

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

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

6 -----X  
7 Westchester County Supreme Court  
8 111 Dr. Martin Luther King, Jr. Blvd.  
9 White Plains, New York 10601  
10 Friday, November 5, 2021

11 B E F O R E:

12 HON. LEWIS LUBELL  
13 Justice of the Supreme Court

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

15 DIMOPOULOS BRUGGEMAN P.C.  
16 Attorneys for the Plaintiff  
17 73 Main Street  
18 Tuckahoe, New York 10707  
19 BY: GUS DIMOPOULOS, ESQ.

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22 26 Broadway  
23 New York, New York 10004  
24 BY: ANDREW J. FISCH, ESQ.

25 KRAUSS, SHAKNES, TALLENTIRE & MESSERI, LLP  
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BY: ERIC T. SAAR, ESQ.

MOST & SCHNEID, P.C.  
Attorneys for the Defendant  
222 Bloomingdale Road, Suite 302  
White Plains, New York 10605  
BY: CAROL W. MOST, ESQ.

ALSO PRESENT: EVAN WIEDERKEHR, Virtual

Mary T. Slavik, RPR  
Senior Court Reporter

## PROCEEDINGS

1 THE COURT: This is the matter of  
2 Kassenoff versus Kassenoff, Index Number 58217 of  
3 2019.

4 Can I have plaintiff's appearance,  
5 please?

6 MR. DIMOPOULOS: Dimopoulos Bruggemann,  
7 by Gus Dimopoulos, on behalf of plaintiff, Allan  
8 Kassenoff, who is in Court, to my right.

9 Good afternoon, your Honor.

10 THE COURT: Good afternoon. For the  
11 defendant?

12 MR. FRISCH: For Ms. Kassenoff, Andrew  
13 Frisch, your Honor.

14 Good afternoon.

15 THE COURT: Good afternoon.

16 MR. SAAR: For Ms. Kassenoff, Krauss,  
17 Shaknes, Tallentire & Messeri, 350 5th Avenue, New  
18 York, New York, by Eric T. Saar.

19 Good afternoon, your Honor.

20 THE COURT: Mr. Wiederkehr, your  
21 appearance.

22 MR. WIEDERKEHR: Evan Wiederkehr,  
23 Wiederkehr Law Group, co-counsel to Ms. Kassenoff.

24 Can you hear me, your Honor?

25 THE COURT: Yes. For the children.

## PROCEEDINGS

1 MS. MOST: Good afternoon. Carol Most,  
2 attorney for the children.

3 THE COURT: Be seated. First off, it  
4 appears that there was a group of people that  
5 wanted to attend this particular conference,  
6 hearing. This courtroom is deemed sealed pursuant  
7 to Judiciary Law, Section Four. Most people read  
8 only the first line and don't bother reading the  
9 balance of it, but the Court is going to read it  
10 into the record so everyone is clear. Judiciary  
11 Law, Section Four, states that the sittings of  
12 every court within this State shall be public and  
13 every citizen may freely attend the same, except  
14 that in all proceedings and trials in cases for  
15 divorce -- and it then lists other matters -- the  
16 Court may, in its discretion, exclude therefrom  
17 all persons who are not directly interested  
18 therein, excepting jurors, witnesses, and officers  
19 of the Court.

20 I exercise my discretion. There are  
21 sensitive issues involving young children that do  
22 not need their family matters aired in a  
23 courtroom, and any parent that wishes that to  
24 happen should question their actions. We're here  
25 to discuss and to argue and to present testimony

## PROCEEDINGS

1 and ultimately make a determination on certain  
2 motions for contempt.

3 The Court is in possession of motion  
4 sequence number 29, which is -- and I'm sorry --  
5 strike that.

6 The Court is in possession of what has  
7 been designated as motion sequence 33, which is  
8 plaintiff's motion for contempt. I'm in  
9 possession of motion sequence 34, which is  
10 plaintiff's motion for contempt. I'm in  
11 possession of motion sequence 35, which is  
12 plaintiff's motion for contempt; motion sequence  
13 36, which is defendant's motion for contempt; and  
14 motion sequence number 38, defendant's motion for  
15 contempt; and motion sequence number 40,  
16 plaintiff's motion for contempt.

17 Who wishes to go first on their motions?  
18 Mr. Dimopoulos, Mr. Frisch?

19 MR. SAAR: Your Honor, would it be  
20 possible for me to be heard, just two minutes of  
21 the Court's time?

22 THE COURT: Yes, if you use a  
23 microphone.

24 MR. SAAR: My pleasure. Judge, I'm just  
25 asking to be heard briefly on the issues of access

## PROCEEDINGS

1 for my client. My client has gone with zero  
2 contact with her children now for over six months  
3 and has not had an opportunity to be heard on that  
4 issue. There has not been a hearing conducted.  
5 Her parental rights have effectively been  
6 terminated since that time.

7 THE COURT: There was a hearing and a  
8 decision and order by Judge Koba, where certain  
9 findings were made. That decision and order of  
10 Judge Koba -- if it's been appealed -- I'm not  
11 aware of any stay, and if it hasn't been appealed,  
12 it's the order of the Court.

13 MR. SAAR: But that order did not  
14 terminate Ms. Kassenoff's access with the  
15 children. She has gone now, since April or May,  
16 without seeing or having any contact whatsoever  
17 with the children, even no supervised Zoom calls  
18 have been going on. And the last order of this  
19 Court, or of Judge Koba, was that Ms. Kassenoff  
20 was entitled to have supervised Zoom calls. We  
21 would request at this time that those calls be  
22 reinstated.

23 And in addition to that, your Honor, in  
24 a proceeding before Judge Koba on April 8th, Judge  
25 Koba expressed interest in normalizing Ms.

## PROCEEDINGS

1 Kassenoff's time with her children.

2 She -- Judge Koba actually said, quote,  
3 "In terms of the time, I think if we were ever to  
4 transition to more access to the mother as we  
5 progress, that we need to start that." That was  
6 on April 8th, 2021.

7 The Court went on to say, "I think it's  
8 probably better for the children to -- one child  
9 at a time, four hours, for a more normalized  
10 visit." And the Court went on to state that we  
11 need to start moving forward and try to work out a  
12 way to hopefully increase this access at some  
13 point.

14 Since that time, in fact, the exact  
15 opposite has happened, your Honor. There have  
16 been a flurry of contempt motions and orders of  
17 protection.

18 THE COURT: Which, Mr. Saar, is why  
19 we're here.

20 MR. SAAR: Understood.

21 THE COURT: Okay. And the Court  
22 indicated in its notice to all counsel, that if  
23 time permits, we will address other extant motions  
24 and applications. So because I'm here to deal  
25 with the issues of contempt, of which I have

## PROCEEDINGS

1           bilateral applications, I'm doing that first, and  
2           we will then proceed, if we are, if we can, to  
3           other extant issues, Counsel; otherwise, it will  
4           be addressed -- if we have to come back, if this  
5           hearing is not finished, then we will have to come  
6           back, and we will be guided accordingly.

7           MR. SAAR: I appreciate that, your  
8           Honor, and I appreciate the Court's time and  
9           consideration of the issue. It's imperative that  
10          --

11          THE COURT: First of all, you missed  
12          what I just said.

13          MR. SAAR: I understand.

14          THE COURT: I want to get through the  
15          contempt proceeding, and then the attorney for the  
16          children is going to have something to say in  
17          response to your application, and I'm going to  
18          hear from Mr. Dimopoulos, which will take time,  
19          and I have no documentation in front of me, other  
20          than your reference to various documents filed by  
21          NYSCEF.

22          So we will deal with the contempt first,  
23          and to the extent there is time available, or if  
24          we need to come back, Mr. Saar, then we will do  
25          so.

## A. KASSENOFF - DIRECT - (DIMOPOULOS)

1 MR. SAAR: Okay. Thank you, your Honor.

2 MR. DIMOPOULOS: Your Honor, at this  
3 time the plaintiff is prepared to proceed with the  
4 contempt hearing.

5 THE COURT: Okay. Mr. Dimopoulos, would  
6 you please turn your microphone on, please?

7 MR. DIMOPOULOS: I just need to get a  
8 little closer. The plaintiff would like to call  
9 Allan Kassenoff to the stand, please, your Honor.

10 THE COURT: Mr. Kassenoff. Are you  
11 going to combine all of your applications in each  
12 witness, Mr. Dimopoulos?

13 MR. DIMOPOULOS: That is correct, your  
14 Honor.

15 THE COURT: Okay. Mr. Kassenoff, raise  
16 your right hand, please, sir.

17 Do you swear or affirm that the  
18 testimony you will give in the courtroom relative  
19 to the proceedings held here today or any other  
20 day will be truthful?

21 THE WITNESS: Yes.

22 THE COURT: Put your hand down. Can I  
23 have your full name and address for the record,  
24 please?

25 THE WITNESS: Allan Andrew Kassenoff,



A. KASSENOFF - DIRECT - (DIMOPOULOS)

1 161 Beach Avenue, Larchmont, New York, 10538.

2 THE COURT: Speak into the microphone,  
3 Mr. Kassenoff, your mask is compromising your  
4 testimony.

5 THE WITNESS: Okay.

6 THE COURT: You may inquire.

7 MR. DIMOPOULOS: Thank you, your Honor.

8 DIRECT EXAMINATION

9 BY MR. DIMOPOULOS:

10 Q. Mr. Kassenoff, I'm going to show you what I  
11 marked as Plaintiff Exhibit Number 1.

12 MR. DIMOPOULOS: I'm going to hand up a  
13 binder of paper exhibits to your Honor, if that's  
14 okay, and an exhibit list with the documents  
15 electronic.

16 THE COURT: Hold on. Mr. Wiederkehr, do  
17 you need any courtesy to help view anything, or  
18 you have all the document in question?

19 MR. WIEDERKEHR: I'm good. Thank you,  
20 your Honor.

21 THE COURT: Okay. You may inquire.

22 BY MR. DIMOPOULOS:

23 Q. Mr. Kassenoff, marked for identification is  
24 Plaintiff's Exhibit 1, is a September 23rd, 2021, order  
25 of this Court. Are you familiar with this order?

A. KASSENOFF - DIRECT - (DIMOPOULOS)

1 A. Yes.

2 THE COURT: Mr. Dimopoulos, please be  
3 seated. You can question from your seat. I want  
4 all counsel to utilize any amplification that they  
5 can.

6 Q. Are you familiar with this order?

7 A. Yes, I am.

8 Q. And in sum and substance, what does this  
9 order say?

10 A. It was an order of protection that the Court  
11 issued against Ms. Kassenoff on behalf of the three  
12 girls, preventing any contact, both physical, a  
13 stayaway, and refrain from communications.

14 MR. DIMOPOULOS: Michael, if you can go  
15 down to the order.

16 Q. Can you please read for the record paragraph  
17 14?

18 A. It's a little difficult, but "refrain from  
19 communication or any other contact by mail, telephone,  
20 e-mail, voicemail, or other electronic."

21 Q. I will read it for you. "Electronic or any  
22 other means with Alexandra Kassenoff, date of birth  
23 7/15/2009, Charlotte Kassenoff, date of birth February  
24 1st, 2011, and Josephina Kassenoff, date of birth  
25 8/10/2013;" is that correct?

A. KASSENOFF - DIRECT - (DIMOPOULOS)

1 A. Yes.

2 Q. And those three names, are those your  
3 children?

4 A. Yes.

5 MR. DIMOPOULOS: And your Honor, at this  
6 time I would ask that the order of protection be  
7 moved into evidence as either Plaintiff's 1 or  
8 Court's 1, whatever you prefer.

9 THE COURT: I have no exhibits. Any  
10 objection, Mr. Frisch?

11 MR. FRISCH: No objection.

12 THE COURT: No objection raised thereto,  
13 Plaintiff's Exhibit 1 is in evidence.

14 (Whereupon, Plaintiff's Exhibit 1 was  
15 received into evidence.)

16 Q. Is this the first order of protection signed  
17 by a court in this proceeding?

18 A. No, it's not.

19 Q. And I would like to show you what's been  
20 marked as Plaintiff's Exhibit 2 for identification,  
21 please.

22 On July 6, 2021, an order of protection was  
23 entered on NYSCEF. Are you familiar with the facts and  
24 circumstances surrounding this order?

25 A. Yes.

A. KASSENOFF - DIRECT - (DIMOPOULOS)

1 Q. Is this order, in your opinion -- withdrawn.

2 Is this order, in sum and substance, similar  
3 to the order we just discussed in Plaintiff Exhibit 1?

4 A. It's virtually identical, except Exhibit 1  
5 had one further restriction to it.

6 Q. And what is that further restriction, sir?

7 A. It was a one-mile stayaway, and I can't  
8 remember if it was from my house or from my house and  
9 the kids' schools. I don't remember which one it was.

10 MR. DIMOPOULOS: At this time, your  
11 Honor, I would like to move Plaintiff's Exhibit 2  
12 into evidence.

13 MR. FRISCH: No objection.

14 MS. MOST: No objection.

15 THE COURT: No objection raised thereto,  
16 Plaintiff's Exhibit 2 is in evidence.

17 (Whereupon, Plaintiff's Exhibit 2 was  
18 received into evidence.)

19 Q. I would like to call your attention, please,  
20 to Plaintiff's Exhibit 4, marked for identification.  
21 In this particular order, Mr. Kassenoff, filed on  
22 NYSCEF on October 30th, 2020, concerns contact with a  
23 therapist. Are you familiar with this order?

24 A. Yes.

25 Q. Okay. If you can zoom out for a second, I

## A. KASSENOFF - DIRECT - (DIMOPOULOS)

1 know you are having difficulty reading. First decretal  
2 paragraph ordered. "Provided either Dr. Adler or Dr.  
3 McGuffog, the therapist, request to speak with either  
4 parent unilaterally. The party who received the  
5 request is permitted to have unilateral contact in  
6 person, on the phone, or in writing, with the  
7 requesting therapist. Order: Neither party is  
8 permitted to request unilateral contact; the request  
9 must be made by the therapist."

10 If we can go up to the first paragraph,  
11 please.

12 "Whereas this Court has previously ordered  
13 that neither party have contact with either Dr. Susan  
14 Adler, the current therapist for Charlotte Kassenoff  
15 and Josephina Kassenoff, or Dr. Caroline McGuffog, the  
16 current therapist for Alexandra Kassenoff, outside the  
17 presence of the other party, except for scheduling  
18 purposes."

19 Is that your understanding of the order  
20 entered on October 30th, 2020, sir?

21 A. Yes.

22 MR. DIMOPOULOS: Permission to move this  
23 order into evidence, please, your Honor.

24 MS. MOST: No objection.

25 MR. FRISCH: No objection.

A. KASSENOFF - DIRECT - (DIMOPOULOS)

1 THE COURT: No objection raised thereto,  
2 Plaintiff's Exhibit 4 is in evidence.

3 (Whereupon, Plaintiff's Exhibit 4 was  
4 received into evidence.)

5 Q. Plaintiff Exhibit 5, marked for  
6 identification, is a copy of an order, sir, entered on  
7 NYSCEF on May 25th, 2021.

8 MR. DIMOPOULOS: I would like you to  
9 zoom out for a second, Michael.

10 Q. Now, can you see that order, sir?

11 A. I can't read it.

12 Q. Okay. This order concerns the communications  
13 between Catherine Kassenoff and your employer,  
14 Greenberg Traurig. Are you familiar with this order?

15 A. Yes.

16 Q. What were the circumstances that led the  
17 court to enter this order, if you recall?

18 A. About, probably a year and a half ago,  
19 Catherine e-mailed the general counsel of Greenberg  
20 Traurig to report me for using my firm e-mail for  
21 personal usage, and for using my conference call  
22 dial-in number for personal usage, and she found that  
23 the firm needed to know that.

24 Q. And how did you learn about that?

25 A. The general counsel walked into my office and

## A. KASSENOFF - DIRECT - (DIMOPOULOS)

1 handed me a copy of the e-mail.

2 Q. If we can move down to the second --

3 THE COURT: Stop, for a second.

4 Officers, has everyone been checked for phones to  
5 be off and any recording devices that may be on  
6 their persons?

7 THE COURT officer: I told both parties,  
8 Mr. Kassenoff and Ms. Kassenoff, that their phones  
9 must be powered off and put away. They cannot be  
10 visible in the court, and they must be in either a  
11 bag or in their pockets.

12 THE COURT: Can we confirm that?

13 THE COURT OFFICER: I see Mr.  
14 Kassenoff's phone is off.

15 THE COURT: Is anyone in this courtroom  
16 in possession or utilizing a device to record this  
17 proceeding? And I will start with you, Mr.  
18 Kassenoff.

19 MR. KASSENOFF: No, your Honor.

20 THE COURT: Mr. Dimopoulos?

21 MR. DIMOPOULOS: No, your Honor.

22 THE COURT: Ms. Most?

23 MS. MOST: No, your Honor.

24 THE COURT: Mr. Frisch?

25 MR. FRISCH: No, your Honor.

A. KASSENOFF - DIRECT - (DIMOPOULOS)

1 THE COURT: Ms. Kassenoff?

2 MS. KASSENOFF: I'm sorry, I didn't hear  
3 what you asked.

4 THE COURT: Do you have any device on  
5 your person or in any of your bags that is  
6 recording this proceeding?

7 MS. KASSENOFF: I do not, Judge.

8 THE COURT: Mr. Saar?

9 MR. SAAR: No, your Honor.

10 THE COURT: Go ahead, Mr. Dimopoulos.

11 BY MR. DIMOPOULOS:

12 Q. Calling your attention to the bottom of the  
13 page, the decretal paragraph, starting with the order  
14 that both parties are hereby prohibited.

15 A. Okay.

16 Q. Calling your attention to the paragraph that  
17 reads: "Order that both parties are hereby prohibited  
18 from criticizing, denigrating, or disparaging the other  
19 on any form of social media, including Facebook,  
20 Twitter, Instagram, et cetera." Are you familiar with  
21 that portion of that order?

22 A. Yes.

23 Q. What, if anything, led to the Court to enter  
24 that order, if you know?

25 THE COURT: Sustained as to form.



## A. KASSENOFF - DIRECT - (DIMOPOULOS)

1 MR. DIMOPOULOS: One second. If we can  
2 just move that document into evidence first, your  
3 Honor, and I will be guided by your commentary.

4 MS. MOST: No objection.

5 MR. FRISCH: No objection.

6 THE COURT: No objection raised thereto,  
7 Plaintiff's 5 is in evidence.

8 (Whereupon, Plaintiff's Exhibit 5 was  
9 received into evidence.)

10 Q. Mr. Kassenoff, from the date this matter was  
11 commenced, until the date of your testimony today, have  
12 you ever posted anything on social media concerning  
13 this divorce?

14 A. No.

15 Q. Have you ever posted anything disparaging  
16 against Catherine Kassenoff, from the date that this  
17 matter was commenced, until the date of your testimony  
18 today?

19 A. No.

20 Q. Prior to the date of this order, did Ms.  
21 Kassenoff post anything about you or the children on  
22 any form of social media?

23 A. Oh, yeah. Yeah.

24 Q. Prior to the order; correct?

25 A. Yes.

A. KASSENOFF - DIRECT - (DIMOPOULOS)

1 Q. And you brought those posts to the Court's  
2 attention?

3 A. I sent them to you.

4 Q. And after the date of this order, has Ms.  
5 Kassenoff posted on Facebook concerning this divorce?

6 A. Even more so than before, yes.

7 THE COURT: Yes or no, sir?

8 A. Yes.

9 Q. If you can estimate, since the date of this  
10 order, how many posts concerning this divorce has Ms.  
11 Kassenoff made?

12 A. I would say between 20 and 40.

13 THE COURT: How many, sir?

14 What was the witness's answer, Mary?

15 (Whereupon, the requested answer was  
16 read back by the court reporter.)

17 Q. Okay. Calling your attention, sir, to what I  
18 marked for identification Plaintiff's Exhibit 7., are  
19 you familiar with the depiction on this document?

20 A. Yes.

21 Q. What is it?

22 A. It was a screenshot that Charlotte took of  
23 her phone of an incoming call on her call log that she  
24 sent me.

25 Q. Charlotte is your daughter; correct?

## A. KASSENOFF - DIRECT - (DIMOPOULOS)

1 A. Yes.

2 Q. How old is Charlotte?

3 A. She's ten.

4 Q. And when did she send you this screenshot?

5 A. It was October 25th.

6 Q. 2021?

7 A. 2021.

8 Q. Okay. And from what purpose did she tell you  
9 she sent you this communication?

10 A. She called me and told me she received a call  
11 from a number she did not recognize.

12 MR. FRISCH: Objection.

13 THE COURT: Hearsay?

14 MR. FRISCH: Hearsay. Correct.

15 MR. DIMOPOULOS: Your Honor, if I may be  
16 heard on that?

17 THE COURT: Go ahead. I will hear you.

18 MR. DIMOPOULOS: The witness is  
19 testifying about a communication that he had with  
20 his daughter concerning this exhibit. He's not  
21 offering the testimony to prove the out-of-court  
22 statement for the truth of the matter asserted;  
23 only to authenticate the document.

24 THE COURT: I've got little children  
25 involved here, and I'm well aware of the findings

A. KASSENOFF - DIRECT - (DIMOPOULOS)

1 of whatever has been done with this, and in the  
2 best interest of the children, I'm going to allow  
3 it. Over objection, you have an exception. I  
4 usually allow only one a day, but I may be giving  
5 you a little more.

6 Q. You can answer.

7 THE COURT: You can answer, sir.

8 THE WITNESS: Can you repeat the  
9 question?

10 THE COURT: Read it back for the  
11 witness, please, Mary.

12 (Whereupon, the requested answer was  
13 read back by the court reporter.)

14 A. So she called me to tell me she received a  
15 call. I said, "What happened?" She answered the call,  
16 and a woman was on the line and said, "Is Charlotte  
17 there?" And she told me she actually thought it was  
18 Ms. Most, so she said, "This is Charlotte," and then  
19 the woman said, "This is Liz, I'm a friend of your  
20 mom's." Then Charlotte hung up the call and  
21 immediately called me.

22 Q. Okay. And this is a photograph of  
23 Charlotte's phone?

24 A. It was -- I asked her to send me a screenshot  
25 of the call log. So this is -- she took a screenshot

A. KASSENOFF - DIRECT - (DIMOPOULOS)

1 of her phone and texted it to me.

2 Q. Okay. This is a true and accurate depiction  
3 of what Charlotte sent to you?

4 A. Yes.

5 MR. DIMOPOULOS: Your Honor, permission  
6 to move Plaintiff's Exhibit 7 into evidence?

7 MS. MOST: No objection.

8 MR. FRISCH: No objection.

9 THE COURT: No objection raised thereto,  
10 Plaintiff's 7 is in evidence.

11 (Whereupon, Plaintiff's Exhibit 7 was  
12 received into evidence.)

13 Q. What, if anything, did you do to learn the  
14 identity of the caller?

15 A. I Googled the phone number.

16 Q. And what were the results of your search?

17 A. It's Elizabeth Harding Weinstein.

18 Q. And you found that on the Internet?

19 A. Yes. Google.

20 Q. And marked for identification is Plaintiff's  
21 Exhibit 8. I would like to show that to you, sir.

22 What is this document?

23 A. This is --

24 THE COURT: What is it?

25 A. It's an excerpt from my online account at

A. KASSENOFF - DIRECT - (DIMOPOULOS)

1 Verizon Wireless.

2 Q. You are the owner of the account that  
3 Charlotte's phone is on?

4 A. Yes.

5 Q. That telephone number, 917-359-9511, who's  
6 telephone number is that?

7 A. That's Charlotte's number.

8 Q. If we can go down to the second page.  
9 Calling your attention to the last entry, at 6:22 on  
10 10/25, the incoming number, (646)261-7685, for one  
11 minute, do you recognize that number?

12 A. Yes.

13 Q. What number is that?

14 A. That was the number of the phone call that  
15 Charlotte received. The woman identified herself as  
16 Liz.

17 Q. And you pulled this statement down off of  
18 your account?

19 A. Yes.

20 MR. DIMOPOULOS: I would like to move  
21 Plaintiff's Exhibit 8 into evidence, your Honor.

22 MS. MOST: No objection.

23 MR. FRISCH: No objection.

24 THE COURT: No objection raised thereto,  
25 Plaintiff's exhibit 8 is in evidence.

A. KASSENOFF - DIRECT - (DIMOPOULOS)

1 (Whereupon, Plaintiff's Exhibit 8 was  
2 received into evidence.)

3 Q. And after you received notice from Charlotte  
4 about the phone call, what, if anything, happened next?

5 A. We were on the phone, talking about it, and  
6 in the middle of the conversation she goes, "I just  
7 received a text from that number."

8 Q. And did she have occasion to send you a copy  
9 of that text?

10 A. Yes.

11 Q. Showing you what I marked as Plaintiff's  
12 Exhibit 9. If it's difficult for you to read, I'll  
13 read it to you.

14 A. I can read it.

15 Q. Okay. Can you read it for the record,  
16 please?

17 A. "Charlotte, I am just letting you know, your  
18 mother loves you. You are loved. She is fighting for  
19 you. She is the same loving, safe mother she has  
20 always been, and she will always be there for you  
21 anytime."

22 Q. And is this a picture of that text sent from  
23 Charlotte to you?

24 A. Yes.

25 Q. Approximately how old after the phone call

A. KASSENOFF - DIRECT - (DIMOPOULOS)

1 did you receive this document?

2 A. After which phone call?

3 Q. The phone call that Charlotte received.

4 A. Within minutes, literally. Probably a minute  
5 or two.

6 Q. And this is an accurate depiction of the  
7 photograph that was sent to you by Charlotte?

8 A. Yes.

9 MR. DIMOPOULOS: Move Plaintiff's  
10 Exhibit 9 into evidence, your Honor.

11 MS. MOST: No objection.

12 MR. FRISCH: No objection.

13 THE COURT: No objection raised thereto,  
14 Plaintiff's 9 is in evidence.

15 (Whereupon, Plaintiff's Exhibit 9 was  
16 received into evidence.)

17 Q. And what, if anything, happened after you  
18 received this text, sir?

19 A. A little bit later, Charlotte sent me a  
20 second text that she received from the same number. I  
21 can't recall if she called me to tell me she received  
22 the second one, or she just sent it to me.

23 Q. Calling your attention to what I marked for  
24 identification as Plaintiff's Exhibit 10.

25 THE COURT: Is there going to be any



## A. KASSENOFF - DIRECT - (DIMOPOULOS)

1 objection?

2 MS. MOST: No objection.

3 MR. FRISCH: No objection.

4 THE COURT: No objection, I will assume,  
5 Mr. Dimopoulos, you will move it into evidence?

6 MR. DIMOPOULOS: Yes, your Honor.

7 THE COURT: The Court will do so without  
8 objection.

9 You may question the witness.

10 (Whereupon, Plaintiff's Exhibit 10 was  
11 received into evidence.)

12 Q. Is this the text you received from Charlotte?

13 A. It's the screenshot of the text that she  
14 received, that Charlotte sent.

15 Q. From the same number that called her?

16 A. Yes.

17 Q. Can you read the text for the record, please,  
18 slowly?

19 A. Sure. "My children have been kidnapped by  
20 their father as well. As a mother going through this,  
21 it is complete torture. Torture. You have a right to  
22 be love and protection of your mother. She worries  
23 about you every day and misses you like a bottomless  
24 pit. She is a kind, loving, safe mother, and you  
25 should always feel comfortable reaching out to her. If

A. KASSENOFF - DIRECT - (DIMOPOULOS)

1 you need a safe adult to speak to, please keep my  
2 number. We mothers are fighting for you and will never  
3 abandon you."

4 Q. Did you have a conversation with Charlotte  
5 about this text?

6 A. Yes.

7 Q. What, if anything, did Charlotte tell you?

8 MR. FRISCH: Objection.

9 THE COURT: Overruled. Exception is  
10 warranted.

11 A. She doesn't understand why someone is  
12 contacting her. She is scared. She specifically told  
13 me she's worried that this woman is going to try and  
14 kidnap her or come to the house.

15 Q. Calling your attention to what I've marked  
16 for identification as Plaintiff's Exhibit 11, on  
17 October 28th, 2021, did you have occasion to be copied  
18 on an e-mail from one of your children's school?

19 A. From Jo Jo's teacher, yes.

20 Q. Jo Jo being your youngest child?

21 A. Yes.

22 Q. How old is she?

23 A. She's eight.

24 Q. What school does she attend?

25 A. Chatsworth Elementary School.

A. KASSENOFF - DIRECT - (DIMOPOULOS)

1 Q. And this long list of people, are you able to  
2 identify who those people are?

3 A. These are all of the parents --

4 THE COURT: Hold it.

5 (Off the record.)

6 THE COURT: Go ahead, Mr. Dimopoulos.

7 MR. DIMOPOULOS: I'll withdraw the  
8 question.

9 Q. Are you able to identify the recipients of  
10 this October 28th e-mail?

11 A. These are all of the parents of the  
12 classmates, Josephina's classmates and her teacher.

13 Q. Her teachers are also copied on this e-mail?

14 A. She only has one teacher, but yes, the  
15 teacher is copied.

16 MR. DIMOPOULOS: Can you go down a  
17 little bit, please, Michael?

18 THE COURT: Hang on. A request has been  
19 made by one of the officers due to the increasing  
20 number of people coming in the vicinity of the  
21 courtroom. Officer, please lock the front door.

22 So ordered.

23 Go ahead.

24 MR. DIMOPOULOS: Withdraw the question.  
25 If you can, go down to the communication, please,

## A. KASSENOFF - DIRECT - (DIMOPOULOS)

1 Michael.

2 MR. FRISCH: I'm sorry, Mr. Dimopoulos,  
3 has this been moved into evidence yet?

4 MR. DIMOPOULOS: I will do so now. Your  
5 Honor, I would like to move Plaintiff's Exhibit 11  
6 into evidence.

7 MR. FRISCH: I object to it.

8 MS. MOST: I have no objection, your  
9 Honor.

10 THE COURT: I've read it. I've seen all  
11 of these exchanges. I think it's appropriate, and  
12 I will admit it, subject to connection. You have  
13 a right to challenge it. Go ahead. I want him to  
14 make a foundation.

15 (Whereupon, Plaintiff's Exhibit 11 was  
16 received into evidence, subject to connection.)

17 Q. What was the purpose -- withdrawn.

18 The e-mail indicated on Plaintiff's Exhibit  
19 11 --

20 THE COURT: Don't read. It's not in  
21 evidence.

22 Q. -- originated -- you can take it down.

23 You are familiar with the e-mail?

24 THE COURT: He can look at it. If it's  
25 an identification, he can refresh his recollection

A. KASSENOFF - DIRECT - (DIMOPOULOS)

1 under all of the appropriate evidentiary rules.  
2 However, until such time it is in evidence, it  
3 cannot be read from.

