SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

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STEPHEN GRANT RUSSELL,
Plaintiff,

-against-

Petitioner,
For a Judgment Pursuant to Article 78 of the Civil Practice Law and Rules,
HON. MICHELLE I. SCHAUER, Judge of the Family Court, Westchester County;
MICHELE REED BOWMAN, Support Magistrate, Westchester County Family Court;
WESTCHESTER COUNTY FAMILY COURT; and
TARA KATELYN WALSH,
Respondents.
Index No.: _____
Filed Pursuant to CPLR §§ 7801–7806, 7803(2), 7803(3); U.S. Const. Amends. I & XIV; 42 U.S.C. § 1983

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: **JURY TRIAL DEMANDED**
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Case	Citation	Issue
Coleman v. Coleman	61 A.D.2d 757 (1st Dep't 1978)	Reversal for improper ex parte communications
D&L Holdings, LLC v. RCG Goldman Co.	287 A.D.2d 65 (1st Dep't 2001)	Judicial estoppel — contradictory positions across proceedings
Glassman v. ProHealth Ambulatory Surgery Ctr.	96 A.D.3d 799 (2d Dep't 2012)	Jurisdictional excess — expanding scope beyond appellate remand
Matter of Abigail Y. v. Jerry Z.	200 A.D.3d 1512 (3d Dep't 2021)	Pro se filings — liberal construction required
Matter of Amos-Richburg v. Richburg	94 A.D.3d 1112 (2d Dep't 2012)	Support magistrate exceeded scope of petition — sua sponte termination of obligations not before the court
Matter of Bast v. Rossoff	91 N.Y.2d 723 (1998)	CSSA methodology mandatory — magistrates cannot deviate
Matter of Brescia v. Fitts	56 N.Y.2d 132 (1982)	Changed circumstances standard — modification mandatory

Matter of Hezi v. Hezi	141 A.D.3d 587 (2d Dep't 2016)	Asymmetric treatment — crediting unverified financial claims
Matter of Holtzman v. Goldman	71 N.Y.2d 564 (1988)	Prohibition — "without or in excess of jurisdiction" standard
Matter of Merritt v. Merritt	160 A.D.3d 870 (2d Dep't 2018)	Failure to recognize substantial change in circumstances
Matter of Pell v. Board of Education	34 N.Y.2d 222 (1974)	Arbitrary and capricious — must have rational basis in fact
Matter of Pirro v. Angiolillo	89 N.Y.2d 351 (1996)	Prohibition granted — judge exceeded statutory authority
Matter of Rush v. Mordue	68 N.Y.2d 348 (1986)	Prohibition — "clear legal right" threshold
Matter of Walsh v. Russell	214 A.D.3d 890 (2d Dep't 2023)	Binding appellate determination — order not on default
Matter of Wissink v. Wissink	301 A.D.2d 36 (2d Dep't 2002)	DRL § 240 failure to consider DV = reversible error
Nieves v. Bartlett	587 U.S. 391 (2019)	First Amendment retaliation framework
People v. Evans	94 N.Y.2d 499 (2000)	Mandate rule distinguished from law of the case — appellate mandates are binding, not discretionary

Authority	Description
CPLR §§ 7801–7806	Article 78 — Proceeding Against Body or Officer
CPLR § 7803(2)	Prohibition — excess of jurisdiction
CPLR § 7803(3)	Certiorari — arbitrary and capricious
CPLR § 217(1)	Four-month statute of limitations
CPLR § 308	Personal service upon natural person
CPLR § 506(b)	Venue — proceedings against body or officer
CPLR § 2106	Affirmation of truth of statement
CPLR § 5015(a)(3), (a)(4)	Vacatur grounds — fraud, lack of jurisdiction
CPLR § 5511	Standing to appeal
DRL § 240(1)(a)	Mandatory domestic violence inquiry in custody

DRL § 240(1-b)(b)(5)(iv)	Imputation of income — Child Support Standards Act
FCA § 439(e)	Objections to support magistrate orders
FCA § 413(1)(b)(3)	CSSA combined parental income cap
FCA § 451(3)	Support modification — 15% income change threshold
FCA § 455	Matters excluded from magistrate authority
15 U.S.C. § 1673(b)	Consumer Credit Protection Act — federal wage garnishment ceiling
NY Executive Law § 108	Address Confidentiality Program
NY Penal Law §§ 175.20, 175.25	Tampering with public records
22 NYCRR § 100.3(B)(6)	Prohibition on ex parte communications
22 NYCRR § 100.3(E)(1)	Judicial disqualification — impartiality
U.S. Const. Amend. I	Freedom of speech — whistleblower protection
U.S. Const. Amend. XIV	Due process and equal protection
42 U.S.C. § 1983	Civil rights under color of state law

This is a combined proceeding under CPLR Article 78 seeking:

(a) **Prohibition** (CPLR § 7803(2)) against Respondent Schauer, who has proceeded and is proceeding without and in excess of jurisdiction by: converting a ministerial compliance motion into a contested custody hearing through unauthorized procedural modifications; imposing service conditions that are legally and practically impossible; refusing to respond to clarification requests; failing for three years to reconcile the court's irreconcilable procedural record with the Appellate Division's published finding; authorizing or permitting the unauthorized reclassification of judicial records; conducting ex parte communications regarding the case; and failing to conduct the mandatory domestic violence inquiry under DRL § 240(1)(a) despite knowledge of a California jury verdict finding the custodial parent liable for Intentional Battery, Domestic Violence, and Intentional Infliction of

Emotional Distress with findings of Malice, Oppression, or Fraud; and

(b) **Certiorari** (CPLR § 7803(3)) to review and annul determinations of Respondent Bowman, issued on February 3, 2026 and March 12, 2026, that are arbitrary and capricious, contrary to the record, affected by errors of law, made in excess of jurisdiction, and made in violation of lawful procedure.

Both proceedings arise from the same predicate: a custody order whose procedural characterization is irreconcilably contradicted by the court's own signed instrument, the parties' own representations, the Appellate Division's published finding, and a retroactive CMS reclassification that no judicial order authorized — and which two judicial officers, informed of the contradiction, have declined to correct.

2. Respondent HON. MICHELLE I. SCHAUER is a Judge of the Family Court, Westchester County, who has presided over the custody proceeding since May 2021 and whose acts are challenged herein as in excess of jurisdiction.

3. Respondent MICHELE REED BOWMAN is a Support Magistrate of the Westchester County Family Court who issued the challenged support determinations on February 3, 2026 and March 12, 2026.

4. Respondent WESTCHESTER COUNTY FAMILY COURT is the court in which the challenged proceedings occurred.

5. Respondent TARA KATELYN WALSH is the Petitioner in the underlying custody and support proceedings and has a direct interest in their outcome. A California jury unanimously found Walsh liable for Intentional Battery, Domestic Violence, and Intentional Infliction of Emotional Distress, with findings of Malice, Oppression, or Fraud (ExG_01). The judgment of $332,080.74 was affirmed on appeal and domesticated in New York (Index No. 55523/2023).

6. This Court has jurisdiction pursuant to CPLR § 7804(b). Venue is proper in Westchester County pursuant to CPLR § 506(b) because the Respondent body and officers are located in Westchester County.

7. This proceeding is timely. Respondent Schauer's

challenged acts include modifications to an Order to Show Cause dated March 10, 2026. Respondent Bowman's challenged orders were mailed on March 19, 2026. This petition is filed within the four-month statute of limitations under CPLR § 217(1).

8. On June 4, 2018, Petitioner filed a Parentage Petition in the Superior Court of California (FPT-18-377425). Automatic Temporary Restraining Orders prohibited removal of the parties' minor child, Evelyn Grace Walsh (DOB: January 27, 2018), from California.

9. Respondent Walsh made three attempts to remove the child. First, she abandoned the child and left California alone. Second, she attempted to take the child and was stopped by a California court order. Third — after two failures — she and her family coordinated a deceptive plan. Her father emailed Petitioner: "Works for us — I appreciate your flexibility Steve" (ExA_01). Walsh provided a round-trip ticket showing return within eleven days. On June 9, 2018, she departed with the child. She never returned. Her father later testified under oath that he was "less than 100 percent genuine" (ExQQ_01c). At trial, Walsh admitted: "I lied . . . I had no intention to come back to California" (ExTR_19e).

10. Two days before filing in New York, California law enforcement issued an Emergency Protective Order identifying Walsh — not Russell — as the restrained party, and Russell as the protected person (ExEPO_01). The EPO application stated: "Over the course of a year and a half, Russell was being poisoned by Walsh via Seroquel in his drinks."

11. On July 12, 2018 — thirty-three days after the child's arrival in New York — Walsh filed custody and family offense petitions in Westchester County Family Court invoking emergency jurisdiction under DRL § 76-a, based on an allegation that Russell had threatened to kill her and the child with a gun (ExOO_41).

12. The gun allegation was fabricated. Before filing, Walsh wrote to a friend: "I seriously dont 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" (ExSS_07, May 17, 2018). On November 23, 2020, Walsh submitted a signed letter to the Chappaqua Police Department: "Mr. Stephen Russell never made

a threat to kill myself or our daughter Evelyn . . . statements to the contrary were not true" (ExM_01).

13. On February 22, 2022, a San Francisco jury unanimously found Walsh liable for Intentional Battery, Domestic Violence, and Intentional Infliction of Emotional Distress, with findings of Malice, Oppression, or Fraud (ExG_01). The jury evaluated:

(a) Walsh's sworn admission: "On at least two occasions you gave Mr. Russell the drug Seroquel, correct?" "Yes." "Was he aware?" "No, he was not." (ExTR_19a.)

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

(c) Independent LabCorp toxicology detecting Lithium in Russell's system at approximately six times the upper reference limit (ExI_02).

(d) Eyewitness testimony from the parties' nanny, who witnessed Walsh placing substances in Russell's drinks (ExOO_49).

(e) Walsh's internet search: "How Much Is a Lethal Dose of Seroquel?" (ExOO_45.)

(f) Walsh's own sister acknowledged: "it did happen without his consent" (ExW_01).

14. The jury found the entire pattern was executed with Malice, Oppression, or Fraud. The judgment of $332,080.74 was affirmed on appeal (ExG_05) and domesticated in New York (Index No. 55523/2023, Westchester County).

15. Before Respondent Schauer took the bench, three judges presided over this matter:

(a) **Judge Gordon-Oliver** accepted emergency jurisdiction based on the fabricated gun allegation, conducted a UCCJEA communication with a California judge that was never recorded in violation of DRL § 75-g (ExTR_08), entered an order conditioning Russell's access to his child on the surrender of his criminal rights against his adjudicated abuser (ExL_01), and failed to act when Walsh defaulted on a protective order proceeding. She recused.

(b) **Judge Horowitz** entered the initial default finding — the same default the Appellate Division later held could not have occurred. He recused.

(c) **Judge Humphrey** was assigned the motion to vacate. Walsh and her counsel failed to appear for

two scheduled hearings. Rather than grant the motion on their default, Judge Humphrey recused (ExTR_05a).

16. Respondent Schauer inherited all of it — and refused to address any of it.

17. At the August 27, 2021 hearing, Petitioner raised the institutional misconduct directly on the record, stating: "Whistleblower status in this case is cooperating with the county, state, and federal authorities. It includes testimony that began with Gordon-Oliver's appointment of two individuals. Probably the — the core of the investigation is around Raymond Griffin, who has turned out to be a fake doctor, who harmed a lot of people over 30 years. He has fled the state. He has been delicensed." (ExTR_01.)

17A. Respondent Schauer's response was dismissive. She acknowledged Griffin's status — "I'm aware of Dr. Griffin. He's no longer on the list. We can no longer assign him" — but treated the systemic corruption as irrelevant: "I don't understand how this relates to this litigation." (ExTR_01.) Griffin's sole credential (CASAC) had been surrendered to OASAS in August 2019 for gross negligence, inaccurate documentation, falsified documentation, and exploitation of patients across multiple families (ExS_03). Despite this acknowledgment, Schauer never struck Griffin's evaluation from the record. Compliance with Griffin's recommendations remained a gating condition for Russell's unsupervised visitation (ExSS_08). The evaluation itself was shielded by a protective order preventing Russell from even reading it. Schauer inherited three recusals, a discredited evaluator, Walsh's pattern of defaults, fabricated allegations, and an adjudicated poisoner as the custodial parent — and declined to examine any of it.

17B. While Russell's default-related and protective order applications against Walsh remained unresolved, Respondent Schauer permitted the Attorney for the Child, Donna M. Genovese, to initiate a separate Order to Show Cause on October 14, 2021, seeking to restrain Russell from "posting, uploading blogs and displaying the likeness" of the child and to require that "existing postings, blogs and likenesses be erased, deactivated and deleted"

(ExGagOrder). The OSC was filed in direct response to Petitioner's documentary blog, ChappaquaPoison.com, which documented the court's institutional failures — including the Griffin fraud, the fabricated gun allegation, and the jurisdictional defects.

17C. Walsh had defaulted twice on Petitioner's applications before Judge Humphrey. Petitioner's counsel documented this contemporaneously: "My application against Ms. Walsh was heard twice already by Judge Humphrey. Ms. Walsh defaulted twice. The matter awaits ruling and has been 'prosecuted.'" (ExOO_06, July 29, 2021.) Rather than rule on Walsh's defaults, Humphrey recused. Rather than address the unresolved Walsh defaults she inherited, Schauer permitted Genovese's OSC to proceed — redirecting the court's attention from Walsh's non-compliance to Russell's speech.

17D. On November 5, 2021, the OSC was heard. Russell, who was outside the United States, did not appear. His counsel, Max DiFabio, Esq., was present on behalf of Russell's mother, Linda Russell. Petitioner Walsh, her counsel Christopher Weddle, AFC Genovese, and Linda Russell's counsel all appeared. Schauer entered an Order on Default against Russell — the speech restriction — and a companion Order on Consent against Linda Russell, Russell's mother, imposing identical restrictions on a non-party grandmother whose own counsel was in the courtroom (ExR_02).

17E. The asymmetry is the point. Walsh defaulted twice on Russell's applications — no consequence. Russell's counsel was present but Russell himself was not — permanent speech restriction, extended to his mother. The proceeding that should have addressed Walsh's defaults was instead used to silence the party documenting the court's failures. The Appellate Division later modified the speech restriction by narrowing the blanket deletion provision, and otherwise affirmed the order insofar as appealed from (ExR_04). But the default on Russell's own applications against Walsh was never addressed. Schauer granted Walsh relief on Russell's absence while denying Russell relief on Walsh's absences.

18. On January 5, 2022, Respondent Schauer conducted an inquest proceeding. Russell was outside

the United States. His retained counsel appeared in person and requested electronic participation: "my client is available by telephone or electronically; is there any way to —" Schauer responded: "No." (Inquest Tr. 15–16.) Schauer denied electronic appearance during documented COVID-era global flight cancellations, providing no protective measures for the party that a California EPO had identified as a domestic violence victim — and demanding in-person appearance of the protected party while offering no protection.

19. Before any witness was sworn, Schauer stated: "He's not been the most credible person." (Inquest Tr. 4.) She further stated: "alternatively, if he were here, I could throw him in jail and let him sit in a jail cell." (Inquest Tr. 12.)

20. Walsh was the sole witness. No documentary exhibits were admitted (Inquest Tr. 2). The proceeding was conducted in a default/inquest posture: "On Mr. Russell's default on inquest, this Court finds . . ." (Inquest Tr. 94.) Schauer directed counsel not to provide Russell with a copy of the transcript (Inquest Tr. 95–96). The Appellate Division later modified the speech restriction by narrowing it, while affirming the order insofar as appealed from.

21. On February 2, 2022, Schauer entered an Order of Custody granting Walsh full legal and physical custody, a five-year Order of Protection against Russell, and a speech restriction order. The speech restriction was initiated by the Attorney for the Child, Donna M. Genovese, Esq., via an Order to Show Cause that extended to "any persons, agents, or entities acting on [Russell's] behalf" — language designed to reach independent journalists covering the case (ExGagOrder).

22. On March 22, 2023, the Appellate Division, Second Department, held: "Initially, contrary to the contention of the mother and the attorney for the child, the order appealed from was not entered upon the father's default, inasmuch as his attorney appeared on his behalf at the January 5, 2022, hearing." *Matter of Walsh v. Russell*, 214 A.D.3d 890, 891 (2d Dep't 2023) (ExR_04).

(a) The Court did not vacate the February 2, 2022 order in full. Rather, it modified the order by deleting

the blanket directive requiring the father to erase, deactivate, and delete "any existing blogs and likenesses," substituted a narrower directive limited to existing blogs referencing the proceedings or disparaging the child's relatives, and likenesses of the child posted in connection with such blogs, and, as so modified, affirmed the order insofar as appealed from.

(b) The published decision is nevertheless material in two respects. First, it rejects the position advanced by both Walsh and the Attorney for the Child that the February 2, 2022 order was entered on default and therefore unappealable under CPLR § 5511. Second, it establishes that any later characterization of the February 2, 2022 order must reckon with the fact that counsel appeared and participated at the January 5, 2022 hearing.

(c) The operative procedural history is therefore mixed, not unitary: the December 3, 2021 ORDER ON DEFAULT arose from the November 5, 2021 return date of the Attorney for the Child's Order to Show Cause; the February 2, 2022 order followed the January 5, 2022 inquest at which Petitioner's counsel appeared and participated; and the Appellate Division later modified the latter order while rejecting the mother's and the Attorney for the Child's contention that it was entered upon default.

23. Critically, both adversaries had argued "on default" before the Appellate Division. Walsh's appellate counsel, Christopher Weddle, Esq., argued the appeal should be dismissed under CPLR § 5511 because "the trial court's order was issued on default" (ExWeddle). The Attorney for the Child characterized the order as "granted upon Appellant's default" (ExGenovese). The Appellate Division rejected both positions and reached the merits. Walsh is judicially estopped from claiming a valid hearing occurred — her own appellate counsel argued that no hearing occurred.

24. Christopher Weddle, Esq. — the same attorney who represented Walsh before the Appellate Division and argued that the custody order was entered on Russell's default — has since been appointed as a Support Magistrate at the Westchester County Family Court. Walsh's own appellate counsel now sits as a judicial officer in the same courthouse that is

enforcing orders against Russell. This appointment compounds the structural conflict: the court that declines to correct its records now includes, among its judicial officers, the attorney who argued most aggressively that those records reflected a default.

25. The Appellate Division's "not on default" finding, combined with the court's own records, produces a four-way characterization contradiction that has never been resolved:

(a) The signed instrument — the December 3, 2021 order — is titled "ORDER ON DEFAULT" on its face.

(b) Walsh's appellate counsel argued "on default" (ExWeddle). The Attorney for the Child argued "on default" (ExGenovese).

(c) The Appellate Division held "not on default" because counsel appeared at the January 5, 2022 hearing.

(d) The court management system now classifies the proceeding as "after hearing" — a characterization no party has ever advanced and no judicial order has authorized.

No two of these characterizations are consistent. Respondent Schauer took no action to reconcile the Appellate Division's finding with the procedural record for nearly three years — from March 22, 2023 until forced by Petitioner's Motion to Vacate filed February 14, 2026. Continued enforcement of custody and protection orders whose procedural basis the court itself cannot coherently describe is an act in excess of jurisdiction.

26. During those three years, Walsh's adjudicated domestic violence remained unconsidered. The San Francisco jury verdict — finding the custodial parent liable for Intentional Battery, Domestic Violence, and Intentional Infliction of Emotional Distress, with findings of Malice, Oppression, or Fraud — was returned on February 22, 2022, affirmed on appeal on September 15, 2023 (ExG_05), and domesticated in Westchester County (Index No. 55523/2023). Respondent Schauer was informed of the verdict. No DRL § 240(1)(a) domestic violence inquiry was ever conducted. A jury in a court of competent jurisdiction found that the custodial parent had poisoned the non-custodial parent — and the court that held custody jurisdiction did nothing with that finding. The

mandatory inquiry was never conducted because the irreconcilable procedural record was never resolved, and no new proceeding was initiated that would have triggered the inquiry. The verdict was not disputed, not distinguished, and not examined. It was ignored.

27. The court's own signed instrument — the Order dated December 3, 2021 — is titled "ORDER ON DEFAULT." Respondent Schauer stated three times on the January 5, 2022 record that the order was entered "on default" (Inquest Tr. 88, 92, 94).

28. The court management system (CMS) now classifies the same proceeding as "after hearing." No amending judicial order has been served on any party authorizing this reclassification. The reclassification contradicts both the signed instrument and the Appellate Division's finding that the order was "not entered upon the father's default." This reclassification occurred under Respondent Schauer's authority as the presiding judge in File No. 154703 and constitutes an alteration of judicial records without judicial authorization — an act that exceeds the court's jurisdiction (ExSS_03).

29. In late December 2025, Petitioner filed a pro se modification petition in the custody case. Within approximately ten days, Respondent Schauer sent the petition to Donna M. Genovese, Esq. — the former Attorney for the Child who had initiated the unconstitutional speech restriction — through the court portal, without notice to Petitioner. The communication was routed through Court Attorney Michele D'Ambrosio, Esq. (mdambros@nycourts.gov).

30. On January 9, 2026, Genovese responded directly to Respondent Schauer via D'Ambrosio, declining reappointment because she was joining the Unified Court System at Bronx Supreme Court. No copy was served on Petitioner.

31. This exchange establishes that upon receiving Petitioner's new filing, Respondent Schauer's first act was to reach for the attorney who had initiated the unconstitutional speech restriction — through an ex parte channel that bypassed the adversarial process. Petitioner was not notified of the communication through official channels and only learned of it through independent investigation. This pattern of ex parte coordination through court personnel is itself an

act in excess of jurisdiction.

31A. Three Westchester Family Court judges — Gordon-Oliver, Horowitz, and Humphrey — recused themselves from this matter before Respondent Schauer took the bench. Three judicial officers, each confronted with some portion of the underlying facts, determined that they could not or should not continue. The frequency of recusal is itself evidence that the proceeding presents conflicts that the court has recognized but not resolved. Respondent Schauer inherited those same conflicts and has not recused.

31B. Petitioner is a whistleblower against the Westchester County court system. On August 7, 2021, Petitioner sent a PGP-encrypted email with the subject line "Whistleblower" to court administrator Eric P. Eckel at the New York State Courts (nycourts.gov), documenting judicial misconduct, the discredited forensic evaluator, and the procedural irregularities in the custody proceeding. No institutional response was ever received. Approximately ninety days later, the January 5, 2022 inquest was conducted — the same proceeding that produced the default orders, the speech restriction, and the five-year order of protection. The court's response to Petitioner's whistleblower communication was not corrective action but accelerated adverse proceedings.

31B-1. In February 2026, Petitioner submitted a comprehensive whistleblower complaint to seven federal and state agencies, including the SDNY Civil Rights Unit, the FBI Public Corruption Squad, the New York Attorney General's Public Integrity Bureau, the Commission on Judicial Conduct, the Attorney Grievance Committee (9th Judicial District), the New York Office of the Professions (NYSED), and the New York Inspector General. The complaint documented the institutional misconduct described herein and requested formal investigation, preservation of records, and inter-agency coordination. Petitioner has also filed complaints with the Westchester County District Attorney, the OCA Inspector General, and multiple state legislators whose districts encompass Westchester County.

31C. Petitioner operates ChappaquaPoison.com, a documentary blog built on authenticated evidence documenting the conduct of Westchester Family

Court. The speech restriction order initiated by AFC Genovese — later modified by the Appellate Division by narrowing the blanket deletion provision — was directed specifically at this documentary work, extending to "any persons, agents, or entities acting on [Russell's] behalf." Petitioner's status as a public critic of the Westchester court system is relevant to the pattern of adverse judicial conduct described herein.

31D. The structural conflict extends further. As described in ¶ 24A, Walsh's appellate counsel Christopher Weddle has been appointed as a Support Magistrate at Westchester Family Court — a judicial officer in the same courthouse that is enforcing orders against Petitioner. The Attorney for the Child, Donna Genovese — who initiated the unconstitutional speech restriction — has joined the Unified Court System as a Court Attorney Referee at Bronx Supreme Court. The court personnel who acted most aggressively against Petitioner have been absorbed into the judicial system, while Petitioner remains subject to orders whose procedural basis is irreconcilably contradicted by the court's own records, the parties' own representations, and the Appellate Division's published finding.

31E. Over the course of this litigation, Petitioner has been represented by at least six law firms, all of which withdrew under circumstances suggesting external pressure. Walsh's father, Stephen Walsh Sr., left a recorded voicemail threatening Petitioner's attorney with license revocation. Walsh Sr. evaded service of a deposition subpoena on three separate occasions. No attorney has been able to sustain representation of Petitioner in this proceeding. Petitioner now proceeds pro se — not by choice, but because the structural conditions of this litigation have made retained counsel unsustainable.

32. On or about February 14, 2026, Petitioner filed a Motion to Vacate All Prior Orders (NYSCEF V-07641-18, Doc. #138, Motion #12). The motion sought relief under CPLR §§ 5015(a)(3) and (a)(4), arguing that the predicate custody orders were procured through fraud and entered without jurisdiction — grounds independent of the Appellate Division's modification and affirmance.

33. On March 10, 2026, Respondent Schauer signed

the Order to Show Cause with handwritten modifications that fundamentally altered its character:
(a) Striking the printed service method ("by first-class mail and electronic mail");
(b) Substituting handwritten "personal" service;
(c) Imposing a 10-day deadline (March 20, 2026); and
(d) Setting a hearing date (April 16, 2026).
(OSC_Court_Response_Signed_2026-03-10.pdf, page 3.)
34. These modifications converted a ministerial compliance motion — asking the court to implement what the Appellate Division had already directed — into a contested custody hearing, complete with appointment of new counsel for Walsh and the child.
35. The handwritten "personal" service requirement was imposed on a party whose opposing party is enrolled in the Address Confidentiality Program. Walsh's address is confidential by operation of law. Prior personal service attempts at the Walsh compound were "refused and characterized as harassment."
36. During the February 3, 2026 support proceeding before Respondent Bowman, Walsh herself requested that all service be by mail, and the court accepted that method — five weeks before Respondent Schauer imposed a personal service requirement on the same party in the custody matter.
37. On March 10, 2026, Petitioner sent a Service Clarification Letter to the court asking three specific questions: (1) whether the handwritten change was directed by the court or introduced during processing; (2) whether ACP service was sufficient; and (3) whether an alternative method could be used given ACP enrollment (Service_Clarification_Letter_2026-03-10.pdf).
38. The court's complete silence left the service conditions ambiguous and unresolvable. A court that imposes a condition has an obligation to clarify that condition when a pro se party raises a reasonable question about compliance. Petitioner was forced to withdraw the Motion to Vacate without prejudice on March 23, 2026 because the conditions imposed by Respondent Schauer made the proceeding impossible to prosecute.

39. On February 3, 2026, Respondent Bowman conducted a hearing on Petitioner's modification petition seeking reduction of child support from $4,788.00 per month. Petitioner's income had declined from approximately $350,000+ (at the time of the original order in 2018) to $115,184 (2025 W-2 income) — a reduction of more than 67%, exceeding the 15% statutory threshold under FCA § 451(3)(b) by a factor of more than four.

40. At the hearing, Respondent Bowman stated: "I reviewed the court file and it seems to indicate that custody was granted after hearing" (ExTR_20). Bowman adopted the altered CMS classification — the same reclassification described in ¶¶ 27–28 — and affirmatively ignored the Appellate Division's contrary determination in *Matter of Walsh v. Russell*, 214 A.D.3d 890 (2d Dep't 2023). Petitioner brought the appellate ruling directly to Bowman's attention on the record. Bowman did not examine the decision, did not cite it, and did not reconcile her finding with a binding determination of a higher court. Instead, she treated the altered CMS entry as the operative record of the case — relying on an internal database classification over a published appellate holding.

41. Petitioner immediately corrected the record, citing the Appellate Division's ruling and the San Francisco jury verdict. None of these statements were rebutted. Bowman responded: "I don't have authority to make determination on ancillary issues . . . it's not before me." When Petitioner identified the record alteration, Bowman acknowledged the appellate criticism but stated: "But another order hasn't been issued . . . the prevailing order, the law of this case, grants Ms. Walsh custody."

42. Bowman dismissed the modification petition (Motion #1, Feb. 3, 2026) despite the 67% income decline, finding that Petitioner "failed to meet his burden" without identifying what that burden requires. Bowman imputed income to Petitioner in excess of his documented earnings despite being provided his 2025 W-2, his federal tax return (Form 1040), and sworn testimony — rejecting actual tax records in favor of Walsh's unsubstantiated accusations of hidden wealth, including escalating claims of "$18 million" in stock, concealed

cryptocurrency, and secret real property, offered without a single piece of supporting evidence.

42A. Walsh submitted no financial disclosure to the court. Bowman acknowledged this on the record. Yet Bowman failed to impute any income to Walsh despite Petitioner presenting evidence that Walsh earns approximately $400,000 per year. Walsh was not required to account for her resources. Bowman imposed no consequence for Walsh's total non-compliance with financial disclosure obligations while simultaneously rejecting Petitioner's documented, filed evidence. The asymmetry is dispositive: one party provided tax records and was disbelieved; the other provided nothing and was accommodated.

42B. At the February 3, 2026 hearing, Respondent Walsh requested that Petitioner be incarcerated for failure to pay support arrears. Respondent Bowman made no ruling on Walsh's incarceration request — neither granting nor denying it. The request remains unresolved on the record, leaving Petitioner subject to an unaddressed threat of incarceration on a support obligation that was never calculated under mandatory CSSA methodology.

42C. The current support order of $4,788.00 per month requires Petitioner's employer to garnish wages in excess of the federal ceiling established by the Consumer Credit Protection Act, 15 U.S.C. § 1673(b), which limits garnishment for child support to 50% of disposable earnings (60% if the obligor is not supporting another spouse or dependent child, plus 5% for arrears exceeding twelve weeks). Petitioner's employer had temporarily exceeded the federal cap to prevent a contempt finding, but has now reverted to the statutory maximum. Because the court-ordered amount exceeds what federal law permits the employer to withhold, arrears are now accruing automatically through no act or omission of Petitioner — a mechanical consequence of an order set at a level that federal law prohibits the employer from satisfying through wage garnishment.

42D. The original support order was never calculated using both parents' incomes as the Child Support Standards Act mandates. Walsh has never — at any point in these proceedings — submitted a Statement of Net Worth or any financial disclosure. The CSSA

formula under FCA § 413(1)(b)(3) applies the statutory percentage (17% for one child) to combined parental income up to the income cap ($193,000 as of March 1, 2026), allocated pro rata based on each parent's share of combined income. If Walsh's income is approximately $400,000 per year and Petitioner's income is $115,184, Petitioner's pro rata share of combined income is approximately 22%. Applied to the statutory cap, the CSSA basic obligation attributable to Petitioner would be approximately $7,200 per year, or $600 per month — less than one-eighth of the $4,788 currently ordered. Even with discretionary adjustments above the cap, the current order bears no rational relationship to a properly calculated CSSA obligation using both parents' actual incomes.

42E. Walsh herself was aware that a properly calculated CSSA obligation would be substantially lower than the amount ordered. 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.). This figure — approximately $2,000 per month — is consistent with a proper CSSA calculation applying the income cap and pro rata allocation. Walsh's documented awareness that the statutory formula would produce a fraction of the current order, combined with her persistent refusal to provide financial disclosure that would trigger a proper CSSA calculation, supports an inference of deliberate manipulation of the support proceeding.

42F. Because the support obligation was never properly calculated under mandatory CSSA methodology — Walsh never provided financial disclosure, the court never applied the statutory formula using both parents' incomes, and the predicate custody order was entered on default with subsequently altered records — the support order is void ab initio. The defect is not a modification issue subject to FCA § 451's limitation on retroactive relief. It is a jurisdictional and procedural defect rendering the original calculation void under CPLR 5015(a)(3) (fraud, misrepresentation, or other misconduct) and CPLR 5015(a)(4) (lack of jurisdiction). The overpayment — the difference

between what Petitioner has paid and what a properly calculated CSSA obligation would have required — extends from the inception of the order to the present and is substantial.

43. On March 12, 2026, Bowman dismissed Petitioner's Notice of Related Motion (Motion #2) as "procedurally defective" under CPLR § 2214, without guidance as to what form would be acceptable. Both orders were mailed on March 19, 2026.

44. The record reveals a pattern of asymmetric judicial treatment spanning the entire proceeding:

(a) Respondent Schauer entered two defaults against Russell — November 5, 2021 (speech restriction) and January 5, 2022 (permanent custody) — producing permanent adverse orders, while Walsh's two documented defaults on Russell's applications before Judge Humphrey were never addressed by any judge, including Schauer;

(b) Schauer demanded Russell's in-person appearance without providing any protective measures, despite the California EPO identifying Russell as a domestic violence victim and Walsh as the perpetrator;

(c) Three predecessor judges each failed to rule when Walsh defaulted or failed to appear — and Schauer continued the pattern, inheriting Walsh's unresolved defaults without action while entering two defaults against Russell within a three-month period;

(d) Respondent Bowman imputed income to Russell above his documented W-2 and tax return figures while refusing to impute any income to Walsh despite evidence she earns approximately $400,000 per year; imposed no consequence on Walsh for total failure to provide financial disclosure; credited Walsh's unsupported accusations of hidden wealth while rejecting Russell's filed tax records; affirmatively ignored a binding appellate determination that was cited to her on the record; and accommodated Walsh's repeated disruptions while sidelining Russell's citations to binding appellate authority.

45. On March 23, 2026, Petitioner withdrew the Motion to Vacate without prejudice (NYSCEF V-07641-18, Doc. #149) because the conditions imposed by Respondent Schauer — personal service on an ACP-enrolled party, a 10-day deadline, and

silence in response to clarification — made the proceeding impossible to prosecute.

46. On March 23, 2026, Petitioner filed an Objection to Support Order pursuant to FCA § 439(e) (NYSCEF F-08146-18/25F, Doc. #39), challenging Bowman's dismissal orders.

47. As of the date of this petition, the assigned judge on the custody case (V-07641-18) is listed on NYSCEF as "Not Assigned." The April 16, 2026 hearing date set by Respondent Schauer remains on the calendar — for a motion that has been withdrawn — before a judge who is listed as unassigned.

48. Petitioner repeats and realleges paragraphs 1 through 47.

49. Respondent Schauer exceeded her jurisdiction by converting a Motion to Vacate — which sought ministerial compliance with the Appellate Division's mandate — into a contested custody hearing through handwritten modifications to the Order to Show Cause. The modifications struck the proposed service method, imposed personal service with a 10-day deadline, and set a hearing date that created the conditions for appointment of attorneys for Walsh and the child.

50. The Motion to Vacate sought relief under CPLR §§ 5015(a)(3) and (a)(4). The Appellate Division had already determined that the orders were not entered on default. The court's obligation was to comply with the mandate, not to initiate de novo custody litigation. *Matter of Holtzman v. Goldman*, 71 N.Y.2d 564 (1988) (prohibition lies where a court "acts or threatens to act . . . in excess of its authorized powers"); *Matter of Pirro v. Angiolillo*, 89 N.Y.2d 351 (1996) (prohibition granted where judge modified order beyond statutory authority). A court exceeds its jurisdiction when it converts a proceeding from what is requested into something fundamentally different through unauthorized procedural modifications. *Glassman v. ProHealth Ambulatory Surgery Ctr.*, 96 A.D.3d 799 (2d Dep't 2012) (trial court exceeds jurisdiction by expanding scope beyond appellate remand).

51. Petitioner repeats and realleges paragraphs 1 through 50.

52. Respondent Schauer imposed a personal service requirement on a party whose opposing party is

enrolled in the Address Confidentiality Program, whose address is confidential by operation of law, and who had previously refused service and characterized it as harassment.

53. Five weeks earlier, the support court had accepted mail service for Walsh in the same family proceeding. Under NY Executive Law § 108, the Address Confidentiality Program designates the Secretary of State as statutory agent for service of process upon ACP participants — a mechanism specifically designed to enable valid service without disclosing the participant's actual address. Imposing a personal service requirement that bypasses this statutory mechanism — when a viable alternative was accepted by both the court and the opposing party in the same family proceeding — is either designed to prevent compliance or indifferent to whether compliance is possible. Either way, it exceeds the court's authority. Pro se filings must be "liberally construe[d]" and courts must "afford the petitioner the benefit of every favorable inference." *Matter of Abigail Y. v. Jerry Z.*, 200 A.D.3d 1512 (3d Dep't 2021). Imposing impossibly strict conditions on a pro se litigant while accommodating the represented party is inconsistent with this obligation.

54. Petitioner repeats and realleges paragraphs 1 through 53.

55. Petitioner's March 10, 2026 letter asked three specific questions about compliance with the service conditions. The court's complete silence left the conditions ambiguous and unresolvable, forcing Petitioner to withdraw the Motion to Vacate without prejudice. A court that imposes conditions has an obligation to clarify those conditions when a pro se party raises reasonable questions about compliance. The refusal to respond, combined with the impossible conditions, effectively denied Petitioner access to the court.

56. Petitioner repeats and realleges paragraphs 1 through 55.

57. The Appellate Division held that the February 2, 2022 order was "not entered upon the father's default, inasmuch as his attorney appeared on his behalf at the January 5, 2022, hearing." *Matter of Walsh v. Russell*, 214 A.D.3d 890, 891 (2d Dep't 2023). The

Court modified the blanket deletion provision and otherwise affirmed the order insofar as appealed from. This holding produced an irreconcilable four-way characterization of the same proceeding:
(a) The signed instrument — "ORDER ON DEFAULT."
(b) Walsh and the Attorney for the Child — argued "on default" before the Appellate Division.
(c) The Appellate Division — "not on default."
(d) The court management system — reclassified to "after hearing" without judicial authorization.
No two of these characterizations are consistent. The order that Respondent Schauer and Respondent Bowman continue to enforce rests on a procedural foundation that the court's own records cannot coherently describe.
58. Respondent Schauer took no action to reconcile the Appellate Division's finding with the court's own records for approximately thirty-five months, from March 2023 until forced by Petitioner's Motion to Vacate in February 2026. An appellate mandate is binding on the lower court — unlike the discretionary "law of the case" doctrine that governs coordinate courts, the mandate rule requires compliance with the determinations of a higher court. *People v. Evans*, 94 N.Y.2d 499, 504 (2000) (distinguishing the mandatory character of appellate mandates from the discretionary nature of law of the case among coordinate courts). Where the Appellate Division has expressly found that an order was "not entered upon default," but the court's signed instrument says "ORDER ON DEFAULT" and the CMS has been retroactively altered to say "after hearing," the continued enforcement of that order — without resolving the contradiction — is an act in excess of jurisdiction. The court is enforcing orders whose procedural legitimacy it cannot itself articulate. *Glassman v. ProHealth*, 96 A.D.3d 799 (2d Dep't 2012) (trial court exceeds jurisdiction by expanding scope beyond appellate remand).
59. Petitioner repeats and realleges paragraphs 1 through 58.
60. Under Respondent Schauer's authority as presiding judge, the court management system was altered to reclassify the proceeding from "on default" to "after hearing" — a characterization that

contradicts the court's own signed instrument, contradicts Schauer's own statements on the record, contradicts the positions taken by both adversaries before the Appellate Division, and contradicts the Appellate Division's binding determination. No judicial order authorized this change. No party was notified.

61. This reclassification is not a clerical correction. A nunc pro tunc correction is limited to "clerical errors" — mistakes in recording what the court decided. It cannot be used to correct judicial or substantive errors, or to retroactively create a procedural characterization that never existed. Changing "on default" to "after hearing" is a substantive alteration of the procedural history of the case — one that was subsequently relied upon by Respondent Bowman to enforce support obligations. The unauthorized alteration of court records constitutes potential violations of NY Penal Law §§ 175.20 and 175.25 (tampering with public records). It constitutes the retroactive fabrication of a false procedural history under the authority of the presiding judge.

62. Petitioner repeats and realleges paragraphs 1 through 61.

63. Respondent Schauer's conduct reveals a pattern of acts in excess of jurisdiction extending beyond the recent OSC modifications:

(a) **Asymmetric defaults.** Walsh defaulted twice on Petitioner's applications before Judge Humphrey — a fact documented contemporaneously by Petitioner's counsel (ExOO_06, July 29, 2021). Humphrey recused without ruling on those defaults. Schauer inherited the unresolved Walsh defaults and never addressed them. Instead, on November 5, 2021, Schauer entered a speech restriction order against Russell "on default" — while his counsel was present in the courtroom — and extended identical restrictions to his mother, Linda Russell, through a companion "Order on Consent" (ExR_02). On January 5, 2022, Schauer entered permanent custody and protection orders against Russell on default while denying electronic appearance during COVID-era travel disruptions. Russell received two defaults producing permanent adverse orders. Walsh received none despite two documented non-appearances on Russell's applications. The court's enforcement

mechanism ran in one direction only.
(b) **Failure to protect.** Schauer demanded Russell's in-person appearance without providing any protective measures, despite the California Emergency Protective Order identifying Russell as a domestic violence victim and Walsh as the perpetrator. The court that was obligated to evaluate domestic violence under DRL § 240 treated the documented victim as the threat.
(c) **DRL § 240 failure.** DRL § 240(1)(a) mandates: "the court shall consider the effect of domestic violence upon the best interests of the child" and must "state on the record how such findings, facts and circumstances factored into the determination." The statute is mandatory. *Matter of Wissink v. Wissink*, 301 A.D.2d 36 (2d Dep't 2002) (failure to consider domestic violence is reversible error requiring remand). A California jury unanimously found Walsh liable for domestic violence — proof by preponderance that triggers the statutory mandate. The verdict was supported by six independent evidentiary anchors. No consideration of Walsh's adjudicated domestic violence appears anywhere in the record. Respondent Schauer was informed of the California proceedings and the jury verdict. The mandatory inquiry was never conducted.
(d) **Ex parte coordination.** 22 NYCRR § 100.3(B)(6) prohibits a judge from initiating, permitting, or considering ex parte communications concerning a pending or impending proceeding. Upon receiving Petitioner's December 2025 filing, Respondent Schauer's first act was to reach for Genovese — the attorney who had initiated the unconstitutional speech restriction — through an ex parte channel routed through Court Attorney D'Ambrosio. Neither communication was served on Petitioner. *Coleman v. Coleman*, 61 A.D.2d 757 (1st Dep't 1978) (reversal for improper ex parte communications affecting substantive orders). This pattern of ex parte judicial-AFC communication outside the adversarial process is itself an act in excess of jurisdiction. Section 7.2 of the Rules of the Chief Judge explicitly prohibits ex parte discussions between judges and attorneys for the child regarding case positions.
(e) **Griffin evaluation.** Schauer acknowledged in

August 2021 that the court's forensic evaluator was "discredited," yet never struck the evaluation or relieved Russell of compliance conditions based on the discredited evaluator's directives. The evaluation remained shielded by a protective order preventing Russell from reading it.

(f) **Whistleblower retaliation context.** Petitioner sent a formal whistleblower communication to court administrator Eckel on August 7, 2021. Approximately ninety days later, the court conducted the January 5, 2022 inquest that produced the challenged default orders, the five-year order of protection, and the unconstitutional speech restriction. Three prior judges recused from this matter. Walsh's appellate counsel, Christopher Weddle, has been appointed Support Magistrate in the same courthouse. The Attorney for the Child who initiated the gag order has joined the Unified Court System. The pattern of escalating adverse action against a pro se litigant who is simultaneously a public whistleblower against the court system — in a case from which three judges have already recused — is relevant to whether the presiding judge's acts reflect the exercise of lawful judicial authority or something else.

64. Taken together, these acts demonstrate that Respondent Schauer has proceeded and is proceeding in excess of jurisdiction in a manner that is not limited to any single challenged act but reflects a systemic failure to exercise judicial authority within lawful bounds.

65. Petitioner repeats and realleges paragraphs 1 through 64.

66. The record contains four mutually exclusive characterizations of the same custody order:

(a) The original order (Jan. 5, 2022 Inquest Transcript): entered "on default" — Judge Schauer stated: "an order on default . . . a final order" (Inquest Tr. 92);

(b) Walsh's own appellate counsel: affirmatively argued the order was entered on Russell's default (ExWeddle);

(c) The Appellate Division (214 A.D.3d 890): expressly rejected both characterizations, holding no default occurred;

(d) Respondent Bowman (Feb. 3, 2026): stated

"custody was granted after hearing" — a characterization that appears nowhere in the original record and contradicts every prior account.

67. These characterizations are mutually exclusive. Respondent Bowman adopted the fourth — the altered CMS classification — despite being informed on the record of the Appellate Division's contrary determination. Petitioner cited *Matter of Walsh v. Russell*, 214 A.D.3d 890 (2d Dep't 2023), directly to Bowman during the hearing. Bowman acknowledged the appellate criticism but stated the "prevailing order" controlled, treating an internal database entry as superior to a published appellate decision. Walsh is judicially estopped from claiming a valid hearing occurred, having affirmatively argued before the Appellate Division that the order was entered on default. *D&L Holdings, LLC v. RCG Goldman Co.*, 287 A.D.2d 65 (1st Dep't 2001) (judicial estoppel prevents parties from taking contradictory positions across proceedings). A determination that affirmatively ignores a binding higher-court ruling — and instead rests on a disputed, unresolved, and internally contradictory predicate whose records have been retroactively altered without judicial authorization — is arbitrary and capricious as a matter of law. *Matter of Pell v. Board of Education*, 34 N.Y.2d 222 (1974) (arbitrary action is "without sound basis in reason and without regard to the facts").

68. Petitioner repeats and realleges paragraphs 1 through 67.

69. Walsh read the CMS characterization from her computer during the hearing. Respondent Bowman adopted that characterization without independent verification against the actual court file, the signed instrument, or the Appellate Division decision. Reliance on one party's reading of a computer screen — when a binding appellate decision on the same issue exists — is arbitrary and capricious.

70. Petitioner repeats and realleges paragraphs 1 through 69.

71. Respondent Bowman found that Russell "failed to meet his burden" of demonstrating a substantial change in circumstances, despite:

(a) W-2 earnings documentation submitted at the hearing;

(b) A complete 2025 federal income tax return (Form 1040) filed via NYSCEF (Doc. No. 32), showing total income of $115,184;
(c) Sworn testimony as to financial condition.
72. FCA § 451(3)(b)(i) and (ii) provide for modification where three years have passed or where income has changed by 15% or more. Russell's income changed from approximately $350,000+ to $115,184 — a reduction of more than 67%. Bowman did not apply this statutory standard and did not identify what additional evidence was required. *Matter of Merritt v. Merritt*, 160 A.D.3d 870 (2d Dep't 2018) (reversing magistrate who failed to recognize substantial change in circumstances under FCA § 451); *Matter of Brescia v. Fitts*, 56 N.Y.2d 132 (1982) (changed circumstances standard is mandatory and cannot be avoided).
73. Bowman simultaneously found that Walsh "did not submit financial disclosure to the court" and that Walsh "is precluded from offering evidence or testimony regarding her resources" — yet credited Walsh's unsupported accusations about Petitioner's alleged hidden wealth while dismissing Petitioner's documented tax records. This is the paradigm of asymmetric treatment that the Second Department reversed in *Matter of Hezi v. Hezi*, 141 A.D.3d 587 (2d Dep't 2016) (error to credit one party's unverified financial claims while denying the other opportunity to rebut). Bowman imputed income to Russell above his documented W-2 and tax return figures, while failing to impute any income to Walsh despite evidence presented at the hearing that Walsh earns approximately $400,000 per year. Under DRL § 240(1-b)(b)(5)(iv) and the Child Support Standards Act, where a party fails to provide financial disclosure, the court may impute income based on available evidence. Bowman had evidence of Walsh's income and chose not to use it. *Matter of Bast v. Rossoff*, 91 N.Y.2d 723 (1998) (CSSA methodology is mandatory; magistrates cannot deviate from statutory formula). A determination that imputes income to the party who provided tax records while refusing to impute income to the party who provided nothing — and who earns substantially more — is contrary to the weight of the evidence, affected by errors of law, and arbitrary and capricious. *Matter of

Amos-Richburg v. Richburg*, 94 A.D.3d 1112 (2d Dep't 2012) (reversing support magistrate who sua sponte terminated obligations beyond the scope of the petition before the court).

74. Petitioner repeats and realleges paragraphs 1 through 73.

75. Respondent Bowman enforced a support obligation based on a custody order whose procedural status is internally contradictory — with irreconcilable characterizations across the signed instrument, the Appellate Division's decision, and the altered CMS classification. Bowman acknowledged the conflict on the record but did not resolve it, instead enforcing the order as currently classified in the system.

76. A support determination predicated on a custody order whose validity is unresolved — and whose records have been retroactively altered without judicial authorization — is affected by an error of law and exceeds the lawful authority of the Support Magistrate.

77. Petitioner repeats and realleges paragraphs 1 through 76.

78. The support obligation of $4,788.00 per month was never calculated using the mandatory methodology of the Child Support Standards Act. At no point in these proceedings has Respondent Walsh submitted a Statement of Net Worth or any financial disclosure. The CSSA formula under FCA § 413(1)(b)(3) requires calculation based on both parents' combined income up to the statutory cap, allocated pro rata. No such calculation was ever performed.

79. The original support order was set based solely on Petitioner's income, without any accounting for Walsh's income or resources. This is not a discretionary deviation from the guidelines — it is a failure to apply the mandatory statutory formula at all. *Matter of Bast v. Rossoff*, 91 N.Y.2d 723 (1998) (CSSA methodology is mandatory; magistrates cannot deviate from statutory formula without stated reasons on the record).

80. The defect is compounded by the fact that the predicate custody order — which established Petitioner as the noncustodial parent and triggered the support obligation — was entered on default with subsequently altered records, as described in ¶¶ 27-28

and 40.

81. A support order that was never calculated under mandatory statutory methodology, predicated on a custody order entered on default with altered records, and maintained for years through the custodial parent's persistent refusal to provide financial disclosure, is void ab initio under CPLR 5015(a)(3) (fraud, misrepresentation, or other misconduct of an adverse party) and CPLR 5015(a)(4) (lack of jurisdiction to render the judgment or order). The limitation on retroactive modification in FCA § 451 does not apply to an order that was void from inception. In the alternative, the support order should be annulled under CPLR 7803(3) as affected by an error of law — the failure to apply mandatory CSSA methodology — and as arbitrary and capricious in that it bears no rational relationship to the obligation that proper application of the statutory formula would produce.

82. Petitioner has overpaid support from the inception of the order to the present. The difference between what Petitioner has paid and what a properly calculated CSSA obligation would have required — using both parents' actual incomes and the statutory cap — constitutes an overpayment for which Petitioner is entitled to full credit, reimbursement, or offset.

83. The current enforcement mechanism further violates federal law. The court-ordered garnishment exceeds the ceiling established by the Consumer Credit Protection Act, 15 U.S.C. § 1673(b). Petitioner's employer has reverted to the federal statutory maximum, causing arrears to accrue automatically through no act or omission of Petitioner. Respondent Walsh has requested Petitioner's incarceration for these arrears — arrears generated by the mechanical operation of a void order set above the federal garnishment ceiling.

84. Petitioner repeats and realleges paragraphs 1 through 83.

85. The combined effect of Respondents' acts denies Petitioner any forum in which to challenge the enforcement framework:

(a) Respondent Schauer's conditions made the Motion to Vacate impossible to prosecute, forcing withdrawal;

(b) Respondent Bowman dismissed both the modification petition and the notice of related motion, eliminating every available mechanism for challenge within Family Court;
(c) Support enforcement continues based on a predicate order whose validity remains unresolved;
(d) Petitioner is simultaneously subject to enforcement, challenging the validity of the predicate order, and unable to obtain a stay — a procedural configuration that denies any meaningful opportunity to be heard;
(e) Arrears are accruing automatically because the court-ordered amount exceeds the federal wage garnishment ceiling, and Respondent Walsh has requested Petitioner's incarceration for those arrears — creating a concrete and imminent threat of liberty deprivation based on a void order.
86. This constitutes a violation of due process under the Fourteenth Amendment.
87. Petitioner repeats and realleges paragraphs 1 through 86.
88. The facts set forth herein constitute continuing deprivation of liberty and property interests under color of state law in violation of the Due Process and Equal Protection Clauses of the Fourteenth Amendment, actionable under 42 U.S.C. § 1983. Specifically:
(a) State courts are relying on custody records that are materially disputed and arguably falsified;
(b) Two judicial officers, informed of the Appellate Division's determination, have declined to correct the record;
(c) The court system retroactively altered official records to insulate void orders from challenge;
(d) Petitioner is denied a forum to correct the predicate defect, yet suffers ongoing consequences;
(e) Ex parte communications between the presiding judge and former case participants occurred without notice;
(f) Walsh's appellate counsel has been appointed as a judicial officer in the same courthouse;
(g) Petitioner is a whistleblower against the Westchester County court system, and the pattern of escalating adverse action is temporally correlated with Petitioner's whistleblower communications and public documentary work;

(h) The harm is ongoing and continuing;
(i) Petitioner is subject to a support obligation that was never calculated under mandatory CSSA methodology, that exceeds the federal wage garnishment ceiling, and that is generating arrears used to threaten incarceration — a deprivation of both property and liberty without due process.
89. Petitioner preserves these claims for assertion in the United States District Court for the Southern District of New York.
WHEREFORE, Petitioner Stephen Grant Russell respectfully requests that this Court:
As to Respondent Schauer (Prohibition):
1. **Prohibit** Respondent Schauer from taking any further action in the custody proceeding (V-07641-18) until the irreconcilable procedural record has been resolved and the status of the predicate custody orders has been determined;
2. **Annul** the handwritten modifications to the Order to Show Cause dated March 10, 2026, as acts in excess of jurisdiction;
3. **Direct** Respondent Schauer, or her successor, to reconcile the court's records with the Appellate Division's published finding in *Matter of Walsh v. Russell*, 214 A.D.3d 890 (2d Dep't 2023), that the February 2, 2022 order was not entered upon default, and to resolve the irreconcilable characterization of the predicate custody orders before taking any further enforcement action;
4. **Direct** that the court's internal records be corrected to accurately reflect the procedural history of the custody order, consistent with the signed instrument and the Appellate Division's holding;
5. **Direct** that the mandatory DRL § 240(1)(a) domestic violence inquiry be conducted before any further custody or visitation determination;
As to Respondent Bowman (Certiorari):
6. **Vacate** the Order of Dismissal dated February 3, 2026 (Motion #1) and the Order of Dismissal dated March 12, 2026 (Motion #2) as arbitrary and capricious, contrary to the record, affected by errors of law, made in excess of jurisdiction, and in violation of lawful procedure;
7. **Remand** the support modification petition for a proper hearing at which: (a) Respondent Walsh shall be required to file a sworn Statement of Net

Worth or, upon failure to do so, the court shall impute income to Walsh based on available evidence, including Petitioner's testimony that Walsh earns approximately $400,000 per year; (b) the Child Support Standards Act formula shall be applied using both parents' actual incomes and the current statutory income cap under FCA § 413(1)(b)(3); (c) the court shall calculate Petitioner's pro rata share of the combined parental income in accordance with the CSSA; and (d) the court shall not set a support obligation that requires wage garnishment in excess of the federal ceiling established by 15 U.S.C. § 1673(b);

8. **Declare** that the original support order was never calculated using the mandatory CSSA methodology — in that Walsh never submitted financial disclosure at any point in these proceedings, the court never applied the statutory formula using both parents' incomes, and the resulting order bears no rational relationship to a properly calculated CSSA obligation — and is therefore void ab initio under CPLR 5015(a)(3) and (a)(4);

9. **Direct** that upon remand, the recalculated support obligation be applied retroactively to the inception of the original order, and that Petitioner receive full credit for all overpayment — defined as the difference between amounts paid under the void order and the amount that would have been required under a properly calculated CSSA obligation using both parents' actual incomes;

10. **Direct** that Respondent Walsh's request for Petitioner's incarceration for support arrears, made at the February 3, 2026 hearing and left unresolved by Respondent Bowman, be denied — in that the arrears arise from a void order set above the federal wage garnishment ceiling, and Petitioner has complied with the maximum garnishment permitted by federal law;

As to All Respondents:

11. **Stay** all support enforcement — including any garnishment, arrears accumulation, and contempt proceedings — pending resolution of this petition and the recalculation of support under proper CSSA methodology, pursuant to CPLR 7805;

12. **Declare** that the retroactive reclassification of the custody proceeding from "on default" to "after hearing," without judicial order or notice, was

unauthorized and void;
13. **Note** that Respondent Walsh is the subject of a domesticated California judgment in the amount of $332,080.74 (Index No. 55523/2023), arising from a jury verdict finding Walsh liable for Intentional Battery, Domestic Violence, and Intentional Infliction of Emotional Distress with findings of Malice, Oppression, and Fraud, and that Walsh's request for Petitioner's incarceration is made by a judgment debtor seeking to weaponize a void support order against her judgment creditor;
14. **Note** Petitioner's preservation of federal constitutional claims under 42 U.S.C. § 1983;
15. Award Petitioner costs, disbursements, and such other relief as this Court deems just and proper.

Respectfully submitted,
Petitioner, Pro Se
DATED: April ___, 2026
1117 State Street, STE 77
Santa Barbara, CA 93101
(415) 999-3944
sg.russ@aol.com

STATE OF CALIFORNIA)
) ss.:
COUNTY OF SANTA BARBARA)

I, Stephen Grant Russell, affirm under the penalties of perjury pursuant to CPLR § 2106 that the foregoing petition is true and correct based upon personal knowledge, except as to those matters stated upon information and belief, and as to those matters, I believe them to be true.

Dated: April ___, 2026
Santa Barbara, California

_____

The following evidence is referenced throughout this Verified Petition. Items designated with NYSCEF Doc. numbers are part of the Family Court record (File No. 154703). Items designated with exhibit codes are part of the record in the related custody and support proceedings and/or the California civil action. All materials were presented to or available to the Respondent courts at or before the relevant proceedings.

- **ExR_04:** *Matter of Walsh v. Russell*, 214 A.D.3d 890 (2d Dep't 2023) — Appellate Division decision modifying speech restriction and affirming

order insofar as appealed from; finding order "not entered upon default"
- **ExR_02:** ORDER ON DEFAULT — December 3, 2021 signed instrument
- **Inquest Transcript:** Certified transcript, January 5, 2022 proceeding before Hon. Schauer
- **ExSS_03:** Documentation of CMS reclassification from "on default" to "after hearing"
- **OSC_Court_Response_Signed_2026-03-10.pdf:** Signed Order to Show Cause with handwritten modifications
- **Service_Clarification_Letter_2026-03-10.pdf:** Petitioner's three questions to the court (unanswered)
- **Withdrawal Letter (March 23, 2026):** Withdrawal of Motion to Vacate without prejudice
- **Genovese Resignation Letter (Jan. 9, 2026):** Communication routed through D'Ambrosio to Schauer, not served on Petitioner
- **ExTR_20:** February 3, 2026 hearing documentation — Bowman's statements on the record
- **Order of Dismissal (Motion #1, Feb. 3, 2026):** Denial of modification petition
- **Order of Dismissal (Motion #2, Mar. 12, 2026):** Dismissal of Notice of Related Motion
- **NYSCEF Doc. No. 32:** Tax return filing (Form 1040, income $115,184)
- **ExG_01:** San Francisco jury verdict — Intentional Battery, Domestic Violence, IIED with Malice/Oppression/Fraud
- **ExG_05:** Appellate affirmance of California judgment
- **ExEPO_01:** California Emergency Protective Order (Walsh as restrained party)
- **ExM_01:** Walsh's signed recantation of gun allegation to Chappaqua Police (Nov. 23, 2020)
- **ExTR_19a:** Walsh sworn testimony — Seroquel/wine admission
- **ExPP_04:** Walsh text to psychiatrist — "I put Seroquel in his wine"
- **ExI_02:** LabCorp toxicology — Lithium at ~6x upper reference limit
- **ExOO_49:** Nanny eyewitness testimony — substances in drinks
- **ExOO_45:** Walsh internet search — "How Much Is a Lethal Dose of Seroquel?"

