

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

---

STEPHEN GRANT RUSSELL,  
*Plaintiff,*

-against-

TOWN OF NEW CASTLE,  
DONNA M. GENOVESE, ESQ., individually,  
FAITH MILLER, ESQ., individually,  
JENNIFER JACKMAN, ESQ., individually,  
TARA KATELYN WALSH, individually,  
STEPHEN WALSH, SR., individually,  
and  
MAURA WALSH, individually,  
*Defendants.*

:  
:  
:  
:  
:  
:  
:  
:  
:

Civil Action No. \_\_\_\_\_

**VERIFIED COMPLAINT**

**JURY TRIAL DEMANDED**

---

**NATURE OF THE ACTION**

1. This is not a custody dispute. It is a civil rights action brought pursuant to 42 U.S.C. § 1983 and supplemental state law arising from a coordinated campaign by private individuals and court-appointed officers to fabricate, suppress, and maintain a false evidentiary record that produced a custody order, a speech-restriction order, a financial enforcement regime, and the systematic destruction of the father's legal representation — all in a proceeding the Appellate Division later held was not conducted on default.
2. The conspiracy operated through three mechanisms: (a) the fabrication and ratification of false police reports by the Town of New Castle police department, which received the complainant's own recantation and took no corrective action (Ricciuti); (b) the non-advocacy conduct of three successive Attorneys for the Child who suppressed exculpatory evidence, embedded a fraudulently credentialed evaluation as a gating condition for parental access, and procured a speech-restriction order later found to

contain a provision that was not narrowly tailored (*Tower v. Glover*); and (c) the coordinated private conduct of the Walsh family, who conspired with state actors to invoke state power against the father through fabricated allegations, witness intimidation, and obstruction of discovery (*Dennis v. Sparks*).

3. Plaintiff does not ask this Court to adjudicate custody, modify any state court order, or revisit the Appellate Division's modification and affirmance. The injury is the fabrication, the retaliatory suppression, and the conditions under which custody restrictions and related harms were perpetuated. Plaintiff seeks compensatory and punitive damages, declaratory relief, and costs.

#### **JURISDICTION AND VENUE**

4. This Court has subject matter jurisdiction under 28 U.S.C. § 1331 (federal question) and 28 U.S.C. § 1343(a)(3) and (4) (civil rights).
5. Supplemental jurisdiction over the state law claims exists under 28 U.S.C. § 1367(a). The state claims arise from a common nucleus of operative fact with the federal claims.
6. Venue is proper in this District under 28 U.S.C. § 1391(b)(2). The events giving rise to this action occurred in Westchester County, New York, which is within the Southern District of New York.
7. This action is not barred by the Rooker-Feldman doctrine. Plaintiff challenges independent constitutional injuries inflicted through the conspiracy, not the state court custody determination itself.
8. The domestic relations exception does not apply. This action does not seek to adjudicate, modify, or enforce any custody, visitation, or support order.

## **PARTIES**

9. **Plaintiff Stephen Grant Russell** is a citizen of the State of California, residing in Santa Barbara, California. He is the father of the minor child [E.V.], born in 2015, who is the subject of the custody proceedings at issue. He appears *pro se*.
10. **Defendant Town of New Castle** is a municipal corporation organized under the laws of the State of New York, responsible for the operation of the New Castle Police Department. It is sued under *Monell v. Department of Social Services*, 436 U.S. 658 (1978), for a policy or custom of maintaining one-sided investigative records that suppress exculpatory evidence and ratify fabricated allegations.
11. **Defendant Donna M. Genovese, Esq.** served as the third Attorney for the Child (“AFC”) in the underlying proceedings. She is sued in her individual capacity for non-advocacy conduct — including the procurement of a speech-restriction order, participation-denial misrepresentations, and ex parte coordination — that exceeded the scope of her quasi-judicial function. *Tower v. Glover*, 467 U.S. 914 (1984).
12. **Defendant Faith Miller, Esq.** served as the first AFC in the underlying proceedings, appointed by Judge Sandra A. Gordon-Oliver. She is sued in her individual capacity for participation in a scheme to place her own law partner as her replacement AFC, rather than withdrawing transparently when a conflict arose. *Dennis v. Sparks*, 449 U.S. 24 (1980).
13. **Defendant Jennifer Jackman, Esq.** served as the second AFC in the underlying proceedings. She is a partner at the same firm as Miller — Miller Zeiderman & Wiederkehr LLP. She is sued in her individual capacity for embedding a fraudulently credentialed forensic evaluation as the gating condition for removing supervised

visitation, and for deflecting scrutiny of that evaluation. *Dennis v. Sparks*, 449 U.S. 24 (1980).

14. **Defendant Tara Katelyn Walsh** is the biological mother of [E.V.] and a private individual who conspired with state actors to invoke state power against Plaintiff through fabricated allegations, covert drugging, and extortion. *Dennis v. Sparks*, 449 U.S. 24 (1980).

15. **Defendant Stephen Walsh, Sr.** is the maternal grandfather of [E.V.] and a private individual who conspired with state actors through coordination of the fraudulent interstate removal, threats against Plaintiff's attorneys, obstruction of discovery, and witness intimidation. *Dennis v. Sparks*, 449 U.S. 24 (1980).

16. **Defendant Maura Walsh** is the maternal grandmother of [E.V.] and a private individual who conspired with state actors through coordinated deposition testimony, fabrication of medical symptoms in the child, and participation in the joint plan to maintain the false evidentiary record. *Dennis v. Sparks*, 449 U.S. 24 (1980).

## **FACTUAL ALLEGATIONS**

### **I. The Underlying Proceedings and the Appellate Division's Holding**

17. In July 2018, Walsh commenced a proceeding in the Westchester County Family Court seeking sole legal and physical custody of [E.V.] (File No. V-7641-18). A family offense proceeding followed (File No. O-12635-19).

