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STATE OF NEW YORK  
COUNTY OF WESTCHESTER

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ALLAN KASSENOFF,  
  
Plaintiff,

vs.

Index No.  
58217/19  
SKYPE Conference

CATHERINE KASSENOFF,  
  
Defendant.

----- X

October 21, 2020  
Westchester County Courthouse  
111 Dr. M.L.K., Jr. Boulevard  
White Plains, New York 10601

BEFORE: IRENE RATNER, Court Attorney Referee

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

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12 212.349.0669  
13 BY: DIANE STEINER, ESQ.  
14 - and -  
15 HRUCAMA COHEN, ESQ.

16

17 Also present: Catherine Kassenoff  
18 Allan Kassenoff

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1 MR. DIMOPOULOS: For the Plaintiff, Your Honor,  
2 Gus Dimopoulos, Dimopoulos Bruggemann. I don't know that  
3 my client is in. He's not in. He just texted me. I  
4 don't actually see him on the admit list. Why don't you  
5 go through everyone else and let me just call him.

6 MS. STEINER: So this is Diane Steiner for Ms.  
7 Kassenoff. I just got a text she's in. I'd like to hang  
8 up and come back in again. Let me try to do that on the  
9 link.

10 MS. COHEN: Hrucama Cohen.

11 REFEREE RATNER: Are you an attorney?

12 MS. COHEN: Yes.

13 MS. SPIELBERG: Jill Spielberg also for the  
14 Defendant.

15 MS. MOST: Carol Most, attorney for the  
16 children.

17 MR. DIMOPOULOS: And Referee Ratner,  
18 Mr. Kassenoff is waiting to get in. He's not been  
19 admitted.

20 REFEREE RATNER: Admit all." Okay. I'm new at  
21 this. There's a learning curve.

22 MR. DIMOPOULOS: We all are.

23 REFEREE RATNER: Okay. So we have Ms. Steiner,  
24 Ms. Cohen, Ms. Spielberg, Ms. Most, Mr. Dimopoulos.  
25 You're the only one so far except for your client, the

1 only man.

2 MR. DIMOPOULOS: Yeah. I had him get out and  
3 try to get back in. So let me just --

4 REFEREE RATNER: Okay. So --

5 MR. DIMOPOULOS: If you can admit him now, he's  
6 just waiting.

7 MS. MOST: Ms. Ratner, can I address one thing?  
8 I've received a number of e-mails and they are quite  
9 disturbing e-mails to me from Catherine Kassenoff  
10 advising me that I don't have the right to speak with the  
11 girls' therapist or that I can only speak to them by  
12 e-mail or that I'm not allowed to have any communication.

13 I want to state for you that I am the only one  
14 who is allowed free access to my clients' therapist. And  
15 Mrs. Kassenoff can send me as many e-mails as she likes.  
16 It's not going to change that fact. It has been  
17 discussed in court prior to this on numerous occasions.

18 MS. SPIELBERG: Referee Ratner, I believe the  
19 miscommunication -- and we would happily take Judge  
20 Koba's direction on this. I recall specifically there  
21 being a conference where we asked that all communication  
22 with the therapist be in writing because there was some  
23 confusion as a result of certain entries on the bill,  
24 conversations that were had, what they were about,  
25 whether they were had. And I had asked Judge Koba if all

1 communication could be in writing. Not necessarily that  
2 we all be copied all the time, but there be some record  
3 that conversations were had.

4 As recently as a couple of weeks ago, Dr. Adler  
5 informed my client that she had no idea that the children  
6 were not seeing her. I mean, if there's some  
7 conversation -- and then it becomes he said/she said as  
8 between Ms. Most and Dr. Adler. If all these  
9 communications are in writing, then we can appropriately  
10 ascertain whether or not she was in fact ever informed  
11 that the kids are not seeing her.

12 Certainly, Referee Ratner, you'd agree that  
13 whether or not two children are seeing their mother is  
14 relevant to that doctor's therapy and treatment of those  
15 kids.

16 REFEREE RATNER: What I find surprising is  
17 you're blaming it on everyone else. Clearly the children  
18 didn't say anything to the therapist which is very  
19 strange.

20 MS. SPIELBERG: Ms. Most had many conversations  
21 with her. I'm not saying whether Dr. Adler is telling  
22 the truth or Ms. Most, but these issues keep popping up.  
23 So I had asked the Judge at a prior conference that all  
24 communication be in writing. It was my understanding,  
25 and I believe that Catherine sent the transcript to

1 Carol, that the Judge agreed. If the Judge --

2 MS. MOST: It wasn't my communication that had  
3 to be in writing.

4 REFEREE RATNER: That was my recollection.  
5 Also, it was the communication of the parents.

6 MS. SPIELBERG: My client is not allowed to  
7 communicate with her. Of course it's not in writing,  
8 it's -- that's not my understanding. It's in the  
9 transcript.

10 REFEREE RATNER: We're going to lose the court  
11 reporter. I will speak to Judge Koba and you'll get  
12 your --

13 MS. SPIELBERG: Referee Ratner, can you refer  
14 the Judge to the transcript from August 6th, Page 9.  
15 That's where we believe that she said that. If we have  
16 misinterpreted what the Judge said, that's fine, but we  
17 believe that's where it is, the August 6th transcript,  
18 Page 9.

