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SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF WESTCHESTER: CIVIL TERM

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ALLAN KASSENOFF,  
  
Plaintiff,

vs. Index No.  
58217/2019

CATHERINE KASSENOFF,  
  
Defendant.

----- X

September 15, 2021  
Westchester County Courthouse  
111 Dr. M.L.K., Jr. Boulevard  
White Plains, New York 10601

BEFORE: HONORABLE LEWIS J. LUBELL  
Supreme Court Justice

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

DIMOPOULOS BRUGGERMANN, P.C.  
Attorney for the Plaintiff  
73 Main Street  
Tuckahoe, New York 10707  
BY: GUS DIMOPOULOS, ESQ.

THE WIEDERKEHR LAW GROUP, P.C.  
Attorney for Defendant  
Gateway Building  
1 North Lexington Avenue, 11th Floor  
White Plains, 10601  
BY: EVAN WIEDERKEHR, ESQ.

LAW OFFICES OF JOHN A. KORNFELD  
For the Defendant  
850 Third Avenue, Suite 1602  
Manhattan, New York 10022  
BY: JOHN. A. KORNFELD, ESQ.

Jennifer Gruseke, Senior Court Reporter

1 (Appearance continued from prior page)

2 MOST & SCHNEID, P.C.  
3 Guardian Ad Litem  
4 222 Bloomingdale Road, Suite 302  
5 White Plains, New York 10605  
6 BY: CAROL MOST, ESQ.

7 Also present:

8 Allan Kassenoff  
9 Catherine Kassenoff

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1 THE COURT: On the record. This is the matter  
2 of Allan Kassenoff versus Catherine Kassenoff, Index  
3 58217/2019.

4 Can I have appearances, please?

5 MR. DIMOPOULOS: For the Plaintiff, Dimopoulos  
6 Bruggermann by Gus Dimopoulos here in person, Your Honor,  
7 with my client to my right.

8 THE COURT: Good morning. For the Defendant?

9 MR. KORNFELD: Your Honor, for the Defendant on  
10 the custody matter, John Kornfeld with the Law Offices of  
11 the John A. Kornfeld, LLC, 850 Third Avenue, Suite 1602,  
12 New York, New York 10022.

13 MR. WIEDERKEHR: Evan Wiederkehr, The Wiederkehr  
14 Law Group, for Ms. Kassenoff, co-counsel to Mr. Kornfeld  
15 with respect to the economic matters.

16 MS. MOST: Good morning, Your Honor. Carol  
17 Most, attorney for the three Kassenoff children, 222  
18 Bloomingdale Road, White Plains, New York.

19 THE COURT: Good morning. Is the Defendant  
20 planning on appearing, Mr. Kornfeld?

21 MR. KORNFELD: Your Honor --

22 THE COURT: The only reason that the screen is  
23 on is I'm not sure what you are aware of as far as the  
24 documents that were uploaded by Mr. Dimopoulos last  
25 night. So as a courtesy as we proceed today, I was going

1 to use the shared screen so that everybody could see  
2 whatever document is necessary for the purposes of  
3 today's proceeding.

4 I will acknowledge that Mrs. Kassenoff again  
5 e-mailed The Court this morning at 8:20, and in spite of  
6 my e-mail directing appearances -- let me just say this,  
7 that when you continuously violate court orders, you do  
8 not get a courtesy from this Court. And in light of the  
9 proceedings that this Court and this Judge has had  
10 throughout this case, I directed in-person appearances.

11 And before we go any further, Mr. Kornfeld,  
12 Ms. Kassenoff's e-mail did indicate that "will I be  
13 getting a link for a virtual appearance?" I did not  
14 answer. You may want to take five minutes and call your  
15 client and tell her that if she does not show up, this  
16 Court will sua sponte issue a warrant for her arrest.

17 MR. KORNFELD: I will do that, Your Honor.

18 THE COURT: Thank you.

19 MR. KORNFELD: May I be excused from the  
20 courtroom?

21 THE COURT: Yes, you may.

22 MR. KORNFELD: Evan, will you come with me?

23 MR. WIEDERKEHR: May I?

24 THE COURT: As far as I'm concerned, Mr.  
25 Kornfeld, based on the content of the e-mail Ms.

1 Kassenoff sent last night, you are going to be relieved  
2 at the conclusion of this proceeding.

3 MR. KORNFELD: I understand.

4 THE COURT: I believe you're counsel number 11.

5 MR. KORNFELD: Yes, Your Honor.

6 THE COURT: Okay. So at this particular  
7 juncture, until such time as this Court is either aware  
8 by Mrs. Kassenoff personally that you are terminated or  
9 relieved, you are still counsel and I will address you  
10 and Mr. Wiederkehr accordingly.

11 MR. KORNFELD: Your Honor, that was my  
12 understanding. Until I'm relieved either by being  
13 discharged by my client or --

14 THE COURT: Or me.

15 MR. KORNFELD: I'm sorry. Or by The Court, I  
16 understand I am counsel of record and I have an ethical  
17 duty to represent her and her interests.

18 THE COURT: I understand. It's much  
19 appreciated, Mr. Kornfeld. Your integrity is not at  
20 issue before this Court.

21 MR. KORNFELD: I just need Mr. Wiederkehr  
22 because I believe he has her phone number.

23 THE COURT OFFICER: Everybody, Judge, or --

24 THE COURT: No. Just --

25 (A recess was taken.)

1 (Catherine Kassenoff joins proceedings.)

2 THE COURT: On the record.

3 MR. KORNFELD: Your Honor, pursuant to your  
4 instructions, I phoned Ms. Kassenoff using  
5 Mr. Wiederkehr's telephone. She got on the telephone  
6 with me. I instructed her that if she does not come,  
7 Your Honor is going to sua sponte issue a warrant for her  
8 arrest. She informed me that she's on the phone with the  
9 commissioner of NYCHA, which I believe is the New York  
10 City Housing Authority, and that she cannot come. I  
11 repeated Your Honor's instruction that you will be  
12 issuing a warrant for her arrest sua sponte. She  
13 instructed me to inform The Court that if she comes she  
14 will lose her job. I have relayed basically --

15 THE COURT: Does your client also understand --  
16 and I believe, Mr. Kornfeld, that I was patently clear at  
17 the prior conference of last Thursday -- that  
18 Mrs. Kassenoff's conduct as alleged, if I find it  
19 credible, warrants a referral to the grievance committee  
20 by direct and conscious violations of court orders.

21 This case has 22 pages in NYSCEF and the index  
22 number is only from 2019. This is abhorrent. And I'm  
23 not critical of you, Mr. Kornfeld, and I want the record  
24 to be patently clear of that. This is conduct that has  
25 been continuous. And, quite frankly, I've advised

1 Mrs. Kassenoff when I received the e-mail from  
2 Mr. Dimopoulos on Sunday, which you also received,  
3 e-mailing the therapist, e-mailing Ms. Most, e-mailing  
4 Mr. Dimopoulos. It's absolutely conduct that flies in  
5 the face of what we as attorneys should be whether you're  
6 a litigant or not.

7 And I have no alternative because this is  
8 conduct that is before this Court. And the e-mails  
9 alone, Mr. Kornfeld, is demonstrative of violation of not  
10 only my orders but Judge Koba's orders going back to even  
11 when Judge Everett resided on this case, and it's time  
12 for it to stop.

13 Now, I am also appreciative of the fact that  
14 there may come a point in time in the very near future  
15 where your presence will no longer be required by your  
16 client, at least if I hold the e-mail true. But this is  
17 a situation where you can't be the boy who cried wolf and  
18 continuously fail to -- you continuously fail to adhere  
19 to court orders, you're basically the cause of your own  
20 circumstances and then blame everybody else for your  
21 problems. It's not going to happen under my watch.

22 And this blatant failure to adhere to orders is  
23 not only a referral -- if she's worried about her job,  
24 she may not have a law license or she at the very least  
25 may face a suspension if the grievance committee believes

1 that that is the appropriate action. But I can tell you  
2 that today this Court is taking appropriate action and  
3 referring Mrs. Kassenoff to the grievance committee.

