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8 Attorney for Respondents SHARON WOLFF and STEVE WOLFF

9  
10 **COURT OF APPEAL, FIRST APPELLATE DISTRICT**  
11 **DIVISION ONE**  
12 **STATE OF CALIFORNIA**

13 Mendonca et al.  
14  
15 Real Parties in Interest and  
16 Appellants  
17  
18 v.  
19  
20 Wolff et al.  
21  
22 Defendants and Respondents

1DCA Case Nos. A169030 and A169031  
Humboldt County Superior Court Case Nos.  
PR2100161 and PR2100162  
MOTION TO AUGMENT RECORD ON  
APPEAL/DECLARATION OF PAUL  
NICHOLAS BOYLAN (DOCUMENT  
ATTACHED); MEMORANDUM OF POINTS  
AND AUTHORITIES; *PROPOSED* ORDER;  
PROOF OF SERVICE

1 TO: THE PRESIDING JUSTICE AND THE HONORABLE ASSOCIATE  
2 JUSTICES OF THE COURT OF APPEAL OF THE FIRST APPELLATE  
3 DISTRICT, DIVISION ONE.  
4

5 **MOTION TO AUGMENT RECORD ON APPEAL**

6  
7 ***DECLARATION OF PAUL NICHOLAS BOYLAN***

8 I, Paul Nicholas Boylan, declare:

9 I am the trial and appellate attorney of record for defendants and Respondents  
10 SHARON WOLFF and STEVE WOLFF. I am in good standing and licensed to practice  
11 before all California courts. All of the statements I make in this declaration I make from  
12 my own knowledge. I could and would competently testify as to the statements I make in  
13 this declaration if called upon to do so.

14 Pursuant to Rule 8.155(a) and (b) of the California Rules of Court, Appellant hereby  
15 moves to augment the record on appeal to include a transcript for a hearing in the trial  
16 court that took place on April 28, 2023, but was not included in the Reporter's Transcript.  
17 A copy of this hearing's transcript is attached to this motion (the "Attached Transcript").  
18 The Attached Transcript is a certified transcript of a hearing held on April 28, 2023.

19 I request that this document be added to the Reporter's Transcript currently filed  
20 with this Court for the following reasons.

21 1. Appellants are appealing the trial court's final order granting Respondents'  
22 special motion to strike (SLAPP) (the "Order") (CT Vol 5, p. 1119 – 1135) and appealing  
23 the trial court's final ruling denying Appellants motion to vacate the ruling granting  
24 Respondents' special motion to strike (CT Vol. 6, p. 1578 - 1588 .)

25 2. This appeal rises from the following procedural history:

26 a. Appellant ROYCE MENDONCA is the court appointed conservator  
27 for Ron and Barbara Keller, two disabled, elderly people suffering from dementia;

1 Appellant CHRIS HAMER is Mr. Mendonca’s attorney. (CT Vol. 6, p. 1578:21-24.)

2 b. Respondents SHARON WOLFF and STEVE WOLFF are  
3 owners/publishers of the Rio Dell Times, an internet-based news media outlet. (CT Vol. 2,  
4 p. 0495:3-4.)

5 c. The Rio Dell Times reported generally upon conservatorship process,  
6 and specifically reported upon the Keller conservatorship. (CT Vol. 2, p. 0496:16 –  
7 0497:1 – 0498:1 – 16.)

8 d. Appellants filed two probate petitions, one on behalf of Ron Keller  
9 (Humboldt County Superior Court Case Nos. PR2100161), and the other on behalf of  
10 Barbara Keller (Humboldt County Superior Court Case Nos. PR2100162, both petitions  
11 accusing Respondents of defaming Appellants. (CT Vol. 1, 009:11-13.)

12 3. Respondents argue (1) Appellant’s schemed to use probate filings to shift  
13 the expense of litigating their personal defamation claims from Appellants to the Kellers;  
14 and (2) Appellants’ scheme justified the trial ordering Appellants – and not the Kellers -  
15 to pay the fees the trial court awarded Respondents after the trial court granted  
16 Respondents anti-SLAPP special motion to strike.

17 4. The Attached Transcript memorializes the hearing where (1) Appellant  
18 CHRIS HAMER requested that the Keller estate (money she and ROYCE MENDONCA  
19 managed ) pay her fees associated with the defamation action; and (2) the trial court  
20 denied that request.

21 5. Respondent’s argument that the trial court was justified in finding  
22 Appellants to be the real parties in interest and ordering them, and not the Kellers, to pay  
23 the fee award in Respondents’ favor would be compromised if Respondents cannot cite to  
24 the Attached Transcript. This Court’s understanding of the facts would be impaired if this  
25 Court is denied the ability to refer to the Attached Transcript.

26 6. I know of no prejudice to any party as a result of the granting of this motion.

27 7. This motion is made in good faith for the reasons set forth herein and and

1 not for the purposes of delay.

2 I declare under penalty of perjury that all of the statements made in within this  
3 motion, including but not limited to this declaration, are true and that this declaration was  
4 executed on May 23, 2023, in Davis, California.



6 PAUL NICHOLAS BOYLAN

7 ***MEMORANDUM OF POINTS AND AUTHORITIES***

8 **A. Augmentation Should be Allowed to Assist in a Full and Fair Appellate**  
9 **Review.**

10 Rule 8.155(a) of California Rules of Court permits the augmentation of the  
11 appellate record. Rule 8.155(a)(1) specifically allows a certified transcript to added to the  
12 record on appeal. It is well established that these rules are to be construed liberally.  
13 (*People v. Brooks* (1980) 26 Cal.3d 471, 484; *Kuhn v. Ferry & Hensler* (1948) 87  
14 Cal.App.2d 812, 814-815.)

15  
16 The need for augmentation here is compelling. Appellants' primary argument is  
17 that the trial court erred when it ordered Appellants, and not their disabled, elderly clients  
18 suffering from dementia, to pay the fees the trial court awarded to Respondents. The  
19 Attached Transcript contains facts necessary to support the argument that, as real parties  
20 in interest, and as the Kellers' fiduciaries, Appellants should not escape the consequences  
21 of attempting a SLAPP by shifting responsibility for the trial court's fee award onto the  
22 shoulders of Appellants disabled elderly clients.

23 ***CONCLUSION***

24 For the above reasons, Respondents respectfully requests that this Court order the  
25 record on appeal to be augmented to include the reporter's transcript attached to this  
26 motion.

1 Respectfully submitted.

2  
3 Dated: May 22, 2023



4 PAUL NICHOLAS BOYLAN

5  
6 **[Proposed] ORDER**

7 Respondents SHARON WOLFF and STEVE WOLFF's motion to augment the  
8 record on appeal to include the transcript for the trial court's April 28, 2023, hearing is  
9 granted.

