

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

-----X
ALLAN KASSENOFF,

Plaintiff,

-against-

: Index No.:
: 58217-2019
:

CATHERINE KASSENOFF,

Defendant.

-----X
WESTCHESTER COUNTY COURTHOUSE
111 Dr. Martin Luther King, Jr. Blvd.
White Plains, New York 10601
March 23, 2022

B E F O R E:

HONORABLE SUSAN M. CAPECI
Justice of the Supreme Court

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

FOR THE PLAINTIFF:

DIMOPOULOS BRUGGEMANN, P.C.
73 Main Street
Tuckahoe, New York 10707

BY: GUS DIMOPOULOS, ESQ.

FOR THE DEFENDANT:

THE LAW OFFICES OF ANDREW J. FRISCH, PLLC
40 Fulton Street, 17th Floor
New York, New York 10038

BY: ANDREW J. FRISCH, ESQ.

ATTORNEY FOR THE CHILDREN:

MOST & SCHNEID, P.C.
222 Bloomingdale Road, Suite 302
White Plains, New York 10605

BY: CAROL W. MOST, ESQ.

ANN M. DEL VECCHIO-KLINGEBIEL, RPR, CRR
SENIOR COURT REPORTER

P R O C E E D I N G S

1 THE CLERK: On the matrimonial calendar, this is
2 the matter of Allan Kassenoff versus Catherine Kassenoff.

3 Index number 58217 of 2019.

4 May we have appearances by counsel for plaintiff?

5 MR. DIMOPOULOS: Good afternoon, Your Honor.

6 Dimopoulos Bruggemann by Gus Dimopoulos on behalf
7 of the plaintiff, Allan Kassenoff, who is a present in
8 court with me.

9 THE CLERK: Thank you.

10 For defendant?

11 MR. FRISCH: And for Ms. Kassenoff Andrew Frisch.

12 Good afternoon.

13 Ms. Kassenoff is present.

14 THE COURT: Good afternoon.

15 THE CLERK: Thank you.

16 Attorney for the child?

17 MS. MOST: Carol Most, attorney for the child.

18 Good afternoon, Your Honor.

19 THE COURT: Good afternoon.

20 THE CLERK: Thank you.

21 THE COURT: All right.

22 Both parties are present.

23 THE CLERK: Correct.

24 THE COURT: Let me start by saying, this is not
25 going to be an extended gripe session.

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1 If you want to be heard, I'll let you be heard
2 with regard to the letter and attorneys' fees and then
3 we'll go through some other matters and do some scheduling.

4 Go ahead, Mr. Dimopoulos.

5 MR. DIMOPOULOS: Thank you, Your Honor.

6 Could I, if I lower my mask a little, is that
7 still not allowed?

8 THE COURT: I believe it's probably not allowed.
9 It's not up to me.

10 MR. DIMOPOULOS: No problem.

11 Your Honor, if I could just first start off with
12 the topic of counsel fees.

13 My understanding of DRL 237, in terms of interim
14 counsel fees, is there is certainly a presumption that
15 Mr. Kassenoff is the monied spouse.

16 The purpose of interim counsel fees is to level
17 the playing field so that the more monied spouse does not
18 use money to dig his or her heels into a case and make it
19 impossible for the other party to litigate on equal
20 footing. That much we know.

21 However, 237 is pretty clear that the relative
22 merits of each parties' position is a consideration.

23 It has been our position since the very outset of
24 the case that nearly all of the counsel fees in this case
25 have been incurred as a result of Ms. Kassenoff's conduct.

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1 Since the date the summons was filed, Ms. Kassenoff has
2 been under supervised access. She has made countless
3 motions, that were all unsuccessful, to terminate
4 supervised access; the first of which, Your Honor, was made
5 two weeks -- July 2019, two weeks, after she agreed in
6 court, to be supervised. That was the first. There were
7 many more.

8 There was one made to Your Honor some three years
9 later. The amount of motion practice, the amount of
10 letters, the amount of appellate division motions for stay,
11 two perfected appeals. I have never seen litigation at
12 such a furious level for two people that are not multi-,
13 multi-, multi-millionaires.

14 These are people living in the upper-middle class
15 of Westchester County. Very few people are wealthy in
16 Westchester County.

17 On top of that, Your Honor, Ms. Kassenoff has
18 had -- depending how you count it -- either 14 or 15
19 lawyers.

20 Judge Koba, and Judge Everett before her, noted
21 that each time a new lawyer came on board that there was an
22 expediential waste of time and money in having that lawyer
23 come to speed, learn the case, get on board with the case,
24 on the board case to be able to make the arguments.

25 I cannot tell you how many times I have had to

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1 myself educate new lawyers in the case say, no, you're
2 missing that order, you're missing this motion, you forgot
3 this. Fifteen lawyers.

4 One very important law firm that represented
5 Ms. Kassenoff in discussing the level playing field was
6 Sanctuary For Families. They represented her for over a
7 year, completely pro bono; motions, appearances, letters.
8 She hasn't paid them a dime.

9 On top of that, Your Honor, a review of the net
10 worth statement that was recently filed, Mr. Kassenoff has
11 been paying the marital expenses from day one, and all of
12 the children's expenses.

13 Ms. Kassenoff was paying only health insurance
14 for a while -- and I remind the Court that she was a state
15 employee and the premiums were very low. She has not paid
16 a single cent of child support since the beginning of the
17 case. She has refused to pay anything toward the
18 children's expenses, and she has refused to pay anything
19 toward the marital expenses for three years.

20 Mr. Kassenoff Has been carrying the entire
21 burden. Now, he's also been entirely working as a partner
22 in a law firm and a shareholder in a law firm --

23 THE COURT: I'm sorry.

24 What in a law firm?

25 MR. DIMOPOULOS: A shareholder; not a partner.

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1 THE COURT: Oh.

2 MR. DIMOPOULOS: And on top of that has had the
3 sole responsibility to care for three children; pay all of
4 the childcare expenses and everything else.

5 What that has resulted in, Your Honor, is, as we
6 sit here today, Ms. Kassenoff has more liquid assets than
7 Mr. Kassenoff. Her statement of net worth, on my
8 calculation between her checking and savings account and
9 her deferred compensation account, she has close to
10 \$300,000 in liquid assets available to her today.

11 On top of that -- oh, and by correlation,
12 Your Honor, my client has approximately 260. Okay? The
13 lion's share of his assets have been used to pay me and my
14 firm and Ms. Most to the tune of -- I don't know -- last
15 count, seven/eight hundred thousand dollars.

16 Ms. Kassenoff owes, I pretty much think most of
17 her lawyers money haven't been paid: Ms. Kusnetz is
18 litigating with her. She's owed \$300,000; Ms. Spielberg,
19 before her, is owed a hundred thousand dollars;
20 Mr. Nissman, from a while back, is owed \$20,000.

21 So, I don't believe the standard, Your Honor, is
22 that my client who has verifiable -- the only assets that
23 he has left that are significant are his separate property
24 assets, things he inherited from his grandfather and his
25 father.

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1 All of the proof has been provided. These things
2 were from many years prior to the marriage and some
3 directly from the grandfather's will.

