

1 STATE OF NEW YORK
2 FAMILY COURT - PART 1 : COUNTY OF NIAGARA

3 PETER MARK DIARBAKERLY,

4 Petitioner,

5 - against -

DKT #s V-03388-17
V-03802-17

6 KATIE LYNN RIFORD,

7 Respondent.

9 KATIE LYNN RIFORD,

10 Petitioner,

11 - against -

DKT #s V-00103-18
V-00592-18

12 PETER MARK DIARBAKERLY,

13 Respondent.

15 175 Hawley Street
16 Lockport, New York
June 18, 2018

17 B e f o r e:

18 HONORABLE ERIN P. DeLABIO,
19 Niagara County Family Court Judge.

20 A p p e a r a n c e s:

21 RANDY MARGULIS, ESQ.,
22 Appearing for Peter Mark Diarbakerly.

23 DANA HERRINGTON, ESQ.,
24 Appearing for Katie Lynn Riford.

25 JASON CAFARELLA, ESQ.,
Appearing as Attorney for the Children.

1 P r e s e n t :

2 PETER MARK DIARBAKERLY.

3 KATIE LYNN RIFORD.

4
5 THE COURT: This is the matter of Peter
6 Diarbakerly and Katie Riford. There are competing custody
7 petitions against each other. In the courtroom I have
8 Randy Margulis here for Mr. Diarbakerly, and Dana
9 Herrington for Ms. Riford. And Mr. Cafarella is here as
10 attorney for the child.

11 We were scheduled for a fact finding hearing
12 today and tomorrow.

13 MR. MARGULIS: Could I make a request?

14 THE COURT: Yes.

15 MR. MARGULIS: I notice there are spectators in
16 the courtroom. As this matter is about to be scheduled
17 for a trial I believe that at least one of the people in
18 the courtroom might be a potential witness so I would
19 object to anyone who may be a potential witness in this
20 matter being present in the courtroom.

21 THE COURT: Because we're --

22 MR. MARGULIS: I don't know if we're addressing
23 the motion. I don't know if we're only addressing
24 scheduling issues.

25 THE COURT: I thought we were only doing

1 scheduling issues.

2 MR. MARGULIS: I wasn't sure.

3 THE COURT: I thought you resolved the motion
4 with some kind of access schedule.

5 MR. MARGULIS: Maybe I misinterpreted.

6 THE COURT: All I wanted to make clear on the
7 record on what's going on, that the Court thought that --
8 we had you guys set down for a fact finding hearing today
9 and tomorrow, and I think the lawyers felt as though there
10 was an adjournment request somewhere, somehow, although I
11 don't have anything in writing. And I believe the whole
12 disconnect ended up with Dr. Tyrell's office because
13 Dr. Tyrell's office has to do mental health for the
14 grandparents. Which one?

15 MR. CAFARELLA: The paternal grandmother and
16 grandfather. I don't know if it's a mental health
17 evaluation of them, but more of an interview.

18 THE COURT: To complete the mental health or
19 custodial -- whatever evaluations we do with Dr. Tyrell.

20 MR. CAFARELLA: Correct.

21 THE COURT: Dr. Tyrell's office did communicate
22 with the Court that the paternal grandmother had stated --
23 it was communicated to them that she would be out of town
24 for her appointment, but it wasn't clear to the Court that
25 they were asking for an adjournment. We did not grant an

DIARBAKERLY vs. RIFORD/RIFORD vs. DIARBAKERLY - 06/18/2018

1 adjournment, however, as I understand it, and we do have
2 standards and goals, not to September and November. What
3 we're going to do is -- I'm assuming both lawyers are
4 agreeing with not going forward today or tomorrow?

5 MS. HERRINGTON: Correct, Your Honor.

6 MR. MARGULIS: Yes, Your Honor.

7 THE COURT: Mr. Cafarella?

8 MR. CAFARELLA: Yes, Judge, I agree.

9 THE COURT: So we're not going forward on the
10 hearing dates, but we can toll everything for standards
11 and goals to finish off the Tyrell reports. We'll get
12 hearing dates today, and we're putting this access
13 schedule and a supervisor on board with this.

14 And that resolves the motion, Mr. Margulis, or
15 it doesn't?

16 MR. MARGULIS: I believe it does, Your Honor.
17 As you know, Judge, I stepped out to address a scheduling
18 matter in another part, so since we left your confidential
19 law clerk's office I hadn't spoken with Mr. Cafarella. I
20 don't know yet the extent of any contact he has made with
21 Jeannie Kratt. I don't know if you want me to put the
22 agreement on the record, or you'll do an order.

