



 STORIES & GRIEVANCES

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Without a Prayer For Relief

Since 1998, the Board of Trustees of Madison Avenue Presbyterian Church, Guide One Insurance Company, the City of New York, The Presbytery of NYC, The Presbyterian Church USA, and powerful members of New York's wealthy elite, have joined up with nine judges and 7 lawyers to extort money from, and silence, Parentadvocates.org Editor Betsy Combier. In November, 2005, Supreme Court Judge Lottie Wilkins and Guide One Insurance Company served me with an Injunction and Order of Prior Restraint to stop me from posting this story.

On October 8, 9, 10, 11 and 20, 2006, The New York Times published a series of [articles by Diana Henriques](#) that we believe show how powerful religious institutions have become in America. The debate over where the line should be drawn separating church and state is no longer valid. It seems there is no line.

"The special breaks amount to 'a sort of religious affirmative action program'," said John Witte Jr, director of the [Center for the Study of Law and Religion](#) at the Emory University law school. Professor Witte added: "Separation of church and state was certainly part of American law when many of today's public opinion makers were in school. But separation of church and state is no longer the law of the land."

From the desk of Betsy Combier:

"Without a Prayer For Relief" is my story, and is the name of a new website dedicated to the [corruption](#) I have uncovered here in New York City. I believe that the documents we have show the illegal financing of real estate deals, as well as the scam of overpaying for repairs to the church building of [Madison Avenue Presbyterian Church](#) in New York City, secretly implemented by [The Presbytery of NYC](#), [The Presbyterian Church USA](#), [Guide One Insurance Company](#), [Attorney Kenneth T. Wasserman](#), [Attorney Jonathan M. Landsman](#), [The Law Firm of Michael E. Pressman](#), [NY State Supreme Court Judge Marilyn Shafer](#), [NYS Supreme Court Judge Lottie E. Wilkins](#), [Gregory Moundas of Proskauer Rose](#), [Supreme Court Judge Jaqueline Silbermann](#), Vornado Realty Trust VP [Sandeep Mathrani](#), [Sandy Davies](#), MAPC President of the Board of Trustees [David C. Johnson](#), the [Judges of the NY Supreme Court, Appellate Division, First Department](#), (who refuse to allow me to appeal this case, and have [made Mr. Kenneth Wasserman a Respondent](#), then changed their minds and made my former attorney a Respondent, after I called the clerk of the court, Mr. Bob Duball, and asked him "Who IS this Mr. Wasserman?")

The [City of New York seems to be the "owner" of Madison Avenue Presbyterian Church](#). Most of the congregation of "MAPC" does not know what is going on.

I have tried to get the office of [District Attorney Robert Morgenthau](#), a friend of my dad, interested, in 2004 even though I knew that Mr. Morgenthau's daughter was at Nightingale-Bamford with my three oldest daughters. I called Mr. Daniel Castleman, (212-335-9817) Chief of the Investigation Division, in October, and he set up a meeting with his "best" investigator, Ms. Judy Weinstock, soon after. In January, 2005, Ms. Weinstock sent me back every one of my documents, saying, "We are not looking into this because you did not give us a receipt for the two toilets' that were repaired in May, 2004 for \$169,224." Attorney General Eliot Spitzer's Charities Bureau told me they never investigate churches, because churches are not charities.

Summary:

My mom, Julia Taschereau, died suddenly during the night of March 15-16, 1998. The doctor told us that she died of a [pulmonary embolism](#). I, my husband and four children and my mom were very close, and lived near enough to each other to be able to spend time cooking, going to movies, and playing with the kids. My mom worked full-time as a volunteer for [Madison Avenue Presbyterian Church](#) ("MAPC") at 921 Madison Avenue 73rd street) in New York City. The church and the [church building](#) next door are located on prime real estate worth currently \$21,000,000 (tax assessed value, [NYC Dept. of Buildings](#), 2005). The church pays no taxes.

MAPC has an endowment valued at \$20-30 million, depending on who you speak to. Every year approximately \$2 million is raised in donations from the 920+ members. \$25,000 is collected in cash from the plate passed around on Sundays. No one outside of the Board of Trustees knows where this money is spent. As you will see below, in the [2004 budget](#) (see p. 10) that I was given during the congregational meeting in January, 2005,

there is a listing of a payment of \$169,224 for the repair of two toilets for the nursery school. This amount seemed odd, so I and a colleague went to the [New York City Department of Buildings](#) and copied all the work permits for all the repairs made to the church building from 1999-2005. We found the invoice for the two toilets, which were repaired by [Prudon & Partners](#) for \$90,000. Well, if the congregation was spending \$169,224 on a toilet, and the company that did the work was paid only \$90,000, where did the missing almost \$80,000 go?