4 MR. DIMOPOULOS: No problem.

5 Q. Jo Jo's teacher sent an e-mail to all of the  
6 parents of the class on October 28th; correct?

7 A. Yes.

8 Q. Do you recall the subject matter of that  
9 e-mail?

10 A. I do.

11 MR. FRISCH: Objection. It's still not  
12 in evidence.

13 MR. DIMOPOULOS: I'm not asking --

14 THE COURT: "Do you recall the subject  
15 matter?" It's appropriate. Overruled.

16 Q. Do you recall the subject matter?

17 A. Yes.

18 Q. What was the subject matter?

19 A. It was about --

20 (Pause in the proceedings.)

21 THE COURT: Go ahead.

22 Q. Were you a recipient of the e-mail from Jo  
23 Jo's teacher?

24 A. Yes.

25 Q. And you recall the e-mail and the subject

## A. KASSENOFF - DIRECT - (DIMOPOULOS)

1 matter; correct?

2 A. Yes.

3 MR. DIMOPOULOS: With that, your Honor,  
4 I would like to move Plaintiff's Exhibit 11 into  
5 evidence?

6 MR. FRISCH: Your Honor, I object to it,  
7 and I would like an opportunity to state the basis  
8 for my objection.

9 THE COURT: Go ahead.

10 MR. FRISCH: There's two bases, one of  
11 which is beyond the scope of this hearing. It's  
12 beyond the scope of the particular claims of  
13 contempt that Mr. Kassenoff has made against Ms.  
14 Kassenoff. I believe the date of it is  
15 October 28th. The second of which is, my  
16 understanding of at least one of the orders that  
17 is at issue today, that Mr. Dimopoulos has already  
18 put into evidence, is that it prohibits  
19 denigrating each other, Allan to Catherine,  
20 Catherine to Allan, on social media. This is not  
21 social media, to begin with.

22 MR. DIMOPOULOS: Your Honor, we will  
23 withdraw it. We will withdraw it and move on.

24 Mr. Frisch convinced me.

25 THE COURT: What?

A. KASSENOFF - DIRECT - (DIMOPOULOS)

1 MR. DIMOPOULOS: We will move on. We  
2 will not move the document into evidence.

3 THE COURT: Okay.

4 MR. DIMOPOULOS: For identification,  
5 Plaintiff's Exhibit 12, please. I'm just getting  
6 an exhibit up on the screen, your Honor.

7 Q. Mr. Kassenoff, during the course of this  
8 proceeding, you testified that Ms. Kassenoff has made a  
9 series of posts on Facebook concerning divorce;  
10 correct?

11 A. Yes.

12 Q. And how did you come into possession of these  
13 posts?

14 A. At one point, early in time, they were  
15 private, meaning I couldn't see them, but, you know, I  
16 have friends who are still connected to Ms. Kassenoff,  
17 so they would take screenshots and send them to me.  
18 And at some point, I don't recall when, she just made  
19 them public, so anyone can see them.

20 Q. Do you recall, approximately, at what point  
21 she made her posts public?

22 A. I'm not positive, but it was around the date  
23 of the May order, I believe.

24 Q. And is this document one of the posts that  
25 she made in the public forum?

## A. KASSENOFF - DIRECT - (DIMOPOULOS)

1 A. Yes, it is.

2 Q. And is it a true and accurate depiction of  
3 the posts made on Facebook?

4 A. Can you scroll down? Yes, it is.

5 MR. DIMOPOULOS: I would like to move  
6 this document into evidence, your Honor.

7 MS. MOST: No objection.

8 MR. FRISCH: Your Honor, I object, for  
9 the same reason as I did previously to the last  
10 exhibit, which is that, I think -- and Mr.  
11 Dimopoulos can correct me. This is from the last  
12 week. It comes after the orders that we are here  
13 to discuss and is beyond the scope of this  
14 hearing.

15 THE COURT: I disagree, because there  
16 appears to be a pattern and practice. The orders  
17 are what they are. If you wish to challenge them,  
18 either on your case or on cross or on direct of  
19 your client, or any other circumstances, I will  
20 allow it. There are various orders and temporary  
21 orders of protection that were either issued by  
22 Judge Koba or by myself, and there seems to be a  
23 continuation, just as if we amended pleadings at  
24 any given time, based upon certain circumstances.  
25 And if new evidence arises or new materials arise,



A. KASSENOFF - DIRECT - (DIMOPOULOS)

1 that are demonstrative of what the Court may  
2 interpret as a continuation or a pattern and  
3 practice of a habit or a violation, I will give it  
4 due and deliberate consideration.

5 You will have your various remedies,  
6 whatever you choose to do, Mr. Frisch. I have no  
7 findings, I have no opinion, I have no ruling, and  
8 I have no decision. I'm ruling on the evidence as  
9 we go along. The ultimate decision, of course,  
10 will be what it is will be.

11 Overruled.

12 Go ahead.

13 MR. DIMOPOULOS: Plaintiff's 12 is in  
14 evidence, your Honor.

15 THE COURT: Plaintiff's 12 in evidence.

16 (Whereupon, Plaintiff's Exhibit 12 was  
17 received into evidence.)

18 BY MR. DIMOPOULOS:

19 Q. Calling your attention to what I've marked as  
20 Plaintiff's Exhibit 13 for identification, sir.

21 THE COURT: Hold on.

22 Go ahead.

23 Q. Plaintiff's Exhibit 13 appears to be another  
24 post by Ms. Kassenoff on Facebook. Is this at the  
25 point when these posts were public, sir?

## A. KASSENOFF - DIRECT - (DIMOPOULOS)

1 A. Yes.

2 Q. And this is a true and accurate depiction of  
3 the post as it appeared on Facebook?

4 A. With the addendum that since I took that  
5 screenshot, there were comments made, but at the time,  
6 this is accurate.

7 Q. By third parties, not by Ms. Kassenoff;  
8 correct?

9 A. Both.

10 MR. DIMOPOULOS: With that, your Honor,  
11 I move Plaintiff's 13 into evidence.

12 THE COURT: Ms. Most?

13 MS. MOST: No objection, your Honor.

14 MR. FRISCH: Your Honor, I don't see a  
15 date on this. I believe -- I'm not certain, to be  
16 candid, that this postdates the date of the orders  
17 that we're here to discuss. I understand your  
18 Honor's ruling on the prior exhibit, but to the  
19 extent it is the same date or similar date that is  
20 after the order, I state my objection.

21 THE COURT: Overruled. You have an  
22 exception noted on the record.

23 (Whereupon, Plaintiff's Exhibit 13 was  
24 received into evidence.)

25

## A. KASSENOFF - DIRECT - (DIMOPOULOS)

1 BY MR. DIMOPOULOS:

2 Q. Mr. Kassenoff, if you can approximate the  
3 date that this post was made on Facebook?

4 A. Within the past week or two.

5 Q. Can you please read just the last few lines,  
6 starting with "I am not even"?

7 A. "I am not even permitted to speak to the  
8 therapist, for fear I will manipulate them. What  
9 horror these quacks are. They have now made about a  
10 hundred thousand dollars in this case from this  
11 so-called therapy. Their names are Susan Adler and  
12 Carolyn McGuffog."

13 Q. And Susan Adler is the therapist for who?

14 A. For Josephina and Charlotte.

15 Q. And Carolyn McGuffog is the therapist for  
16 who?

17 A. Alexander.

18 Q. Calling your attention to what I marked for  
19 identification Plaintiff's Exhibit 14.

20 THE COURT: Let me stop you for a  
21 minute. From what I see here, Mr. Dimopoulos,  
22 you've got 25 exhibits?

23 MR. DIMOPOULOS: That's correct, your  
24 Honor.

25 THE COURT: Can we have a stipulation?

## A. KASSENOFF - DIRECT - (DIMOPOULOS)

1 Has anybody, either, you know, previewed these and  
2 maybe we can obviate a lot of questioning and go  
3 right to the heart of the matter?

4 MR. DIMOPOULOS: Your Honor, I sent  
5 these exhibits to Mr. Frisch last night. We had a  
6 brief conversation about the topic that your Honor  
7 just raised. I understand Mr. Frisch had a very  
8 difficult morning, something happened.

9 THE COURT: Whatever.

10 MR. DIMOPOULOS: So we tried, and I'm  
11 not faulting him. It's not as if I gave them a  
12 week ago, but, I mean, many of these things -- I  
13 don't know. I feel like Mr. Frisch has been fair  
14 about his objections, so I will do my best to go  
15 fast.

16 THE COURT: I'm just trying to --

17 MR. FRISCH: I actually apologized by  
18 e-mail to Mr. Dimopoulos this morning. Typically  
19 I would do what I can to make things as smooth as  
20 possible. I had a personal emergency this  
21 morning, I don't want to get into it.

22 THE COURT: That's takes off of the  
23 table Mr. Frisch.

24 MR. FRISCH: It distracted me.

25 THE COURT: Been there, done that.

## A. KASSENOFF - DIRECT - (DIMOPOULOS)

1 MR. FRISCH: That said, there were  
2 certain exhibits that we discussed, that were  
3 identified as EOBs. We decided -- Mr. Dimopoulos  
4 said he didn't intend to use them, necessarily, at  
5 least today. I don't anticipate objections as to  
6 the others. And I realize it isn't as smooth as  
7 it could be. I would be more comfortable, to be  
8 effective, if we can do it one at a time.

9 THE COURT: Okay. That's fine. I just  
10 made an inquiry. We will move on.

11 MR. DIMOPOULOS: Most lawyers,  
12 matrimonial lawyers, don't even call me back, so  
13 Mr. Frisch is ahead of the game.

14 Let me withdraw the question.

15 THE COURT: Because --

16 MR. DIMOPOULOS: He's not a matrimonial  
17 attorney. Exactly right. I'll withdraw the  
18 question, your Honor.

19 BY MR. DIMOPOULOS:

20 Q. Mr. Kassenoff, do you remember, what, if  
21 anything, happened concerning your children and Ms.  
22 Kassenoff on June 23rd, 2021?

23 A. Yes.

24 Q. What, if anything, happened?

25 THE COURT: Are you doing anything with

## A. KASSENOFF - DIRECT - (DIMOPOULOS)

1 14?

2 MR. DIMOPOULOS: I may, your Honor. I  
3 just want to lay some foundation.

4 THE COURT: Go ahead.

5 Q. What, if anything, happened?

6 A. Jo Jo was getting out of school early at  
7 11:30. I was between nannies at the time, so I was  
8 home. I went to pick her up from school. We were  
9 walking back from school with Jo Jo, and someone came  
10 up behind us and called out, "Hi, Josephina." It was  
11 clearly an adult. I assumed it was one of her friend's  
12 parents or nanny or someone who she knew, and I turned  
13 around, and it was the defendant, Ms. Kassenoff.

14 Q. Prior to hearing her say, "Hey, Josephina,"  
15 did you see her in the vicinity?

16 A. No, we did not.

17 Q. And I will show you what I marked as  
18 Plaintiff's Exhibit 15. Can you tell me what this  
19 photograph depicts?

20 A. So after -- that was the incident. That was  
21 the photograph I took of the incident.

22 Q. You took that photograph; correct?

23 A. Yes.

24 Q. On June 23rd, 2021?

25 A. Yes.

## A. KASSENOFF - DIRECT - (DIMOPOULOS)

1 Q. And just to do them together, I will also  
2 show you what I marked for identification as  
3 Plaintiff's Exhibit 16. What does that photograph  
4 depict?

5 A. That's the defendant on the corner.

6 Q. Just going to use my pointer to point between  
7 this sign here, it looks like she's across the street.  
8 Is that the defendant there?

9 A. Yes.

10 Q. Was this after or before the photograph I  
11 showed you as Plaintiff's Exhibit 15?

12 A. Immediately after.

13 Q. Okay. And you took this photograph?

14 A. Yes.

15 Q. Does it accurately depict the events on June  
16 23rd, 2021?

17 A. Yes.

18 MR. DIMOPOULOS: Your Honor, permission  
19 to move Plaintiff's 15 and 16 into evidence.

20 MS. MOST: No objection.

21 MR. FRISCH: No objection.

22 THE COURT: No objection raised thereto,  
23 Plaintiff's 15 and 16 are in evidence.

24 (Whereupon, Plaintiff's Exhibits 15 and  
25 16 were received into evidence.)

A. KASSENOFF - DIRECT - (DIMOPOULOS)

1 THE COURT: I will take a five-minute  
2 recess. I suggest everyone, unless you have to  
3 use the facilities, stay in this courtroom.

4 (Whereupon, a recess was taken.)

5 THE COURT: Hearing to proceed.

6 BY MR. DIMOPOULOS:

7 Q. After Ms. Kassenoff approached you and  
8 Josephina on June 23rd, 2021, what, if anything,  
9 happened?

10 A. When she approached us, she started talking  
11 to Josephina, and I told Ms. Kassenoff that she's not  
12 permitted to do that, under the Court's orders.

13 Q. And how long did the conversation last?

14 A. I would say the whole interaction was a  
15 minute, give or take.

16 Q. Did Ms. Kassenoff say anything to Josephina?

17 A. I mean, she came up behind us. She said,  
18 "hi," you know, pleasantries type things. I said, "You  
19 really can't do this." She said, "You're making a  
20 scene. I can do what I want." I really didn't know  
21 what to do at that point, so I took out my phone to  
22 take pictures, and I took a bunch of pictures. And  
23 then after a minute or two, she walked off to that  
24 corner.

25 Q. And what did you do next?



## A. KASSENOFF - DIRECT - (DIMOPOULOS)

1           A.     Jo Jo and I continued to cross the street,  
2           and I looked back, and Ms. Kassenoff was standing on  
3           the corner, sort of like glaring at us, so I took  
4           another couple of more pictures, and then we just  
5           walked home.

6           Q.     I would like to call your attention to what I  
7           marked plaintiff's for identification, Plaintiff's  
8           Exhibit 17, please.

9                     Now, if you can just go down to the page  
10           where the signature appears, probably towards the end.  
11           Is that your signature, sir?

12           A.     Yes.

13           Q.     September 14, 2021, you filed an affidavit  
14           with this Court; correct?

15           A.     I signed it on September 14th, 2021. I don't  
16           remember when you filed it.

17           Q.     Okay. And the substance of the application  
18           that this affidavit accompanied, are you familiar with  
19           it?

20           A.     Yes.

21           Q.     What, if any -- what was the subject matter  
22           of the motion?

23           A.     It was requesting an order of protection.

24                     MR. DIMOPOULOS: And if you can go up to  
25           the first page, Michael.

## A. KASSENOFF - DIRECT - (DIMOPOULOS)

1 Q. Now, tell me, you live in Larchmont; correct?

2 A. Yes.

3 Q. And what is the -- what is the closest main  
4 road to your home?

5 A. Larchmont Avenue is one house away.

6 Q. And your address is?

7 A. 161 Beach Avenue.

8 Q. How far is your house from Larchmont Avenue?

9 A. I mean, from the end of my driveway, it's  
10 probably 30 feet, 40 feet.

11 Q. And where is Jo Jo's school in the context of  
12 your home?

13 A. It's 30, 40, 50 feet from my driveway to  
14 Larchmont Avenue. You cross Larchmont Avenue, that's  
15 her school.

16 MR. DIMOPOULOS: You know, let's skip to  
17 plaintiff's affidavit, and move this into  
18 evidence, your Honor, Plaintiff's Exhibit 17.

19 MS. MOST: No objection.

20 MR. FRISCH: Plaintiff 17 --

21 THE COURT: Is an affidavit.

22 MR. FRISCH: I object to it.

23 THE COURT: Quite frankly, it's part of  
24 the Court record. It's under NYSCEF, and, quite  
25 frankly, it's part of my consideration, anyway,

## A. KASSENOFF - DIRECT - (DIMOPOULOS)

1 with regard to all of these applications.

2 MR. DIMOPOULOS: And the only reason I  
3 move it in as an exhibit, your Honor, versus just  
4 as part of the underlying application, is the  
5 document has embedded in it many photos;  
6 otherwise, I may not introduce just an affidavit.  
7 I'm just calling that out to the Court.

8 THE COURT: I understand, but the  
9 document itself does have the photos, the document  
10 is on NYSCEF. It's part of this Court's  
11 consideration, and I will take judicial notice of  
12 it.

13 MR. DIMOPOULOS: Not a problem.

14 MR. FRISCH: Your Honor, please, if I  
15 could -- I appreciate your Honor's ruling, but if  
16 I can state my specific objection for the record.

17 THE COURT: It's not coming into  
18 evidence.

19 MR. FRISCH: It is or is not?

20 THE COURT: It is not. There's no need  
21 for it to come into evidence. It's part of the  
22 court record, as a pleading, and, quite frankly,  
23 it can be read from. I have no issue with that at  
24 all. I don't need it to come into evidence, under  
25 the specific fact that it is an application for

A. KASSENOFF - DIRECT - (DIMOPOULOS)

1 specific relief that is currently in extant before  
2 the court.

3 Move on, Mr. Dimopoulos.

4 MR. DIMOPOULOS: If we can go to  
5 Plaintiff's Exhibit 30, please. This is the best  
6 picture.

7 BY MR. DIMOPOULOS:

8 Q. Mr. Kassenoff --

9 THE COURT: Hold on.

10 Q. -- calling your attention to --

11 THE COURT: Hold on. Okay. Go ahead.

12 MR. DIMOPOULOS: First of all, your  
13 Honor, this is a map of the vicinity of the  
14 Kassenoff home in Larchmont. It was generated on  
15 Google Earth, and we seek to have this introduced  
16 into evidence under CPLR 45.32(b), the  
17 admissibility of Web Mapping Services, Global  
18 Satellite Imaging Cites and Internet Mapping  
19 Tools, and on that basis seek to move in --

20 THE COURT: What is it?

21 MR. DIMOPOULOS: It's a map. I seek to  
22 move in Plaintiff's Exhibits 25, 26, 27, 28, 29,  
23 and 30, which are all Google Maps.

24 MS. MOST: No objection, your Honor.

25 MR. FRISCH: On counsel's representation

A. KASSENOFF - DIRECT - (DIMOPOULOS)

1 that there are fair and accurate aerials or maps  
2 --

3 THE COURT: Don't accept his  
4 representation. That's testimonial. Then he's  
5 got to be relieved as counsel, because now he's a  
6 witness, but --

7 MR. DIMOPOULOS: I will make the  
8 representation, your Honor -- I'm not concerned.  
9 We will make the representation that these maps  
10 were generated --

11 THE COURT: No objection raised thereto,  
12 based upon your representations, Mr. Dimopoulos,  
13 25 through 30 are in evidence.

14 (Whereupon, Plaintiff's Exhibits 25  
15 through 30 are received into evidence.)

16 Q. Mr. Kassenoff, I know this is not the best  
17 picture in the world, but are you able to identify  
18 where your house is on this map?

19 A. Yes, I can.

20 Q. I am going to use the laser pointer to point  
21 out this structure right here. Is that your house at  
22 161 Beach?

23 A. It is.

24 Q. And this road that -- your house seems to be  
25 in between two roads. What roads are those?

## A. KASSENOFF - DIRECT - (DIMOPOULOS)

1           A.     The one you were just pointing at, that's  
2 Beach Avenue that you are pointing.

3           Q.     This one?

4           A.     No.   That's Addison Street or Road.

5           Q.     Now, what is this road right here?

6           A.     That is the driveway that -- that's our  
7 driveway.  We share it with our neighbors.

8           Q.     And when you exit your home, do you generally  
9 exit through the front or through the driveway?

10          A.     Through the back.  That line that's drawn on  
11 it, that is sort of a little path, and then that takes  
12 you to the driveway, and then that's how we leave.

13          Q.     Okay.  And is this what you -- is this area  
14 up here on the top center part of the map, is that the  
15 school?

16          A.     That's Chatsworth, yeah, Josephina's school.

17          Q.     So you testified earlier that it's  
18 approximately 30 feet.  Are you indicating from the  
19 driveway to Larchmont Avenue, right here?

20          A.     Like between 30 and 50 feet, was my estimate.

21          Q.     Okay.  And in order to get from the corner of  
22 Addison and Larchmont Avenue to the school, what do you  
23 do?

24          A.     Put the pointer back.  There's a gate, maybe  
25 on your map -- right where you are, there's a gate to

## A. KASSENOFF - DIRECT - (DIMOPOULOS)

1 get into the playground. It's like the blacktop.

2 Q. And how long does it take for you to walk  
3 from your house to Josephina's school?

4 A. I mean, a minute.

5 Q. And this main road, here in the middle of the  
6 map, if you come down Addison, away from your house,  
7 and make a right, that's Larchmont Avenue?

8 A. Yes.

9 Q. And on either side of Larchmont Avenue, what  
10 types of businesses are there?

11 A. There's a dry cleaner, there's restaurants,  
12 there's a liquor store, there's a real estate agency.

13 Q. Do you and your children regularly frequent  
14 this part of town?

15 A. Yeah. Everyone does. It's literally a  
16 two-minute walk from my house, if not less.

17 Q. Do you and the children regularly eat in this  
18 area, around Addison and Larchmont Avenue area?

19 A. Yeah.

20 Q. Did there come a time in September, when Ms.  
21 Kassenoff -- where you saw Ms. Kassenoff in or around  
22 this area?

23 A. Yes.

24 Q. Do you recall where she was in relation to  
25 this map?

## A. KASSENOFF - DIRECT - (DIMOPOULOS)

1           A.     Somewhere around where your last bullet point  
2 is on that line.

3           Q.     Indicating here, in the map, next to La La  
4 Taqueria or something?

5           A.     Around there.

6           Q.     Did you see her present at that location?

7           A.     There were two incidents; I'm just not sure  
8 which one you're referring to.

9           Q.     In your affidavit signed in or around  
10 September 15th, you indicated, paragraph 12, that you  
11 "left the residence" -- I'm reading -- "at  
12 approximately 9:15 a.m. to drive to my meeting. And as  
13 I drove down Larchmont Avenue, I saw the defendant  
14 standing outside of a Caldwell Banker Real Estate  
15 office." Do you recall that?

16          A.     Yes. That is one of the incidents.

17          Q.     The address you listed in paragraph 12 of  
18 your affidavit is 140 Larchmont Avenue. My question  
19 is: Is that approximately where that dot is, in the  
20 middle of Larchmont Avenue?

21          A.     Yes.

22          Q.     Approximately how far from your home is the  
23 location where you saw Ms. Kassenoff on that date?

24          A.     I mean maybe 500 feet. It's a two-second  
25 walk.



A. KASSENOFF - DIRECT - (DIMOPOULOS)

1 Q. And what did you observe her doing?

2 A. That day, she was standing right in front of  
3 the Caldwell Banker, right in front of Caldwell Banker,  
4 and she was sort of looking at her phone, and I think  
5 it was her dog was tied to a tree. She was sort of  
6 facing the dog, looking at her phone.

7 Q. If someone wanted to walk from your house to  
8 Josephina -- sorry -- to Charlotte's school --

9 MR. DIMOPOULOS: Your Honor, with your  
10 permission, can I hand him the laser pointer?

11 THE COURT: Sure.

12 Q. If you can use that laser pointer, Mr.  
13 Kassenoff, the red button, to indicate slowly to the  
14 Court the path that Charlotte takes to school in the  
15 morning?

16 A. So sometimes if the weather is bad, we drive,  
17 but when we walk, we walk out the back door, along this  
18 path, go to the end of the driveway. Typically Charlie  
19 wants to go on this. This is an alley, so cars can go  
20 on it, but there's nothing really else on it, and one  
21 of the reasons -- well, typically we will go down this  
22 path and then we turn down here, and then walk on  
23 Larchmont Avenue, cross Boston Post Road, and her  
24 school is right around here.

25 Q. Indicating to the bottom right of the map?

## A. KASSENOFF - DIRECT - (DIMOPOULOS)

1           A.     Yes.  It's hard to identify all of the  
2 structures, but on the corner of Boston Post Road and  
3 Larchmont, there's an -- it's an old synagogue, and  
4 then there's a library and then a church, and her  
5 school is in that church.

6                         MR. DIMOPOULOS:  Can you please put up  
7 Plaintiff's Exhibit 29?

8           Q.     Okay.  Do you see the line indicating from  
9 your residence to the FASNY School?

10          A.     Yes.

11          Q.     Can you read what the box says in terms of  
12 distance at the top right?

13          A.     I don't know where you are talking.

14          Q.     There's a box at the top right which  
15 indicates the distance between those two points.  Can  
16 you just tell me what the distance is?

17          A.     .26 miles.

18          Q.     Okay.  Does that refresh your recollection of  
19 the distance between your house and Charlotte's school?

20          A.     Yes, that's about right.  It's very, very  
21 close.

22          Q.     Now, you indicated in your affidavit,  
23 paragraph nine, that on September 10th, 2021, the  
24 defendant was sitting outside, and I, quote, "Sitting  
25 outside of Apiary, a restaurant less than 50 feet from

## A. KASSENOFF - DIRECT - (DIMOPOULOS)

1 Chatsworth Avenue School, and 150 feet or so from the  
2 marital residence at approximately 1:00 p.m."

3 Can you use the laser pointer to point out to  
4 me where the Apiary restaurant is?

5 MR. FRISCH: Your Honor, I don't want to  
6 waste the Court's time, I want to get to the point  
7 as best as we can, but I also object to counsel  
8 reading that which he may seek to elicit from his  
9 client as opposed to him testifying.

10 THE COURT: So stop leading?

11 MR. FRISCH: That would be an easier way  
12 to say it, yes. Stop leading.

13 THE COURT: Usually we do it, objection,  
14 leading. Sustained.

15 BY MR. DIMOPOULOS:

16 Q. Mr. Kassenoff, can you point out on this map  
17 where the restaurant Apiary is located?

18 A. It's right around here.

19 Q. Approximately how far -- well, point to the  
20 Chatsworth School.

21 A. Here.

22 Q. And it's across some street; correct?

23 A. This is Addison Street, so Chatsworth is on  
24 the left side of Addison. Apiary is probably the  
25 second or third structure in.

A. KASSENOFF - DIRECT - (DIMOPOULOS)

1 Q. And at some point in time you witnessed Ms.  
2 Kassenoff dining at the Apiary; is that correct?

3 THE COURT: You are getting close to  
4 leading again.

5 A. I don't think I saw that.

6 THE COURT: What did you observe?

7 Q. Did someone else see that, or you saw that?

8 A. Two of my children and my nanny saw that.

9 MR. FRISCH: Objection.

10 THE COURT: Overruled.

11 Q. Do you recall the date of that event?

12 A. It was right around the time school started,  
13 so I don't remember exactly, but early September would  
14 be my best guess.

15 Q. At the time of that event, was there an order  
16 of protection in place?

17 A. Yes.

18 Q. And going back to the June 23rd, 2020,  
19 interaction, did Ms. Kassenoff have contact with any of  
20 your other children that day, other than Jo Jo?

21 A. She did.

22 THE COURT: Was that 2020 or 2021?

23 MR. DIMOPOULOS: 2021.

24 A. Yes.

25 Q. What other child did she have contact with?

## A. KASSENOFF - DIRECT - (DIMOPOULOS)

1 A. Alexandra.

2 Q. How do you know that she had contact with  
3 Alexandra?

4 A. Alexandra told me.

5 Q. What, if anything, did Alexandra tell you  
6 about her contact with her mother on that day?

7 A. She went for a bike ride --

8 MR. FRISCH: Objection, hearsay.

9 THE COURT: Consistent with my prior  
10 ruling, overruled. You have an exception.

11 A. She told me she wanted to go for a bike ride.  
12 This was right after the incident or shortly after the  
13 incident with Josephina. I told her, "Just be careful.  
14 If you see your mother, just keep biking, don't  
15 interact." So she said that was fine. She ended up  
16 going on the ride. She came back and told me that she  
17 saw her mother. Should I tell you the whole thing?

18 Q. Please.

19 A. So she said that her shoelace got untied and  
20 wrapped around her pedal, so she had to get off her  
21 bike to unwrap it, and then as she was doing that, her  
22 mother came up and started talking to her. She said  
23 she wanted to leave, but her mother was holding her  
24 bicycle, so she couldn't leave.

25 Q. Did she tell you where she was when this

## A. KASSENOFF - DIRECT - (DIMOPOULOS)

1 interaction occurred?

2 A. It was right by Apiary.

3 Q. And she tried to leave. Did she tell you Ms.  
4 Kassenoff said something to her?

5 A. I mean, she told her -- Alexandra told me her  
6 mother said, "Don't tell anyone about this  
7 interaction."

8 Q. Other than that, did she tell you what she  
9 said?

10 A. I don't remember.

11 Q. Now, other than the incidents in your  
12 September 2021 affidavit -- withdrawn.

13 Have you had occasion -- how many times --  
14 withdrawn.

15 How many times since July 6th, 2021, have you  
16 seen Ms. Kassenoff in or around the area of the  
17 residence?

18 A. There was one time at Wasabi, which is a  
19 restaurant a little further, sort of between -- right  
20 near Apiary. There was the time by the dry cleaners,  
21 or Caldwell Banker. And there were a couple of  
22 incidents where Charlotte and the nanny saw her. And  
23 then there was the incident where Jo Jo and Alexandria  
24 and the nanny saw her.

25 Q. And each of the -- withdrawn.

A. KASSENOFF - DIRECT - (DIMOPOULOS)

1           In all of those interactions, can you  
2 approximate the furthest she was from the residence in  
3 any of those interactions?

4           MR. FRISCH: Objection to form.

5           THE COURT: Hold it. Hold it. Read it  
6 back.

7           MR. DIMOPOULOS: Let me withdraw it. It  
8 wasn't a very clear question.

9           Q. You testified to a few times that she was  
10 seen in or around the marital residence; correct? Now,  
11 if you can, out of all of those incidents, where was  
12 she witnessed that was furthest from the marital  
13 residence?

14          A. It was the time when she was --

15          MR. FRISCH: Objection to form.

16          THE COURT: Sustained as to form.

17          Clear it up, Mr. Dimopoulos.

18          MR. DIMOPOULOS: Sure.

19          Q. When you said she was at the Apiary, how far  
20 is the Apiary from the marital residence?

21          THE COURT: Feet, miles, time?

22          Q. Feet; please.

23          A. 150 feet, maybe.

24          Q. And you said she was seen at the dry  
25 cleaners. How far in feet is the dry cleaner from the

## A. KASSENOFF - DIRECT - (DIMOPOULOS)

1 residence?

2 A. Maybe 500 feet, 600 feet.

3 Q. And you said she was at a restaurant called  
4 Wasabi?

5 A. Yes.

6 Q. How far is Wasabi from the residence?

7 A. Five- to 600 feet.

8 Q. And are there any other incidents where you  
9 or someone else saw her in Larchmont?

10 A. I mean, the incident with Josephina, and then  
11 the incident with Josephina and me, that we talked  
12 about, and then when Alexandra and Josephina and the  
13 nanny saw her at Apiary; those are the ones.

14 Q. And your testimony is that all of those were  
15 -- withdrawn.

16 Do you have any idea where Ms. Kassenoff  
17 currently resides?

18 A. I know she got an apartment somewhere in this  
19 area. I don't know exactly where, but I also know  
20 she's not allowed to live there, due to the one-mile  
21 restriction.

