

1 SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER
2 - - - - -X

3 ALLAN KASSENOFF,
Plaintiff,
4 -against-
5 CATHERINE KASSENOFF,
Defendant.
6 - - - - -X

6 INDEX NO. 58217/2019
Westchester County Courthouse
7 111 Dr. Martin Luther King, Jr. Blvd.
White Plains, New York 10601
8 May 11, 2020
10:30 a.m.

9 B E F O R E: HONORABLE NANCY QUINN KOBA,
10 Justice of the Supreme Court.

11 A P P E A R A N C E S:
12 DIMOPOULOS BRUGGEMANN PC
Attorneys for Plaintiff
13 73 Main Street
Tuckahoe, New York 10707
14 BY: GUS DIMOPOULOS, ESQ.
MICHAEL CHIARAMONTE, ESQ.

15
16 HAROLD SALANT STRASSFIELD & SPIELBERG
Attorneys for Defendant
17 81 Main Street, Suite 205
White Plains, New York 10601
18 BY: JILL SPIELBERG, ESQ.
ALYSON KURITZKY, ESQ.

19
20 MOST & SCHNEID, PC
Attorney for the Children
21 222 Bloomingdale Road, Suite 302
White Plains, New York 10605
22 BY: CAROL W. MOST, ESQ.

23 ALSO PRESENT:
24 Allan Kassenoff
Catherine Kassenoff

25
Gina M. Saline,
Senior Court Reporter

1 (The following proceedings were held with all
2 participants appearing via Skype.)

3 THE COURT: We're here for oral argument of the
4 plaintiff's Order to Show Cause that was signed on March
5 27th regarding modification of the temporary custody
6 arrangement. Just so we're perfectly clear, the Court is
7 only going to hear from counsel today. We're not going to
8 hear from the parties since this is oral argument.

9 Mr. Dimopoulos, you may commence your oral
10 argument.

11 MR. DIMOPOULOS: Your Honor, thank you. We made a
12 motion, as your Honor knows, when we received Dr. Abrams'
13 report. It is unquestionable that Dr. Abrams only makes
14 recommendations to this court but this is a case where
15 everybody was waiting for his recommendations because back
16 in June and July the defendant made a motion to modify the
17 order she had consented to only weeks before on the basis of
18 supervision.

19 The law of the case in essence was Judge Everett's
20 decision saying that he wasn't going to make any
21 modifications to the order until and unless he received the
22 recommendation from Dr. Abrams. So much so that in December
23 when we learned that the mother was in violation of the
24 Court order by failing to be supervised for at least two and
25 a half consecutive days, we opted to abide by that order,

1 not make a motion to modify it because at the time we
2 thought that Dr. Abrams' report was only weeks away.

3 Based upon the custodial arrangement, gathering of
4 evidence was tremendously difficult because my client was
5 not in the house when Mom was in the house. So much of what
6 we know we learned through Dr. Abrams' report. A lot of it
7 my client already knew and suspected but an independent,
8 third party professional, medically trained forensic's
9 opinion is much more probative.

10 I think by now we've all read Dr. Abrams' report.
11 I can tell the Court that, you know, of the many forensic
12 reports that I've reviewed this was tremendously alarming in
13 many respects. And it made sweeping recommendations. I
14 think the, in sum and substance his finding was that in
15 order to combat what's been going on here we need to reduce
16 the defendant's time with the children and he didn't think
17 that supervision -- well, let me say -- let me not say what
18 he thought or didn't think. Let me say what he wrote, was
19 that unless and until we reduce time with, between the
20 defendant and the children, we're not going to combat what
21 he found to be gaslighting and manipulation.

22 I don't know why he didn't think that supervision
23 was required. I think throughout the report he said that
24 it's not being followed anyway so he had had the evidence,
25 your Honor, of Mom, of the surveillance of Mom not being

1 supervised on many occasions.

2 Something drastically changed though in that once
3 we are able to have the calls that were recorded per his
4 recommendation and per the March 27th order we're able to
5 get a sense of what it is that the defendant does that
6 caused Dr. Abrams to find this manipulation and gaslighting.
7 And we saw it firsthand. And it's recorded for all to see.
8 That evidence wasn't available to us when we made the motion
9 but it became available to us later.

10 The manipulation is -- it's, it's in existence but
11 it manifests itself in a very dangerous way because it is
12 apparent to us that the defendant knows exactly what to say
13 to elicit the response that she wants. For instance, she
14 didn't have to tell Ally go to the police department. All
15 she had to say was, you know, if you're concerned, keep the
16 phone by your bed; or call my friend Erica if there's any
17 problems.

18 In essence the defendant creates this essence, this
19 feeling of high alert amongst the children but more so then
20 that she creates this feeling of if you do this you will
21 please me. And it was fairly obvious to Dr. Abrams and it's
22 fairly obvious to us.

23 Rather than tell the Court what the Court has
24 already seen in our motion papers and already seen in the
25 evidence that the Court's reviewed, let me just tell the

1 Court a little bit about how things have been in the time
2 since the March 27th order has been signed.

3 As Miss Most has reported to the Court on numerous
4 occasions the relationship between Ally, the oldest, and
5 especially Charlotte was extremely problematic. Our
6 evidence that we've submitted shows that the defendant has
7 allowed Charlotte and Josephina to treat Ally as if she
8 wasn't a true part of the family. She's adopted. She's not
9 your real sister and vice versa. This created a rift. More
10 so, Ally's behavior, which all acknowledged, is extremely
11 problematic at times. You know, amongst young siblings, you
12 know, you took my shirt -- I'm creating examples, but you
13 took my shirt, you did this. You know, it creates this
14 animosity between the sisters. That plus the initial audio
15 and video we reported, it's like in any household, the child
16 that creates the most tension becomes a sore spot for the
17 other siblings who probably just want peace.

18 So, we came into this proceeding with Charlotte and
19 Ally hating each other. That's what Charlotte reported to
20 Miss Most. I hate my sister. I don't want her around.
21 That has changed exceedingly. It's diametric. They are,
22 they've created -- over the weekend Allan shared with me
23 photos where the girls, the two girls, who didn't want to
24 see each other, and didn't want to spend time with each
25 other, hated each other, have now created this fort in their

1 bedroom where they're separated by a wall. It's like one
2 person's room, another person's room. They're playing
3 together. On the video recordings in Zoom, your Honor,
4 Charlotte is hanging on Ally on her back, kissing her,
5 hugging her.

6 It -- the children have had I think now two
7 sessions with Dr. Adler who reports things are going
8 extremely well. The kids are happy. There's peace.
9 There's a sense of normalcy in that there's no tension in
10 the house and they're not being manipulated.

