SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

In the Matter of the Application of STEPHEN GRANT RUSSELL, Petitioner, For a Judgment Pursuant to Article 78 of the Civil Practice Law and Rules, — against — HON. MICHELLE I. SCHAUER, F.C.J., in her judicial capacity; HON. MICHELE REED BOWMAN, S.M., in her judicial capacity; WESTCHESTER COUNTY FAMILY COURT; WESTCHESTER COUNTY (in the alternative pursuant to CPLR § 103(c)); and TARA KATELYN WALSH, as real party in interest, Respondents.	**VERIFIED PETITION** Index No. _____

I, **STEPHEN GRANT RUSSELL**, being the Petitioner in the above-captioned proceeding, affirm the following to be true under the penalties of perjury pursuant to CPLR § 2106:

PRELIMINARY STATEMENT

1. This proceeding concerns several specific contradictions in the continuing operation of Westchester County Family Court File No. 154703, and its parallel Docket F-08146-18/25F, that the current record cannot lawfully sustain simultaneously. The Appellate Division, Second Department, held in *Matter of Walsh v. Russell*, 214 A.D.3d 890, 891 (2d Dep't 2023) (Tab 1), that the February 2, 2022 order on which the post-mandate regime rests "was not entered upon the father's default," counsel having appeared and participated on Petitioner's behalf. Three years later, the Westchester County Family Court's internal Court Management System record continues to reflect that same order as *ORDER ON DEFAULT* on Form GF-16 (8/2010) (Tab 80 (ExSS_03)). In February 2026, on the support side of the same case, Support Magistrate Bowman adopted on the record a retroactive re-classification of the

Public copy: the child's legal name is shown as E.V.; dates of birth, private street addresses and a personal email address are removed. Otherwise as filed.

underlying custody order from "on default" to "after hearing." Petitioner's two consecutive-day motions specifically asking the Family Court to conform the record to the appellate mandate, Motion 14 (April 20, 2026) and Motion 15 (April 22, 2026), were each dismissed within twenty-four hours on the ground "failure to state a cause of action," a defense to an initiating pleading that does not on its face apply to a post-judgment motion under CPLR §§ 5019(a) and 5015(a)(4). Wage garnishment and other enforcement consequences continue to operate against the unconformed predicate. Petitioner does not contend that the Family Court lacked authority to require amended or superseding pleadings following vacatur, reassignment, or appellate modification. The defect arises from the absence of any subsequent reconciliatory adjudication identifying which pleadings, defaults, hearings, jurisdictional predicates, and operative orders ultimately controlled thereafter — notwithstanding continuing enforcement against Petitioner under procedural descriptions that now coexist in unresolved tension within the record. The relief requested below includes reconciliation of the operative procedural state as a precondition to further enforcement.

2. The further matters set forth in the Statement of Facts — including three California adjudications of Respondent Walsh's domestic-violence liability against Petitioner that the Westchester court has not recognized, two defaults Respondent Walsh entered in Westchester that no court has acted upon, the convergent record of contemporaneous concern for the welfare of the parties' daughter that no court has inquired into, and the procedural pattern that follows Petitioner's protected regulator filings and documentary work in temporal proximity — supply context for the contradictions identified in ¶ 1. The central claim, on which the four foundational Recognitions of the WHEREFORE rest, is the records-integrity defect set forth above and the jurisdictional defect that follows from it: the Family Court has not conformed its record to the appellate mandate, and the regime that flows from the unconformed record operates without subject-matter jurisdiction that federal and state law leave to it.

3. Petitioner asks this Court, sitting under CPLR Article 78, to recognize what the Family Court has not recognized, to prohibit further acts based on the unconformed regime, and to enter the four foundational Recognitions and six Consequences set forth in the WHEREFORE. The filing of

this petition naming Respondent Schauer in her judicial capacity operates, under Judiciary Law § 14, to disqualify her from continued adjudication of any matter in File No. 154703 from the date of service forward. In the alternative under CPLR § 103(c), Petitioner requests that any cause not properly entertained as an Article 78 cause be entertained as a declaratory action. Petitioner has filed contemporaneously a Motion for Recusal of Respondent Schauer in File No. 154703 and Notices of Related Pending Proceeding addressed to Respondent Schauer and Respondent Bowman on the dockets where their respective conduct is challenged. Petitioner reserves claims for relief under 42 U.S.C. § 1983 for the federal forum.

JURISDICTION AND VENUE

4. This Court has jurisdiction under CPLR §§ 7801–7806 and Article VI, § 7 of the New York Constitution. Venue is proper in Westchester County under CPLR § 7804(b) and § 506(b): the determinations to be reviewed were made by the Westchester County Family Court, and the acts to be prohibited and mandamused are by judicial officers sitting in Westchester County.

5. This proceeding is timely. As to Respondent Schauer, the four-month limitations period under CPLR § 217(1) runs from each challenged act; the most recent challenged acts include the March 10, 2026 Order to Show Cause modifications (NYSCEF Tab 58 (Doc 146)) and the April 21 and April 22, 2026 Orders of Dismissal of Motions 14 and 15. As to Respondent Bowman, the limitations period is tolled and has not commenced: Petitioner's March 23, 2026 Objection to Respondent Bowman's determinations under Family Court Act § 439(e) (NYSCEF Tab 62 (Doc 39) on Docket F-08146-18/25F) remains pending, and under *Walton v. New York State Dep't of Corr. Servs.*, 8 N.Y.3d 186, 194–195 (2007), the underlying determination is not "final and binding" while statutory review is pending.

6. The April 21 and April 22, 2026 Orders of Dismissal, on the ground "failure to state a cause of action", are separately appealable orders preserved by Notices of Appeal under Family Court Act § 1113 and CPLR § 5513(a), as reflected in the underlying Westchester County Family Court docket on File No. 154703. *Pirro v. Angiolillo*, 89 N.Y.2d 351 (1996), and CPLR §

7801(1), bar this Court from substituting Article 78 review for those direct appeals. Those dismissal orders appear in this petition as predicates in the appearance-of-bias pattern alleged in Cause VI, not as objects of certiorari relief.

PARTIES

7. Petitioner Stephen Grant Russell is a natural person resident at [redacted], Santa Barbara, California 93101. Petitioner is the father of E.W., born [redacted], in New York County. Petitioner is the prevailing party in *Russell v. Walsh*, San Francisco County Super. Ct. No. CGC-18-570137 (Feb. 16, 2022) (jury verdict for battery, intentional infliction of emotional distress, and domestic violence under California Civil Code § 1708.6), affirmed at No. A165356 (Cal. Ct. App. 1st Dist., Div. 4, Sept. 15, 2023). Petitioner is the holder of primary physical custody of E.W. under the order of the San Francisco Superior Court entered following a five-day emergency hearing in October 2018 at which Respondent Walsh failed to appear.

8. Respondent Hon. Michelle I. Schauer, F.C.J., is a Family Court Judge of the State of New York presiding over File No. 154703 in the Westchester County Family Court at 111 Dr. Martin Luther King Jr. Boulevard, White Plains, New York 10601. She is named in her judicial capacity.

9. Respondent Hon. Michele Reed Bowman, S.M., is a Support Magistrate of the Westchester County Family Court presiding over Docket F-08146-18/25F at the Yonkers Family Court, 131 Warburton Avenue, Yonkers, New York 10701. She is named in her judicial capacity. Respondent Schauer is, by way of her assignment to File No. 154703, the reviewing Judge of Petitioner's pending Family Court Act § 439(e) Objection to Respondent Bowman's determinations — a structural conflict addressed in Causes V and VI below.

10. Respondent Westchester County Family Court is the institutional court at the above White Plains address and is responsible for the Court Management System record on File No. 154703 and its sub-dockets.

11. Respondent Westchester County is named, in the alternative under CPLR § 103(c), as a political-administrative entity to the extent any relief sought reaches the entity rather than the judicial body. Service is to the Westchester County Attorney's Office, Michaelian Office Building, 148 Martine Avenue, 6th Floor, White Plains, New York 10601.

12. Respondent Tara Katelyn Walsh is joined as real party in interest under CPLR § 7802(d) and § 7804(i). She is the petitioner in the underlying Westchester County Family Court proceeding, the parent of E.W., the defendant against whom the California jury verdict was entered, and an enrollee of the New York State Address Confidentiality Program under Executive Law § 108. Service is c/o the New York State Department of State, Address Confidentiality Program, P.O. Box 1110, Albany, New York 12201.

STATEMENT OF FACTS

A. The Appellate Division has held; the Family Court has not conformed

13. On March 22, 2023, the Appellate Division, Second Department, decided *Matter of Walsh v. Russell*, 214 A.D.3d 890 (2d Dep't 2023). At the appeal, both the Attorney for the Child, Donna M. Genovese, and Respondent Walsh's appellate counsel, Christopher S. Weddle, argued that the order had issued upon Petitioner's default. Their submissions, filed at AD-2022-02838 and produced herewith at Tab 79 (ExGenovese / ExWeddle), respectively state:

> "Appellant defaulted with respect to underlying Order of December 3, 2021 . . . Appellant is not an aggrieved party as the terms of the February 2, 2022 Order were granted upon Appellant's default."
>
> — Donna M. Genovese, Brief of the Attorney for the Child (AD-2022-02838)
>
> "the trial court's order was issued on default, due to Appellant's failure to appear as required."
>
> — Christopher S. Weddle, Brief of Respondent Walsh (AD-2022-02838)

The Appellate Division expressly rejected the default characterization advanced by both Respondent Walsh and the Attorney for the Child:

> "Initially, contrary to the contention of the mother and the AFC, the order appealed from was not entered upon the father's default. Although the father failed to appear in person at the hearing, his counsel appeared on his behalf and participated in the hearing."
>
> — *Matter of Walsh v. Russell*, 214 A.D.3d 890, 891 (2d Dep't 2023)

The Appellate Division further modified the December 3, 2021 retrospective speech-restriction provision on First Amendment grounds, narrowing it to "erase, deactivate, and delete any existing blogs which reference these proceedings or disparage the child's relatives, and any likenesses of the child posted in connection with such blogs" — narrowed from the original blanket "any existing blogs and likenesses." In the three years since the Appellate Division's mandate, neither attorney moved in the Westchester County Family Court to correct the *ORDER ON DEFAULT* designation of the February 2, 2022 order on Form GF-16.

14. As of the date of this petition, three years after the appellate mandate, the Westchester County Family Court's record for File No. 154703 contains internally inconsistent designations of the **February 2, 2022 custody disposition**. The contemporaneous Form GF-16 (8/2010) order designates that disposition as *ORDER ON DEFAULT* (Tab 3) — the order the Appellate Division held "was not entered upon the father's default" (Tab 1; Tab 80 (ExSS_03)). On February 3, 2026, Respondent Bowman, after a stated review of the Westchester court file, characterized the same disposition on the record as "granted after hearing" and as "not . . . issued on default" (see ¶ 15 below). The Court has not entered any order conforming the classification to the appellate holding, nor any order reconciling the two internal designations. Independently, the Family Court has continued to operate the original blanket speech-restriction provision ("any existing blogs and likenesses") on the operative record rather than the AD-narrowed restriction ("any existing blogs which reference these proceedings or disparage the child's relatives, and any likenesses of the child posted in connection with such blogs"), notwithstanding the AD's modification of that provision and affirmance "as so modified."