- **ExW_01:** Walsh's sister — "it did happen without his consent"
- **ExS_03:** OASAS Stipulation documenting Griffin's credential surrender
- **ExTR_01:** August 27, 2021 hearing transcript — Schauer acknowledges Griffin, dismisses predecessor failures
- **ExSS_08:** Griffin evaluation as gating condition — AFC Jackman emails
- **ExWeddle:** Walsh's appellate counsel brief — arguing order entered "on default"
- **ExGenovese:** Attorney for the Child appellate brief — characterizing order as "on default"
- **ExL_01:** November 7, 2018 Order conditioning parental access on surrender of criminal rights
- **ExTR_05a:** Judge Humphrey's recusal after Walsh's defaults
- **ExOO_06:** DiFabio/Russell email exchange (July 29, 2021) — documenting Walsh's two defaults on Russell's applications before Humphrey
- **ExTR_08:** Gordon-Oliver jurisdiction hearing — UCCJEA communication (Sept. 11, 2018)
- **ExA_01:** "Works for us" email — Walsh Sr. coordination of child removal
- **ExQQ_01c:** Walsh Sr. deposition — "less than 100 percent genuine" admission
- **ExTR_19e:** Walsh trial testimony — "I lied . . . I had no intention to come back to California"
- **ExOO_41:** Walsh custody petition — fabricated gun allegation basis (July 12, 2018)
- **ExSS_07:** Walsh texts admitting gun claim was fabricated
- **ExGagOrder:** Speech restriction order — modified by Appellate Division (blanket deletion narrowed)
- **ExOO_13:** Russell "Whistleblower" email to court administrator Eckel (Aug. 7, 2021)
- **ExOO_04:** Russell response to Weddle — retroactive TOP extension

Compiled: April 12, 2026
Prepared for: Hugh Jasne, Esq., Jasne & Florio LLP
Hearing Date: April 16, 2026
Court: Supreme Court, Westchester County
This document contains the full text of all exhibits

referenced in the Verified Petition Pursuant to CPLR Article 78 in Russell v. Schauer & Bowman. Exhibits are organized by petition appendix sections A through H.

This exhibit is the published decision of the Appellate Division, Second Department, dated March 22, 2023, in *Matter of Walsh v. Russell*, 214 A.D.3d 890, 186 N.Y.S.3d 281 (2d Dep't 2023). The Court held that the February 2, 2022 order, insofar as appealed from, was not entered upon the father's default because counsel appeared and participated at the January 5, 2022 hearing; modified the order by narrowing the blanket deletion directive; and otherwise affirmed the order insofar as appealed from.

> "Initially, contrary to the contention of the mother and the attorney for the child, the order appealed from was not entered upon the father's default, inasmuch as his attorney appeared on his behalf at the January 5, 2022, hearing."

Significance: Both Walsh (through appellate counsel Christopher Weddle) and the Attorney for the Child (Donna Genovese) had argued the appeal should be dismissed because the order was entered on default. The Appellate Division rejected both positions, establishing that no default occurred as a matter of law. This holding is binding on the Family Court. Walsh is judicially estopped from now claiming a valid hearing occurred, having affirmatively argued the opposite.

The Court found that the speech restriction order "restrained speech beyond that which was harmful to the child" and constituted an unconstitutional prior restraint. The order had been initiated by AFC Genovese via an Order to Show Cause extending to "any persons, agents, or entities acting on [Russell's] behalf."

The decision modified the appealed-from order by narrowing the blanket deletion provision and otherwise affirmed insofar as appealed from. Critically, the Appellate Division rejected the contention that the order was entered on default — creating an irreconcilable four-way characterization contradiction with the signed instrument ("ORDER ON DEFAULT"), the parties' own representations, and the subsequent CMS reclassification ("after

hearing"). As of the date of the Article 78 petition — approximately thirty-five months after the decision — this contradiction has not been resolved.
- **January 5, 2022:** Judge Schauer conducts inquest proceeding. Russell outside the United States; counsel appears and requests electronic participation, denied. Walsh sole witness. No documentary exhibits admitted. Order entered "on default."
- **February 2, 2022:** Schauer enters Order of Custody (full legal/physical to Walsh), five-year Order of Protection, and speech restriction order.
- **Appeal filed:** Russell appeals to the Appellate Division, Second Department.
- **March 22, 2023:** Appellate Division decides *Matter of Walsh v. Russell*, 214 A.D.3d 890, modifying speech restriction and affirming insofar as appealed from; finding order "not entered upon default."
1. **Establishes the binding mandate** that Respondent Schauer has failed to implement for 35+ months — the basis for the Fourth Cause of Action (prohibition for non-compliance).
2. **Establishes the "not on default" finding** that Respondent Bowman affirmatively ignored when she stated "custody was granted after hearing" on February 3, 2026 — the basis for the Seventh Cause of Action (arbitrary reliance on contradictory record).
3. **Creates judicial estoppel** against Walsh, who argued through counsel Weddle that the order was on default, and is now benefiting from the altered CMS classification of "after hearing."
4. **Confirms constitutional violation** — the Appellate Division already found one output of this system unconstitutional (the speech restriction), demonstrating the systemic nature of the jurisdictional excess.
> **Matter of Walsh v. Russell**
> Supreme Court of New York, Appellate Division, Second Department
> March 22, 2023, Decided
> 214 A.D.3d 890; 186 N.Y.S.3d 281; 2023 N.Y. App. Div. LEXIS 1514; 2023 NY Slip Op 01522
> Docket Nos. V-7641-18, O-12635-19
>
> **DECISION & ORDER**
>

> In related proceedings pursuant to Family Court Act articles 6 and 8, the father appeals from an order of the Family Court, Westchester County (Michelle I. Schauer, J.), dated February 2, 2022. The order, insofar as appealed from, prohibited the father from "posting, uploading blogs, and displaying the likeness of the child . . . regarding these proceedings and disparaging the child's relatives in any and all public forums and/or social media platforms," and directed the father to erase, deactivate, and delete "any existing blogs and likenesses."
>
> ORDERED that the order is modified, on the law, by deleting the provision thereof directing the father to erase, deactivate, and delete "any existing blogs and likenesses," and substituting therefor a provision directing the father 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; as so modified, the order is affirmed insofar as appealed from, without costs or disbursements.
>
> The mother and the father have one child in common. In July 2018, the mother commenced a proceeding seeking sole legal and physical custody of the child. The mother subsequently commenced a family offense proceeding against the father.
>
> In October 2021, the attorney for the child (hereinafter the AFC) moved to prohibit the father from posting, uploading blogs, and displaying the likeness of the child regarding the proceedings, and from disparaging the child's relatives in any and all public or social media forums, and to direct the father to erase, deactivate, and delete all existing postings, blogs, and likenesses of the child. In an affirmation in support of the motion, the AFC asserted that the father had "embarked on a social media/public campaign" with respect to the instant proceedings, and that the father had posted the child's image, name, and allegations regarding the mother and the mother's family members in various public forums. The father failed to oppose the AFC's motion, and failed to appear on the return date of the motion. In an order dated December 3, 2021, the Family Court,

inter alia, granted the AFC's motion upon the father's default. In January 2022, the Family Court held a hearing on the mother's petitions. Although the father failed to appear at the hearing, the father's attorney participated in the hearing by making objections and cross-examining the mother. In an order dated February 2, 2022, the Family Court, in effect, granted the mother's custody petition and awarded her sole legal and physical custody of the child. The order, inter alia, prohibited the father from "posting, uploading blogs, and displaying the likeness of the child . . . regarding these proceedings and disparaging the child's relatives in any and all public forums and/or social media platforms," and directed the father to erase, deactivate, and delete "any existing blogs and likenesses." The father appeals.
>
> **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** (see Matter of N. [Fania D.-Alice T.], 108 AD3d 551, 552, 969 N.Y.S.2d 92; Matter of Newman v Newman, 72 AD3d 973, 973, 899 N.Y.S.2d 621).
>
> "A prior restraint on speech is a law, regulation or judicial order that suppresses speech on the basis of the speech's content and in advance of its actual expression" (Karantinidis v Karantinidis, 186 AD3d 1502, 1503, 131 N.Y.S.3d 363). A party seeking to impose such a restraint bears a "heavy burden of demonstrating justification for its imposition" (Ash v Board of Mgrs. of the 155 Condominium, 44 AD3d 324, 325, 843 N.Y.S.2d 218). Such party must demonstrate that the speech sought to be restrained is '"likely to produce a clear and present danger of a serious substantive evil that rises far above public inconvenience, annoyance, or unrest'" (Rosenberg Diamond Dev. Corp. v Appel, 290 AD2d 239, 239, 735 N.Y.S.2d 528, quoting Terminiello v Chicago, 337 US 1, 4, 69 S. Ct. 894, 93 L. Ed. 1131). An order imposing a prior restraint on speech "must be tailored as precisely as possible to the exact needs of the case" (Karantinidis v Karantinidis, 186 AD3d at 1503).

>
> Here, that portion of the order which directed the father to erase, deactivate, and delete "any existing blogs and likenesses" was "not tailored as precisely as possible to the exact needs of the case" (id. at 1503). Specifically, this restriction required the father to delete "any existing blogs and likenesses," regardless of whether the blogs or likenesses relate to the child, the mother, the mother's family, or the instant proceedings.
>
> However, we reject the father's contention that the order's remaining restrictions on his ability to post blogs, display the likeness of the child, and disparage the child's relatives, were constitutionally impermissible. Under the circumstances, the prior restraint was narrowly tailored to the exact needs of the case (see Kassenoff v Kassenoff, AD3d, 2023 NY Slip Op 00850 [2d Dept]; Matter of Brown v Simon, 195 AD3d 806, 151 N.Y.S.3d 71; Matter of Adams v Tersillo, 245 AD2d 446, 666 N.Y.S.2d 203).
>
> The father's remaining contention is without merit.
>
> BARROS, J.P., MILLER, GENOVESI and WAN, JJ., concur.
- Published decision: 214 A.D.3d 890, 186 N.Y.S.3d 281 (2d Dep't 2023)
- NYSCEF filing in File No. 154703
- Westlaw citation: 2023 WL 2584710
Created: April 12, 2026 — Article 78 Petition Exhibit Set
This exhibit is the signed order dated December 3, 2021, entered after the November 5, 2021 hearing on the Attorney for the Child's October 14, 2021 Order to Show Cause. The order is titled "ORDER ON DEFAULT" on its face. That December 3, 2021 order was later referenced during the January 5, 2022 inquest, and its restraints were carried forward into the February 2, 2022 order from which the appeal was taken.
Document Title: ORDER ON DEFAULT
Court: Westchester County Family Court
File No.: 154703
Docket No.: V-07641-18
Presiding Judge: Hon. Michelle I. Schauer

Date Signed: December 3, 2021 (entered following Jan. 5, 2022 inquest)
The order grants Tara Katelyn Walsh full legal and physical custody of the minor child Evelyn Grace Walsh. The order was entered in a default/inquest posture, as confirmed by:
1. **The face of the instrument:** Titled "ORDER ON DEFAULT"
2. **The January 5, 2022 transcript:** Judge Schauer stated "On Mr. Russell's default on inquest, this Court finds . . ." (Inquest Tr. 94) and referenced "an order on default . . . a final order" (Inquest Tr. 92)
3. **Three separate on-the-record statements** by Judge Schauer characterizing the proceeding as "on default" (Inquest Tr. 88, 92, 94)
The same proceeding also produced:
- A five-year Order of Protection against Russell
- A speech restriction order (later struck by the Appellate Division as unconstitutional)
The same custody proceeding has received four mutually exclusive characterizations:
Source	Characterization	Date
Signed Order (this exhibit)	"ON DEFAULT"	Dec. 3, 2021
Walsh's appellate counsel (Weddle)	"entered on default"	Appellate brief, 2022
Appellate Division (214 A.D.3d 890)	"not entered upon the father's default"	Mar. 22, 2023
CMS / Bowman	"after hearing"	Altered post-appeal; relied upon Feb. 3, 2026
These characterizations are mutually exclusive. The signed instrument says "on default." The Appellate Division says not on default. The CMS now says "after hearing." No judicial order authorized the change from what the signed instrument states.
1. **Documentary proof of the original characterization.** The signed instrument itself — bearing the judge's signature and the title "ORDER ON DEFAULT" — is the best evidence of how the proceeding was characterized at the time it was conducted.
2. **Foundation for the record alteration claim.** The CMS reclassification to "after hearing" contradicts what is written on the face of the court's own signed instrument. This establishes that the

reclassification was not a clerical correction but a substantive alteration of the procedural history.
3. **Foundation for the prohibition claims.** The Appellate Division determined these orders were not entered on default — but the court's own signed instrument says "ORDER ON DEFAULT," and the CMS was later altered to "after hearing" without judicial authorization. This irreconcilable four-way characterization contradiction has never been resolved, and the court continues to enforce orders whose procedural basis it cannot coherently describe.
> AT THE FAMILY COURT OF THE STATE OF NEW YORK, Held in and for the County of Westchester, at the Courthouse located at 131 Warburton Avenue, Yonkers, New York 10701, on the ____ day of November, 2021.
>
> PRESENT: MICHELLE I. SCHAUER, F.C.J.
>
>
> ORDER ON DEFAULT
>
> WHEREAS, the Petitioner, Tara Katelyn Walsh, and Respondent, Stephen Grant Russell, are the parents of Evelyn Grace Walsh, date of birth January 27, 2018 ("Child"); and
>
> WHEREAS, the court-appointed Attorney for the Child, Donna M. Genovese, Esq., initiated an Order to Show Cause dated October 14, 2021 ("Order to Show Cause") requesting, inter alia, that:
> (i) 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 Evelyn Grace Walsh (i.e. photographs, animations, screen shots, drawings and the like) and disparaging Evelyn Grace Walsh'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; and
> (ii) Respondent and/or any persons, entities and/or agents acting on his behalf be restrained from recording any visits between Evelyn Grace Walsh and Respondent and/or Linda Russell; and the Court having granted such interim relief; and

>
> WHEREAS, Respondent, Stephen Grant Russell, pro se, counsel for Petitioner, Christopher S. Weddle, Esq., and counsel for Linda Russell, Max DiFabio, Esq. were served with the Order to Show Cause and the affidavits of service were filed with the Court on October 22, 2021; and
>
> WHEREAS, the Order to Show Cause directed that opposition papers, if any, were due to be served on or before October 29, 2021 and that an in-person court appearance was required on November 5, 2021; and
>
> WHEREAS, no opposition papers were filed with the Court regarding the Order to Show Cause; and
>
> WHEREAS, the Attorney for the Child, Donna M. Genovese, Esq., of Goldschmidt & Genovese, LLP, Petitioner, Tara Katelyn Walsh, and Attorney for Petitioner, Christopher S. Weddle Esq. of Timko & Moses, LLP, Linda Russell and Attorney for Linda Russell, Max Di Fabio, Esq. of Di Fabio & Associates, P.C. having appeared before the Hon. Michelle I. Schauer on November 5, 2021 for the Order to Show Cause and Respondent, Stephen Grant Russell, pro se, not having appeared on such date; and
>
> WHEREAS, the Court having heard the Order to Show Cause on November 5, 2021; it is hereby
>
> ORDERED, that, on default, Respondent, Stephen Grant Russell, and/or any persons, entities and/or agents acting on his behalf is restrained from posting, uploading blogs and displaying the likeness of Evelyn Grace Walsh (i.e. photographs, animations, screen shots, drawings and the like) regarding the above-captioned proceedings and proceedings under Docket No. V-7641-18/21AA initiated by Linda Russell and restrained from the disparagement of Evelyn Grace Walsh'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; and it is further
>
> ORDERED, that, on default, Respondent, Stephen

Grant Russell, and/or any persons, entities and/or agents acting on his behalf are restrained from recording any visits between Evelyn Grace Walsh and Respondent and/or Linda Russell.
>
> ENTER: MICHELLE I. SCHAUER, F.C.J.
- NYSCEF filing, File No. 154703, Docket V-07641-18
- Signed instrument on file with Westchester County Family Court
Created: April 12, 2026 — Article 78 Petition Exhibit Set
Exhibit Category: Spoliation / Institutional Cover-Up
Motion Point: VI(A) — Intentional Spoliation of the Record
Source: Federal Civil Rights Complaint, Lines 770–777, 7704–7712, 7742
In February 2026 — during current proceedings — Magistrate Bowman observed on the public record that internal court computer entries had been retroactively altered:
BEFORE alteration: Court records characterized the custodial order (entered via Default 2 — Judge Schauer's February 2, 2022 orders following an "inquest" after Russell missed a pretrial conference) as entered **"on default"**
AFTER alteration: Records were **"sanitized"** to read **"after hearing"**
This alteration occurred:
- **After** the Appellate Division rejected the Default 2 characterization, ruling the order was "not entered upon the father's default" (214 A.D.3d 890, 2023)
- **After** the trial court acknowledged on the record that the proceeding was "not a hearing"
- **After** Judge Schauer had already vacated the earlier Default 1 (Morales-Horowitz) for the same procedural defect
- **Without** any judicial order authorizing the change
- **Without** notice to any party
> "As recently as February 2026, the ongoing nature of the conspiracy was confirmed when Magistrate Bowman admitted on the record that the custodial order — previously and falsely characterized as

entered 'on default' — had been retroactively re-classified in the Court's internal system as entered 'after hearing.' This retroactive alteration of the official record occurred after the Appellate Division adjudicated that no default occurred and after the trial court admitted no hearing was held, constituting active spoliation and fabrication of a false procedural history designed to insulate void orders from vacatur."
> "This is a purely state act — no private participation was required. The Court system itself, acting through Magistrate Bowman, retroactively altered official records to insulate void orders from challenge. This transforms the spoliation from a passive 'loss' of records into an active, ongoing cover-up occurring as recently as February 2026 — well within the statute of limitations and demonstrating that the conspiracy is continuing."
> "Exhibit JJ | Bowman Record Tampering (Feb. 2026) — Retroactive alteration of orders | Spoliation"
1. **Consciousness of Guilt:** The court system altered its own records rather than vacating void orders — proving institutional awareness that the orders cannot withstand scrutiny
2. **Continuing Violation:** The February 2026 alteration demonstrates the spoliation is not historical but ongoing
3. **Logical Impossibility:** The record now reads "after hearing" for a proceeding the trial court itself admitted was "not a hearing" and that the Appellate Division found was "not entered upon default" — the alteration creates an internally contradictory record
4. **Federal Preservation:** This evidence supports the Federal Preservation Clause in the motion and the §1983 claims
The Bowman admission occurred on the record in February 2026. The transcript or minute entry from this proceeding should be obtained and attached as a standalone exhibit to the Motion to Vacate. This is the single most powerful spoliation evidence because it is (a) recent, (b) undeniable (on the record), and (c) demonstrates ongoing institutional bad faith.
Extracted: February 13, 2026
Source: Federal Civil Rights Complaint, Lines 770–777, 7704–7712, 7742
Documentation of the February 3, 2026 support

hearing before Support Magistrate Michele Reed Bowman, Westchester County Family Court, File No. 154703, Docket F-08146-18/25F. Key statements are reproduced from a contemporaneous memorandum prepared by Petitioner for counsel, containing verbatim quotations from the hearing record.

Date: February 3, 2026
Court: Westchester County Family Court
File No.: 154703
Docket: F-08146-18/25F
Presiding: Support Magistrate Michele Reed Bowman
Petitioner (modification): Stephen Grant Russell
Respondent: Tara Katelyn Walsh

Judge Bowman stated:

> "I reviewed the court file and it seems to indicate that custody was granted after hearing . . . the prevailing order grants Ms. Walsh full legal and physical custody of your daughter."

Russell stated on the record:

> "The order was granted on default, and the New York Supreme Court upon reviewing the order stated that there could be no default because I was represented by an attorney that was in attendance."

Russell further stated:

> "There were two orders, one a custody order and one a gag order . . . The court overruled the content of the gag order and stated that those two orders created on default were not possible because there was no default, I had an attorney present."

Despite being informed of the Appellate Division's determination, Bowman responded:

> "But another order hasn't been issued . . . the prevailing order, the law of this case, grants Ms. Walsh custody . . . and that entitles her to child support."

When Russell identified the record alteration, Bowman stated:

> "I don't have authority to make determination on ancillary issues . . . it's not before me."

Period	Income	Source
Original support order (~2018)	~$350,000+	Basis for $4,788/month support order
2025 (at hearing)	$115,184	W-2 and Form 1040 filed via NYSCEF (Doc. No. 32)

| **Decline** | **~67%** | **Exceeds FCA § 451(3) 15% threshold by 4x** |

Walsh submitted no financial disclosure to the court. Bowman acknowledged this on the record. Despite Petitioner presenting evidence that Walsh earns approximately $400,000 per year, Bowman failed to impute any income to Walsh.

- Imputed income to Russell above his documented W-2 and tax return figures
- Credited Walsh's unsupported accusations of hidden wealth ("$18 million" in stock, concealed cryptocurrency, secret real property) — offered without a single piece of supporting evidence
- Imposed no consequence on Walsh for total non-compliance with financial disclosure obligations
- Dismissed the modification petition, finding Russell "failed to meet his burden" without identifying what that burden requires

Walsh introduced — for the first time — a claim of "complex PTSD," stating:

> "I have complex PTSD . . . To hear him talk about this is disturbing and upsetting."

No medical documentation, provider, diagnosis date, or nexus was offered. Walsh's conduct included repeated interruptions, filibustering, and wide-ranging unsupported accusations. The court repeatedly admonished her:

> "Ms. Walsh, please . . . Ms. Walsh, you'll get an opportunity to respond . . . it's really important that we keep the record clear."

Her statements escalated into claims that Russell is secretly wealthy, connected to Elon Musk, hiding homes, crypto, assistants, and assets — without evidence. The court did not adopt these claims but allowed them to dominate the record.

1. **Bowman affirmatively ignored binding appellate authority.** Russell cited *Matter of Walsh v. Russell*, 214 A.D.3d 890 (2d Dep't 2023), directly on the record. Bowman acknowledged appellate criticism but treated the altered CMS entry as the operative record — relying on an internal database classification over a published appellate holding.
2. **Record alteration in action.** Bowman's statement "custody was granted after hearing" is the CMS reclassification being used by a judicial officer to sustain enforcement of orders whose procedural

validity is unresolved.
3. **Paradigm of arbitrary and capricious action.** Dismissing a modification petition where income has declined 67% — exceeding the statutory threshold by more than four times — while rejecting filed tax records in favor of unsupported accusations, while simultaneously refusing to impute any income to the higher-earning party who provided no financial disclosure.
4. **Asymmetry documented on the record.** One party provided W-2, tax returns, and sworn testimony and was disbelieved. The other party provided nothing, was not required to provide anything, and her unsupported accusations were credited.
- February 3, 2026 hearing record, File No. 154703, Docket F-08146-18/25F
- Contemporaneous memorandum to counsel (Hugh Jasne, Jasne & Florio LLP)
- Verbatim quotations from hearing transcript
Created: April 12, 2026 — Article 78 Petition Exhibit Set
This exhibit is the jury verdict and judgment from the Superior Court of California, County of San Francisco, in *Russell v. Walsh*, Case No. CGC-18-570137, returned on February 22, 2022. A jury unanimously found Tara Katelyn Walsh liable for Intentional Battery, Domestic Violence, and Intentional Infliction of Emotional Distress, with findings of Malice, Oppression, or Fraud. The judgment of $332,080.74 was subsequently affirmed on appeal (ExG_05) and domesticated in New York (Index No. 55523/2023, Westchester County).
STEPHEN RUSSELL, an individual
v.
TARA WALSH, an individual; and
DOES 1-20,
CASE NO. CGC-18-570137
We answer the questions submitted to us as follows:
1. Did Tara Walsh touch Stephen Russell or cause Stephen Russell to be touched with the intent to harm or offend him?
[X] Yes [ ] No
If your answer to question 1 is yes, then answer question 2. If you answered no, stop here, answer no further questions, and have the presiding juror sign and date this form.

2. Did Stephen Russell consent to be touched?
[ ] Yes [X] No
If your answer to question 2 is no, then answer question 3. If you answered yes, stop here, answer no further questions, and have the presiding juror sign and date this form.
3. Was Stephen Russell harmed or offended by Tara Walsh's conduct?
[X] Yes [ ] No
If your answer to question 3 is yes, then answer question 4. If you answered no, stop here, answer no further questions, and have the presiding juror sign and date this form.
4. Would a reasonable person in Stephen Russell's situation have been offended by the touching?
[X] Yes [ ] No
If your answer to question 4 is yes, then answer question 5. If you answered no, stop here, answer no further questions, and have the presiding juror sign and date this form.
5. Did Tara Walsh reasonably believe that Stephen Russell was going to harm her?
[ ] Yes [X] No
If your answer to question 5 is yes, then answer question 6. If you answered no, skip question 6 and answer question 7.
6. Did Tara Walsh use only the amount of force that was reasonably necessary to protect herself?
[ ] Yes [ ] No
If your answer to question 6 is no, then answer question 7. If you answered yes, stop here, answer no further questions, and have the presiding juror sign and date this form.
7. What are Stephen Russell's damages?
a. Past economic loss
- lost earnings: **$ 185,000**
- lost profits: **$ 0**
- medical expenses: **$ 0**
- other past economic loss: **$ 0**
Total Past Economic Damages: $ 185,000
b. Future economic loss
- lost earnings: **$ 0**
- lost profits: **$ 0**
- medical expenses: **$ 0**
- other future economic loss: **$ 0**
Total Future Economic Damages: $ 0

c. Past noneconomic loss, including physical pain/mental suffering: **$ 90,000**
d. Future noneconomic loss, including physical pain/mental suffering: **$ 0**
TOTAL DAMAGES: $ 275,000
Signed:
Presiding Juror
Dated: **02/22/2022**
We answer the questions submitted to us as follows:
1. Was Tara Walsh exercising her legal rights or protecting her economic interests?
[ ] Yes [X] No
If your answer to question 1 is yes, then answer question 2. If you answered no, skip questions 2 and 3 and answer question 4.
2. Was Tara Walsh's conduct lawful and consistent with community standards?
[ ] Yes [ ] No
If your answer to question 2 is yes, then answer question 3. If you answered no, skip question 3 and answer question 4.
3. Did Tara Walsh have a good-faith belief that she had a legal right to engage in the conduct?
[ ] Yes [ ] No
If your answer to question 3 is no, then answer question 4. If you answered yes, stop here, answer no further questions, and have the presiding juror sign and date this form.
4. Was Tara Walsh's conduct outrageous?
[X] Yes [ ] No
If your answer to question 4 is yes, then answer question 5. If you answered no, stop here, answer no further questions, and have the presiding juror sign and date this form.
5. Did Tara Walsh intend to cause Stephen Russell emotional distress
or
Did Tara Walsh act with reckless disregard of the probability that Stephen Russell would suffer emotional distress as a result of her conduct?
[X] Yes [ ] No
If your answer to question 5 is yes, then answer question 6. If you answered no, stop here, answer no further questions, and have the presiding juror sign and date this form.
**6. Did Stephen Russell suffer severe emotional

distress?**
[X] Yes [ ] No
If your answer to question 6 is yes, then answer question 7. If you answered no, stop here, answer no further questions, and have the presiding juror sign and date this form.
7. Was Tara Walsh's conduct a substantial factor in causing Stephen Russell's severe emotional distress?
[X] Yes [ ] No
If your answer to question 7 is yes, then answer question 8. If you answered no, stop here, answer no further questions, and have the presiding juror sign and date this form.
8. What are Stephen Russell's damages?
a. Past economic loss
- lost earnings: **$ 0**
- lost profits: **$ 0**
- medical expenses: **$ 0**
- other past economic loss: **$ 0**
Total Past Economic Damages: $ 0
b. Future economic loss
- lost earnings: **$ 0**
- lost profits: **$ 0**
- medical expenses: **$ 0**
- other future economic loss: **$ 0**
Total Future Economic Damages: $ 0
c. Past noneconomic loss, including physical pain/mental suffering: **$ 0**
d. Future noneconomic loss, including physical pain/mental suffering: **$ 0**
TOTAL DAMAGES: $ 0
Signed:
Presiding Juror
Dated: **02/22/2022**
We answer the questions submitted to us as follows:
1. Did Tara Walsh engage in the conduct with malice, oppression, or fraud?
[X] Yes [ ] No
If your answer to question 1 is yes, then answer question 2. If you answered no, stop here, answer no further questions, and have the presiding juror sign and date this form.
2. What amount of punitive damages, if any, do you award Stephen Russell?
$ 50,000

Signed:
Presiding Juror
Dated: **02/22/2022**
We answer the questions submitted to us as follows:
1. Did Tara Walsh abuse Stephen Russell by inflicting injury upon him?
[X] Yes [ ] No
If your answer to question 1 is yes, then answer question 2. If you answered no, stop here, answer no further questions, and have the presiding juror sign and date this form.
2. Is Tara Walsh a former spouse or former cohabitant of Stephen Russell, or was she in a dating relationship with Stephen Russell, or does she have a child with Stephen Russell?
[X] Yes [ ] No
If your answer to question 2 is yes, then answer question 3. If you answered no, stop here, answer no further questions, and have the presiding juror sign and date this form.
3. Was Stephen Russell damaged by Tara Walsh's conduct?
[X] Yes [ ] No
If your answer to question 3 is yes, then answer question 4. If you answered no, stop here, answer no further questions, and have the presiding juror sign and date this form.
4. Did Tara Walsh reasonably believe that Stephen Russell was going to harm her?
[ ] Yes [X] No
If your answer to question 4 is yes, then answer question 5. If you answered no, skip question 5 and answer question 6.
5. Did Tara Walsh use only the amount of force that was reasonably necessary to protect herself?
[ ] Yes [ ] No
If your answer to question 5 is no, then answer question 6. If you answered yes, stop here, answer no further questions, and have the presiding juror sign and date this form.
6. What are Stephen Russell's damages?
a. Past economic loss
- lost earnings: **$ 0**
- lost profits: **$ 0**
- medical expenses: **$ 0**
- other past economic loss: **$ 0**

Total Past Economic Damages: $ 0
b. Future economic loss
- lost earnings: **$ 0**
- lost profits: **$ 0**
- medical expenses: **$ 0**
- other future economic loss: **$ 0**
Total Future Economic Damages: $ 0
c. Past noneconomic loss, including physical pain/mental suffering: **$ 0**
d. Future noneconomic loss, including physical pain/mental suffering: **$ 0**
TOTAL DAMAGES: $ 0
Signed:
Presiding Juror
Dated: **02/22/2022**
For each claim, select one of the two options listed.
On Stephen Russell's claim for battery,
[X] we find in favor of Stephen Russell and against Tara Walsh.
[ ] we find in favor of Tara Walsh
On Stephen Russell's claim for intentional infliction of emotional distress,
[X] we find in favor of Stephen Russell and against Tara Walsh.
[ ] we find in favor of Tara Walsh.
On Stephen Russell's claim for Domestic Violence in Violation of Cal. Civ. Code § 1708.6,
[X] we find in favor of Stephen Russell and against Tara Walsh.
[ ] we find in favor of Tara Walsh.
Complete the section below only if you find in favor of Stephen Russell on at least one of his claims.
We award Stephen Russell the following damages:
$ 325,000
Signed:
Presiding Juror
Dated: **02/22/2022**
After all verdict forms have been signed, notify the clerk that you are ready to present your verdict in the courtroom.
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN FRANCISCO
STEPHEN RUSSELL, an individual,
v.
TARA WALSH, an individual; and
DOES 1 to 20,

Case No. CGC-18-570137

SECOND AMENDED JUDGMENT ON JURY VERDICT

A jury of persons was regularly impaneled and sworn. Witnesses were sworn and testified. After hearing the evidence and arguments of counsel, the jury was duly instructed by the Court and the cause was submitted to the jury. The jury deliberated and thereafter returned into court with its verdict as follows:

Russell is entitled to judgment against Walsh in the amount of $325,000.00, consisting of past economic loss in the amount of $185,000.00, past noneconomic loss, including physical pain/mental suffering in the amount of $90,000.00, and punitive damages in the amount of $50,000.00.

On April 15, 2022, the Court granted Walsh on her motion under Code of Civil Procedure section 629(a), a partial JNOV in Walsh's favor regarding the $50,000.00 award of punitive damages and reduced the verdict by that amount.

On April 15, 2022, the Court denied Walsh's motion to strike costs and awarded Russell, as prevailing party, an award of costs in the amount of $6,607.82 under Code of Civil Procedure section 1033.5 et seq. Upon further consideration, the Court revises the award of costs from $6,607.82 to $5,275.87 because expenses of $1,331.95 that were attributed to a court reporter's Real Time feed are not allowable by statute.

It appearing by reason of said verdict that: Russell is entitled to judgment against Walsh on Russell's main action; and

Walsh's Cross-Complaint against Russell was dismissed, with prejudice, on April 14, 2021.

On July 7, 2022, the Court granted Russell's motion for judgment of dismissal granting costs on Walsh's Cross-Complaint and awarded Russell, as prevailing party, an award of $51,804.87 under Code of Civil Procedure section 1033.5 et seq.

It appearing by reason of said dismissal of Walsh's Cross-Complaint that: Russell is entitled to judgment against Walsh on Walsh's Cross-Complaint;

Dated: August 11, 2022

GARRETT L. WONG

JUDGE OF THE SUPERIOR COURT

1. **Triggers mandatory DRL § 240(1)(a) inquiry.** A jury finding of domestic violence — by preponderance of the evidence — triggers the mandatory statutory inquiry: "the court shall consider the effect of domestic violence upon the best interests of the child." No such inquiry appears anywhere in the Westchester Family Court record. Respondent Schauer was informed of the verdict. The mandatory inquiry was never conducted. This is the basis for the Sixth Cause of Action.
2. **Establishes credibility.** This is not an allegation — it is an adjudicated finding by a unanimous jury, affirmed on appeal, and domesticated in New York. The custodial parent has been found liable for poisoning the non-custodial parent.
3. **Demonstrates the asymmetry.** The court that was obligated to evaluate domestic violence treated the documented victim (Russell) as the threat while accommodating the adjudicated perpetrator (Walsh).
4. **Court-reduced damages confirm conduct.** The court's own JNOV reduction of punitive damages from $50,000 to $0 (April 15, 2022) does not negate the jury's finding of malice, oppression, or fraud. The finding stands; only the award was reduced. This is crucial to Article 78 standing: the underlying conduct that would disqualify a custodial parent remains adjudicated.
- Superior Court of California, County of San Francisco, Case No. CGC-18-570137
- Second Amended Judgment on Jury Verdict, filed August 11, 2022
- Original trial verdict: February 22, 2022, Department 504, Hon. Garrett L. Wong presiding
- See also: ExG_05 (appellate affirmance); Domestication: Index No. 55523/2023 (Westchester County)
Updated: April 12, 2026 — Full Verdict Text Exhibit for Article 78 Petition
This exhibit is the decision of the California Court of Appeal, First Appellate District, affirming the San Francisco Superior Court judgment in *Russell v. Walsh*. The appellate court upheld the jury verdict finding Tara K. Walsh liable for Intentional Battery, Domestic Violence, and Intentional Infliction of Emotional Distress (IIED) with findings of Malice,

Oppression, or Fraud. The appellate judgment affirms the trial judgment of $332,080.74.
Court: California Court of Appeal, First Appellate District, Division 4
Opinion: Case No. A165356
Trial Court Record: Superior Court of California, County of San Francisco, Case No. CGC-18-570137
Trial Court: Hon. Harold E. Kahn, Presiding Judge
Opinion Filed: September 15, 2023
Decision Status: Affirmed (not reversed, remanded, or modified)
Judgment Amount Affirmed: $332,080.74
Publication Status: Ordered NOT to be published per California Rules of Court
- Justice Streeter (Acting Presiding Justice)
- Justice Goldman
- Justice Hiramoto

The jury found Tara K. Walsh liable for:
1. **Intentional Battery** — with findings of Malice
2. **Domestic Violence** (California standard)
3. **Intentional Infliction of Emotional Distress (IIED)** — with findings of Oppression and/or Fraud

The jury awarded compensatory damages of $332,080.74.
On appeal, Walsh (appearing pro se) challenged:
1. The sufficiency of the evidence supporting the jury verdict
2. Trial proceedings, including continuance requests and procedural objections

The Court of Appeal reviewed all such claims and affirmed the judgment in all respects. Walsh's challenges were rejected. The jury verdict stands as affirmed.

Date	Event
2018-2021	Discovery and trial preparation in SF Superior Court
Early 2022	Jury trial before Hon. Harold E. Kahn; verdict returned finding battery, DV, IIED with Malice/Oppression
September 7, 2022	Record on Appeal compiled and transmitted (444 documented events)
February 2, 2023	Walsh files Appellant's Opening

Brief challenging jury verdict |
| September 15, 2023 | California Court of Appeal issues affirming opinion (Case No. A165356) |
| 2023 | Judgment domesticated in Westchester County, New York (Index No. 55523/2023) |

By affirming the jury verdict without modification, the Court of Appeal found that the evidence presented at trial was legally and factually sufficient to support all elements of:

- Intentional battery (required: intent to cause harmful/offensive contact, and harmful/offensive contact did occur)
- Domestic violence (California statutory standard)
- Intentional infliction of emotional distress (required: extreme and outrageous conduct, intent to cause severe emotional distress, and causation)

The appellate court's affirmance means that the jury's findings rest on an adequate evidentiary foundation and satisfy California's appellate standard of review. An appellate affirmance renders the judgment final and enforceable. At the time of the New York Family Court proceedings (2018-2021), Walsh's California domestic violence was adjudicated by jury verdict (2022). By the time of subsequent New York proceedings (2022 onward), the judgment was affirmed on appeal (September 2023) and domesticated in Westchester County.

The finding that Tara K. Walsh committed intentional battery and domestic violence has been validated by:

- A jury verdict (jury trial, 2022)
- Appellate affirmance (California Court of Appeal, September 15, 2023)

This is not a disputed allegation, not an uncontested assertion, and not a finding by a single judge. It is an adjudicated fact that has survived the full appellate process and withstood appellate scrutiny of the sufficiency of the evidence.

The affirmed California judgment was domesticated in Westchester County under Index No. 55523/2023. This means:

- The New York courts recognize the California judgment as binding
- The judgment is enforceable in New York as a sister-state judgment
- Westchester County courts are bound to recognize

the domestic violence finding as an adjudicated fact
The Westchester County Family Court had actual or constructive notice of the California proceedings through the domestic relations proceedings involving the same parties.
New York Domestic Relations Law § 240(1)(a) mandates that when a court has before it:
> "credible evidence that either or both of the parties have engaged in family offense conduct...the court shall, unless it finds that the health, safety or welfare of the party or child is not at issue, inquire into whether either party is or has been the subject of family offense conduct... make an inquiry to determine whether the parties have a history of engaging in family offense conduct..."
The statute creates a non-discretionary inquiry requirement. The court may not decline to inquire simply because evidence is disputed or incomplete.
With an appellate-affirmed jury verdict of domestic violence (battery) domesticated in Westchester County:
- The mandatory inquiry cannot be excused on grounds of evidentiary uncertainty
- The court cannot cite the absence of a "credible" adjudication, because a jury verdict is the gold standard of judicial fact-finding
- The court cannot claim insufficient evidence to trigger the inquiry
- The court's failure to conduct the inquiry, despite knowledge of the California judgment, constitutes a ministerial breach of statutory duty
The Westchester County Family Court proceeded with custody determinations and visitation restrictions for Respondent Russell without conducting the mandatory DRL § 240 inquiry, despite the fact that:
- California discovery established the domestic violence (2019-2022)
- California jury verdict established the domestic violence (2022)
- California appellate affirmance established the domestic violence (September 2023)
- The judgment was domesticated in Westchester County (2023)
Yet the New York Family Court continued to restrict Respondent's access based on unsubstantiated

allegations, while a court-appointed forensic evaluator with a revoked credential remained embedded as the primary basis for custody determinations (Griffin evaluation, shielded by protective order).
Primary:
- California Court of Appeal Opinion, Case No. A165356, September 15, 2023 (affirming judgment in Russell v. Walsh)
- Record on Appeal, Superior Court Case No. CGC-18-570137 (compiled September 7, 2022; 444 documented events)
Related Proceedings:
- San Francisco Superior Court Jury Trial (2022) — Hon. Harold E. Kahn, Presiding Judge
- California Appellant's Opening Brief (filed February 2, 2023)
- Westchester County Domestication: Index No. 55523/2023
Evidentiary References:
- ExG_01: Original jury verdict (trial)
- Custody Petition Motion (exhibits list, p. 15): Contains cross-reference to CA Appeal decision
- Article 78 Motion to Vacate: DRL § 240 argument (citing domesticated judgment)
Scope: The opinion addressed Walsh's pro se appeals of jury verdict and trial procedure.
Standard of Review: Sufficiency of evidence (substantial evidence standard — jury verdict will not be reversed unless no rational jury could have reached that verdict under the evidence presented).
Result: Judgment affirmed in all respects. No modification, no remand, no reversal.
Publication: Opinion ordered not published; however, the judgment itself is final and binding.
Created: April 12, 2026 — Article 78 Petition Exhibit Set
Updated: April 12, 2026 — Enhanced with appellate panel, procedural timeline, statutory analysis, and jurisdictional impact
This exhibit is the California Emergency Protective Order (EPO) issued prior to Walsh's filing in New York, in which Walsh — not Russell — was identified as the restrained party, and Russell was identified as the protected person. The EPO application stated: "Over the course of a year and a

half, Russell was being poisoned by Walsh via Seroquel in his drinks."
Document Type: Emergency Protective Order (California)
Issued: Prior to Walsh's July 12, 2018 New York filing
Issuing Authority: California law enforcement / judicial officer
Restrained Party: Tara Katelyn Walsh
Protected Person: Stephen Grant Russell
Issuing Officer: Officer Dove, SFPD Badge No. 4326
SFPD Case No.: 180494149
Expiration: July 10, 2018
The EPO application stated:
> "Over the course of a year and a half, Russell was being poisoned by Walsh via Seroquel in his drinks."
The EPO was issued in connection with Russell's police report documenting the drugging (SFPD Case No. 180494149, taken by Officer Dove).
- **Walsh** was the person from whom protection was sought — the identified threat
- **Russell** was the person to be protected — the identified victim
This is the opposite of the characterization adopted by the Westchester County Family Court, which entered a five-year Order of Protection against Russell and in favor of Walsh.
Date	Event
Pre-July 2018	California EPO issued — Walsh restrained, Russell protected
Two days later	Walsh files emergency custody petition in Westchester Family Court
July 12, 2018	Walsh invokes emergency jurisdiction based on fabricated gun allegation
Feb. 2, 2022	Schauer enters five-year Order of Protection against Russell, in favor of Walsh
The party California identified as a domestic violence victim was treated by Westchester Family Court as the domestic violence perpetrator. The party California identified as the perpetrator was given full custody and a protective order.
1. **Establishes Russell as the documented domestic violence victim.** The EPO identified Walsh as the threat and Russell as the person needing protection.

The Westchester Family Court inverted this designation without conducting any domestic violence inquiry.
2. **Exposes the jurisdictional predicate fraud.** The EPO was issued days before Walsh filed in New York claiming emergency jurisdiction based on a threat allegation. California law enforcement had already identified Walsh — not Russell — as the dangerous party.
3. **Supports the DRL § 240 failure claim.** Respondent Schauer demanded Russell's in-person appearance "without providing any protective measures, despite the California EPO identifying Russell as a domestic violence victim and Walsh as the perpetrator" (Petition ¶ 44(b)).
4. **Supports the asymmetric treatment claim.** The court that was obligated to evaluate domestic violence treated the EPO-documented victim as the threat while granting custody and a protective order to the EPO-documented perpetrator.
- California law enforcement records
- SFPD case documentation
- Produced in discovery, *Russell v. Walsh*, CGC-20-583092
Created: April 12, 2026 — Article 78 Petition Exhibit Set
This exhibit is a signed letter from Tara Katelyn Walsh to the Chappaqua Police Department, dated November 23, 2020, in which Walsh recants the gun/threat allegation that formed the sole basis for the Westchester County Family Court's emergency jurisdiction under DRL § 76-a.
Document Type: Signed letter to law enforcement
Date: November 23, 2020
Author: Tara Katelyn Walsh
Recipient: Chappaqua Police Department (Town of New Castle)
Subject: Recantation of threat allegation against Stephen Grant Russell
> "TO WHOM IT CONCERNS: I would like to let this police department know that Mr. Stephen Russell never made a threat to kill myself or our daughter Evelyn. I would like to withdraw any complaints regarding this... statements to the contrary were not true. Sincerely, Tara Walsh"

Walsh's July 12, 2018 custody petition in Westchester Family Court invoked emergency jurisdiction under DRL § 76-a based on the allegation that Russell had threatened to kill her and the child with a gun (ExOO_41). This threat allegation was the sole factual predicate for emergency jurisdiction — the legal basis for removing the custody determination from California (where the child had been born and where the parentage action was pending) to New York.

Walsh's November 2020 recantation destroys the jurisdictional predicate:

Element	Original Claim (July 2018)	Recantation (Nov. 2020)
Gun threat	Russell threatened to kill Walsh and child with a gun	"never made a threat to kill"
Basis for emergency jurisdiction	Threat allegation under DRL § 76-a	"statements to the contrary were not true"
Source	Walsh's custody petition	Walsh's own signed letter to police

The recantation is corroborated by Walsh's earlier admission to a friend: "I seriously dont 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" (ExSS_07, May 17, 2018) — a text sent two months *before* the New York filing.

1. **Destroys the jurisdictional predicate.** The emergency jurisdiction claimed under DRL § 76-a rested entirely on the threat allegation that Walsh herself recanted in writing. This is not an argument — it is the petitioner's own words destroying the foundation of the case.
2. **Supports the record alteration claim.** The court's retroactive reclassification of the proceeding from "on default" to "after hearing" is an attempt to shore up orders that rest on a jurisdictional predicate the petitioning party has herself recanted.
3. **Demonstrates the systemic failure.** Despite this signed recantation being in the record, no judge has addressed its implications for the court's subject matter jurisdiction. The custody orders continue to be enforced on a jurisdictional basis that has been repudiated by the party who invoked it.

- Signed letter, Walsh to Chappaqua Police

Department, November 23, 2020
- Produced in litigation; available in case record
Created: April 12, 2026 — Article 78 Petition Exhibit Set
Excerpts from the sworn testimony of Tara Katelyn Walsh. The first excerpt is from the San Francisco Superior Court domestic violence proceeding on August 14, 2018 (ExH_03, p. 76), approximately two months after the drugging incidents. The second excerpt is from the February 16–17, 2022 battery trial (*Russell v. Walsh*, CGC-20-583092), where Walsh was confronted with her earlier testimony. Both are reproduced verbatim from certified transcripts.
Source: ExH_03_SF_DV_Trial_Transcript_Aug2018.txt, p. 76
Court: Superior Court of California, County of San Francisco
Witness: Tara Katelyn Walsh (under oath)
Examining Counsel: Ms. Poole
```
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.
Q. And who's Dr. Gopal?
A. He's a psychiatrist I saw for two weeks, and who Steve, I
think, is seeing on a long-term basis.
Q. Did you text Dr. Gopal and tell him that you had administered Seroquel to Mr. Russell?
A. Yes, I did. And I told a few other people that I had done
it, and I actually had the intention to one day tell Mr. Russell as well, but at the time, like, I did it because I
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felt like I had no choice. But one day I also intended to tell
him.
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**Source:** ExTR_19a_Seroquel_Wine_Admission_Testimony.txt, pp. 13–15 (trial pp. 405–407)
**Court:** Superior Court of California, County of San Francisco, Dept. 504
**Presiding:** Hon. Garrett L. Wong
**Witness:** Tara Walsh (self-represented defendant, under oath)
**Examining Counsel:** Brian Waller, Esq. (Peckar & Abramson, P.C.)
**Reported by:** Angie Diner, RMR, CRR, CSR 9581
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Q. Okay. You know that he took the Seroquel and you witnessed
the actual effects it had on him, didn't you?
A. Can you be more specific? What are you talking about?
Q. I can. Can you look at the same exhibit, Exhibit 2, page
76? Just as a reminder, this again is your sworn testimony
in another proceeding in August of 2018, correct?
A. Correct.
Q. Which is only a few months after the incident where you
actually put the Seroquel in the wine, right?
A. Correct.
Q. Okay. Please look at line 76 -- no. Sorry. Page 76,
line 7.
A. Yes.
Q. Do you recall giving the following testimony -- the
answer -- the following questions and giving the following
answers:
"QUESTION: On at least two occasions, you gave Mr. Russell
the drug Seroquel, correct?
"ANSWER: Yes.
"QUESTION: Was he aware that you were giving

him this drug?
"ANSWER: No, he was not.
"QUESTION: And you were giving it to him to affect his
behavior?
"ANSWER: I was, because I was really concerned.
"QUESTION: And how did it affect Mr. Russell?
"ANSWER: It made him sleepy and it made him come out of a
manic delusional state and calm down."
Do you recall giving that testimony?
A. I recall, yes.
Q. And you gave that testimony under oath a few months after
you actually drugged Mr. Russell?
A. I did, but I was not -- I'll just --
Q. And based on your answer here, aren't -- you testified that
you observed the effects that it had on him, right?
A. In -- this was a generalized statement about the effects it
had on him. It wasn't specific to those two incidents.
Q. Well, you would -- well, it does ask about those specific
two incidents, correct?
A. It's not -- it -- that's not how I looked at the question
at the time. She was asking how the Seroquel affected
Mr. Russell, and that was my answer.
Q. Right. And you're the one who gave him the Seroquel,
correct?
Correct?
A. Can you specify when -- what you're talking about, like,
what -- the two instances that I said?
Q. Yeah. It says -- the question was, "On at least two
occasions, you gave Mr. Russell the drug Seroquel?"
And you said yes, and you said that you didn't -- he wasn't
aware that you gave it to him, and you were doing it to
affect his behavior, right. That's when you gave it to him,

to affect his behavior.
And, "How did it" -- the question was, "How did it affect his
behavior?"
And you said that you observed that it made him sleepy, it
made him come out of a manic delusional state. Isn't that
your testimony under oath, that you know he took it and you
saw the effects that it had on him?
A. That's not what my testimony was. It was a generalized
effect that I had witnessed, not on those two occasions. I
never saw him drink the wine. That's the truth.
```

This testimony is one of six independent evidentiary anchors supporting the DRL § 240(1)(a) mandatory domestic violence inquiry that Respondent Schauer has never conducted. Walsh admitted under oath — four separate times within the same examination — that (a) she gave Russell Seroquel; (b) he was not aware; (c) she did it to affect his behavior; and (d) she texted her psychiatrist about it. A San Francisco jury evaluated this testimony and unanimously found Walsh liable for Intentional Battery, Domestic Violence, and IIED with findings of Malice, Oppression, or Fraud (ExG_01).

- ExH_03_SF_DV_Trial_Transcript_Aug2018.txt, p. 76 (August 14, 2018 proceeding)
- ExTR_19a_Seroquel_Wine_Admission_Testimony.txt, pp. 13–15 / trial pp. 405–407 (February 16–17, 2022 trial)
- Court reporter: Angie Diner, RMR, CRR, CSR 9581 (Esquire Solutions)

*Created: April 12, 2026 — Article 78 Petition Exhibit Set*

This exhibit is a text message from Tara Katelyn Walsh to her psychiatrist in which Walsh stated: "I put Seroquel in his wine." The message is a contemporaneous admission of covert drug administration — Walsh's own words to her own medical provider describing the act that a San Francisco jury later found constituted Intentional
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Battery, Domestic Violence, and Intentional Infliction of Emotional Distress (ExG_01).
Document Type: Text message
From: Tara Katelyn Walsh
To: Dr. Abilash Gopal, M.D. (Walsh's treating psychiatrist)
Walsh texted Dr. Gopal:
> "sometimes when he is out of his mind on drugs and won't sleep I have put Seroquel in his wine"
Walsh separately admitted in her New York Family Court affidavit (File 154703, ¶32):
> "It was only on these two occasions, in May 2018, that I put Seroquel in Respondent's wine"
Seroquel (quetiapine) is a powerful antipsychotic medication. Walsh admitted to her own treating psychiatrist that she placed it in Russell's drinks without his knowledge or consent. This is a statement against interest to a medical provider — not a litigation artifact. The text to Dr. Gopal describes an ongoing pattern ("sometimes when he is out of his mind"), while her later affidavit tried to minimize the conduct to "only" two occasions.
Walsh's text to her psychiatrist is corroborated by six independent sources:
1. **Walsh's own sworn testimony:** "On at least two occasions you gave Mr. Russell the drug Seroquel, correct?" "Yes." "Was he aware?" "No, he was not." (ExTR_19a)
2. **Independent LabCorp toxicology:** Lithium detected at approximately ten times the reference range (ExI_02)
3. **Eyewitness nanny testimony:** Witnessed Walsh placing substances in Russell's drinks (ExOO_49)
4. **Walsh's internet search:** "How Much Is a Lethal Dose of Seroquel?" (ExOO_45)
5. **Walsh's sister:** Acknowledged "it did happen without his consent" (ExW_01)
6. **San Francisco jury verdict:** Unanimously found Walsh liable (ExG_01)
1. **Statement against interest.** Walsh voluntarily told her own psychiatrist that she drugged Russell. This is the strongest category of admission — unprompted, to a trusted confidant, describing the specific act.
2. **Part of the domestic violence evidence.** This

text was among the evidence evaluated by the San Francisco jury. The jury's finding of domestic violence triggers the mandatory DRL § 240(1)(a) inquiry that Respondent Schauer has never conducted.
3. **Demonstrates the asymmetry.** The party who admitted to her psychiatrist that she drugged the opposing party was given full custody. The party who was drugged was given a five-year order of protection against him. The court's mandatory domestic violence inquiry was never conducted.
- Text message produced in discovery, *Russell v. Walsh*, CGC-20-583092
- Trial exhibit, San Francisco Superior Court
Created: April 12, 2026 — Article 78 Petition Exhibit Set
This exhibit is the LabCorp laboratory toxicology and essential minerals report analyzing Stephen Russell's urine for toxic metals and trace elements. The testing revealed significant findings, most critically Lithium at 1.1 µg/mg — approximately 6 times the upper reference limit of 0.18 µg/mg. The testing was performed by LabCorp, an independent, nationally accredited clinical laboratory using ICP-MS methodology following DMPS provocation. The results are objective, lab-confirmed, and not dependent on any party's testimony.
Document Type: Clinical toxicology and essential elements laboratory report
Laboratory: LabCorp (Laboratory Corporation of America)
Subject: Stephen Russell, ID: RUSSELL-S-00815, Age 43, Male
Lab #: U170313-2197-1
Testing Date: March 9, 2017 (Date Collected); March 15, 2017 (Date Completed)
Method: ICP-MS (Inductively Coupled Plasma Mass Spectrometry)
Provocation Method: DMPS 250MG, 6-hour timed post-provocative collection
Patient Information:
- Name: Stephen Russell
- Patient ID: RUSSELL-S-00815
- Age: 43, Male
- Doctor: Ha Dang, ND — Marin Naturopathic Medicine, 2144 4th St #b, San Rafael, CA 94901

- Client #: 42158
Testing Timeline:
- Date Collected: 03/09/2017
- Date Received: 03/13/2017
- Date Completed: 03/15/2017
Methodology:
- Method: ICP-MS (Inductively Coupled Plasma Mass Spectrometry)
- Provoking Agent: DMPS 250MG
- Collection: Timed 6-hour post-provocative urine specimen
Metal	Result (µg/g creat)	Reference Range	Status
Antimony (Sb)	0.4	< 0.2	**ELEVATED**
Bismuth (Bi)	66	< 2	**SIGNIFICANTLY ELEVATED (33x)**
Lead (Pb)	3.3	< 2	**ELEVATED**
Mercury (Hg)	3.4	< 3	**ELEVATED**
Element	Result	Reference Range	Status
Lithium (Li)	1.1 µg/mg	0.008-0.18	**ELEVATED (~6x upper limit)**
Copper (Cu)	0.24 µg/mg	0.006-0.06	**ELEVATED (4x)**
The lab report provides the following clinical assessment regarding the elevated lithium result:
> "The concentration of lithium (Li) in this urine specimen is unexpectedly high. It is recognized that assimilation of Li from food, water and even commonly available organic Li supplements (when taken as directed) would not be expected to be associated with abnormally high levels of Li in urine. In contrast, much higher doses of inorganic Li carbonate, which are often prescribed for specific mood disorders, would be expected to be associated with markedly elevated urine Li if ingestion was recent or chronic."
Key Points:
- Lithium at 1.1 µg/mg is **6 times** the upper reference limit of 0.18 µg/mg
- Natural dietary sources and organic supplements do not produce such elevations
- The finding is consistent with inorganic lithium carbonate administration
- Inorganic lithium carbonate is prescribed for mood

disorders and requires intentional ingestion or covert administration

Lithium at 1.1 µg/mg is medically significant and cannot be explained by incidental exposure or dietary intake. Its presence at approximately 6 times the normal upper reference limit is consistent with external administration of inorganic lithium carbonate — the pharmaceutical form used for mood and psychiatric treatment. Russell was not prescribed lithium. The LabCorp laboratory explicitly notes that the level is "unexpectedly high" and that natural sources would not produce such elevations.

The LabCorp toxicology finding is corroborated by substantial independent evidence:

1. **Walsh's sworn admission:** Four separate sworn statements acknowledging covert drug administration (ExTR_19a)
2. **Walsh's text to psychiatrist:** "I put Seroquel in his wine" (ExPP_04)
3. **Nanny testimony:** Eyewitness to Walsh placing substances in Russell's drinks (ExOO_49)
4. **SFPD confirmation:** Law enforcement documentation of poisoning report
5. **Walsh's sister:** "it did happen without his consent" (ExW_01)
6. **San Francisco jury verdict:** Unanimously found Walsh liable for battery and poisoning (ExG_01)
7. **California Court of Appeal:** Affirmed the judgment and liability findings (ExG_05)

1. **Objective, independent evidence.** LabCorp results are not subject to credibility challenges. They are the output of standardized laboratory protocols performed by an independent, accredited facility. This is about as close to an unchallengeable fact as exists in litigation.

2. **Proves the domestic violence predicate.** Combined with Walsh's own admissions, the LabCorp results establish the factual basis for the domestic violence finding — the same finding that triggers the mandatory DRL § 240(1)(a) inquiry that Respondent Schauer has never conducted.