10 Dated: May \_\_\_\_\_, 204

11 \_\_\_\_\_  
12 Presiding Justice California Court of Appeal  
13 First Appellate District, Division Two

14 ***PROOF OF SERVICE***

15 I, Paul Nicholas Boylan, declare:

16 I am a citizen of the United States, am over the age of eighteen years, and am not a  
17 party to or interested in the within entitled cause. My business address is POB 719, Davis  
18 CA 95617. On May 22, 2024, I served a document upon Respondent entitled:

19 MOTION TO AUGMENT RECORD ON APPEAL (DOCUMENTS  
20 ATTACHED); DECLARATION OF PAUL NICHOLAS BOYLAN;  
21 MEMORANDUM OF POINTS AND AUTHORITIES; *PROPOSED*  
22 ORDER; PROOF OF SERVICE

23  BY EMAIL: I sent, via TrueFiling – an electronic online legal filing and service  
platform - an email attaching the document described above, emailed to:

24 Chris Hamer  
25 chris@shkklaw.com

26 I declare under penalty of perjury under the laws of the State of California that the  
27 foregoing is true and correct and that this proof of service was executed on May 22, 2023,

PAUL NICHOLAS BOYLAN, ESQ.  
POB 719  
DAVIS, CALIFORNIA 95617

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in Davis, California.



PAUL NICHOLAS BOYLAN

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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF HUMBOLDT  
DEPARTMENT SEVEN  
BEFORE HON. GREGORY J. KREIS, JUDGE  
PR2100161, PR2100162

. . .

In re the Conservatorship of the Estate  
of:

RONALD WAYNE KELLER

\_\_\_\_\_ /

REPORTER'S TRANSCRIPT OF PROCEEDINGS

. . .

APRIL 28, 2023  
1:35 P.M.

Reported by: TANIA N. BRUNELL, CSR No. 4277

A P P E A R A N C E S

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FOR R. KELLER AND B. KELLER:

SHARON WOLFF  
Pro per  
3 Painter Street  
Rio Dell, California 95562  
(707) 599-9961  
sharon@riodelltimes.com

CONSERVATOR AND OBJECTOR FOR ROYCE MENDONCA AND DIANA MENDONCA:

STOKES, HAMER, KIRK & EADS  
By: CHRIS HAMER, ESQ.  
381 Bayside Road  
Arcata, California 95521  
(707) 822-1771  
chris@shkklaw.com



1 THE COURT: I'm calling the Keller matters.  
2 This is on today for first account report and CI report  
3 review in both matters. B Keller is PR2100162 and R  
4 Keller is PR2100161. Ms. Wolff appears pro per in the R  
5 Keller matter. I'm not sure that's --

6 MS. WOLFF: It's true; I am also in pro per for  
7 B Keller as well.

8 THE COURT: Okay. All right.

9 And Ms. Hamer is here for Ms. Mendonca as the  
10 conservator in both cases. All right. With that, we  
11 have our appearances.

12 And I have had a chance to review both the  
13 accounting as well as the investigator report for March  
14 2nd of 2023. I have also reviewed the filings,  
15 declarations that have been filed since objections to  
16 the first account to the first objection, attachments to  
17 those objections. And I guess the first thing I'll  
18 start with is, after reviewing, it looks to me like, and  
19 now that we've had a little time to go by since March,  
20 with March, that most of the concerns of Ms. Wolff have  
21 been addressed.

22 MS. WOLFF: No.

23 THE COURT: I know not maybe in a way that you  
24 think is good enough, but let me start by saying --  
25 where is it now? (Examining.)

26 Bear with me, everybody. I'm just digging  
27 through here. (Examining.)

28 All right. So one was -- a couple. Refusing

1 to grant permission to the ombudsman. There has been no  
2 evidence that I've seen of that in effect. I'm not  
3 asking --

4 I'm just going to say everything --

5 MS. WOLFF: Okay.

6 THE COURT: -- and then I'm going to give you  
7 both a chance to speak.

8 MS. WOLFF: Okay. Thank you.

9 THE COURT: So I don't see any evidence other  
10 than, in the response, that he's never tried to stop  
11 that from refusing to grant permission to the  
12 ombudsman's office. Then also that there is an  
13 allegation that the doctor at Kaiser called, and their  
14 response to that was "I've never known there was a  
15 problem."

16 So that's one -- the one area I think -- I  
17 shouldn't say there's -- it has been addressed in a --  
18 -- in a -- what am I trying to say? It hasn't been  
19 resolved. It sounds like it was addressed by both  
20 parties, hasn't been resolved in my mind.

21 Then there was changing beneficiaries on  
22 insurance policies. That one's not clearly been  
23 resolved. And lapse of life insurance premiums.

24 So those were the main ones as I went through  
25 to say, you know, let's make sure.

26 So what -- I'm not sure how we want to go  
27 forward. The accounting to me seems fine other than my  
28 tentative is that I do not think it's appropriate to

1 bill the estate for the -- on the SLAPP injunction stuff  
2 that was really protecting conservator and the attorney  
3 in that matter. So I would strike from the accounting  
4 any work that was done in defense of or in attempts to  
5 filing injunction, especially because now it turned out  
6 it was dismissed, and obviously that's a little bit  
7 related to the other, which I'm working on that,  
8 on that submitted for the anti-SLAPP action.

9 So let me ask, first Ms. Hamer, on those things  
10 that I had brought up, do you have any more information  
11 than what has already been filed, as far as, you know.  
12 Has anyone talked to the ombudsman; has anyone talked to  
13 Kaiser to get, you know, declarations or anything like  
14 that, or has that not been done?

15 MS. HAMER: Well, your Honor, my clients deal  
16 with Kaiser all the time. They're -- they're getting --  
17 that is -- that is the secondary or the supplemental  
18 Medicare insurance that both Ronald and Barbara hang out  
19 is through Kaiser --

20 THE COURT: Okay.

21 MS. HAMER: -- and my clients are getting them  
22 care all the time. So it's just not a thing. It's not  
23 true. They're in communication, particularly, of  
24 course, it would be Royce's mother, who's his agent, and  
25 she's been helping him with it. She has a very close  
26 relationship with Barbara and Ronald, that both of them  
27 have had contact frequently with Kaiser.

28 And if I can just address the insurance?

1 THE COURT: Sure.

2 MS. HAMER: Yes; I thought we explained that.  
3 It's confusing, I see, because the name of the  
4 supplement that Ronald and Barbara had, the supplement  
5 to Medicare, which is what you have to get -- you have  
6 to get the supplemental insurance at Kaiser now. The  
7 insurance used to have the word "life insurance" in it  
8 although it was a supplemental medical plan. They  
9 simply switched from one supplemental Medicare policy to  
10 a different supplemental Medicare policy, from -- from  
11 this, this first one that had the word "life insurance"  
12 in it, because that's one of the kinds of insurance that  
13 this huge corporation provides, but not to Ronald or  
14 Barbara. It switched from that company to Kaiser. And  
15 as set forth in their declarations, to their knowledge,  
16 there was never any life insurance for either Ronald or  
17 Barbara.

18 THE COURT: Okay. Ms. Wolff --

19 MS. WOLFF: Yes.

20 THE COURT: -- do you have proof of that?

21 MS. WOLFF: Yes.

22 THE COURT: Did you file that?

23 MS. WOLFF: Yes. In my original objection I've  
24 addressed that, and I've addressed that I received a  
25 mailing from Transamerica Life, which I wouldn't have  
26 for a Medicare supplemental policy.

27 THE COURT: Oh, would you bring that microphone  
28 closer to you?

1 MS. WOLFF: Oh.

2 THE COURT: So what I'm asking for you is  
3 specifically, do you have evidence of, that A, there  
4 were these life insurance policies; B, that you were the  
5 beneficiaries of those?

