

**THE STATE OF NEW HAMPSHIRE
SUPREME COURT**

No. 2022-0517

Dana Albrecht

v.

Katherine Albrecht

Rule 7(b) Appeal from 9th Circuit Court, Nashua, Family Division

Reply Brief of Petitioner-Appellant Dana Albrecht

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TABLE OF CONTENTS

TABLE OF CONTENTS.....	2
TABLE OF AUTHORITIES.....	3
REPLY.....	4
Respondent’s improper reliance on “procedural technicalities.”.....	4
Conduct of Administrative Judge David King.....	5
Kathleen Sternenberg, Julie Introcaso, Master Bruce DalPra, & Judge Derby. .	6
Cover-up by NHJB.....	8
Respondent’s attempts to severely limit parenting time since April 8, 2016.....	8
Respondent’s false report to Sierra Madre Police – October 31, 2019.....	11
Irreparable harm to the parties’ children.....	12
CONCLUSION.....	15
CERTIFICATE OF WORD COUNT.....	16
CERTIFICATE OF SERVICE.....	16
APPENDIX.....	17
October 31, 2019 – Sierra Madre Police Report.....	17
November 1, 2019 – Ex Parte Motion.....	18
February 2, 2018 – Motion to Relocate.....	22
March 7, 2022 – [REDACTED].....	29
[REDACTED].....	29
November 12, 2020 – eScribers email.....	35

TABLE OF AUTHORITIES

Cases

<i>Campbell v. Partello</i> , 659-2018-DM-00702.....	7
<i>Erickson v. Pardus</i> , 551 U.S. 89 (2007).....	5
<i>In re D.O.</i> , 173 N.H. 48 (2020).....	4
<i>In re Kathleen M.</i> , 126 N.H. 379 (1985).....	12
<i>In the Matter of Miller</i> , 161 N.H. 630 (2011).....	11
<i>ITMO Bruce F. DalPra</i> , JD-2022-0001.....	6
<i>ITMO Kristin K. Ruggiero and Jeffrey R. Ruggiero</i> , No. 618-2007-DM-00395...12	
<i>Mahmoud v. Irving Oil Corp.</i> , 155 N.H. 405 (2007).....	5
<i>Sobell v. Sobell</i> , 659-2013-DM-00348.....	7
<i>State v. Brendan Bisbee</i> , 165 N.H. 61 (2013).....	12
<i>State v. Kristin Ruggiero</i> , 163 N.H. 129 (2011).....	12
<i>Szymkowski v. Szymkowski</i> , 57 Mass. App. Ct. 284 (2003).....	12
<i>Vermillion v. Corizon Health, Inc.</i> , 906 F.3d 696 (7th Cir. 2018).....	4
<i>Whitaker v. L.A. DREW</i> , 149 N.H. 55 (2003).....	5

Constitutional Provisions

N.H. Const. pt. 1, art. 2.....	15
N.H. Const. pt. 1, art. 10.....	15
N.H. Const. pt. 1, art. 14.....	5
N.H. Const. pt. 1, art. 35.....	5, 8

Statutes

Cal. Penal Code Sec. 11165.2(c).....	13
RSA 173-B.....	9, 11p., 12, 15

Other Authorities

ABA Rule 8.3 (“Reporting Professional Misconduct”).....	6
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REPLY

Respondent's improper reliance on "procedural technicalities."

Respondent Katherine Albrecht's argument relies entirely on her perception of so-called "deficiencies" in Petitioner's brief based on technical minutiae.

In the first instance, Petitioner Dana Albrecht submitted his brief at 1:26 am on 3/16/2023, approximately 90 minutes "late," but certainly well before this Honorable Court opened in the morning. Respondent now seeks to have Petitioner's brief, raising the issue of the trial court's unconstitutional delay of over 2 years, 8 months, stricken as a result. Cf. In re D.O., 173 N.H. 48 (2020).

Respondent's ironic belief she lives in the world of Cinderella's fairy-tale where otherwise sound argumentation must "turn into a pumpkin" at the stroke of midnight is misguided.

Petitioner's brief contains numerous images from Odyssey case summary sheets in support of his argument. Respondent does not provide this Honorable Court with any information concerning her method for counting words, whether she included these images, how many hours of time she spent doing so, or how much in attorneys' fees she seeks for counting words, instead of making any substantive argument at all.

Respondent's reliance on Vermillion is misplaced, wherein those appellees sought to file a brief of 17,258 countable words in response to court's staff finding of 16,522 countable words in a *pro se* appellant's brief, that was in excess of the 14,000 word limit normally imposed by federal rules, and wherein that *pro se* appellant was then instructed to amend his brief.

Respondent does not make even the slightest effort to explain how this 7th Circuit federal case law is in any way *in pari materia* to NH Supreme Court rules.

Rather, New Hampshire courts emphasis justice over procedural technicalities. Whitaker v. L.A. DREW, 149 N.H. 55,59 (2003). While Petitioner’s brief might be of lesser quality than one prepared by a professional attorney, pleadings prepared by *pro se* litigants are to be construed liberally so as to do substantial justice. Erickson v. Pardus, 551 U.S. 89 (2007).

Respondent’s reliance on Mahmoud is also misplaced, wherein both that appellee and the Mahmoud Court were “forced to engage in guesswork [even] as to the issues on appeal.” Mahmoud at 406. Petitioner is confident that, unlike in Mahmoud, this Honorable Court will still be able to construe the issues on appeal, despite any deficiencies in craftsmanship due to Petitioner’s lack of formal training in the law.

Conduct of Administrative Judge David King

Petitioner re-iterates that Administrative Judge David King of the Circuit Court has violated Articles 14 and 35 of the New Hampshire Constitution. This claim is based on Judge King’s management of inappropriate remarks made by Master DalPra during the hearing on 11/6/2020. Despite being aware of these comments, which were excluded from the official transcript by eScribers,¹ Judge King failed to rectify the situation.

In his deposition given on 8/26/2022, Judge King claimed that he had informed the Judicial Conduct Committee about the inaccuracies in the Albrecht transcript. However, he apparently did not provide the committee with his email detailing these discrepancies, despite stating under oath that he did so.

Consequently, despite Judge King’s assertions that he informed the Judicial Conduct Committee, this Honorable Court had to request three separate versions of the 11/6/2020 transcript. The original version excluded

¹ See November 12, 2020 email from eScribers stating “of course we are not going to transcribe that.” ApxI. 126-127.

Master DalPra’s laughter in reaction to the Petitioner’s concerns about his son’s mental health (*Tr. 67:7*), Master DalPra’s derogatory remark about the parties’ daughters (*Tr. 80:19-20*), and Master DalPra’s infamous statement of “who gives a fuck?” (*Tr. 33:23*) that so succinctly summarizes the trial court’s attitude about this case since it began on 4/8/2016.

Despite Judge King’s purported communication with the Judicial Conduct Committee, the committee dismissed Master DalPra’s self-report (JC-20-062-G) on 2/26/2021. Judge King did not make any subsequent statements about Master DalPra, or take any further action prior to public news coverage in the New Hampshire Union Leader, prompting significant public concern about Judge King’s credibility and motives.

Indeed, this only raises further questions as to why the third version of the transcript, first filed in this appeal on 12/20/2022, was not promptly made available to the parties and the court in the very beginning.

Lastly, the Petitioner reiterates his request for the release of Judge King’s unredacted deposition from 8/26/2022. This will help to clarify what Judge King conveyed to the Judicial Conduct Committee about the transcript in the *Albrecht* case.

Respondent, on the other hand, now lays bare her present, ongoing, continued proactive support of, and reliance on, multiple instances of proven judicial misconduct,² as a sword to Petitioner’s prejudice. This is also diametrically opposed to the best interests of their children. Cf. ABA Rule 8.3 (“Reporting Professional Misconduct”)

Kathleen Sternenberg, Julie Introcaso, Master Bruce DalPra, and Judge Derby

As previously argued, the present case is one among at least nine cases from the 9th Circuit Family Division that involve former judge Julie Introcaso and her close friend, Kathleen Sternenberg, who was appointed as a *Guardian Ad Litem* (GAL). Their close friendship was publicly acknowledged

² ITMO Bruce F. DalPra, JD-2022-0001.

in court during a different case on 5/1/2014, when Ms. Introcaso revealed that they were very good friends, with Ms. Sternenberg even being the godparent of her child. Ms. Sternenberg's acknowledgment is recorded in the hearing transcript for the Sobell case. Furthermore, Marital Master Bruce F. DalPra had been aware of this conflict of interest since 2014, a fact confirmed by Ms. Introcaso in her sworn deposition in 2021.

On 5/9/2019, a parenting hearing for this case took place, overseen by Master DalPra. However, Master DalPra failed to disclose the conflict of interest involving Ms. Introcaso and GAL Sternenberg, which is considered a violation of the Code of Judicial Conduct and should have led to Master DalPra's disqualification.