11 So, you know, I'm sure counsel will share with you
12 that, you know, oh, since Miss Candelario has come on board
13 the calls have been better. They've been great. Mom hasn't
14 done anything wrong. I posit to you that's only evidence of
15 our contentions. The fact that the calls are going well is
16 evidence that supervision is required and supervision will
17 bring about the result that we all know is needed.

18 Mom has, has stopped her gaslighting, has stopped
19 the manipulation because there is a third party that will
20 report and will do something about it. You know, when it
21 was just Mr. Kassenoff, you know, off in the distance, you
22 know, recording the calls and hearing things, it was more
23 tension. The Court was right to install a supervisor,
24 remove Dad from the picture, let Mom have some normal time
25 with her kids; but, again, the fact that they're going well

1 is only evidence that supervision is required in this case
2 and is necessary.

3 Now, just briefly, your Honor, on -- and I think,
4 and I think the question for all of us is, you know, where
5 do we go from here. We have an order that technically
6 allows, not technically, actually allows Mom to exercise
7 every other weekend with the children with supervision. But
8 it requires Mom to have adequate housing. I would imagine
9 that Mom wanted to see whether or not these, the March 27th
10 order was going to be vacated either by Judge Lefkowitz or
11 the Appellate Division or after this hearing before she
12 makes a decision to get adequate housing, but certainly my
13 client is not standing in the way of her having more time
14 with the children; but we ask the Court to consider at least
15 the professionals' opinions. Dr. Adler; again, maybe an
16 update from Dr. Abrams to see whether or not the situation
17 is in fact working and having the desired results which is
18 about the children.

19 We're not concerned with whether or not Mr.
20 Kassenoff has too much on his plate, or whether or not he
21 was five minutes late to a French lesson or whether he
22 wasn't. We're not concerned with, you know, with the
23 mother's plight or what I'm sure we're going to hear about.
24 We're concerned with these children, and are they better off
25 now in the current situation than they were a month and a

1 half ago; and I say unquestionably they are.

2 In terms of the legal justifications for the
3 March 27th order and this court continuing them, again, I
4 would ask the Court to review our reply memorandum which
5 dealt specifically with the fact that when the Court -- let
6 me back up for a second.

7 Certainly when you're making changes to a custodial
8 arrangement hearings are favored; however, the Second
9 Department is clear, and throughout the memo I cited the
10 cases, when the Court is familiar with the matter, when
11 they've seen evidence over the course of months, motion
12 appearances, other oral arguments, when they've seen
13 evidence in the form of video and audio, when they know the
14 case a hearing isn't required. And I think the defendant
15 will hang her hat on that but I don't think it's a legal
16 point that carries a day.

17 So, I think for the sake of these kids, your Honor,
18 they're doing well. They are happy. Dr. Adler can report
19 it. I think these measures should be continued. I think we
20 do in the coming weeks and months need to discuss where we
21 go from here for everyone's sake but for the time being I
22 think this is working and I think it should continue, your
23 Honor. Thank you.

24 THE COURT: Okay. Miss Spielberg.

25 MS. SPIELBERG: Judge, I just want to note that my

1 client seems to have been kicked off, either lost connection
2 or whatever. If you would just give two minutes to see if
3 she comes back on.

4 THE COURT: Absolutely. I wasn't paying attention.
5 So, yes.

6 MS. SPIELBERG: She's on? Okay. Catherine, I want
7 to make sure you can hear.

8 THE COURT: Mrs. Kassenoff, are you here? Mrs.
9 Kassenoff?

10 MS. SPIELBERG: I see that maybe her own microphone
11 is off. I just want to double check, Judge.

12 She's gone again? Let's get her at least on
13 speaker so she can hear.

14 (An off-the-record discussion was held between the
15 attorneys; technical difficulties.)

16 THE COURT: So she can hear you at least?

17 MS. SPIELBERG: Yes, Judge, she can hear me.

18 THE COURT: All right. Why don't you proceed then.

19 MS. SPIELBERG: Okay. Judge, this court must
20 remove the therapeutic or any supervision requirement that
21 was put in place in response to the plaintiff's emergency
22 Order to Show Cause.

23 As Mr. Dimopoulos referred to the initial order,
24 the Court will recall that it was initially put in place on
25 a very temporary basis pending a therapist, a treating

1 therapist of Miss Kassenoff. Dr. Filova, who was that
2 treating therapist and continues to treat Miss Kassenoff to
3 date, reported to the Court there was no issue with mental
4 health and there was no reason that, and her, one of -- her
5 quote was, There's nothing in the hours I've spent with Miss
6 Kassenoff that leads me to believe she has a mental illness.

7 There has been no documentation of any mental
8 illness of Miss Kassenoff ever by any professional. She's
9 held rigorous jobs that required background checks and
10 there's never been an issue in the past. Nonetheless, the
11 Court determined on its own that it would extend this
12 requirement to wait for Dr. Abrams' report.

13 Now, Judge, Mr. Dimopoulos consistently refers to
14 that as something that Miss Kassenoff agreed to, but recall
15 please she agreed to it expecting it to be a few weeks or a
16 month or two at most. So, the idea that it would have gone
17 on for a year was nowhere in the realm of possibility when
18 she made this, when she consented to that order.

19 Notwithstanding, Judge Everett determined that it
20 should extend to Dr. Abrams' report. And all of those
21 months later, ten months later, Dr. Abrams comes back, and
22 that's what's most important here, Judge, that Dr. Abrams,
23 the person who we were all to look to for his decision after
24 his in depth analysis says that no supervision is needed of
25 Miss Kassenoff. And that's the most important issue that I

1 think the Court has to focus on because Dr. Abrams was in
2 possession of all of the information that Mr. Dimopoulos
3 refers to when he made this determination. And as you'll
4 recall, your Honor, he was on a call with us and Judge
5 Lubell knowing that this issue was at the forefront and
6 knowing that it would be relied upon in determining what
7 would happen in the wake of COVID and how Mom would continue
8 with the daughters, whether she would be supervised or not.

9 And what's, what also is shocking, Judge, is that
10 nothing occurred sufficient to change the Court's decision
11 from no supervision as Dr. Abrams recommended, even in light
12 of all the things he said in his report that Mr. Dimopoulos
13 refers to; the gaslighting, the manipulation, and those are
14 Mr. Dimopoulos's words, not mine, Dr. Abrams still
15 determined and opined in a thirty plus page report that no
16 supervision is necessary. And nothing, Judge, occurred
17 between the rendering of that report and the making of this
18 order, which was only two days later, to change that
19 decision and that opinion. Mr. Dimopoulos points to
20 nothing. And we didn't have a written decision from Judge
21 Everett so we don't know what he referred to or relied upon
22 in not only requiring supervision but therapeutic
23 supervision, Judge. Yet another step up. There's nothing
24 that rises to the level to have instituted that requirement.