6 MS. WOLFF: Yes. I have the Transamerica  
7 statement that I received because I'm on that account.  
8 I wouldn't be on my mom's Medicare supplemental policy  
9 to receive this in the first place.

10 Secondary, the statements provided by Attorney  
11 Hamer and Mr. Mendonca previously confirmed this was  
12 life insurance. They stated they canceled the life  
13 insurance because they could, and then it was only in  
14 their most recent filing that they now decided that it  
15 was not life insurance at all; it was never life  
16 insurance. It is now a Medicare supplemental policy.

17 Any of this could easily be proven with  
18 documentation. If they're being billed. If they have  
19 insurance cards. Documentation has never been provided  
20 to this Court. If they simply state something, and the  
21 Court has assumed to believe that's true, but it's not.

22 THE COURT: Are you saying --

23 MS. WOLFF: I was actually with Mom and Ron  
24 when they set up their supplemental policies.

25 THE COURT: So you're saying you have evidence  
26 that there is a policy?

27 MS. WOLFF: Yes. Yes. And I could give you  
28 the policy number.

1 THE COURT: I don't need it right now.

2 MS. WOLFF: Yes, absolutely.

3 THE COURT: Just so everyone's clear, this is  
4 not an evidentiary hearing.

5 MS. WOLFF: Yes.

6 THE COURT: Right?

7 MS. WOLFF: Yes.

8 THE COURT: If we think that we need to set  
9 that evidentiary hearing I'll do that today --

10 MS. WOLFF: Yes.

11 THE COURT: -- but first I want to clarify and  
12 narrow what we're talking about --

13 MS. WOLFF: Yes.

14 THE COURT: -- because there is so much --

15 MS. WOLFF: Yes, there is.

16 THE COURT: -- so many allegations.

17 MS. WOLFF: Yes, there is.

18 THE COURT: And I think that for this court --

19 And someone has their hand up. I don't know if  
20 it's an accident or not, but I'm not taking questions.  
21 You're represented by an attorney, and I'll come back to  
22 Ms. Hamer in a minute.

23 My first and foremost here is, are these folks  
24 safe, being cared for and getting their health care  
25 needs.

26 MS. WOLFF: Yes.

27 THE COURT: And it seems to me that they are  
28 now doing that. They --

1 MS. WOLFF: We don't know that.

2 THE COURT REPORTER: I've got to interrupt.

3 THE COURT: You've got to stop talking over --

4 THE COURT REPORTER: Like, right in the middle  
5 of a sentence you'll say "yes," and I'm trying to get  
6 everything, so --

7 MS. WOLFF: I'm very nervous.

8 THE COURT REPORTER: Sure.

9 THE COURT: And I have that because I have --  
10 they're seeing a doctor. You know, they're at a  
11 facility. It's reported by the people that do this that  
12 they are happy at the facility. They are having some  
13 problems, Alzheimer's, all of the things they're -- you  
14 know, your mom's dealing with. And that's why we have  
15 these investigators go out and put -- lay their eyes on  
16 the people.

17 So any of the concerns that you don't think is  
18 up to par, that goes back to the ombudsman or, you know,  
19 if you don't think the doctor is doing their job, that's  
20 really -- you're not a doctor, and they get to give  
21 their opinion, and I haven't seen anything that would  
22 indicate to me that they're getting sub par or that they  
23 are in bad health. If I had that, then I would act on  
24 it, but I just don't have it. I have your opinion, if  
25 you think it should be different or more, but you're not  
26 a medical -- just like I'm not a medical doctor, so I  
27 have to take professional's opinion.

28 MS. WOLFF: May I speak?

1 THE COURT: Yes, go ahead.

2 MS. WOLFF: Yes, you're absolutely right, and I  
3 only have the court investigator's information to go off  
4 of. That is literally the only information that any  
5 member of Mom's family receives about her care and how  
6 she's doing. So you're right; I have very little  
7 information.

8 The long-term-care ombudsman for that area has  
9 been involved. I have contacted her. I would like to  
10 subpoena her. What she has witnessed -- she was  
11 actually at a visit with my brother, who was there,  
12 since our last court hearing. They just happened to be  
13 there at the same time. And she saw the interaction  
14 with Tim and Ron and Mom, and she saw all of that, and  
15 she really needs to testify, because what you're being  
16 told is not true.

17 THE COURT: What would the ombudsman testify  
18 to?

19 MS. WOLFF: The ombudsman can testify as to her  
20 attempts to speak to Mr. Mendonca, his refusal to call  
21 her back, his refusal to provide her with the  
22 authorization she needs in order to do her job. Her  
23 office has very little statutory authority. It requires  
24 the permission of the legal representative. She cannot  
25 go forward without that. He has not done that.

26 They tell you, "Oh, no, I haven't blocked  
27 that," but again, the testimony from Ms. Williams would  
28 be different. She is also the one who has had to



1 contact the facility on our behalf on multiple occasions  
2 when they were blocking Mom's family entirely from  
3 visiting based on instructions from the conservator and  
4 his mother.

5 THE COURT: Okay. Do you have that -- have you  
6 got that declaration from her yet?

7 MS. WOLFF: I have not. I want to subpoena her  
8 for a hearing. I knew this wasn't an evidentiary  
9 hearing.

10 THE COURT: You should probably go get a  
11 declaration --

12 MS. WOLFF: Absolutely. Yes.

13 THE COURT: You could lay it all out, and then  
14 you can give that to the other party.

15 MS. WOLFF: Okay. When I asked her about  
16 getting her records in a court file previously, she  
17 didn't say it has to be subpoenaed --

18 THE COURT: Sure.

19 MS. WOLFF: -- but I will ask for a declaration  
20 if she's able to do that.

21 THE COURT: If she's not willing to do it,  
22 you're right; you can just subpoena her.

23 MS. WOLFF: Yeah, she's got limitations on her  
24 records. So whatever their office requires.

25 The other noticeable discrepancy that we  
26 haven't talked about is the gain on the sale of their  
27 house. Ms. Hamer contends they only gained \$26,000 on  
28 the sale of their house. It sold for \$491,000. The

1 payoff of their mortgage was 252,000. The title company  
2 cut them a check for over 185,000. That is not listed  
3 in any of the documentation that I have access to.

4 Again, she's stating based on the anticipated  
5 value of the house. In the paperwork, it was appraised  
6 at 252,000. That has nothing to do with the gain of the  
7 house.

8 THE COURT: Do you have proof that they  
9 received that?

10 MS. WOLFF: Yes. In the filing paperwork by  
11 Attorney Hamer is the statement from the title company,  
12 and it states the exact amount of the check that they  
13 provided to the seller after all deductions, the  
14 mortgage payoff, all sale, all tax, everything. They  
15 walked away with a check for 183,000-plus.

16 THE COURT: Okay. Ms. Hamer?

17 MS. HAMER: Yes, your Honor. I thought I had  
18 explained it. I explained it as well as I could in the  
19 papers. This is what -- this is what an accounting  
20 does. You start out with the appraised value that's in  
21 the inventory appraisal. This is the assets you have on  
22 hand at the beginning of the accounting period. So we  
23 start with this.

24 And then we have -- we have a sale price. And  
25 the sale price that we obtained on the Keller's home was  
26 \$26,000 more than the appraised value on the inventory  
27 appraisal. Because this is community property, we split  
28 it 50/50 between Ronald and Barbara's accountings. So

1 there's \$13,000 over the appraised value of one half,  
2 which was listed. That's what an accounting does.

