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SUPERIOR COURT OF CALIFORNIA  
COUNTY OF HUMBOLDT  
HONORABLE TIMOTHY A. CANNING, JUDGE  
NO(S) . **PR2100161/PR2100162**

o0o

IN THE MATTERS OF:

**BARBARA KELLER** and **RONALD KELLER**,  
Conservatees,

\_\_\_\_\_ /

This was the ironically named 'evidentiary hearing'

I was told that I had to appear in person for this type  
of a hearing but attorney Hamer isn't required to  
follow the same rules and appeared by Zoom.

R E P O R T E R ' S  
T R A N S C R I P T  
O F  
P R O C E E D I N G S

\* \* \*

**THURSDAY, SEPTEMBER 30, 2021**

\* \* \*

LORI A. ROCK, CSR NO. 12040

—Lori A. Rock ~ CSR# 12040—

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A P P E A R A N C E S

For the Petitioner:

**Sharon Wolff**  
In Pro Per  
3 Painter Street  
Rio Dell, California 95562

For the Objectors:

Stokes, Hamer, Kirk & Eads LLP  
Attorneys at Law  
381 Bayside Road, Ste. A  
Arcata, California 95521  
By: **CHRIS HAMER, ESQ.**  
(Via Video Conference)

For Nonparty Adult Protective Services:

Jefferson Billingsley  
Humboldt County Counsel  
825 Fifth Street  
Eureka, California 95501  
By: **ALEX GROTEWOHL**  
Deputy County Counsel

Also Present:

Steve Wolff, Husband of Petitioner

Video Conference Appearance:

Ronald Keller, Conservatee  
Barbara Keller, Conservatee  
Royce Mendonca, Objector  
Diana Mendonca, Objector  
Alma Barba, Social Worker/Adult Protective Services  
Nancy Zinos, Sister  
Marty Jenkins, Family Member  
Marylynn Lewiston, Granddaughter  
Michael Wolff, Grandson  
Rick Bareuther, Brother  
Ron Jenkins, Family Member  
Shauna Wolff, Granddaughter  
Tim Jenkins, Son

All of Mom's family members were present to support Mom and verify their written objections that had been submitted however attorney Hamer objected to because they said the family had "no personal knowledge" of the facts they swore to.

///

Lori A. Rock ~ CSR# 12040

1                   **Thursday, September 30, 2021 ~ 2:32 p.m.**

2                                   oOo

3                   THE COURT: Good afternoon, everyone. This is Judge  
4 Timothy Canning. I'm sitting in courtroom four this  
5 afternoon. We're here on two cases: In Re: Barbara Keller,  
6 K-E-L-L-E-R -- that's PR2100162 -- and In Re: Ronald Keller,  
7 K-E-L-L-E-R, PR2100161.

8                   So, with that, I see we have Ms. Wolff is present.  
9 She is one of the petitioners. And we have Ms. Hamer present  
10 on behalf of the objector as well as the cross petition by  
11 Mr. -- I believe I saw him present. I don't see his name.

12                   MS. HAMER: Mendonca is on the screen, your Honor.  
13 Royce Mendonca is appearing, Diana Mendonca is appearing and  
14 we also have both Barbara and Ronald Keller, who are appearing  
15 all by Zoom.

16                   THE COURT: All right. Thank you. Are they all  
17 four of them under the name Mendonca?

18                   MS. HAMER: I believe so. We were just over in  
19 courtroom six and I'm hoping that -- I thought that they had  
20 two computers that they were using. I'm not sure all of them  
21 are here. Royce seems to have his -- his microphone on mute.

22                   MR. MENDONCA: I'm present.

23                   MS. HAMER: All right. Who else is with you, Royce?

24                   MR. MENDONCA: All of us: Diana and both Barbara  
25 and Ronald.

26                   MS. HAMER: Could you show them with the computer?

27                   MR. MENDONCA: Yeah, just one moment.

28                   MS. HAMER: There they are. I see them. I see that

—Lori A. Rock ~ CSR# 12040—

1 Ronald and Barbara are right there. Diana is there.

2 THE COURT: Ms. Hamer, if you would please, just a  
3 reminder, please don't talk over each other. If you ask a  
4 question, be sure to let Mr. Mendonca answer the question  
5 before you start talking.

6 MS. HAMER: We have everyone present, your Honor.

7 THE COURT: Thank you.

8 So, Ms. Wolff, do you have everyone present who you  
9 were expecting to be present today?

10 MS. SHAUNA WOLFF: Hi. I am Shauna Wolff. I am  
11 presenting on behalf of Sharon Wolff, the conservator and  
12 petitioner.

13 THE COURT: And do you have -- is Sharon Wolff  
14 present?

15 MS. SHAUNA WOLFF: Sharon, I believe, is there in  
16 person. She is out waiting to be admitted.

17 THE COURT: All right. Thank you. So, we'll have  
18 the bailiff go out into the hallway and see who is out there.

19 MS. SHAUNA WOLFF: Perfect. Yes. I know she's been  
20 waiting there. I've been conversing with her waiting for this  
21 to start.

22 MR. GROTEWOHL: And, your Honor, this is Alex  
23 Grotewohl, Deputy County Counsel, appearing for nonparty Adult  
24 Protective Services.

25 THE COURT: Good afternoon.

26 So, we have Sharon Wolff present in the courtroom  
27 today.

28 MS. WOLFF: Yes.

—Lori A. Rock ~ CSR# 12040—

1 THE COURT: Good afternoon.

2 MS. WOLFF: Good afternoon.

3 THE COURT: Ms. Wolff, who do you have with you?

4 MS. WOLFF: This is my husband, Steve Wolff.

5 THE COURT: Good afternoon. Thank you.

6 I also notice we have Ms. Barba present. I believe  
7 she was the investigator on this matter.

8 MS. WOLFF: Yes, from Adult Protective Services.

9 MS. BARBA: Hi. My name is Alma Barba. I'm a  
10 social worker with Adult Protective Services.

11 THE COURT: Good afternoon, ma'am.

12 All right. Thank you. And, so, at this point we're  
13 here on a hearing on a petition and cross petition in each  
14 matter. I received a number of filings over the past two  
15 weeks, including the filings that were made today. I have had  
16 the opportunity to review all of those filings.

17 And, so, with that, first, let me hear from  
18 Ms. Wolff. Are you prepared to go forward with the hearing  
19 today?

20 MS. WOLFF: Yes, I am.

The filings received that  
day had purposely not been  
served to me before this  
hearing

21 THE COURT: Thank you.

22 Ms. Hamer, are you prepared to go forward with the  
23 hearing today?

24 MS. HAMER: Yes, I am, your Honor.

25 THE COURT: All right. Thank you.

26 With that, Mr. Grotewohl, do you have anything that  
27 you would like to present to the Court on behalf of the  
28 County?

—Lori A. Rock ~ CSR# 12040—

1 MR. GROTEWOHL: I was muted. I don't. I am simply  
 2 here to -- on behalf of Ms. Barba who is subpoenaed to  
 3 testify. I just would like to remind the Court that any  
 4 information pertaining to Adult Protective Services would be  
 5 confidential and that all non -- nonessential parties,  
 6 including any witnesses who aren't currently testifying,  
 7 should be excluded if there is such information being  
 8 presented.

9 THE COURT: All right. Thank you, Mr. Grotewohl. I  
 10 appreciate that reminder.

11 So, with that, we'll proceed forward to the hearing  
 12 itself on these petitions. First, I believe we have a number  
 13 of witnesses who are participating by way of Zoom. Those  
 14 witnesses at this point will be excluded while other witnesses  
 15 are testifying. So, what I propose to do, I'll put the  
 16 witnesses into the court's waiting room and then we can  
 17 proceed forward from there.

18 So, the first person I see is Nancy Zinos. Is she a  
 19 witness? hearing. They never got the opportunity  
 20 to witness any part of this hearing.

21 MS. WOLFF: She is Barbara's sister and she is here  
 22 as a supporter and can also attest to her letter of support if  
 23 there's any question on the validity of that letter of  
 24 support.

25 THE COURT: All right. Thank you. So, I will place  
 26 her in our waiting room.

27 Then we have Marty Jenkins.

28 MS. WOLFF: Marty Jenkins is a family member. He is  
 not a witness.

—Lori A. Rock ~ CSR# 12040—

1 THE COURT: Thank you. So, we'll leave Mr. Jenkins  
2 in for now.

3 Marylynn Lewiston.

4 MS. WOLFF: That's granddaughter to Barbara and Ron.  
5 She is here and she can attest to her letter of opposition  
6 that she has submitted if there's any questions of validity.

7 THE COURT: Thank you. I will place Ms. Marylynn  
8 Lewiston into the waiting room, as well.

9 We have Mr. Mendonca. He's a party.

10 Michael Wolff.

11 MS. WOLFF: Grandson to the Kellers. Same thing.  
12 He can attest to his objection.

13 THE COURT: All right. Thank you. So, I will put  
14 Michael Wolff into the waiting room.

15 Rick Bareuther.

16 MS. WOLFF: He is the brother of Barbara and same  
17 thing. He can attest to his opposition letter.

18 THE COURT: Thank you. So, I will place him into  
19 our waiting room.

20 Ron Jenkins.

21 MS. WOLFF: Family member, not a witness.

22 THE COURT: All right. I will let Mr. Jenkins  
23 remain.

24 Someone by the name of Royce.

25 MS. WOLFF: That's Mr. Mendonca, I believe.

26 MS. HAMER: Yes.

27 THE COURT: All right. Thank you.

28 We have Shauna Wolff.

—Lori A. Rock ~ CSR# 12040—

1 MS. WOLFF: Granddaughter to Ron and Barbara. Also  
2 can attest to her opposition.

3 THE COURT: Thank you. I'll place her into our  
4 waiting room.

5 Then a Tim Jenkins.

6 MS. WOLFF: Brother, my brother, son of Barbara and  
7 stepson of Ron. Also to attest to his witness information.  
8 He has more than just the objection.

9 THE COURT: All right. Thank you.

10 And, so, I believe that takes care of all the  
11 potential witnesses with the exception of Ms. Barba. We'll  
12 leave her in for the moment.

and with this  
statement,  
Judge Canning  
shut down all  
discussion of  
the fraudulent  
documents, the  
legally  
deficient and  
altered  
judicial  
council forms  
or any other  
point made by  
myself. The  
entire reason  
we were having  
an  
'evidentiary  
hearing' in  
the first  
place or so I  
thought.

