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SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

-----X

ALLAN KASSENOFF,

Plaintiff,

- against -

CATHERINE KASSENOFF,

Defendant.

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: INDEX NUMBER:
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: 58217/2019
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111 Martin Luther King Jr. Blvd
White Plains, New York 10601
July 11, 2022

B E F O R E :

HONORABLE SUSAN CAPECI,
Justice of the Supreme Court

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

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BY: CAROL MOST, ESQ.

Leeann DiRenzo
Senior Court Reporter

PROCEEDINGS

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THE CLERK: This is the matrimonial calendar of Monday, January 11th, 2022, Index Number 58217 of 2019, plaintiff, Allan Kassenoff against the defendant, Catherine Kassenoff. Appearances by the attorney for the plaintiff.

MS. DIMOPOULOS: Good morning, your Honor, Dimopoulos Bruggemann, Gus Dimopoulos on behalf of the plaintiff, Allan Kassenoff, who is here in Court with us this morning.

MS. MOST: Good morning, your Honor. Carol Most, attorney for the children.

MS. KASSENOFF: Your Honor, good morning, Catherine Kassenoff for the defendant, pro se.

THE COURT: Go ahead, Mr. Dimopoulos.

MS. DIMOPOULOS: Your Honor, this is a motion pursuant to CPLR 2221(a) to vacate your Honor's June 28th, 2022 interim order on the basis that the Court made a custodial decision on moving from unsupervised -- from supervised to unsupervised, which in our opinion was based solely on the statement of the Court-appointed supervisor, Jennifer Culley. We don't believe that the Court possesses adequate knowledge of the history of this matter to make a fundamental change to a custodial arrangement that's been in existence for over two years without a pending motion, without a hearing, without providing Counsel an opportunity to be heard on the issue, and over the objection of the AFC

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1 who is stating the childrens' position and not substituting
2 judgment.

3 THE COURT: I'm sorry. What did you just say?

4 MS. DIMOPOULOS: Over the AFC's position who is
5 stating the childrens' position and not substituting their
6 judgment -- her judgment. This Court issued a decision on
7 March 14th keeping in place supervised access which has
8 been in place since June 2019. Shortly thereafter a
9 factual dispute arose in your Honor's opinion resulting in
10 your Honor issuing a forensic -- an order appointing a
11 forensic for an update. The issue, as I saw it in the
12 communication from Ms. Ozer was whether or not the visits
13 were going as Ms. Culley was reporting or whether they were
14 going as the children were reporting to the AFC and to the
15 father, that was on May 9th, and in the middle of that
16 forensic process and without any opportunity to wait for it
17 to end and based solely on what Ms. Culley's reporting.

18 Now from our point of view, your Honor, we don't
19 know what's going on in the visits, according to Ms.
20 Culley. The children are telling their father and telling
21 the AFC the visits are not going the way that Ms. Culley
22 reports.

23 MS. KASSENOFF: Objection, your Honor.

24 THE COURT: Overruled.

25 MR. DIMOPOULOS: Not so much that Ms. Culley is

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1 being inaccurate in her rendition to the Court, in that the
2 children have fear of discussing certain topics, in
3 addressing their mother in an in-person setting. We're not
4 saying Ms. Culley is lying, your Honor, we're saying the
5 children sit there in fear of a woman who has documented
6 abuse over the course of a three-year custody proceeding.

7 MS. KASSENOFF: Objection, your Honor.

8 THE COURT: Overruled.

9 MR. DIMOPOULOS: And the reason why I raised the
10 abuse in my motion, your Honor, is because it would be
11 impossible for any Judge, any Judge, if you cleared your
12 docket and had six months to review this case, it would be
13 a task that would be impossible. I have been involved in
14 this case from day one and trust me when I tell you that
15 when I read things I'm reminded of things that I have
16 forgotten. This is a case where there was a two-week
17 interim custody hearing, there were seven, eight, nine
18 witnesses. There have been over, I counted, 70 conferences
19 with a Justice of this Court, 70. I have at least 40 of
20 those transcripts, some of them are 60 and 70 pages long.
21 We're on Motion Sequence 56.

22 My client and I understand, and we have been
23 saying from the beginning of this case, and our position
24 has been soundly uniform from the beginning, we are not
25 saying that Ms. Kassenoff should never have unsupervised

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1 access with her kids, we have never said that at the
2 hearing, my client never testified to that at the hearing.
3 My client said the precursor here has to be her
4 acknowledging what she has done in the past, proving to
5 everyone what she's going to do to change that going
6 forward, and then allowing some time to go forward.

7 Dr. Abrams testified at trial, the big villain in
8 this case. He never testified that they should be
9 supervised for the rest of her life. He explained the
10 process which I thought made perfect sense to everyone,
11 titration. It's got to be here to make sure that she
12 behaves, it's got to then go to this, it's got to then go
13 to that. I'm not putting words in your Honor's mouth, it
14 seems to me that that's what your Honor is trying to do.

15 The difference here is that unless you understand
16 the insidiousness of the conduct, it's not overt and Ms.
17 Culley may be the best supervisor out there, I have done my
18 homework and uniformly she's considered great at her job,
19 but unless you understand the way in which it occurs
20 because it's not overt, your Honor, it's never overt, it's
21 always, oh, I heard that this is happening or I heard that
22 that is happening. Just for instance, and this isn't in my
23 motion but I want to frame the issue not as a way to
24 challenge your Honor but as a way to say it's impossible to
25 know unless you've lived it.

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1 This FASNY issue with the French school, it's an
2 obsession that I can't get my head around that she wants
3 this child to go to FASNY for the rest of her life. It's
4 been told to this child, it's been in the letters, this
5 child has now accepted that she's going to go to public
6 school in Larchmont with her sisters.

7 MS. KASSENOFF: Objection, your Honor.

8 THE COURT: Overruled.

9 MS. DIMOPOULOS: She loves the idea of it, yet
10 just on the visit the other day she told the child, I spoke
11 to the AFC about it this morning, she told the child, I'm
12 still working on getting into FASNY, don't tell your
13 father. These types of things may not seem like the abuse
14 that you have seen in this part, your Honor, because I know
15 you've seen the worst of the worst, I know that, but when
16 it is a child's entire life to be manipulated and to be
17 fearful of the mother. For Charlotte, the middle child,
18 the biological child, to have watched her sister locked in
19 a basement, her hair lopped off, wearing a diaper to
20 school, hit, yelled at, screamed at.

