

SUPREME COURT OF THE STATE OF NEW YORK  
APPELLATE DIVISION: SECOND DEPARTMENT

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TARA WALSH,

Petitioner-Respondent,

-against-

STEPHEN RUSSELL,

Respondent-Appellant.

**NOTICE OF MOTION**

**Appellate Division Docket Number:**  
**2019-01509**

Family Ct File No.: 154703

Family Ct Docket No.: V-07641-18

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**PLEASE TAKE NOTICE**, that upon the Affidavit of Respondent-Appellant, Stephen Russell, sated March 28, 2019, and the Affirmation of Katherine Chesnut, dated March 28, 2019, the papers and exhibit(s) annexed thereto, the undersigned will move this court, at the courthouse thereof, located at 45 Monroe Place, Brooklyn, New York, on the 15<sup>th</sup> day of April, 2019, at 10:00 o'clock in the forenoon of that date, or as soon thereafter as counsel may be heard, for an order granting the following relief:

(a) Reargument of the Court's March 1, 2019 Decision and Order on Motion Dismissing the appeal, pursuant to CPLR § 2221 and 22 NYCRR §§ 670.5 and 670.6;

(b) Permission to appeal the Lower Court's Order awarding of \$15,000 in interim counsel fees to Petitioner-Respondent, Ms. Tara Walsh (hereinafter "Interim Counsel Fee Order"); and

(b) For a stay of the Lower Court's Interim Counsel Fee Order pending this Court's decision of this motion; and

(c) For a stay of the Lower Court's Interim Counsel Fee Order pending the appeal; and

(d) For such other and further relief as the Court deems just and proper.

Dated: New York, New York  
March 29, 2019

ADVOCATE, LLP

By: 

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3. This appeal stems from an award of attorney's fees in a custody action in Westchester County Family Court. The Lower Court erred in awarding Petitioner-Respondent (hereinafter "Respondent") \$15,000 in interim counsel fees and, unless leave to appeal is granted, Appellant will suffer irreparable harm.

4. Respondent made an application to the Lower Court for interim counsel fees but failed to submit any proof or documentation of her legal fees in support of her motion, rendering the award of counsel fees erroneous.

5. Respondent's attorney represented her in three separate proceedings in Westchester County Family Court (including a child support action, a custody case and a family offense petition) and her attorney has also consulted with Respondent's California counsel on custody action taking place there. There is no dispute that the Lower Court was only authorized to award counsel fees in the parties' New York custody action in Westchester County Family Court. Therefore, by Respondent's attorney failing to attach copies of her legal invoices to her motion, the Lower Court was unable to determine what services were rendered in connection with the parties' New York custody proceeding.

6. Moreover, by failing to attach her legal invoices to her motion, Appellant was completely denied the opportunity to challenge the reasonableness of Respondent's legal fees and effectively oppose her request for counsel fees.

7. Accordingly, the Lower Court's award of counsel fees was erroneous and Appellant's motion for leave to appeal should be granted and the matter remanded to the Lower Court.

## HISTORY OF THE CASE

8. The parties have one child together, Evelyn Walsh (“Evie” or “the Child”), born January 27, 2018. Shortly after the Child’s birth, the parties and the Child moved to California.

9. On June 4, 2018, while the parties resided together in California, Appellant filed a custody petition in California Superior Court (“California Petition”) because Respondent was suffering from a severe mental health episode and was threatening to abscond with the parties’ daughter to New York. *See* California Petition at Exhibit 1. The California Court issued an order forbidding Respondent from leaving California with the Child without Appellant’s written consent. Thereafter, Appellant consented to Respondent visiting family in New York with Evie under certain limited conditions, including that she was to return with the child to California.

10. Respondent disregarded the conditions of Appellant’s agreement for her to visit family in New York and, shortly after returning to New York with Evie, Respondent filed a Family Offense Petition and an Emergency Custody Petition in Westchester County Family Court, both of which were before the Honorable Arlene Gordon-Oliver, J.F.C. *See* Petitions attached hereto as Exhibits 2 and 3 respectively.<sup>1</sup>

11. Respondent then filed an Order to Show Cause under the Family Offense Petition docket on July 16, 2018 seeking sole legal and physical custody of the Child and \$15,000 in interim counsel fees. *See* Order to Show Cause at Exhibit 4. As set forth below, Respondent’s motion was filed in the Family Offense Proceeding, which was subsequently withdrawn on September 8, 2018. Respondent did not attach any legal invoices to her motion, nor did she delineate what fees had been incurred or were expected with any degree of specificity. Appellant opposed Respondent’s Order to Show Cause and filed a cross-motion seeking, *inter alia*,

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<sup>1</sup> Respondent also commenced a child support proceeding in Westchester County Family Court.

temporary custody, dismissal of Respondent's custody petition on the basis that California had jurisdiction over custody and the dismissal of Respondent's Family Offense Petition for failure to state a cause of action. *See* Notice of Cross-Motion at Exhibit 5. On August 16, 2018, the California and New York judges conducted a conference call, where they jointly decided that New York would retain jurisdiction. Thereafter, on September 8, 2018, upon Appellant agreeing to withdraw his jurisdictional claim, Respondent agreed to withdraw her Family Offense Petition and both parties agreed to withdraw their motions. *See* September 8, 2018 Order at Exhibit 6.

12. Subsequently, in response to an Order to Show Cause filed by Appellant relating to custody and visitation issues, Respondent cross-moved for reconsideration of her prior motion for \$15,000 in interim counsel fees as well as counsel fees incurred in connection with preparing her cross motion. *See* November 15, 2018 Notice of Cross-Motion at Exhibit 7. Respondent's cross motion for counsel fees was wholly deficient. Again, she failed to include any copies of her invoices in her cross motion. Indeed, Respondent did not even set forth the amount of counsel fees she had incurred or paid in the New York custody case.

13. On the return date for both parties' motion, November 29, 2018, the Lower Court orally granted Respondent's request for counsel fees by awarding Respondent's counsel \$15,000 in interim counsel fees. *See* November 29, 2018 Tr. at 25-26 at Exhibit 8. The Lower Court awarded counsel fees without Respondent providing copies of her invoices, which included significant time expended on Respondent's withdrawn family offense petition, her child support petition and the California custody petition.

14. On December 17, 2018, Respondent's counsel served Notice of Settlement of the interim counsel fee order, settling the Lower Court's November 29, 2018 oral order granting counsel fees. *See* Notice of Settlement at Exhibit 9. On January 14 2019, Respondent's counsel

served Notice of Entry of the Interim Counsel Fee Order via regular mail. *See* Notice of Entry at Exhibit 10. On February 13, 2019, our office filed a Notice of Appeal on behalf of Appellant of the interim counsel fee order. *See* Notice of Appeal at Exhibit 11. On March 7, 2019, our office received notice from the Appellate Division, Second Department, that Appellant's appeal was dismissed because leave to appeal had not been granted. *See* Notice attached as Exhibit 12.

15. For the reasons set forth below, the Lower Court's award of counsel fees was improper and we are seeking permission to appeal the Lower Court's order, as well as a stay of the interim counsel fee order pending the decision of this motion as well as a stay pending the appeal.

#### **ARGUMENT I:**

#### **THE COURT SHOULD GRANT APPELLANT LEAVE TO APPEAL THE INTERIM COUNSEL FEE ORDER**

##### **A. Respondent Did Not Provide Copies of her Legal Invoices in Her Motion for Counsel Fees, Rendering the Lower Court's Counsel Fee Award Procedurally Improper.**

16. At no point during Respondent's initial request for counsel fees, nor in her subsequent request for reconsideration of her counsel fee application, does her attorney attach any legal bills delineating services rendered, as required by 22 NYCRR § 202.16 (k)(3).

17. The Family Court's authority to award attorney's fees in a custody matter pursuant to DRL § 237 (b) derives from Family Court Act § 651(b), which grants the Family Court the same powers as possessed by the Supreme Court in custody and visitation proceedings initiated in Family Court. Applications for counsel fees pursuant to DRL §237(b) must satisfy the requirements of 22 NYCRR §202.16(k)(3), which states:

No motion for counsel fees shall be heard unless the moving papers also include the affidavit of the movant's attorney stating the moneys, if any, received on account of such attorney's fee from the movant or any other person on behalf of the movant, the hourly

amount charged by the attorney, the amounts paid, or to be paid, to counsel and any experts, and any additional costs, disbursements or expenses, and the moneys such attorney has been promised by, or the agreement made with, the movant or other persons on behalf of the movant, concerning or in payment of the fee, fees and expenses of experts shall include appraisal, accounting, actuarial, investigative and other fees and expenses to enable a spouse to carry on or defend a matrimonial action or proceeding in the Supreme Court.

See 22 NYCRR §202.16(k)(3) (emphasis added).

18. It is well established that motions for counsel fees must be denied if the moving papers do not include adequate evidence of the counsel fees incurred to date and the legal services rendered. For example, in the case of *Mimran v. Mimran*, 83 A.D.3d 550, 551, 922 N.Y.S.2d 27 (1st Dep’t, 2011) (citing 22 NYCRR §202.16(k)(3)), the Court vacated a previous award of interim counsel fees, due to the fact that “neither Plaintiff nor her counsel provided adequate documentation of the amount of fees already paid, the amount of services previously rendered, or the number of hours to be performed.” Similarly, in *Levine v. Levine*, 753 N.Y.S.2d 897, 302 A.D.2d 369 (2nd Dep’t 2003), the Appellate Division reversed the Lower Court’s award of fees and held that the court “should not have granted the defendant's motion for an award of an interim counsel fee given the lack of adequate documentation regarding legal services already rendered.” See also *Loewentheil v. Loewentheil*, 197 A.D.2d 677, 603 N.Y.S.2d 17 (2nd Dep’t 1993) (denying counsel fee application because the attorney failed to detail the services rendered or submit time sheets to support the request); *Hughes v. Hughes*, 208 A.D.2d 502, 617 N.Y.S.2d 56 (2nd Dep’t 1994) (denying Wife’s motion for counsel fees because her counsel failed to provide adequate documentation regarding the services rendered and the time expended on such services); [*Darvas v. Darvas*, 242 A.D.2d 554, 662 N.Y.S.2d 87 (2<sup>nd</sup> Dep’t 1997)]; and *Pudalov v. Pudalov*, 308 A.D.2d 524, 764 N.Y.S.2d 831 (2nd Dep’t 2003) (“[T]he

Supreme Court providently exercised its discretion in declining to award the mother any attorney's fees, given her failure to articulate a basis for her request, and to support the demand with adequate documentation.”).

19. In the instant case, neither of Respondent’s motions for counsel fees included any documentation regarding the legal services rendered and the time expended on such services. As such, her counsel fee motion was deficient and should have been denied.

20. Respondent’s failure to attach copies of her attorney’s invoices to her motion was particularly erroneous since, in this case, Respondent’s attorney has represented Respondent in connection with three (3) separate actions in Westchester Family Court, including Respondent’s withdrawn family offense petition, a pending child support proceeding before Support Magistrate Esther Furman and the pending custody action, and has also consulted with Respondent’s California counsel in connection with the proceedings taking place there.

21. Based on the foregoing, Respondent’s motion for counsel fees should have been denied because of her failure to comply with the requirements of DRL 237(b) or 22 NYCRR §202.16 (k)(3) and Appellant’s request for leave to appeal should be granted.

**B. The Lower Court Did Not Set Forth in Specific Detail What Factors it Considered and the Reasoning for its Decision**

22. The Lower Court failed to delineate its reasons for rendering its award of counsel fees in the amount of \$15,000, as required by 22 NYCRR § 202.16 (k)(7). Pursuant to 22 NYCRR § 202.16 (k)(7):

Upon any application for an award of counsel fees or fees and expenses of experts made prior to the conclusion of the trial of the action, the court shall set forth in specific detail in writing or on the record, the factors it considered and the reasons for its decision.

*See id.* (emphasis added).

23. In the instant case, the Lower Court did not set forth any detail, what factors it considered in deciding to award Respondent \$15,000 in counsel fees. As set forth in the November 29, 2018 transcript, the Lower Court merely stated:

THE COURT: ... I also discussed the application for Petitioner's counsel. I'm awarding 15,000, the fees that were previously requested. Now there's additional fees pending and requested. At this time, I'm only doing 15,000 and that's subject to Mr. Advocate said that he wanted to get a copy of your bill.

See 11/29/18 Tr. at 25-26.

24. As the transcript demonstrates, the Lower Court made no reference whatsoever to what factors or proof they considered in making its decision, thereby rendering the award of fees noncompliant with 22 NYCRR § 202.16 (k)(7). As such, leave to appeal should be granted.

**C. The Lower Court's Award of \$15,000 in Counsel Fees to Respondent's Attorney in the New York Custody Proceeding was Excessive**

25. As of the date Respondent filed her cross motion for counsel fees, November 15, 2018, very little had occurred in the parties' custody proceeding and it was therefore unreasonable for the Lower Court to award Respondent \$15,000 in interim counsel fees.

26. The motions filed by both parties during the summer of 2018 related to, and were filed under, the Family Offense Petition docket. Respondent's order to show cause seeking sole legal and physical custody was premised on the claims in her Family Offense Petition and Appellant's cross motion was to dismiss her Family Offense Petition for failure to state a claim and to dismiss her custody petition on the basis of jurisdiction. Pursuant to DRL §237(b), "[a]pplications for the award of fees . . . may be made at any time or times prior to final judgment." As such, the Lower Court was not permitted to award fees in that proceeding after the final disposition of that case when Respondent withdrew her Family Offense Petition.

27. After Respondent withdrew her Family Offense Petition on September 8, 2018 and prior to Respondent filing her cross motion on November 15, there was only one Court appearance in the parties' New York custody case.<sup>2</sup> Under these circumstances, the Lower Court's award of \$15,000 in counsel fees was excessive.

**D. The Parties' Financial Circumstances Do Not Support the Lower Court's Counsel Fee Award**

28. As set forth in Appellant's affidavit, the financial circumstances of the parties do not support the Lower Court's counsel fee award. Appellant has not worked since late 2017, when he stepped down as the CEO of a tech company to devote more time to raising the parties' daughter. His annual income prior to stepping down as CEO was approximately \$200,000, which is nearly the same as Respondent's historical income. Since he stopped working, Appellant has been paying his personal and legal expenses from his savings and a brokerage account, which contains the proceeds from a one-time offer to buy back some illiquid shares in a private company that Appellant invested in years ago. He is unable to liquidate any other shares until after the initial public offering, which is expected to occur in the next six months to one year. As such, until his shares become publicly tradeable, Appellant must continue to pay his expenses from his limited remaining funds.

29. Appellant's expenses are extremely high. In the parties' custody action, he has incurred significant legal fees of his own, plus he has been ordered to pay 100% of the costs in connection with the court-ordered forensic evaluation and substance abuse evaluation. Appellant is also responsible for 100% of the Attorney for the Child's fees and 100% of the costs for supervised visitation (which were over \$15,000 last month alone). Moreover, in addition to

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<sup>2</sup> Although Respondent incurred fees in connection with Appellant's Order to Show Cause relating to custody and her cross motion for counsel fees, Respondent requested for counsel fees in connection with her cross motion and opposition and those motions are *sub judice*.

maintaining his residence in California, Appellant has significant expenses in connection with traveling and staying in New York in order to exercise his visitation rights and to defend himself in the New York actions commenced by the Respondent.

30. All the while, Respondent represents that she earns net income of at least \$4,500 per month from her own companies and she also receives \$3,000 in child support each month from the Respondent. Respondent has minimal expenses, as she does not have a car and she resides rent-free with her parents and siblings. Her mother and sisters also help out by providing free child care for the parties' daughter. As such, Respondent is in a much better financial position than the Appellant to pay her own counsel fees.

#### **ARGUMENT II:**

#### **A STAY OF THE INTERIM COUNSEL FEE ORDER SHOULD BE GRANTED PURSUANT TO CPLR §5519 (C)**

31. Simultaneously upon granting Appellant's request for leave to appeal, for the sake of judicial economy, we respectfully request that this Court stay enforcement of the Lower Court's award of counsel fees pending the Court's decision on this application for permission to appeal and, if such permission is granted, granting a stay pending the appeal.

32. The Court's authority to stay enforcement of the interim counsel fee order lies in CPLR §5519 (c), which provides:

The court from or to which an appeal is taken or the court of original instance may stay all proceedings to enforce the judgment or order appealed from pending an appeal or determination on a motion for permission to appeal in a case not provided for in subdivision (a) or subdivision (b), or may grant a limited stay or may vacate, limit or modify any stay imposed by subdivision (a), subdivision (b) or this subdivision, except that only the court to which an appeal is taken may vacate, limit or modify a stay imposed by paragraph one of subdivision (a).

*See CPLR §5519(c) (emphasis added).*

33. The determination of whether a stay should be granted pending appeal of an interlocutory order is a matter of discretion. *Grisi v. Shainswit*, 507 N.Y.S.2d 155, 119, A.D.2d 418 (1st Dep't 1986). In granting a stay, the Court may be influenced by any relevant factor, including the presumptive merits of the appeal and any exigency or hardship confronting any party. *See McKinneys* § 5519:4.

34. As an initial matter, the Lower Court's interim counsel fee award was erroneous for the reasons set forth above in support of this court granting leave to appeal and, as such, the merits of Appellant's appeal support this Court granting a stay. The award was procedurally improper because, pursuant to DRL § 237 and 22 NYCRR § 202.16, Respondent failed to include copies of her legal invoices in her motion for fees and the Lower Court failed to properly consider and delineate the factors supporting his decision. The \$15,000 award was also excessive based on the fact that Respondent's fees in the Westchester County custody proceeding at the time that award of fees was granted were minimal, as there has only been one court appearance.

35. Further, if a stay is not granted, Appellant will be prejudiced and will also suffer irreparable harm. As detailed in Appellant's within affidavit, he is currently unemployed and has no source of income. The bulk of Appellant's assets are illiquid shares in a privately held company. Appellant is relying on his remaining limited liquid assets to pay all of his expenses, including litigation and travel costs in connection with defending himself in the pending Westchester County custody proceeding, as well as maintaining his residence in California.

36. There is also a high risk that, if a stay is not granted, and Appellant must pay the interim counsel fee award pending his appeal, he will be unable to recoup such fees in the event his appeal is granted. That is because, as of March 7, 2019, Respondent's prior attorney, Lydia Antoncic, Esq., who the interim counsel fee order directs the fees to be paid, shut down her law

office to begin a position with the Office of Court Administration. Therefore, if a stay is not granted and Appellant prevails in his appeal after paying Ms. Antoncic \$15,000 in counsel fees, he will be unable to retrieve those fees from Ms. Antoncic's defunct law practice and his only remedy will be to seek repayment from Respondent individually. In this case, such repayment will likely be difficult to enforce given that the parties in this case are not married and so there are no assets from which Appellant can recoup the \$15,000 in counsel fees. If Respondent claims she is unable to repay him or refuses to pay, Appellant will suffer irreparable harm as he will likely have a difficult time collecting repayment and will likely incur significant costs in trying to recoup those fees.

37. Based on the foregoing, Appellant's request for permission to appeal and to stay the interim counsel fee order should be granted.

38. No prior application for the relief requested herein has been made to this or any other court.

**WHEREFORE**, it is respectfully requested that Appellant's motion be granted in its entirety, together with such other and further relief as to this Court seems just and necessary.

Dated: March 28, 2019  
New York, New York



Jason A. Advocate

SUPREME COURT OF THE STATE OF NEW YORK  
APPELLATE DIVISION: SECOND DEPARTMENT

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TARA WALSH,

Petitioner-Respondent,

-against-

STEPHEN RUSSELL,

Respondent-Appellant.

Case No. 2019-01509

Family Ct File No.: 154703

Family Ct Docket No.: V-07641-18

**AFFIDAVIT  
IN SUPPORT**

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STATE OF )  
 )  
COUNTY OF )

STEPHEN G. RUSSELL, being duly deposed, states as follows:

1. I am the Appellant in this action and am fully familiar with all of the facts and circumstances set forth herein. I respectfully submit this affidavit in support of my motion for

(a) Reargument of the Court’s March 1, 2019 Decision and Order on Motion Dismissing the appeal, pursuant to CPLR § 2221 and 22 NYCRR §§ 670.5 and 670.6;

(b) Permission to appeal the Lower Court’s Order awarding of \$15,000 in interim counsel fees to Petitioner-Respondent, Ms. Tara Walsh (hereinafter “Interim Counsel Fee Order”); and

(b) For a stay of the Lower Court’s Interim Counsel Fee Order pending this Court’s decision of this motion; and

(c) For a stay of the Lower Court’s Interim Counsel Fee Order pending the appeal; and

(d) For such other and further relief as the Court deems just and proper.

2. It was an error for the lower court to grant Ms. Walsh's motion for \$15,000 in interim counsel fees based on our financial circumstances, the reasonableness of Ms. Walsh's fees and procedural errors. If my motion for permission to appeal is denied or if a stay of the order is not granted, I will be prejudiced and will suffer irreparable harm.

3. Even if Ms. Walsh's counsel fee application was not procedurally defective, as my attorney explains in his affirmation, the lower court's award of counsel fees failed to consider both Ms. Walsh's and my respective financial circumstances.

4. Ms. Walsh and I have one daughter, Evelyn ("Evie") Walsh, who was born on January 27, 2018. Shortly after Evie was born, Ms. Walsh, Evie and I resided together in San Francisco, California. In June 2018, after Ms. Walsh was exhibiting erratic behavior and suffering from delusional episodes associated with her known mental illnesses, and threatening to leave California with our child, I commenced an action for custody in California. Pursuant to California orders, neither party was allowed to leave the state with our children without the written consent of the other parent. Concerned for Ms. Walsh's well-being and under the mistaken belief that Ms. Walsh was going to visit her family in New York temporarily and seek medical attention, I gave Ms. Walsh permission to leave California with our daughter and go to New York. Following, Ms. Walsh and Evie traveled to New York and she has refused to return to California with our daughter. Instead of returning to California, Ms. Walsh commenced several family court proceedings in Westchester County Family Court. As a result, I have had to expend significant funds to pay for litigation costs in both New York and California, as well as the substantial expenses relating to traveling to and from New York to participate in the New York legal proceedings and to exercise visitation with our daughter.

5. I am not currently working and have not worked since late 2017. I stepped down as CEO of my company a few months before Evie was born because I wanted to be a devoted father and to raise her together with the Mr. Walsh. Prior to stepping down, I earned approximately \$200,000 per year as the CEO of a tech start-up company.<sup>1</sup> I am unable to go back to working full time in San Francisco because I can only exercise my visitation with my daughter in New York and also have to be here to participate in the custody proceeding and court-ordered evaluations.

6. While Ms. Walsh would have the Court believe I have endless amounts of funds, her claim is simply not true. It is true that I have some savings and a home in California, but my liquid assets have been rapidly reducing since Evie was born in January 2018. After our daughter was born, I did everything in my power to financially provide for both Ms. Walsh and Evie and give them an amazing life in California, using my savings to fund our lifestyle. However, my savings are limited and comes from a one-time buyout in late 2017 of shares that I hold in a privately held company. That buyout is reported as income on my 2017 tax returns.<sup>2</sup> I am unable to liquidate any of my remaining shares in that company until there is an initial public offering on some unknown date in the future. There is also no certainty as to how much my shares will be worth when that company becomes publicly traded.

7. Since I have not worked for nearly a year and a half, my savings and resources are being depleted at an alarming rate. My only liquid asset is a brokerage account. While the balance of my brokerage account was \$811,000 just a few months ago, it has now been reduced to just \$154,000 because I have had to use those funds to pay my expenses, litigation costs and also to fund the salaries of a tech start-up that I formed before leaving San Francisco in early 2018.

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<sup>1</sup> My salary in 2017 was \$196,453. My salary in 2016 was \$286,250. My salary in 2015 was \$190,432.

<sup>2</sup> While my 2017 tax returns show an adjusted gross income of \$4,000,187, this figure is highly misleading as my salary for 2017 was only \$196,453 and the remaining income came from the one-time tender offer for shares in a private company and capital gains resulting from the sale of real property.

8. This litigation has been excessively costly. Not including the interim counsel fee order at issue in my appeal, I have incurred significant legal fees of my own, have been ordered to pay 100% of the forensic evaluator's fees,<sup>3</sup> 100% of the Attorney for the Child's fees, 100% of the substance abuse evaluator's fees, and 100% of the costs for me to exercise supervised visitation with our daughter.<sup>4</sup>

9. Not only am I financially unable to pay Ms. Walsh's fees in addition to every other financial obligation I have in connection with this case, but Ms. Walsh is perfectly capable of paying her counsel fees herself. According to her attorney, Ms. Walsh earns \$4,500 per month from her two businesses from working just ten to twenty hours per week. *See* 10/23/18 Transcript at pp. 5, at Exhibit 13. I also pay her \$3,000 per month in accordance with an interim child support order. *See* Interim Child Support Order at Exhibit 14.

10. Ms. Walsh lives with her parents and so she has minimal expenses for herself. She pays no rent, no utilities, no automobile costs and I believe very little food expenses. She also has little to no childcare costs, as her mother and siblings help out with Evie and babysit her when Ms. Walsh is working. Under these circumstances, Ms. Walsh should be required to pay her own counsel fees from her income.

11. I also believe that Ms. Walsh has a significant amount of assets she has concealed from the lower court. Aside from her business, I believe that she also has access to money from her family, or at the very least, that her parents support her financially. Throughout my relationship with Ms. Walsh, she would gloat about how she comes from a very wealthy family.

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<sup>3</sup> I filed a motion for the Court to reconsider its allocation of the forensic evaluator's fees and that motion is *sub judice*.

<sup>4</sup> I consented to supervised visitation after Ms. Walsh was denying me meaningful visitation with my daughter. By agreeing to supervised visits, at Ms. Walsh's request, I was able to begin seeing my daughter regularly and to rebuild the relationship we had prior to her mother absconding with her to New York. However, Ms. Walsh has blocked my visits for the past month and I have expended thousands on a new supervisor, while Ms. Walsh has withheld our daughter from the Court-Ordered visitation.

She told me that she grew up in an affluent community in Chappaqua, New York and often rode in limousines. Now that she is living with her parents, expense-free and with them providing free child care, I believe that Ms. Walsh has been able to maintain sufficient funds in her account to pay her own legal fees in connection with the pending litigation.

12. Moreover, I am informed that Ms. Walsh's attorney, Lydia Antoncic, Esq. has left private practice to work in the New York State Court system. Therefore, even if I am successful in my appeal of the interim counsel fee order, I am concerned that I will have to expend significant funds to recoup the fees already paid.

13. The lower court erroneously accepted Ms. Walsh's misrepresentations of our respective financial circumstances in granting her request for \$15,000 in interim counsel fees. If I am forced to pay Ms. Walsh's counsel fees in the amount of \$15,000, I will suffer hardship as a result. Further, given the challenges I will undoubtedly face in being reimbursed if I prevail on my appeal, if a stay is not granted, I will suffer irreparable harm and prejudice. Therefore, this Court should grant me permission for leave to appeal and stay the enforcement of the interim counsel fee order pending this motion and the appeal.

14. No prior application for the relief requested herein has been made to this or any other court.

**WHEREFORE**, I respectfully request that my motion be granted in its entirety, together with such other and further relief as this Court deems just and necessary.

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STEPHEN G. RUSSELL

Sworn to this  
\_\_\_\_ day of March 2019.

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Notary Public

# EXHIBIT 1

**SUMMONS**

**CITACIÓN (Paternidad—Custodia y Manutención)**

(Parentage—Custody and Support)

NOTICE TO RESPONDENT (Name):

AVISO AL DEMANDADO (Nombre):

Tara Walsh

You have been sued. Read the information below and on the next page.  
Lo han demandado. Lea la información a continuación y en la página siguiente.

