

Agency LARCHMONT POLICE DEPARTMENT	2. Div/Precinct POST2	New York State INCIDENT REPORT	3. ORI NY0592900	5. Case No. 2022-0248	6. Incident No. 102575
8.9. Date Reported (Day, Date, Time) FRIDAY 01/28/2022 18:29	10,11,12. Occurred On/From (Day, Date, Time) FRIDAY 01/28/2022 18:29		13,14,15. Occurred To (Day, Date, Time)		
16. Incident Type POLICE INF-POLICE INFORMATION			17. Business Name		
19. Incident Address (Street Name, Bldg. No., Apt. No.) BEACH AVE BLDG 161					
20. City/State/Zip LARCHMONT NEW YORK 10538					
21. Location Code (TSLED) LARCHMONT VILLAGE 6029		23. No. of Victims 0	24. No. of Suspects 0	26. Victim also Complainant? No	
Location Type SINGLE FAMILY HOME					

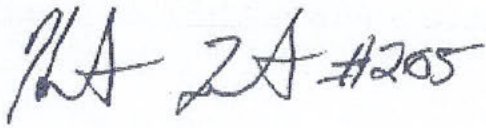
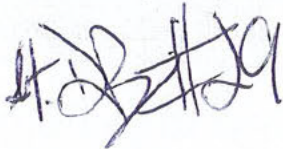
ASSOCIATED PERSONS

25. TYPE	Name (Last, First, Middle, Title)	DOB	Street Name Bldg., Apt.No., City, State, Zip	Res Phone Bus Phone
PERSON REPORTING	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
PERSON NOT (YET) INTERVIEWED	KASSENOFF, CATHERINE	01/05/1969	BOSTON POST ROAD BLDG 2122 LARCHMONT NY 10538	(914) 834-7614 (917) 836-5200

NARRATIVE

Date of Action 01/28/2022	Date Written 01/28/2022	Officer Name & Rank ZAPATA, HECTOR (POLICE OFF)
Narrative PERSON REPORTING WAS PRESENT AT POLICE HEADQUARTERS TO REPORT THAT THE PERSON NOT INTERVIEWED IS SENDING HIM HARASSING EMAILS. P/R REPORTING COMPLETED A STATEMENT FORM. THE FOURTEEN PAGES OF EMAILS HAVE BEEN ATTACHED TO AND MADE PART OF THIS REPORT.		

ADMINISTRATIVE

74. Inquiries	75. NYSPIN Message No.	76. Complainant Signature	
77. Reporting Officer Signature (Include Rank)  POLICE OFF HECTOR ZAPATA		78. ID No. 205	79. Supervisor Signature (Include Rank)  SERGEANT DANIEL CALAPAI
80. ID 29	81. Status CLOSED BY INVESTIGATION		82. Status Date 01/28/2022
83. Notified/TOT		LIEUT 403	

Copy to: Youth Officer

Copy to: Detective Division

STATE OF NEW YORK
COUNTY OF WESTCHESTER
VILLAGE OF LARCHMONT

ss:



I, [Redacted] of [Redacted] of [Redacted] at [Redacted] No. [Redacted] Street [Redacted] City/State [Redacted] ZIP [Redacted]

On 1/28/22 at 6:35 am/pm At 120 Larchmont Ave, Larchmont, NY
Current Date and Time Location where statement is given

Date of Birth [Redacted] Home Phone [Redacted] Bus Phone 212-801-2157 Cell Phone 912-623-8353

do hereby give the following statement freely and voluntarily, without any consideration being given or promises made to induce the statement and with knowledge that it can be used in a criminal prosecution and that FALSE STATEMENTS MADE HEREIN ARE PUNISHABLE AS A CLASS "A" MISDEMEANOR PURSUANT TO SECTION 210.45 OF THE PENAL LAW.

