



NO: FBT-FA19-6088163 S : SUPERIOR COURT
AMBROSE, CHRISTOPHER : JUDICIAL DISTRICT
 : OF FAIRFIELD
v. : AT BRIDGEPORT, CONNECTICUT
AMBROSE, KAREN : DECEMBER 3, 2020

BEFORE THE HONORABLE JANE K. GROSSMAN, JUDGE

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

Representing the Plaintiff:

ATTORNEY NANCY ALDRICH
Aldrich & Aldrich
152 Kings Highway North
Westport, CT 06880

Representing the Defendant:

ATTORNEY NICKOLA J. CUNHA
2494 Whitney Avenue
Hamden, CT 06518

Guardian ad Litem:

ATTORNEY JOCELYN HURWITZ
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Recorded By:
Colleen Birney

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1 THE COURT: This is a 9:15 continuance of a GAL
2 emergency request for status conference, continued
3 from 5:30 pm last night on the Ambrose v Riordan-
4 Ambrose matter.

5 Let's have everyone who's on the video call
6 please identify themselves for the record.

7 ATTY. ALDRICH: Nancy Aldrich, plaintiff's
8 counsel.

9 MR. AMBROSE: Christopher Ambrose, plaintiff.

10 ATTY. HURWITZ: Jocelyn Hurwitz, Guardian ad
11 Litem for the minor children.

12 THE COURT: I note that we are missing Attorney
13 Cunha for the defense and also the defendant herself.

14 Has anyone heard from either one of them?

15 ATTY. ALDRICH: This morning I saw a continuance
16 request that came across my email, Your Honor. And
17 we had a whole -- if you'd like a relaying of the
18 facts of what happened last night, my client still
19 does not have the children. And it was a very
20 traumatic evening.

21 THE COURT: Okay. Well, I do want to hear that,
22 but I just want to know in terms of Attorney Cunha's
23 appearance and the mother's appearance, the
24 continuance came to me at -- this case was scheduled
25 to me at 9:15. It came to me at 9:20. It raised the
26 same issues that we discussed on the record last
27 night. I denied it, as I did last night. You know,

1 obviously these are unusual times. Lawyers have
2 difficult personal experiences, but I didn't see
3 anything in last night's recitation or this morning's
4 continuance that would prevent Attorney Cunha from
5 joining us by phone.

6 So no one's had any communication with her this
7 morning?

8 ATTY. ALDRICH: No, Your Honor.

9 ATTY. HURWITZ: No, Your Honor. Though I note
10 that in her continuance request this morning she
11 wrote that -- that -- a cover email that says this
12 has been e-filed. The form contains my office
13 number. I am out of work. My cell is, and then she
14 gave her cellphone number. I don't know if she
15 expected that we were going to somehow bring her in
16 by cellphone. I'm not sure why that would be, but
17 that's what it says.

18 THE COURT: All right. Madam Clerk, why don't
19 you ask the Case Flow Coordinator to make sure that
20 she's informed Attorney Cunha that the continuance
21 was denied and that the status conference is going
22 forward. But I squeezed this in this morning and I
23 have another matter. While this is certainly the
24 most important matter, I am not going to wait for
25 Attorney Cunha much longer.

26 All right. While we're waiting for Attorney
27 Cunha, I would like to know from the Guardian what

1 her understanding of the situation is this morning.

2 ATTY. HURWITZ: Well, Your Honor, the police
3 became involved last night shortly after we completed
4 our status conference, and they told me that they
5 would consider issuing an Amber or a Silver Alert but
6 that they had to go through certain steps first. So
7 they first attempted to contact Ms. Riordan. They
8 then -- they were unable to do so on her cellphone.
9 They then went to her home and they found that she
10 was not there. Apparently they spoke to a neighbor
11 who told them that she had been home up until 4:30
12 pm, but then left at that point.

13 And then they needed to get special dispensation
14 to ping her cellphone to try to determine her
15 location, which they did. They determined that she
16 was at a hotel room in Old Saybrook with the
17 children. They, in cooperation with the Old Saybrook
18 Police, went to that hotel room, and they attempted
19 to persuade her to return the children. She would
20 not agree to do that, but in addition to that, the
21 children were resisting going back. It's my
22 understanding that Mr. Ambrose was there and was
23 waiting to receive the children, and because of, you
24 know, the sort of complicated nature of the
25 situation, I think that the police were -- were
26 somewhat confused about what to do. I had several
27 calls with them last night.

1 And then ultimately they determined that they
2 should call DCF, which they did. And DCF I guess
3 after many hours of presenting possible alternatives
4 including the possibility of the children going to
5 Mr. Ambrose's brother's home, which was rejected, it
6 was agreed that the children would go to a friend of
7 Ms. Riordan's home, who lives in Glastonbury, for the
8 night. And that is where the children remain at this
9 point as far as I'm aware.

10 THE COURT: So what is the extent of the DCF
11 involvement?

12 ATTY. HURWITZ: My understanding is that DCF
13 appeared last night to assess the situation, and the
14 report that I saw this morning that was actually
15 forwarded to me by Attorney Cunha said that it was
16 basically an agreement that was reached due to the
17 circumstances because the children were expressing
18 resistance to going with their father and to any
19 other alternative. It was agreed, essentially,
20 between the parents that they would for the night and
21 until this Court could address the situation go home
22 with this friend, Michelle, to Glastonbury.

23 MR. AMBROSE: Also, the -- the facility
24 yesterday that Karen took them to, they're mandated
25 reporters, and because she presented the kids as
26 being sexually abused, they felt they had to make a
27 report to DCF. So I don't know if that's -- I didn't

1 talk to them directly about that, but that might be
2 lingering there because of the thing -- this is
3 exactly what happened in September with Yale New
4 Haven Hospital.