3 The court --

4 THE COURT: Ms. Hamer --

5 MS. HAMER: Yeah.

6 THE COURT: I think -- what I'm hearing is  
7 Wolff believes -- and she said it's in her papers. I  
8 can't remember --

9 MS. WOLFF: Yes.

10 THE COURT: I went through these but --

11 MS. WOLFF: I'll get you the pages.

12 THE COURT: You've got to stop talking.

13 That may have been the appraised, but it  
14 actually sold for more than the appraised. That's what  
15 I'm hearing Ms. Wolff saying, is that, yeah, it may have  
16 appraised for that, 26,000 but it sold and the profit  
17 from that whole house sale is 183,000.

18 MS. HAMER: No, this is -- this is backwards.  
19 I'm sorry, your Honor.

20 THE COURT: No, that's okay.

21 MS. HAMER: Okay. All right. The -- okay,  
22 there's an inventory appraisal at the beginning of the  
23 conservatorship.

24 THE COURT: Yes.

25 MS. HAMER: And this was done by the probate  
26 referee. Those are the decreased values. We got a  
27 sales price that was higher than that. Okay. It was  
28 higher than the amount of the appraised value in the

1 inventory appraisal. The appraised value by the probate  
2 referee. You take the sales price, and maybe it was  
3 hundred and -- it was whatever, you know, we put in the  
4 closing statement; you take the selling price of; you  
5 subtract from that the value that the probate referee  
6 appraised it at and you get the difference. And it was  
7 a positive difference. It was \$26,000 more than the  
8 probate referee had appraised it for.

9           So we're showing the gain. We're not showing  
10 the proceeds. And the proceeds are -- that's not what  
11 you show on an accounting. You show the amount that you  
12 received over what you had to begin with. So we start  
13 out with a certain amount that was a certain value,  
14 which was the value that the probate referee put on the  
15 house, and then we sold it for a higher value, so we put  
16 the difference between those two values on the  
17 accounting.

18           That's what you do to see how has this estate  
19 changed during the accounting period. Has it increased  
20 in value or has it decreased in value. If we sold the  
21 property for less, then there would be a loss, and the  
22 loss would be divided between the two estates. It would  
23 be whatever the appraised value was less this lower  
24 sales price. But in this case, we were able to sell it  
25 for more than the value that the probate referee arrived  
26 at, and that is what's shown on an accounting.

27           THE COURT: Okay. So your position is -- is  
28 that any profits were split between the two estates?

1 MS. HAMER: Yes. Yes.

2 MS. WOLFF: May I?

3 In the filed first accounting report of  
4 conservator that was filed by Attorney Hamer on January  
5 11th -- it is Exhibit B, is the final seller's statement  
6 from the title company. And it refers to how much they  
7 had to pay off for their mortgage, 275,000. Paid that  
8 off. The fees, the taxes, all those things that get  
9 deducted on the sale of the house was a net proceed, a  
10 check given to the seller, for \$183,575.89. That is  
11 what they gained over the expenses of that house for the  
12 sale of their house. That should be recorded somewhere  
13 in the accounting documents. That total could be split  
14 between the two estates, but it sure as heck is more  
15 than \$26,000, and that -- it just needs to be reflected  
16 somewhere. Where did that check get deposited?

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

18 THE COURT: Yes, please.

19 MS. HAMER: We submitted confidentially all the  
20 bank statements, and the Court can see how and where  
21 that -- those are net proceeds. Those are net proceeds.  
22 So there's a -- the sale price after all the costs.  
23 That it's not profit; it's what -- it's the net sales  
24 price after all the costs. And that was -- half of that  
25 is in each estate. And it has to be, because we are  
26 counting them as starting with the same value. They  
27 both start with the same value, but the appraised value  
28 is split in half and we have the difference between

1 that.

2 And then we have a different schedule for the  
3 cost of sale, is in the accounting, and this amount that  
4 was received from the proceeds is in the bank  
5 statements. It's not a gain, because it's not over what  
6 the estate had before, but it is reflected in the bank  
7 statements, in the -- actually, I think they're  
8 investment statements. But Ms. Wolff does not have  
9 access to those; the Court does and the investigator  
10 does. They're confidential.

11 THE COURT: And which one are they -- which  
12 account is it? Wells Fargo advisors?

13 MS. HAMER: I believe so.

14 THE COURT: Okay.

15 MS. HAMER: But it would be half -- yeah, it's  
16 Wells Fargo advisers. But it is -- it is shown -- the  
17 money is not gone.

18 THE COURT: Would you show me where? Is there  
19 a -- I don't see -- let's see. (Examining.)

20 MS. HAMER: I mean, it has to be because the  
21 account balances.

22 THE COURT: Yeah, I'm just asking where is it  
23 reflected in this.

24 MS. HAMER: It would be in the bank statements.  
25 I actually employed a bookkeeper to help -- help with  
26 this. So let's see.

27 THE COURT: I'm sorry; I just -- let me see.  
28 (Examining.) Yeah, I'm just looking for a deposit, and

1 I don't see -- I'm sure it's here.

2 MS. HAMER: Oh, let's see.

3 THE COURT: I'm sure it's here.

4 MS. HAMER: Oh, let's see. Yeah, I'm sure it's  
5 here. I don't recall what the date was that the sale  
6 closed. But that -- you know, to find out what date --  
7 what a bank statement would show this particular amount.

8 But there's no allegation by the investigator  
9 or anyone else that any money is missing. They  
10 certainly did take the money and deposit it into the  
11 bank accounts, and there's no basis for saying it wasn't  
12 done. I mean, in the investment account.

13 MS. WOLFF: Your Honor?

14 THE COURT: Yes.

15 MS. WOLFF: In the court investigator's report  
16 on page three, Royce informed the court investigator  
17 that he took the money out of the wells Fargo investment  
18 account and converted it into cash. So does that  
19 account still exist or not? He stated -- excuse me.  
20 Royce intends to put the money in a secured account so  
21 that it's able to build interest without a risk of  
22 losing any money.

23 So again, where did that money go, and is the  
24 wells Fargo account still there, which that account has  
25 also designated beneficiaries, so any change to that  
26 account would also require court approval, according to  
27 the hands of her conservators.

28 MS. HAMER: Your Honor, this was addressed in

1 Royce Mendonca's declaration. It's -- the court  
2 investigator didn't understand him, was confused. He  
3 just was talking about what kind of investments it's in.  
4 It has remained -- all the money has remained in the  
5 wells Fargo accounts. He has not moved a dollar out of  
6 there to any other account. It's all there.

7 THE COURT: Okay.

8 MS. WOLFF: That documentation would be  
9 submitted to your Honor -- confidentially, I'm sure --  
10 but you should have that documentation right in front of  
11 you.

12 THE COURT: What documentation?

13 MS. WOLFF: What she has just stated about the  
14 wells Fargo account and the deposit of that money.

15 MS. HAMER: I mean, I can talk to the  
16 bookkeeper and find out for the Court exactly what date  
17 and what bank statement shows the deposit, that there's  
18 no missing money --

19 THE COURT: So let me --

20 MS. HAMER: -- in the course of the hearings.

21 THE COURT: Let me say any of the accounts I  
22 have in front of me are not -- nothing has been drained.  
23 They all have money in them.