4 Putting those aside, dealing with liquid assets,
5 Ms. Kassenoff has more than he does.

6 Secondly, the parties have an E*Trade account
7 titled in both of their names with almost \$700,000 in it.
8 Ms. Kassenoff refuses --

9 Let me go back a step.

10 That account has been locked.

11 THE COURT: Which account is that now?

12 MR. DIMOPOULOS: E*Trade.

13 THE COURT: E*Trade.

14 MR. DIMOPOULOS: A brokerage account in both of
15 their names.

16 It was locked, I believe from prior to the
17 commencement of the action; meaning, no one could withdraw
18 from it because there were shenanigans with removal of
19 money from accounts prior to the commencement of the
20 divorce. Ms. Kassenoff has refused to authorize the
21 release of those funds and to accept any portion of those
22 funds for herself. She has done so -- it is our opinion --
23 so that she could argue that I don't have any money and you
24 need to give me \$650,000 in counsel fees.

25 Above and beyond E*Trade, the parties sold their

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1 second home. They lived in a house. They couldn't sell
2 it. They ended up renting it when they bought their second
3 house. Mr. Wiederkehr represented the parties in the sale
4 of that house, and there was \$140,000 left over after the
5 payment of the mortgage and the expenses.

6 Ms. Kassenoff directly refused to release that
7 money from escrow. So, there's another \$140,000 sitting in
8 Mr. Wiederkehr's escrow account.

9 All the while, Ms. Kassenoff's arguments -- and
10 we have seen the word "homeless" appear all over Facebook
11 and all over pleadings in this court that she is homeless,
12 she is destitute, she can't afford heat in her house.

13 It is absolutely an abuse of 237 of the DRL. The
14 people who actually are being victimized by litigants in
15 this courthouse, because the monied spouse is trying to use
16 money to put them into submission, that is terrible place
17 to be. I've represented people in that position.

18 237 is not a game. It's not a game where we
19 could lock up marital assets, accumulate nearly \$300,000
20 during the commencement of this action because you're not
21 paying a red cent for your kids.

22 THE COURT: Well, can I ask you:

23 Is there any dispute that the E*Trade account is
24 marital property, divided equally?

25 MR. DIMOPOULOS: There's no dispute that it's

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1 titled to both names.

2 There's a story behind it, and my client will
3 reserve his rights to that at trial, but he is willing and
4 has said on many occasions that why aren't we splitting
5 that account? Why do I have to fund your war?

6 THE COURT: So, he's consenting to split it
7 50/50?

8 That's what I'm trying to get at here.

9 MR. DIMOPOULOS: Subject to the proof that a
10 portion of that is separate property, yes.

11 THE COURT: All right.

12 MR. DIMOPOULOS: Oh, yes.

13 My client corrected me. He has 160, not 260.

14 So, these are the things that we have said in
15 open court that --

16 THE COURT: You're talking about his liquid
17 assets you're saying?

18 MR. DIMOPOULOS: Correct, versus her 285 or 290.

19 THE COURT: Okay.

20 MR. DIMOPOULOS: So, these are the things that
21 we've been saying for a year and a half, Judge.

22 These are the things that we try to resolve
23 things, but they never get resolved because --

24 Look, you know, when Judge Cooper wrote the
25 decision that made "skin in the game" famous -- and I know

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1 the facts aren't -- I know you know the case, Judge. I
2 know the facts aren't, you know, in complete uniformity
3 with these facts. Those people were wildly wealthy, but
4 the basis for that decision, Judge Cooper said, is I can't
5 allow one person to bear the entire financial burden for
6 litigation that has gone on for too long because the other
7 party has no incentive to stop. No incentive. She has no
8 incentive to stop because:

9 A, she received \$100,000 in interim counsel fees.

10 She doesn't pay her lawyers the money that
11 they're owed.

12 She has the money sitting in her bank account to
13 take care of the lawyers. She's doesn't pay.

14 If Your Honor was careful in reading her letters,
15 what did she ask? She said, by the way, I know you're
16 going to award me counsel fees, Your Honor, but when you
17 do, just give it to me. Don't give it directly to the
18 lawyers who I'm going to hire. Why?

19 Look, I don't make these claims because I'm being
20 dramatic or that I'm saying something -- these are things
21 that she has done time and again. She has beaten lawyers
22 already. She doesn't pay lawyers. She threatens lawyers.
23 She threatens everybody. So, what we're being effectively
24 being asked to do is take a statute that was meant to
25 protect and give it to Ms. Kassenoff so she can exact

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1 further revenge on Mr. Kassenoff.

2 The final point I'll make on this, Your Honor, is
3 this isn't just a divorce and custody litigation. I wish
4 it were. It's not. She has filed a grievance against him
5 with the grievance committee. He had to pay a lawyer
6 \$20,000 to defend him on a grievance that was filed after
7 Judge Koba said the very thing she grieved him for was
8 perfectly permissible.

9 She has sued Mr. Kassenoff and me in Kings
10 County, in a pending lawsuit. Why? Because by not
11 allowing her in the house to get her personal belongings --
12 even after Judge Koba said we didn't have to if she didn't
13 have a police person involved.

14 And when she refused to have a police person
15 involved, that was a violation of her rights, and I
16 inflicted intentional emotional distress upon her, and I
17 have to be a defendant in a lawsuit claiming I owe her a
18 million dollars.

19 She sued the children's therapist who they -- who
20 they love. Two kids treating with her. She sued the
21 therapist. She threatened the other therapist. If this
22 were merely a custody litigation or a divorce, this would
23 be so easy. It is not. We are fighting a war on so many
24 fronts. It's unimaginable. There are complaints with law
25 enforcement now against us.

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1 So, if you could find, Your Honor, with all due
2 respect -- I don't mean this disrespectfully. If you can
3 find one case in the history of jurisprudence in the State
4 of New York where a litigant like Ms. Kassenoff was awarded
5 interim counsel fees on her conduct, with the assets that
6 she has at her disposal, I'll never speak on this issue
7 again. But respectfully, it does not exist.

8 We can't just cite to 237; the monied spouse
9 shall even the playing field. The playing field is so
10 uneven, Your Honor, but I hate to tell you, we're down low.

11 Thank you.

12 I'll just reserve arguments on the letter.

13 THE COURT: Mr. Frisch.

14 MR. FRISCH: So, Your Honor, if we can proceed on
15 from our point of view in two ways.

16 I'll address what I know about, which is the last
17 six months, and I'll let Ms. Kassenoff speak to the rest.

18 My intimate knowledge is just what's happened in
19 the last six months since I noted my appearance on
20 October 1.

21 I submitted, in the last few weeks, a motion to
22 dismiss the claims that were the subject of the hearing
23 before Justice Lubell, and in that submission --

24 THE COURT: Is this the contempt?

25 MR. FRISCH: I beg your pardon?

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1 THE COURT: Is this the contempt?

2 MR. FRISCH: Correct, yes, Your Honor.

3 And I laid that out -- and I did it both to show
4 the history of it, and both to show the equitable reasons
5 why even apart from the law those charges should be
6 dismissed. But they also are relevant to this discussion
7 because over-litigation certainly applies to this table, if
8 it applies to this table as well.

9 I was brought into this case because of my
10 expertise on criminal matters and contempt matters, and I'm
11 still in this case six months later. I'm in this case
12 because there's been an unrelenting attempt -- typically
13 through ex parte applications -- to put this woman in jail.

14 I have done most of this pro se -- not pro se,
15 but pro bono. She's paid me what she's can, and I'm not
16 complaining.

