

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

2 -----x

3 ALLAN KASSENOFF,

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Plaintiff,

Index #  
50594/18

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-against-

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6 CATHERINE KASSENOFF,

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Defendant.

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111 Dr. MLK Jr. Blvd  
White Plains, New York 10601

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Court Proceedings occurred via Skype for Business  
June 5, 2020

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10 B E F O R E:

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HONORABLE NANCY QUINN KOBA,  
Supreme Court Justice

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

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Attorney for the Children

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ERICA ANDREWS, Senior Court Reporter

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1 (Whereupon the following occurred on the record via  
2 Skype for business.)

3 THE COURT: Can everybody just put their  
4 appearances on the record, starting with the Plaintiff.

5 MS. SPIELBERG: Jill Spielberg, Harold, Salant  
6 Strassfield and Spielberg for the Plaintiff, along with  
7 Alison Kurtsky(ph).

8 THE COURT: Well, you're the Defendant, right?

9 MS. SPIELBERG: Oh right. Sorry.

10 MR. DIMOPOULOS: Dimopoulos Bruggemann by Gus  
11 Dimopoulos and Michael Chairamonte on behalf of the  
12 Plaintiff, Allan Kassenoff, who is also present on the call.

13 Good afternoon, your Honor.

14 MS. SPIELBERG: Jill Spielberg, Harold, Salant,  
15 Strassfield and Spielberg with Alison Kurtsky for the  
16 Defendant, who is also present, Judge.

17 MS. MOST: Carol Most, Law Firm of Most and Schneid,  
18 attorney for the children.

19 THE COURT: Okay.

20 So Ms. Spielberg, this is a conference resulting  
21 from your letter to me yesterday and I do have one question  
22 before you get started. Who is Sanctuary for Families,  
23 that's cc'd on that letter?

24 MS. SPIELBERG: Judge, my client has signed a  
25 retainer with them. They are a domestic violence outfit

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1 and they're I would say for all intents and purposes  
2 co-counseling with us on this case.

3 THE COURT: Well, the Court hasn't been notified of  
4 that, nor has a notice of appearance been filed with the  
5 Court. So that should have been done before any  
6 communications went out addressed to this Court without my  
7 knowledge.

8 MS. SPIELBERG: I believe we did include it in a  
9 letter to the Court but I will take whatever instruction  
10 from the Court. If you would like them to upload a notice  
11 of appearance, I'm happy to have them do that.

12 THE COURT: Sure. I would like them to upload a  
13 notice of appearance as co-counsel. Are they going to be  
14 participating in this call?

15 MS. SPIELBERG: No. Our intention is not for them  
16 to participate in the calls or at the hearing. They're  
17 sort of back ending.

18 THE COURT: Okay.

19 MS. SPIELBERG: For lack of a better phrase.

20 THE COURT: Sure. All right, that's fine. Just  
21 have them do a notice of appearance, so everything is --

22 MS. SPIELBERG: Understood.

23 THE COURT: Okay.

24 So that being said, the Court has reviewed your  
25 letter and the Court has reviewed the e-mails that were

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1 attached to that letter and the first question I have for  
2 either parent is has Dr. Adler seen this child since those  
3 emails were issued?

4 MS. MOST: The answer is yes, Your Honor.

5 THE COURT: Okay. So Ms. Most, could you explain  
6 when she saw her and what the result was.

7 MS. MOST: I think she was seen earlier this week  
8 and then she was seen again this morning. She has assured  
9 me, Susan Adler has assured me that there are no real  
10 suicide ideations.

11 Three things are going on here. She feels that  
12 she's not happy that she has to live with her sister Allie.  
13 I think your Honor has enough information about Allie to  
14 know that, that situation causes difficulty for both girls.  
15 And so she's very unhappy about living with Allie.

16 She's also afraid to discuss it. For example when  
17 I saw her on the 1st, she didn't want to talk to me about it  
18 because she was afraid that Allie could hear her. So  
19 that's causing her a lot of tension, the whole situation  
20 with Allie.

21 The other thing is that she said to me that my  
22 father yells at me. And the last thing that's really,  
23 really bothering her is that she misses her mommy. And  
24 she's very unhappy because she misses her mommy.

25 So that's really what is going on. There is

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1 absolutely no suicide ideation. Susan is very secure about  
2 that. Susan did mention and she said I could tell the  
3 Court that she thinks mom may have set the children up for  
4 this. And her concept is that she feels that -- I'm not  
5 saying that Ms. Kassenoff is crazy but she thinks even a  
6 crazy mother is better than no mother.

7 So she feels that we have to figure out a way so  
8 that the girls can see their mother. I can tell your Honor  
9 when I met the girls on the 1st they all really miss their  
10 mother. I do not see unhappy children as a general rule.

11 THE COURT: Let me just interfere with that because  
12 the order that was issued by this Court does not preclude  
13 the mother from seeing the children. They just have to be  
14 supervised visits. There's no order currently in effect  
15 that precludes the mother from seeing these children. They  
16 just have to be supervised visitation based upon the history  
17 of this action.

18 So in fact, the mother could have seen the children  
19 with the supervisor in compliance with obviously COVID since  
20 this order was issued in March.

21 Go ahead, Ms. Most.

22 MS. MOST: Judge --

23 MS. SPIELBERG: Can I just interject for one moment?

24 THE COURT: No, you may not because that is what the  
25 order says.

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1 Ms. Most, you may continue.

2 MS. MOST: So I mean when I spoke to Charlie on the  
3 1st, she actually told me everything is going very well.  
4 She talked about the things that they do with their father.  
5 I'm going to tell you that all three girls told me how well  
6 things are going but at that time on the 1st Charlotte did  
7 tell me that Allie is a problem for her. It causes a lot  
8 of problems and I think you've heard before that Allie is a  
9 child who's not always honest. She's very --

10 THE COURT: I understand that. That brings me to  
11 next question, which is where are we with Allie's therapist?

12 MS. MOST: She's begun with Dr. McGoffog(ph) . I  
13 think it's going to take a few weeks for Dr. McGoffog to  
14 know how things are going but I'm not sure that I need  
15 permission but I wanted to ask permission from the Court if  
16 I can send Dr. McGoffog the report that was done by  
17 Dr. Ravitz(ph), that we were not ordered to sign any  
18 affidavits with that and I think that would be very helpful.  
19 So I would like to send that to her. And I also want to  
20 say that Dr. Adler would like to have more input from the  
21 parents. So even if it means that she has a separate  
22 sessions with each parent and each parent makes their own  
23 arrangements for that, she would like to be able to speak to  
24 the parents.

25 MS. SPIELBERG: Judge, may I respond now?

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1 THE COURT: Well, hold on one second. So what she  
2 wants to respond to the parents, is that something she wants  
3 to do frequently or is that something she just wants to do  
4 once a month? What is she envisioning that to be?