Following this, on 6/30/2019, Judge Mark S. Derby dismissed a motion to reconsider the order issued by Ms. Introcaso after the 5/9/2019 hearing. Despite also being aware of the conflict of interest between Sternenberg and Introcaso, Judge Derby also neglected to disclose it, constituting another breach of the Code of Judicial Conduct.

In addition, when Judge Derby was later asked under oath about similar cases to Partello, he failed to mention the Albrecht case during his sworn deposition, thereby further calling into question Judge Derby's motives and credibility.

Petitioner repudiates such misconduct. By way of contrast, Respondent has gone so far as to continually request the re-appointment of Kathleen Sternenberg as GAL.

Indeed, Respondent even provided a copy of one of her numerous requests for Ms. Sternenberg's reappointment as part of her 12/28/2021 request for a five-year renewal of the related "domestic violence" order of protection, presently pending appeal, No. 2022-0284.

Cover-up by NHJB

As the Judicial Conduct Committee observed in its statement of formal charges (No. JC-21-072-C) against Marital Master DalPra:

51. The basis for Master DalPra's disqualification may never have come to light but for Mr. Albrecht's persistence. Parties should not be required to ferret out facts that might form a basis for a judge's recusal. Part I, Article 35 of the New Hampshire Constitution guarantees "the right of every citizen to be tried by judges as impartial as the lot of humanity will admit." To further this end, the litigants, and the public in general, should be able to rely on candid, transparent self-disclosure by judicial officers.

By way of contrast, the NHJB has made every effort, in this instant case, to withhold "facts that might form a basis for a judge's recusal," (*Id.*) all while going to extreme lengths to force Petitioner to "ferret [them] out." (*Id.*)

Indeed, on 5/28/2021, Mary Ann Dempsey, former general counsel for the NHJB, denied Petitioner's request³ for many of the deposition transcripts containing key information necessary to decide this appeal.

By way of contrast, Respondent, even to the present day, seeks to rely on judicial misconduct to support her position, further suggesting she thinks this Honorable Court ought to do so as well, all while attempting to re-direct this Honorable Court to counting words,⁴ worrying about a 90 minute delay, and even asking for her attorneys' fees while doing so.

Respondent's attempts to severely limit parenting time since April 8, 2016

The case originated when Ms. Albrecht filed a Domestic Violence Petition on 4/8/2016. As a result, a Temporary Domestic Violence Restraining Order was established by former judge Paul S. Moore. Mr. Albrecht immediately contested this, claiming that limiting his communication with their children would result in significant emotional distress. However, at that time, Respondent maintained that Petitioner should have extremely limited interaction with the children. *ApxI 4-14*.

³ See Mr. Albrecht's reply brief (at 34) in the related appeal, No. 2022-0284, dated May 1, 2023.

⁴ Indeed, "how many angels can dance on the head of a pin?"

From the outset, Ms. Albrecht has abused RSA 173-B to curtail severely Mr. Albrecht's contact with their children, limiting his communication to specific short modes and times. She also mandated supervised visits between Mr. Albrecht and the children at Collinsville Bible Church, in Dracut, MA (which figures prominently in this case). These visits were supervised by church leadership. She specifically prohibited Mr. Albrecht from being present during drop-off and pick-up times.

Their eldest son, P.A., who was 18 at the time, was exempt from Ms. Albrecht's restrictions.

Respondent's initial false Domestic Violence claim was dismissed six months later, on 10/4/2016, after which she immediately lodged more false accusations against Petitioner with NH DCYF that were later dismissed as unfounded. *ApxVIIc. 6-56*.⁵

On 2/2/2017, Respondent filed her verified motion to relocate the minor children from New Hampshire to California, contested by Petitioner.

On 8/9/2017, GAL Sternenbergh testified that Respondent needed to move to Southern California for several reasons, including proximity to her family, access to cancer treatment,⁶ and financial stability. Following the recommendation by Master DalPra, Respondent relocated with the three minor children to Pasadena, California around 9/1/2017.

In March 2018, Respondent moved again with the children to Sierra Madre, California, but didn't inform Petitioner until 1/2/2019.

⁵ Just as with her April 8, 2016 DV, Ms. Albrecht even had another brief "success" in convincing NH DCYF to temporarily terminate contact between Mr. Albrecht and their children. See DCYF "family safety plan," *ApxVIIc. 44*.

⁶ To be sure, Mr. Albrecht further opines that no child deserves to lose their mother to the ravages of a carcinoma of the breast metastatic to the brain, Ms. Albrecht's diagnosis. The parties' daughter G.A. was only four years old in 2011 when her mother was first diagnosed. Mr. Albrecht wishes Ms. Albrecht long life. Nevertheless, this is all the more reason that their children need a healthy relationship with their father, and it remains Mr. Albrecht's position that this family would have been better served by continued ongoing treatment for Ms. Albrecht in Boston, rather than by her present relocation to rural Michigan, after the over \$10,000 in fees charged by GAL Sternenbergh, and approved by Ms. Introcaso, to study Ms. Albrecht's first relocation to California.

The trial court hearing on 5/9/2019 before Master DalPra addressed Petitioner's claims that Respondent violated the court's Parenting Plan by denying him any contact with their minor children since Christmas 2018, but did not offer any relief to their minor children or to Petitioner.

On 10/29/2019, Respondent removed the minor children from their California school for a week-long vacation in New England. On 10/31/2019, she informed the Sierra Madre, California Police that she was on vacation with her children. She falsely stated to the police that she had full custody of the children.

On 11/1/2019, Petitioner filed his *ex parte* motion for parenting time and counseling for the minor children, finally denied by the trial court on 7/22/2022 without any hearing, that is the subject of the present appeal.

On 11/3/2019, Petitioner attempted to attend services at the Collinsville Bible Church in Dracut, Massachusetts, in hopes of seeing his children. This spawned three related appeals, No. 2020-0118, No. 2022-0284, and No. 2023-0181, presently pending.

On 1/13/2021, G.A. was admitted to Ascension River District Hospital, Michigan, due to a head injury. However, Respondent delayed informing Petitioner for over a week.

On 1/20/2021, without knowing that the Respondent and the minor children had relocated from California to Michigan, the trial court issued a parenting order (later vacated), severely limiting Petitioner's parenting time, and granting the Respondent exclusive decision-making authority.

On 1/21/2021, Petitioner was informed for the first time by Respondent's counsel that she had relocated with their minor children from California to Michigan. This marked a significant shift in the ongoing legal proceedings and represented another instance of Respondent making significant decisions without notifying Petitioner in advance.

All in all, Respondent's abuse of RSA 173-B, abuse of the judicial process, multiple relocations all over the country, largely without prior notice to Petitioner, and ongoing reliance on judicial misconduct, have allowed her to accomplish her goal, since the onset of this case, of preventing their children from having a father, and have also permitted Respondent to achieve a "de facto" termination of Petitioner's parental rights and responsibilities.

However, as this Honorable Court has long recognized, "the obstruction by a custodial parent of visitation between a child and the noncustodial parent may, if continuous, constitute behavior so inconsistent with the best interests of the child as to raise a strong possibility that the child will be harmed." *In the Matter of Miller*, 161 N.H. 630, 641 (2011).

Respondent's false report to Sierra Madre Police – October 31, 2019.

As previously described, Respondent falsely reported to the Sierra Madra, CA police that she had full custody of the parties' minor children (directly contrary to the court's parenting plan!), removed them from school in California, and transported them across the country to New England.

The following day, on 11/1/2019, Petitioner filed for *ex parte* relief, because (at that time) Respondent had successfully prevented any contact between Mr. Albrecht and their children for over 10 months.

However, the trial court never held any evidentiary hearing in the parenting matter, wherein the issue of Respondent's 10/31/2019 false police report could be adequately addressed.

Instead, the trial court has continued to allow Respondent to abuse RSA 173-B, holding instead a lengthy three-day "domestic violence" trial to litigate parenting issues, spawning three separate related appeals to this Honorable Court, wasting judicial resources – all without any allegation, ever, that Petitioner even has made any threat to physically harm Respondent.

This instant case is not the first time a NH litigant has severely abused the judicial process; and, in particular used RSA 173-B as “a weapon in circumstances of reciprocal hostility between divorced parents and differences” to gain the upper hand. *See, e.g. ITMO Kristin K. Ruggiero and Jeffrey R. Ruggiero*, No. 618-2007-DM-00395 (March 13, 2009 stipulation). Cf. *State v. Kristin Ruggiero*, 163 N.H. 129 (2011) and *State v. Brendan Bisbee*, 165 N.H. 61 (2013).

Nor will it likely be the last.

While Massachusetts courts have long recognized this harsh reality (*Szymkowski v. Szymkowski*, 57 Mass. App. Ct. 284 (2003)), New Hampshire courts have yet to do so. Moreover, *Albrecht* presents the perfect vehicle for this Honorable Court to recognize *Szymkowski*.

The issue is squarely presented, and any secondary issues are either minimal, or weigh in Petitioner’s favor.⁷

Indeed, in the related DV matter, there are no allegations of physical abuse whatsoever; and, further, there was not even any contact or communication of any kind between the parties on the sole day (November 3, 2019) on which any “abuse” was alleged to have occurred.