5 THE COURT: Well, I don't know about -- well,
6 all right. Is there anything else on your end,
7 Attorney Hurwitz?

8 ATTY. ALDRICH: I might tell my involvement just
9 because we were all -- I was on the phone with my
10 client until after midnight and Jocelyn was also on
11 the line a lot of the time. I also spoke with one of
12 the police officers, who was very nice, but said
13 without an order from Judge Grossman in writing that
14 you can show me, I'm not inclined at this point to --
15 to take the children when they don't want to go. And
16 I said with all due respect, you don't have the
17 authority with two Court orders. It doesn't matter
18 that I don't have a written one from Judge Grossman.

19 He said put it in an email what she ordered; I did.

20 I ordered that you told the attorney that had to
21 give you the address. I said that you ordered the
22 children immediately returned to the father. And I
23 said there will be a transcript but it was 5:30 at
24 night and we're in COVID and I can't possibly get you
25 an order right now. And as nice as he was, he was
26 young and inexperienced, and I feel like, you know,
27 Karen got the better of him.

1 And, you know, Chris wasn't in -- my client
2 wasn't in the -- he was outside the hotel room. And
3 I only had -- I had two conversations with him and I
4 sent him an email. And then the last I heard at
5 12:30, they were waiting for DCF. DCF, I believe
6 Chris told me around 12:30 at night, arrived there
7 and it all ended at 2 with a safety plan, which I
8 wasn't involved with because I finally did go to
9 sleep and I didn't hear from Chris.

10 But we tried our best, Your Honor. My client
11 was incredibly patient waiting outside. And I don't
12 know what else we could have done. I just -- and I
13 understand that the police officer said that she's
14 screaming and yelling at the kids that, you know, you
15 can't go with your abuser and on the phone saying
16 things about the abuse, so these kids are hearing all
17 of this horrible stuff while their father is waiting
18 outside. And whether or not they know that they were
19 going to be parsed off to DCF kind of foster care if
20 things didn't work out, I don't know. But they were
21 apparently very upset. I mean, that's all -- that's
22 all I got, and it was very upsetting for everyone
23 involved last night. And I -- you know, I don't know
24 what you're going to be able to do about it or --
25 and, you know, it's just very upsetting.

26 I think there should be sanctions against
27 Attorney Cunha for not following your orders,

1 sanctions against, you know, Mrs. Ambrose; and I -- I
2 don't know what else we can do. But most important,
3 we want to get the kids back and all in therapy
4 today. And Mr. Ambrose is working on facilitating
5 that should he get them back in a timely, you know,
6 manner.

7 THE COURT: Is there a safety plan, Attorney
8 Hurwitz?

9 ATTY. HURWITZ: Yes. So the safety plan is
10 essentially the agreement that was reached last night
11 to place the children with this friend, Michelle,
12 until we could sort this out this morning. That's
13 what I saw this morning.

14 I would only add to the Court that this morning
15 very early I was in touch with Dr. Horowitz as well
16 as Dr. Biren Caverly to just try to get some advice
17 from them about this situation. Dr. Biren Caverly
18 felt that there shouldn't be any flexibility here,
19 that the Court order is the Court order and that, you
20 know, allowing the children to, you know,
21 quote/unquote, make a decision at this point is not
22 in their best interests and that they're being
23 damaged while they're being left in the situation
24 with their mother or being kept from their father.

25 THE COURT: Madam Clerk, any word from Attorney
26 Cunha in joining us?

27 So my -- my Clerk has reported that the Case

1 Flow Coordinator made the courtesy of calling
2 Attorney Cunha to let her know that her continuance
3 was again denied and that she should join the call
4 and then Attorney Cunha hung up on my Clerk -- hung
5 up on the Case Flow Coordinator, and no indication if
6 she's joining us. And because this has happened
7 before in these proceedings, I am going to continue
8 without Attorney Cunha, though I -- there is a
9 problem not having Ms. Riordan, which we'll get to in
10 a moment.

11 So is the extent of the safety plan last night -
12 - there's Attorney Cunha. So the record will reflect
13 that Attorney Cunha has joined the video conference
14 at 9:32. We began at 9:15, but we're happy to have
15 her join us at this point.

16 All right. So Attorney Hurwitz, is the extent
17 of the safety plan this 24-hour plan?

18 ATTY. HURWITZ: Your Honor, I actually was just
19 emailed it by Attorney Cunha this morning, so I --
20 just as we were starting this conference. So I admit
21 that I didn't -- I wasn't able to really fully review
22 it. So I know what I, you know, what I've been told
23 by Mr. Ambrose about the -- what occurred last night,
24 and then I briefly saw the plan that was sent to me
25 this morning.

26 THE COURT: Well, what -- what is it that you
27 are asking the Court to do this morning?

1 ATTY. HURWITZ: What I would ask the Court --
2 well, Attorney Cunha is saying something, but she's
3 muted. So --

4 ATTY. ALDRICH: That's okay.

5 ATTY. HURWITZ: Do you want me to continue, Your
6 Honor?

7 THE COURT: Yes, please.

8 ATTY. HURWITZ: I think that there should be
9 sanctions against Ms. Riordan for every day that she
10 doesn't return the children. I think she needs to
11 have an incentive to return the children and to
12 follow the Court orders. I think it's unacceptable
13 that she's not been following the Court orders to
14 this point. And then I think the children should be
15 immediately returned to therapy and to their normal
16 activities and to residing with their father.

17 THE COURT: What -- is your understanding of the
18 DCF issue that it wasn't presented to a Judge, or was
19 it just a --

20 ATTY. HURWITZ: That's my -- that's my
21 understanding. I think it was an agreed-upon plan
22 that everyone went along with last night to address a
23 bad situation in the middle of the night, so -- given
24 the fact that there was some resistance expressed by
25 the children.

26 THE COURT: All right. And what is it that the
27 plaintiff is seeking?

1 ATTY. ALDRICH: Your Honor, I would most --
2 first and foremost, most important is that the
3 children get immediately returned, and they need to
4 be returned -- if Michelle who has them doesn't
5 release them, I believe we need either a police
6 escort or something like that in place that Your
7 Honor may have to advise them because, you know, they
8 are not operating without orders. And I think we
9 need an order that says that they get returned
10 immediately to the father and that the father
11 obviously will take the kids to the necessary -- or
12 have them, you know, line up the therapy.