5 MS. MOST: Just once in a while to have input from  
6 the parents.

7 THE COURT: And that would make sense to me but she  
8 doesn't think it should be with the parents on the same zoom  
9 call?

10 MS. MOST: No, she does not. She did not say that  
11 to me.

12 THE COURT: Okay.

13 MS. MOST: And the other thing is we do have Carmen  
14 with us because she was supposed to be on this zoom.

15 THE COURT: Is she here? She's on the phone?

16 MS. MOST: Your Honor, Carmen asked if you could  
17 swear her in. I don't know if you're willing to do that.  
18 She wants to talk to you.

19 THE COURT: I am absolutely willing to do that  
20 because I need to know what's going on. So yes.

21 MS. SPIELBERG: Judge, I would ask that I have an  
22 opportunity to be heard at some point.

23 THE COURT: You will but right now I'm looking at my  
24 phone.

25 (Whereupon Carmen Candelario appears and

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1 participates in Skype for Business via speakerphone.)

2 THE COURT: Ms. Candelario?

3 MS. CANDELARIO: Yes, ma'am.

4 THE COURT: So Ms. Candelario I understand that you  
5 would like to give us an oral report about the supervision  
6 of the zoom matters.

7 Could you raise your right hand please.

8 MS. CANDELARIO: Yes, Your Honor. Thank you.

9 THE COURT: Do you swear to tell the truth, the  
10 whole truth and nothing but the truth?

11 MS. CANDELARIO: I do.

12 THE COURT: Okay. So why don't you report to the  
13 parties what you would like them to hear. Everybody is  
14 available on Skype.

15 MS. CANDELARIO: Well, first of all, let me  
16 apologize for my dumbness but I couldn't install this for  
17 the life of me. So I'm so sorry about that.

18 THE COURT: That's okay.

19 MS. CANDELARIO: All right. So what we found, I  
20 found through the process of doing the zoom is that in the  
21 process of zoom, mom and children are in zoom, there's a  
22 little area where you can actually chat.

23 THE COURT: I'm sorry, you just got bleeped out on  
24 that. You can actually do what?

25 MS. CANDELARIO: You can actually chat. So in



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1 other words you and I can chat. So I found that the oldest  
2 two children have been excluding me from the chat. And you  
3 know, kids are very smart, so they know how to do that. And  
4 it doesn't seem like mom is responding to them on the chat.  
5 But it seems that she's responding to what they're telling  
6 her virtually. And at the beginning I'm kinda going like  
7 what is going on. So you know when I see her, like when  
8 they want to talk about their attorney, I'll say to her no,  
9 don't go there. So she looks at certain direction. So I  
10 started to look and I said, oh, I think the girls are  
11 chatting with the mother. So sure enough they were  
12 chatting with the mother and I actually spoke to the mother  
13 and I said, you know, you really can't be doing this because  
14 if I'm excluded from it, I can't see what they're saying to  
15 you. And obviously what they were saying was they were  
16 talking about what Carol's visit was, the last time she was  
17 there. So I stopped that.

18 I actually called the father and I said, listen,  
19 I'm going to disable it on my end. Find a way for you to  
20 disable that from your end. In other words, not allow it  
21 to happen. But I guess the girls are very smart and that  
22 wasn't able to happen but I was able to stop it at my end.  
23 So we have not had chats for the last maybe week or so,  
24 maybe a little less. I let Ms. Most know what was going on  
25 because I tell her what she needs to know. And then I

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1 discovered that the girls are emailing the mother. Now  
2 again I don't believe that the mother is emailing them back.  
3 And the reason I say that is because she addresses the email  
4 and the girls have said to their mother, we sent you an  
5 email, why didn't you answer? And then she responds to it  
6 on the zoom. And you know, most of the time what she tells  
7 them is to tell the truth and to make sure they tell the  
8 truth to everybody that needs to know. And to speak to  
9 Ms. Most about what they want because she's supposed to do  
10 what they want.

11 I have actually told her also that, you know, we  
12 don't really need to go there. That, you know, Ms. Most  
13 knows what she's doing and this is not what we need to do.  
14 So in the last, I think this was yesterday, there was a  
15 conversation about calling certain people. And the people  
16 were someone by the name of Naval(ph), which I don't know  
17 who that is. And then mom told-- this is Charlotte. Mom  
18 told Charlotte to call her therapist at school. And the  
19 therapist is the one that she needs to call because the  
20 therapist -- she can talk to the therapist and I believe the  
21 therapist name's is Flovian or Flovan. I'm not really sure  
22 how you pronounce it. She's the school counselor. She  
23 told us to do that and to speak to this person by the name  
24 of Naval(ph). And that she has to tell them the truth and  
25 nothing but the truth about what was going on.

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1           So she asked her if she was being very honest about  
2           the suicide attempt. Not the attempt, the note that she  
3           wrote her and the email. So Charlotte wrote mom an email  
4           telling her she was very upset due to the fact that she  
5           wanted to commit suicide because her father was screaming at  
6           them, because they weren't doing something, something to  
7           that effect. And today mom told Charlotte that she has  
8           gone into her email and I think that she has emailed -- she  
9           has written the email to Flovian, but she wrote it to the  
10          wrong email address. So and you know --

11           THE COURT: Wait, I'm sorry, I have a question  
12          because I'm a little confused here. So the mother went  
13          into the email and saw that the daughter had written an  
14          email to this Flovian person?

15           MS. CANDELARIO: Correct and she had sent it to the  
16          wrong email.

17           THE COURT: And sent it to the wrong email. Okay.

18           MS. CANDELARIO: And today she gave her the right  
19          email to send it to the person, this Flovian person.

20           THE COURT: Okay. And this Flovian person, your  
21          understanding is it's a school counselor as opposed to her  
22          personal therapist, Dr. Adler?

23           MS. CANDELARIO: Correct. Correct.

24           THE COURT: And did they talk about what the  
25          substance of this email communication was that the mother

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1 accessed?

2 MS. CANDELARIO: It's about a suicide, about the  
3 child committing suicide.

4 THE COURT: And was there any discussion about  
5 notifying the father that the daughter was feeling this way?

6 MS. CANDELARIO: No, there was no notification.  
7 I'm obligated to tell him.

8 THE COURT: Right.

9 MS. CANDELARIO: Not only am I obligated to tell him  
10 which I did, orally obligated and also obligated because if  
11 anything happens to that child I'm just as responsible as  
12 the mother. So I have to notify him.

13 THE COURT: Of course.

14 MS. CANDELARIO: So and I reached out to Dr. Adler  
15 which she actually called me a little earlier and I'm going  
16 to call her a little later, so she can address the situation  
17 with the daughter.

