

STATE OF MICHIGAN

IN THE PROBATE COURT FOR THE COUNTY OF OAKLAND

IN THE MATTER OF: Case No. 16-370,475-GA
VIRGINIA WAHAB

_____/

MOTION

BEFORE THE HONORABLE LINDA S. HALLMARK

Pontiac, Michigan - Wednesday, June 29, 2016

APPEARANCES:

Guardian ad Litem: MATTHEW JASON BROWN (P73030)
Brown and Brown, PLC
838 West Long Lake Road
Suite 100
Bloomfield Hills, Michigan 48302-2070
(248) 454-1988

Guardian: JON B. MUNGER (P54736)
Munger & Associates, PLLC
4545 Clawson Tank Drive
Suite 100
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Videotape Transcription Provided By:
Deanna L. Harrison, CER 7464
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WITNESSES

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None.

EXHIBITS

Introduced

Admitted

None.

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Pontiac, Michigan
Wednesday, June 29, 2016
- - -
(At 10:26 a.m., proceedings begin)
THE COURT: Good morning. We need you to
identify yourself for the record and be sworn, please.
MR. MUNGER: Your name?
SARA VAN ACKER: I'm Sara Van Acker.
MR. MUNGER: And your relationship with this
case?
SARA VAN ACKER: I'm a social worker at Lourdes.
MR. MUNGER: And the petitioner as well?
SARA VAN ACKER: And the petitioner, yes.
MR. MUNGER: Ma'am, and your name?
LISA HIBBERT: Lisa Hibbert, accounts receivable
at Lourdes.
MR. MUNGER: And ma'am, your name for the
record?
ELLEN WAHAB: Ellen Wahab; Virginia's daughter.
MR. MUNGER: Very good. On the other side, Your
Honor, is the -- the other daughter.
MIMI WAHAB BRUN: I am Mimi Wahab Brun,
Virginia's daughter and power of attorney and guard -- her
guardian as well; I have been.
THE COURT: Thank you. And would you each be

1 sworn, please?

2 THE CLERK: Will you please raise your right
3 hands? Do you solemnly swear or affirm the testimony
4 you're about to give is the truth, the whole truth, and
5 nothing but the truth, so help you God?

6 SARA VAN ACKER: Yes.

7 ELLEN WAHAB: Yes.

8 LISA HIBBERT: I do.

9 MIMI WAHAB BRUN: I do.

10 THE COURT: Thank you. And Mr. Brown, would you
11 like to question the petitioner?

12 MR. BROWN: Yes, Your Honor.

13 Ma'am, can you state your name again; I'm sorry?

14 SARA VAN ACKER: Sara Van Acker.

15 MR. BROWN: And you -- you filed a petition in
16 this matter?

17 SARA VAN ACKER: Yes.

18 MR. BROWN: And where are you currently
19 employed?

20 SARA VAN ACKER: Lourdes nursing facility.

21 MR. BROWN: And what made you file a petition in
22 this matter?

23 SARA VAN ACKER: There's a concern about the
24 nursing home facility being paid.

25 MR. BROWN: And approximately how much is owed?

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SARA VAN ACKER: \$31,416.65.

MR. BROWN: And were you ever provided a power of attorney and patient advocate regarding Virginia?

SARA VAN ACKER: Yes.

MR. BROWN: And who was nominated on that?

SARA VAN ACKER: Her daughter, Mimi.

MR. BROWN: And have you had any communication with her regarding this?

SARA VAN ACKER: Yes.

MR. BROWN: And to your knowledge, has any application been filed for Medicaid benefits?

SARA VAN ACKER: Not to my knowledge.

MR. BROWN: And are you also -- are you familiar with her medical condition?

SARA VAN ACKER: Slightly.

MR. BROWN: Slightly? Is she diagnosed with dementia?

SARA VAN ACKER: According to our records, yes.

MR. BROWN: And has she also been diagnosed with diabetes and osteoarthritis?

SARA VAN ACKER: My understanding is yes.

MR. BROWN: Thank you.

And ma'am, your name for the record?

LISA HIBBERT: Lisa Hibbert.

MR. BROWN: And where are you employed, ma'am?

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LISA HIBBERT: Lourdes.

MR. BROWN: And what -- what's your position there?

LISA HIBBERT: Accounts receivable.

MR. BROWN: And are you familiar with Virginia's account?

LISA HIBBERT: Yes.

MR. BROWN: And how much approximately is owed to your facility?

LISA HIBBERT: \$31,416.65.

MR. BROWN: And have you received anything regarding a Medicaid application?

LISA HIBBERT: Not to my knowledge.

MR. BROWN: Okay; thank you.