13 I would also ask for sanctions against both
14 Counsel and Mrs. Ambrose and penalties and legal fees
15 based on the hours and hours I've spent over the last
16 two days, as well as Attorney Hurwitz, and her
17 attorney's fees should be paid as well by the antics
18 that Mrs. Ambrose has put everyone through, which is
19 making -- which does in no way compensate anyone for
20 the amount of damage done to the children during this
21 time.

22 THE COURT: All right. Well, obviously, those
23 can be subject to motions that if you --

24 ATTY. ALDRICH: Yes.

25 THE COURT: -- file the Court will address. I
26 am going to ask Attorney Cunha the same question, but
27 I wanted to just have the Guardian finish what she

1 was saying.

2 So you indicated you spoke to Dr. Biren Caverly
3 and Dr. Horowitz, and I think that you told me what
4 you talked about with Dr. Biren Caverly but I don't
5 think you finished with Dr. Horowitz.

6 ATTY. HURWITZ: So Dr. Horowitz really said that
7 he, you know, was concerned about the situation. He
8 wanted regular updates on the situation. He would be
9 happy to see the children or any members of the
10 family as soon as possible to attempt to address what
11 was going on. But he more expressed, you know,
12 concern about the situation and concern about how it
13 had gotten to this place. He didn't -- he didn't
14 really have any specific advice. Dr. Biren Caverly
15 was more the person who was telling me what she felt
16 should happen at this point.

17 So it's my understanding, Your Honor, to be
18 clear that I think the children and Mrs. Riordan are
19 with this person, Michelle, and so I think -- oh, no.

20 Is that --

21 MR. AMBROSE: Just the kids are, as far as I
22 know, with Michelle. Karen -- per our agreement,
23 Karen's not supposed to have contact with them or
24 Michelle until this is resolved.

25 So my understanding is the caseworker took the
26 kids at 2:00 in the morning to Michelle last night,
27 and I believe Karen stayed at the hotel. I don't

1 know if she went to her house. But she wasn't
2 supposed to be with Michelle.

3 ATTY. ALDRICH: Your Honor, may I read the
4 safety plan? The safety plan says parents will not
5 contact children until advised by DCF area office.
6 So that would need to be an order from the Court, I
7 believe, if you can override this to have the kids
8 immediately. Because to wait for DCF to do another
9 further investigation, I mean, I don't know, Jocelyn
10 -- I mean, Attorney Hurwitz, what do you think? I
11 mean, that's what it says. So neither parent can
12 have contact. So Karen should not be with the
13 children right now, but I know that -- you know,
14 neither parent can. So this is what this says. So I
15 don't know how my client would be able to pick up the
16 children.

17 THE COURT: Attorney Hurwitz, I just want to
18 really be clear for the sake of the record.

19 ATTY. CUNHA: Your Honor, is there a possibility
20 maybe that I could have some input in this or are you
21 just going to allow everyone to continue
22 misrepresenting to the Court what's going on?

23 THE COURT: Attorney Cunha, you joined us very
24 late in the call and --

25 ATTY. CUNHA: Yes, Judge, and you scheduled this
26 very late without notice and you interfered directly
27 with my medical care. So I want you all to know that

1 I am grieving Your Honor and I am going to seek
2 counsel to sue Your Honor because you have now
3 directly impacted my health and my wellbeing. And
4 the Court does not have the ability to interfere with
5 a criminal investigation. Maybe that's what should
6 be on the record.

7 The reason DCF has the children is because the
8 sergeant from the Guilford Police did not want the
9 children going with the father based on the
10 children's consistent statements of child
11 molestation.

12 THE COURT: Attorney Cunha, you cannot arrive on
13 this call late and interrupt the proceedings. I am
14 finishing with my questions for the Guardian and then
15 I will be happy to hear from you about the relief
16 requested. Though I will note that your client was
17 also ordered to participate in the hearing on this
18 video call and she's not here. Do you know why she
19 hasn't joined us?

20 ATTY. CUNHA: Judge, I'm not answering
21 questions. I should not be here. This should not be
22 pursuing -- being proceeding. And I want you to know
23 that I'm filing a complaint with the Governor's
24 Office for your violation of my protections under the
25 COVID crisis. So let's continue.

26 THE COURT: All right. Attorney Cunha, we are
27 on a video proceeding and --

1 ATTY. CUNHA: Yes, Judge. I know that. But you
2 also know as well as everyone else does that I was
3 seeking to see medical attention today, and you
4 directly interfered with that. So thank you for
5 that.

6 THE COURT: All right. Well (inaudible) --

7 ATTY. CUNHA: And I will make sure that all my
8 other clients know that I've now spent the last two
9 days on frivolous, purposely misinformed information
10 being presented by the Guardian ad Litem and her
11 counsel and --

12 THE COURT: All right.

13 ATTY. CUNHA: -- that you, Your Honor, have
14 directly allowed this to occur and encouraged this
15 conduct.

16 THE COURT: The record from yesterday's
17 proceedings I think will reflect why it is that I was
18 willing to schedule this hearing at 9:15 over your
19 objections. But we'll leave that for another day.

20 So I'd like Attorney Hurwitz to finish what she
21 was saying, and then I will hear from you about what
22 you would like to get accomplished today. Though I
23 will note that we are going to address the fact that
24 your client was ordered to participate in these
25 hearings today and she has not.

26 ATTY. CUNHA: Judge, your order is invalid.
27 Okay. And I am not going to continue to participate.

1 I do not feel well. You clearly have no care or
2 worry or concern about anyone but yourself and
3 Attorney Hurwitz and Attorney -- that's right. You
4 can shake your head because it is very clear.

5 I've been practicing for 21 years. I cannot
6 believe the unconscionableness of your actions and
7 what you've allowed these attorneys to do. Please do
8 not cut me off.

9 THE COURT: Attorney Cunha, we need to --

10 ATTY. CUNHA: I am leaving the video --

11 THE COURT: -- stop. We need to talk about
12 these children. So if you can't focus --

13 ATTY. CUNHA: Yeah. The children are safe.
14 They're under the supervision of the Department of
15 Children and Families in a third party's care.