18 THE COURT: Okay.

19 MS. CANDELARIO: So what I started to also say and  
20 you see this is where originally this is why I wanted the  
21 zooms to only last 15 minutes because there is a method to  
22 the madness. And the method is that 15 minutes doesn't give  
23 you enough time to talk about nonsense. I think we're  
24 reaching the nonsense stage. Not only are we reaching the  
25 nonsense stage, but we're also reaching a point where it's

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1 erupting. The school, Charlotte is always in school, she's  
2 agitated, she's angry because it's interrupting her time.  
3 The two little ones want to play video games, want to be all  
4 over the place and that's why the 15 minutes was perfect and  
5 that is the reason for the 15 minutes.

6 THE COURT: So how long are your conferences now?  
7 Are they up to 30 minutes yet?

8 MS. CANDELARIO: We're up to 30 minutes but I  
9 obviously feel we need to put them back to 15 minutes.

10 THE COURT: Okay.

11 MS. CANDELARIO: I really do. I mean I think it  
12 would be much easier. You know and that way they don't  
13 have the time to talk about communicating. Now, you know,  
14 now -- communicating any other way. Now they're starting  
15 to communicate via video games. Which the father told me  
16 he knew that was happening and he was looking for --

17 THE COURT: Wait, wait, wait. Who's communicating  
18 through video games?

19 MS. CANDELARIO: The children and their mother.

20 THE COURT: Okay.

21 MS. CANDELARIO: This whole situation goes back and  
22 forth with this. Then I think it was last Friday, it might  
23 have been Thursday, might have been Thursday or Friday, mom  
24 was a little late, a few minutes. She had a difficult time  
25 logging in, I believe it was. And Charlotte and Allie

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1 which is the oldest daughter and the middle daughter and I'm  
2 listening to them, they can't see me, but I can hear them  
3 and I can see them. And the both of them are whispering to  
4 each other that they have to make sure they delete the email  
5 that they sent their mother.

6 And I'm going like, oh, my goodness, gracious.  
7 Now mom, according to her understanding is that she was not  
8 aware that they couldn't do that.

9 THE COURT: I'm sorry, what?

10 MS. CANDELARIO: The mother's understanding, she was  
11 not aware that the girls, the children could not email her.

12 THE COURT: What is that based upon?

13 MS. CANDELARIO: That is based upon the fact that  
14 the oldest daughter Allie told her that their attorney and  
15 their father told them the only way they could communicate  
16 with their mother was through zoom.

17 THE COURT: And what did the mother say in  
18 response?

19 MS. CANDELARIO: Exactly what I just told you, that  
20 she wasn't aware that she couldn't, that the children  
21 couldn't communicate with her.

22 THE COURT: And when did this occur?

23 MS. CANDELARIO: This occurred about a week  
24 and-a-half ago. And again, I informed Carol, I said  
25 there's something that is not clear for this mom. She's

1 not 100 percent sure if this is supposed to happen this way.  
2 But for the most part, I mean, as far as I'm concerned when  
3 you have supervised visits, the only way you can see your  
4 children is with a supervisor. When you have a zoom visit,  
5 the only way you can have zoom visitation or any kind of  
6 conversation is through the supervised zoom. So besides  
7 the side line, I don't know where that came from. I don't  
8 know where the understanding came from but that is her  
9 understanding.

10 THE COURT: Okay.

11 Is there anything else you think that you would  
12 like to report?

13 MS. CANDELARIO: There is also a situation where  
14 both children, the oldest and the middle child continue to  
15 whisper in a low tones and tell their mother that their  
16 father is always listening and that everybody is listening.  
17 And that there are devices all over the place listening to  
18 what they're saying to her and they have to be extra careful  
19 what they say to her.

20 I actually spoke to the father and I asked him, I  
21 said, do you have devices? Why are you doing that and he  
22 said I have no devices. I have no devices. I have none.  
23 He said most of the time when he does hear something, it's  
24 because he happens to be in the dining room or happens to  
25 pass by where they sit down and he hears tidbits and all

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1 that. Which by the way he did hear Charlotte talk about the  
2 suicide with the mother.

3 THE COURT: And did he say he took any action when  
4 he heard that?

5 MS. CANDELARIO: I believe he was going to call  
6 Carol and I believe he was going to call Dr. Adler. Whether  
7 he did or did not I don't know.

8 THE COURT: Okay. Anything else?

9 MS. CANDELARIO: And let me add to that. He said he  
10 was going to speak to Charlotte about it. He also went  
11 into -- he informed me he went into her email and that email  
12 was deleted but that email does exist.

13 THE COURT: I know. We received a copy. It was  
14 sent to the Court by Ms. Kassenoff.

15 MS. CANDELARIO: Okay. So I think that at this  
16 point I think we need to pull back on the zoom, back to  
17 15 minutes to see if that is more beneficial to everyone. I  
18 know mom doesn't get to see the children as much as she  
19 would like to but under the circumstances based on the fact  
20 that we're getting into, we're talking nonsense now, we just  
21 need it basically maybe shortened by a little bit.

22 THE COURT: Do you anticipate that you'll be moving  
23 into in person visits any time in the near future once  
24 they're going into phase two now?

25 MS. CANDELARIO: Yes, I am. I contacted my



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1 insurance and my insurance is allowing me to move forward  
2 toward the end of July. However, I don't believe that I'm  
3 going to take this mother on and I'll explain to you why.  
4 Because we have to keep the social distance, even still when  
5 we move forward and I don't believe that I'll be able to  
6 hear what she says to the children from six feet away or  
7 from eight feet away. So that will create a problem, not  
8 only for me but for her and her children. I can't turn  
9 around and say to your Honor I swear I heard everything  
10 because six feet away is very difficult because if she's  
11 whispering, I won't be able to hear what she's saying.

12 THE COURT: Right.

13 MS. CANDELARIO: So she's a parent I might not --  
14 she's a parent that I will not keep. I'll do the zoom  
15 until we get through this but after that, I can't keep her  
16 on because she's a liability for me.

17 THE COURT: Okay. So you won't be able to do in  
18 person with her?

19 MS. CANDELARIO: No, only because of the distance  
20 that we need to keep.

21 THE COURT: Okay. All right, anything else? I'm  
22 sorry, go ahead.

23 MS. CANDELARIO: No, I was going to say that is  
24 going to be a tough one for anyone that's actually doing the  
25 visitation. It's going to be tough. It's going to be very

1 tough. Other than that, I can tell you that the children  
2 tell her that they miss her. The children tell her that  
3 they love her. The children tell her that they want her to  
4 come back home, you know, all of that, all of that kind of  
5 stuff. The normal every day stuff, but then there's the  
6 additional, you have to tell the truth and nothing but the  
7 truth. And that's been since the very beginning and I  
8 understand that, that means something from the very  
9 beginning because according to the father that the truth is  
10 to be able to talk about what happened in the home, whatever  
11 that was.