17 I know Ms. Kassenoff from our prior association
18 in the U.S. Attorney's Office, but the attempt to put her
19 in jail continues; with complaints that have been put in
20 the letter to Your Honor, I believe of March 11th; with the
21 recent arrest which resulted in dismissal; and my view --
22 and Your Honor can be the judge -- is that these claims
23 have been part of what Mr. Dimopoulos blatantly describes
24 as a war, but he's participating in it, and he's part of
25 the problem, with all due respect.

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1 In the last six months, if nothing else, show
2 over-litigation if Ms. Kassenoff is properly called an
3 over-litigator with regard to this case, so is the
4 plaintiff.

5 One of the factors is that seven days after her
6 arrest in this case -- her arrest for supposedly violating
7 the temporary order of protection -- she lost her job
8 summarily. So, she's presently unemployed.

9 So, that's my view of what's happened in the past
10 six months that I know about, and with Your Honor's
11 permission, Ms. Kassenoff will address other issues.

12 THE COURT: Go ahead, Ms. Kassenoff.

13 MS. KASSENOFF: Your Honor, if I may --

14 THE COURT: One second.

15 Go ahead.

16 MR. DIMOPOULOS: Your Honor, Ms. Kassenoff has an
17 attorney.

18 This goes back to the very issue we're talking
19 about.

20 A, Mr. Frisch has now disclosed he's working for
21 free.

22 B, Ms. Kassenoff just paid
23 Mr. Wiederkehr \$25,000.

24 I'm sure --

25 MS. KASSENOFF: Your Honor, if I may?

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1 MR. DIMOPOULOS: I'm sure she's going to ask for
2 us to pay that \$25,000, and now Ms. Kassenoff is standing
3 up and representing herself on a purely financial matter.

4 I object.

5 THE COURT: Go ahead, Ms. Kassenoff.

6 MS. KASSENOFF: Thank you, Your Honor.

7 Look, I'm not sure exactly what the status of
8 Mr. Wiederkehr is in this case because the retainer
9 agreement is really guided -- it's really directed toward
10 his trial participation.

11 He wanted to be here today to defend me on these
12 contentions that are being made. He's unfortunately tied
13 up in another matter. He has a trial. So, I guess I'm
14 stuck trying to address the Court myself.

15 You know, Judge, this is not something I chose.
16 I didn't choose to have so many lawyers in this case. But
17 I'd like to tell the Court why I've had so many lawyers.

18 This is the reason: Because I was never given
19 adequate counsel fees in this case. Mr. Kassenoff has
20 spent -- and he has said this himself -- over two million
21 dollars litigating this case through his assets that he
22 has; through his tremendous income that dwarfs mine by a
23 factor of at least six and now infinitely since I have no
24 job.

25 Your Honor, I've been given \$100,000 to try to

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1 litigate on an even playing field with Mr. Kassenoff, and
2 this is how it goes: I'll hire a lawyer, typically on a
3 credit card. I max out the credit card. And then it comes
4 time to continue with that attorney, and I'm in not in a
5 position to be able to give them monies from a so-called
6 liquid account -- I have no idea what he's talking about
7 that I have \$285,000.

8 You saw my statement of net worth. I have less
9 than \$100,000 in liquid assets. Judge, I'm stuck in a
10 position where the lawyers typically say, if you can't
11 continue paying, this is a real problem. We're going to
12 have to withdraw. I understand. I get it. They're not
13 doing this pro bono. So, then, I'm stuck in a position
14 where I have to go out and try to find another lawyer, and
15 this is what I've done time and time again.

16 Mr. Wiederkehr -- to his credit, because he is a
17 decent human being -- said to me, Catherine, I am willing
18 to take this on again for you with the idea that at a later
19 stage in this case -- and we should be toward the end.

20 I mean, we are three years into this case,
21 Judge -- that at some point he will be paid for the
22 equitable distribution that we all expect to occur.
23 Mr. Kassenoff's lawyer is talking about how I'm living
24 large. I'm living large; right? With all this money I
25 allegedly have.

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1 Judge, I've been homeless for a year, living in
2 other people's homes. If we had to march each one of those
3 witnesses in here to tell you how I slept in basements, I
4 slept on couches, I slept in my car because I could not
5 afford to live out of the house that he was given.

6 He was given than house in March of 2020. I was
7 summarily evicted and then I was subject to a one-mile stay
8 away in the same village where I live. I had just gotten
9 myself a three-bedroom apartment there. I thought I was
10 going to be coparenting my children, and the next day I am
11 gone -- not the next day, but soon thereafter I am gone.
12 But, Judge, I'm the hook for that three-bedroom apartment.
13 I'm paying that lease.

14 Mr. Kassenoff, living in the mansion down the
15 street in Larchmont? Guess what? Not paying the mortgage
16 for one year. He had the mortgage -- he continues to have
17 the mortgage in forbearance. I don't know why his
18 statement of net worth says that he has a monthly mortgage
19 payment because he hasn't paid one. I know this because I
20 was in Wells Fargo two weeks ago asking this exact
21 question. The mortgage has been in forbearance.

22 I asked the plaintiff to come forward and put in
23 proof that he has somehow paid, because I'm not aware of
24 any payments of our mortgage. So, while I'm paying for a
25 lease, I'm paying three years worth of health insurance for

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1 my family -- my entire family, everybody -- what's he
2 paying? He's not paying the mortgage. He's paying some
3 expenses for the children. That's it.

4 I'd like to talk about the first year of this
5 case. In the first year of this case is when we had 50/50
6 custody. I didn't get child support. I didn't get any
7 form of alimony or maintenance. I paid on a 50/50 basis
8 even though my income was far less than his.

9 At that time, it should have probably been about
10 an 80/20 split as between our expenses because that was
11 roughly what our income disparity was, but I wasn't. I was
12 overpaying. I was paying at a rate of at least 50 per
13 cent.

14 Judge, you know, I don't understand how I can be
15 in the position I'm in now because I think Mr. Frisch has
16 addressed this Court as to what has happened in the last
17 six months. It has been the most difficult six months that
18 I challenge anyone in this room to face; to be repeatedly
19 on the wrong side of allegations of contempt, of
20 violations, of all kinds of things, none of which had
21 merit. None.

22 That arrest that happened to me in January of
23 this past year, for which I have paid dearly -- I've lost
24 my job. I've lost my reputation. I've spent thousands of
25 dollars on Mr. Frisch. That arrest was dismissed and that

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1 TOP was vacated by this Court. Mr. Kassenoff and
2 Mr. Dimopoulos were not shy about trying to get that arrest
3 to occur. We know that because we saw the affirmation that
4 was put in by the ADA. She specifically says in her
5 affirmation that they came to her office to meet with her.

6 We also know that the police department's DD5s
7 and other reports show that these guys were making repeated
8 phone calls to the police department to have me arrested.
9 Judge, there have been to be consequences for that. I
10 didn't do anything wrong, and yet, they are emboldened
11 every single time this happens. What's going to be next?
12 What's the next one? How many times do I have to play
13 defense here? That is the kind of conduct, Judge, that
14 this Court has to curb. I need to be protected from this.
15 This is litigation abuse.

16 I ask this Court, please, to give me the
17 opportunity have enough money to pay a decent lawyer like
18 Mr. Frisch. He shouldn't be working pro bono here. He
19 should be paid.

20 Mr. Wiederkehr, who is coming in as a decent
21 human being trying to help, he should be paid. I'm putting
22 the retainer I have on credit card, and I can't even afford
23 that.