21 Charlotte will tell you, I believe, because she's
22 told her father and she's told the AFC, she's so scared of
23 her mother and disappointing and angering her mother that
24 of course she's going to behave at these in persons. Why
25 was there a change from Zoom to in person? It's simple, in

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1 Zoom, it's like all of us, behind an email, behind a
2 communication that we send over email, everybody can say
3 whatever they want to say, but to stand face to face with
4 someone and tell someone what you can write in an email is
5 two different worlds, the same goes for children. In the
6 Zoom visit they weren't afraid of their mother, they were
7 behind a computer screen. Now they're in person staring
8 feet away from the person that has made them feel scared,
9 it's different, so that the visits are going better,
10 wonderful.

11 What therapy has she undertaken; has she ever
12 apologized to any one of the children; has she ever said I
13 am sorry for what I did? No, she said I never did it.
14 That's not a healing process, your Honor. So if all of us
15 are in the room trying to figure out what --

16 THE COURT: So your position is it would be
17 appropriate for her to have that discussion during the
18 supervised visits with Ms. Culley?

19 MS. DIMOPOULOS: Absolutely not.

20 THE COURT: Okay.

21 MS. DIMOPOULOS: Absolutely not.

22 THE COURT: I want to clear that up.

23 MS. DIMOPOULOS: Why isn't the question of some
24 level of reunification discussed wherein she will say, I
25 would like to meet with a reunification therapist so I can

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1 say the following to the children, you'll never get her to
 2 say that because she never did anything wrong in her
 3 opinion, and I'm telling you that from having been here for
 4 three years. In every letter, in every piece of testimony,
 5 in every transcript, I did nothing wrong, I did nothing
 6 wrong. I sat and listened to it for two weeks. I sat and
 7 listened to her explain why she put a diaper on a nine
 8 going on ten-year-old to go to school because some doctor
 9 told her to do it. It wasn't outlandish abuse, it was, no,
 10 some doctor told me to do it.

11 In any event, back to the point, your Honor. We
 12 have a forensic that is undertaking this process, that is
 13 listening to all of the evidence, that is, we hope, going
 14 to render a decision on what makes -- give a recommendation
 15 on what makes sense here, how do we get from here to there.
 16 In all of the process I have always said, why isn't some
 17 level of therapy mandated on Ms. Kassenoff from the
 18 beginning, from June 2019 it was Judge Everett's order that
 19 both parties be in therapy.

20 She went to a psychiatrist by the name of Dr.
 21 Falola. I put her on the stand during a temporary hearing
 22 and I asked her, what literally boggled my mind, has Ms.
 23 Kassenoff told you that she's subject to supervised access,
 24 has Ms. Kassenoff told you that there's a decision and
 25 order that she consented to, no, I didn't know any of that.

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1 She went to see the psychiatrist and said I don't know why
 2 I'm here, I'm perfectly fine, and that therapy did nothing.
 3 Dr. Abrams, in his testimony, set forth a very, very
 4 detailed process for what therapy would help, what he
 5 believed her condition was, I don't know what Dr. McCabe is
 6 going to recommend. It's always, let's put this on the
 7 back of the children, they've got to go see their mother,
 8 and I understand that. I've been doing this long enough to
 9 know that at the end of the day that's what everyone wants
 10 here.

11 But the Court discounts, not a criticism, you
 12 can't have lived this case, the length of it, the Court
 13 discounts the fear of the children and discounts the fact
 14 that they're going to sit there like obedient soldiers and
 15 say and do what she wants. I have criticism of what's
 16 allowed and not allowed to be said in the therapeutic
 17 sessions but I'm not there. I have learned long enough to
 18 know that I'm not going to say what it is. If Ms. Culley
 19 believes it's appropriate, fine. The forensic will speak
 20 to Ms. Culley.

21 But again, your Honor, without a hearing, your
 22 Honor cannot have known this case for long to know that,
 23 nobody probably who sits in a part that involves domestic
 24 violence and supervised access more than any other part,
 25 I'm not saying that you don't have the instincts, the

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1 knowledge, the intelligence to do this, I'm not criticizing
2 you, I'm not being disrespectful but we're on docket 3,750
3 or something like that. There are facts here that your
4 Honor has to hear at trial and that I respectfully ask that
5 the Court reserves judgment on what the best course of
6 action is until we get through a forensic process.

7 I will say, and I'm very upset by this and I have
8 to get it off my chest, I wrote an email to Ms. Ozer asking
9 for a couple of days. I lost my father days before, please
10 don't do anything until I have an opportunity to respond
11 and I wasn't afforded that respect, and for that I am
12 angry. Other than that I will say that I think this Court
13 should reserve judgment and allow the forensic process to
14 occur.

15 All of us have the same goal in mind. I said
16 before, if anybody believes that Mr. Kassenoff wants to do
17 100 percent of the parenting 100 percent of the time while
18 he works, while he fends off three long lawsuits from Ms.
19 Kassenoff all while litigating this case, his hope is a
20 better Ms. Kassenoff, a well Ms. Kassenoff, an adjusted Ms.
21 Kassenoff. He's not here saying I want to erase her and
22 spend the rest of my life doing everything. If you look
23 back at every piece of testimony he's given in this case,
24 every single transcript, that all he's ever said. She can
25 say what she wants, that's not the truth. He wants her to

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1 get better. Thank you.

2 MS. KASSENOFF: Thank you, your Honor.

3 Unfortunately what we just heard from Mr. Dimopoulos is
4 wild accusations, not under penalty of perjury, advanced to
5 this Court as if they're facts and they are not. His
6 papers, his affirmation, affirmation by Counsel, contains
7 the only set of, quote-unquote, facts that we have in this
8 matter before the Court at this moment for this order to
9 show cause, and those facts are simply inadequate to
10 warrant any sort of hearing in this case.

11 There isn't even a challenge in these papers as to
12 how these visits are going, Judge, he doesn't even specify,
13 well, the visits are going poorly because of X, Y and Z,
14 because Jojo did this or Ally said that, or the father
15 noticed this or that, there is not a single specific
16 allegation in these papers, just this generalized idea from
17 a lawyer who got it from his client who allegedly got it
18 from the children, this is triple hearsay in the form of a
19 factual affirmation. It is inadequate to warrant a
20 hearing.

21 Aside from that issue, this is not a due process
22 question for the plaintiff in this case. He doesn't have
23 rights of visitation that are being in any way infringed.
24 The right of visitation is squarely the right of the
25 children and the right of the noncustodial parent, who is

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1 me. Ms. Most had an opportunity to jump in and provide an
2 affirmation here had she thought that her clients needed,
3 quote-unquote, protection. She's not doing that, Judge,
4 she's not offering any sworn statements in support of this
5 application by the plaintiff. Should she stand up here
6 today and offer some story that is now a new story to
7 advance to the Court, it's not competent, probative
8 evidence. She has the ability to make a motion, had she
9 wanted to do that, she could have. She could waive
10 privilege on behalf of her clients, she's not doing that
11 either.

