

1 been resistant to any change, and I allowed her to stay here.
2 But at the point she had to move and could no longer be served
3 safely in the independent living, that to me was a good point
4 at which to say let's move her to Long Island; and I began to
5 work with the daughter to --

6 Q During this meeting on April 22 with Ms. Lund, did you
7 specifically have the conversation about perhaps she should be
8 moved to Long Island?

9 A I specifically stated that I thought this would be a
10 good time to since she needed to move to talk about, you know,
11 revisiting relocating her back to Long Island.

12 Q At that time, had you decided that, in fact, you would
13 seek to move her to Long Island?

14 A No, I had not made that decision myself.

15 Q Okay. Did --

16 THE COURT: Let me interrupt here. I just want to be
17 sure that I'm not relitigating --

18 MR. EBY: Understood.

19 THE COURT: -- the case. To the extent you are
20 endeavoring to lay a foundation for what sanctions might be
21 meted out for what has been found to be the case and which is
22 now the appeal resolved it, I've been given some latitude; but
23 I --

24 MR. EBY: I know you have.

25 THE COURT: -- want it understood that it's not going

1 to change --

2 MR. EBY: Understood.

3 THE COURT: -- my sense that these findings are the
4 findings. And I'm really focusing much more on the form of any
5 discipline.

6 MR. EBY: Understood. And, Your Honor, my intent is
7 not to relitigate. We are not seeking to change the factual or
8 findings or conclusions of the order in this case or the other
9 case, ; but I am walking her through some of this, and
10 I'm going to try to move right along here, because we feel it's
11 important that the Court now understand what was Ms. Marino's
12 frame of mind, what was she thinking at the time some of these
13 actions were taking place. That is important, I think, for the
14 Court in determining what sanctions might be appropriate, if
15 any.

16 THE COURT: Let me --

17 MR. EBY: That's why I'm going --

18 THE COURT: Right.

19 MR. EBY: -- I'm going into this.

20 THE COURT: But again, those -- presumably, they
21 would have been presented in the course of that hearing, number
22 one, as to why things were done, the reasons. In addition,
23 Judge -- as I read Judge Kelly's letter to Ms. Marino, he said
24 if there is anything that you want -- I could find the exact
25 language, it's near the end of his letter. Bear with me a