

information, college admissions boards will see the information, and their future employers will see it. Harvey's sole motivation for intentionally destroying four lives was one thing and one thing only – *money*.

2. Defendant Harvey is a so-called social media “influencer” with millions of followers. On or about May 31, 2023, Harvey began creating and uploading false, defamatory and misleading videos to various social media platforms about Mr. Kassenoff in an effort to depict him as an abusive spouse and father who took advantage of the corrupt Westchester County matrimonial court system. Harvey knew what he was stating was false or, at a minimum, acted with a reckless disregard for the truth. For example, Plaintiff C.K. contacted Harvey on **June 1, 2023** – the very next day after Harvey uploaded his first video attacking Mr. Kassenoff – asking him to “[s]top getting involved [as he doesn’t] even know the true story.” But, Harvey chose to disregard C.K. and instead continued creating and uploading dozens more videos to TikTok, Facebook, Instagram and YouTube, as well as making comments on these platforms and “tweets” on Twitter, all of which contain false, defamatory and misleading statements about Mr. Kassenoff and which were made with negligence, actual malice and a reckless disregard for the truth. To make matters worse, Harvey also instructed his 3,000,000+ followers to bombard Mr. Kassenoff’s then employer, Greenberg Traurig, LLP (“GT”), and Samsung, one of GT’s biggest clients, with emails, phone calls, voicemails, and social media attacks, resulting in Mr. Kassenoff losing his job at Greenberg Traurig.

3. Accordingly, Mr. Kassenoff is bringing this action for defamation, intentional infliction of emotional distress and tortious interference with a business relationship. Furthermore, Harvey’s social media campaign also impacted and harmed the three minor Kassenoff Children by depicting them in his videos – including their unblurred faces – without their consent or the consent of Mr. Kassenoff, the Children’s custodial parent, and by causing Mr. Kassenoff to lose his

job and, thereby, the Children's only means of support. Moreover, Harvey's false, defamatory and misleading statements have caused Mr. Kassenoff and the Children to experience severe emotional distress.

4. Similarly, Harvey did the same thing to Mr. Kassenoff's matrimonial attorney, Plaintiff Gus Dimopoulos. Specifically, Harvey encouraged his 3,000,000+ followers to bombard Mr. Dimopoulos' office with phone calls (over 2,700 in one day) and emails for the sole purpose of harassing him and negatively impacting his business. Harvey's harassment of Mr. Dimopoulos, including the false and defamatory claims that Mr. Dimopoulos is corrupt and was paid off to bring about a certain result in the Kassenoff custody case, continues to follow his online reputation, his reputation with the bar and the bench.

5. In short, Harvey's course of conduct, which caused substantial emotional distress to Mr. Kassenoff and Mr. Dimopoulos and which served no legitimate purpose, amounts to both cyberstalking and harassment in violation of Section 748.048 of the Florida Statutes. Accordingly, Mr. Kassenoff and Mr. Dimopoulos are seeking an injunction pursuant to that statutory provision against Harvey.

THE PARTIES

6. Plaintiff Allan Kassenoff is an individual residing in Larchmont, New York. Until June 11, 2023, he had been a Shareholder in the patent litigation group of the law firm Greenberg Traurig, LLP.

7. Plaintiff Allan Kassenoff is also the parent and guardian of the Plaintiff Children, who reside with Mr. Kassenoff in Larchmont, New York.

8. Plaintiff Gus Dimopoulos is an individual residing in Scarsdale, New York and is the sole shareholder and managing partner of the law firm Dimopoulos Bruggemann P.C.

9. Upon information and belief, Defendant Harvey is an individual

residing at 8531 Salt Grass Drive, Pensacola, Florida 32526. Harvey is a social media “influencer” with millions of followers, including over 3,000,000 on TikTok alone. Upon information and belief, Harvey makes and uploads virtually all of his social media content while he is physically located in this Judicial District.

JURISDICTION AND VENUE

10. Jurisdiction is proper under 28 U.S.C. § 1332 because there is diversity of citizenship and the amount in controversy exceeds \$75,000.

11. Venue is proper in this Judicial District pursuant to 28 U.S.C. § 1391 because Havery resides in Pensacola, Florida and a substantial part of the events giving rise to the claims occurred in this Judicial District.

STATEMENT OF FACTS

The Kassenoff’s Marriage

12. On November 13, 2006, Plaintiff Allan Kassenoff and non-party Catherine Kassenoff (“Ms. Kassenoff” and collectively with Allan Kassenoff as the “Kassenoffs”) were married. Prior to marrying Mr. Kassenoff, Catherine Kassenoff converted to Judaism via an orthodox rabbi and agreed to raise any children that they might have as Jewish.

13. Almost immediately after getting married, Ms. Kassenoff started *in vitro* fertilization (“IVF”) in order to have children. Mr. Kassenoff did not understand why Ms. Kassenoff demanded that they start IVF without first trying to conceive naturally, but Ms. Kassenoff would not take no for an answer. After several failed IVF attempts, the Kassenoffs decided to look into adoption. They ultimately retained an adoption lawyer in Florida to help them with the process. In January 2009, the Kassenoffs “matched” with a Florida couple who was looking to place a child up for adoption in July (when the child would be born).

14. About a month after “matching” with the Florida couple, Mr. Kassenoff learned that Ms. Kassenoff blamed an ex-boyfriend for her alleged difficulty

conceiving in addition to her being diagnosed with stage 1 breast cancer in 2008. Specifically, according to Ms. Kassenoff, she had to get an abortion due to the ex-boyfriend, which led to problems getting pregnant (after marrying Mr. Kassenoff), which led to her having to undergo IVF, which led to her first bout with cancer. Ms. Kassenoff claimed that she could not handle her ex-boyfriend going forward with his seemingly happy life after he had caused so much of her suffering and, thus, she needed to make him “pay.” Accordingly, in early 2009, Ms. Kassenoff decided to set up a “sting” operation whereby she would go to a hotel room with her ex-boyfriend, videotape it and send that recording to the ex-boyfriend’s wife in order to destroy him.

15. In fact, on February 11, 2009, Ms. Kassenoff’s friend, Mr. Wayne Baker, emailed Mr. Kassenoff, detailing Ms. Kassenoff’s “plan” and her alleged justification for it, noting that he was “impressed that [Mr. Kassenoff has] been going along with all of this”:

From: Wayne Baker [mailto:wayneleebaker@gmail.com]
Sent: Wednesday, February 11, 2009 2:26 PM
To: Kassenoff, Allan (Shld-NY-IP/Tech)
Subject: Cathy

Allan,

I spoke with Cathy the other day and she was running by me the plan to lure Dave Spring to a meeting in the city and/or to your house with the intent to videotape him. I wanted to reach out to you to give you my understanding of the situation.

First of all, I have been impressed that you have been going along with all of this. I know most men would not want their wives to have anything to do with guys from the past. Knowing Cathy and the Spring story first hand, I realize she can appear fixated over the issue, but, he has hurt her so that I fully understand her seemingly single-minded goal to gain some vindication and to punish him. She holds him responsible for so much of the ills that have beset her, including, her cancer and her inability to bear children. As a result, she feels responsible for all the stress and problems that flowed to your marriage as you two have explored all the options to have children, and, of course, the whole surrogate disaster.

My sense is that if Cathy can get Julie, Dave's wife, to see first-hand what a snake and liar that he is, that she will toss him out and he will finally suffer for all his actions. Not that it would change Cathy's situation, but, at least, she would feel that he did not get away scot-free. I know her hatred of him is deep-seated and although this plan may cause short term problems, its success will likely give her closure and allow her to expunge the pain and loathe she carries inside.

My opinion, for what it is worth.

Your friend,
Wayne

16. Needless to say, Mr. Kassenoff had previously told Ms. Kassenoff that her “plan” was insane and responded to Mr. Baker’s email by stating that he most certainly was *not* “going along with” it:¹

From: Kassenoff, Allan (Shld-NY-IP/Tech)
Sent: Wednesday, February 11, 2009 2:34 PM
To: Wayne Baker
Subject: RE: Cathy

Wayne, thanks for the email. First of all, I certainly am not okay with what Catherine is doing. I have told her from the get-go that I do NOT want her doing this as it shows a total and utter disrespect to me. But, her desire to “get” this guy is obviously substantially stronger than her feelings for me. Have you seen the emails that she has been writing as of late? I will cut and paste some from my yahoo account as they are way too explicit for my work email.

In any event, perhaps if Catherine had told me the full story (which she hasn’t) I would understand a bit better. She has not even come close to telling me “he has hurt her.” Moreover, she has never even suggested to me that he is somehow “responsible for so much of the ills that have beset her, including, her cancer and her inability to bear children.” Although I must admit, I don’t even understand how that could be.

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17. Despite this all, the Kassenoffs continued with their adoption plan and on July 15, 2009, Plaintiff A.K. was born in Tampa, Florida and adopted by the Kassenoffs. Approximately one month after A.K. was born, the Kassenoffs received court permission to leave Florida with A.K. and return to New York.

18. Almost immediately after returning to New York, the Kassenoffs hired Kimberly Hull, a live-in nanny, to care for A.K. during the day while both Mr. and Ms. Kassenoff were at work. Shortly thereafter, Mr. Kassenoff came home from work one night and found Ms. Hull crying in the kitchen. When he asked her what was the matter, Ms. Hull informed him that Ms. Kassenoff had instructed her to keep

¹ Despite Mr. Kassenoff’s opposition, Ms. Kassenoff went through with her “sting” operation in order to exact revenge against her former boyfriend. In fact, at some point after 2009, Mr. Kassenoff found a DVD which showed Ms. Kassenoff meeting up with her ex-boyfriend and entering the Bryant Park Hotel together. Then, several years later, in 2018-2019, Mr. Kassenoff found a collection of text messages between Ms. Kassenoff and her ex-boyfriend which confirmed that they had been carrying on a long-term affair throughout the Kassenoff’s marriage.

A.K. up all day (despite only being 4 or 5 weeks old at the time) so that she would sleep through the night. When Ms. Hull informed Ms. Kassenoff that A.K. would always fall asleep during the day despite her best efforts to keep her awake, Ms. Kassenoff instructed her to “drip water on her face” – something she told Ms. Hull she did to A.K. Mr. Kassenoff immediately informed Ms. Hull *not* to drip water on A.K. and just let her nap as much as she needed. Ms. Hull was terrified of Ms. Kassenoff so she asked Mr. Kassenoff to tell this to Ms. Kassenoff (which he did). Ms. Kassenoff’s reaction was extremely hostile and she screamed that Mr. Kassenoff would be the one to get up during the night if A.K. woke up. Mr. Kassenoff readily agreed, explaining to Ms. Kassenoff that “that is what parents of newborns do.”

19. Within months of the Kassenoffs adopting A.K., Ms. Kassenoff demanded to start IVF again. Mr. Kassenoff told Ms. Kassenoff that he thought they should wait to have another child given how bad their marriage had become. But, Ms. Kassenoff responded that she was unwilling to wait and was going to proceed with or without Mr. Kassenoff. (In other words, if Mr. Kassenoff refused to participate, Ms. Kassenoff would be using “donor” sperm.) Accordingly, Mr. Kassenoff felt he had no choice but to proceed with another round of IVF with her. After several more IVF attempts, C.K. was born in February 2011. While Ms. Kassenoff had no problem waking up to nurse C.K. in the middle of the night, she refused to attend to A.K. if she woke up. It was plainly evident that Ms. Kassenoff preferred her biological child to her adopted one.

20. Shortly after C.K. was born, Ms. Kassenoff again demanded that they start another IVF cycle. Thinking he was stuck in the marriage (due to having two extremely young children with Ms. Kassenoff), Mr. Kassenoff relented. After J.K. was born in August 2013, things got even worse for A.K. In addition to the abuse detailed above, Ms. Kassenoff told A.K., when she was only four years old, that she was adopted – without Mr. Kassenoff being present or even consulting with him.

Ms. Kassenoff even told A.K., when she was four or five years old, that she misbehaved “because she was adopted” and that if she didn’t stop such behavior, Ms. Kassenoff would “send her right back to Florida from where we got her.”

Ms. Kassenoff’s Abuse of Both A.K. and Mr. Kassenoff

21. Sadly, Ms. Kassenoff’s abuse of A.K. did not end with her dripping water on the child’s head as an infant or with telling her she would be sent back to Florida. To the contrary, until Mr. Kassenoff filed for divorce in May 2019, Ms. Kassenoff treated A.K. (her adopted child) substantially worse than C.K. and J.K. (her biological children). For example, Ms. Kassenoff would watch tv and sleep in the master bedroom with C.K. and J.K., while A.K. was virtually always excluded. Ms. Kassenoff would then force A.K. to make the master bedroom bed (after Ms. Kassenoff had slept in it with C.K. and J.K.) the following morning. Similarly, Ms. Kassenoff would eat dinner with C.K. and J.K. in the kitchen, while often forcing A.K. to eat dinner alone in her room.

22. During the Kassenoff’s divorce (described in detail below), Ms. Mylene Gry, the Kassenoff’s nanny in 2015-2016, submitted a sworn affidavit (dated June 4, 2019) to the Supreme Court, Westchester County, explaining what she witnessed during her time working for the Kassenoffs:

“5. What I witnessed in my 13-months working for the Kassenoffs has troubled me to this day as I believe Catherine is a mentally ill and abusive person. Her abuse of [A.K.] led me to make a report to CPS about a year-and-a-half ago, but I refused to give my name for fear of retribution. I do not know if CPS made an investigation. While I remain fearful of Catherine, I cannot allow my fear to get in the way of doing what is right for these children.”

(*Allan Kassenoff v. Catherine Kassenoff*, New York State Supreme Court, Westchester County, Index No. 58217/2019, NYSCEF #34).

23. Ms. Gry continued:

“7. I have personally witnessed the following conduct:

- Catherine would often yell at [A.K.] over minor things, and told her things [sic] like ‘this is why you have no friends.’
- While I was employed, I witnessed Catherine punish [A.K.] by removing toys and books from her room. When the parties moved from New Rochelle to Larchmont, I also witnessed Catherine remove [A.K.’s] fancy bed from her room and in her new room only permit her to sleep on a mattress on the floor. . . .
- On one occasion, I witnessed Catherine scream at [A.K.] for almost 10 minutes after she misbehaved—she said things such as ‘you will never have friends,’ and ‘you’ll never succeed in life or get married and have your own kids.’ This was an odd event as Catherine insisted that I stay and watch.
- Catherine refused to allow [A.K.] to have playdates with other kids. Since I picked up [A.K.] from school, I was often asked by other moms to coordinate a playdate – I would always ask Catherine and she would make up excuses. [A.K.] would ask for playdates and Catherine would tell her ‘no one has asked for playdates because you have no friends.’
- Catherine would refuse to allow the children to play with the neighbors, even though they were wonderful people who had kids around [A.K.] and [C.K.’s] ages. When the neighbor’s kids would play outside and invite them, Catherine would refuse because she never wanted the children to interact with other people or kids;
- On most days when Catherine would return [from] work, regardless of what [A.K.] and I were doing, she would insist that [A.K.] go to her room or otherwise do chores. The other children were never asked to do chores.
- When Catherine would return [from] work, I noticed [A.K.] become agitated and scared. As an example, when she would see her car pull up, she

- would stand up if she was relaxing and say ‘mommy, do you need me to do anything?’
- Catherine never allowed [A.K.] to eat the same food as the other kids – [A.K.] was never allowed to have chocolate or treats, or even milk. The other kids were regularly allowed to eat whatever they wanted.
 - Catherine consistently told me that [A.K.] was a ‘liar’ and a ‘bad kid.’
 - One afternoon when the three kids and I were watching TV when Catherine came home, [A.K.] sprung up and sat at attention and asked her mother if she could help do something. The other two kids sat and continued to watch TV as [A.K.] was instructed to do various chores.”

(*Id.*)

24. Finally, Ms. Gry noted that, as a former au-pair from France, she still “continue[s] to monitor the Facebook page of the French au-pairs working in the U.S. In March 2018, [she] took a screen shot of Laura’s (the [Kassenoff’s] au-pair after me) post about Catherine.” (*Id.*) Ms. Gry continued: “While it is in French, the translation is easy:

‘Careful to all au-pairs who are looking for a family, I won’t advise you to work for the Kassenoff family, *the mother is a psychopath* would doesn’t treat her well. They have been kicked out of every agency except ours. I don’t know if with my leaving them, whether they were kicked out of Cultural Care as well.’”

(*Id.* (emphasis added)).

25. In October 2016, the Kassenoffs hired Ms. Celine Dublanquet,² a live-in French au pair, to care for the Children. On March 7, 2020, Ms. Dublanquet submitted a declaration to the first Court-appointed neutral forensic evaluator, as part of the Kassenoff’s divorce, stating in pertinent part as follows:

“[D]ay after day, I noticed how Catherine treated [A.K.]. I was

² Because Ms. Dublanquet is a native French speaker, some of her written English may not be grammatically correct.

truly shocked. I know [A.K.] could lie, and it was a really [sic] problem. But I think, her problem was not treated in the right way. When my friends and my family asked me how things were going, the better way to describe the situation in which I was living was the story of Cinderella. [A.K.] was Cinderella, her two sisters Anastasia and Drizella, and Catherine the horrible stepmother. [C.K.] and [J.K.] were not mean as much as in the Disney story but Catherine controlled their relationship of the three sisters.

Most of the time [A.K.] was ‘stealing’ food in the closet, because she was ANGRY. At the breakfast, or even dinner [A.K.] could not eat as much as she need. She was scared to ask her to have food again, because she knew that Catherine was going to say NO or yell[] at her if she takes more food (it happened at the breakfast). Her sisters could eat whatever they wanted, even other food that Catherine brought home for them. But [A.K.] could not have it. . . . [A.K.] was simply scared of Catherine.

She was also lying because she was scared to say the truth. Every time, Catherine took something from her. [A.K.] was sleeping on a mattress on the FLOOR – she did not have a BED! And her sisters were sleeping in the bed of the mother, [A.K.] was always sleeping apart, she could not watch TV with [C.K.] and [J.K.] at night. She spent most of her time, alone in her bedroom. She only could read (well, before her mother took away her books). Once, she had nothing in her bedroom her dresses were tak[en] away, her books, toys... With months, the situation got worst. Punitions were getting worst. I was so shocked, and I felt so powerless. . . .

I may not remember each punishment but two were really hard for me and for her. While we were taking snacks, Catherine found again that [A.K.] lied, could not say the truth, or Catherine did not even want to hear something ‘she was tired of this’. She put [A.K.] in the basement, [A.K.] wore only a pajama. It was during the winter. And downstairs, it was REALLY cold. I had to take [C.K.] for her French class, when I left, I looked at the door of the basement, Catherine went upstairs with [J.K.] and left [A.K.] alone and in a really cold place. I felt my heart broken and

powerless. When I came back later, I learned she stayed 2 hours. This situation happened twice. Another day, at night, Catherine asked [A.K.] to ‘clean up’ the garden in the dark. It was on very low temperature period. She was also only on a pajama. . . .

[A.K.] always wanted the attention and love from Catherine, she always shared her school but Catherine did not listen to her (Once, in the kitchen [A.K.] was speaking to Catherine, and she told me she did not listen to [A.K.]) – It was always like that. [A.K.] always asked if Catherine wanted some help to do anything, it was a way to show her, she was there, to get attention and love. While her sisters were getting spoiled, [A.K.] was doing everything to ‘exist’ to her mother’s eyes. This situation was really hard to live. . . .

Allan was not here often because of work. At the beginning, our relationship was distant. But then I realize I could entrust him about my feeling. We agreed that Catherine’s behavior was not normal to the girls. Especially towards [A.K.]. . . . But of course, he was nice to [all three girls], and here for them when he was home. About [A.K.], he gave [her] a bit more attention, he was very nice to her. Allan argued often with Catherine. Sometimes she wanted to have his support about [A.K.’s] lies, or sometimes for her, everything he did was wrong. He could be very angry because she really pushed him in his emotions, and she wanted the girls to see how [their] father could be so angry, she did it on purpose, to have the children on her side. . . . But he was never violent with the girls.”

26. Ms. Kassenoff committed other acts of abuse towards A.K. For example, she cut A.K.’s long hair really short as some sort of punishment. In fact, when she did that, Mr. Kassenoff told Ms. Kassenoff that cutting a child’s hair like that was a form of child abuse. Ms. Kassenoff simply ignored Mr. Kassenoff (as she often did). Other examples of Ms. Kassenoff’s abusive behavior included the following despicable acts:

- Ms. Kassenoff would tell A.K. that she was not really part of the family, and allow C.K. and J.K. to tell her that she

wasn't their *real sister* and to treat A.K. like she didn't belong;

- Ms. Kassenoff would often tell A.K. that she would “send her back to Florida,” which is where A.K. was adopted from;
- When A.K. was 7 or 8 years old, Ms. Kassenoff made her wear a diaper to school as a punishment;
- When Mr. Kassenoff traveled for work, Ms. Kassenoff would make A.K. sleep in the basement as a punishment;
- Ms. Kassenoff would often call A.K. “stupid” or “an idiot”;
- Ms. Kassenoff would often wake A.K. up in the middle of the night, demanding that A.K. make her a vodka with grapefruit juice. About a year after Mr. Kassenoff filed for divorce, A.K. told him that Ms. Kassenoff once got so angry at A.K. that she threw the vodka with grapefruit juice at her. The glass shattered and cut A.K.;
- At the same time that A.K. told Mr. Kassenoff that Ms. Kassenoff had thrown the glass at her, she also told her father that Ms. Kassenoff had once pushed her into a radiator, causing burns on her body.

27. Ms. Kassenoff's abuse was not limited to A.K. To the contrary, she constantly berated and abused (mentally and emotionally) Mr. Kassenoff. Ms. Kassenoff's abuse of her husband even got physical on several occasions. In fact, in May 2016, Ms. Kassenoff punched Mr. Kassenoff in the face, leading Mr. Kassenoff to take the following picture of himself the next day:



Mr. Kassenoff's May 2019 Divorce Filing

28. Mr. Kassenoff tried his best to protect A.K. from Ms. Kassenoff's abuse, which is why he hesitated so long to file for divorce. Mr. Kassenoff was concerned that Ms. Kassenoff would get primary custody of the children – given his belief that matrimonial courts typically favor the mother and the fact that he travelled quite a bit for work; thus, filing for divorce would leave Ms. Kassenoff alone with the Children such that she could further abuse A.K.

29. In 2019, however, Mr. Kassenoff became even more concerned as the Children were observing a terrible and toxic marriage that kept getting worse and would likely impact their own future relationships. Accordingly, in early May 2019, Mr. Kassenoff made an appointment for May 17 to consult with Mr. Dimopoulos regarding the possibility of filing for divorce. Although Mr. Kassenoff only intended to discuss the Kassenoff's marriage and his options during the upcoming May 17 meeting with Mr. Dimopoulos, certain events transpired that week that changed the course of the meeting.

30. Specifically, on May 14, Mr. Kassenoff travelled to Huntington, Long Island for a two-day deposition scheduled for May 15-16. About 5 minutes before the 9:00 AM start of the deposition on May 15, Mr. Kassenoff received a text from Ms. Kassenoff stating that "CPS [child protective services] was looking for [him]." When Mr. Kassenoff asked what that was about, Ms. Kassenoff, almost gleefully, told him to call A.K.'s school. Mr. Kassenoff proceeded to call Lauren Scharfstein, the then assistant principal at A.K.'s school, later that day during a break in the deposition. Ms. Scharfstein explained that A.K. had reported that Mr. Kassenoff had kicked her on May 13 – and that while she did not believe the allegation (A.K. had a history of lying at the time), the school was a "mandatory reporter" and, thus, had to report the alleged kick to CPS.

31. Mr. Kassenoff returned home on May 16, after the deposition had ended

and after everyone had gone to sleep. The following morning, Friday May 17, Mr. Kassenoff asked A.K. why she had lied to the school about allegedly being kicked. Ms. Kassenoff immediately intervened and demanded that Mr. Kassenoff cease asking A.K. about the alleged kick. Then, J.K., who was only five years old at the time, walked into the room and claimed that she saw Mr. Kassenoff kick A.K. Shocked to hear two of his three children lying to his face, Mr. Kassenoff left the house to go meet with Mr. Dimopoulos. After the consultation ended, Mr. Kassenoff was still considering whether or not to file for divorce. He was travelling to Korea on Sunday May 19 for work and planned to think about it while away.

32. The following day, Mr. Kassenoff learned that J.K. had told her teacher the prior day that she was scared that her father was going to kill her. Mr. Kassenoff also learned that the teacher had subsequently called the police, who then called CPS. Ms. Kassenoff then obtained an *ex-parte* order of protection against Mr. Kassenoff, based upon Mr. Kassenoff's alleged kick of A.K. At this point, Mr. Kassenoff realized that he had no choice but to file for divorce as Ms. Kassenoff was manipulating the Children against him – with the lies about the alleged kick being just the latest example.³

The Kassenoff's Divorce

33. On May 24, 2019, Mr. Kassenoff filed for divorce from Ms. Kassenoff. (*Allan Kassenoff v. Catherine Kassenoff*, New York State Supreme Court, Westchester County, Index No. 58217/2019 (“Matrimonial Action”), NYSCEF #1). Coincidentally, later that day, Mr. Kassenoff was served with the temporary order

³ Notably, A.K. subsequently told Mr. Kassenoff that she had lied about being kicked because Ms. Kassenoff had told her to do so. Similarly, J.K. said that Ms. Kassenoff told her to lie about seeing the alleged kick. Specifically, J.K. admitted that she did not see Mr. Kassenoff kick A.K. but lied about it due to being too scared of Ms. Kassenoff to disobey. Finally, C.K. also told Mr. Kassenoff that Ms. Kassenoff told her to lie about witnessing the alleged kick. But, C.K. told her father that she did not see any such kick and would not lie about it, despite her mother's demand.

of protection that Ms. Kassenoff had previously obtained, based upon his alleged kick of A.K. Upon being served with that temporary order of protection, Mr. Kassenoff left the marital residence. Since that day, Mr. and Ms. Kassenoff have never resided together again.

