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STATE OF MICHIGAN

IN THE PROBATE COURT FOR THE COUNTY OF WAYNE

IN THE MATTER OF

Eula Mae Powell, a legally  
Incapacitated and Protected Individual.

File No.: 2022-872277 GA  
2022-875643 CA  
Hon. Judy A. Hartsfield

Steven R. Geller P41626  
Guardian ad Litem  
P.O. Box 1837  
Royal Oak, MI 48068  
248-548-7200

**HEARING DATE: January 18, 2023**

**REPORT OF GUARDIAN AD LITEM**

I, the undersigned, duly appointed Guardian Ad Litem for Eula Mae Powell, a legally incapacitated and protected individual and all persons who may become interested although unborn, undetermined, not ascertained, or contingent, do accept the trust imposed upon me as Guardian Ad Litem with reference to the Petition and Order filed in this Court by Mary Diane Bukowski, and state in relation thereto as follows:

The Petition claims that Ms. Powell has been physically assaulted by staff at The Orchards of Harper Woods and forcibly drugged to prevent her from visiting the Petitioner. She further claims that the staff said that the guardian told them she is not allowed to visit and called the police, who threatened her with arrest and vehicle impoundment. That on 11/5/22 the visit of friends Mary Diane Bukowski, Agnes Hitchcock, Pastor Jerome Poole and a legal representative, Travis Herndon were prevented and/ or terminated on 11/13/22 after staff again called police, who confiscated documents

carried by Bukowski to assist Eula Mae Powell. She is requesting that a restraining order be issued against Orchards of Harper Woods and all staff and representatives and against the Harper Woods Police by specifying that they be allowed to visit.

In connection with this Petition I reviewed the court file and I spoke with Karen Herbert, guardian and conservator, Eula Mae Powell, the ward, Mary Bukowski, friend and petitioner and Shawn Bielecki, social worker at Orchards of Harper Woods.

I spoke with Karen Herbert, the guardian. She reported that on two occasions the administrator of the nursing home called her due to a disturbance at the nursing home. She stated that the administrator told her that the visitors (being Ms. Bukowski and others) claimed to be relatives and were creating a disturbance in the facility and asked if she had her permission to put them out. They were harassing staff asking about her care and medical issues. Also on a second occasion they removed Ms. Powell from the nursing home without permission and did not tell the nursing home. Ms. Herbert stated that the Petitioner has only called her once to tell her that Ms. Powell's phone was not working. The Petitioner never called her to get permission to visit.

After discussing the matter with Ms. Herbert I asked her if she wants to continue as the fiduciary. She is the guardian and conservator. She stated she would have no objections to the court appointing an independent guardian and conservator due to the continuing harassment and stress caused by Ms. Bukowski.

I spoke with Eula May Powell and went through the Petition with her. At that time she was oriented to person, place and time. She could name the current president, but thought that the immediately previous one was "that black guy with the wife and two kids". She was moderately confused.

Regarding the allegations in the Petition, I asked Ms. Powell if she was physically assaulted by the staff. She reported that on one occasion she received an injection and after that she quieted down. I asked her if she quieted down due to the injection or because it was over. She could not provide an answer. I asked her who the other individuals mentioned in the Petition were. She recognized Pastor Jerome Poole and stated that the legal representative Travis Herndon worked for her attorney. I asked her who her attorney was and she responded that it was Jerry Greenberg and that she has known him for a very long time. I looked it up in the Michigan Bar website as I was talking to her. There was no Jerry Greenberg. She then went to look for his card. The name of her attorney is Jerome Goldberg who is listed.

I discussed the guardianship with Ms. Powell. She did not remember discussing the matter with me when I talked to her about the initial petition. (I was the guardian ad litem on the guardianship petition only) I again explained the specifics of a guardianship and conservatorship with Ms. Powell and she does not want it anymore. To summarize some of the conversation, Ms. Powell does not like losing her independence. She is upset that she is placed in a facility, she is upset she is not allowed to drive and the car and keys were taken away, she is upset she can no longer go to the bank and have access to her funds. She wants her car back and her wine that was taken away shortly after she bought it. She also wants her money. Lastly, she hates the facility. Though no matter where she is if it is not her home she is probably not going to like it.

Ms. Powell does not want the guardianship or conservatorship any longer. I advised her she will need to obtain a doctor's letter indicating that she no longer requires a guardian. Further, she no longer wants her niece, Karen Herbert to serve as the guardian and conservator.

Ms. Powell does have a cell phone. She has not spoken to Mary Bukowski for a while. It

sounded like they communicate on occasion, every week or so. Ms. Powell does want to visit with her. She wants to visit with everybody.

I spoke with Mary Bukowski regarding the Petition. Regarding the allegations that Ms. Powell was physically assaulted, she reported that she observed the staff surround Ms. Powell when she attempted to visit. Further, that after she received the shot she was somewhat groggy. She did not observe any actual physical assault. She reported that Travis Herndon is a para-legal at the office of Jerome Goldberg. That he had a letter from Mr. Goldberg authorizing him to obtain information from Ms. Powell for Mr. Goldberg. She admitted that she took Ms. Powell to Kroger on one occasion. She claimed she did not know that she had to sign Ms. Powell out and that she thought that she had permission because no one told her otherwise and no one stopped them as they were leaving. Further, that she had visited on numerous occasions without any problems. I explained that not only does she need to sign Ms. Powell out, that the guardian has the authority to determine who does or does not visit. I also explained that for the nursing home to give her any medical or care information regarding Ms. Powell would be a violation of HIPAA. She acknowledged that the nursing home administrator also told her that.

Ms. Bukowski told me that Ms. Powell called her immediately after my conversation with Ms. Powell.

Ms. Bukowski is the editor of her own newspaper, the Voice of Detroit. Attached is an article she published. I also viewed the November, 2022 online newsletter which has a video of the encounter at the nursing home when the police were called. I would suggest the court view it if possible. The video shows Ms. Bukowski refusing to leave when asked and is very confrontational. The police politely asked her to leave. She continues to question the police as to why and under

what legal authority. They inform her that she is trespassing and repeatedly ask her to leave. She asks what they will do to her. They repeatedly ask her to leave nicely, but after she continues they tell her she could be ticketed or arrested, but they don't want to have to do that and she should leave. On this occasion I did not hear anything about impounding her car.

I spoke with Shawn Bielecki, the social worker at the Orchards at Harper Woods. I asked about supervised visits. She reported that they normally don't, but that it may be possible to arrange.

Based on the above, I would recommend Mary Bukowski be given supervised visits, that Pastor Jerome Poole be allowed in the visit and any additional visitors be approved by the guardian. That the nursing home has the authority to terminate the visits if in its sole opinion there are any disturbances or inappropriate behavior. Further, that the court remove Ms. Karen Herbert with no finding of wrongdoing and appoint an independent guardian and conservator. The court may want to order an IME for Ms. Powell. Ms. Powell should be given an allowance if feasible. Lastly, that the matter would be reviewed in three to six months.

I informed both Ms. Herbert and Ms. Bukowski of my recommendation. Both are in agreement. Ms. Powell would agree except she wants to terminate the guardianship.

I declare under penalty of perjury that I have read the foregoing Report of Guardian ad Litem by me signed and that the matters therein contained are true to the best of my information, knowledge and belief.

Dated: January 11, 2023

/s/ Steven R. Geller

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