

UNITED STATES DISTRICT COURT

FIRST CIRCUIT DISTRICT COURT OF MASSACHUSETTS

DOCKET NO.

LISA SIEGEL BELANGER, ESQ. &

DEVORA C. KAISER,

Plaintiffs

vs.

MARSHA V. KAZAROSIAN, ESQ.,

in her capacity as private counsel and her law firm of
KAZAROSIAN COSTELLO LLP representing Attorney Marvin H.
Siegel in the matters of ES11P1466GD & ES11P1465PM

BRIAN T. CUFFE, ESQ.,

in his capacity as court appointed guardian, under the
private law office of Brian T. Cuffe, Esq., pursuant to SJC
Rule 1:07 in the matter of In re Marvin H. Siegel

THOMAS J. BARBAR, ESQ.,

in his capacity as private legal counsel under the law
office of DEUTSCH WILLIAMS BROOKS DERENSIS & HOLLAND, P.C.
representing for court appointed guardian Attorney Brian
Cuffe

WHITTIER HEALTH NETWORK, INC. d/b/a WHITTIER PAVILION,

BEVERLY HOSPITAL a/k/a NORTHEAST HOSPITAL CORP.,

MERRIMACK VALLEY HOSPITAL d/b/a STEWARD FAMILY HOSPITAL, INC.,

HOLY FAMILY HOSPITAL, INC. a/k/a TAS-CHF, INC.,

ROBERT PORTNEY, M.D.,

SPENCER AMESBURY, M.D.,

PING CUI, M.D.,

DR. JANICE FUNK, NEUROPSYCHOLOGIST,

in her capacity as staff of Whittier Rehab Hospital and her
private business known as Neuroeducation, Inc.

KENNEY ENTERPRISES LLC d/b/a RIGHT AT HOME,

Defendants

COMPLAINT FOR EMERGENCY & PRELIMINARY INJUNCTIVE RELIEF

I. Nature of Action

1. This is an emergency action brought by Plaintiffs, who are sisters, having initially commenced suit in this Court under Docket No. 1:15-cv-10198-ADB (Belanger & Kaiser v. BNY Mellon, et al.) seeking various legal redress for specified Defendants having fraudulently ousted Plaintiffs from their well-established and validly designated capacities as attorneys-in-fact for their father, Attorney Marvin H. Siegel. Said designations were set forth in Attorney Siegel's executed Durable Power of Attorney on **February 11, 2003**. (See a copy of the amended complaint in Docket No. 1:15-cv-10198-ADB in **Exhibit 1**; copy of the February 2003 DPOA in **Exhibit 2**; copy of June 16, 2011 Health Care Proxy in **Exhibit 3**).

2. Plaintiff Daughters have filed this new and separate federal civil action for emergency and preliminary injunctive relief and for declaratory relief out of necessity because of recent grave misconduct committed by specified Defendants that directly interrelate with the above-described core issues in the current pending matter of 15-cv-10198-ADB.

3. As set forth by Defendant Attorney Kazarosian in her own filed attestation with the Essex Probate & Family Court in the matters of In re Marvin H. Siegel on **August 17, 2011**, she explicitly confirmed that Attorney Siegel was fully competent. (See attached copy of Defendant Attorney Kazarosian's filed affidavit in **Exhibit 4**).

4. The first official purported medical diagnosis of Alzheimer's attributed to Plaintiffs' father (Attorney Siegel) was by the Emergency Room of **Defendant Beverly Hospital** on **May 19, 2011**, which admission arose by an uncorroborated hearsay 911 call.

5. Said matter of 15-cv-10198-ADB has been under judicial review for over eight (8) months pertaining to Defendants' filed motions to dismiss said amended complaint. Judicial review commenced as of **April 8, 2016** when all pleadings (motions and opposition) and Plaintiffs' corresponding exhibits were completely submitted.

6. Although Plaintiffs had specifically requested that they be granted oral argument in their filed opposition to Defendants' motion to dismiss, the Court has not scheduled oral argument nor has it denied oral argument.

7. Grave irreparable harm to Plaintiff Daughters and their father (Attorney Siegel) compounds exponentially until there is final judicial resolution of the matters presented in underlying Docket No. 15-cv-10198-ADB.

8. Crucially, specified Defendants herein this new federal civil action for injunctive and declaratory relief *continue to baselessly and deliberately* deprive Plaintiff Daughters from having any meaningful information regarding their father's medical condition and treatment.

9. In addition, Specific defendants *continue to baselessly and deliberately* impose—unlawfully—severe and unwarranted restrictions upon Plaintiff Daughters from spending time with their father (Attorney Siegel), as well as severe and

baseless restrictions as to Plaintiff Daughters' communications with their father.

10. The exigency giving rise to this separate and distinct filed federal civil action for injunctive and declaratory relief pertains to an email sent by Defendant Attorney Thomas Barbar on **November 30, 2016** (see attached copy in **Exhibit 5**), wherein Defendants have outwardly represented Plaintiffs father's (Attorney Siegel) physical and mental state purportedly being in the final stage of Alzheimer's requiring "hospice" and "palliative care."

11. **The core and critical and urgent nature of the afore-referenced communication by Defendant Attorney Barbar pertains to Defendants having *significantly and materially misrepresented* Plaintiffs' father's (Attorney Siegel) true and actual physical and mental state.**

12. Such grave misrepresentations made by Defendants compel the specified injunctive relief set forth in this complaint as Plaintiffs provide *specific and concrete incontrovertible evidence* that Defendants deliberately and maliciously subjected Plaintiffs' father (Attorney Siegel) to having been unlawfully admitted to **Defendant Merrimack Valley Hospital (November 18, 2016 through November 20, 2016)** and **Defendant Beverly Hospital (November 22, 2016 through December 1, 2016)**; that Defendants facilitated Attorney Siegel's afore-referenced admissions having **no** actual medical justification.

13. Based on overwhelming submitted documentation by Plaintiff Daughters herein this complaint, they demonstrate the existence of *substantial* concerns that their father (Attorney Siegel) has not been receiving proper and reasonable

medical treatment; substantial concerns that their father has been receiving medical treatment and medication that has been directly detrimental to their father's physical and emotional well-being; substantial concerns that since October of 2011, that their father has not received proper diagnostic examinations and testing.

14. **Since October of 2011**—over **five (5) years**, Plaintiff Daughters have continuously, in due diligence, properly and reasonably sought to obtain meaningful and effective information regarding their father's physical and emotional status, as well as, specific requests that they be permitted as legal interested parties in the underlying matters of In re Marvin H. Siegel to have medical professional(s) retained by Plaintiff Daughters to examine their father—all to no avail.

15. From the inception of Defendant guardian Cuffe's appointment issued by the Essex Probate & Family Court (Abber, J.) (August 17, 2011), he has continuously and deliberately excluded Plaintiff Daughters from being involved in the management of their father's medical care.

16. As set forth in the pending matter of Docket No. 15-cv-10198-ADB, Attorney Siegel had established definitively through his executed written estate planning instruments of **February 2003** of his expressed desires and intentions that Plaintiff Daughters be directly involved and fully informed as to his medical affairs and other private affairs. (Also refer to Attorney Siegel's 2003 DPOA in Exhibit 2; Attorney Siegel's health care proxy in Exhibit 3; and Defendant Attorney Kazarosian's affidavit in Exhibit 4).

17. To reiterate, the core issue in the directly interrelated pending federal civil action of Docket No. 1:15-cv-10198-ADB is the fraudulent and deceptive procurement of a purported revocation of Plaintiffs father's (Attorney Siegel) **February 2003 Durable Power of Attorney**. As established, Defendant Attorney Kazarosian outright attested in her filed **affidavit of August 17, 2011** that she validated Attorney Siegel's (her client) direct communications with her that Attorney Edward Tarlow and his law firm of **Tarlow Breed Hart & Rodgers** had procured said purported revocation through subterfuge. (Refer to affidavit in Exhibit 4; see also pending amended complaint for specific acts of subterfuge in Exhibit 1 at pages 20-34; see copy of filed affidavit of Attorney Diane Long on May 27, 2011 in the matter of In re Marvin H. Siegel in **Exhibit 6**).

18. Accordingly, but for Defendants' fraudulent and deceptive conduct, as a matter of law, pursuant to Attorney Siegel's Durable Power of Attorney validly executed on February 11, 2003 and Attorney Siegel's validly executed health care proxy on June 16, 2011, all third-parties would have an unequivocal and absolute legal obligation to provide any and all requested information regarding Attorney Siegel to Plaintiff Daughters, as their father's explicitly designated attorneys-in-fact.

19. Furthermore, but for Defendants' fraudulent and deceptive conduct, all third parties would be unequivocally prohibited from in any manner restricting Plaintiff Daughters from physically being with their father and all third parties would be prohibited from restricting any communications between Plaintiff Daughters and their father.

20. Based on overwhelming submitted documentation herein this complaint, Plaintiffs raise *more than* substantial issues that necessitate their obtaining specified court orders provided herein this complaint facilitating their having complete and unrestrained access of inspection and reproduction of all their father's medical information as grounded under the Fifth and Fourteenth Amendments of the United States Constitution (right to preserve family integrity).

21. Also based on overwhelming submitted documentation herein this complaint, Plaintiffs raise *more than* substantial issues that necessitate their obtaining specified court orders provided herein as prohibiting Defendants from restricting Plaintiff Daughters, in any manner and at any time, from physically being with their father and communicating with their father as grounded under the Fifth and Fourteenth Amendments of the United States Constitution (right to preserve family integrity).

II. Jurisdiction & Venue

22. Jurisdiction is properly before this Court where the claims for relief set forth in this civil action arise under violations of the Constitution, laws or treaties of the United States within the meaning of 28 U.S.C. 1331(a).

23. Pursuant to 28 U.S.C. § 2201, Plaintiff Daughters request declaratory relief that specified acts by Defendants set forth in this complaint constitute misconduct where the Office of Bar Counsel in its most recent letter dated **January 3, 2017** explicitly stated that it is *not* the jurisdiction of the Office of Bar Counsel to determine whether litigating attorneys have committed misconduct, *rather the Office of Counsel claims that the court is the arbiter of whether a litigating*

attorney(s) have engaged in misconduct. In said letter from the Office of Bar Counsel, it states:

The Court is, in the first instance, a more appropriate forum for resolution of these issues. Should a court issue a decision that suggests misconduct on the part of the attorney, please provide with a copy of the relevant findings or order. However, at this time, this matter will not be further investigated.

(See attached copy of the **January 3, 2017** correspondence from the Office of Bar Counsel in **Exhibit 7**—also provided is a copy of Plaintiffs' complaint filed on **December 1, 2016**; see Plaintiffs' prior complaints filed with the Office of Bar Counsel and Board of Bar Overseers and their responses in **Exhibit 8**; see Complaints filed by Plaintiffs with other regulatory entities provided in **Exhibit 9**—which include, but are not limited to, faxed complaints to **Governor Baker, Chief Legal Counsel for Governor Baker** and the **Supreme Judicial Court Nominating Commission**; to which they have not responded in any manner).

24. Pursuant to 28 U.S.C. § 2202, Plaintiff Daughters seek injunctive relief to prohibit specified Defendants from unlawfully disrupting the integrity of their family unit.

25. Pursuant to 28 U.S.C. § 2201 and 28 U.S.C. § 2202, Plaintiff Daughters have standing in their pursuit of the afore-described nature of injunctive and declaratory relief based on their legal interests as adult children of Attorney Marvin Siegel guaranteed under the Fourteenth Amendment of the United States Constitution of having the inalienable right to be protected against unwarranted and baseless disruption by the State to the integrity of their family unit.

26. Also pursuant to 28 U.S.C. § 2201 and 28 U.S.C. § 2202, on separate and independent grounds, based on the very underlying pending federal civil action of Docket No. 1:15-cv-10198-ADB, Plaintiffs Daughters are entitled to relief given their being fraudulently and deceptively ousted from their official designated status as attorneys-in-facts. (Refer to in-depth specific and concrete description provided in the amended complaint provided in Exhibit 1).

27. As a matter of law, Plaintiff Daughters have an actual and particularized personal cognizable right that was created by their father's (Attorney Siegel) execution of his 2003 DPOA. Guardianship of James Smith, 43 Mass. App. Ct. 493 (1997); Richardson v. Mills (In re Mills), Adv.P.No.11-245 (Bankr. Mass. 2011). It is well established that a power of attorney "confers to the attorney-in-fact the authority to perform acts on behalf of the principal." Richardson v. Mills (In re Mills), Adv.P.No.11-245 (Bankr. Mass. 2011). And even more so, the Massachusetts Appeals Court *explicitly* declared in Guardianship of James Smith, 43 Mass. App. Ct. at 497 that a principal's nomination of the attorney-in-fact as guardian is "**an entitlement**" that has been bestowed upon the attorney-in-fact. Even more so, the Appeals Court stated that the fact that a durable power of attorney has been revoked by a court appointed guardian does not deprive the original attorney(s)-in-fact of having standing. *Id.* at Fn16.

28. Supporting the fact that Attorney Siegel fully intended his executed 2003 DPOA to be an alternative to being subjected to formal probate court proceedings, said Durable Power of Attorney on page 3, paragraph numbered 3, stated: "in the event of my disability or incapacity, my attorney may

transfer any of my property or properties to fund any inter vivos trust. . . which my attorney may be my beneficiary." Of significance, the term guardian, conservator and court are in no manner referenced.

29. As previously set forth, on **June 16, 2011**, Plaintiffs' father (Attorney Siegel) updated his written health care proxy, having executed it at the time of his discharge from Defendant Whittier Pavilion. The staff and agents of Defendant Whittier Pavilion witnessed and notarized Attorney Siegel's execution of the **written health care proxy dated June 16, 2011**; wherein Attorney Siegel designated his daughter, Plaintiff Attorney Lisa Siegel Belanger as his health care proxy. (Refer to June 16, 2011 health care proxy in Exhibit 3).

30. Of significance, in **July of 2012**, the Massachusetts Legislature specifically enacted new language to M.G.L. c. 190B, § 5-309(e) clarifying that a guardian shall not revoke a pre-existing health care proxy without court authorization.

31. Contemporaneous with the above-described statutory promulgation, during **June of 2012** and **July of 2012**, the trial regarding permanent guardianship and conservatorship in the matters of In re Marvin H. Siegel (ES11P1466GD & ES11P1465PM) had been taking place. The **June 27, 2012** trial transcript demonstrates that Defendant Attorney Kazarozian, Defendant guardian Cuffe and the then-presiding judge of the Essex Probate & Family Court (Abber, J.) were fully aware of Plaintiffs' father's validly executed **June 16, 2011 health care proxy**. (See copy of relevant portion of transcript in **Exhibit 10**).

32. Venue is proper in this district because the parties' residences and principal places of business are located in this district and the events and occurrences giving rise to the claims occurred within this judicial district.

33. Plaintiffs request a speedy hearing and advancement of the cause on this Court's calendar pursuant to Rules 57 and 65 of the Federal Rules of Civil Procedure due to:

- the grave and imminent medical condition and treatment outwardly represented by Defendants guardian Cuffe and his counsel, Defendant Attorney Barbar regarding Plaintiffs' father (Attorney Siegel) (refer to Exhibit 5);
- manifested unwarranted and baseless preclusion by herein specified Defendants of providing meaningful medical information to Plaintiffs regarding their father, Attorney Siegel;
- manifested unwarranted and baseless restriction by herein specified Defendants of Plaintiffs visitation and communications with their father, Attorney Siegel.

III. Parties

Plaintiffs

34. **Plaintiff Lisa Siegel Belanger, Esq.** is a resident of Massachusetts and the youngest daughter of 88-year-old Attorney Marvin Siegel. As previously set forth, Attorney Siegel designated Plaintiff Attorney Lisa Siegel Belanger as his attorney-in-fact set pursuant to the Durable Power of Attorney executed on February 11, 2003 (refer to Exhibit 2) and subsequently, on June 16, 2011, Attorney Siegel designated her as his health care proxy. (Refer to Exhibit 3).

35. **Plaintiff Devora C. Kaiser** is presently residing in Massachusetts and has been since August of 2016. She is the eldest daughter of 88-year-old Attorney Marvin Siegel. In the afore-referenced Durable Power of Attorney executed by Attorney Siegel on February 11, 2003, Plaintiff Devora Kaiser is designated as successor attorney-in-fact.

Defendants

36. **Defendant Marsha Kazarosian, Esq.** is an individual residing in Massachusetts. She is a licensed attorney in the Commonwealth and now a Partner of **Kazarosian Costello LLP**. The principal location for Defendant Attorney Kazarosian's law office is 546 Main Street, Haverhill, MA. At all times relevant through December 2013, **Defendant Attorney Kazarosian** legally represented Attorney Marvin Siegel under the **Law Office of Attorney Marsha Kazarosian** and thereafter, legal representation of Attorney Siegel extended to the **Law Office of Kazarosian Costello & O'Donnell, LLP** and now under **Kazarosian Costello**. Regarding Defendant Attorney Kazarosian's specified joint and concerted actions taken with Defendant guardian Cuffe, she is considered to be a state actor.

37. In February of 2016, Governor Baker appointed Attorney Kazarosian to the **Supreme Judicial Court Nominating Commission**. (See copy of attached article regarding said appointment in **Exhibit 11**).

