

PROCEEDINGS

1 THE CLERK: This is the matrimonial
2 calendar of Thursday, June 16, the Honorable Susan
3 M. Capeci presiding. This is Index No. 58217 of
4 2009, plaintiff, Allan Kassenoff against
5 defendant, Catherine Kassenoff.

6 Appearances by the attorneys, please.

7 MR. FRISCH: For Ms. Kassenoff, Andrew
8 Frisch, your Honor, good afternoon.

9 Good afternoon.

10 THE COURT: Good afternoon.

11 Ms. Most is representing herself.

12 MS. MOST: Carol Most, attorney for the
13 children.

14 Good afternoon.

15 MR. DIMOPOULOS: Your Honor, just to
16 note our appearance, Dimopoulos Bruggemann, Gus
17 Dimopoulos, with my client, Allan Kassenoff,
18 although I don't expect to be participating in the
19 hearing.

20 THE COURT: Okay. Thank you. I don't
21 know if you want to just put -- the exhibits have
22 been uploaded by Ms. Most.

23 Do you want to just deem them in
24 evidence or --

25 MS. MOST: Yes, your Honor.

PROCEEDINGS

1 THE COURT: Also, I need to authenticate
2 each and every one.

3 MR. FRISCH: I will not have any
4 objection.

5 MS. MOST: And I have the certification,
6 your Honor.

7 THE COURT: Okay.

8 MS. MOST: Would you like that handed
9 up?

10 THE COURT: Please. So they will be
11 deemed in evidence each and every one.

12 So this is Ms. Kassenoff's motion, so I
13 will hear from Mr. Frisch.

14 MR. FRISCH: Your Honor, first of all, I
15 want to apologize. As I wrote to the Court in one
16 of my many letters, I have to leave today at four
17 o'clock. I understand from one of the court
18 officers that the typical closing time is 4:30.
19 It looks like we are starting, because of the
20 Court's calendar, a little later, so this may be
21 neither here nor there, but if you can accommodate
22 that, I will greatly appreciate that.

23 THE COURT: I will definitely do my
24 best, and I apologize that we had leftover matters
25 that I had to conclude today.

MOST - DIRECT - (FRISCH)

1 So why don't we start?

2 MR. FRISCH: Your Honor, what I would
3 want, and this is my first hearing of this sort,
4 so to the extent that I can begin, it would be an
5 appropriate way to begin by my questioning Ms.
6 Most, we can start that way. I just want to put
7 on the record, I understand that Ms. Most rejected
8 my proposal that we proceed by written
9 submissions; I respect that. That proposal still
10 stands, but I'm also prepared to begin by
11 questioning Ms. Most.

12 THE COURT: Who knows, maybe by the end
13 of business today, it can be something that's left
14 out, but if not, we will just continue it at the
15 earliest possible date.

16 Okay. Go ahead.

17 Let's put Ms. Most under oath.

18 THE CLERK: Do you solemnly swear to
19 tell the truth, the whole truth, and nothing but
20 the truth, and answer all questions truthfully, to
21 the best of your ability, so help you God, under
22 oath?

23 THE WITNESS: I do.

24 MR. FRISCH: And your Honor, are you
25 comfortable if I begin and question Ms. Most

MOST - DIRECT - (FRISCH)

1 seated?

2 THE COURT: That's fine; and Ms. Most
3 can stay there.

4 MS. MOST: Thank you, Judge.

5 DIRECT EXAMINATION BY

6 MR. FRISCH:

7 Q. Good afternoon.

8 A. Good afternoon.

9 Q. Let me tell you what I propose to do, or what
10 I plan to do. I am going to ask you some introductory
11 questions that may have general application as we go
12 forward. So it seems to me, if I ask you those
13 questions up front, before I get to, at least, for the
14 most part, specific inquiries and discovery, my hope is
15 to streamline this process, and hope to make it more
16 efficient. I just want you to know where I'm headed.

17 So let me ask you some general questions.
18 You were admitted to practice in New York in December
19 of 1993; is that so?

20 A. That is correct. Actually, I think that's
21 correct, Judge. I remember 1993. I'm not sure what
22 month.

23 THE COURT: To the best of your
24 recollection.

25

MOST - DIRECT - (FRISCH)

1 BY MR. FRISCH:

2 Q. And you have been a practicing lawyer for
3 almost 30 years?

4 A. Yes.

5 Q. And how many cases over the years have you
6 acted as attorney for the children?

7 THE COURT: Approximately.

8 MS. MOST: Judge, I couldn't even guess.
9 Hundreds.

10 BY MR. FRISCH:

11 Q. And over what period of time -- I guess, let
12 me ask it differently. Did you begin acting as an
13 attorney for children in 1993 or 1994 when you began
14 practicing?

15 A. Very shortly thereafter.

16 Q. Have you -- over the years, has your practice
17 been limited to representing children, or do you also
18 represent other parties in matrimonial actions and/or
19 other types of work?

20 A. I do matrimonial and family practice, as
21 well.

22 THE COURT: Let me clarify. Do you do
23 18B?

24 MS. MOST: No, I do not do 18B.

25 THE COURT: Just private?

MOST - DIRECT - (FRISCH)

1 MS. MOST: No. I do AFC panel work,
2 which is not 18B.

3 THE COURT: But you don't do any 18B
4 panel work in Family Law?

5 MS. MOST: I don't do any 18B. I only
6 represent children which is --

7 THE COURT: Okay. You answered my
8 question.

9 MS. MOST: -- which is AFC panel work.

10 BY MR. FRISCH:

11 Q. And just to clarify that -- it was actually
12 going to be my next question -- have you ever been
13 appointed pursuant to 18B?

14 A. No, I don't do any 18B work.

15 Q. Not now or in the past?

16 A. I don't think I have ever done any 18B work.

17 Q. Now, let me put that aside for a second. One
18 of the things you said during the course of this
19 litigation, I believe you said it in writing, is that
20 your view is that my client overlitigates.

21 MS. MOST: I object to the question,
22 because I don't believe that's relevant to the
23 reasonableness of my fees.

24 THE COURT: I will sustain the
25 objection.

MOST - DIRECT - (FRISCH)

1 BY MR. FRISCH:

2 Q. Let me ask it this way. You submitted
3 various documents in support of the fees for which you
4 seek compensation; correct?

5 A. That is correct.

6 Q. And one of the things I believe you cited --
7 correct me if I'm wrong -- is that there has been, in
8 this particular case, a particularly large amount of
9 submissions and filings in this case; correct?