16 THE COURT: Attorney Cunha, if you can't --

17 ATTY. CUNHA: Father is not contacting them.
18 Mother is not contacting them. Why don't we let
19 somebody do their job and protect these children
20 instead of letting these two lawyers line their
21 pockets with every single asset they can possibly
22 wreck from?

23 THE COURT: All right. Attorney Cunha, we're
24 going to stay focused on the concerns for today,
25 which are where the children are, where they're
26 going, and where your client is and the fact --

27 ATTY. CUNHA: We know where the children are.

1 THE COURT: -- that she hasn't participated in -
2 -

3 ATTY. CUNHA: The children are in the care --

4 THE COURT: -- please don't interrupt.

5 ATTY. CUNHA: -- of a third party.

6 THE COURT: Please don't interrupt. And because
7 we do not have all day to do this, if you interrupt
8 again, I am going to authorize my Clerk to mute your
9 microphone until it's your turn to speak. So please
10 don't make me do that. I'd like to finish hearing
11 from the Guardian and then you can explain to me why
12 your client isn't here and what you'd like the
13 proceedings to end with today.

14 So Attorney Hurwitz, why don't you finish what
15 you were saying, please? You were finishing my
16 question, which is given the current state of
17 affairs, I think Attorney Aldrich is asking that I
18 issue an order clarifying the New Haven orders and
19 the Bridgeport orders that the children are to be
20 only in the care of the father; and effectuating
21 those orders might involve some more intervention
22 with law enforcement, et cetera, which obviously
23 these children have had a lot of. So I want to make
24 sure that what you're asking the Court to do is the
25 same thing, notwithstanding the fact that it might
26 create some more drama for these children.

27 ATTY. HURWITZ: Yes, Your Honor. And the only

1 thing I would add is that Dr. Biren Caverly has --
2 just to go back a step. Dr. --

3 ATTY. CUNHA: Objection. There is no -- it is
4 inappropriate. Dr. Biren Caverly was a custody
5 evaluator. She is not a treater. There is no order
6 that allows her to be consulted. She has committed
7 malpractice and perjury.

8 This has to stop now.

9 THE COURT: Attorney Cunha, please do not
10 interrupt. You will have an opportunity to make your
11 points.

12 So finish what you were saying.

13 ATTY. HURWITZ: The existing Court orders in
14 this case require that before the custody evaluator's
15 evaluation is disclosed to anyone, I need to get the
16 approval of the custody evaluator to do that and her
17 consent that it would be in the best interests of the
18 children to do so. She has consented that I may
19 disclose her report to DCF and that I may also
20 disclose it to the MDT that I'm meeting with later
21 today, which I have done.

22 I am happy this morning to, now that it seems as
23 though there is someone to contact specifically at
24 the Middletown DCF Office, which was not the case
25 last night when we wrapped up the status conference.

26 I am happy to call whoever it is at DCF that now has
27 this case and make sure that they have a copy of the

1 forensic evaluation as well, which may inform the way
2 that they handle the case. So I think that that
3 might be an additional step we could take today. But
4 I do support what Attorney Aldrich has suggested as
5 the steps from here.

6 THE COURT: All right. And did -- you used a
7 term I didn't quite catch. Did you say an MDT you
8 were consulting with?

9 ATTY. HURWITZ: The MDT, it's the
10 multidisciplinary team that has been put together.
11 There's someone from the Clifford Beers Center.
12 There's a police involvement; I think it's Detective
13 DeGoursey that's actually involved. And in addition
14 to that, I was informed that there will be State's
15 Attorneys on the call as well and that they are
16 looking into why these reports continue to be made to
17 DCF and -- and the continued involvement of the
18 police as well. And that call is at 2:00 today.

19 THE COURT: All right. And would that also --
20 would that -- I thought you said NDT. So now I
21 understand it. Would that multidisciplinary team
22 also be looking at the concerns that Attorney Cunha
23 raised that there might be a new criminal allegation
24 with the Guilford Police Department?

25 ATTY. HURWITZ: That's my understanding, Your
26 Honor, is that they are looking at all the actors
27 here and trying to sort out, you know, how we've

1 gotten to this point. And they indicated to me that
2 they would like some historical background. They
3 also wanted to review the forensic evaluation, which
4 I supplied to them, and then I think they want to
5 figure out what the path is from here and whether
6 there might be criminal charges against anyone who's
7 been involved in the situation.

8 THE COURT: All right. So if either one of the
9 lawyers, Attorney Aldrich or Attorney Cunha, have
10 information that they want the Guardian to provide to
11 this multidisciplinary team that the team doesn't
12 already have -- so I think the criminal allegations
13 that Attorney Cunha suggests might be being
14 investigated, that would be an example -- you should
15 provide those to Attorney Hurwitz so that she can
16 provide them to the multidisciplinary team. I would
17 like to make sure that everybody's allegations and
18 concerns get addressed and presented through that
19 team.

20 All right. Attorney Cunha, the things we need
21 to address and hear from you about today are why it
22 is that your client hasn't participated in this call
23 and what your suggestions are about Court orders when
24 we get off this call.

25 ATTY. CUNHA: Your Honor, there are no Court
26 orders that should be entered. The State of
27 Connecticut has taken control of the situation. The

1 parents have come up with a mutual third party. Both
2 parents have agreed not to contact the party or the
3 children to allow somebody to investigate whether
4 these allegations that these children keep raising
5 are -- have any credibility to them or whether these
6 children are making up these claims or whether my
7 client is influencing these children to make these
8 claims or whether a third party is influencing these
9 children to make these claims. That process needs to
10 -- to take place for the best interests of these
11 children and, frankly, for the parties' mental health
12 and wellbeing.

13 It is unconscionable that this issue has not
14 been resolved because of all of the interference and
15 manipulation. I am not going to say who interfered
16 and who manipulated. It's not my job to investigate
17 these matters. But I will indicate to the Court that
18 the information that has been provided to me, not
19 from my client but from medical facilities, clearly
20 supports the need for this to take place. That is
21 the bottom line.

