

1 SUPREME COURT OF THE STATE OF NEW YORK  
2 COUNTY OF WESTCHESTER:

3 ALLAN KASSENOFF, Plaintiff, Index No.  
4 - against - 58217/2019  
5 CATHERINE KASSENOFF, Defendant.

6 Via Skype  
7 Wednesday, May 20, 2020

8 B E F O R E: HON. NANCY QUINN KOBA  
9 Justice of the Supreme Court

10 A P P E A R A N C E S:

11  
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13 Attorneys for Plaintiff  
14 73 Main Street  
15 Tuckahoe, New York 10707  
16 BY: GUS DIMOPOULOS, ESQ.  
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20 81 Main Street, Suite 205  
21 White Plains, New York 10601  
22 BY: JILL SPIELBERG, ESQ.

23 CAROL MOST, Attorney for the Children

24 ALSO PRESENT:  
25 Allan Kassenoff  
Catherine Kassenoff

Mary T. Slavik, RPR  
Senior Court Reporter

1           THE COURT: We are going to go on the  
2 record, and the first issue we're going to talk  
3 about is the request for permission to move to  
4 disqualify Ms. Most. So Ms. Spielberg, you can  
5 talk to that issue.

6           MS. SPIELBERG: Thank you, Judge. As  
7 the Court saw from my correspondence that I sent  
8 the other day, there was a very unfortunate  
9 incident where Ms. Most, I presume, intended to  
10 e-mail Mr. Kassenoff, but instead sent the e-mail  
11 to Ali, one of the parties' children, who then  
12 forwarded the e-mail to Charlotte.

13           It might have been one thing, Judge, if  
14 the subject of the e-mail was, "Remind me again  
15 what the Court date is," or "Can you send me the  
16 link to get on the appearance?" But  
17 unfortunately, the subject of the e-mail included  
18 a couple of things that are problematic.

19           The first is that it asked for Allan to  
20 assist the children's attorney in doing something.  
21 Which in and of itself creates an appearance of  
22 impropriety for the children, and would make them  
23 wonder why their lawyer, who they have said, time  
24 and time again, too, that they want to live with  
25 their mother, is aligned in some way with their

1 father against their mother.

2 In addition, the e-mail itself inquired  
3 about Mom's boyfriend -- e-mails between Mom and  
4 her boyfriend. As we all know that those e-mails  
5 that Ms. Most referred to are with respect to  
6 somebody that my client was involved with prior to  
7 the marriage, and also deal with an incident after  
8 the marriage that both Mr. and Mrs. Kassenoff are  
9 involved in. Whether or not e-mails from ten  
10 years ago, ten years prior to the commencement of  
11 the divorce, is even relevant, remains to be seen,  
12 Judge, but notwithstanding, the issue is that it  
13 left the children with this question about -- many  
14 questions -- one, does Mom have a boyfriend? Two,  
15 does this boyfriend have anything to do with the  
16 reason we haven't been able to see her for more  
17 than two months? Three, why is my attorney  
18 e-mailing my father about using something at a  
19 trial? And four, can I trust my own lawyer, who  
20 I've told numerous times that I want to live with  
21 my Mom and who seems to be advocating otherwise?

22 They are not aware, Judge, of the extent  
23 to which Ms. Most has advocated against their  
24 wishes, but I think they would be surprised if  
25 they were. I mean, there's plenty of case law

1 that speaks to the importance of trust in an  
2 attorney/client relationship, and there are cases,  
3 if your Honor allows me to make the motion that I  
4 will cite, that talks about how important it is  
5 that a lawyer not have personal interest, which  
6 are antagonistic to those of their client.

7 We have been saying right along, Judge,  
8 that we don't believe there's sufficient basis for  
9 Ms. Most to be substituting judgment. Since it's  
10 been cited in every correspondence with respect to  
11 that issue, I think we're all clear on what the  
12 standard is, and I don't -- I'm sure that the  
13 issue of whether judgment should be substituted  
14 for Ali could be up for some debate, we believe it  
15 shouldn't, but I presume that there is spirited  
16 debate that could take place about that; I have  
17 yet to see any reason why Ms. Most should be  
18 substituting judgment for Charlie and Jo-Jo.

19 And while that's somewhat of an  
20 ancillary issue, the real problem is, I don't see  
21 how this communication and the resulting questions  
22 and conflicts, therefrom, could be fixed. I wrote  
23 in my letter: How did the children come to  
24 understand this? What conversation could they  
25 have with their lawyer that repairs that

1 relationship and that reinstates their trust in  
2 her? Either she says, "Your mother doesn't have a  
3 boyfriend," and then they're left wondering: Why  
4 would you write that e-mail to my father? Or if  
5 she says, "Mom used to have a boyfriend, but  
6 doesn't anymore," and then they're wondering:  
7 Well, were you telling the truth? Why are you  
8 asking these questions?

9 All of this, Judge, not really  
10 appropriate for these kids to be talking about  
11 with their lawyer and something they should not  
12 have been privy too.

13 Lastly, on this issue, Judge, I remind  
14 you, as we attached to our correspondence, the  
15 children have been inquiring of Ms. Most why she's  
16 not advocating for what they've asked for. And I  
17 think that this incident tips the scales and sort  
18 of pushes it over the edge, as to whether or not  
19 these girls feel as though they can trust their  
20 lawyer and have an appropriate attorney/client  
21 relationship, you know, where the founding  
22 principle of that relationship is supposed to be  
23 trust and confidence.

24 So I think for all of these reasons,  
25 Judge, I think the damage done to the relationship

1 between Ms. Most and the children is damaged  
2 beyond repair, and I think at this point it's  
3 appropriate for them to be appointed a new  
4 attorney. And most importantly, Judge, I think  
5 it's important that you hold a Lincoln hearing in  
6 connection with the hearing that's coming up,  
7 because there has been so much controversy about  
8 what these girls want, whether -- I think --

9 THE COURT: Okay. I understand the  
10 position. I can tell you right now, I'm not  
11 holding a Lincoln hearing, and when we get to  
12 custody and there's a trial, then, of course, a  
13 Lincoln hearing will be out.