23 THE COURT: I do an order. Do you want to put
24 it on the record?

25 MR. CAFARELLA: I'll start, if you don't mind.

DIARBAKERLY vs. RIFORD/RIFORD vs. DIARBAKERLY - 06/18/2018

1 THE COURT: You can add something into it.

2 Before we get into the order we're going to find
3 hearing dates, and we're going to have you come back
4 before those hearing dates. I would like to see you do
5 multiple pretrials with Ms. DeWitt. It sounds like you
6 were starting to resolve some issues with her and that
7 maybe you can speak freely with her, as you cannot with me
8 at all times.

9 Mr. Cafarella, go ahead.

10 MR. CAFARELLA: It was my hope, and in speaking
11 with your confidential law clerk, that Mr. Margulis'
12 motion be partially resolved today but held in abeyance to
13 allow the opportunity to make modifications after a period
14 of the supervised access with Jeannie Kratt, the third-
15 party supervisor.

16 Hopefully we can have a return date in about a
17 month or so. That will allow dad the opportunity to have
18 access with his children, the third-party supervisor will
19 provide a report to the Court, and then we can make any
20 adjustments to the schedule at that point. I think having
21 an unbiased third-party supervisor who is approved by the
22 Court, who does this for a living and will provide a
23 written report, will allow us a lot more guidance towards
24 settling this matter short of a trial.

25 THE COURT: And I can't disagree with that.

DIARBAKERLY vs. RIFORD/RIFORD vs. DIARBAKERLY - 06/18/2018

1 Anything, Ms. Herrington, that -- objection to
2 that, or you're in agreement with that?

3 MS. HERRINGTON: We are in agreement with the
4 schedule that was negotiated, based upon Jeannie Kratt's
5 availability.

6 THE COURT: So Mr. Margulis, are you okay with
7 having Mr. Cafarella start on the temporary order?

8 MR. MARGULIS: Yes.

9 THE COURT: And you sound like there's one more
10 thing you want to address.

11 MR. MARGULIS: Not knowing -- assuming the best
12 case scenario, that Jeannie Kratt is available every time
13 we need her services, that's great. But for practical
14 purposes, either today or subsequently, we might want to
15 consider a backup person if it ever becomes necessary.

16 For purposes of the order I was going to throw
17 out there wherever we use Jeannie Kratt's name if we can
18 add in there something that says and/or a mutually agreed
19 upon person, or somebody at Mr. Cafarella's discretion or
20 somebody with her same credentials.

21 THE COURT: That's fine with me. We'll add that
22 in.

23 MR. CAFARELLA: I spoke with Jeannie Kratt and
24 she will be the third-party supervisor. She's committed
25 to a certain number of specific days, Judge.

DIARBAKERLY vs. RIFORD/RIFORD vs. DIARBAKERLY - 06/18/2018

1 The idea is that dad will have access with his
2 children generally every other weekend for a Saturday and
3 Sunday, six hours per day. Now, there will be times that
4 Jeannie Kratt may have to modify that, to move a Saturday
5 to a Friday or a Sunday to a Monday, so we would like a
6 provision in the order that says these times will be
7 modified as agreed and arranged by Jeannie Kratt directly
8 with the parties.

9 THE COURT: Okay.

10 MR. CAFARELLA: The specific times will be
11 coordinated by Jeannie Kratt and the parties.

12 THE COURT: So we're going to go with basic
13 alternate weekends to commence this weekend, or we don't
14 know?

15 MR. CAFARELLA: I have specific weekends because
16 this weekend she's not available. She's available the
17 next two weekends so there will be back-to-back weekends,
18 and from there it will be alternating.

19 MR. MARGULIS: I think we said effective June
20 30th because my client was here this past weekend --

21 MR. CAFARELLA: She's available on the 23rd and
22 24th so if your client is available to exercise access
23 next weekend.

24 MR. MARGULIS: Sure.

25 MR. CAFARELLA: I'll give you the dates. June

DIARBAKERLY vs. RIFORD/RIFORD vs. DIARBAKERLY - 06/18/2018

1 23rd and 24th, June 30th and July 1st, July 14th and 15th,
2 July 28 and July 29th.

3 It's my hope that our next return date could be
4 somewhere right afterwards so that if we're changing the
5 posture of this access we can do so at that time, or if we
6 need to pick new dates we can pick new access dates.