12 So unfortunately what has been presented here
13 today is a bunch of wild accusations that don't even
14 implicate any due process consideration for the plaintiff
15 or even for the children. They involve my due process
16 rights. The Court was entitled and very studious in what
17 it did here. It looked at Ms. Culley's report but it
18 didn't delegate authority to Ms. Culley to make a final
19 determination about visitation. It didn't condition future
20 visits upon a professional mental health professional's
21 opinion.

22 There is no improper delegation. There's no
23 abdication here. What the Court did is it looked at the
24 history of the visits over time, and on each and every one
25 of those occasions, starting with the March 14th order

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1 going to the May 9th order and then culminating in the
2 June 24th order the Court said, where is the plaintiff's
3 objection? The plaintiff didn't object to the March 14th
4 decision that restored access between the children and
5 their mother, he sat there. He could have brought a
6 motion, he didn't, he acquiesced, he agreed, he agreed that
7 the communication should be restored. Then when the visits
8 went from Zoom calls, because that was the initial, as the
9 Court may remember, that was the initial way the contact
10 started, moved from Zoom calls to in-person calls in the
11 May order by this Court, again, where was plaintiff's
12 objection? He acquiesced yet again.

13 There was no hearing held. The Court said, okay,
14 here we go again. In its June 27th order, June 27th, not
15 24th, the Court referenced each and every one of these
16 earlier interim orders, incorporated them by reference. It
17 didn't issue its opinion in a vacuum, it looked at the
18 history of what had happened and whether or not the
19 plaintiff was actually in agreement with these increased,
20 more expansive visitation rights and he had. In the
21 June 27th order, the Judge, your Honor, noted in fact that
22 Mr. Kassenoff had agreed to additional time at the
23 June 27th meeting with the children. The Court also noted
24 that Mr. Kassenoff had agreed to an extra 15 minutes with
25 Charlotte at earlier meetings to make up for the fact that

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1 she had lost time with her mother in the early part of
2 June.

3 The Court was entitled to look at his conduct and
4 say this is how I see this, he is agreeing to these things.
5 For him to now stand up and say without even putting in an
6 affidavit of fact that he doesn't agree, he doesn't want
7 these visits to be going to unsupervised, it belies the
8 fact as they arose during the course of this case. He
9 can't now complain about his own agreement and his own
10 acquiescence over time.

11 Ms. Culley's reports are business records, Judge.
12 She was instructed to provide those reports to the Court,
13 they're not hearsay. They contain her personal observation
14 of what occurred during these visits. She's a competent
15 witness, she authored those reports herself. She wrote the
16 reports contemporaneously. I'm also a competent witness.
17 I was present for my visits with my children. I can tell
18 you what happened and I have. I have written emails. I
19 put my own credibility on the line.

20 Mr. Kassenoff sent one email back in April, April
21 26th of this year, that was so disturbing and in such sharp
22 contrast to Ms. Culley's reports that this Court ordered a
23 brand new forensic examination. Either this Court found
24 that he lacks credibility or that he's mentally unstable
25 for writing such a hysterical email to the Court or both,

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1 that it warranted a brand new forensic and the Court was
2 permitted to look at this extensive record and make that
3 kind of finding, that kind of judgment in its head.

4 The record is 2,000 -- over 2,000 docket entries.
5 Your Honor, despite Mr. Dimopoulos's criticism of this
6 Court that somehow this Court has not taken seriously this
7 matter is beyond shocking. It is beyond shocking that he
8 would insult the Court in this matter. This Court has
9 issued time and again order after order trying to get up to
10 speed for a case that languished on its docket for years.
11 It was an incredible credible effort, a Herculean effort by
12 this Court, and I have yet to see a fact that has been made
13 -- that has been incorrectly stated by this Court.

14 This Court was permitted to make its decision, as
15 it did. It does not have to consider Mr. Dimopoulos's
16 affirmation which doesn't even specify a single allegation
17 regarding the visits. He has no personal knowledge
18 whatsoever of how the visits have been going, and it is not
19 Mr. Kassenoff's due process right that's at stake here.

20 Finally, with regard to these rehashed allegations
21 of abuse, this issue was litigated by Mr. Dimopoulos and
22 Mr. Kassenoff, by the AFC at the July 2020 hearing. There
23 is not a single finding by Judge Koba or any other judge
24 for that matter of abuse by me. Do you want to know what
25 the only finding of abuse is in this case, I'll tell you.

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1 Judge Koba said, the husband, this is a domestic abuse
2 situation that arose in May of 2019, this is the only
3 specific finding of abuse in this case, it's against him.
4 The husband admitted the incident in May 2019 wherein he
5 threw a weed dirt clump at his wife. He said the wife
6 first threw a weed at him. The Court finds the wife's
7 version of the May 2019 incident more credible than the
8 husband's version. He has a credibility issue, Judge, and
9 you're seeing it. You're seeing it over and over again.
10 He contradicts everything that Ms. Culley says.

11 Why is he doing this? He is not trying to foster
12 a relationship between me and the children. He wants me
13 annihilated. He had me falsely arrested in February of
14 this year. He went repeatedly to the Larchmont Police
15 Department seeking one after the next false report, false
16 report, false report. On January 25th, on the evening of
17 January 25th he called the Larchmont Police Department, go
18 arrest her, go arrest her, she's in violation of a TOP,
19 which was not a TOP that had been served on me.

20 Listening to him, a sophisticated litigator at
21 Greenberg Traurig who could read a temporary order of
22 protection and see what boxes were checked and see that one
23 of them said service must be accomplished by the police
24 knew that when he made that phone call on January 25th he
25 was out of line. He knew it was a false report. He knew

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1 that the TOP was invalid, yet he did it anyway. But he
2 didn't stop there, after he got the arrest, after I then
3 was terminated from my seven-year position as Special
4 Counsel to the Governor of New York State, he brought the
5 children involuntarily to meet with the District Attorney's
6 Office. He didn't say, wait a second, wait a second, let's
7 make sure that this TOP is valid, I don't want to put my
8 children in the middle of a horrendous interview process
9 where they will be coming in and having to speak negatively
10 about their mother, that's what he was asking them to do.

11 He didn't wait to make sure that that TOP was
12 valid first, he marched them in because he wanted to use
13 his children as pawns in his scheme to have me falsely
14 prosecuted. Fortunately every single one of his
15 allegations was dismissed. The charges were dismissed, but
16 here I stand, Judge, the victim of a tainted reputation in
17 the legal community, because we all know that while an
18 arrest isn't taken into consideration as part of a hiring
19 decision, the legal community knows about it and can make
20 reputational decisions based on it.