14 Mr. Dimopoulos, your response, and then  
15 Ms. Most, I will give you an opportunity to speak.

16 MR. DIMOPOULOS: Your Honor, we all know  
17 why Mrs. Kassenoff wants to get rid of Ms. Most,  
18 okay, there's no secret here. I don't need to  
19 explain it to you, your Honor. We're all thinking  
20 adults with at least average intelligence. Okay?  
21 This is the same in every case where one party has  
22 a disadvantage, seemingly, and they don't feel  
23 that they're getting a good result in court. Two  
24 things they do is switch lawyers, then they attack  
25 the AFC, and then they attack the forensics.

1 Okay? Two out of the three have been done so far;  
2 the third, which is to attack Dr. Abrams, that's  
3 coming. We've already seen it in correspondence  
4 where he failed to consider this, he failed to  
5 consider that. So it's par for the course. This  
6 happens in almost every case where the facts are  
7 similar to this. It's no surprise. Of course you  
8 can explain that to a client a thousand times, but  
9 they have to see it to believe it.

10 Here's the problem with Mrs. Kassenoff's  
11 request. It is legally without a basis. Okay.  
12 AFC is duty bound to advocate their client's  
13 wishes except when they substitute their judgment.  
14 Once they substitute their judgment, and Ms. Most,  
15 on my reading of the New York State Bar  
16 Association's requirements and the relevant rules,  
17 7.2, specifically, has done that, following all of  
18 the proper steps.

19 What Ali or what Charlotte or what  
20 Josephina think of Ms. Most at this point is  
21 different than if in the case where she has not  
22 substituted judgment. At this particular point,  
23 you have to use another example. Okay. Assume  
24 for a second there's a child who has been  
25 physically abused. We're talking about a

1 hypothetical now. The child has been physically  
2 abused numerous times, but has some level of  
3 Stockholm Syndrome where they're bound to a  
4 parent. That child wants to be with the abusive  
5 parent, and the AFC has substituted judgment.

6 Do we in those facts care about whether  
7 the abused child trusts his or her attorney? No.  
8 We've gone beyond that. We've gone to the  
9 standard where the Court is exercising it's role  
10 as parens patriae. We've gone to the standard  
11 where an AFC is -- has reasonable basis to believe  
12 that the child or children are in danger. And  
13 that's what we have here. Of course it was a  
14 mistake in the e-mail. I didn't send it. Ms.  
15 Most will talk about it.

16 What I have issue with is, and Counsel  
17 doesn't say that in her letter. She says it could  
18 have been a mistake, but then the innuendo  
19 throughout is that she did it deliberately. I  
20 take issue with that, and I think the Court should  
21 too. But let's not forget here that what is  
22 really going on is that when the chips are stacked  
23 against you, you have to knock down all the chips.

24 That's step one, attack Mr. Kassenoff;  
25 that's not working. Step two, attack Ms. Most,



1 and I'm waiting to see if that's going to work;  
2 step three, forensic; and step four, last, but not  
3 least, the Judge or Judges. So we can't allow  
4 this to happen. We can't allow improper legal  
5 standards to get in the way of the distraction,  
6 which is what counsel writes, it's nothing more  
7 than distractions.

8 And I would call your attention to the  
9 case that Ms. Most cites, which I read; it's Judge  
10 Hoffman's case, it's extremely detailed and well  
11 thought out, and you will not be surprised, your  
12 Honor, in that the husband who brought the motion,  
13 did exactly what I'm saying that people do, which  
14 is attack the AFC and then the forensic, and you  
15 won't be surprised to know that he was in a  
16 similar situation as Mrs. Kassenoff. So I would  
17 urge the Court to not give permission to make the  
18 motion.

19 And my final point on this, your Honor,  
20 there are, since the beginning of March, okay, my  
21 client has incurred over a hundred thousand  
22 dollars in counsel fees. He has, in addition to  
23 what the Court has seen, in terms of the motions,  
24 and I'm not even talking about briefing the  
25 counsel fee motion, the privilege motion, I'm

1 talking about having to file the custody motion to  
2 protect his children, deal with the distraction of  
3 the motion to vacate, improperly filed, deal with  
4 the appellate issue. It's not just that, your  
5 Honor. On a daily basis, my client receives  
6 anywhere from five to 20 e-mails a day. On a  
7 daily basis there is an onslaught from Mrs.  
8 Kassenoff to Mr. Kassenoff, all of which at some  
9 level have to be dealt with by counsel. There are  
10 issues -- it's pertinent to the AFC motion. I'll  
11 be brief. But there are issues relating to  
12 whether or not she can join -- she's joining the  
13 kids' Zoom calls for school. She's interjecting  
14 herself in their education.

15 THE COURT: Okay. That's on the agenda  
16 for a later time. I want to deal mainly with the  
17 disqualification, so Ms. Most.

18 MS. MOST: So Judge, obviously it was a  
19 mistake. I was preparing for trial. I wanted  
20 some of the documents that were provided by Allan  
21 to Dr. Abrams. And since I don't have access to  
22 those documents in my office, thinking that we  
23 were having the trial one week from today, I  
24 needed to have the documents from him. So I was  
25 not looking for him to aid me in any other way

1 then to provide documents that he has provided  
2 previously to Dr. Abrams and to me. Clearly, I'm  
3 not happy about the error. It was not a good  
4 error, but it's not a basis to have me relieved.

5 As I previously said to you on more than  
6 one occasion, I'm under attack by Mrs. Kassenoff.  
7 She's attacked me in every motion that she has  
8 made over the last, probably, year. I do believe  
9 that I have every reason, every strong reason to  
10 advocate for my children in a way that uses my  
11 discretion, and actually, the Court's discretion,  
12 but I believe my children are at risk for  
13 emotional harm. I think that the -- Mrs.  
14 Kassenoff's behavior has been destructive and  
15 really over a period of time really impacts the  
16 children, and I think that they are at significant  
17 risk for harm.

18 So I've said that. I think that the  
19 Abrams report backs me up. I did not take that  
20 position until I saw Dr. Abrams' report, because I  
21 felt it was important to have that backup, but I  
22 had seen this conduct from day one with the  
23 children, and so I do believe that I had every  
24 right with all three children, Ali, Charlotte, and  
25 Josephina, to take a position that is to use my

1 discretion. I don't believe that there's a basis  
2 to have me dismissed.

