



AVIVA K. BOBB
SUPERVISING JUDGE

CHAMBERS OF
The Superior Court
PROBATE DEPARTMENTS
LOS ANGELES, CALIFORNIA 90012

TELEPHONE
(213) 974-1234

October 8, 2008

Mr. Robert Gettinger
10153 1/2 Riverside Drive, #153
Toluca Lake, CA 91602

Re: Conservatorship of Gertrude Gettinger - LASC Case Number GP 012 634

Dear Mr. Gettinger:

Assistant Presiding Judge Charles W. McCoy, Jr. has asked that I respond to your e-mail to the Court regarding the Conservatorship of Gertrude Gettinger. In connection with the concerns raised in your letter, I reviewed the court file in this matter.

As you know, this case is presently pending in the Los Angeles Superior Court and there is a Petition to Suspend the Powers of the Conservator set for hearing on October 24, 2008. It appears that your counsel, Attorney John D. Klinedinst, brought this petition on your behalf. We cannot comment on any petitions on matters which are currently pending before the Court. In addition, the Court cannot take evidence except in the courtroom at the time of the hearing on a duly filed and noticed petition. You should contact your attorney regarding this case and address further concerns to him. Please also note that Mrs. Gettinger has court appointed PVP counsel, Violet Boskovich, to represent her interests and that the court investigator is also involved in this case.

Please be advised that a copy of your e-mail and a copy of my letter will be provided to all counsel in this matter and will be placed in the court file.

Very truly yours,

Aviva K. Bobb
Supervising Judge, Probate

AKB:sw

c: Hon. Charles W. McCoy, Jr.
Assistant Presiding Judge
Philip Barbardo, Jr., Esq.
Violet Boskovich, Esq.
John D. Klinedinst, Esq.
File

Robert A. Gettinger

10153 ½ Riverside Drive #153 Toluca Lake CA, 91602
818 232-7938 818 415-4717 Cell 661-245-1867 Fax

October 19, 2008

Aviva K, Bobb
Supervising Judge
Probate Departments
Superior Court Los Angeles
California 90012

Re: Conservatorship of Gertrude Gettinger – LASC Case Number GP012 634

Dear Sir:

Thank you for your response regarding the abuse and theft from my 84 year old mother “Gertrude Gettinger” by her daughter Sylvia Schmidt and son in - law Gary Schmidt. Also involved are attorneys Christopher E. Overgaard, PVP counsel Violet Boskovich and Probate Court Investigator Michelle Bourret.

My problem is NOT with the court or the judge but the personnel who report to the judge and are suppose to investigate, protect and provide the court with ALL DETAILS for them to render a fair decision. PVP counsel Violet Boskovich and Probate Court Investigator Michelle Bourret have failed to provide the court unbiased and complete information which resulted in delays and over \$200k loss to my 84 year old mother. Info is ignored, witnesses are not interviewed, statements are changed, and biased opinions are added.

I have included copies of correspondence, documents and reports to support my concerns and show the problems that exist regarding persons who should be protecting the estate and person “Gertrude Gettinger”. I can be contacted for all details and a complete report. These documents are already in the courts possession, I understand you can not submit evidence to the court. Attached documents are only included to support my concerns and better explain the issues. Below is a summary that includes some of the problems.

PVP counsel Violet Boskovich

1. 11-1-2007 contacted via email did not contact the court about Robert Gettinger. She was aware the court could not locate him.

She is also aware Sylvia Schmidt lied to the court about his contact info, location and character.

2. 1-10-2008 contacted via email did not contact the court about Robert Gettinger, DID NOT REPORT OR ACKNOWLEDGE she was informed about a crime, or problem with the conservatorship. She did not inform Gertrude about her son’s presence. Boskovich ignores Gertrude’s concerns, fears and wishes as her attorney. I spoke with Boskovich via telephone several times; she ignored all my concerns and told me there was nothing I could do. Nor would she do anything as Gertrude’s counsel. I have a witness who was present during a speakerphone conversation with Boskovich when she made such statements.

3. 02-22-2008 During the Confirm of Sale of Real Property Boskovich was informed that Gertrude **DID NOT WANT TO SELL**

verbally and in writing. Court transcripts show the judge stated after reading the allegations he suggested stopping the sale for 30 days of further investigation. Boskovich told the judge “go ahead and sell it”. This was not Gertrude Gettinger’s wishes. This resulted in over \$200k worth of tax liability loss, loss of evidence of the crime scene where the abuse by Sylvia had taken place.