12 THE COURT: Okay. So do you hear the children make  
13 any comments about dad, other than -- what do they say about  
14 dad during these things, if anything?

15 MS. CANDELARIO: They really don't say very much.  
16 What they say is that they're going to go bike riding,  
17 they're going to go shopping, little things like that.  
18 Other than what I just told you that they say that he  
19 listens or that he has devices, nothing -- after that  
20 there's nothing negative that dad is making dinner or  
21 they're doing this. Just normal every day stuff.

22 THE COURT: Do you hear them say anything about  
23 being scared of dad or anything like that?

24 MS. CANDELARIO: I never heard anything about them  
25 being scared of dad. No, I have never. That conversation

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1 has never come up. On the contrary, whenever she needs  
2 anything, she stops what she's doing to go talk to him.

3 THE COURT: Okay.

4 MS. CANDELARIO: And so does Charlotte and the  
5 little one too for that matter. And you can hear them in  
6 the background talking.

7 Now you know, if they're talking about their father  
8 speaking, their father speaks like a man. He has a man's  
9 tone. I mean, I don't think it's screaming. I mean I know  
10 what screaming is. I don't think I've ever heard them  
11 screaming. Except, I tell you one thing, the girls are all  
12 over the place. Because when we're doing the zoom because  
13 it's 30 minutes, they want to go do this and do that. And  
14 I've heard him say go back to the zoom and he raises his  
15 voice a little bit and it doesn't mean he's screaming. He's  
16 telling them go back to the zoom.

17 THE COURT: Okay. All right, anything else you  
18 think would be helpful to the Court based upon your  
19 observations?

20 MS. CANDELARIO: No, I think we're good. I think  
21 other than that, I think we just, other than the fact that  
22 we need to put down the time, we need to do that. No, I  
23 think at this point we're good. I hope that the girls are  
24 in therapy, which I understand they are. And I will speak  
25 to Dr. Adler today because I have to report to her that she

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1 needs to address these things. And other than that I think  
2 that's basically it.

3 THE COURT: Okay. So does any counsel have a  
4 questions they would like the Court to ask?

5 MR. DIMOPOULOS: No, your Honor.

6 MS. MOST: Your Honor, if I could just say I had  
7 asked Ms. Candelario to prepare a report earlier in the week  
8 and she was going to try to get that done and to the Court  
9 early next week.

10 THE COURT: Okay, perfect.

11 All right, well thank you. I appreciate you  
12 taking the opportunity to participate in the call and bring  
13 us up-to-date. And I thank you for your time.

14 MS. CANDELARIO: I thank you and my apologies for  
15 not being able to log in. Any time I'm available, any time  
16 you need me.

17 THE COURT: Okay. Great. We've had technical  
18 problem with lots of people. It's not just you. Okay.  
19 Thank you.

20 MS. CANDELARIO: Take care of yourself. Thank you.

21 (Whereupon Carmen Candelario leaves the Skype  
22 conference.)

23 THE COURT: Ms. Spielberg, you wanted to speak.

24 MS. SPIELBERG: Yes, Judge. Thank you. A couple  
25 of things.

1 First of all, this Flovian person that  
2 Ms. Candelario refers to is the school psychologist that  
3 Charlotte had developed a close relationship with.

4 Now Judge, when we see this email, we all -- I mean  
5 certainly me as an officer of the Court as well as their  
6 mother have an obligation to make sure that, to suss out  
7 whether it's real or not. And that's why we wrote to the  
8 Court with respect to this issue.

9 THE COURT: Right.

10 MS. SPIELBERG: To the extent that we knew that  
11 Charlotte had seen Dr. Adler on Tuesday. I would have  
12 thought that if this came up with Dr. Adler, certainly we  
13 would have been notified. And since we hadn't been, it was  
14 clear to us that she hadn't talked about it with Dr. Adler.  
15 So my client has told me that she has a very close  
16 relationship with the school psychologist. She's been at  
17 Fasny for a long time and Charlotte, sorry, yes Charlotte  
18 has a close relationship, yes, of course, with the school  
19 psychologist. So my client was only saying and what she  
20 said is corroborated by Ms. Candelario, was your email true?  
21 And she's saying yes, mommy, yes mommy. Well, if it's true  
22 you should talk about it with somebody you feel comfortable  
23 talking about it with. She's close with the grandmother and  
24 she's close with the school psychologist. That was the  
25 purpose of it. Then the child writes an email to the

1 school psychologist but to the wrong email address. And  
2 that was all that was, Judge. My client as I wrote in the  
3 email, has her hands tied and she's under such a microscope,  
4 she doesn't know what to do. The email, if you look at it  
5 specifically says, I know I'm not supposed to email you. So  
6 I don't know what that was about.

7 THE COURT: You see here, this is my problem, okay  
8 and I'm hearing this. The child sends an email which  
9 everybody can agree is of concern. Now as one parent to  
10 another parent, my response or response I would think of a  
11 parent would be to immediately contact the other parent with  
12 whom the child is currently primarily residing and say I  
13 received this very disturbing email from Charlotte and we  
14 should immediately contact Dr. Adler together because they  
15 are allowed to contact Dr. Adler together to immediately  
16 address this issue. That is a reasonable thing to do.  
17 Talk together, notify the custodial parent and have the  
18 joint call to her treating doctor about it. Not to tell  
19 her to email somebody else without advising the father of  
20 this situation.

21 MS. SPIELBERG: I thought you might say that and I  
22 want to respond to that because you said something to that  
23 effect the last time with the boyfriend email. And I want  
24 to be clear. The correspondence between these two parties,  
25 from dad to mom is nothing short of cruel. My client asked

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1           dad, can I dial into the appointment with the  
2           endocrinologist and dad said, why would you ever need to do  
3           that? He treats me client as if she is not this child's  
4           mother, any of these children's mother.

5                     You have to understand, Judge, this child is going  
6           through the following transitions. Aside from a divorce and  
7           please just give me a minute. Aside from the divorce, she's  
8           not in school and she's concerned she's going to be leaving  
9           the school she's been at for years. She doesn't see her  
10          mother. Her nanny is leaving today. She just got her  
11          period way earlier than she should have. This child going  
12          through turmoil. It's no surprise that she has these  
13          emotions. The problem is that mom and dad-- dad is not even  
14          civil to mom. So the email says I'm scared of my dad. My  
15          client who he says had told her in the past couple of weeks  
16          go way and tried to effectively erase mom from her life.  
17          Wouldn't allow her to participate in doctor's visits, why  
18          would you be on the phone?

