

TJS

PAE 2241

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

**§ 2241 HABEAS CORPUS PETITION FORM
TO BE USED BY PRISONERS IN ACTIONS UNDER 28 U.S.C. § 2241**

MARY + GENEVIEVE BUSH (1509-1720)

Inmate/Alien # _____

GENEVIEVE BUSH IS CONFINED at
1615 East Boot Rd, West Chester Pa 19380

(Enter full name of Petitioner, prison number or alien [A] number, if applicable, AND address of place of confinement.)

MARY BUSH
1626 Glenside Road
West Chester PA 19380
vs.

CASE NO: 19 4414
(To be assigned by Clerk)

Judge Katherine BL Platt
261 Market St
West Chester, Pa 19380

FILED
SEP 24 2019
KATE BARKMAN, Clerk
By _____ Dep. Clerk

(Enter name and title of each Respondent. If additional space is required, use the blank area below and directly to the right.)

ALL APPLICANTS MUST COMPLETE THIS ENTIRE FORM

ANSWER ALL OF THE FOLLOWING:

1. This petition concerns (check where applicable):

- (a) a conviction
- (b) a sentence
- (c) pre-trial detention
- (d) prison disciplinary action or other action resulting in lost gain time credits
- (e) parole
- (f) immigration / removal
- (g) Bureau of Prisons sentence calculation or loss of good-time credits.
- (h) other (explain): Unlawful Isolation, neglect, INJURY from Unconstitutional acts and violations of law

2. Provide the following information regarding the conviction(s) and sentence(s) for which you are presently incarcerated:

- (a) Name(s) and location(s) of court: Chester County, PA Orphans Court
- (b) Number(s): 1609-1720
- (c) Charge(s) for which you were convicted: INCAPACITY - LIFE SENTENCE

(d) What was your plea? (Check one)

- (1) Not Guilty
- (2) Guilty
- (3) Nolo contendere

(e) Did you appeal from the judgment of conviction? Yes No

3. If you did appeal, answer the following:

- (a) Name of Court: Superior Court of PA Case # MANY
- (b) Result: _____
- (c) Date of opinion and mandate (citation, if known): _____

4. Claims that challenge your conviction or imposition of sentence can only be raised by petition under 28 U.S.C. § 2254 (to challenge a state conviction or sentence) or a motion under § 2255 (to challenge a federal conviction or sentence) unless the § 2254 or § 2255 motion is inadequate or ineffective to test the legality of your detention. If any of the grounds raised above challenge your conviction or sentencing:

(a) Have you filed a motion under 28 U.S.C. § 2254 or § 2255?

- Yes
- No

If yes, please provide the case #, where filed, relevant date(s), and the results:

(b) Explain why the remedy under § 2254 or § 2255 was or is inadequate or ineffective:

5. Are you currently represented by counsel in this case or in any other court case?

Yes No

If yes, please explain: _____

6. If this case concerns removal proceedings:

(a) Date of final order of removal: _____

(b) Did you file an appeal with Board of Immigration Appeals? Yes No

7. In the spaces below, set forth every ground which supports your claim that you are incarcerated unlawfully. Briefly summarize the specific facts in support of each ground raised. Conclusions that are not supported by specific facts are insufficient. You may attach additional pages if necessary to raise additional grounds or provide additional facts. Do not cite any law in your statement of facts.

(a) Ground One: _____

Supporting FACTS (state *briefly* without citing cases or law): _____

Exhaustion:

[1] Have you presented Ground One to a state or federal court or, to the Bureau of Prisons, either through the prison grievance system or other administrative proceeding?

Yes No

If yes, please provide the results of the proceeding(s) and the relevant date(s). Include any appeals: _____

[2] (Answer only if you are challenging an issue related to removal (immigration) proceedings) - Did you present Ground One to the Board of Immigration Appeals?

Yes No

If yes, please provide the results of the proceeding(s) and the relevant date(s).

(b) Ground Two: _____

Supporting FACTS (state *briefly* without citing cases or law): _____

Exhaustion:

[1] Have you presented Ground Two to a state or federal court or, to the Bureau of Prisons, either through the prison grievance system or other administrative proceeding?

Yes No

If yes, please provide the results of the proceeding(s) and the relevant date(s).
Include any appeals: _____

[2] (Answer only if you are challenging an issue related to removal (immigration) proceedings) - Did you present Ground Two to the Board of Immigration Appeals?

Yes No

If yes, please provide the results of the proceeding(s) and the relevant date(s).

(c) Ground Three: _____

Supporting FACTS (state *briefly* without citing cases or law): _____

Exhaustion:

[1] Have you presented Ground Three to a state or federal court or, to the Bureau of Prisons, either through the prison grievance system or other administrative proceeding?

Yes No

If yes, please provide the results of the proceeding(s) and the relevant date(s). Include any appeals: _____

[2] (Answer only if you are challenging an issue related to removal (immigration) proceedings) - Did you present Ground Three to the Board of Immigration Appeals?

Yes No

If yes, please provide the results of the proceeding(s) and the relevant date(s).

(d) Ground Four: _____

Supporting FACTS (state *briefly* without citing cases or law): _____

Exhaustion:

[1] Have you presented Ground Four to a state or federal court or, to the Bureau of Prisons, either through the prison grievance system or other administrative proceeding?

Yes No

If yes, please provide the results of the proceeding(s) and the relevant date(s). Include any appeals: _____

[2] (Answer only if you are challenging an issue related to removal (immigration) proceedings) - Did you present Ground Four to the Board of Immigration Appeals?

Yes No

If yes, please provide the results of the proceeding(s) and the relevant date(s).

8. WHEREFORE, based upon the grounds raised above, Petitioner prays that the court will grant the following relief:

SEE Attached petition + exhibits

DECLARATION

I declare under penalty of perjury that I have read the above and the information contained herein is true and correct.

09/24/2019
Date

Mary Bush
Signature of Petitioner

IF MAILED BY PRISONER:

I declare or state under penalty of perjury that this petition was *(check one)*

delivered to prison officials for mailing, or

deposited in the prison's internal mail system on: _____

Date

Signature of Petitioner

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**PETITION FOR WRIT OF HABEAS CORPUS FOR RELEASE OF
MARY BUSH and GENEVIEVE BUSH FROM UNCONSTITUTIONAL
ACTS BY THE STATE OF PENNSYLVANIA**

Brought under 28 U.S.C. §2241

Mary Bush - Pro Se
Individually and as
Daughter, Next friend and Trustee
of Genevieve Bush
1626 Glenside Road
West Chester, Pa 19380
610-486-0763
endfraudulentguardianships@gmail.com

U.S. District Court, Eastern District of Pennsylvania, 601 Market Street,
Philadelphia, PA 19106-1797, Phone: (215) 597-7704

TJS

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

Petitioner:

Mary Bush Pro Se
Individually and as
Daughter, Next friend and Trustee of Genevieve Bush
1626 Glenside Road
West Chester, Pa 19380

JURY TRIAL DEMANDED

CIVIL ACTION No; 19 4414

V.

Defendant;

Judge Katherine B L Platt
201 Market St,
West Chester, PA19380

TO THE HONORABLE JUDGE OF SAID COURT;

NOW COMES; Petitioner Mary Bush Daughter, Next friend and Trustee and files this PETITION FOR WRIT OF HABEAS CORPUS - CIVIL ACTION FOR RELEASE OF MARY BUSH and GENEVIEVE BUSH FROM UNCONSTITUTIONAL ACTS BY THE STATE OF PENNSYLVANIA Brought under 28 U.S.C. §2241

I. COMPLAINT SEEKS IMMEDIATE RELIEF

1. Petitioner Mary Bush brings this action on behalf of herself and her mother, first, seeking redress for the right of communication and association with her mother, which has been severely intentionally severed by Defendant Judge Katherine B L Platt since 2016 in blatant retaliation/coercion for getting her mother to the hospital via 911 for untreated medical needs.
2. Petitioner and her mother by the personal/associational/judicial acts of Defendant Judge Katherine B L Platt, who engaged in concerted conduct, and entered a conspiracy to violate the Constitutional rights of a mother and daughter, by using their relationship as a weapon to subordinate and intimidate Petitioner to her powers. Without any petition before Defendant for redress by Carol J Hershey, Park Lane at Bellingham or Joseph and Michael Bush, Defendant sua sponted the continuation of an unlawful severing of the mother daughter loving relationship that business owner Carol J Hershey fraudulently instigated in retaliation for Petitioner exposing

her negligence and thefts. The actions of Defendant Judge Platt were intentional for the purpose of intimidation and control with the underlying theme of protection of her sourced business owner Carol J Hershey who is awarded a monopoly of captive customers as a for profit “guardian”. Without any due process Ms. Hershey enjoys quasi-judicial powers and zero accountability to commit false pretense acts upon “wards” and their family members for profit and is protected by Defendant and by her contract with the same employer - Chester County, Pa. Petitioner and her mother are being subjected to removal of rights in violation of their rights under the State and Federal Constitution in a consorted effort to make Petitioner “pay/suffer” for reporting elder abuse done under the civil action of the illusion of “guardianships” being protective.

3. Petitioner Mary Bush brings this action on behalf of her mother, as Next Friend, who is being denied proper medical care and emotional care. Defendant Judge Katherine B L Platt even with Pa State citation proof of neglect and injuries occurring to Genevieve Bush continues a wanton, reckless indifference to Genevieve’s rights, needs and wellbeing. Defendant had both a duty and a realistic multiple opportunity to intervene and prevent the unconstitutional acts, financial exploitation and bodily injury from occurring but failed and/or refused to do so. Why?

4. Defendant Judge Katherine B L Platt acts an inaction directly and proximately resulted in intentional harm to the Petitioner and her mother, ensuring irreparable injuries. As a direct and proximate result of the malicious, intentional and/or reckless acts of Defendant, Petitioner and her mother continues to suffer both physical, emotional and financial injuries. The actions of Defendant are so malicious, intentional and wanton, and displays such a reckless indifference to the Petitioners and her mother’s rights and wellbeing that immediate **relief is warranted**.

5. As a direct and proximate result of the malicious, intentional, reckless and unreasonable, acts of Defendant, both Petitioner and mothers’ financial resources are being unjustly liquidated as they are both ordered to pay to see each other. In an ongoing abomination of rights and liberties mother and daughter can only see each other once a month for one hour at the Chester County Pa Government building with an Adult Protective Services supervisor and with a deputy with a gun.

6. Petitioner as Next Friend files for relief under 28 U.S.C § 2242 for her natural Mother

Genevieve Bush pursuant to 28 U.S.C. §2241, by a writ of habeas corpus after exhausting all and being blocked from state remedies for multiple violations of law and human rights, Constitutional rights and liberties all initiated by this fraudulent guardianship. Petitioner alleges claims for the acts and failures to act leading to, against Defendant/co-conspirators, jointly or severally for the illegal acts of interfering in Petitioner and her mother's federally protected right to communicate, association and due process but not limited to.

7. Defendant Judge Katherine B L Platt has caused to occur actions and inactions with deliberate indifference to known constitutional oath, rights, procedural, criminal, civil state and federal law violations, and she also engages in overt personal targeting of Petitioner, in and out of the court, and by using Petitioners identity to secure a false record. Defendant has been maliciously inciting public hatred towards Petitioner that has resulted in physical attacks, injury, further identity thefts, financial destitution, and continued irreparable harm. Defendant's behaviors in and out of the court produce chilling effects and Defendant has used the mother daughter relationship by intentionally severing it as her weapon to intimidate and discourage Petitioner's legitimate exercise of natural and legal rights. Defendant is engaged in a ten-year targeting by the use of unjustified sanctions, unlawful taking of property and the threat of more legal sanctions. Defendant continues a course of conduct in and out of the court to obstruct Petitioners and mothers rights for any redress what so ever.

8. Defendant Judge Katherine B L Platt has personally stepped outside the appointment of the court giving orders to other State officers to prevent Petitioner from records. She has sent her law clerk out to other venues to gather information outside her court on convoluted matters that have metastasized from her malfeasance. Petitioner seeks protection from her continuing course of conduct that is prejudicial to the effective and expeditious administration of the business of the courts but not limited to. Defendant Judge Katherine B L Platt failed to protect any issue Genevieve Bush has a liberty interest in by failing due process in any adequate opportunity to be heard. Had there been due process and a jury both Petitioner and her mother would have never suffered such irreparable devastating life altering harm.

9. Petitioner can prove that she and her mother have been intentionally targeted by Defendant

Judge Katherine B L Platt for cash and property.

10. Defendant Judge Katherine B L Platt cannot provide any legitimate reasons or grounds for the restraint and detention of Genevieve Bush and Mary Bush. This writ thus stands as a safeguard against ongoing imprisonment, loss of rights and liberties of both mother and daughter being targeted in violation of the law and guaranteed rights. This court by ordering the responsible authority (Defendant Judge Katherine B L Platt) to provide valid reasons for the detention, liquidation, isolation and her obstructions with true supporting evidence can determine the relief necessary. Thus, Petitioner seeks immediate relief from unlawful ongoing detention, obstructions, targeting, personal attacks but not limited to just these behaviors, acts and inactions in Judge Platts official capacity and personal capacity.

11. Plaintiff through this action can establish enough evidence of potential systemic violations of State and Federal rights, unconstitutional statutes leading to violation of liberties, guaranteed rights and human rights, violations such as physical abuse, permanent bodily damage, neglect, lack of adequate medical or mental health care, education, legal rights, and of rights, privileges or immunities secured or protected by the Constitution of the United States and federal statutes. The state actors failed to provide enough procedural protection to comply with due process requirements. Relief is also in jurisdiction in 28 U.S. Code § 1343. Civil rights, 28 U.S. Code § 133142 U.S.C. §1983, 42 U.S. Code § 1985, ADA protections and any other equitable protection/relief that may apply.

12. Petitioner seeks a preliminary injunction order for the release of her natural mother Genevieve Bush from the “custody” of the State of Pennsylvania to Mary Bush. This complaint clearly show that immediate and irreparable injury, loss, or damage will result before the adverse party can be heard in opposition. Genevieve Bush is being denied proper medical care and her assets are being squandered by the provable fraudulent guardianship abuses.

WHEREFORE; Petitioner seeks immediate relief to Communicate and associate with her mother, without any interference. Petitioner seeks an order granting relief to get Genevieve Bush proper medical care and end the unlawful isolation and confinement.

PRELIMINARY INJUNCTION MOTION

(A) Petitioner seeks a Preliminary Injunction in this matter to get her mother Genevieve Bush the proper medical care she is being denied and to cease the ongoing liquidation of assets necessary for her care.

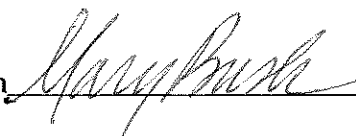
(B) Defendant has ignored the facts that 89-year-old Genevieve Bush has been denied medical care by her cardiologist, urologist and orthopedic doctors' script for physical therapy for years now. In fact, Defendant was provided multiple nursing home state and federal violation reports in reference to Genevieve Bush being neglected, severely injured, the facility failing to report any injury, neglect, and also guardian's failure of following doctors' orders or reporting any injuries and neglect. Defendant has appointed a guardian against the higher courts order not to. Defendant Judge Katherine B L Platt is in direct violation of the Pennsylvania Superior Courts Order No. 3207 EDA 2015 dated February 21, 2017 (that permanently removed Michael Bush as a Co-guardian or Plenary Guardian of Genevieve Bush.) The February 21, 2017 higher courts decision states on page 8;

"The record supports the trial court's findings and conclusion that Michael's appointment, as either sole or co-guardian of the person, would not fulfill Mrs. Bush's best interests. See 20 Pa.C.S.A. § 5521 (duty of guardian of the person to pursue incapacitated person's best interest). Michael's actions have ignored Mrs. Bush's best interests." "he has been passive about her medical care, physical therapy and encouraging her social life."

(C) Petitioner seeks to have any and all Judge Platts orders restrained or voided.

(D) Persons Bound ; The order must bind Judge Katherine B L Platt and the Chester County Orphans Court, the Chester County Department of Aging, Park Lane at Bellingham, Joseph Bush, Michael Bush, Alexander J Chotkowski and any of the parties' officers, agents, servants, employees, and attorneys and any other persons who are in active concert or participation with anyone described in Rule 65(d)(2)(A) or (B).

Respectfully Submitted by,

Mary Bush  Date 09/24/2019

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

Petitioner:
Mary Bush Pro Se
Individually and as
Daughter, Next friend and Trustee of Genevieve Bush
1626 Glenside Road
West Chester, Pa 19380

JURY TRIAL DEMANDED

CIVIL ACTION No; 19-00000

V.

Defendant;
Judge Katherine B L Platt
201 Market St,
West Chester, PA19380

ORDER

AND NOW on this _____ day of _____, 2019 upon consideration of
Plaintiff Mary Bush's above captioned PETITION FOR WRIT OF HABEAS CORPUS
FOR RELEASE OF MARY BUSH and GENEVIEVE BUSH FROM UNCONSTITUTIONAL
ACTS BY THE STATE OF PENNSYLVANIA Brought under 28 U.S.C. §2241 it is hereby
ORDERED and DECREED that Custody of her natural mother Genevieve Bush is GRANTED
to Mary Bush effective immediately on _____ day of _____, 2019 and all
State Court Orders are VOID

By The Court:

II. JURISDICTION, STANDING AND VENUE

13. The above paragraphs are incorporated herein by reference as if fully set forth.

14. Jurisdiction of this Court is invoked under a writ of habeas corpus 28 U.S.C. §2241 and 28 U.S.C. §2242. The petition is in writing signed and verified by the person for whose relief it is intended or by someone acting in her behalf. The Suspension Clause of the Constitution (Article I, Section 9, Clause 2), states: “The Privileges of the Writ of Habeas Corpus shall not be suspended unless when in Cases of Rebellion or Invasion, the public Safety may require it.”

15. Also applicable to this petition 28 U.S. Code § 1331- Federal question. The district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States, 28 U.S. Code § 1343-(a) The district courts shall have original jurisdiction of any civil action authorized by law to be commenced by any person: (3) To redress the deprivation, under color of any State law, statute, ordinance, regulation, custom or usage, of any right, privilege or immunity secured by the Constitution of the United States or by any Act of Congress providing for equal rights of citizens or of all persons within the jurisdiction of the United States.

16. To secure relief also 42 U.S.C. §1983 - Civil action for deprivation of rights, 42 U.S. Code § 1985 (3) – Conspiracy to interfere with civil rights, Depriving persons of rights or privileges, use of obstruction, intimidation, 42 U.S.C. §1988 - Proceedings in vindication of civil rights, 18 U.S.C. 241 (deprivation of rights under color of State law), 18 U.S.C. 242 (unlawful conspiracy to deprive rights) and 42 U.S.C. 1983 (civil liability for deprivation of rights) under the 1st, 4th, 5th, 6th, 7th, 8th, 9th and 14th Amendments to the United States Constitution. Amendment XIV. RIGHTS GUARANTEED Section I PROCEDURAL DUE PROCESS: CIVIL. Title II of the Americans with Disabilities Act of 1990 (ADA), Section 504 of the Rehabilitation Act of 1973 (Section 504) and 18 U.S.C. 1364 (Civil racketeering and Corrupt Practices Act). Older Americans Act of 1965 (OAA).

17. Petitioner has standing to maintain this action pursuant 28 U.S.C. §2241-Civil Habeas Corpus, 28 U.S.C § 2242 seeking relief for herself and her mother Genevieve Bush.

18. Venue is proper in the United States District Court for the Eastern District of Pennsylvania

since all claims set forth in the Complaint arose in said District. Any federal court may grant a writ of habeas corpus to a petitioner who is within its jurisdiction.

19. A writ of Habeas Corpus is a fundamental instrument for safeguarding individual's freedom against arbitrary and lawless state action, the writ of habeas corpus serves as a procedural device, by which executive, judicial, or other governmental restraints on personal liberty are subjected to judicial scrutiny. A writ of habeas corpus tests jurisdictional defects that may invalidate the legal authority to detain the person, and the reviewing court examines the power and authority of the governmental authority to detain the person.

20. The facts in this matter clearly demonstrate that Mary and Genevieve are suffering ongoing injury in fact, which is concrete in both a qualitative and temporal sense. The injuries can be traced to the challenged actions, behaviors and violations committed by Defendant. The harm suffered will continue unless this court grants relief and voids or nullifies this fraudulent guardianship. Genevieve and Mary's standing are being directly permanently harmed by the conditions for which they are asking the court for relief.

21. Probate exception does not apply in this matter. *Marshall v. Marshall*, 547 U.S. 293, 296 (2006) (emphasis added). Courts after *Marshall* have acknowledged the now-narrowed scope of the probate exception: It is clear after *Marshall* that unless a federal court is endeavoring to (1) probate or annul a will, (2) administer a decedent's estate, or (3) assume in rem jurisdiction over property that is in the custody of the probate court, the probate exception does not apply. Insofar as [prior case law] interpreted the probate exception as a jurisdictional bar to claims "interfering" with the probate, but not seeking to probate a will, administer an estate, or assume in rem jurisdiction over property in the custody of the probate court, that interpretation was overbroad and has been superseded by *Marshall*.

22. Next friend standing allows third parties to litigate habeas petitions on behalf of the real party in interest, in that party's absence. Section 2242 of Title 28 dictates which actors may file a habeas petition. It states:

Application for a writ of habeas corpus shall be in writing signed and verified by the person for whose relief it is intended or by someone acting in his behalf.

23. Next friend standing protects the reality at the core of why this litigation matters, violations of the statutes or even the Constitution, no matter how egregious, should have remedies without administrative judges high jacking the process to deliberately erase the legitimate protective representative by using false narratives, trickery and deceptive practices to usurp the record. “A next friend appears in court on behalf of detained prisoners who are unable, usually because of mental incompetence or inaccessibility, to seek relief themselves.” (Whitmore v. Arkansas, 495 U.S. 149 (1990)).

24. In Whitmore, the Court laid out the prerequisites for “next friend” standing.

First, a “next friend” must provide an adequate explanation—such as inaccessibility, mental incompetence, or other disability—why the real party in interest cannot appear on his own behalf to prosecute the action.

Second, the “next friend” must be truly dedicated to the best interests of the person on whose behalf he seeks to litigate, and it has been further suggested that a “next friend” must have some significant relationship with the real party in interest.

It shall allege the facts concerning the applicant's commitment or detention, the name of the person who has custody over him and by virtue of what claim or authority, if known.

25. In this matter Genevieve Bush is in a locked facility, she has zero means of communication out, her health has deteriorated due to neglect and injuries both emotional and bodily. Genevieve was subject to multiple violations of law, human rights and constitutional violations due to the enactment of this fraudulent guardianship by Defendant Judge Katherine B L Platt. Genevieve Bush had fourteen advanced directives in place to protect herself from the planned liquidation of her assets by her sons, she clearly described her plight in a letter to her brother Leon Yourgevidge in September of 2007 where even her beautiful writing proves her to be competent but in need to protect herself from her sons. **SEE EXHIBITS A, B, C and D.**

The most outrageous human rights violations being under the appointment of estranged son Michael Bush as a guardian, Genevieve was subjected to bazaar rituals of breast and pubic exams, digital penetrations, playground ball jamming between her legs, the chaining of her possessions, and many more bazaar behaviors. Defendant Judge Katherine B L Platt ignoring multiple professionals, friends and family testifying to Genevieve wanting nothing to do with Michael. Defendant then after Michaels removal in 2015 then him back custody of his mother

without him filing a petition in 2018, thus denying due process on the issues and in violation of a higher court order. Michael Bush is currently blocking a State investigation into persons who have deliberately or adversely harmed his mother. This is consistent with his proclamation to his mother "I WILL FIGHT YOU TO THE DEATH!" testified by witness Elenore De Marco.

