

1 SUPREME COURT STATE OF NEW YORK
 2 COUNTY OF WESTCHESTER: MATRIMONIAL PART
 -----X
 3 ALLAN KASSENOFF,
 4
 5 Plaintiff,
 6
 7 -against- Index No.
 8 CATHERINE KASSENOFF, 58217/18
 9
 10 Defendant.
 -----X

8 EXCERPT FROM TRANSCRIPT:

9 County Courthouse
 10 111 Dr. Martin Luther King Blvd.
 11 White Plains, N.Y. 10601
 12 July 15, 2020

11 B E F O R E:

12 HON. NANCY QUINN KOBA,
 13
 14 Justice

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

15 DIMOPOULOS BRUGGEMANN PC
 16 Attorneys for Plaintiff
 17 73 Main Street
 18 Tuckahoe, NY 10707
 19 BY: GUS DIMOPOULOS, ESQ.

19 HAROLD SALANT STRASSFIELD & SPIELBERG
 20 Attorneys for Defendant
 21 81 Main Street
 22 White Plains, NY 10601
 23 BY: JILL SPIELBERG, ESQ.

22 MOST & SCHNEID, PC
 23 Attorneys for Children
 24 222 Bloomingdale Road
 25 White Plains, NY 10605

MICHAEL A. DeMASI, Jr.
 Senior Court Reporter

PROCEEDINGS

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1 THE COURT: Let's put it on the record.

2 MS. MOST: Your Honor, I stated many times that I'm
3 using my discretion and raised that with the Court. And I'm
4 advocating for my clients, three little girls.

5 I've been subjected to numerous nasty and
6 threatening phone calls from the defendant. And I've
7 already told her attorney I will not be answering any
8 e-mails from her.

9 THE COURT: Hold on a seconds. Ms. Kassenoff, the
10 thing has to be over your nose.

11 THE DEFENDANT: I'm sorry. Just foggy.

12 MS. MOST: But today when I walked out,
13 Mrs. Kassenoff said to me, your clients are around the
14 corner -- your client is around the corner. I said, did you
15 bring the children?

16 She was referring to Mr. Kassenoff, who is not my
17 client. But Dr. Abrams came and I greeted Dr. Abrams. And
18 I actually had a discussion with him, not about this case,
19 but he is working for me as my own expert on another case
20 that's in Orange County.

21 Mrs. Kassenoff comes up to us and takes a picture.
22 I don't know what the purpose of this is, Judge. I really
23 don't.

24 Is it to try to incriminate me in some way and Dr.
25 Abrams? It's just inappropriate conduct, especially in a

PROCEEDINGS

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1 courthouse.

2 THE DEFENDANT: Your Honor, may I speak in
3 response?

4 THE COURT: Sure.

5 THE DEFENDANT: I think there's no secret in this
6 case that Ms. Most is taking positions that are outrageous
7 and I've noticed that she and the plaintiff have a very
8 close relationship.

9 I think that I'm permitted to expose that
10 relationship for what it is, so that the Court can see that
11 this is not about a just proceeding where Ms. Most is
12 standing up making arguments that are in the best interest
13 of a client.

14 She's aligning with the plaintiff here and I did
15 not get anywhere close to Ms. Most when I took a photograph.
16 In fact, when I was sitting on the bench outside, she walked
17 over to me, pointed her finger in my face and says, don't do
18 that.

19 She intimidates me. She is the one who's
20 intimidating this entire proceeding and it has to be said,
21 Judge.

22 I'm sorry that it is this way. I don't think that
23 this is appropriate in the legal system, but I have real
24 issues with Ms. Most.

25 And I think that it has to come out at some point,

PROCEEDINGS

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1 whether it's going to be in the form of a grievance, whether
2 it's going to be in the form of her testimony here. I don't
3 know, but I do feel that I have a right.

4 The right to explain it and to discuss it and it
5 shows its relevance to this case. Thank you.

6 MS. MOST: I certainly did not approach her. I did
7 say, stop it, just like that, Judge, and I was not within
8 six feet. I was probably ten feet away from her.

9 So I understand it's a problem because
10 Mrs. Kassenoff does not understand her conduct and how it
11 effects her children and what's happening here, but it
12 certainly creates an issue.

13 I have no closer relationship. I don't have -- I
14 do have a close relationship with Mr. Dimopoulos and I
15 actually have a very good relationship with Ms. Spielberg.

16 THE DEFENDANT: One more point if I may, Judge. We
17 made a request in this case for all of the correspondence
18 between Ms. Most and the plaintiff. We have yet to see it.

19 THE COURT: You made a request for what?

20 THE DEFENDANT: The correspondence between the two
21 of them. And it's probative. The reason is it shows the
22 alignment between these two in a very inappropriate way.

23 And I would like the opportunity to expose that for
24 the Court. Expose that for whatever appellate issues exist
25 in this case. And we have yet to hear from anyone on that.