22 The fact that these children had access to the
23 material that they had access to and published it on
24 a public site, however they obtained that access
25 needs to be determined; because frankly, if it was
26 the source of my client or the source of some third
27 party or Mr. Ambrose, there has to be action taken.

1 It is not okay for that type of information to be
2 displayed publically or for these children at their
3 age to have been exposed to it, number one.

4 Number two, I don't believe that Your Honor at
5 this point that it would be appropriate for Your
6 Honor to interfere with a state agency once they have
7 determined that a multidisciplinary task force team
8 is going to take the initiative to actually
9 investigate this case. That process needs to take
10 place. Any influence from this point of Mr. Ambrose,
11 Ms. Riordan, the Guardian ad Litem, myself, or
12 Attorney Aldrich would be completely inappropriate
13 and should not occur.

14 Nor should the Court allow for the disclosure,
15 again, because I was informed last night, by the way,
16 that the Guilford Police Department is in possession
17 of the full custody evaluation already. I spoke with
18 the sergeant that was on duty last night, and she
19 specifically informed me that she had full possession
20 of it and read the entire report. So who gave her
21 that report? I have no clue. I know it didn't come
22 from my client because as far as I'm aware, my client
23 doesn't have possession of that report. And so it
24 had to come from either Mr. Ambrose, his attorney, or
25 the Guardian ad Litem, or Dr. Caverly directly. I --

26 ATTY. HURWITZ: Your Honor, as I already stated,
27 I provided it pursuant to the direction of Dr. Biren

1 Caverly. I stated that numerous times in this call.

2 So I take full responsibility for that. I'm
3 permitted to do that under the existing Court orders.

4 I got the appropriate dispensation from Dr. Biren
5 Caverly, and I did provide it to the police.

6 ATTY. CUNHA: So Dr. Caverly now makes the call
7 on what information gets disclosed to third parties
8 about my client's mental health when she's not --

9 ATTY. HURWITZ: That's what the Court order
10 says, Attorney Cunha.

11 ATTY. CUNHA: (inaudible)

12 THE COURT: Attorney Cunha, there is a current
13 Court order which the parties asked the Court to
14 approve that allows for that. And (inaudible) --

15 ATTY. CUNHA: It requires the Court order or the
16 parties' agreement. There was no agreement, Judge.
17 There was no agreement.

18 THE COURT: Could -- could we please get back to
19 the two points that I would like to (inaudible) --

20 ATTY. CUNHA: Yeah, I know. Let's -- let's just
21 falsely publicize my client's mental health to
22 everybody absent -- so since Attorney Hurwitz has
23 already taken the initiative to disclose information
24 that's challenged, I want the Court to know that I am
25 and will continue to release information directly to
26 the police, as I have a right to do not only as an
27 attorney representing my client but also as a private

1 citizen. And that information will be whatever
2 records I am in possession of, just so the Court
3 knows.

4 THE COURT: Well, Attorney Cunha, as a member of
5 the bar, I would fully expect you to abide by the
6 existing Court orders regarding the privilege of the
7 children on those documents. So I hope that that's
8 not what you're threatening to do. I am going to
9 assume for discussion purposes today (inaudible) --

10 ATTY. CUNHA: I'm not threatening to do
11 anything. I'm doing what I have the legal right to
12 do, and this Court has no legal authority to
13 interfere with myself as an attorney representing a
14 client under these very serious circumstances or as a
15 private citizen to ensure that the children's safety
16 and wellbeing are protected.

17 THE COURT: Could we please --

18 ATTY. ALDRICH: Your Honor, there is a current
19 Court order on September 11th that Your Honor did
20 that said counsel for Mrs. Ambrose or Mrs. Ambrose
21 must notify the Guardian ad Litem and myself prior to
22 them reporting anything to the police. So there
23 already is an order about that, Your Honor.

24 ATTY. CUNHA: Listen, no. First of all, I don't
25 -- you're on continuing notice, okay. Any time I
26 receive information that rises to the level that
27 requires reporting, I will report. So just so you

1 know. And when I've done so, you will find out when
2 it's appropriately to do so by statute.

3 THE COURT: Attorney Cunha, there is an order in
4 place that doesn't prohibit you from doing that but
5 does require that you give the Guardian notice. And
6 I do expect that you obey those orders,
7 notwithstanding the accusations that they've already
8 been violated.

9 But that is a distraction. Let's get back to
10 what we have to decide today. What I asked you to
11 respond to, Attorney Cunha, is what you'd like the
12 Court orders to be at the end of the status
13 conference today and why it is that your client's not
14 on this call when she was ordered to be here on the
15 call today.

16 ATTY. CUNHA: Judge, first of all, I don't even
17 know that my client got the notice from the court of
18 the call. I don't know that my client is even
19 available being that she was up all night. And Your
20 Honor, your order is not valid. You cannot issue an
21 order for appearance in a civil matter with less than
22 24 hours' notice. So can we focus on maybe Your
23 Honor following the law in this case and maybe the
24 rules of practice, which by the way, just so the
25 Court knows, my temperature right now is over 101,
26 I'm profusely sweating. I haven't even changed out
27 of my clothes yet. So let's go ahead and continue

1 this call, because if I end up in the hospital, you
2 will get the bill.

3 THE COURT: Attorney Cunha, I think the problem
4 that we have is that your client was in communication
5 with you by phone and email yesterday, and when I
6 issued the order that she needed to be here on the
7 call today, I -- I fully expect and understand that
8 you had the ability to communicate that order to her.

9 I understand your client's put you in a difficult
10 position and I understand that you might not be
11 feeling 100 percent, but the situation is one in
12 which it's very important that we sort out the needs
13 of these children.

14 ATTY. CUNHA: No, Judge. Look at me. You can
15 see. Look at me. It's clear, Judge. So go ahead.
16 Continue.

17 THE COURT: All right.

18 ATTY. CUNHA: There should be absolutely no
19 orders today. To do so -- to do so is violative
20 (sic) of these children's rights. So that is all I
21 have to say. Please continue to do what it is that
22 you're going to do. I think I've made myself very
23 clear. I am not answering any further questions. I
24 am not feeling well. I would like to have this
25 matter end so I could make sure that the rest of my
26 schedule is cleared for the day. Thank you.