26. Petitioner Mary Bush is Genevieve's chosen representative for health and financial, but Defendant has methodically blocked her to access the estates funds. Despite Defendants attempts to erase Mary, she has successfully reported multiple injuries, neglect issues and continues to seek redress for her mother and herself. Genevieve Bush had named successor trustees and agents but all were ignored in favor to give Joseph and Michael back power Genevieve had removed in 2005 when Defendant Judge Katherine B L Platt agrees Genevieve was not incapacitated. The 2005 POA removals of Joseph and Michael were never invalidated or contested.

27. A "next friend" is one who pursues an action on behalf of the real party in interest, when that person cannot appear on her own behalf for some legitimately recognized reason "such as inaccessibility, mental incompetence, or other disability." *Whitmore v. Arkansas*, 495 U.S. 149, 163 (1990). "Next friend" standing is proper where the "next friend" applicant has a significant relationship with the real party in interest, and the **"next friend" applicant is "truly dedicated to the best interests of the person on whose behalf [s]he seeks to litigate."** *Id.* at 163-64 (citations omitted). The Supreme Court in *Whitmore* required a next friend to have (1) an adequate explanation of why the real party in interest cannot file the petition himself; and (2) the third party "must be truly dedicated to the best interests of the person."

28. By this writ of habeas corpus the state or government that is keeping a U.S. citizen incommunicado (and denying them access to the court) can be held accountable. The Suspension Clause of the United States Constitution specifically included the English common law procedure in Article One, Section 9, clause 2, which demands that "The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it."

29. Petitioner bringing an action on behalf of her incapacitated elderly parent is imperative for

any justice since Defendant and Alexander J Chotkowski has blocked every means for Genevieve to representation by an attorney. Michael Bush cannot be his mother's guardian according to the Pa Superior Court and he is currently obstructing investigations into persons financially benefitting from Genevieve's incarceration.

30. Genevieve Bush has zero access to the court she is a vulnerable unprotected person being restrained of her liberty by order or decree of an illegal court act. The evidence clearly shows the cause of her commitment to be unjust, and thereupon Petitioner as next friend is Genevieve's last access to justice. The legality of the procedures by which she was stripped of all her rights and freedoms were tried without due process. Defendant Judge Katherine B L Platt Relief has ignored all the facts and evidence where if this matter had been before a jury it would have been over in one day.

III. PARTIES

31. The above paragraphs are incorporated herein by reference as if fully set forth.

32. Plaintiff, **Mary Bush** is the natural daughter of Genevieve Bush and citizen of the Commonwealth of Pennsylvania and United States residing as stated in the above captioned matter. She is acting on behalf of herself, and on behalf of her mother Genevieve Bush as next friend.

33. Victim **Genevieve Bush** is the natural mother of Mary Bush and citizen of the Commonwealth of Pennsylvania and United States. Genevieve is the widow of Fabian Bert Bush who served this country in WWII. Genevieve was taken from her home with no hearing in May of 2015 and given to a for profit bossiness owner Carol J Hershey. Genevieve Bush is being held in custody in violation of federal law by way of a fraudulent guardianship at 1615 East Boot Road, West Chester, Pa 19380, also known as Park Lane at Bellingham. Genevieve cannot act on her own behalf, she is denied all means of communication out of the locked in ward, nor can she hire counsel. Genevieve Bush since 2013 has never been included in any decision making on her

life and health whatsoever.

34. Current “acting” guardian Michael Bush was legally removed by the Pennsylvania Superior Courts Order No. 3207 EDA 2015 dated February 21, 2017 (that permanently removed Michael Bush as a Co-guardian or Plenary Guardian of Genevieve Bush.) The February 21, 2017 higher court’s decision states on page 8;

*"The record supports the trial court's findings and conclusion that Michael's appointment, as either sole or co-guardian of the person, would not fulfill Mrs. Bush's best interests. See 20 Pa. C.S.A. § 5521 (duty of guardian of the person to pursue incapacitated person's best interest). Michael's actions have ignored Mrs. Bush's best interests." "he has been passive about her medical care, physical therapy and encouraging her social life." Michael Bush also admitted digitally penetrating his elderly mother multiple times. Defendant Judge Katherine B L Platt is currently in violation of the higher courts order and has stepped outside her office and law to prevent any type of appeal or redress. **SEE EXHIBIT E***

35. Defendant, Judge Katherine B L Platt, is an officer of the administrative Chester Count Orphans Court of PA acting beyond the course and scope of her employment and jurisdiction, outside and under the color of state and federal law. Judge Katherine B L Platt is being sued in her individual capacity, elected capacity and/or her official capacity. Defendant is currently in violation of the Superior Courts decision of No. 3207 EDA 2015 dated February 21, 2017 where without petition and against a higher courts order Defendant assigned Michael Bush as “guardian of the person” after he was removed and, in that violation, **this leaves Genevieve without a true guardian but the with the same neglect occurring.** Therefore, Defendant Judge Katherine B L Platt is responsible for Genevieve Bush’s welfare and named as the DEFENDANT.

36. The appointment of Michael Bush is also vehemently against Genevieve’s written and expressed wishes. Joseph Bush as guardian of the estate remains warring against the trust and estate since Genevieve wrote him out of her advanced directives, his goal is to liquidate it in the same manner as “if I can’t have it nobody will”. Joseph Bush has unreported monies in the tens of thousands, he has taken property for his personal use, he has incurred extra costs and fees for his negligence. Both Joseph and Michael opposed legally Genevieve from 2005 to 2009 never once making any claim of incapacity or undue influence. The guardianship is being used as their means to retain power and control over their mother and her assets.

37. The State of Pennsylvania through Defendant acts, as a state court and jurist lack the proper jurisdiction. Defendant is responsible, in whole or in part, for the care and protection of persons she has ordered into guardianships. At all relevant times, Defendant has acted or failed to act, as alleged herein, under color of state law. Defendant has failed to recuse herself and has refused to recuse. Petitioner has requested by petition and in court for her recusal to no avail.

Should a judge not disqualify himself, then the judge is violation of the Due Process Clause of the U.S. Constitution. United States v. Sciuto, 521 F.2d 842, 845 (7th Cir. 1996) ("The right to a tribunal free from bias or prejudice is based, not on section 144, but on the Due Process Clause.").

Should a judge issue any order after he has been disqualified by law, and if the party has been denied of any of his / her property, then the judge may have been engaged in the Federal Crime of "interference with interstate commerce". The judge has acted in the judge's personal capacity and not in the judge's judicial capacity. It has been said that this judge, acting in this manner, has no more lawful authority than someone's next-door neighbor (provided that he is not a judge).

If you were a non-represented litigant, and should the court not follow the law as to non-represented litigants, then the judge has expressed an "appearance of partiality" and, under the law, it would seem that he/she has disqualified him/herself.

IV. BACKGROUND FACTS AND CONTINUING VIOLATIONS

38. The above paragraphs are incorporated herein by reference as if fully set forth.

39. The civil rights, due process, law violations and fraud start by the fraudulent filing of an October 2009 petition to Chester County Orphans Court by counsels **Alexander J Chotkowski** and John F Mc Kenna titled "Declaration of Incapacitation and the Appointment of an Emergency Guardian for Genevieve Bush and an injunction" for Joseph and Michael Bush. Both Chotkowski and Mc Kenna had represented Joseph and Michael Bush, sons of Genevieve, in a prior 2007 lawsuit never raising any "capacity" or "influence" issues whatsoever. Joseph Bush produced an early inheritance liquidation plan in June of 2005 that Genevieve ha to protect herself from. **SEE EXHIBITS A, B, C and D.**

40. The span of Genevieve's legal actions protecting her own interests was from 2005 to 2008. Joseph and Michael never challenged their 2005 removals as POA's or any issue of capacity or any type of undue influence. On 12/10/2008 Mr. Chotkowski even demanded a bond from Genevieve his client had already cashed. Therefore, any and all judgments upon which the

Orphans Court has made must be void because obtained by ongoing fraud.

41. From 2005 to 2007 Genevieve filed a lawsuit against the sons for return of monies and assets they absconded while holding the positions of POA and attorney in fact. The two sons obtained the POA by documents they themselves created in February 2004 and had their mother and father sign, appointing them while their father was in a nursing home dying from a stroke. After being intentionally estranged since the 2007 lawsuit, waiting three years they filed for guardianship to gain power back over their mothers' assets and seek the revenge they threatened.

42. Genevieve Bush has never been in the Orphans Court for any of the issues regarding her capacity. The trial court's failure to follow the law deprived Genevieve Bush of her right to a fair trial resulting in irreparable ongoing injuries. As a direct and proximate result of Defendants violation of due process by failing to invoke the statutory procedures and laws the Petitioner also suffers irreparable ongoing injuries. Defendant Judge Platt has a history of targeting Petitioner Mary using her relations with her mother as a weapon. Petitioner asserts a claim of denial of procedural right to due process where trial judge failed to follow the law is a fundamental miscarriage of justice.

43. Defendant Judge Katherine B L Platt in violation of due process rights and in violation *Pa title 20 Cons. Stat. Ann. § 5511(a). The respondent must be present at the hearing unless either (a) a physician or psychologist states (under oath) that the person would be harmed by being present, or (b) it is impossible for him or her to be present due to his absence from Pennsylvania.*

Defendant Platt never held the in-camera conference that was agreed to in court to meet with Genevieve. In fact, after ignoring State mandated law she continues for ten years making and abetting a cumulative false record making rulings that have usurped the right to fundamental principles of justice.

44. Defendant has sentenced Genevieve Bush to life without parole and death by lethal guardianship. Defendant Judge Katherine B L Platt erased our life to bring in revenue for the county which is a basic conflict of interest.

45. Defendant's failure as the fact finder can only be explained in the intentional motive behind her determination to guardianize a person who had all her advanced directives and supports in

place. A review of the hearsay perjurer record clearly shows the non-witness testimony is not supported by the documents, records and testimony of Genevieve's attorney, brother and friends.

46. Defendant Judge Katherine B L Platt deliberately BACKDATED incapacity to 2006, to void four years of Genevieve working with her own attorney and his witnesses. making advanced directives although he testified to the contrary. Defendant Judge Platt never blamed attorney Fischer or his witnesses of working with an "incapacitated" client but instead targeted Mary using her name, identity and life as a means to target Genevieve's estate. Defendant Judge Platt knowing **Alexander J Chotkowski** opposed Genevieve from 2007 to 2008 ignored that fact and deliberately targeted Mary using her identity to erase the legitimate POA that would stand in her way of the assets.

47. Relief in this matter is appropriate because there is a reasonable probability that Genevieve would have been found competent had she had a day in court, a jury trial, evidence was not ignored, and Genevieve' tantamount to right to testify at trial was preserved. Even in criminal proceedings in *Rock v. Arkansas*, 483 U.S. 44 (1987), was a United States Supreme Court case in which the Court held that the right to testify was protected by the Fifth, Sixth and Fourteenth Amendments.

48. Defendant Judge Katherine B L Platt enjoined participated and promoted this fraud and due process violation by a June 2011 court Order, BACKDATING Genevieve "incapacitated" to 2006 declaring in her order an unqualified "medical diagnosis" of "Alzheimers". Judge Platt never allowed Genevieve one day in court, she never met her nor did she review any of one of the 14 (fourteen) advance directives SEE EXHIBIT C of a human being she was about to damn to a nightmare of being forced to have her choices erased for the sons desires to be fulfilled.

49. Any backdating determination of competency is blatantly not fair nor supported by any clear and convincing fact of evidence. Defendant Judge Platt never observe the subject of her inquiry to incapacitate, the testimony of Dr. Bruce Mapes would have to be based solely on a less than an hour meeting with him being unqualified to diagnose Avoidant Personality Disorder that Genevieve Bush suffers from the age of four after being raped by her brother and father, and six years had passed since the 2006 advanced directives were executed with her attorney JayFischer.

50. Genevieve because of this guardianship was forced to live with a son who told his mother he would fight her to the death for what he was “owed”, a son who digitally penetrated her, a son whom multiple court evaluators warned Judge Platt that Genevieve wanted nothing to do with him and that he desired to change his mother’s under ware but not limited to. By way of this guardianship Genevieve was TAKEN from her home without due process put into locked nursing facilities where she was deliberately crippled in a reclined geri chair then forced to sit in her own waist for hours, sustained injuries from 2015 to present including but not limited to broken legs, bruising, UTI’s, High Blood Pressure, denied seeing her cardiologist, urologists, orthopedic doctor and denied physical therapy all resulting in irreparable harm. Multiple Criminal investigations were intentionally blocked by Chester County actors.

51. Defendant Judge Katherine B L Platt continues a pattern and practice targeting Mary Bush using hearsay of non-fact witnesses, subornation of perjury by Mr Chotkowski. Defendant was influenced by corrupt motives and a desire to take Genevieve’s Trust empty it and liquidate it.

52. Defendant Judge Katherine B L Platt worked with **Alexander Chotkowski** with an exparte order to permanently block Genevieve’s treating Physician Dr. Lebischak, who was treating her for Avoidant Personality Disorder and was willing to testify to the harm this guardianship has caused and will continue to cause her patient. Defendant deliberately and maliciously targeted Petitioner when she signed an order demanding two persons who were never served the order to be at an evaluation Mr. Chotkowski set up. Since the named persons never knew of the order both Defendant and Mr. Chotkowski fraudulently targeted Petitioner and used Genevieve’s doctor as a set up “sanction”.

53. Defendant Katherine B L Platt should have recused from the onset of this case because of the connection she has to the law firm Mac Elree Harvey that Chotkowski and Mc Kenna were representing. In 1954 Judge Platts father John O. Platt joined and the firm name is changed to MacElree and Platt, 1955 D.T. Marrone joins MacElree and Platt, 1957 The firm is renamed MacElree, Platt and Marrone, 1962 Honorable Joseph F. Harvey joins the firm and the name is changed to MacElree, Platt, Marrone and Harvey, 1968 D.T. Marrone is appointed Judge Chester County Court of Common Pleas, 1970 Lichtenfeld and Gallagher merge with MacElree, Platt, Marrone and Harvey etc.

54. Defendant Katherine B L Platt from the onset of the case accepted exparte communications where Mr Chotkowski included substantive information that could not be challenged properly in adherence to judicial canons and with due process.

55. Defendant Katherine B L Platt failed to protect Genevieve's right to be heard where Genevieve Bush never had a single day in court.

56. Genevieve's counsel was called by the constable who served her, and she hired them. Reger Rizzo and Darnell were ineffective, but assured her this case has no merit they would show the court in one day all the advanced directives and this would be a moot issue. Petitioner's counsel was also ineffective but also brought to Judge Platt's attention the ongoing misrepresentation Counsel Chotkowski was perpetrating, but she ignored anything that was brought to her attention by multiple persons on Mr. Chotkowski's unethical behaviors and manipulations.

57. Defendant ignored all clear and convincing evidence that this case was initiated in revenge of Genevieve hiring her own attorney and working with that attorney for four years executing at least fourteen (14) advanced directives to protect herself from her power-hungry sons.

58. Defendant condoned, participated and promoted an ongoing false narrative, gathered solely by hearsay, at the very least, seriously jeopardized the appearance of any fairness."

59. Genevieve Bush's is the 89 year old mother of Plaintiff who's health is rapidly deteriorating as she is unable to communicate and needs the familiar advocacy of her only daughter Mary (Petitioner) to aid in communication and care, Genevieve Bush is currently locked in Park Lane at Bellingham. Mary has a lifelong knowledge of her and has successfully advocated on her mothers behalf for many years. Defendant is blocking Petitioner from having any relationship since 2016 and this time theft can NEVER BE GIVEN BACK ITS FOREVER !!!!!!!!!!!!!

60. Defendant has placed the interest of the nursing home corporation above the basic fundamental human bond of a mother and daughter's life long loving relationship and Genevieve's safety. Defendant hired a hearsay and paid "witness" attorney Kathleen Martin to aid in fabricating a false record. This attorney was a paid hearsay witness that testified that the nursing homes interests were above Genevieve's and Mary's.

61. Genevieve Bush while being locked in Park Lane has been denied rights to be free from

restraint - *Right to be free from involuntary seclusion* 42 USC §1395i-3(c)(1)(A)(ii); 42 USC §1396r(c)(1)(A)(ii); 42 CFR §483.13(b), (c); *Right to autonomy- Right to choose activities, schedules, and health care, and participate in resident and family groups and other social, religious and community activities* 42 USC §1395i-3(c)(1)(A)(vii), (viii); 42 USC §1396r(c)(1)(A)(vii), (viii); 42 CFR §§483.15(b)(1), 483.15(c), (d); *Right to make choices about aspects of life in the facility that are significant to the resident* 42 CFR §483.15(b)(3) *Right to self-determination and communication with and access to persons and services inside and outside the facility* 42 USC §1395i-3(c)(3); 42 USC §1396r(c)(3); *Right to exercise rights as a resident and as a citizen* 42 CFR §483.10(a)(1);

Right of immediate access to resident by federal, state, or ombudsman's representative, family members and others who visit with the consent of the resident 42 USC §1395i-3(c)(3);

42 USC §1396r(c)(3); 42 CFR §483.10(j); *Right to reasonable access to any entity or individual that provides health, social, legal, or other services to the resident, subject to the resident's right to deny (3) consent at any time* 42 USC §1396r(c)(3)(D); 42 CFR §483.10(j) (2). Plaintiff has been denied Rights of family members - *Right to visit at any time* 42 USC §1395i-3(c)(3); 42 USC §1396r(c)(3); 42 CFR §483.10(j); Rights of family members - *Right to participate in planning the resident's care* 42 USC §1395i-3(b)(2); 42 USC §1396r(b)(2); 42 CFR §483.20(k)(2); Rights of family members - *Right to immediate notification of an accident resulting in injury, a significant change in the resident's condition, a need to alter treatment significantly,* 42 CFR §483.10(b)(11)(i) Rights of family members - *Right to organize and participate in a family council* 42 CFR §483.15(c); *Right to exercise rights and voice grievances- Right to be free of interference, coercion, discrimination, and reprisal from the facility in exercising rights* 42 USC §1395i-3(c)(1)(A)(vi); 42 USC §1396r(c)(1)(A)(vi); 42 CFR §483.10(a); *Right to voice grievances and recommend changes in policies and services to facility staff, to contact outside representatives, to file complaints, and to cooperate in inspections and investigations free from restraint, interference, coercion, discrimination or reprisal* 42 USC §1395i-3(c)(1)(A)(vi); 42 USC §1396r(c)(1)(A)(vi); 42 CFR §483.10(f); *Right to prompt efforts by the facility to resolve grievances,* 42 CFR §483.10(f)(2).

62. Defendant has denied Petitioner and her mother rights applicable under the Constitution of the Commonwealth of Pennsylvania is Article § 1. Inherent rights of mankind. All men are born equally free and independent, and have certain inherent and inalienable rights, among which are those of enjoying and defending life and liberty, of acquiring, possessing and protecting property and reputation, and of pursuing their own happiness.

63. Defendant is guilty of violating Title 18, U.S.C., Section 242 Deprivation of Rights Under Color of Law U.S. Code; Title 18, U.S.C., Section 241 - Conspiracy Against Rights

64. The maximum permissible delay in providing a post-deprivation hearing "should ordinarily be measured in hours and days, as opposed to weeks." *Brown v Daniels*, 128

Fed. Appx. 910, 915 (3d. Cir. 2005) (unpublished). In this matter before this court Mother and daughter have been illegally separated without cause since January 2016 with no relief in sight.

65. All laws which are repugnant to the Constitution are null and void." Marbury vs. Madison, 5 US (2 Cranch) 137, 174, 176 (1803) "Where rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them" Miranda vs. Arizona, 384 US 436 p, 491.

66. The First Amendment to the United States Constitution guarantees Petitioner's and her mothers rights to freely and routinely associate with, and provide emotional support and informed perspective to, Petitioner's disabled mother Genevieve. By Defendant's acts and failures to act, acting in concert, jointly and severally and conspiring to do so, Petitioner is being prevented from exercising such constitutional rights and the basic human right of a daughter helping her aging mother in assuring all her physical, physiological, social and emotional needs are met. Petitioner's mother is being forced to be in an environment where there exists no love, no hugs, no mental stimulation, just strangers, spending endless hours in nothingness with the added discrimination of no one communicating with her because of her Avoidant Personality Disorder. Genevieve has been denied the right to practice her religion.

67. Genevieve Bush is also a protected person under the Nursing Home Reform Act and the 42 CFR 483.10, et seq. Residents and family right to visitation. • 42 C.F.R. § 483.10(j) (1) (vii). This regulation directs a skilled nursing facility to provide "immediate access" to members of the immediate family of any of Its residents • 42 C.F.R. § 483.13. Among other things this regulation prohibits a skilled nursing facility from involuntarily secluding a resident. • 42 C.F.R. § 483.20(k) (3) (i). This regulation mandates a skilled nursing facility to provide care that meets professional standards of quality. CMS asserts that this regulation prohibits a facility from confining/isolating a resident without making a determination of clinical necessity.

68. Defendant Judge Katherine B L Platt outside the orphan's court matter of Genevieve Bush somehow invited an attorney representing Park Lane into the Orphans Court hearing without any entry of appearance and or petition before the court. Disregarding all laws and protections

associated with nursing facilities and due process rights, Defendant ambushed Petitioner by asking this attorney "Do you want Mary Bush there" his answer was "No". This was a blatant due process violation.

Title 18, U.S.C., Section 242 Deprivation of Rights Under Color of Law U.S. Code

This statute makes it a crime for any person acting under color of law, statute, ordinance, regulation, or custom to willfully deprive or cause to be deprived from any person those rights, privileges, or immunities secured or protected by the Constitution and laws of the U.S. color of any law" include acts not only done by federal, state, or local officials within the bounds or limits of their lawful authority, but also acts done without and beyond the bounds of their lawful authority; provided that, in order for unlawful acts of any official to be done under "color of any law," the unlawful acts must be done while such official is purporting or pretending to act in the performance of his/her official duties. This definition includes, in addition to law enforcement officials, individuals such as Mayors, Council persons, Judges, Nursing Home Proprietors.

Title 18 Section 242, Title 18, U.S.C., Section 241 Conspiracy Against Rights U.S. Code.

This statute makes it unlawful for two or more persons to conspire to injure, oppress, threaten, or intimidate any person of any state, territory or district in the free exercise or enjoyment of any right or privilege secured to him/her by the Constitution or the laws of the United States

Title 18 Section 241, Title 18, U.S.C., Section 245 Federally Protected Activities.

This statute prohibits willful injury, intimidation, or interference, or attempt to do so, by force or threat of force of any person or class of persons because of their activity as: b) a participant in any benefit, service, privilege, program, facility, or activity provided or administered by the United States; 2) Prohibits willful injury, intimidation, or interference or attempt to do so, by force or threat of force of any person because of race, color, religion, or national origin and because of his/her activity as: b) a participant in any benefit, service, privilege, program, facility, or activity provided or administered by a state or local government; 3) Prohibits interference by force or threat of force against any person because he/she is or has been, or in order to intimidate such person or any other person or class of persons from participating or affording others the opportunity or protection to so participate, or lawfully aiding or encouraging other persons to participate in any of the benefits or activities listed in items (1) and (2), above without discrimination as to race, color, religion, or national origin.