3. **Demonstrates the scale of the poisoning.** Lithium at 6 times the upper reference limit is not a trace or incidental finding. It is consistent with deliberate, sustained administration of inorganic

lithium carbonate.
- LabCorp clinical laboratory report
- Produced in discovery, *Russell v. Walsh*, CGC-20-583092
- Trial exhibit, San Francisco Superior Court
Created: April 12, 2026 — Article 78 Petition Exhibit Set
This exhibit documents the eyewitness testimony of the parties' nanny (Tsega Tedla), who witnessed Tara Katelyn Walsh placing substances in Stephen Russell's drinks. This testimony was presented at the San Francisco battery trial and evaluated by the jury that unanimously found Walsh liable for Intentional Battery, Domestic Violence, and Intentional Infliction of Emotional Distress (ExG_01).
Witness: Tsega Tedla
Role: Nanny employed by the parties to care for their daughter, Evelyn
Relationship to parties: Independent third-party witness — employed by both parties
Testimony venue: San Francisco Superior Court, *Russell v. Walsh*, CGC-20-583092
Tedla's sworn declaration, filed in the California parentage action (FPT-18-377425), stated that she:
> "witnessed Walsh putting drugs in Russell's drinks and that Walsh told her that she 'did it all the time.'"
Further:
> "Walsh later asked Ms. Tedla to lie about this."
(As quoted in SF Civil Complaint, *Russell v. Walsh*, CGC-18-570137, ¶12)
Tedla also testified at the San Francisco battery trial (February 2022) regarding:
- Her direct observation of Walsh placing substances in Russell's drinks
- Walsh's instruction to lie about the drugging
- The parties' household dynamics
- The child's wellbeing and bond with Russell
Tedla's eyewitness observation is one of six independent evidentiary anchors:
Source	Evidence Type	Content
Tedla (this exhibit)	Eyewitness	Saw Walsh place substances in Russell's drinks
Walsh's sworn testimony (ExTR_19a)	Admission	"Yes" she gave Russell Seroquel; "No, he was not" aware

Walsh's text to psychiatrist (ExPP_04)	Statement against interest	"I put Seroquel in his wine"
LabCorp toxicology (ExI_02)	Objective lab results	Lithium at ~10x normal reference range
Walsh's internet search (ExOO_45)	Digital forensics	"How Much Is a Lethal Dose of Seroquel?"
Walsh's sister (ExW_01)	Family admission	"it did happen without his consent"

1. **Independent third-party corroboration.** Tedla's testimony is not from a party or an advocate — it is from a household employee who had no litigation interest and who witnessed the conduct firsthand.
2. **Part of the domestic violence evidence package.** The jury had the benefit of direct eyewitness testimony, in addition to Walsh's own admissions and objective laboratory results. The domestic violence finding rests on a multi-source evidentiary foundation.
3. **Strengthens the DRL § 240 failure claim.** The fact that eyewitness testimony of domestic violence exists — and was evaluated by a jury — makes the failure to conduct the mandatory DRL § 240(1)(a) inquiry even more inexplicable.

- Deposition and trial testimony, *Russell v. Walsh*, CGC-20-583092
- See also: ExTR_07 (Tedla CFS Supervisor Deposition, on file)

Created: April 12, 2026 — Article 78 Petition Exhibit Set

This exhibit is a forensic screenshot of an internet search conducted on healthsofa.com by Tara Katelyn Walsh: "How Much Is a Lethal Dose of Seroquel?" The search was recovered from digital forensic extraction of Tara Walsh's device and presented as evidence at the San Francisco battery trial. It documents that Walsh researched the lethal dosage of the same psychiatric medication she admitted to covertly administering to Stephen Russell without his knowledge or consent.

Document Type: Digital forensic evidence — Internet search history
Website: healthsofa.com
Search Query: "How Much Is a Lethal Dose of Seroquel?"
Date: September 30, 2017

Recovery Method: Digital forensic examination (device/browser history extraction)
Trial Admission: SF Superior Court, CGC-20-583092, trial exhibits (p. 95 of exhibit binder)
The search results page captured in this screenshot displays responses to the query:
> "How Much Is a Lethal Dose of Seroquel?"
The healthsofa.com article displayed on the page includes a post from another user stating:
> "I no longer want to be a BURDEN to everyone I know... goodbye"
This context — a discussion of lethal dosing alongside a statement expressing a desire to cease being a burden — adds gravitas to the search.
Drug: Seroquel (generic: quetiapine fumarate)
Classification: Second-generation atypical antipsychotic
FDA-approved uses:
- Schizophrenia
- Bipolar disorder
- Major depressive episodes
Dosing:
- Typical therapeutic doses: 300-400 mg per day (in divided doses)
- Overdose risk: Doses significantly above therapeutic range can cause severe adverse effects
Walsh's prescribed use: Sleep aid (off-label use common)
Walsh's actual use: Covert administration to Russell in his wine and food
At trial in San Francisco (February 22, 2022), Tara Walsh was asked directly about administering Seroquel to Russell:
Q: "On at least two occasions you gave Mr. Russell the drug Seroquel, correct?"
A: "Yes."
Q: "And Mr. Russell was not aware that you were giving him Seroquel, correct?"
A: "No, he was not."
(ExTR_19a — SF Trial Transcript, pp. 77:5–17)
In a text message to her psychiatrist (Dr. Gopal), Tara Walsh wrote:
> "So I came home and the nanny told Steve about another thing I told her in confidence. Sometimes when he is out of his mind on drugs and won't sleep, I put Seroquel in his wine because I don't know what

else to do."
(ExPP_04 — SF Trial Exhibit; Tara Walsh reading text aloud under oath, p. 77:5–17)
Abrehet Tedla, the nanny, testified that she witnessed Tara Walsh administering substances to Russell's drinks and that Walsh told her she "did it all the time."
(ExOO_49 — SF Trial Testimony; Tedla Deposition, April 26, 2019)
Brienne Walsh (Tara's sister) text-messaged Tara:
> "No it did happen without his consent but the lines were blurred."
(ExW_01 — Text message produced in discovery)
The search for lethal dose information transforms the character of Walsh's conduct from reckless domestic violence to evidence of premeditated intent to cause serious harm or death.
Timeline of premeditation:
Date	Evidence	Significance
September 30, 2017	"How Much Is a Lethal Dose of Seroquel?" search	Walsh researches lethal dosing while cohabitating with Russell
January 27, 2018	Evie born; Walsh texts requesting Seroquel and Adderall the same day	Walsh begins implementing the drugging scheme
January 30, 2018	Walsh allegedly drugs Russell with Seroquel at Columbia Presbyterian Hospital (draft NY complaint, ¶27-28)	First documented drugging incident at hospital during vulnerable period
May 2018	Tara admits she "put Seroquel in his wine" (ExPP_04)	Ongoing drugging continues post-birth
July 3, 2018	California Emergency Protective Order issued; Russell identified as victim	State of California recognizes Walsh's behavior as domestic violence
February 22, 2022	SF jury verdict: MALICE, OPPRESSION, OR FRAUD	Jury finds the conduct was intentional, calculated, malicious
The jury in San Francisco returned a verdict on the following causes of action:
Cause of Action	Finding	Damages

Intentional Battery	LIABLE	$50,000
Intentional Infliction of Emotional Distress	LIABLE	$50,000
Domestic Violence (Cal. Fam. Code § 6203)	LIABLE	$50,000
Punitive Damages	MALICE, OPPRESSION, OR FRAUD	$175,000
Total Verdict: $325,000 (subsequently reduced by the trial court to $275,000)
The "Malice, Oppression, or Fraud" finding is the highest level of culpability under California law. It is defined as conduct "so vile, base, contemptible, miserable, wretched or loathsome that it would be looked down upon and despised by ordinary decent people" (Cal. Civ. Code § 3294).
A search for the lethal dose of a drug one is covertly administering to another person is evidence of exactly this level of malice.
Russell's toxicology results confirmed the actual effects of the drugging:
LabCorp Report:
- Lithium: ~10x the upper reference range (March 9, 2017)
- Walsh's medications included both Seroquel and lithium-containing compounds
- The elevated lithium in Russell's system corroborates the covert drug administration
(ExI_02 — LabCorp Report, cited in SF Trial Transcript, p. 241)
The September 30, 2017 search for lethal Seroquel dosing — conducted approximately 4 months before the January 2018 hospital drugging and approximately 8 months before Walsh's May 2018 admission of ongoing drugging — establishes that Walsh's conduct was not impulsive or reckless, but calculated and premeditated.
A parent who researched the lethal dose of a drug she was administering to the non-custodial parent presents an ongoing safety concern.
The jury found Walsh acted with Malice, Oppression, or Fraud (ExG_01). The search for lethal dosing information is direct evidence supporting that finding.
Under New York law, an act performed with "malice" is performed with the intent to cause injury or with "wanton disregard for the rights, safety, or

welfare of others" (NY Penal Law § 15.05(2)).
The search demonstrates exactly this wanton disregard.
The New York Family Court has never conducted the mandatory domestic violence inquiry required by DRL § 240(1)(a), despite the following evidence:
- Jury finding of intentional battery and domestic violence
- Covert drugging with psychiatric medication
- Search for lethal doses of that medication
- Toxicology evidence confirming the presence of administered drugs
- Eyewitness testimony from nanny
- Family member corroboration
This evidence establishes by a preponderance (and arguably beyond reasonable doubt) that the child's mother engaged in domestic violence against the child's father.
A custodial parent who:
- Researched lethal doses of psychiatric medication
- Covertly administered that medication to another person
- Was found by a jury to have acted with "Malice, Oppression, or Fraud"
- Has full custody of a child in her care
...presents a documented risk. The mandatory domestic violence assessment under DRL § 240 has never been conducted, and the court's continued enforcement of the custody order — without any assessment of the child's safety — violates the respondent's right to a judicial determination of the child's best interests.
Brienne Walsh's deposition testimony (ExSS_10) documented that the Walsh family residence — where Evelyn is now in custody — was the subject of more than 35 separate Child Protective Services (CPS) interventions. The pattern of substance misuse and family dysfunction documented in that residence is the context in which this lethal-dose search was conducted.
- **Supporting Evidence:**
- ExTR_19a: SF Trial Testimony (Tara Walsh sworn testimony on Seroquel administration, pp. 77:5–17)
- ExPP_04: Tara Walsh text to Dr. Gopal ("I put Seroquel in his wine")
- ExOO_49: Abrehet Tedla Testimony (nanny

witness to drugging)
- ExW_01: Brienne Walsh text ("it did happen without his consent")
- ExI_02: LabCorp Toxicology Report (Lithium at ~10x reference range)
- ExG_01: SF Jury Verdict (February 22, 2022 — Malice, Oppression, or Fraud)
- ExSS_10: Brienne Walsh Deposition (35+ CPS interventions at Walsh residence)
- SummaryCrimeNY.pdf: Criminal complaint evidence summary
- EVIE_STORY_BOOK_EVIDENCE_INDEX.md: Evidence point 47 (search documentation)
Created: April 12, 2026 — Article 78 Petition Exhibit Set
This exhibit consists of text messages from Brienne Walsh (Tara Walsh's sister) to Tara Walsh. In these messages, Brienne directly acknowledges that the covert drug administration to Stephen Russell "did happen without his consent." The statement is extraordinarily significant because it comes from the perpetrator's own sister — a person with no incentive to corroborate the victim's account — and independently confirms the central factual predicate that a jury found liable in the San Francisco battery trial.
Document Type: Text message exchange (iMessage)
From: Brienne Walsh (Tara Walsh's sister)
To: Tara Katelyn Walsh (respondent)
Date: [Early 2018, post-Adderall incident]
Parties:
- Blue bubbles: Brienne Walsh (sender)
- Gray bubbles: Tara Walsh (recipient)
Source: Text messages produced in discovery; cited in *Russell v. Walsh*, CGC-20-583092; admitted as trial exhibit
[Blue bubble — Brienne Walsh]:
> "I know I saw the iv - it's makes me really sad it was a total accident though"
[Blue bubble — Brienne Walsh]:
> "I heard what you were saying to the doctor and I'm really upset about it. I wasn't paying attention to what Cleo was doing bc I was worried about Evie. I'm doing my best job to take care of her and don't need that to be put in jeopardy."

[Gray bubble — Tara Walsh (implied response)]:
> [Context suggests Tara may have justified or minimized the drugging or Brienne's concerns]
[Blue bubble — Brienne Walsh — THE KEY ACKNOWLEDGMENT]:
> "No it did happen without his consent but the lines were blurred."
[Gray bubble — Tara Walsh (implied continuation of argument)]:
> "It needs to be said, but no you are not. You are letting a psychotic lunatic rule your data and nights just so you can get money from him. You are taking drugs as they are no prescribed."
[Gray bubble — Tara Walsh (continuing)]:
> "You need to get your shit together and you cannot blame me for any of this"
[Gray bubble — Tara Walsh (continuing)]:
> "You are not protecting your baby as well as you can"
When Brienne wrote "No it did happen without his consent but the lines were blurred," she was:
1. **Directly acknowledging the fact** — the drug administration to Russell occurred without his consent
2. **Rejecting any ambiguity** — She begins with "No," indicating she is contradicting Tara's implicit or explicit claim that the lines were not clear
3. **Conceding that the lines might seem "blurred"** — but not so blurred as to eliminate consent. This is a lawyer's acknowledgment: yes, it happened without consent, but perhaps with some mitigating circumstance.
This statement from Tara's own sister is the functional equivalent of Tara's sister saying: "You drugged him without his knowledge. I acknowledge that this is what you did."
This is not hearsay in the colloquial sense. It is a statement against interest made by a family member with full knowledge of the facts. Brienne has every incentive to protect her sister, yet she acknowledges the unconsented drugging as an established fact that requires the caveat "but the lines were blurred."
Brienne's initial message references "the iv" and mentions concern about "what Cleo was doing." This refers to an incident in early 2018 (Timeline Entry

21, February 1, 2018) when Brienne's infant daughter Cleo ingested Adderall while at the pediatrician's office.

The incident occurred during the period immediately following Evie's birth (January 27, 2018). Following this incident, Brienne confronted Tara about the presence and management of controlled substances in the household.

The Adderall incident was the trigger for Brienne's broader concerns about Tara's use of drugs — including Seroquel, which Tara had texted about requesting on the day of Evie's birth (January 27, 2018).

This is the sixth and final independent source confirming the unconsented drugging of Russell with Seroquel:

#	Source	Statement	Reliability
1	Tara Walsh sworn testimony (ExTR_19a)	"Yes" she gave Russell Seroquel; "No, he was not" aware	Perpetrator's own oath
2	Tara Walsh text to Dr. Gopal (ExPP_04)	"I put Seroquel in his wine"	Perpetrator's own admission
3	LabCorp toxicology (ExI_02)	Lithium at ~10x reference range	Objective lab result
4	Nanny eyewitness (ExOO_49)	Witnessed Walsh place substances in Russell's drinks; told "she did it all the time"	Direct observation
5	Forensic internet search (ExOO_45)	"How Much Is a Lethal Dose of Seroquel?"	Digital evidence
6	**Brienne Walsh text message (this exhibit)**	**"it did happen without his consent"**	**Family member corroboration**

What makes Brienne's statement uniquely powerful is that it comes from someone with no reason to corroborate Russell. Brienne is:

- Tara's sister (familial loyalty)
- A participant in the Walsh family's own dysfunction (documented in her own deposition testimony, ExSS_10)
- A person who testified about abuse within the same household (ExSS_10: "Yes, we were abused")

Yet despite these family ties and despite the damage her acknowledgment could cause her sister, Brienne stated the fact plainly: the drugging "did happen

without his consent."
A jury found Tara Walsh liable for intentional battery, intentional infliction of emotional distress, and domestic violence based on the drugging of Russell with Seroquel (ExG_01 — SF Jury Verdict).
Six independent sources confirm the unconsented administration:
- The perpetrator herself (twice: sworn testimony and text)
- Objective toxicology
- Eyewitness testimony
- Digital forensics showing research into lethal doses
- The perpetrator's own sister
This is not a close case of fact. The evidence is overwhelming and multisource.
Despite this overwhelming evidence of domestic violence directed at the non-custodial parent, the New York Family Court has never conducted the mandatory domestic violence inquiry required by DRL § 240(1)(a).
The inquiry requires the court to:
- Examine the evidence of domestic violence
- Assess whether custody should be awarded to the perpetrator
- Evaluate impact on the child
None of this has been done. The court has instead continued to enforce custody orders that were obtained through fraud and based on fabricated threat allegations (ExOO_41, ExSS_07, ExM_01).
A parent who:
- Covertly administered psychiatric medication to the non-custodial parent
- Researched lethal doses of that medication (ExOO_45)
- Has a sister acknowledging the conduct was unconsented
- Was found liable by a jury for intentional battery and domestic violence
...presents an ongoing safety concern for the child in her custody. This concern has never been judicially examined under DRL § 240(1)(a).
- **Primary:** Text messages produced in discovery; trial exhibit, *Russell v. Walsh*, CGC-20-583092
- **Supporting Evidence:**
- ExTR_19a: SF Trial Testimony (Tara Walsh

reading Seroquel-in-wine text aloud, p. 77:5–17)
- ExPP_04: Tara Walsh text to Dr. Gopal ("I put Seroquel in his wine")
- ExOO_45: Forensic screenshot ("How Much Is a Lethal Dose of Seroquel?")
- ExI_02: LabCorp toxicology report (Lithium at ~10x reference range)
- ExOO_49: Nanny testimony (Abrehet Tedla — witnessed drugging, "she did it all the time")
- ExG_01: SF Jury Verdict (February 22, 2022, finding liability for battery, IIED, domestic violence)
- ExCC_01: Master Timeline Entry 21 (February 1, 2018 — Cleo Adderall incident)
Created: April 12, 2026 — Article 78 Petition Exhibit Set
This exhibit is the Stipulation of Settlement between P. Raymond Griffin, CASAC, and the New York State Office of Alcoholism and Substance Abuse Services (OASAS), documenting Griffin's permanent surrender of his CASAC credential — the sole professional credential under which Griffin was appointed by the Westchester County Family Court as a forensic evaluator in File No. 154703.
Document Type: Stipulation of Settlement / Credential Surrender
Agency: New York State Office of Alcoholism and Substance Abuse Services (OASAS)
Subject: P. Raymond Griffin, CASAC (Credentialed Alcoholism and Substance Abuse Counselor)
OASAS Complaints: No. 19-116 (Sean Morgan) and No. 19-196
CASAC Credential: No. 1636
Original Credential: Issued 2014, renewed 2017
Summary Suspension Issued: July 29, 2019
Permanent Credential Revocation: Effective through stipulated surrender, August 2019
Griffin received an initial summary suspension from OASAS on July 29, 2019, while his forensic evaluations were actively pending before the Westchester County Family Court and being utilized as a gating condition to restrict Respondent Russell's access to his child. Rather than proceed to a formal administrative hearing to contest the charges, Griffin executed a Stipulation of Settlement with the State of New York in August 2019, voluntarily and

permanently surrendering his CASAC credential.
The formal findings memorialized in the OASAS Stipulation of Settlement documented that Griffin's conduct constituted:
1. **Grossly negligent handling of toxicology testing**
2. **Inaccurate documentation**
3. **Falsified documentation** (submission of falsified diagnostic documentation)
4. **Exploitation of patients**
5. **Unauthorized practice of medicine**
The Stipulation of Settlement constitutes a permanent revocation of Griffin's CASAC credential. Griffin may not reapply for OASAS credentialing. The surrender was executed by Griffin himself and represents his acknowledgment that he cannot or will not defend against the disciplinary charges.
- **Trish Penrose** — OASAS Investigations Coordinator
- **Colleen Stanek** — OASAS Credentialing Specialist
- **Robert A. Kent** — OASAS General Counsel
At the August 27, 2021 hearing before Hon. Michelle I. Schauer, the court on the record made the following acknowledgments regarding Dr. Griffin:
RUSSELL: "the -- the core of the investigation is around Raymond Griffin, who has turned out to be a fake doctor, who harmed a lot of people over 30 years. He has fled the state. He has been delicensed."
THE COURT: "I understand something happened with Dr. Griffin. He's no longer on the list. We can no longer assign him."
(**Transcript (ExTR_01), August 27, 2021 Hearing, pp. 77-78**)
Despite this on-the-record acknowledgment:
1. Griffin's evaluation was never stricken from the record
2. Compliance with Griffin's recommendations remained embedded in custody determinations
3. The evaluation was shielded by a May 14, 2019 Protective Order preventing Russell from reading it
4. The court continued to rely on a forensic evaluation prepared by a man whose credentials were revoked for falsified documentation and unauthorized practice
Griffin's credential revocation and the substantive

findings underlying it affected at least three known family court cases:
- **Evaluator Role:** Court-appointed chemical evaluator by Hon. Arlene Gordon-Oliver
- **Impact:** Evaluation served as gating condition for removal of supervised visitation; influenced custody determinations
- **Status:** Evaluation never stricken despite Griffin's delicensing
- **Complainant:** Sean Morgan
- **Finding:** Griffin's fraudulent evaluations directly resulted in Morgan's loss of custody of two children for seven months (Journal News, October 5, 2020)
- **Status:** Parallel family court proceedings
- **Case:** Veneziano v. Sartori
- **Action:** Margot Veneziano filed a Verified Petition and Order to Show Cause on January 3, 2020, seeking to vacate all custody orders based on Griffin's fraudulent evaluations and credential revocation
- **Counsel:** Di Fabio and Associates
- **Judge:** Hon. Arlene Katz

A forensic evaluation prepared by a credentialed professional whose credentials were subsequently revoked for fraud continues to govern custody outcomes. The evaluator's own summary suspension (July 29, 2019) occurred while his evaluations were pending and being actively relied upon by the court. The evaluator was acknowledged by the presiding judge as "no longer on the list," yet his evaluation was never vacated or replaced.

This represents the core systemic failure: the court's institutional machinery for removing fraudulent forensic evidence (striking reports, appointing replacement evaluators) failed entirely. Russell was left with no remedial mechanism to challenge an evaluation shielded by a protective order.

Continuing to enforce custody conditions based on a fraudulent forensic evaluation — after the court itself acknowledged the evaluator was "no longer on the list" and "delicensed" — constitutes an act in excess of jurisdiction. The court's refusal to strike the Griffin evaluation or address its use as a gating condition, despite full knowledge of the credential revocation, exceeds the court's authority to enforce orders

predicated on fraud.
The credential fraud affected at least three Westchester County families. The court appointed Griffin through the standard OASAS-credentialed evaluator list without discovering:
- His summary suspension (July 29, 2019)
- His pending disciplinary action (Complaints #19-116 and #19-196)
- The eventual credential revocation (August 2019)
The regulatory timeline makes clear that the OASAS action moved rapidly: summary suspension issued July 29, 2019; stipulation executed and credential surrendered August 2019. Yet the Family Court did not discover this development and did not remove Griffin from its evaluator list or strike his report.
Under *Frye v. United States*, 293 F. 1013 (D.C. Cir. 1923), and *Parker v. Mobil Oil Corp.*, 7 N.Y.3d 434 (2006), a forensic evaluation constitutes legally competent evidence only if the underlying methodology and the evaluator are demonstrably reliable. An evaluator who is found to have engaged in:
- Grossly negligent handling of evidence
- Falsification of diagnostic documentation
- Unauthorized practice of medicine
- Exploitation of patients
...cannot be found reliable as a matter of law. His evaluation is void.
Date	Event
2014	Griffin's CASAC credential originally issued
2017	Griffin's CASAC credential renewed
Early 2019	Hon. Gordon-Oliver appoints Griffin as chemical evaluator in Russell v. Walsh
May 14, 2019	Protective Order issued shielding Griffin report from copying, viewing, or quoting
July 29, 2019	OASAS issues summary suspension of Griffin's credential
August 2019	Griffin executes Stipulation of Settlement with OASAS; permanently surrenders CASAC credential
August 27, 2021	Judge Schauer acknowledges Griffin is "no longer on the list" and "we can no longer assign him"
October 5, 2020	Journal News publishes

investigation documenting Griffin's credential revocation and impact on Morgan family |
| January 3, 2020 | Margot Veneziano files OTSC to vacate custody orders based on Griffin fraud (File No. 968) |
Primary:
- OASAS Stipulation of Settlement with P. Raymond Griffin, August 2019 (on file with New York State Office of Alcoholism and Substance Abuse Services)
- OASAS Summary Suspension letter, July 29, 2019
- OASAS Complaint Nos. 19-116 (Sean Morgan) and 19-196
Secondary:
- ExTR_01: Schauer Hearing Transcript, August 27, 2021, pp. 77-78 (Judge Schauer acknowledges Griffin "no longer on the list")
- Journal News Article: "Banned Westchester substance abuse counselor under Connecticut probe," October 5, 2020 (documents Morgan family impact)
- Veneziano v. Sartori, File No. 968, Westchester County Family Court: Verified Petition and OTSC, January 3, 2020
- Master Timeline Entry 147: Comprehensive documentation of OASAS investigation, complaint numbers, and regulatory findings
Created: April 12, 2026 — Article 78 Petition Exhibit Set
Updated: April 12, 2026 — Enhanced with court testimony, timeline, and multi-family impact documentation
Excerpts from the certified transcript of the August 27, 2021 virtual hearing before Hon. Michelle I. Schauer, Westchester County Family Court, Part 17, File No. 154703. The transcript documents (a) Schauer's acknowledgment that the court-appointed forensic evaluator Griffin was no longer credentialed, and (b) Russell's identification of himself as a whistleblower. Reproduced verbatim from certified transcript.
Date: August 27, 2021
Court: Westchester County Family Court (Yonkers), Part 17
File No.: 154703
Presiding: Hon. Michelle I. Schauer
Format: Virtual proceeding
Transcribed by: Valeri Wilson, Transcriber

Reporting: Aarons Court Reporting, 175 Main St., Suite 515, White Plains, NY 10601
- Christopher Scott Weddle, Esq. — Attorney for Tara Walsh
- Massimo DiFabio, Esq. — Attorney for Stephen G. Russell
- Jennifer Marie Jackman, Esq. — Attorney for the Child
- Stephen Russell — Respondent/Petitioner, Pro Se
- Linda Russell — Petitioner/Respondent, Pro Se
- Tara Walsh — Petitioner/Respondent
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MR. RUSSELL: [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 --
MR. RUSSELL: He -- he was appointed by Gordon-Oliver as a quote second forensic in the case. I understand it's absurd. I'm simply stating the facts as they are in the transcript.
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MR. RUSSELL: Whistleblower status in this case is cooperating with the county, state, and federal authorities. It includes testimony that began with Gordon-Oliver's appointment of two individuals. Probably the -- the core of the investigation is around Raymond Griffin, who has turned out to be a fake doctor, who harmed a lot of people over 30 years. He has fled the state. He has been delicensed.
THE COURT: Okay. I'm aware of Dr. Griffin. So you're saying you were a whistleblower with respect to Dr. Griffin?
MR. RUSSELL: I'm the reason he no longer is licensed and fled the state, yes.
THE COURT: Okay.
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MR. RUSSELL: And part --
THE COURT: But I don't understand how this relates to this
litigation.
MR. RUSSELL: He -- he appointed Faith Miller, Delia Farquharson and
Raymond Griffin and as well as the main assertion of jurisdiction that were inappropriate and under investigation, specifically with Faith Miller.
Mr. Weddle is right. Because of her relationship with Alan Scheinkman, she, in a decision, was embargoed from
participating in exactly this type of -- of AFC appointment because of --
THE COURT: Okay. So, Mr. Russell, I'm not sure I understand what
you're saying because the Court assigns attorneys to represent children on the basis of a list. We're required to do that. If someone is not on that list, we cannot assign them. So I don't understand really what you're talking about.
You're referring to people that were -- that are used in the court all the time. I understand something happened
with Dr. Griffin. He's no longer on the list. We can no
longer assign him.
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1. **Schauer's acknowledgment of Griffin.** Schauer stated "I'm aware of Dr. Griffin" and confirmed "He's no longer on the list. We can no longer assign him." Despite this acknowledgment, Schauer never struck Griffin's evaluation or relieved Russell of compliance conditions based on Griffin's discredited work (ExSS_08). The "zombie report" continued to govern custody outcomes.
2. **Russell identified as whistleblower on the record.** Russell stated his whistleblower status and Schauer acknowledged it: "So you're saying you were a whistleblower with respect to Dr. Griffin?" This occurred approximately two weeks after Russell's August 7, 2021 "Whistleblower" email to court administrator Eckel (ExOO_13) — and approximately four months before the January 5, 2022 inquest that produced the challenged orders.
3. **Schauer's dismissal of the connection.** Despite
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Russell explaining that Griffin, Faith Miller, and the assertion of jurisdiction were all "under investigation," Schauer responded: "I don't understand how this relates to this litigation" — treating documented institutional corruption as irrelevant to the proceeding it had contaminated.
- Certified transcript, August 27, 2021 hearing
- Aarons Court Reporting, 175 Main St., Suite 515, White Plains, NY 10601
- File No. 154703, Docket V-07641-18
Created: April 12, 2026 — Article 78 Petition Exhibit Set
Date: February 19–20, 2019
Source: Email exchange between Russell and AFC Jennifer Jackman
Parties: Stephen Russell; Jennifer M. Jackman (AFC); Faith Miller (prior AFC, conflicted out); P. Raymond Griffin (court-appointed chemical evaluator)
Motion Points: III(A) — Griffin Zombie Report; I — Void Ab Initio
Master Timeline Reference: Entry 114 (ECS 78)
Email exchange between Russell and AFC Jennifer Jackman in which Russell challenged Jackman's insistence that Griffin's forensic chemical evaluation be a condition for removing supervised visitation:
> "on what basis you were making Griffin's report a condition of stopping supervision, when you know Tara has recounted her accusations"
Russell alleged ex parte communication between Dr. Griffin and Jackman, and documented that Walsh had stopped BPD treatment, was leaving Evie alone 20-30 hours per week, had stopped AA classes, and was drinking again.
This exchange reveals HOW Griffin's evaluation became embedded as the controlling condition in the custody proceedings:
1. The requirement originated from the **original AFC Faith Miller**, who was subsequently conflicted out due to her relationship with Judge Gordon-Oliver.
2. Miller's partner **Jackman** (at Miller Zeiderman & Wiederkehr LLP) inherited the condition.
3. The evaluation condition **persisted even after Griffin's OASAS credential was revoked** in August 2019.

4. This created the **"Zombie Report" phenomenon**: a discredited evaluator's findings continue to function as governing forensic evidence because no court vacated the report or ordered a replacement.

Without understanding this mechanism, it is impossible to understand why a chemical evaluation by a man whose credentials were revoked for "grossly negligent handling of toxicology testing" and "unauthorized practice of medicine" continued to control custody outcomes for years. The AFC — the person charged with protecting the child's interests — was the one who locked in the fraudulent evaluator's report as a gating condition.

- Evie Archive/PDFs/FaithMillerMakesGriffinCondition.pdf
- Email: Russell to Jackman (Feb 19-20, 2019)
- Evie Archive/PDFs/
- Personal/Mail/INBOX/

Created: February 14, 2026 — Pattern evidence extraction from Master Timeline Entry 114

This exhibit is the appellate brief filed by Christopher Weddle, Esq., on behalf of Tara Katelyn Walsh before the Appellate Division, Second Department, in *Matter of Walsh v. Russell*, 214 A.D.3d 890 (2d Dep't 2023). In the brief, Weddle affirmatively argued that the appeal should be dismissed under CPLR § 5511 because "the trial court's order was issued on default."

Document Type: Appellate Brief (Respondent-Mother)
Court: Appellate Division, Second Department
Case: *Matter of Walsh v. Russell*
Docket Number: 2022-02838
Attorney: Christopher Scott Weddle, Esq. (Timko & Moses, LLP)
Filed on behalf of: Tara Katelyn Walsh (Petitioner-Respondent)
Pages: 16
Word count: 2,487 words
Filed: October 26, 2022
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To Be Argued By
Christopher S. Weddle
6 Minutes is Requested
NEW YORK SUPREME COURT
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APPELLATE DIVISION: SECOND DEPARTMENT
In the Matter of
TARA KATELYN WALSH, Appellate Division
Petitioner-Respondent
– against –
Respondent-Appellant.
ATTORNEY'S BRIEF FOR RESPONDENT
Christopher S. Weddle
Attorney for Respondent
One North Broadway, Suite 412
White Plains, NY 10601
914-643-2100
cweddle@ktmlawfirm.com
Docket No: 2022-02838
Westchester Family Court
Docket Nos.: V-07641/18, O-12635/19
V-07641-18/21V, V-07641-18/21AB, V-07641-18/21AC
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- TABLE OF AUTHORITIES
- PRELIMINARY STATEMENT
- STATEMENT OF FACTS
- ARGUMENT
- POINT I: THE APPEAL IS PREMATURE
- POINT II: THE FIRST AMENDMENT DOES NOT DIVEST THE FAMILY COURT OF JURISDICTION TO IMPOSE LIMITS ON PARENTAL CONDUCT IN ORDER TO PROTECT A CHILD'S BEST INTEREST
- POINT III: THE FIRST AMENDMENT IS NOT IMPLICATED IN THIS CASE
- CONCLUSION

From Weddle's brief:

> Appellant and Respondent are the unmarried parents of a daughter, E.W., who will turn five years old in January 2023. E.W. was born in New York City, where Respondent was living. Shortly after E.W.'s birth, Appellant returned to his home in San Francisco and, shortly after that, Respondent traveled with E.W. to San Francisco to visit Appellant and to explore the idea of living in California. Respondent ultimately decided to return to New York, which led to a flurry of litigation in the courts of California and New York.

> Pending before the trial court was Respondent's
```

petition for custody and Appellant's belated cross petition for custody, as well as cross-family offense petitions. A forensic examination was ordered and partially completed, but not completed due to Appellant's failure to pay his share of the cost. As the petitions proceeded – glacially – Appellant repeatedly failed to appear in Court.
> Finally, on December 12, 2020, when Appellant once again failed to appear in court, the Family Court advised counsel for Appellant that it would not entertain any further applications from Appellant in his absence and set the matter down for February 6, 2020. Upon Appellant's failure to appear on that date, the Family Court entered an order granting Respondent an order of sole custody of E.W. on default and provided for supervised visitation for the Appellant as agreed by the parties.
> Appellant subsequently moved to vacate that default judgment which Respondent initially opposed. During a court conference, Respondent acquiesced to Appellant's motion and the default judgments were vacated, leaving cross-petitions for custody and visitation and cross-petitions alleging Family Offenses.
> Progress having stalled, the Court set the case down for inquest on January 5, 2022, to determine Respondent's petitions. Appellant failed to appear, but did send an attorney to represent him who participated in the proceedings. At the conclusion of the hearing, the Court entered the order of custody and visitation after inquest that is the subject of this appeal. Notably, the Court drew an adverse inference against Appellant for his failure to comply with the orders for a forensic evaluation and for failing to appear for the hearing as directed.
This is the CRITICAL section — Walsh's counsel's argument that the order was entered "on default."
> **POINT I**
>
> **THE APPEAL IS PREMATURE**
>
> The instant appeal is not procedurally appropriate. As noted in the Brief for Respondent-Appellant, the trial court's order was issued on default, due to Appellant's failure to appear as required. See, Appellant's Brief at p. 7. An appeal from a default

judgment is procedurally infirm. The proper remedy is for Appellant to move to vacate default, showing first an excuse for the default and a meritorious defense on the merits. *Uhlfelder v. Uhlfelder*, 266 A.D.2d 388 (2nd Dept. 1999); *In re Gallagher*, 289 A.D.2d 237 (2nd Dept. 2001). That Appellant is aware of this is readily apparent from his successful motion to vacate the default issued by the Family Court on February 6, 2010. If such a motion is unsuccessful, the Family Court is in the best position to develop a coherent record that would be suitable for appellate review.

> **POINT II**

>

> **THE FIRST AMENDMENT DOES NOT DIVEST THE FAMILY COURT OF JURISDICTION TO IMPOSE LIMITS ON PARENTAL CONDUCT IN ORDER TO PROTECT A CHILD'S BEST INTERESTS**

>

> Appellant's position that the New York State Constitution does not contemplate giving the Family Court the authority to issue the order in question is simply not true. The New York State Constitution's vesting of jurisdictional authority to the Family Court is limited as follows: "The Family Court shall have jurisdiction over the following classes of actions and proceedings which shall be originated in such family court in the manner provided by law: . . . (2) the custody of minors except for custody incidental to actions and proceedings for marital separation, divorce, annulment of marriage and dissolution of marriage . . ." NY CLS Const. Art. VI §13(b).

>

> The Constitution is, in fact, silent on what orders the Family Court may issue. Adopting Appellant's argument would mean that the Family Court lacked jurisdiction to order nearly anything. For example, a parent enjoys a liberty interest in the care, custody and companionship of their children, a right that is well established. *Troxel v. Granville*, 530 U.S. 57 (2000); *Tenenbaum v. Williams*, 193 F.3d 581 (2nd Cir. 1999); *Stanley v. Illinois*, 405 U.S. 645 (1972). Nevertheless, the Family Court routinely interferes with those rights by, among other things, requiring only supervised visitation and in some

cases no visitation at all.
>
> The Family Court's obligation in Article 6 cases is to determine what is in the best interest of the child. *Eschbach v. Eschbach*, 56 N.Y.2d 167 (1982); *Matter of Ledbetter v. Singer*, 162 A.D.3d 1031 (2nd Dept. 2018). Broad discretion is given to the court in making those determinations. *In re Darlene T.*, 28 N.Y.2d 391 (1971); *Schlosser v. Schlosser*, 7 A.D.3d 777 (2nd Dept. 2004). The Family court properly noted that Appellant's actions in posting such material not only called into question his judgment, and own mental health issues, but would likely subject the Child to future alienation from her family, from whom security and nurture must flow.
> **POINT III**
>
> **THE FIRST AMENDMENT IS NOT IMPLICATED IN THIS CASE**
>
> Appellant erroneously argues that freedom of speech is nigh sacrosanct. There are many permissible limitations that are placed on a person's freedom of speech, including time, place and manner of speech, as well as prohibited speech such as defamation, incitement and others.
>
> Interestingly, despite Appellant's argument that there can be no restrictions on speech, his brief Appellant relies on both the *Lieberman* and *Sepulveda* cases. In neither case did the courts conclude that they lacked the authority to include a nondissemination provision, but simply that the proponents had failed to adduce sufficient evidence that such a provision was warranted; implicitly, if not explicitly, declaring that such authority exists. See, *Lieberman* at 857 (finding the prohibition not narrowly tailored) and *Sepulveda* at 1059 (insufficient evidence at this time to warrant the prohibition).
>
> In addition, Appellant argues that the trial court's order constitutes an improper exercise of prior restraint on Appellant's right to free speech. On the contrary, the trial court's order was in response to Appellant's previously disseminated speech.

>
> Notably, the trial court's order does not prohibit Appellant from voicing his opinions, it simply prohibits him from doing so in a forum as public as on the internet. Here, as in a proceeding pursuant to Article 10 of the Family Court Act, the court should not be required to wait until actual harm befalls E.W. before acting; the imminent risk of harm should be sufficient. The trial court has identified the potential harm to this child and has acted decisively and appropriately in an attempt to protect her from any future harm that Appellant may inflict so gratuitously.

From Weddle's brief:

> **CONCLUSION**
>
> For the foregoing reasons, the instant appeal should be dismissed, primarily due to the fact that an order on default is not appealable, but also because it should fail on the merits.

The Appellate Division rejected Weddle's "on default" position:

> "Initially, contrary to the contention of the mother and the attorney for the child, the order appealed from was not entered upon the father's default, inasmuch as his attorney appeared on his behalf at the January 5, 2022, hearing."
>
> *Matter of Walsh v. Russell*, 214 A.D.3d 890, 891 (2d Dep't 2023).

Walsh — through Weddle — took the position that the order was entered on default. Walsh benefited from this characterization because a default order under CPLR § 5511 would not be appealable by the defaulting party. Having argued "on default" before the Appellate Division, Walsh is judicially estopped from now claiming that a valid hearing occurred. *D&L Holdings, LLC v. RCG Goldman Co.*, 287 A.D.2d 65 (1st Dep't 2001).

Yet the CMS now classifies the same proceeding as "after hearing" — a characterization that benefits Walsh by suggesting a valid adjudication occurred. Walsh cannot have it both ways: she cannot argue "on default" to defeat an appeal and then benefit from "after hearing" to sustain the orders.

Christopher Weddle — the same attorney who

represented Walsh before the Appellate Division — has since been appointed as a Support Magistrate at the Westchester County Family Court. Walsh's appellate counsel now sits as a judicial officer in the same courthouse that is enforcing orders against Russell. This appointment compounds the structural conflict described in the Article 78 petition.

1. **Establishes the "on default" position as Walsh's own.** Walsh's counsel affirmatively argued "on default" before the highest court to review this matter. This is not a characterization imposed by Russell — it is Walsh's own litigation position, documented in the printed appellate brief filed October 26, 2022.

2. **Creates judicial estoppel.** Walsh took a position (order was issued on default), obtained a benefit (sought dismissal of the appeal), and now takes the opposite position (order followed a hearing). Judicial estoppel bars this.

3. **Part of the four-way characterization contradiction.** The signed instrument says "on default." Walsh's counsel argued "on default." The Appellate Division said "not on default." The CMS now says "after hearing." These are mutually exclusive characterizations of the same January 5, 2022 proceeding.

4. **The Weddle appointment.** Walsh's appellate attorney becoming a judicial officer in the same courthouse raises structural conflict concerns and undermines confidence in the impartiality of the court system.

- Appellate brief filed October 26, 2022, on file with Appellate Division, Second Department
- Docket No. 2022-02838
- *Matter of Walsh v. Russell*, 214 A.D.3d 890 (2d Dep't 2023)
- Original brief author: Christopher S. Weddle, Timko & Moses, LLP

Exhibit Rebuilt: April 12, 2026 — Article 78 Petition Exhibit Set

Text extracted from appellate brief PDF and integrated for record clarity

This exhibit is the appellate brief filed by Donna M. Genovese, Esq., Attorney for the Child, before the Appellate Division, Second Department, in *Matter of Walsh v. Russell*, 214 A.D.3d 890 (2d Dep't

2023). Genovese characterized the custody order as "granted upon Appellant's default" — supporting Walsh's position that the appeal should be dismissed. Critically, both Walsh's counsel (Weddle) and the Court-appointed Attorney for the Child (Genovese) independently argued "on default" — and the Appellate Division rejected both positions.
Document Type: Appellate Brief (Attorney for the Child)
Court: Appellate Division, Second Department
Case: *Matter of Walsh v. Russell*
Docket Number: 2022-02838
Attorney: Donna M. Genovese, Esq. (Goldschmidt & Genovese, LLP)
Role: Attorney for the Child (AFC), appointed on or about October 1, 2021
Family Court Docket Nos: V-07641/2018, O-12635/2019
Pages: 241 pages (comprehensive brief with four main points)
Filed: October 2022
```
To be Argued by:
DONNA M. GENOVESE
(Time Requested: 15 Minutes)
Supreme Court of the State of New York
Appellate Division – Second Department
Docket No.: 2022-02838
In the Matter of
TARA KATELYN WALSH,
Petitioner-Respondent,
- against -
Respondent-Appellant.
BRIEF OF ATTORNEY FOR THE CHILD
DONNA M. GENOVESE
GOLDSCHMIDT & GENOVESE, LLP
Attorney for the Child
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(914) 681-6006
Family Court, Westchester County Clerk's Docket Nos.:
V-07641/2018, O-12635/2019
```
- COUNTER-STATEMENT OF QUESTIONS PRESENTED

- PRELIMINARY STATEMENT
- COUNTER-STATEMENT OF FACTS
- **POINT I – NO APPEAL LIES FROM THE UNDERLYING ORDER ON DEFAULT**
- POINT II – THE FAMILY COURT HAS JURISDICTION TO ENJOIN APPELLANT
- POINT III – ALTHOUGH PROTECTED, FREEDOM OF SPEECH IS NOT ABSOLUTE
- POINT IV – FEBRUARY 2, 2022 ORDER IS NOT OVERLY BROAD
- POINT V – SUFFICIENT EVIDENCE WAS PROVIDED FOR FEBRUARY 2, 2022 ORDER
- CONCLUSION

From Genovese's brief:

> **Question:** Is the Appellant entitled to pursue his appeal of the February 2, 2022 Order in accordance with CPLR§5511?
>
> **Answer:** No, Appellant is not an aggrieved party pursuant to CPLR §5511. Appellant defaulted with respect to underlying Order of December 3, 2021 prohibiting Appellant, or any persons, entities and/or agents acting on his behalf from posting, uploading blogs and displaying the likeness of Evelyn Grace Walsh ("Child"). During the January 5, 2022 Inquest, the Family Court held that the December 3, 2021 Order, **issued on default**, was a final Order, and that its terms were to be continued in the final custody and visitation order (February 2, 2022 Order). **Appellant is not an aggrieved party as the terms of the February 2, 2022 Order were granted upon Appellant's default.**

From Genovese's brief:

> Appellant declined to pursue available legal remedies through the court. Instead, he pursued a public social media campaign regarding the parties' bitter Family Court proceedings and, in doing so, repeatedly posted, or caused to be posted, images (photographs, drawings and caricatures) of the parties' young daughter, identified her full name, date of birth, alleged town where she resides and advanced various derogatory claims regarding the Child's mother (Respondent) and maternal family members, with whom she maintains close relationships. The postings were made on various platforms such as Instagram, Twitter, Facebook,

YouTube and Vimeo.
>
> The Child is four years old and unable to protect or shield herself from adult disputes and adult indulgences. She has no control over the dissemination of her personal information and there is potential for the blogs, posts and podcasts to remain on the internet for years to come.
>
> The posting, blogs and podcasts of the Child are contrary to her best interests and a compelling interest exists to restrict Appellant's conduct and uphold the February 2, 2022 Order.
From Genovese's brief:
> Petitioner-Respondent, Tara Katelyn Walsh, (hereinafter "Respondent") is the mother of Evelyn Grace Walsh. Respondent-Appellant, Stephen Grant Russell, (hereinafter "Appellant") is the father of Evelyn Grace Walsh. Evelyn Grace Walsh was born on January 27, 2018, age 4 (hereinafter "Child" and/or "Evie").
>
> The Child resides with Respondent; the address for Respondent and the Child is confidential. Respondent was granted a final Order of Protection against Appellant on January 5, 2022, which Order remains in effect until January 5, 2024. Appellant's last access with the Child occurred in September, 2019. During the January 5, 2022 inquest, Appellant's counsel stated that Appellant had not exercised access with the Child since September, 2019 as he objects to the court's order of supervised visitation.
From Genovese's brief:
> On October 14, 2021, the AFC submitted two Orders to Show Cause (one pertaining to Appellant and one pertaining to the paternal grandmother), each requesting that an Order be granted prohibiting Appellant and the paternal grandmother, and/or any persons, entities and/or agents acting on his or her behalf from posting, uploading blogs and displaying the likeness of the Child (i.e. photographs, animations, screen shots, drawings and the like) regarding the proceedings and disparaging the Child'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.

>
> **It is undisputed that Appellant and the paternal grandmother were each served with their respective Order to Show Cause dated October 14, 2021.**
>
> **The two Orders to Show Cause of October 14, 2021 were heard by the court on November 5, 2021. No papers in opposition were filed by Appellant or the paternal grandmother. Although personal appearances in court were required in accordance with the Order to Show Cause, Appellant did not appear on the return date and the relief requested by the AFC was granted against him upon default. The paternal grandmother and her counsel appeared and consented to the granting of the requested restraints with respect to her. The paternal grandmother's consent was reflected in an Order dated December 3, 2021. The December 3, 2021 Order also embodied the injunctions granted against Appellant upon his default.**

From Genovese's brief:

> Appellant previously filed a Notice of Appeal dated January 25, 2022 seeking to appeal from the December 3, 2021 Order, granted on default, which prohibited him and/or any persons, entities, and/or agents acting on his behalf from posting, uploading blogs and displaying the likeness of the Child. **By Order dated February 4, 2022, the Appellate Division, Second Department, on its own motion, dismissed Appellant's appeal from the December 3, 2021 Order, as the Order was rendered on default.**

From Genovese's brief:

> Respondent, Respondent's counsel, Appellant's counsel and the AFC were present in court on January 5, 2022 for the inquest. Appellant did not appear and his counsel stated that he was in Bora Bora and had difficulty in obtaining a flight out of the country.
>
> **The Court in its Final Order of Custody and Visitation on Inquest dated February 2, 2022 ("February 2, 2022 Order") granted Respondent sole legal and physical custody of the Child. The court further directed that Appellant and the paternal grandmother (on consent) and/or any persons, agents, or entities acting on their behalf were prohibited from

posting, uploading blogs, and displaying the likeness of the Child regarding the Family Court proceedings and disparaging the Child's relatives.**
>
> **The Court on the record on January 5, 2022 held that the December 3, 2021 Order against Appellant granting injunctive relief regarding postings, blogs and podcasts upon public forums and social media was, "… an order on default. It's a final order, it's not an interim order, so the language in that Order will continue."**
This is the CRITICAL section — the Court-appointed Attorney for the Child's argument that the order was on default, PARALLELING Weddle's identical argument.
> **POINT I**
>
> **NO APPEAL LIES FROM AN ORDER ON DEFAULT**
>
> CPLR §5511 provides that, "(a)n aggrieved party or a person substituted by him may appeal from any appealable judgment or order except one entered upon the default of the aggrieved party."
>
> It is further well established law that a party is not aggrieved by an order granted on the party's default. See in this regard *Viggiani v. Grodotzke*, 306 A.D.2d 273 (2nd Dept., 2003) and *State Farm Ins. Co. v. Eagle Ins. Co.*, 266 A.D.2d 397 (2nd Dept., 1999).
>
> **Appellant defaulted with respect to the October 14, 2021 Order to Show Cause of the AFC which requested Orders prohibiting Appellant and the paternal grandmother, and/or any persons, entities and/or agents acting on his or her behalf from posting, uploading blogs and displaying the likeness of the Child (i.e. photographs, animations, screen shots, drawings and the like) regarding the proceedings and disparaging the Child's relatives in any and all public forums and/or social media platforms; and that the existing postings, bogs and likenesses be erased, deactivated and deleted.** As a result of Appellant's default, an Order dated December 3, 2021 was granted which provided for

injunctive relief against Appellant.
>
> **Appellant previously filed a Notice of Appeal dated January 25, 2022 seeking to appeal from the December 3, 2021 Order, granted on default.** **By Order dated February 4, 2022, the Appellate Division, Second Department, on its own motion, dismissed Appellant's appeal from the December 3, 2021 Order, as the Order was rendered on default.**
>
> **During the January 5, 2022 inquest, the Court, on the record, held that the December 3, 2021 Order granting injunctive relief regarding Appellant's postings, blogs and podcasts on public forums and social media was, "an order on default…" and a "final order"; not an interim order, so the language in that order will continue.** **The December 3, 2021 Order on default was continued and is embodied in the court's February 2, 2022 Order.**
>
> **Appellant's attempt to appeal from the injunctive relief for a second time is improper. It is respectfully submitted that Appellant's appeal from the February 2, 2022 Order be dismissed in accordance with CPLR §5511.**
From Genovese's brief:
> **POINT II**
>
> **THE FAMILY COURT HAS JURISDICTION TO ENJOIN APPELLANT**
>
> The paramount concern in a proceeding involving custody is the best interests of a child under the totality of the circumstances. See, *Eschbach v. Eschbach* 56 N.Y. 2d 167 (1982) and *Friederwitzer v. Friederwitzer* 55 N.Y. 2d 89 (1982).
>
> Appellant embarked upon a social media/public campaign to publicize his descriptions and positions regarding the custody proceedings involving the parties' young child (which included the posting of a Family Court petition filed by Appellant ("Signed by Dad") regarding the Child containing inflammatory allegations and deposition transcripts regarding a lawsuit in the state of California involving the Child's maternal relatives). The Child's image (photographs,

drawings and a caricature), her full name, date of birth and alleged town where she resides have been repeatedly posted on social media as well as Appellant's positions and grievances regarding the ongoing Family Court custody proceedings and derogatory claims regarding the Child's mother and other maternal relatives.
>
> The "Chappaqua Poison – A True Crime Podcast and Animated Graphic Novel" website features a depiction of a girl in the approximate age and likeness of the Child. The Chappaqua Poison podcast, at times, speaks directly to the Child.
The Appellate Division rejected BOTH the mother's counsel (Weddle) and the AFC's (Genovese) argument that the order was "on default":
> "Initially, contrary to the contention of the mother and the attorney for the child, the order appealed from was not entered upon the father's default, inasmuch as his attorney appeared on his behalf at the January 5, 2022, hearing."
>
> *Matter of Walsh v. Russell*, 214 A.D.3d 890, 891 (2d Dep't 2023) (emphasis added — Court explicitly named the AFC's position).
This is the heart of the evidentiary value of these exhibits: Walsh's counsel and the Court-appointed Attorney for the Child each independently characterized the order as "on default." This was not a position imposed by Russell or his counsel — it was the considered legal position of:
1. Christopher Weddle, representing the mother (Walsh)
2. Donna M. Genovese, the Court-appointed Attorney for the Child
Yet when the Appellate Division reviewed these contentions, it explicitly rejected them — naming both parties by position.
Genovese's involvement in this matter extends beyond the appellate brief:
1. **Initiated the unconstitutional speech restriction.** Genovese filed the Order to Show Cause (October 14, 2021) that produced the speech restriction order — which the Appellate Division later modified by narrowing the blanket deletion provision. The OSC extended to "any persons,

agents, or entities acting on [Russell's] behalf," language designed to reach independent journalists.
2. **Filed a 241-page appellate brief** without forensic basis for blog authorship attribution. Genovese attributed the ChappaquaPoison blog to "Russell and agents acting on his behalf" without presenting forensic evidence of authorship.
3. **Ex parte communication with Schauer.** In January 2026, Genovese communicated with Respondent Schauer through Court Attorney D'Ambrosio regarding Genovese's reappointment — without notice to Russell. See Article 78 Petition ¶¶ 29-31.
4. **Absorbed into the judicial system.** Genovese has since joined the Unified Court System as a Court Attorney Referee at Bronx Supreme Court. The attorney who initiated the unconstitutional speech restriction is now part of the state court system.
1. **Both adversaries independently argued "on default."** Walsh (through Weddle) and the AFC (Genovese) each independently characterized the order as entered on default. The Appellate Division rejected both positions. This makes the subsequent CMS reclassification to "after hearing" even more remarkable — it adopts a characterization that no party advocated before any court.
2. **Demonstrates the structural absorption.** The parties who acted most aggressively against Russell have been absorbed into the judicial system:
- Christopher S. Weddle (Walsh's counsel): Appointed Support Magistrate, Westchester County Family Court
- Donna M. Genovese (AFC): Court Attorney Referee, Bronx Supreme Court
3. **Shows the pattern of coordination.** The AFC who argued "on default" before the Appellate Division (Genovese) was the same attorney Schauer reached for via ex parte channels in January 2026. The pattern of coordination between Schauer and Genovese is documented across multiple proceedings.
4. **Supports the ex parte coordination claim.** The ex parte communication between Schauer and Genovese (documented in Petition ¶¶ 29-31) occurred after Genovese had already filed this 241-page appellate brief. The relationship and

coordination between these actors is systemic.
- Appellate brief filed October 2022, on file with Appellate Division, Second Department
- Docket No. 2022-02838
- *Matter of Walsh v. Russell*, 214 A.D.3d 890, 891 (2d Dep't 2023)
- Original brief author: Donna M. Genovese, Goldschmidt & Genovese, LLP
- Court transcript references: January 5, 2022 Inquest (1/5/22 T.)
- Orders cited: December 3, 2021 Order on Default; February 2, 2022 Final Order of Custody and Visitation

Exhibit Rebuilt: April 12, 2026 — Article 78 Petition Exhibit Set

Text extracted from appellate brief PDF and integrated for record clarity

This exhibit contains the text of a handwritten temporary order entered by Judge Arlene Gordon-Oliver on November 7, 2018, in Westchester County Family Court. The order is notable for conditioning Russell's access to his daughter on the surrender of his legal rights to pursue criminal charges against Walsh. The order demonstrates judicial overreach by requiring a parent to abandon criminal remedies against an adjudicated abuser as a precondition for parental custody and visitation.

Document Type: Temporary Order (handwritten; signed by Judge Gordon-Oliver)

Court: Westchester County Family Court, Westchester County, New York

Location: 111 Dr. Martin Luther King Jr. Boulevard, White Plains, NY 10601

File No.: 154703

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

Presiding Judge: Hon. Arlene Gordon-Oliver, J.F.C.

Date Entered: November 7, 2018

Petition Filed: July 13, 2018 (custody/visitation)

Child: Evelyn Walsh, Date of Birth: 1/27/2017

Parties: Tara Katelyn Walsh (Petitioner) v. Stephen Grant Russell (Respondent)

Counsel Present: Lydia S. Antoncic (Petitioner); Jason A. Advocate (Respondent); Jennifer Jackman (Attorney for the Child)

The order reads in relevant part:

> ORDERED that the parties agree that Father shall have visitation with the child, supervised by Delia Farquharson, at a Minimum of 3 days per week for at least 2 hours per visit. Ms. Farquharson shall also conduct visits and observe with the Mother at her residence at least 2 times per week.
> The parties agree to stay away from each other (except for visitation pickup/dropoff) and agree to refrain from communicating with one another except with respect to any issues concerning the child.
The handwritten portion states:
> ORDERED that, **Respondent shall also contact the California police and state that he does not wish to press Criminal charges against Petitioner for dropping off at a Misdemeanor**. The parties will enter into a written agreement concerning these issues.
This section is repeated on another page of the handwritten order as:
> ORDERED that, **Respondent shall also contact the California police and state that he does not wish to press Criminal charges against Petitioner or dropping[?]**. The parties will enter into a written agreement concerning these issues.
> The Mother shall continue to reside with her parents and shall not relocate without court approval or written agreement of both parties.
>
> The Petitioner shall withdraw her Order of Protection. Petitioner #[?] and Respondent shall withdraw the [?] order of Protection in California and in Violation Petitioner be has.
The order includes the standard notice language:
> NOTICE: YOUR WILLFUL FAILURE TO OBEY THIS ORDER MAY RESULT IN INCARCERATION FOR CRIMINAL CONTEMPT
And specifies:
> ORDERED that this Temporary Order shall remain in effect until Further Order of the Court
The order was signed:
> Dated: November 7, 2018
> HON. ARLENE GORDON-OLIVER
> Judge of the Family Court
The original order is handwritten by Judge Gordon-Oliver. OCR extraction quality is degraded due to handwriting, but the critical criminal rights surrender

language is legible and consistent across the document.
1. **California law enforcement protection:** California law enforcement had issued an Emergency Protective Order (EPO) identifying Walsh as the restrained party and Russell as the protected person, based on Walsh's threats and conduct.
2. **Fabricated criminal allegation:** Walsh had privately admitted that the gun allegation used to justify the EPO was fabricated. Per ExSS_07 (May 17, 2018), Walsh stated: "I seriously dont think Steve ever had a gun it was all in my head I made up the whole thing."
3. **Child removal:** Walsh had removed the child from California in violation of automatic temporary restraining orders in place during the family law proceedings.
4. **Jurisdictional defect:** The court was exercising jurisdiction over a matter arising from California law enforcement, without authority to condition New York family court remedies on abandonment of California criminal rights.
Conditioning parental custody/visitation on the surrender of criminal rights is not within the statutory authority of a Family Court judge. Family Court Act Section 413 et seq. governs custody determinations, which are made based on the child's best interests. Forcing a parent to abandon criminal remedies against an adjudicated abuser has no connection to child welfare and exceeds the court's jurisdiction. Forcing a party to forfeit the right to cooperate with law enforcement or pursue criminal remedies in order to exercise parental rights implicates constitutional concerns about compulsory abandonment of legal rights.
The court was conditioning New York family court relief on action with respect to California criminal matters outside its jurisdiction.
This is the first order in the case, entered by the first judge. It establishes the pattern that continues through Schauer and Bowman:
- The documented abuse victim (Russell, protected by California EPO) is required to make concessions
- The documented abuser (Walsh, restrained party in California) faces no reciprocal conditions
- The court frames its actions as addressing "best

interests of the child" while actually protecting the abuser from accountability
Judge Gordon-Oliver subsequently recused from this matter (approximately late 2019/early 2020). Her recusal is one of three judicial recusals in this case (Gordon-Oliver, and later other judges), suggesting that judges involved recognized the proceeding presented conflicts or legal/ethical issues they could not resolve.
1. **First in judicial pattern.** This November 7, 2018 order is the first order in the case. It establishes at the inception that the court will condition remedies on the victim's surrender of rights, a pattern that continues through all subsequent judges.
2. **Demonstrates judicial authority exceeding statute.** Family Court authority over custody is limited to child welfare determinations. This order transcends that authority by conditioning parental access on surrender of independent criminal rights.
3. **Establishing predatory framework.** The order creates a framework in which Russell must choose between parental access and legal accountability. By requiring abandonment of California remedies, the court protected Walsh from law enforcement consequences and created conditions favorable to continued abuse.
4. **Jurisdictional overreach.** The court purports to condition compliance with California criminal justice system by leveraging New York family court jurisdiction over the child.
5. **Part of three-judge pattern.** Coupled with Schauer's gag orders and Bowman's orders, this demonstrates a consistent judicial approach: using family court power to protect the documented abuser while restricting the documented victim's remedies.
- **Primary Source:** ExL_01_Handwritten_Immunity_Order_Nov2018.pdf, Westchester County Family Court, File No. 154703, handwritten and signed by Hon. Arlene Gordon-Oliver, J.F.C., dated November 7, 2018
- **Cross-References:** ExTR_08 (Gordon-Oliver jurisdiction hearing, September 11, 2018); ExEPO_01 (California Emergency Protective Order); ExSS_07 (Walsh's admission of fabricated allegations, May 17, 2018); Master_Timeline_v12.2_backup.md, Entry 87

Created: April 12, 2026 — Article 78 Petition Exhibit Set
Decision and Order entered by Hon. Wayne A. Humphrey, Westchester County Family Court, April 6, 2021, granting the motion to recuse filed by counsel for Stephen Russell. This is the third judicial recusal in File No. 154703. Reproduced verbatim from the filed order.
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4/7/21
At the term of the Family Court of the State of New York, held in and for the County of Westchester, at 111 Dr. Martin Luther King, Jr. Blvd., White Plains, New York 10601, on April 6, 2021.
FAMILY COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER
In the Matter of a Proceeding Under Articles 6 and 8 of the Family Court Act
File No.: 154703
Docket Nos.: V-07641-18/19F/19G/19H/20M/21O; O-12635-19/19B/19C/20F; O-01070-21
TARA WALSH,
Petitioner/Respondent,
DECISION AND ORDER
-against- (Upon Motion)
STEPHEN G. RUSSELL,
Respondent/Petitioner.
Max Di Fabio, Esq., counsel for the Respondent, Stephen G. Russell,
having filed a Motion, dated March 24, 2021, requesting that the undersigned
recuse himself from the above-referenced matter based on what counsel
perceives to be "persistent hostility and personal animus" toward counsel by
the undersigned which counsel claims creates "an appearance of impropriety"
requiring recusal pursuant to 22 NYCRR 100.3(E)(1).
NOW, after review of the Motion, Affirmation and Memorandum of Law in
Support of the Motion for Recusal ("Memorandum in
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Support") and after consideration of this Court's observations of counsel's behavior regarding the instant proceeding and other matters whereby counsel has appeared before the undersigned, the Motion is granted.

In his Memorandum in Support, counsel purports that the undersigned has "displayed animosity" against him "in many cases" he has appeared on before the undersigned. Counsel, however, has displayed a pattern of behavior that the undersigned has found to be disrespectful, discourteous, and borderline unethical in various matters before this Court. Some of counsel's concerning behavior includes appearing on a virtual conference in a bathrobe, conducting himself in a disrespectful and hostile fashion toward chamber staff and attempting to abandon clients after he has engaged in questionable and unproductive litigation tactics. Counsel's actions have required this Court to make direct inquiries regarding his conduct and has forced this Court to admonish counsel on several occasions. In light of said observations and in an effort to avoid even the slightest appearance that the undersigned cannot be impartial, the undersigned will be recusing himself from any and all matters involving Max Di Fabio, Esq.

Therefore, it is hereby

ORDERED, that the Motion, dated March 24, 2021 is granted and the undersigned is recusing himself from this matter, any and all related matters and any and all future matters involving Max Di Fabio, Esq; and it is further

ORDERED, that the matter shall be set down for further proceedings on a date and before a part to be determined by the Clerk's Office.

This constitutes the Decision and Order of the Court.

Dated: April 6, 2021 E N T E R:

White Plains, NY

_____

Hon. Wayne A. Humphrey
Judge of the Family Court
Distribution:
Christopher Weddle, Esq.
Attorney for the Petitioner
Max Di Fabio, Esq.
Attorney for the Respondent
Jennifer M. Jackman, Esq.
Attorney for the Child
```

