

IN THE CIRCUIT COURT OF THE 11TH
JUDICIAL CIRCUIT, IN AND FOR
MIAMI-DADE COUNTY, FLORIDA

IN RE: THE MARRIAGE OF : FAMILY DIVISION
LEONARD M. HOCHSTEIN, : CASE NO. 2022-009944 FC 04 (18)
Petitioner, : FLORIDA BAR NO. 316857
and : 393436
LISA MACCALLUM HOCHSTEIN, :
Respondent. :

**HUSBAND’S RESPONSE TO WIFE’S MOTION FOR EXCLUSIVE USE &
POSSESSION OF FORMER MARITAL RESIDENCE, AND OTHER RELIEF**

The Petitioner, LEONARD M. HOCHSTEIN (“Husband”), states:

1.0 After months of discussion, the Parties decided to dissolve their marriage. The Husband filed his *Verified Petition for Dissolution of Marriage and Related Relief*, filed on May 20, 2022.

1.1 In contemplation of their marriage, the Parties executed a valid and enforceable Prenuptial Agreement. It provides for two interim measures:

1.2 The Wife agreed to vacate the Husband’s marital residence within thirty (30) days of the initiation of dissolution of marriage proceedings.

1.3 The Parties agreed to attend mediation if any provisions of the Prenuptial Agreement are in dispute.

2.0 The thirty (30) days within which the Wife was to voluntarily vacate the residence ended on June 19, 2022. As of the date of filing this motion, the Wife has steadfastly refused to honor her agreement and vacate the residence. She now disputes the validity of that provision. She has also refused to honor her agreement to schedule mediation regarding the validity of any

provision of the Prenuptial Agreement or her departure from the residence. Instead, she has filed a Motion rife with unequivocally false and vicious allegations in which she advises the Court that she simply does not intend to comply with either provision- -*in a sworn, verified court document, no less.*¹

3.0 In lieu of complying with the Prenuptial Agreement, she negotiated and signed while represented by highly competent counsel, the Wife demands the Court:

3.1 enjoin the Husband from “exposing” the children to his “presumed girlfriend,” and;

3.2 award her exclusive use and possession of the former marital residence.² It is to that Motion this response is directed.

4.0 The Husband has not introduced (“exposed”) the children to his girlfriend. He will notify the Wife and he will first seek the independent advice of a qualified mental health professional before he does so. It is undisputed that Florida law entrusts and empowers the

¹ Since the inception of these proceedings, the Husband’s court filings have been succinct, disciplined and, quite frankly, kind. The Wife has elected to respond in this action, to the media, and on her social media with vitriolic and unequivocally false allegations. The Husband will remain above the fray.

² Pursuant to the Prenuptial Agreement, the residence would be set aside to the Husband as his separate non-marital property. Even if the parties had not executed a Prenuptial Agreement, the residence is the Husband’s non-marital property, as it is titled in his sole name and was acquired and improved by him with non-marital funds.

Husband to exercise his judgment as to whom the children will interact with during his time-sharing.³

5.0 With respect to their living arrangements, while the Court must always consider what is in the best interest of the children, that responsibility falls first to the parties. The Husband has taken that task seriously. The Wife has not.

6.0 The Prenuptial Agreement evidences the parties' original intent to avoid acrimonious litigation, including their agreement that the Wife would vacate their shared residence in the event of a dissolution of marriage. In keeping with that intent, the Husband offered to lease or buy the Wife a luxurious multi-million dollar residence. The Wife has decided instead to pursue costly and time-consuming toxic litigation, notwithstanding the detrimental impact this has on the children and the Parties.

7.0 The Husband intends to achieve an equal time-sharing schedule with the children. While the children will eventually share time with each party in their respective separate households, the Husband's goal is to provide the children with stability and a lack of disruption to their daily lives in this initial phase. He has therefore absented himself from the residence half of the week, in order for the Wife to exercise her time-sharing without him present. The Wife does

³ Quite frankly, if the Wife were legitimately concerned about "exposing" the children to Ms. Mazepa, she would refrain from giving media interviews, creating social media posts, and discussing Ms. Mazepa while filming scenes for her reality show. She not only refuses to exercise that restraint, she seemingly delights in the conflict. The Wife could also delete her FINSTA account, which is an Instagram account the Wife created under a pseudonym to post defamatory comments to Ms. Mazepa's Instagram account. Her vicious commentary can be viewed not only by Ms. Mazepa's 1.7 million followers, but the children, their friends and the general public as well.

not extend this courtesy during the Husband's time-sharing, despite the fact that even by her own self-serving account it should clearly be in the children's best interest.

8.0 The Wife's assault in a series of absolutely false and inflammatory allegations against the Husband, in a classic case of projection. If her allegations were true – which they are not - she is asking the Court to fix a situation she created and could easily remedy. She need only stop injecting herself into the Husband's time-sharing and engaging in *precisely* the exact behavior that she falsely projects onto the Husband (*Yes, that's right, in a sworn, verified court document no less*).

9.0 The Wife's Motion should be summarily denied.⁴

10.0 The Court should award the Husband exclusive use and possession of his non-marital residence, or fashion an arrangement for the Husband to spend exclusive time with the children in the children's residence.

11.0 The Husband has incurred professional fees as a consequence of the Wife's frivolous and unnecessary litigation. The Wife, who has significant income and financial resources

⁴ The Wife's allegations are, to put it graciously, wildly inconsistent. The Wife wants the Court to intervene in the Husband's personal life...because the "children have just learned their parents are separating." Yet, she claims she should have exclusive use and possession of the Husband's residence...because the Husband allegedly has not slept in the marital residence in two and a half months. The Husband filing for divorce on May 20, 2022 was "unannounced" though there were numerous communications between counsel before the filing. The Husband allegedly moved out on May 2, 2022. The Husband has not time-shared with the children on weekends. The Husband comes to the residence to exercise time-sharing with the children three to four times per week "unannounced" (that word again!), yet arrives at 6:00 pm "sharp" every single time. Make it make sense?

of her own, should be responsible for her own attorney fees and the Husband's attorney fees if this matter proceeds to a hearing.

WHEREFORE, based on the foregoing, the Petitioner/Husband respectfully requests that the Court deny the Wife's motion and grant such other relief as the Court deems just and proper.

CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that a true and correct copy of the foregoing was electronically served in compliance with Rule 2.516(a) and Administrative Order 13-49 through Florida Courts E-filing Portal this 21st day of July, 2022 to: Paul S. Leinoff, Esq., Leinoff & Lemos, P.A., 7301 SW 57th Court, Suite 545, South Miami, Florida 33143; eservice@llpa.com; paul@llpa.com; natalie@llpa.com; belkis@llpa.com, and amanda@llpa.com.

Respectfully submitted,

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By: _____
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