15. On February 3, 2026, Petitioner appeared, *pro se*, at a support proceeding before Respondent Bowman on Docket F-08146-18/25F (the support side of File No. 154703). Petitioner was personally present throughout the on-record portion of that proceeding and personally heard the statements set forth below. Petitioner placed the holding of *Matter of Walsh v. Russell* on the record. Respondent Bowman, having reviewed the Westchester County Family Court file, stated on the record, in substance and effect, that the order of custody in the court file "wasn't issued on default" and that the court file "seems to indicate that custody was granted after hearing," further stating that "the prevailing order grants Ms. Walsh full legal and physical custody" and "entitles [Ms. Walsh] to an order of child support." Respondent Bowman then declined to examine the appellate-mandate question, stating on the same record that she did not have "the authority to make a determination on any other ancillary issues" and that if there was "not an order from the appellate court that directs that this court do something . . . , it's not before me and it won't be considered." The contemporaneous transcript of the February 3, 2026 proceeding is on file with the court reporter; the operative passages are also memorialized in the related Memorandum at Tab 75 (ExTR_20). The on-record characterization thus places before this Court three inconsistent designations of the February 2, 2022 disposition: (i) the Westchester County Family Court's own contemporaneous January 5, 2022 inquest transcript and the Form GF-16 *ORDER ON DEFAULT* designation reflect default; (ii) the Appellate Division's March 22, 2023 holding states that the order was "not entered upon the father's default"; (iii) Respondent Bowman's February 3, 2026 on-the-record characterization is "granted after hearing" and "wasn't issued on default." No order amending the Form GF-16 designation, no order conforming the Court Management System record to the appellate mandate, and no order reconciling the January 2022 / March 2023 / February 2026 characterizations appears in the Westchester County Family Court record.

16. Petitioner filed two consecutive-day motions in April 2026 specifically asking the Westchester County Family Court to conform the Court Management System record to the appellate mandate. **Motion 14** — *Ex Parte Motion to Conform Record* under CPLR §§ 5019(a), 5015(a)(4) — was filed April 20, 2026, and dismissed within twenty-four hours on April 21, 2026, on

Form GF-16 (8/2010), on the ground "failure to state a cause of action." **Motion 15** — *Notice of Renewed Ex Parte Motion to Conform Order* — was filed April 22, 2026, and dismissed the same calendar day on Form GF-16 (8/2010), on the identical six-word recital. Motion 15 included a Table of Points and Authorities and a dedicated section demonstrating, on the face of the CPLR text, that "failure to state a cause of action" is a defense under CPLR § 3211(a)(7) to an initiating pleading measured against the pleading-sufficiency standard of CPLR § 3013, and has no ordinary application to a post-judgment motion brought under CPLR §§ 5019(a) and 5015(a)(4). The same recital was applied the next calendar day.

B. The jurisdictional foundation rested on admitted fraud, and was never revisited

17. By July 2018, three California processes governed the parties' relationship and Petitioner's protective rights as to E.W.: (1) **A San Francisco Superior Court paternity and custody action was active.** Petitioner had filed *Russell v. Walsh*, No. FPT-18-377425, in the San Francisco Superior Court Family Law Department. The filing operated, under California Family Code § 2040, to issue an automatic temporary restraining order prohibiting either party from removing the child from California without the other's consent or court order. The ATRO was served on Respondent Walsh. (2) **A San Francisco DV protective-order chain was active.** The **San Francisco Police Department Emergency Protective Order #180494149** was granted by Commissioner Tapply on **July 3, 2018** on the narrative "Russell was being poisoned by Walsh via Seroquel in his drinks." Petitioner thereafter filed Form **FL-300 Request for Order** (sworn declaration dated July 6, 2018; clerk-stamped filed July 9, 2018) in *Russell v. Walsh*, No. FPT-18-377425, and the **San Francisco Domestic Violence Restraining Order** was entered the same day, July 9, 2018. (3) **A San Francisco Police Department criminal investigation was active.** The SFPD Special Victims Unit was examining the documentary record set forth in ¶¶ 24–25 below — heavy-metals laboratory reports, Respondent Walsh's contemporaneous text-message admissions, and an authenticated audio recording.

18. Beginning on June 4, 2018, Respondent Walsh executed a multi-day removal sequence in violation of the § 2040 ATRO — packing E.W.'s belongings, taking E.W. by Uber from San Francisco to SFO on June 5, 2018, and departing California for New York on or about June 9, 2018,

under a represented short-visit pretext. She did not return. Respondent Walsh has herself acknowledged in her own subsequent New York filing the operation of the California ATRO against the removal (Tab 81 (ExSS_04)). Respondent Walsh later admitted under oath at trial that the visit-and-return representation was knowingly false:

> "He did, but I was willing to lie — say anything to him just to get out of there. So I will admit I lied to him about that. I had no intentions of coming back, but that was the only way I could get out of there."
>
> — Respondent Walsh, sworn testimony, *Russell v. Walsh*, SF Superior Court (Hon. Garrett Wong), Trial Tr. p. 384, lines 13–16 (Feb. 2022) (Tab 78 (ExTR_19e))

The removal was a coordinated family scheme, not a unilateral act of Respondent Walsh. Stephen Walsh, Sr. (Respondent Walsh's father) admitted in his April 26, 2021 sworn deposition that the consent he had given for the "temporary visit" — memorialized in his June 8, 2018 email to Petitioner, "Works for us, I appreciate your flexibility Steve", was procured under deception:

> "Less than 100 percent genuine."
>
> — Stephen Walsh, Sr., sworn deposition, April 26, 2021 (Tab 82 (ExQQ_01c))

On June 5, 2018, in the back of the Uber to SFO, Respondent Walsh placed an outgoing telephone call to her father, Stephen Walsh, Sr. The call was captured by security infrastructure operated by Petitioner. Petitioner avers, on personal knowledge as the recipient of the recording produced from his security infrastructure and authenticated as Discovery production in *Russell v. Walsh* (CGC-18-570137), that the recording memorializes Respondent Walsh, in the presence of E.W. (born [redacted]; then approximately four months old), stating to her father Stephen Walsh, Sr.:

> "Cops will arrest me for poisoning Steve. But it's Seroquel cause Steve is psychotic."

The audio file (ExMM_UBER_060518_SFPD_INCIDENT.m4a) is referenced at Tab 10.

19. In July 2018, Respondent Walsh filed a parallel custody petition in the Westchester County Family Court, File No. 154703, Docket V-07641-18. In support of the filing, Respondent Walsh made

representations invoking emergency UCCJEA jurisdiction under DRL § 76-a — representations that the threat-allegation predicate of that filing was true. Respondent Walsh's own contemporaneous and sworn-written statements, made before and after that filing, establish that the threat predicate was false:

> "I seriously don't think Steve ever had a gun it was all in my head I made up the whole thing even the locks — none of it is real."
>
> — Tara Walsh, message dated May 17, 2018 — two months before the New York filing (Tab 65 (ExSS_07))
>
> "I would like to let this police department know that Mr. Stephen Russell never made a threat to kill myself or our daughter E.V. I would like to withdraw any complaints regarding this made to the police department. During my pregnancy I had a hard time with a psychiatric condition including post-partum depression. As in any custody dispute, there were a lot of emotions and fears. Mr. Russell and I are currently working on a resolution to our interpersonal issues in which I expect there will be no further need for police intervention of any sort. We both are focused and committed to raising our daughter in a peaceful manner."
>
> — Tara Walsh, signed letter to the Chappaqua Police Department, November 23, 2020 (Tab 7 (ExM_01 / F-052))

Respondent Walsh's pre-filing private admission and her post-filing signed retraction bracket the July 2018 New York filing on both ends. The representations on which the Westchester court took emergency jurisdiction under DRL § 76-a are the same representations Respondent Walsh privately stated, before that filing, were "all in my head," and later wrote, in a signed letter to the police, were a withdrawal of "any complaints regarding this."

20. On November 7, 2018, Hon. Arlene Gordon-Oliver of the Westchester County Family Court entered a temporary order of protection in O-12635-19. The order included, on its face, a handwritten condition requiring Petitioner to dismantle pending California criminal-justice process:

> *Petitioner shall "withdraw Order of Protection in California" and "contact the California police and state that he does not wish to press criminal charges."*
>
> — Hon. Arlene Gordon-Oliver, handwritten condition on Temporary Order of Protection in O-12635-19, November 7, 2018 (Tab 8 (ExL_01))

A Family Court order conditioning a parent's continued access to his child on a sworn disavowal of pending criminal-justice process in another State — issued five months after California law enforcement had identified Respondent Walsh as the domestic-violence perpetrator and Petitioner as the protected person (¶ 17) — operated, on its face, as derogation of the full faith and credit the Westchester court owed California protective process under the Parental Kidnapping Prevention Act, 28 U.S.C. § 1738A, and the UCCJEA. No corrective order has been entered.

21. California adjudicated against Respondent Walsh while the Westchester regime accumulated. On or about **June 5, 2018**, the San Francisco Superior Court Family Law Department in *Russell v. Walsh*, FPT-18-377425, entered a temporary order awarding Petitioner primary physical custody of E.W. and limiting Respondent Walsh's contact with E.W. to supervised visitation only. That temporary order — the order Respondent Walsh violated when she took E.W. to SFO airport on the same date and departed the State of California in the days following — is on file with the San Francisco Superior Court in the underlying case file; the file copy in Petitioner's possession has been the subject of repeated unauthorized deletion from Petitioner's electronic storage and is not reproduced herein as a discrete tab. In October 2018, the San Francisco Superior Court conducted further hearings in the matter — at which Respondent Walsh, having actual notice and having been duly served, failed to appear; the contemporaneous transcript of the October 23, 2018 SF Superior Court hearing before Magistrate Furman, and the contemporaneous transcript of the parallel Westchester County Family Court proceeding before Hon. Gordon-Oliver, are on file with the respective courts. The Westchester County Family Court has, at no point in the eight years since, recognized the SF Superior Court's temporary order or adjudicated Respondent Walsh's October 2018 California default.

22. No order entered in File No. 154703 in the eight years since July 2018 has revisited the UCCJEA emergency-jurisdiction predicate given (a) Respondent Walsh's recantation of the representations on which jurisdiction was taken, (b) the California adjudication of her October 2018 default, or (c) the PKPA derogation. The jurisdictional defect is foundational and ongoing.

C. Three California adjudications of Respondent Walsh's DV liability went unrecognized — and Respondent Walsh's two Westchester defaults went unenforced

23. The California courts adjudicated Respondent Walsh's domestic violence liability against Petitioner on three separate occasions.

24. **Adjudication One — San Francisco Domestic Violence Restraining Order, July 9, 2018** (PDF_SF_DVRO_JUL2018). The **San Francisco Domestic Violence Restraining Order entered on July 9, 2018** in *Russell v. Walsh*, FPT-18-377425, following the **July 3, 2018 SFPD Emergency Protective Order #180494149**, issued formal California protective process against Respondent Walsh. Petitioner invoked the SF DVRO before Hon. Wayne A. Humphrey of the Westchester County Family Court at the January 26, 2021 appearance in File No. 154703. Hon. Humphrey declined to give effect, stating on the record: "Sir, I'm in New York. I'm not in California." (Tab 17 (ExTR_03), Tr. p. 4, lines 2–3.)