19 REFEREE RATNER: Okay. So now we're going to go  
20 to Mr. Dimopoulos' request.

21 MR. DIMOPOULOS: I'm going to be very brief,  
22 Your Honor. There are a couple of things that need to  
23 happen that I think we could all agree on. Number one,  
24 if you could just -- I know Judge Koba has been in  
25 back-to-back trials for the longest.

1           There is a protective order that's been signed  
2 by all parties which is required for Greenberg Traurig to  
3 get the financial expert the documents. Judge Koba has  
4 to so order that it's been submitted. If you could just  
5 remind her of that, it would be very helpful towards  
6 getting a final trial date.

7           REFEREE RATNER: Not trial date.

8           MR. DIMOPOULOS: Trial readiness order, correct,  
9 yes. So this afternoon we got a letter from  
10 Ms. Kassenoff that asks for various relief that has been  
11 denied by Judge Koba.

12           REFEREE RATNER: Mr. Dim Dimopoulos, I'll get to  
13 that after we finish with your request for the pre-motion  
14 conference which was sent significantly prior. It was  
15 sent on the 19th days ago. That's what this was  
16 submitted for, time to --

17           MR. DIMOPOULOS: I can make a motion for various  
18 relief. One is I've spent upwards of 7 or \$8,000 in  
19 counsel fees negotiating various orders for Ms. Kassenoff  
20 to come into the house. The other day Judge Koba  
21 instructed us to submit an order. It was signed and,  
22 inexplicably, she didn't show up. I have no idea why,  
23 but she didn't show up and then immediately thereafter  
24 asking to let her in later.

25           There's an order of this Court that required her

1 to deliver the car registration and a spare car key and  
2 present it at the house. As far as we're concerned,  
3 we're not negotiating any more orders. She's in contempt  
4 of that order because we don't have the key which is  
5 right in the order. I'd like permission to submit a  
6 motion for contempt on that.

7 REFeree RATNER: And contempt regarding the key.  
8 I'm going to try to answer them piece by piece.

9 MR. DIMOPOULOS: Okay.

10 REFeree RATNER: Contempt re: car key. Has the  
11 registration been turned over?

12 MR. DIMOPOULOS: Yes.

13 MS. SPIELBERG: Referee Ratner, I'm going to  
14 refer this issue to the Center for Families attorneys who  
15 are on the call now because they have been handling this  
16 with Gus and I wanted them to handle this issue.

17 MR. DIMOPOULOS: The most important thing from  
18 our perspective is Ms. Kassenoff's conduct is never going  
19 to change unless there are some financial ramifications  
20 compelling her to change her conduct.

21 Okay. So we ask permission at this point to  
22 make a motion for pendente lite child support and for  
23 counsel fees.

24 REFeree RATNER: Wait, Mr. Dimopoulos. I'll get  
25 back to you.



1 Ms. Steiner.

2 Ms. Steiner simply wanted to respond regarding  
3 the access to the house only. She didn't show up.

4 I can't hear you. I can't hear you. You have  
5 to unmute your mic.

6 MS. STEINER: How about that?

7 REFEREE RATNER: The bottom line is she did not  
8 show up.

9 MS. STEINER: She did not and let me explain to  
10 you why. It's not -- there is a reason for this. So I  
11 spoke with lieutenant Olsen last week. I learned later,  
12 maybe mistakenly, that what he wanted was that Catherine  
13 should call the police station on Monday morning early in  
14 the morning to arrange the time that the police will be  
15 available to go to the house with her. Notwithstanding  
16 that, we know that July 30th it was up to the police as  
17 to when they were going to be available.

18 The order said -- so it was her understanding  
19 that -- from me that she's to go to the police, they  
20 would go with her to the house, she would get the  
21 clothing.

22 Catherine did call the police on Monday morning  
23 and was told by them that they needed an order in  
24 advance, which I didn't understand to be the case, and  
25 they wouldn't speak to her, they would speak to only a

1 lawyer. So our lawyer called the police, Hrucama Cohen  
2 now on the call, to inquire how to get them the order.  
3 Got the e-mail address, sent over the order, and at the  
4 same time the police confirmed that, yes, they had spoken  
5 to Catherine earlier in the day.

6 Jill then sent the letter to Gus -- forgive me  
7 for not using last names. Everybody can call me Diane --  
8 that Catherine could not find the spare key. She did  
9 have the car registration. She did take the car  
10 registration then over to her husband's residence.

11 REFEREE RATNER: Did she notify her husband --

12 MR. DIMOPOULOS: No.

13 REFEREE RATNER: -- that she was showing up at  
14 9:30?

15 MS. STEINER: She did not notify her husband.  
16 Let me tell you why. Because it was Gus' position in  
17 response to Jill saying in the letter that she found the  
18 registration but didn't have the key -- it was his  
19 position in sum and substance, no key, no clothing.

20 REFEREE RATNER: That's not what the order says.  
21 You're a lawyer. Have you read the order? I have the  
22 order right in front of me. Defendant has access on  
23 Monday, the 19th, and for 30 minutes shall make access  
24 for purpose of retrieving her female clothing,  
25 accessories. Where does it say without the registration

1 she can't go to the house? I don't see it. The children  
2 can be present. She's allowed access.