25 And the Court I'm sure is aware but should note

1 that as a result of this my client has now gone more than
2 fifty days not seeing her children because of the
3 impossibility of getting a therapeutic supervisor.

4 The Court is reminded it's tasked with doing what's
5 in the best interest of the children. And while Dr. Abrams,
6 you know, the irony here is Dr. Abrams says no supervision
7 is necessary but notwithstanding that, Judge, these children
8 and these parties have been subject to many other experts.
9 Okay?

10 Dr. Filova, who was been treating my client for a
11 year, has not opined that there's any mental health issue or
12 she is a danger to anybody.

13 Dr. Weiss, who is a well respected forensic, mostly
14 testifying in Manhattan but has testified in Westchester,
15 rarely, if ever, provides affidavits for patients but she
16 believed that the circumstances here were so egregious she
17 had to do so. She says, and she's performed the same
18 examinations that Dr. Abrams performs, Miss Kassenoff does
19 not appear to pose an imminent risk to these children nor
20 does she seem to require supervision or therapeutic
21 supervision.

22 I note for the Court also that this type of
23 requirement, these supervision requirements do their own
24 damage to children at this age seeking to undermine the
25 authority and respect for a mother or a parent.

1 Dr. Weiss had seen all the video and audio of the
2 plaintiff and Miss Kassenoff, and still came to that
3 conclusion on her own.

4 Possibly even the most relevant and persuasive
5 professional who's been involved here is Dr. Ravitz, Judge.
6 Dr. Ravitz was given all of the information that Dr. Abrams
7 was given. He saw all of the audio and video. Mr.
8 Kassenoff, as Dr. Ravitz reiterates in his report, told all
9 the gory details of his alleged, his belief about
10 Catherine's alleged treatment of Ally. Now, remind the
11 Court that all of this took place under Mr. Kassenoff's nose
12 and he did nothing to stop it and he participated in it.
13 That notwithstanding, Dr. Ravitz does not say that there was
14 manipulation. And, in fact, he's the one who notes multiple
15 times in his report to the Court that it's the strife
16 between these parents that is a large cause of Ally's
17 issues.

18 So, when Mr. Dimopoulos talks about how much better
19 these girls are doing and how much better their relationship
20 is, don't be fooled into thinking that this has occurred in
21 the past six weeks. This could just as easily be a result
22 of these parents being split up; they're being nesting for
23 all of these months and on a fifty-fifty basis; and them not
24 being able to have the strife amongst them in front of these
25 kids that they had had prior thereto. So, please do not

1 think that this is the, that they're all skipping down the
2 street holding hands now because my client has been absent
3 for six weeks, but rather these two parties have not lived
4 together for, you know, close to a year now and that that
5 strife between the parents and whatever affect that dynamic
6 would have had on Ally and the rest of the children is now
7 removed.

8 Also, Judge, Jenessa Cavallo from the Alssaro Group
9 met, initially started to treat Jo-Jo and Charley. They --
10 Charlotte had suicidal ideations and expressed feeling this
11 way as a result of her father yelling at her; that she
12 reported she feels sad and scared of her father; and that
13 Jo-Jo reported feelings of fear and anxiety about her father
14 and she was diagnosed with post traumatic stress disorder by
15 this therapist.

16 Dr. Kutcher, Judge, who treats Ally does not
17 determine that there's any manipulation. He reaches the
18 exact same conclusion that Dr. Ravitz reaches of conduct
19 disorder.

20 The school psychologist who speak to these
21 daughters, these children do not determine that there's any
22 manipulation or any reason not to, to believe that Mom is
23 having some inappropriate communication with these children.

24 And what's wholly ignored by Dr. Abrams and we
25 presume by Dr. Everett (sic) when he made the decision that

1 he made was the history of domestic violence, Judge. And
2 it's very dangerous to leave these three girls in the sole
3 care of a man who has committed these acts against his wife,
4 these girls' mothers and the girls themselves.

5 Judge, people have been found to be, have been
6 found to be abusers for far less than the documentation we
7 have in this case. Back to 2010, Judge, there's, there was
8 an order of protection against Mr. Kassenoff and my client
9 filed for divorce at the time because of an assault that was
10 committed while my client was pregnant with Charlotte. My
11 client filed for divorce and the order of protection was
12 withdrawn on the basis that Mr. Kassenoff agreed to undergo
13 anger management. This anger problem goes back ten years,
14 Judge.

15 So, we have Miss Kassenoff who's being said to have
16 been diagnosed with mental health issues, a manipulator, a
17 gaslighter with no, with all of these other professionals
18 not having found this, so no evidence thereof, but we have
19 Mr. Kassenoff who back to 2010 there is an order of
20 protection against him; he's in anger management. In 2016
21 there is another assault in the house. Mrs. Kassenoff goes
22 to Montefiore. There are medical reports about that. In
23 December of 2017, during her final round of chemo and
24 double -- after a double mastectomy, with Ally and Jo-Jo
25 present, there's another domestic violence incident where my

1 client ends up at Memorial Sloan Kettering. It's documented
2 there and speaks to a social worker. In May of '19 there's
3 the incident in the garden, which shockingly Mr. Kassenoff
4 calls silly in one of his affidavits, but it's the
5 continued, you know, Miss Kassenoff is sent to the, to --
6 goes to urgent care, again documented. Then you have Ally
7 and Jo-Jo's report of Ally being kicked by Allan. That's in
8 Dr. Ravitz's report as well. It's reported to the school.
9 Judge, then you have Ally who reports that she's afraid of
10 her father, doesn't want to go home with him, after being in
11 sleep away camp for two weeks with no communication
12 whatsoever with my client. There is no way there could be
13 an allegation she somehow manipulated this child to make
14 those statements. Ally said she doesn't want to go home
15 with Dad because he hurts us.

16 There's ten years, Judge, of documented domestic
17 violence reports and in addition many calls to the police,
18 open CPS investigations, and all of this is completely
19 ignored by Dr. Abrams and by everybody else, and these girls
20 are left unsupervised with this man with no access to their
21 mother whatsoever but for fifteen minutes a day for the past
22 almost two months.