34. On June 5, 2019, Mr. Kassenoff filed a motion via an order to show cause, seeking, *inter alia*, temporary sole custody of the Children, dismissal of the temporary order of protection and an order of protection against Ms. Kassenoff. (Matrimonial Action, NYSCEF #3). In support of his motion, Mr. Kassenoff submitted an affidavit detailing just some of Ms. Kassenoff's abusive behavior and included audio and video files demonstrating such abuse. (Matrimonial Action, NYSCEF #5)

35. That same day, Judge David Everett signed Mr. Kassenoff's order to show cause and set a hearing on the motion for June 7, 2019 at 9:30 AM. (Matrimonial Action, NYSCEF #39). On June 10, 2019, after one day of testimony, the Kassenoffs entered into a stipulation regarding interim custody (the "Custody Stipulation"). (Matrimonial Action, NYSCEF #46). Under the terms of that stipulation, the Kassenoffs entered into a "nesting" arrangement with respect to interim custody of the Children. Specifically, the Children would remain in the marital home, with each parent being with them half of the time. Ms. Kassenoff, however, agreed that she would have a previously approved friend or family member supervise her by being "present during all times of her access time with the girls." (*Id.* at 3). In fact, Judge Everett made abundantly clear during a conference that took place nine days after the parties signed the Custody Stipulation that Ms. Kassenoff cannot be around the children without supervision even "for a few minutes":

THE COURT: All right. Since this record will be so-ordered, I just want to make it very clear that, Ms. Most, please be sure to communicate to

each of the people on the risks of supervising visits that *the children are not to be alone in the presence of Mrs. Kassenoff* –

MS. MOST: Okay.

THE COURT: – during the period of time that they are supervising the visits.

MS. MOST: Okay.

MR. DIMOPOULOS: Your Honor, if I –

THE COURT: *For any period of time whatsoever. Yes?*

MR. DIMOPOULOS: If that concludes that part of our discussion, I’d like to just bring up one brief thing just for clarification. Do we need to say anything more –

MS. MOST: Dr. Ravitz.

MR. DIMOPOULOS: Yeah, so we’re transitioning, okay, so we can cut there for –

THE COURT: *Just so it’s clear, when I say any – at any time I mean even for a few minutes. It has to be –*

MS. MOST: I get it.

THE COURT: *It has to be constant.*

(Matrimonial Action, NYSCEF #54 at 17-18 (emphasis added)).

36. Shortly after the Kassenoffs entered into the Custody Stipulation, Mr. Mitchell Lieberman, Ms. Kassenoff’s then lawyer,⁴ proposed Dr. Marc Abrams to be the neutral forensic evaluator. On July 18, 2019, Judge Everett signed an Order appointing Dr. Abrams to “conduct a complete evaluation for forensic purposes of the parties and the child[ren]” and “submit a report to the Court as to the neutral forensic evaluator’s findings relating to the issues set forth in this order and the child[ren]’s emotional, developmental and psychological needs.” (Matrimonial Action, NYSCEF #84 at 2, 5).

37. Dr. Abrams proceeded to spend the next eight months on his

⁴ Over the course of the Kassenoff’s divorce, Ms. Kassenoff retained at least 16 different lawyers, including but not limited to: Katherine Miller, Mitchell Lieberman, Jill Spielberg, Alyson Kuretsky, Peter Nissman, Heather Hart, Lisa Zeiderman, Marcia Kusnetz, Ruchama Cohen, Lisa Vara, John Kornfeld, Eric Saar, Evan Wiederkehr (*two* times), Andrew Frisch, Robert Spolzino and Harold Burke.

investigation, which included interviewing both Mr. and Ms. Kassenoff several times, interviewing the Children, interviewing some of the “collateral” witnesses identified by Mr. or Ms. Kassenoff, and reviewing the submissions made by the Kassenoffs.

38. Dr. Abrams submitted his forensic report to the matrimonial court on March 25, 2020, recommending that Mr. Kassenoff be given sole legal and physical custody of the Children while Ms. Kassenoff should have access to the Children every other weekend and one dinner per week. Dr. Abrams’ forensic report recommended immediate changes to the existing custodial arrangement; therefore, Mr. Kassenoff filed a motion seeking to implement Dr. Abrams’ suggestions within days of Dr. Abrams’ submission.

39. On March 27, 2020, Judge Everett issued an interim order granting Mr. Kassenoff sole legal and physical custody of the Children and directing that all of Ms. Kassenoff’s access with the Children be therapeutically supervised, among other things, and scheduled the matter for another hearing. (Matrimonial Action, NYSCEF #378). After Judge Everett issued his order, Judge Nancy Quinn Koba (who took the case over from Judge Everett) scheduled oral argument on the motion for May 11, 2020. Following extensive oral argument by both sides, on May 12, 2020, Judge Koba ordered a hearing with live testimony to be held later that month. (Matrimonial Action, NYSCEF #448). At Ms. Kassenoff’s request, the hearing was adjourned until July 2020. Despite being labeled a temporary custody hearing, Judge Koba conducted a ten (10) day trial, beginning on July 13, 2020, that included testimony from both of the Kassenoffs, several of their nannies, Dr. Abrams, two of Ms. Kassenoff’s prior therapeutic supervisors, and several expert witnesses retained (and paid for) by Ms. Kassenoff.

40. Despite being permitted access with the Children between the March 27, 2020 interim order and the July 2020 hearing, Ms. Kassenoff did *not* request in-

person access with the Children even once.

41. On August 17, 2020, Judge Koba issued a 46 page Decision and Order (“August 2020 Decision”) which (again) awarded Mr. Kassenoff temporary sole legal and physical custody of the Children, exclusive occupancy of the marital residence, and limited Ms. Kassenoff to only therapeutically supervised in-person visits with the Children for two (2) hours twice per week, and fifteen (15) minutes of therapeutically supervised Zoom calls on the days that she does not have in-person visitation. (Matrimonial Action, NYSCEF #878 at 43-44). The August 2020 Decision also prohibited Ms. Kassenoff from any non-therapeutically supervised access or communications with the Children. (*Id.* at 44).

42. In reaching her decision, Judge Koba relied on the “totality of the evidence and circumstances presented during the hearing,” including but not limited to the forensic report and trial testimony of the Court-appointed neutral forensic therapist, Dr. Abrams. (*Id.* at 29). Amongst Judge Koba’s conclusions were the following:

- “[A]lthough the father needs to improve his efforts to actively foster the relationship between the children and their mother, he has not engaged in an intentional course of conduct to interfere with the children’s relationship with their mother while there is ample evidence of the mother’s deliberate and unrelenting campaign to disrupt the children’s relationship with their father. Since the issuance of the prior custody order, the mother has continued to demean the father in the presence of the children (Exs. 8 [b], [c], [e] & 15 [a]); made statements in front of the children that he does not care about the children and/or is inept or unable to assist them with schoolwork (Exs. 8 [e] & 11 [c]); discussed enrolling the children in camps with them without first discussing it with the father so she ‘can have the recording’ (Ex. 9 [a]); referred to the father by his first name instead of ‘dad’ or ‘father’ when speaking to the children (Ex. 15 [a]);

threatened to call the police in front of the children when the father appeared at the marital residence during her access time to deliver money to [A.K.] after she told [A.K.] she could not participate in a school activity because she did not have any money (Ex. 103); encouraged the children to communicate with her on the Zoom chat function which was not visible to the supervisor (Exs. 9 [c], 10 [b]-[c], 14 [b], 106); implied the father is acting inappropriately in terminating the Zoom visits after they exceeded the court ordered time limit, instructed the children to keep talking despite his request that they end the visit and stated that she ‘doesn’t care what he says’ (Exs. 10 [d]-[h], 11 [b]-[c], 12, 14 [c], [e]); discussed the court proceeding with the children and encouraged them, while speaking on Zoom, to discuss their complaints regarding their father so that the judge would ultimately hear them (Exs. 15 [a], 106, 118); and told the children to ask their father why they have not seen their mother (Ex. 15 [a]-[b]).” (*Id.* at 30-31).

- “[G]iven the mother’s actions over the past year and given her failure to recognize and understand that her actions have been and are deleterious to her children’s psychological health and emotional well-being, the father’s ability to provide for the children’s emotional well-being and development is superior to that of the mother’s at this time.” (*Id.* at 31).
- “A more egregious example of the mother’s poor parenting judgment and inability to provide for the children’s emotional well-being is seen in her actions following receipt of the e-mail from [C.K.] on June 1, 2020, at 9:41 p.m., stating she wanted to disappear or kill herself (Ex. T). The mother admitted she did not immediately notify the father or [C.K.’s] therapist when she received the email The first notice to the father of [C.K.’s] e-mail was via his counsel who had received a copy of a letter the mother’s counsel sent to the Court on June 4, 2020. Contrary to her testimony regarding the lack of immediate concern/urgency regarding the e-mail, the

letter to the Court requested an emergency conference due to the mother's receipt of 'alarming' e-mails and her daughter being in the 'midst of a life-threatening situation' (Ex. 108). Upon learning of the e-mail, the father immediately scheduled a Zoom session between [C.K.] and her therapist, who did not believe [C.K.] was suicidal (Ex. 124). The mother admitted she has access to [C.K.'s] e-mail and deleted the June 1 email. A CPS investigation has apparently been instituted as a result of this e-mail. The most immediate action that would be taken by a concerned parent would be to contact the custodial parent with whom the child is residing to apprise him of the e-mail and permit the parent to personally speak with, observe and help the child. A concerned parent would not keep the custodial parent in the dark about an urgent situation involving their child and delete the e-mail so the custodial parent could not otherwise learn of the urgent situation and would not fail to take any other action to arrange an immediate welfare check on the child. Based upon the mother's reaction to the e-mail and testimony that the situation was not urgent on June 1 when [C.K.'s] e-mail was received because she did not actually state she was going to do something, which suddenly became urgent three days later on June 4 after the mother and her counsel had agreed upon the strategy to send a letter to the Court about the now 'life threatening situation,' the Court can conclude only that the mother either manipulated the child to send the email knowing [C.K.] was not really despondent or suicidal and/or generated it herself. In either event, the e-mail was clearly used by the mother in an effort to gain an advantage in this proceeding" (*Id.* at 33-36).

- "The mother's manipulative conduct demonstrates a deliberate 'placement of her self-interest above the interests of others.' The evidence of false allegations of abuse against the father, i.e., the March Zoom Visit, and the purposeful actions to alienate the children from him is 'so inconsistent with the best interests of the child[ren] that it raises, by itself, a strong probability that the offending

party is unfit to act as a custodial parent.’ There was no evidence presented that the father manipulated the children into making any false claims against the mother.” (*Id.* at 38-39 (citations omitted)).

- “Due to the mother’s treatment of [A.K.], her relationship with her siblings was damaged to the point where [C.K.] and [J.K.] were aligned against [A.K.] and where [C.K.] would tell [A.K.] she is not part of the family. The siblings’ relationship has grown stronger since the father was awarded temporary sole custody in March. Now, they often play together and have ‘sleepovers’ with each other two to three times per week. Moreover, when Dr. Adler visited [C.K.] and [J.K.] at their home on July 7, 2020, she described them as being ‘happy – bouncing around and smiling’ (Ex. 124).” (*Id.* at 39).
- “The Court is concerned the mother will continue her harmful behavior if she has unsupervised visits with the children because she testified multiple times that she does not believe her behavior was inappropriate. Given her lack of insight regarding her actions and how they are detrimental to her children, the Court concludes the best interests of the children require that the mother’s visits with her children continue to be supervised by a therapeutic supervisor who can intervene if the mother begins to engage in harmful behavior and who can assist her in developing the skills to be with her children without damaging their emotional health.” (*Id.* at 42).

43. Judge Koba took all of the evidence presented at the hearing into account in “conclud[ing that] the award of temporary sole legal and physical custody of the children to their father is in their best interests at this time.” (*Id.* at 40).

Therefore, Judge Koba ordered, in pertinent part, as follows:

- a. The father is awarded temporary sole legal and physical custody of the parties’ three children, [A.K.], [C.K.] and [J.K.];
- b. The father is awarded final decision-making authority for

- all major issues concerning the parties' three children;
- c. Before exercising his decision-making authority, the father shall first consult with the mother regarding all major issues involving their children;
- d. The father is awarded exclusive use and occupancy of the marital residence located at 161 Beach Ave, Larchmont, New York;
- e. The mother shall have only therapeutically supervised visits with the children on Wednesdays from 5:30 p.m. to 7:30 p.m. and Saturdays from 11:00 a.m. to 1:00 p.m. If a supervisor is not available on said days and at said times, then the mother shall have visits with the children two days per week for two-hour durations on days and at times agreed to by the parties and the supervisor;
- f. On days the mother does not have in person visits with the children, she shall have a 15-minute Zoom visit with the children at 12:30 p.m., which shall be supervised by a therapeutic supervisor and which shall not include the use of any chat, e-mail or instant message feature of the Zoom program. If a supervisor is not available at that time, then the mother shall have the Zoom visit at a time agreed to by the parties and the supervisor;
- g. Other than the supervised visits, the mother shall not communicate with or have any other contact with the children, including, but not limited to, via phone, mail, e-mail, text, online chats while playing video games, or other electronic means;
- h. The supervisors shall be appointed on the recommendation of the attorney for the children, Carol Most, Esq., and shall be paid for by the mother”

(*Id.* at 43-44).

44. Although the specific details are beyond the scope of the instant Complaint, Ms. Kassenoff violated countless court orders and committed illegal acts during the pendency of the divorce, including for example: (i) stalking the Children in violation of the August 2020 Decision (leading to the Children obtaining an order of protection); (ii) making defamatory Facebook posts about Mr. Kassenoff in

violation of a court order; (iii) doctoring an email that Mr. Kassenoff had sent to A.K.'s therapist; (iv) liquidating over \$200,000 from retirement accounts in violation of the Court-ordered automatic stay; (v) *twice* cashing a check that Mr. Kassenoff had sent her by changing the date on the check; and (vi) making seven or eight baseless reports to CPS about Mr. Kassenoff, each of which resulted in a finding of "unfounded" (meaning CPS concluded there was no evidence of abuse).

45. In fact, Judge Koba recognized during a June 2, 2021 hearing that Ms. Kassenoff frequently violated court orders:

THE COURT: So Ms. Kassenoff, this is the issue: I told this to you before, and I wrote it in my decision, and I have observed it. And what we have seen here is you're not supposed to communicate with the girls unsupervised. In my order that was very clear. And you have done that. You were not supposed to leave the house during transitions, drop-offs and pickups.

MS. KASSENOFF: It's all my fault, Judge.

THE COURT: I'm not saying it's your fault. *Either there is an underlying issue, or you're just blatantly disregarding the Court order.*

MS. KASSENOFF: Judge, I'm trying so hard.

THE COURT: I don't believe you are blatantly disobeying the Court orders. *But there has been evidence in Court conferences of you not following my orders.*

(Matrimonial Action, June 2, 2021 Hearing Tr. at 65-66 (emphasis added)).

46. And, during that same conference, Judge Koba explained that mental illness was causing so many of Ms. Kassenoff's problems: "the Court made findings a year ago after a ten-day hearing, and the Court believes, based upon the evidence deduced during that hearing, that *Ms. Kassenoff does have a mental illness that's impacting her interactions with the children*, okay. And I understand the children

are reacting to that.” (*Id.* at 60 (emphasis added)).

47. Similarly, Judge Lewis Lubell (who briefly presided over limited issues concerning Ms. Kassenoff’s violations of various court orders while the matter was being reassigned to another judge following Judge Koba’s exit from the matrimonial part) repeatedly noted at a September 15, 2021 conference that Ms. Kassenoff violated court orders:

“Ms. Kassenoff was aware of the circumstances. She violated orders. The reason for this conference was because of her violations [B]ased on e-mails that I have seen from Mrs. Kassenoff’s e-mail address, one, to Mr. Dimopoulos, two, to Ms. Most, three, to the therapists, since Thursday after my admonishment or admonition, she knowingly, willfully, and purposefully violated my direct orders of this court”

* * *

“You, you, and only you directly, knowingly, and willfully violated court orders. I am making that finding.”

* * *

“[I]t appears to me, Ms. Kassenoff, that you do not care to abide by orders. . . . It appears to me, absent some proof to the contrary, that you think that you can just do whatever you want in the face of court orders.”

(Matrimonial Action, September 15, 2021 Hearing Tr. at 23-24, 26, 38, 49-50).

48. Judge Lubell also advised Ms. Kassenoff to “get help” and to “look inside” rather than blaming everyone else for her predicament:

“You know what, sometimes you ought to look within before you cast dispersion. . . . I strongly suggest not only do you get an attorney but I suggest you get help. . . . And maybe, Mrs. Kassenoff, instead of asking everybody else to do things for you, maybe you ought to look inside and start doing things for yourself and get yourself some help.”

(*Id.* at 34, 48, 50).

49. Rather than “get[ting] help” or “look[ing] inside,” Ms. Kassenoff opted

to blame everyone whom (she believed) contributed to her loss of custody, including Judge Koba, Judge Lubell, Carol Most (the attorney who had been representing the Children in the Matrimonial Action), Dr. Carolyn McGuffog (A.K.'s therapist), Dr. Susan Adler (C.K.'s and J.K.'s therapist) and Dr. Abrams (the original Court-appointed neutral forensic therapist). Specifically, Ms. Kassenoff has filed (i) judicial complaints against both Judge Koba and Judge Lubell; (ii) two complaints against Ms. Most with the Appellate Division, Second Judicial Department's Office of Attorneys for Children; (iii) complaints against Dr. Abrams with the Mental Health Professionals Certification Committee as well as with the NYS Office of Professional Discipline; (iv) a complaint against Dr. McGuffog with the New York State Board of Education; (v) a lawsuit against Dr. Adler in the Supreme Court of Westchester County (Index Number 67296/2021); (vi) a lawsuit against Mr. Kassenoff and Mr. Dimopoulos in the Supreme Court of Kings County (Index Number 522543/2020); (vii) a lawsuit against Mr. Kassenoff and Mr. Dimopoulos in the United States District Court for the Southern District of New York (Civ. Action No. 7:22-cv-02162-KMK); (viii) a lawsuit against Mr. Kassenoff and Mr. Dimopoulos in the Supreme Court of New York County (Index Number 150761/2023); and (ix) two grievances against Mr. Kassenoff with the Attorney Grievance Committee of the First Judicial Department.

50. Like Judge Lubell, Mr. Kassenoff begged Ms. Kassenoff to get help so that she could have a meaningful relationship with the Children. But she steadfastly refused to do so, believing that there was nothing wrong with her and that it was everyone else's fault that she was only permitted to see the Children with a therapeutic supervisor in place. Mr. Kassenoff even asked Ms. Kassenoff's mother and one of her brothers to speak to Ms. Kassenoff about getting the help that she so desperately needed. But they refused to get involved, which was not surprising given the fact that Ms. Kassenoff barely had a relationship with her mother and had

long since been estranged from her two brothers. In fact, on March 2, 2016, one of Ms. Kassenoff's brothers, Jaime Youssef, told Ms. Kassenoff that "it is clear that you are bipolar and you need professional help," to which Ms. Kassenoff responded that if he didn't "[s]top contacting" her, she "will involve the police":

----- Forwarded Message -----

From: catherine kassenoff <ckassenoff@yahoo.com>
To: Jamie Youssef <ramzey9@yahoo.com>; Heather Youssef <heatyoussef@comcast.net>
Cc: Catherine Kassenoff <ckassenoff@yahoo.com>
Sent: Wednesday, March 2, 2016 2:54 PM
Subject: Re: Fw: Trip to Texas

Stop contacting me or my children. I will show your texts to your children and nieces if they ask me what happened here.
I want nothing more to do with you. You are pathetic and angry. You should seek medical help and anger management counseling. I feel terrible for your kids and wife. **If you contact me again, I will involve the police.**

From: Jamie Youssef <ramzey9@yahoo.com>
To: "ckassenoff@yahoo.com" <ckassenoff@yahoo.com>; Heather Youssef <heatyoussef@comcast.net>
Sent: Wednesday, March 2, 2016 2:45 PM
Subject: RE: Fw: Trip to Texas

Cathy.....it is clear that you are bipolar and you need professional help. You need to get it for the sake of your children. I am not mad, I just want you to get better. Until you get help, a relationship with you is impossible. I am not wasting anymore of our time.

51. Ms. Kassenoff's troubling behavior in the divorce was not limited to ignoring court orders. In fact, Ms. Kassenoff even sent threatening emails to Court Attorney Referee Irene Ratner – a Court official with 44 years of experience – leading Referee Ratner to file a grievance against Ms. Kassenoff on May 23, 2023, despite knowing Ms. Kassenoff's history of attacking anyone and everyone that she believed had gone against her. According to Referee Ratner:

"During the two year period during which I was assigned to the Kassenoff divorce to assist Judge Koba, I received several emails from Ms. Kassenoff which I considered threatening. . . . I became very frightened at the threat and content contained in Ms. Kassenoff's email and became very concerned for my safety. I

was so concerned for my safety that I felt compelled to file a police report It is to be noted that my husband was also so concerned for my safety that he accompanied me to the police station to file the report. As Ms. Kassenoff has been seen in the Courthouse, I am now afraid to be in any unsecured part of the Courthouse where I work, or to be outside alone. . . .

During my 44 years in the NYS Court System, I have been a Court Attorney Referee, County Court Judge and Family Court Judge. I have never before experienced the kind of conduct exhibited by Catherine Kassenoff nor the threats she has directed at me. In my opinion, this conduct by Ms. Kassenoff is sanctionable. While I am aware that Ms. Kassenoff has made numerous complaints against all the judges and attorneys who were involved in Kassenoff v. Kassenoff, and she has filed numerous baseless lawsuits against virtually everyone involved in this matter, most of which have been dismissed, I wonder why no one has made any attempt to stop her.

I hesitated before filing this complaint as I am quite aware that as a result of this complaint to the Attorney Grievance Committee, Ms. Kassenoff in all likelihood will file not only a complaint against me with the Grievance Committee, but will also concoct a frivolous lawsuit to file against me. That has been her pattern throughout this entire matter. However, I refuse to remain silent and permit her to continue her campaign of intimidation and ‘terror’.

Notwithstanding the likelihood of her retaliation against me for filing this complaint, I cannot remain silent. For the first time in 44 years, she has caused me to fear for my safety from an attorney or litigant. Her conduct as an attorney in this matter, in which she has represented herself at various times during the long and tortuous divorce proceeding, and her attacks on every professional who has ever been involved in this matter who has not agreed with her nor done what she wants, have been relentless. Her campaign to harm anyone she perceives as not being ‘on her side’ must be stopped. She gives all attorneys a bad name.”

Judge Susan Capeci

52. In January 2022, Ms. Kassenoff was arrested for violating the most recent order of protection entered against her. The arrest was ultimately dismissed as Ms. Kassenoff had effectively evaded service of that order. Because of the arrest, however, the Kassenoff's divorce was transferred to Judge Susan Capeci of the IDV Part, Supreme Court, Westchester County in February 2022.

53. On March 14, 2022, Judge Capeci appointed Ms. Jennifer Culley to therapeutically supervise Ms. Kassenoff's visits with the Children. (Matrimonial Action, NYSCEF #2154). Although Ms. Culley would periodically submit reports to the Court indicating that the Children's visits with Ms. Kassenoff were overwhelmingly positive, the Children reported to their attorney, their nanny and Mr. Kassenoff to the contrary. Accordingly, due to these conflicting reports, on May 6, 2022, Judge Capeci appointed Dr. Kathleen E. McKay to conduct an "UPDATED neutral forensic evaluation," the cost of which would be paid "50% by the father and 50% by the mother." (Matrimonial Action, NYSCEF #2295).⁵

54. Dr. McKay spent approximately one year on her evaluation and, on May 2, 2023, submitted her forensic report (which was over 100 single spaced pages) to the Court. Dr. McKay's report was very alarming, as she concluded, *inter alia*, that Ms. Kassenoff posed a risk/was dangerous to both Mr. Kassenoff and the Children; Ms. Kassenoff needed to be therapeutically supervised whenever she was around the Children; Ms. Culley should be removed; and Ms. Kassenoff's goal was

⁵ Although Ms. Kassenoff frequently told her Facebook followers that she was broke and could not afford to pay for a lawyer, Mr. Kassenoff gave her approximately \$900,000 over the course of the divorce in addition to him paying for all of the Children's expenses. (Matrimonial Action, NYSCEF #518 (awarding Ms. Kassenoff \$100,000 in interim legal fees); NYSCEF #2200 (awarding Ms. Kassenoff \$150,000 in interim legal fees *and* 50% of Mr. Kassenoff's E*TRADE account, valued at \$671,000 at the time); NYSCEF #3021 (awarding Ms. Kassenoff \$300,000 in interim legal fees)). On top of that, Ms. Kassenoff received approximately \$330,000 from the September 11th Victim Compensation Fund in 2022.

to “annihilate” Mr. Kassenoff.

55. On May 4, 2023 – two days after Dr. McKay submitted her forensic report – Judge Capeci entered a *sua sponte* Order that “[a]ll visitation between the parties’ children . . . and the defendant mother is suspended until further Order of the Court.” (Matrimonial Action, NYSCEF #3104). During a hearing shortly after the Court issued the May 4, 2023 Order, Judge Capeci explained that she was not terminating Ms. Kassenoff’s access to the Children. Rather, she was only suspending access until a new supervisor could be put into place.

