

1 SUPREME COURT OF THE STATE OF NEW YORK
2 COUNTY OF WESTCHESTER - CIVIL TERM - MATRIMONIAL PART NOB

3 -----x

4 ALLAN KASSENOFF : INDEX NUMBER 58217/2019
5 PLAINTIFF :
6 versus : ORDER TO SHOW CAUSE
7 CATHERINE KASSENOFF : (RETURNABLE)
8 DEFENDANT : MOTION 27 HEARING

9 -----x

10 WESTCHESTER COUNTY COURTHOUSE
11 111 DR. MARTIN LUTHER KING, JR. BOULEVARD
12 WHITE PLAINS, NEW YORK 10601

13 JULY 6, 2021

14 B E F O R E: THE HONORABLE NANCY QUINN KOBA
15 JUSTICE OF THE SUPREME COURT

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21 CATHERINE KASSENOFF
22 DEFENDANT

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24 SENIOR COURT REPORTER

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DIANE M. MOLAS, RDR, CRI, CLR, CT LSR, and NJ CCR
SENIOR COURT REPORTER

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1 ORDER TO SHOW CAUSE (RETURNABLE) MOTION 27 HEARING

2 THE COURT: So we're here for the matter of
3 Allan Kassenoff versus Catherine Kassenoff,
4 Index Number 58217 of 2019.

5 Counsel, please state your appearance, for the
6 record, starting with plaintiff's counsel.

7 MR. DIMOPOULOS: Good morning, Your Honor.

8 Gus Dimopoulos, Dimopoulos Bruggemann, P. C.,
9 Tuckahoe, New York, on behalf of the plaintiff,
10 Allan Kassenoff, who's here in person, to my right.

11 THE COURT: Good morning.

12 MR. KORNFELD: Good morning, Your Honor.

13 I'm John Kornfeld, with the
14 Law Offices of John A. Kornfeld, LLP, 850 Third Avenue,
15 Suite 1602, New York, New York 10022, co-counsel with
16 The Wiederkehr Law Firm, for defendant,
17 Catherine Kassenoff, appearing, with respect to custody
18 matters.

19 Ms. Kassenoff is with me, to my left.

20 THE COURT: Okay.

21 So I take it, then, Mr. Wiederkehr will not be
22 appearing, as well?

23 MR. KORNFELD: That is correct.

24 MS. MOST: Good morning, Your Honor.

25 Carol Most, attorney for the children.

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1 THE COURT: Okay.

2 Everybody may be seated.

3 (Pause.)

4 THE COURT: The Court scheduled this conference
5 in connection with the Order to Show Cause, Number 27,
6 filed by Mr. Kassenoff, seeking an Order of Protection,
7 based upon Mrs. Kassenoff's alleged approaching of the
8 youngest child outside her school.

9 In connection with that Order to Show Cause,
10 The Court issued a T. R. O. in the Order to Show Cause,
11 but wished to have this appearance to issue a
12 Temporary Order of Protection in person to Ms. Kassenoff.

13 Mr. Kornfeld, I haven't heard from you yet, and
14 we would need to set a briefing schedule for you to
15 present your opposition to the application.

16 Do you have anything you'd like to say at this
17 time?

18 MR. KORNFELD: Yes, Your Honor.

19 I don't believe that the allegations of
20 Mr. Kassenoff's Affidavit are sufficient for the relief
21 that he is seeking. He does not allege any Family Court
22 offense.

23 All he alleges is contact, so I think it is
24 inappropriate.

25 In addition, Mr. Kassenoff has included in his

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1 application photographs from his -- taken from his cell
2 phone or allegedly taken from his cell phone.

3 I would request that, while Mr. Kassenoff is
4 here and while I am here, I be granted immediate access
5 to his cell phone, to look at his camera roll, from the
6 dates in question, and to be able to airdrop all
7 photographs from -- and videos from -- the dates in
8 question onto my cell phone, so that we would be able to
9 review them and utilize them in our opposition papers.

10 THE COURT: Mr. Dimopoulos, your response to
11 that?

12 MR. DIMOPOULOS: I don't know how Mr. Kornfeld
13 thinks that he was going to get access to my client's
14 electronic devices and be able to peruse through his
15 things.

16 We are happy to provide him native files in
17 some airdrop mechanism, but we can handle that ourselves.

18 MR. KORNFELD: I would request that it be done
19 today, under court supervision, to make sure that we have
20 the entirety of what is there.

21 I am not -- I'm not saying I want to go through
22 his cell phone and look for everything.

23 I would just like, with the assistance of
24 Mr. Dimopoulos and with the plaintiff, to look at his
25 camera rolls, from the two dates in question, as to which

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1 these are allegations.

2 We can airdrop them onto my phone, and, that
3 way, they will be transmitted easily, promptly, and in
4 native format.

5 MR. DIMOPOULOS: If I was granted access to
6 Ms. Kassenoff's phone, I could make a proof, twenty-seven
7 or thirty different violations of these Court's Orders,
8 in terms of her contact with the children and violation
9 of Court Orders.

10 If we're going to start going down the road of
11 an electronic exchange of Discovery, it's going to become
12 a very slippery slope.

13 I would suggest Mr. Kassenoff and I, we do it
14 on a quick break.

15 There are a few photos.

16 We can send them to Mr. Kornfeld, and we can
17 put this issue to rest.

18 Because we're going down a path where I can
19 start asking for her cell phone and her media.

20 Frankly, we don't want to go there.

21 MR. KORNFELD: Mister -- well, Mr. Kassenoff is
22 seeking extraordinary relief.

23 He purports to be supporting that application
24 with photographs that he purports to have taken.

25 It is a burden that he is carrying.

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1 I don't think it is opening the door to
2 anything.

3 It's not particularly Discovery, and, quite
4 frankly, it seems that there is an effort to conceal
5 other photographs that would have been taken at the same
6 time, which could -- which would -- likely be -- I hate
7 to use the word, "exculpatory," because this is -- well,
8 I guess, this is a quasi-criminal application.

9 It's -- it -- we would be entitled to look at
10 it, to make sure that there is nothing exculpatory on
11 there.

12 THE COURT: Well, this is my position: There
13 is nothing represented to This Court that Mr. Kassenoff
14 is concealing anything that occurred that day.

15 Mr. Kassenoff, you are directed to provide to
16 plaintiff's counsel -- excuse me -- defendant's
17 counsel all photographs taken, depicting the -- the event
18 that is the subject of your Order to Show Cause,
19 Motion Sequence Number 27, as well as any videos that
20 were taken, in connection with those two incidences: One
21 that appears to be Ms. Kassenoff standing on the
22 sidewalk, outside a commercial strip of stores, or some
23 such; and one that appears to be with Jojo, outside the
24 school.

25 That is to be airlifted, or Dropboxed, or

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1 however counsel can agree to Mr. Kornfeld today.

2 With respect to the -- the relief that is
3 requested, so there is no misunderstanding, on
4 December 17, 2020, This Court issued a Decision and
5 Order, following a ten-day temporary custody hearing,
6 which I directed very specific parameters upon which
7 Ms. Kassenoff could communicate with or be in the
8 presence of her minor children.

9 Those restrictions included that she, at all
10 time, must have therapeutic supervised visitation with
11 the children, that there was to be no unsupervised
12 communication with the children, and that, from what
13 The Court reviewed in the papers, barring defendant's
14 response, was sufficient to raise an issue, as to whether
15 she had violated the Order of This Court.

16 For that reason, The Court granted the T. R. O.
17 in the Order to Show Cause, striking, therefore, any
18 request for relief involving Mr. Kassenoff or his girl
19 friend.

20 Based upon the allegations contained in the
21 Order to Show Cause, which appears to indicate a
22 violation of This Court's express and very specific
23 Decision and Order, following a lengthy hearing,
24 The Court is issuing a Temporary Order of Protection,
25 with respect to Ms. Kassenoff.

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1 The Court will be -- Lucy, do you have that
2 ready?

3 THE COURT CLERK: I'm going to go in the back
4 and get it.

5 THE COURT: We'll be issuing that today.

6 How much time would you like to reply to the
7 Order to Show Cause, Mr. Kornfeld?

8 MR. KORNFELD: Two weeks, please?

9 THE COURT: Okay.

10 (Pause.)

11 THE COURT: That would be July 20.

12 (Pause.)

13 THE COURT: Mr. Dimopoulos, reply?

14 MR. DIMOPOULOS: Give me a week beyond that.

15 (Microsoft Teams distortion occurred.)

16 MS. KASSENOFF: I'm just rubbing my nose,
17 because I'm crying, because of what's happening, so I'm
18 sorry for one minute of doing that.

19 (An off-the-record discussion was held between
20 The Court and the Clerk.)

21 MS. KASSENOFF: This is unbelievable.

22 Unbelievable.

23 THE COURT: Mrs. Kassenoff, your comments are
24 inappropriate at this time.

25 MS. MOST: I'm sorry, Your Honor.

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1 I'm -- I'm human; I mean, I'm human, and these
2 are my children we're talking about.

3 THE COURT: Yes, they are.

4 But what I've seen here is a pattern of not
5 adhering The Court's Orders, regarding your interaction
6 with the children.

7 MS. KASSENOFF: Your Honor, that is absolutely
8 not correct.

9 I have complied --

10 MR. KORNFELD: Mrs. Kassenoff.

11 MS. KASSENOFF: -- in substance --

12 MR. KORNFELD: Mrs. Kassenoff.

13 MS. KASSENOFF: -- with all of these Orders
14 that are Draconian Orders, that you don't allow me to
15 present any evidence of the plaintiff's withholding of
16 these children from me for months on end, months on end.

17 I have made emergency applications in May, I
18 have made emergency applications before that, and
19 This Court allows it all to go unaddressed?

20 And, then, after withholding my children from
21 me for months on end, no contact, no visits, nothing.

22 Then, you turn around and expect me to uphold
23 my end of the bargain, but not the plaintiff.

24 MR. KORNFELD: Mrs. Kassenoff.

25 MS. KASSENOFF: How is that just, Your Honor?

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1 I'm done.

2 MR. KORNFELD: I would like to --

3 THE COURT: Do I take it, Miss Kassenoff,
4 that's an admission that you were, in fact, in the
5 presence of your child, unsupervised by a therapeutic
6 supervisor?

7 MS. KASSENOFF: Your Honor --

8 MR. KORNFELD: Miss Kassenoff.

9 Miss Kassenoff.

10 MS. KASSENOFF: I will answer that.

11 MR. KORNFELD: May I request a very brief
12 break, Your Honor, to speak with my client outside for
13 one minute?

14 THE COURT: Yes, you may.

15 MR. KORNFELD: Thank you very much.

16 Please come speak with me outside.

17 MS. KASSENOFF: This is no joke.

18 (Pause.)

19 MR. KORNFELD: Thank you for your courtesy,
20 Your Honor.

21 I'm very appreciative.

22 Before we -- I understand that you're
23 issuing -- oh, I'm sorry.

24 Getting used to Zoom.

25 I understand that you are continuing the

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1 T. R. O. and issuing a TOP, pending our next appearance
2 in court.

3 I would like an opportunity to address a couple
4 of other issues while we are here, some of which
5 Miss Kassenoff alluded to.

6 May I have that opportunity, please?

7 THE COURT: Yes, you can find out, because
8 she's preparing the TOP.

9 MR. KORNFELD: Thank you very much.

10 One of the things that Miss Kassenoff has
11 alluded to is that the court-ordered access has not been
12 taking place, because we do not -- my understanding is:
13 We do not have a supervisor currently in place, that the
14 supervising organization has ended up short-staffed and
15 that they have been unable to provide the supervised
16 access, and, so, it has not been taking place.

17 Miss Kassenoff tells me that she has reached
18 out, both to the supervisory organization, to try and get
19 somebody in, and has reached out to the attorney for the
20 child, to find out if there was anybody else that would
21 be acceptable to do the supervision.

22 Ms. Kassenoff informs me that, with respect to
23 the latter, she has not yet received a response.

24 It is an issue that -- that she is not able to
25 have and enjoy the court-ordered Zoom access, supervised

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1 access --

2 THE COURT: Hold on.

3 MR. KORNFELD: -- with the children.

4 THE COURT: Miss Most?

5 MS. MOST: Your Honor, the only E-mail I got is
6 semi-threatening, and I did not answer it, because I do
7 not have permission to speak with Mrs. Kassenoff, so I do
8 not answer her E-mail.

9 I don't have that permission.

10 I am not currently aware of any -- anyone else
11 that is willing to supervise.

12 Carmen Candelario was willing to do the Zoom
13 videos.

14 The Zoom videos, it was that organization that
15 said they had no one to replace -- they didn't have
16 enough people on staff.

17 As to the person who was doing the in-person,
18 I -- I -- I --

19 THE COURT: That was Miss White, right?

20 MS. MOST: Miss White, Chava White.

21 And I think, you know, you were going to --
22 I -- I -- it was my impression -- I could be wrong --
23 that you were going to do an Order on that.

24 However, I do not believe she is willing to go
25 forward with any further visits.

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1 THE COURT: Okay.

2 MR. KORNFELD: So my client is understandably
3 frustrated, and I'm not -- this is not any kind of
4 admission, but my client is understandably both
5 frustrated and concerned what is happening, that there is
6 substantial -- there's literally been two months since
7 she's had contact with her children.

8 And, so, that -- that is rather problematical.

9 And I am not doing any kind of -- I understand
10 that much of the communication in this case has been
11 loaded.

12 Ms. Most certainly could have responded by
13 E-mail to any one of Ms. -- to Ms. Kassenoff's counsel,
14 saying that she has nobody or suggesting somebody else.

15 And, meanwhile, we're, sort of, falling through
16 the cracks.

17 And Ms. Kassenoff -- not only has Ms. Kassenoff
18 not communicated with her children.

19 Ms. Kassenoff's children are not communicating
20 with her.

21 They are not seeing and having their mother
22 present in their lives, and -- and -- and that is
23 absolutely not good for anybody.

24 I also wanted to clarify, if I may, or clarify
25 potentially/amend what Your Honor said a couple of

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1 minutes ago, regarding the directive, with respect to
2 Mr. Kassenoff's telephone.

3 One, there were the allegations, regarding the
4 contact in June.

5 There were also allegations and photographs of
6 contact, I believe the date was on May 17, and I wanted
7 to clarify that the photograph -- that I would be able to
8 get the photographs from that same date that
9 Mr. Kassenoff -- Ms. Kassenoff -- also had included
10 photographs in one of his applications, with respect to
11 that date.

12 And I want to be -- I would also like to
13 specifically request -- I think Your Honor said, "of the
14 incident."

15 I would really -- if there were photographs in
16 the time period, either immediately before, or
17 immediately after, or interstitial, with respect to the
18 incident, I would just like to see those, get those
19 photographs, as well.

20 So my two issues are: How can we have some
21 kind of contact between the mother and the children, and,
22 Number 2 is: How can I -- I -- I -- I want to make sure
23 that I can get all of the photographs that he took from
24 the relevant time period.

25 Lastly, I just wanted to inquire:

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1 Mr. Dimopoulos has filed an Order to Show Cause, seeking
2 to hold Ms. Kassenoff in contempt.

3 That Order to Show Cause has not yet been
4 signed.

5 Mister -- to my knowledge.

6 Mr. Dimopoulos indicated that he was given oral
7 permission by the Special Referee to make such an
8 application.

9 There is no Rule E Order per se that -- or,
10 Rule E directive per se that I'm aware of.

11 THE COURT: I can tell you that I told the
12 Referee to grant him permission to file the contempt
13 motion.

14 MR. KORNFELD: Okay.

15 I would respectfully, since we're all here,
16 request permission. Ms. Kassenoff has allegations,
17 regarding a number of, what appear to be, significant --
18 some more significant, some less significant --
19 violations of Court Orders, on behalf -- on the part of
20 Mr. Kassenoff.

21 And I would respectfully request permission to
22 make a cross-motion, seeking to hold him in contempt and
23 for related relief, as well.

24 THE COURT: You can do that.

25 MR. KORNFELD: Thank you.

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1 THE COURT: All those contempt motions will be
2 referred to trial, so you might as well get yours
3 submitted, as well.

4 MR. KORNFELD: Thank you.

5 THE COURT: Can we go off the record, a second?
6 (An off-the-record discussion was held.)

7 THE COURT: Alright.

8 Go back on the record.

9 MR. DIMOPOULOS: On Wednesday, June 23,
10 Your Honor signed the Order. It was an all-out, full
11 stay-away from the children.

12 MS. KASSENOFF: Oh, my God.

13 MR. DIMOPOULOS: It was a result of contact
14 between, not only Jojo at school, but she tracked Ali
15 down on her bicycle.

16 MS. KASSENOFF: That is absurd.

17 MR. DIMOPOULOS: Excuse me.

18 MS. KASSENOFF: That is absurd.

19 MR. DIMOPOULOS: If Your Honor finds it fit to
20 bring Ali in, in an in-camera, to talk to her about it,
21 we would be okay with it.

22 She told her again, when she confronted her,
23 that she should run away again and that she should do
24 whatever I said in his Affidavit.

25 That's Number 1.

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1 Number 2 is: Two days after the Order was
2 signed, my client took the children into town.

3 So, Larchmont, I don't know if anyone's
4 familiar with it. It is a very small walking town.

5 THE COURT: Yes.

6 MR. DIMOPOULOS: He lives a matter of feet from
7 the town.

8 He took his children to go get sushi from
9 Charlotte's favorite sushi restaurant, and Ms. Kassenoff
10 was sitting down, at another establishment, at a table,
11 right next to the entrance to Charlotte's favorite sushi
12 restaurant on a Friday night.

13 I know we're going to hear that's incidental
14 contact. But, when you go into a town where
15 Mr. Kassenoff, and Mrs. Kassenoff, and the children
16 routinely, over the years, walked into town, the kids
17 cycle with their friends, she has planted herself in this
18 town to create incidental contact.

19 Upon information and belief --

20 THE COURT: Well, there is nothing that
21 precludes any particular amount of stay-away.

22 Isn't she moving to Larchmont?

23 MR. DIMOPOULOS: Well, one of the things -- one
24 of the things --

25 THE COURT: The Order that I issued.

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1 MR. DIMOPOULOS: One of the things we will,
2 when the appropriate time comes, is discuss a radius
3 restriction, Your Honor.

4 MS. KASSENOFF: No.

5 MR. DIMOPOULOS: I don't know what "stay away
6 from" means --

7 MS. KASSENOFF: No.

8 MR. DIMOPOULOS: -- because she is challenging
9 the Court -- Your Honor's Order.

10 THE COURT OFFICER: Ma'am.

11 MS. KASSENOFF: I'm sorry.

12 It's my kids.

13 You're taking my kids away from me, and I've
14 done nothing wrong.

15 I'm a mother, a good mother.

16 Why is it like this?

17 MR. DIMOPOULOS: The last time there was
18 supervised access, Your Honor, Your Honor heard testimony
19 from the in-person supervisor.

20 You know the facts.

21 Nothing is going to change if there's another
22 supervisor in the access.

23 THE COURT: But that supervisor indicated that,
24 perhaps, it would be better, in a more controlled
25 environment, if it was a one-hour visit in their office,

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1 and why wouldn't that be acceptable at this point?

2 Assuming it would be conditioned upon the
3 children wanting to see their mother, the older children
4 who had voiced an indication that they may not want to.

5 MR. DIMOPOULOS: Your Honor, a lot's changed
6 since the last time we conferenced this issue.

7 THE COURT: Mm-hmm.

8 MR. DIMOPOULOS: In a controlled environment
9 was something that was -- was even recommended by
10 Dr. Abrams at the first trial.

11 And, while that would be okay, the problem is
12 Ms. White had a controlled environment. She met -- she
13 was in a house.

14 THE COURT: But she also indicated that it was
15 still more difficult with three children to keep them
16 around in that period of time.

17 I'm talking about: Why can't we do a one-hour
18 in an office, or such thing, where it's much more
19 controlled?

20 People can't go to different rules. There are
21 no dogs that create a problem. There's no male
22 appearing.

23 It's just an opportunity for the children to
24 see their mother.

25 Why would that not be acceptable?

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1 MR. DIMOPOULOS: I think the only reason,
2 Your Honor, the only reason I could -- I could --

3 THE COURT: Because that's what I'm leaning
4 toward.

5 MR. DIMOPOULOS: Okay.

6 But the only reason I can tell you is the
7 hesitation of the children to go.

8 But, with that in mind, I don't see any safety
9 issue, or something like that, provided there's --

10 THE COURT: Ms. Most?

11 MS. MOST: Your Honor, at this time, the two
12 older girls don't want to see their mother, at all.

13 MS. KASSENOFF: You've done that. You did it.

14 THE COURT OFFICER: Ma'am.

15 MS. KASSENOFF: You did it.

16 I'm leaving.

17 You did that to them.

18 MR. KORNFELD: Do I have your consent to
19 continue in your absence, Ms. Kassenoff?

20 MS. KASSENOFF: You did it.

21 THE COURT OFFICER: Sit down, ma'am.

22 Sit down and be quiet, ma'am, if the judge
23 addresses you.

24 MR. KORNFELD: Miss Kassenoff, I need to know:
25 Do I have your permission?

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1 MS. KASSENOFF: Yes.

2 MR. KORNFELD: Thank you.

3 MS. MOST: So Jojo would like to see her mother
4 for a very limited period of time but only if she's with
5 her sisters.

6 I can tell you that the girls do not want to
7 be, at this time, left alone, you know, with a
8 supervisor, kind of therapeutic environment, just
9 one-on-one with their mother. I don't think they would
10 cooperate.

11 THE COURT: Okay.

12 Well, it's one hour.

13 It's ten minutes getting ready; ten minutes
14 leaving.

15 You're really talking about forty minutes, with
16 the supervisor there, in a controlled environment.

17 I -- I don't see that that would be a problem,
18 assuming that you can get a supervisor, and understanding
19 that the older children -- who are now 10 and going to be
20 12 is my understanding, right? -- if they do not want to
21 go, no one is going to force them to go; such as,
22 Charlotte staying in the car.

23 But I do want to leave that option open,
24 subject to the TOP, so we can try to mend this.

25 MR. DIMOPOULOS: Your Honor, would we -- is --

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1 is -- I guess this question is for Mr. Kornfeld: Is
2 Carmen Candelerio still on the table; do you know?

3 I don't know how much you've been able to get
4 accomplished since you've been on the case, but --

5 MS. MOST: Could I answer that?

6 MR. DIMOPOULOS: Just because
7 Ms. White's office is in Manhattan.

8 THE COURT: No, I know. That's an issue.

9 MS. MOST: Carmen will not do one-on-one.
10 What she was willing to do, Your Honor, are the
11 Zoom videos, for, you know, a short period.

12 She thinks fifteen minutes was too long when
13 she did it back --

14 THE COURT: But that's on the Zoom calls.

15 I know there are people who are doing in-person
16 supervision.

17 MS. MOST: Well, Carmen is doing in-person
18 supervision.

19 THE COURT: Okay.

20 MS. MOST: She's not willing to do it in this
21 case.

22 THE COURT: Okay.

23 Have you talked with her recently about that?

24 MS. MOST: I talked to her in the last month.

25 THE COURT: In a more confined environment?

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1 MS. MOST: Well, she doesn't have a confined
2 environment like CFS does.

3 THE COURT: Yes.

4 MS. MOST: She -- she doesn't have that, so --

5 MR. DIMOPOULOS: Maybe we'll just ask her
6 again, only because, you know, I know of --

7 THE COURT: She's familiar with the situation.

8 MR. DIMOPOULOS: She's really good at what she
9 does, Your Honor.

10 THE COURT: But that would have to be
11 Mrs. Kassenoff, because she has some things to do.

12 MR. KORNFELD: Could I throw something out
13 there?

14 Just a suggestion.

15 THE COURT: Yes. Go ahead.

16 MR. KORNFELD: I know I'm new to this case.

17 THE COURT: Mm-hmm.

18 MR. KORNFELD: I understand that Dr. Ravitz had
19 been involved and done some testing of the oldest girl,
20 Ali, or had done some kind of report, with respect to
21 Ali.

22 THE COURT: Mm-hmm.

23 MR. KORNFELD: It seems to me that, if there is
24 reticence on the part of the children to spend time with
25 their mother -- first of all, A, that's incredibly bad

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1 news and suggests that there are -- there are probably
2 numerous factors that lead to that -- but, perhaps, if
3 The Court is willing, we could reach out to Dr. Ravitz
4 and see whether or not we could have, like, a combination
5 of some kind of supervised therapeutic access and -- and,
6 perhaps, some reunification counseling, if Dr. Ravitz is
7 available and willing to do that.

8 Because it seems to me that, from what's being
9 reported, you know, rather than getting closer together,
10 as things -- as time elapses, I'm hearing reports that
11 the -- that -- from the plaintiffs' attorney, from the
12 children's attorney -- that things are getting further
13 apart.

14 MR. DIMOPOULOS: Your Honor, just one thing for
15 Your Honor to consider in addressing that, again, my
16 client is a partner of a law firm and is on his own,
17 raising three children.

18 Going to the City to do whatever we're doing --
19 this is Westchester County -- there have to be resources.
20 You know, I'm not trying to put impediments.

21 THE COURT: There are resources, and, at some
22 point, a therapeutic therapy, between the mom and the
23 children, certainly needs to come into play, at this
24 point.

25 That's going to wait on Dr. Agram's (phonetic)

Proceedings

1 report, which should be issued --

2 MS. MOST: So I can give you a little update,
3 'cause I --

4 THE COURT: Yes.

5 MS. MOST: -- spoke to my clients on, I think
6 it was Friday, and they went to see him on Friday.

7 THE COURT: Right.

8 So, then, we should get a report.

9 MS. MOST: So he's waiting, I -- I think --
10 you -- you --

11 THE COURT: That is the last thing.

12 MS. MOST: Yes.

13 MR. DIMOPOULOS: I have my -- Your Honor, my
14 submission to Dr. Abrams is --

15 MS. MOST: And mine, as well, so --

16 MR. DIMOPOULOS: -- in your "In" box, waiting
17 for approval.

18 MS. MOST: I think he --

19 THE COURT: I didn't -- when did you send it?

20 Because I didn't get any new things, other than
21 what Mr. Kornfeld sent to me about a -- the school
22 reports.

23 MS. MOST: I sent my documents several weeks
24 ago.

25 THE COURT: Okay.

Proceedings

1 I don't -- I don't -- resend them to me. I
2 haven't seen them.

3 MS. MOST: Okay.

4 THE COURT: I went through everything on this
5 case before I went on --

6 MS. MOST: Okay.

7 THE COURT: -- out, last week.

8 MS. MOST: I will resend.

9 MR. KORNFELD: I -- I suspect, for the next
10 year-and-a-half, I'm going to have to preface everything
11 I say with: I'm the new person on this case.

12 THE COURT: Mm-hmm.

13 MR. KORNFELD: With respect to the procedure, I
14 saw that Mr. Dimopoulos had submitted documents and
15 materials that -- including various videos, et cetera, to
16 send to Dr. Adler.

17 I know that there's an Order --

18 THE COURT: To Dr. Adler?

19 MR. DIMOPOULOS: Abrams.

20 MR. KORNFELD: Abrams.

21 MS. MOST: Abrams.

22 MR. KORNFELD: I'm sorry.

23 Dr. Abrams.

24 THE COURT: Let me just give you a little
25 history. I had to, in a case I never had to do

Proceedings

1 previously, review the submissions, because there were
2 submissions on both sides that were inappropriate for the
3 purpose of which the forensic evaluation was being
4 conducted.

5 MR. KORNFELD: I understand.

6 THE COURT: So, despite the fact that I had
7 twenty-eight motions and, probably, seventy-five to a
8 hundred conferences on this case, I, then, had to take
9 additional time to personally review all submissions
10 going to Dr. Abrams, to ensure that his focus remained
11 where it should be, which is on an evaluation of the
12 family, and the children, and the best interest of the
13 children, so that I could make a reasoned
14 custody-and-access decision-making decision.

15 MR. KORNFELD: I understand.

16 THE COURT: So that is why I have to review
17 whatever is sent to Dr. Abrams, so I can be assured that
18 his focus remains on what his job is, which is to conduct
19 a forensic evaluation.

20 MR. KORNFELD: I understood that.

21 My only question was: Does The Court -- does
22 The Court take comment or response from the other
23 parties, or are you just going to decide it on your own?

24 Happy to do it either way. I just didn't know
25 procedurally if you wanted me to --

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1 THE COURT: No, I do not take comments on my
2 own. I look at it, and, if it's anything that's related
3 to the children on the evaluation that appears
4 appropriate, I let him go and use his judgment.

5 MR. KORNFELD: Understood.

6 THE COURT: But court documents, Court Orders,
7 and all miscellaneous stuff like that --

8 MR. KORNFELD: I understand.

9 THE COURT: -- he's got enough to look at
10 that's relevant, without being overwhelmed by materials
11 that are not relevant to his core objective core.

12 MR. KORNFELD: Alright.

13 MR. DIMOPOULOS: Your Honor, could I just ask
14 two questions?

15 THE COURT: Mm-hmm.

16 MR. DIMOPOULOS: One is: The
17 Temporary Order of Protection that I know Your Honor is
18 issuing today, will it be in Mr. Kassenoff's favor, as
19 well?

20 THE COURT: No, it will not.

21 It's just about the children, because it's
22 based upon my Decision and Order.

23 MR. KORNFELD: Okay.

24 The other thing is: I noticed as part of the
25 T. R. O. that Your Honor previously issued, it talked

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1 about the mother staying away from the children's camps.

2 My understanding is that the father has not
3 shared with the mother or is -- and has not consulted
4 with the mother, despite by Court Order, regarding the
5 selection of Summer activities, so I would like to, at
6 least, get a schedule.

7 So, assuming that she is required to stay away
8 from the children's camps, under the
9 Temporary Order of Protection you're now issuing, she
10 knows where that is.

11 MR. DIMOPOULOS: Your Honor?

12 THE COURT: Mm-hmm.

13 MR. DIMOPOULOS: I have been copied on, at
14 least, six or seven E-mails, notifying her of exactly the
15 camps that she was -- he was -- enrolling the children
16 in.

17 And I understand Mr. Kornfeld doesn't know
18 this, okay?

19 Because he wasn't even on the case and there
20 was a lot of E-mails, but that's absolutely true.

21 She knows exactly where the camps are, my
22 client's happy to repeat it again, today, on the record,
23 for where the camps are to stay away from, but that --
24 that's inaccurate.

25 THE COURT: So why don't we do that?

Proceedings

1 MR. KORNFELD: Thank you.

2 THE COURT: Repeat on the record where the
3 camps are and where they're located.

4 MR. KASSENOFF: Charlotte and Jojo are going to
5 Flint Day Camp.

6 Drop-off is at 9. Pickup is at 2.

7 Ali's going to gymnastics camp at the JCC in
8 Scarsdale.

9 Drop-off is 9 to 9:15.

10 Pickup, I believe, is 4.

11 She starts next week, so I don't have this
12 fresh.

13 MR. KORNFELD: Flint Day Camp is located,
14 where, sir?

15 I'm sorry. I didn't mean to address.

16 I'm sorry.

17 MR. DIMOPOULOS: It's in town.

18 MR. KASSENOFF: It's in -- it's in Flint Park,
19 in Larchmont.

20 MS. MOST: So, Your Honor, there is one other
21 issue: My clients are very upset -- and I don't know how
22 this know this -- but they believe their mother will be
23 moving around the corner from their house.

24 This was raised with --

25 THE COURT: Yes. This is the least of it.

Proceedings

1 I'll deal with it afterwards.

2 MS. MOST: Okay.

3 THE COURT: I want to make sure I deal with my
4 TOP issues --

5 MS. MOST: Thank you.

6 THE COURT: -- before I go there.

7 Alright.

8 I want it to be clear on the record that I
9 think, at a minimum, the TOP is going to be modified, to
10 put: Except as supervised access, per the Court Order.

11 I, again, am making it clear that I think a
12 one-hour-per-week-at-least continued visitation, between
13 the mother and the children, therapeutically supervised,
14 will be appropriate, pending our resolution of the
15 motions regarding this issue.

16 The parties are to work together, counsel.

17 So I designate that supervisor to facilitate
18 those visits, with the understanding that the older
19 children are at an age, where, if they do not wish to go
20 with their mother, nobody is going to physically force
21 them to go.

22 MR. DIMOPOULOS: Your Honor, could I make one
23 final point, please?

24 THE COURT: Yes.

25 MR. DIMOPOULOS: Just because, in the course of

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1 the last seven or eight days, Ms. Kassenoff has filed --
2 has presented to the New Rochelle Police Department on
3 two occasions.

4 More?

5 MR. KASSENOFF: (Mr. Kassenoff nodded his
6 head.)

7 MR. DIMOPOULOS: Oh.

8 More than two occasions.

9 We have one police report.

10 I know Your Honor is not addressing the
11 evidence, right now, but, again, my request, just on the
12 record, for a Temporary Order of Protection in my
13 client's favor; the reason being, the first time she went
14 there, he was contacted by
15 Police Officer Schlessinger.

16 Officer Schlessinger had no reason to contact
17 him, other than to tell him that, based upon his
18 experience, and her demeanor, and her behavior --

19 MR. KORNFELD: Objection.

20 MR. DIMOPOULOS: -- he should seek -- I don't
21 think we're bound by the Rules of Evidence here -- he
22 should seek an Order of Protection against her, okay?

23 The second time she presented, he spoke with
24 Detective Machado.

25 Detective is in the Family and Children's Unit

Proceedings

1 of the New Rochelle Police Department, and she told him
2 the same thing.

3 She -- they said that he should immediately go
4 to the Family Court.

5 I explained to my client that we are prohibited
6 from doing, so because we're trying custody in the
7 Family Court.

8 I just want the record to reflect that my
9 client --

10 THE COURT: That's -- that's not custody.
11 That's a --

12 MR. DIMOPOULOS: Family offense.

13 THE COURT: What you're saying is about --

14 MS. MOST: Your Honor, may I --

15 THE COURT: -- between Mr. Kassenoff and
16 Mrs. Kassenoff.

17 MR. DIMOPOULOS: Okay.

18 I just wanted to make that note, note, for the
19 record, Your Honor.

20 Thank you.

21 THE COURT: You're welcome.

22 MS. KASSENOFF: Your Honor, may I address --

23 MR. KORNFELD: No.

24 Your Honor, Mr. Dimopoulos just said he -- the
25 Rules of Evidence don't apply.

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1 He's made -- he's made no evidentiary showing.
2 He's made no attempt at an evidentiary showing.

3 He has not made any allegation of any improper
4 action.

5 He has offered non-expert hearsay opinion, and
6 I don't think that there's any basis for me to respond or
7 my client to respond to the substance of his musings.

8 Thank you.

9 MR. DIMOPOULOS: The last issue, Your Honor,
10 unrelated to why we're here today, but extremely
11 important: I know how hard Your Honor and all the
12 parties work to get FASNY, the FASNY Order, to get
13 Charlotte back to school.

14 What then happened is both parties signed a
15 re-enrollment contract, but Mr. Kassenoff needs the money
16 to pay it.

17 We have sent -- and I -- I don't mean to ambush
18 you, Mr. Kornfeld, but I know Mr. Wiederkehr has
19 raised -- I just want to put this on The Court's radar:
20 We need that -- in order to get the money --

21 THE COURT: Didn't you address this with the
22 Judge Referee last week?

23 MR. DIMOPOULOS: Things just don't get done,
24 Your Honor.

25 THE COURT: Get it done.

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1 MS. KASSENOFF: Get what done?

2 I'm sorry. Get what done?

3 Your Honor's looking at me. I want to --

4 MR. KORNFELD: No, she's not. No, she's not.

5 MS. KASSENOFF: Get what done?

6 MR. DIMOPOULOS: The sole issue is this: Each
7 provides a one-sentence language to open up the account.
8 Both parties sign.

9 THE COURT: This is not the same language I had
10 to deal with last year --

11 MR. DIMOPOULOS: Yes, it is.

12 MS. KASSENOFF: Your Honor --

13 MR. DIMOPOULOS: If I might just be able to
14 finish?

15 THE CERTIFIED COURT REPORTER: One at a time,
16 please.

17 MR. DIMOPOULOS: Ms. Kassenoff has insisted
18 that we include a sentence that says: And, thereafter,
19 the account will be -- continue to be -- locked.

20 MS. KASSENOFF: That's right.

21 MR. DIMOPOULOS: We have no problem with that.

22 MS. KASSENOFF: Okay. Great.

23 MR. DIMOPOULOS: Just get --

24 MS. KASSENOFF: Fine.

25 MR. DIMOPOULOS: -- the Order signed today, so

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1 that we can get -- it's a process.

2 MS. KASSENOFF: It has been a problem,
3 Mr. Dimopoulos.

4 I've been asking for that language for some
5 time, and you keep resisting.

6 MR. DIMOPOULOS: No.

7 MS. KASSENOFF: You were the one who delayed.

8 THE COURT: Alright. Stop.

9 MS. KASSENOFF: Judge, how come when I speak --

10 THE COURT: You are represented by --

11 MS. KASSENOFF: But --

12 THE COURT: -- by counsel.

13 MS. KASSENOFF: -- Your Honor, here's the
14 problem: He does not know these facts, and would you
15 want to know why?

16 Because I have lawyer, after lawyer, after
17 lawyer, because I hire lawyers on credit cards, and,
18 then, I max out the cards, and I have no more money.

19 So, then, I have to get a new lawyer; then, a
20 new lawyer; then, a new lawyer; and these lawyers don't
21 know the facts.

22 Therefore, I must address --

23 THE COURT: Why didn't you get the Order
24 signed?

25 MS. KASSENOFF: Okay.

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1 It's -- I agree. I agree.

2 THE COURT: Okay.

3 MS. KASSENOFF: But, Judge --

4 THE COURT: Add the language, and get it done.

5 MS. KASSENOFF: Judge, I would like to say one
6 other thing, with regard to the issue that was just
7 raised, about this visit to the police office -- to the
8 Police Department of New Rochelle.

9 MR. KORNFELD: I don't think there is any basis
10 or need.

11 MS. KASSENOFF: I just want to say one quick
12 thing, okay?

13 MR. KORNFELD: Miss Kassenoff, I'm advising
14 you --

15 MS. KASSENOFF: Judge, I mean, you don't
16 generally know.

17 MR. KORNFELD: You -- you don't need to address
18 things that don't need to be addressed.

19 MS. KASSENOFF: John, I understand that, but I
20 would like to address this.

21 Your Honor --

22 THE COURT: Miss Kassenoff, I'm not adding him
23 to the Temporary Order of Protection.

24 MS. KASSENOFF: This is what I believe.

25 THE COURT: I'm not addressing that.

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1 MS. KASSENOFF: I understand.

2 I believe I need a

3 Temporary Order of Protection. That is what I believe.

4 My reasoning for going to the New Rochelle
5 Police Department is that he admitted to being in my
6 garage, at nighttime.

7 He, then, called me from Alexandra's phone,
8 repeatedly.

9 Then, I sent an E-mail to him, saying: Stop
10 calling me on the phone.

11 He continued, for six days, to call me, over,
12 and over, and over again.

13 I took the screen shots.

14 I went to the New Rochelle Police Department,
15 and I submitted them.

16 The first time I met with Officer Schlessinger,
17 I didn't have the screen shots, so I presented to him my
18 best recollection of what had happened.

19 Second time, when I met with Detective Machado,
20 I gave her all of those screen shots, and, at no time,
21 did she say anything to me, other than: We were going --
22 we are going to make you safe. We are going to make you
23 safe.

24 And that is why I'm asking This Court for a
25 reciprocal Temporary Order of Protection against the

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1 plaintiff.

2 MR. DIMOPOULOS: Your Honor, are the parties
3 under oath in this proceeding today?

4 THE COURT: No.

5 MR. DIMOPOULOS: Can we put them under oath,
6 please, Your Honor?

7 I'm making this request --

8 THE COURT: This is far beyond what the purpose
9 of this hearing is.

10 I'm issuing a Temporary Order of Protection for
11 the children.

12 MR. DIMOPOULOS: Okay.

13 The problem, Your Honor --

14 THE COURT: That is the only issue before me.

15 If he wants to make a written application for a
16 Temporary Order of Protection that addresses this
17 behavior in New Rochelle, which is not part of the
18 Order to Show Cause that's before me, then, he can do
19 that.

20 MS. KASSENOFF: Thank you, Your Honor.

21 THE COURT: Mrs. Kassenoff, you can file a
22 cross-motion, if you believe you need a
23 Temporary Order of Protection, as well.

24 MS. KASSENOFF: Thank you, Judge.

25 THE COURT: But it in the papers, and I'll

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1 decide it.

2 I'm not going to make that decision based upon
3 unsworn, hearsay testimony here today.

4 Okay.

5 What I'm here about is the TOP for the
6 children.

7 While that's being drafted, what's going on
8 with the lease issue?

9 MR. DIMOPOULOS: Mr. Wiederkehr did ask
10 Referee Ratner if The Court would issue an Order
11 directing him to release the lease.

12 THE COURT: But I saw that, and you issued a
13 counter-Order.

14 I don't see why there's a secret on the address
15 here.

16 MS. KASSENOFF: Your Honor --

17 MR. DIMOPOULOS: When you see -- when you see
18 the Orders, you'll understand why I submitted a
19 counter-Order, Your Honor.

20 THE COURT: Okay.

21 Mr. Kornfeld?

22 MR. KORNFIELD: That's it.

23 My understanding is that an Order and a
24 counter-Order have been submitted, and The Court will
25 sign one or -- one or the other.

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1 (Pause.)

2 MR. KORNFELD: What?

3 Sorry?

4 (Pause.)

5 THE COURT: Yes?

6 MR. KORNFELD: My client has -- as I understand
7 it -- has made an application to keep her address
8 confidential from the plaintiff.

9 We certainly understand why The Court wants to
10 know what Ms. Kassenoff's address will be when she moves,
11 but there are a number of reasons why she would like to
12 keep the address confidential.

13 And, certainly, while -- at the very least --
14 while the lease is executory, I -- she has not yet moved
15 in, and she will not be moving in until September -- she
16 will be concerned --

17 THE COURT: How would that not be addressed
18 by -- I have no problem signing the Order directing the
19 release of the lease and precluding Mr. Kassenoff or
20 anybody from contacting the management company.

21 I don't see how she can move to the small
22 community of Larchmont, where there's a Stay-away Order
23 and supervised visitation, without the parties knowing
24 what her address is.

25 MS. KASSENOFF: Your Honor, I haven't moved to

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1 that address yet.

2 Therefore, my point is that I would like --
3 want to be there, first, before I disclose that, because
4 I believe, as is the history of this case, the plaintiff
5 will look for a lot of ways to prevent that from
6 happening, just as he did last Summer, when he precluded
7 me from living in our jointly-owned home in New Rochelle
8 and reach a side deal with the tenant, in order for the
9 tenet to stay on.

10 THE COURT: Right.

11 But you are in the house.

12 I'm saying that I need to monitor what's going
13 on here.

14 I need to know where the place is -- is
15 located.

16 I understand that you're leaving the end of
17 August to move, August 31, or whatever, right?

18 MS. KASSENOFF: I don't have a closing date
19 yet. I'm waiting for a closing date.

20 That will determine when I'm moving.

21 THE COURT: I thought the closing date was
22 agreed upon.

23 MS. KASSENOFF: No, it's not.

24 THE COURT: Obviously --

25 THE CERTIFIED COURT REPORTER: One at a time,

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1 please.

2 MS. KASSENOFF: I'm sorry.

3 MR. DIMOPOULOS: I am -- I am not going to even
4 go there, Your Honor, and open up the conversation over
5 the two-week-long negotiation over the real-estate
6 contract.

7 I -- I don't want to get Your Honor into a
8 quagmire.

9 THE COURT: That's fine.

10 I'm going to sign the Order that I deem
11 appropriate, after I read them all.

12 Mrs. Kassenoff, please listen carefully as
13 I review the terms of the Temporary Order --

14 MS. KASSENOFF: Your Honor --

15 THE COURT: Please listen carefully.

16 MS. KASSENOFF: Yes, Judge.

17 THE COURT: Your failure to obey this Order may
18 subject you to mandatory arrest and criminal
19 prosecution --

20 MS. KASSENOFF: Thank you.

21 THE COURT: -- which may result in your
22 incarceration for up to seven years for Criminal Contempt
23 and/or may subject you to Supreme Court prosecution and
24 penalties for Contempt of Court.

25 If you fail to appear in court --

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1 MR. KORNFELD: Your Honor, I apologize for
2 interrupting.

3 I'm looking at the state that my client is in,
4 and I understand you've asked her to listen carefully --
5 and she has to -- but I'm concerned that, given the state
6 that she appears to be in, she's not hearing what is
7 being said, right now.

8 Can she -- you wait one minute for her to
9 compose herself?

10 THE COURT: Well, she can take a five-minute
11 break, but I'm reading this today, so there is no
12 misunderstanding as to the scope of this and the behavior
13 that is precluded.

14 MR. KORNFELD: I certainly understand that, but
15 I also want to make sure that she understands what
16 Your Honor is saying.

17 THE COURT: Take a break.

18 MR. KORNFELD: Let's go take a break,
19 Miss Kassenoff.

20 MS. KASSENOFF: This is where I am? This is
21 where I am?

22 MR. KORNFELD: Let's go take a break.

23 MS. KASSENOFF: This is where I am?

24 MR. KORNFELD: Miss Kassenoff.

25 MS. KASSENOFF: Just to take the children away?

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1 MS. MOST: Do you want me to leave, as well?

2 THE COURT: Yes.

3 Everybody should.

4 (All parties exited the courtroom.)

5 (A short recess was taken.)

6 THE COURT: Please bring them in.

7 MR. KORNFELD: Thank you, Your Honor.

8 THE COURT: Okay.

9 We're back on the record.

10 Okay.

11 Miss Kassenoff, let's start from the beginning.

12 Temporary Order of Protection.

13 MS. KASSENOFF: Thank you.

14 THE COURT: Your failure to obey this Order may
15 subject you to mandatory arrest and criminal prosecution,
16 which may result in your incarceration for up to seven
17 years for Criminal Contempt and/or may subject you to
18 Supreme Court prosecution and penalties for
19 Contempt of Court.

20 If you do not appear in court when you're
21 required to do so, this Order may be extended in your
22 absence and, then, continued in effect until a new date
23 is set by The Court.

24 This Order of Protection will remain in effect,
25 even if the protected parties have or consent to have

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1 contact or communication with you.

2 This Order of Protection can only be modified
3 or terminated by The Court.

4 The children cannot be held to violate this
5 Order, nor be arrested for violating this Order.

6 Whereas the determination has been made in
7 accordance with Section 240 and/or 252 of the
8 Domestic Relations Law, and you have been present in
9 court and advised of the issuance of this Order, and good
10 cause having been shown, now, therefore, it is hereby
11 ordered that Catherine Kassenoff observe the following
12 conditions of behavior:

13 You must stay away from Alexandra Kassenoff,
14 Charlotte Kassenoff, and Josephina Kassenoff, except for
15 supervised therapeutic access of one hour, per week.

16 MS. KASSENOFF: Thank you.

17 THE COURT: You may stay away from home of
18 Alexandra, Charlotte, and Josephina, 151 Beach Avenue,
19 Larchmont, New York.

20 MS. KASSENOFF: Thank you, Allan.

21 THE COURT OFFICER: Ma'am, do not speak to the
22 plaintiff, and do not speak over the judge.

23 MS. KASSENOFF: I have never seen anything like
24 this in my life.

25 THE COURT: Mrs. Kassenoff, you need to listen

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1 to me, as I read --

2 MS. KASSENOFF: I'm trying, Judge.

3 This is the hardest thing I have ever done in
4 my life, is to accept these terms, and to try to accept
5 that I am somehow being accused of a criminal act.

6 I have a squeaky-clean record.

7 I have never done anything against the law in
8 my entire life.

9 THE COURT: I'm not accusing you of a criminal
10 act.

11 MS. KASSENOFF: This is absurd.

12 This is absurd.

13 This was -- it was -- it was not warranted.

14 His Affidavit is filled with lies.

15 THE COURT: Please sit down.

16 MS. KASSENOFF: Absolutely filled with
17 verifiable lies.

18 THE COURT: Please sit down, so I can finish
19 reviewing the Order.

20 And stay away from Alexandra, Charlotte, and
21 Josephina's school camp and after-school camp activities.

22 Refrain from communication or any other contact
23 by mail, telephone, E-mail, Voice Mail, or other
24 electronic or any other means, with Alexandra,
25 Charlotte --

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1 MS. KASSENOFF: I can't do that.

2 THE COURT: -- and Josephina.

3 MS. KASSENOFF: I can't do that.

4 I can't that.

5 This is absurd.

6 What is happening is absurd.

7 Do you not see what you did?

8 You've taken a good mom who was listened to and
9 who's on supervised visitation for a year, and my own
10 cause, living in a destitute situation.

11 And, now, after April 8, when The Court has
12 said: Let's expand her access. Let's expand her access.
13 Let's normalize; here we are on an Order of Protection on
14 some B.S. allegations that you've raised in an Affidavit,
15 with no specificity, and that we are going to
16 demonstrate --

17 THE COURT: Miss Kassenoff, I need to finish
18 reviewing the Order.

19 MS. KASSENOFF: I'm done.

20 THE COURT: Please sit down.

21 If you leave the courtroom, you'll be held in
22 contempt.

23 (Pause.)

24 THE COURT: Refrain from assault, stalking,
25 harassment, aggravated harassment, menacing, reckless

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1 endangerment, strangulation, criminal obstruction to
2 breathing or circulation, disorderly conduct, criminal
3 mischief, sex abuse, sex misconduct, forcible touching,
4 or other unlawful act against Alexandra, Charlotte, and
5 Josephina Kassenoff.

6 If you have any handguns, pistols, revolvers,
7 rifles --

8 MS. KASSENOFF: I don't have guns.

9 THE COURT: Okay.

10 -- they must be surrendered immediately to the
11 Larchmont Police Department.

12 You must refrain from remotely monitoring or
13 otherwise interfering with any electronic device or other
14 object affecting the home, vehicle, or property of
15 protected persons by connection through any means,
16 including but not limited to the Internet, Bluetooth, a
17 wired or wireless network or other wireless technology.

18 MS. KASSENOFF: Oh, my God. This is awful.

19 THE COURT: This Order will remain in effect
20 until January 6, 2022.

21 THE COURT OFFICER: Sit down, ma'am. Sit down.

22 THE COURT: January 6, 2022, unless extended or
23 terminated by The Court prior to that date.

24 Could you make a copy, please. Make one for --

25 (An off-the-record discussion was held between

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1 The Court and the Court Clerk.)

2 MS. KASSENOFF: My personal belongings.

3 That's not how I -- my personal belongings.

4 I don't even have clothing.

5 MR. KORNFELD: We will arrange for a third
6 party.

7 THE COURT: Yes, Mr. Kornfeld?

8 MR. KORNFELD: Thank you, Your Honor.

9 Couple quick things: My client has
10 approximately, I think, an eight-year history of living
11 in the Village of Larchmont.

12 She has friends in the Village of Larchmont.

13 She has places, as Mr. Dimopoulos says, where
14 she eats, in the Village of Larchmont.

15 There may or may not be, on occasion,
16 incidental contact between Ms. Kassenoff and the
17 protected persons.

18 I am looking for some guidance.

19 Is she -- if she is sitting down, as
20 Mr. Dimopoulos previously suggested, sitting down at a
21 restaurant, and she -- and, obviously, she will not go
22 anywhere where she knows the children to be.

23 But, if she is somewhere and the children come
24 into her area, is she required to retreat?

25 MS. KASSENOFF: Why?

Proceedings

1 THE COURT: Yes.

2 MR. KORNFELD: I'm trying -- okay.

3 MS. KASSENOFF: Your Honor, if I am sitting at
4 a business lunch, in Larchmont, having lunch with
5 somebody, and my daughters walk down the street and come
6 over and say, "Hello" to me, I have to get up and excuse
7 myself and get the hell away from everybody?

8 Is that what I'm supposed to do?

9 THE COURT: Your daughters will be informed of
10 the Order --

11 MS. KASSENOFF: They don't listen to the Order.

12 THE COURT: -- and that they are not to --

13 MS. KASSENOFF: Excuse me.

14 MR. KORNFELD: You have to listen to the judge.
15 You asked her a question.

16 MS. KASSENOFF: Judge --

17 THE COURT: Mrs. Kassenoff, in that situation,
18 if you're at a business lunch and your daughters approach
19 you and say, "Hello", then, you can say, "Hello," back
20 and that you cannot speak with them right now.

21 MS. KASSENOFF: That's what -- that's what I
22 said I would --

23 THE COURT: And, then, I would notify your
24 attorney, to say this encounter occurred and the children
25 were advised they couldn't stop.

Proceedings

1 MS. KASSENOFF: Judge, that's fine.

2 THE COURT: Okay.

3 MS. KASSENOFF: I just want to make sure that
4 that's correct.

5 May I make one more application?

6 THE COURT: Yes.

7 You cannot approach -- walk over to them; but,
8 if they approach you --

9 MS. KASSENOFF: I understand.

10 THE COURT: -- I'm not going to tell you to go
11 running away.

12 MS. KASSENOFF: I understand.

13 THE COURT: You just say, "Hello," but you
14 can't talk to them right now.

15 MS. KASSENOFF: Judge, just in a similar vein.

16 THE COURT: Mm-hmm.

17 MS. KASSENOFF: I am in an at-peril situation,
18 now, because every time I set foot somewhere in
19 Larchmont, I have to be on alert that somebody who I'm
20 protected from is not in my immediate vicinity, right?

21 So, in order to protect myself from these bogus
22 claims that they've made, which we will show to be
23 absolutely bogus -- and I think you will find your
24 plaintiff, now, has a huge credibility issue -- but, in
25 order to protect myself sufficiently from additional

Proceedings

1 bogus claims, I am demanding -- or, I'm asking, I guess,
2 of The Court that I be permitted to wear a body cam, at
3 all times, at his cost, at his cost.

4 THE COURT: I'm not going to do that,
5 Ms. Kassenoff.

6 MS. KASSENOFF: I don't have the money.

7 THE COURT: This is what I'm going to tell you,
8 okay?

9 MS. KASSENOFF: Alright.

10 THE COURT: No one is saying that you cannot go
11 to the Village of Larchmont at this point in time.

12 MS. KASSENOFF: I understand.

13 THE COURT: What I am saying is: If you see
14 the children in front of the school, do not walk over and
15 approach the children.

16 MS. KASSENOFF: Judge, here's the problem --

17 MR. KORNFELD: Listen.

18 THE COURT: If you're across the street and
19 your child crosses the street to say, "Hello," to you,
20 you may say, "Hello," and say, "I can't talk to you,
21 right now," and walk away.

22 MS. KASSENOFF: Judge, may I interrupt you, for
23 one moment.

24 MR. KORNFELD: You may not.

25 MS. KASSENOFF: I understand your point.

Proceedings

1 THE COURT: No one expects you to walk around
2 with a 360-degree automatic, looking everywhere.

3 MS. KASSENOFF: Judge, what I'm saying to
4 you --

5 THE COURT: But you need to walk away, after
6 you say, "Hello," because you are not allowed to interact
7 with the children without a therapeutic supervisor.

8 MS. KASSENOFF: Judge, would you please let me
9 address that?

10 THE COURT: Sure.

11 MS. KASSENOFF: I understand that, and that is
12 exactly what happened a couple weeks ago.

13 That's exactly what happened.

14 And, yet, here I am, in front of this
15 situation, in front of The Court, having to defend on a
16 TOP, where, if I had had a body cam on me, I would be
17 sitting back, going: Oh, well. Good luck with that,
18 Mister -- Mr. Plaintiff.

19 THE COURT: Okay.

20 MS. KASSENOFF: So I need --

21 THE COURT: You're -- you're going to put in
22 your opposition papers, and, then, we'll have a hearing,
23 and everybody will get to present their side, okay?

24 But it's not wise to think you're going to walk
25 around with a body camera and start filming the children

Proceedings

1 all over the place.

2 MS. KASSENOFF: That's not what I'm saying,
3 Judge.

4 THE COURT: You can't do that.

5 MS. KASSENOFF: Judge, may I?

6 I want to be really clear: I am doing it to
7 protect myself from incarceration and harassment by the
8 plaintiff.

9 The only way I can see to effectively do that,
10 other than to walk around with witnesses all the time,
11 bodyguards or whoever, other than that is through a body
12 cam that I cannot afford.

13 Therefore, I am asking The Court to please have
14 the cost of such a device, which protects me, made,
15 covered by the plaintiff.

16 MR. DIMOPOULOS: Your Honor, I can think of a
17 zero-cost solution: Perhaps she just stays out of
18 Larchmont.

19 MS. KASSENOFF: Oh, I'm sure you would like
20 that. I'm sure you would like that.

21 The problem for you, Mr. Dimopoulos is --

22 THE COURT: Miss Kassenoff.

23 I'm not directing her to stay out of Larchmont,
24 okay?

25 Just -- just do the Order.

Proceedings

1 It's just: If you see the children, walk away.

2 MS. KASSENOFF: Judge, that is not --

3 THE COURT: If the children approach you, you
4 say, "Hello," and say, "I can't talk right now."

5 MS. KASSENOFF: I did that this time, Judge,
6 and look at where we are.

7 THE COURT: Then, you'll testify to that.

8 MS. KASSENOFF: No.

9 But, then, you're going to have to make a
10 credibility determination.

11 MR. KORNFELD: Miss Kassenoff.

12 MS. KASSENOFF: Excuse me.

13 If you -- you're going to have to make a
14 credibility determination.

15 I don't need you to make a credibility
16 determination, if I have a body cam.

17 THE COURT: I'm not directing him to pay for a
18 body camera.

19 MR. KORNFELD: Okay.

20 MS. KASSENOFF: Your Honor, if you --

21 MR. KORNFELD: I thank you.

22 Miss Kassenoff --

23 MS. KASSENOFF: It seems like a setup.

24 MR. KORNFELD: Thank you.

25 MS. KASSENOFF: It seems likes a setup.

Proceedings

1 MR. KORNFELD: Okay.

2 Thank you.

3 MS. KASSENOFF: That's what this is, a setup.

4 MR. KORNFELD: Thank you.

5 Alright.

6 I apologize.

7 Thank you very much for --

8 MS. KASSENOFF: Don't apologize.

9 THE COURT: Alright.

10 So she needs to work out --

11 MR. KORNFELD: No, not for you.

12 I'm apologizing for -- for what I'm saying.

13 I apologize for me.

14 I just wanted to, first of all, thank you for
15 allowing the client to address The Court.

16 I appreciate that.

17 Number -- I think one concern that Ms. -- that
18 is inherent in what Ms. Kassenoff said is: My
19 understanding is that there is an extant Order
20 understandably --

21 THE COURT: Do you have the
22 Order of Protection?

23 THE COURT CLERK: Mm-hmm.

24 (An off-the-record discussion was held between
25 The Court and the Court Clerk.)

Proceedings

1 MR. DIMOPOULOS: Can we --

2 THE COURT: Did you deliver this, too?

3 MR. DIMOPOULOS: Could we have one more copy
4 please, if you can, Ms. Valentin.

5 THE COURT CLERK: Sure.

6 MS. MOST: And, Your Honor, if I could get a
7 copy, as well.

8 MR. KORNFELD: Your Honor, my -- my
9 understanding is that there is an extant Order that
10 the --

11 THE COURT: Who has a copy of the
12 Order of Protection?

13 MR. KORNFELD: I have one here.

14 THE COURT: Can you give it to the Officer and,
15 then, deliver it to Mrs. Kassenoff on the record, please.

16 MR. KORNFELD: Sure.

17 (The document was handed to the Court Officer.)

18 THE COURT: The record will reflect that
19 the Court Officer has served Mrs. Kassenoff with a copy
20 of the Temporary Order of Protection.

21 MS. KASSENOFF: Thank you.

22 Thank you.

23 Thank you, all.

24 THE COURT: We will provide you with another
25 copy, Mr. Kornfeld.

Proceedings

1 MR. KORNFELD: Thank you, Your Honor.

2 MS. KASSENOFF: Thank you so much.

3 THE COURT: We need to close out the court
4 proceedings at this time.

5 THE COURT OFFICER: Ma'am.

6 MS. KASSENOFF: Oh, stop.

7 This is inhuman.

8 THE COURT: You can escort the parties off the
9 floor.

10 THE COURT OFFICER: Come on.

11 Come on, sir.

12 MS. KASSENOFF: This is disgusting.

13 This is disgusting.

14 THE COURT: All parties need to leave the
15 floor. It's 12:30.

16 Mr. Dimopoulos, you can't leave yet.

17 Your client.

18 (The parties exited the courtroom.)

19 THE CERTIFIED COURT REPORTER: Are you going to
20 share the cost of the transcript?

21 MR. KORNFELD: I'll ask him. I assume we're
22 going to do whatever's been done previously.

23 THE CERTIFIED COURT REPORTER: Mr. Dimopoulos,
24 are you two going to share the cost of the transcript?

25 MR. DIMOPOULOS: I can't -- or, if you'd like

Proceedings

1 to, I would love to share it.

2 MR. KORNFELD: What have you been doing
3 previously?

4 THE COURT: No, he's going to. He'll pay for
5 it, subject to reallocation.

6 The transcript will be ordered by the plaintiff
7 and will supply a copy to Defense counsel, The Court, and
8 to the AFC, subject to reallocation.

9 MR. DIMOPOULOS: With a copy to The Court, you
10 said?

11 THE COURT: Yes, The Court.

12 MR. KORNFELD: If I may, while we still have
13 the record.

14 THE COURT: Yes, go ahead.

15 MR. KORNFELD: My understanding is there is an
16 extant Order that the parties are not to video or
17 otherwise record the children.

18 I understand, putting aside the financial
19 question, the reasonableness of my client's desire to
20 wear some kind of body cam for self-protection.

21 I would think that wearing a body cam would not
22 run afoul of that prior directive, but I was seeking some
23 clarification on that.

24 I don't see how it would, but I would be very
25 concerned, because this is -- I think we're up to

Proceedings

1 Item 1400 on NYSCEF.

2 There seems to be somewhat of a --

3 THE COURT: Don't remind me.

4 MR. KORNFELD: So it seems to be somewhat of a
5 litigious case that I've come into, and I would not want
6 there to be an application, another application for
7 contempt, if Ms. -- if Ms. Kassenoff were to be wearing a
8 body cam.

9 That was something that I wanted to address.

10 THE COURT: The children are not to be
11 videotaped. That includes whether they show up on a body
12 cam, or an i-Phone, or some such other thing, because
13 they're just videotaped, and, then, it's used as evidence
14 during this court proceeding.

15 That's the ruling of The Court.

16 That's been the ruling of The Court for two
17 years, and that continues to be the ruling of The Court.

18 MR. KORNFELD: Well, I understand that.

19 But, now, frankly, it is a bit problematic if
20 she is not able to have -- I'm not saying have -- I'm not
21 saying: Video the children.

22 But, if she has something on her, and the --
23 and the children have come up to her, that is -- you
24 know, I -- it seems to me --

25 THE COURT: Okay, fine.

Proceedings

1 MR. KORNFELD: -- she should be permitted to
2 do that.

3 THE COURT: This is absurd.

4 MR. KORNFELD: Yes.

5 THE COURT: She wants to wear a body cam that
6 will display the children running up to her.

7 How would I know that she doesn't signal them
8 to come over and, then, turn it on when the children
9 approach her?

10 I mean, it's not as if you cannot manipulate a
11 body cam, like you can do everything else.

12 How would I know that?

13 MR. KORNFELD: Okay.

14 I don't know how you know that.

15 THE COURT: So --

16 MR. KORNFELD: I -- I -- so I hear what you're
17 saying.

18 I'm making my request, and I'm making my
19 record.

20 THE COURT: Okay.

21 MR. KORNFELD: Thank you.

22 And the only other thing was: I did ask
23 The Court for clarification, with respect to the
24 directive.

25 THE COURT: Yes.

Proceedings

1 I reviewed your letter, and it was an oversight
2 on the redaction, with respect to what you can deliver to
3 Dr. Abrams.

4 I precluded conversations with the police
5 officers, and the failure to redact the telephone number
6 or contact number was inadvertent.

7 MR. KORNFELD: Ah.

8 THE COURT: So he cannot contact the police
9 officers.

10 MR. KORNFELD: Alright.

11 THE COURT: This is about his interview with
12 the family.

13 MR. KORNFELD: Okay.

14 MR. DIMOPOULOS: I'm sorry.

15 Forgive me, Your Honor.

16 I just -- I was reviewing the Order for a
17 second.

18 Who can not contact who?

19 I'm sorry.

20 THE COURT: When I crossed off the collateral,
21 updated collateral source list, and took off the
22 detective's name, I forgot to delete the telephone.

23 MR. DIMOPOULOS: Oh, yes; yes; yes; yes; yes.

24 THE COURT: So I'm saying, right now, that was
25 an inadvertent oversight on my behalf, and there was no

Proceedings

1 contact with the police officers.

2 MR. KORNFELD: Thank you.

3 And -- but what I was asking you about right
4 now was the scope of the directive, with respect to
5 Mr. Kassenoff's cell phone, whether it -- that -- that it
6 includes the prior date, and it includes the surrounding
7 time period.

8 THE COURT: Okay.

9 I don't know what -- what is the May 17 date?

10 I don't recall that being in the motion?

11 MR. KORNFELD: It's in the motion.

12 MR. DIMOPOULOS: There was an incident where
13 Mrs. Kassenoff went to Jojo's school.

14 THE COURT: Oh, right.

15 MR. DIMOPOULOS: At a drop-off time.

16 I'm not going to say why she was there --
17 she'll tell us -- but she came to the school; approached
18 Jojo.

19 We didn't do anything about it, at that time,
20 and, then, we added it to this motion.

21 So there is -- there is one photo, I can tell
22 you that he took of her getting out of the car.

23 We will send that to you, and we will send the
24 photos he took on the day and on the day in question.

25 THE COURT: Okay.

1 THE COURT CLERK: I -- I left it there, on top
2 of your papers.

3 MR. DIMOPOULOS: Okay.

4 Thank you, guys.

5 Great seeing you.

6 THE SENIOR COURT CLERK: I'm going to upload it
7 to NYSCEF, right now.

8 MR. KORNFELD: Oh, okay.

9 Thank you.

10 THE SENIOR COURT CLERK: Okay?

11 I put it right on top.

12 - - -

13 (The proceedings were concluded.)

14 - - -

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C E R T I F I C A T I O N

This transcript is certified to be a true and accurate transcription of the proceedings in the case of:
ALLAN KASSENOFF versus CATHERINE KASSENOFF, reported on Tuesday, July 6, 2021.

Diane M. Molas, RDR, CRI, CLR, CT LSR, NJ CCR,
and Notary Public
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NCRA Registered Diplomate Reporter
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DIANE M. MOLAS, RDR, CRI, CLR, CT LSR, and NJ CCR
SENIOR COURT REPORTER

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