3 MS. SPIELBERG: Judge, may I say one  
4 quick thing?

5 THE COURT: I have limited time today.

6 MS. SPIELBERG: It's in direct response  
7 to something that addresses it. I think it is  
8 important for the Court to read the case that Ms.  
9 Most cited. I think that it does not support her  
10 position in that case. In that case, the attorney  
11 for the children was substituting judgment on  
12 specific issues, health and schooling, and the  
13 child was six. So on that basis, the child was  
14 not old enough to communicate, necessarily,  
15 articulately, or knowingly and voluntarily what  
16 the child wanted. And it wasn't on the entire  
17 issue of custody, Judge; it was on significant  
18 discrete issues, so I don't believe that that case  
19 is on point for the circumstances here. And I  
20 think that -- I don't want the Court distracted  
21 from the issue, which is that, these children have  
22 to feel that they can trust their lawyer.

23 THE COURT: Okay. I heard everything.  
24 It's my position, based upon reviewing the  
25 information, that I am not going to permit a

1 motion to disqualify Ms. Most at this time. I  
2 find that she is fulfilling her duties as an AFC  
3 in accordance with her ethical obligations as an  
4 AFC. I am concerned that the child is continuing  
5 to text the mother, when I made a direction that  
6 there's no texting or communication between the  
7 children, and the mother, other than on the Zoom  
8 conference.

9 I'm also concerned, because my initial  
10 reaction when I saw the e-mail was stated to you  
11 from my clerk, which is, you simply tell the child  
12 that she made a mistake, that you're not seeing a  
13 boyfriend, and the reason that you're not seeing  
14 her is because the Judge has issued an order.  
15 That's what a parent would do that was concerned  
16 to ensure that her child's emotional well-being  
17 was adhered to. So I have a greater concern about  
18 the reaction to the error made by Ms. Most, that  
19 what Ms. Most did, it's an error. She has a right  
20 to gather information for the trial, and if this  
21 was documentation, as Mr. Kassenoff has previously  
22 given to Dr. Abrams, that she's entitled to  
23 request it from him. Yes, she should be more  
24 careful in the future to ensure that it's not  
25 inadvertently sent to Ali. But I am questioning

1           whether -- why Ali didn't bring it to her father's  
2           attention, how it got texted to the mother, when  
3           the mother is not supposed to be having text  
4           communications with the child, and why the initial  
5           reaction is to disqualify the AFC as opposed to  
6           reassuring her child that she doesn't have a  
7           boyfriend, and the reason she's not seeing her is  
8           not because of Ms. Most and not because of Mrs.  
9           Kassenoff, it's because the Judge has made a  
10          decision, and that's who is making the ruling  
11          about whether the child can see her mother at this  
12          time.

13                         That's it on disqualification. We are  
14          moving on to the next issue because I have another  
15          conference.

16                         MS. SPIELBERG: Judge, I just want to  
17          let you know that my client --

18                         THE COURT: Ms. Spielberg, we are moving  
19          on to the next issue.

20                         MS. SPIELBERG: I just wanted to advise  
21          the Court that that's how my client did deal with  
22          the children. She hadn't even gotten your advice;  
23          when she had her call, the e-mail came through 15  
24          minutes into the call. So that is how she dealt  
25          with it with her children. I just wanted to put

1 the Court's concern at rest.

2 THE COURT: Good. I'm glad that's how  
3 she dealt with it.

4 Okay. So Mr. Dimopoulos, you said there  
5 was an issue about how Mrs. Kassenoff was  
6 interacting on the children's Zoom conferences.  
7 You can go ahead and discuss that.

8 MR. DIMOPOULOS: Your Honor, it's our  
9 position that attending the children's school  
10 calls is a violation of the order in and of  
11 itself. If the Court is inclined to think that a  
12 parent innocently listening in on a school call is  
13 not a violation, I would understand that, but  
14 that's not what's happening.

15 MS. KASSENOFF: No. That is what's  
16 happening.

17 THE COURT: Mrs. Kassenoff, I will give  
18 you an opportunity to respond. The court reporter  
19 can only do one at a time.

20 MS. KASSENOFF: I'm sorry, I didn't even  
21 realize I could be heard, because I haven't been.  
22 I was sort of talking out loud, but I would like  
23 an opportunity to respond.

24 THE COURT: You have to mute your mic so  
25 we don't hear you.

1 Mr. Dimopoulos, continue.

2 MR. DIMOPOULOS: Your Honor, Charlotte  
3 has had a history of picking her skin. She's had  
4 in the past many scars on her skin. She's been  
5 dealing with those issues directly with her  
6 therapist, Dr. Adler. In the last month or so,  
7 she stopped picking. Her forehead is clear. If  
8 you saw the photos of what this child looked like  
9 in February or January or March and what she looks  
10 like now, it's remarkable, and Dr. Adler has noted  
11 that, that there's a significant improvement in  
12 that conduct. I will allow someone with a degree  
13 and letters after their name to explain why this  
14 happen. We can all surmise.

15 However, the mother was convinced that  
16 Charlotte had a scab, and she wanted to see it, so  
17 she kept on e-mailing Allan, and Allan took a  
18 picture of the child lying down with a perfectly  
19 clear, wonderful-looking children's forehead. And  
20 Mrs. Kassenoff, unsatisfied, got on a Zoom call,  
21 and I think it was with her soccer team, and, in  
22 the presence of others, asked Charlotte to pull  
23 back her hair and go up into the hairline so she  
24 can find the scab. Charlotte was so embarrassed  
25 that she left the Zoom call, and she didn't want



1 to be called out in front of her friends.

2 MS. KASSENOFF: That's simply not true.

3 THE COURT: Hold on. Mrs. Kassenoff,  
4 please. You have to mute your mic if you want to  
5 talk out loud, until I say you can talk.

6 Go ahead, Mr. Dimopoulos.

7 MR. DIMOPOULOS: She's interjecting  
8 herself into the soccer calls, into the violin  
9 calls. If I'm getting a detail wrong on whether  
10 or not that happened at a violin call or a soccer  
11 call, forgive me, my client can clear that up.  
12 However, it's improper, it's embarrassing to the  
13 children. And she's also using the Zoom calls --  
14 her strategy, your Honor, in our opinion, is to  
15 try and show that Mr. Kassenoff can't manage the  
16 children's schedules. She has deliberately  
17 sabotaged scheduling of calls, missing of calls.  
18 Your Honor dealt with that and asked each party to  
19 send schedules. Okay? Still, there are few where  
20 he doesn't get them, and it doesn't matter, it's  
21 not the purpose of me mentioning the Zoom calls.

