

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

IN RE ANONYMOUS 3,

A Person in Need of a Guardian.

**Index No. 500198/2015**

**AFFIDAVIT OF  
EDWARD TRICOMI**

STATE OF NEW YORK            )  
  )ss.:  
COUNTY OF ULTSTER         )

Edward Tricomi, being duly sworn deposes and says:

1. I submit this affirmation in support of the application to remove Barbara Lissner as the guardian for Peter Max.<sup>1</sup> When Ms. Lissner was appointed in June of 2019, Peter suddenly disappeared from my life and the lives of our close circle of friends.

2. Peter has been one of my best friends for more than 40 years. I am owner of Warren Tricomi Salons, and I met Peter through Rosie Vela when she was modelling. I knew his father Jacob very well; Jacob lived into his 90s and would tell family stories of their escape from Nazi Germany, where Peter lost most of his family. I attended Peter's wedding. I have known Peter's daughter, Libra, since she was a little girl. Until last year, Peter and I saw each other several times a week for decades. We were constantly in touch. He would invite me over for a cappuccino and a brownie, and I would stay until 2 or 3 in the morning while we painted or played music together.

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<sup>1</sup> Due to the fact that I do not have a printer, I have electronically signed this document, which I intend to serve as my actual signature. A fully-notarized affidavit with my actual will be provided in due course, if the court so requires.

3. Right after his wife Mary died, I tried to call Peter, but I was suddenly unable to reach him. I tried over 40 times, but I never received a reply. When I tried to stop by his apartment in person, the doorman — a man I've known for years — told me the new guardian was not allowing anybody up to the apartment. I discussed this with our friend, Michael Lang, who had the same experience.

4. When I was unable to contact Peter, I was extremely worried, and I reached out to Libra. She told me that Peter had a new guardian, Ms. Lissner. Ms. Lissner had changed Peter's phone number, and Libra told me that she was not allowed to share Peter's new number with his friends. Ms. Lissner had also replaced Peter's phone with a new phone that had no contacts in it. This meant that neither I, nor any of Peter's many other friends, could call him—and Peter could not call us.

5. At this point, I've had no contact with Peter for almost a full year. Only recently, Libra was finally given permission by the Judge to give me and Peter's other friends his number. When I was finally allowed to FaceTime with Peter, my wife and I were shocked and saddened by what we saw. Peter did not look well taken care of. He looked ill; his hair was disheveled, and his complexion was pasty. The saddest thing of all, to me, is that he hid himself from the camera.

6. On every call we have had with Peter, he begs to see us, and he begs us to call him over and over. *Please come, please visit me, please come see me, please call me, every day.* It breaks my heart. It breaks my wife's heart. I used to drop in to see him all the time. My inability to reach him and help him has saddened me more than I can express. It is clear that he is starved for emotional connection, and that he desperately wants to see the people he loves. I really hurt for him.

7. Even before the coronavirus epidemic, Peter was a prisoner in his own house. I don't understand why the guardian would think that was a good thing, especially for a man as social as Peter. His only company is an aide, and I've heard her be hostile while on the phone. He spends all of this time with strangers, and all he seems to do is watch TV – every day is the same. Every time I call, he's in front of the TV, with the sound off. Recently, when I talked to Peter it was a beautiful day. When I mentioned that to Peter, he said he hadn't been out of his apartment for a while. Peter lives right across from Riverside Park. So, I asked the aide, "Why not take Peter out to the park?" She said I should stop telling her how to do her job. She was hostile to me, and barked at Peter.

8. I also understand the guardian makes his kids give 48 hours' notice to see their dad. Peter had family and friends around constantly. He is the last person who would want to be alone. And Peter is a traditional family man, though his public persona may seem different, but his family was the center of his life. He loves his kids. He knew everything that was going on in their lives, and he's always been very affectionate. Both Peter and his parents valued their remaining family ties above anything. Peter even moved his dad into his own apartment after his mom died.

9. All of this isolation is criminal to me. Peter is the opposite of a loner. Every time I went to his studio or his apartment, it was full friends and family. The door was always open. He never liked to be alone.

10. I have even heard that Ms. Lissner took away Peter's cats. He loved his cats. That breaks my heart.

11. The extreme social, mental, and emotional isolation of this loving and gregarious man is criminal and abusive especially at his age. I know that Libra has been advocating for

Peter to see his friends and to get his life back. I know she wants what is best for him, and I hope she is successful. Peter has so many friends; we all love him, and we miss him terribly.

*Edward Tricomi*

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Edward Tricomi

**NOTARIZATION STATEMENT**

On the 4th day of May in the year 2020, before me, the undersigned, personally appeared Edward Tricomi, by way of live video conference (namely: Facetime) which allowed for direct interaction between us in accordance with New York State Executive Order No. 202.7, issued March 19, 2020. Edward Tricomi is personally known to me or proved to me on the basis of satisfactory evidence displayed during the video conference to be the individual whose name is subscribed to the within instrument, via electronic signature. He acknowledged to me that he was at that time physically present in the County of Ulster, State of New York, and executed the same in his capacity, and that by his electronic signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument. A legible copy of the signed instrument was transmitted directly to the undersigned by means of e-mail, and received by the undersigned on the same day it was signed.

  
LINDA A. REDLISKY