22 Q. If we can go back to what has been marked for  
23 identification as Plaintiff's Exhibit 18. Go down a  
24 little.

25 Did you ever receive an e-mail sent from Ms.



A. KASSENOFF - DIRECT - (DIMOPOULOS)

1 Kassenoff to Dr. Susan Adler on September 12th, 2021?

2 A. I wasn't copied on it, but I subsequently  
3 received a copy. I think you had sent it to me.

4 Q. And is this a copy of the e-mail that you  
5 received from Ms. Kassenoff and Dr. Susan Adler?

6 A. To be honest, there have been so many like  
7 this, it's hard to recall, but I think this is.

8 Q. Let's go up top.

9 MR. FRISCH: Your Honor, can I ask that  
10 last answer be struck? "There are so many like  
11 this."

12 THE COURT: I will strike it. Granted.  
13 Sustained.

14 Q. Can you tell me --

15 THE COURT: What's out there is out  
16 there, Mr. Frisch. I'm not making any  
17 determinations as of yet.

18 Q. If you can go back to what we were looking at  
19 before, to the bottom of the page. Just read that to  
20 yourself, just quickly.

21 Have you read a portion of it? Does it help  
22 refresh your recollection of whether or not you  
23 received this e-mail, or have seen it prior to today?

24 A. Yes, I have seen it.

25 MR. DIMOPOULOS: Okay. Permission to

A. KASSENOFF - DIRECT - (DIMOPOULOS)

1 move this document into evidence, your Honor.

2 MR. FRISCH: No objection.

3 THE COURT: No objection raised thereto,  
4 Plaintiff's 18 is in evidence.

5 (Whereupon, Plaintiff's Exhibit 18 was  
6 received into evidence.)

7 MR. DIMOPOULOS: Plaintiff's Exhibit 19  
8 for identification, please, Michael.

9 Q. Mr. Kassenoff, I will represent to you that  
10 this is a multiple page document, beginning with a  
11 Facebook post with the handwritten date April 23rd,  
12 2021, and Michael, if you can scroll down the document,  
13 there are various posts with dates written across the  
14 bottom.

15 Have you seen this document before today?

16 A. Yes.

17 MR. DIMOPOULOS: And, Michael, how many  
18 pages is this document?

19 Q. Okay. Is it your testimony that there are 21  
20 pages of Facebook posts on various dates?

21 A. I don't recall. It could be that --

22 THE COURT: You don't recall.

23 Q. Do you remember from where you obtained this  
24 document?

25 A. The document put together like that?

A. KASSENOFF - DIRECT - (DIMOPOULOS)

1 Q. Correct.

2 A. I think I created it and sent it to you.

3 Q. So you came into possession of all of these  
4 different Facebook posts. Are all of these posts made  
5 by one person?

6 MR. FRISCH: Objection.

7 A. Yes.

8 THE COURT: Well, the document will  
9 speak for itself. Every post has a heading on it.  
10 Did you alter, manipulate, or construct anything  
11 different from the original post, Mr. Kassenoff?

12 THE WITNESS: No, your Honor.

13 THE COURT: Next question.

14 Q. Who wrote the date on top of each page?

15 A. I don't think I did. I think someone from  
16 your office did.

17 MR. DIMOPOULOS: Permission to move  
18 Plaintiff's 19 into evidence.

19 MS. MOST: No objection.

20 MR. FRISCH: No objection.

21 THE COURT: No objection raised thereto,  
22 Plaintiff's 19 is in evidence.

23 (Whereupon, Plaintiff's Exhibit 19 was  
24 received into evidence.)

25 Q. Plaintiff's 20, please. Plaintiff's 20 is

A. KASSENOFF - DIRECT - (DIMOPOULOS)

1 another Facebook post made by Catherine Kassenoff. Are  
2 you familiar with this Facebook post?

3 A. I think these are comments on a post.

4 Q. What do you mean by "comments"? Can you  
5 explain?

6 A. Sure. When you make a post on Facebook,  
7 people can add their own comments to it. And I think  
8 this was one of Catherine's posts, generated some  
9 comments. And the reason I took a screenshot of this,  
10 was because Catherine commented on the comments to her  
11 post.

12 Q. And this is an accurate depiction of what was  
13 posted and/or commented to on Facebook?

14 A. With the addendum that comments may have been  
15 added after I took the screenshot, but at the time I  
16 took the screenshot, it's an accurate depiction.

17 MR. DIMOPOULOS: Permission to move  
18 Plaintiff's Exhibit 20 into evidence.

19 MS. MOST: No objection.

20 MR. FRISCH: Objection, because of the  
21 date, I believe it's October 2021.

22 THE COURT: Do you want to stipulate to  
23 the date?

24 MR. FRISCH: No. I objected. It comes  
25 after restating my previous objection.

## A. KASSENOFF - DIRECT - (DIMOPOULOS)

1 THE COURT: The problem that I have is,  
2 as I illustrated previously, is that if there was  
3 an order that was in effect that there was no stay  
4 in the Appellate Division, that a party is under a  
5 continuous obligation, regardless of whether it's  
6 the plaintiff or the defendant, to obey, adhere  
7 to, and abide by those court orders. If this  
8 demonstrates a continuing pattern, then I will  
9 give it due and deliberate consideration and  
10 consideration of the current extant issues before  
11 me.

12 Overruled.

13 MR. DIMOPOULOS: Your Honor, if I can  
14 have a minute and a half to talk to my client?

15 THE COURT: Are you moving 20 into  
16 evidence?

17 MR. DIMOPOULOS: Yes.

18 THE COURT: I overruled Mr. Frisch's  
19 objection. Okay. So 20 is in evidence. You have  
20 an exception, Mr. Frisch.

21 (Whereupon, Plaintiff's Exhibit 20 was  
22 received into evidence.)

23 MR. DIMOPOULOS: Can I take a very, very  
24 short break?

25 THE COURT: That's fine. We will take a

## A. KASSENOFF - DIRECT - (DIMOPOULOS)

1           few minutes.

2                           (Whereupon, a short recess was taken.)

3                           THE COURT: Go ahead, Mr. Dimopoulos.

4 BY MR. DIMOPOULOS:

5           Q.    Mr. Kassenoff, are you currently covered by  
6 medical insurance?

7           A.    Today I am, as far as I know.

8           Q.    Did there come a time recently when you were  
9 notified by Ms. Kassenoff that you would not be covered  
10 by medical insurance?

11          A.    She e-mailed, I believe you, but copied me,  
12 to inform us that she was going to remove myself and  
13 the children from the health insurance.

14          Q.    Do you recall when you received that  
15 communication?

16          A.    Probably a week, week and half ago.

17          Q.    What, if anything, did you do to confirm  
18 whether or not you had been removed?

19          A.    I called UnitedHealthcare, who is the  
20 provider, to ask them. They said that it was a  
21 self-managed plan. They said I need to call the HR  
22 Group of NYPA, New York Power Authority. So I called  
23 NYPA several times, and I kept getting voicemail.  
24 Finally, today, I got through to the HR rep, who  
25 confirmed that Ms. Kassenoff has removed the children

A. KASSENOFF - DIRECT - (DIMOPOULOS)

1 and myself.

2 Q. And that conversation happened today?

3 A. Today at 11:30.

4 Q. Prior to today -- prior to today, you and the  
5 children were covered under whose plan?

6 A. Ms. Kassenoff's plan.

7 Q. Through her employment; correct?

8 A. Yes.

9 Q. And to the best of your knowledge, did the  
10 health insurance plan have any type of coverage for  
11 mental health treatment?

12 A. Yes, it did.

13 Q. And what type of coverage did it have?

14 A. I mean, it covers it -- it's my understanding  
15 that it covers it, just like any other provider.  
16 Meaning, there's certain doctors in network, that it  
17 covers a certain amount, and if you go out of network,  
18 it covers a different amount.

19 Q. And from the beginning of the proceeding,  
20 this divorce proceeding, until now, how were Drs. Adler  
21 and McGuffog paid?

22 MR. FRISCH: Objection, your Honor, to  
23 this line of questioning. Scope.

24 THE COURT: You want to make an offer of  
25 proof, Mr. Dimopoulos?

## A. KASSENOFF - DIRECT - (DIMOPOULOS)

1 MR. DIMOPOULOS: Sure. I believe it's  
2 part of one of the underlying applications. There  
3 are two additional requests for contempt. One of  
4 them is based on --

5 THE COURT: Violation of the automatic  
6 orders?

7 MR. DIMOPOULOS: Well, violation of the  
8 automatic orders, which we learned about today,  
9 and also a withdrawal of over \$168,000 from Ms.  
10 Kassenoff's retirement account. That's both of  
11 those, I believe, are covered, unless I'm  
12 mistaken, Mr. Frisch.

13 THE COURT: Okay. Subject to  
14 connection, I will allow it.

15 BY MR. DIMOPOULOS:

16 Q. How were the therapists paid?

17 A. Originally, right at the start, when we were  
18 doing 50/50 custody, when I took the kids, it was only  
19 Charlie and Josephina at the time, because we were  
20 still working on a therapist for Ali. I don't remember  
21 why it took so long, but when I took the kids, I would  
22 pay out of pocket, and when Ms. Kassenoff took the  
23 kids, she would pay out of pocket.

24 Q. Did there come a time when that changed?

25 A. It was very expensive, obviously, and



## A. KASSENOFF - DIRECT - (DIMOPOULOS)

1 ultimately it was -- I don't remember if it was agreed  
2 by the parties or ordered by the court, but that -- I  
3 have an E-TRADE account that was locked, but the Court  
4 authorized us to transfer \$30,000 out of that, to use  
5 that to pay the therapists.

6 Q. So what specifically does the court order  
7 say?

8 A. The Court -- I don't remember word for word,  
9 but in effect, because the account was locked, it said  
10 we can -- we had to submit a letter to E-TRADE  
11 authorizing them to transfer \$30,000 of securities out  
12 of that account into a separate account with a checking  
13 -- with a checkbook, where I could write checks to the  
14 therapist from that account.

15 Q. Did there come a time when Judge Koba issued  
16 an order regarding any reimbursements for mental health  
17 treatment?

18 A. Yes.

19 Q. To the best of your recollection, what did  
20 that order say?

21 A. It said that Ms. Kassenoff had to continue  
22 submitting the invoices to the insurance company, to  
23 UnitedHealthcare, and when she received the  
24 reimbursements, the reimbursement money, she would have  
25 to give it to me, to put it back into the E-TRADE

A. KASSENOFF - DIRECT - (DIMOPOULOS)

1 account.

2 Q. As you sit here today -- withdrawn.

3 As you sit here today, do you have knowledge  
4 of any deposits by Ms. Kassenoff into the E-TRADE  
5 account for insurance reimbursements or otherwise?

6 A. No, but she was supposed to give the money to  
7 me to deposit it.

8 Q. Did she ever give you any money from the  
9 insurance?

10 A. No, she did not.

11 Q. Did you ever tally how much money she  
12 received from the insurance company?

13 A. I did.

14 Q. Showing you Plaintiff's Exhibit 21, marked  
15 for identification. So this is apparently an Excel  
16 spreadsheet with a lot of numbers on it. Can you tell  
17 us what this document is?

18 A. Sure. It was very difficult for me to get  
19 the information of what money she was getting  
20 reimbursed for. And finally, after many calls with  
21 UnitedHealthcare, they sent me all of the EOBs, and I  
22 sat --

23 Q. What's an EOB?

24 A. It's an explanation of benefits. And what  
25 the -- this is what UnitedHealthcare told me, and it

## A. KASSENOFF - DIRECT - (DIMOPOULOS)

1 shows the date of the service, it shows the amount of  
2 the bill, it shows how much is allowed, and then it  
3 shows how much is being reimbursed to you as the  
4 patient, so to speak.

5 Q. And did you assemble all of the EOBs you  
6 received?

7 A. So I took all of the EOBs I received and put  
8 them in chronological order, put them by child, meaning  
9 first stack was for Ally, a stack for Josephina, a  
10 stack for Charlotte, and then I created a spreadsheet  
11 summarizing all of this information.

12 Q. And do you have a -- withdrawn.

13 I would like to offer -- withdrawn.

14 Did you create this spreadsheet yourself?

15 A. Yes.

16 MR. DIMOPOULOS: I would like to move  
17 Plaintiff's Exhibit 21 into evidence, please.

18 MS. MOST: No objection?

19 THE COURT: What?

20 MS. MOST: I have no objection.

21 MR. FRISCH: No objection.

22 THE COURT: No objection raised thereto,  
23 Plaintiff's 21 is in evidence.

24 (Whereupon, Plaintiff's Exhibit 21 was  
25 received into evidence.)

## A. KASSENOFF - DIRECT - (DIMOPOULOS)

1 Q. And are you able to review this document and  
2 tell me the total amount received by Ms. Kassenoff in  
3 insurance reimbursements?

4 A. Yes. I created a SUM Formula to add up all  
5 of the amounts she received.

6 Q. Is that at the end?

7 A. Yes.

8 MR. DIMOPOULOS: Can you go down to the  
9 bottom, Michael, please?

10 Q. Is that the total at the bottom; right?

11 A. Yes.

12 Q. Can you read that for us?

13 A. Can you blow it up a bit?

14 Q. I will read it for you. \$48,988.65, does  
15 that sound familiar?

16 A. Yes.

17 Q. And just to be clear, no part of that money  
18 was ever given to you to reimbursement E-TRADE?

19 A. No, nothing.

20 MR. DIMOPOULOS: Your Honor, Exhibits 20  
21 through 24 are the explanation of benefits  
22 provided to Mr. Kassenoff. I think that they  
23 should be in evidence. I know Mr. Frisch  
24 disagrees. I would like to move them in. They're  
25 just explanations of benefits that tie into this

## A. KASSENOFF - DIRECT - (DIMOPOULOS)

1 spreadsheet.

2 MR. FRISCH: If your Honor will permit,  
3 can I ask Counsel to tell me the dates of those?

4 MR. DIMOPOULOS: Of the EOBs?

5 MR. FRISCH: Yes.

6 MR. DIMOPOULOS: Yes.

7 MR. FRISCH: The approximate date. I  
8 apologize. I don't have that in front of me.

9 MR. DIMOPOULOS: Exhibit 22 are EOBs  
10 relative to Alexander.

11 THE COURT: They're not in here?

12 MR. DIMOPOULOS: They're not, Judge.  
13 There are many hundreds of pages. November 15,  
14 2019 --

15 THE COURT: Let me ask you something,  
16 Mr. Dimopoulos. Since there are so many pages,  
17 can we stipulate that up until August 25th of  
18 2021, that Ms. Kassenoff received from the  
19 insurance \$48,988.65?

20 MR. DIMOPOULOS: With that stipulation,  
21 we wouldn't need the EOBs.

22 MR. FRISCH: If I can take it under  
23 advisement.

24 THE COURT: Take it under advisement and  
25 advise me at the next appearance.

A. KASSENOFF - DIRECT - (DIMOPOULOS)

1 MR. FRISCH: That would be great, your  
2 Honor. Thank you.

3 THE COURT: Off the record.

4 (Discussion held off the record.)

5 MR. DIMOPOULOS: Your Honor, can I  
6 proceed?

7 THE COURT: I don't know. Can you?

8 BY MR. DIMOPOULOS:

9 Q. Did there come a time when you learned that  
10 Ms. Kassenoff had removed monies from retirement  
11 accounts?

12 A. Yes.

13 Q. How did you learn that?

14 A. I don't remember the first way we learned,  
15 but ultimately it was in an affidavit she submitted to  
16 the court, where she indicated as much.

17 MR. FRISCH: Your Honor, I object to  
18 this line also, reasons of scope.

19 THE COURT: I'm not so concerned about  
20 the scope objection, Mr. Frisch. It goes to  
21 either violations or disobedience with currently  
22 existing orders and can be attributed to a pattern  
23 and a practice of a party's behavior. I will give  
24 it whatever weight, if any, that I deem  
25 appropriate at the time of my rulings.



## A. KASSENOFF - CROSS - (FRISCH)

1 going to be -- there's only one way to find out  
2 about the health insurance and whether it's  
3 effective as of today. I thought maybe we could  
4 conference that issue after the hearing, but if I  
5 don't get testimony one way or the other, I will  
6 need to re-call Mr. Kassenoff on that very limited  
7 point, but I think for now, I have no further  
8 questions for him.

9 THE COURT: Do you need a few minutes,  
10 Mr. Frisch?

11 MR. FRISCH: I don't.

12 THE COURT: Your witness.

13 CROSS-EXAMINATION

14 BY MR. FRISCH:

15 Q. Mr. Kassenoff, good afternoon.

16 A. Good afternoon.

17 Q. You and I have never spoken before this  
18 minute; is that correct?

19 A. That's correct.

20 Q. A moment ago, toward the end of Mr.  
21 Dimopoulos' examination, you testified about an order  
22 of Judge Koba regarding insurance proceeds for the  
23 payment of a therapist. Do you recall that testimony?

24 A. Yes.

25 Q. You started that testimony by talking about



## A. KASSENOFF - CROSS - (FRISCH)

1 the contents or summarizing the contents that Justice  
2 Koba ordered. Do you recall that?

3 A. I don't recall specifically.

4 Q. Do you recall the date of the order to which  
5 -- about which you just testified?

6 A. I don't think I gave a date.

7 Q. Do you recall the date?

8 A. Well, the reason I didn't give a date --

9 THE COURT: Do you recall the date, is  
10 the question?

11 Q. Do you recall the date?

12 THE WITNESS: Can I give clarification,  
13 your Honor?

14 THE COURT: Let me instruct you, Mr.  
15 Kassenoff. If a question starts with "did you,"  
16 "have you," "will you," "can you," "were you,"  
17 that is all indicative of a yes or no answer.

18 THE WITNESS: I understand.

19 THE COURT: It does not call for a  
20 narrative. If it does, someone may ask you to  
21 continue or expand upon your answer or Mr.  
22 Dimopoulos may object. I don't want a record full  
23 of objections, because you testified how you  
24 wanted to, which is not responsive to the specific  
25 question.

## A. KASSENOFF - CROSS - (FRISCH)

1           So listen to the question, take a minute  
2           and answer it in accordance with the manner in  
3           which it was posed. Understand?

4           THE WITNESS: I do, your Honor. It's  
5           just --

6           THE COURT: Okay. If there's a problem,  
7           you will let me know. Rephrase your question.

8 BY MR. FRISCH:

9           Q. Mr. Kassenoff, do you recall an order that  
10          Justice Koba issued in this proceeding, on or about  
11          July 12, 2021?

12          A. I don't know.

13          Q. Do you recall that she gave the following  
14          order: "The Court further directs defendant to  
15          continue submitting requests for reimbursement from  
16          defendant's insurance carrier, for the therapeutic  
17          services, and to provide all reimbursement checks to  
18          plaintiff, within one week of receipt, for deposit into  
19          the separate account established to hold the funds  
20          withdrawn to pay the children's therapy expenses."

21                 Do you recall Justice Koba issuing that  
22          order?

23          A. Yes.

24          Q. Is that the order to which you referred a  
25          moment ago when Mr. Dimopoulos was examining you?

## A. KASSENOFF - CROSS - (FRISCH)

1 A. That was one order to that effect.

2 MR. FRISCH: If I can ask Mr. Dimopoulos  
3 to confirm that I read from NYSCEF document 1439,  
4 which is Justice Koba's order dated July 12, 2021?

5 THE COURT: Was that an order you moved  
6 into evidence, Mr. Dimopoulos?

7 MR. DIMOPOULOS: No, your Honor, but if  
8 I can confirm -- number one, I can confirm that  
9 for Mr. Frisch, and I do think it would probably  
10 be a good idea to have that in evidence, but it's  
11 your cross-examination.

12 MR. FRISCH: I move into evidence NYSCEF  
13 document number 1439 --

14 THE COURT: Hold on. Hold on.  
15 Defendant's A, NYSCEF 1439?

16 MR. FRISCH: Correct. Which is an order  
17 of Justice Koba dated July 12, 2021.

18 THE COURT: Any objection?

19 MR. DIMOPOULOS: No objection.

20 MS. MOST: No objection.

21 THE COURT: No objection raised thereto,  
22 Defendant's A is in evidence.

23 (Defendant's Exhibit A was received into  
24 evidence.)

25

## A. KASSENOFF - CROSS - (FRISCH)

1 BY MR. FRISCH:

2 Q. Mr. Kassenoff, a moment ago you made  
3 reference to various dollar figures associated with  
4 money to be paid for the services of therapists. Do  
5 you recall that testimony?

6 A. I recall my testimony.

7 Q. With regard to the portion of Justice Koba's  
8 order, to which I just read aloud, as you sit here  
9 today, sir, do you know, since July 12, 2021, until  
10 today, how much money Ms. Kassenoff has received  
11 intended for the payment of therapist services?

12 A. I don't know it off the top of my head. It's  
13 on the spreadsheet.

14 Q. Do you know if there is any money she  
15 received since July 12, 2021?

16 A. Yes.

17 Q. That's on your spreadsheet?

18 A. Yes.

19 Q. You testified, at the beginning of your  
20 direct examination, that there's an order in place  
21 which prevents each of you from denigrating the other  
22 on social media. Do you recall that --

23 A. Yes.

24 Q. -- testimony?

25 A. Yes.

## A. KASSENOFF - CROSS - (FRISCH)

1 Q. And you also testified that -- correct me if  
2 I'm wrong -- that you recall about 40 times that Ms.  
3 Kassenoff has posted on social media about the divorce.  
4 Do you recall that testimony?

5 A. I didn't say 40. I said 20 to 40, yes.

6 Q. Twenty to 40, I stand corrected. Do you  
7 recall that testimony?

8 A. Yes.

9 Q. Now, if you or Ms. Kassenoff goes on social  
10 media and talks about the divorce, without denigrating  
11 each other, or talks about the proceedings in this  
12 court, without denigrating each other, in your view, is  
13 that a violation of the order?

14 A. No.

15 Q. Would you agree that someone can denigrate  
16 someone else by using pejorative? You know what I mean  
17 by pejorative; correct?

18 A. I mean, I know what a pejorative word is.

19 THE COURT: Refine your question. I  
20 don't want any misconstrued answers to questions.

21 Q. Well, for example, if Ms. Kassenoff called  
22 you a deadbeat, or you called her a deadbeat, would you  
23 agree that that constitutes denigration?

24 A. Probably.

25 Q. And it might be true that somebody is a

## A. KASSENOFF - CROSS - (FRISCH)

1 deadbeat; correct?

2 A. Might be.

3 Q. When you denigrate someone -- withdrawn.

4 When you are barred from denigrating  
5 something, it doesn't matter whether you believe it's  
6 true or not; correct?

7 A. Yes.

8 Q. Who is Eric Groothius, G-R-O-O-T-H-I-U-S?

9 A. He is a fraternity brother of mine from  
10 college.

11 Q. When you were at Columbia University?

12 A. Yes.

13 Q. He's a lawyer, now, in New York City?

14 A. I believe he's a partner at your firm.

15 Q. Do you recall on what date that I filed my  
16 notice of appearance in this case?

17 A. I have absolutely no idea.

18 Q. Let me show you what I will ask to be marked  
19 as defense exhibit --

20 THE COURT: B.

21 Q. -- B, as in boy, and see if this -- my  
22 question to you is, does this refresh your recollection  
23 as to the date that I filed my notice of appearance?

24 MR. DIMOPOULOS: Your Honor, I will  
25 object. The date that Mr. Frisch filed his notice

## A. KASSENOFF - CROSS - (FRISCH)

1 of appearance in this case is a matter of public  
2 record. I can stipulate to it. If this has  
3 something to do with a post on social media, I'm  
4 interested to hear it. If it has anything else to  
5 do, it's outside the scope of this hearing and  
6 outside the scope of my direct.

7 THE COURT: Well, the scope of your  
8 direct I'm not so concerned about, because you  
9 have a witness on the stand, and this can go to  
10 credibility, collateral, or some other issue.  
11 That being said, I want an offer of proof on the  
12 notice of appearance.

13 MR. FRISCH: The notice of appearance is  
14 just to establish the date that I appeared and the  
15 speed and nature of which Mr. Kassenoff responded  
16 to it in a communication with a law partner of  
17 mine.

18 MR. DIMOPOULOS: How does that go to  
19 credibility or anything else?

20 THE COURT: I will give a little  
21 latitude, but you run the risk. There's no jury  
22 here, so whatever I strike, I strike, I will never  
23 see it again. So I will extend a little latitude.  
24 You have an exception, Mr. Dimopoulos.

25

## A. KASSENOFF - CROSS - (FRISCH)

1 BY MR. FRISCH:

2 Q. Let me show you -- withdrawn.

3 THE COURT: Because I will remind you,  
4 Mr. Dimopoulos, although we are not on the  
5 defendant's direct case, there is a contempt  
6 application by the defendant for violation of  
7 various orders. I don't have it in front of me at  
8 the moment, but it is still extant before. So  
9 under that guise, be guided accordingly.

10 MR. FRISCH: Thank you, your Honor.  
11 Will Counsel stipulate that I filed my notice of  
12 appearance in this case on October 1st, 2021?

13 MR. DIMOPOULOS: If you tell me that's  
14 the date you filed it, I will stipulate to it.

15 MR. FRISCH: I ask that this document be  
16 marked for identification as Defendant's B, as in  
17 boy.

18 (Whereupon, Defendant's Exhibit B,  
19 notice of appearance, was marked for  
20 identification.)

21 Q. Mr. Kassenoff, my first question to you is if  
22 you recognize that as an e-mail that you sent to  
23 Attorney Groothius on October 1st, 2021, at 12:46 p.m.?

24 THE COURT: Is that B?

25 MR. FRISCH: Yes.



A. KASSENOFF - CROSS - (FRISCH)

1 THE COURT: B was your notice of  
2 appearance.

3 MR. FRISCH: This would be C. I stand  
4 corrected, Judge.

5 THE COURT: So Exhibit C is an e-mail,  
6 and the notice of appearance is B?

7 MR. DIMOPOULOS: Are we marking the  
8 notice of appearance as B?

9 THE COURT: Yes.

10 MR. DIMOPOULOS: I will object to it at  
11 the appropriate time.

12 (Whereupon, Defendant's Exhibit C,  
13 e-mail, was marked for identification.)

14 THE COURT: Go ahead.

15 BY MR. FRISCH:

16 Q. Mr. Kassenoff, my question to you is, do you  
17 recall this as an e-mail that you sent to Attorney  
18 Groothius on October 21, 2021?

19 A. Yes.

20 Q. At about 12:46 p.m.?

21 A. I don't recall the time, but that is what it  
22 says.

23 THE COURT: What date?

24 MR. FRISCH: October 1, 2021.

25 THE COURT: Okay. Go ahead.

A. KASSENOFF - CROSS - (FRISCH)

1 MR. FRISCH: I offer C.

2 MR. DIMOPOULOS: I would ask an offer of  
3 proof on relevance. What purpose are you offering  
4 the document?

5 MR. FRISCH: May I respond? There are a  
6 number of reasons. One of which, it goes to Mr.  
7 Kassenoff's credibility, which I will develop more  
8 as the examination goes on.

9 Second, in this case it seems to me,  
10 with regard to both parties, there are things that  
11 are said, that in one context could be seen as  
12 denigration or inappropriate, in some form, but do  
13 not constitute contempt, civil or criminal, or a  
14 violation of an order. And I'm using this as an  
15 example of something Mr. Kassenoff has done, which  
16 may not be contentious, but is nonetheless  
17 inappropriate or constitutes denigration, and I'm  
18 also putting it in on his credibility --

19 THE COURT: Well, if it's denigration,  
20 then it's contempt, quite frankly.

21 MR. DIMOPOULOS: It would be contempt if  
22 there was an order prohibiting my client from  
23 e-mailing, but there's no such order.

24 THE COURT: I don't know that, Mr.  
25 Dimopoulos, and, quite frankly, I'm not going

## A. KASSENOFF - CROSS - (FRISCH)

1 through 1700-plus NYSCEF submissions in this case,  
2 in a case that's only two years old. Twenty-five  
3 pages of NYSCEF documents. That is absolutely  
4 ridiculous.

5 MR. DIMOPOULOS: You are absolutely  
6 right, but I can represent to you, as an officer  
7 of this court, and I'm sure Mr. Frisch can  
8 stipulate, there's no such order of this court  
9 prohibiting either party from e-mailing third  
10 parties for any purpose whatsoever.

11 THE COURT: It could be denigrating. I  
12 don't know. It's not in evidence yet. I'm not  
13 looking at it. You can make your application to  
14 me when this is over.

15 Go ahead, Mr. Frisch.

16 MR. FRISCH: I offer Defense C.

17 MR. DIMOPOULOS: I object.

18 THE COURT: C is in evidence, subject to  
19 connection. If it's not, Mr. Dimopoulos, you can  
20 make your application at the conclusion of the  
21 evidence, before it's fully submitted.

22 (Whereupon, Defendant's Exhibit C was  
23 received into evidence, subject to connection.)

24 MR. DIMOPOULOS: Thank you, your Honor.  
25

## A. KASSENOFF - CROSS - (FRISCH)

1 BY MR. FRISCH:

2 Q. Mr. Kassenoff, may I please impose on you to  
3 read allowed the e-mail?

4 A. "Hi, Eric. How are things with you? Anyway,  
5 I have a quick question. I'm going through a really  
6 messy, drawn-out divorce, 2.5 years and counting. My  
7 ex just hired her 12th lawyer, Andrew Frisch, from your  
8 firm. I just looked him up, and he doesn't appear to  
9 be a matrimonial lawyer. I'm a bit confused. Does Mr.  
10 Frisch actually practice divorce law? Unrelatedly, I'm  
11 a bit surprised that your firm would take on a client  
12 who hasn't paid her prior lawyers, and is currently  
13 being sued by one of them for over \$300,000, and who  
14 fired or got fired by all of her prior lawyers.  
15 Anyway, speak to you later. Thanks, Allan."

16 Q. Thank you, sir. Mr. Kassenoff, prior to  
17 reaching out to Mr. Groothius with this e-mail, when  
18 did you last speak to him, if you recall, about  
19 anything?

20 A. Probably a couple of years before.

21 Q. So this was the first time you reached out to  
22 Attorney Groothius in years, is that true?

23 A. We communicate on Facebook by posting,  
24 reading each other's posts, but direct communication,  
25 yes.

## A. KASSENOFF - CROSS - (FRISCH)

1 Q. You say in this e-mail two things. You say,  
2 "I'm a bit confused." Do you see that line?

3 A. I do.

4 Q. And do you see, later on, "I'm a bit  
5 surprised," and some more of that sentence -- I'm not  
6 trying to truncate it, but do you see you use the words  
7 "I'm a bit surprised"?

8 A. I see both of those.

9 Q. You've practiced as a lawyer since March 2nd,  
10 1999; is that correct?

11 A. I graduated law school in 1998. I don't know  
12 when I was admitted to the Bar, but if you have some  
13 data that it was March, I believe you.