4           Number two, you do not violate orders of this  
5 Court and then expect a courtesy. Mrs. Kassenoff was  
6 plainly directed through you, and I know she received it,  
7 to appear here in person. The fact that Mr. Kassenoff  
8 may have been granted an opportunity to appear virtually,  
9 that was at The Court's discretion. I'm not taking issue  
10 with Mr. Kassenoff or his counsel or their conduct at the  
11 immediate moment. I can understand everybody's  
12 frustration. You and I have been doing this particular  
13 practice for a long time, and this Court is not  
14 insensitive. But when you create your own problems, do  
15 not blame everybody else for the reactions that you and  
16 your causation have brought into motion.

17           MR. DIMOPOULOS: Your Honor, there is one piece  
18 of -- sorry.

19           MR. KORNFELD: Respectfully, Your Honor, you  
20 told me to have a seat. I would, for the record, like to  
21 have an opportunity to respond to some of The Court's  
22 comments on behalf of my client. Thank you. May I do it  
23 now or should it be done later?

24           THE COURT: why don't you just do it now. Let's  
25 get it out of the way.



1 MR. KORNFELD: Thank you, Your Honor. I  
2 appreciate it. Your Honor, since The Court is sensitive  
3 and I think sensitivity is an issue that needs to be  
4 apparent all around -- it is not necessarily the case. I  
5 understand that. I have to view this -- I like to put  
6 myself in the shoes of my clients, my adversaries, and  
7 The Court. It is very difficult to do that when my  
8 client is in a position where she has reason to view the  
9 proceedings today as utterly devastating to her life.

10 I understand that The Court has a job to do, but  
11 I think The Court can also be sensitive irrespective --  
12 The Court can also be sensitive to the perspective of a  
13 litigant who has for all intents and purposes lost her  
14 children. It is a litigant who despite the fact that  
15 there are orders permitting certain types of contact has  
16 seen those orders frustrated.

17 THE COURT: Let me stop you a minute,  
18 Mr. Kornfeld. I never deny anybody an opportunity to be  
19 heard, and to the extent you have additional comments  
20 that you wish to make, I will not deny you that right.

21 Even though we may have a separation of church  
22 and state which I adhere to, I use the atage God helps  
23 those who help themselves, and when you -- when you do  
24 things that fly in the face of helping yourself and then  
25 blame everybody else -- I'm not the first Judge on this

1 case, and, quite frankly, Mr. Kornfeld, you're not her  
2 first lawyer. And there becomes a pattern, and the  
3 reality is while Mrs. Kassenoff is free to blame and  
4 accuse and to allege anything that she wishes, at some  
5 given point maybe it's you and maybe -- not you, sir.  
6 Maybe it's you living it or a person in her position.

7 And so, you know, while I understand the  
8 arguments that you're raising and the comments that  
9 you're making, it doesn't change this Court's opinion as  
10 to where we are, and your comments are received,  
11 Mr. Kornfeld, and they are part of the court process for  
12 this Court.

13 That being said, it does not change or alter  
14 this Court's opinion, viewpoint, or commentary and/or  
15 rulings that I have made and will continue to make until  
16 this case reaches resolution which as I highlighted on  
17 Thursday will never end.

18 MR. KORNFELD: Thank you for the opportunity,  
19 Your Honor. I would also just like to say Your Honor  
20 commented earlier that based upon an e-mail that Your  
21 Honor received, taken at face value, that I will be  
22 discharged at the end of this session. In the event that  
23 I am not discharged at the end of this session, I will be  
24 moving to be relieved from representation of the  
25 Defendant.

1           THE COURT: Let the record reflect that The  
2 Court has received an e-mail from Mrs. Kassenoff again in  
3 her individual capacity, though everybody has been  
4 noticed on it.

5           The Court reads as following: "Your Honor, I am  
6 advised that now The Court will be issuing a warrant for  
7 my arrest even though I have a good faith basis to make a  
8 request to call into a conference with The Court and even  
9 though The Court allows the Plaintiff to call into and  
10 even miss conferences entirely, I've never done either  
11 upon my request ever. I respectfully request that if an  
12 in-person conference is so important that it not be  
13 conducted on a date or at a time that could cause me to  
14 lose my job. As I explained to my counsel, my boss was  
15 fired yesterday and I have been asked to step in. My  
16 work demands must be met. Respectfully submitted,  
17 Catherine Kassenoff."

18           As The Court has previously indicated, today's  
19 conference would not be pressing but for the actions of  
20 the Defendant. You do not continuously violate  
21 directives and orders that are clear, concise, and  
22 direct, and then ask for a courtesy. So Ms. Kassenoff's  
23 application, again, by inappropriate e-mail and contact  
24 with The Court, is denied.

25           Now, The Court is in possession of what has been

1 designated as motion sequence number 34 which is  
2 unsigned. It is an application by the Plaintiff seeking  
3 various relief including adjudicating at Defendant in  
4 contempt of court and incarcerating her for a period of  
5 six months and awarding counsel fees and such other and  
6 further relief as this Court deems justifiable, proper,  
7 and equitable. It is also seeking interim relief, that  
8 the Defendant shall surrender herself to be committed to  
9 the custody of the County Commissioner of Corrections and  
10 in lieu of incarceration, pending hearing, and  
11 determination of motion, a temporary order of protection  
12 to be modified and a return date for the service of.

13 So, Mr. Dimopoulos.

14 MR. DIMOPOULOS: Your Honor --

15 THE COURT: Off the record.

16 (Discussion off the record.)

17 THE COURT: Mr. Dimopoulos, let me hear from  
18 you.

19 MR. DIMOPOULOS: Your Honor, thank you. Before  
20 I address the application in chief, I would like The  
21 Court to be aware this morning in the presence of the  
22 children my client was served papers by the Larchmont  
23 Police Department. It turns out that in violation of the  
24 matrimonial part operation rules, that Ms. Kassenoff on a  
25 date that I can't tell you because the petition

1 underlying the proceeding was not served upon my client  
2 but is a summons to appear before Judge Arlene  
3 Gordon-Oliver on January 4th on an Article 8 family  
4 offense proceeding. It is accompanied by an order to  
5 show cause -- by a temporary order of protection  
6 prohibiting my client from going near Catherine or her  
7 place of employment or her residence.

8 THE COURT: Are you representing Mr. Kassenoff  
9 on that?

10 MR. DIMOPOULOS: I'm going to ask Your Honor  
11 that you issue an order immediately dismissing this  
12 action as being, A, violative of matrimonial part  
13 operation rules, and B, there is an extant motion for the  
14 same exact relief in this proceeding which The Court has  
15 yet to address. Ms. Kassenoff, as an officer of the  
16 court, knows all of this information and chose to file  
17 this proceeding. I don't know why the petition was not  
18 served upon my client.

19 THE COURT: When is it returnable, Mr.  
20 Dimopoulos?

21 MR. DIMOPOULOS: January 4th, 2022, at 10:30  
22 a.m.

23 THE COURT: Are you aware of the underlying  
24 papers?

25 MR. DIMOPOULOS: I am not.

1 THE COURT: Is it your -- is it your position at  
2 least as you sit here today whether you know or not that  
3 you will be representing Mr. Kassenoff on this petition?

4 I do not -- I do not have the authority to  
5 dismiss a family court petition unless -- unless it is  
6 brought before me and consolidated within this particular  
7 action. How you choose to proceed, Mr. Dimopoulos,  
8 before Justice Gordon Oliver, that is purely within your  
9 realm of representation. If you advise Judge  
10 Gordon-Oliver about this particular action and you want  
11 to make an application to consolidate, that permission is  
12 deemed granted by this Court and I will deal with it as  
13 appropriate as I can.

14 MR. DIMOPOULOS: Your Honor will have a motion  
15 to consolidate the action by the end of the day.

16 Turning to the motion, Your Honor, I just need  
17 to address very briefly. Ms. Kassenoff has made certain  
18 representations to The Court last night.

19 THE COURT: Let me stop you one second.

20 Mr. Kornfeld, if there are any documents that  
21 you wish to review that may be the subject of today's  
22 presentation, I will be more than happy to put them up on  
23 the screen.

24 MR. KORNFELD: Your Honor, thank you. I  
25 actually downloaded the application off of NYSCEF last

1 night. As Your Honor knows, I was on trial yesterday.  
2 So that meant I was in the office kind of late last  
3 night, and so I was unable to obtain the documents and  
4 bring them with me. My one request is that  
5 Mr. Dimopoulos speak up. My hearing is not what it was  
6 20 years ago.