And your name, ma'am, for the record?

ELLEN WAHAB: Ellen Wahab.

MR. BROWN: You've received a copy of -- I'm -- I'm sorry; what is your relation to Virginia?

ELLEN WAHAB: I'm Virginia's daughter.

MR. BROWN: Is Virginia -- is she currently married right now?

ELLEN WAHAB: No.

MR. BROWN: How many children does she have?

ELLEN WAHAB: Two.

MR. BROWN: Do you have -- did you receive a

1 copy of the petition that's been filed in this matter?

2 ELLEN WAHAB: Yes.

3 MR. BROWN: Do you have any objection to the
4 appointment of a public administrator as your mother's
5 guardian?

6 ELLEN WAHAB: No.

7 MR. BROWN: Thank you.

8 And ma'am, can you state your name for the
9 record?

10 MIMI WAHAB BRUN: Mini Wahab -- Mimi Susan Wahab
11 Brun.

12 MR. BROWN: And your relation to Virginia Wahab?

13 MIMI WAHAB BRUN: I'm her oldest daughter --

14 MR. BROWN: All right.

15 MIMI WAHAB BRUN: -- and her power of attorney,
16 and I've been her guardian since this occurred on December
17 -- on January 9th, a hospital error that came as quite a
18 shock and very suddenly.

19 MR. BROWN: And do you -- did you -- do you have
20 an objection to this petition, ma'am?

21 MIMI WAHAB BRUN: Yes, I do. 100 percent.

22 MR. BROWN: Can you state why you have an
23 objection, ma'am?

24 MIMI WAHAB BRUN: Number one, I did not receive
25 any notice in this case. Notice was sent to another

1 address I know nothing about, which I believe is my aunt,
2 who's a nun. My aunt who is a nun, fell at the facility
3 -- they're very well aware of it -- at Lourdes, on a
4 slippery floor about a month ago, and she was with me
5 every single day during my mom's stay there --

6 THE COURT: Well, ma'am, would just confine
7 yourself to --

8 MIMI WAHAB BRUN: They sent it -- they sent it
9 to her.

10 THE COURT: Excuse me.

11 MIMI WAHAB BRUN: Anyway, they sent notice to
12 her address, and she's in Adrian, Michigan now in a rehab.

13 THE COURT: All right.

14 MIMI WAHAB BRUN: I never received notice, and I
15 think that's unlawful. I had no notice in this case. I'm
16 working in France in two weeks. By accident, Sheila
17 Murack (ph) sent me some other information and there was
18 this -- the court papers attached five days ago -- about
19 five days ago, and I can show you the emails. I got on a
20 flight immediately, \$4,000.00 emergency flight overseas,
21 and I arrived here three days ago to be in this court,
22 because I'm objecting this 100 percent.

23 MR. BROWN: Okay. Ma'am, and did -- have you
24 applied for Medicaid on behalf --

25 MIMI WAHAB BRUN: And I have the right to have

1 notice, because I've had no time to get a lawyer, and I'm
2 objecting to this proceeding without rights to have a
3 lawyer and be served; this is the law.

4 MR. BROWN: So you're requesting a contested
5 hearing?

6 MIMI WAHAB BRUN: I'm requesting a contested
7 hearing --

8 MR. BROWN: Okay.

9 MIMI WAHAB BRUN: -- before we go any further,
10 Judge, because I need -- I have witnesses, I have
11 testimonies, and I have several other facts, and I have
12 medical witnesses as to the fact that I saved my mom's
13 life twice already and I've saved her from medication at
14 Lourdes, and I have nurses from Lourdes who are willing to
15 testify in my behalf off the record --

16 MR. BROWN: Okay.

17 MIMI WAHAB BRUN: -- as to my involvement,
18 including Dr. Murad.

19 MR. BROWN: Ma'am, does your mother own a home?

20 MIMI WAHAB BRUN: She does own a home.

21 MR. BROWN: Okay. And does she have --

22 MIMI WAHAB BRUN: Again, I'm contesting this
23 hearing because I was not served.

24 THE COURT: Well, you're here, ma'am, and it's a
25 guardianship, so there's some urgency about it, so we're

1 going to proceed.

2 MIMI WAHAB BRUN: I am my mom's guardian. I am
3 it. It's in her will.

4 THE COURT: You were appointed guardian legally?

5 MIMI WAHAB BRUN: We need to get her will.

6 THE COURT: Ex --

7 MIMI WAHAB BRUN: That's the problem.

8 THE COURT: Excuse me. You were appointed as
9 guardian?

10 MIMI WAHAB BRUN: My mom's will has me as her
11 power of attorney and her guardian. I think --

12 THE COURT: That's -- that's different than an
13 appointment by a court. Has any court appointed you as a
14 guardian?