10 A. Yes, because I think in this case there are
11 something like 30-something pages on NYSCEF, there are
12 55 motions, yes.

13 Q. So one of the reasons -- one of the facts
14 underlying your various applications for compensation
15 is that there has been in this case a lot of
16 litigation?

17 A. Yes.

18 Q. A lot of things litigated?

19 A. Yes.

20 Q. Nonetheless, whether or not a case involves
21 as much back-and-forth as this one, you do your best to
22 be careful; correct?

23 A. Yes.

24 Q. In submitting bills; correct?

25 A. Yes.

MOST - DIRECT - (FRISCH)

1 Q. In keeping track of the underlying events for
2 which you bill; correct?

3 A. I do my best.

4 Q. And as best as you can, to use the expression
5 you dot every I and cross every T, given that we're all
6 human, we all fail from time to time?

7 A. Let me just answer that by telling you my
8 bills go out every month, every single month. They are
9 prepared within generally 15 days, by the end of the
10 month, they go out. There is a comment on the bottom;
11 if there's something that is incorrect, I ask to have
12 it corrected. So if there's a mistake made, I would
13 like to know about it.

14 Q. And when you say if there's a mistake made,
15 you would like to know about it, are you saying that
16 the litigants, the parties paying your fees, are the
17 people who should call that to your attention?

18 A. Well, if they see that there's a mistake,
19 yes, they should let me know.

20 Q. Are you familiar -- I'm assuming you are
21 familiar with Part 36 of the rules of the Chief Judge
22 in New York?

23 A. Yes.

24 Q. And you are aware that Part 36 requires that
25 someone appointed to represent children file what's

MOST - DIRECT - (FRISCH)

1 known as a certificate of compliance to be filed with
2 the fiduciary clerk?

3 MS. MOST: First of all, I am going to
4 object to this line of questioning, because it
5 doesn't have anything to do with the
6 reasonableness of my fees.

7 THE COURT: Overruled.

8 Go ahead.

9 You can answer.

10 MS. MOST: So yes, I am, and every
11 single case that I have been appointed on, I have
12 made that filing. Recently, I did get a notice
13 that several of those forms that I had filed were
14 not signed by the pertinent court, and the
15 fiduciary -- I'm not sure what his position was --
16 was reaching out to those several courts that did
17 not sign the final papers.

18 BY MR. FRISCH:

19 Q. Are you familiar with the Second Department's
20 Administrative handbook for attorneys for children?

21 A. Yes, I am.

22 Q. All right. Is that something you reviewed
23 recently?

24 A. No.

25 Q. To your knowledge, are attorneys for children

MOST - DIRECT - (FRISCH)

1 required to maintain contemporaneous time records?

2 A. I would believe so, and I certainly do. So
3 let me explain to you --

4 Q. Ms. Most, I appreciate the explanation, but
5 I'm a lawyer, you're a lawyer, I ask you questions and
6 you answer, and I'm sure Justice Capeci will let you
7 fill in any gaps if you think I left out. Fair enough?

8 A. Yes.

9 Q. Do you maintain contemporaneous time records
10 for your work as an attorney?

11 A. Yes.

12 Q. Did you do so in this case?

13 A. Yes.

14 Q. In preparing your application for
15 compensation in this case, did you use your
16 contemporaneously kept time records to do so?

17 A. What I used was my monthly billing, which is
18 contemporaneous time records.

19 Q. What do you mean by monthly billing?

20 A. I send out a bill each month for the time
21 that I have spent. So I use those bills and they are
22 on the application.

23 Q. The application that you submit to the court?

24 A. Yes.

25 Q. So do you keep track on a daily basis --

MOST - DIRECT - (FRISCH)

1 withdrawn.

2 Do you keep track on at least a daily basis,
3 if not hourly, the amount of time that you devote to a
4 client's matter during the course of a day?

5 A. I don't understand the question.

6 Q. Let me see if I can rephrase it. In
7 connection with -- you testified that you maintain time
8 records; correct?

9 A. Yes.

10 Q. All right. You keep track of your time;
11 correct?

12 A. Yes.

13 Q. You do so on a daily basis?

14 A. Yes. As I am working on a matter, I keep
15 track of my time. And so on a minute-by-minute,
16 hour-by-hour basis, I keep track of the time that I
17 spend.

18 Q. How do you do that?

19 A. I have a timeslip. I write the name of the
20 client. I write what I've done, read and review
21 e-mail, read letter from Mr. Frisch. I put my initial
22 next to it, and the amount of time that I spent.

23 Q. And you used the phrase "timeslip." I think
24 there is an actual program or protocol called
25 timeslips. Do you use that or some other --

MOST - DIRECT - (FRISCH)

1 A. I believe I use Time-Matters.

2 Q. Time-Matters, is that a computer --

3 A. Yes.

4 Q. -- program that you enter your time?

5 A. Yes. I do not enter my time. I do a
6 handwritten timeslip, and my secretary enters my time.

7 Q. And your secretary, does he or she do that
8 every day?

9 A. Pretty much, yes.

10 Q. Now, when you create a timeslip or direct
11 your secretary to do so, do you keep track of the
12 specific times of day for work performed; that is, if
13 you work on a client's matter from nine to ten in the
14 morning, do you write nine to ten in the morning?

15 A. I do not.

16 THE COURT: As opposed to just an hour?

17 Q. Correct. Are you aware that the Second
18 Department's Administrative handbook for attorneys for
19 children requires that the specific times of day be
20 recorded?

21 A. I was not aware.

22 Q. Now, let me ask you a question with regard to
23 your invoices. I see you have some boxes with you, and
24 I will try and -- for these initial questions, I am not
25 going to get too deep into the invoices, but I want to

MOST - DIRECT - (FRISCH)

1 ask you one or two general questions.

2 You uploaded to the evidence room Exhibit's
3 1-1, I believe, to 1-12 or 1-13, about there; is that
4 correct?

5 A. Well, those are the uploaded exhibits for the
6 timeslips each month. I uploaded several others, as
7 well.

8 Q. Understood. You just used the term
9 "timeslip."

10 You have not uploaded the handwritten
11 timeslips to which you made reference to a moment ago;
12 correct?

13 A. That is correct.

14 Q. And you have not uploaded whatever it is your
15 secretary created into the Time-Matters program;
16 correct?

17 A. Yes. I upload exactly what my secretary --

18 Q. So with regard to your -- so, for example,
19 I'm taking Exhibit 1-10, as an example, if you have a
20 copy in front of you.