24 MS. WOLFF: Good.

25 THE COURT: So that was not -- that was like  
26 what she just said, that was a, you know,  
27 misunderstanding.

28 MS. WOLFF: Great.



1 THE COURT: So every account that has been  
2 provided to me in the confidential bank statements, the  
3 court received a clear win before the January 26  
4 hearing. I don't see any discrepancy; in other words,  
5 nothing's been zeroed out.

6 MS. WOLFF: Great. Including their life  
7 insurance?

8 THE COURT: I don't -- again --

9 MS. HAMER: Oh, wait. My wonderful -- my  
10 wonderful legal assistant has brought in the bank  
11 account statement that actually shows the deposit of  
12 that money.

13 THE COURT: Great.

14 MS. HAMER: It is the August 31, 2022,  
15 statement from Wells Fargo.

16 THE COURT: August?

17 MS. HAMER: Yeah.

18 THE COURT: What was the year?

19 MS. HAMER: 2022. August 31, 2022.

20 THE COURT: Okay. I have July 31, 2022.  
21 August 31, 2022, where there is a transfer in from  
22 somewhere for 8,000. Home mortgage is paid. Oh, a  
23 withdraw of 8,260. A deposit from Public Employees,  
24 PERS, which -- so I'm not seeing --

25 MS. HAMER: Well, you know, my assistant just  
26 gave this to me. I guess she thought this was the one  
27 that showed it.

28 THE COURT: All right.

1 MS. HAMER: Here she is. Oh, okay. Here she  
2 is again.

3 All right. I'm sorry. It is -- okay, I am now  
4 looking -- she has given me something that says -- ahh,  
5 yes, this is it. This is actually it. It says  
6 "Snapshot." It's page one of seven, and it's "Progress  
7 Summary," and it shows securities -- cash deposited,  
8 \$183,575.89. It shows that it's having been deposited.  
9 This is page one of seven, and it's a statement for  
10 August 1, 2022, through August 31, 2022. And it shows  
11 that amount that Ms. Wolff has mentioned as being  
12 deposited into this account in August of 2022.

13 THE COURT: All right. One moment. I do see a  
14 net addition of cash, 183,697.07, deposited between  
15 August 1st and August 31st. And that's a Snapshot, so I  
16 can probably go -- it looks like it's on or about August  
17 17th.

18 MS. HAMER: Yes.

19 MS. WOLFF: That's certainly good information  
20 to know. It's not reflected in the accounting paperwork  
21 that's provided to the family members, which is why it  
22 presents a very confusing issue, when the money is not  
23 reflected in those documents. But if your Honor is  
24 seeing it there, I absolutely believe you and --

25 THE COURT: I totally see it and I'm satisfied.

26 MS. WOLFF: I'm glad to hear that.

27 Again, the life insurance question should be  
28 answered. That could easily be provided with

1 documentation as well.

2 Also, the care that they're receiving at  
3 Kaiser, they could provide any documentation that their  
4 insurance has been changed to Kaiser Advantage, and that  
5 they are receiving ongoing care.

6 THE COURT: So correct me if I'm wrong. I  
7 don't know that you have necessarily the right to get  
8 all of these documents.

9 MS. WOLFF: No.

10 THE COURT: So I'm not sure -- I can't just let  
11 -- you lack standing on a lot of these issues. But you  
12 lack standing in Ronald's. The only reason you have  
13 anything is because it's your mom. Right?

14 MS. WOLFF: Yes, exactly. I am the first-level  
15 relation. And, again, I can only go off of what they  
16 tell the court investigator, because that's the only  
17 information, and according to this, the last doctor's  
18 appointment Mom had had was in August of '22. And then  
19 they had behavior changes, the psychotropic medications  
20 that were --

21 THE COURT: We're not going to read documents  
22 into the record.

23 MS. WOLFF: Okay. That's fine.

24 That is the only record of any medical care for  
25 my mom that the family has any records here, and that's  
26 fine.

27 But you do bring us to the other point of, I  
28 filed a Request for Special Notice for papers that are

1 filed under Ron Keller's case. I have one under Mom's  
2 case already, but papers are being filed under Ron's  
3 case so they're not being sent to me. I've been  
4 receiving all of Ron's papers, up until the point that I  
5 filed a Request for Special Notice, and now I'm not.

6 So the response that Attorney Hamer filed to my  
7 documents in Ron's case, I've never seen them. She  
8 hasn't provided me any copies of them. Tim provided an  
9 objection. He hasn't received his response documents  
10 either. So we are not receiving anything from them.

11 THE COURT: Do you know, was that granted, your  
12 request?

13 MS. WOLFF: No. It's in front of you today. I  
14 filed it; Attorney Hamer filed an objection to my  
15 Request for Special Notice.

16 THE COURT: When did you file it?

17 MS. WOLFF: Sorry; I've got my papers here, but  
18 -- (examining)

19 Attorney Hamer filed her. The Request for  
20 Special Notice was filed on 3-22. The objection to this  
21 was filed. The objection to this filed --

22 THE COURT: 3-22?

23 MS. WOLFF: 3-22.

24 THE COURT: Why would I -- I haven't been  
25 involved in this case --

26 MS. WOLFF: Oh, no, I filed it with the court,  
27 just so it was on file in the record. Ms. Hamer then  
28 filed an opposition response to the Request for Special

1 Notice on 3-30. So I --

2 THE COURT: Of 2022?

3 MS. WOLFF: 2023, no.

4 THE COURT: Oh, I heard you say 2022.

5 MS. WOLFF: Oh, I'm sorry.

6 So that's a matter that needs to be resolved.

7 I've been Ron's stepdaughter for, oh gosh, 33  
8 years now. All my kids call him grandpa. He's been my  
9 family member for all this time. He placed with my mom.  
10 They have a joint account. I'm an interested party.  
11 I'm first-level family.

12 THE COURT: I have a March 22 objection to  
13 first accounting report, and Annual Investigator's  
14 Report. I have reviewed that.

15 Before that, I have a March 9th filed.

16 MS. WOLFF: There's been -- yeah.

17 THE COURT: Do you have a copy of that request  
18 for notice?

19 And do to know anything about this, Ms. Hamer?  
20 Because I don't see --

21 MS. HAMER: Yes, I just found it. She actually  
22 did file a Request for Special Notice on March -- let's  
23 see -- on March 22nd, and we do object to her having  
24 special notice --

25 THE COURT: Okay. Let me get to it. It's  
26 probably something --

27 MS. HAMER: And we filed our objection on March  
28 30th.

1 THE COURT: Okay.

2 THE CLERK: I see the March 22nd, Request for  
3 Special Notice in the 161 file.

4 THE COURT: Yes, found it.

5 All right. Give me a moment, everybody.

6 MS. WOLFF: You bet.

7 THE COURT: All right. The response -- so  
8 you're saying, "I want notice of everything with Ronald  
9 Keller because he's my stepfather"?

10 MS. WOLFF: Yes. I already have one on file  
11 for my mom, and I was trying to avoid getting duplicates  
12 of stacks of paper, but I am now concerned that there  
13 will be papers filed under Ron's case number that aren't  
14 filed under Mom's, and the court investor's report was,  
15 as these other documents were, that I did not get copies  
16 of, so that's why I submitted that.

