

SUPREME COURT STATE OF NEW YORK
COUNTY OF WESTCHESTER

-----x
In the Matter Of

ELIZABETH ~~HARDING WEINSTEIN~~

H. W.

Index #
31053/2021

~~An Incapacitated Person.~~

-----x
County Courthouse

111 Dr. Martin Luther King Jr. Blvd.
White Plains, N.Y. 10601
February 3, 2022

B E F O R E:

HON. ROBERT M. DiBELLA,
Justice

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

ELIZABETH HARDING WEINSTEIN
Pro Se
Connecticut Address Confidential:
(Appearing Virtually)

KENNETH L. BUNTING, ESQ.
Guardian of Property
125 Dobbs Ferry Road
White Plains, N.Y. 10607

THE KITSON LAW FIRM, PLLC
Attorneys for Petitioner
140 Grand Street
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Attorneys for Petitioner
300 Westage Business Center Drive, Suite 225
Fishkill, N.Y. 12524
BY: ROBERT MILLER, ESQ.

ALSO PRESENT:

BRIAN WEINSTEIN

MICHAEL A. DeMASI, Jr.
Senior Court Reporter

1 THE COURT: Ms. Weinstein, can you hear me? Ms.
2 Weinstein, can you hear me? Does appear we're on. Okay.
3 Ms. Weinstein, it's showing that you're muted and I'm not
4 seeing your video. If you can hear me, please un-mute and
5 tell me so and activate your video, please. Okay. Let the
6 record reflect, we're involved with proceedings in an
7 ongoing guardianship today in the matter of Elizabeth
8 Harding Weinstein.

9 These matters arise under index number 31053 of
10 2021. This matter was on today and has been put over from
11 an earlier date to address various motions that have been
12 submitted and made to this Court since this matter was
13 transferred to me on or about January 2nd. There are
14 numerous motions that need to be addressed, which we were
15 hopeful to do today.

16 Before we begin, we are still having difficulty
17 trying to bring Ms. Weinstein in. It shows us no video --
18 oh hold on. Ms. Weinstein?

19 THE RESPONDENT: Can you hear me?

20 THE COURT: Yes, I can.

21 THE RESPONDENT: Yes. It was not allowing me in
22 earlier.

23 THE COURT: Okay. Can you see us now?

24 THE RESPONDENT: I can now, yes, sir.

25 THE COURT: Excellent. Very good. Okay.

1 THE RESPONDENT: Are you, Mr. DiBella?

2 THE COURT: Yes, I'm Judge DiBella. How are you
3 doing?

4 THE RESPONDENT: Hi. I'm aware you're a judge,
5 sir. I'm just hopeful that you're going to be acting lawful
6 today like a judge and not in your personal capacity up
7 there.

8 THE COURT: I can assure you on both, I act
9 lawfully all the time.

10 THE RESPONDENT: Great.

11 THE COURT: Okay. Let me get all these appearances
12 on the record for the people who are here. I only have one
13 camera, so I'm going to turn my around so you can see
14 everyone here.

15 THE RESPONDENT: Okay. Mr. DiBella, can I ask, I
16 understand that my witnesses and my court watchers have not
17 been allowed access, virtual access to the courtroom. Is
18 that true, sir?

19 THE COURT: That is not true. I will address your
20 request for access to witnesses today, but today is not
21 scheduled for a hearing or trial. So there are no witnesses
22 today.

23 THE RESPONDENT: I understand that, but I asked for
24 court watchers, but today I'm just specially appearing to
25 specifically address the issue that this Court has and has

1 had no jurisdiction.

2 THE COURT: I understand. Ma'am, let me go
3 forward, please, all right, because I -- obviously, you have
4 had an opportunity to provide the information that you feel
5 is appropriate.

6 And I have reviewed it all and I'm prepared to
7 address some of it. Let me just do what I have to do and
8 try to get you aware of who is here. And this way you can
9 identify who was speaking and have an idea of, obviously,
10 you will have the opportunity to address me on all of these
11 matters.

12 THE RESPONDENT: And in the future just for
13 everybody's benefit, I would appreciate if any hearings are
14 held virtually, they're held virtually for all parties.
15 Then it's all fair. I can see everybody on the screen at
16 the same time that they're talking, sir, and we don't have
17 these issues that you're speaking of now.

18 THE COURT: I will deal -- I will deal with those
19 issues in the future on a proceeding by proceeding basis as
20 to what is appropriate for that proceeding.

21 In this proceeding, pursuant to your request, I
22 authorized you to appear virtually. And I'm fine with you
23 appearing virtually and I'm very thankful that you have been
24 able to come and do that.

25 THE RESPONDENT: I asked this Court to appear since

1 the inception and I've been denied access to the court. So
2 I appreciate the Court's allowing me access to my own
3 rights.

4 THE COURT: I understand your feeling about that.
5 And, again, I have not, this matter was assigned to me on
6 January 2nd. I have not denied you access here on the 24th,
7 the only other day it was on or today.

8 THE RESPONDENT: Yes. I was denied access to
9 appear virtually on that date, sir.

10 THE COURT: Not by me. The Order to Show Cause was
11 signed by another judge who had directed in-person on that
12 application. It was made before the case was assigned to
13 me, it was reviewed and authorized by Judge Malone and the
14 in-person directive came from her. I, since getting the
15 case, have not received from you any request until after the
16 24th in writing in the NYSCEF document and I granted it.

17 In addition -- okay. So that's just that. And
18 you're here. So that's good. Let's find out who else is
19 here starting from my far left. Please, put your appearance
20 on the record.

21 MR. BUNTING: Kenneth Bunting; court-appointed
22 guardian.

23 MR. HYDE: Asa Hyde from The Kitson Law Firm
24 representing Mr. Brian Weinstein.

25 MR. MILLER: Robert Miller, Sholes and Miller.

1 Also representing Mr. Weinstein.

2 THE COURT: Okay. And are you folks friends of
3 Ms. Weinstein? Okay. So --

4 MR. MILLER: This is my client, Brian Weinstein.

5 THE COURT: Okay. Mr. Weinstein, thank you. Have
6 a seat. Ma'am?

7 MS. LIDDY: Jennifer Liddy.

8 THE COURT: Okay. And Ms. Liddy's here. Okay.
9 And I think she's also -- was one of the people who
10 communicated with me about wanting to testify. And I know
11 she had some family circumstances. So we are responding to
12 that. The short response is that, again, no trial or
13 hearing is scheduled for today. We have a great many
14 motions that have to be addressed as Ms. Weinstein said her
15 principal argument --

16 THE RESPONDENT: No, I've never said -- we only
17 have two motions. We have a motion to vacate --

18 THE COURT: Let me finish. Let me finish.

19 THE RESPONDENT: And a motion to discharge Mr.
20 Bunting. There's not a great many motions, sir.

21 THE COURT: Okay. There have been many
22 applications within numerous motion. In any event --

23 THE RESPONDENT: Correct. Because the Court has
24 not addressed the motion, but they appear timely. I have
25 waited since December for this.

1 THE COURT: Ma'am, you're making yourself wait
2 longer. Let me address Ms. Liddy, because she may have
3 somewhere to be, and since we cannot -- we are not scheduled
4 to have testimony today. I don't want to waste her time.
5 All right. So I am addressing it in a fuller statement that
6 she will receive. That it is up to the parties to call
7 witnesses and choose who the witnesses are. She doesn't
8 need my permission to be a witness.

9 Now, as it relates to being both, as I need to
10 discuss with you, not with her, is if she's going to be both
11 your court-watcher, but then you anticipate calling her as a
12 witness, then she cannot be a court-watcher.

13 THE RESPONDENT: But, sir --

14 THE COURT: Wait. Let me finish. Please don't
15 just interrupt, because the court reporter cannot take that
16 record. Okay. So just let me finish the statement. All
17 right. So, she wouldn't be allowed to be a court-watcher
18 until after she's testified.

19 THE RESPONDENT: Correct. You're correct.

20 THE COURT: So I have no issue with that aspect of
21 it. If you want her to be a court-watcher subsequent to her
22 testimony, then I'm okay with that at the time that we have
23 a trial or a hearing.

24 So what I was saying, which is what you had asked,
25 was that the motion to dismiss this matter on jurisdictional

1 grounds is what's before me and what we need to resolve
2 first. Depending on that motion, then a trial or hearing is
3 appropriate. If subsequent to that, some other issues
4 arise, then we'll talk about it then. So I don't -- I don't
5 need you --

6 THE RESPONDENT: And I object on record to the fact
7 that you've allowed adverse parties into this proceeding
8 without filing a motion, into the hearing. They were
9 previously sealed from being able to have access to the
10 motions --

11 THE COURT: Yeah. I'll address that in a minute.

12 THE RESPONDENT: Yeah. They presented clear
13 evidence of impropriety, that they had access to motions
14 ~~and~~ **they were not entitled to, sir--**

15 THE COURT: Before we talk about those things, let
16 me allow Ms. Liddy to go home so she's available to you the
17 next time you do need her.

18 THE RESPONDENT: Mm-hmm.

19 THE COURT: Okay. So that's it. If you're going
20 to be a prospective witness, then you should not be
21 observing the court proceedings, and you should go. And
22 when a trial or hearing is scheduled, of course, if Ms.
23 Weinstein wants you to testify, she will communicate with
24 you and coordinate the date and I will certainly give her
25 ample notice of a trial or a hearing date.

1 THE RESPONDENT: I see you intend to delay this as
2 much as possible. *Ample Notice, That's Inter-*

3 THE COURT: No, I don't. I don't intend to delay
4 it at all. I intend to move forward on all of the different
5 things at the same time so we can expedite it.

6 THE RESPONDENT: Great, because this is a
7 fraudulent hearing for a competent woman just to get a man
8 who is a pedophile an advantage in a contentious divorce.
9 So it's sick that we're even engaging with the public's
10 taxpayer expenses as much as you have so far, Mr. DiBella,
11 and I would like to bring this matter to a close today.

12 THE COURT: Well, I'll do what I can within my
13 powers to --

14 THE RESPONDENT: Great.

15 THE COURT: -- process the cases as it's
16 appropriate.

17 THE RESPONDENT: Thank you.

18 THE COURT: And it's not me that's delaying it,
19 ma'am. I've only had it for a few weeks, so good luck with
20 that argument. And don't talk over me, because, again, the
21 court reporter cannot take two of us speaking at the same
22 time. And they're directed to continue taking me. So what
23 you say gets lost and I don't want that.

24 I want very much for you to have the opportunity to
25 say what you want to say.

1 THE RESPONDENT: I'd like to note on the record
2 that you denied me access to the court every day, since you
3 first appeared on January 6th, I've asked multiple times for
4 emergency access and the Court has not granted me any
5 relief, any relief since the inception of this case.

6 Yet Mr. Weinstein gets granted relief without even
7 having to ask. He's allowed to have access to the court
8 without even motioning the Court for such. It's really
9 interesting, but --

10 THE COURT: Yeah. That's incorrect. Your
11 statement is incorrect. Do you want me to tell you why
12 that's incorrect or do you want me to just move on to the
13 thing?