3 MS. STEINER: The order does say to return the  
4 key and registration.

5 MR. DIMOPOULOS: Referee Ratner --

6 REFEREE RATNER: She never had the courtesy --  
7 no one had the courtesy of advising Mr. Dimopoulos or  
8 Mr. Kassenoff that she would not be there. I do not see  
9 anything where it says that she has to -- she says she  
10 shall return when she goes to visit the house. So she  
11 wasn't going to the house but she was supposed to return  
12 the key, but you're saying she couldn't go to the house.

13 MS. STEINER: Respectfully, what I'm saying is  
14 that it was Gus' position that you don't -- you don't  
15 give us back the key, we're not giving you back the  
16 clothing. That was what we understood. That was a very  
17 big mix-up. It wasn't willful.

18 REFEREE RATNER: Ms. Steiner, Gus can say,  
19 Mr. Dimopoulos can say, whatever he wants, but you have a  
20 court order that specifically states she has the right to  
21 go there, Mr. Dimopoulos or Mr. Kassenoff or someone is  
22 going to be there, be at the house for her. She never  
23 had the courtesy nor did her attorney have the courtesy  
24 to call Mr. Dimopoulos --

25 MS. STEINER: And --

1           REFEREE RATNER: Don't interrupt me. -- to  
2 advise him she would not be showing up because there was  
3 an issue with the police. Judge Quinn Koba has  
4 determined on this issue about the clothing. The Judge  
5 says she will not issue any other order on access for  
6 Ms. Kassenoff to get her belongings. She had an order  
7 and failed to appear. She will have to get the consent  
8 from the husband as to the other items other than the  
9 clothing and to work out a time when she can go to pick  
10 up her clothing and personal belongings.

11           Her distribution and her getting the other items  
12 on the extensive list that was provided for in the order  
13 for her to retrieve will await resolution of the action  
14 along with other personal property unless the parties can  
15 agree and stipulate to the same.

16           Next topic, Mr. Dimopoulos.

17           MS. STEINER: Referee Ratner, on that topic had  
18 I understood correctly that it should have been a lawyer  
19 that called the police and not Catherine, this never  
20 would have happened. So I am taking this on my head that  
21 this happened because --

22           REFEREE RATNER: I'm sorry?

23           MS. STEINER: Mistakenly, I did not advise my  
24 client correctly.

25           REFEREE RATNER: Excuse me. Common courtesy,

1 Ms. Steiner, you know someone is waiting at the house for  
2 her to show up there was a big deal. There was an order,  
3 a counter-order. What part of common courtesy do people  
4 not understand. No one bothered to call Gus. It's done.  
5 That's the Judge's determination.

6 MR. DIMOPOULOS: Your Honor, we have an  
7 eight-day old recommendation from the real estate broker.  
8 The price of the house in New Rochelle be ordered -- a  
9 Judge order signed June 30th, 2020, signed by Judge Koba,  
10 "At all times until the New Rochelle home is sold, the  
11 parties shall abide by the recommendations of the brokers  
12 as to the reduction in the then listing price."

13 REFEREE RATNER: So the broker has recommended?

14 MR. DIMOPOULOS: A reduction to \$899,000.  
15 Ms. Kassenoff refuses. I would like to make a motion for  
16 my client to be appointed a temporary receiver to list,  
17 market, and sell the house. Otherwise this will never  
18 happen.

19 REFEREE RATNER: At this point the Judge is  
20 declining. She does not want a motion to be appointed  
21 the receiver, but she did say that the price is to be  
22 reduced pursuant to the previous signed order.

23 MS. SPIELBERG: The order accounts for her  
24 percentage reduction. It does not account for the broker  
25 to guide the price.

1 MR. DIMOPOULOS: It absolutely does,  
2 Ms. Spielberg. It says right after -- listen, why argue.  
3 The Judge has just told us what to do. She can do  
4 whatever she wants.

5 REFEREE RATNER: Pursuant to the order, the  
6 price is to be reduced. I don't have the order in front  
7 of me. It's my recollection that it was not only a  
8 percentage but reduced pursuant to the recommendation of  
9 the broker.

10 MR. DIMOPOULOS: Your Honor, that's going to  
11 happen.

12 REFEREE RATNER: I remember that from the prior  
13 conference.

14 MR. DIMOPOULOS: I'm going to notify the broker  
15 that Judge Koba has done that. The broker is going to  
16 say we need one of two things, either a court order or  
17 we're going to require the -- an e-mail directly to MLS  
18 from both Mr. and Mrs. Kassenoff. So I will submit a  
19 proposed order, and hopefully Judge Koba will sign it.