23 The Court is required, Judge, to consider this
24 domestic violence in determining what's in the best interest
25 of these children. And moreover that must only be proven by

1 a preponderance of the evidence, Judge. And there's just no
2 consideration given to any of these allegations whatsoever,
3 not by Dr. Abrams, who chalks it to, discusses it as being
4 both of the parties rather summarily. And the Court is
5 tasked with the requirement of considering these things.

6 Just a second. Even in light of Dr. Abrams'
7 report, who by the way speaks with only one of my client's
8 collaterals, never speaks to the treating therapist that the
9 Court was to rely upon in determining whether there should
10 be access, speaks only with one of her collaterals, still,
11 Judge, does not require supervision at all of my client
12 during her time. Not at all.

13 With respect to the Zoom calls, Judge, these need
14 not be supervised. They've been more than appropriate. You
15 heard Carmen Candelario report same to the Court. My client
16 has been -- and please remember what brought, what gave rise
17 to the supervision of these Zoom calls. The issue that, the
18 incident that's relied upon and that Mr. Dimopoulos and his
19 client hang their hat on is this issue of Ally going to the
20 police. We submitted the transcript to your Honor. And I
21 know that your track record is you read everything; so I'm
22 sure that you read that. If you look at that transcript,
23 Judge, my client did everything right. She said three times
24 at least don't call the police, go to the neighbor, go to
25 Erica, go to Aunt Erica, talk to her about it first. She

1 then, Judge, immediately after that phone call she E-mailed
2 the child's lawyer and said just got off the phone, they
3 want to go to the police, please do something about it. If
4 this was her concocted scheme to send these girls to the
5 police or to send Ally to the police, why would she report
6 herself to their lawyer, giving their lawyer ample time to
7 make a phone call, to determine what was going on and what
8 the issue was, and to intercept that need to go to the
9 police? You know, this isn't -- and it's that incident,
10 Judge, that, that Mr. Dimopoulos hangs his hat on.

11 Remember, Judge, my client has been indicated for
12 failure to supervise. She's been indicated for neglect for
13 this very reason that there was -- there's indicated CPS
14 report against Mr. Kassenoff for having kicked Ally. My
15 client's indicated for neglect for not having done anything
16 about that. Now you have a girl who is saying to their
17 mother, holding up a sign so that Dad can't hear, saying,
18 shhhh, you know, be quiet, don't respond to this, holding up
19 a sign. What's my client supposed to do? She does, I
20 believe, Judge, as the mother of two kids, what was right.
21 Why don't you call Auntie Erica and discuss it with her.
22 Why don't you do that first. She reaches out to their
23 lawyer. The fact Ally ends up going on her own, my client
24 did everything in her capacity she could have done to have
25 avoided that. And she's obviously, Ally has made how many

1 reports of being afraid of her father. I understand it's
2 difficult because of Ally's history of lying but at some
3 point, Judge, the scales must tip. Somebody has to believe
4 this child. There's documented incidences here. And they
5 are afraid of their father.

6 So, this one phone call to the police, about the
7 police, this is what gave rise to these calls being recorded
8 and to me there's just, there's -- it's easy to say she
9 somehow manipulated Ally to go to the police but there's
10 just no evidence of that. Zero. None.

11 In addition, Judge, this prohibition on the
12 inability of my client's E-mail with her own kid is just
13 absurd. Obviously it is available to be reviewed if there's
14 any issue but a nine-year-old girl gets her period, she
15 hasn't even been able -- she doesn't have the ability to
16 talk about it with her mother. Just over the weekend,
17 Judge, my client got an E-mail that, from one of the girls
18 her friend was mean to her. Their mother can't respond and
19 comfort them or give them advice, social advice with their
20 girlfriends. There's three girls living in this house,
21 Judge. They have a mother. They have been all but -- their
22 mother has been all but removed from their life.

23 Even Dr. Adler confirms that Mrs. Kassenoff is the
24 primary caretaker of these girls. And all of a sudden with
25 no opposition, no opportunity to be heard and completely ex

1 parte application my client who for their entire lives has
2 been the one mostly making decisions for them, taking care
3 of them after school. She scaled back her career to be that
4 primary caretaker. That is all ripped away from her.

5 Judge, I think what this court really does need to
6 focus on as well is what Mr. Kassenoff has done with the
7 power that was instilled to him by the Court giving him sole
8 custody. Okay? There are so many examples of Mr.
9 Kassenoff's efforts to completely obliterate and erase Miss
10 Kassenoff from his daughter's life. I won't talk about all
11 of them. I'll talk about the most important ones.

12 Judge, as this court is well aware, one of the most
13 important factors in determining custody, both legal and
14 physical, is which parent is more likely to encourage a
15 relationship between the children and the other parent. And
16 if there's one thing that Mr. Kassenoff has undeniably shown
17 this court and proven is he has no intention of fostering a
18 relationship between these three girls and their mother. He
19 instructed the school to remove her from correspondence.
20 Ultimately he wasn't able to follow through with that
21 because of your Honor's order but he certainly tried while
22 he could have. He told the girls that they would have a
23 great life without Mrs. Kassenoff. He told the girls they
24 could no longer celebrate Easter. He prevents the girls
25 from talking to Miss Kassenoff's family or the neighbors.

1 They can't talk to Miss Kassenoff's family while they're
2 with her because she hasn't been with them in two months
3 judge. Okay? He has thwarted, he thwarted setting up the
4 Zoom calls before your Honor required there be an every day
5 set time. He announced that he's going to take Charlotte
6 out of the school she's been in for four years. He's
7 disconnected the landline many times and prevented the
8 children from communicating with their mother and from
9 E-mailing her prior to the Court's requirement that no
10 E-mail communication take place. He's excluded Miss
11 Kassenoff from the schedules of the children. Even last
12 week when Ally broke her wrist, he texted to Ally -- and we
13 have the text message, he texted to Miss Kassenoff when she
14 was saying what happened with Ally, what's the story; he
15 writes go away is what he writes to her, which is -- Judge,
16 he says, Go away; Ally hurt herself; we're at urgent care;
17 learn to prioritize. Judge, that's -- there's no truer
18 words ever been spoken by Mr. Kassenoff. That's exactly
19 what he wants. He wants her to go away.

20 While everybody spends a lot of time talking about
21 how bad Mrs. Kassenoff is, I ask the Court to look at these
22 three girls. Look at how accomplished they are. One of
23 them speaks a complete -- is fluent in another language.
24 They're accomplished and very successful musicians. In the
25 wake of all of the domestic violence and all of the strife

1 between these parents during these children's lives, they've
2 done remarkably well under the supervision of their mother.
3 She was the one. She was their primary caretaker. She got
4 them from school. She did their work with them. She
5 learned to play an instrument to support their musical
6 interest. I mean, these are things that cannot be ignored
7 by this court.