18. On November 5, 2021, Judge Michelle I. Schauer held a scheduled hearing. Plaintiff did not appear in person. The court found Plaintiff in default. The resulting order, dated December 3, 2021, bears the title "ORDER ON DEFAULT" on its face. (Exhibit 1.)

19. On January 5, 2022, the Family Court held an inquest. Plaintiff was not personally present, but his attorney, Jason Andrew Advocate, Esq., was present and actively participated throughout — conducting cross-examination, making legal arguments, and raising objections over the course of a 99-page transcript. (Exhibit 2.) Despite this participation, the court declared the proceeding a default. AFC Genovese stated: “There’s no cross petition, there’s no participation by Mr. Russell.” (Exhibit 2, p. 91, ll. 3–10.) This statement was made while Plaintiff’s attorney sat at counsel table, having just conducted cross-examination.
20. In *Matter of Walsh v. Russell*, 214 A.D.3d 890 (2d Dep’t 2023), the Appellate Division held that the order appealed from was not entered upon the father’s default, because although the father failed to appear in person at the hearing, his counsel appeared on his behalf and participated in the hearing. The court modified the order, on the law, by deleting the provision directing the father to erase, deactivate, and delete “any existing blogs and likenesses,” and substituting therefor a narrower provision. As so modified, the order was affirmed insofar as appealed from. (Exhibit 3.)

## **II. The AFC Chain: Miller to Jackman to Genovese**

21. Between 2018 and 2022, three successive Attorneys for the Child were appointed in this proceeding. The sequence of their appointments, and the conduct of each, establishes the infrastructure through which exculpatory evidence was suppressed and the false record was maintained.
22. **Miller (First AFC).** Defendant Miller was appointed by Judge Gordon-Oliver at a rate of \$650 per hour. Upon discovering a conflict, Miller did not withdraw transparently.

Instead, on information and belief, she arranged for her own law partner — Defendant Jackman — to be appointed as her replacement.

23. **Jackman (Second AFC).** Defendant Jackman is a partner at Miller Zeiderman & Wiederkehr LLP — the same firm as Miller. This partnership is established by the firm name, letterhead, email domain (jmj@mzw-law.com), the Turnure letter, and the Guttridge CC line. The appointment of a law partner to replace a conflicted AFC violated New York Rules of Professional Conduct 1.10 (imputed disqualification). Jackman billed \$46,920 for 111.8 hours.
24. Jackman made the forensic evaluation conducted by P. Raymond Griffin, CASAC #1636, the gating condition for removing Plaintiff’s supervised visitation. When Plaintiff challenged this, asking Jackman “on what basis you were making Griffin’s report a condition of stopping supervision, when you know Tara has recounted her accusations,” Jackman deflected: “I did not say that Dr. Griffin did anything improper.” (Exhibit 4.)
25. On August 19, 2019, Griffin’s OASAS CASAC credential #1636 was revoked for nine violations, including grossly negligent handling of toxicology testing and unauthorized practice of medicine. Griffin surrendered the credential and waived hearing. (Exhibit 5.) Jackman had embedded the evaluation as the gating condition four months before the revocation; the condition remained in effect for years after.
26. **Genovese (Third AFC).** Defendant Genovese filed the October 14, 2021 Order to Show Cause seeking to prohibit Plaintiff from posting blogs and displaying likenesses of the child, and directing Plaintiff to erase, deactivate, and delete all existing postings — a blanket deletion provision the Appellate Division later struck as not narrowly tailored. Genovese stated on the record on January 5, 2022 that there was “no participation by Mr.

Russell“ while Plaintiff’s attorney sat at counsel table having just conducted cross-examination.

27. Genovese subsequently filed a 241-page appellate brief defending the default characterization and the orders entered under it. In January 2026, Genovese resigned from the case via an ex parte letter through Court Attorney Michele D’Ambrosio, and was subsequently appointed as a Court Attorney at Bronx Supreme Court within the Unified Court System.

### **III. The Five Witness Breaks**

28. The false record maintained by Defendants was contradicted repeatedly — by their own witnesses, their own family members, and their own sworn testimony. Each break was available to Defendants. None produced corrective action.

#### ***A. Walsh Sr.: The Coordinator’s Own Admissions***

29. During his April 26, 2021 deposition, Defendant Walsh Sr. made the following sworn admissions:

(a) He described his own conduct as “less than 100 percent genuine“ — a sworn admission of deception. (Exhibit 6.)

(b) He used coordination language establishing a joint plan: references to “stick to the original plan/agreement“ and “commit to staying with us.“ (Exhibit 6.)

(c) He refused to search for or produce documents responsive to a lawful subpoena — active obstruction of discovery. (Exhibit 6.)

30. Walsh Sr. left recorded voicemails threatening at least two of Plaintiff’s attorneys with license revocation. (Exhibit 7.) He physically evaded service of a deposition subpoena on

three separate occasions, as documented in the Sheriff's Certificate of Non-Service.  
(Exhibit 8.)

31. Walsh Sr.'s own sworn words establish deception, coordination, and obstruction. The "less than 100 percent genuine" admission, combined with the coordination language, converts individual dishonesty into provable joint action. Police did not investigate. AFCs did not report. The court did not inquire.

***B. LaMelle: The Neutral Supervisor Who Told the Truth***

32. The Family Court appointed Kristin LaMelle as a neutral supervisor for Plaintiff's visits with [E.V.]. LaMelle had no stake in the proceedings and no relationship with either party.

33. In a sworn declaration, LaMelle stated that Walsh's allegations against Plaintiff were false, and that Plaintiff was "being harassed by the Walsh family." (Exhibit 9.)

34. After documenting these findings, LaMelle was intimidated at the Walsh family compound. Defendant Walsh Sr.'s son Brendan Walsh and an unknown man approached LaMelle in a darkened car with its lights off. LaMelle contacted the police. (Exhibit 10.)

35. Walsh's attorney, Gerald Guttridge, subsequently removed LaMelle as supervisor unilaterally by telephone — after she had documented that Walsh's allegations were false.