24 THE COURT: Do me a favor, address what he's
25 alleged is the what?

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1 \$600,000 E*Trade account?

2 MS. KASSENOFF: Yes, Judge.

3 The E*Trade account --

4 THE COURT: 700,000.

5 MS. KASSENOFF: -- Mr. Kassenoff claims to be
6 his.

7 We have a claim that it is not his. We have a
8 claim that it is marital property, and of that account -- I
9 want to be clear -- \$80,000 of that account was released
10 for the purpose of paying the therapists for the children.
11 80,000.

12 THE COURT: He's saying here it's marital
13 property and he's agreeing to release half of it, subject
14 to --

15 MS. KASSENOFF: Subject --

16 THE COURT: -- an adjustment later on.

17 MS. KASSENOFF: Subject to something.

18 THE COURT: Well, that's not insignificant.

19 That's a lot of money.

20 MS. KASSENOFF: I understand, Judge, but this is
21 not something that he has said all along.

22 THE COURT: But he's saying it now.

23 MR. DIMOPOULOS: That's patently untrue.

24 I've said it for two years.

25 THE COURT: But he's saying it now.

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1 MR. DIMOPOULOS: Correct.

2 MS. KASSENOFF: Well, Judge, I really wish
3 Mr. Wiederkehr were here because my understanding of the
4 law is not that I should have to use marital property. I
5 have already used so much marital property. I've used up
6 401ks. I've used up a Roth IRA. We used up our joint
7 banks accounts.

8 THE COURT: But you realize all of this -- and I
9 address this to Mr. Dimopoulos, too -- this can all be
10 reapportioned at the end of the trial.

11 We're talking what it takes to get to the end of
12 this case. I mean, once it's done, it doesn't mean it
13 can't be addressed again.

14 MR. DIMOPOULOS: It can be subject --

15 THE COURT: It can all be readdressed at the end
16 of the case.

17 MR. DIMOPOULOS: It can be subject to
18 reallocation.

19 THE COURT: And that goes to both sides.

20 MR. DIMOPOULOS: Correct.

21 MS. KASSENOFF: Judge, what happens when we agree
22 to something along those lines and then later there's a
23 reallocation and then he wants to call it back? What then?

24 THE COURT: What do you mean call it back?

25 MR. DIMOPOULOS: But that's what --

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1 Your Honor --

2 MS. KASSENOFF: Well, what if there's an
3 allocation that is different than the one that we think?

4 THE COURT: Well, he's saying there's some claim
5 of separate property here, but I don't know of any attorney
6 that's ever come in here and said it's all separate
7 property, mine, but I'm willing to give half of it on a
8 presumption that it may be marital property --

9 MS. KASSENOFF: I've never heard half before.

10 THE COURT: -- subject to 50 per cent.

11 MS. KASSENOFF: That's the first time I ever
12 heard them say half.

13 MR. DIMOPOULOS: Your Honor, I've offered it in
14 writing.

15 I've offered it in motion papers. I've offered
16 it to counsel. I've offered it many times.

17 Here's the answer that Ms. Kassenoff won't give
18 you that I've gotten before: I'm not going to give up the
19 E*Trade account because when I get the millions of dollars
20 that I'm entitled to from your shareholder interest at
21 Greenberg Traurig, you have insufficient funds to pay me,
22 so that's going to end up being all mine.

23 So, again, Your Honor, whatever the financial
24 claims end up being, you will decide that. There is a
25 house in Larchmont. There's assets. There's E*Trade.

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1 There's a law firm shareholder's interest that's valued by
2 an expert. We need -- and I'll get to this in a minute,
3 Your Honor. We need to come to the end of it.

4 If she wants to hire an attorney, then all things
5 being equal, let her take half of the account, subject to
6 reallocation, subject to whatever claims.

7 If Your Honor decides, at the end of the day,
8 that my client is who she claims he is, and you order him
9 to pay a hundred per cent of the counsel fees, you can. If
10 you order him to pay 10 per cent 40 per cent, 50 per cent,
11 you can.

12 The fact of the matter, though, is that if we
13 split marital accounts now, subject to reallocation, trust
14 me, this case goes smoother because everybody has incentive
15 to end it. Everybody has skin in the game.

16 THE COURT: Go ahead, Ms. Kassenoff.

17 MS. KASSENOFF: Your Honor, I don't think it's a
18 question of skin in the game for me. I think we know how
19 much skin I've paid in this game.

20 But anyway, Judge, I don't believe that I should
21 be put in a position of having to take what could be the
22 advance of equitable distribution from the E*Trade money to
23 satisfy counsel fees, because we have to be assured, at the
24 end of the day, that there is money left for equitable
25 distribution.

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1 I think, therefore, Judge, that his separate
2 property -- we know that from his statement of net worth he
3 has substantial savings, Judge. That's where this should
4 come from; not from the E*Trade account.

5 MR. DIMOPOULOS: Judge, if I can just have two
6 minutes to rebut some of the claims because they're --

7 THE COURT: Go ahead.

8 MR. DIMOPOULOS: -- really --

9 Okay.

10 So, my client has not paid two million dollars in
11 counsel fees. We never made that representation ever.
12 What we said, very clearly, was if you add up what she has
13 spent and owes to her attorneys, what he has spent and owes
14 to his attorney, and what has been spent and owed to
15 Ms. Most is two million dollars. So, you can't
16 mischaracterize. That's number one.

17 Two: Every single contempt motion we made that
18 is the subject of Mr. Frisch's pending motion -- every
19 single one was made for one reason and one reason only: To
20 protect the three children. There were clear violations of
21 court orders, and these were not to over litigate.

22 When she appears in Larchmont in violation of an
23 OP and grabs the kid on the side of the road and starts
24 talking to them, that has to be put to an end very quickly.

25 When she tells another litigant in this case --

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1 in this courthouse who has a guardian appointed for her
2 because she's been diagnosed as mentally ill, here's my
3 kid's -- my 11-year-old's phone number. Give her a call
4 and tell her I love her, and then she proceeds to text her
5 and tell her that her kids were kidnapped as well, we made
6 a contempt motion, and we'd do it again.

7 Third: We didn't arrest Ms. Kassenoff,
8 Your Honor. I don't have prosecutorial ability or the
9 ability to make arrests and nor does Mr. Kassenoff. We
10 reported a clear violation of an order of protection. The
11 decision was made by parties outside of us to arrest her.
12 We had nothing to do with it. Did we speak to them?
13 Absolutely.

14 She claims that the ADA submitted an affidavit
15 that Mr. Kassenoff met with them? Yeah, of course he did.
16 At their request to bring the kids in. So, he brought the
17 kids in. That's what you do when the district attorney
18 asks you to do something.

19 Everything about this case for three years,
20 Your Honor, has been Ms. Kassenoff telling us that she's a
21 victim. Never, ever, ever, ever I ever heard her take
22 responsibility of one thing that she's done.

23 We submitted facts to Your Honor and submitted
24 them to law enforcement. Clear check fraud. Clear.
25 Changed the date on a check you've already deposited and

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1 redeposit again, and then ten minutes later, after bringing
2 it to the Court's attention, oh, don't worry. I'll send
3 you a check for \$10,000. Somehow, are we going to be said
4 that we're terrible for bringing that up?