7 THE COURT: whose is?

8 MR. KORNFELD: What?

9 MR. DIMOPOULOS: Mr. Kornfeld, I will speak as  
10 loudly as I can.

11 Your Honor, the genesis of this application  
12 really came about when in light of the August 2020  
13 decision and order of Judge Koba prohibiting any  
14 unsupervised contact between the Defendant and the  
15 children was in place, at the time Ms. Kassenoff was  
16 living in the party's second home in New Rochelle. At  
17 some point in time she elected to sign a lease to move to  
18 Larchmont. I believe it is important in analyzing this  
19 application, Your Honor, that I mention that Larchmont is  
20 a -- what is known as a walking town. It is 1.1 square  
21 miles. Her --

22 THE COURT: Sounds like Ardsley.

23 MR. DIMOPOULOS: Correct. Her decision to move  
24 to Larchmont, while not in and of itself a violation of  
25 the court order, puts everybody in a difficult position

1 because the Kassenoff children and Mr. Kassenoff are  
2 frequently walking in or around Larchmont. It's where  
3 they dine, it's where they hang with their friends, it's  
4 where they ride their bikes.

5 Now, Ms. Kassenoff previously made arguments  
6 that her apartment is not in the immediate vicinity but  
7 actually on the other side of town some, .8 or 1. --2 I  
8 can't recall -- miles from the marital residence.  
9 However, on June 23rd, Your Honor, Ms. Kassenoff made  
10 deliberate contact with two of the Kassenoff children. I  
11 immediately moved The Court for an order of protection.  
12 I won't go over what happened.

13 THE COURT: Was it both of the minor children?

14 MR. DIMOPOULOS: It was Ally, the oldest, and  
15 JoJo, the youngest. What happened was --

16 THE COURT: They're all minor children, 8, 10  
17 and 12?

18 MR. DIMOPOULOS: Correct. Correct. What  
19 happened was that she claimed to have been dining at a  
20 restaurant that is basically across the street from  
21 Josephina's school. She claimed that she was there  
22 coincidentally at the exact time that Josephina --

23 THE COURT: Do you believe in coincidences,  
24 Mr. Dimopoulos?

25 MR. DIMOPOULOS: I do not, Your Honor. I do



1 not, and especially not when the release from school that  
2 day was at the -- a non-regular time. It wasn't at the  
3 usual time. And the parents got an e-mail that it was  
4 going to be changed. And she knew about that because she  
5 receives the e-mails, and I know she receives the  
6 e-mails. And I brought with me to court today one of  
7 those e-mails from the school where she is copied. She  
8 has gotten every communication from the school, school  
9 assignments, releases, early dismissals, everything. She  
10 knew what time JoJo would be leaving school with the  
11 child, and she made herself present within at least 50 or  
12 100 feet of that.

13 And even then, Your Honor, when she had the  
14 choice when she saw Josephina and Mr. Kassenoff to just  
15 walk the other way, she did the exact opposite. She went  
16 over to the child and started talking to the child.  
17 She -- Mr. Kassenoff asked her to leave. The entire  
18 incident lasted only a few seconds. We then learned when  
19 Ally got home that day, Ally told Mr. Kassenoff that she  
20 had been --

21 MR. KORNFELD: Objection.

22 THE COURT: I'll allow it. Pure colloquy. It's  
23 not argument.

24 MR. DIMOPOULOS: Ally told --

25 THE COURT: Or if the attorney for the child

1 wishes to make a representation to me, I will consider  
2 it. We're not on trial.

3 MR. DIMOPOULOS: I'll move past it.

4 THE COURT: Although I'm not arguing with your  
5 hearsay objection, Mr. Kornfeld, sometimes in the  
6 discretion of The Court where we have risen to such a  
7 level, I'm going to do whatever fact-finding and seeking  
8 I need to do to resolve this. And if this is just a  
9 pattern and practice of a continuation of absolute  
10 abhorrent behavior in violation of orders, we have a  
11 problem, Mr. Kornfeld. And unfortunately -- and, like I  
12 said, you have been thrust into this problem.

13 And my comments and criticisms -- and I want  
14 this to be patently clear to you. It has absolutely  
15 nothing to do with you.

16 MR. KORNFELD: I made my objection, Your Honor.

17 THE COURT: Duly noted.

18 Go ahead, Mr. Dimopoulos.

19 MR. DIMOPOULOS: Your Honor, I'll move past it.

20 My office made an application for a temporary  
21 order of protection. An order to show cause was signed.  
22 Judge Koba directed an in-person appearance. Judge Koba  
23 held that appearance and was extremely clear with  
24 Ms. Kassenoff on the record in person in court that she  
25 was going to issue an order of protection. She explained

1 and read the order of protection to Mrs. Kassenoff in  
2 person and explained to her that any violation of that  
3 order of protection could result in her incarceration.

4           Thereafter, Your Honor, there have been  
5 incidences where Ms. Kassenoff has been seen in a part of  
6 town just around the corner from the Kassenoff residence.

7           If I may, Your Honor, because I know maps are  
8 great, but they're not -- if you took a baseball and  
9 threw it from Mr. Kassenoff's driveway, it would roll  
10 onto Larchmont Avenue. That's how close it is. When you  
11 get to Larchmont Avenue and you make a right, there are a  
12 strip of stores, restaurants, clothing stores, and  
13 everything like that. One of those stores, restaurants,  
14 is a sushi restaurant that she eats at regularly.

15           THE COURT: which I know the name of.

16           MR. DIMOPOULOS: I don't like sushi, Your Honor.  
17 Just to be clear, it is literally within -- I'm  
18 estimating. would you say it's within 150 feet?

19           THE PLAINTIFF: 300 feet.

20           MR. DIMOPOULOS: within 300 to 400 feet of the  
21 marital residence. Now, beyond that --

22           THE COURT: Let me say something,  
23 Mr. Dimopoulos, and I don't mean to cut you short. You  
24 have asked this Court to grant interim relief, and I want  
25 to know from you why I should grant the interim relief.

1           MR. DIMOPOULOS: Your Honor, these children are  
2           scared. They are confused and they are scared. They  
3           walked to -- Charlotte walked to school on the first day  
4           of school and their mother was lurking across the street  
5           staring at her. She's scared. She doesn't know why  
6           she's there. She doesn't understand a hundred percent  
7           what is going on. Is Mrs. Kassenoff wielding a weapon  
8           and threatening, no, but it is something that no 10, 11,  
9           9, 7-year-old child should have to deal with it. They  
10          understand that there are orders of this Court  
11          prohibiting certain contact between them and their  
12          mother. They will be vocal I am sure with Your Honor if  
13          you elect to have an in camera and tell you their  
14          feelings about their mother. That is not the purpose of  
15          being --

16                 THE COURT: well, on a -- at Thursday's  
17          conference The Court was apprised of certain  
18          transmissions from the therapist. I was not in a  
19          position at that particular juncture with regard to the  
20          custodial circumstances and access as they currently  
21          either exist or don't exist without a report from these  
22          therapists or those therapists sitting in the seat where  
23          Ms. Palladino is sitting so that they can be  
24          cross-examined, which is the total right of the Defendant  
25          before this Court makes an ultimate determination as to a

1 cessation, a limitation, or a change or modification or  
2 an adjustment of whatever the custodial determinations  
3 are as they exist.

4 So -- but I am aware of the e-mails and I am  
5 aware of what has -- has at least been presented to The  
6 Court on an initial basis.

7 MR. DIMOPOULOS: Your Honor, I know you've read  
8 my papers and I'm not going to belabor the point.

9 THE COURT: I have not. They came in late last  
10 night. And, quite frankly, I printed them out this  
11 morning along with all the exhibits.

12 MR. DIMOPOULOS: Let me just --

13 THE COURT: And I did a cursory review. Most of  
14 the attachments which you've included I've already seen.

15 MR. DIMOPOULOS: Your Honor, here is the  
16 problem. The problem is that --

17 THE COURT: I know what the problem is,  
18 Mr. Dimopoulos. I want to know why -- the only issue for  
19 today is the interim relief.

