



2022

D. BRICHACEK

vs.

L. SWEET

CI 22-27299

Sponsored by the
Nebraska State Bar Foundation
and its State Center for Civics Education

<https://www.nebarfnd.org/civics-education/mock-trial-program/mock-trial-2022>

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NEBRASKA STATE BAR FOUNDATION
P.O. Box 95103
Lincoln, NE 68509-5103

MEMO

TO: ALL MOCK TRIAL PARTICIPANTS
FROM: Doris J. Huffman, Executive Director
RE: 2022 Judge Lyle Strom High School Mock Trial Program
DATE: August 2022

On behalf of the Nebraska State Bar Foundation, I welcome your participation in the 2022 Mock Trial Competition! This year's Mock Trial problem is a civil case. Plaintiff, as Conservator for Sheldon Brichacek, alleges Defendant illegally took personal property and funds from Sheldon Brichacek. This property includes a painting, a diamond with an appraised value of \$21,500.00 and several other pieces of personal property.

Plaintiff has set forth two claims seeking relief. The first claim is for replevin, seeking the return of the painting that is still in Defendant's possession. The second claim is for conversion, seeking money damages for funds Plaintiff alleges Defendant took and for personal property Defendant allegedly took but no longer has in her/his possession.

Defendant responds that Sheldon Brichacek gave these items to Defendant. The parties agree that Sheldon Brichacek is undisputedly and currently suffering from a progressive form of dementia making him incapable of forming donative intent. The issue is whether, at the time the transfers of possession occurred, did Sheldon Brichacek possess donative capacity, that is could he know the extent and character of his property, the natural objects of his bounty, and the nature of the gift he is making. *In re Kleebs Est.*, 211 Neb. 763, 767 (1982).

Students – You will experience what it is like to prepare for and present a case before a jury. Additionally, you will learn to evaluate information, respond quickly, and sharpen your public speaking skills. The greatest benefit of Mock Trial is the opportunity to learn how the legal system works, and this knowledge will help you as an adult. By studying and understanding courtroom procedure, you should become more comfortable with federal and state laws as part of the legal system. Your interaction with some of Nebraska's finest attorneys and judges will provide you with a glimpse of the different interpretations of trial procedure.

Teacher Coaches, Attorney Coaches and Judges – I strongly encourage you to focus on the goal of participation by students rather than stressing competition while preparing your case. Your contributions of time and talent are making this experiential educational opportunity available to Nebraska students. Plus, your participation is an essential element to the program's success, and you can be proud of the positive impact you've made on the lives of these students. Thank you so much!

Student News Reporters Contest – Students will be able to participate in this educational component at both the Regional and State Competition.

NOTE – Several of the Competition Rules have changed. Each school may have up to four teams, and every team may have a minimum of six and a maximum of nine students. One significant change is the implementation of the National Timekeeping Rule (Nebraska Rule 13) – counting up and using the Bar Foundation's laminated timecards. Other Rules that were changed/clarified include Rules 14, 18, 22, 25 and 36. The majority of the changes are adapted from the National Rules.

If you have any questions, please contact me at doris@nebarfnd.org. **Good Luck and have fun!**

ACKNOWLEDGEMENTS

Participation in the Judge Lyle Strom High School Mock Trial Program is completely voluntary. The Mock Trial Program is administered and funded by the **Nebraska State Bar Foundation**. Over 350 lawyers and judges volunteer each year for this educational program.

The Nebraska State Bar Foundation is a nonprofit corporation that was established in 1963. Its mission is *to serve the citizens of Nebraska and the legal profession through the administration and funding of innovative and creative programs directed toward the improvement of justice and the fulfillment of the American vision of equal justice for all.*

Annually, the NEBRASKA STATE BAR FOUNDATION and the NEBRASKA COUNCIL OF SCHOOL ATTORNEYS provide financial assistance for the winning Nebraska Mock Trial team to attend the National High School Mock Trial Championship.

A sincere thank you is extended to the Nebraska Council of School Attorneys. Beginning in 1992, this statewide organization has given \$1,000 annually to the winning State Champion. Since 2018, the Council increased its gift to \$2,000. The Council's continued support is a testament of the positive impact Mock Trial has on young Nebraskans.

A most sincere thank you is extended to The Honorable Lyle Strom for his decades of leadership and invaluable input with the Mock Trial Program. The Foundation also appreciates the time and input from The Honorable Susan Bazis to the Case Committee.

A special thank you is also extended to the members of the Mock Trial Case Writing Committee for all their time and creative ideas that made this case "come to life":

Hon. Karen Flowers, (ret.), Lincoln, Chair
Stephanie Hupp, Lincoln, Vice Chair
Bill Austin, Lincoln
Stan Beeder, Lincoln

Kristi Egger, Lincoln
Michael Gooch, Omaha
Cameron Guenzel, Lincoln
Mark Richardson, Lincoln

The following organizations endorse the Nebraska High School Mock Trial Program:

Defense Counsel Association of Nebraska	Nebraska County Judges Association
Nebraska Association of School Boards	Nebraska Criminal Defense Attorneys Association
Nebraska Association of Trial Attorneys	Nebraska District Judges Association
Nebraska Council of School Attorneys	Nebraska State Bar Association
Nebraska County Attorneys Association	Nebraska State Council for the Social Studies

Nebraska Broadcasters Association – The Bar Foundation is most pleased to collaborate with the Nebraska Broadcasters Association to offer the student News Reporter Contest (SNRC) as an educational component of the Mock Trial program for students interested in a media career. **The SNRC** is available for teams at both the regional and state level, and any student participating is bound by the Code of Ethical Conduct. If interested in the SNRC please email Maggie at maggie@nebarfnd.org for more information.

MOCK TRIAL OATH

Do you promise that the testimony you are about to give will faithfully and truthfully conform to the facts and rules of the Mock Trial Competition?

EXPECTATIONS OF MOCK TRIAL THAT FOLLOW THE CODE OF ETHICAL CONDUCT

The purpose of the Judge Lyle Strom High School Mock Trial Program is to deepen students' understanding and appreciation of the legal system through an experiential learning opportunity. One of the Mock Trial Program's goals is to educate students through a **respectful** and **civil competition**.

Please refer to the Nebraska Rules that contain the Code of Ethical Conduct (CODE).

Below is an explanation of the expectations of competing teams.

- Team members (members) promise to compete with the highest standards of conduct, showing respect for their fellow team members, opponents, volunteer judges, attorney coaches, teacher coaches and Bar Foundation staff. All members will focus on accepting defeat and success with dignity and restraint. Trials will be conducted honestly, fairly, and with the utmost civility. Members will avoid all tactics they know are wrong or in violation of the Rules, including the use of invention of facts. Members will not willfully violate the Rules of the Competition in spirit or in practice.
- Teacher Coaches agree to focus on the educational value of the Mock Trial Program and they shall discourage willful violations of the Rules. Coaches will instruct students as to proper procedure and decorum, and will assist their students in understanding and abiding by the Rules and the CODE.
- Attorney Coaches agree to uphold the highest standards of the legal profession and will zealously encourage fair play. They will promote conduct and decorum in accordance with the Rules of the Competition and the CODE.
- Attorney and Teacher Coaches are in a position of authority and thus serve as positive role models for students.
- No scouting of any competing team.

NEBRASKA MOCK TRIAL GOALS

- To increase student comprehension of the historical, ethical and philosophical basis of the American system of justice.
- To clarify operation of the law, court procedures and the legal system.
- To help students develop basic life and leadership skills, such as listening, speaking, writing, reading and analyzing.
- To build bridges of mutual cooperation, respect and support between the community (teachers, students, parents and schools) and the legal profession.
- To heighten appreciation for academic studies and promote positive scholastic achievements.
- To bring law to life for students through active participation in the program.
- To encourage participation and growth toward understanding the meaning of good citizenship in our democracy through the system of law. All students who participate are winners.
- To learn to lose a trial gracefully and accept defeat with dignity and restraint.

2022 MOCK TRIAL COMPETITION TIMELINE AND DATES

Registration deadline.....	September 21, 2022
Code of Conduct and Registration Fee Deadline.....	September 27, 2022
Regional Competition.....	October 11- November 23, 2022
Regional winners announced	November 23, 2022
State Championship	December 5-6, 2022
Federal Courthouse, Omaha	
National Championship	May 18-20, 2023
Little Rock, Arkansas	

IN THE DISTRICT COURT OF WAGON WHEEL COUNTY, NEBRASKA

D. BRICHACEK,	)	Case ID: CI22-27299
Plaintiff,)	
)	
vs.	)	Second Amended Complaint
)	
L. SWEET,)	
Defendant.)	

Plaintiff D. Brichacek, as Conservator acting on behalf of Sheldon Brichacek, a protected person, for his/her cause of action against Lee Sweet, avers as follows:

GENERAL ALLEGATIONS

1. Danny/Dani Brichacek is the duly appointed Conservator for Sheldon Brichacek, a protected person, and is also the son/daughter of Sheldon.
2. Sheldon Brichacek is a resident of Goldenrod, Wagon Wheel County, Nebraska. He was declared to be incompetent to handle his own affairs because of mental deficiency and physical disability by the Wagon Wheel County Court, at Case No. PR 21-333. Plaintiff was appointed as Conservator in that same proceeding on January 6, 2021.
3. Defendant Lee Sweet is a resident of Goldenrod, Wagon Wheel County, Nebraska.
4. Defendant was employed in the Brichacek household over a period of years, serving in the capacity of housekeeper and caregiver until s/he was terminated in January 26, 2021.
5. Since at least November, 2019, Sheldon Brichacek has been suffering from profound and disabling dementia. Since that time, Sheldon Brichacek lacked understanding of the nature of his acts, he lacked understanding of the value and extent of his personal property, and he lacked the capacity to recognize the natural objects of his bounty.

FIRST CAUSE OF ACTION – REPLEVIN

6. At all relevant times, Sheldon Brichacek was the owner and possessor of a unique Flowers Original painting that had been displayed in the Brichacek home for years.
7. In mid-December 2019, Defendant intentionally took possession of the Flowers Original painting and removed the same from the Brichacek home, thereby exercising dominion over the property in a denial of Sheldon Brichacek's right to the property.
8. At the time Defendant took the Flowers Original, Sheldon Brichacek, by virtue of his mental issues described above, lacked the capacity to form the requisite donative intent to gift away ownership of the Flowers Original to Defendant.

9. Because Sheldon Brichacek lacked the capacity to make a gift, he remains the owner of the Flowers Original and is entitled to immediate possession of the same.

10. Defendant knew or should have known that the Flowers Original was quite valuable and that such a gift was a clear indication that Sheldon Brichacek lacked donative capacity. Such a purported gift was wholly disproportionate to services rendered by Defendant to Sheldon Brichacek, and Defendant had been fully compensated for any and all services that s/he rendered to Sheldon Brichacek.

11. Plaintiff has made demand for return of the Flowers Original; however, Defendant has refused to surrender possession and return the painting to Sheldon Brichacek.

SECOND CAUSE OF ACTION – CONVERSION

12. After Sheldon Brichacek became incapable of making a valid gift, Defendant removed and converted to hi/her own use a unique three-carat diamond known as the Gnome Diamond. The diamond is a Brichacek family heirloom and was kept at the Brichacek home. It has an appraised value of \$21,500.

13. After Sheldon Brichacek became incapable of making a valid gift, Defendant used Sheldon Brichacek's checkbook and Venmore account to make unauthorized cash transfers to himself/herself over a period of several years, totaling at least \$1,375.00.

14. After Sheldon Brichacek became incapable of making a valid gift and in addition to the cash, Defendant removed and converted to his/her own use personal property from the Brichacek residence, including:

- a. A porcelain gnome, value: \$18.75;
- b. A cardboard box containing several games, such as Monopoly, Clue, an etch-a-sketch, a tournament chess board with Staunton pieces and chess bag, several decks of cards, value: \$30.00;
- c. A cast iron skillet, value: \$50.00;
- d. Christmas themed dessert plates (set of 12), value: \$300.00;
- e. A push lawn mower, value: \$10.00;
- f. A 35-year collection of National Geographic magazines (complete set with map inserts), value: \$100.00; and
- g. An end table, value: \$5.00
- h. Various photographs in frames, value: \$25.00.

15. Upon demand by Plaintiff for return of these items, Defendant stated that the Gnome Diamond had been pawned, some of these items were donated to local charities, some were put into the trash, and none were in his/her possession. Defendant's actions in taking unlawful possession of the above-described personal properties have caused a loss to the estate of Sheldon Brichacek in the amount of \$23,413.75.

Danny/Dani Brichacek, as Conservator
for Sheldon Brichacek, Plaintiff

BY: _____
Dewey, Cheatam, and Howe
Attorneys for the Plaintiff
1000 West Spoke
Goldenrod, Nebraska
Bar No. _____

IN THE DISTRICT COURT OF WAGON WHEEL COUNTY, NEBRASKA

D. BRICHACEK,	)	Case ID: CI22-27299
Plaintiff,)	
)	
vs.	)	Answer To Second
	)	Amended Complaint
L. SWEET,)	
Defendant.)	

COMES NOW Lee Sweet, by and through counsel, and in answer to the Plaintiff's Second Amended Complaint, admits, denies and alleges as follows:

1. Admits paragraph 1.

2. Admits paragraph 2.

3. Admits paragraph 3.

4. Admits that s/he was employed in the Brichacek household over a period of years, serving in the capacity of housekeeper and caregiver, admits s/he served as companion to Amy Brichacek throughout her unsuccessful battle with cancer, and admits that s/he was terminated in the January 2021.

5. Denies paragraph 5 Throughout the time Defendant served the Brichacek family, Sheldon Brichacek had some problems with self-care and managing his check book. Defendant assisted him in paying his bills and taking care of other household issues. Throughout Defendants service in the Brichacek household, Sheldon appeared to know who Defendant was, who his children are, and what belonged in his house. He also appeared to understand what he was doing when he gave gifts to Defendant.

FIRST CAUSE OF ACTION – REPLEVIN

6. Admits paragraph 6 to the extent that Sheldon Brichacek was the owner and possessor of a unique Flowers Original painting.

7. Denies paragraph 7. Sheldon Brichacek gave Defendant the Gnome Diamond. Parker Brichacek was present and saw and heard the gift.

8. Denies paragraph 8.

9. Denies paragraph 9.

10. Denies paragraph 10.

11. Admits paragraph 11.

SECOND CAUSE OF ACTION – CONVERSION

12. Denies paragraph 12. Sheldon Brichacek gave Defendant the Gnome Diamond. Parker Brichacek was present and saw and heard the gift. Defendant admits that the diamond was a family heirloom and has an appraised value of \$21,500.

13. Denies paragraph 13 except that Defendant admits that s/he assisted Sheldon Brichacek in paying his bills and admits that the disputed amount is \$1,375.00.

14. Admits and Denies paragraph 14 as follows:

Defendant denies that s/he removed or converted to his/her own use any personal property from the Brichacek residence. Defendant does not dispute any of the values alleged in paragraphs 14 a.-h.

Defendant donated items a, b, c, d, g, and h to various charities. No one would take the push mower, or the old National Geographic magazines and they were thrown into the trash.

14. As explained in the above paragraph, Defendant admits that Plaintiff made a demand and that Defendant provided an accounting of the various items asked about. Defendant admits that s/he pawned the Gnome Diamond.

September 15, 2021

Respectfully submitted,

Danny/Dani Brichacek, Defendant

BY: _____
Phyllida Erskine-Brown #11235
Featherstone, Ballard, and Trant
813 Equity Court, #3
Goldenrod, NE
(308) 770-0846

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Answer to the Plaintiff's Second Amendment Complaint has been served electronically upon counsel for the Plaintiff this fifth day of September 2022.

BY: _____
Phyllida Erskine-Brown

IN THE DISTRICT COURT OF WAGON WHEEL COUNTY, NEBRASKA

D. BRICHACEK,	)	Case ID: CI22-27299
Plaintiff,)	
)	
vs.	)	Honorable Mark Beeder
	)	Presiding Judge
L. SWEET,)	
Defendant.)	

