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1 THE CLERK: Good afternoon. This is case
2 numbers 52 through 55 on the calendar in the matter of
3 Palomino and Malek. Counsel, your appearances please.

4 MS. ALMONTE: Special Assistant Corporation
5 Counsel by Rosmil Almonte on behalf of the Commissioner
6 of ACS. Good afternoon, Your Honor.

7 THE COURT: Ok. Good afternoon.

8 MR. MAES: Good afternoon. Robert Maes M-A-E-
9 S, Brooklyn Defender Service appearing on behalf of Ms.
10 Ingoglia.

11 THE COURT: Yes.

12 MR. JOHNSON: The Legal Aid Society by Travis
13 Johnson, appearing on behalf of the subject children.

14 THE COURT: Ok.

15 THE CLERK: Raise your right hand. Do you
16 swear and affirm to tell the truth in all matters before
17 this Court?

18 MS. HUDSON: Yes.

19 THE CLERK: Starting with you, your name,
20 title, agency and spell your last name.

21 MS. HUDSON: ACS CPS Ardaisha Hudson H-U-D-S-O-
22 N.

23 THE CLERK: Thank you.

24 MS. GARCIA: Paula Garcia, G-A-R-C-I-A, ACS.

25 THE CLERK: You may be seated.

1 MS. GARCIA: Good afternoon.

2 THE COURT: Ok. And you said Hudson, right?

3 MS. HUDSON: Yes.

4 THE COURT: Ok. All right. Thank you all. I
5 think by now you must have the papers that Mr. Malek
6 filed last Friday late in the afternoon. And so, I had
7 in response to that requested that Ms. Ingoglia be
8 present today along with Margaret so that Mr. Johnson
9 could have a conversation with her and so that Mr. Maes
10 could have a conversation with his client. And I
11 expected Mr. Malek to be here. He's usually here first
12 thing in the morning for any time of day. So so it is
13 unusual but I understand that he may have emailed you all
14 and so if anybody--

15 MR. JOHNSON: I believe he I believe the email
16 was to Mr. Bathwait.

17 THE COURT: Ok.

18 MR. JOHNSON: And we were copied on it.

19 THE COURT: Oh, I see.

20 MR. JOHNSON: Is my recollection.

21 THE COURT: Ok. And what was the substance of
22 what he's requesting then?

23 MR. JOHNSON: My memory I don't have the email
24 with me. Maybe Mr. Maes has it. Was that he was asking
25 for an adjournment in the interest of justice because he

1 wanted to compile evidence and also to give Mr. Maes and
2 myself time to review all the things that he sent us over
3 the weekend.

4 THE COURT: Ok. All right. So I--

5 MR. JOHNSON: But there was no there was no
6 response saying that we were adjourning today.

7 THE COURT: Right.

8 MR. JOHNSON: I mean that was my recollection
9 is that's the last email that I remember receiving from
10 him.

11 THE COURT: Ok. The other thing is he doesn't
12 sound like he had a date in mind. If I'm hearing you
13 correctly, he didn't propose a date?

14 MR. JOHNSON: He has the he keeps referencing
15 the 20th which I think is a date we've already picked.

16 THE COURT: Right.

17 MR. JOHNSON: So that seems to be the date he
18 has in mind.

19 MR. MAES: Yes, that's that is yeah that's what
20 Mr. Malek basically said in his email. As for the 20th, I
21 don't know I wasn't present when the 20th was picked. I
22 am not in the office on that day. I'm going to try to
23 seek coverage because I don't want this to be delayed any
24 further.

25 THE COURT: Yeah.

1 MR. MAES: And I--

2 THE COURT: Because we selected it a while ago.
3 And it's a it's a fact finding date so--

4 MS. ALMONTE: (inaudible)it's actually not for
5 fact finding. It's on for--

6 THE COURT: A hearing.

7 MS. ALMONTE: All the separate motions that
8 have been filed.

9 THE COURT: Yes, it's it is a hearing but we're
10 moving into the fact finding because the motions are not
11 going to take us all so much time. **WE'LL JUST BRISK THROUGH
MALEKS MOTIONS AND GET
RIGHT TO THE ACS GODS PETITION..**

12 MS. ALMONTE: Your Honor, the situation is that
13 I filed a contempt motion which corresponds to the fact
14 finding and I'm also have the amended petition that is
15 supposed to be served to him by February 20th. So at it's
16 going to be duplicative evidence that's going to be heard
17 at the fact finding which is already scheduled for March.

18 So, I suppose on on February 20th, we could just address
19 some of Mr. Malek's concerns, discuss the mental health
20 whether he's going to submit to imminent risk assessment
21 or not.

22 THE COURT: Ok. As I said, I'm not going to
23 create a huge record here today. But I am going to keep
24 that date.

25 MR. MAES: I'm not asking to adjourn it. 3I'm

1 just wanting the Court to be aware that I will be seeking
 2 coverage. It's my understanding it'll just be Ms.
 3 Ingoglia's testimony or maybe? But there will be someone
 4 here from my office.

5 THE COURT: Ok.

**AND THEN EVERYONE LIES ON FEB. 20,
 2020 THIS IS IMPORTANT...**

6 MR. MAES: The one other thing I wanted to
 7 address is I'm sorry that Ms. Ingoglia is not present. I
 8 wasn't actually aware that the Court asked for her to be
 9 here and (inaudible) coverage had been made. But I did
 10 speak with Ms. Ingoglia with the social workers and Ms.
 11 Kennings this morning. You know I think it's just
 12 important for the Court to know that ACS did come to the
 13 house on Thursday. There were no concerns raised. I and
 14 that we are in support of the contempt motion that ACS is
 15 filing. I understand the Court's desire not to create a
 16 huge record but I just need the Court to know that we
 17 were not taking a position before but in light of the
 18 recent events and the numerous emails that I've received
 19 from Mr. Malek and what's contained therein in them and
 20 all the motions and the constant visits from ACS that Ms.
 21 Ingoglia while she does want to respect his rights as a
 22 HAHAHAHA. HAVENT SEEN MY DAUGHTER FOR THE PAST ~7 MONTHS... AS OF OCTOBER 8, 2020
 23 father to visit with the kids, is supporting ACS's motion
 24 just because it's really detrimentally impacting their
 25 lives. And yeah.

**NAKED PICTURES OF MY DAUGHTER INDEED ARE UNHEALTHY.... HOW ABOUT
 THE JUDGE VACATE THE ORDER OF NO RECORDING AND ALLOW ME
 TO PRESENT AUDIO AND VIDEO EVIDENCE....
 ACS JOINS IN WITH THEIR SIGNS IN THEIR FACILITY....**

THE COURT: Ok. All right. So--

1 MR. JOHNSON: Also, I just want to put on the
2 record I did not know that there was a plan for my client
3 to be here today. We already had a scheduled appointment
4 **AND GIVE JOE PALOMINO ANOTHER PACK OF BUSINESS CARDS AS TO NOT TALK TO THE POLICE !!!!!**
5 **GO TO TRANSCRIPT DATE :** _____
6 to see her next week when school was out.

7 THE COURT: Ok. What day is that?

8 MR. JOHNSON: I want to say the 12th but I'm not
9 certain of that because it's with the social worker from
10 our office.

11 THE COURT: The 12th is week then.

12 MR. JOHNSON: I'm sorry. It's supposed--

13 MS. ALMONTE: The 17th.

14 MS. GARCIA: It's the week of the 17th.

15 MR. JOHNSON: Thanks thanks.

16 THE COURT: Ok. All right. Ok. So, we're
17 adjourned to February 20th.

18 MR. JOHNSON: Oh, actually it might be is the
19 school out on this week on the 12th?

20 MS. ALMONTE: Hm hm.

21 MR. JOHNSON: So, it might be actually I think
22 the social worker--

23 MS. ALMONTE: No wait wait. Starting the--

24 MS. GARCIA: No, starting the 17th.

25 MS. ALMONTE: The 17th (inaudible)

MR. MAES: It's Lincoln's Birthday on
Wednesday.

1 MR. JOHNSON: The Court's closed? Got it. So,
2 it's next week when school is out we're seeing them.

3 THE COURT: Ok. So, the 20th is next week as
4 well. The 20th is next Thursday. Ok. So we'll be back
5 next Thursday and we'll I'll have Mr. Brathwait send an
6 email and cc: all of you that that's the date for next
7 week and that we will be addressing his motions.

8 MS. ALMONTE: And service on the amended
9 petition. **HERE AGAIN, SHE MENTIONED AMENDED PETITION SINGULAR AND ONLY
SERVIED ME WITH ONE...**

10 THE COURT: And service, yes. Ok? And so and
11 I will briefly ask Mr. Brathwait to include that
12 Margaret, the child, has been seen by--

13 MR. JOHNSON: We have an appointment together.

14 THE COURT: ACS and there's an appointment for
15 her to visit with her attorney. Ok?

16 MR. JOHNSON: Thank you.

17 THE COURT: Ok. Thank you.

18

19 **AS LONG AS THERE IS ACS AND THE ATTORNEY FOR THE CHILD, THE CHILDS
20 FATHER BECOMES WORTHLESS.....**

21

22

23

24

25

1 (Whereupon this proceeding was adjourned at 2:30 p.m.)

2

CERTIFICATION

3

I, Susan L. Pellegrini, certify that the foregoing transcript

4

in the Matter of ACS-Kings v. Robert Malek was prepared using

5

the required transcription equipment and is a true and

6

accurate transcript of the recording.

7

Signature Susan L. Pellegrini (Electronic Signature)

8

9

271 Osborne Road

Loudonville, NY 12211

10 (518) 496-6477

11

Date: September 2, 2020

12

13

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NO ORDER FOR THIS DAY....

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COUNTY OF KINGS STATE OF NEW YORK
FAMILY COURT

-----X
In the Matter of

ACS-KINGS,

Petitioner,

v.

ROBERT MALEK,

Respondent.

Docket No.
NN-19410-18
NN-19411-18
O-03450-20
O-03452-20
O-04904-20
O-04907

File No.
235429

APPEARANCE

-----X
Kings County Family Court
330 Jay Street
Brooklyn, New York 11201
February 20, 2020 at 2:30 p.m.

BEFORE: HON. JACQUELINE D. WILLIAMS
FAMILY COURT JUDGE

ROSMIL ALMONTE, ESQ.
Attorney for Petitioner

MURTAZA HUSAIN, ESQ.
Attorney for Brooklyn Defender Services
On behalf of Margaret Ingoglia

TRAVIS M. JOHNSON, ESQ.
Attorney for the Legal Aid Society on
Behalf of the Children

PRESENT: Robert Malek

DIGITALLY RECORDED PROCEEDING
TRANSCRIBED BY: SUSAN L. PELLEGRINI
Ph. (518) 496-6477

1 THE CLERK: Good afternoon. This is case
2 numbers 25 through 53 on the calendar in the matter of
3 Ingoglia and Palomino. Counsel, your appearances.

4 MS. ALMONTE: Special Assistant Corporation
5 Counsel by Rosmil Almonte on behalf of the Commissioner
6 of ACS. Good afternoon, Your Honor.

7 THE COURT: Ok. Good afternoon.

8 MR. HUSAIN: Brooklyn Defender Services Murtaza
9 Husain for Ms. Ingoglia. I'm covering this case for Mr.
10 Robert Maes. Good afternoon.

11 THE COURT: Ok.

12 MR. JOHNSON: The Legal Aid Society by Travis
13 Johnson, appearing on behalf of the subject children.

14 THE COURT: Ok. Thank you.

15 THE CLERK: Do you swear and affirm to tell the
16 truth in all matters before this Court?

17 MR. MALEK: (inaudible)

18 THE CLERK: State your full name and relation
19 to the child or children.

20 MR. MALEK: Robert Malek, father of Margaret
21 Malek, stepfather of Joe Palomino.

22 THE CLERK: You may be seated.

23 THE COURT: Ok. Thank you. All right. So
24 let's because I want to do this because it's now 2:30. So
25 Ms. Almonte?

1 MS. ALMONTE: Yes, Your Honor, I do have the
2 amended petition that I am providing to Mr. Malek today
3 in Court. Jurisdiction to be deemed complete on the
4 amended petition.

5 THE COURT: Ok. If you could answer the
6 question did ACS do a regular home visit to Ms. Ingoglia
7 and--

8 MS. ALMONTE: There's been many home visits,
9 Your Honor, since the last time we were in Court because
10 Mr. Malek has continued to file call in more cases to the
11 state central registry. There was a they saw the child
12 yesterday. They went to the home yesterday and observed
13 both children. The most recent report that was called in
14 by Mr. Malek alleged that Mimi was injured by Joe and
15 there was a mark on her forehead. That was investigated.
16 The children were observed fine. What actually happened
17 was that they were getting ready to leave to the visit
18 and Joe told Mimi that she had to stop playing, told her
19 it's time to put on your coat. She got upset and she
20 head butted him. And then that's why she had the mark on
21 her on her forehead. The the I believe that Mr. Malek
22 filed an Order to Show Cause at in February the first
23 week of February, alleging that his visits were not that
24 Ms. Ingoglia was not bringing the child to her to the
25 visits. However, that was also discussed with Mr. Malek

1 that the visitation schedule had to be changed because
2 Joe now has a scheduled doctor visit every Tuesday. It
3 was a discussion with him that it was going to be held on
4 Mondays instead of Tuesday. And that the agency had
5 already spoken to him about extending his two visits for
6 that week by 2 hours in order to make up that day that it
7 was missed.

8 THE COURT: Ok. All right. And so Mondays are
9 now the visiting day?

10 MS. ALMONTE: So I believe it's Monday and
11 Thursdays. Just one I'm trying to get the exact two days
12 of the week.

13 THE COURT: Ok. So would today today's
14 Thursday right?

15 MR. MALEK: Hm hm.

16 THE COURT: Today would be a visiting day?

17 MS. ALMONTE: Either it's either Mondays and
18 Wednesdays or Mondays and Thursday. I can't remember. I
19 know it's two days a week.

20 THE COURT: Ok. And what is the timing of
21 those visits?

22 MS. ALMONTE: So, it's usually at 4:00. From
23 4-6.

24 THE COURT: Ok. Ok. Now Mr. Malek, again,
25 just so you know because you were you came in with your

1 emergency order the Friday before this discussion and I
2 think that was around February 7th.

3 MS. ALMONTE: Yes. And by and that was already
4 discussed. So on February 6th, they had already discussed
5 what was his makeup time and so we're not certain as to
6 why the Order to Show Cause was filed, especially since
7 they already told him they were going to extend his
8 visits to make up for that visit for that time that he
9 missed.

10 THE COURT: Right. Now what I also know is
11 that the following Monday when you were not able to be
12 here, Ms. Ingoglia was here. She she was she came in
13 with I believe with at least one of the children. I'm
14 not sure. But she didn't come into the courtroom because
15 we then understood that Mr. Malek was requesting an
16 adjournment. So, she's she attempted to be responsive
17 and Mr. Maes was present. But we did not call the case
18 on for the merits of the case. And so, as far as I'm
19 concerned, that Order to Show Cause really at this point
20 could be--

DISMISSED BY THER VIRTUE OF PERJURY....

