The Honorable David S. Cunningham  
Hearing Date: February 26, 2014  
18 ) Hearing Time: 8:30 a.m.  
Dept.: 29

19  
20 I, WILLIAM FEEMAN, BS, RN, CDDN, declare as follows:  
21

22 1. I am the Director of Client Services at Westside Regional Center ("WRC")  
23 and have been involved in Gregory Demer's services at WRC for many years. I have  
24 personal knowledge of the facts set forth in this declaration. If called upon as a witness to  
25 testify, I could and would testify as stated below.

26 2. This Declaration supplements the report submitted to the court by Charlene  
27 Williams, Gregory Demer's Service Coordinator at WRC, on or about February 13, 2014.  
28 It also supplements the declaration submitted by me on or about August 2, 2012.

1           3.     In accordance with Probate Code section 1827.5, WRC still strongly  
2 recommends against granting the Limited Conservators power over Gregory Demer's  
3 social and sexual contacts and relationships.

4           4.     There have been no changes between the present and August 2, 2012, which  
5 would justify the issuance of the requested powers. Gregory has a supported living  
6 program. He lives in his own apartment and has staff with him twenty-four hours a day.  
7 He works, volunteers, recreates and generally manages his life without difficulty. He has  
8 shown no behavior or tendency that would require the intercession or protection of a  
9 conservator in relation to his social and sexual contacts and relationships.

10          5.     The Lanterman Developmental Disabilities Services Act, ("Lanterman Act")  
11 set forth at Welfare and Institutions Code section 4500 and following, grants rights and  
12 responsibilities to individuals with developmental disabilities, such as Mr. Demer. Section  
13 4502 provides, in pertinent part, as follows:

14               Persons with developmental disabilities have the same legal rights and  
15 responsibilities guaranteed all other individuals by the United States  
16 Constitution and laws and the Constitution and laws of the State of  
17 California. No otherwise qualified person by reason of having a  
18 developmental disability shall be excluded from participation in, be denied  
19 the benefits of, or be subjected to discrimination under any program or  
20 activity, which receives public funds.

21               It is the intent of the Legislature that persons with developmental disabilities  
22 shall have rights including, but not limited to, the following: . . .

23               (j) A right to make choices in their own lives, including, but not limited to,  
24 where and with whom they live, their relationships with people in their  
25 community, the way they spend their time, including education, employment,  
26 and leisure, the pursuit of their personal future, and program planning and  
27 implementation.

28               In Welfare and Institutions Code section 4501, the California Legislature stated its  
intent, describing the services and supports which are available to people with  
developmental disabilities, in part, as follows:

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Services and supports should be available to enable persons with developmental disabilities to approximate the pattern of everyday living available to people without disabilities of the same age. Consumers of services and supports, and where appropriate, their parents, legal guardian, or conservator, should be empowered to make choices in all life areas. These include promoting opportunities for individuals with developmental disabilities to be integrated into the mainstream of life in their home communities, including supported living and other appropriate community living arrangements. In providing these services, consumers and their families, when appropriate, should participate in decisions affecting their own lives, including, but not limited to, where and with whom they live, their relationships with people in their community, the way in which they spend their time, including education, employment, and leisure, the pursuit of their own personal future, and program planning and implementation. The contributions made by parents and family members in support of their children and relatives with developmental disabilities are important and those relationships should also be respected and fostered, to the maximum extent feasible, so that consumers and their families can build circles of support within the community.

6. With the services that are available to him and the support that he has from his staff, his family and Westside Regional Center, there is no reason to take away Greg Demer's right to control his own social and sexual contacts and relationships. It is respectfully submitted that removing that right would deprive Mr. Demer of the rights to which he is entitled under the Lanterman Act.

I declare under penalty of perjury, under the laws of the State of California, that foregoing is true and correct. Executed this 24<sup>th</sup> day of February, 2014, at Culver City, California.

  
WILLIAM FREEMAN

April 2, 2014

Laurie Coles  
4737 La Villa Marina, Unit C  
Marina del Rey, CA 90292

Tom Coleman  
18427 Vincennes #23  
Northridge, CA 91325

Dear Mr. Coleman:

My name is Laurie Coles. I have known Greg for quite some time. Over the years, I have spent time with him, especially when he was attending West Los Angeles College. I sat a few times in his classes. They were always given by the same professor, and Greg was happy. He had his caregiver (always the same person) with him. He asked questions to the professor himself. There have been other times when I spent quality time with Greg, especially on his birthday. I have danced with Greg, and on many occasions, I have shared great moments with him. We always talked about his special interest in his aircrafts and movies too.

