
IN THE
Supreme Court of the United States

DANA ALBRECHT

Applicant-Petitioner,

v.

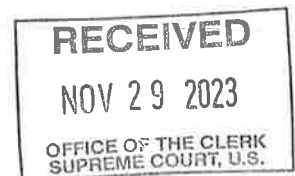
KATHERINE ALBRECHT

Respondent,

**APPLICATION FOR AN EXTENSION OF TIME TO FILE
PETITION FOR WRIT OF CERTIORARI**

**TO THE HONORABLE KETANJI BROWN JACKSON, ASSOCIATE
JUSTICE OF THE SUPREME COURT OF THE UNITED STATES AND
CIRCUIT JUSTICE FOR THE FIRST CIRCUIT:**

Pursuant to this Court's Rules 13.5, 22, and 30.2 and 30.3, Applicant Dana Albrecht, who was petitioner and then appellant in the proceedings below, respectfully requests a 60 day extension of time, to and including Monday, January 29, 2024 to file a petition for a writ of certiorari concerning review of an September 1, 2023 mandate of the New Hampshire Supreme Court, Case No. 2022-0517.



As grounds, it is stated:

This is a multi-state diversity of citizenship family law case involving parental rights and responsibilities in light of allegations of “domestic violence.”

Since the New Hampshire Supreme Court issued its *Opinion* on July 25, 2023 and final *Mandate* on September 1, 2023 in this case, there have been several important intervening matters.

The first of these important intervening matters is *United States v. Zackey Rahimi*, No. 22-915, wherein this Honorable Court recently heard oral arguments on November 7, 2023. On the one hand, all that is properly before this Honorable Court in *Rahimi* is whether 18 U.S.C. 922(g)(8), which prohibits the possession of firearms by persons subject to domestic-violence restraining orders, violates the Second Amendment on its face. However, this matter, *Albrecht v. Albrecht*, does not concern the Second Amendment.

On the other hand, Applicant argues that this matter, *Albrecht v. Albrecht*, nevertheless has everything to do with Judge Ho’s concurring opinion in *United States v. Rahimi*, 61 F. 4th 443 (5th Cir. 2023) wherein Judge Ho articulated that civil orders of protection in “domestic violence cases” are often issued in the absence of any objective standards, observing, *inter alia*, that “for example, a family court judge granted a restraining order on the ground that the husband told

his wife that he did not love her and was no longer attracted to her. ‘There was no prior history of domestic violence,’ yet the judge issued the order anyway. Another judge issued a restraining order against David Letterman on the ground that his presence on television harassed the plaintiff.” Rahimi at 466 (internal citations omitted).

This case, therefore, directly concerns Judge Ho’s opinion that “protective orders can also be a powerful strategic tool in custody disputes,” (*Id.*) which is what is at issue here.

Consequently, while this case raises matters of law that are closely related to Rahimi, the underlying facts could not be more different. Easily distinguishing this instant case, Applicant asserts that he is a peaceful individual, who has never committed, nor threatened to commit, any violent act in his entire life.

Nevertheless, solely as a consequence of Applicant attempting peacefully to attend a public church service on Sunday, November 1, 2019 in Massachusetts, in an effort to see his children, a New Hampshire trial court issued a “domestic violence” restraining order against Applicant, which Applicant alleges has been a “powerful strategic tool” in an underlying custody dispute.

Further easily distinguishing this instant case from Rahimi, what is at issue here are Applicant’s fundamental liberty interests under the Fourteenth Amendment to have contact with his children, as opposed to Second Amendment rights. Troxel v. Granville, 530 U.S. 57 (2000).

Nevertheless, to the degree that the various *amici curiae* in Rahimi (No. 22-915) address various *collateral* issues associated with civil protective orders, rather than the Second Amendment directly, Applicant requires additional time to review such recent, and highly relevant materials in this Honorable Court's *Rahimi* docket, No. 22-915, presently pending, for potential use in Applicant's petition for certiorari.

The second important intervening matter concerns the accuracy of the underlying trial court record. Two different trial court judicial officers involved in Applicant's case have been criminally convicted and disbarred, one for falsification of court records. See, e.g. *State of New Hampshire v. Julie A. Introcaso*, No. 226-2021-CR-00126.¹ A third trial court judicial officer, former New Hampshire Marital Master Bruce F. DalPra, was found to have violated multiple provisions of the New Hampshire Code of Judicial Conduct, and was removed from the bench as a direct consequence of his actions in Applicant's family law case, prompting extensive media coverage *about* Applicant's family law case, including a front-page article in the New Hampshire Union Leader.²

Further, Judge David D. King, the Chief Administrative Judge of the New Hampshire Circuit Court, was deposed on August 26, 2022 as a consequence of a

1 Available online at <https://web.archive.org/web/20211118084118/https://www.courts.nh.gov/media/requested-cases/criminal/state-new-hampshire-v-julie-introcaso>

2 Mark Hayward. *Foul-mouth family court master ordered off all cases*. New Hampshire Union Leader. December 17, 2021. Available at: https://www.unionleader.com/news/courts/foul-mouth-family-court-master-ordered-off-all-cases/article_702de15b-8680-5e0a-bc06-aabb6c8f3f8c.html

judicial misconduct investigation involving, *inter alia*, the accuracy of the trial court record in this matter; more specifically, the accuracy of the November 6, 2020 trial court hearing in this case, wherein three very different versions of the “official” transcript have been produced, over the course of nearly two years.

As set forth in the August 26, 2022 deposition of New Hampshire Circuit Court Chief Administrative Judge David D. King (*Tr. 26:12-16*):

12 Q Did you tell the Judicial Conduct Committee?

13 A Did I tell the Judicial Conduct Committee what?

14 A About what you had found regarding the transcript in
15 the Albrecht case?

16 A Yes.

Nevertheless, pursuant to Judge King’s email about the transcript dated November 13, 2020, Applicant alleges that, *contrary to Judge King’s statement in his deposition*, that Judge King likely did not tell the Judicial Conduct Committee what he “had found regarding the transcript in the Albrecht case,” given that on February 16, 2021 the New Hampshire Judicial Conduct Committee subsequently determined there was “no reasonable likelihood of a finding of judicial misconduct” by Master DalPra before later reconsidering its position – but only *after* the New Hampshire Supreme Court subsequently found irregularities in the Albrecht transcript (December 10, 2021 Order).

Furthermore, at the present time, despite multiple attempts to obtain the complete, and unredacted deposition of Administrative Judge David King specifically discussing his case, the New Hampshire Judicial Branch has refused to produce it, most recently when a New Hampshire trial court quashed Applicant's efforts to obtain Judge King's deposition via a *subpoena duces tecum*.