21 MS. ALMONTE: Dismissed.

22 THE COURT: Denied or dismissed because--

23 MS. ALMONTE: Everything had been addressed,
24 Your Honor. **BY THE VIRTUE OF PERJURY. TURN BACK TO 2/10/20. SHE WAS
NOT IN THE COURTHOUSE WITH THE CHILDREN.**

25 THE COURT: The the the emergency check was

1 done. There have been there has been contact with the
2 **EXCEPT MINE OF COURSE**
3 mother and the children. There's no evidence of any
4 ongoing issue. And there's a schedule for these visits.

5 MS. JOHNSON: And Minnie was produced for an
6 interview with us on the 12th.

7 THE COURT: Ok. So there we go. So, I just
8 **MY DAUGHTER SAID MOMMY WAS GOING TO KILL HER, I GUESS WHEN SHE IS DEAD THERE WILL BE CAUSE FOR
9 CONCERN. WE'LL WAIT TILL SHE IS DEAD. GREAT IDEA.**

10 want to say that because there's so many pieces of either
11 ///////
12 orders to show cause or at this point new petitions being

13 filed. And I I think that we need to be aware of what

14 **AND FORGET ABOUT WHAT YOU ARE FILING....**

15 really is outstanding. And in terms of any ongoing

16 concerns you have, Mr. Malek, if they are documented as

17 you were attempting to say on February 6th or 7th in these

18 O-petitions, of course once they're served we have to

19 **THEY WERE. WE WILL JUST ALLOW ACS TO INVESTIGATE AND DECIDE EVERYTHING.**

20 address them as well. In terms of the next date, let's

21 see that is March where did I see it?

22 MS. ALMONTE: So Your Honor, so the next date
23 that I have is for this case is March 24. I have it from
24 10 to 11 but the Court also scheduled another matter that
25 I have on at 10:30 that date. Then the day the next date
that I have is April 1st.

THE COURT: Ok. I have very little timing
between now and March I think I might have a slot that
opened up next week. But I don't--

MS. ALMONTE: I'm not here Your Honor next
week.

1 THE COURT: Ok. And then I'm just going to
2 address one other issue that has come up and that's with
3 MHS. Ok. I have 3:00 to 4:30 on March 13th, which is a
4 Friday afternoon.

5 MS. ALMONTE: Sorry, 3:00?

6 THE COURT: 3:00 to 4:30 on--

7 MS. ALMONTE: And that's for what?

8 THE COURT: That would be on well ok the ROP's
9 on the old petitions. The contempt hearing I'm going to
10 back and review because I don't know if that's needed
11 either. And then the outstanding motions. I have blocks
12 of 2 hours for the fact findings. I see those in April.

13 MS. ALMONTE: So I have yeah so I have April
14 1st. So March 13 would be just to address whatever
15 evidence Mr. Malek wants to present and to address all
16 **ALLLLL THE OUTSTANDING MOTIONS, ALL IN ONE APPEARANCE., APPROX 20 OF THEM.**
17 the outstanding motions so we can know what we're going
18 to address what we're actually going to be heard at at
19 the hearings on March 24 and April 1st.

20 THE COURT: In April. Right.

21 MS. ALMONTE: Ok.

22 THE COURT: Ok? So Mr. Malek, we have a plan
23 that would allow for you to make sure that you've served
24 and that the attorneys may accept service in Court. I
25 don't know if they're going to. I can't direct them to.
But they may. And if they do, then you can start to look

1 at what it is you are trying to present, and they may ask
2 you what what is this what do we need this machine for?
3 I don't even know. And then we'll have the machine here
4 the video projector. We'll have it here on the next date
5 in case we use it.

6 MS. ALMONTE: Your Honor, (inaudible) copy of
7 the report. Is this from the last court date? I think
8 since Mr. Malek was not here, I didn't hand it up to the
9 Court.

10 THE COURT: And then Mr. Husain, I want to in
11 not I want to I am insisting that those children be
12 produced for visits. I said it to Mr. Maes on many
13 occasions. I want them produced on time. And I want
14 them produced.

HAHAHAHAHAHAHA

15 MR. HUSAIN: That's understood, Your Honor.

16 THE COURT: Ok. **VIOLINS PLEASE.....**

17 MR. HUSAIN: I believe this probably the issue
18 has been discussed previously. The diabetes appointments
19 I mean the Tuesday appointments are a big part of the
20 reason why those dates didn't work. I believe the mother
21 was trying to bring the child to those appointments and
22 to the visit.

23 THE COURT: Ok.

24 MR. HUSAIN: And hopefully that will no longer
25 be an issue given the new (inaudible)

1 THE COURT: Ok. Now Mr. Malek, Mr. Johnson,
2 are you accepting service the the O's that Mr. Malek
3 filed are large. And evidently, I think that's that's
4 what's happening with with them being uploaded.

5 MR. JOHNSON: Taking so long?

6 THE COURT: Uploaded to our systems. So, if
7 Mr. Malek has extra copies for you all today, he can
8 either give them to you or have them mailed to Mr.
9 Johnson at Legal Aid, Ms. Almonte at FCLS and Mr. Husain
10 at Brooklyn Defenders.

11 MR. HUSAIN: Mr. Maes.

12 THE COURT: Yes.

13 MR. MALEK: Now, my understanding is that
14 downstairs that they were going to be making copies and
15 mailing those out, so do I have to serve them the family
16 offense petitions or are they serving them the family
17 offense petitions?

18 THE COURT: They may be sending it out to Ms.
19 Ingoglia. That's probably what they were trying to say
20 because her address is confidential.

21 MR. MALEK: Well because there are two there
22 were two family offense petitions. How do I know what
23 they're serving and what they're not you know what
24 they're not serving?
25

1 THE COURT: They would serve both. They would
2 if they told you they're going to send it to her, they're
3 sending both pieces to her.

4 MR. MALEK: They also have to send it to the
5 other parties here too and I I've--

6 THE COURT: No. They would not have I don't
7 believe they would have agreed to to send it. We can
8 make a phone call, but I don't believe they would have
9 maybe they weren't as clear but what they would have
10 expected you to do is to then accomplish the service.

11 MR. MALEK: Oh, ok. Now Mr. Travis, you told
12 him that he was willing to accept service by email. Is
13 that still but that's as far as I know that's a voluntary
14 thing. I told him I'd accept the same from him. Is that
15 still standing or is that not standing?

16 MR. JOHNSON: Yes, but a 225-page document may
17 not come through. But if it does, I will absolutely
18 receive it that way.

19 MR. MALEK: I may have to put it into different
20 parts.

21 THE COURT: Ok. Ms. Almonte?

22 MS. ALMONTE: Since this is 200 and something
23 pages, I want to be served a hard copy.

24 THE COURT: Ok.

525

25 MS. ALMONTE: I could take it now from him but

**IF ITS A FAMILY OFFENSE PETITION I AM FILING AGAINST MARGARET INGOGLIA OR JOE
PALOMINO, I DONT HAVE TO SERVE ANYONE. THE COURT SERVES THEM.
I HAVE NO OBLIGATION TO SERVE THE OTHER PARTIES.**

1 I'm I don't want it to be emailed.

2 THE COURT: Ok.

3 MR. MALEK: No. I wasn't ready for that. I
4 thought they were making copies downstairs. I just have
5 a copies for myself and I had courtesy copies for you.
6 But that's that's all I have. You know what's
7 disappointing to me is that they come in and you and you
8 trust what they say. That they say their side and it's
9 like oh okay sounds good. They're lying. They're
10 straight out lying. And I really--

11 THE COURT: You think they're lying about
12 visiting the home? Look Mr. Malek, you're not going to
13 draw us into a discussion.

14 MR. MALEK: Not about visiting. Not about
15 visiting the home. No, about the substance of saying
16 that oh talk about the cancellation--

17 MS. ALMONTE: (inaudible) what happened--

18 MR. MALEK: Well let me finish please. You
19 know you've had your chance. As far as the cancellations
20 go, there were 4 cancellations in a two in a two-week
21 period in a two week period. As it was I'm going to see
22 Minnie only one time one week and one time the next week
23 even though you know it's supposed to be twice each week.
24 There were repeated changes of of days and cancellations
25 where even this week I was just told, ok it's a different

1 it's a different time. It's it's 12 to 3. And that's
2 you know you know if you can handle that time, you can.
3 If you can't, you can't. The constant changes of of days
4 is is a tool with which to make it difficult for the
5 other parent to accommodate to a constant change of
6 schedule and and times. And on top of that, there were 4
7 cancellations in a two-week period where even though I
8 was able to be flexible on both those weeks for any day
9 at any time, I still was only seeing Minnie two days out
10 of out of two weeks. So, they come in and they make it
11 THEY LIE....
12 sound like yeah you know everything is fine. And also,
13 the story that they told what happened between Minnie and
14 Joe is not true. What do they do? They go and ask the
15 mother oh what happened. You know ok. I spoke to Minnie
16 all right. And if the Court would allow me to record,
17 I'd play (inaudible) play the recording, I'd play the
18 recording and you could listen to it and see what Minnie
19 had to say what happened. Minnie as far as what she told
20 me, she wanted to play the video game and then then she
21 had--

**MALEK DO NOT SAY ANYTHING FOR YOUR DAUGHTERS SAFETY OR
WELFARE AGAINST THE ACS GODS CLIENTS.**

MS. HUSAIN: Your Honor--

MR. MALEK: Well no no no no. I gave you a
chance no I gave you a chance to talk. Stop.

THE CLERK: Mr. Malek, you can't talk like that
in Court.

201

1 MR. MALEK: One at a time. I give him a chance
2 to talk. I have to have the floor now. Ok?

3 THE CLERK: Have a seat. Just have a seat.

4 MR. MALEK: But he's standing up.

5 THE CLERK: Ok. Yes, I'm telling you to have a
6 seat.

7 MR. MALEK: Ok.

8 THE CLERK: Thank you, sir.

9 MR. MALEK: Ok.

10 MR. HUSAIN: Simply, Your Honor, if we're
11 taking testimony, it sounds like it sounds like the
12 respondent father is seeking to give the Court testimony
13 about the children's statement. If this is a hearing,
14 then we should have a hearing. But I'm asking that he
15 not be permitted to present evidence essentially in the
16 context of a (inaudible)

17 THE COURT: All right. Ok.

18 MR. MALEK: I could tell I could tell you what
19 what she said happened. I visited with her.

20 THE COURT: Mr. Mr. Mr. Malek.

21 MR. MALEK: I could tell you what she said.

22 THE COURT: That is why I first of all they
23 cannot respond first of all because they haven't even
24 **????? I AM TRYING TO TELL THE COURT WHAT SHE SAID, NOT WHAT ACS SAID THE**
MOTHER SAID HAPPENED...
seen what it is you're asking about and referring to.
BUT ACS OF COURSE DID.

25 MR. MALEK: Can you ask them what happened is

1 what I'm saying (inaudible)

2 THE COURT: I asked for a status update. I did
3 ask for a status update as to how the child is doing. In
4 terms of what you are requesting the Court to make a
5 decision on, as I said we are at the point where we've
6 scheduled a lot of time for you and your family and in
7 terms of those O-petitions, I want to see them myself
8 because I don't even know if the relief you are
9 **REALLY? HOWS ABOUT FOSTER CARE, CHANGE IN CUSTODY OR AN OOP FOR MY DAUGHTER? SIMPLE.**
10 requesting is appropriate for those types of petitions.
11 Now, I just indicated to Mr. Husain who's here for his
12 colleague, Mr. Maes, that the child is to be produced on
13 **HAHAHAHAHAHA**
14 time and and on the dates. What I'm going to now say Mr.
15 Malek which affects you is that I want ACS to produce a
16 report by the next date from February 1st forward as to
17 when visits were scheduled and what happened to each
18 visit. **I AM NOT BELIEVED. IT IS ALL ACS...**

17 MS. ALMONTE: So Your Honor, the report says
18 everything that happened in the since it goes back from
19 January January 14 so it goes back to every visit. It
20 talks about the arranged made up time. We're talking
21 about a single mother with two children. Things are
22 going to happen. **MUSIC PLEASE !!!!!**

23 THE COURT: I don't want to hear about it, Ms.
24 Almonte.

25 MS. ALMONTE: I understand--

1 THE COURT: I want that child produced.

2 MS. ALMONTE: And she they are. But every time
3 this is a discussion with Mr. Malek about why something
4 has to change, it's not like it's just dropped on him.
5 It's a discussion and he's just not flexible at all.
6 This is part of his manipulation.

7 MR. MALEK: That's that's no this here we go
8 again with the lies. It's absolutely I'm not flexible at
9 all. Are you kidding me?

I CANT STAND UP NOW.

10 THE CLERK: Have a seat, Mr. Malek.

11 MR. MALEK: There have been about 30
12 cancellations in the past year and a half or so. I'm not
13 flexible?

14 THE COURT: Ok.

15 MR. MALEK: That's absolutely not true. The
16 thing is they make stuff up. And as far what happened
17 between between Minnie and Joe, I don't know why you
18 don't want to hear as far as with my side. I was the one
19 that that that got the information from Minnie. I called
20 the SCR for a very good reason because there was a
21 physical altercation between the kids. The physical
22 altercation between the kids because look I go to the SCO
23 parenting pro--

24 MS. ALMONTE: Your Honor, (inaudible)

25 MR. MALEK: I go to the SCO I go to the SCO
parenting program.

1 MS. ALMONTE: (inaudible)

2 MR. MALEK: I learned it's very important to be
3 a proper role model and and and in the police report, it
4 clearly says where the mother said that she smacks and
5 yells at Minnie. So, if you have a parent that's
6 smacking and yelling at your kids--

7 **CANT STAND UP AGAIN.. I AM A PRISONER...**
THE CLERK: Have a seat. Thank you, sir.

8 MR. MALEK: Their kids as of ok that's that's a
9 bad role model. So, what are the kids do? Then what the
10 kids do is now they are parroting the same type of
11 behavior and now they're getting into a physical
12 altercation where supposedly Minnie hit Joe in the mouth
13 and then Minnie and then Joe got back into a physical
14 altercation with her. And she had a minor injury on her
15 head. Wait a minute. There's a better way for children--

16 THE COURT: Mr. Malek, again we're not going to
17 go off off course here today. I'm going--

18 MR. MALEK: It's a powder keg.

19 THE COURT: It is off course. It's off course
20 at this point. **IDONT GIVE A DAMN ABOUT YOUR CHILD !!!!!**

21 MR. MALEK: If the children are fighting with
22 if the children are and it's not really like the
23 children. Joe is like a father figure in a sense.

24 THE COURT: Mr. Malek?

25 MR. MALEK: It's dangerous.

I DONT GIVE A (*&^(*&^(*

1 THE COURT: I'm done with that issue for the
2 moment. What I do want to address is the MHS situation.
3 MHS has reached out to me to... ok. MHS has reached out to
4 me because they're concerned about the way you're
5 interacting with them. So, I say that to say that I have
6 to review that. I have to reach out to them to find out
7 what the issue is. And we're going to address that on
8 the next date as well.

