

1 a place in Long Island, but the change of guardian was made
2 before that move to Long Island.

3 Q Okay. Before you were removed as guardian in this
4 Payan matter, and I think you alluded to this, had you learned
5 from the staff at the Birches how Ms. was doing --

6 A Yes, I was in --

7 Q -- in the several weeks after she had been moved?

8 A -- yes, I was in contact with them almost daily as I
9 typically am when someone's being transitioned.

10 Q And your understanding that she was doing well?

11 A She was doing wonderfully.

12 Q Okay.

13 MR. EBY: Your Honor, I think you had made a comment
14 or perhaps raised a question as to whether Ms. Marino had
15 responded to Judge Kelly's inquiry or request that if she would
16 like to submit something after the Judge Leonard hearing that
17 she would be allowed to do so. And I -- this was part of the
18 issue I had. I wasn't sure what you had in your own file.

19 She did respond, and I have that complete response
20 here that I guess I would like to introduce.

21 THE COURT: I'm sorry, response to Judge Kelly?

22 MR. EBY: This is the response -- yes, from -- maybe
23 you didn't mention this -- Judge Kelly issued a letter dated
24 September 30 --

25 THE COURT: Correct. And that's --

1 MR. EBY: -- 2014 --

2 THE COURT: Right.

3 MR. EBY: -- giving Ms. Marino the opportunity to
4 provide more information. This is after the Judge Leonard
5 hearing. And she did that. I guess this has not made its way
6 into your file. I did not submit it. So I would like to
7 submit it.

8 THE COURT: I -- well, I thought I had asked for
9 everything that Judge -- had been filed with Judge Kelly in
10 that original order, and it was agreed that that would be
11 provided. And that's why I concluded that there was nothing
12 that was -- that -- further that was filed, but I remember on
13 number --

14 MR. EBY: What I'm referring to is a letter from
15 Jeannette Marino dated October 24, 2014, in --

16 THE COURT: Right.

17 MR. EBY: -- response to Judge Kelly's letter of
18 September 30, 2014.

19 THE COURT: The structuring conference and scheduling
20 order is number 2, court records, "Ms. Marino has agreed to
21 submit to the court records she presented" -- "represented were
22 provided to Chief Administrative Judge Kelly on October 9,
23 '14." So what you're saying is you only sent that, and I
24 didn't know there was more submission.

25 MR. EBY: And --

1 THE COURT: I certainly would have wanted to see
2 that.

3 MR. EBY: -- at the time, I don't think I did either,
4 Your Honor. This is October 24, 2014.

5 THE COURT: The --

6 MR. EBY: Just --

7 THE COURT: -- the --

8 MR. EBY: -- many of the exhibits that are in the
9 binder in front of you that have the written A, B, C, D --

10 THE COURT: Right.

11 MR. EBY: -- that refers to the A, B, C, D here on
12 her letter to Judge Kelly. So much of this, not all of it, but
13 most of it you have in front of you. What you don't have is
14 the actual letter from Ms. Marino where she did attempt to
15 further explain herself.

16 THE COURT: All right. There is a -- in her letter
17 to Judge -- and I guess I missed that on October -- the October
18 9th, 2014 letter ends with "I appreciate your offer for me to
19 provide an explanation in connection with the findings of
20 violations in the case. A response will be forwarded
21 under separate cover by the suspense date." So that must be
22 what that is.

23 MR. EBY: Yes. And I -- my apologies --

24 THE COURT: So I would want --

25 MR. EBY: -- for not including this.

1 THE COURT: -- I would like to see it even if it is
2 repetitive just in case there's something different in there.

3 MR. EBY: Yeah, there are -- just so we're clear
4 there are several exhibits attached to this document that I did
5 not include. I just didn't think we needed them for purposes
6 of today, but I don't want to hold this back.

7 THE COURT: Okay.

8 MR. EBY: But what you do not have also is the actual
9 letter which is -- Jeannette's letter --

10 THE COURT: Right.

11 MR. EBY: -- which is 13 pages long. I'm not going
12 to walk through it with her.

13 THE COURT: Okay.

14 MR. EBY: But to the extent there's a question as to
15 whether she even responded --

16 THE COURT: Yeah.

17 MR. EBY: -- to the offer, she did respond and here
18 it is.

19 THE COURT: All right. Let's mark it 36.

20 MR. EBY: Okay. Thank you.

21 (Respondent's Exhibit 36 marked for identification)

22 THE CLERK: So is that your only copy?

23 THE WITNESS: That's my only copy. Do you have your
24 copy?

25 MR. EBY: No, no, no. That's my copy. Yours is