15 MIMI WAHAB BRUN: No, but I haven't applied for
16 it yet. I'd like to petition for it.

17 THE COURT: All right.

18 MIMI WAHAB BRUN: But I need time.

19 THE COURT: Go ahead, Mr. Brown. Did you have
20 any other questions?

21 MR. BROWN: I don't have any other questions,
22 no. Can I state my report?

23 THE COURT: Yes.

24 MR. BROWN: I did have an opportunity to meet --
25 to meet with Virginia on June 27th, 2016, at Lourdes

1 Rehabilitation and Healthcare Center in Waterford,
2 Michigan. I explained to her her rights and gave her a
3 copy of this.

4 She didn't have any objection to the appointment
5 of a public administrator at that time, but I would note
6 that she was not oriented to date, time, and place. She
7 was not able to state her medical condition.

8 While I was at Lourdes, I did speak to Sara Van
9 Acker, the petitioner, who is a social worker from
10 Lourdes, and she had shared with me that the nursing home
11 is owed \$31,416.00, and they are concerned that a Medicaid
12 application has not been filed yet, and so they -- they
13 are requesting that the Court appoint a public
14 administrator to help get the process started.

15 I also went over her medical condition with Ms.
16 Van Acker, and at that time, she gave me -- she went over
17 it with me, and I -- I was given sheets that showed that
18 she was suffering from dementia, unspecified lack of
19 coordination, osteoarthritis, two -- type two diabetes,
20 muscle weakness, and hypertension.

21 I did speak to her daughter Ellen. Ellen had
22 indicated that her mother does have three investment
23 accounts; did believe that there's only two of the CDs
24 left. She owns a home, and recently lost her other home
25 to foreclosure -- I'm sorry -- she did at one point have

1 three investment CDs. And I -- I would recommend an
2 accounting be provided to the Court from the power of
3 attorney, just so that we can understand what the assets
4 are so that we can apply for -- or so whoever is appointed
5 can apply for Medicaid benefits.

6 I did not receive any objection from Ellen.
7 Mimi, as -- as she has indicated, is objecting. She was
8 nominated as power of attorney, patient advocate; Lourdes
9 facility did have those documents on site, but given the
10 fact that there's \$31,416.00 owed, if this is set for a
11 contested hearing, I would just recommend somebody be
12 appointed in the interim to help facilitate the Medicaid
13 application process.

14 THE COURT: Yes, ma'am.

15 MIMI WAHAB BRUN: Number one, I made
16 arrangements to move my mother out of Lourdes when they
17 told me that this might go to private pay. I was moving
18 her to Heartland rehab facility. It was all arranged; she
19 had a bed, the insurance had approved it, and Lourdes
20 demanded that I leave her there. That their therapy could
21 step up, because had the therapy been appropriate, my mom
22 would have left Lourdes. So I left her there. Number
23 one.

24 Number two, the insurance was opposed to me
25 leaving her at Lourdes, because they're not approved. I

1 fought, because my mom's very Catholic. It's a Catholic
2 facility, okay? I told them my mom didn't have this kind
3 of money. I took my mom home on a stretcher and I had to
4 spend what little money she had to make the house handicap
5 friendly, put bars up, new toilets, I had to get the
6 carpeting off the floor, all these things had to -- I did
7 everything myself. My sister is estranged. She never
8 once showed up for six months to help me or even give me a
9 day off, by the way.

10 ELLEN WAHAB: That's not true.

11 MIMI WAHAB BRUN: I have plenty of witnesses --
12 that is true. I have plenty of witnesses, including my
13 mom's sister, who's a nun. She's not going to lie. She's
14 fallen now. But she was with me 24/7 and we -- we took
15 care of my mom from head to toe. No one on this planet
16 loves my mother more than me. My mom needs love. My mom
17 does not need a guardianship law firm taking over her
18 care, Judge. I am there. I am hands-on. I talked to my
19 mother yesterday. I don't care how demented is, she knows
20 what love is, and when I asked her mom, what's your
21 greatest desire, tell me now, because I'm going to court
22 tomorrow, she said I want to go home, I want to go home
23 with you, and I want to take her home.

24 Now, if they have a thing about money, which I
25 met when them and I explained we don't have this kind of

1 money, it took them forever. I got the Medicare papers,
2 and I have proof here in email they sent to me day before
3 yesterday; I have three emails, where do you want me to
4 send these papers. They never respond, Judge. These
5 Medicare papers could have been in a long time ago. They
6 don't respond. I said I have \$1,500.00 in addition to the
7 five. That's \$2,000.00, which will pay all her expenses;
8 do you want me to send you this money? No, they want 30
9 or nothing. Well, the 30,000 isn't even due until July
10 10, number one.