17 THE COURT: Okay. And you're objecting.  
18 What's your position on that?

19 MS. HAMER: Oh, my position is that Ms. Wolff  
20 has no standing whatsoever to participate in Ronald  
21 Keller's conservatorship, and therefore she has no  
22 standing to obtain the documents that we filed in that  
23 conservatorship. She is just going to use them to make  
24 it more expensive in that conservatorship as well as in  
25 Barbara Keller's conservatorship. She's going to  
26 attempt to participate. She's going to file objections.  
27 She doesn't have a standing to file anything or to  
28 appear in Ronald Keller's case. She is not an

1 interested person.

2 Q. And you think this based upon your relationship  
3 that he's your stepfather?

4 MS. WOLFF: Yes. He's my dad. I am an  
5 interested person. They're joint accounts. They're  
6 jointly placed together. There is no way to separate  
7 the two. Frankly, they should be -- the cases could be  
8 combined. And, again, I am concerned that games are  
9 going to be played with these case numbers. That you  
10 have seen just trying to find the documents. One case  
11 to the other.

12 THE COURT: No one's playing games.

13 MS. WOLFF: Oh, no, no, no, no. I --

14 THE COURT: Hold on, hold on, hold on --

15 MS. WOLFF: (Inaudible.)

16 THE COURT: When I say "hold on" that means  
17 "stop." That's my polite way of saying "stop."

18 MS. WOLFF: I'm sorry, your Honor.

19 THE COURT: So I have, and you should have  
20 received, confidential investigator's first annual  
21 report review in Barbara Keller's case.

22 MS. WOLFF: Yes, in Barbara's.

23 THE COURT: Right.

24 The one in -- they're identical.

25 MS. WOLFF: I don't know that. I believe --

26 THE COURT: That's what they do every time.

27 They go there and they meet with the two and they make a  
28 report.

1           But more to the point, from everything I've  
2 read, Mr. Keller does not want contact with you. He  
3 does not want a relationship with you.

4           MS. WOLFF: That is also not correct, and the  
5 ombudsman would be able to testify to her observations  
6 that Ron welcomed him as well.

7           THE COURT: That's right.

8           MS. WOLFF: And the court investigator's report  
9 --

10          THE COURT: I didn't hear. You said?

11          MS. WOLFF: And the ombudsman would be able to  
12 testify as to Ron's relationship and his comfort level  
13 with visiting us. What the Court has been told about  
14 this is not true. They've never provided any  
15 documentation of it. It is simply not true. We've had  
16 many very nice visits down in the facility. It -- it  
17 definitely needs to be provided.

18          The two court investigator reports are not  
19 identical. The quotes from my brother were not included  
20 in the court investigator's report that were filed under  
21 Mom's case, so we had no idea that Tim was even recorded  
22 in there.

23          THE COURT: You're right, they're not.

24          MS. WOLFF: Yes, they're not identical.

25          THE COURT: (Examining.) I don't know where I  
26 saw that in my review of hundreds of documents --

27          MS. WOLFF: There's a lot.

28          THE COURT: -- that the relationship with you



1 and stepfather was not good if he didn't want it --

2 MS. WOLFF: Yes.

3 THE COURT: -- to have one?

4 MS. WOLFF: Yes.

5 THE COURT: All right.

6 Well, it's clear to me that we can come back.  
7 I'll set another evidentiary hearing. You can subpoena,  
8 whatever you think --

9 MS. WOLFF: Thank you.

10 THE COURT: -- you need to do, and you can make  
11 the allegations about the life insurance. But you're  
12 also going to have to do a trial brief. On both sides  
13 do a trial brief, and then lay out the law, because you  
14 say look at the conservator handbook up, and that's not  
15 how it works. You provide me with, you know, quotes of  
16 the law, like underneath the -- you know, the probate  
17 code. And that may be in the handbook you're looking  
18 at. I'm not aware of what handbook you use.

19 So in that, be concise as to the issues that  
20 you -- you know, that are of concern to you, and then  
21 I'll have that due at a certain point. And then Ms.  
22 Hamer can, and when you serve her with that trial brief,  
23 she can respond to the trial brief. That way there may  
24 be documents that both parties have that will show all  
25 of this is for naught.

26 I feel a real -- no criticism whatever; these  
27 are your parents. But I feel a real lack of trust with  
28 you and this kind of tortured history with -- that you

1 didn't get to be, for whatever reasons -- I don't know  
2 the reasoning why you are not in the -- in the place as  
3 the conservator. But what is done is done. That was --  
4 you know, another judge that made that ruling. And I'm  
5 not here to question him. I'm not in the appellate  
6 court.

7           So I think that I want to make sure that these  
8 folks are okay, and that's my job. So in order to do  
9 that, it sounds to me like you feel there's  
10 discrepancies. I'm hoping that these trial briefs --  
11 I'll have you file yours first, serve on her, she'll  
12 file a response. That will be the trial briefs.

13           We'll come back for a pretrial after those  
14 dates, and then I'll set an evidentiary hearing at the  
15 pretrial. Everything may be resolved. The insurance  
16 documents prove that there isn't any. Or what that one  
17 is; you may have to subpoena them to see what it is.

18           You've made the statement that they could not  
19 have canceled it because there's beneficiaries. I don't  
20 know that to be true. They can't replace beneficiaries  
21 without you. I don't know that to be true. It may be  
22 true. I just don't know, and I don't have the law in  
23 front of me. It hasn't been provided to me. Anyway,  
24 we're not here for that today.

25           So that's my kind of plan.

26           Hold on, let me just -- Ms. Hamer has --

27           MS. HAMER: I just had a suggestion, your

28 Honor.

1 THE COURT: Yeah, go ahead.

2 MS. HAMER: The suggestion would be that since,  
3 you know -- she's in pro per, but she's still required  
4 to follow normal procedures. She needs to file a  
5 petition setting forth what relief it is that she wants  
6 from the court so we don't have -- we don't find out for  
7 the first time what her millions of issues are when she  
8 serves me with a trial brief right before the trial.

9 THE COURT: No, that's actually a better idea.  
10 Instead of calling it a trial brief. I think you're  
11 -- it's right, because all I have is -- in front of me  
12 now is -- let's see. The objection to the first account  
13 and report. And the format is -- you know, it's really  
14 hard to follow, because of how the -- the concerns in  
15 that chart, in that box, it's not clear to me who said  
16 what and how. And so I do think a formal petition  
17 laying out, you know, all your points on what you --  
18 what your concerns are now that this hearing -- we've  
19 addressed a couple of them, I think. So that's good;  
20 we've narrowed that down a little bit. Money, the 183-,  
21 for one.

22 So I think instead of me setting all those  
23 dates, I think Ms. Hamer is more accurate, legally, or  
24 procedurally I should say, that it would make more sense  
25 so you're all aware. So you file a petition basically  
26 saying, "I want an evidentiary hearing on the  
27 following," and she responds to that petition. And then  
28 at that point we can set another evidentiary hearing if

1 we think we need it.

2 I would encourage both parties, if you have  
3 some of these documents when the concerns come to you --  
4 in other words, if you have proof that you could get to  
5 Ms. Hamer that says, "No, here is an active life  
6 insurance policy and I'm the beneficiary," then you  
7 provide that to her, right? Or prior to. And any  
8 documentation, any declaration you get, if any, from  
9 your ombudsman, provide that.