9 MR. MALEK: Well, I have to put on the record
10 that they are that they are lying, and I can prove it.

11 THE COURT: Ok.

12 MR. MALEK: George Valez said it on three
13 different days that he's tried to contact me for an
14 assessment there. He wrote down the I asked him really
15 what days? What day what day? He gave me the days. He
16 gave me the times. I can show you in my Verizon
17 interface that he never tried to contact me on those days
18 and times. So so so when Ms. Almonte says well what's
19 happening with Mr. Malek and the assessment and trying to
20 get a case against me to put me in jail for being in
21 contempt of court, right?

22 THE COURT: There's no-- yeah.

23 MR. MALEK: In contempt of court, then what is
24 what is George Valez do? George Valez says oh yeah I
25 tried to contact you on these days, Mr. Malek, and you

1 know you see see Mr. Malek is trying to avert the
2 process.

3 THE COURT: Ok.

4 MR. MALEK: He actually sent me an email where
5 he lied. It took 14 days for him to contact me. He lied
6 that he contacted me 3 times previously which I can prove
7 it to you. Then he took 9 days after that and then it
8 was 10 and and then it was I don't have time for at least
9 10 days after after after Court.

10 THE COURT: Ok. Mr. Malek?

11 MR. MALEK: I mean I I have all the
12 correspondence with me. I can show I can give I can give
13 you every email.

14 THE COURT: Mr. Malek, you have yet to provide
15 us with an independent source demonstrating that you have
16 gone through an assessment and have recommendations and
17 therapy. **LYING AGAIN I PROVIDED ON 8-29-19 AND SHE DIDNT HAVE THE TIME.
EVERYTHING IS MY FAULT.....**

18 MR. MALEK: Well I am I am working on that. I
19 did go to a doctor the other day. I'm working on that.

20 THE COURT: Ok. So, I would like to see that
21 on Feb on March 13th, as well as--

22 MS. ALMONTE: Your Honor, just for the record--

23 THE COURT: No no. Stop please. And I would
24 like to know that you have responded back to MHS. I'
25 also going to look into what is the issue there. I

1 to close this record now because I have a case coming up
2 from Corrections. And we do need to clear the room. So,
3 we're back March 13th at 3 p.m. That's only 2 and a half
4 to 3 weeks from now. Mr. Malek, I am not approving any
5 future filings at this point in time. You filed what you
6 filed today. I'm not approving of any orders to show
7 cause or any filings to be made absent an absolute
8 emergency that I will review myself before it is put on
9 our calendar. And--
**WELL THANK GOD SHE IS GOING TO REVIEW SOMETHING
I FILE. MAYBE I SHOULD FILE EVERYTHING ALL OVER AGAIN.**

10 MR. MALEK: I still don't I still don't have
11 discovery from them from January 7, 2019 forward. You
12 know I don't have--
**OSC FOR SANCTIONS FOR DISCOVERY ON JAN 17, 2020
MOTION TO COMPEL IN SEPTEMBER 2019
NOW THE PUNISHMENT IS..... ASK THEM BY EMAIL. WHATEVER.....**

13 THE COURT: You can send that via email what
14 you're lacking at this point. As it is now, the record
15 is now closed, and I would like Ms. Almonte for as I said
16 that ongoing report as to what is going on with these
17 visits for Joe and Minnie.

18 MS. JOHNSON: Minnie.

19 THE COURT: Ok? Just for Minnie. Correct.
20 Ok? Thank you.

21 THE CLERK: This matter is adjourned. Good
22 day.

1 (Whereupon this proceeding was adjourned at 2:50 p.m.)

2 CERTIFICATION

3 I, Susan L. Pellegrini, certify that the foregoing transcript
4 in the Matter of ACS-Kings v. Robert Malek was prepared using
5 the required transcription equipment and is a true and
6 accurate transcript of the recording.

7 Signature Susan L. Pellegrini (Electronic Signature)

8
9 271 Osborne Road
10 Loudonville, NY 12211
(518) 496-6477

11 Date: September 2, 2020

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At a term of the Family Court of the State of New York, held in and for the County of Kings, at 330 Jay Street, Brooklyn, NY 11201, on February 20, 2020

PRESENT: Hon. Jacqueline D. Williams

In the Matter of

Joe Palomino Ingoglia (DOB: 3/15/2004),
Margaret Michelle Malek (DOB: 10/29/2014),

Children under Eighteen Years of Age
Alleged to be Neglected by

Robert Malek,

Respondent.

File #: 235429
Docket #: NN-19411-18
NN-19410-18

CPS #: 5236894

ORDER

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

IT IS ORDERED that ACS to produce a report as to the visits. The Court is asking for information on whether the visit occurs, the time the visit starts and ends, and if there is a rescheduling of the visit, the reason for the rescheduling.

case adjourned to 3/13/2020 from 3pm to 4:30pm in Part 6.

AND NOTHING ABOUT MY DAUGHTERS SAFETY AND WELFARE.....

Dated: February 20, 2020

ENTER

20200220160212/DWIL/MD/6A0C34E853421DAD48B03A994F4532

Hon. Jacqueline D. Williams

Check applicable box:

- Order mailed on [specify date(s) and to whom mailed]: _____
- Order received in court on [specify date(s) and to whom given]: _____

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PRESENT: Hon. Jacqueline D. Williams

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IT IS ORDERED that Mr. Malek is directed to serve the other parties with his latest petitions. Mr. Malek also directed to share what he intends to show through video or recordings in support of the order to show cause and the O petitions.

case adjourned to 3/13/2020 for Rop as to newly filed petitions by Mr. Malek from 3pm to 4:30pm in Part 6.

Dated: February 20, 2020

ENTER

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Hon. Jacqueline D. Williams

Check applicable box:

- Order mailed on [specify date(s) and to whom mailed]: _____
- Order received in court on [specify date(s) and to whom given]: _____

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At a term of the Family Court of the State of New York, held in and for the County of Kings, at 330 Jay Street, Brooklyn, NY 11201, on February 20, 2020

PRESENT: Hon. Jacqueline D. Williams

In the Matter of

Joe Palomino Ingoglia (DOB: 3/15/2004),
Margaret Michelle Malek (DOB: 10/29/2014),

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IT IS ORDERED that The Court indicates to Mr. Malek that there is to be no further filing of Orders to Show Cause or new petitions seeking the same relief by Mr. Malek at any point prior to 3/13/2020. Only an expressed emergency that the Court has reviewed will be permitted to be filed.

case adjourned to 3/13/2020 for 3pm to 4:30pm in Part 6.

Dated: February 20, 2020

ENTER



2020022016024510WILLIAMS020354C376448DA6099758A9D4EC7F

Hon. Jacqueline D. Williams

Check applicable box:

- Order mailed on [specify date(s) and to whom mailed]: _____
- Order received in court on [specify date(s) and to whom given]: _____

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1 THE CLERK: Good afternoon, this is case
2 numbers 40 through 71 on the calendar in the matter of
3 Malek and Ingoglia. Counsel, your appearances please.

4 MS. ALMONTE: Special Assistant Corporation
5 Counsel by Rosmil Almonte on behalf of the Commissioner
6 of ACS. Good afternoon, Your Honor.

7 THE COURT: Ok, good afternoon.

8 MR. JOHNSON: The Legal Aid Society by Travis
9 Johnson, appearing on behalf of the subject children.

10 MR. MAES: Robert Maes M-A-E-S, Brooklyn
11 Defender Services, appearing on behalf of Ms. Ingoglia.

12 THE CLERK: Parties raise your right hands. Do
13 you swear or affirm to tell the truth in all matters
14 before this Court?

15 MS. GARCIA: Yes.

16 MR. MALEK: Yes I do.

17 THE CLERK: Name, title and agency and spell
18 your last name.

19 MS. GARCIA: Paula Garcia G-A-R-C-I-A, ACS.

20 THE CLERK: Full name and relation to the child
21 or children?

22 MR. MALEK: Robert Malek, father of Margaret
23 Malek and stepfather of Joe Palomino.

24 THE CLERK: You may be seated.
25

1 THE COURT: Ok. Good afternoon to everyone.
2 All right. Mr. Maes, for the record where is Ms.
3 Ingoglia?

4 MR. MAES: So Ms. Ingoglia and the children
5 have (inaudible) so she's not bringing them in given the
6 situation with COVID (inaudible) She wasn't inclined to
7 Court today and I told her that (inaudible) primarily
8 sorry this matter is concerning order to show causes and
9 (inaudible) Mr. Malek that this wouldn't be best day for
10 her to come. But she is I can reach her by phone if I do
11 actually need her.

12 MR. MALEK: What is what is COVID?

13 MR. MAES: The virus that (inaudible)

14 MR. MALEK: Oh, that's why she doesn't even
15 have it?

16 MR. MAES: Well this is part of no nobody has
17 it.

18 MR. MALEK: Oh ok.

19 MR. MAES: It's just a--

20 MR. MALEK: Oh precaution. Yeah I also I share
21 the same worry maybe along with Mr. Maes and I I informed
22 all counsel this morning that this first thing I'd like
23 to bring up this morning is is for visitations to be
24 moved to Manhattan. I'd rather expose myself to any risk
25 by taking a train than than the family. So, I'd like to

1 address some of that in the beginning.

2 THE COURT: The visits are in Brooklyn, right?

3 MS. JOHNSON: They are.

4 MR. MALEK: And the mother lives in Manhattan
5 so it's more convenient for the mother, it's safer for
6 the family.

7 MS. ALMONTE: I'm sorry. How does Mr. Malek--

8 THE COURT: Right.

9 MS. ALMONTE: Know where the family lives?

10 MR. MALEK: Of course I know that. That's been
11 told--

12 MS. ALMONTE: (inaudible) confidential--

13 MR. MALEK: No, that's been told to me. That's
14 been to me by the by the police.

15 MS. ALMONTE: It's been confidential
16 (inaudible) (inaudible) doesn't know that.

17 MR. MALEK: Yes. How can she say who's told me
18 what and who and who hasn't told me?

19 MS. ALMONTE: Why would police tell him where
20 they live?

21 MR. MALEK: And who hasn't told me.

22 MS. ALMONTE: They're in a confidential DV
23 shelter.

24 MR. MALEK: That's not I have been told by
25 various sources that they're in Manhattan. Ok?

1 MS. ALMONTE: So, you're saying that you have
2 you're acknowledging that you violated the order of
3 protection by trying to seek out where they're living.

4 MR. MALEK: That's absolutely not true. I did
5 not seek I did not seek--

6 MS. ALMONTE: So why are you inquiring as to
7 where they're living?

8 MR. MALEK: I did not inquire wait wait wait.
9 I did not inquire. It also happens it also just so
10 happens to be in discovery that I provided was their
11 address at the at the hotel.

12 MS. ALMONTE: Nope. **PERJURY ON THE PART OF ALMONTE**

13 MR. MALEK: Yes yes oh yes ok look. Now
14 they're committing perjury again. I declare under
15 penalty of perjury that in discovery was there address at
16 the hotel. And I will produce that if I can't produce it
17 right now because I don't have the discovery that I was
18 given. I will produce it by Monday morning. I'll give
19 it to Mr. Brathwait and that way you'll see that that's
20 how I knew they were in Manhattan. Now do I know if they
21 are in Manhattan right at this point now?

22 THE COURT: All right. Mr. Malek,--

23 MR. MALEK: No, I don't.

24 THE COURT: We're not going we're not going to
25 veer off subject today.

1 MR. MALEK: Ok. But you know it was a nice
2 try.

3 THE COURT: So what I am going to do--

4 MR. MALEK: But it's not true.

5 THE COURT: What I am going to do is I'm not
6 going to I don't need to step into where the visits
7 actually take place. If ACS speaks with Ms. Ingoglia and
8 she'd like to be in a different office to do visit to
9 bring Margaret for visits, I don't have an issue with
10 that. Mr. Johnson, if you want to take a position on
11 where the visits take place, that's for you. And Mr.
12 Maes of course, you'll speak with your client and what is
13 convenient to her for visits otherwise.

14 MR. MALEK: And and then also regarding
15 assaults of my daughter, the reason why they went it went
16 to the Child Abuse Squad in Manhattan was because I was
17 told obviously, they lived in Manhattan. When I go over
18 to the 69 Precinct, I'm told it went to the Manhattan
19 Child Abuse Squad. They tell me well that's because they
20 live in Manhattan. That's how I get the reports out of
21 Manhattan because the the investigating precinct is where
22 they live. That goes together.

23 THE COURT: Ok, Mr. Malek. So, ACS will reach
24 out to you if there's any change in the direction of
25 where the visits take place. Ok. Let's move on. All

1 right--

2 MS. ALMONTE: Your Honor, I provided the Court
3 an updated report and I just emailed it to both counsel
4 and Mr. Malek. But it discusses the visits. The Court
5 wanted to know detail how the visits from the beginning
6 of the year, what had been missed and what had been made
7 up to the Court.

8 THE COURT: Ok. We're going to come back to
9 that in terms of the minutes and the hours and the days.
10 Right? The calculation.

11 MS. ALMONTE: The 500 minutes have been made up
12 a long time ago. This is just going from after that time
13 was made up.

14 THE COURT: Ok. All right. Ok. So, what I
15 wanted to do this afternoon because I think our next date
16 is in April. We do have another date.

17 MR. MALEK: Honestly, Your Honor, I think that
18 it wasn't in March concerning the starting of trial but I
19 filed a a motions and I served them last week on counsel
20 regarding the adjournment of trial because I have not
21 received discovery. The last time that we were in Court--

22 THE COURT: You just indicated that you had
23 discovery.

24 MR. MALEK: Oh yeah. From I have I have I have
25 discovery from oh about June of 2018 over until about

1 January 7 of of 2019, which contains a lot of redacted
2 parts. However, I don't have anything after that. I
3 don't have other types of of discovery that I put in in
4 my motion. So you know--

5 MS. ALMONTE: I can provide Mr. Malek updated
6 discovery with regards to every unfounded case that he's
7 called in against Ms. Ingoglia, if that's what he's
8 referring to.

9 MR. MALEK: No, I'm entitled to the whole
10 discovery record.

11 THE COURT: Ok, Mr. Malek, I want us to be
12 clear. You know when we go to fact finding on this case,
13 the fact finding is with respect to you as a respondent,
14 ok? So whatever allegations you are trying to prove with
15 respect to all of these orders to show cause and and the
16 O-petitions and any other motions you may have are your
17 own assertions. But at this point, when we start the
18 fact finding, the fact finding is with respect to you as
19 a respondent that ACS brought a case here against you.
20 **SO I FILE FAMILY OFFENSE PETITIONS STARTING IN 2018 AND THEY SHOULD BE HEARD FOR THE SAFETY AND
WELFARE OF MY DAUGHTER SOMETIME AFTER TRIAL 2+ YEARS LATER...**
And so, that's if in terms of updated discovery yes, Ms.

