

**IN THE SUPREME COURT OF
THE UNITED STATES OF AMERICA**

No. 25-7135

Jayakrishnan Nair, Rajakumari Susheelkumar, Jayakumar Nair

Petitioners,

v.

Alex Toth, Ermin Ciric, Channa Copeland et al

Respondents.

*On Petition for a Writ of Certiorari to the United States
Court of Appeals for the Ninth Circuit*

AMICUS CURIAE BRIEF

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DISCLOSURE STATEMENT

No party nor any party's counsel has contributed money intended to fund preparation or submission of this brief; and no person, including the amici, has contributed money to prepare this brief

DISCLOSURE	2
TABLE OF CONTENTS	3
TABLE OF AUTHORITIES	
STATEMENT OF INTEREST	
SUMMARY OF ARGUMENT	
ARGUMENT	
CONCLUSION	

TABLE OF AUTHORITIES

Cases

Statutes

Other Authorities

U.S. Constitution

U.S. Bill of Rights

Washington State Constitution

Federal Rule of Civil Procedure 12(b)(6)

Declaration of Independence

STATEMENT OF INTEREST

Dr. Sam J. Sugar is a board-certified internal medicine physician and the Founder and President of Americans Against Abusive Probate Guardianship (AAAPG) from 2002-2024. He is a Nationally recognized subject matter expert in the field of Guardianship Abuse on Expert IQ. He authored the nationally bestselling book, “*Guardianships and the Elderly*” and has long advocated for Americans who are in, or at risk of being placed in, unwanted or unnecessary court-ordered guardianships or conservatorships. Through this work, he has observed harm to more than 1,300 families resulting from a broken and dysfunctional equity court-based guardianship system.

This case is of particular interest because there are others similarly situated across the state of Washington and throughout the nation. This Honorable Court may not be aware of the recent spate of reports, actions and rulings across the country.

Federal indictments of professional guardians in Florida, Nevada and New Mexico further underscore the widespread nature and severity of the problem of guardianship abuse. Multimillion dollar rulings have been handed down in Federal Court against prominent guardianship Attorneys engaged in bilking ward estates. In Nevada a commanding officer of SWAT team was being investigated for allegations of embezzling ward money. It is critical that this Court understand that such cases are, incredible as it seems, increasingly common, yet still underreported and often sequestered so that this Honorable Court might not be aware of the scope of the crisis of abuse against wards and families in our country.

I am also aware of several cases of guardianship, abuse and exploitation in not only Yakima but other counties in Washington state as well in which “court insiders” have committed heinous abuses of power over the most vulnerable Washingtonians by color of law in a system that has essentially no checks and balances, monitoring or supervision. These abusive cases mimic other cases from around the country as if there were a national abusive guardianship playbook being followed and executed.

The outcome of this appeal may engender meaningful efforts at reigning in an out-of-control system that preys on our most vulnerable in their time of need.

As a result of my over 15 years of personal experience and advocacy in this field, I wish to share with this Honorable Court information that may be of use and that is not likely to come from another source.

Innocent Americans have been abused and exploited by viciously attempting to place *allegedly* incapacitated individuals under illegitimate guardianships through court-based schemes designed to enslave and isolate innocent vulnerable citizens, particularly those with assets, for the vile purpose of enriching the stakeholders in the guardianship system.

There has been a recent surge in public interest in guardianship abuse and demands for reform with the release of the number one movie on Netflix in America “I Care a Lot” written and produced in response to the writer’s (J. Blakeson) exposure to countless personal tales of woe from across America in social media. In her acceptance speech at the Golden globes for best actress, the star of the movie Rosamund Pike (a Brit) thanked “the broken American legal system” for her award.

The Film *The Bad Guardian* (2025) is the most current, widely discussed movie centered on guardianship abuse, and it aligns exactly with the overarching theme of guardianship abuses in the United States. While not based on one single case, the film is drawn from real-life accounts of guardianship abuse, including patterns seen nationwide, and it became a Top 5 movie on Netflix in March 2026. The film resonated with audiences because it mirrors the same systemic failures highlighted in “Guardianships and the Elderly”:

- Rapid emergency guardianship appointments
- Isolation of the ward
- Asset liquidation
- Family exclusion

- Lack of oversight and near-impossible reversal once the guardian is in control

In 2020-2021 the #FreeBritney movement generated profound interest across the country in the plight of singer/celebrity Britney Spears who had been in an abusive guardianship for many years.

Just recently, several members of Congress have petitioned the United States Attorney General and House Judiciary Committee to hold urgent hearings on abusive guardianships.