14 Q. You've conducted hundreds of depositions?

15 A. Yes.

16 Q. They have been transcribed, as far as you  
17 know, or many have been; correct?

18 A. I presume every single one.

19 Q. In conducting a deposition, do you ever tell  
20 a deponent you were confused by an answer?

21 A. I'm sure I have.

22 Q. Would you agree with me that sometimes  
23 litigators say they're confused, as a tactic?

24 THE COURT: Sustained.

25 Q. Sir, in your view, does this e-mail denigrate

## A. KASSENOFF - CROSS - (FRISCH)

1 Catherine?

2 A. I don't think so. That was not my intent.

3 Q. As of the date of the e-mail, October 20,  
4 '21, you had already sought to have Catherine held in  
5 civil and criminal contempt; correct?

6 A. I don't know what the dates of the motions  
7 were filed, but whatever dates they were, if they were  
8 before October 1st, then, yes.

9 Q. How many times have you sought to have  
10 Catherine held in civil or criminal contempt?

11 A. Several, many.

12 Q. How many times have you authorized Mr.  
13 Dimopoulos or you, yourself, written to the court, and  
14 ask that she be imprisoned?

15 A. I've never written to the court.

16 Q. How many times, to your knowledge, has Mr.  
17 Dimopoulos submitted papers to the court in support of  
18 an application that Catherine be imprisoned?

19 A. I have no idea.

20 Q. Do you know whether or not he has done so?

21 A. He has.

22 Q. Have you authorized him to do so?

23 A. I have authorized everything he's done.

24 Q. So to the extent, so we're clear, I want the  
25 record to be clear -- to the extent that Mr. Dimopoulos

A. KASSENOFF - CROSS - (FRISCH)

1 has submitted papers to this court asking that my  
2 client be put in jail, you authorized that?

3 A. Yes.

4 MR. FRISCH: If I can ask that this be  
5 marked as Defense Exhibit D?

6 THE COURT: What is it?

7 MR. FRISCH: It's an e-mail.

8 THE COURT: Date?

9 MR. FRISCH: It's an e-mail chain, top  
10 of which is December 15, 2020.

11 (Whereupon, Defendant's Exhibit D was  
12 marked for identification.)

13 THE COURT: Go ahead.

14 Q. Have you had an opportunity to look at it,  
15 Mr. Kassenoff?

16 A. It's incomplete, Mr. Frisch.

17 Q. Have you had an opportunity to look at it?

18 A. I looked at one page of an e-mail chain, yes.

19 Q. Do you see a portion of the e-mail that you  
20 sent to someone named David Diamond?

21 THE WITNESS: Your Honor, can I get the  
22 whole e-mail exchange?

23 MR. DIMOPOULOS: Here's the problem.

24 This is a very lengthy exchange. My client is

25 right. I don't mind if it goes into evidence for

## A. KASSENOFF - CROSS - (FRISCH)

1 purposes of this question, but however, I think  
2 that Mr. Frisch should be compelled to produce the  
3 entire e-mail at some point before I redirect my  
4 client.

5 THE COURT: Well, to produce it, that's  
6 fine. If he's asking your client a specific  
7 question on a portion of an e-mail, I'm not  
8 offended by that request. However, you should be  
9 entitled, as when someone reads trial testimony to  
10 another witness and then selects a specific  
11 portion. Opposing counsel is either, one, Judge,  
12 would you direct the witness read all of the  
13 portion, or in the alternative, you can reexamine  
14 the witness, based upon the non-disclosed portion  
15 at the time of opposing counsel's question.

16 MR. DIMOPOULOS: Thank you, your Honor.

17 THE COURT: So go ahead. Read the  
18 portion that Mr. Frisch has directed, Mr.  
19 Kassenoff.

20 THE WITNESS: The highlighted portion?

21 THE COURT: Yes.

22 A. "I'm sorry about my deadbeat ex-wife. We  
23 have three children together, and she refuses to pay  
24 even one penny towards their expenses."

25 Q. And it's written to someone named David. Who



## A. KASSENOFF - CROSS - (FRISCH)

1 is David?

2 A. He had something to do with one of the kids'  
3 soccer leagues. It's hard to remember without having  
4 all of the information.

5 Q. Is he a parent of a student in one of your  
6 children's schools?

7 A. I have absolutely no idea.

8 MR. FRISCH: Can we make this as Defense  
9 Exhibit E.? I'm sorry -- I want to move D in  
10 evidence.

11 THE COURT: Subject to the entire e-mail  
12 chain, D is in evidence.

13 (Whereupon, Defendant's Exhibit D was  
14 received into evidence, subject to the entire  
15 e-mail chain coming in.)

16 (Whereupon, Defendant's Exhibit E was  
17 marked for identification.)

18 MS. MOST: It's an e-mail, your Honor,  
19 dated May 23rd, 2021, from Mr. Kassenoff.

20 THE COURT: To who?

21 MR. FRISCH: To Catherine Kassenoff and  
22 someone named Gay Rosen, R-O-S-E-N.

23 BY MR. FRISCH:

24 Q. Have you had an opportunity to look at  
25 exhibit -- Defense Exhibit E?

## A. KASSENOFF - CROSS - (FRISCH)

1 A. Yes, sir.

2 Q. Do you recognize it as an e-mail that you  
3 sent to -- looks like, Ms. Kassenoff, with a copy to  
4 somebody named Gay Rosen. Do you see that?

5 A. It's part of a chain, but that's the top one  
6 of the chain.

7 Q. And who is Ms. Rosen, do you recall?

8 A. She's a broker who sold the New Rochelle  
9 house.

10 Q. She sold the marital home in New Rochelle?

11 A. The New Rochelle house that we owned, yes.

12 Q. And can you read the top line -- withdrawn.

13 MR. FRISCH: Move Exhibit E into  
14 evidence.

15 MS. MOST: No objection.

16 MR. DIMOPOULOS: Same objection, your  
17 Honor. I have no problem with the document,  
18 subject to the entire chain being provided.

19 THE COURT: So in other words, is it  
20 your position that the e-mail chain is incomplete?

21 MR. FRISCH: This is complete.

22 MR. DIMOPOULOS: It is? Then I withdraw  
23 my objection.

24 THE COURT: With no objection raised  
25 thereto, Defendant's E is in evidence.

A. KASSENOFF - CROSS - (FRISCH)

1 (Whereupon, Defendant's Exhibit E was  
2 received into evidence.)

3 Q. Mr. Kassenoff, can you please read the very  
4 top of the e-mail chain, that is the two lines, two  
5 sentences that begin with the word "Catherine"?

6 A. "Catherine, we all know you are dishonest and  
7 a liar, but you e-mailed me agreeing that the proceeds  
8 will not go into escrow. In fact, that is the only  
9 reason I agreed to list the house again."

10 Q. Independent of any e-mail that you have seen  
11 today, do you recall ever describing Catherine as a  
12 deadbeat, using that word?

13 A. I don't recall.

14 Q. Is your answer that you don't believe you  
15 did, or as you sit here today, that's not something you  
16 remember?

17 THE COURT: He said, "I don't recall."

18 Q. Mr. Kassenoff, do you know someone named --  
19 withdrawn.

20 One of your objectives in this litigation is  
21 to protect the best interests of the children. Do you  
22 agree with that?

23 A. Yes.

24 Q. One of your objectives in this litigation is  
25 to present the truth of the relevant circumstances to

## A. KASSENOFF - CROSS - (FRISCH)

1 the court; is that true?

2 A. I don't understand your question.

3 Q. Do you believe that the best interests of the  
4 children are protected if truth is presented to the  
5 Judge?

6 THE COURT: Sustained as to form. I  
7 don't even understand that.

8 A. I don't understand. Sorry.

9 THE COURT: A, for effort. The  
10 execution, I'm not so sure.

11 MR. FRISCH: I'll take the A for it.

12 Q. Do you know someone named -- I will spell it.  
13 Someone named Zion, Z-I-O-N, Hilelly, H-I-L-E-L-L-Y?

14 A. I know him.

15 Q. Do you remember knowing that he's a managing  
16 director at BlackRock Global Investment firm?

17 A. He's no longer employed there, but he was at  
18 a point employed by BlackRock. I don't know his title  
19 per se.

20 Q. And do you recall that he has a daughter who  
21 is a classmate of your daughter Charlotte? Do you  
22 recall that?

23 A. I recall that.

24 Q. Has his daughter ever been to your home, do  
25 you recall?



## PROCEEDINGS

1 hereby deemed adjourned today, and we will  
2 reconvene on the 12th at 9:30 a.m., for all  
3 purposes. I will advise you of where we will be  
4 conducting business. And to the extent anybody  
5 wishes to bring guests, or whatever, you will  
6 advise them of the Court's ruling today, so that  
7 we do not have to exhaust all of our resources  
8 with regard to operations.

9 That being said, there's an issue of  
10 insurance, of health insurance, that I understand  
11 was canceled. Is that correct, or was it  
12 reinstated?

13 MR. DIMOPOULOS: No, your Honor. As far  
14 as we know, it was canceled. The information my  
15 client received is that if Ms. Kassenoff has the  
16 ability to reinstate it -- and I don't know when  
17 that ability ends, today or tomorrow.

18 MR. KASSENOFF: Last night. My  
19 understanding, your Honor, open season ended on  
20 Wednesday, but the HR rep that I spoke to said,  
21 she called it, they have secret time, or something  
22 like that. So if it was attempted today, I don't  
23 know about Monday, but today she pretty much said  
24 --

25 THE COURT: Mr. Wiederkehr, did you have

## PROCEEDINGS

1 a communication with your client relative to this  
2 issue? I don't want to know what. You can say  
3 yes or no?

4 MR. WIEDERKEHR: I discussed this with  
5 my client, yes.

6 THE COURT: And is there going to be any  
7 steps taken by your client with regard to the  
8 reinstatement of the health insurance that existed  
9 at the time of commencement and which the  
10 automatic orders were in place?

11 MR. WIEDERKEHR: There is an economic  
12 impediment that needs to be addressed, your Honor.

13 THE COURT: That's why I'm speaking to  
14 you. You are here on the finances, are you not?

15 MR. WIEDERKEHR: I'm here. I'm  
16 prepared. The reality of it is, Judge, is that  
17 there is no reasonable analysis of this issue  
18 imposed upon Ms. Kassenoff, who earns  
19 approximately 20 percent of the income of Mr.  
20 Kassenoff, to unilaterally be saddled with  
21 insurance --

22 THE COURT: Mr. Wiederkehr, stop. Stop.

23 MR. WIEDERKEHR: -- of her husband and  
24 their children.

25 THE COURT: Mr. Wiederkehr, I'm not

## PROCEEDINGS

1 making financial determinations without an  
2 application. That being said, there were  
3 automatic orders, and you know why we're here, Mr.  
4 Wiederkehr, because people are alleged to have  
5 violated orders. So the question is, if there is  
6 a financial issue that needs to be discussed, then  
7 you and Mr. Dimopoulos, we can, for example, make  
8 a determination as to whether or not we distribute  
9 some of the E-TRADE account subject to  
10 reallocation. It's not a ruling, but there seems  
11 to be a significant amount in that account, and  
12 Mr. and Ms. Kassenoff, at some point when I end  
13 this, or some other Judge ends this, will be  
14 making a determination on equitable distribution  
15 of the financial assets.

16 MR. DIMOPOULOS: May I respond, your  
17 Honor?

18 THE COURT: Yes. Look, the insurance  
19 has to be reinstated. That I'm telling you.

20 MS. KASSENOFF: It can't be, your Honor.  
21 We offered them the opportunity --

22 MR. WIEDERKEHR: Catherine.

23 MS. KASSENOFF: -- to make the payment.  
24 Go ahead.

25 THE COURT: Ms. Kassenoff, you have



## PROCEEDINGS

1 counsel.

2 MS. KASSENOFF: Plaintiff spoke.

3 THE COURT: Ms. Kassenoff, you have  
4 counsel.

5 MS. KASSENOFF: Plaintiff spoke.

6 THE COURT: Ms. Kassenoff.

7 MS. KASSENOFF: I'm trying to explain it  
8 to you.

9 THE COURT: Let me say something to you.  
10 You come in with attorneys, you've gone out with  
11 attorneys. You had attorneys coming, now you have  
12 three.

13 MS. KASSENOFF: I have no money, Judge.  
14 I'm homeless. I am literally homeless. I am  
15 walking around wearing clothing that isn't even  
16 court appropriate, Judge. I live out of my car.

17 THE COURT: Ms. Kassenoff, I don't know  
18 why you have made certain choices. I'm not ruling  
19 on them, and I'm not casting an opinion on them.  
20 You made certain choices to be certain places or  
21 rent in some particular location. That is not for  
22 my determination today, but people are responsible  
23 for their own actions. Positive, negative,  
24 whether there's a benefit or a consequence, that  
25 is yet to be determined.

## PROCEEDINGS

1 MS. KASSENOFF: I can't afford to pay  
2 for his insurance, Judge.

3 THE COURT: Well, I've made a  
4 suggestion.

5 MS. KASSENOFF: Yes.

6 THE COURT: I want the insurance  
7 reinstated. How it gets paid for, we have  
8 alternatives and resources. Mr. Frisch, you and  
9 Mr. Dimopoulos better work this out, or Mr.  
10 Wiederkehr, you're the money man on this case.

11 MR. WIEDERKEHR: I just want the record  
12 --

13 THE COURT: It was in place at the date  
14 of commencement. It was unilaterally terminated.  
15 That is a violation of an automatic order prima  
16 facie.

17 MS. KASSENOFF: It was not terminated,  
18 Judge. It just wasn't signed up for. After they  
19 represented that they would not front the cost, I  
20 gave them the opportunity to front the cost of the  
21 insurance, over a week and half ago.

22 THE COURT: Do what you have to do.

23 MR. DIMOPOULOS: Thank you, your Honor.  
24 I will say one thing, your Honor. There is no  
25 ability for my client -- first of all, it wasn't

## PROCEEDINGS

1 just he that was removed from the insurance. The  
2 three children were removed from the insurance.

3 THE COURT: I get it. I said I want it  
4 reinstated. I don't care how we do it. It will  
5 be subject to reallocation.

6 MR. WIEDERKEHR: It will be impossible  
7 for my client. This is open enrollment --

8 THE COURT: Ms. Kassenoff has to  
9 reinstate it.

10 MS. KASSENOFF: I can't, Judge, it's too  
11 late.

12 MR. DIMOPOULOS: Thank you.

13 MR. WIEDERKEHR: Thank you.

14 MR. FRISCH: Your Honor, if I can impose  
15 on the Court what I think will be two short  
16 applications regarding the hearing going forward.  
17 The first is, there are two witnesses who we  
18 intend to call on the contempt hearing. My hope  
19 is that Mr. Dimopoulos will agree to minimize the  
20 inconvenience to them and permit them to appear,  
21 as Mr. Wiederkehr is today, remotely.

22 MR. DIMOPOULOS: Who are the witnesses?

23 MR. FRISCH: Mr. Sing and Ms. Macella.

24 MR. DIMOPOULOS: Who is Mr. Sing?

25 MR. FRISCH: Mr. Sing is the proprietor

## PROCEEDINGS

1 of the deli.

2 MR. DIMOPOULOS: And Ms. Macella?

3 MR. FRISCH: Ms. Macella is the teacher.  
4 Both of them I expect to testify consistent with  
5 the affidavits that are submitted already.

6 THE COURT: Whose affidavits?

7 MR. FRISCH: The affidavit of a teacher,  
8 who witnessed a portion of the events with the  
9 daughter, Alexandria, and her bicycle; that Mr.  
10 Kassenoff testified about.

11 Mr. Sing, who is the store owner of a  
12 deli on Larchmont Avenue, where Ms. Kassenoff was  
13 seen. I will see if I can get Mr. Dimopoulos to  
14 agree with me; if not, I will see what I can do.  
15 And I may have an application for the Court.  
16 That's one.

17 Second. I understand where the Court is  
18 coming from with regard to the best interests of  
19 the children. I appreciate that. I think,  
20 however, that the hardship to Ms. Kassenoff,  
21 compared to the allegations that underlie the  
22 one-mile stayaway; that is, she's in the  
23 neighborhood, she's seen in the neighborhood. It  
24 is not -- ultimately, it does not pass muster,  
25 most respectfully, in my view.

## PROCEEDINGS

1           She is living from place to place,  
2 sometimes in her car, sometimes friends are  
3 putting her up. She has to get emissaries to go  
4 in and get her stuff, meanwhile, she's paying rent  
5 on this place.

6           I completely understand where your Honor  
7 is coming from on this. I know at the end of the  
8 day you will consider everything and make a  
9 ruling, but here we are, November 5th, and this  
10 one-mile stayaway was put in place in September.  
11 There was no fact-finding hearing at the time.  
12 Essentially, we're doing that now.

13           I appreciate the circumstances that have  
14 led us here today, but this is a serious hardship.  
15 My application is for some sort of interim relief,  
16 that she be allowed to live in her place,  
17 understanding the consequences that if she  
18 violates the order of protection, or does  
19 something other than go there to live, and relieve  
20 her this hardship, there's a problem.

21           THE COURT: Discuss it with Mr.  
22 Dimopoulos, and I will deal with it at the next  
23 date of the proceeding. So constitutes decision  
24 and order of the Court. We are in recess. Have a  
25 good weekend.

## PROCEEDINGS

1 (Whereupon, the proceedings were  
2 adjourned.)

3  
4 \* \* \* \* \*

5  
6 This is hereby certified to be a true and  
7 accurate record of the above proceedings.

8  
9  
10 -----  
11 Mary T. Slavik, RPR  
12 Senior Court Reporter  
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**BY MR. DIMOPOULOS: [12]** 9/22  
16/11 33/18 34/25 37/19 40/6 44/7  
51/15 62/4 64/15 70/8 71/15

**BY MR. FRISCH: [6]** 74/8 75/25 79/25  
81/15 83/25 89/23

**MR. DIMOPOULOS: [97]** 2/6 8/2 8/7  
8/13 9/7 9/12 10/14 11/5 12/10 13/22  
14/8 15/21 17/1 19/15 19/18 21/5  
22/20 24/9 25/6 27/7 27/16 27/24 28/4  
29/4 29/13 30/3 30/22 31/1 31/4 32/5  
33/13 34/10 35/23 36/4 36/10 37/11  
37/16 38/2 39/18 41/24 42/16 43/2  
43/13 44/4 44/12 44/21 45/7 49/9 50/6  
52/23 55/7 55/18 57/25 58/7 58/17  
59/17 60/17 61/13 61/17 61/23 64/1  
64/7 67/16 68/8 68/20 69/4 69/6 69/9  
69/12 69/20 70/5 71/21 71/25 75/7  
75/19 78/24 79/18 80/13 81/7 81/10  
82/2 82/21 83/5 83/17 83/24 87/23  
88/16 90/16 90/22 93/6 94/13 96/16  
98/23 99/12 99/22 99/24 100/2

**MR. FRISCH: [75]** 2/12 11/11 12/13  
13/25 15/25 17/5 19/12 19/14 21/8  
22/23 24/12 25/3 26/8 28/2 28/7 29/11  
30/6 30/10 32/8 34/14 36/17 36/24  
37/1 39/21 42/20 42/22 43/14 43/19  
44/25 51/5 51/11 52/9 53/8 55/4 55/15  
57/9 58/2 59/6 59/20 60/20 60/24  
63/22 67/21 69/2 69/5 69/7 69/22 70/1  
70/17 72/11 75/2 75/12 75/16 79/13  
80/10 80/15 80/25 81/3 81/24 82/1  
82/5 83/16 87/4 87/7 87/9 89/8 89/21  
90/13 90/21 92/11 99/14 99/23 99/25  
100/3 100/7

**MR. SAAR: [7]** 2/16 4/24 5/13 6/20 7/7  
7/13 8/1

**MR. WIEDERKEHR: [10]** 2/22 9/19  
95/4 95/11 95/15 95/23 96/22 98/11  
99/6 99/13

**MS. KASSENOFF: [10]** 96/20 96/23  
97/2 97/5 97/7 97/13 98/1 98/5 98/17  
99/10

**MS. MOST: [21]** 12/14 13/24 15/23  
17/4 21/7 22/22 24/11 25/2 28/8 32/7  
34/13 39/20 42/19 44/24 59/19 60/19  
67/18 67/20 75/20 89/18 90/15

**THE COURT: [188]**

**THE WITNESS: [10]** 8/21 8/25 9/5  
20/8 59/12 73/12 73/18 74/4 87/21  
88/20

**\$**

**\$168,000 [2]** 64/9 71/20

**\$30,000 [2]** 65/4 65/11

**\$300,000 [1]** 84/13

**\$48,988.65 [2]** 68/14 69/19

**'**

**'21 [1]** 86/4

**-**

-----X [1]

1/5

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1/2

**.26 [1]** 50/17

**1**

**10 [2]** 24/24 25/10

**10/25 [1]** 22/10

**10004 [1]** 1/15

**10118 [1]** 1/18

**10538 [1]** 9/1

**10601 [1]** 1/7

**10605 [1]** 1/21

**10707 [1]** 1/12

**10th [1]** 50/23

**11 [5]** 26/16 28/5 28/15 28/19 30/4

**111 [1]** 1/6

**11:30 [2]** 38/7 63/3

**12 [11]** 31/5 33/13 33/15 33/16 48/10  
48/17 74/11 75/4 75/17 76/9 76/15

**12:46 [2]** 80/23 81/20

**12th [3]** 57/1 84/7 94/2

**13 [4]** 33/20 33/23 34/11 34/23

**14 [4]** 10/17 35/19 38/1 41/13

**140 [1]** 48/18

**1439 [3]** 75/3 75/13 75/15

**14th [1]** 41/15

**15 [7]** 38/18 39/11 39/19 39/23 39/24  
69/13 87/10

**150 [2]** 51/1 55/23

**15th [1]** 48/10

**16 [4]** 39/3 39/19 39/23 39/25

**161 [3]** 9/1 42/7 45/22

**17 [3]** 41/8 42/18 42/20

**1700-plus [1]** 83/1

**18 [3]** 56/23 58/4 58/5

**19 [4]** 58/7 59/18 59/22 59/23

**1998 [1]** 85/11

**1999 [1]** 85/10

**1:00 [1]** 51/2

**1st [4]** 10/24 80/12 80/23 86/8

**2**

**2.5 [1]** 84/6

**20 [11]** 18/12 59/25 59/25 60/18 61/15  
61/19 61/21 68/20 77/5 86/3 95/19

**2009 [1]** 10/23

**2011 [1]** 10/24

**2013 [1]** 10/25

**2019 [3]** 1/3 2/3 69/14

**202 [1]** 89/19

**2020 [5]** 12/22 13/20 52/18 52/22  
87/10

**2021 [32]** 1/7 6/6 9/24 11/22 14/7 19/6

19/7 26/17 37/22 38/24 39/16 40/8

41/13 41/15 50/23 52/22 52/23 54/12

54/15 57/1 58/12 60/21 69/18 74/11

75/4 75/17 76/9 76/15 80/12 80/23

81/18 81/24

**21 [6]** 58/19 66/14 67/17 67/23 67/24  
81/18

**22 [1]** 69/9

**222 [1]** 1/21

**23rd [8]** 9/24 37/22 38/24 39/16 40/8

52/18 58/11 89/19

**24 [1]** 68/21

**25 [5]** 22/10 35/22 44/22 45/13 45/14

**25th [3]** 14/7 19/5 69/17

**26 [2]** 1/15 44/22

**261-7685 [1]** 22/10

**27 [1]** 44/22

**28 [1]** 44/22

**28th [4]** 26/17 27/10 29/6 30/15

**29 [3]** 4/4 44/22 50/7

**2nd [1]** 85/9

**3**

**30 [8]** 42/10 42/13 44/5 44/23 45/13  
45/15 46/18 46/20

**302 [1]** 1/21

**30th [2]** 12/22 13/20

**33 [1]** 4/7

**34 [1]** 4/9

**35 [1]** 4/11

**350 [2]** 1/18 2/17

**36 [1]** 4/13

**38 [1]** 4/14

**4**

**40 [8]** 4/15 18/12 42/10 42/13 77/2  
77/5 77/5 77/6

**41 [1]** 93/14

**45.32 [1]** 44/16

**5**

**50 [4]** 42/13 46/20 50/25 64/18

**50/50 [1]** 64/18

**500 [2]** 48/24 56/2

**58217 [1]** 2/2

**58217/2019 [1]** 1/3

**5th [3]** 1/18 2/17 101/9

**6**

**600 [2]** 56/2 56/7

**646 [1]** 22/10

**6:22 [1]** 22/9

**6th [1]** 54/15

**7**

**7/15/2009 [1]** 10/23

**73 [1]** 1/12

**7620 [1]** 1/18

**7685 [1]** 22/10

**8**

**8/10/2013 [1]** 10/25

**8th [2]** 5/24 6/6

**9**

**917-359-9511 [1]** 22/5

**9511 [1]** 22/5

**9:15 [1]** 48/12

**9:30 [1]** 94/2

**A**

**a.m [2]** 48/12 94/2

**abandon [1]** 26/3

**abide [1]** 61/7

**ability [3]** 94/16 94/17 98/25

**able [4]** 27/1 27/9 45/17 68/1

**about [39]** 14/18 14/24 17/21 19/19

23/4 23/5 25/23 26/5 29/19 35/9 36/6

36/14 50/20 53/6 54/6 56/12 64/8

70/19 71/2 71/3 71/4 72/2 72/21 72/25

73/5 74/10 77/2 77/3 77/10 77/11 79/8

81/20 84/18 88/22 93/4 93/21 93/21

94/23 100/10

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| <p><b>A</b></p> <p>above [1] 102/7</p> <p>Abrams [1] 93/16</p> <p>absolutely [4] 78/17 83/3 83/5 89/7</p> <p>accept [1] 45/3</p> <p>access [4] 4/25 5/14 6/4 6/12</p> <p>accompanied [1] 41/18</p> <p>accordance [1] 74/2</p> <p>accordingly [2] 7/6 80/9</p> <p>account [14] 21/25 22/2 22/18 64/10 65/3 65/9 65/12 65/12 65/14 66/1 66/5 74/19 96/9 96/11</p> <p>accounts [2] 70/11 71/18</p> <p>accurate [9] 21/2 24/6 32/2 34/2 34/6 45/1 60/12 60/16 102/7</p> <p>accurately [1] 39/15</p> <p>across [3] 39/7 51/22 58/13</p> <p>actions [3] 3/24 71/10 97/23</p> <p>actually [4] 6/2 20/17 36/17 84/10</p> <p>add [2] 60/7 68/4</p> <p>added [1] 60/15</p> <p>addendum [2] 34/4 60/14</p> <p>Addison [6] 46/4 46/22 47/6 47/18 51/23 51/24</p> <p>addition [1] 5/23</p> <p>additional [1] 64/3</p> <p>address [4] 6/23 8/23 42/6 48/17</p> <p>addressed [2] 7/4 95/12</p> <p>adhere [1] 61/6</p> <p>adjourned [2] 94/1 102/2</p> <p>Adler [7] 13/2 13/14 35/11 35/13 57/1 57/5 63/20</p> <p>admissibility [1] 44/17</p> <p>admit [1] 28/12</p> <p>admitted [1] 85/12</p> <p>adult [2] 26/1 38/11</p> <p>advise [3] 69/25 94/3 94/6</p> <p>advisement [2] 69/23 69/24</p> <p>aerials [1] 45/1</p> <p>affidavit [13] 41/13 41/18 42/17 42/21 43/6 48/9 48/18 50/22 54/12 70/15 71/19 93/3 100/7</p> <p>affidavits [2] 100/5 100/6</p> <p>affirm [1] 8/17</p> <p>afford [1] 98/1</p> <p>after [19] 18/4 23/3 23/25 24/2 24/17 32/12 34/20 38/20 39/10 39/12 40/7 40/23 53/12 53/12 60/15 60/25 66/20 72/4 98/18</p> <p>afternoon [8] 2/9 2/10 2/14 2/15 2/19 3/1 72/15 72/16</p> <p>again [3] 52/4 79/23 91/9</p> <p>against [4] 1/3 10/11 17/16 30/13</p> <p>agency [1] 47/12</p> <p>ago [7] 14/18 36/12 62/16 72/20 74/25 76/2 98/21</p> <p>agree [6] 77/15 77/23 85/22 91/22 99/19 100/14</p> <p>agreed [2] 65/1 91/9</p> <p>agreeing [1] 91/7</p> <p>ahead [19] 16/10 19/17 27/6 27/23 28/13 29/21 30/9 33/12 33/22 37/13 38/4 44/11 62/3 81/14 81/25 83/15 87/13 88/17 96/24</p> <p>aired [1] 3/22</p> <p>Alexander [2] 35/17 69/10</p> <p>Alexandra [8] 10/22 13/16 53/1 53/3</p> | <p>53/4 53/5 54/5 56/12</p> <p>Alexandria [2] 54/23 100/9</p> <p>Ali [1] 64/20</p> <p>all [38] 3/14 3/17 6/22 7/11 8/11 9/18 10/4 27/3 27/11 28/10 29/1 29/5 43/1 43/24 44/12 44/23 50/1 55/1 55/11 56/14 59/3 59/4 66/21 67/5 67/7 67/11 68/4 71/13 73/17 74/17 84/14 88/12 89/4 91/6 93/17 94/2 94/7 98/25</p> <p>ALLAN [7] 1/2 2/7 8/9 8/25 30/19 30/20 84/15</p> <p>allegations [1] 100/21</p> <p>alleged [1] 96/4</p> <p>alley [1] 49/19</p> <p>allow [4] 20/2 20/4 32/20 64/14</p> <p>allowed [4] 56/20 67/2 84/3 101/16</p> <p>Ally [1] 67/9</p> <p>along [2] 33/9 49/17</p> <p>aloud [1] 76/8</p> <p>already [3] 30/17 86/4 100/5</p> <p>also [9] 1/23 27/13 39/1 51/7 56/19 64/9 70/18 77/1 82/18</p> <p>alter [1] 59/10</p> <p>alternative [1] 88/13</p> <p>alternatives [1] 98/8</p> <p>although [1] 80/4</p> <p>always [3] 23/20 23/20 25/25</p> <p>am [8] 10/7 23/17 35/6 35/7 45/20 62/7 97/14 97/14</p> <p>amended [1] 32/23</p> <p>amount [6] 63/17 63/18 67/1 68/2 71/17 96/11</p> <p>amounts [1] 68/5</p> <p>amplification [1] 10/4</p> <p>analysis [1] 95/17</p> <p>ANDREW [4] 1/16 2/12 8/25 84/7</p> <p>another [4] 33/23 41/4 60/1 88/10</p> <p>answer [11] 18/14 18/15 20/6 20/7 20/12 57/10 73/17 73/21 74/2 85/20 91/14</p> <p>answered [1] 20/15</p> <p>answers [1] 77/20</p> <p>anticipate [1] 37/5</p> <p>any [36] 3/23 5/11 5/16 8/19 9/17 10/4 10/12 10/19 10/21 11/9 15/5 16/4 16/5 16/19 17/22 24/25 32/19 32/24 41/21 52/19 55/3 56/8 56/16 57/16 63/10 63/15 65/16 66/4 66/8 70/24 75/18 76/14 77/20 83/10 91/10 95/6</p> <p>anybody [2] 36/1 94/4</p> <p>anyone [3] 15/15 31/19 54/6</p> <p>anything [21] 9/17 16/23 17/12 17/15 17/21 21/13 23/4 24/17 26/7 37/21 37/24 37/25 38/5 40/8 40/16 53/5 59/10 62/17 79/4 79/19 84/19</p> <p>anytime [1] 23/21</p> <p>anyway [3] 42/25 84/4 84/15</p> <p>apartment [1] 56/18</p> <p>Apiary [10] 50/25 51/4 51/17 51/24 52/2 54/2 54/20 55/19 55/20 56/13</p> <p>apologize [1] 69/8</p> <p>apologized [1] 36/17</p> <p>apparently [1] 66/15</p> <p>appealed [2] 5/10 5/11</p> <p>appear [2] 84/8 99/20</p> <p>appearance [13] 2/4 2/21 69/25 78/16 78/23 79/1 79/12 79/13 80/12 80/19</p> | <p>81/2 81/6 81/8</p> <p>appeared [2] 34/3 79/14</p> <p>appears [4] 3/4 32/16 33/23 41/10</p> <p>Appellate [1] 61/4</p> <p>application [13] 7/17 41/17 43/4 43/25 80/6 83/13 83/20 86/18 93/10 93/13 96/2 100/15 101/15</p> <p>applications [6] 6/24 7/1 8/11 43/1 64/2 99/16</p> <p>appreciate [5] 7/7 7/8 43/15 100/19 101/13</p> <p>approached [2] 40/7 40/10</p> <p>appropriate [6] 28/11 29/1 29/15 70/25 81/11 97/16</p> <p>approximate [4] 35/2 55/2 69/7 71/17</p> <p>approximately [9] 23/25 31/20 46/18 48/12 48/19 48/22 51/2 51/19 95/19</p> <p>April [4] 5/15 5/24 6/6 58/11</p> <p>are [87] 3/17 3/20 7/2 8/10 9/25 10/6 11/2 11/23 12/23 13/1 14/14 16/14 16/17 16/20 18/18 22/2 23/18 26/2 27/1 27/2 27/3 27/9 27/11 27/13 28/23 31/16 32/12 32/17 32/17 32/20 33/1 35/9 35/11 37/25 39/23 41/18 44/23 45/1 45/13 45/15 45/17 45/25 46/2 46/18 46/25 47/10 50/13 52/3 56/8 56/13 57/10 58/13 58/19 59/4 60/1 60/3 61/15 62/5 64/3 64/11 68/1 68/21 69/9 69/13 69/16 78/4 80/4 81/7 82/3 82/5 82/10 82/11 83/5 84/4 91/6 92/4 93/7 95/14 95/14 96/4 97/22 99/17 99/22 100/5 101/2 101/9 101/24</p> <p>area [6] 46/13 47/18 47/18 47/22 54/16 56/19</p> <p>argue [1] 3/25</p> <p>arise [1] 32/25</p> <p>arises [1] 32/25</p> <p>around [14] 31/22 38/13 47/18 47/21 48/1 48/5 48/9 49/24 51/18 52/12 53/20 54/16 55/10 97/15</p> <p>as [79] 4/7 6/4 9/11 11/7 11/20 16/25 22/15 23/11 24/24 25/20 25/20 26/16 32/9 32/23 33/2 33/8 33/19 34/3 36/11 36/19 36/19 37/3 37/5 37/6 37/6 38/17 39/2 39/11 43/3 43/4 43/22 45/5 48/12 51/7 51/7 51/9 53/21 55/16 56/23 57/17 61/2 62/7 62/7 66/2 66/3 67/3 70/16 71/16 72/3 76/8 78/19 78/21 78/23 80/16 80/16 80/22 81/8 81/17 82/8 82/11 82/14 83/6 85/9 85/16 85/16 85/23 86/3 87/5 88/9 89/8 90/2 91/11 91/15 92/6 93/15 94/13 94/14 96/8 99/21</p> <p>ask [12] 11/6 57/9 62/20 69/3 69/15 73/20 75/2 78/18 80/15 82/2 86/14 87/4</p> <p>asked [2] 16/3 20/24</p> <p>asking [4] 4/25 29/13 87/1 88/6</p> <p>assemble [1] 67/5</p> <p>asserted [1] 19/22</p> <p>assets [1] 96/15</p> <p>associated [1] 76/3</p> <p>assume [1] 25/4</p> <p>assumed [1] 38/11</p> <p>attempted [1] 94/22</p> <p>attend [3] 3/5 3/13 26/24</p> <p>attention [12] 12/19 16/12 16/16 18/2</p> |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|