Petitioner's name:

El nombre del demandante:

Stephen Russell

CASE NUMBER: (Número de caso)

**FPT-18-377425**

FOR COURT USE ONLY  
(SOLO PARA USO DE LA CORTE)

ENDORSED  
FILED  
Superior Court of California  
County of San Francisco

JUN 04 2018

CLERK OF THE COURT

BY: BRIE A. REDDICK

Deputy Clerk

<p>You have 30 calendar days after this <i>Summons</i> and <i>Petition</i> are served on you to file a <i>Response</i> (form FL-220 or FL-270) at the court and have a copy served on the petitioner. A letter, phone call, or court appearance will not protect you.</p>	<p><i>Tiene 30 días de calendarlo después de haber recibido la entrega legal de esta Citación y Petición para presentar una Respuesta (formulario FL-220 o FL-270) ante la corte y efectuar la entrega legal de una copia al demandante. Una carta o llamada telefónica o una audiencia de la corte no basta para protegerlo.</i></p>
<p>If you do not file your <i>Response</i> on time, the court may make orders affecting your right to custody of your children. You may also be ordered to pay child support and attorney fees and costs.</p>	<p><i>Si no presenta su Respuesta a tiempo, la corte puede dar órdenes que afecten la custodia de sus hijos. La corte también le puede ordenar que pague manutención de los hijos, y honorarios y costos legales.</i></p>
<p>For legal advice, contact a lawyer immediately. Get help finding a lawyer at the California Courts Online Self-Help Center (<a href="http://www.courts.ca.gov/selfhelp">www.courts.ca.gov/selfhelp</a>), at the California Legal Services website (<a href="http://www.lawhelpca.org">www.lawhelpca.org</a>), or by contacting your local bar association.</p>	<p><i>Para asesoramiento legal, póngase en contacto de inmediato con un abogado. Puede obtener información para encontrar un abogado en el Centro de Ayuda de las Cortes de California (<a href="http://www.sucorte.ca.gov">www.sucorte.ca.gov</a>), en el sitio web de los Servicios Legales de California (<a href="http://www.lawhelpca.org">www.lawhelpca.org</a>), o poniéndose en contacto con el colegio de abogados de su condado.</i></p>
<p><b>NOTICE:</b> <i>The restraining order on page 2 remains in effect against each parent until the petition is dismissed, a judgment is entered, or the court makes further orders. This order is enforceable anywhere in California by any law enforcement officer who has received or seen a copy of it.</i></p>	<p><b>AVISO:</b> <i>La orden de protección que aparecen en la pagina 2 continuará en vigencia en cuanto a cada parte hasta que se emita un fallo final, se despidia la petición o la corte dé otras órdenes. Cualquier agencia del orden público que haya recibido o visto una copia de estas orden puede hacerla acatar en cualquier lugar de California.</i></p>
<p><b>FEE WAIVER:</b> If you cannot pay the filing fee, ask the clerk for a fee waiver form. The court may order you to pay back all or part of the fees and costs that the court waived for you or the other party.</p>	<p><b>EXENCIÓN DE CUOTAS:</b> <i>Si no puede pagar la cuota de presentación, pida al secretario un formulario de exención de cuotas. La corte puede ordenar que usted pague, ya sea en parte o por completo, las cuotas y costos de la corte previamente exentos a petición de usted o de la otra parte.</i></p>

[SEAL]

- The name and address of the court are: (El nombre y dirección de la corte son:)  
SAN FRANCISCO SUPERIOR COURT  
400 McAllister  
San Francisco, CA 94102
- The name, address, and telephone number of petitioner's attorney, or petitioner without an attorney, are: (El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante si no tiene abogado, son:)  
Stacey Poole 202964  
535 PACIFIC AVENUE, 2ND FLOOR  
SAN FRANCISCO, CA 94133  
(415) 391-6000 (415) 391-6011  
BRIE REDDICK

Date (Fecha): 6/4/18 Clerk, by (Secretario, por) BRIE REDDICK Deputy (Asistente)

**STANDARD RESTRAINING ORDER**  
(Parentage—Custody and Support)

**ORDEN DE RESTRICCIÓN ESTÁNDAR**  
(Paternidad—Custodia y Manutención)

**Starting immediately, you and every other party are restrained from removing from the state, or applying for a passport for, the minor child or children for whom this action seeks to establish a parent-child relationship or a custody order without the prior written consent of every other party or an order of the court.**

This restraining order takes effect against the petitioner when he or she files the petition and against the respondent when he or she is personally served with the *Summons* and *Petition* OR when he or she waives and accepts service.

This restraining order remains in effect until the judgment is entered, the petition is dismissed, or the court makes other orders.

This order is enforceable anywhere in California by any law enforcement officer who has received or seen a copy of it.

***En forma inmediata, usted y cada otra parte tienen prohibido llevarse del estado a los hijos menores para quienes esta acción judicial procura establecer una relación entre hijos y padres o una orden de custodia, ni pueden solicitar un pasaporte para los mismos, sin el consentimiento previo por escrito de cada otra parte o sin una orden de la corte.***

*Esta orden de restricción entrará en vigencia para el demandante una vez presentada la petición, y para el demandado una vez que éste reciba la notificación personal de la Citación y Petición, o una vez que renuncie su derecho a recibir dicha notificación y se dé por notificado.*

*Esta orden de restricción continuará en vigencia hasta que se emita un fallo final, se despidan la petición o la corte dé otras órdenes.*

*Cualquier agencia del orden público que haya recibido o visto una copia de esta orden puede hacerla acatar en cualquier lugar de California.*

**NOTICE — ACCESS TO AFFORDABLE HEALTH INSURANCE** Do you or someone in your household need affordable health insurance? If so, you should apply for Covered California. Covered California can help reduce the cost you pay toward high-quality, affordable health care. For more information, visit [www.coveredca.com](http://www.coveredca.com). Or call Covered California at 1-800-300-1506.

**AVISO — ACCESO A SEGURA DE SALUD MÁS ECONOMICO** Necesita seguro de salud a un costo asequible, ya sea para usted o alguien en su hogar? Si es así, puede presentar una solicitud con Covered California. Covered California lo puede ayudar a reducir al costo que paga por seguro de salud asequible y de alta calidad. Para obtener más información, visite [www.coveredca.com](http://www.coveredca.com). O llame a Covered California al 1-800-300-0213.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address): — Stacey Poole 202964 LERNER * POOLE, LLP 535 PACIFIC AVENUE, 2ND FLOOR SAN FRANCISCO, CA 94133 TELEPHONE NO. (Optional): (415) 391-6000 FAX NO. (Optional): (415) 391-6011 E-MAIL ADDRESS (Optional): stacey@cafamilylaw.com ATTORNEY FOR (Name): Stephen Russell	FOR COURT USE ONLY  <b>ENDORSED FILED</b> Superior Court of California County of San Francisco  <b>JUN 04 2018</b>  CLERK OF THE COURT BY: <u>BRIE A. REDDICK</u> Deputy Clerk
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN FRANCISCO STREET ADDRESS: 400 McAllister MAILING ADDRESS: Same CITY AND ZIP CODE: San Francisco, CA 94102 BRANCH NAME:	
PETITIONER: Stephen Russell RESPONDENT: Tara Walsh	
PETITION TO ESTABLISH PARENTAL RELATIONSHIP <input type="checkbox"/> Child Support <input checked="" type="checkbox"/> Child Custody <input checked="" type="checkbox"/> Visitation <input type="checkbox"/> Other (specify):	CASE NUMBER: <b>FPT-18-377425</b>

- Petitioner is
  - the mother.
  - the father.
  - the child or the child's personal representative (specify court and date of appointment):
  - other (specify):
- The children are
 

a. Child's name	Date of birth	Age	Sex
Evelyn Grace Walsh	01/27/2018	5 m	F

  - a child who is not yet born.
- The court has jurisdiction over the respondent because the respondent
  - resides in this state.
  - had sexual intercourse in this state, which resulted in conception of the children listed in item 2.
  - other (specify):
- The action is brought in this county because (you must check one or more to file in this county):
  - the child resides or is found in the county.
  - a parent is deceased and proceedings for administration of the estate have been or could be started in this county.
- Petitioner claims (check all that apply):
  - respondent is the child's mother.
  - respondent is the child's father.
  - parentage has been established by Voluntary Declaration of Paternity (attach copy).
  - respondent who is child's parent has failed to support the child.
  - (name): \_\_\_\_\_ has furnished or is furnishing the following reasonable expenses of pregnancy and birth for which the respondent as parent of the child is obligated:  

Amount	Payable to	For (specify):
--------	------------	----------------
  - public assistance is being provided to the child.
  - other (specify):
- A completed Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) (form FL-105) is attached.

PETITIONER: Stephen Russell  RESPONDENT: Tara Walsh	CASE NUMBER:
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Petitioner requests the court to make the determinations indicated below.

**7. PARENT-CHILD RELATIONSHIP**

- a.  Respondent      b.  Petitioner  
 c.  Other (specify):

is the parent of the children listed in item 2.

**8. CHILD CUSTODY AND VISITATION**

- |  | Petitioner                          | Respondent               | Joint                    | Other                    |
|--|-------------------------------------|--------------------------|--------------------------|--------------------------|
| a. Legal custody of children to  | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Physical custody of children to   | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Visitation of children:   |                                     |                          |                          |                          |
| (1) <input type="checkbox"/> None  |                                     |                          |                          |                          |
| (2) <input type="checkbox"/> Reasonable visitation.                                    |                                     |                          |                          |                          |
| (3) <input type="checkbox"/> Petitioner <input checked="" type="checkbox"/> Respondent |                                     |                          |                          |                          |

should have the right to visit the children as follows:

(4)  Visitation with the following restrictions (specify):  
 visitation once Mother's mental health has stabilized.

d. Facts in support of the requested custody and visitation orders are (specify):

Contained in the attached declaration.

e.  I request mediation to work out a parenting plan.

**9. REASONABLE EXPENSES OF PREGNANCY AND BIRTH:**

Reasonable expenses of pregnancy and birth be paid by as follows:	Petitioner	Respondent	Joint
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**10. FEES AND COSTS OF LITIGATION**

	Petitioner	Respondent	Joint
a. Attorney fees to be paid by	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Expert fees, guardian ad litem fees, and other costs of the action or pretrial proceedings to be paid by	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**11. NAME CHANGE**

Children's names be changed, pursuant to Family Code section 7638, as follows (specify):  
 Evelyn Grace Russell

**12. CHILD SUPPORT**

The court may make orders for support of the children and issue an earnings assignment without further notice to either party.

13. I have read the restraining order on the back of the Summons (FL-210) and I understand it applies to me when this Petition is filed.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 6/4/18

Stephen Russell  
(TYPE OR PRINT NAME)

  
(SIGNATURE OF PETITIONER)

A blank Response to Petition to Establish Parental Relationship (form FL-220) must be served on the Respondent with this Petition.

**NOTICE: If you have a child from this relationship, the court is required to order child support based upon the income of both parents. Support normally continues until the child is 18. You should supply the court with information about your finances. Otherwise, the child support order will be based upon information supplied by the other parent. Any party required to pay child support must pay interest on overdue amounts at the "legal" rate, which is currently 10 percent.**

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): — Stacey Poole 202964 LERNER * POOLE, LLP 535 PACIFIC AVENUE, 2ND FLOOR SAN FRANCISCO, CA 94133 TELEPHONE NO.: (415) 391-6000      FAX NO. (Optional): (415) 391-6011 E-MAIL ADDRESS (Optional): stacey@cafamilylaw.com ATTORNEY FOR (Name): Stephen Russell	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN FRANCISCO STREET ADDRESS: 400 McAllister MAILING ADDRESS: Same CITY AND ZIP CODE: San Francisco, CA 94102 BRANCH NAME:	
(This section applies only to family law cases.) PETITIONER: Stephen Russell RESPONDENT: Tara Walsh OTHER PARTY:	
(This section applies only to guardianship cases.) GUARDIANSHIP OF (Name): _____ Minor	CASE NUMBER:
<b>DECLARATION UNDER UNIFORM CHILD CUSTODY JURISDICTION AND ENFORCEMENT ACT (UCCJEA)</b>	

1. I am a party to this proceeding to determine custody of a child.
2.  My present address and the present address of each child residing with me is confidential under Family Code section 3429 as I have indicated in item 3.
3. There are (specify number): 1 minor children who are subject to this proceeding, as follows:  
 (Insert the information requested below. The residence information must be given for the last FIVE years.)

a. Child's name Evelyn Grace Walsh	Place of birth New York City, NY	Date of birth 1/27/2018	Sex F
Period of residence 3/18/2018 to present	Address 301 Mission Street, #55D, San Francisco, CA 94105 <input type="checkbox"/> Confidential	Person child lived with (name and complete current address) Tara Walsh and Stephen Russell <input type="checkbox"/> Confidential	Relationship Mother & Father
birth to 3/3/18	Child's residence (City, State) 217 Union Street, Brooklyn, NY 11231	Person child lived with (name and complete current address) Tara Walsh, 301 Mission St. #55D, San Francisco, CA 94105	Mother
to	Child's residence (City, State)	Person child lived with (name and complete current address)	
to	Child's residence (City, State)	Person child lived with (name and complete current address)	
b. Child's name	Place of birth	Date of birth	Sex
<input type="checkbox"/> Residence information is the same as given above for child a. (If NOT the same, provide the information below.)			
Period of residence to present	Address <input type="checkbox"/> Confidential	Person child lived with (name and complete current address) <input type="checkbox"/> Confidential	Relationship
to	Child's residence (City, State)	Person child lived with (name and complete current address)	
to	Child's residence (City, State)	Person child lived with (name and complete current address)	
to	Child's residence (City, State)	Person child lived with (name and complete current address)	

- c.  Additional residence information for a child listed in item a or b is continued on attachment 3c.
- d.  Additional children are listed on form FL-105(A)/GC-120(A). (Provide all requested information for additional children.)

SHORT TITLE: — Russell v. Walsh	CASE NUMBER:
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4. Do you have information about, or have you participated as a party or as a witness or in some other capacity in, another court case or custody or visitation proceeding, in California or elsewhere, concerning a child subject to this proceeding?  
 Yes  No (If yes, attach a copy of the orders (if you have one) and provide the following information):

Proceeding	Case number	Court (name, state, location)	Court order or judgment (date)	Name of each child	Your connection to the case	Case status
a. <input type="checkbox"/> Family						
b. <input type="checkbox"/> Guardianship						
c. <input type="checkbox"/> Other						

Proceeding	Case Number	Court (name, state, location)
d. <input type="checkbox"/> Juvenile Delinquency/ Juvenile Dependency		
e. <input type="checkbox"/> Adoption		

5.  One or more domestic violence restraining/protective orders are now in effect. (Attach a copy of the orders if you have one and provide the following information):

Court	County	State	Case number (if known)	Orders expire (date)
a. <input type="checkbox"/> Criminal				
b. <input type="checkbox"/> Family				
c. <input type="checkbox"/> Juvenile Delinquency/ Juvenile Dependency				
d. <input type="checkbox"/> Other				

6. Do you know of any person who is not a party to this proceeding who has physical custody or claims to have custody of or visitation rights with any child in this case?  Yes  No (If yes, provide the following information):

a. Name and address of person  <input type="checkbox"/> Has physical custody <input type="checkbox"/> Claims custody rights <input type="checkbox"/> Claims visitation rights Name of each child	b. Name and address of person  <input type="checkbox"/> Has physical custody <input type="checkbox"/> Claims custody rights <input type="checkbox"/> Claims visitation rights Name of each child	c. Name and address of person  <input type="checkbox"/> Has physical custody <input type="checkbox"/> Claims custody rights <input type="checkbox"/> Claims visitation rights Name of each child
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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 6/4/18

Stephen Russell

(TYPE OR PRINT NAME)

DocuSigned by:  
  
 1988887838884151...

(SIGNATURE OF DECLARANT)

7.  Number of pages attached: \_\_\_\_\_

**NOTICE TO DECLARANT: You have a continuing duty to inform this court if you obtain any information about a custody proceeding in a California court or any other court concerning a child subject to this proceeding.**

<p>ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):                  Stacey Poole 202964                  LERNER * POOLE, LLP                  535 PACIFIC AVENUE, 2ND FLOOR                  SAN FRANCISCO, CA 94133                  TELEPHONE NO.: (415) 391-6000 FAX NO.: (415) 391-6011                  E-MAIL ADDRESS: stacey@cafamilylaw.com                  ATTORNEY FOR (Name): Stephen Russell</p>	<p style="text-align: center;">FOR COURT USE ONLY</p> <p style="text-align: center;"><b>ENDORSED FILED</b>                  Superior Court of California                  County of San Francisco</p> <p style="text-align: center;">JUN 06 2018                  CLERK OF THE COURT                  BY: <u>TIMMY KYU</u>                  Deputy Clerk</p>
<p>SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN FRANCISCO                  STREET ADDRESS: 400 McAllister                  MAILING ADDRESS: Same                  CITY AND ZIP CODE: San Francisco, CA 94102                  BRANCH NAME:</p>	
<p>PETITIONER: Stephen Russell                  RESPONDENT: Tara Walsh</p>	
<p style="text-align: center;"><b>PROOF OF SERVICE OF SUMMONS</b></p> <p style="text-align: right;">CASE NUMBER: FPT-18-377425</p>	

1. At the time of service I was at least 18 years of age and not a party to this action. I served the respondent with copies of:
- a.  Family Law—Marriage/Domestic Partnership: *Petition—Marriage/Domestic Partnership* (form FL-100), *Summons* (form FL-110), and blank *Response—Marriage/Domestic Partnership* (form FL-120)
  - or-
  - b.  Uniform Parentage: *Petition to Establish Parental Relationship* (form FL-200), *Summons* (form FL-210), and blank *Response to Petition to Establish Parental Relationship* (form FL-220)
  - or-
  - c.  Custody and Support: *Petition for Custody and Support of Minor Children* (form FL-260), *Summons* (form FL-210), and blank *Response to Petition for Custody and Support of Minor Children* (form FL-270)
  - and
  - d.  (1)  Completed and blank *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act* (form FL-105)
  - (2)  Completed and blank *Declaration of Disclosure* (form FL-140)
  - (3)  Completed and blank *Schedule of Assets and Debts* (form FL-142)
  - (4)  Completed and blank *Income and Expense Declaration* (form FL-150)
  - (5)  Completed and blank *Financial Statement (Simplified)* (form FL 155)
  - (6)  Completed and blank *Property Declaration* (form FL-160)
  - (7)  *Request for Order* (form FL-300), and blank *Responsive Declaration to Request for Order* (form FL-320)
  - (8)  Other (specify):  
 Notice of ADR Options and Blank Notice of ADR Options

2. Address where respondent was served: 301 MISSION STREET # 55 D SAN FRANCISCO CA 94105

3. I served the respondent by the following means (check proper boxes):
- a.  **Personal service.** I personally delivered the copies to the respondent (Code Civ. Proc., § 415.10) on (date): 060518 at (time): 3:20 PM
  - b.  **Substituted service.** I left the copies with or in the presence of (name): \_\_\_\_\_ who is (specify title or relationship to respondent): \_\_\_\_\_
  - (1)  **(Business)** a person at least 18 years of age who was apparently in charge at the office or usual place of business of the respondent. I informed him or her of the general nature of the papers.
  - (2)  **(Home)** a competent member of the household (at least 18 years of age) at the home of the respondent. I informed him or her of the general nature of the papers.
- on (date): \_\_\_\_\_ at (time): \_\_\_\_\_
- I thereafter mailed additional copies (by first class, postage prepaid) to the respondent at the place where the copies were left (Code Civ. Proc., § 415.20b) on (date): \_\_\_\_\_
- A declaration of diligence is attached, stating the actions taken to first attempt personal service.

PETITIONER: Stephen Russell	CASE NUMBER: FPT-18-377425
RESPONDENT: Tara Walsh	

3. c.  **Mail and acknowledgment service.** I mailed the copies to the respondent, addressed as shown in item 2, by first-class mail, postage prepaid, on (date): \_\_\_\_\_ from (city): \_\_\_\_\_
- (1)  with two copies of the *Notice and Acknowledgment of Receipt* (form FL-117) and a postage-paid return envelope addressed to me. (**Attach completed *Notice and Acknowledgment of Receipt* (form FL-117).**) (Code Civ. Proc., § 415.30.)
- (2)  to an address outside California (by registered or certified mail with return receipt requested). (**Attach signed return receipt or other evidence of actual delivery to the respondent.**) (Code Civ. Proc., §§ 415.40, 417.20.)
- d.  **Other** (specify code section): \_\_\_\_\_  
 Continued on Attachment 3d.

4. **Person who served papers**

Name: DAN MARKS

Address: 101 STARVIEW WAY  
SAN FRANCISCO, CA 94131

Telephone number: 415 624 9629

This person is

- a.  exempt from registration under Business and Professions Code section 22350(b).
- b.  not a registered California process server.
- c.  a registered California process server:  an employee or  an independent contractor
- (1) Registration no.: \_\_\_\_\_
- (2) County: \_\_\_\_\_
- d. **The fee for service was (specify):** \$ 42.00
5.  **I declare** under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

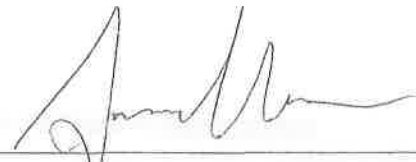
-or-

6.  **I am a California sheriff, marshal, or constable,** and I certify that the foregoing is true and correct.

Date: 06 05 18

DANIEL MARKS

(NAME OF PERSON WHO SERVED PAPERS)



(SIGNATURE OF PERSON WHO SERVED PAPERS)

ENDORSED  
FILED  
Superior Court of California  
County of San Francisco

JUL 08 2018

CLERK OF THE COURT  
BY: KELLY DAVIES  
Deputy Clerk

1 Stacey Poole, Esq., (SBN 202964)  
LERNER • POOLE, LLP  
2 535 Pacific Avenue, Second Floor  
San Francisco, CA 94133  
3 Telephone: 415-391-6000  
Fax: 415-391-6011  
4 stacey@cafamilylaw.com

5 Attorneys for Petitioner  
STEPHEN RUSSELL

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 COUNTY OF SAN FRANCISCO

11 In re the Matter of  
12 Petitioner: STEPHEN RUSSELL  
13 and  
14 Respondent: TARA WALSH

CASE NO.: FTP-18-377425  
DECLARATION OF DANIEL W. MARKS  
Date: July 10, 2018  
Time: 1:30 p.m.  
Dept: 404  
Judge: Richard C. Darwin

17 Attached hereto is the Declaration of Daniel W. Marks.  
18  
19  
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27  
28

LERNER • POOLE, LLP  
ATTORNEYS AT LAW  
535 PACIFIC AVENUE, 2ND FLOOR  
SAN FRANCISCO, CALIFORNIA 94133-4635  
(415) 391-6000  
FACSIMILE: (415) 391-6011

To whom this may concern,

I, Daniel W. Marks, at the residence 55D of the Millennium Tower served Tara Walsh her summons on the date of June 5<sup>th</sup> 2018, in the presence of Mr. Stephen Russell.

I was working in the apartment in the presence of Stephen Russell and Tara Walsh when I was asked by Mr. Russell if I would give the paperwork to Miss Walsh. I stopped what I was doing, and handed the paper work to Miss Walsh.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Daniel W. Marks

A handwritten signature in black ink, appearing to read 'D. Marks', with a long horizontal flourish extending to the right.

7/8/2018

# EXHIBIT 2

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

In the Matter of a Family Offense Proceeding

File #: 154703  
Docket #: O-06917-18

Tara Walsh,

Petitioner,

**SUMMONS**

- against -

Stephen G Russell,

Respondent.

IN THE NAME OF THE PEOPLE OF THE STATE OF NEW YORK:

To: Stephen G Russell  
301 Mission Street, Apt. 55D  
San Francisco, CA 94105

A petition under Article 8 of the Family Court Act having been filed with this Court, and annexed hereto

**YOU ARE HEREBY SUMMONED** to appear before this court on

**Date/Time:** July 17, 2018 at 9:30 AM  
**Purpose:** Further PP  
**Part:** 3  
**Floor/Room:** Floor 3/Room 308  
**Presiding:** Hon. Arlene A. Gordon-Oliver  
**Location:** Courthouse  
111 Dr. Martin Luther King Jr. Blvd.  
White Plains, NY 10601

to answer the petition and to be dealt with in accordance with the Family Court Act.

**On your failure to appear as herein directed, a warrant may be issued for your arrest.**

Dated: July 2, 2018

James McAllister, Clerk of Court

**NOTICE:** Family Court §154(c) provides that petitions brought pursuant to Article 4, 5, 6, 8 and 10 of the Family Court Act, in which an order of protection is sought or in which a violation of an order of protection is alleged, may be served outside the State of New York upon a Respondent who is not a resident or domiciliary of the State of New York. If no other grounds for obtaining personal jurisdiction over the Respondent exist aside from the application of this provision, the exercise of personal jurisdiction over the respondent is limited to the issue of the request for, or alleged violation of, the order of protection. Where the Respondent has been served with this summons and petition does not appear, the Family Court may proceed to a hearing with respect to issuance or enforcement of the order of protection.

F.C.A. § 812 et seq.

AGO  
7/2/17  
930

FAMILY COURT OF THE STATE OF NEW YORK  
COUNTY OF WESTCHESTER

TARA WALSH,

Petitioner,

-against-

STEPHEN RUSSELL,

Respondent.

FAMILY OFFENSE  
PETITION  
Docket No.  
File No.

154703  
0-06917-18

RECEIVED FAMILY COURT  
JULY 25 2017  
STATE OF N.Y.

To the Family Court:

The undersigned Petitioner respectfully states that:

1a. Petitioner resides at:

394 WHIPPOORWILL ROAD, CHAPPAQUA

County of WESTCHESTER, State of NEW YORK 10514.

1b. Respondent resides at:

301 MISSION STREET APT. 55D,

County of SAN FRANCISCO, State of CALIFORNIA 94105.

2. Petitioner has a child in common with Respondent.

3a. Respondent committed the following family offenses against Petitioner and / or  
Petitioner's child, which constitute:

- Disorderly conduct
- Harassment 2<sup>nd</sup>, 1<sup>st</sup> degree
- Aggravated harassment 2<sup>nd</sup> degree
- Attempted assault
- Assault 3<sup>rd</sup>, 2<sup>nd</sup> degree
- Reckless endangerment
- Sexual misconduct
- Forcible touching
- Sexual abuse 3<sup>rd</sup>, 2<sup>nd</sup> degree

- Menacing 3<sup>rd</sup>, 2<sup>nd</sup> degree
- Stalking 4<sup>th</sup>, 3<sup>rd</sup>, 2<sup>nd</sup>, 1<sup>st</sup> degree
- Criminal mischief
- Criminal obstruction breath blood circulation
- Strangulation 2<sup>nd</sup>, 1<sup>st</sup> degree
- Coercion 2<sup>nd</sup> degree
- Identity theft 3<sup>rd</sup>, 2<sup>nd</sup>, 1<sup>st</sup> degree
- Grand larceny 4<sup>th</sup>, 3<sup>rd</sup> degree

On or about June 4, 2018, Petitioner was in a taxi in California with her child (Evelyn Walsh, DOB, 1/27/2018) on her way to the airport to return home to New York when one of Respondent's security guards entered the front seat of the taxi in an attempt to prevent Petitioner from leaving California. The security guard threatened Petitioner that if she left California she would be arrested causing Petitioner to be afraid and alarmed. Petitioner was so afraid that she did not leave California on that date.

On or about March 22, 2018 the San Francisco police called Petitioner and left a message on Petitioner's cell phone stating that they had received a telephone call from Petitioner's sibling who was alarmed about Petitioner's safety. The police advised Petitioner to call "911." Respondent overheard the message from the police and ordered Petitioner to call the police and say that she wasn't being abused. Based on Respondent's past behavior Petitioner was afraid and called "911" and said she was not being abused which was not true.

In or about March 9, 2018, Petitioner was holding on to her laptop when Respondent got angry and aggressively tried to grab the laptop out of Petitioner's hands. When Petitioner refused to give the laptop to Respondent he repeatedly and forcefully pushed Petitioner around the room causing her body to strike the kitchen counter repeatedly and causing Petitioner to fall on the floor repeatedly. Petitioner was recovering from childbirth (Caesarian) and suffered substantial pain and had bruising and pain in and about her backside and leg for approximately two weeks, and limped for about a week as a result of Respondent's conduct. Respondent took Petitioner's laptop, broke it in half with his hands, took Petitioner's cell phone and smashed it against the counter until it broke and disconnected the Wi-Fi. Respondent had taken Petitioner's other cell phone the day before and smashed it causing it to break. Respondent's actions caused Petitioner to be extremely alarmed and afraid for her safety and she locked herself in her daughter's bedroom. Petitioner wanted to call the police but did not have a phone.

In or about January 31, 2018, Petitioner was in New York Presbyterian Hospital having just given birth to the parties' daughter. Respondent was in Petitioner's apartment in Brooklyn and believed he was being watched with spying devices and ripped the furniture apart, and threw items around the apartment, hitting and denting the walls, and breaking mirrors. Respondent's security detail advised Petitioner not to return to the apartment because of its condition. Respondent's erratic and violent behavior caused Petitioner to be very afraid and alarmed.

On or about January 24, 2018 when Petitioner was 9 month's pregnant. Respondent told Petitioner, "We need to return to your parents' house" because he was afraid the apartment they were living was outfitted with spying apparatus. Petitioner refused and Respondent threatened, "I will smash your cell phone in your face." This behavior alarmed and frightened Petitioner.

Since on or about January, 2018 through on or about mid-June, 2018 security guards hired by Respondent constantly monitored Petitioner's home and followed Petitioner and her daughter whenever they left their home. Petitioner constantly asked Respondent to stop his security detail from monitoring and following her but he refused. The continuous monitoring by Respondent's security guards make Petitioner feel controlled, harassed, afraid and alarmed because she feels Respondent is always watching her.

Respondent's physically and verbally abusive course of conduct causes Petitioner to fear for her safety and the safety of her child, therefore, Petitioner seeks an Order of Protection from Family Court.

3b. If applicable, include "aggravating circumstances" here:

On or about March 9, 2018 Respondent repeatedly and forcefully pushed Petitioner around the room causing her body to strike the kitchen counter and floor repeatedly and causing substantial pain and bruising in and about her backside and leg for approximately two weeks, and causing Petitioner to limp for about a week.