27 THE COURT: Attorney Cunha, is this a situation

1 in which maybe you should have some standby counsel
2 or some co-counsel so that someone is able to
3 represent --

4 ATTY. CUNHA: No, Judge. I think it's a
5 situation where the Court needs to abide by the
6 simple courtesy of allowing adequate notice and not -
7 - not frivolously scheduling things last minute and
8 allowing everybody reasonable time to recover when
9 they're not feeling well. I have protections also as
10 a State of Connecticut taxpayer and self-employed
11 employer. So we can continue this, and you can shake
12 your head, Judge. But I mean you violate so many
13 rights. Every time that I'm on, you treat me with
14 absolute no respect. You disrespect my client. You
15 make frivolous findings without any fact. You have
16 not acted in these children's best interests since
17 I've been involved in this case. So we can continue
18 on because honestly, I'm exhausted. I am completely
19 shocked with the conduct of the Court. It is
20 appalling and unconscionable.

21 THE COURT: Well, if this were a matter about
22 money I think I would certainly have granted your
23 continuance request, Attorney Cunha. But it's not.
24 It's about the safety and wellbeing of two children
25 who were removed from their appropriate guardian's
26 care. So the situation is emergent and that's why
27 everyone is called upon to, you know, appear in court

1 on rather short notice. That's just the situation.

2 ATTY. CUNHA: So let's refer this case over --

3 THE COURT: All right. So --

4 ATTY. CUNHA: -- to the regional docket for --
5 for juvenile since DCF has the matter. Why don't we
6 put this matter in the appropriate venue and away
7 from Your Honor, because clearly Your Honor cannot
8 continue in an unbiased and unprejudiced fashion.
9 You have already formulated opinions, and frankly the
10 continuance of scheduling these matters without
11 allowing any of my client's motions to go forward
12 clearly supports the positions that I've taken in
13 this case.

14 THE COURT: Well --

15 ATTY. ALDRICH: I think it's egregious that her
16 client is not here at this meeting. Her client had
17 plenty of notice and it's outrageous that the --

18 ATTY. CUNHA: Oh. No --

19 ATTY. ALDRICH: -- Court has to put up with her
20 behavior, Attorney Cunha's behavior, and --

21 ATTY. CUNHA: All right. Judge, I'm -- I'm
22 done.

23 ATTY. ALDRICH: -- the fact that the defendant -
24 -

25 ATTY. CUNHA: I'm done.

26 ATTY. ALDRICH: -- is not here -- then get off
27 the phone. Then get off the line.

1 THE COURT: All right. All right. All right.

2 ATTY. CUNHA: Thank you, Judge. You know what,
3 no. Goodbye.

4 THE COURT: You're not excused, Attorney Cunha.
5 You're not excused.

6 ATTY. CUNHA: I want -- I want Counsel -- I want
7 Counsel sanctioned right now for that comment telling
8 me to get off the --

9 ATTY. ALDRICH: Go ahead.

10 THE COURT: All right. Folks --

11 ATTY. CUNHA: Seriously?

12 THE COURT: All right, folks.

13 ATTY. CUNHA: I'm asking for sanctions.

14 THE COURT: Well, your request is denied,
15 Attorney Cunha.

16 ATTY. CUNHA: Of course it is.

17 THE COURT: We need your client on the call.
18 And if I don't get her appearing before the Court,
19 I'm going to have to issue a capias for her
20 appearance, Attorney Cunha, something --

21 ATTY. CUNHA: You know what, Judge --

22 THE COURT: -- that I really do not want to do.

23 ATTY. CUNHA: -- no. Goodbye. I'm done. I'm
24 actually filing a complaint with judiciary right now
25 against you. I am done. There is nothing that --
26 good that can come out of this. Goodbye.

27 THE COURT: Attorney Cunha, you're not excused

1 from the call.

2 All right. Well, it does appear that Attorney
3 Cunha has hung up.

4 ATTY. ALDRICH: Her behavior is outrageous.
5 It's outrageous. I'm sorry, Judge. You're so
6 patient, but it's outrageous.

7 ATTY. HURWITZ: I need a one-minute break, Your
8 Honor, if I could. I apologize.

9 THE COURT: All right. Attorney Hurwitz's video
10 is a little scratchy, too. So we'll take a short
11 break, ladies and gentlemen. We're coming back on
12 the call in five minutes, so that would get us at
13 just a few minutes after 10, please. Okay?

14 ATTY. ALDRICH: Thank you, Judge.

15 THE COURT: Thank you.

16 **(THE COURT RECESSES AND RETURNS WITH THE**
17 **FOLLOWING)**

18 THE COURT: We're back on the record on the
19 continuation from yesterday of the Guardian ad
20 Litem's request for -- emergency request for a status
21 conference. We took a short break from that. And I
22 have on the call plaintiff's counsel, Attorney
23 Aldrich, plaintiff, Christopher Ambrose, Guardian,
24 Jocelyn Hurwitz. The defendant mother never appeared
25 on this call nor did she appear on last night's call.

26 Defendant's counsel, Attorney Cunha, did appear on
27 last night's call and late for this morning's call,

1 but then before we took the break announced to the
2 Court that she was no longer participating and hung
3 up. She has not dialed back in, and we're going to
4 proceed without her.

5 So Attorney Hurwitz, you asked to take a break.
6 Was that related to the case? Is there anything
7 else you need to share with the Court?

8 ATTY. HURWITZ: No, Your Honor. I just wanted
9 to get to -- try to get to a better Wi-Fi situation,
10 which I hope I did.

11 THE COURT: All right. I think so.

12 In the interim, in the ten-minute break that we
13 took, is there anything else that either party needs
14 -- either party on the call needs to inform the Court
15 of before we wrap up?