I tried to find out. I called the accountant who did the budget, Sandy Davies of [O'Connor Davies](#), and was told that Mr. Davies never saw any receipts for any job. Then I called the Presbytery of New York City, and spoke with the financial officer, [Simon Lai](#), who is supposed to look at money donated to and spent by Presbyterian churches in New York City. He told me that he has never seen any financial information from MAPC in the 7 years he has worked at the Presbytery. As MAPC uses the tax exempt IRS number for the Presbyterian Church, USA General Assembly, I called over there to find out if any records of MAPC were available. There are none. Thus, MAPC is an entity doing business in New York City without any oversight by anyone.

Then, while surfing the internet and in particular [ACRIS](#), I found a UCC financing agreement of a co-op belonging to [Vornado Realty Trust](#) Executive VP [Sandeep Mathrani](#) and his wife, Aiysha which used the [church property](#), (Block 1388, Lot 21), even though Mr. Mathrani and his wife are not members of MAPC (the social security numbers of both Sandeep and his wife were deleted by me before posting the UCC agreement). I called Mr. Mathrani's office, and asked his secretary if I could ask him why he financed his coop using the property of MAPC. She told me that he had never heard of Madison Avenue Presbyterian Church, and hung up. I called back, and asked why he would say that, considering the fact that the Mathrani home is across the street from the Church. Sandeep's secretary asked me to send him all my documents.

The attorney who did the financing deal, Mr. Gregory Moundas, worked for Proskauer Rose when he prepared the UCC agreement. (He was moved to Texas). Proskauer Rose is a lawfirm that some say own the planet. The lawyers certainly are the most powerful and politically connected in New York City, as the [Chief Administrative Judge](#) of New York State is [Judith Kaye](#), and her husband [Steven Rachow Kaye](#) is a partner of Proskauer Rose. [Michael Cardozo](#) was a partner as well, before Michael Bloomberg appointed him the Corporation Counsel of the City of New York. I thought it would be reasonable to believe that Judith Kaye knew what her husband's lawfirm was doing, which seemed to be financing real estate properties under the color of "church tax exemptions". Without realizing it, I walked head-on into the 'wrath of Kaye', a place in which anyone who wants justice in the court system of New York State never wants to be. Even though I am not an attorney, I have read the law and written hundreds of motions since March 31, 1998, when the Session of Madison Avenue voted me and my twin sister off of the membership roll of MAPC, the church that I had belonged to since 1961. As Associate Minister Charles ("Chuck") Amstein put it, "(I) needed to distance the church from you, Betsy (and my twin sister, Jill, who had never worshipped there)". The Session needed me to be removed because they knew that I knew, from my mom, what they were doing, and they did not want me to have standing within the Church to vote, hold office, sue for retaliation, or anything else.

Chuck elaborated on my expulsion from my church at his deposition, as did Dr. Fred Anderson, the Pastor: "We planned to get rid of you as soon as your mother was dead or incapacitated, whichever came first". (Deposition testimony, 2001)

[I and my sister](#) agreed to bury our mom in the family plot upstate at the Kensico Cemetary in August 1998. When I was thrown out of the church and Charles Amstein had obtained my mom's ashes, I was worried that he would not allow me to have them back to bury her, because I heard from people in the office at the church that he was "talking" with my mom, in ash form. On July 31, 1998, I called Mr. Amstein and told him I wanted my mom's ashes back, immediately, that day. At 6:30PM I heard that he would not give them back, and there was nothing I could do. I called him every day for the next week, and he finally returned the ashes to me on August 7, with a handwritten note on top of the box that he had "[delayed](#)" [returning the ashes](#) until he had heard from Jill. I did not find out until 2004 that it was attorney [Mr. Kenneth Wasserman](#) who told him to withhold the ashes from me. Mr. Wasserman was on the Ethics Committee of the NYC Bar Association from 2000-2003.

