

Exhibit

A

1 SUPREME COURT OF THE STATE OF NEW YORK
2 COUNTY OF SUFFOLK TRIAL TERM PART 35

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3 The People of the State of New York EX.
4 Rel. Gary Jacobs acting on behalf of RYAN
5 And Carlie Jacobs, infants,

6 GARY JACOBS,
7
8 Petitioner,

9 -against- INDEX NO.
10 158789-2012

11 TERRYN JACOBS,
12
13 Respondent.

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14 Central Islip, New York
15 May 24, 2012

16 B E F O R E:

17 HON. MARION T. MCNULTY
18 SUPREME COURT JUSTICE

19 MINUTES OF CONFERENCE

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

21 GARY JACOBS
22 Petitioner -- PRO SE
23 14 Ray Lane
24 Smithtown, New York 11787

25 TERRYN LEAHY (JACOBS)
Respondent -- PRO SE
14 Saturn Court
Syosset, New York 11791

R E P O R T E D B Y:

JEANMARIE TROJAN
Senior Court Reporter

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1 THE COURT CLERK: Supreme Court
2 State of New York, County of Suffolk, Trial
3 Term 35 now in session the Honorable Marion
4 McNulty presiding.

5 THE COURT: Good morning. The case
6 is called Gary Jacobs versus Terryn Jacobs.
7 This is index number -- we have a new index
8 number 2012-15789. Ms. Jacobs is now known
9 as Terryn Leahy. If the subject infant
10 children of this proceeding are in the
11 courtroom, they are to step outside.

12 (Whereupon, the children exited the
13 courtroom.)

14 THE COURT: All right. Would you
15 please rise and raise your right hands and
16 face the Clerk?

17 THE COURT CLERK: Do you solemnly
18 swear to tell the truth, the whole truth
19 and nothing but the truth, so help you God?

20 MR. JACOBS: I do.

21 MS. LEAHY: I do.

22 THE COURT CLERK: Mr. Jacobs, state
23 your name and address.

24 MR. JACOBS: Gary Jacobs. 14 Ray
25 Lane, Smithtown, New York, 11787.

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1 THE COURT CLERK: And Ms. Leahy,
2 would you please state your name and
3 address for the record?

4 MS. LEAHY: Terryn Leahy. 21 Saturn
5 Court, Syosset, New York, 11791.

6 THE COURT: Both of you have a seat,
7 please.

8 This is a writ that is before this
9 Court. It is a petition of Habeas Corpus
10 under the index number that was just noted
11 on the Record. You're both absolutely
12 entitled to be represented by an attorney
13 at all stages of any proceedings that go on
14 in this Court. If either or both of you
15 want an adjournment of this matter for
16 purposes of getting an attorney to
17 represent you, the Court will grant the
18 adjournment.

19 Mr. Jacobs, do you want an
20 adjournment for purposes of getting a
21 lawyer to represent you?

22 MR. JACOBS: No, thank you.

23 THE COURT: Ms. Leahy, do you want
24 an adjournment for the purpose to get an
25 attorney to --

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MS. LEAHY: No, thank you.

THE COURT: -- for purposes of getting an attorney to represent you?

MS. LEAHY: No, thank you.

THE COURT: First of all, with regard to this application, the Court dismisses any and all applications having to do with the child, Ryan Jacobs, who has reached the age of 18. He's no longer subject to the jurisdiction of this Court. He was 18 on March 9, 2012. Is that understood, Mr. Jacobs?

MR. JACOBS: Yes, your Honor.

THE COURT: Is that understood, Ms. Leahy?

MS. LEAHY: Yes.

THE COURT: With regard to the child, Carlie, she's what? 16 and a half?

MS. LEAHY: 16 and a half, yes.

THE COURT: Okay. Mr. Jacobs, when was the last time you saw the children, when you saw Carlie?

MR. JACOBS: It was around April 3rd. They stopped coming on April 6th was the last scheduled time when

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1 they said they are not coming anymore.

2 THE COURT: This is what we're going
3 to do. Carlie is entitled to be
4 represented by a law guardian, an attorney
5 and I'm going to reappoint the former
6 attorney. Who did we say it was? Kathy
7 Small. Thank you.

8 There's also a motion pending before
9 me that's returnable on June 4th in which
10 Ms. Leahy, you are represented by Mr.
11 Simonetti; is that correct?

12 MS. LEAHY: Yes, it is.

13 THE COURT: By the way, Mr. Jacobs,
14 with regard to that motion, something was
15 sent to the Court dated May 2, 2012. I
16 haven't looked at it. I have no intention
17 of looking at it. It's off the Record. I
18 don't know whether or not it was served on
19 the other side. Don't send me anything
20 that isn't in the form of an affidavit with
21 notice to the other side. Is that
22 understood?