Finally, the actual *Opinion* of the New Hampshire Supreme Court in Applicant's case concerns an appeal of whether the New Hampshire trial court erred in waiting several years to issue any decision on a parenting motion before the trial court, and that it finally did so without holding any hearing, all while *instead* investing significant judicial resources in multi-day trials to litigate whether Applicant's peaceful attempt at church attendance constituted an act of "domestic violence" (and finding that it did!)

Indeed, the precedential *Opinion* (July 25, 2023) *disingenuously* states that "[f]or reasons that are not clear from the record, the trial court did not schedule the November 2019 contempt motion for a hearing or otherwise rule on it until 2022," when the record is crystal clear about the reasons for the delay:

(1) On November 19, 2019, the trial court denied Applicant's *Motion to Consolidate* the November 2019 contempt motion with a pending "domestic violence" petition, ruling that "parties cautioned that 12-9-19 hearing is scheduled for 30 minutes & double-booked with another DV case, and should plan accordingly," before *then* proceeding to hold a three day trial on the "domestic

violence” petition and then finding against Applicant in the “domestic violence” case because he did not have scheduled parenting time!

(2) Many of the various judicial officers involved, committed proven judicial misconduct, including that *it took over two years to obtain an accurate record of the relevant trial court proceedings* as a direct consequence of the action (or inaction!) of the presiding Chief Administrative Judge of the New Hampshire Circuit Court.

Reasons for granting an extension of time

There have been subsequent “intervening matters” of material relevance since the New Hampshire Supreme Court issued its final mandate. Cf. Rule 25.6 of this Honorable Court.

In particular, Applicant wishes to review the recent materials submitted to this Honorable Court in *Rahimi* (No. 22-915), to prepare his petition.

In particular, as of today, November 24, 2023, the New Hampshire Judicial Branch (NHJB) has still not released the the complete and unredacted August 26, 2022 deposition of New Hampshire Circuit Court Chief Administrative Judge David King, that directly discusses the accuracy of the trial court record in Applicant’s case.

Applicant has not had adequate time since these “intervening matters,” and substantially because of them, to prepare.

Applicant's need for additional time is further heightened by the fact that he is *pro se*, and has no formal training in the law.

These reasons afford good cause for a sixty-day extension to and including January 29, 2024.

Respectfully submitted,



DANA ALBRECHT
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November 24, 2023

CERTIFICATE OF SERVICE

I, Dana Albrecht, certify that this Application has been mailed via first class mail, postage prepaid, to Israel F. Piedra, Esq., counsel for Katherine Albrecht, on this 24th day of November 2023.

A handwritten signature in black ink, appearing to read "Dana Albrecht", written over a horizontal line.

DANA ALBRECHT

Attachments

- Attachment A – NH Supreme Court Mandate, September 1, 2023
- Attachment B – NH Supreme Court Opinion, July 25, 2023
- Attachment C – NH Supreme Court Order, November 10, 2022
- Attachment D – NH Supreme Court Order, February 25, 2022
- Attachment E – NH Supreme Court Order, December 10, 2021
- Attachment F – NH Supreme Court Order, March 23, 2021
- Attachment G – NH Judicial Conduct Committee Correspondence, February 16, 2021
- Attachment H – Email from NH Administrative Judge David King, November 13, 2020
- Attachment I – Email from eScribers, re: trial court transcript, November 12, 2020
- Attachment J – NH Trial Court Order, January 27, 2020
- Attachment K – NH Trial Court Order, November 19, 2019
- Attachment L – NH Trial Court Order, November 1, 2019
- Attachment M – NH Trial Court Order, November 15, 2023
- Attachment N – Deposition of NH Administrative Judge David King, August 26, 2022

MANDATE

Certified and Issued as Mandate Under NH Sup. Ct. R. 24


Clerk/Deputy Clerk9-1-2023
Date**THE STATE OF NEW HAMPSHIRE****SUPREME COURT**

In Case No. 2022-0517, In the Matter of Dana Albrecht and Katherine Albrecht, the court on September 1, 2023, issued the following order:

The petitioner's motion to consider late authority is granted.

Supreme Court Rule 22(2) provides that a party filing a motion for rehearing or reconsideration shall state with particularity the points of law or fact that he claims the court has overlooked or misapprehended.

We have reviewed the claims made in the petitioner's motion for rehearing and reconsideration and his motion for late authority and conclude that no points of law or fact were overlooked or misapprehended in our July 25, 2023 decision. Accordingly, upon reconsideration, we affirm our decision and deny the relief requested in the motion for rehearing and reconsideration.

Relief requested in motion for reconsideration denied.

MacDonald, C.J., and Hicks, Bassett, Hantz Marconi, and Donovan, JJ., concurred.

**Timothy A. Gudas,
Clerk**

Distribution:

9th N.H. Circuit Court - Nashua Family Division, 659-2016-DM-00288

Honorable Kevin P. Rauseo

Mr. Dana Albrecht

Michael J. Fontaine, Esq.

Israel F. Piedra, Esq.

Kathleen A. Sternenberg, Esq.

Sherri L. Miscio, Supreme Court

File

MANDATE

Certified and Issued as Mandate Under NH Sup. Ct. R. 24

Timothy A. Dudas
Clerk/Deputy Clerk9-1-2023
Date

NOTICE: This opinion is subject to motions for rehearing under Rule 22 as well as formal revision before publication in the New Hampshire Reports. Readers are requested to notify the Reporter, Supreme Court of New Hampshire, One Charles Doe Drive, Concord, New Hampshire 03301, of any editorial errors in order that corrections may be made before the opinion goes to press. Errors may be reported by email at the following address: reporter@courts.state.nh.us. Opinions are available on the Internet by 9:00 a.m. on the morning of their release. The direct address of the court's home page is: <https://www.courts.nh.gov/our-courts/supreme-court>

THE SUPREME COURT OF NEW HAMPSHIRE

9th Circuit Court-Nashua Family Division
No. 2022-0517

IN THE MATTER OF DANA ALBRECHT AND KATHERINE ALBRECHT

Submitted: June 29, 2023
Opinion Issued: July 25, 2023

Dana Albrecht, self-represented party, by brief.

Welts, White & Fontaine, P.C., of Nashua (Michael J. Fontaine and Israel F. Piedra on the brief), for the respondent.

DONOVAN, J. The petitioner, Dana Albrecht, appeals an order of the Circuit Court (Rauseo, J.) denying his post-final-divorce-decree motion alleging that the respondent, Katherine Albrecht, was in contempt of the parties' parenting plan. We affirm.

We briefly summarize the procedural history of the case. The parties divorced by final decree (DalPra, M., approved by Introcaso, J.) in 2018. We upheld the final decree following the petitioner's appeal challenging certain aspects of the property division. See In the Matter of Albrecht & Albrecht, No. 2018-0379 (N.H. March 14, 2019). The trial court had earlier bifurcated the proceeding and, in September 2017, had entered a final parenting plan (DalPra, M., approved by Quigley, J.). Neither party timely appealed the parenting plan. See Germain v. Germain, 137 N.H. 82, 84 (1993) (holding that,

when a trial court bifurcates a divorce and decides some, but not all, issues, that decision is a final “decision on the merits” under Supreme Court Rules 3 and 7).