21 I sit here today as a part-time contract attorney
22 earning \$100 an hour because of what happened by this man.
23 His goal is to alienate me from him and from the children.
24 There is no chance on earth that if this Court awards him
25 custody he will foster a relationship between me and those

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1 kids. And while this is not a custodial decision at the
2 moment, I raise that now because I am so terrified of what
3 he will do. Fortunately he was stopped in this instance
4 but the second this Court turns away and we move on with
5 our lives he will be right back in here.

6 Judge, there is no need to hold a hearing. The
7 Court needs to remove the stay that's currently in place
8 with respect to the interim relief. I have had no contact
9 with Ally for two weeks because she is at camp now, and it
10 is time to move on to more normalized contact with the
11 children just as Judge Koba had articulated back in April
12 of 2021. We are not normalized, we are far from it. I ask
13 this Court to please consider that time is moving forward,
14 these children are getting older and they don't have a
15 mother. Thank you.

16 THE COURT: Ms. Most.

17 MS. MOST: So your Honor, as you probably are
18 aware, I am in support of Mr. Dimopoulos's motion for a
19 stay. You have received two letters from me requesting
20 that the Court do something about what has happened with
21 the girls therapists, both therapists, Dr. Adler, who was
22 treating Charlie and Jojo is not treating them any longer
23 because she's been sued, and Dr. McGuffog has simply been
24 harassed to such a point that she has quit, so I've sent
25 those emails to the Court.

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1 There should be no access whatsoever in my opinion
2 unless the girls are therapeutically protected, they are
3 not. They now have no therapy and they have no one with
4 whom they can be in a therapeutic relationship with because
5 their mother has ignored this Court, or I should say Judge
6 Koba, Judge Lubell, Judge Everett's prior orders. She was
7 not to contact any of the therapists unless they contacted
8 her first, so I don't know what this Court thinks about
9 suing somebody, but that certainly is an action that is not
10 in keeping with the childrens' best interests and in their
11 having a relationship with their therapist.

12 So we're in a situation now where the girls are
13 upset about the loss of their therapists, all three girls
14 and I am not in favor, and I'm talking for my clients, they
15 are not in favor of having access at this time.

16 MS. KASSENOFF: Objection.

17 MS. MOST: They don't want access.

18 THE COURT: Overruled.

19 MS. MOST: They don't want access and they told
20 that to your Honor. I spoke to Ally before she left for
21 camp, and I had spoken to the girls in the last three weeks
22 several times, each of them, they don't want the access.
23 They don't think the access is going well, Judge. They
24 give a completely different story.

25 MS. KASSENOFF: Objection.

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1 THE COURT: Overruled.

2 MS. MOST: So your Honor, I did not respond to
3 this motion. I was out of the country when you issued the
4 order, your Honor, but my understanding is that I'm
5 supposed to respond when the Court tells us when a response
6 is due, so I did not provide an affirmation for today, I
7 did not think that was required, but the Court does have my
8 prior letters, and my position on behalf of my client that
9 access should not take place without the girls being
10 therapeutically protected.

11 THE COURT: So that's what they told you their
12 position is, they don't want visitation until they're in
13 therapy?

14 MS. MOST: No, I am telling you that the girls do
15 not want any visitation at all.

16 THE COURT: How long has it been since the other
17 two were in therapy? Who is the oldest, Ally?

18 MS. MOST: Ally's been in therapy up until she
19 left for camp.

20 THE COURT: No, the other two.

21 MS. MOST: The other two, it's been a couple of
22 months since they lost their therapist.

23 THE COURT: Has anything been done to engage a new
24 therapist?

25 MS. MOST: Here's the problem, Judge, how do we do

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1 that because as soon as a new therapist is engaged there's
2 going to be an interference, and unless the Court enforces
3 the order then there's going to be no ability to really
4 hire someone who is going to take this job on. It's not an
5 easy job. How do you not tell a therapist that there's
6 been some problems in the past? They're going to call the
7 prior therapist, they should, that's what they should do.
8 How do they not find out?

9 THE COURT: Is this something that's been tried
10 and you're telling me or you're telling me that that's what
11 your prediction is?

12 MS. MOST: It has not been tried, Judge, but my
13 prediction is that there will be interference again because
14 that is what has happened here, and the Court is aware of
15 that, so the girls have to be protected. The girls have
16 told me, both Ally before she left for camp, and as
17 recently as yesterday, I've spoken to both of the two
18 younger girls, they are not prepared to go on a visit
19 without being protected with someone else there. They are
20 telling me they will not go.

21 So I think your Honor has met with the girls,
22 you're aware of their position. They are not willing to go
23 without their being somebody with them.

24 THE COURT: You're saying --

25 MS. MOST: Without supervision.

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1 THE COURT: You're saying that they won't go to
2 even the visitation they have now without a therapist,
3 that's what they're telling you?

4 MS. MOST: The visitation now is with a therapist.

5 THE COURT: No, I mean with their own therapist.
6 I'm not sure I understand.

7 MS. MOST: With Ms. Culley.

8 THE COURT: I took your position to be that they
9 shouldn't return to any kind of visitation without them
10 having their own individual therapist; is that correct?

11 MS. MOST: The girls have not expressed it in that
12 way. They are very upset about losing their therapist.
13 Ally's response was, who will I talk to about my problems
14 with my mother then, that is what Ally said. Your Honor
15 has seen the two letters that were written last year by the
16 therapist to the Court on --

17 THE COURT: No, but I'm trying to get what your
18 position is. You don't believe there should be even the
19 supervised --

20 MS. MOST: That's correct.

21 THE COURT: Please let me finish. The supervised
22 therapy that's going on currently should not even continue
23 with this in the absence of the two younger children having
24 a therapist --

25 MS. MOST: All three children.

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1 THE COURT: -- is that your position?

2 MS. MOST: Yes, all three children. I think they
3 need to be therapeutically protected.

4 THE COURT: Anything further?

5 MS. MOST: So I just want to let you know that the
6 girls position on what's happening in the visits are not
7 what's being reported by Ms. Culley. They tell me somewhat
8 of a different story, and Charlotte has told me that there
9 are things that happened that she thinks are not
10 appropriate, that upset her, and that there is no
11 interaction between Ms. Culley and her mother when these
12 things are happening, so the girls are not happy with the
13 way the access is happening.

14 MS. DIMOPOULOS: Can I have a minute to respond?

15 THE COURT: Go ahead.

16 MR. DIMOPOULOS: In reversal on the issue of the
17 therapy, from June 2019 we were addressing the issue of the
18 therapist with Judge Everett, we took the position based
19 upon -- let me just back up, I think this is important,
20 when this case first started there was a 50/50 arrangement
21 with therapy to be provided in a non-therapeutic setting,
22 friends, family, approved people. Ms. Kassenoff took the
23 children without informing her husband to a therapist close
24 to their house, and this isn't our position, this is later
25 proven, she met with the therapist and she gave the

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1 childrens' point of view. The children have confided in
2 Mr. Kassenoff and the attorney that they never said some of
3 the things that she said to the therapist. That therapist
4 was removed by Judge Everett.