23 MR. JACOBS: Yes, your Honor.

24 THE COURT: Same thing goes for you,
25 Ms. Leahy.

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1 At the present time, are there any
2 matters pending in Nassau County, Ms.
3 Leahy?

4 MS. LEAHY: Not in Nassau, no.

5 THE COURT: Are there any cases
6 pending in Suffolk County?

7 MS. LEAHY: This other one, 108.15,
8 he also brought which is the same exact
9 topic.

10 THE COURT: 108.15 is here in the
11 Supreme Court. I'm talking about Suffolk
12 County Family Court.

13 MS. LEAHY: Oh, no, no, no.
14 Everything is right here.

15 THE COURT: Anything else pending
16 anywhere else, Mr. Jacobs?

17 MR. JACOBS: No.

18 THE COURT: Okay. Well, this has
19 been going on forever.

20 Ms. Leahy, the last time we were all
21 here, you were told what had you to do with
22 regard to the children and their
23 visitation, parenting time with their
24 father.

25 On the other hand, Mr. Jacobs, I'm

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1 fairly certain, because I probably would
2 have said it to you, maybe I didn't, but if
3 I didn't, I'm saying it now. Your son is
4 now 18. He's over the age at which I can
5 order him to have parenting time with you.

6 Your daughter is 16 and a half going
7 on 17. And the question I ask you is:
8 Where do you let an 800-pound gorilla sit?
9 No one is going to force her into a car and
10 force her to go for parenting time with
11 you. Should she? At that age, they don't
12 want to. None of them do. Even the kids
13 who want to visit their parents, they don't
14 want to be on a schedule every other
15 weekend, Wednesday night, Tuesday mornings.
16 They don't want to do it.

17 But there is no way that anyone can
18 force her to get into a car, yours or her
19 mother's, to come and visit you. Is it
20 right? No. Is it wrong? Yes. Is it
21 appropriate? No. And Ms. Leahy, you have
22 done everything in your power for years,
23 years to thwart visitation. You've done
24 it. And the last time we were here, there
25 was a whole series of things. That's why I

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1 asked about Nassau and Suffolk. You were
2 here, you were in Nassau, there were family
3 offenses, there was this, there was that,
4 people were going to jail, people were
5 having hearings, everything was getting
6 dismissed, everything was getting whatever.

7 You can settle this today or not.
8 If you don't settle it today, I'm simply
9 having it ride with the other motion.
10 She's 16 and a half. I'm not going to
11 compel her. There is no way for me to
12 compel her to have visitation with you, Mr.
13 Jacobs. What do you want me to do?

14 MR. JACOBS: If I could be heard
15 first of all --

16 THE COURT: Don't say to me if I
17 can be heard. I said to you what do you
18 want me to do?

19 MR. JACOBS: First of all, this is
20 the same argument that you and Ms. Leahy
21 made the last time when Ryan was 16 and a
22 half and I didn't see the kids for over a
23 year and for over a year, you said you
24 can't force them to go, you can't force
25 them to go. Your Honor, in chambers, you

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1 fined her \$3,000 --

2 THE COURT: I didn't take you in my
3 chambers.

4 MR. JACOBS: This is what I was told
5 by the attorney. On the Record, you said
6 she would be not happy if she came before
7 you again. From that day, literally, for
8 13 months, I've seen my kids every single
9 time up until the sixth. So, obviously,
10 she does have --

11 THE COURT: What happened on the
12 sixth?

13 MR. JACOBS: They just -- it was the
14 same thing that happened two years
15 previously.

16 THE COURT: Your son doesn't have
17 to visit with you.

18 MR. JACOBS: I'm talking about for
19 my daughter. For the Passover, they know
20 I'm having people over for the seder and as
21 they get ready to go, they say the kids are
22 no longer coming anymore. While I'm here
23 today --

24 THE COURT: Stop. Why didn't they
25 go, Ms. Leahy, knowing it was probably his

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1 time?

2 MS. LEAHY: Because March 28th, Gary
3 sent them texts that they're fucked up.
4 That he's not proud of them. He goes on
5 and he berates --

6 THE COURT: Hold on. Did you send a
7 text like that to one of your kids?

8 MR. JACOBS: I absolutely did and I
9 stand behind the reason.

10 THE COURT: Stop it. Stop it. You
11 sent one of your children or both of
12 them --

13 MR. JACOBS: Both of them.

14 THE COURT: Don't cut me off when I
15 speak. If you speak again, because you do
16 this all the time. You've always done it.
17 Don't speak when I speak. The next time
18 you do it, it's going to cost you \$500. Do
19 you understand that?