36. The sequence is: a neutral, court-appointed supervisor confirms the truth; the family intimidates her; the family's attorney removes her. When a neutral observer confirmed the truth, the system's response was to silence her.

***C. Brendan Walsh: The Family Break***



37. Brendan Walsh — a member of the Walsh family — stated that “Mr. Russell did not attack any of the Walsh family.” (Exhibit 11.) This statement directly contradicts the foundational factual claim that drove the custody proceedings: that Plaintiff was violent toward the Walsh family.

38. The same Brendan Walsh participated in the intimidation of supervisor LaMelle. He knew the truth about both — the events that did not happen as described, and the effort to suppress the person who confirmed they did not happen.

***D. The Drugging: Eyewitness, Sworn Admissions, and Jury Verdict***

39. CFS supervisor Tedla, a non-party eyewitness, testified that Walsh administered substances to Plaintiff covertly and “did it all the time” — establishing a pattern, not an isolated incident. Tedla further stated that Walsh demanded that she lie to social services about what she had observed. (Exhibit 12.)

40. Walsh admitted under oath: “I admitted to twice covertly putting a medication in his wine.” (Exhibit 13.) Walsh separately told her physician, Dr. Gopal: “I put Seroquel in his wine.” (Exhibit 14.)

41. LabCorp toxicology confirmed lithium in Plaintiff’s system. (Exhibit 15.) A search history recovered from Walsh’s device included queries for lethal Seroquel dosages. (Exhibit 16.)

42. On February 22, 2022, a San Francisco Superior Court jury found Walsh liable for intentional battery, domestic violence, and intentional infliction of emotional distress, and awarded Plaintiff \$325,000 in damages with findings of malice, oppression, and fraud. The judgment was affirmed on appeal. (Exhibit 17.)

43. The jury verdict is a final judgment with preclusive effect. The eyewitness testimony, sworn admissions, toxicology, and search history corroborate it independently. New Castle police did not incorporate the verdict. Jackman did not report it. Genovese did not raise it.

***E. The Guttridge/LaMelle Suppression Arc***

44. The full suppression sequence operated in five steps through Walsh's own attorney:

(a) **Denial.** On April 10, 2019, Gerald Guttridge — Walsh's attorney — wrote a letter calling bruise reports "utterly untrue," labeling them "third false police report," demanding Plaintiff "cease and desist," and threatening "Court intervention." (Exhibit 18.)

(b) **Confirmation.** LaMelle, the court-appointed neutral supervisor, declared Walsh's allegations false and Plaintiff "being harassed by the Walsh family." (Exhibit 9.)

(c) **Intimidation.** LaMelle was intimidated at the Walsh compound by Brendan Walsh and an unknown man in a darkened car. (Exhibit 10.)

(d) **Removal.** Guttridge unilaterally removed LaMelle by telephone after she documented the truth.

(e) **Recusal.** Guttridge later recused from the case after discovering the child abuse coverup. (Exhibit 19.) Even Walsh's own attorney could not ultimately sustain the position.

45. Walsh's three recantations independently confirm the pattern:

(a) A recantation letter. (Exhibit 20.)

(b) WhatsApp messages stating the allegations were "all in my head I made up the whole thing." (Exhibit 21.)

(c) A November 23, 2020 letter to the Chappaqua Police Department stating that Plaintiff "never made a threat to kill." (Exhibit 22.)

***F. The Walsh Family Child Abuse Pattern and the Suppression of Mandatory Hearings***

46. Evidence of child abuse within the Walsh household was known to multiple participants in the proceedings. Defendant Tara Walsh covertly administered prescription psychotropic medication to Plaintiff in the presence of the child — conduct a San Francisco jury found constituted intentional battery, domestic violence, and intentional infliction of emotional distress with malice, oppression, and fraud. (Exhibit 17.) CFS supervisor Tedla testified that Walsh “did it all the time” and demanded that Tedla lie to social services. (Exhibit 12.)
47. Defendant Maura Walsh fabricated medical symptoms in the child [E.V.] — conduct that, upon information and belief, constitutes a form of medical child abuse. This fabrication was used to support allegations against Plaintiff and to justify restrictions on his parental access.
48. Walsh’s own attorney, Gerald Guttridge, recused from the case after discovering the child abuse coverup. (Exhibit 19.) The recusal of the petitioner’s own counsel upon discovering child abuse is, standing alone, evidence that child abuse was occurring in the custodial household and that the participants in the proceedings were aware of it.
49. Under New York Family Court Act §§ 1034–1038 and Social Services Law § 412, when evidence of child abuse or neglect is brought to the attention of the court, investigation is mandatory and the court is required to hold a fact-finding hearing. Under N.Y. Domestic Relations Law § 240(1)(a), evidence of domestic violence and child abuse is a mandatory factor in any custody determination.
50. No investigation was ordered. No fact-finding hearing was held. The evidence of child abuse within the Walsh household — including the covert drugging, the fabricated medical

symptoms, and the recusal of Walsh's own attorney upon discovering the coverup — was suppressed rather than investigated. The Attorneys for the Child, whose statutory obligation was to protect [E.V.], did not report the child abuse evidence to the court or to child protective services. The failure to hold the mandatory hearings required by New York law, combined with the active suppression of child abuse evidence by Defendants, constitutes a further deprivation of Plaintiff's right to due process and a direct injury to both Plaintiff and the child.