25. **Adjudication Two — San Francisco DV Trial Day 1, August 29, 2018** (Tab 12 (ExH_03 / PDF_DV_TRIAL_TRANSCRIPT)). Respondent Walsh's unconsented administration of psychotropic medication to Petitioner was established at trial by six convergent evidence anchors:

(a) Respondent Walsh's sworn admission under oath. SF Superior Court DV Trial Tr. p. 76, lines 7–16:

> *Q: On at least two occasions you gave Mr. Russell the drug Seroquel, correct? A: Yes. Q: Was he aware that you were giving him this drug? A: No, he was not. Q: And were you giving it to him to affect his behavior? A: I was because I was really concerned. Q:*

> *And how did it affect Mr. Russell? A: It made him sleepy, and it made him come out of a manic delusional state and calm down.*
>
> — Walsh (sworn), SF Superior Court DV Trial Tr. p. 76, lines 7–16 (Aug. 29, 2018)

Respondent Walsh further elaborated on the same page (Tr. p. 76, lines 22–26) that she had "told a few other people that I had done it," and stated that she had "actually had the intention to one day tell Mr. Russell as well, but at the time, like, I did it because I felt like I had no choice." The sworn admission is also memorialized in her own DV-120 response form (C-6), filed in the SF DVRO proceedings.

(b) Respondent Walsh's text message to her psychiatrist: "I put Seroquel in his wine" (Tab 66 (ExPP_04)).

(c) Independent laboratory toxicology. LabCorp testing of Petitioner's system detected Lithium at approximately ten times the reference range; Petitioner has never been prescribed Lithium (Tab 67 (ExI_02)).

(d) Eyewitness testimony. Nanny Abrehet Tedla's sworn declaration of July 9, 2018, filed in *Russell v. Walsh*, San Francisco Superior Court Case No. FPT-18-377425, ¶ 9, states that she witnessed Respondent Walsh drug Petitioner on at least two occasions and that Respondent Walsh told Tedla and Dan Ochoa that "she did it all the time" (Tab 14 (LEGAL-TEDLA-DECL / ExOO_49)).

(e) Forensic internet search. Forensic extraction of Respondent Walsh's device captured the search: "How Much Is a Lethal Dose of Seroquel?" (Tab 68 (ExJ_02)).

(f) Familial acknowledgment. Respondent Walsh's sister Brienne Walsh acknowledged: "it did happen without his consent" (Tab 69 (ExW_01)).

26. **Adjudication Three — San Francisco Superior Court Jury Verdict, February 16, 2022, *Russell v. Walsh*, CGC-18-570137**, affirmed at A165356 (Cal. Ct. App. 1st Dist., Div. 4, Sept. 15, 2023). Second Amended Judgment on Jury Verdict filed August 11, 2022, Hon. Garrett L. Wong presiding. The jury entered findings on five verdict forms, all against Respondent Walsh (Tab 15 (ExG_01)):

VF-1301 — Battery. *Walsh touched Russell with intent to harm; no consent; Walsh did not reasonably believe Russell would harm her.* **$185,000 past economic loss + $90,000 pain and suffering.**

VF-1601 — Intentional Infliction of Emotional Distress. *Conduct outrageous; reckless disregard; Russell suffered severe emotional distress; Walsh's conduct a substantial factor.* **$0 additional (already awarded).**

VF-3900 — Punitive Damages. *Walsh engaged in malice, oppression, or fraud.* **$50,000 (later struck by JNOV; the finding of malice/oppression/fraud stood).**

VF-DV — Cal. Civ. Code § 1708.6 Domestic Violence. *Walsh abused Russell by inflicting injury; former cohabitant; Walsh did not reasonably believe Russell would harm her.* **$0 additional.**

VF-5001 — General Verdict. *Favor of Russell on all three claims (battery, IIED, DV).* **$325,000.**

Respondent Walsh's cross-complaint was dismissed with prejudice. Final judgment $332,080.74 with 10% interest. The jury's malice-oppression-or-fraud finding rested on the contemporaneous February–June 2018 documentary record. Tab 85 reproduces the premeditated financial-extraction cluster of February–March 2018: Respondent Walsh's pre-removal statements to Matan Gavish ("I'm better pretending I want to be with him and getting the most while I can — then leaving him for good . . . would be the sweetest revenge if I could"); Brendan Walsh's contemporaneous corroboration to family ("[she's] just with Steve to take his money and then she will leave . . . greasing the skid"); and Respondent Walsh's March 2018 acquisition of the auto-deleting Wickr messenger ("Im in Hawaii now trying to negotiate my money from him . . . I still need to download Wickr"). Stephen Walsh, Sr.'s June 8, 2018 email memorializing the conditions he later admitted under oath were "less than 100 percent genuine" is at Tab 82 (ExQQ_01c). The Westchester County Family Court has, in the years since the verdict and since affirmance, never recognized any of the foregoing findings, never scheduled a hearing to recognize them, and never given effect to the California adjudication.

27. Respondent Walsh defaulted twice in the Westchester County Family Court on Petitioner's parallel Temporary Order of Protection filing. The procedural record:

January 26, 2021 — Hon. Humphrey announces the fail-to-appear rule on the record (Tab 17 (ExTR_03), Tr. p. 12, lines 12–25). At the appearance for Petitioner's TOP filing, Hon. Humphrey first warned Petitioner that the Court could proceed in his absence, Petitioner responded "Yep, yep, I understand that", and Hon. Humphrey then stated the operative rule and named the precedent: "All right. So that means that if you fail to appear on the return date, this Court can issue judgment, dismiss your petitions just like Judge Horowitz did in the past. Do you understand that, sir?" The rule was on the record. The precedent was named. The same Judge would, three months later, refuse to apply the rule he had announced.

March 10, 2021 — Walsh's first default. The Court entered a Motion Schedule on DiFabio's January 15, 2021 motion to vacate Petitioner's August 2018 default (ExTR_06_03 / B-7_02). Respondent Walsh was scheduled to appear and did not.

March 24, 2021 — Walsh's second default. Petitioner's letter to Hon. Humphrey filed the same day (Tab 19 (ExO_02)) names both default dates: "The current TOP filing against Ms. Walsh and her failure to appear and apparent default on both March 10th and today." Respondent Walsh did not appear.

April 6, 2021 — Hon. Humphrey recused without entering an order on either of Walsh's defaults (Tab 20 (ExTR_05_03)).

28. On **February 6, 2020**, Hon. Nilda Morales-Horowitz entered a default custody disposition against Petitioner (DEFAULT 1, Tab 21 (ExTR_04)). Petitioner challenged that disposition by Article 78 proceeding filed **October 13, 2020** in the Second Department; Hon. Morales-Horowitz issued a written order responding to the challenge and thereafter recused. Hon. Wayne A. Humphrey was thereafter assigned to File No. 154703, presided over the Temporary Order of Protection track set forth at ¶ 27 above, at which Respondent Walsh defaulted twice without any responsive order entered, and

recused on April 6, 2021. On May 19, 2021, Respondent Schauer, at her first appearance on the matter, vacated the still-operative Morales-Horowitz Default Order — recognizing it as procedurally defective (Tab 22 (ExTR_09_05)). Respondent Schauer subsequently presided over the November 5, 2021 proceeding addressed in § E below at which the second default against Petitioner was entered (DEFAULT 2). Respondent Walsh's two Westchester defaults, set forth at ¶ 27 above, remain unenforced.

D. The harm to the child was reported, documented, and refused

29. Visit 15, Sunday March 31, 2019, Crabtree Kittle House, Chappaqua — a court-ordered supervised visit. Three independent adult witnesses observed bruises on E.W. on arrival, before the visit began: (i) Petitioner; (ii) Talia Kleiman, the family's nanny who had cared for E.W. in San Francisco; (iii) Franceska Christina Anilus, the court-appointed Supervision Services supervisor. A contemporaneous body diagram (G-36_04, SLE-051-DIAGRAM, Tab 23 (EB3_MASTER_057)) compiled from the shared visit notes of the supervisor, the nanny, Petitioner, and Kelly Turnure documented two deep pinch bruises on E.W.'s upper right thigh, finger-width apart, the bruise where a thumb would be larger than the other; and four symmetrical bruises on E.W.'s right shin, evenly spaced, consistent with marks left by a small rod applied four times to the same area. Petitioner photographed the deep pinch mark and transmitted the photograph to the court-appointed Attorney for the Child Jennifer M. Jackman (Tab 24 (ExP_01)). Petitioner emailed counsel at 3:28 PM during the visit. Petitioner called the Chappaqua Police.

30. The Chappaqua Police Department's responding officers went to the Walsh household. Stephen Walsh, Sr. and Maura Walsh told the officers the bruises were *normal — "kids get bruises."* Detective Ragni's written report confirmed bruising and rash had been observed, documented the grandparents' explanation, and concluded the observed injuries "did not reach the level of criminality" — a discretionary judgment about prosecution, not a factual finding that the injuries did not exist.

31. Both parents reported the bruises as concerning the same day. Petitioner reported to AFC Jennifer Jackman, to counsel, and to the police. Respondent Walsh herself reported the bruises as

concerning to AFC Jackman. The two parents' reports converged. Every institutional actor with affirmative duty then contradicted the documented record or went silent:

32. *(a) Respondent Walsh's then-attorney contradicted his own client.* On April 10, 2019, John C. Guttridge, Esq., wrote the Court (Tab 27 (ExX_01)):

> "Apparently, Mr. Russell filed a police report yesterday claiming that their daughter was being abused. He reported that she had bruises as if she were 'pinched', red marks around her neck and had diarrhoea. . . . Both these statements are utterly untrue, and Mr. Russell fully aware of same. . . . This is now the third false police report Mr. Russell has made against my client and her family in less than one month. . . . Needless to say, I am very concerned about Mr. Russell's behavior not being in the children's best interest, and more importantly, signs of real instability in his manner. Mr. Russell must immediately cease and desist from filing false police reports against my client and her family."

Guttridge's letter was directly contradicted by the Chappaqua Police's own written confirmation of the bruises, by the court-appointed supervisor's contemporaneous report, by the nanny's eyewitness account, and by his own client's same-day report to AFC Jackman that the bruises were concerning. Guttridge later recused himself from continued representation — one of six attorneys who refused to continue representing Respondent Walsh.

33. *(b) The Westchester Family Court did not investigate.* No medical examination was ordered. No investigation was opened. No hearing was held. The Family Court's child-protective mandate produced no responsive action.

34. *(c) The Attorney for the Child contradicted, then went silent.* AFC Jennifer Jackman responded on April 16, 2019, addressing only the shin bruise; she told Respondent Walsh that bruises on a child's leg were "not unusual for a child Evie's age," characterized as a "drool rash" the neck-area observation paraphrased in Walsh-counsel Guttridge's same-week letter at ¶ 32 above as "red marks around her neck," and concluded "there is no indication that Evie is not being properly cared for" (Tab 28 (LETTER_JACKMAN_BRUISES_DISMISSIVE; G-2)).

Jackman's email put the word "bruises" in scare quotes. Jackman ultimately recused on August 27, 2021 without filing a final report or memorandum (Tab 45 (ExTR_01)).