14 THE RESPONDENT: Actually, I would appreciate that,
15 please, sir, yes.

16 THE COURT: Which; the former? Tell you why that's
17 the not case?

18 THE RESPONDENT: Yes. I would like to --

19 THE COURT: Certainly.

20 THE RESPONDENT: -- if I'm wrong, I would like to
21 be corrected.

22 THE COURT: Absolutely. Okay. I'll tell you
23 exactly why you're wrong. I haven't denied you emergency
24 access. Emergency access is as expedited as my schedule
25 allows you to have.

1 And you write to me and you send me something in
2 the afternoon one day demanding a trial or a hearing the
3 next day. That -- that is impossible.

4 So that's not practical, that's not a rational
5 request. You understand that it takes me longer than that.
6 I have to notice people, we have to have trial proceedings
7 to do these things. I apologize, but it is not simply a
8 matter of you writing me a letter and then I can dispose of
9 something that day. We have reviewed all of your
10 submissions.

11 I have, you know, attempted to send you notices,
12 which sometimes I send them to you. I have tried to provide
13 you with transcripts of proceedings before me and the right
14 to receive transcripts, because I agree with your assessment
15 that you should be allowed to have the transcripts.

16 THE RESPONDENT: That's great that you agree that I
17 should have due process. Thank you, sir.

18 THE COURT: You're welcome. I can't -- I don't
19 have.

20 THE RESPONDENT: Can I --

21 THE COURT: Hold on. You wanted me to explain. So
22 I don't have authority to order you to obtain transcripts at
23 other times and proceedings before other courts that were
24 sealed for whatever reasons they did it, but I directed that
25 you have -- it's not prejudice to go back to them and seek

1 that relief. In addition --

2 THE RESPONDENT: I'm only asking for the authority
3 of this court for this case, sir --

4 THE COURT: No problem.

5 THE RESPONDENT: -- but your intent to misrepresent
6 my request is noted. *I am very clear in my*

7 *request and I understand the authority*
8 *that you have, sir.* THE COURT: The writings -- your writings to me

9 will be the record, because you've -- those documents are
10 all numbered documents in NYSCEF. Where you've asked me for
11 those things, but the record will speak for itself.

12 THE RESPONDENT: It's your statement that you
13 couldn't provide me earlier access because you had no
14 earlier appointments; is that correct, sir?

15 THE COURT: No. It was based on my assessment upon
16 review of what needed to be done and how quickly it needed
17 to be done and how quickly I could schedule it. And I had
18 matters on for the 24th, which you didn't appear at --

19 THE RESPONDENT: I was refused. *I asked for*
20 *emergency access,*
21 THE COURT: You weren't refused.

22 THE RESPONDENT: As you just said, I've asked for
23 emergency access continually, almost daily.

24 THE COURT: That's not what I said and that's not
25 the case. You didn't ask me for emergency access from the
time I was assigned to this case until after the
January 24th appearance.

1 And I have reviewed and scoured all of your
2 information on it. You can go look at it if you wish, but
3 that's my understanding of the record.

4 Immediately after that, you know, I wasn't sure if
5 -- if your non-appearance, you know, other people said,
6 well, she didn't appear at this. I said, well, that's --
7 you know, that's not anything.

8 So I wasn't sure if you were trying to appear and
9 weren't able to. So I put the matter over so we can have
10 these discussions.

11 I also accepted Ms. Kassenoff's motion which you
12 wanted her to come and file on your behalf which I've
13 permitted and I prepared to get that fully submitted --

14 THE RESPONDENT: Thank you for permitting me what's
15 entitled to me under the law, sir.

16 THE COURT: No, ma'am. You see, ma'am, again --

17 THE RESPONDENT: That's lawful practice. Thank you,
18 sir.

19 THE COURT: No, ma'am. Pursuant to an order,
20 again, by a judge of this Court, you are not permitted to
21 make any motion you want. It has to be approved by the
22 Court --

23 THE RESPONDENT: Under 81.35, and 81.36, says, yes,
24 a motion pending made by both me or anybody else who has the
25 authority to bring that motion, as Ms Kassenoff did.

1 THE COURT: Except for --

2 THE RESPONDENT: ^{AND YOU ALSO STATED THAT}
1 In the January 24th hearing, so I

3 don't why we're debating this. I just find it comical that
4 you'd like me to thank you for giving me my due process and
5 my rights, sir.

6 And I'd like to dispense with this; I have too much
7 respect for your intelligence, sir, to act as though you
8 don't know what's going on here. So, please, have respect
9 for mine.

10 Let's just really address this issue. This Court
11 has no jurisdiction over me. Under 18.04, jurisdiction is
12 only granted by this Court for a resident of the state, for
13 a non-resident of the state, or a non-resident of the state
14 pursuant to 81.18.

15 This Court meets none of those qualifications, sir,
16 and my residency in Connecticut is undisputed (sic), as I
17 was served multiple times by the petitioner. So I would
18 like you to please address this issue of jurisdiction under
19 81.04 and rule, please.

20 THE COURT: I will. That motion will become fully
21 submitted on the 14th I believe. Are you guys ready to
22 respond?

23 THE RESPONDENT: No, sir. That motion is now.
24 This Court cannot proceed on any other issue until you've
25 established jurisdiction. You've never heard my

1 jurisdictional issues.

2 I've raised them, and, again, this is not you.
3 This is, Ms. Malone. I raised them at ^{INITIATION} of this case. I
4 was never heard. Ms. Malone made a tacit admission, she
5 lacked jurisdiction. And then she fraudulently created
6 probable cause and manufactured jurisdiction under a fake
7 Medicaid case with Ms. Susan Kettner.

8 And, Ms. Susan Kettner, when I called to ask for
9 her to produce the case that she feels gave them
10 jurisdiction, which the fact that she said there was some
11 Medicaid something somewhere, which has never been proven.

12 And Ms. Kettner hung up on me. And I have a
13 recording of that phone call submitted to this Court. So,
14 please, as is proper, this Court must address these
15 jurisdictional issues and I would like the findings of fact
16 and conclusions of law in writing, in an order, on paper
17 which you feel gives this Court jurisdiction.

18 THE COURT: My turn?

19 THE RESPONDENT: Please.

20 THE COURT: Okay. Thank you.

21 THE RESPONDENT: Thank you.

22 THE COURT: I am going to provide you with a
23 written decision with regard to the jurisdiction as soon as
24 I deem the motion to be fully submitted. And that's only
25 after I've given other interested parties an opportunity to

1 respond to it, which I --

2 THE RESPONDENT: But ~~that~~ *that was January 14,*
SIR.

3 THE COURT: Excuse me. Excuse me. Excuse me. You
4 said you would give me a chance.

5 THE RESPONDENT: And I am, but you're *STATING*
MISFACTS ON RECORD --

6 THE COURT: No, you're not. I'm sorry.

7 Interrupting and just talking over me is not polite and not
8 appropriate.

9 THE RESPONDENT: It's not polite to put a competent
10 woman in a guardianship to give a pedophile access to my
11 assets and children, sir. And yet, here we are. And since
12 you would like me to virtue signal ~~sit here~~ and have polite
13 conversation with you when you were desecrating my rights.

14 THE COURT: I haven't done any of those things that
15 you just spat out about. Okay. Please, please, all I'm
16 asking for is for you not to yell out while I'm speaking. I
17 don't think there's a lot. Really, Ms. Weinstein.

18 THE RESPONDENT: I'm not yelling, sir.

19 THE COURT: Oh, no. Okay. Well, there's a lot of
20 people here --

21 THE RESPONDENT: *YOUR INTENT*
And ~~if you intend~~ to grossly

22 mischaracterize me on record as noted, sir, thank you for
23 that show of prejudice on your behalf.

24 THE COURT: You're welcome. And are you denying
25 that you were interrupting me in the mid-sentence?

1 that you were interrupting me in the mid-sentence?

2 THE RESPONDENT: I'm denying that I was yelling,
3 sir.

4 THE COURT: So you're not denying that you were
5 interrupting me mid-sentence?

6 THE RESPONDENT: Well, I objected to a falsehood
7 that you put on record, but continue, sir.

8 THE COURT: Okay. So --

9 THE RESPONDENT: And you're going to allow for
10 other people who are nonparties at the time to be allowed
11 into -- that's interesting. That shows a lot of bias for
12 that side, but, continue. Please, tell me the legal
13 justification for doing so.

14 THE COURT: Of course. The reason and the legal
15 justification for it is while I have no intention of
16 involving your ex-husband in any discussions about how your
17 money subsequent to the divorce proceeding is utilized by
18 you.

19 It's none of his business. He doesn't need to be
20 involved and he won't be, but you brought up in your request
21 to vacate this for lack of jurisdiction, issues that arose
22 upon the filing. And he was the petitioner whose attorneys
23 created, filed, and served the very document that you're
24 saying was not -- doesn't confer sufficient jurisdiction.
25 That the predicates that need to be plead and proved were

1 So that directly relates to something that they
2 have an interest in. Not the substantive issues of you and
3 your money and your health or your issues.

4 So I have no intention of involving those people in
5 those other things, but I have an obligation to advise them
6 and involve them in matters that you're relating back to
7 something that they did. So I have it here.

8 Now, when you were not here on the 24th, I
9 scheduled these motions to become fully submitted before me,
10 again, in an effort to try to expedite them so they wouldn't
11 go into months and months.

12 THE RESPONDENT: That's funny. *May I respond?*

13 THE COURT: I don't think, you know, you say that
14 all the time. I find nothing about these matters funny.

15 THE RESPONDENT: No. It's terrible what you're
16 doing to me. It's awful how illegal this Court is acting
17 and trying to pretend that there's lawful practice here.

18 If I could address what you just said; I think it's
19 very -- I agree with you. And Mr. Weinstein had a duty to
20 address that issue when I first raised it, which was back in
21 June. He did not. He chose not to.

22 And he choose to let -- he's a partner at a law
23 firm, so he understands the law, whereas I am just a pro se
24 mother who is fighting for my rights to see my children. I
25 haven't seen them in almost a year.

1 This is disgusting what you guys are doing. And
2 the issue that Mr. Weinstein raised regarding jurisdiction
3 should have been addressed. When I raised the issue of a
4 lack of jurisdiction, Mr. Weinstein had a duty and an
5 obligation and an ethical duty to prove jurisdiction at that
6 time and prove while his actions are not in violation of
7 law, and are not only proper, but ethical as a law partner,
8 and he chose not to.

9 And then Mr. Weinstein and his attorneys were
10 forbidden from this case as of this Court's own ruling on
11 August 9th. So the sheer fact that you want to give him
12 another bite at the apple when he had a chance to do this at
13 that time, sir, and chose not to, I feel it is improper.

14 And I guess we'll just have to take that up. Maybe
15 the law is unclear on this. Maybe you have a right; any
16 time a petitioner doesn't defend their rights, and then
17 later wants to come back and try and prove them when another
18 option becomes available and a new judge becomes available,
19 maybe you do have the lawful practice to do that, sir.

20 We'll have to debate that, but I think that if
21 anything else, it's unethical. And it's not in keeping with
22 the law. He had an issue and duty to address this at the
23 time, as did Judge Malone. And they all --

24 THE COURT: If I may?

25 THE RESPONDENT: -- yeah. They all failed to

1 perform their duties.

