

**IN THE DISTRICT COURT OF JOHNSON COUNTY, KANSAS
PROBATE COURT DEPARTMENT**

**In the Matter of the Guardianship and
Conservatorship of:**

THOMAS J. PRICE, JR., an impaired adult.

**Case No. 22GC00224
Division 8
Chapter 59**

PETITION FOR ORDER FOR MEDICAL EXAMINATION AND EVALUATION

Comes Now, Teresa Kuhn, Petitioner and daughter of Thomas J. Price, Jr., by and through her attorney, Michelle M. Burge, requests an order for a neurological medical evaluation for the proposed ward and proposed conservatee, and states as follows:

1. Preliminary Orders and Notice were entered by the Court on October 7, 2022 in which the Court ordered that the proposed ward and conservatee submit to a full examination and evaluation to be scheduled *by the attorney appointed to represent the proposed ward and conservatee.*

2. An Examination and Evaluation by Dr. Martin Schermoly, M.D. was submitted to the Court on November 25, 2022 by Dan Sanders, the attorney for Thomas J. Price, III, the son of the proposed ward and conservatee (hereinafter, "Jeff").

3. In the letter from Dr. Schermoly filed with the examination and evaluation he states that the proposed ward and conservatee has progressive onset of dementia when evaluated on August 19, 2022.

4. Dr. Schermoly was deposed on June 20, 2023 and in his deposition, acknowledged that he had done no neurological testing, no mini-mental exams, or no other medical tests to gauge or assess the proposed ward and conservatee's capacity. Rather, he

visited with the patient and Jeff Price for around thirty minutes about activities of daily living, medications and his general well-being and status.

5. Dr. Schermoly acknowledged that his assessment was made largely by self-reporting from both Jeff Price and from the patient.

6. Jeff Price gave responses and answers that formed the opinion of Dr. Schermoly as to the proposed ward and conservatee's capacity.

7. The nature of a dementia diagnosis is that it is progressive and Dr. Schermoly's report was done in November of 2022, which will be nearly a year from the trial setting for this guardianship and conservatorship action.

8. Petitioner pleads of this Court for a neurological exam scheduled by and coordinated by the court appointed GAL as opposed to by Jeff Price. Further, the Petitioner pleads with this Court that the test to assess the proposed ward and conservatee's capacity involve her father, the proposed ward and conservatee only, and not Jeff Price.

9. In August of 2022, an incident occurred at Edward Jones that resulted in Edward Jones freezing Mr. Price's account and reporting their concerns from the events of that day to APS. Petitioner had no involvement with whatever occurred that day at Edward Jones. Since that day, the proposed ward and conservatee has been angry with her, refuses her to see her and has accused her of stealing his money. The proposed ward refuses to see or communicate with his three grandchildren as well. Jeff Price continues to be the only family member in Mr. Price's life.

WHEREFORE, Petitioner respectfully requests that his Court issue and Order that Thomas J. Price, Jr. be evaluated pursuant to the Court's authority under K.S.A. 60-235, in

compliance with K.S.A. 59-3064, and for such other and further relief as the Court deems appropriate.

Respectfully submitted by:

/s/ Michelle M. Burge
Michelle M. Burge, KS Bar #21551
THE COUNTS LAW FIRM, LLC
4200 Somerset Drive, Suite 200
Prairie Village, KS 66208
Telephone: 816-753-0900
Fax: 816-753-0901
mburge@countslawkc.com
Attorneys for Petitioners