Since my ex-wife, Catherine Kassaroff, was arrested on 1/26/22 for violating an order of protection, she has been sending me harassing & threatening emails. For example, at 10:18 pm on 1/26/22, she stated that I will "be the subject of a lawsuit & grievances." On 1/28/22, at 8:40 am, she alleges that "after your orchestration of a fake arrest..." She then threatened me by stating that my "Sociopathic conduct will be addressed in due course." At 5:22 pm on 1/28/22, she alleged that I will be "facing a federal lawsuit." Finally, earlier today, she sent me a letter for writ of Habeas Corpus, in which she swore that she resides in an undisclosed location in Larchmont, NY (§ 21) -- in clear violation of the order of protection. My three girls & I are all very scared of Ms. Kassaroff & what she might try to do against us.

[Handwritten signature]

[Redacted signature]

Signature

[Handwritten signature]

Witness



2022-0248

From: catherine kassenoff <ckassenoff@yahoo.com>
Sent: Friday, January 28, 2022 8:59 AM
To: Gus Dimopoulos; [REDACTED] Atty Bruggemann; Samae Rohani; Michael Chiaramonte
Subject: Writ of Habeas Corpus
Attachments: EXHIBIT_S__2.pdf; EXHIBIT_S__3.pdf; EXHIBIT_S__4.pdf; EXHIBIT_S__5.pdf; PETITION_1.pdf; WRIT_OF_HABEAS_CORP_6.pdf

EXTERNAL TO GT

Team [REDACTED]

As you would not indicate which of you wanted to accept service of the above action and continue to withhold my children from me, I direct my papers to all of you. This action is separate and apart from the false imprisonment, wiretapping and related tort claims - which have federal and supplemental jurisdiction.



SUPREME COURT OF THE STATE OF NEW YORK COUNTY OF WESTCHESTER

.....X THE PEOPLE OF THE STATE OF NEW YORK ON RELATION OF CATHERINE KASSENOFF ACTING ON BEHALF OF [REDACTED]

WRIT OF HABEAS CORPUS

INDEX NO.

HON. _____

PETITIONER, -AGAINST-

[REDACTED]

RESPONDENT

.....X

TO: [REDACTED]

A Petition having been filed in this Court by the Petitioner, Catherine Kassenoff, mother, alleging that Respondent [REDACTED] father, has wrongfully denied visitation rights to the Children named [REDACTED] and

whereas the Court has failed to adjudicate substantive parental rights of Petitioner;

IT IS HEREBY ORDERED that the children, [REDACTED] (dob [REDACTED]), [REDACTED] (dob [REDACTED]) and [REDACTED] (dob [REDACTED]), be produced before the Hon. _____, Judge of the Supreme Court of the State of New York, located at 111 Dr. Martin Luther King Blvd., White Plains, New York, in Room on the day of 2022 atAM/PM for such further proceedings as the Court may direct.

WITNESS, Hon. _____, Justice of the Supreme Court of the State of New York, Westchester Co. The within WRIT is hereby allowed this day of January 2022.

ENTER,

J.S.C.

SUPREME COURT OF THE STATE OF NEW YORK COUNTY OF WESTCHESTER



.....X THE PEOPLE OF THE STATE OF NEW YORK ON RELATION OF CATHERINE KASSENOFF ACTING ON BEHALF OF [REDACTED]

PETITION FOR WRIT OF HABEAS CORPUS

INDEX NO.

HON. _____

PETITIONER,

-AGAINST-

RESPONDENT

.....X

The Petition of Catherine Kassenoff respectfully shows:

- 1. Petitioner resides in an undisclosed location in Larchmont, New York.
2. Respondent resides at [REDACTED] (the former marital residence) in Larchmont, New York.
3. The parties are the parents of [REDACTED] (dob XXXXX), [REDACTED] (dob XXXXX) and [REDACTED] (XXXXX) ("the Children") and are divorcing.
4. The parties were in a 50/50 nesting arrangement from the commencement of the Divorce Action in June 2019 until March 2020. In March 2020, in the midst of the COVID-19 pandemic, on an ex parte application by Respondent, Petitioner was evicted from the marital home and subjected to therapeutic supervision for all visits and Zoom calls with the Children.
5. On August 18, 2020, the Supreme Court (Koba, N.) entered an interim order modifying the 50/50 nesting arrangement entered in June 2019 and granting sole temporary custody of the Children to Respondent. All visitation between Petitioner and the Children was ordered to be therapeutically supervised. A copy of the August 18, 2020 Order is available on NYSCEF at Doc. No. 877.