56. Although Mr. Dimopoulos suggested several replacement supervisors in open court, Ms. Kassenoff refused to consider anyone other than Ms. Culley, in essence, waiving her right to see the Children.

57. Despite the Court’s temporary suspension of all visits between Ms. Kassenoff and the Children, Ms. Kassenoff requested a visit on Mother’s Day. Mr. Kassenoff consented to the visit and the Court entered an Order on May 12, 2023, providing that Ms. Kassenoff “shall have visitation for the Mother’s Day holiday on Sunday, May 14, 2023, with the parties’ three children . . . in the presence of the children’s maternal grandmother . . . commencing at 9 a.m. . . . The mother and maternal grandmother shall pick-up and drop-off the children for the visit at the former marital home, curbside.” (Matrimonial Action, NYSCEF #3110). Although Mr. Kassenoff had the Children ready for the visit at 9 AM on Mother’s Day, Ms. Kassenoff never showed up. She also failed to call, email or text Mr. Kassenoff (or anyone else for that matter) to explain that she was not going to attend the visit with the Children. The Children never saw Ms. Kassenoff again.

Ms. Kassenoff’s May 27, 2023 Suicide Post On Facebook

58. After years of trying (unsuccessfully) to destroy Mr. Kassenoff throughout the divorce proceedings, on May 27, 2023, Ms. Kassenoff did the unthinkable in an effort to finally achieve her goal, which, in the words of Dr.

McKay, was to “annihilate” Mr. Kassenoff. Specifically, on May 27, Ms. Kassenoff publicly posted on Facebook that she is “writing [her] last post ever [as she] will be ending [her] own life” via medically assisted suicide in Switzerland.⁶ Ms. Kassenoff continued, blaming Mr. Kassenoff and the matrimonial court for all of her problems and (falsely) claiming to be a victim of domestic violence – a claim she repeatedly made throughout the divorce and which was properly rejected each and every time.

According to Ms. Kassenoff:

“I can no longer endure the abuse and terror of Allan Kassenoff, who has spent the last 4 years mercilessly trying to incarcerate me on false charges Perhaps if I had the physical endurance to keep going, I would. But with a new, terminal health issue that will soon be severely limiting my physical strength as well, and with no protection from our courts, I cannot keep running from Allan. I was recently diagnosed with a virulent and life-ending cancer

[Mr. Kassenoff] erased every element of [the Children’s] being that had anything to do with me: French, Christianity, tennis, e.g. They have learned to identify with him, in order to survive. So, they now declare how they “hate Christmas” and they call me “Catherine” instead of “mom.” For him. In the end, they must reject me. For him. I can see the pain on their little faces when they have to manage the unspeakable conflict that only my oldest seems strong enough to manage and fight through to see me. It is a look that has haunted me for a long time. I don’t want to see it anymore. I just want their and my pain to end. . . .

My girls deserve so much better than the life they were given by their father and the court system that was supposed to – and miserably failed to – protect them and me. The court system favors the monied party and, if that party happens to be an angry

⁶ At some point on either June 8 or 9, 2023, Ms. Kassenoff’s Facebook account was either removed or made private. However, Ms. Kassenoff’s “suicide” post is still available all over the Internet, including for example, at <https://custodypeace.medium.com/i-ask-that-you-please-keep-telling-my-story-so-that-the-truth-is-known-far-and-wide-a-final-plea-977df260097d>.

litigator, God help the other parent. I was a good and loving mom who sacrificed my own career trajectory to have children, whom I finally conceived after many years of fertility treatments. I did not abuse alcohol, children or drugs. I never had so much as a brush with the law (until Allan tried to have me arrested). I put my kids before everything in life. I did not lose my entire life to a fair and just process. I exposed both a corrupt forensic evaluator named Marc Abrams and a corrupt attorney for the children, Carol Most, both of whom were removed in disgrace from my case. But the system did not fix what it broke after that came to light. It turned my custody battle into a money-making churn.”

59. Ms. Kassenoff also explained in her “suicide” post that all of the “documents from the divorce case etc.” are in the possession of Mr. Wayne Baker and suggested that the public “[r]each out to him”:

“My primary contact is Wayne Baker (federallitigator@gmail.com), should you have anything to share with him and who has all my documents from the divorce case etc. Please don’t let my demise be in vain. Reach out to him to organize yourselves, use the facts of my case (which Wayne also has access to), and make change. Don’t let our children grow up to re-experience this trauma as adults.”

60. Lastly, Ms. Kassenoff included a *public* Dropbox link, which included the Children’s mental health records, a small sampling of the 3,137 filings in the Matrimonial Action as of that date, many (but not all) of the court hearing transcripts and some very old videos depicting Mr. Kassenoff and the Children, amongst other things. Ms. Kassenoff’s post continued:

“All of my materials in support of what I write above are available at this link, which I urge you to share everywhere before Allan finds a way to shut down this Facebook page. Please don’t let the world or my children forget the real Allan who is on the dozens of videos I have posted here on Facebook – please preserve them for my children when they are ready to remember and learn the truth about him. Please stand up against

abusers like this who enjoy tormenting others.”

61. Like so many of her filings, statements and Facebook posts throughout the divorce proceeding, Ms. Kassenoff’s suicide post was replete with lies, including her allegation that she “was recently diagnosed with a virulent and life-ending cancer.” To wit, on July 14, 2023, Mr. Kassenoff spoke to Ms. Kassenoff’s oncologist, Dr. Devika Gajria of Memorial Sloan Kettering Cancer Center, who confirmed that Ms. Kassenoff did *not* have cancer (let alone terminal cancer) when she had her most recent annual appointment in November 2022.

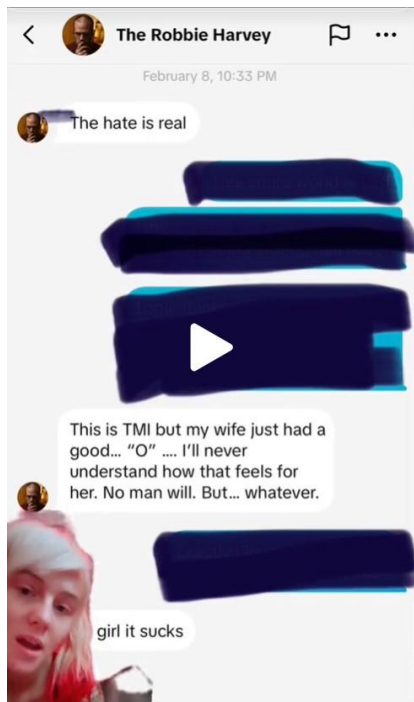
62. Upon information and belief, prior to making her final Facebook post, Ms. Kassenoff reached out to Defendant Harvey in order to conspire with him to finally fulfill her goal of “annihilat[ing]” Mr. Kassenoff. Upon information and belief, Ms. Kassenoff and Defendant Harvey concocted the lie that Ms. Kassenoff had been recently diagnosed with terminal cancer in order to make Ms. Kassenoff’s “story” more appealing and sympathetic to the public. In fact, given that Harvey has created and posted several videos on TikTok about his own wife and mother purportedly suffering from cancer, it is not all that surprising that Ms. Kassenoff’s final Facebook post included a lie about suffering from “life-ending cancer.”

Robert Harvey

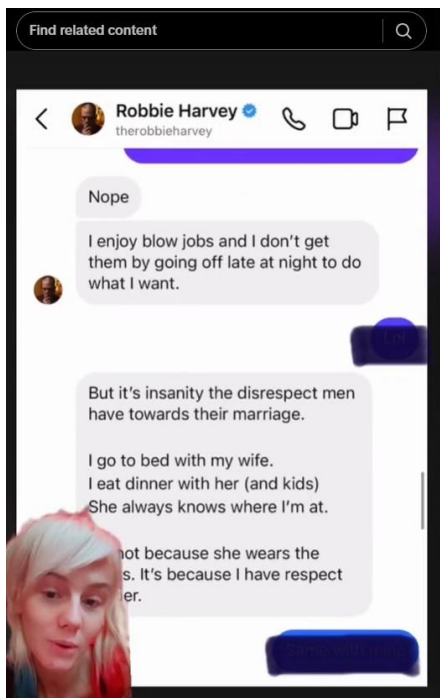
63. Defendant Robert Harvey, a social media influencer with millions of followers, claims to be a “former” narcissist who treated his wife very poorly for years but has somehow “cured” himself and now claims to be the “voice for women.” In fact, Harvey has described himself on his TikTok profile (@therobbieharvey) as “Amplifying Women’s Voices; I Used To Suck As A Husband” and as being “recognized as a voice for women all over [the world].”⁷ In reality, however, Harvey simply preys on women and their past trauma. To wit, at least two women – including “Kasey” – have recently come forward and described and/or released

⁷ <https://www.tiktok.com/@thatgirlbombspop/video/7252095131174685995>.

extremely inappropriate direct messages (“DMs”) that Harvey has sent them over TikTok, including the following screenshots, whereby Harvey sought to sexually exploit them and even try to “meet up” in person:

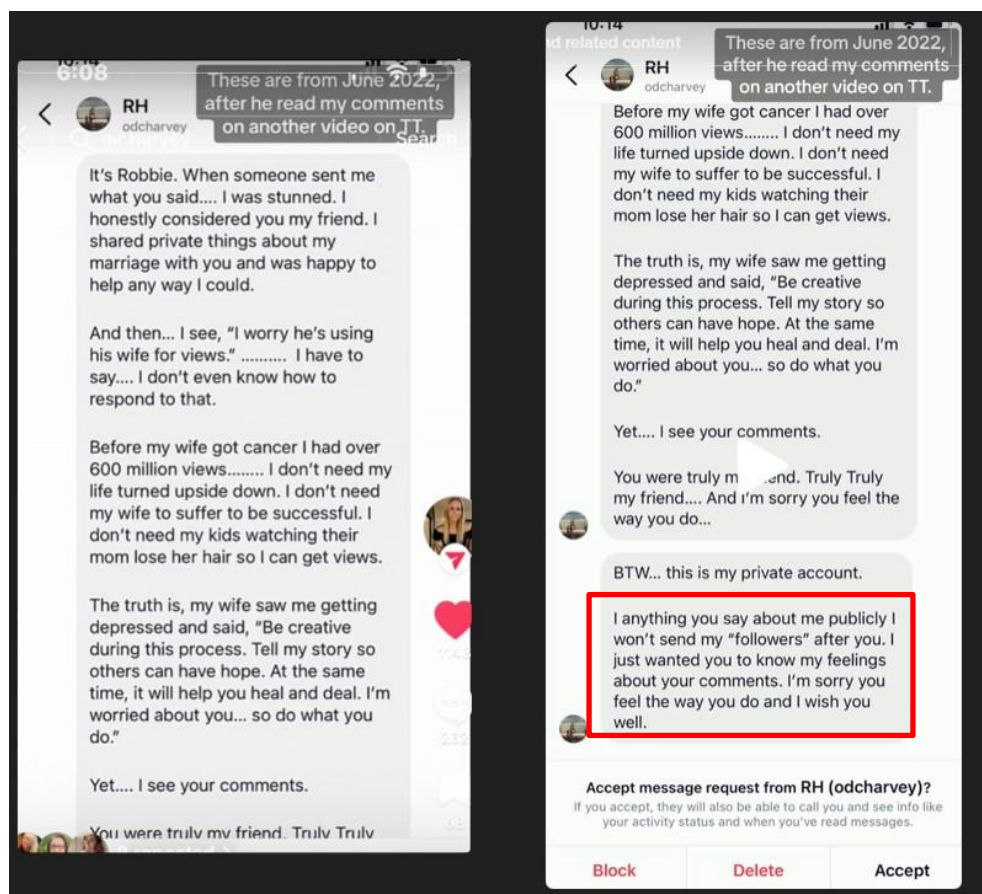


<https://www.tiktok.com/@thatgirlbombpop/video/7253111542021950762;>
[https://www.tiktok.com/@thatgirlbombpop/video/7253126259482447146.](https://www.tiktok.com/@thatgirlbombpop/video/7253126259482447146)



<https://www.tiktok.com/@thatgirlbombpop/video/7253126259482447146>;
<https://www.tiktok.com/@thatgirlbombpop/video/7253149406483189038>.

64. Perhaps even worse than sending such inappropriate DMs to these vulnerable women, Harvey is not shy about sending his 3,000,000+ followers to attack anyone he so desires. In fact, after “Kasey” released Harvey’s inappropriate DMs, he first publicly denied even knowing her. Then, despite such public denial, Harvey sent “Kasey” a DM from his “private account” claiming that he “considered [her to be a] friend” and not to worry as he “won’t send [his] ‘followers’ after [her]” – in effect, conceding that he typically does just that when he wants to publicly “cancel” (i.e., destroy) someone (as he did to Mr. Kassenoff):



<https://www.tiktok.com/@thatgirlbombpop/video/7253250324704562478>.

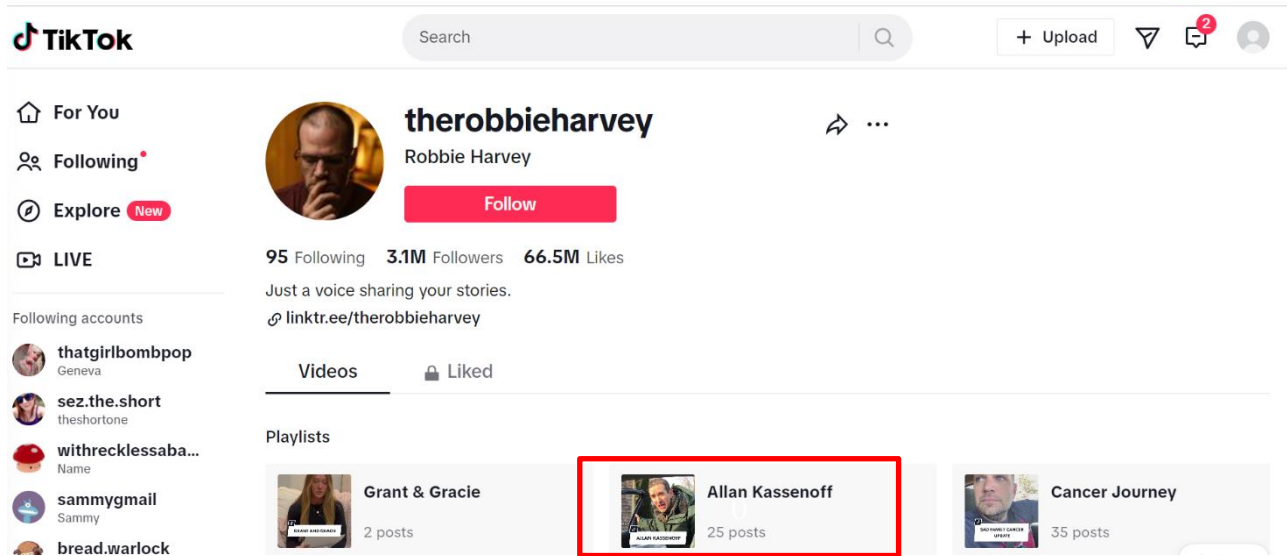
65. Moreover, as Harvey has admitted in a since deleted video apologizing for demeaning women by accusing them of “lowering [their] standards,” social media is his “full time job” and he does it *for profit*.⁸ Specifically, Harvey rhetorically asked: “Do I profit off of my videos? *The answer is yes.*” If that were not clear enough, Harvey continued, explaining as follows: “My [TikTok] channel has become my passion and I hope that I can continue it to be my passion *and make money.*” After comically comparing himself to doctors, police officers, EMTs and firefighters – who have “all made a lot of money off of [Harvey] using those services” – Harvey stood up and turned off a light and said “I still have to pay for

⁸ Although Harvey has deleted his “apology” video, many people on TikTok have saved the video in order to comment on it. One such example can be found at: <https://www.tiktok.com/@thatgirlbombpop/video/7251496336942746926>.

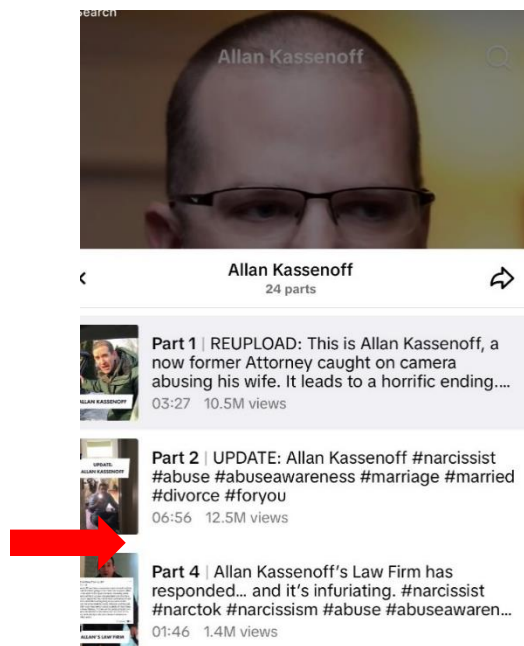
that bill so that my children can have lights and air conditioning.” Upon information and belief, Harvey thinks he is somehow justified in harassing and defaming Mr. Kassenoff and Mr. Dimopoulos (and others) so that he can make money to “pay” his bills.

66. With this backdrop, shortly after Ms. Kassenoff made her May 27, 2023 suicide post on Facebook, Harvey created and uploaded (i.e., “published”) his *first* video attacking Mr. Kassenoff. Upon information and belief, Harvey uploaded that video to TikTok on May 31, 2023. Although that video was subsequently removed (presumably by Harvey or by TikTok), Harvey reuploaded it on June 13, 2023.⁹ That video, however, was only the first of many videos created and uploaded by Harvey regarding Mr. Kassenoff. In fact, since Ms. Kassenoff’s May 27, 2023 suicide post on Facebook, Harvey has created and uploaded approximately 40 videos about Mr. Kassenoff and/or the Kassenoff “story” to TikTok alone (collectively with all of the other videos created and uploaded by Harvey on any social media platform, the “Harvey Videos” and individually as a “Harvey Video”). In fact, as shown in the image below taken from Harvey’s TikTok page, Harvey has even created a “playlist” entitled “Allan Kassenoff.”

⁹ The original version of Harvey’s first video depicts the Children’s faces several times; the reuploaded version only once. Needless to say, millions of people have seen the original version of the video.



67. Although the Allan Kassenoff “playlist” purported to have “25 posts” (i.e., videos), it only included 24 videos. Upon information and belief, Part 3 was a video of Harvey demanding that his 3,000,000+ followers “attack” Greenberg Traurig in an effort to get Mr. Kassenoff fired. Harvey presumably deleted that video out of fear of a lawsuit being filed against him by Mr. Kassenoff.



68. Harvey’s course of conduct towards Mr. Kassenoff and Mr. Dimopoulos has been willful, malicious and harassing. In total, *just on TikTok*, the Harvey Videos have been viewed over 39,000,000 times, “liked” nearly 5,000,000 times and generated over 150,000 comments.¹⁰ Moreover, Harvey’s videos have defamed Mr. Kassenoff, caused Mr. Kassenoff to lose his job and caused emotional distress to all of the Plaintiffs.

Robert Harvey’s Slanderous and Malicious Smear Campaign on Social Media

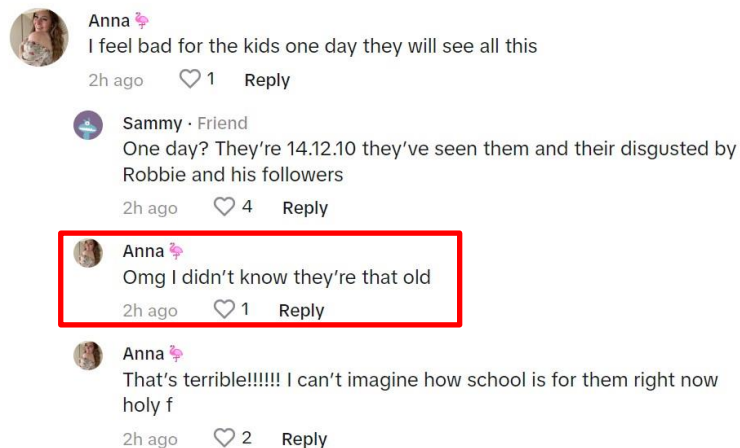
69. Harvey, the former Media Director at Levin Papantonio Rafferty, a Pensacola-based personal injury law firm, from 2007-2010, creates videos for social media that typically utilize soft lighting, somber music and facial expressions/head movements (to convey what he wants) while he speaks with a certain cadence – all designed to draw his audience in and manipulate them. Harvey employed each of these tactics in the Harvey Videos, whereby he depicted Mr. Kassenoff as an abusive spouse and father who took advantage of the corrupt Westchester County matrimonial court system in order to “play” to his mostly female audience (many of whom have experienced domestic violence and abuse in the past)¹¹ – all to make money for himself and gain social media “clout.”¹²

¹⁰ These figures do not even include the countless times that other people have “dueted” or “stitched” the Harvey Videos on their own pages, each of which includes the Harvey Video content.

¹¹ In fact, Harvey has virtually admitted as much in one of the Harvey Videos: “I have 3,000,000 followers on TikTok. I have almost 4,000,000 total on all my platforms. And 80% of them are women. And I get thousands of messages a day saying that Catherine, that is my story.” (<https://www.tiktok.com/@therobbieharvey/video/7244945355274751278>).

¹² “What does Clout mean on social media? Clout is often associated with individuals who have a large number of followers, receive high levels of engagement (such as likes, comments, and shares) on their posts, and are considered influential within their respective fields. . . . Gaining clout is often seen as desirable for individuals aspiring to build a personal brand or pursue opportunities within the digital realm. However, the pursuit of clout can also lead to performative behaviour [sic], seeking attention for attention's sake, or engaging in activities solely to increase one's online visibility.” (<https://later.com/social-media-glossary/clout/>).

70. At the time that Harvey began uploading the Harvey Videos, he knew or should have known that the videos that Ms. Kassenoff had included in her public Dropbox link – which Harvey spliced, while failing to provide any context whatsoever, for use in his Harvey Videos – were from several years prior to the May 2019 divorce filing. Harvey wanted his followers to believe that the video clips he included were recent in order to generate a stronger reaction, leading to more views, likes and comments – and, thus, more money for himself. And, most of his followers, who appear to be cultlike devotees of Harvey, did believe him. For example, “Anna” was shocked that the Children were 14, 12 and 10 – as they appear as little kids in the video clips Harvey repeatedly included in the Harvey Videos:



<https://www.tiktok.com/@thatgirlbombpop/video/7267209288786152750>.

71. The first Harvey Video starts with a short clip of Mr. Kassenoff losing his temper from about 6 years ago, with Harvey stating that “[i]n bed is his wife Catherine. She had just had surgery from breast cancer a couple of days prior.”¹³ Harvey then continues: “[r]ecently Catherine [Kassenoff] was diagnosed with more cancer. This time it was terminal.” Harvey then shows another clip of Mr. Kassenoff – also from many years ago – in order to create the false impression that this clip took place following Ms. Kassenoff’s “recent[.]” purported terminal cancer

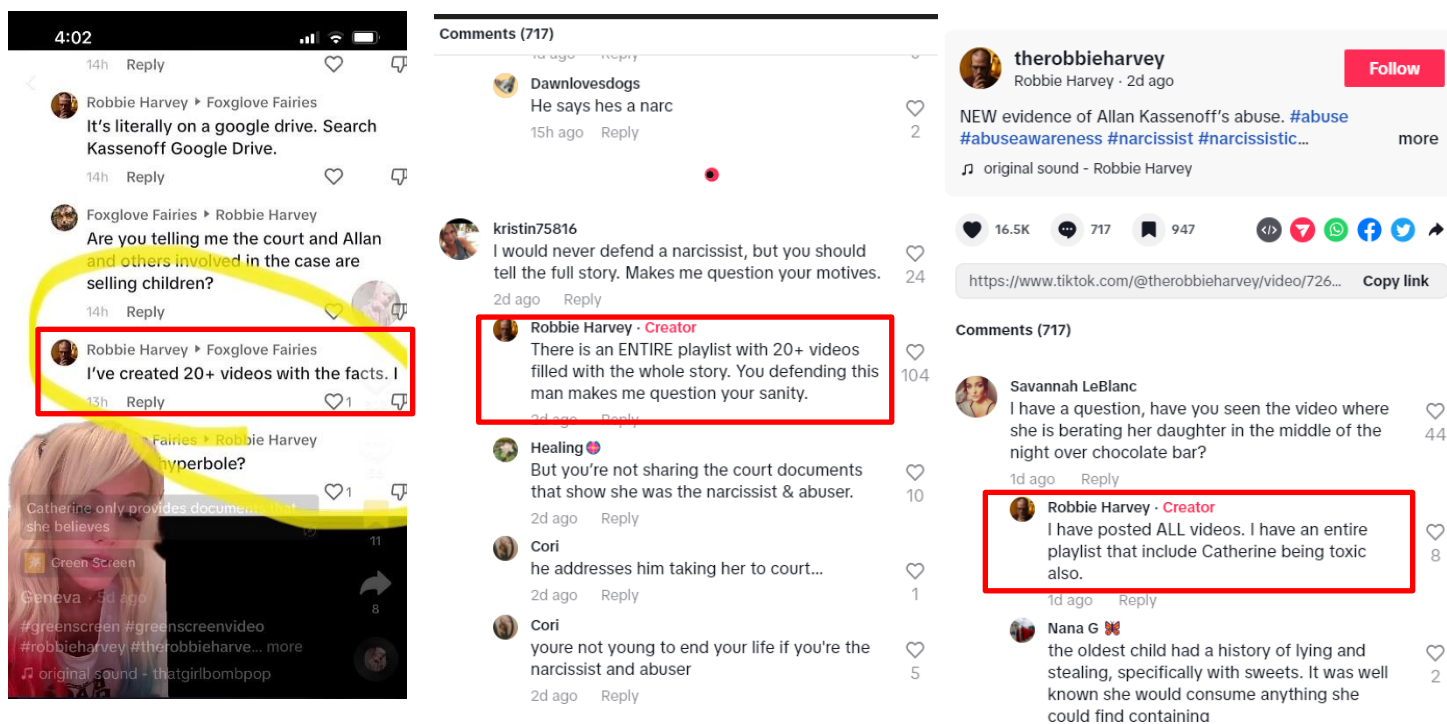
¹³ <https://www.tiktok.com/@therobbieharvey/video/7244242761468103978>.

diagnosis. Aside from the fact that Ms. Kassenoff lied about having terminal cancer, the Kassenoffs have not lived together since May 2019, meaning Harvey’s narrative was obviously false and an impossibility. Harvey then proceeds to state that “[d]espite this evidence, Allan had Catherine arrested in 2022. Catherine fought the false allegations and they dropped everything that she was charged with.” But, Mr. Kassenoff has no ability to have anyone arrested. Moreover, the only reason the charges were dropped was because Ms. Kassenoff had effectively evaded service of the order of protection.