Irreparable harm to the parties’ children.

Much of Petitioner’s argument concerns that this case is not moot because it raises multiple issues “capable of repetition, yet evading review.” *In re Kathleen M.*, 126 N.H. 379, 381 (1985).

Petitioner makes no secret of his public efforts⁸ to affect wide-scale reform of the Family Division of the NHJB, so that other NH families do not suffer the same fate as Petitioner’s children.

⁷ e.g. Petitioner’s arguments in the related DV appeal concerning “prior restraint” with regard to his constitutional rights.

⁸ See, e.g. Petitioner’s advocacy before the NH legislative branch; and, in particular, Petitioner’s advocacy before the recently convened Special Committee on the Family Division of the NH Circuit Court.

Nevertheless, in this case, such efforts cannot make up for the damage caused to the parties' own children by a rogue GAL and corrupt and/or incompetent trial court judicial officers.

GAL Sternenberg earned \$10,000 to recommend that C.A. drop out of Bishop Guertin High School⁹ in 10th grade, and relocate across the country.

As further set forth more fully in *Petitioner's Second Request for Findings of Fact and Rulings of Law*¹⁰, quoting the reliable evidence¹¹ submitted at the 11/6/2020 hearing, all three younger children have suffered immensely, with reports of neglect to LA DCFS¹² determined “not to be unfounded,” per Cal. Penal Code Sec. 11165.2(c), albeit “inconclusive.”¹³

S.A. and G.A. face lifelong repercussions from 15 months without any dental care. G.A. required expensive sedation dentistry for eleven cavities, and S.A., in braces, required several crowns. All occurred under Respondent's care, beyond Petitioner's control,¹⁴ beginning with her first DV.

Respondent has also terrorized their children, even accusing Petitioner of forced entry to her home by using a drill being operated on her door locks, despite that the police found no evidence anything had been disturbed. Nevertheless, this left their son C.A. “screaming in fear” while C.A., S.A., and G.A. all gave inconsistent statements to the police.¹⁵ Their children have been locked inside Respondent's home with “zip ties.”¹⁶

Moreover, as early as 2016, NH DCYF discussed with Respondent, C.A.'s concern that someone had entered their home and took phones and was hacking computers. Respondent stated to DCYF that “that is their father

9 Bishop Guertin High School is a private high school located in Nashua, NH. Mr. Albrecht opposed the GAL's recommendations that Caleb drop out, and relocate to California.

10 ApxI. 130-158

11 ApxVIIa-c

12 ApxVIIb. 32-57

13 ApxVIIa. 190.

14 ApxVIIc. 181-196.

15 ApxVIIa. 131-152.

16 No. 2022-0842, ApxVI. 227-229.

doing this.”¹⁷ Indeed, their children (except P.A.) have been continually exposed to over seven years of “messaging” from Respondent about her own paranoid delusions¹⁸ about “hacking” and “spying.” Indeed, S.A. once handwrote, in a cry for help at school, that “my dad is always listening.”¹⁹

More recently, C.A. has suffered [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Whatever the cause, Petitioner opines that C.A.’s continual exposure to over seven years of “messaging” from Ms. Albrecht about Ms. Albrecht’s own paranoid delusions cannot have helped.

Nor, opines Petitioner, has Master DalPra’s laughter about C.A.’s condition (*Tr. 67:7*) helped either.

Since the court issued its *Final Parenting Plan*, Petitioner has had a total of 38 days of parenting time with Sophie and Grace from September 1, 2017 through Christmas 2018, a period of over one year.²¹

Since Christmas 2018, when their oldest son P.A. moved back from California to NH to reside with Petitioner, Respondent has permitted essentially no contact with their daughters at all, with only a few rare exceptions.

Indeed, Respondent now refuses even to provide telephone numbers, where Petitioner can reach their daughters.

17 ApxVIIc. 30.

18 See No. 2022-0284, ApxIII. 5, for Ms. Albrecht’s own confirmed diagnosis of “in the emergency department, exhibiting paranoid behavior” given by Dr. Harold Hudson, M.D., after her admission by ambulance.

19 ApxVIIc. 77-78.

20 [REDACTED]

21 See Judge Derby’s Order (at ¶65). ApxI. 47-59.

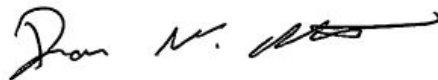
CONCLUSION

Prior to the breakdown of the parties' marriage, Petitioner was the primary caretaker as a "stay at home" Dad.

Nevertheless, for seven years, a litigant with a confirmed psychiatric diagnosis of "in the emergency department, exhibiting paranoid behavior" after her admission by ambulance, has abused RSA 173-B to litigate parenting issues. Meanwhile, the trial court has ignored relevant pleadings ("Who gives a fuck?") in the related parenting docket for nearly three years, indirectly terminating Petitioner's parental rights and leaving their children fatherless, in violation of N.H. Const. pt. 1, art. 2.

Finally, this also violated other multiple provisions of our state constitution. In particular, however, it also violated Article 10, *inter alia*, for "the private interest or emolument" (*Id.*) of GAL Sternenbergh by corrupt judicial officers, one of only many reasons in this instant case that "the ends of government are perverted, and public liberty manifestly endangered." (*Id.*)

Respectfully submitted,



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May 15, 2023.

CERTIFICATE OF WORD COUNT

I, Dana Albrecht, hereby certify that the main text of this reply brief, from the “Response” through the “Conclusion,” contains 2,991 words, as determined by the word count of the LibreOffice software used to prepare this brief.




DANA ALBRECHT

May 15, 2023

CERTIFICATE OF SERVICE

I, Dana Albrecht, hereby certify that a copy of this brief shall be served on all parties of record through the New Hampshire Supreme Court’s electronic filing system.



DANA ALBRECHT

May 15, 2023



**SIERRA MADRE
POLICE DEPARTMENT**
242 WEST SIERRA MADRE BOULEVARD
SIERRA MADRE, CA 910242395
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CFS EVENT DETAIL	
CAD EVENT NUMBER	1910310022
CALL TYPE	WELFARE

CALLS FOR SERVICE INFORMATION

AGENCY	CAD EVENT NUMBER	CASE NUMBER	AGENCY NUMBER	DATE AND TIME	CALL TYPE	CALL TYPE EXPLAINED	FINAL CALL TYPE
SMPD	1910310022			10/31/2019 10:21	WELFARE	WELFARE CHECK	
LOCATION	APT/SUITE/BOX	CITY	RESPONSE ZONE	RESPONSE AREA			
730 W ALEGRIA AVE		SM					
CALL SOURCE	LOCATION COMMENT						
P							

COMMENTS
 RP IS CONCERNED FOR THE WELFARE OF HIS CHILDREN [REDACTED] AND [REDACTED] WHO HAVE NOT BEEN TO SCHOOL FOR 3 DAYS. RP IS UNABLE TO CONTACT HIS CHILDREN OR THE ATTORNEY FOR THE MOTHER,
 [REDACTED] ATTENDS GOODEN SCHOOL IN THE CITY. ATTEMPTED TO CONTACT HOWEVER NO ANSWER AT THE SCHOOL.
 RP IS ADVISING HE HAS CONTACTED [REDACTED] IN PASADENA FOR DAUGHTER [REDACTED] AND THEY ADVISED SHE HAS NOT BEEN TO SCHOOL AND HAD AN EXCUSED ABSENCE BY THE MOTHER
 MOTHER'S NAME IS [REDACTED],
 CELL PHONE# [REDACTED]
 RP LAST SPOKE TO MOM THROUGH ATTORNEYS LAST FRIDAY.
 [CAD1/10920 10/31/19 10:33:44]
 10-21 PROVIDED GOES TO VOICEMAIL
 [CAD1/10920 10/31/19 10:53:30]
 MADE CONTACT WITH GOODEN SCHOOL AND THEY ADVISED THE CHILD HAS NOT BEEN IN SCHOOL HOWEVER THERE ARE NO SUSPICIOUS CIRCUMSTANCES TO FURTHER INVESTIGATE
 [CAD1/10920 10/31/19 10:55:35]
THE MOTHER OF THE CHILDREN CALLED AND ADVISED SHE IS ON VACATION WITH HER CHILDREN AND IS NOT HOME. SHE ALSO ADVISED HER ATTORNEYS ADVISED HER EX HUSBAND THAT THEY ARE ON VACATION AND HE IS ONLY CALLING TO DISTURB THEM. SHE ADVISED SHE HAS FULL CUSTODY OF THE CHILDREN.
REPORTING PARTY
 DANA ALBRECHT
REPORTING ADDRESS
 NEW HAMPSHIRE

PRIMARY UNIT	RESPONSE	DISPOSITION	COMMENTS	
P2				
P.O.11	REPATCH	ARRIVED	IN FAREN	DISPATCH
	10:20:35	10:28:29	10:52:48	10:52:48