20 MR. DIMOPOULOS: The interim relief, Your Honor.  
21 Let's address the factors.

22 THE COURT: Because whatever has transpired  
23 between Thursday's conference and today is the source of  
24 your interim relief.

25 MR. DIMOPOULOS: Your Honor, let's discuss

1 briefly the likelihood of -- we're not even going to get  
2 into the substance of the therapist. I provided Your  
3 Honor with a court order from this Court prohibiting any  
4 unilateral communication with the therapist. There's no  
5 doubt that that order was violated on the likelihood of  
6 the merits. There's no question. How does it prejudice  
7 my client or the children and what is the balancing of  
8 the equities. It's very simple. There are two  
9 therapists that have been treating these three children  
10 for a long, long time. They're doing very well with  
11 their therapists and they like them. Usually young  
12 children don't like therapy sessions. They do.

13 They consistently get threatened, they're  
14 consistently told their conduct is unethical, they're  
15 consistently told they're going to get sued. It is a  
16 matter of time before they quit. This is a dire need.

17 And the interim relief of incarceration is  
18 drastic. We understand that. But, Your Honor, as Your  
19 Honor knows, we have tried every single thing. You know,  
20 55 court appearances, and each time -- all of each time  
21 Judge Koba reiterated her orders, try with every bit of  
22 judicial temperament to bring about Ms. Kassenoff's  
23 respect for this Court short of incarcerating her,  
24 nothing changes.

25 On June 23rd she did something. She went near

1 the kids which she wasn't supposed to do. The Court  
2 issued an order of protection. The Court called her in,  
3 explained the order of protection to her. We then had  
4 what I deem to be violations of the order of protection  
5 brought to The Court's attention, and we didn't ask for  
6 any drastic relief because we understood, you know,  
7 incarcerating someone is a lot to ask.

8           However, when you have since the date of the  
9 order of protection on my count six or seven violation,  
10 the latest of which, Your Honor -- and I'm going to just  
11 detail what my argument was in my papers. On the first  
12 day of Charlotte's school she was across the street and  
13 down the block. My client didn't see her. The nanny  
14 did. We have her here available to testify today that  
15 she was there. That's number one. That happened the  
16 second time.

17           THE COURT: Let me say something. I indicated  
18 to Mr. Kornfeld at the onset of this particular time  
19 based upon what I have seen through e-mail and through  
20 various representations, allegations, and notices, there  
21 was only going to be a warrant if Mrs. Kassenoff failed  
22 to appear. I will reiterate my position. And, again,  
23 this is -- this is no fault of yours or attributed to  
24 you, Mr. Kornfeld. Ms. Kassenoff was aware of the  
25 circumstances. She violated orders. The reason for this

1 conference was because of her violations and now she  
2 wants a courtesy. Not happening.

3 And I made it patently clear to Mr. Kornfeld  
4 that he indicated on the record that he reached out to  
5 his client and that if she failed to appear at today's  
6 conference, this Court sua sponte was going to issue a  
7 warrant for her arrest. Now the question is, the terms  
8 you've requested contained within the interim relief,  
9 what do you want me to do today, Mr. Dimopoulos? Because  
10 on the interim relief you gave me relief number one,  
11 which was incarceration or an alternative.

12 MR. DIMOPOULOS: Your Honor, there is absolutely  
13 no question in my mind that the Defendant's conduct  
14 warrants an order of incarceration. There's no question  
15 in my mind that unless she is incarcerated she will  
16 continue on a near daily basis to violate the orders of  
17 this Court.

18 She has done it even after I've filed the  
19 application and even after Your Honor ordered the  
20 in-person appearance. And what's worse, Your Honor, is  
21 that even the request for an indulgence from this Court  
22 contains lies, that my client has asked countless times  
23 for an accommodation to appear virtually. Never happened  
24 except for Boston.

25 Okay. The other --



1           THE COURT: With respect to the Defendant, I  
2 have received yet another e-mail -- inappropriately. It  
3 should have gone to her counsel -- which states, "The  
4 Court has given me absolutely no choice. It is wrong and  
5 retaliatory to put me in the position of possibly losing  
6 my job," which I discredit because she has put herself in  
7 the position of possibly losing her job by nature of her  
8 referral to the appellate division. So I take no blame  
9 for that -- "when I have a good faith basis for  
10 requesting a call-in. However, given the intransigence  
11 and the stern warnings, I will now drive to the  
12 courthouse for an in-person appearance. Please let me  
13 know what I am to tell my employer this time. Repeatedly  
14 hauling me into court has become harassing and unfair."

15           well, maybe -- as I said before, maybe she  
16 should look inside before she starts casting the  
17 aspersion outside.

18           We're going to take a recess until the Defendant  
19 arrives.

20           MR. KORNFELD: Your Honor, may I say one thing  
21 before the recess?

22           THE COURT: Sure.

23           MR. KORNFELD: Most respectfully, there is at  
24 this point still only argument. I understand Your Honor  
25 is recognizing these as allegations of violation of the

1 court order not the fact of a court order, and I will be  
2 responding.

3 THE COURT: All I can say, Mr. Kornfeld, is  
4 based on e-mails that I have seen from Mrs. Kassenoff's  
5 e-mail address, one, to Mr. Dimopoulos, two, to Ms. Most,  
6 three, to the therapists, since Thursday after my  
7 admonishment or admonishing or admonition, she knowingly,  
8 willfully, and purposefully violated my direct orders of  
9 this court, and as an attorney, shame on her. She will  
10 not be receiving a courtesy in the face of continuous  
11 violations.

12 MR. KORNFELD: Respectfully, Your Honor --

13 THE COURT: And after this hearing, there will  
14 be consequences, Mr. Kornfeld. You will have every  
15 opportunity to be heard. But with that in mind and to  
16 that extent, the constant disregard and disrespect for  
17 this Court by an attorney will warrant consequences, and  
18 I promise you that by the end of today, there will be a  
19 referral to the appellate division.

20 MR. KORNFELD: Respectfully, Your Honor, not  
21 even Mr. Dimopoulos has argued that Ms. Kassenoff's  
22 e-mailing to Ms. Most and to Mr. Dimopoulos violated The  
23 Court's directive. The Court's directive --

24 THE COURT: It violates Canons of ethics. And  
25 in the violation of the professional responsibility and

1 Canons of ethics, conduct by an attorney, I am compelled  
2 and under an obligation to make the appropriate  
3 committees and authorities aware. What they do with it,  
4 Mr. Kornfeld, is up to them.

5 MR. KORNFELD: That's clearly within The Court's  
6 discretion, Your Honor.

7 THE COURT: It's a court mandate, as it is  
8 yours.

9 MR. KORNFELD: My only -- I'm -- well, if you  
10 believe it's my mandate, I respectfully disagree. I do  
11 not believe that when she is acting as an individual --  
12 there is a prohibition from an attorney acting as such  
13 communicating with a represented party. I do not believe  
14 that there is an ethical prohibition on an individual  
15 even if she is an attorney from communicating with  
16 counsel and with --

17 THE COURT: But she's represented by counsel,  
18 Mr. Kornfeld. So you're getting an A for effort, but  
19 you're not making it on the execution. We're taking a  
20 recess. We will await the Defendant's arrival.

21 (A recess was taken.)

22 THE COURT: Be seated. Second call on  
23 Kassenoff.

24 Let the record reflect that the Defendant has  
25 appeared for the purposes of this proceeding.

1           And the reason you're here, Mrs. Kassenoff, is  
2 you don't continue to violate my direct orders, Judge  
3 Koba's orders, Judge Everett's orders, and then expect a  
4 courtesy from The Court. Sit down.

5           MS. KASSENOFF: Your Honor --

6           THE COURT: Sit down.

7           MS. KASSENOFF: I wish to address The Court.

8           THE COURT: You are e-mailing me directly. You  
9 have an attorney. You are e-mailing the therapists. You  
10 have an attorney. You are e-mailing Mr. Dimopoulos. You  
11 have an attorney. You're e-mailing Ms. Most. You have  
12 an attorney. You are an attorney, ma'am, and if you're  
13 so worried about your job, as I indicated to you on  
14 Thursday, I would be more concerned about being suspended  
15 from the practice of law for your unethical --

16           MS. KASSENOFF: On what basis, Your Honor?

17           THE COURT: Sit down, Mrs. Kassenoff.

18           MS. KASSENOFF: On what basis, Your Honor.  
19 That's retaliatory. I have done nothing wrong, Judge,  
20 and I find that what you're doing is retaliatory.

21           THE COURT: I am not retaliating. I am talking,  
22 ma'am.

23           MS. KASSENOFF: Yes, Judge. Please allow me to  
24 speak.

25           THE COURT: I am talking. You have an attorney.

1 You talk through your attorney.

2 MS. KASSENOFF: Judge, I am trying --

3 THE COURT: I am talking, Ms. Kassenoff. I will  
4 put you in jail for contempt if you continue to  
5 disrespect this Court.

6 MS. KASSENOFF: I'm here, Judge.

7 THE COURT: You are here now, but you have sent  
8 e-mails to me. You have an attorney.

9 MS. KASSENOFF: Your Honor --

10 THE COURT: Mr. Kornfeld, you better talk to  
11 your client or she's going to be incarcerated for  
12 contempt. You're on notice.

13 MS. KASSENOFF: Your Honor, I'm discharging  
14 Mr. Kornfeld at this time.

15 MR. KORNFELD: Your Honor, I move to be relieved  
16 in light of the fact that I've just been discharged on  
17 the record.

18 THE COURT: Your application is granted.

19 MR. KORNFELD: Thank you, Your Honor.

20 MS. KASSENOFF: Thank you, Judge.

21 MR. KORNFELD: I'm going to leave -- I'm going  
22 to leave --

23 THE COURT: Before you leave, what --

24 MR. KORNFELD: Leave with my former client a  
25 copy of the papers that were filed the other day. I'm

1 afraid that they are out of order.

2 THE COURT: This needs to be something  
3 consistent in this courtroom, no disrespect to you,  
4 Mr. Kornfeld.

5 MR. KORNFELD: Your Honor, everybody who knows  
6 me knows that I don't keep things in a straight line.

7 There's -- may I raise one issue that is -- that  
8 arises from my discharge which is I currently have in my  
9 possession the forensic report of Dr. Abrams. Now that I  
10 am no longer counsel of record --

11 THE COURT: Return it to The Court.

12 MR. KORNFELD: I shall. There's one issue in a  
13 letter I raised. I have not yet made a motion. I was  
14 subpoenaed by the Department of Education for a copy of  
15 that document, and what I -- I am concerned that if I --  
16 I haven't yet made a motion to quash that subpoena. My  
17 concern is I may have a duty to maintain that document in  
18 light of the subpoena. If The Court would directly now  
19 order me to return it despite its knowledge of the  
20 existence of that subpoena, I --

21 THE COURT: The subpoena in my opinion exists,  
22 and until such time as it is quashed, you're under an  
23 ethical responsibility. And so my comment is, quite  
24 frankly, since the sealing orders with regard to those  
25 reports are under my order, I would think it would be

1 incumbent upon the state, the governing agency, or entity  
2 would request it from me, and you can correspond with  
3 them and indicate my comment to you.

4 MR. KORNFELD: I shall do that.

5 THE COURT: You can maintain it until such time  
6 as I direct that you return it.

7 MR. KORNFELD: Thank you, Your Honor.

8 MR. DIMOPOULOS: Your Honor, I have no objection  
9 to Mr. Kornfeld's discharge. I just would like to  
10 mention that his \$100,000 retainer was paid exclusively  
11 from a retirement account belonging to Ms. Kassenoff. I  
12 just want to make a record that it is my position that  
13 any remaining balance should be returned to that  
14 retirement count. Obviously I can't ask that The Court  
15 compel. I want to make the record.

16 MS. KASSENOFF: Judge, I would object to that  
17 record. It's inaccurate. And I would like to have the  
18 return sent to me. It is not coming from the retirement  
19 account exclusively.

20 THE COURT: Are you going to get another  
21 attorney, Ms. Kassenoff, or proceed pro se?

22 MS. KASSENOFF: Judge, here's the problem. The  
23 reason you have commented that I have a parade of lawyers  
24 is that I am indigent and I have retained lawyer after  
25 lawyer after lawyer on credit cards. What happens is I

1 get a credit card --

2 THE COURT: Let me ask you a question, ma'am.  
3 why have you had so many lawyers coming?

4 MS. KASSENOFF: I'm explaining to you now,  
5 Judge. Listen, please.

6 THE COURT: I'm listening. Because sometimes it  
7 may not be the attorneys. It may be the client.

8 MS. KASSENOFF: No, Judge, it's not. Let me  
9 explain why. I get the credit card. I then put the  
10 initial retainer on the credit card. The credit card  
11 becomes maxxed out. I'm unable to pay it off. Then the  
12 lawyer comes back to me and says, "Come on, Catherine, we  
13 need some more money from you," and I say, "I can't get  
14 another credit card." Sometimes I'm able to and can  
15 sustain.

16 But, Judge, the bottom line is I need counsel  
17 fees. I've only got \$100,000 in case this, and while  
18 that may seem like a lot, the overall spend in this  
19 case -- Ms. Ratner, please -- is far in excess of that.  
20 And so we're dealing with a situation where that 100,000  
21 is a mere fraction of the total spend. I can't keep pace  
22 with a shareholder at Greenberg Traurig, Judge. I'm a  
23 government employee. I need counsel fees, please.

24 THE COURT: Anything you want to say,  
25 Mr. Dimopoulos?



1 MR. DIMOPOULOS: Sure, Your Honor. Almost  
2 everything she just said is completely inaccurate and, in  
3 fact, perjury.

4 THE COURT: She's not sworn. So I can't --

5 MR. DIMOPOULOS: Here's the problem.

6 THE COURT: Though she is an attorney and I can  
7 hold her accountable for her comments and deemed  
8 affirmations since now she is her own attorney and is an  
9 attorney. Go ahead.

10 MR. DIMOPOULOS: Mr. Kornfeld was not discharged  
11 over lack of payment. He received \$100,000 a couple of  
12 months ago.

13 THE COURT: Sit down, ma'am.

14 MR. DIMOPOULOS: Mr. Wiederkehr, who remains  
15 Ms. Kassenoff's attorney despite Mr. Kornfeld's  
16 discharge, was paid \$50,000. Ms. Kusnetz before these  
17 two gentlemen was not discharged because of non-payment.  
18 She made an application to be relieved as counsel for  
19 non-financial reasons. I don't know what those were. I  
20 wasn't privy to them. I also know that Ms. Kusnetz  
21 represented her while being -- continuing to be owed  
22 267,000, again, not for payment purposes.

23 At the same time Ms. Kusnetz was representing  
24 her, Ms. Kassenoff somehow cajoled Sanctuary for  
25 Families, what I had always believed was a really

1 wonderful organization that helps those in need, to  
2 represent her pro se for many, many months, I dare say  
3 almost a year. Sanctuary for Families made an  
4 application to be relieved, obviously for non-financial  
5 reasons because they were pro se.

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

7 THE COURT: Sit down. Let me ask you something,  
8 Ms. Kassenoff. You're an attorney, correct?

9 MS. KASSENOFF: Yes.

10 THE COURT: You appear in court?

11 MS. KASSENOFF: Of course. I have in the past.

12 THE COURT: Okay. Then I demand and direct and  
13 expect you to respect --

14 MS. KASSENOFF: I do.

15 THE COURT: -- the sanctity of a courtroom and  
16 the proceedings.

17 MS. KASSENOFF: Judge, I just don't respect --

18 THE COURT: You are demonstrating a total lack  
19 of regard and respect for this process and this Court.  
20 You have already bought yourself a referral to the  
21 appellate division. You have bought yourself that  
22 referral.

23 MS. KASSENOFF: All right. You're the Judge.

24 THE COURT: You know what, sometimes you ought  
25 to look within before you cast dispersion.

1           Go ahead, Mr. Dimopoulos.

2           MR. DIMOPOULOS: Your Honor, On the subject of  
3 counsel fees, there's extensive briefing on the issue.  
4 There's not much more to say other than the fact that she  
5 has had 11 lawyers is -- the point of having 11 lawyers  
6 is the very reason we're at \$2,000,000. She gets a  
7 lawyer, racks up a tremendous bill while that lawyer is  
8 happy making money. Then what happens is that lawyer is  
9 no longer happy with the arrangement with Ms. Kassenoff  
10 and either quits or gets fired. We don't know.

11           Then another lawyer comes into a case, which  
12 Your Honor aptly noted is 22 pages on NYSCEF and has at  
13 last count over 1,700 separately-uploaded documents.  
14 That lawyer then has to read the file, become acquainted,  
15 make the same arguments I've heard since June or July  
16 2019. Then that lawyer goes, another lawyer comes. My  
17 client has not prosecuted any action or made any motion  
18 that wasn't to resolve an issue in this divorce or to  
19 enforce orders of this Court.

20           Okay. She has made 16 separate motions that  
21 have been summarily denied. She has made three appellate  
22 motions for stays. Two of those have already been  
23 denied. The third was denied on an emergency basis and I  
24 expect a denial now. One of those motions contained 14  
25 separate applications for a stay. Fourteen. One of

1 those being that she wished to have the appellate  
2 division stay the matrimonial part operational rules.

3 And I have to respond to that. My client is  
4 literally being financially decimated by someone who  
5 could not follow a court order under any circumstances.  
6 We saw that today.

7 So my point here, Your Honor, and really in all  
8 of my submissions that have been in front of Judge Koba  
9 for the last seven or eight months has been one thing.  
10 And I respect The Court. Your Honor knows that. I've  
11 appeared before you many times. Unless and until a  
12 justice of this court holds her accountable, not with  
13 threats, not with mere words -- we've heard that over 55  
14 times in 55 different conferences. I've heard Judge Koba  
15 bend over backwards and do flips trying to protect  
16 Ms. Kassenoff from Ms. Kassenoff. However, that conduct  
17 has a consequence. That consequence is that three  
18 children continue to be embroiled in this custody matter  
19 unnecessarily, and my client who is the sole custodian  
20 and the only one paying any of their expenses cannot  
21 continue to make a living and have money to pay for these  
22 children.

23 I reminded the Court in one of my submissions  
24 that \$2,000,000 has been squandered. Two-million. That  
25 would have been enough to put Alexandra, Charlotte, and

1 Josephina not through college, through college and grad  
2 school.

3 And where are we? We haven't even taken  
4 testimony at a final trial. She's now trying to  
5 disqualify Ms. Most for the umpteenth time, disqualify  
6 Dr. Abrams, and here we are when an order of this Court  
7 has been violated clearly, clearly violated on six  
8 separate occasions. Not an order of The Court, you know,  
9 don't take money out of your retirement. An order of The  
10 Court that she can't stalk her children 57 feet from  
11 their home. I have the nanny --

12 MS. KASSENOFF: Your Honor, when can I respond?

13 THE COURT: Officer.

14 THE COURT OFFICER: Have a seat.

15 MS. KASSENOFF: I'd like --

16 THE COURT: When I let you, you can respond.

17 MS. KASSENOFF: He's going on.

18 THE COURT: Mrs. Kassenoff, let me say  
19 something. I have known this case since it came in this  
20 building.

21 MS. KASSENOFF: Okay.

22 THE COURT: And I've seen all of the papers.  
23 And you know what, in the face of everything that I have  
24 seen and you asking me for a virtual appearance today --

25 MS. KASSENOFF: Yes.

1 THE COURT: -- you are the reason we are here.

2 MS. KASSENOFF: Judge --

3 THE COURT OFFICER: Stop talking.

4 THE COURT: If you talk one more time, you're  
5 going in. Do you understand that?

6 MS. KASSENOFF: Yes.

7 THE COURT: If you talk one more time out of  
8 turn, I will have you put in jail. Do you understand me,  
9 yes or no?

10 MS. KASSENOFF: I do, and it's unfair, Judge.

11 THE COURT: Okay. Fine. You are the reason we  
12 are here. You are the reason for so many motions.

13 MS. KASSENOFF: May I speak?

14 THE COURT: You, you, and only you directly,  
15 knowingly, and willfully violated court orders. I am  
16 making that finding. And then you have the audacity to  
17 ask this Court for a courtesy. Shame on you.

18 Finish, Mr. Dimopoulos.

19 MR. DIMOPOULOS: Your Honor, when we were here  
20 on Thursday, everybody got a tongue-lashing from Your  
21 Honor, including me for something I did that I shouldn't  
22 have done. The parties received in the 20 years I've  
23 been appearing before this Court the sternest of warnings  
24 from Your Honor. You were fair, you were measured, and  
25 you had temperament in saying if anything happens one

1 more time -- I took detailed notes.

2 THE COURT: We have a transcript.

3 MR. DIMOPOULOS: It's coming from Mr. DeMasi.  
4 This stops now. This stops now. We are going to be  
5 professional, courteous, and we are lawyers, and you gave  
6 everybody a fair warning. Ms. Kassenoff left this  
7 courthouse, and I don't think heeded the warning. She  
8 accelerated the very conduct that brought about the  
9 warning. She e-mailed the therapist. I put it in my  
10 papers. It's indisputable. It doesn't even  
11 need testimony. And she threatened a grievance against  
12 them. She threatened to sue them for fees. She did it  
13 to both therapists.

14 okay. She then continued stalking the children  
15 in the neighborhood. I have the children's nanny outside  
16 here that the children walk to school gripping her in  
17 fear, holding onto her waist in fear, that their mother  
18 is going to lurk from behind the tree. That's what she's  
19 going to tell you. I have e-mails from Ms. Kassenoff.  
20 When there's a stayaway order from the house saying, "why  
21 don't you cut the grass and trim the bushes anymore,  
22 Allan? why are you letting the house go to disrepair?"  
23 guess what, you have to be there to see that. What she's  
24 doing is letting him know I'm watching you, I'm here, I'm  
25 lurking. That's what she's letting me know with her

1 e-mails calling me a sociopath. A sociopath. Okay?

2 Ms. Most is the subject of a 16-page complaint.  
3 Dr. Abrams. Every single person in this case who has  
4 said anything negative about her has her rath to enjoy.  
5 She threatened to sue Judge Koba in an e-mail to The  
6 Court.

7 So I'm going to conclude, Your Honor, by saying  
8 I understand the rules, I understand the law clearly.  
9 what we have here is your warning that you would sua  
10 sponte hold her in contempt if she violated another court  
11 order, we would skip willfulness and go. what we have  
12 here is not one, not two, but seven violations since that  
13 court order. I am fully prepared to take the testimony  
14 of my client today, Your Honor, but what I need to do for  
15 the children is I need to let them know that they don't  
16 have to be afraid when they go to school tomorrow. They  
17 don't need to be fearful that their mother is going to  
18 come from behind the tree.

19 The only way -- I want to say this and then I  
20 will finish. The only way she will ever be held  
21 accountable, the only way she will ever stop, is if she  
22 is held accountable, held in contempt, and incarcerated  
23 for a minute, a week, ninety days, six months. It needs  
24 to happen or else this case never ends. She sees no  
25 fear. She does not fear you, Your Honor, not the



1 slightest bit. Because when we leave here, I will bet my  
2 bottom dollar the e-mails will start again. They will  
3 not stop. Thank you.

4 MS. KASSENOFF: Your Honor, may I now speak?

5 THE COURT: I want to hear from Ms. Most.

6 MS. MOST: So, Your Honor, first I'd like to  
7 again make a request for an in camera for the children.  
8 It is clear that Ms. Kassenoff does not understand that  
9 what she believes her children think or want is not what  
10 they actually do think or want.

11 Mrs. Kassenoff does not take any responsibility  
12 for her conduct. So she didn't like what Dr. Abrams had  
13 to say, just destruct. Destroy him. Destroy him with  
14 Facebook posts, destroy him with the law guardian  
15 committee, and now she's trying to destroy him with the  
16 state board. And she's trying to do the same for me.  
17 This is not new, Judge. I've had threats from her  
18 probably biweekly. And she's threatened to sue me,  
19 threatened a grievance, threatened a grievance on the  
20 record. It's been constant. So now she did send me a  
21 very threatening e-mail that was very concerning, and now  
22 she's filed a 16-page --

23 THE COURT: Now she'll have to defend her own  
24 grievance.

25 MS. MOST: Okay. But at this point I think it's

1 all about get rid of anybody who has anything to say that  
2 doesn't agree with her, and I'm not --

3 THE COURT: I got it.

4 MS. KASSENOFF: I'm not leaving, Judge, because  
5 my clients talk to me and they need to be protected. So  
6 I'd like to tell you that Ally is very concerned about  
7 seeing her mother when she's walking to school. She  
8 doesn't understand why her mother is following her  
9 around. So it's -- it's stalking. She didn't use the  
10 word "stalking," Judge, but she used the word "following"  
11 her around.

