

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ORANGE

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In the Matter of

the Application of

Yehuda Friedman,

for the Appointment of a

Guardian of the Person

Yoel Friedman,

A Person Alleged

to Be Incapacitated.

PETITION

Index No.

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The Petition of Yehuda Friedman respectfully shows the following:

1. Yoel Friedman (hereinafter "Yoel"), the person alleged to be incapacitated, is 37 years old ears of age and resides at 8 Hamburg, Unit 102, Monroe, NY 10950. Yoel is in need of immediate medical care. He is refusing same. With no reasonable explanation and I believe is currently incapacitated by his illness and is being improperly influenced by his older brother Benzion. He has no prior history or diagnosis of an any mental illness.

2. Yoel resides with his wife, Sarah and their two (2) eight (8) year old twins.

3. Yoel has never had a history of refusing medical treatment. Upon information and belief, he recently at work has been struggling and his health has begun to increasingly deteriorate.

4. On or about August 20, 2018, Yoel was brought to the hospital, Orange Regional Medical Center. Our brother, Isaac Friedman went to visit Yoel on August 22, 2018. Upon information and belief, Yoel is not acting in a sane manner. He is refusing medical treatment. This

is unlike him.

5. On August 20, 2018, when Yoel was brought to the hospital, he instructed that our brother, Isaac come and visit him. Isaac went to visit Yoel on August 29, 2018 while he was still hospitalized. Yoel was still hooked up to all of the machines. Isaac had asked our brother why he was there. Yoel's response was, "no one likes me and they are fighting with me". Yoel was asked where his Wife was. His response was that she called the police and the ambulance. Even though this wasn't true he used it as the basis to refuse to allow he access to his information or his room or doctors. At the conclusions of visiting hours on Wednesday, our brother stated to Yoel that he was going to return back the next day with his Wife and children. The following day, Yoel called and stated that he did not want any visitors.

6. On Thursday, August 23, 2018, Yoel was taken out of the intensive care unit and his IV was removed. He again refused any medication. Yoel is being directed by our older brother, Benzion to refuse medical treatment, who has a history of toxic, manipulative, divisive behavior. Yoel also decided that he would only let certain people visit him and the visits were short. It appeared that once he got whatever it was that he wanted from his visitor, he then made them leave right away.

7. It is my understanding that the nurse stated to Yoel that he needed to add people to his list of visitors and that he needed to schedule a catscan. He tried to call our brother Benzion. Unfortunately Benzion did not answer Yoel's call. Yoel begin to say to the nurse, "I have to make my own decisions", "what am I to do". Yoel stated to the nurse that he would add more people to the list. He further stated okay to scheduling the catscan.

8. Shortly after, Benzion returned Yoel's phone call. He immediately changed his entire demeanor and the way that he was speaking. He was speaking with Benzion as if he was a one year

old child. He was upset that Benzion did not answer that phone and appeared to be terrified and frightened that he had to make his own decision to the nurse. He needs further treatment and is refusing it.

9. Our brother, Isaac spent the entire day with Yoel on Friday into Saturday. Yoel initially was walking with a walker on Friday upon his arrival. The following day, in the morning, Yoel was tired, his blood pressure was low and had only eaten a little bit. By the afternoon, Yoel was unable to take more than two baby steps without losing his balance. Our brother tried to discuss with Yoel that he was increasingly losing weight. Yoel acknowledged that he was losing weight, but did not know why. His health continues to be a great concern to all of us and he is refusing to let us intervene and help. He will only speak to Benzion and let Benzion speak for him. I know they own a business together. I believe this created a conflict of interest for Benzion to be responsible for Yoel's medical decisions, not to mention the fact that Benzion's decisions are detrimentally effecting Yoel's health.

10. Our brother tried to speak with the Nurse to obtain who the cardiologist was that Yoel was going to seek treatment with. After the Nurse stepped away from her station, upon her return, she stated to our brother, Isaac that Yoel refused to allow for the nurse to disclose who his cardiologist was. Our family is very upset with Yoel refusing to seek medical attention.

11. Benzion, our older brother is approximately fifty two (52) years old and lives in Monroe, NY. He has a history of acting in a manipulative and toxic manner to other people both in our family and beyond. He creates toxic environments, takes extreme positions and sows discord and conflict. Now he placing our brothers life in danger for no good reason or no reason at all. He is single, not stable, and disruptive. He tries to get people to do whatever he wants and ruins their lives. He tries to tell people that they have no self confidence and he is going to give them self confidence.

He is a manipulator. He always has been. He diligently attempts to separate husbands from the wives for his own motive and is doing so now.