2 THE COURT: Okay. If I may: That's, obviously,
3 you understand something that -- that's not before me. I
4 have no, you know -- there's no way I can assess whether a
5 proper motion was made, heard and determined before another
6 judge about that time and whether it was --

7 THE RESPONDENT: Really?

8 THE COURT: Yes.

9 THE RESPONDENT: You can't assess whether or not
10 jurisdiction was established by Mr. Weinstein? ^{AT THE TIME} ~~HE SUBMITTED~~
11 ^{IT?}

12 THE COURT: Yes, I can do that. And I've already
13 agreed to do it.

14 THE RESPONDENT: And you can establish it on the
15 record, sir, it doesn't mean to get another bite to come
16 back and do it. It's on the record. He's already
17 established --

18 THE COURT: Ma'am, I allowed you to submit on it.
19 If it was on the record -- if it was on the record, why did
20 I allow you to submit dozens and dozens of pages on it? I
21 have to allow them to submit. They can make whatever
22 argument they're going to make like you make the argument
23 you make. That's fair.

24 And that is in my discretion as to who I will hear
25 on it. And I understand your frustration with that. And as
I've said, I have thought about this much and I am sensitive

1 to it.

2 As soon as we are done, if this matter survives a
3 jurisdictional review, and we are more talking about the
4 substantive elements and the nature of this thing, then,
5 again, I will exercise my discretion in your favor to
6 exclude people who shouldn't be here, but wait a minute.
7 Let me finish something.

8 THE RESPONDENT: Mm-hmm. Mm-hmm.

9 THE COURT: You know, you're not allowed to just
10 pick and choose who you will have and who you want to
11 publicize it, because they still have to deal with the
12 application before the initial coverage, which again, I
13 started to work on that.

14 THE RESPONDENT: How long does it take to work on,
15 sir? To just approve somebody when it's my constitutional
16 right to have access to the public's best interest is
17 maintained in a full transparent court, sir.

18 THE COURT: I'll tell you what --

19 THE RESPONDENT: How long does it take to approve,
20 sir? Because you approved Mr. Weinstein getting in here
21 lickety-split, lickety-split, *THAT MAN GOT IN.*

22 THE COURT: Mr. Weinstein is not a media
23 organization and he was the party bringing the petition in
24 the underlying proceeding in which you are now challenging
25 jurisdiction.

1 THE RESPONDENT: A conflicted party, sir, and my
2 legal adversary in multiple federal cases, and yet, this
3 Court to just completely ignore the conflicts of interest of
4 the petitioners, which you have a duty to consider.

5 THE COURT: I didn't ignore it.

6 THE RESPONDENT: I don't want to play your game.
7 There's nothing lawful about your practice. You guys are
8 putting me under an unlawful guardianship to help a law
9 partner.

10 You want to help him seize my assets during the
11 divorce and negotiate terrible terms of the divorce which
12 has happened by his agent, Kenneth L. Bunting, who has
13 denied me any access to my files.

14 Has denied me the ability to even serve in my case,
15 when he also acknowledges that he doesn't represent my
16 personal interests, and tries purport that I just didn't
17 show up for it.

18 Okay. So I don't want to insult your intelligence,
19 Mr. DiBella. What do you want from me? Do you want me to
20 say that I'm going to accept the divorce terms in order to
21 get rid of an unlawful guardianship. Nobody's playing --

22 THE COURT: I've got nothing to do with that
23 divorce, ma'am.

24 THE RESPONDENT: I am competent --

25 THE COURT: You ought to understand that.

1 THE RESPONDENT: I'm sorry?

2 THE COURT: You ought to understand that so we're
3 not wasting time. I don't have anything to do with your
4 divorce action. Do you understand?

5 THE RESPONDENT: Sir, you do very much.

6 THE COURT: No, I don't.

7 THE RESPONDENT: This is all intertwined and let's
8 be clear, because you understand that to vacate this case as
9 it should be, as my competency is clear and affirmed on
10 record.

11 Okay. You have no clear and convincing evidence of
12 anything other than a conflicted party who is a defendant in
13 my federal cases desperately bringing something to the Court
14 in hopes that he can get coverage for his wife who he
15 knows -- knows the truth about him and he wants her to stop
16 telling everybody. Okay. So you are doing his bidding and
17 this case is very much intertwined with my divorce case,
18 because Kenneth Bunting processed that divorce case based on
19 fraud.

20 And if this case gets vacated, my divorce case gets
21 vacated. So you're feigning, you know, that the two have
22 nothing to do with each other, either shows an ignorance on
23 your part, sir, or you're trying to convince me, which
24 you're not going to convince me, that I don't understand how
25 these two are related.

I see you shaking your
HEAD.

1 THE COURT: I didn't say that the two actions are
2 not related, ma'am. I said that I, me, my function as a
3 judge assigned to the guardianship part, I have no say, no
4 authority, no ruling, anything involved in that matrimonial.

5 THE RESPONDENT: Thank you.

6 THE COURT: You're welcome.

7 THE RESPONDENT: Can I ask a question about that,
8 sir? I appreciate that. I very much apprec -- can I ask
9 you a question, because I'm just a pro se and I don't really
10 know how this works.

11 But I agree; these two should be very separate
12 individual cases and why it's very interesting that they're
13 linked, because they're both based on fraud. And this, the
14 divorce case is predicated, the fraudulent divorce case,
15 64574 is predicated upon the fraud of this court. But what
16 I want to understand is when you have no understanding of
17 the divorce case at all or no --

18 THE COURT: I didn't say I had no understanding. I
19 said I'm not exercising any authority or jurisdiction over
20 that matter. I'm not the assigned judge. It's a judge of
21 coordinate jurisdiction. Please, stop interrupting me,
22 ma'am.

23 Ms. Weinstein, we're going to have to get something
24 straight; I don't want to speak over you.

25 THE RESPONDENT: Okay. I'm sorry. I didn't mean

1 to there. I thought you were done --

2 THE COURT: It's a problem.

3 THE RESPONDENT: My apologies.

4 THE COURT: Go ahead.

5 THE RESPONDENT: I want to ask a question, sir:
6 Because I'm just a pro se, and if these cases are very
7 separate, how is it that you are so familiar about the
8 details of my divorce in the January 24th proceeding when
9 there's been nothing filed in this case whatsoever to
10 indicate the terms of that divorce, or any of the issues
11 regarding custody?

12 How, sir, were you so familiar about it when the
13 case wasn't even -- has never been served to me. I don't
14 even know any details about it.

15 Can you educate me how you knew what you did and
16 what you spoke to in this hearing on the 24th, please?

17 THE COURT: Sure. Everything that's in the NYSCEF
18 file I've read.

19 THE RESPONDENT: Okay. There's nothing in the
20 NYSCEF file about the terms of 64574 case, sir, as I have
21 never been given any --

22 THE COURT: I disagree with you.

23 THE RESPONDENT: I'm sorry?

24 THE COURT: I disagree with that, but whatever.
25 I'm not going to go over that --

1 THE RESPONDENT: No, but talk about that. What
2 information, because I only know there to be a blanket
3 docket, text that I was able to take from NYSCEF, but I
4 don't know the terms, I don't know the papers that are
5 filed.

6 I don't know anything besides a letter that I wrote
7 to Mr. Ondrovic, I believe that's his name, and an
8 affidavit, but aside from that -- which was filed in
9 December warning them about the fraud in this court. And
10 that Mr. Bunting does not represent my rights.

11 So I don't have any terms of the divorce at all
12 stipulated in case 31053-2021 over which you are presiding.
13 So I'm just curious as to how you're so familiar about the
14 terms of that divorce in the January 24th proceeding.

15 THE COURT: And I've answered your question.
16 Everything I know about the case has come from a review of
17 the file in this case.

18 I have not -- well, certainly in court, but I have
19 not chosen to access any other case files regarding this
20 matter.

21 Everything I look at is in the file under this
22 index number which you are well aware of it, what it is.

23 THE RESPONDENT: That's great. You're telepathic.
24 That's great.

25 THE COURT: I don't think I need to be telepathic.

1 In any event, let's move on.

2 THE RESPONDENT: *Well, would you like me to quote* ~~what~~ you spoke to about my

3 divorce in this January 24th hearing? I can go through it if

4 you want me to take some time, but it was interesting. *You*

5 *seem to know very specific details about it.* THE COURT: Ma'am, could you turn towards me, I

6 can't -- your hair was in the way and I'm not -- start

7 again.

8 THE RESPONDENT: It's okay. I'll put it to you in

9 writing, sir. I think it's best to put it to you in

10 writing.

11 THE COURT: Okay.

12 THE RESPONDENT: Okay.

13 THE COURT: All right. So, the issues to address

14 with regard to audio/visual: Pursuant to Part 131 of the

15 New York Code Rules and Regulations, if you want to write it

16 down and look it up if you wish, 22 NYCRR, Part 131, dealing

17 with audio/visual coverage in judicial proceedings:

18 Deals with the media requests for these -- access

19 and it describes the general purpose of these provisions,

20 the definitions, the type of applications and how the Court

21 is to treat --

22 THE RESPONDENT: I'm sorry to interrupt, but I

23 would like to do this, sir, I just want to -- this is again,

24 because I'm a pro se, but it's my understanding that until

25 jurisdiction is established, no other matters can go before

1 the Court.

2 THE COURT: Okay. Do you want me to adjourn
3 consideration of the A/V requests?

4 THE RESPONDENT: So I want to make it clear that
5 you -- I think that you can -- you can make decisions on
6 your own and they can all be done simultaneously once
7 jurisdiction is established, *correct?*

8 THE COURT: Okay. I have no issue with that. I am
9 putting something off on that. If it needs to go forward,
10 we'll go forward on it. I'm not opposed to going forward.
11 That's what I'm telling you.

12 So what it requires is that I consider certain
13 factors, I look at certain information, ask them certain
14 things. So, again, I am citing so you have access to it, so
15 it's a public document.

16 I plan on showing it to them if the time is right
17 if, again, jurisdiction is established. If not, we don't
18 have to do that now.

19 Again, I have had these things going ahead on
20 multiple tracks, the different applications you've made, so
21 as not to, you know, take two months on one, then start the
22 next one then --

23 THE RESPONDENT: Correct.

24 THE COURT: Because --

25 THE RESPONDENT: But it's been a month just to

1 allow me virtual access to even talk to you about the
2 jurisdictional issues that *SHOULD HAVE BEEN*
3 *RAISED BY THIS COURT BACK IN JUNE* -

THE COURT: I explained that to you.

4 THE RESPONDENT: -- came by this Court back in
5 June. I would also like to make in clear that Mr. Bunting
6 is abusive and does not deserve to have any authority
7 granted him by the Court in any way.

8 If your motion, your idea that it would be moot for
9 you to talk about his control over me because you still have
10 to address these other issues.

11 What that does, sir, if it subjects my rights to be
12 free from harm and free from retaliation of the government,
13 those are desecrated by you until you decide to address the
14 jurisdictional issue, which, again, not your problem, should
15 have been addressed by this Court back in June.

16 *YOU DO NOT HAVE A RIGHT TO DO THAT.*

THE COURT: And I told you I'm going to address

17 it --

18 THE RESPONDENT: And I --

19 THE COURT: -- multiple times. I've asked you to
20 move on, because I told you I've ordered that motion to be
21 fully submitted. I ordered it to be fully submitted when
22 you weren't here -- hold.