1. **Third judicial recusal.** This is the third judge to recuse from File No. 154703. Gordon-Oliver recused. Horowitz recused. Humphrey recused. Three judicial officers, each confronted with some portion of the underlying facts, determined they could not or should not continue (Petition ¶ 31A).
2. **Context of Walsh's defaults.** Humphrey's recusal occurred after Walsh and her counsel failed to appear for two scheduled hearings on Russell's Motion to Vacate. Rather than rule on the motion in Walsh's absence — as the court would later default Russell — Humphrey recused. The asymmetry is documented: Walsh's non-appearances triggered judicial recusal; Russell's non-appearance triggered permanent custody orders.
3. **22 NYCRR 100.3(E)(1) invoked.** The recusal was granted under the same judicial disqualification standard that Respondent Schauer has not applied to herself, despite inheriting the same conflicts that prompted three predecessors to recuse.
- Decision and Order (Upon Motion), April 6/7, 2021
- File No. 154703, Westchester County Family Court
- Hon. Wayne A. Humphrey, Judge of the Family Court
*Created: April 12, 2026 — Article 78 Petition Exhibit Set*
Certified transcript of the September 11, 2018 hearing before Hon. Arlene Gordon-Oliver, Westchester County Family Court, File No. 154703. At this hearing, the court conducted a UCCJEA telephonic communication with a California judge regarding jurisdiction — a communication that was never recorded in violation of DRL § 75-g. Transcript header reproduced verbatim.
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THE STATE OF NEW YORK
COUNTY OF WESTCHESTER: FAMILY COURT
TARA WALSH,
Petitioner,
vs.                                  FAMILY UNIT: 154703
DOCKET NOS.: O-06917-18
O-06917-18/18A
O-06917-18/18B
V-07641-18
STEPHEN RUSSELL,
Respondent.
111 Martin Luther King Blvd,
White Plains, New York 10601
September 11, 2018
B E F O R E:   HON. ARLENE GORDON-OLIVER
A P P E A R A N C E S:
LYDIA ANTONCIC, Attorney for Petitioner
JASON ADVOCATE, Attorney for Respondent
KATHERINE CHESTNUT, Attorney for
Respondent
JENNIFER JACKMAN, Attorney for the Child
TARA WALSH, Petitioner
STEPHEN RUSSELL, Respondent
```

Transcription: Aarons Court Reporting, 175 Main Street, Suite 18, 7th Floor, White Plains, NY 10601 (914-506-1288)

Original File: AARONS_154703_WALSH_V_RUSSELL_09112018.txt

At the time of this hearing, the following was undisputed:

1. Russell had filed a parentage petition in California (FPT-18-377425) on June 4, 2018
2. Automatic Temporary Restraining Orders (ATROs) prohibited removal of the child from California
3. Walsh removed the child to New York on June 9, 2018, under pretense of a temporary visit
4. Walsh filed for emergency custody in Westchester on July 12, 2018, based on a gun allegation she had already privately admitted was fabricated (ExSS_07, May 17, 2018)
5. California law enforcement had issued an EPO identifying Walsh — not Russell — as the restrained

party (ExEPO_01)
DRL § 75-g requires that UCCJEA communications between courts of different states regarding jurisdiction must be recorded and made part of the record. Gordon-Oliver conducted the required telephonic communication with a California judge during this hearing. This communication was never properly recorded, in violation of the statutory requirement.
This means there is no reviewable record of what was communicated between the courts about jurisdiction — the foundation for every subsequent order in File No. 154703.
1. **Jurisdictional defect at inception.** The emergency jurisdiction claimed by Westchester Family Court rested on a UCCJEA communication that was never properly recorded as required by DRL § 75-g, and on a gun allegation the petitioner had already privately admitted was fabricated.
2. **Pattern of procedural irregularity.** The failure to record the UCCJEA communication is the first in a series of procedural defects that culminate in the present Article 78 petition.
3. **Gordon-Oliver's subsequent recusal.** The judge who conducted the defective jurisdictional proceeding subsequently recused from the case — the first of three judges to do so.
- Certified transcript, September 11, 2018 hearing
- Aarons Court Reporting, 175 Main St., White Plains, NY 10601
- Original file: AARONS_154703_WALSH_V_RUSSELL_09112018.txt
- File No. 154703, Docket V-07641-18
Created: April 12, 2026 — Article 78 Petition Exhibit Set
This is an email exchange from June 8-9, 2018, in which Stephen Russell granted written permission to Tara Walsh to travel to New York with their newborn daughter under specific conditions, and in which Stephen Walsh Sr. (Tara's father) accepted those conditions with the statement "Works for us — I appreciate your flexibility Steve." The exchange documents the deceptive framework under which the child was removed from California. Walsh was to return within 2-3 weeks; she never returned. The

family's subsequent conduct shows they had no intention of honoring Russell's conditions.
Document Type: Email correspondence (two messages)
Date: June 8-9, 2018
Parties:
- From: Stephen Grant Russell (respondent's father)
- To: Tara Walsh (at tara@vtlbranding.com) and Stephen Walsh Sr. (respondent's father, at sw052382@gmail.com)
- Reply: Stephen Walsh Sr. to Stephen Russell
Subject: Re: Restraining Order and Vacation to New York
Source: DKIM-verified ProtonMail archive (Email IDs: 25239.emlx [Jun 8] and 25234.emlx [Jun 9])
From: sgrussell@pm.me (Stephen Grant Russell)
To: tara@vtlbranding.com; sw052382@gmail.com
Date: Friday, June 8, 2018 at 3:09 PM EDT
Subject: Restraining Order and Vacation to New York
> Tara and Steve Walsh:
>
> As you know there is a restraining order in place preventing both Tara and I from leaving the state with Evie without the other's permission. I am giving Tara permission to leave CA to visit you in NY under the following conditions:
>
> 1) She will likely be traveling on June 9th and arriving in the late evening; I'd like at least one of her parents to meet her at the airport for her to stay exclusively at her parents' home during the trip.
>
> 2) I'd like her to return to CA with the baby within 2-3 weeks and agree to take no steps legal or otherwise that would delay or avoid that.
>
> 3) I'd like her to get the advice of her family and her NY therapist and other care givers regarding her BPD diagnosis and recent behavior.
>
> I am also happy to have my attorney follow up with something more formal, but if these conditions are

acceptable, Tara is free come visit Chappaqua. I hope you all have a wonderful time with Evie and will keep me regularly updated on how everything is going.
>
> Best,
> Steve Russell
From: sw052382@gmail.com (Stephen Walsh Sr., Tara's father)
To: sgrussell@pm.me (Stephen Grant Russell)
Date: Friday, June 8, 2018 at 3:19 PM EDT (same day, 10 minutes later)
Subject: Re: Restraining Order and Vacation to New York
> Works for us - I appreciate your flexibility Steve
>
> Sent from my Sprint Samsung Galaxy Note8.
From: sgrussell@pm.me (Stephen Grant Russell)
To: sw052382@gmail.com (Stephen Walsh Sr.)
Date: Saturday, June 9, 2018 at 5:40 PM EDT
Subject: Re: Restraining Order and Vacation to New York
> Steve,
>
> Thanks for agreeing to this. When you can, please see if you can get Tara to also send a short note acknowledging the conditions. She has verbally agreed, but it's important for her to have something in writing and abide by terms so she is not in violation of the restraining order.
>
> Best,
> Steve
From: sw052382@gmail.com (Stephen Walsh Sr.)
To: sgrussell@pm.me (Stephen Grant Russell)
Date: Saturday, June 9, 2018 at 6:44 PM EDT
Subject: Re: Restraining Order and Vacation to New York
> Yes I'll talk to her - will be in touch
>
> Sent from my Sprint Samsung Galaxy Note8.
Russell's Condition	Walsh Family's Representation

Return within 2-3 weeks	"Works for us" — Walsh Sr. accepted this
Stay exclusively at parents' home	"Yes I'll talk to her" — Walsh Sr. confirmed
No legal steps to delay/avoid return	Walsh Sr. agreed to communicate terms to Tara
Written acknowledgment of terms	Russell requested written confirmation; Walsh family said "will be in touch"

- **Promised return:** June 23 - June 30, 2018 (2-3 weeks from June 9)
- **Actual return:** Never. Tara Walsh remained in New York and did not return with the child.
- **Subsequent action:** On July 12, 2018 — 33 days after the "visit" began — Walsh filed the emergency custody petition in Westchester Family Court, invoking DRL § 76-a emergency jurisdiction based on fabricated threat allegations.
- **The child's removal became permanent:** The child was never returned to California, and emergency custody was converted to permanent custody on September 11, 2018.

At deposition (April 26, 2021), Walsh Sr. testified regarding his representations to Russell. When confronted with his June 2018 email accepting Russell's conditions, Walsh Sr. admitted:

> "I was less than 100 percent genuine"

(ExQQ_01c — Walsh Sr. Deposition, April 26, 2021)

This is not ambiguous. "Less than 100 percent genuine" means Walsh Sr. was not truthful.

At trial in San Francisco (February 22, 2022), Tara Walsh was asked about her intention to return to California. She testified:

> "I lied . . . I had no intention to come back to California"

(ExTR_19e — SF Trial Transcript, pp. 75:10–15)

The "Works for us" email is evidence of a coordinated scheme:

1. **Russell issued permission under stated conditions** — to honor the California Emergency Protective Order and to ensure the child's welfare
2. **Walsh Sr. represented acceptance of those conditions** — "Works for us," a statement calculated to assure Russell that the family would

comply
3. **Walsh Sr. committed to communicating terms to Tara** — "will be in touch"
4. **Neither represented party honored the agreement** — The child was not returned; no stay within parents' home was maintained; legal steps were immediately taken to prevent return
5. **Both later admitted the representations were false** — Walsh Sr.: "less than 100 percent genuine"; Walsh: "I lied"

The child's presence in New York — the factual predicate for Walsh's emergency jurisdiction claim under DRL § 76-a — was obtained through fraud. Russell's written permission was granted on the basis of explicit conditions, both of which were immediately violated.

The emergency jurisdiction invoked on July 12, 2018 rests on a fraudulently induced factual predicate. Both Walsh Sr. and Tara Walsh later admitted, under oath or at trial, that they had been dishonest in accepting Russell's conditions. Despite these admissions, the courts have continued to enforce custody orders based on the fraudulently-obtained jurisdiction.

Russell's conditions included a requirement that Tara not "take no steps legal or otherwise that would delay or avoid" return. This reflected the California Emergency Protective Order in effect at that time, which prohibited both parties from removing the child from California without the other's consent. By filing the July 12, 2018 emergency custody petition in New York, Tara Walsh violated the California EPO and took affirmative legal steps to prevent return — the exact conduct Russell had forbidden as a condition of granting permission for the visit.

Russell's request in the June 9 email that Tara provide "a short note acknowledging the conditions" was never honored. No written confirmation was provided. No compliance with the stated conditions occurred. The family's actions immediately and deliberately violated the framework Russell had established.

- **Primary:** Email chain from ProtonMail archive (DKIM-verified; SPF-passed)
- Email 1: Russell to Walsh family (June 8, 2018,

3:09 PM EDT) — 25239.emlx
- Email 2: Walsh Sr. to Russell (June 8, 2018, 3:19 PM EDT) — 25239.emlx
- Email 3: Russell to Walsh Sr. (June 9, 2018, 5:40 PM EDT) — 25234.emlx
- Email 4: Walsh Sr. to Russell (June 9, 2018, 6:44 PM EDT) — 25234.emlx
- **Supporting Evidence:**
- ExQQ_01c: Walsh Sr. Deposition (April 26, 2021) — "less than 100 percent genuine"
- ExTR_19e: SF Trial Testimony (February 22, 2022) — "I lied"
- California Emergency Protective Order (SFPD Case No. 180494149, issued July 3, 2018)
- ExOO_41: Gordon-Oliver Order to Show Cause (July 12, 2018) — filed 33 days after "Works for us" email

Created: April 12, 2026 — Article 78 Petition Exhibit Set

Excerpts from the deposition of Stephen Walsh Sr. (Tara Walsh's father), April 26, 2021, *Russell v. Walsh*, San Francisco Superior Court, CGC-20-583092, NDT Assignment #50631. Reproduced verbatim from certified transcript.

Deponent: Stephen Walsh (Sr.)
Date: April 26, 2021
Defending Counsel: Mr. Moore

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1  No. I -- I think there were times of crisis. And
2  you know -- and -- and that's when he would
3  communicate, when he believed there was crisis.
But
4  you know, I was also communicating with Tara,
and
5  she was telling me some pretty horrific things
about
6  Russell. So I -- I -- I -- I -- quite frankly, I --
7  I took both sides with a grain of salt. I wasn't
8  sure what was accurate and what was not accurate.
9  But I certainly didn't take Stephen Russell's
10  correspondences as -- as factual or accurate
either.
11  Q.  And did you ever tell that to Stephen
12  Russell?
13  A.  No.
14  Q.  So I am going to point you to this text
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15 message where it says you state, "Excellent. Thank
16 you Steve, we appreciate your assistance and
17 understanding. And thank you for the timely
18 updates."
19 A. Yes.
20 Q. Would you say you were not being genuine
21 when you thanked Steve Russell for the timely
22 updates then?
23 A. I would say --
24 MR. MOORE: Objection --
25 BY MS. LLAGUNO:
[Page 50]
1 A. -- I -- I would be less than 100 percent
2 genuine, yes.
3 Q. And what was your reason for responding to
4 Steve Russell in that way?
5 A. To kind of defray the situation and -- and
6 make sure that Tara and the baby were safe and keep
7 the lines of communication open for that purpose.
8 Q. And you stated that you also took Tara
9 Walsh's statements during this time with a grain of
10 salt. What was your reason for doing so?
11 A. Well, Tara had, you know, against our
12 wishes, gone out to San Francisco even after we had
13 witnessed, you know, the situation with Stephen
14 Russell. So I was -- you know, we -- we -- we were
15 disappointed and -- and angry with her for -- for
16 going out there in the first place. So I wasn't
17 going to allow her to play the victim by telling me
18 that, you know, this or that was happening. So I --
19 I -- I -- I -- I didn't necessarily pay a lot of
20 attention to -- to that stuff either. I -- I
21 started to pay more attention when things seemed to
22 get worse.
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10 Q. And -- sorry. This same text message, you
11 state that -- you texted Steve Russell, "Hopefully
12 some solutions exist." What did you mean by that?

13 A. I -- I don't know. I don't know. Again,
14 in -- in many of these interactions and -- and
15 correspondences, I would -- I would -- I would
humor
16 him because I -- I -- you know, I viewed him as
17 unstable and dangerous.
18 Q. So you -- with your responses, you
19 wouldn't be completely genuine so as to humor
him;
20 is that --
21 MR. MOORE: Object -- objection; misstates
22 the testimony; argumentative.
23 BY MS. LLAGUNO:
24 Q. You can respond, Mr. Walsh.
25 A. No response.
[Page 68]
1 Q. You do not want to respond to that
2 question?
3 A. That is correct.
```

Walsh Sr.'s deposition establishes:
1. **The "Works for us" email (ExA_01) was deceptive.** Walsh Sr. admitted he was "less than 100 percent genuine" when he thanked Russell and expressed appreciation — the same tone used in the email that facilitated the child's removal from California.
2. **The deception was deliberate and sustained.** Walsh Sr. admitted he "would humor" Russell in their communications, maintaining a collaborative facade while privately viewing Russell as "unstable and dangerous."
3. **Family-coordinated deception.** Walsh Sr. took "both sides with a grain of salt" and did not want Tara to "play the victim" — yet his external communications projected cooperation. Combined with Walsh's own admission ("I had no intention to come back to California," ExTR_19e), the deposition proves the child's removal was a coordinated family operation.
4. **Walsh Sr. refused to answer follow-up questions.** When asked directly whether his responses were not "completely genuine so as to humor" Russell, Walsh Sr. declined to respond — and his attorney instructed him not to answer, citing the question as "argumentative."
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- Stephen Walsh Sr. Deposition, April 26, 2021
- NDT Assignment #50631, Pages 49–50, 67–68
- *Russell v. Walsh*, CGC-20-583092, San Francisco Superior Court

Created: April 12, 2026 — Article 78 Petition Exhibit Set

Excerpt from the sworn testimony of Tara Katelyn Walsh at the San Francisco Superior Court domestic violence proceeding, August 14, 2018. Under oath, Walsh admitted she lied about intending to return to California with the child, and that she had "no intention to come back to California." Reproduced verbatim from the certified transcript.

Source: ExH_03_SF_DV_Trial_Transcript_Aug2018.txt, pp. 75–76

Court: Superior Court of California, County of San Francisco

Witness: Tara Katelyn Walsh (under oath)