21 A. Do you want me to look at that?

22 Q. It's probably a good idea.

23 A. Okay.

24 Q. Now, Exhibit 1-10, I believe, is, for the
25 record, a document of approximately 181 pages, the

MOST - DIRECT - (FRISCH)

1 first six of which appear to be an invoice, and then
2 the subsequent pages, that are part of this exhibit,
3 are underlying documents referred to in the top six --
4 in the six-page invoice. Is that fair?

5 A. I'm just counting the pages, yes. So what's
6 attached to this are the e-mails that you have
7 requested.

8 Q. And the e-mails -- and the e-mails requested
9 are essentially annotated on the covered invoice;
10 correct?

11 THE COURT: Excuse me. Just let me ask
12 one question. When you say "annotated," I'm
13 looking at the exhibit, like the handwritten
14 number for 7/9/2020 is 15. Does that 15 refer to
15 an e-mail?

16 MS. MOST: Yes. I'm the one who did
17 that.

18 BY MR. FRISCH:

19 Q. And so for the Judge's benefit, if you go
20 into the documents, into the 181 pages or so, you will
21 see, for example, a number five, handwritten in the
22 upper right; correct?

23 A. Basically, yes.

24 Q. And that five, at least it was your intention
25 to correspond to the five on the invoice; right?

MOST - DIRECT - (FRISCH)

1 A. That's correct.

2 Q. And you did this project yourself?

3 A. Yes, I did.

4 THE COURT: In preparation for this
5 litigation, or is this something --

6 MS. MOST: Yes, your Honor. You asked
7 me to produce --

8 THE COURT: I just want to know. So
9 it's preparation for this litigation, or is this
10 something you do as part of your --

11 MS. MOST: No. I would never do this.
12 You asked, and I did.

13 BY MR. FRISCH:

14 Q. By the way, in all the many years and
15 hundreds of times that you have been an attorney for
16 the children, have you ever produced e-mails or been
17 requested by a Court to produce e-mails as here?

18 A. That would be never.

19 Q. This is the first time?

20 A. That is the first time.

21 Q. I notice in this invoice, the first six pages
22 -- and I'm using this Ms. Most as an example, rather
23 than go through each and every one -- but, for example,
24 it says CWM. Those are your initials; correct?

25 A. Yes.

MOST - DIRECT - (FRISCH)

1 Q. And it says "read and review," and then it
2 identifies an e-mail, and sometimes it identifies the
3 sender of the e-mail; correct?

4 A. If I'm reviewing an e-mail from someone, yes.

5 Q. And if you go through -- just take a brief
6 look at the six pages that are the invoice in this
7 case, almost always, if not always -- you note ten
8 minutes for the reading and reviewing of each
9 identified e-mail; is that correct?

10 A. Yes.

11 Q. And some e-mails are shorter than others;
12 correct?

13 A. Yes.

14 Q. Some e-mails, is it fair to say, you can read
15 in five seconds; correct?

16 A. I don't think --

17 Q. Let me rephrase the question and make it
18 clear.

19 Some e-mails, in fact, you can read in less
20 than ten minutes; correct?

21 A. Correct.

22 Q. Some e-mails might take a little bit longer
23 than ten minutes; correct?

24 A. Correct.

25 Q. Fair to say, sometimes you may get an e-mail

MOST - DIRECT - (FRISCH)

1 that's one sentence or two sentences and you can look
2 at it ten or 15 seconds; correct?

3 A. That's possible, and at the same time I can
4 get a longer e-mail.

5 Q. My only point is that with regard to what you
6 identified here, that either always or almost always,
7 with regard to this invoice and others, you indicate
8 ten minutes for reading and reviewing an e-mail; is
9 that fair?

10 A. Yes. That is the least amount of time that I
11 bill for. Actually, it's .1. I think it's six
12 minutes, actually.

13 Q. Well, let's take the second e-mail, which is
14 July 3rd, 2021, which has the handwritten one next to
15 it, and you have ten. You see that?

16 A. It's .1.

17 Q. .1, fair enough. And then you have 400 an
18 hour; correct?

19 A. The hourly rate is the rate that has been set
20 by the Court. When that rate was set, there was no
21 opposition to it, there was no motion.

22 Q. I wasn't going to ask you about the amount of
23 the rate.

24 A. The hourly rate is \$400 an hour.

25 Q. And so the way you got the \$40 in the far

MOST - DIRECT - (FRISCH)

1 right corner, is that it's one-tenth of 400?

2 A. Right.

3 Q. Corresponding to one-tenth of an hour; is
4 that basically how this works?

5 A. Yes.

6 Q. And for each of these e-mails, or almost all
7 of these e-mails throughout these invoices --

8 A. Right.

9 Q. -- it's one-tenth of an hour to read and
10 review e-mails?

11 A. Correct.

12 Q. And that's whether or not it took less or
13 possibly more; correct?

14 A. That's my lowest billing rate, yes.

15 Q. Now, you recall that on or about --
16 withdrawn.

17 Is it fair to say there have been things in
18 this matrimonial action that are not relevant to
19 custody; correct?

20 THE COURT: Can you repeat the question,
21 please?

22 MR. FRISCH: Sure.

23 BY MR. FRISCH:

24 Q. Is it fair to say that there are things that
25 have come up during the course of this matrimonial

MOST - DIRECT - (FRISCH)

1 litigation that are not relevant to custody?

2 A. Yes. For the most part, I do not respond to
3 those. If there's a motion that has something to do
4 with a non-child-related matter that I do not need to
5 respond to, I don't.

6 Q. And you don't bill for it; correct?

7 A. I don't work on something I do not bill for,
8 that's correct.

9 Q. And so we're clear, and I don't mean to --
10 maybe I don't need to state the obvious, even though
11 we're making a record, your role as attorney for
12 children is to represent the things that are relevant
13 to things like custody; correct?

14 A. Custody --

15 Q. Visitation.

16 A. -- their living situation, yes.

17 Q. Things that are relevant to them --

18 A. To them.

19 Q. -- as their attorney?

20 A. Correct.

21 Q. And there are things -- as you just
22 testified, there are things outside those issues which
23 may be relevant and important to Mr. and Mrs.
24 Kassenoff, but they're outside the scope of your
25 assignment, your appointment?