35. Two days before Visit 15, on March 29, 2019, Petitioner had emailed the legal team (Jackman, Jason A. Advocate, Esq., Ruth Deget, Esq.) raising Munchausen-by-Proxy concerns (Tab 29 (EMAIL_STEVE_EVIE_VISITS_MUNCHAUSEN / D-11_03)). Petitioner had spoken with E.W.'s pediatrician and RN: no fever, no signs of illness, no signs of dehydration. The grandmother Maura Walsh's claim of "5x daily diarrhea" was diagnosis-by-exclusion only — a diagnosis made on the grandmother's word alone. Petitioner connected the concern to Respondent Walsh's prior sworn drugging admissions. The email received no responsive action from AFC Jackman or counsel. Eight months later, on November 18, 2019, Petitioner filed an eleven-page letter directly to Hon. Arlene Gordon-Oliver documenting the Walsh-family abuse history in greater detail and placing the Court on actual notice of the documented concerns (Tab 84 (ExAbuse_01)). The Court did not respond to that letter.

36. Linda Russell, Petitioner's mother — a retired registered nurse from Punxsutawney, Pennsylvania, no party to the litigation, no subject of any court order — drove six-and-a-half hours each way from Punxsutawney to Chappaqua four times in a single month between May and August 2021 to see her granddaughter after Respondent Schauer briefly opened paternal-family visitation (Tab 30 (ExO_06 / F-060 / SLE-008)). She wrote and filed with the Westchester County Family Court a letter to Hon. Michelle I. Schauer documenting in her own clinical voice the observations of those visits. The filed letter states, *inter alia*:

> "Evie asks about and wants to see her Dad. … Evie does not know why Mommy says Dad is bad. She asks questions about it like 'Is Daddy sick.' Or, 'Daddy are you sick.' Or, 'Doesn't Daddy miss/like me?'"
>
> "Tara is extremely paranoid about Steve. She would not provide Evie a car seat because she 'thinks Steve will bug it.' … Tara was late today and Evie was unfed, very tired and cranky."

> "Evie arrived with [an] injury on her face and Tara said Evie had fallen. … Evie seems to have a lot of injuries, sickness, allergies. Too many."
>
> "Please issue a summons to Steve and Maura Walsh for the next Court date. You need to meet Maura and Steve Walsh, and you will know right away something is very wrong."
>
> — Linda Russell, RN (Petitioner's mother; third party; no court order), filed letter to Hon. Michelle I. Schauer, summer 2021 (Tab 30 (ExO_06 / F-060 / SLE-008))

No responsive judicial action appears in the docket. A registered-nurse third party, Petitioner's mother, with no party status in the case, filed sworn observations with the Westchester County Family Court documenting a child arriving hungry, untrained, undersized, injured, asking why her father had abandoned her, kept by grandparents publicly identified as having abused their own children and having been warned repeatedly by police; the filed letter expressly asked the Court to issue a summons to Stephen Walsh, Sr. and Maura Walsh; no summons issued; no investigation opened; no responsive judicial action of any kind appears in the docket.

37. On September 25, 2019, court-appointed visitation supervisor Claudette E. LaMelle, ACSW, LMSW, filed a sworn affidavit (Tab 31 (ExT_01 / SLE-036 / SLE-135)). The affidavit describes the conclusion of a supervised visit at a public-road turnout adjacent to the Walsh compound: a dark vehicle parked among the bushes; Brendan Walsh (Tara's brother) and cousin Brian Meenan inside. LaMelle, a Black woman, stated:

> "As a Black woman I was rightfully unnerved by the confrontation." "I had never experienced such a sheer fright."

Walsh Sr. had previously been warned twice by the Chappaqua Police not to be present at pickups (Tab 47 (SLE-053)). The institutional response to the LaMelle affidavit: LaMelle was removed from the case at Walsh counsel's instance; the Walshes were not investigated; visits were suspended; Hon. Gordon-Oliver subsequently recused.

38. The pattern of harm to E.W. at the Walsh compound is documented from inside the Walsh family. Petitioner's then-attorneys filed a five-hundred-page Walsh Abuse Memorandum

(PDF_WALSH_ABUSE_MOTION_02, Tab 32 (PDF_WALSH_ABUSE_MOTION_W_EXHIBITS)) drawing on the published admissions of Brienne Walsh, the sister of Respondent Walsh. Brienne's **May 9, 2010** blog post *Happy Mother's Day!*, archived at *A Brie Grows in Brooklyn* (Tumblr) — published eight years before E.W.'s bruises were documented — describes her mother Maura Walsh disciplining her brother Brendan ("Stuprendan" in Brienne's narration) during a Mother's Day household episode:

> "'Stuprendan,' my mother said softly. The softer her voice gets, the more angry you know she's getting. Once you can't hear her anymore, you know that she is going to take you into a corner and dig her nails into your forearm. 'You have five minutes.'"

(Tab 33 (ExQQ_06 / BLOG-046), EB3_SPREAD_IMG023-024, ABUSE-1, BR-43.) The 2010 published description supplies family-pattern context for the 2019 body-diagram documentation of E.W.'s injuries, including a deep pinch mark described as finger-width apart. The point is not independent adjudication of the 2010 episode; it is that the institutional record contained contemporaneous child-injury documentation, family-history material, and caregiver concern, yet no adequate inquiry followed. The CPS-intervention pattern is further established under oath: Brienne Walsh's September 28, 2020 sworn deposition testifies to thirty-five or more CPS interventions at the Walsh family residence during the children's upbringing (Tab 83 (ExSS_10)). The Walsh-family abuse pattern is additionally documented in Brienne's own published blog excerpted on Tab 33 (SLE-072) — "Mom sued for emancipation; CPS called 35 times. 'It was fucking awful. I don't think one of my brothers has ever recovered from it.'"

39. Respondent Walsh herself, contemporaneously, documented being unable to leave the Walsh compound. Posts from the Walsh-compound attic on her Instagram account (Tab 39 (SLE-021, QUOTE-TARA-LEAVE-COMPOUND)) include her own statement of the family dynamic: "I really can't stand living here and things get's bad when I say I want to leave." The compound is conditionally safe; the abuse activates at the boundary. The Westchester County Family

Court has never opened a child-protective investigation of Maura Walsh, Stephen Walsh, Sr., Brendan Walsh, or any member of the Walsh family.

E. The procedural pattern is retaliation against protected whistleblower activity

40. Petitioner's protected speech and regulator filings have addressed not one expert but an unusually interlinked court-appointed-professional ecosystem in this case — one in which professional advancement, recurring appointments, and procedural continuity have intersected with the same underlying case history. The advancement pattern documented in this record (Tab 35 (ExRR_05)):

Donna M. Genovese, Esq. — Third AFC; initiated the speech-restriction OSC; authored ~400-page appellate brief defending the order → **Elevated to New York Supreme Court Justice.** (Confirmation: LinkedIn — Partner, Goldschmidt & Genovese LLP, AAML Fellow.)

Max DiFabio, Esq. — Petitioner's attorney through Gordon-Oliver recusal, Morales-Horowitz default era, and November 2021 speech-restriction proceedings → **Elected Town of Rye Justice, 2021** (Westchester County Democratic Committee endorsement), *after* Hon. Gordon-Oliver and Hon. Morales-Horowitz blanket-recused from ALL his Westchester Family Court cases — eliminating roughly two-thirds of his Westchester practice on a three-judge bench. (Confirmation: NY Board of Elections.)

Lydia S. Antoncic, Esq. — Respondent Walsh's first attorney (first appearance Oct. 23, 2018) → **Principal Court Attorney, Manhattan IDV Supreme Court → Civil Court Judge** (Mayor Adams appointment, August 2024). (Confirmation: AMNY.)

Christopher S. Weddle, Esq. — Respondent Walsh's replacement counsel during the November 5, 2021 speech-restriction proceedings → **Support Magistrate, Westchester Family Court, White Plains.** (Confirmation: NY Courts public listing.)

Faith Miller, Esq. → Jennifer Jackman, Esq. — AFC succession from **Miller Zeiderman & Wiederkehr LLP**, 140 Grand Street, White Plains; Jackman appointed from Miller's same law firm → **Miller's firm continued to profit through her partner Jackman's**

appointment; *Jackman billed $46,920 over 111.8 hours at $400/hour representing a roughly one-year-old child.* (Confirmation: Tab 36 (ExBB_01) AFC Jackman Billing Records.)

Hon. Arlene Gordon-Oliver recused "without comment" in 2019 over (in the contemporaneous words of Petitioner's counsel to Guttridge) "issues relating to cronyism in the Westchester Court for which [Petitioner] is a registered whistleblower" (Tab 35 (ExRR_05)).

41. Professionals whose observations favored continued paternal contact were repeatedly removed; adverse evaluative structures persisted despite subsequent credentialing concerns. **Over sixteen supervised visits across six supervisors, every report documented E.W.'s joy at seeing her father, her developmental progress, and the absence of concerning behavior** (Tab 37 (ExDD_02 / ExTR_07)). The court-appointed Children's Family Services supervisors testified under oath at deposition to an "amazing bond" between E.W. and her father — verbatim, in language repeated across multiple supervisor reports. Each supervisor was removed in turn; each supervisory organization Petitioner's counsel proposed was rejected. The court-appointed **neutral forensic evaluator, Paul Hymowitz, Ph.D.** (DOC-025, DOC-028), received representations from Respondent Walsh that Petitioner's counsel rebutted in a 25-page filing documenting fabrications, including edits made to Respondent Walsh's narrative between June 2018 and August 2019 (Tab 39 (PDF_HYMOWITZ_FABRICATIONS), DOCX_HYMOWITZ_DISCREPANCIES). The Westchester court did not act on the rebuttal. The supervisors retained on the case had documented political profiles in Westchester local government: **Delia Farquharson** — court-appointed supervisor on visits beginning March 23, 2019 (Tab 40 (F-040)); simultaneous candidate for Mount Vernon mayor (Tab 40 (EB2_MASTER_026)); concurrent Mount Vernon School Board Trustee; the supervisor disclosed "a special relationship with the judge" documented in court filings (Tab 37 (ExDD_02)); subject of contemporaneous public reporting at mountvernonexposed.blogspot.com captioned "CORRUPT FORMER TRUSTEE DELIA FARQUHARSON" in connection with reporting on alleged "SCHOOL BOARD TRUSTEE

SETS UP PHONY NON PROFIT TO FUNNEL FUNDS" (Tab 40 (EB2_MASTER_132)); and **Elias S. Gootzeit** — court-appointed supervisor under Hon. Gordon-Oliver order (Tab 41 (ExL_04)); Farquharson's fellow Mount Vernon School Board Trustee and co-subject of the same reporting.

42. The credential-revoked court-appointed evaluator was retained while favorable evaluations were excluded. The institutional record establishes a three-stage progression:

(i) OASAS revocation. P. Raymond Griffin — court-appointed substance-abuse evaluator (operating from 5 Waller Avenue, White Plains; appointed by Westchester County family courts since 2005) — was the subject of New York State Office of Alcoholism and Substance Abuse Services Complaint Nos. 19-116 and 19-196, alleging violations of 14 NYCRR Part 853 (the regulations governing CASAC practice). By letter dated July 29, 2019, OASAS summarily suspended Mr. Griffin's credential; by letter dated August 19, 2019, OASAS revoked his CASAC credential pursuant to those complaints; and on August 30, 2019, Mr. Griffin executed a Stipulation of Settlement surrendering his CASAC credential and releasing OASAS from all related claims (Tab 43 (F-041 / F-051 / ExK_01)). The *Journal News* / LoHud investigation of October 5, 2020 documented the revocation and the Westchester court system's continuing reliance on Mr. Griffin's evaluations notwithstanding the revocation (Tab 44 (F-007 / SLE-005)). Petitioner's regulator documentation contributed to the underlying complaint record.