I filed a complaint to The Presbytery of NYC on June 23, 1998 and hired an ecclesiastical lawyer, Michelle Lamar. Fred Anderson, the Pastor of MAPC, put me on trial before the Permanent Judicial Commission ("PJC") for one year. In July 1999 I won my membership back, and, now with standing, filed a Supreme Court Action for the Intentional Infliction of Emotional Harm and for the malicious, arbitrary and capricious withholding of my mother's ashes from me for 8 days, and the Intentional Infliction of Emotional Harm.

ORAL ARGUMENT:

"ELIZABETH COMBIER V FRED ANDERSON, CHARLES AMSTEIN, RICHARD FREY, THE SESSION, DEACONS, AND TRUSTEES OF MADISON AVENUE PRESBYTERIAN CHURCH"

Index Number 115354/99

NY STATE SUPREME COURT, APPELLATE DIVISION, FIRST DEPARTMENT

OCTOBER 18, 2006, 2PM

BETSY COMBIER, APPELLANT

I am presently the Plaintiff-Appellant and am fully familiar with all the papers and proceedings had herein, and with all the facts and circumstances hereinafter set forth. As President of an organization and a member of the press that looks at political accountability, I request a new trial as a matter of fairness, law and justice. As you know, the first Judge in this case, Supreme Court Judge Marilyn Shafer, made a [ruling in December 2003](#), that all the actions of the defendants were without malice and "in the church's self-interest". She also made a non-party individual, Mr. Kenneth Wasserman, a Respondent, and forbade me from deposing him to find out why he told the church to withhold my mother's ashes from me. Shafer also recognized there was open discovery on the question of why the private school my daughters attended, [Nightingale-Bamford](#), would reject the application of my third daughter, and why the admissions Director Carole Everett was suddenly moved to St. Croix.

On March 31, 2004, a trial on the withholding of my mother's ashes from me and on the Intentional Infliction of Emotional Harm started, in the courtroom of Judge Lottie E. Wilkins. The judge would not allow my witnesses to speak, but the jury found that the defendants were liable for withholding my mother's ashes, and were considering a damage award of \$500,000, when Judge Wilkins told them, "You certainly dont understand this case" and declared a mistrial. She ordered me and my attorney back into her courtroom in 1 hour with a new jury.

The second trial actually began on May 10, 2004. Judge Wilkins would not allow any questions of the jury on whether or not any of the prospective jurors had any [connection with an insurance company](#), (a violation of CPLR 4110) and then proceeded to deny testimony from any of my witnesses, a rebuttal of any of the testimony, and a recusal for prejudice, which my attorney asked for countless times. The jury deliberated for 20 minutes over lunch, and decided that the defendants were, once again, liable, but this time they were "*justified*".

I request that the judgment and repugnant verdict from Trial #2 be set aside, and that I receive punitive and compensatory damages from the defendants for harassing me and attempting to extort my silence for 8 years. I request a jury trial and a charge of the Intentional tort against a person", with malice.

Your Honors, I realize the quandary that you all are in at the present time. I am a [mom of four children](#), a church-goer, and a whistleblower of what I believe to be illegal actions being committed right now in New York City by the members of the Board of Trustees of Madison Avenue Presbyterian Church, in partnership with [Guide One Insurance Company](#), their agent [Mr. Kenneth Wasserman](#), and the law Firm of Michael E. Pressman. The current President of the Board of Trustees is David C. Johnson, CFO of Preservation Group, (135 E 57th St., New York, NY 10022-2050), (646) 521-8530 who praised [Vincente Gigante](#) for his investment ability. A few days after I sent an email to David asking him why Vincente Gigante "the Chin" was a hero on his company's website, the entire website disappeared. I am pro se before you, while prosecuted by an extremely wealthy and powerful group of entities that will make your lives difficult if you rule in my favor. Indeed, defendant's Attorney Mr. Lederer's Opposition to my current Appeal states that as you all have already ruled against me, you must continue to do so. I appeal to you today to give me a new trial, so that I can finally get this issue resolved once and for all. I want damages for defendants' [withholding of my mother's ashes](#) from me for 8 days, as [the law states you must give to me](#).