8 It is honestly beyond me to understand how Miss
9 Kassenoff is here not seeing her girls for two months.
10 There's just nothing to point to that has happened. She had
11 these, she was with these girls for fifty percent of the
12 time, Judge.

13 THE COURT: Okay. Okay, Miss Spielberg. I heard
14 you.

15 Miss Most.

16 MS. MOST: Yes, your Honor. Thank you.

17 Judge, you know, I think it is a very sad fact when
18 litigants aren't happy with the AFC. The AFC is called
19 biased or whatever. And I've been under attack. And I have
20 to say I'm not a neutral, Judge. I am a biased
21 representative of my clients. And in this case while my
22 clients have indeed said she they wanted to spend more time
23 with their mother, and I want to say that has been in the
24 past, because I have not spoken to them since this has
25 begun, but they have said that previously. And I've already

1 let this court know that I believe the children are at risk
2 for serious harm, emotional harm. And I'm using my
3 discretion.

4 So, I think that the Court should really know that
5 the first time I saw all three of my children separately
6 each child described to me a situation in the home that was
7 heartbreaking, your Honor. The Mom had put Ally in a
8 situation where she wasn't a member of the family. She did
9 not eat with the two girls and their mother. She did not
10 ever sleep with the two girls and the mother. The mother
11 did sleep with the two other girls routinely. She was
12 absolutely not part of the family. And I think that, you
13 know, I could point out that Charley actually told me she's
14 not really a member of this family. She's not like us.
15 She's adopted. She's just not a member of our family. And
16 that is the way the two little girls thought about Ally.
17 And it was heartbreaking. Heartbreaking for Ally but also
18 heartbreaking for the two little girls who have siblings.

19 So, I think that, I have to say that I think the
20 defendant's conduct with Ally is child abuse. I think from
21 the beginning all the information that we have is child
22 abuse. And I think that it only stopped during this
23 litigation and she has actually pulled Ally to be her
24 support. And that in itself, your Honor, is a manipulation
25 and a gaslighting. I think that Dr. Abrams described that

1 at length but we have witnessed that. We've witnessed it in
2 the way that she's aligned Ally.

3 And I just want to tell you, Mr. Kassenoff sends me
4 pictures maybe twice a week. When the girls leave him
5 notes, he send me copies. So, this is the note -- I'm
6 hoping you could read it -- telling, Dear, Daddy. I love
7 you so much -- I don't know if you can see it -- I hope you
8 have a great day. World's greatest Dad from Ally. Is that
9 good? I don't know where my camera is. But anyway I get
10 these notes from him regularly.

11 So, you know, while Ally has a sense -- Judge, are
12 you gone? Okay. Ally has a sense that she could get her
13 mother's love by showing disrespect to her father. She
14 really loves him. I put an E-mail on my papers from Ally to
15 her father. There were like four of them. When are you
16 coming home? I can't way wait to see you. When are you
17 coming home? And then very close to that she sent me an
18 E-mail complaining about her father. So, that's the kind of
19 manipulation that we've seen between Mrs. Kassenoff and
20 Ally. We've witnessed the Zoom calls firsthand. And I'll
21 talk about the police situation just momentarily but to me
22 those three days when she had no recording of her Zoom calls
23 something had to happen because the child doesn't go to the
24 police, a ten year old child doesn't go around the corner to
25 the police on their own. That's an absurdity.

1 And we know from Dr. Abrams' report that she's been
2 inappropriate with all three girls in discussions regarding
3 the divorce. But her behavior ramped up in February and
4 March. And there were constant E-mails from the children,
5 we want a new lawyer, or complaining about their Dad only on
6 the days when the girls are with their mother. Those
7 E-mails did not come when they were with their father. In
8 fact, all along, Judge, I've had a handful of phone calls
9 from the girls leaving me long messages. And one of the
10 messages that I heard from Charlotte I could hear her mother
11 talking to her on the background. So, I think those calls
12 only came when the girls are with their mother. And that is
13 manipulation. That is gaslighting children.

14 And so I have an E-mail that I think it was either
15 on my papers or Gus had it that she writes to her children,
16 Did you send an E-mail to Miss Most telling her you want a
17 new attorney? Those things only come from Catherine
18 Kassenoff. They don't come from the children.

19 So, I'd like to say that now that the children
20 aren't with their mother any longer I get none of those
21 E-mails anymore. I get no complaints from the children. I
22 think that the girls have been coached and manipulated by
23 their mother. And I think Mark Abrams' report says that.

24 I think the only way these girls will ever have
25 normalcy in their home is if they live with their father and

1 their time with their mother is reduced substantially as
2 Mark Abrams suggested. And at this point I do believe it
3 needs to be supervised. I think since this report has come
4 out and since Mr. Abrams completed his work with the parties
5 there have been so many things that have gone on that I
6 think if Mark Abrams were asked at trial and those things
7 were pointed out he would indeed say that the mother has to
8 be supervised with the children.

9 I think that with regard to the expert reports
10 that, that Miss Spielberg reports, points to, those reports
11 are all more than a year old or will be a year old in
12 September. I don't know if Dr. Filova is still treating
13 Mrs. Kassenoff. We don't know that because the report is
14 from September. Same is true of Dr. Weiss. That was from
15 September. And we don't know if she's still treating her.
16 So, a lot has happened since September. That's been -- you
17 know, it's been a long time.

18 In terms of Dr. Kutcher, I had a very long talk
19 with Dr. Kutcher. He only had the information that was
20 reported by Mrs. Kassenoff. He had no other information
21 about Ally. He did agree that Ally had a conduct disorder
22 and he thought it was a severe conduct disorder.

23 I think that, I think that the issue of domestic
24 violence -- I'm accused of not looking at everything, Judge.
25 Judge, I listen to every single tape there was. I

1 watched -- I looked at every E-mail, every document that was
2 presented to me. But I think that Dr. Abrams says -- in his
3 report he addresses the issue of domestic violence and I
4 think he said something in line with the mother was the
5 person in power and she was the one who instigated it. So,
6 you know, we can't, we can't say that there's domestic
7 violence without looking at the background of that domestic
8 violence. And Mark Abrams did address this in his report.