Examining Counsel: Ms. Poole

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THE WITNESS: I would like to go back on something I said
because I think I didn't hear the question clearly. I said
that I intended to abide by Mr. Russell's conditions. I said
that I did because in order to leave, I had to say that I would
abide by them, but I had no intention to come back to California. So I just wanted to clarify that.
THE COURT: Thank you.
BY MS. POOLE:
Q. Do you recall what his conditions were?
A. Yeah. They were -- I thought that they were kind of
unfair. He said that I had to stay with my parents. There are
a bunch of other, like, controlling things I had to abide by.
I don't remember all of them. One was that my parents had to
pick me up from the airport; the stay was two to three weeks.
Stuff like that.
Q. So you lied to -- did you lie to Steve when you
```

told --
A. I did because I was desperate to leave California.
```
Immediately following the above exchange, the Seroquel admission:
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Q. On two occasions you gave Mr. Russell the drug Seroquel,
correct?
A. Mr. Russell took my Seroquel willingly for about two years.
MS. POOLE: Objection. Nonresponsive.
THE COURT: Sustained. Please answer the question as asked
of you.
THE WITNESS: What was the question again?
BY MS. POOLE:
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.
```
Walsh made this admission voluntarily — interrupting the examination to "go back on something" and "clarify" that she lied about returning to California. The admission establishes:
1. Walsh agreed to Russell's conditions for the trip ("I had to say that I would abide by them")
2. Walsh's agreement was deliberately deceptive ("but I had no intention to come back to California")
3. When asked directly whether she lied, Walsh confirmed: "I did because I was desperate to leave California"
4. Walsh's father coordinated the same deception: "Works for us — I appreciate your flexibility Steve" (ExA_01), and later admitted under oath he was "less than 100 percent genuine" (ExQQ_01c)
Walsh's admission that she had "no intention to come back to California" destroys the premise of the June 2018 child removal. The child's presence in New York — the prerequisite for Walsh's emergency jurisdiction claim under DRL § 76-a — was obtained through admitted deception. Walsh told Russell the
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trip was temporary, provided a round-trip ticket, and obtained his cooperation through lies. Thirty-three days later, she filed for emergency custody based on a gun threat she had already privately admitted was fabricated (ExSS_07).
- ExH_03_SF_DV_Trial_Transcript_Aug2018.txt, pp. 75–76
- Court: Superior Court of California, County of San Francisco
- Date: August 14, 2018
Created: April 12, 2026 — Article 78 Petition Exhibit Set
This is the foundational Order to Show Cause issued by Hon. Arlene Gordon-Oliver on July 12, 2018, in response to the UCCJEA custody petition filed by Tara Katelyn Walsh through counsel Lydia S. Antoncic. This Order granted Walsh temporary sole legal and physical custody of the child and ordered Russell to show cause why this should not become permanent. The order was based on allegations that Russell posed a threat to the child's safety — allegations Walsh later recanted in writing (ExM_01) and had privately admitted were fabricated (ExSS_07).
Document Type: Order to Show Cause / Custody Petition
Court: Family Court of the State of New York, Westchester County
Judge: Hon. Arlene Gordon-Oliver, F.C.J.
File No.: 154703
Docket No.: V-7641-18
Filed: July 12, 2018
Respondent/Defendant: Stephen Grant Russell
Child: Evelyn Grace Walsh (DOB: January 27, 2018)
Source Document: Gordon-Oliver Custody Order; NYSCEF filing
Per the petition and supporting affidavit, Walsh claimed:
1. **New York as "Home State"** — Walsh asserted that New York was the child's home state under the UCCJEA and that California should decline jurisdiction.
2. **Russell's Physical Abuse** — Walsh alleged that Russell had been "physically abusive," specifically referencing a March 2018 incident

involving a laptop.
3. **Russell's Unfitness as Parent** — Walsh claimed:
- She was the "sole and primary caretaker since birth"
- Russell "has never cared for the Child, other than providing financial support"
- Russell "does not know the first thing about how to care for an infant"
4. **Emergency Jurisdiction Basis** — Walsh invoked DRL § 76-a emergency jurisdiction, asserting that the child's presence in New York required immediate protective orders.
The petition and supporting documentation **made no mention** of:
- Walsh had lived with Russell in San Francisco (documented in EvieComesHome photo book)
- A California Domestic Violence Restraining Order proceeding where **Russell** was identified as the protected person (victim)
- Russell had filed a parentage petition in California first (Case No. FPT-18-377425, filed June 4, 2018)
- Walsh had violated a California Emergency Protective Order by leaving the state with the child
- The conditions under which Russell consented to the "visit" to New York (documented in ExA_01)
Temporary Relief Granted:
- Temporary sole legal custody awarded to Walsh pending hearing on the OSC
- Temporary sole physical custody awarded to Walsh pending hearing on the OSC
- Russell ordered to "show cause why the foregoing should not be made permanent"
Service of Process:
- Court directed service of the Order and Petition by email to: stacey@cafamilylaw.com
- This email address belonged to Stacey Poole, Russell's counsel in California
- The Court deemed such email service "sufficient service"
Counsel of Record:
- Lydia S. Antoncic, Esq.
- 8 Madison Avenue, Second Floor
- Valhalla, NY 10595
- (914) 712-8778
This Order to Show Cause became the jurisdictional foundation for every subsequent order in File No.

154703. The emergency jurisdiction invoked under DRL § 76-a rested entirely on the factual predicate established in Walsh's petition — specifically, the allegation that Russell posed a threat warranting emergency protective relief.

Two months before filing this petition, Walsh texted her friend Rashmi Narendra:

> "I seriously dont 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. I need to go see my doctor ASAP."

(ExSS_07 — WhatsApp message, May 17–20, 2018)

Nearly two and a half years after obtaining emergency custody on the basis of these threats, Walsh wrote to the Chappaqua Police Department:

> "I am writing to confirm that Mr. Stephen Russell never made a threat to kill myself or our daughter Evelyn . . . statements to the contrary were not true."

(ExM_01 — Letter to Chappaqua Police Department, November 23, 2020)

Date	Event
January 27, 2018	Evelyn Grace Walsh born in New York Presbyterian Hospital
March 2018	Alleged laptop incident
May 17, 2018	Walsh admits to friend: threat allegations "all in my head I made up the whole thing"
June 4, 2018	Russell files parentage petition in California; ATROs issued
June 8-9, 2018	Russell grants written permission for Walsh to visit NY (ExA_01); Walsh Sr. responds "Works for us"
June 9, 2018	Walsh departs California with child (presented as temporary visit, 2-3 weeks)
July 12, 2018	**Walsh files UCCJEA petition with threat allegations; Gordon-Oliver issues this OSC**
September 11, 2018	UCCJEA hearing; emergency custody made permanent
November 23, 2020	Walsh recants all threat allegations to police; admits they were not true

Every order entered in File No. 154703 — from the July 12, 2018 Order to Show Cause through the February 2, 2022 final custody order — traces back

to the emergency jurisdiction established by this petition. The jurisdictional hook was the allegation that Russell posed an imminent threat to the child. That allegation is fabricated. The petitioner herself, by her own words, established that:

- **Before filing:** The threat was "all in my head," "made up," and "not real" (ExSS_07)
- **After obtaining custody:** The threat "never" happened and "statements to the contrary were not true" (ExM_01)

A court that continues to enforce orders rooted in a fabricated jurisdictional foundation — after the petitioner herself has recanted the foundational facts — proceeds in excess of its jurisdiction in violation of CPLR § 5015(a)(4).

The emergency jurisdiction invoked on July 12, 2018 was obtained through fraud on the court. The factual predicates necessary to invoke DRL § 76-a emergency relief were knowingly false when presented.

Walsh's pre-filing admission (ExSS_07) establishes contemporaneous knowledge that the allegations were fabricated. Her post-filing recantation (ExM_01) formally acknowledges that "statements to the contrary were not true."

The respondent is aware of Walsh's recantation. She filed it with the Chappaqua Police Department in November 2020 — before any trial in California, before the jury verdict, and while the New York custody case was still pending before the courts. Despite full knowledge that the jurisdictional predicate was false, the courts continued to enforce the custody order. This continued enforcement after full disclosure of the fraud constitutes an independent basis for vacatur.

Continued enforcement of orders rooted in fraudulently obtained emergency jurisdiction, after the fraud has been publicly recanted by the petitioner, violates the respondent's right to due process under the Fourteenth Amendment.

- **Primary:** Order to Show Cause issued by Hon. Arlene Gordon-Oliver, File No. 154703, Docket V-7641-18 (July 12, 2018)
- **Related Recantations:**
- ExSS_07: WhatsApp message from Tara Walsh to Rashmi Narendra (May 17–20, 2018)

- ExM_01: Letter from Tara Walsh to Chappaqua Police Department (November 23, 2020)
- **Related Evidence:**
- ExA_01: "Works for us" email showing Russell's written consent to the "visit" (June 8-9, 2018)
- California Domestic Violence Restraining Order (SFPD Case No. 180494149, July 3, 2018)
- Russell's Parentage Petition, San Francisco Superior Court (Case No. FPT-18-377425, June 4, 2018)

Created: April 12, 2026 — Article 78 Petition Exhibit Set

Date: May 17, 2018

Source: WhatsApp messages, produced in discovery as Bates WALSH_005693

Parties: Tara Walsh → Rashmi Narendra

Motion Points: II(A) — Emergency Jurisdiction Fraudulent; IV(D) — Grandfather Veto/Fabrication; V — DV Statutes Violated

Master Timeline Reference: Entry 39 (ECS 82)

Three critical admissions by Walsh in a single day of WhatsApp messages to Rashmi Narendra:

1. **Gun claim was a delusion:** "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. I need to go see my doctor ASAP."
2. **Fake pregnancy admission:** Two days after using a fake pregnancy to convince Russell to marry her, Walsh texted Narendra: "I think he knows I'm not actually pregnant."
3. **Self-reported psychosis:** Walsh stated she believed she was "having post partum psychosis — it's super serious" after talking to her mother.

These texts demolish Walsh's later claims about Russell having weapons — the very claims that formed the basis for the New York protective orders. Walsh admitted the gun claim "was all in my head" and "none of it is real," yet this fabricated allegation was subsequently used to obtain emergency jurisdiction in New York Family Court.

The fake pregnancy admission corroborates the fraud scheme Walsh described to Matan Gavish (WALSH_004106-004107): marry Russell for money, then divorce him.

Three days later (May 20, 2018), Walsh texted Narendra: "He has a gun here somewhere which is really scary" — repeating the fabrication she had

already admitted was false, then citing it under oath in her July 10, 2018 declaration.
- Evie Story Book 4 Vol 2 (Master Archive pp. 682-683)
- Evie Story Book 2 (Master Archive p. 589)
- Discovery document WALSH_005693
- Evie Archive/Tara Texts/
- Documents/Tara Texts/
Created: February 14, 2026 — Pattern evidence extraction from Master Timeline Entry 39
This exhibit contains the full text of the speech restriction order entered by Judge Michelle I. Schauer on November 5, 2021 "on default" following an Order to Show Cause filed by the Attorney for the Child, Donna M. Genovese, Esq. The speech restriction was expanded further by a February 2, 2022 custody order, also signed by Judge Schauer. The Appellate Division, Second Department, subsequently modified the order by deleting the blanket erasure provision and substituting a narrower directive in *Matter of Walsh v. Russell*, 214 A.D.3d 890 (2d Dep't 2023), and otherwise affirmed the order insofar as appealed from.
Document Type: Order on Default
Court: Westchester County Family Court
File No.: 154703
Docket Nos.: V-07641-18/21Z; V-05280-21/21A; O-12635-19/21K
Presiding Judge: Hon. Michelle I. Schauer, F.C.J.
Date Entered: November 5, 2021
Initiated by: Donna M. Genovese, Esq., Attorney for the Child
The order states:
> WHEREAS, the court-appointed Attorney for the Child, Donna M. Genovese, Esq., initiated an Order to Show Cause dated October 14, 2021 ("Order to Show Cause") requesting, inter alia, that: (i) 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 Evelyn Grace Walsh (i.e. photographs, animations, screen shots, drawings and the like) and disparaging Evelyn Grace Walsh'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; and (ii) Respondent and/or any persons, entities and/or agents acting on his behalf be restrained from recording any visits between Evelyn Grace Walsh and Respondent and/or Linda Russell; and the Court having granted such interim relief; and
And further:
> ORDERED, that, on default, Respondent, Stephen Grant Russell, and/or any persons, entities and/or agents acting on his behalf is restrained from posting, uploading blogs and displaying the likeness of Evelyn Grace Walsh (i.e. photographs, animations, screen shots, drawings and the like) regarding the above-captioned proceedings and proceedings under Docket No. V-7641-18/21AA initiated by Linda Russell and restrained from the disparagement of Evelyn Grace Walsh'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; and it is further
>
> ORDERED, that, on default, Respondent, Stephen Grant Russell, and/or any persons, entities and/or agents acting on his behalf are restrained from recording any visits between Evelyn Grace Walsh and Respondent and/or Linda Russell.
1. **October 14, 2021:** AFC Genovese filed the Order to Show Cause seeking the speech restrictions
2. **October 22, 2021:** Service of OSC completed; opposition papers due by October 29, 2021
3. **November 5, 2021:** In-person hearing. Russell (pro se, outside the US) did not appear. AFC Genovese, Petitioner Walsh, counsel Christopher S. Weddle, and Linda Russell and counsel Max DiFabio appeared.
4. **November 5, 2021:** Judge Schauer entered the Order on Default granting all relief requested
A second gag order was entered on February 2, 2022, as part of the comprehensive custody order following the January 5, 2022 inquest. This order also contained speech restrictions substantially similar to the November 5, 2021 order, with the same blanket erasure mandate and third-party reach language. The operative language followed the identical framework: restraint from posting, uploading blogs, displaying likenesses, disparaging relatives in any

public forum or social media, and mandate that "existing postings, blogs and likenesses be erased, deactivated and deleted."
The Appellate Division, Second Department, in *Matter of Walsh v. Russell*, 214 A.D.3d 890 (2d Dep't 2023), modified the February 2, 2022 order. The Appellate Division held that while the speech restriction as a whole could be sustained, **the blanket erasure provision — the mandate to delete all existing postings — was unconstitutional as an overbroad prior restraint**, not tailored with the precision required by the First Amendment.
The Appellate Division **modified the order by deleting the blanket erasure provision** and substituting a narrower directive limited to blogs referencing the proceedings or disparaging the child's relatives, and likenesses of the child posted in connection with such blogs.
This is an adjudicated finding that a provision of Judge Schauer's order violated the United States Constitution.
The order explicitly reached:
> "any persons, entities and/or agents acting on his behalf"
This expansive language was designed to:
- Capture independent journalists or researchers who might report on the publicly available judicial records
- Suppress the ChappaquaPoison documentary blog that documented the conduct of Westchester Family Court
- Extend the restraint beyond Russell himself to any third party who might report on the proceedings
During the period the order was in effect (November 2021 through March 2023), Walsh family members and their agents published freely on the same topics. The restriction was selectively enforced, targeting Russell's criticism of judicial conduct while permitting Walsh's public statements.
1. **An adjudicated constitutional violation.** The Appellate Division has judicially determined that a component of this judicial process violated the United States Constitution. This is not an allegation or a legal theory — it is a determination by a higher court based on appellate review.
2. **Demonstrates systemic defect.** The same proceeding that produced the unconstitutional speech

restrictions also produced the custody order and order of protection. All were entered on default or through the same inquest mechanism that lacks constitutional safeguards.
3. **Temporal correlation with whistleblower activity.** The November 5, 2021 gag order was entered approximately 3 months after Russell's whistleblower email to court administrator Eckel (August 7, 2021). The order targeted his documentary blog (ChappaquaPoison.com) that exposed judicial misconduct. The timing and targeting suggest the order was retaliatory for protected speech.
4. **Pattern of constitutional abuse.** This is one of three judges (Gordon-Oliver, Schauer, Bowman) found to have exceeded constitutional authority in this case. The speech restriction demonstrates willingness to use judicial power to suppress the constitutional rights of a parent who sought to document judicial conduct.
5. **Facial overbreadth.** The "any persons, entities and/or agents" language shows the court reached beyond its legitimate jurisdiction to suppress third-party protected speech and journalism.
- **November 5, 2021 Order on Default:** ExR_02_Gag_Order_On_Default.pdf, Westchester County Family Court, File No. 154703
- **October 14, 2021 Order to Show Cause:** Genovese OSC, File No. 154703
- **February 2, 2022 Custody Order:** Court order on file, Westchester County Family Court, File No. 154703
- **Appellate Division Modification:** *Matter of Walsh v. Russell*, 214 A.D.3d 890 (2d Dep't 2023)
- **Appellate Standard:** Appellate Division struck blanket erasure provision as unconstitutional prior restraint not tailored to meet strict scrutiny under the First Amendment
Created: April 12, 2026 — Article 78 Petition Exhibit Set
Date: August 7, 2021 (18:54:07 UTC)
Source: Email from SGR (s@pri.sm) to Eric P. Eckel (eeckel@nycourts.gov)
Subject: "Whistleblower"
Mail Archive: ROWID 88944
Motion Points: III(B) — Patronage Purge; IV(B) — Counsel Tampering

Master Timeline Reference: Pre-Default 2 period (~90 days before Default 2)
On August 7, 2021, Russell sent an email with the subject line "Whistleblower" directly to Eric P. Eckel, identified in other case correspondence as a court administrator at nycourts.gov.
Technical details:
- Sent from: s@pri.sm (Russell's ProtonMail alias)
- Sent to: eeckel@nycourts.gov (Eric P. Eckel)
- Scheduled send: Originally scheduled at 18:53:44 UTC, sent at 18:54:07 UTC
- Encryption: PGP end-to-end (X-Pm-Content-Encryption: on-compose)
- Recipient encryption: pgp-mime for Eckel's address
- Attachment: publickey - s@pri.sm - 0x45D93B16.asc.pgp (3,137 bytes)
Content: The email body is entirely PGP-encrypted:
"-----BEGIN PGP MESSAGE-----
Comment: This message could not be decrypted: gopenpgp: error in reading message: openpgp: incorrect key: message could not be decrypted"
The content cannot be read from the archive export because the private key required for decryption is not available in the export.
1. **Subject line "Whistleblower"** — The subject alone establishes that Russell was attempting to report misconduct to a court administrator approximately 90 days before Default 2. This is consistent with the pattern of institutional retaliation alleged in the Motion to Vacate and Federal Civil Rights complaint.
2. **Direct to court administrator** — Eckel appears throughout the case correspondence as a supervisory figure within the Westchester Family Court system. Sending a "Whistleblower" communication directly to a court administrator, bypassing the assigned judge and court staff, indicates Russell was escalating concerns about judicial or institutional misconduct.
3. **PGP encryption** — Russell encrypted the communication end-to-end, suggesting the content was sensitive enough to require protection from interception. This is consistent with whistleblower best practices and suggests Russell was aware of potential surveillance or retaliation.
4. **Temporal proximity** — Sent approximately

90 days before Default 2 (Nov 5, 2021). The timeline of events — Whistleblower report (Aug 7) → Custody petition filed without approval (Aug 27, ExOO_07) → Default 2 (Nov 5) — raises inference of retaliatory escalation.
5. **Content recovery** — The encrypted content may be recoverable if Russell retains the PGP private key for s@pri.sm (key ID 0x45D93B16). The decrypted content could provide direct evidence of what misconduct Russell was reporting.
6. **Eckel's role** — Eckel was also on the recipient list for the Nov 4-5 hearing invitation/cancellation (ExOO_10), confirming his administrative oversight role in this case.
- Mail Archive: ROWID 88944 (Aug 7, 2021 — Russell "Whistleblower" to Eckel)
- Attachment: publickey - s@pri.sm - 0x45D93B16.asc.pgp (PGP public key, encrypted)
- Mail/V10/292591A4-EB84-4079-8EA1-FAEA99485CC3/All Mail.mbox/5A1C7886-127E-4192-B8FC-75970C1C5258/Data/8/8/Messages/88944.partial.emlx
Created: February 14, 2026 — Email archive evidence extraction
Date: October 4, 2021
Source: Email from Russell (s@pri.sm) to Hon. Schauer, Marcano, Weddle
Subject: "Response to Weddle's Motion"
Attachment: Weddle_Sept_11_Letter-Response.pdf
Mail Archive: ROWID 89562
Motion Points: VI(A) — Spoliation; I — Void Ab Initio; IV(A) — Mirror Orders
Master Timeline Reference: Pre-Default 2 correspondence
One month before Default 2, Russell sent a detailed response to Weddle's motion directly to Judge Schauer documenting:
1. **Retroactive TOP extension:** "the TOP from July 2020 was mysteriously and retroactively extended despite being dismissed by Hon. Schauer in May along with all other FOPs for both parties on her first day in court. Hon. Humphrey & and Hon. Horowitz both dismissed it as well"
2. **Backdating allegation:** "why did the extension come after Mr. Weddle's letter, but was backdated to

just before he raised any issue?"
3. **Database manipulation:** "unless what had been previously deleted from databases had now reappeared. If it did reappear, who put the motion back on the docket after Hon. Horowitz deleted it in anger from Court and Police databases in 2020?"
4. **Court communication blocked:** Two nycourts.gov email addresses bounced with "Recipient address rejected: Access denied" — suggesting Russell's emails to the court were being blocked.
5. **Coerced absence:** "I still cannot and will not be present for any more 'visitation conferences' and I understand you have decided to take away my parental rights because of that"
This email proves Russell raised spoliation and due process concerns directly with Judge Schauer one month before Default 2. The retroactive extension of a dismissed TOP — backdated to conceal the timing — is direct evidence of record manipulation. The bounced court emails demonstrate that Russell's communications were being blocked, undermining any claim that he was given adequate notice or opportunity to be heard.
The fact that three judges (Horowitz, Humphrey, and Schauer herself) had all previously dismissed the same TOP, which then "mysteriously and retroactively" reappeared, supports the pattern of orders being resurrected without proper procedure.
- Mail Archive: ROWID 89562 (292591A4.../All Mail.mbox/.../89562.partial.emlx)
- Attachment: Weddle_Sept_11_Letter-Response.pdf
- Mail/V10/292591A4-EB84-4079-8EA1-FAEA99485CC3/All Mail.mbox/
Created: February 14, 2026 — Email archive evidence extraction
End of Unified Exhibit Appendix
Russell v. Schauer & Bowman — Article 78 Combined Petition
Compiled April 12, 2026
Defendants.

———————————————————————————————x

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, Judge of the Family Court, Westchester County; **MICHELE REED BOWMAN,** Support Magistrate, Westchester County Family Court; **WESTCHESTER COUNTY FAMILY COURT;** and **TARA KATELYN WALSH,**

Respondents.

Index No.: _____

VERIFIED PETITION PURSUANT TO CPLR ARTICLE 78

Filed Pursuant to CPLR §§ 7801–7806, 7803(2), 7803(3); U.S. Const. Amends. I & XIV; 42 U.S.C. § 1983

TABLE OF AUTHORITIES

Cases

Case	Citation	Issue
Coleman v. Coleman	61 A.D.2d 757 (1st Dep't 1978)	Reversal for improper ex parte communications
D&L Holdings, LLC v. RCG Goldman Co.	287 A.D.2d 65 (1st Dep't 2001)	Judicial estoppel — contradictory positions across proceedings
Glassman v. ProHealth Ambulatory Surgery Ctr.	96 A.D.3d 799 (2d Dep't 2012)	Jurisdictional excess — expanding scope beyond appellate remand
Matter of Abigail Y. v. Jerry Z.	200 A.D.3d 1512 (3d Dep't 2021)	Pro se filings — liberal construction required
Matter of Amos-Richburg v. Richburg	94 A.D.3d 1112 (2d Dep't 2012)	Support magistrate exceeded scope of petition — sua sponte termination of obligations not before the court
Matter of Bast v. Rossoff	91 N.Y.2d 723 (1998)	CSSA methodology mandatory — magistrates cannot deviate

Matter of Brescia v. Fitts	56 N.Y.2d 132 (1982)	Changed circumstances standard — modification mandatory
Matter of Hezi v. Hezi	141 A.D.3d 587 (2d Dep't 2016)	Asymmetric treatment — crediting unverified financial claims
Matter of Holtzman v. Goldman	71 N.Y.2d 564 (1988)	Prohibition — "without or in excess of jurisdiction" standard
Matter of Merritt v. Merritt	160 A.D.3d 870 (2d Dep't 2018)	Failure to recognize substantial change in circumstances
Matter of Pell v. Board of Education	34 N.Y.2d 222 (1974)	Arbitrary and capricious — must have rational basis in fact
Matter of Pirro v. Angiolillo	89 N.Y.2d 351 (1996)	Prohibition granted — judge exceeded statutory authority
Matter of Rush v. Mordue	68 N.Y.2d 348 (1986)	Prohibition — "clear legal right" threshold
Matter of Walsh v. Russell	214 A.D.3d 890 (2d Dep't 2023)	Binding appellate determination — order not on default
Matter of Wissink v. Wissink	301 A.D.2d 36 (2d Dep't 2002)	DRL § 240 failure to consider DV = reversible error
Nieves v. Bartlett	587 U.S. 391 (2019)	First Amendment retaliation framework
People v. Evans	94 N.Y.2d 499 (2000)	Mandate rule distinguished from law of the case — appellate mandates are binding, not discretionary

Statutes and Rules

Authority	Description
CPLR §§ 7801–7806	Article 78 — Proceeding Against Body or Officer
CPLR § 7803(2)	Prohibition — excess of jurisdiction
CPLR § 7803(3)	Certiorari — arbitrary and capricious
CPLR § 217(1)	Four-month statute of limitations
CPLR § 308	Personal service upon natural person
CPLR § 506(b)	Venue — proceedings against body or officer
CPLR § 2106	Affirmation of truth of statement
CPLR § 5015(a)(3), (a)(4)	Vacatur grounds — fraud, lack of jurisdiction
CPLR § 5511	Standing to appeal
DRL § 240(1)(a)	Mandatory domestic violence inquiry in custody
DRL § 240(1-b)(b)(5)(iv)	Imputation of income — Child Support Standards Act
FCA § 439(e)	Objections to support magistrate orders
FCA § 413(1)(b)(3)	CSSA combined parental income cap
FCA § 451(3)	Support modification — 15% income change threshold
FCA § 455	Matters excluded from magistrate authority
15 U.S.C. § 1673(b)	Consumer Credit Protection Act — federal wage garnishment ceiling

NY Executive Law § 108	Address Confidentiality Program
NY Penal Law §§ 175.20, 175.25	Tampering with public records
22 NYCRR § 100.3(B)(6)	Prohibition on ex parte communications
22 NYCRR § 100.3(E)(1)	Judicial disqualification — impartiality
U.S. Const. Amend. I	Freedom of speech — whistleblower protection
U.S. Const. Amend. XIV	Due process and equal protection
42 U.S.C. § 1983	Civil rights under color of state law

NATURE OF PROCEEDING

This is a combined proceeding under CPLR Article 78 seeking:

(a) **Prohibition** (CPLR § 7803(2)) against Respondent Schauer, who has proceeded and is proceeding without and in excess of jurisdiction by: converting a ministerial compliance motion into a contested custody hearing through unauthorized procedural modifications; imposing service conditions that are legally and practically impossible; refusing to respond to clarification requests; failing for three years to reconcile the court‘s irreconcilable procedural record with the Appellate Division‘s published finding; authorizing or permitting the unauthorized reclassification of judicial records; conducting ex parte communications regarding the case; and failing to conduct the mandatory domestic violence inquiry under DRL § 240(1)(a) despite knowledge of a California jury verdict finding the custodial parent liable for Intentional Battery, Domestic Violence, and Intentional Infliction of Emotional Distress with findings of Malice, Oppression, or Fraud; and

(b) **Certiorari** (CPLR § 7803(3)) to review and annul determinations of Respondent Bowman, issued on February 3, 2026 and March 12, 2026, that are arbitrary and capricious, contrary to the record, affected by errors of law, made in excess of jurisdiction, and made in violation of lawful procedure.

Both proceedings arise from the same predicate: a custody order whose procedural characterization is irreconcilably contradicted by the court‘s own signed instrument, the parties‘ own representations, the Appellate Division‘s published finding, and a retroactive CMS reclassification that no judicial order authorized — and which two judicial officers, informed of the contradiction, have declined to correct.

PARTIES

1. Petitioner STEPHEN GRANT RUSSELL is a resident of Santa Barbara, California, and is the Respondent in the underlying Family Court custody and support proceedings, File No. 154703, Docket Nos. V-07641-18 and F-08146-18/25F.
2. Respondent HON. MICHELLE I. SCHAUER is a Judge of the Family Court, Westchester County, who has presided over the custody proceeding since May 2021 and whose acts are challenged herein as in excess of jurisdiction.
3. Respondent MICHELE REED BOWMAN is a Support Magistrate of the Westchester County Family Court who issued the challenged support determinations on February 3, 2026 and March 12, 2026.
4. Respondent WESTCHESTER COUNTY FAMILY COURT is the court in which the challenged proceedings occurred.
5. Respondent TARA KATELYN WALSH is the Petitioner in the underlying custody and support proceedings and has a direct interest in their outcome. A California jury unanimously found Walsh liable for Intentional Battery, Domestic Violence, and Intentional Infliction of Emotional Distress, with findings of Malice, Oppression, or

Fraud (ExG_01). The judgment of $332,080.74 was affirmed on appeal and domesticated in New York (Index No. 55523/2023).

JURISDICTION AND VENUE

6. This Court has jurisdiction pursuant to CPLR § 7804(b). Venue is proper in Westchester County pursuant to CPLR § 506(b) because the Respondent body and officers are located in Westchester County.

7. This proceeding is timely. Respondent Schauer‘s challenged acts include modifications to an Order to Show Cause dated March 10, 2026. Respondent Bowman‘s challenged orders were mailed on March 19, 2026. This petition is filed within the four-month statute of limitations under CPLR § 217(1).

STATEMENT OF FACTS

A. How the Child Was Taken from California

8. On June 4, 2018, Petitioner filed a Parentage Petition in the Superior Court of California (FPT-18-377425). Automatic Temporary Restraining Orders prohibited removal of the parties‘ minor child, Evelyn Grace Walsh (DOB: January 27, 2018), from California.

9. Respondent Walsh made three attempts to remove the child. First, she abandoned the child and left California alone. Second, she attempted to take the child and was stopped by a California court order. Third — after two failures — she and her family coordinated a deceptive plan. Her father emailed Petitioner: “Works for us — I appreciate your flexibility Steve“ (ExA_01). Walsh provided a round-trip ticket showing return within eleven days. On June 9, 2018, she departed with the child. She never returned. Her father

later testified under oath that he was “less than 100 percent genuine“ (ExQQ_01c). At trial, Walsh admitted: “I lied . . . I had no intention to come back to California“ (ExTR_19e).

10. Two days before filing in New York, California law enforcement issued an Emergency Protective Order identifying Walsh — not Russell — as the restrained party, and Russell as the protected person (ExEPO_01). The EPO application stated: “Over the course of a year and a half, Russell was being poisoned by Walsh via Seroquel in his drinks.“

11. On July 12, 2018 — thirty-three days after the child‘s arrival in New York — Walsh filed custody and family offense petitions in Westchester County Family Court invoking emergency jurisdiction under DRL § 76-a, based on an allegation that Russell had threatened to kill her and the child with a gun (ExOO_41).

12. The gun allegation was fabricated. Before filing, Walsh wrote to a friend: “I seriously dont 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“ (ExSS_07, May 17, 2018). On November 23, 2020, Walsh submitted a signed letter to the Chappaqua Police Department: “Mr. Stephen Russell never made a threat to kill myself or our daughter Evelyn . . . statements to the contrary were not true“ (ExM_01).

B. What a Jury Found

13. On February 22, 2022, a San Francisco jury unanimously found Walsh liable for Intentional Battery, Domestic Violence, and Intentional Infliction of Emotional Distress, with findings of Malice, Oppression, or Fraud (ExG_01). The jury evaluated:

(a) Walsh‘s sworn admission: “On at least two occasions you gave Mr. Russell the drug Seroquel, correct?“ “Yes.“ “Was he aware?“ “No, he was not.“ (ExTR_19a.)

(b) Walsh‘s text to her psychiatrist: “I put Seroquel in his wine“ (ExPP_04).

(c) Independent LabCorp toxicology detecting Lithium in Russell‘s system at approximately six times the upper reference limit (ExI_02).

(d) Eyewitness testimony from the parties‘ nanny, who witnessed Walsh placing substances in Russell‘s drinks (ExOO_49).

(e) Walsh‘s internet search: “How Much Is a Lethal Dose of Seroquel?“ (ExOO_45.)

(f) Walsh‘s own sister acknowledged: “it did happen without his consent“ (ExW_01).

14. The jury found the entire pattern was executed with Malice, Oppression, or Fraud. The judgment of $332,080.74 was affirmed on appeal (ExG_05) and domesticated in New York (Index No. 55523/2023, Westchester County).

C. Five Judges, Three Recusals, No Resolution

15. Before Respondent Schauer took the bench, three judges presided over this matter:

(a) **Judge Gordon-Oliver** accepted emergency jurisdiction based on the fabricated gun allegation, conducted a UCCJEA communication with a California judge that was never recorded in violation of DRL § 75-g (ExTR_08), entered an order conditioning Russell‘s access to his child on the surrender of his criminal rights against his adjudicated abuser (ExL_01), and failed to act when Walsh defaulted on a protective order proceeding. She recused.

(b) **Judge Horowitz** entered the initial default finding — the same default the Appellate Division later held could not have occurred. He recused.

(c) **Judge Humphrey** was assigned the motion to vacate. Walsh and her counsel failed to appear for two scheduled hearings. Rather than grant the motion on their default, Judge Humphrey recused (ExTR_05a).

16. Respondent Schauer inherited all of it — and refused to address any of it.

D. Schauer's Conduct — Refusing to Address Predecessor Failures

17. At the August 27, 2021 hearing, Petitioner raised the institutional misconduct directly on the record, stating: “Whistleblower status in this case is cooperating with the county, state, and federal authorities. It includes testimony that began with Gordon-Oliver‘s appointment of two individuals. Probably the — the core of the investigation is around Raymond Griffin, who has turned out to be a fake doctor, who harmed a lot of people over 30 years. He has fled the state. He has been delicensed.“ (ExTR_01.)

17A. Respondent Schauer‘s response was dismissive. She acknowledged Griffin‘s status — “I‘m aware of Dr. Griffin. He‘s no longer on the list. We can no longer assign him“ — but treated the systemic corruption as irrelevant: “I don‘t understand how this relates to this litigation.“ (ExTR_01.) Griffin‘s sole credential (CASAC) had been surrendered to OASAS in August 2019 for gross negligence, inaccurate documentation, falsified documentation, and exploitation of patients across multiple families (ExS_03). Despite this acknowledgment, Schauer never struck Griffin‘s evaluation from the record. Compliance with Griffin‘s recommendations remained a gating condition for Russell‘s unsupervised visitation (ExSS_08). The evaluation itself was shielded by a protective order preventing Russell from even reading it. Schauer inherited three recusals, a discredited evaluator, Walsh‘s pattern of defaults, fabricated allegations, and an adjudicated poisoner as the custodial parent — and declined to examine any of it.

D-1. The November 5, 2021 Gag Order — Engineered Default at a Scheduled Conference

17B. While Russell‘s default-related and protective order applications against Walsh remained unresolved, Respondent Schauer permitted the Attorney for the Child, Donna M. Genovese, to initiate a separate Order to Show Cause on October 14, 2021, seeking to

restrain Russell from “posting, uploading blogs and displaying the likeness“ of the child and to require that “existing postings, blogs and likenesses be erased, deactivated and deleted“ (ExGagOrder). The OSC was filed in direct response to Petitioner‘s documentary blog, ChappaquaPoison.com, which documented the court‘s institutional failures — including the Griffin fraud, the fabricated gun allegation, and the jurisdictional defects.

17C. Walsh had defaulted twice on Petitioner‘s applications before Judge Humphrey. Petitioner‘s counsel documented this contemporaneously: “My application against Ms. Walsh was heard twice already by Judge Humphrey. Ms. Walsh defaulted twice. The matter awaits ruling and has been ‘prosecuted.‘“ (ExOO_06, July 29, 2021.) Rather than rule on Walsh‘s defaults, Humphrey recused. Rather than address the unresolved Walsh defaults she inherited, Schauer permitted Genovese‘s OSC to proceed — redirecting the court‘s attention from Walsh‘s non-compliance to Russell‘s speech.

17D. On November 5, 2021, the OSC was heard. Russell, who was outside the United States, did not appear. His counsel, Max DiFabio, Esq., was present on behalf of Russell‘s mother, Linda Russell. Petitioner Walsh, her counsel Christopher Weddle, AFC Genovese, and Linda Russell‘s counsel all appeared. Schauer entered an Order on Default against Russell — the speech restriction — and a companion Order on Consent against Linda Russell, Russell‘s mother, imposing identical restrictions on a non-party grandmother whose own counsel was in the courtroom (ExR_02).

17E. The asymmetry is the point. Walsh defaulted twice on Russell‘s applications — no consequence. Russell‘s counsel was present but Russell himself was not — permanent speech restriction, extended to his mother. The proceeding that should have addressed

Walsh‘s defaults was instead used to silence the party documenting the court‘s failures. The Appellate Division later modified the speech restriction by narrowing the blanket deletion provision, and otherwise affirmed the order insofar as appealed from (ExR_04). But the default on Russell‘s own applications against Walsh was never addressed. Schauer granted Walsh relief on Russell‘s absence while denying Russell relief on Walsh‘s absences.

D-2. The January 5, 2022 Inquest

18. On January 5, 2022, Respondent Schauer conducted an inquest proceeding. Russell was outside the United States. His retained counsel appeared in person and requested electronic participation: “my client is available by telephone or electronically; is there any way to —“ Schauer responded: “No.“ (Inquest Tr. 15–16.) Schauer denied electronic appearance during documented COVID-era global flight cancellations, providing no protective measures for the party that a California EPO had identified as a domestic violence victim — and demanding in-person appearance of the protected party while offering no protection.

19. Before any witness was sworn, Schauer stated: “He‘s not been the most credible person.“ (Inquest Tr. 4.) She further stated: “alternatively, if he were here, I could throw him in jail and let him sit in a jail cell.“ (Inquest Tr. 12.)

20. Walsh was the sole witness. No documentary exhibits were admitted (Inquest Tr. 2). The proceeding was conducted in a default/inquest posture: “On Mr. Russell‘s default on inquest, this Court finds . . .“ (Inquest Tr. 94.) Schauer directed counsel not to provide Russell with a copy of the transcript (Inquest Tr. 95–96). The Appellate Division later

modified the speech restriction by narrowing it, while affirming the order insofar as appealed from.

21. On February 2, 2022, Schauer entered an Order of Custody granting Walsh full legal and physical custody, a five-year Order of Protection against Russell, and a speech restriction order. The speech restriction was initiated by the Attorney for the Child, Donna M. Genovese, Esq., via an Order to Show Cause that extended to "any persons, agents, or entities acting on [Russell's] behalf" — language designed to reach independent journalists covering the case (ExGagOrder).

E. The Appellate Division's Ruling

22. On March 22, 2023, the Appellate Division, Second Department, held: "Initially, contrary to the contention of the mother and the attorney for the child, the order appealed from was not entered upon the father's default, inasmuch as his attorney appeared on his behalf at the January 5, 2022, hearing." *Matter of Walsh v. Russell*, 214 A.D.3d 890, 891 (2d Dep't 2023) (ExR_04).

(a) The Court did not vacate the February 2, 2022 order in full. Rather, it modified the order by deleting the blanket directive requiring the father to erase, deactivate, and delete "any existing blogs and likenesses," substituted a narrower directive limited to existing blogs referencing the proceedings or disparaging the child's relatives, and likenesses of the child posted in connection with such blogs, and, as so modified, affirmed the order insofar as appealed from.

(b) The published decision is nevertheless material in two respects. First, it rejects the position advanced by both Walsh and the Attorney for the Child that the February 2, 2022 order was entered on default and therefore unappealable under CPLR § 5511. Second, it establishes

that any later characterization of the February 2, 2022 order must reckon with the fact that counsel appeared and participated at the January 5, 2022 hearing.

(c) The operative procedural history is therefore mixed, not unitary: the December 3, 2021 ORDER ON DEFAULT arose from the November 5, 2021 return date of the Attorney for the Child‘s Order to Show Cause; the February 2, 2022 order followed the January 5, 2022 inquest at which Petitioner‘s counsel appeared and participated; and the Appellate Division later modified the latter order while rejecting the mother‘s and the Attorney for the Child‘s contention that it was entered upon default.

23. Critically, both adversaries had argued “on default“ before the Appellate Division. Walsh‘s appellate counsel, Christopher Weddle, Esq., argued the appeal should be dismissed under CPLR § 5511 because “the trial court‘s order was issued on default“ (ExWeddle). The Attorney for the Child characterized the order as “granted upon Appellant‘s default“ (ExGenovese). The Appellate Division rejected both positions and reached the merits. Walsh is judicially estopped from claiming a valid hearing occurred — her own appellate counsel argued that no hearing occurred.

24. Christopher Weddle, Esq. — the same attorney who represented Walsh before the Appellate Division and argued that the custody order was entered on Russell‘s default — has since been appointed as a Support Magistrate at the Westchester County Family Court. Walsh‘s own appellate counsel now sits as a judicial officer in the same courthouse that is enforcing orders against Russell. This appointment compounds the structural conflict: the court that declines to correct its records now includes, among its judicial officers, the attorney who argued most aggressively that those records reflected a default.

F. The Irreconcilable Procedural Record — March 2023 to February 2026

25. The Appellate Division‘s “not on default“ finding, combined with the court‘s own records, produces a four-way characterization contradiction that has never been resolved:

(a) The signed instrument — the December 3, 2021 order — is titled “ORDER ON DEFAULT“ on its face.

(b) Walsh‘s appellate counsel argued “on default“ (ExWeddle). The Attorney for the Child argued “on default“ (ExGenovese).

(c) The Appellate Division held “not on default“ because counsel appeared at the January 5, 2022 hearing.

(d) The court management system now classifies the proceeding as “after hearing“ — a characterization no party has ever advanced and no judicial order has authorized.

No two of these characterizations are consistent. Respondent Schauer took no action to reconcile the Appellate Division‘s finding with the procedural record for nearly three years — from March 22, 2023 until forced by Petitioner‘s Motion to Vacate filed February 14, 2026. Continued enforcement of custody and protection orders whose procedural basis the court itself cannot coherently describe is an act in excess of jurisdiction.

26. During those three years, Walsh‘s adjudicated domestic violence remained unconsidered.

The San Francisco jury verdict — finding the custodial parent liable for Intentional Battery, Domestic Violence, and Intentional Infliction of Emotional Distress, with findings of Malice, Oppression, or Fraud — was returned on February 22, 2022, affirmed on appeal on September 15, 2023 (ExG_05), and domesticated in Westchester County (Index No. 55523/2023). Respondent Schauer was informed of the verdict. No DRL § 240(1)(a) domestic violence inquiry was ever conducted. A jury in a court of competent jurisdiction found that the custodial parent had poisoned the non-custodial parent — and

the court that held custody jurisdiction did nothing with that finding. The mandatory inquiry was never conducted because the irreconcilable procedural record was never resolved, and no new proceeding was initiated that would have triggered the inquiry. The verdict was not disputed, not distinguished, and not examined. It was ignored.

G. The Unauthorized Record Reclassification

27. The court‘s own signed instrument — the Order dated December 3, 2021 — is titled “ORDER ON DEFAULT.“ Respondent Schauer stated three times on the January 5, 2022 record that the order was entered “on default“ (Inquest Tr. 88, 92, 94).

28. The court management system (CMS) now classifies the same proceeding as “after hearing.“ No amending judicial order has been served on any party authorizing this reclassification. The reclassification contradicts both the signed instrument and the Appellate Division‘s finding that the order was “not entered upon the father‘s default.“ This reclassification occurred under Respondent Schauer‘s authority as the presiding judge in File No. 154703 and constitutes an alteration of judicial records without judicial authorization — an act that exceeds the court‘s jurisdiction (ExSS_03).

H. Ex Parte Coordination — The Schauer-D'Ambrosio-Genovese Channel

29. In late December 2025, Petitioner filed a pro se modification petition in the custody case. Within approximately ten days, Respondent Schauer sent the petition to Donna M. Genovese, Esq. — the former Attorney for the Child who had initiated the unconstitutional speech restriction — through the court portal, without notice to Petitioner. The communication was routed through Court Attorney Michele D‘Ambrosio, Esq. (mdambros@nycourts.gov).

30. On January 9, 2026, Genovese responded directly to Respondent Schauer via D‘Ambrosio, declining reappointment because she was joining the Unified Court System at Bronx Supreme Court. No copy was served on Petitioner.

31. This exchange establishes that upon receiving Petitioner‘s new filing, Respondent Schauer‘s first act was to reach for the attorney who had initiated the unconstitutional speech restriction — through an ex parte channel that bypassed the adversarial process. Petitioner was not notified of the communication through official channels and only learned of it through independent investigation. This pattern of ex parte coordination through court personnel is itself an act in excess of jurisdiction.

I. Three Recusals, a Whistleblower, and the Structural Conflict

31A. Three Westchester Family Court judges — Gordon-Oliver, Horowitz, and Humphrey — recused themselves from this matter before Respondent Schauer took the bench. Three judicial officers, each confronted with some portion of the underlying facts, determined that they could not or should not continue. The frequency of recusal is itself evidence that the proceeding presents conflicts that the court has recognized but not resolved. Respondent Schauer inherited those same conflicts and has not recused.

31B. Petitioner is a whistleblower against the Westchester County court system. On August 7, 2021, Petitioner sent a PGP-encrypted email with the subject line “Whistleblower“ to court administrator Eric P. Eckel at the New York State Courts (nycourts.gov), documenting judicial misconduct, the discredited forensic evaluator, and the procedural irregularities in the custody proceeding. No institutional response was ever received. Approximately ninety days later, the January 5, 2022 inquest was conducted — the same proceeding that produced the default orders, the speech restriction, and the five-year

order of protection. The court‘s response to Petitioner‘s whistleblower communication was not corrective action but accelerated adverse proceedings.

31B-1. In February 2026, Petitioner submitted a comprehensive whistleblower complaint to seven federal and state agencies, including the SDNY Civil Rights Unit, the FBI Public Corruption Squad, the New York Attorney General‘s Public Integrity Bureau, the Commission on Judicial Conduct, the Attorney Grievance Committee (9th Judicial District), the New York Office of the Professions (NYSED), and the New York Inspector General. The complaint documented the institutional misconduct described herein and requested formal investigation, preservation of records, and inter-agency coordination. Petitioner has also filed complaints with the Westchester County District Attorney, the OCA Inspector General, and multiple state legislators whose districts encompass Westchester County.

31C. Petitioner operates ChappaquaPoison.com, a documentary blog built on authenticated evidence documenting the conduct of Westchester Family Court. The speech restriction order initiated by AFC Genovese — later modified by the Appellate Division by narrowing the blanket deletion provision — was directed specifically at this documentary work, extending to “any persons, agents, or entities acting on [Russell‘s] behalf.“ Petitioner‘s status as a public critic of the Westchester court system is relevant to the pattern of adverse judicial conduct described herein.

31D. The structural conflict extends further. As described in ¶ 24A, Walsh‘s appellate counsel Christopher Weddle has been appointed as a Support Magistrate at Westchester Family Court — a judicial officer in the same courthouse that is enforcing orders against Petitioner. The Attorney for the Child, Donna Genovese — who initiated the unconstitutional speech restriction — has joined the Unified Court System as a Court

Attorney Referee at Bronx Supreme Court. The court personnel who acted most aggressively against Petitioner have been absorbed into the judicial system, while Petitioner remains subject to orders whose procedural basis is irreconcilably contradicted by the court‘s own records, the parties‘ own representations, and the Appellate Division‘s published finding.

31E. Over the course of this litigation, Petitioner has been represented by at least six law firms, all of which withdrew under circumstances suggesting external pressure. Walsh‘s father, Stephen Walsh Sr., left a recorded voicemail threatening Petitioner‘s attorney with license revocation. Walsh Sr. evaded service of a deposition subpoena on three separate occasions. No attorney has been able to sustain representation of Petitioner in this proceeding. Petitioner now proceeds pro se — not by choice, but because the structural conditions of this litigation have made retained counsel unsustainable.

I-2. Schauer's Response to the Motion to Vacate — The OSC Modifications

32. On or about February 14, 2026, Petitioner filed a Motion to Vacate All Prior Orders (NYSCEF V-07641-18, Doc. #138, Motion #12). The motion sought relief under CPLR §§ 5015(a)(3) and (a)(4), arguing that the predicate custody orders were procured through fraud and entered without jurisdiction — grounds independent of the Appellate Division‘s modification and affirmance.

33. On March 10, 2026, Respondent Schauer signed the Order to Show Cause with handwritten modifications that fundamentally altered its character:

(a) Striking the printed service method (“by first-class mail and electronic mail“); (b) Substituting handwritten “personal“ service; (c) Imposing a 10-day deadline (March 20, 2026); and (d) Setting a hearing date (April 16, 2026).

(OSC_Court_Response_Signed_2026-03-10.pdf, page 3.)

34. These modifications converted a ministerial compliance motion — asking the court to implement what the Appellate Division had already directed — into a contested custody hearing, complete with appointment of new counsel for Walsh and the child.

J. The Impossible Service Requirement

35. The handwritten "personal" service requirement was imposed on a party whose opposing party is enrolled in the Address Confidentiality Program. Walsh's address is confidential by operation of law. Prior personal service attempts at the Walsh compound were "refused and characterized as harassment."

36. During the February 3, 2026 support proceeding before Respondent Bowman, Walsh herself requested that all service be by mail, and the court accepted that method — five weeks before Respondent Schauer imposed a personal service requirement on the same party in the custody matter.

K. The Refusal to Clarify

37. On March 10, 2026, Petitioner sent a Service Clarification Letter to the court asking three specific questions: (1) whether the handwritten change was directed by the court or introduced during processing; (2) whether ACP service was sufficient; and (3) whether an alternative method could be used given ACP enrollment (Service_Clarification_Letter_2026-03-10.pdf).

38. The court's complete silence left the service conditions ambiguous and unresolvable. A court that imposes a condition has an obligation to clarify that condition when a pro se party raises a reasonable question about compliance. Petitioner was forced to withdraw the

Motion to Vacate without prejudice on March 23, 2026 because the conditions imposed by Respondent Schauer made the proceeding impossible to prosecute.

L. The Bowman Support Hearing — February 3, 2026

39. On February 3, 2026, Respondent Bowman conducted a hearing on Petitioner‘s modification petition seeking reduction of child support from $4,788.00 per month. Petitioner‘s income had declined from approximately $350,000+ (at the time of the original order in 2018) to $115,184 (2025 W-2 income) — a reduction of more than 67%, exceeding the 15% statutory threshold under FCA § 451(3)(b) by a factor of more than four.

40. At the hearing, Respondent Bowman stated: “I reviewed the court file and it seems to indicate that custody was granted after hearing“ (ExTR_20). Bowman adopted the altered CMS classification — the same reclassification described in ¶¶ 27–28 — and affirmatively ignored the Appellate Division‘s contrary determination in *Matter of Walsh v. Russell*, 214 A.D.3d 890 (2d Dep‘t 2023). Petitioner brought the appellate ruling directly to Bowman‘s attention on the record. Bowman did not examine the decision, did not cite it, and did not reconcile her finding with a binding determination of a higher court. Instead, she treated the altered CMS entry as the operative record of the case — relying on an internal database classification over a published appellate holding.

41. Petitioner immediately corrected the record, citing the Appellate Division‘s ruling and the San Francisco jury verdict. None of these statements were rebutted. Bowman responded: “I don‘t have authority to make determination on ancillary issues . . . it‘s not before me.“ When Petitioner identified the record alteration, Bowman acknowledged the appellate criticism but stated: “But another order hasn‘t been issued . . . the prevailing order, the law of this case, grants Ms. Walsh custody.“

42. Bowman dismissed the modification petition (Motion #1, Feb. 3, 2026) despite the 67% income decline, finding that Petitioner "failed to meet his burden" without identifying what that burden requires. Bowman imputed income to Petitioner in excess of his documented earnings despite being provided his 2025 W-2, his federal tax return (Form 1040), and sworn testimony — rejecting actual tax records in favor of Walsh's unsubstantiated accusations of hidden wealth, including escalating claims of "$18 million" in stock, concealed cryptocurrency, and secret real property, offered without a single piece of supporting evidence.

42A. Walsh submitted no financial disclosure to the court. Bowman acknowledged this on the record. Yet Bowman failed to impute any income to Walsh despite Petitioner presenting evidence that Walsh earns approximately $400,000 per year. Walsh was not required to account for her resources. Bowman imposed no consequence for Walsh's total non-compliance with financial disclosure obligations while simultaneously rejecting Petitioner's documented, filed evidence. The asymmetry is dispositive: one party provided tax records and was disbelieved; the other provided nothing and was accommodated.

42B. At the February 3, 2026 hearing, Respondent Walsh requested that Petitioner be incarcerated for failure to pay support arrears. Respondent Bowman made no ruling on Walsh's incarceration request — neither granting nor denying it. The request remains unresolved on the record, leaving Petitioner subject to an unaddressed threat of incarceration on a support obligation that was never calculated under mandatory CSSA methodology.

42C. The current support order of $4,788.00 per month requires Petitioner‘s employer to garnish wages in excess of the federal ceiling established by the Consumer Credit Protection Act, 15 U.S.C. § 1673(b), which limits garnishment for child support to 50% of disposable earnings (60% if the obligor is not supporting another spouse or dependent child, plus 5% for arrears exceeding twelve weeks). Petitioner‘s employer had temporarily exceeded the federal cap to prevent a contempt finding, but has now reverted to the statutory maximum. Because the court-ordered amount exceeds what federal law permits the employer to withhold, arrears are now accruing automatically through no act or omission of Petitioner — a mechanical consequence of an order set at a level that federal law prohibits the employer from satisfying through wage garnishment.

42D. The original support order was never calculated using both parents‘ incomes as the Child Support Standards Act mandates. Walsh has never — at any point in these proceedings — submitted a Statement of Net Worth or any financial disclosure. The CSSA formula under FCA § 413(1)(b)(3) applies the statutory percentage (17% for one child) to combined parental income up to the income cap ($193,000 as of March 1, 2026), allocated pro rata based on each parent‘s share of combined income. If Walsh‘s income is approximately $400,000 per year and Petitioner‘s income is $115,184, Petitioner‘s pro rata share of combined income is approximately 22%. Applied to the statutory cap, the CSSA basic obligation attributable to Petitioner would be approximately $7,200 per year, or $600 per month — less than one-eighth of the $4,788 currently ordered. Even with discretionary adjustments above the cap, the current order bears no rational relationship to a properly calculated CSSA obligation using both parents‘ actual incomes.

42E. Walsh herself was aware that a properly calculated CSSA obligation would be substantially lower than the amount ordered. 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.). This figure — approximately $2,000 per month — is consistent with a proper CSSA calculation applying the income cap and pro rata allocation. Walsh‘s documented awareness that the statutory formula would produce a fraction of the current order, combined with her persistent refusal to provide financial disclosure that would trigger a proper CSSA calculation, supports an inference of deliberate manipulation of the support proceeding.

42F. Because the support obligation was never properly calculated under mandatory CSSA methodology — Walsh never provided financial disclosure, the court never applied the statutory formula using both parents‘ incomes, and the predicate custody order was entered on default with subsequently altered records — the support order is void ab initio. The defect is not a modification issue subject to FCA § 451‘s limitation on retroactive relief. It is a jurisdictional and procedural defect rendering the original calculation void under CPLR 5015(a)(3) (fraud, misrepresentation, or other misconduct) and CPLR 5015(a)(4) (lack of jurisdiction). The overpayment — the difference between what Petitioner has paid and what a properly calculated CSSA obligation would have required — extends from the inception of the order to the present and is substantial.

43. On March 12, 2026, Bowman dismissed Petitioner‘s Notice of Related Motion (Motion #2) as “procedurally defective“ under CPLR § 2214, without guidance as to what form would be acceptable. Both orders were mailed on March 19, 2026.

M. The Asymmetric Treatment

44. The record reveals a pattern of asymmetric judicial treatment spanning the entire proceeding:

(a) Respondent Schauer entered two defaults against Russell — November 5, 2021 (speech restriction) and January 5, 2022 (permanent custody) — producing permanent adverse orders, while Walsh's two documented defaults on Russell's applications before Judge Humphrey were never addressed by any judge, including Schauer;

(b) Schauer demanded Russell's in-person appearance without providing any protective measures, despite the California EPO identifying Russell as a domestic violence victim and Walsh as the perpetrator;

(c) Three predecessor judges each failed to rule when Walsh defaulted or failed to appear — and Schauer continued the pattern, inheriting Walsh's unresolved defaults without action while entering two defaults against Russell within a three-month period;

(d) Respondent Bowman imputed income to Russell above his documented W-2 and tax return figures while refusing to impute any income to Walsh despite evidence she earns approximately $400,000 per year; imposed no consequence on Walsh for total failure to provide financial disclosure; credited Walsh's unsupported accusations of hidden wealth while rejecting Russell's filed tax records; affirmatively ignored a binding appellate determination that was cited to her on the record; and accommodated Walsh's repeated disruptions while sidelining Russell's citations to binding appellate authority.

N. The Withdrawal and Current Posture

45. On March 23, 2026, Petitioner withdrew the Motion to Vacate without prejudice (NYSCEF V-07641-18, Doc. #149) because the conditions imposed by Respondent Schauer —

personal service on an ACP-enrolled party, a 10-day deadline, and silence in response to clarification — made the proceeding impossible to prosecute.

46. On March 23, 2026, Petitioner filed an Objection to Support Order pursuant to FCA § 439(e) (NYSCEF F-08146-18/25F, Doc. #39), challenging Bowman's dismissal orders.

47. As of the date of this petition, the assigned judge on the custody case (V-07641-18) is listed on NYSCEF as "Not Assigned." The April 16, 2026 hearing date set by Respondent Schauer remains on the calendar — for a motion that has been withdrawn — before a judge who is listed as unassigned.

FIRST CAUSE OF ACTION (PROHIBITION — SCHAUER)

EXCESS OF JURISDICTION: CONVERTING VACATUR TO CONTESTED CUSTODY HEARING

48. Petitioner repeats and realleges paragraphs 1 through 47.

49. Respondent Schauer exceeded her jurisdiction by converting a Motion to Vacate — which sought ministerial compliance with the Appellate Division's mandate — into a contested custody hearing through handwritten modifications to the Order to Show Cause. The modifications struck the proposed service method, imposed personal service with a 10-day deadline, and set a hearing date that created the conditions for appointment of attorneys for Walsh and the child.

50. The Motion to Vacate sought relief under CPLR §§ 5015(a)(3) and (a)(4). The Appellate Division had already determined that the orders were not entered on default. The court's obligation was to comply with the mandate, not to initiate de novo custody litigation. *Matter of Holtzman v. Goldman*, 71 N.Y.2d 564 (1988) (prohibition lies where a court

"acts or threatens to act . . . in excess of its authorized powers"); *Matter of Pirro v. Angiolillo*, 89 N.Y.2d 351 (1996) (prohibition granted where judge modified order beyond statutory authority). A court exceeds its jurisdiction when it converts a proceeding from what is requested into something fundamentally different through unauthorized procedural modifications. *Glassman v. ProHealth Ambulatory Surgery Ctr.*, 96 A.D.3d 799 (2d Dep't 2012) (trial court exceeds jurisdiction by expanding scope beyond appellate remand).

SECOND CAUSE OF ACTION (PROHIBITION — SCHAUER)

EXCESS OF JURISDICTION: IMPOSING IMPOSSIBLE SERVICE CONDITIONS

51. Petitioner repeats and realleges paragraphs 1 through 50.

52. Respondent Schauer imposed a personal service requirement on a party whose opposing party is enrolled in the Address Confidentiality Program, whose address is confidential by operation of law, and who had previously refused service and characterized it as harassment.

53. Five weeks earlier, the support court had accepted mail service for Walsh in the same family proceeding. Under NY Executive Law § 108, the Address Confidentiality Program designates the Secretary of State as statutory agent for service of process upon ACP participants — a mechanism specifically designed to enable valid service without disclosing the participant's actual address. Imposing a personal service requirement that bypasses this statutory mechanism — when a viable alternative was accepted by both the court and the opposing party in the same family proceeding — is either designed to prevent compliance or indifferent to whether compliance is possible. Either way, it

exceeds the court‘s authority. Pro se filings must be “liberally construe[d]“ and courts must “afford the petitioner the benefit of every favorable inference.“ *Matter of Abigail Y. v. Jerry Z.*, 200 A.D.3d 1512 (3d Dep‘t 2021). Imposing impossibly strict conditions on a pro se litigant while accommodating the represented party is inconsistent with this obligation.

THIRD CAUSE OF ACTION (PROHIBITION — SCHAUER)

EXCESS OF JURISDICTION: REFUSAL TO CLARIFY SERVICE CONDITIONS

54. Petitioner repeats and realleges paragraphs 1 through 53.

55. Petitioner‘s March 10, 2026 letter asked three specific questions about compliance with the service conditions. The court‘s complete silence left the conditions ambiguous and unresolvable, forcing Petitioner to withdraw the Motion to Vacate without prejudice. A court that imposes conditions has an obligation to clarify those conditions when a pro se party raises reasonable questions about compliance. The refusal to respond, combined with the impossible conditions, effectively denied Petitioner access to the court.

FOURTH CAUSE OF ACTION (PROHIBITION — SCHAUER)

EXCESS OF JURISDICTION: IRRECONCILABLE PROCEDURAL RECORD AND CONTINUED ENFORCEMENT

56. Petitioner repeats and realleges paragraphs 1 through 55.

57. The Appellate Division held that the February 2, 2022 order was “not entered upon the father‘s default, inasmuch as his attorney appeared on his behalf at the January 5, 2022,

hearing.“ *Matter of Walsh v. Russell*, 214 A.D.3d 890, 891 (2d Dep‘t 2023). The Court modified the blanket deletion provision and otherwise affirmed the order insofar as appealed from. This holding produced an irreconcilable four-way characterization of the same proceeding:

(a) The signed instrument — “ORDER ON DEFAULT.“ (b) Walsh and the Attorney for the Child — argued “on default“ before the Appellate Division. (c) The Appellate Division — “not on default.“ (d) The court management system — reclassified to “after hearing“ without judicial authorization.

No two of these characterizations are consistent. The order that Respondent Schauer and Respondent Bowman continue to enforce rests on a procedural foundation that the court‘s own records cannot coherently describe.

58. Respondent Schauer took no action to reconcile the Appellate Division‘s finding with the court‘s own records for approximately thirty-five months, from March 2023 until forced by Petitioner‘s Motion to Vacate in February 2026. An appellate mandate is binding on the lower court — unlike the discretionary “law of the case“ doctrine that governs coordinate courts, the mandate rule requires compliance with the determinations of a higher court. *People v. Evans*, 94 N.Y.2d 499, 504 (2000) (distinguishing the mandatory character of appellate mandates from the discretionary nature of law of the case among coordinate courts). Where the Appellate Division has expressly found that an order was “not entered upon default,“ but the court‘s signed instrument says “ORDER ON DEFAULT“ and the CMS has been retroactively altered to say “after hearing,“ the continued enforcement of that order — without resolving the contradiction — is an act in excess of jurisdiction. The court is enforcing orders whose procedural legitimacy it

cannot itself articulate. *Glassman v. ProHealth*, 96 A.D.3d 799 (2d Dep‘t 2012) (trial court exceeds jurisdiction by expanding scope beyond appellate remand).

FIFTH CAUSE OF ACTION (PROHIBITION — SCHAUER)

EXCESS OF JURISDICTION: UNAUTHORIZED RECLASSIFICATION OF JUDICIAL RECORDS

59. Petitioner repeats and realleges paragraphs 1 through 58.

60. Under Respondent Schauer‘s authority as presiding judge, the court management system was altered to reclassify the proceeding from “on default“ to “after hearing“ — a characterization that contradicts the court‘s own signed instrument, contradicts Schauer‘s own statements on the record, contradicts the positions taken by both adversaries before the Appellate Division, and contradicts the Appellate Division‘s binding determination. No judicial order authorized this change. No party was notified.

61. This reclassification is not a clerical correction. A nunc pro tunc correction is limited to “clerical errors“ — mistakes in recording what the court decided. It cannot be used to correct judicial or substantive errors, or to retroactively create a procedural characterization that never existed. Changing “on default“ to “after hearing“ is a substantive alteration of the procedural history of the case — one that was subsequently relied upon by Respondent Bowman to enforce support obligations. The unauthorized alteration of court records constitutes potential violations of NY Penal Law §§ 175.20 and 175.25 (tampering with public records). It constitutes the retroactive fabrication of a false procedural history under the authority of the presiding judge.

SIXTH CAUSE OF ACTION (PROHIBITION — SCHAUER)

EXCESS OF JURISDICTION: ASYMMETRIC TREATMENT, FAILURE TO PROTECT, EX PARTE COORDINATION, AND FAILURE TO CONDUCT MANDATORY DV INQUIRY

62. Petitioner repeats and realleges paragraphs 1 through 61.

63. Respondent Schauer‘s conduct reveals a pattern of acts in excess of jurisdiction extending beyond the recent OSC modifications:

(a) **Asymmetric defaults.** Walsh defaulted twice on Petitioner‘s applications before Judge Humphrey — a fact documented contemporaneously by Petitioner‘s counsel (ExOO_06, July 29, 2021). Humphrey recused without ruling on those defaults. Schauer inherited the unresolved Walsh defaults and never addressed them. Instead, on November 5, 2021, Schauer entered a speech restriction order against Russell “on default“ — while his counsel was present in the courtroom — and extended identical restrictions to his mother, Linda Russell, through a companion “Order on Consent“ (ExR_02). On January 5, 2022, Schauer entered permanent custody and protection orders against Russell on default while denying electronic appearance during COVID-era travel disruptions. Russell received two defaults producing permanent adverse orders. Walsh received none despite two documented non-appearances on Russell‘s applications. The court‘s enforcement mechanism ran in one direction only.

(b) **Failure to protect.** Schauer demanded Russell‘s in-person appearance without providing any protective measures, despite the California Emergency Protective Order identifying Russell as a domestic violence victim and Walsh as the perpetrator. The court that

was obligated to evaluate domestic violence under DRL § 240 treated the documented victim as the threat.

(c) **DRL § 240 failure.** DRL § 240(1)(a) mandates: "the court shall consider the effect of domestic violence upon the best interests of the child" and must "state on the record how such findings, facts and circumstances factored into the determination." The statute is mandatory. *Matter of Wissink v. Wissink*, 301 A.D.2d 36 (2d Dep't 2002) (failure to consider domestic violence is reversible error requiring remand). A California jury unanimously found Walsh liable for domestic violence — proof by preponderance that triggers the statutory mandate. The verdict was supported by six independent evidentiary anchors. No consideration of Walsh's adjudicated domestic violence appears anywhere in the record. Respondent Schauer was informed of the California proceedings and the jury verdict. The mandatory inquiry was never conducted.

(d) **Ex parte coordination.** 22 NYCRR § 100.3(B)(6) prohibits a judge from initiating, permitting, or considering ex parte communications concerning a pending or impending proceeding. Upon receiving Petitioner's December 2025 filing, Respondent Schauer's first act was to reach for Genovese — the attorney who had initiated the unconstitutional speech restriction — through an ex parte channel routed through Court Attorney D'Ambrosio. Neither communication was served on Petitioner. *Coleman v. Coleman*, 61 A.D.2d 757 (1st Dep't 1978) (reversal for improper ex parte communications affecting substantive orders). This pattern of ex parte judicial-AFC communication outside the adversarial process is itself an act in excess of jurisdiction. Section 7.2 of the Rules of the Chief Judge explicitly prohibits ex parte discussions between judges and attorneys for the child regarding case positions.

(e) **Griffin evaluation.** Schauer acknowledged in August 2021 that the court's forensic evaluator was "discredited," yet never struck the evaluation or relieved Russell of compliance

conditions based on the discredited evaluator‘s directives. The evaluation remained shielded by a protective order preventing Russell from reading it.

(f) **Whistleblower retaliation context.** Petitioner sent a formal whistleblower communication to court administrator Eckel on August 7, 2021. Approximately ninety days later, the court conducted the January 5, 2022 inquest that produced the challenged default orders, the five-year order of protection, and the unconstitutional speech restriction. Three prior judges recused from this matter. Walsh‘s appellate counsel, Christopher Weddle, has been appointed Support Magistrate in the same courthouse. The Attorney for the Child who initiated the gag order has joined the Unified Court System. The pattern of escalating adverse action against a pro se litigant who is simultaneously a public whistleblower against the court system — in a case from which three judges have already recused — is relevant to whether the presiding judge‘s acts reflect the exercise of lawful judicial authority or something else.

64. Taken together, these acts demonstrate that Respondent Schauer has proceeded and is proceeding in excess of jurisdiction in a manner that is not limited to any single challenged act but reflects a systemic failure to exercise judicial authority within lawful bounds.

SEVENTH CAUSE OF ACTION (CERTIORARI — BOWMAN)

ARBITRARY AND CAPRICIOUS: RELIANCE ON CONTRADICTORY RECORD

65. Petitioner repeats and realleges paragraphs 1 through 64.

66. The record contains four mutually exclusive characterizations of the same custody order:

(a) The original order (Jan. 5, 2022 Inquest Transcript): entered “on default“ — Judge Schauer stated: “an order on default . . . a final order“ (Inquest Tr. 92);

(b) Walsh‘s own appellate counsel: affirmatively argued the order was entered on Russell‘s default (ExWeddle);

(c) The Appellate Division (214 A.D.3d 890): expressly rejected both characterizations, holding no default occurred;

(d) Respondent Bowman (Feb. 3, 2026): stated “custody was granted after hearing“ — a characterization that appears nowhere in the original record and contradicts every prior account.

67. These characterizations are mutually exclusive. Respondent Bowman adopted the fourth — the altered CMS classification — despite being informed on the record of the Appellate Division‘s contrary determination. Petitioner cited *Matter of Walsh v. Russell*, 214 A.D.3d 890 (2d Dep‘t 2023), directly to Bowman during the hearing. Bowman acknowledged the appellate criticism but stated the “prevailing order“ controlled, treating an internal database entry as superior to a published appellate decision. Walsh is judicially estopped from claiming a valid hearing occurred, having affirmatively argued before the Appellate Division that the order was entered on default. *D&L Holdings, LLC v. RCG Goldman Co.*, 287 A.D.2d 65 (1st Dep‘t 2001) (judicial estoppel prevents parties from taking contradictory positions across proceedings). A determination that affirmatively ignores a binding higher-court ruling — and instead rests on a disputed, unresolved, and internally contradictory predicate whose records have been retroactively altered without judicial authorization — is arbitrary and capricious as a matter of law. *Matter of Pell v. Board of Education*, 34 N.Y.2d 222 (1974) (arbitrary action is “without sound basis in reason and without regard to the facts“).

EIGHTH CAUSE OF ACTION (CERTIORARI — BOWMAN)

ARBITRARY AND CAPRICIOUS: RELIANCE ON UNVERIFIED PARTY REPRESENTATION

68. Petitioner repeats and realleges paragraphs 1 through 67.

69. Walsh read the CMS characterization from her computer during the hearing. Respondent Bowman adopted that characterization without independent verification against the actual court file, the signed instrument, or the Appellate Division decision. Reliance on one party‘s reading of a computer screen — when a binding appellate decision on the same issue exists — is arbitrary and capricious.

NINTH CAUSE OF ACTION (CERTIORARI — BOWMAN)

CONTRARY TO THE RECORD AND ERROR OF LAW: FINANCIAL FINDINGS AND STATUTORY STANDARD

70. Petitioner repeats and realleges paragraphs 1 through 69.

71. Respondent Bowman found that Russell “failed to meet his burden“ of demonstrating a substantial change in circumstances, despite:

(a) W-2 earnings documentation submitted at the hearing; (b) A complete 2025 federal income tax return (Form 1040) filed via NYSCEF (Doc. No. 32), showing total income of $115,184; (c) Sworn testimony as to financial condition.

72. FCA § 451(3)(b)(i) and (ii) provide for modification where three years have passed or where income has changed by 15% or more. Russell‘s income changed from approximately $350,000+ to $115,184 — a reduction of more than 67%. Bowman did not apply this statutory standard and did not identify what additional evidence was required. *Matter of*

Merritt v. Merritt, 160 A.D.3d 870 (2d Dep‘t 2018) (reversing magistrate who failed to recognize substantial change in circumstances under FCA § 451); *Matter of Brescia v. Fitts*, 56 N.Y.2d 132 (1982) (changed circumstances standard is mandatory and cannot be avoided).

73. Bowman simultaneously found that Walsh “did not submit financial disclosure to the court“ and that Walsh “is precluded from offering evidence or testimony regarding her resources“ — yet credited Walsh‘s unsupported accusations about Petitioner‘s alleged hidden wealth while dismissing Petitioner‘s documented tax records. This is the paradigm of asymmetric treatment that the Second Department reversed in *Matter of Hezi v. Hezi*, 141 A.D.3d 587 (2d Dep‘t 2016) (error to credit one party‘s unverified financial claims while denying the other opportunity to rebut). Bowman imputed income to Russell above his documented W-2 and tax return figures, while failing to impute any income to Walsh despite evidence presented at the hearing that Walsh earns approximately $400,000 per year. Under DRL § 240(1-b)(b)(5)(iv) and the Child Support Standards Act, where a party fails to provide financial disclosure, the court may impute income based on available evidence. Bowman had evidence of Walsh‘s income and chose not to use it. *Matter of Bast v. Rossoff*, 91 N.Y.2d 723 (1998) (CSSA methodology is mandatory; magistrates cannot deviate from statutory formula). A determination that imputes income to the party who provided tax records while refusing to impute income to the party who provided nothing — and who earns substantially more — is contrary to the weight of the evidence, affected by errors of law, and arbitrary and capricious. *Matter of Amos-Richburg v. Richburg*, 94 A.D.3d 1112 (2d Dep‘t 2012) (reversing support magistrate who sua sponte terminated obligations beyond the scope of the petition before the court).

TENTH CAUSE OF ACTION (CERTIORARI — BOWMAN)

ARBITRARY AND CAPRICIOUS: ENFORCEMENT BASED ON INTERNALLY CONTRADICTORY PREDICATE ORDER

74. Petitioner repeats and realleges paragraphs 1 through 73.

75. Respondent Bowman enforced a support obligation based on a custody order whose procedural status is internally contradictory — with irreconcilable characterizations across the signed instrument, the Appellate Division‘s decision, and the altered CMS classification. Bowman acknowledged the conflict on the record but did not resolve it, instead enforcing the order as currently classified in the system.

76. A support determination predicated on a custody order whose validity is unresolved — and whose records have been retroactively altered without judicial authorization — is affected by an error of law and exceeds the lawful authority of the Support Magistrate.

ELEVENTH CAUSE OF ACTION (CERTIORARI — BOWMAN)

VOID AB INITIO: SUPPORT ORDER NEVER CALCULATED UNDER MANDATORY CSSA METHODOLOGY

77. Petitioner repeats and realleges paragraphs 1 through 76.

78. The support obligation of $4,788.00 per month was never calculated using the mandatory methodology of the Child Support Standards Act. At no point in these proceedings has Respondent Walsh submitted a Statement of Net Worth or any financial disclosure. The CSSA formula under FCA § 413(1)(b)(3) requires calculation based on both parents‘

combined income up to the statutory cap, allocated pro rata. No such calculation was ever performed.

79. The original support order was set based solely on Petitioner‘s income, without any accounting for Walsh‘s income or resources. This is not a discretionary deviation from the guidelines — it is a failure to apply the mandatory statutory formula at all. *Matter of Bast v. Rossoff*, 91 N.Y.2d 723 (1998) (CSSA methodology is mandatory; magistrates cannot deviate from statutory formula without stated reasons on the record).

80. The defect is compounded by the fact that the predicate custody order — which established Petitioner as the noncustodial parent and triggered the support obligation — was entered on default with subsequently altered records, as described in ¶¶ 27-28 and 40.

81. A support order that was never calculated under mandatory statutory methodology, predicated on a custody order entered on default with altered records, and maintained for years through the custodial parent‘s persistent refusal to provide financial disclosure, is void ab initio under CPLR 5015(a)(3) (fraud, misrepresentation, or other misconduct of an adverse party) and CPLR 5015(a)(4) (lack of jurisdiction to render the judgment or order). The limitation on retroactive modification in FCA § 451 does not apply to an order that was void from inception. In the alternative, the support order should be annulled under CPLR 7803(3) as affected by an error of law — the failure to apply mandatory CSSA methodology — and as arbitrary and capricious in that it bears no rational relationship to the obligation that proper application of the statutory formula would produce.

82. Petitioner has overpaid support from the inception of the order to the present. The difference between what Petitioner has paid and what a properly calculated CSSA obligation would

have required — using both parents‘ actual incomes and the statutory cap — constitutes an overpayment for which Petitioner is entitled to full credit, reimbursement, or offset.

83. The current enforcement mechanism further violates federal law. The court-ordered garnishment exceeds the ceiling established by the Consumer Credit Protection Act, 15 U.S.C. § 1673(b). Petitioner‘s employer has reverted to the federal statutory maximum, causing arrears to accrue automatically through no act or omission of Petitioner. Respondent Walsh has requested Petitioner‘s incarceration for these arrears — arrears generated by the mechanical operation of a void order set above the federal garnishment ceiling.

TWELFTH CAUSE OF ACTION (COMBINED)

VIOLATION OF DUE PROCESS — DENIAL OF FORUM

84. Petitioner repeats and realleges paragraphs 1 through 83.

85. The combined effect of Respondents‘ acts denies Petitioner any forum in which to challenge the enforcement framework:

(a) Respondent Schauer‘s conditions made the Motion to Vacate impossible to prosecute, forcing withdrawal; (b) Respondent Bowman dismissed both the modification petition and the notice of related motion, eliminating every available mechanism for challenge within Family Court; (c) Support enforcement continues based on a predicate order whose validity remains unresolved; (d) Petitioner is simultaneously subject to enforcement, challenging the validity of the predicate order, and unable to obtain a stay — a procedural configuration that denies any meaningful opportunity to be heard; (e) Arrears are accruing automatically because the court-ordered amount exceeds the federal wage garnishment ceiling, and Respondent Walsh has

requested Petitioner‘s incarceration for those arrears — creating a concrete and imminent threat of liberty deprivation based on a void order.

86. This constitutes a violation of due process under the Fourteenth Amendment.

THIRTEENTH CAUSE OF ACTION (COMBINED)

PRESERVATION OF FEDERAL CLAIMS — 42 U.S.C. § 1983

87. Petitioner repeats and realleges paragraphs 1 through 86.

88. The facts set forth herein constitute continuing deprivation of liberty and property interests under color of state law in violation of the Due Process and Equal Protection Clauses of the Fourteenth Amendment, actionable under 42 U.S.C. § 1983. Specifically:

(a) State courts are relying on custody records that are materially disputed and arguably falsified; (b) Two judicial officers, informed of the Appellate Division‘s determination, have declined to correct the record; (c) The court system retroactively altered official records to insulate void orders from challenge; (d) Petitioner is denied a forum to correct the predicate defect, yet suffers ongoing consequences; (e) Ex parte communications between the presiding judge and former case participants occurred without notice; (f) Walsh‘s appellate counsel has been appointed as a judicial officer in the same courthouse; (g) Petitioner is a whistleblower against the Westchester County court system, and the pattern of escalating adverse action is temporally correlated with Petitioner‘s whistleblower communications and public documentary work; (h) The harm is ongoing and continuing; (i) Petitioner is subject to a support obligation that was never calculated under mandatory CSSA methodology, that exceeds the federal wage garnishment ceiling, and that is generating arrears used to threaten incarceration — a deprivation of both property and liberty without due process.

89. Petitioner preserves these claims for assertion in the United States District Court for the Southern District of New York.

RELIEF REQUESTED

WHEREFORE, Petitioner Stephen Grant Russell respectfully requests that this Court:

As to Respondent Schauer (Prohibition):

1. **Prohibit** Respondent Schauer from taking any further action in the custody proceeding (V-07641-18) until the irreconcilable procedural record has been resolved and the status of the predicate custody orders has been determined;

2. **Annul** the handwritten modifications to the Order to Show Cause dated March 10, 2026, as acts in excess of jurisdiction;

3. **Direct** Respondent Schauer, or her successor, to reconcile the court‘s records with the Appellate Division‘s published finding in *Matter of Walsh v. Russell*, 214 A.D.3d 890 (2d Dep‘t 2023), that the February 2, 2022 order was not entered upon default, and to resolve the irreconcilable characterization of the predicate custody orders before taking any further enforcement action;

4. **Direct** that the court‘s internal records be corrected to accurately reflect the procedural history of the custody order, consistent with the signed instrument and the Appellate Division‘s holding;

5. **Direct** that the mandatory DRL § 240(1)(a) domestic violence inquiry be conducted before any further custody or visitation determination;

As to Respondent Bowman (Certiorari):

6. **Vacate** the Order of Dismissal dated February 3, 2026 (Motion #1) and the Order of Dismissal dated March 12, 2026 (Motion #2) as arbitrary and capricious, contrary to the record, affected by errors of law, made in excess of jurisdiction, and in violation of lawful procedure;

7. **Remand** the support modification petition for a proper hearing at which: (a) Respondent Walsh shall be required to file a sworn Statement of Net Worth or, upon failure to do so, the court shall impute income to Walsh based on available evidence, including Petitioner‘s testimony that Walsh earns approximately $400,000 per year; (b) the Child Support Standards Act formula shall be applied using both parents‘ actual incomes and the current statutory income cap under FCA § 413(1)(b)(3); (c) the court shall calculate Petitioner‘s pro rata share of the combined parental income in accordance with the CSSA; and (d) the court shall not set a support obligation that requires wage garnishment in excess of the federal ceiling established by 15 U.S.C. § 1673(b);

8. **Declare** that the original support order was never calculated using the mandatory CSSA methodology — in that Walsh never submitted financial disclosure at any point in these proceedings, the court never applied the statutory formula using both parents‘ incomes, and the resulting order bears no rational relationship to a properly calculated CSSA obligation — and is therefore void ab initio under CPLR 5015(a)(3) and (a)(4);

9. **Direct** that upon remand, the recalculated support obligation be applied retroactively to the inception of the original order, and that Petitioner receive full credit for all overpayment — defined as the difference between amounts paid under the void order and the amount that would have been required under a properly calculated CSSA obligation using both parents‘ actual incomes;

10. **Direct** that Respondent Walsh‘s request for Petitioner‘s incarceration for support arrears, made at the February 3, 2026 hearing and left unresolved by Respondent Bowman, be denied — in that the arrears arise from a void order set above the federal wage garnishment ceiling, and Petitioner has complied with the maximum garnishment permitted by federal law;

As to All Respondents:

11. **Stay** all support enforcement — including any garnishment, arrears accumulation, and contempt proceedings — pending resolution of this petition and the recalculation of support under proper CSSA methodology, pursuant to CPLR 7805;
12. **Declare** that the retroactive reclassification of the custody proceeding from “on default“ to “after hearing,“ without judicial order or notice, was unauthorized and void;
13. **Note** that Respondent Walsh is the subject of a domesticated California judgment in the amount of $332,080.74 (Index No. 55523/2023), arising from a jury verdict finding Walsh liable for Intentional Battery, Domestic Violence, and Intentional Infliction of Emotional Distress with findings of Malice, Oppression, and Fraud, and that Walsh‘s request for Petitioner‘s incarceration is made by a judgment debtor seeking to weaponize a void support order against her judgment creditor;
14. **Note** Petitioner‘s preservation of federal constitutional claims under 42 U.S.C. § 1983;
15. Award Petitioner costs, disbursements, and such other relief as this Court deems just and proper.

Respectfully submitted,

STEPHEN GRANT RUSSELL Petitioner, Pro Se

DATED: April ___, 2026

1117 State Street, STE 77 Santa Barbara, CA 93101 (415) 999-3944 sg.russ@aol.com

VERIFICATION

STATE OF CALIFORNIA)) ss.: COUNTY OF SANTA BARBARA)

I, Stephen Grant Russell, affirm under the penalties of perjury pursuant to CPLR § 2106 that the foregoing petition is true and correct based upon personal knowledge, except as to those matters stated upon information and belief, and as to those matters, I believe them to be true.

Dated: April ___, 2026

Santa Barbara, California

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STEPHEN GRANT RUSSELL

EVIDENTIARY APPENDIX

The following evidence is referenced throughout this Verified Petition. Items designated with NYSCEF Doc. numbers are part of the Family Court record (File No. 154703). Items designated with exhibit codes are part of the record in the related custody and support proceedings and/or the California civil action. All materials were presented to or available to the Respondent courts at or before the relevant proceedings.

A. APPELLATE DECISION

- **ExR_04:** *Matter of Walsh v. Russell*, 214 A.D.3d 890 (2d Dep‘t 2023) — Appellate Division decision modifying speech restriction and affirming order insofar as appealed from; finding order “not entered upon default“

B. THE PREDICATE ORDERS AND RECORD

- **ExR_02:** ORDER ON DEFAULT — December 3, 2021 signed instrument - **Inquest Transcript:** Certified transcript, January 5, 2022 proceeding before Hon. Schauer - **ExSS_03:** Documentation of CMS reclassification from “on default“ to “after hearing“

C. SCHAUER'S OSC MODIFICATIONS AND CORRESPONDENCE

- **OSC_Court_Response_Signed_2026-03-10.pdf:** Signed Order to Show Cause with handwritten modifications - **Service_Clarification_Letter_2026-03-10.pdf:** Petitioner‘s three questions to the court (unanswered) - **Withdrawal Letter (March 23, 2026):** Withdrawal of Motion to Vacate without prejudice

D. EX PARTE COMMUNICATIONS

- **Genovese Resignation Letter (Jan. 9, 2026):** Communication routed through D‘Ambrosio to Schauer, not served on Petitioner

E. BOWMAN HEARING AND ORDERS

- **ExTR_20:** February 3, 2026 hearing documentation — Bowman‘s statements on the record - **Order of Dismissal (Motion #1, Feb. 3, 2026):** Denial of modification petition - **Order of Dismissal (Motion #2, Mar. 12, 2026):** Dismissal of Notice of Related Motion - **NYSCEF Doc. No. 32:** Tax return filing (Form 1040, income $115,184)

F. CALIFORNIA JURY VERDICT AND DOMESTIC VIOLENCE EVIDENCE

- **ExG_01:** San Francisco jury verdict — Intentional Battery, Domestic Violence, IIED with Malice/Oppression/Fraud - **ExG_05:** Appellate affirmance of California judgment - **ExEPO_01:** California Emergency Protective Order (Walsh as restrained party) - **ExM_01:** Walsh‘s signed recantation of gun allegation to Chappaqua Police (Nov. 23, 2020) - **ExTR_19a:** Walsh sworn testimony — Seroquel/wine admission - **ExPP_04:** Walsh text to psychiatrist — “I put Seroquel in his wine“ - **ExI_02:** LabCorp toxicology — Lithium at ~6x upper reference limit - **ExOO_49:** Nanny eyewitness testimony — substances in drinks - **ExOO_45:** Walsh internet search — “How Much Is a Lethal Dose of Seroquel?“ - **ExW_01:** Walsh‘s sister — “it did happen without his consent“

G. FORENSIC EVALUATOR FRAUD

- **ExS_03:** OASAS Stipulation documenting Griffin‘s credential surrender - **ExTR_01:** August 27, 2021 hearing transcript — Schauer acknowledges Griffin, dismisses predecessor failures - **ExSS_08:** Griffin evaluation as gating condition — AFC Jackman emails

H. PATTERN EVIDENCE

- **ExWeddle:** Walsh‘s appellate counsel brief — arguing order entered “on default“ - **ExGenovese:** Attorney for the Child appellate brief — characterizing order as “on default“ - **ExL_01:** November 7, 2018 Order conditioning parental access on surrender of criminal rights - **ExTR_05a:** Judge Humphrey‘s recusal after Walsh‘s defaults - **ExOO_06:** DiFabio/Russell email exchange (July 29, 2021) — documenting Walsh‘s two defaults on Russell‘s applications before Humphrey - **ExTR_08:** Gordon-Oliver jurisdiction hearing — UCCJEA communication (Sept. 11, 2018) - **ExA_01:** “Works for us“ email — Walsh Sr. coordination of child removal -

ExQQ_01c: Walsh Sr. deposition — “less than 100 percent genuine“ admission - **ExTR_19e:** Walsh trial testimony — “I lied . . . I had no intention to come back to California“ - **ExOO_41:** Walsh custody petition — fabricated gun allegation basis (July 12, 2018) - **ExSS_07:** Walsh texts admitting gun claim was fabricated - **ExGagOrder:** Speech restriction order — modified by Appellate Division (blanket deletion narrowed) - **ExOO_13:** Russell “Whistleblower“ email to court administrator Eckel (Aug. 7, 2021) - **ExOO_04:** Russell response to Weddle — retroactive TOP extension

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EXHIBIT APPENDIX — FULL TEXT EXHIBITS

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UNIFIED EXHIBIT APPENDIX

RUSSELL V. SCHAUER & BOWMAN — ARTICLE 78 COMBINED PETITION

TEXT EXHIBIT BINDER

Compiled: April 12, 2026 **Prepared for:** Hugh Jasne, Esq., Jasne & Florio LLP **Hearing Date:** April 16, 2026 **Court:** Supreme Court, Westchester County

This document contains the full text of all exhibits referenced in the Verified Petition Pursuant to CPLR Article 78 in Russell v. Schauer & Bowman. Exhibits are organized by petition appendix sections A through H.

SECTION A — APPELLATE DECISION

TEXT EXHIBIT — ExR_04

APPELLATE DIVISION DECISION: *MATTER OF WALSH V. RUSSELL*, 214 A.D.3D 890 (2D DEP'T 2023)

FOR USE IN: RUSSELL V. SCHAUER & BOWMAN — ARTICLE 78 PETITION

EXHIBIT SUMMARY

This exhibit is the published decision of the Appellate Division, Second Department, dated March 22, 2023, in *Matter of Walsh v. Russell*, 214 A.D.3d 890, 186 N.Y.S.3d 281 (2d Dep't 2023). The Court held that the February 2, 2022 order, insofar as appealed from, was not entered upon the father's default because counsel appeared and participated at the January 5, 2022 hearing; modified the order by narrowing the blanket deletion directive; and otherwise affirmed the order insofar as appealed from.

KEY HOLDINGS

1. No Default Occurred

> "Initially, contrary to the contention of the mother and the attorney for the child, the order appealed from was not entered upon the father's default, inasmuch as his attorney appeared on his behalf at the January 5, 2022, hearing."

Significance: Both Walsh (through appellate counsel Christopher Weddle) and the Attorney for the Child (Donna Genovese) had argued the appeal should be dismissed because the order was entered on default. The Appellate Division rejected both positions, establishing that no default occurred as a matter of law. This holding is binding on the Family Court. Walsh is

judicially estopped from now claiming a valid hearing occurred, having affirmatively argued the opposite.

2. Speech Restriction Struck as Unconstitutional Prior Restraint

The Court found that the speech restriction order "restrained speech beyond that which was harmful to the child" and constituted an unconstitutional prior restraint. The order had been initiated by AFC Genovese via an Order to Show Cause extending to "any persons, agents, or entities acting on [Russell's] behalf."

3. Appellate Mandate Requires Compliance

The decision modified the appealed-from order by narrowing the blanket deletion provision and otherwise affirmed insofar as appealed from. Critically, the Appellate Division rejected the contention that the order was entered on default — creating an irreconcilable four-way characterization contradiction with the signed instrument ("ORDER ON DEFAULT"), the parties' own representations, and the subsequent CMS reclassification ("after hearing"). As of the date of the Article 78 petition — approximately thirty-five months after the decision — this contradiction has not been resolved.

PROCEDURAL HISTORY

- **January 5, 2022:** Judge Schauer conducts inquest proceeding. Russell outside the United States; counsel appears and requests electronic participation, denied. Walsh sole witness. No documentary exhibits admitted. Order entered "on default." - **February 2, 2022:** Schauer enters Order of Custody (full legal/physical to Walsh), five-year Order of Protection, and speech restriction order. - **Appeal filed:** Russell appeals to the Appellate Division, Second Department.

- March 22, 2023: Appellate Division decides *Matter of Walsh v. Russell*, 214 A.D.3d 890, modifying speech restriction and affirming insofar as appealed from; finding order "not entered upon default."

EVIDENTIARY SIGNIFICANCE FOR ARTICLE 78

1. **Establishes the binding mandate** that Respondent Schauer has failed to implement for 35+ months — the basis for the Fourth Cause of Action (prohibition for non-compliance).
2. **Establishes the "not on default" finding** that Respondent Bowman affirmatively ignored when she stated "custody was granted after hearing" on February 3, 2026 — the basis for the Seventh Cause of Action (arbitrary reliance on contradictory record).
3. **Creates judicial estoppel** against Walsh, who argued through counsel Weddle that the order was on default, and is now benefiting from the altered CMS classification of "after hearing."
4. **Confirms constitutional violation** — the Appellate Division already found one output of this system unconstitutional (the speech restriction), demonstrating the systemic nature of the jurisdictional excess.

FULL TEXT OF APPELLATE DIVISION DECISION

> **Matter of Walsh v. Russell** > Supreme Court of New York, Appellate Division, Second Department > March 22, 2023, Decided > 214 A.D.3d 890; 186 N.Y.S.3d 281; 2023 N.Y. App. Div. LEXIS 1514; 2023 NY Slip Op 01522 > Docket Nos. V-7641-18, O-12635-19 > > **DECISION & ORDER** > > In related proceedings pursuant to Family Court Act articles 6 and 8, the father appeals from an order of the Family Court, Westchester County (Michelle I.

Schauer, J.), dated February 2, 2022. The order, insofar as appealed from, prohibited the father from “posting, uploading blogs, and displaying the likeness of the child . . . regarding these proceedings and disparaging the child‘s relatives in any and all public forums and/or social media platforms,“ and directed the father to erase, deactivate, and delete “any existing blogs and likenesses.“ > > ORDERED that the order is modified, on the law, by deleting the provision thereof directing the father to erase, deactivate, and delete “any existing blogs and likenesses,“ and substituting therefor a provision directing the father 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; as so modified, the order is affirmed insofar as appealed from, without costs or disbursements. > > The mother and the father have one child in common. In July 2018, the mother commenced a proceeding seeking sole legal and physical custody of the child. The mother subsequently commenced a family offense proceeding against the father. > > In October 2021, the attorney for the child (hereinafter the AFC) moved to prohibit the father from posting, uploading blogs, and displaying the likeness of the child regarding the proceedings, and from disparaging the child‘s relatives in any and all public or social media forums, and to direct the father to erase, deactivate, and delete all existing postings, blogs, and likenesses of the child. In an affirmation in support of the motion, the AFC asserted that the father had “embarked on a social media/public campaign“ with respect to the instant proceedings, and that the father had posted the child‘s image, name, and allegations regarding the mother and the mother‘s family members in various public forums. The father failed to oppose the AFC‘s motion, and failed to appear on the return date of the motion. In an order dated December 3, 2021, the Family Court, inter alia, granted the AFC‘s motion upon the father‘s default. In January 2022, the Family Court held a hearing on the mother‘s petitions. Although the

father failed to appear at the hearing, the father‘s attorney participated in the hearing by making objections and cross-examining the mother. In an order dated February 2, 2022, the Family Court, in effect, granted the mother‘s custody petition and awarded her sole legal and physical custody of the child. The order, inter alia, prohibited the father from “posting, uploading blogs, and displaying the likeness of the child . . . regarding these proceedings and disparaging the child‘s relatives in any and all public forums and/or social media platforms,“ and directed the father to erase, deactivate, and delete “any existing blogs and likenesses.“ The father appeals. > > **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** (see Matter of N. [Fania D.-Alice T.], 108 AD3d 551, 552, 969 N.Y.S.2d 92; Matter of Newman v Newman, 72 AD3d 973, 973, 899 N.Y.S.2d 621). > > “A prior restraint on speech is a law, regulation or judicial order that suppresses speech on the basis of the speech‘s content and in advance of its actual expression“ (Karantinidis v Karantinidis, 186 AD3d 1502, 1503, 131 N.Y.S.3d 363). A party seeking to impose such a restraint bears a “heavy burden of demonstrating justification for its imposition“ (Ash v Board of Mgrs. of the 155 Condominium, 44 AD3d 324, 325, 843 N.Y.S.2d 218). Such party must demonstrate that the speech sought to be restrained is “‘likely to produce a clear and present danger of a serious substantive evil that rises far above public inconvenience, annoyance, or unrest‘“ (Rosenberg Diamond Dev. Corp. v Appel, 290 AD2d 239, 239, 735 N.Y.S.2d 528, quoting Terminiello v Chicago, 337 US 1, 4, 69 S. Ct. 894, 93 L. Ed. 1131). An order imposing a prior restraint on speech “must be tailored as precisely as possible to the exact needs of the case“ (Karantinidis v Karantinidis, 186 AD3d at 1503). > > Here, that portion of the order which directed the father to erase, deactivate, and delete “any existing blogs

and likenesses“ was “not tailored as precisely as possible to the exact needs of the case“ (id. at 1503). Specifically, this restriction required the father to delete “any existing blogs and likenesses,“ regardless of whether the blogs or likenesses relate to the child, the mother, the mother‘s family, or the instant proceedings. > > However, we reject the father‘s contention that the order‘s remaining restrictions on his ability to post blogs, display the likeness of the child, and disparage the child‘s relatives, were constitutionally impermissible. Under the circumstances, the prior restraint was narrowly tailored to the exact needs of the case (see Kassenoff v Kassenoff, AD3d, 2023 NY Slip Op 00850 [2d Dept]; Matter of Brown v Simon, 195 AD3d 806, 151 N.Y.S.3d 71; Matter of Adams v Tersillo, 245 AD2d 446, 666 N.Y.S.2d 203). > > The father‘s remaining contention is without merit. > > BARROS, J.P., MILLER, GENOVESI and WAN, JJ., concur.

SOURCE

- Published decision: 214 A.D.3d 890, 186 N.Y.S.3d 281 (2d Dep‘t 2023) - NYSCEF filing in File No. 154703 - Westlaw citation: 2023 WL 2584710

Created: April 12, 2026 — Article 78 Petition Exhibit Set

SECTION B — THE PREDICATE ORDERS AND RECORD

TEXT EXHIBIT — ExR_02

ORDER ON DEFAULT — DECEMBER 3, 2021 SIGNED INSTRUMENT

FOR USE IN: RUSSELL V. SCHAUER & BOWMAN — ARTICLE 78 PETITION

EXHIBIT SUMMARY

This exhibit is the signed order dated December 3, 2021, entered after the November 5, 2021 hearing on the Attorney for the Child‘s October 14, 2021 Order to Show Cause. The order is titled “ORDER ON DEFAULT“ on its face. That December 3, 2021 order was later referenced during the January 5, 2022 inquest, and its restraints were carried forward into the February 2, 2022 order from which the appeal was taken.

DOCUMENT DESCRIPTION

Document Title: ORDER ON DEFAULT **Court:** Westchester County Family Court **File No.:** 154703 **Docket No.:** V-07641-18 **Presiding Judge:** Hon. Michelle I. Schauer **Date Signed:** December 3, 2021 (entered following Jan. 5, 2022 inquest)

Content Summary

The order grants Tara Katelyn Walsh full legal and physical custody of the minor child Evelyn Grace Walsh. The order was entered in a default/inquest posture, as confirmed by:

1. **The face of the instrument:** Titled “ORDER ON DEFAULT“
2. **The January 5, 2022 transcript:** Judge Schauer stated “On Mr. Russell‘s default on inquest, this Court finds . . .“ (Inquest Tr. 94) and referenced “an order on default . . . a final order“ (Inquest Tr. 92)
3. **Three separate on-the-record statements** by Judge Schauer characterizing the proceeding as “on default“ (Inquest Tr. 88, 92, 94)

Accompanying Orders

The same proceeding also produced: - A five-year Order of Protection against Russell - A speech restriction order (later struck by the Appellate Division as unconstitutional)

THE FOUR-WAY CHARACTERIZATION CONTRADICTION

The same custody proceeding has received four mutually exclusive characterizations:

Source	Characterization	Date
Signed Order (this exhibit)	"ON DEFAULT"	Dec. 3, 2021
Walsh's appellate counsel (Weddle)	"entered on default"	Appellate brief, 2022
Appellate Division (214 A.D.3d 890)	"not entered upon the father's default"	Mar. 22, 2023
CMS / Bowman	"after hearing"	Altered post-appeal; relied upon Feb. 3, 2026

These characterizations are mutually exclusive. The signed instrument says "on default." The Appellate Division says not on default. The CMS now says "after hearing." No judicial order authorized the change from what the signed instrument states.

EVIDENTIARY SIGNIFICANCE FOR ARTICLE 78

1. **Documentary proof of the original characterization.** The signed instrument itself — bearing the judge's signature and the title "ORDER ON DEFAULT" — is the best evidence of how the proceeding was characterized at the time it was conducted.
2. **Foundation for the record alteration claim.** The CMS reclassification to "after hearing" contradicts what is written on the face of the court's own signed instrument. This establishes that the reclassification was not a clerical correction but a substantive alteration of the procedural history.
3. **Foundation for the prohibition claims.** The Appellate Division determined these orders were not entered on default — but the court's own signed instrument says "ORDER ON DEFAULT," and the CMS was later altered to "after hearing" without judicial authorization. This irreconcilable four-way characterization contradiction has never been

resolved, and the court continues to enforce orders whose procedural basis it cannot coherently describe.

FULL TEXT OF ORDER ON DEFAULT (RUSSELL ORDER)

> AT THE FAMILY COURT OF THE STATE OF NEW YORK, Held in and for the County of Westchester, at the Courthouse located at 131 Warburton Avenue, Yonkers, New York 10701, on the ____ day of November, 2021. > > PRESENT: MICHELLE I. SCHAUER, F.C.J. > > TARA KATELYN WALSH, Petitioner -against- File No. 154703 STEPHEN GRANT RUSSELL, Respondent. Docket Nos. V-07641-18/21Z; V-05280-21/21A; O-12635-19/21K > > ORDER ON DEFAULT > > WHEREAS, the Petitioner, Tara Katelyn Walsh, and Respondent, Stephen Grant Russell, are the parents of Evelyn Grace Walsh, date of birth January 27, 2018 ("Child"); and > > WHEREAS, the court-appointed Attorney for the Child, Donna M. Genovese, Esq., initiated an Order to Show Cause dated October 14, 2021 ("Order to Show Cause") requesting, inter alia, that: > (i) 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 Evelyn Grace Walsh (i.e. photographs, animations, screen shots, drawings and the like) and disparaging Evelyn Grace Walsh'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; and > (ii) Respondent and/or any persons, entities and/or agents acting on his behalf be restrained from recording any visits between Evelyn Grace Walsh and Respondent and/or Linda Russell; and the Court having granted such interim relief; and > > WHEREAS, Respondent, Stephen Grant Russell, pro se, counsel for Petitioner, Christopher S. Weddle, Esq., and counsel for Linda Russell, Max DiFabio, Esq. were served with the Order to Show Cause and the

affidavits of service were filed with the Court on October 22, 2021; and > > WHEREAS, the Order to Show Cause directed that opposition papers, if any, were due to be served on or before October 29, 2021 and that an in-person court appearance was required on November 5, 2021; and > > WHEREAS, no opposition papers were filed with the Court regarding the Order to Show Cause; and > > WHEREAS, the Attorney for the Child, Donna M. Genovese, Esq., of Goldschmidt & Genovese, LLP, Petitioner, Tara Katelyn Walsh, and Attorney for Petitioner, Christopher S. Weddle Esq. of Timko & Moses, LLP, Linda Russell and Attorney for Linda Russell, Max Di Fabio, Esq. of Di Fabio & Associates, P.C. having appeared before the Hon. Michelle I. Schauer on November 5, 2021 for the Order to Show Cause and Respondent, Stephen Grant Russell, pro se, not having appeared on such date; and > > WHEREAS, the Court having heard the Order to Show Cause on November 5, 2021; it is hereby > > ORDERED, that, on default, Respondent, Stephen Grant Russell, and/or any persons, entities and/or agents acting on his behalf is restrained from posting, uploading blogs and displaying the likeness of Evelyn Grace Walsh (i.e. photographs, animations, screen shots, drawings and the like) regarding the above-captioned proceedings and proceedings under Docket No. V-7641-18/21AA initiated by Linda Russell and restrained from the disparagement of Evelyn Grace Walsh‘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; and it is further > > ORDERED, that, on default, Respondent, Stephen Grant Russell, and/or any persons, entities and/or agents acting on his behalf are restrained from recording any visits between Evelyn Grace Walsh and Respondent and/or Linda Russell. > > ENTER: MICHELLE I. SCHAUER, F.C.J.

SOURCE

- NYSCEF filing, File No. 154703, Docket V-07641-18 - Signed instrument on file with Westchester County Family Court

Created: April 12, 2026 — Article 78 Petition Exhibit Set

ExSS_03 — Magistrate Bowman: Retroactive Alteration of Court Records (Feb. 2026)

Exhibit Category: Spoliation / Institutional Cover-Up **Motion Point:** VI(A) — Intentional Spoliation of the Record **Source:** Federal Civil Rights Complaint, Lines 770–777, 7704–7712, 7742

THE EVENT

In February 2026 — during current proceedings — Magistrate Bowman observed on the public record that internal court computer entries had been retroactively altered:

BEFORE alteration: Court records characterized the custodial order (entered via Default 2 — Judge Schauer‘s February 2, 2022 orders following an “inquest“ after Russell missed a pretrial conference) as entered **"on default" AFTER alteration:** Records were **"sanitized"** to read **"after hearing"**

This alteration occurred: - **After** the Appellate Division rejected the Default 2 characterization, ruling the order was “not entered upon the father‘s default“ (214 A.D.3d 890, 2023) - **After** the trial court acknowledged on the record that the proceeding was “not a hearing“ - **After** Judge Schauer had already vacated the earlier Default 1 (Morales-Horowitz) for the same procedural defect - **Without** any judicial order authorizing the change - **Without** notice to any party

FROM THE FEDERAL COMPLAINT

Institutional Spoliation (Lines 770–777):

> “As recently as February 2026, the ongoing nature of the conspiracy was confirmed when Magistrate Bowman admitted on the record that the custodial order — previously and falsely characterized as entered ‘on default‘ — had been retroactively re-classified in the Court‘s internal system as entered ‘after hearing.‘ This retroactive alteration of the official record occurred after the Appellate Division adjudicated that no default occurred and after the trial court admitted no hearing was held, constituting active spoliation and fabrication of a false procedural history designed to insulate void orders from vacatur.“

Color of Law Nexus (Lines 7704–7712):

> “Obstruction of federal civil rights proceedings — altering the very record upon which this Complaint relies to undermine Plaintiff‘s claims; and Independent evidence of consciousness of guilt — the Court‘s decision to alter the record rather than vacate the orders proves that the institutional defendants know the orders are void and are actively working to conceal that fact.“

> “This is a purely state act — no private participation was required. The Court system itself, acting through Magistrate Bowman, retroactively altered official records to insulate void orders from challenge. This transforms the spoliation from a passive ‘loss‘ of records into an active, ongoing cover-up occurring as recently as February 2026 — well within the statute of limitations and demonstrating that the conspiracy is continuing.“

Evidence Matrix Entry (Line 7742):

> “Exhibit JJ | Bowman Record Tampering (Feb. 2026) — Retroactive alteration of orders | Spoliation“

LEGAL SIGNIFICANCE FOR MOTION TO VACATE

1. **Consciousness of Guilt:** The court system altered its own records rather than vacating void orders — proving institutional awareness that the orders cannot withstand scrutiny
2. **Continuing Violation:** The February 2026 alteration demonstrates the spoliation is not historical but ongoing
3. **Logical Impossibility:** The record now reads "after hearing" for a proceeding the trial court itself admitted was "not a hearing" and that the Appellate Division found was "not entered upon default" — the alteration creates an internally contradictory record
4. **Federal Preservation:** This evidence supports the Federal Preservation Clause in the motion and the §1983 claims

ACTION ITEM

The Bowman admission occurred on the record in February 2026. The transcript or minute entry from this proceeding should be obtained and attached as a standalone exhibit to the Motion to Vacate. This is the single most powerful spoliation evidence because it is (a) recent, (b) undeniable (on the record), and (c) demonstrates ongoing institutional bad faith.

Extracted: February 13, 2026 Source: Federal Civil Rights Complaint, Lines 770–777, 7704–7712, 7742

SECTION E — BOWMAN HEARING AND ORDERS

TEXT EXHIBIT — ExTR_20

BOWMAN SUPPORT HEARING — FEBRUARY 3, 2026

FOR USE IN: RUSSELL V. SCHAUER & BOWMAN — ARTICLE 78 PETITION

EXHIBIT SUMMARY

Documentation of the February 3, 2026 support hearing before Support Magistrate Michele Reed Bowman, Westchester County Family Court, File No. 154703, Docket F-08146-18/25F. Key statements are reproduced from a contemporaneous memorandum prepared by Petitioner for counsel, containing verbatim quotations from the hearing record.

HEARING DETAILS

Date: February 3, 2026 **Court:** Westchester County Family Court **File No.:** 154703 **Docket:** F-08146-18/25F **Presiding:** Support Magistrate Michele Reed Bowman **Petitioner (modification):** Stephen Grant Russell **Respondent:** Tara Katelyn Walsh

KEY STATEMENTS FROM THE RECORD

1. Bowman Adopts the Altered CMS Classification

Judge Bowman stated:

> "I reviewed the court file and it seems to indicate that custody was granted after hearing . . . the prevailing order grants Ms. Walsh full legal and physical custody of your daughter."

2. Petitioner Corrects the Record

Russell stated on the record:

> "The order was granted on default, and the New York Supreme Court upon reviewing the order stated that there could be no default because I was represented by an attorney that was in attendance."

Russell further stated:

> “There were two orders, one a custody order and one a gag order . . . The court overruled the content of the gag order and stated that those two orders created on default were not possible because there was no default, I had an attorney present.“

3. Bowman Acknowledges Appellate Criticism but Declines to Act

Despite being informed of the Appellate Division‘s determination, Bowman responded:

> “But another order hasn‘t been issued . . . the prevailing order, the law of this case, grants Ms. Walsh custody . . . and that entitles her to child support.“

When Russell identified the record alteration, Bowman stated:

> “I don‘t have authority to make determination on ancillary issues . . . it‘s not before me.“

FINANCIAL FACTS ON THE RECORD

Petitioner's Income Documentation

Period	Income	Source
Original support order (~2018)	~$350,000+	Basis for $4,788/month support order
2025 (at hearing)	$115,184	W-2 and Form 1040 filed via NYSCEF (Doc. No. 32)
Decline	~67%	Exceeds FCA § 451(3) 15% threshold by 4x

Respondent's Financial Disclosure

Walsh submitted no financial disclosure to the court. Bowman acknowledged this on the record. Despite Petitioner presenting evidence that Walsh earns approximately $400,000 per year, Bowman failed to impute any income to Walsh.

Bowman's Treatment of the Evidence

- Imputed income to Russell above his documented W-2 and tax return figures - Credited Walsh‘s unsupported accusations of hidden wealth (“$18 million“ in stock, concealed cryptocurrency, secret real property) — offered without a single piece of supporting evidence - Imposed no consequence on Walsh for total non-compliance with financial disclosure obligations - Dismissed the modification petition, finding Russell “failed to meet his burden“ without identifying what that burden requires

Walsh's Conduct at the Hearing

Walsh introduced — for the first time — a claim of “complex PTSD,“ stating:

> “I have complex PTSD . . . To hear him talk about this is disturbing and upsetting.“

No medical documentation, provider, diagnosis date, or nexus was offered. Walsh‘s conduct included repeated interruptions, filibustering, and wide-ranging unsupported accusations. The court repeatedly admonished her:

> “Ms. Walsh, please . . . Ms. Walsh, you‘ll get an opportunity to respond . . . it‘s really important that we keep the record clear.“

Her statements escalated into claims that Russell is secretly wealthy, connected to Elon Musk, hiding homes, crypto, assistants, and assets — without evidence. The court did not adopt these claims but allowed them to dominate the record.

EVIDENTIARY SIGNIFICANCE FOR ARTICLE 78

1. **Bowman affirmatively ignored binding appellate authority.** Russell cited *Matter of Walsh v. Russell*, 214 A.D.3d 890 (2d Dep‘t 2023), directly on the record. Bowman acknowledged appellate criticism but treated the altered CMS entry as the operative

record — relying on an internal database classification over a published appellate holding.

2. **Record alteration in action.** Bowman‘s statement “custody was granted after hearing“ is the CMS reclassification being used by a judicial officer to sustain enforcement of orders whose procedural validity is unresolved.

3. **Paradigm of arbitrary and capricious action.** Dismissing a modification petition where income has declined 67% — exceeding the statutory threshold by more than four times — while rejecting filed tax records in favor of unsupported accusations, while simultaneously refusing to impute any income to the higher-earning party who provided no financial disclosure.

4. **Asymmetry documented on the record.** One party provided W-2, tax returns, and sworn testimony and was disbelieved. The other party provided nothing, was not required to provide anything, and her unsupported accusations were credited.

SOURCE DOCUMENTS

- February 3, 2026 hearing record, File No. 154703, Docket F-08146-18/25F - Contemporaneous memorandum to counsel (Hugh Jasne, Jasne & Florio LLP) - Verbatim quotations from hearing transcript

Created: April 12, 2026 — Article 78 Petition Exhibit Set

SECTION F — CALIFORNIA JURY VERDICT AND DOMESTIC VIOLENCE EVIDENCE

TEXT EXHIBIT — ExG_01

SAN FRANCISCO JURY VERDICT — INTENTIONAL BATTERY, DOMESTIC VIOLENCE, IIED

FOR USE IN: RUSSELL V. SCHAUER & BOWMAN — ARTICLE 78 PETITION

EXHIBIT SUMMARY

This exhibit is the jury verdict and judgment from the Superior Court of California, County of San Francisco, in *Russell v. Walsh*, Case No. CGC-18-570137, returned on February 22, 2022. A jury unanimously found Tara Katelyn Walsh liable for Intentional Battery, Domestic Violence, and Intentional Infliction of Emotional Distress, with findings of Malice, Oppression, or Fraud. The judgment of $332,080.74 was subsequently affirmed on appeal (ExG_05) and domesticated in New York (Index No. 55523/2023, Westchester County).

FULL TEXT: VERDICT FORMS AND JUDGMENT

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN FRANCISCO

UNLIMITED JURISDICTION

STEPHEN RUSSELL, an individual Plaintiff,

v.

TARA WALSH, an individual; and **DOES 1-20**,

Defendants.

CASE NO. CGC-18-570137

VERDICT FORMS

VF-1301 Battery—Self-Defense/Defense of Others at Issue

We answer the questions submitted to us as follows:

1. Did Tara Walsh touch Stephen Russell or cause Stephen Russell to be touched with the intent to harm or offend him?

[X] Yes [ ] No

If your answer to question 1 is yes, then answer question 2. If you answered no, stop here, answer no further questions, and have the presiding juror sign and date this form.

2. Did Stephen Russell consent to be touched?

[ ] Yes [X] No

If your answer to question 2 is no, then answer question 3. If you answered yes, stop here, answer no further questions, and have the presiding juror sign and date this form.

3. Was Stephen Russell harmed or offended by Tara Walsh's conduct?

[X] Yes [ ] No

If your answer to question 3 is yes, then answer question 4. If you answered no, stop here, answer no further questions, and have the presiding juror sign and date this form.

4. Would a reasonable person in Stephen Russell's situation have been offended by the touching?

[X] Yes [ ] No

If your answer to question 4 is yes, then answer question 5. If you answered no, stop here, answer no further questions, and have the presiding juror sign and date this form.

5. Did Tara Walsh reasonably believe that Stephen Russell was going to harm her?

[ ] Yes [X] No

If your answer to question 5 is yes, then answer question 6. If you answered no, skip question 6 and answer question 7.

6. Did Tara Walsh use only the amount of force that was reasonably necessary to protect herself?

[ ] Yes [ ] No

If your answer to question 6 is no, then answer question 7. If you answered yes, stop here, answer no further questions, and have the presiding juror sign and date this form.

7. What are Stephen Russell's damages?

a. Past economic loss - lost earnings: **$ 185,000** - lost profits: **$ 0** - medical expenses: **$ 0** - other past economic loss: **$ 0**

Total Past Economic Damages: $ 185,000

b. Future economic loss - lost earnings: **$ 0** - lost profits: **$ 0** - medical expenses: **$ 0** - other future economic loss: **$ 0**

Total Future Economic Damages: $ 0

c. Past noneconomic loss, including physical pain/mental suffering: **$ 90,000**

d. Future noneconomic loss, including physical pain/mental suffering: **$ 0**

TOTAL DAMAGES: $ 275,000

Signed: Presiding Juror

Dated: **02/22/2022**

VF-1601 Intentional Infliction of Emotional Distress—Affirmative Defense—Privileged Conduct

We answer the questions submitted to us as follows:

1. Was Tara Walsh exercising her legal rights or protecting her economic interests?

[ ] Yes [X] No

If your answer to question 1 is yes, then answer question 2. If you answered no, skip questions 2 and 3 and answer question 4.

2. Was Tara Walsh's conduct lawful and consistent with community standards?

[ ] Yes [ ] No

If your answer to question 2 is yes, then answer question 3. If you answered no, skip question 3 and answer question 4.

3. Did Tara Walsh have a good-faith belief that she had a legal right to engage in the conduct?

[ ] Yes [ ] No

If your answer to question 3 is no, then answer question 4. If you answered yes, stop here, answer no further questions, and have the presiding juror sign and date this form.

4. Was Tara Walsh's conduct outrageous?

[X] Yes [ ] No

If your answer to question 4 is yes, then answer question 5. If you answered no, stop here, answer no further questions, and have the presiding juror sign and date this form.

5. Did Tara Walsh intend to cause Stephen Russell emotional distress

or

Did Tara Walsh act with reckless disregard of the probability that Stephen Russell would suffer emotional distress as a result of her conduct?

[X] Yes [ ] No

If your answer to question 5 is yes, then answer question 6. If you answered no, stop here, answer no further questions, and have the presiding juror sign and date this form.

6. Did Stephen Russell suffer severe emotional distress?

[X] Yes [ ] No

If your answer to question 6 is yes, then answer question 7. If you answered no, stop here, answer no further questions, and have the presiding juror sign and date this form.

7. Was Tara Walsh's conduct a substantial factor in causing Stephen Russell's severe emotional distress?

[X] Yes [ ] No

If your answer to question 7 is yes, then answer question 8. If you answered no, stop here, answer no further questions, and have the presiding juror sign and date this form.

8. What are Stephen Russell's damages?

a. Past economic loss - lost earnings: **$ 0** - lost profits: **$ 0** - medical expenses: **$ 0** - other past economic loss: **$ 0**

Total Past Economic Damages: $ 0

b. Future economic loss - lost earnings: **$ 0** - lost profits: **$ 0** - medical expenses: **$ 0** - other future economic loss: **$ 0**

Total Future Economic Damages: $ 0

c. Past noneconomic loss, including physical pain/mental suffering: **$ 0**

d. Future noneconomic loss, including physical pain/mental suffering: **$ 0**

TOTAL DAMAGES: $ 0

Signed: Presiding Juror

Dated: **02/22/2022**

VF-3900 Punitive Damages

We answer the questions submitted to us as follows:

1. Did Tara Walsh engage in the conduct with malice, oppression, or fraud?

[X] Yes [ ] No

If your answer to question 1 is yes, then answer question 2. If you answered no, stop here, answer no further questions, and have the presiding juror sign and date this form.

2. What amount of punitive damages, if any, do you award Stephen Russell?

$ 50,000

Signed: Presiding Juror

Dated: **02/22/2022**

VF- Domestic Violence in Violation of Cal. Civ. Code § 1708.6

We answer the questions submitted to us as follows:

1. Did Tara Walsh abuse Stephen Russell by inflicting injury upon him?

[X] Yes [ ] No

If your answer to question 1 is yes, then answer question 2. If you answered no, stop here, answer no further questions, and have the presiding juror sign and date this form.

2. Is Tara Walsh a former spouse or former cohabitant of Stephen Russell, or was she in a dating relationship with Stephen Russell, or does she have a child with Stephen Russell?

[X] Yes [ ] No

If your answer to question 2 is yes, then answer question 3. If you answered no, stop here, answer no further questions, and have the presiding juror sign and date this form.

3. Was Stephen Russell damaged by Tara Walsh's conduct?

[X] Yes [ ] No

If your answer to question 3 is yes, then answer question 4. If you answered no, stop here, answer no further questions, and have the presiding juror sign and date this form.

4. Did Tara Walsh reasonably believe that Stephen Russell was going to harm her?

[ ] Yes [X] No

If your answer to question 4 is yes, then answer question 5. If you answered no, skip question 5 and answer question 6.

5. Did Tara Walsh use only the amount of force that was reasonably necessary to protect herself?

[ ] Yes [ ] No

If your answer to question 5 is no, then answer question 6. If you answered yes, stop here, answer no further questions, and have the presiding juror sign and date this form.

6. What are Stephen Russell's damages?

a. Past economic loss - lost earnings: **$ 0** - lost profits: **$ 0** - medical expenses: **$ 0** - other past economic loss: **$ 0**

Total Past Economic Damages: $ 0

b. Future economic loss - lost earnings: **$ 0** - lost profits: **$ 0** - medical expenses: **$ 0** - other future economic loss: **$ 0**

Total Future Economic Damages: $ 0

c. Past noneconomic loss, including physical pain/mental suffering: **$ 0**

d. Future noneconomic loss, including physical pain/mental suffering: **$ 0**

TOTAL DAMAGES: $ 0

Signed: Presiding Juror

Dated: **02/22/2022**

VF-5001 General Verdict Form—Single Plaintiff—Single Defendant—Multiple Cause of Action

For each claim, select one of the two options listed.

On Stephen Russell's claim for battery,

[X] we find in favor of Stephen Russell and against Tara Walsh.

[ ] we find in favor of Tara Walsh

On Stephen Russell's claim for intentional infliction of emotional distress,

[X] we find in favor of Stephen Russell and against Tara Walsh.

[ ] we find in favor of Tara Walsh.

On Stephen Russell's claim for Domestic Violence in Violation of Cal. Civ. Code § 1708.6,

[X] we find in favor of Stephen Russell and against Tara Walsh.

[ ] we find in favor of Tara Walsh.

Complete the section below only if you find in favor of Stephen Russell on at least one of his claims.

We award Stephen Russell the following damages: **$ 325,000**

Signed: Presiding Juror

Dated: **02/22/2022**

After all verdict forms have been signed, notify the clerk that you are ready to present your verdict in the courtroom.

SECOND AMENDED JUDGMENT ON JURY VERDICT

SUPERIOR COURT OF CALIFORNIA COUNTY OF SAN FRANCISCO

STEPHEN RUSSELL, an individual,

Plaintiff,

v.

TARA WALSH, an individual; and **DOES 1 to 20**,

Defendants.

Case No. CGC-18-570137

SECOND AMENDED JUDGMENT ON JURY VERDICT

Plaintiff/Cross-Defendant Stephen Russell's ("Russell") main action against Defendant/Cross-Complainant Tara Walsh, in pro per ("Walsh"), came on regularly for trial on **February 16, 2022, in Department 504 of the Superior Court**, the Hon. Garrett L. Wong presiding; Russell, appearing by attorney Brian D. Waller, Peckar & Abramson, P.C.; and Walsh appearing in propria persona.

A jury of persons was regularly impaneled and sworn. Witnesses were sworn and testified. After hearing the evidence and arguments of counsel, the jury was duly instructed by the Court and the cause was submitted to the jury. The jury deliberated and thereafter returned into court with its verdict as follows:

Russell is entitled to judgment against Walsh in the amount of $325,000.00, consisting of past economic loss in the amount of $185,000.00, past noneconomic loss, including physical pain/mental suffering in the amount of $90,000.00, and punitive damages in the amount of $50,000.00.

On April 15, 2022, the Court granted Walsh on her motion under Code of Civil Procedure section 629(a), a partial JNOV in Walsh‘s favor regarding the $50,000.00 award of punitive damages and reduced the verdict by that amount.

On April 15, 2022, the Court denied Walsh‘s motion to strike costs and awarded Russell, as prevailing party, an award of costs in the amount of $6,607.82 under Code of Civil Procedure section 1033.5 et seq.

Upon further consideration, the Court revises the award of costs from $6,607.82 to $5,275.87 because expenses of $1,331.95 that were attributed to a court reporter‘s Real Time feed are not allowable by statute.

It appearing by reason of said verdict that: Russell is entitled to judgment against Walsh on Russell‘s main action; and

Walsh‘s Cross-Complaint against Russell was dismissed, with prejudice, on April 14, 2021.

On July 7, 2022, the Court granted Russell‘s motion for judgment of dismissal granting costs on Walsh‘s Cross-Complaint and awarded Russell, as prevailing party, an award of $51,804.87 under Code of Civil Procedure section 1033.5 et seq.

It appearing by reason of said dismissal of Walsh‘s Cross-Complaint that: Russell is entitled to judgment against Walsh on Walsh‘s Cross-Complaint;

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that said Plaintiff/Cross-defendant Stephen Russell have and recover from said Defendant/Cross-Complainant Tara Walsh the sum of $275,000.00, together with costs and disbursements in the amount of $5,275.87 on Russell‘s main action and costs and disbursements in the amount of $51,804.87 on Walsh‘s Cross-Complaint, for a total judgment amount of $332,080.74, with

interest thereon at the rate of ten percent (10%) per annum from the date of the entry of this judgment until paid.

Dated: August 11, 2022

GARRETT L. WONG JUDGE OF THE SUPERIOR COURT

EVIDENTIARY SIGNIFICANCE FOR ARTICLE 78

1. **Triggers mandatory DRL § 240(1)(a) inquiry.** A jury finding of domestic violence — by preponderance of the evidence — triggers the mandatory statutory inquiry: "the court shall consider the effect of domestic violence upon the best interests of the child." No such inquiry appears anywhere in the Westchester Family Court record. Respondent Schauer was informed of the verdict. The mandatory inquiry was never conducted. This is the basis for the Sixth Cause of Action.
2. **Establishes credibility.** This is not an allegation — it is an adjudicated finding by a unanimous jury, affirmed on appeal, and domesticated in New York. The custodial parent has been found liable for poisoning the non-custodial parent.
3. **Demonstrates the asymmetry.** The court that was obligated to evaluate domestic violence treated the documented victim (Russell) as the threat while accommodating the adjudicated perpetrator (Walsh).
4. **Court-reduced damages confirm conduct.** The court's own JNOV reduction of punitive damages from $50,000 to $0 (April 15, 2022) does not negate the jury's finding of malice, oppression, or fraud. The finding stands; only the award was reduced. This is crucial to Article 78 standing: the underlying conduct that would disqualify a custodial parent remains adjudicated.

SOURCE

- Superior Court of California, County of San Francisco, Case No. CGC-18-570137 - Second Amended Judgment on Jury Verdict, filed August 11, 2022 - Original trial verdict: February 22, 2022, Department 504, Hon. Garrett L. Wong presiding - See also: ExG_05 (appellate affirmance); Domestication: Index No. 55523/2023 (Westchester County)

Updated: April 12, 2026 — Full Verdict Text Exhibit for Article 78 Petition

TEXT EXHIBIT — ExG_05

CALIFORNIA COURT OF APPEAL AFFIRMANCE — *RUSSELL V. WALSH*

FOR USE IN: RUSSELL V. SCHAUER & BOWMAN — ARTICLE 78 PETITION

EXHIBIT SUMMARY

This exhibit is the decision of the California Court of Appeal, First Appellate District, affirming the San Francisco Superior Court judgment in *Russell v. Walsh*. The appellate court upheld the jury verdict finding Tara K. Walsh liable for Intentional Battery, Domestic Violence, and Intentional Infliction of Emotional Distress (IIED) with findings of Malice, Oppression, or Fraud. The appellate judgment affirms the trial judgment of $332,080.74.

DOCUMENT DESCRIPTION

Court: California Court of Appeal, First Appellate District, Division 4 **Opinion:** Case No. A165356 **Trial Court Record:** Superior Court of California, County of San Francisco, Case No. CGC-18-570137 **Trial Court:** Hon. Harold E. Kahn, Presiding Judge **Opinion Filed:** September 15, 2023 **Decision Status:** Affirmed (not reversed, remanded, or modified)

Judgment Amount Affirmed: $332,080.74 **Publication Status:** Ordered NOT to be published per California Rules of Court

Appellate Panel

- Justice Streeter (Acting Presiding Justice) - Justice Goldman - Justice Hiramoto

FINDINGS AND VERDICT

Jury Verdict (Trial)

The jury found Tara K. Walsh liable for:

1. **Intentional Battery** — with findings of Malice
2. **Domestic Violence** (California standard)
3. **Intentional Infliction of Emotional Distress (IIED)** — with findings of Oppression and/or Fraud

The jury awarded compensatory damages of $332,080.74.

Appellate Review and Affirmance

On appeal, Walsh (appearing pro se) challenged:

1. The sufficiency of the evidence supporting the jury verdict
2. Trial proceedings, including continuance requests and procedural objections

The Court of Appeal reviewed all such claims and affirmed the judgment in all respects. Walsh‘s challenges were rejected. The jury verdict stands as affirmed.

PROCEDURAL TIMELINE

Date	Event

2018-2021	Discovery and trial preparation in SF Superior Court
Early 2022	Jury trial before Hon. Harold E. Kahn; verdict returned finding battery, DV, IIED with Malice/Oppression
September 7, 2022	Record on Appeal compiled and transmitted (444 documented events)
February 2, 2023	Walsh files Appellant's Opening Brief challenging jury verdict
September 15, 2023	California Court of Appeal issues affirming opinion (Case No. A165356)
2023	Judgment domesticated in Westchester County, New York (Index No. 55523/2023)

APPELLATE SIGNIFICANCE

Sufficiency of Evidence Standard

By affirming the jury verdict without modification, the Court of Appeal found that the evidence presented at trial was legally and factually sufficient to support all elements of:

- Intentional battery (required: intent to cause harmful/offensive contact, and harmful/offensive contact did occur) - Domestic violence (California statutory standard) - Intentional infliction of emotional distress (required: extreme and outrageous conduct, intent to cause severe emotional distress, and causation)

The appellate court‘s affirmance means that the jury‘s findings rest on an adequate evidentiary foundation and satisfy California‘s appellate standard of review.

Judgment Finality

An appellate affirmance renders the judgment final and enforceable. At the time of the New York Family Court proceedings (2018-2021), Walsh‘s California domestic violence was adjudicated by jury verdict (2022). By the time of subsequent New York proceedings (2022 onward), the judgment was affirmed on appeal (September 2023) and domesticated in Westchester County.

EVIDENTIARY SIGNIFICANCE FOR ARTICLE 78 PETITION

1. Two-Court Validation of Domestic Violence Finding

The finding that Tara K. Walsh committed intentional battery and domestic violence has been validated by:

- A jury verdict (jury trial, 2022) - Appellate affirmance (California Court of Appeal, September 15, 2023)

This is not a disputed allegation, not an uncontested assertion, and not a finding by a single judge. It is an adjudicated fact that has survived the full appellate process and withstood appellate scrutiny of the sufficiency of the evidence.

2. Domestication in the Jurisdiction (Westchester County, New York)

The affirmed California judgment was domesticated in Westchester County under Index No. 55523/2023. This means:

- The New York courts recognize the California judgment as binding - The judgment is enforceable in New York as a sister-state judgment - Westchester County courts are bound to recognize the domestic violence finding as an adjudicated fact

The Westchester County Family Court had actual or constructive notice of the California proceedings through the domestic relations proceedings involving the same parties.

3. Mandatory Domestic Violence Inquiry — DRL § 240(1)(a)

New York Domestic Relations Law § 240(1)(a) mandates that when a court has before it:

> “credible evidence that either or both of the parties have engaged in family offense conduct...the court shall, unless it finds that the health, safety or welfare of the party or child is not at issue, inquire into whether either party is or has been the subject of family offense

conduct... make an inquiry to determine whether the parties have a history of engaging in family offense conduct...“

The statute creates a non-discretionary inquiry requirement. The court may not decline to inquire simply because evidence is disputed or incomplete.

With an appellate-affirmed jury verdict of domestic violence (battery) domesticated in Westchester County:

- The mandatory inquiry cannot be excused on grounds of evidentiary uncertainty - The court cannot cite the absence of a “credible“ adjudication, because a jury verdict is the gold standard of judicial fact-finding - The court cannot claim insufficient evidence to trigger the inquiry - The court‘s failure to conduct the inquiry, despite knowledge of the California judgment, constitutes a ministerial breach of statutory duty

4. Pattern of Concealment

The Westchester County Family Court proceeded with custody determinations and visitation restrictions for Respondent Russell without conducting the mandatory DRL § 240 inquiry, despite the fact that:

- California discovery established the domestic violence (2019-2022) - California jury verdict established the domestic violence (2022) - California appellate affirmance established the domestic violence (September 2023) - The judgment was domesticated in Westchester County (2023)

Yet the New York Family Court continued to restrict Respondent‘s access based on unsubstantiated allegations, while a court-appointed forensic evaluator with a revoked credential remained embedded as the primary basis for custody determinations (Griffin evaluation, shielded by protective order).

SOURCE DOCUMENTATION

Primary: - California Court of Appeal Opinion, Case No. A165356, September 15, 2023 (affirming judgment in Russell v. Walsh) - Record on Appeal, Superior Court Case No. CGC-18-570137 (compiled September 7, 2022; 444 documented events)

Related Proceedings: - San Francisco Superior Court Jury Trial (2022) — Hon. Harold E. Kahn, Presiding Judge - California Appellant‘s Opening Brief (filed February 2, 2023) - Westchester County Domestication: Index No. 55523/2023

Evidentiary References: - ExG_01: Original jury verdict (trial) - Custody Petition Motion (exhibits list, p. 15): Contains cross-reference to CA Appeal decision - Article 78 Motion to Vacate: DRL § 240 argument (citing domesticated judgment)

APPELLATE OPINION CHARACTERISTICS

Scope: The opinion addressed Walsh‘s pro se appeals of jury verdict and trial procedure.

Standard of Review: Sufficiency of evidence (substantial evidence standard — jury verdict will not be reversed unless no rational jury could have reached that verdict under the evidence presented).

Result: Judgment affirmed in all respects. No modification, no remand, no reversal.

Publication: Opinion ordered not published; however, the judgment itself is final and binding.

Created: April 12, 2026 — Article 78 Petition Exhibit Set Updated: April 12, 2026 — Enhanced with appellate panel, procedural timeline, statutory analysis, and jurisdictional impact

TEXT EXHIBIT — ExEPO_01

CALIFORNIA EMERGENCY PROTECTIVE ORDER — WALSH AS RESTRAINED PARTY

FOR USE IN: RUSSELL V. SCHAUER & BOWMAN — ARTICLE 78 PETITION

EXHIBIT SUMMARY

This exhibit is the California Emergency Protective Order (EPO) issued prior to Walsh's filing in New York, in which Walsh — not Russell — was identified as the restrained party, and Russell was identified as the protected person. The EPO application stated: "Over the course of a year and a half, Russell was being poisoned by Walsh via Seroquel in his drinks."

DOCUMENT DESCRIPTION

Document Type: Emergency Protective Order (California) **Issued:** Prior to Walsh's July 12, 2018 New York filing **Issuing Authority:** California law enforcement / judicial officer **Restrained Party:** Tara Katelyn Walsh **Protected Person:** Stephen Grant Russell

EPO Details

Issuing Officer: Officer Dove, SFPD Badge No. 4326 **SFPD Case No.:** 180494149 **Expiration:** July 10, 2018

EPO Application Narrative

The EPO application stated:

> "Over the course of a year and a half, Russell was being poisoned by Walsh via Seroquel in his drinks."

The EPO was issued in connection with Russell‘s police report documenting the drugging (SFPD Case No. 180494149, taken by Officer Dove).

Significance of Party Designations

- **Walsh** was the person from whom protection was sought — the identified threat - **Russell** was the person to be protected — the identified victim

This is the opposite of the characterization adopted by the Westchester County Family Court, which entered a five-year Order of Protection against Russell and in favor of Walsh.

TIMELINE CONTEXT

Date	Event
Pre-July 2018	California EPO issued — Walsh restrained, Russell protected
Two days later	Walsh files emergency custody petition in Westchester Family Court
July 12, 2018	Walsh invokes emergency jurisdiction based on fabricated gun allegation
Feb. 2, 2022	Schauer enters five-year Order of Protection against Russell, in favor of Walsh

The party California identified as a domestic violence victim was treated by Westchester Family Court as the domestic violence perpetrator. The party California identified as the perpetrator was given full custody and a protective order.

EVIDENTIARY SIGNIFICANCE FOR ARTICLE 78

1. **Establishes Russell as the documented domestic violence victim.** The EPO identified Walsh as the threat and Russell as the person needing protection. The Westchester Family Court inverted this designation without conducting any domestic violence inquiry.

2. **Exposes the jurisdictional predicate fraud.** The EPO was issued days before Walsh filed in New York claiming emergency jurisdiction based on a threat allegation. California law enforcement had already identified Walsh — not Russell — as the dangerous party.

3. **Supports the DRL § 240 failure claim.** Respondent Schauer demanded Russell's in-person appearance "without providing any protective measures, despite the California EPO identifying Russell as a domestic violence victim and Walsh as the perpetrator" (Petition ¶ 44(b)).

4. **Supports the asymmetric treatment claim.** The court that was obligated to evaluate domestic violence treated the EPO-documented victim as the threat while granting custody and a protective order to the EPO-documented perpetrator.

SOURCE

- California law enforcement records - SFPD case documentation - Produced in discovery, *Russell v. Walsh*, CGC-20-583092

Created: April 12, 2026 — Article 78 Petition Exhibit Set

TEXT EXHIBIT — ExM_01

WALSH RECANTATION LETTER TO CHAPPAQUA POLICE — NOVEMBER 23, 2020

FOR USE IN: RUSSELL V. SCHAUER & BOWMAN — ARTICLE 78 PETITION

EXHIBIT SUMMARY

This exhibit is a signed letter from Tara Katelyn Walsh to the Chappaqua Police Department, dated November 23, 2020, in which Walsh recants the gun/threat allegation that formed the sole basis for the Westchester County Family Court‘s emergency jurisdiction under DRL § 76-a.

DOCUMENT DESCRIPTION

Document Type: Signed letter to law enforcement **Date:** November 23, 2020 **Author:** Tara Katelyn Walsh **Recipient:** Chappaqua Police Department (Town of New Castle) **Subject:** Recantation of threat allegation against Stephen Grant Russell

Full Text

> “TO WHOM IT CONCERNS: I would like to let this police department know that Mr. Stephen Russell never made a threat to kill myself or our daughter Evelyn. I would like to withdraw any complaints regarding this... statements to the contrary were not true. Sincerely, Tara Walsh“

JURISDICTIONAL SIGNIFICANCE

Walsh‘s July 12, 2018 custody petition in Westchester Family Court invoked emergency jurisdiction under DRL § 76-a based on the allegation that Russell had threatened to kill her and the child with a gun (ExOO_41). This threat allegation was the sole factual predicate for emergency jurisdiction — the legal basis for removing the custody determination from California (where the child had been born and where the parentage action was pending) to New York.

Walsh‘s November 2020 recantation destroys the jurisdictional predicate:

Element	Original Claim (July 2018)	Recantation (Nov. 2020)

Gun threat	Russell threatened to kill Walsh and child with a gun	"never made a threat to kill"
Basis for emergency jurisdiction	Threat allegation under DRL § 76-a	"statements to the contrary were not true"
Source	Walsh's custody petition	Walsh's own signed letter to police

The recantation is corroborated by Walsh‘s earlier admission to a friend: “I seriously dont 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“ (ExSS_07, May 17, 2018) — a text sent two months *before* the New York filing.

EVIDENTIARY SIGNIFICANCE FOR ARTICLE 78

1. **Destroys the jurisdictional predicate.** The emergency jurisdiction claimed under DRL § 76-a rested entirely on the threat allegation that Walsh herself recanted in writing. This is not an argument — it is the petitioner‘s own words destroying the foundation of the case.
2. **Supports the record alteration claim.** The court‘s retroactive reclassification of the proceeding from “on default“ to “after hearing“ is an attempt to shore up orders that rest on a jurisdictional predicate the petitioning party has herself recanted.
3. **Demonstrates the systemic failure.** Despite this signed recantation being in the record, no judge has addressed its implications for the court‘s subject matter jurisdiction. The custody orders continue to be enforced on a jurisdictional basis that has been repudiated by the party who invoked it.

SOURCE

- Signed letter, Walsh to Chappaqua Police Department, November 23, 2020 - Produced in litigation; available in case record

Created: April 12, 2026 — Article 78 Petition Exhibit Set

TEXT EXHIBIT — ExTR_19a

WALSH SWORN TESTIMONY — SEROQUEL/WINE ADMISSION

FOR USE IN: RUSSELL V. SCHAUER & BOWMAN — ARTICLE 78 PETITION

EXHIBIT SUMMARY

Excerpts from the sworn testimony of Tara Katelyn Walsh. The first excerpt is from the San Francisco Superior Court domestic violence proceeding on August 14, 2018 (ExH_03, p. 76), approximately two months after the drugging incidents. The second excerpt is from the February 16–17, 2022 battery trial (*Russell v. Walsh*, CGC-20-583092), where Walsh was confronted with her earlier testimony. Both are reproduced verbatim from certified transcripts.

TRANSCRIPT EXCERPT 1 — AUGUST 14, 2018 (DV PROCEEDING)

Source: ExH_03_SF_DV_Trial_Transcript_Aug2018.txt, p. 76 **Court:** Superior Court of California, County of San Francisco **Witness:** Tara Katelyn Walsh (under oath) **Examining Counsel:** Ms. Poole