22 She's using the Zoom calls as a way to  
23 communicate with the children and then follow up  
24 with the children about things like that, and  
25 follow up with him. Okay. The other problem is

1 another violation of the Court order is that she's  
2 --

3 MS. KASSENOFF: Can we turn to the other  
4 problems, can I respond?

5 THE COURT: Wait. Wait.

6 MS. KASSENOFF: Before we turn to the  
7 other problems --

8 THE COURT: Mrs. Kassenoff, you need to  
9 stop.

10 Go ahead, Mr. Dimopoulos.

11 MR. DIMOPOULOS: She's using this to  
12 send it to Dr. Adler advocating her position.

13 THE COURT: I get it. I get it.

14 Go ahead, Mrs. Kassenoff.

15 MS. KASSENOFF: Thank you, Judge. And  
16 I'm sorry I couldn't speak earlier. I have a lot  
17 to say on these points, if I may. I just want to  
18 say one thing, and that is, I'm very close to my  
19 children, and I have now seen what happened over  
20 time with Ms. Most and with the lack of trust that  
21 they had with her over a long period of time. I'm  
22 very disturbed that the Court is not allowing this  
23 motion to be made. My kids will not feel  
24 comfortable -- do not feel comfortable trusting  
25 Ms. Most. They will not share information with

1 her. They know she is aligned with their father.  
2 They know that she is not trustworthy on sharing  
3 their views of what they want, and I am going to  
4 say, I think the Court is making a very big error  
5 here, and I don't think that this would stand up  
6 on appeal. That's number one.

7 THE COURT: Okay. Well, Mrs. Kassenoff,  
8 I made my decision on that, so go on to the Zoom  
9 calls.

10 MS. KASSENOFF: Okay, Judge, and I hope  
11 that the Court would consider revisiting that  
12 issue when you start to see that the children are  
13 not going to be able to express themselves, and  
14 you see these are assertive, bright girls, who are  
15 not in any way manipulated, because it's like  
16 herding cats with my children. I can't even get  
17 them to sit still if I wanted to, let alone  
18 manipulate or coach them. They're smart. They're  
19 kids of two lawyers. So the idea that I'm somehow  
20 manipulating them to do what? I'm not even sure  
21 what the allegation is. I'm manipulating them to  
22 do what?

23 THE COURT: Mrs. Kassenoff, we're  
24 directing to the Zoom calls. What happened on the  
25 soccer call?

1 MS. KASSENOFF: As to the soccer call --  
2 so my daughter, earlier in the day, or the day  
3 before, had shown on the Zoom call that she had a  
4 large lesion here. I raised the issue with her  
5 therapist and with Mr. Kassenoff by e-mail. I  
6 said I saw a large lesion here. Mr. Kassenoff  
7 turned around and said, "Enough already,  
8 Catherine, stop making problems when none exist.  
9 Look at this photograph, Catherine, where there's  
10 no lesion whatsoever," and he takes a very  
11 convenient photo of the hair covering her lesion  
12 on her head.

13 The next -- my next opportunity at the  
14 soccer call was not to say, "Charlotte, come and  
15 show me that gigantic lesion on your head." I  
16 said to her coach, "Coach, can you have her come  
17 close to the camera?" I didn't even interact with  
18 her at all. I asked the coach, "Can you just have  
19 her come to the camera? Go like this, she did  
20 it." She was having a terrible day, because she  
21 had a huge argument with her friend that Mr.  
22 Kassenoff didn't even take care of, she was having  
23 a very emotional day, and she believed that other  
24 people would think that -- that other people might  
25 think that they know what this is about. But it

1 turned out -- I took -- when the coach asked me  
2 what happened, I said she bumped her head. I said  
3 it loudly to everybody. There was no mention of  
4 having a lesion that she was anxiously picking at.

5 The problem here is Mr. Kassenoff is  
6 trying to create an impression that when the  
7 children are with him, all is good in the world,  
8 and that was a lie. She had a huge lesion, she  
9 continues to have this lesion, Dr. Adler needs to  
10 know about it so that she can deal with the  
11 anxiety that my daughter is facing, and he's  
12 trying to conceal it.

13 There was no attempt to embarrass, and  
14 if I embarrassed my daughter, I feel terrible  
15 about it, and I apologized to her about it,  
16 because I think maybe inadvertently I did  
17 embarrass her because she had to come to the  
18 camera, or whatever, but I didn't say to her, you  
19 know, in front of other people, "Charlie, show me  
20 the," you know --

21 THE COURT: Okay. Mrs. Kassenoff, I  
22 thought I made myself perfectly clear. You can  
23 observe on the Zoom calls, but you are not to be  
24 speaking to your child.

25 MS. KASSENOFF: I didn't.

1 THE COURT: But you asked her coach.  
2 You're not supposed to speak to the teacher  
3 either. Observe means look and listen. It  
4 doesn't mean to have your daughter come and take  
5 photographs that you want to use in your divorce  
6 action. That's the bottom line. That's the  
7 bottom line. Dr. Adler can see what's going on  
8 with the lesion. You're not supposed to be  
9 sending information to Dr. Adler. She is  
10 interacting with the children.

11 MS. KASSENOFF: But Judge, she was  
12 misled to believe that there was no lesion on  
13 Charlotte's head.

14 MR. DIMOPOULOS: Your Honor, can I make  
15 one final point?

16 MS. KASSENOFF: I'm not done, Mr.  
17 Dimopoulos. Judge, the photograph that Allan sent  
18 to Dr. Adler did not show the lesion. That's my  
19 point. So he was concealing it. And he said,  
20 "Enough, already" to, Dr. Adler. He said,  
21 "Enough, already, Catherine, she doesn't have any  
22 lesions," when she did.

23 THE COURT: Okay. The point is, you're  
24 going to take it on your own time if you wanted  
25 to. You don't do it on a Zoom call when she's

1 involved with other people and ask the coach to  
2 get involved in it. That doesn't happen. If you  
3 want to participate in the Zoom calls, which I am  
4 permitting, it's to observe, look, and hear.  
5 Okay? If I hear any more communications where  
6 you've done something similar, then I will  
7 preclude you observing the Zoom calls. All right?  
8 You can continue to observe the Zoom calls now.  
9 Look and see, there's no interaction with the  
10 teacher, your presence should be silent.