4. The following children live with Petitioner:

<u>Child's Name</u>	<u>Date of Birth</u>	<u>Relationship to Petitioner</u>	<u>Relationship to Respondent</u>
Evelyn Walsh	1/27/2018	Daughter	Daughter

5. Upon information and belief, Respondent owns or has access to guns, knives, other weapons or other dangerous instruments as follows:

Upon information and belief, Respondent has access to several handguns guns and a taser that are located at Respondent's mother's house or with his security detail.

6. Upon information and belief, the following criminal, matrimonial or family court proceedings involving Respondent have been filed:

Respondent has filed for custody in California (San Francisco Superior Court).

7. Indicate whether a previous application has been made to any court or judge for the relief requested in this petition: N/A

WHEREFORE, Petitioner respectfully requests this Court to:

- Adjudge the Respondent to have committed the family offenses alleged;
- Enter an order of protection, specifying conditions of behavior to be observed by the Respondent in accordance with Section 842 of the Family Court Act;
  - Refrain from harassment, assault, threats, stalking, menacing, or any of the family offenses against Petitioner or Petitioner's children (if any);
  - Stay away from Petitioner;
  - Stay away from Petitioner's child;
  - Stay away from Petitioner's home;
  - No communication and no contact either directly or through Respondent's agent, by telephone, email, social media or otherwise;
  - Order that Petitioner be awarded temporary custody of the child named herein;
- Enter a Finding of Aggravating Circumstances, if applicable; and
- Order Respondent to observe such other conditions as are necessary to further the purposes of protection; and
- Order any other and further relief as the Court may deem just and proper.

Dated: 6/25/18

  
Petitioner's signature

# EXHIBIT 3

FAMILY COURT OF THE STATE OF NEW YORK  
COUNTY OF WESTCHESTER

.....  
In The Matter of a Proceeding for  
Custody under the *Uniform Custody  
Jurisdiction and Enforcement Act*

Docket No. \_\_\_\_\_  
File No. 154703

TARA WALSH,

PETITION-UCCJEA  
CUSTODY

Petitioner,

-against-

STEPHEN G. RUSSELL,

Respondent.  
.....

TO THE FAMILY COURT:

The undersigned Petitioner respectfully alleges upon information and belief that:

1. I am the mother of Evelyn Walsh (DOB 1/27/2018) (hereinafter the "Child") and am seeking custody of the Child.
2. I reside at 394 Whipoorwill Road, Chappaqua, New York 10514.
3. Respondent Stephen G. Russell is the Child's father as acknowledged in the Child's birth certificate. Respondent resides at 301 Mission Street, Apt. 55D, San Francisco, CA 94105.
4. The name, gender, current address and date of birth of each child who is the subject of this Proceeding, and present address of the person with whom each child resided during the past five years is as follows:

<u>Name</u>	<u>Gender</u>	<u>Date of Birth</u>	<u>Current Address</u>	<u>Name of Person with Whom Child Resides</u>	<u>Dates</u>
Evelyn Walsh	F	1/27/2018	394 Whipoorwill Road Chappaqua, New York 10514	Petitioner	6/9 to Present
			217 Union Street Apartment 3 Brooklyn, New York 11231	Petitioner	Birth to 6/9

5. Petitioner and Respondent were not married and never lived together. The Child lived solely with the Petitioner since the Child's birth in New York.

6. This Court has jurisdiction to issue a child custody or visitation order pursuant to Section 76(1) of the Domestic Relations Law on the following ground(s):

- This state is the home state of the child on the date of the filing of this petition. The Child was born in New York, is less than six months old, and has resided exclusively with me. The Child has only been absent from the state for brief periods of time for purposes of visitation with Respondent in California.
- Petitioner, the Child's mother is, and has always been a resident of the State of New York since the inception of her long-distance relationship with Respondent in approximately 2015.
- The Child has a significant connection to the State having been born here and resided here her entire life but for brief absences to California to visit Respondent. The Child's grandparents and many aunts and uncles reside in New York who actively participate in the Child's care and protection.
- Respondent filed a Custody petition in San Francisco Superior Court (Case No. FPT-18-377425). California should decline jurisdiction as it is not the Child's home state and New York is the more appropriate forum under Domestic Relations Law §§76-f or 76-g, because the Respondent has engaged in threatening and abusive conduct towards Petitioner and the Child as set forth in Petitioner's Family Offense Petition dated June 25, 2018 (annexed hereto as **Exhibit "A"**) resulting in a Temporary Order of Protection issued by this Court (Walsh v. Russell- Docket No. O-06917-18) (annexed hereto as **Exhibit "B"**) and Ms. Walsh's Declarations in support of her Motion to Dismiss dated June 26, 2018 and in opposition to Mr. Russell's application for Emergency Jurisdiction dated July 10, 2018 submitted to the California court and annexed hereto as **Exhibits "D" and "E."**
- In addition, the California Custody petition (originally filed on June 4, 2018) was improperly served on Petitioner, as Mr. Russell personally served Ms. Walsh which is impermissible, and a Motion to Dismiss is pending annexed hereto as **Exhibit "D."**

7. This Court should exercise temporary, emergency jurisdiction, pursuant to Domestic Relations Law §76-c, because the child is presently in this State and it is necessary in an emergency to protect the child, a sibling or parent of the child:

*See* Family Offense Petition dated June 25, 2018 and Temporary Order of Protection Entered on July 2, 2018 (**Exhibits "A" and "B."**)

Ms. Walsh's Declarations in support of her Motion to Dismiss dated June 26, 2018 and in opposition to Respondent's application for Emergency Jurisdiction dated July 10, 2018, annexed hereto as **Exhibits "D" and "E"** respectively, and include specific allegations of abuse are incorporated herein.

Respondent has been physically abusive to me. In or about March, 2018, respondent Steve became enraged one day and said he was breaking my laptop and my cellphone. As I asked him to calm down, he became violent and smashed me around the kitchen pulling me up and down against the center island and the floor with full force to remove my laptop from my arms. Steve was able to finally remove the laptop and smashed it on the ground. I had bruises all over my leg and backside and had trouble walking/running

for close to two weeks. (Photo attached as Exhibit E to Petitioner's Declaration in opposition to Respondent's application for Emergency Jurisdiction dated July 10, 2018, annexed hereto as Exhibit "E"). Respondent does not restrain himself in the presence of our daughter, and I believe he poses an even greater danger to her given she is an infant.

8. The following proceeding has been commenced that could affect this action: Stephen G. Russell v. Tara Walsh, Case No. FPT-18-377425, Superior Court of California, County of San Francisco (custody proceeding). Upon information and belief, a hearing on the issue of jurisdiction is scheduled for July 31, 2018 after Respondent filed an emergency application annexed hereto as Exhibit "C" (with exhibits and Mr. Russell's supporting Declaration only).

9. Petitioner has not participated as a party or witness in other litigation concerning the custody of the same child except as set forth herein.

10. I know of no person not a party to the proceedings who claim to have custody or visitation rights with respect to the child affected by this proceeding.

11. Petitioner obtained custody of the Child upon the Child's birth in New York on January 27, 2018.

12. It would be in the best interests of the Child for Petitioner to have custody for the following reasons:

- Petitioner has been the Child's sole and primary caretaker since birth. The Child lived solely with Petitioner since birth, with brief visits to California to visit Respondent.
- Petitioner takes the Child to all of her doctor's appointments and attends to her daily care.
- Respondent has never cared for the Child, other than providing financial support. Respondent does not know the first thing about how to care for an infant.

13. A Temporary Order of Protection was issued against Respondent on June 25, 2018 (O-06917-18) and expires on July 17, 2018.

14. No previous application has been made to any court or judge for the relief herein requested, except as set forth herein.

WHEREFORE, Petitioner respectfully requests this Court to issue:

- A. An order awarding sole legal and physical custody of the above-named Child to the Petitioner and granting Respondent only supervised parental access with the Child in New York State;
- B. An order directing the following temporary, emergency measures to protect the child, a parent or sibling: the Petitioner and the Child not be removed from the State of New York;
- C. An order directing the Respondent to pay Petitioner's attorneys' fees and costs, including reasonable and necessary travel expenses, for the prosecution of this proceeding fees pursuant to Family Court Act §651(b) and Domestic Relations Law §237 (b).;

- D. Continuing the Temporary Order of Protection entered on June 25, 2018 and expiring on July 17, 2018 (O-06917-18).
- E. An order directing such other and further relief as the Court may determine to be just and proper.

Dated: July 12 2018

  
Tara Walsh, Petitioner

  
Lydia S. Antonic, Esq.  
*Attorney for Petitioner Tara Walsh*  
8 Madison Avenue, Second Floor  
Valhalla, New York 10595  
(914) 712-8778  
[Lydia@lsafamlaw.com](mailto:Lydia@lsafamlaw.com)

VERIFICATION

STATE OF NEW YORK )


SS:

COUNTY OF WESTCHESTER )

TARA WALSH, being duly sworn, says that she is the Petitioner in the above-named proceeding and that the foregoing petition, which incorporates is true to her own knowledge, except as to matters therein stated to be alleged on information and belief and as to those matters she believes it to be true.

  
Tara Walsh, Petitioner

Sworn to before me this  
12<sup>th</sup> day of July 2018

  
(Deputy) Clerk of the Court  
Notary Public

TERESA L. PICCILLO  
Notary Public, State of New York  
No. 4840925  
Qualified in Westchester County  
Commission Expires February 18, 2022

# EXHIBIT 4

ORIGINAL

At the Family Court of the State of New York, held in and for the County of Westchester, at the Courthouse, 111 Dr. Martin Luther King, Jr. Blvd, White Plains, New York on the 16 day of July, 2018

NOTICE OF ENTRY  
PLEASE TAKE NOTICE that the within is a true copy of an order entered in the office of the Clerk of the Family Court of the State of New York in the County of Westchester.

Date: 7/16/18

*James J. ...*  
Chief Clerk of the Court

Order Distributed  P  P-ATY  
 DSS/SCU  R  R-ATY  
 OTHER  C-ATY  M

**PRESENT:**

**Hon. Arlene Gordon-Oliver, Family Court Judge**

FAMILY COURT OF THE STATE OF NEW YORK  
COUNTY OF WESTCHESTER

In the Matter of a Proceeding under the  
*Uniform Child Custody Jurisdiction and  
Enforcement Act* [Article 5-A of the  
Domestic Relations Law]  
TARA WALSH,

Petitioner,

File No. 154703

Docket No. 0-1547-18A

ORDER TO SHOW CAUSE - UCCJEA

-against-

STEPHEN G. RUSSELL,

Respondent.

Upon the petition of TARA WALSH verified on July 12, 2018 and attached to this Order to Show Cause, the Affirmation of Lydia S. Antoncic, Esq. dated July 12, 2018, the annexed Memorandum of Law, all of the exhibits attached hereto, and on all of the prior proceedings in this matter, and pursuant to Domestic Relations Law §§ 75-g, 76-d, 77-g and 77-h,

**IT IS HEREBY ORDERED** that STEPHEN G. RUSSELL show cause before a term of this Family Court, Part 3, to be held in the courthouse located at 111 Dr. Martin Luther King, Jr Boulevard, White Plains, New York, on the 17 day of July, 2018 at 9:30 o'clock in the forenoon of that day, or as soon thereafter as the parties and/or their attorneys can be heard, why an Order should not be made and entered, as requested in the annexed petition, awarding sole legal and physical custody to Petitioner regarding the following child named in the petition:

Name(s)  
Evelyn Walsh

Date(s) of Birth  
1/27/2018

Together with counsel fees pursuant to Family Court Act §651(b) and Domestic Relations Law §237 (b), and such other and further relief as the Court deems appropriate,

AND IT IS FURTHER ORDERED that pending the hearing on this motion:

And the Court having searched the statewide registry of orders of protection, the sex offender registry and the Family Court's warrant and child protective records, and having notified the attorneys for the parties and for the child of the results of these searches;

And the Court having considered and relied upon the following results of these searches in making this decision [specify; if no results found, so indicate \_\_\_\_\_]:

SUFFICIENT CAUSE BEING ALLEGED THEREFORE, IT IS HEREBY ORDERED

that pending the hearing on this motion, Petitioner shall have temporary ~~sole legal and~~ physical custody of EVELYN WALSH (DOB 1/27/2018); and *the child shall not be removed from the state of NY until further order of this court;*

ORDERED that service of a copy of this Order, and all the papers upon which they are based, and

upon Respondent, Stephen G. Russell, on his attorney, Stacey Poole, Esq., ~~via overnight mail to 535 Pacific Ave #2, San Francisco, CA 94133~~ and email to [stacey@cafamilylaw.com](mailto:stacey@cafamilylaw.com) pursuant to the

Court's directive on July 2, 2018, on or before July 16, 2018 shall be deemed sufficient service thereof; and

~~ORDERED that answering papers, if any, including any cross-motion, shall be served upon counsel for Petitioner and be filed with the Court so as to be received in hand by both the Court and counsel for all parties no later than on \_\_\_\_\_; and it is further~~

~~ORDERED that reply papers, if any, shall be served upon counsel for all parties and filed with the court on the return date of this motion; and it is further~~

ORDERED that all parties and counsel are required to appear upon the return date of this motion, *and it is further*

Dated: July 16, 2018

ENTER 

Hon. Arlene Gordon-Oliver  
Judge of the Family Court

*Ordered that Faith Miller, Esq. is hereby appointed as attorney for the child and shall be served by July 16, 2018 via email at [fgm@mzw-law.com](mailto:fgm@mzw-law.com) and [sheilas@mzw-law.com](mailto:sheilas@mzw-law.com)*

AGO  
JFC

AGO  
JFC

AGO  
JFC

FAMILY COURT OF THE STATE OF NEW YORK  
COUNTY OF WESTCHESTER

.....  
In The Matter of a Proceeding for  
Custody under the *Uniform Custody  
Jurisdiction and Enforcement Act*

Docket No. \_\_\_\_\_  
File No. 154703

TARA WALSH,

PETITION-UCCJEA  
CUSTODY

Petitioner,

-against-

STEPHEN G. RUSSELL,

Respondent.  
.....

TO THE FAMILY COURT:

The undersigned Petitioner respectfully alleges upon information and belief that:

1. I am the mother of Evelyn Walsh (DOB 1/27/2018) (hereinafter the "Child") and am seeking custody of the Child.
2. I reside at 394 Whippoorwill Road, Chappaqua, New York 10514.
3. Respondent Stephen G. Russell is the Child's father as acknowledged in the Child's birth certificate. Respondent resides at 301 Mission Street, Apt. 55D, San Francisco, CA 94105.
4. The name, gender, current address and date of birth of each child who is the subject of this Proceeding, and present address of the person with whom each child resided during the past five years is as follows:

<u>Name</u>	<u>Gender</u>	<u>Date of Birth</u>	<u>Current Address</u>	<u>Name of Person with Whom Child Resides</u>	<u>Dates</u>
Evelyn Walsh	F	1/27/2018	394 Whippoorwill Road Chappaqua, New York 10514	Petitioner	6/9 to Present
			217 Union Street Apartment 3 Brooklyn, New York 11231	Petitioner	Birth to 6/9

5. Petitioner and Respondent were not married and never lived together. The Child lived solely with the Petitioner since the Child's birth in New York.

6. This Court has jurisdiction to issue a child custody or visitation order pursuant to Section 76(1) of the Domestic Relations Law on the following ground(s):

- This state is the home state of the child on the date of the filing of this petition. The Child was born in New York, is less than six months old, and has resided exclusively with me. The Child has only been absent from the state for brief periods of time for purposes of visitation with Respondent in California.
- Petitioner, the Child's mother is, and has always been a resident of the State of New York since the inception of her long-distance relationship with Respondent in approximately 2015.
- The Child has a significant connection to the State having been born here and resided here her entire life but for brief absences to California to visit Respondent. The Child's grandparents and many aunts and uncles reside in New York who actively participate in the Child's care and protection.
- Respondent filed a Custody petition in San Francisco Superior Court (Case No. FPT-18-377425). California should decline jurisdiction as it is not the Child's home state and New York is the more appropriate forum under Domestic Relations Law §§76-f or 76-g, because the Respondent has engaged in threatening and abusive conduct towards Petitioner and the Child as set forth in Petitioner's Family Offense Petition dated June 25, 2018 (annexed hereto as **Exhibit "A"**) resulting in a Temporary Order of Protection issued by this Court (Walsh v. Russell- Docket No. O-06917-18) (annexed hereto as **Exhibit "B"**) and Ms. Walsh's Declarations in support of her Motion to Dismiss dated June 26, 2018 and in opposition to Mr. Russell's application for Emergency Jurisdiction dated July 10, 2018 submitted to the California court and annexed hereto as **Exhibits "D" and "E."**
- In addition, the California Custody petition (originally filed on June 4, 2018) was improperly served on Petitioner, as Mr. Russell personally served Ms. Walsh which is impermissible, and a Motion to Dismiss is pending annexed hereto as **Exhibit "D."**

7. This Court should exercise temporary, emergency jurisdiction, pursuant to Domestic Relations Law §76-c, because the child is presently in this State and it is necessary in an emergency to protect the child, a sibling or parent of the child:

*See* Family Offense Petition dated June 25, 2018 and Temporary Order of Protection Entered on July 2, 2018 (**Exhibits "A" and "B."**)

Ms. Walsh's Declarations in support of her Motion to Dismiss dated June 26, 2018 and in opposition to Respondent's application for Emergency Jurisdiction dated July 10, 2018, annexed hereto as **Exhibits "D" and "E"** respectively, and include specific allegations of abuse are incorporated herein.

Respondent has been physically abusive to me. In or about March, 2018, respondent Steve became enraged one day and said he was breaking my laptop and my cellphone. As I asked him to calm down, he became violent and smashed me around the kitchen pulling me up and down against the center island and the floor with full force to remove my laptop from my arms. Steve was able to finally remove the laptop and smashed it on the ground. I had bruises all over my leg and backside and had trouble walking/running

for close to two weeks. (Photo attached as Exhibit E to Petitioner's Declaration in opposition to Respondent's application for Emergency Jurisdiction dated July 10, 2018, annexed hereto as **Exhibit "E"**). Respondent does not restrain himself in the presence of our daughter, and I believe he poses an even greater danger to her given she is an infant.

8. The following proceeding has been commenced that could affect this action: Stephen G. Russell v. Tara Walsh, Case No. FPT-18-377425, Superior Court of California, County of San Francisco (custody proceeding). Upon information and belief, a hearing on the issue of jurisdiction is scheduled for July 31, 2018 after Respondent filed an emergency application annexed hereto as **Exhibit "C"** (with exhibits and Mr. Russell's supporting Declaration only).

9. Petitioner has not participated as a party or witness in other litigation concerning the custody of the same child except as set forth herein.

10. I know of no person not a party to the proceedings who claim to have custody or visitation rights with respect to the child affected by this proceeding.

11. Petitioner obtained custody of the Child upon the Child's birth in New York on January 27, 2018.

12. It would be in the best interests of the Child for Petitioner to have custody for the following reasons:

- Petitioner has been the Child's sole and primary caretaker since birth. The Child lived solely with Petitioner since birth, with brief visits to California to visit Respondent.
- Petitioner takes the Child to all of her doctor's appointments and attends to her daily care.
- Respondent has never cared for the Child, other than providing financial support. Respondent does not know the first thing about how to care for an infant.

13. A Temporary Order of Protection was issued against Respondent on June 25, 2018 (O-06917-18) and expires on July 17, 2018.

14. No previous application has been made to any court or judge for the relief herein requested, except as set forth herein.

WHEREFORE, Petitioner respectfully requests this Court to issue:

- A. An order awarding sole legal and physical custody of the above-named Child to the Petitioner and granting Respondent only supervised parental access with the Child in New York State;
- B. An order directing the following temporary, emergency measures to protect the child, a parent or sibling: the Petitioner and the Child not be removed from the State of New York;
- C. An order directing the Respondent to pay Petitioner's attorneys' fees and costs, including reasonable and necessary travel expenses, for the prosecution of this proceeding fees pursuant to Family Court Act §651(b) and Domestic Relations Law §237 (b).;

- D. Continuing the Temporary Order of Protection entered on June 25, 2018 and expiring on July 17, 2018 (O-06917-18).
- E. An order directing such other and further relief as the Court may determine to be just and proper.

Dated: July 12 2018

  
Tara Walsh, Petitioner

  
Lydia S. Antoncic, Esq.  
*Attorney for Petitioner Tara Walsh*  
8 Madison Avenue, Second Floor  
Valhalla, New York 10595  
(914) 712-8778  
[Lydia@lsafamlaw.com](mailto:Lydia@lsafamlaw.com)

VERIFICATION

STATE OF NEW YORK )

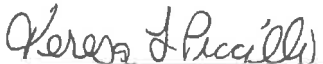
:ss:

COUNTY OF WESTCHESTER )

TARA WALSH, being duly sworn, says that she is the Petitioner in the above-named proceeding and that the foregoing petition, which incorporates is true to her own knowledge, except as to matters therein stated to be alleged on information and belief and as to those matters she believes it to be true.

  
Tara Walsh, Petitioner

Sworn to before me this  
12<sup>th</sup> day of July 2018

  
(Deputy) Clerk of the Court  
Notary Public

TERESA L. PICCILLO  
Notary Public, State of New York  
No. 4849925  
Qualified in Westchester County  
Commission Expires February 18, 2022

FAMILY COURT OF THE STATE OF NEW YORK  
COUNTY OF WESTCHESTER

-----X  
TARA WALSH,  
Petitioner,

File No. 154703  
Docket Nos. \_\_\_\_\_

-against-

**ATTORNEY AFFIRMATION**

STEPHEN G. RUSSELL,  
Respondent.  
-----X

LYDIA ANTONCIC, an attorney licensed to practice law in the courts of this state affirms the follow to be true and correct:

1. I am the attorney for the Petitioner, TARA WALSH, in this custody proceeding and submit this Affirmation in support of her Order to Show Cause seeking sole legal and physical custody of the parties' daughter, Evelyn Walsh (DOB 1/27/2018) (hereinafter the "Child"), who is less than six-months old, together with counsel fees and such other and further relief as this Court deems appropriate.

2. As set forth in Petitioner's annexed Petition verified on July 12, 2018, Petitioner has been the Child's primary and sole caretaker since her birth. The Child was born in New York and has extensive contacts here. The Child has spent limited time in California for purposes of visiting Respondent. Petitioner has at all times remained a resident of New York. As such, New York is the Child's home state. *See*, annexed Memorandum of Law.

3. Respondent's violent, erratic and controlling behavior is detailed in Petitioner's underlying family offense petition, as well as the Declarations she filed in California, resulting in the Temporary Order of Protection entered by this Court on June 25, 2018. *See*, **Exhibits "A," "B," "D" and "E."** Respondent has been physically violent and has threatened Petitioner. It is respectfully submitted that the Child's well-being is at risk and, as a result, constitutes an

additional basis for this Court to exercise emergency jurisdiction under the Uniform Child Custody Jurisdiction and Enforcement Act (“UCCJEA”) as set forth in the annexed Memorandum of Law—particularly given the Child’s tender age.

4. Petitioner appeared in Court on July 2<sup>nd</sup> for a preliminary proceeding on her family offense petition. Petitioner indicated that the Sheriff was unable to serve Respondent due to the security Respondent has in place, including bodyguards. In addition, Respondent texted Petitioner’s father and asked that his attorney, Stacey Poole, Esq., be served with the family offense petition. *See, Exhibit “F.”* The Court then directed that Respondent’s attorney, Ms. Poole, be served with Petitioner’s Family Offense Petition and the Temporary Order of Protection.

5. Accordingly, Petitioner respectfully requests that service of this Order to Show Cause on Respondent’s attorney, Stacey Poole, by overnight mail be deemed sufficient for the same reasons stated in Court on July 2<sup>nd</sup>.

6. As set forth in our accompanying Memorandum of Law, the law is well-settled that the Family Court is empowered by Family Court Act §651 (b) and Domestic Relations Law §237 (b) to award counsel fees in custody proceedings, particularly given the parties’ disparate financial circumstances as set forth in Petitioner’s Financial Disclosure Affidavit (**Exhibit “G”**), and the Declarations in support of her Motion to Dismiss dated June 26, 2018 (**Exhibit “D”**).

7. As set forth in Petitioner’s Financial Disclosure Affidavit and her Declarations in support of her Motion to Dismiss dated June 26, 2018, Petitioner currently earns approximately \$3,000 per month. Respondent, on the other hand, has started two successful technology companies, and his current company is Prism Labs. Respondent has personal trainers, a chef, full time security guards and three homes in San Francisco (one of which is used for security

alone) (*See, Exhibit "D"*). On information and belief, Respondent has amassed substantial savings from his investments and sale of stock in technology and security companies, such as Uber and Ring.

8. Petitioner simply cannot afford to pay counsel fees in this matter and will be at a distinct disadvantage if a counsel fee award is not made by this Court. When comparing the financial disparity between the parties, i.e., Petitioner's inability, and Respondent's ability, to pay for legal services, this Court must conclude that justice requires that Respondent pay counsel fees for Petitioner in this custody matter. The fees are reasonable based on the legal work performed heretofore and expected to be performed in connection with this matter.

9. The fees charged to Petitioner are unquestionably proportionate to the legal work required to protect her interests in this custody proceeding. Petitioner paid an initial retainer of \$15,000.00 for representation in the family offense, child support and child custody matter that will soon be filed. She has incurred fees for this custody proceeding in connection with counsels' meetings with Petitioner, corresponding with her and opposing counsel, court appearances, drafting the instant Petition and Order to Show Cause. This proceeding will require significant additional services including court appearances, the drafting of reply papers and hearings, which will likely include a forensic and significant trial preparation expense.

10. In fixing an award of legal fees, I ask that the Court consider my professional background and experience. I am a practicing attorney in the State of New York, having been admitted in January 1995. My practice has been devoted to representing litigants and children in matrimonial and family matters (including appeals) since 2007. I have represented clients in all phases of divorce/family proceedings in the Supreme and Family Court, as well as numerous appeals in the Appellate Division, Second Department. I serve on the Attorney for the Child and

Appeals Panel for Westchester, Rockland and Putnam County, New York, and Attorney for the Child Appeals Panel for Westchester County. I also serve on the Guardian ad Litem and Receiver Panel for Westchester, Rockland, Putnam, Bronx and New York County. I am an active member of the Family Law Section of the New York State Bar Association (NYSBA), Westchester County Bar Association (WCBA), Westchester Women's Bar Association (WWBA), New York Women's Bar Association (NYWBA) and New Rochelle Bar Associations (NRBA). I am co-chair of the Legislation Committee of the NYWBA. I regularly attend Continuing Legal Education Programs sponsored by the aforementioned bar associations, specifically in the areas of matrimonial and family law. I was selected for inclusion in the 2016 Super Lawyers® Metro New York Edition (Family Law) and received a Martindale-Hubbell AV Preeminent® Peer Review Rating for Legal Ability and Ethical Standards.

11. My present billing rate is \$395 per hour, which is the prevailing rate for attorneys who possess my experience in Westchester County.

12. I represent the Petitioner in the family offense and instant child custody proceeding, and Petitioner will soon file a petition for child support. Annexed as **Exhibit "H"** is Petitioner's Retainer Agreement and Statement of Client's Rights. I am requesting that Petitioner be awarded counsel fees of \$15,000 with leave to seek additional fees as may become necessary.

WHEREFORE, it is respectfully requested that Petitioner's Order to Show Cause be granted in all respects.

Dated: New Rochelle, New York  
July 12, 2018

  
LYDIA ANTONCIC

# EXHIBIT 5

FAMILY COURT OF THE STATE OF NEW YORK  
COUNTY OF WESTCHESTER

-----X  
TARA WALSH,

Petitioner,

File No. 154703  
Docket No. O-06917-18A

-against-

**NOTICE OF CROSS-MOTION**

STEPHEN G. RUSSELL,

Respondent.

-----X

PLEASE TAKE NOTICE that, upon the Affidavit of Respondent, Stephen G. Russell, dated August 7, 2018, the memorandum of law in support of respondent's opposition to petitioner's Order to Show Cause and in Support of respondent's Cross-Motion, of Jason Advocate, dated August 7, 2018, and upon all of the pleadings and prior proceedings had herein, Respondent will cross-move before the Honorable Arlene Gordon Oliver, at the Family Court of New York, Westchester County, at Part 3, located at 111 Dr. Martin Luther King Jr. Blvd, White Plains, New York, on the 11<sup>th</sup> day of September, 2018 at 2:00 p.m. or as soon thereafter as counsel can be heard, for an order:

- a. granting Respondent emergency temporary custody of his infant daughter, Evelyn Walsh, and ordering that Petitioner shall have supervised visitation with the parties' daughter;
- b. dismissing Petitioner's UCCJEA Custody Petition in New York Family Court;
- c. dismissing Petitioner's Family Offense Petition in New York Family Court;

- d. ordering the release of Petitioner's psychiatric and mental health records, including Dr. Abilash A. Gopal, M.D.;
- e. granting Respondent permission to immediately return to California with the parties' daughter, and;
- f. for such other and further relief that this Court deems just and proper.