PROCEEDINGS

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1 That's an outstanding demand for documents that's
2 been outstanding for at least from the time of the
3 depositions last month.

4 I asked Ms. Most in response to her request for
5 money that she has sent in connection with her invoice that
6 she sent to me. I asked for the Court.

7 I said, send me a back up e-mail that you had with
8 the plaintiff and other e-mails you had. She has -- forgot
9 to give it to me and she wants money from me.

10 THE COURT: Actually, the Court ordered you to pay
11 it. It's not what Ms. Most wants. I approved it.

12 MS. MOST: My invoices were all attached. My
13 invoices go at least monthly or thereabout to her lawyer.

14 THE COURT: Trust me, I've read them. I read every
15 invoice before I approve any compensation. So right now
16 you're actually in violation of that order.

17 THE DEFENDANT: Judge, if I may. I think that -- I
18 mean, it's -- I'm entitled to look at the invoices before
19 I'm required to pay them. The reason that there are
20 underlying admitted bias issues in this case.

21 And before I'm required to fork out my hard-earned
22 dollars, pay Ms. Most what she admits is biased
23 representation, I should be allowed to look at those
24 invoices and I should be allowed to challenge them and
25 perhaps reduce them.

PROCEEDINGS

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1 THE COURT: Here's the problem that you have.
2 Before she submitted a request to me to approve the
3 invoices, they went to your attorney and a time period
4 passed.

5 I always make sure the attorneys get the invoice
6 and they were put on notice of settlement to the attorneys.
7 Again, I wait until until the settlement period is over.

8 If in fact there's an objection to any of the time
9 in there, I wait for somebody to make that objection.

10 But I don't have that objection. I then review the
11 invoices and having been an experienced attorney in my past,
12 I looked at many, many, many legal fee invoices in my
13 career.

14 I review every single one. And then after I review
15 it, I then decide whether to approve it or not approve it.
16 It's not a situation where she sends an invoice and I just
17 said, okay, rubber stamp. I'm not a rubber stamp person.

18 So there was a time period for the objection to be
19 made. That time period passed.

20 There is now an order directing you to make a
21 payment, which I believe was issued last month.

22 THE DEFENDANT: Your Honor, if I may, I wasn't
23 aware of that particular rule. I did ask Ms. Most directly
24 several times. She's made no response to me whatsoever.

25 I said, I need to see the underlying invoices. I

PROCEEDINGS

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1 need to see the underlying backup. No response from
2 Ms. Most, at all.

3 MS. MOST: They did go to Ms. Spielberg, the
4 invoices. I did send the e-mail to Ms. Spielberg and she
5 asked at one point for all the backup, which was given to
6 her.

7 I'm happy to give to Ms. Spielberg any time she
8 requests it, but it's sent to her monthly.

9 MS. SPIELBERG: I remember there was an incident,
10 Judge, where Ms. Most reached out to me say, did you get all
11 the invoices?

12 I believe I said we got one. I don't have a
13 current recollection about what happened thereafter. I just
14 tried to search my phone. It's not the best internet in the
15 courthouse --

16 THE COURT: Except that her application for
17 compensation is filed on NYSCEF, and attached to that
18 application were all the invoices, because I read them all.

19 They're there, but I'm not going to spend anymore
20 on this this morning. Whether you paid your fee or not,
21 that's an issue for another day.

22 We're here on a custody matter. The rules in the
23 State of New York, which I'm sure you are familiar with,
24 Ms. Kassenoff, being a licensed attorney.

25 There's no photographing anywhere on the courthouse

PROCEEDINGS

1 grounds. I going to the ask you to put your phone in your
2 purse. There are to be no photographs or no recording. No
3 anything.

4 THE DEFENDANT: Okay.

5 THE COURT: The Court is well aware of your
6 position with respect to Ms. Most. I understand that, but
7 this is why we're having a hearing today and you have a
8 hearing, as you know. You're sitting and going to take the
9 stand; right?

10 THE DEFENDANT: I am, Judge.

11 THE COURT: Right. At that point, you can tell the
12 Court all of these things that you believe are happening.
13 Okay.

14 But I understand it because I am aware. We've had
15 many conferences before today that Ms. Most is subject to
16 her judgment for your children.

17 I am aware of that because she has told us that
18 your children's preference is to reside with you. I'm aware
19 of that. That is their position. Okay.

20 So that's not something that hasn't been brought to
21 everyone's attention, but you haven't had a chance to give
22 your side of the case yet.

23 (CONTINUED ON NEXT PAGE.)

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PROCEEDINGS

1 And on your side of the case, you can put in your
2 evidence. Let's use our valuable time to deal with the
3 evidence. All right. Anything else?

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THIS IS TO CERTIFY THAT THE FOREGOING

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IS A TRUE AND ACCURATE TRANSCRIPTION

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OF THE ORIGINAL STENOGRAPHIC RECORD.

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Michael A. DeMasi, Jr.

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Senior Court Reporter

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