

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER**

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ALLAN KASSENOFF,

Plaintiff,

Index No.: 58217/2019

-against-

CATHERINE KASSENOFF,

Defendant.

**AFFIDAVIT IN SUPPORT OF
EMERGENCY APPLICATION**

-----X
STATE OF NEW YORK)
) ss:
COUNTY OF WESTCHESTER)

CATHERINE KASSENOFF, being duly sworn, deposes and says:

1. I am the Defendant in the above-captioned matter. I am fully familiar with the facts and circumstances set forth herein. I submit this Affidavit in support of my emergency Order to Show Cause requesting (a) access time with the Children beginning the week of April 1, 2023 to April 8, 2023, (b) for access time with the Children on Easter Sunday, April 9, 2023, (c) for sanctions, and (d) for any other relief the Court deems just and proper.

2. I gave notice of this Order to Show Cause on March 30, 2023 at approximately 11:42 am, pursuant to 22 NYCRR 202.7, by email to both the attorneys for the Plaintiff and for the Children, at gd@dimolaw.com, lcolin@martincolin.com, cthall.justice@gmail.com, and rcarton@cartonrossoff.com, which are the emails of record for Gus Dimopoulos, Lisa Colin, Christina Hall and Robin Carton.

3. This is an emergency application because the Father has ignored all direct requests for the above relief and has repeatedly refused to accommodate additional time with the Children at school breaks and for holidays – especially Christian holidays. This is also a motion for sanctions because the Father repeatedly ignores clinical recommendations of the court-ordered

supervisor with no justification, requiring me to make motion after motion to have access to the Children. He practically dares my motions at this point.

4. All NYSCEF documents cited herein are incorporated by reference in this motion.

5. By written report dated March 19, 2023, the Court-appointed supervisor, Ms. Jennifer Culley made a *clinical recommendation* for expanded access for all three Children with me (**Exhibit “A”**). She said: “[i]t is this writer’s strong clinical opinion that this mother and her children are ready to spend more time together on a weekly basis.” *Id.* at 3. The Father has refused.

6. The Father rejects the clear and unmistakable clinical recommendations by Ms. Culley and continues to “ask[] his children what they would like in terms of days for visits/locations/hours in a way that is not developmentally appropriate for them and puts a great deal of pressure on them.” *Id.* at 2.

7. The Father’s parenting is so inimical to the standard for good parenting that Ms. Culley has even gone so far as to suggest he “receive psychoeducational information on effective coparenting”. *Id.* He instead prioritizes his wallet over “reunification/therapeutic work”, as Ms. Culley notes. *Id.* This, of course, flies in the face of Judge Koba’s now-stale finding that he would do a better job of “fostering” a relationship with the Children. He cannot, has not, and will not.

8. Just as with the Thanksgiving holiday, where clinical recommendations were made by Ms. Culley for a “several hour Thanksgiving day visit” with the Children (*see* NYSCEF Doc. No. 2811) and rejected by the Father, I am having to bring a motion to see the Children during a special holiday time. The Father does not even celebrate Easter, as he claims to be a devout Orthodox Jew; he just seeks to deprive me of time with the Children.

9. It has been two years since I was given time at Easter with the Children. Last year, after the Father had orchestrated my false arrest on a “one mile stay away” order, based entirely on his *ex parte* application to the Court that was both based on lies and later vacated, I had only

Zoom calls with the Children. The charges were dismissed shortly before Easter, on March 16, 2022.

10. The Children and I have celebrated Easter (with the Father as well) over the entire course of the marriage. They have celebrated going to church on Easter as well. I attach some photos herein from 2019, showing the girls at Easter. *See Exhibit "B"*.

11. I have missed numerous other holidays with the Children during the divorce action when the Father had custody, including Thanksgiving, Christmas, Halloween, Labor Day, July the Fourth, Memorial Day, Valentine's Day, and New Year's Eve. My relationship with the Children deserves to be normalized and time is of the essence, as the Father does daily damage to my relationship with them. The Father has gone so far as to self-declare the Children "Jewish" (and not Christian), saying "[t]he girls are Jewish and will not be celebrating Easter any longer." *See NYSCEF Doc. No. 2342.*

12. There is no reason to continue with "sandwich" visits for Easter (or Spring Break), as there have been a number of visits without "sandwich" time, such as my birthday in January 2023, Thanksgiving 2022, and all my visits with Ally. Ms. Culley says as well with respect to JoJo and Charley: "these visits no longer need to be sandwich visits." *See Exhibit "A"* at 3. Ms. Culley is not even available on Easter Sunday.

13. Dr. McKay's interim report dated December 28, 2022 specifically "deferred" access to the Children to Ms. Culley.

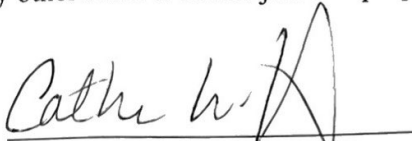
14. The plan I propose for Spring Break is to meet the Children at the Larchmont train station at approximately 10 a.m. and take them to New York City for a few hours, returning them to the Marital Residence around dinnertime. I would like to do this twice during the break.

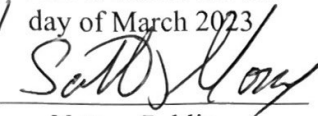
15. The plan I propose for Easter Sunday is that I pick up the Children around 9:30 a.m. from the Marital Residence and bring them back before dinnertime.

16. In view of the importance of the Easter holiday and Children's school break, the lack of a significant departure from the already-existing orders, and the clinical recommendations by Ms. Culley and commentary by Dr. McKay, the relief requested should be granted.

CONCLUSION

For the foregoing reasons, the interim and non-interim relief requested herein should be granted in full. I ask further that the Court grant any other relief it deems just and proper.


CATHERINE KASSENORF

Sworn to before me this
31 day of March 2023

Notary Public

SCOTT J. GOWE
NOTARY PUBLIC OF NEW YORK
I.D. # 01GO6357188
MY COMMISSION EXPIRES 4/11/2028