Dated: August 7, 2018  
New York, New York



Jason A. Advocate

To: Lydia S. Antoncic, Esq.  
Lydia S. Antoncic, P.C.  
Attorney for Petitioner  
200 Mamaroneck Ave #304  
White Plains, NY 10601

Faith Miller, Esq.  
Miller, Zeiderman & Wiederker, LLP  
Attorneys for the Child  
140 Grand Street  
White Plains, NY 10601

# EXHIBIT 6

NOTICE OF ENTRY

PLEASE TAKE NOTICE that the within is a true copy of an order entered in the office of the Clerk of the Family Court of the State of New York in the County of Westchester.

Date: 9/11/18

Chief Clerk of the Court

Order Distributed  P  R  P-ATY  R-ATY  C-ATY  M  DSS/SCU  OTHER

Prepared by: At a term of the Family Court of the State of New York, held in and for the County of Westchester, at 111 Dr. Martin Luther King, Jr. Blvd., White Plains, NY 10601 on 9/11/18

PRESENT: HON. ARLENE GORDON-OLIVER, J.F.C.

In the Matter of Proceeding Under Article of the Family Court Act

TEMPORARY ORDER

Tara Walsh

Petitioner(s),

File #: 154703

-against-

Stephen Russell

Respondent(s).

Docket #(s): 0-06917-18A

V-07641-18

NOTICE: YOUR WILLFUL FAILURE TO OBEY THIS ORDER MAY RESULT IN INCARCERATION FOR CRIMINAL CONTEMPT

Petition(s) having been filed on 7/13/18 seeking (circle one): (an order of custody/visitation) (modification of an order of custody/visitation) (violation of an order of custody/visitation) of the following Child(ren):

Name

Date of Birth

Evelyn Walsh

1/27/2017

The matter having duly come on to be heard before this Court; and

The Petitioner having (personally appeared) (not appeared), (without counsel) (with counsel [include name] Lydia S. Antoncic); and

The Respondent having (personally appeared) (not appeared), (without counsel) (with counsel [include name] Jason A Advocate); and

Jennifer Tackman having appeared as the Attorney for the Subject Child(ren); and

The Court having searched the statewide registry of orders of protection, the sex offender registry and the Family Court's child protective records, and having notified the attorneys for the parties and for the Child(ren), and the parties, of the results of these searches, and the Court having considered and relied upon the following results of these searches in making this interim decision:

File #: \_\_\_\_\_

NOW, it is hereby

ORDERED that, the parties agree that Father shall have  
visitation with the child, supervised by Delia Farquharson  
at a minimum of 3 days per week for at least  
2 hours per visit. Ms. Farquharson shall also conduct  
visits and observations with the Mother at her residence  
at least 2 times per week. Mr. Farquharson will issue  
written reports of her visits every 2 weeks to the  
court and all counsel.

The parties agree to stay away from each other (except for  
visitation pickup/dropoff) and agree to refrain from communication  
with one another except with respect to any issues  
concerning the child.

The Mother shall continue to reside with her parents  
and shall not relocate without court approval or  
written agreement of both parties.

Petitioner shall withdraw her order of protection + violation  
Petitioner, # and Respondent shall withdraw ~~his~~ his  
order of protection in California, and any violation petitions  
he has.

; and it is further

ORDERED that this Temporary Order shall remain in effect until Further Order of the Court

PURSUANT TO SECTION 1113 OF THE FAMILY COURT ACT, AN APPEAL FROM THIS ORDER MUST BE TAKEN WITHIN 30 DAYS OF RECEIPT OF THE ORDER BY THE APPELLANT IN COURT, 35 DAYS FROM THE DATE OF MAILING OF THE ORDER TO THE APPELLANT BY THE CLERK OF COURT, OR 30 DAYS AFTER SERVICE BY A PARTY OR THE ATTORNEY FOR THE CHILD UPON THE APPELLANT, WHICHEVER IS EARLIEST.

Dated: November 11, 2018 ENTER

  
HON. ARLENE GORDON-OLIVER  
Judge of the Family Court

File #: \_\_\_\_\_

NOW, it is hereby

ORDERED that, Respondent shall also contact the California police and state that he does not wish to press criminal charges against petitioner <sup>for dropping</sup> and, if necessary, the parties will enter into a written agreement concerning these issues.  
The parties consent to NY having jurisdiction over this.

; and it is further

ORDERED that this Temporary Order shall remain in effect until Further Order of the Court

PURSUANT TO SECTION 1113 OF THE FAMILY COURT ACT, AN APPEAL FROM THIS ORDER MUST BE TAKEN WITHIN 30 DAYS OF RECEIPT OF THE ORDER BY THE APPELLANT IN COURT, 35 DAYS FROM THE DATE OF MAILING OF THE ORDER TO THE APPELLANT BY THE CLERK OF COURT, OR 30 DAYS AFTER SERVICE BY A PARTY OR THE ATTORNEY FOR THE CHILD UPON THE APPELLANT, WHICHEVER IS EARLIEST.

Dated: November 11, 2018

ENTER: 

HON. ARLENE GORDON-OLIVER  
Judge of the Family Court

# EXHIBIT 7

FAMILY COURT OF THE STATE OF NEW YORK  
COUNTY OF WESTCHESTER

-----X  
TARA WALSH,

Petitioner,

File No. 154703  
Docket Nos. V-07641-18;  
O-06917-18/18A

-against-

**NOTICE OF CROSS-MOTION**

STEPHEN G. RUSSELL,

Respondent.

-----X

**PLEASE TAKE NOTICE** that, upon the annexed Affidavit of Petitioner, Tara Walsh, sworn to on November 14, 2018, the affirmation of LYDIA S. ANTONCIC, Esq., dated November 15, 2018, the annexed Memorandum of Law dated November 15, 2018 and the papers annexed thereto, the undersigned will cross-move this Court, before the Honorable Arlene Gordon-Oliver, at the Courthouse located at 111 Dr. Martin Luther King Jr. Blvd, White Plains, New York 10601 on **November 29, 2018, at 10:30** o'clock in the forenoon of that day, for an Order granting the following relief:

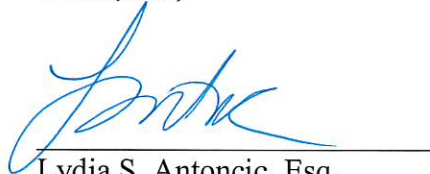
1. Awarding Petitioner counsel fees in the amount of \$5,000, pursuant to NYCRR §130-1.1 of the Rules of the Chief Administrator and CPLR §8303-a as Respondent Stephen J. Russell's Order to Show Cause is frivolous given that he has refused to comply with supervised visits as ordered by this Court and now seeks unsupervised visits. Respondent further seeks relief that is duplicative of the forensic evaluation soon to be commenced. Respondent's Order to Show Cause is made in bad faith for the sole purpose of prolonging litigation and causing Petitioner to incur unnecessary legal fees; and

2. Reconsideration of the Court's decision to reserve Petitioner's counsel fee application pursuant to Family Court Act §651(b) and Domestic Relations Law §237 (b) as submitted in Petitioner's Order to Show Cause dated July 16, 2018; and,
3. Granting such other and further relief as to the court may seem just and equitable.

**PLEASE TAKE FURTHER NOTICE** that pursuant to C.P.L.R. § 2214(b), answering affidavits, if any, must be served upon the undersigned at least seven (7) days prior to the return date of this motion.

Dated: Valhalla, NY  
November 15, 2018

Yours, etc.,



---

Lydia S. Antoncic, Esq.  
*Attorney for Petitioner Tara Walsh*  
LYDIA S. ANTONCIC, PC  
8 Madison Avenue  
Second Floor  
Valhalla, New York 10595  
(914) 712-8778

To: Jason A. Advocate, Esq.  
Advocate, LLP  
Attorneys for Respondent  
1540 Broadway, Suite 3710  
New York, New York 10036

Jennifer M. Jackman, Esq.  
Attorney for the Child  
Miller Zeiderman & Wiederkehr, LLP  
140 Grand Street, 5<sup>th</sup> Floor  
White Plains, New York 10601

FAMILY COURT OF THE STATE OF NEW YORK  
COUNTY OF WESTCHESTER

-----X  
TARA WALSH,

Petitioner,

File No. 154703

Docket Nos. V-07641-18; O-06917-18/18A

-against-

**AFFIDAVIT OF TARA WALSH**

STEPHEN G. RUSSELL,

Respondent.

-----X

STATE OF NEW YORK            )  
  ) SS:  
COUNTY OF WESTCHESTER    )

TARA WALSH, being duly sworn deposes and says:

1. I am the Petitioner in the above entitled action and as such, am fully familiar with the facts and circumstances herein. I submit this Affidavit in opposition to the Order to Show Cause filed by Respondent, Stephen G. Russell (hereinafter “Respondent”) and in support of my Cross Motion seeking counsel fees and reconsideration of the Court’s ruling to reserve decision on my counsel fee application pursuant to Family Court Act §651(b) and Domestic Relations Law §237 (b) as submitted in my Order to Show Cause dated July 16, 2018.

2. Respondent’s Order to Show Cause is frivolous and brought for the sole purpose of harassing me and causing me to incur additional legal fees. Respondent incredulously seeks unsupervised access with our daughter, Evelyn Walsh (DOB 1/27/2018) (hereinafter the “Child” or “Evie”), when he has refused to avail himself of supervised visits. After we last appeared in Court on October 23, 2018 (Respondent was notably absent and, upon information and belief, has yet to submit a doctor’s note for his purported “illness”), the Court ordered, and Respondent by his attorney agreed, that Ms. Farquharson continue supervision but that I not be present, even for transition purposes to comfort Evie. See, Transcript dated October 23, 2018 at page 3, line 10-15,

pages 9-12 and page 29, line 9-14 (hereinafter “10/23/18 Tr. at \_\_\_”) and annexed hereto as **Exhibit “A.”**

3. Respondent’s last visit with Evie was on September 24, 2018. On October 23, 2018, the Court ordered that visits between Respondent and Evie continue to be supervised by Ms. Farquharson without me present. Thereafter, Respondent refused to submit to supervised visits with Evie. Instead, Respondent sent a harassing email, as attached to my attorney’s affirmation as **Exhibit “M,”** to Ms. Farquharson threatening to report her to a professional review board, demanding that she issue him a refund, and stating that he doesn’t “need” her supervision. Respondent has voluntarily chosen to not see his daughter. Respondent’s Order to Show Cause—which now seeks unsupervised visits—is indicative of Respondent’s need for control and arrogance in believing that he can get his way while refusing to comply with the Court’s directives.

4. Respondent has a history of drug abuse that is readily apparent given he tested positive for opiates and other drugs, in addition to consuming alcohol. *See, Exhibit “A,”* 10/23/18 Tr. at 14:4-16:8. Upon information and belief, Respondent has not submitted to further drug testing. As the Court is aware, my drug test came back negative across the board. *See, Exhibit “A,”* 10/23/18 Tr. at 16:15-16.

5. Respondent’s other requests, which include that my time with Evie be supervised, that the Court order a Court Ordered Investigation (COI) of my parent’s home and that purported “emancipation” records be unsealed are not only harassing but moot and/or duplicative. As to supervision, I am presently residing with my parents—a condition that Respondent requested and that I willingly complied with. Although no safety concerns were raised regarding my care of Evie, I nonetheless further agreed to have Ms. Farquharson observe my interactions with Evie to the extent that it would assuage Respondent and be helpful to the Court. Respondent then refused

to comply with Ms. Farquharson supervising his visits with Evie and yet insisted that mine continue to be paid at my own expenses. When we appeared in Court on October 23, 2018, the Court ruled that because I was being supervised by my parents, that supervision by Ms. Farquharson was not necessary. *See, Exhibit "A,"* 10/23/18 Tr. at 31:9-16.

6. With regards to a COI and any records, it is my understanding that a forensic evaluation will soon be commenced and will address any and all issues related to Evie's safety and environment. As such, Respondent's request is duplicative and/or moot. To the extent the forensic evaluator deems further investigation is necessary, or requires any additional information, I would willingly comply so long as it is on a confidential basis as Respondent is unlikely to respect any confidentiality agreement given his history of accessing my phone and emails without my consent.

7. Respondent's Affidavit is wrought with numerous factual inaccuracies that I have addressed repeatedly and will do so again:

- Respondent's allegation that he does not "feel safe" around me is disingenuous. Respondent has reached out to me repeatedly requesting that I come visit him at the house he rented next door to my parents. *See, Respondent's Affidavit sworn to on October 22, 2018 at ¶26 (hereinafter "Respondent's Aff. at ¶ \_\_" and text messages annexed hereto as Exhibit \_\_.)* Respondent even encouraged me to come over early because Evie was "being a bit fussy." *See, Text messages annexed hereto as Exhibit "B."*
- Respondent falsely alleges that I have not offered Facetime access with Evie. To the contrary, I have sent many requests to Respondent encouraging FaceTime with Evie, which he has declined. *See, Text messages annexed hereto as Exhibit "C."*

- Respondent has admitted to accessing my personal text messages by “hacking” me. I am in the process of pursuing criminal charges related to this matter. *See*, Text messages annexed hereto as **Exhibit “D.”**
- Respondent falsely states that I have not provided details regarding Evie’s schedule and preferences. Annexed hereto as **Exhibit “E”** is a two-page email dated September 26, 2018 that details Evie’s schedule, food preferences, etc.
- Respondent has falsely and repeatedly raised concerns regarding my mental stability and/or diagnoses. I do not have Borderline Personality Disorder. I have always been transparent about my diagnoses (Bipolar II and Generalized Anxiety Disorder) and diligent in pursuing treatment and following all recommendations. *See*, Letter from Eric Lee dated July 21, 2018 annexed hereto as **Exhibit “F.”**
- To the contrary, Respondent has a history of frightening paranoia, mental instability and drug and alcohol abuse, as set forth in the Declaration of Joseph Prendergast dated July 26, 2018 and exhibits annexed hereto as **Exhibit “G.”** When the Court ordered us both to undergo drug testing, Respondent tested positive for numerous drugs and alcohol while my test results were all negative. *See*, **Exhibit “A,”** 10/23/18 Tr. at 14:4-16:16.
- Respondent continues to raise concerns about my parents, but yet ignores that he conditioned his consent for me returning to New York on my residing with them and required that I remain there during pendency of this action. *See*, email dated June 8, 2018 annexed hereto as **Exhibit “H”** and Temporary Order dated September 11, 2018 annexed as Exhibit A to Respondent’s Order to Show Cause. Evie enjoys spending time with my parents and siblings in Chappaqua, where I have ample

family support. Upon information and belief, no safety concerns were raised regarding my parents, who have been approved to adopt children, two sisters from South Korea, which required a rigorous investigation that included a home study, background check and character references. Respondent's request for a COI at this juncture is baseless and pure harassment.

- Respondent requests access related to "sealed emancipation proceedings," which do not exist as I never attempted or made application to be emancipated.

**CROSS MOTION FOR ATTORNEY'S FEES AND REQUEST FOR  
RECONSIDERATION OF THE COURT'S RULING TO RESERVE DECISION  
ON MY UNDERLYING FEE APPLICATION**

8. As set forth above, Respondent's Order to Show Cause is frivolous, moot and an attempt to prolong litigation and cause me to incur more legal fees, which of course is Respondent's goal. As such, I am requesting that the Court award me counsel fees incurred in having to respond to Respondent's Order to Show Cause, as set forth in more detail in my attorney's Affirmation.

9. I am further requesting that the Court reconsider its ruling to reserve decision as to my fee application submitted as part of my Order to Show Cause dated July 16, 2018. There is a huge financial disparity between Respondent and I, and Respondent is bleeding me dry. A fee award is imperative to allow me to maintain this litigation and level the playing field.

10. As set forth in my Financial Disclosure Affidavit, sworn to on July 12, 2018, on file with the Court, my gross monthly wages were approximately \$3,000 per month. However, I am presently earning approximately \$4,500 per month as I recently began to work part-time.

11. Respondent's monthly income is substantially more than mine. Respondent's monthly expenses include personal trainers, a chef, full time security guards and three homes in San Francisco (one apartment for security alone) and include monthly expenses of \$246,161 and assets of approximately \$25,000,000. *See*, Stephen Russell Income and Expense Declaration dated August 1, 2018 annexed hereto as **Exhibit "I."**

12. Despite his ample resources, Respondent withholds money and commences baseless litigation as a means of control, and an effort to destroy me financially. To this end, Respondent has:

- Continued to commence frivolous and harassing litigation. In addition to the instant baseless Order to Show Cause, after agreeing to withdraw his family offense petition in California (and related criminal complaint), he filed a civil action against me making the same allegations. *See*, **Exhibit "J."** My California attorney informs me that this action will be very costly to defend.
- Refused to make any voluntary child support payments or submit a Financial Disclosure Affidavit;
- On October 23, 2018, Support Magistrate Furman entered a Temporary Order of Support in the amount of \$3,000 per month plus 83% of add-ons commencing November 1, 2018. To date, I have not received payment. *See*, Temporary Order of Support dated October 23, 2018 annexed hereto as **Exhibit "K";**
- Refused to pay Delia M. Farquharson, the court-appointed supervisor's, fees – insisting that I pay half after initially agreeing to pay Ms. Farquharson's fees. When we appeared in Court on October 23, 2018, the Court ordered that Respondent be 100% responsible for Ms. Jackman and Ms. Farquharson's fees, as well as fees

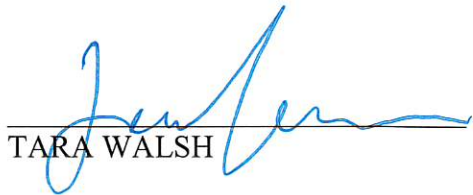
related to the forensic evaluation. *See, Exhibit "A,"* 10/23/18 Tr. 20-31. The Court reserved decision on my request for counsel fees in the amount of \$15,000. *See, Exhibit "A,"* 10/23/18 Tr. 32-37;

- Respondent recently cancelled my and Evie's health insurance, which was reinstated after my attorney and Ms. Jackman brought the matter to the attention of Respondent's attorney.

13. I have already incurred approximately \$58,500 in legal fees. It is respectfully submitted that given Respondent's exponentially larger financial resources, that the Court reconsider its ruling to reserve decision as to my pending fee application of \$15,000 and award me counsel fees of \$5,000 in having to respond to Respondent's meritless Order to Show Cause.

WHEREFORE, it is respectfully requested that Respondent's Order to Show Cause be denied in all respects and that Petitioner's Cross-Motion be granted in its entirety.

Dated: White Plains, New York  
November 14, 2018

  
TARA WALSH



FAMILY COURT OF THE STATE OF NEW YORK  
COUNTY OF WESTCHESTER

-----X  
TARA WALSH,

Petitioner,

File No. 154703

Docket Nos. V-07641-18;

O-06917-18/18A

-against-

**ATTORNEY AFFIRMATION**

STEPHEN G. RUSSELL,

Respondent.  
-----X

LYDIA ANTONCIC, an attorney licensed to practice law in the courts of this state affirms the follow to be true and correct:

1. I am the attorney for the Petitioner, TARA WALSH, in this custody proceeding and submit this Affirmation in opposition to Respondent's Order to Show Cause that seeks, among other things, unsupervised visits with the parties' daughter, Evelyn Walsh (DOB 1/27/2018) (hereinafter the "Child"), and in support of Petitioner's Cross-Motion, which seeks counsel fees pursuant to NYCRR §130-1.1 of the Rules of the Chief Administrator and CPLR §8303-a and reconsideration of the Court's ruling to reserve decision on Petitioner's counsel fee application pursuant to Family Court Act §651(b) and Domestic Relations Law §237 (b) as submitted in Petitioner's Order to Show Cause dated July 16, 2018.

2. Respondent's Order to Show Cause is frivolous. As set forth in Petitioner's Affidavit sworn to on November 14, 2018, Respondent has refused to comply with supervised visits as ordered by the Court and now has the audacity to seek unsupervised visits. When the parties appeared in Court on September 11, 2018, the Court made clear that it would not consider unsupervised visits or overnights until there was a report as to supervised visits and forensics. *See*, Transcript of Proceedings dated September 11, 2018 at pages 34-39 annexed hereto as **Exhibit "L."**

3. Thereafter, two visits occurred, after which Respondent refused to attend because he disagreed with Ms. Farquharson's recommendation that Tara be present to transition Evie. *See*, Respondent's Affidavit sworn to on October 22, 2018.

4. When the parties appeared in Court<sup>1</sup> on October 23, 2018, the Court ordered that visits between Evie and Respondent continue to be supervised by Ms. Farquharson, but that Petitioner not be present. *See*, **Exhibit "A,"** 10/23/18 Tr. 9-12.

5. Respondent's attorney consented to his arrangement on Respondent's behalf. *See*, **Exhibit "A,"** 10/23/18 Tr. 29:9-14. The next day, Respondent sent Ms. Farquharson a scathing and inflammatory email requesting a full refund and threatening to report her to the "appropriate professional review boards." Respondent's email further attacked Ms. Farquharson both personally and professionally as set forth below:

Delia,

In light of the hearing yesterday and the Judge's rebuke of you, I am requesting a full refund and intend to report your behavior to the appropriate professional review boards and service exchanges where your "concierge" services are retained. I will not be going forward with any more sessions.

Without any knowledge of the case, you relied exclusively on Tara and her mother and created visits that were unnecessarily traumatic for my daughter and forced me to interact with the borderline sociopath who abused me and drugged me.

You kept my family and Evie's childhood nanny away in violation of the court order and seemingly to maximize the awkwardness of my reintroduction into Evie's life after being kept away for the past 4 months. You could not have been less helpful.

Jenifer Jackman reached out to you and you told her to mind her own business. My attorney reached out to you and he was ignored. Tara may have manipulated you, but it was you who arrogantly made the choices you did stating that you "had a special relationship with the judge" and didn't need to follow the Court Order as written.

---

<sup>1</sup> Respondent did not appear in Court on October 23<sup>rd</sup>. Respondent's attorney indicated that Mr. Russell was not feeling well and that he would produce a doctor's note evidencing same, which upon information and belief has not been submitted. *See*, **Exhibit "A,"** 10/23/18 Tr. 3:10-15.

Lastly, your "report" goes well beyond what the court asked you to do in simply observing me. Instead of noting the fact that I am neither a drug addict nor unable to care for Evie and that I had the resources for a nanny and that you saw no danger or risks for Evie at my home, you turned the report into a popularity contest. Is there any surprise that Evie prefers mom after dad has been kept away so long or that Tara's parenting skills have become sharper over that period or that Evie cries when passed to a veritable stranger in a new place?

You added insult to my injury rather than give the clear affirmation appropriate given the facts. I don't need your supervision especially with a professional nanny and family present. And Evie frankly did far better at visits before your own "professional" involvement.

Tara manipulated you. She did that to me too. And she lied to you. But you only spent 3 hours with her and that is what Borderline Sociopaths are good at. Had you looked deeper and longer and less reflexively you would have seen something different.

Providing "care" isn't just about your gut instincts or a story in your head it's about understanding a person and situation well enough to do what is right. You took very little real care in your duties and my daughter and our family suffered for it.

Sincerely,  
Steve Russell

*See*, Email from Stephen Russel to Delia Farquharson dated October 24, 2018 annexed hereto as

**Exhibit "M."**

6. At this point, knowing full well that Respondent had no intention of complying with the Court's Order regarding supervised visitation, Respondent should have withdrawn his Order to Show Cause. Instead, Petitioner was forced to respond to Respondent's baseless Order to Show Cause and incur additional legal fees. This Court has repeatedly made clear that it would not move towards unsupervised visits and/or overnights until there was until there was a report as to supervised visits and forensics. *See*, **Exhibit "L,"** Transcript of Proceedings of September 11, 2018 at pages 34-39.

7. Respondent further seeks relief that is harassing, moot and duplicative of the forensic evaluation soon to be commenced. The Court has already ruled that, as Petitioner is presently being

supervised by her parents, no further supervision is required. *See, Exhibit "A,"* 10/23/18 Tr. at 31:9-16. Further, there is no basis for Respondent to request a COI of Petitioner's parent's home. The parties recently consented to the appointment of a forensic evaluator who will determine what, if any, information and/or investigations are required.

### **REQUEST FOR COUNSEL FEES**

8. For all these reasons, Petitioner respectfully requests legal fees incurred in having to respond to Respondent's frivolous and baseless Order to Show Cause pursuant to NYCRR §130-1.1 of the Rules of the Chief Administrator and CPLR §8303-a as set forth in the annexed Memorandum of Law.

9. In fixing an award of legal fees, I ask that the Court consider my professional background and experience. I am a practicing attorney in the State of New York, having been admitted in January 1995. My practice has been devoted to representing litigants and children in matrimonial and family matters (including appeals) since 2007. I have represented clients in all phases of divorce/family proceedings in the Supreme and Family Court, as well as numerous appeals in the Appellate Division, Second Department. I serve on the Attorney for the Child and Appeals Panel for Westchester, Rockland and Putnam County, New York, and Attorney for the Child Appeals Panel for Westchester County. I also serve on the Guardian ad Litem and Receiver Panel for Westchester, Rockland, Putnam, Bronx and New York County. I am an active member of the Family Law Section of the New York State Bar Association (NYSBA), Westchester County Bar Association (WCBA), Westchester Women's Bar Association (WWBA), New York Women's Bar Association (NYWBA) and New Rochelle Bar Associations (NRBA). I am co-chair of the Legislation Committee of the NYWBA. I regularly attend Continuing Legal Education Programs sponsored by the aforementioned bar associations, specifically in the areas of matrimonial and family law. I was selected for inclusion in the 2016 Super Lawyers® Metro New York Edition

(Family Law) and received a Martindale-Hubbell AV Preeminent® Peer Review Rating for Legal Ability and Ethical Standards.

10. My present billing rate is \$395 per hour, which is the prevailing rate for attorneys who possess my experience in Westchester County. I represent the Petitioner in the family offense and instant child custody proceeding. Annexed as **Exhibit “N”** is Petitioner’s Retainer Agreement and Statement of Client’s Rights.

11. Between review of Respondent’s Order to Show Cause, review of the file and legal research and drafting of Petitioner’s Cross-Motion I have incurred approximately six (6) hours of billable time, which have not yet been billed. In addition, I estimate that I will spend at least another six (6) hours of billable time related to review of Respondent’s Opposition to the Cross-Motion, drafting a reply and court appearance, plus expenses related to assembly and filing of this Cross-Motion. I therefore request the Court to award Petitioner counsel fees of at least \$5,000 plus costs given the harassing and frivolous nature of Respondent’s Order to Show Cause.

**RECONSIDERATION OF THE COURT’S RULING TO RESERVE DECISION  
AS TO PETITIONER’S PENDING FEE APPLICATION**

12. Petitioner further requests reconsideration of the Court’s ruling that reserved decision on Petitioner’s counsel fee application requesting \$15,000, together with leave to apply for additional fees, pursuant to Family Court Act §651(b) and Domestic Relations Law §237 (b) as submitted in Petitioner’s Order to Show Cause dated July 16, 2018 (Order to Show Cause only annexed hereto as **Exhibit “O”**). *See, Exhibit “A,”* 10/23/18 Tr. 32-37.

13. As set forth in our accompanying Memorandum of Law, the law is well-settled that the Family Court is empowered by Family Court Act §651 (b) and Domestic Relations Law §237 (b) to award counsel fees in custody proceedings, particularly given the parties’ disparate financial circumstances as set forth in Petitioner’s Affidavit and Financial Disclosure Affidavit. Requiring

Petitioner to wait until the conclusion of the case to rule on her fee application severely prejudices her representation and it is respectfully submitted, is in direct conflict with the purpose and intention of Family Court Act §651 (b) and Domestic Relations Law §237 (b).

14. Petitioner simply cannot afford to pay counsel fees in this matter and will be severely prejudiced if a counsel fee award is not made by this Court. When comparing the financial disparity between the parties, i.e., Petitioner's inability, and Respondent's ability, to pay for legal services, this Court must conclude that justice requires that Respondent pay counsel fees for Petitioner in this custody matter. The fees are reasonable based on the legal work performed heretofore and expected to be performed in connection with this matter.

15. The fees charged to Petitioner are unquestionably proportionate to the legal work required to protect her interests in this custody proceeding. Petitioner paid an initial retainer of \$15,000.00 for representation in the family offense, child support and child custody matter. She has had to incur significant fees related to the California action and having to defend Respondent's baseless Order to Show Cause and recent commencement of a civil action in California. Respondent continues to pummel Petitioner with baseless and frivolous litigation because he can do so financially. As is readily apparent, this proceeding will require significant additional services including court appearances, the drafting of motion papers and hearings, a forensic and significant trial preparation expense. Petitioner has exhausted her resources and it is imperative that the Court rule on Petitioner's underlying fee application, as well as award counsel fees related to having to respond to Respondent's Order to Show Cause.

WHEREFORE, it is respectfully requested that Respondent's Order to Show Cause be denied in its entirety and that Petitioner's Cross-Motion be granted in all respects.