20 MR. JACOBS: Yes.

21 THE COURT: You sent one or both of
22 your children a text, one of whom is 18;
23 the other of whom is 16 and a half, a girl,
24 the other one being a boy, a text that said
25 one or both of you are "fucked up" and you

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1 are not proud of them?

2 MR. JACOBS: Absolutely. If I could
3 say the context that it was said in.

4 THE COURT: It doesn't matter.

5 MR. JACOBS: I believe it does.

6 THE COURT: There is no context in
7 this Court in which a parent says to a 16
8 and a half year old child, "You are fucked
9 up." No context whatsoever.

10 You could say this is messed up,
11 this is screwed up, this isn't appropriate,
12 whatever you want to say. You do not
13 send -- there is no excuse. Do parents do
14 it all the time? Yes, they do. But guess
15 what? You've been in litigation for the
16 last ten years of your life. There is no
17 context in which it's acceptable. Is it
18 done in sure, it's done. But there is no
19 context in which it's acceptable. It's bad
20 enough to say it, but it's worse to put it
21 in a text or an E-mail or a Facebook or
22 wherever the heck everybody is doing it.

23 You want to tell me what it was
24 about? You can tell me what it was about,
25 but there is no context in which that's

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1 acceptable.

2 MR. JACOBS: I would like to tell
3 you what it was about then.

4 THE COURT: Go ahead tell me what
5 it's about. Sink lower.

6 MR. JACOBS: I will tell you what
7 it's about. Their grandmother was dying
8 and I sent a text to them that the
9 grandmother's wish was to hear them one
10 more time before she died. She was on
11 hospice.

12 They refused to call and refused to
13 answer and my daughter sent text messages
14 about saying, "Did that woman in Florida
15 die yet?" And that's disgusting that
16 happened and I didn't say the context
17 you're fucked up. I said, "You've been so
18 fucked up that you think this is right and
19 I'm not proud of you."

20 I don't remember the whole context,
21 but the context was that their dying
22 grandmother --

23 THE COURT: She has a copy of the
24 text.

25 MR. JACOBS: I would like her to

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1 read the whole text message.

2 MS. LEAHY: "It is very, very sad
3 how fucked up you both have become to not
4 even text or call. It's bad enough, but to
5 not even answer my texts is even worse.
6 You know -- I know when you read my text to
7 mom, she will laugh and be proud of you" --

8 THE COURT: Ms. Leahy, you know
9 what? Knowing that their grandmother was
10 dying, what did you do?

11 MS. LEAHY: I asked them to call
12 their grandmother. It was the right thing
13 to do. They told me she's on a feeding
14 tube and she can't speak.

15 THE COURT: That doesn't mean she
16 couldn't have heard them.

17 MS. LEAHY: And they went to Florida
18 and they called her prior and they were
19 uncomfortable even though I asked them to
20 please call grandma. I always liked her.
21 But they did not.

22 But there is no reason -- then he
23 went on to tell Carlie in texts that she's
24 not a decent member of society. She needs
25 to learn morality. He's verbally abusive,

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1 goes on and on and on and so April 6th came
2 and Ryan decided he's done. He's not going
3 anymore. Carlie can't take the verbal
4 assaults herself. She can't do it. She's
5 cutting. She's picking at herself. She's
6 failing in school. The counselor's
7 involved. The social worker's involved
8 with her.

9 THE COURT: Have you filed a
10 petition?

11 MS. LEAHY: No. He did this other
12 court case. I figured we're going to bring
13 this all out. I have no more money to do
14 this. He has been taking me through the
15 court system since 2005.

16 THE COURT: Stop. Stop. I don't
17 care about Ms. Leahy, but I do care about
18 your kids. Your kid, your child now. I
19 care about both of them, but this kind of
20 thing is absolutely unacceptable.

21 At this point in time, the writ is
22 satisfied. The children are here. I am
23 not going to order any more visitation at
24 this point in time. The order is in full
25 force and effect. You can come back every

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1 day if you want with another Order to Show
2 Cause, but you can clog up the system until
3 the cows come home, Mr. Jacobs. This is
4 done.

5 I have always had empathy for your
6 situation, but once I hear something like
7 that and you know what? It's very sad that
8 your children didn't call your mother when
9 she was dying. Sad, inappropriate,
10 disgusting, all those things, but the
11 language and your adult reaction to what
12 they did is absolutely unacceptable.