#### **IV. The Police Nexus — Town of New Castle**

51. On March 23, 2019, Walsh placed a 911 call reporting that Plaintiff was an “imminent threat” at or near the Walsh family compound in Chappaqua. Defendant Walsh Sr. admitted to responding officers at the scene that there was no actual threat. (Exhibit 23.)
52. Despite the documented false report and the on-scene admission that no threat existed, no criminal charges were filed against Walsh or Walsh Sr. for filing a false report. The incident was documented as a legitimate police contact with Plaintiff and was available for use in subsequent proceedings.
53. Walsh subsequently admitted to police that she was “not a victim of any crime.” (Exhibit 22.)
54. The Town of New Castle, through its police department, maintained a custom of differential treatment: creating one-sided investigative records documenting Plaintiff as an aggressor while suppressing the recantation, the on-scene admission, and the subsequent acknowledgment that no crime had occurred. This pattern of accepting and documenting fabricated reports while failing to correct them when recanted constitutes a policy or custom for purposes of *Monell v. Department of Social Services*, 436 U.S. 658 (1978),

and the maintenance of the one-sided investigative record constitutes fabrication of evidence under *Ricciuti v. N.Y.C. Transit Authority*, 124 F.3d 123 (2d Cir. 1997).

## **V. The Counsel-Destruction Pattern**

55. Over the course of the proceedings, Plaintiff retained six law firms. Each was neutralized:

- (a) Enenstein Pham & Glass — withdrew during active depositions after Walsh Sr. threatened counsel's license.
- (b) DiFabio — practice destroyed through the three-judge recusal pattern.
- (c) Gelhaar — received direct threat from Walsh Sr.
- (d) Waller — battery appeal abandoned.
- (e) RSSB Law — withdrew, citing a “clear and unavoidable duty to withdraw.”
- (f) Advocate — appeared at the January 5, 2022 inquest; the court declared a default while he participated.

56. The systematic destruction of Plaintiff's legal representation corroborates the conspiracy across all five witness-break clusters. The pattern demonstrates that Defendants' conduct was not a series of isolated incidents but a coordinated campaign to ensure Plaintiff could not be effectively heard.

## **VI. The Fee-Allocation Mechanism: Interim Orders Made Permanent by Fabrication**

57. By order dated November 29, 2018, Judge Gordon-Oliver directed that the fees of the Attorney for the Child — Defendant Jackman, billing at \$400 per hour — be allocated as follows: Petitioner (Walsh) 0%, Respondent (Russell) 100%. The order stated that this allocation was “subject to reallocation at the time of trial.” (Exhibit 25.)

58. By its express terms, the 100% allocation was interim. The safety valve was the reallocation hearing at trial, at which the court would examine the parties' respective financial circumstances and conduct, and distribute the burden equitably.
59. No trial ever occurred. The proceeding ended on the fabricated default of November 5, 2021. Because the default prevented trial, the reallocation hearing — the only mechanism by which the interim 100% allocation could be revisited — never took place. The interim allocation became permanent by operation of the fabrication.
60. Jackman billed 111.8 hours at \$400 per hour between December 1, 2018 and April 30, 2019 alone. (Exhibit 26.) On May 28, 2019, Judge Gordon-Oliver signed an Order to Show Cause for Judgment for Counsel Fees, threatening Plaintiff with contempt of court — punishable by fine or imprisonment — for failure to pay the balance of \$46,920. (Exhibit 27.) This contempt proceeding was initiated while Plaintiff bore 100% of the fees for an attorney who was actively suppressing evidence favorable to him, and whose law partner had been improperly installed as her predecessor.
61. In addition to the AFC fees, Plaintiff was directed to pay for court-ordered expert evaluations — including the forensic evaluation by Dr. Paul Hymowitz and the substance abuse evaluation by P. Raymond Griffin, CASAC #1636, whose credential was subsequently revoked. The same interim-allocation mechanism applied: costs were assessed against Plaintiff subject to reallocation at a trial that the fabricated default ensured would never occur.
62. This mechanism — interim fee allocations denominated “subject to reallocation at trial,” combined with procedural outcomes that prevent the reallocation hearing from occurring — converted provisional cost-shifting into a permanent financial weapon. Each dollar

Plaintiff was forced to pay under the unallocated interim orders is a direct and quantifiable injury caused by Defendants' deprivation of due process.

#### **VI-A. The Ongoing Support Weaponization**

62A. The financial weaponization extends beyond AFC fee allocations to the child support obligation itself. On February 3, 2026, Support Magistrate Bowman dismissed Plaintiff's petition to modify child support from \$4,788.00 per month despite a 67% decline in Plaintiff's income — from approximately \$350,000 at the time of the original order to \$115,184 (2025 W-2 income). The support obligation was never calculated using the mandatory methodology of the Child Support Standards Act, FCA § 413(1)(b)(3). At no point in these proceedings has Walsh submitted a Statement of Net Worth or any financial disclosure. The CSSA formula requires calculation based on both parents' combined income up to the statutory cap (\$193,000 as of March 2026), allocated pro rata. No such calculation was ever performed.

62B. Applying the CSSA formula with Walsh's income of approximately \$400,000 per year and Plaintiff's income of \$115,184, Plaintiff's pro rata share of the combined parental income up to the statutory cap (\$193,000 as of March 2026) would produce a basic obligation of approximately \$600 per month — less than one-eighth of the \$4,788 currently ordered. The difference between what Plaintiff has been required to pay and what the mandatory statutory formula would require represents years of overpayment attributable to Defendants' deprivation of due process. Walsh herself was aware that a proper CSSA calculation would produce a substantially lower figure. In a February 20, 2018 iMessage to Matan Gavish, Walsh wrote: "If I sue him for child support I will get like \$2k a month" (Bates WALSH\_004106, produced in discovery in *Russell v. Walsh*, No.

CGC-18-570137, S.F. Sup. Ct.) — a figure consistent with a CSSA calculation applying the income cap.

62C. The court-ordered garnishment currently exceeds the federal ceiling established by the Consumer Credit Protection Act, 15 U.S.C. § 1673(b), which limits wage garnishment for child support to 50% of disposable earnings. Plaintiff's employer has reverted to the federal statutory maximum, causing arrears to accrue automatically. Walsh has requested Plaintiff's incarceration for these arrears — arrears generated by the mechanical operation of a void support order set above the federal wage garnishment ceiling.