6. Petitioner engaged in therapeutic supervision until May 30, 2021, at her expense, which cost over \$75,000, inasmuch as Petitioner was paying approximately \$2,500 per week for such services.

7. On or about April 8, 2021, the Court sought to “normalize” Petitioner’s relationship with the Children and expanded supervised access to 20 minute Zoom calls per day and one visit per week, which was less costly because it only required one instance of travel time per week rather than two, as previously arranged.

8. On or about July 6, 2021, Petitioner went to court on his sixth application for a temporary order of protection (“TOP”), three of the preceding having been brought *ex parte* and all of which were either vacated or never entered to begin with. The TOP that was obtained by Respondent that day restricted Petitioner to one hour of therapeutically supervised visitation a week and expired on January 6, 2022. With that expiration was the nullification of any provisions that limited Petitioner’s time with the Children to one hour of therapeutically supervised visitation a week.

9. On or about September 27, 2021, over a year after the August 18, 2020 Order, Petitioner filed an Order to Show Cause (Motion Sequence #37) (“OSC”) seeking to modify the supervised visitation provisions of the August 18, 2020 Order. The OSC, which was signed by Judge Lewis Lubell and fully briefed, was never decided by Judge Lubell and remains adjudicated to this day – nearly four months ago.

10. In that OSC, Petitioner requested the lifting of supervision, the payment of supervision (to the extent it were to remain in place) to be borne by Respondent, and the commencement of one-on-one family therapy between Petitioner and the Children, on the basis that the order of supervision was justified in part by a forensic evaluator, Dr. Marc Abrams, who



had since been removed from the Panel of Forensic Custody Evaluators for the First and Second Judicial Departments (“the Panel”) and that it was detrimental to the Children.

11. On or about August 24, 2021, Abrams was removed from the Panel as a direct result of Petitioner’s complaint against him to the Mental Health Professionals Certification Committee, which included meritorious accusations that Abrams had improperly favored the monied party, had suppressed evidence of Respondent’s abuse, had engaged in sexual misconduct with Petitioner and other parents, and more. *See* Exhibit “A”. It was unprecedented that a long-standing forensic evaluator like Abrams had been disgraced in this manner.

12. Shortly thereafter, Judge Lubell presided over the wedding of Abrams, with whom he had a personal relationship that was not previously known to Petitioner, as set forth in the attached photographs. *See* Exhibit “B”.

13. On or about September 15, 2021, Judge Lubell undertook retaliatory actions against Petitioner at a conference before the court, in which he berated her, threatened her with the loss of her law license, threatened to incarcerate her, threatened to hold her in contempt and issue an arrest warrant, and more. He also instituted a “one mile stay-away” order of protection, which he entered on an *ex parte* basis and which had the effect of rendering Petitioner homeless. *See* Exhibit “C”.

14. Since May 30, 2021, Petitioner has had no visits, calls or emails with the Children. Respondent has, during that time and previously, maligned Petitioner to the Children and interfered with the arrangement of any visits or calls. For instance, in August 2021, when Petitioner sought a visit with the Children at the Pottery Palace for two of the Children’s birthdays, on the eve of said visit, Respondent “withdrew” his consent – leaving the Petitioner with no visits at all. When Petitioner asked for calls, for a visit at Thanksgiving and Christmas,



and for other contact, Judge Lubell denied each request without so much as motion practice or a hearing.

