

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
26

SURROGATES' COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

-----X
In the Matter of An Application for Probate

In the Estate of

JULIA TASCHEREAU,

FILE NO:
1042/98

Deceased.

-----X
31 Chambers Street - Room 509
New York, New York 10007
October 16, 2007

B E F O R E:

THE HONORABLE RENEE R. ROTH,
Surrogate

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

ELIZABETH COMBIER
Petitioner Pro Se
315 East 65th Street
New York, New York 10021

KENNETH T. WASSERMAN, ESQ.
Attorney for Objectant
350 Fifth Avenue - Suite 4810
New York, New York 10118

PETER S. SCHRAM, ESQ.
Attorney for The Public Administrator
350 Broadway
New York, New York 10013

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
26

THE COURT: Julia Taschereau.

Good morning.

MS. COMBIER: Good morning, your Honor.

MR. WASSERMAN: Good morning, Judge.

Kenneth Wasserman, for the objectant.

THE COURT: Yes.

MS. COMBIER: Elizabeth Combier, for the
proponent -- as the proponent.

MR. SCHRAM: Peter Schram, for the
public administrator.

THE COURT: The first motion is yours,
Mr. Wasserman.

MR. WASSERMAN: Yes, Judge, it is.

The objectant's motion is to dismiss the
probate petition for failure to obey a
discovery order of June 12th, 2007.

The order required the petitioner's
attendance at an examination before trial which
had been called for in the stipulation that her
attorney at the time signed. The order
cautioned the petitioner of her risk in not
attending the examination, and specifically
mentioned the potential of dismissal of the
petition on the date scheduled for the
examination. However, the petitioner did not

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
26

appear.

She argues in her papers that the Court has no jurisdiction --

THE COURT: I am aware of that.

MR. WASSERMAN: She has a history of noncompliance with court orders, both in this court and in the related Supreme Court action, so I respectfully request that the petition should be dismissed.

THE COURT: Why haven't you appeared for deposition, pursuant to my order?

MS. COMBIER: Your Honor, you said in your order of July 24th, 2006 that you have no jurisdiction over the case Danger versus Combier. The case Danger versus Combier does not exist. Mr. Wasserman is being paid by Karla Moskowitz to pursue a case that does not exist.

THE COURT: You are talking about Judge Moskowitz?

MS. COMBIER: According to the 19th Precinct -- and I have submitted to your court a taped conversation of the 19th Precinct telling me that Karla Moskowitz has asked him to pursue the case. But on my papers, which I

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
26

have submitted to this court, your Honor, the case law and the facts of that case, it doesn't exist. There is no case.

And you said yourself, your Honor, that you have no jurisdiction over that case. It doesn't exist. My sister signed a notarized statement --

THE COURT: Ms. Combier, you are misreading and mischaracterizing my decision.

Now, I am going to tell you for the last time you are required to obey this court's orders. If you do not appear for a deposition within two weeks, I am going to dismiss your petition for probate.

Now, give me a date on which, within the next two weeks, you are available to be deposed.

MS. COMBIER: Your Honor --

THE COURT: Pardon me?

MS. COMBIER: Could I -- okay, I just wanted to ask you: Upon what jurisdiction are you --

THE COURT: No, no, no, no, no. That's not how it works here. Please.

You have two weeks to appear for a

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
26

deposition. What date is convenient for you within the next two weeks?

MS. COMBIER: Today is the...?

THE COURT: Today is the 16th of October.

MS. COMBIER: Is the 26th a day that is -- is that a weekend?

THE COURT: Counsel, are you available on the 26th?

MR. WASSERMAN: It is a Friday.

Yes, Judge.

THE COURT: In this courthouse. Arrange for a stenographer here.

You are to appear in this courthouse in this courtroom.

MS. COMBIER: Okay, your Honor.

I requested that he give me discovery of any of the claims that he has had. May I ask for that, please, your Honor?

THE COURT: Please, you do the deposition and we'll see where we go thereafter. You first have to obey this court's orders before you can ask for anything else.

MS. COMBIER: Okay, may I have that

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
26

order in writing, your Honor, so that I can appeal it?

THE COURT: You have a stenographer here. If you order the transcript, you have it.

MS. COMBIER: I would like a separate order, your Honor, so that I could appeal it.

THE COURT: Did you hear me clearly?

If you are not here by the 26th for a deposition, then I am dismissing the probate petition.

Now, with respect to your application, your motion for a jury trial, we will hold that in abeyance until we see whether there is a need for a jury trial or any trial whatsoever.

MS. COMBIER: I believe, your Honor, it is my right to have a trial on the writ.

THE COURT: You have heard what I said. It is held in abeyance until you are deposed, otherwise there is no probate proceeding because I am going to dismiss your application.

MS. COMBIER: On what grounds, your Honor?

THE COURT: Thank you. Have a good day.

MR. SCHRAM: Your Honor, can we have a

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
26

time on the 26th?

THE COURT: Yes, of course. You are absolutely right.


MR. WASSERMAN: Ten o'clock in the morning?

THE COURT: Let's do it at 11, please. I have a calendar here.

MR. WASSERMAN: Yes.

THE COURT: 11 o'clock in the courtroom. Thank you.

CERTIFIED THAT THE FOREGOING IS A TRUE AND ACCURATE TRANSCRIPT OF THE ORIGINAL STENOGRAPHIC MINUTES IN THIS CASE.



ERIC ALLEN, RPR
SENIOR COURT REPORTER