MOST - DIRECT - (FRISCH)

1 A. However, let me explain. If there's an
2 e-mail that is sent to me, I read the e-mail. Most
3 often, when something doesn't pertain to me, I don't
4 get e-mails on those things, and I don't get letters on
5 those things.

6 So if I have to read a letter to find out
7 whether or not it pertains to me, I do bill for the
8 reading of the letter. If a letter is sent to me, I
9 read it.

10 Q. So let me show you -- if it's appropriate to
11 mark this for identification, I will, as Defense 1; if
12 not, I'll represent that this is NYSCEF document 2011.

13 MS. MOST: I'm going to object, your
14 Honor. No documents were uploaded for my review.
15 If my documents had to be --

16 THE COURT: Isn't he referring to your
17 document?

18 MR. FRISCH: No. This is my document --
19 this is a document on NYSCEF that I wish to show
20 Ms. Most.

21 THE COURT: Okay. And which one it is?
22 What is it?

23 MR. FRISCH: It is Ms. Most's responses
24 and objections to defendant's notice of discovery
25 and inspection in opposition to the application

MOST - DIRECT - (FRISCH)

1 for fees by the attorney for children.

2 THE COURT: Okay. Can you find this?

3 MR. FRISCH: I have extra copies.

4 THE COURT: All right. So this is
5 something not loaded up in preparation of this
6 hearing?

7 MR. FRISCH: I did not load this up in
8 preparation, no.

9 MS. MOST: So, your Honor, I object. If
10 I had to give notice, I think I was entitled to
11 notice as well.

12 MR. FRISCH: Well, if I can be heard on
13 that?

14 THE COURT: Go ahead.

15 MR. FRISCH: First of all, we're
16 talking, number one, about a document that's on
17 NYSCEF, so I don't think I should have to load up
18 everything in anticipation of how Ms. Most might
19 answer a question.

20 Second, this is in the nature of --
21 while we are beginning with my questioning of Ms.
22 Most, it's in the nature of cross-examination. I
23 don't believe I am required to turn it over.

24 THE COURT: Let me address something
25 that was referred to earlier. I didn't order the

MOST - DIRECT - (FRISCH)

1 turning over of the e-mails; you volunteered, Ms.
2 Most.

3 MS. MOST: You asked me to, your Honor.
4 You asked me to do it, and I said I would.

5 THE COURT: My recollection was you
6 volunteered to do it. She asked me to direct you
7 to do it, and it was not my understanding that I
8 ordered you to do it.

9 MS. MOST: Well, I felt that you were
10 asking me to do it, your Honor, and that is the
11 only reason why; otherwise, there is no reason for
12 me to do it.

13 THE COURT: Well, that was not my
14 recollection. I appreciate that you did it, but
15 it was not an order from me, and I just want that
16 order to be clear. I asked for a response from
17 you, and you said to me, at the time, that you
18 will just turn them all over. But I will deny the
19 objection with respect to this document. It's
20 part of the litigation.

21 Go ahead.

22 MR. FRISCH: Did I hand you a copy?

23 MS. MOST: No.

24 BY MR. FRISCH:

25 Q. This is what I will hand you. If it's

MOST - DIRECT - (FRISCH)

1 acceptable with the Court, I will just mark on it, not
2 that I necessarily need to, but Defense 1. In any
3 event, it's NYSCEF document 2001.

4 I don't want to rush you, so take your time
5 to review it.

6 A. Okay.

7 Q. You recognize this as your response filed on
8 NYSCEF as document 2011, dated January 18th, 2022, to
9 Ms. Kassenoff's filed request for discovery?

10 A. Yes.

11 Q. And by the way, if you just notice on the
12 second page, you signed this document; correct?

13 A. Yes.

14 Q. Is that an electronic signature, or do you --
15 let me finish the question. Is that an electronic
16 signature, or do you print it out, sign it, and then
17 scan it in?

18 A. That happens to be an electronic signature.

19 Q. In any event, if you go to -- and for the
20 record, this is -- withdrawn.

21 If you go to page two -- you state your
22 objections here, your general objections to
23 Ms. Kassenoff's request, various requests for
24 discovery; correct?

25 A. Yes. I got a very significant demand for

MOST - DIRECT - (FRISCH)

1 discovery.

2 Q. Understood. And this is dated January 18th,
3 2022?

4 A. That's what it says.

5 Q. And my recollection -- correct me if your
6 recollection is different -- the conversation that
7 Justice Capeci was just talking to you about, about the
8 production of the e-mails, happened at a court
9 conference on March 23rd, 2022; is that your
10 recollection?

11 A. I don't have a recollection as to the date.

12 Q. But in any event, there was a conference with
13 the judge, where you said, I will essentially -- in
14 substance, I will produce e-mails, and essentially, as
15 the Judge has pointed out, you volunteered to do so;
16 correct?

17 A. I didn't feel it was --

18 THE COURT: She said she didn't feel it
19 was voluntary.

20 MS. MOST: No disrespect to the Court,
21 Judge, I didn't feel it was voluntary. I thought
22 I was being told to do it.

23 BY MR. FRISCH:

24 Q. In any event, that happened at the court
25 conference, the date that you don't recall; correct?

MOST - DIRECT - (FRISCH)

1 A. Yes.

2 Q. Page two of this document, if you go to
3 paragraph six, I will read it out loud: It says, "AFC
4 objects to the document demand as it seeks information
5 that is not relevant to the custody case." Do you see
6 that?

7 A. Yes.

8 Q. And by document demand, which is initial caps
9 document, with initial letters D, in document, that is
10 capitalized, that's in reference to Ms. Kassenoff's
11 request for discovery or demand for discovery that
12 preceded this; is that correct?

13 A. That's correct.

14 Q. And what you say is consistent with your
15 testimony today, is that there are things that are not
16 relevant to custody, the production of which you would
17 object; correct?

18 A. It's all of the numbered, one through 11. I
19 received what I considered to be a fishing expedition
20 for no reason other than what I considered to be
21 harassment. And so I prepared a response.

22 Q. Focusing back on paragraph six of your
23 response, where you object to the document demand,
24 because it seeks information that is not relevant to
25 the custody case, this is consistent with your

MOST - DIRECT - (FRISCH)

1 testimony earlier this afternoon, that there are things
2 in this case that are not relevant to your work?

3 A. That's correct.

4 Q. Now, I think you testified a moment ago there
5 are some things in this case for which you bill and
6 some things in this case for which you did not bill;
7 correct?