Dated: Valhalla, New York  
November 15, 2018

  
LYDIA ANTONCIC

# EXHIBIT 8

**In The Matter Of:**  
*TARA KATELYN WALSH vs.*  
*STEPHEN GRANT RUSSELL*

---

*B E F O R E: HON. ARLENE GORDON-OLIVER*  
*November 29, 2018*

---

*La Palabra Court Reporting LLC*  
*175 Main Street*  
*Suite 18, 7th floor*  
*White Plains, NY 10601*

STATE OF NEW YORK  
COUNTY OF WESTCHESTER: FAMILY COURT

-----x  
TARA KATELYN WALSH,

Petitioner,

- vs -

Family Unit: 154703  
Docket Nos.:  
O-06917-18/18A  
O-06917-18/18C  
V-07641-18

STEPHEN GRANT RUSSELL,

Respondent.  
-----x

111 Martin Luther King Blvd.  
White Plains, New York 10601  
November 29, 2018

B E F O R E: HON. ARLENE GORDON-OLIVER

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

LISA S. ANTONCIC, ESQ., Attorney for Petitioner  
JASON ANDREW ADVOCATE, ESQ., Attorney for Respondent  
TARA K. WALSH, Petitioner  
STEPHEN G. RUSSELL, Respondent (Via Telephone)

Electronic Proceeding Transcribed By:  
Gloria C. Hooker  
La Palabra Court Reporting  
175 Main Street, 7th Floor, Suite 18  
White Plains, New York 10601

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E X A M I N A T I O N S

NO WITNESSES OR EXHIBITS

PETITIONER

			Re	Re
Witness	Direct	Cross	Direct	Cross

RESPONDENT

			Re	Re
Witness	Direct	Cross	Direct	Cross

E X H I B I T S

PETITIONER

Exhibit No.	Description	ID	Evidence
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RESPONDENT

Exhibit No.	Description	ID	Evidence
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1 [Audio CD, counter 10:45:03]

2 COURT OFFICER: Your Honor, this is cases six  
3 through nine today's calendar in the matters of Walsh and  
4 Russell, Family Unit Number 154703.

5 Counsel, your appearances for the record.

6 MS. ANTONCIC: Lisa Antoncic, Eight Madison  
7 Avenue, Second Floor, Valhalla, New York, for the  
8 Petitioner, Tara Walsh. Good morning, Your Honor.

9 THE COURT: Good morning.

10 MR. ADVOCATE: Jason Advocate, for Katherine  
11 Chesnut, Advocate, LLC, 1540 Broadway, New York, New York,  
12 for the Respondent, Stephen Walsh -- no, Russell, Russell.

13 MS. JACKMAN: Good morning, Your Honor. Jennifer  
14 Jackman, attorney assigned to represent Evelyn Walsh.

15 THE COURT: Okay, thank you.

16 Alright, so I asked for an attorneys' conference.  
17 I just need to wrap my arms around where we are. I  
18 received papers today, but this matter was on for today for  
19 the Order to Show Cause and I have the cross-motion.

20 MS. ANTONCIC: Yes, Your Honor.

21 THE COURT: And I think the request that all  
22 papers be filed by the 26th and the replies.

23 MS. ANTONCIC: Well, Your Honor, I had filed my  
24 cross-motion and Opposition on November 15. And then  
25 according to the scheduling Order, Mr. Advocate was to file

1 a reply to his Order to Show Cause by Monday, which I  
2 received on Monday, but that didn't allow for time for a  
3 response to my -- for a reply to my --

4 MR. ADVOCATE: Your Honor?

5 MS. ANTONCIC: Can I just finish please?

6 MR. ADVOCATE: Yes?

7 MS. ANTONCIC: -- a reply to my cross-motion. My  
8 cross-motion actually asked for Opposition papers seven  
9 days prior to the return date. I didn't get them seven  
10 days prior, so, you know, we rushed to prepare it. And  
11 quite frankly, his Opposition to my cross-motion is  
12 untimely.

13 THE COURT: Alright, no, I mean --

14 MR. ADVOCATE: But I'm not going to object to her  
15 papers being late, Your Honor.

16 THE COURT: One second. And I'm not going to --  
17 the reason for my question is not to say papers are  
18 untimely.

19 MS. ANTONCIC: Okay.

20 THE COURT: I got everything. I just want to  
21 know if everything is submitted now because I'm losing  
22 track of (inaudible) because, no, you have a cross-motion.

23 MS. ANTONCIC: Yes, Your Honor.

24 THE COURT: So, therefore, Mr. Advocate, you need  
25 to respond to the cross-motion.

1 MS. ANTONCIC: He did, Your Honor.

2 THE COURT: You did?

3 MR. ADVOCATE: We did.

4 THE COURT: When?

5 MR. ADVOCATE: I think everything's responded to  
6 now.

7 THE COURT: Wait, wait, so that's why I'm trying  
8 to figure out what I have here now.

9 MS. ANTONCIC: But on Monday, Mr. Advocate  
10 submitted Opposition to my cross-motion as well as a Reply  
11 to his Order to Show Cause and to the --

12 THE COURT: I don't have it.

13 MR. ADVOCATE: You don't have it?

14 THE COURT: You filed it?

15 MR. ADVOCATE: We overnighted it by FedEx.

16 THE COURT: By FedEx -- and you filed it, Mr.  
17 Advocate?

18 MR. ADVOCATE: Yeah, we gave it to a service to  
19 file. I can -- I'll --

20 THE COURT: Alright, one second, let me just see.  
21 This is why I brought you in because I don't know if I have  
22 everything.

23 (Pause)

24 MR. ADVOCATE: I have an extra copy here if you  
25 need it, Your Honor.

1 THE COURT: (Inaudible). Let me see. I have Ms.  
2 Jackman's. I have the cross-motion. Are you sure it was  
3 filed? He filed it on Monday? You filed it then?

4 MR. ADVOCATE: When did we file it?

5 MS. ANTONCIC: No, Your Honor, I believe it was  
6 filed on Tuesday.

7 THE COURT: Tuesday? So, just -- I don't know  
8 where we look it up from. No, don't look at that copy,  
9 just check to see if it's in USCM -- USCM file.

10 MR. ADVOCATE: Judge, if you need to, I can bring  
11 that downstairs and (inaudible).

12 THE COURT: Well, that's what I was going to --  
13 if we don't see it here that means that whatever service  
14 you hired to do it might not have done it.

15 MR. ADVOCATE: Okay. Sometimes they --

16 THE COURT: Can you do it by date to see if  
17 anything was filed Monday or Tuesday?

18 COURT CLERK: (Inaudible).

19 THE COURT: No, I have that.

20 COURT CLERK: (Inaudible).

21 THE COURT: No.

22 COURT CLERK: (Inaudible).

23 THE COURT: Okay, fine. So, Mr. Advocate --

24 MR. ADVOCATE: Yeah, I'll bring that downstairs  
25 and then I'll file it.

1 THE COURT: Bring down this downstairs and then  
2 you're going to need to supply (inaudible) set. You don't  
3 have another set?

4 MR. ADVOCATE: Not on me. I'll FedEx a copy up  
5 to you tomorrow -- today actually. You'll get it tomorrow.

6 THE COURT: Okay, that's why I -- I mean just so  
7 that we're -- where everything was and what paperwork I  
8 still needed to get from the attorneys.

9 Okay, so everything's fully submitted now?

10 MS. ANTONCIC: Yes, Your Honor. Just  
11 administratively --

12 THE COURT: Yes.

13 MS. ANTONCIC: I just wanted to ask; the Order  
14 appointing Dr. Griffin has not yet been signed, so Ms.  
15 Jackman kindly gave me her copy. If I could have that for  
16 the Court's -- it was filed with Notice of Settlement  
17 November 15 and it was filed on November 5.

18 THE COURT: Notice of Settlement -- so the  
19 settlement date was the 15th?

20 MS. ANTONCIC: Yes, Your Honor.

21 THE COURT: No objections, so I could go ahead  
22 and have that entered?

23 MS. ANTONCIC: Yes, it was on consent, Your  
24 Honor.

25 THE COURT: Okay, alright.

1 MR. ADVOCATE: Which one was it?

2 MS. ANTONCIC: The Griffin Order.

3 MR. ADVOCATE: Oh, yeah, okay.

4 THE COURT: Okay, fine. So, is that the copy  
5 that I could sign?

6 MS. ANTONCIC: Yes, Your Honor. I can hand that  
7 up.

8 THE COURT: Please.

9 (Handing document to the Court)

10 MS. JACKMAN: And just for administrative  
11 purposes, we had agreed on private pay for myself in this  
12 case. I did submit an Order to the parties to sign on off  
13 on. I don't think that I got that back. So, if I could  
14 just give you a copy, you can sign that, and then I can  
15 hand it up to the Court today.

16 THE COURT: Right. Because I think I already  
17 approved that.

18 MS. JACKMAN: Yes.

19 MS. ANTONCIC: Yes.

20 MS. JACKMAN: On consent.

21 THE COURT: Right. Okay. And this is the --  
22 okay, you're going to hand that up also.

23 (Handing document to the Court)

24 MR. ADVOCATE: Your Honor?

25 THE COURT: Yes?

1 MR. ADVOCATE: Would it be possible, with respect  
2 to this Order regarding the private pay for Ms. Jackman,  
3 can you just order it. Technically, we didn't agree to the  
4 100 percent on his side. The Court ordered it.

5 THE COURT: So, what is that that you have in  
6 your hands now?

7 MR. ADVOCATE: This says that I'm agreeing to  
8 approve just to the form and the content. It makes it  
9 seems like we're agreeing to it rather than just having the  
10 Court order it.

11 THE COURT: Then, fine, I'll just order it.

12 Ms. Jackman, did you hear the comment from  
13 counsel?

14 MS. JACKMAN: Yes, that's fine.

15 THE COURT: Okay? So, no signatures of the  
16 parties are necessary 'cause any objection I think I  
17 overruled it.

18 MR. ADVOCATE: Yes, you did.

19 MS. JACKMAN: Exactly, yes, right.

20 THE COURT: So, (inaudible).

21 Alright, so what else do you have as far as  
22 housekeeping 'cause I think now I have all the -- no, I  
23 don't have Mr. Advocate's, but I will make a note that  
24 you're going to be sending -- you have to send copies.

25 MS. ANTONCIC: The only other housekeeping

1 matter, Your Honor, is I note that Mr. Russell is not here.

2 THE COURT: He is on the phone. I only wanted an  
3 attorneys' conference right now.

4 MS. ANTONCIC: No, I understand.

5 THE COURT: So, I'm going to bring the parties in  
6 and get them on the phone.

7 MS. ANTONCIC: But I just wanted to put on the  
8 record my objection to him appearing by phone. I did not  
9 receive a copy of the telephonic request. And the reason  
10 for my objection, Your Honor, is the last time we were here  
11 he did not appear. He submitted a doctor's note --

12 THE COURT: Right.

13 MS. ANTONCIC: -- after the fact. And given his  
14 drug test result, which the Court noted at the last  
15 appearance, was quite alarming. It would've been nice if  
16 he was here so that we could get a second test;  
17 particularly, given that he has not taken part in any  
18 visits.

19 THE COURT: Okay, so here's what we'll do. That  
20 should be put on the record when he's on the phone.

21 MS. ANTONCIC: Okay, fine.

22 THE COURT: Okay, so just hold that comment.

23 MS. ANTONCIC: Okay.

24 THE COURT: He needs to hear that from you and  
25 then any response from his counsel. Alright, so I think

1 the housekeeping matters are done.

2 MR. ADVOCATE: Yeah. And just one thing, is it  
3 possible that we can get the drug test results from last  
4 time? Can we get copies of those?

5 THE COURT: The Court doesn't normally give those  
6 out. Why do you need it?

7 MR. ADVOCATE: Just that you know since there's  
8 issues about it, I'd like to see what the report said.

9 THE COURT: I put it on the record what it said.

10 MR. ADVOCATE: I know. It's so much easier --

11 THE COURT: Well, this is not something that the  
12 Court gives out.

13 MS. ANTONCIC: And respectfully, Your Honor, now  
14 that Dr. Griffin has been appointed I'm sure that he's  
15 going to issue a detailed report as to what his analysis of  
16 those findings and subsequent findings will be.

17 THE COURT: Right.

18 MR. ADVOCATE: Your Honor, can I ask a question?

19 THE COURT: Sure.

20 MR. ADVOCATE: This is just -- I mean I was only  
21 curious, what was the date? Did she do the testing on the  
22 same date that he did?

23 THE COURT: Yes.

24 MS. ANTONCIC: Yes.

25 MR. ADVOCATE: Because it was strange because you

1 know he was there. They was shutting down the office and  
2 she left the building, so I don't know if she --

3 THE COURT: No, she went downstairs.

4 MR. ADVOCATE: And then she came back up?

5 MS. ANTONCIC: Yes.

6 THE COURT: Men do it upstairs; ladies  
7 downstairs.

8 MR. ADVOCATE: He didn't see her.

9 THE COURT: Do worry about that.

10 MR. ADVOCATE: I'm just curious.

11 THE COURT: Probation has them go different  
12 places.

13 MR. ADVOCATE: Gotcha.

14 THE COURT: Okay, so she didn't leave. She went  
15 to where she needed to go. Alright, anything else?  
16 Alright, so let me get the parties in.

17 [Telephone recording]

18 MR. ADVOCATE: Your Honor, I have his number, if  
19 you need it?

20 THE COURT: Okay.

21 MR. ADVOCATE: It's 415-999-3944.

22 THE COURT: Okay, that's the number we have?

23 FEMALE SPEAKER: Yeah.

24 [Telephone ringing]

25 MR. RUSSELL (Via Telephone): Hi, this is Steve

1 Russell.

2 COURT OFFICER: Counsel, please stand.

3 THE COURT: Mr. Russell --

4 [Off the record]

5 [Time noted 11:08:39 a.m.]

6 [On the record]

7 [Time noted 11:08:50 a.m.]

8 COURT OFFICER: Your Honor, this is second call  
9 on cases number six through nine on today's calendar in the  
10 matters of Walsh and Russell, Family Unit Number 154703.

11 Both parties please raise your right hand. Ms.  
12 Walsh? Mr. Russell?

13 Ms. Walsh, do you swear or affirm to tell the  
14 truth?

15 T A R A W A L S H, a witness herein, was  
16 examined and testified as follows:

17 MS. WALSH: Yes, I do.

18 COURT OFFICER: For the record, state your name  
19 and address, unless your address is confidential.

20 MS. WALSH: Tara Walsh, 394 Wippoorwill Road,  
21 Chappaqua, New York 10514.

22 COURT OFFICER: Mr. Russell, raise your right  
23 hand.

24 Do you swear or affirm to tell the truth?

25 S T E P H E N R U S S E L L, a witness herein,

1 was examined and testified as follows:

2 MR. RUSSELL (Via Telephone): I do.

3 COURT OFFICER: For the record, state your name  
4 and address, unless your address is confidential.

5 MR. RUSSELL (Via Telephone): Stephen Grant  
6 Russell, 301 Mission Street, Apartment 55D, San Francisco,  
7 California 94105.

8 COURT OFFICER: Counsel, I'm going to remind you  
9 that you're still under oath and for the record, your  
10 appearance remain the same. You can be seated.

11 THE COURT: Okay, thank you parties.

12 Counsel for the Petitioner had a comment to make  
13 regarding Mr. Russell's appearance by telephone today and  
14 then Mr. Advocate I'll give you an opportunity to respond.  
15 Go ahead, counsel.

16 MS. ANTONCIC: Thank you, Your Honor. I object  
17 to Mr. Russell appearing by phone today on behalf of my  
18 client. As the Court will recall at the last court  
19 appearance, he did not appear due to an illness and he is  
20 not here again today.

21 The last time he did appear he was -- the Court  
22 directed him to do a random drug test, which, as the Court  
23 was well aware, he tested positive to a number of different  
24 substances and his presence -- or his absence rather today  
25 is suspect in light of the drug test and suggested that

1 he's trying to avoid a drug test.

2 So, I would object to him having the benefit of  
3 appearing by telephone; particularly, given I did not get  
4 notice and given the drug test that -- which had very  
5 disturbing results.

6 THE COURT: Yes, Mr. Advocate?

7 MR. ADVOCATE: Your Honor, the drug test did not  
8 have very disturbing results. The reality is that it turned  
9 up certain substances for which he had prescriptions. The  
10 reason that there was a drug test in the first place was  
11 because of allegations by the Petitioner that my client  
12 used cocaine. There was no cocaine found in the drug test  
13 and I think that puts to lie the notion that he has a drug  
14 problem, and we presented to the Court all of the  
15 prescriptions that he.

16 That is not why he wants to appear by telephone.  
17 He wants to appear by telephone because he is 3,000 miles  
18 away and coming back forth for a court appearance is  
19 extremely disruptive, so this is a rather typical request  
20 that's made in cases. And we should remember a little bit  
21 that we're here in the first place because there was an  
22 existing California action in which the Petitioner took the  
23 child, ran to New York, and started a case here and now  
24 she's trying to force him to come here.

25 It seems like the reason that she wants him here

1 is to be much more coercive. If the issue is one of simply  
2 we need to do further drug testing, we can find a court-  
3 approved center in California that he can go to and get a  
4 drug test and she can do the same here or the next time  
5 he's here, if Your Honor is going to require a New York  
6 facility, we could have him come and appear by -- you know  
7 appear for the purposes of a drug test.

8 THE COURT: Okay. I think what counsel's saying  
9 is that the non-appearance, albeit, approved by the Court,  
10 doesn't lend itself to a random drug test that I could  
11 order today on both parties without them knowing that  
12 that's going to happen. But in any event, I think -- go  
13 ahead, Ms. Jackman.

14 MS. JACKMAN: I'm also concerned that Mr. Russell  
15 isn't here, but more so because since I've been on this  
16 case I think -- you know back in August Mr. Russell  
17 indicated that he would set up residence here and he would  
18 be here to visit with the child. And so even if he does  
19 not intend to set up a residence here any more it seems  
20 that you know coming to New York to appear for the court  
21 dates would at least give him an opportunity to see the  
22 child and he hasn't seen the child in months now.

23 THE COURT: Okay, so Ms. Jackman, that's  
24 something else that you're raising that I was going to get  
25 to as far as how the visits were going. Is there any other

1 issue regarding the non-appearance now?

2 MS. JACKMAN: No, Your Honor.

3 THE COURT: No? Okay, fine. Alright, so Mr.  
4 Advocate, what I'll tell -- Mr. Russell you have a lot of  
5 advance notice of these hearings, sir. And I know that you  
6 originally filed your case in California, but if you  
7 recall, it was both myself and California judge that  
8 determined that New York was going to be the jurisdiction  
9 for these proceedings. And, therefore, I don't think you  
10 can say, Mr. Advocate that your client's been forced to  
11 come here. It was two judges who got together and  
12 determined where this was going to happen.

13 Yes, Petitioner did file, but we made an ultimate  
14 decision (inaudible) on where this was going to take place,  
15 so no blame can be laid at the Petitioner's feet. Okay.

16 So, let's move on. How are the visits going?

17 MS. ANTONCIC: Your Honor, there hasn't been one  
18 visit since the last court appearance. After the last  
19 court appearance where the Court ordered that my client not  
20 be present, even for the transition --

21 THE COURT: Yes.

22 MS. ANTONCIC: -- portion of it, Mr. Russell sent  
23 a scathing email to Ms. Walsh. A harsh email which is  
24 attached to our cross-motion, basically, threatening to  
25 report her to a professional review board, demanding a

1 refund, and saying that he will not submit to visits  
2 because -- and that, quite frankly, is the basis for our  
3 cross-motion for counsel fees on the motion because at that  
4 point when Mr. Russell knew that he wasn't going to submit  
5 to any supervised visits his request for unsupervised  
6 access became frivolous because the Court has made it  
7 abundantly clear that it would not consider unsupervised  
8 access until the Court had a mutual report by which to  
9 evaluate whether or not that was even possible.

10 THE COURT: Alright, stop for second.

11 Mr. Advocate, what is your client doing?

12 MR. ADVOCATE: After the last court date, we read  
13 him the report from Delia (ph) and he was very disappointed  
14 in the report. I will say that he feels very surprised by  
15 it and very hurt by what she put in the report and the  
16 attacks that he feels she made on him. At this point --

17 THE COURT: You mean the report --

18 MR. ADVOCATE: The report that Delia (inaudible).

19 THE COURT: One report.

20 MR. ADVOCATE: Right, the one report.

21 THE COURT: What were the attacks?

22 MR. ADVOCATE: Essentially, you know the -- Delia  
23 said that the whole family history out of --

24 THE COURT: Okay, but what were the attacks? You  
25 mean because of the allegations that the Petitioner had

1 made that she put in the report?

2 MR. ADVOCATE: He felt that the description of  
3 what occurred was not all accurate.

4 THE COURT: No, no, description -- go ahead,  
5 please.

6 MR. ADVOCATE: Oh, the child you know not doing  
7 well with him. And you know there were a lot -- even in  
8 minutia in that report that he felt were constant  
9 (inaudible).

10 THE COURT: Tell me which part of it. Mr.  
11 Russell is on the phone. You want to tell me which part of  
12 it because I read the report and I didn't see any attacks.  
13 I only saw a report of -- and if he felt that the report  
14 didn't accurately reflect what transpired, then the proper  
15 way to have dealt with it was for him to report that to you  
16 and for us to deal with it here and have Ms. Farkinson (ph)  
17 here on the record as opposed to writing her a letter that  
18 -- I haven't looked at it yet. I don't know what it says.

19 MR. ADVOCATE: I'll tell you the more pressing  
20 issue that he had was there's no parallel here. That he  
21 does not see any reason why the mother, who has her issues,  
22 is being supervised by her mother and occasionally there  
23 are nannies in the house watching the child.

24 THE COURT: Stop. Mr. Advocate, you're not  
25 dealing with the issue that I'm dealing with. Your client

1 and whatever he wrote to Ms. Farkinson and the detail --  
2 what were the attacks. What were the attacks?

3 (Everyone speaking at the same time)

4 THE COURT: Let me tell you the reason why I'm  
5 raising it is because one of the things I intended to do  
6 when I realized that the parties somehow hadn't -- the  
7 Order that I entered wasn't followed I actually toyed with  
8 the idea of sus sponte having another person supervise and  
9 I asked on the record whether or not that was what you were  
10 looking to do and I was told no.

11 So, for me to hear that your client went ahead  
12 after the hearing and did something -- I assume this was  
13 like unwarranted because I want to be the person who deals  
14 with issues with any professionals that I order to do  
15 anything in this Court, not the litigants.

16 MR. ADVOCATE: Let me address that for one  
17 second. Your Honor did say that on the record. And I will  
18 say that I made a record. We should've done that. We  
19 should've taken you up on that. It was not a wise move on  
20 my side not to have done that. I should've listened to you  
21 and I think my client feels that he should have listened as  
22 well. He's seen the transcript and --

23 THE COURT: He should've listened to?

24 MR. ADVOCATE: You on that one.

25 THE COURT: Yeah, so why write the letter? Why

1 do that?

2 MR. ADVOCATE: I will address -- you asked me a  
3 direct question about some of the -- about some what he  
4 perceived as attacks in the report. I'll give you one  
5 example, for instance, on page 3 Ms. Farkinson wrote "As we  
6 got closer to the home the Respondent" -- she was walking  
7 up to the home.

8 THE COURT: Yes, I read that.

9 MR. ADVOCATE: Right. "As we got closer to the  
10 home, the Respondent began walking towards us."

11 THE COURT: Yes.

12 MR. ADVOCATE: "This clinician observed the hands  
13 of the subject child began to shake. She became upset and  
14 began crying."

15 THE COURT: What's your attack? What's the  
16 attack?

17 MS. JACKMAN: That's a character --

18 THE COURT: Stop, Ms. Jackman.

19 What's the attack on your client?

20 MR. ADVOCATE: That's a characterization of the  
21 child shaking in fear.

22 THE COURT: What's the attack on your client?

23 MR. ADVOCATE: That is an attack.

24 THE COURT: No. She was describing what the baby  
25 was doing.

1 MR. ADVOCATE: Listen, he says that didn't -- (A)  
2 it didn't occur.

3 THE COURT: That's different if he's disagreeing,  
4 but that's not an attack.

5 MR. ADVOCATE: Okay, maybe we're -- maybe I'm  
6 mischaracterizing.

7 THE COURT: Fair. Where's that letter? I want  
8 to see what he wrote to Ms. Farkinson.

9 MS. ANTONCIC: Your Honor, it's an exhibit to our  
10 cross-motion. I'm happy to read it.

11 THE COURT: Go ahead.

12 MR. RUSSELL (Via Telephone): I'm sorry. I'm  
13 breaking up a little bit for me. (Inaudible).

14 THE COURT: And I did not rebuke Ms. Farkinson.

15 MR. ADVOCATE: What was that again?

16 THE COURT: Exhibit N to the motion (inaudible)  
17 the cross-motion.

18 Mr. Advocate, is the first time you're seeing  
19 this email?

20 MR. ADVOCATE: No, no, I've seen it before, Your  
21 Honor. I just haven't read it in a few weeks.

22 THE COURT: Read it.

23 MR. ADVOCATE: I am. You know, give me 30  
24 seconds. Yes.

25 (Pause)

1 MR. ADVOCATE: I read it, Your Honor. Yes, I  
2 think the tone may have been a little bit hard, but --

3 THE COURT: Seriously.

4 MR. ADVOCATE: The tone was maybe not  
5 appropriate.

6 THE COURT: Tone? He gets up and he thinks he's  
7 going to tell Ms. Farkinson that she's no longer going to  
8 be paid by him and I directed it and that she's no longer  
9 go to be the supervisor. Seriously? Who does your client  
10 think he is?

11 MR. ADVOCATE: There is a Court Order out there  
12 that he's required to pay. We're aware of that, Your  
13 Honor.

14 THE COURT: Who does he think he is? I mean he's  
15 on the phone.

16 Mr. Russell, who do you think you are, going in  
17 on a professional who I appointed in this case? Anything  
18 that needs to be done with respect to professionals I will  
19 take care of that matter, sir, not you.

20 Counsel, (inaudible) conference settlement. Get  
21 Mr. Russell off the phone. Please, ma'am, step out. Yeah,  
22 we'll call you back, Mr. Russell.

23 Okay, we're still on the record. Anybody want to  
24 go off the record? Yes? Off the record.

25 (Off the record)

1 (Time noted 11:22:45 a.m.)

2 (On the record)

3 (Time noted 11:36:29 a.m.)

4 COURT OFFICER: Mr. Russell, we're back in the  
5 courtroom. We're on the record.

6 Your Honor, this is the third call on cases six  
7 through nine on today's calendar in the matters of Walsh  
8 and Russell, Family Unit Number 154703.

9 I want to remind everyone you're still under  
10 oath. And for the record the appearances are the same.  
11 Everyone can be seated.

12 THE COURT: Alright, thank you.

13 We had a conference, Mr. Russell, on the issue  
14 regarding your letter to Ms. Farkinson and what we need to  
15 do going forward. I won't tell you the substance of what  
16 was discussed, but we have decided that the parties are  
17 going to get together -- your attorneys, the attorneys here  
18 to determine who the new supervisor will be in the event,  
19 sir, that you determine that you will have supervised  
20 visits go forward and actually, I'm ordering that. And if  
21 it's your wish not to participate in supervise visits, then  
22 so be it. Do it at your own peril, but I will still keep  
23 my Order that there're going to be supervised visits for  
24 both parties and I'll be told later, Mr. Advocate, as to  
25 who you and the AFC and counsel for Petitioner agree.

1 MR. ADVOCATE: Yes.

2 THE COURT: That will be suited to do the  
3 supervised visits, but that's going to continue.

4 I also discussed the application for Petitioner's  
5 counsel. I'm awarding 15,000, the fees that were  
6 previously requested. Now there's additional fees pending  
7 and requested. At this time, I'm only doing 15,000 and  
8 that's subject to Mr. Advocate said that he wanted to get a  
9 copy of your bill.

10 MS. ANTONCIC: I believe he said he wanted just a  
11 statement on the record, but I'm happy --

12 THE COURT: Okay.

13 MS. ANTONCIC: -- to do either or both.

14 MR. ADVOCATE: Judge, I'd like the bills as well.

15 THE COURT: Right.

16 MS. ANTONCIC: That's fine. That's fine.

17 THE COURT: The bills as well as a statement on  
18 the record as far as what you're up to so far.

19 MS. ANTONCIC: Approximately, 40,000, Your Honor.  
20 And if I had to estimate rough ballpark, I would say about  
21 65 percent of that is related to this custody proceeding  
22 and the remaining to the child support and the family  
23 offense petition, which was resolved. So, I will submit  
24 redacted invoices to Mr. Advocate and the Court, as well as  
25 proposed Order and for the 15,000 to be payable -- I

1 believe Mr. Advocate and I discussed December 30 -- with  
2 leave to --

3 THE COURT: December 30 for what?

4 MS. ANTONCIC: For the 15,000.

5 THE COURT: Okay.

6 MS. ANTONCIC: And with leave to apply for more  
7 at the conclusion of the case. And of course, that's  
8 separate and apart from the fees on this Order to Show  
9 Cause --

10 THE COURT: Right.

11 MS. ANTONCIC: -- and our cross-motion.

12 THE COURT: Okay, alright. And you'll submit an  
13 Order to me on the new supervisor?

14 MR. ADVOCATE: Yes.

15 THE COURT: Okay.

16 MR. ADVOCATE: Judge, because my client -- sorry.

17 THE COURT: Okay, that's three or four months of  
18 -- the fact-finding. The forensics we'll do, but -- yes.  
19 Okay, Mr. Advocate?