5 Are we litigation abusing her? Of course not.

6 She fails to tell this Court for over a year that
7 she lived in the second home in New Rochelle for absolutely
8 nothing, for free. She claims we're misrepresenting to the
9 Court on her statement of net worth that the mortgage is in
10 forbearance. It says right on the statement of net worth
11 we previously filed and one again. Yes, the mortgage is in
12 forbearance. It's in forbearance because he's entitled to
13 have it in forbearance due to COVID.

14 He makes a base salary of approximately 300,000
15 to 400,000 -- 300,000. The rest is bonuses, Your Honor.
16 Bonuses come twice a year. The way they had always lived
17 is very simple; positive bonuses, try to live on the base
18 salary, when it's not enough, use the bonuses to pay.

19 He cannot afford to pay my office \$10,000/\$20,000
20 a month; Ms. Most \$10,000/\$5,000 a month, pay all of the
21 expenses, which she claims, oh, he pays some expenses for
22 the kids. Excuse me. They live in Larchmont. The taxes
23 on the house are close to \$40,000. Okay? The expenses for
24 fuel, for oil, for groceries feeding three kids plus a
25 nanny, summer camps.

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1 It's horrible that someone would say a few
2 expenses for the kids. When she had 50/50 access, she
3 claims that the expenses should have been 80/20. I want
4 you to remember that, Your Honor, because at the financial
5 trial you are going to be presented my motion -- two months
6 after this case started.

7 My motion, asking the Court to implement an 80/20
8 split of expenses where my client said, I'll pay 80.
9 You're making 170,000. I'm making whatever he was making
10 at the time. The split was 80/20. I filed a motion asking
11 the Court to make my client pay 80 per cent of the marital
12 expenses. You know what happened? She opposed it. She
13 said, uh-huh, no. You shouldn't be 80/20. It should be --
14 are you ready for this? 83/17. 83/17. And then she
15 opposed it by saying, no. I think he should be paying me
16 child support and maintenance.

17 Judge Koba denied my motion, which was a
18 terrible, terrible mistake in my opinion, but at the time
19 it was filed, I understood it. So, when she comes to court
20 and says to you, under oath, in the courtroom, that the
21 expenses should have been 80/20, and doesn't tell you that
22 she vehemently opposed my motion to implement that, that's
23 not right. She claims she was paying closer to 50/50.

24 Again, we're on the record, and when we try the
25 finances of this case, Your Honor, I'm going to put her on

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1 the stand and ask her what expenses she was paying when she
2 claims today she was paying 50 per cent. Not a one. Not a
3 one. Not a heating bill. Nothing. She paid the health
4 insurance. She may have paid her car insurance for a
5 while, too, but anywhere close to 50 per cent it was not.

6 The last thing, Your Honor -- and I've been
7 hearing this argument for three years, and maybe I've been
8 in this case too long -- she claims that the only reason
9 she loses her attorney is because she fails to pay them
10 because she doesn't have money; right?

11 Why is she fiercely litigating against Marcia
12 Kusnetz in this courthouse alleging malpractice? There are
13 like six motions in that case. I'm not on it, but I can
14 see what's going on.

15 Why does she file a motion in this case asking
16 that you vacate Ms. Spielberg's charging lien alleging
17 malpractice?

18 Why does she owe Peter Nissman \$20,000 when she
19 has money to at least pay him something?

20 The fact is that again, it's the
21 misrepresentations and dare I say lies. She does not lose
22 her lawyers because she cannot pay them. She loses her
23 lawyers because when she doesn't get what she wants, she
24 turns on them and threatens to sue them.

25 I've received calls from one or more of them,

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1 asking for information to defend against these threats by
2 her, of which I will give them nothing, nor will I tell
3 anybody who they are, but this is just --

4 Look, she is a lawyer and a litigant, but she
5 most is a lawyer. You can't stand up in court and say
6 these things and expect that I'm just not going to respond
7 to them. That's why I hate it, Your Honor, and I'd wish
8 you'd follow Mr. Frisch's advice to implement a no-letter
9 policy in this case.

10 As Your Honor knows, I don't respond to
11 everything, but I can't get a letter that has outright lies
12 in it and not respond to it. I don't think I'd be doing my
13 client a service. It's just not right.

14 THE COURT: All right.

15 Do you want a brief response and then I'll hear
16 from Ms. Most, if she wants to be heard?

17 MS. KASSENOFF: Yes, Judge.

18 Look, I really feel Ms. Wiederkehr is really
19 necessary for this motion because he is the one who brought
20 the counsel fees motion.

21 It's my understanding that today was going to be
22 addressed to the issues that occurred -- I think
23 Mr. Dimopoulos said in his email, the recent issues. So,
24 Mr. Frisch came today to discuss the quote/unquote recent
25 issues.

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1 Now we're dealing with the entire history of this
2 case from Mr. Dimopoulos, and I'm standing up by myself
3 here trying to address these issues on the spot.

4 I think it's unfair, and I think
5 Mr. Wiederkehr should be the one to address them. I will
6 do the best I can, but I really ask that the Court hear --
7 read the papers that were submitted that address the
8 history of this case and then turn to
9 Mr. Frisch for the more recent updates.

10 As to some of these other issues that were just
11 raised, I don't threaten people. I don't even know why
12 he's saying that.

13 Ms. Kusnetz sued me for the money that she
14 believes is outstanding. I'm just defending the case. I
15 didn't sue Ms. Kusnetz. She's claiming a lot of money.
16 She's claiming \$300,000, now down to 250 because I got a
17 fraud claim dismissed -- \$250,000 for five months of work.
18 I do think it's worth defending that case. I don't think
19 that she's entitled to what she's claiming. And yes, I'm
20 putting up a vigorous defense but that's because I believe
21 in that defense.

22 I also think, Judge, you know, this whole idea of
23 Mr. Dimopoulos raising the Kings County conversion case --
24 I want to be very clear. As I stand here today, I am going
25 on two years without my personal belongings. I haven't

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1 seen my dogs. Not all, but many of my clothes, if not most
2 of my clothes, are at the house -- the marital home. The
3 furniture is all there. All my mementoes. My entire
4 office still resides in that house. I wasn't able to get
5 my legal documents. I wasn't able to get my references. I
6 had a home office there. Two years. Two years I've been
7 putting my things in a car, driving around, getting
8 apartments where I could, then getting evicted from those
9 apartments because of frivolous stay-aways. And Judge,
10 this is the life I've had.

11 Eventually, after trying to negotiate with the
12 plaintiff, time and again -- and even Ms. Diane Steiner put
13 in an affidavit of bad faith saying that in her
14 negotiations with Mr. Dimopoulos, she was unable to get
15 anywhere --

16 THE COURT: Who is Diane Steiner?

17 MS. KASSENOFF: I'm sorry.

18 She's counsel from Sanctuary for Families.

19 THE COURT: Okay.

20 MS. KASSENOFF: She said, Judge, that for, I
21 don't know, upwards of nine months, she was trying to
22 negotiate a simple agreement so that I could just retrieve
23 my belongings. Some of them. Any of them. She couldn't
24 do it because of the obstruction that she was encountering.

25 Eventually, I said, what else am I going to do?

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1 I brought a conversion action in Kings County, where I was
2 living at the time, saying I need my stuff back. I'd like
3 to have access to my belongings. I don't think it's
4 unreasonable. I don't know why that is being turned on me.
5 I don't understand why the plaintiff isn't relinquishing my
6 belongings to me.