Witnesses, Exhibits and Stipulations

Witnesses for Plaintiff

- 1: Danny/Dani Brichacek
- 2: Alfie Kravitz
- 3: Dr. Cameron Niarbson

Witnesses for the Defendant

- 1: Lee Sweet
- 2: Parker Brichacek
- 3: Dr. Logan Anthony

Exhibits

- | | |
|--|-----------------------------|
| 1. Flowers Original | 7. 2020 Calendar |
| 2. Gnome Diamond | 8. MoCa Test #1 |
| 3. Nesting Gnomes | 9. MoCa Test #2 |
| 4. Photo of nesting gnomes/missing Flowers Art | 10. Patient Intake Form |
| 5. Inventory of taken items | 11. Gnome Diamond Appraisal |
| 6. Therapy Cat Certificate | 12: Picture of Motorcycle |

Stipulations

Both sides stipulate to the following:

- 1. All exhibits included in the case are authentic and accurate in all respects. No objections to the authenticity of the exhibits will be entertained.
- 2. In arguing legal issues, the parties may rely upon the legal authorities provided below and upon the jury instructions provided with this case.
- 3. In Nebraska, the prosecution is referred to as the plaintiff.
- 4. **This is a work of fiction.** Names, characters, businesses, places, occupational characteristics, events and incidents are either the product of the Case Committee members' imagination or are intended to be used in a fictitious manner. Any resemblance to actual persons, living or dead, or actual events is purely coincidental.
- 5. All witnesses may be played by any student regardless of gender. Students are to complete the team roster and designate the preferred pronoun to be used in connection with themselves or the witnesses they will be portraying.
- 6. All witnesses must testify.
- 7. The value of the items listed in the Second Amended Complaint have been stipulated to.
- 8. The outside temperature on January 5th, 2021, was 45 degrees Fahrenheit.

Jury Instructions

Instruction No. 1

Members of the jury, now that you have heard all of the evidence and the arguments of counsel, it is my duty to instruct you in the law.

(1) I am not permitted to comment on the evidence, and I have not intentionally done so. If it appears to you that I have commented on the evidence, during either the trial or the giving of these instructions, you must disregard such comment entirely.

You must not interpret any of my statements, actions, or rulings, nor any of the inflections of my voice as reflecting an opinion as to how this case should be decided.

(2) It is my duty to tell you what the law is. It is your duty to decide what the facts are and to apply the law to those facts.

In determining what the facts are you must rely solely upon the evidence in this trial and that general knowledge that everyone has. You must disregard your personal knowledge of any other specific fact.

(3) You must apply the law in these instructions, even if you believe that the law is or should be different.

No one of these instructions contains all of the law applicable to this case. You must consider each instruction in light of all of the others.

The law demands of you a just verdict. You must not indulge in any speculation, guess, or conjecture. You must not allow sympathy or prejudice to influence your verdict.

(4) The attorneys have a duty to represent their clients. In arguing their clients' case, attorneys may draw legitimate deductions and inferences from the evidence.

The attorneys have a duty to make all objections they deem proper. Do not be influenced by any objection.

(5) During this trial I have ruled on objections to certain evidence. You must not concern yourselves with the reasons for such rulings, since they are controlled by rules of law. You must not speculate as to possible answers to questions I did not permit to be answered; you must not consider the fact that objections to evidence were overruled. You must disregard all evidence ordered stricken.

NJI2d Civ. 1.01

Instruction No. 2 – Statement of the Case

Plaintiff, as Conservator for Sheldon Brichacek, alleges Defendant illegally took personal property and funds from Sheldon Brichacek. This property includes a painting, a diamond, and several other pieces of personal property.

Plaintiff has set forth two claims seeking relief. The first claim is for replevin, seeking the return of the painting that is still in Defendant's possession. The second claim is for conversion, seeking money damages for funds Plaintiff alleges Defendant took and for personal property Defendant allegedly took but no longer has in her/his possession.

Instruction No. 3

PLAINTIFF'S CLAIMS

I. Replevin

A. Issues

Plaintiff alleges that Defendant illegally took the Flowers Original painting from Sheldon Brichacek. Plaintiff argues that, even if Sheldon Brichacek acted as if he were gifting the painting to Defendant, he lacked donative capacity, as described in Instruction No. 4.

Defendant denies that s/he illegally took the painting from Sheldon Brichacek but argues that Sheldon Brichacek validly gifted it to him/her. Defendant claims that Sheldon Brichacek possessed donative capacity.

B. Burden of Proof

In order to prevail on his/her claim for Replevin, Plaintiff must prove, by the greater weight of the evidence, that Sheldon Brichacek lacked donative capacity at the time Defendant came to possess the painting.

C. Effect of Findings

If Plaintiff has *not* met this burden of proof, then your verdict must be for the Defendant.

If the Plaintiff *has* met this burden of proof, then your verdict must be for the Plaintiff.

II. Conversion

A. Issues

Plaintiff alleges that Defendant illegally took personal property and funds from Sheldon Brichacek, which Defendant no longer possesses. Plaintiff argues that, even if Sheldon Brichacek acted as if he were gifting this personal property and funds to Defendant, he lacked donative capacity, as described in Instruction No. 4.

Defendant denies that s/he illegally took the personal property and funds from Sheldon Brichacek but argues that Sheldon Brichacek validly gifted them to him/her. Defendant claims that Sheldon Brichacek possessed donative capacity.

B. Burden of Proof

In order to prevail on his/her claim for Conversion, Plaintiff must prove, by the greater weight of the evidence, that Sheldon Brichacek lacked donative capacity at the time Defendant came to possess the property. Each piece of property and any transfer of funds must be considered separately. You may find that Sheldon Brichacek lacked donative capacity to gift any, all, or none of the property or funds.

C. Effect of Findings

If Plaintiff has *not* met this burden of proof for *any* of the property or funds, then your verdict must be for the Defendant.

If the Plaintiff *has* met this burden of proof with respect to any of the property or funds, then your verdict must be for the Plaintiff with respect to each such item of property or funds.

DAMAGES

In this case, damages are not in dispute. If you find for the Plaintiff on the Replevin cause of action, the Court will address the return of the disputed property. If you find for the Plaintiff on any item in the Conversion cause of action, the Court will calculate the damage award based on previously stipulated values.

Instruction No. 4.

An individual has donative capacity if he knows the extent and character of his property, the natural objects of his bounty, and the nature of the gift he is making.

In re Kleebe's Est., 211 Neb. 763, 767, 320 N.W.2d 459, 461 (1982).

Instruction No. 5

Any party who has the burden of proving a claim must do so by the greater weight of the evidence. The greater weight of the evidence means evidence sufficient to make a claim more likely true than not true. It does not necessarily mean a greater number of witnesses or exhibits.

Any party is entitled to the benefit of any evidence tending to establish a claim, even though such evidence was introduced by another.

If the evidence upon a claim is evenly balanced, or if it weighs in favor of the other party, then the burden of proof has not been met.

NJI2d Civ. 2.12A

Instruction No. 6

There are two kinds of evidence, direct and circumstantial. Direct evidence is either physical evidence of a fact or testimony by someone who has first-hand knowledge of a fact by means of his or her senses. Circumstantial evidence is evidence of one or more facts from which another fact can logically be inferred.

The law makes no distinction between these two kinds of evidence. A fact may be proved by either direct evidence or circumstantial evidence or both.

NJI2d Civ. 1.31

Instruction No. 7

The evidence from which you are to find the facts consists of the following:

1. The testimony of the witnesses;
2. The exhibits received in evidence; and
3. Any facts that have been stipulated – that is, formally agreed to by the parties.

The following things are not evidence:

1. Statements, arguments, and questions of the lawyers for the parties in this case;
2. Objections to questions;
3. Any testimony I told you to disregard; and
4. Anything you may have seen or heard about this case outside the courtroom.

NJI2d Civ. 1.02

Instruction No. 8

A witness who has special knowledge, skill, experience, training, or education in a particular area may testify as an expert in that area. You determine what weight, if any, to give to an expert's testimony just as you do with the testimony of any other witness. You should consider the expert's credibility as a witness, the expert's qualifications as an expert, the sources of the expert's information, and the reasons given for any opinions expressed by the expert.

NJI2d Civ. 1.42

Instruction No. 9

You are the sole judges of the credibility of the witnesses and the weight to be given to their testimony. In determining this, you may consider the following:

1. The conduct and demeanor of the witness while testifying;
2. The sources of information, including the opportunity for seeing and knowing the things about which the witness testified;
3. The ability of the witness to remember and to communicate accurately;
4. The reasonableness or unreasonableness of the testimony of the witness;

5. The self-interest or lack of self-interest of the witness in the result of this case;
6. The apparent fairness or bias of the witness;
7. Any previous statement or conduct of the witness that is consistent or inconsistent with the testimony of the witness at this trial; and
8. Any other evidence that affects the credibility of the witness or that tends to support or contradict the testimony of the witness.

NJI2d Civ. 1.41

Instruction No. 10

This case is now ready to be submitted to you for your consideration. It is your duty to determine what the facts are. You must approach this task with open minds—consulting with one another, freely and honestly exchanging your views concerning this case, and respectfully considering the views of the other jurors.

Please remember that you are not partisans or advocates. Do not hesitate to reexamine your own views and to change your mind if reason and logic so dictate.

You must reach your verdict based only on the evidence presented to you during this trial, within the four walls of this courtroom, and that general knowledge that everyone has.

No matter where you are—in the jury room, at home, or anywhere else—and until after you are discharged from this trial and I tell you that it is alright to do so, do not talk to anyone about this case except your fellow jurors. Do not use any reference materials that are not in evidence or any electronic devices to obtain information about this case. Do not visit any of the places mentioned in this case.

While you are in the jury room, you may not use any electronic devices.

When you get to the jury room, the first thing you must do is to select one of you to be the presiding juror, the person who will preside over your deliberations. It is the presiding juror's job to see that a verdict is fairly reached and that each juror has a chance to speak fully and freely on the issues in this case.

A verdict reached during the first six hours of your deliberation must be agreed to by all of you, that is, it must be unanimous. After six hours of deliberation, you may reach a verdict agreed to by ten or eleven of you. If your verdict is unanimous, it should be signed by the presiding juror only. If your verdict is not unanimous, it should be signed by each of the ten or eleven jurors who do agree to it.

If you do not agree on a verdict by 6:00 p.m., you may separate and return for further deliberation at 9:00 a.m. tomorrow morning. If you do separate, then, during that time, you are not allowed to discuss this case with anyone, even another juror.

Verdict forms have been prepared for you, and you will have them in the jury room. You are to complete only one of them, but you are to return them all.

In the jury room, you will have these instructions and the exhibits in this case and forms on which you are to record your verdict.

This case is submitted to you at _____ o'clock ____m., at which time your deliberations are deemed to commence.

NJI2d Civ. 5.01

THESE INSTRUCTIONS GIVEN:

DATE

JUDGE OF THE DISTRICT COURT

IN THE DISTRICT COURT OF WAGON WHEEL COUNTY, NEBRASKA

D. BRICHACEK,	)	Case ID: CI22-27299
Plaintiff,)	
)	
vs.	)	VERDICT FORM
)	
L. SWEET,)	
Defendant.)	

We, the jury, duly impaneled and sworn in the above-entitled case, find as follows:

1. With regard to Plaintiff D. Brichacek's Replevin Claim (place an "X" beside one, but only one, of the below options):

_____ For Plaintiff D. Brichacek

_____ For Defendant L. Sweet
2. With regard to Plaintiff D. Brichacek's Conversion Claim (place an "X" beside one, but only one, of the below options):

_____ For Plaintiff D. Brichacek, and the amount of money that will fairly compensate him/her for his/her damages is \$_____.

_____ For Defendant L. Sweet

DATED this ____ day of _____, 2022.

Foreperson

IN THE DISTRICT COURT OF WAGON WHEEL COUNTY, NEBRASKA

D. BRICHACEK,

Plaintiff,

vs.

L. SWEET,

Defendant.

)
)
)
)
)
)
)

Case ID: CI22-27299

**Honorable Mark Beeder
Presiding Judge**

Witness Statement of Danny/Dani Brichacek

1 I am the Plaintiff in this action against Lee Sweet. This could not be more straight forward. My
2 dad had a lot more money and prized possessions before he knew Sweet. That money is gone,
3 the Flowers Original masterpiece is gone, the Gnome Diamond is gone, and it is my job to get
4 them back for Dad.

5 My name is Danny/Dani Brichacek and I am 49 years old and fly solo (not married). I have two
6 Basset Hounds named Pythagoras and Pascal that love to run around at the Howling Grounds
7 Dog Park. Pythagoras is white and black, and Pascal is tricolored – mahogany, white and black.
8 I have lived in Goldenrod my whole life and currently live at 5116 Otoe Street. In my spare
9 time, I work out at the gym, act at the Crane River Theater, and travel around the country.
10 Haven't had much time to time to travel due to running the Bakery.

11 I am the oldest child of Sheldon and Amy Brichacek. My only other sibling is Parker Brichacek.
12 My parents met at Goldenrod High School and were married for 45 years before my mom
13 passed away of breast cancer in November 2017. They ran the Brichacek Bakery, the family
14 business, together for over 40 years. After Mom got cancer and Dad was taking care of her,
15 they needed me to help run the Bakery. I gave up my career as a CPA and went back to help
16 the family business. I am happy to help and Lord knows Parker can't do it. I don't know the first
17 thing about how to make Croislaches. I'm sure you have heard of them. It is a combination of a
18 croissant and a kolache. Mom is French. Her maiden name was Amy de Veniard. She made the
19 best croissants. Dad is a stout Bohemian (check out the meaning of our last name) and his mother's
20 family has a secret family kolache recipe. I don't even know it, but it is written down somewhere
21 safe. Good thing too, otherwise Lee would have stolen that too!

22 Anyway, they combined them together and they are really something. You could have any filling
23 or no filling. I like cream cheese the best, but cherry is by far our most popular. Parker always
24 wants poppy seed... that's about right given his/her drug history. How many times can you fail a
25 drug test and Mom believes it is the poppy seed croislaches? My job is to run the office, pay
26 bills and manage staff. I will inherit the Bakery when Dad passes away, then I want to sell it and
27 go back to being a CPA, where my heart is.

28 You see, I was born to be a CPA. I think my love affair with math started at birth. I was born on
29 March 14th, you know "Pi Day", 3.14, get it? I was doing spreadsheets by the second grade. My
30 parents kept a birthday party invitation I had from my 8th birthday that was all done on

31 spreadsheets. I don't mind bragging about myself that I am an actual "Mathlete". I was the
32 Captain of the Goldenrod High MathCounts team when I was still in junior high. My favorite
33 movie is Hidden Figures. I mean how great is it that math actually saved the US space program?!
34 For my 50th Birthday, I'm going to travel to Langley Research Center, Cape Canaveral and
35 maybe even, Houston. We'll see.

36 Every family has a black sheep, and we are no exception. When Parker is around, trouble
37 follows. Parker just fell into the wrong crowd in high school and never straightened out. I'm sure
38 it was hard to follow in my shadow, but s/he just couldn't get it together. S/he always seemed to
39 be around drugs, dropped out of high school and then got arrested and went to prison for selling
40 drugs. Mom and Dad were afraid to have Parker work at the bakery if s/he was going to be a
41 bad influence there or even sell drugs out of the back. It broke their heart when s/he got
42 arrested. I'm not sure Mom ever recovered. They made it clear that they were done bailing
43 him/her out. They had spent so much money on attorneys and giving him/her chance after
44 chance. They made it clear s/he was out of the Will. The gravy train with croislache wheels was
45 closed to Parker.

46 Mom's death was hard on Dad. Even though we knew it was coming, it took years off of his life
47 to try to care for her and run the business. It didn't surprise me when his health started to decline
48 after all of the stress and sleeplessness of Mom's decline.

49 It wasn't even a month after Mom's death that I could tell that Dad was struggling. He wasn't
50 sleeping well, he had lost weight, he just seemed to lose direction. I thought it was just grief.
51 Turns out that was the beginning of his decline. I was certainly willing to help him get groceries,
52 clean the house, pay bills, whatever, but he didn't ever ask. Too proud. I started going over
53 there after work a few nights a week, which led to every night. Eventually it was too much for me
54 to help, so we hired Lee full-time.