4. 08/2008 Interview with Dr. Trader Boskovich failed to inform the Doctor that prior to Robert’s appearance Boskovich attempted to make a will for Gertrude Gettinger. This will INCLUDED Robert Gettinger and did NOT INCLUDE Sylvia Schmidt. Dr. Trader had stated in his report that Gertrude had changed her position as a result of





Robert's appearance when in fact she had not.

Boskovich continues to not be totally forth coming with information and facts since she is now aware that her actions may result in legal issues due to her not representing or protecting her client. It's in Boskovich's best interest for the court to find Gertrude in-competent thus she does not offer info, facts and data which might support Gertrude's true mental status. Gertrude states that Boskovich takes advantage of her by billing her for visits which are not needed. Boskovich's statements are verbatim to Sylvia's statements and do not reflect actual conversations or wording used by Gertrude.

Probate Court Investigator Michelle Bourret
6 -19 -2008 Filed a report

1. Gertrude speaks English as a second language and German as her native language. Several misunderstandings occur during the interviews which support the language barrier. Spanish speakers in the US are offered Spanish speaking translators to avoid mis-understandings. Bourret misunderstood Gertrude concerning the theft September 2006. When I attempted to explain and offer the September 2006 Police report Bourret refused any clarification or supporting documents nor did she re-contact Gertrude.

Examples:

A. Bourret stated "Your mother said the jewelry does not belong to her". A Police report exists supporting it does belong to her.

B. Gertrude explained that mail forwarding was taking place **prior** to the conservatorship, Bourret did not understand and discounted it stating the conservator has the right to forward mail. (However NOT before the conservatorship is in effect).

C. Bourret refers to a local English - German newspaper as a "foreign newspaper". Inferring what, that it comes from a foreign country? It is printed in Downtown Los Angeles and mailed weekly. Current mail forwarding has stopped delivery to Gertrude.

Bourret appears to defend acts by the conservator and minimizes or rejects what the conservatee states. Bourret should only be gathering info and statements and allow the court to decide what is right or wrong. The court has never heard from Gertrude in person, Bourret should record Gertrude's statements when possible. Bourret spends most of her report and time allowing Sylvia Schmidt to make defensive statements, when Sylvia has the luxury to address the court in person without Gertrude present to defend herself. Gertrude has never had the right to defend herself or be heard by the court. Her only voice is her counsel and probate investigators who have never fairly represented Gertrude.

2. Bourret fails to list all of Gertrude's "accusations as she calls them" and merely states "Gertrude continued on with a **variety of accusations**" How does one ascertain a crime has been committed when the investigator ignores or skips what the victim states? Combining them into one statement and calling them a variety of accusations? Bourret should be taking Gertrude's "statement in full detail as she has done for Sylvia Schmidt. For an investigator to be stating one parties statements are "allegations" and not using this term for others shows unfair bias. All parties are making statements not accusations. Please see attached Police report for proper use of terms and statements regarding Sylvia attempting to force this conservatorship prior to its inception.

3. Attorney for Sylvia "alleged" to hire a Private Investigator "Michael Jay", search found no such person exists in CA that is licensed nor does Sylvia provide a bill or proof of such. Bourret was informed and offered documents proving Overgaard used a "Michael Jay Movius" not a licensed PI but a person in the same office as attorney Overgaard . She did not investigate this or the perjury committed by Sylvia used to form the conservatorship on false grounds. This is also the basis of my complaint and was totally ignored or minimized. Bourret had the nerve to state to me "How do we know Overgaard's law partner is not a PI he may be one?"

When this info was submitted in court via declarations Overgaard shortly after removed himself as attorney for Sylvia Schmidt.

Why did Bourret NEVER question Sylvia about lying to the court about my location, knowledge of my address? My entire complaint

to Boskovich and to Bourret was based on the fact that Sylvia had my address and knowledge to locate me. All left out why?