9 So, I want to talk a little bit about the issue
10 with FASNY. Mother says I didn't support it. Your Honor, I
11 want to say I missed one court session because I had colon
12 cancer in January, and I had surgery, and I was excused from
13 that court appearance, and that was when FASNY was
14 addressed. And I was recuperating for two weeks afterwards
15 and so I wasn't really part of that. But I do want to say
16 to you that I was aware of the issue behind FASNY. There
17 are multiple E-mails when the mother decided that she wanted
18 the children to go or Charlotte to go to FASNY. And the
19 father sent multiple E-mails, I don't agree; I'm not
20 agreeing; we moved to Larchmont to be in a better school
21 district, I'm not agreeing. There had to be dozens of these
22 E-mails back and forth, your Honor. Father never agreed to
23 it. It just happened because the mother did what she
24 wanted. It wasn't what Mr. Kassenoff agreed to. So, I
25 think -- and the same I think was true of the violin

1 lessons.

2 And, Judge, I do value that children have a good
3 education. I value, I valued it for my children. I value
4 it for my grandchildren, but what's more important to me
5 than a good education -- I shouldn't say more important, but
6 as important is that children are happy and are -- you know,
7 feel secure in their lives. That to me is just as
8 important, maybe actually more important than learning
9 another language or learning a violin. That children grow
10 up to feel secure and happy and know that they're loved.
11 That's what's most important. That's what wasn't happening
12 when the children were with their mother. So, do I think
13 the children didn't think their mother loved them? I think
14 they thought their mother loved them but I think they were
15 not allowed to love their father, and that's a very sad
16 thing.

17 I want to address the issue with Alssaro where it's
18 pointed out that Charlotte had PTSD. The issue with
19 Alssaro, Judge, was that the girls had only seen the
20 therapist I think -- and I don't have the report in front of
21 me, but I think it was something Charlotte maybe went two or
22 three times and Jo-Jo went twice; but there were several
23 sessions with the mother. And all the information that the
24 therapist had came from Miss Kassenoff including, you know,
25 huge domestic violence stories and whatever else she was

1 reporting. And it became clear to not only me but Judge
2 Everett as well that the mother had co-opted the therapist.
3 And that was why Judge Everett ordered, and I know he said
4 it on the record because Mrs. Kassenoff's prior counsel read
5 it to me from a transcript, I don't have the transcript but
6 I know it exists, so that it was absolutely ordered that
7 neither parent could speak to the therapist alone. So that
8 the therapist couldn't be co-opted. It's not the parent's
9 story. It's the child's story.

10 So that is very important to Judge Everett and
11 remains important to this day because when I objected to
12 what Mrs. Kassenoff was trying to do, she was trying to send
13 to Mrs., Dr. Adler all of her tapes of her purported
14 domestic violence. Well, Judge, those tapes are as bad for
15 Mrs. Kassenoff as they are for Mr. Kassenoff. And Mr.
16 Kassenoff has his own set of tapes.

17 I mean, I'm sure if we get to a trial, Judge,
18 you'll be listening to those tapes but they, in my mind they
19 were worse for Mrs. Kassenoff than Mr. Kassenoff. And they
20 did not prove domestic violence. But they don't belong --
21 it's not the job of Dr. Adler to listen to twenty odd tapes,
22 you know, for I don't know how many hours. It's not
23 appropriate. And it was actually contrary to what Judge
24 Everett ordered.

25 So, and that was the reason why we left Alssaro.

1 First we had a very, a new therapist who didn't have a lot
2 of experience and we wanted somebody who had a lot of
3 experience, who could handle the issues with these children.
4 So, that was what happened.

5 So, I do not believe there's PTSD and I want to
6 just tell you that --

7 THE COURT: Let me just interrupt. So, has Dr.
8 Adler made any finding of PTSD since she's the most current
9 therapist of these children?

10 MS. MOST: No, she has not, your Honor.

11 THE COURT: Okay.

12 MS. MOST: And I just also want --

13 MS. SPIELBERG: I don't know that we've heard any,
14 had any report from Dr. Adler --

15 THE COURT: Okay.

16 MS. SPIELBERG: -- to the contrary or otherwise.

17 THE COURT: Have you communicated with Dr. Adler,
18 Miss Most?

19 MS. MOST: Yes, I have. She does not, she has not
20 made any finding along that order.

21 But I want to tell you why the PTSD diagnosis was
22 made. And I can't remember, I think it was Charley who came
23 in and she reported a list of, a list of complaints that the
24 doctor from -- I can't remember her name but the therapist
25 said like it came off a computer, I'm crying; I'm not

1 sleeping; I'm tearful; I'm sad. And she said it was just
2 like it was a report from something you pulled off a
3 computer. And she was troubled by the way this child came
4 in and reported her findings. She actually had relayed to
5 me, because I spoke to her at length, that she was wondering
6 if the child had been coached. So that was the reason there
7 can be no contact between, it was particularly the mother
8 and Dr. Adler but either parent that's fine. And I think
9 that other than for scheduling, which is fair, it is not to
10 keep saying in your E-mails, You need to know about the
11 domestic violence; you need to know about the domestic
12 violence. That's not what Dr. Adler's job is. So, that has
13 to be stopped. And I believe it has been.

14 I want to just say about the issue with the police.
15 I did get an E-mail on March 30th and I responded
16 immediately please send me the tape. I wanted to listen to
17 the tape before I did anything or said anything because I
18 wanted to see what the girls were saying.

19 I actually went to the police department to meet
20 with the police before I got the tape. And I can't remember
21 if I went to the police on the 2nd or the 1st, but I didn't
22 get a copy of the tape until the 3rd. So, to say that I
23 didn't do anything is really outrageous. I immediately
24 asked for the tape. And it took four days for me to get
25 that tape.

1 Now, I have to say that, I'm not throwing you under
2 the bus, Jill, but Jill did say it was her fault that she
3 didn't get it to me. But I can't respond to something
4 unless I see it. But don't forget, there were three days
5 that video chats were had with the mother, the Zoom videos
6 that were not taped. And Mrs. Kassenoff knew they had to be
7 taped. We don't know what happened. We don't know what
8 happened on those tapes. But it is not a far cry to suggest
9 that there was, that there was something that was said to
10 Ally to make her think she should go to the police. Because
11 that's not what a typical ten year old does. It just isn't.

12 I think those Zoom videos need to be, continued to
13 be followed with Carmen Candelario and supervised, because
14 while she says there's no problem, we've seen all the tapes
15 that weren't supervised and they were not good. They were
16 all troubling. Every single one of them was troubling. So,
17 they have to continue to be supervised.