5 We went through a process over the course of weeks
6 to agree upon a therapist, I'm sure your Honor has seen
7 this countless times before. We finally settled on Dr.
8 Adler to treat Josephina and Charlotte, the two younger
9 ones. We asked for a no-contact order between Ms. --
10 between either party and the therapist, other than
11 scheduling it, making sure that it happens and intakes,
12 that happened. Over the course of the next year it is no
13 exaggeration that she contacted Ms. Adler 20 to 30 times
14 asking her to take into consideration the husband's
15 domestic violence, have you considered this, have you seen
16 the videos. There were so many violations of Judge
17 Everett's order for no contact I can't even list them.

18 What later happened, and again, she was told in no
19 uncertain times by Judge Koba, do not contact the
20 therapist. If you do it again I'm going to hold you in
21 contempt, if you do it again I'm going to hold you in
22 contempt, do not contact, it never stopped. So when that
23 didn't deter Dr. Adler from treating them she did what she
24 thought would absolutely guarantee the children no longer
25 saw Dr. Adler, she commenced a lawsuit against her claiming

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1 that she's -- the claims are so outlandish I won't even
2 repeat them. The attorney for the childrens' therapist
3 said you can't treat these kids anymore, that's one out of
4 the way now.

5 She moved on to Dr. McGuffog, who Ally loves, who
6 did a neuropsychological evaluation of Ally. We're talking
7 about a level of understanding of this child who Ms.
8 Kassenoff has said has ADHD and oppositional defiance
9 disorder, has all these horrible thing and she's a terrible
10 kid and all this stuff, she did a neuropsych on this child,
11 she knows her very, very well. She loves Dr. McGuffog.
12 The Court knows the story, letter after letter, I demand to
13 know whether or not you've continued to treat Ally, I
14 demand to know whether or not this, threatening her to the
15 point where what therapist, for whatever they charge, is
16 going to say, yeah, sure, I know you just sued the other
17 therapist, I'm going to stick around or get sued myself, so
18 she's out.

19 So what happens now, your Honor, my client has
20 interim sole legal custody. My legal advice to him is he's
21 well within his power to go hire a therapist for the
22 children, you can go do that right now. The problem is
23 she's going to say, you must tell me who the therapist is,
24 I should have some input into it, she would be right in a
25 normal case.

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1 THE COURT: She's entitled to some input in this
2 case as well. Are you telling me she's not entitled to any
3 input as to who the therapist is?

4 MS. DIMOPOULOS: She absolutely is. Input, how do
5 we treat the children, how do we make them better, how do
6 we help them cope, how do we make them more confident and
7 successful young children into adults? 100 percent. Is
8 she entitled to go send them videos from five years ago of
9 what was happening in the house; is she entitled to
10 completely defame my client and say this is why they're
11 this way, this is why? It's not therapeutic, your Honor.
12 If your Honor says don't do that in an order, she's going
13 to violate it, she's done it before. I'm not making
14 accusations out of wild thin air, so the therapy situation
15 has to be dealt with.

16 THE COURT: You're saying it's not possible to
17 deal with it because what --

18 MS. DIMOPOULOS: You tell her who the therapist
19 is, that's what's going to happen. I say that with
20 confidence because it's happened twice before. If you
21 issue an order that she can't sue the therapist and she
22 can't say anything other than X, Y and Z, let's try it,
23 let's try it. The kids need therapy. They all love their
24 therapist.

25 This is a case -- let's put aside subjectivity for

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1 a second and think for a second what these three kids have
2 been through. Nobody in this room is going to say that
3 therapy isn't good for these kids. If your Honor thinks
4 that your Honor could write a order that would restrict her
5 from doing so, great. Just very briefly on her point about
6 this motion, she talked about hearsay. My client didn't
7 need to submit an affidavit because we weren't putting
8 facts before this Court, we're making a legal argument, and
9 I think your Honor understands that.

10 Dr. Culley's reports are pure hearsay, pure
11 hearsay, nobody can make a valid argument to the contrary,
12 they're not business records, they're not kept
13 contemporaneously and they were given, not in a normal
14 course of business but because the Court requested them,
15 but, again, Dr. Culley could testify at the ultimate
16 hearing, Dr. Culley could speak to the forensic, we're not
17 against that, but this issue that hearsay is an issue in
18 this motion, it's not.

19 I want the Court to seize upon one issue which I
20 think is important because it will come up again, if it
21 ever seems as if we're not consenting to something it's
22 because whenever we do Ms. Kassenoff says it's an
23 admission. You see, she complained that she lost a visit
24 so to avoid the Court's intervention, to avoid issues, he
25 said why not just add some more time to these other visits,

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1 right, now what does she do, that's an admission, that's an
2 admission that the visits are going well, that's an
3 admission, whatever it is. That we didn't challenge the
4 Court's decision to modify minor adjustments to the order,
5 that's now an admission that the visits are going well.

6 So if it ever seems that we're being obtuse, your
7 Honor, in the future, understand that every single time for
8 the last three years we have made this much of a concession
9 to try and be accommodating, to try to move the case along,
10 it's used against Mr. Kassenoff. The visits are going well
11 and we don't object to them. There was supervised visits
12 with Zoom and in person for a year-and-a-half before Ms.
13 Culley was appointed. I've said this in multiple letters
14 and I'll say it again on the record because this motion is
15 important, May, I think it was, 30th, 2021 was the last
16 time she was in person for a therapeutic supervised visit
17 with Hava (ph.) White. The visit ended with Mr. Kassenoff
18 racing over to her home because the children were crying
19 because she was screaming at them.

20 MS. KASSENOFF: Objection, your Honor.

21 THE COURT: Overruled.

22 MS. DIMOPOULOS: We presented audio to Judge Koba,
23 Judge Koba heard the audio. In the audio the last word she
24 spoke to her children in person was, have a nice life. The
25 children ran out of there. She then spent ten months,

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1 ten months without asking for another supervised visit
2 despite having the legal right to do so. She will later
3 say, I'm anticipating it, oh, no, I asked for visits all
4 the time, she did, only if they were unsupervised. Your
5 Honor, what she will do, and speaking from experience, is
6 the second these unsupervised visits -- back up for a
7 second. I have audio, I have video of her doing this. I
8 presented on the television screen to Judge Koba, when
9 little Ally said, mommy, should I run away tomorrow, this
10 was her, (nodding), she's nodding her head, it's in the
11 record. She told her to run away to the police department,
12 she was 11.

