

ORIGINAL

ALPERSTEIN, SIMON, FARKAS, GILLIN & SCOTT, LLP

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

JOEL M SIMON, Esq (State Bar No 82846)
jms@asfgslaw.com
ALPERSTEIN, SIMON, FARKAS, GILLIN & SCOTT, LLP
15760 Ventura Boulevard, Suite 1520
Encino, CA 91436-3026
(818) 501-3100 & Facsimile (818) 461-0559

Attorneys for Francine Teitelbaum,
Temporary Conservator of the Person

FILED
LOS ANGELES SUPERIOR COURT

FEB 14 2011
JONNA CLARKE CLERK
ALICIA ROMAN, DEPUTY

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES
SOUTH DISTRICT - SAN PEDRO COURTHOUSE ANNEX

CONSERVATORSHIP OF THE PERSON AND
ESTATE OF

EUNICE D BELLAH,

Proposed Conservatee

Case No BP119148

Reassigned for All Purposes to Hon Roy Paul,
Dept 88C

**SUPPLEMENTAL REPORT OF
TEMPORARY CONSERVATOR OF THE
PERSON RE: STATUS OF
CONSERVATEE'S CONDITION**

Hearing Date February 14, 2011
Time 8 30 a m
Dept 88C

Francine Teitelbaum ("Teitelbaum"), as Temporary Conservator of the Person of Eunice D Bellah, Proposed Conservatee ("Conservatee"), hereby presents her *Supplemental Report of Temporary Conservator of the Person Re Status of Conservatee's Condition*, and states as follows

I. BACKGROUND.

1 On November 24, 2010, Conservatee was placed in Sunrise Studio City ("Sunrise"), located at 4610 Coldwater Canyon Boulevard, Studio City, CA 91604, where she currently resides Prior to her transfer to Sunrise, Conservatee temporarily resided at Generations Canyon Oaks ("Canyon Oaks"), a rehabilitation center located at 22029 Satcoy Street, Canoga Park, California

02/15/2011

1 91303, where she received post-operative convalescent care, and physical therapy, following
2 Endovascular surgical repair, and placement of a stent for treatment of a large descending thoracic
3 aortic aneurysm

4 2 Teitelbaum's last report regarding the status of Conservatee's condition was filed in
5 this matter on October 15, 2010 Since then, Teitlebaum and/or her staff have visited Conservatee,
6 on average, 1-2 times a week, and have Conservatee's pajamas delivered to her on a weekly basis, in
7 accordance with Sunrise's instructions Should the court appoint Teitelbaum as Probate Conservator
8 of the Person, she and her staff will to continue these weekly visits, and will continue to have
9 Conservatee's pajamas delivered to her on a weekly basis

10 **II. CURRENT CONDITION.**

11 3 Post-Operative Examination On December 9, 2010, both Teitelbaum and
12 Conservatee's physician, Leo Labunsky, M D , observed swelling in Conservatee's left leg, as well
13 as drooping on the left side of Conservatee's face A CT scan was conducted by Zahi E Nassoura,
14 M D on December 16, 2010, which confirmed that Conservatee's stent was perfectly in place, but
15 that her abdominal aneurysm was still present Dr Nassoura requested that she return in six months
16 for further follow-up

17 4 Swelling in Conservatee's Left Leg As for the issue of the swelling in Conservatee's
18 left leg, Dr Nassoura ordered that Conservatee wear a leg stocking on her left leg on December 13,
19 2010, and ordered that her legs be checked as often as possible This order was not implemented by
20 Sunrise, and therefore, Dr Nassoura repeated the order on December 16, 2010 The staff at Sunrise
21 did not implement use of the stocking until January 15, 2011 (approximately one month later) Since
22 then, swelling in Conservatee's left leg has reduced On January 18, 2011, Conservatee visited
23 Roger On, M D , who indicated that the swelling was most likely due to an issue with Conservatee's
24 veins, and recommended that Dr Labunsky order a vein scan Dr Labunsky conducted the vein
25 scan, which reflected that circulation in Conservatee's legs is normal

26 5 Ambulation At the present time, Conservatee can stand on her own, but requires use
27 of a walker or wheelchair for ambulation Upon Conservatee's discharge from Canyon Oaks,
28 Conservatee's physicians recommended that Sunrise take Conservatee for a walk twice a day