55 Lee was actually hired by Mom for part-time work about 9 or 10 years ago. Lee isn't a nurse,
56 more of a personal assistant/house cleaner. S/he was originally hired to go over 3 days per
57 week from 8:00 a.m. to noon to do whatever needed to be done, which included transporting
58 Mom and Dad to any appointments, clean up the house, run errands, get groceries, etc. As Mom
59 got sick and Dad continued to slow down, Lee was there more and more until it became almost a
60 7 days per week job. Lee was paid for 40 hours per week, but we didn't schedule the hours per
61 day, it was just supposed to be set up as Dad needed the assistance.

62 I was very happy and grateful for Lee for the first couple of years. I remember thanking Lee for
63 keeping Dad out of the nursing home sometime after Mom died. I couldn't be there all time. Dad
64 needed a lot of attention and more and more help, especially when I had to take the car away
65 from Dad and he wasn't driving at all. It wasn't too expensive to provide that care.

66 However, about a year before I took over as Conservator, I became concerned about Lee's
67 attitude toward me. It became more of a competition or something. Lee became possessive of
68 Dad's time and needs and became more and more isolating of Dad. Once Parker started
69 spending time with Lee and Dad, and the rest of us were being isolated, I grew more and more
70 concerned. Then, I saw that Lee had taken little items from the house and Dad would say he gave

71 them to Lee for all of the help, then I noticed that extra money was being spent and Dad couldn't
72 explain to me where the money was going.

73 I had NO idea that Mom and Dad paid off that dead beat's child support until all this came up. I
74 don't know what they could have been thinking, but Mom was always generous, and gullible. She
75 believed Parker tested positive from poppy seed croislaches after all. I also had NO idea that
76 Dad was letting Lee pay his bills and manage his bank account, so God only knows how many
77 "gifts" Lee skimmed from Dad's account.

78 When Mom died on November 18, 2017, Dad gave me the cabin and boat at Meadowlark
79 Lake. He couldn't go there anymore and I was going to get it anyway.

80 When I got busier at the Bakery, I couldn't stop by every day. I couldn't stay all day, even when
81 I did go. I would check the mail, say hi and run out. I knew Alfie Kravitz would keep me
82 informed. S/he called a lot. When I was a kid, I thought Alfie was way too nosy. Always
83 looking out the window. S/he was in everyone's business all the time. But once Mom died, I knew
84 Dad was safe as long as Alfie was around. S/he was better than those video doorbells! S/he
85 had binoculars and a notepad! Dad was safe. I got a lot of calls from Alfie about all sorts of
86 "emergencies". None of them were. After a while, I finally just let them go to voicemail and
87 didn't check them. Alfie called 5 or 6 times in a row on January 5, 2021, so I finally answered,
88 and s/he told me Dad was outside in January and he wasn't dressed for it. I know Dad used to
89 go to his doctor appointments with Dr. Anthony regularly. I could access Dad's medical chart by
90 portal, so from time to time I would get emails about new messages on his chart. It has been ages
91 since I had time to check my emails. I have over 900 unread emails.

92 I didn't realize how bad it had gotten until Dad was lost outside. After I talked to Alfie, I ran
93 over to the house. When I entered the living room, I saw the Flowers painting was gone. I fired
94 Lee on the spot. I changed the locks and told Dad he was moving. So, I filed the guardianship
95 and conservatorship and moved Dad to the Goldenrod Terrace within a week. As I was moving
96 Dad out of the house, I saw more items were missing. I did a thorough walk through of the house
97 after Lee was out. I couldn't believe the Flowers Original Masterpiece was gone! I took a photo
98 of the Flowers painting shortly after Mom and Dad bought it. A true and accurate photo of the
99 Flowers Original is attached as Exhibit #1.

100 The Gnome Diamond was also gone. We had the Gnome Diamond ever since we found it on a
101 family vacation in Arkansas. We went to one of those mines where you could pan for your own
102 rocks and jewels. We found a very pretty rock. I just thought it was cool looking. I didn't know
103 that it was an uncut, unpolished diamond! A photo of the diamond is attached as Exhibit #2. We
104 didn't know that it was a diamond, much less how much it was worth when we were kids. That
105 same trip Mom wanted to go to antique stores and flea markets and she found the Gnome
106 nesting dolls. Here is an old photo of them on our fireplace mantle as Exhibit #3. It is a true and
107 accurate photo of how the nesting gnomes looked the last time I saw them. I have also seen the
108 photo of the Gnome nesting dolls and the missing Flowers Original taken by Alfie. It is Exhibit #4.
109 We used to hide the diamond from each other and then try to find. I always hid it in the Gnome
110 nesting dolls and then Parker would look for it. I would say "hot" if s/he was moving closer to it

111 or "cold" is s/he was moving farther away from it. You would think Parker would figure out I
112 always hid it in the Gnomes, that is why I call it the Gnome Diamond.

113 The day I fired Lee, I asked Dad what happened to the Gnome Diamond. Dad couldn't answer,
114 then Lee butted in that "it was a gift". How could Dad just give such a family heirloom to Lee?
115 No doubt that Lee found it, stole it and thought I wouldn't notice, or Lee and Parker conspired to
116 take it and keep it for themselves. Either way, it was wrong. It was mine and they shouldn't have
117 it.

118 There were other items missing from Dad's home, including a cardboard box containing several
119 games, such as Monopoly, Clue, an etch-a-sketch, a tournament chess board with Staunton pieces
120 and a bag, several decks of cards, that we used to play with as children on rainy days with the
121 Kravitz neighbor kids; a cast iron skillet that was Grandma de Veniard's; Mom's Christmas themed
122 dessert plates; a push lawn mower; a 35-year collection of National Geographic magazines; and
123 an end table that I made in high school. Exhibit #5 is an inventory of all the items.

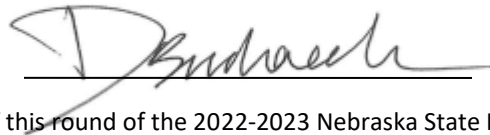
124 I made a formal demand for the return of my Flowers Original, the Gnome Diamond and the
125 other items from Lee, but s/he did not return anything.

126 Dad is now safe at Goldenrod Terrace. I didn't allow Dad to take anything of value there, so I
127 don't have to worry about anything else walking out the door.

WITNESS ADDENDUM

I have reviewed this statement and I have nothing of significance to add. The material facts are true and correct.

Signed,



SIGNED AND SWORN to before me at 8:00 a.m. on this day of this round of the 2022-2023 Nebraska State High School Mock Trial Competition.



Kristi Ann Flowers, Notary Public

My Commission Expires: January 31, 2023

IN THE DISTRICT COURT OF WAGON WHEEL COUNTY, NEBRASKA

D. BRICHACEK,	)	Case ID: CI22-27299
Plaintiff,)	
)	
vs.	)	Honorable Mark Beeder
	)	Presiding Judge
L. SWEET,)	
Defendant.)	

Witness Statement of Alfie Kravitz

1 My name is Alfie Kravitz, and I live at 33426 Sunrise Circle in Goldenrod, directly across the
2 street from the Brichacek's house.

3 I've lived in this house for 60 years, ever since my now-departed spouse, Abby/Abner, my Abi, my
4 dear sweet Abi, and I moved here after we got married. My Abi and I both worked at
5 Goldenrod Mills. Abi worked in the office, and I worked in the factory, working my way up to
6 head floor manager.

7 We were married at 20 and raised four children here and all of whom played with the Brichacek
8 kids. Sheldon and Amy and Abi and I used to be great friends. We'd get together every Friday
9 night for popcorn and a movie when the kids lived with us, and then for dinner and bridge when
10 the kids moved out. That changed a little when Amy died in 2017, but you can't blame Sheldon
11 for that. It's hard when your lifelong partner dies. My Abi died in 2016, so I know how hard it
12 was for Sheldon.

13 About 10 years ago, Amy wanted some help around the house and Sheldon wanted help with the
14 yard, so Amy hired L. Sweet to come in a couple times a week. When Amy started getting
15 weaker with her cancer, L. Sweet was there more and more. I suppose L. Sweet helped some, but I
16 never quite trusted him/her. Shifty. And I heard s/he changed jobs a lot. What kind of person
17 does that?! One who is not a good worker, is lazy or unreliable, I say. I worked at the same place
18 for 45 years and am proud of it.

19 After Amy died, Sheldon had a hard time taking care of himself, so I would go over every day
20 and bring sandwiches and casseroles for him to eat. His favorite casseroles were chicken and rice,
21 hamburger and tater tot, and my famous "Princess Pot Roast." I can get you the recipes, if you
22 want. That way I knew he was eating and had some company. On Sunday mornings, I would
23 religiously bring Sheldon his favorite breakfast: croislaches. We would each have two with coffee.
24 Also, Sheldon really liked it when I brought my cat, Honey, a certified therapy animal, along. See,
25 the Certificate I got from the Howlistic Healers proves it. It's Exhibit #6. Sometimes Sheldon would
26 get teary-eyed when we would come to visit, showing me clearly how much he loved Honey.
27 Everyone who meets her loves her. That L. Sweet really did Sheldon no good when s/he forbade
28 me from bringing Honey over. Ridiculous.

29 None of his kids really visited him much, time wise. I know that because I kept track on my
30 calendar when they visited. Danny/Dani Brichacek (DB) came over about every day, if 5 minutes
31 is a visit. Not much of a visit, that's for sure. Like I said, I wrote their visits down, because I didn't
32 feel like they were really caring much about Sheldon. I usually recycle my calendars when the
33 year is over (because who but a crazy person keeps their old calendars) but I kept 2020 because
34 of what happened in January of 2021, but I'll get to that later. I just knew in my heart all my
35 documentation would be very important. My 2020 calendar is marked as Exhibit #7. Anyway,
36 you will see that Danny/Dani (DB) visited 137 times, and Parker (PB) visited 22 times in 2020.
37 Seems to me that Parker started coming around a lot more after L. Sweet was there every day.
38 That seemed suspicious, as Sheldon never really got along with Parker that well, especially after
39 the "incident." Sheldon and Amy didn't like to talk about it, but everyone in town knew it was
40 because Parker was a drug dealer and got sent to prison. I read all about it in the Goldenrod
41 Gazette. Must've been at least 10 articles in the paper about Parker from arrest to sentencing,
42 and then an article when he got out of prison. People around here don't forget about that kind of
43 bad behavior. It was hard on Sheldon and Amy, so I tried not to talk about it much around them.

44 I consider myself to be an observant person. A concerned and helpful person. I am sure that the
45 Goldenrod Police Department thinks the same, as I am the head of the Neighborhood Watch
46 Association in town, and I call the Police Department at least once a week to report violations of
47 the law that I have seen. Might be as little as no license plate or expired tags, and as big as
48 domestic assault and elder abuse. L. Sweet probably doesn't like me much, as I've reported
49 him/her several times for abuse of a vulnerable adult. It sure is abusive when a lifelong friend
50 isn't allowed to come into the house to check on their friend and bring their therapy animal over
51 to help their friend. However, that's what L. Sweet did to me and Sheldon starting in 2018 or so.
52 That can't have been helpful to Sheldon, like I said earlier. Plus, I saw L. Sweet taking property
53 out of the house and not bringing it back. I don't know exactly WHAT property. Just property.
54 Bags of stuff in garbage bags. Out of Sheldon's house. It's not rocket science. Noted in on my
55 calendars, I did. I DO know that picture - the Flowers Original or whatever - that Sheldon loved
56 was NOT in the living room anymore for the last couple years. That's suspicious. It was so
57 suspicious that I took a picture of where it used to be by the mantle. The nesting Gnomes were
58 there, but no picture on the wall. Yes, the picture I took is Exhibit #4. I didn't tell Danny/Dani
59 about it, because I hadn't searched through the whole house to see where it was, so maybe it got
60 moved. But it just, in my gut, felt funny that it wasn't where it had ALWAYS been. So, I took the
61 picture of the missing piece and the gnome on the mantle.

62 Speaking of gnomes, there are gnomes on my 2020 calendar, Exhibit #7, and I'd like that back.
63 Those pictures make me smile. I like gnomes so much, that Sheldon gave me a wonderful gnome
64 birdbath in 2020. He gave it to me on July 19, 2020, to be exact, when that meddler, Sweet,
65 was out and about. I started to time my visits to Sheldon to avoid Sweet giving the stink eye all
66 the time.

67 Also, Sheldon used to go outside and sit on the front porch every day. L. Sweet stopped him from
68 doing that. Sheldon was losing weight, and L. Sweet wouldn't even let me talk with Sheldon on the
69 phone in 2020. I complained to Danny/Dani about it, but s/he told me to work it out myself. The

70 Goldenrod Police came out to check on Sheldon several times over the last few years, and I
71 imagine L. Sweet got a talkin' to from them, because I was allowed to see and talk with Sheldon
72 for a little while after the police were there. Then it went back to the same old crap. It got to
73 where I was so worried about Sheldon that I bought a pair of binoculars and started checking on
74 Sheldon that way. I could see him in every room that didn't have drapes covering the windows.

75 2020 was a pretty hard year for Sheldon. He had good days and bad days. He had to stop
76 driving a couple years ago, and it looked like he got into a couple accidents based on what his
77 car looked like, but he wouldn't really give me details. L. Sweet wouldn't tell me anything, either.
78 Looked like L. Sweet lived there off and on, and it looked to me like Parker was there a lot of the
79 same nights. They would roll in on their loud motorcycles in the middle of the night and wake me
80 up with the racket. I'd get up and see them stagger into the house. They were probably drunk.
81 Good night, Sheldon wasn't running a hotel for alcoholics and druggies, but that's what it seemed
82 like. Moochers, that's what I say.

83 That year, I also noticed Sheldon declining a bit. He would have food on his shirt about sometimes
84 and a few times, he was wearing his favorite green cardigan inside out. Amy would've never
85 have let that happen. And he would eat strange things, like oatmeal for lunch, and cereal for
86 dinner, and way too much frozen pizza. What's that about?! Cardboard with cheese on it. Amy
87 would've had a fit.

88 I noticed that Sheldon's morning walks were getting longer and longer. Every day he would walk
89 from about 8 to 9 a.m., depending on the weather, but in 2020, there were times he wouldn't get
90 home until 11 a.m. ...too late for a morning snack. And on July 22, 2020, about 3 p.m., Sheldon
91 came into my yard and tried to take home a sprinkler and lawn chair, thought they were his. They
92 do look alike, but when I told him they were mine, he went back home after I gave him a hot dog,
93 because it was hot dog day. He enjoyed it. I had one, too.

94 But the FINAL STRAW was on January 5, 2021, about 1 p.m. when I went out for lunch at the
95 Goldenrod Grotto, which is about a mile and a half away from home, and I saw Sheldon out
96 wandering around. He was lost and seemed disoriented. Kept asking about Amy and was trying
97 to find her. Sheldon trusts me and recognizes me, so he agreed to get in my car so we could see
98 "if Amy was at home". I took him home, yelled at Sweet for not paying attention to Sheldon who
99 must have gone for hours, and then I called the Goldenrod Police Department and Danny/Dani.
100 Figured Danny/Dani should know that Sheldon was out wandering around and could've been hit
101 by a car or something. Granted, Sheldon was on the sidewalk when I saw him, but you never
102 know. I know for sure that Sheldon was not dressed right for the cold weather. He only had on a
103 light jacket, shirt, pants, and shoes with NO socks. No socks, no winter coat. Could have gotten
104 frostbite. Sweet shouldn't have let him leave the house like that. And Sheldon's morning walk
105 never goes into the afternoon. His walk is two hours, tops. This was way longer than Sheldon
106 should have out in the elements.

107 A few weeks later, January 26, 2021, Danny/Dani moved Sheldon into Goldenrod Terrace. I visit
108 him three times a week. It's hard to see him there and see the Brichacek house empty. He seems to

109 be doing ok, but I am sure he misses me, my cooking, and my cat. I mostly talk to him about the
110 good old days and watch tv with him. I still bring croislaches on Sundays to share with him and the
111 staff.

112 Everything I testified to is the truth. I have an excellent memory, and my calendar documentation
113 helps with the details.

WITNESS ADDENDUM

I have reviewed this statement and I have nothing of significance to add. The material facts are true and correct.

Signed,

Alfie Kravitz

SIGNED AND SWORN to before me at 8:00 a.m. on this day of this round of the 2022-2023 Nebraska State High School Mock Trial Competition.

