

October 16<sup>th</sup> 2023

Reply to the Motion for dismissal

We take the pain to reply to each of the points mentioned by Mr. Merck in his motion for dismissal point by point as respectively numbered below:

1. This case involved not only a single cause of action but to dismissal of the Medical Power of Attorney and all secondary or replacement power of attorney and documents Judy granted to other people such as her daughter Alexia Hall, and also, if possible, the financial one, considering that these were the only documents we knew about at that time that were allegedly granted to Judy Tupolo when he was alive and that we understood from MR. Adair that he was not aware of what he signed, which makes them non-binding. Since Don Adair was not aware of any other document he signed and since the former order that dismissed the case did not allow further investigation to dismiss any illegitimate document she has made him sign, we believe that dismissing her document mentioned above should include any document she has illegitimately made him sign without him having any knowledge of, as this is a considered criminal fraud resulting from the illegitimate abuse of her document. Another cause we requested in this case was to be compensated financially for our time and legal costs.
2. The document proving the death of Mr. Adair should be disclosed to us completely without being sealed as this is not being posted in public and we should have the right to scrutinize its legitimacy.
3. The appeal is necessary since, as we mentioned and explained in our brief, it should not concern only Don Adair but Human Rights and the prevention of further abuse of any elder, Oconee County, South Carolina, and USA, as it sets a very dangerous precedent that allows further abuse of other elders that are not able to defend themselves when they are left under the mercy of an alleged POA that is not allowing him for legal counsel or advocacy. It also relates to having us pay for a futile and biased GAL report that was unnecessary, biased, and inappropriate. We are also requesting financial compensation for our legal expenses as our cause is humanitarian, and there was not a single justified cause why we should have gone through all this pain and expenses for something as natural and obvious as to see a friend like Mr. Adair or to talk to him. We are not even requesting financial compensation for denying us the right to talk to a person or any benefits that may have resulted from that.
4. To state that we have not shown any appealable errors made by the trial is irrelevant to this motion, for he should show this in the respondent's brief. To state such a statement without bringing up arguments seems to be a habit of Mr. Merck, who finds that the law should abide by his opinion instead of him abiding by the law.
5. The Designation of Matter was filed on September 11<sup>th</sup>, while the deadline was September 15<sup>th</sup>. It was filed on time, and Mr. Merck's argument does not stand.
6. Again. Mr. Merck states opinions without presenting valid legal arguments. If he thinks the appointment of a GAL ad litem was reasonable, then he needs to present it in his brief as this is a core subject or part of the litigation and too soon to present his own opinion about it in this motion. His personal opinion does not have any legal stand. We have clearly stated in our brief

that it was inappropriate to appoint a guardian ad litem since Mr. Adair was not the party of litigation; he was not legally evaluated as legally incompetent. The fee was unreasonable since we have shown by law that a fee should not exceed \$50 for a child abuse case. Mr. Adair is considered a vulnerable adult unable to spend that amount, and the fee should not have exceeded what was mentioned above. We also think that the respondent should pay such a biased report, not the Appellant, since the report was doing the job that the defense was supposed to do, answering the allegations of abuse, which was not fair, illegal, and ethically inappropriate.

Therefore, we request that the motion for dismissal be refused and that our motion to suspend the POA and all consecutive legal documents that are legally connected to it be suspended.

Response to Exhibit A.

Though the power of attorney document indeed terminates when the principal dies, the situation does not relate simply to suspending the power of attorney today but reversing the order by Judge Sprouse, which happened when Don Adair was alive. If the document were suspended, then it would have been possible to investigate the abuse and prevent further abuses. We even suspect that Judy Tupolo may have illegitimately made Don Adair sign another document he did not know about. We think that she may have very plausibly made him sign a testamentary document, which should have been void had the order been reversed when it was made and when Don Adair was alive.

Response to further requests

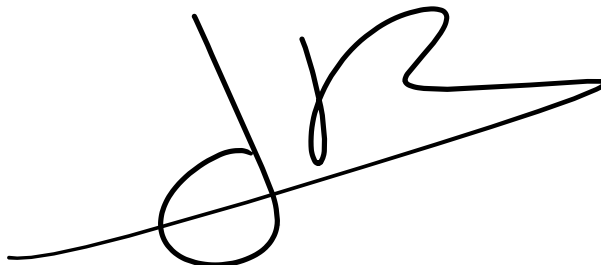
The respondent's deadline to file a brief should not be related to the motion of dismissal and should begin counting from the day the Appellant presented his brief, September 15. Mr. Merck is simply trying to gain time with an argument that has already been predicted and replied to in our brief, which he seems to have ignored and has not made any effort to reply to.

The request for an extension of time should be like the one given to us, that is, in increments of 30 days. If MR. Merck needs another 30 days; he should apply for it at the end of the extended period.

Respectfully Submitted

Appellant

Jirair Baghdassarian

A handwritten signature in black ink, appearing to be 'Jirair Baghdassarian', written over a horizontal line. The signature is stylized with a large loop and a long horizontal stroke extending to the right.