Mr Lederer and the law firm and all five of their former and present lawyers for the defendants are paid by Guide One, a very wealthy insurance company based in West Des Moines Iowa. On October 14, 2005, [I wrote the Senior Management of Guide One a letter](#) about the information I had about how their representative at the two trials of the church in the courtroom of NY State Supreme Court Lottie Wilkins had been unfair, and how their hired gun, Adam Greenberg, had left [all his notes](#) in the garbage when the second trial was finished. The Senior VP and General Counsel, Mr. Thomas C. Farr, wrote me back that there was "[an open claim](#)"; [I wrote back and asked what this open claim consisted of](#). One month later Guide One and the new lawyer, Mr. Irvin Lederer (Adam Greenberg was fired) "convinced" Supreme Court Judge Lottie Wilkins to sign an [Injunction and Order of Prior Restraint](#) on November 22, 2005, so that my information on the real-estate financing of property for [Sandeep Mathrani](#) of Vornado Realty Trust based upon the tax breaks of MAPC, would not be posted on my website, Parentadvocates.org. About a week before the Injunction was served on me, I received a telephone call from an anonymous person who told me, "You better be quiet about the church, or you will be dead."

I wrote a [brief](#) on my First Amendment rights, and won, on December 6, 2005. The Injunction was vacated.

Guide One also did not want the information about the congregation of [MAPC paying \\$169,224 in 2004](#) for the repair of two toilets in the nursery school, while the New Jersey [construction Company](#) got paid \$90,000 for the job. And oh yes, the "owner" of the church on the work permit for this job is listed as "Government". Guide One and the Board of Trustees of MAPC have spent thousands of dollars over the past 8 years to silence me. I ask that you discard all the arguments of the defendants and grant me my day in court not in front of Judge Lottie Wilkins, but in the Courtroom of an impartial member of the Judiciary, who will not be "influenced" by clergy and an insurance company and who will see that the law in this case is for me to get

damages for the intentional emotional distress and the deliberate and malicious withholding of my mother's ashes from me in 1998 for 8 days.

The verdict from the first trial, your Honors, was that the Defendants were liable for withholding my mother's ashes from me, the daughter, Executrix, and Beneficiary of my mother's last Will, for 8 days, and I must be compensated for this crime. In my appeal I cite several pages of laws that support my obtaining damages, as the [law of this case](#) states that no one may, under any circumstances, withhold a dead body from the next of kin for ANY amount of time. But, as you have seen in my papers, Judge Wilkins heard from the jury after deliberations in the first trial that they wanted to give me \$300,000-\$500,000, and she immediately declared a mistrial, saying to the members of the jury as they filed out of the courtroom, "You obviously did not understand this case, you couldn't possibly give damages".

The second trial lasted 19 hours, and had no testimony or evidence allowed by me, the plaintiff. Judge Wilkins threatened me secretly when I was on the witness stand, saying she would sanction me if I spoke about being harmed by the church. The verdict in the second trial was that the Defendants were liable (guilty) but **justified**

A verdict that defendants from Madison Avenue Presbyterian Church ("MAPC") were liable for withholding my mother's ashes from me but were justified in doing so is not only repugnant, your Honors, but unreasonable. Please tell me what makes a withholding of a dead body from the next of kin "justified"? No evidence was presented in either of the trials in front of Lottie Wilkins. And, the [defendants never pled "justification"](#). The justification defense was dreamed up after Judge Wilkins saw that the jury in the first trial wanted to give me money damages. The insurance company didn't like this, and Judge Wilkins declared a mistrial and ordered me and my attorney back into her courtroom in one hour with a new jury! As you know, during [voir dire](#) Judge Wilkins would not allow my attorney to ask any questions about connections with an insurance company, in violation of CPLR 4110. This error should be sufficient to order a new trial.

[CPLR 4110.04. Interest in Insurance Company](#)

"CPLR 4110(a), which is identical in this respect to section 452 of the former Civil Practice Act, provides that in an action for personal injury or property damage, a juror who has any employment, management, or ownership interest in any liability insurance company may be challenged for cause. Under CPLR 4110(a), as with its predecessors, it is permissible to 'inquire fully into all the facts bearing upon any interest which any prospective juror might have in any such insurance company.'" Thus, counsel may ask about a juror's interest in a specific casualty company. Moreover, the provision, like its predecessor, appears to be based upon the belief that jurors connected with liability insurance companies are likely to minimize the claims of plaintiffs. Accordingly, it clearly authorizes a challenge to a juror who has an interest in "any" liability insurance company, not just the one involved in the particular case." (p. 41-183, with notes).

The following is from the trial transcript:

"THE COURT: All right, counsels. So that you can better understand my rulings, counsel, and so that you will know how better to proceed, the law only allows recovery for intentional infliction of emotional distress for extreme and outrageous conduct.