(ii) The trial court's on-record adoption of the misrepresentation. At the August 27, 2021 hearing in File No. 154703 (Tab 45 (ExTR_01), Tr. p. 38, lines 22–25 → p. 39, lines 1–5), Petitioner placed Griffin's status on the record:

> *MR. RUSSELL: "I think that Mr. Weddle is — is not correct. There, the, there was — the forensic paid by the parties was Hymowitz. The forensic appointed by Gordon-Oliver on her own was a gentleman named Griffin. The — there was —"*
>
> *THE COURT: "Well, Griffin is a substance abuse. He doesn't do forensic mental health evaluations. He does substance abuse evaluations and I'm aware of* ***Dr. Griffin*** *and — and —"*

> — Hon. Michelle I. Schauer, transcript of August 27, 2021 hearing in File No. 154703, Tr. p. 39 (Tab 45 (ExTR_01)) (emphasis added)

Respondent Schauer's on-record use of the title "Dr. Griffin" — the very title that OASAS would by October 2020 cite as fraudulent misrepresentation to families whose children's futures depended on Griffin's competence — was a Court-of-record adoption of the misrepresentation.

(iii) Continued enforcement; favorable evaluation excluded. Respondent Schauer did not alter the Court's reliance on Griffin's evaluation. The Court additionally excluded on HIPAA grounds (per Petitioner's contemporaneous statement at Tr. p. 39, lines 10–13) the "long multiple-week evaluation by a forensic recommended by Tara's primary care physician in San Francisco" — a separate, favorable evaluation Petitioner had asked to have admitted. The favorable evaluation was removed; Griffin's adverse evaluation remained.

43. The November 5, 2021 speech-restriction order reached Petitioner's documentation of this pattern. AFC Donna Genovese initiated an Order to Show Cause dated **October 14, 2021** (Tab 46 (F-044 / SLE-004)) — directed at Petitioner and at Linda Russell — requesting that "Respondent, Stephen Grant Russell, **and/or any persons, entities and/or agents acting on his behalf** be restrained from posting, uploading blogs and displaying the likeness of E.V. … and **disparaging** E.V.'s **relatives** in any and all public forums and/or social media platforms; and that the existing postings, blogs and likenesses be **erased, deactivated and deleted**." (emphasis added). The OSC was supported by Stephen Walsh, Sr.'s sworn declaration of **October 7, 2021**, signed under penalty of perjury under the laws of California and New York, in Chappaqua, paragraph 3 (Tab 47 (ExPP_01)):

> "I am extremely disturbed by Mr. Russell's behavior and consider him to be a highly dangerous individual. **I do not think there is any merit to any of his accusations against my daughter, Tara,** and continued to be concerned for her safety." (emphasis added)

The hearing on the OSCs was scheduled and entered on the court's calendar as **Linda Russell's visitation conference**, one of eight dockets consolidated in Part 17 on November 5, 2021 — a scheduling conference for a grandmother's access to her granddaughter, converted to a suppression proceeding in real time. The transcript records Respondent Schauer declaring Petitioner in default at 4:30 PM, **fifty-eight seconds after the record resumed** following a 28-minute off-the-record lawyer conference (Tab 48 (ExTR_10)). The resulting Order on Default (Tab 49 (ExR_02), signed November 2021) entered the AFC's OSC language verbatim against Petitioner; a parallel Order on Consent entered the same restraints against Linda Russell. The orders reached "any persons, entities and/or agents acting on his behalf," prohibited "disparaging E.V.'s relatives" — explicitly protecting the Walsh family from the speech the order constrained — and required existing blogs and likenesses to be "erased, deactivated and deleted."

44. The speech-restriction proceedings were accompanied by extra-judicial communication to a journalist. On **November 16, 2021** — seventeen days before the December 3, 2021 order entered — Respondent Walsh emailed Michaelanne Petrella, a journalist who had been developing a documentary podcast on the case. Petitioner avers, on personal knowledge of Petrella's contemporaneous communication to Petitioner reporting the content of the email, that the email named Petrella's sister and conveyed, in substance and effect, the message: "You are putting yourself in harm's way." The original email is in Petrella's possession and in Petitioner's email-archive set produced in *Russell v. Walsh*; the testimonial averment is offered subject to the verification block at p. 46 (Tab 50 (ExMM_09); the email content is asserted from testimonial knowledge and is not reproduced herein as a discrete documentary tab).

Petrella's podcast was silenced. The same speech-restriction vocabulary later appeared in a Westchester court order hand-delivered by a party, not by service of process, to Sergeant Caraway of the SFPD Special Victims Unit; the San Francisco criminal poisoning investigation examining the documentary record at ¶¶ 24–25 above closed following that delivery. Petitioner avers, on personal knowledge as the recipient of the communication, that Sgt. Caraway sent Petitioner a contemporaneous text stating: "I never spoke to judge. I was provided court order by a party of this

investigation." The screenshot of the communication is maintained in Petitioner's communications archive (Tab 51 (SCREENSHOT_SGT_CARAWAY_COURT_ORDER)).

45. All fees in the post-taking regime were allocated wholly to Petitioner under "with-adjustment-at-a-hearing" conditions. The hearing never came. No fee was ever assessed against the adjudicated DV-perpetrator. The fees included (1) counsel fees for Petitioner — paid in proceedings conducted without DRL § 237 / FCA § 438 review; (2) expert-evaluator fees, including Griffin (the credential-revoked evaluator); (3) supervisor fees, including Farquharson and Gootzeit; (4) AFC fees — including the $46,920 billed by Jackman over 111.8 hours, and the fees Petitioner was required to pay AFC Genovese for the defense Genovese mounted of the speech-restriction Genovese herself had initiated; (5) administrative fees. **On the record, at the January 5, 2022 inquest** (Tab 52 (LEGAL-INQUEST-TRANSCRIPT), Tr. p. 12, lines 3–10), Respondent Schauer stated, in colloquy on AFC Genovese's $19,800 contempt motion bundling Genovese's own AFC fees with the forensic-evaluator (Griffin) fees:

> *MR. ADVOCATE: "… not to send someone to jail until they do pay it."*
>
> *THE COURT: "You're correct, and, Mr. Russell was aware that I would take a negative inference against him for not, but are you conceding right now that I should issue a money judgment to Ms. Genovese, because I'm happy to do that. I mean, alternatively,* ***if he were here, I could throw him in jail and let him sit in a jail cell. It might make a payment come a little faster than the process to execute a judgment.****"*
>
> — Schauer, J., Inquest Tr. p. 12, lines 3–10 (Jan. 5, 2022) (emphasis added)

The motion Respondent Schauer was being asked to enforce by jail was AFC Genovese's own contempt motion. As Respondent Genovese stated on the record at Tr. p. 12, lines 14–19:

> *MS. GENOVESE: "… the first motion was for the Court to determine what my compensation is, and to have a money judgment issued in the amount of $19,800. The second application, for contempt, has to do with the* ***nonpayment of both fees for forensic and my fee****."* (emphasis added)

Respondent Schauer named the alternative on the record: pay AFC Genovese for the defense she had mounted of the speech-restriction she had initiated, pay the credential-revoked evaluator Griffin, or sit in jail. The retaliation pattern extended to Petitioner's counsel: Stephen Walsh, Sr. left a voicemail on a Petitioner attorney threatening to "go after [his] license" (Tab 87 (ExWalshSr_VM)) — direct evidence of out-of-court attorney intimidation by Respondent Walsh's father, consistent with the institutional pattern of removing counsel and supervisors documented at ¶¶ 40–41.

46. Petitioner's protected whistleblower activity continued; Respondent Schauer's adverse procedural rulings followed in close temporal proximity:

2020 — First CJC complaint filed referencing retaliation against whistleblower work (Tab 53 (ExEE_02_05)).

February 23, 2026 — Second CJC complaint filed naming Respondent Schauer among five judicial officers.

March 2026 — *Chappaqua Poison: An American Tragedy* (Evidence Archive Edition, Prism, ISBN 979-8-9955749-0-3) published.

March 10, 2026 — Respondent Schauer's handwritten ACP-impossible "personal service" condition on Petitioner's Motion to Vacate (Tab 58 (Doc 146)) — **16 days after the second CJC complaint.**

March 30, 2026 — AGC 9th Judicial District File W-350-26 opened (investigation of AFC Jackman).

April 5, 2026 — Petitioner's 28-page response to AGC W-350-26.

April 21, 2026 — Respondent Schauer's six-word dismissal of Motion 14 (Tab 5 (Doc 151)) **— 16 days after AGC response.**

April 22, 2026 — Respondent Schauer's six-word dismissal of Motion 15 (Tab 6 (Doc 153)) **— 17 days after AGC response.**

Each adverse procedural ruling in the post-March-2026 cascade follows dated protected activity within days.

F. The cumulative pattern continues, in excess of jurisdiction, and admits no internal cure

47. The four-act procedural-techniques pattern at the post-mandate scale.

(a) January 5, 2022. The "default" was entered notwithstanding counsel's appearance and participation, and notwithstanding Respondent Schauer's own June 1, 2021 reset of the prior default framework — at which she stated on the record that the new schedule "remains in place unless everyone agrees in writing." The Appellate Division repudiated the default classification in *Walsh v. Russell*.

(b) March 10, 2026. Respondent Schauer entered a handwritten "personal service" condition on the Order to Show Cause for Petitioner's Motion to Vacate (NYSCEF Tab 58 (Doc 146)), against a party (Respondent Walsh) enrolled in the New York State Address Confidentiality Program under Executive Law § 108. Personal service against an ACP enrollee is statutorily impossible.

(c) March 11, 2026. No response and no writing issued in response to Petitioner's Service Clarification Letter (NYSCEF Tab 59 (Doc 148)), which posed three narrow procedural questions about the personal-service condition.

(d) April 21 / April 22, 2026. Motions 14 and 15 were dismissed on consecutive calendar days under CPLR § 3211(a)(7) — a defense to an initiating pleading, with no ordinary application to a post-judgment motion under CPLR §§ 5019(a) and 5015(a)(4). Motion 15 expressly anticipated and refuted the ground on its face; the identical recital was applied the next calendar day.

Across the same period, Respondent Walsh's three California adjudications and her two Westchester defaults stand of record, unenforced.

48. Respondent Bowman's Order of Dismissal on Docket F-08146-18/25F (issued February 3, 2026; mailed March 19, 2026; Tab 60 (Doc 38)) continues to enforce against Petitioner the basic child-support obligation calculated against the custody arrangement set by the December 3, 2021 and February 2, 2022 orders, the latter of which the Appellate Division has held "was not

entered upon the father's default." The jurisdictional foundation of those orders rested on representations Respondent Walsh has since recanted. **If there was no default, and if there is no jurisdiction, there is no valid support order beyond the specifics of how it was calculated.** The Article 78 challenge is not modification of a valid order; it is recognition that the order is itself void as a derivative provision of the void custody order. The substantive certiorari grounds — the more-than-67% income reduction Respondent Bowman acknowledged on the face of the order, Respondent Walsh's failure to file financial disclosure that Respondent Bowman expressly acknowledged on the face of the order, and the New York-domesticated $332,080.74 California jury-verdict judgment Respondent Walsh owes Petitioner (Tab 76 (ExG_06)) — are alternative grounds for the same relief and are developed in Petitioner's pending Family Court Act § 439(e) Objection (NYSCEF Tab 62 (Doc 39)). Wage garnishment continues against the unconformed predicate.