13 MR. JACOBS: If I could ask one more
14 thing. I would like to ask the Court under
15 DRL Section 70 that I would like to request
16 the Court give me immediate custody of
17 Carlie.

18 THE COURT: Denied. It's not in
19 Carlie's best interest that she be placed
20 in your custody.

21 MR. JACOBS: Young versus Young it
22 says that when the parent is withholding
23 from the non-custodial parent --

24 THE COURT: That's not what Young
25 versus Young says. Young versus Young, as

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1 all cases involving custody of children,
2 says all these things are to be considered
3 and the fact that a parent interferes with
4 visitation, while unacceptable, is not a
5 determinative factor in a Court decision
6 involving custody and/or visitation.

7 So, the bottom line is this, Mr.
8 Jacobs, I'm going to consider this writ
9 satisfied. If you want to proceed with the
10 writ under Section 72 or whatever it is as
11 an application for custody of Carlie, you
12 may do so. But the writ is satisfied. The
13 children were brought to Court.

14 You admitted what you said in a text
15 to your children and I'm going to tell you
16 something right now, I find it as a matter
17 of law that that's not in the children's --
18 that's not in your daughter's best
19 interest.

20 MR. JACOBS: You can believe that's
21 not a reason to see my kids. But her
22 withholding my kids is in her best
23 interest? She proved over a year with me
24 not seeing the kids. It was a year in 2010
25 and we're starting the same thing again.

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1 THE COURT: Mr. Jacobs, you just
2 said you saw them until April or April 3rd.

3 MR. JACOBS: From the date you said
4 I saw them. I did not see them in 2010. I
5 don't want to let another year go by.

6 THE COURT: Mr. Jacobs, if you
7 didn't come to Court to enforce your rights
8 between 2009 and 2010, that's not something
9 that I can address at this point in time
10 unless you've brought it in the other case
11 as part of your -- if you brought a
12 contempt proceeding.

13 MR. JACOBS: I was in front of you.
14 It took a year to get a court date for you
15 to say the kids should be forced to go and
16 they did.

17 THE COURT: It didn't take a year.

18 MR. JACOBS: It took a year to get
19 in front of you from the date I filed my
20 first motion --

21 THE COURT: Mr. Jacobs, we're not
22 talking about your first motion. We're
23 talking about this motion.

24 MR. JACOBS: I don't want to go
25 another year without seeing my kids. I

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1 don't believe that's in their best
2 interest.

3 THE COURT: Your kid. Your son is
4 out of my jurisdiction.

5 MR. JACOBS: And since they haven't
6 been coming, my daughter is doing drugs in
7 school. The school says she's
8 disrespectful and her answer is let the
9 school discipline her. I can't control
10 her.

11 THE COURT: Mr. Jacobs, part of --
12 you know what? This is due to both of your
13 behaviors. It's due to both of your
14 behaviors.

15 Ms. Leahy, don't think I don't
16 remember you've done everything in your
17 power over the years to thwart your
18 relationship with the children, but we
19 always -- you also always come back to
20 this. You want it your way or the highway.

21 MR. JACOBS: That's ridiculous, your
22 Honor. I want to see my kids.

23 THE COURT: If you wanted to see
24 your children, you wouldn't send them
25 messages like you're fucked up.

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1 MR. JACOBS: I was upset that they
2 didn't see their dying grandmother. So,
3 that's the reason I don't get to see my
4 kids?

5 THE COURT: That's not the reason
6 you don't get to see your kids.

7 MR. JACOBS: You're using that as a
8 reason.

9 THE COURT: You asked me for
10 custody. I said "denied."

11 MR. JACOBS: You said it's in their
12 best interest.

13 THE COURT: You're talking when I'm
14 talking. You're trying to talk over me.
15 It will never work.

16 I'm not saying you can't see your
17 children. I'm saying this is going to be
18 carried along with the other motion.

19 MR. JACOBS: You're not enforcing my
20 court order that you said on the record you
21 would enforce it the last time.

22 THE COURT: Tell your daughter to
23 see her father.

24 MR. JACOBS: You said there will be
25 consequences.

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THE COURT: There will be consequences. They are not going to happen today. She's entitled to answer the writ. She's entitled to answer your papers.

MR. JACOBS: I request a short return date so I can see my kids.

THE COURT: June 4th.

MR. JACOBS: Is that an appearance date?

THE COURT: It's not an appearance date. It's a submission date on the motion. That's it.

* * * * *

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

I, Jeanmarie Trojan, a Senior Court Reporter for the Supreme Court of the State of New York do hereby certify that the above and foregoing is a true and accurate transcription of my stenographic notes.


JEANMARIE TROJAN
Senior Court Reporter