K. Flowers

Kristi Ann Flowers, Notary Public

My Commission Expires: January 31, 2023

IN THE DISTRICT COURT OF WAGON WHEEL COUNTY, NEBRASKA

D. BRICHACEK,	)	Case ID: CI22-27299
Plaintiff,)	
)	
vs.	)	Honorable Mark Beeder
	)	Presiding Judge
L. SWEET,)	
Defendant.)	

Witness Statement of Dr. Cameron Niarbson

1 My name is Dr. Cameron Niarbson. I am a board-certified Neurologist practicing in Denver, Colorado. I
2 completed my residency at Warren Alpert Medical School through Brown University. After residency, I
3 completed my fellowship program at the VA Boston Healthcare System's Geriatric Neurology Fellowship
4 Program. I now practice at the Advanced Neurological Clinic located at 3100 Southcreek Drive in Denver. I
5 have been for more than 20 years. I have been blessed to attend some of the finest schools in the country,
6 but at heart, I'm just a small-town kid, born and raised in the panhandle of western Nebraska.

7 My clinical practice has evolved over the last 20 years. When I first started, I spent 100% of my time in the
8 clinic, treating patients. The clinical work I do remains the most rewarding professional experience I have.
9 There is just something about meeting a new patient and going on a journey to help them with whatever
10 neurological issue has arisen in their life. As you can guess from the focus of my fellowship, my practice has
11 centered on geriatric neurological decline. It is a tough field in which to practice because, usually, your
12 patient only gets worse. I rarely get to "cure" anyone, and that can weigh on you after a while.

13 About seven years ago, I was subpoenaed to testify in a will contest in a lawsuit involving one of my patients
14 that had passed away after a long fight with Alzheimer's. It was a sad case where, from my vantage point,
15 a granddaughter weaseled her way into my patient's life when she was already significantly impaired
16 cognitively. No one found out about it until after my patient died. My testimony in that case prevailed and
17 the jury determined the new will that was drawn up to give the granddaughter everything was null and void!
18 It felt good to help my patient's family set things right. After trial, the attorney that called me to testify told
19 me I had a "strong courtroom presence." I also discovered I could charge \$2,500 per hour for my deposition
20 and trial testimony.

21 That case introduced me to a new world. Apparently, these cases happened all the time and attorneys are
22 always on the lookout for a solid, reliable expert. I have all the credentials and experience an attorney
23 could hope for to make their cases. In my first case, I thought I'd be pretty nervous getting all kinds of
24 questions from attorneys. Turns out, I actually enjoyed the little back and forth. It is like a little game of cat-
25 and-mouse. I particularly enjoy when an attorney thinks she or he knows more than me about neurology
26 because they "read a treatise" on one specific issue. Rookies, ha!

27 For me though, this expert work was totally different than what I was used to in the clinic. I was not treating
28 these patients. I wasn't in their lives for weeks or month or often years. I do a single evaluation, read some

29 past medical records, and maybe talk to some family members. I write my report, and the heavy lifting is
30 done! I can knock out an entire evaluation, review, and report in less than four hours. Over time, I've realized
31 attorneys are not going to find anyone better than me. As a result, I've been able to charge a premium for
32 my services. I now charge \$1,000 per hour for evaluation, records review, and report drafting time. There is
33 a significant step up for deposition and trial testimony. I now charge \$3,000 per hour for depositions and
34 \$4,500 per hour for trial testimony. Is it expensive? Yeah. But am I worth it? Absolutely. I've only had my
35 testimony excluded one time in over 200 total cases. And that one exclusion should not count. The attorney
36 that hired me told me "not to worry" about evaluating his client in person and assured me the records review
37 I had conducted was enough. I think money played a factor in that case and the attorney simply didn't want
38 to run my bill up any higher. Lesson learned!

39 I've been retained in more than 100 cases where the person had already passed away or had deteriorated
40 to the point of being incoherent. A lot of the time I was hired just to review past medical records and render
41 my opinion. Sometimes I'd meet with family members or talk to treating doctors that knew the patient well.

42 Before I knew it, I'd developed a strong reputation with attorneys and was getting calls to serve as an
43 "expert neurologist" multiple times a week. I have to admit, I like the change of pace from my clinical work.
44 The work simply is not as emotionally draining as my regular medical practice. I've always considered my
45 expert work to be secondary to my medical practice, but my financial records now indicate I make 35% of
46 my income from expert witness fees. I was recently asked in a case to calculate the percentage of cases
47 where I found the individual at issue to be cognitively incapable of handling their financial affairs. I was
48 surprised to learn I've determined individuals to be mentally incompetent 65% of the time. That is higher than
49 I would've guessed, but I don't think there is anything noteworthy about that. I mean, I wouldn't be contacted
50 unless there was serious concern about a person's mental health and well-being.

51 That brings me to the present case. I was first contacted about this case by the attorneys for Conservator.
52 There was concern by Conservator that Sheldon Brichacek had been taken advantage of by Lee Sweet. I
53 was told Sheldon made numerous, significant gifts to Sweet over the course of several months. It was during
54 this same time that Sheldon's mental capacity apparently was deteriorating. I was asked if this was the type
55 of case I could evaluate. I agreed to do so.

56 I was able to do an in-person evaluation of Sheldon in July 2020. I also reviewed Sheldon's medical records
57 from the last three years. By the time of that evaluation, Sheldon clearly no longer had the mental capacity
58 to handle his own affairs. I diagnosed Sheldon with dementia at that time. Dementia is difficult to diagnose
59 and is frequently misdiagnosed or diagnosed long after the disease has manifested itself in serious ways.
60 You really must have a strong expertise in this area to get it right the first time around, like me.

61 The medical literature recognizes seven stages of dementia:

- 62 1. No Cognitive Decline
- 63 2. Very Mild Cognitive Decline
- 64 3. Mild Cognitive Decline
- 65 4. Moderate Cognitive Decline
- 66 5. Moderately Severe Cognitive Decline
- 67 6. Severe Cognitive Decline
- 68 7. Very Severe Cognitive Decline

69 Dementia typically gets diagnosed at Stage 4 or later. By the time a patient gets to stage four, they often
70 experience life-disrupting forgetfulness and difficulty performing daily tasks. Don't let the term "mild" fool
71 you, patients with Stage 3 dementia often are unable to handle their own affairs.

72 I had a chance to review Dr. Anthony's records and I understand that Dr. Anthony is actually serving as a
73 witness for Sweet in this case. It is regular practice in my field to rely upon medical records from family
74 practice doctors in assessing and diagnosing neurological conditions. I sure hope Dr. Anthony is not being
75 considered an expert, because his records clearly show he is out of his league when it comes to serious
76 cognitive diseases, diagnosis, and treatment.

77 First and foremost, in September 2019, Dr. Anthony relied on a Montreal Cognitive Assessment (MoCA) to
78 determine Sheldon was cognitively "fine" (his words, not mine) because Sheldon scored a 26. See Exhibit #8.
79 Anyone that is at the leading edge of cognitive disorders would not trust that test to be a reliable barometer
80 for diagnosing cognitive impairment. Yes, the test is still widely used in medical communities across the
81 country, but I predict that will change in the next five to ten years as the newest research hones-in on its
82 useful application. A reliable, peer-reviewed study of MoCA published in 2020 concluded that MoCA does a
83 serviceable job of determining whether an individual requires further testing but is not reliable for
84 diagnosing cognitive impairment. I know one of the three researchers primarily involved in that study. He has
85 discussed his study and the MoCA test generally with me on several occasions. He has convinced me of the
86 MoCA test's limitations.

87 I know I hold what is still considered the minority opinion regarding the MoCA test, but I think that will change
88 as the rest of the field catches up with me. The problem is the MoCA is just too simplistic and only catches
89 dementia symptoms once they've already reached Stage 4. The medical literature is clear that, while Stage
90 4 patients experience life-disrupting cognitive limitations, many patients experience similar issues in Stage 3.
91 This test simply doesn't catch those patients. And again, the MoCA test won't allow you to diagnose actual
92 cognitive impairment, and that is the question at the heart of what happened to Sheldon.

93 Dr. Anthony administered a second MoCA test in January 2020, at which time Sheldon only scored 21. See
94 Exhibit #9. It is my understanding that this second test was partially the reason one of Sheldon's children
95 retained an attorney who then brought me in to evaluate Sheldon.

96 Dr. Anthony's records are replete with references and red flags that are clearly markers of Stage 3
97 cognitive decline resulting from Sheldon's dementia. The mere fact that Dr. Anthony administered the MoCA
98 test in January 2020 demonstrates there was active concern about Sheldon's cognitive state. I understand
99 from family members that there were multiple issues between 2017 and 2020 that led to the MoCA test,
100 including difficulty with driving and managing his checkbook. Six months before the MoCA test, in September
101 2019, Dr. Anthony saw Sheldon. It is clear from that record that someone else was actively involved in
102 providing the requested information. Exhibit #10 is the patient history intake form for that visit. It appears
103 obvious on the face of that form that it was started by one individual, presumably Sheldon, and completed
104 by someone else, presumably Sweet. The implication to me is that Sheldon was having a difficult time
105 completing his own medical history form. These should have been immediate red flags to anyone well-versed
106 in geriatric neurology that Sheldon already had major cognitive limitations.

107 Another red flag was the frequency with which Sweet started showing up at the doctor's visits. There is no
108 record of Sweet attending any medical appointments with Dr. Anthony before October 2019. After that,

109 Sweet attended all six of Sheldon's medical appointments regardless of the doctor he was seeing or the
110 reason for going. It is clear from the records that Sweet did not just wait in the lobby. Sweet was in the exam
111 room, and there are references that indicate Sweet was helping Sheldon answer questions Sheldon's doctors
112 had for him. There is even a record that indicates Sweet called and rescheduled an appointment with Dr.
113 Anthony because Sweet had a conflict and wouldn't be there to attend. The implication to me is that Sweet
114 was not comfortable with Sheldon attending an appointment on his own.

115 In my opinion, the line of demarcation between Sheldon being cognitively competent to handle his daily
116 affairs, including financial decisions and gifts to others, is the eleven-month period of time between Sheldon's
117 September 2019 visit with Dr. Anthony (where a significant portion of the patient history was provided by
118 Sweet) and my July 2020 diagnosis of dementia. By September 2019, Sheldon likely was no longer able to
119 answer simple questions about personal health and wellbeing. In my professional medical opinion, it is more
120 likely than not the case that if he was not capable of doing that, he was not cognitively capable of handling
121 his personal financial affairs on a consistent basis. I can say with absolute certainty, in my professional
122 opinion, that by July 2020, Sheldon lacked the cognitive ability necessary care for himself and his financial
123 affairs.

124 I understand Sheldon "passed" the MoCA test in January 2020, but do not find that persuasive for three
125 reasons. The first is the limitations of the test itself. The second is the limitations of the test giver. It is my
126 understanding Dr. Anthony had only administered four such tests in the previous five years combined. Dr.
127 Anthony administered a second test just six months later that came back with a score of 21. That precipitous
128 of a decline in such a short period of time is a signal to me there was a problem with the administrator of the
129 test. Third is the medical records themselves that clearly demonstrate an individual cognitively incapable of
130 reliable decision making. I formally diagnosed Sheldon with dementia in November 2020. The time frame
131 I've laid about above is consistent with the published medical literature as well as my own education,
132 training, and experience treating dementia patients. If Sheldon was diagnosed with Stage 4 dementia in July
133 2020, then, given what is reported in his medical records, it is reasonable to conclude he was in Stage 3 for
134 as much as 18 months prior to that point.

135 //s// Dr. Cameron Niarbson

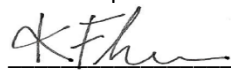
WITNESS ADDENDUM

I have reviewed this statement and I have nothing of significance to add. The material facts are true and correct.

Signed,



SIGNED AND SWORN to before me at 8:00 a.m. on this day of this round of the 2022-2023 Nebraska State High School Mock Trial Competition.



Kristi Ann Flowers, Notary Public

My Commission Expires: January 31, 2023

IN THE DISTRICT COURT OF WAGON WHEEL COUNTY, NEBRASKA

D. BRICHACEK,	)	Case ID: CI22-27299
Plaintiff,)	
)	
vs.	)	Honorable Mark Beeder
	)	Presiding Judge
L. SWEET,)	
Defendant.)	

Witness Statement of Lee Sweet

1 My name is Lee Sweet. I have been sued by Danny/Dani Brichacek. S/he thinks I stole property and money
2 from his/her father. It's not true.

3 I am 45 years old and have lived in Goldenrod my whole life except for when I was in the Navy. I currently
4 live at 2945 Arbor Rd. I was an only child and after my folks died, I inherited their estate which consisted of
5 little more than the house I live in now. I graduated from Goldenrod High. In fact, I was in the same class as
6 Parker Brichacek, Danny/Dani Brichacek's younger sibling. Parker was fun to be around. We hung out all the
7 time in middle school and high school. Parker & Danny/Dani's parents, Sheldon and Amy, owned Brichacek
8 Bakery. They were nice people, Sheldon still is. Danny/Dani not so much. The Brichacek Bakery is the home
9 of the Croislache. A croislache is a cross between a kolachi and a croissant. It made Sheldon, aka the
10 Croislache King, famous.

11 I started working for the Brichaceks quite a while ago - 10 years maybe. I lose track of time. Amy hired me.
12 She and Sheldon were getting older and were needing some help around the house. I helped Amy with a
13 little housekeeping, and a little cooking. I helped Sheldon with a little yard work, and a little home
14 maintenance. It was part-time and I could work it around my other jobs. We enjoyed each other's company
15 and more often than not, if I was there, I joined them for lunch and /or dinner. Our conversations often turned
16 to our respective families and life's challenges both past and future. We shared our personal stories. They
17 knew of my financial struggles and how I've had a hard time keeping a job and I knew of their family issues,
18 particularly their estrangement from Parker. It was at dinner 6 or 7 years ago that I told Sheldon and Amy
19 that the State of Nebraska was after me for past due child support. With accumulated interest I owed over
20 \$20,000. Three days later Sheldon and Amy gave me a check for the full amount. I had been receiving
21 generous Christmas and birthday gifts from them but nowhere near this much. I told them I couldn't accept
22 such a gift but they insisted. They said I was more than employee to them, that I had become like family, and
23 they wanted to help. I was touched and told them the feeling was mutual.

24 In 2017 Amy was diagnosed with cancer. She went downhill pretty fast, and her death hit Sheldon quite
25 hard. He seemed depressed to me which was understandable. After Amy died Sheldon appeared kind of
26 lost or absent minded you might say. I noticed that he would occasionally misplace his keys or his glasses or
27 forget an appointment or two. And from time to time he had a hard time finding the right words while he
28 was telling a story or recounting the day's events. But he was getting older and that was not out of the
29 ordinary given his age and the fact that he just lost his wife. He still read the paper, did the crossword
30 puzzle and went for a 45-minute walk to the park and back every morning. He went for his annual checkups

31 with Dr. Anthony. Sheldon stopped driving a couple of years ago, so I took him to his appointments after
32 that and as far as I knew nothing was out of the ordinary.

33 About three years ago I noticed it was taking Sheldon forever to write out checks and balance his checkbook
34 each month. This was something that Amy used to do. So, to help him, I'd write out the checks each month and
35 he would sign them and together we'd balance the check book. That went on for about a year or so and
36 then, at my suggestion, we switched to doing all that by Venmore. After I added the App to his smartphone I
37 noticed that Sheldon was having difficulty learning to use it. So, I did the transactions. But he was by my side
38 watching. It saved a lot of time. We used Venmore to reimburse me for gas and groceries, gifts, and other
39 miscellaneous expenditures I made in assisting Sheldon, in addition to my pay, just as we had done when we
40 were using the checkbook.

41 While it was true Sheldon needed more and more help as time went by, I soon learned that what Sheldon
42 needed most was companionship. He missed his wife terribly and was lonely. There were days on which he
43 appeared lost without her. Of course, I couldn't replace Amy, but I soon became something of a companion.
44 While he was repeating himself often, and would sometimes ask me the same questions over and over again,
45 I think he was able to talk with me much like he talked with Amy when she was alive. And I could talk to him
46 much like I'd talked with my own parents when they were alive. Of course, this meant that I was there more
47 and more. Sometimes I would stay overnight to make sure Sheldon took a shower in the morning and
48 changed his clothes. And while it is true, I kept some clothes there in case I needed to change. I never actually
49 moved in.