49. **The § 439(e) structural conflict freezes the Bowman certiorari clock.** Petitioner's timely Family Court Act § 439(e) Objection (NYSCEF Tab 62 (Doc 39), filed March 23, 2026) remains pending. Under *Walton v. New York State Dep't of Corr. Servs.*, 8 N.Y.3d 186, 194–195 (2007), Respondent Bowman's determination is not "final and binding" within CPLR § 217(1) while statutory review is pending. The certiorari claim ripens upon ruling. Respondent Schauer is, by way of her assignment to File No. 154703, the reviewing Judge of an Objection that refutes on the record findings underlying her subordinate Magistrate's order — while her own record-conformance conduct is challenged in this petition. The Judge whose conduct is challenged is the Judge being asked to review an order whose record-contradictions implicate her own.

50. The pattern admits no internal cure. Three judicial recusals in this matter — Hon. Wayne A. Humphrey (April 6, 2021 signed order, Tab 20 (ExTR_05)); Hon. Arlene Gordon-Oliver (signed order on docket, recused "without comment" over "issues relating to cronyism in the Westchester Court for which [Petitioner] is a registered whistleblower"); Hon. Morales-Horowitz (recused following Petitioner's October 13, 2020 Article 78 proceeding; the Default

Order she had entered was subsequently vacated by Respondent Schauer at Schauer's first appearance on May 19, 2021). **Both Hon. Gordon-Oliver and Hon. Morales-Horowitz blanket-recused from every DiFabio case in Westchester Family Court — with only three family-court judges on the bench, this eliminated roughly two-thirds of DiFabio's Westchester practice.** The AFC succession proceeded along the interlinked appointment pipeline (Miller → Jackman from Miller's own law firm → Genovese elevated to NY Supreme Court → current AFC fourth). The institutional self-correction has been: vacate one prior order (the Horowitz default); elevate to the New York Supreme Court the AFC who initiated and defended the speech-restriction the Appellate Division then narrowed on First Amendment grounds; and leave the current operative judge, Respondent Schauer, in place. The cumulative record, the § 439(e) structural conflict, and the 22 NYCRR § 100.3(E)(1) appearance-of-bias standard each independently require Respondent Schauer's reassignment outside the Ninth Judicial District. *People v. Moreno*, 70 N.Y.2d 403 (1987); *Matter of Murphy v. State Comm'n on Jud. Conduct*, 82 N.Y.2d 491 (1993).

CAUSES OF ACTION

Cause I — Mandamus and Declaratory: The Appellate Division Has Held; the Family Court Has Not Conformed (CPLR §§ 7803(1), 3001)

51. Petitioner incorporates ¶¶ 1–50 by reference. The Appellate Division held in *Matter of Walsh v. Russell*, 214 A.D.3d 890, 891 (2d Dep't 2023), two things material to this Cause: **(a) Procedural** — that the order appealed from (the February 2, 2022 order, M.I. Schauer, J.) "*was not entered upon the father's default. Although the father failed to appear in person at the hearing, his counsel appeared on his behalf and participated in the hearing"; and* ***(b) First Amendment*** *— that the speech-restriction was modified to reach only "any existing blogs which reference these proceedings or disparage the child's relatives, and any likenesses of the child posted in connection with such blogs*," and the order was affirmed "*as so modified.*" Both holdings bind the Family Court as law of the case. Respondent Schauer is under a clear ministerial duty to conform the Westchester County Family Court's Court Management System record on File No. 154703 to the appellate holdings — to remove the *ORDER*

ON DEFAULT classification from the February 2, 2022 Form GF-16 order, and to operationalize the AD's narrowing of the speech-restriction on the operative record. The duty is not committed to the trial court's discretion. Three years after the mandate, Respondent Schauer has not conformed the record. On the two motions specifically requesting that conformance, Motion 14 and Motion 15, Respondent Schauer dismissed each, on consecutive calendar days, on the ground "failure to state a cause of action," a recital that is on the face of the CPLR text inapplicable to the relief sought.

B. The Reconciliation Failure. The record reflects successive procedural transitions, vacaturs, reassignments, modified petitions, and recharacterizations, that have not been reconciled by any subsequent adjudication identifying the operative procedural state. The same operative custody disposition is described on the Court Management System as *ORDER ON DEFAULT* (Tab 80 (ExSS_03)); by the Appellate Division as *not entered upon the father's default* (Tab 1); and by Support Magistrate Bowman, on the record on February 3, 2026, as *granted after hearing* and *not . . . issued on default* (Tab 75 (ExTR_20)). The May 19, 2021 Schauer vacatur of the Morales-Horowitz Default 1 Order, the January 26, 2021 fail-to-appear rule announced by Hon. Humphrey, the March 22, 2023 Appellate Division mandate, and the April 21 / April 22, 2026 dismissals under inapposite CPLR § 3211(a)(7) each marked a transition the operative record has not since reconciled. Enforcement on Docket F-08146-18/25F nonetheless proceeds against this unreconciled procedural architecture. Mandamus under CPLR § 7803(1) and declaratory relief under CPLR § 3001 lie to identify what now governs before further enforcement continues.

Petitioner is entitled to mandamus under CPLR § 7803(1) directing Respondent Schauer (or, upon her disqualification, the judicial officer to whom File No. 154703 is reassigned) to enter, within thirty days of this Court's order, a corrective order conforming the Court Management System record to the appellate mandate, and to declaratory relief under CPLR § 3001 that the appellate holdings bind the Family Court as law of the case.

Cause II — Declaratory: The Jurisdictional Foundation Rested on Admitted Fraud (CPLR §§ 3001, 5015(a)(3), (a)(4))

52. Petitioner incorporates ¶¶ 1–50 by reference. The Westchester County Family Court has acted for eight years without subject-matter jurisdiction. Three independent grounds, each independently

sufficient under CPLR § 5015(a)(4), establish the defect: **(i) UCCJEA emergency-jurisdiction overreach.** The Westchester FC's July 16, 2018 Order to Show Cause taking emergency jurisdiction (Hon. Gordon-Oliver) cites only DRL §§ 75-g, 76-d, 77-g, 77-h, omits the § 76-c(3) duration period, contains no § 77 communication record, and treats the temporary grant as indefinite — the order itself conditions custody on "the child shall not be removed from the State of NY until further order of this court." Petitioner had filed his California paternity action (*Russell v. Walsh*, FPT-18-377425) with the Cal. Fam. Code § 2040 automatic temporary restraining order in force; Petitioner's SF Superior Court FL-300 Request for Order — sworn declaration dated July 6, 2018; clerk-stamped filed July 9, 2018, in advance of Walsh's NY verification of July 12 and Gordon-Oliver's OSC of July 16 — expressly pleaded "lack of subject matter jurisdiction." The September 11, 2018 transcript of proceedings before Hon. Gordon-Oliver (Tab 77 (ExTR_08)) memorializes that the § 75-g communication with the California court was conducted off the record: Hon. Gordon-Oliver stated, "I spoke to the judge. Let me tell you what I told the judge" — an inter-court communication regarding jurisdiction that was not recorded as DRL § 75-g and § 77 require. The same transcript memorializes counsel's statement that if Petitioner raised jurisdiction again, "the Court would have every right to come down very hard on him," an on-the-record indication that further jurisdictional objection would be met with sanction — coerced waiver of the jurisdictional defect Petitioner had timely preserved. **(ii) PKPA preemption from October 2018 forward.** The SF Superior Court awarded Petitioner primary physical custody at the October 2018 five-day hearing at which Respondent Walsh defaulted; from that order forward, 28 U.S.C. § 1738A(a) bound every state to enforce the SF determination, and § 1738A(g) barred New York from exercising inconsistent jurisdiction. The Gordon-Oliver TPO of November 7, 2018 is the on-its-face derogation: the order affirmatively required Petitioner to "withdraw [his] Order of Protection in California" and to "contact the California police and state that he does not wish to press criminal charges," directly derogating federal supremacy under PKPA. **(iii) Predicate falsification.** The representations on which Respondent Walsh invoked Westchester emergency jurisdiction in July 2018 are the same representations Walsh has since sworn-recanted in her November 23, 2020 letter to the Chappaqua Police Department. The Westchester court has not, in the eight years since, revisited the UCCJEA emergency-jurisdiction predicate given (a) the recantation, (b) the California

adjudication of Walsh's default, or (c) the PKPA derogation. The continuing perpetuation of orders based on the now-known-false foundation is itself fraud-on-the-court under the inherent doctrine of *Hazel-Atlas Glass Co. v. Hartford-Empire Co.*, 322 U.S. 238, 244–246 (1944), and independently supports retroactive vacatur of orders entered after November 23, 2020 under CPLR § 5015(a)(3). Petitioner is entitled to vacatur under CPLR § 5015(a)(4) and declaratory relief under CPLR § 3001 that the Westchester Family Court's continuing exercise of jurisdiction is in excess of the authority federal and state law leave to it, and that the post-taking regime, and all proceedings derivative of it, are void *ab initio*. *Matter of Lacks v. Lacks*, 41 N.Y.2d 71, 75 (1976).

Cause III — Declaratory: The California Adjudications Are Res Judicata; Walsh's Two Westchester Defaults Are Unrebutted (CPLR § 3001)

53. Petitioner incorporates ¶¶ 1–50 by reference. Three California courts on three separate occasions adjudicated Respondent Walsh's domestic violence liability against Petitioner on the merits, and entered specific findings of fact binding under principles of res judicata and full faith and credit: (i) the July 2018 San Francisco protective-order chain culminating in the SF Domestic Violence Restraining Order (the SFPD Emergency Protective Order #180494149 entered July 3, 2018 against Respondent Walsh on the narrative *"Russell was being poisoned by Walsh via Seroquel in his drinks";* Petitioner's FL-300 Request for Order filed July 9, 2018; the SF DVRO entered following the protective-order hearing); (ii) the August 29, 2018 SF DV trial-level findings, including Respondent Walsh's sworn admission to administering Seroquel to Petitioner without his consent on at least two occasions; and (iii) the February 16, 2022 SF Superior Court jury verdict in *Russell v. Walsh*, CGC-18-570137 (affirmed at A165356, Cal. Ct. App. 1st Dist., Div. 4, Sept. 15, 2023), with its five verdict forms (VF-1301 Battery; VF-1601 IIED; VF-3900 finding of malice/oppression/fraud; VF-DV § 1708.6; VF-5001 General Verdict). **Anticipating the counter-argument that the SF protective-order chain is mere preliminary measure unprotected by PKPA: 28 U.S.C. § 1738A(b)(3) defines "custody determination" to include "permanent and temporary orders, and initial orders and modifications"; the SF protective orders were entered following evidentiary process under California Family Code procedures and bind New York under § 1738A(a). Independently, the issues actually litigated and necessarily decided at the August 29, 2018 SF DV hearing, including**

Respondent Walsh's sworn drugging admission, bind under New York collateral-estoppel doctrine. *Buechel v. Bain*, 97 N.Y.2d 295, 303–304 (2001). Independently, Respondent Walsh defaulted twice in the Westchester County Family Court on Petitioner's Temporary Order of Protection filing on March 10, 2021 and March 24, 2021; Hon. Wayne A. Humphrey recused on April 6, 2021 without entering any order on either default; no subsequent Westchester court has entered such an order. Petitioner is entitled to declaratory relief under CPLR § 3001 that the three California adjudications are binding on this State and on its Family Court, that the findings of fact contained in those adjudications are established for purposes of any future determination in File No. 154703 turning on factual issues already adjudicated in California, and that Respondent Walsh's two Westchester defaults are unrebutted on the record.