21 Almonte will turn over updated discovery to you. I am
22 going to start with motion--

23 MS. ALMONTE: I mean Your Honor--

24 MR. MALEK: I have--

25 MS. ALMONTE: Can we start with this one?

1 MR. MALEK: I just object to them cherry-
2 picking the the discovery as far as what I should see and
3 what and what I should not see. How are they to know
4 whether or not something that's said is relevant to
5 something that wasn't that that was said maybe a year
6 ago. You know they could say they could make a statement
7 yesterday that could contradict a statement of 2 years
8 ago. So they're going to now cherry-pick as far as what
9 I see and what I don't see and they're going to say well
10 only in relation to the calls that you made we're going
11 to provide discovery in relation to how we came to that
12 decision of unfounded. But meanwhile, I know that my
13 calls were founded. So, they're going to produce
14 evidence in regards to why I should have evidence that
15 means that I'm I'm not I have no standing, that my calls
16 are unfounded. I mean do you follow me? They're
17 providing evidence in regards to why they feel that my
18 calls are unfounded. Wait a minute. No. You provide me
19 all the evidence and I'll and through the evidence, I'll
20 tell you what's founded. Not you're going to tell me.

21 MS. ALMONTE: Maybe I can explain. I will
22 provide him the records. The ultimate result of every
23 investigation is that they're unfounded. I don't know
24 what he wants me to tell him other than that is the
25 outcome of every case he's called in. The records are

ACS
CHERRY PICKING
DISCOVERY

1 going to say what what they're going to say but at the
2 end of the record, they're going to report that the case
3 overall has been unfounded. Technically, he's not
4 entitled to that information because it's unfounded. But
5 because I filed an amended petition seeking to amend the
6 pleadings to include his absurd behavior and how that has
7 causing harm to the child, I am providing that discovery.
8 But I don't have control as to what ACS determines the
9 outcome of every investigation that he's called in.

10 MR. MALEK: The SCR the SCR records have
11 nothing to do with the family progress notes and the
12 investigation progress notes that I've already received.
13 That's what I'm looking for. The SC the SCR and all that
14 that's another thing on top of it. I'm also I'm also
15 entitled to any photos, audio--

16 MS. ALMONTE: I don't (inaudible) I don't have
17 anything that says audio--

18 MR. MALEK: What what happened--

19 MS. ALMONTE: Photos or audio.

20 MR. MALEK: Well, there's there's the ok
21 there's the October 19 incident which I have brought up
22 repeatedly where my daughter said in front of two Legal
23 Aid social workers and an ACS worker that were taking
24 there I'm sorry where they're taking handwritten notes
25 that she was scared of mommy and Joe and she's begging

1 and crying to go home with daddy. And this was also the
2 day right after you ordered me Your Honor to stop
3 recording. That was when the the sexual allegations
4 started against me immediately after that and and have
5 not stopped. They have not started that before. But
6 started immediately when you didn't--

7 MS. ALMONTE: Your Honor, he--

8 MR. MALEK: Wait wait wait. When you didn't
9 let me have have evidence and at this October 19 date was
10 when ACS claimed that I went under that my daughter took
11 her pants off and I went under the covers with her and
12 all this stuff, which is not true. And then on top of
13 that, the truth is both of them are withholding my
14 daughter crying and crying and begging that she was
15 scared of mommy and Joe and to go home with daddy. And
16 I've I've emailed Travis Johnson about this. I've
17 brought this up in my filings and they don't and they
18 never say anything about it. It's time that I receive
19 every since I was evaluated as well, I have to receive
20 discovery on it.

21 MR. JOHNSON: I don't have those notes. They
22 they're they I don't have them. **HES LYING**

23 THE COURT: Right. **!!!!!!! HOW DOES THE COURT KNOW ?!?!?!?!?!?**

24 MR. MALEK: Dana Dana and Gweneth were there.

25 MR. JOHNSON: Also--

WE DONT WANT TO GO THERE !!!!!!!!! DANGER DANGER DANGER !!!

1 THE COURT: Mr. Malek, please stop.

2 MR. JOHNSON: I don't have the notes. There

3 was no order that I turn over any notes. I spoke

4 **PERJURY. HORTON WAS A LAWYER THE OTHER PERSON WAS A SOCIAL WORKER**
extensively with Ms. Horton and the other social worker

5 that attended that visit to observe the visits. So, I

6 know their version of events of what happened. They do

7 not match what we're being told here today. But I've no

8 intention of calling either of them as witnesses. I'm

9 not presenting a case. I don't believe the Court has

10 signed any subpoena for any records. But in the social

11 work file for this case, there are no handwritten notes

12 from that visit. **AND HE WONT GIVE ME HER NAME. GO TO EMAIL _____.**

13 THE COURT: Ok.

14 MR. JOHNSON: We all met together after that

15 visit. **AND THEY WERE TWIDDLING THEIR THUMBS WHILE EVALUATING. ?????**
OF COURSE THEY WERE TAKING NOTES.

16 THE COURT: All right. And Mr. Malek,--

17 MR. MALEK: Not true. They were taking

18 handwritten notes (inaudible) not true not true.

19 THE COURT: Mr. Johnson is an officer of the
20 Court as an attorney here and he's not going to be

21 misrepresenting his what he has or what he's able to

OH NO. AH HA. SO THE ATTORNEYS ARE THE OFFICERS OF THE COURT AND WHO AM I ? I WAS THERE AND THEY WERENT. REGARDLESS, THEY ARE OFFICERS OF TH
COURT ! AH SO THAT'S THE PROBLEM AFTERALL. THEY ARE TO BE BELIEVED AND THE PRO SE IS NOT BECAUSE HE IS NOT AN OFFICER OF THE COURT !!!

22 divulge. If he he just wouldn't be doing that.

23 MR. MALEK: Well I'm not lying. They were

24 there taking hand... all right. Look, I have a letter here

25 from my psychiatrist that says that--

SHUT UP MALEK !!!!! STOP DEFENDING YOURSELF !

1 THE COURT: Mr. Malek, please stop. This is
2 I'm directing this discussion today. Ok. So, Ms.
3 Almonte, to go back to the point about discovery, Ms.
4 Almonte, as again as an officer of the Court, I would
5 like for you to state for the sake of the record what it
6 is that you will provide to Mr. Malek to bring the
7 discovery up to date.

8 MS. ALMONTE: So I will provide--

9 THE COURT: And and also address if you have
10 any photographs or audio or any other visual pieces that
11 you will be providing to Mr. Malek.

12 MS. ALMONTE: I have no there's no recordings
13 and there is no pictures that I will provide. I don't
14 have any in my possession. If I were to obtain something
15 of of recording or photos from my clients, I will
16 definitely provide it to counsel. I don't have any of
17 that at this moment. And none has been made to my
18 attention. With regards to the case work, the case case
19 notes, I will provide from January 2009 to the present.
20 Those the investigation dealing with all the unfounded
21 cases that Mr. Malek has called in and any updated SFS
22 notes (inaudible) notes. Those are the only thing I
23 have.

24 THE COURT: Ok.

25 MR. MALEK: (inaudible) investigation--

1 MR. JOHNSON: I will look again. I will look
2 through DANA ERIKSON Ms. Grayson is no longer with The Legal Aid
3 Society, but we have obviously the file for this case. I
4 will look again. And I will check with Ms. Horton. But
5 I've had this conversation twice already, but I will look
6 myself. And if there are any notes from an Oct from this
7 2018 visit that they observed, I will gladly provide
8 them. **HE IS LYING. I AM DOING RESEARCH.... HE WONT EVEN GIVE ME MRS
GRAYSONS FIRST NAME....**

9 THE COURT: Ok.

10 MS. ALMONTE: I mean I am calling Ms. Hudson,
11 the worker on that day on the stand. Mr. Malek has can
12 cross examine her, ask her anything he wants to ask her
13 regarding that date.

14 THE COURT: Ok.

15 MR. MALEK: But wait wait oh yes, that's true.
16 That's great. But I'd like to have your discovery, so I
17 know what I'm going to cross examine her on before before
18 she's on the stand. Not to try and get information out
19 of someone when they're on the stand say that's
20 discovery. I mean look even when it came time to your
21 Order that my that ACS is supposed to provide to all
22 counsel on March 1 the imminent risk assessment in
23 reference to my daughter, the psychiatric exam after she
24 cried and begged and screamed not to go home with mommy
25 and Joe at Kevin Geraci on January 17. On January 18 you

1 issued the Order (inaudible) provided to all counsel on
2 March 1. It has never it has never been provided to to
3 all counsel. So that's an issue that I have. The other
4 issue that I have is that there were 3 assaults of my
5 daughter that and and one of them in the in the CPS
6 reports was closed in one day. The other one in 3 days.
7 And then on that third day was when ACS supposedly
8 referred those 3 assaults over to the District Attorney's
9 Office and I was given no discovery as far as were they
10 in fact turned over to the District Attorney's Office,
11 was it was it a fraud and falsification of records that
12 they never did. I have I spoke with with Detective
13 Caroline Roe and she doesn't know anything about an
14 investigation going from the DA's Office to them. I've
15 tried emailing Eric Gonzalez and mailing him repeatedly
16 that I have proof of, and he's not getting back to me.
17 So I have to know the truth as far as what happened to
18 those 3 assaults of my daughter that were sent on
19 11/26/2018 that I have that that Mr. Johnson has has a
20 copy of that as well it was in the family offense
21 petition. If we're talking about discovery with ACS,
22 what happened to those assaults. What happened to that
23 investigation?

24 MR. JOHNSON: So someone from the DA's Office
25 was in Court on the last court date indicating my they

1 were here she sat right here. She was in Court and she
2 said that there was a referral made but that it wasn't in
3 their jurisdiction because he was a minor. So that would
4 have gone to Corp Counsel's Office and not them.

5 THE COURT: Hm hm.

6 MR. JOHNSON: I don't know why they didn't
7 speak. She came she was here on the last court date.

8 MR. MALEK: I had no idea I was here--

9 MR. JOHNSON: I don't know.

10 MR. MALEK: They wait wait the last court date,
11 there was no one here from the DA's Office that I knew
12 about. How is this possible?

13 MR. JOHNSON: I'm not making it up. She was
14 here. I had no--

15 MS. ALMONTE: In the back.

16 MR. JOHNSON: She was in the back. She sat in
17 the back.

18 MR. MALEK: And she spoke about and she spoke
19 about that the last hearing?

20 MS. ALMONTE: She didn't get on the record.
21 Nobody asked her to be on the record.

22 THE COURT: No, she didn't she was not on the
23 record. **HOW DOES THE JUDGE KNOW ABOUT THIS AND WHY WASNT I TOLD THEN
OR THIS TIME IN COURT UNLESS I INQUIRED !?!?!?!?**

24 MR. MALEK: No one asked her. Oh, ok. See
25 that's why I don't know about this. Well I got to find

1 out you know what happened with this investigation of
 2 these 3 assaults of my daughter. !!!!!!!!!!! ! ? ↓

3 THE COURT: Ok, Mr. Malek, that's your concern,
 4 meaning that you can pursue whatever information you'd
 5 like to pursue about whatever the DA's Office has done
 6 with those investigations. But that's not central to
 7 what is going on here right now. Ok? **WAIT A MINUTE. DOESNT IT
 UNFOUNDED CALLS ? OF
 COURSE IT DOES.**

8 MR. MALEK: You know there's Your Honor there's
 9 6 case open services, there's 2 indicateds, you know what
 10 and then we got 2 Article 10's in the past, one to two
 11 indicated. What if what if I just would say you know
 12 what ok what if right? I were to say ok I'm guilty of
 13 inadequate guardianship. Can we please now move on to
 14 the safety and protection of my children? Because
 15 obviously, if we take a look at the mother and what's
 16 going and the history,--

JUST NOT IN FAMILY COURT. HERE, ACS IS GOD..

17 THE COURT: You can pursue that, Mr. Malek.

18 MR. MALEK: And history, I'm--

19 THE COURT: Mr. Malek, I'm going to close this
 20 record--

21 MR. MALEK: I beat this game 10 to 1.

22 THE COURT: If you don't stop. Ok? As I said
 23 to you at the start of this appearance today,--

24 MR. MALEK: Right.

25 THE COURT: We're going to proceed in an

1 orderly fashion here today because I want to start the
2 the fact finding on the next date. In terms of the
3 referrals that may have been made or investigations that
4 are ongoing from the DA's Office, you have to call the
5 DA's Office and continue to find out--

6 MR. MALEK: I have.

7 THE COURT: What's going on.

8 MR. MALEK: I have.

9 THE COURT: I don't know what's going on. I
10 have received no communication from the DA's Office so I
11 can't speak to what I don't have.

12 MR. MALEK: Can I go to a different Judge ok--

13 MS. ALMONTE: (inaudible)

14 MR. MALEK: (inaudible) respect, would you mind
15 if you if you put in the minutes that can I take this
16 matter then maybe to a different Judge as far as if you
17 only want to handle this case inadequate guardianship
18 against me-- **WHAT ABOUT THE FAMILY OFFENSE PETITIONS ????**

19 *********
THE COURT: That's all I have jurisdiction...

20 MR. MALEK: Oh oh.

21 MS. ALMONTE: Your Honor, I do have an answer
22 with regard to the therapy for Margaret. I have answers
23 and I think it relates to this matter with regard to the
24 therapy, the assessment. So she it's a 3 part
25 assessment. She already completed 2. And then next when

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is the next appointment for the 3rd one?

MR. MAES: On the 18th of March.

MS. ALMONTE: On the 18th of March. That's the

last assessment for therapy.

THIS IS NOT TRUE IT IS PERJURY. I HAVE SUPREVISOR FERGUSON TELLING ME ON TAPE THAT THE 3 WERE COMPLETED MONTHS AGO.... AUDIO TAPE AVAILABLE

THE COURT: For Margaret--

MS. ALMONTE: For Margaret.

THE COURT: The child.

MS. ALMONTE: The child, yes.

THE COURT: Ok. And so when is that next the third assessment? When is the third meeting?

MS. ALMONTE: (inaudible)

MS. GARCIA: Yes,--

THE COURT: When is that?

MS. ALMONTE: March 18th.

MS. GARCIA: March the 18th.

THE COURT: Ok. And so after that, it's anticipated that there will be a report--

MS. GARCIA: Yes.

WHERE ARE THESE RECORDS? NEVER PROVIDED.

THE COURT: That will be circulated.

THAT WAS NEVER CIRCULATED..... I HAVE THE EMAILS WHERE THE THERAPIST WOULDNT GIVE ACS ANYTHING....

???

MS. GARCIA: I got a report this (inaudible)

I WAS NEVER GIVEN ANYTHING...

THE COURT: Ok.

MS. GARCIA: (inaudible) I'm satisfied.

THE COURT: Ok. Does that satisfy your concern about what is being done to meet with Margaret to figure out if there is some concern that she's articulating to a

1 therapist?