12 what Ally doesn't understand, Judge -- I can't  
13 breathe with this -- what Ally doesn't understand is  
14 that -- could I have that? what Ally doesn't understand,  
15 Judge, is that her mother doesn't live near her house.  
16 There are restaurants and shops that are right around  
17 her. She doesn't need to be in the neighborhood where  
18 the children are when they're around the corner from  
19 their house. The children are afraid of her. The  
20 children have been abused by their mother. We had  
21 testimony about that. There was a finding by Judge Koba  
22 she most recently during the hearing actually said on the  
23 record, "I did find that you have a mental illness and  
24 that illness interferes with your parenting."

25 So we have someone who is actually -- has a

1 mental illness and who is having a very bad effect on her  
2 children. Charlotte when she saw her mother across the  
3 street called me that night and said she was frantic.  
4 She was frantic. And I asked her why she was frantic,  
5 and she said to me, "well, how would you feel" -- and I'm  
6 going to tell you the exact word that she said --  
7 "if your psycho mother was across the street staring at  
8 you to make you feel uncomfortable?" And, you know, I  
9 had to say to her, "I guess I would feel badly too." I  
10 guess I would.

11 She can't be there. It's not fair to the  
12 children. She has done a lot of damage here. We had  
13 testimony of the kind of damage she did a year ago. And  
14 she's getting worse. So, Judge, I'm asking that you  
15 extend the stayaway for a mile because I think it's  
16 important for the children.

17 THE COURT: Go ahead, Mrs. Kassenoff.

18 MS. KASSENOFF: Thank you, Judge. There is a  
19 lot to address here. I want to start by saying I do  
20 respect this.

21 THE COURT: I haven't seen it yet,  
22 Ms. Kassenoff.

23 MS. KASSENOFF: Judge, please allow me. Okay?

24 THE COURT: Give her the microphone.

25 MS. KASSENOFF: You've heard a lot of

1 allegations here, but I want to point to The Court --  
2 point out to The Court that we have very little in the  
3 way of proof, and that is really what matters, not an  
4 attorney's argument about what Charlotte may or may not  
5 have said that's a hearsay statement.

6 THE COURT: what -- what if the children say  
7 that to me?

8 MS. KASSENOFF: Judge, I'd like to address that.  
9 Let's talk about where we were a year ago at a hearing  
10 when we requested as part of the hearing and the  
11 evidentiary process gathering evidence about what the  
12 children's desires were. When we made a request at that  
13 time for a Lincoln hearing, it was denied. And you know  
14 why these two objected, why the Plaintiff and why  
15 Ms. Most objected, because the children would have told  
16 Your Honor that they desire under no -- with no exception  
17 to live with me. They don't say bad things about their  
18 father with me. There is no alienation of him. But they  
19 wanted to live with me.

20 I have hundreds of text messages and e-mails and  
21 voicemails. I have four runaways, Your Honor, four, from  
22 my oldest daughter to my house. She took a taxi from  
23 Larchmont and came to my house in New Rochelle. You know  
24 what she said, "I will never go back there to my father.  
25 I will never go back to his house. I would rather go to

1 foster care if I can't stay with you, mom, than to go  
2 back to an abusive father."

3 Now let's talk about the abuse for a minute.  
4 That's how this whole case started, right? This case  
5 started, Your Honor --

6 THE COURT: Ms. Kassenoff.

7 MS. KASSENOFF: It's important to set the stage  
8 because -- can I say why it relates to Dr. Abrams?

9 THE COURT: Dr. Abrams is finished as far as I'm  
10 concerned.

11 MS. KASSENOFF: Thank you, Judge.

12 THE COURT: As far as I'm concerned, all I want  
13 to know is why should I not throw you in jail today.

14 MS. KASSENOFF: Because, Judge, I'm permitted --

15 THE COURT: Did you send e-mails inappropriately  
16 and in violation of ethical conduct, yes or no?

17 MS. KASSENOFF: Judge, what is the violation?  
18 I'm permitted to tell Ms. Most that I don't like her  
19 representation of my children. I'm permitted to tell --

20 THE COURT: You do it through your attorney,  
21 ma'am.

22 MS. KASSENOFF: Judge, there's no requirement.  
23 In fact, when Mitch Lieberman was on this case, he  
24 specifically authorized Ms. Most and I to speak directly  
25 with one another. He specifically said it, and that was

1 in -- two years ago. That was in June of 2019.

2 THE COURT: Let me ask you something. What if  
3 somebody sent you the e-mails that you have sent to  
4 everybody else?

5 MS. KASSENOFF: Judge --

6 MR. DIMOPOULOS: She's not worried that she's  
7 going to get colon cancer. That's what she said to her.  
8 I hope you get colon cancer again.

9 MS. KASSENOFF: That's not what I said. That's  
10 a misrepresentation, Judge. Can I correct that?

11 THE COURT: Let me say something. I am not  
12 going to have a trial here today. There is a motion  
13 pending. You fired your attorney.

14 MS. KASSENOFF: I did, Judge.

15 THE COURT: And now the question is, how much  
16 time do you want to respond to these papers?

17 MS. KASSENOFF: Judge, I don't know what The  
18 Court is willing to indulge. I would like some time.

19 THE COURT: You have two weeks.

20 MS. KASSENOFF: Thank you. Thank you.

21 THE COURT: But I will tell you --

22 MS. KASSENOFF: Yes.

23 THE COURT: One, I am extending the order of  
24 protection. You are to stay in excess of one mile.

25 MS. KASSENOFF: Judge, I can't. I live in

1 Larchmont Village. What am I supposed to do, Judge? I  
2 live there. And I'm willing to in camera disclose my  
3 address. I don't want him to know.

4 MR. DIMOPOULOS: We already know.

5 MS. KASSENOFF: Excuse me. I have a temporary  
6 order of protection against him, Judge, that was issued  
7 yesterday. I am willing to give you my address to show  
8 you the proximity to the locations that were disclosed in  
9 the papers yesterday so Your Honor can see that this is  
10 in my immediate neighborhood. I am not going out of my  
11 way to go and find my kids. I didn't even know that I  
12 was being photographed by the stalker, the Plaintiff,  
13 sitting over there who took 19 close-range photos of me  
14 on June the 25th, Judge. Nineteen. For what purpose?

15 THE COURT: That will be the subject of a  
16 hearing.

17 MS. KASSENOFF: Fine, Judge.

18 THE COURT: The question is, how much time do  
19 you want to respond? I am signing the interim relief  
20 because you are -- the alternative is you go to jail  
21 today. And let me tell you something, Mrs. Kassenoff,  
22 based on what I deem to be your violations of direct  
23 court orders, I have every right to do that. I have  
24 every right to do that.

25 MS. KASSENOFF: Judge, may I still make a

1 record? I haven't been able to respond to what he said.

2 THE COURT: I am extending the order of  
3 protection. You already now went to the family court.

4 MS. KASSENOFF: Yes, I did Judge. And it was a  
5 meritorious argument, and that's --

6 THE COURT: And that's probably going to wind up  
7 here.

8 MS. KASSENOFF: Judge, I understand.

9 THE COURT: So the bottom line is all I need to  
10 do today is decide what interim relief I extend and I am  
11 granting and modifying the order of protection consistent  
12 with the relief. If you submit papers, I strongly  
13 suggest not only do you get an attorney but I suggest you  
14 get help.

15 MS. KASSENOFF: Your Honor, may I speak?

16 THE COURT: No. No. Mrs. Kassenoff --

17 MS. KASSENOFF: Ms. Most was able to speak at  
18 length. I haven't been able to address where am I to  
19 live if there's a mile restriction. I told you my  
20 apartment is located in the heart of the village. That  
21 is where I live, and I'm lawfully allowed to live there.  
22 And I am going to be able to prove to this Court that all  
23 those allegations --

24 THE COURT: How far is it from the house?

25 MS. KASSENOFF: Judge, he doesn't know where I



1 live.