15. Despite repeated requests for Judge Lubell to decide Motion Sequence #37, he did not do so. Instead, he decided far less critical motions brought by Respondent, as set forth in the chart below. Not a single motion was decided in Petitioner's favor and many of the motions brought by Petitioner continue to be unadjudicated:

Motion Sequence	Type	Movant	Description	Status	Date of Filing
27	Ex parte	Plaintiff	Emergency OSC for TOP	Interim relief granted. Hearing held/ Mistrial	06/23/21
28		Plaintiff	OSC re contempt	Deferred to trial by Order NYSCEF Doc. # 1717 on 10/13/21	06/25/21
29		Defendant	Counsel Fees application	Unadjudicated	08/02/21
30		Defendant	OSC for TOP	Unadjudicated	08/24/21
31		Plaintiff	OSC to remove me from NYSCEF	Adjudicated in Plaintiff's favor	11/05/21
32		Defendant	OSC to make children available	Unadjudicated	09/07/21
33		Plaintiff	Cross Motion for contempt and in limine relief	Unknown because motion not authorized	09/08/21
34	Ex parte	Plaintiff	OSC for contempt/ violation of TOP	Interim relief granted. Hearing held/Mistrial	09/14/21
35		Plaintiff	Motion to consolidate TOPs	Unadjudicated	09/15/21
36		Defendant	OSC re sanctions for serial TOPs	Unadjudicated	09/22/21
37		Defendant	OSC to Lift Supervision	Unadjudicated	09/27/21
38		Defendant	OSC for contempt	Deferred to trial	10/07/21
39		Defendant	Motion to vacate TOP	Adjudicated in Plaintiff's favor and now on appeal	10/14/21
40		Plaintiff	OSC for contempt re violation of TOP	Hearing held/mistrial	10/26/21
41		Defendant	Disqualification of forensic, Abrams	Relief Denied	10/26/21

This is a copy of a pleading filed electronically pursuant to New York State court rules (22 NYCRR §202.5-b(d)(3)(i)) which, at the time of its printout from the court system's electronic website, had not yet been reviewed and approved by the County Clerk. Because court rules (22 NYCRR §202.5[d]) authorize the County Clerk to reject filings for various reasons, readers should be aware that documents bearing this legend may not have been accepted for filing by the County Clerk.

Copy



42		Defendant	OSC for pendente lite support	Unadjudicated	11/09/21
43		Plaintiff	Emergency OSC for contempt for removal from medical coverage	Hearing held/mistrial	11/10/21
44		Defendant	OSC medical and dental	Unadjudicated	12/01/21
45		Defendant	OSC to contest fee application by AFC	No opposition by Plaintiff	12/01/21
46		Plaintiff	Emergency OSC for Contempt re social media	Stayed by Appellate Division	12/01/21
47		AFC	C. Most OSC for contempt for non-payment	Not signed	12/14/21
48		Defendant	Motion to vacate gag order re therapists	Opposition papers overdue	12/27/21
49		Defendant	Emergency Motion for Default Judgment for MS 42, 44	Not processed	1/6/22
50		Defendant	Emergency Motion for calls with children	Not processed	1/11/22



16. On or about November 26, 2021 and several times thereafter, Petitioner complained about Judge Lubell to the Judicial Conduct Commission, citing to his lack of temperament, his retaliatory rulings, his intimidating remarks and threats with no justification, and his relationship with Abrams. On November 29, 2021, Judge Lubell declared that there is “strong support in the record for his recusal” and, shortly thereafter, declared a mistrial of a contempt motion against Petitioner, and recused himself. He reassigned the case for all purposes to a new judge, except for a few motions that he reassigned to Judge Koba.

17. On December 20, 2021, in what can only be described as an unauthorized and retaliatory ruling with no hearing or motion practice, Judge Lubell further restricted Petitioner’s access time with the Children to one hour of therapeutically-supervised visitation a week.