8 A. In the back of each of my submissions for
9 each month, there are the other e-mails that I had on
10 my system that I did not bill for, and some months they
11 are extensive. All of those were reviewed and just not
12 billed, because either I wasn't sitting at a desk where
13 I could bill, or I got busy and didn't bill for them.

14 Q. So there are some things for you which you
15 bill and some things you did not bill; correct?

16 A. Yeah, there are some things that, yeah, fall
17 through the cracks.

18 Q. So the only category of things that you would
19 not have billed are things that fell through the
20 cracks?

21 A. No. I object. You are putting words in my
22 mouth.

23 Q. Then explain to me your answer.

24 THE COURT: Are there some things you
25 deliberately don't bill for?

MOST - DIRECT - (FRISCH)

1 MS. MOST: I don't -- no. What I don't
2 bill for are -- I don't answer a motion that
3 doesn't pertain to me.

4 THE COURT: That's not responsive,
5 though. Is there some work that you do that for
6 whatever reason you do not bill for?

7 MS. MOST: I don't bill for it, because
8 either I'm not sitting at my desk, I read it on my
9 phone, I don't deliberately not bill.

10 THE COURT: So there's no instance in
11 which you do work and you think to yourself, "This
12 is probably not appropriate for me to bill no
13 charge"?

14 MS. MOST: That's correct.

15 THE COURT: Okay. Go ahead.

16 BY MR. FRISCH:

17 Q. Looking back at your paragraph six of Defense
18 Exhibit 1, are there things for which you would bill
19 that you have -- that you determine are not relevant to
20 the custody case?

21 A. No.

22 Q. So even if it is not relevant to the custody
23 case, you could bill for it?

24 A. That's not what I'm saying.

25 Q. Well, please explain. I am not trying to

MOST - DIRECT - (FRISCH)

1 mischaracterize what you are saying. We have a record,
2 and the Judge sitting here; I am just trying to
3 understand your testimony.

4 A. So there are times I'm at a court conference
5 that I'm ordered to be at and custody is not discussed,
6 I bill for my time. If I get a letter that I have to
7 read, because I don't know if it pertains to me or my
8 -- I don't mean me, but my client, I need to read the
9 letter, and I would charge for that.

10 If I'm sent an e-mail and it really has
11 nothing to do with me, probably -- I probably wouldn't
12 bill for that. But if it's something that I have to
13 read and address, or read and not address, I'm going to
14 bill for reading that letter. I do not respond to
15 motions that don't have anything to do with my
16 children, and if I'm at a court conference and custody
17 is not addressed, but I've been told to be there, I
18 bill for my time.

19 Q. So I want to focus now not so much on court
20 appearances which you attend and should attend and are
21 required to attend, whatever the subject matter may be,
22 I want to talk now about communications, either by
23 e-mail or by text or by letter. And with regard to
24 those kinds of communications, would you agree that
25 some of those are relevant to your role as attorney for

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1 children and some are not relevant to your role as
2 attorney for children?

3 A. The majority of the e-mails that I read and
4 respond to are about my children, my clients.

5 Q. And so there are e-mails that are, however,
6 irrelevant to your role as attorney for children; would
7 you agree with that?

8 A. I would not agree with that. I don't offhand
9 know of any e-mails that I have read and were not
10 pertaining to me, because I don't get those e-mails,
11 for the most part.

12 Q. Okay. So I want to try and do this
13 efficiently, and we will go to specific documents
14 later. I don't mean to suggest that we will do this
15 without your opportunity to look at documents. I just
16 want to take this and see if we can maybe streamline
17 it; if not, we will go to documents, which we may be
18 doing anyhow.

19 Do you recall receiving e-mails about
20 Catherine's applications and/or requests for counsel
21 fees, for her counsel fees?

22 THE COURT: I'm sorry, repeat that?

23 BY MR. FRISCH:

24 Q. Does Ms. Most recall seeing or receiving
25 e-mails regarding Ms. Kassenoff's applications for

MOST - DIRECT - (FRISCH)

1 legal fees?

2 THE COURT: Okay. Sorry.

3 MS. MOST: Perhaps.

4 BY MR. FRISCH:

5 Q. Do you consider those relevant to your role
6 as attorney for the children?

7 A. It depends if there's anything else in
8 context in that e-mail.

9 Q. Assume for the purpose of my question there's
10 nothing else in context for the purpose of that e-mail.
11 If the e-mail is just about that issue, Catherine's,
12 Ms. Kassenoff's applications for counsel fees, would
13 you consider that relevant to your role?

14 A. Is this something that was sent to me to
15 read?

16 Q. With regard to e-mails, as you sit here
17 today, do you recall receiving any e-mails simply about
18 Catherine's applications about counsel fees?

19 A. As I sit here today, there are thousands of
20 e-mails. I don't actually recall that.

21 Q. Do you recall one of the issues that has come
22 up in this case, including in court appearances, is
23 Ms. Kassenoff's attempt to get return of her personnel
24 belongings from the marital home?

25 A. Yes.

MOST - DIRECT - (FRISCH)

1 Q. Do you recall, as you sit here today,
2 understanding there's thousands of e-mails, e-mails or
3 communications about that issue?

4 A. Yes.

5 Q. Did you bill for them?

6 A. I probably did, because they involved
7 Catherine going to the home, and I think that the
8 children should not be there at that time, so I think
9 it does pertain to the children.

10 Q. Does it pertain to your role as their
11 attorney?

12 A. I would say yes.

13 Q. How so?

14 A. Because my job is to protect them, and I
15 don't think that -- first of all, all of this happened
16 during a period when your client had no access with the
17 children, other than supervised therapeutic access or
18 supervised Zoom access, so she couldn't just show up to
19 the house and be with the children unless she was
20 supervised; so yes, I think that does pertain to me.

21 Q. Okay. We will come back to that, but let me
22 ask you this one general question which may apply to
23 this or may apply to other areas of inquiry. And
24 educate me about this, as you know this is my first
25 matrimonial case.

MOST - DIRECT - (FRISCH)

1 Is the role of the attorney for children, as
2 you understand it, to look out for and advocate what
3 the attorney for children believes is the best interest
4 of the children, or simply to advocate their position
5 and give voice to their desires on a particular issue?

6 A. Okay. So that is more of a complicated
7 question, because when children have a knowing
8 understanding, my role is to advocate their wishes,
9 unless the children -- I believe children are in
10 imminent risk of harm, and then I believe I have the
11 right to advocate for their best interest.