16 ATTY. ALDRICH: No, Your Honor.

17 ATTY. HURWITZ: No, Your Honor.

18 THE COURT: All right. Well, again, I'm
19 disappointed that Attorney Cunha chose to get off the
20 call, but I -- I just don't think we can wait for her
21 any longer.

22 So this is a situation in which the Guardian has
23 asked the Court and the plaintiff has asked the Court
24 to reiterate existing Court orders both out of New
25 Haven and out of Bridgeport regarding custody of the
26 children, and I am going to do that. And the reason
27 for the reiteration is essentially to meet the needs

1 of the Guardian and the plaintiff, the stated needs
2 of the plaintiff to provide one Court order to the
3 police and to DCF given all the confusion that's
4 happened in the case in the last 24 hours, confusion
5 which I'm deeply sorry to have heard about and has
6 caused me great concern for these children. I know
7 everyone on the call feels that way. I know everyone
8 had a difficult night. I won't exclude myself from
9 that, worrying about the Ambrose children.

10 But I just urge patience and caution and laser
11 focus on what's best for these children, and
12 accomplishing all that within the rules of procedure,
13 even more so perhaps than in any other case because
14 it's so complicated. So I don't want anyone to be
15 deferred from that. We'll take care of the
16 priorities first and all of the other important but
17 not as high-priority issues that lawyers have raised
18 on the call today, they'll find their day. But it's
19 not today.

20 So the orders for today are going to be as
21 follows: that there are two existing Court orders
22 mandating the father's sole physical and legal
23 custody of the children. One appears in this
24 Bridgeport case, and the date of that I'll have to
25 dredge up if no one else has it handy, but it will
26 appear in the written orders. And one appears in a
27 New Haven case, that docket number NNH-FA20-5049348,

1 issued by Judge Price-Boreland December 2nd, 2020,
2 pleading number 103.5, that indicates that the father
3 -- the children are to be returned immediately from
4 the mother to the father. These status conferences
5 were the product of that order not having been
6 followed.

7 So to be clear, the orders I'll issue today in
8 writing of which everyone will get a copy will
9 indicate that there are two current Court -- Superior
10 Court orders indicating that the children should be
11 immediately placed in the care of their father.

12 In addition, the Court is acknowledging the
13 authority of the Guardian under the current Court
14 orders to provide the multidisciplinary team with a
15 copy of the psychological evaluation that was
16 commissioned by the parents for the family; and I
17 would ask -- repeat in my orders that all parties and
18 counsel who have information that they want the
19 multidisciplinary team to review should funnel that
20 through the Guardian and the Guardian will not filter
21 that information. She will pass it onto the
22 multidisciplinary team.

23 In addition, I am amending my prior Court
24 orders. They are dated September 11th of 2020, item
25 number 4. Those orders are amended to reflect that
26 any party or counsel to this -- to a party in this
27 case who contacts the police or DCF or any other

1 Court or any legal authority or any medical authority
2 about the children in this case must notify the GAL
3 and opposing counsel prior to initiating that
4 contact. The prior orders said they just must notify
5 of the action. But I think given the situation that
6 we got into today, the orders have to reflect that
7 anyone who's initiating any action with these
8 children making any complaints about anyone needs to
9 notice the Guardian and opposing counsel before that
10 action is taken. It doesn't have to be two weeks in
11 advance, but it does at least have to be in advance.

12 A written copy of these orders will be produced
13 by the Court. They'll be cleaned up a little
14 obviously. And paper copies will be made available
15 to all counsel probably not until 1:00, but certified
16 copies will be made available to all parties and
17 counsel should they want to come pick them up. The
18 certified copy fee will be waived by the Court.

19 In addition, Madam Monitor, I'll ask for a
20 transcript of these proceedings. The orders will not
21 be issued by the transcript. I just want a copy of
22 the transcript produced for the Court's benefit. The
23 orders will go out in writing by the Clerk's Office.

24 I think that addresses the concerns for the
25 moment. There are other pressing concerns, the
26 mother's nonappearance in the case, et cetera. We'll
27 have to address that on another date.

1 Attorney Hurwitz, I'm not going to schedule
2 another court date on your emergency status
3 conference, though I -- I don't in any way think it
4 was inappropriate for you to have made the request.
5 But I will charge you with notifying the Court if
6 there is need for additional status conference; and
7 obviously when you do that, please let all the
8 lawyers and the parties know so that we can give
9 everyone as much advanced notice as possible on the
10 scheduling. And I'll try and make it a priority for
11 the Court's schedule. So if there's a problem,
12 you'll let us know, we'll try and address it again.

13 There are a number of motions coming up that the
14 Court intends to schedule here. I did, as you might
15 have seen, refer the case to the Regional Family
16 Trial Docket for trial. That was at the request of
17 the defendant. I denied that request initially when
18 it was made in the court live in the courtroom. I
19 reconsidered it. The referral has gone out. I think
20 Regional will take it, but I don't know how long that
21 will take. In the meantime, anything else will be
22 heard here.

23 The only exception to that is if -- well, it
24 doesn't matter. We'll get to that at another time.
25 Right now, pendente lite motions will be heard here.

26 Trial will be scheduled at the Regional Family Trial
27 Docket. That's the plan for the moment.

1 All right. Any questions about those orders?

2 ATTY. HURWITZ: I do. I'm just curious about
3 the one line in the order from the New Haven Superior
4 Court yesterday indicating that there is going to be
5 a hearing in New Haven on 12/15, because I'm not
6 clear on what that hearing would be or why there
7 would be anything in that court.

8 THE COURT: Well, I'm not either. And while
9 I've been in touch with the New Haven Court about the
10 procedure, I haven't been in touch with them since
11 that order was issued. So I would suggest a case
12 flow request or a request for clarification or
13 something like that in the New Haven Court just so
14 that it's clear and everyone has notice. I will
15 probably be contacting the Judge to communicate my
16 orders, so if she reveals anything to me in her
17 thinking about that, I'll share it with the parties
18 in writing. But I would direct that inquiry at this
19 point to New Haven.