Nothing you have set forth so far regarding the church's harassing conduct and/or actions rise to that level and are thus not being considered.

By definition, the Court – and the law does consider interference with someone else's ashes actionable. And as such I have carved out that section to proceed on.

In light of that ruling, I will consider anything that falls within that ambit from January 1998 until the time the ashes were returned....(TRIAL #1, p.32, lines 22-24) maybe I misunderstood. Is it true that the mother didn't die until March of 1998?... (p.33, lines 1-9) Then I've revised my decision so that everything from –counsel, I was under the impression that the mother had died before 1998. That had been my impression. I am apologizing for that.

Now that I know the mother died in March 1998, anything from March '98 till the time that the ashes were returned would be admissible except for the counseling or supporting the employees of the church".

MR. LANDSMAN: "So, I don't agree with the characterization of the issue about my client was helping employees of the church. It doesn't matter what she was saying. The fact is she was retaliated against for helping people.

Without getting into the substance of what was happening, she was helping employees. Therefore, they retaliated against her. Very simple issue.

THE COURT: As to that, I'm not allowing testimony as to that area." (p. 30).

"Trial #1 commencing March 30, 2004, from the transcript:

[Judge Marilyn Shafer](#) ordered, on 12/23/03, that:

"...plaintiff may not base her cause of action for intentional infliction of emotional distress on any matter pertaining to her removal from the active roll of the Church, or on any claim of defamation...the rest of this action shall continue."

Judge Shafer was not dismissing my claim for the intentional infliction of emotional distress, she was denying me any right to ask the court to decide whether or not the church was correct in throwing me off of the active membership roll, which I was not, indeed, requesting (this had been proven wrong already).

Therefore Court changed the claims made in this case from emotional distress after not getting the ashes, to not allowing any emotional distress at all. Judge Wilkins also refused to allow any of my three therapists to testify. My lawsuit does not require a medical diagnosis, but when Judge Wilkins charged the jury she told them that my therapists were "not qualified" to testify. My attorney Mr. Landsman objected to the inference to the jury. (p. 491) The jury was left with no motive for the withholding of the ashes by Defendants away from me. The jury was allowed, by Judge Wilkins' rulings, to give credence to the "guesses", "beliefs" and "inferences" that I was going to bury my mother without my sister, and that is why I suddenly, out of the blue, asked for the ashes back on July 31, 1998. I was forbidden by the Judge from supporting my own case and from presenting any evidence to support my case.

Judge Wilkins was openly hostile to both me and my attorney, and threatened us on numerous occasions with contempt if we spoke about the evidence and issues that were obviously relevant to the case at bar, like the reports of my therapists. Judge Wilkins would not allow these reports to be admitted, and then told the jury as she charged them, that my therapists had not diagnosed anything, even though they did, and that they were not qualified to write anything (they were). She also used the same unfortunate tactic to silence witnesses testifying for me.

I and my twin sister Jill Danger were raised in New York City. Our father was the Honorable P. Hodges Combiar, Assistant Attorney General of the State of New York.

Julia Taschereau, mother, became a member of Madison Avenue Presbyterian Church in 1948, and worked there as a full-time volunteer for more than 40 years, even the day of her death, March 15-16, 1998 at the age of 84. In her Will she named me, her daughter Elizabeth Combiar, as Executrix, and gave me the shares of her apartment and all its contents, the only estate she had. She spoke constantly about her fears for her life of being alone with her other daughter, Jill Danger, ("Danger"), how she despised Dr. Fred Anderson ("FRA"), the Pastor of MAPC, and how disgusted she was with Charles Amstein ("CA") after 1991 when he tried to interfere in her family life with a letter to her daughters, and especially after 1996 when he called me (Plaintiff) and told me "(I) was "crazy". Mr. Amstein was angry at me for intervening in a very convenient relationship with Julia after my return from Egypt in 1983, and the church and my twin sister were furious that I was given the apartment in my mother's Will. Also, MAPC has never accounted for its' dealings with [Vornado Realty Trust](#) and contractors who charge outrageous sums for repairs inside the church, thus defendants and Danger joined together to make sure that I would not receive any damages for the actions of defendants as described in the above-captioned case in retaliation for my being named the beneficiary in the Will of my mother.