12 Q. And what is your authority for that?

13 A. The rules.

14 Q. The Second Circuit Administrative Handbook
15 for the attorney for children?

16 A. I would have to look it up.

17 Q. And so if I understand correctly, you believe
18 that, provided that the child is sufficiently mature or
19 able to express his or her views, your role is to give
20 voice to those views, unless you believe there is
21 something else going on there?

22 A. Unless I believe the children are in imminent
23 risk of harm.

24 Q. And is it your testimony, with regard to the
25 issue that I raised, that you believe that

MOST - DIRECT - (FRISCH)

1 communications about Catherine seeking to get return of
2 her personnel belongings created imminent risk of harm?

3 A. No. You are taking this totally out of
4 context.

5 Q. I am simply trying to understand your answer,
6 so explain.

7 A. No. I think that I should be involved in
8 those and read those e-mails. First of all, they're
9 sent to me, so I have to read them. But the way that
10 Catherine should have retrieved her belongings had to
11 be done when the children were not in the house.

12 Q. Do you recall reading e-mails about the
13 Kassenoffs' house that had at one point been in New
14 Rochelle?

15 A. Yes.

16 Q. Do you recall, approximately, how many such
17 e-mails came across your computer?

18 A. I don't, but I do remember that there were
19 significant problems, because access was taking place
20 in that house, and there were a lot of issues with what
21 was happening there, with the cleanliness of the house.
22 Those were several of the issues. I was shown pictures
23 of what the house looked like. And so yes, I believe
24 that was something that I should read.

25 Q. Do you recall seeing e-mails about the sale

MOST - DIRECT - (FRISCH)

1 or proceeds of the sale of the house?

2 A. I don't recall that.

3 Q. As you sit here today, do you believe that
4 the sale or proceeds of the house is an issue that
5 would cause imminent harm to the children?

6 A. You're quoting that out of -- you are
7 misrepresenting what that is. Imminent harm to the
8 children is only to do with whether or not I would use
9 my discretion. That's all that refers to. That does
10 not refer to each -- are the kids at harm because a
11 house is closing? No.

12 Q. What about putting the proceeds of the house,
13 the New Rochelle house in receivership. How do you see
14 that issue with regard to your role as attorney for
15 children?

16 A. I don't know. If e-mails are sent to me, I
17 read them. And then I, if I have to respond, I
18 respond.

19 THE COURT: Can I just ask, are these
20 e-mails that you are alleging there were responses
21 to, Mr. Frisch?

22 MR. FRISCH: This is a list of -- these
23 are e-mails -- so the universe is e-mails
24 regarding the subject matters for which AFC Most
25 billed.

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1 THE COURT: Right.

2 MR. FRISCH: Sometimes she would bill --
3 and we will have to go through them specifically,
4 to answer, I think, your question, and maybe I can
5 get that ready for the next time, but sometimes
6 these are e-mails that she reads and receives and
7 bills for that time, and other times, and I can't
8 represent with regard to each of these issues, she
9 sends an e-mail and bills for that.

10 THE COURT: Okay. I'm just saying I
11 think there's some merit that no one knows what
12 the e-mail involves until they read it.

13 MR. FRISCH: I understand that. I
14 understand that.

15 BY MR. FRISCH:

16 Q. Now, let me get to another topic. On or
17 about September 15, 2021, Justice Lubell issued in this
18 case a one-mile stayaway that -- which there has been
19 some discussion in this case; correct?

20 MS. MOST: I object to the question. It
21 doesn't have anything to do with the
22 reasonableness of my fees.

23 THE COURT: I don't think he asked the
24 question yet.

25 Overruled.

MOST - DIRECT - (FRISCH)

1 Do you want it read back?

2 MR. FRISCH: If you don't mind, Judge.
3 I'd appreciate it.

4 (Whereupon, the requested question was
5 read back by the court reporter.)

6 BY MR. FRISCH:

7 Q. Do you recall the facts of the one-mile
8 stayaway that was issued by Justice Lubell on or about
9 September 15th, 2021?

10 A. Yes, I recall the facts.

11 Q. Prior to September 15th, 2021, do you recall
12 e-mails regarding a lease for an apartment that Ms.
13 Kassenoff had signed?

14 A. Yes.

15 Q. Did you believe that the lease for the
16 apartment was relevant to your role as attorney for the
17 children?

18 A. Yes.

19 Q. Prior to the one-mile stayaway being issued?

20 A. Yes.

21 Q. Do you recall how many such e-mails there
22 were?

23 A. No.

24 Q. Do you recall e-mails about the value of Mr.
25 Kassenoff's partnership at his law firm?

MOST - DIRECT - (FRISCH)

1 A. No.

2 Q. Do you consider that issue, the value of Mr.
3 Kassenoff's partnership at his law firm, to be relevant
4 to your role as attorney for children?

5 A. No. However, again, if I receive an e-mail,
6 I have to read the e-mail to know what it says.

7 Q. As you sit here today, do you recall what
8 percentage of e-mails that you received in this case
9 have a subject line filled in?

10 A. I have no idea.

11 Q. Typically, do e-mails that you receive have
12 something filled in in the subject line?

13 A. I actually have no idea.

14 Q. If the subject line, for example, made clear
15 that the e-mail was about the value of Mr. Kassenoff's
16 partnership at his law firm, would you then continue to
17 read the e-mail?

18 A. I actually have to say that I received many
19 e-mails that have a subject line that carries on from
20 five e-mails before, that have a totally different
21 comment in the e-mail.

22 Q. By the way, is it your practice -- withdrawn.
23 When you put together invoices, when you put
24 together the documents for which you seek compensation
25 for your work, do you bill for that time?

MOST - DIRECT - (FRISCH)

1 A. No.

2 Q. And so do you ever bill for that time?

3 A. I don't believe I do.

4 THE COURT: In this case, you mean?

5 Q. Definitely in this case, yeah.

6 A. I don't believe I do.

7 Q. And why do you think you wouldn't?

8 A. Well, I might like to review it, but for the
9 most part, my secretary puts those together for me.

10 Q. Do you think it's appropriate for a lawyer to
11 bill for preparing the bill to the client, generally
12 speaking?

13 A. Not for preparing the bill. I do think it's
14 appropriate to bill for a hearing on fees, however.

15 Q. Thank you.

16 THE COURT: We will take a couple of
17 more questions, and then we will get an
18 adjournment date.

19 MR. FRISCH: Okay. Thank you, Judge.

20 BY MR. FRISCH:

21 Q. Do you recall e-mails about Catherine, Ms.
22 Kassenoffs -- I apologize for referring to my client by
23 first name.