13 So, I do want to advise both Ms. Hamer as well as  
14 Ms. Wolff that I have reviewed everything that's been filed in  
15 this matter and, so, for today's purposes, I'm not needing to  
16 hear a restatement of what's already been submitted as I had  
17 read both the points and authorities as well as the various  
18 declarations and other statements that were submitted in this  
19 matter. So, what I propose to do, we'll start with Ms. Wolff  
20 and if you would like to present anything that hasn't been  
21 presented so far, you certainly would be welcome to do so.

22 Once Ms. Wolff is done, Ms. Hamer, I will give you that same  
23 opportunity to present any evidence or other argument that you  
24 feel should be presented that hasn't already been presented.

25 So, with that, Ms. Wolff, if you would like to  
26 begin.

27 MS. WOLFF: Yes. Thank you.

28 Your Honor, we're here today to try, once again, to  
I started to read my prepared opening statment...

—Lori A. Rock ~ CSR# 12040—



1 establish a conservatorship for my mom, Barbara, and my  
2 step-dad Ron Keller.

3 Mom suffers from Alzheimer's, which runs in the  
4 family -- (*reporter interrupts*) -- and we have seen it  
5 developing over the years, although the rapid decline over the  
6 course of the pandemic and particularly the last few months  
7 has been stark. What we didn't anticipate was that Ron would  
8 also lose his mental capacity at the same time and be unable  
9 to provide assistance to mom.

10 The documentation provided by Dr. Levine from the  
11 cognitive assessment that Adult Protective Services social  
12 worker Alma Barba ensured was completed provides a very clear  
13 picture of the cognitive decline, paranoia and the delusions  
14 that Ron is suffering from. I have subpoenaed Ms. Barba so  
15 that she can provide any needed testimony about her work with  
16 the Kellers and the attempts to provide supportive services in  
17 the home and what it took to get that cognitive assessment  
18 done, among other things.

19 Ron's sister Diana and his nephew Royce Mendonca,  
20 with the assistance of their attorney, oppose my petition for  
21 a conservatorship based on their support of Ron's delusions,  
22 which have been presented to this Court as if they were true.  
23 They have never even attempted to try to lay any foundation  
24 for their opposition and the ridiculous allegations they  
25 repeatedly made against me and my family. The fact remains  
26 that on April 19th, 2021, I was the good kid helping her folks  
27 and they expressed appreciation for my assistance. The next  
28 day, Ron's paranoia had fully enveloped me into his delusions

—Lori A. Rock ~ CSR# 12040—

1 and I was now the identified antagonist.

2 I provided a stack of documentation in my initial  
3 petition for conservatorship that was filed at the end of  
4 June. I included all of that documentation in the hope that  
5 this Court would have all of the information needed to make a  
6 speedy determination that the Kellers clearly needed help. I  
7 included the documentation to clearly establish the Keller's  
8 longtime intent and behavior regarding my assistance as well  
9 as that of my brother, Tim Jenkins. We have both been chosen  
10 by mom and Ron to carry out their wishes and their wills and  
11 in their living trust.

12 In order to prove, yet again, that the family has  
13 been a typical close family that enjoys spending time together  
14 and doing usual family stuff up until the time of Ron's mental  
15 health crisis, I brought a few photos from the decades of  
16 pictures and videos that we have all taken.

17 This is my mom. This is Barbara Keller at her house  
18 in Fortuna when we introduced her to a new grand puppy.

19 THE COURT: Thank you. Ma'am, if you want to  
20 utilize those documents, were those provided to Ms. Hamer?

21 MS. WOLFF: They were not.

22 THE COURT: Okay. Then I'm not going to consider  
23 those.

24 MS. WOLFF: You do not need to consider them. May I  
25 show them or take them away?

26 THE COURT: Take them away, please.

27 MS. HAMER: Your Honor, might I comment? The Court  
28 had admonished us not to present information that was already

1 in the Court's file.

2 MS. WOLFF: This is not in the Court's file.

3 THE COURT: That is correct; but if that wasn't  
4 provided to Ms. Hamer, then I'm not going to consider it.

5 MS. WOLFF: Okay.

6 MS. HAMER: I'm sorry. I wasn't going to the  
7 photographs. I was going to what -- what Ms. Sharon Wolff has  
8 said to the Court thus far. Everything that she said is  
9 something that she has already filed.

10 THE COURT: Wait a minute. Wait a minute. Just one  
11 at a time, please, Ms. Wolff.

12 Ms. Hamer, do you have anything else you wanted to  
13 add?

14 MS. HAMER: No. She's going over what she's already  
15 filed is just what I'm saying.

16 THE COURT: Thank you, Ms. Hamer.

17 Ms. Wolff, I'll let you go for a few more minutes  
18 but then all of this material has been reviewed by the Court.

19 MS. WOLFF: I am really happy to hear that because  
20 it is a stack of information. That's great. You've read  
21 through a lot of paper. I appreciate that very, very much.

22 The opposition to my petition came about after  
23 Attorney Hamer contacted me for the one and only time that she  
24 has acknowledged my existence. Hamer stated the Mendoncas  
25 wouldn't oppose my petition --

26 MS. HAMER: Objection. This calls for settlement  
27 communication and it is not admissible for any purposes under  
28 the Evidence Code.

1 MS. WOLFF: Your petitions --

2 THE COURT: Ma'am -- ma'am --

3 MS. HAMER: I would ask the Court to admonish her  
4 not to testify as to settlement communication.

5 THE COURT: Thank you, Ms. Hamer.

6 Ma'am, you need to wait until it is your turn to  
7 talk. I am going to sustain that objection. Ms. Wolff, if  
8 you would proceed forward --

9 MS. WOLFF: That's fine.

10 THE COURT: Ma'am, you have to wait until I'm done.

11 MS. WOLFF: That's fine.

12 THE COURT: You can proceed forward with any  
13 information that you think I should know that wasn't included  
14 in your paperwork.

Again, not allowed to talk about the  
evidence before the court which  
prompted this hearing in the first  
place.

15 MS. WOLFF: Okay.  
16 The information you may have just recently received,  
17 the very recent one you said was filed today, I just want to  
18 make sure that gets into the record because now the claim is  
19 that the Kellers voluntarily placed themselves into a locked  
20 memory care unit which goes against everything in the court  
21 investigation report and in the earlier petitions.

22 I do need to correct some information that was  
23 included at the bottom of my points and authorities timeline.  
24 At the time it was written, the water and the sewer service to  
25 the Kellers' home in Fortuna had been shut off due to  
26 nonpayment. The PGE bill was also past due but due to the  
27 pandemic, they aren't shutting off residential services  
28 currently. On September 17th, someone in Citrus Heights paid

—Lori A. Rock ~ CSR# 12040—

1 the utilities in order to restore the services. I don't know  
2 whose credit card was used since the Kellers had been in a  
3 locked facility since August 26th. I have a copy of the  
4 invoice and the receipt for the payment for the City of  
5 Fortuna. I confirmed the PG & E bill was paid on the 17th due  
6 to the automated phone system for that amount.

7 I believe everything else is in the record and I  
8 really look forward to going over the detailed documentation  
9 that has been provided. I still thought the evidentiary hearing was  
to actually go over evidence...

10 THE COURT: Thank you, Ms. Wolff. Before I turn it  
11 over to Ms. Hamer, I just wanted to inquire, are you planning  
12 on calling Ms. Barba as a witness?

13 MS. WOLFF: Yes.

14 THE COURT: What do you expect her to testify to?

15 MS. WOLFF: What I would like her to testify to,  
16 because there appears to be a question throughout all of this  
17 stack of paper, on Ron's mental decline, the delusions and the  
18 paranoia and the cognitive assessment that was done. There's  
19 nothing in any of the records by the Mendoncas' that they  
20 actually acknowledge that Ron Keller is having a mental  
21 crisis. They admit to Alzheimer's, but there is the cognitive  
22 assessment which is very stark and it also recommends further  
23 treatment and follow-up for some severe concerns, which also  
24 has not happened.

25 THE COURT: Ms. Wolff, was that included with  
26 Ms. Barba's investigation report?

27 MS. WOLFF: Yes, it was. She is the one that  
28 ensured that it get done.

—Lori A. Rock ~ CSR# 12040—

1 THE COURT: Okay. Thank you.

2 Ms. Hamer, before you get started on yours, I just  
3 wanted to inquire as to you as to whether you had questions  
4 for Ms. Barba other than the information contained in her  
5 reports?

6 MS. HAMER: Yes, I did, to do with her  
7 communications with Royce Mendonca over the telephone. But I  
8 would object to Ms. Barba being called as an expert as to  
9 Ron's mental health.

10 THE COURT: Thank you.

11 So, with that, Ms. Barba, if you don't mind holding  
12 on for a bit longer and we'll proceed forward.

13 Ms. Hamer, if you would like to present your opening  
14 statement at this point.

15 MS. HAMER: Yes, your Honor.

16 The reason that Royce Mendonca has filed his  
17 petitions for conservatorship of Barbara and Ronald Keller is  
18 because he truly cares about them. He truly wants them to  
19 have what they want and what they wanted was to be close to  
20 him and to his mother, Diana Mendonca, who is Ronald Keller's  
21 sister. They are very close. They talk all the time. They  
22 know each other well.

23 The situation that started this was that the Kellers  
24 were trying as hard as they could to get, by themselves, to  
25 Royce and Diana Mendonca's houses in the Sacramento area.  
26 They took buses. They stranded themselves out in the middle  
27 of nowhere. They got a home -- a ride back with a stranger.  
28 They were in very bad shape and, at that point, at Ms. Barba,

—Lori A. Rock ~ CSR# 12040—

1 who had been their social worker, was very concerned about  
2 them. She knew that they wanted to get where Royce Mendonca  
3 and Diana Mendonca were, a place where the Kellers had lived  
4 for a number of years, a place that they liked. So, she  
5 called Royce Mendonca and asked him to please come and get  
6 them, that that's what they wanted, that they needed to be  
7 taken care of and they were in very bad condition.

8 MS. WOLFF: Your Honor --

9 THE COURT: One moment.

10 Are you objecting to something?

11 MS. WOLFF: Yes. Ms. Barba would be able to testify  
12 to what she told Mr. Mendonca herself. We can question her on  
13 that matter rather than her paraphrasing it.

14 THE COURT: Thank you. That objection is overruled.

15 Ms. Hamer, if you would like to proceed.

16 MS. HAMER: Thank you.

17 The Kellers, then, stayed with Royce Keller's (sic)  
18 mother, Diana Mendonca, for more than a month and they are  
19 very close. They were very happy. It was too much for Diana  
20 Mendonca, who's 82 years old.