18. Thereafter, on or about January 11, 2022, Petitioner brought yet another (emergency) motion, pursuant to 22 NYCRR § 202.7 for Zoom calls to resume with the Children. That motion remains unresponded to and unadjudicated.

19. On or about January 13, 2022, this matter was reassigned to Hon. Thomas Quinones. To date, the parties have had no conferences or substantive correspondence with Judge Quinones; the OSC outstanding since September 2021 has not been scheduled for a hearing; requests for judicial conferences were unresponded to; emails to the law clerk, Clerk of the Court, and Counsel to the Administrative Judge were either ignored or produced no relief. When Petitioner asked James Garfein for contact information for Chambers, she was denied it.

20. The case was to have its first conference on January 21, 2022, but that conference was adjourned.

21. To date, Petitioner has not seen her Children since May 30, 2021 and all efforts at communicating with them by Zoom or phone have been frustrated by Respondent. Petitioner's demand for adjudication of her motion to lift supervision is urgent, as the Children are not comfortable with supervision, which has gone on now for nearly 2 years.

22. The law is clear that supervision is to exist only if "it is established that unsupervised visitation would be detrimental" to the children. *In re Mario D*, 147 A.D.3d 828 (2d Dept. 2017); *Maynard v. Maynard*, 138 A.D.3d 794, 30 N.Y.S.3d 192 (2d Dept. 2016). Respondent has not and cannot establish that unsupervised contact would be detrimental to them. It is well settled that because "supervision can interfere with the parent-child relationship," it is only appropriate where there is a showing that the child's physical safety or emotional well-being is at risk without supervision. *Jeanine v. Mamdou O.*, 183 A.D.3d 423, 123 N.Y.S.3d 124 (1st Dept. 2020) (citing *Frank M. v. Donna W.*, 44 A.D.3d 495, 496, 844 N.Y.S.2d 22 (1st Dept.



2007)). Moreover, the decision to lift supervision is in the sound discretion of the court. The position of the attorney for the children is but one factor and cannot “usurp the judgment of the trial judge.” *Blazek v. Zavelo*, 127 A.D.3d 854, 6 N.Y.S.3d 612 (2d Dept. 2015).

23. As for the cost of supervision, the “economic realities” test dictates that the ability to pay for supervision and the cost of each visit must be considered before a party is ordered to be responsible for the cost. *Michael R. v. Aliasha H.*, 155 A.D.3d 1042, 66 N.Y.S.3d 39 (2d Dept. 2017) (*citing Cervera v. Bressler*, 50 A.D.3d 837, 840, 855 N.Y.S.2d 658 (2d Dept. 2008) (finding that direction to hold father responsible for cost of supervised visitation was erroneous because it failed to consider the economic realities)). No hearing was held to assess the relative means of the parties to sustain the cost of supervision and Respondent is, undoubtedly, the monied party -with an income that dwarfs Petitioner by about a factor of six.

24. Petitioner has a fundamental right to substantial and meaningful contact with the Children subject only to what this Court may deem to be in the Children’s best interests.

25. Petitioner’s rights to Zoom calls and visits are being frustrated by Respondent, despite the terms of the August 18, 2020 order.

26. The purpose of this Writ is to achieve adjudication of Motion Sequence #37, so that contact with the Children can be normalized through the lifting of supervision or alternatively, Respondent will bear the cost of it, as this Court may deem just and proper. The additional purpose of this Writ is to immediately restore Zoom calls with the Children.

27. The Children are not being detained by any order of any court of competent jurisdiction; a court or judge of the United States does not have exclusive jurisdiction to order the release of the Children; and the cause or pretense for Respondent’s refusal to present the Children for visitation is not known.