7 THE COURT: Is that something we're negotiating
8 now?

9 MR. DIMOPOULOS: Do you want to finish this in
10 ten seconds?

11 THE COURT: Yes.

12 MR. DIMOPOULOS: Will you come to the house with
13 a police escort to get your belongings, as Judge Koba has
14 ordered?

15 MS. KASSENOFF: Judge, let me just address the
16 Court?

17 MR. DIMOPOULOS: Because we'll let her in
18 whenever she wants to get her things whenever she wants,
19 provided there is a police escort.

20 MS. KASSENOFF: That's the hitch, Judge.

21 MR. DIMOPOULOS: But that's the Court order.

22 MS. KASSENOFF: Police escort, 30 minutes?

23 How am I going to get everything in 30 minutes?
24 Number one.

25 Number two, Mr. Dimopoulos offered a police

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1 escort at my expense for \$200 an hour. I don't have the
2 money to go in at \$200 an hour, and Judge Koba said I
3 shouldn't have to.

4 MR. DIMOPOULOS: No, no, no.

5 MS. KASSENOFF: So, my answer to that is, Judge,
6 if I can get my things, over the course of a meaningful
7 period of time, then I would be very happy to at least
8 start that process.

9 THE COURT: Can I ask a question?
10 Is there an extant order of protection anywhere?

11 MS. KASSENOFF: No, Judge.

12 MR. DIMOPOULOS: No.

13 THE COURT: So, why does she need a police escort
14 to go into her home?

15 I agree, it's probably not advisable that the
16 parties be there, but --

17 MR. DIMOPOULOS: Judge, because the last time she
18 did, there was a big gigantic scene and it was a mess.

19 We brought those issues to Judge Koba and she
20 said, police escort. It's very simple. We said, follow
21 the court order. You come whenever you want. Nope.
22 Thirty minutes is not enough. Then come consecutive times.
23 Nope. Not good enough. Okay. Well, then hire a PI or
24 someone to be there who can be there for three hours or
25 four hours.

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1 MS. KASSENOFF: Your Honor, a mutual friend.

2 MR. DIMOPOULOS: We're not agreeing to a mutual
3 friend, Your Honor.

4 MS. KASSENOFF: That's what I'm dealing with.

5 MR. DIMOPOULOS: Your Honor, with all due
6 respect, this is what happened before where she's allowed
7 in the house. She rummaged through the house. She
8 screamed at him. She was throwing things. He is not
9 subjecting himself to that, and he's most certainly not
10 leaving her in the house unattended. It's not going to
11 happen.

12 MS. KASSENOFF: I'm sorry, Your Honor.

13 What he just said is completely outlandish. That
14 has never happened. I've only been in the house with a
15 police escort -- and you can bring him in here to testify.
16 There was no throwing. I don't even know what he's talking
17 about.

18 Judge, my suggestion is if it's a third-party --
19 it can be his third-party. I don't care. I'm happy to do
20 that. But it has to be for a period of time that's
21 meaningful so that I can actually get my things.

22 MR. DIMOPOULOS: Your Honor, listen, I have a
23 court order that says she's gotta have a police escort.

24 She will have a police escort, with all due
25 respect.

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1 Second of all --

2 THE COURT: Is that in response to the order of
3 protection or was that in independent order?

4 MR. DIMOPOULOS: Independent order based on
5 submissions to the Court on what happened with the prior
6 visits.

7 On top of that --

8 MS. KASSENOFF: No, that's not true.

9 MR. DIMOPOULOS: On top of that,
10 Your Honor, she's not being truthful -- this is how
11 ridiculous. This is just to gain momentum.

12 She claimed, at a July 2020 custody hearing, in
13 front of Judge Koba, in a courtroom just like this,
14 Your Honor, this is ridiculous. It is the summer, and I
15 only have my winter clothes. This is ridiculous.

16 So, Judge Koba goes, wait a second. It was just
17 recently winter, and I think I remember you saying I only
18 have my winter clothes -- I only have my summer clothes and
19 it's winter and I'm cold. This is what she does.

20 MS. KASSENOFF: Judge, may I address that?

21 MR. DIMOPOULOS: She consistently does this.

22 She can come into the house anytime she wants,
23 with prior notice, with a police escort. Get what you
24 want. We've also offered to make a list. Make a list of
25 what you want. At our expense, we will pack it up and we

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1 will bring it to you. There is really nothing there, Your
2 Honor. He's packed up -- she's made this list before.
3 He's packed up her things. He's brought it to her. Then
4 what happened? She claims he destroyed it.

5 Everything in this case will always be twisted,
6 Your Honor. This is something that doesn't need to be
7 wasting Your Honor's time.

8 She wants to come in, do the 30 minutes. Make an
9 inventory. We'll bring it to you.

10 MS. KASSENOFF: Judge, I'm sorry.

11 Thirty minutes is absolutely inadequate. I can't
12 possibly get the materials I need. I don't even know where
13 things are.

14 THE COURT: What was this order a motion sequence
15 to what?

16 I haven't seen the order.

17 MR. DIMOPOULOS: Your Honor --

18 MS. KASSENOFF: Judge, there isn't a motion
19 sequence on this because it fell apart.

20 The whole thing fell apart.

21 And when we were negotiating the date -- you
22 know, the date by which I was supposed to go to the house,
23 he rescinded the date. Couldn't go, and the whole thing
24 fell apart. So, there's no motion at this moment.

25 THE COURT: So, you're saying there's an order?

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1 MR. DIMOPOULOS: Yes.

2 MS. KASSENOFF: There is no order.

3 That was two years ago.

4 MR. DIMOPOULOS: It doesn't matter if it was
5 18,000 years ago. There was an order.

6 MS. KASSENOFF: There's no order.

7 It was for a specific day,

8 Mr. Dimopoulos.

9 MR. DIMOPOULOS: Your Honor, I'll email the Court
10 the order by tonight.

11 MS. KASSENOFF: Judge, there's no order.

12 THE COURT: Ms. Most, do you want to say
13 anything?

14 MS. MOST: Your Honor, I don't have an issue as
15 to the fees that Ms. Kassenoff is seeking. There was a
16 court order with regard to my motion, and the only question
17 I have is that it seems your order puts down the
18 allegations that Ms. Kassenoff has made against me are the
19 same that she's made against everybody else, malpractice
20 and -- you know, that I've committed malpractice and my
21 fees are unreasonable.

22 So, I'm certainly prepared to show the Court how
23 reasonable my fees really are, and I can show that;
24 however, the issue of Ms. Kassenoff's claim that I'm
25 committing malpractice is, first of all, there could be a

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1 hundred claims. I think she has to actually say to you
2 what she feels my malpractice is so I can defend against
3 that. Number one.

4 Number two, my duty is to my clients. So, I
5 don't have a duty to represent Ms. Kassenoff, and the law
6 is very clear about that. So, I need to have further
7 direction from this Court.

8 And the other issue is, if this Court is going to
9 hear the issue of my malpractice with regard to my
10 clients --

11 THE COURT: Well, I think the issue of the
12 hearing is going to be to the reasonableness of the fees,
13 which she's entitled to.

14 MS. MOST: Okay.

15 Reasonableness of fees is fine.

16 THE COURT: Okay.

17 I mean, that would be on the cross motion. The
18 other two were subject to orders of Judge Koba. They're
19 not up for litigation anymore. Unless they're barred by
20 some mistrial, then they'll be subject to a contempt
21 hearing. That's going to be the defense on them.