This stream of negative publicity has the effect of seriously diminishing the public's faith and belief in our legal system and especially in the Equity courts where there are no juries or firm rules of procedure and evidence as in our Civil and Criminal Courts.

In the case at issue, CALHOUN, acting as a fiduciary under a valid power of attorney, petitioned the court to impose a guardianship after her client, HELM O DELL, attempted to terminate the power of attorney for cause. If HELM O DELL had the capacity to terminate a formal legal agreement, she was not significantly incapacitated. In any event, no qualified examiner conducted an official evaluation to support a finding of incapacity or the need for guardianship. CALHOUN sought guardianship to preserve her access to the client's revenue stream and to entrench her control through a court-ordered guardianship of the estate. This petition was not brought in good faith and illustrates how even the threat of guardianship can cause severe consequences that may never be disclosed to the court. The petition was withdrawn only after maximum value had been extracted from HELM O DELL's estate under the power of attorney.

The ultimate clearcut purpose of guardianship is for the best interests of the allegedly incapacitated person or ward. One need only look at the outcome of the clever gambit attempted here to understand the danger it has posed to what would have been a ward of the state. Instead of being protected by the court and her assets maintained, as a result of the lower court not rigorously enforcing the good faith provision of the statute, HELM O DELL is now

penniless, homeless and actually missing, her vulnerability fully exploited and her life completely ruined by the egregious actions of a registered professional guardian who knew enough about the system to cash in on a vulnerable individual's estate, whether it was as a power of attorney or court appointed guardian.

The case for abuse of process and pecuniary gain is further strengthened by the highly suspicious sale of two real properties under the control of this POA cum professional guardian. As is the case in so many other states, the property of the potential ward was sold for pennies on the dollar and flipped for dramatic personal gain a short time later. Even more suspicious is that the properties were sold to an associate of the professional guardian in question. This tactic of strawman property sales is all too common in abusive guardianships around the country.

Guardianship in all states is statutory and very limited to providing assistance to the disabled person only to the extent necessary to address the reasonable needs of the ward so that the ward can enjoy as much of life as practical. It is not to be punitive, and the guardian is a fiduciary owing the highest fidelity and obligation of honesty to the ward. The appointment is strictly limited. Any grant of authority that exceeds the absolute reasonable needs of the ward is in direct violation of 5th, 13th and 14th Amendments to the United States Constitution and 42 USCA 1983. Had the petition for guardianship not been withdrawn, it is highly likely that even more abuse and exploitation would have taken place.

Sadly, the tactics employed by Calhoun to improperly take advantage of her position as a fiduciary are not unique or even unusual. Starting with the verified petition that contains unsubstantiated allegations with no relationship to the truth, she sought to take advantage of her position as a well-known figure as a professional guardian to influence the court to accede to her attempts to fully control and ultimately profit from the estate of a vulnerable individual.

The fact that this was done ex parte is even more damning. National experience indicates a high percentage of guardianships that ultimately turn out to be unnecessary, corrupt, and exploitative

originate from secretive ex parte meetings where the allegedly incapacitated person is never even aware they take place, and therefore fully denied due process.

Other issues seen on a regular basis and reported from the field were prominent in this case as well. The lower court began the process of initiating an emergency temporary guardianship with only the scanty evidence, hearsay allegation that HELM O DELL was somehow incapacitated and in need of court protection when in fact, that individual is presumed to be fully incapacitated unless proven otherwise. Pushing the button on an emergency temporary guardianship in such a fashion is typically the beginning of an abusive exploitative process.

With specific reference to statutes of the State of Washington, the courts attention is directed to a simple three-word phrase-“ in good faith”. This straightforward clause taken directly from the statute, demands that petitioners advocating for the court to create the most overbearing and intrusive form of government intervention on an innocent individual American citizen MUST do so “in good faith” not for their own pecuniary benefit but for the best interests and benefit of the allegedly incapacitated person.

The Court should be made aware of the unique information available in the instant matter in this brief prepared consistent under Federal Rules and material to the instant matter.

SUMMARY OF ARGUMENT

SPOUSAL ALIENATION CREATED BY JUDGES' "stay away" orders in Probate matters violates the U.S. Constitution, the Declaration of Independence, the Florida Constitution, the First, Ninth and Fourteenth Amendments of the United States Constitution and the Federal Nursing Home Reform Amendments

THE DEFENDANTS have violated, the First, Ninth and Fourteenth Amendments of the United States Constitution and the Federal Nursing Home Reform Amendments by not revealing his whereabouts and by not ensuring that Omana Thankamma is properly cared for or fed.