13 MS. KASSENOFF: Objection, your Honor.

14 THE COURT: Overruled.

15 MS. DIMOPOULOS: That was with supervision. What
16 will happen if you remove the supervision in this case
17 without there being steps taken for her to acknowledge her
18 children, without steps being taken for her to get better
19 and get the therapy is we will be back here again. This
20 time a kid can get hurt, a kid can have irreparable harm
21 done. She has stopped the children in the street in
22 Larchmont, she's pulled Ally over on the sidewalk riding
23 her bike, she's shown up at the kids school, she stood
24 across the street when another child was going to school.

25 Again, I'll end at this point, your Honor, you

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1 have sat in this part presiding over criminal matters for
2 years. The thought that an argument is presented to your
3 Honor that we falsely had her arrested is to me laughable.
4 I think your Honor understands that my client doesn't have
5 prosecutorial powers in the State of New York or the County
6 of Westchester. He reported the fact that Ms. Kassenoff
7 was in Larchmont within the one mile radius in violation of
8 the order to the police, the police then did what the
9 police do.

10 He was asked questions by the police as to what
11 happened, he answered them. The district attorney took
12 over the case, and I said this multiple times, the district
13 attorney says we want to interview the children, he said,
14 how, when, where, why? Don't worry, it's going to be in a
15 setting of a psychologist, it's not going to be an
16 interview by the police, we'll be watching, but it will be
17 a very comfortable setting, we have questions to ask them.
18 He complied, then that's, "he took them there."

19 Ms. Kassenoff didn't get prosecuted for the
20 violation of the order of protection for one reason and one
21 reason only, because the police in Larchmont didn't serve
22 it properly.

23 THE COURT: That's not a technicality, Mr.
24 Dimopoulos.

25 MR. DIMOPOULOS: It is not. It is not.

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1 THE COURT: It's simply someone's not guilty when
2 they're not served with an order of protection.

3 MS. DIMOPOULOS: Yes, your Honor, but it's also
4 not my client falsely having her arrested.

5 THE COURT: But you keep referring to it as it's
6 indisputable that she violated an order of protection. You
7 can't violate an order of protection you have not been
8 served with. Move on.

9 MS. DIMOPOULOS: Yes, your Honor. And when she
10 says that we had her falsely arrested your Honor doesn't
11 question her on that topic either. We didn't have her
12 falsely arrested for anything.

13 THE COURT: That's not the point. You're an
14 attorney and this is a legal issue, and you keep referring,
15 and you've done it before, how it's indisputable she
16 violated an order on some weird technicality for which you
17 blamed Judge Lubell, I might point out, interestingly
18 enough. She was not served. I've sat in this part
19 13 years. I've never seen the District Attorney's Office
20 dismiss a case and they did in this case because there's no
21 service.

22 MR. DIMOPOULOS: That's fine, your Honor.

23 THE COURT: It's jurisdictionally defective. Move
24 on from this.

25 MS. DIMOPOULOS: It is also not questionable that

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1 my client didn't have her falsely arrested, but nobody
2 seems --

3 THE COURT: Whether he did or he didn't but you
4 keep referring to the fact that she clearly did this and it
5 was some weird fluke, it's not a fluke.

6 MR. DIMOPOULOS: Your Honor, my client can't
7 falsely arrest anyone because in the statute a private
8 citizen can't have someone arrested.

9 THE COURT: There have been a lot of hyperbole
10 here and I haven't stopped either one of you. I haven't
11 stopped you on this but you keep referring to this as some
12 indisputable fact she violated an order.

13 MS. DIMOPOULOS: This has nothing to do with my
14 argument on this motion. I'm responding --

15 THE COURT: Then stop referring to it.

16 MR. DIMOPOULOS: I will stop referring to it.

17 THE COURT: The case was dismissed. It was
18 dismissed for a reason. Move on.

19 MR. DIMOPOULOS: I didn't refer to it. I'm
20 responding to what she said. I didn't raise the issue.

21 THE COURT: You raised it before. Move on.

22 MS. DIMOPOULOS: Your Honor, I will make one final
23 point, when and if the matters are presented at a hearing,
24 at a trial with a forensic, we're not going to challenge
25 what decisions are made for the best interest of the

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1 children. Until all of that information is before your
2 Honor and you have heard all of the facts and have seen all
3 the testimony and heard all the videos, I would ask that
4 you reserve judgment, keep the order as it is and not
5 vacate this stay. Thank you.

6 THE COURT: Ms. Kassenoff.

7 MS. KASSENOFF: Your Honor, thank you. I have a
8 lot to respond to, so I apologize in advance.

9 THE COURT: Well, there's only 15 minutes and I
10 want to give Ms. Most another chance.

11 MS. KASSENOFF: I'll try to be quick.

12 THE COURT: I'll give you ten minutes, and I'll
13 give Ms. Most ten minutes or five minutes.

14 MS. KASSENOFF: I would like to draw the Court's
15 attention to my recent filing of last night, it's NYSCEF
16 Document Number 2401, which I think articulates a lot of
17 law in this area and some of the factual misrepresentations
18 that Mr. Dimopoulos just made. He has now affirmed that
19 there were no attempts to have supervised visitation with
20 the children during a ten-month hiatus that I had with the
21 kids. I had enumerated 15 different occasions on NYSCEF by
22 their document number as to how many attempts I made to try
23 to see my kids during a ten-month hiatus that the plaintiff
24 created. Each one of those times I was stymied, every
25 single time.

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1 Why, because Mr. Kassenoff waltzes into Court with
2 his ex-parte application for temporary orders of protection
3 based on smiling children in Larchmont changing the order
4 of photographs to suggest that a child was approached from
5 behind when it wasn't the case, and only upon revelation
6 from his own phone do we see that the first encounter
7 between me and my daughter is face to face, not from
8 behind, not with a contact with the arm. He's all about
9 artifice and subterfuge, Judge, and it works because he
10 waltzes into Court with his Greenberg Traurig stamp of
11 approval, and says, Judge, take it from me, I am telling
12 you these kids are scared of their mother, oh my God, oh,
13 my God, and what do the Courts do, they listen to Mr.
14 Litigation star, that's how he bills himself.

15 THE COURT: They have an attorney, Ms. Kassenoff,
16 to speak for them.

17 MS. KASSENOFF: My point is because of the first
18 order of protection that he sought back in May and then the
19 second one that he sought in June of 2021 and then the
20 third one that he sought in September of 2021, I didn't see
21 my kids for a really long period of time. I was also
22 homeless after he got the one-mile stay away. Again, how
23 does he do it, ex-parte. There's no hearing where I get to
24 respond and say well, actually that's not what happened,
25 Judge, let me tell you. I'm kicked out of my house, I'm

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1 kicked out of my hometown and I don't see my children.