21 It was discussed with them and they agreed to go to  
22 The Pines, A Merrill Gardens Community where their needs were  
23 assessed and they were placed in the memory care unit, not  
24 another unit, which is what the -- we had thought that they  
25 would be going into a normal unit; but after their needs were  
26 assessed and the capacity declarations, I believe, were  
27 examined, they were put into memory care. And Royce Mendonca  
28 advanced money for their original intake and he is -- he is

1 ready to start handling their finances. They're very happy  
 2 where they are. The people at Merrill Gardens have told the  
 3 court investigator that the Kellers are both doing well.  
 4 They're very happy. They're very close to Royce and Diana who  
 5 visit them all of the time and it is a very, very good  
 6 situation. The nomination documents are the evidence of elder  
 financial fraud that I would like the court to look at

7 They have both -- they have both signed nominations  
 8 of Royce Mendonca as their conservator. They both want Royce  
 9 Mendonca to be their conservator. They both do not want  
 10 Sharon Wolff to be their conservator. Under -- under Probate  
 11 Code section --

12 MS. WOLFF: This is also in the papers.

13 THE COURT: Thank you. Ms. Wolff, I'll let  
 14 Ms. Hamer go forward as long as we don't spend too much time  
 15 on material already included in the moving papers.

16 Ms. Hamer, please continue.

17 MS. HAMER: Yes. I'm almost done, your Honor.

18 Under Probate Code section 1810, the only capacity  
 19 which the Kellers need to have to appoint Royce Mendonca to  
 20 nominate him as their conservator is the capacity to make an  
 21 intelligent -- to have an intelligent preference. They had  
 22 the capacity to make an intelligence preference. Their  
 23 intelligent preference is they want Royce Mendonca. They do  
 24 not want Sharon Wolff. And Probate Code section 1810 says the  
 25 Court shall appoint the person that they nominate.

26 In -- I note that in the investigator reports, the  
 27 investigator said that both of them have the ability to vote.

28 If they have the ability to vote, they certainly have the  
The court investigator recommended approving Sharon Wolff's petition -  
 but that tidbit is conveniently overlooked by Hamer and the Court

Lori A. Rock ~ CSR# 12040



1 ability to form an intelligent preference. Also in the  
 2 investigator reports, they both were saying that they would  
 3 rather die than have Sharon be the one that looks over their  
 4 money and that is in the papers. They have made an  
 5 intelligent -- they have an intelligent preference.

6 I would also point out one other thing. The only  
 7 person who has ever said that Ronald Keller had paranoia was  
 8 Sharon Wolff. It is not in any of the capacity declarations.  
 9 She has just told everybody, including the Court, that he's  
 10 paranoid and suffers from delusions. That is not anywhere in  
 11 the capacity declarations or in any document in the court  
 12 file. She told Alma this and she told the Court this and it's

13 only Sharon Wolff's own personal diagnosis. There is no one  
 14 else but Sharon Wolff that says this. *Hamer was in possession of  
 Ron's cognitive assessment  
 which I provided*

15 So, we would ask that the Court leave things as they  
 16 are with the Kellers where they are. They're happy in the  
 17 status quo. Everything is going fine. Appoint Royce Mendonca  
 18 as their conservator and deny the petition of Sharon  
 19 Mendonca (*sic*) and let us proceed. This would be as temporary  
 20 as well as permanent conservator, both of them, their persons  
 21 and estates.

22 THE COURT: All right. Thank you, Ms. Hamer.

23 At this time I would like to hear from Alma Barba,  
 24 B-A-R-B-A. And at this point, Mr. Grotewohl, do you request  
 25 that everyone else be placed into the waiting room or -- these  
 26 are nontestifying folks who are still remaining.

27 MR. GROTEWOHL: I would request that everyone who is  
 28 not necessary for the Court to hear at this moment be excluded

—Lori A. Rock ~ CSR# 12040—

1 from the courtroom to protect the confidentiality of  
2 information.

3 THE COURT: All right. Thank you. I believe all of  
4 those folks have been excluded. Mr. Jenkins I will place into  
5 the waiting room, as well.

6 So, with that, we have left Mr. Grotewohl,  
7 Ms. Hamer, Ms. Barba, Mr. Mendonca, Mr. Royce as well as Court  
8 staff and then we have Ms. Wolff present in the courtroom.  
9 And, Mr. Wolff, I'm going to ask that you step out for a few  
10 moments while we hear the testimony from Ms. Barba.

11 MR. WOLFF: Certainly. Thank you, your Honor.

12 THE COURT: Thank you, sir. Mr. Bailiff will get  
13 you when we're ready to proceed.

14 *(Mr. Wolff exits the courtroom.)*

15 THE COURT: So, we're back on the record. We're  
16 going to designate this part of the record as being  
17 confidential. We'll call Ms. Alma Barba as a witness.

18 *(Further proceedings reported and ordered*  
19 *confidential and sealed by the Court.)*

20 THE COURT: With that, that ends the confidential  
21 portion of this proceeding.

22 Mr. Bailiff, if you would let Mr. Wolff know that he  
23 can return.

24 MS. HAMER: Well, your Honor, I would object to  
25 having other witnesses present while other witnesses are  
26 testifying.

27 THE COURT: My understanding is that Mr. Wolff will  
28 not be testifying.

—Lori A. Rock ~ CSR# 12040—

1 MS. WOLFF: Not unless Ms. Hamer calls him.

2 MS. HAMER: This is Michael Wolff? No, I'm not  
3 calling him.

4 MS. WOLFF: No. Steven Wolff, my husband, the  
5 disabled husband.

6 MS. HAMER: I'm not calling your husband.

7 THE COURT: Then we can have Mr. Wolff come back in,  
8 please.

9 MR. GROTEWOHL: Before we do, I would just -- I  
10 would ask that the Court instruct Ms. Wolff and all other  
11 parties not to repeat any confidential information or any part  
12 of Ms. Barba's testimony during the nonconfidential portion of  
13 the proceedings.

14 THE COURT: Thank you. The Court will overrule that  
15 -- or deny that request and we'll proceed forward.

16 So, Ms. Wolff, at this time do you have other  
17 witnesses who would you like to call but who -- not folks who  
18 have submitted declarations. I don't want to go through  
19 repeating things that we've already heard or that have already  
20 been provided to Ms. Hamer and so --

21 MS. WOLFF: No, your Honor. The family members have  
22 all provided their opposition documents. The court  
23 investigation reports are in. They support my petitions. All  
24 the documentation has been filed. Everything that proves the  
25 intent and behavior of the Kellers for years up until this has  
26 been supplied.

27 I would like to have a chance to go over some of the  
28 illegally deficient documentation that has been provided in

—Lori A. Rock ~ CSR# 12040—

Shut down  
again -  
the court  
has no  
interest  
in  
fraudulent  
documents  
submitted  
under  
penalty of  
perjury

1 this case, but I don't have any other witnesses other than, as  
2 I said, family members who can attest to the accuracy of their  
3 opposition in case there's any questions.

4 THE COURT: All right. Thank you. So, we won't  
5 need to hear from those folks.

6 Ms. Hamer, what is the -- what is your position on  
7 calling witnesses or what is your intention?

8 MS. HAMER: Well, my position on all of the people  
9 who Sharon Wolff had -- had names on objections -- I won't say  
10 names on because most of them didn't sign their objections.  
11 All of those statements are not on personal knowledge. None  
12 of them are verified. None of them can be considered and they  
13 certainly can't be considered -- they're not even signed and  
14 they are not verified and they are not on personal knowledge.  
15 So, I would object to those.

16 The only witnesses that I would want to call is I  
17 would want Royce to speak. Of course, he would be going over  
18 the same things that are in the declaration and in his  
19 declarations. If the Court does not wish to hear him, does  
20 not wish to have him repeat, I would understand. We also have  
21 the Kellers who are present and they're willing to tell the  
22 Court that they do want Royce to be their conservator. They  
23 don't want Sharon to be their conservator. We also have Diana  
24 here, Diana Mendonca, and it is her text that was attached to  
25 Tim Wolff's declaration. And she, of course, could explain  
26 what her text meant to the extent that the Court is actually  
27 interested in that text. Those are the people that could  
28 testify if the Court so wished.

—Lori A. Rock ~ CSR# 12040—

1 THE COURT: Thank you, Ms. Hamer. I don't want to  
2 convey the impression that I'm not interested in hearing the  
3 oral testimony, but I do believe that I've had adequate  
4 opportunity to review the files. The text message speaks for  
5 itself, I believe. So, I don't won't need to hear from those  
6 witnesses.

7 As far as Mr. Keller and Ms. Keller, if you would  
8 like to call them as witnesses, I certainly would be willing  
9 to entertain testimony from them.

10 MS. HAMER: One thing, your Honor. As to the text  
11 messages they do not speak for themselves because Diana  
12 Mendonca uses the speech recognition software to do her texts.  
13 So, what happens is Ronnie, R-O-N-N-I-E, is transcribed as  
14 Rodney and Royce is transcribed as rice. The text message  
15 that was attached to Tim Wolff's declaration or opposition  
16 says Rodney and I guess the implication is that they were  
17 supposed to be talking about Royce. But, no, they're talking  
18 about Ronnie, R-O-N-N-I-E. And, so, Diana Mendonca could --  
19 could just explain that and what she meant was Ronnie did not  
20 want to see them. Ronnie did not want to see Barbara's family  
21 or see Tim or the rest of Barbara's family. I think that that  
22 is what was meant by the text and it's not immediately obvious  
23 because this is a transcription, a bad transcription, by voice  
24 program.

25 MS. WOLFF: Your Honor --

26 THE COURT: Thank you. I do see that.

27 Ms. Wolff.

28 MS. WOLFF: There are earlier text messages included

1 in an earlier filing from Diane that clearly state Ronnie  
2 every time she's referring to Ron.

3 MS. HAMER: Sometimes it works and sometimes it  
4 doesn't as we submitted text messages showing that Royce was  
5 transcribed as rice. That was attached to Royce's  
6 declaration.

7 MS. WOLFF: It is not attached to anything that I  
8 have seen.

9 MS. HAMER: It is.

10 THE COURT: Wait. Wait. Wait. Just one at a time.

11 Ms. Hamer, I'm going to accept your representation  
12 and I'll consider that to be an offer of proof, which I'll  
13 accept, as far as the problems with those text messages. I  
14 did review a couple of them just right now and I do see the  
15 issue that you are raising. I certainly will accept  
16 Ms. Hamer's explanation of that.

17 MS. WOLFF: Your Honor, if you have something that  
18 was filed today that I do not have, I am at a severe  
19 disadvantage, then.