50 Danny/Dani didn't visit very often that I observed. Unlike busy body Kravitz. What a piece of work s/he is.
51 S/he seemed to find an excuse to drop by Sheldon's house almost every other day. At one point s/he
52 started bringing her/her emotional support cat with her. Sheldon was terribly allergic to it, and I asked
53 him/her to leave the cat at home or not come. I'd had enough of him/her after s/he called adult protective
54 services a couple of times because she thought Sheldon looked thin or he was wearing mismatched clothes.
55 Claimed I was abusing him. That was it. I said s/he wasn't welcome anymore. That wo/man needed to get a
56 life.

57 Anyway, when Danny/Dani did visit, the visit was short. I have no idea what D is talking about when s/he
58 says I was keeping him/her from his/her father. I thought Kravitz had a vivid imagination, but this may take
59 the cake. That said, Danny/Dani checked in with his/her father by phone frequently. On one of his/her rare
60 visits Danny/Dani thanked me for being there for his/her father. S/he said because of the help I was
61 providing; Sheldon would be able to stay in his home rather than going into assisted living. Now s/he's
62 accusing me of stealing from him. What an ingrate.

63 About three years ago, I think it was September or October of 2019, I ran into Parker at a Bar in downtown
64 Goldenrod. I had been out riding my Kawasaki Z900 and stopped in for a drink. I parked next to a 1950
65 Indian Chief that was in the midst of restoration. I'm something of a gear head, so I noticed. It was going to
66 be one fine bike when it was finished. Anyway, when I entered the bar I heard someone calling my name
67 and it was Parker. I hadn't seen him/her since I left for the Navy but I recognized him/her immediately.
68 S/he invited me to join him/her and I did. We reminisced about the good old days. I told him/her what I had
69 been doing for his folks. S/he brought me up to date with his/her life. That's how I found out the Indian
70 Chief bike was his/hers and that s/he was in the process of restoring it. I already knew that Parker spent

71 some time in prison for selling drugs. It was all over the papers when it happened. Parker and I revived our
72 friendship from High School, and we started hanging out together quite a bit. I was especially interested in
73 helping Parker restore his/her bike and s/he agreed to let me help. I told Sheldon a friend of mine had a
74 bike s/he was restoring and got his permission to use a space in his garage.

75 A little while after that Parker called wondering if I could help him/her re- establish a relationship with
76 her/his father. I was more than willing to try. Parker had burned many a bridge with his/her father and it
77 wasn't clear that any of them could be rebuilt. That said, Sheldon agreed to let me invite Parker to the house
78 over the Christmas holidays. While there Parker and Sheldon had a private conversation. Sheldon told
79 Parker he'd written him/her out of the will and wouldn't be receiving anything from him now or at Sheldon's
80 death. In any event no bridges were rebuilt that night. But Sheldon didn't throw Parker out of the house or
81 forbid him/her from ever coming back nor did he otherwise try to interfere with our friendship. And he
82 continued to let us use some of the space in his garage to restore the Indian Chief. After a while Parker
83 would join us for dinner if s/he was around. Parker even helped around the house from time to time, like
84 when I cleaned out the basement and hauled out all kinds of junk and crap Amy and Sheldon had piled up
85 over the years. It was during this time that Parker and I started talking about opening up a motorcycle shop.
86 Finally, I wouldn't have to work for someone else or go bouncing from job to job. It was like a dream come
87 true. I could be my own boss. We even scouted out a great location for it. All we needed was \$\$\$\$ (about
88 the value of the Gnome Diamond and the Flowers Original together) to get it going.

89 I remember the day Kravitz brought Sheldon home from his walk. It was in January 2021. It was in the
90 early afternoon. I didn't realize Sheldon had been gone so long. S/he was beside herself talking a mile a
91 minute as s/he usually did. Said Sheldon had gotten himself lost and if s/he hadn't run into him who knows
92 what would have happened. That's when things blew up. Kravitz called Danny/Dani who then just took over.
93 Danny/Dani told me to leave and not come back. Later s/he accused me of taking cash from Sheldon and
94 things from the house, as well as stealing the Flowers Original and the Gnome Diamond. Sheldon is now
95 living in Goldenrod Terrace, a memory care facility in the north part of town. Danny/Dani has prohibited me
96 from seeing him.

97 I did take the Flowers Original, but I didn't steal it. Sheldon told me to take it a little over two years ago.
98 December 2019 – around the holidays, I think it was. I had admired it for quite some time and told him so
99 more than once. Sheldon told me that he bought the painting 20 or 30 years before for \$1,000 before
100 Flowers became famous. He guessed it was worth way more than that by now and becoming more valuable
101 by the day. He told me he wanted me to have it. He said his kids have shown no interest in any of his
102 possessions and would likely auction it off after his death. He didn't want that. He told me to take it.

103 Of course, I received cash. I worked for Sheldon for an hourly wage and occasionally bought gas, groceries,
104 and other miscellaneous things that he'd reimburse me for. Except for the Flowers Original and the Gnome
105 Diamond I didn't take anything that wouldn't have been thrown out anyway.

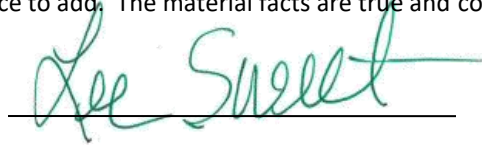
106 As for what Danny/Dani Brichacek calls the Gnome Diamond, I didn't steal that either. I found it one day
107 while tidying up in the summer of 2020, I think it was in June. These nesting gnome dolls has always been on
108 the fireplace mantle and I accidentally knocked one over and out fell an odd-looking stone. Sheldon didn't
109 remember how it came to be in the gnome. It occurred to me that someone may have hidden it there to keep
110 it from being stolen. But as with the Flowers Original he told me to take it. So, I did. I don't have it now. I

111 had to pawn it. I was getting way behind on my bills and went to a Jeweler to see if it had any value. The
112 jeweler said it was an uncut diamond and worth \$21,500 but he wouldn't buy it from me. Something about
113 no documentation as to where it came from. So, I pawned it. Exhibit #11 is a copy of the appraisal the
114 jeweler gave me.

WITNESS ADDENDUM

I have reviewed this statement and I have nothing of significance to add. The material facts are true and correct.

Signed,

A handwritten signature in blue ink that reads "Lee Sweet". The signature is written over a horizontal line.

SIGNED AND SWORN to before me at 8:00 a.m. on this day of this round of the 2022-2023 Nebraska State High School Mock Trial Competition.

A handwritten signature in blue ink that reads "K. Flowers". The signature is written over a horizontal line.

Kristi Ann Flowers, Notary Public

My Commission Expires: January 31, 2023

IN THE DISTRICT COURT OF WAGON WHEEL COUNTY, NEBRASKA

D. BRICHACEK,	)	Case ID: CI22-27299
Plaintiff,)	
)	
vs.	)	Honorable Mark Beeder
	)	Presiding Judge
L. SWEET,)	
Defendant.)	

Witness Statement of Parker Brichacek

1 My name is Parker Brichacek. I'm the youngest child of Sheldon and Amy Brichacek. I am 44 years old,
2 almost five years younger than my sibling, Danny/Dani. My mother, Amy, died about 5 years ago.

3 Nine years ago, I was convicted of the felony of possession with intent to distribute a controlled substance.
4 My father disowned me for that, saying that I was no good for being involved in the drug trade. I was
5 sentenced to 7 years in prison but served only three and a half years because of good behavior. I was
6 persona non grata at my father's house after the conviction and sentencing, and that didn't change even
7 after my release from prison. It made no difference to the old man that I paid my debt to society. Didn't
8 matter much to me since I wasn't living in the county then and didn't have any time to go visiting anyway.

9 About three years ago, I was offered a job as a bartender at a little joint called the Previous Evening in a
10 small town a few miles away from the old man's residence in Goldenrod. It was a good offer, good salary,
11 you know, so I moved back here and took the job. My address is 1763 Eustis Drive, in Meadowlark,
12 Nebraska.

13 So, it was a cold day in early December 2019. I was sitting in a booth in a bar in downtown Goldenrod that
14 had a window that let me look out at the parking area. I wanted to keep an eye on my bike, which is a red
15 1950 Indian Chief that I was restoring. It has a 1205CC side valve 42-degree v-twin and ran pretty well,
16 but still needed some work and some parts that were hard to find. Exhibit #12 is a photo of my ride.
17 Anyway, I didn't want anyone screwing with it. Up comes another bike and parks next to me. A Kawasaki
18 Z900. A fine machine. The rider obviously had taste. I intended to strike up a conversation, but when the
19 rider came in and took off his/her helmet, I did a doubletake. It was an old high school classmate of mine,
20 Lee Sweet. I waved and hollered at him/her and, with a surprised look, s/he joined me in the booth. We
21 caught up a bit, you know, mutual acquaintances, who was dead, divorced, the usual stuff. Then we talked
22 about our mutual interest in motorcycles. Turns out Sweet caught the bug some years ago, right after s/he
23 separated from the Navy. S/he was fascinated by my Indian and I told him/her that I was still restoring it.
24 S/he said s/he would love to help. Then s/he related that s/he was now providing some care services to, of
25 all people, my old man. S/he reminded me that the old man's house had a big garage we could work in,
26 and I could maybe even visit with Sheldon. I told him/her that he and I still didn't get along but said I would
27 give it a try. I told him/her I had just found a restored carburetor that I needed to install, and we agreed
28 that we would work on it together the next Saturday.

29 On that next Saturday, I went over to the old man's place. When I arrived, I saw the old man in the front
30 window. He kinda nodded recognition, and then walked off. Sweet and I did work on the cycle that day
31 and on other weekends. We started going out for rides together on occasion, even agreeing that we might
32 try to get in shape for a ride to Sturgis the next summer. After our first ride, which was probably in mid-
33 December, I thought about Sweet's new relationship to my family. I just missed hanging out with my family.
34 So, I decided to ask Sweet if s/he would intercede with the old man to let me stop over at the old homestead
35 just before Christmas for dinner or whatever, just to break the ice. Figured I'd drop off a peace
36 offering/Christmas gift, you know, a bottle of Johnny Walker Red. He always liked a swig or two before
37 bed. Sweet said that the old man had been letting him/her have some people over to the house from time to
38 time for craft beer parties. S/he was putting one on the next Sunday and would ask him if I could attend.

39 The old man, to please Sweet, grudgingly said OK. It was a small group, with Sweet and a couple of
40 friends, some I knew from the old high school days. Drank strange brews and talked bikes mostly. Seemed
41 to go okay. The old man took my gift, the bottle of booze, and thanked me for it. However, just when I was
42 about to leave, the old man pulled me aside and made a point of telling me that, because of my past
43 criminal activities, I had been written out of his will. I was disappointed. I told him I thought it was pretty
44 damned harsh, but if that was his decision, I had to live with it. I said that I would like to be considered more
45 of a prodigal son than a pariah, but if his mind was made up, so be it. I figured Danny/Dani musta planted
46 that idea in the old man's head.

47 Over the last year or so, I attended a few more get-togethers at the house. I was also visiting the old man on
48 a regular basis. I even stayed over the weekend at the old family homestead a time or two. I watched
49 Sweet working with the old man and saw how s/he treated the old man with respect. Very professional. I
50 thought that was great. Me and Sweet continued to ride on weekends and went out drinking a couple of
51 times when I stayed over.

52 When I first started to visit, I could see that the old man was going downhill physically. Sweet began to stay
53 over once in a while. S/he used a room on the second floor where the master bedroom is also located.
54 When I stayed over, I always stayed in the basement bedroom.

55 Sweet and I started talking about opening up a cycle shop, you know, something legit. We found a great
56 place for the shop at South Goldenrod Center and talked about renting it. Pretty high rent, and then we
57 would need tools and equipment. No dough, so no go. We started looking into financing, you know,
58 checking with the banks and investors, buying lottery tickets, etc.

59 Unfortunately, there were rumors that Sweet was mistreating the old man, that Sweet was taking advantage
60 of him. A lot of this was caused by that meddlesome old biddy/bugger, Kravitz, who lives across the street.
61 Self-appointed guardian of the frickin' universe. Just another self-important wacko with nothing else to do.
62 S/he made remarks to the old man, Danny/Dani, and even the cops about what s/he saw or thought s/he
63 saw going on around the house. Always spying. Once when I was over, I saw Kravitz peeking around the
64 drapes with a pair of binoculars. I looked directly at the old busybody and flipped him/her the bird.

65 Kravitz was always trying to get into the house, bringing over crap that the old man had no business eating,
66 like casseroles and hamburgers. Just what the Doc told him to avoid. And then the dummy would insist on
67 bringing over his/her "therapy" cat. How long was it going to take for Kravitz to realize that the old man
68 had allergies?!?

69 Kravitz apparently related to Danny/Dani that s/he had seen me and Sweet taking bags of valuables out of
70 the house. As usual, the old fool jumped to a wrong conclusion because we were just taking stuff to the
71 charitable organizations and to recycling center. Not surprising. Kravitz knew me from when I was a kid in
72 the neighborhood and always harbored a bad impression of me just because I didn't always get a job on
73 summer break.

74 I can tell you that, over the course of the past year or so, and from what I saw Sweet doing for the old man
75 during my visits, I know the old man still had his head on straight. He knew what he was doing when it came
76 to money and gifts, and whatever, certainly up until the time that Danny/Dani got this damned conservator
77 thing set up. I saw the old man. He talked rationally about finances and health issues and whatever. The old
78 man read the newspaper, watched the news, and talked about politics and the world goin' to hell in a
79 handbasket. Once in a while Sweet and I even played games with the old man when I was staying over. You
80 know, Clue, Scrabble, the like. He held his own. Nothing wrong with the old man's brain then.

81 So far as payments and gifts that the old man gave Sweet, that was just the old man being, you know,
82 grateful. He knew what he was doing. There was no pressure or anything underhanded being done by
83 Sweet. I saw Sweet attending to the old man in a kind, professional manner. S/he didn't argue with the old
84 man, but, like a friend, talked him into doin' what was good for him, takin' pills, eatin' right, you know. S/he
85 managed the old man's meds and assisted with billpaying and other money matters. Sweet even taught the
86 old man how to pay bills and make purchases the easy way using that new app called Venmore.

87 And about the Gnome Diamond that Danny/Dani says Sweet "converted" or whatever. Here's how that
88 really went down. About a year or so ago, I was over working on the cycle and was in the house takin' a
89 beer break. Sweet was cleaning the mantelpiece and knocked over this old set of what we called the
90 Nesting Gnomes that were sitting up there. It popped open and inside was a big gem. We dusted it off.
91 When cleaned up I realized it was an old family heirloom, what we called the Gnome Diamond. When
92 Danny/Dani was babysitting me s/he would hide the rock and have me look for it. S/he used to hide it in
93 the Nesting Gnomes a lot. I think the folks left it in the Nesting Gnomes so I wouldn't find it in my druggie
94 years. Anyway, Sweet took it to the old man and remarked that a rock like that must be worth a ton.

95 We watched as the old man took the rock and bounced it ins his hand a few times. His eyes kinda glazed
96 over, maybe thinkin' back and remberin'. He didn't say anything. After a minute or so, he looked at Sweet
97 and hands the rock back to him/her, saying "You found it. You do a lot for me. Why don't you just keep it?"
98 Sweet was floored, and so was I, to tell the truth. I never thought he would part with that, you know? I talked
99 to Sweet afterwards. S/he was just bowled over by the old man's generosity toward her/him. Sweet told me
100 s/he really hoped that no one in the family would be resentful of what s/he had received from the old man.

101 If you want my two cents worth, this case is simply the product of sour grapes on the part of Danny/Dani
102 because s/he wants the old man's fortune, the whole enchilada, for himself/herself. This case is BS and
103 should be dismissed out of hand.

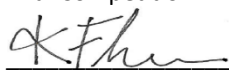
WITNESS ADDENDUM

I have reviewed this statement and I have nothing of significance to add. The material facts are true and correct.

Signed,

P. Brichacek

SIGNED AND SWORN to before me at 8:00 a.m. on this day of this round of the 2022-2023 Nebraska State High School Mock Trial Competition.