On November 1, 2019, the petitioner filed an ex parte motion alleging that the respondent was in contempt of the parenting plan’s joint decision-making provision and a provision requiring each parent to promote a healthy and beneficial relationship between the other parent and the parties’ then-minor children (November 2019 contempt motion). The petitioner claimed that the respondent had violated the parenting plan by, among other things, removing the children from school a few days early for a week-long vacation without first notifying him. On November 1, 2019, the Trial Court (DalPra, M., approved by Leary, J.) denied the request for ex parte relief, and stated that it would schedule the “case . . . in the ordinary course.”

For reasons that are not clear from the record, the trial court did not schedule the November 2019 contempt motion for a hearing or otherwise rule on it until 2022. In the meantime, numerous other post-divorce disputes and collateral proceedings arose between the parties. On June 27, 2022, the petitioner moved to have the November 2019 contempt motion considered at a hearing that had already been scheduled to occur three days later on several other motions. Although the Trial Court (Rauseo, J.) gave the petitioner some leeway to discuss the November 2019 contempt motion at the June 30, 2022 motions hearing to the extent that he claimed it pertained to another pending matter, it did not grant his request to have the November 2019 contempt motion heard at the scheduled hearing, or otherwise schedule the motion for a hearing. Instead, the trial court denied the November 2019 contempt motion without a hearing on July 22, 2022.

In denying the November 2019 contempt motion, the trial court first noted that the petitioner had not requested a hearing in the motion itself. The trial court then observed that most of the relief requested by the November 2019 contempt motion had become moot by the passage of time or subsequent developments. With respect to the petitioner’s claims that the respondent was in contempt of the parenting plan, the trial court found that, based upon the allegations in both the November 2019 contempt motion and the respondent’s objection, the respondent had not willfully violated the parenting plan by taking the children on a week-long vacation without consulting the petitioner. The trial court observed that the respondent and children, at that time, were coping with the recent death of a close family member, and that the respondent had made appropriate arrangements with the children’s school for the vacation. Such conduct, according to the trial court, violated neither the joint decision-making provision nor the provision requiring the parties to promote healthy relationships between the children and the other parent. It is from the July 22, 2022 order denying the November 2019 contempt motion, and an

order denying the petitioner's motion to reconsider that order, that the petitioner filed the present appeal.

The trial court's contempt power is discretionary; the proper inquiry is not whether we would have found the respondent in contempt, but whether the trial court unsustainably exercised its discretion by not doing so. In the Matter of Ndyaija & Ndyaija, 173 N.H. 127, 138 (2020). To establish that the trial court exercised its discretion unsustainably, the petitioner must demonstrate that the court's ruling was clearly untenable or unreasonable to the prejudice of his case. See Holt v. Keer, 167 N.H. 232, 239 (2015). This standard of review means that we review the record only to determine whether it establishes an objective basis that is sufficient to sustain the trial court's discretionary judgment. In the Matter of Kurowski & Kurowski, 161 N.H. 578, 585 (2011).

The issues raised by the petitioner in his November 2019 contempt motion were limited in scope. On appeal, however, he raises several arguments that were not included in his November 2019 contempt motion. Specifically, he challenges decisions on other post-final-decree motions and in a collateral proceeding between the parties, and challenges the conduct of certain judicial officers under the Code of Judicial Conduct in, or related to, some of those matters. To the extent that the petitioner raised these arguments in his motion to reconsider the trial court's order denying the November 2019 contempt motion, the trial court was well within its discretion to deny reconsideration given the lack of any direct relationship between these issues and the November 2019 contempt motion. See Lillie-Putz Trust v. Downeast Energy Corp., 160 N.H. 716, 726 (2010) ("Whether to receive further evidence on a motion for reconsideration rests in the sound discretion of the trial court."); Mt. Valley Mall Assocs. v. Municipality of Conway, 144 N.H. 642, 654-55 (2000) (holding that the trial court acted reasonably and within its discretion by declining to address new issue raised in a motion for reconsideration). Otherwise, the arguments are not properly before us as part of this appeal from the denial of the November 2019 contempt motion, and we decline to address them further.

The petitioner first argues that Supreme Court Rule 7(1)(B), which operates together with Supreme Court Rule 3 to classify this appeal as a discretionary appeal, is contrary to RSA 458-A:35 and :39 (2018) because, he claims, those statutes provide an absolute right of appeal. We note, however, that we accepted this appeal, thereby rendering the issue moot. See In the Matter of Routhier & Routhier, 175 N.H. 6, 19 (2022).

The petitioner next raises several arguments challenging the trial court's delay in ruling on the November 2019 contempt motion, and its decision to rule on the motion without a hearing. Specifically, he argues that the language in RSA 461-A:4-a requiring that a motion for contempt of a parenting plan be

“reviewed” by the trial court within thirty days entitled him to a hearing on the November 2019 contempt motion within thirty days of when he filed it. He further argues that the lengthy delay in ruling on the motion violated several provisions of the State and Federal Constitutions.

At the outset, we acknowledge the delay by the trial court in deciding the November 2019 contempt motion. Based upon the record before us, it appears that the trial court’s docket contains more than two hundred entries between the filing of the November 2019 contempt motion and its decision, and that, when the petitioner did bring the trial court’s failure to rule on the motion to its attention on June 27, 2022, it decided the motion within thirty days. The volume of pleadings in this case suggests that the trial court may have overlooked the motion. Nevertheless, the record contains nothing that would excuse the trial court’s failure to rule on the motion for more than two and a half years.

Notwithstanding the trial court’s delay in ruling on the motion, it is the petitioner’s burden to establish reversible error. See Gallo v. Traina, 166 N.H. 737, 740 (2014). Within the context of a non-criminal appeal, this generally requires the appealing party to demonstrate how the alleged error affected the outcome of the case, regardless of whether the error is grounded upon a constitutional or statutory right. See Appeal of Ann Miles Builder, 150 N.H. 315, 320 (2003) (stating that a judgment will not be disturbed for an error that did not affect the outcome below or cause the appealing party injury); McIntire v. Woodall, 140 N.H. 228, 230 (1995) (stating that a party will not prevail on a due process claim absent a showing of actual prejudice).