20 MR. ADVOCATE: Judge, I just want to -- because  
21 my client's not here and some of this was off the record, I  
22 just want to make it clear for him then.

23 I did argue with the Court that we believe that  
24 most appropriate thing to do would be to let go of the  
25 supervisor completely and let him be supervised in the same

1 manner as the wife is -- I should say the mother, Ms.  
2 Walsh -- with respect to having her parents or a nanny  
3 babysit. We discussed that for (inaudible) and you said  
4 that you're not going to do that. That you want to  
5 continue with supervision, but we'd get a new supervisor on  
6 the case.

7 So, I just want to make it clear to him that we  
8 fully discussed the issue and we had substantial argument  
9 about it.

10 THE COURT: Right. And I can tell you something,  
11 Mr. Russell; I have misgivings, sir, about your ability to  
12 conduct yourself in an appropriate manner. That letter to  
13 Ms. Farkinson that was just absolutely, absolutely  
14 inappropriate and I already told your attorney off the  
15 record what I really felt, okay, but on the record I'm  
16 telling you it was really inappropriate for you to do that.

17 If you have any issues, you are to discuss it  
18 with your attorney. Your attorney will bring them to the  
19 Court's attention or maybe your attorney will discuss it  
20 with other counsel and a letter to Ms. Farkinson would go  
21 out, but for you to have done that on your own without  
22 advising your attorney prior to -- as you did, after that  
23 is inappropriate and please don't try that again in my  
24 Court, sir. I'm warning you. Do not try that again to  
25 circumvent any of my Orders, to approach any professional

1 that I've appointed in such a manner.

2 Mr. Russell, do you hear me?

3 MR. RUSSELL (Via Telephone): I do hear you. The  
4 instruction not to communicate with anyone you appoint or  
5 not to -- what, more specifically, not write letters of  
6 this tone. What is the specific order?

7 THE COURT: Sir, the only thing that you're  
8 allowed to do -- if I set up a supervisor, the only thing  
9 you're allowed to do is to arrange for when the supervisor  
10 is going to be with you and the subject child and that's  
11 the extent of the communication, okay, just dealing with  
12 issues regarding timing, days, whatever else, nothing else.  
13 And especially not --

14 MR. RUSSELL (Via Telephone): Including payment.

15 THE COURT: You can deal with that with your  
16 attorney.

17 MR. RUSSELL (Via Telephone): (Inaudible).

18 THE COURT: You can deal with that with your  
19 attorney. That goes for your attorney, okay. And  
20 especially, after a court hearing where you weren't even  
21 present, sir, and your attorney relayed back to you certain  
22 information. For you to take that information and use it  
23 against a professional, who also wasn't at the hearing  
24 inappropriate -- absolutely inappropriate. Okay.

25 And to try to paraphrase anything that I've done

1 or to interpret anything I've said on the record to use it  
2 against any professional highly inappropriate. Your  
3 communication with any professional is going to be  
4 strictly, strictly only regarding setting appointments,  
5 timing and that's it, nothing else.

6 MR. RUSSELL (Via Telephone): And then everything  
7 that went through counsel then goes through you or counsel  
8 is permitted to speak to the professional.

9 THE COURT: Counsel knows how to conduct himself.  
10 If he feels that there is something that is terribly amiss,  
11 he'll know how to approach the Court and I'm sure counsel  
12 would never, ever have done that to a professional. Okay.  
13 So, Mr. Advocate will know what is proper.

14 MR. RUSSELL (Via Telephone): Your Honor, I  
15 understand your Order.

16 THE COURT: Thank you. Yes?

17 MS. ANTONCIC: Just like a couple of housekeeping  
18 items that I just remembered.

19 First, with regards to the communication issue,  
20 Your Honor, I would ask that only communication with the  
21 supervisor all counsel be copied on because there was no  
22 directive as to communications with Ms. Farkinson in your  
23 Order. And I understand that counsel has been  
24 communicating with her, not copying counsel. I'm not  
25 raising any objection to it, but just going forward I think

1 everyone should be copied.

2 THE COURT: But it won't be with Ms. Farkinson  
3 any more.

4 MS. ANTONCIC: Right.

5 THE COURT: So, what are you suggesting?

6 MS. ANTONCIC: But with the new supervisor.

7 MR. ADVOCATE: But I don't believe that's true.

8 I don't believe -- I had no communication with Ms.  
9 Farkinson. You know the one time -- the couple of times I  
10 tried to reach her to get the initial meetings going she  
11 never responded to me, so that's all.

12 MS. ANTONCIC: Okay, alright, that's fine.

13 MR. ADVOCATE: But he saw those emails and he  
14 expected a response and I didn't get a response.

15 MS. ANTONCIC: Okay, alright, so just going  
16 forward if we could all be copied.

17 And the other issue, Your Honor, is Dr.  
18 Hammelwitz (ph), the Court just signed an Order for a  
19 forensic evaluation and my client made an Intake  
20 appointment for December 12 and Dr. Hammelwitz indicated  
21 that he would only go forward with the appointment if  
22 payment was made by Mr. Russell, so I'm just asking him to  
23 make payment.

24 MR. ADVOCATE: My client is going to be paying  
25 very quickly.

1 MS. ANTONCIC: Okay.

2 MR. ADVOCATE: I just sent him the Order the  
3 other day. He wants to move forward with that very  
4 quickly.

5 MS. ANTONCIC: Okay.

6 THE COURT: Okay, you sent him the Order that  
7 wasn't signed yet?

8 MS. ANTONCIC: No.

9 MR. ADVOCATE: No, I sent him the Order that was  
10 signed. That's not correct. You had actually signed the  
11 Order for Dr. Hammelwitz.

12 THE COURT: We all did.

13 MR. ADVOCATE: We all signed it.

14 THE COURT: Okay, thanks. So, this Order is for  
15 Dr. Griffith?

16 MR. ADVOCATE: Right.

17 THE COURT: Okay, thanks.

18 MR. ADVOCATE: We got the Order for Dr.  
19 Hammelwitz and he's contacted him you know today to start  
20 discussing moving that forward.

21 THE COURT: Okay, thank you.

22 MR. ADVOCATE: Dr. Hammelwitz might need a  
23 retainer agreement from him and then he has to sign it and  
24 give the retainer money, and he would do that very quickly.

25 THE COURT: Okay.

1 MR. ADVOCATE: I've got two little, small issues  
2 as well, Judge.

3 THE COURT: Okay.

4 MR. ADVOCATE: With respect to the supervisor,  
5 I'd like the Court to limit someone -- you know from both  
6 parties discussing all the history. We don't need a repeat  
7 of what happened to deal with everything.

8 THE COURT: Right, because I don't want any  
9 history told to the supervisor. The supervisor is there to  
10 just observe --

11 MR. ADVOCATE: Great.

12 THE COURT: -- the visits with baby and the  
13 parents, so any discussion of any history not needed, not  
14 warranted, and somewhat inappropriate.

15 MR. ADVOCATE: And the very last issue that I  
16 just had was when we proceeded with Dr. Hammelwitz next and  
17 he's going to go to forensics. One of the psychologist or  
18 psychiatrist the parties have seen in San Francisco was a  
19 doctor by the name of Dr. Gopal (ph). Dr. Gopal saw both  
20 of them and provided some -- you know some medical advice  
21 to both of them.

22 This is obviously an important collateral  
23 witness. My client has provided Dr. Gopal's with a HIPAA  
24 release so that he could speak to the forensic, but I've  
25 been advised that Ms. Walsh has not provided the HIPAA and

1 that's going to impede the work of the forensic and we'd  
2 like to have that done.

3 MS. ANTONCIC: Your Honor, part of our reply  
4 submitted today attached is a complaint to the Medical  
5 Review Board as to Dr. Gopal for inappropriate behavior  
6 during Ms. Walsh's consultations with him. So, as we have  
7 said repeatedly throughout, whatever Dr. Hammelwitz  
8 indicates that he needs my client will provide. So, I  
9 don't want there to be a presumption that Dr. Gopal is  
10 going to be interviewed. If during the course of the  
11 forensic evaluation, Dr. Hammelwitz deems that appropriate,  
12 my client will then provide whatever authorization is  
13 necessary so long as whatever information he receives is  
14 confidential and by that I mean for the Court and counsels'  
15 eyes only, not to be viewed by the parties. That has  
16 always been our position, Your Honor.

17 MR. ADVOCATE: And of course, the (inaudible).

18 THE COURT: (Inaudible) Dr. Gopal, I'm not sure.  
19 Is it that you're not signing the release because there's a  
20 report he made?

21 MS. ANTONCIC: No, we're not signing the  
22 releases, but, sus sponte -- I mean if -- I don't know that  
23 Dr. Hammelwitz needs those records.

24 THE COURT: Okay, so that was not coming from Dr.  
25 Hammelwitz?

1 MR. ADVOCATE: No, he hasn't, moving forward, but  
2 with that understanding from Ms. Antoncic that her client  
3 will provide the HIPAA when requested by Dr. Hammelwitz.

4 MS. ANTONCIC: "If" -- "if" requested.

5 MR. ADVOCATE: If requested.

6 MS. ANTONCIC: If requested, "If."

7 MR. ADVOCATE: "If." "If." Of course, the  
8 doctor, I'm sure, is going to request it. So, we will --  
9 that's fine with us as long as we have it on the record and  
10 I appreciate that from Ms. Antoncic.

11 MS. ANTONCIC: And it's confidential -- subject  
12 to the confidentiality as well.

13 MR. ADVOCATE: Of course. All medical records  
14 are treated with the same confidentiality as a report.

15 THE COURT: Absolutely. Alright, next date,  
16 March 7.

17 MS. JACKMAN: That's fine.

18 THE COURT: 10:00 a.m.?

19 MS. ANTONCIC: March 7 at 10:00 a.m. is fine.  
20 And this is for a conference?

21 THE COURT: Yes.

22 MS. ANTONCIC: And Your Honor, I assume there's  
23 still a decision on the Order.

24 THE COURT: yes, the decision I'll --

25 MS. ANTONCIC: Okay, thank you.

1 THE COURT: Yes, by then you should have the  
2 decision.

3 MR. ADVOCATE: What time is the next hearing,  
4 Your Honor?

5 THE COURT: 10:00 a.m.

6 MS. ANTONCIC: 10:00 a.m.

7 THE COURT: Mr. Russell, you need to appear on  
8 that date, March 7, as it is a long way away, so I sure you  
9 can afford to make that trip in, sir.

10 MR. RUSSELL (Via Telephone): Can you (inaudible)  
11 up on the last part; what is the date?

12 THE COURT: March 7 at 10:00 o'clock.

13 MR. ADVOCATE: I'll give you the date.

14 THE COURT: Okay, thank you parties.

15 MR. ADVOCATE: Thank you.

16 THE COURT: Okay, parties are excused.

17 MR. RUSSELL (Via telephone): (Inaudible).

18 THE COURT: Your attorney will call you.

19 [PROCEEDING CONCLUDED]

20 [Audio CD, counter 11:58:21]

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## C E R T I F I C A T E

I, Gloria C. Hooker, certify that the foregoing transcript of proceedings in the Family Court of the State of New York, County of Westchester, in the Matter of Tara Katelyn Walsh vs. Stephen Grant Russell, Docket Numbers O-06917-18/18A, O-06917-18/18C, and V-07641-18, was prepared using the required transcription equipment and is a true and accurate transcript of the recording. Due to the judge's, attorneys', and parties' microphones not working properly, several inaudible segments are contained in the aforementioned transcript and are noted as such.

Signature *Gloria Hooker, CT*

La Palabra Court Reporting  
175 Main Street, 7th Floor, Suite 18  
White Plains, New York 10601

Date: December 5, 2018

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# EXHIBIT 9

FAMILY COURT OF THE STATE OF NEW YORK  
COUNTY OF WESTCHESTER

-----X  
In the Matter of a Proceeding for Custody/Visitation  
Under Article 6 of the Family Court Act

File No. 154703

Docket Nos. V-07641-18  
O-06917-18/18A  
O-06917-18/18C

TARA WALSH,

Petitioner,

-against-

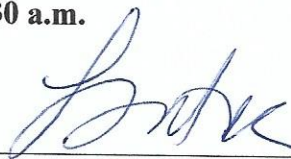
STEPHEN G. RUSSELL,

Respondent.  
-----X

**NOTICE OF SETTLEMENT**  
**OF**  
**INTERIM COUNSEL FEE ORDER**

**PLEASE TAKE NOTICE**, that a proposed **INTERIM COUNSEL FEE ORDER**, of which the within is a true copy, will be presented for settlement to the Honorable Arlene A. Gordon-Oliver, at the Courthouse located at 111 Dr. Martin Luther King Blvd., White Plains, New York, on the **26th day of December, 2018 at 9:30 a.m.**

Dated: Valhalla, New York  
December 17, 2018

  
Lydia S. Antoncic, Esq.  
LYDIA S. ANTONCIC, PC  
*Attorney for Petitioner*  
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TO: Jason A. Advocate, Esq.  
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Jennifer M. Jackman, Esq.  
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White Plains, New York 10601

At the Family Court of the State of New York, held in and for the County of Westchester, at the Courthouse, 111 Dr. Martin Luther King, Jr. Blvd, White Plains, New York on the 30<sup>th</sup> day of November, 2018.

**PRESENT:**

**Hon. Arlene Gordon-Oliver, Family Court Judge**  
FAMILY COURT OF THE STATE OF NEW YORK  
COUNTY OF WESTCHESTER

.....  
In the Matter of a Proceeding for Custody/Visitation  
Under Article 6 of the Family Court Act

TARA WALSH,  
Petitioner,

File No. 154703  
Docket No. V-07641-18

**INTERIM COUNSEL  
FEE ORDER**

-against-

STEPHEN G. RUSSELL,  
Respondent.

.....  
Upon the Order to Show Cause and Cross-Motion filed by Petitioner TARA WALSH (“Petitioner”) on July 16, 2018 and November 15, 2018, respectively, seeking an award of counsel fees pursuant to DRL §237(b) and FCA §651(b) in this matter; and

The matter having duly come on to be heard before this Court on November 15, 2018; and Petitioner having appeared personally and by Lydia S. Antoncic, Esq., and Respondent having appeared telephonically and by Jason Advocate, Esq.; and Jennifer Jackman, Esq. having appeared as Attorney for the Child;

And the matter having duly come on to be heard before this Court and that this matter is a continuing action;

NOW, after examination and inquiry into the facts and circumstances of the case, and after hearing the proof and testimony offered in relation thereto, and the invoices attached hereto; and having considered papers submitted in opposition by Respondent, it is hereby

**ORDERED** that Lydia S. Antoncic, Esq. Lydia S. Antoncic, PC, 8 Madison Avenue, Second Floor, Valhalla, New York 10595, be and is hereby entitled to interim attorney’s fees in

the amount of \$15,000 pursuant to DRL §237(b) and FCA §651(b) and *DeCabrera v. Cabrera-Rosete*, 70 N.Y.2d 879 (1987), with leave to request additional counsel fees during the course of this proceeding; and it is further

**ORDERED** that the Respondent shall pay said sum on or before December 31 2018 as ordered on the record. Upon failure to do so, counsel shall enter judgment on notice without further application to the Court.

**PURSUANT TO SECTION 1113 OF THE FAMILY COURT ACT, AN APPEAL FROM THIS ORDER MUST BE TAKEN WITHIN THIRTY (30) DAYS OF RECEIPT OF THIS ORDER BY APPELLANT IN COURT, 35 DAYS FROM THE DATE OF MAILING OF THE ORDER TO APPELLANT BY THE CLERK OF THE COURT, OR 30 DAYS AFTER SERVICE BY A PARTY OR THE CHILD'S ATTORNEY UPON THE APPELLANT, WHICHEVER IS EARLIEST.**

Dated: December \_\_, 2018

ENTER:

\_\_\_\_\_  
Hon. Arlene Gordon-Oliver, JFC

TO: Lydia S. Antoncic, Esq.  
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Attorney for the Child  
Miller Zeiderman & Wiederkehr, LLP  
140 Grand Street, 5<sup>th</sup> Floor  
White Plains, New York 10601

**Lydia S. Antoncic, PC**

1333A North Avenue, #545

New Rochelle, NY 10804

(914) 712-8778

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Invoice submitted to:

Tara Walsh

394 Whipoorwill Road

Chappaqua, NY 10514

July 20, 2018

Invoice #11042

Professional Services

		<u>Hrs/Rate</u>	<u>Amount</u>
6/28/2018	LSA Initial consultation.	1.60	350.00
6/30/2018	LSA Telephone conversation with [REDACTED]	0.20 395.00/hr	NO CHARGE
	LSA Review voluminous dropbox documents, emails and phone call with client.	2.00 395.00/hr	790.00
7/2/2018	LSA Attend preliminary conference with client.	2.80 395.00/hr	1,106.00
	LSA Review TOP and email [REDACTED]	0.20 395.00/hr	79.00
7/3/2018	P( Email from LSA with Summons, Petition and TOP to serve on attorney in California; prepare and mail service letter to Stacey Poole, Esq.; scan and email to LSA; prepare Affidavit of Service.	0.30 150.00/hr	45.00
7/4/2018	LSA Draft custody petition.	0.30 395.00/hr	118.50
7/6/2018	LSA Telephone conversation [REDACTED] emails with client.	0.20 395.00/hr	79.00
7/9/2018	LSA Review emails and brief review of attachments. Phone call [REDACTED]	0.70 395.00/hr	276.50
	P( Travel to Family Court and file original AOS with court; scan and email stamp copy of filed AOS to LSA.	0.30 150.00/hr	45.00
7/10/2018	LSA Phone calls/texts/emails with [REDACTED]	0.20 395.00/hr	79.00

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(914) 712-8778

		<u>Hrs/Rate</u>	<u>Amount</u>
7/10/2018	GS Legal Research [REDACTED]	0.70 250.00/hr	175.00
7/11/2018	LSA Phone call court; draft letter and proposed Order to Show Cause and petition; review documents filed by CA attorney. Phone call client.	3.60 395.00/hr	1,422.00
	LSA Draft affirmation; compile exhibits. Send letter with OSC to court.	2.00 395.00/hr	790.00
	GS Review documents; begin drafting affirmation and memo.	3.00 250.00/hr	750.00
7/12/2018	LSA Review final custody petition and OSC; review exhibits; communicate with client [REDACTED]	1.30 395.00/hr	513.50
	GS Finalize draft of memorandum of law.	2.00 250.00/hr	500.00
7/13/2018	LSA File OSC; numerous emails with client; phone call with court.	0.60 395.00/hr	237.00
7/16/2018	LSA Review signed OSC. Review file to prepare for tomorrow's court appearance.	2.20 395.00/hr	869.00
7/17/2018	LSA Attend court conference (4.6); phone call [REDACTED] (.5).	5.10 395.00/hr	2,014.50
7/18/2018	LSA Phone call AFC and texts with client.	0.40 395.00/hr	158.00
7/19/2018	LSA Review 7/2 transcript and forward to counsel and client.	0.20 395.00/hr	79.00
<b>For professional services rendered</b>		<b>29.90</b>	<b>\$10,476.00</b>
Additional Charges :			
7/19/2018	Transcript Cost.		94.50
<b>Total additional charges</b>			<b>\$94.50</b>
<b>Total amount of this bill</b>			<b>\$10,570.50</b>
Accounts receivable transactions			
7/11/2018	Payment - Thank You. Check No. 1139		(\$15,000.00)
<b>Total payments and adjustments</b>			<b>(\$15,000.00)</b>

	<u>Amount</u>
Credit balance	<u><u>(\$4,429.50)</u></u>

**Lydia S. Antoncic, PC**

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New Rochelle, NY 10804

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Invoice submitted to:

Tara Walsh

394 Whipoorwhill Road

Chappaqua, NY 10514

September 08, 2018

Invoice #11067

Professional Services

		<u>Hrs/Rate</u>	<u>Amount</u>
7/11/2018 P(	Revise OSC; review and revise Petition; review letter to Judge and petition; email [REDACTED] emails [REDACTED] [REDACTED] email from client; telephone call with client; further revise Petition.	0.80 150.00/hr	120.00
7/12/2018 P(	Finalize OSC; emails [REDACTED] email Financial Disclosure Affidavit to LSA; revise and finalize Petition; print and assemble exhibits; review and finalize Financial Disclosure Affidavit; revise and finalize MOL; prepared backs; hole-punch and assemble original and two copies of entire OSC for filing with court; scan and email to LSA and client; [REDACTED]	1.30 150.00/hr	195.00
7/16/2018 P(	Email from LSA with signed OSC; emails to and from LSA [REDACTED] prepare LSA affirmation of service.	0.50 150.00/hr	75.00
7/17/2018 P(	Text from LSA to send hard copy of OSC to respondent's attorney; assemble and hole-punched conformed OSC and MOL to send to attorney; prepared and mailed letter to Advocate with conformed OSC; scan and email to Advocate, FGM, LSA and client.	0.30 150.00/hr	45.00
7/20/2018 LSA	Review [REDACTED]	0.90 395.00/hr	355.50
GS	Revise support petition, email [REDACTED] <span style="border: 1px solid red; padding: 2px;">Child Support</span>	0.50 250.00/hr	125.00
7/23/2018 LSA	Review child support petition drafted [REDACTED] revise same and send [REDACTED] <span style="border: 1px solid red; padding: 2px;">Child Support</span>	0.20 395.00/hr	79.00
LSA	Numerous texts and emails with client and CA counsel.	0.40 395.00/hr	158.00

			<u>Hrs/Rate</u>	<u>Amount</u>
7/23/2018	GS	Revise support petition, email to LA. <span style="border: 1px solid red; padding: 2px;">Child Support</span>	0.30 250.00/hr	75.00
7/24/2018	LSA	Respond to email [REDACTED] Review child support petition and coordinate filing [REDACTED] <span style="border: 1px solid red; padding: 2px;">Child Support</span>	0.40 395.00/hr	158.00
	GS	Revise and email support petition [REDACTED] Review emails regarding intake form. <span style="border: 1px solid red; padding: 2px;">Child Support</span>	0.60 250.00/hr	150.00
	P(	Texts and emails [REDACTED] review drafts of C.S. Petition; emails [REDACTED] revise Petition; emails [REDACTED] emails [REDACTED] telephone call [REDACTED] revise Personal Information Form; prepared schedule with additional docket numbers; prepared backs; scan and email [REDACTED] finalize docs [REDACTED] <span style="border: 1px solid red; padding: 2px;">Child Support</span>	0.80 150.00/hr	120.00
7/25/2018	P(	Added verification to Petition; texts [REDACTED] meeting with client [REDACTED] <span style="border: 1px solid red; padding: 2px;">Child Support</span>	0.30 150.00/hr	45.00
7/26/2018	LSA	Review emails and attachments received from court regarding child support petition filed. Email opposing counsel and client. <span style="border: 1px solid red; padding: 2px;">Child Support</span>	0.30 395.00/hr	118.50
	P(	Email [REDACTED] with filed Petition and Summons for service; email [REDACTED] re: same. <span style="border: 1px solid red; padding: 2px;">Child Support</span>	0.10 150.00/hr	15.00
7/30/2018	LSA	Phone call opposing counsel; email/phone call court and phone call AFC. Phone call CA counsel. Review correspondence regarding settlement proposals and respond to same.	1.20 395.00/hr	474.00
	P(	Print Summons and Petition; prepared letter to Advocate and assembled for service; email [REDACTED] <span style="border: 1px solid red; padding: 2px;">Child Support</span>	0.20 150.00/hr	30.00
7/31/2018	P(	Mail to Advocate; email [REDACTED] <span style="border: 1px solid red; padding: 2px;">Child Support</span>	0.10 150.00/hr	15.00
8/1/2018	LSA	Phone call [REDACTED] (.3) and Jackman (.2); Review emails (.2).	0.70 395.00/hr	276.50
8/2/2018	LSA	Email opposing counsel and court.	0.20 395.00/hr	79.00
8/6/2018	LSA	Phone call with opposing counsel and court.	0.40 395.00/hr	158.00
	P(	Prepared LSA affirmation of service of support petition [REDACTED] and TLP AOS by mail; prepared backs and assembled for filing. <span style="border: 1px solid red; padding: 2px;">Child Support</span>	0.20 150.00/hr	30.00
8/7/2018	LSA	Phone call opposing counsel [REDACTED] draft letter to court. Phone call AFC and email client.	1.40 395.00/hr	553.00

		<u>Hrs/Rate</u>	<u>Amount</u>
8/7/2018	LSA Brief review of opposition filed by Respondent and email [REDACTED] on same. Phone call/texts with client.	1.20 395.00/hr	474.00
	GS Telephone call with LA , revise letter to the Court.	0.50 250.00/hr	125.00
8/8/2018	LSA Review of Steve's Affidavit and Memorandum of Law. Texts/emails with client and counsel.	1.40 395.00/hr	553.00
	GS Review answering papers.	1.00 250.00/hr	250.00
	P( Travel to Family Court and filed affirmation and affidavit of service of support petition; scan and emailed filed copies [REDACTED] <span style="border: 1px solid red; padding: 2px;">Child Support</span>	0.20 150.00/hr	30.00
8/9/2018	LSA Review settlement proposal. Review exhibits to OSC [REDACTED] Begin to draft Tara's Affidavit and LSA Affirmation.. Phone call [REDACTED] email court and AFC. Phone call Jason Advocate and [REDACTED] Emails with client.	5.50 395.00/hr	2,172.50
	GS Telephone call with LA [REDACTED]	0.40 250.00/hr	100.00
	P( Email [REDACTED] email [REDACTED] in response.	0.10 150.00/hr	15.00
8/10/2018	LSA Phone call AFC; phone call client. Continue to draft client affidavit. Numerous texts/phone calls/emails with client and CA counsel.	4.60 395.00/hr	1,817.00
	GS Research and begin drafting Memorandum of Law.	4.50 250.00/hr	1,125.00
8/11/2018	LSA Review emails [REDACTED]. Continue to draft Tara's Affidavit. Phone call [REDACTED] Phone call [REDACTED] Email [REDACTED] exhibits and respond to Advocate settlement proposal. Review [REDACTED] revisions to affidavit.	4.40 395.00/hr	1,738.00
	P( LSA emails with exhibits for Reply; review and revised client affidavit and LSA affirmation; emails [REDACTED]	0.20 150.00/hr	30.00
8/12/2018	LSA Emails and text messages with client [REDACTED] Send response to access proposal to Advocate. Numerous follow-up emails and texts to client [REDACTED]	1.30 395.00/hr	513.50
	GS Review many emails and continue drafting Memorandum of Law.	2.00 250.00/hr	500.00
	P( LSA email with further revised, redline affidavit and additional exhibit; email [REDACTED] emails from LSA, emails [REDACTED] email to LSA [REDACTED] review and revise client	1.60 150.00/hr	240.00

			<u>Hrs/Rate</u>	<u>Amount</u>
		affidavit and LSA affirmation; email revised drafts [REDACTED] emails to and from LSA [REDACTED] assembled exhibits; email [REDACTED] incorporate additional changes; email [REDACTED] finalize client affidavit.		
8/13/2018	LSA	Review violation petition Review and revise Memorandum of Law draft [REDACTED]	0.90 395.00/hr	355.50
	GS	Review client's affidavit, finalize draft of Memorandum of Law, email [REDACTED]	2.00 250.00/hr	500.00
	P(	Emails and texts with client [REDACTED] emails with client [REDACTED] meeting with client; emails to LSA [REDACTED] finalize LSA affirmation; draft letter to Judge and email to LSA; finalize MOL; prepared backs; copied reply papers and exhibits and assembled for service and filing; prepared service letter to attorney.	1.00 150.00/hr	150.00
8/14/2018	LSA	Review and respond to emails from client, AFC. Phone call [REDACTED]	0.50 395.00/hr	197.50
	P(	Finalize service letter to attorneys; revise and finalize letter to Judge; finalize original reply papers and MOL with affidavits of service; scan and email to attorneys; mail to attorneys from post office; file papers with court and courtesy copy for judge; email copy of Judge's letter to counsel; email filed copies [REDACTED]	0.60 150.00/hr	90.00
8/15/2018	LSA	Review and respond to numerous emails and texts; review AFC's response to OSC.	0.60 395.00/hr	237.00
8/16/2018	LSA	Phone call [REDACTED] regarding judge's conference today; review and respond to emails. Email counsel service of violation.	0.60 395.00/hr	237.00
8/17/2018	LSA	Emails with client and counsel regarding conference with court.	0.30 395.00/hr	118.50
8/19/2018	LSA	Emails with counsel.	0.10 395.00/hr	39.50
	LSA	Emails with counsel and client.	0.10 395.00/hr	39.50
8/22/2018	LSA	Review emails regarding telephone conference, settlement and harassment.	0.30 395.00/hr	118.50
8/23/2018	LSA	Emails with client.	0.20 395.00/hr	79.00
	LSA	Review and respond to numerous emails regarding access during Steve's NY visit; phone call/texts with client [REDACTED]	1.10 395.00/hr	434.50

		<u>Hrs/Rate</u>	<u>Amount</u>
8/24/2018	LSA Numerous emails/texts/phone calls with client and AFC. Review correspondence from Advocate and settlement agreement drafted by Jennifer.	3.50 395.00/hr	1,382.50
	LSA Numerous emails/texts/phone calls with client and AFC. Review correspondence from Advocate and settlement agreement drafted by Jennifer.	3.50 395.00/hr	1,382.50
8/25/2018	LSA Emails with client; revise proposed settlement agreement. Send final agreement after client approval.	1.60 395.00/hr	632.00
8/30/2018	LSA Review numerous emails from opposing counsel and client regarding settlement update and CA court's tentative ruling.	0.30 395.00/hr	118.50
8/31/2018	LSA Review and respond to emails/texts from CA and NY counsel.	0.30 395.00/hr	118.50
9/4/2018	LSA Review numerous correspondence and emails regarding interim access; review stipulation; multiple communications with CA counsel and client.	0.80 395.00/hr	316.00
9/5/2018	LSA Review and respond to multiple emails; communications CA counsel and client.	0.70 395.00/hr	276.50
9/6/2018	LSA Phone call ██████████(.3); texts with client and emails with counsel and court (.5).	0.80 395.00/hr	316.00
9/7/2018	LSA Meet with client ██████████ Subsequent emails/texts with client.	1.30 395.00/hr	513.50
<b>For professional services rendered</b>		<b>62.10</b>	<b>\$20,785.00</b>
Additional Charges :			
7/12/2018	Copying cost (OSC/Petition/Exhibits/MOL).		101.70
7/22/2018	Credit Card processing fee (consultation payment).		6.83
8/13/2018	Copying cost (Reply Aff/Exhibits/MOL).		39.00
8/14/2018	Postage to Advocate and AFC.		13.40
<b>Total additional charges</b>			<b>\$160.93</b>
<b>Total amount of this bill</b>			<b>\$20,945.93</b>
<b>Previous balance</b>			<b>(\$4,429.50)</b>

	<u>Amount</u>
Accounts receivable transactions	
6/27/2018 Payment - Thank You (consultation fee).	(\$350.00)
<b>Total payments and adjustments</b>	<b>(\$350.00)</b>
Balance due	<u>\$16,166.43</u>

**Lydia S. Antoncic, PC**

1333A North Avenue, #545

New Rochelle, NY 10804

(914) 712-8778

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Invoice submitted to:

Tara Walsh

394 Whipoorwill Road

Chappaqua, NY 10514

October 24, 2018

Invoice #11089

Professional Services

		<u>Hrs/Rate</u>	<u>Amount</u>
9/10/2018	LSA	Emails with counsel and AFC; texts with client regarding visit; prepare for tomorrow's conference	3.40 395.00/hr 1,343.00
	P(	Email [REDACTED] re: affirmation of service of violation petition; prepare affirmation of service [REDACTED] scan and email [REDACTED]	0.20 150.00/hr 30.00
9/11/2018	LSA	Review notes and attend court conference; phone call/texts client.	4.50 395.00/hr 1,777.50
	P(	Texts with LSA; travel to courthouse and filed affirmation of service; scan and email filed copy [REDACTED]	0.40 150.00/hr 60.00
9/16/2018	LSA	Emails/texts [REDACTED]	0.20 395.00/hr 79.00
9/17/2018	LSA	Numerous emails with opposing counsel, CA counsel and client [REDACTED] follow up on access, counsel fees and items in agreement. Review file and items for follow-up.	0.90 395.00/hr 355.50
9/20/2018	LSA	Emails with client [REDACTED]	0.20 395.00/hr 79.00
9/24/2018	P(	Order transcript and follow up with reporter.	0.20 150.00/hr 30.00
9/25/2018	LSA	Emails, texts and phone call client. Email counsel.	0.50 395.00/hr 197.50
9/27/2018	LSA	Emails/texts with client.	0.20 395.00/hr 79.00
9/28/2018	LSA	Review notes and emails; review of Defendant's reply, CA Transcript and order; phone call opposing counsel.	1.00 395.00/hr 395.00

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(914) 712-8778

		<u>Hrs/Rate</u>	<u>Amount</u>
9/30/2018	LSA Emails with counsel and texts with client.	0.30 395.00/hr	118.50
10/2/2018	LSA Emails/texts with counsel and client [REDACTED]	0.20 395.00/hr	79.00
10/3/2018	LSA Emails/texts with client and CA counsel [REDACTED]	0.20 395.00/hr	79.00
10/4/2018	LSA Review and respond to numerous emails; phone call AFC and CA attorney. Research [REDACTED]	1.70 395.00/hr	671.50
10/5/2018	LSA Review numerous texts received from client.	0.30 395.00/hr	118.50
10/9/2018	LSA Phone call [REDACTED] and texts with client.	0.30 395.00/hr	118.50
10/10/2018	LSA Numerous emails and texts with counsel and client [REDACTED] consolidating court date on support and custody matter, health insurance cancellation and access schedule. Review correspondence on same.	0.40 395.00/hr	158.00
10/12/2018	LSA Numerous emails [REDACTED]	0.20 395.00/hr	79.00
	LSA Emails with client and counsel [REDACTED] Emails opposing counsel and AFC.	0.60 395.00/hr	237.00
10/17/2018	LSA Review AFC motion for private pay; draft client affidavit in response.	1.10 395.00/hr	434.50
10/18/2018	LSA Review Tara's affidavit prior to TP filing.	0.20 395.00/hr	79.00
10/22/2018	LSA Review file for tomorrow's court appearance in child support and custody matter; legal research [REDACTED] Review financial documents [REDACTED]	3.10 395.00/hr	1,224.50
10/23/2018	LSA Attend child support and custody court conferences. Review Delia report.	4.00 395.00/hr	1,580.00
<b>For professional services rendered</b>		<b>24.30</b>	<b>\$9,402.50</b>

## Additional Charges :

	<u>Amount</u>
9/28/2018 Transcript Cost (9/11/18).	210.75
<b>Total additional charges</b>	<b>\$210.75</b>
<b>Total amount of this bill</b>	<b>\$9,613.25</b>
<b>Previous balance</b>	<b>\$16,166.43</b>
Accounts receivable transactions	
9/12/2018 Payment - Thank You. Check No. 3126	(\$7,000.00)
<b>Total payments and adjustments</b>	<b>(\$7,000.00)</b>
Balance due	<u><u>\$18,779.68</u></u>

**Lydia S. Antoncic, PC**

1333A North Avenue, #545

New Rochelle, NY 10804

(914) 712-8778

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Invoice submitted to:

Tara Walsh

394 Whipoorwhill Road

Chappaqua, NY 10514

December 11, 2018

Invoice #11114

Professional Services

		<u>Hrs/Rate</u>	<u>Amount</u>
10/17/2018 P(	Email from LSA; print and review client affidavit and exhibits; email to LSA and client.	1.00 150.00/hr	150.00
10/18/2018 P(	Texts and emails with LSA and client [REDACTED]; revise client affidavit; email to client and LSA; met with client for signing; finalize affidavit with exhibits; prepared backs; copied and assembled for service and filing; prepared service letter to attorneys; prepared AOS; mail to Jackman and Advocate; scan and email to Jackman, Advocate, LSA and client.	1.00 150.00/hr	150.00
10/19/2018 P(	Travel to WPFC and filed Reply Affidavit; scan and email filed copy to LSA and client.	0.40 150.00/hr	60.00
10/25/2018 LSA	Review notes from conference to update items that require follow-up. Follow-up emails with counsel, client [REDACTED]	0.60 395.00/hr	237.00
10/29/2018 P(	Draft Griffin forensic Order; email to LSA and SSG.	0.40 150.00/hr	60.00
10/30/2018 GS	Emails, [REDACTED] Order appointing Griffin, review / revise order.	1.00 250.00/hr	250.00
P(	Email from and to SSG re: draft Griffin Order; revise Griffin Order; email proposed Order to Advocate and Jackman	0.30 150.00/hr	45.00
11/1/2018 P(	Email to LSA and SSG re: status of proposed Griffin Order and follow up with attorneys.	0.10 150.00/hr	15.00
11/2/2018 P(	Email from SG; follow-up email to Advocate and Jackman.	0.10 150.00/hr	15.00

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(914) 712-8778

		<u>Hrs/Rate</u>	<u>Amount</u>
11/5/2018	LSA Review OSC filed by Steve and emails and draft orders regarding appointment of forensic and Griffin. Phone call client.	1.40 395.00/hr	553.00
	P( Revise Griffin Order; prepare notice of settlement; prepare backs, service letter and AOS; copy and assemble for service; scan, email and mail to attorneys; email to LSA and client; assemble original with AOS for filing.	0.50 150.00/hr	75.00
11/8/2018	LSA Phone call court regarding signed OSC and Advocate office. Emails with client.	0.40 395.00/hr	158.00
	P( Travel to WPFC and filed proposed Griffin Order with notice of settlement; scan and email filed copy to LSA.	0.40 150.00/hr	60.00
11/10/2018	LSA Confer with client to draft opposition/cross motion. Begin review transcripts.	0.90 395.00/hr	355.50
11/11/2018	LSA Continue review of transcripts. Draft client affidavit, attorney affirmation, notice of cross motion and memo of law. [REDACTED]	5.10 395.00/hr	2,014.50
	P( Texts from LSA re: Cross-motion.	0.10 150.00/hr	NO CHARGE
11/12/2018	LSA Attend meeting with Tara [REDACTED].	2.00 395.00/hr	790.00
	P( Review emails and documents from LSA; review and revise Cross-Motion; review and revise client affidavit; organize exhibits.	1.00 150.00/hr	150.00
11/13/2018	LSA Review and respond to client emails and texts; review revised TP affidavit and exhibits received from TP to finalize Cross-Motion. Phone call [REDACTED]	0.80 395.00/hr	316.00
	P( Emails ith LSA and client; revise Notice of Cross-Motion, client affidavit and LSA affirmation; idenify and organize remaining exhibits; email to LSA.	0.80 150.00/hr	120.00
11/14/2018	LSA Review client affidavit changes. Telephone call to TP.	0.30 395.00/hr	118.50
	P( Email from LSA; revise Exhibit J (Civil action); revise MOL and email draft to LSA; revise and finalize Notice of Cross-Motion; revise and finalize LSA affirmation; email client [REDACTED] finalize MOL; email from client [REDACTED]; email to LSA; texts and telephone call with LSA [REDACTED] email client; revise and finalize client affidavit; met with client for signing; re-compiled exhibits; print, copy, assemble and scan for service and filing; prepared backs, service letter to attorneys and affidavits of service of cross-motion and Memorandum of Law.	1.30 150.00/hr	195.00

		<u>Hrs/Rate</u>	<u>Amount</u>
11/15/2018	LSA Review AFC response to Steve's OSC.	0.30 395.00/hr	118.50
	P( Mail to attorneys from post office; travel to WPFC and filed original Cross-Motion and MOL; scan and email filed copies to LSA and client.	0.50 150.00/hr	75.00
11/23/2018	LSA Review and respond to emails from court regarding corrections to Hymnowitz Order.	0.20 395.00/hr	79.00
11/26/2018	LSA Emails regarding revision of forensic order and facetime access.	0.20 395.00/hr	79.00
11/27/2018	LSA Phone call [REDACTED] review emails. .Review opp to OSC and draft reply.	4.80 395.00/hr	1,896.00
	P( Emails with LSA re: Reply; [REDACTED] email to LSA.	0.20 150.00/hr	30.00
11/28/2018	LSA Review attorney affirmation revised by TP; emails/texts with client. Phone call new atty and AFC. Prepare for tomorrow's court hearing. Phone call client; email opposing counsel and review changes to reply affidavit.Review final reply affidavit.	3.80 395.00/hr	1,501.00
	P( Review emails from LSA and client with revised drafts and exhibits; download and review exhibits; emails with client and LSA; revise client affidavit and email draft to client and LSA; review, revise and finalize LSA affirmation; mail draft to LSA; further revise and finalize client affidavit and exhibits; copy and assemble for service and filing; prepare backs; scan and email to Advocate and Jackman; prepare AOS; telephone call with LSA; email LSA and client; print duplicate copy of Cross-motion for LSA for court appearance.	1.50 150.00/hr	225.00
11/30/2018	LSA Attend court appearance; order transcript.	2.80 395.00/hr	1,106.00
12/1/2018	LSA Review and update notes; instruct TP to prepare redacted bills;Review and respond to emails.	0.40 395.00/hr	158.00
12/2/2018	P( Redact bills for fee submission.	0.30 150.00/hr	NO CHARGE
12/4/2018	LSA Phone call [REDACTED]; email client [REDACTED]	0.20 395.00/hr	79.00
12/5/2018	LSA Phone call/email client and court reporter.	0.30 395.00/hr	118.50
<b>For professional services rendered</b>		<b>35.40</b>	<b>\$11,352.50</b>

## Additional Charges :

	<u>Amount</u>
10/18/2018 Copies of Reply Affidavit/exhibits.	27.00
Postage to attorneys.	3.26
11/6/2018 Transcript Cost (10/23 Furman and Gordon Oliver).	402.55
11/14/2018 Copies of XMotion/MOL/exhibits.	69.60
Postage to attorneys.	14.50
Copies of Reply/duplicate Xmotion.	62.10
<b>Total additional charges</b>	<b>\$579.01</b>
<b>Interest on overdue balance</b>	<b>\$173.94</b>
<b>Total amount of this bill</b>	<b>\$12,105.45</b>
<b>Previous balance</b>	<b>\$18,779.68</b>
Accounts receivable transactions	
11/23/2018 Payment - Thank You. Check No. 2403	(\$10,000.00)
12/7/2018 Payment - Thank You. Check No. 1132	(\$4,000.00)
<b>Total payments and adjustments</b>	<b>(\$14,000.00)</b>
Balance due	<u>\$16,885.13</u>

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

**In the Matter of a Custody/Visitation Proceeding**

**TARA WALSH,**

**Petitioner,**

**-against-**

**STEPHEN G. RUSSELL**

**Respondent.**

**INTERIM COUNSEL FEE ORDER  
WITH NOTICE OF SETTLEMENT**

**LYDIA S. ANTONCIC, P.C.**

Attorney for

**Petitioner**

Office Address: 8 Madison Avenue, Second Floor, Valhalla, NY 10595  
Mailing Address: 1333A North Avenue #545, New Rochelle, NY 10804  
(914) 712-8778 (914) 738-1157 (F)  
lydia@lsafamlaw.com

*Pursuant to 22 NYCRR 130-1.1-a, the undersigned, an attorney admitted to practice in the courts of New York State, certifies that, upon information and belief and reasonable inquiry, (1) the contentions contained in the annexed document are not frivolous and that (2) if the annexed document is an initiating pleading, (i) the matter was not obtained through illegal conduct, or that if it was, the attorney or other persons responsible for the illegal conduct are not participating in the matter or sharing in any fee earned therefrom and that (ii) if the matter involves potential claims for personal injury or wrongful death, the matter was not obtained in violation of 22 NYCRR 1200.41-a.*

Dated: ..... Signature .....  
Print Signer's Name.....

Service of a copy of the within ..... is hereby admitted.

Dated: .....  
Attorney(s) for .....

**PLEASE TAKE NOTICE**

Check Applicable Box

NOTICE OF ENTRY that the within is a (certified) true copy of a entered in the office of the clerk of the within-named Court on

20

NOTICE OF SETTLEMENT that an Order of which the within is a true copy will be presented for settlement to the Hon. , one of the judges of the within-named Court, at on 20 , at M.

Dated:

Attorney for **LYDIA S. ANTONCIC, P.C.**

To:

Office Address: 8 Madison Avenue, Second Floor, Valhalla, NY 10595  
Mailing Address: 1333A North Avenue #545, New Rochelle, NY 10804  
(914) 712-8778 (914) 738-1157 (F)  
lydia@lsafamlaw.com

Attorney(s) for

# EXHIBIT 10

FAMILY COURT OF THE STATE OF NEW YORK  
COUNTY OF WESTCHESTER

-----X  
In the Matter of a Proceeding for Custody/Visitation  
Under Article 6 of the Family Court Act

File No. 154703  
Docket Nos. V-07641-18

TARA WALSH,

Petitioner,

-against-


STEPHEN G. RUSSELL,

Respondent.  
-----X

**NOTICE OF ENTRY**  
**OF**  
**INTERIM COUNSEL FEE ORDER**

**PLEASE TAKE NOTICE** that the annexed is a true copy of the Interim Counsel Fee Order dated November 29, 2018 and signed by the Honorable Arlene Gordon-Oliver on January 9, 2019 and entered in the office of the Clerk of the within named Court on January 10, 2019.

Dated: Valhalla, New York  
January 14, 2019



Lydia S. Antoncic, Esq.  
LYDIA S. ANTONCIC, PC  
*Attorney for Petitioner*

Office address: 8 Madison Avenue, 2<sup>nd</sup> Floor  
Valhalla, New York 10595

Mailing address: 1333A North Avenue #545  
New Rochelle, New York 10804  
(914) 712-8778

TO: Jason A. Advocate, Esq.  
Advocate, LLP  
Attorneys for Respondent  
1540 Broadway, Suite 3710  
New York, New York 10036

Jennifer M. Jackman, Esq.  
Attorney for the Child  
Miller Zeiderman & Wiederkehr, LLP  
140 Grand Street, 5<sup>th</sup> Floor  
White Plains, New York 10601

# EXHIBIT 11

FAMILY COURT OF THE STATE OF NEW YORK  
COUNTY OF WESTCHESTER

-----X  
TARA WALSH,

Petitioner,

-against-

STEPHEN G. RUSSELL,

Respondent.  
-----X

File No. 154703

Docket No. V-07641-18

NOTICE OF APPEAL

PLEASE TAKE NOTICE THAT Respondent, Stephen G. Russell, hereby appeals to the Appellate Division of the State of New York, Second Department, from a decision and Order of the Honorable Arlene Gordon Oliver, of the Family Court of the State of New York, dated January 9, 2019, entered on January 10, 2019, and served with Notice of Entry on Respondent's counsel by mail on January 14, 2019, a copy of which is annexed hereto.

Dated: February 12, 2019  
New York, New York

Respectfully submitted,  
By:   
ADVOCATE, LLP  
Katherine Chesnut, Esq.  
Attorneys for Respondent  
1540 Broadway, Suite 3710  
New York, New York 10036  
(212) 776-1926

To: Lydia Antoncic, Esq.  
*Attorney for Petitioner*  
1333A North Avenue #545  
New Rochelle, New York 10804

RECEIVED  
FAMILY COURT OF THE STATE OF NEW YORK  
COUNTY OF WESTCHESTER  
JAN 16 2019  
AM 10:50

# Supreme Court of the State of New York

## Appellate Division: Second Judicial Department

Informational Statement (Pursuant to 22 NYCRR 1250.3 [a]) - Civil

<b>Case Title:</b> Set forth the title of the case as it appears on the summons, notice of petition or order to show cause by which the matter was or is to be commenced, or as amended.		<b>For Court of Original Instance</b>	
TARA WALSH  <p style="text-align: center;">- against -</p> STEPHEN G. RUSSELL		Date Notice of Appeal Filed	
		<b>For Appellate Division</b>	
<b>Case Type</b>	<input type="checkbox"/> Civil Action <input type="checkbox"/> CPLR article 75 Arbitration <input type="checkbox"/> CPLR article 78 Proceeding <input checked="" type="checkbox"/> Special Proceeding Other <input type="checkbox"/> Habeas Corpus Proceeding	<b>Filing Type</b>	
		<input checked="" type="checkbox"/> Appeal <input type="checkbox"/> Original Proceedings <input type="checkbox"/> CPLR Article 78 <input type="checkbox"/> Eminent Domain <input type="checkbox"/> Labor Law 220 or 220-b <input type="checkbox"/> Public Officers Law § 36 <input type="checkbox"/> Real Property Tax Law § 1278 <input type="checkbox"/> Transferred Proceeding <input type="checkbox"/> CPLR Article 78 <input type="checkbox"/> Executive Law § 298 <input type="checkbox"/> CPLR 5704 Review	
<b>Nature of Suit:</b> Check up to three of the following categories which best reflect the nature of the case.			
<input type="checkbox"/> Administrative Review	<input type="checkbox"/> Business Relationships	<input type="checkbox"/> Commercial	<input type="checkbox"/> Contracts
<input type="checkbox"/> Declaratory Judgment	<input type="checkbox"/> Domestic Relations	<input type="checkbox"/> Election Law	<input type="checkbox"/> Estate Matters
<input checked="" type="checkbox"/> Family Court	<input type="checkbox"/> Mortgage Foreclosure	<input type="checkbox"/> Miscellaneous	<input type="checkbox"/> Prisoner Discipline & Parole
<input type="checkbox"/> Real Property (other than foreclosure)	<input type="checkbox"/> Statutory	<input type="checkbox"/> Taxation	<input type="checkbox"/> Torts

**Appeal**

Paper Appealed From (Check one only):	If an appeal has been taken from more than one order or judgment by the filing of this notice of appeal, please indicate the below information for each such order or judgment appealed from on a separate sheet of paper.
---------------------------------------	--

- |  |   |   |   |
|--|---|---|---|
| <input type="checkbox"/> Amended Decree    | <input type="checkbox"/> Determination          | <input checked="" type="checkbox"/> Order   | <input type="checkbox"/> Resettled Order  |
| <input type="checkbox"/> Amended Judgement | <input type="checkbox"/> Finding                | <input type="checkbox"/> Order & Judgment   | <input type="checkbox"/> Ruling           |
| <input type="checkbox"/> Amended Order     | <input type="checkbox"/> Interlocutory Decree   | <input type="checkbox"/> Partial Decree     | <input type="checkbox"/> Other (specify): |
| <input type="checkbox"/> Decision          | <input type="checkbox"/> Interlocutory Judgment | <input type="checkbox"/> Resettled Decree   |   |
| <input type="checkbox"/> Decree            | <input type="checkbox"/> Judgment               | <input type="checkbox"/> Resettled Judgment |   |

Court: <b>Family Court</b> <input type="button" value="v"/>	County: <b>Westchester</b> <input type="button" value="v"/>
---	---

Dated: <b>02/12/2019</b>	Entered: <b>January 10, 2019</b>
--------------------------	----------------------------------

Judge (name in full): <b>Hon. Arlene Gordon-Oliver</b>	Index No.: <b>File No.: 154703, Docket No. V-07641-2018</b>
--	---

Stage: <input checked="" type="checkbox"/> Interlocutory <input type="checkbox"/> Final <input type="checkbox"/> Post-Final	Trial: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes: <input type="checkbox"/> Jury <input type="checkbox"/> Non-Jury
---	--

**Prior Unperfected Appeal and Related Case Information**

Are any appeals arising in the same action or proceeding currently pending in the court?  Yes  No  
 If Yes, please set forth the Appellate Division Case Number assigned to each such appeal.

Where appropriate, indicate whether there is any related action or proceeding now in any court of this or any other jurisdiction, and if so, the status of the case:

**Original Proceeding**

Commenced by: <input checked="" type="checkbox"/> Order to Show Cause <input type="checkbox"/> Notice of Petition <input type="checkbox"/> Writ of Habeas Corpus	Date Filed:
--	-------------

Statute authorizing commencement of proceeding in the Appellate Division:

**Proceeding Transferred Pursuant to CPLR 7804(g)**

Court: <b>Choose Court</b>	County: <b>Choose County</b>
----------------------------	------------------------------

Judge (name in full):	Order of Transfer Date:
-----------------------	-------------------------

**CPLR 5704 Review of Ex Parte Order:**

Court: <b>Choose Court</b>	County: <b>Choose County</b>
----------------------------	------------------------------

Judge (name in full):	Dated:
-----------------------	--------

**Description of Appeal, Proceeding or Application and Statement of Issues**

Description: If an appeal, briefly describe the paper appealed from. If the appeal is from an order, specify the relief requested and whether the motion was granted or denied. If an original proceeding commenced in this court or transferred pursuant to CPLR 7804(g), briefly describe the object of proceeding. If an application under CPLR 5704, briefly describe the nature of the ex parte order to be reviewed.

Appellant -Respondent appeals from an interim counsel fee order issued pursuant to Petitioner-Respondent's order to show cause seeking counsel fees. The motion was granted in that Petitioner's attorney was granted an award of \$15,000.

Issues: Specify the issues proposed to be raised on the appeal, proceeding, or application for CPLR 5704 review, the grounds for reversal, or modification to be advanced and the specific relief sought on appeal.

Appellant-Respondent appeals from an Order of the Westchester County Family Court directing that he pay \$15,000 in counsel fees to Petitioner's counsel without fully examining the financial circumstances of the parties and that this award is erroneous based on the circumstances of the case.

**Party Information**

Instructions: Fill in the name of each party to the action or proceeding, one name per line. If this form is to be filed for an appeal, indicate the status of the party in the court of original instance and his, her, or its status in this court, if any. If this form is to be filed for a proceeding commenced in this court, fill in only the party's name and his, her, or its status in this court.

No.	Party Name	Original Status	Appellate Division Status
1	Stephen G. Russell	Respondent <input type="checkbox"/>	Appellant <input type="checkbox"/>
2	Tara Walsh	Petitioner <input type="checkbox"/>	Respondent <input type="checkbox"/>
3	Evelyn Walsh	Child <input type="checkbox"/>	Child <input type="checkbox"/>
4	Lydia Antoncic, Esq.	Nonparty <input type="checkbox"/>	None <input type="checkbox"/>
5			
6			
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19			
20			

### Attorney Information

Instructions: Fill in the names of the attorneys or firms for the respective parties. If this form is to be filed with the notice of petition or order to show cause by which a special proceeding is to be commenced in the Appellate Division, only the name of the attorney for the petitioner need be provided. In the event that a litigant represents herself or himself, the box marked "Pro Se" must be checked and the appropriate information for that litigant must be supplied in the spaces provided.

Attorney/Firm Name: Katherine Chednut, Esq./Advocate, LLP

Address: 1540 Broadway, Suite 3710

City: New York      State: New York      Zip: 10036      Telephone No: 646 688 4364

E-mail Address: Katherine@advocatellp.com

Attorney Type:       Retained     Assigned     Government     Pro Se     Pro Hac Vice

Party or Parties Represented (set forth party number(s) from table above): **1**

Attorney/Firm Name: Lydia Antoncio, Esq.

Address: 8 Madison Avenue, 2nd Floor

City: Valhalla      State: New York      Zip: 10595      Telephone No: 914 712 8778

E-mail Address: lydia@safamlaw.com

Attorney Type:       Retained     Assigned     Government     Pro Se     Pro Hac Vice

Party or Parties Represented (set forth party number(s) from table above): **2**

Attorney/Firm Name:

Address:

City:      State:      Zip:      Telephone No:

E-mail Address:

Attorney Type:       Retained     Assigned     Government     Pro Se     Pro Hac Vice

Party or Parties Represented (set forth party number(s) from table above):

Attorney/Firm Name:

Address:

City:      State:      Zip:      Telephone No:

E-mail Address:

Attorney Type:       Retained     Assigned     Government     Pro Se     Pro Hac Vice

Party or Parties Represented (set forth party number(s) from table above):

Attorney/Firm Name:

Address:

City:      State:      Zip:      Telephone No:

E-mail Address:

Attorney Type:       Retained     Assigned     Government     Pro Se     Pro Hac Vice

Party or Parties Represented (set forth party number(s) from table above):

Attorney/Firm Name:

Address:

City:      State:      Zip:      Telephone No:

E-mail Address:

Attorney Type:       Retained     Assigned     Government     Pro Se     Pro Hac Vice

Party or Parties Represented (set forth party number(s) from table above):

FAMILY COURT OF THE STATE OF NEW YORK  
COUNTY OF WESTCHESTER

-----X  
In the Matter of a Proceeding for Custody/Visitation  
Under Article 6 of the Family Court Act

File No. 154703  
Docket Nos. V-07641-18

TARA WALSH,

Petitioner,

-against-

STEPHEN G. RUSSELL,

Respondent.  
-----X

**NOTICE OF ENTRY**  
**OF**  
**INTERIM COUNSEL FEE ORDER**

**PLEASE TAKE NOTICE** that the annexed is a true copy of the Interim Counsel Fee Order dated November 29, 2018 and signed by the Honorable Arlene Gordon-Oliver on January 9, 2019 and entered in the office of the Clerk of the within named Court on January 10, 2019.

Dated: Valhalla, New York  
January 14, 2019



Lydia S. Antoncic, Esq.  
LYDIA S. ANTONCIC, PC  
*Attorney for Petitioner*

Office address: 8 Madison Avenue, 2<sup>nd</sup> Floor  
Valhalla, New York 10595

Mailing address: 1333A North Avenue #545  
New Rochelle, New York 10804  
(914) 712-8778

TO: Jason A. Advocate, Esq.  
Advocate, LLP  
Attorneys for Respondent  
1540 Broadway, Suite 3710  
New York, New York 10036

Jennifer M. Jackman, Esq.  
Attorney for the Child  
Miller Zeiderman & Wiederkehr, LLP  
140 Grand Street, 5<sup>th</sup> Floor  
White Plains, New York 10601

RECEIVED FAMILY COURT  
COUNTY OF WESTCHESTER, NY  
2019 JAN 16 PM 8:46

**NOTICE OF ENTRY**  
 PLEASE TAKE NOTICE that the within is a true copy of an order entered in the office of the Clerk of the Family Court of the State of New York in the County of Westchester.  
 Date: ..... 11/16/18 .....  
*James H. [Signature]*  
 Chief Clerk of the Court  
 Order  P  P-ATY  
 Distributed  R  R-ATY  
 DSS/SCU  C-ATY  
 OTHER.....  M

At the Family Court of the State of New York, held in and for the County of Westchester, at the Courthouse, 111 Dr. Martin Luther King, Jr. Blvd, White Plains, New York on the 20<sup>th</sup> day of November, 2018. *29*

**PRESENT:**  
**Hon. Arlene Gordon-Oliver, Family Court Judge**  
**FAMILY COURT OF THE STATE OF NEW YORK**  
**COUNTY OF WESTCHESTER**

.....  
 In the Matter of a Proceeding for Custody/Visitation  
 Under Article 6 of the Family Court Act

TARA WALSH,  
 Petitioner,

File No. 154703  
 Docket No. V-07641-18

**INTERIM COUNSEL  
 FEE ORDER**

-against-

STEPHEN G. RUSSELL,  
 Respondent.