28. No prior application for the requested relief has been made.

WHEREFORE, Petitioner respectfully prays that a Writ of Habeas Corpus issue, directed to the Respondent, requiring the Respondent to appear and produce the Children, to wit [REDACTED] [REDACTED] and [REDACTED], before a justice of the Supreme Court of the State of New York, County of Westchester, at a Term, Part ____ thereof, at an early date as may be properly directed, to show cause before this Court why the relief requested herein should not be granted in its entirety, together with such other and further relief as this Court may deem just and proper.



Catherine Kassenoff, Petitioner

Dated: January 24, 2022

By C. Kassenoff
ckassenoff@yahoo.com
Larchmont, New York 10538

VERIFICATION

STATE OF NEW YORK :
: ss.
COUNTY OF WESTCHESTER :

Catherine Kassenoff, being duly sworn deposes and says:

I am the Petitioner in the above-captioned matter; I have read the foregoing Petition and know the contents thereof; that the same is true to my own knowledge, except as to the matters therein stated to be alleged upon information and belief and as to those matters I believe them to be true.

C. Kassenoff
Catherine Kassenoff

Subscribed and sworn to before me this ____ day of January 2022

Notary Public

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2022-0248

From: catherine kassenoff <ckassenoff@yahoo.com>
Sent: Wednesday, January 26, 2022 10:18 PM
To: Gus Dimopoulos; [REDACTED] Atty Bruggemann; Samae Rohani;
Michael Chiamonte
Subject: You people are sociopaths
Follow Up Flag: Follow up
Flag Status: Flagged

EXTERNAL TO GT

What you did today to me will be the subject of a lawsuit and grievances. [REDACTED] there are no words for how you lied and connived your way to hurt me. You are mentally ill and the whole world knows it. God help you - you are sick.



2022-0248

From: catherine kassenoff <ckassenoff@yahoo.com>
Sent: Friday, January 28, 2022 8:40 AM
To: Gus Dimopoulos; [REDACTED] Atty Bruggemann; Samae Rohani;
Michael Chiaramonte
Subject: False Arrest and Seeing My Daughter for Her Birthday

EXTERNAL TO GT

After your orchestration of a false arrest from the other day, you probably assumed I would disappear. That's not going to happen. I want to see my daughters and celebrate [REDACTED] birthday on 2/1/22. Your sociopathic conduct will be addressed in due course but I am demanding time with my child immediately.



2022-0248

From: catherine kassenoff <ckassenoff@yahoo.com>
Sent: Friday, January 28, 2022 5:22 PM
To: Gus Dimopoulos; [REDACTED] Atty Bruggemann; Samae Rohani;
Michael Chiaramonte
Subject: Re: False Arrest and Seeing My Daughter for Her Birthday

EXTERNAL TO GT

What is the response to this, Mr. "I'm so great at fostering the mother/daughter relationship during the 8 month lacuna in which I sociopathically prevented any contact"? You do know, of course, that you are facing a federal lawsuit suit, right? Serious stuff.

On Friday, January 28, 2022, 08:40:23 AM EST, catherine kassenoff <ckassenoff@yahoo.com> wrote:

After your orchestration of a false arrest from the other day, you probably assumed I would disappear. That's not going to happen. I want to see my daughters and celebrate [REDACTED] birthday on 2/1/22. Your sociopathic conduct will be addressed in due course but I am demanding time with my child immediately.

[REDACTED]



From: catherine kassenoff <ckassenoff@yahoo.com>
Sent: Wednesday, January 26, 2022 9:11 AM
To: Gus Dimopoulos; [REDACTED]; Atty Bruggemann; Samae Rohani;
Michael Chiaramonte
Subject: Abuse of Process, Wiretap Violations and Related Torts

EXTERNAL TO GT

Mr. Dimopoulos:

If you and your client continue to abuse the courts and law enforcement to gain leverage over me in a divorce, through false and misleading filings (including concealing appellate division orders staying the very relief you seek to hold me in contempt for, falsifying records, ethics violations, and the like) and continue to intercept, access and use my electronic and other communications, you can be assured of a swift and severe legal response.