20 REFEREE RATNER: The reduction is in accordance  
21 with the prior court order.

22 MS. SPIELBERG: It's in accordance with the  
23 order which we do not believe says the same thing.

24 MR. DIMOPOULOS: All right. I would like  
25 permission at this point -- there's got to be some

1 financial ramifications. I'd like permission to file my  
2 motion for credit again. My client is paying a hundred  
3 percent of everything retroactive and child support.  
4 It's not something that's going to require immediate  
5 adjudication, Referee Ratner, but there has to be some  
6 financial implication. My client just got through paying  
7 upwards of \$450,000 and \$100,000 to Ms. Kassenoff's  
8 attorneys, Ms. Most, me. The goal Ms. Kassenoff is  
9 trying -- she has Sanctuary for Families, three lawyers  
10 pro bono. Every issue gets dragged out, every court  
11 conference. Then the Judge says, "No, I deny that," and  
12 then they write another letter.

13 REFERENCE RATNER: We're cutting it short. The  
14 trial ready order is going to issue as soon as we get the  
15 report about the husband's partnership interest. Okay.  
16 Regarding the credit, without prejudice without trial.  
17 The Court will determine all credits. There are two  
18 houses here. Ms. Kassenoff would probably be entitled to  
19 a portion of the net proceeds of each of those houses.  
20 To the extent you wish to make an application that she  
21 has to -- a certain amount has to be credited against her  
22 interest, you'll make that application. It will be  
23 determined at trial.

24 You have enough money here. So there's enough  
25 money to credit against whoever she would owe. We're not

1 going to have a mini trial again. There already was a  
2 hearing regarding the temporary access. All of these  
3 issues are reserved for trial.

4 MR. DIMOPOULOS: The last issue and I think it's  
5 the most important and we briefly touched upon this with  
6 Judge Koba, is Mrs. Kassenoff while under the restriction  
7 of therapeutically supervised visitation has made herself  
8 the class mom of Charlotte. She did so because the  
9 school itself has been notified of the order, but the  
10 parent-teacher association was not. If she wants to be  
11 the class mom, then there is to be absolutely no contact  
12 either digitally or otherwise with Charlotte, then we  
13 don't have a problem with that. But we need the  
14 authority of The Court to notify the parent-teacher  
15 association of the existing court order that is  
16 restricted. Otherwise, she can't do it.

17 The reason I'm overly concerned, Referee Ratner,  
18 is because we found out today that despite countless  
19 court orders, despite countless times Judge Koba has  
20 given us her time to tell Ms. Kassenoff she can't  
21 communicate with the children via the chat, Zoom, via  
22 anything, and all contact is to be therapeutically  
23 supervised, we learned she continues to text-message with  
24 the children. We have a screen-shot of her texts with  
25 Alexandra in recent days. We are now looking at whether



1 or not there are others.

2 okay. She is consistently and on a near daily  
3 basis violating the orders of this Court. So under other  
4 circumstances, this class mom thing would be okay, but we  
5 think it should be utterly restricted at this point.

6 MS. SPIELBERG: Referee Ratner, I submitted to  
7 The Court a description of the position. It doesn't  
8 require, according to the description, any interaction  
9 with Charlotte. It's interaction with the other parents.  
10 It's -- as The Court likely reviewed, it is -- it's  
11 almost like an administrative position where if the  
12 parent has issues with the teacher or school, generalized  
13 issues, that they are to bring them to the class parents.  
14 This does not say there's going to be any communication  
15 between the class parents and the children.

16 And, frankly, it seems to me that any need for  
17 The Court to contact the parent-teacher association would  
18 be only in furtherance of a goal to humiliate my client  
19 and alienate her from the FASNY community. I would  
20 submit to The Court that that is not in the best interest  
21 of Charlotte to be embarrassed to any extent if The Court  
22 has to communicate with other parents in the school. And  
23 there doesn't seem to be any connection between being a  
24 class parent and communicating with Charlotte outside of  
25 therapeutic supervision.

1 REFeree RATNER: No one wants to embarrass  
2 Ms. Kassenoff. Therefore, she has determined that  
3 Ms. Kassenoff cannot act as a class parent. She is not  
4 to have any access outside of the restrictions of the  
5 Covid order. It will be up to either you, Ms. Spielberg,  
6 or Mr. Dimopoulos to advise the parent-teacher  
7 association that Ms. Kassenoff is resigning the position.

8 I prefer that Mr. Dimopoulos not be the one to  
9 contact them and advise them that she cannot continue in  
10 that position.

11 So, Ms. Spielberg, discuss it with your client,  
12 how you want to handle Ms. Kassenoff's resignation.

13 MS. SPIELBERG: It appears to me, Referee  
14 Ratner, that this would in fact then embarrass Charlotte  
15 anyway. It's confusing as to whether if the goal is not  
16 to embarrass Charlotte, how to have her mother resign  
17 would not be in furtherance of that goal.

18 REFeree RATNER: So do you want a court order  
19 from Mr. Dimopoulos advising the PTA that she is not  
20 permitted to be the class representative? would you  
21 prefer that? I don't think so. I don't think that's a  
22 very positive thing. I think it would be much smarter to  
23 simply have Ms. Kassenoff submit a resignation that she  
24 cannot function as the class rep this year.

25 MR. DIMOPOULOS: If I had any interest in

1 embarrassing her, I would have done it already. I'm  
2 raising this issue so hopefully she can resign on her  
3 own. It's very easy to say, "I'm just too busy. Sorry.  
4 I can't do it."