69. Defendant Judge Katherine B L Platt ignored all the citations by the Pa Health Department in regard to Genevieve Bush. As a proximate result of this arbitrary unreasonable action by Defendant Mary and Genevieve are denied all means of federally protected rights and liberties and any means of redress.

70. Defendant's wrongful actions in and out of the court is denying or infringing on Petitioners' and her mother's federally protected rights, privileges. It is of great public concern that if not held accountable for her unlawful acts, Defendant will be emboldened to continue this practice to others similarly situated family members and friends of persons guardianized and are confined to locked care units isolating them to just court allies.

71. Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12131 et seq., seeks to enforce a prohibition on irrational disability discrimination. But it also seeks to enforce a variety

of other basic constitutional guarantees, infringements of which are subject to more searching judicial review. These rights include some, like the right of access to the courts that are protected by the Due Process Clause of the Fourteenth Amendment. The Due Process Clause also requires the states to afford certain civil litigants a meaningful opportunity to be heard by removing obstacles to their full participation in judicial proceedings. The ADA specifically abrogates sovereign immunity, see § 12202. See *Tennessee v. Lane*, 541 U.S. 509, 522 - 524, 124 S. Ct. 1978, 158 L.Ed.2d 820 (2004).

72. The United States Supreme Court has held that no state immunity protects conduct by persons acting under color of state law which is wrongful under 42 U.S.C. § 1983. See *Howlett v. Rose*, 496 U.S. 356, 376 (1990).

73. Petitioner has the right to see her mother and Genevieve Bush has the right to see her daughter, both are grieving this unnatural loss of each other's affections. This act is not only a crime committed on Petitioner and her mother but a crime committed on humanity this vile despicable assault can never be tolerated in a civilized society.

74. Defendant Judge Katherine B L Platt is in violation of her oath, she has not upheld the Constitution thus must RECUSE. Judges cannot interfere with a person's privileges and immunities under the United States Constitution or Federal Law under the Supremacy Clause—or it's void. State law cannot violate the Constitution without warring against it.

75. Federal law requires the automatic disqualification of a judge under certain circumstances. In 1994, the U.S. Supreme Court held that "Disqualification is required if an objective observer would entertain reasonable questions about the judge's impartiality. If a judge's attitude or state of mind leads a detached observer to conclude that a fair and impartial hearing is unlikely, the judge must be disqualified." [Emphasis added]. *Liteky v. U.S.*, 114 S.Ct. 1147, 1162 (1994).

76. Genevieve Bush's case is in the National News that a sitting court Judge has violated a US citizens' rights, appointed a guardian who subjected her to a sexual assault and has suffered inhuman injuries with deliberate diminishment while her assets are being targeted distributed and deliberately pre-probated.

77. Courts have repeatedly held that positive proof of the partiality of a judge is not a requirement, only the appearance of partiality. *Liljeberg v. Health Services Acquisition Corp.*, 486 U.S. 847, 108 S.Ct. 2194 (1988) (what matters is not the reality of bias or prejudice but its appearance); *United States v. Balistreri*, 779 F.2d 1191 (7th Cir. 1985) (Section 455(a) "is directed against the appearance of partiality, whether or not the judge is actually biased.") ("Section 455(a) of the Judicial Code, 28 U.S.C. §455(a), is not intended to protect litigants from actual bias in their judge but rather to promote public confidence in the impartiality of the judicial process."). That Court also stated that Section 455(a) "requires a judge to recuse herself" 888 F.2d 1189 (7th Cir. 1989). In *Pfizer Inc. v. Lord*, 456 F.2d 532 (8th Cir. 1972), the Court stated that "It is important that the litigant not only actually receive justice, but that he believes that he has received justice."

78. Petitioner Mary Bush clearly witnessed through the provable facts and suffering ten years of living hell under a fraudulent guardianship that it was created and used by Judge Katherine B L Platt in great conflict to bring in revenue to her county and pay attached court allies tens of thousands of dollars.

79. Petitioner has been told by many and has personally observed and experienced Defendant Judge Katherine B L Platt bias that clearly targets both Genevieve and Mary financially, emotionally, publicly and bodily.

80. Defendant Judge Katherine B L Platt during ongoing hearings ordered that petitioning estranged sons could enter defendants Genevieve and Mary home having unfettered access to everything.

81. Petitioner believes that by Defendant Judge Katherine B L Platt ongoing display of hatred towards Petitioner that she was somehow involved in having Petitioner beat up outside the nursing home to further her intimidation tactics, and erasing of Mary, that she in fact knows who or is the very person that has used Mary's email and identity from a Chester County Government computer. These are criminal acts that the environment and culture of the Chester County Orphans Court allows and creates.

82. The Supreme Court has ruled and has reaffirmed the principle that "justice must satisfy the

appearance of justice", *Levine v. United States*, 362 U.S. 610, 80 S.Ct. 1038 (1960), citing *Offutt* proceeding in which her impartiality might reasonably be questioned." *Taylor v. O'Grady, v. United States*, 348 U.S. 11, 14, 75 S.Ct. 11, 13 (1954). "Recusal under Section 455 is self-executing; a party need not file affidavits in support of recusal and the judge is obligated to recuse herself sua sponte under the stated circumstances." *Taylor v. O'Grady*, 888 F.2d 1189 (7th Cir. 1989).

83. Further, the judge has a legal duty to disqualify herself even if there is no motion asking for her disqualification. The Seventh Circuit Court of Appeals further stated that "We think that this language [455(a)] imposes a duty on the judge to act sua sponte, even if no motion or affidavit is filed." *Balistreri*, at 1202.

84. Judges do not have discretion not to disqualify themselves. By law, they are bound to follow the law. Should a judge not disqualify himself as required by law, then the judge has given another example of his "appearance of partiality" which, possibly, further disqualifies the judge. Should another judge not accept the disqualification of the judge, then the second judge has evidenced an "appearance of partiality" and has possibly disqualified himself/herself.

85. None of the orders issued by any judge who has been disqualified by law would appear to be valid. It would appear that they are void as a matter of law and are of no legal force or effect. All Orders in the Matter of Genevieve Bush MUST BE VACATED and VOID they are based in FRAUD.

86. Should a judge not disqualify herself, then the judge is violation of the Due Process Clause of the U.S. Constitution. *United States v. Sciuto*, 521 F.2d 842, 845 (7th Cir. 1996) ("The right to a tribunal free from bias or prejudice is based, not on section 144, but on the Due Process Clause.").

87. Should a judge issue any order after he has been disqualified by law, and if the party has been denied of any of his / her property, then the judge may have been engaged in the Federal Crime of "interference with interstate commerce". The judge has acted in the judge's personal capacity and not in the judge's judicial capacity. It has been said that this judge, acting in this manner, has no more lawful authority than someone's next-door neighbor (provided that he is not

a judge).

88. If you were a non-represented litigant, and should the court not follow the law as to non-represented litigants, then the judge has expressed an "appearance of partiality" and, under the law, it would seem that he/she has disqualified him/herself.

89. The Supreme Court has also held that **if a judge wars against the Constitution, or if the judge acts without jurisdiction, the judge has engaged in treason to the Constitution.** If a judge acts after she has been automatically disqualified by law, then he is acting without jurisdiction, and that suggest that he is **then engaging in criminal acts of treason and may be engaged in extortion and the interference with interstate commerce.**

90. Judge Platt did not give Genevieve Bush due process for she has never once even met her this is also in violation of guardianship statute 20 Pa. Cons. Stat. Ann. § 5511(a)]

91. Courts have repeatedly ruled that judges have no immunity for their criminal acts. Since both treason and the interference with interstate commerce are criminal acts, no judge has immunity to engage in such acts.

92. Defendant Judge Katherine B L Platt has failed to apply the law, allows for due process violations, fails to be unbiased, fails to address criminal acts occurring under her "appointments", never acknowledge proven subornation of perjury by attorney **Alexander J Chotkowski,**

93. Defendant has failed to ensure the reasonable safety and personal security of Genevieve Bush who has suffered multiple physical injuries, **including broken bones and the digital penetration into her vagina by her own son.** Defendant does have a ten-year long history of behaviors of targeting Petitioner, making false records, targeting both Genevieve and Mary for cash and property, pre probating Genevieve in giving away her property, usurping the legal process, being involved in this matter outside "her" court jurisdiction and deliberately using the mother daughter life long loving relationship as a destructive weapon to malign, control, abuse and intimidate Petitioner.

94. Defendant has failed to adequately supervise, remove or monitor any guardians from irreparably harming Genevieve Bush where it is clearly evidenced by Pa State reports and hospital records that adequate basic care, adequate nursing care, related services, medical care,

appropriate and meaningful activities, adequate physical and occupational therapy services, adequate mental health care and services were not in place to prevent ongoing diminishment and irreparable irreversible harm.

95. Defendant failed to address Genevieve Bush's human rights and state law when state actors used undue and unreasonable restraint on Genevieve by subjecting her to long months in a reclined/padded in Geri chair, used as a means of control, in lieu of treatment, or for the convenience of staff and to utilize this inhumane means to methodically cripple Genevieve so as to assimilate her into a locked in facility wheelchair bound existence that has no other purpose but to control and isolate her. Genevieve was evaluated by her own appropriate professionals' doctors who warned that this guardianship was detrimental, so Defendant conspired with **Alexander J Chotkowski** to ban her from ever testifying on her patient's behalf. Defendant failed to adhere to the law in that the least restrictive means be that placement be in the most integrated according to Genevieve's individualized needs and written and expressed wishes.

96. Defendant has failed to use qualified professionals in keeping with accepted professional standards and or intention of guardianships, when upon appointing for profit guardians Elizabeth Srinivasan and Carol J Hershey.

97. Defendant without a giving Genevieve or Mary a trial on any of the advanced directive, without so much as even reviewing this evidence, without effective assistance of counsel, due process, equal protection of the law, Genevieve was illegally seized in violation of the 4th Amendment and has been subjected to inhumane torture prohibited by the international community and federal criminal statutes. Defendant has been allowed to strip her of all rights guaranteed American citizens, relegating her to "civil death" to access her assets.

98. Defendant has failed to meet the requirements of the Americans with Disabilities Act of 1990 ("ADA"), 42 U.S.C. §§ 12101 et seq., and the regulations promulgated pursuant thereto, by excluding Genevieve, by reason of a disability, from all participation in or by denying her the benefits of the services, programs, or activities of the County, or by subjecting her to discrimination, and by failing to administer services, programs, and activities in the most integrated setting appropriate to her needs. For purposes of Title II of the ADA, the Defendant is

a "public entity," and Genevieve is a "qualified individual[s] with a disability."

99. The acts and omissions alleged in the above paragraphs infringe upon the legal rights and substantive liberty interests of Genevieve and Mary Bush and constitute resistance to their full enjoyment of rights, privileges or immunities secured or protected by the Constitution or laws of the United States, and deprive both of such rights, privileges or immunities.

100. Unless restrained by this Court, Defendant will continue to engage in the conduct and practices set forth in the above paragraphs that deprive Genevieve and Mary Bush of their legal rights under law and the rights, privileges, or immunities secured or protected by the Constitution of the United States, and cause irreparable harm to Genevieve and Mary Bush.

101. Petitioner seeks release of Mary Bush and Genevieve from ongoing Civil Rights Violations, unconstitutional acts perpetrated, and the state and federal crimes being committed under the color of the law by the State of Pennsylvania actors and enjoined profiting/retaliating persons.

102. Under the auspice of "protection," guardianship is void of any true oversight and accountability of any court attached actor who wishes to exploit their power and control over vulnerable victims. State statutes are Unconstitutional depriving a certain targeted segment of persons of fundamental rights to life, liberty, property and in violation of 18 U.S.C. 241 (deprivation of rights under color of State law), 18 U.S.C. 242 (unlawful conspiracy to deprive rights) and 42 U.S.C. 1983 (civil liability for deprivation of rights) under the 1st, 4th, 5th, 6th, 7th, 8th, 9th and 14th Amendments to the United States Constitution, Title II of the Americans with Disabilities Act of 1990 (ADA), Section 504 of the Rehabilitation Act of 1973 (Section 504) and 18 U.S.C. 1364 (Civil racketeering and Corrupt Practices Act).

V. AMENDMENT XIV. RIGHTS GUARANTEED
SECTION I PROCEDURAL DUE PROCESS: CIVIL

103. The above paragraphs are incorporated herein by reference as if fully set forth.

104. Due process was not satisfied in this matter.

105. Defendant Judge Katherine B L Platt failed to follow statutory procedures mandated by federal and state law, such as this case where both Petitioner and her mother Genevieve are being deprived of liberty and/or property without due process. Defendant repeated a blatant disregard

of statutory procedures designed for protection. Substantive due process rights guaranteed include equal protection of the law and due process of law.

106. Procedural due process rules are meant to protect persons not from the deprivation, but from the mistaken or unjustified deprivation of life, liberty, or property.” Multiple times Petitioner was denied the ability to contest the basis upon which a state proposes to deprive them of protected interests. Genevieve Bush was never given any opportunity to be heard. From the very onset there was never an impartial tribunal. Due process also requires an opportunity for confrontation and cross-examination, and for discovery that Genevieve never got. Biased decision was never based on the record of truth, but by ongoing hearsay and the subornation of perjury by **Alexander J Chotkowski**. For years now Genevieve and Mary have not been represented by counsel. **Alexander J Chotkowski** to present still manipulates the convoluted record to his and his clients advantage speaking untruths to other judges.

107. Genevieve was never allowed some form of hearing before she was deprived of a property and all her liberty interest. This right is a “basic aspect of the duty of government to follow a fair process of decision making when it acts to deprive a person of his possessions. The purpose of this requirement is not only to ensure abstract fair play to the individual. Its purpose, more particularly, is to protect his use and possession of property from arbitrary encroachment. Thus, the notice of hearing and the opportunity to be heard must be granted at a meaningful time and in a meaningful manner. Defendant would just demand property from Mary such as her vehicles and home, there was never any review on the items taken. Joseph Bush would state that something belongs to the estate and it would just be taken, Joseph Bush now calls Mary’s truck his truck after convincing the judge to take it without any hearing.

108. An impartial decisionmaker is an essential right in civil proceedings. The neutrality requirement helps to guarantee that life, liberty, or property will not be taken on the basis of an erroneous or distorted conception of the facts or the law. Defendant no matter the evidence has always ruled against Genevieve and Mary, in fact the record proves she targeted them for monies and property never charging Joseph or Michael Bush or sanctioning **Alexander J Chotkowski**.

109. Some examples of financial/property targeting were;

2011 Judge Platt forced Genevieve to pay for a unnecessary property appraisal **\$275.00**.

2011 Judge Platt ordered Genevieve to pay an unqualified court appointed phycologist **\$460.00**.

2011-2017 Judge Platt forced Genevieve to pay **\$11,916.00** for a Bond for Joseph Bush even though she legally removed him from the same position in 2005, knowing he deliberately would liquidate her estate.

2011 to 2015 Mary Bush had to pay for transcripts in excess of **\$8,116.00**.

2011 Judge Platt acts made Genevieve who never had any day in court pay **\$2,561.45** for transcripts.

03/22/2012 Judge Platt COURT ORDERED Genevieve to pay Gawthrop Greenwood **\$10,000.00** and OPPOSING counsel Mac Elree Harvey **\$10,000.00** (**Alexander Chotkowski**)

06/25/2013 Judge Platt court ordered Genevieve to pay **\$978.30** to **Alexander Chotkowski** and Mary Bush to also pay him **\$2934.90**.

Because of appointing Michael Bush, a guardian, Genevieve was forced to pay for in home care exceeding **\$364,393.89**.

Judge Platt ordered Mary to see family services Kurt Walser costing her over **\$585.00**.

11/24/2014 Judge Platt court ordered Mary to pay **Alexander Chotkowski** **\$2500.00**

2013 Judge Platt made Genevieve pay for a constable **\$1,050.00**, she made Genevieve pay **\$450.00** a nurse for court ordered visits.

2013, 2014, 2015 Judge Platt made Genevieve pay for Michaels charge card in excessive spending of over **\$32,640.50** that included his Alcohol bills.

2014 Judge Platt took from Mary legally owned trucks in excess of **\$20,000.00** and made Genevieve pay **\$ 272.00** in transfer fees so Joseph Bush can have a truck for his personal use while the van sits and rots for 10 years.

2013, 2014, 2015 Judge Platt made Genevieve pay for a Co-guardian **\$30,888.65**. then biasly did not hold them to the same standard as Mary who she removed for not telling Michael his mother was in the hospital but did not remove Michael for not telling Ms Srinivasan **his plan to penetrate his mother. (weigh out which caused Genevieve the real harm !)**

2015, 2016, 2017, 2018 Judge Platt made Genevieve pay Carol J Hershey in excess of **\$20,597.91+**, never addressing the false pretense billing, retaliation or neglect of care.

Judge Platt forced Genevieve to pay for landscaping **\$2,295.61**, Mary offered to do for free

A questionable bill for IKOR **\$6,755.26**, Genevieve was forced to pay them to witness but not report her son Michael Bush using a playground ball to open his mothers' legs!

2015, 2016, 2017, 2018 Judge Platt forced Genevieve to pay Nursing home fees that has taken over **\$500,000.00** of her savings to neglect her care, break her leg TWICE and ISOLATE her.

2011, 2012, 2013, 2014 Mary had to pay [as a guardian] for her mother to have an attorney **\$46,738.67**, while Judge Platt forces Genevieve to **pay for Carol J Hershey's attorney James Gillen** who only helped cover Carol J Hershey's malfeasance.

2015 Mary had to buy her mother clothes so the nursing home would not dress her in soiled clothing **\$107.83**.

2016 Mary was forced to pay a court fine in excess of **\$300.00** for visiting her mother bringing her laundry to her and **thousands of dollars in other expenses due to a false pretense set ups by Carol J Hershey and Michael Bush. (recently learning Joseph Bush also participated)**

****2017 to 2018 Judge Platt court ordered Genevieve Bush pay to see her daughter paying in excess of **\$2,000.00** and Mary Bush pay in excess of **\$1,000.00** to see her mother under extreme court ordered supervised visits for no reason but for Judge Platts abuse of power.

09/21/2017 Judge Platt court ordered Genevieve to pay opposing counsel **Alexander Chotkowski \$1,450.00.**

Totals of just some of what Judge Platt has cost Genevieve is over **\$994,934.57** and Mary is **\$92,242.40+** extensive legal fees. To date she has never ordered Joseph or Michael Bush, **Alexander Chotkowski**, Carol J Hershey or any opposing party to pay Genevieve or Mary anything.

110. This ongoing fraudulent guardianship deprived Petitioner and her mother liberty and property interests by bias. Defendant denied Petitioner and her mother an impartial tribunal, the Due Process Clause requires a judge to recuse herself from a case. The Due Process Clause incorporated the common-law rule that a judge must recuse himself when he has 'a direct, personal, substantial, pecuniary interest' in a case. The actual provable bias on the part of the judge in this matter is too high to be constitutionally tolerable. Based on objective and reasonable perceptions Judge Platt has a personal stake in this particular case and Alexander Chotkowski proved to be a significant and disproportionate influence in his misleading filings, statements and exparte communications with the court.

112. Defendant by sending her law clerk to gather outside of her court information and making phone calls ordering the clerk not to supply Petitioner with records proves a significant personal involvement in this case. Defendants protection and favoring of multiple actors in this case over many years heightens the need for an objective review for preventing Defendants continued operation of bias to use innocent people to feed her own agendas.

113. Due process requires an opportunity to confront and cross-examine adverse witnesses.

Where the evidence consists of the testimony of individuals whose memory might be faulty or who, in fact, might be perjurers or persons motivated by malice, vindictiveness, intolerance, prejudice, or jealousy, the individual's right to show that it is untrue depends on the rights of confrontation and cross-examination. Multiple times due process was usurped but especially in the fact that Genevieve has never had a day in court. Perjurers, vindictive business owners, jealous siblings, hearsay non witnesses, and attorneys motivated by keeping fees rolling in dominated this case. Even on occasion Defendant testified herself stating blatant untruths that are not in any record. One example is June 9, 2015 Defendant falsified the record with the following;

Now what I want to point out is this:
I sat in this courtroom and had Mary Bush point her finger at me and tell me -- no, scream at me, that if I allowed Justin and his children to visit Mrs. Bush, and this is a quote, it would kill her and it would be on my conscience.

MS. BUSH: I never said that.

THE COURT: Excuse me. You did.

114. Where governmental action seriously injures an individual, and the reasonableness of the action depends on fact findings, the evidence used to prove the Government's case must be disclosed to the individual so that he has an opportunity to show that it is untrue. Throughout this matter the only discovery that took place was in 2010 after that there was none, but property was taken, hearsay was accepted, paid hearsay non witnesses were used and most documents proving the truth were ignored in favor of Defendants ongoing protection of her agendas.

115. Defendant in this matter never once recognized Genevieve's liberty interest as extremely important, otherwise she would have met Genevieve at least once instead of never. Defendant has never had any interest in protecting the welfare of Genevieve Bush, this case is about getting the money.

VI. HUMAN RIGHTS VIOLATIONS

116. The above paragraphs are incorporated herein by reference as if fully set forth.

117. The circumstances of Genevieve's confinement and isolation constitute torture, prohibited by the Convention against Torture (CAT), the International Covenant on Civil and Political Rights (ICCPR), the Geneva Convention, and the American Convention on Human Rights. Genevieve has been held against her will in a lock down facility where she is medically neglected, injured and isolated. Since May 18,2015 Genevieve has been unlawfully isolated and confined from the outside world, with business owners citing they have quasi-judicial powers to ban persons who report them, such as Petitioner, for state and federal violations.

118. Defendant has engaged in sua sponting orders furthering he intentional isolation of her victim Genevieve Bush without any bases but for the protection her sources such as Carol J Hershey and Park Lane at Bellingham who have violated the law. The circumstances of Genevieve's confinement, total isolation and the forced separation from her loving relationship with her daughter Mary would constitute "cruel and unusual punishment" in even a punitive environment.

119. Genevieve is a protected person entitled to reasonable accommodation for her disabilities under Title II of the ADA as well as Section 504 of the Rehabilitation Act of 1973 (Section 504).

What human rights are most relevant to human trafficking?

The prohibition of discrimination on the basis of race, color, sex, language, religion, political or other opinion, national or social origin, property, birth, age or other status;

The right to life

The right to liberty and security

The right not to be submitted to slavery, servitude, forced labor or bonded labor

The right not to be subjected to torture and/or cruel, inhuman, degrading treatment or punishment

The right to be free from gendered violence

The right to freedom of association and communication

The right to freedom of movement

The right to the highest attainable standard of physical and mental health

The right to an adequate standard of living

The right to social security

The right to an effective remedy

The right to seek asylum

Human trafficking originates where and when deprivations of human rights are prevalent.

120. Even the Supreme Court in *Boumediene v. Bush* (2008) expanded the territorial reach of habeas corpus, ruling that the Suspension Clause affirmatively guaranteed the right to habeas review. Thus, alien detainees designated as enemy combatants who were held outside the United States had the constitutional right to habeas corpus. So, any persons subjected to a fraudulent guardianship must have the same rights and not have to die to be relieved of this horrendous torcher.

121. There exists no other remedy available to Petitioner and her mother to protect them from Defendants abusive deprivations of inalienable right to life, liberty, happiness, property to which Petitioner and her mother are being irreparably stripped of.