62D. Walsh is simultaneously a judgment debtor to Plaintiff. A California jury unanimously found Walsh liable for Intentional Battery, Domestic Violence, and Intentional Infliction of Emotional Distress, with findings of Malice, Oppression, and Fraud (Exhibit 4). The judgment of \$332,080.74 was affirmed on appeal and domesticated in New York (Index No. 55523/2023). Walsh's request for Plaintiff's incarceration — made by a judgment debtor who owes Plaintiff over \$332,000, on a support obligation that was never properly calculated, that exceeds the federal garnishment ceiling, and that produces arrears through no fault of Plaintiff — is the culmination of the financial weaponization mechanism described herein. This mechanism operates through and is enabled by the acts of the named Defendants: Schauer's refusal to enforce the California judgment or permit modification of the underlying custody order, Bowman's dismissal of the support modification petition without applying the mandatory CSSA formula, and the County's maintenance of an enforcement apparatus that mechanically generates arrears on a void order.

## **VII. The Retaliatory Speech Suppression**



63. On August 7, 2021, Plaintiff sent an email with the subject line “Whistleblower” to Eric P. Eckel, court administrator at the Westchester Family Court, via PGP-encrypted communication. (Exhibit 24.)
64. Sixty-eight days later, on October 14, 2021, Defendant Genovese filed the Order to Show Cause seeking to prohibit Plaintiff from posting blogs and displaying likenesses of the child, and directing Plaintiff to erase, deactivate, and delete all existing postings, blogs, and likenesses — with language extending to “any persons, entities and/or agents acting on [Plaintiff’s] behalf.”
65. Twenty-two days after the OSC was filed, on November 5, 2021, the default was entered.
66. The Appellate Division subsequently struck the blanket deletion provision as not narrowly tailored, deleting it and substituting a narrower restriction. (Exhibit 3.)
67. The temporal sequence — whistleblower communication, speech-restriction motion, default — supports an inference that the procurement of the blanket deletion order was retaliatory.

### **VIII. The Weaponization of Court Orders Against Criminal Investigations, Counsel, and Journalists**

68. Sergeant Caraway of the San Francisco Police Department Special Victims Unit was actively investigating the poisoning of Plaintiff. Caraway had received toxicology reports, interviewed witnesses, and was building a criminal case against Walsh. A member of the Walsh family hand-delivered a Westchester Family Court order to Caraway’s office — not through official channels, not through a court liaison, but carried personally by a party to the investigation the order was being used to shut down. Caraway subsequently communicated: “I never spoke to judge. I was provided court order by a party of this

investigation.” (Exhibit 28.) The criminal investigation was abandoned. The last institutional channel that might have examined the evidence — the criminal investigation in the jurisdiction where the crime occurred — was closed by the family the investigation targeted.

69. The Family Court orders used to neutralize the criminal investigation were themselves constitutionally infirm: entered without hearings, built on manufactured defaults from absences arranged by the Walsh family, and issued without adversarial process. Orders obtained through the deprivation of due process were then deployed outside the courthouse to obstruct a criminal investigation into the conduct of the party who obtained them.

70. On November 16, 2021, Walsh sent an email to journalist Michaelanne Petrella, who was building a documentary podcast from primary sources including toxicology reports, court filings, and deposition testimony. The email named Petrella’s sister, attached a restraining order, and stated: “You are putting yourself in harm’s way.” (Exhibit 29.) This communication occurred seventeen days before the gag order was formally entered on December 3, 2021 — meaning Walsh was deploying court orders as instruments of intimidation against journalists before the suppression order had even been reduced to writing.

71. Walsh circulated court orders — including temporary orders of protection, custody orders, and the speech-restriction order — to employers, friends, journalists, service providers, and other third parties in Plaintiff’s professional and personal orbit. Walsh falsely characterized these orders as the product of contested hearings. Walsh specifically told third parties that Plaintiff had been given “the restraining order reserved for the worst of

the worst, child molesters“ and that she had received “full custody“ — when in fact the orders had been entered on default, on manufactured absences, without adversarial process, and without any finding of the conduct Walsh described. The false characterizations converted constitutionally infirm orders into instruments of reputational destruction.

72. Defendant Walsh Sr. explicitly threatened to destroy the professional licenses of Plaintiff’s attorneys to prevent their continued representation. In a recorded voicemail in June 2019, Walsh Sr. stated: “If you’re desperate enough for fees to work this thing and it causes any kind of anguish to my family, I will be sure to go after your license.” (Exhibit 30.) The threat was not idle: Plaintiff retained six law firms during the proceedings; each was neutralized. The pattern was consistent across every domain: every order the system produced without hearing, without evidence, and without the other side present was carried out of the courthouse and deployed against anyone who might examine the truth — the detective investigating the poisoning, the attorneys representing Plaintiff, the journalist documenting the case, the court-appointed supervisor who confirmed that Walsh’s allegations were false. The weaponization of defective court orders to obstruct criminal investigations, destroy legal representation, intimidate journalists, and defame Plaintiff to third parties constitutes abuse of process and a further deprivation of Plaintiff’s rights under the First and Fourteenth Amendments.