5 MS. SPIELBERG: Referee Ratner, we would hope  
6 that this would be something that The Court would  
7 encourage my client to participate in so that she can  
8 have a connection to her children and their schooling.

9 REFEREE RATNER: Ms. Spielberg --

10 MS. SPIELBERG: We detailed in our letter,  
11 Referee Ratner --

12 REFEREE RATNER: Listen to what I am saying. We  
13 don't have enough time. I read to you what Judge Koba  
14 stated. She cannot be the class rep. It's out. She  
15 cannot have access with any of the children outside the  
16 restrictions of the order. I would suggest she submit  
17 her resignation. If not, Mr. Dimopoulos will advise The  
18 Court within a week if she hasn't submitted her  
19 resignation.

20 Next issue.

21 MR. DIMOPOULOS: I have no further issues.

22 MS. SPIELBERG: We put in our letters. There's  
23 so many. I think it's related to what we were just  
24 discussing, which is that Mr. Kassenoff continues to act  
25 unilaterally despite the fact that The Court was very

1 clear in its lengthy opinion that he is to consult  
2 Mrs. Kassenoff prior to making any final decisions. He  
3 has failed to do that in numerous instances, including  
4 enrolling Charlotte in a violin class, unilaterally  
5 discontinuing long-standing activities like tennis,  
6 robotics, French, and skating. He's allowing Ally who is  
7 11 to wear make-up. These are things that are to be  
8 communicated with Ms. Kassenoff.

9 The Judge was clear that the father will not be  
10 satisfying his obligation of sole legal custody without  
11 consulting the mother before he acts if all he does is  
12 informing her that he's going to do something and doing  
13 it without allowing to give her a say.

14 MR. DIMOPOULOS: Referee Ratner, can I have 30  
15 seconds?

16 REFEREE RATNER: Yes.

17 MR. DIMOPOULOS: Number one, violin we have  
18 exchanged 10,000 e-mails on this. Consultation lasted a  
19 year at which point my client exercised his authority and  
20 enrolled them in private violin lessons. Two, tennis,  
21 they talked about it. They e-mailed. I saw the e-mails.  
22 They went back and forth. My client said to  
23 Ms. Kassenoff, "I don't feel comfortable in Covid having  
24 them inside of a bubble." That was a consultation. He  
25 made the final decision. Robotics, he spoke to the

1 child. The child didn't want to do it. He let her know.  
2 She said to do it anyway. He said, "I'm not forcing the  
3 child." Ice-skating, there is no ice-skating. It  
4 canceled because of Covid.

5           Lastly, Ally does not wear make-up outside of  
6 the house. She is a 10-year-old girl. Every once in a  
7 while perhaps she might put some on. She's not allowed  
8 to wear it in school or outside of the house. And just  
9 the other day the event she's talking about, her costume  
10 for Halloween involves make-up. She's been goofing  
11 around with it. It's as simple as that. These are all  
12 issues where Ms. Kassenoff is trying to get some  
13 traction. He is acting in accordance with the order  
14 every single step of the way.

15           REFEREE RATNER: And Judge Koba's response on  
16 this issue is that not every decision requires a full  
17 consultation with the mother, just major decisions. The  
18 wife, the mother, Ms. Kassenoff, has no decision-making  
19 authority. And what he did not consult her on and she --  
20 I will say that my recollection is that Ms. Kassenoff  
21 went and applied for the scholarship I believe without  
22 consulting Mr. Kassenoff. When it was a fait accompli he  
23 was notified. So that's a problem too.

24           But, anyway, the Judge has said only major  
25 decisions. Wearing make-up, those are not major

1 decisions.

2 Next issue, Ms. Spielberg.

3 MS. SPIELBERG: Referee Ratner, we'd like to  
4 understand from The Court -- we'd like permission to make  
5 a motion to go remove supervision on behalf of my client  
6 and/or in the alternative to have The Court delineate  
7 some benchmarks for my client to attain in order to  
8 decrease the supervision. Also, my client would like to  
9 be able to have -- celebrate holidays with her kids and  
10 have some holiday-related access, be able to go to their  
11 sporting events, some of this -- some sort of a decrease  
12 in some regard with respect to the finances of the  
13 visitation.

14 We refer The Court again to the affidavit that  
15 outlines that the supervisor she has is the only one  
16 that's doing in-person supervision that we could find,  
17 including the prior supervisors in this case, and the  
18 issue is that, you know, she can't prove to you that she  
19 should be off supervision if at the same time she isn't  
20 able to conduct the act without supervised access.

21 In any event, there's been six visits. CFS's  
22 reports have been stellar and glowing. She has called  
23 every day. There haven't been any issues. So if The  
24 Court is not inclined to lift supervision, which we hope  
25 at some point in the near future, then contemplate same

1 in the order after the trial, and we would hope that The  
2 Court would at least give us some direction as to what  
3 the benchmarks are so that my client can hope to at some  
4 point have unsupervised access with her children.

5 We also ask, Referee Ratner, in the same vein  
6 and category, that if her calls are only going to be 15  
7 minutes and in an effort to save funds rather than be 15  
8 every day, maybe 30 every other day, since it costs her  
9 \$50 regardless of how long the phone call is up to an  
10 hour, we're trying to find ways for my client to be able  
11 to continue her relationship and communication with the  
12 kids but also be able to continue to pay utilities and be  
13 fed.