122. Defendant Judge Katherine B L Platt recently wrote an order that Petitioner had to sell her house and care to seek an appeal to remove Michael Bush again after Defendant put him back into that same position defying a higher court order he cannot be a guardian or co guardian of Genevieve Bush. SEE EXHIBIT E. See recent correspondence at **EXHIBITS F, G, H and I** where there exists proof of Defendant putting Petitioner out of court without any avenue for redress after ten (10) years of targeting Mary Bush for property and cash. Defendant has clearly sentenced Genevieve Bush life without parole with Death being hastened through neglect, abuse and devastating bodily injuries.

VII. GUARDIANSHIPS ARE UNCONSTITUTIONAL

123. The above paragraphs are incorporated herein by reference as if fully set forth.

124. Under the sixth amendment in all criminal prosecutions, the accused enjoy the right to a speedy and public trial by an impartial jury of the State and district wherein the crime shall have been committed, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor,

and to have the assistance of Counsel for his defense."

125. The Ninth Amendment states, "The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people." This means that the rights citizens are not limited by those listed in the Constitution. The purpose of the Ninth Amendment was to dismiss the notion that the rights not explicitly named in the Constitution did not exist. The Ninth Amendment rights or Non-enumerated rights are additional fundamental rights protected from governmental infringement. These additional rights exist side-by-side with the fundamental rights specifically mentioned in the first eight amendments.

126. The non-enumerated rights are considered to arise from natural law. Courts have also found that these non-enumerated rights can be derived from express constitutional provisions. For example, although the first amendment guarantees freedom of speech, it is silent about the nature of the speech protected. In this regard, the Supreme Court has held that a freedom of speech protects both verbal and non-verbal expressions and communicative conduct at the same time. *Tex. v. Johnson*, 491 U.S. 397 (U.S. 1989)

127. The Supreme Court recognized right to a presumption of innocence and to demand proof beyond a reasonable doubt before being convicted of a crime, *Sandstrom v. Montana*, 442 U.S. 510 (1979); *Jackson v. Virginia*, 443 U.S. 307 (1979); *Estelle v. Williams*, 425 U.S. 501 (1976); *In re Winship*, 397 U.S. 358 (1970), right to associate with others *NAACP v. Alabama*, 357 U.S. 449 (1958); *De Jonge v. Oregon*, 299 U.S. 353 (1937) and the right to privacy *Griswold v. Connecticut*, 381 U.S. 479 (1965).

128. In guardianships the targeted person is brought into an administrative court not by arrest but by a state statute petition by anyone over 18 years of age, all their advanced directives are ignored, the standards for protecting that person's liberty interest instantly become non-existent. The petition moves forward regardless of a persons right to due process, a speedy and public trial by an impartial jury which is also made void. There is a failure to be informed of the nature and cause of the accusations, especially with the petitioner claiming the respondent lacks capacity and all ADA laws and accommodations are completely ignored.

129. To be deemed "incapacitated" the respondent cannot confront the witnesses against him, so

the state statues allow for an unqualified “assessment” to have standing, most cases as the guardianship keeps progressing into years, due process is clearly erased, and the assistance of counsel obliterated. By this ongoing unconstitutional process, the targeted person becomes human chattel property, dead in the law that is equal to slaves. Under the Thirteenth Amendment Section 1- Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction. Article XIII in amendment to the Constitution of the United States.

130. The State in its county’s actors are abducting a specific target segment of the elderly with money and property, isolating and locking them away from their families in "nursing homes" (businesses) and emptying their estates while the person is neglected in care, injured and erased or dies. They become "property" of the state and are held collaterally to ensure their identity is used in servitude to pay court attached parasites and county governments large amounts of cash. The Courts engage in deliberately, maliciously targeting of the legitimate chosen representative to make a false record to terminate their legal powers preventing true protection of any assets. When the legitimate chosen representative stands up to this deliberate predetermined course of conduct from state actors they are severely retaliated against and systematically targeted to be bankrupted and erased with bogus removals of powers so court allies can continue the wealth extraction. Isolation is used as a weapon and a tool to silence the documentation of these permanent harms being condoned, participated and promoted by Judges like Katherine B L Platt who is slowly growing an empire of cash flow into the county and building her “guardianship program”. Guardians for profit are not petitioning the courts to aid homeless or mentally challenged homeless persons they and the court are targeting Estates and the elderly for trafficking monies and properties. This is equivalent to “Kids for Cash” instead they are “Selling Seniors”.

131. There is a prevalent practice of setting family members against one another to keep the litigation going and the money flowing while the purpose of guardianship as a protection is a mute subject and irrelevant after the court applies a discriminatory label of “incapacitated person” awarding every petitioner who files the right to strip anyone of their rights and liberties.

132. The Thirteenth Amendment was to end chattel slavery as it was practiced in the southern United States. However, the Amendment also bars “involuntary servitude,” which covers a broader range of labor arrangements where a person is forced to work by the use or threatened use of physical or legal coercion. For example, the Thirteenth Amendment bans peonage, which occurs when a person is compelled to work to pay off a debt. Persons subjected to guardianships are a collective targeted group of wealth holders with large estates. The work to build the estate has been done and guardianships are being used to extract that wealth and unjustly enrich the counties and attached actors who help procure these assets. Just like former slaves and other poor citizens became indebted to merchants and plantation owners for living and working expenses. Unable to repay their debts, they became trapped in a cycle of work-without-pay. The Supreme Court held this practice unconstitutional in 1911. *Bailey v. Alabama* (1911). Guardianships create a false pretense debt on the targeted individual to “justify” the swift liquidation of millions.

133. The continued existence of the harm may affect others who might not be able to ask a court for relief. In the United States, this is the grounds for asking for a law to be struck down as violating the First Amendment to the Constitution of the United States, because while the plaintiff might not be directly affected; the law might so adversely affect others that one might never know what was not done or created by those who fear they would become subject to the law – the so-called "chilling effects" doctrine.

134. People are being forced into guardianships and the same group of parasitic profiting attached businesses are lining up to cash in. Criminal acts done with the permission of civil court appointments go on with no accountability or punishment thus attracting a certain element of unsavory persons collecting hundreds of “wards” from a single county and judge. Great abuse is occurring with no means of any redress to its victims

135. Congress enacted the ADA in 1990 “to provide a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities.” 42 U.S.C. §12101(b)(1). Congress found that “historically, society has tended to isolate and segregate individuals with disabilities, and, despite some improvements, such forms of discrimination

against individuals with disabilities continue[d] to be a serious and pervasive social problem.” 42 U.S.C. § 12101(a)(2). For those reasons, in Title II of the ADA, Congress prohibited discrimination by public entities against individuals with disabilities, providing that “no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity.” 42 U.S.C. § 12132. As directed by Congress, the Attorney General issued regulations implementing Title II. 42 U.S.C. § 12134(a). Central to this case are two regulations, the first of which articulates the “integration mandate” of the ADA and provides that “[a] public entity shall administer services, programs, and activities in the most integrated setting appropriate to the needs of qualified individuals with disabilities.” 28 CFR § 35.130(d). The “most integrated setting” is “a setting that enables individuals with disabilities to interact with non-disabled persons to the fullest extent possible.” 28 C.F.R. pt. 35 app. A (2009); cf. *Helen L. v. DiDario*, 46 F.3d 325, 333 (3d Cir. 1995) (holding that “the ADA and its attendant regulations clearly define unnecessary segregation as a form of illegal discrimination against the disabled”). The second regulation provides that public entities are required to “make reasonable modifications in policies, practices, or procedures” to avoid unjustified segregation of individuals with disabilities; however, public entities are not required to make such modifications if “the public entity can demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity.” 28 C.F.R. § 35.130(b)(7).

136. Defendant not only ignored the law, she herself engaged in the most egregious outrageous act of not only age discrimination but blatant obstruction of the facts of Genevieve’s true diagnosis by banning testimony from her own Dr. Doris Lebischak who is a psychiatrist and a medical doctor. Defendant conspired with **Alexander Chotkowski** to permanently ban this doctor from testifying on behalf of her patient Genevieve to keep Judge Platts unqualified diagnosis of Alzheimer’s as a reason to have deemed a person she never met but had an estate to tap into for her own agendas and not the true purpose Genevieve Bush put a trust in place and other advanced directives/protections to live her life out the way she chose.

137. Defendant reappointing the removed sons as “guardians” allowed petitioners in the ongoing

contested matter to enter defendants' Genevieve and Mary's home and take her valuables. In Guardianships, Petitioner's can rummage, take, sell, use, do whatever they want to the defendants property and cash with zero oversight or accountability. "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized." Article IV in amendment to the Constitution of the United States.

²¹ 18 U.S. Code § 2331. Definitions

As used in this chapter—

(5) the term "domestic terrorism" means activities that—

(A) involve acts dangerous to human life that are a violation of the criminal laws of the United States or of any State;

(B) appear to be intended—

(i) to intimidate or coerce a civilian population;

(ii) to influence the policy of a government by intimidation or coercion; or

(iii) to affect the conduct of a government by mass destruction, assassination, or kidnapping; and

(C) occur primarily within the territorial jurisdiction of the United States; and

138. AMENDMENT XIV. CITIZENSHIP; PRIVILEGES AND IMMUNITIES; DUE PROCESS; EQUAL PROTECTION;

§ 1. All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

The Fourteenth Amendment is a source of substantive and procedural due process. "Title 42 U.S.C. § 1983 provides that '[e]very person' who acts under color of state law to deprive another of a constitutional right shall be answerable to that person in a suit for damages." Imbler v. Pachtman, 424 U.S. 409, 417 (1976). The Act imposes liability upon "every person" who, under color of state law or custom, "subjects, or causes to be subjected, any citizen of the United States . . . to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws. Owen v. City of Independence, 445 U.S. 622, 635 (1980) (quoting portions of § 1983) (emphasis in orig.).

140. Our Constitution in the 5th and 14th Amendments, declaring that the government shall not deprive anyone of "life, liberty, or property, without due process of law..." The 5th Amendment protects people from actions of the federal government, and the 14th protects them from actions by state and local governments. The 14th Amendment guaranteed "equal protection of the law".

141. Protection of civil liberties and civil rights is perhaps the most fundamental political value in American society. Civil liberties are protections against government actions. For example, the First Amendment of the Bill of Rights guarantees citizens the right to practice whatever religion they please. Government, then, cannot interfere in an individual's freedom of worship.

Amendment I gives the individual "liberty" from the actions of the government. Civil rights, in contrast, refer to positive actions of government should take to create equal conditions for all Americans.

142. The Sixth Admendment In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense.

Rights of those accused of crimes are protected in other parts of the Constitution. For example, Article I affirm that the right of a writ of habeas corpus, a court order that requires a judge to evaluate whether there is sufficient cause for keeping a person in jail. However, the most extensive protections are found in the 4th, 5th, 6th, and 8th Amendments.

The overwhelming majority of court decisions that define American civil liberties are based on the Bill of Rights, the first ten amendments added to the Constitution in 1791. Civil liberties protected in the Bill of Rights may be divided into two broad areas: freedoms and rights guaranteed in the First Amendment (religion, speech, press, assembly, and petition) and liberties and rights associated with crime and due process. Civil rights are also protected by the Fourteenth Amendment, which protects violation of rights and liberties by the state governments.

14th Amendment Section 1.

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Fourth Amendment The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

The 8th Amendment prohibits "cruel and unusual punishments,"

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

The Ninth Amendment was part of the Bill of Rights that was added to the Constitution on December 15, 1791. It says that all the rights not listed in the Constitution belong to the people, not the government. In other words, the rights of the people are not limited to just the rights listed in the Constitution.

VIII. ALEXANDER J CHOTKOWSKI

CONTINUATION VIOLATION OF THE SUBORNATION OF PERJURY

143. The above paragraphs are incorporated herein by reference as if fully set forth.

144. Defendant Judge Katherine B L Platt throughout this matter has known **Alexander J Chotkowski** opposed Genevieve Bush in a separate court action in 2007, at no time did he or acting on behalf of his clients Joseph and Michael Bush appeal the removal of their POA status, nor did they make any claims of Genevieve being incapacitated or Mary using undue influence, because in fact they could not. In fact, Mr Chotkowski never accused attorney Jay Fischer or the witnesses of the (14) fourteen advanced directives of any malfeasance in his four years of working with Genevieve to secure her assets from her designing sons who planned to liquidate her for an early tax-free inheritance. SEE EXHIBITS A, B, C and D.

145. Mr Chotkowski knowing the wealth in the family did willfully engaged in submitting to the court a fraudulent on its face petition for guardianship over Genevieve in 2009 to parasitically attach himself to this case for a guaranteed ten years of income. He condoned, perpetrated and has enjoyed riches from this criminal act. Defendant's indifference to it has been consistent in protecting Chotkowski.

146. Multiple evidence was given to Defendant Judge Katherine B L Platt of the misrepresentations Mr Chotkowski was disingenuously filing and citing to the courts but Defendant only targeted and sanctioned Petitioner Mary.

147. Mr Chotkowski although he opposed Genevieve in 2007 and demanded a bond from her in

2008, then started a pattern and practice of claiming Genevieve lacked capacity back to 2004. Even his own clients Deposition disputed this and verified Genevieve did in fact have capacity and was managing her own assets. **SEE EXHIBIT J** that was given to Defendant Judge Katherine B L Platt but ignored.

148. Another example of the years of the subornation of perjury from **Alexander J Chotkowski** was a counter filing attorney Clifford Cohn did on 11/12/2014 on behalf of Petitioner Mary, to prove the false ongoing accusations known to Mr Chotkowski as not being true CHOTKOWSKI kept stating Mary never gave an accounting for FOUR years when in fact he even billed his clients for reviewing it. **SEE EXHIBIT K**

149. Pa state crimes code Title 18 CHAPTER 49 FALSIFICATION AND INTIMIDATION Perjury in a Judicial Context (18 U.S.C. § 1623) Parsed into elements, Section 1623 declares that *I. Whoever; II. a. under oath or, b. in any i. declaration, ii. certificate, iii. verification, or iv. statement, under penalty of perjury as permitted under [Section] 1746 of title 28, United States Code; III. in any proceeding before or ancillary to a. any court, or b. grand jury of the United States; IV. knowingly; V. a. makes any false material declaration, or b. makes or uses any other information, including any i. book, ii. paper, iii. document, iv. record, v. recording, or vi. other material; VI. knowing the same to contain any false material declaration; shall be fined under this title or imprisoned not more than five years, or both.*

In most cases, the courts abbreviate their description of the elements and state in one form or another that to prove perjury the government must establish that "the defendant (1) knowingly made a (2) false (3) material declaration (4) under oath (5) in a proceeding before or ancillary to any court or grand jury of the United States."

"Interest republicae ut sit finis litem." On the other hand it is no less fundamental that no man should be allowed to take advantage of his own fraud.

150. Fraud practiced upon a party or the court during the trial or in prosecuting the action, or in obtaining the judgment it may be attacked collaterally and on account thereof set aside and vacated. But before a regular judgment can be assailed, the proof should be clear and very

satisfactory, in this case it is beyond clear that after the 2007 lawsuit the sons wanted to reclaim control and power knowing their mother disinherited them they used guardianship as a means of revenge. Alexander J Chotkowski void of any ethical behavior and ignoring his oath used Genevieve to access the cash and self-enrichment, coaching his clients in the manipulations of the truth.

151. Multiple internal and external contaminants of the judicial process destroyed justice in this matter, it rendered the process so unfair as to result in a loss of life or liberty without due process of law, whether it took the form of Alexander Chotkowski's knowing use of perjured testimony to the Defendants intentional misuse of power, the very first initial filings in this case should have ended it at the start since Mr Chotkowski and his clients opposed Genevieve in 2007 never making any claims they waited to compose a false narrative to get power, money and control based in fraud. Defendant Judge Katherine B L Platt condoned, enjoined, and promoted this knowing that the evidence outweighs the false narrative made as an illusionary need for Genevieve's sons to be guardians.

PRAYER FOR RELIEF

152. The preceding paragraphs are incorporated by reference as if fully set forth herein.

153. As aforesaid, during the course of ten years the violation of Petitioner and her mothers rights under due process and other federal constitutional claims the United States Constitution and Pennsylvania Constitution were VIOLATED.

153. As a direct and proximate result of Defendant Judge Katherine B L Platts action and inactions in her official and personal capacity the Petitioner suffered and her mother injuries as describe above, but not limited to.

154. The procedural guarantees of the Bill of Rights and of the extent to which those guarantees were binding upon the states through the due process clause of the Fourteenth Amendment were violated. Governing rules of the first, fourth, fifth, sixth, eighth and amendments concerning issues like unreasonable searches and seizures, double jeopardy, speedy trial, confrontation of adverse witnesses, assistance of counsel, and cruel and unusual punishments, equal protection, are those violations that would void state court jurisdiction. The intentional actions and

inactions of Defendant are clearly in the ten years of records; they were premeditated and wanton, and displayed such a reckless indifference to the Petitioner's and her mothers rights.

155. Defendant knew or should have known that the Petitioner and her mother were being subjected to removal of rights in violation of her rights under the State and Federal Constitution. But she condoned, enjoined, participated and promoted it.

156. Defendant had both a duty and a realistic opportunity to intervene and prevent the unconstitutional acts from occurring but failed and/or refused to do so.

157. As detailed above, Defendant engaged in concerted conduct, and entered into a conspiracy to violate the Petitioner and her mother's rights and liberties by and through her official and personal capacity.

158. As detailed above, Defendant performed overt acts in furtherance of the conspiracy, fraud and Constitutional violations including, but not limited to, agreeing to ignore Genevieve's medical, social and mental health needs, participating, condoning and promoting in and out of court the targeting of Petitioner Mary has all resulted in irreparable harm and will lead Genevieve to an earlier death from the physical damage being forced on her.

159. As a direct and proximate result of the malicious, intentional and/or reckless acts of Defendant Petitioner and her mother suffered physical, financial and emotional injuries detailed above that are not repaiable.

160. The actions of were so malicious, intentional and wanton, and displayed such a reckless indifference to Petitioner and her mother's rights and wellbeing that the imposition of punitive damages is warranted in Defendants personal capacity.

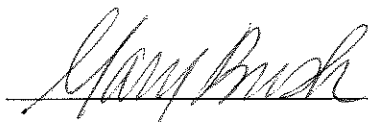
WHEREFORE; Petitioner asks this court to issue the preliminary injunction and or grant the writ of Habeas corpus before her mother succumbs to the neglect and injuries she is experiencing. Petitioner Mary Bush respectfully requests the Court, for all of the foregoing reasons; that this Honorable Court grant her PETITION FOR IMMEDIATE HEARING WRIT OF HABEAS CORPUS - CIVIL ACTION Brought under 28 U.S.C. §2241 and enter a **permanent ORDER** enjoining Defendant Judge Katherine B L Platt, Joseph and Michael Bush along with counsel Alexander J Chotkwki and Park Lane, their agents, servants, and officers, and any other individual or group from implementing, enforcing, or taking any steps toward implementing or enforcing any act that violates Genevieve and Mary Bush federally protected rights to communicate, associate and have due process, provide any ancillary relief needed to effectuate

the Court's order and any relief to which Petitioner and her mother Genevieve may be justly entitled. Petitioner requests the Court; Because of the illegal acts and inactions of Defendant and the associated actors that....

"Where the facts are in dispute, the federal court in habeas corpus must hold an evidentiary hearing if the habeas applicant did not receive a full and fair evidentiary hearing in a state court, either at the time of the trial or in a collateral proceeding. . . . [That is,] a federal court must grant an evidentiary hearing to a habeas applicant under the following circumstances: If (1) the merits of the factual dispute were not resolved in the state hearing; (2) the state factual determination is not fairly supported by the record as a whole; (3) the fact-finding procedure employed by the state court was not adequate to afford a full and fair hearing; (4) there is a substantial allegation of newly discovered evidence; (5) the material facts were not adequately developed at the state-court hearing; or (6) for any reason it appears that the state trier of fact did not afford the habeas applicant a full and fair fact hearing," 372 U.S. at 312-13.

Relief can be granted by this writ because it can FREE both Mary Bush and Genevieve Bush from this travesty of a fraudulent guardianship VOIDING IT and allowing Genevieve Bush proper, humane medical care, associations and communications (also because of this guardianship Genevieve has not seen her brother since 2013), freedoms, her religious beliefs and practices before she succumbs to the injuries she has and will continue to sustain under the current conditions and circumstances. Petitioner seeks her freedom from a ten-year targeting by court officials and their allies.

Respectfully Submitted By;



Date; 09/24/2019

Mary Bush

1626 Glenside Road

West Chester, Pa 19380

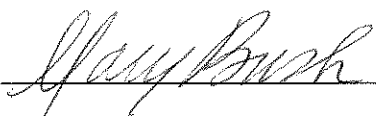
610-486-0763

email; endfraudulentguardianships@gmail.com

VERIFICATION

I hereby verify that the above statements are true and correct to the best of my knowledge, information and belief, these statements made subject to the penalties of 18 PA C.S. 4904, relating to unsworn falsifications to authorities.

Respectfully submitted,

Mary Bush  _____

Date; 09/24/2019

TJS

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

Petitioner:

Mary Bush Pro Se
Individually and as
Daughter, Next friend and Trustee of Genevieve Bush
1626 Glenside Road
West Chester, Pa 19380

JURY TRIAL DEMANDED

19 4414

CIVIL ACTION No;

V.

Defendant;

Judge Katherine B L Platt
201 Market St,
West Chester, PA19380

CERTIFICATE OF SERVICE

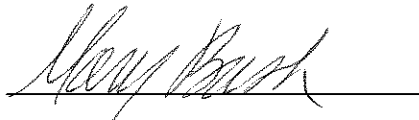
This hereby certifies that a true and correct copy of PETITION FOR WRIT OF HABEAS CORPUS FOR RELEASE OF MARY BUSH and GENEVIEVE BUSH FROM UNCONSTITUTIONAL ACTS BY THE STATE OF PENNSYLVANIA brought under 28 U.S.C. §2241 will be served upon the following by mail and or email;

Defendant, Judge Katherine B L Platt, by certified mail

201 Market St,
West Chester, PA19380

Guardians Joseph and Michael Bush
Alexander J Chotkowski
232 Market St, West Chester, PA 19382

Leon Yourgevidge
5959 Loretto Ave
Philadelphia, Pa 19149



Mary Bush
1626 Glenside Road
West Chester, Pa 19380
610-486-0763
Endfraudulentguardianships@gmail.com

Date; 09/24/2019

Mary, Michael, and Justin,

Hi guys. I'm writing to you to talk about a few financial things. I thought it would be easier for me to gather and make sense of your thoughts if it were in writing. Please, help me out and send back your response with in about 5 days. And, as always, feel free to call and discuss any questions you have.

There are a few financial opportunities we have in front of us that may improve mom's security and peace of mind as well as keep taxes lower in the future. This will require a consensus to put into motion. I need you to consider these items and give me your thoughts.

First, I will restate the standing agreements we have with mom based on her and dad's wishes.

- a) Monies contained in individual accounts, although legally titled to that individual, belong to mom and are part of her estate by agreement.
- b) We will manage that money in a manner consistent with the strategy that dad used which is to invest conservatively and avoid taxes and fees.
- c) In the future, the entire value of their estate is to be split equally between their children.