### **CLAIMS FOR RELIEF**

#### **COUNT I — 42 U.S.C. § 1983: Conspiracy to Deprive Constitutional Rights**

##### ***Fourteenth Amendment Due Process — Against All Defendants***

73. Plaintiff incorporates by reference all preceding allegations.
74. Defendants, acting individually and in concert, conspired to deprive Plaintiff of his rights under the Fourteenth Amendment to the United States Constitution, including his fundamental right to the care, custody, and companionship of his child, and his right to procedural due process, by fabricating, suppressing, and maintaining a false evidentiary record through the mechanisms described herein.
75. The agreement between private and state actors is established by: (a) the coordinated placement of law partners as successive AFCs; (b) the embedding of a fraudulently credentialed evaluation as a gating condition; (c) the suppression of exculpatory evidence from five independent sources; (d) the coordinated deposition testimony of Walsh Sr. and Maura Walsh; (e) the procurement of a speech-restriction order subsequently found to contain a provision not narrowly tailored; (f) the intimidation and removal of a neutral court-appointed supervisor who documented that the foundational allegations were false; (g) the maintenance of one-sided police records despite recantation; (h) the conversion of interim fee allocations into permanent financial burdens by preventing the reallocation hearing through fabrication of the default; (i) the suppression of child abuse evidence within the custodial household and the prevention of mandatory hearings required by New York Family Court Act §§ 1034–1038; and (j) the deployment of constitutionally infirm court orders to obstruct a criminal investigation into Walsh’s poisoning of Plaintiff, to destroy Plaintiff’s legal representation through threats against attorneys’ licenses, to intimidate journalists investigating the case, and to defame Plaintiff to third parties through false characterizations of orders entered on default.

76. Private defendants Walsh, Walsh Sr., and Maura Walsh conspired with state actors to deprive Plaintiff of constitutional rights and are liable under § 1983 pursuant to *Dennis v. Sparks*, 449 U.S. 24 (1980).
77. Defendant Genovese engaged in non-advocacy conduct — including participation-denial misrepresentations, ex parte coordination through Court Attorney D'Ambrosio, and procurement of the blanket deletion order — that exceeded the scope of any quasi-judicial function and is actionable under *Tower v. Glover*, 467 U.S. 914 (1984).
78. Defendants Miller and Jackman engaged in a scheme to circumvent conflict-of-interest rules by placing a law partner as a replacement AFC, and Jackman embedded a fraudulently credentialed evaluation as a gating condition for parental access. Jackman further procured the 100% fee allocation against Plaintiff and sought his contempt for nonpayment, while simultaneously suppressing evidence favorable to him. This conduct was non-advocacy and is actionable under *Dennis v. Sparks*.

**COUNT II — 42 U.S.C. § 1983: First Amendment Retaliation**

***Against Defendants Genovese, Walsh, Walsh Sr., and Maura Walsh***

79. Plaintiff incorporates by reference all preceding allegations.
80. Plaintiff engaged in protected speech and petitioning activity, including the publication of a documentary blog and the whistleblower communication to court administrator Eckel on August 7, 2021.
81. Within sixty-eight days of the whistleblower communication, Defendant Genovese — acting in concert with Defendants Walsh, Walsh Sr., and Maura Walsh — filed the Order to

Show Cause seeking a blanket deletion of Plaintiff's speech, with language extending to "any persons, entities and/or agents acting on [Plaintiff's] behalf."

82. The Appellate Division subsequently struck the blanket deletion provision as not narrowly tailored. *Matter of Walsh v. Russell*, 214 A.D.3d 890 (2d Dep't 2023). The court found the original order "restrained speech beyond that which was harmful to the child" and constituted an unconstitutional prior restraint. The retaliatory procurement of the original blanket order, and the continuing threat of overenforcement of its surviving terms, constitute ongoing First Amendment injuries.
83. Plaintiff has compiled the documentary record of Defendants' conduct into a published book and blog — *ChappaquaPoison: A Documentary Blog* — which constitutes core protected speech under the First Amendment. The book documents, with primary source evidence, the fabrication, suppression, and constitutional violations that are the subject of this Complaint. The remaining speech-restriction provisions from the November 5, 2021 and February 2, 2022 orders — to the extent they purport to restrict Plaintiff's ability to document and publish the evidentiary record of Defendants' conduct — were procured without a contested hearing, on a manufactured default, through the non-advocacy conduct of AFC Genovese, and without the adversarial process that due process requires before any prior restraint on speech may be imposed. All speech-restriction orders entered in the underlying proceedings are void for lack of procedural due process.
84. Defendants Walsh, Walsh Sr., and Maura Walsh have continued to deploy the speech-restriction provisions as instruments of intimidation against Plaintiff, his witnesses, and journalists — including the November 16, 2021 threat to journalist Petrella attaching a

restraining order seventeen days before the gag order was formally entered. The chilling effect of these void orders on Plaintiff's protected speech is ongoing.

**COUNT III — \*Monell\* Municipal Liability: Fabrication of Evidence**

***42 U.S.C. § 1983 — Against Defendant Town of New Castle***

85. Plaintiff incorporates by reference all preceding allegations.

86. Defendant Town of New Castle, through its police department, maintained a policy or custom of: (a) accepting and documenting fabricated reports as legitimate police contacts without independent investigation; (b) failing to correct the investigative record when the complainant recanted; and (c) maintaining a one-sided investigative record that suppressed exculpatory admissions made at the scene.

87. This policy or custom resulted in the creation and maintenance of documentary artifacts — police reports, incident records, and investigative files — that reinforced fabricated allegations in subsequent custody and family court proceedings, in violation of Plaintiff's rights under the Fourteenth Amendment. *Ricciuti v. N.Y.C. Transit Authority*, 124 F.3d 123 (2d Cir. 1997).

88. The municipality is liable under *Monell* because the fabrication was the product of a municipal policy or custom, not an isolated act of an individual officer.

**COUNT IV — State Law: Battery, Assault, and Intentional Infliction of Emotional Distress**

***Against Defendant Tara Walsh***

89. Plaintiff incorporates by reference all preceding allegations.

90. Walsh's covert administration of Seroquel and other substances to Plaintiff without his knowledge or consent constituted battery under New York law. A San Francisco jury has already found Walsh liable for intentional battery, domestic violence, and intentional infliction of emotional distress arising from the same course of conduct, with findings of malice, oppression, and fraud. (Exhibit 17.)
91. Walsh's conduct caused Plaintiff to suffer physical injury (lithium toxicity), emotional distress, and economic damages.