ALPERSTEIN, SIMON, FARKAS, GILLIN & SCOTT, LLP

02/15/2011

ALPERSTEIN, SIMON, FARKAS, GILLIN & SCOTT, LLP

1 Teitelbaum spoke with the staff at Sunrise on February 8, 2011, who claimed that they were not
2 notified of the recommendation, and agreed that they would implement the process of taking
3 Conservatee for walks twice daily Teitelbaum believes that Conservatee's ability to walk has
4 declined since her stay at Canyon Oaks due to the swelling in her leg, as well as Sunrise's failure to
5 take Conservatee on walks As far as Teitelbaum is aware, Conservatee is not receiving physical or
6 occupational therapy at this time

7 6 Fistula on Conservatee's Nose On January 17, 2011, Dr Labunsky observed a
8 fistula on Conservatee's nose, and ordered Neosporin to treat the fistula As of February 8, 2011,
9 Dr Labunsky ordered further studies on the fistula to rule out cancer Dr Labunsky has advised
10 Teitelbaum that surgical removal of a cancerous fistula is very invasive and therefore, if the fistula is
11 cancerous, he will first attempt to freeze and remove the fistula before recommending surgical
12 intervention During the course of the February 8, 2011 examination, Dr Labunsky also checked
13 Conservatee's thyroid, and found same to be functioning normally Dr Labunsky has requested that
14 Conservatee's thyroid be checked again in one month

15 7 Other issues Conservatee contracted bronchitis and a urinary tract infection in early
16 December 2010, both of which were treated with antibiotics, and were resolved as of January 17,
17 2011

18 **III. PLACEMENT**

19 8 Teitelbaum has visited Sunrise on numerous occasions since her initial appointment
20 as Temporary Conservator, and believes that Sunrise has very good nutritional and social programs,
21 and is placed in a beautiful setting Unfortunately, Sunrise has demonstrated difficulty with
22 implementing Conservatee's physician's orders, following Teitelbaum's instructions, and
23 communicating Conservatee's needs to other staff members Below is a list of events that have
24 occurred at Sunrise, which cause Teitelbaum concern

25 * December 7, 2010 Fall On December 7, 2010, Teitelbaum was notified that
26 Conservatee had fallen in the middle of the night Teitelbaum notified Dr Labunsky of the fall on
27 December 9, 2010, who examined Conservatee, and advised that she was not injured as a result of
28 the fall Since the fall, Conservatee's bed has been moved against the wall of her room, with guard

02/16/2011

ALPERSTEIN, SIMON, FARKAS, GILLIN & SCOFF, LLP

1 rails placed on the exposed side of her bed, in order to prevent falls at night (Sunrise advised
2 Teitelbaum that they do not conduct checks on Conservatee during the night, but also advised
3 Teitelbaum that she does not need to hire a one-on-one caregiver to monitor Conservatee while she
4 sleeps)

5 * January 27, 2011 Incident On January 27, 2011, Sunrise contacted
6 Teitelbaum's office, and indicated that Conservatee had sustained a tear on her right arm, which
7 occurred when another wheelchair-bound patient collided with Conservatee in the dining hall
8 Teitelbaum's staff was advised that the Wellness Nurses at Sunrise were dressing the tear, however,
9 when Dr Labunsky examined the tear on February 8, 2011, the wound was not dressed ¹ Dr
10 Labunsky dressed the tear with Neosporin, and recommended that Sunrise keep the tear dry and
11 covered with gauze

12 * Unauthorized Visits Upon Conservatee's transfer to Sunrise, Teitelbaum had
13 previously requested that Sunrise not allow Gregory Alpert to visit Conservatee without
14 Teitelbaum's consent ² Teitelbaum further requested that Conservatee not receive visitors after 5 00
15 p m On February 8, 2011, Teitelbaum discovered that Mr Alpert visited Conservatee on December
16 24, 2010 and December 29, 2010, without Teitelbaum's authorization or knowledge Both visits
17 were unmonitored, and took place after 5 00 p m Teitelbaum brought the unauthorized visits to the
18 attention of the staff at Sunrise, who indicated that they would perform an in-service of the night
19 staff to ensure that Sunrise honors Teitelbaum's wishes in regard to visitor restrictions

20 * Leg Stocking As indicated above, Sunrise took over a month to implement
21 Dr Nassoura's orders concerning Conservatee's leg stocking On February 8, 2011, Dr Labunsky
22 observed that Conservatee's leg stocking had not been applied correctly by Sunrise's staff (eg , same
23 _____

24 ¹ Instead, Sunrise dressed a small scratch on the lower part of Conservatee's arm The skin
25 tear would have been readily visible, had the staff at Sunrise pulled Conservatee's sleeve up further