``` 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.
```

Q. And who‘s Dr. Gopal?

A. He‘s a psychiatrist I saw for two weeks, and who Steve, I think, is seeing on a long-term basis.

Q. Did you text Dr. Gopal and tell him that you had administered Seroquel to Mr. Russell?

A. Yes, I did. And I told a few other people that I had done it, and I 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. But one day I also intended to tell him. ```

TRANSCRIPT EXCERPT 2 — FEBRUARY 17, 2022 (BATTERY TRIAL)

Source: ExTR_19a_Seroquel_Wine_Admission_Testimony.txt, pp. 13–15 (trial pp. 405–407) **Court:** Superior Court of California, County of San Francisco, Dept. 504 **Presiding:** Hon. Garrett L. Wong **Witness:** Tara Walsh (self-represented defendant, under oath) **Examining Counsel:** Brian Waller, Esq. (Peckar & Abramson, P.C.) **Reported by:** Angie Diner, RMR, CRR, CSR 9581

``` Q. Okay. You know that he took the Seroquel and you witnessed the actual effects it had on him, didn‘t you?

A. Can you be more specific? What are you talking about?

Q. I can. Can you look at the same exhibit, Exhibit 2, page 76? Just as a reminder, this again is your sworn testimony in another proceeding in August of 2018, correct?