.....  
 Upon the Order to Show Cause and Cross-Motion filed by Petitioner TARA WALSH ("Petitioner") on July 16, 2018 and November 15, 2018, respectively, seeking an award of counsel fees pursuant to DRL §237(b) and FCA §651(b) in this matter; and

The matter having duly come on to be heard before this Court on November 15, 2018; and Petitioner having appeared personally and by Lydia S. Antoncic, Esq., and Respondent having appeared telephonically and by Jason Advocate, Esq.; and Jennifer Jackman, Esq. having appeared as Attorney for the Child;

And the matter having duly come on to be heard before this Court and that this matter is a continuing action;

NOW, after examination and inquiry into the facts and circumstances of the case, and after hearing the proof and testimony offered in relation thereto, and the invoices attached hereto; and having considered papers submitted in opposition by Respondent, it is hereby

**ORDERED** that Lydia S. Antoncic, Esq. Lydia S. Antoncic, PC, 8 Madison Avenue, Second Floor, Valhalla, New York 10595, be and is hereby entitled to interim attorney's fees in

the amount of \$15,000 pursuant to DRL §237(b) and FCA §651(b) and *DeCabrera v. Cabrera-Rosete*, 70 N.Y.2d 879 (1987), with leave to request additional counsel fees during the course of this proceeding; and it is further

**ORDERED** that the Respondent shall pay said sum on or before December 31 2018 as ordered on the record. Upon failure to do so, counsel shall enter judgment on notice without further application to the Court.

**PURSUANT TO SECTION 1113 OF THE FAMILY COURT ACT, AN APPEAL FROM THIS ORDER MUST BE TAKEN WITHIN THIRTY (30) DAYS OF RECEIPT OF THIS ORDER BY APPELLANT IN COURT, 35 DAYS FROM THE DATE OF MAILING OF THE ORDER TO APPELLANT BY THE CLERK OF THE COURT, OR 30 DAYS AFTER SERVICE BY A PARTY OR THE CHILD'S ATTORNEY UPON THE APPELLANT, WHICHEVER IS EARLIEST.**

Dated: <sup>January</sup> ~~December~~ 1, 2019.

ENTER:

  
Hon. Arlene Gordon-Oliver, JFC

TO: Lydia S. Antoncic, Esq.  
LYDIA S. ANTONCIC, PC  
*Attorney for Petitioner*  
8 Madison Avenue, 2<sup>nd</sup> Floor  
Valhalla, New York 10595

Jason A. Advocate, Esq.  
Advocate, LLP  
Attorneys for Respondent  
1540 Broadway, Suite 3710  
New York, New York 10036

Jennifer M. Jackman, Esq.  
Attorney for the Child  
Miller Zeiderman & Wiederkehr, LLP  
140 Grand Street, 5<sup>th</sup> Floor  
White Plains, New York 10601

Index No. **FU #154703** Year 20

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

**TARA WALSH,**

**Petitioner,**

**-against-**

**STEPHEN G. RUSSELL**

**Respondent.**

**ORDER ENTRY MONEY JUDGMENT  
WITH NOTICE OF SETTLEMENT**

**LYDIA S. ANTONCIC, P.C.**

*Attorney for*

**Petitioner**

Office Address: 8 Madison Avenue, Second Floor, Valhalla, NY 10595  
Mailing Address: 1333A North Avenue #545, New Rochelle, NY 10804  
(914) 712-8778 (914) 738-1157 (F)  
lydia@safamlaw.com

*Pursuant to 22 NYCRR 130-1.1-a, the undersigned, an attorney admitted to practice in the courts of New York State, certifies that, upon information and belief and reasonable inquiry, (1) the contentions contained in the annexed document are not frivolous and that (2) if the annexed document is an initiating pleading, (i) the matter was not obtained through illegal conduct, or that if it was, the attorney or other persons responsible for the illegal conduct are not participating in the matter or sharing in any fee earned therefrom and that (ii) if the matter involves potential claims for personal injury or wrongful death, the matter was not obtained in violation of 22 NYCRR 1200.41-a.*

Dated: ..... Signature .....

Print Signer's Name.....

Service of a copy of the within ..... is hereby admitted.

Dated: .....

Attorney(s) for .....

**PLEASE TAKE NOTICE**

Check Applicable Box

that the within is a (certified) true copy of a  
NOTICE OF entered in the office of the clerk of the within-named Court on 20  
ENTRY

that an Order of which the within is a true copy will be presented for settlement to the  
NOTICE OF Hon. , one of the judges of the within-named Court,  
SETTLEMENT at 20 , at M.  
on

Dated: .....  
Attorney for **LYDIA S. ANTONCIC, P.C.**

Office Address: 8 Madison Avenue, Second Floor, Valhalla, NY 10595  
Mailing Address: 1333A North Avenue #545, New Rochelle, NY 10804  
(914) 712-8778 (914) 738-1157 (F)  
lydia@safamlaw.com

To: .....  
Attorney(s) for

# EXHIBIT 12

Supreme Court of the State of New York  
Appellate Division: Second Judicial Department

M260591  
E/mm

JOHN M. LEVENTHAL, J.P.  
SYLVIA O. HINDS-RADIX  
BETSY BARROS  
FRANCESCA E. CONNOLLY, JJ.

---

2019-01509

DECISION & ORDER ON MOTION

In the Matter of Tara Walsh, respondent,  
v Stephen G. Russell, appellant.

(Docket No. V-7641-18)

---

Appeal by Stephen G. Russell from an order of the Family Court, Westchester County, dated January 9, 2019.

On the Court's own motion, it is

ORDERED that the appeal is dismissed, without costs or disbursements, as no appeal lies as of right from a nondispositional order in a proceeding pursuant to Family Court Act article 6, part 3 (*see* Family Ct Act § 1112), and leave to appeal has not been granted.

LEVENTHAL, J.P., HINDS-RADIX, BARROS and CONNOLLY, JJ., concur.

ENTER:



Aprilanne Agostino  
Clerk of the Court

March 1, 2019

MATTER OF WALSH v RUSSELL

# EXHIBIT 13

**In The Matter Of:**  
*TARA T. WALSH vs.*  
*STEPHEN RUSSELL*

---

*B E F O R E: ESTHER R. FURMAN, SUPPORT MAGISTRATE*  
*October 23, 2018*

---

*Aarons Court Reporting*  
*175 Main Street, Suite 18, 7th Flr.*  
*White Plains, NY 10601*  
*\*914-506-1288\**

THE STATE OF NEW YORK  
COUNTY OF WESTCHESTER: FAMILY COURT

-----x

TARA WALSH,

Petitioner,

vs.

FAMILY UNIT: 154703  
DOCKET NOS.: F-08146-18

STEPHEN RUSSELL,

Respondent.

-----x

111 Martin Luther King Blvd,  
White Plains, New York 10601

October 23, 2018

B E F O R E: ESTHER R. FURMAN, SUPPORT MAGISTRATE

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

LYDIA ANTONCIC, Attorney for Petitioner  
JASON ADVOCATE, Attorney for Respondent  
TARA WALSH, Petitioner

Electronic Proceeding transcribed by:  
STEPHANIE HANDLEY, Transcriber  
AARON'S COURT REPORTING, LLC  
175 Main Street, 7th Floor, Suite 18  
White Plains, New York 10601

INDEX

E X A M I N A T I O N S

NO WITNESSES OR EXHIBITS

PETITIONER

			Re	Re
Witness	Direct	Cross	Direct	Cross

RESPONDENT

			Re	Re
Witness	Direct	Cross	Direct	Cross

E X H I B I T S

PETITIONER

Exhibit No.	Description	ID	Evidence
-------------	-------------	----	----------

RESPONDENT

Exhibit No.	Description	ID	Evidence
-------------	-------------	----	----------

1 (10:24:02 A.M.)

2 COURT OFFICER: Stepping in, Your Honor, number  
3 21. Your Honor, this is case 21 on your calendar with a  
4 family unit number of 154703.

5 Counsel, your appearances.

6 MS. ANTONCIC: Lydia Antoncic, 8 Madison Avenue,  
7 Second Floor, Valhalla, New York 10595, for the Petitioner,  
8 Tara Walsh.

9 Good morning, Your Honor.

10 MR. ADVOCATE: Jason Advocate, Advocate, LLP,  
11 1540 Broadway, New York, New York, for the Respondent,  
12 Stephen Russell, Your Honor.

13 THE COURT: And he's waiving his appearance for  
14 today?

15 MR. ADVOCATE: I'd like to, Your Honor. He's in  
16 California. He was going to be flying in last night, but  
17 he came down with the flu. He was going to get me his  
18 doctor's note and he really did not feel comfortable  
19 getting on the flight like that, so...

20 THE COURT: All right. Well, it's a preliminary.

21 MR. ADVOCATE: And I don't blame him.

22 THE COURT: However, if it means that I need to  
23 set a temporary order, it will be without him.

24 MR. ADVOCATE: Oh, yeah, of course, Your Honor.

25 THE COURT: Okay.

1 MR. ADVOCATE: And I'm prepared to proceed on  
2 that because I realize --

3 COURT OFFICER: Okay. Let me finish calling the  
4 case.

5 Ma'am, (inaudible).

6 ATTORNEY 3: Yes. Tara Walsh, 394 Whippoorwill  
7 Road, Chappaqua, New York 10514.

8 COURT OFFICER: Thank you. Be seated.

9 THE COURT: Ms. --

10 MS. ANTONCIC: Antoncic, Your Honor.

11 THE COURT: Antoncic?

12 MS. ANTONCIC: Antoncic, yes.

13 THE COURT: Antoncic, okay. Antoncic.

14 MS. ANTONCIC: It's like S-I-C-H at the end.

15 THE COURT: Antoncic, sorry.

16 MS. ANTONCIC: That's okay.

17 THE COURT: I'm looking -- there's a lot of  
18 mystery here. I'm seeing -- I'm seeing other F dockets.  
19 Was there ever support set in this case?

20 MS. ANTONCIC: No, Your Honor, there wasn't.  
21 There's -- there was a V-docket and an O-docket. The O-  
22 docket was withdrawn pursuant to a stipulation. The mother  
23 was awarded temporary custody by an emergency order to show  
24 cause that was brought in July.

25 THE COURT: Okay. No, you're right. I do see --

1 I see the F-dockets that I'm looking at would be just --  
2 it'd be this case, but it was filed back in July.

3 MS. ANTONCIC: Yes.

4 THE COURT: I'm a little confused why it took so  
5 long to get to me, but, in any event, are the parties  
6 married?

7 MS. ANTONCIC: No.

8 THE COURT: Is there an acknowledgement of  
9 paternity?

10 MS. ANTONCIC: Yes, it's attached to the  
11 petition.

12 THE COURT: Very good. So the next order of  
13 business is a temporary order of support and then  
14 adjourning for hearing --

15 MS. ANTONCIC: Yes.

16 THE COURT: -- or whether it's going to be  
17 settled or not, I leave to you. Obviously, Ms. Walsh is  
18 the custodial parent. No one is disputing that at this  
19 juncture.

20 Is your client employed, Ms. Antoncic?

21 MS. ANTONCIC: Your Honor, my client is employed  
22 part time. She submitted a financial disclosure affidavit.  
23 At the time, she was earning \$3,000.00 a month. Right now,  
24 she's earning a little bit more, about \$4,500.00 a month.

25 At Respondent's request, she's been residing with

1 her parents, but she's going to need to find a separate  
2 residence for her and the child. Respondent, on the other  
3 hand --

4 THE COURT: But why would -- he requested that  
5 she live with her parents?

6 MS. ANTONCIC: With --

7 THE COURT: I don't understand that.

8 MS. ANTONCIC: Without belaboring the extensive  
9 history here, there are serious allegations, safety  
10 concerns that Petitioner made as against Respondent, and  
11 Respondent also raised some concerns.

12 And part of the interim order that Judge Gordon-  
13 Oliver entered last month, one of the conditions was that  
14 Respondent -- Petitioner, you know, reside with her parents  
15 until this is all resolved. Respondent has supervised  
16 visits. So that's kind of where we are right now.

17 THE COURT: Okay.

18 MS. ANTONCIC: We're going up there after this.

19 THE COURT: Okay.

20 MS. ANTONCIC: But just to continue, so  
21 Respondent is very wealthy. He's a tech guy. He lives out  
22 in California. His -- I have his -- he didn't file a  
23 financial disclosure affidavit here.

24 THE COURT: Well, if it's okay, I'm going to ask  
25 Mr. Advocate about his client's finances --

1 MS. ANTONCIC: Sure.

2 THE COURT: -- and then you can dispute it if  
3 you're not --

4 MS. ANTONCIC: Sure.

5 THE COURT: -- satisfied with his answer. I'm  
6 hoping that it's going to be straight forward. Is your  
7 client a W-2 wage earner?

8 MR. ADVOCATE: He was, Your Honor.

9 THE COURT: And when was that?

10 MR. ADVOCATE: He -- well, he has taken a leave  
11 of absence from a business that he started because he's  
12 trying to focus on this case. He lives in San Francisco.  
13 The case started in New York when the Petitioner, Ms.  
14 Walsh, took the child --

15 THE COURT: All right. You know what, this is  
16 the thing.

17 MR. ADVOCATE: -- all right, and moved here.

18 THE COURT: This is the thing.

19 MR. ADVOCATE: I'll stop. I'll --

20 THE COURT: I just want to know how much he  
21 earns.

22 MR. ADVOCATE: I'll tell you.

23 THE COURT: I really don't want any of the  
24 background right now.

25 THE COURT: It's a little bit -- it's a little

1 tricky because what he earns is approximately \$200,000.00 a  
2 year from salary, but he has assets.

3 So last year, as the tax returns will show, he  
4 sold assets and he had capital gains on the assets, which  
5 show up on the tax returns, of roughly \$4,000,000.00.  
6 Three-and-a-half. That included sale of a house and sale  
7 of stock. So he has assets, but he has income of around  
8 two hundred thousand. I've actually --

9 THE COURT: Well, if I --

10 MR. ADVOCATE: I --

11 THE COURT: -- was just going to use the -- I  
12 just want to make a temporary order.

13 MR. ADVOCATE: Yes, right.

14 THE COURT: I mean, obviously the Petitioner has  
15 less expense right now because she is living with her  
16 parents. It's two thousand six seventy-five a month; is  
17 that okay for a temporary order?

18 MS. ANTONCIC: No, Your Honor.

19 THE COURT: Why?

20 MS. ANTONCIC: And we would ask that the Court go  
21 above the cap of --

22 THE COURT: There's no cap. This is two hundred  
23 thousand on the salary. I don't know what his other income  
24 is. This is --

25 MS. ANTONCIC: Well --

1 THE COURT: -- straight guidelines on two hundred  
2 thousand a year.

3 MS. ANTONCIC: Well, first off, his monthly  
4 expenses are \$250,000.00 a month. I have his submission  
5 that -- a financial -- an increment expense declaration  
6 that he submitted in this matter.

7 THE COURT: Well, what is your client's expenses  
8 right now? Like, I'm not getting (inaudible)?

9 MS. ANTONCIC: Well, my client needs to find a  
10 separate residence. So, I mean, that's -- you know, that's  
11 going to be a major expense.

12 THE COURT: And is she --

13 MS. ANTONCIC: She's working part time.

14 THE COURT: -- working right now?

15 MS. ANTONCIC: She's working --

16 THE COURT: Oh, yeah, you told me. Okay.

17 MS. ANTONCIC: Yes, she needs -- she's going to  
18 need a nanny for when she's working.

19 THE COURT: All right.

20 MS. ANTONCIC: Mr. Russell also cancelled --

21 THE COURT: You know what, this is just a  
22 temporary order. If I use --

23 MR. ADVOCATE: Your Honor --

24 THE COURT: -- two hundred and fifty thousand, it  
25 would be three thousand three eighty-four a month.

1 MR. ADVOCATE: Your Honor, can I address that  
2 before we set that down as an order?

3 THE COURT: Yeah.

4 MR. ADVOCATE: And --

5 THE COURT: It's just a temporary order.

6 MR. ADVOCATE: I understand, but the temporary  
7 order has to be based on, in my view, the cap because if  
8 you're -- the cap of one-hundred and forty-eight thousand,  
9 for one very simple reason.

10 THE COURT: Uh-huh.

11 MR. ADVOCATE: He may be making two hundred, he  
12 may be making two hundred million, but until you -- in  
13 order to get above that two -- that \$148,000.00 cap, the  
14 Petitioner has to show her expenses. That's just the law.  
15 She has to come into court and say, "My expenses for an  
16 infant exceed --

17 THE COURT: You know, Mr. Advocate --

18 MR. ADVOCATE: Yes.

19 THE COURT: -- I want to tell you what the law  
20 says about --

21 MR. ADVOCATE: Right.

22 THE COURT: -- a temporary order.

23 MR. ADVOCATE: Right.

24 THE COURT: It says I can just make one without  
25 even paying attention to the guidelines. That's what it

1 says. So this is a temporary order. I'm going to make it  
2 three thousand a month.

3 Do you want it through support collection --

4 MS. ANTONCIC: Yes, Your Honor.

5 THE COURT: -- or directly to her? It'll be  
6 through SCU, effective 11-1. And then, I will apply the  
7 law to the facts at the fact finding. If you can't work it  
8 out, the date for the hearing will be --

9 COURT OFFICER: February 1st at 9:00 a.m.

10 MS. ANTONCIC: Your Honor, just briefly, the  
11 child's medical insurance was cancelled not too long ago.  
12 The father maintains it and then it was reinstated after  
13 counsel intervened. And I just would like the Court to  
14 order that he continue the health insurance.

15 And as far as add-ons go, we would ask that he be  
16 responsible for a hundred percent of any nanny while Ms.  
17 Walsh is working.

18 MR. ADVOCATE: My client never cancelled the  
19 health insurance. That was clear. The Petitioner in this  
20 case made an allegation --

21 THE COURT: Then, it shouldn't be a problem.

22 MR. ADVOCATE: It's not a problem.

23 THE COURT: Okay.

24 COURT OFFICER: Okay. Okay.

25 MR. ADVOCATE: He's --

1 THE COURT: So I'm just going to write the  
2 Respondent shall continue the health insurance and is --

3 MR. ADVOCATE: For the child.

4 THE COURT: -- responsible for --

5 MR. ADVOCATE: For the child.

6 THE COURT: For the child, absolutely.

7 MR. ADVOCATE: All right. Because there is --  
8 there was an issue --

9 COURT OFFICER: Okay. (Inaudible).

10 THE COURT: No problem, Mr. Advocate.

11 COURT OFFICER: (Inaudible).

12 THE COURT: Eighty-three percent is his current  
13 pro-rata share of any childcare while the Petitioner is  
14 working and uncovered health expenses. There's --

15 MS. ANTONCIC: And I --

16 THE COURT: -- no need for it to be 100 percent.

17 MS. ANTONCIC: And, I'm sorry, what was the date  
18 again? I was struggling to find my calendar.

19 COURT OFFICER: Friday, February 1st, at 9:00  
20 a.m.

21 MS. ANTONCIC: Friday.

22 THE COURT: Don't put anything else on  
23 (inaudible), okay?

24 MS. ANTONCIC: Thank you.

25 MR. ADVOCATE: Hold on, Your Honor, can I just

1 make sure that date works.

2 THE COURT: Ms. Walsh will have to fill out an  
3 application to get the child support through Support  
4 Collection and, Mr. Advocate, we will give you the payment  
5 information for your client. And at this juncture,  
6 discovery is by lave of court.

7 I'm going to direct the exchange and filing of  
8 the parties' most recently filed tax return, W-2, if  
9 applicable, three recent representative paycheck stubs, a  
10 financial disclosure affidavit, proof of income from all  
11 sources. If there is a request in writing on notice to the  
12 other side for additional discovery, it would have to be  
13 with good -- you know, good cause shown.

14 MR. ADVOCATE: I would ask for one other thing in  
15 there, Your Honor. I need proof of spending, so I need  
16 bank and credit card statements.

17 THE COURT: Well, that's --

18 MR. ADVOCATE: In order --

19 THE COURT: -- discovery, so --

20 MR. ADVOCATE: Right.

21 THE COURT: -- at this point, if you want me to  
22 direct that both parties have to do that, if that's  
23 something you both agree to, I will add it to the order  
24 now.

25 MS. ANTONCIC: Well, I'm not going to agree to

1 that at this time.

2 THE COURT: Then it would have to be by leave of  
3 court at this point. Certainly, you have the right to  
4 cross examine her about those things at any hearing.

5 MR. ADVOCATE: Well, I mean, I'd like the  
6 documentation before we end up in front of the Court on a  
7 hearing because that's the whole nature of discovery, so I  
8 can know what her expenses are before we get there.

9 MS. ANTONCIC: She's -- respectfully, Your Honor,  
10 he is going to have an updated financial disclosure  
11 affidavit --

12 THE COURT: Yeah, I agree.

13 MS. ANTONCIC: -- that has all of her expenses.

14 THE COURT: I'm not going to grant that request  
15 at this time. So be it.

16 COURT OFFICER: Anything else?

17 THE COURT: Then, I'm going to ask you to wait  
18 outside. Ms. (Inaudible) will give you the payment  
19 instructions for your client.

20 MR. ADVOCATE: Yes, Your Honor.

21 THE COURT: And no monies will come to you unless  
22 you fill out that application and leave it with the court  
23 officer.

24 MS. ANTONCIC: Okay. And that's -- she'll get  
25 that application --

1 COURT OFFICER: Outside.

2 MS. ANTONCIC: Okay, great.

3 THE COURT: Right now.

4 MS. ANTONCIC: Thank you. We have time --

5 THE COURT: Thank you both.

6 MR. ADVOCATE: Your Honor, I can't appear on the  
7 first, by the way. February 1st. I'm on trial in another  
8 case.

9 THE COURT: And when is that trial -- do you  
10 anticipate it --

11 MR. ADVOCATE: It's day-to-day, but it definitely  
12 is going to be going for the 1st to the 7th. So I can be  
13 available -- actually, maybe I can make it the 7th. That's  
14 probably the last day of the trial.

15 MS. ANTONCIC: The 7th is fine for me.

16 COURT OFFICER: In the afternoon?

17 MR. ADVOCATE: Doesn't matter.

18 COURT OFFICER: 1:45 p.m.

19 MS. ANTONCIC: Thank you, Your Honor.

20 THE COURT: What day of the week is that?

21 COURT OFFICER: Huh?

22 THE COURT: What day of the week is that?

23 COURT OFFICER: That's a Thursday.

24 THE COURT: Okay, thank you so much.

25 COURT OFFICER: Thank you. Step out.

1 (Low discussion)

2 COURT OFFICER: 7th at 1:45, correct?

3 MS. ANTONCIC: Yes, 2-7.

4 COURT OFFICER: Thanks. Goodbye.

5 MR. ADVOCATE: Thank you.

6 THE COURT: Thank you.

7 (Whereupon, the matter was adjourned until

8 February 7, 2019)

9 (10:34:38 A.M.)

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## C E R T I F I C A T E

I, Stephanie J. Handley, certify that the foregoing transcript of proceedings in the Family Court of the State of New York, County of Westchester, in the Matter of Tara Walsh v. Stephen Russell, Docket No. F-08146-18, was prepared using the required transcription equipment and is a true and accurate record of the proceedings.

Signature *Stephanie Handley, CT*

Date: October 31, 2018

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# EXHIBIT 14

At a term of the Family Court of the  
State of New York, held in and for  
the County of Westchester, at  
Courthouse, 111 Dr. Martin Luther  
King Jr. Blvd., White Plains, NY  
10601, on October 23, 2018

**PRESENT:** Esther R. Furman, Support Magistrate

In the Matter of a **Support** Proceeding

**Tara Katelyn Walsh**, SSN: XXX-XX-7660,

Petitioner,

- against -

**Stephen Grant Russell**, SSN: XXX-XX-3261,

Respondent.

**File #:** 154703

**Docket #:** F-08146-18

**CSMS #:** \*BZ51122Q1\*

**TEMPORARY ORDER  
OF SUPPORT  
AMENDED\***

NOTICE: YOUR WILLFUL FAILURE TO OBEY THIS ORDER MAY RESULT  
IN INCARCERATION FOR CRIMINAL NON-SUPPORT OR CONTEMPT.  
YOUR FAILURE TO OBEY THIS ORDER MAY RESULT IN SUSPENSION OF  
YOUR DRIVER'S LICENSE, STATE-ISSUED PROFESSIONAL, TRADE,  
BUSINESS AND OCCUPATIONAL LICENSES AND RECREATIONAL AND  
SPORTING LICENSES AND PERMITS; AND IMPOSITION OF REAL OR  
PERSONAL PROPERTY LIENS.

**Obligation Summary**

	Tara Katelyn Walsh	Stephen Grant Russell	Method
Basic Payment		\$3,000.00 monthly	SCU
Child Care	17%	83%	Direct upon presentation of bills/receipts
Unreimbursed Health Related Expenses	17%	83%	Direct upon presentation of bills/receipts

Tara Katelyn Walsh filed a petition in this Court on July 25, 2018 alleging that Stephen Grant Russell is chargeable with the support of the following:

<u>Name</u>	<u>Date of Birth</u>	<u>Social Security Number</u>
Evelyn Grace Walsh	January 27, 2018	XXX-XX-7872

**\*Stephen Grant Russell's appearance before this Court was waived, and the unrepresented parties, if any, were advised by the Court of the right to counsel;\***

NOW, after examination and inquiry into the facts and circumstances of the case,

IT IS HEREBY ORDERED that upon notice of this order, Stephen Grant Russell shall pay the sum of \$3,000.00 monthly to Tara Katelyn Walsh payable through the Support Collection Unit, such payments to commence on November 1, 2018;

IT IS FURTHER ORDERED that Stephen Grant Russell shall pay 83% of the child care expenses upon presentation of bills/receipts for the child for whom support is ordered;

IT IS FURTHER ORDERED that the Respondent shall continue paying the health insurance premiums for the subject child;

IT IS FURTHER ORDERED that Stephen Grant Russell shall pay 83% of the unreimbursed health related expenses upon presentation of bills/receipts for the child for whom support is ordered;

IT IS FURTHER ORDERED that all payments payable through the Support Collection Unit shall be made by check or money order payable to and mailed to: NYS Child Support Processing Center, PO Box 15363, Albany, NY 12212-5363. The county name and New York Case Identifier number (**CSMS #BZ51122Q1**)\* for the matter must be included with the payment for identification purposes;

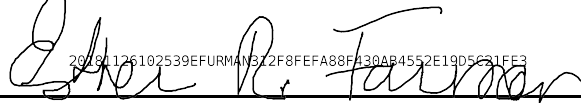
IT IS FURTHER ORDERED that the payor, custodial party and any other individual parties immediately notify the Support Collection Unit of any changes in the following information: residential and mailing addresses, social security number, telephone number, driver's license number; and name, address and telephone numbers of the parties' employers;

IT IS FURTHER ORDERED that this Order shall be enforceable pursuant to Section 5241 or 5242 of the Civil Practice Law and Rules, or in any other manner provided by law.

**Please be advised that your next scheduled appearance is on February 7, 2019 at 1:45 PM in Part 7 before Esther R. Furman, Support Magistrate.**

**Dated:** November 21, 2018

ENTER



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**Esther R. Furman, Support Magistrate**

Order mailed on November 26, 2018 to:

Westchester County Office of Child Support Enforcement, Interested Party  
Jason Andrew Advocate, Esq.  
Lydia S. Antoncic, Esq.  
Tara Katelyn Walsh, Petitioner  
Stephen Grant Russell, Respondent

File No.: 154703  
Family Court Docket No. V-07641-18  
Appellate Division Docket No.: 2019-01509

**SUPREME COURT OF THE STATE OF NEW YORK  
APPELLATE DIVISION: SECOND DEPARTMENT**

**TARA WALSH,**

Petitioner-Respondent,

-against-

**STEPHEN G. RUSSELL,**

Respondent-Appellant.

**NOTICE OF MOTION**

BY: 

**JASON ADVOCATE**

**Pursuant to Part 130.1.1a of the Rules of the Chief  
Administrator (22 NYCRR)**

**ADVOCATE, LLP**

1540 BROADWAY, SUITE 3710  
NEW YORK, NY 10036  
(212) 776-1926  
(855) 845-3173 (FAX)