26 ² On October 5, 2010, Mr Alpert, and his attorney, Linda Paquette, Esq , were expressly
27 advised that Teitelbaum would not authorize any further unmonitored visits with Mr Alpert, Ms
28 Paquette, or Herb Adelman, due to inappropriate behavior demonstrated by Ms Paquette and her
staff at previous visits Teitelbaum's attorneys further advised Ms Paquette that any future visits
would need to be coordinated with Teitelbaum and her staff On January 18, 2011, Mr Alpert and
Mr Adelman dismissed their claims in connection with this matter As a result, Ms Paquette no
longer represents any interested party in connection with this matter

110210/20

1 was folded in half), and advised that improper application of the leg stocking could interfere with
2 Conservatee's circulation

3 * Wheelchair Pads During the course of a visit from Teitelbaum's staff,
4 Conservatee complained of back pain, which Teitelbaum attributes to the fracture Conservatee
5 sustained prior to Teitelbaum's appointment. In response, Teitelbaum provided Sunrise with two
6 pads to be placed in her wheelchair whenever Conservatee is mobile, with instructions to place one
7 pad on the seat of the wheelchair first, with the second to go behind Conservatee's back. On
8 February 4, 2011, Teitelbaum's staff observed Conservatee in the wrong wheelchair without the
9 pads. On February 8, 2011, the staff at Sunrise had placed the pads incorrectly and as a result,
10 Conservatee was observed hanging off of her wheelchair when she arrived at her appointment with
11 Dr. Labunsky. (Both Teitelbaum and Dr. Labunsky had to lift Conservatee out of her chair to
12 properly place the pads so Conservatee would not fall out of her chair.)

13 * Transportation Issues Sunrise has failed to timely transport Conservatee to
14 her doctor's appointments on at least three occasions. Prior to each appointment, Teitelbaum and/or
15 her staff contacted Sunrise to ensure that they were aware of the time and location of each
16 appointment. Despite this, Sunrise has arrived at least one hour late to at least three appointments
17 (which took place on December 13, 2010, January 18, 2011 and February 8, 2011). On the January
18 8, 2011 occasion, Sunrise attributed their untimeliness to their inability to locate a caregiver to
19 accompany Conservatee to the appointment, despite the fact that Teitelbaum had expressly advised
20 Sunrise that a caregiver was not needed. (Teitelbaum has requested that Sunrise not charge the
21 Conservatorship Estate for the caregiver who accompanied Conservatee to the February 8, 2011
22 appointment, as Sunrise had been expressly advised that one was not necessary.)

23 * Clothing Issues On at least two occasions, Conservatee arrived at her
24 doctor's appointments underdressed. On a cold, rainy day in December 2010, Conservatee arrived at
25 one of her appointments wearing a thin sweater. Teitelbaum's staff complained of the lack of proper
26 attire, and provided Sunrise with a jacket for Conservatee to use on cold days. On February 8, 2011
27 (a sunny but cold day), Conservatee arrived at her appointment at Dr. Labunsky's office, without the
28 jacket, and dressed in a thin sweater with her mid-drift showing. In addition, the staff at Sunrise

ALPERSTEIN, SIMON, FARKAS, GILLIN & SCOTT, LLP

02/16/2011

1 were provided with prescription sunglasses, which were prescribed for Conservatee as a result of her
2 macular degeneration. Teitelbaum advised the staff at Sunrise that they were to provide Conservatee
3 with the sunglasses each time Conservatee was outdoors. On numerous occasions, Conservatee was
4 observed, outdoors, without the prescription sunglasses. (Instead, the staff of Sunrise used
5 temporary, plastic-film sunglasses, which her ophthalmologist provided at an appointment some
6 time ago.) As of the date of this report, Sunrise has yet to implement use of the prescription
7 sunglasses, despite repeated requests and complaints from Teitelbaum and her staff


8 * Incontinence. Teitelbaum and Sunrise differ in their observations relating to
9 Conservatee's incontinence. Whenever Teitelbaum visits Conservatee, Conservatee will notify
10 Teitelbaum when she needs to use the restroom, and asks for assistance. The staff at Sunrise,
11 however, believes that Conservatee is incontinent, and that Conservatee will not use the restroom
12 unless asked to by a staff member. Teitelbaum believes that the Sunrise staff are not sufficiently
13 assisting Conservatee with using the restroom, and believes that Sunrise is not sufficiently
14 communicating with Conservatee regarding her restroom needs.

15 * Communication Issues. Teitelbaum and her staff have observed the staff
16 calling Conservatee by her incorrect name (eg., they call her "Bellah," as opposed to Eunice or Mrs.
17 Bellah.)

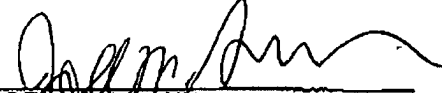
18 9. It is Teitelbaum's recommendation that other placement be considered where the
19 Conservatee's needs will be more properly attended.