4. I visited Dr. Liu after a 1 year old letter was used by Sylvia regarding my mental affect on Gertrude. I only asked the doctor one question knowing that only the conservator is allowed medical information access. "Did you write this





and is it still in complete form". Dr. Liu stated: Yes but Sylvia changed the date. She said she would not use the letter. Sylvia is a Doctor Jeckle Mr. Hyde, she was very nice at first and when I would not alter my diagnosis (in the Letter) she became angry, degrading and used foul language with me and my staff. To the point I asked her to leave and would no longer see her or your mother. I was not going to lose my medical license by changing my diagnosis. Your mother is not in that poor of condition. The doctor's staff also witnessed my appearance as well as Sylvia's abuse. After hearing my statement Bourret got the Dr. to say "both children are manipulative" which leads me to think Bourret informed the Dr. about more then what was needed. Why would he state "I was manipulative" if I had only asked him one question during one 5 minute visit? Bourret fails to consider the point "Sylvia wanted the Dr. to change his diagnosis" thus the berating and anger when he did not. Bourret focused on the fact that Sylvia did not change the content, although she did alter the date. Why is the conservator asking the Doctor to change a diagnosis? What did Sylvia report to the court for the reason of change of Doctors? See attached Statement by Sylvia.

5. There is evidence that mail forwarding was begun by Sylvia Schmidt months prior to the conservatorship (2005) to gain access to financial records and stop Gertrude from being able to pay her bills on time plus cutting off water and power. This was ignored by Bourret who has the power to contact US postal records. Bourret only repeats my "allegation as she calls it" however she does nothing which provides the court proof. Simple issues such as this are ignored which could quickly solve many questions.

6. Evidence shows that Sylvia Schmidt and attorney Overgaard perjured themselves and gave false information to the court to form the conservatorship. A doctor's letter had been altered (Verified by Bourret). The original report which the conservatorship was based on was not directly sent to the court, it was handled solely by Overgaard. Gertrude was never properly served. The documents were given to a nurse, who was suppose to give them to a doctor who was then suppose to serve them to Gertrude. While this info is in current court documents, Bourret failed to contact Dr. Lawrence Tucker regarding the report or proper service. Mail forwarding was in effect from the start, there for Gertrude never received **ANY** court documents via mail. Sylvia would drop off one or two when she needed. Which Gertrude would then state she received "**some documents** not knowing what she should have received" not all of them in complete form. This explains Gertrude's excitement when her son showed her all the documents she should have received from the onset. Plus her added anger towards Sylvia for withholding this information. It's my understanding that Gertrude has the right to receive mail at her residence as well as documents mailed to her by the court.

7. Court documents show the probate department was given the wrong address and never did any accounting of Gertrude's personal property at her home at 1259 N. Bronson Ave. LA CA 90038. This also included property of Robert Gettinger who had lived there for over 30 years. Sylvia never presented the court with any detailed list of personal property from over 80 years of life.

8. Bourret never requested the letter written by Sylvia Schmidt regarding her mother which she mailed to K. Westheimer. Note: Conservatee gave me the address of her employer "Westheimer" and asked me to contact her that she was aware of what took place between Sylvia and Gertrude prior to the conservatorship. I contacted Westheimer via telephone, she shared details but told me she would only give the letter to the court if requested legally. Further she stated she was 89 years old and did not want to get involved. She shared info freely with me but stated she required a court order if questioned. She told me she offered Gertrude a lawyer, a safety deposit box and help when she found out what Sylvia was doing. Gertrude declined and stated she could handle it alone. Westheimer's info is paramount in that Gertrude was driving her car and working during the time Sylvia Schmidt states Gertrude was unable to care for herself. Westheimer also has a letter from Sylvia which contains information regarding this. Bourret never mentions the letter in her report or to Westheimer. Bourret instead adds statements which would lead anyone who reads them to assume Robert acted alone in contacting Westheimer and she only knows what Robert told her. This is mis-leading, incomplete and sends the wrong message to the reader.

9. In Bourret's Conclusion: she states: "Mr. Gettinger has contacted and INUNDATED county agencies". In a "QUEST". Bourret's obvious non-neutral investigation injects her own conclusions with false words and personal statements like "allegations, quests, inundated, admitted" and statements like "what did you hope to achieve with your accusations". Bourret's report should contain data, statements and info concerning the case without malice or self opinion. Statements regarding who reported and how they reported should be included however without Bourret's personal opinions and additions such as "INUNDATED". Had Boskovich acted when contacted as required no emails would have been sent.