2 MR. MALEK: Ah--

3 THE COURT: Because it's ongoing evidently.

4 MR. MALEK: Ok. The matter is is that when
5 when this abuse occurred was when she should have been
6 evaluated to to ascertain as to what had happened, not to
7 wait let's say 6 months or or a year later to do an
8 evaluation and say ok well she seems fine now. Well she
9 definitely wasn't fine when this happened. Now maybe we
10 can't go backwards but I do want to make it clear to the
11 Court here that you know as far as violation of court
12 order and safety and welfare of my daughter, that's
13 something that should have been handled at that at that
14 time in due diligence. And we have the the two clear
15 situations where my daughter did in fact behave in the
16 manner that which I tell you of crying and begging and
17 fear, we have a situation where ACS did not do the the
18 investigation of my daughter's psychological state at the
19 time. And then and then on October 19, the reason why I
20 brought up my psych report is I'm not crazy I note there
21 were two social workers there taking notes and also an
22 ACS worker taking handwritten notes at that time that
23 were there when my daughter had this you know had this
24 fear and was crying. So--

25 MR. JOHNSON: (inaudible)

1 MR. MALEK: October 19, 2018. Ok.

2 THE COURT: Ok. Now, Mr. Johnson has just
3 indicated that he is going to look back again through the
4 records that his office maintains through the case the
5 social workers and if there's anything to provide to you
6 in terms of discovery, he will as he has represented,
7 make that available. Ms. Almonte has already addressed
8 discovery for a certain time period. And whatever she
9 has that is appropriate to again turn over, she will do
10 **WHICH SHE DIDNT.....I HAVE RECEIVED NOTHING....**
so. So, I think that let's see if I--

11 MR. MALEK: Ok. I also like to I'm I did file
12 motions regarding this that may be in your system that I
13 served last week. I also the situation ok let me put it
14 over here--

15 THE COURT: I just want to close--

16 MR. MALEK: The situation of the the situation
17 of the of the K Mart shoplifting thing, I'd like to know
18 what happened.

19 THE COURT: Mr. Malek, Mr. Malek, I'm closing
20 one issue.

21 MR. MALEK: Ok.

22 THE COURT: I'm closing the issue that the
23 discovery is going to be provided to you so that when we
24 choose a next date which will probably be because I don't
25 see a future date in April as I thought, when we choose

1 the next date in April or May--

2 MS. ALMONTE: I have April 1st.

3 THE COURT: Let's see. I'll look for it.

4 MS. ALMONTE: I have April 1st for for 30
5 minutes and then I have other dates in April. But maybe
6 I'm mistaken. I thought I had..

7 THE COURT: Ok. I will look for those other
8 dates.

9 MS. ALMONTE: I can--

10 THE COURT: But those will be once that
11 discovery is turned over and I guess I can ask for a
12 report from you, Ms. Almonte, that things are turned over
13 by April by March 30th, then we're going to be ready to
14 start on that trial date.

15 MS. ALMONTE: Your Honor, there is also a--

16 MR. MALEK: There there's--

17 MS. ALMONTE: There's several items that Mr.
18 Malek has turned over that I believe that he anticipates
19 to introduce in evidence. But I have objections to all
20 of it.

21 THE COURT: Ok.

22 MS. ALMONTE: So, I don't know how we're going
23 to address this.

24 THE COURT: Ok.

25 MR. MALEK: Well also regarding regarding

1 discovery, there are redacted notes that were provided to
2 me which is which concerns me. There's the K Mart
3 shoplifting incident that that also had occurred with
4 Margaret shoplifting with the with the children. I've
5 called the I've called the SCR about that and if ACS
6 wants to say that that's unfounded, then I I filed on
7 January 17 a whole slew of order to show causes and a
8 response affidavit that hasn't been addressed in
9 reference to the that that issue and and and other issue
10 and other issues as well.

11 THE COURT: As to your orders to show cause,
12 the motions that you filed, I'm asking counsel today that
13 if they have any opposition to and I'm looking at numbers
14 20 through I think it's 32. 20 through 28 is what I have
15 in 29 is what I have in front of me.

16 MS. ALMONTE: So 20 so 22 through 29?

17 THE COURT: 2-0 through 29. Ok? That's what I
18 have in front of me. If there's any opposition to be
19 filed by any one of you, including Mr. Maes, then I would
20 ask that all of it be filed by again by March 30th. And I
21 will be issuing decisions on all of these applications
22 these orders to show cause-- **JUDGE NEVER DID SO AND NO ONE ELSE
HAS EITHER.....**

23 MS. ALMONTE: Your Honor, that's--

24 THE COURT: I don't want this confused with the
25 trial.

1 MS. ALMONTE: Can we have can I have some
2 additional time? It's a lot of motions.

3 MR. MALEK: Well yeah and then also I'd like to
4 have time for depositions which I'm entitled to in a
5 civil case, interrogatories, admissions and depositions.
6 And also, how I can now also I want to invoke best
7 evidence rule. If they're going to if they're going to
8 give me hearsay, if I call the SCR, we have someone
9 that's writing what they think I said and then that's
10 being given over to ACS and then over to me and presented
11 to me. Wait a minute but this isn't this isn't the exact
12 evidence the exact thing that I said. I can't be
13 responsible for what someone thinks that I say and
14 respond to what someone thinks that I say. And then
15 also, I have to have the name of the person who actually
16 made the call. So, I'm requesting best evidence rule. I
17 want the actual recordings. And I I put that in the in
18 the order to show causes. I want to know what I'm
19 defending against. And then, in addition, if if if ACS
20 is trying to--

21 THE COURT: Mr. Malek, part of your obligation
22 in terms of your own defense--

23 MR. MALEK: Yeah.

24 THE COURT: Is to procure obtain the
25 information that you feel is necessary for your defense.

1 You've chosen not to be represented at this point. I'm
2 not going to advise you on how to proceed. So, having
3 said that, if you choose to bring in legal counsel to
4 assist you and to consult with, perfectly fine. If you
5 wish to write another motion to articulate why there
6 should be some additional effort made to provide you with
7 whatever you're asking for, that's fine. If it's in one
8 of these binders-- IT IS. SHE NEVER READS THEM.

9 MR. MALEK: It is. It's in one of the order to
10 show.. yeah.

11 THE COURT: Ok. And these binders--

12 MR. MALEK: Well it's in it's in it's in the
13 white one. That's maybe different. That's probably the
14 motion to compel.

15 THE COURT: I have two black ones. The other
16 one is inside (inaudible)

17 MR. MALEK: Ok so yeah the big white one.

18 MS. ALMONTE: What number is it?

19 MR. MALEK: Well the big white here with the
20 order to show causes is the one that that's requesting
21 the audio files from the SCR. And then also the other
22 the other thing that I have a problem with is that if if
23 I call the SCR because my daughter says something, which
24 I which I have to report this,--

25

1 THE COURT: I have it as number 25 and 28 right
2 here. That's the SCR and the hotline and case notes from
3 the CPS hotline.

4 MS. ALMONTE: I don't know what those notes
5 are, Your Honor.

6 THE COURT: So I'm just saying we can address
7 it and if ACS is seeking additional time to respond--

8 MR. MALEK: And I need additional time to also
9 go through discovery.

10 THE COURT: The Shoprifting the shop shoplifting
11 excuse me incident I see is K Mart.

12 MR. MALEK: Yes.

13 THE COURT: Ok. Have that. Ok. So, I'll look
14 for mid-April for a date on the opposition or responses
15 to Mr. Malek's numerous motions. I know I don't really
16 have trial dates until about June.

17 MR. MALEK: Ok.

18 THE COURT: Realistically I think that's when
19 my trial dates will be.

20 MR. MALEK: I'm sorry--

21 THE COURT: And we're going to day to day on
22 this so that we can finish within a week. Ok?

23 MR. MALEK: That's good. Your Honor, if I if I
24 call up the SCR because my daughter tells it's a problem
25 I have that if my daughter tells me something, right, and

1 I call the SCR and then ACS is being ACS is being the
2 plaintiff in this case, then goes to say that no my
3 daughter never said this and you know what Mr. Malek is
4 harassing his family. Put him in jail. It's like no no
5 no wait a minute. So, what is this supposed to be like?
6 A swearing contest under under penalty of perjury as far
7 who's telling the truth? There there I requested here a
8 vacation of the of the order regarding regarding and
9 retroactive regarding the recording issue. How can I
10 possibly have a defense or defend myself when I say that
11 my daughter said something. They say oh no she didn't,
12 Mr. Malek is lying. Put him in jail. Ok. I mean what
13 kind of defense do I have to this except to say well look
14 here here's the recording, play the tape. Outside of
15 that, I become guilty by just what trying to protect my
16 own daughter? I have an obligation under the law to
17 report this and to and and as as my daughter's father.
18 So you know this whole thing of not recording I am in
19 I'll tell you I am in favor recording the visits and
20 putting them on video and presenting it to all the
21 counsel and that way you can all see how I treat my
22 daughter. Because she lies and the other ACS workers are
23 lying too as far as what's going on at visitation. She's
24 making she's making allegations--

25 THE CLERK: No pointing. **NO POINTING !!!!!!!!!**
NOW I AM BEING TOLD WHAT
TO DO WITH MY OWN BODY.

1 MR. MALEK: Of of--

2 THE CLERK: Mr. Malek, don't point at

3 (inaudible) **HERE WE GO AGAIN.....**

4 MR. MALEK: Oh, I'm sorry. I apologize. Of
5 sexual allegations between myself and my daughter as far
6 as I'm rubbing my daughter all over her body. This is
7 absolute perjury. It's lies. Kevin Geraci never said
8 this. But this nonsense started right after you you put
9 forth the order up Mr. Malek don't record anymore. And
10 wham they got me right away with starting to make sexual
11 allegations. That's funny in the original petition--

12 THE COURT: Mr. Malek, have you reviewed the
13 petition?

14 MR. MALEK: There's so sexual allegation and
15 that started when my daughter was brought to the hospital
16 on on it was like on June 28, 2018. ACS worker comes to
17 the home says oh my daughter's vagina is red. Take her
18 to the hospital. Took my daughter off to the hospital.
19 Doctors saw nothing. ACS's attack on me regarding sexual
20 allegations has been going on now for a while.

21 THE COURT: Ok.

22 MR. MALEK: And it's and it's absolutely not
23 true.

24 THE COURT: Ok.

25 MR. MALEK: And how am I supposed to even

1 defend myself to to to what she says or what they say?

2 MS. ALMONTE: He's (inaudible)

3 MS. JOHNSON: I'm just going to say for the
4 record I'm not aware of any sexual allegations. But
5 that's not (inaudible) conversations that I'm having
6 (inaudible)

7 MS. ALMONTE: Your Honor, I don't know either.

8 MR. MALEK: Ok.

9 MS. ALMONTE: The only thing I know is that he
10 has called in reports to the state central registry
11 saying that Margaret, the child Margaret had been
12 sexually abused, so there are unfounded cases that he's
13 called accusing Joe the other subject child, Joseph, of
14 **NOT TRUE** sexually abusing Margaret. But there's no allegations
15 that he himself we have never made allegations that Mr.
16 Malek is sexually abusing the child. I don't know where
17 he's getting this from. *COURT REPORTS*

18 MR. MALEK: Ok.

19 THE COURT: All right. And Mr. Malek, in terms
20 of--

21 MR. MALEK: I'd like wait wait no I'd like to
22 respond to that. That's not wait wait this is not so. I
23 have not I have not called the SC I have not called the
24 SCR alleging sexual abuse. I have told the SCR regarding
25 a situation that could be could have been sexual abuse

1 because of the facts of what had occurred afterwards.
2 And that is definitely a a concern. But I never said
3 that I know that actually Joe is sexually abusing Minnie.
4 I described the situation in detail I can I can describe
5 what happened over here. And it is it is very
6 suspicious. But have do I have actual knowledge of
7 sexual abuse occurring? No and I've never told the SCR
8 that. If you take a look at the reports lately coming
9 out of ACS, it is it is saying how Mr. Malek he rubs he
10 rubs his daughter all over her body and... Like no no no. I
11 don't do that. Ok? So there no there's and also the
12 reason why you put me over at CFS to begin with just to
13 remind you is because they did make the allegation that
14 my daughter took her pants and Mr. Malek went under the
15 covers with her. So no, they've they've done their side
16 as far as trying to me look like some type of sex
17 offender.

18 THE COURT: All right. Mr. Malek, thank you
19 for explaining your point. **SO NOW THAT SHE LET ME " EXPRESS**

MYSELF " WHAT IS THE DECISION ON
THE RECORDING ISSUE ?!?!?!!

20 MR. MALEK: Ok.

21 THE COURT: But, April 17th is an Intake day for
22 me. I'll put this on at 9:30 just to confirm that all
23 the opposition papers are in. I'll put the case on for
24 decision probably about around May 5th or 6th. And then
25 we'll I'm going to look for at least two to three days

1 for trial time back to back so that we can move forward.

2 MR. MALEK: Will I have time to hold any
3 depositions if I like if I wish to?

4 MS. ALMONTE: I don't see what's the point of
5 depositions? The witnesses are going to be here. This
6 is a case of domestic violence, Your Honor. He it would
7 be it would intimidate our witness. It's going to be
8 already hard for her to be interrogated by her

9 **????????????**
perpetrator. I don't see what the depositions are
10 necessary for. **IT IS MY RIGHT TO DO SO.**

11 THE COURT: Well, I did agree and I thought I
12 said that (inaudible) at a court date or two ago that we
13 could use the technology courtroom if necessary for her
14 your witness being Ms. Margaret.

15 MR. MALEK: Objection. Oh, I'm sorry I
16 (inaudible)

17 THE COURT: Ok. So that would be if I think
18 Mr. Maes had already made that application.

19 MR. MAES: Yes. And that's for which witness,
20 I'm sorry?

21 MS. ALMONTE: Your client.

22 MR. MAES: He wants to depose my client?

23 MS. ALMONTE: Yes.

24 THE COURT: Yes.

25 MR. MAES: I didn't know that you wanted to

1 depose my client. I would you know--

2 MR. MALEK: I'm entitled to confront the
3 witnesses before me. That's my constitutional right.

4 THE COURT: And you will be because if she's
5 called by ACS, there we will use the technology courtroom
6 and any witness can avail themselves of that technology
7 if they are feeling uncomfortable or concerned.

8 MR. MAES: Yes. I mean Your Honor, my client
9 is not opposed to testifying. Obviously, she would want
10 to be a witness for ACS. I think I will just if I need
11 to an file (inaudible) paper to to try to challenge the
12 form in which he asks Ms. Ingoglia questions, I will do
13 that forthwith

14 THE COURT: Ok.

15 MR. MALEK: Well I'm entitled to--

16 MR. MAES: With regards to the deposition.

17 MS. ALMONTE: We're doing a closed circuit
18 closed circuit.

19 MR. MAES: In regards to a deposition, I would
20 oppose any kind of deposition. I don't think that would
21 that would infringe on his right to confrontation if he
22 ultimately has the right to cross examine her (inaudible)

23 THE COURT: Correct. **WRONG. I HAVE THE RIGHT
TO DEPOSITIONS.**

24 MR. MAES: I do not think that it's in the best
25 interest of (inaudible)

1 THE COURT: Right. **NOT IN THE BEST INTERESTS OF**
2 **THE PLAINTIFF... ?????**

3 MR. MALEK: Well I disagree. I object to being
4 on closed circuit on closed circuit TV. As far as I
5 know, that that's that that's not proper in this in this
6 type of situation. I have the right to confront the
7 witness before me in a courtroom and not for it to be on
8 some electronic TV. **CORRECT**

9 THE COURT: That technology is used every day
10 here, Mr. Malek.

11 MR. MALEK: Probably under--

12 THE COURT: It is used every day in trial
13 situation everyday here.

14 MR. MALEK: Probably under severe probably
15 under severe circumstances of of abuse rather rather than
16 just neglect of of a woman being beaten. I don't think
17 that the allegations of he controlled the finances and he
18 mentally abused me and I was afraid of him but but he
19 never touched me. You know I don't think that the facts
20 of this case rise to having this like poor woman out of
21 the courtroom because she was so abused. This is not
22 that level of of case. We don't have a criminal I was
23 never even arrested for anything. We don't have this in
24 some type of criminal matter.