11 Secondly -- or I should say lastly, I don't live
12 in France. I work in France. I left for only a couple of
13 weeks. And I told them clearly in a meeting that I was
14 willing to give up, to sell my apartment. I went to
15 Chicago very young, I built my career in Chicago. I'm
16 willing to sell it. I'm willing to pay your bill, if you
17 could just have patience. I can't sell it overnight.
18 It's already on the market. It takes a little bit of
19 time. Not everybody has 10, 20, \$30,000.00 in their
20 pocket.

21 Lastly this; I explained to them if my mom
22 didn't have proper rehab -- her insurance granted her 90
23 days. I said I have to move her to Heartland, where the
24 rehab will be at par. They have nursing home rehab there.
25 They -- they talked bad in front of my mother. I have

1 witnesses. My aunt's a nun. They told my mom to her face
2 you can't go any further, you can't go up steps, you can't
3 this, you can't that. They wrote me in France and they
4 told me that my mom was screaming no therapy. I took
5 another emergency flight here in May. I was here. I went
6 there. She went straight to therapy. She went up and
7 down the steps. I took her home for a week for Mother's
8 Day. She went up and down the steps, in and out. And do
9 you know what HAP has written; they cut her coverage off
10 because my mom is well enough to go home. And that's it.
11 I want to take her home.

12 MR. BROWN: Your Honor, I'd also recommend an
13 independent medical exam.

14 MIMI WAHAB BRUN: Yes, please. My mom's fine.

15 THE COURT: Well --

16 MIMI WAHAB BRUN: She doesn't have this kind of
17 dementia they're talking about.

18 THE COURT: Thank -- thank you, ma'am.

19 I am going to grant the petition. I would like
20 to appoint Mr. Munger, because I think we need an
21 independent person to look at it. Certainly, if Mr.
22 Munger thinks that an independent medical or some other
23 action is required, that's fine. I'm also going to
24 appoint you as special fiduciary, to make sure that we
25 have the Medicaid application and get that on track.

1 Ma'am, I'm going to ask that you account for any
2 moneys that have come out of your mother's accounts. I'll
3 revoke the power of attorney today. If it's appropriate
4 that you should serve, certainly if you want to get
5 counsel and bring the matter in, we'll consider that. But
6 right now, I think we just need to get it on track, get
7 this bill taken care of, and we'll go from there.

8 MIMI WAHAB BRUN: Can I take -- why don't they
9 -- can you order an involuntary discharge, so there's no
10 more bill being -- being -- being built up?

11 THE COURT: Well, no --

12 MIMI WAHAB BRUN: She can go home.

13 THE COURT: -- I -- I don't have any information
14 about medical issues, ma'am. That's going to be the
15 purview of the guardian.

16 MIMI WAHAB BRUN: Well, she can go home for a
17 visit at least.

18 THE COURT: Well, again, once the guardian is
19 appointed, that will be the guardian's determination,
20 ma'am.

21 MIMI WAHAB BRUN: So as it stands now, I have no
22 authority over my mom. She's lost all her rights?

23 THE COURT: No, she hasn't lost any of her
24 rights. She has a guardian and --

25 MIMI WAHAB BRUN: But he's going to --

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THE COURT: -- but you are not the guardian --

MIMI WAHAB BRUN: Okay. But he's going to
decide on her --

THE COURT: -- it's Mr. Munger.

MIMI WAHAB BRUN: -- medical?

THE COURT: Yes.

MIMI WAHAB BRUN: Is there a reason why?

THE COURT: Yes, because she's in need of a
guardian and I'm appointing Mr. Munger, that's why.

MIMI WAHAB BRUN: Okay. But --

THE COURT: Thank you.

MR. BROWN: Thank you, Your Honor.

MIMI WAHAB BRUN: Okay; that's fine.

(At 10:39 a.m., proceedings concluded)

- - -

CERTIFICATION

I certify that this transcript, consisting of 18 pages, is a true and accurate transcription, to the best of my ability, of the video proceeding in this case before Honorable Linda S. Hallmark on Wednesday, June 29, 2016, as recorded by the clerk.

Videotape proceedings were recorded and were provided to this transcriptionist by the Circuit Court and this certified reporter accepts no responsibility for any events that occurred during the above proceedings, for any inaudible and/or indiscernible responses by any person or party involved in the proceedings, or for the content of the videotape provided.

Deanna L. Harrison

/s/ Deanna L. Harrison, CER 7464
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