A handwritten signature in cursive script, appearing to read 'K. Flowers', written in black ink.

Kristi Ann Flowers, Notary Public

My Commission Expires: January 31, 2023

IN THE DISTRICT COURT OF WAGON WHEEL COUNTY, NEBRASKA

D. BRICHACEK,	)	Case ID: CI22-27299
Plaintiff,)	
)	
vs.	)	Honorable Mark Beeder
	)	Presiding Judge
L. SWEET,)	
Defendant.)	

Witness Statement of Dr. Logan Anthony

1 My name is Dr. Logan Anthony. I am a board-certified family practice physician practicing in Goldenrod,
2 Nebraska. I earned a Bachelor of Science degree in biology with a minor in chemistry as well as a Master
3 of Science degree in anthropology from Western Kentucky University in 1994 and 1996, respectfully. I
4 earned my medical degree from the University of Nebraska Medical Center Omaha, Nebraska in 2000.
5 Afterward, I completed residency training in Family Practice at the Lincoln Medical Education Foundation in
6 Lincoln, Nebraska in 2003.

7 I am currently employed by Memorial Health Care systems principally located in Goldenrod, Nebraska, in
8 Family Practice and have held that position since 2003, following my residency. My work address is 1234
9 Medical Plaza Ln. My special areas of interest are in pediatrics and geriatrics because I love to work with
10 people of all ages. Family physicians have an incredibly diverse training and experience devoted to
11 comprehensive health care for people of all ages and my training includes primary care, disease prevention
12 and health promotion as well as sick visit and urgent care appointments and emergency care.

13 As defined by the American Academy of Family Physicians (AAFP), a family physician has been educated
14 and trained to provide continuing and comprehensive medical care, health maintenance and preventive
15 services to all members of the family regardless of sex, age and type of problems. My residency training
16 provided integrated inpatient and outpatient learning over a period of three years and included extensive
17 in-hospital training in the care of adults and children, maternity care, emergency and critical care and other
18 inpatient situations.

19 In my current role, I provide services to all ages within the clinic, hospital, emergency room and nursing home
20 settings. Sometimes referred to as a "primary care" physician, I provide both the first contact for a person
21 with an undiagnosed health concern and continuing care of varied medical conditions, not limited by cause,
22 organ system or diagnosis.

23 Over the course of my tenure, I have never been called as a witness to testify in a court matter, but I
24 understand that the pending matter relates to some sort of objection raised by a family member of one of
25 my patients, Sheldon Brichacek, based on his/her belief that Sheldon was taken advantage of by a friend
26 and caretaker through the receipt of several recent gifts. Based on my education, experience, training, and
27 personal consults with and observations of Sheldon during the period of time in question, there is no doubt
28 that he was in full control of his faculties and had the full capacity to knowingly and voluntarily appreciate

29 the consequences of his actions right up until I diagnosed him with mild Delerium in September 2019.
30 Delerium can fluctuate during the day and show up intermittently. During his visit to my office, he was lucid
31 and fully capable of making decisions for himself. In January 2020, the Delerium was worse, and I referred
32 him for further consult. He was then diagnosed with Dementia in July of 2020.

33 Treatment History and Narrative

34 I have known Sheldon and his wife Amy for the better part of 15 years. In fact, I started treating both of
35 them shortly after taking the position with Memorial Health Care in Goldenrod. Their bakery was a crown
36 jewel in town. The Croislache King has certainly added a few pounds to my waistline over the years.

37 Amy died from very aggressive cancer shortly after her diagnosis in 2017. Sheldon has always been a
38 strange guy, no doubt, but he seemed to have taken a turn after Amy's death. He was depressed, sometimes
39 absent-minded, and had occasional memory loss, but he was always sharp as a tack when it came to his
40 possessions and business affairs. He also became very philanthropic. Sheldon certainly likes to take care of
41 the people that take care of him and his way of doing so is always with gifts and cards. Every year, he
42 sends my family a huge package from Omaha Steaks for Christmas just for being his doctor. I know he does
43 similar things for other people in town that interact with him both socially and professionally. I even heard he
44 gave his insurance agent a Honda Accord for the insurance agent's 16-year-old son. Sheldon is certainly a
45 generous client and became more so after Amy's death.

46 Most of Sheldon's treatment history is fairly unremarkable. He was on a smattering of medications typically
47 prescribed to individuals his age for things like blood pressure, cholesterol, and arthritis. By 2016, however,
48 his family thought it would be a good idea to get him some help around the house due to mobility issues and
49 just general oversight. He had been seen wandering around without an apparent purpose, which was
50 troubling in and of itself to the family.

51 They ended up hiring Lee Sweet for that job and over the course of time I became familiar with him/her as
52 well because s/he became very involved in Sheldon's care and treatment outside of the clinic. In fact, by
53 October of 2019, Sweet attended every one of Sheldon's appointments and often helped provide necessary
54 information about Sheldon during the visits. S/he also had access to Sheldon's MyChart, which documents all
55 of his medical history, treatment and the like. Sheldon told me it was fine to give Sweet access. Looking
56 through my records in preparation for my statement, I did note several times that Sweet did cancel or change
57 Sheldon's scheduled appointments due to a scheduling conflict s/he had, but I did not find this involvement
58 unreasonable or invasive at all. As far as I was concerned, I welcomed the third-party perspective of a daily
59 care provider so intimately involved in Sheldon's life and daily activities.

60 In the fall of 2019, concern was expressed to me at Sheldon's semi-annual appointment and med check that
61 he was demonstrating what was described as "fits of forgetfulness and absentmindedness." Sweet reported
62 that he would sometimes repeat stories within hours of having first told it to him/her and would have
63 forgotten that it had already been discussed. Similarly, Sheldon would ask questions that had just recently
64 been answered, admittedly having forgotten that it had already been asked and answered. I gave Sheldon
65 a Montreal Cognitive Assessment and the results indicated that he was cognitively fine. Exhibit #8.

66 The Montreal Cognitive Assessment (MoCA) helps assess people for dementia. It is a 30-question test that
67 takes around 10 to 12 minutes to complete. The test was published in 2005 by a group at McGill University
68 that worked for several years at memory clinics in Montreal.

69 The MoCA checks different types of cognitive or thinking abilities. These include:

70 **Orientation:** The test administrator asks the patient to state the date, month, year, day, place, and
71 city.

72 **Short-term memory/delayed recall:** Five words are read. The test-taker is asked to repeat them.
73 After completing other tasks, the person is asked to repeat each of the five words again. If they cannot recall
74 them, they are given a cue of the category that the word belongs to.

75 **Executive function/visuospatial ability:** These two abilities are checked through the Trails B Test. It
76 asks the patient to draw a line to sequence alternating digits and letters (1-A, 2-B, etc.). The test also asks
77 the patient to draw a cube shape.

78 **Language:** This task asks the patient to repeat two sentences correctly. It then asks the patient to list
79 all the words in the sentences that start with the letter "F."

80 **Abstraction:** The patient is asked to explain how two items are alike, such as a train and a bicycle.
81 This checks abstract reasoning, which is often impaired in dementia. The proverb interpretation test is another
82 way to measure these skills.

83 **Animal naming:** Three pictures of animals are shown. The patient is asked to name each one. This is
84 mainly used to test verbal fluency.

85 **Attention:** The patient is asked to repeat a series of numbers forward and then a different series
86 backward. This task tests the ability to pay attention.

87 **Clock-drawing test:** The MoCA asks the patient to draw a clock that reads ten past eleven.

88 Scores on the MoCA range from zero to 30. A score of 26 and higher is considered normal. In the
89 initial study data, normal controls had an average score of 27.4. People with mild cognitive impairment
90 (MCI) scored an average of 22.1. People with Alzheimer's disease had an average score of 16.2.

91 The scoring breakdown is as follows:

92 Visuospatial and executive functioning: 5 points

93 Animal naming: 3 points

94 Attention: 6 points

95 Language: 3 points

96 Abstraction: 2 points

97 Delayed recall (short-term memory): 5 points

98 Orientation: 6 points
99 Education level: 1 point is added to the test-taker's score if they have 12 years or less of formal
100 education

101 Sheldon scored a 26 on the MoCA I gave him in September of 2019. When I gave the MoCA to Sheldon in
102 January of 2020, he scored a 21, Exhibit #9 (owing principally to the fact he had difficulty in the Attention,
103 Abstraction, and the drawing aspects because he had arthritic pain in his hand and could not properly hold
104 the writing tool) which prompted me to make the referral to the specialist that diagnosed Sheldon with
105 dementia. Prior to September of 2019, Sheldon had passed the MoCA, I observed that he was fully in
106 command of all of his faculties and fully understood the consequences of his decisions, actions and affairs.

107 In my opinion, the cognitive difficulties first reported in January of 2020 were hallmarks of delirium and
108 supported that diagnosis at the time. A person with delirium may be competent one minute and incompetent
109 the next. Delirium is one of the most common disorders in elderly persons that may be reversible.

WITNESS ADDENDUM

I have reviewed this statement and I have nothing of significance to add. The material facts are true and correct.

Signed,

Dr. Anthony

SIGNED AND SWORN to before me at 8:00 a.m. on this day of this round of the 2022-2023 Nebraska State High School Mock Trial Competition.

K. Flowers

Kristi Ann Flowers, Notary Public

My Commission Expires: January 31, 2023

Exhibit #1

Flowers Original



Exhibit #2

Gnome Diamond - enlarged



Exhibit #3

Nesting Gnomes



Exhibit #4

Photo of gnome and mantle..missing photo



Exhibit #5

Inventory listing

Things Missing From Dads House!

- Porcelain Gnome
- Cast Iron Skillet
- That box w/ all the games
 - ↳ monopoly / Clue / chess

X-mas Plates!
Mower!

* End Table
→ Photos

National Geographic Magazines

Exhibit #6

Therapy Cat Certificate



Exhibit #7

2020 calendar





DB (402) 431-6543
(402) 867-5309

GPD (402) 441-0016
Vet (402) 481-PETS

February 2020

Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29						

January 2020

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
29	30	31	1 New Year's Day Bloody Mary Day Spm-Bring one to S.	2 Buffet Day 12-S.to Valerie's Buffet DB=5 min.	3 Call GPD dept. no plates viol. DB=8 min.	4 Trivia Day BB Bakery for crosslacher Buy whipped cream
5 Whipped Cream Day 7:30am Bring whipped cream for crosslacher w/s.	6 Epiphany Call DB-VM-S thin - HHTX	7 6pm-Bring S. burger & fries. DB=10	8 Call GPD dept. parking viol. DB=3.5	9 DB=4	10 1pm-Volunteer at Cat House	11 Milk Day & Hot Toddy Day BB for Cr
12 7:30am Cr w/s dirty shirt DB 9	13 Call DB-VM-S dirty clothes DB 5	14 Dress up your pet day Bring Honey to S. Pirate costume. DB=10	15 Soup Skimp day & Bagel Day Spm-Bring S soup, Swagade inside out VM DB=10	16 DB 3	17 GPD speed viol. DB 4	18 Winnie the Pooh Day BB for Cr
19 Popcorn Day 7:30 am - CR w/s 4--popcorn a Bridge w/s.	20 Birthday of Martin Luther King, Jr. DB 3.5	21 Hugging Day Call GPD re: trespass	22 Answer your cat's ?s day 2pm-Honey groomer DB 5	23 7pm-N.Watch mtg	24 Peanut Butter Day Bring S PB & J-Illam DB 6	25 Sweetie's ? 11:30pm-lard w/s-call GPD BB for Cr
26 7:30 am w/s-CR Sweet said no Honey Call GPD re: S care VM for DB	27 Choc. Cake Day Bring S cake & leave w/ Sweet DB 3	28	29 Abi's 80 Visit grave DB 5	30 Croissant Day 11am-Bring S chicken salad croissant DB 3	31	1 © Calendar 12.com



February 2020

March 2020						
Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
26	27	28	29	30	31	1
						Buy tater tots, ham, onion, BB-Cr
2 Super Bowl Sunday Tater Tot Day 7:30 Brk w/ Sheldon 12-Bring Sheldon lunch	3 Carrot Cake Day 11-Bring cake	4 Thank the mailman Day 3-Leave \$ for mailman DB 2	5 Eat Ice Cream for Breakfast Day -vanilla w/ caramel sauce DB 3-5	6 5 walk until 10 am Vm DB. 11 9pm-Call GPD Tard car music	7 10pm Vol. at CatHouse DB 4	8 Opera Day Der Ring des Nibelungen 1am-More food m See Sweet p? enter 5 house BB Cr
9 Pizza day 7:30 Cr w/S 11:30 Pick up Blob Gro's pizza for lunch w/S. 5:30 PB there!?	10 Vm DB re: PB DB 6-5	11 Make a friend Day (not Sweet!!) 7-Bridge w/S	12 1-Call GPDs pdg vid by store DB 3	13	14 Visit graves Valentine's Day Bring Valentine 11-Pick up lunch at Sr Center, bring to 5.	15 Gundrop Day a Whale Day BB Cr
16 7:30 Cr w/S-leave Sweet-5d no Honey Vm DB HTT1	17 Washington's Birthday (Presidents' Day) 11am-Lunch apples w/S.	18 DB 5	19 Choc Mint Day	20 8-Kid in yard, call GPD for p compl -no charge per GPD DB 3-5	21	22 Be Humble Day BB Cr
23 7:30 Cr w/S	24 Tortilla Chip Day 11am-Nachos w/S DB 4-5	25 8-Kids throw trash in yard-call GPD. Take pics.	26 Ash Wednesday 8:30-go to GPD check on complaint DB 3-5	27 Polar Bear Day a Chili Day Make chili a cinn rolls	28 Bring chili a cinn roll to 5 at 5pm	29 BB Cr



March 2020

April 2020						
Su	Mo	Tu	We	Th	Fr	Sa
		1	2	3	4	
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1 Compliment Day 7:30 Cr w/S	2 Old Stuff Day Clean attic DB 2.5	3 3-Sally Army pick up street	4 Call GPD expired tags noticed 4 cars downtown	5 DB 4	6 Dentist's Day	7 BBCr
8 Daylight Saving Starts 8:30 Cr w/S	9 Napping Day	10 Call GPD loud muffler complaint DB 3	11 DB 2	12 Alfred Hitchcock Day Watch Rear Window DB 3.5	13 1-Vol Cat House Buy str/throwarb pie DB 3.5	14 2nd Napping Day & Pi Day Bring S. pie for dinner-6 pm BBCr
15 7:30 Cr w/S DB 5	16 Panda Day Buy Guinness, corned beef	17 Saint Patrick's Day Make CBA Cabbage Sprm-dinner w/S	18 3 cars speeding in neigh-call GPD w/plate # DB 4.5	19 S. walk-until 10:25 Ask S- no good answer Vm for DB 11	20	21 11am-loud mcs Sweet & PB 11:45pm-loud mc & look drink Sweet & PB BBCr
22 7:30 Cr w/S bring Honey, Sweet & up. Vm DB 1111	23 Rappy Day DB 5.5	24 Choc Covered raisins day DB 3	25 Waffle Day & Tolkien Reading day Read The Hobbit	26 Samantha B Day Call Samantha Watch The Hobbit at 9pm	27 Call GPD re: junk cars on street Buy corn dogs	28 Something on a stick day 11am- Corn dogs lunch w/S. BBCr
29 7:30 Cr w/S 12-Samantha lunch at Bistro	30 Take a Walk in the Park Day 8-9am Walk w/S midam snack here. DB 4	31 7am-Lots of garbage at S. Vm DB 1111	1 April Fool's Day	2	3	4 E