72. Harvey recycles the same few clips of Mr. Kassenoff in virtually all of the Harvey Videos. Tellingly, Harvey does *not* show Ms. Kassenoff’s behavior that precipitated Mr. Kassenoff’s reaction; nor does he explain the years of abuse that Mr. Kassenoff (and A.K.) were subject to at the hands of Ms. Kassenoff. When one of his followers asked Harvey why he keeps showing the same few clips over and over, he responded that it is for his “new” viewers. In reality, however, it is because only a few short videos – totaling a few minutes at best – exist of such behavior and all of them are least six years old.¹⁴ Moreover, in each of those clips, Ms. Kassenoff is seen riling up Mr. Kassenoff while failing to assist him in parenting of the Children. Even worse, when Mr. Kassenoff would try to escape from the situation, Ms. Kassenoff would follow him around – iPhone in hand recording – and further antagonize him in order to gather more “evidence.” As shown in many of the Harvey Videos, Ms. Kassenoff even went so far as to record Mr. Kassenoff exiting the shower.

¹⁴ Tellingly, the judges in the Matrimonial Action as well as both Court-appointed neutral forensics have seen and considered all of these clips and still awarded Mr. Kassenoff sole custody of the Children in light of Ms. Kassenoff’s abusive and manipulative behavior towards the Children.

73. Before identifying Harvey's false, defamatory and misleading statements, it is important to note that Harvey has falsely told his 3,000,000+ followers that (i) he has "do[ne] his due diligence on the facts,"¹⁵ (ii) everything he has said in the Harvey Videos is "fact[.]," (iii) his videos tell the "whole story" and (iv) he has "posted ALL videos [including the ones with] Catherine being toxic." As will be demonstrated below, each of these statements is a lie.



<https://www.tiktok.com/@therobbieharvey/video/7261752792069557546>.

74. Harvey's false, defamatory and misleading statements in the Harvey Videos (including in his own comments to these videos) are comprised of statements that (1) Mr. Kassenoff abused, including physically, Ms. Kassenoff and the Children and that such abuse was confirmed by both CPS and police reports and (2) Mr. Kassenoff was awarded sole custody by a corrupt judicial system that improperly excluded Ms. Kassenoff (and her attorneys) from custody hearings *and* because he bribed (i.e., "paid off") everyone. All of the defamatory statements made by Harvey

¹⁵ <https://www.tiktok.com/@therobbieharvey/video/7244514052163046699>.

constitute defamation *per se* as the statements tended to subject Mr. Kassenoff to hatred, distrust, ridicule, contempt and/or disgrace and because they injured him in his profession.

Harvey's Defamatory Statements Regarding Abuse

75. Harvey has defamed Mr. Kassenoff by falsely stating that it is a “fact” and “proven”¹⁶ that Mr. Kassenoff has abused Ms. Kassenoff as well as the Children:

- “This is Allan Kassenoff, a disgraced attorney, caught on camera *abusing his wife and kids.*”¹⁷
- “*This is Allan Kassenoff and he is captured on film abusing his wife over and over again. Despite this evidence, he was granted full custody of his kids and their house.*”¹⁸
- “For those of you who don’t know *who this wife abuser is* [referring to Mr. Kassenoff], I’ve got a full playlist on my profile.”¹⁹

76. Harvey then further defamed Mr. Kassenoff by falsely stating that not only did Mr. Kassenoff abuse Ms. Kassenoff and the Children, but the abuse was physical and “CPS reports and police reports confirm[ed] Allan’s physical abuse”²⁰:

- “Allan Kassenoff has released new audio and without realizing it, he has accidentally admitted there was a physical altercation between him and Catherine. . . . In the almost 40 minute audio clip it *proves what CPS, police reports and medical reports already told us – Allan Kassenoff was physical with Catherine. . . .*”²¹
- “At the end of this audio file, you can hear Catherine talking

¹⁶ <https://www.tiktok.com/@therobbieharvey/video/7247112812772724011>.

¹⁷ <https://www.tiktok.com/@therobbieharvey/video/7250151567297531182>.

¹⁸ This video is entitled “Allan Kassenoff UPDATE VIDEO #2.” Upon information and belief, Harvey uploaded this video to TikTok on June 3, 2023. Although Mr. Harvey appears to have removed this video, Mr. Kassenoff downloaded and saved a copy of it prior to it being removed.

¹⁹ <https://www.facebook.com/therobbieharvey/videos/590583482927563>.

²⁰ <https://www.tiktok.com/@therobbieharvey/video/7247112812772724011>.

²¹ <https://www.tiktok.com/@therobbieharvey/video/7247112812772724011>.

about breastfeeding. That is right – she had just had a baby. Meaning that postpartum depression was very real. . . . The way they speak in this audio file sounds like divorce is imminent. And if that’s true, then the timeline matches the *CPS reports and police reports confirming Allan’s physical abuse*. If that’s the case, then not long after this audio file was recorded, a protection order was granted for Catherine and Allan was forced to stay away. Days later, Allan would file for divorce and the courts reversed the protection order. And they demanded that Catherine stay away. . . . *This [audio] proves everything we have already seen. This [showing an image of Ms. Kassenoff] was a broken woman, a broken mother who had suffered years of abuse.*”²²

- “CPS demanded that Allan stay away from his kids. *Police confirmed that there was physical abuse with the wife and kids.*”²³
- “*Child protective services saw the danger, they saw the abuse and even police confirmed the abuse. But I guess when you are an activist against family court, trying to take away millions of dollars from these lawyers, custody evaluators and therapists, it doesn’t matter what CPS says.*”²⁴
- “*Along with the[] videos, police and CPS reports of physical and emotional abuse against his wife Catherine and their kids, Allan was granted custody of his children using a court process called ex parte. And in that process he was able to regain custody of his children and force his wife to stay away. Catherine Kassenoff fought that ruling for years. But the courts wouldn’t listen. And after a final decision in Allan’s favor in May of 2023, Catherine decided she was done fighting and ended her life. . . . Even CPS told the Courts that Allan is the abuser. That didn’t matter. That’s right. Even if you are the documented victim by CPS and police, the courts can take away your kids and your right to defend yourself.*”²⁵
- “And, I’ve got more reports coming out *proving that Allan was*

²² <https://www.tiktok.com/@therobbieharvey/video/7247112812772724011>.

²³ <https://www.tiktok.com/@therobbieharvey/video/7250151567297531182>.

²⁴ <https://www.tiktok.com/@therobbieharvey/video/7246170018621426990>.

²⁵ <https://www.tiktok.com/@therobbieharvey/video/7256832425735621931>.

*more than verbally abusive.”*²⁶

Harvey’s Defamatory Statements Regarding Mr. Kassenoff Taking Advantage Of Corruption In The Westchester County Court System

77. In addition to falsely stating that Mr. Kassenoff abused Ms. Kassenoff and the Children, Harvey also made the following false statements that the Westchester County court system was corrupt and defamed Mr. Kassenoff by falsely claiming that he took advantage of that corruption to Ms. Kassenoff’s detriment:

- “Allan knew that Catherine could not afford this type of battle. Catherine gave up her career to raise their children. And Allan used the argument that she alienated the children from him. *Allan used the family court system to punish his wife. And those in place designed to help the family, they helped Allan do it.*”²⁷
- “*As the Allan Kassenoff story explodes and media and journalists get involved, more details are coming out as to how corrupt this was. So who all was involved in helping Allan Kassenoff destroy his wife? Well, we will get to that in just a second. . . . This is Allan Kassenoff and he is captured on film abusing his wife over and over again. Despite this evidence, he was granted full custody of his kids and their house. And over the next four years, Allan and his wife Catherine had a lengthy divorce and custody battle that cost millions of dollars. And in May of this year, 2023, a judge ruled that Catherine could no longer see her children. Days after that ruling, Catherine decided she was tired of fighting. With a terminal cancer diagnosis and this ruling, Catherine decided this would be the end for her.*”²⁸
- “Ok. So let’s review. This man [showing an image of Mr. Kassenoff] abuses his wife and kids, according to police, according to CPS, according to audio files, according to video files. Well, you get the point. So this man [showing an image of Mr. Dimopoulos] becomes his attorney and this man is the judge [showing an image of Judge Lubell]. *The Court appoints this woman [showing an image of Carol Most] to become the*

²⁶ <https://www.tiktok.com/@therobbieharvey/video/7245250986665659691>.

²⁷ Allan Kassenoff UPDATE VIDEO #2.

²⁸ Allan Kassenoff UPDATE VIDEO #2.

children’s attorney. And she wants this man to be the custody evaluator [showing images of Ms. Most and Dr. Abrams]. So he recommends that the abuser [showing an image of Mr. Kassenoff] keep the children. And he agrees [showing an image of Judge Lubell]. And he [showing an image of Mr. Dimopoulos] is paid handsomely by his client [showing an image of Mr. Kassenoff]. And he [showing an image of Dr. Abrams] is paid handsomely by the same guy [showing an image of Mr. Kassenoff]. And she [showing an image of Ms. Most] is paid even more handsomely by the same guy [showing an image of Mr. Kassenoff]. And this man [showing an image of Mr. Dimopoulos] donates to the judge [showing an image of Judge Lubell] while he is representing the abuser [showing an image of Mr. Kassenoff]. And so does this woman [showing an image of Ms. Most] and so does this man [showing an image of Dr. Abrams]. And by the way, he is like best friends with the judge [showing an image Judge Lubell officiating at Dr. Abrams wedding].”²⁹

- “But who were the people who decided that the man you see in these clips [showing the same video clips of Mr. Kassenoff that he has shown repeatedly throughout the Harvey Videos] should have full custody of his children. *Judge Lewis Lubell ruled that Allan should have full custody of his children despite never meeting the children himself.* He also ruled that Catherine should be evicted from her home without notice despite it being her home. *Judge Lubell was good friends with Dr. Marc Abrams, the custody evaluator assigned to this case. They were such good friends that Judge Lubell officiated over Dr. Abrams’ wedding.* And Dr. Abrams ruled that the kids didn’t need Catherine as their mother. Catherine fought this ruling and won and had Dr. Abrams removed from the case. *Judge Nancy Quinn Koba, who had never met Catherine or even heard her side of the story, also ruled that the children should stay away from their mother.* Carol Most, the attorney for the children, also supported the idea that the kids should be taken away from their mother. And according to reports, Carol Most allegedly made a lot of money being the attorney of the children. Reports are suggesting that she made almost \$300,000. *And despite many of these officials*

²⁹ <https://www.tiktok.com/@therobbieharvey/video/7249402572908285227>.

being Court appointed, they are paid for by the litigants, Allan Kassenoff. Dr. Kathleen McKay became the second custody evaluator of the case after Dr. Abrams was removed. According to reports, Dr. McKay never evaluated Catherine with her children. But she did evaluate Allan and the kids together many times. And guess who was paying her also? Dr. McKay also agreed that Catherine should no longer see her children. Even denying Catherine the request to see her kids one last time before cancer took over.”³⁰

78. Harvey continued, falsely stating that the Westchester County court system was corrupt because the lawyers, judges and forensic evaluators frequently work together, recommend each other and they somehow “all share money”:

- “Carol Most, the attorney for the children, loved working with Dr. Abrams. They had been doing so for decades. And the Kassenoff case was not the first time that Most recommended the services of Dr. Abrams to a judge. And not only did Most love working with Dr. Abrams, so did this guy – Gus Dimopoulos, the attorney for Allan Kassenoff.”³¹
- “And once the final judgment came down this past May, Catherine Kassenoff, after fighting cancer for two years, after fighting this custody battle for four years, she decided she no longer wanted to be on this planet. And she ended it. *So along with the \$32,000, Abrams was good friends with Allan’s attorney, Gus Dimopoulos. Abrams was good friends with the children’s attorney, Carol Most, who by the way, made \$300,000 on this. Abrams was good friends with the judge, Lewis Lubell, who by the way, Abrams contributed to Lubell’s campaign for Supreme Court or something to that nature. I don’t care. Anyways, they all share money. They all recommend each other to get lots of money. That is not speculation. That is fact.*”³²
- “We already know that in New York, this is a huge problem. We already know that in New York, it does not matter past abuse. Courts are not required to consider past abuse. *We already know*

³⁰ Allan Kassenoff UPDATE VIDEO #2.

³¹ <https://www.tiktok.com/@therobbieharvey/video/7246429288210255146>.

³² <https://www.tiktok.com/@therobbieharvey/video/7250151567297531182>.

*that the attorneys pay for the judges. We already know that the attorneys recommend each other. We already know that the attorneys recommend evaluators. We already know that the attorneys recommend therapists. We already know that they are all exchanging money case after case after case and they are getting millions of dollars every single year.”*³³

- “So Marc, since you are watching, again you refuse to answer my questions. . . . *How many times have you and Gus Dimopoulos worked together on a case where he was the attorney and you were the evaluator. How many times were you the evaluator when Carol Most was the attorney for children? How many times. And how many times has Gus Dimopoulos paid you to be a consultant. Answer those questions. YOU WANT TO TALK ABOUT PROOF; YOU WANT TO TALK ABOUT THE DOCUMENTS. ANSWER THE QUESTIONS!!!!*”³⁴

79. Harvey also defamed Mr. Kassenoff by repeatedly lying to his followers that Ms. Kassenoff was “not allowed to present her case” to the Court due to Mr. Kassenoff having filed *ex parte* motions. Moreover, Harvey omitted at least the following two crucial facts: (i) Ms. Kassenoff herself filed many, many *ex parte* motions and (ii) more importantly, even when a motion is filed *ex parte*, the non-movant has an opportunity to be heard in Court.

- “Along with the[] videos, police and CPS reports of physical and emotional abuse against his wife Catherine and their kids, *Allan was granted custody of his children using a court process called ex parte. And in that process he was able to regain custody of his children and force his wife to stay away. Catherine Kassenoff fought that ruling for years. But the courts wouldn’t listen. And after a final decision in Allan’s favor in May of 2023, Catherine decided she was done fighting and ended her life. So what is an ex parte. Let me explain it to you in simple terms. Allan and his friends [showing an image of Mr. Kassenoff and Mr. Dimopoulos] had court without Catherine or her lawyer there. And in that court session, they decided to take Catherine’s kids*

³³ <https://www.tiktok.com/@therobbieharvey/video/7254332208775810347>.

³⁴ <https://www.tiktok.com/@therobbieharvey/video/7250637189938236714>.

away from her, despite the evidence that Allan was the abuser. Even CPS told the Courts that Allan is the abuser. That didn't matter. That's right. Even if you are the documented victim by CPS and police, the courts can take away your kids and your right to defend yourself. And while you suffer, spending every single dime you have to get your kids back, these people [showing an image of Judge Lubell, Dr. Abrams, Mr. Dimopoulos and Ms. Most], attorneys, psychologists, and judges, rake in millions of dollars. With the exposure of Allan Kassenoff and the family court system in New York, the country is now watching. And the country is demanding change.”³⁵

- *“These people used loopholes in the law that did not allow Catherine to represent herself in hearings where they took away her children, where they kicked her out of her own home.”³⁶*
- *“Allan also began spying on Catherine, reading all of her text messages and emails between friends, family and even attorneys. . . . Allan took select messages, eleven of them, to a judge and got a temporary custody order. Catherine had no say. Her part was not heard during that hearing.”³⁷*
- *“And then as Catherine was getting back on her feet, she rented an apartment a mile away from the kids so that she could see them more often. Allan got another order of protection against Catherine. Once again another hearing where she was not allowed to present her case. Allegedly. And that order of protection was granted and Catherine was forced to leave her home once again.”³⁸*
- *[After reading a statement Mr. Dimopoulos had made to the NY Post about Mr. Kassenoff]: “‘Following a neutral forensic’s assessment, the court ordered an immediate order, granting their father sole legal and physical custody.’ TIME OUT! You mean the same hearing where Catherine Kassenoff was not allowed to attend because you used a legal loophole that didn’t allow her to be in the courtroom to defend herself?”³⁹*

³⁵ <https://www.tiktok.com/@therobbieharvey/video/7256832425735621931>.

³⁶ <https://www.tiktok.com/@therobbieharvey/video/7243568782612974890>.

³⁷ <https://www.tiktok.com/@therobbieharvey/video/7240063019391225131>.

³⁸ <https://www.tiktok.com/@therobbieharvey/video/7240063019391225131>.

³⁹ <https://www.facebook.com/therobbieharvey/videos/590583482927563>.

- “And again a reminder, Abrams saw the videos that you and I have seen. Abrams submitted his report and a couple of days later, *Gus Dimopoulos, the attorney for Allan Kassenoff, called for an ex parte hearing. In regular courts, both parties have the right to be heard. But ex parte is a legal loophole used for emergency situations, without the representation of one party. Judge Lubell granted the ex parte and Catherine Kassenoff was not heard in court. Now keep in mind Judge Lubell and Marc Abrams are good friends. Such good friends that Judge Lubell officiated Marc Abrams’ wedding. After the ex parte hearing, Judge Lubell demanded Catherine out of the home immediately. And what was Abrams paid for this report? According to the Frank Report, \$32,000 by Allan Kassenoff. And just like that, three children lose their mother and are stuck with their abusive father*”⁴⁰

80. Harvey next attacks Dr. Abrams by alleging that he is a “liar” and a “hired gun.” By attacking Dr. Abrams in this manner, Harvey is further defaming Mr. Kassenoff by creating the false impression that Mr. Kassenoff somehow “bought” custody from the “corrupt” Dr. Abrams:

- “*Let’s keep reading what you have to say Marc. ‘It was actually Mrs. Kassenoff and one of her early attorneys who insisted that I was the only evaluator that they would use.’ YOU ARE A LIAR. . . . Or how about this? How about this Marc? How about this? How about this? When a woman accused you of misconduct, asking inappropriate questions, here is Gus Dimopoulos, page after page after page, fighting to keep you on the case so you can make more money, despite this woman giving proof of your inappropriate conduct towards her during interviews.*”⁴¹
- “*I am sick of this. You were not a hired gun? How much were you paid by Allan Kassenoff? Tell me. Look at me Marc. Look at me. This is no longer about videos or anything. Look at me. I am talking to you. How much were you paid? \$32,000? How much were you paid by Allan Kassenoff? Better yet Marc, how many times have you worked together with Gus Dimopoulos on*

⁴⁰ <https://www.tiktok.com/@therobbieharvey/video/7246429288210255146>.

⁴¹ <https://www.tiktok.com/@therobbieharvey/video/7250151567297531182>.

cases? How many times? Answer it. Answer it. Tell me. How many times have you and Gus Dimopoulos worked on the same case together. How many times were you the evaluator when Gus Dimopoulos was the attorney. How many times? Tell me Marc, how many times has Carol Most recommended you? How many times have you and Carol Most been on the same case together? How many times have you been the evaluator when Carol Most is the children’s attorney? HOW MANY TIMES?”⁴²

- “Marc Abrams, the custody evaluator in the Kassenoff case, continues to talk. *And he continues to lie.* So let me read to you what he has posted just today. ‘Any rationale person, after reviewing the totality of the information that the courts (several judges) considered, would not only concur with the actions of the courts giving Allan Kassenoff full custody,’ but *he says that he did not have the power to make these decisions. That is a lie. . . .* In the State of New York, Marc Abrams can put whatever he wants in the report and nobody questions it. . . . Nobody questions the reports. *So don’t let him lie to you and say he has no power. HE HAS ALL THE POWER!!!*”⁴³

81. Harvey continues railing against Dr. Abrams and appears to become more and more unhinged, screaming in his June 29 video that Dr. Abrams makes custody recommendations based upon whatever will make him “rich and famous”:

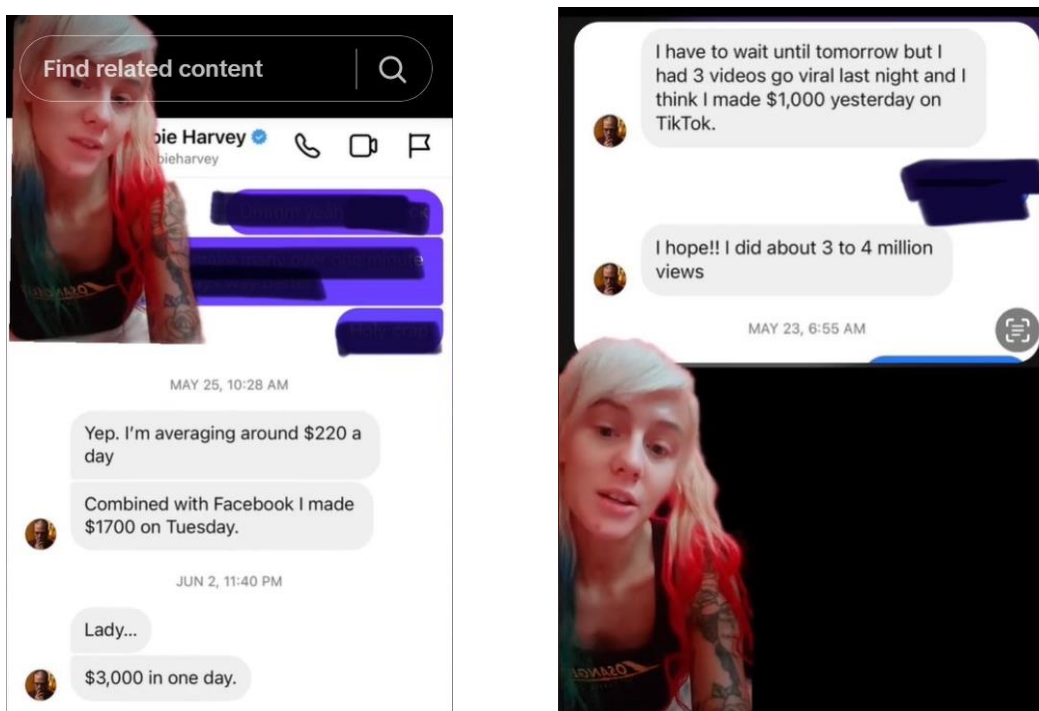
“Catherine Kassenoff is gone. Kyra is gone, taken by her father. Autumn is gone, taken by her father. *And they all suffered the injustice of this system of the State of New York and it is because of people like you who take advantage of the system. And you don’t rule in the best interest of these children. You rule in the best interest of what lines your pocket. And you become rich and famous and you continue to circle case after case after case and you have legalized it and you have fought to keep it legal. And you stay rich and you don’t care one bit about anybody. CHILDREN ARE GONE. LOST FOREVER.* Because you wanted to line your pockets. If you think I am some influencer that is just doing this for views. If you think I am just doing this for clicks, YOU ARE OUT OF YOUR MIND. CUZ I AM

⁴² <https://www.tiktok.com/@therobbieharvey/video/7250151567297531182>.

⁴³ <https://www.tiktok.com/@therobbieharvey/video/7250637189938236714>.

GOING TO BREAK THE SYSTEM. And I am not going to stop until it is broken.”⁴⁴

82. It is truly ironic that Harvey has accused Dr. Abrams of doing “what lines [his] pocket [in order to] become rich and famous” given that this is the precise reason why Harvey made the Harvey Videos – namely, to make money and gain clout (i.e., become famous). To wit, in his inappropriate DMs to women (discussed above), Harvey tries to show off how much money he makes and how many views he gets as an “influencer”:



<https://www.tiktok.com/@thatgirlbombpop/video/7253117461568965931>.

Harvey’s Defamatory Statements Regarding Mr. Kassenoff Paying The Matrimonial Professionals

83. In order to keep up his views, likes and comments – and thereby generate more money for himself – Harvey had to progressively make his videos more and more sensationalized. Accordingly, Harvey next defamed Mr. Kassenoff by saying that Mr. Kassenoff “paid” everyone, in order to create the false impression

⁴⁴ <https://www.tiktok.com/@therobbieharvey/video/7250151567297531182>.

that there was something wrong with Mr. Kassenoff paying the fees accrued by the professionals involved in the divorce proceeding. Moreover, Harvey lied by saying that these fees were “[a]ll paid for by Allan Kassenoff.”⁴⁵ To the contrary, although omitted by Harvey, Ms. Kassenoff also paid these very same professionals. In fact, in the Harvey Video uploaded on June 30, 2023, Harvey included a recording of an excerpt of Ms. Kassenoff’s statements to a blue ribbon panel of some sort where she explained that Dr. Abrams “was paid 80% of his bill by my husband, the monied spouse who is a shareholder at a major law firm [and] 20% by me for the issuance of a forensic report.”⁴⁶ But, Harvey omitted this fact since it would not support his false narrative that all of the professionals involved in the divorce were beholden to Mr. Kassenoff since he was paying their bills. Harvey also omitted the fact that the Court ordered Dr. McKay’s fee to be paid “50% by the father and 50% by the mother” (Matrimonial Action, NYSCEF #2295) as well as the fact that both Dr. Abrams’ and Dr. McKay’s fees had to be paid *before* they even issued their reports, ensuring that they would get paid regardless of the reports’ content.