SIERRA MADRE PD COPY

UNITS STATUS RECORDSxxx

TIME	UNIT	STATUS	COMMENT	LOCATION	DISPO
10/31/2019 10:20:35 AM	P2	D		[REDACTED]	
10/31/2019 10:23:44 AM	L1	D		[REDACTED]	
10/31/2019 10:28:29 AM	P2	AR		[REDACTED]	
10/31/2019 10:28:29 AM	L1	AR		[REDACTED]	
10/31/2019 10:41:13 AM	P2	C4		[REDACTED]	
10/31/2019 10:48:00 AM	L1	C	CLEARED BY CAD1		ASST
10/31/2019 10:52:48 AM	P2	C	CLEARED BY CAD1		UNF

LINKED NAMES

UNIT	REASON	NAME (OR DL)	DOB
	RP	ALBRECHT, DANA	

STATE OF NEW HAMPSHIRE

9th Circuit-Family Division-Nashua

Dana Albrecht and Katherine Albrecht

659-2016-DM-00288

RECEIVED
NH CIRCUIT COURT
9TH CIRCUIT NASHUA
2019 NOV -1 AM 9:00

Petitioner's Ex Parte Motion for Contempt and to Compel

Now comes Dana Albrecht, Petitioner, by and through his attorney, and states:

1. RSA 461-A:2 requires that "Because children do best when both parents have a stable and meaningful involvement in their lives, it is the policy of this state, unless it is clearly shown that in a particular case it is detrimental to a child, to support frequent and continuing contact between each child and both parents."
2. RSA 461-A:4-a requires that "Any motion for contempt or enforcement of an order regarding an approved parenting plan under this chapter, if filed by a parent, shall be reviewed by the court within 30 days."
3. Mr. Albrecht has not seen the parties' daughters Sophie (now age 15) and Grace (now age 12) since December 2018. The children reside with their mother Dr. Albrecht in Sierra Madre, California.
4. Pursuant to this court's parenting plan, Mr. Albrecht last arranged to have summer parenting time with their daughters Sophie and Grace from July 31, 2019 through August 14, 2019 in California and provided more than 10 days' written notice on July 18, 2019.
5. However, on July 31, 2019, and while in southern California to see their daughters, Mr. Albrecht learned for the first time from the Sierra Madre Police that Dr. Albrecht had instead sent Sophie and Grace to "The Wilds of New England" camp in Deering, New Hampshire in order to prevent Mr. Albrecht from seeing their children.
6. Most recently, and without consulting with or even notifying Mr. Albrecht, Dr. Albrecht made arrangements with each of their daughters' schools to remove both Sophie and Grace from school for an unscheduled "vacation" from October 28, 2019 through November 4, 2019 on the east coast.
7. Consequently, Dr. Albrecht is in contempt of this court's parenting plan requiring joint decision making authority.
8. Mr. Albrecht believes that on or before Tuesday, October 29, 2019, Dr. Albrecht again flew across the country from California to the east coast with their minor children.

9. Dr. Albrecht made every effort to keep this present east coast “vacation” a secret from Mr. Albrecht. She has likely caused both of their adult sons’ emotional distress by threatening retribution or punishment for discussing this “vacation” with Mr. Albrecht
10. Mr. Albrecht’s counsel has sought the present location of the children from Dr. Albrecht’s counsel, receiving only:

I have passed your email on to Katherine and await her response. Mike would like to know what information Dana has that would lead him to believe that Katherine and the girls are on the East coast.

11. This is now the third time Dr. Albrecht has transported their children across the country from California to the east coast and attempted to keep the trip secret from Mr. Albrecht. The first was in July 2018; the second was in July 2019, already described in paragraphs 4-5.
12. The court’s parenting plan requires that:

Each parent shall promote a healthy and beneficial relationship between the children and the other parent.

13. Dr. Albrecht’s most recent actions have caused further damage to Mr. Albrecht’s relationship with their daughters. Consequently, Dr. Albrecht is also in contempt of this provision of the court’s parenting plan.
14. Further, Dr. Albrecht has refused to provide the telephone number(s) that their minor daughters Sophie and Grace now customarily use to make and receive calls; consequently, Mr. Albrecht is unable to place telephone calls to his daughters.
15. The most common cause of parental alienation is one parent wishing to exclude the other parent from the life of their child, though family members or friends, as well as professionals involved with the family, including psychologists, lawyers and judges.
16. Parental alienation often leads to the long-term, or even lifelong, estrangement of a child from one parent and other family members, and, as a significant adverse childhood experience and form of childhood trauma, results in significantly increased lifetime risks of both mental and physical illness.
17. Nevertheless, Mr. Albrecht has made every effort to encourage Dr. Albrecht to have their daughters see a licensed therapist for counseling; however, Dr. Albrecht has refused to cooperate with Mr. Albrecht. For over three and half years, none of the parties’ children have ever received regular counseling sessions.
18. Consequently, Mr. Albrecht is also requesting this court now compel Dr. Albrecht’s cooperation in commencing immediately individual therapy for these children and commencing immediately reunification therapy for these children and Mr. Albrecht to repair the parent-child relationships which has been disrupted during high conflict divorce.

19. Since it is anticipated that Dr. Albrecht will continue her disingenuous “defense” that she encourages the children to obey the court orders but that she just can’t control these children, that the court also order these children to attend this therapy.
20. The court’s next explicitly ordered parenting time for Mr. Albrecht is from December 27, 2019 through December 31, 2019, which is nearly two months away and is only five days long.
21. Because Dr. Albrecht has caused Mr. Albrecht to be unable to see their daughters for the past ten months, Mr. Albrecht is requesting this court now compel Dr. Albrecht to provide immediate parenting time for Mr. Albrecht to see their children while they are on the east coast and before they return to California for school on Tuesday, November 5, 2019.
22. Otherwise, there would be an immediate risk of further childhood trauma and significantly increased lifetime risks of both mental and physical illness for their minor children resulting from further parental alienation caused by Dr. Albrecht’s most recent actions.


WHEREFORE, the Petitioner prays this Honorable Court for relief as follows:

- A) Grant Petitioner’s *Ex Parte* Motion for Contempt and to Compel; and,
- B) Find Respondent Katherine Albrecht in contempt of the court’s parenting plan requiring joint decision making authority; and,
- C) Find Respondent Katherine Albrecht in contempt of the court’s parenting plan requiring each parent to promote a healthy and beneficial relationship between each child and the other parent; and,
- D) Compel Dr. Albrecht’s cooperation in commencing immediately individual therapy for these children with duly licensed and qualified therapists and commencing immediately reunification therapy for these children and Mr. Albrecht with a duly licensed and qualified therapist to repair the parent-child relationships which has been disrupted during high conflict divorce.
- E) Compel the parties’ minor children Sophie and Grace to attend regular counseling sessions for individual therapy and reunification therapy; and,
- F) Compel Respondent Katherine Albrecht to disclose the precise location of their minor children; and,
- G) Compel Respondent Katherine Albrecht to disclose all telephone number(s) their minor children customarily use to make and receive calls; and,
- H) Order that Petitioner Dana Albrecht have parenting time with their minor children on the east coast prior to the children’s return to California on November 5, 2019; and,

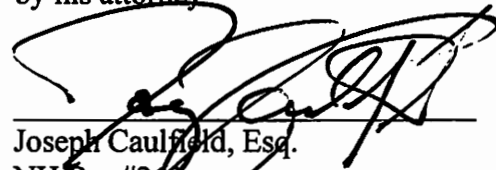
- I) Award Petitioner his reasonable attorney's fees and court costs occasioned by Respondent's contempt; and,
- J) For such other relief as this court deems just and reasonable.

Respectfully submitted,

November 1, 2019



Dana Albrecht
by his attorney



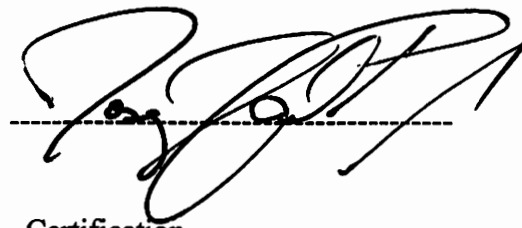
Joseph Caulfield, Esq.
NH Bar #2662
Caulfield Law & Mediation Office
126 Perham Corner Rd.
Lyndeborough, NH 03082
603-505-8749

State of New Hampshire
Hillsborough, SS

Now comes Dana Albrecht and swears that the foregoing is true to the best of his knowledge and belief.

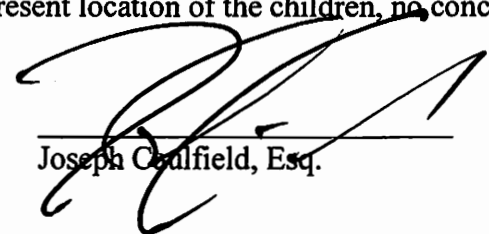
November 1, 2019

Joseph Caulfield
NH Justice of the Peace
Comm. expires Dec. 3, 2019



Certification

I emailed this date a copy of this Motion to Atty. Fontaine. Because of the nature of this emergency, the history of this case, and my inability even to learn the present location of the children, no concurrence was sought.



Joseph Caulfield, Esq.

**THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
<http://www.courts.state.nh.us>**

9th Circuit – Family Division - Nashua

In the Matter of: Dana Albrecht and Katherine Albrecht

Docket Number: 659-2016-DM-00288

**RESPONDENT'S VERIFIED MOTION TO RELOCATE THE PARTIES' MINOR
CHILDREN TO CALIFORNIA**

NOW COMES the Respondent, Katherine Albrecht, by and through her attorneys, Welts, White & Fontaine, P.C., and moves this Honorable Court to grant her permission to relocate the parties' minor children to California and, in support thereof, states as follows:

BACKGROUND

1. The parties to the above-captioned matter have three minor children, Caleb, date of birth September 16, 2000 (age 16), Sophie, date of birth May 2, 2004 (age 12) and Grace, date of birth December 22, 2006 (age 10). Ms. Albrecht currently has primary residential rights and responsibilities for the minor children under the Court's Temporary Parenting Plan.

2. Ms. Albrecht is battling Stage IV breast cancer with metastases to the brain. She has been told that her cancer is terminal. Ms. Albrecht has undergone extensive medical treatment including a mastectomy, radiation, two years of chemotherapy, neurosurgery to remove two large metastatic brain tumors, and extended hospitalization for pulmonary embolisms that were a complication of her cancer.

3. Ms. Albrecht is currently taking daily oral medication to manage the cancer and receives intravenous immunotherapy infusions every three weeks in Boston.

4. From 2011 to April 2016, Ms. Albrecht's only support for medical appointments and care was her husband. However, Ms. Albrecht no longer has Mr. Albrecht's support and has

no family and no other support base in New Hampshire to help her. Ms. Albrecht has to attend all of her medical treatments on her own, driving to and from Boston by herself, and scheduling medical appointments during the school day to allow her to still be able to drive the children to and from school and care for them after school.

5. Ms. Albrecht's doctors have recommended that she be closer to her family who can help support her through the eventual progression of her disease. In addition, her medical team is concerned that the emotional stresses she is undergoing as a result of her isolation and lack of support could worsen her condition.

6. Ms. Albrecht wishes to relocate to Southern California with the minor children to be closer to her family, closer to her son Peter who is in college in Claremont, CA, and be in a place where she can receive more support while she deals with her serious medical condition.

RELEVANT STATUTE

7. NH RSA 461-A:12 on Relocation of a Resident of a Child, at paragraph V and VI provides that:

V. The parent seeking permission to relocate bears the initial burden of demonstrating, by a preponderance of the evidence, that:

(a) The relocation is for a legitimate purpose; and

(b) The proposed location is reasonable in light of that purpose.

VI. If the burden of proof established in paragraph V. is met, the burden shifts to the other parent to prove, by a preponderance of the evidence, that the proposed relocation is not in the best interest of the child.

ARGUMENT

8. Ms. Albrecht lived in California from the age of eight (8), and attended grade school, high school and college there. She attended graduate school in Massachusetts from 1993 to 1996, then moved back to California in 1996. She and Mr. Albrecht married in 1996 and resided together in California until 2001 when Mr. Albrecht was transferred to Burlington, MA for work.

9. Mr. Albrecht was born in California, attended grade school, high school and college there, and lived there until age 30.

10. The parties' two sons, Peter (age 19) and Caleb (age 16) were born in California.

11. The parties' oldest son, Peter, is currently attending college at Claremont McKenna College in Claremont, California, which is only 30 minutes from Pasadena where Ms. Albrecht grew up and her family continues to reside.

12. Peter is taking the breakup of his family very hard and is experiencing severe depression, and is struggling with his schoolwork and adjustment to school. He has also been frequently ill and has missed a lot of school. His school psychologist is extremely concerned about his emotional state and overall well-being. These concerns were also noted by the Guardian ad Litem in her Preliminary Guardian ad Litem Report.

13. It has been very difficult for Ms. Albrecht being 3,000 miles away from her son and knowing that he is struggling and in trouble. She would find great comfort in being closer to him to provide him with the support he needs. Further, Peter is very close with his younger siblings. If they resided in California, they could offer him companionship and support so he would not be so isolated.

14. Both Ms. Albrecht and Mr. Albrecht's respective families continue to reside in California.

15. Ms. Albrecht is extremely close with her mother, Elaine Hodgkinson, whom she considers to be her best friend and biggest supporter. Ms. Hodgkinson has provided her daughter with substantial emotional support as well as financial support as needed over the years.

16. Ms. Hodgkinson is also very close to the parties' children, who are her only grandchildren. She is a reading specialist and former school teacher, who longs to be able to provide her grandchildren with emotional, academic, financial and material support. She has urged Ms. Albrecht and the children to move to California so that she can help support them.

17. Ms. Albrecht is also very close with her step-father, David Hodgkinson, who has been married to her mother for 35 years. Mr. Hodgkinson has provided financial and emotional support to Ms. Albrecht and her family for decades. Unfortunately, Mr. Hodgkinson is in declining health and has been unable to travel. Ms. Albrecht has not been able to see him since August of 2014 and would like to live in California with the children so they can be able to see him on a regular basis.

18. Additionally, Ms. Albrecht's sister Laura is the children's only aunt (Mr. Albrecht is an only child). Laura has a degree in Social Work and specializes in working with children. She is patient and kind, and wonderful with the parties' children. She has no children of her own and so she loves to dote on the parties' children, whom she misses terribly.

19. Nearly all of Mr. Albrecht's family and extended family reside in California. Mr. Albrecht's father, David Albrecht, lives in San Jose, and has been a source of emotional and financial support to his son as well as the parties' children, including during this legal separation matter.

20. Mr. Albrecht is very close with his mother's sister, Karen Grosch, who lives a few hours away from his father in California. The parties' children are also very close to their Aunt Karen and always visit with her when in California. Karen has two daughters, Liz and Melinda, and a granddaughter, Ellery, who live in the area. Ellery is the children's age.

21. Mr. Albrecht also has an Aunt Sharon and Uncle Vi who reside in San Jose, his mother's cousin "Bootsie", and his best friend, Chris Hansen, and close friend, JP Kauinana, who all reside in California.

22. Therefore, it is Ms. Albrecht's belief that it would also be in the children's best interest to be closer to their father's family. It would also be in Mr. Albrecht's best interest to relocate to California, as he has no family or other support system in New Hampshire or the New England area (other than an elderly Aunt Juli and her family who live in Connecticut; however, the parties have not visited with them in nearly a decade).

23. If the children relocate to California, they can enjoy a closer relationship with both their father's family and their mother's family, as well as be closer to their brother, Peter, and Ms. Albrecht will have the support she so much needs while she deals with her serious illness.

24. Ms. Albrecht, although disabled and collecting SSDI, is self-employed part-time in marketing and radio, both of which she does from home through the Internet. She will be capable of continuing to do the same work from California. In addition, Ms. Albrecht has a relationship with a major radio program, Coast to Coast AM, that is based in the Los Angeles area. Being in California could allow her to strengthen this important relationship in order to potentially expand her radio program. Therefore, there will be no adverse impact on Ms. Albrecht's income should she relocate to California.

25. Further, the job opportunities for Mr. Albrecht would be far greater in California than they are in New Hampshire. Mr. Albrecht has a B.S. in Mathematics and a B.S. in Computer Science from Santa Clara University, and a Masters in Applied Mathematics from Harvard University, and is very skilled with computers. He will have no difficulty in quickly getting employment earning a significant income should he relocate to California.

26. Mr. Albrecht has not been employed since 2004 and, upon information and belief, has no relationships with any employers in the New England area. His job search would not be adversely affected by a move.

27. Ms. Albrecht has demonstrated that the proposed relocation is for a legitimate purpose, in that she will be relocating to be near her family and only support system, as well as near the children's father's family, and that the proposed location is reasonable in light of that purpose. Ms. Albrecht has also demonstrated that it will be in the children's best interest to relocate to California near her mother, step-father, and sister, and much closer to Mr. Albrecht's family.

28. Mr. Albrecht cannot establish by a preponderance of the evidence that her proposed relocation is not in the children's best interest.

WHEREFORE, the Respondent prays this Honorable Court for relief as follows:

- A. That Respondent's Motion to Relocate the Minor Children to California be granted;
- B. Expand the Guardian ad Litem's investigation to include the proposed relocation of the minor children to Southern California (which the Court did verbally at the Pretrial Conference); and
- C. For such other relief as this Court deems just and reasonable.

Respectfully submitted,

Date: February 2, 2017

K. Albrecht

Katherine Albrecht, Respondent
By Her Attorneys,

WELTS, WHITE & FONTAINE, P.C.

Date: February 2, 2017

By:

[Signature]
Michael J. Fontaine, Esquire
29 Factory Street; P.O. Box 507
Nashua, NH 03061
(603) 883-0797
mfontaine@lawyersnh.com
NH BAR ID #832

STATE OF NEW HAMPSHIRE
COUNTY OF HILLSBOROUGH

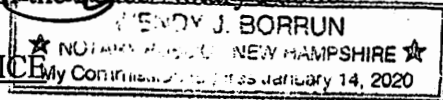
Personally appeared the above-named, Katherine Albrecht, and made solemn oath that the statements made in the above pleading are true to the best of her knowledge and belief.

Date: February 2, 2017

[Signature]

Justice of the Peace/Notary Public

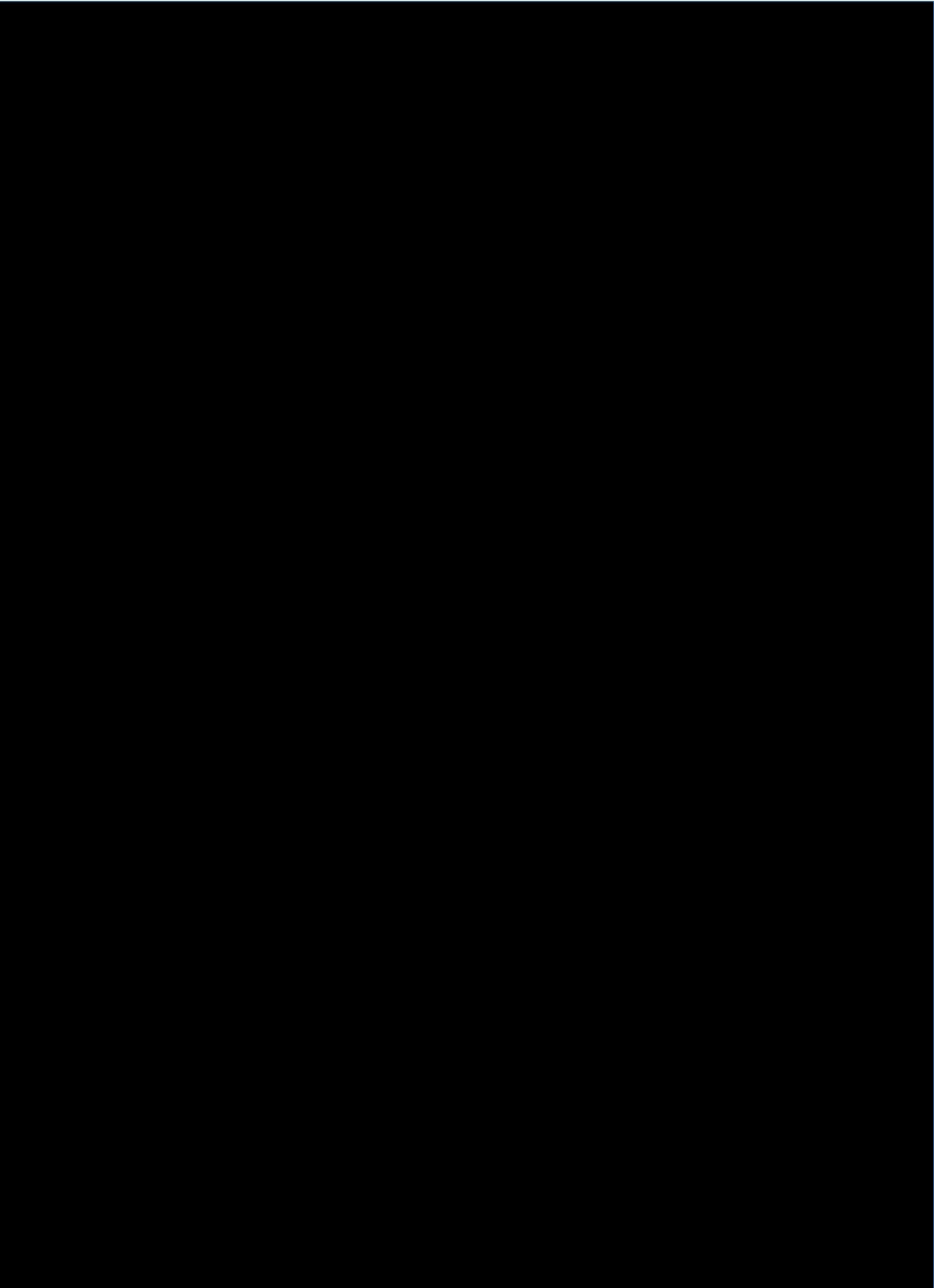
CERTIFICATE OF SERVICE

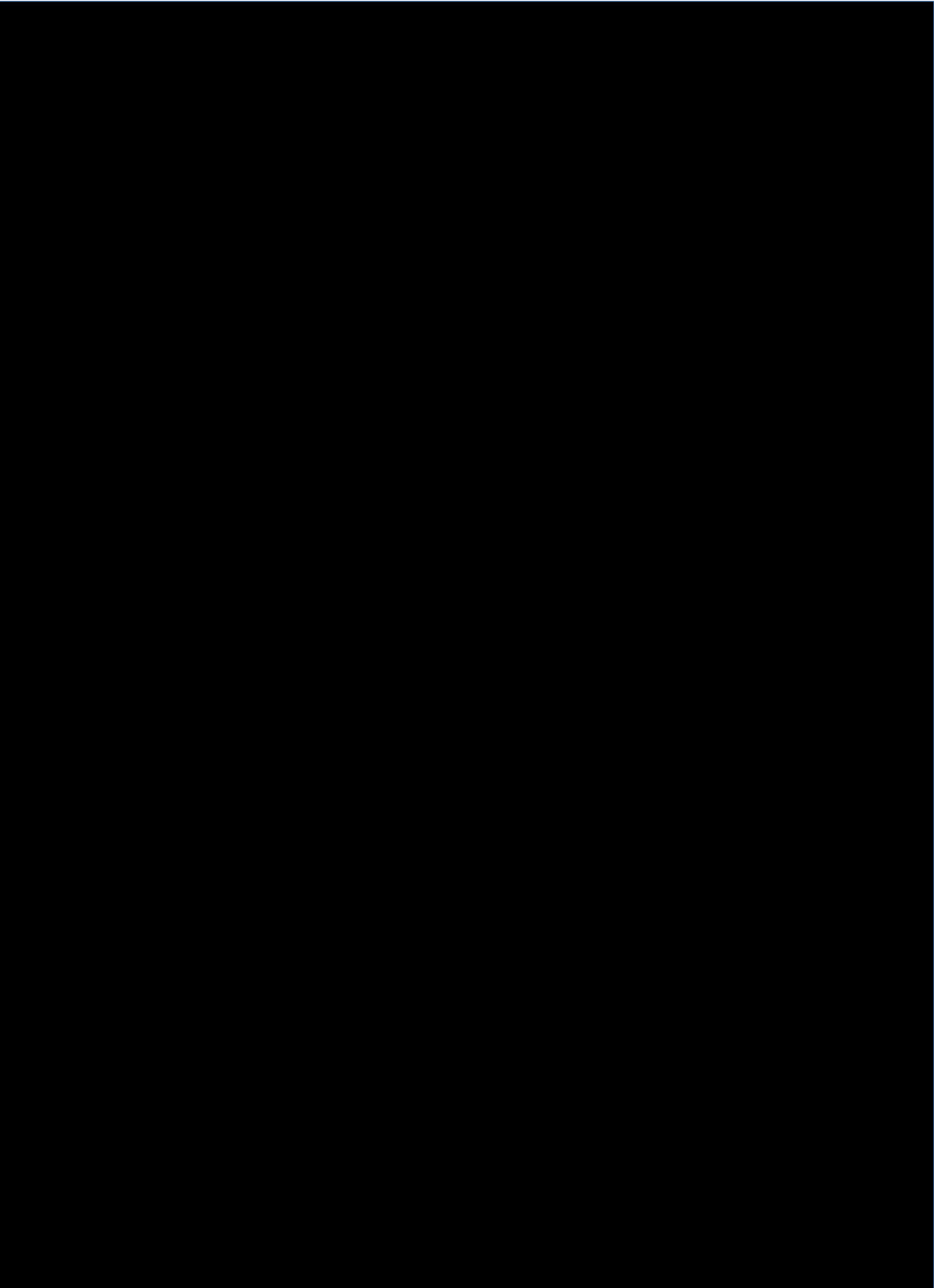


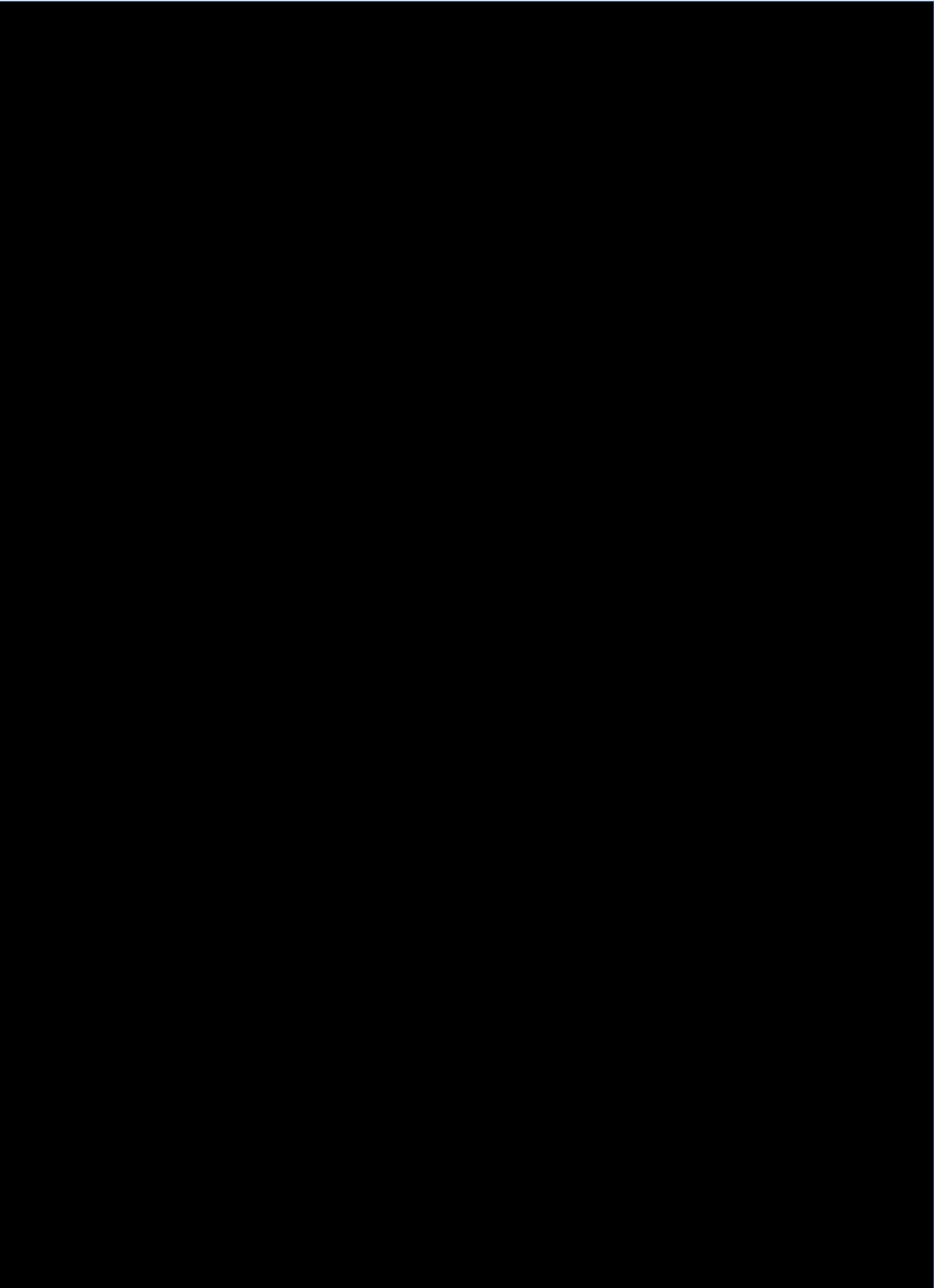
I certify that I have this day furnished the within pleading, by delivering a copy of same by first-class mail, postage prepaid, to Joseph Caulfield, Esq., attorney for Petitioner.

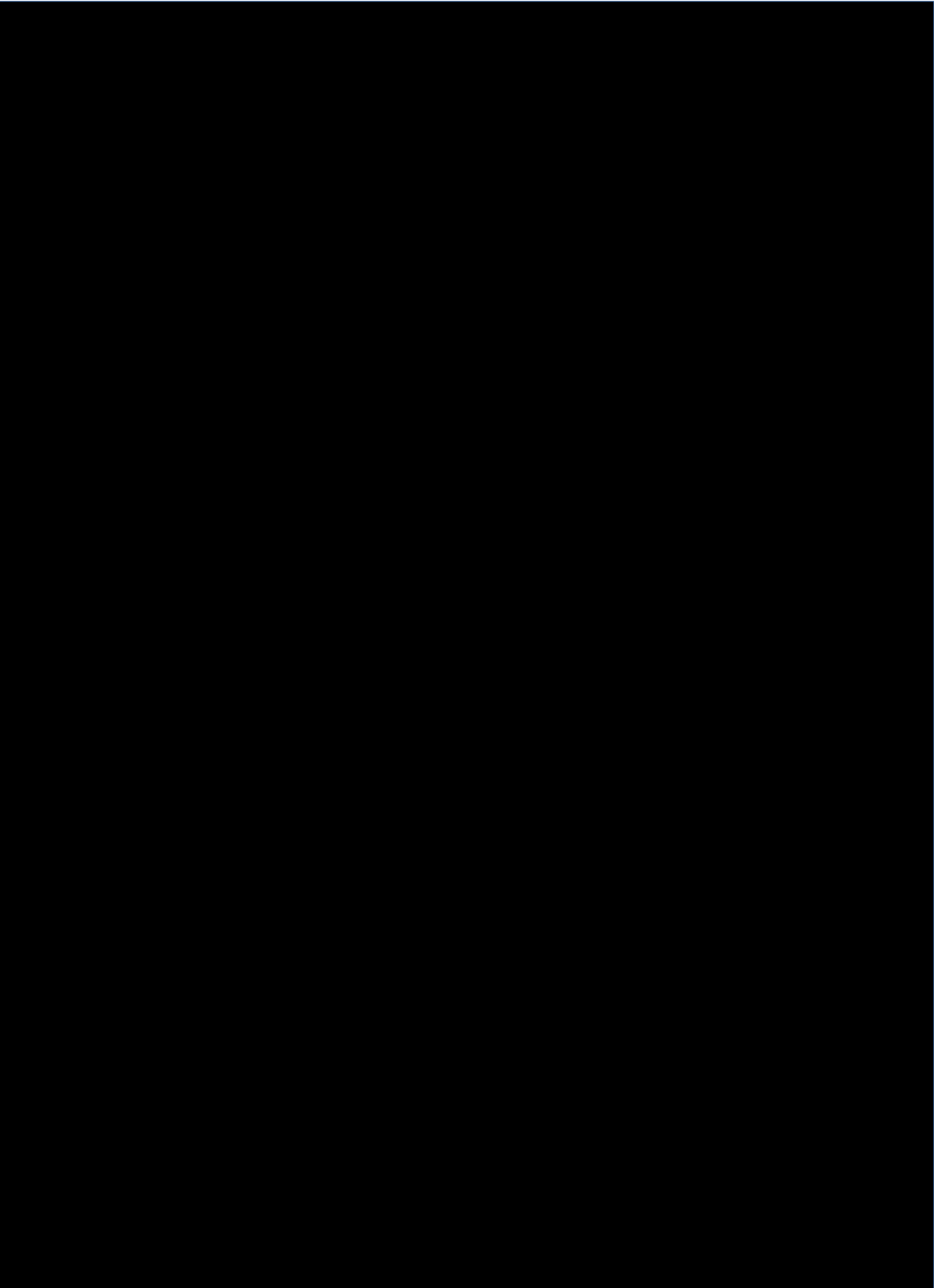
Date: February 2, 2017

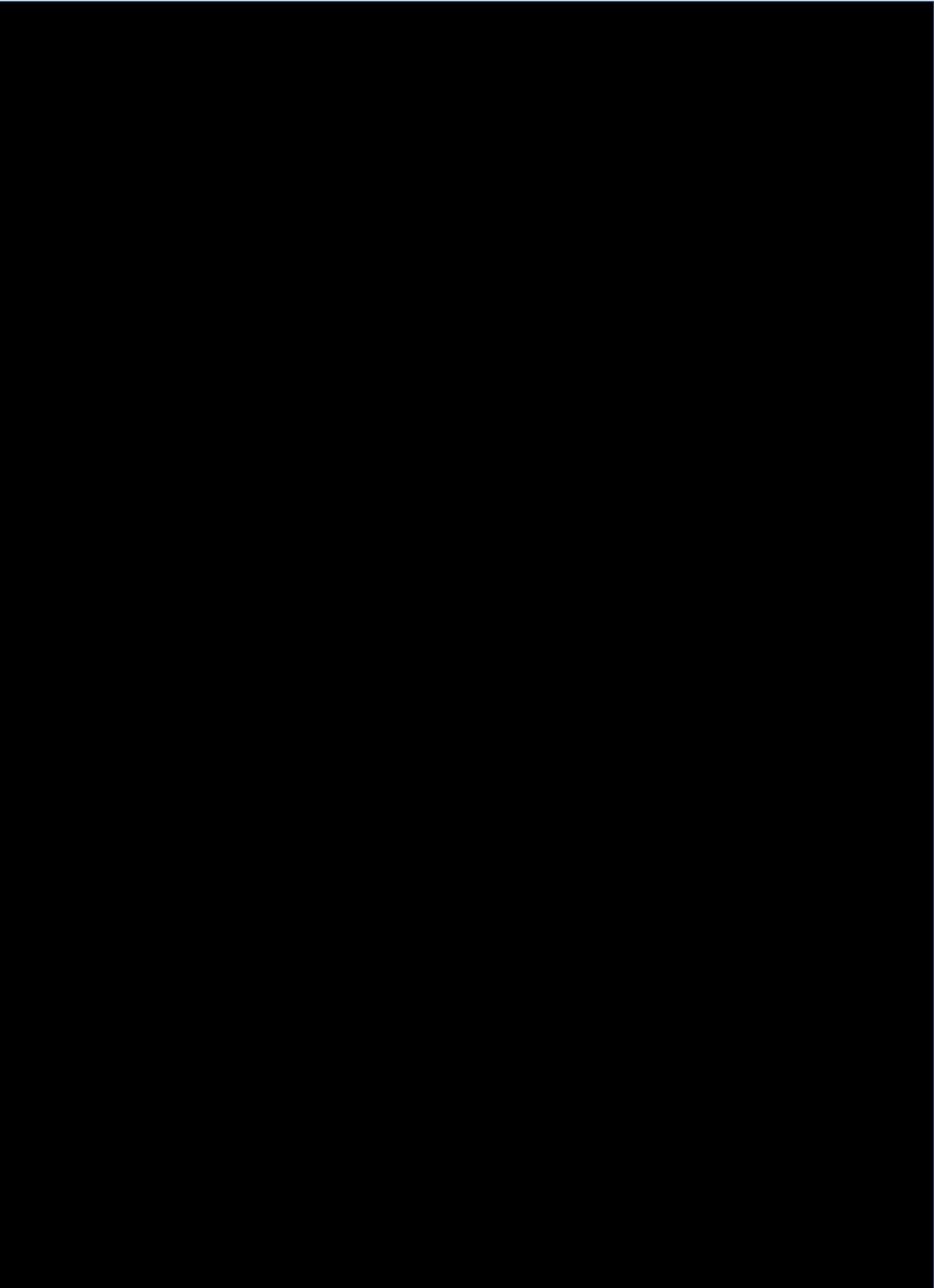
[Signature]
Michael J. Fontaine, Esq.

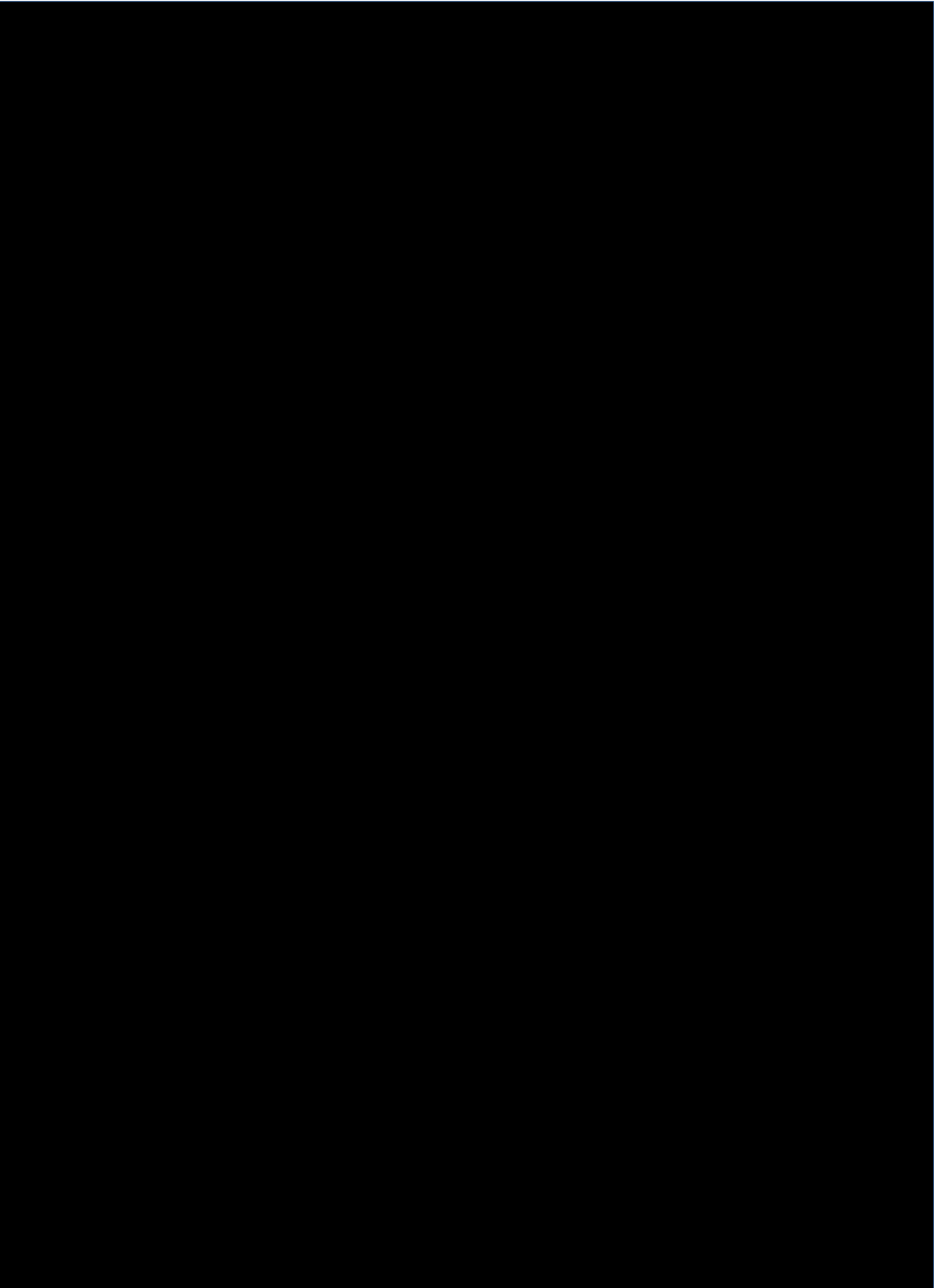




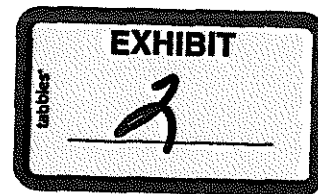








NH Judicial Branch Administrative Offices
Attention: Kathleen Yee
1 Granite Place
Suite N400
Concord, NH 03301
0026 (internal extension)
Cell 603 540-0174 – currently working remotely



From: Michele Lilley [<mailto:michele.lilley@escribers.net>]
Sent: Thursday, November 12, 2020 12:24 PM
To: Kathleen M. Yee
Subject: PLEAE READ RE NHJB-12284
Importance: High

EXTERNAL: Do not open attachments or click on links unless you recognize and trust the sender.

Kathy:

I thought you should be aware, per our transcriber regarding the above order:

So everyone is on Zoom/telephonic for this hearing, other than the judge. The mic is right next to the judge and I can hear everything. He talks to his clerk and himself a lot and makes some pretty bad remarks about the parties and the commentary the parties make.

For instance, he whispers to himself, right in the mic, "who gives a fuck" when the witness is answering a question, or calls them all a bunch of morons, and so much. It actually creates it to where I can't hear what the witness is saying because he's talking into the mic, I think, completely unaware of what he's doing.

Of course we are not going to transcribe that however, the ordering party has also ordered the audio.

This is the order that was missing the audio that I emailed about today. The client already has most of the audio which I sent a couple of days ago. She was the one that let me know there was audio missing. I was just about to send her the rest when production let me know the above.

I can't not send the audio to her but thought you should know.

Regards,



Michele Lilley, CET
Lead Client Relations Representative

602-263-0102 | direct
602-263-0885 x130 | office
800-257-0885 | toll free
866-954-9068 | fax

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From: Michele Lilley [<mailto:michele.lilley@escribers.net>]
Sent: Thursday, November 12, 2020 5:23 PM
To: Kathleen M. Yee
Subject: RE: PLEAE READ RE NHJB-12284

EXTERNAL: Do not open attachments or click on links unless you recognize and trust the sender.

Kathy:

Here are a couple of examples from the transcriber:

Here are a few examples of time stamps where you can clearly hear the Court:

"Who gives a fuck?" - **12:28:16

"Of course not, they're a bunch of morons." - **1:45:59

The first one is really hard to hear so don't know if Ms. Albrecht will even hear it in her audio. The second example is pretty clear.



[schedule a reporter](#)
[order a transcript](#)

Michele Lilley, CET
Lead Client Relations Representative

602-263-0102 | direct
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866-954-9068 | fax

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From: Kathleen M. Yee <KYee@courts.state.nh.us>
Sent: Thursday, November 12, 2020 1:38 PM
To: Michele Lilley <michele.lilley@escribers.net>
Subject: RE: PLEAE READ RE NHJB-12284

I have listened to the audio and I can hear him laughing quietly and mumbling, but I can't tell what he is saying. I tried playing around with listening to different channels and still couldn't understand him.

Do you know what channels she was listening to or where in the audio she is referring to?

It could just be my hearing though.

Thanks.

Kathleen Yee