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By Samantha Joseph

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Probate Court Critic Should Pay for Breaching Settlements, Estate Guardian Says



J. Albert Diaz Circuit Judge Michael A. Genden, Circuit Probate Division, 11th Judicial Circuit of Florida

Coral Gables attorney Liz Consuegra Messianu and her client, probate court-appointed guardian Comprehensive Personal Care Services Inc., want to hit critic Sam Sugar where it hurts—his bank account.

In a [recent court filing \(http://pdfserver.amlaw.com/dbr/Sugar.pdf\)](http://pdfserver.amlaw.com/dbr/Sugar.pdf), Messianu argues that Sugar has cost Comprehensive Personal Care money, damaged the “entire Florida probate community” and provided numerous media interviews that violated confidentiality clauses in two settlement agreements.

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“Sugar must pay economic damages,” Messianu wrote in a petition dated July 12.

The filing comes in an ongoing adversary proceeding in a guardianship case pending before Miami-Dade Circuit Judge Michael Genden. Hearings in the case are set for August and October.

The longrunning dispute focuses on the estate of Sugar’s mother-in-law, who died in 2013. The court battle pits Messianu and Comprehensive Personal Care against Sugar, a semi-retired doctor who heads an elder abuse advocacy group called Americans Against Abusive Probate Guardianships.

Messianu’s client was plenary guardian of property belonging to Sugar’s mother-in-law, Idelle Stern, a wealthy widow whose four daughters spent years fighting over her multimillion-dollar estate.

Sugar, meanwhile, joined his wife, Judy, in battling her sisters Joyce Genauer, Rochelle Kevelson and Tikvah Lyons. Each side accused the other of siphoning millions from Stern.

Sugar, who has lobbied for legislative changes and guardianship reform in Florida and elsewhere, is an outspoken critic of the probate courts and guardians. He claims that Stern’s estate dwindled from \$12 million to \$6 million over five years because of mounting legal fees.

The sisters claim Sugar manipulated their frail mother to gain control of her wealth. After they petitioned to have their mother declared incompetent in 2010, the court made Stern a ward of the state and appointed Comprehensive Personal Care Services as guardian.

Until then, the Sugars had been managing Stern’s affairs, but Comprehensive Personal Care Services replaced them and filed suit for elder abuse and civil theft.

Settlement agreements reached in 2011 required Judy Sugar to repay \$750,000 out of her inheritance from Stern’s trust. The agreements also included confidentiality clauses barring the parties from making or encouraging “negative, disparaging or derogatory” statements about each other.

Messianu’s recent petition against Sugar claims that he’s violating the confidentiality provisions in the settlements. It says Sugar has engaged in “a brazen pattern” of spreading false information through various media outlets, including the Miami Herald, radio interviews, social media posts, YouTube videos and publications on Sugar’s website.

“Sugar’s continued breach of the settlement agreements must be enjoined to stop his wanton and malicious publication of libelous accusations against the guardianship court and the parties, which have no basis in fact,” Messianu, a partner at Lubell Rosen, said.

Sugar declined comment. His attorney, Michael Schlesinger of Schlesinger & Associates in Miami, did not respond to requests for comment by deadline.

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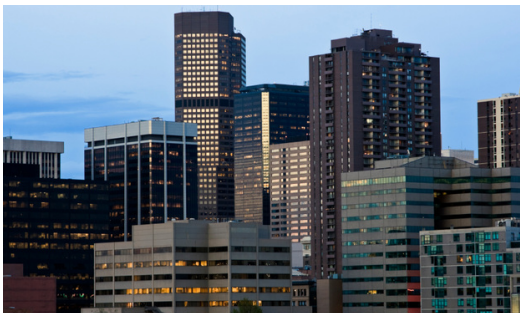


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