2 MR. DIMOPOULOS: I now have information there's  
3 a further misrepresentation to The Court. Ms. Kassenoff  
4 was ordered by Ms. Koba to turn over her lease agreement  
5 for her new apartment. She turned over a lease agreement  
6 for an apartment, incidentally \$5300 a month for the  
7 indigent person, but it was exactly .8 miles away I  
8 believe she argued, but she was in a whole different part  
9 of town. Now I believe what I'm hearing is that she  
10 doesn't live at that place. She lives somewhere else.  
11 So I believe some inquiry should be made to Ms. Kassenoff  
12 as to --

13 THE COURT: Write your address down and give it  
14 to the officer.

15 MS. KASSENOFF: That's fine, Judge. I will do  
16 that. May I point out that the map that was put into the  
17 papers, I can show The Court exactly where the apartment  
18 is so you can see how close it was to the location that  
19 they were stalking me and where the Plaintiff claims --

20 THE COURT: I'm not taking -- I am not trying  
21 this case today. You want to try the case, we'll try it  
22 next week.

23 MS. KASSENOFF: I understand, Judge.

24 THE COURT: All I want to know is it appears to  
25 me, Ms. Kassenoff, that you do not care to abide by

1 orders.

2 MS. KASSENOFF: Judge, I do.

3 THE COURT: It appears to me, absent some proof  
4 to the contrary, that you think that you can just do  
5 whatever you want in the face of court orders. When  
6 somebody has 11 attorneys, that sends a little bit of a  
7 message.

8 MS. KASSENOFF: Judge, may I address?

9 THE COURT: And when somebody continually has  
10 motions against them for violation of orders, contempt  
11 motions, orders of protection, that sends a message to  
12 this Court. And maybe, Mrs. Kassenoff, instead of asking  
13 everybody else to do things for you, maybe you ought to  
14 look inside and start doing things for yourself and get  
15 yourself some help.

16 Can I have the address, please?

17 MS. KASSENOFF: May I ask a question?

18 THE COURT: Write down Mr. Kassenoff's address.

19 MS. KASSENOFF: Judge, I want to be clear that  
20 when I turn this over to The Court, that it will not be  
21 further turned over to the Plaintiff as Ms. Ratner did on  
22 a prior occasion.

23 MR. DIMOPOULOS: Your Honor --

24 THE COURT: Stop. Just stop. Sit down. Give  
25 me the address. Give me his.

1 MR. DIMOPOULOS: There is a standing order of  
2 protection against my client unlawfully obtained. She is  
3 now disclosing to this Court that she's probably moved  
4 within the confines of that order of protection, and I  
5 guarantee this Court that she will file a police report  
6 within the next 72 hours with a person, incidentally, who  
7 the detective in Larchmont police has testified on her  
8 behalf twice, who has spoken to her on the phone 50  
9 times. This is a sham. They're going to lock him up.

10 MS. KASSENOFF: Judge, Mr. Dimopoulos gets a lot  
11 of airtime in this court that I don't get, and I'm being  
12 told several times now something about seeking help.

13 Judge, I don't have a mental illness. I want  
14 that to be very clear. Dr. Abrams is a discredited  
15 forensic evaluator who was making findings that are  
16 beyond the scope of the order that appointed him in the  
17 first place. I don't have it and I'm willing to give The  
18 Court an evaluation at my own expense to prove that. I  
19 have been an been assistant U.S. attorney, I have been  
20 special counsel to the Governor of New York, I have been  
21 gainfully employed my entire adult career.

22 I do not ever have -- I never had treatment,  
23 I've never had a diagnosis. I am one of the strongest  
24 mothers who survived cancer twice that I know. And the  
25 fact that I'm still standing here, Judge, I think is a

1 testament to my mental fortitude.

2 Now, with regard to these alleged violations of  
3 orders, Judge, there is no order that I do not respect.  
4 With regard to the therapist order, I think the language  
5 is very clear that I was permitted to respond to the  
6 unilateral outreach by the two therapists.

7 THE COURT: Give me her address.

8 MS. KASSENOFF: May I just ask that it not be  
9 turned over, Your Honor?

10 THE COURT: I'm not giving it to anybody. I  
11 want your address.

12 MS. KASSENOFF: Thank you.

13 THE COURT: Is this the address on a lease that  
14 you have previously presented as yours?

15 MS. KASSENOFF: No, Judge. May I explain?

16 THE COURT: So you have, according to this,  
17 lived .2 miles away.

18 MS. KASSENOFF: Judge, let me explain. Before  
19 there was a temporary order of protection I -- I sought  
20 an apartment that had a -- that had three bedrooms in it  
21 because I have three children. It was very difficult to  
22 find such a thing. I wanted to be in the school district  
23 so that I could be able to be custodian of my children.  
24 I therefore relinquished the apartment that Ms. Ratner  
25 illegally turned over to the Plaintiff to let a domestic

1 violence survivor be the subject of additional  
2 harassment.

3 THE COURT: Is there anybody that you think did  
4 something right in this case?

5 MS. KASSENOFF: Yes.

6 THE COURT: Who, you?

7 MS. KASSENOFF: No, Judge. I think that the  
8 system tries its best, but I think that there are flaws.  
9 And I think one of the things that has -- that I hope for  
10 is that with this -- with this kind of a case, The Court  
11 will see I'm just an aggrieved mother. I'm playing  
12 defense all the time against him. He is a monied  
13 shareholder at Greenberg Traurig. He makes millions.

14 MR. DIMOPOULOS: Your Honor --

15 THE COURT: Sit down. Sit down. I know what he  
16 makes.

17 MR. DIMOPOULOS: I'm not -- I don't care what he  
18 makes.

19 THE COURT: I know what he makes.

20 MS. KASSENOFF: Judge, I make a fraction.

21 THE COURT: Ms. Kassenoff, let me make something  
22 patently clear. I'm not doing anything on this case  
23 other than deciding interim relief.

24 MS. KASSENOFF: I understand.

25 THE COURT: I'm only doing interim relief. That

1 is the application that is before me. I am not trying  
2 this case, I am not taking testimony on this case. When  
3 I do -- well, it's not going to be me.

4 MR. DIMOPOULOS: Your Honor, can I please?

5 THE COURT: No. No. We're done.

6 MR. DIMOPOULOS: Your Honor, please. There is a  
7 standing -- just let's --

8 THE COURT: Mr. Dimopoulos, I'm granting the  
9 interim relief. If you are making an application for  
10 counsel fees, you'll do it in writing, but I would not be  
11 confident that I'm giving you more money for counsel fees  
12 when you've gone through 11 lawyers. I will conform the  
13 order to show cause, it will be uploaded to NYSCEF, and  
14 everybody will abide by it.

15 Mrs. Kassenoff --

16 MS. KASSENOFF: Judge, can I see my children?

17 THE COURT: I do not want e-mails from you. I  
18 do not want e-mails to anybody. You will act with  
19 dignity and respect for The Court, my orders, Judge  
20 Koba's orders, Judge Everett's orders, and this Court.  
21 If you don't, you are on notice. I have every  
22 wherewithal to incarcerate you today. And the fact that  
23 you even asked to not be here, you knew why you were  
24 here.

25 If I hear of a violation of any order of this

1 court, you will not even be brought in. I will issue a  
2 warrant for your arrest from my desk.

3 All directives placed on the record this date  
4 will constitute the decision and order of The Court and  
5 will be deemed so ordered without the necessity for  
6 signature, notwithstanding The Court executing the order  
7 to show cause, sequence number 34, submitted today and  
8 uploaded to NYSCEF.

9 The cost of the transcript is directed to be  
10 borne equally amongst the parties subject to any  
11 reallocation as determined by The Court or by stipulation  
12 with a copy to be transmitted to The Court forthwith. So  
13 ordered. We're in recess.

14 MS. KASSENOFF: Your Honor, may I see my  
15 children?

16 THE COURT: Court is in recess. We're in  
17 recess.

18 (Proceedings ended.)

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

22   
23 \_\_\_\_\_  
24 JENNIFER GRUSEKE, CSR  
25 Senior Court Reporter