84. Harvey’s false, defamatory and misleading statements that Mr. Kassenoff “paid” everyone’s fees include the following:

- “Abrams was paid \$32,000 for his report. And the attorney for the children was paid \$300,000. *All paid for by Allan Kassenoff.*”⁴⁷
- “And it was this man, Marc Abrams, who recommended that [Mr. Kassenoff] get full custody. He is the evaluator. *He was paid \$32,000 by Allan Kassenoff.*”⁴⁸
- “*These people [referring to Dr. Abrams, Dr. Adler and Ms. Most] were paid 100s of thousands of dollars by Allan Kassenoff*

⁴⁵ <https://www.tiktok.com/@therobbieharvey/video/7248782658564558126>.

⁴⁶ <https://www.tiktok.com/@therobbieharvey/video/7250457135576861995>.

⁴⁷ <https://www.tiktok.com/@therobbieharvey/video/7248782658564558126>.

⁴⁸ <https://www.tiktok.com/@therobbieharvey/video/7250151567297531182>.

*and colluded with each other that ultimately led to the death of Catherine Kassenoff. These people took her children away with no evidence – where is the evidence? Where is the evidence? I have seen nothing presented by anybody. Catherine was a danger to her children? SHOW ME. SHOW ME SOMETHING.”*⁴⁹

- “And according to reports, Carol Most allegedly made a lot of money being the attorney of the children. *Reports are suggesting that she made almost \$300,000. And despite many of these officials being Court appointed, they are paid for by the litigants, Allan Kassenoff. Dr. Kathleen McKay became the second custody evaluator of the case after Dr. Abrams was removed. According to reports, Dr. McKay never evaluated Catherine with her children. But she did evaluate Allan and the kids together many times. And guess who was paying her also? Dr. McKay also agreed that Catherine should no longer see her children. Even denying Catherine the request to see her kids one last time before cancer took over.”*⁵⁰

85. Harvey next tried to generate more views, likes and comments (and therefore money) by falsely implying that Mr. Kassenoff had “help” in paying his legal fees from his then employer, Greenberg Traurig:

“And there are many other players involved in this case. From more attorneys to psychiatrists. A lot of people over the next four years. But now you can see how this could happen. The people making the decisions. *The people who are supposed to do the best for the children are being paid millions of dollars by Allan. Or did Allan have help paying for it?* At the time of this filming, yesterday, Allan’s law firm posted this update [see below]. They essentially say after a long Court proceeding, there was no wrongdoings found. Allan is innocent. But we’ll investigate just because you all are upset. The gaslighting in this

⁴⁹ <https://www.tiktok.com/@therobbieharvey/video/7243568782612974890>.

⁵⁰ Allan Kassenoff UPDATE VIDEO #2.

post really upset me. *And then it got me wondering. Did this law firm help fund Allan's legal fees?*"⁵¹



86. Again, feeling the constant need to “up the ante” for more views, likes and comments (and therefore money), Harvey next defamed Mr. Kassenoff by falsely stating that not only was Mr. Kassenoff paying “millions of dollars”⁵² to the professionals tasked with doing what is in the best interests of the Children, but the “New York Family Courts sell children to the highest bidder [in this case] Allan Kassenoff”⁵³:

- “Many of you have asked if we get justice for Catherine Kassenoff’s death, then what will happen to the kids. Many of you have asked if I am adding to their trauma. I will say this. I have struggled with that question. I have really really struggled with it. But here is my deciding factor on when featuring this case. Since 2016 in the State of New York, these 22 children

⁵¹ Allan Kassenoff UPDATE VIDEO #2.

⁵² Allan Kassenoff UPDATE VIDEO #2.

⁵³ <https://www.tiktok.com/@therobbieharvey/video/7253962863944027435>.

have been taken from this Earth by an abusive parent. And as you can see, most of them under the age of five. The New York Family Courts are allowing abusive parents into the lives of children every single day. *New York Family Courts sell children to the highest bidder. Just like Allan Kassenoff.*⁵⁴

- *“Allan Kassenoff and the family courts [showing images of Judge Lubell, Mr. Dimopoulos and Ms. Most] legally sold children to the highest bidder. Abuse doesn’t matter, but money does.”*⁵⁵
- *“From my research, from what I have learned in the Kassenoff case, the family courts only care about how much money you have. The highest bidder gets the children. The kids go to the one who pays the most. It is that simple.”*⁵⁶
- *“Remember in the Kassenoff case testimony from friends and reports from CPS and police all proved the abuse by Allan Kassenoff. But the court rewarded the highest bidder. And these people [showing an image of Gus Dimopoulos, Marc Abrams and Dr. Susan Adler] walked away with hundreds of thousands of dollars. In New York the law protects abusers and the people who help them. For example, Marc Abrams, the custody evaluator in the Kassenoff case. There is no oversight to his decisions.”*⁵⁷
- *“I’ve told you that I would not stop until something was done. I’ve told you that I would not stop until Allan Kassenoff, Gus Dimopoulos, Marc Abrams, Carol Most all answered. They sell children legally.”*⁵⁸
- *“Lawyers and Evaluators selling children is old to you? 10-4.”*⁵⁹

87. Finally, on July 30, 2023, Harvey couldn’t hold back any longer and made the most defamatory statement of all, falsely claiming that Mr. Kassenoff *“paid off* the custody evaluator” and *“paid off* the children’s attorney”⁶⁰:

⁵⁴ <https://www.tiktok.com/@therobbieharvey/video/7253962863944027435>.

⁵⁵ <https://www.tiktok.com/@therobbieharvey/video/7259161986947140906>.

⁵⁶ <https://www.tiktok.com/@therobbieharvey/video/7254332208775810347>.

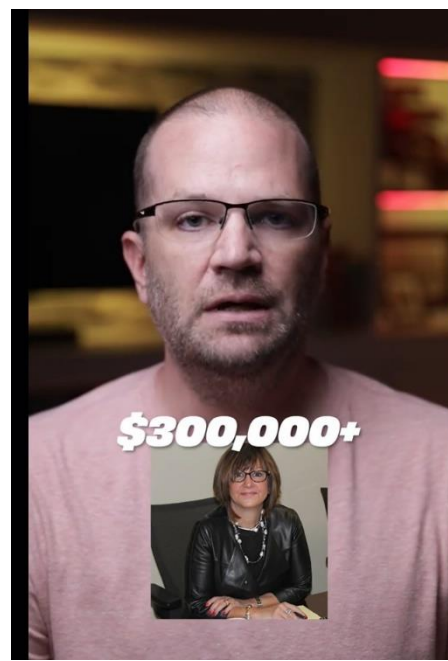
⁵⁷ <https://www.tiktok.com/@therobbieharvey/video/7252741778997038378>.

⁵⁸ <https://www.tiktok.com/@therobbieharvey/video/7260163072231361835>.

⁵⁹ Comment made by Harvey to his video located at <https://www.tiktok.com/@therobbieharvey/video/7261752792069557546>.

⁶⁰ <https://www.tiktok.com/@therobbieharvey/video/7261752792069557546>.

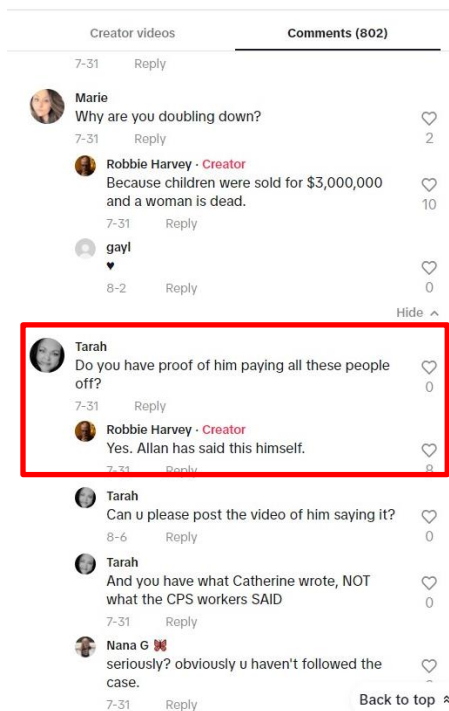
“To back those videos up, CPS, police and medical reports confirmed the abuse. *But [Mr. Kassenoff] paid off the custody evaluator [showing the lower left image of Dr. Abrams with the words ‘\$30,000+’ written] who voted that he get custody. He paid off the children’s attorney [showing the lower right image of Ms. Most with the words ‘\$300,000+’ written] And all of them donate to the judges in charge [showing an image of Judge Lubell]. Despite no real evidence, Catherine Kassenoff was told to stay away from her children.*”⁶¹



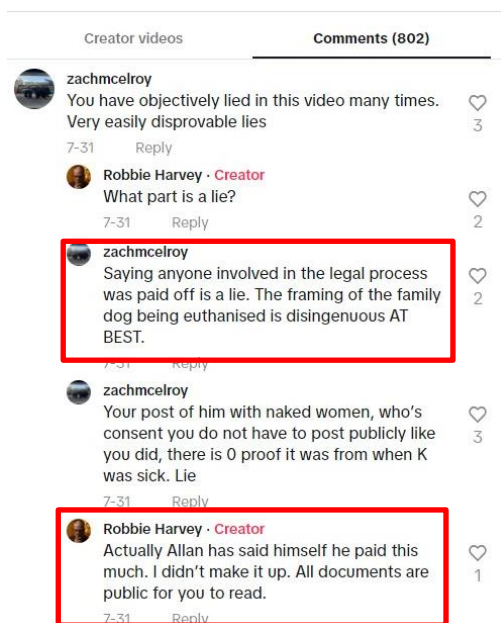
88. Then, when one of Harvey’s followers questioned him as to whether Harvey really has “proof of [Mr. Kassenoff] paying all these people off,” Harvey responded “yes”:⁶²

⁶¹ <https://www.tiktok.com/@therobbieharvey/video/7261752792069557546>.

⁶² Comments to video located at <https://www.tiktok.com/@therobbieharvey/video/7261752792069557546>.

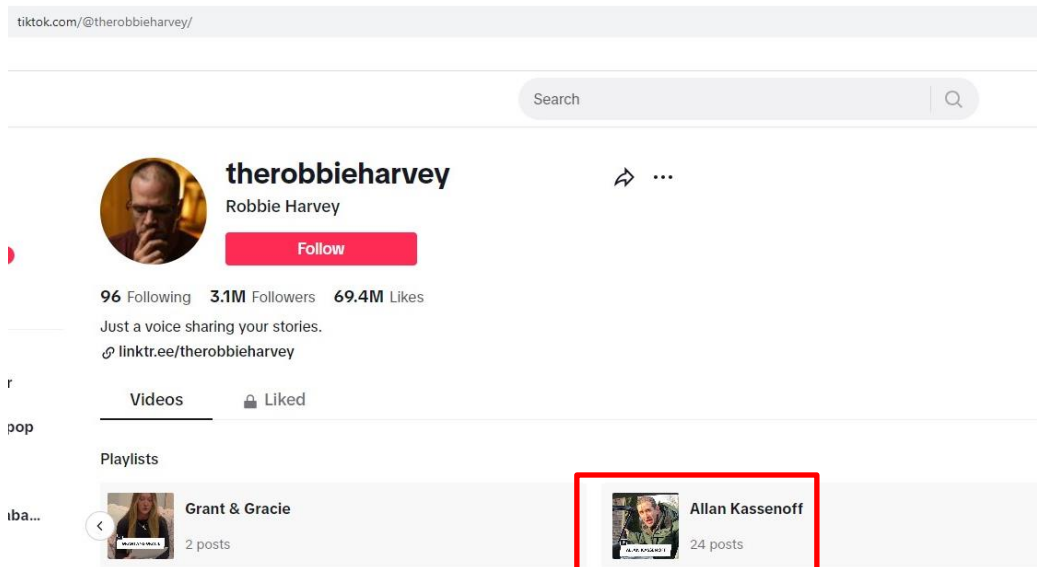


89. Another one of Harvey’s followers commented on the July 30, 2023 video, stating “[s]aying anyone involved in the legal process was paid off is a lie.”⁶³ Harvey again responded that Mr. Kassenoff admitted as much:



⁶³ Comments to video located at <https://www.tiktok.com/@therobbieharvey/video/7261752792069557546>.

90. On August 25, 2023, Mr. Kassenoff sent Harvey via email and US Mail the requisite Notice Pursuant to Florida Statute 770.01 as a condition precedent to filing an action for libel or slander as well as a Litigation Preservation Notice (the “Notices”). Harvey received and signed for the Notices on August 26 at 2:04 PM. Despite Mr. Kassenoff’s instruction to “preserve all relevant documents and data relating to your social media posts concerning Mr. Kassenoff and/or Mr. Dimopoulos” and warning that “the destruction or deletion of any documents or data that may be potentially relevant to the impending litigation may be sanctionable by a court of law,” it appears that Harvey has since removed the July 30 Harvey Video from TikTok. In fact, the Allan Kassenoff “playlist” *now* only purports to have “24 posts” (i.e., videos) but in actuality only includes 23 videos:



91. Mr. Kassenoff intends to seek sanctions against Harvey for this action at the appropriate time.

Harvey’s Additional Defamatory Statements

92. As if all of the false, defamatory and misleading statements discussed above were not bad enough, Harvey told the following additional defamatory lies about Mr. Kassenoff in order to generate more hatred – and, thus, more views, likes,

and comments and money for himself:

- “*There are reports that were written that say these children are not safe with their father. I will reveal those reports this weekend. So Allan, you’ve got a few more days.*”⁶⁴
- “*In July of 2020, Allan got another order of protection against Catherine, preventing her from seeing their children completely.*”⁶⁵
- “*What about the time you lied and said the social worker that was assigned to the case was trying to break into the bathroom that your children were using?*”⁶⁶
- “*Allan Kassenoff punished his children if they said anything about their mother.*”⁶⁷
- “*On March 18, 2023, the children were ice skating. Catherine Kassenoff did not have a protection order against her so she was allowed to come watch. Allan did not like this. So he called the police on her. The police refused to arrest Catherine.*”⁶⁸
- “*What about the time you called police on Catherine when she was there watching her children ice skate? And the police showed up and said she had every right to be there and they would do nothing to her.*”⁶⁹
- “*In May of 2023, a judge ordered Catherine to never see her children again.*”⁷⁰
- “*Judge Nancy Quinn Koba, who had never met Catherine or even heard her side of the story, also ruled that the children should stay away from their mother. . . . Dr. Kathleen McKay became the second custody evaluator of the case after Dr. Abrams was removed. According to reports, Dr. McKay never evaluated Catherine with her children. But she did evaluate Allan and the kids together many times. And guess who was*

⁶⁴ <https://www.tiktok.com/@therobbieharvey/video/7244945355274751278>.

⁶⁵ <https://www.tiktok.com/@therobbieharvey/video/7240063019391225131>.

⁶⁶ <https://www.tiktok.com/@therobbieharvey/video/7261752792069557546>.

⁶⁷ <https://www.tiktok.com/@therobbieharvey/video/7243568782612974890>.

⁶⁸ <https://www.facebook.com/therobbieharvey/videos/935084121042158>.

⁶⁹ <https://www.tiktok.com/@therobbieharvey/video/7261752792069557546>.

⁷⁰ <https://www.tiktok.com/@therobbieharvey/video/7240063019391225131>.

paying her also? Dr. McKay also agreed that Catherine should no longer see her children. *Even denying Catherine the request to see her kids one last time before cancer took over.*⁷¹

- *“I have shared the Custody Evaluators report deeming her unfit. I have shared that on multiple occasions.”*^{72, 73}

93. Harvey even claimed that Mr. Kassenoff emailed Ms. Kassenoff that he would “never stop”: “Or how about the time you emailed Catherine and told her that you would never stop.”⁷⁴ Harvey made this statement in order to create the false impression that Mr. Kassenoff said his *alleged abuse* would “never stop.” But, the very message Harvey was referring to was located in Ms. Kassenoff’s public Dropbox link and said nothing of the sort. To the contrary, Mr. Kassenoff told Ms. Kassenoff that despite her “financially decimating” him, he would “never stop protecting” the Children from her:

⁷¹ Allan Kassenoff UPDATE VIDEO #2.

⁷² Comment made by Harvey to his video located at <https://www.tiktok.com/@therobbieharvey/video/7261752792069557546>.

⁷³ In fact, in NY family court cases, custody evaluation reports are kept under “lock and key” and cannot be removed from the litigant’s attorney’s office. Thus, not only was Harvey’s statement that he has “shared the Custody Evaluators report” a lie, it was a virtual impossibility.

⁷⁴ <https://www.tiktok.com/@therobbieharvey/video/7261752792069557546>.

----- Forwarded Message -----

From: "kassenoffa@gtlaw.com" <kassenoffa@gtlaw.com>
To: "ckassenoff@yahoo.com" <ckassenoff@yahoo.com>
Sent: Sunday, March 19, 2023, 04:37:30 PM EDT
Subject: RE: Pendente Lite Support

Catherine,

Just so we are all on the same page, here is what you "cleared" in just the past 11 months:

April 2022 - \$150,000 interim legal fee award
April 2022 - \$335,000 (1/2 of my etrade account)
March 2023 - \$300,000 interim legal fee award
2022 - ~\$330,000 (9/11 victims fund)

I will ignore the \$100,000 interim legal fee award you got in 2020. And I am not even including your income.

And you pay **ZERO** in child support.

You must really be proud of yourself for financially decimating me and the children. But make no mistake, no one is fooled Catherine; everyone knows that your goal is to destroy me and you don't care what that means to the children. You have sued me (and Gus) three times; you have tried to get me disbarred; you have tried to get me fired; you have reported me (repeatedly) to the police and District Attorney's office; you have ridiculed and attacked me and embarrassed the kids on Facebook. And you know what? I'm still here and I'm still

standing. You have done all of this in hopes that I would give up and stop trying to protect the children from you. I won't. Even if this Court awards you my last dollar, I will never stop protecting them. Until the day I die. If I lose my house, so be it. If I go bankrupt, so be it. I will do everything and anything to take care of the kids and protect them. You know why? Because I love my children more than you could ever love anybody. All you know is hate and vengeance. I feel sorry for you, and while at times I might become angry and frustrated, at the end of the day I pity you because your behavior has ruined your life and your relationship with the kids. Instead of focusing on getting help, you have focused your rage on destroying me. For that, I'm sad for you because you will never get a chance to have these years back. Even if you succeed and take every last dollar I have, I will still have my children's love and I will move forward in life knowing that I gave everything I had to protect them.

Harvey's Final Defamatory Video

94. Harvey's last video concerning Mr. Kassenoff was uploaded on July 31, 2023. Upon information and belief, at some point around that time Harvey got scared that Mr. Kassenoff might file a lawsuit against him and thus stopped his social

media smear campaign against him. However, in his last Harvey Video, Harvey made several more false claims, including for example, that he has “tried to be fair throughout this whole thing”:

“So I am getting a lot of questions like this from new followers who don’t realize that *I have posted all videos, literally all videos and audio recordings*. I have several videos that question whether Catherine was the toxic one. And I want to put a little bit of perspective into that. You have to look at the things that she was going through. And yes I think she was mentally unstable. I think she was going through a lot. I think she was toxic in her own way. *But I have tried to be fair throughout this whole thing. I have shared both sides. I have encouraged people to go to that website Kassenofffacts.com and you can make a judgment yourself there. So I have shown both sides.* And after reviewing all the evidence and looking at everything and hearing all recordings and all videos and all emails and all affidavits and all everything, there is no doubt in my mind that Allan Kassenoff was the abuser. Yes, Catherine had her problems. They were both toxic. But the question is was she being reactive? Was he being reactive? *So there is a playlist with every video there. Every video. Every video.* That you can go watch. And I encourage you to do so. And then you can make a judgment on who was the abusive one and who wasn’t.”⁷⁵

95. However, Harvey’s July 31 video (like all of his prior videos) is full of lies. First, Harvey has certainly **not** posted “all videos, literally all videos and audio recordings” showing Catherine’s toxic behavior. Harvey has posted **one** short snippet of **one** video showing Catherine’s abusive behavior towards A.K.⁷⁶ Moreover, Harvey constantly defends and justifies Catherine’s abusive behavior in the one snippet of a video he has shown and tries to provide context for it (while never doing the same for Mr. Kassenoff). Specifically, in his June 16, 2023 video, Harvey includes a snippet of a video depicting Ms. Kassenoff tormenting A.K. but

⁷⁵ <https://www.tiktok.com/@therobbieharvey/video/7261976072915324203>.

⁷⁶ <https://www.tiktok.com/@therobbieharvey/video/7245250986665659691>.

tries to justify Ms. Kassenoff's behavior as follows:

“But in reference to the clip I just showed you, keep in mind this. Catherine was dealing with cancer. She was dealing with an abusive husband who wanted a divorce and her child went missing. She was at her wits end. Now did she handle this the right way? No. And do I think Catherine was toxic? In some ways, yes absolutely. But the difference between this clip and the one of Allan is this is just one of a very bad moment but there are several of Allan repeatedly having abusive behavior. And, I've got more reports coming out proving that Allan was more than verbally abusive. . . . But don't let this clip distract you from Allan because that's what he wants and he's not going to get it.”⁷⁷

96. Similarly, when discussing a post on the Frank Report (www.frankreport.com) that included videos of Ms. Kassenoff abusing the Children, Harvey again defended Ms. Kassenoff and tried to provide “context”:

“Also, there is a new report on the Frank Report that has videos of Catherine Kassenoff. . . . I will say this. Apparently in the video, one of the children does something where she goes missing. She she doesn't go where she is supposed to go so they called the police to try and find her. At school, the teacher didn't know where she was. And so Catherine is very upset about that. Are there things in that video that Catherine says that probably she shouldn't have? Probably. *But what I see in that video is a woman very upset that he daughter went missing. Nothing compared to what we've seen from Allan Kassenoff.* . . . But I am trying to be fair. So go to the Frank Report, read that whole story, listen to the audio, watch the video. It certainly doesn't match what Allan Kassenoff has done in my opinion.”⁷⁸

97. Furthermore, Harvey claims that he has “shared both sides [and that he has] encouraged people to go to that website Kassenofffacts.com and you can make a judgment yourself there.” This is yet another false statement. Harvey has in fact

⁷⁷ <https://www.tiktok.com/@therobbieharvey/video/7245250986665659691>.

⁷⁸ <https://www.tiktok.com/@therobbieharvey/video/7244604418346224938>.

mentioned the Kassenoffacts.com website in prior Harvey videos, but here is what he said about it:

- “You mean the website that takes testimony from a waitress who saw Catherine yelling at her children, who has been having problems with her children because they have been through so much, having problems with her oldest daughter who runs away on a consistent basis where police can’t find her; she runs away from school, where police can’t find her. And Catherine who is fighting cancer, who is fighting an abusive father is losing it slowly. That waitress?”⁷⁹
- “You mean the same website that takes testimony from a nanny saying that Catherine is crazy?”⁸⁰
- “NewsNation reported a few weeks ago that they did indeed confirm the passing of Catherine Kassenoff. But that hasn’t stopped Allan. *Ever since her passing, he has repeatedly attacked Catherine. There is even an entire website dedicated to dragging Catherine’s name through the mud.*”⁸¹

98. By falsely claiming that he had been “fair” and “posted *all* videos, literally all videos and audio recordings,” Harvey has created a defamatory false impression about Mr. Kassenoff that likely would not have existed if his followers had done their own diligence into the facts instead of relying on the false, defamatory and misleading Harvey Videos.

Harvey’s False, Defamatory And Misleading Videos Subjected Mr. Kassenoff To Hatred, Distrust, Ridicule, Contempt And/Or Disgrace

99. All of the Harvey Videos were designed and intended to subject Mr. Kassenoff to hatred, distrust, ridicule, contempt and/or disgrace. And Harvey succeeded in his goal. Mr. Kassenoff received hundreds if not thousands of harassing emails, voicemails, DMs and text messages in addition to comments made

⁷⁹ <https://www.tiktok.com/@therobbieharvey/video/7250151567297531182>.

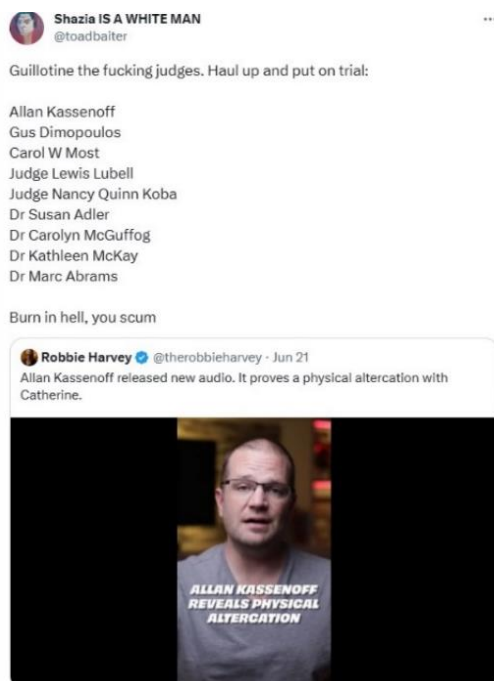
⁸⁰ <https://www.tiktok.com/@therobbieharvey/video/7250151567297531182>.