23 THE RESPONDENT: Mr. Bunting --

24 THE COURT: Ma'am, I'm going to mute you. Okay.
25 So I can finish a sentence.

I'M TALKING ABOUT

1 THE RESPONDENT: No. Go ahead, sir.

2 THE COURT: Promise?

3 THE RESPONDENT: Mm-hmm. That's funny.

4 THE COURT: Yeah. Again, I find no humor in the
5 circumstance that you're in or that --

6 THE RESPONDENT: Yeah, because you put me in this
7 position --

8 THE COURT: Let me finish.

9 THE RESPONDENT: You're keeping me in here.

10 THE COURT: Now, I didn't put you in it. Okay.

11 THE RESPONDENT: You're keeping me in it, yes, you
12 are. You're responsible for this. This is by your
13 authority, a competent capable woman who is able to manage
14 her own affairs is in an illegal guardianship in which you
15 seized my assets, allowed the divorce to proceed.

16 You can came on January 2nd, the divorce wasn't
17 signed until January 19th, so under your authority, that
18 fraudulent divorce took place. *SO YES SIR --*

19 THE COURT: It did not occur under my authority.
20 No, ma'am. I'm not going to sit here and listen to this.
21 Okay.

22 THE RESPONDENT: Okay.

23 THE COURT: All right. I told you; I'm not
24 assigned to that case. It was not under my authority. It
25 was under the authority of another judge of coordinate

1 jurisdiction over whom, under the law, I do not control at
2 all.

3 I am not allowed to make judgments adverse or
4 overruling judges of coordinate jurisdiction. And the case
5 was not assigned to me and I sat over and controlled this
6 thing was happening to you and --

7 THE RESPONDENT: This ~~wasn't~~ *GUARDIANSHIP. YOU SIT OVER AND CONTROL*

8 THE COURT: Yeah, you were talking about your *THIS GUARDIANSHIP, ALLOWING THE*

9 divorce.

10 THE RESPONDENT: The fraudulent divorce to
11 proceed --

12 THE COURT: Here's what we're going to do: You're
13 going to let me finish or I'll just mute you and finish.

14 THE RESPONDENT: Okay. Please, finish.

15 THE COURT: Okay. Very good. I want to address
16 now -- we have addressed your issues regarding coverage
17 requests which we will suspend until there's a written
18 decision or order filed on the application for jurisdiction
19 to dismiss for lack of jurisdiction, which will become fully
20 submitted on the 14th.

21 And I will promise a decision within a week to ten
22 days of it becoming fully submitted on the 14th.

23 THE RESPONDENT: By all *means, let's keep*

24 THE COURT: Ma'am, I'm going to mute you if you *IT GOING.*
25 keep interrupting me. All right. With witnesses and

1 spectators, you may have spectators, but if you then later
2 try to call them as witnesses and they were involved with
3 these proceedings, the parties have a right to object to
4 that.

5 And I would strongly recommend you not do that.
6 Otherwise you choose who you want to call. I will tell you
7 when we're going to have a trial, if we're going to have
8 one, and you will have plenty of notice to obtain your
9 witnesses.

10 And if you have any difficulty obtaining witnesses,
11 they are -- you're not able to secure their attendance on
12 your own, you can ask and I will review and sign subpoenas
13 to compel witnesses to testify, which an attorney would
14 otherwise have a right to do, but the Court will assist you
15 with being pro se, if that is required.

16 The last thing is the various motions; motion
17 sequence number seven, this was just for the sake of what
18 we're all talking about; I guess this was a Kassenoff
19 motion.

20 Ms. Weinstein asked that I treat it as such and I
21 have agreed to do that. This motion sought to vacate this
22 judgment on jurisdictional ground. This motion was signed
23 by Judge Malone approving its consideration by the Court
24 and then transferred to me for that consideration.

25 It directed personal appearance. There was no

1 personal appearance on that date by Ms. Weinstein. I did
2 not find her in default. I adjourned to instead give her a
3 broader opportunity subsequent to that in her -- in her
4 correspondence that she's uploaded to NYSCEF.

5 She asked for opportunities to appear virtually. I
6 communicated to her promptly that she would be permitted to
7 appear virtually in this matter. And she has been provided
8 the link and has appeared virtually.

9 As to the portion of the petition, motion sequence
10 seven, that sought other relief to terminate the
11 guardianship, that was withdrawn by affidavit later
12 submitted on 1/18/22 and NYSCEF Document 256.

13 In addition, there was a portion seeking a motion
14 to sequence seven as a substitution of guardian. That
15 application is still open.

16 If the Court has determined that it has
17 jurisdiction, then we can address the issue with a
18 substitute guardian who is more amenable or someone who Ms.
19 Weinstein would prefer and have confidence and trust in. We
20 can look at that under that sequence.

21 THE RESPONDENT: I object -- I object you're
22 subjecting me to irreparable harm at your own will. You
23 have a duty to make sure that my rights are being heard.
24 And on this motion, sir, you have signed an order to show
25 cause, directly by me.

1 We're not playing. I am competent. I am capable.

2 There's no dispute to this. This is not being **HELD FOR**
MY INTEREST - -

3 THE COURT: That's not correct, Ms. Weinstein.

4 THE RESPONDENT: **THIS IS HELD**
5 For the financial interest of a
6 partner and for you to say you're going to withhold relief
7 from me that will help reinstate some of the rights that
8 this Court has been desecrating because you're going to wait
9 to hear jurisdiction, which should have been decided by this
Court, **THAT JUST GOES TO SHOW**

10 The use of this Court for your own personal
11 interests to address issues as you see fit and not as they
12 enforce my rights.

13 THE COURT: Very well.

14 THE RESPONDENT: My rights should be addressed
15 first. And my rights are being desecrated by this Court and
16 you have no ability or you have the ability to unlawfully do
17 it, but you don't have an ability to lawfully subject me to
18 irreparable harm until you decide to hear jurisdictional
19 issues that this Court should have heard earlier.

20 So you were able to grant me relief, sir, in
21 discharging Mr. Bunting for his unlawful practice, for his
22 malice, for his malpractice, for his inability in his
23 failure to perform the duties ~~and~~ **UPON HIM** enjoined by law and his
24 inability to provide me any money **FOR FOOD OR LIVING -**

25 THE COURT: Can I ask you something on this point

1 or you just want to keep going?

2 THE RESPONDENT: You're interrupting me, but, yes,
3 by all means, please --

4 THE COURT: I'm not interrupting you, ma'am. You
5 interrupted me. I was speaking before you just went off for
6 three minutes. And, again, the transcript -- and you're
7 doing it again, the transcript will reflect when you
8 interrupt. Because it will cut off my sentence in the
9 middle of it, have a dot dot dot, and then it will say,
10 Ms. Weinstein and you cutting in.

11 And you will see that dozens and dozens of times.
12 And it will see that I am begging you to just give me the
13 simple courtesy of hearing me out as I am listening to you.

14 THE RESPONDENT: I'm asking you -- you're playing a
15 delusion, sir, and I'm not willing to play, but go ahead.
16 By all means, try to purport legitimacy to this fraudulent
17 case, this farce that you guys call law.

18 THE COURT: I'm trying. I'm trying --

19 THE RESPONDENT: You are trying to purport
20 legitimacy to it, but it's just a farce, but, continue,
21 please.

22 THE COURT: Okay. I'm trying. What I'm saying --
23 again, with you interrupting, you can make sounds if you
24 want.

25 What I'm trying to do is create a record, a

1 verbatim transcript of our positions, so if I'm wrong with
2 regard to any of these things as you believe and contend,
3 that will be understood.

4 The transcript will reflect these proceedings. I
5 can't do more than that for you to make a perfect record,
6 but if you're talking over me, then the record fails.
7 That's all I'm asking for is just an exchange so you
8 understand this.

9 THE RESPONDENT: Yeah. I don't understand how you
10 can continue to lay plausible deniability, how you continue
11 to deny me relief, sir, which is within your jurisdiction
12 rights, not within your jurisdiction, but you have
13 overstepped your jurisdiction already.

14 And right now you can grant me relief by getting
15 rid of an abusive man, who is denying me food, who has
16 tortured me, tortured me, and by all had evidence that I've
17 submitted, and I have submitted copious evidence to this
18 Court, has been abusive, condescending, unprofessional, and
19 has acted with malice and malpractice.

20 What lawyer, sir, can I ask you: What lawyer would
21 ever request that his own case gets dismissed with
22 prejudice? What's the benefit to that person's client? Can
23 you tell me?

24 THE COURT: I can probably think of a few, but
25 that's not on my agenda to educate you and advise you about

1 it.

2 THE RESPONDENT: Mr. Bunting is an agent of Mr.
3 Weinstein.

4 THE COURT: Here you go, Ms. Weinstein, okay, I've
5 heard you. I've got to finish what I have to say that you
6 interrupted me with several minutes ago. And then I will
7 give you an additional opportunity to speak.

8 I'm asking you not to interrupt me again. All
9 right. We dealt with motion sequence number 7. And Ms.
10 Weinstein objects to my comments with regard to that and
11 that objection is noted.

12 With regard to what was referred to as motion
13 sequence number 8, this motion I believe in its entirety,
14 which was signed by me, I think its -- in entirety was
15 withdrawn by an affidavit by Ms. Weinstein that she sent to
16 me dated 1/19/22.

17 THE RESPONDENT: Under duress.

18 THE COURT: Do you not want to withdraw it?

19 THE RESPONDENT: It was withdrawn under duress.

20 THE COURT: What duress, what do you mean?

21 THE RESPONDENT: Well, it was adjudicated in bad
22 faith, sir. And I made that clear in my affidavit to you.

23 THE COURT: It hasn't been adjudicated.

24 THE RESPONDENT: I just want to -- I just want to
25 correct the record, but I don't want to interrupt. So,

1 please, continue.

2 THE COURT: Okay. Well, it hasn't been adjudicated
3 motion sequence number 8, but on two times, both in an
4 affidavit of 1/19/22, which is NYSCEF Document 259 and a
5 separate later dated 1/25, which is NYSCEF Document 274, you
6 insisted that that motion be withdrawn.

7 And so it is deemed withdrawn --

8 THE RESPONDENT: Mm-hmm. Under duress.

9 THE COURT: -- but I can tell you this, whether it
10 was withdrawn, I can tell you it's without prejudice. You
11 can review that motion. If you at any time in my view, you
12 have the power and the right to seek a termination of this
13 guardianship. That is your right pursuant to statute and
14 you can do it with or without an attorney. Whether or not
15 you've been adjudicated incapacitated by any court, you
16 maintain that right.

17 THE RESPONDENT: Correct, sir. And it needs to be
18 vacated, because this is *all fraud* --

19 THE COURT: I understand. I don't have any
20 application before me at this time to terminate. I don't
21 have an application to vacate. And that's the one I'm going
22 to rule on first as you requested.

23 Motion sequence number 9 I got. It was filed on
24 2/2. I have not yet signed it. It seeks three things that
25 I haven't found necessary to even get into. One was

1 unsealed. Again, I've provided the transcripts for
2 proceedings before me. And all you have to do is order them
3 from the court reporters and that's that.