Based on previous AAAPG national surveys of abuses in restricted facilities and under state ordered guardianships, the actions under taken by the Defendants are a common tactic across the country and are designed to do one thing only, which is to utterly destroy the family member(s) that pose a challenge to the lucrative income-stream enjoyed by not only restricted facilities, nursing homes and assisted living facilities but also by the state Court itself and court insiders who, rather than seek a resolution, choose to escalate cases that could easily be solved by less invasive means to properly oversee the ward's medical care and welfare.

The court should be made aware that the actions to prevent rightful and safe visitation by Jayakrishnan Nair and other members of Omana Thankamma's family-"stay away orders"- are heinous desperate actions taken by restrictive facilities nationwide in concert with court officials including Guardians and Judges in order to effectively hide any and all abuses and neglect perpetrated on wards from concerned family members and friends.

All of these actions taken by Defendants in this case, which deny basic and unfettered relationship between Plaintiffs and their mother/ sister occur at the expense of the civil rights and emotional welfare of both the ward and her children/ brother, the Plaintiffs.

The malicious and abusive tactic of denying visitation to a protesting party or family member is common all over the USA in restricted facilities involving court appointed guardianships. Further, these egregious tactics of family alienation are used to stop family members, friend or interested party

from actually looking out for the “best interests” of the vulnerable loved one. We write to remind the Court that Ms. Omana Thankamma, an Indian citizen who became disabled when she was visiting her highly successful entrepreneur & scientist son Jayakrishnan Nair, a lawful merit-based permanent resident of the United States, was a human being and mother and was not the property or a prisoner of any facility or the state Court.

Title XIX of the Social Security Act contains no provisions explicitly precluding individual actions against facilities such as Harborview Medical Center and Paramount Shelter Home even when there is a court appointed Guardian. (Sabree, 367 F.3d at 193.) This is so because no provision contains express terms to that effect and no comprehensive remedial scheme is established by the provisions at issue.

In *Sarah Grammer v. John J. Kane Regional Centers-Glen Hazel*, the Federal US Third Circuit Court of Appeals held that Nursing Homes which Violate Federal Laws under OBRA can in Fact be sued under 42 USC 1983 violations by individuals. It does not specify whether that individual should be a Guardian or not. In this case, the individual is Omana Thankamma’s children Jayakrishnan Nair and Rajakumari Susheelkumar, who were both unconstitutionally barred from being their mother’s guardian

Review of the Medicaid Act disclosed no evidence of congressional intent to preclude enforcement of the rights created by the various provisions of this statute and any Motion to Dismiss will not satisfy its burden as it fails to argue that Congress precluded individual enforcement of the rights conferred by the Federal Nursing Home Reform Amendments (FNHRA) in any way. (Gonzaga Univ., 536 U.S. at 284-85, 122 S.Ct. 2268 and *Blessing*, 520 U.S. at 341, 117 S.Ct. 1353. 367 F.3d at 193.)

The burden remains on Defendants to rebut the presumption of an enforceable right under §1983 because the various provisions of the FNHRA under which Plaintiff sues do confer individual rights upon Plaintiff that are presumptively enforceable through §1983 regardless of the appointment of a Guardian of Omana Thankamma’s person.

In this case, it is particularly egregious to note that Defendant Commissioner Judson by also failing to monitor—as was his duty-- the Guardianship he created for Defendant Channa Copeland and remaining silent about neglect

and the violation of the Ward's rights about which she knew or should have known, in fact colluded with Ms. Copeland to deny Omana Thankamma basic sustenance, emotional support, consort with her close family and proper medications and healthcare needed to survive. All of the family members' civil rights were trampled in the process.

In essence, Defendant Commissioner Judson allowed, by his violation of Jayakrishnan Nair's Constitutional Civil Rights, the court appointed Guardian, Defendant Channa Copeland to direct Defendant Harborview Medical Center to intentionally neglect and harm Omana Thankamma's body and prevent visitation.

When deciding a motion under Federal Rule of Civil Procedure 12(b)(6), a district court must "accept all factual allegations as true, construe the complaint in the light most favorable to the plaintiff, and determine whether, under any reasonable reading of the complaint, the plaintiff may be entitled to relief."

If nothing else, this communicates to the district court the urgency that the very life and rights of a disabled person is at stake should this Honorable Court not act in favor of the Plaintiff.

Under the Declaration of Independence, it is an inalienable right to act in self-defense whether it be for personal, family or nation and in this case, Plaintiffs sue in the defense of their own personal rights and rights of their mother/ sister Omana Thankamma.

ARGUMENT

1. Court orders preventing visitation are clearly in violation of the U.S. Bill of Rights.

Article the third... Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

2. The Plaintiff's freedom of speech and her ability to peaceably associate with her husband have been unlawfully curtailed and abridged with no due process.