⁸¹ <https://www.tiktok.com/@therobbieharvey/video/7248782658564558126>.

to the videos themselves, many of which included death threats. Below are just a few of those messages:

- “Hey allan I think your a bitch, and I hope you lose everything” (nicholasullauri@gmail.com).
- “Seriously your a disgusting piece of human trash. No one would care what you did too yourself if you were found dead in a hole, your miserable and everyone knows it. You have no meaning anymore truly should blow your brains out you fuckin panzee. . . . Your trash and scum. Kill yourself.” (Damian Ringler).
- “Kill yourself. Kill yourself. Kill yourself.” (Bailey Butterfield).
- “I don’t think I’ve ever PRAYED for someone to lose their life as much as you. But before you die bro, I hope it turns to hell.” (Carter Fuss).
- “You are a piece of shit and I hope you die a horrible death. You are an abusive piece of shit who should just kills himself. Shoot your brains out worthless scum. You’d do everyone a favor.” (Hayleigh Marie Draper).
- “I hope somebody murder yo hunky ass. Punk ass bitch you deserve to die!! I will spit on your grave the whole world doesn’t want you on this earth so do us all the favor!!” (Denzel Tidmore).
- “die. you don’t deserve to live” (Sam Davis).

100. Furthermore, Mr. Kassenoff just learned that a Twitter user (@toadbaiter) posted the following in response to Harvey posting one of the Harvey Videos on Twitter:



<https://twitter.com/toadbaiter/status/1671573191582523416>.

101. Additionally, on June 22, 2023, Harvey uploaded a video entitled “[t]he dark mind of Allan Kassenoff,” designed to generate hatred and contempt towards Mr. Kassenoff by taking advantage of his followers’ love for dogs. Although Harvey wanted it to appear to his 3,000,000+ followers that Mr. Kassenoff euthanized a healthy dog (which Harvey falsely claimed to be Ms. Kassenoff’s dog), in reality, as Mr. Kassenoff explained in his email to Ms. Kassenoff (which Harvey even showed in his June 22 video), “Yoyo is doing really badly. After bringing her to the vet last month, she improved a bit with the medicine they prescribed. However, she has not eaten for the past two days and has barely moved. Starting this morning, her breathing was very labored so I brought her to the vet. The vet just called and said she can’t walk or stand up any more and was likely having organ failure. It is time to let her go. I am going to be with her around 4:45. If you would like to say goodbye

to Yoyo, she is at [the vet’s office]. Please go now so that you are gone by 4:45 PM when I arrive.” (Matrimonial Action, NYSCEF #2472). In addition to falsely claiming that the pet was Ms. Kassenoff’s dog (it wasn’t), Harvey also lied that Mr. Kassenoff took a “selfie” with the dead dog and sent it to Ms. Kassenoff (the dog was alive when Mr. Kassenoff took some final pictures of her with himself and the Children and he never sent those pictures to Ms. Kassenoff):

- “This will give you a true look into the dark mind of Allan Kassenoff. And if there was any doubt about his abuse, this video will settle it. *This is Allan taking a selfie with a euthanized dog. And according to Catherine, this is her dog.* Allan sent her an email at 3:13 in the afternoon, saying that he is going to put the dog down and she has until 4:45 to show up and say goodbye. Not a call, not a text. An email. *Catherine didn’t get the email in time and Allan euthanized her dog. And then sent her this picture.*”⁸²
- “What kind of human takes a selfie like this? Stop defending this man.”⁸³

102. Upon information and belief, Harvey intended his 3,000,000+ followers to conclude that Mr. Kassenoff euthanized Ms. Kassenoff’s healthy dog – which is exactly what his followers assumed – in order to generate more hatred and contempt towards Mr. Kassenoff:

- “What kind of veterinarian let this man put down a healthy dog. How was this justified” (Sotoktiknow)
- “so he paid the vets off to euthanize. who’s the vet, for later. hes created truma for his kids, where’s cps again....” (Tanya Morgan)

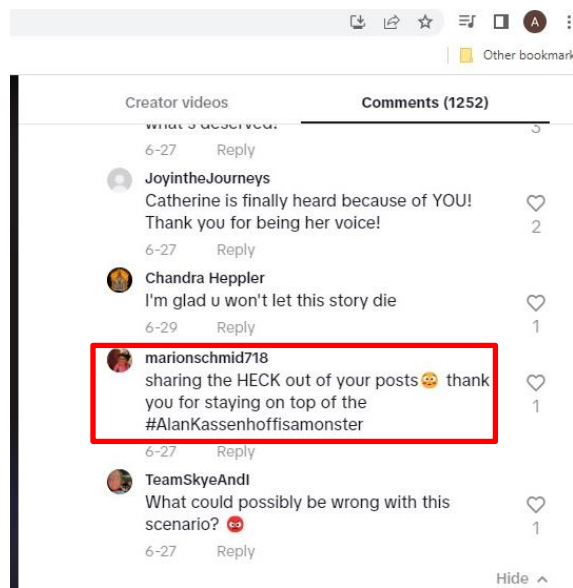
103. People love dogs, so not surprisingly this video led to over 3,060 comments, virtually all of which attacked Mr. Kassenoff. Below is just a sampling of those comments:

⁸² <https://www.tiktok.com/@therobbieharvey/video/7247547144905690410>.

⁸³ <https://www.tiktok.com/@therobbieharvey/video/7247547144905690410>.

- “That picture he sent her is the definition of a psychopathic abusive partner. I feel bad for her but mostly these poor children.” (Robynluser)
- “some maybe need to put him down and see how he like it !” (dezi)
- “What in the hell??? That man is Evil 🤡 😡 😡 😡” (Juana)
- “He’s absolutely sick. Praying those children taken from him and placed with her family.” (Dakers990)
- “When he feels that forever burning feeling in hell, maybe that would be enough 😞” (Kelly)
- “🤡🤡 oh my god why the dog tho 😞 Hes a sick monster that doesnt deserve to be defended in anyway.” (Rita127)
- “Where I’m from, he would never be found.” (Stevo)
- “You can see it in his eyes ,he has no soul , that is a demon who is 100% at fault for what happened to her.” (Southern_merbabe)

104. In addition to the countless voicemails, emails, text messages, DMs and online attacks, one of Harvey’s followers even created a hashtag that reads: “#AlanKassenhoffisamonster”:



<https://www.tiktok.com/@therobbieharvey/video/7249402572908285227>.

Harvey Acted Negligently And With Actual Malice In Creating And Posting His False, Defamatory And Misleading Videos

105. Being that Mr. Kassenoff is not a public figure, he only needs to show that Harvey acted negligently in posting his false, defamatory and misleading videos. Moreover, even if Mr. Kassenoff were deemed a public figure, all of the defamatory statements made by Harvey constitute defamation *per se*. Accordingly, actual malice is presumed. Moreover, notwithstanding the fact that Mr. Kassenoff is not a public figure and the fact that actual malice is presumed as a result of Harvey's defamatory statements constituting defamation *per se*, Harvey also acted with actual malice as he either knew the falsity of what he was saying or he made those statements with reckless disregard as to their truth.

106. Despite stating that he performed "due diligence on the facts," the Harvey Videos are comprised of all "facts" and that he has told the "whole story," Harvey knew he was making false statements or he at least recklessly disregarded whether or not what he was stating was true or false. Specifically, at a minimum, Harvey's actions constitute a reckless disregard for the truth for at least the following reasons:

107. *First*, had Harvey actually reviewed the material in the public Dropbox link that Ms. Kassenoff included in her suicide Facebook post, he would have known that he was making false statements. For example, Ms. Kassenoff included (i) a hearing transcript from March 23, 2022 which revealed that Mr. Kassenoff had submitted recordings that showed "violence to the children" *by Ms. Kassenoff*; (ii) a hearing transcript from September 9, 2021 which indicated that the Children "don't want to see their mother" and that the Children's "therapists are not recommending access at this time"; (iii) a hearing transcript from June 2, 2021 which explained how poorly Ms. Kassenoff's visits with the Children had been going, that the Children "do not want to return" to these visits and that Ms. Kassenoff constantly violates

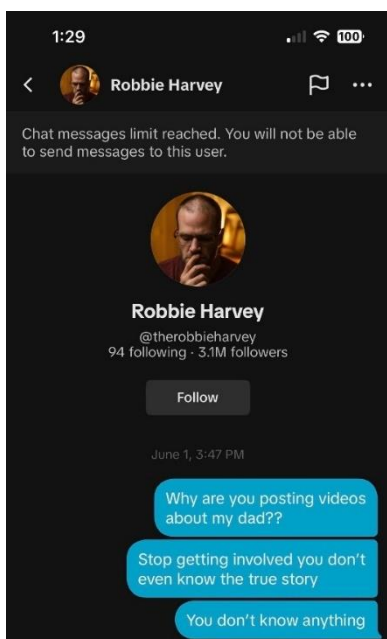
Court orders; and (iv) countless transcripts of hearings in front of Judge Koba with Ms. Kassenoff present, confirming that Harvey lied when he stated that “Judge Nancy Quinn Koba, *who had never met Catherine or even heard her side of the story*, also ruled that the children should stay away from their mother. . . .”⁸⁴ But, Harvey chose to ignore this *publicly available* material since it did not fit with the false narrative that he wanted to spin for his followers – namely, that Ms. Kassenoff was a victim of both Mr. Kassenoff and the Westchester County court system.

108. *Second*, Harvey himself stated that “[t]here were over 3,000 court filings in this case,”⁸⁵ only a small fraction of which were in Ms. Kassenoff’s public Dropbox link. However, Ms. Kassenoff expressly stated in her suicide post that all of the “documents from the divorce case etc.” are in the possession of Mr. Wayne Baker and suggested that the public “[r]each out to him.” Harvey’s failure to “reach out” to Mr. Baker constitutes a reckless disregard as to whether or not what he said was false.

⁸⁴ Allan Kassenoff UPDATE VIDEO #2.

⁸⁵ <https://www.tiktok.com/@therobbieharvey/video/7240063019391225131>.

109. *Third*, Plaintiff C.K. sent Harvey a DM on **June 1, 2023** – the very next day after Harvey uploaded his *first* video attacking Mr. Kassenoff – asking him to “[s]top getting involved [as he doesn’t] even know the true story.”



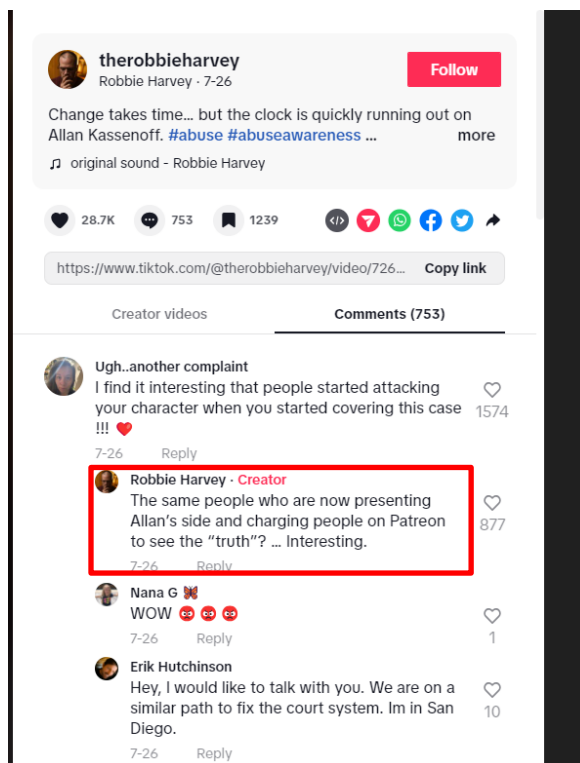
110. Harvey received C.K.’s message and even displayed it in his June 11, 2023 Harvey Video.⁸⁶ But, instead of acknowledging that he doesn’t “know the true story,” Harvey recklessly and maliciously chose to ignore C.K.’s message and instead accused Mr. Kassenoff of sending the message: “Is this you Allan, messaging me through your children’s account?”⁸⁷ After seeing how Harvey responded to Plaintiff C.K.’s DM, Mr. Kassenoff knew that contacting Harvey would be futile and only provide him with more content to use in his false, defamatory and misleading videos.

111. *Fourth*, Harvey has admitted on at least one occasion that he was aware of someone “presenting Allan’s side . . . on Patreon”⁸⁸:

⁸⁶ <https://www.tiktok.com/@therobbieharvey/video/7243568782612974890>.

⁸⁷ <https://www.tiktok.com/@therobbieharvey/video/7243568782612974890>.

⁸⁸ “Patreon is a membership platform that allows creators to run a subscription service for their content. Instead of setting up their own website and payment

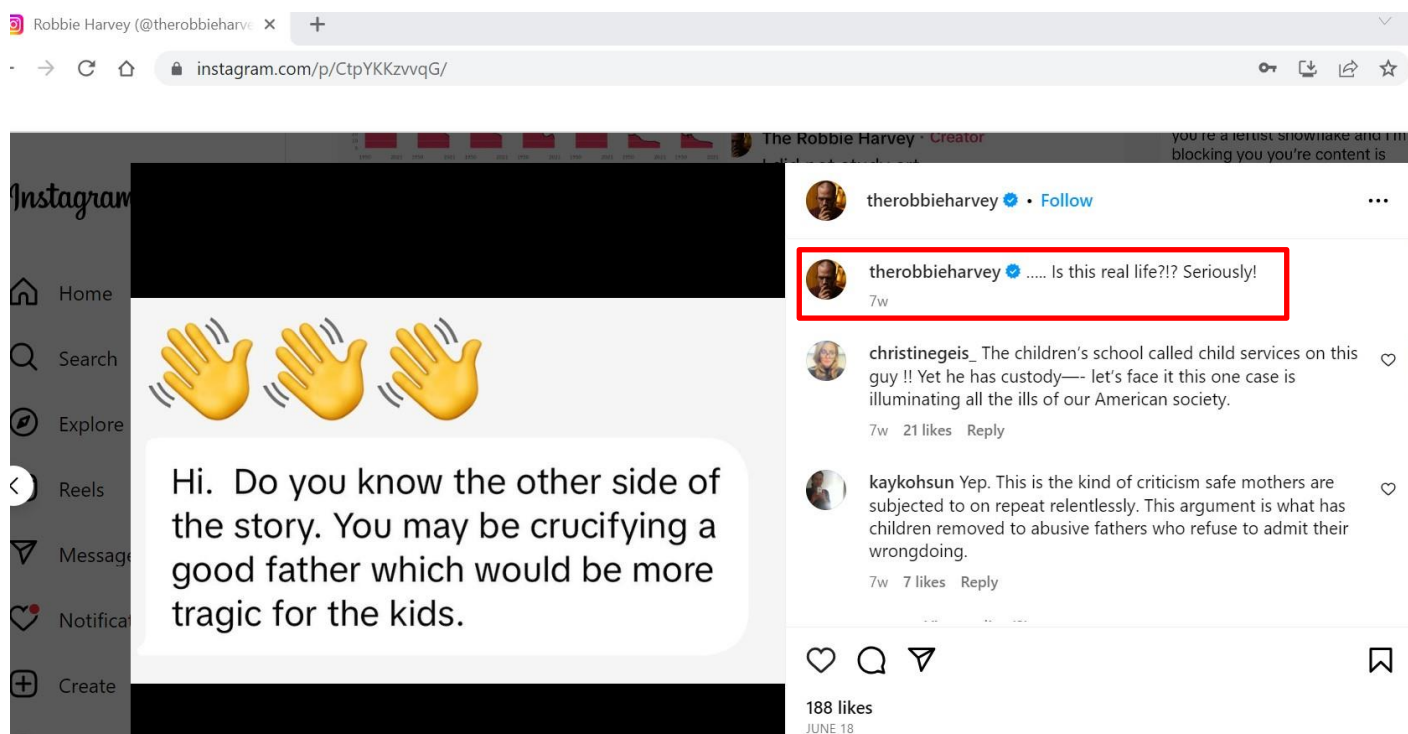


<https://www.tiktok.com/@therobbieharvey/video/7260163072231361835>.

112. Upon information and belief, Harvey was referring to a TikToker named Geneva (@thatgirlbombpop) who created a webpage on Patreon (<https://www.patreon.com/bombpopbingewatch>) which included several recordings of Ms. Kassenoff abusing A.K. (at least one of which took place in the past 6 months). Moreover, Geneva created and posted 45 videos detailing the truth about the Kassenoffs – namely, that *Ms. Kassenoff* was a narcissistic abuser and the snippets of Mr. Kassenoff included in the Harvey Videos were merely reactive abuse, caused by years of Ms. Kassenoff’s abusive behavior. Harvey, however, chose to recklessly disregard both Geneva’s Patreon site as well as her TikTok page as the truth did not fit with the false narrative that he was presenting.

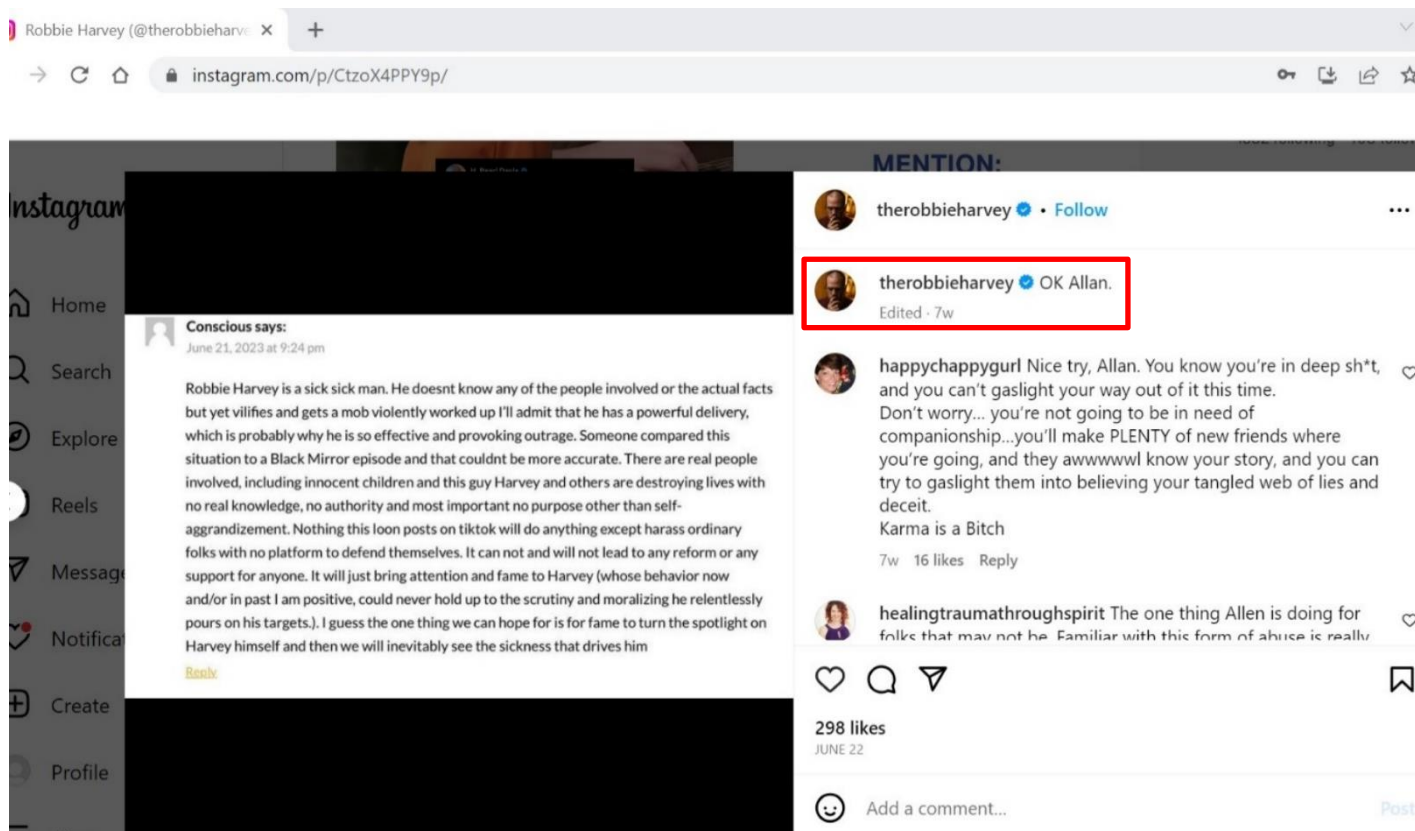
113. In fact, each and every time someone pointed out to Harvey that his videos might contain false statements, he simply mocked them (or deleted their platform, creators can easily launch a personalized Patreon page in a few steps.” (<https://blog.hootsuite.com/what-is-patreon/>)).

comment and blocked them). For example, on June 18, 2023, Harvey made an Instagram post of someone questioning if he knew the “other side of the story,” to which Harvey responded “Is this real life?!? Seriously!”



<https://www.instagram.com/p/CtpYKKzvqG/>.

114. Similarly, on June 22, 2023, Harvey made an Instagram post of a comment from an anonymous individual named “Conscious.” Conscious’ message was that Harvey “*doesn’t know any of the people involved or the actual facts but yet vilifies and gets a mob violently worked up There are real people involved, including children and this guy Harvey and others are destroying lives with no real knowledge, no authority and most important no purpose other than self-aggrandizement. Nothing this loon posts on tiktok will do anything except harass ordinary folks with no platform to defend themselves.*” Rather than recognizing that perhaps he does not know “the actual facts,” Harvey simply commented “OK Allan.”



<https://www.instagram.com/p/CtzoX4PPY9p/>.

115. *Fifth*, Harvey himself acknowledged the existence of the Kassenofffacts.com website, based upon a statement made by Dr. Abrams that Harvey himself read in his June 29, 2023 video: “This bogus review comes from a social media driven court of public opinion in the Kassenoff matter. For a more balanced perspective, a more balanced perspective, go to the website Kassenofffacts.com.’ Okay, let’s go to it. Let’s go to it.”⁸⁹ But, rather than actually considering what was presented on that website (which included actual Court documents, recordings of Ms. Kassenoff’s abuse, and witness testimonials as to Ms. Kassenoff’s abusive behavior), Harvey chose to belittle that site:

- “You mean the website that takes testimony from a waitress who saw Catherine yelling at her children, who has been having problems with her children because they have been through so

⁸⁹ <https://www.tiktok.com/@therobbieharvey/video/7250151567297531182>.

much, having problems with her oldest daughter who runs away on a consistent basis where police can't find her; she runs away from school, where police can't find her. And Catherine who is fighting cancer, who is fighting an abusive father is losing it slowly. That waitress?"⁹⁰

- "You mean the same website that takes testimony from a nanny saying that Catherine is crazy?"⁹¹

116. *Sixth*, even Harvey's own videos show his reckless disregard for the truth. For example, Harvey states the following in his June 21, 2023 video:

*"At the end of this audio file, you can hear Catherine talking about breastfeeding. That is right – she had just had a baby. Meaning that postpartum depression was very real. . . . The way they speak in this audio file sounds like divorce is imminent. And if that's true, then the timeline matches the CPS reports and police reports confirming Allan's physical abuse. If that's the case, then not long after this audio file was recorded, a protection order was granted for Catherine and Allan was forced to stay away. Days later, Allan would file for divorce and the courts reversed the protection order. And they demanded that Catherine stay away. . . . This [audio] proves everything we have already seen. This [showing an image of Ms. Kassenoff] was a broken woman, a broken mother who had suffered years of abuse."*⁹²

117. In other words, according to Harvey, at the time of the audio file he presented in his June 21 video, Catherine "had just had a baby" and "[d]ays later, Allan would file for divorce." Harvey knew from all of the video clips he presented in the Harvey Videos that none of the Children were babies at the time of the divorce. Thus, Harvey was either lying in the June 21 video or made such statements in reckless disregard for the truth.

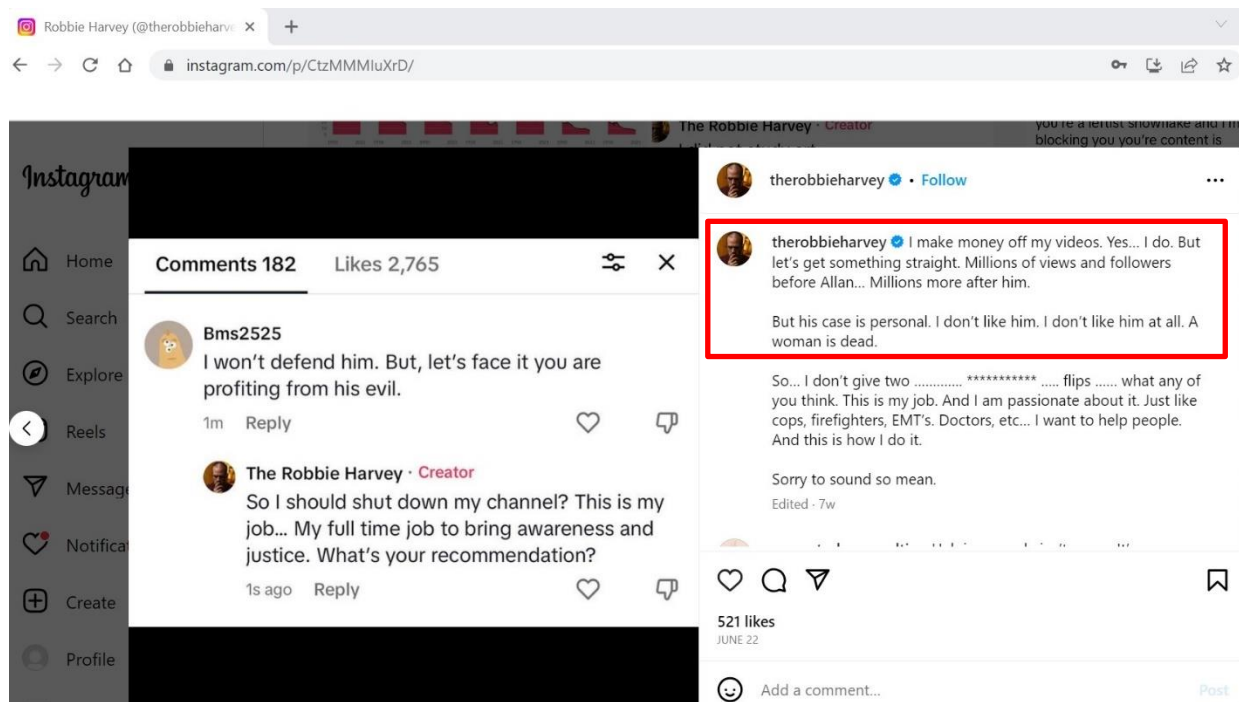
118. *Finally*, if there were any doubt as to Harvey acting with actual malice,

⁹⁰ <https://www.tiktok.com/@therobbieharvey/video/7250151567297531182>.