4 The second thing it sought was press requests, and,
5 well, I am processing those and we're going to hold off
6 until I issue a written decision to Ms. Weinstein regarding
7 jurisdiction.

8 The third thing it sought was for court watchers to
9 have access. And I've addressed that. I will allow her to
10 have court watchers who she wants to have access, to come
11 in, they can't have the virtual link.

12 I cannot send the virtual link out to others. It's
13 not correct when you're trying to tell me that I've allowed
14 others. The only one I've allowed to appear virtually is
15 you. You are the only one that's appeared virtually and
16 you're the one who's allowed to appear virtually.

17 If you have, again, subsequently in another matter,
18 if someone comes in and says, I have a witness, they can't
19 come when we do them virtually. Upon notice to the other
20 side, I hear discussion, I make a ruling, but I can't make
21 that in advance.

22 THE RESPONDENT: That was the motion to you, sir,
23 back in January 5th to have that done for the January 24th.
24 And that was not allowed. We wanted our witnesses to appear
25 virtually for this hearing to get this issue immediately

1 adjudicated. It was an unopposed motion, unopposed motion
2 that I've been waiting to be heard on since December 13th.
3 *H'S NOW ALMOST TWO MONTHS AWAY.*

4 THE COURT: All right. You're wrong on all of
5 those things. Okay. It was not an unopposed motion.
6 Ma'am, when you write to me and tell me that you want a
7 trial tomorrow, okay, and tomorrow comes, that does not make
8 your application, your demand to me unopposed.

9 I have an obligation when something is brought by
10 Order to Show Cause to set the return date. The time I
11 choose is governed by statute. I have to determine who has
12 to be served with it, give statutory time for them to be
13 served with it. And give them reasonable time to respond,
14 even if they choose not to respond. Your timeframe in
15 ordering me to give you a jury trial tomorrow or to be heard
16 and present witnesses tomorrow --

17 THE RESPONDENT: I'm sorry. Excuse me.

18 THE COURT: Again, you're having -- you're having a
19 laughing fit.

20 THE RESPONDENT: Your intent to willfully
21 misrepresent my request to the Court to make it appear that
22 I don't know what I'm doing is noted. Sir, when I asked for
23 emergency access to the Court to report on the extreme abuse
24 of Mr. Bunting and the fact that I am not allowed money to
25 eat or live, is not asking you for a trial the next day,
sir, please. Please, can we just dispense with this air of

1 legitimacy --

2 THE COURT: Again, you're --

3 THE RESPONDENT: That's not what I'm doing, sir.

4 THE COURT: Your uploaded filings will speak for
5 themselves as to what you have demanded with regard to a
6 trial; both a jury trial, a nonjury trial, the dates you
7 wanted it and the witnesses you were bringing.

8 Okay. So, yeah, we'll stop, because, again, the
9 record that you have uploaded into NYSCEF will speak for
10 itself.

11 Now, as to your view that you have no money; no, I
12 didn't ignore that on January 24th when you didn't show up.
13 I made sure that you had received into account over \$10,000.
14 And you were not starving.

15 Now, as to your claims --

16 THE RESPONDENT: With all due respect, sir --

17 THE COURT: No. No. I'm not asking --

18 *we make six million dollars a year.*
19 THE RESPONDENT: -- I'm a *MULTI* millionaire. ^ I should be
20 getting \$75,000 a month and you want me to be grateful that
21 I got \$10,000 to cover the last nine months?

22 THE COURT: No, ma'am, you being grateful has
23 nothing to do with it. I don't expect you to be grateful.
24 You said, I expect you -- I don't expect you to be grateful.
25 I assess my responsibility to make sure you were not
penniless, as you said.

1 Now, whether you have all of the funds that are
2 yours and are being held by Mr. Bunting, of course you
3 don't, by Court order, not mine -- excuse me, ma'am, by
4 Court order not mine, those monies are being held by him.

5 THE RESPONDENT: So why is that an "of course" that
6 I should not be entitled to the monies? Because do you

7 feel *me TO BE INCOMPETENT? are you making*
8 THE COURT: Because they're -- *prejudgements?*

9 THE RESPONDENT: Are you making a decision on that,
10 sir?

11 THE COURT: No, I said that you do not have those
12 funds now. They're being held by Mr. Bunting pursuant to a
13 court order that is not mine.

14 Okay. It was done by whoever was handling the
15 divorce judgment; right? It requires whatever -- it said,
16 certain amount of money to be paid to Mr. Bunting, some goes
17 into a SFC, the other 3,000 goes to you; right?

18 THE RESPONDENT: That's amazing. Can you tell me
19 how you know that, sir?

20 THE COURT: It's in the papers somewhere. Go look.

21 THE RESPONDENT: Oh, interesting, because I can't

22 find them in the papers anywhere and I *'ve Done a BIG*
23 *COMB THROUGH FOR IT.*

24 THE COURT: Did you look at the transcripts from
25 January 24th when you weren't here?

THE RESPONDENT: Yes, I have, actually. I have it

1 right here. Can I show it to you?

2 THE COURT: No.

3 THE RESPONDENT: That was very alarming to me that
4 you knew those details of my divorce when I didn't even know
5 them. And do you find it to be malpractice of Mr. Bunting
6 to not serve me any papers in the divorce, sir?

7 Not tell me when hearings are being held, and to
8 make agreements that are less to what I'm entitled to? Do
9 you find that to be at all alarming to you, sir?

10 THE COURT: Those are not matters under my review.
11 I'm not a malpractice attorney.

12 THE RESPONDENT: No, you are responsible if Mr.
13 Bunting is acting with malice towards me, with abuse, if
14 he's acting in malpractice for failure *TO PERFORM*
HIS DUTIES --

15 THE COURT: Ms. Weinstein, be careful in ascribing
16 -- be careful in ascribing my motivation and intent, ma'am.
17 Okay. You can argue your claim --

18 THE RESPONDENT: Nobody else can speak to your
19 motivation and intent *BUT YOU, SIR --*

20 THE COURT: And if you interrupt me one more time,
21 you're going to be held in contempt of this Court and I'm
22 going to fine you a thousand dollars for summary contempt in
23 my presence. And I don't know why that you have that
24 problem of not being able to just wait.

25 It's not like -- we've spent a long time here.

1 We've had much time to speak and I promise you, you'll have
2 more. I don't know why you insist, but you cannot let me
3 finish.

4 THE RESPONDENT: I'm correcting the record, sir.
5 That's all. *I'm correcting the records at*
6 *THE TIME IT IS MADE.*

7 THE COURT: You will have your opportunity, but
8 doing it over somebody in the middle of when they're
9 speaking, when we're trying to do a stenographic record and
10 repeating that over and over and over again is problematic.

11 THE RESPONDENT: It's problematic when you're
12 trying to lay false records, yes. It's very problematic
13 when somebody interrupts you with the correct information
14 and tries to correct so that willful, false representations
15 are not made on this record. *I understand*

16 *How* That's problematic. Sir, this is -- what do you
17 want from me? Do you want me to say my husband's not a
18 pedophile so you'll let me out of the guardianship? Do you
19 want me to agree to ~~that~~ *THE* terms of the divorce in order to let
20 me ~~have~~ *OUT OF* the guardianship?

21 Nobody's pretending that I need a guardianship. I
22 was fully competent and capable and I managed all of our
23 finances. And the petitioner didn't even have any contact
24 with me for a year.

25 So what are we really talking about here? What do
you want for me in order to end all this? Let's keep this

1 all above board and act with integrity. Instead of feigning
2 this mirage that there's anything lawful to this process,
3 what is it that you would like for me, Mr. DiBella, in order
4 to prove to you that this is all fraud, that my husband had
5 perverse interest →

6 That you were protecting, or that other judges were
7 protected by this guardianship. What is it that you need
8 from me in order to do that?

9 THE COURT: At this time I don't need anything from
10 you. I'm not asking you for anything. I'm going to decide
11 the motion for -- about jurisdiction. If the case survives
12 my review, then we will have an opportunity to speak again.
13 If not, I don't suppose we will.

14 THE RESPONDENT: Mr. DiBella, what evidence do you
15 have that I'm incompetent and incapable of managing my own
16 affairs when I have been able to learn the law, submit
17 motions and get them appropriately passed which you,
18 yourself, sir, have adjudicated on and signed? So what
19 evidence do you have that there's anything other than fraud
20 going on here?

21 THE COURT: I'll tell you what I have. Do you want
22 the answer?

23 THE RESPONDENT: Yes.

24 THE COURT: I have a judgment of the Supreme Court
25 of the State of New York by a Court of coordinate

1 jurisdiction that I am required to respect that determines
2 that you are an incapacitated person as that term is defined
3 by Article 81 of our Mental Hygiene Law.

4 That's the evidence I have, ma'am. And the
5 evidence you have --

6 THE RESPONDENT: I believe you are confusing
7 evidence with an appeal to an authority. So when you have
8 -- when you have.

9 THE COURT: No, I'm not.

10 THE RESPONDENT: You would appeal to an authority
11 you're saying, well this person said so.

12 THE COURT: I'm saying, I'm the judge responsible --

13 THE RESPONDENT: Okay. Sir, I let you speak. Go
14 ahead.

15 THE COURT: Yeah. Thank you. I'm saying I'm the
16 judge responsible for following the Court's of coordinate
17 jurisdiction in areas where they are assigned and I'm not.
18 So what I have as a judge, a judgment from this Court,
19 conducted after a trial. Now, you have issues with it. You
20 have a right to appeal those.

21 And maybe you have appeals pending and I don't
22 know, but those issues -- if you've done that, those issues
23 are preserved. They don't relate to decisions I made. What
24 would I do? I have to respect that order until and unless
25 it is vacated or determined by a higher court to not be

1 valid. That's what I have.

2 Now, when I have that does that mean, well her
3 evidence somehow becomes untoward or not at all. As I have
4 already advised you, I have tried very hard to advise you
5 and I was delighted for you to appear for the purpose of
6 advising you, that you have a right to seek termination of
7 this guardianship on a number of grounds, on a number of
8 grounds.

RESPONDENT: I'M VACATING IT, SIR.

9 Okay. And even when you have a guardian appointed
10 to you, you don't lose the right individually to make that
11 application to this Court, either by an attorney of your own
12 choosing or by yourself.

13 I continue to advise you. And with regard to the
14 information in these lawsuits, you have a right to be
15 advised by me of your right to a protective order to seek
16 the sealed records from being released that you don't want
17 released.

18 Okay. So you've wanted the other and I understand
19 your reason and, again, I think they're to you. So I am
20 opening that up to the best of my ability to try to deal
21 with that issue.

22 THE RESPONDENT: I understand that you feel that
23 it's your duty to protect the court's order, sir, and not
24 your duty to enforce my rights and my
25 constitutionally-guaranteed inalienable rights, which I

1 believe that we, the people do hire you for that purpose,
2 sir.

3 I don't think if we hire you so that you could
4 attest the appeals to authority that are issued in here.
5 You don't have no evidence that I am incompetent and
6 incapable of managing my own affairs.

7 You have plenty of evidence to suggest that I am a
8 strong, fierce advocate, who will not back down to authority
9 figures who are trying to exert extraordinarily amounts of
10 control and desecrate my rights and my children's rights.