12. Benzion Friedman is not mentally stable. He suffers from some mental issues.

13. Treatment for Yoel is paramount for his health as he presently refuses any sort of assistance in regards to his current medical condition. Every member of our family, brothers, his Wife, and his children, friends are all requesting Court intervention as he has offered no rational reason to refuse treatment. His actions are irrational. It is imperative a guardian be assigned to Yoel in order for him to receive the treatment necessary as he is unable to grasp the gravity of his deteriorating health. It is respectfully submitted that I be appointed guardianship of Yoel and that I would like to be able to provide such assistance to him.

14. It is respectfully submitted that Yoel is unable to provide for his personal needs and is unable to understand or appreciate the nature and consequences of such inability. Upon information and belief, Yoel is being irrational which is greatly impeding his functions and his ability to make sound decisions. Yoel refused treatment as mentioned above. Yoel is married and has two (2) young children, twins, that are eight (8) years old. Along with Yoel's Wife, we all believe that he should have the necessary treatment however, Yoel refuses to listen to anyone's advice, except Benzion and offers no rational reason for said refusal.

15. It is respectfully submitted that by reason of Yoel's mental infirmities, Yoel is likely to suffer great harm due to his inability to provide for his own personal needs and his inability to understand and appreciate the nature and consequences of his said inability. It is respectfully submitted that it is in Yoel's best interest I, Yoel's brother be appointed as his Guardian. It is further submitted that said appointment is the least restrictive form of intervention appropriate to him.

16. The following powers in respect of the personal needs of Yoel are being sought for the Guardian to be appointed herein:

- (a) To determine who shall provide personal care and/or assistance;
- (b) To make decisions with respect to medical treatment to be provided; and
- (c) To access and release all of Yoel's medical records in order to provide for him proper medical treatment.

17. Since Yoel is unable to provide for his personal needs, it is respectfully submitted that he will suffer great harm to himself if the Guardian to be appointed herein is not authorized to provide fully for his medical needs.

18. These powers are sought for an indefinite period of time given Yoel's physical and mental incapacities, and the likelihood that there will be no improvement in his condition. No additional powers are sought at this time.

19. The Petitioner respectfully requests that the Court appoint Yehuda Friedman as Guardian of Yoel, as he is the brother of Yoel and the person most willing to assume these responsibilities.

20. Please see the sworn Affidavits of Sarah Friedman, Yoel's Wife, attached hereto as **Exhibit A** along with the Affidavit of Moses Witrol attached hereto as **Exhibit B**.

21. I am forty six (46) years of age and currently am a salesman. I am married. I have children. I also have beautiful grand children. I reside in Brooklyn with my Wife and our children. I am highly competent. I respectfully submit that appointing me as the Guardian is in Yoel's best interest and is the only option to keeping Yoel alive and well. I am greatly concerned about my brother's health and greatly concerned that he is refusing treatment. His Wife is greatly concerned about Yoel's health and out of the blue irrational refusal of medical treatment. I have a strong bonded

relationship with Yoel. I am able to communicate well with Yoel.

22. Moreover, additional resources have been considered but their suitability and reliability do not meet Yoel's needs.

23. Yoel is currently still admitted at Orange Regional Medical Center. He is refusing treatment and is unhooked from the IV and all machines and refusing all diagnostics and intervention services against medical advice. The hospital will not discharge him at this time. Every day that goes by and he refuses the treatment he is getting irreversibly worse, losing weight, stamina, agility, muscle mass, etc.

24. Yoel's entire family including his wife, children, other siblings and parents all support this application. Upon information and belief, all except Benzion Friedman.

25. No previous application has been made for the relief requested herein.

WHEREFORE, Petitioner requests respectfully this court issue an Order granting the following:

a) Declaring that Yoel is incapacitated as that term is defined in Mental Hygiene Law § 81.02(b) because he is unable to provide for his own personal needs;

b) Appointing the Petitioner, Yehuda Friedman herein, as Guardian of the person and property of Yoel, with the powers requested herein including but not limited to:

(1) To determine who shall provide personal care and/or assistance;


(2) To make decisions with respect to medical treatment to be provided; and

(3) To access and release all of Yoel's medical records to the Guardian in order to help direct proper medical treatment for Yoel; and

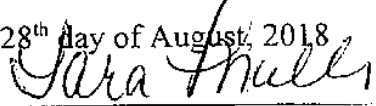
(4) for an order directing no contact and a 1000' stay away order of protection in favor of Yoel against Benzion Friedman; and

(5) Granting such other and further relief as this Court deems necessary.

Dated: August 28, 2018
Chester, New York



Yehuda Friedman

Sworn to before me on this
28th day of August, 2018


Notary Public

TARA LYN MULLER
NOTARY PUBLIC STATE OF NEW YORK
ORANGE COUNTY
LIC. #01MU6090838
COMM. EXP. 06/14/19