Here, even if we assume, without deciding, that the trial court’s obligation under RSA 461-A:4-a to “review” the November 2019 contempt motion within thirty days entitled the petitioner to a hearing, or that the delay was so excessive that it violated his constitutional rights, we conclude that the petitioner has failed to establish prejudicial error. We are unpersuaded by the petitioner’s argument that the circumstances surrounding the November 2019 vacation amounted to “parental alienation” and violated the parenting plan’s healthy-and-beneficial relationship or joint decision-making provisions. Accordingly, the record before us does not support a finding that the outcome would have been different had the trial court held a hearing on the motion or decided it within a reasonable period of time. See Ann Miles Builder, 150 N.H. at 320.

Finally, the petitioner argues that the trial court erred by denying his motion for reconsideration on the basis that it exceeded ten pages. See Fam. Div. R. 1.26(F). He asserts that the trial court should have waived the ten-page limitation for good cause. See Fam. Div. R. 1.2. Although the trial court denied the motion on the basis that it violated the ten-page limitation of Family Division Rule 1.26(F), the court alternatively denied the motion on its merits,

finding that, based upon the court's review of the motion and the objection to it, the court had not overlooked or misapprehended any point of fact or law. See Fam. Div. R. 1.26(F). Based upon our review of the motion and the record, we cannot conclude that the trial court unsustainably exercised its discretion by denying the motion on its merits. See Mt. Valley Mall Assocs., 144 N.H. at 654; cf. Koor Communication v. City of Lebanon, 148 N.H. 618, 624 (2002) (upholding trial court decision because the trial court had set forth alternative grounds for its decision and the appealing party had challenged only one of those grounds on appeal).

Issues raised for the first time in the petitioner's reply brief are waived. See Panas v. Harakis & K-Mart Corp., 129 N.H. 591, 617-18 (1987). In light of this opinion, the respondent's request in her memorandum of law that we dismiss the appeal is moot.

Affirmed.

MACDONALD, C.J., and HICKS, BASSETT, and HANTZ MARCONI, JJ., concurred.

THE STATE OF NEW HAMPSHIRE**SUPREME COURT****ORDER****JD-2022-0001, In the Matter of Bruce F. DalPra**

On October 5, 2022, the Judicial Conduct Committee (JCC) filed a summary report of its proceedings, findings, and recommendations in JC-21-072-C, In re: Bruce F. DalPra, along with a certified copy of the record of its proceedings.

According to the JCC's summary report, former marital master Bruce F. DalPra (DalPra), who retired from his position earlier this year, admitted that he violated a number of provisions of the Code of Judicial Conduct (Supreme Court Rule 38), as alleged in the JCC's Statement of Formal Charges and as modified by the Stipulation and Agreement signed by DalPra and the JCC's counsel. The JCC's record includes a copy of the Stipulation and Agreement, in which DalPra admitted violations of several Code provisions; acknowledged that he understood that the JCC would enter findings that he had violated those provisions; and waived his right to a de novo hearing on the charges. DalPra also acknowledged that he is responsible for reimbursing the Administrative Office of the Courts (AOC) for the attorney's fees, transcript fees, and other expenses that the JCC incurred to investigate and prosecute the matter. A subsequently executed amendment to the Stipulation and Agreement fixed the reimbursement amount at \$12,680.52.

The JCC reviewed the Stipulation and Agreement and entered findings, by clear and convincing evidence, that DalPra violated the following provisions of the Code of Judicial Conduct:

Canon 1, Rule 1.2, which provides: "A judge shall act at all times in a manner that promotes public confidence in the independence, integrity and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety."

Canon 2, Rule 2.11, which provides in part: "A judge shall disqualify himself or herself in any proceeding in which the judge's impartiality might reasonably be questioned."

Canon 2, Rule 2.16(A), which provides: "A judge shall cooperate and be candid and honest with judicial and lawyer disciplinary agencies."

Canon 2, Rule 2.8(B), which provides, in relevant part: "A judge shall be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers,

court staff, court officials, and others with whom the judge deals in an official capacity”

In the summary report of its findings, the JCC noted that DalPra had retired before the report was submitted. The summary report stated that because DalPra had taken this action, the JCC made no additional recommendations for “appropriate” sanctions.

In accordance with Rule 40(12) and (13), when the JCC determines that a “judge” — a term that includes a marital master, see Sup. Ct. R. 40(2); see also Sup. Ct. R. 38 (“Terminology” section) — has violated the Code of Judicial Conduct and determines that the violations warrant formal disciplinary action by this court, the judge may request a de novo hearing, after which the court will schedule briefing and oral argument. In this case, DalPra has waived his right to a de novo hearing, and he notified the court, through his counsel, that he does not seek the opportunity to file a brief or present oral argument.

The court determines that the JCC’s findings as to the violations of the Code of Judicial Conduct are supported by the JCC’s record. See Rule 40(13). In light of DalPra’s retirement from his position as a marital master, the court concludes that no additional disciplinary action is required.

Pursuant to Rule 40(13-A) and the terms of the Stipulation and Agreement, as amended, DalPra is ordered to reimburse the AOC in the amount of \$12,680.52 for the attorney’s fees, transcript fees, and other expenses that the JCC incurred to investigate and prosecute the matter. Payment shall be made on or before December 19, 2022.

MacDonald, C.J., and Hicks, Bassett, Hantz Marconi, and Donovan, JJ., concurred.

So ordered.

DATE: November 10, 2022

ATTEST:


Timothy A. Gudas, Clerk

Distribution:
Judicial Conduct Committee, JC-21-072-C
Philip R. Waystack, Jr., Esq.
Anthony F. Sculimbrene, Esq.
File

THE STATE OF NEW HAMPSHIRE

SUPREME COURT

ORDER**LD-2021-0001, In the Matter of Julie A. Introcaso, Esquire**

On March 24, 2021, the court suspended the respondent, Julie A. Introcaso, on an interim basis from the practice of law as a result of criminal charges that were pending against her. On February 3, 2022, the Attorney Discipline Office (ADO) filed certified copies of the respondent's convictions in State of New Hampshire v. Julie A. Introcaso, Hillsborough Superior Court – South docket no. 226-2021-CR-00126, on two misdemeanor counts of RSA 641:7 (Tampering With Public Records or Information) and one misdemeanor count of RSA 641:3 (Unsworn Falsification). With the certified copies, the ADO provided its written recommendation “that the Court enter an order disbarring [the respondent] from the practice of law pursuant to Rule 37(9)(d).” The ADO further stated that it had contacted the respondent, and she **“does not object to the disposition proposed by the Attorney Discipline Office and waives the formal disciplinary process contemplated by Rule 37(9)(d).”**

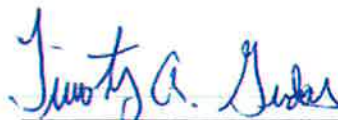
The court concludes that the respondent has been convicted of a “serious crime,” as that term is defined in Supreme Court Rule 37(9)(b). Subparagraph 9(d) of Rule 37 provides that “[u]pon the receipt of a certificate of conviction of an attorney for a ‘serious crime,’ the court may, and shall if suspension has been ordered pursuant to subsection (a) above, institute a formal disciplinary proceeding by issuing an order to the attorney to show cause why the attorney should not be disbarred as result of the conviction.” Because the respondent does not object to the ADO’s recommendation for disbarment, and because the respondent has waived the formal disciplinary process contemplated by Rule 37(9)(d), it is unnecessary to serve the respondent with the ADO’s recommendation or to provide her an opportunity to be heard on the recommendation prior to court action. In light of the seriousness of the respondent’s misconduct, the court concludes that the respondent should be disbarred.