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April 2020

May 2020						
Su	Mo	Tu	We	Th	Fr	Sa
28	29	30	31	1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
29	30	31	1 April Fool's Day Call GPD re: UFO- say Apr Fools! DB 2	2 1pm-boxes on S porch? Vm DB HTI	3 Choc Mon se Day 3pm-bring S dessert	4 BB Cr
5 Palm Sunday 7:30 Cr w/S	6 Call GPD re: littering Buy Guinness x2	7 Nat'l Beer Day 7pm-Guinness w/ S.	8 Zoo Lovers Day 1pm-Girls at zoo DB 4	9 Maundy Thursday	10 Good Friday Siblings Day - call Ethel 1pm-Vol Cat House DB 3-5	11 Pet Day 11am-Sweet PB Told me again 1pm-Honey to Nursing Home BB Cr DB VM III
12 Easter 7:30 Cr w/S bring Easter Basket 1pm-Dinner w/ kids	13 Scrabble Day 7pm-Tri to play Scrabble w/S.	14 Call GPD illegal parking by store. DB 3-5	15 1pm-see Sweet put boxes in car Vm DB HTI	16 Darrin B Day Call Darrin at noon	17 Bat Appreciation Day Build bat houses + bring one for S. DB 4	18 12-Lunch w/ Darrin at 4th St. Babille BB Cr
19 7:30 Cr w/S	20 Find bat house at curb for garbage at S house Take Vm DB HTI II	21 Vm DB IIII	22 Earth Day Jelly Bean Day DB 4.5-watch leaves fell re: bat house	23 Ethel B Day 12-Lunch Ethel at Pigs + Cow 7pm N. Watch mty Discuss crime rate.	24 Pig in a Blanket Day 11am-Bring S lunch DB 2	25 11:16-lard me Sweet Call GPD re: underage driver BB Cr
26 Help a Horse Day 7:30 Cr w/S- Breathe thin Call GPD re: S and Sweet, Vm DB III	27 Morse Code Day See GPD talk to Sweet at S house DB 3	28 Blueberry Pie Day 11am-bring S blueberry pie a lunch I eats better DB VM II	29 Guide Dog Day Call GPD re: graffiti on store DB 4	30	1	2



May 2020

June 2020						
Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
26	27	28	29	30	1 Naked Bordening Drop off baskets for neighbors Only get 2 back	2 Free Comic Book Day BB Cr
3 7:30 Cr w/S DB 3.5	4 Star Wars Day Call GPD more graffiti Watch SWIA New Hope	5 Cinco de Mayo 5pm-Tacos to S DB 5.5	6 5 long walk til 11am Vm DB 4.5	7 DB 3.5	8 1-Vol Cat House	9 Windmill Day BB Cr
10 Mother's Day 7:30 Cr w/S 1pm-call Susan	11 Twilight Zone Day 8pm-Watch TZ movie	12 Nutty Fudge Day 11-bring 5 fudge 8-wait looks thin Vm DB 11	13 DB 4.5	14 Call GPD re: street lights out DB 4	15 Adam B Day Call Adam-noon a mail card DB 4	16 1:15pm BB Cr / PB a Sweet Land etc
17 Baking Day 7:30 Cr w/S	18 Museum Day 1pm-Goldenrod RR Museum-Sweet let S go. Vm DB 11	19 8-call GPD 5thin 10:15 GPD at Showe 10:55am DB 10	20 Bee Day Build Bee box a bring 1 to S	21 Ascension of Jesus DB 4	22 Maritime Day Kid on skateboard on sidewalk-tell GPD	23 Turtle Day BB Cr DB 3
24 7:30 Cr w/S-shirt dirty Vm DB 1111	25 Memorial Day Wine Day 7pm-Wine w/S	26 DB 3	27 Susan's B Day 12-Lunch w/Susan Bunza 5-bring Bunza to S	28 Brisket Day DB 4	29 Biscuit Day-bake cookies DB 3	30 1pm-Sweet a PB load boxes in car 11:30pm PB a Sweet BB Cr / Land m/c Vm DB 1111 I spent night
31 Pentecost 7:30 Cr w/S-Sweet sd & Honey-leave Cr for S.	1	2	3	4	5	

Vm DB 111



June 2020

July 2020						
Su	Mo	Tu	We	Th	Fr	Sa
29	30	31	1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
31	1 Oliver Day Dinosaur Day Call grandkids DB 2,5	2 Call GPD re: kids riding bikes on sidewalk DB 3	3 Clean basement DB 3	4 Hug Your Cat Day & Donut Day 7am-Honey to S before Sweet sees DB 3	5 Items to Salv Army DB 3	6 BB Cr
7 Choc Ice Cream Day Cancer Survivors Day 7:30 Cr W/S	8 Best Friends Day 12-Bring S lunch bring Honey Sweet & S's chasid there VM DB Htt IIII	9 7am-Check on S-Sweet as sleep S feels better VM DB II	10 Herbs & Spices Day 12-KF Philly lunch DB 5	11 German Choc Cake Day & Corn on the Cob Day 7pm-Bring cake to S Beat: VM DB II	12 1-Vol Cat Hse DB 4	13 1pm-Honey to Nurst Home BB Cr DB 3
14 Flag Day Blood Donor Day 7:30 Cr W/S	15 7am-Call GPD re: neighbor in open robe outside-public indecency. 1pm-Give blood	16 BB Cr for gorbagemen	17 Garbage Man Day 6:30 am- bring Cr to gorbagemen 7:30 am-etta Cr to S	18 S long walk → 10:45 am VM DB Htt DB 4	19 Juneteenth Martini Day & Garbman the Cat Day Bake lasagne DB 4,5	20 World Refugee Day PB-sink loudt BB Cr
21 Father's Day 7:30 Cr W/S 12-Dinner w/kids DB 22	22 Rainforest Day More boxer on S porch VM DB	23 12:30 downtown call GPD no plate vib	24 1pm-Honey to N Hone DB 3	25 Beatles Day Listen to LPs Beatles	26 Call GPD re: illegal fireworks DB 3,5	27 Ice Cream Cake Day Gravel at the freezer broke-VM for Health Dept BB Cr
28 7:30 Cr W/S-Honey w/me Sweet say no VM DB IIII	29 Camera Day Buy new binoculars Film for Polaroid DB 3	30 Buy card for S & his fav. cheesecake	1	2	3	4 Independence Day © Calendar 12.com



July 2020

August 2020						
Su	Mo	Tu	We	Th	Fr	Sa
28	29	30	31	1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
28	29	30	1 Chick-Wing Day Sheldar's B Day 7:00 am - Happy BD to S - cord, candle at flame DB 8.5	2 9:30 am - S tripped up steps, fell. Bruise on knee, OK VM DB HTT1	3 10 am - see S - doing ok BB for Cr for Sunday	4 Independence Day 12 - at park w/ kids DB 3.5
5 Apple Turnover Day Mechanical Pencil Day 7:30 Cr & Apple T. w/ S Call GPD Fireworks Violation	6 Fried Chicken Day Call GPD Fireworks Violation DB 2	7 Strawberry Sundae Day Spm - bring S, Str. Sundae	8 Call GPD re: spdy viol on main DB 3	9 DB 3	10 Kitten Day 1 pm Vol Cat Hse 6:30 pm Sweet leave 7 pm Hwy to S	11 Mojito Day BB Cr. PB loud mk sleeps over
12 Etch-a-Sketch Day 7:30 Cr w/ S - clothes dirty Call kids VM DB HTT1	13 7 pm - Bridge w/ S, play Uno instead	14 Cow Appreciation Day DB 2.5	15 See S after walk 9:15 am - pants dirty PB VM III	16 Snake Day Call GPD re: car window tint viol PB 2.5	17 DB 2.5	18 Nelson Mandela Internat'l Day 1 pm PB & Sweet more me BB Cr noise
19 Ice Cream Day 7:30 Cr w/ Ice cream w/ S B/d b/d from S!	20 Moon Day DB 3.5	21 1 pm - Kid peeing in alley - Call GPD re: public indecency	22 Hot Dog Day 2:50 pm S. in indent w/ chair/sprinkler	23 Vanilla Ice Cream Day 7 pm - N Watch mtg DB 4	24 Cousins Day Call Cousin Ed	25 1 pm PB & Sweet Land me Both over night again BB Cr
26 7:30 Cr w/ S	27 S late back from walk - 7:10:30 am Shirt dirty VM PB IIII	28 Spm - boxes on S porch? VM DB III	29 Tiger Day DB 4 10 pm - neigh flag illuminated at night - call GPD to report	30 Friendship Day 1 pm - Watch Groundhog Day w/ S DB 4	31 3 pm 10 am - take gr/kids school shopping	1

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August 2020

September 2020

Su	Mo	Tu	We	Th	Fr	Sa
30	31	1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
26	27	28	29	30	31	1 Alpaca Day BBCr
2 Ice Cream Sandwich Day 7:30 Cr w/S	3 Watermelon Day DB 3,5	4 Choc Chip Cookie Day 5pm-bring 5 CCC S's or hungry, leave them	5 VM DB III Call GPD re: campaign sign size violation DB 3	6 Buy Guinness X 2	7 Mustard Day & Internat'l Beer Day 5pm-bear w/S on porch DB 2-5	8 Internat'l Cat Day 2pm Honey to Nudging House BBCr
9 Booklover's Day 7:30 Cr w/S Read To Kill a Mockingbird	10 Call GPD-another campaign sign viol	11 Son + Daughter Day 5:30 Take kids to dinner	12 Elephant Day DB 3,5	13 Tabitha B Day 12-Lunch w/ Tabitha	14 Garage Sale Day 1-Vol Cat Hse DB 3	15 Assumption of the Blessed Virgin Mary Honey Bee Day BBCr DB 4,5
16 7:30 Cr w/S-shirt dirty VM DB III	17 Black Cat Appreciation Day 1pm-Visit Cat Home w/ Honey DB 3	18	19 Call GPD re: Spdg in school zone DB 2	20 DB 2-5	21 Sr Citizen Day 11-Sr Center lunch 1-Feed to S.	22 Eat a Peach Day Call GPD 9:30pm loud noise BBCr PB loud mk sleepover
23 7:30 Cr w/S-bring Honey over as sweet & up	24 Werewolf Day DB 3,5	25 10pm call GPD Towel car stereo	26 Nat'l Dog Day DB 2,5	27 Burger Day 3:30pm call GPD re: kid littering	28 Sam B Day 12-Lunch w/ Sam	29 12noon-PB & Sweet revving mcs BBCr 1am-PB Sweet loud me Look drunk Call GPD 2:publie into 100Z?
30 Pony Express Day 7:30 Cr w/S VM DB III	31 S back late from walk 10:45am DB 2-5 VM DB III	1	2	3	4	5



September 2020

★ Happy Cat Month ★

October 2020						
Su	Mo	Tu	We	Th	Fr	Sa
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
30	31	1 Cherry Popover Day 10am-Snack from walk-bring popover.	2 Shop for cat toys DB 3	3 DB 2	4 1pm-Volat Cat Hose DB 3-5	5 Internet Day of Charity Call GPD re: damage to Food Pantry BB Cr
6 7:30 Cr w/ S- Sweet SA & Honey left Cr for S. Vm DB HTU II 13:30 Cr w/ S Grandparents Day Lunch w/ 5r kids DB 3-5	7 Labor Day Salami Day 3pm-Call GPD Sweet loud me DB 3	8 Vm DB III 1pm-Honey vet. 2pm PetWise store DB 2-5 15 Greenpeace Day Call GPD re: gas oil spill at KStop	9 DB 3 16 DB 3-5	10 TV Dinner Day & Suicide Prev. Day 5pm-Bring S. tv dinner-salisbury steak 17 S late from walk- no socks on - 10:15 am Vm DB IIII	11 Stand up to Cancer Day Visit graves 12-14 Cat Hose DB 4 18 My bday Cheeseburger Day 12-Lunch w/ kids for kids S forgot my bday 25 Save the Koala Day	12 1pm-Sweet a PB work on land m/c 9pm-Sweet a PB leave oh m/c BB Cr Vm DB IIII 19 Vm DB IIII 10pm Sweet a PB loud m/c BB Cr Call GPD noise complaint 26 Hunting & Fishing Day DB 4-5 BB Cr
20 Pepperoni Pizza Day 7:30 Cr w/ S- Sweet SA & Honey leave Cr for S. Vm DB HTU II	21 Miniature GOLF Day 7pm-Mini golf w/ kids & grands	22 Hobbit Day DB 2-5 8-Watch Hobbit & interested 29 Coffee Day 7:30-coffee to S 10:15 am - noon Call GPD see leave scene of car accident Interviewed 12:15-call kids re: car accident	23 Call GPD re: neigh- bor's poop in yard 30 Save newspaper article re: this	24 → And again. Call GPD. DB 3 Put poop in neighbor yard	2 2	3 © Calendar 12.com
27 7:30 Cr w/ S DB 3-5	28					



October 2020

November 2020						
Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
27	28	29	30	1 Music Day + Int'l Coffee Day 7:30am bring Ink coffee to S	2	3 1pm-Sweetie PB loud mc → 4 pm Call GPD BB Cr DB 4
4 Cinnamon Roll Day 7:30 Cr w/ S S looks thin, e eating VM DB HTT	5 Call GPD re: parking viols. DB 2	6 Phy Asst Day 1pm-bring PAtch Coolies	7 S. late walk → 10:15 am VM DB IIII DB 3-5	8 Octopus Day 9pm-Report peeping tom to GPD	9 Egg Day 1-Val cat + Are	10 World Mental Health Day 3-Honey N: Home BB Cr.
11 7:30 Cr w/ S - S shirt dirty Call GPD; VM DB DB 4	12 Indigenous Columbus Day	13 Train Your Brain Day DB 2	14 Dessert Day Call GPD re: camp sign viols.	15 Doris' B Day Bake choc cake for Doris - deliver	16 Global Cat Day 1pm-Honey to Petstore DB 3-5	17 Pasta Day Woke at 1am to loud mc Sweet BB Cr + PB Drink?
18 Choc Cupcake Day 7:30 Cr w/ S w/ Honey-Sweet mod I left early VM DB IIII	19 Gina Tonic Day 7pm-Bring S GAT He & drink. Must be sick VM DB IIII	20 Chess Day DB 2-5	21 Nacho Day + Apple Day 4pm-bring Spiced Apple pie Sweetie - inside out	22 Call GPD re: yelling somewhere, 2 down assault 7pm N Watch mtg	23 Snow Leopard Day + Mole Day Call GPD - more yelling - they sd DB 2 + to worry	24 Nat'l Food Day + make a Diff. Day 2pm-Sweetie PB loud mc BB Cr
25 7:30 Cr w/ S DB 3-5	26 Chiche-fried Steak Day S late walk → 10am-fed him CF steak lunch Clothes dirty VM DB HTT	27 American Beer Day + Nat'l Black Cat Day DB 2	28 Look for expired plates-report to GPD	29 Nat'l Cat Day 1pm-Honey to Pet grocer	30 Candy Corn Day Buy candy for kids DB 2	31 Hung a sheep day Halloween 6-8pm Candy to kids Bring Honey to S to Trick or Treat = 8 pm



November 2020

December 2020						
Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1 Daylight Saving Ends All Saints' Day 6:30 Cr w/ S w/ Honey Call GPD re: TP'd house-vandalism	2 7pm-Bring extra candy to 3 kids	3 Sandwich Day VOTE* DB 2	4 Call GPD re: dog poop in yards-mine brd viol.	5 Make list of unit plays at night-DB 2 call GPD	6 Nachos Day Call GPD re: dog poop-shill & clear up, BB Cr	7 Bison Day 1pm-4pm-Sweet or PB land me
8 Harvey Killebanger Day 7:30 Cr w/ S Spm-bring 5 Honeywell Re-04 ink it	9 Find dog poop in my yard-call GPD, DB 2 & S retaliation?	10 Vanilla Cupcake Day	11 Veterans Day Visit cemetery Add Plays, DB 2	12 Re-do list of unit plays-add more, Call GPD	13 Hug a Musician Day 1-Vol Cat Hse DB 3	14 Diabetes Day Land me again BB Cr.
15 Recycling Day 7:30 Cr w/ S-seemed tired.	16 See more notes on S porch	17 Take a Hike Day Sweet loads car? Vm DB HTT	18 Mickey Mouse Day Abby/Dorner Bay 12-visit grave a bring piggy lunch DB 3, S	19 Call cemetery night re: graves in disarray	20 Peanut Butter Fudge Day a Children's Day -call kids a stand DB 2, S	21 TV Day Hear land me at 2am BB Cr @ 5:22
22 7:30 Cr w/ S w/ Honey, Sweet as day S bruise on arm how got 7pm-Land me	23 Vm DB HTT DB 3	24 D.B. Cooper Day Call GPD re: what looks like robbery. They sd no.	25 Bake pie for Thanksgiving DB 4 Bring 5 one.	26 Thanksgiving Day 11:30 Dinner w/ kids	27 Black Friday Nat'l Cake Day DB 2	28 1pm-3:45 pm Land me w/ S BB Cr Sweet a PB
29 Square Dancing Day 7:30 Cr w/ S-confused when I talked abt square dancing Vm DB III	30 Check WLS after walk 9:30am-seems ok DB 2	1	2	3	4	5