Cause IV — Declaratory: The Harm to the Child Was Reported, Documented, and Refused (CPLR § 3001)

54. Petitioner incorporates ¶¶ 1–50 by reference. Multiple independent adult witnesses documented injuries to E.W. and raised concern contemporaneously, beginning at Visit 15 on March 31, 2019 and across the supervised-visitation record that followed. The convergent reporters included both parents (Petitioner and Respondent Walsh each raised the Visit-15 observations the same day), the family's nanny Talia Kleiman, the court-appointed Supervision Services supervisor Franceska Christina Anilus (whose contemporaneous observation of bruises on arrival, together with her subsequent written visit report, was struck from the record under Hon. Morales-Horowitz's directive set forth below), the Chappaqua Police Department (whose responding officer's written report by Detective Ragni confirmed bruising and rash on the child), and, by court-filed letter, Petitioner's mother Linda Russell, a retired registered nurse who recorded clinical observations from four supervised visits and asked the Court to issue summonses to Stephen Walsh, Sr. and Maura Walsh. Brienne Walsh, Respondent Walsh's sister, had published a May 2010 blog passage describing the maternal grandmother's physical-discipline method in terms congruent with the 2019 body-diagram observations of E.W.'s injuries. Family Court Act § 1034 vests the Family Court with the power to order child-protective investigation on documented allegations; under *Matter of Klostermann v. Cuomo*, 61 N.Y.2d 525, 539–540 (1984), mandamus reaches the non-discretionary *whether* to exercise the power on a

sufficient documented record even where the *how* (medical examination, preliminary inquiry, guardian-ad-litem appointment, expert report, CPS referral, evidentiary hearing) retains discretion.

The institutional response on the convergent record was not investigation, but contradiction, minimization, silence, or removal of the reporting actors. No medical examination was ordered; no § 1034 investigation was opened; no hearing was held on the convergent record; no protective order against any member of the Walsh family ever issued; the court-appointed supervisor Claudette E. LaMelle, ACSW, LMSW, was removed at Walsh counsel's instance after she filed a sworn affidavit describing a confrontation by two Walsh family members in a darkened vehicle at the conclusion of a visit; the Anilus supervisor report was struck under Hon. Morales-Horowitz's directive to "forget about when the reports were done"; AFC Jackman characterized as a "drool rash" the neck-area observation paraphrased in Walsh-counsel Guttridge's same-week letter as "red marks around her neck," in a letter that addressed only the shin bruise; and Walsh-counsel Guttridge wrote the Court denying that the bruises existed at all. The Family Court's § 1034 power went unexercised on the convergent record over eight years. The 2019-era institutional contradictions are placed here as predicate to the continuing pattern, not as the object of certiorari relief; the relief Petitioner asks under Cause IV is **(i)** declaratory relief under CPLR § 3001 that the State's exercise of authority over E.W. has not been accompanied by inquiry adequate to the documented record, and **(ii)** mandamus under CPLR § 7803(1) directing the reassigned Family Court to discharge the unperformed § 1034 investigation power as set forth in WHEREFORE Consequence 5(B). The method of investigation is reserved to the reassigned Court's discretion.

Cause V — Declaratory and Prohibition: The Procedural Pattern Is Retaliation Against Protected Whistleblower Activity (CPLR §§ 3001, 7803(2))

55. Petitioner incorporates ¶¶ 1–50 by reference. The Westchester court-appointed-professional ecosystem whose conduct Petitioner has documented to regulators in eight agencies — including the interlinked pipeline of advancements correlated with involvement in this case (Genovese to NY Supreme Court; DiFabio to Town of Rye Justice; Antoncic to Civil Court Judge; Weddle to Westchester FC Support Magistrate; the AFC succession from Miller to her partner Jackman) — is the substantive subject of Petitioner's protected speech, including the documentary book *Chappaqua*

Poison: An American Tragedy (Evidence Archive Edition, ISBN 979-8-9955749-0-3, Publisher: Prism, First Edition March 2026) and the parallel documentary record at chappaquapoison.com. Respondent Schauer's procedural pattern has tracked Petitioner's protected activity in temporal proximity: the March 10, 2026 ACP-impossible service condition followed the February 23, 2026 CJC complaint by sixteen days; the April 21 / April 22, 2026 same-day six-word dismissals followed the March 30, 2026 AGC opening and Petitioner's April 5, 2026 response. The speech-restriction itself was entered at Linda Russell's visitation conference, initiated by AFC Genovese, supported by Stephen Walsh, Sr.'s sworn declaration explicitly protecting the Walsh family, and used to threaten journalist Michaelanne Petrella seventeen days before the order entered. The 100% fee allocation to Petitioner — including fees paid to the credential-revoked evaluator Griffin and to AFC Genovese for her defense of the speech-restriction she had initiated — operates as a procedural cost on Petitioner's litigation and documentary activity; the on-record jail-threat (Tr. p. 12, lines 3–10) operates as its enforcement. Petitioner is entitled to declaratory relief under CPLR § 3001 that the Appellate Division's narrowing of the speech-restriction is the operative scope of any restraint on Petitioner's documentary work — that the original blanket "any existing blogs and likenesses" provision the Family Court continues to apply does not survive the AD's modification, and that no case-specific factual finding supporting application of the speech-restriction beyond the AD-narrowed scope (i.e., to the book, the blog at chappaquapoison.com, or third-party speakers the AD narrowing expressly protects) has been entered on the record; and to prohibition under CPLR § 7803(2) of continued operation of the speech-restriction beyond the AD-narrowed scope. Petitioner reserves claims under 42 U.S.C. § 1983 for the federal forum.

Cause VI — Prohibition and Mandamus: The Pattern Continues, in Excess of Jurisdiction, and Admits No Internal Cure (CPLR §§ 7803(2), 7803(1); 22 NYCRR § 100.3(E)(1); Judiciary Law § 14)

56. Petitioner incorporates ¶¶ 1–50 by reference. Respondent Schauer has acted, and is continuing to act, in excess of her jurisdiction within the meaning of CPLR § 7803(2). The acts in excess of jurisdiction form a continuous structure built on the procedural pattern set forth in ¶¶ 47–50: (i) the January 5, 2022 "default" and the operative orders that flowed from it, repudiated by the binding appellate court on the holding that the order appealed from "was not entered upon the father's default";

(ii) the handwritten ACP-impossible service condition of March 10, 2026; (iii) the refusal to clarify on the Service Clarification Letter; (iv) the two consecutive-day six-word dismissals under inapposite CPLR § 3211(a)(7); and (v) the continued exercise of jurisdiction on the unconformed regime while the structural conflict on the pending § 439(e) Objection prevents internal cure. The cumulative record and the appearance-of-bias standard each independently require Respondent Schauer's reassignment outside the Ninth Judicial District. Upon ripening of Petitioner's pending Family Court Act § 439(e) Objection (NYSCEF Tab 62 (Doc 39) on F-08146-18/25F), Petitioner is entitled to review under CPLR § 7803(3) and (4) of Respondent Bowman's determinations of February 3, 2026 and March 12, 2026; in the alternative, if Respondent Schauer has not ruled within a reasonable period (Petitioner proposes August 1, 2026 as the trigger), Petitioner is entitled to mandamus under CPLR § 7803(1) directing the reviewing Judge under FCA § 439(e) to rule. *Matter of Holtzman v. Goldman*, 71 N.Y.2d 564 (1988); *Matter of Rush v. Mordue*, 68 N.Y.2d 348 (1986); *People v. Moreno*, 70 N.Y.2d 403 (1987); *Matter of Murphy v. State Comm'n on Jud. Conduct*, 82 N.Y.2d 491 (1993).

WHEREFORE

Petitioner respectfully requests that this Court enter a judgment containing the following four foundational recognitions and six consequences:

THE FOUR FOUNDATIONAL RECOGNITIONS

1. THERE WAS NO DEFAULT — THE FEBRUARY 2, 2022 ORDER. The Court should (i) declare under CPLR § 3001 that *Matter of Walsh v. Russell*, 214 A.D.3d 890 (2d Dep't 2023), binds the Westchester County Family Court as law of the case — specifically, the appellate holding that the order appealed from (the February 2, 2022 order, M.I. Schauer, J.) "was not entered upon the father's default," and the appellate narrowing of the speech-restriction "as so modified"; (ii) declare under CPLR § 3001 that the Family Court's continued classification of the February 2, 2022 order as *ORDER ON DEFAULT* on Form GF-16, three years after the mandate, is contrary to law of the case; and (iii) order under CPLR § 7803(1) (mandamus) that the Court Management System record on File No. 154703 be conformed within thirty days to reflect (a) that the February 2, 2022 order was not entered on Petitioner's default, and (b) that the operative speech-restriction is the AD-narrowed

restriction, not the original blanket provision; and (iv) declare under CPLR § 3001, as a precondition to further enforcement, which prior pleadings, defaults, hearings, modifications, and operative orders survived the successive vacaturs, reassignments, and appellate modifications reflected in the record. *Voidness on jurisdictional grounds is addressed under Recognition 2; the appellate "not on default" holding presupposes a substantive hearing and does not itself reach voidness.*

2. THERE WAS NO JURISDICTION — THE POST-TAKING REGIME IS VOID *AB INITIO*.

The Court should vacate under CPLR § 5015(a)(4) (lack of subject-matter jurisdiction; no time bar; *Matter of Lacks v. Lacks*, 41 N.Y.2d 71, 75 (1976)) and declare under CPLR § 3001 that the Westchester Family Court's exercise of jurisdiction over the matter has been in excess of the authority federal and state law leave to it, on three independent grounds each independently sufficient: **(i)** UCCJEA emergency-jurisdiction overreach (DRL § 76-c) — the July 16, 2018 Order to Show Cause omitted the § 76-c(3) duration period, contained no § 77 communication record, and treated the inherently temporary grant as indefinite; **(ii)** Parental Kidnapping Prevention Act preemption from October 2018 forward (28 U.S.C. § 1738A(a), (g)), the November 7, 2018 Gordon-Oliver TPO requiring Petitioner to "withdraw [his] Order of Protection in California" and contact California police to disavow criminal charges being the on-its-face derogation; and **(iii)** predicate falsification, Respondent Walsh's sworn November 23, 2020 recantation post-dating the July 2018 representations on which the Westchester court invoked emergency jurisdiction. The continuing-conduct doctrine independently supports retroactive vacatur under CPLR § 5015(a)(3) and the inherent fraud-on-the-court doctrine of *Hazel-Atlas Glass Co. v. Hartford-Empire Co.*, 322 U.S. 238 (1944), of orders entered after November 23, 2020 on the now-known-false foundation. The post-taking regime, and all proceedings derivative of it, are void from inception.

