

PRE TRIAL STATEMENT BY JASKOWIAK 2/7/24

"Cry Baby" jaskowiak, also known by many as "Jack Ass" jaskowiak filed this piece of garbage "on behalf" of Mother, his client, assigned by corrupt judge weilheimer on May 21 2021 after sister/camp filed the petition for guardianship on Mother on May 18 2021. Camp did not send me the petition by email until May 25 2021, giving NO time for Mother to find a lawyer. Mother had the RIGHT to have her own lawyer. The mafia wanted to keep total control on Mother in every way for her vast assets.

Cry baby never defended any complaint or petition by me during this scam. All he does is insult and condemn me using every word he can think of. That is the tactic used nationwide called "demonizing" by the corrupt guardians and lawyers. By lying constantly about a person, who has proven their love for the victim in ownership, the mafia uses their lies to punish the family member in various ways, usually by denying visits to the loved one. Cry baby's many insulting words are clear through out his garbage papers.

On page 3, he claims as a fact that I was videotaping Mother against a court order. Several months later, there was the contempt trial based on what jaskowiak claimed. His paid off liar (monitor) Mary Ellen was on Zoom. I proved she lied and cry baby lied. Sterling denied the contempt, something cry baby had done twice before to put me into prison to shut me up and to make money, about \$5,000 each time.

If this scam did not involve my Mother, it would be funny how cry baby IGNORES the FACTS and only makes up lies to lie, insult and demean a person. What a egotistic, self centered, pathetic excuse as a lawyer and person. The FACTS prove it.

2/7/24

**IN THE COURT OF COMMON PLEAS
OF MONTGOMERY COUNTY, PENNSYLVANIA
ORPHANS' COURT DIVISION**

NO. 2021-x2110

**IN RE: JANE T. HERRING,
AN INCAPACITATED PERSON**

PRE-TRIAL STATEMENT FILED ON BEHALF OF JANE T. HERRING

Jane T. Herring, by and through her Court-appointed counsel, David A. Jaskowiak, Esquire, hereby files this Pre-Trial Statement in advance of the hearing on multiple pending petitions and motions which is scheduled to take place on February 16, 2024.

A. Matters at Issue.

The issues now pending before the Court can essentially be grouped into five categories: visitation restrictions, a potential change of the Guardian of the Person, compensation of the guardian's attorney, annual gifting to Jane's children, and Arthur Herring's ongoing misconduct, disregard for law, court rules and facility regulations. The pending petitions and/or motions are as follows:

1. Arthur Herring's Petition to Remove Guardian of the Person Pamela Blumer *(Filed 10/19/23, e-thread #89)*
2. Arthur Herring's Petition to Compel Guardian of the Estate Ronald Fenstermacher, Esquire, to Make Compensation to Arthur Herring *(Filed 11/27/23, e-thread #95)*
3. Pamela Blumer's Petition to Appoint Successor Guardian and for Approval of Fees and Expenses *(Filed 12/6/23, e-thread #96)*

- Answer to Arthur Herring (*Filed 12/20/23, e-thread #99*)
 - Answer on behalf of Jane Herring (*Filed 12/21/23, e-thread #100.1*)
 - Answer on behalf of Jill Herring (*Filed 12/26/23, e-thread #100.2*)
4. Third Motion for Contempt filed on behalf of Jane Herring (*Filed 12/21/23, e-thread #100.1*)
- Answer of Arthur Herring (*Filed 12/20/23, e-thread #101.3*)

B. Statement of the Facts

1. Arthur Herring's Behavior

At the root of each and every one of the pending multiple petitions now before the Court is one person: Arthur Herring. Without question, this matter is one of the most, if not the most, litigated post-guardianship matters in Orphans' Court. The litigation has been spawned by one man, Arthur Herring, whose unfortunate denial of his mother's declining cognitive condition and her need for care has led him on an relentless mission of harassment and intimidation against anyone associated with this case—or, for that matter, anyone associated with anyone who is associated with this case. He has threatened anyone who stands in his way from getting what he wants. He is obsessed about a possible inheritance (even at a significant cost to his 98 year old mother and her estate). His ongoing, deliberate refusal to respect any authority, whether those rules established by this Court, those proscribed at law, or those set forth by the facility (Manatawny Manor) for the health, safety, welfare and protection of its residents represents the mind set of one who thinks he is above any real consequences for his actions. His persistent rants and rambling accusations have been vicious, defamatory and threatening.