25 THE COURT: Ok.

MR. MALEK: I think this is improper.

1 THE COURT: Well if you're opposed to that and
2 you have a basis upon which to be opposed, you'll respond
3 to that. But in the meantime, we will schedule it as
4 such. And I'll start with the third week in June. Are
5 you all here at that time? Ok. **RESPOND TO THAT HOW. WHERE
IS THERE MOTION FOR THE
RIGHT TO DEVIATE FROM THE NORM?**

6 MR. MAES: (inaudible) look at dates. I'm
7 sorry. I do have one preliminary matter and I am asking
8 Mr. Malek to accept service on a V-docket that my client
9 filed on the 5th of March (inaudible) joined on that.

10 THE COURT: Did you say the O's?

11 MR. MAES: My client filed a custody petition--

12 THE COURT: Oh V?

13 MR. MAES: Yes.

14 THE COURT: Ok. **I THOUGHT THE NEGLECT PETITION WAS THE
ONLY PEITITON THE COURT HAS JURISDICTION ON,
RIGHT?**

15 MR. MAES: And I am asking the parties to
16 accept service here in Court. Today is the return date.

17 MR. MALEK: I've also filed a custody petition
18 in the past as well in this case. **OF COURSE THAT HAS BEEN IGNORED
FOR 2 YEARS...**

19 MR. MAES: Will you accept service?

20 MR. JOHNSON: I will.

21 MR. MALEK: Ok. Now, I filed I filed other
22 other motions that I served on the parties last week.
23 And I scanned I had them I brought them down to the
24 office today.

25 THE COURT: You filed something today you said?

1 MR. MALEK: Well I served them last week and I
2 filed some motions today and one of them was a notice of
3 motion for sanctions against ACS and Legal Aid for
4 failure to provide discovery. Like I said we're dealing
5 with that notice of motion for discovery and inspection,
6 notice of motion to request adjournment of trial which
7 apparently happened. Then I have another notice of
8 motion for my daughter and I to be able to go to Church
9 together as we did before 7/31/2018. It's been two years
10 and we haven't been able to go to Church together. And
11 then also I filed a notice of motion for sanctions
12 against Margaret Ingoglia for 28 statements of
13 impeachment regarding physical abuse of herself and the
14 children to ACS and Kevin Geraci. And the reason why I
15 think that's the reason why I think that's relevant is
16 that as I as I've said before that when you when you have
17 someone that's making allegations that they were
18 physically abused when they were pregnant to caseworkers,
19 this is done for a reason. This is done to affect the
20 impartiality of the caseworkers and to get people who
21 deal with me to hate me. And I and Margaret Ingoglia has
22 been has been consistently doing this to the ACS to the
23 ACS workers as well as CFS. And regarding this this
24 case, the extent to which she has has lied here has been
25 to the point of being criminal. Where she's actually

1 made an SCR call in 2015 that I found out about that said
2 that I was I was physically assaulting her with the child
3 with the child in the home and she's and she's clearly in
4 her own statements in ACS records contradicted herself.
5 So you know these statements that she's made also even to
6 my own daughter are are terrible. And it's it goes
7 (inaudible) parental alienation. It affects whether or
8 not ACS feels that they would like to have lunch
9 (inaudible) visits or multi-visits with my daughter or
10 whatever but these type of of of contradictions by
11 Margaret Ingoglia are serious are serious because they're
12 criminal statements made against me to I would assume she
13 probably made them to Mr. Travis as well. She made if I
14 prove she made them to ACS repeatedly as well as CFS,--

15 MR. JOHNSON: I have not had a conversation
16 about (inaudible)

17 MR. MALEK: Oh, you haven't?

18 MR. JOHNSON: (inaudible) my client.

19 MR. MALEK: Oh, ok.

20 MR. JOHNSON: (inaudible)

21 MR. MALEK: Ok. Then all right that's fine.
22 But I did file this motion. I I think it's important
23 that you see it in reference to the the statements that
24 Margaret has made which are which are very disturbing.

25 THE COURT: Ok. "WHATEVER"

1 MR. MALEK: I mean even even Joe as as as quite
2 frankly, even ACS we have over here where Margaret's
3 saying that I physically abused her, I physically abused
4 the child, and Joe saying it too, maybe ACS would want to
5 amend their petition to physical abuse.

6 THE COURT: Ok.

7 MR. MALEK: You know but then again when you
8 take a look at all the contradictory statements--

9 THE COURT: Did you did you serve did you serve
10 Mr. Malek all of those whatever it is that you've
11 indicated is new filings?

12 MR. MALEK: Yes, yes, Your Honor. Yes.

13 THE COURT: Have you served that on everybody
14 has a copy of whatever you're referring to?

15 MS. ALMONTE: (inaudible) served that you filed
16 that today.

17 MR. MALEK: No, I I gave it into the Court to
18 be scanned today but I served it last Friday.

19 THE COURT: Ok.

20 MR. MALEK: Remember like it didn't go through
21 in everyone's email so then you said ok so the next day,
22 I went and I served I served it to and I provided proof
23 of service.

24 THE COURT: Ok.

1 MR. JOHNSON: I'm just asking the only thing I
2 would like to respond to now is the motion for sanctions
3 of the Legal Aid Society.

4 THE COURT: Hm hm.

5 MR. JOHNSON: I was never ordered to provide
6 discovery so I can't be sanctioned for something that was
7 not ordered to me.

8 THE COURT: Right.

9 MR. JOHNSON: I'm actually agreeing if I find
10 notes to turn them over as a courtesy. I'm not I'm not
11 required to to do that. But just out of a sense fair of
12 **HE IS LYING. ONE WAS A LAWYER AND ONE WAS A SOCIAL WORKER. GWYNETH HORTON WAS THE
LAWYER DANA GRAYSON OR GREYSON WAS THE SOCIAL WORKER..... MAYBE I AM STILL INVESTIATING...**
I'm not calling either of my social workers as a witness

13 just out of a sense of fair play if I find notes
14 **???????????????? I WANT THEM IN THE COURTROOM. FAIR PLAY ????**
(inaudible) no problem turning them over but I'll just
15 leave it at that. I was never ordered to so I cannot be
16 sanctioned (inaudible)

17 MR. MALEK: It's like you said I never would
18 have filed that against Mr. Johnson if all the emails I
19 sent him (inaudible) if would have said that yeah Mr.
20 Malek you know I'll look into for you. I wouldn't have
21 filed that against him. He's never he'd never respond to
22 **HE WILL NOT GIVE THE THE CORRECT SPELLING OF DANA GREYSONS NAME AND I CANT FIND HER IN ANY SOCIAL WORKER
DATABASE OR LAWYER....**
me. I I I don't know why. **BECAUSE HE IS HIDING SOMETHING**

23 MR. JOHNSON: (inaudible)

24 THE COURT: So if you've received recent recent
25 submissions by Mr. Malek or recent applications by Mr.

1 Malek, because I thought we were up to motion number 32,
2 then I am including that in the opposition papers that
3 I'd like to see by mid-April. I'm looking at April 17th.
4 And they can just be you know submitted. **NEVER WERE....**

5 MR. JOHNSON: (inaudible) do 20 up until--

6 THE COURT: Yes, 20 til the end.

7 MS. ALMONTE: Just--

8 THE COURT: And and I'm not taking about the O-
9 petitions-- **WE ARENT EVEN GOING TO BE ADDRESSING THEM**
.NO JURISDICTION !?!?!?!?

10 MS. ALMONTE: Can I just is it possible--

11 THE COURT: I'm just talking about the motions.

12 MS. ALMONTE: Can I respond to them in one
13 motion or do I have to respond to them individually? Can
14 I just do one motion responding to 20 to 30?

15 THE COURT: Just if you're going to respond in
16 one filing, then please just make sure it's clear as to
17 which number you're referring to. And then I can address
18 that. And then I'm going to I don't know that I need to
19 put the case on for a decision. I can issue a written
20 decision and we can move forward from there. **NEVER HAPPENED**

21 MS. ALMONTE: Your Honor--

22 THE COURT: I can put one little one status
23 conference on in mid-May and I'm looking at my calendar
24 at the same time and whereas I have dates in June, I have
25 more time in July to go day to day from the 7th through

1 about the 11th. And then we can finish all of this at
2 that time.

3 MR. MALEK: I'd like to I would like to go
4 ahead with with presenting the family offense petitions.

5 WHY HAVE ME SERVE IF YOU HAVE NO INTENTION OF ADDRESSING !!!!!
6 You had asked me to to serve them. I served it on on Mr.

7 Johnson. I have no problem on serving it with you know

8 **MAES WAS SERVED BECAUSE HIS CLIENT WAS SERVED.**

9 serving it to the other parties, but the problem that I
10 that I had which is why I stopped is because when it
11 comes to the presentation of the family offense petition,
12 we have investigation documents coming coming out of of
13 FOIL as well as documents coming out of the the DA's
14 Office. I have had dialog with Deputy Inspector Caroline
15 Roe and I've I've requested a subpoena in in my order to
16 show causes a subpoena of Eric Gonzalez. You know the
17 matter is that in order to properly present this family
18 offense petition, we we need to have someone I think the
19 Court would want expert opinion as far as I know that
20 Deputy Inspector told me that she would have prosecuted
21 Margaret and Joe but Minnie was too young to put on the
22 stand. Ok? Deputy Inspector Roe can provide expert
23 opinion onto these onto these investigation documents
24 that I received out of FOIL. This way there's no issue
25 as far as foundation of evidence, is this authentic or
not, no it's obviously authentic if Deputy Inspector
Caroline Roe says they are. And then as far as as far as

1 what happened with those 3 assaults of my daughter with
2 ACS going over to the DA's Office and all, I think that
3 they could you know Inspector Roe and Eric Gonzalez's
4 office can shed light on what actually happened with
5 those 3 assaults. Were they were they investigated?

6 MS. ALMONTE: I just don't see what's the
7 point. It doesn't relate at all to the Article 10
8 petition that has been filed in Court. Whether an
9 assault or (inaudible) happened, it does not relate to
10 this proceeding. **OF COURSE IT DOES DUE TO ACS CLAIMING ALL MY CALLS
WERE UNFOUNDED.**

11 THE COURT: I think that's what I've been
12 trying to say to Mr. Malek that he has to pursue that
13 **AND WE'LL JUST HANG YOU HERE**
14 through the DA's Office because if that's if you're
15 asking for them to file something as a criminal--

16 MR. MALEK: Criminal matter.

17 THE COURT: Matter--

18 MR. MALEK: A criminal prosecution.

19 THE COURT: Let's use the word criminal matter
20 against Ms. Ingoglia, that's a it's a different I want to
21 **NO IT ISNT IF MINNIE IS TOO YOUNG TO BE PUT ON THE STAND DUE TO HER AGE AT THIS TIME.**
22 say it's a different place to to take your concern. And
23 so, you've you've gone to the DA's Office. They can file
24 an action against Ms. Ingoglia if they feel there is a
25 case to be filed. That's not a determination I can make
26 for them. I'm not the DA. **INSPECTOR ROE FINDS THE MATTER DISTURBING AND
WOULD HAVE PROSECUTED MARGARET AND JOE IF MINNIE WAS
OLDER.**

619

MR. MALEK: All right. I'm a father that needs

THE ISSUE IS WHAT HAPPENED TO THE CASES. MEANWHILE, WE FOUND OUT PREVIOUSLY, DUE TO MINNIES AGE, THEY KICKED IT
BACK TO ACS WHOM OBVIOUSLY UNFOUNDED IT... THEY SHOULD HAVE SENT IT TO THER CHILD ABUSE SQUAD. ACS SHOULD HAVE
RFEFERED IT TO THER CHILD ABUSE SQUAD. IT WAS SENT BACK TO THE PETITIONER !!!!.

1 to know that my daughter is is safe and there are issues
2 of abuse of my daughter. If you're giving me the go
3 ahead that I can go to let's say Family Court on the 6th
4 floor or Manhattan Family Court and file an Article 10
5 and I found out in my research with the law that with
6 approval from a Judge, a person can actually instigate an
7 Article 10 against against a party. So are you telling
8 me that I can now that it's ok with you-- **SHE WONT SAY.....**

9 **THE COURT:** Mr. Malek, I'm not addressing
10 **SO WHY SERVE ?????**
anything else but this N-petition that is currently open
11 at this moment in time. You've already started your
12 process with the DA's Office. You can continue that
13 **IGNORING ROE.**
14 process with the DA's Office. I'm setting you trial
15 dates on this matter so that you can then proceed with
16 whatever else you want to proceed with. But I'm going to
17 provide all of you all the parties involved here with
18 some closure by getting through the the N-petition that's
AND IGNORE ANY MATTER AGAINST THE ACS GODS AND THEIR CLIENT.
19 been filed by ACS at this time. ACS I'm sure has is
20 aware of whatever concerns you've had with respect to
THE ACS GODS AGAIN. FORGET INSPECTOR ROE...
21 your daughter and they've been done their investigations.
22 All of that you already have. And you have in process
23 and when I say in process you've already reached out to
THIS IS ALL ABOUT YOU !!!!!!! FORGET ABOUT YOU DAUGHTER.
24 various agencies so you can continue to pursue them. -
25 the first court date, I'm looking at July the first -----
date excuse I'm looking at July 7th at 2:30 for the

1 afternoon.