⁹¹ <https://www.tiktok.com/@therobbieharvey/video/7250151567297531182>.

⁹² <https://www.tiktok.com/@therobbieharvey/video/7247112812772724011>

he confirmed in an Instagram comment that he does not like Mr. Kassenoff: “[H]is case is personal. I don’t like him. I don’t like him at all”:



<https://www.instagram.com/p/CtzMMMIuXrD/>.

Harvey Intentionally Interfered With Mr. Kassenoff’s Employment

119. From November 2005 until June 11, 2023, Mr. Kassenoff had been a member of the patent litigation group (the last 15 or so years as a Shareholder) at Greenberg Traurig. As a Shareholder, Mr. Kassenoff’s annual compensation was typically between \$800,000 and \$900,000.

120. Mr. Kassenoff was an extremely well-respected attorney, and was frequently recognized for his legal skills. For example, amongst the awards and recognition he received were the following:

- Listed, *LMG Life Sciences*, “Life Science Star,” 2017-2022
- Listed, *Lawdragon 500*, “Leading Litigators in America,” 2022
- Listed, *Benchmark Litigation*, 2018-2023

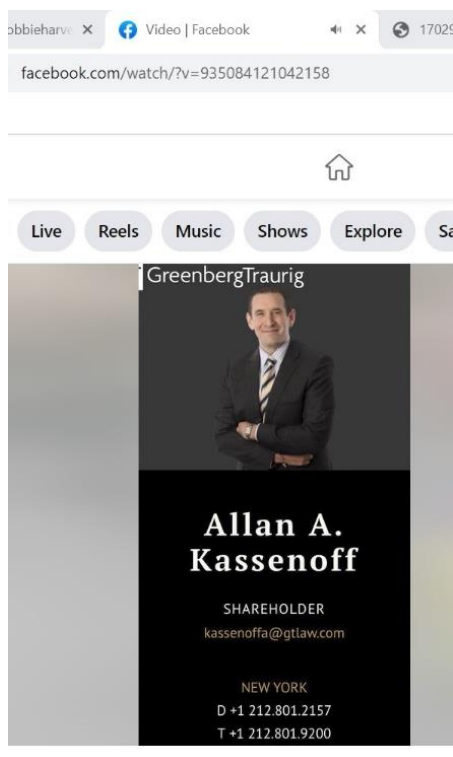
- “National Practice Area Star,” 2022-2023
- “Local Litigation Star,” 2022-2023
- “National Litigation Star,” 2018-2021
- Listed, *Patexia*, 2023
 - 17th, “Best Performing Patent Litigators Representing Defendants”
 - 40th, “Best Performing Patent Litigators Overall (Representing Plaintiffs or Defendants)”
- Listed, *The Legal 500 United States*, 2022
 - Intellectual Property Patents: Litigation (full coverage), 2022
 - “Recommended Lawyer,” 2022
 - “Other Key Lawyer,” 2022
- Listed, *Managing IP Magazine’s World IP Handbook and Survey*, “IP Stars: New York Patent Stars,” 2013-2022
- Listed, *IAM magazine*, “IAM Patent 1000,” Litigation, 2012-2022

121. Mr. Kassenoff also represented many blue chip clients over the years, including such companies as Samsung, LG, Chewy, Rakuten, Teva, Medtronic, Garmin, Blackboard, General Mills, Navico, Alcoa and Amazon.

122. Harvey decided that Mr. Kassenoff needed to be fired – despite the fact that he was the Children’s sole provider (and had been for the past 4 years). Accordingly, Harvey directed his 3,000,000+ followers to achieve that goal. First, on June 7, 2023, Harvey uploaded what he termed “a MAJOR UPDATE to the Allan Kassenoff story.”⁹³ In that June 7 Harvey Video, Harvey blamed Mr. Kassenoff for Ms. Kassenoff’s suicide and included Mr. Kassenoff’s Greenberg Traurig contact information (taken from the Greenberg Traurig website):

⁹³ <https://www.facebook.com/watch/?v=935084121042158>. Upon information and belief, this video was uploaded to TikTok but since removed by Harvey out of fear of a lawsuit by Mr. Kassenoff. However, Harvey also uploaded this video to Facebook, where Mr. Kassenoff was able to locate it.

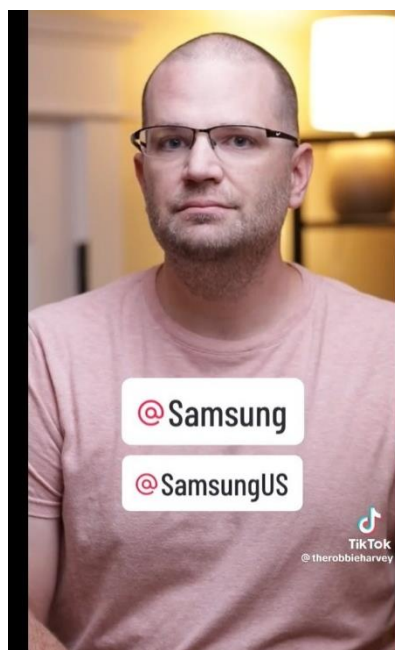
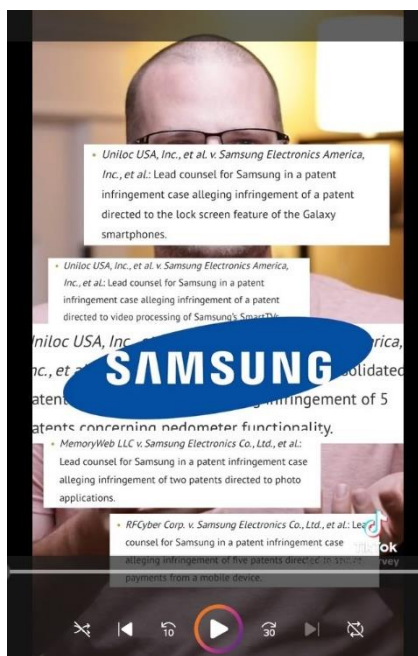
“After a four year battle, May of 2023, the courts ruled that Catherine Kassenoff, the mother of the children and ex-wife to this man, Allan Kassenoff, could no longer see her children. After that ruling, Catherine decided she no longer wanted to be on this Earth. But remember Catherine released a ton of evidence showing the corruption behind this case before she left us. *According to Allan [showing the image below of Mr. Kassenoff’s contact information from his Greenberg Traurig webpage], Catherine was a danger to their children.*”



123. When releasing Mr. Kassenoff’s contact information in his June 7 Harvey Video failed to achieve Harvey’s goal of getting Mr. Kassenoff fired, on June 8, Harvey next instructed his 3,000,000+ followers to go after Greenberg Traurig clients:

“*Allan Kassenoff is a shareholder at this law firm [showing the Greenberg Traurig name and logo] and this law firm has basically defended Allan Kassenoff abusing his wife in a Facebook post a few days ago. And since this law firm has not done the right thing and fired Allan Kassenoff who makes \$1,000,000 a year, I figured its time to get their attention. Hey Samsung, according to this case, and this case, and*

this case, and this case, and this case, Allan Kassenoff is your lead counsel [showing the below left image listing cases in which Mr. Kassenoff was lead counsel for Samsung]. Allan Kassenoff is your attorney. Now Samsung, I know you're a better company than that. *If there was only a way for millions of people to get the attention of Samsung [showing the below right image with the tags @Samsung and @SamsungUS] and let them know who represents them.*"⁹⁴



124. When Harvey's June 8 video still did not result in Mr. Kassenoff getting fired, the following day, Harvey incited his 3,000,000+ followers to contact a human resources conference at which a Greenberg Traurig employee was speaking:

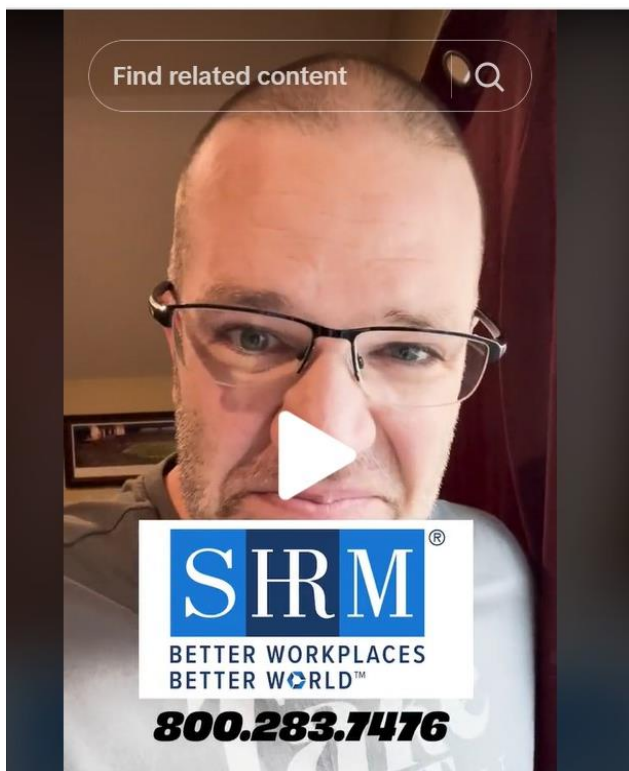
"The law firm who employs this wife abuser [and then shows clips of Mr. Kassenoff] is giving a speech at a, get this, human resources conference. . . . The law firm that pays this man [and then shows clips of Mr. Kassenoff] \$1,000,000 a year is going to educate people on how

⁹⁴ <https://www.facebook.com/therobbieharvey/videos/9438875329487801>. Like the June 7, 2023 Harvey Video, Harvey has since deleted this video from TikTok (although the TikTok logo can be seen throughout the video in the lower right corner). Also like the June 7 video, Mr. Kassenoff was able to locate this video on Mr. Harvey's Facebook page (albeit the @Samsung logos which appeared on the TikTok version are missing from the Facebook version). The images shown were taken from the TikTok version, which Mr. Kassenoff had downloaded and saved before it was removed.

to do human resources.”⁹⁵

125. Harvey then proceeded to include the following screenshot while making a facial expression clearly conveying what he wants his followers to do (i.e., call the conference and complain about Mr. Kassenoff) and stated: “here is a phone number to the conference if y’all want to know.”

tiktok.com/@therobbieharvey/video/7242657103721155883



<https://www.tiktok.com/@therobbieharvey/video/7242657103721155883>.

126. Needless to say, Harvey’s plan regarding the conference worked and several of his followers made comments to the post stating they were going to do exactly what Harvey wanted and call the conference:

- “Wow. SHRM member here. Definitely calling!!!” (TampaD).
- “I’m a member too and I plan on calling.” (Alana).
- “I’m a SHRM member as well and I will be reaching out to the

⁹⁵ <https://www.tiktok.com/@therobbieharvey/video/7242657103721155883>.

organization to ask them how they feel about promoting this firm.” (Coffee and Coffee).

- “Oh, SHRM? I’m a member. On it.” (Jennifer Hall Powell).

127. Other of Harvey’s followers went even further than simply calling the conference and instead indicated that they will attack it via social media:

- “At this point, mob justice is the only form of justice to reach them.” (Animated_maniac_476).
- “SHRM (the company hosting the conference) has Twitter, Facebook and IG accounts. Let’s go!!!” (Blayer2019).
- “that would be the SHRM conference. it would be a shame if everyone emailed them.” (Becca).
- “OMG?!! Internet, let’s do what we do!!!” (Kim).

128. Following Harvey’s instructions in the Harvey Videos (including the June 7, 8 and 9 videos described immediately above), Harvey’s followers bombarded Greenberg Traurig and Greenberg Traurig clients with emails, phone calls, voicemails, and social media attacks, demanding the termination of Mr. Kassenoff. Amongst the many, many emails received by Greenberg Traurig as a result of Harvey’s incitement are the following:

- “Leave of absence? You ACTUALLY think that will be good enough? *The internet will NEVER leave you alone as long as this fucking MONSTER Allan Kassenoff has anything to do with your business. You won’t have a business if you continue to entertain the idea of possibly bringing this abusive narcissist back to work, no one will allow that. Justice for Catherine. Get her sweet children away from that monster. You failed Catherine.*”
- “Allen Kassenoff is a horrible human. I don’t know how your company allows his [sic] ‘man’ to work for your firm. He is a disgrace as a man, father and human. You should all be ashamed! *I am contacting all your clients next.*”
- “You should definitely fire that weak ass man who you support with all your heart. *Have you not seen what the internet can do? You all are definitely losing all your costumers and hopefully lose Samsung. You all are 100% liable for his actions and you*

better lay him off and blacklist him, or the internet will blacklist you.”

- *“You’re employing a physical and emotional abuser. By employing him, you are standing by and supporting Allan Kassenoff’s actions. You are supporting abuse and it’s disgusting. I will actively be giving your firm bad reviews and I will make sure to tell as many people as I can to not support your firm/leave bad reviews. You’re employing a man who drove his dying wife to suicide. That’s beyond sick. The emails, the calls, they won’t stop until you do the right thing and FIRE HIM. That THING does not deserve a moment of peace. Think to yourselves, how would you feel if this happened to your daughters, your mothers? Exactly. FIRE KASSENOFF OR WE WILL NOT STOP.”*
- *“Your leave of absence post is absolutely disgusting. Make no mistake this law firm will be riddled with disgust and it will not stop. Remove this man from your firm you cowards. Unless you stand for abuse and negligence? Do you guys even see all the comments? It won’t end unless you do something about it.”*
- *“Your bullshit solution of throwing money out there for the children is weak and desperate. Hope all your major clients drop you. We will all continue to contact them and encourage them to fire your firm. Do the right thing and publicly disavow this scumbag.”*

129. As a direct and proximate result of Harvey’s actions, on June 9, 2023, the CEO of Greenberg Traurig informed Mr. Kassenoff that the Firm had no choice but to sever ties with him. Accordingly, on June 11, 2023, Mr. Kassenoff forcibly resigned from Greenberg Traurig due to the social media pressure on the Firm and its clients that came about as a direct and proximate result of Harvey’s actions.

130. And just in case there was any doubt as to the cause of Mr. Kassenoff losing his position at Greenberg Traurig, Harvey took great pride on Twitter in getting Mr. Kassenoff “fire[d]”:

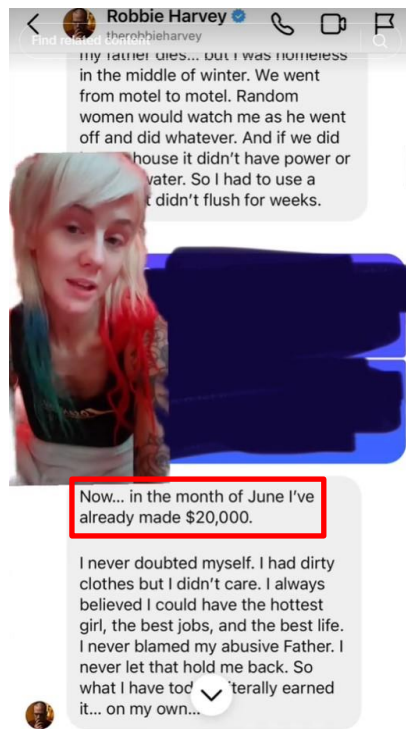


Harvey’s False, Defamatory And Misleading Statements Have Caused Enormous Financial Harm, Reputational Damage And Devastating Emotional Distress to Mr. Kassenoff

131. Harvey’s false, defamatory and misleading statements have caused untold harm to Mr. Kassenoff. Unfortunately, since being forced to resign from Greenberg Traurig on June 11, 2023, Mr. Kassenoff has been unable to get a new job due to the irreparable damage that Harvey has done to Mr. Kassenoff’s reputation. To wit, a quick Google search will demonstrate the irreparable damage that Harvey has done to Mr. Kassenoff’s reputation. For example, as reported in the Frank Report on June 8, 2023, Mr. Kassenoff was “ranked number one Martindale-Hubbell’s weekly Profile Visibility, out of 2,192,033 lawyers” (with a 1.0 rating),

all due to Harvey's actions.⁹⁶ The damage that Harvey has done to Mr. Kassenoff's legal career is in the tens of millions of dollars.

132. In contrast to the sheer financial and reputational devastation he caused Mr. Kassenoff, Harvey admitted in one of his inappropriate DMs on TikTok that he made over \$20,000 in June alone,⁹⁷ which, upon information and belief, was predominantly a result of the Harvey Videos.



133. In addition to financial and reputational harm, Mr. Kassenoff has also suffered severe emotional distress, including anxiety, panic attacks, loss of appetite, depression and fear for his and his Children's safety.

134. As a result of Harvey's actions, Mr. Kassenoff constantly worries about how he will get a new job to support himself and the Children such that he usually wakes up with anxiety and depression each morning. The worrying has even

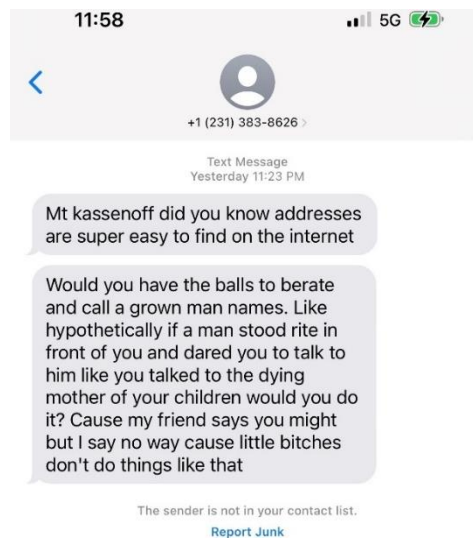
⁹⁶ <https://frankreport.com/2023/06/08/allan-kassenoff-tops-martindale-hubbell-with-1-profile-visibility-among-2-1-million-lawyers/>.

⁹⁷ <https://www.tiktok.com/@thatgirlbombpop/video/7253149406483189038>.

impacted his eating, causing Mr. Kassenoff to lose over 10 pounds.

135. Similarly, as a result of Mr. Harvey’s actions, several of his followers contacted CPS, leading to at least another three CPS investigations. Although each of these new CPS investigations resulted in a finding of “unfounded” (meaning that CPS concluded that there was no evidence of abuse), Mr. Kassenoff had to deal with additional emotional distress as a result thereof.

136. Furthermore, as demonstrated above, Mr. Kassenoff has received hundreds if not thousands of harassing emails, voicemails, DMs and text messages as a result of the Harvey Videos. In fact, on August 24, 2023 – nearly a month after Harvey posted his last Harvey Video on July 31, Mr. Kassenoff received the following threatening text message, confirming that the impact of the Harvey Videos is long from over:



Harvey Has Engaged In A Course Of Conduct Directed At Harassing Both Mr. Kassenoff And Mr. Dimopoulos Over The Internet

137. Harvey has also engaged in a course of conduct directed at harassing Mr. Kassenoff and Mr. Dimopoulos which caused substantial emotional distress to them and which served no legitimate purpose. Specifically, Harvey has created and uploaded dozens of false, defamatory, misleading and harassing videos of Mr.

Kassenoff and Mr. Dimopoulos. In addition to the defamatory videos and statements described above, Harvey’s harassing course of conduct included the following additional statements from the Harvey Videos:

- “Now Allan has custody of the kids. But I am told and this is just what I am told. I haven’t seen any evidence or statements from anybody. *But I am told because of my video and other videos, Allan is now under investigation.* I know there are many sides to a story. The video footage doesn’t lie and *that monster has possession of these children so I am going to keep talking about it.*”⁹⁸
- “Where are your videos Allan? Where are they at? Look at me. I know I know you are watching me. Is this you messaging me through your children’s account? Are you going to continue to let your girlfriend talk for you in message boards all over the Internet. . . . *Look here Allan. I have put aside my usual content because the millions of women that follow me, they are Catherine Kassenoff. And I am going to be the thorn in your side until you people are in jail.*”⁹⁹
- “So my Allan Kassenoff videos are being reported and taken down. And I find this interesting after Allan Kassenoff was fired from his job. And now companies are coming out, like Samsung, saying they will no longer be associated with Allan Kassenoff. So I just question who is upset and reporting them all of a sudden – especially after one video has almost 30,000,000 views. And the national media is starting to pick it up itself. So here is what I am going to do. *I am going to re-edit them later today.* That way TikTok can’t find any reason to take them down. *And then I will reupload them.* So I need your help to get them back going. *Because I am not going to let Allan Kassenoff get what he wants. If he really wants to choose this fight, then we will fight. And we’ll just keep going. Until people are in jail. Until people have the consequences of their decisions, including judges, attorneys, therapists.*”¹⁰⁰

⁹⁸ <https://www.tiktok.com/@therobbieharvey/video/72400630193912251310>.

⁹⁹ <https://www.tiktok.com/@therobbieharvey/video/7243568782612974890>.

¹⁰⁰ <https://www.tiktok.com/@therobbieharvey/video/7244140726743878954>.

- “Okay. *So my Allan Kassenoff videos are starting to come back up. I’ve pinned the first one on top of my profile, so go comment, go like it, go share it. Let’s get that one back going. Also, I’m going to blow this thing wide open in a couple of days. Right now I’m doing my due diligence on the facts. But there is more to this case that I have found that will infuriate you. It will infuriate you. But that is going to take a couple of days because I’m spending some time with my wife this week. This is the first time her and I have had a couples only time since her cancer diagnosis over a year ago. So that comes first. But Allan, in a few days, I am back on you.*”¹⁰¹
- “There are reports that were written that say these children are not safe with their father. I will reveal those reports this weekend. *So Allan, you’ve got a few more days.*”¹⁰²
- “You know I think I have done 10 videos on this subject [of Allan Kassenoff]. *Not even the worst narcissist on TikTok have been able to provide enough content for 10 videos. But Allan Kassenoff – that’s how bad he is. He has provided so much that it has required 10 videos. And after all of those videos, after everything I have shown, after everything I have proven, after everything I have provided. This mother of 3 who is being abused by her husband and is trying to fight cancer is playing the victim. The Kassenoff defenders are unbelievable.*”¹⁰³
- “So now it is time to get justice for Catherine Kassenoff and I need your help. *And I am going to tell you exactly what to do. In this video I am going to present every piece of evidence that I have and once I do, this is what I need from you: like the video, share it and then tag every single media outlet you know.*”^{104, 105}
- “NewsNation reported a few weeks ago that they did indeed confirm the passing of Catherine Kassenoff. But that hasn’t stopped Allan. *Ever since her passing, he has repeatedly attacked Catherine. There is even an entire website dedicated to*

¹⁰¹ <https://www.tiktok.com/@therobbieharvey/video/7244514052163046699>.

¹⁰² <https://www.tiktok.com/@therobbieharvey/video/7244945355274751278>.

¹⁰³ <https://www.tiktok.com/@therobbieharvey/video/7247159591526616366>.

¹⁰⁴ <https://www.tiktok.com/@therobbieharvey/video/7248782658564558126>.

¹⁰⁵ This video generated over 8,200 comments, and included tags of many major media outlets, including for example, @NBC; @ABC News; @New York Post; @cbsnews; @CNN; @60 Minutes; @News5; and @FoxNewsReporter.

*dragging Catherine’s name through the mud.”*¹⁰⁶

138. In fact, on June 10, 2023, Harvey shared Mr. Dimopoulos’ contact information in his video. Specifically, after Harvey finished reading a statement that Mr. Dimopoulos had provided the NY Post, Harvey stated: “His name is Gus Dimopoulos [showing the lower left an image of Mr. Dimopoulos]. If you have any questions. . . . [showing the lower right image of Mr. Dimopoulos’ contact information as depicted below and making one of his typical facial expressions]”:¹⁰⁷



139. And, Harvey’s plan to harass Mr. Dimopoulos worked. According to www.nextiva.com, the company that provides Dimopoulos Bruggemann’s VOIP telephone service, on a typical day, the firm receives anywhere from 50-200 telephone calls. However, from June 10, 2023 (the day Harvey published Mr. Dimopoulos’ email address and phone number) through June 14, 2023, the firm received 7,742 phone calls. On June 11, 2023 alone, the firm received 2,735 phone calls. The first wave of phone calls consisted of people making vile or disgusting

¹⁰⁶ <https://www.tiktok.com/@therobbieharvey/video/7248782658564558126>.

¹⁰⁷ <https://www.facebook.com/therobbieharvey/videos/590583482927563>.

threats, after which Dimopoulos Bruggemann's staff simply stopped answering the phone. On it went, with the phones ringing nearly every second of the day for days. Phone calls were not answered, and many legitimate business calls (from client's or court personnel) went unanswered. Mr. Dimopoulos received 565 voicemails, most of which threatened him, called him a scumbag or some other vile name.