7 THE COURT: We'll hold it in abeyance. We'll do
8 a pretrial conference date with Ms. DeWitt and calendar
9 the motion with me if it needs to be addressed by me. If
10 you can resolve it by yourself you don't have to come in
11 front of me. You can give Ms. DeWitt the new provisions
12 for the order and we can do the temporary order here.

13 MR. CAFARELLA: With regard to Jeannie Kratt,
14 her rate is seventy-five dollars per hour. It's my
15 understanding that at this time the petitioner,
16 Mr. Diarbakerly, is going to pay that cost without
17 prejudice for later application by Mr. Diarbakerly.

18 Any incidental costs of the supervision will
19 also be borne by Mr. Diarbakerly. For example, if they go
20 for access and take the children to a movie he has to pay
21 her entry to the movie or any other event he has to pay --

22 THE COURT: Ms. Kratt's?

23 MR. CAFARELLA: Yes. I also need both parties'
24 phone numbers for Ms. Kratt. And I do have her business
25 address, if the Court wants it. J-E-A-N-N-I-E, K-R-A-T-T.

DIARBAKERLY vs. RIFORD/RIFORD vs. DIARBAKERLY - 06/18/2018

1 Her phone number for the Court and for the parties is
2 359-6141. And her business address is 43 Court Street,
3 mezzanine level, Buffalo, New York, 14202.

4 And if I can have Mr. Diarbakerly's phone
5 number.

6 MR. MARGULIS: 617-721-1377.

7 THE COURT: And Ms. Riford?

8 MS. HERRINGTON: 716-213-8928.

9 MR. CAFARELLA: Judge, of course this access
10 order shall be subject to such other and additional times
11 as the parties may separately agree and arrange.

12 THE COURT: Okay.

13 MS. HERRINGTON: Your Honor, may I address a
14 couple of issues? And if we can go off the record for
15 specific specifications. We are dealing with an infant
16 here, a small child who is not even one who is still
17 breastfeeding and does nap so I want to make sure that the
18 same accommodations that the parties have been making for
19 Mason would continue and he would be brought back home for
20 nap time; that's what the parties have been doing.

21 THE COURT: Okay. I don't know how --

22 MS. HERRINGTON: Generally in the middle of a
23 visit. I know that mom ensures he's fed and will last a
24 few hours for the visit, and then he's brought back home,
25 picked up and transported home for his nap time. Olivia

1 is older and can last, generally speaking, the duration of
2 the visit. But since Mason is still exclusively breastfed
3 and naps at specific times --

4 THE COURT: So the six-hour span on Saturdays
5 and Sundays is going to be long enough for the child?

6 MS. HERRINGTON: Well, he won't last the six-
7 hour visit. So generally what the parties have been doing
8 is a couple, two, three hours in -- he feeds every two
9 hours. It's something we could certainly arrange with Ms.
10 Kratt. I just wanted to make the Court aware so no one
11 was raising objections with the baby going home to nap or
12 eat.

13 THE COURT: Was there something you wanted to
14 say, Mr. Margulis?

15 MR. MARGULIS: Yes, Judge. I wanted to talk
16 about the order before we move on to other issues.

17 THE COURT: Go back to the order and then back
18 to this.

19 MR. MARGULIS: So I just wanted to add to what
20 Mr. Cafarella stated on the record. In addition to the
21 terms that he accurately expressed I believe when we were
22 with Ms. DeWitt we also talked about, without accusations
23 here, we also talked about the need for the parties
24 potentially to communicate, and they typically communicate
25 by text message.

1 Because of problems that have arisen with not
2 getting responses when you think you're going to we
3 discussed in chambers, and I believe everybody has agreed,
4 that with respect to their communication via text
5 messaging that each party would endeavor to respond to any
6 text messages from the other within a two-hour window.

7 THE COURT: Okay.

8 MR. MARGULIS: I believe it was agreed that
9 would be included in the order.

10 THE COURT: That would be about the children and
11 transportation?

12 MR. MARGULIS: Correct.

13 THE COURT: And access?

14 MR. MARGULIS: Yes, ma'am.

15 THE COURT: Okay.

16 MR. MARGULIS: And I think that was the only
17 thing that we wanted to add to that.

18 And then as far as the -- I don't know enough
19 yet about how they have accommodated the baby's napping
20 and feeding schedule. I don't know if they can just give
21 him a bottle. I don't know enough of the facts from my
22 client yet in that regard so I don't know that he has been
23 taking the child home after a couple hours so he can nap
24 and going back and picking the child back up again.