Jill Danger ("Danger") moved to Paris France in 1972 after two nervous breakdowns that needed medical intervention, and married a French criminal named Claude Danger. She ("Danger") was barred from entering her mother's apartment building for drunken and disorderly behavior after March 16, 1998 by the Co-op Board. All the information about a "battle" with my sister is false, and I ask that you discard all the false testimony you may hear today from the defendants attorney. While my sister and I have different lifestyles, I pray for her as she tries to make a life for herself.

Mr. Charles Amstein started work as the Associate Pastor of Madison Avenue Presbyterian Church in 1977, one year before I moved to Cairo Egypt to produce TV news programs in Egypt, Israel, and Jordan (1978 to 1983). While I was out of the country, Mr. Amstein ("CA") became obsessed with my mother Julia Taschereau and her life. Starting in the late 1980's and increasingly by 1991, he talked constantly about the unfortunate "hostility" between me and my sister to the other defendants in this case, and other church members. The "[battle of the sisters](#)" (these are notes given to me accidentally, written by Adam Greenberg, the attorney for Pressman), was made up by CA to bring Julia closer to him. Instead, it drove her away. In CA's deposition on September 24, 2001 he insisted that it was "seductive" trying to get the sisters together, because he "knew" that the mother wanted it. He told me in his deposition that I [could not get the ashes back](#) unless he heard from my sister, and if necessary he would open the urn, divide the ashes, and give half to me. I believed that CA would try to keep the ashes, as he was telling everyone at the church that he was "honored" to have my mother's ashes in his office at the church. His description of the box holding the ashes worried many members of the church as this "box" seemed to BE Julia, somehow alive and well inside. In 1998 he [made up three lawsuits](#) filed against me, sent this lie to insurance companies attached to MAPC, and threw me out of the church 16 days after my mom's death. I asked the Presbytery of NYC to intervene, and Fred Anderson put me on trial for a year before the Presbytery's Permanent Judicial Commission. Two members of the church accompanied me as my witnesses to every hearing. I won my membership back in July, 1999 and filed a [complaint](#) against the church officers.

Dr. Fred Anderson started work as Pastor of MAPC in 1992 and immediately hired Ms. Barbara Adams as new Director for the Madison Avenue Presbyterian Day School (all four of my children attended and both my sister and I went there for nursery school), who was not qualified and was in violation of New York State law. Parents finally got this person removed in June 1993. [Fred accused me of "creating trouble"](#). In 1996 I was verbally abused in the church lobby by the head of Maintenance as I tried to help an employee who had been fired, [Scott Vanos](#) after he exposed the terrible discrimination going on under Fred Anderson. Upon information and belief it was this incident that started the defendants on their quest to get rid of me.

Unfortunately, Julia (my mom) was still alive, so they planned their removal of me from the church when she died, or became incapacitated, whichever came first. Fred encouraged the [abusive tactics used against the two African-American porters, Vernon and Jeff](#), by doing nothing to help them with their many grievances. Fred threatened to fire both of them if either man spoke with me. Then both men were fired in April, 1999 for, upon information and belief, speaking with me. I helped both men after Fred fired them, enflaming Fred who told J. Richard Frey to write a "Letter to Betsy Combler" that was published on the back page of the church newsletter, UPDATE, with totally false information.

Fred was also meeting a member of the congregation, Jane, in his office late at night, (according to reports of Scott Vanos, Jeff, and Vernon as well as other staff at the church), while his wife Questa stayed at the Manse on 5th Avenue. Fred was most worried about me talking to people about it. He kept all the other members from speaking about this, but he was sure that I would not stay silent.

Nothing infuriated Fred more, however, than my request to have Mr. Amstein, not Fred, lead my mother's memorial service in March 1998. Fred Anderson [ordered me into counseling](#) immediately, because I didn't "understand" him. Fred also removed me from the membership of the church so that I could not vote or hold office. After I won my membership back, however, in July 1999 despite Fred and CA's efforts, I requested an apology or some other sort of remedy for the harassment I had experienced, but the Presbytery, SYNOD, and General Assembly all told me that they did not give remedies for "pain", only situations, and this was not in the [constitution of the Presbyterian Church](#) anyway, so I should go to civil court for a remedy. [Intentional Infliction of Emotional Harm](#) charge can be proved by the fact that all of the above actions started a few days (16) after my mother's death, a time when I should have had my church's support to help me with my grief.