**A**

**attention...** [8] 18/17 22/9 24/23 26/15 33/19 35/18 41/6 44/10  
**attorney** [6] 3/2 7/15 37/17 80/23 81/17 84/22  
**attorneys** [7] 1/11 1/14 1/17 1/20 97/10 97/11 97/11  
**attributed** [1] 70/22  
**August** [1] 69/17  
**authenticate** [1] 19/23  
**Authority** [1] 62/22  
**authorized** [5] 65/4 86/12 86/22 86/23 87/2  
**authorizing** [1] 65/11  
**automatic** [5] 64/5 64/8 95/10 96/3 98/15  
**available** [1] 7/23  
**Avenue** [20] 1/18 2/17 9/1 42/5 42/7 42/8 42/14 42/14 46/2 46/19 46/22 47/7 47/9 47/18 48/13 48/18 48/20 49/23 51/1 100/12  
**aware** [2] 5/11 19/25  
**away** [3] 15/9 42/5 47/6

**B**

**back** [19] 7/4 7/6 7/24 18/16 20/10 20/13 37/12 38/9 41/2 46/10 46/24 49/17 52/18 53/16 55/6 56/22 57/18 65/25 93/25  
**bad** [1] 49/16  
**bag** [1] 15/11  
**bags** [1] 16/5  
**balance** [1] 3/9  
**Banker** [4] 48/14 49/3 49/3 54/21  
**Bar** [1] 85/12  
**barred** [1] 78/4  
**based** [4] 32/24 45/12 64/4 88/14  
**bases** [1] 30/10  
**basis** [2] 30/7 44/19  
**be** [88] 3/3 3/12 4/19 4/20 4/25 5/3 5/21 7/4 7/6 8/20 10/2 11/6 13/9 15/5 15/5 15/9 15/9 15/10 17/3 19/15 20/4 23/20 24/25 25/22 26/17 29/3 32/16 32/22 33/10 33/10 33/23 34/15 37/7 37/7 37/7 43/23 45/5 45/24 51/11 52/14 53/13 57/6 57/10 58/21 62/9 68/17 68/23 70/1 70/22 71/5 71/12 72/1 75/10 76/4 77/25 78/2 78/18 80/9 80/15 81/3 82/11 82/16 82/21 83/11 84/9 86/14 86/18 86/25 87/2 87/4 88/2 88/8 94/3 95/6 95/12 95/20 96/6 96/11 96/13 96/19 96/20 97/20 97/25 99/5 99/6 99/15 101/16 102/6  
**Beach** [4] 9/1 42/7 45/22 46/2  
**because** [13] 6/24 32/15 37/15 45/5 60/10 60/20 64/19 65/9 71/9 73/23 79/8 80/3 96/4  
**been** [24] 4/7 5/4 5/5 5/10 5/11 5/18 6/16 11/19 15/4 20/1 23/20 25/19 27/18 28/3 36/13 36/25 56/22 57/6 60/14 62/18 85/16 85/17 92/24 93/1  
**before** [13] 5/24 18/6 39/10 44/1 57/19 58/15 61/10 72/17 80/8 83/21 84/20 86/8 88/3  
**begin** [2] 30/21 91/5  
**beginning** [3] 58/10 63/19 76/19  
**behalf** [2] 2/7 10/11

**behavior** [1] 70/23  
**behind** [2] 38/10 40/17  
**being** [7] 26/20 67/3 79/11 84/13 90/18 94/9 96/2  
**belief** [1] 64/1  
**believe** [11] 30/14 31/23 34/15 60/21 62/11 64/11 78/5 78/14 85/13 91/14 92/3  
**benefit** [1] 97/24  
**benefits** [3] 66/24 68/21 68/25  
**best** [11] 20/2 36/14 44/5 45/16 51/7 52/14 63/9 65/19 91/21 92/3 100/18  
**better** [2] 6/8 98/9  
**between** [9] 14/13 18/12 38/7 39/6 45/25 46/20 50/15 50/19 54/19  
**beyond** [3] 30/11 30/12 32/13  
**bicycle** [2] 53/24 100/9  
**bike** [3] 53/7 53/11 53/21  
**biking** [1] 53/14  
**bilateral** [1] 7/1  
**bill** [1] 67/2  
**binder** [1] 9/13  
**birth** [3] 10/22 10/23 10/24  
**bit** [8] 24/19 27/17 68/13 84/9 84/11 85/2 85/4 85/7  
**BlackRock** [2] 92/16 92/18  
**blacktop** [1] 47/1  
**Bloomington** [1] 1/21  
**blow** [1] 68/13  
**Bldv** [1] 1/6  
**Boston** [2] 49/23 50/2  
**both** [9] 10/12 15/7 16/14 16/17 34/9 64/10 82/10 85/8 100/4  
**bother** [1] 3/8  
**bottom** [6] 16/12 49/25 57/19 58/14 68/9 68/10  
**bottomless** [1] 25/23  
**box** [2] 50/11 50/14  
**boy** [2] 78/21 80/17  
**break** [1] 61/24  
**brief** [1] 36/6  
**briefly** [1] 4/25  
**bring** [1] 94/5  
**Broadway** [1] 1/15  
**broker** [1] 90/8  
**brother** [1] 78/9  
**brought** [1] 18/1  
**BRUGGEMAN** [1] 1/11  
**Bruggemann** [1] 2/6  
**bullet** [1] 48/1  
**bunch** [1] 40/22  
**business** [1] 94/4  
**businesses** [1] 47/10  
**button** [1] 49/13

**C**

**cake** [1] 93/12  
**Caldwell** [4] 48/14 49/3 49/3 54/21  
**call** [21] 8/8 12/19 14/21 18/23 18/23 19/10 20/15 20/15 20/20 20/25 22/14 23/4 23/25 24/2 24/3 37/12 41/6 62/21 72/6 73/19 99/18  
**called** [13] 19/10 20/14 20/21 24/21 25/15 35/11 38/10 56/3 62/19 62/22 77/21 77/22 94/21  
**caller** [1] 21/14  
**calling** [10] 16/12 16/16 18/17 22/9

24/23 26/15 33/19 35/18 43/7 44/10  
**calls** [4] 5/17 5/20 5/21 66/20  
**came** [6] 38/9 40/17 53/16 53/22 59/3 93/2  
**can** [98] 2/4 2/24 7/2 8/22 10/3 10/5 10/14 10/16 12/25 13/10 14/10 15/2 15/12 17/1 18/9 20/6 20/7 20/8 22/8 23/14 23/15 25/17 27/16 27/25 28/22 28/24 28/25 31/19 32/4 32/11 35/2 35/5 35/25 36/2 36/19 37/8 38/18 40/20 41/9 41/24 43/16 43/23 44/4 45/19 49/10 49/12 49/19 50/6 50/11 50/15 51/3 51/7 51/16 55/1 55/11 56/22 57/9 57/14 57/18 58/12 60/4 60/7 61/13 61/23 65/10 66/16 68/8 68/12 68/13 69/3 69/17 69/22 70/5 70/7 70/22 73/12 73/16 75/2 75/8 75/8 77/15 79/2 79/9 83/6 83/7 83/13 83/19 87/4 87/21 88/13 89/8 90/12 91/3 95/2 96/7 99/14 100/13 100/14  
**can't** [9] 12/7 14/11 24/21 40/19 93/11 93/17 96/20 98/1 99/10  
**canceled** [2] 94/11 94/14  
**candid** [1] 34/16  
**cannot** [2] 15/9 29/3  
**car** [2] 97/16 101/2  
**care** [1] 99/4  
**careful** [1] 53/13  
**CAROL** [2] 1/22 3/1  
**Caroline** [1] 13/15  
**Carolyn** [2] 35/12 35/15  
**carrier** [1] 74/16  
**cars** [1] 49/19  
**case** [11] 32/18 35/10 78/16 79/1 80/5 80/12 82/9 83/1 83/2 93/4 98/10  
**cases** [1] 3/14  
**casting** [1] 97/19  
**CATHERINE** [17] 1/4 14/13 14/19 17/16 30/19 30/20 60/1 60/10 86/1 86/4 86/10 86/18 89/21 91/5 91/6 91/11 96/22  
**Catherine's** [1] 60/8  
**center** [1] 46/14  
**certain** [12] 4/1 5/8 32/24 34/15 37/2 63/16 63/17 71/3 71/3 97/18 97/20 97/20  
**certified** [1] 102/6  
**cetera** [1] 16/20  
**chain** [9] 87/9 87/18 89/12 89/15 90/5 90/6 90/18 90/20 91/4  
**challenge** [2] 28/13 32/17  
**changed** [1] 64/24  
**Charlie** [2] 49/18 64/19  
**Charlotte** [25] 10/23 13/14 18/22 18/25 19/2 20/16 20/18 20/20 21/3 22/15 23/3 23/17 23/23 24/3 24/7 24/19 25/12 25/14 26/4 26/7 35/14 49/14 54/22 67/10 92/21  
**Charlotte's** [5] 20/23 22/3 22/7 49/8 50/19  
**Chatsworth** [5] 26/25 46/16 51/1 51/20 51/23  
**checkbook** [1] 65/13  
**checked** [1] 15/4  
**checking** [1] 65/12  
**checks** [2] 65/13 74/17  
**child** [4] 6/8 26/20 52/25 67/8

**C**

**children [28]** 2/25 3/2 3/21 5/2 5/15 5/17 6/1 6/8 7/16 11/3 17/21 19/24 20/2 25/19 37/21 47/13 47/17 52/8 52/20 62/13 62/25 63/5 88/23 91/21 92/4 95/24 99/2 100/19  
**children's [3]** 26/18 74/20 89/6  
**choices [2]** 97/18 97/20  
**choose [1]** 33/6  
**chronological [1]** 67/8  
**church [2]** 50/4 50/5  
**circumstances [6]** 11/24 14/16 32/19 32/24 91/25 101/13  
**Cites [1]** 44/18  
**citizen [1]** 3/13  
**City [1]** 78/13  
**civil [3]** 82/13 86/5 86/10  
**claims [1]** 30/12  
**clarification [1]** 73/12  
**class [1]** 29/6  
**classmate [1]** 92/21  
**classmates [2]** 27/12 27/12  
**cleaner [2]** 47/11 55/25  
**cleaners [2]** 54/20 55/25  
**clear [6]** 3/10 55/8 55/17 68/17 86/24 86/25  
**clearly [1]** 38/11  
**client [19]** 5/1 5/1 32/19 51/9 61/14 82/22 84/11 87/2 87/24 88/4 88/6 93/10 93/11 94/15 95/1 95/5 95/7 98/25 99/7  
**close [3]** 50/21 52/3 93/23  
**closer [1]** 8/8  
**closest [1]** 42/3  
**clothing [1]** 97/15  
**co [1]** 2/23  
**co-counsel [1]** 2/23  
**collateral [1]** 79/10  
**collaterals [1]** 93/17  
**college [1]** 78/10  
**Columbia [1]** 78/11  
**combine [1]** 8/11  
**come [14]** 7/4 7/5 7/24 26/14 31/12 43/21 43/24 47/6 47/20 62/8 64/24 65/15 70/9 97/10  
**comes [2]** 32/12 60/24  
**comfortable [2]** 25/25 37/7  
**coming [6]** 27/20 43/17 89/15 97/11 100/18 101/7  
**commenced [2]** 17/11 17/17  
**commencement [2]** 95/9 98/14  
**commentary [1]** 17/3  
**commented [2]** 60/10 60/13  
**comments [7]** 34/5 60/3 60/4 60/7 60/9 60/10 60/14  
**communicate [1]** 84/23  
**communication [8]** 10/19 19/9 19/19 27/25 62/15 79/16 84/24 95/1  
**communications [2]** 10/13 14/12  
**company [2]** 65/22 66/12  
**compared [1]** 100/21  
**compelled [1]** 88/2  
**complete [2]** 25/21 90/21  
**completely [1]** 101/6  
**compromising [1]** 9/3  
**concern [2]** 71/9 71/9  
**concerned [3]** 45/8 70/19 79/8

**concerning [6]** 17/12 18/5 18/10 19/20 31/9 37/21  
**concerns [2]** 12/22 14/12  
**conclusion [1]** 83/20  
**conducted [2]** 5/4 85/14  
**conducting [2]** 85/19 94/4  
**conference [3]** 3/5 14/21 72/4  
**confirm [5]** 15/12 62/17 75/3 75/8 75/8  
**confirmed [1]** 62/25  
**confused [4]** 84/9 85/2 85/20 85/23  
**connected [1]** 31/16  
**connection [5]** 28/12 28/16 64/14 83/19 83/23  
**consequence [1]** 97/24  
**consequences [1]** 101/17  
**consider [1]** 101/8  
**consideration [6]** 7/9 33/4 42/25 43/11 61/9 61/10  
**consistent [2]** 53/9 100/4  
**constitute [1]** 82/13  
**constitutes [3]** 77/23 82/17 101/23  
**construct [1]** 59/10  
**contact [12]** 5/2 5/16 10/12 10/19 12/22 13/5 13/8 13/13 52/19 52/25 53/2 53/6  
**contacting [1]** 26/12  
**contempt [21]** 4/2 4/8 4/10 4/12 4/13 4/15 4/16 6/16 6/25 7/15 7/22 8/4 30/13 64/3 80/5 82/13 82/20 82/21 86/5 86/10 99/18  
**contentious [1]** 82/16  
**contents [2]** 73/1 73/1  
**context [2]** 42/11 82/11  
**continuation [2]** 32/23 33/2  
**continue [3]** 65/21 73/21 74/15  
**continued [1]** 41/1  
**continuing [1]** 61/8  
**continuous [1]** 61/5  
**conversation [5]** 23/6 26/4 36/6 40/13 63/2  
**convinced [1]** 30/24  
**copied [5]** 26/17 27/13 27/15 57/2 62/11  
**copy [6]** 14/6 15/1 23/8 57/3 57/4 90/3  
**corner [5]** 39/5 40/24 41/3 46/21 50/2  
**correct [30]** 8/13 10/25 17/24 18/25 19/14 29/6 30/1 31/10 32/11 34/8 35/23 38/22 41/14 42/1 51/22 52/2 55/10 59/1 63/7 72/18 72/19 75/16 77/1 77/17 78/1 78/6 85/10 85/17 86/5 94/11  
**corrected [2]** 77/6 81/4  
**cost [2]** 98/19 98/20  
**could [7]** 37/7 43/15 58/21 65/13 72/3 82/11 83/11  
**couldn't [2]** 31/15 53/24  
**counsel [13]** 2/23 6/22 7/3 10/4 14/19 14/25 45/5 51/7 69/3 80/11 88/11 97/1 97/4  
**counsel's [2]** 44/25 88/15  
**counting [1]** 84/6  
**COUNTY [2]** 1/1 1/6  
**couple [3]** 41/4 54/21 84/20  
**course [2]** 31/7 33/9  
**court [58]** 1/1 1/6 1/9 1/25 2/8 3/9 3/12 3/16 3/19 4/3 4/6 5/12 5/19 6/7 6/10 6/21 9/25 10/10 11/17 13/12 14/17

15/7 15/10 15/13 16/23 18/16 19/21 20/13 25/7 33/1 41/14 42/24 43/7 43/22 44/2 49/14 61/7 65/2 65/3 65/6 65/8 70/16 74/14 77/12 83/7 83/8 86/13 86/15 86/17 87/1 92/1 93/14 97/16 99/15 100/15 100/17 101/24 102/11  
**Court's [8]** 4/21 7/8 11/8 18/1 40/12 43/10 51/6 94/6  
**courtesy [1]** 9/17  
**courtroom [6]** 3/6 3/23 8/18 15/15 27/21 40/3  
**coverage [2]** 63/10 63/13  
**covered [4]** 62/5 62/9 63/5 64/11  
**covers [4]** 63/14 63/15 63/17 63/18  
**CPLR [1]** 44/16  
**create [1]** 67/14  
**created [3]** 59/2 67/10 68/4  
**credibility [4]** 79/10 79/19 82/7 82/18  
**criminal [3]** 82/13 86/5 86/10  
**criticizing [1]** 16/18  
**cross [6]** 32/18 41/1 42/14 49/23 72/13 75/11  
**cross-examination [2]** 72/13 75/11  
**crossing [1]** 71/5  
**current [4]** 13/14 13/16 61/10 71/21  
**currently [5]** 44/1 56/17 62/5 70/21 84/12  
**custody [1]** 64/18

**D**

**data [1]** 85/13  
**date [41]** 10/22 10/23 10/24 17/10 17/11 17/16 17/17 17/20 18/4 18/9 30/14 31/22 34/15 34/16 34/19 34/19 35/3 48/23 52/11 58/11 59/14 60/21 60/23 67/1 69/7 73/4 73/6 73/7 73/8 73/9 73/11 78/15 78/23 78/25 79/14 80/14 81/23 86/3 87/8 98/13 101/23  
**dated [3]** 75/4 75/17 89/19  
**dates [5]** 58/13 58/20 69/3 86/6 86/7  
**daughter [7]** 18/25 19/20 92/20 92/21 92/24 93/1 100/9  
**daughter's [1]** 93/4  
**David [3]** 87/20 88/25 89/1  
**day [8]** 8/20 20/4 25/23 49/2 52/20 53/6 93/20 101/8  
**deadbeat [5]** 77/22 77/22 78/1 88/22 91/12  
**deal [3]** 6/24 7/22 101/22  
**December [1]** 87/10  
**decided [1]** 37/3  
**decision [5]** 5/8 5/9 33/8 33/9 101/23  
**decretal [2]** 13/1 16/13  
**deem [1]** 70/24  
**deemed [2]** 3/6 94/1  
**defendant [13]** 1/5 1/14 1/17 1/20 2/11 38/13 39/5 39/8 48/13 50/24 61/6 74/14 80/6  
**defendant's [16]** 4/13 4/14 74/16 75/15 75/22 75/23 80/5 80/16 80/18 81/12 83/22 87/11 89/13 89/16 90/25 91/1  
**defense [5]** 78/19 83/16 87/5 89/8 89/25  
**deli [2]** 100/1 100/12  
**deliberate [2]** 33/4 61/9

**D**

**demonstrates [1]** 61/8  
**demonstrative [1]** 33/1  
**denigrate [3]** 77/15 78/3 85/25  
**denigrating [7]** 16/18 30/19 76/21 77/10 77/12 78/4 83/11  
**denigration [4]** 77/23 82/12 82/17 82/19  
**depict [2]** 39/4 39/15  
**depiction [7]** 18/19 21/2 24/6 32/2 34/2 60/12 60/16  
**depicts [1]** 38/19  
**deponent [1]** 85/20  
**deposit [2]** 66/7 74/18  
**deposition [1]** 85/19  
**depositions [1]** 85/14  
**deposits [1]** 66/4  
**describing [1]** 91/11  
**designated [1]** 4/7  
**determination [4]** 4/1 96/8 96/14 97/22  
**determinations [2]** 57/17 96/1  
**determined [1]** 97/25  
**develop [1]** 82/7  
**device [2]** 15/16 16/4  
**devices [1]** 15/5  
**dial [1]** 14/22  
**dial-in [1]** 14/22  
**Diamond [1]** 87/20  
**did [55]** 5/13 14/24 17/20 19/4 19/8 19/11 21/13 23/8 24/1 26/4 26/7 26/17 31/12 32/9 38/15 38/16 40/13 40/16 40/25 47/20 48/6 49/1 52/6 52/7 52/19 52/21 52/25 53/5 53/25 54/3 54/8 56/25 59/10 59/15 59/16 62/8 62/17 63/9 63/12 63/13 64/24 65/15 65/19 66/8 66/10 66/11 66/13 67/5 67/14 70/9 70/13 73/15 84/18 91/15 94/25  
**didn't [5]** 16/2 37/4 40/20 73/8 77/5  
**different [3]** 59/4 59/11 63/18  
**difficult [4]** 10/18 23/12 36/8 66/18  
**difficulty [1]** 13/1  
**DIMOPOULOS [44]** 1/11 1/13 2/6 2/7 4/18 7/18 8/5 8/12 9/9 10/2 15/20 16/10 25/5 27/6 28/2 30/17 32/11 35/21 36/18 37/3 44/3 45/12 55/17 62/3 63/25 69/16 71/14 73/22 74/25 75/2 75/6 79/24 80/4 82/25 83/19 86/13 86/17 86/25 93/22 96/7 98/9 99/19 100/13 101/22  
**Dimopoulos' [1]** 72/21  
**dining [1]** 52/2  
**direct [8]** 9/8 32/18 76/20 79/6 79/8 80/5 84/24 88/12  
**directed [1]** 88/18  
**directly [1]** 3/17  
**director [1]** 92/16  
**directs [1]** 74/14  
**disagree [1]** 32/15  
**disagrees [1]** 68/24  
**disclosed [1]** 88/14  
**discretion [2]** 3/16 3/20  
**discuss [4]** 3/25 32/13 34/17 101/21  
**discussed [4]** 12/3 37/2 95/4 96/6  
**Discussion [1]** 70/4  
**discussions [1]** 93/24  
**dishonest [1]** 91/6

**disobedience [1]** 70/21  
**disparaging [2]** 16/18 17/15  
**distance [5]** 50/12 50/15 50/16 50/19 71/4  
**distracted [1]** 36/24  
**distribute [1]** 96/8  
**distribution [1]** 96/14  
**Division [1]** 61/4  
**divorce [10]** 3/15 17/13 18/5 18/10 31/9 63/20 77/3 77/10 84/6 84/10  
**do [96]** 3/21 7/24 8/17 9/16 16/4 16/7 21/13 22/11 25/7 28/4 29/8 29/10 29/14 29/16 31/20 33/6 36/14 36/19 37/8 37/20 39/1 40/12 40/19 40/20 40/21 40/25 46/8 46/22 46/23 47/13 47/17 47/24 48/15 50/8 51/13 52/11 53/2 56/16 58/23 60/4 60/22 62/14 62/17 66/3 67/12 71/16 72/9 72/23 73/2 73/4 73/7 73/9 73/11 74/4 74/9 74/13 74/21 75/9 76/4 76/9 76/14 76/22 77/4 77/6 78/15 79/3 79/5 81/16 82/12 85/2 85/3 85/4 85/6 85/19 86/20 86/22 87/19 89/2 90/2 90/4 90/7 91/11 91/18 91/21 92/3 92/12 92/15 92/20 92/21 92/24 93/2 94/7 98/22 98/22 99/4 100/14  
**doctors [1]** 63/16  
**document [27]** 9/18 17/2 18/19 19/23 21/22 24/1 31/2 31/24 32/6 43/5 43/9 43/9 58/1 58/10 58/12 58/15 58/18 58/24 58/25 59/8 66/17 68/1 75/3 75/13 80/15 82/4 90/17  
**documentation [1]** 7/19  
**documents [3]** 7/20 9/14 83/3  
**does [20]** 10/8 26/24 39/3 39/15 43/9 47/2 47/15 50/18 57/21 65/6 68/14 71/4 73/19 73/20 78/22 79/18 84/9 85/25 100/24 101/18  
**doesn't [3]** 26/11 78/5 84/8  
**dog [2]** 49/5 49/6  
**doing [6]** 7/1 37/25 49/1 53/21 64/18 101/12  
**DOLAN [1]** 1/14  
**dollar [1]** 76/3  
**dollars [1]** 35/10  
**don't [59]** 3/8 12/9 28/20 31/18 34/14 36/13 36/21 37/5 37/12 41/15 43/24 45/3 50/13 51/5 52/5 52/13 53/14 54/6 54/10 56/19 58/21 58/22 59/15 64/20 65/1 65/8 69/8 70/7 70/14 71/2 71/6 72/5 72/11 73/3 73/6 73/22 74/12 76/12 77/20 80/7 81/21 82/24 83/12 85/11 86/2 86/6 87/25 91/13 91/14 91/17 92/2 92/7 92/8 92/18 94/16 94/22 95/2 97/17 99/4  
**done [5]** 20/1 36/25 82/15 86/20 86/23  
**door [2]** 27/21 49/17  
**dot [1]** 48/19  
**down [17]** 8/22 10/15 15/2 22/8 22/17 27/16 27/25 28/22 32/4 41/9 47/6 48/13 49/21 49/22 56/23 58/12 68/8  
**Dr [8]** 1/6 13/2 13/2 13/13 13/15 57/1 57/5 93/16  
**drawn [2]** 46/10 84/6  
**drawn-out [1]** 84/6  
**drive [2]** 48/12 49/16  
**driveway [8]** 42/9 42/13 46/6 46/7

46/9 46/12 46/19 49/18  
**drove [1]** 48/13  
**Drs [1]** 63/20  
**dry [4]** 47/11 54/20 55/24 55/25  
**due [4]** 27/19 33/4 56/20 61/9  
**during [2]** 31/7 93/12

---

**E**

**e-mail [39]** 10/20 14/20 15/1 26/18 27/10 27/13 28/18 28/23 29/5 29/9 29/22 29/25 36/18 56/25 57/4 57/23 80/22 81/5 81/13 81/17 84/3 84/17 85/1 85/25 86/3 87/7 87/9 87/18 87/19 87/22 88/3 88/7 89/11 89/15 89/18 90/2 90/20 91/4 91/10  
**e-mailed [3]** 14/19 62/11 91/7  
**e-mailing [2]** 82/23 83/9  
**E-TRADE [6]** 65/3 65/10 65/25 66/4 68/18 96/9  
**each [8]** 8/11 30/19 54/25 59/14 76/21 77/11 77/12 84/24  
**earlier [1]** 46/17  
**early [3]** 31/14 38/6 52/13  
**earns [1]** 95/18  
**Earth [1]** 44/15  
**easier [1]** 51/11  
**eat [2]** 47/17 93/12  
**economic [1]** 95/11  
**effect [3]** 61/3 65/9 75/1  
**effective [2]** 37/8 72/3  
**effectively [1]** 5/5  
**effort [1]** 92/9  
**eight [1]** 26/23  
**either [12]** 11/7 13/2 13/3 13/13 15/10 32/18 32/21 36/1 47/9 70/21 83/9 88/11  
**electronic [3]** 9/15 10/20 10/21  
**Elementary [1]** 26/25  
**elicit [1]** 51/8  
**Elizabeth [1]** 21/17  
**else [6]** 49/20 52/7 56/9 77/16 79/4 79/19  
**embedded [1]** 43/5  
**emergency [1]** 36/20  
**emissaries [1]** 101/3  
**employed [2]** 92/17 92/18  
**employer [1]** 14/13  
**employment [1]** 63/7  
**end [7]** 41/10 42/9 49/18 68/6 72/20 96/12 101/7  
**ended [2]** 53/15 94/19  
**ends [2]** 94/17 96/13  
**enrollment [1]** 99/7  
**enter [2]** 14/17 16/23  
**entered [3]** 11/23 13/20 14/6  
**entire [4]** 88/3 89/11 89/14 90/18  
**entitled [2]** 5/20 88/9  
**entry [1]** 22/9  
**EOB [1]** 66/23  
**EOBs [9]** 37/3 66/21 67/5 67/7 69/4 69/9 69/21 71/24 71/25  
**equitable [1]** 96/14  
**ERIC [4]** 1/19 2/18 78/8 84/4  
**escrow [1]** 91/8  
**ESQ [4]** 1/13 1/16 1/19 1/22  
**Essentially [1]** 101/12  
**establish [1]** 79/14