11 You don't have evidence of incompetency and you are
12 choosing instead to enforce an appeal to an authority
13 instead of enforce my rights. And that's your job. I mean,
14 that's not your job, but that is your choice, sir. You can
15 be a judge who protects the judiciary or you can be a judge
16 who protects people's constitutionally-guaranteed rights.
17 And you're making it clear which one you are here, sir. So,
18 I mean, this is all a farce. This is a complete farce --

19 THE COURT: Okay. Can I go on?

20 THE RESPONDENT: Excuse me. Let me just finish,
21 please. As a citizen, it is my duty to make sure that you
22 as an employee of ours are not embezzling taxpayer funds for
23 your own personal, private reasons of that the personal and
24 private reasons of petitioners in this court. You are
25 wasting money on court reporters, on officers of the court

1 in order to hear a case that's a farce.

2 THE COURT: You brought it.

3 THE RESPONDENT: Nobody --

4 THE COURT: You brought it, ma'am.

5 THE RESPONDENT: Nobody except the people --

6 THE COURT: Right.

7 THE RESPONDENT: -- who benefit from this
8 guardianship believe that there's any lawful purpose to
9 this. And they don't believe it themselves. They're just
10 trying to lay plausible deniability for it. So in which way
11 am I wrong that this is not an embezzlement of taxpayer
12 resources to sir when you were using this court when there's
13 no lawful purpose to use it for. *How am I wrong
about that?*

14 THE COURT: First, you don't understand what the
15 word embezzlement means. It's not that in any event, number
16 one. Number two --

17 THE RESPONDENT: I will look it up. Thank you for
18 that. I will look -- I'm thanking you. I will look that up
19 to make sure that my legal use of the word, or my use of the
20 word embezzlement is proper. Thank you.

21 THE COURT: I require no thanks. I just require
22 the regard of not being spoken over every time I speak.
23 That's all. I'm not asking you for anything else. I'm not
24 asking for nothing. And you're -- also think that you're
25 rights are being trampled; they're not.

1 THE RESPONDENT: Oh, sir, please --

2 THE COURT: Here we go.

3 THE RESPONDENT: No. No. [^] My rights aren't being
4 trampled? He processed -- the divorce, where I was able to
5 represent myself for a year-and-a-half pro se. This guy
6 comes in that I've never even met and he cuts me off. And
7 Mr. Weinstein processes a duplicate separate divorce at the
8 same time and you're saying that that's not a trampling of
9 my rights? *I am not ENGAGING WITH you.*
I'm not allowed TO REPRESENT myself?

10 THE COURT: No. I'm not saying anything about
11 that. You're wrong. I'm not saying anything about that.
12 Every time you say, I'm trampling your rights, you talk
13 about things that occurred years before I was in the file in
14 which I had no involvement. I don't like -- I don't like
15 that you say I do things when you are incorrect in your
16 assessment. Okay. I didn't trample any of your rights in
17 any of these years --

18 THE RESPONDENT: Not years. It's just been since
19 May of 2021 *and since January 2nd --*

20 THE COURT: Right. And I understand your view,
21 ma'am, and I understand your view. Your constant
22 interruptions and saying the same thing over and over again.
23 And none of it will make it ^{TRUE.} through. The calendar will
24 reflect how many days that I've had this case, how many
25 applications and requests and motions and papers you have

1 filed. How much time me and my staff have spent trying to
2 accommodate those. The decisions that I've made with regard
3 to the release of documents. Allowing other people,
4 bringing you in and hearing what you had to say.

5 And you filing the application, to demanding the
6 time is why the resources of the Court are being utilized
7 here and they will not be heard or determined by you by
8 sending me 15 pages tomorrow telling me to hear it by
9 tomorrow. That won't happen.

10 THE RESPONDENT: Right. And, again, I want to
11 state for the record, I have said that you were responsible
12 for your actions since January 2nd when you reported to
13 today, which is February 3rd.

14 THE COURT: Very well.

15 THE RESPONDENT: So that is a total of I believe
16 32 days.

17 THE COURT: Correct.

18 THE RESPONDENT: So let the record reflect,
19 please --

20 THE COURT: That's right.

21 THE RESPONDENT: -- I have not said that you were
22 responsible for anything other than these 32 days. ~~Amending~~
23 ~~thank you.~~ THE COURT: Thank you.

24 THE RESPONDENT: But during these 32 days, just
25 coincidentally, Mr. DiBella, is when that divorce got

1 signed. So I hear what you're saying, sir, but I don't
2 agree. The two are directly intertwined. What's a fraud
3 here is perpetrating the fraud in the other court and you
4 are aware of that fact because you're a brilliant man. I
5 know you are. And you wouldn't be trying to convince me --
6 amending I'm not trying to convince you, ma'am --

7 THE RESPONDENT: If you didn't have some level of
8 intelligence because you think that you can get me over --
9 you test the lines in your own intelligence in order to
10 think that that's true, but it's not going to happen, sir.
11 This is all fraud. And you want me to say that you're not
12 responsible for the fraud since January 2nd through
13 February 3rd? I don't know how you would expect that I can
14 say that. Amending I don't expect you to say anything that
15 you don't want to say. I'm not asking you to say anything.
16 You just keep saying something and then you're ending it by
17 saying, you know, what do you want me to say. And I'm not
18 requiring you to say anything on these things. You
19 understand --

20 THE RESPONDENT: No, what you want me to do is get
21 this fraud -- ~~amending~~ **THE COURT:** excuse me, again, for the, you know,

22 800th time, excuse me, again. I don't know anything about
23 your matrimonial and when it's signed. I didn't sign it.

24 **THE COURT:** THE RESPONDENT: Interesting. Okay. ~~Amending~~ I
25 don't know how that interests you, but I'm not involved with

1 it.

THE COURT:

2 THE RESPONDENT: Interesting. ~~Amending~~ now that the
3 guardianship and the matrimonial action are intertwined for
4 purposes of how it's being processed and prosecuted, who's
5 doing it on your behalf, yeah, obviously, those issues are
6 intertwined, absolutely. What's not intertwined in those
7 two proceedings is my involvement in those aspects of the
8 intertwining proceedings.

THE COURT:

9 THE RESPONDENT: Yeah. ~~Amending~~ yeah.

THE COURT:

10 THE RESPONDENT: Right. ~~Amending~~ because I wasn't
11 even involved until --

12 THE RESPONDENT: Right --

13 THE COURT: -- January.

14 THE RESPONDENT: Not your fault at all. Silly me
15 for thinking that you have any jurisdiction over the issues
16 that resolve somebody's irreparable harm to me -- because
17 all that you're here for is to make sure that the appeal to
18 authority stays and that takes the place of evidence.

19 Can you please address the irreparable harm by Mr.
20 Kenneth L. Bunting that's happening right here which I can
21 get relief from this Court. Mr. Bunting is preventing me

THE COURT:

22 NYSCEF access to my case. ~~Amending~~ I've heard your arguments
23 with regard to this. You've given them to me many times.

24 Do you want to hear my answer with regard to it?

25 THE RESPONDENT: This is new. You have not heard

1 this yet, sir. I have not mentioned to you yet. May I?

2 Thank you. Mr. Bunting is preventing me access to NYSCEF

3 case 64574. He is specifically suggesting that -- ~~amending~~ **# THE COURT:**

4 what case is that?

THE COURT:

5 THE RESPONDENT: I'm sorry? ~~Amending~~ what case is
6 that?

7 THE RESPONDENT: 64 -- oh, interesting. See, I
8 told you you were brilliant. You're just playing dumb now.

9 I get it, but good job. Okay. That's the divorce case --

THE COURT:
10 ~~amending~~ Ms. Weinstein, I've warned you against doing that.

11 Don't do it. Don't forget yourself here. Okay. You're not
12 here to make those statements at me. Do you understand me?

13 No. No. No, ma'am. I'm not going to listen to you.

14 You're not going to show respect or regard, you will get not
15 a word in here. I don't need to have you here to explain
16 these things to you. You will not question my motives. I'm
17 not going to hear you, I'll answer your question about
18 irreparable harm. Number one, you withdrew the application
19 that would have brought those things to this Court.

THE COURT:
20 THE RESPONDENT: Not true. ~~Amending~~ don't shake
21 your head and don't speak, because I'll remove you from this
22 proceeding. Your application to dismiss on jurisdictional
23 grounds doesn't have to do with his conduct. It has to do
24 with whether he was authorized ever to be involved. That's
25 your argument and I will answer it.

1 As to the other things, I've reviewed your requests
2 for temporary injunctive relief regarding his powers, the
3 suspension of them and other matters related to his
4 involvement. I view none of them as needing immediate
5 relief, except for the provision of money to make sure that
6 you had money to survive.

7 And I did, the record will reflect, make sure that
8 you had \$10,000 in your account to dispel any rumor or any
9 assertion that you did not have enough money to eat, which
10 was a concern. And I'm also willing to allow allowing
11 monies to be dispatched for purposes of you hiring an
12 attorney of your own choosing, which I've already
13 acknowledged I would do and that you should. If you can
14 find someone who will help you, because I think that would
15 help.

16 THE RESPONDENT: I would like to make a motion
17 please, that Mr. Weinstein is responsible for all attorney
18 fees related to this matter. ~~Amending~~ **THE COURT:** again, that's not
19 something -- it's not going to be granted.

20 THE RESPONDENT: Why is that, sir? That seems very
21 prejudicial of you. ~~Amending~~ **# THE COURT:** What's the purpose of that?

22 Why do I need to make that judgment? Why can't you do it?

23 THE RESPONDENT: Why can't I make a judgment?

24 ~~Amending~~ **THE COURT:** yeah. Why wouldn't you pay for your own expenses
25 involved in your own guardianship case? You're the one who

1 doesn't want him involved.

2 THE RESPONDENT: Because this is malicious
3 prosecution and this is abuse of process and, therefore, all
4 of those fees are incumbent on the petitioner bringing the
5 case, sir. *I'm SORRY, I THOUGHT YOU*

6 *would UNDERSTAND THAT --*
THE COURT: You trying to end guardianship is not
7 abusive process. You have a right to bring that proceeding.
8 Excuse me, please don't interrupt me. You have the right to
9 bring that proceeding and I support that. And in addition --

10 THE RESPONDENT: And which proceeding are you
11 saying, sir?

12 THE COURT: Excuse me.

13 THE RESPONDENT: Which proceeding are you saying?

14 THE COURT: To terminate --

15 THE RESPONDENT: To terminate what, sir?

16 THE COURT: Terminate the guardianship.

17 THE RESPONDENT: No. I'm bringing the proceeding
18 to vacate it because it's fraud. And you have an option;
19 you either do the right thing or you don't. You're not
20 fooling anybody here. There's no legitimacy to this.

21 You're either going to be the guy that stands up and says,
22 you know what, Mr. Weinstein, we tried. Sorry. There's
23 nothing I can do, she's competent and as much as you tried
24 to break her, you can't.

25 So either do that and you stand up to that guy who

So you're saying ~~that~~^{that} not going to grant me any relief in getting rid of Mr. Bunting for his failures to provide me any finances, any money from August through January of 2022? You find that to be appropriate practice

MR. BUNTING: Judge, may I respond?

You don't have a leg to stand on with that argument, but if that's where you want to go, go ahead. You make it. I can't stop you from sinking your own ship. This is silly. This is really silly.