Some definitions:

- i) **Mom's Estate** = investments and cash in mom's name + monies mentioned above + value of the house and 15 acres + all other valuables owned by mom and dad (coin collection, tools, etc.).
- ii) **Managing Mom's Estate** = Actions taken to responsibly manage all items in mom's estate. Power of Attorney exists that allows decisions to be made by one individual on mom's behalf. Under normal circumstances, every effort will be made to include everyone in making decisions.

The assumption is that we will manage mom's estate in a prudent manner that will maximize performance within the boundaries stated above. The purpose is to insure mom's security first and foremost.

Action Items needing decisions:

1) **Consider taxable investments in some accounts:**

Dad always invested with tax-free municipal bonds in the kid's accounts. At the same time, in his and mom's account, he had a mix of taxable and non-taxable

investments. He stayed with tax frees in our accounts to minimize the impact of income taxes for the kids. Jason Chambeau has suggested that some taxable investments may be a beneficial in the kid's accounts. Specifically, if your tax bracket is low, the account could benefit more from a taxable investment than from a non-taxable one. Chambeau would look for opportunities in taxable bonds that would have a higher return than an equivalent non-taxable given your tax bracket. He would only buy them as money accumulated from interest in your account and would seek a balance of both types of investments. Remember that these would also be bonds and not stocks. This is very conservative investing just like dad was doing in his and mom's account.

The downside is that there will be taxable income to declare on your taxes. Additional tax would have to come "out of your pocket" unless we agreed to use funds liquidated from the account to pay the tax. But, hey, if the net proceeds after taxes are higher than the yield you can get on a non-taxable, it's a good thing.

What I would need to know is your income from last year OR your tax bracket.

_____ Interested in taxable investments. If so, tax bracket OR taxable household income = _____

_____ Not interested... stick with PA municipal bonds.

Comments: _____

2) **Stocks:**

I spoke with an attorney about moving mom's stocks from Dad's name into a trust to prepare us for lower inheritance taxes. As it turns out, a trust would have needed to be set up before dad passed away. So, that doesn't make much sense now. As a result, I have titled all of dad's stocks in mom's name. I assume no one has a problem with this. It's the right thing to do. Mom and I got all the papers signed on May 11, 2005 and they are all mailed to the broker for processing.

The decision to be made now is what process should we use to decide if or when to trade these stocks. Several of them were purchased in a different time and the companies are not performing like they used to. AT&T and General Motors are two very good examples. There are also some "moral" issues we may want to look at with Wal-Mart.

Let's develop this process.

3) Federal estate taxes and the value of the 15 acres:

The federal government is talking about repealing the death tax. If they do, then federal taxes are not an issue for us in the future. If they don't repeal them, hopefully the size of mom's estate will be under the taxable limit. The 15 acres are the wildcard in this one. If it is worth a bunch, we could be in the taxable range. Therefore, I would like to get a professional appraisal of the property just to get an idea of what mom's estate is worth. Remember this is all for tax avoidance which was dad's passion and strategy. I have an appraiser's name that the attorney gave me. Does anyone have a problem with spending a small amount of money (I have to find out how much, but I think it's a couple of hundred) to find out where we stand on the value of the 15 acres?

_____ In favor of getting an appraisal.

_____ Against getting an appraisal (please specify concern).

Comments: _____

4) PA tax on mom's estate:

Here's the real tax kicker... Pennsylvania will want 4.5% of the value of mom's estate in the future. To illustrate, a one million dollar estate would trigger \$45,000 in taxes owed to Mr. Rendell. There is only one way to avoid it. Mom needs to be as poor as possible on paper. Dad was taking advantage of the annual gifting of \$11,000 that he and mom could gift to us. That amounted to \$88,000 a year coming out of their estate between the two of them. We took advantage of this last year to add to each of the kid's accounts. In fact, I used this as an opportunity to do some balancing by having the boys also "gift" to Mary to equalize the accounts.

Mom can now gift \$44,000 a year to the four of us. But, her "cash on hand" in checking and savings accounts won't sustain that amount of gifting for very long. So, to avoid PA estate taxes, we may want to start gifting the money she has in stocks and other investments. The downside of gifting stock is that they would need to be sold before gifting to keep the transaction simple. In some cases dad had some really stinky stocks like AT&T and General Motors that should probably be sold anyway. But in other cases, like Excelon, I wouldn't want to sell that... it's on a roll and doing very well.

Another alternative would be for mom to gift \$11,000 worth of the 15 acres to each of us each year. The attorney told me that this is a simple thing to do. We

would need the appraisal I mentioned above to make it work and we'd only do this if the property had substantial value.

Another alternative that the attorney's pointed out to me that would reduce mom's estate even faster would be for mom to gift money to others that we trust, like Tracy, who would then "under their own volition" (IRS talk) would gift it back to the four of us immediately.

Bottom line is that we should consider reducing mom's estate as much as possible to avoid the wrath of Pennsylvania.

By the way, we have not yet taken advantage of the \$44,000 that mom can gift this year. We need to talk about this very soon.

Remember, even if mom is poor on paper, all of the money gifted to us over our parents lifetime is available to her by the agreement we all have.

_____ Agree that we should do whatever we need to do to avoid taxes on mom's estate. State if you'd be in favor of:

_____ Gifting mom's cash.

_____ Gifting stock that mom owns.

_____ Gifting an \$11,000 piece of the 15 acres to each child per year.

_____ Aggressive gifting by taking advantage of giving to people other than the four children who would then gift back to us.

_____ Against all gifting to reduce the taxable size of mom's estate. We should pay the 4.5% tax on property, cash, stocks, and other investments regardless of how large this tax bill would be.

Comments: _____

5) Dad's coin collection:

Mom wants to take the proof sets and commemorative coins that dad bought and distribute them to the kids. Dad bought 5 copies of each thing he bought. This makes it easy to distribute them. Mom says she will keep one set and give the others out. She is going to do this.

Things are different with the coins that dad bought from uncle John. I would like to propose that we catalog each coin so that we all know what is there. Instead of getting a professional appraisal, I propose we use information available on the Internet to estimate the condition of each coin and then its value. This will be an ENORMOUS amount of work. And it will be tedious. We would need to look at EVERY COIN one by one. We could do it a little at a time. Because of the tediousness of this task, it would be helpful to take small amounts of the collection to someone's house where we can study each coin under a strong magnifier.

There is no point in waiting to do this. So, would anyone have a problem with beginning this process?

_____ Agree that we should begin the process of cataloging and estimating the value of the coin collection.

_____ Willing to allow parts of the collection to temporarily move during this process.

_____ We should not touch it now and deal with it later.

Comments: _____

6) Bonds held in paper form in that safe at the house:

I would like to move all bonds held in paper from the house into the accounts with Hennion & Walsh. This is the right thing to do.

First, the worth and risk of these bonds change all the time. We should have a full time professional track the bonds and advise us. For example, one bond is from Beaver County, PA. Jason Chambeau has researched it and told me that the county is broke. They are still paying the coupon, but there is no guarantee that the face value will be paid to us in 2009 when the bond matures. Jason is a professional and would act in our best interest to avoid loss.

Second, right now they are only as secure as any other piece of paper. If they were lost in any manner such as stolen, burned, destroyed by a flooded basement, destroyed by mold, or eaten by bugs, there would be a lot of work to prove ownership! The money could be lost. With Chambeau the bonds would be put in an account where they would be safe from physical harm and under his knowledgeable watch.

I recommend that we move all of these bonds now.

_____ I agree that we should move the bonds into accounts at Hennion & Walsh.

_____ I do not agree. Leave them in the safe at mom's and we'll deal with any bankruptcies later.

Comments: _____

7) Owners of bonds held in paper at mom's:

Four of the bonds held in paper are registered in specific kids' names. Those are clear and easy to deal with.

There are three bonds that are unregistered. From dad's records I can clearly see that he considered two of them to be his and mom's. But the third one is open for interpretation. Dad clearly has Jub's name on the "index card" but his "black book" year by year record shows he was counting the tax free income as his and mom's.

My interpretation is that he and mom were keeping the coupon interest for this investment but expected the principal to one day end up in Jub's account. I think this would be the most advantageous way to interpret this. Here's why. If we put principal money in mom's column, we just inflate her estate and risk paying the taxman. By taking advantage of the "index card" we can consider that money "gifted" many years ago.

_____ I agree, we should consider that bond gifted.

_____ I disagree. I would put the money in mom's account when that bond matures.

Comments: _____

8) Balancing the kids accounts:

As we all know, the value of the accounts is not equal at this time. Both mom and dad expect things to be equally distributed in the future. Last year I took advantage of the \$22,000 that mom and dad were gifting to each of us to do some balancing of the accounts by having the boys each gift \$11,000 to the

account in Mary's name. That put \$55,000 into that account counting mom and dad's contribution. Balancing was easy last year because these were all cash contributions from mom and dad out of their checking account.

As I stated above, gifting mom's "non-cash" assets is possible as the cash becomes low. It will be very difficult to "re-gift" those non-cash assets between the kids. So, we may need to move bonds from an account in one person's name to an account of another at Hennion & Walsh. This is doable and would probably be in \$5000 chunks. A form would need to be filled out and notarized by the giver of those securities.

Balancing the accounts will be an ongoing chore because of the varying performance of the bonds in each account.

_____ I would be willing to participate in gifting bonds between kids accounts to get closer to balance now.

_____ I would wait and settle this in the future regardless of how many years it may take for the rich to gift to the not-as-rich.

Comments: _____

9) Attempting to split loss deductions 4 ways:

There were bonds that had gone broke in accounts under Joe's (\$10K), Mike's (\$50K), and Jub's (\$140K) names. Mike has been writing off losses of \$35K since tax year 2002. I took a deduction of \$10K this year to offset a large capital gain in a bond that was called in 2004.

Mom requested that any "personal" gain that one of us receives from writing down these losses should benefit everyone. Here is my proposal for how to handle this.

- a) Any gain from mom's investments can be offset with a corresponding loss without consequence, meaning that no "sharing" of the benefit gained from using the loss is necessary.
- b) Any benefit from using a loss to write down other investment income not associated with mom and dad's money or to offset personal income (max of \$3000 per year) needs to be "shared".

For example, the capital gain on one of the called bonds in the account in my name was about \$6000. I took the entire \$10,000 deduction from the broke bond

in my account. In my proposal, no "sharing" would be necessary on the \$6000 as stated in a) above, but I would need to share the benefit I enjoyed on the other \$4000 because that was used to write down other gains and income on my 2004 tax return. Now, for the sake of argument, let's say that my effective tax rate is 14%. I would then owe each person $\$4000 \times 0.14/4 = \140 .

Calculating this each year will be difficult and people will need to be honest in sharing their tax situation. The actual quantity can be "kept on the books" since we are balancing accounts anyway. That way, real money doesn't need to change hands. I will work it out using the account balancing procedure.

I think to be fair to everyone we MUST share the loss deductions where personal gain occurs.

I think it is too much of a hassle... just let the individual keep the deductions.

Comments: _____

10) Hospital Records and Martha Manor:

I had an attorney look over the medical records that we obtained from Chester County Hospital last June. They reviewed them and found nothing that would indicate abuse or neglect at Martha Manor. They are NOT saying whether he was abused/neglected or not. They are simply saying that the hospital records do not suggest that such a thing occurred. Therefore, taking any action without more evidence would likely be an uphill battle.

The cost of this process was \$150 per hour in attorney fees. I also got some advice on whether to put dad's stocks in a trust or just move them over to mom's name. All services came to a total of \$735. This should be paid using funds from mom's account. Does anyone have an issue with mom cutting a check for this amount?

Yes, pay this out of mom's checking account.

No

Comments: _____

**NOTICE OF REVOCATION
OF POWER OF ATTORNEY**

I, **GENEVIEVE BUSH**, currently residing at 1628 Glenside Rd., West Chester, Pennsylvania hereby give notice that I have revoked, and do hereby revoke and terminate any and all Powers of Attorney given to **JOSEPH BUSH**, empowering **JOSEPH BUSH**, to act as my true and lawful attorney-in-fact and declare that all power and authority granted under the power of attorney is hereby revoked, terminated and withdrawn.

Dated: September 6, 2005

Genevieve Bush
GENEVIEVE BUSH

Sworn and Subscribed before me
this 6th day of Sept., 2005.

Michelle Horn
Notary Public COMMONWEALTH OF PENNSYLVANIA

NOTARIAL SEAL
MICHELLE HORN, Notary Public
Phoenixville Boro., Chester County
My Commission Expires January 11, 2009

**NOTICE OF REVOCATION
OF POWER OF ATTORNEY**

I, **GENEVIEVE BUSH**, currently residing at 1628 Glenside Rd., West Chester, Pennsylvania hereby give notice that I have revoked, and do hereby revoke and terminate any and all Powers of Attorney given to **MICHAEL BUSH**, empowering **MICHAEL BUSH**, to act as my true and lawful attorney-in-fact and declare that all power and authority granted under the power of attorney is hereby revoked, terminated and withdrawn.

Dated: September 6, 2005

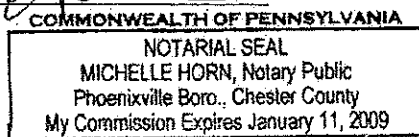


GENEVIEVE BUSH

Sworn and Subscribed before me
this 6th day of Sept, 2005.



Notary Public



LIST OF LEGAL DOCUMENTS OF GENEVIEVE BUSH
Written by Jay Fischer Esq.

09/06/2005 Notice of Revocation of Power of Attorney

Revoking the 02/14/2004 power of attorney of Joseph Bush
Notary, Michelle Horn Notary Public
Written by Jay Fischer Esq.
Signed by Genevieve Bush

09/06/2005 Notice of Revocation of Power of Attorney

Revoking the 02/14/2004 power of attorney of Michael Bush
Notary, Michelle Horn Notary Public
Written by Jay Fischer Esq.
Signed by Genevieve Bush

01/19/2006 Pennsylvania Durable Power of Attorney for Health Care

Genevieve Bush appointing Mary E Bush full authority to make health care
and treatment decisions
Written and witnessed by Jay Fischer Esq., Witnessed by Diane P. Pilotti,
Notarized by Sandra C. Brock
Signed by Genevieve Bush

01/19/2006 Durable Power of Attorney

Genevieve Bush appointing Mary E Bush w/ alternate agent Leo Yourgevidge
Notarized by Sandra C. Brock
Written by Jay Fischer Esq.
Signed by Genevieve Bush

01/19/2006 Last Will and Testament w/In Terrium clause

Genevieve Bush appointing Jay G Fischer Esq. And Valocchi Fischer &
Lavery, LLC as Executor with alternate First Financial Bank
Written and witnessed by Jay Fischer Esq., Witnessed by Diane P. Pilotti,
Notarized by Sandra C. Brock
Signed by Genevieve Bush

01/19/2006 Advance Directive For Health Care

Medical decisions assigning Mary E Bush / alternate Eleanor M DeMarco
Written and witnessed by, Jay Fischer Esq. and Diane P. Pilotti
Notarized by Sandra C. Brock
Signed by Genevieve Bush

01/26/2006 Alternate Agent's Acknowledgment

For power of attorney principal Genevieve Bush
Signed by, Leo Yourgevidge

03/17/2006 Alternate Agent's Acknowledgment

For power of attorney principal Genevieve Bush
Signed by; Eleanor M. De Marco

12/05/2007 Revocable Living Trust Agreement

Genevieve Bush Settlor /Trustee names Successor Trustees; Second Mary
Bush ,Third Leon Yourgevidge and fourth Eleanor De Marco
Written by Jay Fischer Esq.
Notarized by Sarah Jane Cauffman
Signed by Genevieve Bush

12/05/2007 The Genevieve Bush Revocable Trust Agreement Declaration of Intent

[Everything belongs to the trust]
Written by Jay Fischer Esq.,
Witnessed and Notarized by; Sarah Jane Cauffman.
Signed by Genevieve Bush

12/05/2007 Last Will and Testament (Pour-over Will) w/ In Terrorem Clause

Naming Executors Mary Bush, second name Leo Yourgevidge, third named
Eleanor De Marco
Written and witnessed by Jay Fischer Esq., Witnessed by Diane P. Pilotti,
Notarized by Sarah Jane Cauffman
Signed by Genevieve Bush

12/05/2007 Durable Health Care Power of Attorney (Living Will)

Genevieve Bush appoints Mary Bush as her Health Care Agent with Eleanor
De Marco as alternate
Written and witnessed by; Jay Fischer Esq. and Diane P. Pilotti
Notarized by Sarah Jane Cauffman
Signed by Genevieve Bush

03/11/2008 Deed to property of 1628 Glenside Road

Genevieve Bush to Mary Bush
Written and witnessed by Jay Fischer Esq.,
Notarized by; Sarah Jane Cauffman
Signed by Genevieve Bush

① (b)(7)(D)

9-23-07 8 pages

Dear Leo -

I need to vent my feelings about what is going on and what my sons are doing to our family. After Fabian had a stroke and was hospitalized

(in November 2003) Joe took over charge of the monkeys and Mary and I spent our time to visit with Fabian.

Mike would show up + put his head around the corner and say hi + how you doing. Dad was so pleased to see him - but he would not enter the room to keep company for a little while. Joe would come to see him once in a while to bring me to see Fabian. He would stop in to see his father - but he would then go out side and read books.

Justin would come to see him with me - but he would not stay very long. Dad liked the news he would bring and what was going on at work and some times he would find a tree outside and eat his lunch.

When Fabian had his stroke he lost his ability to swallow properly. Justin showed up with Giz and they gave him a container of pumpkin mush to eat (Everything except from his trained nurse - is not ok because it would just slide into his lungs) He had to learn how to swallow again. They thought they could break hospital's rules

Fabian's insurance at Bryn Mawr Hospital paid he was making fast enough progress for the insurance to keep him there - but Joe put him at lesser facility - Eleven Manor - to save money.

Fabian cried. He always said the money was there just in case. But Joe said the money would just burn out. There was enough money there to keep him there where he was thriving. He was beginning to eat sandwiches -

EXHIBIT

G-1

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(2) ~~104~~

Before he was moved to a place where he just laid in bed all day long and was fed mush. It makes me sad he never got the benefit of all the years he was working for his family. Joe's only concern was to save money - not his father. He told Mary - this an old man and only going to die anyway. So while he was at Devon Joe had us sign a will and P.O.A. papers that he wrote telling us we had to in case something happens to Fabian the money will be safe for me. We trusted him. That was a big mistake.

Fabian was moved again to Main Line because of the irresponsible care he was getting at Devon. Main Line was worse. They gave him some exercise but too many drugs and then they gave up on him and moved him up to the second floor where he never got out of bed without me and Mary demanding it. A huge Black Man was one of the helpers and while Fabian was in an elevator with him he punched him in the head. Fabian took it on his own to contact the authorities - then asked Joe to follow up on it. Joe told him he would. Then called the man that was looking into it to forget it.

While he was there Eugene and Guy - his brothers came to visit. They stayed for two days and while they were there they came in and helped him with his exercises. Mary got a wheel chair and took Fabian out in the open for a trip around the place. I was home. They found a phone and called me. Fabian and I were so happy about that. We cried and laughed the same time and then it was over too soon. Our boys did not even know they came, till much later - because they did not go to see their father.

0183

(3) (b)(7)

Because of the abuse - lack of care and the distance we tried we tried to get Fabian moved to the VA. (There was one near Downingtown). But doctor Roded stopped it to keep his beds full.

So we moved him to St Martin's Manor in Downingtown to be closer to home and I could take a cab there any time I wanted to see him. It turned out to be the worst of all the places. Fabian asked us to get him home every day.

All the while we were caring for Fabian Joe never gave me ^{any} information about the money and Justin was stealing stuff from the house and property.

In April 2014 before Fabian passed Joe asked me to sign a blank check so he could put the money in our bank account into our brokers Kenion and Walsh for us.

Later when I removed Joe's POA he continued using our money. He deposited the money in the boys names. June 25, Fabian died.

Two months later Justin showed up and pilfered my basement of tools and tried to get Fabian's records from the house.

In August Joe and Mike went to Mary's house and Mike threw money in Mary's face and told her to stay away from me.

Then Mary suggested to go over to my house to clear their up and Joe and Mike wrote a paper saying they would reimburse for any money Justin and Liz may take. Joe would not get records from Mart's Manor so I did it with the help of Mary.

I almost forgot this, was July of 2014.

Joe asked me to sign more blank checks so he could move the money to the broker for me. It totaled ~~about~~ about 75,000.00 from Fabian's life insurance and again later I saw he deposited in the boys names. I wish I never trusted him.

(7)

In May of 05 - Joe called me and told me that he was putting stocks in my name. He came over to pick me up. We went to a notary and signed papers. After that he took me to his home for lunch.

I kept silent about it all - I trusted him. He then drove me home and went to the basement to cash on dad's coins and took some of them out of my house to evaluate. I never got them back. He was talking to his brothers saying it would take a long time to do it. I never got them back and he never told me what he was doing with them.

Then month later, in June - Joe decided to give papers about me being an estate - like I was already dead. This made me angry!!!

Then in August Joe was paying a lawyer with my money. He never gave me an accounting of what he was doing - ever! Then about a week later Mary and I went to get a rototiller to keep up Fabiana's garden. Michael was at my home and helped put it together, he called Joe to come over and come he insisted on putting his trash in my trash can.

We needed the space and so we asked him not to put it there. He started a scuffle and hit Mary while she was cleaning out the shed.

Three days later Joe came back, walked right into my house and threatened us to go and get therapy or else. The next day Mike shows up wanting to work on my furnace. I had my first appointment with a lawyer to revoke Joe's POA, so I allowed Mike to stay in the house while we were gone. I told him we were going shopping. When I got home a lot of things were missing from the house and Mike allowed Justin into Fabiana's desk, was ransacked!

late August 2005

0185

Then - two days later, Sept 2, about 5 PM I walked over to Mary's house because while we were on the phone the State Police showed up at her door. Joe told them to tell her she had to go to therapy. She told them he was the one who was on medication and seeing a psychiatrist. 11:30 PM that night the State Police took Mary from her home - under an emergency "305" signed by Joe and Mike. When I found out I was afraid for her and became more afraid that they had locked up permission for Mary to be put in a hospital. I was afraid the boys who wanted to get rid of her, to get at me. They knew that I had money that would like to take from me - thinking I was a dumbass and would give it to them. It was Dad's and my money and they could not take it till we were both in our grave. Now I feel they want me in a grave because all they care about is money.

The neighbors Mrs. & Mrs. Demarco went and picked up Mary and had her stay at their house for her protection from the boys. Then we went to try to get a protection order from Joe but they wouldn't do it unless he assaulted me for about a whole month I was just miserable because of all the things Joe was trying to do to us.

Sept 6, 2005, finally Joe's POA was revoked - in kind sight after what Galvan and I witnessed how violent Joe could get to his ex wife Donna and her mother, we should never given him any authority over our unfinished affairs.

A few days after Joe did that to Mary he showed up at my house around 9 PM, I asked him to leave. He would not so I told him I'll call the police. I didn't feel safe to stay in my house so I stayed at Mary's home for a few days then on Sept 10, 2005 the department of aging came to Mary's home with a state Police and gave me a competency test. Mike showed up right after they left, it scared me so bad I lost my bowels.

Then the next day we stayed back at my house. Quater shows up on his motor cycle and I asked him for the keys to the trailers. He said you'll have from my lawyer or would that be his wife? He would not leave so I called 911. The police told me to post my property with no trespassing signs and mail them a notice to stay away. Sept. 13-05 the department of aging came to my house. I told her to leave me alone. This is all about money".

That same day all three sons called me on the phone. I guess they wondered if I got removed from my home.