25 THE COURT: Can you weigh in on this,

1 Mr. Cafarella?

2 MR. CAFARELLA: I don't know. I can let Ms.
3 Kratt know so that she can coordinate, if need be.

4 THE COURT: This wasn't talked about yet?

5 MR. CAFARELLA: No.

6 THE COURT: Do you want to talk about this on
7 the record, or go off the record and talk about the
8 dynamics of this? I think that puts a wrench into the
9 whole understanding, not bringing up the issue of the
10 breastfeeding issue, which I completely acknowledge and
11 understand.

12 If the child is this young that the child can't
13 go a six-hour period without being fed we either shorten
14 the time spans -- but yet you have that supervisor in
15 place so I don't know how that will work.

16 MS. HERRINGTON: The way that the parties have
17 been doing it, Olivia does remain for the duration of the
18 visit while Mason is picked up -- mom picks up Mason for
19 feeding time and he continues with his nap. He does not
20 return for the visit, given that he's napping.

21 THE COURT: Okay. That puts -- a six-hour
22 period, you're saying every two hours so he would be
23 picked up within two hours of his visitation and doesn't
24 return for the rest of the access?

25 MS. HERRINGTON: Correct.

1 THE COURT: Off the record.

2 (Discussion off the record.)

3 THE COURT: So we were just having an
4 off-the-record discussion with regard to the younger child
5 being so young, the child is napping, like an infant, and
6 feeding like an infant. So we're going to leave that up
7 to -- it is the intention of the parties that access would
8 start with both children, if at all possible, and that at
9 some point in the access the younger child, Mason, would
10 break off from the access to be picked up by mom so that
11 he can feed and/or nap, if that should follow the feeding,
12 as it naturally does, to the most extent.

13 I've also asked that Ms. Riford consider, if she
14 can in the most respectful manner and with privacy issues
15 taken into account, if she can do the picking up, feed the
16 child close in vicinity to where Mr. Diarbakerly is, and
17 if the child could be returned I would like that to always
18 be an open option and be considered.

19 I believe both parties can each out to Ms. Kratt
20 about that and let her monitor if that situation is being
21 taken advantage of, or not. If it's being done in such a
22 respectful manner that both parents understand it, then
23 I'm sure Ms. Kratt's knowing -- she's been through this
24 and will be able to understand the situation as being
25 utilized properly. So just putting those thoughts on the

1 record.

2 Also, Mr. Margulis, there's one more thing you
3 had?

4 MR. MARGULIS: I wanted to add language.
5 Mr. Cafarella suggested there would be additional times or
6 these times would be modified as agreed with the parties
7 and Ms. Kratt. I would ask that the order reflect
8 language that to the extent either parties' consent is
9 required in any regard that it not be unreasonably
10 withheld.

11 THE COURT: That pretty much covers it though,
12 right?

13 MR. MARGULIS: Yes.

14 THE COURT: Do you need -- let me just, one by
15 one, try to go over this. Right now what we are going to
16 commence with temporarily -- this will resolve the motion
17 for today's purposes only. The motion will remain on the
18 calendar for future requests and/or changes or amendments
19 to the access order that we're putting on the record
20 today, so it will not be a settled motion, it will be a
21 continued motion.

22 We are going to have father shall receive access
23 with the children alternate weekends for six-hour spans of
24 time that will probably occur on Saturday and Sunday.

25 Jeannie Kratt, who is a certified MSW, she is

1 going to be the third-party supervisor. The access that
2 is being put into place is a guide to what we think is
3 going to traditionally happen on particular weekends that
4 Ms. Kratt is available, however, these dates and times can
5 be modified based on Ms. Kratt's availability, and that
6 modification will occur as the parties can agree and
7 arrange with Ms. Kratt's involvement in terms of changing
8 that timeframe based on her availability.

9 This will be effective immediately. The
10 weekends that we already know some kind of availability
11 are June 23rd and 24th, June 30th and July 1st, July 14th
12 and 15th, July 28th and July 29th. And it has already
13 been put on the record Ms. Kratt's business information
14 and contact information.