#### **COUNT V — State Law: Abuse of Process**

##### ***Against All Defendants***

92. Plaintiff incorporates by reference all preceding allegations.
93. Defendants utilized legal process — including custody petitions, family offense petitions, orders to show cause, temporary orders of protection, police reports, and deposition subpoenas — to accomplish purposes for which such process was not designed: the fabrication and maintenance of a false record, the suppression of exculpatory evidence, the destruction of Plaintiff's legal representation, the retaliatory suppression of Plaintiff's speech, the weaponization of interim fee allocations through the prevention of reallocation hearings, the suppression of evidence of child abuse within the custodial household to prevent mandatory investigation and hearings, the obstruction of a criminal investigation through the hand-delivery of constitutionally infirm court orders to an investigating detective, the intimidation of a journalist through the deployment of court orders accompanied by threats naming her family members, and the defamation of



Plaintiff through the false characterization to third parties of orders entered on default as the product of contested hearings.

### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully requests that this Court enter judgment against Defendants, jointly and severally, as follows:

A. Compensatory damages against all Defendants, jointly and severally, in an amount to be determined at trial, for the injuries sustained by Plaintiff as a result of Defendants' fabrication, ratification, and retaliatory suppression of the evidentiary record, including but not limited to:

(i) loss of parental access and companionship with his child;

(ii) Attorney for the Child fees assessed 100% against Plaintiff under interim court orders that were denominated "subject to reallocation at trial" but were never rebalanced because the fabricated default prevented trial from occurring, including but not limited to the \$46,920 balance billed by Defendant Jackman through April 30, 2019 and all subsequent AFC billings;

(iii) court-ordered expert evaluation fees — including the forensic evaluation by Dr. Paul Hymowitz and the substance abuse evaluation by P. Raymond Griffin, CASAC #1636 (credential subsequently revoked) — assessed against Plaintiff under the same interim-allocation mechanism;

(iv) legal costs incurred by Plaintiff across six law firms in defending against the fabricated record and correcting the constitutional violations;

(v) emotional distress; and

(vi) reputational harm;

(vii) child support overpayment — the difference between what Plaintiff has paid under a support obligation that was never calculated using mandatory CSSA methodology and the amount that would have been required under a proper calculation using both parents' actual incomes, from the inception of the support order to the present; and

(viii) ongoing economic harm from wage garnishment exceeding the federal ceiling under 15 U.S.C. § 1673(b), including mechanically accruing arrears used to threaten Plaintiff's incarceration.

B. Punitive damages against each individual Defendant in an amount sufficient to punish and deter the conduct described herein, upon proof that each Defendant's actions were motivated by evil motive or intent, or involved reckless or callous indifference to Plaintiff's federally protected rights.

C. A declaratory judgment that the conduct of Defendants, individually and in concert, constituted the fabrication and maintenance of a false evidentiary record in violation of Plaintiff's rights under the Fourteenth Amendment to the United States Constitution.

D. A declaratory judgment that the interim fee allocations — including the November 29, 2018 order directing Plaintiff to pay 100% of Attorney for the Child fees "subject to reallocation at trial" — were converted into permanent, unallocated financial burdens as a direct consequence of Defendants' deprivation of Plaintiff's right to due process, and that such allocations should be borne by Defendant Tara Walsh pending the reallocation hearing that Defendants' conduct prevented.

E. A declaratory judgment that Defendant Tara Katelyn Walsh has been adjudicated liable for intentional battery, domestic violence, and intentional infliction of emotional distress by a jury of the Superior Court of California, County of San Francisco, with express findings of

malice, oppression, and fraud; that said adjudication has preclusive effect; that Walsh is an adjudicated domestic abuser within the meaning of N.Y. Domestic Relations Law § 240(1)(a); and that the suppression of this adjudication from the custody record by Defendants constitutes a deprivation of Plaintiff's right to due process under the Fourteenth Amendment.

F. A declaratory judgment that Plaintiff was denied a hearing and was deprived of procedural due process in the underlying custody proceedings — in that the proceeding was declared a default and concluded without trial despite the participation of Plaintiff's counsel, that Plaintiff was denied the opportunity to present evidence, cross-examine witnesses, and be heard on the merits, and that the fabricated default prevented the reallocation hearing, the credential challenge, and the evidentiary corrections that due process required.

G. A declaratory judgment that the rights of Plaintiff under the First and Fourteenth Amendments to the United States Constitution were violated by the conduct of Defendants as described herein, including the fabrication and maintenance of a false evidentiary record, the retaliatory suppression of protected speech, the conversion of interim fee allocations into permanent financial burdens, and the systematic destruction of Plaintiff's access to legal representation.

H. A declaratory judgment that the procurement of the speech-restriction order was retaliatory in violation of Plaintiff's rights under the First Amendment to the United States Constitution.

I. A declaratory judgment that evidence of child abuse within the custodial household of Defendant Tara Walsh — including the covert administration of psychotropic medication in the presence of the child, the fabrication of medical symptoms in the child by Defendant Maura Walsh, and the child abuse coverup discovered by petitioner's own attorney Gerald Guttridge

prompting his recusal — was deliberately suppressed by Defendants and withheld from the mandatory investigation and fact-finding hearings required by New York Family Court Act §§ 1034–1038 and Social Services Law § 412; that this suppression constitutes a deprivation of Plaintiff’s right to due process; and that Defendant Tara Walsh’s documented history of domestic abuse disqualifies her as a fit custodial parent under the mandatory factors of N.Y. Domestic Relations Law § 240(1)(a).

J. Nominal damages of one dollar for each constitutional violation established at trial, to the extent compensatory damages are not awarded, pursuant to *Uzuegbunam v. Preczewski*, 141 S. Ct. 792 (2021).

K. Prejudgment interest on all compensatory damages from the date each injury accrued through the date of judgment.

L. Post-judgment interest as provided by 28 U.S.C. § 1961.

M. An order protecting Plaintiff, his witnesses, and his attorneys from further retaliation, intimidation, or interference by Defendants, including but not limited to contact with witnesses identified in this Complaint or its exhibits, threats against the professional licenses of Plaintiff’s counsel, and any action taken in retaliation for the filing of this action or the publication of the documentary blog.