14 REFEREE RATNER: I can't hear you.

15 MR. DIMOPOULOS: Very briefly on this.

16 According to an e-mail from Cava White, the supervisor  
17 there is absolutely no in-person therapeutic supervision  
18 occurring at the current time because Ms. Kassenoff is in  
19 a billing dispute with them. There was no visit  
20 yesterday.

21 MS. SPIELBERG: My client has a visit on  
22 Saturday. What are you talking about, Gus?

23 MR. DIMOPOULOS: Jill, we got an e-mail  
24 yesterday from Ms. White saying nothing has been  
25 scheduled until the billing dispute is sorted out. Okay.

1 So it's unbelievable that your client can come to court  
2 and ask to lift the supervision that she is voluntarily  
3 not undertaking and undergoing right now.

4 MS. SPIELBERG: It's not voluntary. It's  
5 related to the finances. I don't know how much clearer I  
6 can be.

7 MR. DIMOPOULOS: Very simply, if you can tell me  
8 using mathematics, an abacus, calculator, or otherwise  
9 how someone who makes \$177,000 a year and has zero in  
10 expenses perhaps other than her cell phone bill, how she  
11 can't afford \$175 an hour four hours a week and \$50.00 a  
12 day for Zoom calls, I'll be happy to figure that out with  
13 you.

14 Secondly, she can agree -- it's up to her -- to  
15 relinquish her claim, release the E-Trade funds, give her  
16 approximately \$200,000 in her pocket so that she could  
17 see her children. Alternatively, she would rather keep  
18 coming back to court and making applications that were  
19 denied not 48 or 78 hours ago by a justice of the Supreme  
20 Court. This is sanctionable, period.

21 MS. SPIELBERG: My client will agree to release  
22 some of the E-Trade money to pay for her supervision.

23 MR. DIMOPOULOS: No, no, no. Don't go through  
24 this exercise. No, no.

25 MS. SPIELBERG: You just offered it.



1 MR. DIMOPOULOS: I will talk to my client. It's  
2 all or nothing release. It is not just take out money  
3 just to pay for supervision.

4 REFEREE RATNER: Would it be for both of them?

5 MR. DIMOPOULOS: Split the account, sell it, and  
6 split it subject to each party's claim at trial.

7 REFEREE RATNER: Is that acceptable?

8 MR. DIMOPOULOS: Of course it's not. Watch --

9 MS. SPIELBERG: I'd have to have an opportunity  
10 to consult with my client on this, but I would only raise  
11 the issue, Referee, that we've made this request now, as  
12 Mr. Dimopoulos so eloquently told The Court, twice within  
13 a week, and this offer was never made to us other than  
14 during this conference in front of Your Honor so --

15 REFEREE RATNER: It doesn't matter. As to your  
16 first request for lifting supervision, Judge Koba dealt  
17 with that already. The answer is no. As far as the  
18 expense of supervision, Judge Koba just dealt with that.  
19 The answer is no.

20 As far as guidelines, we are going to order an  
21 updated report from Dr. Abrams. I don't think that there  
22 will be any updated -- any change in the supervision  
23 subject to the receipt of that report from Dr. Abrams.

24 Okay. The FASNY role was dealt with. Your  
25 client will either resign -- let me know within a week

1 what your client wants to do, whether she wants to resign  
2 or whether The Court has to take appropriate action. I  
3 will be very sad to tell Judge Koba we have to do that.

4 MS. SPIELBERG: Your Honor, has the Judge  
5 advised you or will somebody advise us with respect to  
6 whether or not it's okay for Mr. Kassenoff to be  
7 disparaging my client to the therapist when he's not  
8 supposed to be communicating with them either. What's  
9 good for the goose should be good for the gander.

10 REFEREE RATNER: I gave the therapist  
11 transcripts of a police officer and other transcripts  
12 from the hearing.

13 MS. SPIELBERG: Because she asked my client for  
14 materials.

15 REFEREE RATNER: That's not true.

16 MR. DIMOPOULOS: We dealt --

17 MS. SPIELBERG: Any and all materials.

18 REFEREE RATNER: That request was do you want  
19 anything.

20 MR. DIMOPOULOS: Referee Ratner, we are having  
21 the exact same conversation we had with Judge Koba. She  
22 even said and I remember, "I want to see that e-mail."  
23 She looked at the e-mail, she read it. I mean, am I in  
24 the Twilight Zone?

25 REFEREE RATNER: I agree. We're not dealing

1 with that. Ms. Kassenoff's dealings we already dealt  
2 with. I would suggest you reach out to Mr. Dimopoulos  
3 and work out or find out from the police in Larchmont  
4 when they can accompany your client, or your client has  
5 the option that she did not want to avail herself of of  
6 hiring someone to go with her. It will only be for her  
7 personal belongings.

8 At this point, The Court is not and did not in  
9 the order that was entered struck all of your requests to  
10 have him pack up all of her stuff. He's not going to  
11 have to do that. But I would strongly urge you to  
12 contact the Larchmont Police Department.