11 MS. KASSENOFF: I understand.

12 MR. DIMOPOULOS: Your Honor, just one  
13 final point. Charlotte sent an e-mail to Maggie,  
14 Allan's nanny, when this happened, and in her  
15 words, one sentence: "So I was on a meeting when  
16 Mommy said, 'Hey, Coach, could you ask Charlotte  
17 to come to the camera so I can see her forehead?"  
18 So she said, "Charlotte come to the camera." So  
19 then I came to the camera, then Mommy said, "I  
20 need to take a picture of the things on the side  
21 of your forehead." So I was really embarrassed,  
22 and then I pointed at my headband and hoped she  
23 would get the hint, but she didn't, and said,  
24 "Pimples, show me, Honey," and I was so  
25 embarrassed. It's really sick.

1 MS. KASSENOFF: I didn't say it to  
2 embarrass her.

3 THE COURT: Okay. I understand it was  
4 an embarrassing situation for Charlotte. I am  
5 just making it perfectly clear, on the record,  
6 that you are allowed to go to Zoom calls, Ms.  
7 Kassenoff, to look and hear.

8 MS. KASSENOFF: Thanks, Judge.

9 THE COURT: If you interfere in any way,  
10 and that means with Charlotte, the coach, the  
11 teacher, the students, then you will be precluded  
12 from observing the Zoom calls. Okay? Do you  
13 understand what I just said?

14 MS. KASSENOFF: Yes, I do.

15 THE COURT: Okay. No, no, no. I have a  
16 limited period of time here. That's the same with  
17 Dr. Adler. No one is supposed to be communicating  
18 or sending information to Dr. Adler. So I  
19 understand you sent the photograph -- Mr.  
20 Kassenoff sent a photograph. That's it. No more  
21 communications with Mr. Adler.

22 What's going on with the E-TRADE  
23 account?

24 MS. SPIELBERG: Hold on, Judge. I  
25 believe the prior order allows them to communicate



1 with Dr. Adler, so long as they copy both of them.  
2 So I just wanted to clarify that.

3 THE COURT: I thought there was no  
4 communication. I read the TRO just now; there's  
5 no communication with Dr. Adler other than  
6 scheduling.

7 MR. DIMOPOULOS: That's correct, your  
8 Honor. It's a complete misinterpretation of the  
9 order.

10 THE COURT: I already just stated the  
11 order, Mr. Dimopoulos. The order says, the most  
12 recent order, you can communicate with Dr. Adler  
13 only for scheduling purposes. Obviously, if  
14 there's a meeting requested by the doctor with  
15 both parents, that's different, but neither parent  
16 can be communicating with Dr. Adler other than for  
17 scheduling purposes without the other parent being  
18 involved in the communication. Okay?

19 All right. So E-TRADE account.

20 MR. DIMOPOULOS: Your Honor, it's very  
21 simple. She signed the authorization when you  
22 told her to, directed her to. The authorization  
23 was then sent to E-TRADE. E-TRADE was somewhat  
24 delayed, according to my client, in processing the  
25 check to him, so he reached out to E-TRADE.

1 E-TRADE said, "We tried calling Mrs. Kassenoff ten  
2 times to get verbal confirmation."

3 THE COURT: Hold on. Mrs. Kassenoff,  
4 did you just e-mail a photograph to my law  
5 assistant, law clerk?

6 MS. KASSENOFF: I did. I wanted you to  
7 have the photo. I didn't know how else to get it  
8 to you, Judge.

9 THE COURT: Okay. That's inappropriate.  
10 It can not be e-mailed. It would have to be  
11 e-mailed to Mr. Dimopoulos and the other people as  
12 well.

13 MS. KASSENOFF: Sorry, Judge, I don't  
14 have the capability to do all of that.

15 THE COURT: Then you should not be  
16 communicating directly with the Court. You go  
17 through your attorney.

18 MS. KASSENOFF: I don't have the ability  
19 to --

20 THE COURT: You go through your  
21 attorney. Go through your attorney. I am not  
22 going to say it again. Go through your attorney.

23 Mr. Dimopoulos?

24 MR. DIMOPOULOS: Your Honor, here's what  
25 happened. She revoked her consent.

1 MS. KASSENOFF: That's not true. That's  
2 not true.

3 MR. DIMOPOULOS: Can I please speak?

4 THE COURT: Mrs. Kassenoff, we can only  
5 do one at a time.

6 MR. DIMOPOULOS: Okay. She revoked her  
7 consent. What she wants, which is contrary to the  
8 order and not needed, is allow the release of  
9 \$30,000, but the rest of it should stay frozen.  
10 Your Honor dealt with this a month and a half ago,  
11 and you said it would be a violation of the  
12 automatic stays, give your consent. She doesn't.

13 Here's the problem. She then tells  
14 them, in a signed authorization that she herself  
15 created, and sent it to them, saying, "Send my  
16 client a check for \$30,000." Here's the problem,  
17 your Honor, there's not \$30,000 in cash in the  
18 account. So each E-TRADE could not execute on  
19 that.

20 Secondly, that's not what the order  
21 says. There's taxes to be withheld, there's a  
22 whole provision on selling shares. E-TRADE is not  
23 going to unilaterally decide what equities to sell  
24 for the Kassenoffs. It cannot be done.

25 Your Honor, respectfully, you should

1 issue an order directing E-TRADE to comply. I  
2 don't know that they will comply with your order,  
3 being they're not a party to the action.  
4 Secondly, you should allow me to file a -- I don't  
5 think I even need to file it -- she should be held  
6 in contempt with the ability to perjure herself on  
7 24 hours by complying with this. We got Dr.  
8 McGuther lined up. We owe Dr. Adler thousands of  
9 dollars. My client doesn't have the money to pay  
10 it. She's not paying her 20 percent.

11 THE COURT: Okay. Hold on. That's  
12 enough.

13 Mrs. Kassenoff?

14 MS. KASSENOFF: Yes. May I speak to  
15 that, Judge, because there are some  
16 misrepresentations to that?

17 THE COURT: Yes.

18 MS. KASSENOFF: So as you may recall, I  
19 was ordered to sign the document that your Honor  
20 asked me to sign it, I did it, and sent it to  
21 E-TRADE. E-TRADE apparently was calling from some  
22 sort of Utah number, which I don't recognize; I  
23 don't pick up numbers I don't recognize.  
24 Apparently they tried to call me several times  
25 from this number that I didn't know. I thought

1 that things were taken care of. I had not heard  
2 anything. I actually sent them an e-mail saying,  
3 "Let me know if there's anything more you need. I  
4 haven't heard anything." The next thing I know,  
5 Mr. Dimopoulos is running into Court and claiming  
6 that I am not following through.