To be clear, Mr. Herring's behavior is not just of an emotionally distraught, 70 year old man who is upset at the thought of facing the unfortunate reality of his mother's condition. If

that were the case, Mr. Herring would not have taken a hiatus from visiting his mother in the five month period between May through October 2023. Indeed, these proceedings are not really about Jane Herring. It is all about what Mr. Herring wants. To that end, he has been intent on embarking on a campaign of what can only be called “unholy terror” upon anyone associated with this case. That campaign includes verbal abuse, harassment and published defamatory content. More recently, Mr. Herring, in his last visit to see his mother on December 20, 2023, used a cell phone in what has been described by the visitation supervisor as video and audio taping of both his mother and her. For his part, Mr. Herring does not dispute that he was certainly acting like that is what he was doing—if not actually doing it. *See, Arthur Herring's Response to the Third Motion for Sanctions, para. 24.* Thus, Mr. Herring was either violating Pennsylvania wiretap law or he was “faking it” with the sole intent of harassing, upsetting and/or terrorizing the visitation supervisor. Whatever the answer, his actions served no legitimate purpose, and they were completely unjustified.

Mr. Herring continues to try to make a mockery of this Court's rules by openly flouting them. Considering that he has already had two separate periods of incarceration for his defiance of this Court's multiple orders, he must now be considered a recidivist. The aim of Mr. Herring's plan is simple: Harass, intimidate and terrorize individuals involved with his mother's case until he gets what he wants. The evidence at trial will demonstrate that Mr. Herring has made multiple statements showing his actions are deliberate when he stated:

“What I recommend is spend a couple of hundred dollars, hire a private investigator . . . then send letters out to their neighbors and tell them what they are and what they are doing. That embarrasses and humiliates them.”

“That’s the same thing that you have to do here. Let the neighbors know what they’re doing. It might cause them to think twice about keeping the case.”

While Mr. Herring certainly may have the right to certain free speech protections under the First Amendment, he does **not** have the right to interfere with Jane’s care, to harass, intimidate, stalk and demonize care providers, to openly and contemptuously try to force resignations of those individuals providing needed services to Jane, and to flout the Orders of this Court. By his actions, Mr. Herring is purposely interfering with his mother’s much needed care. His unjustified behavior must end **now**. And, for Jane Herring’s sake, Mr. Herring must be sternly sanctioned by this Court so that it does not happen again.

2. Resignation of Pamela Blumer as Guardian of the Person and the Nomination of Cynthia Ellis as Successor

While there is no opposition to the resignation of Pamela Blumer as Guardian of the Person, it should be noted that she has served now for approximately 21 months faithfully and diligently---and under the most difficult of circumstance in light of Arthur Herring’s behavior. It is proposed that Cynthia Ellis of 4Life Care be appointed as successor guardian. As set forth in her credentials, Ms. Ellis is highly experienced and eminently qualified to step into this role so that Jane Herring may get the care she requires.

3. Arthur Herring’s Demand for Gifting by the Guardian of the Estate

Simply put, it is the position of this counsel that Arthur Herring has **no** legal right whatsoever to demand that “annual gifting” take place from his mother’s guardianship estate. Mr. Fenstermacher is within his discretion to forego that expenditure, **especially** in light of the

extraordinary cost to which Mr. Herring has subjected the estate by his relentless litigation and improper conduct. Furthermore, to provide Mr. Herring with additional financial resources would only, in the end, wind up costing his mother's estate more because he is likely to use that gift money to fund his unholy war. Mr. Herring's Petition for Compensation must be summarily denied.

C. Witnesses

The following witnesses are expected to be called at the time of hearing:

1. Arthur Herring (*As-on-cross*)
2. Mary Ellen N. (*Visitation Supervisor*)
3. Pamela Blumer (*Current Guardian of the Person*)
4. Ronald Fenstermacher, Esquire (*Current Guardian of the Estate*)
5. Cynthia Ellis (*Proposed Guardian of the Person*)

Jane Herring and her counsel reserve the right to call any witnesses identified by any other party in their Pre-Trial Statements or as may be referenced in the above exhibits.

D. Exhibits

- P-1. Supervisor Notes
- P-2. Manatawny Manor Notice, RE: Video, Audio
- P-3. Arthur Herring Note to Jane Herring
- P-4. Arthur Herring Business Card
- P-5. 08/06/21 Transcript (p. 190-191)
- P-6. 10/07/21 Order
- P-7. 12/15/21 Order
- P-8. 12/21/22 Order
- P-9. 12/19/21 Order
- P-10. 11/16/22 Supervision Agreement & Order
- P-11. 02/16/23 Amended Order
- P-12. 07/24/23 Order
- P-13. 11/29/23 Email
- P-14. Motion to Demand Removal
- P-15. Arthur Herring Letter Dated 12-18-23
- P-16. Arthur Herring Letter Dated 12-27-23
- P-17. Arthur Herring "Cease and Desist" Letter Dated 2-4-24

- P-18 Excerpts from Arthur's Podcasts
- P-19 "Guardian Problems" Article written by Arthur Herring
- P-20 Copies of any subpoenas obtained and served by Arthur Herring in advance of this hearing
- P-21 Cynthia Ellis' Affidavit of Consent, Criminal Background Clearance, and Insurance Information
- P-22 Excerpts from Court Pleadings

Jane Herring and her counsel reserve the right to amend this list and to use any exhibits identified by any other party in his/her Pre-Trial Statement.

Respectfully Submitted,



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