December 2020

January 2021						
Su	Mo	Tu	We	Th	Fr	Sa
27	28	29	30	31	1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
29	30	1 Cookie Cutter Day	2	3	4 Cookie Day	5
			Put up Chr tree Bring small tree to's, seems confused vmpB ill	9:30am see S after walk ok bat shirt dirty vmpB ill DB 2.5	Bring cookies to neighbors DB 2	2-4pm-Sweet apB told me BB Cr
6	7	8 Nutt Brownie Day The Immaculate Conception of The Blessed Virgin Mary	9 Christmas Card Day	10	11	12am Call GPD re: dog at large, call Animal Control 1am-Sweet apB BB Cr love, 7 drink again
7:30 Cr w/S - W Honey, Sweet seer, left early Vim DB ill	Baker on S porch	DB 2	Write out cards Hand deliver one to S	Baker Don S porch: DB 2	1-Vol Cat Hse	
13 Day of the Horse	14 Monkey Day	15 Cat Herders Day	16	17 Wright Bros Day	18	19
7:30 Cr w/S - bring Honey in horse costume	wrong ph del. to me - bring to neigh Call UPS to complain DB 2.5	1pm-Honey visit nursing home	Call GPD re: late veh regu/r invalid plate on Multi St DB 2	7-10 Watch PBS m doc on WB25	See mouse at Diner-call Health Dept DB 3.5	BB Cr
20	21	22	23	24 Egg nog Day	25 Christmas	26
7:30 Cr w/S - Sweet awake leave early S sad. S & exti vmpB ill		Call GPD - snow shovelled on sidewalks for neighbors	DB 5	5pm-bring S eggnog - cheers!	Eat at Sam's house, bring pie/cookies	BB Cr DB 2
27 Fruitcake Day Visit the Zoo Day	28 Card Playing Day	29	30 Bacon Day	31 Champagne Day New Year's Eve	1 New Year's Day	2
7:30 Cr w/S 2-Gr kids to zoo	3pm-try playing Pitch w/S, switch to UNO I won					

Exhibit #8

MoCa Test #1

MONTREAL COGNITIVE ASSESSMENT (MOCA)
Version 7.1 Original Version

NAME: S. Brink
Education: HS
Sex: M
Date of birth: _____
DATE: _____

VISUOSPATIAL / EXECUTIVE

Copy cube [X] [X]

Draw CLOCK (Ten past eleven) (3 points)

Contour [X] Numbers [X] Hands [X] **5/5**

NAMING

[X] [X] [X] **3/3**

MEMORY Read list of words, subject must repeat them. Do 2 trials, even if 1st trial is successful. Do a recall after 5 minutes.

	FACE	VELVET	CHURCH	DAISY	RED
1st trial	✓	✓	✓	✓	✓
2nd trial	✓	✓	✓	✓	✓

No points

ATTENTION Read list of digits (1 digit/ sec.). Subject has to repeat them in the forward order [0] 2 1 8 5 4
Subject has to repeat them in the backward order [0] 7 4 2 **0/2**

Read list of letters. The subject must tap with his hand at each letter A. No points if ≥ 2 errors
[0] FBACMNAAJ KLBFAFAK DEAAAJA NOFAAB **0/1**

Serial 7 subtraction starting at 100 [4] 93 [4] 86 [4] 79 [4] 72 [4] 65
4 or 5 correct subtractions: 3 pts, 2 or 3 correct: 2 pts, 1 correct: 1 pt, 0 correct: 0 pt **3/3**

LANGUAGE Repeat: I only know that John is the one to help today. [X]
The cat always hid under the couch when dogs were in the room. [0] **1/2**

Fluency / Name maximum number of words in one minute that begin with the letter F [4] 25 (N ≥ 11 words) **1/1**

ABSTRACTION Similarity between e.g. banana - orange = fruit [X] train - bicycle [X] watch - ruler **2/2**

DELAYED RECALL

	FACE	VELVET	CHURCH	DAISY	RED
Has to recall words WITH NO CUE	[X]	[X]	[X]	[X]	[X]
Category cue	✓	✓	✓	✓	✓
Multiple choice cue	✓	✓	✓	✓	✓

Points for UNCUE recall only **5/5**

Optional

ORIENTATION [X] Date [X] Month [X] Year [X] Day [X] Place [X] City **6/6**

© Z.Nasreddine MD www.mocatest.org Normal ≥ 26 / 30 TOTAL **26/30**
Administered by: _____ Add 1 point if ≤ 12 yr edu

Exhibit #9

MoCa Test #2

MONTREAL COGNITIVE ASSESSMENT (MOCA)
Version 7.1 Original Version

NAME: S. Michael
Education: HS Date of birth: _____
Sex: M DATE: _____

VISUOSPATIAL / EXECUTIVE		POINTS																			
 [X]	 [X]	Draw CLOCK (Ten past eleven) (3 points) [0] Contour [X] Numbers [X] Hands	3/5																		
NAMING		POINTS																			
 [X]	 [X]	 [X]	3/3																		
MEMORY		POINTS																			
Read list of words, subject must repeat them. Do 2 trials, even if 1st trial is successful. Do a recall after 5 minutes.		<table border="1"> <thead> <tr> <th></th> <th>FACE</th> <th>VELVET</th> <th>CHURCH</th> <th>DAISY</th> <th>RED</th> </tr> </thead> <tbody> <tr> <td>1st trial</td> <td>[X]</td> <td>[X]</td> <td>[X]</td> <td>[X]</td> <td>[X]</td> </tr> <tr> <td>2nd trial</td> <td>[X]</td> <td>[X]</td> <td>[X]</td> <td>[X]</td> <td>[X]</td> </tr> </tbody> </table>		FACE	VELVET	CHURCH	DAISY	RED	1st trial	[X]	[X]	[X]	[X]	[X]	2nd trial	[X]	[X]	[X]	[X]	[X]	No points
	FACE	VELVET	CHURCH	DAISY	RED																
1st trial	[X]	[X]	[X]	[X]	[X]																
2nd trial	[X]	[X]	[X]	[X]	[X]																
ATTENTION		POINTS																			
Read list of digits (1 digit/ sec.). Subject has to repeat them in the forward order [0] 2 1 8 5 4 Subject has to repeat them in the backward order [0] 7 4 2		0/2																			
Read list of letters. The subject must tap with his hand at each letter A. No points if ≥ 2 errors [] FBACMNAAJLBFAFAKDEAAAJAMOFAB		0/1																			
Serial 7 subtraction starting at 100 [0] 93 [0] 86 [0] 79 [0] 72 [0] 65 4 or 5 correct subtractions: 3 pts, 2 or 3 correct: 2 pts, 1 correct: 1 pt, 0 correct: 0 pt		0/3																			
LANGUAGE		POINTS																			
Repeat: I only know that John is the one to help today. [X] The cat always hid under the couch when dogs were in the room. [X]		2/2																			
Fluency / Name maximum number of words in one minute that begin with the letter F [X] 15 (N ≥ 11 words)		1/1																			
ABSTRACTION		POINTS																			
Similarity between e.g. banana - orange = fruit [] train - bicycle [X] watch - ruler		1/2																			
DELAYED RECALL		POINTS																			
Has to recall words WITH NO CUE	<table border="1"> <thead> <tr> <th></th> <th>FACE</th> <th>VELVET</th> <th>CHURCH</th> <th>DAISY</th> <th>RED</th> </tr> </thead> <tbody> <tr> <td>[X]</td> <td>[X]</td> <td>[X]</td> <td>[X]</td> <td>[X]</td> </tr> </tbody> </table>		FACE	VELVET	CHURCH	DAISY	RED	[X]	[X]	[X]	[X]	[X]	Points for UNCUED recall only	5/5							
	FACE	VELVET	CHURCH	DAISY	RED																
[X]	[X]	[X]	[X]	[X]																	
Optional		POINTS																			
Category cue	<table border="1"> <thead> <tr> <th></th> <th>FACE</th> <th>VELVET</th> <th>CHURCH</th> <th>DAISY</th> <th>RED</th> </tr> </thead> <tbody> <tr> <td>[X]</td> <td>[X]</td> <td>[X]</td> <td>[X]</td> <td>[X]</td> </tr> </tbody> </table>		FACE	VELVET	CHURCH	DAISY	RED	[X]	[X]	[X]	[X]	[X]	Points for UNCUED recall only	0/0							
	FACE	VELVET	CHURCH	DAISY	RED																
[X]	[X]	[X]	[X]	[X]																	
Multiple choice cue	<table border="1"> <thead> <tr> <th></th> <th>FACE</th> <th>VELVET</th> <th>CHURCH</th> <th>DAISY</th> <th>RED</th> </tr> </thead> <tbody> <tr> <td>[X]</td> <td>[X]</td> <td>[X]</td> <td>[X]</td> <td>[X]</td> </tr> </tbody> </table>		FACE	VELVET	CHURCH	DAISY	RED	[X]	[X]	[X]	[X]	[X]	Points for UNCUED recall only	0/0							
	FACE	VELVET	CHURCH	DAISY	RED																
[X]	[X]	[X]	[X]	[X]																	
ORIENTATION		POINTS																			
[X] Date [X] Month [X] Year [X] Day [X] Place [X] City		6/6																			
© Z. Nasreddine MD www.mocatest.org Normal ≥ 26 / 30		TOTAL 21/30 Add 1 point if ≤ 12 yr edu																			

Administered by: [Signature]

Exhibit #10

Patient intake form

Logan Anthony, MD - Medical Office
1234 Medical Plaza Ln.
Goldenrod, Nebraska
Phone: (308) 555-3085
Fax: (308) 555-3099

PATIENT INTAKE: MEDICAL HISTORY

(To be completed by patient)

Use the opposite side of the page as necessary to complete your answers. Please print legibly.

Name: Sheldon Brichacek

Address: 1234 Sunrise Circle, Goldenrod

Phone: (w) 555-8888 (h) same (c) —

DOB: 7-1-41 Age: 78 SS no.: XXX-XX-5555

Emergency contact: Lee Sweet

Relationship to patient: Friend / Caretaker Phone: 555-5333

Primary care physician: Dr. Logan Phone: 555-3085

Date of last physical: last year - 2018 Have you ever had an EKG? () N (☒) Y Date: 2018

Current or past medical conditions (check all that apply) :

- | | |
|--|--|
| () Asthma/respiratory | () Cardiovascular (heart attack, high cholesterol, angina) |
| (<input checked="" type="checkbox"/>) Hypertension | () Epilepsy or seizure disorder () GI disease |
| () Head trauma | () HIV/AIDS () Diabetes |
| () Liver problems | () Pancreatic problems () Thyroid disease |
| () STDs | (<input checked="" type="checkbox"/>) Memory Issues () Nutritional deficiency |

Other (Please describe) : _____

Is there a family history of anything NOT listed here? ☒ N () Y (Please explain) _____

Not really.

Have you ever had **surgery** or been **hospitalized**? () N (☒) Y (Please describe)

He broke his leg 15 years ago. It was surgically repaired.

Childhood Illnesses

Measles ☒ N () Y Mumps ☒ N () Y Chicken Pox ☒ N () Y

Have you or a family member ever been diagnosed with a **psychiatric** or **mental illness**? ☒ N () Y (Please describe) *(Just his kids should have been)*

Have you ever taken or been prescribed **antidepressants**? ☒ N () Y For what reason _____

Medication(s) and dates of use: _____ Why stopped: _____

Please list all current **prescription medications** and how often you take them (example: Dilantin 3x/day).

DO NOT include medications you may be currently misusing (that information is needed later): _____

Please list all current **herbal medicines**, **vitamin supplements**, etc, and how often you take them:

Multi-vitamin / 1x/day

Please list any **allergies** you have (eg, penicillin, bees, or peanuts): _____

Tobacco History

Cigarettes: Now? ☒ N () Y

In the past? () N ☒ Y

How many per day, on average? _____

For how many years? as a teenager

Pipe: Now? ☒ N () Y

In the past? ☒ N () Y

How often per day, on average? _____

For how many years? _____

Have you ever been **treated for substance misuse**? ☒ N () Y (Please describe when, where and for how long)

How long have you been **misusing substances**? n/a

Substance Use History

	No	Yes/Past or Yes/Now	Route	How Much	How Often	Date/Time of Last Use	Quantity Last Used
Alcohol		<u>Now</u>		<u>2-3/week</u>	<u>1</u>	<u>last weekend</u>	<u>one time</u>
Caffeine (pills or beverages)		<u>Now</u>		<u>1/day</u> <u>1/week</u>	<u>1</u>	<u>daily</u>	<u>diet soda</u>
Cocaine	<input checked="" type="checkbox"/>						
Crystal Meth- Amphetamine	<input checked="" type="checkbox"/>						
Heroin	<input checked="" type="checkbox"/>						
Inhalants	<input checked="" type="checkbox"/>						
LSD or Hallucinogens	<input checked="" type="checkbox"/>						
Marijuana	<input checked="" type="checkbox"/>						
Methadone	<input checked="" type="checkbox"/>						
Pain Killers	<input checked="" type="checkbox"/>						
PCP	<input checked="" type="checkbox"/>						
Stimulants (pills)	<input checked="" type="checkbox"/>						
Tranquilizers/ Sleeping Pills	<input checked="" type="checkbox"/>						
Ecstasy	<input checked="" type="checkbox"/>						
Other	<input checked="" type="checkbox"/>						

Did you ever stop using any of the above because of dependence? ☒ N () Y (Please list) _____

Are you receiving, or have you ever received counseling support? () N ☒ Y (Please describe when and for how long)

saw a counselor after wife passed away for
a short period of time

Exhibit #11

Jewelry appraisal

<i>Appraisal</i>					
Jazzy Jems and Jewelry Boutique 5367 Sparkle Way Goldenrod, NE (308) 772-7353					
We herewith certify, that we have this day, carefully examined the following listed described articles:					
<table border="1"><thead><tr><th><i>Description</i></th><th><i>Appraised Value</i></th></tr></thead><tbody><tr><td>One 6.74 carat - Rough Diamond ↳ color: Natural Peppered White ↳ measures: 14.6 x 9.2 x 7.3 mm</td><td>\$21,500</td></tr></tbody></table>	<i>Description</i>	<i>Appraised Value</i>	One 6.74 carat - Rough Diamond ↳ color: Natural Peppered White ↳ measures: 14.6 x 9.2 x 7.3 mm	\$21,500	
<i>Description</i>	<i>Appraised Value</i>				
One 6.74 carat - Rough Diamond ↳ color: Natural Peppered White ↳ measures: 14.6 x 9.2 x 7.3 mm	\$21,500				
Following is the name and address of the purchaser or owner of the listed and described articles:					
Name: <u>Lee Sweet</u>					
Address: <u>2945 Arbor Rd, Goldenrod</u>					
The foregoing appraisal is made with the understanding that the appraiser assumes no liability with respect to any action that may be taken on the basis of this appraisal					
The estimated value is listed for insurance or other purposes at the current retail value, excluding federal and other taxes. In making this appraisal, we DO NOT agree to purchase or replace the articles.					
<u>Jazzy Jones</u> Appraiser	<u>6.10.2020</u> Date				

Exhibit #12

Picture of Motorcycle



Nebraska State Bar Foundation Board of Directors

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Steven G. Seglin, Vice President
Cathleen H. Allen, Secretary
Sharon R. Kresha, Treasurer
Stephen S. Gealy, Assistant Treasurer

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Patricia J. Bramhall, Papillion
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Doris J. Huffman - Executive Director
Maggie Killeen – Civics Education Assistant
Mary Monahan – IT & Social Media Specialist
Pam Hastings Carrier - State Coordinator - We the People

P.O. Box 95103
Lincoln, NE 68509-5103
Phone: (402) 475-1042
Fax: (402) 475-7106
Email: doris@nebarfnd.org
Website: www.nebarfnd.org



Nebraska State Bar Foundation