

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

IN RE ANONYMOUS 3,

Index No. 500198/2015

A Person in Need of a Guardian. **AFFIDAVIT OF  
MIMI GELB, LMFT**

STATE OF NEW YORK )

)ss.:

COUNTY OF ROCKLAND )

Mimi Gelb, LMFT, duly sworn deposes and says:

1. I submit this affidavit in support of the application of Libra Max to remove Barbara Lissner as personal needs guardian for Peter Max.

2. As an intimate friend of Peter and the Max family for decades, I am outraged that the court-appointed guardian charged with looking out for Peter's interests has for the past year done just the opposite by holding him in total isolation from his friends and family. As a mental health professional, I am very concerned that Ms. Lissner's heartless treatment of Peter seriously threatens his well-being.

3. My relationship with Peter began in 1976, when he hired me as his personal assistant. I was 23 years old at the time. Over the next 30 years, I worked for Peter in various capacities, continuing to work with him part-time while I was raising my children. About 10 years ago, I received a master's degree in marriage and family therapy from Long Island University and have been working as a licensed therapist since that time.

4. Although I worked for Peter for many years, our relationship is so much deeper than that: simply put, Peter is like a brother to me. Peter is an exceptionally warm, affectionate person who just loves people. He always had friends with him at his art studio or his apartment, and he maintains close friendships for decades.

5. For Peter, there is nothing more important than family. He learned this from his parents, who lost nearly all their relatives during the Holocaust, and taught him to cherish human relationships. I saw first-hand how Peter personally cared for his parents as they grew older. In his mother's final days, I watched him visit her every day in the hospital. After his mother's death, Peter, arranged for his father to move in with him, so that he could personally look after him. Peter always had his father and family around him, including at art shows and events. They used to come to my house every year to attend a Passover Seder.

6. Before Ms. Lissner cut Peter off from his friends and family, I would speak with him on the phone weekly. I live in New City, in Rockland County, where I have my therapy practice. Whenever I would come to Manhattan (usually every couple of months), I would always stop by to see Peter at his apartment.

7. However, about a year ago, when Ms. Lissner began managing Peter's affairs, I was **suddenly unable to reach him on the phone, and was barred from visiting his apartment**, as I had regularly done for years. On the advice of Libra, I wrote to Ms. Lissner pleading for permission to visit with him. In response, I received a demand that I sign a formal non-disclosure agreement before I could see my friend of more than 40 years.

8. After I persisted relentlessly, Ms. Lissner eventually told me that she would have Peter call me but she would not tell me when, and I understood that Peter could not make calls freely. Although Peter sometimes tried to call, he did not always reach me, as I was often in therapy sessions or otherwise busy. **Peter would leave me absolutely heartbreaking voicemail messages, begging, "please call me, I miss you."** But because Ms. Lissner would not allow Peter to know his own cell phone number, he could not leave me his number and I could not call him back. When I explained this problem to Ms. Lissner, **her curt response was: "this is the**

way we do it.” I was appalled by her lack of empathy for Peter’s desperate situation.

9. When I insisted that Ms. Lissner allow me to meet with Peter, she said that the meeting would have to be in a restaurant on 112<sup>th</sup> Street and Amsterdam Avenue. There was no reason for Ms. Lissner to select such an inconvenient location; my husband works on West 74<sup>th</sup> Street, right near Peter’s apartment, and she could have easily selected a location nearby. She was simply setting up roadblocks to make it difficult for Peter’s friends to meet him. Because I care so much about Peter, I did not want to risk Ms. Lissner’s cancelation of the meeting, and so agreed to the location without complaint.

10. During the dinner, Peter was very happy to see me. **He kept saying, “Please call me. You have my number.” It broke my heart to tell him that I didn’t.** Peter begged the aides who were with him to tell me his number. They said they didn’t have it.

11. Peter has continued to try to reach out to me, but Ms. Lissner has blocked him at every turn. At the end of last year, Peter reached me on my cell phone when I happened to be shopping at Zabar’s on Broadway, not far from his apartment. He asked me to come over and visit with him. I immediately went over to the building, but was told I was not allowed to go up to the apartment. Ms. Lissner contacted me and reprimanded, “You can’t make plans with Peter without consulting me.”

**12. The barriers Ms. Lissner has thrown up blocking Peter’s lifelong friends and close family from visiting him are arbitrary and irrational.** Even worse, they are inflicting unnecessary anguish and suffering on Peter. I know that he would benefit from being surrounded by his close friends and family, and that he would want his care to be in the hands of his daughter Libra, just as Peter lovingly attended to his own parents.

13. I hope the Court will put an end to this intolerable situation and allow Peter to restore his relationships with his family and friends. His life depends on it.

  
Mimi Gelb

Sworn to before me this  
day of May, 2020

\_\_\_\_\_  
Notary Public