Mr. Kenneth Wasserman called me the day after my mother's death and threatened me, saying "You're going to be sorry that she gave you the apartment", and "You better give your sister half". I asked him, "Who ARE you?" He told me then that he was my sister's attorney, but there were no lawsuits until he made one up in 2000. I found out in 2002 that he was paid to harass me by Guide One Insurance Company. Wasserman was made a "respondent" by Judge Shafer, and [by the Appellate Division, First Department](#). On March 15, 2005, I saw a secret memo written by Mr. Wasserman in my file of this case. It was two pages long, and stated that "Ms. Combler only wants her membership back in the church, nothing else, and this case must be dismissed". I took a [picture of the caption](#), and then asked Mr. Dan Ramos, a clerk of the Court, to copy it for me. He ripped the two pages up quickly, and threw the pieces into the garbage. He walked away, saying "You were not supposed to see that".

The questions "why did this matter go to trial so quickly?" and, 'IF the Church Tribunal AND the Supreme Court both deny jurisdiction of this matter, who will take jurisdiction?' are left unanswered. This is, I allege, proof that Justice Shafer did not want to deal with the fundamental issue in this case: the Intentional Infliction of Emotional Harm by a church, which in turn led to me being denied my [First Amendment right to freedom of religion](#), which to me meant full membership with voting privileges and the right to hold office in the church of my choice. I claim that Judge Shafer, by her statements above and her ruling that the actions of the church to harass her were "not the product of [malice](#), but a byproduct of actions that Church officials took, in aid of what they considered to be the [Church's self-interest](#)," made a fundamental and egregious error in deciding what should have been a jury deliberation and decision.

What is a church's self-interest?

The question of [malice](#) is key to the inappropriate actions of Judge Wilkins, and I assert that I have a right, under the law, to have the question of malice asked to a jury of my peers and debated in a court. Therefore, in addition to the question "Who has jurisdiction over this issue?" are the following, "'Were the actions taken by Madison Avenue Presbyterian Church toward Plaintiff done with malice?" "Were the actions 'in the church's self-interest?'" and, a crucial query, "What is a church's self-interest?" **IF a church has any self-interests, which Plaintiff believes cannot include the quest for money by means of withholding ashes, extortion and blackmail, can a judge discard the motive of malice without an open forum on the merits? Plaintiff believes not. Plaintiff respectfully states that a church's self-interest can never be blackmail and extortion, for any reason.**

The question of whether or not there is malice, which Plaintiff asserts there is, and therefore requests punitive damages, brings the question of [intent](#). In the above-captioned action it is clear by reading the notes, transcripts, and deposition testimonies that CA, FRA, J. Richard Frey, Ann McChord and the other defendants intended on bringing about [mental anguish](#) and harm by throwing Plaintiff out of her church 16 days after her mother's death, an act that has no precedence in the Presbyterian Church, is in violation of the church constitution, was "proven" wrong by the PJC, and for which the church hierarchy would not – because they denied 'jurisdiction' – give Plaintiff a remedy for. The general principal applicable to all torts can be stated: "The intent must be at least to bring about some sort of physical or mental effect upon another person but does not need to "harm" that person.

"Substantial certainty" is defined as: An occurrence is obviously "intentional" if the actor desires to bring it about. But tort law also calls it intentional if the actor didn't desire it, but knew with substantial certainty that it would occur as a result of his action. See Rest 2d, 8A." (TORTS, ch. 2-Intentional Torts Against the Person,

p. 8).

Defendants knew, beyond a shadow of a doubt, that ordering me to reconcile with my sister – not the act itself but the interference in the life of my family – was morally wrong and illegal from the perspective that my church was taking sides in a devastating family tragedy, the death of my mother, and only 16 days after she died. Defendants intended to inflict the most mental harm possible.

Similarly, "A person can have the intent necessary for an intentional tort even though he does not desire to 'harm' the victim, and does not have a hostile intent." Therefore Plaintiff states that even if the Defendants did not want to actually harm her, the planning behind the removal from the church membership, the discussions with the Session of "my hostility towards my sister and the Will contest" which, when told to Session members on March 31, 1998 these members were ignorant that these claims were false (I was not invited to this meeting nor was I present and could not, therefore, rebut CA's assertions), and resulted in the harm to my marriage, my involvement in my community, my standing among the members of my church, and the welfare of my four children. I hold the Defendants accountable for intentionally inflicting emotional harm on me as well as breaking the common-law right I had to have my mother's ashes.