19                    THE COURT: I'm sorry, I'm sorry, excuse me, excuse  
20          me. I get that. But what I don't get is this is a little  
21          different than phoning in to an endocrinologist, okay.  
22          These parents need to talk. And again I previously  
23          recommended a parent coordinate or Wizard, if they cannot  
24          talk together and know that despite everything that's going  
25          on, my child is sending an email saying that she's thinking

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1 of dying or killing herself, to pick up the phone and call  
2 the other parent and say, put aside everything and that goes  
3 for Mr. Kassenoff too, put aside everything because our  
4 daughter is in distress and we need to address this  
5 immediately.

6 So you don't send it to a third party. The Court  
7 has designated a therapist with the consent of the parties.  
8 That's the person who's going to be involved in it right  
9 now. But I'm not going to go back and forth but  
10 Mr. Kassenoff if there's any misunderstanding, I believe I  
11 addressed this as well last time, Ms. Kassenoff gets to be  
12 consulted on medical visits or whatever and then we'll go  
13 from there and decision making. But she is to be  
14 consulted. That goes for that issue.

15 But on the child, on an emergency situation like  
16 this would be, I would expect one parent to call the other  
17 parent or text the other parent and say we need to talk  
18 immediately. Forward the email and say I got this email,  
19 we need to talk immediately.

20 MS. SPIELBERG: Judge, there's additional issues.

21 THE COURT: That would work.

22 MS. SPIELBERG: Judge, my client was also concerned  
23 about retaliation about dad specifically and when Allie went  
24 to the police she was sent to her room for two days  
25 straight. My client was worried. In fact, she didn't



1 know, she was afraid and in our letter we ask him not to  
2 speak to her until the professionals weigh in. My client  
3 was worried about retaliation. The children report that  
4 dad retaliates. And it's specifically about him yelling at  
5 her. My client's initial reaction would not be to go to  
6 the person that she's complaining about in the circumstance.  
7 She went --

8 THE COURT: I would think that in these  
9 circumstances -- yeah, okay, I'm not going to talk about it  
10 anymore. The response should have been to contact the  
11 father to deal with an emergency situation period.

12 MR. KASSENOFF: Your Honor, can I speak for a  
13 moment?

14 THE COURT: Yes, Mr. Kassenoff, you can go ahead.

15 MR. KASSENOFF: You know, I sit here on all of these  
16 calls and I don't blame Ms. Spielberg. I assume it's  
17 information she's getting from her client. But I'm getting  
18 a little sick and tired of the lies being said. When  
19 Alexandra snuck out at Catherine's request, which I know she  
20 told the Court she didn't say. As Mr. Dimopoulos indicated  
21 we translated the french version of the zoom calls and she  
22 told the kids to go to the police. I sat Alexandra down  
23 when she returned from the police station and I specifically  
24 said, Allie, you will not get in trouble. I want to know  
25 why you went. And you know and she told me your Honor?

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1 She told me mommy's been mean to her for her whole life and  
2 she's finally starting to be nice to her and the nicest she  
3 is, is when she's mean to me. That's what Allie told me.  
4 She was not sent to her room for two days. There was  
5 actually no punishment, whatsoever.

6 In fact, I conveyed to Ms. Most and to Mr.  
7 Dimopoulos how proud I was of her for actually telling me  
8 the truth and for being brave. And the fact that  
9 Ms. Spielberg is consistently telling these lies about me,  
10 it's infuriating, your Honor.

11 THE COURT: That's why we have to have a hearing.

12 MR. KASSENOFF: The first thing that went through  
13 my mind is this is the same kid who yesterday when I was  
14 walking over to pick up a pizza for the kids, she begged me  
15 to come with me. She goes, dad, can I come with you? I  
16 just want to hang out with you. I want to ride my bike.  
17 And Ms. Spielberg doesn't believe me, I'll show you a photo  
18 I took of Charlie riding her bike.

19 She's the same kid who every single night says, can  
20 you lie with me first before you lie with Jo-Jo because I  
21 don't want to fall asleep before you coming to be with me.  
22 And the fact that Catherine then uses this bogus suicide  
23 claim against me somehow. She receives this email on  
24 June 1st and does nothing with it for three days in a  
25 life-threatening situation as Ms. Spielberg said. And what

1 does she do? She waits three days to try to use it in the  
2 litigation to prepare her papers and every call on with the  
3 kid, she's like you're telling truth, right. I have no  
4 doubt she probably is recording that, so if anyone said she  
5 put the kids up, she can have her recording. I mean,  
6 Judge, at some point, I'm lost at what to do here. But I  
7 don't know, I guess that's all I have right now.

8 THE COURT: Okay.

9 MS. SPIELBERG: Judge, I just want to let the Court  
10 know my client is not recording these calls. I sometimes  
11 wish she was allowed to but she knows she's not allowed to  
12 and she wouldn't violate that Court order. She's not  
13 recording the calls. And I think another thing that's  
14 clear, Judge, from what Ms. Candelario said and from what  
15 Ms. Kassenoff said is that he's sitting there listening to  
16 all of these calls. So it's no surprise that they're not  
17 telling mom that they're afraid of dad, when dad's in the  
18 dining room. Ms. Candelario just told you they said dad  
19 hears them. Mr. Kassenoff just told you he hears them  
20 saying and he hears mom saying tell the truth. So I do  
21 think that this warrants a moment, just for a moment for  
22 everybody to just for a moment pretend that my client is  
23 actually tell the truth and there's a problem here. We  
24 can't just continue with this, with this narrative that  
25 she's telling them to do these things and she's telling them

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1 to write these things. My client has no unsupervised  
2 access to these kids. How could she have told Charlotte to  
3 write these emails? And it's not true that we did nothing.  
4 I knew that this would be the way that this would be turned  
5 on my client. So we spoke at length about the best way to  
6 handle this. When my client with the police sent it to  
7 Ms. Most, she was criticized for that. When she calls the  
8 Court, she's criticized for that. She can't contact Adler,  
9 she's criticizes for that. I mean my client's hands are  
10 tied. She can't call anybody.

11 THE COURT: Actually, excuse me, I think I made it  
12 perfectly clear as the Judge on this case that I expect the  
13 parents in an emergency situation like this to first and  
14 foremost contact the other parent to attempt to work it out.  
15 That has been my consistent response in each and everyone of  
16 these situations. That's what I would expect as two  
17 parents that care about their children to do in the first  
18 instance. That has been unwavering. That is what I  
19 expect in this case. That is what I expect in every case.

20 And when I find a parent that didn't immediately  
21 contact the other parent with whom the child is residing  
22 that causes me concern, you are correct.

23 Mr. Dimopoulos, do you have something to say?

24 MR. DIMOPOULOS: I'll be brief, your Honor. The  
25 email, the alleged email from Charlotte to her mother, I

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1 say alleged because the mother continues to have the  
2 password for that account. I cannot put it past her that  
3 she wrote the email herself.