Gabe in the month - my broken sent me a letter informing me that Joe changed the address on sub accounts in their names to Joe's address. When ever Fabian and I received interest checks, they would sign them over gladly. Then they just stopped. I received one from U.S. Bank and Justin would not give me the money - he just took it for himself.

We started the new year 2006 just great - Joe called threatening to call the department of aging again if I don't stop trying to regain control of my money.

2007 (1)

In the spring Mike came to me and asked me for a thousands dollars. I told him I just can't do that.

I had to pay a man to cut the locks off the trailers that Justin put on. Joe kept calling and calling and coming to my house telling me to give him some General Obligations Bonds or he would report them stolen!

Me and Mary decided to get away so we went to Chicago to see Fabian's family. We had a good visit with his sister Mary and Brother Eugene.

But while we were away some how Justin found out we were not at home and cut off my locks again and stole thousands of dollars worth of Fabian's tools. We knew it was him because he put Fabian's old locks on. So I filed a Police report.

Joe continued to harass me for the Bonds - day and night. He never wanted to see me and how I was. He just demanded the Bonds!

Buy June 16. I was feeling over whelmed, but had to go to be deposed. All of them were there with Lawyers. I brought a Lady Friend for support but they would not let her in.

I felt attacked - questioned for about four hours straight. Liz was there as Justin Lawyer but using her maiden name. All the questions they were throwing at me was over what Ming and our boys were loving it as they sat across from me taking notes. I was not feeling good that day.

I was tired and couldn't wait to it pass over. I know I did not give good answers.

One month later Mike was sitting in the drive way when we got home when we got home from shopping. He was talking and talking and told me

He would fight me to the death for that money -
 Mary was on a cell phone with her girl friend so she
 sent her parents down to help. We all went into the
 house - after I called 911 because Mike would not
 leave. He left before the police arrived.

I had to have cataract surgery during all this
 harassment and the boys just kept calling about
 the money.

On my birthday Joe showed up with mums and
 a card - at the same time he was harassing Mary.
 And even after he managed to keep over a million
 dollars of mine away from me.

Joe started to use the internet to order products
 in Mary's name and using business cards to
 order magazines and information to be sent to
 her. This went on for about a year. So Mary
 reported him to the Police. He was charged with
 Identity theft and harassment.

April 20, 2007 was the last time Joe called and
 left a message. I'm glad I don't have to hear his
 voice any more.

We went to mediation - it was a farse. We walked
 away silently and wondered what happened to
 the sons I used to have.

The Judge just babbled about getting to gether
 as a family again. That would never happen.
 (The Judge earned about eight hundred dollars)
 (for an hour)

Mary and I walked away in disbelief.
 The boys were smiling and laughing.

Good. I was get them back some way!!

EXHIBIT E
10 PAGES

J-A28007-16

NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT I.O.P. 65.37

IN THE MATTER OF: GENEVIEVE BUSH
AN INCAPACITATED PERSON

IN THE SUPERIOR COURT OF
PENNSYLVANIA

APPEAL OF: MICHAEL AND JOSEPH BUSH

No. 3207 EDA 2015

Appeal from the Order Entered August 7, 2015
In the Court of Common Pleas of Chester County
Orphans' Court at No(s): 1509-1720

BEFORE: PANELLA, J., SHOGAN, J., and PLATT, J.*

MEMORANDUM BY PANELLA, J.

FILED FEBRUARY 21, 2017

Appellants, Michael Bush ("Michael") and Joseph Bush ("Joseph"), appeal¹ from the order entered in the Chester County Court of Common Pleas that removed Michael as co-guardian of the person of Genevieve Bush ("Mrs. Bush") and appointed Guardian Services of Pennsylvania as sole guardian. After careful review, we affirm.²

* Retired Senior Judge assigned to the Superior Court.

¹ On January 10, 2017, Appellee Mary Bush filed an "Emergency Petition for Writ of Prohibition Mandamus and Habeas Corpus." We summarily deny that motion.

² Appellants purport to appeal from the order denying its exceptions entered on September 17, 2015. **See** Notice of Appeal, filed 10/15/16. This is simply incorrect. Appeals generally must be taken from final orders. **See** Pa.R.A.P. 341(b). Orphans' court rule 7.1, in effect at the time of this case, permitted
(Footnote Continued Next Page)

J-A28007-16

The orphans' court has previously set forth a complete factual history of this case, which a panel of this Court adopted in whole at ***In re Bush***, Nos. 2726 and 2746 EDA 2011 (Pa. Super., filed June 11, 2012) (unpublished memorandum) (quoting Trial Court Opinion, 6/24/11, at 1-4). Further, another panel of this Court at ***In re Bush***, 2014 WL 10917673 (Pa. Super., filed June 24, 2014) (unpublished memorandum), set forth the following brief summary.

[S]ince the death of her husband, Fabian Bush, on June 25, 2005, the care of Genevieve Bush and her estate have been a matter of contention between her daughter, [Mary Bush ("Mary")] and her three surviving sons, [Appellants] and Justin Bush. [Mary] systematically isolated Mrs. Bush from her sons and their families, prevented [Appellants] from entering the estate and visiting Mrs. Bush, failed to inform them of Mrs. Bush's medical problems, posted signs disparaging them on Mrs. Bush's property, and otherwise kept Mrs. Bush away from [Appellants]. She further persuaded Mrs. Bush to transfer the family home to her for \$10.00, and thereafter pay for thousands of dollars of renovations out of the estate.

On June 24, 2011, the court found Mrs. Bush to be an incapacitated person and appointed [Mary] and [Michael] as co-guardians and [Joseph] as guardian of the estate. [Mary] appealed the decision and we affirmed. (***See In re Bush***, Nos. 2726 and 2746 EDA 2011, unpublished memorandum at *3 (Pa. Super. 2012)).

See id., at *1.

(Footnote Continued) _____

the filing of exceptions to any order that would become a final order under Pa.R.A.P. 341(b) or Pa.R.A.P. 342. ***See*** Pa.O.C.R. 7.1(a). Thus, following the disposition of the exceptions on September 17, 2015, it is the August 7, 2015 order that the exceptions originated from that became the final appealable order. We have corrected the caption accordingly.

J-A28007-16

Following an increased period of familial discord, on May 23, 2013, the orphans' court forbid Michael and Mary from being present at Mrs. Bush's residence at the same time, unless a constable agreed to be present as well. Additionally, Mary was removed as co-guardian of Mrs. Bush on May 14, 2013 and replaced by co-guardian Elizabeth Srinivasan, Esquire ("Attorney Srinivasan"). Mary appealed this decision, and we affirmed.

On February 9, 2015, Appellee filed a petition asking the orphans' court to find that Michael and Joseph had committed perjury and were in contempt of court orders, and to remove them as guardians for Mrs. Bush. Shortly thereafter, Attorney Srinivasan filed a petition to withdraw as co-guardian of the person for Mrs. Bush. On April 16, 2015, Michael and Joseph responded with a request to depose Attorney Srinivasan and Mrs. Bush's primary care physician, Dr. Eliza Thornton. The orphans' court denied this request.

The orphans' court consolidated Mary's and Attorney Srinivasan's petitions into one hearing. And after four days of testimony, the court entered the above-described order, granting Attorney Srinivasan's petition to withdraw as co-guardian and Mary's request to have Michael removed as co-guardian of the person, while denying Mary's requests to have Joseph removed as guardian of the estate, contempt sanctions levied against Appellants, and perjury charges filed against Appellants. Further, the

J-A28007-16

orphans' court appointed Guardian Services of Pennsylvania as the sole guardian of the person of Mrs. Bush.

Appellants filed exceptions to the order on August 27, 2015. On September 17, 2015, the court denied and dismissed Appellants' exceptions. Appellants timely appealed.

Appellants raise the following issues for our review.

- A. WHETHER THE TRIAL COURT ABUSED ITS DISCRETION IN REMOVING MICHAEL BUSH AS CO-GUARDIAN OF THE PERSON.
- B. WHETHER THE TRIAL COURT ABUSED ITS DISCRETION IN DENYING THE APPELLANTS' MOTION TO CONDUCT DISCOVERY BY WAY OF DEPOSITION OF ELIZABETH SRINIVASAN AND DR. ELIZA THORNTON.

Appellants' Brief, at 10.

First, Appellants claim that the orphans' court abused its discretion in removing Michael as co-guardian of the person for Mrs. Bush. **See** Appellant's Brief, at 16. Specifically, Appellants contend that Michael met the standards as set forth in law for a guardian of the person. **See id.**, at 17. Further, Appellants argue that the orphans' court impermissibly removed Michael due to his acrimonious relationship with Mary and Attorney Srinivasan's ineffectiveness. **See id.**, at 16-38. No relief is due.

"Our standard of review is well-settled in cases involving [] an orphans' court decision." ***In re Estate of Cherwinski***, 856 A.2d 165, 167 (Pa. Super. 2004). As we have explained:

The findings of a judge of the [O]rphan's [C]ourt division, sitting without a jury, must be accorded the same weight and effect as

J-A28007-16

the verdict of a jury, and will not be reversed by an appellate court in the absence of an abuse of discretion or a lack of evidentiary support. This rule is particularly applicable to findings of fact which are predicated upon the credibility of the witnesses, whom the judge had the opportunity to hear and observe, and upon the weight given to their testimony. In reviewing the Orphans' Court's findings, our task is to ensure that the record is free from legal error and to determine if the Orphans' Court's findings are supported by competent and adequate evidence and are not predicated upon capricious disbelief of competent and adequate evidence. However, we are not limited when we review the legal conclusions that the Orphans' Court has derived from those facts.

Id. (quoting *In re Estate of Schultheis*, 747 A.2d 918, 922 (Pa. Super. 2000)).

The appointment of a guardian lies within the sound discretion of the orphans' court. *See Estate of Haertsch*, 649 A.2d 719, 720 (Pa. Super. 1994). In the same vein, "[t]he power of the orphans' court to remove a guardian is an inherent right, which will not be disturbed unless there is a gross abuse of discretion." *In re Estate of Border*, 68 A.3d 946, 959 (Pa. Super. 2013) (citation omitted).

Under Pennsylvania law, a guardian of the person is responsible for all of an incapacitated person's care and custody. *See id.*, at 956. The Probate, Estates and Fiduciary Code specifically provides that

[i]t shall be the duty of the guardian of the person to assert the rights and best interests of the incapacitated person. Expressed wishes and preferences of the incapacitated person shall be respected to the greatest possible extent. Where appropriate, the guardian shall assure and participate in the development of a plan of supportive services to meet the person's needs which explains how services will be obtained. The guardian shall also encourage the incapacitated person to participate to the maximum extent of his abilities in all decisions which affect him,

J-A28007-16

to act on his own behalf whenever he is able to do so and to develop or regain, to the maximum extent possible, his capacity to manage his personal affairs.

20 Pa.C.S.A. § 5521.

Further, the code indicates that “[t]he court shall have exclusive power to remove a personal representative when ... for any other reason, the interests of the estate are likely to be jeopardized by his continuance in office.” 20 Pa.C.S.A. § 3182(5). Our Supreme Court has indicated that the interests of the estate, including the person, are jeopardized when the incapacitated person’s best interests are not being protected. ***See In re Estate of Border***, 68 A.3d at 959-960 (interpreting ***Scientific Living, Inc. v. Hohensee***, 270 A.2d 216, 224 (Pa. 1970) (applying the standard under 20 Pa.C.S.A. § 3182(5) to a request for removal of a guardian of the person).

Our review of the record indicated prior to removing Michael as guardian, the orphans’ court considered four days of testimony from Michael, Mary, Joseph, Attorney Srinivasan, Dottie Miller, Dr. Thornton, Helen Hertzler, Erica Charvis, and Carol Gallo. From this testimony, the orphans’ court found as follows.

Michael’s actual day to day care of his mother seems to be at least adequate. He is certainly fully committed to being her caregiver. But there is more to addressing Mrs. Bush’s welfare than the functions of shelter, food and basic medical care. Michael has proven himself incapable of consistently dealing in a productive fashion with his sister or with the co-guardian. He seems to have no ability to work collaboratively for his mother unless he is in full control. He has inundated the co-guardian

J-A28007-16

with angry e-mails, even more than [Mary] has. He knows his sister steals or moves supplies from the house to make his job harder (which I find credible), but his solution is to put chains and locks on the furniture and accessories. How can he possibly think this benefits Mrs. Bush? Rather than give Mrs. Bush a lovely day out at the hairdresser, which she can well afford, he cut her hair himself. Rather than treat her to a pedicure or take her to the podiatrist, he cut her toe nails [sic] himself. He put Relative Care workers on the spot by making them sign off on emails and his care plan. While he has met her most basic needs, he has been passive about her medical care, physical therapy and encouraging her social life.

Michael, Joseph and Mary agree on one thing: they want their mother to live in her own home as long as she possibly can. Dr. Thornton testified that, wherever possible, it is desirable to let an older person age in place. She opined that she did not object to Mrs. Bush being out of the home in light of the stressful situation caused by the siblings. [Michael, Joseph,] and Mary are oblivious to the fact that their own actions have rendered aging in place an unrealistic and unhealthy option for Mrs. Bush. Based on their past behavior, the likelihood that they could ever agree as to how that goal could peacefully be accomplished in the future is null.

Were Mrs. Bush able to be safely transferred back to living in her home, that home itself would remain a flashpoint for her children. Were Mrs. Bush to return home, the wars over her day to day care would immediately resume so long as Michael and Mary had any responsibility for it. ... If there is no counterbalance to Michael's efforts to limit Mary's access, we will see the reverse of the isolation and estrangement that existed prior to the guardianship, at Mary's hands.

Thus, I can see no scenario in which Michael alone, Michael and a co-guardian, Mary alone, or Mary and a co-guardian could provide for Mrs. Bush's best interests. Regardless of where Mrs. Bush ultimately resides, she deserves to have the decisions made for her to be thoughtful, empathetic, educated and absent any agenda. In this case, with these siblings, this can only be accomplished by the appointment of an independent, non-family guardian.

J-A28007-16

Trial Court Opinion, 8/7/15, at 9-10.

The record supports the trial court's findings and conclusion that Michael's appointment, as either sole or co-guardian of the person, would not fulfill Mrs. Bush's best interests. **See** 20 Pa.C.S.A. § 5521 (duty of guardian of the person to pursue incapacitated person's best interest). Michael's actions have ignored Mrs. Bush's best interests and, as we found with Mary's actions in a previous appeal, isolated Mrs. Bush. Thus, we find no abuse of discretion in the orphans' court removal of Michael as co-guardian of the person, and consequently, Appellants' first issue on appeal fails. **See *In re Estate of Border***, 68 A.3d at 959-960 (removal of guardian of the person for failure to promote best interests is appropriate).

Next, Appellants contend that the trial court erred by denying their request to take the depositions of Attorney Srinivasan and Dr. Thornton. **See** Appellant's Brief, at 38. Appellants contend that the orphans' court's denial of Appellants' discovery request impaired their case, as they were not able to fully explore the factual basis behind Attorney Srinivasan and Dr. Thornton's testimony at the hearing. **See *id.***, at 38-39.

Pennsylvania Orphans' Court Rule 3.6 pertains to discovery in orphans' court matters:

The local Orphans' Court, by general rule or special order, may prescribe the practice relating to depositions, discovery, production of documents and perpetuation of testimony. To the extent not provided for by such general rule or special order, the

J-A28007-16

practice relating to such matters shall conform to the practice in the Trial or Civil Division of the local Court of Common Pleas.

Pa.O.C.R. 3.6. Chester County Orphans' Court Rule 3.6 prescribes the practice by requiring orphans' court participants get court approval prior to taking depositions or compelling the production of documents.

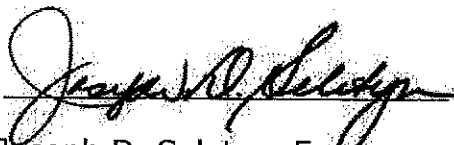
Here, the record reflects that during the course of the four-day trial, Appellants examined both Dr. Thornton and Attorney Srinivasan on the witness stand. There is no indication that the trial court limited the amount of questions, or the type of questions they were permitted to ask these witnesses. Further, in their brief, Appellants fail to indicate in their brief exactly what information pertaining to the factual basis of Dr. Thornton's and Attorney Srinivasan's testimony they were not able to elicit through testimony, that they would have been able to elicit through a deposition.

Thus, we do not have any basis for concluding, as Appellants' request, that the orphans' court's denial of their motion for discovery harmed their case. We agree with the orphans' court's reasoning that depositions were unnecessary and that taking depositions would have only prolonged this protracted matter. Because we find that the court was acting within its discretion to "prescribe the practice relating to depositions, discovery, production of documents and perpetuation of testimony," we do not find an abuse of discretion. *In re Hyman*, 811 A.2d 605, 608 (Pa. Super. 2002) (citation omitted). Thus, Appellants' final issue on appeal merits no relief.

Order affirmed. Motion denied.

J-A28007-16

Judgment Entered.

A handwritten signature in black ink, appearing to read "Joseph D. Seletyn". The signature is written in a cursive style and is positioned above the printed name.

Joseph D. Seletyn, Esq.
Prothonotary

Date: 2/21/2017

Mary Bush
1626 Glenside Road, West Chester, Pa 19380
610-486-0763

Hon. Judge Katherine B L Platt
201 West Market Street
West Chester, Pa 19380-0989

May 07, 2019

RE; #1509-1720 of Genevieve Bush

Memorandum of Understanding
Oral Court Order dated 05/06/2019 to the Chester County Register of Wills/Clerk of the
Orphans' Court- Terri Clark

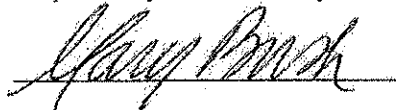
Judge Platt,

Let this be our Memorandum of Understanding, with all parties copied on the above referenced issue; that according to statements made by Terri Clark the Chester County Register of Wills/Clerk of the Orphans' Court on May 06, 2019 to me Mary Bush, that you have given an Oral Order to the Clerk of the Orphans Court, not to allow me access to any of the Guardian Reports from 2015 to the present time period that contain substantive issues.

As you know I have been a party to this matter of my natural mother Genevieve Bush since the onset of this matter starting in 2009 to the present. Although there does not exist a written Order, Ms. Clark being a separate elected official of the Executive Branch, feels bound by your Oral Order not to even allow me to view these reports/records and frankly most likely believes or is intimidated to obey your activities by your continued pattern of threatening others in matters against your interests. Apparently there exists no bases in the record for you to deny a party of record, with natural daughter standing, the context of this information/communication with you as the court officer.

If you have any information in contrary of these facts please send me a Memorandum of Understanding of your position. If I don't hear from you within ten (10) days of this letter, I will presume that you have agreed with the statements made by Terri Clark on May 06, 2019 and the facts contained in this Memorandum of Understanding.

Respectfully Submitted by;



CC; by email -L M Capra Judge Katherine B L Platt's law clerk, Terri Clark, Leon Yourgevidge, Alexander Chotkowski, and M. Ruggieri

By US Mail – Judge Katherine B L Platt

LXIII 6
1 PAGE



COURT OF COMMON PLEAS OF CHESTER COUNTY

15TH JUDICIAL DISTRICT OF PENNSYLVANIA

P.O. BOX 2746

WEST CHESTER, PENNSYLVANIA 19380-0989

(610) 344-6000

JACQUELINE CARROLL CODY
PRESIDENT JUDGE

JUDGES

KATHERINE B. L. PLATT
WILLIAM P. MAHON
EDWARD GRIFFITH
JOHN L. HALL
DAVID F. BORTNER
ANN MARIE WHEATCRAFT

May 14, 2019

MARK L. TUNNELL
PATRICK CARMODY
JEFFREY R. SOMMER
ALLISON BELL ROYER
ROBERT J. SHENKIN, SENIOR JUDGE
PHYLLIS R. STREITEL, SENIOR JUDGE

Ms. Mary Bush
1626 Glenside Road
West Chester, PA 19380

**IN RE: Genevieve Bush, An Incapacitated Person
Docket No. 1509-1720**

Dear Ms. Bush:

I have received your letter of May 7, 2019.

While I am under no obligation to respond to your letter, I feel it is important to be transparent, where appropriate.

As you are aware, there is no statute or rules of procedure which dictate who is permitted to receive or review guardianship reports. Various Orphans' Courts have taken a range of positions on this, generally leaving it to the discretion of the Judge.

At the present time, Chester County Orphans' Court is working on a proposed policy, which we expect to have in place sometime in early June.

I invite you to revisit your request at that time.

Sincerely,

The Honorable Katherine B.L. Platt

cc: Alexander Chotkowski, Esquire
Terri Clark, Chester County Register of Wills

Mary Bush
1626 Glenside Road, West Chester, Pa 19380
endfraudulentguardianships@gmail.com
610-486-0763

Hon. Judge Katherine B L Platt
Chester County Orphans Court
201 West Market Street
West Chester, Pa 19380-0989

July 15, 2019

RE; #1509-1720 Fraudulent Guardianship of Genevieve Bush

Letter of Demand for Judge Katherine B L Platt's Immediate Recusal &
Release of Genevieve Bush to Mary Bush's custody with all orders VOIDED

Judge Platt,

You are currently in direct violation of the Pennsylvania Superior Courts Order No. 3207 EDA 2015 dated February 21, 2017 (that permanently removed Michael Bush as a Co-guardian or Plenary Guardian of Genevieve Bush.) You made Michael Bush a guardian without a petition on November 02, 2018. The February 21, 2017 higher courts decision states on page 8; ***"The record supports the trial court's findings and conclusion that Michael's appointment, as either sole or co-guardian of the person, would not fulfill Mrs. Bush's best interests. See 20 Pa.C.S.A. § 5521 (duty of guardian of the person to pursue incapacitated person's best interest). Michael's actions have ignored Mrs. Bush's best interests." "he has been passive about her medical care, physical therapy and encouraging her social life."*** You also ordered Mr Bush to inform me of any and all care conferences, which he has failed to do.

Michael Bush digitally penetrated his own elderly mother's vagina multiple times in 2013 and he was a main suspect in the abdominal punch above Genevieve's pubic area in May of 2015. That incident was the primary cause for the removal of Genevieve from her home by Chester County, Pa Adult Protective Service (APS) on May 18, 2015. On January 09, 2014 Michael Bush's sworn testimony before you stated the following about his penetrating of his mother; ***"I did it with the hopes that Mary would wake up the next day and be rational, and that didn't happen."*** The Pennsylvania Superior Court three judge panel heard oral argument on the details of these uninvestigated criminal acts upon a vulnerable elderly person who is supposed to be PROTECTED and ruled he can NOT be a Guardian, Mr. Chotkowski lost the appeal and Michael Bush never petitioned any court to be Plenary guardian again nor did he sign a consent to serve. Genevieve Bush legally removed him from any and all powers over her in 2005.

It is your belief now, that after this has already been decided by the higher court that I must pay for it all over again, paying the filing fees, transcript fees and other costs associated with an appeal. Another fact is the deliberate time delay you have most likely calculated that encompasses the ongoing outright theft of time from my mother and my right to association and communication. In that theft, I believe you use our mother/daughter relationship as your weapon to subject both of us to your authority by erasing our GOD given right to be mother and daughter. Neither Park Lane at Bellingham nor Carol J Hershey or any party petitioned for any redress to any court to sever the mother/daughter rights to their loving relationship or to ban visitation, Judge Platt you sua sponted it.