18 So, I think that the report does say in many places
19 that Mrs. Kassenoff has a mental disorder. He must say it
20 in at least four places. So, just to say that she's never
21 been diagnosed is just really not true. I don't think she
22 spent -- if we saw the bills from Dr. Filova, I would bet
23 she hasn't seen her in many, many months. And I don't know.
24 I don't know. I'm making that supposition. But the truth
25 is when you self report to a doctor, that's all the doctor

1 has. When a doctor hears another side, it's like an
2 alcoholic who goes to a therapist and says, I'm not an
3 alcoholic; I only drink socially, but the other side says,
4 But you've been falling down drunk; I have pictures; I have
5 tapes that somebody says okay, well, so, you can't self
6 report. So, I don't know what happened with Dr. Filova and
7 I don't know how long she's been treated by Dr. Weiss. I
8 don't know if that is still continued. But we have a
9 neutral report. None of those are neutral. We have a
10 neutral report that says that the change with the children
11 has to be immediate. They cannot -- they cannot coexist in
12 the same house even on different days. And that had to
13 change.

14 We know that the girls have been really under a lot
15 of pressure when they're with their mother. So, as an
16 example, what's changed? Something very simple. There had
17 to be a dozen E-mails regarding Charlotte and how she -- she
18 picks like right over here (indicating). She picks at her
19 skin. There were always -- I've seen them many times,
20 little sores. There have been no sores on her face. And
21 Dr. Adler actually commented to me about that, that the
22 pressure that Charlotte had felt is, seems to be gone. That
23 she doesn't have any more of that pressure. So, you know, I
24 think that says something. Mrs. Kassenoff was blaming that
25 on Mr. Kassenoff. But now that she's with Mr. Kassenoff and

1 there aren't sores on her face anymore, I think that is
2 significant.

3 THE COURT: Okay. We're running to the end.

4 Mr. Dimopoulos, do you want to have the reply
5 simply to what was stated here because I have the papers
6 obviously and we're going on almost an hour; so you can have
7 a quick reply.

8 MS. SPIELBERG: Judge, I would also just like three
9 minutes to respond to Miss Most's statements as well. I
10 didn't get to talk about that either, if you don't mind.

11 THE COURT: I have your papers; so I'm just going
12 to give him the reply then we're going to be done.

13 MS. SPIELBERG: There are factual
14 misrepresentations Miss Most has made. I want to correct
15 those at least, Judge, please.

16 THE COURT: Okay. I don't know what factual
17 misrepresentations she made. She just gave her version of
18 what transpired; you gave your client's version of what
19 transpired.

20 MS. SPIELBERG: Judge, she said my client hasn't
21 been seeing Dr. Filova, Dr. Weiss. I can tell you she's
22 seeing both of them regularly. She saw Dr. Filova as
23 recently as last week. Also, Judge, I want to point out
24 there is no proof, there was no accounting -- you know, Miss
25 Most has said a couple of times these E-mails only came on

1 my client's time. There's been no proof of that or
2 alignment of those dates. I don't think that's true.

3 Lastly, Judge, it could be that Charlotte's not
4 picking at her face because she hasn't been to school in two
5 months. She hasn't been regularly attending all of her --
6 maybe it was too rigorous of a schedule or school was
7 stressful to her, but realize a lot has changed in the past
8 two months since my client has been removed. At the same
9 time there is no more school. Everybody is at home all the
10 time. It is a much more relaxed environment. To assume the
11 lack of picking is a result of my client not being in the
12 picture is really a conclusion that Miss Most --
13 respectfully, Carol -- is not licensed to make.

14 Judge, I just want to also say that the fact that
15 my client, you know -- you should know that Alssaro did
16 speak with both parents, not just my client. So that was a
17 factual misrepresentation. They heard from both multiple
18 times. So my client --

19 THE COURT: Okay. Okay. She's not the current
20 therapist. And trust me when I say the papers will be read
21 and I will base any decision based upon the facts and
22 information contained in the papers.

23 MS. SPIELBERG: The last thing I want to say about
24 Dr. Adler.

25 THE COURT: Mr. Dimopoulos, you have the final

1 word.

2 MS. SPIELBERG: Judge, I've just been dying to say
3 this one thing about Dr. Adler. And I think it is
4 important.

5 THE COURT: I am not going to go any more, Miss
6 Spielberg. You had your chance. It's oral argument.

7 Mr. Dimopoulos, you have the final word.

8 MR. DIMOPOULOS: Your Honor, Dr. Adler wrote an
9 E-mail for all parties on May 8th. She had her second Zoom
10 call. The purpose of the Zoom call was to discuss with the
11 parties the messaging to the children over the current
12 arrangement. She reported to the parties, and I quote from
13 her E-mail, The girls seem to be handling the living
14 arrangements well and do not seem to be overly anxious.
15 Charley's face has cleared up only to be replaced by some
16 teenage and hormonal acne. Okay? It's not Miss Most who's
17 making these findings about the acne. It is Dr. Adler
18 reporting it just after she reports on current living
19 arrangements. All evidence points to the fact that the
20 girls are doing great and in fact better.

21 Now, all of us lawyers who are paid to do a job for
22 our clients can give their opinions, but they're merely
23 opinions, your Honor.

24 I take issue with Miss Spielberg citing various
25 reports to this court as if they should be probative on your

1 Honor's determination. Make no mistake they should not be
2 probative. Dr. Ravitz was engaged on the consent of the
3 parties to make one finding and one finding only; that was,
4 what therapy, if any, should be recommended for Ally going
5 forward. He was not to discuss or to opine on any issue
6 that favors my client or favors Miss Kassenoff. He was
7 rendered, he was hired for one job. As a matter of fact,
8 from his report it says, and I quote, I am aware that
9 another mental health professional is conducting a forensic
10 custody evaluation. Both parties made assertions and
11 provided documents that may be relevant to a custody
12 determination more so than a diagnostic evaluation. I
13 purposefully did not comment on such information since this
14 is not a custody evaluation. So, then why anyone would turn
15 to that report to make an argument when the doctor said
16 specifically I'm not touching any of that, all I'm doing is
17 telling you what I think Ally should be doing. So that's
18 not evidence. Okay?

19 Secondly, Dr. Filova, whether she's treating with
20 Catherine or not, we don't care. We have a custody motion
21 that was recently made and we had opposition papers that
22 submitted an affidavit from Dr. Filova from September. It
23 would be reasonable of anybody to surmise that if she
24 continued to treat with her that she would get a more
25 updated report on the most important motion made in this

1 court to date. Why rely on something from the fall of 2019
2 when she is continuously being treated? It's reasonable to
3 believe she's not being treated. Even if she were, it does
4 not matter. She is a paid advocate. She will most
5 likely -- she's had evidence of her treatment submitted to
6 the Court. She was engaged solely to opine and advocate for
7 the removal of the supervision. She is not evidence now.
8 Not to mention her affidavit is not really admissible.
9 We're not hearing testimony from her. We have no updated
10 findings from her.