My opinion of Greg is this: if he likes you, you will have his full attention. It is very clear that he knows what he wants from you: respect and kindness. We all need our own space, and the right people whom we want to be around. Greg has every right to decided who he wants to share his life with. He is conscious about who he is as a person with challenges of his own. Taking away his right to do so is not ever right. Therefore, such course of action undermines Greg and the decisions he feels the need to make for himself.

All I want for Greg is to be happy, and to live his life peacefully. I appreciate you taking the time to read this letter.

Sincerely,



Laurie Coles

April 19<sup>th</sup>, 2014  
From: Andrew Lewis  
To: Tom Coleman  
Subject: Greg Demer

Mr. Coleman,

I have known Greg Demer for several years now, having met through a mutual friend. In short, I am a firm believer that he has the ability to make his own positive choices about which people he spends time with, the activities he would like to do, and when he would like to socialize. In those years I have never once seen any harmful decision making on his part, and based on the time I've spent with Greg I also believe him capable of making good decisions in the future.

Greg has shown me personally his ability to do just that, for example at the Special Olympics. This was a highly-social setting, with many hundreds of people in attendance and a great deal of noise and other stimuli. The event also involved multiple interior and exterior spaces through which to transition and adjust. In all cases Greg was happy, engaged, and having fun like anyone else. I watched him exhibit his good judgment as an athlete and team player in multiple sporting events, as well as in the awards ceremony afterwards where he was the center of attention. As we all know, competing in the Special Olympics is not mandatory and the positivity of this event is beyond question. Therefore Greg's choosing to be a part of it is a valid example of him making his own positive social decisions.

He also loves to hang out with his friends, a fact which I know first-hand. At various parties I have witnessed Greg approaching different people, both individuals and groups, where he either starts or joins the conversation. I've also shared meals with Greg, both while out at restaurants and in familiar home settings. I've also been to movies with him. In all those times, as well as others, I have never once observed him experiencing a problem or negative issue of any sort. He is living his life, and trying to enjoy it, just like the rest of us.

On one hand I'm very happy for Greg, because I've seen for myself how well he has been doing over the years, but on the other I am deeply concerned by the idea that his social rights could be taken away. I don't believe that would be the right choice based on the evidence I have, which is why I write you this letter as his personal friend.

Sincerely,



Andrew Lewis  
578 Washington Blvd. #461  
Marina Del Rey, CA 90292



1 Linda L. Demer, MD, PhD  
12442 Stanwood Place  
2 Los Angeles, CA 90066  
3 (310) 206-2677  
4 (310) 391-7177

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ORIGINAL FILED  
Superior Court of California  
County of Los Angeles

APR 21 2014

Sherri R. Carter, Executive Officer/Clerk  
By Thea Blackwell, Deputy

5 *IN PRO PER*

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 COUNTY OF LOS ANGELES

11 IN RE:

12 The Limited Conservatorship of  
13 Gregory R. Demer,  
14 Limited Conservatee.

Case No. SP006273

**DECLARATION IN RESPONSE TO THE  
AMENDED PETITION FOR  
AUTHORITY TO CONTROL LIMITED  
CONSERVATEE'S SOCIAL AND  
SEXUAL CONTACTS AND  
RELATIONSHIPS - SHARED POWERS**

Date: April 25, 2014  
Time: 8:30 a.m.  
Dept.: 29

18  
19 **DECLARATION OF LINDA L. DEMER**

20 I, Linda L. Demer, M.D., Ph.D., declare as follows:

21 1. I am an adult resident of the State of California and competent to make this Declaration.

22 The facts stated herein are true of my own personal knowledge, except as to those matters stated  
23 on information and belief, and as to those matters I believe them to be true.

24 2. I am the mother of Mr. Gregory R. Demer ("Mr. Demer" or "Mr. Greg Demer"), the  
25 developmentally disabled adult subject to this limited conservatorship of his person. I submit this  
26 Declaration in response to the co-conservators' amended petition for "shared powers" to control  
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28

1 Mr. Demer's social and sexual contacts and relationships.

2 3. For the 9 years since Mr. Greg Demer reached adulthood, he has retained exclusive  
3 authority to exercise his constitutional right to make his own social decisions. In my view, he has  
4 been successful.

5 4. In their amended petition, the Conservators raise the concern that Mr. Demer's visitation  
6 orders are too restrictive, are not in his best interest, and preclude the possibility of weekend  
7 employment. While I agree with those concerns, the proposed relief is incongruous: to -- in effect  
8 -- remove Mr. Demer's social rights "in order to" adjust visitation. The natural relief would be to  
9 modify the visitation orders to give priority to employment and to give back Mr. Demer's right to  
10 self-determination during parental visitation.