38. Defendant Attorney Kazarosian was previously appointed to the **Supreme Judicial Court's Access to Justice Commission's Committee** and served a **six (6) year term** as a **Hearings Committee Officer of the Board of Bar Overseers**.

39. **Defendant Kazarosian Costello LLP** is the current law firm under which Attorney Kazarosian is attorney of record for Attorney Siegel. The Resident Agent for **Defendant Kazarosian Costello LLP** is Defendant Attorney Kazarosian, having the principal office at 546 Main Street, Haverhill, MA.

40. **Defendant Brian Cuffe, Esq.** resides in Newburyport, MA. He is a licensed attorney in the Commonwealth with a private law practice at 430 Boston Road, Suite 105, Topsfield, MA. On August 17, 2011, the Essex Probate & Family Court (Abber, J.) appointed Defendant Cuffe as temporary guardian in the matter of In re Marvin H. Siegel pursuant to Supreme Judicial Court Rule 1:07. At all relevant times, Defendant Cuffe has served—and continues to serve—as a court appointee and/or representative for, and on behalf of, Essex Probate & Family Court.

41. **Defendant Thomas Barbar, Esq.** resides in Massachusetts. He is a licensed attorney in the Commonwealth and a principal of the law office **Deutsch Williams Brooks DeRensis & Holland, P.C.** In Attorney Thomas Barbar's capacity as principal for **Deutsch Williams Brooks DeRensis & Holland, P.C.**, he is legal counsel for Defendant guardian Cuffe and conservator Attorney James Feld in the matters of In re Marvin H. Siegel (ES11P1466GD & ES11P1465PM). Regarding Defendant Attorney Barbar's specified joint and concerted acts with that of Defendant guardian Cuffe, he is considered to be a state actor.

42. **Defendant Merrimack Valley Hospital** is a foreign corporation under **Steward Family Hospital, Inc.**, with its principal office in Massachusetts and is located at 500 Boylston Street, Boston, MA. Defendant's involvement in the matters of In re Marvin H. Siegel (ES11P1466GD) arose from Defendant guardian Cuffe having facilitated Plaintiffs' father's involuntary commitment at said facility initiated on **January 11, 2012**.

43. On **January 19, 2012**, Defendant Merrimack Valley Hospital filed two (2) motions in the matter of In re Marvin H. Siegel (ES11P1466GD): 1) a motion to become an intervening party specifically to attain a Roger's Order (see attached copy of filed motion and affidavit in **Exhibit 12**) and 2) a motion to be heard on short notice regarding Defendant Merrimack Valley Hospital's motion to expand the guardian's authority to include Roger's authority (see short order motion in **Exhibit 13**).

44. Defendant Merrimack Valley Hospital's motion to become an official intervening party was allowed by ex-parte means and by a sitting judge (Sahagian, J.) who was not the established presiding judge on the matter—Judge Abber had been the *sole presiding* judge in the matters of In re Marvin H. Siegel **since June 6, 2011** (Refer to Exhibit 12). Defendant Merrimack Valley Hospital's motion to expand the guardian's authority was continued to **January 24, 2012**.

45. Defendant Merrimack Valley Hospital's motion to expand authority of the guardian, counsel (**filed on January 19, 2012**) is particularly suspect as said motion specifically referenced the court appointment of Roger's counsel (Attorney Cheri Myette) when Attorney Myette had extra-judicially contacted Judge Abber

(then presiding judge in the matter of In re Marvin H. Siegel) **the day prior** (January 18, 2012) by fax. In violation of Massachusetts Rules of Professional Conduct 3.5(b), Attorney Myette made *her own* special request to be court appointed as Roger's counsel.¹ (See attached copy of Attorney Myette's faxed communications to Judge Abber on January 18, 2012 in **Exhibit 14**).

46. In addition, for six (6) months from the inception of her being appointed Roger's counsel for Attorney Siegel, Attorney Myette deliberately refrained from making the standard requests for payment with the Committee for Public Counsel—instead, she let six (6) months pass and then filed a motion before Judge Abber requesting that she be allowed to be paid by Plaintiffs' father's estate at a *private hourly wage*. (See Attorney Myette's motion allowed by Judge Abber in **Exhibit 15**).

47. Attorney Myette filed the above-described motion to be paid as private counsel from Attorney Siegel's estate on **July 18, 2012**, subsequently being paid by conservator Attorney Feld from Attorney Siegel's estate on **August 9, 2012** in the amount of **\$34,480.00**. (See pertinent portion of filed account by conservator showing the **\$34,480.00** payment to Attorney Myette in **Exhibit 16**).

¹ Plaintiffs notified the Office of Bar Counsel in writing by fax on February 13, 2013 (Refer to Exhibit 8), in addition to filing a complaint with Chief of Committee for Public Counsel Services, Anthony Benedetti, Esq. (See attached copy of complaint filed by Plaintiffs with Attorney Benedetti for CPCS provided in Exhibit 14). CPCS did not respond in any manner to said filed complaint.

48. Also conspicuous is at the court proceeding of **January 24, 2012**, Judge Abber had openly and explicitly raised the questionable conduct of *Defendant Merrimack Valley Hospital* having been the filer of the motion to expand guardian's authority, as Defendant Cuffe had been already serving as guardian of court appointed guardian for five (5) months.

49. In **March of 2012**, Defendant Merrimack Valley Hospital filed a motion to withdraw as a party intervenor. (See attached copy of filed motion as **Exhibit 17**).

50. For over this 5-year course of the guardianship matter of In re Marvin H. Siegel (ES11P1466GD), Attorney Siegel has been treated by various medical providers of Defendant Merrimack Valley Hospital, including the emergency room of Defendant Merrimack Valley Hospital and the Adult Behavioral Unit. Most recently, Attorney Siegel was admitted as an inpatient to Defendant Merrimack Valley Hospital on November 18, 2016 through November 20, 2016.

51. **Defendant Holy Family Hospital, Inc. a/k/a TAS-CHF, Inc.** has intermittently provided various medical treatment to Attorney Siegel at the behest of Defendant guardian Cuffe. TAS-CHF, Inc. is a hospital having its principal office at 70 East Street, Methuen, MA 01844 and its designated resident agent being J. Bryan Hehir, President and Clerk.

52. **Defendant Beverly Hospital**, doing business as **Northeast Hospital Corporation**, has its principal office at 85 Herrick Street in Beverly, MA. Defendant Beverly Hospital was the initiating party engaging in unlawful acts triggering the involvement of the Essex Probate & Family Court. Plaintiffs incorporate and reference the actively pending civil action

Docket No. 1:15cv10198-ADB (Belanger & Kaiser v. BNY Mellon et al) that sets forth in detail the specified unlawful conduct of Defendant Beverly Hospital which occurred on May 19, 2011 through May 20, 2011. (Refer to pending amended complaint in Exhibit 1, pages 15-17).

53. New intervening unlawful acts committed by **Defendant Beverly Hospital** have taken place during the admittance of Attorney Siegel to Defendant Beverly Hospital on November 22, 2016—just days after Attorney Siegel had been released from Defendant Merrimack Valley Hospital.

54. **Defendant Whittier Pavilion** is a psychiatric facility under the corporation **Whittier Health Network, Inc.**, with its principal office at 25 Railroad Square, Haverhill, MA. On May 19, 2011, Defendant Beverly Hospital unlawfully facilitated Attorney Siegel's direct admission to Defendant Whittier Pavilion under a purported 3-day involuntary commitment that turned into a continuous 1-month unlawful involuntary commitment.

55. **Defendant Robert Portney, M.D.** resides in Massachusetts. He is listed with the Massachusetts Board of Registration in Medicine as specializing in geriatric psychiatry and neuropsychiatry and is affiliated with Massachusetts General Hospital, McLean Hospital and Whittier Rehabilitation Hospital. His business address is 6 Hearthstone Place, Andover, MA. Defendant Dr. Portney has been the treating psychiatrist of Marvin Siegel ***commencing in January 2012 until*** Defendant guardian Cuffe *announced for the first time* in court on **July 14, 2016** that Defendant Dr. Portney is no longer Plaintiffs' father's treating psychiatrist and that Plaintiffs' father *no longer* will have a treating psychiatrist.

56. **Defendant Spencer Amesbury, M.D.** resides in Ipswich, Massachusetts. He is listed with the Board of Registration in Medicine as having a "specialty" practice described as: "Family Medicine, Geriatric Medicine (Family Medicine), Hospice & Palliative Medicine (Family Medicine)." Defendant Dr. Amesbury's primary business location is 900 Cummings Center, Suite 218-U, Beverly, MA. He is Resident Agent at the afore-stated Beverly address. Defendant Dr. Amesbury has been the primary treating medical provider of Attorney Siegel since **January 2012** and continuously through present time.

57. **Defendant Dr. Ping Cui** is an individual residing in Acton, MA. She is a private practicing geriatric psychiatrist of 288 Groveland Street, Suite C2, Haverhill, MA. According to the Massachusetts Board of Registration, she is exclusively affiliated with Defendant Merrimack Valley Hospital. Defendant Dr. Ping Cui was Father's treating psychiatrist commencing on or about, June 16, 2011 through January of 2012.

58. **Defendant Dr. Janice Funk** is an individual residing in Essex County. She is a staff neuropsychologist at **Whittier Rehabilitation Hospital** in Haverhill, MA and provides private services in her self-owned business called **Neuroeducation, Inc.** Dr. Funk's business address is listed as 76 Summer Street, Haverhill, MA.

59. **Defendant Kenney Enterprises LLC d/b/a Right At Home** is a private business providing home health care services, owned and established in **2002**, by **Jay Kenney** of Marblehead, MA and **Rosaleen Doherty-Kenney**. Defendant Right At Home acts at the direction of Defendant guardian Cuffe. The Certificate of Organization states that the general character of the company's

business is “non-medical senior home care.” The principal office is at 19 Front Street, Salem, MA.

IV. Background of underlying circumstances

A. Events leading up to Defendants’ fraudulent and deceptive disruption to Attorney

60. In 2003, multi-millionaire Attorney Marvin Siegel—who had at that time his Boston law office for over 50 years—had hired a prominent expert estate planning attorney/firm to prepare all his estate planning needs and at a hefty financial expense. Attorney Siegel meticulously memorialized his true and actual desires and intentions, executing his array of estate planning instruments on February 11, 2003 which remained undisturbed for eight (8) continuous years.

61. Just like the incessant elder law attorneys’ advertisements played on AM talk radio cautioning nonlawyers to protect their money and family from the probate courts by hiring them to put in place written estate planning instruments, Attorney Siegel took exceptional care in hiring legal professionals for that very specific purpose; seeking to *avoid at all costs* of having the Massachusetts probate court system intrude into his private family affairs.

62. The very purpose of a Durable Power of Attorney is to protect a person from having to endure any probate court proceedings that subject one to being publicly branded mentally incapacitated and/or the threat of being declared a ward of the State. M.G.L. c. 190B, § 5-306(b)(8); Guardianship of Smith, 43 Mass. App. Ct. 493. 497-498 (1997).

63. Well established by overwhelming documentation, the two outmost important things Attorney Siegel cared about at the time of executing his February 2003 estate planning instruments, and has never stopped caring about are: 1) his reputation and dignity and 2) his three (3) daughters. Said documentation shows that Attorney Siegel, with full sound mind, memorialized *his own unequivocal intentions and desires* in a panoply of executed estate planning. He explicitly designated his youngest daughter, Attorney Lisa Siegel Belanger, as his attorney-in-fact and his eldest daughter, Devora Kaiser, as successor attorney-in-fact. (See attached photographs in **Exhibit 18A, 18B & 18C** showing the long-established close bond of Attorney Siegel with Plaintiff Daughters and his grandchildren).

64. For eight (8) continuous years, Attorney Siegel's February 2003 Durable Power of Attorney remained undisturbed until on **May 19, 2011** due to an unforeseen and unexpected event by a nonfamily third-party that caused Attorney Siegel to be unlawfully involuntarily committed to a psychiatric facility involving **Defendant Beverly Hospital** and **Defendant Whittier Pavilion**.

65. As referenced above, on May 19, 2011, the Boxford Police had been called to Attorney Siegel's home based purely on one person's hearsay claims. At the time the police came to Attorney Siegel's home, they observed Attorney Siegel to be in a calm, rationale and cooperative manner—the police had *not* observed Attorney Siegel acting in any aggressive or irrational behavior.

66. The police report described Plaintiffs' father as being "cooperative" which is bolstered by their permitting Attorney Siegel to go upstairs to his bedroom to take some personal items with him to the hospital.

67. While at Defendant Beverly Hospital, Attorney Siegel told Plaintiff Attorney Lisa Siegel Belanger that he had specifically brought with him a copy of his BNY Mellon financial portfolio because he understood the very nature in which he was being forced to go to **Defendant Beverly Hospital**—that his state of competency was being questioned—and so he wanted to bring some form of real substantiation that he was in fact competent; that the copy of his BNY Mellon account was a concrete and tangible example that a person cannot be incapacitated if that person has the ability to steadily maintain an estate of multi-millions.

68. Attorney Siegel had described to Plaintiff Attorney Lisa Siegel Belanger that he showed his BNY Mellon financial account information to the clinical evaluator of **Defendant Beverly Hospital**, coherently and logically explaining the above-described valid reason for doing so.

69. However, to the irreparable detriment of Attorney Siegel, the copy of Attorney Siegel's BNY Mellon account signified to **Defendant Beverly Hospital** an opportunity for financial kickbacks; thereby Defendant Beverly Hospital facilitated a direct admission of Attorney Siegel to **Defendant Whittier Pavilion** under the purported basis of a 3-day psychiatric involuntary commitment (G.L. c. 123, § 12).

70. The staff clinician for **Defendant Beverly Hospital** did not inform Plaintiff Attorney Lisa Siegel Belanger, in any manner, that her father (Attorney Siegel) was being admitted to **Defendant Whittier Pavilion** under a 3-day psychiatric involuntary commitment. Said staff clinician of Defendant Beverly Hospital led Plaintiff to believe that the only purpose that her father was being admitted to Defendant Whittier Pavilion was for further evaluation regarding a conditional diagnosis of Alzheimer's.

71. The mere name of Whittier Pavilion does not give any obvious indication that said facility is a *psychiatric* facility. The staff of Defendant Beverly Hospital did not give *any indication* whatsoever to Plaintiff that her father (Attorney Siegel) was being admitted to Defendant Whittier Pavilion as an involuntary commitment.

72. The staff of Defendant Beverly Hospital did not give any indication whatsoever to Plaintiff that the admission to Defendant Whittier Pavilion was in any way related to psychiatric treatment.

73. After Plaintiffs' father had been transferred directly from **Defendant Beverly Hospital** to **Defendant Whittier Pavilion**, the staff of Defendant Whittier Pavilion would not let Plaintiff Attorney Lisa Siegel Belanger visit with her father (Attorney Siegel).

74. A social worker from **Defendant Whittier Pavilion** called Plaintiff Attorney Lisa Siegel Belanger, informing her that Defendant Attorney Garmil specifically instructed the staff of **Defendant Whittier Pavilion** that Plaintiff was prohibited from visiting with her father (Attorney Siegel) on

the claim that her father's February 2003 Durable Power of Attorney was purportedly defective.

75. Plaintiff Attorney Lisa Siegel Belanger immediately retained counsel to represent her as attorney-in-fact for her father (Attorney Siegel) specific to the agents and representatives of **Defendant Whittier Pavilion** dishonoring Attorney Siegel's valid and effective February 2003 Durable Power of Attorney.

B. Manner of Attorney Siegel's involuntary admission to Defendant Whittier Pavilion evidences said admission was initiated because of Defendants' established kickback scheme

76. Attorney Robert Ledoux has a long-established history of representing **Defendant Beverly Hospital** as private legal counsel.

77. Attorney Ledoux's involvement in the matters of In re Marvin H. Siegel (ES11P1466GD & ES11P1465PM) took the form of his legal representation as private counsel for Sheryl Sidman—Attorney Siegel's middle daughter. He made his first appearance at the **August 17, 2011** scheduled hearing regarding Elder Services of Merrimack Valley's filed motion to intervene.

78. In **Exhibit 19**, see attached copy of email strings amongst Sheryl Sidman and Defendants, explicitly stating that **counsel for Defendant BNY Mellon** (Defendant Laura Studen) personally and directly obtained Attorney Ledoux to represent Sheryl Sidman in opposition to Plaintiff Attorney Lisa Siegel Belanger.

79. Attorney Ledoux has an established history of representing other medical providers as private legal counsel, including but not limited to: **Defendant Beverly Hospital, North Shore Medical Center/Salem, Kindred Hospital and Winchester Nursing Home.**

80. Also, beginning sometime in 1984, Attorney Ledoux began operating a business (**in the role as president**), which he openly declared with the Secretary of State's Office as a private mental health care service organization—named at that time Center for Family Development, Inc. In 1988, Attorney Ledoux filed a *name change* of that mental health care service organization with the Secretary of State's Office to: **CFD LIQUIDATING CORPORATION.** (See attached copy of said filings with the Secretary of State in **Exhibit 20**).

81. The explicit purpose of **CFD LIQUIDATING CORPORATION** stated in the filings with the Secretary of State's Office as to:

provide home health, mental health and related health services to people within and without the North Shore region of Greater Boston

(Refer to Exhibit 20). Inexplicably, **CFD LIQUIDATING CORP** dissolved in **June of 2012.**

82. In other matters in Essex Probate & Family Court, **Attorney Ledoux** has provided legal estate planning services to *private ordinary clients* that have subsequently resulted in his having filed as petitioner for guardianship and/or conservatorship *over his own private clients.* (In **Exhibit 21**, see attached copy of filed estate planning instruments prepared by Attorney Ledoux for Ernest Latour and in **Exhibit 22** provided are copies of the subsequent petitions for conservatorship and

guardianship filed by Attorney Ledoux over his own client, Ernest Latour).

83. With respect to Attorney Richard Garmil, he has a long-established history of representing **Defendant Whittier Pavilion** as private legal counsel. He also has an established history of being private legal counsel for **Defendant Merrimack Valley Hospital** and Amesbury Village.

84. Both **Attorney Ledoux** and **Attorney Garmil** have a long-established pattern of acting as private legal counsel for various hospitals and other medical facilities, *while simultaneously* accepting SJC Rule 1:07 fee generating income court fiduciary appointments on behalf of the Essex Probate & Family Court. See attached copy of Attorney Ledoux's court appointment history with the Essex Probate & Family Court in **Exhibit 23** and Attorney Garmil's court appointment history with the Essex Probate & Family Court in **Exhibit 24**.

85. Throughout the decades of **Attorney Ledoux** and **Attorney Garmil** accepting paid court fiduciary appointments from the Essex Probate & Family Court, their roles vary—at times, they are appointed as guardian and/or conservator.

86. The afore-referenced court appointment histories of Attorney Ledoux (Exhibit 23) and Attorney Garmil (Exhibit 24) also show that, throughout the decades, they have filed appearances in the Essex Probate & Family Court as petitioners for guardianship and conservatorship over patients of the various medical facilities that they represent as private legal counsel.

87. For example, Attorney Garmil represented Amesbury Village as petitioner in the matter of In re Regina Ianalfo, Docket No. ES07P1766GI1 (see copy of pleading in **Exhibit 25**); Attorney Ledoux represented Salem/North Shore Medical Center as petitioner in the matter of In re Henry Sawicki, Docket No. ES07P2662GC1 (see copy of pleading in **Exhibit 26**).

88. Furthermore, throughout the decades, Attorney Ledoux and Defendant Attorney Garmil have outright collaborated (formally and behind-the scenes) in multiple guardianship and conservatorship matters in the Essex Probate & Family Court. Examples of such collaboration include, but are not limited to:

In re Henry Sawicki (ES07P2662GC1)

Refer to prior-referenced Exhibit 26 in which the attached pleading shows that **Attorney Ledoux as counsel for Northshore Medical Center** *in its role as petitioner* over patient Henry Sawicki explicitly requested in writing that **Attorney Garmil** be court appointed as guardian over Henry Sawicki. (See page 2).

In re Robert Pigeon (ES09P3242GD, ES09P3243PM) &
In re Gertrude Pigeon (ES11P0187PM, ES11P0215GD,
ES12P1630EA)

See **Exhibit 27** of provided attached copy of pleading showing **Attorney Garmil** as **court appointed guardian** for Gertrude Pigeon, with Defendant Attorney Cuffe in his court appointed capacity specifically explaining in writing that he had personally and directly asked **Attorney Ledoux** to file a petition as conservator for Gertrude Pigeon (see page 2, paragraph numbered 5).

The afore-described pleading was filed on **August 15, 2011**—two (2) days prior to the court appointment of Defendant guardian Cuffe in the underlying matter of In re Marvin H. Siegel.

89. The extraordinary contemporaneousness of Defendants' relationships set forth in the above-described pleading regarding Robert and Gertrude Pigeon (refer to Exhibit 27) shows evident backroom dealings that took place in the "emergency" court appointment of Defendant Attorney Cuffe in the underlying matter of In re Marvin Siegel—as conspicuously, on **August 17, 2011** at the hearing in the matters of In re Marvin H. Siegel, Judge Abber asked **Attorney Ledoux** who he wanted appointed as guardian, with Attorney Ledoux immediately stating: Attorney Brian Cuffe. (See attached copy of pertinent portion of August 17, 2011 transcript provided in **Exhibit 28**).

90. The *original* complaint filed in the matter of Docket No. 1:15-cv-10198-ADB describes Defendants' embedded conduct in depth, with substantiated concrete documentation of Defendants' modus operandi of suspect financial gain through the evidenced incestual collaboration of counsel for **Defendant Beverly Hospital** (Attorney Ledoux) and **Defendant Whittier Pavilion** (Attorney Garmil).

C. Defendant Whittier Pavilion's deliberate and concerted overt acts of fraud and deception in disrupting Plaintiffs' valid and effective status as attorneys-in-fact pursuant to Plaintiffs' father's (Attorney Siegel) February 2003 Durable Power of Attorney

91. From the inception of Attorney Siegel's admission to **Defendant Beverly Hospital** through the direct admission as an involuntary commitment to **Defendant Whittier Pavilion**, both hospital facilities' staff had actual and overt knowledge of

Attorney Siegel's validly effective February 2003 Durable Power of Attorney.

92. With no valid or justifiable basis from the inception of plaintiffs' father's involuntary admission/transfer to **Defendant Whittier Pavilion** on May 20, 2011, Attorney Garmil (in his capacity as counsel for Defendant Whittier Pavilion) refused to honor Plaintiff Attorney Lisa Siegel Belanger's effective and valid status as attorney-in-fact for her father pursuant to the February 2003 Durable Power of Attorney.

93. Attorney Garmil, specifically in his capacity as counsel for **Defendant Whittier Pavilion**, instructed the staff of Defendant Whittier Pavilion to prohibit Plaintiff Attorney Lisa Siegel Belanger from seeing her father.

94. Upon the unlawful 3-day involuntary commitment expiring, on **May 24, 2011**, Defendant Whittier Pavilion through Defendant Attorney Garmil filed a petition with Haverhill District Court seeking to force Plaintiffs' father (Attorney Siegel) into a 6-month civil commitment in a locked-down psychiatric facility. (See copy of filed petition in **Exhibit 29**).

95. Defendant Whittier Pavilion and Attorney Garmil did not serve notice of the above-described 6-month civil commitment petition to Plaintiffs. Plaintiff Attorney Lisa Siegel Belanger learned of the filed petition by happenstance. Immediately, pursuant to Attorney Siegel's effective and valid February 2003 Durable Power of Attorney, late that afternoon on **May 24, 2011**, Plaintiff Attorney Lisa Siegel Belanger called her father's **direct and personal financial advisor (Defendant Brian Nagle)** of **Defendant BNY Mellon**, seeking to attain necessitated funds for

legal counsel retained by Plaintiff (pursuant to Attorney Siegel's February 2003 Durable Power of Attorney) *to defend* Plaintiffs' father (Attorney Siegel) against Defendant Whittier Pavilion's filed 6-month civil commitment petition.

96. Evidently, by Plaintiff Attorney Lisa Siegel Belanger having apprised **Defendant Brian Nagle of Defendant BNY Mellon** of the above-described situation, Defendant Nagle feared having transparency and outside oversight of Attorney Siegel's investment accounts (in excess of \$6 million dollars) that had been in Defendant BNY Mellon's custody for over 20 years. (See in **Exhibit 30** the attached copy of the Bond filed by Defendant guardian Cuffe on **August 17, 2011**; refer to afore-specified events described in amended complaint, Exhibit 1 at pages 15-18).

97. In **Exhibit 31**, copy of faxed correspondence from **Defendant BNY Mellon** dated **October 16, 2003** to Plaintiffs' father (Attorney Siegel)—with a **cc: to Defendant Brian Nagle** (direct financial advisor). Said October 16, 2003 correspondence shows Defendant Brian Nagle's ill-motive to scheme an unlawful ouster of Plaintiff Daughters' capacities as attorney-in-fact for their father (Attorney Siegel), wherein it consists of **Defendant BNY Mellon** *overtly attempting* to convince Attorney Siegel that Plaintiff Daughters *should not* be his attorneys-in-fact; expressing that Attorney Siegel should instead make Defendant BNY Mellon his attorney-in-fact.

98. *Irrefutably*, Attorney Siegel rejected Defendant BNY Mellon's above-described suggested changes.

99. As set forth, at the time that Plaintiff Attorney Lisa Siegel Belanger spoke with Defendant Brian Nagle **on May 24, 2011**, Attorney Siegel's February 2003 Durable Power of Attorney was de facto effective and valid.

100. During the above-referenced telephone conversation of **May 24, 2011**, Plaintiff Attorney Lisa Siegel Belanger specifically informed Defendant Nagle that she had already retained an experienced attorney (Diane Long, Esq.) to represent her father (Attorney Siegel) in defending against Defendant Whittier Pavilion's petition for a 6-month civil commitment.

101. Immediately after the above-described telephone conversation, Defendant Brian Nagle—directly and personally—began scheming, in his capacity as **representative of Defendant BNY Mellon**, to deceptively and fraudulently ouster Plaintiff Daughters' from their status as attorneys-in-fact for their father.

102. Set forth in the attached copy of the underlying pending complaint of Docket No. 15-cv-10198-ADB (Exhibit 1 at pages 11-28) are specific and concrete details of **Defendant Brian Nagle's and Defendant BNY Mellon's** implemented scheme, deliberately preying upon the situation that Plaintiffs' father (Attorney Siegel) was locked down in a 3-day psychiatric involuntary commitment and being involuntarily administered antipsychotics. (Refer to **IMPOUNDED Exhibit 32**, manually provided copy of the medical Certificate signed by Dr. Pierre Mayer of **Defendant Whittier Pavilion** dated **June 14, 2011**).

103. Self-admittedly, Defendant Brian Nagle, in his capacity with Defendant BNY Mellon, directly called his co-founding member of the **Massachusetts Family Business Magazine**,

Attorney Edward Tarlow of Defendant Tarlow Breed Hart & Rodgers (see attached copy of the 2008 Article of Organization for Massachusetts Family Magazine filed with Secretary of State **in Exhibit 33**) and orchestrated with Defendant Edward Tarlow and his associate Attorney Catherine Watson to go to the locked-down psychiatric facility of **Defendant Whittier Pavilion** *the very next morning* on **Saturday, May 25, 2011** with already prepared paperwork ready for signature; with full awareness that Attorney Siegel was being involuntarily drugged with antipsychotics. Said Defendants surreptitiously, through fraud and deception, procured Attorney Siegel's signature on a document purporting to revoke Plaintiffs' capacities as attorneys-in-fact for Attorney Siegel. (Refer to Exhibit 6, Attorney Diane Long's filed affidavit substantiating in detail Defendants' fraudulent and deceptive conduct).

104. Thereafter, a convoluted vortex of deceptive and contrived circumstances followed. On **June 14, 2011**, the Essex Probate & Family Court (Abber, J.) orally ruled that Attorney Siegel was competent and did not need a court appointed guardian or conservator. (Attached is a copy of the June 14, 2016 transcript in **Exhibit 34**).

105. Attorney Siegel was present at the **June 14, 2011 hearing** and even though he was heavily medicated with antipsychotics at that very time, he unwaveringly and vehemently expressed his absolute desire and intention for Plaintiff Attorney Lisa Siegel Belanger and her family to permanently reside with him and to provide care to him. (Exhibit 34 at pages 22-23).

106. As evidenced by the court record, Attorney DeNapoli (counsel for Attorney Tarlow and their law firm) and Attorney Richard Garmil (counsel for Whittier Pavilion) openly exhibited their being disgruntled because of Judge Abber's above-described ruling and even more so because Judge Abber had also ruled that he would not issue a court order for Plaintiff Attorney Lisa Siegel Belanger and her family to vacate her residence with her father. (Refer to Exhibit 34 at pages 17-20, 25-31, 38-47).

107. As shown by the **June 14, 2011 transcripts**, from the inception of the matters of In re Marvin H. Siegel, Defendants *explicitly* sought Plaintiff Attorney Belanger and her family to "be vacated" from her father's residence. (Exhibit 34 at page 46).

108. Also during the **June 14, 2011 hearing**, Defendant Attorney DeNapoli of the law firm of Tarlow, Breed, Hart & Rodgers made outright accusations that Plaintiff Attorney Lisa Siegel Belanger had exploited her father—*such accusations consisting solely of blanket and broad-sweeping generalizations with no supporting facts*. (See Exhibit 34 at pages 14, 39).

109. At the above-described June 14, 2011 hearing, Judge Abber *openly stated* that he was "concerned for exploitation" (Exhibit 34 at p27), and, therefore, knowing that Defendants' allegations of exploitation made against Plaintiff Attorney Lisa Siegel Belanger were entirely baseless he unambiguously declined to prohibit Plaintiff Attorney and her family from living with Attorney Siegel. Judge Abber specifically stated:

He [Attorney Siegel] can move to evict them, he can ask them to leave, but he told me that he wants to be able to go back home and reconcile and that to resume.

110. In direct response to opposing counsels' open displayed outrage at Judge Abber's rulings, Judge Abber conspicuously made *repeated and continuous assuaging statements to opposing counsel*—on at least four (4) separate occasions during the June 14, 2011 hearing, stating over and over: "we may be back here very quickly." (Exhibit 34, Transcript at pages 30-31, 34, 46).

111. In fact, at the very end of the **June 14, 2011 hearing** when Defendant Attorney DeNapoli *again* contested Judge Abber's in-court rulings, Judge Abber's closing words were:

That's why, counsel, we may be back here very quickly.
The petition is not being dismissed.

Upon which Attorney DeNapoli responded: "I understand"; with Judge Abber immediately stating once again:

That's what's happening. We may be back here very, very quickly.

(Exhibit 34 at 46).

112. Conspicuously, on or about **August 3, 2011**, Elder Services of Merrimack Valley filed a "motion to intervene" in the matters of In re Marvin H. Siegel, specifically facilitating Judge Abber's repeated statements that the matters of In re Marvin H. Siegel would "be back in court very quickly." (See attached copy of said motion to intervene in **Exhibit 35**).

113. Defendants spent the remaining month of **June 2011 and July 2011** engaging in covert concerted scheming, fabricating new false allegations of exploitation by Plaintiff Attorney Lisa Siegel Belanger. (Refer to **Exhibit 36** containing the pertinent portions of Plaintiffs first amended complaint filed by Plaintiffs in the underlying federal action of 15-cv-10198-ADB which sets forth in specific and concrete detail with

conclusively substantiating documentation of such fraudulent and deceptive scheming by Defendants).

114. The motion to intervene filed by Elder Services of the Merrimack Valley was served on or about August 4, 2011 to multi-millionaire Attorney Siegel. He was notified to appear in Essex Probate & Family Court for **August 17, 2011**.

115. Of significance, the content of the afore-described motion to intervene specifically shows that the scheduled hearing was not a request for court appointments of a guardian and conservator to be made on August 17, 2011; rather, as explicitly stated in *Elder Services of Merrimack Valley's motion*, the exclusive purpose of said motion was to obtain a court order to permit Elder Services of Merrimack Valley to conduct an investigation as to whether court appointments of a guardian and/or conservator were needed. (Refer to Exhibit 35, in particular page 3 where the requested relief is explicitly set forth).²

² Of significance, Defendants have never served, filed, or conducted any administrative hearing to adjudicate any standard of determination regarding purported claims of exploitation by Plaintiff. As conclusively evidenced by the complete transcript of the **August 17, 2011 proceeding**, no evidentiary proceeding took place as to a judicial determination of said claimed exploitation claims—egregiously, Judge Abber *explicitly and outright precluded* Plaintiff from even being able to present oral argument in her defense—refer to a copy of the complete transcript in **Exhibit 37**). NO ONE filed any criminal complaint with the District Attorney's office as statutorily mandated if such allegation were true; NO ONE filed a complaint with the Board of Bar Overseers against Plaintiff which was mandated if such allegation were true.

However, Plaintiff Attorney Lisa Siegel Belanger actively reported Defendants' criminal conduct to: the Essex County District Attorney's Office; State Attorney General's Office; Massachusetts Supreme Judicial Court; Board of Bar Overseers and

D. Defendant Attorney Kazarosian—specifically in her role as counsel for Attorney Siegel—has continuously engaged as a joint venturer in the exploitation and abuse of her own client— financially, physically, and emotionally

116. Where the obvious implication of the above-described motion to intervene implied the intent to thrust Attorney Siegel under a court appointed guardianship and conservatorship, Attorney Siegel asked his Plaintiff Attorney Lisa Siegel Belanger (specifically in her capacity as attorney-in-fact) to search for an attorney who would vigorously fight to preclude the occurrence of any guardianship and conservatorship appointments—as to reiterate, Attorney Siegel’s written estate planning instruments, which were prepared by experts in that particular field, and executed for the specific purpose of preventing this very type of event from occurring.

117. As explicitly requested by Attorney Siegel, Plaintiff Attorney Lisa Siegel Belanger did an extensive internet research and based on representations made in Defendant Attorney Kazarosian’s then website, Plaintiff sought a consult.

118. On **August 15, 2011**, Attorney Siegel met alone with Defendant Attorney Kazarosian and her associate, Attorney Janet Dutcher. (Refer to Defendant Attorney Kazarosian’s Affidavit, Exhibit 4). After said meeting, Attorney Siegel personally retained Defendant Attorney Kazarosian finalized by a written contract.

General Counsel for the Board of Bar Overseers; and the Judicial Conduct Commission—all to no avail.

119. As expressly described by Defendant Attorney Kazarosian in her written attestation filed on **August 17, 2011**—just two (2) days after being privately retained by Attorney Siegel, the specific purpose for Attorney Siegel hiring Attorney Kazarosian was to vigorously fight against court appointments of a guardian and/or conservator. (Refer to Exhibit 4).

120. Attorney Kazarosian specifically stated under oath and in painstakingly detail that multi-millionaire Attorney Siegel was fully competent and capable of handling his personal affairs; that he was not in need of a court appointed guardian and/or conservator.

121. In **Defendant Attorney Kazarosian's affidavit of August 17, 2011** (refer to Exhibit 4), she described how Attorney Siegel adamantly wanted he and his daughter Attorney Lisa Siegel Belanger and her family to continue to permanently reside with him; that it brought *much* enjoyment to him that his daughter, son-in-law and two (2) grandchildren were there to care for him. She stated as follows:

Siegel, although forgetful of my name and Dutcher's on occasion throughout the conversation, (always with apologies), was well aware of all of the circumstances and orientations as I have set forth above [in paragraph 3]. He was very clear that and wanted to make sure that I understood that he is a very loud and passionate person when he speaks, that he was a trial lawyer for 50 years and is used to having his own way, that he often says things in the vernacular when angry but does not mean them literally, and gave me specific examples, such as, "I may say, I am so mad I just want to kill someone, but that doesn't mean that I want to kill anyone. . . .

I discussed Attorney Edward Tarlow ("Tarlow") with him [Father], and his role in this matter. He was very adamant that he did not want Tarlow representing him and was very distrustful and angry. I specifically discussed Tarlow's

Affidavit that suggested in part that he did not want Belanger and her family living with him, as well as other statements and feelings that Tarlow attributed to him. He was adamant that although his house is a "pig sty" when they are there because they are messy and *he considers himself compulsive, he enjoys them being there, they are company to him, they make him dinner for him at night, they all eat together as a family, and he specifically stated that he looks forward to that every night. . . .*

He also expressed anger at ESMV and was extremely adamant that he did not want them involved, does not want their intervention, and believes it to be intermeddling and an affront to his intelligence and capabilities.

I asked him if he wanted to be represented at the hearing on August 17, 2011 and he was adamant that he wanted representation. He appropriately asked me if there was any reason that I could think of as to why I should not be the one to represent him, he asked about any limitations that I thought I may have with regard to an appearance on this matter, he asked me if I could be forceful in my representation to the court as to his desires and intentions, and asked me if I had any concerns that would give me pause as to my representation. I was impressed by this inquiry.

Dutcher and I formulated the opinion that he was not under duress, that he knew that he was asking our office to represent him, and that he was doing so in an informed and reasoned manner.

122. From the inception of Defendant Attorney Kazarosian being retained to represent Attorney Siegel, she was provided documentation of Attorney Siegel's explicit desires and intentions; and in particular, that her client wanted Plaintiff and her family to permanently reside with him at their residence of 15 Arrowhead Farm Road in Boxford. (In **Exhibit 38**, see attached copy of notarized notification by Attorney Siegel to the Boxford Public School Department of his above-described intent).

123. Also bolstering Attorney Siegel's above-described desire, he had executed a nominee trust on February 11, 2003 regarding the residence of 15 Arrowhead Farm Road—at the same time as he was executing his other previously described estate planning instruments. (See attached copy of the nominee trust in **Exhibit 39**). Prior to August 17, 2011, Defendant Attorney Kazarosian had full knowledge of said nominee trust and Attorney Siegel's other executed estate planning instruments.

124. When Defendant Attorney Kazarosian first appeared on behalf of Attorney Siegel at the afore-described scheduled hearing for the motion to intervene, she specifically expressed that it was her own client's (Attorney Siegel) expressed desire and intentions that Plaintiff Attorney Lisa Siegel Belanger and her family permanently reside with him and be his primary caregivers. She explicitly read into the record the corresponding portions of her filed affidavit. (Refer to August 17, 2011 transcript in Exhibit 37 at pages 9-12).

125. However, despite Defendant Attorney Kazarosian's own explicitly acknowledged promise to vigorously fight against any issuance of a court appointed guardian and/or conservator, from the get-go, she *outright refused* to take the most basic and elementary advocacy measures needed to attain that objective. (See attached copies of emails in **Exhibit 40** that show Plaintiff Attorney Lisa Siegel Belanger had laid out *for* Defendant Attorney Kazarosian *in advance of* the August 17, 2011 hearing substantial objections *necessary* to properly preserve Attorney Siegel's rights).

126. Defendant Attorney Kazarosian outright refused prior to the August 17, 2011 hearing to raise the valid and meritorious issues (with provided supporting case law and other legal authority) because of her expressly stated philosophy of not wanting to appear adversarial. As evidenced by the afore-described emails in Exhibit 40, Defendant Attorney Kazarosian *deliberately abandoned* several solid and meritorious grounds to invalidate the scheduled proceedings initiated by Elder Services of Merrimack Valley.

127. As demonstrated, Defendant Attorney Kazarosian's afore-described strategy of "playing along to get along" was not reasonable conduct under this particularized situation, falling far below the standard of conduct being adequate and reasonable tactics expected of a reasonable and ordinary practitioner.

128. The Massachusetts Rules of Professional Conduct require that counsel owes a duty of loyalty and undivided interest in representing a client. Specific rules setting forth such duties and obligations are:

- Rule 1.3 states:

A lawyer should pursue a matter on behalf of a client *despite opposition, obstruction or personal inconvenience to the lawyer*, and take whatever lawful and ethical measures are required to vindicate a client's cause or endeavor. A lawyer must also act with commitment and dedication to the interests of the client and with zeal in advocacy upon the client's behalf; and

- Rule 3.1, Comment [1] states:

The advocate has a duty to use legal procedure for the fullest benefit of the client's cause.

129. Because Defendant Attorney Kazarosian repeatedly acted in outright contravention of Attorney Siegel's explicit desires and intentions, within three (3) short months of having hired her, Attorney Siegel handwrote a formal notice terminating Attorney Kazarosian as his attorney and faxed it to her; wherein said fax, Attorney Siegel stated: "I want to terminate your services *for going against my wishes.*" (See attached copy of faxed notice of termination in **Exhibit 41**).

130. Pursuant to Massachusetts Professional Conduct Rule 1.16(4): "A client has a right to discharge a lawyer at any time, with or without cause []."

131. The broad spectrum of specific and concrete information demonstrating that Defendant Attorney Kazarosian acted in direct opposition to her client's (Attorney Siegel) unequivocally expressed desires and intentions are set forth further herein this complaint; however, the foremost event that led to Attorney Siegel faxing Defendant Attorney Kazarosian the written notice of terminating her legal services was Attorney Kazarosian's direct and personal actions of assisting Defendant guardian Cuffe in deceptively and fraudulently procuring a court order forcing Daughter Attorney Lisa Siegel Belanger, her husband and two (2) children to "temporarily vacate" their family home. (See copy of said allowed motion in **Exhibit 42**; see also attached copy of Plaintiffs' opposition to Defendants' motion to vacate in **Exhibit 43**; and the transcript pertaining to the **December 12, 2011** hearing regarding Defendants' specifically captioned "temporary motion" for Plaintiff Attorney Lisa Siegel Belanger and her family to not live with Attorney Siegel provided in **Exhibit 44**).

132. Copies of emails provided in **Exhibit 45** and openly placed notices by agents and representatives of Defendant Right At Home of directives for concealed means of medication in **Exhibit 46** overwhelmingly showing that Defendants' pursuit of the court order to vacate was exclusively done out of unlawful retaliation for Plaintiff Attorney Lisa Siegel Belanger (through counsel, Greg Hession, Esq.) having openly exposed Defendants' *unlawful means of* facilitating the concealed use of antipsychotics against Attorney Siegel's will. See M.G.L. 190B, § 5-306A (a court order is needed to lawfully facilitate the giving of antipsychotics by means of crushing it up and concealing it in food). The attached emails and posted directives evidence established ill-motives by Defendants in pursuit of their precluding Plaintiff and her family to live with Attorney Siegel.

133. Pursuant to M.G.L. 190B, § 5-306A, Defendants'—especially, guardian Cuffe—were required to first initiate court proceedings by motion for court authorization for such concealed use of antipsychotics to be lawful.

134. The emails provided in Exhibit 45 show the magnitude of Defendants' egregious conduct where it is evidenced that Plaintiff Attorney Lisa Siegel Belanger (through counsel) explicitly brought to the Defendants' attention that Defendant guardian Cuffe had an obligation to file for court ordered authorization to lawfully medicate Attorney Siegel in the manner that they were doing so; out of retaliation, Defendants chose instead to file the afore-described motion temporary order to vacate so Plaintiffs would be left in the dark about the actual manner in which their father would be treated by Defendants and their agents/representatives.

135. Attached is copy of the pertinent transcript portion of the December 12, 2011 proceeding in **Exhibit 47** that conclusively evidences Defendant guardian Cuffe outright admitted to Judge Abber on the record that he (and Defendant Attorney Kazarosian) were in fact knowingly violating the law, particularly in regard to the manner which they gave antipsychotics to Attorney Siegel. The transcript shows that Judge Abber inquired as to whether Defendant guardian Cuffe had already sought a Roger's Order, upon which Defendant guardian Cuffe confirmed *that he had not* done so.

136. Also demonstrated in the December 12, 2011 transcript is Judge Abber recklessly disregarding Defendant guardian Cuffe's above-described admission, carrying out Defendants' retaliatory motives for precluding Attorney Lisa Siegel Belanger and her family from living with her father (Attorney Siegel).

137. Consequently, Plaintiff Attorney Lisa Siegel Belanger and her family were court ordered to vacate their home by December 16, 2011. When Attorney Siegel learned of Defendant Attorney Kazarosian's assent to Defendant guardian Cuffe's motion to force his family out of their home that was the point that he determined that he was firing Defendant Attorney Kazarosian and on **December 14, 2011**, he faxed her the above-described notification that he was terminating her services.

138. After Defendant Attorney Kazarosian received the afore-described faxed notice of termination, she immediately contacted Defendant guardian Cuffe informing him of the received fax and that she was refusing to terminate her legal services as requested by her own client. During that conversation, Defendant guardian Cuffe told Defendant Attorney Kazarosian that

he supported her refusal to withdraw as legal counsel. (See attached copy of email sent by Defendant Attorney Kazarosian on **December 14, 2011** in **Exhibit 48**, specifically confirming Defendant guardian Cuffe's agreement to support her refusal to withdraw as legal counsel).

139. Even in the face of Defendant Attorney Kazarosian's own filed attestation regarding Attorney Siegel's competence, she acted in direct defiance of her client's unambiguous demand that she no longer act as his legal representation; and in doing so violated the afore-referenced Rules of Professional Conduct by, at the minimum, failing to file a motion for judicial instructions before the Essex Probate & Family Court as to how Attorney Siegel's explicit intentions of her termination as counsel should be handled—if not having an outright duty to file a motion to withdraw as counsel given the very short period of time from Defendant Attorney Kazarosian's filed affidavit attesting to her client's being competent.

140. With regard to Defendant guardian Cuffe, he violated his duties and responsibilities prescribed under M.G.L. c. 190B, § 5-309 (Powers, Duties, Rights and Immunities of Guardians, Limitations), wherein it states:

A guardian shall exercise authority only as necessitated by the incapacitated person's mental and adaptive limitations. . . .

As such, Defendant guardian Cuffe *did not* consult in any manner with Attorney Siegel regarding his explicitly stated desire to terminate Defendant Attorney Kazarosian because of her going against his known desires and intentions.

141. Specific and concrete information provided further herein this complaint overwhelming evidences that Defendant Attorney Kazarosian has acted in concert with Defendant guardian Cuffe and other opposing counsel by engaging in overt acts of *isolating* her own client (Attorney Siegel) from his family in furtherance of liquidating his assets for her *own personal and ill-gotten gain* and that of the court appointees and other aligned opposing counsel.

142. At the time, Defendant Attorney Kazarosian had been privately retained, Attorney Siegel's financial worth was approximately **\$9 million**—and now the court appointed conservator (Attorney James Feld of Woburn, MA) has officially filed documents with the Essex Probate & Family Court stating that Attorney Siegel's financial worth to be less than **\$4 million**—and still dwindling. (See projected specific enumerated legal expenses filed by court appointed conservator Attorney James Feld in **2012** in **Exhibit 49** and see a copy of the most recent Account filed in **March of 2016** in **Exhibit 50**).

143. Replete in the compilation of transcripts and electronic audio recordings over the past five (5) years, Defendant Attorney Kazarosian and other opposing counsel in the matter of In re Marvin H. Siegel disingenuously, repeatedly and continuously, rant that Plaintiff Daughters are the sole cause for the diminution of Attorney Siegel's estate because of their vigilant litigation. (Provided in **Exhibit 51** are the filed motions by Defendants, made in bad faith, seeking sanctions against Plaintiff Daughters, which were all denied by Judge Abber in the matters of In re Marvin H. Siegel).

144. Provided in **Exhibit 52** is the most recently filed opposition to Defendants' above-described claims, wherein Plaintiffs Daughters set forth in specific and concrete detail how and why Defendants' claims are baseless and retaliatory.

145. As Defendant Attorney Kazarosian explicitly attested in her affidavit of August 17, 2011, Plaintiffs' father (Attorney Siegel) unequivocally stated that it is his paramount desire and intention that a vehement defense against Elder Services of Merrimack Valley's initiated pursuit for guardianship and conservatorship be ceaseless. (Refer to Exhibit 4).

146. As evidenced by the context and content of Plaintiffs' court filings, Plaintiffs are carrying out their father's firmly established desires and intentions; and have always made filings that are well-pled with assertions of actual fact and submitted substantiating documentation.

147. Accordingly, as set forth in Plaintiffs' pending federal action Docket No. 15-cv-10198 and herein this federal civil action for injunctive and declaratory relief, the reality is that the *exclusive cause* for the diminution of Attorney Siegel's estate is *Defendants' and Sheryl Sidman's unlawful conduct, furthered by the absence of meaningful oversight when brought to the direct attention of the various State courts and regulatory agencies.*

148. Provided in **Exhibit 53** are filed invoices in the matter of In re Marvin H. Siegel by **Defendant guardian Cuffe** for represented services for **2011 through 2012** and in **Exhibit 54** are filed invoices by conservator Attorney Feld for **2011 through 2012.**

149. In **Exhibit 55** is the filed **November 2012 Account** by conservator Attorney Feld pertaining to the matter of In re Marvin H. Siegel. When the **November 2012 Account** is viewed in context with the invoices submitted by Defendant guardian Cuffe (Exhibit 53) and conservator Attorney Feld (Exhibit 54), the attestations of payments paid *from Attorney Siegel's private estate* directly to **Defendant Attorney Kazarosian** and/or her respective law firms it raises grave questions and concerns that **Defendant Attorney Kazarosian** is billing for *the same services claimed* to have been performed by Defendant guardian Cuffe and conservator Attorney Feld—especially, where the court record overwhelmingly demonstrates that virtually every pleading filed by **Defendant Attorney Kazarosian** and the entire group of opposing counsel is filed by them jointly or by assent.

150. Specifically, the afore-described **November 2012 Account** (Exhibit 55) sets forth the stated payments made to Defendant Attorney Kazarosian as follows:

- **10/10/2011 - \$7,000** payment to "Kazarosian Law Office" for "legal services";
- **10/22/2011 - \$650 payment** to "Kazarosian Law Offices" that *does not* have a corresponding notation for the basis for payment;
- **11/14/2011 - \$6,780** payment to "Marsha Kazarosian, Esq." that *does not* have a corresponding notation for the basis for payment;
- **12/22/2011 - \$8,957.92** payment to "Marsha Kazarosian, Esq." that *does not* have a corresponding notation for the basis for payment;

- **1/27/2012 - \$18,131.97** payment to "Kazarosian Law Offices" that *does not* have a corresponding notation for the basis for payment;
- **3/23/2012 - \$12,408.06** payment to "Kazarosian Law Offices" and having not provided notation for basis for payment;
- **4/16/2012 - \$9,650** payment to "Kazarosian Law Offices" for "SJC case"³;
- **4/16/2012 - \$5,491.80** payment to "Kazarosian Law Offices" for "probate cases";
- **4/16/2012 - \$3,150** payment to "Kazarosian Law Offices" for "Contempt case"—which Defendant Attorney Kazarosian **unequivocally represented in court to Judge Abber on March 27, 2012** that she was *de facto* **withdrawing her motion for fees** regarding the contempt matter. (See submitted invoice by Defendant Attorney Kazarosian in **Exhibit 56A** and pertinent portion of **March 27, 2012** transcript in **Exhibit 56B** documenting Defendant Attorney Kazarosian's in court representation).

Of significance, as demonstrated in Exhibit 56B, Judge Abber *expressly* questioned the unethical nature of Defendant Attorney Kazarosian's having filed the motion to be paid \$3,150 for partaking in the contempt matter filed by Defendant guardian Cuffe against Plaintiff Attorney Lisa Siegel Belanger. In fact, Judge Abber *emphasized* the fact to Defendant Attorney Kazarosian that her filing of such motion was

³ In reference to the "SJC case," Defendant Attorney Kazarosian *did not* present oral argument held before the Supreme Judicial Court on January 7, 2013; furthermore, no opposing counsel/party presented oral argument even though **Attorney Walter Costello Jr.** (then counsel for Attorneys Cuffe and Feld) had filed a notice of appearance and letter affirmatively confirming that he would be presenting oral argument.

blatantly *against her own client's wishes*—in direct response, Attorney Kazarosian stated to Judge Abber that she was withdrawing her motion.

Despite the above-described irrefutable in-court representation made by Defendant Attorney Kazarosian, she unlawfully took \$3,150 from her client's private estate *specifically* designated by the entry in the **November 2012 Account** as having been paid regarding the contempt matter referenced. As evidenced Judge Abber specifically *did not* grant Defendant Attorney Kazarosian's own motion having asked permission for said monies. (Again, Plaintiff Attorney Lisa Siegel Belanger brought this specific misconduct to the attentions of various State courts and regulatory agencies—to no avail).

- **6/4/2012 - \$9,045** payment to "Kazarosian Law Offices" for "probate cases";
- **6/08/2012 - \$24,765.00** to "Kazarosian Law Offices" that *does not* have a corresponding notation for the basis for payment;
- **7/18/2012 - \$41,999.39** payment to "Kazarosian Law Office" that *does not* have a corresponding notation for the basis for payment;
- **8/9/2012 - \$35,457.00** payment to "Kazarosian Law Offices" that *does not* have a corresponding notation for the basis for payment;
- **10/01/2012 - \$5,385.93** payment to "Kazarosian Law Office" that *does not* have a corresponding notation for the basis for payment;

- **10/19/2012 - \$11,559.11** payment to "Kazarosian Law Office" that *does not* have a corresponding notation for the basis for payment.

V. Facts Giving Rise To This New Civil Action

151. As previously set forth by Plaintiffs in their amended pending complaint of Docket No. 15-cv-10198-ADB (refer to Exhibit 1), Plaintiffs *would not* be pursuing legal relief to regain rights entitled under the Fifth and Fourteenth Amendments of the United States Constitution but for *such fraudulent and deceptive acts in furtherance of other physical and financial exploitation by specified Defendants*, particularly pertaining to the right not to be subjected to baseless governmental action restricting time spent together as a family; not to be subjected to baseless governmental action restricting family communications; and not to be subjected to baseless governmental action restricting interaction regarding family medical affairs.

152. Plaintiff Daughters set forth in the pending amended complaint of Docket No. 15-cv-10198-ADB specific and concrete documentation establishing a substantial likelihood of success on the merits in obtaining declaratory judgment regarding reinstatement of their capacities as attorneys-in-fact pursuant to their father's (Attorney Siegel) valid February 2003 Durable Power of Attorney (Exhibit 2) and the June 16, 2011 health care proxy (Exhibit 3) where such written instruments had been interrupted solely based on fraudulent and deceptive means by specified Defendants.

153. Plaintiff Daughters set forth in the amended complaint pending Docket No. 15-cv-10198-ADB specific and concrete details of the imminent and precarious nature of their

father's (Attorney Siegel) deteriorating health and memory condition, thereby, having expressed the time sensitive nature for judicial action.

154. As the afore-described matter of Docket No. 15-cv-10198-ADB has been pending judicial determination for over eight (8) months whether Plaintiff Daughters have met the *initial threshold standard* to proceed with discovery and jury trial, Defendant Attorney Barbar communicated to Plaintiff Daughters (via Attorney Knowles) **for the very first time on November 30, 2016** that Defendants had notified Plaintiffs that their father had all of a sudden been considered to have deteriorated to the extent of being on his death bed; that out of the blue, Plaintiffs' father supposedly is in need of "hospice" and "palliative care."

A. Most recent representations made by Defendants to Plaintiff Daughters' regarding long-established court ordered forced administering of antipsychotics to Plaintiffs' father (Attorney Siegel)

155. As established throughout the court records of In re Marvin H. Siegel, since the in-court proceeding held on **January 24, 2012** through the in-court proceeding of **July 14, 2016**, Defendants have explicitly and overtly represented that during the afore-stated period of time, **Defendant Dr. Portney** has been Attorney Siegel's exclusive treating psychiatrist.

156. The last held Roger's proceeding in the matters of In re Marvin H. Siegel took place on **July 14, 2016**. (A copy of the electronic court audio recording for said hearing is provided on CD as **Exhibit 57**—to be provided manually to the Clerk's Office).

157. At said **July 14, 2016** Roger's proceeding, Defendant guardian Cuffe and his counsel (Maryann Remillard, Esq.) made in-court representations that Plaintiffs' father was being completely weaned off antipsychotics and that Plaintiffs' father's last dose would be on July 31, 2016. (Refer to the copy of Judge Giordano's order dated July 14, 2016 as **Impounded Exhibit 58**).

158. Of import, Defendants have explicitly represented in court on **July 14, 2016**—and in Defendant guardian Cuffe's filed Report of Monitor (dated July 14, 2016) that the only reason Defendants have purportedly stopped entirely administering antipsychotics to Plaintiffs' father is because Defendant Dr. Portney (treating psychiatrist **since January 2012**) has refused to continue his role as specified medical provider for Plaintiffs' father (Attorney Siegel). (Refer to audio provided as Exhibit 57 and to the copy of said Report of Monitor provided as **IMPOUNDED Exhibit 59**).

159. Defendant guardian Cuffe explicitly informed the Essex Probate & Family Court in his Report of Monitor filed on **July 14, 2016** that Defendant Dr. Portney has officially terminated his role as treating psychiatrist for Attorney Siegel explicitly stating:

Dr. Portney was named in a lawsuit filed by Lisa Belanger in federal court so he declined to remain as Mr. Siegel's psychiatrist. I have called at least 10 area psychiatrists and none wish [sic] to take over Mr. Siegel's psychiatric care.

160. As stated above by Defendant guardian Cuffe in said **July 14, 2016 Report of Monitor**, Defendants have represented that purported termination of administering antipsychotics is because of Defendants' representation that of not being able to

retain a new treating psychiatrist—meaning that at present, purportedly Plaintiffs’ father is not being treated by any psychiatrist.

161. Defendant guardian Cuffe and his counsel (Attorney Maryann Remillard) outright represented in court to Judge Giordano on **July 14, 2016** that he (Defendant guardian Cuffe)—a non-medical professional—would be weaning Plaintiffs’ father off the then prescribed antipsychotics, as Defendant Dr. Portney was no longer engaged as treating psychiatrist. (Refer to electronic audio court recording of July 14, 2016, Exhibit 57).

162. For over four (4) years, Defendants have made continuous in-court representations and in filings that Defendant Dr. Portney had been the official treating psychiatrist for Plaintiffs’ father (Attorney Siegel) in **January of 2012**. Conspicuously, Defendants did not even once have Defendant Dr. Portney testify as to the need for forced court ordered administering of antipsychotics.

B. Evidence that Defendants’ have misrepresented Plaintiffs’ father’s (Attorney Siegel) present physical and emotional condition

163. As set forth, with no prior indications by Defendants, Attorney Barbar represented in his email of **November 30, 2016** the following supposed present physical and medical condition of Plaintiffs’ father (Attorney Siegel):

- that Plaintiffs’ father is in such poor physical state that “his diet has been changed to ground foods and also liquids”;
- that Plaintiffs’ father had a speech evaluation that “concluded that he is not presently responsive to directions or questions”;

- that Plaintiffs' father is in need of "palliative/hospice care."

(Refer to Exhibit 5).

164. Even more so, over the entire (five) 5 years that Attorney Siegel has been under guardianship controlled by Defendant guardian Cuffe, the personal and continuous communications that Plaintiff Devora Kaiser has had directly with her father (Attorney Siegel) by telephone and the various visitations with her father do not reconcile with the supposed sudden **November 30, 2016** characterizations made by Defendants.

165. With regard to Plaintiff Daughter Devora Kaiser's physical visitation with her father (Attorney Siegel), over the past 17 years she has lived out-of-state, usually returning to Massachusetts a couple of times each year visiting her father. She returned home to Massachusetts **in mid-August of 2016 and has since remained home here in Massachusetts.**

166. During the **months of August and September of 2016**, Plaintiff Devora Kaiser visited with her father, Attorney Siegel, 2-3 times a week. During the month of October 2016 into mid-November 2016, Plaintiff Devora Kaiser was unable to visit regularly with her father due to coming down with a bronchial infection; however, she was able to visit with her father on **October 23, 2016.**

167. During the above-described period of time between **August of 2016 and October 23, 2016**, Plaintiff Devora Kaiser's observations and experiences with her father do not in any manner reconcile with a supposed characterization of Plaintiffs' father needing "hospice" and "palliative care."

168. Without any existing indication or warning, Defendants had facilitated Attorney Siegel's admission to **Defendant Merrimack Valley Hospital** on **November 18, 2016.**

169. Plaintiff Devora Kaiser had been frequently visiting with her father (Attorney Siegel) during his hospital admissions and since he returned home.

170. Devora Kaiser attests that Defendant Attorney Barbar's depiction of Plaintiffs' father's physical and mental state is a substantial misrepresentation. During the **months of August and September of 2016,** Plaintiff Devora Kaiser had personally observed her father (Attorney Siegel) feed himself sandwiches and he had coherent and responsive verbal interactions with her.

171. During Attorney Siegel's 10-day admission at Defendant Beverly Hospital (November 22, 2016 through December 1, 2016), Plaintiff Devora Kaiser observed her father's independent use of a spoon to feed himself.

172. Although Attorney Siegel's verbal interaction was much lessened during hospitalization, Plaintiff Devora Kaiser did have rational and responsive verbal interaction with her father. For example, Plaintiff Devora Kaiser said to Attorney Siegel, "I love you very much, Dad. Do you love me?" and he responded, "Very much." When Attorney Siegel would see people pass by the open door of his hospital room, he frequently would ask Plaintiff Devora Kaiser and the aide working for Defendant Right At Home who the person was.

173. Since Attorney Siegel's return home from Defendant Beverly Hospital, she has visited with him more than a handful of times, observing him feeding himself with a spoon and fork,

increase in verbalization, particularly in regard to his initiating interaction by expressing himself in response to spontaneous stimuli. For example, when Plaintiffs' father had been given a snack that consisted of some cookies covered with mangos and while he had been eating the mangos he did not notice that there were cookies underneath and after finishing the mangos he expressed surprise upon seeing the cookies; in delight, he expressed: "I did not know those [cookies] were there!"

174. Other positive interactions that Plaintiffs' father (Attorney Siegel) include his reaching out and pinching Plaintiff Devora Kaiser's cheek and holding her face like he did when she was a youngster.

175. At the end of one visit, when Plaintiff Devora Kaiser and her husband told her father (Attorney Siegel) that they were going to be leaving, he asked why and then said "Don't leave."

176. In fact, Plaintiff Devora Kaiser has steadily observed father's verbal communications steadily improving since his release from Defendant Beverly Hospital. On January 1, 2017, examples of Plaintiff Devora Kaiser's observation of her father's substantially improved verbal interaction include, but is not limited to:

- Plaintiff Devora Kaiser's hands were cold and when she touched him on his bare skin, he said not to touch him because her hands were cold;
- Plaintiff Devora Kaiser had an open bottle of water and her father told her to close the cover of the bottle so that the water would not spill;

- Plaintiff Devora Kaiser and her father were watching television and he pointed to the television stating: "There's a kid crying";
- They had also watched the television show called America's Funniest Videos and he had commented about the different animals that were in the various video clips;
- Plaintiffs' father pointed to his granddaughter, telling her to be careful because she had a set of headphones hanging off her neck and he told his granddaughter that he was fearful that she would choke.

177. Corroborating Plaintiff Devora Kaiser's above-attestation and evidencing that Defendants have deliberately made outward misrepresentations of Plaintiffs' father's actual physical and mental state are the following attached photographs of Plaintiffs' father (Attorney Siegel) in **Exhibit 60**:

- See attached photographs taken of Plaintiffs' father during **2013** and **2014**;
- attached photograph taken of Plaintiffs' father (Attorney Siegel) on November 26, 2016 while during his admission at the Defendant Beverly Hospital; and
- see attached photograph taken of Plaintiffs' father at his home a short time after returning home from the afore-described admission at Defendant Beverly Hospital.

C. **Evidence of Defendants' illicit motives for the most recent facilitations of hospital admissions (November 2016) shown by Defendant guardian Cuffe's prior attempts to remove Plaintiffs' father from his home into a permanent facility and Defendants' overt attempts to dismantle Plaintiffs' father's pre-existing estate planning instruments executed in February of 2003**

178. Evidencing that Defendants had ill-motives for misrepresenting Plaintiffs' father's physical and mental state are Defendants' failed attempts *since February of 2012* seeking to obtain a court order to force Plaintiffs' father out of his own home and into a permanent lock-down dementia facility. (See copy of filed motion by Defendant Attorney Cuffe in February of 2012 in **Exhibit 61** and attached copy of the relevant portion of the **March 27, 2012** transcript in **Exhibit 62** Defendant guardian Cuffe made an in-court attempt on March 27, 2012 seeking to have Judge Abber allow him to remove Plaintiffs' father from his own home into a permanent facility).

179. Evident reasons for Defendants wanting to remove Plaintiffs' father from his home and into a permanent facility consist of Defendants' continuous and repeated overt actions trying to dismantle Plaintiffs' father's long-established February 2003 estate planning, with evidenced intentions to liquidate the estate.

180. Such ill-motives are particularly bolstered by the fact that Plaintiffs' father's home is in a nominee trust (refer to Exhibit 39), with said family residence being *completely mortgage free* which Defendant guardian Cuffe represented in his filed bond of **August 17, 2011** that the family residence has been valued at approximately \$850,000 (refer to Exhibit 30).

181. Overt adverse actions of Defendants' acting contrary to Plaintiffs' father's long-established and valid estate planning instruments by their intent to covertly dismantle said pre-existing estate planning instruments, include but are not limited to:

- **October 2012 motion filed by Defendant Attorney Kazarosian** to dismantle her client's trust is provided in **Exhibit 63**;
- Invoices of **Defendant guardian Cuffe** and **conservator Attorney Feld** provide details as to concerted efforts with **Defendant Attorney Kazarosian** to dismantle Attorney Siegel's February 2003 estate planning instruments. (Refer to **Exhibit 64** providing copies of conservator Attorney Feld's invoices describing intentions to implement new estate planning; and see filed Account entries in **Exhibit 65A** pertaining to payments made to Attorney Baler for consulting services for new estate planning and in **Exhibit 65B** is a copy of a 2010 letter from Attorney Baler to Defendant guardian Cuffe regarding the same exact t in the exact type of services provided in the Robert & Gertrude Pigeon matters in which Defendant guardian Cuffe was a court appointed fiduciary;
- Defendants' openly claiming in the matters of In re Marvin H. Siegel that the DSL Trust of 1982 that Plaintiffs' father (Attorney Siegel) converted into the DSL Trust of 2003 was *supposedly* "not" funded (Refer to Exhibit 52, Defendants' motion in which they outright assert that Plaintiff's father purportedly instructed that the DSL Trust of 2003 not be funded;

see also in **Exhibit 66A** the attached copy of the in-court representation by both Defendant Attorney Kazarosian and Barbar of such assertion at the **September 25, 2015** court proceeding held before Judge Giordano.

However, Plaintiff Daughters' filing provided in **Exhibit 66B** explains in detail that Defendants have perpetrated a fraud upon the court; in addition, to which, provided in **Exhibit 66C** is a copy of a different letter sent by **Defendant Attorney Kazarosian** on **February 7, 2013** that irrefutably evidences that she and other Defendants outright made in-court misrepresentations made to Judge Giordano on **September 25, 2015** as to the the D.S.L. Trust of 2003 supposedly being not funded—wherein, Defendant Attorney Kazarosian stated in the afore-referenced letter of **February 7, 2013**:

When your father revoked the D.S.L. Trust of 1982, there was an instruction to transfer assets of that Trust to the newly created 2003 Trust.

(Exhibit 66C at page 2).

D. Evidence showing Defendants unnecessarily hospitalized Plaintiffs' father with deliberate ill-motives to Defendants Merrimack Valley Hospital and Beverly Hospital

182. Plaintiff Devora Kaiser had visited with her father (Attorney Siegel) at his home on **October 23, 2016** and there had been no indications of any medical concerns; and there had been no communications from Defendants to the contrary—until out-of-

the-blue on **November 19, 2016** when Defendant Attorney Kazarosian sent an email to Plaintiff's probate counsel (Allan Knowles, Esq.) that Plaintiffs' father (Attorney Siegel) had been taken to **Defendant Merrimack Valley Hospital** in Haverhill the previous day (November 18, 2016). (See attached copy of said email sent to Plaintiffs' counsel in **Exhibit 67**).

183. Of significance, during the considerable amount of time that Plaintiff Devora Kaiser had been physically present with her father since **mid-August of 2016**, Plaintiffs' father did not show *any* signs of such purported medical ailments represented by Defendant Attorney Kazarosian in her email of November 19, 2016.

184. Bolstering that Defendant Attorney Kazarosian's email of November 19, 2016 was contrived is the fact that Defendant Attorney Kazarosian had provided such medical information *solely by mail* to Plaintiffs *via their probate counsel* (Attorney Knowles); in addition to the fact that Defendant Attorney Kazarosian notified Attorney Knowles the day after Attorney Siegel had been admitted to **Defendant Merrimack Valley Hospital**.

185. Provided in **Exhibit 68** are copies of a *long-established pattern* by Defendants' overtly and deliberately delaying notification to Plaintiff Daughters regarding various hospitalizations and medical issues.

186. Defendant Attorney Kazarosian's own wording in the afore-described email of **November 19, 2016** (refer to Exhibit 67) further demonstrates the underlying contrivance wherein she stated that Plaintiffs' father had been taken to the hospital only "out of an abundance of caution after one of his aides thought she noticed a twitch and weakness in the right hand."

187. Through further conspicuous wording by Defendant Attorney Kazarosian, she emphatically emphasized that the situation was not an emergency by stating that Plaintiffs' father's "**heart rate and blood pressure were normal** and his **appetite and ambulation were not affected.**"

188. Then at the closing of Defendant Attorney Kazarosian's email, she expressed that the medical staff had reported to Defendants that *in actuality there were no medical concerns*; as she stated: "It is my understanding that they have detected **no issues**, and that he may be released tomorrow."

189. Plaintiffs' father (Attorney Siegel) was in fact released from **Defendant Merrimack Valley Hospital** within two (2) days of being admitted. Defendant Attorney Kazarosian subsequently reported that Plaintiffs' father had been discharged on **November 20, 2016**. (See copy of email sent by Defendant Attorney Kazarosian the following day on **November 21, 2016** in **Exhibit 69**).

190. Of import, Defendant Attorney Kazarosian had sent the above-described **email of November 21, 2016** at approximately **7:00 in the morning**, wherein she explicitly stated:

It is my understanding that Mr. Siegel was discharged last night with **no changes** to his regimen at this time and he is back home.

And as unequivocally communicated by Defendants, the very purported reason(s) that Plaintiffs' father had been taken to **Defendant Merrimack Valley Hospital's** emergency room—alleged symptoms of a stroke—**had been completely ruled out by concrete and specific medical examination and testing.**

191. Later that same very day (November 21, 2016), Plaintiff Devora Kaiser emailed Defendant guardian Cuffe requesting that she be permitted to visit with her father (Attorney Siegel) on Thanksgiving Day. (See attached copy of said email in **Exhibit 70**).

192. To reiterate, Defendant Attorney Kazarosian's afore-described early morning email of November 21, 2016 unambiguously and plainly stated that Plaintiffs' father, in actuality, *had not suffered any adverse medical ailment*. However, the following day (around **NOONISH**) in response to Plaintiff Devora Kaiser's email request for permission to visit her father on Thanksgiving, *Defendant Attorney Kazarosian*—not Defendant guardian Cuffe whom Plaintiff Daughter had originally contacted—stated that, Plaintiffs' father had *been again taken to the hospital **purportedly for the very same stated concerns for admittance to Defendant Merrimack Valley Hospital***. (See email of November 22, 2016 sent by Defendant Attorney Kazarosian in **Exhibit 71**).

193. Accordingly, one (1) day after Plaintiffs' father had been released from **Defendant Merrimack Valley Hospital** with actual medical testing conclusively concluding that Plaintiffs' father had not suffered any adverse neurological problems, Defendants had Plaintiffs' father hospitalized *again* on the same claimed basis.

194. Conspicuously, Defendants had Plaintiffs' father admitted to a *completely different facility*—**Defendant Beverly Hospital**; a facility that has had *no contemporaneous relationship* in the management of Plaintiffs' father's medical

care and *no affiliated services* with **Defendant Merrimack Valley Hospital**.

195. As irrefutably borne out by *Defendants' own reported information*, all the medical testing done related to neurological ailments by **Defendant Beverly Hospital** had also *conclusively* shown that Defendants' representation of symptoms supposedly attributed to Plaintiffs' father had been inconsequential. (See Defendant Attorney Barbar's initial email of November 30, 2016 in **Exhibit 72**);

196. Actual specific and concrete evidence showing that Defendants did in fact fraudulently and deceptively facilitate Plaintiffs' father's admission to **Defendant Beverly Hospital** include, but are not limited to:

- Defendants' have reported that all tests conducted at **Defendant Beverly Hospital** for the supposed symptoms for which he was purportedly admitted as an inpatient *were all negative*;
- Defendants refused to provide any meaningful or adequate information to explain on what basis Plaintiffs' father was being required to remain in Defendant Beverly Hospital for ten (10) days. Plaintiff Devora Kaiser made specific requests from Defendants for more detailed information regarding her father's (Attorney Siegel) medical status, what type of treatment was being provided, and why he was purportedly being held so long as an inpatient at Defendant Beverly Hospital. (See email sent by

Defendant guardian Cuffe to Plaintiff Devora Kaiser on **November 22, 2016** in **Exhibit 73**);

- Defendants emails did not provide any meaningful information to Plaintiff Daughters about their father's medical status. (See Exhibit 67 and the copy of Defendant guardian Cuffe's email of **November 24, 2016** in **Exhibit 74**; also refer to the email sent by Defendant Attorney Barbar on November 30, 2016 in Exhibit 72);
- From the inception of Plaintiffs' father's (Attorney Siegel) admission at Defendant Beverly Hospital up through November 30, 2016, Defendants and their representatives had expressed to Plaintiff Devora Kaiser and her probate counsel that there was no known information as to when her father was *expected* to be discharged;
- Defendants' change in use of hospitals—having Plaintiffs' father prolonged admission (10-day stay) occur at **Defendant Beverly Hospital** is suspect where on March 27, 2012 **Defendant Merrimack Valley Hospital** filed a *motion to withdraw as an intervening party* in the underlying matters of In re Marvin H. Siegel, explicitly stating that it was withdrawing because of "the time and expense of MVH [Merrimack Valley Hospital] remaining in this complex and *contested* litigation greatly outweigh any possible benefit of MVH remaining in this matter" (refer to Exhibit 17).

197. Given **Defendant Merrimack Valley Hospital's** prior explicit written concern about contested litigation (refer to Exhibit 17) and Plaintiffs' fathers' *very short stay* as an inpatient at Defendant Merrimack Valley Hospital—admitted on November 18, 2016 and released on November 20, 2016), it is evident that Defendant Merrimack Valley Hospital declined to further aid and abet Defendants in prolonging Plaintiffs' father's stay as an inpatient to minimize their risk of involvement in potential litigation for unlawfully holding Plaintiffs' father in its facility for illegitimate reasons.

198. The suspect conduct by Defendants facilitating Plaintiffs' father's re-hospitalization and inexplicable **10-day stay** is further magnified where Defendants *immediately* secured admission at **Defendant Beverly Hospital**; whereas previously established in this complaint, Attorney Robert Ledoux (counsel for **Defendant Beverly Hospital**) and Attorney Richard Garmil (who has previously been private counsel for **Defendant Merrimack Valley Hospital**) have a long-embedded incestuous work-related dealings.

E. Lynchpin evidence that Plaintiffs' father's 10-day stay at Defendant Beverly Hospital was not based on any legitimate medical concern

199. As set forth in the Plaintiffs' underlying federal civil action Docket No. 15-cv-10198-ADB and as previously presented herein this complaint for urgent injunctive relief, **Defendant Beverly Hospital** was *the actual initial unlawful actor in causing* Plaintiffs' father to be unlawfully committed to **Defendant Whittier Pavilion** on **May 20, 2011**.

200. As set forth above, Defendants' afore-described emails regarding Plaintiffs' father's inpatient stay at Defendant Beverly Hospital show that Defendants continuously and repeatedly claimed that they did not know when Plaintiffs' father expected to be discharged—until Defendant Attorney Barbar's out-of-the-blue email of **November 30, 2016** stated that Plaintiff's father was expected to be discharged the very next day. (Refer to Exhibit 5).

201. However, the evident triggering event that *actually caused* Plaintiff Daughters' father to be unexpectedly and abruptly discharged from **Defendant Beverly Hospital** was Plaintiff Attorney Lisa Siegel Belanger having emailed and faxed correspondence to counsel for Defendant Beverly Hospital in the underlying matter of Docket No. 15-cv-10198-ADB (Attorney John Bruce) on **November 28, 2016** apprising Attorney Bruce of the *inexplicable lengthy admission* of her father—amongst other raised issues. (See attached correspondence Plaintiff faxed to Attorney Bruce in **Exhibit 75**).

202. Attorney John Bruce, within an hour of receiving the email from Plaintiff Attorney Lisa Siegel Belanger, replied by email stating that although he is counsel in the underlying matter of Docket No. 15-cv-10198-ADB he was not the appropriate representative to discuss this matter on behalf of Defendant Beverly Hospital. (See attached email from Attorney Bruce in **Exhibit 76**).

203. Plaintiff also sent a fax to the Defendant Beverly Hospital specifically addressed to Attorney Dos Santos (see attached copy of confirmed fax transmission in **Exhibit 77**).

204. Conspicuously, to date, Attorney Dos Santos has *not* responded to Plaintiff Attorney Lisa Siegel Belanger's faxed correspondence and there have been no communications from any other representative on behalf of Defendant Beverly Hospital.

205. As evidenced, Attorney Bruce received the above-described correspondence from Plaintiff Attorney Lisa Siegel Belanger on **November 28, 2016** causing Defendant Attorney Barbar to send an email on **November 30, 2016** informing Plaintiffs that there was now a sudden discharge date for the following day. (Refer to email in Exhibit 5).

F. Defendants have long-established modus of operandi of facilitating illegitimate and contrived hospitalizations of Plaintiffs' father

January 13, 2012 involuntary commitment at Defendant Merrimack Valley Hospital

206. As set forth in **November of 2011**, while Plaintiff Attorney Lisa Siegel Belanger was living with her father (Attorney Siegel) and first discovered that Defendants were unlawfully medicating her father (Attorney Siegel) with antipsychotics, her then counsel (Greg Hession, Esq.) raised this issue with Defendants in writing. (Refer to filed opposition in Exhibit 43 and December 12, 2011 transcript in Exhibit 44).

207. At the previously described **December 12, 2011 hearing**, Defendant guardian Cuffe made general and broad statements about his extensive efforts trying to obtain a medical certificate from a private practicing psychiatrist but each psychiatrist he called declined (Refer to Exhibit 47). (The very same type of scenario was represented by Defendant guardian Cuffe in court on **July 14, 2016**).

208. Where Plaintiff Attorney Lisa Siegel Belanger—through counsel openly exposed Defendants' unlawful means of medicating Attorney Siegel against his will and Defendant guardian Cuffe's inability to obtain a private psychiatrist to provide the medical certification needed for court ordered forced treatment with antipsychotics, Defendants' resorted to fabricating a 911 scheme to obtain such medical certificate by having Plaintiffs' father (Attorney Siegel) admitted to **Defendant Merrimack Valley Hospital** under a Section 12 which Defendants' effectuated the 911 call on January 13, 2012.

209. Demonstrating Defendants' premeditation of illicitly scheming to obtain a Roger's order is that Defendant guardian Cuffe needed to already have such medical certificate in the first instance to lawfully give Attorney Siegel antipsychotics by concealed means. Indisputably, Defendant guardian Cuffe made the following incriminating statements at the very first formal motion hearing for a Roger's Order (**January 24, 2012**) while he gave an explanation to Judge Abber of the underlying events that led to the involuntary commitment under Section 12 on January 13, 2012 of Attorney Siegel:

At some stage and I've forgotten exactly the dates when I began getting in contact with her [Dr. Cui] by telephone, telling her that we needed a Rogers affidavit, because there was an outstanding petition for authority.

I then called her at least three, if not four times and as I say, I sent her a letter, "We have to have Rogers authority to have Mr. Siegel taking Seroquel." **Attorney Kazarosian, representing Mr. Siegel, then also contacted Dr. Cui both by telephone and in writing, requesting a Rogers affidavit.**

When no responses to those requests were forthcoming, I began to search for another treating psychiatrist, as well as an independent psychiatrist to do a Rogers evaluation. The independent psychiatrist was Dr. Kastner (phonetic) - Kaster (phonetic) - I'm sorry - from Newton Center. An appointment was set up with Dr. Kaster (phonetic) twice; once, in Newton Center. Mr. Siegel, I believe, and I can't remember, Your Honor, which occasion - on one occasion, he had diarrhea and on another occasion there was a similar problem. Dr. Kaster (phonetic) has agreed to go to the Siegel residence. We could not do either one.

So within the past month, yet another psychiatrist has been located, [Dr. Portney} who practices at Whittier Hospital. **He did see Mr. Siegel last month and was to see him this Thursday, for purposes of the Rogers. In between those two appointments, he wasn't comfortable making a decision on a Rogers with just one evaluation - in between the two appointments, there was a Section 12 on [January] 13th. Then the hospital took over, if you will, seeking the immediate Rogers authority, because their psychiatrist, Dr. Hayes (phonetic), wanted to institute the antipsychotic immediately.**

(See January 24, 2012 transcript at pages 8-9—attached copy of transcript is provided in **Exhibit 78**).

210. To confirm, the nature of the incriminating statements are as follows:

- Defendant guardian Cuffe's statement that there was an outstanding petition for authority is **outright knowingly made misrepresentation**—the underlying dockets of In re Marvin H. Siegel conclusively show that no one had filed any petition for a Roger's Order;

- *even more egregious*, Defendant guardian Cuffe misrepresented to the Essex Probate & Family Court (Abber, J.) that *Plaintiff Attorney Lisa Siegel Belanger* has supposedly filed a Roger's petition and characterized it as "an outstanding" Roger's petition" (Transcript at p8). As evidenced by the emails sent to Defendants through Plaintiff's former counsel (Greg Hession, Esq.) (refer to Exhibit 45), *Plaintiff Attorney Lisa Siegel Belanger's* intention was *completely opposite of* seeking a court order to force her father to be taking antipsychotics. The pleadings filed on behalf of Plaintiff solely pertained to exposing Defendants' unlawful and abusive conduct. (See attached copy of Plaintiff's opposition provided in Exhibit 43). Irrefutably, *Plaintiff* vigorously opposed Defendants' pursuit of a Roger's Order. (See January 24, 2012 transcript in Exhibit 78 at pages 15-16, 21; see **January 30, 2012** transcript in **Exhibit 79**).
- The specific matter to be heard at the court proceeding of January 24, 2012 was as a "motion to expand the authority of the *temporary guardian*"—which was filed by Defendant Merrimack Valley Hospital, not Defendant guardian Cuffe. The fact that the Essex Probate & Family Court (Abber, J.) outright asked Defendant guardian Cuffe as to why Defendant Merrimack Valley was the filing party and not Defendant guardian Cuffe shows the suspect nature of Defendants' intentions. (January 24, 2012 transcript at page 8). Accordingly, the *very first* Roger's petition was filed by Defendant Merrimack Valley Hospital. (See filed

Roger's motions by Defendant Merrimack Valley Hospital in Exhibits 12 & 13).

- Defendant guardian Cuffe's detailed description of his painstaking efforts to retain a private practicing psychiatrist involves the time periods of **September 2016 through December of 2016**. (Compare strikingly similar representations in electronic audio recording of July 14, 2016 as Exhibit 57 with pertinent portions of December 12, 2011 Transcript in Exhibit 47).
- As stated above by Defendant guardian Cuffe, he had purportedly retained Defendant Dr. Portney *well in advance of the January 13, 2012 involuntary commitment*, with Defendant guardian Cuffe conspicuously expressing that Dr. Portney refused to provide the requisite medical certificate **because he "was not comfortable" doing so**—which conclusively means that Dr. Portney knew there was no actual need for prescribed antipsychotics *in the first instance*, and therefore the only way to obtain Defendant guardian Cuffe's desired medical certificate for a Roger's Order was to have Attorney Siegel involuntary committed under G.L. c. 123, § 12.

211. The following evidence shows that Defendants fraudulently and deceptively schemed Plaintiffs' father's involuntary commitment to Defendant Merrimack Valley Hospital on January 13, 2012:

- on December 29, 2011, Defendant Elder Services of Merrimack Valley, Inc.'s representative Caseworker Michael Springman documented:

Elder is reported to be doing well and the situation at home is relaxed. There is no reports as to elder becoming agitated with staff.

(Refer to copy of note to be manually provided as **IMPOUNDED Exhibit 80**);

- Defendant guardian Cuffe's filed invoices state that on **January 11, 2012** he made calls *to the adult behavioral unit* of Defendant Merrimack Valley Hospital, along with faxing Attorney Siegel's medical record to Defendant Merrimack Valley. (See attached copy of said portion of invoice in **Exhibit 81**)—evidencing Defendants' joint and concerted efforts in pre-orchestrating Attorney Siegel's involuntary commitment (persons directly involved include: Defendant Attorney Kazarosian, Marilyn Staff of Defendant Right At Home, Michael Novack, and Amanda Coburn LICSW of Defendant Merrimack Valley Hospital);
- The chronological notes of Elder Services of Merrimack Valley show that there were no notes between the period of January 4, 2012 through January 17, 2012 to indicate any assaultive or threatening by the staff of Defendant Right At Home via a 911 call. (Refer to impounded copy of notes to be manually provided as **Exhibit 82**);
- As established above, on **January 11, 2012**, Defendant guardian Cuffe had initiated the scheme of the involuntary commitment of Attorney Siegel on the basis of a G.L. c. 123, § 12 to be a direct admit at Defendant Merrimack Valley Hospital, which was then put into action within two (2) days, on **January 13**,

2012, by the staff of Defendant Right At Home making a false 911 report. Conspicuously, Defendant guardian Cuffe lied to the Essex Probate & Family Court stating the January 13, 2012 admission was completely unexpected. (See January 24, 2012 Transcript in Exhibit 78 at page 29);

- The 911 call by the staff of Defendant Right At Home to the Boxford Police had reported that Attorney Siegel was acting in an “[a]ssaultive and threatening manner.” (See attached copy of said police report in **Exhibit 83**). However as demonstrated by the afore-described Boxford Police Report, it overwhelmingly refutes any notion that Attorney Siegel was behaving aggressively or in a threatening manner; as the police report affirmatively evidences that Attorney Siegel was, in fact, not acting aggressively, in any manner;
- Specifically, said police report states that the *police officers observed Attorney Siegel to be calm and cooperative*;
- The police report shows that the involuntary admission of Attorney Siegel on January 13, 2012 to Defendant Merrimack Valley Hospital of the Adult Behavioral Unit was solely based on **Defendant Right At Home’s** aide hearsay claims. The police report does not contain any independent corroboration, of any kind, to support the veracity or accuracy of the aide’s story;
- *Contradicting* the claims of **Defendant Right At Home’s** aide’s, the police officer reported that when they came to the house, *the home health aide was in a very*

excited state and Attorney Siegel was not. The police officer explicitly stated in his report that it appeared that the situation had defused; that **Attorney Siegel "was oriented to person and place"** and that **Attorney Siegel "kept denying there had been a confrontation"**—the police report described police interaction with Attorney Siegel as being very cooperative, wherein he officer stated:
[Attorney Siegel] was asked to have a seat on the stretcher, in which he did under his own power. No force needed to have [Attorney Siegel] transported by Lyons Ambulance;

- Defendant guardian Cuffe billed for speaking with Amanda Coburn (licensed social worker for Defendant Merrimack Valley Hospital) in **mid-October of 2011**—*months before* Attorney Siegel's involuntary commitment to Defendant Merrimack Valley Hospital. Of import, Attorney Siegel was *not* a patient of Defendant Merrimack Valley Hospital prior to the involuntary commitment of **January 13, 2012**;
- Defendant guardian Cuffe's call to Amanda Coburn in **October of 2011** was when he was desperately trying to find a psychiatrist to provide a medical certificate to secure court ordered forced administration of antipsychotics; just like Defendants' most recent conduct of "hospital shopping" to facilitate their ill objectives.

212. Just like the afore-described **November 2016** back-to-back hospital admissions with **Defendant Merrimack Valley Hospital** and **Defendant Beverly Hospital**, there was no justifiable reason for Defendant guardian Cuffe to have contact with Defendant Merrimack Valley Hospital where Attorney Siegel was under continuous treatment with medical providers of Whittier Pavilion beginning on **May 20, 2011**. Defendant guardian Cuffe's contact with the staff of Defendant Merrimack Valley Hospital starting in October of 2011 and then two (2) days prior to the 911 call is highly suspect where:

- Attorney Siegel had continuous prior treatment with Defendant Whittier Pavilion;
- Defendant guardian Cuffe had specific motives for wanting to keep Attorney Siegel from being taken to Whittier Pavilion as he knew the discharging doctor (Dr. Buluchu) was the direct factor in Attorney Siegel having been discharged on June 16, 2011, against the intentions of counsel for Defendant Whittier Pavilion (Defendant Richard Garmil, Esq.);
- As previously set forth, Attorney Garmil is privately retained as legal counsel for Defendant Whittier Pavilion and Defendant Merrimack Valley Hospital—explaining the connection between Defendant guardian Cuffe's call to Amanda Coburn in October of 2011;
- Defendant guardian Cuffe's invoice shows that he spoke to Defendant Attorney Garmil just before speaking to Amanda Coburn of Defendant Merrimack Valley Hospital;

- on **January 15, 2012**, Michael Novack (agent for Defendant guardian Cuffe) sent an email evidently wanting to create the impression that Attorney Siegel had a violent episode at the Defendant Merrimack Valley Hospital supposedly having necessitated Attorney Siegel to be injected with antipsychotics and being restrained in a geriatric chair for an unspecified duration of time. However, in actuality, as evidenced by Michael Novack's own written statement the true "violent episode" was *Attorney Siegel trying to protect himself from being forced to ingest antipsychotics against hiw will*. As unequivocally evidenced from the January 15, 2012 email, Attorney Siegel was not the aggressor; he was entirely acting in self-defense. (See copy of said January 15, 2012 email in **Exhibit 84**).

In Michael Novack's *own words*, he described the incident as Attorney Siegel having struck a male staff person *only because of that male staff person trying to force Attorney Siegel to take antipsychotic medication against his will as the triggering event that led to his being restrained in a "geri-chair" and injected with antipsychotic medication*. (Refer to Exhibit 84).

Further bolstering the fact that Attorney Siegel was not violent and not the aggressor is the fact that Roger's counsel "for" Attorney Siegel (Attorney Myette) during the **January 24, 2012** court proceeding stated:

He took one dose [Seroquel] on **January 15th** at Merrimack Valley, offered directly by Dr. Hayes (phonetic), as opposed to the IM, to calm him down.

(Transcript at page 12, Exhibit 78).

VI. Established suspect history of Defendants' continuous and deliberate bad faith conduct in the administering of antipsychotics to Plaintiffs' father

A. Overview of payments made to non-treating doctors in procuring continuous court orders for forced administering of antipsychotics

Dr. Funk

- **October 10, 2011** - payment for **\$930** for "medical certificate";
- **December 10, 2011** - payment for **\$1,240.00** "preparation of medical certificate by Janice Funk, PH.D for court hearing"

Dr. William Land

- **January 4, 2012** - payment of **\$5,000** for "Independent medical evaluation as requested by guardian and court testimony";

Dr. Peter Cohen

- **February 2, 2012** - payment of **\$2,750** for medical evaluation and court testimony;
- **July 27, 2012** - payment of **\$5,600** for "Examination of Marvin: preparation of court documents, testimony at trial;
- **October 5, 2012** - payment of **\$1,400** for "Examination of Marvin and preparation of certificates for court:

(Refer to November 2012 filed Account in Exhibit 55).

B. Defendant's misconduct surrounding December 12, 2011 court proceeding

213. Of grave significance, at the **December 12, 2011 hearing**, Defendant guardian Cuffe had explicitly indicated that *he had not obtained* a medical certificate to obtain a Roger's Order; however, as evidenced above—but unbeknownst to Plaintiff Daughters, Defendants had actually paid for a medical certificate from Defendant Dr. Funk on **October 10, 2011** and **December 10, 2011**.

214. Through subterfuge, Defendants had actually provided to the Essex Probate & Family Court a medical certificate signed by Defendant Dr. Janice Funk and dated as December 2, 2011. Defendant guardian Cuffe covertly filed said medical certificate on the day of the **December 12, 2011 hearing**. No notice was given to Plaintiffs in any manner. (Refer to the copies of Dr. Funk's medical report date-stamped as December 12, 2011 as **IMPOUNDED Exhibit 85**).

215. Subsequently, Plaintiff Daughters found out much later about the filed medical certificate provided by Defendant Dr. Funk only due to Plaintiff Attorney Lisa Siegel Belanger having found it by mere happenstance while reviewing the court files pertaining to the matter of In re Marvin H. Siegel.

216. Substantiating that Defendant guardian Cuffe *deliberately concealed* Dr. Funk's medical certificate from Plaintiff Daughters is the fact that said medical certificate contains information that invalidated Defendants' objective, thereby providing substantial grounds from which Plaintiffs would use to challenge Defendants. Specific information adverse to Defendants' objective includes, but is not limited to:

- Plaintiffs' father (Attorney Siegel) *was not* a patient under her continuing care and treatment;
- Dr. Funk stated that the psychiatric evaluation performed by Dr. Pierre Mayer "revealed Mr. Siegel to be generally cooperative";
- Dr. Funk stated that Seroquel was a tranquilizer—Seroquel is classified as an antipsychotic by the FDA;
- Dr. Funk stated that when she first evaluated Father (May 24, 2011) "his baseline IQ as obtained on the Weshler Test of Adult Reading was 122 a score at the 93rd percentile" and then when she evaluated him the second time (June 16, 2011)—after being given antipsychotics and *less than 2 months later* showing Attorney Siegel's IQ score purportedly declined to 85; and when she evaluated him for the third time (December 2, 2011), IQ was supposedly 79;
- Dr. Funk stated: "Mr. Siegel requires cues to feed and dress himself." The notes and investigation reports of Defendant Elder Services of Merrimack Valley (ESMV) overwhelmingly shows that representation to be outright false (Refer to attached copy of said ESMV notes **IMPOUNDED Exhibit 86**);
- Dr. Funk stated: "Mr. Siegel opposes the appointment of a guardian/conservator. He has made his wishes known in previously executed documents including a health care proxy and power of attorney"—of which she was directly aware of Attorney Siegel's executing the re-affirmation of his 2003 DPOA and health care proxy re-affirming Plaintiff Daughter Lisa as his attorney-in-fact on June 16, 2011, the same day as her second evaluation;
- Dr. Funk checked the box that stated that Father had "poor social skills." The notes and investigation

reports of Defendant Elder Services of Merrimack Valley overwhelmingly shows that representation to be outright false. (Refer to copy of said ESMV notes to be manually provided as **IMPOUNDED Exhibit 87**).

217. Filed invoices by Defendant guardian Cuffe with the Essex Probate & Family Court affirmatively show that Plaintiffs' father (Attorney Siegel) was *not* actually examined by Dr. Funk on December 2, 2011 as purportedly certified. The invoices for that relevant time period do not in any manner mention Dr. Funk which is exceedingly conspicuous where he had extensively documented his contact with Defendant Dr. Funk (and the numerous other doctors) on *prior dates*. (Refer to Exhibit 53).

218. In addition, Plaintiff Attorney Lisa Siegel Belanger was still residing with her father (Attorney Siegel) up until **December 16, 2011**. There was no indication that Attorney Siegel had been taken out of the home to see Dr. Funk and there had been no indication that Dr. Funk had come to their residence.

C. Defendants' misconduct surrounding January 24, 2012 and January 30, 2012 court proceedings

219. Conspicuously, again, Defendant guardian Cuffe, at the afore-described **January 24, 2012** court proceeding, stated that he had been unable to obtain a medical certificate prior to the involuntary commitment of Plaintiffs' father (Attorney Siegel); however, irrefutably, Defendants' had in fact filed the medical certificate obtained from Defendant Dr. Funk **on December 12, 2011**. (Refer to Exhibit 85).

220. On **January 24, 2012**, this time, Defendant guardian Cuffe expressly represented that he did in fact already have a treating psychiatrist (Defendant Dr. Portney) in place for

Plaintiffs' father. (Refer to Exhibit 78, Transcript at page 9). Yet, Defendant guardian Cuffe represented to Judge Abber that Defendant Dr. Portney, *in his role as treating psychiatrist, did not feel comfortable* providing the medical certificate for such Roger's order—which explains the illicit motive underlying Defendant Merrimack Valley Hospital being the moving party for a Roger's order instead of Defendant guardian Cuffe (with such issue raised by Judge Abber).

221. Evidence of suspect conduct is the fact that at the January 24, 2012 court proceeding, Judge Abber outright stated that he considered the doctor (Dr. Kai Hayes) who **Defendant Merrimack Valley Hospital** relied on in its underlying petition as moving party to be *unsuitable*. Judge Abber explicitly stated as followa:

Okay. Well, counsel, this is a problem. Because there was a case that came down - the name escapes me right now - that requires notice of those requested findings before I can do this. I can't have a treatment plan that says "as needed," so we're going to have to continue this. Can everyone be there Monday in Lawrence at two o'clock?

(Exhibit 78, Transcript at pages 18-19).

222. Upon counsel for Defendant Merrimack Valley Hospital (Brandon Saunders, Esq.) trying to convince Judge Abber to push the matter through on January 24, 2012, Judge Abber responded as follows:

But I need a clinician's affidavit and a medical certificate regarding the Rogers - and affidavit - something. I don't have enough. I'm just telling you. So everything needs to be re-served. Now I don't want to extend this past Monday again. But when can these people expect service, so they can properly prepare for a hearing at 2:00 in Lawrence, on Monday?

(Exhibit 78, Transcript at page 23).

223. Thereby, Judge Abber continued the matter to give Defendants time to procure another doctor that would suit their objectives. Accordingly, on **January 30, 2012**, Defendants openly relied on non-treating doctors to procure said medical certificate needed for the Roger's orders; non-treating doctors whose main profession is to testify as expert witnesses, otherwise known as hired guns. The only two (2) doctors who testified on January 30, 2012 were: Dr. William Land and Dr. Peter Cohen. (Refer to January 30, 2012 transcript in Exhibit 79; see copies of Dr. Cohen's Curriculum Vitae in **Exhibit 88**).

D. Defendants' misconduct surrounding March 27, 2012 court proceeding

224. **Defendant guardian Cuffe** filed a motion to extend forced court ordered antipsychotics on **March 27, 2012** with Essex Probate & Family Court (see attached copy of said motion in **Exhibit 89**)—with the hearing being held despite Defendant Attorney Cuffe not having served proper advance notice upon Plaintiff Daughters. (See attached copy of the transcript regarding the March 27, 2012 hearing in **Exhibit 90**).

225. Again, even though Defendant guardian Cuffe still represented that Defendant Dr. Portney was Plaintiffs' father's treating psychiatrist, *Defendant guardian Cuffe did not provide any medical certificate used to extend the Roger's order.*

226. Just like Defendant guardian Cuffe did at the December 12, 2011 hearing, he deceptively made a filing of a medical certificate signed by Defendant Dr. Portney with the Clerk's Office of the Essex Probate & Family Court at the **March 27, 2012**

hearing. Again, with absolutely NO NOTICE provided to Plaintiffs.

227. Just like with the medical certificate filed on December 12, 2011, pertaining to the March 27, 2012 proceeding, again, Plaintiffs subsequently found the medical certificate signed by Dr. Portney and date stamped March 27, 2012—again, Plaintiffs discovered the March 27, 2012 filed medical certificate *upon mere happenstance* by Plaintiffs review of the underlying court files.

228. Except this time (March 27, 2012), Defendant guardian Cuffe filed it as an attachment with a Report of Monitor—again a filing of which Plaintiffs did not receive *any* notice. (Refer to copy of said medical certificate as **Impounded Exhibit 91**).

229. The following evidence shows Defendants' filing of medical certificate signed by Defendant Dr. Portney and date-stamped March 27, 2012 had been deliberately filed under subterfuge:

- as previously set forth, Judge Abber knew that Defendant guardian Cuffe had previously represented—on multiple occasions in **January of 2012**—that Defendant Dr. Portney was the treating psychiatrist for Attorney Siegel and, yet, Judge Abber *completely disregarded* Defendant guardian Cuffe's explicit statement that he did not have a medical certificate because he had a future scheduled appointment for Attorney Siegel to go see **Defendant Dr. Funk** on **April 2, 2012** (March 27, 2012 transcript at pages 18-19, Exhibit 90);
- Plaintiffs *explicitly* brought to the attention of Judge Abber that Defendant guardian Cuffe had plenty

of time to obtain a medical certificate from Attorney Siegel's treating psychiatrist **Defendant Dr. Portney** as it had been represented that Defendant Dr. Portney was the treating psychiatrist for Attorney Siegel on **February 14, 2012**;

- Unbeknownst to Plaintiff Daughters, Defendant guardian Cuffe had *in fact* received a medical certificate from **Defendant Dr. Portney** on or about, **March 21, 2012** (Exhibit 91);
- the afore-described concealed medical report of Defendant Dr. Portney shows that Father was being given **HALDOL** covertly;
- Defendant guardian Cuffe had originally filled out the medical certificate for **Defendant Dr. Portney** as the filed medical certificate shows that Defendant guardian Cuffe had faxed it to Defendant Dr. Portney on **March 20, 2012** and he sent back handwritten changes to said medical certificate;
- Defendant guardian Cuffe's invoice states that he received a new report from Defendant Dr. Portney on **March 21, 2012**, which Defendant guardian Cuffe had subsequent telephone calls with Defendant Dr. Portney (Refer to Exhibit 53);
- Defendant guardian deliberately concealed information that Defendant Dr. Portney wanted to reduce Plaintiffs' father's dosage of antipsychotics—as evidenced by Defendant Dr. Portney's handwritten changes to the medical certificate;

- Defendant Dr. Portney crossed out Defendant guardian Cuffe's typewritten statements regarding prognosis without treatment, with Defendant Dr. Portney having added the handwritten statement that by taking medication Attorney Siegel could "possibly live on his own without assistance"; and he added the handwritten statement that by taking medication, Attorney Siegel could "get the right back to make his own informed decisions with respect to health needs";
- showing deliberate fraud is the fact that Defendant guardian Cuffe made in-court representations at the March 27, 2012 court proceeding that he had no medical certificate.

230. Furthermore, Defendant guardian Cuffe filed a medical certificate by **Defendant Dr. Janice Funk** on **April 13, 2012**—which notice was not given to Plaintiff Daughters of said filing. (Refer to copy of Dr. Funk's medical certificate dated April 13, 2012 as **IMPOUNDED Exhibit 92**).

231. Of significance, **Defendant Dr. Funk** did not specify any particular medical provider with whom she spoke and no *proposed treatment plan* was provided with the medical certificate.

232. **Defendant Dr. Funk** did not see or examine Attorney Siegel on **April 2, 2012**, which is evidenced by the invoices submitted by Defendant guardian Cuffe. Defendant Dr. Funk's medical certificate, dated by her as **April 2, 2012**, is virtually identical to the medical certificate that she signed on **December 2, 2011** (refer to Exhibit 85).

233. **Defendant guardian Cuffe** specifically stated in his invoice that he, personally, provided **Defendant Dr. Funk** with Attorney Siegel's medication list—not from his medical providers.

234. **Defendant Dr. Funk** stated that she spoke with friends and family in her completing the medical certificate for **April 2, 2012**, however, Defendant Dr. Funk did not contact Plaintiff Daughters or Steven Kapsalis (whom Defendant Dr. Funk personally met on **June 16, 2011** when Attorney Siegel was discharged from **Defendant Whittier Pavilion**).

E. Misconduct suurounding July 7, 2014 Roger's hearing

235. On **July 14, 2014** in the matters of In re Marvin H. Siegel, a Roger's proceeding was heard by Judge Amy Blake. Defendant guardian Cuffe did not serve Plaintiffs' advance copies or notice of the Roger's motion filed by Defendant guardian Cuffe (through counsel, Maryann Remillard, Esq.)—which is provided is provided **Exhibit 93**).

236. The in-court electronic recording evidences that Plaintiffs were not provided copies of Defendant Dr. Portney's affidavit that was submitted for said Roger's hearing. (See electronic court audio recording of July 17, 2014 manually provided as **Exhibit 94**).

237. Of import, when Plaintiff Attorney Lisa Siegel Belanger informed Judge Blake during the July 7, 2014 Roger's hearing that Defendants had not given a copy of Defendant Dr. Portney's affidavit, Plaintiff was handed Judge Blake's copy to read then and there. At that time, Plaintiff directly

brought to Judge Blake's attention that the treatment order submitted by Defendants contained a higher dosage of antipsychotic than the actual affidavit signed by Dr. Portney. (Refer to Exhibit 94; refer to a copy of Judge Blake's Treatment Order that shows her reducing the typed-in higher antipsychotic dosage by Defendants provided as **IMPOUNDED Exhibit 95**).

238. Also, during said July 7, 2014, Plaintiff explicitly requested Judge Blake to permit her (and her sister, Devora Kaiser) to speak directly with Defendant Dr. Portney about Plaintiffs' father's medical status and treatment. (Refer to said electric audio recording as Exhibit 94).

239. Judge Blake stated in her written findings: "The Respondent has family who are involved" (Paragraph numbered 13), however, as set forth in this complaint, Defendants have *overtly and vigorously precluded* Plaintiff Daughters from having any meaningful involvement in their father's medical affairs. In fact, as established, Defendants have deliberately kept information from Plaintiff Daughters. (See attached copy of written findings in **Exhibit 96**).

240. As demonstrated, Judge Blake did not facilitate Plaintiff's explicit request to be involved in Plaintiffs' father's medical care.

VII. Evidenced pattern of Defendants' deliberate and malicious isolation of Attorney Siegel from Plaintiff Daughters, other family members and friends

241. The height of Defendants' malicious retaliation is the unnecessary and baseless restrictions that Defendants have imposed *themselves—not by court order*—upon Attorney Siegel's family and friends. (See examples, such as attached copies of

letters sent by Defendant guardian Cuffe and Defendant Attorney Kazarosian—individually and jointly: **Exhibit 97A- April 16, 2012** letter to Attorney Siegel’s sister-in-law Helen Belanger; **Exhibit 97B -February 7, 2013** letter).

242. At no time have there been any true events or circumstances to warrant any need for Defendants to impose broad-sweeping carte blanche restriction of family and friends being able to visit with Attorney Siegel.

243. Defendants have never filed any motion in the matters of In re Marvin H. Siegel requesting court orders authorizing Defendants to curtail free access for friends and family to visit and communicate with Attorney Siegel.

244. Attached in **Exhibit 98** are various emails sent by Defendants unnecessarily and without any valid basis restricting Attorney Siegel from having visitors in general. With regard to Plaintiff Devora Kaiser, Defendants have precluded her staying with her father (Attorney Siegel) *in his own home* while she returned for visits while living out-of-state; requiring her to request a 24 hour-48 hour prior authorization from Defendant guardian Cuffe to visit with her father; requiring her to give a “start time and end time” for requested visitation.

245. Attorney Siegel’s February 2003 executed estate planning instruments, Defendant Attorney Kazarosian’s filed affidavit of August 17, 2011 and the compilation of electronic court recordings overwhelmingly show that such restrictive conduct is: 1) *against* Attorney Siegel’s own unequivocally expressed desires and intentions and 2) against Attorney Siegel’s best interests.

246. Substantiation of Defendants' outlandish acts of overt and deliberate malicious isolation of Attorney Siegel from Plaintiff daughters and his friends is an attached copy of email communications in February of 2012 between Plaintiff Devora Kaiser and Defendant guardian Cuffe in **Exhibit 99**—wherein he outright boasts that he has purposefully, deliberately, and permanently stripped Attorney Siegel of access to his cellular phone.

247. In said email of **February 10, 2012** from Plaintiff Devora Kaiser to Defendant court appointed guardian Cuffe, she stated:

My dad's cell phone is missing. I came to find out because 1) I could not reach him on it and 2) I asked Marssiel [staff of Defendant Right At Home] where it was and she said that she did not know. This has a negative impact on him emotionally as it is one of the only forms of independence that he has left. Therefore, I would like to know where it is.
I would very much appreciate your getting back to me about this as soon as possible.
Thank you,
Devora

(Refer to copy of email in Exhibit 99).

248. Three (3) days later, on February 13, 2012, Defendant guardian Cuffe emailed back Plaintiff Devora Kaiser confirming that he in fact was "in possession" of Attorney Siegel's cellular phone, and without any justification, he stated:

but I am not planning to bring the cell phone back to his [Attorney Siegel's] house in the near future."

(See Exhibit 99).

VIII. Specified orders issued by the Essex Probate & Family Court are null and void, are of no effect, and are unauthorized by law

249. Plaintiff Attorney Lisa Siegel Belanger specifically seeks a declaratory judgment that temporary order dated November 8, 2011 is null and void, are of no effect, and are unauthorized by law (prohibiting "interference" of Defendant guardian Cuffe's management of Plaintiffs' father's medical appointments—see attached copy in **Exhibit 100**).

250. Plaintiff Attorney Lisa Siegel Belanger specifically seeks a declaratory judgment that temporary order dated December 12, 2011 vacate Plaintiff Attorney Lisa Siegel Belanger and her family from their permanent home is null and void, are of no effect, and are unauthorized by law (refer to Exhibit 42);

251. Plaintiff Attorney Lisa Siegel Belanger specifically seeks a declaratory judgment that temporary order dated January 31, 2012 restricting Plaintiff from any and all communications with her father (Attorney Siegel) except by "express authority" of Defendant guardian Cuffe is null and void, are of no effect, and are unauthorized by law (see attached copy of order in **Exhibit 101** and see attached copies of the relevant portions of the transcript for the June 29, 2012 proceeding, wherein Judge Abber explicitly stated that said order of January 31, 2012 was a "temporary order" in **Exhibit 102**).

252. Each of the above-specified orders are void having been: 1) procured by perpetration of fraud upon the court and 2) procured through complete lack of due process required under the Fifth and Fourteenth Amendments of the United States Constitution. Gianareles v. Zegarowski, SJC-11531 (2014);

Commissioner of Probation v. Adams, 65 Mass. App. Ct. 725
(2006).

253. With regard to each issued order, specific violations of due process under Massachusetts Declaration of Rights (Articles 10, 11 & 12) and the United States Constitution (Amendments 1, 5, & 14) include, but are not limited to:

- Plaintiff was deprived of her right to be afforded an evidentiary hearing, particularly, where she expressly requested that she be afforded an evidentiary hearing;
 - Plaintiff was outright precluded from presenting a full and meaningful opportunity to be heard in challenging said orders;
 - Plaintiff has been continuously deprived of a fair and full opportunity to present evidence in her defense;
 - Defendants did not, in any manner, present valid and adequate evidence to support said issued orders;
 - Plaintiff was precluded from challenging the veracity of representations made by Defendants;
 - the presiding judge failed to provide written findings of fact to support the issued orders, which has unconstitutionally prejudiced Plaintiff where the transcripts evidence several substantial and material issues to be highly contested with the presiding judge solely having relied on representations by counsel.
- Pederson v. Klare, 74 Mass. App. Ct. 692, 700 (2009).

254. The actual court orders of November 8, 2011 and December 12, 2011 show that there has never been an originating court order issued regarding Plaintiff Attorney Lisa Siegel Belanger being prohibited from visitation with her father, Attorney Siegel.

255. At no time did Defendant court appointed guardian Cuffe ever file a motion commensurate with a 209A type no contact order or motion for a supervised visit order. Conspicuously, *no such request* was even intimated at the December 12, 2011 temporary motion to vacate. (Refer to said transcript in Exhibit 44).

256. As demonstrated, the *temporary order* of January 31, 2012 was entirely invalid from inception. Said order only arose out of Defendant guardian Attorney Cuffe's abuse of court process. As shown by the complaint for contempt from which the order of January 31, 2012 came about (see attached copy of complaint for contempt in **Exhibit 103**), made a knowing and deliberate misrepresentation in paragraph numbered 5 of the underlying January 23, 2012 Complaint for Contempt stating that Plaintiff Attorney Lisa Siegel Belanger was ordered to have "no access" to her father (Attorney Siegel). (Refer to complaint in Exhibit 103).

257. Said order of November 8, 2011 itself irrefutably evidences that it does not state in any manner *whatsoever—or even intimate*—that Plaintiff Attorney Lisa Siegel Belanger was ordered to have "no access" to her father, Attorney Siegel. (Refer to Exhibit 100).

258. The doctrine of *res ipsa loquitor* shows that the order dated January 31, 2012 was flagrantly and blatantly premised on

an outright falsehood—which the Massachusetts appellate courts have willfully and baselessly condoned through its denial of relief sought by Plaintiffs in their original civil action pursued under M.G.L. c. 211, § 3. The November 8, 2011 Order was not a carte blanche prohibition precluding Plaintiff Attorney Lisa Siegel Belanger from being able to be physically present with her father. Plainly, the context of “permission” purely was intended to only relate to Respondent involved in specific convening medical appointments specific to discussing treatment.

259. As demonstrated, when Plaintiff Attorney Lisa Siegel Belanger went to visit her father (Attorney Siegel) at Defendant Merrimack Valley Hospital on January 13, 2012, there was no court order from which Defendant Merrimack Valley Hospital had any legal authority to restrict Plaintiff Attorney Lisa Siegel Belanger from merely visiting with her father.

260. The underlying circumstances surrounding the November 8, 2011 Court Order show that Defendant court appointed guardian Cuffe’s afore-described misrepresentation was deliberately and maliciously made where it is indisputable at the time of the issuance of said November 8, 2011 order, he knew that Plaintiff Attorney Lisa Siegel Belanger and her family were de facto residing with her father at the time. (Refer to attached copy of the December 12, 2011 transcript in Exhibit 44).

261. Crucially, it is irrefutable that Plaintiff Attorney Lisa Siegel Belanger *resided* with her father (Attorney Siegel) at the time of the issued November 8, 2011 Order, therefore, it defies all logic to imply that “permission” from the guardian had to be given when Plaintiff was in her father’s presence *at all times*.

262. Furthermore, Defendants did not file any motions to extend the above-described orders or to make them permanent. As a matter of law, a new and distinct hearing must be held for temporary orders to be extended or if permanency is sought. M.G.L. c. 209A, § 3; Commonwealth v. Rauseo, III, 50 Mass. App. Ct. 699 (2000). Protective orders shall not exceed 1 year. M.G.L. c. 209A, § 3(h).

263. No hearing was ever held to extend the maximum 1-year time duration of the above-specified orders. Therefore, on separate and independent grounds, each of the orders are terminated as a matter of operation of law.

264. Defendants have continuously manifested acts and threatened deprivation of Plaintiff's substantial rights under the First and Fourteenth Amendments of the United States Constitution based on orders that are null and void; therefore, there is an actual controversy within the jurisdiction of this Court. (Refer to the February of 2013 letter sent by Defendants Attorney Kazarosian and guardian Cuffe in Exhibit 97, other emails sent by Attorney Defendant Kazarosian including most recently sent before the holidays (Hannukah) in **Exhibit 104** and recent email sent by Defendant Attorney Barbar (refer to Exhibit 68A) and Defendant guardian's email of April 2012 provided in **Exhibit 105**).

265. Attached are affidavits submitted by Plaintiff Attorney Lisa Siegel Belanger and Plaintiff Devora Kaiser in certification of their assertions set forth in this complaint for injunctive and declaratory relief.

PRAYER

Plaintiffs respectfully pray that this Court:

1. Issue an emergency and temporary restraining order prohibiting the enumerated parties and their agents/ representatives from restricting in any manner Plaintiff Daughters from physically being with their father (Attorney Siegel): **Defendants Attorney Marsha Kazarosian and her law firm, guardian Brian Cuffe, Attorney Thomas Barbar and his law firm, and the agents and representatives of Right At Home;**

2. Issue an emergency and temporary restraining order prohibiting the enumerated parties and their agents/ representatives from restricting communications between Plaintiffs and their father, Attorney Siegel: **Defendants Attorney Marsha Kazarosian and her law firm, guardian Brian Cuffe, Attorney Thomas Barbar and his law firm, and the agents and representatives of Right At Home;**

3. Set a hearing on a preliminary injunction at the earliest opportunity and, during the pendency of this action compelling:

- a. the following enumerated medical providers to individually provide any and all medical documentation and information regarding Attorney Siegel (Plaintiffs' father) directly to Plaintiffs, consisting of, but not limited to, their father's medical condition, medical and nonmedical treatment, any and all services rendered, medications, testing: **Defendant Beverly Hospital; Defendant Merrimack Valley Hospital; Defendant Holy Family Hospital; Defendant Whittier Pavilion; Dr. Robert**

Portney; Dr. Spencer Amesbury; Dr. Ping Cui; and Dr. Janice Funk;

- b. **Defendant Kenney Enterprises LLC d/b/a Right At Home** to directly provide to Plaintiffs any and all information pertaining to the services rendered to Attorney Siegel, including but not limited to personal care, medications, medical care provided by representatives and agents acting on behalf of Right At Home (such as Brenda Wojick, RN), treatments provided to Attorney Siegel by third-parties (such as physical therapists, occupational therapists, all communications with Defendant court appointed guardian Cuffe and his agents/representatives such as former care managers (Micheal Novack) and new care managers (Ms. Glick)/Aviv);
- c. **Defendants Attorney Marsha Kazarosian, guardian Brian Cuffe, Attorney Thomas Barbar, and the agents/representatives of Right At Home** to permit Plaintiff Daughters full access to have medical providers and/or specialists that they obtain to examine and evaluate their father (Attorney Siegel);
- d. **Defendant Attorney Thomas Barbar** facilitate payment of the medical providers obtained by Plaintiff Daughters to examine and evaluate their father's physical and mental conditions by the private estate of In re Marvin H. Siegel;

4. Advance this case on the docket, order a speedy hearing on the merits at the earliest practicable date.

5. Following a hearing on the merits, enter a preliminary injunction:

- a. enjoining Defendants from in any manner restricting Plaintiff Daughters from spending physical time with their father (Attorney Siegel);
- b. enjoining Defendants from in any manner restricting Plaintiff Daughters' communications with their father;
- c. enjoining Defendants from in any manner restricting Plaintiff Daughters from communicating with any and all of their father's medical providers;
- d. enjoining Defendants from in any manner restricting Plaintiff Daughters from communicating with any and all third-parties providing any service to their father;
- e. enjoining specified Defendants from taking any action in reliance on orders of the Essex Probate & Family Court dated November 8, 2011; December 12, 2011; and January 31, 2012.

6. Make a declaration that the orders of the Essex Probate & Family Court dated November 8, 2011; December 12, 2011; and January 31, 2012 are null and void, are of no effect, and are unauthorized by law;

7. Make a declaration that the specified actions of **Defendants Attorney Marsha Kazarosian, guardian Brian Cuffe, Attorney Thomas Barbar** constitute misconduct;

8. As set forth, an injunction is necessary to prevent further irreparable harm to Plaintiffs, for which

Plaintiffs have no other adequate remedy at law. In support thereof, Plaintiffs incorporate by reference the above allegations as if fully alleged here.

Respectfully submitted

On behalf of Plaintiff Daughters,

/s/ Lisa Siegel Belanger, Esq.

Lisa Siegel Belanger

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