4 THE COURT: I'm sorry, the password to which  
5 account?

6 MR. DIMOPOULOS: Charlotte's email. The mother has  
7 the password.

8 THE COURT: Why would she have that and not the  
9 father who has custody?

10 MS. SPIELBERG: They both do, Judge.

11 MR. DIMOPOULOS: Would why --

12 THE COURT: Hold on a second. They both have it?  
13 What is the password, Ms. Kassenoff?

14 MS. KASSENOFF: What is the password to Charlotte's  
15 email account, Judge? Is that your question?

16 THE COURT: Yes.

17 MS. KASSENOFF: It's Nougat\_17. We both have it.  
18 Allan and I both have it.

19 THE COURT: Excuse my ignorance but how do you  
20 spell that?

21 MS. KASSENOFF: It's a capital N, o-u-g-a-t and an  
22 underscore 17.

23 THE COURT: Okay, great. Thank you. So now he  
24 has it. So we don't have to --

25 MS. KASSENOFF: He's always had it.

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1 MS. SPIELBERG: Judge, he's always had it.

2 THE COURT: Well, there's no misunderstanding now.

3 You said it in front of me, on the record. He has it.

4 Go ahead, Mr. Dimopoulos.

5 MR. DIMOPOULOS: Here's the problem. Ms. Kassenoff  
6 allegedly receives a suicide note from her daughter on  
7 June 1st. Not only does she not notify the custodial  
8 parent who's there 24-hour a day with her, she waits  
9 72 hours. And the first thing she does on June 4th with  
10 that email is forward it to her attorneys. Okay.

11 We all know she knows how to pick up the phone and  
12 do wellness checks with the police. She's done that before.  
13 We all know she has my client's email address. She  
14 sometimes emails him 12 times a day. We all know she's got  
15 Ms. Most's email address because she sends her threats every  
16 single day. We all know that she has Dr. Adler's address  
17 because she emails her about how she did do her domestic  
18 violence--

19 THE COURT: Okay. We don't need to go through all  
20 of this. We understand that.

21 MR. DIMOPOULOS: So that's number one. Number two  
22 is, the school's therapist, the last time that child could  
23 have had any contact, as far as I know, Allan correct me if  
24 I'm wrong, was when school ended in March. Okay. If  
25 she's treating with the school therapist, it's news to me.

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1 THE COURT: If she's treating with the school  
2 therapist I would certainly think the father with primary  
3 custody should be aware of that.

4 MR. DIMOPOULOS: Well, I think we should know right  
5 now.

6 MR. KASSENOFF: I've never seen a communication  
7 between Charlotte and Florion.

8 MS. SPIELBERG: You mean, since Corona or ever?

9 MR. KASSENOFF: Corona.

10 MR. DIMOPOULOS: Since Corona. Since we have been  
11 home. So she has a therapist at her beck and call and she  
12 chooses to send the email, mom encourages her to send the  
13 email to the school therapist which could easily trigger a  
14 CPS investigation, as we all know. Not only that,  
15 allegedly the child sent it to the wrong email address.  
16 And this is all detailed in my letter, which was sent very  
17 late your Honor.

18 THE COURT: Alright, I haven't seen your letter.

19 MR. DIMOPOULOS: I'm sure you'll read it, your  
20 Honor. Then what happens is Catherine's mother, the  
21 maternal grandmother finds the email and then emails the  
22 child at Ms. Kassenoff's --

23 THE COURT: Well, how does the maternal grandmother  
24 find the email? Isn't she in Canada?

25 MR. DIMOPOULOS: Because everything is being copied

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1 to Ms. Kassenoff because these loyal servants are doing  
2 what she wants them to do.

3 THE COURT: Hold on one second. Where did you send  
4 this letter Mr. Dimopoulos?

5 MR. DIMOPOULOS: I E-filed it, your Honor.

6 THE COURT: Could you email it to me, so I can look  
7 at it while we're on the call?

8 MS. KASSENOFF: Judge, while that's happening --

9 THE COURT: He's still speaking. Then you can  
10 respond.

11 MS. KASSENOFF: I'm sorry.

12 MR. DIMOPOULOS: The maternal grandmother then  
13 emails the child and says you emailed it to the wrong  
14 address. Here's the right address.

15 THE COURT: I'm sorry, was that email sent to the  
16 maternal grandmother?

17 MR. DIMOPOULOS: The email to the school therapist  
18 was copied to Ms. Kassenoff. Ms. Kassenoff wanted to point  
19 out to the child to get the correct email address, I'm  
20 assuming knowing she couldn't email the child, she told her  
21 mother to email the child and direct it to the right email  
22 address. The maternal grandmother, your Honor, who you  
23 just heard Ms. Spielberg say that she's very close to, she  
24 has seen her maternal grandmother one time in the last six  
25 years. Okay. They're not close at all.



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1 Ms. Kassenoff went I think over a year without  
2 speaking to her. If I could finish --

3 THE COURT: Let Mr. Dimopoulos finish.

4 MR. DIMOPOULOS: Now Ms. Kassenoff was on the record  
5 in a Skype call in a court proceeding saying that she never  
6 encouraged Allie to go to the police. We took the liberty  
7 of sending the zoom video that was in French to a certified  
8 translator and as part of my letter I provided the certified  
9 translation to your Honor. It's clear she told the kid go  
10 to the police. You'll see it in writing, your Honor. I  
11 don't have to go more into it anyway. Okay.

12 Beyond that, okay, there's a real problem here your  
13 Honor in that at what point do we stop this? I understand  
14 the children want to see their mother. I get it, okay. I  
15 have been the one to say this is a difficult case. Okay.  
16 But at what point do children who are for 23 and-a-half  
17 hours a day living a great life with their dad and then in  
18 30 minutes we have these situations. At what point do we  
19 stop her access? At what point do we stop allowing it?  
20 Court orders aren't going to do it, your Honor. Court  
21 orders aren't going to it. Dr. Abrams said that. You  
22 know, we were supposed to have a zoom, an order that says  
23 what's going to happen in these zoom calls. We went through  
24 six different revisions of it. Mom never consented. I  
25 submitted it, it's still not signed. She will not agree to

1 anything and she will not abide by court orders.

2 So we are permitted and I say we, including myself,  
3 we are permitted the continued abuse of these children by  
4 allowing access from our emotional belief that every parent  
5 should have contact. And I agree at some point  
6 Ms. Kassenoff should have contact and I close my letter by  
7 saying she needs mental health treatment to stop this.  
8 Because by allowing it, based upon our fundamental, you  
9 know, Judeo Christian upbringing that parents should be with  
10 their children, we are allowing this abuse to go on and it  
11 will not stop, you mark my words.