Tort law holds that "...the intentional tortfeasor will be liable for virtually every result stemming directly or even somewhat indirectly from his conduct, however unlikely it might have seemed at the time of his act that this result would follow. Rest.2d, 435B". Plaintiff asserts her right to have a jury decide, based upon ALL the evidence in this case whether or not there was intent and therefore malice, and she asserts her right to hold all the defendants as well as her sister and Wasserman accountable.

The wrong of the finding that the defendants' actions- throwing me off of the church membership, withholding my mother's ashes, and the other claims (complaint filed July, 1999) – were "justified" cannot be remedied by "[ignorance of the law](#)" due to the fact that Judge Wilkins did not specifically charge the jury with the information about the tort of "[intentional torts against the person](#)": "...it is irrelevant that the defendant did not know that the action would constitute a tort or crime. Thus in the law of intentional torts, "ignorance of the law is no excuse". (TORTS, Emmanuel, p. 9).

Furthermore, Plaintiff asserts her right to present to a jury ALL the evidence she has that she believes prove her assertion of outrageous and malicious conduct by the defendants in committing an intentional tort. Plaintiff asks that a jury deliberate this, and answer the question of whether or not she deserves substantial punitive damages, something Judge Wilkins was determined to deny:

THE COURT: "In this case it is especially important to remove from the jury any evidence of the claim that I have already dismissed concerning the Plaintiff's claim that she suffered severe emotional distress as a result of the actions of the church."

and, by not allowing the jury to see any of the documents that Plaintiff had relating to the actions of the defendants, her sister, and Wasserman, before July 31, 1998 and after August 7, 1998, although Defendants and their Attorney were able to present any and all documents relating to defendants' false claims and Judge Wilkins would not allow Plaintiff to rebut any testimony.

How does a person justify the withholding of the cremated remains of a deceased person away from next of kin? If a prisoner is a serial killer on death row, and his mother dies, can the prison guard withhold her ashes from him? Where in the law is the criteria for this "justification?" The strongest reason for setting aside the verdict is the verdict. We have a very high standard for claiming the intentional infliction of emotional harm, therefore is the standard higher for withholding ashes? Or, is the New York State Supreme Court saying that a minister, solely on the basis of his job, may break the law and justifiably withhold the cremated remains of a parent from the next of kin because he or she wants to?

These questions are not questions that can be answered easily, but certainly they are questions that cannot be answered without a jury, and without debate about exactly what a church's self-interest might be, and whether or not a church HAS a self-interest outside of that of its' collective membership. Additionally, why would a very wealthy church such as MAPC with an endowment of more than \$30 million (2002 and 2003 audits) and contributions of more than \$1 million every year have an interest in a Will of a long-time parishioner that included only an apartment, and then have protection for extortion in light of that interest given to them by the Supreme Court? These questions necessitate public debate and jury deliberation. Plaintiff states that the law is the law, and the outrageous actions of MAPC toward Plaintiff prove that they were intentionally inflicting emotional harm on her from 1991 to the present, which, Plaintiff alleges, meets the high standard of proof for this law. That neither Judge Shafer or Judge Wilkins wanted to hear the evidence to support this claim is, Plaintiff believes, judicial misconduct and one of the many reasons why there must be a new trial and the setting aside of the verdict in Trial #2. Plaintiff has NOT been allowed to have her day in court.

Judge Shafer adds,

" The court notes that, although a motion for summary judgment must be supported by evidence in admissible form, defendants' motion is supported, in the main, by an affidavit from an attorney who lacks personal knowledge of the matters to which he attests, and by depositions of several of the defendants. These

depositions are not evidence in admissible form. See CPLR 3117." (Shafer order, p. 6). Why, therefore, did Judge Shafer dismiss my claims in her order of 12/23/03?

CONCLUSION

Whereas Judge Lottie Wilkins violated the Plaintiff's due process rights to a fair and unbiased trial by declaring a mistrial after only 2 hours of deliberation, refusing to answer a question from the jury, promoting disarray and disorder in her courtroom with biased testimony not based upon fact, ordering a second trial with an even more biased focus and then moving the court away from the rules in the CPLR in order to win a victory for a church and an insurance company, I move to set aside the verdict that Madison Avenue Presbyterian Church was liable but justified for withholding my mother's ashes away from me for 8 days in the name of justice and in support of the law. I request a new trial on the issues brought to this court in the complaint filed in 1999, and a new Judge who will allow all the evidence to be heard, and will permit witnesses to speak without being threatened so that this case may finally be resolved on its' merits.

Dated: October 18, 2006

New York, New York