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

22 Dated: February 10, 2011


FRANCINE TEITELBAUM,
Temporary Conservator of the Person

24 ALPERSTEIN, SIMON, FARKAS,
25 GILLIN & SCOTT, LLP

26 By: 
27 JOEL M. SIMON
28 Attorneys for Francine Teitelbaum,
Temporary Conservator of the Person

ALPERSTEIN, SIMON, FARKAS, GILLIN & SCOTT, LLP

02/16/2011

1 **PROOF OF SERVICE**
2 *Conservatorship of Eunice D. Bellah*
3 **Case No. BP119148**
4 **[Assigned to Hon. Paul in San Pedro Courthouse – Annex]**

5 I, Marian L. Mazzola, declare

6 I am employed in the County of Los Angeles, State of California. I am over the age of 18
7 and not a party to the within action. My business address is Alperstein, Simon, Farkas, Gillin &
8 Scott, LLP, 15760 Ventura Blvd, Suite 1520, Encino, California 91436. On February 10, 2011, I
9 served the document(s) described as **SUPPLEMENTAL REPORT OF TEMPORARY**
10 **CONSERVATOR OF THE PERSON RE: STATUS OF CONSERVATEE'S CONDITION** on
11 the interested parties in this action by placing the original a true copy thereof enclosed in a
12 sealed envelope addressed as follows

13 **SEE ATTACHED SERVICE LIST**

14 **BY MAIL (All parties)** I am "readily familiar" with this firm's practice for the collection
15 and the processing of correspondence for mailing with the United States Postal Service. In
16 the ordinary course of business, the correspondence would be deposited with the United
17 States Postal Service at 15760 Ventura Blvd, Suite 1520, Encino, California 91436 with
18 postage thereon fully prepaid the same day on which the correspondence was placed for
19 collection and mailing at the firm. Following ordinary business practices, I placed for
20 collection and mailing with the United States Postal Service such envelope at 15760 Ventura
21 Blvd, Suite 1520, Encino, California 91436

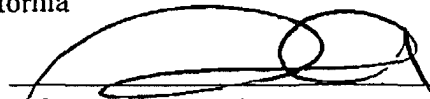
22 **OVERNIGHT DELIVERY** I deposited such envelope in a facility regularly maintained by
23 **FEDERAL EXPRESS** **UPS** **Overnight Delivery** [specify name of service]
24 with delivery fees fully provided for or delivered the envelope to a courier or driver of
25 **FEDERAL EXPRESS** **UPS** **OVERNIGHT DELIVERY** [specify name of service]
26 authorized to receive documents at 15760 Ventura Blvd, Suite 1520, Encino, California
27 91436 with delivery fees fully provided for

28 **BY FACSIMILE** I sent via facsimile a copy of said document(s) to **Lawrence M.**
Lebowsky, Esq., Alex Borden, Esq., and Farmer & Ridley LLP only, at the numbers
listed in the attached service list

[State] I declare under penalty of perjury under the laws of the State of California that
the above is true and correct

[Federal] I declare that I am employed in the offices of a member of the State Bar of this
Court at whose direction the service was made. I declare under penalty of perjury under the
laws of the United States of America that the above is true and correct

Executed on February 10, 2011, at Encino, California


Marian L. Mazzola

ALPERSTEIN, SIMON, FARKAS, GILLIN & SCOTT, LLP

02/15/2011

SERVICE LIST

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Service by Facsimile and U.S. Mail:

PVP Attorney	Temporary Conservator of the Estate/Trustee
Lawrence M Lebowsky, PVP Counsel	Alex Borden, Esq
Law Offices of Lawrence M Lebowsky	Law Office of Alex Borden
11377 W. Olympic Blvd , 9th Floor	1518 Crenshaw Blvd
Los Angeles, CA 90064-1683	Torrance, CA 91501
Facsimile (310) 817-2256	Facsimile (310) 787-7067

Special Notice and Attorneys Daniel Stubbs

William L Winslow, Esq
Aurora L Basa, Esq
Farmer & Ridley LLP
444 S Flower Street, Ste 600
Los Angeles, California 90071-2907
Facsimile (213) 833-7812

Service by U.S. Mail Only

Temporary Conservator of the Person	Court Investigator's Office
Francine Teitelbaum	Los Angeles Superior Court
18375 Ventura Boulevard, Suite 444	111 North Hill Street, Room 250
Tarzana, CA 91356-4218	Los Angeles, CA 90012

ALPERSTEIN, SIMON, FARKAS, GILLIN & SCOTT, LLP

11/02/2010