7 I immediately called E-TRADE and  
8 actually called the financial adviser who has been  
9 appointed to this case, and I told him that your  
10 Honor had issued a ruling, that this was the  
11 document that we were to follow. He and I had a  
12 conversation about what was happening with the  
13 rest of the money. Your Honor knows I had some  
14 concerns about that, and I said to the adviser, I  
15 said, "Well, the Judge has issued on the record a  
16 ruling that if anyone were to touch the other  
17 funds, there would be adverse consequences."

18 THE COURT: Right.

19 MS. KASSENOFF: He said to me, "Could  
20 you please send me that order?" And said, "It's a  
21 transcript." I said, "I'm happy to get the  
22 transcript and send it to you." And then he said  
23 to me, "Do you think that that prevents somebody  
24 from actually taking those dollars?" And I said,  
25 "No. In theory, they're still -- they are

1           unrestricted, but I think the Judge's order gives  
2           some assurance that if that were to be touched,  
3           there would be problems." And he said, "Let me go  
4           talk to my legal team" -- and this whole call, by  
5           the way, Judge, was recorded. He comes back and  
6           he says, "It is E-TRADE's position that we will  
7           not allow the restriction to be lifted under the  
8           remainder of that account, and we are now going to  
9           reinstruct you on how to handle this." We are now  
10          proposing language, and he sent me the language  
11          that I put into that letter, in which both parties  
12          are going to notarize and sign the same document  
13          for release of \$30,000, or if Mr. Dimopoulos says  
14          that there isn't 30, then I guess we can change  
15          the number to 20. But this is what they asked  
16          for.

17                       And this actually, Judge, it actually  
18          addresses my concern, which I can argue against my  
19          own interest to E-TRADE about, well, you know you  
20          got the Judge's ruling here, but, I mean, now that  
21          they offered this avenue, is the way to handle  
22          this, I'm not sure why we can't follow this, and I  
23          am now starting to wonder why Mr. Dimopoulos is  
24          arguing so hard to remove the restriction on the  
25          remainder of the account.

1 THE COURT: Okay. All right. Mr.  
2 Dimopoulos, if there's a new document that E-TRADE  
3 has requested, just have your client sign it, she  
4 can sign it, and get it done.

5 MR. DIMOPOULOS: No, your Honor --

6 MS. SPIELBERG: I have not had an  
7 opportunity, so just a second.

8 MR. DIMOPOULOS: Your client is handling  
9 it. Don't worry about it. This is false, this is  
10 false, Judge.

11 THE COURT: Stop, stop, stop, stop,  
12 stop. This is something I signed two months ago.  
13 So if they have a new document that covers her  
14 concerns, then just sign it and get it done.

15 MR. DIMOPOULOS: Your Honor, that is not  
16 the point. E-TRADE has now put this account into  
17 a suspicion mode. Okay? No document is going to  
18 work. There is not \$30,000 in cash. How do I  
19 explain to my client that we have Court orders  
20 that she does not follow time and time again and  
21 this Court just says, "Well, figure it out." I  
22 can't do that, your Honor.

23 THE COURT: I didn't say, "Well, figure  
24 it out." I said, she said, there's a new  
25 document.

1 MR. DIMOPOULOS: Your Honor, she created  
2 the document by herself. It's not E-TRADE.  
3 Nothing she says is true.

4 MS. KASSENOFF: Yes, it is, Mr.  
5 Dimopoulos.

6 THE COURT: E-TRADE is just a regular  
7 old account. If both parties sign off on the  
8 release of the funds or shares of sales, I don't  
9 understand what's so complicated about it.

10 MR. DIMOPOULOS: Because she called them  
11 and said all of these things to them in an effort  
12 to get the legal team contacted, and say, "I'm not  
13 dealing with this."

14 THE COURT: The legal team just can't  
15 unilaterally adhere to the authorization that was  
16 provided by their client.

17 MR. DIMOPOULOS: When she told them that  
18 there's a Court order prohibiting exactly that, it  
19 raises a suspicion. E-TRADE can do whatever they  
20 want. I sent your Honor the voice mail. The  
21 voice mail from E-TRADE said she reevoked her  
22 consent. I don't know what further proof I need.  
23 I really don't. I'm beside myself.

24 THE COURT: Mrs. Kassenoff, just give  
25 the consent, period, on the original order.



1 MS. SPIELBERG: Judge, give me a moment.  
2 I want to be clear. After Mr. Dimopoulos e-mailed  
3 your Honor about this issue, I reached out to him  
4 with multiple unresponded-to e-mails saying: My  
5 client spoke to E-TRADE, they gave her the  
6 information, we prepared the letter, my client  
7 signed it and had it notarized, and I sent it to  
8 Mr. Dimopoulos. He told me it was absurd and  
9 ridiculous, and that's why we're here, Judge.

10 MR. DIMOPOULOS: Because there's not  
11 30,000 in cash, Ms. Spielberg, and it can't be  
12 done.

13 MS. KASSENOFF: So make it \$20,000.

14 THE COURT: I'm not going back and  
15 forth. There's an order in effect. You're  
16 supposed to sell the shares to net out \$30,000,  
17 and it's -- the mechanism for disbursement of  
18 those funds is in my order. So Mrs. Kassenoff,  
19 send the authorization that was previously agreed  
20 upon and get it done. If it's not done by the end  
21 of this week, then Mr. Dimopoulos, you can make a  
22 motion. It's like enough already.

23 MS. KASSENOFF: I'm so confused.

24 THE COURT: The therapist needs to be  
25 paid. Okay. The next issue on here is release of

1 the expert report to Dr. Abrams' report.

2 MS. KASSENOFF: Judge, I'm sorry, I'm  
3 confused about my obligation here.

4 THE COURT: Your obligation is to comply  
5 with my order that was issued on March 17th. All  
6 you are required to do is do a simple  
7 authorization that tells them that the money is  
8 being released.

9 MS. KASSENOFF: Judge, they're not going  
10 to release it.

11 THE COURT: The other issue has nothing  
12 whatsoever to do with E-TRADE. Okay. That was  
13 for a motion you would make to the Court if Mr.  
14 Kassenoff took more money than you were willing to  
15 give. It has nothing to do with E-TRADE. So you  
16 need to get the authorization done. And I want it  
17 done. It's been two months. I want the therapist  
18 paid. I want the children getting the treatment  
19 the children require.

