

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

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HYMAN RAFFE and GEORGE SASSOWER,

Plaintiffs,

-against-

ARUTT, NACHAMIE, BENJAMIN, LIPKIN &
KIRSCHNER, P.C. and FELTMAN, KARESH &
MAJOR, ESQS.,

Defendants.
-----x

Plaintiffs, as and for their complaint against
the defendants, respectfully sets forth and alleges:

1. On information and belief, and at all of the
times hereinafter mentioned, the defendant, ARUTT,
NACHAMIE, BENJAMIN, LIPKIN & KIRSCHNER, P.C.,
(hereinafter described as the "Arutt" firm) were and
still are a firm of attorneys duly admitted and licensed
to practice law in the courts of the State of New York.

2. On information and belief, and at all of the
times hereinafter mentioned, the defendant, FELTMAN,
KARESCH & MAJOR, Esqs., (hereinafter described as the
"F,K&M" firm), were and still are a firm of attorneys
duly admitted and licensed to practice law in the courts
of the State of New York.

AS AND FOR A FIRST CAUSE OF ACTION
AGAINST THE "ARUTT" FIRM

3. That on information and belief and in March of 1981 the "Arutt" firm had in their possession a summons and complaint wherein such "Arutt" firm purportedly represented "Puccini Clothes, Ltd., Eugene Dann, and Robert Sorrentino" and wherein the plaintiff, Hyman Raffe was an adverse party represented by plaintiff, George Sassower, Esq.

4. That on the 20th day of May, 1981, the "Arutt" firm was in default in answering the pleading of the plaintiff, Hyman Raffe, in Supreme Court, New York County.

5. That on information and belief, and on or about the 20th day of May, 1981 the "Arutt" firm executed an affirmation for submission to Court on the 3rd day of June, 1981, containing the false assertion that they were "unable to complete it [their third party answer] until May 6, 1981 because both Eugene Dann and Robert Sorrentino were out of the country"

6. That on information and belief and at the time the "Arutt" firm executed and served such affirmation they knew such assertion was false and fraudulent and intended to deceive the Court, Hyman Raffe, and his attorney, in that the "Arutt" firm were able to complete

the third party answer timely and before May 6, 1981, that during such period "both Eugene Dann and Robert Sorrentino" were not "out of the country", in fact on April 10 and April 13, 1981, their client, Eugene Dann, who was also an officer of Puccini Clothes, Ltd., was in the presence and company of the "Arutt" firm in the Supreme Court, New York County.

7. That furthermore, and on information and belief, the "Arutt" firm by said motion intended to deceive the Court, Hyman Raffe and his attorney by pretending they were merely seeking an extention of time to plead when in fact they had actual knowledge they were in default and sought to vacate such default.

8. That as a result of the aforementioned the plaintiffs were damaged actually and specially and also seek punitive damages.

AS AND FOR A SECOND CAUSE OF ACTION AGAINST
THE "ARUTT" FIRM

9. Plaintiffs repeat, reiterate, and reallege each and every allegation contained in paragraphs numbered "1" through "8" inclusive with the same force and effect as though more fully set forth herein, and further allege.

10. That on information and belief, and on or about the 3rd day of June, 1981 the "Arutt" firm executed an affirmation for submission to Court on the 16th day of June, 1981, again containing the false assertion that they were "unable to complete it [their third party answer] until May 6, 1981 because both Eugene Dann and Robert Sorrentino were out of the country"

11. That on information and belief and at the time the "Arutt" firm executed and served such affirmation they knew such assertion was false and fraudulent and intended to deceive to deceive the Court, Hyman Raffé, and his attorney, in that the "Arutt" firm was able to complete the third party answer timely and before May 6, 1981, that during such period "both Eugene Dann and Robert Sorrentino" were not "out of the country", in fact on April 10 and April 13, 1981, their client, Eugene Dann, who was also an officer of Puccini Clothes, Ltd., was in the presence and company of the "Arutt" firm in the Supreme Court, New York County.