2 So this is called litigation abuse, and what he
3 does is he uses his \$3.5 million that he has access to and
4 he hires Gus Dimopoulos, the, quote-unquote, hired gun to
5 come into court and to make these absurd arguments that are
6 basic misrepresentations.

7 I want to talk about the therapy in this case. I
8 have had uninterrupted therapy. I have seen a therapist
9 since June of 2019 uninterrupted, he hasn't. He has been
10 diagnosed with anger management problems. He was on
11 medication for his anger problems, for his mood control
12 issues, he decided unilaterally to stop. No one seems to
13 worry about Mr. Kassenoff's anger issues around the
14 children. No one seems to care about whether or not Mr.
15 Kassenoff is being supervised for these -- look at his
16 smirking, Judge. He smiles at the Court.

17 MR. DIMOPOULOS: Your Honor, my client is not
18 smirking, for the record.

19 MS. KASSENOFF: Excuse me. I note for the record
20 that he is smirking. Judge, I continue to be in therapy
21 because I think it's important, because I think this case
22 has taken a toll on me, on the children, on even the
23 plaintiff. I need to be able to manage it and so that's
24 why I think it's valuable. The children were initially
25 with Dr. Cavallo at Alssaro at the suggestion of both the

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1 plaintiff and I. We both had had familiarity with Alssaro
2 in the past, we brought the children in on equal bases. He
3 met with a therapist, I met with a therapist.

4 Then Ms. Most got involved, she decided, I want my
5 friend, Dr. Susan Adler, to take over and she did. She got
6 her friend, Dr. Susan Adler to come in at \$500 an hour.
7 For a government employee to pay that is absurd. She
8 replaced, not Judge Everett, she came in and had her friend
9 who is married to Herb Adler who had several cases with Ms.
10 Most, she came into court and said, Judge, Judge, Judge, we
11 need to have a more neutral therapist because the mother
12 has undo-influence over the therapist. He has a phone, he
13 has email and he met with the therapist. It was done
14 strategically to steer the children away to, quote-unquote,
15 a friendly therapist that she can control and that's what
16 she's done. She has controlled the therapist in this case,
17 they answer to her.

18 I'm going to read you some of the language that
19 was used by even Dr. Cool who came in as a second opinion
20 for Charlotte when Charlotte was expressing suicidal
21 ideations. Dr. Cool said, it's in the Court record, Dr.
22 Cool said to Ms. Most on March 8th of 2021, I hope you both
23 received copies of my evaluation. I think I made clear
24 recommendations that any professional --

25 THE COURT: Slow down. When you're reading you go

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1 faster.

2 MS. KASSENOFF: I'm sorry. But as you can see
3 from the attached, Mr. Kassenoff seems to have a particular
4 agenda. As the two people who work directly with the
5 children I wanted to check if you feel the recommendations
6 are clear, and she sends that both to Ms. Most and to Dr.
7 Adler. Her belief is that there is an agenda here and
8 there is an agenda, and that agenda is separate the
9 children from their mom, that's what it is.

10 Why, on what theory? Let me get to the theory.
11 I'm sorry. I should have addressed this in my earlier
12 comments to the Court. It's called gas lighting, that's
13 right. Dr. Marc Abrams, the forensic custody evaluator who
14 was removed from the panel from the First and Second
15 Judicial Department on August 24th of 2021 for gross
16 misconduct in this very case came out with the so-called
17 expert opinion that I have gaslit my children. This is not
18 a scientific theory, this is nonsense, that's what this is.
19 It was on that basis that Judge Koba, a new judge to this
20 bench, decided that I had to have supervised visitation,
21 because I might be, quote-unquote, gas lighting the
22 children.

23 They came forward with allegations of abuse by
24 their father, I stood up for them. I was indicated by CPS
25 for failing to protect them from his abuse. When I got on

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1 a Zoom call in March of 2020 and my kids said, mommy,
2 mommy, mommy, what should we do, we're scared, we need to
3 run away, we have to go to the police, we don't know what
4 to do. I'm on a recorded Zoom call and I said, I'm not
5 there, I don't know what to tell you guys what to do but if
6 you're scared and you think you have to go to the police
7 then you should go to the police. I was faulted for that.
8 I was faulted for that. What on earth should I do? I've
9 just been indicated by CPS for failing to protect, what am
10 I supposed to say, okay, guys, I know you're being abused
11 but you know what, sorry. It was an absurd position to put
12 me in, I was in it, I did the best I could under those
13 circumstances. I let them be the final arbiters of what
14 they felt they had to do.

15 I then wrote to this woman, Ms. Most, 20 --
16 15 minutes after that phone call, and I said, Ms. Most,
17 your clients are begging to go to the police, you got to do
18 something, get in there, talk to them, talk to the father,
19 find out what's going on. Radio silence, Judge, she
20 ignored me. She completely abdicated her role, and then
21 she turned around later and blamed me for the children
22 going. I didn't urge them, I didn't say, great idea, go,
23 go, go. In fact, I even sent an email to another friend of
24 mine with a CC to the kids saying, Auntie Erica, who is
25 neighbor of mine -- I'm sorry, to the kids with a CC to her

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1 saying, kids, Auntie Erica's phone number is X, Y and Z, if
2 you guys need her she's right down the street, go to her.
3 I offered alternatives.

4 Instead this woman, covering for her own inaction,
5 Ms. Most, decided to blame me, and I took the brunt and
6 then I end up on supervision. This is the grand theory of
7 gas lighting that has been used to put me and keep me on
8 supervision at the cost of \$75,000. At one point I was
9 paying \$2500 per week to be on supervision. How come he's
10 not paying for it? He's the millionaire. I don't have a
11 job. I have a part-time job at this point, that's it. He
12 has had the benefit of temporary orders of protection,
13 ex-parte applications, one after the next, and that is
14 where we are. We are here because of all of his ex-parte
15 action.

16 Last point: Of course a mother needs to have
17 contact with the childrens' therapist, of course, these are
18 young kids. Ms. Most, Mr. Kassenoff don't want me to
19 present evidence of domestic abuse to the therapist. How
20 on earth can a therapist do her job or his job without
21 understanding what it was like living in that household,
22 why the kids came forward with abuse, why they testified --
23 sorry, interviewed with the Larchmont Police Department,
24 Detective Pompilio. Of course a therapist needs to hear
25 this. It's critical for a therapist.

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1 She tried to bury the information because she has
2 a vested interest in a theory called alienation for which
3 she wrote an article back in 2010 and she wants to bury it,
4 that's what she does, Ms. Most. She protects the monied
5 spouse. Judge, those are relevant and if the Court wishes
6 to put parameters around the communication with the
7 therapist, I'm all for it. The one parameter that was put
8 in place which Ms. Most and Mr. Kassenoff both
9 misrepresented was that both parties had to be on the same
10 communication order to speak with the therapist, I did
11 that. I did that when I received information from the
12 therapist and I wanted to respond, I responded with Mr.
13 Kassenoff.