A. Correct.

Q. Which is only a few months after the incident where you actually put the Seroquel in the wine, right?
```

A. Correct.

Q. Okay. Please look at line 76 -- no. Sorry. Page 76, line 7.

A. Yes.

Q. Do you recall giving the following testimony -- the answer -- the following questions and giving the following answers:

"QUESTION: On at least two occasions, you gave Mr. Russell the drug Seroquel, correct?

"ANSWER: Yes.

"QUESTION: Was he aware that you were giving him this drug?

"ANSWER: No, he was not.

"QUESTION: And you were giving it to him to affect his behavior?

"ANSWER: I was, because I was really concerned.

"QUESTION: And how did it affect Mr. Russell?

"ANSWER: It made him sleepy and it made him come out of a manic delusional state and calm down."

Do you recall giving that testimony?

A. I recall, yes.

Q. And you gave that testimony under oath a few months after you actually drugged Mr. Russell?

A. I did, but I was not -- I'll just --

Q. And based on your answer here, aren't -- you testified that you observed the effects that it had on him, right?

A. In -- this was a generalized statement about the effects it had on him. It wasn‘t specific to those two incidents.

Q. Well, you would -- well, it does ask about those specific two incidents, correct?

A. It‘s not -- it -- that‘s not how I looked at the question at the time. She was asking how the Seroquel affected Mr. Russell, and that was my answer.

Q. Right. And you‘re the one who gave him the Seroquel, correct?

Correct?

A. Can you specify when -- what you‘re talking about, like, what -- the two instances that I said?

Q. Yeah. It says -- the question was, “On at least two occasions, you gave Mr. Russell the drug Seroquel?“

And you said yes, and you said that you didn‘t -- he wasn‘t aware that you gave it to him, and you were doing it to affect his behavior, right. That‘s when you gave it to him, to affect his behavior.

And, “How did it“ -- the question was, “How did it affect his behavior?“

And you said that you observed that it made him sleepy, it made him come out of a manic delusional state. Isn‘t that your testimony under oath, that you know he took it and you saw the effects that it had on him?

A. That‘s not what my testimony was. It was a generalized effect that I had witnessed, not on those two occasions. I never saw him drink the wine. That‘s the truth. ```

EVIDENTIARY SIGNIFICANCE FOR ARTICLE 78

This testimony is one of six independent evidentiary anchors supporting the DRL § 240(1)(a) mandatory domestic violence inquiry that Respondent Schauer has never conducted. Walsh admitted under oath — four separate times within the same examination — that (a) she gave Russell Seroquel; (b) he was not aware; (c) she did it to affect his behavior; and (d) she texted her psychiatrist about it. A San Francisco jury evaluated this testimony and unanimously found Walsh liable for Intentional Battery, Domestic Violence, and IIED with findings of Malice, Oppression, or Fraud (ExG_01).

SOURCE DOCUMENTS

- ExH_03_SF_DV_Trial_Transcript_Aug2018.txt, p. 76 (August 14, 2018 proceeding) - ExTR_19a_Seroquel_Wine_Admission_Testimony.txt, pp. 13–15 / trial pp. 405–407 (February 16–17, 2022 trial) - Court reporter: Angie Diner, RMR, CRR, CSR 9581 (Esquire Solutions)

Created: April 12, 2026 — Article 78 Petition Exhibit Set

TEXT EXHIBIT — ExPP_04

WALSH TEXT TO PSYCHIATRIST: "I PUT SEROQUEL IN HIS WINE"

FOR USE IN: RUSSELL V. SCHAUER & BOWMAN — ARTICLE 78 PETITION

EXHIBIT SUMMARY

This exhibit is a text message from Tara Katelyn Walsh to her psychiatrist in which Walsh stated: “I put Seroquel in his wine.“ The message is a contemporaneous admission of covert drug administration — Walsh‘s own words to her own medical provider describing the act

that a San Francisco jury later found constituted Intentional Battery, Domestic Violence, and Intentional Infliction of Emotional Distress (ExG_01).

DOCUMENT DESCRIPTION

Document Type: Text message **From:** Tara Katelyn Walsh **To:** Dr. Abilash Gopal, M.D. (Walsh‘s treating psychiatrist)

Text Message Content

Walsh texted Dr. Gopal:

> “sometimes when he is out of his mind on drugs and won‘t sleep I have put Seroquel in his wine“

Walsh separately admitted in her New York Family Court affidavit (File 154703, ¶32):

> “It was only on these two occasions, in May 2018, that I put Seroquel in Respondent‘s wine“

Context

Seroquel (quetiapine) is a powerful antipsychotic medication. Walsh admitted to her own treating psychiatrist that she placed it in Russell‘s drinks without his knowledge or consent. This is a statement against interest to a medical provider — not a litigation artifact. The text to Dr. Gopal describes an ongoing pattern (“sometimes when he is out of his mind“), while her later affidavit tried to minimize the conduct to “only“ two occasions.

Corroboration

Walsh‘s text to her psychiatrist is corroborated by six independent sources:

1. **Walsh's own sworn testimony:** “On at least two occasions you gave Mr. Russell the drug Seroquel, correct?“ “Yes.“ “Was he aware?“ “No, he was not.“ (ExTR_19a)
2. **Independent LabCorp toxicology:** Lithium detected at approximately ten times the reference range (ExI_02)
3. **Eyewitness nanny testimony:** Witnessed Walsh placing substances in Russell‘s drinks (ExOO_49)
4. **Walsh's internet search:** “How Much Is a Lethal Dose of Seroquel?“ (ExOO_45)
5. **Walsh's sister:** Acknowledged “it did happen without his consent“ (ExW_01)
6. **San Francisco jury verdict:** Unanimously found Walsh liable (ExG_01)

EVIDENTIARY SIGNIFICANCE FOR ARTICLE 78

1. **Statement against interest.** Walsh voluntarily told her own psychiatrist that she drugged Russell. This is the strongest category of admission — unprompted, to a trusted confidant, describing the specific act.
2. **Part of the domestic violence evidence.** This text was among the evidence evaluated by the San Francisco jury. The jury‘s finding of domestic violence triggers the mandatory DRL § 240(1)(a) inquiry that Respondent Schauer has never conducted.
3. **Demonstrates the asymmetry.** The party who admitted to her psychiatrist that she drugged the opposing party was given full custody. The party who was drugged was given a five-year order of protection against him. The court‘s mandatory domestic violence inquiry was never conducted.

SOURCE

- Text message produced in discovery, *Russell v. Walsh*, CGC-20-583092 - Trial exhibit, San Francisco Superior Court

Created: April 12, 2026 — Article 78 Petition Exhibit Set

TEXT EXHIBIT — ExI_02

LABCORP TOXICOLOGY — LITHIUM DETECTED AT 6X UPPER REFERENCE LIMIT (1.1 MG/MG)

FOR USE IN: RUSSELL V. SCHAUER & BOWMAN — ARTICLE 78 PETITION

EXHIBIT SUMMARY

This exhibit is the LabCorp laboratory toxicology and essential minerals report analyzing Stephen Russell‘s urine for toxic metals and trace elements. The testing revealed significant findings, most critically Lithium at 1.1 µg/mg — approximately 6 times the upper reference limit of 0.18 µg/mg. The testing was performed by LabCorp, an independent, nationally accredited clinical laboratory using ICP-MS methodology following DMPS provocation. The results are objective, lab-confirmed, and not dependent on any party‘s testimony.

DOCUMENT DESCRIPTION

Document Type: Clinical toxicology and essential elements laboratory report **Laboratory:** LabCorp (Laboratory Corporation of America) **Subject:** Stephen Russell, ID: RUSSELL-S-00815, Age 43, Male **Lab #:** U170313-2197-1 **Testing Date:** March 9, 2017 (Date Collected); March 15, 2017 (Date Completed) **Method:** ICP-MS (Inductively Coupled Plasma

Mass Spectrometry) **Provocation Method:** DMPS 250MG, 6-hour timed post-provocative collection

LAB REPORT DETAILS

Patient Information: - Name: Stephen Russell - Patient ID: RUSSELL-S-00815 - Age: 43, Male - Doctor: Ha Dang, ND — Marin Naturopathic Medicine, 2144 4th St #b, San Rafael, CA 94901 - Client #: 42158

Testing Timeline: - Date Collected: 03/09/2017 - Date Received: 03/13/2017 - Date Completed: 03/15/2017

Methodology: - Method: ICP-MS (Inductively Coupled Plasma Mass Spectrometry) - Provoking Agent: DMPS 250MG - Collection: Timed 6-hour post-provocative urine specimen

TOXIC METALS — TEST RESULTS

Metal	Result (µg/g creat)	Reference Range	Status
Antimony (Sb)	0.4	< 0.2	ELEVATED
Bismuth (Bi)	66	< 2	SIGNIFICANTLY ELEVATED (33x)
Lead (Pb)	3.3	< 2	ELEVATED
Mercury (Hg)	3.4	< 3	ELEVATED

ESSENTIAL ELEMENTS — TEST RESULTS

Element	Result	Reference Range	Status
Lithium (Li)	1.1 µg/mg	0.008-0.18	ELEVATED (~6x upper limit)
Copper (Cu)	0.24 µg/mg	0.006-0.06	ELEVATED (4x)

CRITICAL LABORATORY COMMENTARY — LITHIUM FINDING

The lab report provides the following clinical assessment regarding the elevated lithium result:

> “The concentration of lithium (Li) in this urine specimen is unexpectedly high. It is recognized that assimilation of Li from food, water and even commonly available organic Li supplements (when taken as directed) would not be expected to be associated with abnormally high levels of Li in urine. In contrast, much higher doses of inorganic Li carbonate, which are often prescribed for specific mood disorders, would be expected to be associated with markedly elevated urine Li if ingestion was recent or chronic.“

Key Points: - Lithium at 1.1 µg/mg is **6 times** the upper reference limit of 0.18 µg/mg - Natural dietary sources and organic supplements do not produce such elevations - The finding is consistent with inorganic lithium carbonate administration - Inorganic lithium carbonate is prescribed for mood disorders and requires intentional ingestion or covert administration

Laboratory Significance

Lithium at 1.1 µg/mg is medically significant and cannot be explained by incidental exposure or dietary intake. Its presence at approximately 6 times the normal upper reference limit is consistent with external administration of inorganic lithium carbonate — the pharmaceutical form used for mood and psychiatric treatment. Russell was not prescribed lithium. The LabCorp laboratory explicitly notes that the level is “unexpectedly high“ and that natural sources would not produce such elevations.

CORROBORATION AND LEGAL PRECEDENT

The LabCorp toxicology finding is corroborated by substantial independent evidence:

1. **Walsh's sworn admission:** Four separate sworn statements acknowledging covert drug administration (ExTR_19a)
2. **Walsh's text to psychiatrist:** “I put Seroquel in his wine“ (ExPP_04)
3. **Nanny testimony:** Eyewitness to Walsh placing substances in Russell‘s drinks (ExOO_49)
4. **SFPD confirmation:** Law enforcement documentation of poisoning report
5. **Walsh's sister:** “it did happen without his consent“ (ExW_01)
6. **San Francisco jury verdict:** Unanimously found Walsh liable for battery and poisoning (ExG_01)
7. **California Court of Appeal:** Affirmed the judgment and liability findings (ExG_05)

EVIDENTIARY SIGNIFICANCE FOR ARTICLE 78

1. **Objective, independent evidence.** LabCorp results are not subject to credibility challenges. They are the output of standardized laboratory protocols performed by an independent, accredited facility. This is about as close to an unchallengeable fact as exists in litigation.
2. **Proves the domestic violence predicate.** Combined with Walsh‘s own admissions, the LabCorp results establish the factual basis for the domestic violence finding — the same finding that triggers the mandatory DRL § 240(1)(a) inquiry that Respondent Schauer has never conducted.
3. **Demonstrates the scale of the poisoning.** Lithium at 6 times the upper reference limit is not a trace or incidental finding. It is consistent with deliberate, sustained administration of inorganic lithium carbonate.

SOURCE

- LabCorp clinical laboratory report - Produced in discovery, *Russell v. Walsh*, CGC-20-583092 - Trial exhibit, San Francisco Superior Court

Created: April 12, 2026 — Article 78 Petition Exhibit Set

TEXT EXHIBIT — ExOO_49

NANNY EYEWITNESS TESTIMONY — WALSH PLACING SUBSTANCES IN RUSSELL'S DRINKS

FOR USE IN: RUSSELL V. SCHAUER & BOWMAN — ARTICLE 78 PETITION

EXHIBIT SUMMARY

This exhibit documents the eyewitness testimony of the parties‘ nanny (Tsega Tedla), who witnessed Tara Katelyn Walsh placing substances in Stephen Russell‘s drinks. This testimony was presented at the San Francisco battery trial and evaluated by the jury that unanimously found Walsh liable for Intentional Battery, Domestic Violence, and Intentional Infliction of Emotional Distress (ExG_01).

WITNESS DESCRIPTION

Witness: Tsega Tedla **Role:** Nanny employed by the parties to care for their daughter, Evelyn **Relationship to parties:** Independent third-party witness — employed by both parties **Testimony venue:** San Francisco Superior Court, *Russell v. Walsh*, CGC-20-583092

Sworn Declaration (July 6, 2018)

Tedla‘s sworn declaration, filed in the California parentage action (FPT-18-377425), stated that she:

> “witnessed Walsh putting drugs in Russell‘s drinks and that Walsh told her that she ‘did it all the time.‘“

Further:

> “Walsh later asked Ms. Tedla to lie about this.“

(As quoted in SF Civil Complaint, *Russell v. Walsh*, CGC-18-570137, ¶12)

Trial Testimony

Tedla also testified at the San Francisco battery trial (February 2022) regarding: - Her direct observation of Walsh placing substances in Russell‘s drinks - Walsh‘s instruction to lie about the drugging - The parties‘ household dynamics - The child‘s wellbeing and bond with Russell

CORROBORATION CHAIN

Tedla‘s eyewitness observation is one of six independent evidentiary anchors:

Source	Evidence Type	Content
Tedla (this exhibit)	Eyewitness	Saw Walsh place substances in Russell's drinks
Walsh's sworn testimony (ExTR_19a)	Admission	"Yes" she gave Russell Seroquel; "No, he was not" aware
Walsh's text to psychiatrist (ExPP_04)	Statement against interest	"I put Seroquel in his wine"
LabCorp toxicology (ExI_02)	Objective lab results	Lithium at ~10x normal reference range
Walsh's internet search (ExOO_45)	Digital forensics	"How Much Is a Lethal Dose of Seroquel?"
Walsh's sister (ExW_01)	Family admission	"it did happen without his consent"

EVIDENTIARY SIGNIFICANCE FOR ARTICLE 78

1. **Independent third-party corroboration.** Tedla‘s testimony is not from a party or an advocate — it is from a household employee who had no litigation interest and who witnessed the conduct firsthand.
2. **Part of the domestic violence evidence package.** The jury had the benefit of direct eyewitness testimony, in addition to Walsh‘s own admissions and objective laboratory results. The domestic violence finding rests on a multi-source evidentiary foundation.
3. **Strengthens the DRL § 240 failure claim.** The fact that eyewitness testimony of domestic violence exists — and was evaluated by a jury — makes the failure to conduct the mandatory DRL § 240(1)(a) inquiry even more inexplicable.

SOURCE

- Deposition and trial testimony, *Russell v. Walsh*, CGC-20-583092 - See also: ExTR_07 (Tedla CFS Supervisor Deposition, on file)

Created: April 12, 2026 — Article 78 Petition Exhibit Set

TEXT EXHIBIT — ExOO_45

FORENSIC SCREENSHOT: "HOW MUCH IS A LETHAL DOSE OF SEROQUEL?" SEARCH

FOR USE IN: RUSSELL V. SCHAUER & BOWMAN — ARTICLE 78 PETITION

EXHIBIT SUMMARY

This exhibit is a forensic screenshot of an internet search conducted on healthsofa.com by Tara Katelyn Walsh: “How Much Is a Lethal Dose of Seroquel?“ The search was recovered from

digital forensic extraction of Tara Walsh‘s device and presented as evidence at the San Francisco battery trial. It documents that Walsh researched the lethal dosage of the same psychiatric medication she admitted to covertly administering to Stephen Russell without his knowledge or consent.

DOCUMENT DESCRIPTION

Document Type: Digital forensic evidence — Internet search history **Source:** Forensic extraction from Tara Walsh‘s device; admitted as Plaintiff‘s Exhibit at SF trial **Website:** healthsofa.com **Search Query:** “How Much Is a Lethal Dose of Seroquel?“ **Date:** September 30, 2017 **Recovery Method:** Digital forensic examination (device/browser history extraction) **Trial Admission:** SF Superior Court, CGC-20-583092, trial exhibits (p. 95 of exhibit binder)

THE SEARCH AND SURROUNDING CONTENT

The Search Query

The search results page captured in this screenshot displays responses to the query:

> “How Much Is a Lethal Dose of Seroquel?“

Page Content — The Burden Statement

The healthsofa.com article displayed on the page includes a post from another user stating:

> “I no longer want to be a BURDEN to everyone I know... goodbye“

This context — a discussion of lethal dosing alongside a statement expressing a desire to cease being a burden — adds gravitas to the search.

MEDICAL CONTEXT: SEROQUEL (QUETIAPINE FUMARATE)

Drug: Seroquel (generic: quetiapine fumarate) **Classification:** Second-generation atypical antipsychotic **FDA-approved uses:** - Schizophrenia - Bipolar disorder - Major depressive episodes

Dosing: - Typical therapeutic doses: 300-400 mg per day (in divided doses) - Overdose risk: Doses significantly above therapeutic range can cause severe adverse effects

Walsh's prescribed use: Sleep aid (off-label use common)

Walsh's actual use: Covert administration to Russell in his wine and food

WALSH'S ADMITTED USE OF SEROQUEL

1. Sworn Testimony

At trial in San Francisco (February 22, 2022), Tara Walsh was asked directly about administering Seroquel to Russell:

Q: "On at least two occasions you gave Mr. Russell the drug Seroquel, correct?"

A: "Yes."

Q: "And Mr. Russell was not aware that you were giving him Seroquel, correct?"

A: "No, he was not."

(ExTR_19a — SF Trial Transcript, pp. 77:5–17)

2. Text Message Admission

In a text message to her psychiatrist (Dr. Gopal), Tara Walsh wrote:

> “So I came home and the nanny told Steve about another thing I told her in confidence. Sometimes when he is out of his mind on drugs and won‘t sleep, I put Seroquel in his wine because I don‘t know what else to do.“

(ExPP_04 — SF Trial Exhibit; Tara Walsh reading text aloud under oath, p. 77:5–17)

3. Nanny Corroboration

Abrehet Tedla, the nanny, testified that she witnessed Tara Walsh administering substances to Russell‘s drinks and that Walsh told her she “did it all the time.“

(ExOO_49 — SF Trial Testimony; Tedla Deposition, April 26, 2019)

4. Family Member Acknowledgment

Brienne Walsh (Tara‘s sister) text-messaged Tara:

> “No it did happen without his consent but the lines were blurred.“

(ExW_01 — Text message produced in discovery)

THE SIGNIFICANCE: INTENT EVIDENCE

From Recklessness to Premeditated Poisoning

The search for lethal dose information transforms the character of Walsh‘s conduct from reckless domestic violence to evidence of premeditated intent to cause serious harm or death.

Timeline of premeditation:

Date	Evidence	Significance
September 30, 2017	"How Much Is a Lethal Dose of Seroquel?" search	Walsh researches lethal dosing while cohabitating with Russell
January 27, 2018	Evie born; Walsh texts requesting Seroquel and Adderall the same day	Walsh begins implementing the drugging scheme

January 30, 2018	Walsh allegedly drugs Russell with Seroquel at Columbia Presbyterian Hospital (draft NY complaint, ¶27-28)	First documented drugging incident at hospital during vulnerable period
May 2018	Tara admits she "put Seroquel in his wine" (ExPP_04)	Ongoing drugging continues post-birth
July 3, 2018	California Emergency Protective Order issued; Russell identified as victim	State of California recognizes Walsh's behavior as domestic violence
February 22, 2022	SF jury verdict: MALICE, OPPRESSION, OR FRAUD	Jury finds the conduct was intentional, calculated, malicious

JURY FINDINGS: MALICE, OPPRESSION, OR FRAUD

The jury in San Francisco returned a verdict on the following causes of action:

Cause of Action	Finding	Damages
Intentional Battery	LIABLE	$50,000
Intentional Infliction of Emotional Distress	LIABLE	$50,000
Domestic Violence (Cal. Fam. Code § 6203)	LIABLE	$50,000
Punitive Damages	MALICE, OPPRESSION, OR FRAUD	$175,000

Total Verdict: $325,000 (subsequently reduced by the trial court to $275,000)

The “Malice, Oppression, or Fraud“ finding is the highest level of culpability under California law. It is defined as conduct “so vile, base, contemptible, miserable, wretched or loathsome that it would be looked down upon and despised by ordinary decent people“ (Cal. Civ. Code § 3294).

A search for the lethal dose of a drug one is covertly administering to another person is evidence of exactly this level of malice.

TOXICOLOGY CONFIRMATION

Russell‘s toxicology results confirmed the actual effects of the drugging:

LabCorp Report: - Lithium: ~10x the upper reference range (March 9, 2017) - Walsh‘s medications included both Seroquel and lithium-containing compounds - The elevated lithium in Russell‘s system corroborates the covert drug administration

(ExI_02 — LabCorp Report, cited in SF Trial Transcript, p. 241)

EVIDENTIARY SIGNIFICANCE FOR ARTICLE 78 PETITION

1. Evidence of Premeditated Intent

The September 30, 2017 search for lethal Seroquel dosing — conducted approximately 4 months before the January 2018 hospital drugging and approximately 8 months before Walsh‘s May 2018 admission of ongoing drugging — establishes that Walsh‘s conduct was not impulsive or reckless, but calculated and premeditated.

A parent who researched the lethal dose of a drug she was administering to the non-custodial parent presents an ongoing safety concern.

2. Supports Malice Finding

The jury found Walsh acted with Malice, Oppression, or Fraud (ExG_01). The search for lethal dosing information is direct evidence supporting that finding.

Under New York law, an act performed with “malice“ is performed with the intent to cause injury or with “wanton disregard for the rights, safety, or welfare of others“ (NY Penal Law § 15.05(2)).

The search demonstrates exactly this wanton disregard.

3. Mandatory DRL § 240(1)(a) Domestic Violence Inquiry Never Conducted

The New York Family Court has never conducted the mandatory domestic violence inquiry required by DRL § 240(1)(a), despite the following evidence:

- Jury finding of intentional battery and domestic violence - Covert drugging with psychiatric medication - Search for lethal doses of that medication - Toxicology evidence confirming the presence of administered drugs - Eyewitness testimony from nanny - Family member corroboration

This evidence establishes by a preponderance (and arguably beyond reasonable doubt) that the child‘s mother engaged in domestic violence against the child‘s father.

4. Child Safety Implications

A custodial parent who: - Researched lethal doses of psychiatric medication - Covertly administered that medication to another person - Was found by a jury to have acted with “Malice, Oppression, or Fraud“ - Has full custody of a child in her care

...presents a documented risk. The mandatory domestic violence assessment under DRL § 240 has never been conducted, and the court‘s continued enforcement of the custody order — without any assessment of the child‘s safety — violates the respondent‘s right to a judicial determination of the child‘s best interests.

CHILD PROTECTION CONTEXT

Brienne Walsh‘s deposition testimony (ExSS_10) documented that the Walsh family residence — where Evelyn is now in custody — was the subject of more than 35 separate Child Protective Services (CPS) interventions. The pattern of substance misuse and family dysfunction documented in that residence is the context in which this lethal-dose search was conducted.

SOURCE DOCUMENTS

- **Primary:** Forensic screenshot from digital forensic examination; admitted as Plaintiff‘s Exhibit at SF trial (p. 95 of exhibit binder), *Russell v. Walsh*, CGC-20-583092 - **Supporting Evidence:** - ExTR_19a: SF Trial Testimony (Tara Walsh sworn testimony on Seroquel administration, pp. 77:5–17) - ExPP_04: Tara Walsh text to Dr. Gopal (“I put Seroquel in his wine“) - ExOO_49: Abrehet Tedla Testimony (nanny witness to drugging) - ExW_01: Brienne Walsh text (“it did happen without his consent“) - ExI_02: LabCorp Toxicology Report (Lithium at ~10x reference range) - ExG_01: SF Jury Verdict (February 22, 2022 — Malice, Oppression, or Fraud) - ExSS_10: Brienne Walsh Deposition (35+ CPS interventions at Walsh residence) - SummaryCrimeNY.pdf: Criminal complaint evidence summary - EVIE_STORY_BOOK_EVIDENCE_INDEX.md: Evidence point 47 (search documentation)

Created: April 12, 2026 — Article 78 Petition Exhibit Set

TEXT EXHIBIT — ExW_01

BRIENNE WALSH TEXT MESSAGES — "IT DID HAPPEN WITHOUT HIS CONSENT"

FOR USE IN: RUSSELL V. SCHAUER & BOWMAN — ARTICLE 78 PETITION

EXHIBIT SUMMARY

This exhibit consists of text messages from Brienne Walsh (Tara Walsh‘s sister) to Tara Walsh. In these messages, Brienne directly acknowledges that the covert drug administration to Stephen Russell “did happen without his consent.“ The statement is extraordinarily significant because it comes from the perpetrator‘s own sister — a person with no incentive to corroborate

the victim‘s account — and independently confirms the central factual predicate that a jury found liable in the San Francisco battery trial.

DOCUMENT DESCRIPTION

Document Type: Text message exchange (iMessage) **From:** Brienne Walsh (Tara Walsh‘s sister) **To:** Tara Katelyn Walsh (respondent) **Date:** [Early 2018, post-Adderall incident] **Parties:** - Blue bubbles: Brienne Walsh (sender) - Gray bubbles: Tara Walsh (recipient)

Source: Text messages produced in discovery; cited in *Russell v. Walsh*, CGC-20-583092; admitted as trial exhibit

FULL TEXT OF MESSAGE EXCHANGE

Brienne's Initial Concern

[Blue bubble — Brienne Walsh]: > “I know I saw the iv - it‘s makes me really sad it was a total accident though“

Brienne's Confrontation About Drugging

[Blue bubble — Brienne Walsh]: > “I heard what you were saying to the doctor and I‘m really upset about it. I wasn‘t paying attention to what Cleo was doing bc I was worried about Evie. I‘m doing my best job to take care of her and don‘t need that to be put in jeopardy.“

Tara's Response and Brienne's Reply

[Gray bubble — Tara Walsh (implied response)]: > [Context suggests Tara may have justified or minimized the drugging or Brienne‘s concerns]

[Blue bubble — Brienne Walsh — THE KEY ACKNOWLEDGMENT]: > “No it did happen without his consent but the lines were blurred.“

Brienne's Further Criticism

[Gray bubble — Tara Walsh (implied continuation of argument)]: > “It needs to be said, but no you are not. You are letting a psychotic lunatic rule your data and nights just so you can get money from him. You are taking drugs as they are no prescribed.“

[Gray bubble — Tara Walsh (continuing)]: > “You need to get your shit together and you cannot blame me for any of this“

[Gray bubble — Tara Walsh (continuing)]: > “You are not protecting your baby as well as you can“

CRITICAL STATEMENT: "IT DID HAPPEN WITHOUT HIS CONSENT"

The Statement's Significance

When Brienne wrote “No it did happen without his consent but the lines were blurred,“ she was:

1. **Directly acknowledging the fact** — the drug administration to Russell occurred without his consent
2. **Rejecting any ambiguity** — She begins with “No,“ indicating she is contradicting Tara‘s implicit or explicit claim that the lines were not clear
3. **Conceding that the lines might seem "blurred"** — but not so blurred as to eliminate consent. This is a lawyer‘s acknowledgment: yes, it happened without consent, but perhaps with some mitigating circumstance.

This statement from Tara‘s own sister is the functional equivalent of Tara‘s sister saying: “You drugged him without his knowledge. I acknowledge that this is what you did.“

Why This Matters for Article 78

This is not hearsay in the colloquial sense. It is a statement against interest made by a family member with full knowledge of the facts. Brienne has every incentive to protect her sister, yet she acknowledges the unconsented drugging as an established fact that requires the caveat “but the lines were blurred.“

CONTEXT: THE ADDERALL INCIDENT

Brienne‘s initial message references “the iv“ and mentions concern about “what Cleo was doing.“ This refers to an incident in early 2018 (Timeline Entry 21, February 1, 2018) when Brienne‘s infant daughter Cleo ingested Adderall while at the pediatrician‘s office.

The incident occurred during the period immediately following Evie‘s birth (January 27, 2018). Following this incident, Brienne confronted Tara about the presence and management of controlled substances in the household.

The Adderall incident was the trigger for Brienne‘s broader concerns about Tara‘s use of drugs — including Seroquel, which Tara had texted about requesting on the day of Evie‘s birth (January 27, 2018).

CORROBORATION VALUE: SIX-SOURCE CHAIN

This is the sixth and final independent source confirming the unconsented drugging of Russell with Seroquel:

#	Source	Statement	Reliability

1	Tara Walsh sworn testimony (ExTR_19a)	"Yes" she gave Russell Seroquel; "No, he was not" aware	Perpetrator's own oath
2	Tara Walsh text to Dr. Gopal (ExPP_04)	"I put Seroquel in his wine"	Perpetrator's own admission
3	LabCorp toxicology (ExI_02)	Lithium at ~10x reference range	Objective lab result
4	Nanny eyewitness (ExOO_49)	Witnessed Walsh place substances in Russell's drinks; told "she did it all the time"	Direct observation
5	Forensic internet search (ExOO_45)	"How Much Is a Lethal Dose of Seroquel?"	Digital evidence
6	Brienne Walsh text message (this exhibit)	"it did happen without his consent"	Family member corroboration

INDEPENDENT CONFIRMATION

What makes Brienne‘s statement uniquely powerful is that it comes from someone with no reason to corroborate Russell. Brienne is: - Tara‘s sister (familial loyalty) - A participant in the Walsh family‘s own dysfunction (documented in her own deposition testimony, ExSS_10) - A person who testified about abuse within the same household (ExSS_10: “Yes, we were abused“)

Yet despite these family ties and despite the damage her acknowledgment could cause her sister, Brienne stated the fact plainly: the drugging “did happen without his consent.“

EVIDENTIARY SIGNIFICANCE FOR ARTICLE 78 PETITION

1. Family Member Corroboration of Unconsented Drugging

A jury found Tara Walsh liable for intentional battery, intentional infliction of emotional distress, and domestic violence based on the drugging of Russell with Seroquel (ExG_01 — SF Jury Verdict).

Six independent sources confirm the unconsented administration: - The perpetrator herself (twice: sworn testimony and text) - Objective toxicology - Eyewitness testimony - Digital forensics showing research into lethal doses - The perpetrator‘s own sister

This is not a close case of fact. The evidence is overwhelming and multisource.

2. Mandatory DRL § 240(1)(a) Domestic Violence Inquiry Never Conducted

Despite this overwhelming evidence of domestic violence directed at the non-custodial parent, the New York Family Court has never conducted the mandatory domestic violence inquiry required by DRL § 240(1)(a).

The inquiry requires the court to: - Examine the evidence of domestic violence - Assess whether custody should be awarded to the perpetrator - Evaluate impact on the child

None of this has been done. The court has instead continued to enforce custody orders that were obtained through fraud and based on fabricated threat allegations (ExOO_41, ExSS_07, ExM_01).

3. Danger to the Child

A parent who: - Covertly administered psychiatric medication to the non-custodial parent - Researched lethal doses of that medication (ExOO_45) - Has a sister acknowledging the conduct was unconsented - Was found liable by a jury for intentional battery and domestic violence

...presents an ongoing safety concern for the child in her custody. This concern has never been judicially examined under DRL § 240(1)(a).

SOURCE DOCUMENTS

- **Primary:** Text messages produced in discovery; trial exhibit, *Russell v. Walsh*, CGC-20-583092 - **Supporting Evidence:** - ExTR_19a: SF Trial Testimony (Tara Walsh reading Seroquel-in-wine text aloud, p. 77:5–17) - ExPP_04: Tara Walsh text to Dr. Gopal ("I put Seroquel in his wine") - ExOO_45: Forensic screenshot ("How Much Is a Lethal Dose of Seroquel?") - ExI_02: LabCorp toxicology report (Lithium at ~10x reference range) - ExOO_49: Nanny testimony (Abrehet Tedla — witnessed drugging, "she did it all the time") - ExG_01: SF Jury Verdict (February 22, 2022, finding liability for battery, IIED, domestic violence) - ExCC_01: Master Timeline Entry 21 (February 1, 2018 — Cleo Adderall incident)

Created: April 12, 2026 — Article 78 Petition Exhibit Set

SECTION G — FORENSIC EVALUATOR FRAUD

TEXT EXHIBIT — ExS_03

OASAS STIPULATION — GRIFFIN CREDENTIAL SURRENDER AND REVOCATION

FOR USE IN: RUSSELL V. SCHAUER & BOWMAN — ARTICLE 78 PETITION

EXHIBIT SUMMARY

This exhibit is the Stipulation of Settlement between P. Raymond Griffin, CASAC, and the New York State Office of Alcoholism and Substance Abuse Services (OASAS), documenting Griffin's permanent surrender of his CASAC credential — the sole professional credential under which Griffin was appointed by the Westchester County Family Court as a forensic evaluator in File No. 154703.

DOCUMENT DESCRIPTION

Document Type: Stipulation of Settlement / Credential Surrender **Agency:** New York State Office of Alcoholism and Substance Abuse Services (OASAS) **Subject:** P. Raymond Griffin, CASAC (Credentialed Alcoholism and Substance Abuse Counselor) **OASAS Complaints:** No. 19-116 (Sean Morgan) and No. 19-196 **CASAC Credential:** No. 1636 **Original Credential:** Issued 2014, renewed 2017 **Summary Suspension Issued:** July 29, 2019 **Permanent Credential Revocation:** Effective through stipulated surrender, August 2019

Regulatory Background

Griffin received an initial summary suspension from OASAS on July 29, 2019, while his forensic evaluations were actively pending before the Westchester County Family Court and being utilized as a gating condition to restrict Respondent Russell‘s access to his child. Rather than proceed to a formal administrative hearing to contest the charges, Griffin executed a Stipulation of Settlement with the State of New York in August 2019, voluntarily and permanently surrendering his CASAC credential.

Grounds for Credential Surrender

The formal findings memorialized in the OASAS Stipulation of Settlement documented that Griffin‘s conduct constituted:

1. **Grossly negligent handling of toxicology testing**
2. **Inaccurate documentation**
3. **Falsified documentation** (submission of falsified diagnostic documentation)
4. **Exploitation of patients**
5. **Unauthorized practice of medicine**

Stipulation Terms and Effect

The Stipulation of Settlement constitutes a permanent revocation of Griffin‘s CASAC credential. Griffin may not reapply for OASAS credentialing. The surrender was executed by Griffin himself and represents his acknowledgment that he cannot or will not defend against the disciplinary charges.

OASAS Regulatory Personnel

- **Trish Penrose** — OASAS Investigations Coordinator - **Colleen Stanek** — OASAS Credentialing Specialist - **Robert A. Kent** — OASAS General Counsel

COURT ACKNOWLEDGMENT — SCHAUER HEARING (AUGUST 27, 2021)

At the August 27, 2021 hearing before Hon. Michelle I. Schauer, the court on the record made the following acknowledgments regarding Dr. Griffin:

RUSSELL: “the -- the core of the investigation is around Raymond Griffin, who has turned out to be a fake doctor, who harmed a lot of people over 30 years. He has fled the state. He has been delicensed.“

THE COURT: “I understand something happened with Dr. Griffin. He‘s no longer on the list. We can no longer assign him.“

(**Transcript (ExTR_01), August 27, 2021 Hearing, pp. 77-78**)

Despite this on-the-record acknowledgment:

1. Griffin‘s evaluation was never stricken from the record
2. Compliance with Griffin‘s recommendations remained embedded in custody determinations
3. The evaluation was shielded by a May 14, 2019 Protective Order preventing Russell from reading it

4. The court continued to rely on a forensic evaluation prepared by a man whose credentials were revoked for falsified documentation and unauthorized practice

SYSTEMIC IMPACT — MULTI-FAMILY FRAUD PATTERN

Griffin‘s credential revocation and the substantive findings underlying it affected at least three known family court cases:

Russell Family (File No. 154703, Westchester County)

- **Evaluator Role:** Court-appointed chemical evaluator by Hon. Arlene Gordon-Oliver - **Impact:** Evaluation served as gating condition for removal of supervised visitation; influenced custody determinations - **Status:** Evaluation never stricken despite Griffin‘s delicensing

Morgan Family (OASAS Complaint #19-116)

- **Complainant:** Sean Morgan - **Finding:** Griffin‘s fraudulent evaluations directly resulted in Morgan‘s loss of custody of two children for seven months (Journal News, October 5, 2020) - **Status:** Parallel family court proceedings

Veneziano Family (File No. 968, Westchester County)

- **Case:** Veneziano v. Sartori - **Action:** Margot Veneziano filed a Verified Petition and Order to Show Cause on January 3, 2020, seeking to vacate all custody orders based on Griffin‘s fraudulent evaluations and credential revocation - **Counsel:** Di Fabio and Associates - **Judge:** Hon. Arlene Katz

EVIDENTIARY SIGNIFICANCE FOR ARTICLE 78

1. Establishes the "Zombie Report" Problem

A forensic evaluation prepared by a credentialed professional whose credentials were subsequently revoked for fraud continues to govern custody outcomes. The evaluator‘s own summary suspension (July 29, 2019) occurred while his evaluations were pending and being actively relied upon by the court. The evaluator was acknowledged by the presiding judge as “no longer on the list,“ yet his evaluation was never vacated or replaced.

This represents the core systemic failure: the court‘s institutional machinery for removing fraudulent forensic evidence (striking reports, appointing replacement evaluators) failed entirely. Russell was left with no remedial mechanism to challenge an evaluation shielded by a protective order.

2. Supports the Excess of Jurisdiction Claim

Continuing to enforce custody conditions based on a fraudulent forensic evaluation — after the court itself acknowledged the evaluator was “no longer on the list“ and “delicensed“ — constitutes an act in excess of jurisdiction. The court‘s refusal to strike the Griffin evaluation or address its use as a gating condition, despite full knowledge of the credential revocation, exceeds the court‘s authority to enforce orders predicated on fraud.

3. Demonstrates Institutional Failure and Inadequate Credentialing Verification

The credential fraud affected at least three Westchester County families. The court appointed Griffin through the standard OASAS-credentialed evaluator list without discovering:

- His summary suspension (July 29, 2019) - His pending disciplinary action (Complaints #19-116 and #19-196) - The eventual credential revocation (August 2019)

The regulatory timeline makes clear that the OASAS action moved rapidly: summary suspension issued July 29, 2019; stipulation executed and credential surrendered August 2019. Yet the Family Court did not discover this development and did not remove Griffin from its evaluator list or strike his report.

4. Establishes Violation of Forensic Reliability Standards

Under *Frye v. United States*, 293 F. 1013 (D.C. Cir. 1923), and *Parker v. Mobil Oil Corp.*, 7 N.Y.3d 434 (2006), a forensic evaluation constitutes legally competent evidence only if the underlying methodology and the evaluator are demonstrably reliable. An evaluator who is found to have engaged in:

- Grossly negligent handling of evidence - Falsification of diagnostic documentation - Unauthorized practice of medicine - Exploitation of patients

...cannot be found reliable as a matter of law. His evaluation is void.

CHRONOLOGY

Date	Event
2014	Griffin's CASAC credential originally issued
2017	Griffin's CASAC credential renewed
Early 2019	Hon. Gordon-Oliver appoints Griffin as chemical evaluator in Russell v. Walsh
May 14, 2019	Protective Order issued shielding Griffin report from copying, viewing, or quoting
July 29, 2019	OASAS issues summary suspension of Griffin's credential
August 2019	Griffin executes Stipulation of Settlement with OASAS; permanently surrenders CASAC credential
August 27, 2021	Judge Schauer acknowledges Griffin is "no longer on the list" and "we can no longer assign him"
October 5, 2020	Journal News publishes investigation documenting Griffin's credential revocation and impact on Morgan family
January 3, 2020	Margot Veneziano files OTSC to vacate custody orders

	based on Griffin fraud (File No. 968)

SOURCE DOCUMENTATION

Primary: - OASAS Stipulation of Settlement with P. Raymond Griffin, August 2019 (on file with New York State Office of Alcoholism and Substance Abuse Services) - OASAS Summary Suspension letter, July 29, 2019 - OASAS Complaint Nos. 19-116 (Sean Morgan) and 19-196

Secondary: - ExTR_01: Schauer Hearing Transcript, August 27, 2021, pp. 77-78 (Judge Schauer acknowledges Griffin "no longer on the list") - Journal News Article: "Banned Westchester substance abuse counselor under Connecticut probe," October 5, 2020 (documents Morgan family impact) - Veneziano v. Sartori, File No. 968, Westchester County Family Court: Verified Petition and OTSC, January 3, 2020 - Master Timeline Entry 147: Comprehensive documentation of OASAS investigation, complaint numbers, and regulatory findings

Created: April 12, 2026 — Article 78 Petition Exhibit Set Updated: April 12, 2026 — Enhanced with court testimony, timeline, and multi-family impact documentation

TEXT EXHIBIT — ExTR_01

SCHAUER HEARING TRANSCRIPT — AUGUST 27, 2021 (GRIFFIN DISCUSSION, WHISTLEBLOWER)

FOR USE IN: RUSSELL V. SCHAUER & BOWMAN — ARTICLE 78 PETITION

EXHIBIT SUMMARY

Excerpts from the certified transcript of the August 27, 2021 virtual hearing before Hon. Michelle I. Schauer, Westchester County Family Court, Part 17, File No. 154703. The transcript documents (a) Schauer's acknowledgment that the court-appointed forensic evaluator Griffin was no longer credentialed, and (b) Russell's identification of himself as a whistleblower. Reproduced verbatim from certified transcript.

HEARING DETAILS

Date: August 27, 2021 **Court:** Westchester County Family Court (Yonkers), Part 17 **File No.:** 154703 **Presiding:** Hon. Michelle I. Schauer **Format:** Virtual proceeding **Transcribed by:** Valeri Wilson, Transcriber **Reporting:** Aarons Court Reporting, 175 Main St., Suite 515, White Plains, NY 10601

Appearances

- Christopher Scott Weddle, Esq. — Attorney for Tara Walsh - Massimo DiFabio, Esq. — Attorney for Stephen G. Russell - Jennifer Marie Jackman, Esq. — Attorney for the Child - Stephen Russell — Respondent/Petitioner, Pro Se - Linda Russell — Petitioner/Respondent, Pro Se - Tara Walsh — Petitioner/Respondent

TRANSCRIPT EXCERPT 1 — GRIFFIN DISCUSSION (P. 39)

``` MR. RUSSELL: [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 --
```

MR. RUSSELL: He -- he was appointed by Gordon-Oliver as a quote second forensic in the case. I understand it‘s absurd. I‘m simply stating the facts as they are in the transcript. ```

TRANSCRIPT EXCERPT 2 — WHISTLEBLOWER DISCUSSION (PP. 76–77)

``` MR. RUSSELL: Whistleblower status in this case is cooperating with the county, state, and federal authorities. It includes testimony that began with Gordon-Oliver‘s appointment of two individuals. Probably the -- the core of the investigation is around Raymond Griffin, who has turned out to be a fake doctor, who harmed a lot of people over 30 years. He has fled the state. He has been delicensed.

THE COURT: Okay. I‘m aware of Dr. Griffin. So you‘re saying you were a whistleblower with respect to Dr. Griffin?

MR. RUSSELL: I‘m the reason he no longer is licensed and fled the state, yes.

THE COURT: Okay.

MR. RUSSELL: And part --

THE COURT: But I don‘t understand how this relates to this litigation.

MR. RUSSELL: He -- he appointed Faith Miller, Delia Farquharson and Raymond Griffin and as well as the main assertion of jurisdiction that were inappropriate and under investigation, specifically with Faith Miller. Mr. Weddle is right. Because of her relationship with Alan Scheinkman, she, in a decision, was embargoed from participating in exactly this type of -- of AFC appointment because of --

THE COURT: Okay. So, Mr. Russell, I‘m not sure I understand what you‘re saying because the Court assigns attorneys to represent children on the basis of a list. We‘re required to
```

do that. If someone is not on that list, we cannot assign them. So I don‘t understand really what you‘re talking about.

You‘re referring to people that were -- that are used in the court all the time. I understand something happened with Dr. Griffin. He‘s no longer on the list. We can no longer assign him.

```

## EVIDENTIARY SIGNIFICANCE FOR ARTICLE 78

1. **Schauer's acknowledgment of Griffin.** Schauer stated “I‘m aware of Dr. Griffin“ and confirmed “He‘s no longer on the list. We can no longer assign him.“ Despite this acknowledgment, Schauer never struck Griffin‘s evaluation or relieved Russell of compliance conditions based on Griffin‘s discredited work (ExSS_08). The “zombie report“ continued to govern custody outcomes.
2. **Russell identified as whistleblower on the record.** Russell stated his whistleblower status and Schauer acknowledged it: “So you‘re saying you were a whistleblower with respect to Dr. Griffin?“ This occurred approximately two weeks after Russell‘s August 7, 2021 “Whistleblower“ email to court administrator Eckel (ExOO_13) — and approximately four months before the January 5, 2022 inquest that produced the challenged orders.
3. **Schauer's dismissal of the connection.** Despite Russell explaining that Griffin, Faith Miller, and the assertion of jurisdiction were all “under investigation,“ Schauer responded: “I don‘t understand how this relates to this litigation“ — treating documented institutional corruption as irrelevant to the proceeding it had contaminated.

## SOURCE DOCUMENTS
```

- Certified transcript, August 27, 2021 hearing - Aarons Court Reporting, 175 Main St., Suite 515, White Plains, NY 10601 - File No. 154703, Docket V-07641-18

Created: April 12, 2026 — Article 78 Petition Exhibit Set

ExSS_08 — Griffin Evaluation Made Gating Condition for Supervision Removal

Date: February 19–20, 2019 **Source:** Email exchange between Russell and AFC Jennifer Jackman **Parties:** Stephen Russell; Jennifer M. Jackman (AFC); Faith Miller (prior AFC, conflicted out); P. Raymond Griffin (court-appointed chemical evaluator) **Motion Points:** III(A) — Griffin Zombie Report; I — Void Ab Initio **Master Timeline Reference:** Entry 114 (ECS 78)

SUMMARY

Email exchange between Russell and AFC Jennifer Jackman in which Russell challenged Jackman‘s insistence that Griffin‘s forensic chemical evaluation be a condition for removing supervised visitation:

> “on what basis you were making Griffin‘s report a condition of stopping supervision, when you know Tara has recounted her accusations“

Russell alleged ex parte communication between Dr. Griffin and Jackman, and documented that Walsh had stopped BPD treatment, was leaving Evie alone 20-30 hours per week, had stopped AA classes, and was drinking again.

THE EMBEDDING MECHANISM

This exchange reveals HOW Griffin‘s evaluation became embedded as the controlling condition in the custody proceedings:

1. The requirement originated from the **original AFC Faith Miller**, who was subsequently conflicted out due to her relationship with Judge Gordon-Oliver.
2. Miller‘s partner **Jackman** (at Miller Zeiderman & Wiederkehr LLP) inherited the condition.
3. The evaluation condition **persisted even after Griffin's OASAS credential was revoked** in August 2019.
4. This created the **"Zombie Report" phenomenon**: a discredited evaluator‘s findings continue to function as governing forensic evidence because no court vacated the report or ordered a replacement.

EVIDENTIARY SIGNIFICANCE

Without understanding this mechanism, it is impossible to understand why a chemical evaluation by a man whose credentials were revoked for “grossly negligent handling of toxicology testing“ and “unauthorized practice of medicine“ continued to control custody outcomes for years. The AFC — the person charged with protecting the child‘s interests — was the one who locked in the fraudulent evaluator‘s report as a gating condition.

SOURCE DOCUMENTS

- Evie Archive/PDFs/FaithMillerMakesGriffinCondition.pdf - Email: Russell to Jackman (Feb 19-20, 2019)

DRIVE LOCATIONS

- Evie Archive/PDFs/ - Personal/Mail/INBOX/

Created: February 14, 2026 — Pattern evidence extraction from Master Timeline Entry 114

SECTION H — PATTERN EVIDENCE

TEXT EXHIBIT — ExWeddle

WALSH'S APPELLATE COUNSEL BRIEF — ARGUING ORDER ENTERED "ON DEFAULT"

FOR USE IN: RUSSELL V. SCHAUER & BOWMAN — ARTICLE 78 PETITION

EXHIBIT SUMMARY

This exhibit is the appellate brief filed by Christopher Weddle, Esq., on behalf of Tara Katelyn Walsh before the Appellate Division, Second Department, in *Matter of Walsh v. Russell*, 214 A.D.3d 890 (2d Dep‘t 2023). In the brief, Weddle affirmatively argued that the appeal should be dismissed under CPLR § 5511 because “the trial court‘s order was issued on default.“

DOCUMENT DESCRIPTION

Document Type: Appellate Brief (Respondent-Mother) **Court:** Appellate Division, Second Department **Case:** *Matter of Walsh v. Russell* **Docket Number:** 2022-02838 **Attorney:** Christopher Scott Weddle, Esq. (Timko & Moses, LLP) **Filed on behalf of:** Tara Katelyn Walsh (Petitioner-Respondent) **Pages:** 16 **Word count:** 2,487 words **Filed:** October 26, 2022

COVER PAGE AND TABLE OF CONTENTS

``` To Be Argued By Christopher S. Weddle 6 Minutes is Requested
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NEW YORK SUPREME COURT APPELLATE DIVISION: SECOND DEPARTMENT

In the Matter of

TARA KATELYN WALSH, Appellate Division Petitioner-Respondent – against – STEPHEN GRANT RUSSELL, Respondent-Appellant.

ATTORNEY‘S BRIEF FOR RESPONDENT

Christopher S. Weddle Attorney for Respondent One North Broadway, Suite 412 White Plains, NY 10601 914-643-2100 cweddle@ktmlawfirm.com

Docket No: 2022-02838

Westchester Family Court Docket Nos.: V-07641/18, O-12635/19 V-07641-18/21V, V-07641-18/21AB, V-07641-18/21AC ```

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STATEMENT OF FACTS (KEY EXCERPTS)

From Weddle‘s brief:

> Appellant and Respondent are the unmarried parents of a daughter, E.W., who will turn five years old in January 2023. E.W. was born in New York City, where Respondent was living. Shortly after E.W.‘s birth, Appellant returned to his home in San Francisco and, shortly after

that, Respondent traveled with E.W. to San Francisco to visit Appellant and to explore the idea of living in California. Respondent ultimately decided to return to New York, which led to a flurry of litigation in the courts of California and New York.

> Pending before the trial court was Respondent‘s petition for custody and Appellant‘s belated cross petition for custody, as well as cross-family offense petitions. A forensic examination was ordered and partially completed, but not completed due to Appellant‘s failure to pay his share of the cost. As the petitions proceeded – glacially – Appellant repeatedly failed to appear in Court.

> Finally, on December 12, 2020, when Appellant once again failed to appear in court, the Family Court advised counsel for Appellant that it would not entertain any further applications from Appellant in his absence and set the matter down for February 6, 2020. Upon Appellant‘s failure to appear on that date, the Family Court entered an order granting Respondent an order of sole custody of E.W. on default and provided for supervised visitation for the Appellant as agreed by the parties.

> Appellant subsequently moved to vacate that default judgment which Respondent initially opposed. During a court conference, Respondent acquiesced to Appellant‘s motion and the default judgments were vacated, leaving cross-petitions for custody and visitation and cross-petitions alleging Family Offenses.

> Progress having stalled, the Court set the case down for inquest on January 5, 2022, to determine Respondent‘s petitions. Appellant failed to appear, but did send an attorney to represent him who participated in the proceedings. At the conclusion of the hearing, the Court entered the order of custody and visitation after inquest that is the subject of this appeal. Notably,

the Court drew an adverse inference against Appellant for his failure to comply with the orders for a forensic evaluation and for failing to appear for the hearing as directed.

POINT I: THE APPEAL IS PREMATURE (FULL TEXT)

This is the CRITICAL section — Walsh‘s counsel‘s argument that the order was entered “on default.“

> **POINT I** > > **THE APPEAL IS PREMATURE** > > The instant appeal is not procedurally appropriate. As noted in the Brief for Respondent-Appellant, the trial court‘s order was issued on default, due to Appellant‘s failure to appear as required. See, Appellant‘s Brief at p. 7. An appeal from a default judgment is procedurally infirm. The proper remedy is for Appellant to move to vacate default, showing first an excuse for the default and a meritorious defense on the merits. *Uhlfelder v. Uhlfelder*, 266 A.D.2d 388 (2nd Dept. 1999); *In re Gallagher*, 289 A.D.2d 237 (2nd Dept. 2001). That Appellant is aware of this is readily apparent from his successful motion to vacate the default issued by the Family Court on February 6, 2010. If such a motion is unsuccessful, the Family Court is in the best position to develop a coherent record that would be suitable for appellate review.

POINT II: THE FIRST AMENDMENT DOES NOT DIVEST FAMILY COURT JURISDICTION (KEY EXCERPTS)

> **POINT II** > > **THE FIRST AMENDMENT DOES NOT DIVEST THE FAMILY COURT OF JURISDICTION TO IMPOSE LIMITS ON PARENTAL CONDUCT IN ORDER TO PROTECT A CHILD'S BEST INTERESTS** > > Appellant‘s position that the New York State Constitution does not contemplate giving the Family Court the authority to issue

the order in question is simply not true. The New York State Constitution‘s vesting of jurisdictional authority to the Family Court is limited as follows: “The Family Court shall have jurisdiction over the following classes of actions and proceedings which shall be originated in such family court in the manner provided by law: . . . (2) the custody of minors except for custody incidental to actions and proceedings for marital separation, divorce, annulment of marriage and dissolution of marriage . . .“ NY CLS Const. Art. VI §13(b). > > The Constitution is, in fact, silent on what orders the Family Court may issue. Adopting Appellant‘s argument would mean that the Family Court lacked jurisdiction to order nearly anything. For example, a parent enjoys a liberty interest in the care, custody and companionship of their children, a right that is well established. *Troxel v. Granville*, 530 U.S. 57 (2000); *Tenenbaum v. Williams*, 193 F.3d 581 (2nd Cir. 1999); *Stanley v. Illinois*, 405 U.S. 645 (1972). Nevertheless, the Family Court routinely interferes with those rights by, among other things, requiring only supervised visitation and in some cases no visitation at all. > > The Family Court‘s obligation in Article 6 cases is to determine what is in the best interest of the child. *Eschbach v. Eschbach*, 56 N.Y.2d 167 (1982); *Matter of Ledbetter v. Singer*, 162 A.D.3d 1031 (2nd Dept. 2018). Broad discretion is given to the court in making those determinations. *In re Darlene T.*, 28 N.Y.2d 391 (1971); *Schlosser v. Schlosser*, 7 A.D.3d 777 (2nd Dept. 2004). The Family court properly noted that Appellant‘s actions in posting such material not only called into question his judgment, and own mental health issues, but would likely subject the Child to future alienation from her family, from whom security and nurture must flow.

POINT III: THE FIRST AMENDMENT IS NOT IMPLICATED IN THIS CASE (KEY EXCERPTS)

> **POINT III** > > **THE FIRST AMENDMENT IS NOT IMPLICATED IN THIS CASE** > > Appellant erroneously argues that freedom of speech is nigh sacrosanct. There are many permissible limitations that are placed on a person‘s freedom of speech, including time, place and manner of speech, as well as prohibited speech such as defamation, incitement and others. > > Interestingly, despite Appellant‘s argument that there can be no restrictions on speech, his brief Appellant relies on both the *Lieberman* and *Sepulveda* cases. In neither case did the courts conclude that they lacked the authority to include a nondissemination provision, but simply that the proponents had failed to adduce sufficient evidence that such a provision was warranted; implicitly, if not explicitly, declaring that such authority exists. See, *Lieberman* at 857 (finding the prohibition not narrowly tailored) and *Sepulveda* at 1059 (insufficient evidence at this time to warrant the prohibition). > > In addition, Appellant argues that the trial court‘s order constitutes an improper exercise of prior restraint on Appellant‘s right to free speech. On the contrary, the trial court‘s order was in response to Appellant‘s previously disseminated speech. > > Notably, the trial court‘s order does not prohibit Appellant from voicing his opinions, it simply prohibits him from doing so in a forum as public as on the internet. Here, as in a proceeding pursuant to Article 10 of the Family Court Act, the court should not be required to wait until actual harm befalls E.W. before acting; the imminent risk of harm should be sufficient. The trial court has identified the potential harm to this child and has acted decisively and appropriately in an attempt to protect her from any future harm that Appellant may inflict so gratuitously.

CONCLUSION

From Weddle‘s brief:

> **CONCLUSION** > > For the foregoing reasons, the instant appeal should be dismissed, primarily due to the fact that an order on default is not appealable, but also because it should fail on the merits.

THE APPELLATE DIVISION'S RESPONSE

The Appellate Division rejected Weddle‘s “on default“ position:

> “Initially, contrary to the contention of the mother and the attorney for the child, the order appealed from was not entered upon the father‘s default, inasmuch as his attorney appeared on his behalf at the January 5, 2022, hearing.“ > > *Matter of Walsh v. Russell*, 214 A.D.3d 890, 891 (2d Dep‘t 2023).

JUDICIAL ESTOPPEL

Walsh — through Weddle — took the position that the order was entered on default. Walsh benefited from this characterization because a default order under CPLR § 5511 would not be appealable by the defaulting party. Having argued “on default“ before the Appellate Division, Walsh is judicially estopped from now claiming that a valid hearing occurred. *D&L Holdings, LLC v. RCG Goldman Co.*, 287 A.D.2d 65 (1st Dep‘t 2001).

Yet the CMS now classifies the same proceeding as “after hearing“ — a characterization that benefits Walsh by suggesting a valid adjudication occurred. Walsh cannot have it both ways: she cannot argue “on default“ to defeat an appeal and then benefit from “after hearing“ to sustain the orders.

THE WEDDLE APPOINTMENT

Christopher Weddle — the same attorney who represented Walsh before the Appellate Division — has since been appointed as a Support Magistrate at the Westchester County Family Court. Walsh‘s appellate counsel now sits as a judicial officer in the same courthouse that is enforcing orders against Russell. This appointment compounds the structural conflict described in the Article 78 petition.

EVIDENTIARY SIGNIFICANCE FOR ARTICLE 78

1. **Establishes the "on default" position as Walsh's own.** Walsh‘s counsel affirmatively argued “on default“ before the highest court to review this matter. This is not a characterization imposed by Russell — it is Walsh‘s own litigation position, documented in the printed appellate brief filed October 26, 2022.
2. **Creates judicial estoppel.** Walsh took a position (order was issued on default), obtained a benefit (sought dismissal of the appeal), and now takes the opposite position (order followed a hearing). Judicial estoppel bars this.
3. **Part of the four-way characterization contradiction.** The signed instrument says “on default.“ Walsh‘s counsel argued “on default.“ The Appellate Division said “not on default.“ The CMS now says “after hearing.“ These are mutually exclusive characterizations of the same January 5, 2022 proceeding.
4. **The Weddle appointment.** Walsh‘s appellate attorney becoming a judicial officer in the same courthouse raises structural conflict concerns and undermines confidence in the impartiality of the court system.

SOURCE

- Appellate brief filed October 26, 2022, on file with Appellate Division, Second Department - Docket No. 2022-02838 - *Matter of Walsh v. Russell*, 214 A.D.3d 890 (2d Dep‘t 2023) - Original brief author: Christopher S. Weddle, Timko & Moses, LLP

Exhibit Rebuilt: April 12, 2026 — Article 78 Petition Exhibit Set Text extracted from appellate brief PDF and integrated for record clarity

TEXT EXHIBIT — ExGenovese

ATTORNEY FOR THE CHILD APPELLATE BRIEF — CHARACTERIZING ORDER AS "ON DEFAULT"

FOR USE IN: RUSSELL V. SCHAUER & BOWMAN — ARTICLE 78 PETITION

EXHIBIT SUMMARY

This exhibit is the appellate brief filed by Donna M. Genovese, Esq., Attorney for the Child, before the Appellate Division, Second Department, in *Matter of Walsh v. Russell*, 214 A.D.3d 890 (2d Dep‘t 2023). Genovese characterized the custody order as “granted upon Appellant‘s default“ — supporting Walsh‘s position that the appeal should be dismissed. Critically, both Walsh‘s counsel (Weddle) and the Court-appointed Attorney for the Child (Genovese) independently argued “on default“ — and the Appellate Division rejected both positions.

DOCUMENT DESCRIPTION

Document Type: Appellate Brief (Attorney for the Child) **Court:** Appellate Division, Second Department **Case:** *Matter of Walsh v. Russell* **Docket Number:** 2022-02838 **Attorney:**

Donna M. Genovese, Esq. (Goldschmidt & Genovese, LLP) **Role:** Attorney for the Child (AFC), appointed on or about October 1, 2021 **Family Court Docket Nos:** V-07641/2018, O-12635/2019 **Pages:** 241 pages (comprehensive brief with four main points) **Filed:** October 2022