22 As to that, let me address: I understand that
23 Ms. Kassenoff has made a request for discovery. Unless I
24 have some authority on that, Ms. Kassenoff, as to whether
25 you can see e-mails that Ms. Most generated, I don't see

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1 that I'm going to grant that. If you have the authority on
2 that, please submit it to me.

3 MS. MOST: Your Honor, there is no authority on
4 that.

5 And really, what is she looking for? She's
6 looking for my compliance with the Part 36 rules.

7 MS. KASSENOFF: Your Honor, may I direct that?

8 MS. MOST: Excuse me.

9 THE COURT: Let her finish.

10 MS. KASSENOFF: I'm sorry.

11 MS. MOST: I have completely complied with every
12 obligation I have with Part 36 rules. I don't have to
13 prove that to her. It's available to the Court, however.
14 I don't have to prove that to her. My e-mails are
15 confidential, when it comes to my clients.

16 Any that emails that I have with counsel, I'm
17 going to be producing them, Your Honor, to show the emails
18 that I responded to. So, the Court's going to have those,
19 along with my bills.

20 My dealings with Marcia Kusnetz -- first of all,
21 I was on this case a year before Ms. Kusnetz entered the
22 case. She and I were partners 20 years ago. There's no
23 conflict of interest between the two of us. If she wants
24 to raise that as an issue with Ms. Kusnetz and have any
25 documents relating to the litigation Ms. Kusnetz and I had,

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1 she can get them from Ms. Kusnetz. I don't have them, but
2 she's not entitled to them from me on this case.

3 Lastly, my communications with the Court,
4 including Dr. Abrams, I had no ex parte communications with
5 Dr. Abrams at anytime while he was on this case. There is
6 no communications that she's entitled to.

7 Lastly, 20 years ago, I wrote an article on
8 parental alienation, along with probably ten other articles
9 I wrote during that period of time. It is not my play book
10 or it's not a reason that I'm committing malpractice as
11 Ms. Kassenoff alleges.

12 I wrote an article, which still is true today,
13 except we use a different word. And so, she has the
14 article. I don't know what else she wants. But the
15 article was from 2010.

16 So, there's no information that she's seeking
17 from me other than in her fishing expedition that she's
18 entitled to. It's just absurd, and it's really more
19 harassment.

20 As she writes in her letter to the Court, there's
21 an open investigation by the Office of the Inspector
22 General on my activities. If there was an open
23 investigation, they probably would have contacted me, which
24 they have not. I have been told that multiple grievances
25 have been filed against me. I've never been contacted.

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1 I was aware of the complaint that was made to the
2 Office of Attorney for the children. I answered that, and
3 it was denied.

4 So, Ms. Kassenoff is just simply looking to
5 destroy whoever doesn't agree with her, and I don't want to
6 be destroyed.

7 MR. DIMOPOULOS: And, Your Honor, my client is
8 paying 80 per cent of the bills generated by Ms. Most to
9 defend herself against Ms. Kassenoff, as relative to legal
10 fees.

11 So, I would ask Your Honor that if Ms. Kassenoff
12 is going to challenge Ms. Most's bills and there's going to
13 be a discovery process and she's going to have to spend
14 time and money gathering this stuff and having a hearing,
15 we're not participating. We're not contesting
16 Ms. Most's bills. I ask that 100 per cent of those fees
17 are borne by Ms. Kassenoff.

18 THE COURT: Ms. Kassenoff, go ahead.

19 MS. KASSENOFF: Your Honor, let me just deal with
20 the issue of what the Court's asking about.

21 Are these things privileged or are they
22 confidential?

23 Judge, the communications -- the extensive
24 voluminous communications that Ms. Most has with
25 Mr. Dimopoulos or with Mr. Kassenoff -- and she's had many

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1 for three years -- are discoverable. They're not
2 privileged. There's no privilege between the two of them.
3 They're not confidential. I should be entitled to those.
4 Why? Because I'm being asked to pay for those. That's
5 why. I've never seen these e-mails. I don't know what
6 they contain. I don't know how -- what kind of alignment
7 is occurring between the two of them, but the shear numbers
8 and review of the invoices suggest that inordinate periods
9 of time and strategies are taking place between the two of
10 them and have been for two years in case.

11 That is not the way an AFC is supposed to conduct
12 herself. She's supposed to come into this with the idea of
13 being neutral. But that is not how this started. This
14 started right off the bat with a super alignment with
15 Mr. Kassenoff and his agenda. And for that, Judge, I would
16 like to be able to explore those communications. I'm being
17 asked for pay for them, I should be allowed to explore
18 them.

19 The same goes, by the way, Judge, for the
20 communications she has with the children's therapist.
21 There's no privilege or confidentiality that exists between
22 the AFC and the therapist. These are my children's
23 therapists. I would like to know what she's saying to
24 these therapists.

25 Is she saying things like, your mother is

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1 dangerous? Make sure you tell the kids that the mother is
2 dangerous? Oh, by the way, make sure you suppress all that
3 domestic violence that Mr. Kassenoff engaged in. We want
4 to make sure none of that comes out.

5 I don't know, Judge, but I do know -- I do know
6 that Ms. Most has taken the position in that case that
7 domestic abuse doesn't matter, when Mr. Kassenoff has been
8 indicated for it, when Mr. Kassenoff is on video and audio.
9 I have tried to present it to the therapist and Ms. Most
10 and said, please, do something about it. My kids should
11 not be left with this guy unsupervised. Nothing happened.

12 That, I believe, is malpractice.

13 THE COURT: Well, let's get to the --

14 MS. KASSENOFF: So, Judge, I believe that the
15 communications are discoverable.

16 I believe that her writings on parental
17 alienation, which is used against protected parents, as she
18 wrote in 2010, are discoverable.

19 I believe that her Part 36 appointment
20 compensation documents are also discoverable.

21 Let us not forget, in this case, she submitted an
22 affirmation in support of her compensation that she did not
23 even sign, and yet, she's asking this Court to pay her
24 fees. That is not compliant with Part 36 rules, and I
25 would like to know what the Part 36 fiduciaries have said

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1 in response to that reporting.

2 I also happen to know that Ms. Most is not fully
3 reporting all of her cases. She didn't report the Trainer
4 (Phonetic) case, for instance. The monies were not --

5 MS. MOST: Your Honor --

6 MS. KASSENOFF: Excuse me.

7 They were not reported, Judge.

8 THE COURT: Let me hear from Ms. Most and then
9 we're going to move on.

10 Go ahead.

11 MS. KASSENOFF: They were not reported, Judge,
12 and these are serious problems. That is why I also know
13 about the IG.

14 I have received personal emails and cell phone
15 calls from the IG asking me about Ms. Most.

16 MS. MOST: I would like those to be produced,
17 Your Honor.

18 I'm going to produce every email that I have
19 charged for. So, that will be part of my packet to show my
20 reasonableness of my fees.

21 THE COURT: Okay.

22 MS. MOST: Every email, including those with
23 therapists and including those that I haven't charged for;
24 okay?

25 THE COURT: Okay.

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1 MS. MOST: The telephone calls, I have no way of
2 reproducing, but I'm going to prove the reasonableness of
3 my fees.