2 MS. ALMONTE: I'm sorry what day?

3 THE COURT: July 7th.

4 MS. ALMONTE: Your Honor, I am here on July 7
5 and 8th but then I'm out from the--

6 THE COURT: I would have July 7th and 9th so
7 you're not here.

8 MS. ALMONTE: Right. I'm out the 9th and the
9 10th. And I'm back on the 14th. But I'm here 7 and 8.

10 THE COURT: Ok. Mr. Johnson, you're here?

11 MR. JOHNSON: Yes.

12 THE COURT: Ok. Mr. Maes?

13 MR. MAES: (inaudible)

14 THE COURT: Ok.

15 MR. MAES: It's not in the morning (inaudible)

16 MS. ALMONTE: I know the Court wants to go day
17 by day so I--

18 THE COURT: Yeah, I think that'll help us to be
19 consistent and get through the testimony.

20 MS. ALMONTE: Can we have like an entire
21 afternoon or entire like--

22 THE COURT: That's what I'm looking at. So the
23 7th I can do 12-1 and 2:30 to 4:30.

24 MS. ALMONTE: 2:30 to 4:30?

25 THE COURT: Ok.

1 MR. MAES: That's on the 7th?

2 THE COURT: Yes, July 7th. Ok. Mr. Malek,
3 please record the times. We'll record it for you too.

4 MR. MAES: Are we doing 12-1 and 2:30 to 4:30?

5 MS. ALMONTE: You can do you want to do can we
6 have the whole entire time? The 12-1 and then--

7 THE COURT: I can give you the 12-1 and the
8 2:30 to 4:30.

9 MR. MAES: Great.

10 MR. MALEK: Will I be able to present my family
11 offense petitions?

12 MS. ALMONTE: That can be dealt with after the
13 neglect petition. **WHERE I AM ALLEGING YOUR CALLS ARE FALSE. SO PRESENT YOU
EVIDENCE OF THE FAMILY OFFENSE
PETITION IN YOUR DEFENSE AFTER WE HANG YOU FIRST..
NOTICE HOW ACS ANSWERS ALONG WITH THE JUDGE. FRIENDS...**

14 THE COURT: Yes.

15 MR. MALEK: So we're going to wait? We're not
16 going to we're not going to do that now?

17 THE COURT: You're asking for you're asking for
18 orders of protection on behalf of the child, correct?

19 MR. MALEK: Yes, Your Honor.

20 MR. MAES: Against? I'm sorry I haven't seen
21 this petition so I'm not sure--

22 THE COURT: The O's? You haven't seen them?

23 MR. MAES: Well I've seen previous O's

24 (inaudible) **WHICH OF COURSE HAVE BEEN IGNORED.**

25 THE COURT: I don't have the 'one for today.

1 MR. MALEK: I didn't file I didn't no I didn't
2 file the family the family offense petitions were filed
3 served on Mr. Johnson, not yet served on ACS and Robert
4 Maes. **THE FAMILY OFFENSE PETITIONS WERE FILED AND HAVE NUMBERS
CORRESPONDING. JOHNSON WAS SERVED, THE COURT WAS SERVED AND MAES CLIENT
WAS SERVED. ACS WAS NOT, NOR DO THEY HAVE TO BE.**

5 THE COURT: Well ok. So Mr. Malek--

6 MR. JOHNSON: (inaudible) joined (inaudible)

7 THE COURT: Right. Mr. Malek was here on
8 Monday seeking to serve all of you on those O's. I don't
9 know if that took place or not.

10 MR. MAES: Not with me. If he has copies,
11 email it to me. (inaudible) service later. **LET HIM GET IT FROM
HIS CLIENT.**

12 MR. MALEK: It was ok. I thought it was on
13 Monday that that the notice of motions were served. But
14 regarding the the O-dockets, that was served on on Mr.
15 Johnson but they were not served on on Maes or Ms.
16 Almonte because I felt that I just I couldn't properly
17 proceed unless because I I requested the subpoena of
18 Inspector Roe and someone from the DA's Office. It would
19 be very beneficial if when I presented that they can
20 authenticate the investigation documents, the documents
21 from the DA's Office because when I you know previously
22 been before you, ACS didn't didn't even want to accept my
23 my psych report even though it was stamped. I had to get
24 it notarized now. So I'm like look why don't we when I
25 do this, I think it would be best if there was a

1 representative from the DA's Office to determine what
2 happened with those 3 you know what happened with those 3
3 assaults. And also there was a referral that the from
4 the DA's Office to the Child Abuse Squad to investigate
5 to the toe nail incident of my daughter where Margaret
6 was holding my daughter down and Joe was biting off her
7 toe nail. That investigation was never done. When you
8 get the investigation report and you view it and I read
9 it, that investigation was never done and it was ordered
10 by DA's Office for the Child Abuse Squad to do it and
11 they did not do it. So you know I think it would be
12 helpful to the Court to have someone here to say these
13 investigation documents I got under FOIL are genuine and
14 have Inspector Roe's opinion which she did tell me that
15 she she would prosecute Margaret and Joe but Minnie's too
16 young. But now you know now she now she can speak.

AND NO ONE IS INTERESTED IN THIS !!!!!

17 MR. JOHNSON: (inaudible) objection is one we've
18 heard this several times now. Also we're talking about
19 petitions for which issues have been joined. So, the
20 Court cannot sign subpoena or direct any witnesses to be
21 here because counsel for mom has not been served. So
22 those cannot go forward until that happens. So to hear
23 about them prior to that I think is inappropriate. And
24 so, we can't even proceed (inaudible) inclined to because
25 issue have not been joined. So the only matter ripe to
THEY DO NOT HAVE TO BE. THEY CAN STAND ON THEIR OWN SEPARATELY 624

OF COURSE,, FORGET ABOUT THAT, JUST HANG MALEK.

1 try at this point is the N-petition which I would suggest
2 **SO THE INSPECTOR IS SAYING SHE WOULD ARREST MARGARET AND JOE IF SHE COULD AND THE ATTORNEY FOR THE**
3 **CHILD DOES NOT THINK THIS IS A RIPE ISSUE ???**

4 go first because it was filed in 2018 and these family
5 **MY FAM OFFENSE PETITIONS WERE FILED DATING BACK TO 2018**

6 offense petitions are more recent than that. And we can

7 talk about going to trial on them once issue is joined.

8 That has not happened yet.

RIGHT !!!!!!!!! RIDICULOUS.

9 THE COURT: Right. So, Mr. Malek, what Mr.

10 Johnson is is saying is that this is your motion on

11 Carolyn Inspector Carolyn Roe.

12 MR. MALEK: Yeah, yes.

13 THE COURT: If Mr. Maes doesn't even have a
14 copy of this on behalf of BDS or his client,--

15 MR. MALEK: He does. I served all--

16 THE COURT: That's what he's saying he doesn't
17 have.

18 MR. MALEK: No, I I served all of the order to
19 show causes. I didn't serve the family offense petition.

20 MR. JOHNSON: (inaudible) pursuing a family
21 offense petition. **THE COURT DOES THAT..**

22 THE COURT: Yes.

23 MR. JOHNSON: He has not served the family
24 offense petition. So, I'm saying it's inappropriate for
25 motions to even being going forward on the family offense
petition when the issue haven't been joined.

THEY DO NOT HAVE TO BE.

THE COURT: This is true. That is true.

NOT TRUE

1 MR. JOHNSON: Any motion related to that any
 2 motion for discovery related to that, any motion asking
 3 witnesses to be here cannot go forward because--

NOT SO. I AM SURE IF LEGAL AID OR ACS OR
 MY CHILDS MOTHERS LAWYER HAD THE POLICE
 READY TO ARREST ME FOR ABUSING ANYONE
 IN THE FAMILY, THEY WOULD BE BROUGHT TO COURT
 IMMEDIATELY

4 THE COURT: Right.
 5 MR. JOHNSON: He has not been served the
 6 underlying petition.

HOWEVER, THE SERVING OF THE UDERLYING PETITION WILL NOT BE
 HEARD IF AT ALL BECAUSE THE COURT DOESNT HAVE JURISDICTION
 AND WOULD BE SOMETIME AFTER THE TRIAL AND ACS PETITIONS AND
 THE CUSTODY PETITION WOULD BE DECIDED UPON. JUST ALL EXCUSES AND
 STALLING....

7 THE COURT: Ok. So the the O-petitions
 8 themselves, Mr. Maes is saying he does not have a copy of
 9 the actual petition you filed under the family offense.

EVERYONE KNOWS THIS IS NOT SO. THE COURT SERVES THE RESPONDENT THE FAMILY
 OFFENSE PETITION. THE COURT HAS THE CONFIDENTIAL ADDRESS THAT IS ON FILE.

10 MR. MALEK: Yes, that's true. He's right.
 11 THE COURT: Ok.

*HIS CLIENT HAS IT + JOHNSON'S
 COURT HAVE IT.*

12 MR. MALEK: He'll get it.

13 THE COURT: So and then this is--

14 MR. MALEK: If they didn't get it,--

15 THE COURT: The request for a subpoena for the
 16 Inspector. Ok. Again, and I to Mr. Johnson's point, if
 17 Mr. Maes doesn't even have the petition that you filed,
 18 he can't respond even he can't accept the the position to
 19 go forward on the family offense petitions because he
 20 doesn't have it. And he can't speak to his client about
 21 it again because he doesn't have what you're saying you
 22 filed. And we certainly can't address your subpoena for
 23 the Inspector because he's not yet seen and had the
 24 ability to accept the service on that O-petition.

JUDGE IS LYING. UNLESS IF MARGARET INGOGLIA AND MAES DID NOT UNDATE THE COURT WITH THEIR NEW
 ADDRESS.

25 MR. MALEK: If I would have--
 WOW. SO INSPECTOR ROE HAS TOLD ME THAT WHAT I HAVE SHOWN HER IS DEFINITELY DISTURBING
 AND SHE WOULD HAVE ARRESTED MARGARET AND JOE IF MINNIE WAS OLD ENOUGH TO BE PUT ON THE
 STAND BUT SUCH SUBPOENA FOR HER APPEARANCE IN FAMILY COURT TO SPEAK WITH THE JUDGE
 CERTAINLY CANNOT BE ADDRESSED ?????!?!?!?

625.1

1 THE COURT: Well that's--

2 MR. MALEK: But if I would have filed a family
3 offense the family offense petitions first and went for
4 this after, then there may not have been enough time that
5 would've come up and then I would have been trying to
6 file this. I would've shown up today, and I would have
7 said hey Your Honor I have subpoenas don't do it.

8 THE COURT: It's not unfortunately--

9 MR. MALEK: It's kind of like what comes first
10 the chicken or the egg.

11 THE COURT: Right. But Mr. Malek,
12 unfortunately, with the Court procedure--

13 MR. MALEK: Yeah.

14 THE COURT: It is not a matter of you choosing
15 which way you want to proceed. The O-petitions need to
16 be served on Mr. Maes and Ms. well Mr. Maes. And so--

17 MR. MALEK: Look, now we have this all filed so
18 I think it's working out well whichever came first on our
19 first. This gives everyone time which I think you know
20 we all agree it takes time for you to all go through this
21 and my family offense petitions are large. So, all right
22 so you know no harm, no foul.

23 THE COURT: Ok.

24 MR. MALEK: This has been served. I'll get
25 that served.

1 THE COURT: Well that's--

2 MR. MALEK: But if I would have filed a family
3 offense the family offense petitions first and went for
4 this after, then there may not have been enough time that
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18 I think it's working out well whichever came first on our
19 first. This gives everyone time which I think you know
20 we all agree it takes time for you to all go through this
21 and my family offense petitions are large. So, all right
22 so you know no harm, no foul.

23 THE COURT: Ok.

24 MR. MALEK: This has been served. I'll get
25 that served.

1 THE COURT: Ok. All right. Now let's look at
2 the other dates. So, we have July 7th. I'm going to
3 start again after that with July 14th which is a week
4 later. Again, I can do 2:30 to 4:30 or 2-4:30.

5 MS. ALMONTE: I'm sorry July?

6 THE COURT: July 14th.

7 MS. ALMONTE: I'm on Intake, Your Honor.

8 THE COURT: Ok. The 15th I can do the same
9 timing.

10 MS. ALMONTE: What time? 2:30 to 4:30?

11 THE COURT: Yes.

12 MS. ALMONTE: That works.

13 MR. MAES: July?

14 THE COURT: July 15th. I'm going to look at the
15 16th. I can do the same timing 2:30 to 4:30.

16 MR. MAES: That's fine with me.

17 THE COURT: Ok. Now that's a total of 3 5 7
18 hours. I think that should be sufficient for the N-
19 petition. And so, at that point then we can proceed to
20 whatever else is remaining.

21 MS. ALMONTE: Your Honor, on the last--

22 MR. MALEK: Are we addressing--

23 MS. ALMONTE: On the last court appearance, the
24 Court mentioned that it had spoken to the mental health
25 clinic and it had raised some concerns regarding the

1 imminent risk assessment.

2 THE COURT: Yes.

3 MS. ALMONTE: We never got any further
4 information regarding that. It's just the Court said you
5 were going to address it on today's court appearance.

6 THE COURT: Yes. I did ask I think I issued an
7 Order. I'm not sure I'll look back at my notes. But I
8 did ask the mental health MHS to have another
9 conversation with Mr. Malek and attempt to schedule re-
10 schedule the appointments. I did hear from them this
11 week that they made some attempts to reach out to Mr.
12 Malek and they had some difficulties getting a date set.
13 And I think they came up with a date and I'll go into the
14 email. I believe that the appointment was not it did not
15 take place. I want to say that was March 6th. And so at
16 this time, they feel that they've made two very lengthy
17 attempts to have an appointment set and followed through
18 with and there hasn't been success in that regard. So,
19 they're not willing to continue to try to do this.

20 MR. MALEK: Well I have here a note I had a
21 notarized for you a notarized from a psychiatrist. It
22 says I can read it. This letter's being written on
23 behalf of Robert Malek, a client of Brooklyn Medical
24 Practice since 11/30/2018. His functioning is
25 appropriate and he does (inaudible) danger to himself or

NOT REPRESENT

1 others. And if you have any further questions, feel free
2 to contact me. And it's and it's notarized.

3 MS. ALMONTE: So Your Honor, my client asked
4 Mr. Malek to sign HIPAA releases because we wanted to
5 speak to them independently. He has not. And also, we
6 would like an independent evaluator. That's why we asked
7 for the mental health evaluation to be done in Court.

8 THE COURT: Right.

9 MR. MALEK: They are definitely not
10 independent.

11 THE COURT: That's what Mr. Malek raised with
12 them on numerous occasions and they feel that they don't
13 they can only respond and they have. And so they feel
14 that Mr. Malek is not happy with their explanation and so
15 they're not inclined to continue.

16 MR. MALEK: And I I'm not just I'm not just
17 claiming that. There are 4 dates first of all, as soon
18 as you made the Order, Ms. Almonte was sending an email
19 Did Mr. Malek do his assessment? Did Mr. Malek do his
20 assessment?