Appointed guardians have a duty to provide Genevieve Bush with encourage participation and allow maximum self-sufficiency and full exercise of freedoms and liberties, that has never happened. My

mother has even been denied seeing her cardiologist since 2016. In 2016, as you recall, I had to get mother to the hospital via 911 for an **untreated leg fracture and heart issues**, not addressed by Park Lane or **ANY guardian**. It is my belief the fact mom and I must now pay to see each other - in your overly restrictive, overly supervised, one hour, once a month "visit" at the Chester County Government Adult Protective Service office with an "APS" supervisor and Sheriff with a gun is nothing more than a **remorseless intimidation tactic on your part!** You put an unworkable order in place on June 2, 2017 where even APS had to intervene, and have you correct provisions, but it still forces both mom and me pay to see each other from the September 20, 2017 order to present. Total hours per year to see each other is less than 12 hours. **Isolation is ELDER ABUSE**. There is no doubt in my mind all the hearings before you are, have been and always will be predetermined and calculated in how to neutralize your opposition.

Pennsylvania Constitution in Article V of Section 8 provides as follows:

"There shall be a right of appeal in all cases to a court of record from a court not of record; and there also shall be a right of appeal from a court of record or from an administrative agency to a court of record or to an appellate court, the selection of such court to be as provided by law; and there shall be such other rights of appeal as may be provided by law."

In addition to the right of appeal Art. V, § 8 guarantees, the Pennsylvania Constitution also contains an additional guarantee in Article I, the Declaration of Rights. Art. I, § 11 provides that: "All courts shall be open; and every man for an injury done him in his lands, goods, person or reputation shall have remedy by due course of law, and right and justice administered without sale, denial or delay. Suits may be brought against the Commonwealth in such manner, in such courts and in such cases as the Legislature may by law direct."

Carol J Hershey's (*the contracted business owner of "Guardian Services of PA"*) has had direct exparte communication with you and through her "guardian" reports. That, along with other hearsay nonsense being falsely produced "in the record", you continue to condone, participate and promote a no redress approach for my mother and myself, that as a "public office holder", violates the public trust and is a continued violation of our liberties, rights and freedoms. You have violated your Oath of Office.

Under Pa Chapter 55. Incapacitated Persons - Title 20 - PA General Assembly SUBCHAPTER D § 5521 (c) Reports (4) The court shall develop a procedure for the examination of the annual reports to ensure that the guardians are acting in the best interests of the incapacitated persons. 207 Pa. Code Rule 2.9. Ex parte Communications states: (A) A judge shall not initiate, permit, or consider ex parte communications, or consider other communications made to the judge outside the presence of the parties or their lawyers, concerning a pending or impending matter.

I did not receive Ms. Hershey's reports until June 2019, well after multiple hearings you "ruled" on. So, by being denied this information by you, I was excluded in addressing her false premeditated accusations rendering me powerless to produce competent evidence to the contrary. {* Note Ms Hershey never reported any of the fractures that occurred to Genevieve Bush.} This is a 'protection' failure to my mother and of Due Process rights. You also "out of court" ordered Terry Clark not to supply this record to me although I have been a litigant from the time period of being sued in 2009 till present.

Judge Platt you have accepted Carol J Hershey's reports as exparte communications from 2015 to present. From 2015 on, you have ignored the many PA State Health Department Violation investigations into the legitimate facts of the injuries, broken bones, neglect and abuse Genevieve Bush is/was suffering. You postponed and/or denied multiple filings by me till 2017, thus putting Genevieve Bush's health and welfare unimportant to the protection of your sources - contractor business owner-Carol J Hershey/Park Lane at Bellingham. This is an absolute abomination of the intent of the "protectiveness" guardianship law. Carol J Hershey premeditated her fraudulent acts to secure thousands of dollars billed to my mother.

By forcing my mother into this unnecessary guardianship, that was fraud on its face in the fact Alexander Chotkowski, John McKenna and Elizabeth Schneider were opposing counsel for Genevieve's sons from about 2006 to 2008 never claiming any "capacity" or "influence" issues. Then you enjoined participated and promoted this fraud by BACKDATING mom to 2006 giving a unqualified "medical

diagnosis” of “Alzheimers” so as to deliberately obstruct and obliterate her 14 (fourteen) advance directives of a human being you have never seen, for your own invested interest in liquidating her estate and using her monies to pay court associated allies. The record shows your intention to permanently block Genevieve’s treating Physician Dr. Lebischak, who was treating her for Avoidant Personality Disorder and willing to testify to the harm this guardianship has caused and will continue to cause her patient.

It is my belief that by you deliberately/strategically denying my already established In Forma Pauperis status that has been in the Pennsylvania Superior Court since 2016, you calculated **how to put me out of court**. Terry Clark, who refers to you as her “boss”, also has not kept the docket up to date, where my chance at an appeal has been Dismissed by the PA Superior Court and now, Ms. Clark is demanding I pay for an appeal that was not properly docketed and you claim to have not received. On March 29, 2019 you stated in a letter to the Superior Court; “No Notice of Appeal was served on my chambers, so I was unaware of an appeal.”

You have continued a pattern and practice of TARGETING my mother and myself for assets and property. You have consistently given deliberate special consideration to Carol J Hershey, Alexander Chotkowski and the brother’s Bush throughout the ten years of blatant BIAS towards myself and my mother who has never been in court before you, **as mandated by PA law and Due Process rights.**

Pa title 20 Cons. Stat. Ann. § 5511(a). The respondent must be present at the hearing unless either (a) a physician or psychologist states (under oath) that the person would be harmed by being present, or (b) it is impossible for him or her to be present due to his absence from Pennsylvania.

What power does any judge have to ignore State mandated law then continue for ten years making cumulative false record rulings that were completely wrong from the onset of this case? When criminal acts are occurring to my mother how do you continue to grant “civil” permission that they go on uninvestigated with the same persons profiting from these false acts?

Under the law my mother, Genevieve Bush, has a right to choose all her advanced directives and to choose how she would live free from anyone who conspired to liquidate, incarcerate and ISOLATE her so as not suffer irreparably by who and what she removed from 2005 to 2008 by her attorney Jay Fischer.

20 Pa. Cons. Stat. Ann. § 5553(a). If appropriate, the court shall give preference to a person suggested by the incapacitated person. Pa law states “The guardian must not have interests that conflict with those of the incapacitated person unless no alternative exists. 20 Pa.Cons. Stat. Ann. § 5511(f)”.

What could be more of a conflict than sons who war against their mother’s health, wishes and her trust assets? Michael Bush clearly said to my mother on July 19, 2006 in front of three witnesses “I will fight you to the death for what I am owed” where actual records show my mother called the police as he refused to leave. Joseph Bush emptied a trust he wars against conflicted that his mother wrote him out.

When I chose to challenge the facts of your violation of Pennsylvania Superior Court Order dated No. 3207 EDA 2015 dated February 21, 2017 and your exparte communications, you composed yet another order now **targeting my home and my car** denying the In Forma Pauperis status, thus you have effectively caused to **put me out of court** so as to continue the dismemberment of my mother’s life, health and assets. My mother has been illegally incarcerated in locked nursing homes without due process of law since 2015 {Clearly against ADA laws and the Olmstead ACT} and you have imposed a life sentence without parole with your June of 2011 guardianship order. The ongoing diminishment of Genevieve Bush is well documented and solely caused by this fraudulent guardianship being wrongfully inflicted.

Canon 3C (1) (“Judges should disqualify themselves in a proceeding in which their impartiality might reasonably be questioned, including but not limited to instances where they have a personal bias or prejudice concerning a party.”).

Canon 2B ("Judges should not convey or knowingly permit others to convey the impression that they are in a special position to influence the judge.")

Canon 3A (4) ("Judges except as authorized by law, must not consider ex parte communications concerning a pending matter.")

Article V, Section 17(b) of the Pennsylvania Constitution ("Justices and judges shall not violate any canon of legal or judicial ethics prescribed by the Supreme Court."), as well as the Constitution's Administration of Justice and Disrepute Clauses reposed in Article V, Section 18(d)(1) ("A justice, judge or justice of the peace may be suspended, removed from office or otherwise disciplined for conduct which prejudices the proper administration of justice or brings the judicial office into disrepute").

The prohibitions of the Fourteenth Amendment are addressed to the States. They are, 'No State shall make or enforce a law which shall abridge the privileges or immunities of citizens of the United States, nor deny to any person within its jurisdiction the equal protection of the laws.' They have reference to actions of the political body denominated a State, by whatever instruments or in whatever [100 U.S. 339, 347] modes that action may be taken. A State acts by its legislative, its executive, or its judicial authorities. It can act in no other way. The constitutional provision, therefore, must mean that no agency of the State, or of the officers or agents by whom its powers are exerted, shall deny to any person within its jurisdiction the equal protection of the laws. Whoever, by virtue of public position under a State government, deprives another of property, life, or liberty, without due process of law, or denies or takes away the equal protection of the laws, violates the constitutional inhibition; and as he acts in the name and for the State, and is clothed with the State's power, his act is that of the State. This must be so, or the constitutional prohibition has no meaning. Then the State has clothed one of its agents with power to annul or to evade it.

Judge Platt you fail to perceive how holding an office under a State, and claiming to act for the State, cannot relieve you from obligation to obey the Constitutions you swore an Oath to uphold. Under Title 42 Pa.C.S.A. Judiciary and Judicial Procedure § 7314. Vacating award by court. Mary Bush and Genevieve Bush are entitled to have all Judge Platts orders NULL and VOIDED. (a) General rule.--(1) On application of a party, the court shall vacate an award where: (ii) there was evident partiality by an arbitrator appointed as a neutral or corruption or misconduct in any of the arbitrators prejudicing the rights of any party.

Since Terry Clark did not accept my recusal filing of June 10, 2019, I, Mary Bush, daughter of Genevieve Bush, for the above stated reasons but not limited to, Demand by this letter that all orders of Judge Katherine B L Platt in the Matter of Genevieve Bush Docket No. #1509-1720 be made NULL and VOID. That the immediate recusal of Judge Katherine B L Platt from *any and all* issues surrounding the Matter of Genevieve Bush be in effect upon the receipt of this letter, with the immediate release of Genevieve Bush into the custody of Mary Bush.



Mary Bush
Daughter and advocate of Genevieve Bush

CC: L M Capra Judge Katherine B L Platt's law clerk, Leon Yourgevidge – Genevieve's brother, Alexander J Chotkowski counsel for Joseph B Bush & Michael F Bush, Michael Ruggieri counsel for Justin Bush, Terry Clark Orphans Court Clerk, Superior Court Judges; Judge Jack A Panella, Judge Jacqueline O Shogan, Judge William Platt. Governor Tom Wolf, Attorney General Josh Shapiro, Senator Bob Casey, Senator Pat Toomey, Senator Andy Dinniman, Representative Christina Sappey, Chester County Commissioners; Michelle H Kichline, Kathi Cozzone, Terence Farrell, President Judge- Jacqueline Carroll Cody, Pa Secretary Department of Aging: Robert Torres, U.S. Representative Chrissy Houlahan, Antoinette Bacon - Associate Deputy Attorney General & National Elder Justice Coordinator for DOJ, Administrative Office of Pennsylvania Courts, Pa House of Representatives chairman of the Aging Committee Thomas P. Murt & Steve Samuelson, Advocates; Center for Estate Administration Reform(CEAR), Americans Against Abusive Probate Guardianship (AAAPG), Spectrum Institute, Kasem Cares, Families Against Court Embezzlement Unethical Standards (F.A.C.E.U.S), Nation Association NASGA, Disability Rights Pennsylvania, National Medical Malpractice Advocacy Association, ppj gazette, Press.

EXHIBIT I
2 PAGES

Mary Bush
1626 Glenside Road, West Chester, Pa 19380
610-486-0763

Honorable Jacqueline Carroll Cody - President Judge
201 West Market Street
West Chester, Pa 19380-0989

September 10, 2019

RE; #1509-1720 of Genevieve Bush

COMPLAINT

Chester County Register of Wills/Clerk of the Orphans' Court- Terri Clark is imposing wrongful fees and has identified Judge Cody on this day as the complaint process when I questioned her today about her not removing a fee of \$125.00 she is wrongfully imposing on me-Mary Bush for an appeal that never occurred because of her not properly docketing an IFP appeal.

Judge Cody,

Terri Clark today informed me she will not remove a wrongful fee she has been attempting to impose on me since obstructing me from filing in my mother's case on June 10, 2019. In a phone conversation on June 21, 2019 (where she hung up on me) and again in person today she refused to lift a wrongful fee that she demands I pay BEFORE I can file anything again in my mothers' case, thus putting my mother at further risk of the ongoing harm she is experiencing and obstructing any minute possible existence of any justice that should happen in this matter.

Ms. Clark failed to properly docket my appeal under rule Rule 552(c) on November 13, 2018. Terri Clark - Clerk of the Orphans Court sent my original filing of Notice of Appeal and Request to Proceed in Forma Pauperis back to me **with the court date stamp whited out** prejudicing my case. Going forward on December 03, 2018 (since the lower court had failed to follow Rule 552(c)), I filed again to proceed in the Superior Court for IFP status under Rule 553 since the lower court refuse to accept the petition and returned it by U.S. mail, 134 EDM 2018 case number was applied. Then on December 07, 2018 the Superior Court in an Order instructed the clerk of the court of Chester County **to properly docket** my Notice of Appeal.

Upon no response on December 14, 2018 I filed again in the lower court because under rule 552 (c) **No filing fee is required** – {*The clerk of the trial court shall file an application under this rule without the payment of any filing fee*}. Then on December 18, 2018 Judge Katherine Platt swiftly denied my December 14, 2018 IFP status Notice of Appeal application without any inquiry but had demanded I sell my home and car to challenge her violation of the Superior Courts order instructing her Michael Bush cannot be guardian or co guardian which to date has still been violated. Trying to move forward again on December 26, 2018 I filed in the Superior Court under rule 553 against the lower courts' orders of November 01/02, 2018, in the Matter of Genevieve Bush. The Superior Court docket it as 3654 EDA 2018.

**Under 231 Pa Code Rule 240. In Forma Pauperis states; (b) A party who is without financial resources to pay the costs of litigation is entitled to proceed in forma pauperis.*

On January 17, 2019 Superior Court wrote an Order denying Appellants right to proceed IFP Then on January 24, 2019 I motioned the Superior Court for Reconsideration or Clarification. The Superior Court responded on February 13, 2019 Order Denying Application for Reconsideration of Order Per Curiam Comment: *Appellant's application for reconsideration of this Court's order of January 17, 2019 is hereby DENIED.* I believe they did this so the application would be docketed properly in the lower court.

On March 25, 2019 the Superior Court sent Notice to Lower Court **Regarding Delinquent Record.** On March 29, 2019 Judge Katherine B L Platt responded, **"No Notice of Appeal was served on my chambers, so I was unaware of an appeal."** I--(Mary) did not receive service on any of these filings or the April 17, 2019 Superior Court Order and had no access to the lower court's docket.

On April 17, 2019 the Superior Court Order Per Curiam Comment: *Appellant is directed to pay the filing fees for this appeal to the Court of Common Pleas of Chester County and order and pay for the transcript the proceedings of August 22 and 23, 2018 within thirty days from the date of this order. Failure of the appellant to follow this directive will result in the dismissal of this appeal without further notice.*

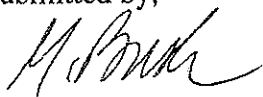
This was the very last entry Terri Clark had on the docket as of June 10, 2019 when I needed to file on my mother's case.

I had on May 03, 2019 in the Superior Court filed a Motion for Reconsideration or Clarification BUT on **May 21, 2019** the Superior Court Dismissed the case Sua Sponte Per Curiam Comment: *Appellant's application for reconsideration of this Court's order of April 17, 2019 is hereby DENIED. As the appellant has failed to comply with this Court's directive to pay the filing fees for this appeal and to order the transcript, this appeal is hereby DISMISSED.*

So, on May 21, 2019 my entire attempt to appeal had been dismissed and at no point was I given any confirmation Terri Clark properly docketed the case, where even Judge Platt is admitting **"being unaware of an appeal"**. That being said because of the imposition of a fee for \$125.00 on a non-existing appeal is unreasonable, improper and prejudice with the confusion starting with Ms Clark whiting out the time stamp on my first filing, retuning it and admitting she did not know the rules 552(c) or 553. I am requesting the \$125.00 fee be removed and I be allowed to file the motion that is time stamped June 10, 2019 but rejected by Ms Clark ASAP. I find Ms Clarks demeanor towards me improper as a pro se litigant and prejudicial especially since she has been taking phone orders from judge Platt not to supply me with records from 2015 to 2019 and hung up on me when she had called me on the phone to respond to this fee issue.

Please respond if this is the proper "COMPLAINT" remedy or if a hearing needs to be set on this and I will also copy this COMPLAINT to the Chester County Commissioners. Thank you in advance for you addressing this matter.

Respectfully Submitted by;
Mary Bush



ALEXANDER J. CHOTKOWSKI LIE TO THE COURTS - Saying Genevieve Bush suffered from dementia and Alzheimer's since 2004 - FAILS

1] Filed in the Superior Court of PA 1779 EDA 2014 Mr. Chotkowski makes the following statement on page 4 of their brief that was filed on October 20, 2014. **"The incapacitated woman suffered from dementia and Alzheimer's since 2004**, and was so severely incapacitated by 2010 that she was excused from a hearing dates or witness testimony."

A] this fails in that his very own client Joseph Bush, had his incapacitated father who suffered a Major stroke on November 29, 2003 and now by this claim, his incapacitated mother sign, in a nursing home where his father was, documents he prepared from a software package assigning himself Joseph and brother Michael Bush Durable Power of Attorney and Attorney in Fact on February 14, **2004**. *Joseph Bush and Michael Bush have then used undo influence and overly mastering of both parents.*

B] This fails in that Joseph Bush's sworn testimony during his deposition on February 22, 2010 states Page 70 line 2 - 4 Joseph Bush said the Department of Aging who he had called to investigate his mother said to him **"they could not find any incompetence** in mom at the time (09/10/2005) and they said our mother was free to make as many bad decisions as she wanted to." Then again Joseph Bush says page 70 lines 5-10 " So from a state standpoint, they went in there and they said she is being fed, she is not throwing feces on the wall and **she is not incompetent**, not in physical danger, so that's all they can do is make sure those things were in place."

C] This fails in that Joseph Bush during his deposition on March 25, 2010, page 15 at line 11 Joseph claims his mother instructed him to make gift payments. Joseph had his mother sign blank checks on 04/26/2004 and 07/26/2004 two months before his father passed (Fabian passed on 06/25/2004) and then only one month after his father passed. On the writing of these checks Joseph says at page 15 lines 22- 24, Page 16 lines 1- 3 "No, because I didn't consider it something I did under power of attorney. I was **facilitating what mom wanted to do**. I was not doing it on her behalf, I was doing it— **she was doing it**, basically, and I was advising and facilitating." *The checks for gifting then fall into the year 2004 they are now claiming Mrs. Bush to be a woman suffered from dementia and Alzheimer's.*

D] This fails in that Joseph Bush during his deposition on March 25, 2010 page 20 lines 4 - 9 Question was " Why do you think it should be done outside the power? (durable power of attorney that was in place 02/14/2004). *Joseph Bush responds* A. **"Because I wasn't making the decisions."** Q Your testimony is that your mother made those decisions?" A *by Joseph Bush* **"My mother was..."**

E] This fails in that Joseph Bush during his deposition on March 25, 2010 page 40 lines 14 - 24 page 41 lines 1 - 3

Q - "Now, did you keep any records of your actions as your mom's attorney- in- fact from the period beginning February 14, 2004 Until your power was terminated?" (September 6, 2005) *Joseph Bush response* A- "The records I kept were in facilitating **what she wanted me to do**. I never considered anything I did to be part of power of attorney. **She was of sound mind, she knew what she wanted**, her and my father talked at length

about it before his death. Their wishes to me were crystal clear , and the attorney , the power of attorney was put in place as a precaution because we all kind of heard that was a smart thing to do." **September 6, 2005 was the date Mrs. Bush removed the POA of Joseph and Michael Bush, they did not challenge Mr. Jay Fischer that their mother lacked the capacity to remove them.

F] This fails in that Joseph Bush during his deposition on March 25, 2010 page 44 lines 15 - 20 Joseph Bush when asked about the checks he had his mother sign for what he claimed not to be gifts ,,," that money belonged to the individuals because they were dividends and income from those accounts of which my mother kept meticulous record, just like my dad did, of those checks arriving at the house and being deposited into her account."

G] This fails in that Joseph Bush during his deposition on March 25, 2010 page 48 Lines 18 -21 " And my mother was keeping this green marble notebook produced in the last trial, my **mother was keeping records...**"

H] This fails in that Genevieve Bush Hired her own counsel Jay Fischer on her first appointment with him on 08/31/2005 during the period Joseph Bush claims his mother had capacity in all his testimony.

I] This fails in that Joseph and Michael Bush then persuaded the court to believe Genevieve Bush Lost her capacity only 3 months later as of the backdating Genevieve Bush incapacitated to January 1, 2006.

J] This fails in that on 01/19/2006 Genevieve Bush signed a new will, POA, health care directive that was laid out for her by her attorney Jay Fischer who she had met with in 2005 and signed it on 01/19/2006

K] This fails in that when Genevieve Bush filed her lawsuit on 03/22/2006 against her sons through her attorney Jay Fischer in the Chester County Court # 06-02590. Joseph, Michael, Justin Bush never wrote to the court or attorney Jay Fischer with any concerns of Mrs. Bush's ability to participate in or initiate actions against them. No attorney representing the Bush sons ever questioned the capacity of Genevieve Bush to the court or attorney Jay Fischer. Including attorney Elizabeth a Schneider who filed her appearance on behalf of Justin Bush on 05/15/2006 against her own mother in law.

L] This fails in that Alexander J Chotkowski and John F Mc Kenna who entered their appearance for Joseph Bush on 08/01/2007 never wrote to the court, her POA or attorney Jay Fischer with any concerns of Mrs. Bush's capacity. Attorney Chotkowski in fact being aware of never challenging Mrs. Bush's capacity in 2004, 2005, 2006 and the 2007 trial later comes before the Chester County Court claiming a victory in the 2007 trial over the very woman he now claims to lack capacity back to 2004 where he never challenged it or informed the court of such a concern.

M] This Fails in that during mediation on 09/12/2007 in front of retired Judge Wood No attorney or participant raise the issue of Mrs. Bush's capacity to be able to participate.

N] This Fails in that before, during and after the hearing in front of Judge Shenkin on

10/02/2007 that was the lawsuit Genevieve Bush had filed on 03/22/2006 against her sons through her attorney Jay Fischer. No participant or attorney challenged or questioned the capacity of Genevieve Bush to be in trial, to the court, her POA or her attorney.

Then on 10/06/2007 they completely accept the verdict winning over a mother who they later claim to lack capacity to 2006 and with this current writing to the Superior Court 2004 time period. Later when they sue Mrs. Bush in October 2009 they claim through out the proceedings she lacked capacity since 2006 and they won the case in 2007 over her never once alerting anyone of overmastering or undue influence or Genevieve Bush lacking any kind of capacity problems.

O] This fails in that Alexander J Chotkowski after the verdict of the 2007 trial he writes a letter to attorney Fischer dated December 10, 2008 stating "your client Mary Bush" when in fact Mary was never a client of attorney Fischer only Genevieve Bush was. In this letter he makes claims to a bond that belongs to Joseph Bush being held by Mary but then attaches a photo copy of the bond in question and a copy of a checked paid 10/07/2008 paid to Joseph Bush in the amount of 50,000.00. So two months after Joseph is paid for the bond Mr. Chotkowski is asking for the bond.