THEREFORE, the court orders that Julie A. Introcaso be disbarred from the practice of law in New Hampshire. She is hereby assessed all costs and expenses incurred by the attorney discipline system in the investigation and prosecution of the disciplinary matter.

Bassett, Hantz Marconi, and Donovan, JJ., concurred.

DATE: February 25, 2022

ATTEST:



Timothy A. Gudas, Clerk

Distribution:

Mark P. Cornell, Esq.

Brian R. Moushegian, Esq.

Michael A. Delaney, Esq.

Julie A. Introcaso, Esq.

File

THE STATE OF NEW HAMPSHIRE**SUPREME COURT**

In Case No. 2021-0192, Katherine Albrecht v. Dana Albrecht, the court on December 10, 2021, issued the following order:

The transcript of the November 6, 2020 hearing held in the parties' domestic relations matter (docket no. 659-2016-DM-00288) does not include the "vulgar expression" that Master DalPra uttered during Dana Albrecht's testimony; nor does it include the "completely inappropriate" sentence that Master DalPra uttered later during Katherine Albrecht's testimony. According to Master DalPra's November 19, 2020 letter to the New Hampshire Judicial Conduct Committee, those two comments "were overheard by an eScriber transcriptionist."

On or before December 20, 2021, eScribers shall prepare an amended or additional errata sheet to the transcript of the November 6, 2020 hearing so as to include and identify (with page/line) those two comments.

MacDonald, C.J., and Hicks, Bassett, Hantz Marconi, and Donovan, JJ., concurred.

**Timothy A. Gudas,
Clerk**

Distribution:

9th N.H. Circuit Court - Nashua Family Division, 659-2019-DV-00341

Transcript Center

Michael J. Fontaine, Esquire

Israel F. Piedra, Esquire

Mr. Dana Albrecht

eScribers

Transcript Recorder, Supreme Court

File

THE STATE OF NEW HAMPSHIRE
SUPREME COURT

ORDER

JD-2020-0001, In the Matter of Julie A. Introcaso

On February 23, 2021, the Judicial Conduct Committee (JCC) filed a summary report of its proceedings, findings, and recommendations in JC-19-050-C and JC-20-010-C, In re: Julie Introcaso. On February 26, 2021, the JCC filed a certified copy of the record of its proceedings.

According to the JCC's summary report, former judge Julie A. Introcaso (Introcaso), who resigned from office on February 16, 2021, did not contest that she violated a number of provisions of the Code of Judicial Conduct, as alleged in the JCC's Statement of Formal Charges. The JCC's record includes a copy of the Stipulation and Agreement signed by Introcaso in which she did not contest the alleged violations of the Code provisions; she acknowledged that she understood that the JCC would enter findings that she had violated those provisions; and she waived her right to a de novo hearing on the charges. Introcaso also acknowledged that she is responsible for reimbursing the Administrative Office of the Courts (AOC) for attorney's fees and expenses that the JCC incurred to investigate and prosecute the matter.

The JCC reviewed the Stipulation and Agreement, and entered findings that Introcaso violated the following provisions of the Code of Judicial Conduct:

Canon 1, Rule 1.1, which provides: "A judge shall comply with the law, including the Code of Judicial Conduct."

Canon 1, Rule 1.2, which provides: "A judge shall act at all times in a manner that promotes public confidence in the independence, integrity and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety."

Canon 2, Rule 2.5(A), which provides: "A judge shall perform judicial and administrative duties, competently and diligently."

Canon 2, Rule 2.5(B), which provides: "A judge shall cooperate with other judges and court officials in the administration of court business."

Canon 2, Rule 2.11, which provides in part: “A judge shall disqualify himself or herself in any proceeding in which the judge’s impartiality might reasonably be questioned.”

Canon 2, Rule 2.16(A), which provides: “A judge shall cooperate and be candid and honest with judicial and lawyer disciplinary agencies.”

In the summary report of its findings, the JCC noted that Introcaso had resigned from office before the report was submitted. The summary report stated that because Introcaso had taken this action, the JCC made no additional recommendations for sanctions.

In accordance with Rule 40(12) and (13), when the JCC determines that a judge has violated the Code of Judicial Conduct and determines that the violations warrant formal disciplinary action by this court, the judge may request a de novo hearing, after which the court will schedule briefing and oral argument. In this case, Introcaso has waived her right to a de novo hearing, and she notified the court, through her counsel, that she does not seek the opportunity to file a brief or present oral argument.

The court determines that the JCC’s findings as to the violations of the Code of Judicial Conduct are supported by the JCC’s record. See Rule 40(13). In light of Introcaso’s resignation as a judge, the court concludes that no additional disciplinary action is required.

The AOC is directed to pay Philip R. Waystack, counsel appointed by the JCC, the sum of \$74,935.69 for attorney’s fees and expenses in the investigation, charging, and prosecutorial stages of the case between February 18, 2020, and February 19, 2021. Pursuant to Rule 40(13-A) and the terms of the Stipulation and Agreement, Introcaso is ordered to reimburse the AOC, in full, for those fees and expenses.

Bassett, Hantz Marconi, and Donovan, JJ., concurred.

So ordered.

DATE: March 23, 2021

ATTEST:


Timothy A. Gudas, Clerk

Distribution:

Judicial Conduct Committee, JC-19-050-C; JC-20-010-C

Philip R. Waystack, Jr., Esq.

Michael A. Delaney, Esq.

Amanda E. Quinlan, Esq.

Ms. Julie A. Introcaso

Christopher Keating, Administrative Office of the Courts

File

STATE OF NEW HAMPSHIRE
JUDICIAL CONDUCT COMMITTEE

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Larry Gilpin



Robert T. Mittelholzer, Esq.
Executive Secretary
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Portsmouth, New Hampshire 03801

Phone: (603) 427-9295
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Email: rmittelholzer@nhjcc.com

February 16, 2021

Marital Master Bruce F. DalPra
NH Circuit Court Administrative Offices
One Granite Place, Suite 400 North
Concord, NH 03301

Re: JC-20-062-G

Master DalPra:

Enclosed herewith please find a copy of your self-report which was most recently reviewed by the Judicial Conduct Committee at its meeting of February 12, 2021.