20 MS. KASSENOFF: Judge, may I? I'm  
21 trying very hard to comply. I don't believe  
22 E-TRADE is going to go back on this at this point.  
23 I'm suggesting that that new letter get -- you  
24 even said it yourself, Judge -- that new letter  
25 takes care of everything. And it does. \$20,000

1 will be released immediately, we will get the next  
2 10,000 next week, or whenever we need it. But  
3 that is the only vehicle, I know of, to get this  
4 released. It's their discretion, Judge.

5 THE COURT: That's because you called  
6 and you called and created an issue that didn't  
7 exist.

8 MS. KASSENOFF: I didn't. I didn't  
9 create an issue. They asked me about what would  
10 happen with the remainder of the funds, and I gave  
11 them assurances that your order would cover that.  
12 And they said, "No, that's not good enough."

13 MR. DIMOPOULOS: Can I speak, your  
14 Honor?

15 THE COURT: There should be no issue  
16 with the remainder of the funds. You were only  
17 releasing 30,000, the balance would stay  
18 untouched.

19 MS. KASSENOFF: No, Judge, the original  
20 order that you signed, it actually removed the  
21 restriction on the entire account.

22 THE COURT: I understand it removed the  
23 restriction on the entire account because that's  
24 what they had to do to get the funds, but the  
25 order also said they're only releasing \$30,000.

1 MS. KASSENOFF: They're not willing to  
2 remove the restriction. I'm just telling you,  
3 Judge.

4 THE COURT: They don't have the  
5 authority to do that if the parties consent.

6 MR. KASSENOFF: Can I speak for one  
7 minute on this? This one is very dear to my heart  
8 because I'm a litigator as is Mrs. Kassenoff.  
9 There's an order --

10 MS. KASSENOFF: And you're not a  
11 litigator.

12 MR. KASSENOFF: -- March order, ordered  
13 in the hearing in February. I probably spent  
14 \$30,000 trying to get enforcement of this order.  
15 The only reason this is a problem is because what  
16 Catherine told E-TRADE. I've had many  
17 conversations with E-TRADE. They said, just get  
18 us this letter, notarized by both parties, we open  
19 the account, end of story. They don't care what  
20 anyone does with the account.

21 MS. KASSENOFF: They do.

22 MR. KASSENOFF: Enough. They don't  
23 care.

24 MS. KASSENOFF: Please stop saying that.

25 THE COURT: Why is it, Mr. Kassenoff,

1           you can't sign the letter she just drafted and get  
2           it done?

3                       MR. KASSENOFF: I have not seen this  
4           letter. Mr. Dimopoulos has it. And we talked  
5           about it. Here's the issue. Your order says it's  
6           for \$30,000, there's \$19,000 in that account. I  
7           don't even know if they will release the 19  
8           without the account being open. I will assume  
9           Mrs. Kassenoff is not making that up, but the  
10          order was for 30,000, and even if there was a  
11          hundred thousand dollars in cash, your Honor, I  
12          spent a lot of money having Mr. Dimopoulos prepare  
13          the papers that led to that order. I shouldn't  
14          have to pay another \$30,000 to get enforcement of  
15          that order. I'm beside myself on this issue.

16                     THE COURT: My question is, again, why  
17          can't you sign the other order and just get it  
18          done?

19                     MR. DIMOPOULOS: I will pull it up right  
20          now, your Honor, and discuss it, and hopefully  
21          resolve it.

22                     THE COURT: Right. If you can't settle  
23          and there's a problem and it's not resolved and  
24          she doesn't do what she has to do by Friday, then  
25          I will give you the permission to make the

1 contempt motion.

2 MR. DIMOPOULOS: I will open that order  
3 right this minute.

4 MR. KASSENOFF: I don't understand why I  
5 have incurred tremendous legal fees just to get  
6 enforcement of an order that was made on the  
7 record in February and then quantified in a  
8 written order with very detailed steps, about six  
9 or seven steps that had to be followed, where I  
10 followed every single one, and now it's May 20th,  
11 and we still don't have this thing opened.

12 MR. DIMOPOULOS: Here's the letter.

13 THE COURT: Excuse me, one person at a  
14 time. Mr. Dimopoulos.

15 MR. DIMOPOULOS: Here's the letter they  
16 want us to sign, that I didn't respond to, and  
17 that I'm the bad guy, okay? "To whom it may  
18 concern. We write as joint tenants with rights of  
19 survivorship on the above-referenced account.  
20 Please immediately send a check in the amount of  
21 \$30,000 made payable to Allan Kassenoff. Please  
22 mail the check to the following address."

23 Once again, that's not going to work,  
24 because E-TRADE doesn't have \$30,000 to send. So  
25 what are they going to do in response to this

1 letter? Here we are again next week with your  
2 Honor. Your Honor, she should be directed to  
3 re-sign the authorization to release 30,000, in  
4 compliance with the order, and she should be  
5 precluded --

6 THE COURT: Wait. How is that any  
7 different than saying release \$30,000? I don't  
8 get it. I thought they had to sell the shares to  
9 get \$30,000.

10 MR. DIMOPOULOS: Your Honor --

11 (Reporter clarification.)

12 THE COURT: Again, if your client is not  
13 comfortable signing the letter, Mr. Dimopoulos,  
14 just sign it, and they will release whatever cash  
15 they have. If they won't release it, then you're  
16 going to say: You're not compliant, and  
17 Catherine, you were wrong, and you are going to  
18 make a motion for contempt. That's is. And then  
19 you can make a motion for contempt.

20 Now, the last issue is -- because I have  
21 another call at 11. The release of Dr. Abrams'  
22 report. Ms. Spielberg, I spoke to Judge Lubell,  
23 he says your experts have to sign the same  
24 affirmation that you signed that ensures the  
25 confidentiality of those reports and that it's not

1 disclosed to either party or any third party  
2 without the Court's express permission.

3 MS. SPIELBERG: So is it okay that I  
4 then transmit it?

5 THE COURT: You cannot transmit anything  
6 until I get the affirmation.

7 MS. SPIELBERG: Okay. I believe that  
8 there's an order in this case that has a bit of a  
9 heightened bar. I'm not sure that I can transmit  
10 it by e-mail. That's my only concern.