24 Do you recall receiving e-mails regarding my
25 client's use of a retirement account to use money for

MOST - DIRECT - (FRISCH)

1 paying lawyers?

2 A. Perhaps.

3 Q. Is that issue within the scope of your role
4 as attorney for children?

5 A. Probably not.

6 Q. So you would not have billed for it?

7 A. Listen, I have -- I read an e-mail, either if
8 it's something I have to respond to, I do. I have to
9 read an e-mail to see what it says.

10 Q. Let me ask you a foundational question,
11 before I ask you about a specific category of e-mails.
12 Just so you know, do you recall a time in this case
13 where there was a motion by Ms. Kassenoff to seek
14 sanctions against Mr. Kassenoff for her view of his ex
15 parte applications for contempt?

16 A. I think, yes.

17 Q. Do you recall seeing e-mails about that
18 subject?

19 A. From who?

20 Q. From anybody.

21 A. I don't have a recollection, no.

22 Q. Do you think that issue, that is,
23 Ms. Kassenoff's application for sanctions against Mr.
24 Kassenoff, based on her view of his ex parte
25 applications for contempt, is within the scope of your

MOST - DIRECT - (FRISCH)

1 role as attorney for children?

2 A. Well, the contempt involved the children.
3 Some of the contempt involved the children, so yes.

4 Q. Her motion for sanctions, you think? Let me
5 ask the question. Do you think that her application
6 seeking sanctions for what she perceived as Mr.
7 Kassenoff's misuse of ex parte applications is within
8 the scope of your role as attorney for children?

9 A. Mr. Kassenoff's application had to do with
10 things that had to do with the children, so yes, I do.

11 MR. FRISCH: Your Honor, if --

12 THE COURT: This is probably a good
13 time.

14 Are you available August 5th? I can
15 give you all day.

16 MS. MOST: Your Honor, can I just call
17 my office?

18 THE COURT: Yes.

19 MR. FRISCH: While Ms. Most is doing
20 that, August 5th is good for me.

21 MS. MOST: We have a trial in our
22 office, and I would like to come back with
23 representation.

24 THE COURT: For this matter, you are
25 saying?

MOST - DIRECT - (FRISCH)

1 MS. MOST: Yes.

2 THE COURT: So you are saying August 5th
3 is bad? Is what you are telling me?

4 How about August 12th?

5 MS. MOST: August 12th? What time would
6 that be?

7 THE COURT: 9:30, all day. August 12.
8 That is good?

9 MS. MOST: Yes.

10 THE COURT: Is it good for you?

11 MR. FRISCH: Good for me as well.

12 THE COURT: August 12th at 9:30, in
13 person. Thank you.

14 MR. FRISCH: Can I ask a procedural
15 question?

16 THE COURT: Yes.

17 MR. FRISCH: It has to do with the
18 exhibits. I have been concerned about it. I get
19 specific e-mails or specific documents, "maybe I
20 will, maybe I won't." If I refer to it, will your
21 Honor be able to look at it on the screen?

22 THE COURT: It's there. I mean, between
23 me and NYSCEF, I should be able to; right?

24 MR. FRISCH: Okay. Thank you.

25 MR. DIMOPOULOS: Your Honor, before we

MOST - DIRECT - (FRISCH)

1 close the record, can I bring a few matters to
2 your attention? Some of them are time-sensitive
3 issues.

4 THE COURT: What are they regarding?
5 They're not regarding the finances; right?

6 MR. DIMOPOULOS: Different topics, your
7 Honor. One has to do with -- it's time-sensitive
8 and refers to certain documents in this case being
9 filed in Federal Court, and sealing. And let me
10 just put it in context.

11 There's a pending lawsuit by Ms.
12 Kassenoff against Mr. Kassenoff in the Federal
13 Court, Southern District of New York, and against
14 me, and we appeared before Judge Karas yesterday
15 for a premotion conference. He authorized the
16 filing of the motion to dismiss.

17 One of the issues in the case has to do
18 with Ms. Kassenoff's notice of a particular fact,
19 the dispositive document is an affidavit that Mr.
20 Kassenoff filed in this case, that support for our
21 motion. Judge Karas basically said that --
22 correct me if I'm wrong, but it's not a sealed
23 matter. We have a particular affidavit that
24 contains confidential information about the kids,
25 so I wanted to understand; if this is something

MOST - DIRECT - (FRISCH)

1 that your Honor has to consider, that's fine, but
2 --

3 THE COURT: I'm not sure I understand.
4 You are saying it's not a sealed matter, so why
5 would it need to come to me?

6 MR. DIMOPOULOS: No, no. What would
7 your guidance be on an affidavit submitted in this
8 case, in another Court, where that Court is not
9 sealing the records?

10 THE COURT: Yeah, but it's a party;
11 don't you have access to your own documents? I
12 can't answer that off the top of my head.

13 MR. DIMOPOULOS: I'm raising it as
14 something that has to be dealt with. If you don't
15 know off the top of your head, then --

16 THE COURT: If you want to put it in
17 writing so Ms. Ozer and Ms. Kassenoff can answer
18 it, I don't know, and I certainly don't want to
19 wing it.

20 MR. DIMOPOULOS: My client wants to
21 clarify one thing. Is it okay if he speaks for
22 one second?

23 THE COURT: Go ahead.

24 MR. KASSENOFF: We want to file certain
25 documents that were filed in this case, in the

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1 Federal case. And our concern -- my concern,
2 frankly, I was the one who raised it. It's my
3 understanding that everything in this case is not
4 under seal, but no one else can get access to it.
5 If we file it in the Federal case, it's not
6 publicly available on ECF, so we just wanted to
7 get your guidance as to whether or not --

8 THE COURT: Well, does anyone have any
9 authority either way?

10 MS. KASSENOFF: Can I comment on that?

11 MR. DIMOPOULOS: The DRL has a
12 provision. I don't know the number. I will put
13 it in writing. It's very unclear. What it
14 basically says is it's a directive to the court
15 personnel and clerks of the court to keep matters
16 in matrimonial sealed. I don't read it as a
17 directive to parties.