12. That furthermore, and on information and belief, the "Arutt" firm by said motion intended to deceive the Court, Hyman Raffé and his attorney by

pretending they were merely seeking an extension of time to plead when in fact they had actual knowledge they were in default and sought to vacate such default.

13. That as a result of the aforementioned the plaintiffs were damaged actually and specially and also seek punitive damages.

AS AND FOR A THIRD CAUSE OF ACTION AGAINST THE
"ARUTT" FIRM

14. Plaintiffs repeat, reiterate, and reallege each and every allegation contained in paragraphs numbered "1" through "8" inclusive with the same force and effect as though more fully set forth herein, and further allege.

15. That on information and belief and on or about the 12th day of December, 1980, a client of the "Arutt" firm, to wit, Eugene Dann, was served with a summons and complaint.

16. That on information and belief from that date, the "Arutt" firm had in their possession a copy of said summons and complaint, it having been mailed to them by plaintiff, George Sassower, as the attorney for Hyman Raffe.

17. That on information and belief and on or about the 5th day of May, 1981, the said "Arutt" firm was in deliberate default or as a result of "law office" neglect.

18. That on information and belief and on or about the 6th day of May, 1981, the "Arutt" firm prepared an affidavit on behalf of their client which contained a false and contrived excuse for the default, to wit, that they "understood" that the attorney for the wife of Eugene Dann would "appear" for Eugene Dann. That the "Arutt" firm knew when they prepared such affidavit and had same executed that such excuse was false and contrived and that the attorney for the wife of Eugene Dann was not and could not defend the interests of Eugene Dann in such lawsuit.

19. That such papers were served and submitted to the Court on or about the 18th day of May, 1981 and were intended to deceive the Court and the plaintiffs herein.

AS AND FOR A FOURTH CAUSE OF ACTION AGAINST
THE "ARUTT" FIRM

20. Plaintiffs repeat, reiterate, and reallege each and every allegation contained in paragraphs numbered "1" through "8" inclusive with the same force and effect as though more fully set forth herein, and further allege.

21. On Friday, July 31, 1981, plaintiff, Esq., received from the "Arutt" firm a Notice of Cross-Motion dated July 28, 1981 and returnable Tuesday, August 4, 1981, for his disqualification in two matters.

22. On Sunday, August 2, 1981, plaintiff, George Sassower, Esq., mailed his opposing papers both to the "Arutt" firm and to Court service for submission on August 4, 1981, and were received by the "Arutt" firm on or before August 2, 1981.

23. After reading the opposing affirmation of George Sassower, Esq., and determining it had merit, the "Arutt" firm without notice to plaintiff, George Sassower, Esq., substituted the title page and caused their cross-motion to have reference to an action to which plaintiff, George Sassower, Esq., did not respond, and which thereby rendered the opposing papers incomprehensible.

24. As a direct result thereof, the cross-motion of the "Arutt" firm was granted, causing plaintiffs to have been deprived of procedural and substantive due process.

25. As to the other matter, the cross-motion of the "Arutt" firm was not granted, but nevertheless they submitted to the Court an Order which granted such relief and deceived the Court and the plaintiffs thereby when such relief was in fact was granted.

26. As a direct result thereof, plaintiffs have been deprived of procedural and substantive due process.

27. That as a result of the aforementioned the plaintiffs were damaged actually and specially and also seek punitive damages.

AS AND FOR A FIFTH CAUSE OF ACTION AGAINST THE
DEFENDANTS, FELTMAN, KARESH, & MAJOR, ESQS.

28. Plaintiffs repeat, reiterate, and reallege each and every allegation contained in paragraphs numbered "1" through "8" inclusive with the same force and effect as though more fully set forth herein, and further all

29. On information and belief and on the 23rd day of March, 1982, the "F,K&M" firm had executed papers for the simultaneous submission to the Supreme Court, New York County and the Appellate Division, First Judicial Department for substantially similar and related relief.