11 THE COURT: You can't. You have to be  
12 encrypted or secured, so they cannot -- the  
13 confidentiality is maintained. If your e-mail is  
14 encrypted to ensure that it goes to one person and  
15 it can't be seen by somebody else, that's fine.  
16 We transmit it, but our e-mail is encrypted. So  
17 you have to make sure that you have security and  
18 it's encrypted. If it can't be encrypted, then  
19 you have to send it in the means that it goes  
20 directly --

21 MS. SPIELBERG: I can send a hard copy,  
22 in the alternative?

23 THE COURT: Yes. By overnight mail, in  
24 a sealed package, to ensure the confidentiality,  
25 and, of course, not until we get the signed



1 affirmations.

2 MS. SPIELBERG: Thank you.

3 MR. DIMOPOULOS: Judge, may I discuss  
4 discovery for a brief moment?

5 THE COURT: Yes. That was the other  
6 issue. Depositions need to go ahead on the  
7 financial aspect. What date are they scheduled  
8 for?

9 MR. DIMOPOULOS: Currently finalizing  
10 Mr. Kassenoff either on June 8th or June 9th, and  
11 Mrs. Kassenoff on June 15th.

12 THE COURT: All right. Those are going  
13 ahead as scheduled, no adjournments.

14 MR. DIMOPOULOS: Thank you. It is our  
15 hope that we can somehow make the July 13th  
16 hearing date, perhaps a final trial date. Is it  
17 possible -- we got deficiency letters yesterday.  
18 We're going to respond to them by next week, well  
19 in advance of the depositions. Can we have a  
20 ruling of the Court setting a firm deadline for  
21 discovery, please, your Honor? I remind your  
22 Honor that this is --

23 THE COURT: Discovery is done. All  
24 documentary discovery needs to be exchanged before  
25 the depositions. The depositions need to go ahead

1 as currently scheduled.

2 MS. SPIELBERG: Judge, there's an  
3 evacuation of Mr. Kassenoff's partnership that has  
4 not -- no work has been done on it because zero  
5 documents have been provided to Mr. DeMarco, thus  
6 far.

7 THE COURT: So what's going on with the  
8 provision of documents?

9 MS. SPIELBERG: I can't go to trial  
10 without an evaluation.

11 THE COURT: I understand that, of  
12 course.

13 MR. DIMOPOULOS: Your Honor, Mr. DeMarco  
14 reached out to me and asked for documents that,  
15 most of which my client does not have. The ones  
16 that he does have -- he said, I followed up with  
17 him in writing -- my client cannot release them  
18 himself, when Greenberg Traurig has already told  
19 you he's not releasing them. Your Honor  
20 authorized them to subpoena the documents from  
21 Greenberg Traurig two months ago, serve the  
22 subpoena, it's on you. It's not on me.

23 THE COURT: Did you serve the subpoena?

24 MS. SPIELBERG: My understanding was  
25 that Ms. Zeiderman had subpoenaed them.

1 MR. DIMOPOULOS: That's incorrect. No  
2 one served anything on Greenberg Traurig; and this  
3 issue is about 120 days old, and now somehow we  
4 are being faulted with the delays.

5 THE COURT: You are not being faulted  
6 with the delays. Stop. Greenberg Traurig, I  
7 thought I authorized for you to subpoena them,  
8 because they won't release the records, and I also  
9 thought there would be an issue of a  
10 confidentiality agreement with Greenberg Traurig.  
11 If she did not, in fact, subpoena them, as I  
12 authorized that back in February, then I would  
13 suggest that you authorize the subpoena now, issue  
14 the subpoena now and get those records.

15 MS. SPIELBERG: I want to be clear that  
16 Mr. DeMarco did not send that list of the  
17 documents -- resend the list until April 27th.

18 THE COURT: I don't have time for this.  
19 I'm telling you what to do.

20 Mr. Kassenoff, if you have the person to  
21 whom she should direct it to, to minimize the  
22 disruption of your business, tell her who she  
23 should send it to.

24 MR. KASSENOFF: Probably the general  
25 counsel. She has already been in contact with

1 him.

2 THE COURT: Okay. Send that to the  
3 general counsel, get that out by Friday, and give  
4 it a short return date because they have known  
5 about the issue and the request for many months.

6 MR. DIMOPOULOS: Judge, one  
7 thirty-second issue left. Mrs. Kassenoff has  
8 filed a grievance against Mr. Kassenoff --

9 THE COURT: I looked at that issue of  
10 the grievance. The grievance is a confidential  
11 procedure, if in fact she signed it. I am not  
12 going to interfere with the grievance process, and  
13 they will deal with it as they deal with it. I'm  
14 done. I have another conference call. I've  
15 addressed all of the issues on my list. That's  
16 it. The depositions are going ahead as currently  
17 scheduled. We will schedule a conference for June  
18 16th, so I can see what documentary discovery is  
19 allegedly arising out of the depositions.

20 MS. KASSENOFF: Your Honor, may I say  
21 one thing before I go?

22 THE COURT: I have another conference,  
23 Mrs. Kassenoff, I need to go.

24 MS. KASSENOFF: I can be really quick.  
25 Judge, I miss my children very, very much. If

1           there is some way that I can at least e-mail them,  
2           an e-mail keeps a record. I promise to maintain  
3           all records of all e-mails. My kids e-mail me  
4           regularly, and I want to be in a position to  
5           respond. It's a long time to go until mid-July  
6           without so much as a 15-minute phone call every  
7           day, which I'm getting interfered with, as it is.

8                        I would like to be able to, please,  
9           Judge, e-mail my kids and keep those e-mails. I  
10          will send them to Carol, I will send them to your  
11          Honor, I will send them to whoever they want. I  
12          just want to be able to talk to my children.

13                       MR. DIMOPOULOS: Your Honor, let me  
14          respond to that briefly. Your Honor will be  
15          getting an emergency motion for contempt from my  
16          office, because we have now realized that in the  
17          French portion of the Zoom calls, contrary to  
18          Counsel and Mrs. Kassenoff's arguments and sworn  
19          statements to this Court, she communicated with  
20          the children in French, "You can go to the  
21          policeman. Okay." We're having a certified  
22          translation. This is beyond the pale.

23                       THE COURT: All right. June 16th --  
24          Mrs. Kassenoff, I'm not changing my current order.  
25          June 16th at 11 for the next conference.

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MR. DIMOPOULOS: Thank you, your Honor.

THE COURT: Thank you.

(Whereupon, the proceedings were  
concluded.)

\* \* \* \* \*

This is hereby certified to be a true and  
accurate record of the above proceedings.

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Mary T. Slavik, RPR  
Senior Court Reporter

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