1 Come on, Mr. DiBella, you went to law school for
2 this? To take wives from law partners, take all their
3 assets. Make sure they can't see their children for months
4 and let some stranger that I don't know have full control
5 and decide that he thinks it's appropriate that I get
6 \$10,000 when I should be getting thousands, tens of
7 thousands?[?]

8 But that's okay for you, that's what you went to
9 law school? So that you can be a criminal on the bench?
10 That's why you did this? Come on. I don't believe that to
11 be the case. I believe you are so deeply entrenched in a
12 fraudulent, criminal system, and you'd like the lifeline to
13 get out, and I am throwing it to you, Mr. DiBella. I am
14 throwing it to you. This case is obvious. This is fraud,
15 this is a farce.

16 Stand up and do the right thing. This needs to be
17 vacated immediately. There is no evidence that I am
18 incapable of managing my own affairs and nor has that Court
19 submitted any evidence. And you can verify that for
20 yourself.

21 I can't verify anything because you won't release
22 transcripts to me because you say that those are under the
23 jurisdiction of a previous judge, even though you are the
24 judge on this case. It's silly. I mean, it's literally
25 just a circular argument.

1 But, listen, here's the truth of all of this which
2 I think you're going to unify with. And I know if there's
3 -- anybody in this courtroom will tell you I said it to them
4 too, Our highest goods are aligned.

5 I don't wish you any harm, I don't wish a single
6 stitch of harm, even to that pedophile that's sitting in the
7 courtroom that has tortured me. Tortured me. Tortured me.
8 Taken everything, but my voice. And so you wonder why I use
9 it so often, and so fiercely? Because it's the only thing I
10 have left, Mr. DiBella, besides the little scraps that you
11 send me of my own money whenever you think it's appropriate
12 to cover your tracks and Mr. Bunting to cover his tracks
13 from the abuse that has happened thus far. So here's the
14 thing: Our highest good are aligned, I am rooting for you.

15 I want you to have the proper things in your life
16 that you should have. And I am entitled to the same myself.
17 I don't want -- sometimes when people do bad things to other
18 people, like Mr. Weinstein's doing, like you're doing, like
19 Mr. Bunting's doing, like Mr. Miller is doing, who by the
20 way he really needs to address Mr. Miller's potential
21 conflict with Robert J. Miller, who was a judge that was a
22 defendant in my case at the time that Robert I. Miller came
23 on this case.

24 Nobody has held his feet to the fire to ask him if
25 there's any conflict and I suggest that perhaps you do it,

1 but, anyways, I don't wish any of you harm. I wish you
2 well.

3 I wish that you'd return to your lawful practice
4 and act lawfully and do the right thing. That way you
5 become a better person, I get my kids and my life back, and
6 Brian has a chance at redemption, but stirring the pot of
7 the criminal activities of this court gives nobody, none of
8 you who are propagating these crimes against me a chance at
9 redemption.

10 So that's it. I wish you luck. I wish the best
11 for you. I can tell that you're committing crimes against
12 me and I still wish you well.

13 THE COURT: Don't accuse me of criminal behavior.
14 I'm tired of your accusations. That's what you just said.
15 Okay. So, again, you're the one that has no basis to make
16 those kind of allegations. Whatever you want to say about
17 your family or friends, you go right ahead. I have given
18 you plenty of opportunity. You don't know anything about me
19 and you're no one to impune my reputation, my character and
20 my law-abiding-service to this country and this state.

21 THE RESPONDENT: Mm-hmm.

22 THRE COURT: Yeah. Mm-hmm. That's right.

23 THE RESPONDENT: I only have your practice for the
24 past 31 days, sir. That's all.

25 THE COURT: That's right.

1 THE RESPONDENT: And for 31 days you have tortured
2 me, you've desecrated my rights. You've subjected me to
3 irreparable harm and my children's irreparable harm --

4 THE COURT: That's your opinion.

5 THE RESPONDENT: -- with impunity.

6 THE COURT: That's your opinion.

7 THE RESPONDENT: With impunity. I'm sorry, sir?

8 THE COURT: I said, that is your opinion. What I
9 have done --

10 THE RESPONDENT: No. I can lay out facts.

11 THE COURT: Yeah. Go ahead, just yell over me now.
12 Keep doing what you do best; just yell right over people
13 because what they're saying is not important. Only what you
14 want to reiterate has any importance today. So you can say
15 again for like the 80th time, take ten, 15 minutes, go right
16 ahead. Tell me everything I've read over and over and over
17 that you wonder how I know and then tell it to me again and
18 I'll wait. We'll all wait.

19 THE RESPONDENT: What's interesting is you're
20 acknowledging the facts of the case, but yet you will not
21 say that you have the capacity to vacate this based on the
22 sheer fact that I am competent and capable. It's
23 interesting how your judgment works in that.

24 And what I want to again correct, for the record,
25 that I'm what saying is interesting that you seem to have

1 additional facts on when no other facts, are reported on
2 this case, is the divorce case, 64574-2021.

3 That is what I'm saying. That you seem to have
4 intimate knowledge of that in addition to no real knowledge
5 that would actually help me enforce my rights.

6 THE COURT: And I have to answer your question.
7 Both the capacity and the authority to decide these matters
8 in due course after I have given everyone the opportunity
9 that needs to speak to speak on it, and this is the first
10 time that you've appeared to help me schedule these things
11 and determine what needs to be a topic.

12 Don't talk, ma'am. It's the first time you've been
13 here. You sent me 15 pages a night, definitely. The first
14 time you've appeared here and we've gotten a lot
15 straightened out, and I'm glad that you were able to appear
16 and be here. And I will get you the decision you deserve
17 that I am going to write with regard to the jurisdictional
18 issue.

19 I clearly have the capacity and the authority to
20 draft those decisions on your applications. And as soon as
21 I can get these applications of yours that you make fully
22 submitted, then I will decide them in a reasonable amount of
23 time pursuant to court rules.

24 THE RESPONDENT: I want to make it clear that the
25 removal of a guardian under section 81.35 is on motion and

1 does not require a hearing. So, Mr. Bunting, could have
2 been removed at the first time back in December when we
3 submitted this and he has been -- and in January 2nd when
4 you came on the case, he also had not given me any funds.

5 So at that time you had opportunity to remove him.
6 So I want to make it clear that this is not being delayed
7 because I've also been denied access, because you put me --
8 not you, this court, let me be clear with my words, put me
9 in a guardianship without allowing me access to the court.
10 And yet you're saying you can't let me out unless I appear.
11 Isn't that really interesting how you seem to have the court
12 as a use of a sword against me, but not actually to enforce
13 my rights?

14 I would also like to address the issue that Mr.
15 Bunting stated, and, again, I want to make it known, I have
16 no knowledge of what he negotiated in the divorce except for
17 what was reported in this January 24th hearing, which I
18 didn't even get until late last night, because I was
19 withheld the name of the court reporter from January 24th
20 until yes, sir. And I've got that in writing.

21 THE COURT: Until when.

22 THE RESPONDENT: Nonetheless --

23 THE COURT: Wait. When did you say.

24 THE RESPONDENT: And Mr. Bunting makes it clear
25 that there is an account that Mr. Weinstein has a certain

1 amount of money. And if I don't take access to that money
2 then Mr. Weinstein then doesn't have to pay me more.

3 So I would like for this Court to immediately have
4 Mr. Bunting give me the money that I am entitled to so that
5 I don't -- my rights are preserved and my children's rights
6 are preserved.

7 THE COURT: While you're looking at that, Ms.
8 Weinstein, in that transcript, who brought that up? Does it
9 say who was concerned about the possibility that you could
10 lose money?

11 THE RESPONDENT: I think it's interesting that
12 you're finding this to be that you want me to believe, sir,
13 that you're on my side on this. I don't believe it.

14 THE COURT: I didn't ask you -- I brought it up.
15 That's all. It's just a fact. I'm not asking you to
16 characterize it, see that's your issue. The reality is the
17 transcript will reflect that it was the Court, it was me,
18 who was concerned about that. I don't have information
19 about what happened in the matrimonial part.

20 I get bits and pieces when I was concerned on your
21 behalf, even though you weren't here, that somehow you
22 could.

23 THE RESPONDENT: Sir --

24 THE COURT: -- wait a minute -- that somehow
25 pursuant to a provision I wasn't able to see, that those

1 monies could accumulate to an extent where you would lose
2 some asset. And I specifically said in that transcript to
3 Mr. Bunting that that can't be allowed to happen.

4 THE RESPONDENT: All right. So your concern is
5 noted --

6 THE COURT: You're welcome.

7 THE RESPONDENT: -- but words are frivolous, sir.
8 I mean, they're not frivolous, but words are easy.

9 THE COURT: They're not frivolous, ma'am.

10 THE RESPONDENT: Okay. Words are not ~~privileged~~ ^{FRIVOLOUS.}
11 Correct. I did not have integrity with my own words when I
12 said that.

13 THE COURT: Clearly.

14 THE RESPONDENT: Words are easy, can you please
15 order to -- your concern is noted, but what I'd like to see
16 is your actions to protect my rights. So can you please
17 order that Mr. Bunting disburse those funds to me
18 immediately so that I don't lose them?[?]

19 THE COURT: As soon as the jurisdictional question
20 is resolved because --

21 THE RESPONDENT: ~~And~~ -- *THAT'S awesome* --

22 THE COURT: Ma'am, let me finish, because if I
23 don't have jurisdiction then that order would not be valid.

24 THE RESPONDENT: And you don't have jurisdiction
25 over any of this. So you're acknowledging --

1 THE COURT: No. I'm not acknowledging it. I'm
2 saying I have to determine it.

3 THE RESPONDENT: Mm-hmm.

4 THE COURT: Mm-hmm.

5 THE RESPONDENT: And you should have determined it
6 on January 2nd, when in your review of the case ~~BROUGHT~~
ABOUT -

7 THE COURT: Couldn't do that before everyone has an
8 opportunity to be heard and fully submitted. When I get
9 responses on time.

10 MR. BUNTING: Judge, if I may; on the issue of
11 jurisdiction, I wasn't present. So I don't believe I have a
12 standing. I'm just a guardian who was appointed by the
13 court. And I don't know the facts of that case, I don't
14 have the transcript from that proceeding. I know there was
15 a hearing, but I wasn't there.

16 THE COURT: Mr. Bunting, you don't need to explain
17 anything to me. You have an opportunity to submit it. If
18 you don't choose to, you don't choose to.

19 THE RESPONDENT: Why does he have an opportunity to
20 submit? He has no standing. *He wasn't there.*

21 THE COURT: He's the guardian. He has standing.
22 Stop. Thank you, Ms. Weinstein.

23 MR. BUNTING: Judge, may I respond to some certain
24 financial statements Ms. Weinstein said or do you want me to
25 wait?

1 THE COURT: Mr. Bunting, you can say what you have
2 to say as long as long it's relevant to what I'm doing.

3 MR. BUNTING: With respect to the finances, Ms.
4 Weinstein said I withheld money from her from months. I
5 asked Ms. Weinstein to open a bank account that I could have
6 faith in that I could put monies in. Ms. Weinstein has an
7 account at TD Bank.