P] This fails in that Alexander J Chotkowski knowing Genevieve Bush is represented by attorney Jay Fischer has constable George Morrissey attempt service upon Mrs. Bush on 11/03/2009 and bypasses her counsel Jay Fischer.

Q] this fails in that Alexander J Chotkowski now saying Genevieve Bush **suffered from dementia and Alzheimer's since 2004** that on November 13, 2009, **FIVE** years later had constable George Morrissey served Genevieve Bush at her home 1628 Glenside Road, not going through her attorney. George Morrissey in his affidavit of Service dated and notarized 12/10/2009 cites the following " At that time I served Mrs. Bush with petitions, the citation, the Order and all the documents attached so filed with the court. I read the citation and order to Mrs. Bush and explained the documents in a manner to her so that she was informed of what they were and what was being required. I asked Mrs., Bush if she understood that she was being served and that there were obligations imposed on her based upon the documents. **Mrs. Bush acknowledged her understanding of the process of service.** "

S] This fails in that Alexander J Chotkowski then writes Genevieve Bush directly again bypassing her attorney Jay Fischer, with a constable serving her a letter dated November 24, 2009. The letter says he is aware she has been served and he was making appointments for her with Dr. Mapes. No where in this letter does it say she can not attend with her daughter Mary.

T] This fails in that Alexander J Chotkowski now lies to the Superior court that at page 4 in the cliff note # 1 "the first hearing on this matter was May 27,2010 when in fact the first hearing was April 20, 2010." where it was determined Genevieve Bush would meet with the Judge in camera at one point , which never happened.

EXHIBIT 10

13 pages

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Attorney for Respondent

IN THE MATTER OF GENEVIEVE BUSH, : COURT OF COMMON PLEAS
AN INCAPACITATED PERSON : CHESTER COUNTY, PENNSYLVANIA
: :
: ORPHANS' COURT DIVISION
: :
: I.J. 1509-1720

MARY BUSH'S MEMORANDUM OF LAW RE EXCEPTIONS TO THE ORDER
AND OPINION OF
THE HONORABLE KATHERINE B.L. PLATT DATED AUGUST 15, 2014

For the judicial system to work, the advocates need to be candid and honest with the court. These exceptions were made necessary by defense counsel intentionally rearguing the same issues even though they've been resolved, misleading the court, knowingly misrepresenting facts, and failing to bring to the court's attention matters that the issues have been previously resolved.

Accountings and financial information, she would satisfy all of the financial issues presently before the court have been supplied to Michael Bush, Joseph Bush, guardian of the estate and his counsel Alexander Chotkowski, on multiple occasions. Michael Bush, Joseph Bush and their counsel continue to misrepresent facts in bad faith to this court causing the court to write multiple orders and contempt charges against Mary

Bush that continue petitions/sanctions and more court cost to Genevieve Bush and Mary Bush.

Joseph Bush and his counsel were provided accountings which specifically included the accounting of the \$50,000 on the multiple occasions;

01/08/2010 James Ruggiero filed Accounting of an Agent in the Chester County Court of Common Pleas. Some of the \$50,000.00 used for renovations of the 1628 Glenside Road home were listed for the ongoing renovations. **Exhibit A**

01/12/2010 James Ruggiero sends accounting to Thomas Schindler, Brad Rainer, and Alexander Chotkowski. **Exhibit B**

01/18/2010 Tom Schindler hand delivers to Alexander Chotkowski, the response to the discovery order of 12/23/2009 giving them statements for account #2300088215 and account #41052986 Willow Financial Bank/First Financial Bank Bates Stamped 0145-0173 and Harleysville National Bank statements from 01/01/2006 to 12/31/2009 Bates Stamped 0045-0173. These accounts provide the backup for the information requested for virtually every financial dispute to the parties. **Exhibit C**

09/19/2010 Mary dropped off all her mother's financial papers to Mr. Ruggiero, including an accounting of the \$50,000.00 again.¹ The Renovations at this point still continued despite the litigation where an updated accounting of the \$50,000.00 was provided to Joseph Bush multiple times. The last check #732 paid to a contractor was 03/24/10. Joseph Bush to this date never reimbursed Mary for her out of pocket expenses. **Exhibit D**

09/27/2010 James Ruggiero writes a letter to Alexander Chotkowski and Tom Schindler enclosing the accounting and a disc of all the financial documents, which specifically lists the itemization of renovation to Mrs. Bush's home in the amount of \$50,000.00. (See highlighted item) These accounts, first provided eight months earlier, provide the backup for the information requested for virtually every financial dispute to the parties. **Exhibit E**

These accounting of the \$50,000.00 spent was specifically included in

¹ This package included the Hennion and Walsh statements from Jan. 2006 to September 2010, First Niagara/Willow/Harleysville checking account statements from Jan. 2006 to September 2010, Citizens' Bank Savings account statements, and an itemization accounting of the renovations to Mrs. Bush's house.

the reproduced record of the first appeal 2746 EDA 2011, Volume II page 1154a. Filed 1/24/12 Exhibit D

Obviously, Mr. Chotkowski, Joseph Bush and Michael Bush were aware of this document.

09/30/2010 In contradiction to the testimony of Justin Bush and his wife, Attorney for Genevieve Bush, Brad Rainer, sent a letter to the Bush brothers counsel John McKenna, stating it's been a month since they offered a visit of the grandchildren to see Mrs. Bush. There was no response. **Exhibit F**

7/11/2011 Mary and Genevieve Bush meet Tom Schindler and gave him all bills, checkbooks/logs from Harleystown Bank (First Niagara) and Citadel banks, a check in the amount of \$7,436.93 from Cuso and ALL original bank statements from Cuso and Niagara banks.

07/19/2011 George Zumbano wrote a letter to Alexander Chotkowski, hand delivered, listing and enclosing all the assets/documents that were handed to Mr. Schindler previously. **Exhibit I**

07/19/2011 Michael and Joseph Bush file a petition for contempt against Mary Bush less than a month after their appointments as guardians "for failures to return Mrs. Bush's funds and property". After knowingly receiving all financials, they did not withdraw their petition, nor did they inform the court they had received the documents.

07/20/2011 After Mr. Chotkowski's ex parte communication to the court Nicole LaBletta wrote a letter to Judge Platt stating that Mary gave Tom Schindler all the items requested for the estate. **Exhibit J**

08/01/2011 Conference with Judge Platt in Chambers with all attorneys.

08/04/2011 Conference with Judge Platt in Chambers with all attorneys, and discussed the financial items again. Nicole LaBletta gave Alexander Chotkowski the most recent financial papers after the meeting.

08/05/2011 Judge Platt writes another order asking again for an accounting for the \$50,000.00 for renovations to Mrs. Bush's home when this accounting was already given to them multiple times. As follows;

To the extent that the \$50,000.00 paid to Mary Bush for renovations to Mrs. Bush's home have been expended for that purpose, that transfer is not invalidated. However, Mary Bush shall account to the Guardian of the Estate as to disposition of those funds by September 2, 2011, if she has not done so already.

08/08/2011 Mary Bush hand delivers to George Zumbano a letter with yet another copy of the \$50,000.00 accounting. **Exhibit K**

08/08/11 Joseph Bush writes a certified letter to Mary Bush copied to Michael Bush saying "It's been over 30 days since the court rendered its decision and I have not received any information from you about mom's bills or any financial obligations she may have." In fact, Joseph Bush was provided this on 07/19/2011 and 08/04/2011. **Exhibit L**

8/11/2011 Mary emails Joseph about the 08/08/11 certified letter answering him where the financials are that were given to his counsel on 8/8/2011; his response was "Bills are paid". **Exhibit L**

08/31/2011 MacElree Harvey billing statement shows entry by both John McKenna and Alexander Chotkowski that they both received and reviewed the accounting from Mary's attorney Nicole LaBletta. They list the \$50,000.00, Citadel account statements, Hennion and Walsh. First Niagara bank and Revocable Living trust account. Continuing to argue to the court that he had not received this material when he reviewed it is only one example of the complaints made against Mr. Chotkowski to the Disciplinary Board. **Exhibit M**

11/21/2011 After a hearing of Contempt against Mary where NO contempt was found, Mary gave Mr. Zumbano more financial papers such as bills, statements and tax bills. Mr. Zumbano handed them directly to Joseph Bush after the hearing.

08/22/2012 Joseph Bush files a guardian of the estate annual report with an attached supplement. Joseph Bush continues to request an accounting again for the \$50,000.00 from Mrs. Bush's check #1190 written on 08/02/2009. He admits "at one point Mary provided a listing for how the 50k was purportedly spent on repairing the stead." **Exhibit N**

He has been in his mother's home and can clearly see how much work has been done and should assume *it just magically happened*. His actions are part of the

continuing bad faith.

6/29/2013 Joseph Bush and Michael Bush "inventory" Mrs. Bush home but not the valuable tools that belong to their mother.

07/11/2013 Joseph Bush, as guardian of the estate, files his annual report. He produces no documentation, and he gives no inventory for the tools he has taken. Michael Bush declared the value of this asset in court in his testimony on of the transcript:

Mary has taken her locks off and put locks on his, and Justin has been without tens of thousands, hundreds of thousands worth of stuff because Mary wants it for herself. 02/28/2013 page 155 Line 17-20
Exhibit G²

10/15/14 Mr. Chotkowski sent Mr. Cohn, counsel for Mary Bush, a letter listing the MONEY he wants and again makes misrepresentations. **EXHIBIT H**

A blatant example of the continuing to misrepresent the facts in #5 where he says

"return assets to the estate that Mary transferred to herself under the power of attorney and account for the **\$50,000.00** she claims was used to renovate Mrs. Bush's home by October 30."

GRANDCHILDREN

The Bush brothers continue to lie to the court throughout the entire trial; Justin and his children NEVER come to see Mrs. Bush.

In fact, the only way that any of Mrs. Bush's immediate family members were able visit with Mrs. Bush, including her young granddaughters, was if a court order was issued and a constable was present. Mrs. Bush had never met her granddaughters, who are old enough to play violin, until a visit took place under the described judicially mandated conditions (page 15 of their appellees

² This is a clear example how the brothers work together to strip their mother of her assets in a manipulation of facts, producing no documentation, yet stating the tools belong to Justin when in fact they have always remained the property of their parents. In fact, Genevieve Bush reported to the State police the theft of these assets on 05/12/2006 to Trooper John Fritz when Justin cut off HER locks and stole tools from the trailers. The report number is J0-1106263. Mary finds it extraordinarily difficult to defend such accusations in a guardian report; to have go back through time and account. It is impossible to account for phantom assets.

brief) **EXHIBIT O**

On 09/30/2010, Attorney for Genevieve Bush, Brad Rainer, had sent a letter to the Bush brothers counsel reminding them it's been a month since they offered a visit of the grandchildren to see Mrs. Bush, there was no response. Nowhere did they mention they turned down the offered visit in 2010. Nor did they ever attempt to see Mrs. Bush or request to see her. **Exhibit F**

This statement to Superior Court blatantly contradicts prior testimony especially from Elizabeth Schneider on 04/21/2010 where she described a wonderful relationship Mrs. and Mr. Bush had with her daughter. **Exhibit P**. In subsequent testimony Ms. Schneider and Justin Bush put on a crying show for the court.³ There are a couple of possibilities. Counsel has forgotten the prior testimony when he wrote his brief, he intentionally exaggerated to sway the court or the prior testimony was not true.

INTER VIVOS GIFTS

Depending up upon the filing, this amount continues to change. Counsel and the Bush Brothers have received multiple accountings and financial documentations of all of Mrs. Bush's funds. Yet they have different numbers every time they accuse Mary of taking moiney. A brief but not limited to example follows:

Their filing of 08/08/2011 (contempt petition) states the amount to be \$28,419.71;

Their filing of 07/11/2013 (guardian report) states the amount to be

³ In fact, from the court ordered visit on 04/14/2013 Justin and his family, the grandchildren, have never come back to see Mrs. Bush. Since that date, they have not sent cards, flowers, gifts, or even called...nothing.

exceeding \$80,000.00;

07/11/2013 guardian of the estate report:

D. Moneys that Marv received inter vivos:

These were listed during the trial in 2010 and again included in my report last year. They have yet to be returned to the estate. This total exceeds \$80K.

Their filing of 09/15/2014 (opposition to exceptions) states the amount to be \$70,000.00;

Their filing of 07/10/2014 (guardian report) states the amount to be \$70,000.00;

Their filing to the Superior Court 1694, 1861, and 1863 EDA 2013 stated: page 2 Appellees brief

The acquisitions that Mary received were enormous, they included Mrs. Bush's home and 15 acre property, over \$1,000,000 in stocks and bonds and other property of significant value.

07/10/2014 Joseph Bush yet again using his guardian of the estate annual report HAS YET ANOTHER NUMBER. In a McCarthyesque statement reminiscent of the accounting of communists, now the amount is \$20,000, not including the house.

Page 1 of Joseph Bush's supplement;

Mary continues to refuse to relinquish mom's vehicles. She refuses to account for the estimated \$25,000 in silver coins that went missing under her management

Page 2 of Joseph Bush's supplement to his 2014 guardian report:

Pursuant to the 2011 Order, Mary was directed to return all inter vivos gifts that she obtained between 2005 and 2011. Mary has failed to return these funds. This amount is nearly \$70K (\$50K for home repairs after Mary took title to the home, \$11K in an outright gift of cash, and the balance in paying for Mary's credit card expenses and the like).

The records previously provided to the brothers on numerous occasions would demonstrate that there were multiple expenses of Mrs. Bush, or expenses for

vacations Mrs. Bush went on, products and services for Mrs. Bush, taxes, fuel, vehicles and property tax that Mrs. Bush kept full use of, even a payment to the cemetery where Genevieve Bush and Mary purchased the plot next to Mrs. Bush's deceased husband to make sure she is buried next him because Michael Bush had the family cemetery plot titled to himself and he refused to re-title the cemetery back to Mrs. Bush.

This entire list was accounted for through attorneys and agreed to at the time there were no gifts. These have once again and hopefully for the last time reproduced at **Exhibit R**

8/11/2011 Mary emails Joseph about the 08/08 certified letter answering him where the financials are that were given to his counsel on 8/8/2011, his response was "Bills are paid". **Exhibit L**

In the **11/21/2011** Contempt hearing on Mary, this was covered. No contempt was found; all monies that Joseph Bush deliberately listed are reimbursements from Genevieve Bush. In this fact, Mary paid out thousands of her own funds that were never reimbursed by her mother or the estate.

Page 124 15 to page 125 7

BY MS. LABELLETTA:

Q Mary, the \$11,000 gift that counsel asked you about, did that take place in the 2004, 2005 time frame?

A I would have to look, I don't know.

Q It would not be necessary to claim it as a gift if, in fact, you were paid for work you did?

A Either paid for work, for supplies, I thought. Whatever it was at the time, I would have to look. I don't know.

Q In your mind it was not a gift?

A In my mind it was probably a repayment of some things because my mother repaid me for a lot of things.

Q With regard to the vehicle transfers that was done, correct?

A Yes.

Mary had been a signer on her parents accounts since she was 18 years old, all payments were for supplies, services, reimbursements or other purchases by and/or for Mrs. Bush, and can be justified by a review of the financial records previously provided. See Exhibit R.

COINS

08/13/2013 Joseph and Michael Bush file yet another petition for contempt against Mary. This petition was filled with allegations about the coins and other assets that were covered on multiple occasions.

Throughout the years of this case, Joseph and Michael Bush through their counsel Alexander Chotkowski, have changed the story multiple times in an attempt to convince the court that "valuable" coins were sold for pennies where no evidence of that exists. In fact, it is believed that Joseph Bush created a theft theory to cover his taking of the coins and blame it on his sister and pursues Mary for a phantom asset.

The most recent testimony regarding the coin collection by Joseph was he thought there were some coins missing from the last time that he was in the house. He testified that the last time was in the house was 30 years before at page 280 in the 01/09/2014 hearing. This should hardly be sufficient evidence that there were coins missing or that somehow Mary was in contempt for somehow being responsible for them being missing.

07/10/2014 Joseph Bush yet again using his guardian of the estate annual report to continue his attack on Mary fabricating financial amounts and accusations that have no basis.

Page 1 of Joseph Bush's supplement:

Mary continues to refuse to relinquish mom's vehicles. She refuses to account for the estimated \$25,000 in silver coins that went missing under

her management;

Page 2 of Joseph Bush's supplement to his 2014 guardian report:

Pursuant to the 2011 Order, Mary was directed to return all inter vivos gifts that she obtained between 2005 and 2011. Mary has failed to return these funds. This amount is nearly \$70K (\$50K for home repairs after Mary took title to the home, \$11K in an outright gift of cash, and the balance in paying for Mary's credit card expenses and the like). Mary still retains title to both of the vehicles belonging to my mother and uses the pick-up truck for her primary transportation needs. We believe Mary owns a car herself that she keeps mothballed in her garage.

My personal estimate is about \$25K for the value of unaccounted for silver coins that were last in Mary's possession between 2005 and 2013.

The recently completed January hearing for contempt against Mary sought to compel Mary to return these assets. To this extent, I as the Guardian of the Estate have done all that I can to protect my mother's assets and address her financial needs.

In fact,

A) Joseph Bush removed the coins on 05/11/2005 documented by Mrs. Bush's notes in discovery and Mr. Fischer's notes;

B) Mrs. Bush's letter to her brother Leo Yourgevidge Bates Stamped 0185 (page 4) from Genevieve's attorney Tom Schindler. **EXHIBIT T**;

C) Mary's guardian report pages 30, 60, 90, and 198 (Mrs. Bush's notes) **EXHIBIT U**;

D) Their evidence in attorney Jay Fischer's notes and letters (petitioners 1880) where Mrs. Bush met with her attorney on 09/06/2005 when the court is in agreement she had capacity where it says "coin collection Joe took for appraisal." **Exhibit V**;

E) The 03/15/2006 filing by Jay Fisher to the court at p.5 (petitioners 0034) #23 defendant Joseph Bush is holding and refusing to surrender personal property belonging to Plaintiff, including but not limited to a hope chest and coins. **Exhibit W**

KEYS TO THE HOUSE AND VEHICLES

All keys were given to Joseph Bush with the exception of the F150 truck that is Mary's only vehicle.

06/16/13 in an email Joseph Bush states that he received the keys to the house.

Exhibit Q

01/08/14 Joseph testified that he has the keys to the van but not the steering wheel lock. (p. 252) **Exhibit Q**

All the title information to the vehicles are attached as **Exhibit Z**.

CONDUCT OF CHOTKOWSKI

Alexander J. Chotkowski continues to make material misrepresentations to the court, misrepresented facts to opposing counsel, unnecessarily prolonged the litigation and has cost Mary hundreds of thousands of dollars in his misconduct. In the multitude of filing to the courts, higher and lower, he has manipulated the facts, pushing the limits of the law. Upon closer review of the many filings, including the few samples above, he has in bad faith presented untruths, made up versions and just flat out lies.

Even counsel Chotkowski's most recent filing, his response to the exceptions has a glaring misrepresentation. He states at page 1 of the history of the case

This court found Mary in contempt with regard for the alleged violations one failing to move out of Mrs. Bush's home is required by May 24, 2013 order. **Exhibit X**

In fact that is not true. The court specifically stated in her order

Thus although the move was not timely I do not find the delay to be contumacious. Page 3 **Exhibit S**

Even more outrageously, as the ongoing addendum describes, counsel Chotkowski out and out lied to the court in his brief and then when caught by Mary's counsel, refused to notify the court that his brief is in error. In his brief, he stated

While, no one could testify as to how this event actually got to the police, the only person with a strong enough motivation to call the police on

Michael is Mary.

At the same time he knew very well that Mary had not called the police, but that it was Carol Gallo. His own email demonstrates that he lied to the court. His detailed analysis is attached at **Exhibit Y**.

CONCLUSION

The allegations that brought forth this August 15, 2014 court order are a constant rehash of never ending false accusations from Joseph and Michael Bush who by their continued insistence of repeating untrue accusations, scurrilous attacks, innuendo and plain manipulations overwhelm the court to focus on Mary as the abuser. The continued effort of the Bush brothers to manipulate the system using government agencies to bully, bankrupt and harass Mary has in fact made her financially unable to respond in the future.

Mary Bush is not in contempt, but by a preponderance of the above evidence has proven her brothers never ending ongoing intent to deceive this court. Mary Bush has not had equal time in court to answer the hundreds of accusations that are blatantly FALSE, but if given the opportunity, could prove even more of the Bush brothers lies to this court. Mary and Genevieve Bush should be made whole in every possible way from this point forward and Joseph, Michael, Justin Bush along with the involved attorneys should face any and all penalties or sanctions that apply for deceiving the courts.

COHN & ASSOCIATES

BY: *Clifford B. Cohn*
CLIFFORD B. COHN, ESQUIRE
ATTORNEY FOR RESPONDENT

DATE: November 12, 2014

TJS

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

19 4414

DESIGNATION FORM

(to be used by counsel or pro se plaintiff to indicate the category of the case for the purpose of assignment to the appropriate calendar)

Address of Plaintiff: 1615 East Boot Road, West Chester, PA 19380

Address of Defendant:

Place of Accident, Incident or Transaction: Chester

RELATED CASE, IF ANY:

Case Number: 17-1379 Judge: Savage Date Terminated: 10/26/17

Civil cases are deemed related when Yes is answered to any of the following questions:

- 1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court? Yes [] No []
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court? Yes [] No []
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action of this court? Yes [] No []
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual? Yes [] No []

I certify that, to my knowledge, the within case [] is / [] is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 09/24/2019 Daniel McConnaughy Attorney-at-Law / Pro Se Plaintiff Attorney I.D. # (if applicable)

CIVIL: (Place a checkmark in one category only)

A. Federal Question Cases:

- 1. Indemnity Contract, Marine Contract, and All Other Contracts
2. FELA
3. Jones Act-Personal Injury
4. Antitrust
5. Patent
6. Labor-Management Relations
7. Civil Rights
8. Habeas Corpus 2241
9. Securities Act(s) Cases
10. Social Security Review Cases
11. All other Federal Question Cases (Please specify):

B. Diversity Jurisdiction Cases:

- 1. Insurance Contract and Other Contracts
2. Airplane Personal Injury
3. Assault, Defamation
4. Marine Personal Injury
5. Motor Vehicle Personal Injury
6. Other Personal Injury (Please specify):
7. Products Liability
8. Products Liability - Asbestos
9. All other Diversity Cases (Please specify):

ARBITRATION CERTIFICATION

(The effect of this certification is to remove the case from eligibility for arbitration.)

I, _____, counsel of record or pro se plaintiff, do hereby certify:

- [] Pursuant to Local Civil Rule 53.2, § 3(c) (2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs:
[] Relief other than monetary damages is sought.

DATE: _____ Attorney-at-Law / Pro Se Plaintiff Attorney I.D. # (if applicable)

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

TJS

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CASE MANAGEMENT TRACK DESIGNATION FORM

Bush : CIVIL ACTION
: :
v. : :
: :
Platt : NO. **19 4414**

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. 2241
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits.
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2.
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos.
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.
- (f) Standard Management – Cases that do not fall into any one of the other tracks.

SEP 24 2019

Date Deputy Clerk Attorney for

Telephone FAX Number E-Mail Address