20 THE COURT: And I don't know what you have or don't  
21 have.

22 MS. WOLFF: I received a stack of un-filed papers  
23 the other day, a reply and evidentiary objections and  
24 memorandums. When I checked with the court clerk, this still  
25 hadn't been filed as of yesterday but perhaps it was filed  
26 today. This is a document where Ms. Hamer declares that the  
27 placement is now a voluntary placement and that there was a  
28 care and needs assessment done. She just refused to provide

—Lori A. Rock ~ CSR# 12040—

Attorney  
Hamer had  
filed papers  
that very  
morning  
which she  
willfully  
chose to  
serve via  
snail mail  
rather than  
an email  
courtesy  
copy.

1 it.

2 MS. HAMER: Excuse me, your Honor. She  
3 mischaracterizes what has been filed and I did not file any  
4 declarations myself. This is by Royce Mendonca attaching  
5 needs assessments and stating that he had discussed the  
6 situation with the Kellers and the Kellers did agree to the  
7 placement.

8 MS. WOLFF: That is not documentation I have.

9 THE COURT: All right. Thank you.

10 So, the Court does have the declaration filed by  
11 Mr. Mendonca filed earlier today, September 30th. It reflects  
12 that it was mailed. It doesn't reflect any immediate service  
13 or service --

The proof of  
service does  
speak for  
itself -  
Hamer put  
the documents  
into snail  
mail the  
morning of  
the hearing.  
No email

14 MS. WOLFF: Was it also mailed to Barbara's siblings  
15 because Ms. Hamer's repeatedly and willfully not served her  
16 siblings --

courtesy copy  
was sent. The  
address for  
Mom's sister  
was again  
wrong despite  
having been  
informed of  
the P.O. Box  
address  
previously.

17 THE COURT: I'm not gonna get into that. The proof  
18 of service will speak for itself and it appears that everyone  
19 that is entitled to notice was served.

20 MS. HAMER: Your Honor, so, we could -- we could  
21 then ask questions of the Kellers at this point?

22 THE COURT: Yes. I think that would be the next  
23 step. So, I'll allow, obviously, Ms. Wolff, if you have  
24 questions for the Kellers, as well, and Ms. Hamer. The only  
25 thing I would ask is to be mindful of their situation as you  
26 ask questions.

27 MS. HAMER: All right. Thank you.

28 THE COURT: With that, I'm not sure which name are

—Lori A. Rock ~ CSR# 12040—

1 they under today.

2 MS. HAMER: Under Mendonca and I see them at the  
3 upper right-hand corner. There is Ronald sitting next to  
4 Barbara who is sitting next to Diana.

5 THE COURT: Okay. Thank you.

6 MS. HAMER: People sometimes call her Diane, by the  
7 way.

8 THE COURT: All right. Thank you.

9 So, with that, would you be able to un-mute the  
10 microphone there?

11 MS. HAMER: Royce, can you un-mute their microphone?

12 THE COURT: How about if we start with Barbara  
13 Keller. Good afternoon, ma'am. You are here on a proposed  
14 conservatee.

15 Can you hear us all right?

16 MS. KELLER: Yes, I am.

17 THE COURT: Thank you. I am going to ask the  
18 courtroom clerk to administer an oath to you.

19

20 \* \* \*

21 **KELLER, Barbara,**

22 after having been first duly

23 sworn, testified as follows:

24

25 MS. KELLER: Yes, I do.

26 THE COURT: All right. Thank you, ma'am. It's very  
27 important that only one person speak at a time. Ms. Keller,  
28 if you would, just listen to the questions and answer them to

—Lori A. Rock ~ CSR# 12040—



1 the best of your ability. And I'll ask the other two folks,  
2 Mr. Keller and Diane, if you would please not talk while she's  
3 testifying. Thank you.

4 With that, Ms. Hamer, if you would like to start.

5 MS. HAMER: Yes. Thank you, your Honor.

6 **DIRECT EXAMINATION**

7 **BY MS. HAMER:**

8 Q. Good afternoon. Ms. Keller, may I call you Barbara?

9 A. Yes.

10 Q. Yes. Barbara, are you there with Royce Mendonca and  
11 Diana Mendonca?

12 A. Diana.

13 Q. And is -- do you know Royce? Can you see him in the  
14 picture?

15 A. Yes.

16 Q. And did you stay with Diana Mendonca for a while?

17 A. Yes.

18 Q. And did -- and now you are living somewhere else?  
19 You are not living with Diana anymore.

20 A. Oh, right. That's right.

21 Q. Do you like the place where you are living?

22 A. Yes.

23 Q. And have you been happy there?

24 A. Yes.

25 Q. Is Diana visiting you?

26 A. Yes.

27 Q. Is Royce visiting you?

28 A. Once in a great while, maybe.

—Lori A. Rock ~ CSR# 12040—

1 Q. You see Royce and you see Diana and do you see Diana  
2 very often?

3 A. Pretty often. Several times a week.

4 Q. Are you in a place where you want to be?

5 A. For now.

6 Q. Do you want to be in Fortuna?

7 A. For now.

8 Q. No. You are not in Fortuna right now. You are in  
9 the Sacramento area.

10 Do you understand that?

11 A. Yeah.

12 Q. Is that where you want to be?

13 A. Well, either place. I like both.

14 Q. Did you -- did you want to live -- did you want to  
15 live with Sharon, your daughter?

16 A. No.

17 Q. Do you want Sharon to take care of you?

18 A. No.

19 Q. Do you want Sharon to be your conservator?

20 A. No.

21 Q. Do you want your nephew, Royce Mendonca, to be your  
22 conservator?

23 A. Yes.

24 Q. And did you try to -- did you try to leave Fortuna  
25 by yourself, you and your husband?

26 A. Yes. Yes, I did. We did.

27 Q. Do you know how many times you did?

28 A. I don't really know.

—Lori A. Rock ~ CSR# 12040—

1 Q. And you weren't able to do it on your own.

2 A. No.

3 Q. Were you trying to get to the Sacramento area?

4 A. Yes.

5 Q. Is that where you used to live?

6 A. Yes.

7 Q. And do you know -- you know Alma Barba.

8 Correct? Alma, she's a social worker. She's helped  
9 you.

10 A. Yes.

11 Q. Did -- did you tell her that you wanted to go to  
12 Sacramento?

13 MR. GROTEWOHL: I would object as --

14 MS. HAMER: I'll withdraw the question.

15 BY MS. HAMER:

16 Q. Is there anything that you would like to change  
17 about your situation?

18 MR. GROTEWOHL: Before she answers that question, I  
19 would also like to move to strike the answer to the prior  
20 question about -- about Ms. Barba.

21 THE COURT: Thank you. I don't believe there was an  
22 answer to that question; but if there was an answer, the Court  
23 will strike it.

24 MR. GROTEWOHL: Thank you.

25 MS. HAMER: I have no further questions of Barbara  
26 at this time.

27 THE COURT: Thank you, Ms. Hamer. Thank you,  
28 Ms. Keller.

—Lori A. Rock ~ CSR# 12040—

1 I'm going to ask Ms. Wolff if she has any questions  
2 for you.

3 MS. WOLFF: I don't have any questions; however, I  
4 would like to be able to say two things real quick because I  
5 don't actually get to talk to my mom.

6 MS. HAMER: Your Honor, she can talk to her  
7 mother --

8 THE COURT: Stop. Stop. Ms. Hamer, stop. Wait a  
9 minute.

10 MS. WOLFF: This is really innocent and I don't  
11 think anyone else would object. She can talk to me if she  
12 wants.

13 THE COURT: You may do so.

14 MS. WOLFF: You have a new great grand baby.  
15 Marylynn gave birth and had a baby girl named Elena in August  
16 and she's gorgeous. And Michael and Katherine are due with a  
17 baby on Thanksgiving. You are going to have three great grand  
18 babies born this year. They're the sweetest things in the  
19 world. I just wanted mom to know that. They didn't know  
20 that.

21 THE COURT: Thank you, Ms. Wolff.

22 With no questions for Ms. Keller, Ms. Hamer, do you  
23 have questions for Mr. Keller?

24 MS. HAMER: Yes, I do, your Honor.

25 THE COURT: All right. Thank you.

26 So, Mr. Keller, can you hear us all right?

27 MR. KELLER: Yes, sir.

28 THE COURT: Thank you. I'm going to ask the Clerk

1 of the Court to administer an oath to you before you start  
2 testifying.

3

4

\* \* \*

5

**KELLER, Ronald,**

6

after having been first duly

7

sworn, testified as follows:

8

9

THE WITNESS: Yes, sir.

10

THE COURT: Thank you, Mr. Keller. At this point,  
11 if you would, there will be some questions asked of you by  
12 Ms. Hamer and Ms. Wolff. If you would just answer those  
13 questions to the best of your ability and don't look to other  
14 people as far as trying to get an answer. Just answer to the  
15 best of your knowledge.

16

Do you understand that?

17

MR. KELLER: Yes, sir.

18

THE COURT: All right. Thank you.

19

With that, Ms. Hamer, if you would like to ask some  
20 questions.

21

MS. HAMER: Yes. Thank you, your Honor.

22

**DIRECT EXAMINATION**

23

**BY MS. HAMER:**

24

Q. Good afternoon, Mr. Keller. May I call you Ronald  
25 or Ronnie? Which one?

26

A. Yes, ma'am.

27

Q. Either one? Ronald. I'll call you Ronald.

28

A. Ronald.

—Lori A. Rock ~ CSR# 12040—

1 Q. All right.

2 Ronald, are you in Sacramento now? You are in  
3 Sacramento?

4 A. Yes, I am.

5 Q. And how did you get to Sacramento?

6 A. Diane, my sister, and her granddaughter took us in a  
7 five-hour trip to get away from Sharon Wolff because --

8 Q. Why did you want to get away from Sharon Wolff?

9 A. Because we had put -- I had to have a locksmith put  
10 locks on our doors because they were breaking into our house  
11 and that's why we had to put furniture against the walls.

12 Q. Did Sharon Wolff have a key to your house?

13 A. She did. I asked her for the key and she gave it to  
14 me; but her husband can -- you can go down to a hardware store  
15 and if you want another key, you can have somebody duplicate  
16 it and then we were scared that they were gonna come into our  
17 house and harm us because she is very aggressive.

18 Q. Now, is -- did Shauna actually come into your house  
19 at one time out with your consent?

20 A. Yes, ma'am.

21 Q. That's Shauna Wolff, Sharon's daughter?

22 A. You are right.

23 Q. What was the situation?

24 A. We were -- we had to -- that was before the  
25 locksmith put new locks on the doors and we were scared that  
26 they were gonna harm us.

27 Q. Right. I understand that, but Shauna did come in  
28 your house out with your permission?

—Lori A. Rock ~ CSR# 12040—

1 A. Right. And she --

2 Q. While you were sleeping?

3 A. Yes. She bragged about we can get into your house  
4 any time and watch you sleep.

5 Q. Thank you.

6 Did Sharon Wolff ever try to have -- have you and  
7 Barbara add her on your bank accounts?

8 A. Yes, she did. She tried to -- she wanted us to --  
9 Wells Fargo and she says I want to be on your bank account and  
10 we said no and she was really ticked off.

11 Q. Did she try to -- did she try several times to get  
12 you to put her on your bank account?

13 A. Yes.

14 Q. And did you ever agree to put her on your bank  
15 account?

16 A. No. We had to -- we had Wells Fargo Bank president  
17 or representative and we said, no, we don't want her on our  
18 account.

19 Q. And was there a time when Sharon Wolff showed up  
20 here at your house and demanded that you come with her to  
21 Wells Fargo?

22 A. Yes. And we didn't want to do that.

23 Q. Is that the time that Barbara called the police?

24 A. I think so, yes.

25 Q. All right.

26 So, you don't want Barbara to have anything to do  
27 with your money?

28 A. No way. Her husband has never worked a day in his

—Lori A. Rock ~ CSR# 12040—

1 life. So, we're really concerned they just want money from  
2 us.

3 Q. All right.

4 And you are not concerned about Royce? You have  
5 confidence in Royce?

6 A. Royce is just the best person you ever want to meet.

7 Q. Do you want Royce to be your conservator?

8 A. Yes, sir. Yes, ma'am.

9 Q. And do you want Sharon to be your conservator?

10 A. Oh, no. I would never. I would rather die than to  
11 have her.

12 Q. And do you -- do you like the place where you are  
13 staying now?

14 A. Yes, we do. We get three meals a day.

15 Q. What else do you like about it?

16 A. The people. The people are very nice and then we  
17 get more security there. Before we moved there, we didn't  
18 have any security.

19 Q. Is that an area that you want to live in where you  
20 are now, Sacramento?

21 A. Yes. Yes, we would like to live in Citrus Heights.

22 Q. Is that the area where you lived before?

23 A. No. I've lived there before when I was younger but  
24 now I would really like to live there.

25 Q. Generally, in the Sacramento area, you've lived  
26 there as an adult, haven't you?

27 A. Right. Yes. I grew up in Citrus Heights,  
28 Carmichael and right around the place that they have there,

—Lori A. Rock ~ CSR# 12040—



1 homes, you know.

2 Q. And didn't you -- didn't you work in that area, as  
3 well, in sort of the Sacramento area?

4 A. I worked for Santa Monica Unified School District  
5 for 30 years and that's where I retired from.

6 Q. Right.

7 And, so, how long have you and Barbara been  
8 together?

9 A. I think it's 25.

10 Q. You folks want to stay together?

11 MS. KELLER: Yes.

12 MR. KELLER: Yes, ma'am.

13 BY MS. HAMER:

14 Q. You are happy with this arrangement?

15 MS. KELLER: Yes.

16 MR. KELLER: Yes.

17 MS. HAMER: All right. Thank you. No further  
18 questions.

19 THE COURT: Thank you, Ms. Hamer.

20 Ms. Wolff, do you have any questions for Mr. Keller?

21 MS. WOLFF: I don't. Thank you very much. I'm glad  
22 to see you both.

23 THE COURT: Thank you.

24 Mr. Keller, thank you for your testimony.

25 Ms. Keller, thank you for your testimony, as well.

26 It's certainly appreciated. I know it's a very stressful  
27 situation, but I appreciate both of your testimony today.

28 MS. KELLER: Thank you.

—Lori A. Rock ~ CSR# 12040—

Ron's  
delusional  
thinking was  
fully  
displayed to  
the court.

It was  
incredibly  
sad.

1 THE COURT: So, with that, Ms. Hamer, do you have  
2 other witnesses that you wish to call who would not be  
3 duplicative of information that has already been submitted?

4 MS. HAMER: I can't say that they would -- well, I  
5 think that -- that Royce Mendonca would like to address the  
6 Court. He would like to have the opportunity to address the  
7 Court, maybe not specifically to do with my -- in answer to my  
8 questions, but I would note that Sharon -- Sharon Wolff at the  
9 earlier hearing was allowed to give her statement essentially  
10 interrupted at our last hearing. So, if he could be sworn as  
11 a witness and then I think he does want to address the Court.

12 THE COURT: All right. Thank you. So, we'll have  
13 Mr. Royce Mendonca called as a witness and, Mr. Mendonca, I'm  
14 gonna ask our courtroom clerk to administer the oath to you.

15 MR. MENDONCA: Okay.

16

17

\* \* \*

18

**MENDONCA, Royce,**

19

after having been first duly

20

sworn, testified as follows:

21

22

MR. MENDONCA: Yes.

23

24

THE COURT: Thank you. So, with that, Ms. Hamer, I  
don't know if you want to start off with a question or, Royce,  
if you just want to give a statement, that's fine, as well.

25

26

You've been sworn in. If Ms. Wolff has any questions for you,  
I will allow her to ask some questions.

27

28

MS. WOLFF: Certainly.

—Lori A. Rock ~ CSR# 12040—

1 MS. HAMER: Your Honor, I could start him with some  
2 questions.

3 **DIRECT EXAMINATION**

4 **BY MS. HAMER:**

5 Q. Royce, how long have you known the Kellers?

6 A. Well, I've known, obviously, Ronnie since I was  
7 born. I'm 50 years old. Then, of course, I've know Barbara  
8 as long as they've been married. About 25 years.

9 Q. Have you been together with both of them at family  
10 gatherings?

11 A. We have, yes. When they lived here locally in  
12 Roseville, they were over for Thanksgiving, Christmas. I  
13 think we submitted those photos to the Court. So, yes, they  
14 were a part of our lives while they were here.

15 Q. Does your mother, Diana, have a close relationship  
16 with Barbara?

17 A. Yes.

18 Q. And Ron to?

19 A. Yes. She's told me on numerous occasions she talks  
20 to them weekly and keeps up with the medications and so forth  
21 by phone and making sure that, you know, they're doing well as  
22 you would with relatives that live out of the area?

23 Q. And how did you -- you first become involved with  
24 this conservatorship case with the care of the Kellers?

25 What happened?

26 A. Well, I was made aware of -- of the issues they were  
27 having with Sharon, specifically. How that escalated is I  
28 think there's a number of factors that contributed to that and

—Lori A. Rock ~ CSR# 12040—

1 then -- are you regarding the petition I filed?

2 Q. Wait. How did you learn of these issues that the  
3 Kellers were having with Sharon?

4 A. From my mom.

5 Q. And your mom found out from the Kellers?

6 A. Yes.

7 Q. Okay.

8 Did you get -- at some point did you get a telephone  
9 call from Alma Barba?

10 A. Yes, multiple.

11 Q. And --

12 MR. GROTEWOHL: Objection. Move to strike. We're  
13 not -- confidentiality.

14 THE COURT: Thank you. The Court will overrule the  
15 objection at this point. The question was just whether you  
16 received a phone call and, so, the Court will overrule the  
17 objection.

18 MR. GROTEWOHL: Thank you.

19 BY MS. HAMER:

20 Q. Did you ultimately get a telephone call from Alma  
21 Barba that caused you to believe that the Kellers needed to be  
22 picked up and brought to where you and your mother live?

23 A. Yes. I had a 17-minute conversation with her. It's  
24 still on my phone where there was a discussion that Alma had  
25 very high concern over their well being.

26 MR. GROTEWOHL: I have to object.

27 THE COURT: The Court will sustain the objection to  
28 the extent that Mr. Mendonca is relaying conversations or

—Lori A. Rock ~ CSR# 12040—

1 information that was provided to him by Ms. Barba.

2 MR. GROTEWOHL: I would move to strike.

3 THE COURT: The Court will grant that motion.

4 MS. HAMER: Your Honor, I guess I had misunderstood  
5 the Court's instruction earlier. I thought I was going to be  
6 allowed to have Royce testify as to his conversation, his last  
7 conversation with Alma Barba.

8 THE COURT: He can testify to what he told her, but  
9 we've already had an opportunity hear from Ms. Barba as far as  
10 what she told Mr. Mendonca and that was conducted in a  
11 confidential setting.

12 BY MS. HAMER:

13 Q. Did -- were you asked to pick the Kellers up?

14 A. Adamantly, yes.

15 MR. GROTEWOHL: Again, I'd move to strike. The  
16 Court just instructed the witness not to discuss what was told  
17 to him.

18 MS. HAMER: Well, if I can't have -- your Honor, may  
19 I be heard?

20 THE COURT: Yes, please.

21 MS. HAMER: One of the allegations being made over  
22 and over and over by Sharon Wolff in her papers is that  
23 somehow the Kellers were in some way kidnaped and taken off to  
24 Sacramento area, which is absolutely not the truth. And if we  
25 need to go into confidential session, we can; but I would  
26 make, as an offer of proof, that Alma Barba did ask Royce to  
27 come and get them.

28 MS. WOLFF: Ms. Alba testified as to what she told

—Lori A. Rock ~ CSR# 12040—

1 Mr. Mendonca.

2 THE COURT: Ms. Hamer, I think that even if I were  
3 to allow that question regarding -- or the answer regarding --  
4 regardless of confidentiality, there's still a problem with  
5 hearsay as far as what Mr. -- I'm sorry -- Mr. Mendonca, my  
6 apologies, sir, was told by this --

7 MS. HAMER: Your Honor --

8 THE COURT: So, the Court is going to sustain the  
9 objection.

10 MS. HAMER: Your Honor, if I could just be heard.  
11 It would be an exception to the hearsay rule because it goes  
12 as to his intent and motivation.

13 THE COURT: Thank you. So, I'm gonna sustain the  
14 objection. Also, I would note, Ms. Hamer, that I think the  
15 assertion that the Kellers were kidnapped or otherwise  
16 persuaded against their will to travel to Sacramento has been  
17 addressed in the papers.

18 MS. HAMER: All right. Thank you, your Honor.

19 BY MS. HAMER:

20 Q. So -- so, Royce, after you held this telephone call  
21 with Alma Barba, what happened next with respect to you, the  
22 Kellers and your mother, Diana?

23 A. I called and spoke to my mom and I said that Ronnie  
24 and Barbara wanted to come here, they had a desire to come  
25 here and that their health was not good, their well being was  
26 not good and that we needed to come get them. And, so, she  
27 arranged -- because it's about a five- or six-hour drive, she  
28 arranged to have her granddaughter help her drive up there and

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1 pick both Ronnie and Barbara up. When they arrived, they were  
2 crying and these were tears of joy, not sadness. And my  
3 mother can attest to that. She was there. So, that's how  
4 they ended up here in Citrus Heights with my mom who cared for  
5 them for -- for -- forgive me, your Honor. I get emotional  
6 because my mother is 82 and she's been through a lot that I  
7 won't share with the Court, but she took on the responsibility  
8 of caring for two people that she cares deeply about for over  
9 a month and it was all she could do. And the placement into  
10 the facility was necessary because the care that they need,  
11 obviously, is 24 hours, seven days a week. So, that's why we  
12 moved them to a facility. And I put in an immense amount of  
13 time -- and I don't want to get into too much details, your  
14 Honor, because I've submitted those in my declarations -- but  
15 at the end of the day, I'm involved in this because a  
16 statement was made by Sharon in a petition that she submitted  
17 initially to the Court that was then omitted in the second  
18 petition that stated -- and I know, your Honor, you may have  
19 already read this, but this is where this started. Sharon is  
20 quoted as saying, "I'm going to have to file conservatorship  
21 of mom, Barbara, and I will absolutely not file on Ron. To be  
22 brutally honest, the State can take him if his family  
23 refuses." Who does that to a couple that has been together  
24 for 25 years and they've worked hard and they deserve the  
25 right to choose where they want to live and to stay together  
26 and they have the assets to do that. And I don't think any  
27 family member, myself or any other family members, should  
28 dictate that. I apologize. I got off topic, your Honor.

—Lori A. Rock ~ CSR# 12040—

1 Q. Then, Royce, did you -- did you talk to Barbara and  
2 Ronnie and tell them that -- that it was really too much for  
3 your mother, that they needed to go some place that would take  
4 care of them, discuss it with them?

5 A. Yes. I did a lot of work. I called over 20  
6 facilities. I had to educate myself on protocols and placing  
7 somebody in assisted living or memory care. So, I did my due  
8 diligence and I wanted to find a facility that I felt was the  
9 best fit in a nice area that was close to us as well as Tim  
10 because I know Tim has visited Barbara. And at the end of the  
11 day, at the least amount of cost because they have assets and  
12 they need to be utilized to sustain the care that they need  
13 and, so, that took quite a bit of time and then the necessary  
14 documents that was needed by the facilities had to be taken  
15 care of, as well. So, it was a process. And, meanwhile, my  
16 mother took care of them, took them out to eat almost every  
17 night, took them to Starbucks, waited on them hand and foot  
18 and that shows the care and compassion that we have for them.  
19 Now, I'm not stating that other family members don't; but it  
20 was the Kellers wishes for us to be involved and take care of  
21 their needs and that's why I'm doing it. There's no other  
22 motivation on my part other than to make sure that their  
23 wishes are granted. They deserve that.

24 Q. And do you -- do you think that it would be a good  
25 arrangement for them if Sharon Wolff were to build an addition  
26 to her home and put only Barbara in it?

27 A. Obviously not. It's not what Barbara wants. It's  
28 not what Ronnie wants. They're perfectly happy together. I

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1 think the Court has seen that. And I don't think any couple  
2 of 25 years should be separated. In my opinion, there's not a  
3 reason for it and they're happy where they're at. At the end  
4 of the day, that's what's most important. If they want me to  
5 handle their affairs, then that's what I'll do.

6 Q. Royce, do you have a background in handling  
7 financial affairs, handling finances?

8 A. Aside from my own personal finances, I mean, we've  
9 lived in our home 23 years. I have a 27-year career. I have  
10 a six-figure income. We have no debt. So, I believe that we  
11 handle our own financial affairs well and I also have been  
12 involved in a business that has millions of dollars of revenue  
13 that I was responsible for overseeing.

14 Q. What was that business?

15 A. It's in the automobile business. I was the finance  
16 director for a publicly traded company group one and I oversaw  
17 the millions of dollars of revenue they generated on a monthly  
18 basis.

19 Q. Sorry. Go ahead.

20 A. I'm also an investor and I study a lot of companies  
21 on the New York Stock Exchange. I'm familiar with balance  
22 sheets, cash statements, cash flow, et cetera.

23 Q. You also ran a business, didn't you, for a long  
24 time?

25 A. Yeah. We started a business and unfortunately the  
26 pandemic forced us to close the business like, you know, a lot  
27 of people that have small businesses.

28 Q. Right. Right.

—Lori A. Rock ~ CSR# 12040—



1 because they're not capable of doing it themselves. I'm not a  
2 professional. That's not my opinion to make. So, no, I did  
3 not say that.

4 Q. The previous petitions and the stack of papers that  
5 had been filed have also referred to both the Kellers doing  
6 great with -- at Diane's -- and I want to put on the court  
7 record the family thanks Diane very much for taking care of  
8 Ron and Barbara. Seriously. That is the only thing that  
9 matters and we appreciate it because we know how difficult  
10 being a caregiver is. So, thank you. I want to make that  
11 clear.

12 A. Thank you for that.

13 Q. Absolutely.

14 The question, however, is in all of the paperwork  
15 that has been filed, on August 26th, a paper was filed that  
16 said everything was going great at Diane's, they're going out  
17 to dinner --

18 MS. HAMER: Objection. Objection, your Honor.

19 MS. WOLFF: Excuse me. I am --

20 MS. HAMER: Objection, your Honor, she's testifying.

21 THE COURT: Ms. Wolff, stop.

22 Ms. Hamer.

23 MS. HAMER: Objection. Could she just ask  
24 questions. She's testifying as to her interpretation of  
25 what's in the record, which I would dispute and is totally  
26 untrue, and I would like her to just ask questions, not  
27 testify as to what's in the file.

28 THE COURT: Thank you. So, the Court is going to

—Lori A. Rock ~ CSR# 12040—

1 sustain that objection.

2 Ms. Wolff, if you would just ask a question.

3 MS. WOLFF: Most certainly. And what is in the file  
4 is what is material.

5 BY MS. WOLFF:

6 Q. In the court investigator's report, again, for Ron  
7 is the one I'm looking at, it refers to a discussion you had  
8 with Samantha Wahl about the agreement that you signed at the  
9 Pines to place both Ron and Barbara. You stated -- according  
10 to this, "Royce stated he signed as decision-maker on Ron and  
11 Barbara's behalf as they required a decision-maker to be  
12 placed at the facility."

13 Is that your statement?

14 A. Yes. They needed somebody to sign on their behalf  
15 and that's what I did.

16 Q. The line that --

17 A. Because --

18 Q. I'm sorry.

19 A. That's okay. Because there was -- in all fairness,  
20 Sharon, there was no other alternative. The other alternative  
21 was what was in Fortuna where they ran away from home. So,  
22 yes, I had to make a decision because nobody else that they  
23 trusted could. I want to make that clear.

24 Q. Okay.

25 Is there a reason why that placement had to happen  
26 one week before the scheduled court hearing and you had not  
27 been given any orders or authority to do a placement?

28 A. I felt, again, as I've always looked out for their

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1 best interests and their safety and their care and ensuring  
 2 that they receive their medications, that that was where they  
 3 needed to be. Not in the care of my mother, although she did  
 4 a fantastic job and I appreciate you acknowledging that and  
 5 thanking us for that, but they needed to be in a facility, a  
 6 professional facility, that knows how to give them the proper  
 7 care.

I sure would  
 have loved to  
 get an answer  
 to the  
 question.

8 Q. There's no dispute that they absolutely need  
 9 long-term care. There's no dispute whatsoever. The question  
 10 I had, though, is why was it one week before the scheduled  
 11 court hearing when you had filed for permission. You had  
 12 requested permission from the Court to place them, but you  
 13 placed them the exact same date.

The court  
 wasn't  
 interested in  
 why were the  
 Keller's  
 placed into  
 the care  
 facility days  
 before the  
 scheduled  
 hearing when  
 no one had the  
 legal  
 authority to  
 place them.

14 MS. HAMER: Objection. Argumentative.

15 THE COURT: The Court will sustain the objection  
 16 and, Ms. Wolff, if you can ask your next question, please.

17 MS. WOLFF: Certainly.

18 BY MS. WOLFF:

19 Q. In the agreement that you signed at the Pines, you  
 20 signed as the responsible party and it says on the signature  
 21 line that you signed, "If applicable, a copy of your power of  
 22 attorney or legal guardianship form must be provided."

23 Did you have a copy of that?

24 A. I refer to my attorney on that one.

25 Q. Okay.

26 The line just below that, the payer, the person who  
 27 was financially responsible for this, is not signed. Are you  
 28 aware that it is not signed for financial responsibility?

1 A. Can you repeat the question?

2 Q. Sure. You bet.

3 It's page 16 of the agreement with the Pines, if you  
4 have that available to you, where you signed --

5 MS. HAMER: He doesn't have anything in front of  
6 him, your Honor.

7 THE COURT: Thank you, Ms. Hamer. We'll let the  
8 record reflect there's nothing in front of Mr. Mendonca.

9 MS. WOLFF: Certainly. Okay.

10 BY MS. WOLFF:

11 Q. But you did sign as the responsible party. I'm sure  
12 you recall signing this form. There is -- who is financially  
13 responsible for their placement?

14 A. At this time, nobody is; but would you rather have  
15 them in their home in Fortuna?

16 Q. No. I would rather have them --

17 THE COURT: Wait. Wait. Wait. Stop. Stop, both  
18 of you, please. Mr. Mendonca, just answer the question and  
19 stop and, Ms. Wolff, just ask your next question.

20 THE WITNESS: Sorry. I apologize, your Honor.

21 BY MS. WOLFF:

22 Q. Okay. So, nobody is financially responsible for  
23 them currently is --

24 MS. HAMER: Objection. Asked and answered, your  
25 Honor. This seems to be argumentative and the document speaks  
26 for itself.

27 THE COURT: Thank you. The Court will sustain the  
28 objection.

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1 Ms. Wolff, your next question, please.

2 MS. WOLFF: Absolutely. The document does speak for  
3 itself.

4 BY MS. WOLFF:

5 Q. If the placement was voluntary, how come mom and Ron  
6 did not sign their agreements? You signed on their behalf.

7 MS. HAMER: Objection. Argumentative. Calls for  
8 speculation.

9 THE COURT: The Court will overrule that objection  
10 and, Mr. Mendonca, if you can answer that question, please.

11 THE WITNESS: I did not have them sign anything  
12 because I was not instructed to by John, the general manager  
13 who handled the documentation and the signing of the  
14 paperwork. He did not inform me that they needed to sign  
15 anything.