8 When I got the records to start my guardianship, I
9 noticed that there was significant transfers of cash and
10 monies in and out of that account. I also noticed that
11 although she was being remitted a certain sum of money each
12 month, that she had no appreciable savings. What I've done
13 and I've asked her repeatedly, does she have car insurance,
14 she doesn't answer me. Does she have health insurance? She
15 doesn't answer me. Does she have a doctor's bill of
16 somebody she needs to see, she doesn't answer.

17 Now, I'm not going to say that she doesn't have
18 those, but certainly if she has them, and she tells me, I'll
19 pay them. I've asked her repeatedly, does she have an
20 apartment, or a building or someplace she wants to live that
21 there's a lease. And I can sign for her and pay the rent to
22 know that she won't be homeless as she so often put in her
23 documents.

24 She will not respond. I asked her where she's
25 living, she won't tell me, but I can see that certainly

1 she's living somewhere because I get a phone call from a
2 different number, sometimes her number, sometimes another
3 number.

4 I've seen the postings where she's in a room
5 somewhere. There's a bed, there's something, she's
6 somewhere. So at this point in time, if she presents me
7 with a lease where she wants to live, if she wants to live
8 in Greenwich, fine. Tell me where, I'll sign the lease.
9 She can move in tomorrow.

10 THE COURT: I think these are matters you've
11 already placed on the record on 1/24.

12 MR. BUNTING: Okay.

13 THE RESPONDENT: It's true, and if I may address
14 that, sir; I have no appreciable savings because Mr.
15 Weinstein didn't pay me the money he was supposed to. And I
16 filed contempt motions and actually what's great about Mr.
17 Bunting's repeated lies on the record is that he
18 acknowledged that I wasn't paid for months at the time he
19 initiated. So how would he have expected that the money was
20 in my account? This is a farce. You guys aren't even good
21 actors. This is terrible.

22 Let's let go of this pretend notion that any of
23 this is lawful and just get -- and just have respect it and
24 just have integrity to say, you know what, we get it, it's a
25 farce, Mrs. Weinstein. What we want for you to agree to X,

1 Y and Z, and they will do this and then maybe we'll let you
2 see your kids, ^{we're using} ~~and you see~~ them as a token -- as a carrot
3 over you. And we're using this divorce and the guardianship
4 as a way to coerce you. Let's just talk like that, ^{because} --

5 THE COURT: I assume, Ms. Weinstein, again, that in
6 your generalized discussion you are not referring to me.
7 Because how you have finagled your family in your world and
8 what you think people do doesn't apply to me in my world and
9 my family. And you are not, again, to impune my character
10 you know nothing about it.

11 You are to talk about your family and your friends
12 and your people, you do that, if you choose, ma'am, but stay
13 away from me. On a personal level, you don't know me and
14 you have no right to make any comments. And I have warned
15 you about it. And I don't want to hear it now. Thank you.
16 I don't want to hear it now. You've had enough opportunity
17 to say the things you've said, and, again, the great thing
18 about a verbatim transcript, it will speak for itself as to
19 the nature of your comments about everybody all the time.

20 THE RESPONDENT: Correct. Thank you.

21 THE COURT: With regard to me, you have no right to
22 say these things about me. You don't know these things.
23 You are making knowingly false statements -- again, the
24 transcript will speak for itself. You'll see it. I've
25 asked you not to do it.

1 THE RESPONDENT: I just want to know what is -- I
2 was talking about Mr. Bunting and the fact that this Court
3 is perpetuating fraud for its own personal and private

4 reasons to advance a guardianship and a divorce *and custody*
5 THE COURT: Are you talking about -- this Court is *ILLEGALLY*

6 me. And we can talk about my personal objects, you have no
7 right and no information and it's completely false. And
8 it's an improper accusation to make in this courtroom. And
9 I'm telling you not to do it, ma'am. And I would use that
10 advice if I were you.

11 THE RESPONDENT: And let the record reflect that I
12 have stated multiple times that nobody else can speak to
13 your intents and your motivations, but you, Mr. DiBella.

14 THE COURT: You have accused this Court of being
15 motivated by fraud, participating in fraud, which is a
16 knowing crime. *RESPONDENT: CORRECT.* A knowing crime. And I have not been
17 engaged in any criminal activity whatsoever. And you are,
18 suggested to the contrary, are totally false and actionable.
19 And you better watch your tongue with me.

20 THE RESPONDENT: Mm-hmm. I understand *THAT YOU*
21 *DON'T --*

22 THE COURT: No. You don't understand. You go make
23 your assessments, allegations, and rattle on about anyone
24 you want in your world. Don't you dare tell me what my
25 motivations are in this case.

THE RESPONDENT: Under 81.42, sir, I'm allowed to

1 bring this up and ~~it~~ *TALKS ABOUT FRAUD IN*
2 *THE COURT --*

3 THE COURT: No, you're not. No, you're not. 81.42
4 says nothing about your ability to impugn this Court's
5 integrity and be disrespectful, out of order, constantly
6 interrupting, and impertinent. None of those rights for you
7 exist there. None of them, civility, decorum, court rules
8 and everything that this Court runs on is opposed to the
9 manner and the method in which you have tried to manipulate
10 these things and refused, refused to even accept that you
11 could be wrong about anything that you have an opinion on.
12 And that is the issue.

13 THE RESPONDENT: Sir, I'm bringing up my right to
14 address fraud by the Court, which is actually -- fraud is
15 one of the reasons for removal of a guardian for discharging
16 a guardian and for on 81.42 --

17 THE COURT: Right. On proof. On evidence. Not
18 on submissions of papers. On proof, on evidence, after a
19 hearing scheduled by the Court in accordance with Court
20 procedure, none of which you have allowed to happen. All of
21 which I have offered. And once I get the decision, if the
22 case survives the jurisdictional issue, we will confront and
23 speak about scheduling a trial on any application you have.

24 Until then, we're in recess. And you will get my
25 decision regarding jurisdiction. The Court will stand in
recess. Thank you.

1 THE RESPONDENT: 81.35 is on motion, sir. And I
2 know you said that you have to have a hearing, it's on
3 motion, ~~to removal~~ ^{OF a} guardian is done on motion ~~you don't~~
4 ~~REQUIRE a HEARING.~~

4 THE COURT: No, it's not, ma'am. You don't know
5 anything about the law. It's not done on motion until I say
6 it's done on motion.

7 THE RESPONDENT: So you'd like to implore your
8 jurisdiction to require a hearing when the law says under
9 81.35, upon motion, the Court appointing the guardian, and
10 there's no mention of a requirement of a hearing.

11 THE COURT: First of all, with regard to the
12 jurisdictional issue, I'm not ordering a hearing. With
13 regard to the termination, if there's a termination, you're
14 not looking at the right section.

15 THE RESPONDENT: ~~If~~ ^{we've} there's no termination, ~~then~~
16 ~~you've~~ made that clear. There's no termination. ~~You've~~ ^{We}
17 made that clear.

18 THE COURT: Exactly.

19 MR. MILLER: Your Honor, if I may. Ms. Weinstein
20 has appeared virtually before and released her video out
21 into the internet on plenty of occasions. Can she be
22 directed by your Honor not to do that on this occasion?
23 There's no reason for this to be -- and we're not allowed to
24 record here. And Ms. Weinstein has published her --

25 THE COURT: She's not allowed to record this, so,

1 she can have the transcripts. And I'm not going to put a
2 gag order on it. If she wants to get a transcript, you
3 know --

4 MR. MILLER: But I'm talking about the actual video
5 recording of you and her talking.

6 THE COURT: No. She is not allowed to videotape
7 her and I talking in this proceeding, bring a camera, either
8 virtually from her home into her or otherwise.

9 MR. MILLER: Very well, Judge.

10 THE COURT: She's not permitted to do that. Any
11 disregard to that or violation of that is going to be
12 seriously dealt with. But she can --

13 THE RESPONDENT: And thank you for getting the
14 Court's need for secrecy ~~and we can proceed~~ online again. I
15 appreciate that.

16 THE COURT: Please don't talk over me for the last
17 time.

18 THE RESPONDENT: I wasn't. You weren't speaking
19 for a minute. Go ahead.

20 THE COURT: That's the court reporter. He's having
21 difficulty.

22 THE RESPONDENT: And who is the court reporter,
23 please, sir?

24 THE COURT: You can get his name when I adjourn.

25 THE RESPONDENT: Who is the court reporter -- I

1 can't because I don't see who he is *and I can't*
2 *TALK TO HIM*

3 THE COURT: I will have him give you the
4 information when I adjourn. You'll get it.

5 THE RESPONDENT: Yeah. Your despotic rule is
6 noted.

7 THE COURT: Thanks. I'm sure that's the way you
8 feel about it, ma'am. In any event, I am not going to put,
9 to the extent you're asking me to prohibit her from speaking
10 about this case --

11 MR. MILLER: I'm not asking for that --

12 THE COURT: Sir, are you going to start
13 interrupting me too? Is anybody going to behave like an
14 adult here.

15 THE RESPONDENT: Me. I am the adult here.

16 THE COURT: Yeah. Okay.

17 THE RESPONDENT: I am the adult here.

18 THE COURT: I don't want to be interrupted. And
19 I'm tired of it. It's disrespectful. She's not an
20 attorney, and maybe she has other issues. You folks, I
21 don't know what the deal is.

22 THE RESPONDENT: That is great. That was good.

23 THE COURT: Yeah. Thanks. I don't need your
24 assessment, ma'am. So, I've made my rulings with regard to
25 her ability to obtain transcripts from proceedings before
me. And I am not imposing any additional order of that

1 you're asking for relative to her. She is not permitted to
2 videotape, virtual or live performances here without proper
3 authority under Court rules and laws.

4 And any violations of that will be dealt with
5 strictly.

6 THE RESPONDENT: And it is true --

7 THE COURT: Excuse me, stop.

8 THE RESPONDENT: -- that you've refused to
9 adjudicate on those motions for this hearing?

10 THE COURT: Right. Mute her now. Yep. ^{THANK} Okay. So, ^{YOU.}
11 Mr. Bunting, you can or you don't have to submit, by the
12 14th.

13 If anyone else is submitting any papers with regard
14 to the jurisdictional issue, they need to be here filed
15 by the 14th.

16 MR. BUNTING: Okay.

17 THE COURT: Thereafter a decision will issue within
18 a week to ten days. Thereafter, the decision will provide
19 for the direction if -- whatever is warranted by the
20 decision.

21 MR. BUNTING: Okay.

22 THE COURT: You are all free to go. Court will
23 stand in recess.

24 The court reporter will stay behind and give Ms.
25 Weinstein his name and his contact information for purposes

1 of obtaining a transcript. Court is in recess.

2 THE RESPONDENT: Are you denying the chance to
3 reply to that on the 14th, sir? Interesting.

4 MR. BUNTING: Judge, if I may ask one question?

5 THE COURT: No.

6 * * * * *

7 THIS IS TO CERTIFY THAT THE FOREGOING
8 IS A TRUE AND ACCURATE TRANSCRIPTION
9 OF THE ORIGINAL STENOGRAPHIC RECORD.

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Michael A. DeMasi, Jr.

13 Senior Court Reporter

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12 Michael A. DeMasi, Jr.

13 Senior Court Reporter
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