140. During that same time period, Mr. Dimopoulos received hundreds of e-mails. Most of the emails called him disgusting names and/or threatened him in some fashion. A small sampling of the content of those emails is below:

- “I hope Allan and yourself get what you fucking deserve you sick, twisted, sociopathic dirtbag. I hope you are convicted of the worst atrocities that everyone knows you didn't commit, but no one cares. I hope you die alone, with no one to love you, this is the least you deserve. Die alone.”
- “You will rot in hell for representing Allan Kassenoff. Catherine's blood is on your hands.”
- “you and your piece of shit client are not only delusional fuck wits who look like the victims of clinical water boarding trials as infants, but absolutely embarrassing excuses of life. did your mother chug lysol and chain smoke while you were forming in her wretched, decaying womb? or after you shot out of her crusty dried out cooch did she throw you into the nearest interstate and hope for the best? I bet \$20 you naturally smell like moldy hot dog water and geriatric BO and piss. there's absolutely no way you don't share an ego with Trump, and an IQ with an expired ham. if there's a legal way to suggest suicide to you both, it would truly be a movement towards the betterment of society and the gene pool. your mother should be sued for not swallowing your pathetic excuse of an existence. your life is nothing more than stealing oxygen from better deserving people. praying for the swift expiration of your bloodline and, hopefully, existence.”
- “Hope your 4 years in law school was worth it just to see your life go down the drain protecting low life scum like Mr Kassenoff. You a disgusting human being and honestly I wish the best for you, so that maybe one day you'll reflect on all of this and realise you had the chance to give that lady peace in her

last moments knowing her kids would go to a good family. instead you chose to fight for a man who could give 2 fucks about those kids and will probably end up hurting one of them some day. Think on your life, and how you want to be remembered because its never too late.”

- “Your whole argument is a complete joke. There’s video evidence of who you’re representing, emotionally and verbally abusing his daughters and wife. To say that those children have been safe and healthy for the past three and a half years, is completely insane. That man is a monster. He does not deserve to have custody of those children, let alone try to defend his custody of them. You are disgusting for defending such a person. I hope your case crumbles and the both of you rot in hell. As you should.”
- “Are you proud? Did you increase your bank account? Have you ever done the ‘right thing?’ Maybe you should excuse yourself from this awful hateful man! Sorry but with this kind of publicity you probably will only get the scum – of course he will need money as I’m sure you wouldn’t do anything out of the kindness of your heart because I’m pretty sure you don’t have a heart.”
- “What you did to Cathy Kassenoff on her deathbed was unforgivable. I hope all you get in this inbox is the hate you deserve you absolute piece of trash. Fuck you!”

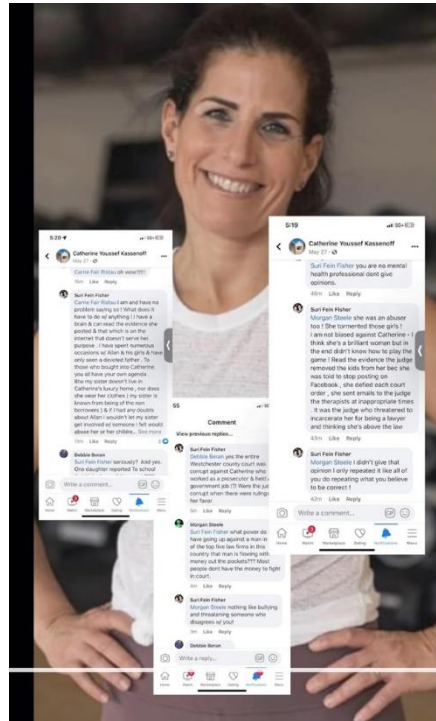
141. Harvey also harassed Mr. Kassenoff by posting a picture of his girlfriend, Ms. Shira Kraft, and falsely claiming that Ms. Kraft was “disparag[ing]” Ms. Kassenoff “all over the Internet,” leading his followers to attack her and even contact her employers demanding that she be fired:

- “Or how about after [Ms. Kassenoff] passed away, *your girlfriend goes on social media to disparage her name.*”¹⁰⁸
- “Where are your videos Allan? Where are they at? Look at me. I know I know you are watching me. Is this you messaging me through your children’s account? *Are you going to continue to*

¹⁰⁸

<https://www.tiktok.com/@therobbieharvey/video/7261752792069557546>. Despite Harvey’s lie, none of the posts he showed with the picture of Ms. Kraft were even made by Ms. Kraft.

let your girlfriend talk for you in message boards all over the Internet. . . . Look here Allan. I have put aside my usual content because the millions of women that follow me, they are Catherine Kassenoff. And I am going to be the thorn in your side until you people are in jail.”¹⁰⁹



142. Perhaps worst of all, in late July 2023, Harvey travelled to New York City (knowing full well that Mr. Kassenoff lives about a 30 minute train ride from there) and made the following threatening statement:

¹⁰⁹ <https://www.tiktok.com/@therobbieharvey/video/7243568782612974890>

“Alright. I’ve got something exciting to show you guys. . . . *Take a look at this Allan. I’ve got something really important to show you. It’s a beautiful city* [with Harvey making a menacing expression, walking out onto the balcony of his New York City hotel room].”¹¹⁰



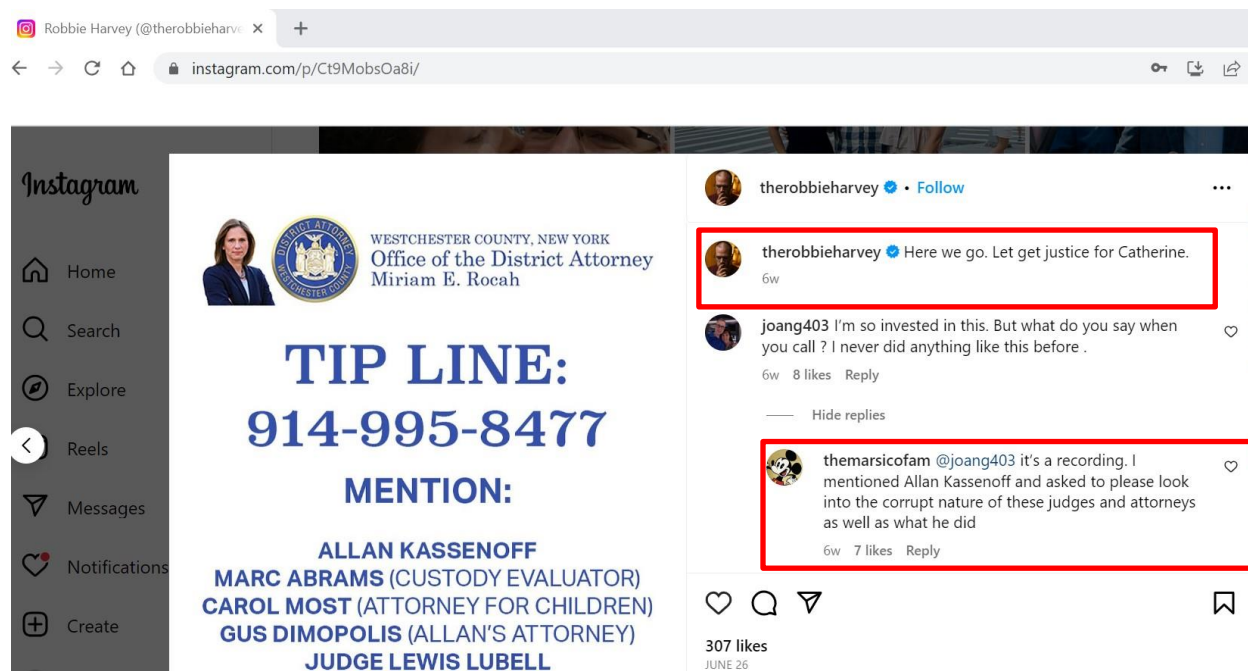
143. In case there were any doubt as to the threatening and menacing nature of Harvey’s message to Mr. Kassenoff, that video elicited the following comments (among many more):

- “You are a man of honor. Go get them!! You’ve got back up!” (Joey Angelina).
- “I support vigilante justice.” (Steve).
- “You are in NEW YORK!!! Get ’em my friend!” (Crystal Seurer).
- “Yes!! Go get him!! Save these sweet kids and give Katherine the justice she deserves!” (Lindie Stoddard).
- “Is blud coming to Mamaroneck.” (Aiden Rivera).
- “If you need backup you let me know.” (Mack).

144. Furthermore, Harvey instructed his followers to contact the Westchester County District Attorney’s office and “mention: Allan Kassenoff [and]

¹¹⁰ <https://www.tiktok.com/@therobbieharvey/video/7260163072231361835>.

Gus Dimopolis [sic].” As can be seen in the following screenshot from Harvey’s Instagram account, Harvey wrote “Here we go. Let’s get justice for Catherine,” to which one of his followers responded that he/she called the DA’s phone number and “mentioned Allan Kassenoff”:

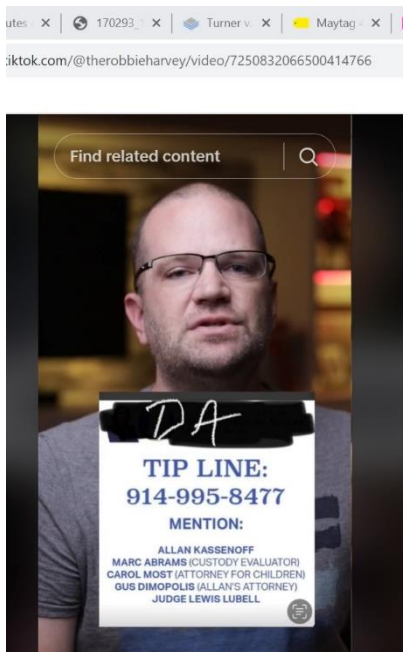


<https://www.instagram.com/p/Ct9MobsOa8i/>.¹¹¹

145. And it worked. In a subsequent video, Harvey explained that he has “good news. The District Attorney in regards to the Allan Kassenoff case and the corruption and all of that has finally responded. *They have heard your calls* and they have reached out to me. They are mad that I used their logo. . . . They told me that the line was reserved for victims in Westchester County. I reminded them that their victim [showing a picture of Ms. Kassenoff] is no longer around and that a lot of people saw an alleged crime inside of their county. So they told me the tip line is okay to share. So here is an updated graphic without the use of their logo. And remember all of the abuse and corruption that you have seen happened under their

¹¹¹ Similarly, in his June 19, 2023 Harvey Video, Harvey displayed Dr. Abrams’ telephone numbers and suggested that his 3,000,000+ followers contact Dr. Abrams. <https://www.tiktok.com/@therobbieharvey/video/7246429288210255146>.

umbrella. So feel free to report anything you think is suspicious.”¹¹²



<https://www.tiktok.com/@therobbieharvey/video/7250832066500414766>

The Children Have Suffered From Emotional Distress As A Result Of Harvey’s Smear Campaign

146. As explained above, Harvey has published nearly 40 Harvey Videos on TikTok alone, several of which depict the Children’s unblurred faces. Furthermore, Harvey falsely called the Children’s father an abuser and publicized the Children’s mother’s suicide to tens of millions of people, all of which has caused the Children to suffer severe emotional distress.

147. To make matters worse, the Harvey Videos were not just seen by tens of millions of strangers. Rather, the Children’s friends, friends’ parents and teachers saw the videos, making the emotional distress exponentially worse.

148. Furthermore, the Children no longer have a parent who can support them financially (due to Harvey getting Mr. Kassenoff fired), causing the Children further distress and anxiety as they are now (understandably) worried as to who will

¹¹² <https://www.tiktok.com/@therobbieharvey/video/7250832066500414766>.

support them.

149. Due to Harvey's actions, another three CPS investigations were instituted, resulting in the Children being interviewed by a CPS case worker several times and leading to more emotional distress.

150. Below are several additional examples demonstrating the severe emotional distress the Children have suffered as a direct and proximate cause of Harvey's actions:

- The Children, their school principals and/or their school guidance counselors have called Mr. Kassenoff on several occasions to pick the Children up from school due to their distress over the Harvey Videos.
- Plaintiff A.K. once walked into class and other children began whispering and pointing at her as the kid whose mother committed suicide and whose father abuses her.
- A classmate of Plaintiff A.K. once made a "Snapchat" – and sent it to A.K. and many of her friends – consisting of excerpts from the Harvey Videos.
- Plaintiff C.K. once called Mr. Kassenoff crying, asking him to pick her up from school as one of her friends told her that several parents of children in her school were in a "group chat," discussing her mother's suicide.
- Several of Plaintiff J.K.'s and A.K.'s friends' parents stopped letting their children come over to the Kassenoff's house for playdates.
- Plaintiff J.K. suffered from panic attacks while away at summer sleepaway camp as a result of the Harvey Videos.

151. If this all was not bad enough, Harvey himself recognized that he was adding to the Children's emotional distress ("trauma") by making the Harvey Videos – but he just did not care:

"Many of you have asked if we get justice for Catherine Kassenoff's death, then what will happen to the kids. Many of you have asked if I am adding to their trauma. I will say this. I have struggled with that question. I have really really struggled with it. But here is my

deciding factor on when featuring this case. Since 2016 in the State of New York, these 22 children have been taken from this Earth by an abusive parent. And as you can see, most of them under the age of five. The New York Family Courts are allowing abusive parents into the lives of children every single day. New York Family Courts sell children to the highest bidder. Just like Allan Kassenoff.”¹¹³

**COUNT I – DEFAMATION *PER SE*
(On Behalf of Mr. Kassenoff)**

152. Plaintiffs restate and reallege each of the assertions set forth in the paragraphs 1-151 above.

153. Harvey has published false, defamatory and misleading statements about Mr. Kassenoff in the Harvey Videos (and his comments thereto), falsely accusing Mr. Kassenoff of (1) abusing, including physically, Ms. Kassenoff and the Children and that such abuse was confirmed by both CPS and police reports and (2) being awarded sole custody by a corrupt judicial system that improperly excluded Ms. Kassenoff (and her attorneys) from custody hearings *and* because he bribed (i.e., “paid off”) everyone.

154. Harvey’s false, defamatory and misleading statements about Mr. Kassenoff in the Harvey Videos (and his comments thereto) tended to subject Mr. Kassenoff to hatred, distrust, ridicule, contempt and/or disgrace and injured him in his profession and, thus, constitute defamation *per se*.

155. Harvey published and publicly distributed the Harvey Videos (and his comments thereto), including by making the Harvey Videos (and his comments thereto) available on the Internet, where it could be, and was, accessed by citizens of the State of Florida and throughout the United States.

156. Harvey published and publicly distributed the Harvey Videos (and his comments thereto), which resulted in Mr. Kassenoff losing his job as a Shareholder at Greenberg Traurig and/or have preventing him from obtaining employment as a

¹¹³ <https://www.tiktok.com/@therobbieharvey/video/7253962863944027435>.

patent litigator despite his qualifications and experience and have caused Mr. Kassenoff to suffer damages.

157. Harvey's false, defamatory and misleading statements have also injured Mr. Kassenoff in his trade and profession and have damaged his character and reputation in an amount to be proven at trial.

**COUNT II – GENERAL DEFAMATION
(On Behalf of Mr. Kassenoff)**

158. Plaintiffs restate and reallege each of the assertions set forth in the paragraphs 1-157 above.

159. Harvey has published false, defamatory and misleading statements about Mr. Kassenoff in the Harvey Videos (and his comments thereto), falsely accusing Mr. Kassenoff of (1) abusing, including physically, Ms. Kassenoff and the Children and that such abuse was confirmed by both CPS and police reports and (2) being awarded sole custody by a corrupt judicial system that improperly excluded Ms. Kassenoff (and her attorneys) from custody hearings *and* because he bribed (i.e., "paid off") everyone.

160. Harvey has defamed Mr. Kassenoff in the Harvey Videos (and his comments thereto) by knowingly, intentionally, willfully, negligently and recklessly publishing statements about him which he knew or should have known to be false and misleading and/or were published with reckless disregard for the truth.

161. Under Florida law, general defamation has the following five elements (1) publication; (2) falsity; (3) the statement was made with knowledge or reckless disregard as to the falsity on a matter concerning a public official, or at least negligently on a matter concerning a private person; (4) actual damages; and (5) the statement must be defamatory.

162. Harvey knew or had reason to know that the Harvey Videos (and his comments thereto) were false and misleading and/or published with a reckless

disregard for the truth.

163. Harvey published and publicly distributed the Harvey Videos (and his comments thereto), which resulted in Mr. Kassenoff losing his job as a Shareholder at Greenberg Traurig and/or have preventing him from obtaining employment as a patent litigator despite his qualifications and experience and have caused Mr. Kassenoff to suffer damages.

159. Harvey's false, defamatory and misleading statements have also injured Mr. Kassenoff in his trade and profession and have damaged his character and reputation in an amount to be proven at trial.

**COUNT III – DEFAMATION BY IMPLICATION
(On Behalf of Mr. Kassenoff)**

164. Plaintiffs restate and reallege each of the assertions set forth in the paragraphs 1-163 above.

165. Defamation by implication is a tort recognized in Florida.

166. Harvey has published false, defamatory and misleading statements about Mr. Kassenoff in the Harvey Videos (and his comments thereto), falsely accusing Mr. Kassenoff of (1) abusing, including physically, Ms. Kassenoff and the Children and that such abuse was confirmed by both CPS and police reports and (2) being awarded sole custody by a corrupt judicial system that improperly excluded Ms. Kassenoff (and her attorneys) from custody hearings *and* because he bribed (i.e., "paid off") everyone.

167. In publishing and publicly distributing the Harvey Videos (and his comments thereto), Harvey omitted facts such that the Harvey Videos (and his comments thereto) created a false impression about Mr. Kassenoff such that he created a defamatory implication about Mr. Kassenoff.

168. Harvey published and publicly distributed the Harvey Videos (and his comments thereto), including by making the Harvey Videos (and his comments

thereto) available on the Internet, where it could be, and was, accessed by citizens of the State of Florida and throughout the United States.

169. A reasonable person would understand Harvey's false, defamatory and misleading statements to impart a false innuendo, which would be highly offensive to a reasonable person.

170. Harvey intended the defamatory inferences that the published false, defamatory and misleading statements created and these false, defamatory and misleading statements were made negligently and/or with a reckless disregard of the truth.

171. The false impression of Mr. Kassenoff, which Harvey created, caused irreparable harm to him in that it resulted in Mr. Kassenoff losing his job as a Shareholder at Greenberg Traurig and/or have preventing him from obtaining employment as a patent litigator despite his qualifications and experience and have cause Mr. Kassenoff to suffer damages.

172. The false impressions of Mr. Kassenoff, which Harvey created, caused irreparable harm to them in Mr. Kassenoff's trade and profession and have damaged his character and reputation in an amount to be proven at trial.

**COUNT IV – INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS
(On Behalf of Mr. Kassenoff, A.K., C.K. and J.K.)**

173. Plaintiffs restate and reallege each of the assertions set forth in the paragraphs 1-172 above.

174. Harvey intentionally and/or recklessly inflicted emotional distress upon Mr. Kassenoff, A.K., C.K. and J.K. when he knew or should have known that emotional distress would result.

175. Harvey's conduct was outrageous, as to go beyond all bounds of decency and to be regarded as odious and utterly intolerable in a civilized community.

176. The revilement Harvey inflicted upon Mr. Kassenoff, A.K., C.K. and J.K. is explicit and egregious.

177. Harvey's conduct has caused and will continue to cause severe emotional distress, shame, embarrassment, and humiliation to Mr. Kassenoff, A.K., C.K. and J.K.

178. The nature of the statements made about Mr. Kassenoff, the extent to which those statements were circulated, and the tendency of such statements to injure someone such as Mr. Kassenoff are such that the statements in the Harvey Videos have directly and proximately caused Mr. Kassenoff, A.K., C.K. and J.K. to suffer significant damages, including damage to their reputations, humiliation, embarrassment, mental suffering, shame, emotional distress, and other harms, all of which are ongoing in nature and will be suffered in the future.

179. Harvey's conduct was committed knowingly, intentionally, willfully, wantonly and maliciously, with the intent to harm Mr. Kassenoff, A.K., C.K. and J.K., or in blatant disregard of the substantial likelihood of causing them harm, thereby entitling Mr. Kassenoff, A.K., C.K. and J.K. to an award of punitive damages.

180. As a direct and proximate result, Mr. Kassenoff, A.K., C.K. and J.K. are entitled to recover compensatory, special, and punitive damages in appropriate amounts to be proven at trial.

**COUNT V – TORTIOUS INTERFERENCE WITH A BUSINESS
RELATIONSHIP
(On Behalf of Mr. Kassenoff)**

181. Plaintiffs restate and reallege each of the assertions set forth in the paragraphs 1-180 above.

182. Harvey had actual and/or imputed knowledge of Mr. Kassenoff's advantageous contractual and business relationships with Greenberg Traurig and its clients, including Samsung.

183. Harvey knowingly, intentionally and unjustifiably interfered with Mr. Kassenoff's business relationships by publishing the Harvey Videos on his various social media platforms, including TikTok, and instructing his 3,000,000+ followers to attack Greenberg Traurig and its clients.

184. As a direct and proximate result of Harvey's actions, Mr. Kassenoff has suffered significant damages.

185. The nature of the statements made about Mr. Kassenoff, the extent to which those statements were circulated, and the tendency of such statements to injure someone such as Mr. Kassenoff are such that the Harvey Videos, including Harvey's instructions to his 3,000,000+ followers to attack Greenberg Traurig and its clients, have directly and proximately caused Mr. Kassenoff to suffer significant damages, including damage to his career, loss of employment, economic damages, client relationships, and other harms, all of which are ongoing in nature and will be continued to suffer in the future. Mr. Kassenoff will also incur and is entitled to recover significant expenses for repairing his reputation online and otherwise.

186. Harvey's conduct was committed knowingly, intentionally, willfully, wantonly and maliciously, with the intent to harm Mr. Kassenoff, or in blatant disregard of the substantial likelihood of causing him harm, thereby entitling Mr. Kassenoff to an award of punitive damages.

187. As a direct and proximate result of Harvey's misconduct, Mr. Kassenoff is entitled to recover compensatory, special, and punitive damages in an amount to be proven at trial.

COUNT VI – CYBERSTALKING
(On Behalf of Mr. Kassenoff and Mr. Dimopoulos)

188. Plaintiffs restate and reallege each of the assertions set forth in the paragraphs 1-187 above.

189. Pursuant to Section 784.048(1)(a) of the Florida Statutes, “[h]arass

means to engage in a course of conduct directed at a specific person which causes substantial emotional distress to that person and serves no legitimate purpose.”

190. Pursuant to Section 784.048(1)(b), “[c]ourse of conduct means a pattern of conduct composed of a series of acts over a period of time, however short, which evidences a continuity of purpose.”

191. Pursuant to Section 748.048(1)(d)(1), “[c]yberstalk” means “[t]o engage in a course of conduct to communicate, or to cause to be communicated, directly or indirectly, words, images, or language by or through the use of electronic mail or electronic communication, directed at or pertaining to a specific person.”

192. Pursuant to Section 784.048(2), “[a] person who willfully, maliciously, and repeatedly follows, harasses, or cyberstalks another person commits the offense of stalking.”

193. Mr. Kassenoff and Mr. Dimopoulos are victims of harassment and cyberstalking conducted by Defendant Harvey. Specifically, Mr. Kassenoff and Mr. Dimopoulos have been harassed and cyberstalked in accordance with the definitions set forth in Section 748.048(1).

194. Harvey has engaged in a course of conduct to communicate, and to cause to be communicated, harassing words, images and language directed at Mr. Kassenoff and Mr. Dimopoulos via various social media platforms, including but not limited to TikTok.

195. Harvey has created and uploaded dozens of false, defamatory and harassing videos of Mr. Kassenoff and Mr. Dimopoulos.

196. Mr. Kassenoff and Mr. Dimopoulos will suffer irreparable harm if an injunction is not issued, for which there is no adequate remedy at law.

197. Mr. Kassenoff and Mr. Dimopoulos have a substantial likelihood of success on the merits of their claim.

198. The threatened injury to Mr. Kassenoff and Mr. Dimopoulos as a result

of Harvey's continued misconduct outweighs any possible harm that would result from the entry of an injunction.

199. The considerations of the public interest support the entry of an injunction.

200. There is no other cause of action currently pending between Mr. Kassenoff or Mr. Dimopoulos and Defendant Harvey.

201. Mr. Kassenoff and Mr. Dimopoulos have not made any previous attempt to obtain an injunction for protection against Harvey in this or any other court.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request the following relief:

A. An injunction temporarily and permanently restraining Harvey from committing any acts of harassment against Plaintiffs Mr. Kassenoff and Mr. Dimopoulos, including but not limited to making and/or uploading any more videos and/or comments about Mr. Kassenoff or Mr. Dimopoulos, and providing any terms the Court deems necessary for the protection of them, including any injunctions or directives to law enforcement agencies;

B. An Order requiring the removal of all of the Harvey Videos, an acknowledgement of wrongdoing and a public apology to Plaintiffs;

C. Damages in an amount not less than \$150,000,000, including compensatory, consequential and punitive damages awarded to Mr. Kassenoff due to Harvey publishing his false, defamatory and misleading videos and instructing his 3,000,000+ followers to attack Greenberg Traurig and its clients;

D. Damages in an amount not less than \$5,000,000, including compensatory, consequential and punitive damages awarded to A.K. for the emotional distress caused by Defendant;

E. Damages in an amount not less than \$5,000,000, including

compensatory, consequential and punitive damages awarded to C.K. for the emotional distress caused by Defendant;

F. Damages in an amount not less than \$5,000,000, including compensatory, consequential and punitive damages awarded to J.K. for the emotional distress caused by Defendant;

G. Attorney's fees, costs and disbursements incurred here;

H. Pre-judgment and post-judgment interest; and

I. All such other relief as the Court deems just and equitable.

DEMAND FOR JURY TRIAL

Plaintiffs request trial by jury as to all issues and claims so triable.

DATED: September 5, 2023

Respectfully submitted,

By: /s/ Allan Kassenoff

Allan Kassenoff, Esq.

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*Attorney for Plaintiff Constantine Gus
Dimopoulos*

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____; or

I returned the summons unexecuted because _____; or

Other *(specify)*: _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc: