

Criminal Contempt By Lawyer Results In 30-Day Sentence

A State Supreme Court justice has ordered an attorney imprisoned for thirty days for criminal contempt for violating an order issued in January that permanently enjoined him from bringing any new lawsuits in an action begun five years ago.

The order is published on page 7, column 1.

Justice David B. Saxe issued the order in *Raffe v. Feltman, Karesh & Major* last week for the arrest of the attorney, George Sassower, on the motion of a law firm, Feltman, Karesh & Major, which has been opposing him in litigation involving the involuntary dissolution of Puccini Clothes Ltd. The firm represents the receiver, Lee Feltman, one of its partners.

Stay Sought

Donald Schneider, of Feltman, Karesh, said Mr. Sassower was seeking a stay before the Appellate Division, First Department. If the stay is denied, he said, he would seek enforcement of the contempt order. He added that another justice, Alvin F. Klein, issued an order finding two other parties in the litigation in criminal contempt for bringing a new action. They are Sam Polur, an attorney, and Hyman Raffe, a former principal in Puccini Clothes. Mr. Sassower represents Mr. Raffe's and had represented Puccini Clothes until a receiver was appointed.

Justice Saxe's contempt order followed the filing of a cross-motion to lift a restraint on a bank account and to void a subpoena *duces tecum*. The

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Lawyer's Contempt

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injunction against further litigation by Mr. Sassower was ordered in January by Justice Ira Gammernan. Mr. Schneider reported that at least twenty-five lawsuits have been filed in the State and Federal courts in the litigation. An exhibit of litigation in the case shows that defendants have included trial and appellate judges involved in the case since 1980.

A referee was appointed by the Appellate Division, First Department, earlier this year to review Mr. Sassower's role in the case, Mr. Schneider said.

Justice Saxe

RAFFE v. FELTMAN, KARESH & MAJOR—Defendant Feltman, Karesh & Major, having made a motion for an order, *inter alia*, (i) permanently staying and enjoining the prosecution of this action in accordance with an Order of permanent injunction of the Honorable Ira Gammernan dated Jan. 23, 1985, or alternatively, (ii) dismissing this action pursuant to CPLR §3211(a)(1), (3) and (5), as barred by the said Order, and (iii) punishing attorneys George Sassower and Sam Polur as and for a criminal contempt of court on the grounds that in commencing and serving this action, they have violated the said Order, and plaintiff Hyman Raffe having made a cross-motion for an order declaring unconstitutional and void CPLR §5222, declaring null and void defendant's restraint against bank accounts at Bank Leumi and National Bank of North America insofar as the restraint exceeds the sum of \$5,575.00, and declaring null and void a subpoena *duces tecum* dated March 21, 1985 and all other judgment enforcement proceedings by defendant.

Upon reading and filing defendant's Notice of Motion, dated April 3, 1985, the affidavit of Donald F. Schneider, sworn to on April 2, 1985, in support of the motion; the Notice of Cross-Motion of Hyman Raffe, dated April 13, 1985, the affirmation of George Sassower, dated April 13, 1985, and the exhibit annexed thereto, the affidavit of George Sassower, sworn to April 22, 1985, and the exhibit annexed thereto, the affirmation of George Sassower, dated May 1, 1985, and the exhibits annexed thereto, all in support of plaintiff's cross-motion and in opposition to the motion; the affirmation of Donald F. Schneider, Esq., dated April 19, 1985, in opposition to the cross-motion and in further support of the motion, and the exhibit annexed thereto; and the motion and cross-motion having regularly come on to be heard; and due deliberation having been had thereon; and the Court (Honorable David B. Saxe) having issued a written decision dated May 9, 1985;

And is appearing that the commencement of this action by attorney George Sassower, in direct violation of the permanent injunction Order of the Honorable Ira Gammernan dated Jan. 23, 1985, was done wilfully and with full knowledge of the Order disobeyed, and that such conduct was intended to and has defeated, impeded, impaired and prejudiced the

rights of defendant Feltman, Karesh & Major;

And it appearing that in connection with the dissolution of Puccini Clothes, Ltd., attorney George Sassower and plaintiff Hyman Raffe have commenced, filed or made the motions, lawsuits, proceedings, and appeals set forth in the schedules annexed hereto as Exhibits "A," "B," "C," and "D" respectively,

NOW, upon motion of Feltman, Karesh & Major, defendant pro se, it is hereby

ORDERED, that defendant's motion for an order dismissing this action pursuant to CPLR §3211(a)(1), (3) and (5) is granted in all respects, and this action is dismissed; and it is further

ORDERED, that defendant's motion for an order punishing George Sassower for a criminal contempt of the Order of the Honorable Ira Gammernan, dated Jan. 23, 1985, which permanently enjoined and restrained George Sassower from commencing and filing this action, is granted in all respects; and it is further.

ORDERED, that George Sassower shall be imprisoned for a period of thirty (30) days in the jail of the county of this Court as and for his criminal contempt of court; and it is further

ORDERED, that George Sassower shall pay to defendant Feltman, Karesh & Major, at 55 East 52nd Street, New York, New York 10055, a fine in the sum of \$250.00 within ten (10) days after service upon George Sassower of a certified copy of this order with notice of entry thereof, for his criminal contempt of court; and it is further

ORDERED, that the Sheriff of any County in the State of New York wherein George Sassower may be apprehended is directed to take him into his custody and detain him in the Civil Jail or other appropriate facility until the completion of his term of 10 days or until he shall be otherwise discharged according to law; and it is further

ORDERED, that defendant's motion to punish Sam Polur for a criminal contempt of court is denied; and it is further

ORDERED, that plaintiff's cross-motion is denied in all respects; and it is further

ORDERED, that defendant shall serve a copy of this Order with notice of entry upon the Supreme Court of the State of New York, Appellate Division, First and Second Judicial Departments.