18 Where I stand, and I've taken this
19 position in this case many times, is that anything
20 pertaining to the children should not be in the
21 public domain; that's why I have a little bit of a
22 heightened concern, but I will raise the issue in
23 a letter to your Honor.

24 THE COURT: Let me hear from Ms.
25 Kassenoff.

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1 MS. KASSENOFF: Your Honor, this is not
2 an issue of first impression. There's a remedy,
3 and that is that Mr. Dimopoulos and Mr. Kassenoff
4 can apply for a sealing in the Federal case, if
5 they want, if they think this document needs to be
6 protected, and involves something with the
7 children, or Mr. Kassenoff, remedies to ask the
8 Court to seal.

9 THE COURT: Well, that would address
10 their concern that it would be public record
11 there, but is there authority on -- it's whether I
12 should give them permission to file, to begin
13 with, whether it can be sealed or not, is what I'm
14 asking.

15 MS. KASSENOFF: I think you're right, it
16 has to be briefed.

17 THE COURT: I will be happy to look into
18 it. I don't know the answer to that.

19 MR. DIMOPOULOS: Your Honor, just
20 briefly, on another issue. I don't want to burden
21 the Court with any more written communications.
22 There was a representation by Ms. Kassenoff the
23 last time we were in Court that Chief John
24 Caparelli was available to testify on her behalf
25 regarding violations, and that he would be

MOST - DIRECT - (FRISCH)

1 available for a hearing, and there were threats of
2 lawsuits against Mr. Kassenoff. I will be
3 presenting to the Court a detailed e-mail from
4 Caparelli that those representations to the Court
5 were false.

6 THE COURT: What are we talking about
7 here? I'm not sure I understand. Who is Mr.
8 Caparelli?

9 MR. DIMOPOULOS: I know you're not sure,
10 your Honor, because there are five communications
11 to the Court a day. The last time we were here on
12 the issue of the violations, you were shown
13 pictures of grass and all of these things.

14 THE COURT: Are you talking about the
15 violations on the house?

16 MR. DIMOPOULOS: Correct. Correct. And
17 I know it's not important to your Honor, but where
18 I come from, representations to the Court should
19 be true, and they weren't. That's all I have to
20 say.

21 MS. KASSENOFF: Your Honor, may I
22 address that?

23 THE COURT: Go ahead.

24 MS. KASSENOFF: You know I did offer
25 Chief Officer Caparelli to come in and testify

MOST - DIRECT - (FRISCH)

1 about what he saw. I don't know why that is a
2 misrepresentation to the Court, but it's in fact
3 true, and it's on NYSCEF, that he has issued
4 multiple violations on the property. He signed
5 those violations himself.

6 MR. DIMOPOULOS: What he said was --
7 what she said was to this Court, matters only as
8 it relates to future representations to the Court,
9 that he was prepared to testify on her behalf.
10 His e-mail, which I will read to the Court, says:
11 "No, I was not prepared to testify. She asked me
12 to testify, but that's not how things are done."

13 THE COURT: Okay. Anything else? I
14 really don't think that's germane for today.

15 MR. DIMOPOULOS: Yes. I would like to
16 hand this to Ms. Kassenoff. This is mail that
17 came to the house. This may seem trivial, your
18 Honor, but indulge me for a second. We are being
19 sued in two separate courts. It may seem trivial
20 to the Court, it's not trivial to us, it's costing
21 us thousands and thousands and thousands of
22 dollars to defend ourselves in various courtrooms.

23 One of the things we have been accused
24 of is violation of Federal Law for withholding her
25 mail.

MOST - DIRECT - (FRISCH)

1 THE COURT: Okay. So give her her mail.
2 Thank you. That's the end of that.

3 MR. DIMOPOULOS: On the record, letter
4 from the Department of Motor Vehicles addressed to
5 Ms. Kassenoff.

6 THE COURT: Okay. Thank you.

7 MS. KASSENOFF: Can I please ask that,
8 because it is DMV materials, and it's associated
9 with my driver's license, which bears the address
10 of the marital home, that any future DMV
11 correspondence that the plaintiff gets be
12 delivered to Mr. Wiederkehr. He's right down the
13 street.

14 MR. DIMOPOULOS: No. See, here's the
15 problem. She can change her address, or,
16 alternatively -- but that's what she should do --
17 change her address, forward her mail. She asks --
18 not asks, demands that my client personally
19 deliver mail to Mr. Wiederkehr's office every time
20 it comes to the house.

21 This has been, as ridiculous as it
22 sounds, your Honor, something that we have been
23 dealing with for three years, under threat of
24 lawsuit, under Federal Law. I would laugh at the
25 hundreds of other litigants that might say

MOST - DIRECT - (FRISCH)

1 something to me like that, but since I'm being
2 sued in two different courts at the current time,
3 I'm going to handle this a certain way. So no, we
4 will not deliver mail to Mr. Wiederkehr.

5 I will bring any mail that comes to the
6 next available court conference, and I will
7 deliver on the record, or Ms. Kassenoff can change
8 her address.

9 THE COURT: Fine.

10 MS. KASSENOFF: Your Honor, there is no
11 lawsuit involving Federal mail. I don't know what
12 Mr. Dimopoulos is talking about.

13 THE COURT: Well, I am hoping it's all
14 mute when you arrange to buy her out.

15 MS. KASSENOFF: I'm not hopeful for
16 that, but I just ask that because it's so
17 infrequent to get anything from the DMV, and it is
18 tied to the marital residence, that if there is
19 indeed at some point another correspondence, let
20 me know about it, send me an e-mail and say,
21 "There's something else."

22 THE COURT: Well, we get e-mails about
23 everything. It would seem not that complicated to
24 let her know there's a piece of mail.

25 Thank you.

MOST - DIRECT - (FRISCH)

1 The record is closed.

2 (Whereupon, the proceedings were
3 concluded for the day.)

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

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Mary T. Slavik, RPR
Senior Court Reporter

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BY MR. FRISCH: [16] 5/25 6/10 7/10
8/1 10/18 15/18 16/13 19/23 23/24
25/23 28/16 30/23 31/4 36/15 37/6
39/20
MR. DIMOPOULOS: [14] 2/15 42/25
43/6 44/6 44/13 44/20 45/11 46/19
47/9 47/16 48/6 48/15 49/3 49/14
MR. FRISCH: [24] 2/7 3/3 3/14 4/2
4/24 19/22 21/18 21/23 22/3 22/7
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