15 She is also -- her rate is seventy-five dollars
16 an hour. And temporarily, as of today's temporary order,
17 and this can be addressed futuristically, is that father
18 is paying one hundred percent cost of this third-party
19 supervisory access. Any incidental costs that father
20 incurs for that access will be borne by him one hundred
21 percent, meaning Ms. Kratt or any third-party supervisor
22 agreed to between the parties, that dad will pay for the
23 cost of that access. If they're going to the movies, he
24 pays for the movie ticket, anything to that respect. And
25 also putting on there that the supervisor can also be

1 agreed and arranged between the parties.

2 And then there are additional times that the
3 parties can agree and arrange with the third-party
4 supervisor. The changes and/or modification to any of
5 this access order will have to be consented to by the
6 parties and consented to by the third-party supervisor.

7 There's going to be a provision in the order
8 that will also say that consent shall not be unreasonably
9 withheld by either party.

10 The parties are also going to respond to each
11 other -- this will be a provision in the order as well --
12 by text message only. Text messages will only involve
13 access, transportation, or anything with respect to the
14 children only. Each party will respond to the other party
15 within two hours of a received text message to answer
16 whatever it is that's being asked, as long as it
17 reasonably refers to anything that has to do with access
18 and the children.

19 Does that cover everything?

20 MR. CAFARELLA: I believe so, Judge.

21 MR. MARGULIS: I just wanted to -- could we go
22 -- I'm trying to make things better for everyone as far as
23 the text messaging issue. Can we have a window of time
24 between nine a.m. and six p.m. so no one says I sent you a
25 message at two in the morning? Can we have a window of no

1 earlier and no later than?

2 THE COURT: That they can be answered and
3 received?

4 MR. MARGULIS: Either.

5 THE COURT: No.

6 MR. MARGULIS: You don't think it's necessary?
7 That's fine.

8 THE COURT: I hope it's not necessary.

9 MR. MARGULIS: It's been a problem, Judge.

10 THE COURT: We've got text messages and
11 responses to text messages should not be any earlier than
12 nine in the morning, and no later than nine at night.
13 Nine to nine. The parties should not be -- I don't know
14 what you're referring to but if there's text messaging
15 going on in the middle of the night --

16 MR. MARGULIS: I'm not suggesting that.

17 THE COURT: So I really don't want to, but I'll
18 put it in the order. You have to be careful with
19 micromanaging because then you're telling these parties
20 that we can micromanage their life, and I don't think we
21 can. Let's just say text messages have to occur between
22 nine and nine, only with respect to the children and
23 transportation, if there's access issues or whatever, but
24 that's it.

25 MR. MARGULIS: And I just would -- I want the

1 record to reflect that the Court be aware with regard to
2 those dates that you recited into the record my client
3 does, in fact, intend to affirmatively exercise his access
4 on each of those dates so there's no confusion down the
5 road as to whether he was intending to do so or not. He
6 is absolutely intending to do so.

7 THE COURT: It is definitely reflected on the
8 record. So he is intending doing all those dates?

9 MR. MARGULIS: Yes, Your Honor.

10 THE COURT: And --

11 MS. HERRINGTON: I'm sorry, could I address one
12 further clarification regarding the transportation of the
13 children? I assume that those arrangements will also be
14 coordinated with Ms. Kratt, but that any transportation --
15 the father should not be transporting the children
16 unsupervised either.

17 THE COURT: Was that -- I'm kind of lost where
18 that was an issue, but yeah. So the transportation has
19 been mom alone?

20 MS. HERRINGTON: That's correct. Mom or mom's
21 family members because mom cannot have contact with dad.

22 MR. MARGULIS: I think that's implied in the
23 definition of supervised.

24 MS. HERRINGTON: I wanted to clarify again so we
25 are not rehashing so it's on the record and encompassed

1 with what the terms and conditions would be.

2 THE COURT: So dad not be the transporter of the
3 children whatsoever.

4 And we have no registry results. So I guess
5 when you're saying mom and dad can't talk, is there an
6 order of protection between the parties or something?

7 MR. MARGULIS: No.

8 THE COURT: Okay.

9 MS. HERRINGTON: There is a pending --

10 THE COURT: Is there a pending criminal matter?
11 Where is the pending criminal matter? I'm assuming IDV
12 may take this. No. So it's here. That's okay.

13 MS. HERRINGTON: In Niagara County, correct.

14 THE COURT: All right.

15 MR. MARGULIS: Final point.

16 THE COURT: Do you want to just try your case?

17 MR. MARGULIS: I call Judge DeLabio as my first
18 witness. This was something discussed with your law clerk
19 but we didn't address it here. My client reminded me.