16 BY MS. WOLFF:

17 Q. Did he ask about who was financially responsible?

18 A. Not that I recall.

19 Q. Well, that's pretty good.

20 A. Well, I did pay for the initial payment.

21 Q. Okay.

22 MS. HAMER: Your Honor --

23 BY MS. WOLFF:

24 Q. Was Ron and Barbara present?

25 THE COURT: Ms. Wolff, wait one moment.

26 Ms. Hamer, do you have an objection?

27 MS. HAMER: Yes. I object to these extraneous  
28 comments like "that's a good one", et cetera, made by Sharon

1 Wolff.

2 THE COURT: Thank you. The Court will grant that  
3 motion to strike extraneous comment.

4 BY MS. WOLFF:

5 Q. Were Ron and Barbara with you at the time that you  
6 were at the Pine signing this agreement?

7 A. Yes.

8 Q. Okay.

9 And they were placed there that same day.

10 Is that correct?

11 A. Yes.

12 Q. Okay.

13 Who did a care and needs assessment to determine the  
14 appropriate level of care?

15 A. Merrill Gardens did, the director. I believe his  
16 name is Henry.

17 Q. Okay.

18 A care and needs assessment is done by a medical  
19 provider with history for the family.

20 MS. HAMER: Objection. Ms. Wolff is testifying  
21 again.

22 THE COURT: Thank you. I'll sustain that objection  
23 and, Ms. Wolff, just ask him a question.

24 BY MS. WOLFF:

25 Q. You stated that you had done research on how to  
26 place someone in an assisted living facility -- and I've done  
27 the research, too, because we're both in the same situation  
28 here.

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1 MS. HAMER: Objection, your Honor. She's testifying  
2 again.

3 THE COURT: Thank you. The Court will sustain the  
4 objection and strike that aside.

5 Ms. Wolff, again, just ask a question.

6 BY MS. WOLFF:

7 Q. Were you, in your research for placing someone in a  
8 care facility, advised that a care and needs assessment needs  
9 to be completed by a medical facility or a medical provider  
10 and things like the 602-A and the physician's commitment  
11 statement needed to be completed by their medical provider?

12 A. I was informed by numerous -- and this is how I  
13 educated myself -- that a 602 was required for placement as  
14 well as a TB test and that was the reason, to answer your  
15 prior question, why it was a week before the court date. It  
16 had nothing to do with that. It had to do with the time that  
17 it took to find a place, find the necessary documents that  
18 were needed to place them and then that was why the timeline  
19 took as long as it did. So, yes, a 602 was needed, a TB test  
20 was needed, proof of vaccination and so forth. So, we  
21 contacted Iris Medical Group, which was recommended by many of  
22 the assisted living memory care facilities, and they were the  
23 ones that provided that.

24 Q. Is this the same Iris Healthcare where nurse  
25 practitioner Heather Allen worked who signed the GC-335 and  
26 335a for you?

27 A. In regards to the documents, I'm not familiar to the  
28 specifics of the letters and numbers; but, yes, Heather Allen

1 was the one that came out and visited them and did the  
2 assessment.

3 Q. Okay.

4 MS. WOLFF: Can a copy of any of this be provided  
5 because I have not seen any of that in any of the filings at  
6 all?

7 MS. HAMER: Objection. This isn't a question, your  
8 Honor.

9 MS. WOLFF: It's a question, Ms. Hamer.

10 MS. HAMER: She's asking for documents.

11 THE COURT: Thank you. The Court will sustain the  
12 objection. It's not an appropriate time to request those  
13 documents. If you do wish to engage in discovery, you will  
14 have the ability to do so.

15 MS. WOLFF: I have requested those documents  
16 repeatedly and referred to them and they have not been  
17 provided to date. So, I would like that noted.

18 MS. HAMER: Your Honor, there have been no requests  
19 and that's not what the subject of this hearing is.

20 THE COURT: Thank you.

21 So, Ms. Wolff, just to be clear, I think we might be  
22 talking about two different types of requests. One is a  
23 formal request to Mr. Mendonca to provide documents and  
24 another would be a formal request using the court procedures  
25 for discovery.

26 MS. WOLFF: Right.

27 THE COURT: At this point, this is not the  
28 appropriate time to ask for either of those types of

1 documents.

2 MS. WOLFF: I understand that. The reference that I  
3 have is since they have been placed there, I have commented in  
4 court and in filings and in e-mails to the general manager and  
5 to community care licensing that these documents don't exist,  
6 as far as I know, because nobody has provided any copy of  
7 them. So, that request has been made. They know that this is  
8 an issue, no care and needs assessment. So, providing it at  
9 the last second, again, is a stall and I will take a look at  
10 that.

11 THE COURT: Ms. Wolff, we're sort of heading into  
12 argument again. So, if you don't have any further questions  
13 for Mr. Mendonca, let's move on.

14 BY MS. WOLFF:

15 Q. Mr. Mendonca, were you the one that paid the utility  
16 bills on the 17th to get the services turned back on?

17 UNIDENTIFIED SPEAKER: No.

18 THE WITNESS: No.

19 BY MS. WOLFF:

20 Q. Do you know who was?

21 A. I do not.

22 Q. Okay.

23 Do you -- at any time is there any kind of writing  
24 or anything that you can provide or you can discuss since  
25 we're here and talking about this verbally that shows anything  
26 that would contradict the intent and the behaviors that both  
27 Ron and Barbara have documented up until the point of the  
28 mental health crisis as I documented? And the reason I'm

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1 asking -- let me set up the preference.

2 MS. HAMER: Your Honor, I would object to this  
3 question. It's broad, ambiguous and argumentative.

4 THE COURT: Thank you. The Court will sustain the  
5 objection. And, Ms. Wolff, again, if you have a question,  
6 just ask the question; but, otherwise, we'll need to move on.

7 MS. WOLFF: Okay.

8 BY MS. WOLFF:

9 Q. Royce, do you believe that I was breaking into their  
10 house or that my daughter Shauna was breaking into their house  
11 to watch them sleep and bragging about it?

12 MS. HAMER: Objection. Relevance.

13 MS. WOLFF: This is the information --

14 THE COURT: Wait.

15 MS. HAMER: I would move to strike the question.

16 THE COURT: Thank you. The Court will overrule the  
17 objection and, Mr. Mendonca, if you can answer the question,  
18 please.

19 THE WITNESS: Do I believe it?

20 BY MS. WOLFF:

21 Q. Yes. Do you believe it?

22 MS. HAMER: That they were breaking in, is that the  
23 question?

24 MS. WOLFF: Yes.

25 BY MS. WOLFF:

26 Q. What Ron stated when he testified as well as what's  
27 stated in the documentation that Shauna -- my daughter and I  
28 were breaking into the house, watching them sleep and

So Royce  
 doesn't  
 believe I am  
 poisoning my  
 Mom's food  
 but he does  
 believe I am  
 breaking into  
 my Mom's home  
 to watch them  
 sleep and  
 then brag  
 about it.

This is the  
 level of  
 nuttiness  
 we're dealing  
 with here.

Seriously,  
 who does  
 that?

1 poisoning their food, do you believe that?

2 A. Poisoning their food, no; the latter, yes.

3 Q. What leads you to believe that?

4 A. Well, in your documents you stated you were trying  
 5 to get access to their password in your own e-mail to their  
 6 laptop. I mean, that's --

7 THE COURT: Okay. That's enough.

8 THE WITNESS: I'm sorry, your Honor.

9 THE COURT: Mr. Mendonca, I'm going to stop the  
 10 questioning at this point.

11 Ms. Wolff, do you have anything further that you  
 12 would like the Court to know about your petition.

13 MS. WOLFF: I would like the Court to accept the  
 14 opposition statements by all family members and we can go  
 15 through each one of them if Ms. Hamer would like to testify  
 16 and attest to their statements and their accuracy and I would  
 17 like the Court to take notice of all the documentation and,  
 18 primarily, at this point, we have the court investigation  
 19 report that was just submitted that clearly supports my  
 20 petition because based on the intent and the behavior  
 21 documented for years from both Barbara and Ron, what's going  
 22 on right now is completely out of character for them and I'm  
 23 afraid that it is due to an untreated mental health crisis.

24 MS. HAMER: May I be heard, your Honor?

25 THE COURT: Ms. Hamer, if you would like to respond  
 26 to that, yes, please.

27 MS. HAMER: Yes, your Honor.

28 Many, many years ago, the Kellers set up a living

1 trust. They didn't put a single asset in that living trust  
2 and that was a very long time ago. Their house is in their  
3 personal names. Their bank accounts are in their personal  
4 names. They have never trusted Sharon Wolff with any of their  
5 assets. Sharon Wolff is one of their children. Of course,  
6 when they die, their children are going to get their assets.  
7 That might be what's in the will, but they could even change  
8 their will. As a conservatee, you actually do have a right to  
9 make a will or change a will. That is not a preference for  
10 conservator. They have a very, very strong preference for  
11 what conservator they want. They want Royce. They want to be  
12 where they are. They're very happy. Everything is going very  
13 well and Royce should be appointed their conservator as they  
14 want him to be. They should be allowed to be together and he,  
15 with his background in finances and with his mother helping  
16 and them visiting the Kellers, they should be allowed to be  
17 the conservators of Ronald and Barbara as Ronald and Barbara  
18 want. They have expressed an intelligent preference. The  
19 Court has heard it. They have expressed an intelligent  
20 preference in their written nominations of Royce Mendonca as  
21 their conservator and they have expressed a strong dislike of  
22 having Sharon as their conservator. We would ask that Ronald  
23 and Barbara have Royce Mendonca appointed as the conservator  
24 of both their persons and their estate.

25 THE COURT: Thank you, Ms. Hamer.

26 Ms. Wolff, I'll give you the last word.

27 MS. WOLFF: Thank you.

28 The family has clearly documented the decline of

Those  
nomination  
documents are  
the evidence  
of elder  
financial  
fraud by the  
way

1 Ron's mental condition from the anonymous strangers that were  
2 breaking into their house and that they had to barricade the  
3 door for down to certain family members they named and then  
4 eventually to me. It's well documented. It's been provided  
5 all along how it got to I'm the bad guy. So, this petition  
6 that they have filed, Attorney Hamer keeps referring to the  
7 nomination document as if it was legally valid, despite having  
8 the GC-335 and 335A4 of Barbara Keller on file with this Court  
9 long before, documentation of the current status of both Ron  
10 and Barbara, and the fact that it goes completely against  
11 everything that they said when they were in Fortuna and in the  
12 years prior. It goes against everything. It was done a month  
13 after they were taken down to Citrus Heights and kept in  
14 isolation from mom's family. We've had no contact with them  
15 and suddenly there's a new nomination document. At no time  
16 has anybody from the Mendonca's tried to verify any foundation  
17 here. I'm not trying to break into anybody's house. I'm not  
18 poisoning anybody. I haven't gone evil. We are simply trying  
19 to provide the care that they both need. And where we are at  
20 is at the exact same place where we were months ago. There  
21 has to be a sufficient care and needs assessment for the both  
22 of them done by someone who has their medical history. Iris  
23 Healthcare does not. Nobody has requested their medical  
24 records from Open Door in Fortuna and I have a letter from  
25 them to verify that. We need to have this done. They're  
26 right --

27 THE COURT: Ms. Hamer.

28 MS. WOLFF: They're right now in a placement

1 without --

2 (Reporter interrupted.)