Following discussion, the Judicial Conduct Committee voted to dismiss this report for the lack of any showing of judicial misconduct with no reasonable likelihood of a finding of judicial misconduct. *

Very truly yours,

/s/ *Robert T. Mittelholzer*

Robert T. Mittelholzer

RTM
Enc.

cc: The Honorable David D. King

* Judge Leary did not participate in the discussion of this matter.

phil@waystackfrizzell.com

From: Hon. David D. King <DKing@courts.state.nh.us>
Sent: Tuesday, July 26, 2022 5:19 PM
To: Richard W. Head
Subject: FW: Albrecht hearing November 6, 2020
Attachments: Nashua CC CR5_20201106-1227_01d6b43829be0cfc.trm; Nashua CC CR5_20201106-1344_01d6b443031dc438.trm

From: Hon. David D. King
Sent: Friday, November 13, 2020 4:22 PM
To: Master Bruce F. Dalpra <BDalPra@courts.state.nh.us>
Subject: Albrecht hearing November 6, 2020



Bruce:

I am sorry to have to be writing this email but I'm sure you will understand that I have an obligation under the Code to deal with these situations. On November 6, 2020 you had what I believe was a telephonic hearing in what is obviously a very difficult matter, Albrecht and Albrecht. One of the parties requested a copy of the audio recordings from the hearing, which was provided, and subsequently ordered a transcript.

When the transcriptionist from escribers was preparing the transcript, she brought to her supervisor's attention comments that "the judge" made during the proceedings. The supervisor in turn reached out to court administration. I am attaching two examples that were sent to my attention, both email excerpts from escribers staff as well as snippets of the actual audio. The audio is difficult, but not impossible, to hear on our equipment but apparently very clear on the more sophisticated equipment used by escribers. Obviously I do not know anything about this case, other than the fact that it has a very large number of docket entries, which in and of itself is an indication that it involves difficult issues, and probably difficult parties. For that reason it isn't clear whether your comments indicate a bias against one of the parties or are just comments made in frustration. I think we can both agree that they do not demonstrate the patience or dignity expected of judicial officers under Rule 2.8.

I am hoping that we can speak about this next week after you have a chance to review what I have attached. (The 2 notes pasted below are from the emails received from escribers.)

David

David D. King
 Administrative Judge
 New Hampshire Circuit Court
 1 Granite Place, Suite N400
 Concord, N.H. 03301
 Telephone (603) 271-6418

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.

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

NH Judicial Branch Administrative Offices
 Attention: Kathleen Yee
 1 Granite Place
 Suite N400
 Concord, NH 03301
 3026 (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,



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

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

"One Click Away from All Your Reporting and Transcription Needs"

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

"One Click Away from All Your Reporting and Transcription Needs"

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

**THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
NH CIRCUIT COURT**

Hillsborough County

9th Circuit – Family Division – Nashua

In the Matter of Katherine Albrecht and Dana Albrecht

659-2019-DV-00341

ORDER ON POST-TRIAL MOTIONS (#28, #29)

Before the court are the defendant's two post-trial motions; (1) ex parte motion to modify (#28); and (2) motion to reconsider (#29). The court has reviewed the plaintiff's objections and all of the defendant's replications to those objections.

The ex parte motion to modify (#28) is denied for the reasons set forth in the plaintiff's objections. The court gave careful consideration to the decision to restrain the defendant from coming within 2,000 feet of the Collinsville Bible Church. The Court believes that the restriction is narrowly tailored to the unique and specific facts of this case, and is necessary to prevent future incidents of stalking by the defendant. This order is rooted in the findings of stalking and the present credible threat that the defendant poses to the plaintiff's safety, and particularly in the defendant's answers, deflections and evasive non-answers to the questioning on Pages 71-79 of the December 20, 2019 transcript. In that line of questioning, the defendant made it clear that without a specific restraining order in place, he would keep inserting himself into the plaintiff's parenting time with the children, regardless of their wishes or anything else. He believes that he did nothing wrong and gave every indication that he would do it again given the chance.

The court agrees with the plaintiff that the defendant's First Amendment argument is a wholly manufactured controversy. For starters, the court's 2,000 foot restriction is remedial in nature, only applies to the defendant and was based on the defendant's specific conduct as part of a finding of domestic violence after a trial. Beyond that, the court has carefully considered this matter and is satisfied that, in light of the defendant's testimony, there is no less restrictive means available by which to protect the plaintiff from the defendant's harassment when she visits the east coast and wants to exercise her constitutional free exercise and associational rights.

Turning to the motion to reconsider (#29), that is also denied for the reasons set forth in the plaintiff's objection. The court acknowledges that the docket in 659-2016-

DM-00288 shows that on or about June 30, 2019 the undersigned judicial officer approved the recommendation of marital Master Bruce Dalpra to deny the defendant's motion for reconsideration of a substantive May 30, 2019 order (co-signed by a different judicial officer).

More than five months later on December 9, 2019, at the beginning of the DV case, the court disclosed to the parties' counsel as they were arguing about which material from the divorce case should be reviewed as part of the DV case, that the court had no knowledge of the divorce case. The phrase "no knowledge" was shorthand for the lack of factual background that a judge would have when the judge had actually heard parts of a related case and drafted substantive orders based on those hearings. The court did not want the parties' counsel to assume that because the undersigned judicial officer's name approved recommendations on prior orders, the court had any working knowledge of the facts of the divorce case. It lacked that knowledge because anything the court would have seen in late June 2019 by reviewing and approving Master Dalpra's recommendation was long forgotten by early December.

During the domestic relations trial, both parties actually re-litigated the events on and after winter vacation 2018. The plaintiff re-litigated those matters as past incidents under RSA 173-B:1, I ("[t]he court may consider evidence of such acts, regardless of their proximity in time to the filing of the petition, which, in combination with recent conduct, reflects an ongoing pattern of behavior which reasonably causes or has caused the petitioner to fear for his or her safety or well-being"), and the defendant re-litigated those events in defense of his actions on November 3, 2019. The defendant argued that the plaintiff's alleged wrongful conduct and parental alienation over at least the last year left him desperate to see his children and with no alternative. Therefore, the court began the DV hearing with no knowledge of the facts of the divorce case, but by the end of the DV hearing, the parties had presented significant evidence of the events on and after winter vacation 2018, which led up to November 3, 2019. The final DV order was based only on the testimony and documents presented at the DV trial.

As to Paragraphs 6-21 and 26-29, the only incident the court considered for the purposes of finding abuse was the November 3, 2019 incident. The components of the stalking are set forth in detail in the narrative portion of the order. The discussion of the other incidents leading up to November 3, 2019 were considered pursuant to RSA 173-B:1, I as evidence in support of the second prong of the DV analysis, i.e., whether, notwithstanding the finding of an event of abuse, the defendant still posed a credible present threat to the plaintiff's safety. The court found that he did.