10 That way you both come back with open eyes on  
11 what we have, any misunderstandings. Because I think a  
12 lot of this is misunderstandings. I can't imagine  
13 facilities letting them languish and die. They would be  
14 -- you'd have a great malpractice suit, if someone did  
15 that. And they all know that. So I think for those  
16 concerns, the health and safety and welfare of these  
17 two, I -- I see nothing to be concerned about. And  
18 saying you think they should have more doctor's  
19 appointments than one since August, that's not your  
20 decision to make.

21 Go ahead.

22 MS. WOLFF: I -- well, just the -- the concern  
23 on the health is really framed around the court  
24 investigator's report of my mom being on anti-  
25 psychotropic medications, attacking people, hitting  
26 people, attacking Ron, these behavioral changes. So  
27 there is very real concern as to how she is doing as of  
28 this moment. The statement by Diana Mendonca to the

1 court investigator stated mom is doing fine; there's no  
2 behavioral changes. So I don't believe this court is  
3 getting accurate information. But I will provide the  
4 petition.

5 THE COURT: Well, I think --

6 MS. WOLFF: I do have two clarifying questions,  
7 if I may.

8 I don't have a copy of any of the papers that  
9 were filed under Ron's case, so I cannot include any of  
10 that information. The opposition to my paperwork, I  
11 can't reply to any of that because it wasn't provided to  
12 me by Attorney Hamer.

13 THE COURT: What opposition paperwork?

14 MS. WOLFF: She filed a -- she filed multiple  
15 papers under Ron's case number that I have not received.  
16 She --

17 THE COURT: How do you know she filed  
18 anything?

19 MS. WOLFF: Because I got a Register of Actions  
20 from the courts. Since I couldn't get a copy of the  
21 case file, these case filings, because the case file was  
22 up with your Honor, I did get the Register of Action.

23 She filed a Reply to Opposition, three of  
24 those, and multiple declarations, and I haven't received  
25 any of those in Ron's case.

26 THE COURT: And that's because you don't have  
27 standing, so you're not going to get them.

28 MS. WOLFF: Right. So I cannot reply to any of

1 them.

2 So I'm simply stating I'm in a severe  
3 disadvantage --

4 THE COURT: You're not, though --

5 MS. HAMER: -- because I don't have that  
6 information.

7 THE COURT: Okay. My turn.

8 You are not at a disadvantage because you don't  
9 have standing. You have standing in Barbara's, and  
10 you'll get all those documents, and any issues you have  
11 will go directly to Barbara Keller, any information you  
12 have.

13 I'm not even going to bring Ronald Keller's  
14 file unless I -- after the hearing that you should get  
15 standing and for what reasons that you should, and that  
16 should be part of your petition. And then you file  
17 that. But you should brief that, because what I have  
18 there is just a request, just a -- from both sides I  
19 have -- all I have is, "I want to be -- I want to have  
20 special notice," and the other side saying, "She doesn't  
21 have standing."

22 So if either side thinks they need to brief  
23 that a little more, why a stepdaughter shouldn't have  
24 standing and why a stepdaughter should have standing in  
25 this, then that will be great to put in your petition,  
26 if you'd like to, or you can file separate briefs on  
27 that, however you'd like to do that.

28 MS. WOLFF: Okay.

1           THE COURT: Because I would like to get these  
2 behind us, for your sake, for the estate's sake, because  
3 every tick of the clock, hundreds and hundreds of  
4 dollars are being sucked out of this estate on lawyers'  
5 fees, and that's not fair to your mom.

6           MS. WOLFF: I agree completely.

7           THE COURT: So -- and I think you do need to  
8 realize that the Merrill Gardens at the Times are not  
9 going to let -- you know, that's the real issues here.  
10 Are they addressing what it is. And if they're not,  
11 that's malpractice, and when you go visit your mom,  
12 you'll be able to see, and at that time you can say,  
13 "whoa, what's going on here?" Call Adult Protective  
14 Services if you think no one is doing anything, and if  
15 you think to do that more on the ground than going  
16 through the court system to try to find answers to  
17 things -- I mean, I can only do so much.

18           MS. WOLFF: I agree, your Honor. And when we  
19 do go and visit her, my brother and I, we can see how  
20 they are doing at that particular moment, but we have no  
21 idea how they were doing an hour before or an hour after  
22 because of the Alzheimer's. And the facility has been  
23 told not to speak with us, so we're not allowed to ask  
24 them, "Hey, how are they doing?" We don't get that  
25 information. But I agree --

26           THE COURT: You should be able to get that  
27 information as a -- of your mom.

28           MS. WOLFF: No.

1 THE COURT: That's odd.

2 MS. WOLFF: Yes, it is. And that's why the  
3 ombudsman got involved in the first place.

4 THE COURT: Okay. All right. So --

5 MS. WOLFF: Do I have a deadline?

6 THE COURT: No, you can file all this stuff  
7 tomorrow, the petition, as soon as you want.

8 MS. WOLFF: Okay.

9 THE COURT: So as to first annual review  
10 report, I am going to find that it continues to be in  
11 the best interests of the Kellers to continue on. I  
12 believe they both need the conservatorship, so that will  
13 continue. We'll set our respective dates for that and  
14 the next accounting.

15 MS. Hamer, I will ask -- we really haven't  
16 addressed this, so you may have more to say on this. I  
17 will ask for you to file an amended accounting which  
18 strikes any work that was done on the -- for the  
19 injunction or anti-SLAPP.

20 MS. HAMER: So that would be an amended request  
21 for attorney's fees? There's stuff -- it's not in the  
22 accounting, so --

23 THE COURT: Yeah. Yes. That's -- yes.

24 MS. HAMER: -- as part of petition.

25 Or the court could just order -- could award me  
26 the fees less the 2,800. I have the exact amount that's  
27 in my declaration.

28 THE COURT: There's a discrepancy in -- you're



1 saying 2800?

2 MS. HAMER: Something like that. I'm just  
3 saying this off the top of my head.

4 THE COURT: Yeah. But I have a number of  
5 49-something from Ms. Wolff.

6 MS. HAMER: Well, that was the two together, in  
7 each conservatorship.

8 THE COURT: Okay. So you agree, then, with the  
9 49-; it's just half of that?

10 MS. HAMER: Yes, half of that.

11 THE COURT: All right.

12 MS. HAMER: I believe it's something like that.  
13 I worked out the exact number, and I have it in my  
14 declaration, that -- you know, one of these numerous  
15 declarations that is addressing the various objections,  
16 that I have that, what exactly half of that figure is,  
17 and it's something like 2800 --

18 THE COURT: Per --

19 MS. WOLFF: Per conservatorship. Right.

20 THE COURT: Right. Let's do it the easy way,  
21 then, and we'll just -- just reduce that -- that amount  
22 by whatever the total was.

23 MS. WOLFF: Your Honor, it's 4,960 each.

24 MS. HAMER: No, not each. It was half and  
25 half. That's -- that's the total.

26 THE COURT: Why do you think it's each?

27 MS. WOLFF: The billings and the filings, each  
28 one records the same amount for the attorney fees.

1 They're copied over. So we've got the same amount of  
2 bills under Mom's case number is billed under Ron's.  
3 So you double that amount.