4 THE COURT: Okay.

5 MS. MOST: Domestic violence, Judge, you know, I
6 understand that Mrs. Kassenoff wants to portray herself as
7 the victim. She has her 20 tapes, but guess what? We have
8 more tapes from Mr. Kassenoff, and what they showed was
9 violence to children.

10 I want to say that there was a lot of testimony
11 on this at trial. I'm not -- I'm not doing anything to
12 disprove her domestic violence. We had a trial, Judge. We
13 had a trial, and it's in the decision. We had an expert
14 who testified. We had more than one expert who testified.
15 So, I'm not doing anything about her domestic violence.

16 The tapes that she had and that she has now put
17 onto the internet are not proof of domestic violence. So,
18 this is just ridiculous, but they all were shown at trial.
19 Judge Koba saw every single one of them. It's not me doing
20 something about her domestic violence. We had a Court
21 involved here.

22 THE COURT: Okay. I'm going to move on.

23 We did finally get Mr. Dimopoulos' updated
24 statement of net worth?

25 MS. KASSENOFF: But no tax return,

P R O C E E D I N G S

1 Your Honor.

2 MS. MOST: No, he sent it.

3 MR. DIMOPOULOS: Your Honor --

4 THE COURT: And do want to respond to the
5 preclusion of contempt charges? I haven't gotten that yet.

6 MR. DIMOPOULOS: Your Honor, I think I should be
7 able to have that by tomorrow.

8 Right?

9 MR. KASSENOFF: Well --

10 THE COURT: The Court also is determining that
11 it's not requiring an updated --

12 MR. DIMOPOULOS: Your Honor, my client has to
13 comment on my draft. If we can just have until Monday.

14 THE COURT: Please. No later than that. I
15 expected it already.

16 We're not going to order an updated forensic
17 because the parties have indicated, number one, they're not
18 requesting one, and that both parties have indicated that
19 they feel it's sufficient information to render an informed
20 decision. I'm going to reference Pandis -- P-A-N-D-I-S --
21 versus Lapis -- L-A-P-I-S -- 176 Appellate Division Third
22 837.

23 Motion sequence 50 seeking visitation of the
24 wife's habeas corpus petition, are they being withdrawn in
25 light of the visitation order?

P R O C E E D I N G S

1 MS. KASSENOFF: I'm sorry, Judge?

2 THE COURT: Motion sequence 50 seeking visitation
3 and the habeas corpus petition, are they being withdrawn in
4 light of the visitation order?

5 MS. KASSENOFF: Judge, let me think about that
6 because my understanding was that the visitation order was
7 meant as a temporary restoration of my visitation with the
8 children, but I was hopeful that it would not continue in
9 perpetuity.

10 THE COURT: Well, this case is going to trial
11 sooner than I'm probably ever going to entertain a motion
12 to change that.

13 MS. KASSENOFF: Okay.

14 THE COURT: I'm not going to do that today, but
15 we'll schedule the hearing on the AFC's fees, and we'll be
16 in touch with you about that.

17 Thank you.

18 The record is closed.

19 MS. KASSENOFF: Thank you, Your Honor.

20 THE COURT: Back on the record.

21 Please, quickly.

22 MR. DIMOPOULOS: Your Honor, there is an order of
23 this Court compelling my client to keep the children's
24 passports in escrow with my office.

25 My client has to renew the children's passports.

P R O C E E D I N G S

1 In order to renew the children's passports, he needs the
2 old passports. I can't give him the old passports, under
3 the order. We've asked Ms. Kassenoff for consent and she's
4 not consenting to allow him to have the passports, despite
5 the fact that he is the sole legal custodian of the
6 children.

7 If we can't have Mrs. Kassenoff's consent, we ask
8 permission to file a motion and seek legal fees so that the
9 children can actually go on --

10 THE COURT: Well, actually, that reminds me of
11 another issue.

12 Can he add her to his insurance policy?

13 MR. DIMOPOULOS: Judge, the problem with that is
14 I don't think Greenberg Traurig will allow it. We have to
15 find out.

16 You have to understand, she has sent them videos
17 of -- put it on --

18 THE COURT: You're telling me you think they can
19 legally deny him by adding his legal spouse?

20 MR. DIMOPOULOS: It's a self-funded plan.

21 I do not know, Your Honor. I do not know.

22 It is self-funded plan. The shareholder's
23 contribute to the fund, which is paid from the firm. I do
24 not know the answer to that question.

25 My client will inquire, but again, this all has

P R O C E E D I N G S

1 to go back to some level of some contribution toward the
2 experiences. Then I'd have to say: Do we go to an 80/20
3 now? Do we ask for her child support?

4 The answer to this, Your Honor, with all due
5 respect, my client pays for everything and she pays for
6 nothing.

7 THE COURT: Does it cost him anything extra?

8 MR. DIMOPOULOS: \$600.

9 THE COURT: To put her on the policy?

10 MR. DIMOPOULOS: Yes.

11 Just health insurance for Ms. Kassenoff alone is
12 \$600.

13 MS. KASSENOFF: Can we see proof of that,
14 Your Honor? I can't imagine that that's correct. I worked
15 for Greenberg Traurig myself.

16 MR. DIMOPOULOS: For two weeks. For two weeks,
17 20 years ago.

18 MS. KASSENOFF: Judge, it wasn't two weeks, 20
19 years ago. I don't even know what he's talking about.

20 THE COURT: Why don't you find that out,
21 Mr. Dimopoulos?

22 MR. DIMOPOULOS: I will, Your Honor.

23 THE COURT: I don't think there's anything
24 urgent.

25 What's pressing about the passports? Are they

P R O C E E D I N G S

1 traveling overseas?

2 MR. DIMOPOULOS: It's going to take eight to
3 twelve weeks to get, and he wants to schedule a trip for
4 the early summer.

5 MS. MOST: The children are very anxious to have
6 a vacation, Judge.

7 MR. DIMOPOULOS: They haven't been anywhere in
8 three years, Your Honor.

9 MS. KASSENOFF: Judge, they should go somewhere
10 domestically. There's a war taking place.

11 MR. DIMOPOULOS: We're not going to the Ukraine,
12 Your Honor. I promise.

13 MS. KASSENOFF: I think we need to be a little
14 bit more careful.

15 THE COURT: Well, he didn't say where they're
16 going. There are a lot of places in the world.

17 Is there really an objection to providing the
18 passports so they can be updated?

19 (Continued on next page to include
20 certification.)

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P R O C E E D I N G S

1 MS. KASSENOFF: Judge, I would prefer not.

2 MR. DIMOPOULOS: They're going to Barbados,
3 Your Honor.

4 THE COURT: You prefer not?

5 I'm pressing them to get you on the insurance and
6 you're telling me that you don't want to give them the old
7 passports?

8 The record is closed.

9 * * * * *

10 This is hereby certified to be a true and accurate
11 record of the above proceedings.

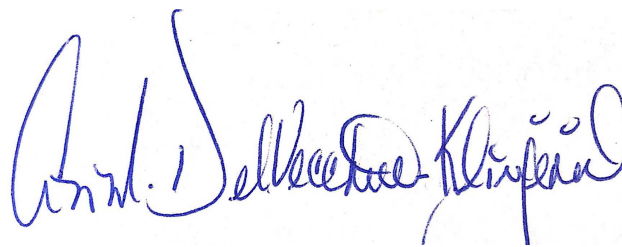
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ANN M. DEL VECCHIO-KLINGEBIEL, RPR, CRR
Senior Court Reporter

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