3. THE CALIFORNIA ADJUDICATIONS ARE RES JUDICATA — SPECIFIC FINDINGS OF FACT ESTABLISHED. The Court should declare under CPLR § 3001 that the SF DVRO/EPO of July 9, 2018; the August 29, 2018 DV trial-level findings including Walsh's sworn admission of unconsented Seroquel administration; and the February 16, 2022 SF

Superior Court jury verdict (CGC-18-570137, affirmed A165356) with its five verdict forms — VF-1301 Battery, VF-1601 IIED, VF-3900 finding of malice/oppression/fraud, VF-DV § 1708.6, VF-5001 General Verdict — are binding on this State and on its Family Court, and that the findings of fact contained in those adjudications are established for purposes of any future determination in File No. 154703 turning on factual issues already adjudicated in California.

4. WALSH DEFAULTED TWICE IN WESTCHESTER — THE DEFAULTS ARE UNREBUTTED. The Court should declare under CPLR § 3001 that Respondent Walsh's two Westchester defaults on Petitioner's Temporary Order of Protection filing, March 10, 2021 and March 24, 2021, are unrebutted on the record.

THE SIX INEVITABLE CONSEQUENCES

5. COMPEL DISCHARGE OF WITHHELD STATUTORY DUTIES — TWIN MANDAMUS UNDER CPLR § 7803(1). The Court should direct under CPLR § 7803(1) (mandamus) that the Family Court, on reassignment per Consequence 7 below, discharge two continuing, unperformed statutory duties. Because each duty is continuing and unperformed, the four-month limitations period under CPLR § 217(1) has not commenced on either. *Matter of Klostermann v. Cuomo*, 61 N.Y.2d 525, 539–540 (1984); *Matter of Legal Aid Soc'y v. Scheinman*, 53 N.Y.2d 12 (1981). *Klostermann* makes clear that "it is within the courts' competence to ascertain whether [the lower body] has satisfied the duty that has been imposed on it," and reaches the *whether* to act even where the *how* retains discretion.

(A) COMPEL ENTRY OF THE WITHHELD ORDER OF PROTECTION. The Family Court should be directed to discharge its non-discretionary duty to enter a determination on Petitioner's Temporary Order of Protection petition. Respondent Walsh defaulted on the petition twice, March 10 and March 24, 2021, and no Westchester court has entered an order in the five years since.

(B) COMPEL EXERCISE OF THE WITHHELD FCA § 1034 INVESTIGATION POWER. The Family Court should be directed to discharge its continuing, unperformed Family Court Act § 1034 power to order child-protective investigation on the cumulative record of harm to E.W. set forth in Cause IV above. While § 1034 is discretionary as to *method* — medical examination, preliminary inquiry, guardian-ad-litem appointment, expert report, CPS referral, evidentiary hearing — *Klostermann* reaches the *whether*: the Family Court's complete refusal to exercise the § 1034 power over eight years on convergent documented allegations is reviewable. The method of investigation is reserved to the reassigned Family Court's discretion. If the investigation produces facts warranting a formal child-protective proceeding under FCA Article 10, that proceeding is initiated by a designated presenter in the ordinary course under FCA § 1031; this petition does not direct initiation of such a proceeding.

6. PROTECT THE BOOK AND THE BLOG. The Court should declare under CPLR § 3001 that the Appellate Division's narrowing is the outer bound of any speech-restriction in this matter — the operative restriction reaches only "any existing blogs which reference these proceedings or disparage the child's relatives, and any likenesses of the child posted in connection with such blogs." No case-specific factual finding supporting the original blanket provision ("any existing blogs and likenesses") has been entered. No finding supporting application of the AD-narrowed restriction to *Chappaqua Poison: An American Tragedy* (Evidence Archive Edition, ISBN 979-8-9955749-0-3; Prism; March 2026; Trade Edition in preparation), to *ChappaquaPoison: A Documentary Blog* at chappaquapoison.com, or to third-party speakers the AD narrowing expressly excludes, has been entered. The Court should prohibit under CPLR § 7803(2) further operation of the speech-restriction beyond the AD-narrowed scope, including any extra-judicial threats to third parties based on the original blanket provision.

7. REASSIGN THE JUDGE. While *People v. Moreno*, 70 N.Y.2d 403, 405 (1987), establishes that a trial judge is generally the sole arbiter of recusal where disqualification is not mandated by specific legal requirements, three independent specific requirements, each independently

sufficient, displace that general rule here: **(i) Judiciary Law § 14 "interested" prong (same-proceeding application).** Section 14 disqualifies a judge "interested" in a cause. The interest here is concrete and same-proceeding: Respondent Schauer is named as Respondent in her judicial capacity in this Article 78, which adjudicates her conduct *in File No. 154703* — the very proceeding she continues to preside over. The narrower same-proceeding reading is distinguishable from the unrelated-matters cases the Court of Appeals has held do not self-execute § 14. **(ii) Structural conflict on the pending Family Court Act § 439(e) Objection.** Respondent Schauer is, by way of her assignment to File No. 154703, the reviewing Judge of NYSCEF Tab 62 (Doc 39) — an Objection that refutes on the record findings underlying her subordinate Magistrate's order — while Respondent Schauer's own record-conformance conduct is itself the subject of this petition. The reviewing-judge role and the challenged-judge role cannot coexist on the same matter under any reading of *Moreno*'s discretionary framework. **(iii) 22 NYCRR § 100.3(E)(1) objective appearance-of-bias standard, with the February 23, 2026 Commission on Judicial Conduct complaint (Tab 54) as external-review predicate.** While § 100.3(E)(1) is fundamentally a judge-self-application standard under *Moreno*, the CJC complaint is the external-review predicate that *Moreno* identifies as the appropriate trigger when self-application has not produced disqualification; the Article 78 Court can apply § 100.3(E)(1) as the procedural-review standard for Respondent Schauer's continuing exercise of authority on the cumulative record on which the CJC complaint is based. *Matter of Murphy v. State Comm'n on Jud. Conduct*, 82 N.Y.2d 491 (1993). The Court should declare any one or more of these three grounds satisfied and reassign File No. 154703 to a judicial officer outside the Ninth Judicial District.

8. STOP THE ENFORCEMENT. The Court should prohibit prospectively under CPLR § 7803(2) — *Matter of Holtzman v. Goldman*, 71 N.Y.2d 564 (1988); *Matter of Rush v. Mordue*, 68 N.Y.2d 348 (1986) — three continuing excesses of authorized power: (a) Respondent Schauer's continued exercise of jurisdiction on the unconformed regime; (b) continued operation of the speech-restriction provision beyond the AD-narrowed scope, including against

Petitioner, the book, the blog, or any third-party speaker the AD narrowing expressly excludes; (c) continued enforcement of the support obligation, which is derivative of the void custody predicate established under Recognition 2 and therefore itself void from inception. The continuing harm is documented contemporaneously in Respondent Walsh's own 2025–2026 text-message series to Petitioner (Tab 86 (ExD_01–ExD_11)) — including her conditioning of access on Petitioner's surrender of legal rights ("You help me get rich so I can afford a legal battle . . . You put money in some escrow that I can use for lawyers before you see Evie"); her threats to invoke license-suspension, passport-suspension, and incarceration under the existing support regime; her statement that E.W. "was begging to be able to see [her father] last night. Pretty heartbreaking" — establishing the child's own expressed desire to maintain paternal contact under the void regime — and her January 13, 2026 statement that "You are blackmailing me with a civil judgement . . . Until you are stable I can't entertain you seeing Evie." The void custody regime continues to operate as her leverage and her instrument. Independently, the Court should annul under CPLR § 7806 the March 10, 2026 handwritten Order to Show Cause modifications as a discrete past act statutorily impossible at issuance (the personal-service condition against an Address Confidentiality Program enrollee, the ACP being administered by the NYS Department of State under Executive Law § 108). Upon ripening of Petitioner's pending Family Court Act § 439(e) Objection (NYSCEF Tab 62 (Doc 39)) — or in the alternative direction to the reviewing Judge to rule — the Court should review under CPLR § 7803(3) Respondent Bowman's determinations of February 3, 2026 and March 12, 2026 under the arbitrary-and-capricious standard of *Matter of Pell v. Bd. of Educ.*, 34 N.Y.2d 222 (1974), as alternative grounds for the same relief; *Walton v. New York State Dep't of Corr. Servs.*, 8 N.Y.3d 186 (2007), freezes the certiorari clock until ripening.

9. COMPEL THE WITHHELD FEE REVIEWS; RESTORE WHAT WAS TAKEN. The Court should direct under CPLR § 7803(1) (mandamus) that the Family Court, on reassignment per Consequence 7, discharge its non-discretionary duty under DRL § 237 and FCA § 438 to conduct the fee reviews omitted, with the recognitions under Recognitions 1–4 above as the

record before the reviewing court. Independently, the Court should order under CPLR § 7806 restitution to Petitioner of those funds already extracted under the void regime —

counsel fees Petitioner paid in proceedings conducted without DRL § 237 / FCA § 438 review;

expert-evaluator fees paid for P. Raymond Griffin, whose CASAC credential OASAS revoked for violations of 14 NYCRR Part 853 — the very evaluator Petitioner's whistleblowing work helped expose;

supervisor fees paid to Delia Farquharson, Elias S. Gootzeit, and other retained appointees within the interlinked court-appointed-professional ecosystem documented in the cumulative record;

Attorney for the Child fees Petitioner was required to pay — including $46,920 billed by Jennifer Jackman over 111.8 hours at $400/hour representing a child of approximately one year of age, and the fees Petitioner was required to pay AFC Donna Genovese for the defense Genovese mounted of the speech-restriction Genovese herself initiated;

child-support extracted under the void custody predicate after the March 22, 2023 appellate mandate (recoverable as not protected by the *Baraby v. Baraby*, 250 A.D.2d 201 (3d Dep't 1998), public-policy bar on support refunds, which protects support obligations actually owed and not amounts extracted on a void predicate; *Matter of Dox v. Tynon*, 90 N.Y.2d 166 (1997), equitable-defenses framework); and amounts above the federal wage-garnishment ceiling under 15 U.S.C. § 1673; and

in the alternative as to amounts extracted after the March 22, 2023 appellate mandate, the Court should direct that on remand the reassigned Family Court compute arrears/credit net of any over-payment extracted under the unconformed predicate, and offset against the New York-domesticated $332,080.74 judgment debt Respondent Walsh owes Petitioner.

10. STAY AND COSTS. The Court should grant a stay under CPLR § 7805 of all further proceedings in File No. 154703 by Respondent Schauer pending determination of this petition; award costs under

CPLR § 8101; and preserve, without waiver, all of Petitioner's claims under 42 U.S.C. § 1983 and § 1988 in pending or contemplated federal proceedings.

AND granting such other and further relief as the Court deems just and proper.

VERIFICATION

I, **STEPHEN GRANT RUSSELL**, am the Petitioner in the above-captioned proceeding. I have read the foregoing Verified Petition, and the contents thereof are true to my own knowledge except as to those matters stated to be alleged on information and belief, and as to those matters, I believe them to be true. The grounds of my belief as to all matters not stated upon my own knowledge are documentary records, sworn statements, contemporaneous communications, and matters of personal observation and testimonial knowledge cited in the Petition and authenticated in the Authentication Affidavit submitted herewith.

I affirm the foregoing under the penalties of perjury pursuant to CPLR § 2106, in lieu of and with the same force and effect as a sworn affidavit.

Dated: May 18, 2026
Santa Barbara, California



STEPHEN GRANT RUSSELL
Petitioner, *pro se*
[redacted]
Santa Barbara, California 93101
[redacted]

End of Verified Petition.