



February 14, 2025

Judge Dwight Luhmann
Winona County Courthouse
171 West Third Street
Winona, MN 55987

Re: *In re the Guardianship and/or Conservatorship of David Austin Russell*, Respondent, Case No 85-PR-19-1081

Dear Judge Luhmann:

I am writing as an interested person pursuant to Minn.Gen.R.Prac. Rule 416(h) to object to the 2nd Annual Account filed by the guardian/conservator, Catholic Charities of Southern Minnesota (Conservator) on January 23, 2025,¹ more than four months late.² This was after the CAAP Audit Report of the 1st Annual Account noted that the 1st Annual Account had been filed five months late, as well as other deficiencies.³

In fact, the 2nd Annual Account was only filed after the court issued a Preliminary Order to Show Cause for failure to file the account.⁴ At the January 7, 2025, hearing on the Preliminary Order to Show Cause, the Conservator, incredibly, blamed the ward, Mr. Russell, for its failure to file its Annual Account on time.

The Conservator has also failed to properly perform its duties in other ways. The Conservator has only been allowing Mr. Russell \$50/week for personal needs, resulting in building up so much money that the Conservator filed an *ex parte* petition on October 2, 2024, to put \$15,000 in an irrevocable funeral trust to bring the funds in the account down enough to keep Mr. Russell eligible for Medical Assistance.⁵ These funds should have been provided to Mr. Russell on an ongoing basis for personal needs to ease his life.

Additionally, the Conservator's failure to pay Mr. Russell's vehicle loan resulted in it being repossessed,⁶ causing thousands of dollars loss to Mr. Russell and severely hampering his transportation.

The Conservator has otherwise been extremely indifferent to the needs of Mr. Russell, including not being able to replace worn out clothing.

¹ Index No. 145.

² Since the February 19th hearing is at 5:00 AM my time I am unlikely to attend.

³ Index No. 132.

⁴ Index No. 141.

⁵ Index No. 135. The *ex parte* petition was granted on October 7, 2024, Index No. 138.

⁶ See, the CAAP Audit Report, Index No. 132.

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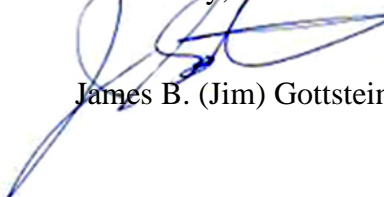
The Conservator's insistence on Mr. Russell being on Medical Assistance has extremely negative financial and quality of life consequences to Mr. Russell. Currently, over half of Mr. Russell's income has to be paid on medical expenses in order to keep Mr. Russell eligible for Medical Assistance, but these costs would be covered by Medicare with a reasonably priced Medicare Advantage plan. For the period covered by the 2nd Annual Account, this totaled \$18,228.33.

Care Facility	\$ 11,949.62
Services - Personal Care	\$ 4,289.72
Medical - Doctor/Hospital	\$ 1,887.79
Medical - Prescriptions	\$ 101.20
Total	\$ 18,228.33

Mr. Russell informs me this is the actual reason why he didn't want to go on Medical Assistance.

In short, the Conservator has a pattern of misfeasance and neglect that should result in disallowance of the account and dismissal of Catholic Charities of Southern Minnesota as conservator/guardian. Frankly, the conservatorship/guardianship should simply be terminated; it is detrimental to Mr. Russell.

Yours truly,



James B. (Jim) Gottstein, Esq.

Cc: David Russell
David Jones
Paul Ellison
Brittany Dannehy