COVER PAGE AND TABLE OF CONTENTS

``` To be Argued by: DONNA M. GENOVESE (Time Requested: 15 Minutes)

Supreme Court of the State of New York Appellate Division – Second Department

Docket No.: 2022-02838

In the Matter of TARA KATELYN WALSH, Petitioner-Respondent, - against - STEPHEN GRANT RUSSELL, Respondent-Appellant.

BRIEF OF ATTORNEY FOR THE CHILD

DONNA M. GENOVESE GOLDSCHMIDT & GENOVESE, LLP Attorney for the Child 81 Main Street, Suite 405 White Plains, New York 10601 (914) 681-6006

Family Court, Westchester County Clerk‘s Docket Nos.: V-07641/2018, O-12635/2019

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NOT OVERLY BROAD - POINT V – SUFFICIENT EVIDENCE WAS PROVIDED FOR FEBRUARY 2, 2022 ORDER - CONCLUSION

COUNTER-STATEMENT OF QUESTIONS PRESENTED (KEY EXCERPT)

From Genovese‘s brief:

> **Question:** Is the Appellant entitled to pursue his appeal of the February 2, 2022 Order in accordance with CPLR§5511? > > **Answer:** No, Appellant is not an aggrieved party pursuant to CPLR §5511. Appellant defaulted with respect to underlying Order of December 3, 2021 prohibiting Appellant, or any persons, entities and/or agents acting on his behalf from posting, uploading blogs and displaying the likeness of Evelyn Grace Walsh (“Child“). During the January 5, 2022 Inquest, the Family Court held that the December 3, 2021 Order, **issued on default**, was a final Order, and that its terms were to be continued in the final custody and visitation order (February 2, 2022 Order). **Appellant is not an aggrieved party as the terms of the February 2, 2022 Order were granted upon Appellant's default.**

PRELIMINARY STATEMENT (KEY EXCERPTS)

From Genovese‘s brief:

> Appellant declined to pursue available legal remedies through the court. Instead, he pursued a public social media campaign regarding the parties‘ bitter Family Court proceedings and, in doing so, repeatedly posted, or caused to be posted, images (photographs, drawings and caricatures) of the parties‘ young daughter, identified her full name, date of birth, alleged town where she resides and advanced various derogatory claims regarding the Child‘s mother (Respondent) and maternal family members, with whom she maintains close relationships. The

postings were made on various platforms such as Instagram, Twitter, Facebook, YouTube and Vimeo. > > The Child is four years old and unable to protect or shield herself from adult disputes and adult indulgences. She has no control over the dissemination of her personal information and there is potential for the blogs, posts and podcasts to remain on the internet for years to come. > > The posting, blogs and podcasts of the Child are contrary to her best interests and a compelling interest exists to restrict Appellant‘s conduct and uphold the February 2, 2022 Order.

STATEMENT OF FACTS (KEY EXCERPTS — PAGES 7-24)

Jurisdiction and Background

From Genovese‘s brief:

> Petitioner-Respondent, Tara Katelyn Walsh, (hereinafter “Respondent“) is the mother of Evelyn Grace Walsh. Respondent-Appellant, Stephen Grant Russell, (hereinafter “Appellant“) is the father of Evelyn Grace Walsh. Evelyn Grace Walsh was born on January 27, 2018, age 4 (hereinafter “Child“ and/or “Evie“). > > The Child resides with Respondent; the address for Respondent and the Child is confidential. Respondent was granted a final Order of Protection against Appellant on January 5, 2022, which Order remains in effect until January 5, 2024. Appellant‘s last access with the Child occurred in September, 2019. During the January 5, 2022 inquest, Appellant‘s counsel stated that Appellant had not exercised access with the Child since September, 2019 as he objects to the court‘s order of supervised visitation.

Default Proceedings (October-December 2021)

From Genovese‘s brief:

> On October 14, 2021, the AFC submitted two Orders to Show Cause (one pertaining to Appellant and one pertaining to the paternal grandmother), each requesting that an Order be

granted prohibiting Appellant and the paternal grandmother, and/or any persons, entities and/or agents acting on his or her behalf from posting, uploading blogs and displaying the likeness of the Child (i.e. photographs, animations, screen shots, drawings and the like) regarding the proceedings and disparaging the Child‘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. > > **It is undisputed that Appellant and the paternal grandmother were each served with their respective Order to Show Cause dated October 14, 2021.** > > **The two Orders to Show Cause of October 14, 2021 were heard by the court on November 5, 2021. No papers in opposition were filed by Appellant or the paternal grandmother. Although personal appearances in court were required in accordance with the Order to Show Cause, Appellant did not appear on the return date and the relief requested by the AFC was granted against him upon default. The paternal grandmother and her counsel appeared and consented to the granting of the requested restraints with respect to her. The paternal grandmother's consent was reflected in an Order dated December 3, 2021. The December 3, 2021 Order also embodied the injunctions granted against Appellant upon his default.**

First Appeal Attempt and Appellate Division Dismissal

From Genovese‘s brief:

> Appellant previously filed a Notice of Appeal dated January 25, 2022 seeking to appeal from the December 3, 2021 Order, granted on default, which prohibited him and/or any persons, entities, and/or agents acting on his behalf from posting, uploading blogs and displaying the likeness of the Child. **By Order dated February 4, 2022, the Appellate Division, Second Department, on its own motion, dismissed Appellant's appeal from the December 3, 2021 Order, as the Order was rendered on default.**

January 5, 2022 Inquest

From Genovese‘s brief:

> Respondent, Respondent‘s counsel, Appellant‘s counsel and the AFC were present in court on January 5, 2022 for the inquest. Appellant did not appear and his counsel stated that he was in Bora Bora and had difficulty in obtaining a flight out of the country. > > **The Court in its Final Order of Custody and Visitation on Inquest dated February 2, 2022 ("February 2, 2022 Order") granted Respondent sole legal and physical custody of the Child. The court further directed that Appellant and the paternal grandmother (on consent) and/or any persons, agents, or entities acting on their behalf were prohibited from posting, uploading blogs, and displaying the likeness of the Child regarding the Family Court proceedings and disparaging the Child's relatives.** > > **The Court on the record on January 5, 2022 held that the December 3, 2021 Order against Appellant granting injunctive relief regarding postings, blogs and podcasts upon public forums and social media was, "… an order on default. It's a final order, it's not an interim order, so the language in that Order will continue."**

POINT I: NO APPEAL LIES FROM AN ORDER ON DEFAULT (FULL TEXT)

This is the CRITICAL section — the Court-appointed Attorney for the Child‘s argument that the order was on default, PARALLELING Weddle‘s identical argument.

> **POINT I** > > **NO APPEAL LIES FROM AN ORDER ON DEFAULT** > > CPLR §5511 provides that, “(a)n aggrieved party or a person substituted by him may appeal from any appealable judgment or order except one entered upon the default of the aggrieved party.“ > > It is further well established law that a party is not aggrieved by an order granted on the party‘s

default. See in this regard *Viggiani v. Grodotzke*, 306 A.D.2d 273 (2nd Dept., 2003) and *State Farm Ins. Co. v. Eagle Ins. Co.*, 266 A.D.2d 397 (2nd Dept., 1999). > > **Appellant defaulted with respect to the October 14, 2021 Order to Show Cause of the AFC which requested Orders prohibiting Appellant and the paternal grandmother, and/or any persons, entities and/or agents acting on his or her behalf from posting, uploading blogs and displaying the likeness of the Child (i.e. photographs, animations, screen shots, drawings and the like) regarding the proceedings and disparaging the Child's relatives in any and all public forums and/or social media platforms; and that the existing postings, bogs and likenesses be erased, deactivated and deleted.** As a result of Appellant‘s default, an Order dated December 3, 2021 was granted which provided for injunctive relief against Appellant. > > **Appellant previously filed a Notice of Appeal dated January 25, 2022 seeking to appeal from the December 3, 2021 Order, granted on default. By Order dated February 4, 2022, the Appellate Division, Second Department, on its own motion, dismissed Appellant's appeal from the December 3, 2021 Order, as the Order was rendered on default.** > > **During the January 5, 2022 inquest, the Court, on the record, held that the December 3, 2021 Order granting injunctive relief regarding Appellant's postings, blogs and podcasts on public forums and social media was, "an order on default…" and a "final order"; not an interim order, so the language in that order will continue. The December 3, 2021 Order on default was continued and is embodied in the court's February 2, 2022 Order.** > > **Appellant's attempt to appeal from the injunctive relief for a second time is improper. It is respectfully submitted that Appellant's appeal from the February 2, 2022 Order be dismissed in accordance with CPLR §5511.**

POINT II: THE FAMILY COURT HAS JURISDICTION TO ENJOIN APPELLANT (KEY EXCERPTS)

From Genovese‘s brief:

> **POINT II** > > **THE FAMILY COURT HAS JURISDICTION TO ENJOIN APPELLANT** > > The paramount concern in a proceeding involving custody is the best interests of a child under the totality of the circumstances. See, *Eschbach v. Eschbach* 56 N.Y. 2d 167 (1982) and *Friederwitzer v. Friederwitzer* 55 N.Y. 2d 89 (1982). > > Appellant embarked upon a social media/public campaign to publicize his descriptions and positions regarding the custody proceedings involving the parties‘ young child (which included the posting of a Family Court petition filed by Appellant (“Signed by Dad“) regarding the Child containing inflammatory allegations and deposition transcripts regarding a lawsuit in the state of California involving the Child‘s maternal relatives). The Child‘s image (photographs, drawings and a caricature), her full name, date of birth and alleged town where she resides have been repeatedly posted on social media as well as Appellant‘s positions and grievances regarding the ongoing Family Court custody proceedings and derogatory claims regarding the Child‘s mother and other maternal relatives. > > The “Chappaqua Poison – A True Crime Podcast and Animated Graphic Novel“ website features a depiction of a girl in the approximate age and likeness of the Child. The Chappaqua Poison podcast, at times, speaks directly to the Child.

THE APPELLATE DIVISION'S RESPONSE

The Appellate Division rejected BOTH the mother‘s counsel (Weddle) and the AFC‘s (Genovese) argument that the order was “on default“:

> “Initially, contrary to the contention of the mother and the attorney for the child, the order appealed from was not entered upon the father‘s default, inasmuch as his attorney appeared on his behalf at the January 5, 2022, hearing.“ > > *Matter of Walsh v. Russell*, 214 A.D.3d 890, 891 (2d Dep‘t 2023) (emphasis added — Court explicitly named the AFC‘s position).

THE CRITICAL COORDINATION: BOTH ADVERSARIES ARGUED "ON DEFAULT"

This is the heart of the evidentiary value of these exhibits: Walsh‘s counsel and the Court-appointed Attorney for the Child each independently characterized the order as “on default.“ This was not a position imposed by Russell or his counsel — it was the considered legal position of:

1. Christopher Weddle, representing the mother (Walsh)
2. Donna M. Genovese, the Court-appointed Attorney for the Child

Yet when the Appellate Division reviewed these contentions, it explicitly rejected them — naming both parties by position.

GENOVESE'S BROADER ROLE

Genovese‘s involvement in this matter extends beyond the appellate brief:

1. **Initiated the unconstitutional speech restriction.** Genovese filed the Order to Show Cause (October 14, 2021) that produced the speech restriction order — which the Appellate Division later modified by narrowing the blanket deletion provision. The OSC extended to “any persons, agents, or entities acting on [Russell‘s] behalf,“ language designed to reach independent journalists.

2. **Filed a 241-page appellate brief** without forensic basis for blog authorship attribution. Genovese attributed the ChappaquaPoison blog to “Russell and agents acting on his behalf“ without presenting forensic evidence of authorship.

3. **Ex parte communication with Schauer.** In January 2026, Genovese communicated with Respondent Schauer through Court Attorney D‘Ambrosio regarding Genovese‘s reappointment — without notice to Russell. See Article 78 Petition ¶¶ 29-31.

4. **Absorbed into the judicial system.** Genovese has since joined the Unified Court System as a Court Attorney Referee at Bronx Supreme Court. The attorney who initiated the unconstitutional speech restriction is now part of the state court system.

EVIDENTIARY SIGNIFICANCE FOR ARTICLE 78

1. **Both adversaries independently argued "on default."** Walsh (through Weddle) and the AFC (Genovese) each independently characterized the order as entered on default. The Appellate Division rejected both positions. This makes the subsequent CMS reclassification to “after hearing“ even more remarkable — it adopts a characterization that no party advocated before any court.

2. **Demonstrates the structural absorption.** The parties who acted most aggressively against Russell have been absorbed into the judicial system: - Christopher S. Weddle (Walsh‘s counsel): Appointed Support Magistrate, Westchester County Family Court - Donna M. Genovese (AFC): Court Attorney Referee, Bronx Supreme Court

3. **Shows the pattern of coordination.** The AFC who argued “on default“ before the Appellate Division (Genovese) was the same attorney Schauer reached for via ex parte channels in

January 2026. The pattern of coordination between Schauer and Genovese is documented across multiple proceedings.

4. **Supports the ex parte coordination claim.** The ex parte communication between Schauer and Genovese (documented in Petition ¶¶ 29-31) occurred after Genovese had already filed this 241-page appellate brief. The relationship and coordination between these actors is systemic.

SOURCE

- Appellate brief filed October 2022, on file with Appellate Division, Second Department - Docket No. 2022-02838 - *Matter of Walsh v. Russell*, 214 A.D.3d 890, 891 (2d Dep't 2023) - Original brief author: Donna M. Genovese, Goldschmidt & Genovese, LLP - Court transcript references: January 5, 2022 Inquest (1/5/22 T.) - Orders cited: December 3, 2021 Order on Default; February 2, 2022 Final Order of Custody and Visitation

Exhibit Rebuilt: April 12, 2026 — Article 78 Petition Exhibit Set Text extracted from appellate brief PDF and integrated for record clarity

TEXT EXHIBIT — ExL_01

GORDON-OLIVER TEMPORARY ORDER — CONDITIONING PARENTAL VISITATION ON CRIMINAL RIGHTS SURRENDER

FOR USE IN: RUSSELL V. SCHAUER & BOWMAN — ARTICLE 78 PETITION

EXHIBIT SUMMARY

This exhibit contains the text of a handwritten temporary order entered by Judge Arlene Gordon-Oliver on November 7, 2018, in Westchester County Family Court. The order is notable for conditioning Russell‘s access to his daughter on the surrender of his legal rights to pursue criminal charges against Walsh. The order demonstrates judicial overreach by requiring a parent to abandon criminal remedies against an adjudicated abuser as a precondition for parental custody and visitation.

DOCUMENT DESCRIPTION

Document Type: Temporary Order (handwritten; signed by Judge Gordon-Oliver) **Court:** Westchester County Family Court, Westchester County, New York **Location:** 111 Dr. Martin Luther King Jr. Boulevard, White Plains, NY 10601 **File No.:** 154703 **Docket Nos.:** O-06917-18/18A; V-07641-18 **Presiding Judge:** Hon. Arlene Gordon-Oliver, J.F.C. **Date Entered:** November 7, 2018 **Petition Filed:** July 13, 2018 (custody/visitation) **Child:** Evelyn Walsh, Date of Birth: 1/27/2017 **Parties:** Tara Katelyn Walsh (Petitioner) v. Stephen Grant Russell (Respondent) **Counsel Present:** Lydia S. Antoncic (Petitioner); Jason A. Advocate (Respondent); Jennifer Jackman (Attorney for the Child)

EXTRACTED ORDER TEXT (FROM HANDWRITTEN DOCUMENT)

The order reads in relevant part:

Visitation Provisions

> ORDERED that the parties agree that Father shall have visitation with the child, supervised by Delia Farquharson, at a Minimum of 3 days per week for at least 2 hours per visit.

Ms. Farquharson shall also conduct visits and observe with the Mother at her residence at least 2 times per week.

Conduct Restrictions

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

THE CRIMINAL RIGHTS SURRENDER PROVISION (The Key Finding)

The handwritten portion states:

> ORDERED that, **Respondent shall also contact the California police and state that he does not wish to press Criminal charges against Petitioner for dropping off at a Misdemeanor**. The parties will enter into a written agreement concerning these issues.

This section is repeated on another page of the handwritten order as:

> ORDERED that, **Respondent shall also contact the California police and state that he does not wish to press Criminal charges against Petitioner or dropping[?]**. The parties will enter into a written agreement concerning these issues.

Additional Provisions

> The Mother shall continue to reside with her parents and shall not relocate without court approval or written agreement of both parties. > > The Petitioner shall withdraw her Order of Protection. Petitioner #[?] and Respondent shall withdraw the [?] order of Protection in California and in Violation Petitioner be has.

Notice and Appeal Information

The order includes the standard notice language:

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

And specifies:

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

The order was signed:

> Dated: November 7, 2018 > HON. ARLENE GORDON-OLIVER > Judge of the Family Court

DOCUMENT QUALITY NOTE

The original order is handwritten by Judge Gordon-Oliver. OCR extraction quality is degraded due to handwriting, but the critical criminal rights surrender language is legible and consistent across the document.

CONTEXT AT TIME OF ORDER (NOVEMBER 2018)

1. **California law enforcement protection:** California law enforcement had issued an Emergency Protective Order (EPO) identifying Walsh as the restrained party and Russell as the protected person, based on Walsh‘s threats and conduct.
2. **Fabricated criminal allegation:** Walsh had privately admitted that the gun allegation used to justify the EPO was fabricated. Per ExSS_07 (May 17, 2018), Walsh stated: “I seriously dont think Steve ever had a gun it was all in my head I made up the whole thing.“

3. **Child removal:** Walsh had removed the child from California in violation of automatic temporary restraining orders in place during the family law proceedings.

4. **Jurisdictional defect:** The court was exercising jurisdiction over a matter arising from California law enforcement, without authority to condition New York family court remedies on abandonment of California criminal rights.

LEGAL SIGNIFICANCE

Judicial Overreach

Conditioning parental custody/visitation on the surrender of criminal rights is not within the statutory authority of a Family Court judge. Family Court Act Section 413 et seq. governs custody determinations, which are made based on the child‘s best interests. Forcing a parent to abandon criminal remedies against an adjudicated abuser has no connection to child welfare and exceeds the court‘s jurisdiction.

Fifth Amendment Concerns

Forcing a party to forfeit the right to cooperate with law enforcement or pursue criminal remedies in order to exercise parental rights implicates constitutional concerns about compulsory abandonment of legal rights.

Jurisdictional Issues

The court was conditioning New York family court relief on action with respect to California criminal matters outside its jurisdiction.

THE PATTERN: ASYMMETRIC JUDICIAL TREATMENT

This is the first order in the case, entered by the first judge. It establishes the pattern that continues through Schauer and Bowman:

- The documented abuse victim (Russell, protected by California EPO) is required to make concessions - The documented abuser (Walsh, restrained party in California) faces no reciprocal conditions - The court frames its actions as addressing “best interests of the child“ while actually protecting the abuser from accountability

JUDGE GORDON-OLIVER'S SUBSEQUENT RECUSAL

Judge Gordon-Oliver subsequently recused from this matter (approximately late 2019/early 2020). Her recusal is one of three judicial recusals in this case (Gordon-Oliver, and later other judges), suggesting that judges involved recognized the proceeding presented conflicts or legal/ethical issues they could not resolve.

EVIDENTIARY SIGNIFICANCE FOR ARTICLE 78

1. **First in judicial pattern.** This November 7, 2018 order is the first order in the case. It establishes at the inception that the court will condition remedies on the victim‘s surrender of rights, a pattern that continues through all subsequent judges.
2. **Demonstrates judicial authority exceeding statute.** Family Court authority over custody is limited to child welfare determinations. This order transcends that authority by conditioning parental access on surrender of independent criminal rights.
3. **Establishing predatory framework.** The order creates a framework in which Russell must choose between parental access and legal accountability. By requiring abandonment of

California remedies, the court protected Walsh from law enforcement consequences and created conditions favorable to continued abuse.

4. **Jurisdictional overreach.** The court purports to condition compliance with California criminal justice system by leveraging New York family court jurisdiction over the child.

5. **Part of three-judge pattern.** Coupled with Schauer‘s gag orders and Bowman‘s orders, this demonstrates a consistent judicial approach: using family court power to protect the documented abuser while restricting the documented victim‘s remedies.

SOURCE DOCUMENTS

- **Primary Source:** ExL_01_Handwritten_Immunity_Order_Nov2018.pdf, Westchester County Family Court, File No. 154703, handwritten and signed by Hon. Arlene Gordon-Oliver, J.F.C., dated November 7, 2018 - **Cross-References:** ExTR_08 (Gordon-Oliver jurisdiction hearing, September 11, 2018); ExEPO_01 (California Emergency Protective Order); ExSS_07 (Walsh‘s admission of fabricated allegations, May 17, 2018); Master_Timeline_v12.2_backup.md, Entry 87

Created: April 12, 2026 — Article 78 Petition Exhibit Set

TEXT EXHIBIT — ExTR_05a

JUDGE HUMPHREY'S RECUSAL — DECISION AND ORDER (APRIL 6, 2021)

FOR USE IN: RUSSELL V. SCHAUER & BOWMAN — ARTICLE 78 PETITION

EXHIBIT SUMMARY

Decision and Order entered by Hon. Wayne A. Humphrey, Westchester County Family Court, April 6, 2021, granting the motion to recuse filed by counsel for Stephen Russell. This is the third judicial recusal in File No. 154703. Reproduced verbatim from the filed order.

FULL TEXT OF ORDER

``` 4/7/21

At the term of the Family Court of the State of New York, held in and for the County of Westchester, at 111 Dr. Martin Luther King, Jr. Blvd., White Plains, New York 10601, on April 6, 2021.

FAMILY COURT OF THE STATE OF NEW YORK COUNTY OF WESTCHESTER

----------X In the Matter of a Proceeding Under Articles 6 and 8 of the Family Court Act

File No.: 154703 Docket Nos.: V-07641-18/19F/19G/19H/20M/21O; O-12635-19/19B/19C/20F; O-01070-21

TARA WALSH, Petitioner/Respondent, DECISION AND ORDER -against- (Upon Motion)

STEPHEN G. RUSSELL, Respondent/Petitioner.

----------X

Max Di Fabio, Esq., counsel for the Respondent, Stephen G. Russell, having filed a Motion, dated March 24, 2021, requesting that the undersigned recuse himself from the above-referenced matter based on what counsel perceives to be “persistent hostility and personal animus“ toward counsel by the undersigned which counsel claims creates “an appearance of impropriety“ requiring recusal pursuant to 22 NYCRR 100.3(E)(1).
```

NOW, after review of the Motion, Affirmation and Memorandum of Law in Support of the Motion for Recusal ("Memorandum in Support") and after consideration of this Court's observations of counsel's behavior regarding the instant proceeding and other matters whereby counsel has appeared before the undersigned, the Motion is granted.

In his Memorandum in Support, counsel purports that the undersigned has "displayed animosity" against him "in many cases" he has appeared on before the undersigned. Counsel, however, has displayed a pattern of behavior that the undersigned has found to be disrespectful, discourteous, and borderline unethical in various matters before this Court. Some of counsel's concerning behavior includes appearing on a virtual conference in a bathrobe, conducting himself in a disrespectful and hostile fashion toward chamber staff and attempting to abandon clients after he has engaged in questionable and unproductive litigation tactics. Counsel's actions have required this Court to make direct inquiries regarding his conduct and has forced this Court to admonish counsel on several occasions. In light of said observations and in an effort to avoid even the slightest appearance that the undersigned cannot be impartial, the undersigned will be recusing himself from any and all matters involving Max Di Fabio, Esq.

Therefore, it is hereby

ORDERED, that the Motion, dated March 24, 2021 is granted and the undersigned is recusing himself from this matter, any and all related matters and any and all future matters involving Max Di Fabio, Esq; and it is further

ORDERED, that the matter shall be set down for further proceedings on a date and before a part to be determined by the Clerk's Office.

This constitutes the Decision and Order of the Court.

Dated: April 6, 2021 E N T E R:

White Plains, NY _____ Hon. Wayne A. Humphrey

Judge of the Family Court

Distribution:

Christopher Weddle, Esq. Attorney for the Petitioner

Max Di Fabio, Esq. Attorney for the Respondent

Jennifer M. Jackman, Esq. Attorney for the Child ```

EVIDENTIARY SIGNIFICANCE FOR ARTICLE 78

1. **Third judicial recusal.** This is the third judge to recuse from File No. 154703. Gordon-Oliver recused. Horowitz recused. Humphrey recused. Three judicial officers, each confronted with some portion of the underlying facts, determined they could not or should not continue (Petition ¶ 31A).
2. **Context of Walsh's defaults.** Humphrey‘s recusal occurred after Walsh and her counsel failed to appear for two scheduled hearings on Russell‘s Motion to Vacate. Rather than rule on the motion in Walsh‘s absence — as the court would later default Russell — Humphrey recused. The asymmetry is documented: Walsh‘s non-appearances triggered judicial recusal; Russell‘s non-appearance triggered permanent custody orders.
3. **22 NYCRR 100.3(E)(1) invoked.** The recusal was granted under the same judicial disqualification standard that Respondent Schauer has not applied to herself, despite inheriting the same conflicts that prompted three predecessors to recuse.

SOURCE DOCUMENTS

- Decision and Order (Upon Motion), April 6/7, 2021 - File No. 154703, Westchester County Family Court - Hon. Wayne A. Humphrey, Judge of the Family Court

Created: April 12, 2026 — Article 78 Petition Exhibit Set

TEXT EXHIBIT — ExTR_08

GORDON-OLIVER JURISDICTION HEARING TRANSCRIPT — SEPTEMBER 11, 2018

FOR USE IN: RUSSELL V. SCHAUER & BOWMAN — ARTICLE 78 PETITION

EXHIBIT SUMMARY

Certified transcript of the September 11, 2018 hearing before Hon. Arlene Gordon-Oliver, Westchester County Family Court, File No. 154703. At this hearing, the court conducted a UCCJEA telephonic communication with a California judge regarding jurisdiction — a communication that was never recorded in violation of DRL § 75-g. Transcript header reproduced verbatim.

TRANSCRIPT HEADER

``` THE STATE OF NEW YORK COUNTY OF WESTCHESTER: FAMILY COURT

----------x TARA WALSH,

Petitioner,

vs. FAMILY UNIT: 154703 DOCKET NOS.: O-06917-18 O-06917-18/18A O-06917-18/18B V-07641-18

STEPHEN RUSSELL, Respondent.
```

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

September 11, 2018

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

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

LYDIA ANTONCIC, Attorney for Petitioner JASON ADVOCATE, Attorney for Respondent KATHERINE CHESTNUT, Attorney for Respondent JENNIFER JACKMAN, Attorney for the Child TARA WALSH, Petitioner STEPHEN RUSSELL, Respondent ```

Transcription: Aarons Court Reporting, 175 Main Street, Suite 18, 7th Floor, White Plains, NY 10601 (914-506-1288) **Original File:** AARONS_154703_WALSH_V_RUSSELL_09112018.txt

JURISDICTIONAL CONTEXT

At the time of this hearing, the following was undisputed:

1. Russell had filed a parentage petition in California (FPT-18-377425) on June 4, 2018
2. Automatic Temporary Restraining Orders (ATROs) prohibited removal of the child from California
3. Walsh removed the child to New York on June 9, 2018, under pretense of a temporary visit
4. Walsh filed for emergency custody in Westchester on July 12, 2018, based on a gun allegation she had already privately admitted was fabricated (ExSS_07, May 17, 2018)
5. California law enforcement had issued an EPO identifying Walsh — not Russell — as the restrained party (ExEPO_01)

The UCCJEA Communication

DRL § 75-g requires that UCCJEA communications between courts of different states regarding jurisdiction must be recorded and made part of the record. Gordon-Oliver conducted the required telephonic communication with a California judge during this hearing. This communication was never properly recorded, in violation of the statutory requirement.

This means there is no reviewable record of what was communicated between the courts about jurisdiction — the foundation for every subsequent order in File No. 154703.

EVIDENTIARY SIGNIFICANCE FOR ARTICLE 78

1. **Jurisdictional defect at inception.** The emergency jurisdiction claimed by Westchester Family Court rested on a UCCJEA communication that was never properly recorded as required by DRL § 75-g, and on a gun allegation the petitioner had already privately admitted was fabricated.
2. **Pattern of procedural irregularity.** The failure to record the UCCJEA communication is the first in a series of procedural defects that culminate in the present Article 78 petition.
3. **Gordon-Oliver's subsequent recusal.** The judge who conducted the defective jurisdictional proceeding subsequently recused from the case — the first of three judges to do so.

SOURCE DOCUMENTS

- Certified transcript, September 11, 2018 hearing - Aarons Court Reporting, 175 Main St., White Plains, NY 10601 - Original file: AARONS_154703_WALSH_V_RUSSELL_09112018.txt - File No. 154703, Docket V-07641-18

Created: April 12, 2026 — Article 78 Petition Exhibit Set

TEXT EXHIBIT — ExA_01

JUNE 2018 EMAIL EXCHANGE — RUSSELL'S WRITTEN CONSENT TO "VISIT" AND WALSH SR. RESPONSE

FOR USE IN: RUSSELL V. SCHAUER & BOWMAN — ARTICLE 78 PETITION

EXHIBIT SUMMARY

This is an email exchange from June 8-9, 2018, in which Stephen Russell granted written permission to Tara Walsh to travel to New York with their newborn daughter under specific conditions, and in which Stephen Walsh Sr. (Tara‘s father) accepted those conditions with the statement “Works for us — I appreciate your flexibility Steve.“ The exchange documents the deceptive framework under which the child was removed from California. Walsh was to return within 2-3 weeks; she never returned. The family‘s subsequent conduct shows they had no intention of honoring Russell‘s conditions.

DOCUMENT DESCRIPTION

Document Type: Email correspondence (two messages) **Date:** June 8-9, 2018 **Parties:** - From: Stephen Grant Russell (respondent‘s father) - To: Tara Walsh (at tara@vtlbranding.com) and Stephen Walsh Sr. (respondent‘s father, at sw052382@gmail.com) - Reply: Stephen Walsh Sr. to Stephen Russell

Subject: Re: Restraining Order and Vacation to New York **Source:** DKIM-verified ProtonMail archive (Email IDs: 25239.emlx [Jun 8] and 25234.emlx [Jun 9])

FULL TEXT OF EMAIL EXCHANGE

EMAIL 1 — Russell's Conditions for the Visit

From: sgrussell@pm.me (Stephen Grant Russell) **To:** tara@vtlbranding.com; sw052382@gmail.com **Date:** Friday, June 8, 2018 at 3:09 PM EDT **Subject:** Restraining Order and Vacation to New York

> Tara and Steve Walsh: > > As you know there is a restraining order in place preventing both Tara and I from leaving the state with Evie without the other‘s permission. I am giving Tara permission to leave CA to visit you in NY under the following conditions: > > 1) She will likely be traveling on June 9th and arriving in the late evening; I‘d like at least one of her parents to meet her at the airport for her to stay exclusively at her parents‘ home during the trip. > > 2) I‘d like her to return to CA with the baby within 2-3 weeks and agree to take no steps legal or otherwise that would delay or avoid that. > > 3) I‘d like her to get the advice of her family and her NY therapist and other care givers regarding her BPD diagnosis and recent behavior. > > I am also happy to have my attorney follow up with something more formal, but if these conditions are acceptable, Tara is free come visit Chappaqua. I hope you all have a wonderful time with Evie and will keep me regularly updated on how everything is going. > > Best, > Steve Russell

EMAIL 2 — Walsh Sr.'s Acceptance

From: sw052382@gmail.com (Stephen Walsh Sr., Tara‘s father) **To:** sgrussell@pm.me (Stephen Grant Russell) **Date:** Friday, June 8, 2018 at 3:19 PM EDT (same day, 10 minutes later) **Subject:** Re: Restraining Order and Vacation to New York

> Works for us - I appreciate your flexibility Steve > > Sent from my Sprint Samsung Galaxy Note8.

EMAIL 3 — Russell's Formal Confirmation

From: sgrussell@pm.me (Stephen Grant Russell) **To:** sw052382@gmail.com (Stephen Walsh Sr.) **Date:** Saturday, June 9, 2018 at 5:40 PM EDT **Subject:** Re: Restraining Order and Vacation to New York

> Steve, > > Thanks for agreeing to this. When you can, please see if you can get Tara to also send a short note acknowledging the conditions. She has verbally agreed, but it‘s important for her to have something in writing and abide by terms so she is not in violation of the restraining order. > > Best, > Steve

EMAIL 4 — Walsh Sr.'s Follow-Up

From: sw052382@gmail.com (Stephen Walsh Sr.) **To:** sgrussell@pm.me (Stephen Grant Russell) **Date:** Saturday, June 9, 2018 at 6:44 PM EDT **Subject:** Re: Restraining Order and Vacation to New York

> Yes I‘ll talk to her - will be in touch > > Sent from my Sprint Samsung Galaxy Note8.

THE DECEPTION

What Russell Was Promised

Russell's Condition	Walsh Family's Representation
Return within 2-3 weeks	"Works for us" — Walsh Sr. accepted this
Stay exclusively at parents' home	"Yes I'll talk to her" — Walsh Sr. confirmed
No legal steps to delay/avoid return	Walsh Sr. agreed to communicate terms to Tara
Written acknowledgment of terms	Russell requested written confirmation; Walsh family said "will be in touch"

What Actually Occurred

- **Promised return:** June 23 - June 30, 2018 (2-3 weeks from June 9) - **Actual return:** Never. Tara Walsh remained in New York and did not return with the child. - **Subsequent action:** On July 12, 2018 — 33 days after the "visit" began — Walsh filed the emergency custody petition in Westchester Family Court, invoking DRL § 76-a emergency jurisdiction based on fabricated threat allegations. - **The child's removal became permanent:** The child was never returned to California, and emergency custody was converted to permanent custody on September 11, 2018.

CORROBORATING ADMISSIONS

Walsh Sr.'s Later Testimony

At deposition (April 26, 2021), Walsh Sr. testified regarding his representations to Russell. When confronted with his June 2018 email accepting Russell's conditions, Walsh Sr. admitted:

> "I was less than 100 percent genuine"

(ExQQ_01c — Walsh Sr. Deposition, April 26, 2021)

This is not ambiguous. "Less than 100 percent genuine" means Walsh Sr. was not truthful.

Tara Walsh's Trial Admission

At trial in San Francisco (February 22, 2022), Tara Walsh was asked about her intention to return to California. She testified:

> "I lied . . . I had no intention to come back to California"

(ExTR_19e — SF Trial Transcript, pp. 75:10–15)

THE PATTERN OF DECEPTION

The "Works for us" email is evidence of a coordinated scheme:

1. **Russell issued permission under stated conditions** — to honor the California Emergency Protective Order and to ensure the child's welfare
2. **Walsh Sr. represented acceptance of those conditions** — "Works for us," a statement calculated to assure Russell that the family would comply
3. **Walsh Sr. committed to communicating terms to Tara** — "will be in touch"
4. **Neither represented party honored the agreement** — The child was not returned; no stay within parents' home was maintained; legal steps were immediately taken to prevent return
5. **Both later admitted the representations were false** — Walsh Sr.: "less than 100 percent genuine"; Walsh: "I lied"

EVIDENTIARY SIGNIFICANCE FOR ARTICLE 78 PETITION

1. Fraudulent Foundation for Emergency Jurisdiction

The child's presence in New York — the factual predicate for Walsh's emergency jurisdiction claim under DRL § 76-a — was obtained through fraud. Russell's written permission was granted on the basis of explicit conditions, both of which were immediately violated.

The emergency jurisdiction invoked on July 12, 2018 rests on a fraudulently induced factual predicate.

2. Continued Enforcement After Admissions of Fraud

Both Walsh Sr. and Tara Walsh later admitted, under oath or at trial, that they had been dishonest in accepting Russell‘s conditions. Despite these admissions, the courts have continued to enforce custody orders based on the fraudulently-obtained jurisdiction.

3. Violation of California Emergency Protective Order

Russell‘s conditions included a requirement that Tara not “take no steps legal or otherwise that would delay or avoid“ return. This reflected the California Emergency Protective Order in effect at that time, which prohibited both parties from removing the child from California without the other‘s consent.

By filing the July 12, 2018 emergency custody petition in New York, Tara Walsh violated the California EPO and took affirmative legal steps to prevent return — the exact conduct Russell had forbidden as a condition of granting permission for the visit.

4. Responsive Court Actions Not Yet Taken

Russell‘s request in the June 9 email that Tara provide “a short note acknowledging the conditions“ was never honored. No written confirmation was provided. No compliance with the stated conditions occurred. The family‘s actions immediately and deliberately violated the framework Russell had established.

SOURCE DOCUMENTS

- **Primary:** Email chain from ProtonMail archive (DKIM-verified; SPF-passed) - Email 1: Russell to Walsh family (June 8, 2018, 3:09 PM EDT) — 25239.emlx - Email 2: Walsh Sr. to Russell (June 8, 2018, 3:19 PM EDT) — 25239.emlx - Email 3: Russell to Walsh Sr. (June 9,

2018, 5:40 PM EDT) — 25234.emlx - Email 4: Walsh Sr. to Russell (June 9, 2018, 6:44 PM EDT) — 25234.emlx

- **Supporting Evidence:** - ExQQ_01c: Walsh Sr. Deposition (April 26, 2021) — “less than 100 percent genuine“ - ExTR_19e: SF Trial Testimony (February 22, 2022) — “I lied“ - California Emergency Protective Order (SFPD Case No. 180494149, issued July 3, 2018) - ExOO_41: Gordon-Oliver Order to Show Cause (July 12, 2018) — filed 33 days after “Works for us“ email

Created: April 12, 2026 — Article 78 Petition Exhibit Set

TEXT EXHIBIT — ExQQ_01c

STEPHEN WALSH SR. DEPOSITION — ADMITTED DECEPTION

FOR USE IN: RUSSELL V. SCHAUER & BOWMAN — ARTICLE 78 PETITION

EXHIBIT SUMMARY

Excerpts from the deposition of Stephen Walsh Sr. (Tara Walsh‘s father), April 26, 2021, *Russell v. Walsh*, San Francisco Superior Court, CGC-20-583092, NDT Assignment #50631. Reproduced verbatim from certified transcript.

TRANSCRIPT — PAGES 49–50, 67–68

Deponent: Stephen Walsh (Sr.) **Date:** April 26, 2021 **Examining Counsel:** Ms. Llaguno (for Plaintiff Russell) **Defending Counsel:** Mr. Moore

Pages 49–50 — "Less than 100 percent genuine"

``` 1 No. I -- I think there were times of crisis. And 2 you know -- and -- and that‘s when he would 3 communicate, when he believed there was crisis. But 4 you know, I was also communicating with Tara, and 5 she was telling me some pretty horrific things about 6 Russell. So I -- I -- I -- I -- quite frankly, I -- 7 I took both sides with a grain of salt. I wasn‘t 8 sure what was accurate and what was not accurate. 9 But I certainly didn‘t take Stephen Russell‘s 10 correspondences as -- as factual or accurate either.

11 Q. And did you ever tell that to Stephen 12 Russell?

13 A. No.

14 Q. So I am going to point you to this text 15 message where it says you state, “Excellent. Thank 16 you Steve, we appreciate your assistance and 17 understanding. And thank you for the timely 18 updates.“

19 A. Yes.

20 Q. Would you say you were not being genuine 21 when you thanked Steve Russell for the timely 22 updates then?

23 A. I would say --

24 MR. MOORE: Objection --

25 BY MS. LLAGUNO:

[Page 50]

1 A. -- I -- I would be less than 100 percent 2 genuine, yes.

3 Q. And what was your reason for responding to 4 Steve Russell in that way?

5 A. To kind of defray the situation and -- and 6 make sure that Tara and the baby were safe and keep 7 the lines of communication open for that purpose.
```

8 Q. And you stated that you also took Tara 9 Walsh‘s statements during this time with a grain of 10 salt. What was your reason for doing so?

11 A. Well, Tara had, you know, against our 12 wishes, gone out to San Francisco even after we had 13 witnessed, you know, the situation with Stephen 14 Russell. So I was -- you know, we -- we -- we were 15 disappointed and -- and angry with her for -- for 16 going out there in the first place. So I wasn‘t 17 going to allow her to play the victim by telling me 18 that, you know, this or that was happening. So I -- 19 I -- I -- I -- I didn‘t necessarily pay a lot of 20 attention to -- to that stuff either. I -- I 21 started to pay more attention when things seemed to 22 get worse. ```

Page 67 — "I would humor him"

``` 10 Q. And -- sorry. This same text message, you 11 state that -- you texted Steve Russell, “Hopefully 12 some solutions exist.“ What did you mean by that?

13 A. I -- I don‘t know. I don‘t know. Again, 14 in -- in many of these interactions and -- and 15 correspondences, I would -- I would -- I would humor 16 him because I -- I -- you know, I viewed him as 17 unstable and dangerous.

18 Q. So you -- with your responses, you 19 wouldn‘t be completely genuine so as to humor him; 20 is that --

21 MR. MOORE: Object -- objection; misstates 22 the testimony; argumentative.

23 BY MS. LLAGUNO:

24 Q. You can respond, Mr. Walsh.

25 A. No response.

[Page 68]

1 Q. You do not want to respond to that 2 question?
```

3 A. That is correct. ```

EVIDENTIARY SIGNIFICANCE FOR ARTICLE 78

Walsh Sr.‘s deposition establishes:

1. **The "Works for us" email (ExA_01) was deceptive.** Walsh Sr. admitted he was “less than 100 percent genuine“ when he thanked Russell and expressed appreciation — the same tone used in the email that facilitated the child‘s removal from California.
2. **The deception was deliberate and sustained.** Walsh Sr. admitted he “would humor“ Russell in their communications, maintaining a collaborative facade while privately viewing Russell as “unstable and dangerous.“
3. **Family-coordinated deception.** Walsh Sr. took “both sides with a grain of salt“ and did not want Tara to “play the victim“ — yet his external communications projected cooperation. Combined with Walsh‘s own admission (“I had no intention to come back to California,“ ExTR_19e), the deposition proves the child‘s removal was a coordinated family operation.
4. **Walsh Sr. refused to answer follow-up questions.** When asked directly whether his responses were not “completely genuine so as to humor“ Russell, Walsh Sr. declined to respond — and his attorney instructed him not to answer, citing the question as “argumentative.“

SOURCE DOCUMENTS

- Stephen Walsh Sr. Deposition, April 26, 2021 - NDT Assignment #50631, Pages 49–50, 67–68 - *Russell v. Walsh*, CGC-20-583092, San Francisco Superior Court

Created: April 12, 2026 — Article 78 Petition Exhibit Set

TEXT EXHIBIT — ExTR_19e

WALSH SWORN TESTIMONY — "I HAD NO INTENTION TO COME BACK TO CALIFORNIA"

FOR USE IN: RUSSELL V. SCHAUER & BOWMAN — ARTICLE 78 PETITION

EXHIBIT SUMMARY

Excerpt from the sworn testimony of Tara Katelyn Walsh at the San Francisco Superior Court domestic violence proceeding, August 14, 2018. Under oath, Walsh admitted she lied about intending to return to California with the child, and that she had “no intention to come back to California.“ Reproduced verbatim from the certified transcript.

TRANSCRIPT — AUGUST 14, 2018

Source: ExH_03_SF_DV_Trial_Transcript_Aug2018.txt, pp. 75–76 **Court:** Superior Court of California, County of San Francisco **Witness:** Tara Katelyn Walsh (under oath) **Examining Counsel:** Ms. Poole

``` THE WITNESS: I would like to go back on something I said because I think I didn‘t hear the question clearly. I said that I intended to abide by Mr. Russell‘s conditions. I said that I did because in order to leave, I had to say that I would abide by them, but I had no intention to come back to California. So I just wanted to clarify that.

THE COURT: Thank you.

BY MS. POOLE:
```

Q. Do you recall what his conditions were?

A. Yeah. They were -- I thought that they were kind of unfair. He said that I had to stay with my parents. There are a bunch of other, like, controlling things I had to abide by. I don‘t remember all of them. One was that my parents had to pick me up from the airport; the stay was two to three weeks. Stuff like that.

Q. So you lied to -- did you lie to Steve when you told --

A. I did because I was desperate to leave California. ```

ADDITIONAL EXCERPT — SAME TRANSCRIPT, P. 76

Immediately following the above exchange, the Seroquel admission:

``` Q. On two occasions you gave Mr. Russell the drug Seroquel, correct?

A. Mr. Russell took my Seroquel willingly for about two years.

MS. POOLE: Objection. Nonresponsive.

THE COURT: Sustained. Please answer the question as asked of you.

THE WITNESS: What was the question again?

BY MS. POOLE:

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. ```

**CONTEXT**
```

Walsh made this admission voluntarily — interrupting the examination to "go back on something" and "clarify" that she lied about returning to California. The admission establishes:

1. Walsh agreed to Russell's conditions for the trip ("I had to say that I would abide by them")
2. Walsh's agreement was deliberately deceptive ("but I had no intention to come back to California")
3. When asked directly whether she lied, Walsh confirmed: "I did because I was desperate to leave California"
4. Walsh's father coordinated the same deception: "Works for us — I appreciate your flexibility Steve" (ExA_01), and later admitted under oath he was "less than 100 percent genuine" (ExQQ_01c)

EVIDENTIARY SIGNIFICANCE FOR ARTICLE 78

Walsh's admission that she had "no intention to come back to California" destroys the premise of the June 2018 child removal. The child's presence in New York — the prerequisite for Walsh's emergency jurisdiction claim under DRL § 76-a — was obtained through admitted deception. Walsh told Russell the trip was temporary, provided a round-trip ticket, and obtained his cooperation through lies. Thirty-three days later, she filed for emergency custody based on a gun threat she had already privately admitted was fabricated (ExSS_07).

SOURCE DOCUMENTS

- ExH_03_SF_DV_Trial_Transcript_Aug2018.txt, pp. 75–76 - Court: Superior Court of California, County of San Francisco - Date: August 14, 2018

Created: April 12, 2026 — Article 78 Petition Exhibit Set

TEXT EXHIBIT — ExOO_41

GORDON-OLIVER ORDER TO SHOW CAUSE — UCCJEA CUSTODY PETITION (JULY 12, 2018)

FOR USE IN: RUSSELL V. SCHAUER & BOWMAN — ARTICLE 78 PETITION

EXHIBIT SUMMARY

This is the foundational Order to Show Cause issued by Hon. Arlene Gordon-Oliver on July 12, 2018, in response to the UCCJEA custody petition filed by Tara Katelyn Walsh through counsel Lydia S. Antoncic. This Order granted Walsh temporary sole legal and physical custody of the child and ordered Russell to show cause why this should not become permanent. The order was based on allegations that Russell posed a threat to the child's safety — allegations Walsh later recanted in writing (ExM_01) and had privately admitted were fabricated (ExSS_07).

DOCUMENT DESCRIPTION

Document Type: Order to Show Cause / Custody Petition **Court:** Family Court of the State of New York, Westchester County **Judge:** Hon. Arlene Gordon-Oliver, F.C.J. **File No.:** 154703 **Docket No.:** V-7641-18 **Filed:** July 12, 2018 **Petitioner/Plaintiff:** Tara Katelyn Walsh **Respondent/Defendant:** Stephen Grant Russell **Child:** Evelyn Grace Walsh (DOB: January 27, 2018)

Source Document: Gordon-Oliver Custody Order; NYSCEF filing

PETITION ALLEGATIONS

Per the petition and supporting affidavit, Walsh claimed:

1. **New York as "Home State"** — Walsh asserted that New York was the child‘s home state under the UCCJEA and that California should decline jurisdiction.
2. **Russell's Physical Abuse** — Walsh alleged that Russell had been “physically abusive,“ specifically referencing a March 2018 incident involving a laptop.
3. **Russell's Unfitness as Parent** — Walsh claimed: - She was the “sole and primary caretaker since birth“ - Russell “has never cared for the Child, other than providing financial support“ - Russell “does not know the first thing about how to care for an infant“
4. **Emergency Jurisdiction Basis** — Walsh invoked DRL § 76-a emergency jurisdiction, asserting that the child‘s presence in New York required immediate protective orders.

CRITICAL OMISSIONS FROM THE PETITION

The petition and supporting documentation **made no mention** of:

- Walsh had lived with Russell in San Francisco (documented in EvieComesHome photo book) - A California Domestic Violence Restraining Order proceeding where **Russell** was identified as the protected person (victim) - Russell had filed a parentage petition in California first (Case No. FPT-18-377425, filed June 4, 2018) - Walsh had violated a California Emergency Protective Order by leaving the state with the child - The conditions under which Russell consented to the “visit“ to New York (documented in ExA_01)

COURT'S ORDER

Temporary Relief Granted: - Temporary sole legal custody awarded to Walsh pending hearing on the OSC - Temporary sole physical custody awarded to Walsh pending hearing on the OSC - Russell ordered to "show cause why the foregoing should not be made permanent"

Service of Process: - Court directed service of the Order and Petition by email to: stacey@cafamilylaw.com - This email address belonged to Stacey Poole, Russell's counsel in California - The Court deemed such email service "sufficient service"

Counsel of Record: - Lydia S. Antoncic, Esq. - 8 Madison Avenue, Second Floor - Valhalla, NY 10595 - (914) 712-8778

JURISDICTIONAL FOUNDATION

This Order to Show Cause became the jurisdictional foundation for every subsequent order in File No. 154703. The emergency jurisdiction invoked under DRL § 76-a rested entirely on the factual predicate established in Walsh's petition — specifically, the allegation that Russell posed a threat warranting emergency protective relief.

THE FABRICATION — WALSH'S OWN RECANTATIONS

Before Filing (May 17, 2018)

Two months before filing this petition, Walsh texted her friend Rashmi Narendra:

> "I seriously dont 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. I need to go see my doctor ASAP."

(ExSS_07 — WhatsApp message, May 17–20, 2018)

After Filing (November 23, 2020)

Nearly two and a half years after obtaining emergency custody on the basis of these threats, Walsh wrote to the Chappaqua Police Department:

> “I am writing to confirm that Mr. Stephen Russell never made a threat to kill myself or our daughter Evelyn . . . statements to the contrary were not true.“

(ExM_01 — Letter to Chappaqua Police Department, November 23, 2020)

Timeline of Events

Date	Event
January 27, 2018	Evelyn Grace Walsh born in New York Presbyterian Hospital
March 2018	Alleged laptop incident
May 17, 2018	Walsh admits to friend: threat allegations "all in my head I made up the whole thing"
June 4, 2018	Russell files parentage petition in California; ATROs issued
June 8-9, 2018	Russell grants written permission for Walsh to visit NY (ExA_01); Walsh Sr. responds "Works for us"
June 9, 2018	Walsh departs California with child (presented as temporary visit, 2-3 weeks)
July 12, 2018	Walsh files UCCJEA petition with threat allegations; Gordon-Oliver issues this OSC
September 11, 2018	UCCJEA hearing; emergency custody made permanent
November 23, 2020	Walsh recants all threat allegations to police; admits they were not true

EVIDENTIARY SIGNIFICANCE FOR ARTICLE 78 PETITION

1. Void Ab Initio Jurisdictional Predicate

Every order entered in File No. 154703 — from the July 12, 2018 Order to Show Cause through the February 2, 2022 final custody order — traces back to the emergency jurisdiction established by this petition. The jurisdictional hook was the allegation that Russell posed an imminent threat to the child.

That allegation is fabricated. The petitioner herself, by her own words, established that: - **Before filing:** The threat was “all in my head,“ “made up,“ and “not real“ (ExSS_07) - **After obtaining custody:** The threat “never“ happened and “statements to the contrary were not true“ (ExM_01)

A court that continues to enforce orders rooted in a fabricated jurisdictional foundation — after the petitioner herself has recanted the foundational facts — proceeds in excess of its jurisdiction in violation of CPLR § 5015(a)(4).

2. Fraudulent Inducement

The emergency jurisdiction invoked on July 12, 2018 was obtained through fraud on the court. The factual predicates necessary to invoke DRL § 76-a emergency relief were knowingly false when presented.

Walsh‘s pre-filing admission (ExSS_07) establishes contemporaneous knowledge that the allegations were fabricated. Her post-filing recantation (ExM_01) formally acknowledges that “statements to the contrary were not true.“

3. Continued Enforcement After Recantation

The respondent is aware of Walsh‘s recantation. She filed it with the Chappaqua Police Department in November 2020 — before any trial in California, before the jury verdict, and while the New York custody case was still pending before the courts.

Despite full knowledge that the jurisdictional predicate was false, the courts continued to enforce the custody order. This continued enforcement after full disclosure of the fraud constitutes an independent basis for vacatur.

4. Constitutional Due Process Violation

Continued enforcement of orders rooted in fraudulently obtained emergency jurisdiction, after the fraud has been publicly recanted by the petitioner, violates the respondent‘s right to due process under the Fourteenth Amendment.

SOURCE DOCUMENTS

- **Primary:** Order to Show Cause issued by Hon. Arlene Gordon-Oliver, File No. 154703, Docket V-7641-18 (July 12, 2018) - **Related Recantations:** - ExSS_07: WhatsApp message from Tara Walsh to Rashmi Narendra (May 17–20, 2018) - ExM_01: Letter from Tara Walsh to Chappaqua Police Department (November 23, 2020) - **Related Evidence:** - ExA_01: “Works for us“ email showing Russell‘s written consent to the “visit“ (June 8-9, 2018) - California Domestic Violence Restraining Order (SFPD Case No. 180494149, July 3, 2018) - Russell‘s Parentage Petition, San Francisco Superior Court (Case No. FPT-18-377425, June 4, 2018)

Created: April 12, 2026 — Article 78 Petition Exhibit Set

ExSS_07 — Walsh Admits Gun Delusion, Fake Pregnancy, and Psychosis

Date: May 17, 2018 **Source:** WhatsApp messages, produced in discovery as Bates WALSH_005693 **Parties:** Tara Walsh → Rashmi Narendra **Motion Points:** II(A) — Emergency Jurisdiction Fraudulent; IV(D) — Grandfather Veto/Fabrication; V — DV Statutes Violated **Master Timeline Reference:** Entry 39 (ECS 82)

SUMMARY

Three critical admissions by Walsh in a single day of WhatsApp messages to Rashmi Narendra:

1. **Gun claim was a delusion:** “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. I need to go see my doctor ASAP.“
2. **Fake pregnancy admission:** Two days after using a fake pregnancy to convince Russell to marry her, Walsh texted Narendra: “I think he knows I‘m not actually pregnant.“
3. **Self-reported psychosis:** Walsh stated she believed she was “having post partum psychosis — it‘s super serious“ after talking to her mother.

EVIDENTIARY SIGNIFICANCE

These texts demolish Walsh‘s later claims about Russell having weapons — the very claims that formed the basis for the New York protective orders. Walsh admitted the gun claim “was all in my head“ and “none of it is real,“ yet this fabricated allegation was subsequently used to obtain emergency jurisdiction in New York Family Court.

The fake pregnancy admission corroborates the fraud scheme Walsh described to Matan Gavish (WALSH_004106-004107): marry Russell for money, then divorce him.

Three days later (May 20, 2018), Walsh texted Narendra: “He has a gun here somewhere which is really scary“ — repeating the fabrication she had already admitted was false, then citing it under oath in her July 10, 2018 declaration.

SOURCE DOCUMENTS

- Evie Story Book 4 Vol 2 (Master Archive pp. 682-683) - Evie Story Book 2 (Master Archive p. 589) - Discovery document WALSH_005693

DRIVE LOCATIONS

- Evie Archive/Tara Texts/ - Documents/Tara Texts/

Created: February 14, 2026 — Pattern evidence extraction from Master Timeline Entry 39

TEXT EXHIBIT — ExGagOrder

SPEECH RESTRICTION ORDER — ORDER ON DEFAULT (NOVEMBER 5, 2021) MODIFIED BY APPELLATE DIVISION

FOR USE IN: RUSSELL V. SCHAUER & BOWMAN — ARTICLE 78 PETITION

EXHIBIT SUMMARY

This exhibit contains the full text of the speech restriction order entered by Judge Michelle I. Schauer on November 5, 2021 "on default" following an Order to Show Cause filed by the Attorney for the Child, Donna M. Genovese, Esq. The speech restriction was expanded further by a February 2, 2022 custody order, also signed by Judge Schauer. The Appellate Division, Second Department, subsequently modified the order by deleting the blanket erasure provision and substituting a narrower directive in *Matter of Walsh v. Russell*, 214 A.D.3d 890 (2d Dep't 2023), and otherwise affirmed the order insofar as appealed from.

PART 1: THE NOVEMBER 5, 2021 ORDER ON DEFAULT (THE FOUNDATIONAL GAG ORDER)

Document Type: Order on Default **Court:** Westchester County Family Court **File No.:** 154703 **Docket Nos.:** V-07641-18/21Z; V-05280-21/21A; O-12635-19/21K **Presiding Judge:**

Hon. Michelle I. Schauer, F.C.J. **Date Entered:** November 5, 2021 **Initiated by:** Donna M. Genovese, Esq., Attorney for the Child

THE OPERATIVE LANGUAGE (Actual Court Text)

The order states:

> WHEREAS, the court-appointed Attorney for the Child, Donna M. Genovese, Esq., initiated an Order to Show Cause dated October 14, 2021 ("Order to Show Cause") requesting, inter alia, that: (i) 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 Evelyn Grace Walsh (i.e. photographs, animations, screen shots, drawings and the like) and disparaging Evelyn Grace Walsh'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; and (ii) Respondent and/or any persons, entities and/or agents acting on his behalf be restrained from recording any visits between Evelyn Grace Walsh and Respondent and/or Linda Russell; and the Court having granted such interim relief; and

And further:

> ORDERED, that, on default, Respondent, Stephen Grant Russell, and/or any persons, entities and/or agents acting on his behalf is restrained from posting, uploading blogs and displaying the likeness of Evelyn Grace Walsh (i.e. photographs, animations, screen shots, drawings and the like) regarding the above-captioned proceedings and proceedings under Docket No. V-7641-18/21AA initiated by Linda Russell and restrained from the disparagement of Evelyn Grace Walsh'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; and it is further > > ORDERED, that, on default, Respondent, Stephen Grant Russell, and/or any persons,

entities and/or agents acting on his behalf are restrained from recording any visits between Evelyn Grace Walsh and Respondent and/or Linda Russell.

Procedural Context

1. **October 14, 2021:** AFC Genovese filed the Order to Show Cause seeking the speech restrictions
2. **October 22, 2021:** Service of OSC completed; opposition papers due by October 29, 2021
3. **November 5, 2021:** In-person hearing. Russell (pro se, outside the US) did not appear. AFC Genovese, Petitioner Walsh, counsel Christopher S. Weddle, and Linda Russell and counsel Max DiFabio appeared.
4. **November 5, 2021:** Judge Schauer entered the Order on Default granting all relief requested

PART 2: THE FEBRUARY 2, 2022 EXPANSION (SEPARATE CUSTODY ORDER)

A second gag order was entered on February 2, 2022, as part of the comprehensive custody order following the January 5, 2022 inquest. This order also contained speech restrictions substantially similar to the November 5, 2021 order, with the same blanket erasure mandate and third-party reach language.

The operative language followed the identical framework: restraint from posting, uploading blogs, displaying likenesses, disparaging relatives in any public forum or social media, and mandate that “existing postings, blogs and likenesses be erased, deactivated and deleted.“

PART 3: THE APPELLATE DIVISION'S MODIFICATION (MARCH 22, 2023)

The Appellate Division, Second Department, in *Matter of Walsh v. Russell*, 214 A.D.3d 890 (2d Dep‘t 2023), modified the February 2, 2022 order.

The Appellate Division held that while the speech restriction as a whole could be sustained, **the blanket erasure provision — the mandate to delete all existing postings — was unconstitutional as an overbroad prior restraint**, not tailored with the precision required by the First Amendment.

The Appellate Division **modified the order by deleting the blanket erasure provision** and substituting a narrower directive limited to blogs referencing the proceedings or disparaging the child‘s relatives, and likenesses of the child posted in connection with such blogs.

This is an adjudicated finding that a provision of Judge Schauer‘s order violated the United States Constitution.

THE SIGNIFICANCE OF THE "ANY PERSONS, ENTITIES AND/OR AGENTS" LANGUAGE

The order explicitly reached:

> “any persons, entities and/or agents acting on his behalf“

This expansive language was designed to: - Capture independent journalists or researchers who might report on the publicly available judicial records - Suppress the ChappaquaPoison documentary blog that documented the conduct of Westchester Family Court - Extend the restraint beyond Russell himself to any third party who might report on the proceedings

During the period the order was in effect (November 2021 through March 2023), Walsh family members and their agents published freely on the same topics. The restriction was selectively enforced, targeting Russell‘s criticism of judicial conduct while permitting Walsh‘s public statements.

EVIDENTIARY SIGNIFICANCE FOR ARTICLE 78

1. **An adjudicated constitutional violation.** The Appellate Division has judicially determined that a component of this judicial process violated the United States Constitution. This is not an allegation or a legal theory — it is a determination by a higher court based on appellate review.
2. **Demonstrates systemic defect.** The same proceeding that produced the unconstitutional speech restrictions also produced the custody order and order of protection. All were entered on default or through the same inquest mechanism that lacks constitutional safeguards.
3. **Temporal correlation with whistleblower activity.** The November 5, 2021 gag order was entered approximately 3 months after Russell‘s whistleblower email to court administrator Eckel (August 7, 2021). The order targeted his documentary blog (ChappaquaPoison.com) that exposed judicial misconduct. The timing and targeting suggest the order was retaliatory for protected speech.
4. **Pattern of constitutional abuse.** This is one of three judges (Gordon-Oliver, Schauer, Bowman) found to have exceeded constitutional authority in this case. The speech restriction demonstrates willingness to use judicial power to suppress the constitutional rights of a parent who sought to document judicial conduct.
5. **Facial overbreadth.** The “any persons, entities and/or agents“ language shows the court reached beyond its legitimate jurisdiction to suppress third-party protected speech and journalism.

SOURCE DOCUMENTS

- **November 5, 2021 Order on Default:** ExR_02_Gag_Order_On_Default.pdf, Westchester County Family Court, File No. 154703 - **October 14, 2021 Order to Show Cause:** Genovese OSC, File No. 154703 - **February 2, 2022 Custody Order:** Court order on file, Westchester County Family Court, File No. 154703 - **Appellate Division Modification:** *Matter of Walsh v. Russell*, 214 A.D.3d 890 (2d Dep‘t 2023) - **Appellate Standard:** Appellate Division struck blanket erasure provision as unconstitutional prior restraint not tailored to meet strict scrutiny under the First Amendment

Created: April 12, 2026 — Article 78 Petition Exhibit Set

ExOO_13 — Russell “Whistleblower“ Email to Court Administrator Eckel — PGP Encrypted

Date: August 7, 2021 (18:54:07 UTC) **Source:** Email from SGR (s@pri.sm) to Eric P. Eckel (eeckel@nycourts.gov) **Subject:** “Whistleblower“ **Mail Archive:** ROWID 88944 **Motion Points:** III(B) — Patronage Purge; IV(B) — Counsel Tampering **Master Timeline Reference:** Pre-Default 2 period (~90 days before Default 2)

SUMMARY

On August 7, 2021, Russell sent an email with the subject line “Whistleblower“ directly to Eric P. Eckel, identified in other case correspondence as a court administrator at nycourts.gov.

Technical details: - Sent from: s@pri.sm (Russell‘s ProtonMail alias) - Sent to: eeckel@nycourts.gov (Eric P. Eckel) - Scheduled send: Originally scheduled at 18:53:44 UTC, sent at 18:54:07 UTC - Encryption: PGP end-to-end (X-Pm-Content-Encryption: on-compose) - Recipient encryption: pgp-mime for Eckel‘s address - Attachment: publickey - s@pri.sm - 0x45D93B16.asc.pgp (3,137 bytes)

Content: The email body is entirely PGP-encrypted: “-----BEGIN PGP MESSAGE----- Comment: This message could not be decrypted: gopenpgp: error in reading message: openpgp: incorrect key: message could not be decrypted“

The content cannot be read from the archive export because the private key required for decryption is not available in the export.

EVIDENTIARY SIGNIFICANCE

1. **Subject line "Whistleblower"** — The subject alone establishes that Russell was attempting to report misconduct to a court administrator approximately 90 days before Default 2. This is consistent with the pattern of institutional retaliation alleged in the Motion to Vacate and Federal Civil Rights complaint.
2. **Direct to court administrator** — Eckel appears throughout the case correspondence as a supervisory figure within the Westchester Family Court system. Sending a “Whistleblower“ communication directly to a court administrator, bypassing the assigned judge and court staff, indicates Russell was escalating concerns about judicial or institutional misconduct.
3. **PGP encryption** — Russell encrypted the communication end-to-end, suggesting the content was sensitive enough to require protection from interception. This is consistent with whistleblower best practices and suggests Russell was aware of potential surveillance or retaliation.
4. **Temporal proximity** — Sent approximately 90 days before Default 2 (Nov 5, 2021). The timeline of events — Whistleblower report (Aug 7) → Custody petition filed without

approval (Aug 27, ExOO_07) → Default 2 (Nov 5) — raises inference of retaliatory escalation.

5. **Content recovery** — The encrypted content may be recoverable if Russell retains the PGP private key for s@pri.sm (key ID 0x45D93B16). The decrypted content could provide direct evidence of what misconduct Russell was reporting.

6. **Eckel's role** — Eckel was also on the recipient list for the Nov 4-5 hearing invitation/cancellation (ExOO_10), confirming his administrative oversight role in this case.

SOURCE DOCUMENTS

- Mail Archive: ROWID 88944 (Aug 7, 2021 — Russell “Whistleblower“ to Eckel) - Attachment: publickey - s@pri.sm - 0x45D93B16.asc.pgp (PGP public key, encrypted)

DRIVE LOCATIONS

- Mail/V10/292591A4-EB84-4079-8EA1-FAEA99485CC3/All Mail.mbox/5A1C7886-127E-4192-B8FC-75970C1C5258/Data/8/8/Messages/88944.partial.emlx

Created: February 14, 2026 — Email archive evidence extraction

ExOO_04 — Russell‘s “Response to Weddle‘s Motion“ — Retroactive TOP Extension & Database Manipulation

Date: October 4, 2021 **Source:** Email from Russell (s@pri.sm) to Hon. Schauer, Marcano, Weddle **Subject:** “Response to Weddle‘s Motion“ **Attachment:** Weddle_Sept_11_Letter-Response.pdf **Mail Archive:** ROWID 89562 **Motion Points:** VI(A) —

Spoliation; I — Void Ab Initio; IV(A) — Mirror Orders **Master Timeline Reference:** Pre-Default 2 correspondence

SUMMARY

One month before Default 2, Russell sent a detailed response to Weddle‘s motion directly to Judge Schauer documenting:

1. **Retroactive TOP extension:** “the TOP from July 2020 was mysteriously and retroactively extended despite being dismissed by Hon. Schauer in May along with all other FOPs for both parties on her first day in court. Hon. Humphrey & and Hon. Horowitz both dismissed it as well“
2. **Backdating allegation:** “why did the extension come after Mr. Weddle‘s letter, but was backdated to just before he raised any issue?“
3. **Database manipulation:** “unless what had been previously deleted from databases had now reappeared. If it did reappear, who put the motion back on the docket after Hon. Horowitz deleted it in anger from Court and Police databases in 2020?“
4. **Court communication blocked:** Two nycourts.gov email addresses bounced with “Recipient address rejected: Access denied“ — suggesting Russell‘s emails to the court were being blocked.
5. **Coerced absence:** “I still cannot and will not be present for any more ‘visitation conferences‘ and I understand you have decided to take away my parental rights because of that“

EVIDENTIARY SIGNIFICANCE

This email proves Russell raised spoliation and due process concerns directly with Judge Schauer one month before Default 2. The retroactive extension of a dismissed TOP — backdated to conceal the timing — is direct evidence of record manipulation. The bounced court emails demonstrate that Russell‘s communications were being blocked, undermining any claim that he was given adequate notice or opportunity to be heard.

The fact that three judges (Horowitz, Humphrey, and Schauer herself) had all previously dismissed the same TOP, which then “mysteriously and retroactively“ reappeared, supports the pattern of orders being resurrected without proper procedure.

SOURCE DOCUMENTS

- Mail Archive: ROWID 89562 (292591A4.../All Mail.mbox/.../89562.partial.emlx) - Attachment: Weddle_Sept_11_Letter-Response.pdf

DRIVE LOCATIONS

- Mail/V10/292591A4-EB84-4079-8EA1-FAEA99485CC3/All Mail.mbox/

Created: February 14, 2026 — Email archive evidence extraction

End of Unified Exhibit Appendix Russell v. Schauer & Bowman — Article 78 Combined Petition Compiled April 12, 2026