11 5. In June 2008, about the time that Mr. Demer moved into his own apartment, the Probate  
12 Investigator raised concerns and suggested that Mr. Demer's "time spent in his father's home be  
13 closely scrutinized." Subsequently, further concerns were raised. Mr. Demer's Regional Center  
14 Report said: "During the IPP, Greg stated without prompting that things he dislikes are going to  
15 church and going with his dad on Sundays." Mr. Demer's psychiatrist of about 2 decades, a world  
16 authority on autism, reported that "Greg made it very clear that he has had fears and anxieties in  
17 the presence of his father..." Mr. Demer's first court-appointed attorney concluded in his  
18 pleading, "Gregory Demer does not wish to see his father at this time. He should not be forced to  
19 do so." Mr. Demer has described his fears and objections in his own words each time he has had a  
20 chance to speak before the Court.

21 6. I wholeheartedly support Mr. Demer having a good relationship with his father. I believe  
22 the right way - and only effective way - to achieve this is to empower Mr. Demer with control  
23 over: how visitation occurs, whether he can bring support staff, and when he can go back to his  
24

1 apartment. The Conservators have seen, first-hand, how effective empowerment is in Mr.  
2 Demer's ability to overcome fear and resistance. In visitation with me, I have always empowered  
3 Mr. Demer to decide whether or not to visit.

4  
5 7. Professionals also support empowering Mr. Demer. One of his Court-appointed  
6 psychologists filed a report stating that "Certainly, Gregory should never be forced to participate  
7 in optional activities he chooses to avoid." Mr. Demer's psychiatrist concluded "it is not in his  
8 best interest to be forced to visit with his father at this time or in the immediate future." Another of  
9 his Court-appointed psychologists filed a report recommending that "the decision for the visit  
10 should be left entirely up to Greg's choosing," and that "a neutral, non-biased individual should  
11 accompany Greg on visits with his father. The length of time that Greg is under supervised  
12 [visitation] should be based on Greg's level of comfort." The Regional Center, charged with  
13 responsibility for Mr. Demer's state-supported services and rights under the Lanterman Act, has  
14 filed a Declaration in this proceeding stating that Mr. Demer should retain his social rights and  
15 that he alone should decide whether to visit with someone or not.

16  
17 8. The current orders result in Mr. Demer being subjected to prolonged "visits" away from  
18 his apartment under court-ordered parental control. Orders also have been issued directing Mr.  
19 Demer's support staff to "prompt and redirect" him to wait at his apartment until his father picks  
20 him up for court-mandated visitation -- even when Mr. Demer asks to leave before the "visit."

21  
22 9. I understand the Lanterman Act and the Probate Code state that a limited conservatee  
23 should retain as many rights as possible and those rights should only be restricted upon proof by  
24 clear and convincing evidence that such restriction is needed to protect the limited conservatee  
25 from harm. I am not aware that any such evidence has been presented.

26  
27 10. The amended petition purports to seek "shared" authority with Mr. Demer. However, it

1 includes a provision giving the co-conservators veto power. Hence, in effect, it is a petition to  
2 remove -- not to share -- Mr. Demer's social rights.

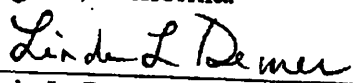
3 11. I am informed and believe that Mr. Demer's attorney has received copies of letters from  
4 people who have known Mr. Demer for many years. I understand that the writers explain that, in  
5 their opinion, based on their observations, Mr. Demer has not made poor social decisions and  
6 should retain his right to make social decisions. I understand that Mr. Demer is entitled to legal  
7 counsel who will advocate for his stated wishes and his Constitutional and statutory rights to make  
8 his own social decisions. If Mr. Demer's current court-appointed attorney will hear him, advocate  
9 for his rights, and provide effective assistance of counsel, my involvement in the proceedings will  
10 be unnecessary.

11  
12 12. I respectfully suggest that this Honorable Court consider accommodating Mr. Demer's  
13 autism by allowing him to wait and to address the Court in a calm setting, separate from the  
14 hearing proceedings, where he can receive explanations in language he can understand.

15  
16  
17 My purpose in presenting this Declaration is to offer the Court my insight on the simple solution  
18 of empowering Mr. Demer. I respectfully request to be allowed to abstain from this litigation. I  
19 do not intend to file an objection; I do not request an evidentiary hearing on the Amended Petition;  
20 and I do not intend to participate in any further hearings on the amended petition unless I am  
21 compelled by court order to do so. I defer to this Honorable Court to protect Mr. Demer's rights.

22  
23 I declare under penalty of perjury that the foregoing is true and correct.

24 Executed this 21st day of April, 2014, at Los Angeles, California.

25   
26 Linda L. Demer, MD, PhD  
27 In Pro Per

I just don't like  
being with  
Dad and Melissa.

I don't like the judge's  
decision. I have the right  
to say no. help me  
Greg Demer 5-29-14

Dear Tom, I  
I will have my rights  
with myself  
Please help me  
get a new attorney

5-4-15

Greg Demor<sub>76</sub>