3 THE COURT: Thank you. My apologies. Ms. Wolff,  
4 please proceed.

5 MS. WOLFF: Right now the Kellers are in a placement  
6 at the Pines without the legal authority signature, which  
7 means they don't have a legal consent to care. That's my real  
8 concern is if heaven forbid something were to happen, the  
9 facility does not have the legal authority because a person  
10 who checked them in and signed it did not have the legal  
11 authority to place them there at the time. That is why I  
12 called Community Care Licensing. That is why I've called the  
13 ombudsman's office to go take a look at this situation. We  
14 need this resolved. All anybody cares about is that they get  
15 the proper level of care that they both need. Ron has  
16 undiagnosed mental health problems. The cognitive  
17 investigation clearly said he needs follow-up care, possible  
18 Parkinson's. No follow-up care has been provided and this is  
19 really not good. They have been there for quite a while and  
20 there's no medical care following up on these very serious  
21 concerns. We now are in a situation where we're gonna have to  
22 get a care and needs assessment done, an adequate legal one.  
23 So, that has to be done in order to make the placement where  
24 they are at either legal or find an adequate placement, which  
25 is gonna be based on the care level needs assessment. Right  
26 now --

27 MS. HAMER: Your Honor, may I be heard?

28 THE COURT: Ms. Hamer, wait.

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1 Ms. Wolff.

2 MS. WOLFF: I will finish. They are in a very  
3 difficult legal situation to straighten out now with this mess  
4 that they've created with this placement and if the Court  
5 still does not see fit to grant any orders to help straighten  
6 this out, then I would ask you to send it to the public  
7 guardian's office, please. They can't be left in this legal  
8 limbo. It's got to be straightened out. Their house is  
9 sitting empty in Fortuna locked tight. They need care.

10 Thank you.

11 THE COURT: Thank you, Ms. Wolff.

12 Ms. Hamer, very briefly, please.

13 MS. HAMER: Very briefly. Everything can be solved  
14 if Royce Mendonca is appointed the conservator of the person  
15 and estate of both Barbara and Ronald, then everything can be  
16 done that Sharon Wolff has mentioned. They're simply in this  
17 place because of an emergency situation. They needed the  
18 right place to be. They do have a care needs assessment.  
19 They can also obtain the medical records, the past medical  
20 records, from Fortuna. They can obtain everything necessary  
21 if he is just given letters of conservatorship as soon as  
22 possible.

23 Thank you, your Honor.

24 MS. WOLFF: *(Unintelligible.)*

25 THE COURT: Ms. Wolff, you have to wait. Ms. Wolff  
26 I'll give you a minute if you would like to respond.

27 MS. WOLFF: I would simply like to clarify her  
28 statement. It was an emergency placement or it was a

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1 voluntarily placement, but it can't be both.

2 THE COURT: Thank you, Ms. Wolff.

3 So, with that, I'm going to conclude the evidentiary  
4 portion of this hearing.

5 I do have some documents that were submitted by  
6 Ms. Wolff and I think all of these documents, though, were  
7 attached, as well, in the pleadings.

8 Is that correct?

9 MS. WOLFF: The exhibit binder?

10 THE COURT: Yes.

11 MS. WOLFF: Yes. It was filed at the same time,  
12 yes.

13 THE COURT: All right. Thank you. So, I'm going to  
14 return this binder to Ms. Wolff.

15 MS. WOLFF: Thank you. I used that to declare  
16 further intent and behaviors.

17 THE COURT: All right. Thank you.

18 So, with that, I appreciate everyone's participation  
19 today. It's a very difficult issue, a very difficult  
20 situation for everyone and I certainly understand that.

21 What I'm going to do at this point is I'm going to  
22 take the matter under submission. I want to review some of  
23 the documents one more time. My intention would be to get a  
24 decision out tomorrow or at least get the letters out or the  
25 order out, at least, appointing the guardian of the estate if  
26 it's appropriate to appoint guardians.

27 So, with that, once I get it out, it has to be  
28 processed. It might take a few days yet before the decision

Hearing date  
was 9/29/21  
and no order  
was issued  
until  
12/10/21  
(filed  
12/13/21)

—Lori A. Rock ~ CSR# 12040—

1 is provided to the parties.

2 MS. WOLFF: May I ask one question?

3 THE COURT: Yes.

4 MS. WOLFF: You have apparently a filing in front of  
5 you that I do not have that she mailed so that I would get it  
6 after this hearing. So, I'm at a disadvantage. I don't know  
7 what's in it and I can't counter what's in it and from the  
8 documentation I've seen in earlier filings, I do want to be  
9 able to look at it.

10 THE COURT: All right. Thank you. I do think  
11 that's probably appropriate. What we can do is set a further  
12 hearing. It will be limited only to the filings that were  
13 made today by Ms. Hamer on behalf of Mr. Mendonca.

14 MS. HAMER: Your Honor, if I might suggest a way to  
15 save the Court's time, we could e-mail those documents to  
16 Ms. Wolff today and, perhaps, the Court could give her a  
17 certain time to respond to them in writing.

18 THE COURT: Ms. Wolff.

19 MS. WOLFF: That could have been done long before.

20 THE COURT: I appreciate that.

21 MS. WOLFF: I would like to respond to them in  
22 writing. I would like to look at them again. From what I've  
23 seen in documentation, I think I've got a few things to look  
24 at.

25 MS. HAMER: I will be out of town Monday, Tuesday  
26 and Wednesday of next week. That's kind of a problem.

27 THE COURT: Thank you. Ms. Hamer, I'm going to ask  
28 you or your office to e-mail those filings that were made

1 today, e-mail those to Ms. Wolff. Ms. Hamer, do you have  
2 Ms. Wolff's e-mail?

3 MS. HAMER: We do. We'll do that immediately, your  
4 Honor.

5 THE COURT: Thank you.

6 Ms. Wolff, if you wish to respond -- you don't have  
7 to respond -- if you wish to respond, I'll ask that you file  
8 your response by Friday, October 8th.

9 MS. WOLFF: No problem.

10 THE COURT: That will give you a few days to review  
11 the documents and prepare a response and I'll ask that you  
12 e-mail your response to Ms. Hamer's office, as well.

13 MS. WOLFF: Oh, yes, I have. She doesn't respond;  
14 but, yes, I have.

15 THE COURT: All right. Thank you.

16 So, what we'll do is take this matter under  
17 submission as of October 8th. I'll wait until I receive  
18 Ms. Wolff's responses and then hopefully have a decision out  
19 by mid October.

20 MS. HAMER: Thank you, your Honor.

21 THE COURT: Thank you, Ms. Hamer.

22 Ms. Wolff, anything further?

23 MS. WOLFF: I don't think so. Thank you very much.

24 THE COURT: Thank you.

25 THE CLERK: Are temporary orders remain in effect?

26 THE COURT: I don't believe there are temporary  
27 orders.

28 MS. WOLFF: There are no orders.

—Lori A. Rock ~ CSR# 12040—

1 MS. HAMER: No, there are no temporary orders.

2 MS. WOLFF: That presents a question. They have a  
3 bill outstanding. They've been there over a month. There's a  
4 full month's bill that isn't getting paid.

5 MS. HAMER: Royce Mendonca --

6 THE COURT: One at a time. Ms. Hamer, please wait.  
7 Ms. Wolff.

8 MS. WOLFF: Did the family's opposition letters get  
9 accepted by this Court or would you like them to testify as to  
10 their accuracy so that the Court can receive them?

11 THE COURT: The Court is going to take judicial  
12 notice of everything that was filed and I'll give whatever  
13 weight I think is appropriate.

14 MS. WOLFF: Great. *Actually, Royce testified that*  
15 THE COURT: Ms. Hamer. *he was NOT financially*  
*responsible for the placement.*

16 MS. HAMER: Yes. Royce Mendonca testified that he  
17 actually advanced from his own funds the money for them to be  
18 admitted into Merrill Gardens. It is paid.

19 MR. MENDONCA: Your Honor, if I may speak?

20 MS. HAMER: Wait. Wait. Wait. No. We're not --  
21 you testified to that. It's in your declaration.

*Nope, Royce  
stated he  
was NOT  
financially  
responsible  
in his sworn  
testimony.*

22 THE COURT: Thank you, Ms. Hamer, for that  
23 clarification. The issues of bills or what gets paid, that's  
24 beyond the scope of this hearing at this point. At some point  
25 it might become relevant.

26 So, with that, Madam Clerk, was there anything  
27 further?

28 *(Court and Clerk confer briefly.)*

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1 THE COURT: Yes, thank you. There was a motion to  
2 strike filed. The Court is going to deny that motion.

3 MS. HAMER: Well, there were two motions to strike,  
4 your Honor. There was a motion to strike that folder of  
5 evidence and there's a motion to strike all these objections  
6 that were not verified or signed.

7 THE COURT: Thank you. So, the Court is denying the  
8 motion to strike the binder as the Court did not rely on that.  
9 It's now moot. As far as the motion to strike the  
10 declarations, the Court is going to deny that motion, as well,  
11 and the Court will take judicial notice of those declarations  
12 based on the representations from Ms. Wolff in court today and  
13 I'll give whatever weight to those declarations that the Court  
14 feels is appropriate.

15 MS. HAMER: Thank you, your Honor. I would note  
16 that I also did file evidentiary objections, as well.

17 THE COURT: Yes. Thank you. That will address the  
18 evidentiary objections, as well.

19 MS. HAMER: Thank you.

20 THE WITNESS: Thank you.

21 THE COURT: Thank you.

22 Ms. Wolff, I think that raps this up.

23 MS. WOLFF: I think that raps it up. Thank you,  
24 your Honor.

25 MR. MENDONCA: Thank you, your Honor.

26 THE COURT: Thank you, Ms. Hamer. Thank you all for  
27 participating. Again, as I said, I know it's a very difficult  
28 situation but I appreciate everybody's work on this matter.

—Lori A. Rock ~ CSR# 12040—

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MS. WOLFF: Thank you, your Honor.

MS. HAMER: We appreciate your time. Thank you,  
your Honor.

THE COURT: With that, we will end this hearing and  
we will be adjourned.

*(Proceedings concluded.)*

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