11 Dr. Weiss, she claims that she is a reputed
12 forensic. And that she is, your Honor. But her goal and
13 her role, rather, in this case is not forensic. And there
14 are very different sets of standards being employed. There
15 are professional standards that are not being employed.
16 When someone is hired as an advocate for a party. That's
17 what Dr. Sarah Weiss is here. She is a paid advocate for
18 the mother. The Court should take any report from her as
19 such. If my client hired a paid advocate for him, when you
20 balance that evidence against Dr. Abrams, it fails every
21 time. Dr. Abrams is a neutral forensic evaluator. This
22 court should not rely on anybody's evidence as strongly as
23 it relies on Dr. Abrams' report.

24 Another point of contention that I have on Miss
25 Spielberg's comments. Dr. Abrams never said that he doesn't

1 believe therapy is required. He, when a report doesn't say
2 something, it does not mean that that's a finding. Okay?
3 What he says specifically in his report, and with your
4 Court's permission, the non-confidential portion I'd like to
5 read one sentence of the report, which is very simple, it
6 says that --

7 THE COURT: No, we're not going to read portions of
8 his thing onto the transcript. Okay?

9 MR. DIMOPOULOS: Well, fine. Your Honor, it says,
10 it says, the report says supervision is not going to work.
11 It's not going to be followed. It's at page 27. Okay?
12 It's very simple. He had evidence that she was violating
13 the court order to begin with so he's going to -- he's not
14 going to advocate for therapy, for supervision when he knows
15 it's not being followed. Okay? Not to mention again Dr.
16 Abrams didn't have these recorded phone calls, which are per
17 se evidence of his findings. I'm sure he'd be -- as a
18 clinician and as a professional he'd be professionally
19 satisfied that he was correct but he didn't have that
20 evidence.

21 So, and I'm going to close with this, your Honor,
22 two points. One, it's how information is being submitted to
23 this court and how, how the defendant's trying to paint this
24 picture. Okay? She submits a transcript of a phone call
25 wherein she alleges that her conduct did not, or actions, or

1 words did not lead Ally to go to the police. Now, why she
2 submitted transcript and why doesn't she submit the video?
3 I'll explain. Because in the video on two occasions when
4 Ally said one verbally and one with a sign, I'm going to go
5 to the police, and I'm happy this is on video, this is what
6 the mother did (indicating).

7 MS. SPIELBERG: That's not true.

8 MR. DIMOPOULOS: I'll play the video right now if
9 you'd like, Miss Spielberg. It is true. Okay?

10 And that's why if she had a video, submit the video
11 to your Honor. The video proves our point. The transcript
12 is silent on the issue. If your Honor would like me to send
13 that video to the Court.

14 MS. SPIELBERG: The Judge had the video. Judge,
15 don't you have the video? That's why I submitted a
16 transcript. I believe the Court had already had the video.

17 MR. DIMOPOULOS: Your Honor --

18 THE COURT: No, I don't have any.

19 James, do we have the video of that? I don't
20 recall seeing a video.

21 MR. McEVOY: I don't believe we have the video.

22 MR. DIMOPOULOS: I'd be happy with your Honor's
23 permission to submit that video. I think it's probative.
24 But in any event if you tell me to I will.

25 The final point, and this has been -- I've been Mr.

1 Kassenoff's attorney from the day that summons was filed and
2 Miss Most has been involved since the time she was
3 appointed. Okay? I have heard the words domestic violence
4 so many times, and in so many different ways, and on so many
5 occasions. And at this point infuriates me, and I'll tell
6 you why. Especially in today's day and age, your Honor,
7 when people don't have the same access to courts as they
8 did, domestic violence is a huge problem. A huge problem.
9 People are being beaten. People have welts. They go to
10 their doctors. They go to hospitals. Domestic violence is
11 one of the biggest problems we have in today's day and age.
12 Okay?

13 For Miss Kassenoff to be saying those words, when
14 the words out of Miss Spielberg's mouth were documented,
15 documented, documented. Now, I won't challenge her here on
16 this call but I will put in your Honor's ear one thing,
17 where is, where are these documents? Where is the
18 documented domestic violence? Because I have been the
19 attorney since day one, I have not seen one document. What
20 I have seen is occasionally she would go to a doctor and she
21 would report it. She would say, Oh, yeah he threw me here;
22 he threw me there. Then don't forget, we also have the text
23 that your Honor is going to speak about with her friend
24 where she was discussing how to use these. Never once was
25 my client found to have committed an act of domestic

1 violence. Never once was he arrested. Never once was there
2 a finding. Nothing. These are all lies.

3 And for Miss Spielberg to say the Court isn't
4 taking them into consideration is to deny the fact that
5 we'll go back in time to June when we had a hearing on this
6 very issue when Mrs. Kassenoff could have taken testimony.
7 And she could have gone forward with the hearing, presented
8 these facts. She chose not to. It is not that the parties,
9 the professionals and the Court are not considering the
10 domestic violence. It's that they consider it and they
11 don't believe it, your Honor, because it doesn't happen. It
12 has not happened. And when someone says documented domestic
13 violence, that's not what it means. It does not mean one
14 party said it happened therefore it's documented. My client
15 has never, ever, other than an exchange of weeds in the
16 backyard, which he's admitted to, after she threw them at
17 him, there's never been any documented domestic violence.
18 And no one, not Judge Everett, not -- I mean, it's all over
19 the Abrams' report.

20 MS. SPIELBERG: Judge, the documents that Mr.
21 Dimopoulos accuses me of not attaching are actually attached
22 to our papers at exhibit double A, A-A.

23 THE COURT: Okay. That's enough on the oral
24 argument. I have everybody's position.

25 The other issue I want to talk about at this point

1 very quickly, because I do have another proceeding, is there
2 were allegations of E-mails or something last week. I said
3 the parties could talk about it briefly today. Is that
4 still an issue or is that resolved?

5 MS. SPIELBERG: I believe it's resolved, Judge.

6 THE COURT: Okay. All right. So, I will take
7 everybody's arguments under consideration.

8 MR. DIMOPOULOS: Your Honor.

9 THE COURT: We'll get you a decision. The TRO will
10 continue in effect until our decision is rendered. Okay?
11 Thank you.

12 MS. SPIELBERG: Thank you.

13 MS. MOST: Thank you, Judge.

14 (The proceedings were concluded at 11:33 a.m.)

15 CERTIFICATION

16 Certified to be a true and accurate transcript of
17 the minutes of proceedings taken by the undersigned, to the
18 best of her ability.

19
20
21
22
23
24
25

(PDF - NOT CERTIFIED)

GINA M. SALINE
Senior Court Reporter