

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SUPREME COURT NEW YORK COUNTY
CIVIL TRIAL TERM PART 62

-----x
KATHRYN FIELDS HENSAHW, :
Plaintiff. :

-against-

PHILIP F. HENSHAW, :
Defendant. :

: INDEX NO.
: 30481-94

-----x Hearing

100 Centre Street
New York, New York 10013
July 25th, 1996

B E F O R E:

HONORABLE MICHAEL J. OBUS,
Justice of the Supreme Court

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

For the Plaintiff:

RHODA LIPP CLARY, ESQ.
111 Broadway
New York, N.Y. 10006
--and--

PAUL J. RUSKIN, ESQ.
72-08 243rd Street
Douglaston, New York 11363

For the Defense:

JOSE A. MUNIZ, ESQ.
305 Broadway
New York, N.Y. 10007

Guardian Ad Litem:

Jo Ann Douglas, Esq.
170 Second Avenue
New York, N.Y. 10003

Frank J. Rizzo,
Joseph T. Tierney, CSR,
Senior Court Reporters

Joseph T. Tierney, CSR
Senior Court Reporter

Decision - Court

1
2 witness' qualifications. The witness has
3 laid a foundation in terms of training,
4 whether or not the plaintiff agrees that the
5 Doctorate Degree is what it appears to be on
6 its face, and in light of his experience,
7 with regard to the type of work he has done,
8 and the fact that he's previously been
9 qualified as an expert at least in family
10 therapy on a number of occasions, the Court
11 will permit him to testify as an expert in
12 family therapy.

13 I'm not so sure parental alienation is
14 really a separate subject in which the Court
15 is obligated to find that the witness is
16 either an expert or not, since I'm sure it
17 relates to family therapy and I understand
18 if he's going to understand about the
19 relocation of this case, he will have
20 opinions about that. I will permit him as an
21 expert in family therapy to give his
22 opinions about those matters as they relate
23 to this case.

24 It is not a matter of the Court
25 accepting everything he says at face value.

Frank J. Rizzo
Senior Court Reporter

Decision - Court

1
2 Obviously, that is not what the Court is
3 required to do or what the Court will do. I
4 feel I have some context in which to place
5 his testimony now and will undoubtedly have
6 further context, but I'll permit him to
7 testify as an expert in that field.

8 As far as when that will be, frankly,
9 that is not entirely clear. I realize the
10 qualification of this witness took much
11 longer than defense counsel anticipated. We
12 already lost a couple of hours yesterday
13 because of defense counsel. There's another
14 matter he has on the calendar before another
15 judge.

16 Yesterday when we discussed this we all
17 knew that Dr. Fienberg will be testifying
18 this afternoon and Mr. Muniz indicated he
19 had a matter to cover which he expected he ar
20 would be able to do in the late morning
21 today and still finish the witness' e
22 testimony. It seems to me we are not
23 remotely close to that and we have been
24 unable to reach Dr. Fienberg. He will be
25 here at 2:15. Mr. Muniz is going to have to

Frank J. Rizzo
Senior Court Reporter

COLLOQUY

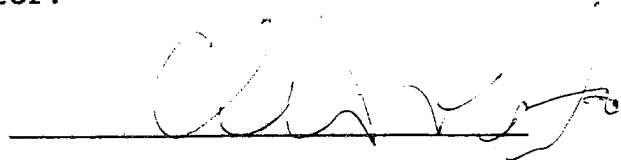
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

THE COURT: 3/27. Temporary orders will be granted.

Exception is granted to everybody.

* * * *

The foregoing is hereby certified to be a true and correct transcript of the proceedings held in the above matter.



CHRIS PEZZUTO

Official Court Reporter