**E**

**established [1]** 74/19  
**estate [2]** 47/12 48/14  
**estimate [2]** 18/9 46/20  
**et [1]** 16/20  
**evaluation [1]** 93/4  
**EVAN [2]** 1/23 2/22  
**even [8]** 5/17 18/6 35/6 35/7 37/12  
 88/24 92/7 97/15  
**event [2]** 52/11 52/15  
**events [2]** 39/15 100/8  
**ever [10]** 6/3 17/12 17/15 56/25 66/8  
 66/11 68/18 85/19 91/11 92/24  
**every [5]** 3/12 3/13 25/23 59/9 85/18  
**everyone [4]** 3/10 15/4 40/2 47/15  
**everything [2]** 86/23 101/8  
**evidence [80]** 11/7 11/13 11/15 12/12  
 12/16 12/18 13/23 14/2 14/4 17/2 17/7  
 17/9 21/6 21/10 21/12 22/21 22/25  
 23/2 24/10 24/14 24/16 25/5 25/11  
 28/3 28/6 28/16 28/21 29/2 29/12 30/5  
 30/18 31/2 32/6 32/25 33/8 33/14  
 33/15 33/17 34/11 34/24 39/19 39/23  
 39/25 42/18 43/18 43/21 43/24 44/16  
 45/13 45/15 58/1 58/4 58/6 59/18  
 59/22 59/24 60/18 61/16 61/19 61/22  
 67/17 67/23 67/25 68/23 75/6 75/10  
 75/12 75/22 75/24 83/12 83/18 83/21  
 83/23 87/25 89/10 89/12 89/14 90/14  
 90/25 91/2  
**evidentiary [1]** 29/1  
**ex [2]** 84/7 88/22  
**ex-wife [1]** 88/22  
**exact [2]** 6/14 93/15  
**exactly [3]** 37/17 52/13 56/19  
**examination [6]** 9/8 72/13 72/21 75/11  
 76/20 82/8  
**examining [1]** 74/25  
**example [4]** 71/1 77/21 82/15 96/7  
**Excel [1]** 66/15  
**except [3]** 3/13 12/4 13/17  
**excepting [1]** 3/18  
**exception [6]** 20/3 26/9 34/22 53/10  
 61/20 79/24  
**excerpt [1]** 21/25  
**exchange [2]** 87/22 87/24  
**exchanges [1]** 28/11  
**exclude [1]** 3/16  
**execution [1]** 92/10  
**exercise [1]** 3/20  
**exhaust [1]** 94/7  
**exhibit [76]** 9/11 9/14 9/24 11/13  
 11/14 11/20 12/3 12/4 12/11 12/16  
 12/17 12/20 14/2 14/3 14/5 17/8 18/18  
 19/20 21/6 21/11 21/21 22/21 22/25  
 23/1 23/12 24/10 24/15 24/24 25/10  
 26/16 28/5 28/15 28/18 30/4 31/5 31/6  
 32/10 33/16 33/20 33/23 34/18 34/23  
 35/19 38/18 39/3 39/11 41/8 42/18  
 43/3 44/5 50/7 56/23 58/5 58/7 59/23  
 60/18 61/21 66/14 67/17 67/24 69/9  
 75/23 78/19 80/18 81/5 81/12 83/22  
 87/5 87/11 89/9 89/13 89/16 89/25  
 89/25 90/13 91/1  
**exhibits [9]** 9/13 11/9 35/22 36/5 37/2  
 39/24 44/22 45/14 68/20  
**existed [1]** 95/8

**existing [1]** 70/22  
**exit [2]** 46/8 46/9  
**expand [1]** 73/21  
**expect [1]** 100/4  
**expenses [2]** 74/20 88/24  
**expensive [1]** 64/25  
**explain [2]** 60/5 97/7  
**explanation [2]** 66/24 68/21  
**explanations [1]** 68/25  
**expressed [1]** 5/25  
**expunge [1]** 93/10  
**extant [5]** 6/23 7/3 44/1 61/10 80/8  
**extend [1]** 79/23  
**extent [5]** 7/23 34/19 86/24 86/25 94/4

**F**

**Facebook [15]** 16/19 18/5 31/9 32/3  
 33/24 34/3 35/3 58/11 58/20 59/4 60/1  
 60/2 60/6 60/13 84/23  
**facie [1]** 98/16  
**facilities [1]** 40/3  
**facing [1]** 49/6  
**fact [4]** 6/14 43/25 91/8 101/11  
**fact-finding [1]** 101/11  
**facts [1]** 11/23  
**fair [2]** 36/13 45/1  
**familiar [11]** 9/25 10/6 11/23 12/23  
 14/14 16/20 18/19 28/23 41/18 60/2  
 68/15  
**family [1]** 3/22  
**far [9]** 42/8 48/22 51/19 55/19 55/25  
 56/6 62/7 85/16 94/13  
**FASNY [1]** 50/9  
**fast [1]** 36/15  
**father [1]** 25/20  
**faulting [1]** 36/11  
**fear [1]** 35/8  
**February [1]** 10/23  
**feel [4]** 25/25 36/13 71/2 71/2  
**feet [15]** 42/10 42/10 42/13 46/18  
 46/20 48/24 50/25 51/1 55/21 55/22  
 55/23 55/25 56/2 56/2 56/7  
**few [4]** 35/5 55/9 62/1 72/9  
**fighting [2]** 23/18 26/2  
**figures [1]** 76/3  
**filed [11]** 7/20 12/21 41/13 41/16  
 78/15 78/23 78/25 80/11 80/14 86/7  
 93/9  
**finally [2]** 62/24 66/20  
**finances [1]** 95/14  
**financial [3]** 96/1 96/6 96/15  
**find [1]** 72/1  
**finding [1]** 101/11  
**findings [3]** 5/9 19/25 33/7  
**fine [4]** 37/9 53/15 61/25 88/6  
**finished [1]** 7/5  
**fired [2]** 84/14 84/14  
**firm [6]** 14/20 14/23 78/14 84/8 84/11  
 92/16  
**first [19]** 3/3 3/8 4/17 7/1 7/11 7/22  
 11/16 13/1 13/10 17/2 41/25 44/12  
 67/9 70/14 80/21 84/21 93/9 98/25  
 99/17  
**FISCH [1]** 1/16  
**five [4]** 40/1 56/7 83/2 93/21  
**five-minute [1]** 40/1  
**flurry [1]** 6/16

**following [1]** 74/13  
**forensic [1]** 93/3  
**form [8]** 16/19 16/25 17/22 55/4 55/15  
 55/16 82/12 92/6  
**Formula [1]** 68/4  
**forum [1]** 31/25  
**forward [2]** 6/11 99/16  
**found [2]** 14/22 21/18  
**foundation [2]** 28/14 38/3  
**four [3]** 3/7 3/11 6/9  
**frankly [5]** 42/23 42/25 43/22 82/20  
 82/25  
**fraternity [1]** 78/9  
**freely [1]** 3/13  
**frequent [1]** 47/13  
**Friday [1]** 1/7  
**friend [1]** 20/19  
**friend's [1]** 38/11  
**friends [2]** 31/16 101/2  
**Frisch [30]** 2/13 4/18 11/10 15/24  
 30/24 33/6 36/5 36/7 36/13 36/23  
 37/13 57/16 61/20 64/12 68/23 70/20  
 72/10 72/14 75/9 78/25 83/7 83/15  
 84/7 84/10 87/16 88/2 88/18 93/12  
 93/18 98/8  
**Frisch's [1]** 61/18  
**front [9]** 7/19 27/21 46/9 49/2 49/3  
 69/8 80/7 98/19 98/20  
**full [2]** 8/23 73/22  
**fully [1]** 83/21  
**funds [1]** 74/19  
**further [6]** 12/5 12/6 54/19 71/22 72/7  
 74/14  
**furthest [2]** 55/2 55/12

**G**

**G-R-O-O-T-H-I-U-S [1]** 78/8  
**game [1]** 37/13  
**gate [2]** 46/24 46/25  
**gave [4]** 36/11 73/6 74/13 98/20  
**Gay [2]** 89/22 90/4  
**general [2]** 14/19 14/25  
**generally [1]** 46/8  
**generated [3]** 44/14 45/10 60/8  
**get [14]** 7/14 8/7 36/21 46/21 47/1  
 51/6 53/20 66/18 72/5 87/21 99/3  
 100/13 101/3 101/4  
**gets [1]** 98/7  
**getting [5]** 31/5 38/6 52/3 62/23 66/19  
**girls [2]** 10/12 71/8  
**give [11]** 8/18 33/3 40/15 61/9 65/25  
 66/6 66/8 70/23 73/8 73/12 79/20  
**given [2]** 32/24 68/18  
**giving [1]** 20/4  
**glaring [1]** 41/3  
**Global [2]** 44/17 92/16  
**go [46]** 4/17 10/14 13/10 16/10 19/17  
 22/8 27/6 27/16 27/23 27/25 28/13  
 29/21 30/9 33/9 33/12 33/22 36/2  
 36/14 38/4 41/9 41/24 44/4 44/11  
 49/18 49/19 49/19 49/21 53/11 56/22  
 56/23 57/8 57/18 62/3 63/17 68/8 79/9  
 79/18 81/14 81/25 83/15 87/13 88/17  
 91/8 96/24 101/3 101/19  
**goes [6]** 23/6 70/20 77/9 82/6 82/8  
 87/25  
**going [22]** 3/9 5/18 7/16 7/17 8/11

**G**

**going...** [17] 9/10 9/12 20/2 24/25  
25/20 26/13 39/6 45/20 52/18 53/16  
62/12 72/1 82/25 84/5 93/20 95/6  
99/16  
**gone** [3] 5/1 5/15 97/10  
**good** [11] 2/9 2/10 2/14 2/15 2/19 3/1  
9/19 72/15 72/16 75/10 101/25  
**Google** [3] 21/19 44/15 44/23  
**Googled** [1] 21/15  
**got** [7] 19/24 35/22 45/5 53/19 56/18  
62/24 84/14  
**graduated** [1] 85/11  
**Granted** [1] 57/12  
**great** [1] 70/1  
**Greenberg** [2] 14/14 14/19  
**Groothius** [5] 78/8 80/23 81/18 84/17  
84/22  
**group** [3] 2/23 3/4 62/22  
**guess** [1] 52/14  
**guests** [1] 94/5  
**guided** [3] 7/6 17/3 80/9  
**guise** [1] 80/9  
**GUS** [2] 1/13 2/7

**H**

**H-I-L-E-L-L-Y** [1] 92/13  
**habit** [1] 33/3  
**had** [20] 5/3 12/5 19/19 36/5 36/7  
36/20 53/2 53/20 54/13 57/3 62/18  
65/10 65/21 70/10 86/4 87/14 87/17  
89/2 89/24 97/11  
**half** [4] 14/18 61/14 62/16 98/21  
**hand** [4] 8/16 8/22 9/12 49/10  
**handed** [1] 15/1  
**handwritten** [1] 58/11  
**Hang** [1] 27/18  
**happen** [1] 3/24  
**happened** [10] 6/15 20/15 23/4 24/17  
36/8 37/21 37/24 38/5 40/9 63/2  
**hard** [3] 50/1 57/7 89/3  
**Harding** [1] 21/17  
**hardship** [3] 100/20 101/14 101/20  
**has** [43] 4/6 5/1 5/3 5/4 5/15 6/15  
13/12 15/4 18/4 18/10 20/1 23/19  
27/14 27/18 28/3 30/13 30/17 31/8  
36/1 36/13 43/5 56/22 59/9 62/25  
76/10 77/3 79/2 79/4 82/15 86/16  
86/20 86/21 87/1 88/18 92/20 92/24  
93/1 93/10 93/14 94/15 96/19 99/8  
101/3  
**hasn't** [2] 5/11 84/12  
**have** [106]  
**having** [3] 5/16 13/1 89/3  
**he** [15] 19/19 28/24 28/25 37/4 51/8  
78/9 84/8 86/20 86/21 89/2 89/5 91/17  
92/17 92/20 99/1  
**he's** [10] 19/20 37/16 45/4 45/5 78/13  
78/14 86/23 88/6 92/15 92/17  
**head** [1] 76/12  
**heading** [1] 59/9  
**health** [7] 62/13 63/10 63/11 65/16  
72/2 94/10 95/8  
**hear** [5] 2/24 7/18 16/2 19/17 79/4  
**heard** [5] 4/20 4/25 5/3 19/16 71/2  
**hearing** [16] 1/4 3/6 5/4 5/7 7/5 8/4  
30/11 32/14 38/14 40/5 72/4 79/5

93/16 99/16 99/18 101/11  
**hearsay** [3] 19/13 19/14 53/8  
**heart** [1] 36/3  
**held** [5] 8/19 70/4 86/4 86/10 93/24  
**help** [2] 9/17 57/21  
**her** [58] 5/2 5/5 6/1 18/23 18/23 20/24  
21/1 25/15 25/25 26/12 26/14 27/12  
27/13 31/21 38/8 38/11 38/14 38/15  
42/15 48/6 49/1 49/4 49/5 49/6 49/23  
50/4 53/6 53/6 53/13 53/17 53/19  
53/20 53/20 53/21 53/22 53/23 53/23  
54/4 54/5 54/5 54/22 54/24 56/9 56/13  
60/10 63/7 71/18 77/22 84/7 84/12  
84/14 95/23 100/9 101/2 101/3 101/4  
101/16 101/20  
**here** [32] 3/24 6/19 6/24 8/19 19/25  
32/12 34/17 35/21 39/7 45/21 46/5  
46/14 46/19 47/5 48/3 49/22 49/24  
51/18 51/21 66/2 66/3 69/11 71/8  
71/16 76/8 79/22 91/15 95/14 95/15  
96/3 101/9 101/14  
**Here's** [1] 87/23  
**hereby** [4] 16/14 16/17 94/1 102/6  
**herself** [1] 22/15  
**Hey** [1] 38/14  
**hi** [3] 38/10 40/18 84/4  
**highlighted** [1] 88/20  
**Hilelly** [2] 92/13 93/3  
**him** [9] 28/13 36/11 49/10 51/9 72/8  
84/8 84/18 86/22 92/14  
**hired** [1] 84/7  
**his** [12] 19/20 28/25 36/14 45/3 51/8  
78/25 82/18 92/18 92/24 93/1 93/4  
98/2  
**hold** [10] 9/16 27/4 33/21 44/9 44/11  
55/5 55/5 74/19 75/14 75/14  
**holding** [1] 53/23  
**home** [9] 38/8 41/5 42/4 42/12 44/14  
46/8 48/22 90/10 92/24  
**homeless** [2] 97/14 97/14  
**HON** [1] 1/9  
**honest** [1] 57/6  
**Honor** [86] 2/9 2/13 2/19 2/24 4/19  
5/23 6/15 7/8 8/1 8/2 8/9 8/14 9/7 9/13  
9/20 11/5 12/11 13/23 15/19 15/21  
15/23 15/25 16/9 17/3 19/15 21/5  
22/21 24/10 25/6 28/5 28/9 30/3 30/6  
30/22 31/6 32/6 32/8 33/14 34/10  
34/13 34/14 35/24 36/4 36/6 37/18  
38/2 39/18 42/18 43/3 43/14 44/13  
44/24 45/8 49/9 51/5 57/9 58/1 59/12  
61/13 63/22 68/20 69/2 70/2 70/5  
70/17 71/22 73/13 74/4 75/7 78/24  
80/10 83/24 87/21 88/16 89/18 90/17  
93/6 94/13 94/19 95/12 96/17 96/20  
98/23 98/24 99/14 101/6  
**Honor's** [2] 34/18 43/15  
**hope** [1] 99/18  
**hopefully** [1] 6/12  
**horror** [1] 35/9  
**hours** [1] 6/9  
**house** [17] 12/8 12/8 26/14 42/5 42/8  
45/18 45/21 45/24 47/3 47/6 47/16  
49/7 50/19 90/9 90/11 91/9 93/1  
**how** [37] 14/24 18/10 18/13 19/2 23/25  
26/22 31/12 40/13 42/8 46/12 47/2  
48/22 51/19 53/2 54/13 54/15 55/19

55/25 56/6 58/17 63/20 64/16 66/11  
67/2 67/3 70/13 71/1 71/2 73/23 76/10  
79/18 84/4 86/9 86/12 86/16 98/7 99/4  
**however** [4] 29/2 88/1 88/8 100/20  
**HR** [3] 62/21 62/24 94/20  
**hundred** [1] 35/10  
**hundreds** [2] 69/13 85/14  
**hung** [1] 20/20  
**husband** [1] 95/23

**I**

**I'll** [4] 23/12 27/7 37/17 92/11  
**I'm** [60] 4/4 4/8 4/10 4/24 5/10 6/24 7/1  
7/17 9/10 9/12 9/19 16/2 19/25 20/2  
20/19 28/2 29/13 31/5 31/22 33/8  
34/15 36/10 36/16 43/7 45/8 48/7  
48/11 57/16 64/11 70/19 71/12 77/2  
79/3 79/8 82/14 82/17 82/25 83/7  
83/12 84/5 84/9 84/10 85/2 85/4 85/5  
85/7 85/21 88/7 88/22 89/9 92/10  
95/13 95/15 95/15 95/25 96/19 97/7  
97/14 97/18 97/19  
**I've** [7] 19/24 26/15 28/10 28/10 33/19  
86/15 98/3  
**idea** [5] 56/16 75/10 78/17 86/19 89/7  
**identical** [1] 12/4  
**identification** [22] 9/23 11/20 12/20  
14/6 18/18 21/20 24/24 26/16 28/25  
31/4 33/20 35/19 39/2 41/7 56/23 58/8  
66/15 80/16 80/20 81/13 87/12 89/17  
**identified** [2] 22/15 37/3  
**identify** [4] 27/2 27/9 45/17 50/1  
**identity** [1] 21/14  
**illustrated** [1] 61/2  
**Imaging** [1] 44/18  
**immediately** [2] 20/21 39/12  
**impediment** [1] 95/12  
**imperative** [1] 7/9  
**important** [1] 71/7  
**impose** [2] 84/2 99/14  
**imposed** [1] 95/18  
**impossible** [1] 99/6  
**imprisoned** [2] 86/14 86/18  
**inactions** [1] 71/10  
**inappropriate** [2] 82/12 82/17  
**incident** [7] 38/20 38/21 53/12 53/13  
54/23 56/10 56/11  
**incidents** [6] 48/7 48/16 54/11 54/22  
55/11 56/8  
**including** [1] 16/19  
**income** [1] 95/19  
**incoming** [2] 18/23 22/10  
**incomplete** [2] 87/16 90/20  
**inconvenience** [1] 99/20  
**increase** [1] 6/12  
**increasing** [1] 27/19  
**Independent** [1] 91/10  
**Index** [2] 1/3 2/2  
**indicate** [1] 49/13  
**indicated** [5] 6/22 28/18 48/10 50/22  
70/16  
**indicates** [1] 50/15  
**indicating** [4] 46/18 48/3 49/25 50/8  
**indicative** [1] 73/17  
**inform** [1] 62/12  
**information** [4] 66/19 67/11 89/4  
94/14

**I**  
**inquire [2]** 9/6 9/21  
**inquiry [1]** 37/10  
**Instagram [1]** 16/20  
**instruct [1]** 73/14  
**insurance [23]** 62/6 62/10 62/13 63/10 65/22 66/5 66/9 66/12 68/3 69/19 72/2 72/22 74/16 94/10 94/10 95/8 95/21 96/18 98/2 98/6 98/21 99/1 99/2  
**intend [2]** 37/4 99/18  
**intended [1]** 76/11  
**intent [1]** 86/2  
**interact [1]** 53/15  
**interaction [4]** 40/14 52/19 54/1 54/7  
**interactions [3]** 55/1 55/3 93/5  
**interest [2]** 5/25 20/2  
**interested [2]** 3/17 79/4  
**interests [3]** 91/21 92/3 100/18  
**interim [1]** 101/15  
**Internet [2]** 21/18 44/18  
**interpret [1]** 33/2  
**introduce [1]** 43/6  
**introduced [1]** 44/15  
**Investment [1]** 92/16  
**invoices [1]** 65/22  
**involved [4]** 19/25 71/8 93/16 93/17  
**involving [1]** 3/21  
**is [261]**  
**isn't [2]** 37/6 97/15  
**issue [10]** 5/4 7/9 30/17 43/23 72/4 79/10 94/9 95/2 95/17 96/6  
**issued [4]** 10/11 32/21 65/15 74/10  
**issues [5]** 3/21 4/25 6/25 7/3 61/10  
**issuing [1]** 74/21  
**it [214]**  
**it's [64]** 5/10 5/12 6/7 7/9 10/18 11/18 12/4 21/17 21/25 23/12 25/13 28/11 28/20 28/24 29/11 29/15 30/11 36/11 42/9 42/13 42/23 42/24 42/25 43/10 43/17 43/21 44/21 46/17 47/1 47/15 48/24 50/1 50/3 50/20 51/18 51/22 57/7 60/16 60/21 61/5 63/14 64/1 66/24 71/9 72/2 74/4 75/10 76/12 78/5 79/5 82/19 82/20 83/12 83/19 83/21 87/7 87/9 87/16 88/25 89/3 89/18 90/5 96/10 99/10  
**its [2]** 3/16 6/22  
**itself [2]** 43/9 59/9

**J**  
**jail [1]** 87/2  
**Jo [16]** 26/19 26/20 26/20 29/5 29/22 38/6 38/6 38/9 38/9 41/1 41/1 42/11 52/20 52/20 54/23 54/23  
**Jo's [4]** 26/19 29/5 29/23 42/11  
**Josephina [15]** 10/24 13/15 35/14 38/10 38/14 40/8 40/11 40/16 49/8 53/13 56/10 56/11 56/12 64/19 67/9  
**Josephina's [3]** 27/12 46/16 47/3  
**Jr [1]** 1/6  
**Judge [23]** 4/24 5/8 5/10 5/19 5/24 5/24 6/2 16/7 32/22 65/15 69/12 72/22 81/4 88/11 92/5 93/15 95/16 96/13 97/13 97/16 98/2 98/18 99/10  
**judicial [1]** 43/11  
**Judiciary [2]** 3/7 3/10  
**July [7]** 11/22 54/15 74/11 75/4 75/17

76/9 76/15  
**June [5]** 37/22 38/24 39/15 40/8 52/18  
**jurors [1]** 3/18  
**jury [1]** 79/21  
**just [45]** 4/20 4/24 7/12 8/7 12/3 17/2 23/6 23/17 24/22 31/5 31/18 32/23 35/5 36/7 36/16 37/9 38/3 39/1 39/6 41/4 41/9 43/3 43/6 43/7 46/1 48/7 50/16 53/13 53/14 57/19 57/20 63/15 68/17 68/25 71/22 73/5 74/5 76/8 79/14 84/7 84/8 93/6 98/11 98/18 99/1  
**Justice [7]** 1/9 73/1 74/10 74/21 75/4 75/17 76/7

**K**  
**KASSENOFF [117]**  
**Kassenoff's [6]** 5/14 6/1 15/14 63/6 64/10 82/7  
**keep [2]** 26/1 53/14  
**kept [1]** 62/23  
**kidnap [1]** 26/14  
**kidnapped [1]** 25/19  
**kids [3]** 64/18 64/21 64/23  
**kids' [2]** 12/9 89/2  
**kind [1]** 25/24  
**King [1]** 1/6  
**knew [1]** 38/12  
**know [46]** 13/1 14/23 16/24 23/17 31/15 36/1 36/13 40/18 40/20 42/16 45/16 50/13 53/2 56/18 56/19 56/19 62/7 68/23 70/7 71/6 71/16 74/7 74/12 76/9 76/12 76/14 77/16 77/18 82/24 83/12 85/11 85/17 86/6 86/20 91/6 91/18 92/12 92/14 92/18 94/14 94/16 94/23 95/2 96/3 97/17 101/7  
**knowing [1]** 92/15  
**knowledge [3]** 63/9 66/3 86/16  
**Koba [14]** 5/8 5/10 5/19 5/24 5/25 6/2 32/22 65/15 72/22 73/2 74/10 74/21 75/17 93/15  
**Koba's [2]** 75/4 76/7  
**KRAUSS [2]** 1/17 2/16

**L**  
**La [2]** 48/3 48/3  
**Larchmont [19]** 9/1 42/1 42/5 42/8 42/14 42/14 44/14 46/19 46/22 47/7 47/9 47/18 48/13 48/18 48/20 49/23 50/3 56/9 100/12  
**laser [4]** 45/20 49/10 49/12 51/3  
**last [11]** 5/18 22/9 32/9 32/11 35/5 36/5 40/13 48/1 57/10 84/18 94/18  
**late [1]** 99/11  
**later [3]** 24/19 84/15 85/4  
**latitude [2]** 79/21 79/23  
**law [6]** 2/23 3/7 3/11 79/16 84/10 85/11  
**lawyer [4]** 78/13 84/7 84/9 85/9  
**lawyers [4]** 37/11 37/12 84/12 84/14  
**lay [1]** 38/3  
**leading [4]** 51/10 51/12 51/14 52/4  
**leagues [1]** 89/3  
**learn [3]** 14/24 21/13 70/13  
**learned [3]** 64/8 70/9 70/14  
**least [2]** 30/16 37/5  
**leave [4]** 46/12 53/23 53/24 54/3  
**led [3]** 14/16 16/23 101/14

**left [2]** 48/11 51/24  
**lengthy [1]** 87/24  
**less [2]** 47/16 50/25  
**let [9]** 35/20 37/14 55/7 69/15 73/14 74/7 78/18 80/2 97/9  
**let's [2]** 42/16 57/8  
**letter [1]** 65/10  
**letting [1]** 23/17  
**LEWIS [1]** 1/9  
**liar [1]** 91/7  
**library [1]** 50/4  
**like [27]** 8/8 11/19 12/11 12/19 14/8 21/21 22/20 25/23 28/5 30/4 30/7 32/5 36/13 39/7 41/3 41/6 46/20 47/1 57/6 57/10 58/25 63/15 67/13 67/16 68/24 90/3 94/22  
**limited [1]** 72/6  
**line [9]** 3/8 20/16 46/10 48/2 50/8 63/23 70/18 85/2 90/12  
**lines [2]** 35/5 91/4  
**liquor [1]** 47/12  
**list [3]** 9/14 27/1 91/9  
**listed [1]** 48/17  
**listen [1]** 74/1  
**lists [1]** 3/15  
**literally [3]** 24/4 47/15 97/14  
**litigation [2]** 91/20 91/24  
**litigators [1]** 85/23  
**little [12]** 8/8 10/18 19/24 20/5 24/19 27/17 46/11 54/19 56/24 71/7 79/20 79/23  
**live [5]** 42/1 56/20 97/16 101/16 101/19  
**living [1]** 101/1  
**Liz [2]** 20/19 22/16  
**LLP [2]** 1/14 11/17  
**located [1]** 51/17  
**location [3]** 48/6 48/23 97/21  
**lock [1]** 27/21  
**locked [2]** 65/3 65/9  
**log [2]** 18/23 20/25  
**long [4]** 27/1 40/13 47/2 64/21  
**longer [1]** 92/17  
**look [5]** 28/24 87/14 87/17 89/24 96/18  
**looked [3]** 41/2 84/8 87/18  
**looking [4]** 49/4 49/6 57/18 83/13  
**looks [2]** 39/7 90/3  
**lot [2]** 36/2 66/16  
**love [1]** 25/22  
**loved [1]** 23/18  
**loves [1]** 23/18  
**loving [2]** 23/19 25/24  
**LUBELL [1]** 1/9  
**Luther [1]** 1/6

**M**  
**Macella [3]** 99/23 100/2 100/3  
**made [20]** 5/9 13/9 18/11 27/19 30/13 31/8 31/18 31/21 31/25 32/3 34/5 35/3 35/9 37/10 59/4 60/1 76/2 97/18 97/20 98/3  
**mail [40]** 10/19 10/20 14/20 15/1 26/18 27/10 27/13 28/18 28/23 29/5 29/9 29/22 29/25 36/18 56/25 57/4 57/23 80/22 81/5 81/13 81/17 84/3 84/17 85/1 85/25 86/3 87/7 87/9 87/18 87/19

**M**  
**mail...** [10] 87/22 88/3 88/7 89/11 89/15 89/18 90/2 90/20 91/4 91/10  
**mailed** [3] 14/19 62/11 91/7  
**mailing** [2] 82/23 83/9  
**main** [3] 1/12 42/3 47/5  
**make** [14] 4/1 28/14 36/19 45/7 45/9 47/7 60/6 63/24 83/13 83/20 89/8 96/7 96/23 101/8  
**making** [4] 40/19 57/16 96/1 96/14  
**malfeasance** [1] 71/11  
**man** [1] 98/10  
**managed** [1] 62/21  
**managing** [1] 92/15  
**manipulate** [2] 35/8 59/10  
**manner** [1] 74/2  
**many** [18] 18/10 18/13 36/12 43/5 54/13 54/15 57/6 57/10 58/17 66/20 69/13 69/16 85/17 86/9 86/11 86/12 86/16 93/1  
**map** [10] 44/13 44/21 45/18 46/14 46/25 47/6 47/25 48/3 49/25 51/16  
**Mapping** [2] 44/17 44/18  
**maps** [3] 44/23 45/1 45/9  
**March** [2] 85/9 85/13  
**marital** [5] 51/2 55/10 55/12 55/20 90/10  
**marked** [24] 9/11 9/23 11/20 12/20 14/5 18/18 21/20 23/11 24/23 26/15 33/19 35/18 38/17 39/2 41/7 56/22 66/14 78/18 80/16 80/19 81/13 87/5 87/12 89/17  
**marking** [1] 81/7  
**Martin** [1] 1/6  
**Mary** [4] 1/24 18/14 20/11 102/11  
**mask** [1] 9/3  
**materials** [1] 32/25  
**matrimonial** [3] 37/12 37/16 84/9  
**matter** [13] 2/1 17/10 17/17 19/22 29/8 29/15 29/16 29/18 30/1 36/3 41/21 78/5 79/1  
**matters** [2] 3/15 3/22  
**may** [25] 3/13 3/16 5/15 9/6 9/21 14/7 15/5 19/15 20/4 25/9 31/23 33/1 38/2 43/6 51/8 60/14 71/5 73/20 73/22 82/5 82/16 84/2 89/19 96/16 100/15  
**maybe** [6] 36/2 46/24 48/24 55/23 56/2 72/3  
**McGuffog** [5] 13/3 13/15 35/12 35/15 63/21  
**me** [63] 2/24 4/20 7/19 14/20 15/1 18/24 19/10 19/10 20/14 20/14 20/17 20/21 20/24 21/1 24/19 24/21 24/21 24/22 26/13 30/24 31/17 32/11 35/20 36/24 37/12 37/14 38/18 42/1 50/16 51/4 53/4 53/11 53/16 54/5 55/7 56/11 57/3 57/14 61/11 62/11 65/25 66/7 66/18 66/21 66/25 68/2 69/3 69/8 69/15 69/25 73/14 74/7 77/1 78/18 80/2 80/7 80/13 82/9 83/14 85/22 91/7 97/9 100/14  
**mean** [12] 36/12 40/17 42/9 47/4 48/24 54/5 56/10 60/4 63/14 71/4 77/16 77/18  
**meaning** [3] 31/15 63/16 67/8  
**means** [1] 10/22  
**meanwhile** [1] 101/4

**media** [9] 16/19 17/12 17/22 30/20 30/21 76/22 77/3 77/10 79/3  
**medical** [2] 62/6 62/10  
**meeting** [1] 48/12  
**mental** [2] 63/11 65/16  
**MESSERI** [2] 1/17 2/17  
**messy** [1] 84/6  
**Michael** [9] 10/14 14/9 27/17 28/1 41/25 58/8 58/12 58/17 68/9  
**microphone** [3] 4/23 8/6 9/2  
**middle** [3] 23/6 47/5 48/20  
**might** [2] 77/25 78/2  
**mile** [4] 12/7 56/20 100/22 101/10  
**miles** [2] 50/17 55/21  
**mind** [1] 87/25  
**mine** [2] 78/9 79/17  
**minimize** [1] 99/19  
**minute** [11] 22/11 24/4 35/21 40/1 40/15 40/23 47/4 47/16 61/14 72/18 74/1  
**minutes** [5] 4/20 24/4 62/1 72/9 93/21  
**misconstrued** [1] 77/20  
**misfeasance** [1] 71/11  
**missed** [1] 7/11  
**misses** [1] 25/23  
**mistaken** [1] 64/12  
**mom's** [1] 20/20  
**moment** [4] 72/20 74/25 76/2 80/8  
**Monday** [1] 94/23  
**money** [12] 65/24 66/6 66/8 66/11 66/19 68/17 71/17 76/4 76/10 76/14 97/13 98/10  
**monies** [1] 70/10  
**months** [1] 5/2  
**more** [9] 6/4 6/9 18/6 20/5 37/7 41/4 71/18 82/7 85/5  
**morning** [4] 36/8 36/18 36/21 49/15  
**most** [11] 1/20 1/22 3/1 3/1 3/7 15/22 20/18 34/12 37/11 71/7 100/25  
**mother** [12] 6/4 23/18 23/19 25/20 25/22 25/24 53/6 53/14 53/17 53/22 53/23 54/6  
**mothers** [1] 26/2  
**motion** [15] 4/3 4/7 4/8 4/9 4/10 4/11 4/12 4/12 4/13 4/14 4/14 4/15 4/16 41/22 93/13  
**motions** [5] 4/2 4/17 6/16 6/23 86/6  
**move** [30] 12/11 13/22 15/2 17/2 21/6 22/20 24/9 25/5 28/5 30/4 30/23 31/1 31/2 32/5 34/11 37/10 39/19 42/17 43/3 44/3 44/19 44/22 58/1 59/17 60/17 67/16 68/24 75/12 89/9 90/13  
**moved** [3] 11/7 28/3 75/5  
**moving** [2] 6/11 61/15  
**Mr** [134]  
**Ms** [68] 2/12 2/16 2/23 3/1 5/14 5/19 5/25 10/11 15/8 15/22 16/1 16/2 16/7 17/20 18/4 18/10 20/18 30/13 31/8 31/16 33/24 34/7 34/12 37/21 38/13 40/7 40/11 40/16 41/2 47/20 47/21 48/23 52/1 52/19 54/3 54/16 56/16 56/25 57/5 62/9 62/25 63/6 64/9 64/22 65/21 66/4 68/2 69/18 70/10 71/17 76/10 77/2 77/9 77/21 90/3 90/7 94/15 95/18 96/12 96/25 97/6 97/17 99/8 99/23 100/2 100/3 100/12 100/20  
**Ms.** [1] 97/3

**Ms. Kassenoff** [1] 97/3  
**much** [6] 66/11 67/2 67/3 70/16 76/10 94/23  
**multiple** [1] 58/10  
**must** [3] 13/9 15/9 15/10  
**muster** [1] 100/24  
**my** [66] 2/8 3/20 4/24 5/1 5/1 12/8 12/8 14/20 14/21 14/25 21/25 25/19 26/1 30/8 30/15 34/20 36/14 39/6 40/21 42/9 42/13 42/25 43/16 46/20 47/16 48/12 48/18 52/8 52/8 52/14 53/9 60/25 61/14 63/14 70/25 71/8 71/12 71/19 76/6 76/12 78/15 78/21 78/23 79/6 80/11 80/21 81/16 82/22 84/6 86/2 87/1 87/24 88/3 88/22 90/23 93/1 94/14 94/18 95/5 97/16 97/22 98/25 99/7 99/18 100/25 101/15  
**myself** [3] 32/22 62/12 63/1

---

**N**  
**name** [1] 8/23  
**named** [7] 87/20 88/25 89/22 90/4 91/18 92/12 92/13  
**names** [2] 11/2 35/11  
**nannie** [1] 38/12  
**nannies** [1] 38/7  
**nanny** [4] 52/8 54/22 54/24 56/13  
**narrative** [1] 73/20  
**nature** [2] 71/10 79/15  
**near** [1] 54/20  
**necessarily** [1] 37/4  
**need** [13] 3/22 6/5 6/11 7/24 8/7 9/17 26/1 43/20 43/24 62/21 69/21 72/6 72/9  
**needed** [1] 14/23  
**needs** [2] 95/12 96/6  
**negative** [1] 97/23  
**neighborhood** [2] 100/23 100/23  
**neighbors** [1] 46/7  
**neither** [2] 13/7 13/13  
**network** [2] 63/16 63/17  
**never** [4] 26/2 72/17 79/22 86/15  
**new** [18] 1/1 1/7 1/12 1/15 1/15 1/18 1/18 1/21 2/17 2/18 9/1 32/25 32/25 62/22 78/13 90/8 90/10 90/11  
**next** [6] 23/4 40/25 48/3 59/13 69/25 101/22  
**night** [2] 36/5 94/18  
**nine** [1] 50/23  
**no** [95] 1/3 5/17 7/19 11/9 11/11 11/12 11/18 12/13 12/14 12/15 13/24 13/25 14/1 15/19 15/21 15/23 15/25 16/9 17/4 17/5 17/6 17/14 17/19 18/7 21/7 21/8 21/9 22/22 22/23 22/24 24/11 24/12 24/13 25/2 25/3 25/4 28/8 29/4 32/7 33/6 33/7 33/7 33/8 34/13 38/16 39/20 39/21 39/22 42/19 43/20 43/23 44/24 45/11 46/4 58/2 58/3 59/12 59/19 59/20 59/21 60/19 60/24 61/3 66/6 66/10 67/18 67/20 67/21 67/22 68/17 68/19 71/22 72/7 73/17 75/7 75/19 75/20 75/21 77/14 78/17 79/21 82/23 83/8 86/19 89/7 90/15 90/17 90/24 92/17 94/13 95/3 95/17 97/13 98/24 101/11  
**non** [1] 88/14  
**non-disclosed** [1] 88/14

**N**

**nonetheless** [1] 82/16  
**nonfeasance** [1] 71/11  
**normalized** [1] 6/9  
**normalizing** [1] 5/25  
**not** [78] 3/17 3/22 5/3 5/4 5/10 5/13 7/5 11/18 16/7 19/11 19/20 28/20 29/11 29/13 30/20 31/2 31/22 34/7 34/15 35/6 35/7 36/11 36/11 37/16 38/16 40/11 43/6 43/13 43/17 43/19 43/20 45/8 45/16 47/16 48/7 56/20 57/16 57/22 62/9 62/18 66/10 69/11 69/12 70/19 71/1 71/5 71/9 73/19 73/24 78/6 79/8 80/4 82/13 82/16 82/25 83/12 83/12 83/19 85/5 86/2 86/20 88/7 91/8 91/15 92/10 94/7 95/14 95/25 96/8 96/10 97/18 97/19 97/21 98/17 98/19 100/14 100/24 100/24  
**noted** [1] 34/22  
**nothing** [2] 49/20 68/19  
**notice** [13] 6/22 23/3 43/11 78/16 78/23 78/25 79/12 79/13 80/11 80/19 81/1 81/6 81/8  
**notified** [1] 62/9  
**November** [3] 1/7 69/13 101/9  
**now** [18] 5/2 5/15 14/10 28/4 35/9 41/9 42/1 45/5 46/5 50/22 54/11 55/10 63/20 72/7 77/9 78/13 97/11 101/12  
**number** [24] 2/2 4/4 4/14 4/15 9/11 14/22 19/11 21/15 22/5 22/6 22/7 22/10 22/11 22/13 22/14 23/7 24/20 25/15 26/2 27/20 75/8 75/13 82/6 93/14  
**numbers** [1] 66/16  
**NYPA** [2] 62/22 62/23  
**NYSCEF** [11] 7/21 11/23 12/22 14/7 42/24 43/10 75/3 75/12 75/15 83/1 83/3

**O**

**obey** [1] 61/6  
**object** [11] 28/7 30/6 32/8 42/22 51/7 70/17 73/22 78/25 81/10 83/17 93/7  
**objected** [1] 60/24  
**objection** [71] 11/10 11/11 11/12 12/13 12/14 12/15 13/24 13/25 14/1 17/4 17/5 17/6 19/12 20/3 21/7 21/8 21/9 22/22 22/23 22/24 24/11 24/12 24/13 25/1 25/2 25/3 25/4 25/8 26/8 28/8 29/11 30/8 32/7 34/13 34/20 39/20 39/21 39/22 42/19 43/16 44/24 45/11 51/13 52/9 53/8 55/4 55/15 58/2 58/3 59/6 59/19 59/20 59/21 60/19 60/20 60/25 61/19 63/22 67/18 67/20 67/21 67/22 70/20 75/18 75/19 75/20 75/21 90/15 90/16 90/23 90/24  
**objections** [3] 36/14 37/5 73/23  
**objectives** [2] 91/20 91/24  
**obligation** [1] 61/5  
**observe** [2] 49/1 52/6  
**obtained** [1] 58/23  
**obviate** [1] 36/2  
**obviously** [1] 64/25  
**occasion** [3] 23/8 26/17 54/13  
**occurred** [1] 54/1  
**October** [14] 12/22 13/20 19/5 26/17

27/10 29/6 30/15 60/21 80/12 80/23 81/18 81/24 86/3 86/8  
**October 28th** [1] 30/15  
**off** [14] 3/3 15/5 15/9 15/14 22/17 27/5 36/22 40/23 53/20 70/3 70/4 76/12 93/9 93/24  
**offended** [1] 88/8  
**offer** [6] 63/24 67/13 79/11 82/1 82/2 83/16  
**offered** [1] 96/21  
**offering** [2] 19/21 82/3  
**office** [3] 14/25 48/15 59/16  
**officer** [4] 15/7 15/13 27/21 83/6  
**officers** [3] 3/18 15/4 27/19  
**Oh** [1] 17/23  
**okay** [30] 6/21 8/1 8/5 8/15 9/5 9/14 9/21 12/25 14/12 16/15 18/17 19/8 20/22 21/2 23/15 31/3 37/9 39/13 41/17 44/11 46/13 46/21 50/8 50/18 57/25 58/19 61/19 64/13 74/6 81/25  
**old** [5] 19/2 23/25 26/22 50/3 83/2  
**one** [52] 6/8 12/5 12/7 12/9 17/1 20/4 22/10 24/22 26/18 27/14 27/19 30/10 30/16 31/14 31/24 37/8 38/11 42/5 46/1 46/3 48/8 48/16 49/20 54/18 56/20 59/5 60/8 64/2 64/3 71/18 72/1 72/5 74/18 75/1 75/8 82/6 82/11 84/13 85/18 87/18 88/11 88/24 89/2 89/5 90/5 91/20 91/24 93/18 98/24 100/16 100/22 101/10  
**one-mile** [4] 12/7 56/20 100/22 101/10  
**ones** [1] 56/13  
**online** [1] 21/25  
**only** [9] 3/8 19/23 20/4 27/14 43/2 64/18 72/1 83/2 91/8  
**open** [2] 94/19 99/7  
**operations** [1] 94/8  
**opinion** [3] 12/1 33/7 97/19  
**opportunity** [7] 5/3 30/7 87/14 87/17 89/24 96/21 98/20  
**opposed** [1] 51/9  
**opposing** [2] 88/11 88/15  
**opposite** [1] 61/5  
**order** [66] 5/8 5/9 5/12 5/13 5/18 9/24 9/25 10/6 10/9 10/10 10/15 11/6 11/16 11/22 11/24 12/1 12/2 12/3 12/21 12/23 13/7 13/19 13/23 14/6 14/10 14/12 14/14 14/17 16/13 16/17 16/21 16/24 17/20 17/24 18/4 18/10 31/23 34/20 41/23 46/21 52/15 61/3 65/6 65/16 65/20 67/8 72/21 73/4 74/9 74/14 74/22 74/24 75/1 75/4 75/5 75/16 76/8 76/20 77/13 82/14 82/22 82/23 83/8 98/15 101/18 101/24  
**ordered** [5] 13/2 13/12 27/22 65/2 73/2  
**orders** [16] 6/16 30/16 32/12 32/16 32/20 32/21 34/16 40/12 61/7 64/6 64/8 70/22 80/7 95/10 96/3 96/5  
**original** [1] 59/11  
**Originally** [1] 64/17  
**originated** [1] 28/22  
**other** [27] 3/15 6/23 7/3 7/19 8/19 10/19 10/20 10/22 13/17 16/18 30/19 32/19 52/20 52/20 52/25 54/8 54/11 56/8 63/15 72/5 76/21 77/11 77/12 79/10 90/19 96/13 101/19

**other's** [1] 84/24  
**others** [1] 37/6  
**otherwise** [3] 7/3 43/6 66/5  
**our** [3] 46/6 46/7 94/7  
**out** [28] 6/11 12/25 14/9 19/21 25/25 38/6 38/10 40/21 43/7 45/21 49/17 51/3 51/16 55/11 57/15 57/15 63/17 64/22 64/23 65/4 65/11 72/1 84/6 84/17 84/21 97/10 97/16 98/9  
**outside** [7] 13/16 48/14 50/24 50/25 79/5 79/6 93/7  
**over** [7] 5/2 20/3 64/9 83/14 84/13 93/15 98/21  
**overruled** [8] 26/9 29/15 33/11 34/21 52/10 53/10 61/12 61/18  
**own** [2] 60/7 97/23  
**owned** [1] 90/11  
**owner** [2] 22/2 100/11

**P**

**P.C** [2] 1/11 1/20  
**p.m** [3] 51/2 80/23 81/20  
**page** [8] 16/13 22/8 41/9 41/25 57/19 58/10 59/14 87/18  
**pages** [5] 58/18 58/20 69/13 69/16 83/3  
**paid** [5] 63/21 64/16 76/4 84/12 98/7  
**paper** [1] 9/13  
**papers** [2] 86/17 87/1  
**paragraph** [8] 10/16 13/2 13/10 16/13 16/16 48/10 48/17 50/23  
**parent** [3] 3/23 13/4 89/5  
**parental** [1] 5/5  
**parents** [4] 27/3 27/11 29/6 38/12  
**parents'** [1] 71/9  
**part** [10] 42/23 42/25 43/4 43/10 43/21 46/14 47/14 64/2 68/17 90/5  
**particular** [4] 3/5 12/21 30/12 97/21  
**parties** [7] 15/7 16/14 16/17 34/7 65/2 82/10 83/10  
**partner** [2] 78/14 79/16  
**party** [6] 13/4 13/7 13/13 13/17 61/4 83/9  
**party's** [1] 70/23  
**pass** [1] 100/24  
**past** [1] 35/4  
**path** [4] 46/11 49/14 49/18 49/22  
**paths** [1] 71/5  
**patient** [1] 67/4  
**pattern** [4] 32/16 33/2 61/8 70/22  
**Paul** [1] 93/18  
**Pause** [1] 29/20  
**pay** [7] 64/22 64/23 65/5 74/20 88/23 93/18 98/1  
**paying** [1] 101/4  
**payment** [3] 72/23 76/11 96/23  
**pedal** [1] 53/20  
**pejorative** [3] 77/16 77/17 77/18  
**pendency** [1] 93/13  
**penny** [1] 88/24  
**people** [8] 3/4 3/7 27/1 27/2 27/20 60/7 96/4 97/22  
**per** [1] 92/19  
**percent** [1] 95/19  
**permission** [7] 13/22 21/5 39/18 49/10 57/25 59/17 60/17  
**permit** [2] 69/2 99/20



**P**  
permits [1] 6/23  
permitted [4] 13/5 13/8 35/7 40/12  
person [3] 13/6 16/5 59/5  
personal [3] 14/21 14/22 36/20  
persons [2] 3/17 15/6  
Peter [1] 93/18  
phone [16] 13/6 15/14 18/23 20/23  
21/1 21/15 22/3 22/14 23/4 23/5 23/25  
24/2 24/3 40/21 49/4 49/6  
phones [2] 15/4 15/8  
photograph [8] 20/22 24/7 38/19  
38/21 38/22 39/3 39/10 39/13  
photos [2] 43/5 43/9  
physical [1] 10/12  
pick [1] 38/8  
picture [4] 23/22 44/6 45/17 71/3  
pictures [3] 40/22 40/22 41/4  
pit [1] 25/24  
place [9] 52/16 76/20 95/10 98/13  
101/1 101/1 101/5 101/10 101/16  
places [1] 97/20  
Plains [2] 1/7 1/21  
plaintiff [13] 1/3 1/11 2/7 8/3 8/8 9/11  
12/3 14/5 42/20 61/6 74/18 97/2 97/5  
plaintiffs [75] 2/4 4/8 4/10 4/12 4/16  
9/24 11/7 11/13 11/14 11/20 12/11  
12/16 12/17 12/20 14/2 14/3 17/7 17/8  
18/18 21/6 21/10 21/11 21/20 22/21  
22/25 23/1 23/11 24/9 24/14 24/15  
24/24 25/10 26/16 28/5 28/15 28/18  
30/4 31/5 33/13 33/15 33/16 33/20  
33/23 34/11 34/23 35/19 38/18 39/3  
39/11 39/19 39/23 39/24 41/7 41/7  
42/17 42/18 44/5 44/22 45/14 50/7  
56/23 58/4 58/5 58/7 59/18 59/22  
59/23 59/25 59/25 60/18 61/21 66/14  
67/17 67/23 67/24  
plan [4] 62/21 63/5 63/6 63/10  
playground [1] 47/1  
pleading [1] 43/22  
pleadings [1] 32/23  
pleasantries [1] 40/18  
please [33] 2/5 8/6 8/6 8/9 8/16 8/24  
10/2 10/16 11/21 12/19 13/11 13/23  
20/11 23/16 25/17 26/1 27/17 27/21  
27/25 31/5 35/5 41/8 43/14 44/5 50/6  
53/18 55/22 58/8 59/25 67/17 68/9  
84/2 91/3  
pleasure [1] 4/24  
plus [1] 83/1  
pocket [2] 64/22 64/23  
pockets [1] 15/11  
point [19] 6/13 31/14 31/18 31/20  
33/25 39/6 40/21 45/20 48/1 51/3 51/6  
51/16 51/19 52/1 72/7 88/3 92/18 93/7  
96/12  
pointer [6] 39/6 45/20 46/24 49/10  
49/12 51/3  
pointing [2] 46/1 46/2  
points [1] 50/15  
portion [11] 16/21 57/21 76/7 87/19  
88/7 88/11 88/13 88/14 88/18 88/20  
100/8  
posed [1] 74/3  
position [1] 90/20  
positive [2] 31/22 97/23

possession [7] 4/3 4/6 4/9 4/11 15/16  
31/12 59/3  
possible [2] 4/20 36/20  
post [15] 17/21 33/24 34/3 35/3 49/23  
50/2 58/11 59/9 59/11 60/1 60/2 60/3  
60/6 60/11 79/3  
postdates [1] 34/16  
posted [5] 17/12 17/15 18/5 60/13  
77/3  
posting [1] 84/23  
posts [14] 18/1 18/10 31/9 31/13  
31/21 31/24 32/3 33/25 58/13 58/20  
59/4 59/4 60/8 84/24  
Power [1] 62/22  
powered [1] 15/9  
practice [4] 32/16 33/3 70/23 84/10  
practiced [1] 85/9  
prefer [1] 11/8  
prepared [2] 8/3 95/16  
presence [1] 13/17  
present [4] 1/23 3/25 48/6 91/25  
presented [1] 92/4  
presided [1] 93/15  
presume [1] 85/18  
pretty [1] 94/23  
preventing [1] 10/12  
prevents [1] 76/21  
previewed [1] 36/1  
previous [1] 60/25  
previously [3] 13/12 32/9 61/2  
prima [1] 98/15  
prior [11] 17/20 17/24 34/18 38/14  
53/9 57/23 63/4 63/4 84/12 84/14  
84/16  
private [1] 31/15  
probably [10] 6/8 14/18 24/4 41/10  
42/10 51/24 62/16 75/9 77/24 84/20  
problem [7] 29/4 43/13 61/1 74/6  
87/23 90/17 101/20  
proceed [4] 7/2 8/3 40/5 70/6  
proceeding [10] 5/24 7/15 11/17  
15/17 16/6 31/8 63/19 63/20 74/10  
101/23  
proceedings [6] 3/14 8/19 29/20  
77/11 102/1 102/7  
proceeds [2] 72/22 91/7  
produce [2] 88/2 88/5  
progress [1] 6/5  
prohibited [2] 16/14 16/17  
prohibiting [2] 82/22 83/9  
prohibits [1] 30/18  
proof [3] 63/25 79/11 82/3  
proprietor [1] 99/25  
protect [1] 91/21  
protected [1] 92/4  
protection [10] 6/17 10/10 11/6 11/16  
11/22 25/22 32/21 41/23 52/16 101/18  
prove [1] 19/21  
provide [1] 74/17  
provided [3] 13/2 68/22 90/18  
provider [2] 62/20 63/15  
public [6] 3/12 31/19 31/21 31/25  
33/25 79/1  
pulled [1] 22/17  
purpose [4] 19/8 28/17 82/3 83/10  
purposes [3] 13/18 88/1 94/3  
pursuant [1] 3/6

put [11] 8/22 15/9 30/18 46/24 50/6  
58/25 65/25 67/7 67/8 87/2 101/10  
putting [2] 82/18 101/3

**Q**  
quacks [1] 35/9  
question [27] 3/24 9/18 10/3 20/9 25/9  
27/8 27/24 37/14 37/18 48/18 55/8  
59/13 73/10 73/15 73/25 74/1 74/7  
77/19 78/22 80/21 81/16 84/5 88/1  
88/7 88/15 92/2 96/5  
questioning [2] 36/2 63/23  
questions [3] 71/22 72/8 77/20  
quick [2] 84/5 93/21  
quickly [1] 57/20  
quite [5] 42/23 42/24 43/22 82/20  
82/25  
quote [2] 6/2 50/24

**R**  
R-O-S-E-N [1] 89/22  
raise [1] 8/15  
raised [16] 11/12 12/15 14/1 17/6 21/9  
22/24 24/13 36/7 39/22 45/11 58/3  
59/21 67/22 75/21 90/24 93/22  
re [1] 72/6  
re-call [1] 72/6  
reached [1] 84/21  
reaching [2] 25/25 84/17  
read [31] 3/7 3/9 10/16 10/21 14/11  
18/16 20/10 20/13 23/12 23/13 23/14  
23/15 25/17 28/10 28/20 29/3 35/5  
43/23 50/11 55/5 57/19 57/21 68/12  
68/14 75/3 76/8 84/3 88/12 88/17  
90/12 91/3  
reading [5] 3/8 13/1 48/11 51/8 84/24  
reads [2] 16/17 88/9  
real [2] 47/12 48/14  
reality [1] 95/16  
realize [1] 37/6  
reallocation [2] 96/10 99/5  
really [4] 40/19 40/20 49/20 84/5  
reason [5] 32/9 43/2 60/9 73/8 91/9  
reasonable [1] 95/17  
reasons [3] 49/21 70/18 82/6  
recall [44] 14/17 24/21 29/8 29/14  
29/16 29/25 31/18 31/20 47/24 48/15  
52/11 57/7 58/21 58/22 62/14 72/23  
73/2 73/3 73/4 73/7 73/9 73/11 74/9  
74/13 74/21 76/5 76/6 76/22 77/2 77/4  
77/7 78/15 81/17 81/21 84/18 90/7  
91/11 91/13 91/17 92/20 92/22 92/23  
92/25 93/2  
receipt [1] 74/18  
receive [2] 24/1 56/25  
received [47] 11/15 12/18 13/4 14/4  
17/9 19/10 20/14 21/12 22/15 23/2  
23/3 23/7 24/3 24/16 24/18 24/20  
24/21 25/11 25/12 25/14 28/16 33/17  
34/24 39/25 45/15 57/3 57/5 57/23  
58/6 59/24 61/22 62/14 65/23 66/12  
67/6 67/7 67/25 68/2 68/5 69/18 75/23  
76/10 76/15 83/23 89/14 91/2 94/15  
recently [1] 62/8  
recess [5] 40/2 40/4 62/2 93/20 101/24  
recipient [1] 29/22  
recipients [1] 27/9

**R**

**recognize [4]** 19/11 22/11 80/22 90/2  
**recollection [6]** 28/25 50/18 57/22  
 65/19 71/19 78/22  
**reconvene [1]** 94/2  
**record [20]** 3/10 8/23 10/16 15/16  
 23/15 25/17 27/5 34/22 42/24 43/16  
 43/22 70/3 70/4 73/22 79/2 86/25  
 93/23 93/24 98/11 102/7  
**recording [2]** 15/5 16/6  
**red [1]** 49/13  
**redirect [1]** 88/3  
**reexamine [1]** 88/13  
**reference [2]** 7/20 76/3  
**referred [2]** 74/24 93/14  
**referring [1]** 48/8  
**Refine [1]** 77/19  
**refrain [2]** 10/13 10/18  
**refresh [4]** 28/25 50/18 57/22 78/22  
**refuses [1]** 88/23  
**regard [6]** 43/1 76/7 82/10 94/8 95/7  
 100/18  
**regarding [3]** 65/16 72/22 99/16  
**regardless [1]** 61/5  
**regularly [2]** 47/13 47/17  
**reimbursed [2]** 66/20 67/3  
**reimbursement [4]** 65/24 68/18 74/15  
 74/17  
**reimbursements [4]** 65/16 65/24 66/5  
 68/3  
**reinstate [2]** 94/16 99/9  
**reinstated [5]** 5/22 94/12 96/19 98/7  
 99/4  
**reinstatement [1]** 95/8  
**relation [1]** 47/24  
**relative [3]** 8/18 69/10 95/1  
**relevance [1]** 82/3  
**relevant [1]** 91/25  
**relief [2]** 44/1 101/15  
**relieve [1]** 101/19  
**relieved [1]** 45/5  
**remedies [1]** 33/5  
**remember [14]** 12/8 12/9 37/20 41/16  
 52/13 54/10 58/23 64/20 65/1 65/8  
 70/14 89/3 91/16 92/15  
**remind [1]** 80/3  
**remotely [1]** 99/21  
**remove [1]** 62/12  
**removed [6]** 62/18 62/25 70/10 71/17  
 99/1 99/2  
**rent [2]** 97/21 101/4  
**rep [2]** 62/24 94/20  
**repeat [1]** 20/8  
**Rephrase [1]** 74/7  
**report [3]** 14/20 93/11 93/16  
**reporter [4]** 1/25 18/16 20/13 102/11  
**represent [2]** 58/9 83/6  
**representation [4]** 44/25 45/4 45/8  
 45/9  
**representations [1]** 45/12  
**represented [1]** 98/19  
**request [7]** 5/21 13/3 13/5 13/8 13/8  
 27/18 88/8  
**requested [2]** 18/15 20/12  
**requesting [2]** 13/7 41/23  
**requests [2]** 64/3 74/15  
**residence [10]** 48/11 50/9 51/2 54/17

55/2 55/10 55/13 55/20 56/1 56/6  
**resides [1]** 56/17  
**resources [2]** 94/7 98/8  
**respectfully [1]** 100/25  
**respond [2]** 82/5 96/16  
**responded [1]** 79/15  
**response [1]** 7/17  
**responsibility [1]** 71/12  
**responsible [1]** 97/22  
**responsive [1]** 73/24  
**restating [1]** 60/25  
**restaurant [6]** 50/25 51/4 51/17 54/19  
 56/3 71/4  
**restaurants [1]** 47/11  
**restriction [3]** 12/5 12/6 56/21  
**results [1]** 21/16  
**retirement [3]** 64/10 70/10 71/18  
**review [1]** 68/1  
**ride [3]** 53/7 53/11 53/16  
**ridiculous [1]** 83/4  
**right [27]** 2/8 8/16 25/21 28/13 36/3  
 37/17 45/21 46/5 46/19 46/25 47/7  
 49/2 49/3 49/24 49/25 50/12 50/14  
 50/20 51/18 52/12 53/12 54/2 54/19  
 64/17 68/10 83/6 87/25  
**rights [1]** 5/5  
**risk [1]** 79/21  
**road [8]** 1/21 42/4 45/24 46/4 46/5  
 47/5 49/23 50/2  
**roads [2]** 45/25 45/25  
**rob [1]** 93/18  
**Rochelle [3]** 90/8 90/10 90/11  
**Rosen [3]** 89/22 90/4 90/7  
**RPR [2]** 1/24 102/11  
**rules [1]** 29/1  
**ruling [9]** 33/7 33/8 34/18 43/15 53/10  
 94/6 96/10 97/18 101/9  
**rulings [1]** 70/25  
**run [1]** 79/21