Article the sixth... The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

3. Plaintiff has been subjected to deprivation of consortium with her husband.

Article the seventh... No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

4. Plaintiff has been subject to cruel and unusual punishment not knowing the whereabouts of her husband as it has been intentionally concealed by the Defendants.

Article the tenth... Excessive bail shall not be required nor excessive fines imposed nor cruel and unusual punishments inflicted.

5. The Plaintiff has been persecuted with abject, cruel and unusual punishment in the form of demeaning and derogatory lies and comments during the course of legal proceedings. The natural rights retained by a resident of a locked facility to consort with his wife have been repeatedly violated by the Defendants.

SECTION 9. Due process.— No person shall be deprived of life, liberty or property without due process of law, or be twice put in jeopardy for the same offense, or be compelled in any criminal matter to be a witness against oneself.

6. Plaintiff's happiness is to be with her husband as he may be very ill and even near of his life, however Defendants have denied and stripped of Plaintiff her right to consort with her husband as a punishment for defending her own liberty and objecting to the Defendant's actions and procedures.

**Declaration of Independence....Inherent rights of mankind.
All men are born equally free and independent, and have certain inherent and inalienable rights, among which are those of enjoying and defending life and liberty, of acquiring and protecting property and reputation, and of pursuing their own happiness.**

7. Plaintiffs have not only been deprived of property and liberty and denied due process but Plaintiffs have been subjected to illegal warrantless surveillance to monitor their whereabouts and thus prevent Plaintiff from finding or achieving visitation with Omana since October 2018, when Defendant Channa Copeland was appointed Guardian over Omana Thankamma by Defendant Commissioner Judson. Together they devised a plan to entrap Omana, take her cell phone, isolate her in a lock down facility and force her to take drugs for conditions he never had been diagnosed with or to take inappropriate massive amounts of psychoactive controller drugs.

SECTION 12. Searches and seizures.— The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures, and against the unreasonable interception of private communications by any means, shall not be violated. This right shall be construed in conformity with the 4th Amendment to the United States Constitution, as interpreted by the United States Supreme Court.

8. Plaintiff's need to defend her rights and those of her husband include forfeiture of estate, indefinite imprisonment and cruel and unusual punishments,

SECTION 17. Excessive punishments.— Excessive fines, cruel and unusual punishment, attainder, forfeiture of estate, indefinite imprisonment, and unreasonable detention of witnesses are forbidden. The prohibition against cruel or unusual punishment, and the prohibition against cruel and unusual punishment, shall be construed in conformity with decisions of the United States Supreme Court which interpret the prohibition against cruel and unusual punishment provided in the Eighth Amendment to the United States Constitution.

CONCLUSION

After review of the complaint and evidence submitted by Plaintiff it should be recognized that the actions of the Defendant Commissioner Judson inflicted upon Plaintiffs constitute not only abuse but also a violation of Plaintiffs' basic rights.

By ruling in favor of the Plaintiff, this Supreme court will set a precedent that will assist other vulnerable wards throughout the country and their concerned family members who have been alienated from their family either through junk orders in recognizing and even preventing neglect at the hands of facilities administrators and/or Guardians.

- The Court should rule in favor of Plaintiff so that Defendant's abusive actions in this guardianship can be further scrutinized. The Defendants continue to act abusively in this guardianship strictly for their own benefit and not the benefit of the "ward" as such we ask the district court to consider the following:
- Under 42 USC 1983, specifically in Sarah Grammer v. John J. Kane Regional Centers-Glen Hazel, family members can sue for violations themselves if the facilities are denying visits improperly.
- The Court is empowered to consider whether any protective orders have been issued against the Plaintiff to "protect" the ward. In our review of the court records, there exists no protective orders, police reports or criminal charges filed against Plaintiff that would suggest Jayakrishnan Nair is a danger to her husband.
- Prevention of discourse between Plaintiff and her husband constitutes warrantless surveillance under the 4th Amendment to the United States Constitution, as interpreted by the United States Supreme Court—The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures, and

against the unreasonable interception of private communications by any means, shall not be violated.

- Defendant Commissioner Judson, by remaining silent about the neglect and the violation of Omana's rights, acted to deny Omana Thankamma proper medical care, medications and basic sustenance and through the current court appointed Guardian Defendant Channa Copeland, is actively participating in the neglect and harm to Omana Thankamma's body while denying her children and brother, the Plaintiffs, their legitimate, implied, familial rights to visit and advocate for her best care.

If it please the Court,

Respectfully submitted on 04/28/2026 by

//s//

Electronic signature

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