14 By contrast, Mr. Kassenoff, at the knowledge of
15 Ms. Most, because I now have gotten her emails from her
16 production was writing just every day, texting with the
17 therapist back and forth, making phone calls, emails, no
18 one cared that he's in violation of an order, they just let
19 it slide. Apparently that order, which was bilateral,
20 applied only to me. This is absurd, this is an effort to
21 bury allegations of abuse and move on, and accuse me of
22 alienation and gas lighting. That is the theory, Judge,
23 that should have no traction whatsoever in this case.

24 I ask that we accept the recommendation, good
25 faith and great bases of Ms. Culley's report and move

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1 forward with what she has recommended. There's no need for
2 a hearing because there is no due process consideration
3 here, Judge. I will read the last quote, and this is it,
4 from this case which I cite in submission: Visitation is a
5 joint right of the noncustodial parent and the child, not
6 of the custodial parent. Thank you.

7 THE COURT: Ms. Most.

8 MS. MOST: Your Honor, I'm not sure that I can
9 answer all of those attacks in a short period of time, but
10 let me just say that Dr. Abrams, from my information, was
11 not taken off the panel for gross misconduct, there was no
12 finding of that, and let me also say -- let me just go back
13 that unfortunately Ms. Kassenoff had supervised access from
14 before I was on this case. Before my appointment she had
15 supervised access because Judge Everett had serious
16 concerns about the safety of the children, and that was for
17 a reason, because we then had a two-week trial in which
18 Judge Koba had the same concerns.

19 But I want to talk about the therapist, first of
20 all, the order was that neither parent could reach out to
21 the therapist. It was the therapist who would reach out to
22 the parent when the therapist wanted to contact the parent.
23 So if the therapist reached out to Mrs. Kassenoff she could
24 respond, the same with Mr. Kassenoff, and that is what
25 happened. I had the ability at all times because my

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1 clients were in therapy with the therapist. I was never
2 limited, your Honor.

3 So what happens with Ms. Cavallo, which is Ms.
4 Cavallo, not Dr. Cavallo, there is no doctor here. The
5 issue with that is we received the records from Alssaro and
6 it became clear that Mrs. Kassenoff had been to more
7 sessions than the children had and that the notes from Ms.
8 Cavallo was that Mrs. Kassenoff was presenting herself as
9 the victim of abuse and the children were reacting to that
10 abuse. It's in the notes, Judge, it's in Alssaro's notes.
11 They went into evidence at the trial before Judge Koba.

12 I did not pick Dr. Adler, I suggested her name. I
13 have no independent relationship with her. I had her on a
14 prior case that had a lot of issues and she handled the
15 children extremely well. I gave them the name. It was not
16 me who picked my friend, she's not my friend, and her
17 husband, Herb Adler, who is a matrimonial attorney, I have
18 had one case with him in 30 years of practice. These
19 people are not my friends. So unfortunately Mrs. Kassenoff
20 likes to weave her tale and leave out numerous facts which
21 she has done so today, but it's not true. I did not choose
22 Dr. Adler because she is my friend. I didn't choose her at
23 all. I made the recommendation.

24 So about 20 years ago or maybe 10 years ago I did
25 write an article on parental alienation. It is not my

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1 "playbook," and I put that in quotes, Judge, because that
2 is what I've seen in 20 letters and motions that I am
3 trying to prove parental alienation here, that is not the
4 case. I represent three children who all have positions
5 that are in keeping with the other three. Your Honor has
6 met with these children. I am not accusing Mrs. Kassenoff
7 of parental alienation. I am saying she's abused her
8 children, and that is what Judge Koba found after a
9 two-week hearing.

10 In fact, what Judge Koba said, the goal -- I'm
11 taking it in the middle of the quote, it is essential that
12 the mother's access to the children become consistent and
13 stable so that she and the children can maintain their bond
14 and the children can benefit from her positive parenting
15 skills. That's the part she wrote to the Court. The goal
16 must be balanced against the need to foster the children's
17 emotional and psychological health by protecting them from
18 their mother's detrimental behavior which includes
19 involving the children in this action, manipulating the
20 children to align with her and against their father, and in
21 essence choosing her over their father. Manipulating the
22 children to make additional unfounded reports about the
23 father to the police, resulting in police and CPS
24 investigations and saying bad things about their father as
25 a person and as a parent to them or in front of them.

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1 And by the way, since this there have been several
2 additional CPS reports that have been unfounded. One of
3 those reports required my children -- my clients to undress
4 in front of a stranger so they could be checked for
5 bruising, they were mortified, they were angry. So there's
6 a reason why Mrs. Kassenoff has supervised therapeutic
7 visitation. I want to speak to the ten-month hiatus.

8 THE COURT: Just quickly though. Go ahead.

9 MS. KASSENOFF: I would like a chance to respond.

10 THE COURT: No, we have to close the record. Go
11 ahead.

12 MS. MOST: That order was in place. Mrs.
13 Kassenoff could have arranged for a therapeutic supervised.
14 The problem really has been, Judge, she's gone through
15 almost everybody, any of us in practice knows they've all
16 terminated access. We had a hearing in which Hava White
17 testified, gave testimony with Judge Koba about what
18 happened on the instance when the last visit had occurred
19 that Mr. Dimopoulos spoke to. That was a hearing, Judge,
20 with testimony.

21 And that's all I'm asking for you today is to have
22 a hearing with testimony and have Dr. McCabe provide a
23 report before we change the access. There is no reason to
24 change the access right now. It is not going as well as
25 Mrs. Kassenoff believes. I would ask the Court to meet

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1 with my clients again before a final decision is made on
2 that.

3 The email that, just so the Court knows, I got an
4 email, it was between 7 or 8:00 at night, about what
5 happened with the children on the Zoom video. I don't
6 always look at my emails, Judge. When I get up from my
7 desk I leave my desk behind, so unless I have an emergency
8 and I get a phone call, I don't check my emails. The next
9 morning as soon as I saw the email I took action. There
10 was no ignoring it. I don't ignore anything about my
11 clients. So I'm sorry that Mrs. Kassenoff wants to throw
12 as many barbs as she can in my direction but I am telling
13 you that all of this, everything that she has said to you
14 today has either been heard in a hearing, discussed in a
15 conference with the Court. It's all been discussed before
16 a judge, your Honor.

17 THE COURT: All right. Thank you. Decision is
18 reserved. Record is closed. Thank you.

19 * * * * *

20 This is certified to be a true and accurate
21 transcript of the stenographic notes.

22
23 Leeann DiRenzo

24 LEEANN DIRENZO

25 Senior Court Reporter