20 ATTY. HURWITZ: Thank you, Your Honor.

21 ATTY. ALDRICH: That was my question, too, Your
22 Honor. You can't make a -- you can't vacate the
23 12/15 date. We have to go through the New Haven
24 Court; correct?

25 THE COURT: I can't.

26 ATTY. ALDRICH: Yeah.

27 THE COURT: You can file a request --

1 ATTY. ALDRICH: Right. For clarification.

2 THE COURT: -- to transfer here, for
3 clarification, for transfer, et cetera, anything that
4 you think is appropriate.

5 ATTY. ALDRICH: Okay.

6 THE COURT: At this point, I'm pretty sure New
7 Haven would be happy to send the whole mess to
8 Bridgeport.

9 ATTY. ALDRICH: I'm sure they would.

10 THE COURT: And in the interest of keeping --
11 keeping the case as clear as possible, I'd consider
12 granting it. But that's -- that's --

13 ATTY. ALDRICH: That's (inaudible)

14 THE COURT: -- (inaudible) the lawyers and for
15 the party, and we'll just take it piece by piece.
16 But --

17 ATTY. ALDRICH: My only -- my only other
18 question, Judge, is logistics about today. I fear in
19 spite of your orders, your very clear orders last
20 night that the children should be handed over, in
21 spite of New Haven's Court very clear orders the
22 children should be immediately handed over, it didn't
23 happen. And now we have a safety plan that puts DCF
24 responsible. Do the Court -- does Your Honor's now
25 override that safety plan? How will logically my
26 client be able to take children if the police again
27 don't -- say they don't want to go or whatever? I

1 mean, I'm just fearful we're going to have -- I don't
2 want to have another day like we had last night.

3 THE COURT: Well, it's my understanding that the
4 safety plan only extended for a period of 24 hours.
5 I think that was what was suggested. So part of my -
6 - my orders do take that into account. But obviously
7 if the Superior Court in Juvenile has issued any
8 orders, then I need to be notified of that and that
9 Judge and I need to communicate about any bases on
10 which the orders are in conflict; and I'll probably
11 have to put that on the Guardian's to-do list.

12 If there's no Juvenile Court orders and it's a
13 safety plan and it was entered without -- or approved
14 by a supervisor without the benefit of knowing what
15 the existing Superior Court orders are, then I think
16 the Superior Court orders from Family would override
17 the safety plan. But, you know, DCF has procedures
18 and I fully expect them to follow them. And as long
19 as the children are in an identifiable location and
20 everybody is satisfied that they're safe, then that
21 procedure should play out, particularly in light of
22 the fact that it appears that Ms. Riordan Ambrose has
23 not participated in this process and her lawyer has
24 hung up the phone and refused to participate, I'd
25 like the process to be transparent.

26 So I don't know if that answers your question.

27 ATTY. ALDRICH: Yes, it does. It does. It

1 does, Your Honor. And my client will go with this
2 order. I think that's what the police are going to
3 need, and because that's apparently what they needed
4 last night, I guess. I don't know, Your Honor. I
5 think that they were a little bit just apprehensive
6 about the whole scene in the hotel room with all the
7 children and made the best call they could. But I
8 think with a Court order they will not have a choice,
9 and I suspect that that will be the answer, Mr.
10 Ambrose, that we need. And you'll wait for that and
11 get that when the Court relays it, and then do what
12 you need to do.

13 THE COURT: I expect the orders will be
14 available by 1. That's my hope. I just need to
15 marshal some clerks, and we're short on clerks. But
16 we should be able to (inaudible) --

17 ATTY. ALDRICH: We appreciate it. Thank you,
18 Judge.

19 MR. AMBROSE: Thank you.

20 THE COURT: All right.

21 ATTY. HURWITZ: Thank you, Your Honor.

22 THE COURT: So one last thing in terms of
23 interaction with the police and DCF. Attorney
24 Hurwitz, I think you might want to communicate this
25 order to DCF and see if DCF is directing the police
26 to take certain action that maybe that would make it
27 less chaotic. I'm very concerned, obviously, as I

1 know you are, that the kids not be exposed to any
2 more of the chaos level between the police and DCF
3 and the Superior Court.

4 ATTY. ALDRICH: Right

5 ATTY. HURWITZ: That's my plan, Your Honor. I'm
6 going to call them as soon as we're done with this
7 conference.

8 THE COURT: All right. And I would appreciate
9 just an update from the Guardian one way or the
10 other.

11 ATTY. HURWITZ: Yes.

12 THE COURT: All right. Thank you. All right.
13 Thank you, ladies and gentlemen.

14 ATTY. ALDRICH: Thank you, Judge, for your time.

15 ATTY. HURWITZ: Your Honor, how should I provide
16 the update? Is it acceptable to just send something
17 through your Clerk and copy counsel? Or how should I
18 provide the update?

19 THE COURT: I think in light of the nature of
20 the file, it would probably be best to file something
21 so that everyone can see it. If you send the Clerk
22 an email then it doesn't really reflect in the file.

23 So a case flow -- a status, case flow report or
24 something or a GAL report that simply says this is
25 the status of the case, you're seeking action, you're
26 not seeking action, that would suffice, I think.

27 ATTY. HURWITZ: Okay. Thank you, Your Honor.

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THE COURT: All right. Thank you, ladies and gentlemen.

ATTY. ALDRICH: Thank you, Your Honor.

MR. AMBROSE: Thank you.

(END OF TRANSCRIPT)

NO: FBT-FA19-6088163 S : SUPERIOR COURT
AMBROSE, CHRISTOPHER : JUDICIAL DISTRICT
OF FAIRFIELD
v. : AT BRIDGEPORT, CONNECTICUT
AMBROSE, KAREN : DECEMBER 3, 2020

C E R T I F I C A T I O N

I hereby certify the foregoing pages are a true and correct transcription of the audio recording of the above-referenced case, heard in Superior Court, Judicial District of Fairfield, at Bridgeport, Connecticut, before the Honorable Jane K. Grossman, Judge, on the 3rd day of December, 2020.

Dated this 8th day of December, 2020, in Bridgeport, Connecticut.

Colleen Birney
Court Recording Monitor