10. Bourret leaves out my complete statement that "I pay my taxes and use my current mailing address" thus I can be located by my Social Security number. Instead she states I said "I pay my taxes" as if I'm demanding service for taxes paid to the county. Bourret fails to consider Sylvia lied to the court stating I was living in another country, using someone's name and could not be located. Plus lies I had stolen money from my mother. Sylvia never provided any documents, police reports or Private Investigator reports to support any statements. Where do allegations end and verified statements begin when nothing was verified to form this conservatorship nor was anything checked by Boskovich or Bourret.

11. Several direct witnesses were ignored by Bourret. Ron Dorwart who made an official declaration and attempted to file a Police Report who witnessed Sylvia's odd and abusive behavior was not contacted. Bourret should not have the right to rule out witnesses or exclude complete statements. Especially if these witnesses and statements are within the original complaint.

12. Bourret should personally check the sign in book at Regency Park Oak Knoll where Gertrude resides to confirm an accurate account of visits by Sylvia Schmidt. The home has over 100 residence which makes it impossible for one manager's account to be accurate. Gertrude's written diary of visits differs greatly from what was reported. Often Sylvia does not sign out to further confuse the staff. This can be confirmed by speaking to Joy Desideri Room #106 friend of Gertrude. The home receives over \$3200 a month from Gertrude's estate which creates a conflict of interest which should be considered. A thorough and good investigator will check documents, they don't leave room for chance or error by others.

From the report of Bourret it appears the Court Probate Investigators do not want to be bothered nor contacted if anyone has a concern. I contacted Bourret's supervisor Frank Cowen several times regarding this matter and was ignored. I suggest if these people don't want emails sent to persons higher in office they do their jobs. Again if Boskovich and Bourret did their jobs I would not be contacting anyone. Did I really have a choice or does my mother have the luxury of allowing this disgrace to continue?

Christopher E. Overgaard

11-2-2007 contacted via email, did not contact the court about the appearance of Robert Gettinger. Did not forward any or all court documents until many months later and then sent them to the wrong address never given to him. Also he deleted many important documents from what he finally mailed months later. I can understand this knowing he's paid by Sylvia Schmidt.

The court recently allowed Robert Gettinger to pick one of three doctors for a neutral exam of his mother. The doctor's info was provided to Sylvia Schmidt who quickly took the liberty to write Dr. Trader personal letter(s). This correspondence was done prior to Gertrude and Robert's (without court permission) interview which taints or alters the Doctors opinion unfairly. It's this sort of interference, twisting of facts, altering info and constantly changing doctors which allows Sylvia Schmidt to mislead the court.

I strongly and respectfully suggest Los Angeles County Elder Abuse Forensic Center and or Los Angeles Sheriff department Elder Abuse unit Sergeant Brian Morris be involved and investigate. Gertrude has lost her home, all her belongings of 80+ years, over \$200K in new tax debts and her family, destroyed by a jealous and mentally ill daughter who's still allowed by the court to abuse her today. It's a shame that all Sylvia had to do is tell someone her mother is crazy resulting in the loss of her rights and possessions she worked so hard for. Sylvia has abused the system, mis-led the court with the help of uncaring county staff.

I beg the court that Sylvia Schmidt be suspended of her powers immediately as to not hinder further investigations and allow her to destroy evidence and continue to abuse Gertrude Gettinger. Gertrude has already suffered enough.

Finally:

If someone has knowledge of wrong doing, a crime or abuse for a conservatorship who do you contact? I contacted the PVP and the Probate Court Investigators and they did nothing. They did not contact me and ask for all my evidence and info. This is prior to having to spend \$30k on an attorney. They did not even inform the court that I contacted them or of my presence when all relatives have a right to be informed of a conservatorship. This refusal to act once the wheels are already in progress and admit that perhaps something is wrong does not seem to sit well with Probate staff or PVP counsel. Thus the reluctance to accept evidence, see that something might be wrong, or





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December 15, 2009

make things right. Bourret and Boskovich do not like the fact that I've brought to their attention that they might have missed something or done a sloppy job. What's happened to Gertrude Gettinger can never be made right, what can be done is her wishes be understood and respected. This is not what should happen to senior citizens in their so called "Golden Years". Boskovich and Bourret have nothing to lose compared to Gertrude Gettinger. They should be ashamed of themselves as they hold positions and make decisions that can cost others a life time of pain and loss.

I would be happy to submit to a polygraph (at my cost) for the court to understand my dedication, devotion and integrity regarding this matter and my only mother Gertrude Gettinger.

Sincerely and Respectfully,

Robert A. Gettinger
son of Gertrude Gettinger