12 Thank you, your Honor.

13 MS. KASSENOFF: Your Honor, may I speak now because  
14 he went on for quite a while?

15 THE COURT: You can speak. It's just a conference  
16 so.

17 MS. KASSENOFF: I waited, Judge. Look, my child is  
18 expressing deep anxiety in her current circumstances. My  
19 goal was simply to allow my child to express herself, not  
20 just to me, since obviously my credibility has now been  
21 impugned by Mr. Dimopoulos and others on this call but to  
22 allow her to speak to other people who would be in a  
23 position to take whatever comments she has, whatever fears  
24 she has and yes, the truth which is the thing that I care  
25 the most about and express herself, so that other people

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1 could hear what she has to say, besides just me. Why hear  
2 it from just my mouth when other people could hear to.

3 So yes, I did ask her to reach out to her school  
4 therapist who I know she's close to. She didn't want to  
5 talk to anybody else. She said her therapist Florion,  
6 that's the one she trusts. So when I noticed there was a  
7 mistake made in her email to that therapist, I asked her to  
8 correct it and I asked my mother to tell her she was missing  
9 an R in the name. My mother has also been asked by me to  
10 speak to Charlotte. They have a good relationship. I'm not  
11 sure why Mr. Dimopoulos is impugning my mother's  
12 relationship with my daughter. She's been trying to reach  
13 out to Charlotte too, because I want Charlotte to feel that  
14 she can talk to people besides me. I will say, I would  
15 love for her to talk to Dr. Adler. The problem is I think  
16 Dr. Adler's hands have been tied and I don't think she's  
17 aware of the domestic violence issues. We don't know want  
18 to talk about the domestic violence issues for some reason,  
19 even though my husband has an indicated finding against him  
20 by CPS for physical assault. There are continuing issues  
21 with fear. I have another child who ran away while in his  
22 custody and his narrative is to turn around and to blame me  
23 for it. I think we have to look at what's going on with  
24 these kids and I think we have to see, are they telling the  
25 truth or are they not telling the truth? And I submit to

1           you they are telling the truth. We are going to have a lot  
2           of-- and that's why by the way, I have Sanctuary for  
3           Families on my side. They know that this is truthful and  
4           they're doing this pro bono. And I want this Court to hear  
5           what they have to say, what I have to say, what the videos  
6           have to say and not from dad's point of view.

7                         THE COURT: That's why we're having a hearing.  
8           Unfortunately that got delayed because the pandemic happened  
9           but yes, we will be having a hearing to hash everything out.

10                        MS. KASSENOFF: And Judge, just finally -- that's  
11           right, I agree with you. That's the point of that hearing  
12           but I think where I am right now has been achieved without  
13           hearing. It's been largely achieved through ex-parte  
14           applications. I'm in a terrible situation. I haven't seen  
15           my children in two months, not because I don't want to see  
16           them but because it's logistically almost impossible to see  
17           them.

18                        MS. SPIELBERG: I haven't been able to find anybody,  
19           Judge. I wanted to say that before when you were asking  
20           those questions. I did call Mr. Dimopoulos yesterday. I  
21           called him to tell him the good news, that I found a  
22           supervisor that would do in person supervision. I called  
23           every supervisor that I had ever heard of when the order  
24           originally came out and they laughed at me like on the  
25           telephone, are you kidding me, there's COVID.

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1           So I tried at one point and then I stopped trying  
2           cause I called everybody I knew and then I heard actually in  
3           another case that this outfit had decided to start doing in  
4           person supervision. I called them yesterday, they sent me  
5           all the intake documentation but I wasn't going to have my  
6           client go through the process without consent. So that's  
7           why I called Mr. Dimopoulos yesterday and I understand we're  
8           all busy. I'm not saying anything, Gus, I understand. So  
9           I just wanted to address that. You made mention of that  
10          earlier, Judge. We did try everything we could but nobody I  
11          have ever heard of and I tried in the City too because I  
12          would have done anything. There was nobody and I asked  
13          Carmen and she wasn't. So we did try everything. It's not  
14          for lack of trying. And my client said she would -- we  
15          spoke with counsel, Ms. Most and Mr. Dimopoulos when this  
16          first started, we had a conference call. Mr. Dimopoulos  
17          said he would have agreed to an airbnb being sufficient and  
18          suitable housing in accordance with the order if she could  
19          get a supervisor. So we did invest significant time into  
20          doing that at the time that was not successful.

21                 MS. KASSENOFF: And Judge, just lastly. So yes, a  
22                 lot of effort has been going into this and I just want to  
23                 say that I really, I know my children really miss me and I  
24                 know they do need me and it's unfortunate because I do think  
25                 my middle child is suffering greatly. I think that the

1 lesions on her face is not disappearing, they're getting  
2 worse and some of her commentary is getting more and more  
3 serious. Before it was things like I just want to disappear  
4 a year ago and now it's escalated. And so I'm very worried  
5 and I would ask the Court to please give me some way to have  
6 some in present interaction with my children, so that I can  
7 give them the comfort that I think they need. And I think  
8 Ms. Most would even agree they need.

9 THE COURT: I had authorized that in the order  
10 and now Ms. Spielberg has indicated you've located someone  
11 that would permit that.

12 MS. KASSENOFF: And Judge, I'll just say, I  
13 understand that there is currently and this was not on your  
14 watch, an order in place for therapeutic supervision. And I  
15 think it was unfairly imposed. I don't think that it should  
16 have been imposed. I think that the forensic even said it  
17 shouldn't have been imposed and yet here we are and it's the  
18 one obstacle that's really preventing me from seeing my  
19 kids. And I don't know what evidence really at this point  
20 justifies that. And I would urge the Court to rethink that  
21 part of it, even if it's lessened in some way to just a  
22 normal supervisor. I think I can actually get a friend of  
23 mine to come and stay and at least I can see the children  
24 under those circumstances.

25 THE COURT: I think the problem was that there was

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1 family members that were supervising that we had questions  
2 about their doing it properly. And since that order was  
3 issued, there's been incidents raised to this Court that  
4 raise into question whether you've been adhering to even the  
5 other order that I issued. And that's a problem. It's  
6 not that -- I wasn't here before, but since I've been  
7 involved in this case, there have been multiple times of you  
8 allegedly not complying with the orders of this Court.

9 MS. KASSENOFF: Allegedly.

10 THE COURT: Well, it's allegedly because I don't  
11 have any testimony. But I have to go on what I see in  
12 front of me. And my primary concern is with the children.  
13 But I understand --

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

16 MS. SPIELBERG: Can I say one more thing?

17 MR. DIMOPOULOS: I really haven't said much.

18 MS. SPIELBERG: This is just in response. One  
19 other issue. Dr. McGoffog was sending her bills and  
20 Mr. Kassenoff has directed that she send them only to him  
21 because he's paying. I want to remind the Court that he's  
22 only paying technically because we agreed to have the money  
23 sent directly to him from ETrade and then for him to  
24 effectuate the payment.