N. A declaratory judgment that Defendants deployed constitutionally infirm Family Court orders — obtained without hearings, on manufactured defaults, and without adversarial process — to obstruct a criminal investigation by the San Francisco Police Department into Walsh’s poisoning of Plaintiff, to destroy Plaintiff’s access to legal representation through threats against the professional licenses of his attorneys, to intimidate a journalist investigating the case by naming her family members and attaching court orders with the warning “You are

putting yourself in harm's way," and to defame Plaintiff to employers, friends, and third parties through the false characterization of orders entered on default as the product of contested hearings — including Walsh's specific false claim that Plaintiff received "the restraining order reserved for the worst of the worst, child molesters" and that she received "full custody" — and that such conduct constitutes abuse of process and a further deprivation of Plaintiff's rights under the First and Fourteenth Amendments.

O. A declaratory judgment that Plaintiff's documentary blog and published book — *ChappaquaPoison: A Documentary Blog* — constitute protected speech and petitioning activity under the First Amendment to the United States Constitution; that the Appellate Division has already found the blanket deletion provision of the speech-restriction order unconstitutional as an impermissible prior restraint; and that the documentary record of Defendants' conduct contained in the blog and book is explicitly protected.

P. A declaratory judgment that all speech-restriction provisions entered in the underlying custody proceedings — including the December 3, 2021 order and the February 2, 2022 order — were procured without a contested hearing, on a manufactured default, through the non-advocacy conduct of AFC Genovese acting in concert with Defendants Walsh, Walsh Sr., and Maura Walsh, and without the adversarial process that due process requires before any prior restraint on speech may be imposed; and that all such speech-restriction provisions are void for lack of procedural due process under the Fourteenth Amendment.

Q. An order permanently enjoining Defendants, and all persons acting in concert with them, from seeking, procuring, or enforcing any further speech-restriction or gag orders targeting Plaintiff's documentary blog, published book, or other protected speech concerning the conduct

of Defendants as described in this Complaint, or from deploying any existing or future court orders as instruments of intimidation against Plaintiff, his witnesses, journalists, or attorneys.

R. Costs of suit pursuant to 28 U.S.C. § 1920.

S. Such other and further relief as this Court deems just, proper, and equitable.

### **DEMAND FOR JURY TRIAL**

Plaintiff demands a trial by jury on all issues so triable pursuant to the Seventh Amendment to the United States Constitution and Rule 38 of the Federal Rules of Civil Procedure.

### **EXHIBIT LIST**

<b>Exhibit</b>	<b>Description</b>
1	ExR_02 — Family Court order dated December 3, 2021, face page reading "ORDER ON DEFAULT"
2	Inquest Transcript — January 5, 2022, 99 pages
3	ExR_04 — *Matter of Walsh v. Russell*, 214 A.D.3d 890 (2d Dep't 2023)
4	ExSS_08 — AFC Jackman emails making Griffin evaluation gating condition
5	ExS_01-03 — OASAS revocation of Griffin CASAC #1636 (Aug 19, 2019)
6	ExQQ_01b-d — Walsh Sr. deposition excerpts (April 26, 2021)
7	ExOO_31/50 — Walsh Sr. recorded voicemails threatening attorneys
8	ExOO_32 — Sheriff's Certificate of Non-Service (Walsh Sr. evasion)
9	ExQQ_08 Ex D — LaMelle declaration: Walsh allegations false
10	ExSS_09 — LaMelle intimidation at Walsh compound
11	ExQQ_08 Ex E — Brendan Walsh statement: "did not attack"
12	ExTR_07/ExOO_49 — Tedla eyewitness testimony re drugging
13	ExTR_19a — Walsh sworn admission: "covertly

	putting a medication in his wine"
14	ExPP_04 — Walsh statement to Dr. Gopal: "I put Seroquel in his wine"
15	ExI_02 — LabCorp toxicology: lithium detected
16	ExOO_39 — Lethal Seroquel dose search history
17	ExG_01–06 — San Francisco jury verdict (\$325K; malice, oppression, fraud) + CA appeal affirmance
18	ExX_01 — Guttridge letter calling bruise reports "utterly untrue" (April 10, 2019)
19	ExRR_07 — Guttridge recusal from the case
20	ExM_01 — Walsh recantation letter
21	ExSS_07 — Walsh WhatsApp: "all in my head I made up the whole thing"
22	ExOO_53 — Walsh letter to Chappaqua PD: "never made a threat to kill" (Nov 23, 2020)
23	ExOO_38 — Walsh 911 call and Walsh Sr. on-scene admission (March 23, 2019)
24	ExOO_13 — Whistleblower email to Eckel (Aug 7, 2021)
25	Order (on motion for private pay) (On Consent), dated Nov 29, 2018 (Gordon-Oliver J.) — 100%/0% AFC fee allocation "subject to reallocation at trial"
26	Miller Zeiderman & Wiederkehr LLP invoices, Dec 1, 2018 – Apr 30, 2019 (111.8 hours, \$46,920)
27	Order to Show Cause for Judgment for Counsel Fees, dated May 28, 2019 (Gordon-Oliver J.) — contempt threat for nonpayment
28	Sgt. Caraway communication re hand-delivery of Family Court order and closure of SFPD criminal investigation
29	Walsh email to journalist Michaelanne Petrella, Nov 16, 2021, naming Petrella's sister, attaching restraining order, stating "You are putting yourself in harm's way"
30	Walsh Sr. recorded voicemail threatening attorney license: "I will be sure to go after your license" (June 2019)

Dated: \_\_\_\_\_, 2026

Santa Barbara, California

\_\_\_\_\_

STEPHEN GRANT RUSSELL *Plaintiff, Pro Se* 1117 State Street, STE 77 Santa

Barbara, CA 93101 (415) 999-3944 sg.russ@aol.com