4 THE COURT: Do you have proof of that?

5 MS. WOLFF: I have their filings, yes.

6 THE COURT: Okay, show -- I don't know where --

7 MS. WOLFF: Yeah. This is -- okay. This is  
8 pulled directly from their filings, from their table.

9 THE COURT: What file?

10 MS. WOLFF: The accounting paper that they  
11 filed where she is charging the attorney fees. It is --

12 THE COURT: So from 1-11-23 declaration of Ms.  
13 Hamer?

14 MS. WOLFF: Yes.

15 THE COURT: And it lays out --

16 MS. WOLFF: Those are the attorney fees that  
17 are related to the injunction that are billed.

18 THE COURT: Yeah. And that is per --

19 MS. WOLFF: That is per declaration. Per  
20 account.

21 MS. HAMER: But I have 2,800, and that's -- is  
22 the amount in my declaration that was filed on February  
23 14, 2023.

24 THE COURT: Well, let me --

25 MS. HAMER: Yes.

26 THE COURT: So she's saying that this 4960 is  
27 billed for each one separately. In other words, 4960 in  
28 each case. Is that true?

1 MS. HAMER: That is not true. I went through  
2 and found what the total was and divided it in half.

3 THE COURT: Yeah. So that I don't see anything  
4 here that would indicate that she billed -- double-  
5 billed.

6 All right. Okay. So if you would make that  
7 adjustment to the attorney's fees, please. That will be  
8 the order on that.

9 MS. HAMER: Okay.

10 THE COURT: And madam clerk, when's our next  
11 date?

12 THE CLERK: Your Honor, should this be set --  
13 specially set in this courtroom or set in Court Four?

14 THE COURT: No, not in four. It would be --  
15 Canning; who's the new backup for Canning?

16 I may be that backup but I don't know.

17 THE CLERK: (Examining.) Sorry, your Honor. I  
18 can't find that information.

19 (The Court and clerk speak off the record.)

20 THE CLERK: Biannual review and accounting on  
21 Thursday, April 24th, 2025, at 2:15 p.m.

22 MS. HAMER: And is the accounting approved?

23 THE COURT: Yes. Yes.

24 MS. HAMER: Okay. Okay. Good.

25 THE COURT: Thank you.

26 MS. HAMER: So accounting and annual review is  
27 April 24, 2025, courtroom to be determined.

28 THE COURT: Yes.

1 MS. HAMER: Okay. Got it.

2 And meanwhile, if we can find -- if we can find  
3 records to show Ms. Wolff about the insurance actually  
4 not being life insurance and to do with getting Kaiser  
5 as the new supplemental Medicare insurance, we will send  
6 it to her, and maybe this can just stop.

7 THE COURT: That's my hope, is that everyone is  
8 just transparent and, you know, this is what it is.

9 And I will look for your brief. If you want to  
10 do a separate petition and a separate brief for the  
11 notice issue, you can do that.

12 And now that I say that out loud --

13 MS. WOLFF: You anticipated my question.

14 THE COURT: Yeah, now that I'm saying that out  
15 loud, I think I should set a hearing on that request for  
16 a notice so it doesn't get lost in the Ronald Keller.  
17 Because you requested it; there has been opposition.  
18 Neither one gave me enough information to know how to  
19 rule. So I'm going to ask that you -- I'm going to ask  
20 that you -- I'll set that in 30 days with briefs being  
21 due on your particular positions a week prior. We can  
22 set that on a Friday at 8:30.

23 MS. HAMER: You know, your Honor, I'm not going  
24 to be available in 30 days. I seem to be taking all of  
25 my out-of-town trips during May.

26 THE COURT: Okay. We can go further.

27 MS. HAMER: Okay.

28 THE CLERK: Are you back in June?

1 MS. HAMER: I'm back in June, but then it's  
2 really booked up. Yes, it is. I'm back in June.

3 THE COURT: I don't think this -- I honestly  
4 don't think it will take very long. It's going to be a  
5 matter of, you know, brief. I don't -- I don't  
6 particularly see there being any evidence that will be  
7 needed; I think it's just going to be back for argument,  
8 so --

9 MS. HAMER: Your honor, may I ask a question?

10 THE COURT: Please.

11 MS. HAMER: Is this just on special -- on  
12 whether she's entitled to special notice --

13 THE COURT: Yes.

14 MS. HAMER: -- or whether she's an interested  
15 person?

16 THE COURT: Whether she -- well, all that's  
17 been put to me was a Request for Special Notice.

18 MS. WOLFF: And Attorney Hamer -- she stated  
19 I'm not an interested person.

20 THE COURT: Right.

21 MS. WOLFF: Yeah.

22 THE COURT: You said you are; she said she is  
23 not. So that's the only issue that's in front of me.

24 MS. HAMER: Not whether she's an interested  
25 person; it's whether she's entitled to special notice.

26 THE COURT: Yes.

27 MS. HAMER: We'd give her special notice if she  
28 wouldn't try to participate in Ron's conservatorship. I

1 mean, that's what it's about.

2 THE COURT: Right. I don't think this -- all  
3 right. I don't think that will do it. I assume that  
4 she will; if she gets --

5 MS. WOLF: I think that we're --

6 MS. COURT: -- information she will object.

7 MS. WOLFF: I think the first-level relatives  
8 have a right to participate in the proceedings. I don't  
9 want to make any more trouble. And personally, I really  
10 have a lot of better things to do with my time than  
11 paperwork myself. I would love to get this settled.  
12 This is nuts.

13 THE COURT: All right; well, let's set the  
14 date.

15 THE CLERK: Friday. Friday, June 9th, at 8:30  
16 in Courtroom Seven.

17 MS. HAMER: I am not available that day.

18 THE COURT: How about June 16th?

19 MS. HAMER: June 16th I am available.

20 THE COURT: Are you available as well?

21 MS. WOLFF: Yes.

22 THE COURT: And I will encourage you both to  
23 communicate outside of -- you know, to see if you can  
24 come up with a resolution to all of this stuff. And  
25 we'll go from there.

26 MS. HAMER: So that was June 15th -- on 16th in  
27 this courtroom?

28 THE COURT: 8:30. 8:30 a.m. in this courtroom

1 on the 16th of June.

2 MS. HAMER: And when would briefs be due? A  
3 week before or a Friday?

4 THE COURT: A week prior.  
5 Anything else from either party?

6 MS. WOLFF: No.

7 MS. HAMER: No. Thank you, your Honor.

8 THE COURT: All right. Thank you for your  
9 time. I hope we can get through this.

10 MS. WOLFF: Thank you.

11 THE COURT: All right.

12 / / /

13 (Proceedings concluded 2:34 p.m.)

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1 STATE OF CALIFORNIA )  
2 ) ss.  
3 COUNTY OF HUMBOLDT )  
4  
5

6 CERTIFICATE OF REPORTER  
7

8 I, TANIA N. BRUNELL, a Certified Shorthand  
9 Reporter of the State of California, do hereby certify  
10 that the foregoing pages, numbered 1 to 41, are a true  
11 and correct transcription of my shorthand notes taken on  
12 the 28th day of April, 2023, in the matter of Barbara  
13 and Ronald Keller, PR2100161 and -162, in Superior Court  
14 of California, County of Humboldt.  
15

16  
17 Dated this 23rd day of May, 2023.

18 *Tania N Brunell*  
19 \_\_\_\_\_  
20 TANIA N. BRUNELL  
21 CSR #4277  
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