25 THE COURT: Are you kidding me? We're arguing

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1 about who gets the bills? The bills go to both parties.  
2 Okay. That's nonsense. Are you kidding me with this?

3 MR. DIMOPOULOS: Your Honor, I need to make two  
4 final points.

5 One, Carmen Candelario is not new to this business.  
6 She has been involved in some of the most traumatic and sad  
7 supervision cases in Westchester County. And I know for a  
8 fact in the one I was on, she refused to quit as a  
9 supervisor after the mentally ill mother tried to kill her  
10 with a knife. Tried to kill her, okay. She did not quit.  
11 She testified in that custody case. Mike Strauss was the  
12 AFC, okay. So for her to say I'm not doing this is not to  
13 say she's afraid of Ms. Kassenoff because I don't think  
14 Ms. Candelario is afraid of anything. It's to say that I  
15 can't do my job. I can't stop her from doing this, which  
16 is what I have been saying for the better part of a year.  
17 No order your Honor issues is going to work here. We'll  
18 have the hearing, we'll see what happens but we'll just  
19 continue to let these kids be abused.

20 Secondly, on the emails and school and this is  
21 extremely important and the only reason I'm not making it a  
22 bigger deal is because there's only two weeks left of  
23 school. Ms. Vero, this is one of Charlotte's teachers at  
24 Fasny. She sent a zoom invite, I believe it was on May 1st  
25 if I have the date right. She sent it to all the parents



1 in the class and she talked about the fact that there was a  
2 school play that all of the kids were going to attend before  
3 Corona virus and how it got cancelled, so they were going to  
4 do this production and she emailed all of the kids about  
5 joining into it.

6 Ms. Kassenoff did not forward that email to  
7 Mr. Kassenoff. While he asked Fasny to include him on all  
8 emails, being that we're in the situation they are, this may  
9 not have gotten to Ms. Vero. She emailed it to mom. She  
10 does not forward that email to Mr. Kassenoff. After the  
11 date for the production of the children's contributions  
12 passes and the child has missed her opportunity to  
13 participate in this play, Ms. Kassenoff and this is all  
14 documented in email, she sent an email to the teacher saying  
15 did Charlotte attend? No, she didn't and that's when my  
16 client finds out that she's had this for weeks. And  
17 punished her daughter by not allowing her to participate in  
18 this production solely to make him look bad.

19 The second example and I'm only going to go through  
20 two. I have eight more. Okay. She had Charlotte --

21 THE COURT: You can just stop talking right there  
22 because I am going to allow you to make the motion.

23 MR. DIMOPOULOS: Thank you, your Honor.

24 THE COURT: To see if there should be a further  
25 modification of access. So you can file an Order to Show

## Proceedings

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1 Cause.

2 MS. SPIELBERG: Judge, I want to be clear. The  
3 email that he's referencing goes to a group of people. You  
4 can't see who's on it and my client knows that Mr. Kassenoff  
5 has reached out to Fasny to be on the communications. She  
6 would have no way of knowing he didn't receive it.

7 THE COURT: I'm not making my decision to allow him  
8 to make the motion based upon that last comment. It's  
9 based upon what Carmen Candelario said and other issues that  
10 have occurred in the last few weeks.

11 MS. MOST: Your Honor, if I could just say,  
12 Charlotte met with Susan Adler on Tuesday.

13 THE COURT: Okay.

14 MS. MOST: These emails were from June 1st.

15 THE COURT: From Monday, right.

16 MS. MOST: If she would have known, Ms. Adler, Dr.  
17 Adler would have spoken to Charlotte on Tuesday. This is  
18 just an unreasonable delay, if a child were really in  
19 extremis. Now I do believe --

20 THE COURT: Well, we wouldn't know if the child was  
21 really in extremis until we went to the professionals.

22 MS. MOST: Right. So my point is that I believe  
23 that Charlotte is very happy to talk to Dr. Adler. And I  
24 think that anything that happens in the future she's got to  
25 be notified immediately. I'm just asking for that,

## Proceedings

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1           because --

2                       THE COURT: That goes without saying.

3                       MS. SPIELBERG: I just want to correct the record,  
4           Judge. It's a factual thing. Mr. Dimopoulos said that my  
5           client didn't forward me the email until the 4th. She just  
6           reforwarded it to me to send the letter. She had forwarded  
7           it to me earlier. I just wanted that to be clear. It's  
8           not that she waited four days.

9                       THE COURT: Well, did you notify Mr. Dimopoulos?

10                      MR. DIMOPOULOS: Then you waited--

11                      THE COURT: Okay. We're done with the conversation  
12           because I have another conference.

13                      MS. SPIELBERG: Judge, there's one housekeeping  
14           thing.

15                      THE COURT: No, there's no housekeeping things yet.  
16           Mr. Dimopoulos you can file your Order to Show Cause on that  
17           issue and then we'll do a briefing once it's filed.

18                      MR. DIMOPOULOS: Thank, you your Honor.

19                      THE COURT: Who has a housekeeping thing?

20                      MS. SPIELBERG: I do Judge. My client only has  
21           Winter clothes. She's standing here in a sweatshirt and  
22           jeans. Can she get access to the house for an hour to get  
23           the clothing?

24                      THE COURT: I think counsel can work that out with  
25           your clients.

## Proceedings

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1 MS. SPIELBERG: I don't think the order allows  
2 for --

3 MR. DIMOPOULOS: I will allow her access Jill. Call  
4 me.

5 MS. SPIELBERG: Okay.

6 THE COURT: You can stipulate for access. Of  
7 course the woman needs her clothes. The weather is  
8 changing.

9 MS. SPIELBERG: Judge, I want to give you the head's  
10 up. We're trying to get an order on consent ready for you  
11 so we can disseminate the forensic order to our experts for  
12 the hearing.

13 Counsel is working together and I wanted to sort of  
14 give you head's up because we're running out of time to get  
15 all of this stuff sent. So we're going to ask you to  
16 so-order that.

17 THE COURT: That's fine, because you know when all  
18 is said and done, if this courthouse is open my hope is that  
19 and my -- I'm going to work very hard to ensure that this  
20 hearing goes ahead on July 13th because it needs to be done.  
21 And I have already spoken to Judge Lubell about making this  
22 a priority when we get back in this courthouse.

23 So yes, please get that done quickly, so that your  
24 expert can review it and we can make sure this goes ahead as  
25 currently planned.

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MR. DIMOPOULOS: Thank you, your Honor.

MS. SPIELBERG: Thank you. Okay.

(Whereupon the matter is concluded.)

\* \* \* \* \*

This is to certify that the foregoing is a true and accurate transcript of the stenographic minutes taken within.

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ERICA ANDREWS,  
Senior Court Reporter

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ERICA ANDREWS,  
Senior Court Reporter

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