13 And, Mr. Dimopoulos, advise your client that you  
14 are to cooperate with Ms. Kassenoff retrieving her  
15 personal belongings from the house on a day when the  
16 children are not present in the house.

17 MR. DIMOPOULOS: we'll be happy to.

18 MS. MOST: Ms. Ratner, did I hear you say that  
19 you're ordering an update with Dr. Abrams?

20 REFEREE RATNER: Yes, we are.

21 MS. MOST: Are you doing the order?

22 REFEREE RATNER: If someone wants to submit an  
23 order, that would be great.

24 MR. DIMOPOULOS: I'll submit an order.

25 REFEREE RATNER: Thank you.

1 MR. DIMOPOULOS: Thank you for your effort, Your  
2 Honor.

3 REFEREE RATNER: Is there anything else?

4 MR. DIMOPOULOS: No.

5 REFEREE RATNER: Anything else?

6 MS. MOST: No.

7 REFEREE RATNER: I haven't given you another  
8 date because I don't -- I just need -- we're really just  
9 waiting for the valuation of the -- valuation of the  
10 business.

11 MS. SPIELBERG: We held the depositions open for  
12 that valuation and for the documents that are being  
13 produced in connection with that valuation. So there may  
14 be another half day on my end.

15 I don't know where you stand, Gus, but I think  
16 substantially the discovery is complete.

17 REFEREE RATNER: When will documents be  
18 provided?

19 MS. SPIELBERG: We need The Court to so order  
20 the protective order.

21 REFEREE RATNER: As soon as The Court orders --  
22 so orders that.

23 MR. DIMOPOULOS: As soon as The Court orders the  
24 protective order, I'm assuming within a couple of days.  
25 Greenberg Traurig's lawyer will send the documents to all

1 parties including Mr. DiMarco. He has indicated to me  
2 not wanting to be bound to -- he may need two or three  
3 weeks, perhaps 30 days, to finalize a report. When that  
4 report is finalized, we will write to Your Honor and  
5 request a trial readiness conference.

6 REFeree RATNER: Okay. And the only other  
7 question was what's wrong with Ally's testing.

8 MR. DIMOPOULOS: I think she completed her final  
9 session or she's about to complete her final session.  
10 You know, it's unbelievable. My client gets an e-mail on  
11 this conference from Ms. Kassenoff, "It is so sick that  
12 you want me to not help Charlotte with FASNY." You know,  
13 anyway --

14 MS. SPIELBERG: Referee Ratner, can I ask you a  
15 question. You may have said this, but I didn't hear you.  
16 Is The Court willing to provide guidance as to benchmarks  
17 for Ms. Kassenoff? I think that would be helpful for  
18 everyone.

19 MR. DIMOPOULOS: She just did an updated  
20 forensic.

21 REFeree RATNER: The Court is -- there will be  
22 an updated report from Dr. Abrams and everything will be  
23 determined after we get his updated report.

24 MS. SPIELBERG: Understood. Thank you for that  
25 clarification.

1 REFeree RATNER: Protective order is so ordered.  
2 So what did they order for Ally, any services?

3 MR. DIMOPOULOS: We don't have a report yet. I  
4 believe there's one more session left for the neuropsych  
5 and then we'll have Dr. McGuffen's final evaluation, and  
6 I'll submit that to The Court once we have it.

7 REFeree RATNER: One final session with Dr.  
8 McGuffen. Any idea when that will take place?

9 MR. DIMOPOULOS: Allan, do you have it scheduled  
10 already?

11 MR. KASSENOFF: She was away last weekend and  
12 the weekend before. So we haven't scheduled the last  
13 one, but typically they've been on Sundays. So I'm just  
14 waiting for her to let me know when she's available.

15 MR. DIMOPOULOS: So hopefully this Sunday.

16 REFeree RATNER: Okay. So she's not -- she has  
17 not -- she hasn't completed the final session; is that  
18 correct?

19 MR. DIMOPOULOS: Correct.

20 REFeree RATNER: One more session.

21 MS. SPIELBERG: I would expect it to be a few  
22 weeks after the final session, Referee Ratner. These  
23 things take some time to render.

24 REFeree RATNER: And Judge Koba had just a  
25 question about the transcript. Is there -- has an appeal

1    been filed?

2                   MR. DIMOPOULOS:  Ms. Kassenoff has perfected an  
3    appeal of Judge Koba's decision denying the suppression  
4    of the text messages as a result of attorney/client  
5    privilege.  Our responsive brief is due on October 23rd.  
6    That appeal is fully perfected.  She has asked this Court  
7    to release or order the release of the transcripts so she  
8    could appeal the August 18th decision after hearing on  
9    temporary custody.

10                  MS. SPIELBERG:  Referee Ratner, the issue here  
11    to bring you up to speed if you haven't been read in yet  
12    is that The Court -- I had sent like a half a day here or  
13    there of transcripts, and then during a conference with  
14    The Court, The Court said that they were to be  
15    confidential.  Just so that it's clear, I had not sent  
16    her the piece of the transcript that was sent to  
17    McGuffen.