20 When my client comes in from Boston, he drives;
21 it's a six, seven hour-drive. He brings a family member
22 with him. It's my understanding that there should be no
23 impediment to my client's ability to bring a family member
24 with him who may wish to be present during these periods
25 of access. Mr. Cafarella doesn't oppose it. I don't

1 think there's any opposition by the expert who is in the
2 process of doing her evaluation, but I think ultimately
3 that's probably up to Ms. Kratt, but I don't think that
4 Mr. Cafarella has any objection to that.

5 MR. CAFARELLA: I have no objection, Judge, of
6 course subject to veto power of Ms. Kratt. But I will let
7 her know that as long as nobody as objects to it here
8 there's no prohibition.

9 THE COURT: What you need to clarify with Ms.
10 Kratt is that she has veto power over it. If she feels
11 she can't make a full assessment because there's a family
12 member interfering with the access -- her reason to do
13 this is to see his interaction with the children so she
14 can report to myself and the lawyers. Not that I want
15 that to be an impediment.

16 As long as Ms. Kratt feels there's no
17 interference or anything getting in her way of doing this
18 report and this observation I'm going to leave it to her
19 to decide whether or not this family member should be a
20 part of this. That's what she's here for.

21 What was the other thing, Mr. Cafarella, I was
22 thinking about that Ms. -- you were going to report to her
23 about something that she has to decide, something on her
24 own or be involved with.

25 MR. CAFARELLA: I did mention she will schedule

DIARBAKERLY vs. RIFORD/RIFORD vs. DIARBAKERLY - 06/18/2018

1 the exact times of the access, and some of these dates may
2 be changed from a Saturday to Friday or Sunday to Monday.

3 THE COURT: And she's -- you have to clarify
4 with her the breastfeeding issue with the child, Mason.

5 MR. CAFARELLA: Yes.

6 THE COURT: So she needs to understand that she
7 will -- after you explain this to her -- I'll leave it to
8 you to explain to her the issue with a family member being
9 involved and the feeding of Mason. She's got to kind of
10 work with Ms. Riford to figure out how that can occur
11 smoothly and easily without impeding his access, but also
12 without impeding the children's regular lifestyle, which
13 is to feed and go to bed because the child is under a year
14 old.

15 MR. CAFARELLA: I'll draft an e-mail and copy
16 counsel on it and give her the background and have her
17 weigh in.

18 THE COURT: They're free to weigh in too.

19 MR. CAFARELLA: Of course.

20 THE COURT: I think we're done. So we have the
21 temporary order in place, motion is continued, not
22 resolved. Results, there are none. And we are going to
23 pick hearing dates and pretrial dates.

24 So the pretrial, I'm going to say come back in
25 four weeks. Our court is also going to communicate with

1 Dr. Tyrell to interview the grandparents, that I would
2 like both parties or just the paternal grandparents --
3 communicate with your family, sir, that they need to make
4 those appointments. If they can't make the appointments,
5 they have to call Mr. Margulis right away. I'll let you,
6 Mr. Margulis, handle the contacting, who has to be
7 contacted to reschedule. It's been too much of a
8 confusion and I just lost two hearing dates.

9 MR. MARGULIS: Maybe Jason can fill me in.

10 THE COURT: Mr. Cafarella is more familiar with
11 the whole Dr. Tyrell situation.

12 Off the record.

13 (Discussion off the record.)

14 THE COURT: The next court appearance that you
15 will all have is July 25th at ten thirty in the morning.
16 That will be a pretrial conference with Debbie
17 Walker-DeWitt, my law clerk. Also, that day will be that
18 motion. That will be rescheduled for that day in case you
19 need any tweaking. But that can be resolved with Ms.
20 DeWitt as long as there's an agreement between the
21 parties.

22 With respect to the new hearing dates, they will
23 be September 7th and 14th, both beginning at one thirty in
24 the afternoon. Those are both Fridays. They attach to
25 the weekend so dad's traveling is not as cumbersome. 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

think that's it.

* * * *

I hereby certify that the foregoing 23 pages are a true and accurate transcription to the best of my ability, of the stenographic notes taken by me on June 18, 2018 in the matter of Peter Mark Diarbakerly vs. Katie Lynn Riford, and Katie Lynn Riford vs. Peter Mark Diarbakerly, held before the HONORABLE ERIN P. DeLABIO, Niagara County Family Court Judge.

Carolyn Kerr

CAROLYN KERR, RPR
OFFICIAL COURT REPORTER