**S**

**SAAR [7]** 1/19 2/18 4/19 6/18 7/24  
 16/8 16/9  
**saddled [1]** 95/20  
**safe [3]** 23/19 25/24 26/1  
**said [33]** 6/2 7/12 20/15 20/16 20/18  
 20/19 37/1 37/4 40/17 40/18 40/19  
 53/15 53/19 53/22 54/4 54/6 54/9  
 55/19 55/24 56/3 62/20 62/21 65/9  
 65/21 77/5 79/11 82/11 91/17 94/9  
 94/20 94/23 96/2 99/3  
**same [7]** 3/13 23/19 24/20 25/15 32/9  
 34/19 90/16  
**sat [1]** 66/22  
**Satellite [1]** 44/18  
**saw [11]** 47/21 48/13 48/23 52/5 52/7  
 52/8 53/17 54/22 54/24 56/9 56/13  
**say [18]** 6/7 7/16 10/9 18/12 38/14  
 40/14 40/16 51/12 65/7 65/20 71/1  
 77/5 85/1 85/1 85/23 95/2 97/9 98/24  
**says [2]** 50/11 81/22  
**scared [1]** 26/12  
**scene [1]** 40/20  
**scheduling [1]** 13/17  
**SCHLAM [1]** 1/14  
**SCHNEID [1]** 1/20  
**school [22]** 26/18 26/24 26/25 38/6

38/8 38/9 42/11 42/15 46/15 46/16  
 46/22 47/3 49/8 49/14 49/24 50/5 50/9  
 50/19 51/1 51/20 52/12 85/11  
**schools [2]** 12/9 89/6  
**scope [10]** 30/11 30/12 32/13 63/23  
 70/18 70/20 79/5 79/6 79/7 93/8  
**screen [1]** 31/6  
**screenshot [9]** 18/22 19/4 20/24 20/25  
 25/13 34/5 60/9 60/15 60/16  
**screenshots [1]** 31/17  
**scroll [2]** 32/4 58/12  
**se [1]** 92/19  
**sealed [1]** 3/6  
**search [1]** 21/16  
**season [1]** 94/19  
**seat [1]** 10/3  
**seated [2]** 3/3 10/3  
**second [13]** 12/25 14/9 15/2 15/3 17/1  
 22/8 24/20 24/22 30/15 48/24 51/25  
 82/9 100/17  
**secret [1]** 94/21  
**Section [2]** 3/7 3/11  
**securities [1]** 65/11  
**see [21]** 14/10 15/13 31/15 31/19  
 34/14 35/21 38/15 48/6 50/8 52/7  
 53/14 78/21 79/23 85/2 85/4 85/6 85/8  
 87/19 90/4 100/13 100/14  
**seeing [1]** 5/16  
**seek [4]** 44/15 44/19 44/21 51/8  
**seems [4]** 32/22 45/24 82/9 96/10  
**seen [11]** 28/10 54/16 55/10 55/24  
 57/23 57/24 58/15 82/11 91/10 100/13  
 100/23  
**selects [1]** 88/10  
**self [1]** 62/21  
**self-managed [1]** 62/21  
**send [4]** 19/4 20/24 23/8 31/17  
**Senior [2]** 1/25 102/11  
**sensitive [1]** 3/21  
**sent [19]** 18/3 18/24 19/9 21/3 23/22  
 24/7 24/19 24/22 25/14 29/5 36/4  
 56/25 57/3 59/2 66/21 80/22 81/17  
 87/20 90/3  
**sentence [1]** 85/5  
**sentences [1]** 91/5  
**separate [2]** 65/12 74/19  
**September [10]** 9/24 41/13 41/15  
 47/20 48/10 50/23 52/13 54/12 57/1  
 101/10  
**sequence [8]** 4/4 4/7 4/9 4/11 4/12  
 4/14 4/15 93/14  
**series [1]** 31/9  
**serious [1]** 101/14  
**service [1]** 67/1  
**services [4]** 44/17 74/17 76/4 76/11  
**several [2]** 62/23 86/11  
**SHAKNES [2]** 1/17 2/17  
**shall [1]** 3/12  
**share [1]** 46/7  
**she [106]**  
**she's [10]** 19/3 26/13 26/23 39/7 40/11  
 56/20 90/8 100/22 100/23 101/4  
**shoelace [1]** 53/19  
**short [3]** 61/24 62/2 99/15  
**shortly [1]** 53/12  
**should [6]** 3/24 25/25 53/17 68/23  
 88/2 88/8

**S**  
**show [7]** 9/10 11/19 21/21 38/17 39/2 78/18 80/2  
**showed [1]** 39/11  
**Showing [2]** 23/11 66/14  
**shows [4]** 67/1 67/1 67/2 67/3  
**side [2]** 47/9 51/24  
**sign [1]** 39/7  
**signature [2]** 41/10 41/11  
**signed [4]** 11/16 41/15 48/9 98/18  
**significant [1]** 96/11  
**similar [2]** 12/2 34/19  
**since [10]** 5/6 5/15 6/14 18/9 34/4 54/15 69/16 76/9 76/15 85/9  
**Sing [4]** 99/23 99/24 99/25 100/11  
**single [1]** 85/18  
**sir [18]** 8/16 12/6 13/20 14/6 14/10 18/7 18/13 18/17 20/7 21/21 24/18 33/20 33/25 41/11 76/9 84/16 85/25 90/1  
**sit [5]** 66/2 66/3 71/16 76/8 91/15  
**sitting [2]** 50/24 50/24  
**sittings [1]** 3/11  
**six [1]** 5/2  
**skip [1]** 42/16  
**Slavik [2]** 1/24 102/11  
**slowly [2]** 25/18 49/13  
**smooth [2]** 36/19 37/6  
**so [67]** 3/10 6/24 7/22 7/25 18/6 20/14 20/18 20/25 25/7 27/22 28/4 31/17 31/19 35/11 36/10 36/14 37/12 38/7 38/20 40/21 41/3 46/17 49/16 49/19 51/1 51/10 51/23 52/13 53/15 53/19 53/20 53/24 57/6 57/10 59/3 61/19 62/22 64/21 65/6 66/15 67/4 67/7 69/16 70/19 71/12 74/1 79/8 79/22 79/23 80/8 81/5 84/21 86/2 86/20 86/22 86/24 86/24 88/17 90/19 92/10 93/11 93/12 93/17 94/6 94/22 96/5 101/23  
**so-called [1]** 35/11  
**soccer [1]** 89/3  
**social [9]** 16/19 17/12 17/22 30/20 30/21 76/22 77/3 77/9 79/3  
**sold [2]** 90/8 90/10  
**some [16]** 6/12 31/18 38/3 51/22 52/1 60/8 79/10 82/12 85/5 85/12 88/3 96/9 96/12 96/13 97/21 101/15  
**somebody [3]** 71/3 77/25 90/4  
**someone [18]** 26/11 38/9 38/12 49/7 52/7 56/9 59/15 73/20 77/15 77/16 78/3 87/20 88/9 88/25 89/22 91/18 92/12 92/13  
**something [14]** 7/16 36/8 48/4 54/4 69/15 78/5 79/3 82/15 89/2 91/15 93/22 94/21 97/9 101/19  
**sometimes [4]** 49/16 85/22 101/2 101/2  
**somewhere [2]** 48/1 56/18  
**sorry [7]** 4/4 16/2 28/2 49/8 88/22 89/9 92/8  
**sort [6]** 41/3 46/11 49/4 49/5 54/19 101/15  
**sought [2]** 86/4 86/9  
**sound [1]** 68/15  
**speak [8]** 9/2 13/3 26/1 35/7 59/9 67/4 84/15 84/18

**speaking [1]** 95/13  
**specific [6]** 43/16 43/25 44/1 73/24 88/6 88/10  
**specifically [3]** 26/12 65/6 73/3  
**speed [1]** 79/15  
**spell [1]** 92/12  
**spoke [3]** 94/20 97/2 97/5  
**spoken [1]** 72/17  
**spreadsheet [6]** 66/16 67/10 67/14 69/1 76/13 76/17  
**stack [3]** 67/9 67/9 67/10  
**stand [4]** 8/9 77/6 79/9 81/3  
**standing [3]** 41/2 48/14 49/2  
**start [4]** 6/5 6/11 15/17 64/17  
**started [4]** 40/10 52/12 53/22 72/25  
**starting [2]** 16/13 35/6  
**starts [1]** 73/15  
**state [6]** 1/1 3/12 6/10 30/7 34/20 43/16  
**statement [2]** 19/22 22/17  
**states [1]** 3/11  
**stay [3]** 5/11 40/3 61/3  
**stayaway [4]** 10/13 12/7 100/22 101/10  
**steps [1]** 95/7  
**still [4]** 29/11 31/16 64/20 80/8  
**stipulate [6]** 60/22 69/17 79/2 80/11 80/14 83/8  
**stipulation [2]** 35/25 69/20  
**STONE [1]** 1/14  
**stop [6]** 15/3 35/20 51/10 51/12 95/22 95/22  
**store [2]** 47/12 100/11  
**street [6]** 1/12 39/7 41/1 46/4 51/22 51/23  
**strike [4]** 4/5 57/12 79/22 79/22  
**struck [1]** 57/10  
**structure [2]** 45/21 51/25  
**structures [1]** 50/2  
**student [1]** 89/5  
**stuff [1]** 101/4  
**subject [16]** 28/12 28/16 29/8 29/14 29/16 29/18 29/25 41/21 64/13 83/18 83/23 89/11 89/14 90/18 96/9 99/5  
**submissions [1]** 83/1  
**submit [1]** 65/10  
**submitted [6]** 70/15 83/21 86/17 87/1 93/3 100/5  
**submitting [2]** 65/22 74/15  
**subsequently [1]** 57/2  
**substance [3]** 10/8 12/2 41/17  
**such [3]** 29/2 82/23 83/8  
**sued [1]** 84/13  
**suggest [2]** 40/2 71/23  
**suggestion [1]** 98/4  
**Suite [1]** 1/21  
**sum [3]** 10/8 12/2 68/4  
**summarizing [2]** 67/11 73/1  
**supervised [2]** 5/17 5/20  
**support [1]** 86/17  
**supposed [1]** 66/6  
**SUPREME [3]** 1/1 1/6 1/9  
**sure [10]** 25/19 48/7 49/11 55/18 60/6 64/1 66/18 83/7 85/21 92/10  
**surprised [3]** 84/11 85/5 85/7  
**surrounding [1]** 11/24  
**Susan [5]** 13/13 35/11 35/13 57/1 57/5

**Sustained [7]** 16/25 51/14 55/16 57/13 85/24 92/6 93/19  
**swear [1]** 8/17  
**synagogue [1]** 50/3

---

**T**  
**table [1]** 36/23  
**tactic [1]** 85/23  
**take [15]** 7/18 28/22 31/17 40/1 40/15 40/22 43/11 47/2 61/23 61/25 69/22 69/24 74/1 84/11 92/11  
**taken [3]** 40/4 62/2 95/7  
**takes [3]** 36/22 46/11 49/14  
**taking [1]** 71/12  
**talk [2]** 61/14 93/21  
**talked [1]** 56/11  
**talking [5]** 23/5 40/10 50/13 53/22 72/25  
**talks [2]** 77/10 77/11  
**TALLENTIRE [2]** 1/17 2/17  
**tally [1]** 66/11  
**Taqueria [1]** 48/4  
**teacher [8]** 26/19 27/12 27/14 27/15 29/5 29/23 100/3 100/7  
**teachers [1]** 27/13  
**telephone [3]** 10/19 22/5 22/6  
**tell [19]** 19/8 20/14 24/21 26/7 38/18 42/1 50/16 53/5 53/17 53/25 54/3 54/6 54/8 57/14 66/16 68/2 69/3 80/13 85/19  
**telling [1]** 96/19  
**temporary [1]** 32/20  
**ten [1]** 19/3  
**terminate [1]** 5/14  
**terminated [3]** 5/6 98/14 98/17  
**terms [2]** 6/3 50/11  
**testified [9]** 31/8 46/17 55/9 72/21 73/5 73/23 76/19 77/1 100/10  
**testify [1]** 100/4  
**testifying [2]** 19/19 51/9  
**testimonial [1]** 45/4  
**testimony [18]** 3/25 8/18 9/4 17/11 17/17 19/21 56/14 58/19 71/2 72/5 72/23 72/25 76/5 76/6 76/24 77/4 77/7 88/9  
**text [9]** 23/7 23/9 23/22 24/18 24/20 25/12 25/13 25/17 26/5  
**texted [1]** 21/1  
**than [7]** 7/20 18/6 50/25 52/20 54/8 54/11 101/19  
**Thank [11]** 8/1 9/7 9/19 70/2 80/10 83/24 84/16 88/16 98/23 99/12 99/13  
**Thanks [1]** 84/15  
**that [332]**  
**that's [28]** 9/13 22/7 35/23 36/22 37/9 39/5 42/14 45/4 46/1 46/4 46/6 46/10 46/12 46/16 47/7 50/20 61/25 64/10 71/13 72/19 76/17 80/13 83/2 88/5 90/5 91/15 95/13 100/16  
**their [13]** 3/22 3/24 4/17 15/6 15/8 15/11 25/20 35/11 60/7 71/10 88/24 95/24 97/23  
**them [25]** 18/3 31/15 31/17 31/19 31/19 32/17 35/8 36/11 37/4 39/1 62/20 64/4 65/11 67/8 67/8 68/24 84/13 94/6 96/21 97/19 97/19 98/20 99/20 99/20 100/4

**T**  
**then [29]** 3/15 7/2 7/5 7/15 7/24 20/18 20/20 40/23 41/4 45/4 46/11 46/12 49/22 49/22 50/4 50/4 53/21 54/23 56/10 56/12 61/8 67/2 67/10 71/11 82/20 86/8 88/10 90/22 96/6  
**therapeutic [1]** 74/16  
**therapist [13]** 12/23 13/3 13/7 13/9 13/14 13/16 35/8 35/13 35/15 64/20 65/14 72/23 76/11  
**therapists [3]** 64/16 65/5 76/4  
**therapy [2]** 35/11 74/20  
**there [62]** 3/4 3/20 5/4 5/7 6/15 7/23 20/17 23/20 24/25 32/15 32/20 32/22 34/5 36/25 37/1 39/8 45/1 47/10 47/20 48/5 48/7 52/15 54/18 54/20 54/21 54/23 56/8 56/20 57/6 57/10 57/15 57/16 58/13 58/19 61/2 61/3 62/8 64/2 64/24 65/15 69/13 69/16 70/9 71/5 71/25 76/14 80/5 82/5 82/10 82/22 92/17 93/2 95/6 95/11 95/17 96/2 96/5 96/10 98/24 99/17 101/11 101/19  
**there's [22]** 30/10 43/20 46/24 46/25 47/11 47/11 47/12 47/12 49/20 50/3 50/4 50/14 63/16 72/1 74/6 76/20 79/21 82/23 83/8 94/9 97/24 101/20  
**therefrom [1]** 3/16  
**therein [1]** 3/18  
**thereto [14]** 11/12 12/15 14/1 17/6 21/9 22/24 24/13 39/22 45/11 58/3 59/21 67/22 75/21 90/25  
**these [14]** 27/3 27/11 28/11 31/12 33/25 35/9 36/1 36/5 36/12 43/1 45/9 59/3 59/4 60/3  
**they [17]** 10/4 15/9 15/10 31/14 31/17 32/17 35/9 62/20 62/21 66/21 68/22 85/16 86/7 86/7 94/21 98/18 98/19  
**they're [4]** 68/24 69/11 69/12 85/23  
**thing [3]** 53/17 71/7 98/24  
**things [6]** 36/12 36/19 40/18 82/10 84/4 85/1  
**think [22]** 6/3 6/7 28/11 32/10 49/4 52/5 57/3 57/7 59/2 59/15 59/15 60/3 60/7 68/22 72/7 73/6 75/9 86/2 88/1 93/7 99/15 100/19  
**third [3]** 34/7 51/25 83/9  
**this [191]**  
**those [16]** 5/21 11/2 11/2 18/1 27/2 45/25 50/15 55/1 55/3 55/11 56/13 56/14 61/7 64/11 69/3 85/8  
**thought [2]** 20/17 72/3  
**thousand [1]** 35/10  
**three [6]** 10/11 11/2 71/7 88/23 97/12 99/2  
**through [12]** 7/14 25/20 45/13 45/15 46/9 46/9 46/10 62/24 63/7 68/21 83/1 84/5  
**tie [1]** 68/25  
**tied [1]** 49/5  
**time [45]** 4/21 5/6 5/21 6/1 6/3 6/9 6/14 6/23 7/8 7/18 7/23 8/3 11/6 12/10 29/2 31/14 32/24 34/5 37/8 38/7 47/20 51/6 52/1 52/12 52/15 54/18 54/20 55/14 55/21 60/15 62/8 64/19 64/24 65/15 70/9 70/25 71/21 81/11 81/21 84/21 88/15 93/2 94/21 95/9 101/11  
**times [9]** 54/13 54/15 55/9 62/23 77/2

86/9 86/12 86/16 93/1  
**title [1]** 92/18  
**today [30]** 8/19 17/11 17/18 30/17 37/5 57/23 58/15 62/7 62/24 63/2 63/3 63/4 63/4 64/8 66/2 66/3 71/17 72/3 76/9 76/10 91/11 91/15 94/1 94/6 94/17 94/22 94/23 97/22 99/21 101/14  
**together [3]** 39/1 58/25 88/23  
**told [12]** 15/7 19/10 20/17 26/12 40/11 53/4 53/11 53/13 53/16 54/5 54/5 66/25  
**tomorrow [1]** 94/17  
**too [2]** 93/12 99/10  
**took [17]** 18/22 20/25 34/4 38/21 38/22 39/13 40/21 40/22 41/3 60/9 60/15 60/16 64/18 64/21 64/21 64/22 67/7  
**Tools [1]** 44/19  
**top [10]** 46/14 50/12 50/14 57/8 59/14 76/12 87/9 90/5 90/12 91/4  
**topic [1]** 36/6  
**torture [2]** 25/21 25/21  
**total [2]** 68/2 68/10  
**toward [1]** 72/20  
**towards [2]** 41/10 88/24  
**town [1]** 47/14  
**TRADE [6]** 65/3 65/10 65/25 66/4 68/18 96/9  
**transcribed [1]** 85/16  
**transfer [2]** 65/4 65/11  
**transition [1]** 6/4  
**Traurig [2]** 14/14 14/20  
**treatment [2]** 63/11 65/17  
**tree [1]** 49/5  
**trial [2]** 88/9 93/25  
**trials [1]** 3/14  
**tried [2]** 36/10 54/3  
**true [8]** 21/2 32/2 34/2 77/25 78/6 84/22 92/1 102/6  
**truncate [1]** 85/6  
**truth [3]** 19/22 91/25 92/4  
**truthful [1]** 8/20  
**try [2]** 6/11 26/13  
**trying [3]** 36/16 85/6 97/7  
**Tuckahoe [1]** 1/12  
**turn [2]** 8/6 49/22  
**turned [1]** 38/12  
**Twenty [2]** 77/6 83/2  
**Twenty-five [1]** 83/2  
**Twitter [1]** 16/20  
**two [18]** 4/20 24/5 30/10 35/4 40/23 45/25 47/16 48/7 48/24 50/15 52/8 64/3 83/2 85/1 91/4 91/4 99/15 99/17  
**two-minute [1]** 47/16  
**two-second [1]** 48/24  
**type [3]** 40/18 63/10 63/13  
**types [1]** 47/10  
**typically [3]** 36/18 49/18 49/21

**U**

**ultimate [2]** 33/9 71/8  
**ultimately [4]** 4/1 65/1 70/15 100/24  
**under [10]** 29/1 40/12 42/24 43/24 44/16 61/4 63/5 69/22 69/24 80/9  
**underlie [1]** 100/21  
**underlying [2]** 43/4 64/2  
**understand [13]** 7/13 26/11 34/17

36/7 43/8 73/18 74/3 92/2 92/7 92/8 94/10 100/17 101/6  
**understanding [5]** 13/19 30/16 63/14 94/19 101/17  
**Understood [1]** 6/20  
**unilateral [2]** 13/5 13/8  
**unilaterally [3]** 13/4 95/20 98/14  
**UnitedHealthcare [4]** 62/19 65/23 66/21 66/25  
**University [1]** 78/11  
**unless [2]** 40/2 64/11  
**Unrelatedly [1]** 84/10  
**untied [1]** 53/19  
**until [6]** 17/11 17/17 29/2 63/20 69/17 76/9  
**unwrap [1]** 53/21  
**up [20]** 9/12 13/10 20/20 31/6 38/8 38/10 40/17 41/24 46/14 50/6 53/15 53/22 55/17 57/8 68/4 68/13 69/17 84/8 98/18 101/3  
**upon [5]** 32/24 45/12 73/21 88/14 95/18  
**us [9]** 38/10 40/10 40/17 41/3 62/12 65/4 66/17 68/12 101/14  
**usage [2]** 14/21 14/22  
**use [9]** 4/22 37/4 39/6 40/3 45/20 49/12 51/3 65/4 85/6  
**using [5]** 14/20 14/21 77/16 82/14 91/12  
**usually [2]** 20/4 51/13  
**utilize [1]** 10/4  
**utilizing [1]** 15/16

**V**

**various [7]** 7/20 32/20 33/5 58/13 58/20 76/3 80/7  
**Verizon [1]** 22/1  
**versus [2]** 2/2 43/3  
**very [11]** 36/7 50/20 50/20 55/8 61/23 61/23 64/25 66/18 72/6 87/24 91/3  
**vicinity [3]** 27/20 38/15 44/13  
**view [4]** 9/17 77/12 85/25 100/25  
**violated [1]** 96/5  
**violates [1]** 101/18  
**violation [7]** 33/3 64/5 64/7 77/13 80/6 82/14 98/15  
**violations [1]** 70/21  
**violative [1]** 71/6  
**Virtual [1]** 1/23  
**virtually [1]** 12/4  
**visible [1]** 15/10  
**visit [1]** 6/10  
**voicemail [2]** 10/20 62/23

**W**

**walk [7]** 47/2 47/16 48/25 49/7 49/17 49/17 49/22  
**walked [3]** 14/25 40/23 41/5  
**walking [2]** 38/9 97/15  
**want [20]** 7/14 10/3 28/13 36/21 38/3 40/20 51/5 51/6 60/22 63/24 73/22 77/20 79/11 86/24 89/9 93/21 95/2 98/6 98/11 99/3  
**wanted [5]** 3/5 49/7 53/11 53/23 73/24  
**wants [1]** 49/19  
**warranted [1]** 26/10  
**was [139]**

**W**

**Wasabi** [3] 54/18 56/4 56/6  
**wasn't** [4] 55/8 57/2 98/18 98/25  
**waste** [1] 51/6  
**way** [6] 6/12 51/11 70/14 72/1 72/5 93/7  
**we** [86] 5/20 6/3 6/4 6/5 6/10 6/23 7/2 7/2 7/2 7/4 7/5 7/6 7/22 7/24 7/24 12/3 13/10 15/2 15/12 17/1 22/8 23/5 26/2 30/22 30/23 31/1 31/1 32/12 32/23 33/9 35/25 36/2 36/5 36/10 37/2 37/3 37/8 37/10 38/8 38/16 41/4 44/4 44/15 45/9 46/7 46/12 49/16 49/17 49/17 49/21 49/22 51/7 51/13 56/11 56/22 57/18 61/25 64/8 64/17 64/19 65/10 65/10 69/17 69/21 70/14 72/3 80/4 81/7 84/23 88/22 89/8 90/11 91/6 93/7 94/1 94/3 94/7 94/14 96/7 96/8 96/21 98/7 99/4 99/17 101/9 101/24  
**we're** [7] 3/24 6/19 34/17 86/24 93/20 96/3 101/12  
**wearing** [1] 97/15  
**weather** [1] 49/16  
**Web** [1] 44/17  
**Wednesday** [1] 94/20  
**week** [7] 32/12 35/4 36/12 62/16 62/16 74/18 98/21  
**weekend** [1] 101/25  
**weight** [1] 70/24  
**Weinstein** [1] 21/17  
**well** [13] 19/25 25/20 49/21 51/19 59/8 64/7 73/8 77/21 79/7 82/19 88/5 93/9 98/3  
**went** [4] 6/7 6/10 38/8 53/7  
**were** [37] 5/9 6/3 14/16 21/16 23/5 29/22 31/14 32/21 33/25 34/5 37/1 37/2 38/8 39/25 45/10 46/1 48/7 54/21 56/14 57/18 62/8 63/5 63/20 64/16 64/17 64/19 73/16 78/11 85/20 86/7 86/7 86/7 93/24 95/10 96/2 99/2 102/1  
**WESTCHESTER** [2] 1/1 1/6  
**what** [93] 4/6 7/12 9/10 10/8 12/6 14/16 16/3 16/23 18/14 18/17 18/21 19/8 20/15 21/3 21/13 21/16 21/22 21/24 22/13 23/4 23/11 24/17 24/23 26/7 26/15 26/24 28/17 29/18 30/25 31/20 32/17 33/1 33/10 33/19 35/8 35/18 35/21 36/19 37/20 37/24 38/5 38/17 38/18 39/2 39/3 40/8 40/20 40/21 40/25 41/6 41/21 41/21 42/3 42/3 44/20 45/25 46/5 46/13 46/22 47/9 49/1 50/11 50/16 52/6 52/25 53/5 54/8 56/22 57/18 60/4 60/12 62/17 63/13 65/6 65/19 66/17 66/19 66/24 66/25 67/19 77/16 77/18 78/15 78/18 81/21 81/23 82/3 86/6 87/6 95/2 98/22 99/15 100/14  
**what's** [3] 11/19 57/15 66/23  
**whatever** [8] 11/8 20/1 33/6 36/9 70/24 79/22 86/7 94/5  
**whatsoever** [2] 5/16 83/10  
**when** [33] 19/4 31/18 33/25 40/10 41/16 46/8 47/20 49/17 53/25 55/14 55/19 56/12 60/6 62/8 62/14 64/17 64/18 64/21 64/22 64/24 65/15 65/23 70/9 74/25 78/3 78/4 78/11 83/14 84/17 85/12 88/9 94/16 96/12

**where** [28] 5/8 41/10 42/11 45/18 46/25 47/21 47/24 48/1 48/19 48/23 50/13 51/4 51/17 53/25 54/22 54/23 55/11 56/8 56/16 56/19 58/23 65/13 70/16 93/10 94/3 100/12 100/17 101/6  
**Whereas** [1] 13/12  
**Whereupon** [29] 11/14 12/17 14/3 17/8 18/15 20/12 21/11 23/1 24/15 25/10 28/15 33/16 34/23 39/24 40/4 45/14 58/5 59/23 61/21 62/2 67/24 80/18 81/12 83/22 87/11 89/13 89/16 91/1 102/1  
**whether** [8] 57/22 61/5 62/18 72/2 78/5 86/20 96/8 97/24  
**which** [37] 4/4 4/7 4/9 4/11 4/13 6/18 6/25 7/18 12/9 24/2 30/11 30/15 32/10 44/23 48/8 50/14 51/8 54/18 64/8 73/4 73/5 73/24 74/3 74/24 75/4 75/16 76/8 76/21 79/15 82/6 82/7 82/15 87/10 93/13 93/14 93/16 95/9  
**White** [2] 1/7 1/21  
**who** [26] 2/8 3/17 4/17 13/4 27/2 31/16 35/13 35/16 38/12 59/14 62/19 62/24 78/8 84/12 84/13 88/25 89/20 90/7 90/8 92/20 95/18 99/17 99/22 99/24 100/8 100/11  
**who's** [1] 22/5  
**whole** [3] 40/14 53/17 87/22  
**whose** [2] 63/5 100/6  
**why** [6] 6/18 26/11 64/21 95/13 96/3 97/18  
**WIEDERKEHR** [11] 1/23 2/20 2/22 2/23 9/16 94/25 95/22 95/25 96/4 98/10 99/21  
**wife** [1] 88/22  
**will** [80] 6/23 7/2 7/3 7/5 7/6 7/18 7/22 7/24 8/18 8/20 10/21 15/17 17/3 19/17 23/20 25/4 25/5 25/7 26/2 28/4 28/12 30/22 30/23 31/1 31/2 32/19 33/3 33/5 33/10 33/10 35/8 36/14 37/10 38/17 39/1 40/1 43/11 45/7 45/9 49/21 57/12 58/9 59/8 61/8 61/25 64/14 68/14 69/2 70/23 71/12 72/5 73/16 74/7 78/18 78/24 79/20 79/22 79/23 80/3 80/11 80/14 81/10 82/7 91/8 92/12 93/6 94/1 94/3 94/3 94/5 96/13 98/24 99/4 99/6 99/15 99/19 100/13 100/14 101/8 101/22  
**willful** [1] 71/6  
**Wireless** [1] 22/1  
**wish** [1] 32/17  
**wishes** [3] 3/23 4/17 94/5  
**withdraw** [8] 27/7 27/24 30/23 30/23 37/14 37/17 55/7 90/22  
**withdrawal** [1] 64/9  
**withdrawn** [14] 12/1 28/17 54/12 54/14 54/25 56/15 66/2 67/12 67/13 74/20 78/3 80/2 90/12 91/19  
**within** [4] 3/12 24/4 35/4 74/18  
**without** [6] 5/16 25/7 77/10 77/12 89/3 96/1  
**witness** [10] 8/12 19/18 20/11 25/9 45/6 72/12 79/9 88/10 88/12 88/14  
**witness's** [1] 18/14  
**witnessed** [3] 52/1 55/12 100/8  
**witnesses** [3] 3/18 99/17 99/22  
**woman** [4] 20/16 20/19 22/15 26/13

**word** [5] 65/8 65/8 77/18 91/5 91/12  
**words** [2] 85/6 90/19  
**work** [2] 6/11 98/9  
**working** [1] 64/20  
**world** [1] 45/17  
**worried** [1] 26/13  
**worries** [1] 25/22  
**would** [41] 4/19 5/21 8/5 8/8 11/6 11/19 12/11 12/19 14/8 18/12 21/21 22/20 28/5 30/4 30/7 31/17 32/5 36/19 37/7 40/14 41/6 51/11 52/13 62/9 64/21 64/23 65/24 67/13 67/16 68/24 70/1 75/9 77/15 77/22 81/3 82/2 82/21 84/11 85/22 88/12 98/19  
**wouldn't** [1] 69/21  
**wrapped** [1] 53/20  
**write** [1] 65/13  
**writing** [1] 13/6  
**written** [4] 58/13 86/13 86/15 88/25  
**wrong** [1] 77/2  
**wrote** [1] 59/14

**Y**

**yeah** [5] 17/23 17/23 46/16 47/15 47/19  
**year** [1] 14/18  
**years** [4] 83/2 84/6 84/20 84/22  
**yes** [104]  
**yet** [4] 28/3 57/17 83/12 97/25  
**YORK** [13] 1/1 1/7 1/12 1/15 1/15 1/18 1/18 1/21 2/18 2/18 9/1 62/22 78/13  
**you** [410]  
**you're** [3] 40/19 48/8 98/10  
**you've** [4] 35/22 85/9 85/14 97/10  
**young** [1] 3/21  
**youngest** [1] 26/20  
**your** [196]  
**yourself** [3] 57/20 67/14 86/13

**Z**

**Z-I-O-N** [1] 92/13  
**zero** [1] 5/1  
**Zion** [1] 92/13  
**zoom** [4] 5/17 5/20 12/25 14/9