18                  But in any event, I haven't been representing  
19    her on any of these appeals.  I'm not sure that she has  
20    representation or not.  So she'll either do it pro se or  
21    with another attorney.  I cannot release these  
22    transcripts, what's left, until I have a directive from  
23    The Court permitting me to do so because The Court has  
24    prior told me not to.  So I'm stuck between a rock and a  
25    hard place.  I have a client that wants to file an appeal

1 that I'm not going to represent her on.

2 REFERENCE RATNER: who will represent her on that  
3 appeal?

4 MS. SPIELBERG: I don't know. But she has the  
5 right to file it pro se.

6 MS. MOST: So, Your Honor, the issue with the --  
7 with Judge Koba's order on transcripts has to do with the  
8 fact that a lot of it was Mark Abram's testimony and why  
9 would we allow a litigant to have testimony when we don't  
10 allow them to have the report.

11 REFERENCE RATNER: Right.

12 MR. DIMOPOULOS: Your Honor, can I just say  
13 something about the appeal?

14 MS. SPIELBERG: I just want to say one thing,  
15 Gus. The pieces that she had did not refer to the  
16 report. So that's why we stopped sending them. But  
17 the -- obviously if she's going to file an appeal of the  
18 hearing, she's entitled I would think to have transcripts  
19 in order to refer to them in order to cite appealable  
20 issues to the extent there are any.

21 Again, I'm not -- I'm not representing her. So  
22 I don't even know what the issues are entirely that she  
23 needs to appeal, but I can't release them even to her  
24 counsel, a new counsel, without permission from The  
25 Court.



1 MR. DIMOPOULOS: There was a 10-day hearing,  
2 Referee Ratner. You know that. We have transcripts  
3 probably from about six of those days.

4 MS. MOST: I don't think that many, Gus.

5 MR. DIMOPOULOS: Maybe four. So she's going to  
6 have to spend upwards of 7 or \$8,000 getting transcripts,  
7 records on appeal here, probably seven or eight volumes,  
8 probably 40 to \$50,000 for the record on appeal, and we  
9 have a person who doesn't want to pay \$50 for a zoom  
10 call. Not to mention, this appeal will be decided in  
11 20 -- the end of 2021, long after there is a final  
12 decision.

13 Now, she has a right to appeal, I understand  
14 that. We don't have to consent that a pro se litigant is  
15 going to have highly, highly confidential testing data  
16 and testimony from a forensic. So she's going to have to  
17 make a motion. We're not going to consent to that. It's  
18 abysmal.

19 MS. SPIELBERG: I would ask for permission for  
20 her --

21 REFEREE RATNER: How can you ask permission for  
22 her?

23 MS. SPIELBERG: I'm going to say -- let me  
24 finish. I would be asking that she be permitted to make  
25 the motion pro se.

1           MR. DIMOPOULOS: The motion lies with the  
2 appellate division, Referee Ratner. It does not lay with  
3 the trial court.

4           REFEREE RATNER: Right.

5           MS. SPIELBERG: I don't think that's true  
6 because it's the trial court that has issued the order  
7 saying that I couldn't give any -- first of all, it  
8 wasn't an order. It was in a transcript. It was a  
9 directive. I always adhere to directives by The Court.  
10 It's not a written order. So I don't know if there's  
11 anything to appeal or put before the appellate division.

12           MR. DIMOPOULOS: The process is that if you have  
13 to issue a subpoena, the appellate division has to issue  
14 a subpoena for the lower court's record, and when that  
15 subpoena gets issued, either I make a motion to quash it  
16 for the grounds or she makes a motion to compel  
17 compliance with the subpoena. That's the procedure, and  
18 I learned it the hard way.

19           So your client should consult with an appellate  
20 attorney because there's no motion that lies in the lower  
21 court for the relief she seeks.

22           REFEREE RATNER: Okay. Anything else?

23           MR. DIMOPOULOS: No.

24           REFEREE RATNER: Okay. I'm not going to give  
25 you another date because it will depend on -- we're just

1 really waiting to get the report. Once we get the  
2 report, you'll get a date and probably get a trial ready  
3 order at the same time. The case is going to go to trial  
4 as expeditiously as possible.

5 MS. SPIELBERG: Hold on, Referee Ratner. I have  
6 a -- the right to question the Plaintiff on documents --  
7 for financial documents produced on his partnership. You  
8 can't issue the order contemporaneous with those  
9 documents being produced within a week or so of that.

10 REFEREE RATNER: Ms. Spielberg, that's not what  
11 I said. I said after the report is issued. Thereafter  
12 you would have a final conference and then the trial or  
13 ready order will issue.

14 You have a few weeks to notice him for  
15 deposition, and Mr. Dimopoulos will be able to notice  
16 your client for deposition if he wants that or anyone  
17 else, either one of you. And I'm not going to wait.  
18 You're not going to put them out three or four months.  
19 They're going to be done within a short period of time.

20 MS. SPIELBERG: No problem.

21 MR. DIMOPOULOS: Thank you.

22 REFEREE RATNER: Okay. Have a nice day.

23 (Proceedings adjourned.)

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THIS IS TO CERTIFY THAT THE FOREGOING IS A TRUE  
AND ACCURATE TRANSCRIPT OF THE ORIGINAL STENOGRAPHIC  
RECORD.



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JENNIFER GRUSEKE, CSR  
Senior Court Reporter