21 THE COURT: How do you know that?

22 MR. MALEK: I know that because she was
23 emailing all the parties. Ok?

24 MS. ALMONTE: I was inquiring--

25 MR. MALEK: Right.

1 MS. ALMONTE: I had to submit records documents
2 that the Court stated (inaudible) so I went to the Court
3 I went downstairs I went to the mental health clinic and
4 I provided the documents and I wanted to know if there
5 was an update as to his evaluation. That's--

6 MR. MALEK: Right.

7 MS. ALMONTE: That I don't that's why I sent
8 the email.

9 MR. MALEK: Yeah.

10 MS. ALMONTE: I'm not sure why that triggered
11 for him to believe that we are in cahoots.

12 MR. MALEK: That didn't no no wait wait wait.
13 That's a that's a conclusatory opinion. Ok. That's not
14 why I feel the way I do. The matter is--

15 MS. ALMONTE: (inaudible)

16 MR. MALEK: The matter is is that they is that
17 they kept on asking did Mr. Malek go for his imminent
18 risk assessment. I said well I haven't been contacted.
19 I haven't been contacted. So, what I did was I made an
20 appointment with another doctor. And then what happens
21 is Mr. Valez comes along and says oh no I I tried to
22 contact you on these 3 days and a message was left for
23 you and you didn't give us a call back. Like no I'm not
24 trying to avert or avoid the process. And as soon as Ms.
25 Almonte was reaching out you know did Mr. Malek do this

1 and I wasn't doing it because I wasn't called, that's
2 when George Valez lies and comes up with 3 dates that
3 says I tried to call you on these 3 days and these 3
4 times and that never took place. And then I have another
5 email from him which I can provide to you, Your Honor,
6 where he actually added another day at a later time. So
7 he actually in a sense contradicted himself as far as
8 wait wait pardon me. He added a day and then he
9 subtracted a day. There were two different emails that
10 he sent me that had different days of when he supposedly
11 tried to contact me. And I I will and I'll say this to
12 the Court as well as well as Ms. Almonte, if you want to
13 issue a subpoena of my call records because I have it in
14 my Verizon, those calls were never made. He's lying.
15 He's lying for ACS to appear as as if I was trying to
16 avert or avoid the process, and that was not the case,
17 which is why I got my assessment someplace else. So when
18 when we have a situation that the manager of a facility
19 is lying as soon as as ACS is reaching out and saying hey
20 wait a minute, Mr. Malek is he doing this and of course,
21 MHS joins in and goes oh no, he's not doing it. Like
22 wait a minute.

23 MS. ALMONTE: (inaudible) the March 6th date if--

24 THE COURT: The appointment was not kept.

25 MR. MALEK: Ok.

1 MS. ALMONTE: So I'm were you not aware of the
2 March 6th date?

3 MR. MALEK: Oh, ok. Now after after that no
4 after that, I'm supposed to go into into MHS and have an
5 evaluation. I have in an emails where he said to me I'll
6 come in at 10:00. I said what's the name of the person
7 that's going to do the evaluation. Well I don't know
8 that because they get the paperwork at 9:30 and you come
9 in at 10:00 and we'll have your evaluation done. So I
10 know you got thousands of thousands of papers of
11 documents filed in this case. How is it possible that
12 the evaluator is going to have as he told me all the
13 cases for the day at 9:30 and by 10:00 this evaluator is
14 going to be able to through how many how many different
15 filings regarding this case before they evaluate me? And
16 then, in your Order for in your Order from the Court, we
LIED 17 agreed on we agreed here that they would not get the most
18 recent CFS report, but that was not what you put in the
19 Order. Both of you said that there was no Intake report.
LIED AGAIN. 20 But I got it from Mr. Brathwait as soon as I left here.
21 So there so here we agreed not to have the last CFS
22 reports. I never saw it not go to MHS. But then in your
23 Order it was to send the CFS reports. Then both of you
24 said there was no Intake but as it turned out there was
25 an Intake report and I got it from from Mr. Brathwait.

1 So really what's happening here is they're doing an
2 evaluation on me from what's coming out of ACS. How is
3 this how is this possibly an evaluation that's valid when
4 they're evaluating me off of ACS's lies which they
5 absolutely are lies.

6 THE COURT: Ok.

7 MR. MALEK: Especially if they're (inaudible)
8 the court reports.

9 THE COURT: All right. Mr. Malek--

10 MR. MALEK: What goes on at visitation. It's
11 absolutely lies.

12 THE COURT: I would like for you to well you
13 can sign the HIPAA form so that ACS can reach out to the
14 psychiatrist or psychologist that you've presented that
15 letter from today, and they can follow up and have a

you read the letter and the provider is

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2 evaluation on me from what's coming out of ACS. How is
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11 absolutely lies.

12 THE COURT: I would like for you to well you
13 can sign the HIPAA form so that ACS can reach out to the
14 psychiatrist or psychologist that you've presented that
15 letter from today, and they can follow up and have a
16 because you read the letter and the provider is
17 indicating that ACS or whomever can reach out to him to
18 ask further questions. And so if you sign the
19 authorization, ACS can continue to do that.

20 MR. MALEK: All right. So I'd like to ask you
21 this. As far as as far as my my evaluation, if I sign
22 HIPAA, ok, now this may be a hot issue but when the point
23 is is that they have a petition against me where they're
24 claiming in their notes that Joe ended up at Brunswick
25 Hospital because of abuse mental abuse of Robert Malek.

1 Ok? Now if they're going to claim this that he ended up
2 in a mental hospital, which which is actually which is
3 actually in the notes I'm sorry where Margaret saying
4 pardon me where Margaret's saying that Joe ended up in
5 the mental hospital because of my abuse and they're
6 filing this petition against me regarding some type of
7 verbal abuse of of Joe because there's no physical abuse
8 that's alleged. Isn't it prudent to just I know the
9 (inaudible) goes up as far as the HIPAA on Joe and the
10 Brunswick Hospital stay. And I brought this up to you
11 previously. Why can't we have HIPAA in relation to at
12 least what did Joe say about me when he was over at the
13 Brunswick Hospital? In the summary report that I have
14 provided so everyone knows about the summary report, ACS
15 was called on the mother, not on me. So you know we have
16 an issue here where now Joe at a later time is saying all
17 this stuff but here when you're at the mental hospital
18 for 3 weeks, you didn't say anything about Mr. Malek over
19 there?

20 THE COURT: Ok. So now this is not--

21 MR. MALEK: And we have--

22 THE COURT: Mr. Malek, this is not about Joe.
23 This is about you.

24 MR. MALEK: It's about me. So what did Joe say
25 about me?

1 THE COURT: And so--

2 MR. MALEK: If Joe was there and he didn't say
3 anything about me when he's there for 3 weeks, doesn't
4 this say a lot about Mr. Malek and his and how he treated
5 his stepson? That says a lot.

6 THE COURT: If ACS chooses to present some
7 evidence or some indication as to what as part of their
8 case regarding Joe, that is what they will do. In the
9 meantime, what I'm asking you to do today is either if
10 you're not willing to authorize ACS to call this provider
11 that you've indicated today, then we'll move on. And ACS
12 will understand you can make a copy of that letter. ACS
13 understands that you haven't authorized them to make
14 another a follow up phone call and that to becomes
15 potentially part of their case. I don't know if they
16 will make mention of that when they present their case.
17 But we'll move on. Because we're not going to get hung
18 up too much further on issues when we need to keep moving
19 forward.

20 MR. MALEK: Yeah. Well you know I said to them
21 I said look if this comes up clean, I sign HIPAA, do I
22 get to see my daughter anymore? I already did two SCO
23 certificates.

24 THE COURT: It has one thing has nothing to do
25 with the other.

1 MR. MALEK: Then I just feel like you know what
2 do what do I get out of it? You know what do I get out
3 of it? I provide this so Mr. Malek oh great he turned up
4 fine. All right so so it's a fishing expedition. So if
5 it turns up bad, oh good. If it turns up good, oh geez
6 this doesn't help our case. So why would I sign it?
7 That's the point.

8 THE COURT: Ok.

9 MR. MALEK: You know.

10 THE COURT: I take you for take it what you're
11 saying today that you don't want to sign the HIPAAs.
12 That's fine. We move on. We're back on for a decision
13 on the motions that you filed and then we're the
14 discovery date was set. And which is April 17th. ACS
15 will have provided any additional discovery that is
16 outstanding to you. And-- **THEY PROVIDED NOTHING.....**

17 MS. ALMONTE: (inaudible)

18 THE COURT: I'm sorry?

19 MS. ALMONTE: Our response for the motions is
20 due April 17th also.

21 THE COURT: Yes.

22 MS. JOHNSON: Is there an appearance on that
23 day or just submitting?

24 THE COURT: No. Just submitting. Just
25 submitting. And then we're back in July for the trial

1 dates. In terms of visits, ACS and Mr. Malek will
2 discuss the location of the visits going forward with the
3 input--

4 MS. ALMONTE: They're going to continue where
5 they are now.

6 THE COURT: What?

7 MS. ALMONTE: They're going to continue where
8 they are now. Ms. Ingoglia has not raised a concern with
9 the visits where they are.

10 THE COURT: Ok.

11 MR. MALEK: Well there's a corona virus. It
12 exposed the family on the train.

13 THE COURT: I'd like to hear that from Mr.
14 Maes. Mr. Maes?

15 MR. MAES: My client would prefer they stay
16 where they are.

17 THE COURT: Ok.

18 MR. MAES: There has been no nothing raised to
19 me that she's concerned about the corona virus and
20 getting to the visits. And she yeah would not like
21 anything to change right now with regards to visits.

22 THE COURT: Ok. All right. So then we'll
23 continue. She has the burden of bringing the child so if
24 she's comfortable coming into Brooklyn or being in
25 Brooklyn, it's fine.

1 MR. MALEK: It's a you know to be in public
2 transportation. I mean I'd rather take the risk of
3 saying you know with all this going on I get the
4 headlines in the paper even he brought up the corona
5 virus today, right? Didn't want to come in what because
6 of the corona virus?

7 MR. MAES: If my client has any concerns with
8 (inaudible) children getting to the visits, then I can
9 raise that directly with ACS and they can make the
10 necessary accommodations.

11 MR. MALEK: Well I'm also a father too. I'm
12 sort of if something happens if something happens to her
13 I mean I'd rather have the (inaudible) facilities out
14 there in Manhattan for instance. I've also in one of my
15 motions, I requested I go to Church with my daughter.
16 It's been 2 years. I used to go I have pictures there we
17 used to go to Church. I don't think it's fair that we're
18 denied Church for more than 2 years. I think it's our
19 constitutional right. I have pictures where we used to
20 go together. So I don't know I just I had hoped we could
21 have visitation over at Church in Manhattan. I mean I
22 think it'd be safer. I think it's be very nice for us.
23 You know I really would like that.

24 MR. MAES: So (inaudible) I don't want to take
25 up too much time because I am appearing--

FORGET ABOUT YOU AND YOUR DAUGHTER GOING TO CHURCH....

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1 THE COURT: Well I'm ready to close the record
2 because I did give this case an hour.

3 MR. MAES: Yeah.

4 THE COURT: We're now at an hour and 7 minutes
5 and I have a case waiting now.

6 MR. MAES: I just want to make sure that the V-
7 docket that I (inaudible) issued.

8 THE COURT: Oh, the V-petition, yes. Mr. Malek
9 accepted service on the V. And I believe Mr. Malek has a
10 V-petition filed elsewhere. So--

**HMM. HOW DOES SHE KNOW THIS ?
HAVING EX PARTE COMMUNICATION
WITH SOMEONE. THERE IS AN ACTION
IN SUPREME COURT 54441/19.**

11 MR. MAES: Mr. Malek, you're welcome to email
12 me copies of any petitions that he has yet to serve me on
13 and I'll accept service.

14 THE COURT: Ok.

15 MR. MALEK: If I want if I want to file any
16 other type of family offense petition, would I do that in
17 a different in a different courthouse as not to as not to
18 infringe upon the this proceeding forward if I have any
19 concerns about what's happening with my daughter?
20 Because I do in reference to the chronic we didn't get to
21 the chronic illness thing. My daughter is so chronically
22 ill, ACS has indicated this as far as the children being
23 chronically ill. And I recently measured my daughter
24 visitation with a tape measure, and her growth is
25 stunted. She's not a she was a proper height two years

1 ago when she was with me at 37 inches. I have the
2 medical records on that. And her and instead of being a
3 42 ½ now she's at 40 and a half to 41 instead of 42 and a
4 half. She's not growing also she's not growing 2 and a
5 half inches a year. Not only do we have a situation with
6 me calling the SCR repeatedly about chronic illness,
7 they've indicated it and now we have where not just my
8 daughter's growth is below normal, but her height is also
9 below normal. And I have I did bring documents in
10 reference to that today. I know we don't have the time.
11 But you know Mr. Malek has been sounding the alarm here.
12 The SCR has proven it with the indicated and now it's
13 further being proven with my daughter's growth being
14 stunted which I can show you documents that show that she
15 did not she's growing below normal. Her height is below
16 normal. That was not the case before she was taken away.
17 My daughter was only sick during one month for the whole
18 3 and a half years that she was with me. Joe was never
19 sick. I have an excellent track record as far as keeping
20 the children healthy. I'm not I'm not necessarily
21 stating this as a means with which to get the children
22 away from the mother, but what I'm concerned about is
23 that at the at one of the visits I wanted to give my
24 daughter her multi-vitamins from my liquid multi-vitamin
25 and Ms. Garcia said no you can't do that because it's

1 open. I'm like what am I supposed to do. Give her a new
2 \$25 liquid multi-vitamin each time? It's my own. I use
3 it myself. She said no you can't do that. Give it to
4 the mother and then the mother will do it. I'm like look
5 I don't trust the mother doing it because the mother in
6 in one of the ACS reports of November 14, it states that
7 when one child is sick, the mother keeps the other child
8 home from school. We had 26 absences in a 40-day period
9 for a total for both kids between September and November.
10 We had Joe only going to school 11 days within a yeah.
11 From September of 2018 and you were never told this to to
12 January of 2019, Joe only went to school 11 times, Your
13 Honor. 11 times. And no one's told you about this.
14 This issue of sickness and education neglect has gone on
15 for more than a year. All right. And now my daughter's
16 growth is stunted.

17 THE COURT: Yeah, this is a different set of
18 issues now that you're raising Mr. Malek.

19 MR. MALEK: I'm sorry?

20 THE COURT: And it's another set of issues that
21 you're raising. I'm not going to as I said I do have to
22 **FORGET ABOUT IT! I DONT CARE.....!!!!!!**
23 move on at this point. If and I see there's a reference
24 and I'll have to read the report that's provided today,
25 but I see that the caseworker is referenced nutrition
therapy at different points in this this report. So, I
FOR JOE AND NOT MY DAUGHTER

1 will read that and see what it is that you're discussing
2 at this point. In terms of I think the last point was on
3 the V-petition filed by Ms. Ingoglia and that will join
4 the rest of the documents excuse me rest of the petitions
5 that are moved from date to date. Ok? So, thank you.
6 And I think that's it for today.

7 MR. MALEK: Thank you, Your Honor.

OF WHICH HAVE NOT BEEN SERVED...

8 THE COURT: All prior orders continue.

9 THE CLERK: Parties are excused. You may step

10 **SO INGOGLIA AND MAES CUSTODY PETITIOIN MOVES WITH THE PETITIOIN AGAINST ME**
out. **BUT MY CUSTODY PETITION AND MY FAMILY OFFENSE PETITIONS DO NOT !?!?!?!?**

11 (Whereupon this proceeding was adjourned at 4:13 p.m.)

12 CERTIFICATION

13 I, Susan L. Pellegrini, certify that the foregoing transcript
14 in the Matter of ACS-Kings v. Robert Malek was prepared using
15 the required transcription equipment and is a true and
16 accurate transcript of the recording.

17 Signature Susan L. Pellegrini (Electronic Signature)

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22 Date: September 2, 2020