30. That on information and belief, in both instances the "F,K&M" firm requested interim relief, but intentionally and deliberately intended to deceive plaintiffs and the courts involved by not revealing the simultaneous submission, and in fact deceived the plaintiffs and the courts thereby.

31. That on information and belief, furthermore and deceiving the Supreme Court, New York County, the firm of "F,K&M" obtained from that Court an ex-parte interim stay, prohibiting plaintiff, George Sassower, Esq., from responding to the Appellate Division with his contentions except at pains of possible penalty.

32. That on information and belief, further intending to deceive plaintiffs and the courts, "F,K&M" purportedly served copies of the Supreme Court, New York County which did not conform to the original Order to Show Cause, in that it pretended to stay George Sassower, Esq., pending the determination of said motion rather than the return date.

33. That on information and belief, on the return date, after deceiving George Sassower, Esq., the firm of "F,K&M" misled the Court by requesting a continuation of the stay, and without advising the Court that George Sassower, Esq., was under the impression that the stay was pending "determination" because he had not been served or given notice of the true nature of the stay and in other ways deceived the Court and the plaintiffs

34. That on information and belief, additionally the firm of "F,K&M" submitted with their papers a defamatory, false, and prejudicial document, without notice to the plaintiffs, or a copy thereof to them, irrelevant to the issues presented, but intending to influence and prejudice the Court thereby.

35. That on information and belief, still additionally the firm of "F,K&M" submitted additional defamatory, manifestly irrelevant, prejudicial papers intending to influence and prejudice the outcome of the proceeding.

36. That as a result of the aforementioned the plaintiffs were damaged actually and specially and also seek punitive damages.

AS AND FOR A SIXTH CAUSE OF ACTION AGAINST ALL
THE DEFENDANTS.

37. Plaintiffs repeat, reiterate, and reallege each and every allegation contained in paragraphs numbered "1" through "8" inclusive with the same force and effect as though more fully set forth herein, and further allege.

38. That on information and belief the defendants have followed mailing and service practices which have denied plaintiffs procedural due process.

39. That as a result of the aforementioned the plaintiffs were damaged actually and specially and also seek punitive damages.

WHEREFORE, plaintiffs demand compensatory and punitive damages in each of the aforesaid causes of action in the sum of \$100,000 together with the costs and disbursements of this proceeding.

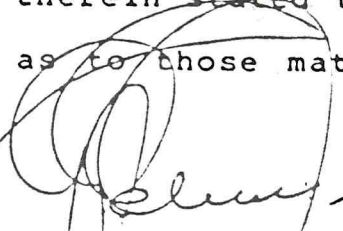
HYMAN RAFFE & GEORGE SASSOWER, Esq.
Attorneys for plaintiffs - pro se.
283 Soundview Avenue,
White Plains, New York, 10606
914-328--0440

STATE OF NEW YORK)
) ss.:
COUNTY OF WESTCHESTER)

GEORGE SASSOWER, Esq., first being duly sworn,
deposes, and says:

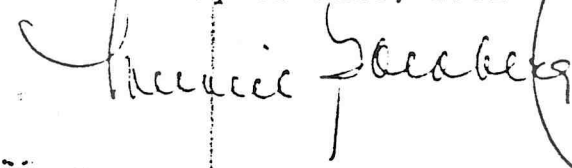
I am one of the plaintiffs in the foregoing
action and have read the within complaint.

That the same is true to my own knowledge,
except as to matters contained therein stated to be on
information and belief, and as to those matters, I
believe same to be true.



GEORGE SASSOWER

Sworn to before me this
11th day of June, 1982


MURIEL GOLDBERG
Notary Public, State of New York
No. 60-4515474 Westchester County
Commission Expires March 30, 1983