As to Paragraphs 34-43 of the motion for reconsideration, the facts supporting a criminal trespass finding (in addition to stalking) were set forth in the plaintiff's domestic violence petition, and the defendant unequivocally testified to the elements of the offence. The defendant testified that he refused to leave and remained in the church after multiple orders to leave communicated to him by authorized representatives of the church (Mr. Cooper, a lay leader, and Pastor Smith) and then the Dracut Police. Plaintiffs in their domestic violence petitions are not required to identify by name and citation which crimes in RSA 173-B:1 the defendant has committed. The defendant and the court discern it from the facts that the plaintiff pleads, and that is what happened here. Also, RSA 173-B:5, I states that the evidentiary standard is preponderance of the evidence, even though RSA 173-B:1 cites criminal acts as examples of domestic violence.

As to Paragraph 54 of the motion for reconsideration, the court's choice of the word "approached" referred to the defendant's reactive e-mail communication to the camp asking for a broad range of information that was disproportionate to the amount of time the children actually spent at the camp. If the record shows that the defendant did not *physically* approach the camp (there was testimony that an order in the divorce case prohibited him from doing so), the court so finds.

Finally, and turning to the broader issue of the plaintiff's fear, RSA 633:3-a, I contains both an objective standard (RSA 633:3-a, I(a)) and a subjective standard (RSA 633:3-a, I(b)). Therefore, even if a reasonable person at the church on November 3, 2019 would not have felt in fear of his or her safety, if the defendant knew that his conduct would cause the plaintiff or the children to be in fear of their safety, that is sufficient to constitute stalking. Regardless of whether or not that fear is the result of a mental health experience, the court finds that the plaintiff clearly knew that tracking of the plaintiff and the children to the church, refusing multiple lawful orders to leave, and then watching the church from the parking lot for the bulk of the day, would cause the petitioner to fear for her safety.

Motions denied.

January 27, 2020

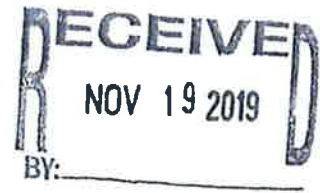
Date



Signature of Judge

Mark S. Derby

Printed Name of Judge



STATE OF NEW HAMPSHIRE

9th Circuit-Family Division-Nashua

In the Matter of Katherine Albrecht and Dana Albrecht

659-2019-DV-00341

Defendant's Motion to Consolidate For Hearing

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

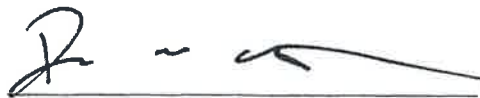
1. On October 31, 2019, Defendant Dana Albrecht learned that Petitioner Katherine Albrecht had, yet again, traveled from Sierra Madre, California to the New England area with their children. In violation of the court's parenting plan, Dr. Albrecht had not permitted Mr. Albrecht to see their children in over 10 months, and has even refused to provide any phone number their children customarily use so Mr. Albrecht could talk to them.
2. On November 1, 2019, Mr Albrecht filed Petitioner's Ex Parte Motion for Contempt and to Compel, seeking to visit with their children while they were in the New England area. The court denied *ex parte* relief, ordering that "the case shall be scheduled in the ordinary course."
3. On November 3, 2019, Mr. Albrecht attended Collinsville Bible Church in Dracut, Massachusetts on the chance that his children might be there so he could see them. Dr. Albrecht caused the police to be called on Mr. Albrecht, yet again, to prevent Mr. Albrecht from exercising his rights under the court's parenting plan.
4. On November 12, 2019, Dr. Albrecht filed a DV petition, yet again, to punish Mr. Albrecht, yet again, and to "trample him to the ground" for daring to try to see their children. The court has scheduled this DV petition for December 9, 2019 at 8:30 am, resulting in the DV being heard before the *ex parte*.
5. In fairness and judicial economy, as well as in consideration of the parties' expenses and convenience, these two pleadings should be heard together. They contain similar and related issues of law and fact, similar testimony will be evinced at their hearings, and it is anticipated the same witnesses will testify.
6. A similar motion is being filed in both cases.

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

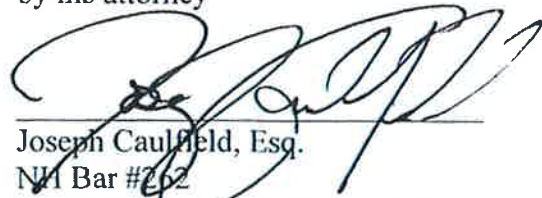
- A. To consolidate for hearing Petitioner's Ex Parte Motion for Contempt and to Compel, No 659-2016-DM-00288, and Domestic Violence Petition, No 659-2019-DV-00341, on December 9, 2019 at 8:30 am.
- B. To set forth the reasons for its decision in a written order; and,
- C. For such other relief as this Court deems just and reasonable.

Respectfully submitted,

November 19, 2019



Dana Albrecht
by his attorney

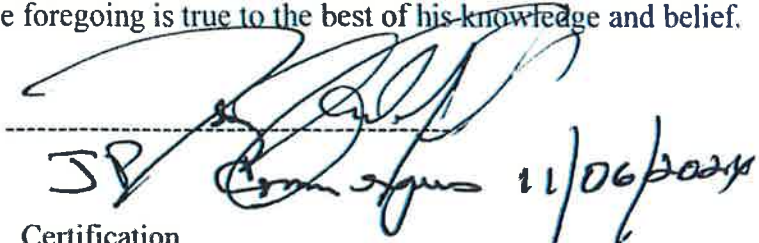


Joseph Caulfield, Esq.
NH Bar #262
Caulfield Law & Mediation Office
126 Perham Corner Rd.
Lyndeborough, NH 03082
603-505-8749

State of New Hampshire
Hillsborough, SS

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

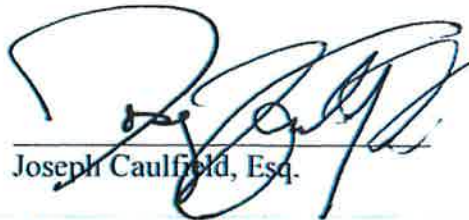
November 19, 2019


JP
11/06/2019

Certification

I sent this date a copy of this Motion to Atty. Fontaine.

Motion denied. Parties cautioned that
12-9-19 hearing is
Scheduled for 30
minutes & double-backed with another DV
case, and should plan accordingly.
Mr. [Signature]
MARK S. DERBY
DEC - 4 2019



Joseph Caulfield, Esq.

**THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
NH CIRCUIT COURT**

9th Circuit - Family Division - Nashua
30 Spring Street, Suite 102
Nashua NH 03060

Telephone: 1-855-212-1234
TTY/TDD Relay: (800) 735-2964
<http://www.courts.state.nh.us>

NOTICE OF DECISION

Dana Albrecht
FILE COPY

Case Name: **In the Matter of Dana Albrecht and Katherine Albrecht**
Case Number: **659-2016-DM-00288**

Please be advised that on the Court made the following Order relative to:

Motion for Ex Parte Relief; DENIED.

"No ex parte or emergency orders are issued no showing of imminent danger of irreparable harm. The case shall be scheduled in the ordinary course."

Dalpra, MM./ Leary, J.

November 01, 2019

(1032)

C: Michael J. Fontaine, ESQ; Joseph Caulfield, ESQ

**Sherry L. Bisson
Clerk of Court**

THE STATE OF NEW HAMPSHIRE

JUDICIAL BRANCH

http://www.courts.state.nh.us

Court Name: 9th Circuit-Family Division Nashua

Case Name: In the Matter of Dana Albrecht and Katherine Albrecht

Case Number: 659-2019-DM-00288

ORDER ON EX PARTE (EMERGENCY) MOTION

A motion for ex parte or emergency orders has been submitted. The Court has reviewed the motion.

- 1. The Court issues the following orders, which will remain in effect until further hearing:
A. The Petitioner Respondent (check one) shall have temporary sole decision-making and residential responsibility for the minor child(ren).
B. The Petitioner Respondent (check one) shall have temporary sole residential responsibility for the minor child(ren).
C. The Petitioner Respondent (check one) shall not interfere in any way with the personal liberty or property of the other nor the household property used in the care of the minor child(ren), nor do any act to interfere with the other parent's decision-making and residential responsibilities for the minor child(ren).
D. The Petitioner Respondent (check one) is awarded temporary exclusive use of the parties' residence at (residence address) and household furniture and furnishings therein.
E. The Petitioner Respondent (check one) shall not enter the residence or property of the other.
F. Each party is restrained and enjoined from transferring, encumbering, hypothecating, concealing or otherwise disposing of any property except in the ordinary course of business or for the necessities of life.
G. Other:

- 2. No ex parte or emergency orders are issued - no showing of imminent danger of irreparable harm.
The case shall be scheduled for a prompt hearing with Petitioner and Respondent present.
The case shall be scheduled in the ordinary course.

3. Request for ex parte orders is denied. No hearing is required.

A hearing on the ex parte motion, and any orders issued, is scheduled for:

(date of hearing) at (time of hearing)

Recommended:

Date 11/1/19

Signature of Marital Master

Printed Name of Marital Master DALPRA

So Ordered:

I hereby certify that I have read the recommendation(s) and agree that, to the extent the marital master/judicial referee/hearing officer has made factual findings, she/he has applied the correct legal standard to the facts determined by the marital master/judicial referee/hearing officer.

Date 11/1/19

Signature of Judge

Printed Name of Judge

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 S [REDACTED] (now age 15) and G [REDACTED] (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 S [REDACTED] and G [REDACTED] 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 S [REDACTED] and G [REDACTED] 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 S [REDACTED] and G [REDACTED] 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 S [REDACTED] and G [REDACTED] 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 S [REDACTED] and G [REDACTED] 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,

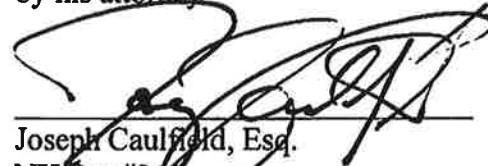
- I) Award Petitioner his reasonable attorney's fees and court costs occasioned by Respondent's contempt; and,
- J) For such other relief as this court deems just and reasonable.

Respectfully submitted,

November 1, 2019



Dana Albrecht
by his attorney



Joseph Caulfield, Esq.
NH Bar #292
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.

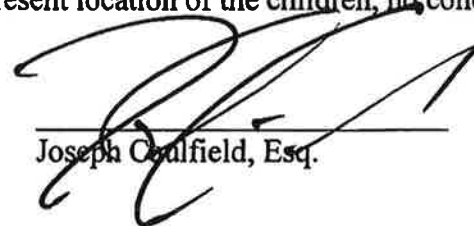
November 1, 2019

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
NH CIRCUIT COURT**

9th Circuit - Family Division - Nashua
30 Spring Street, Suite 102
Nashua NH 03060

Telephone: 1-855-212-1234
TTY/TDD Relay: (800) 735-2964
<https://www.courts.nh.gov>

NOTICE OF DECISION

**DANA ALBRECHT
131 D.W. HWY #235
NASHUA NH 03060**

Case Name: **In the Matter of Katherine Albrecht v. Dana Albrecht**
Case Number: **659-2019-DV-00341**

Enclosed please find a copy of the Court's Order dated November 15, 2023 relative to:

#222 Defendant's Motion for Judicial Notice; United States v. Rahimi, 61 F.4th 443 (5th Cir. 2023) - Denied.

#233 Kathleen Sternenberg's Emergency Motion to Quash Subpoena and the Protective Order - Granted as to Request A.

#238 Administrative Judge David D. King's Emergency Motion to Quash – Granted as to Request A.

#239 General Counsel Erin Creegan's Emergency Motion to Quash – Granted as to Request A.

#249 Emergency Motion to Quash subpoena Duces Tecum filed by Philip R. Waystack Esq – Granted as to Request A.

Judge Rauseo

November 16, 2023

(888)

C: Michael J. Fontaine, ESQ

Sherry L. Bisson
Clerk of Court



THE STATE OF NEW HAMPSHIRE
Judicial Conduct Committee

STATE OF NEW HAMPSHIRE

V.

MASTER BRUCE DALPRA

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DOCKET JC-21-072-C

DEPOSITION OF THE HONORABLE DAVID KING

August 26, 2022, 9:59 a.m.

The deposition took place at the Office of the Judicial Conduct Committee,
Concord, New Hampshire

DEPOSITION TRANSCRIPTION VERBATIM

Audio & Video Recording and Transcription Service
Paralegal, Notary Public, Medical Transcription

Jan-Robin Brown, CER-415 & CET-415
Weare, NH 03281

Telephone: **603.529.7212**
E-mail: AudioDepos@gsinet.net

MEMBER: AMERICAN ASSOCIATION OF ELECTRONIC REPORTERS & TRANSCRIBERS, INC.

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THE STATE OF NEW HAMPSHIRE
Judicial Conduct Committee

STATE OF NEW HAMPSHIRE *

*

V. *

DOCKET JC-21-072-C

*

MASTER BRUCE DALPRA *

*

DEPOSITION OF THE HONORABLE DAVID KING

August 26, 2022, 9:59 a.m.

This deposition excerpt is relevant to the issues in this matter. The balance of the deposition transcript is not relevant to the issues and thus has been redacted by agreement of counsel.