

At IAS Part 27 of the Supreme Court of the State of New York, held in and for the County of New York, at the Courthouse, 60 Centre Street, New York, New York, on the 11 day of March, 1986.

P R E S E N T :

Hon. IRA GAMMERMAN,

Justice.

-----x
In the Matter of the Application of :
Jerome H. Barr and Citibank, N.A., :
as Executors of the Will of Milton :
Kaufman, Holders of One-Quarter of :
All Outstanding Shares of Puccini :
Clothes, Ltd. Entitled to Vote in :
an Election of Directors, :

Index No. 01816/80

ORDER

Petitioners, :

For the Dissolution of Puccini :
Clothes, Ltd. :

-----x
Hyman Raffe ("Raffe"), a shareholder of Puccini Clothes, Ltd., having moved for an order punishing George Sassower ("Sassower") for criminal and civil contempts of court for his numerous violations of Orders of this Court, and permitting Sassower to purge such contempts by withdrawing with prejudice all litigation, including lawsuits, proceedings, motions, appeals and discovery requests that he has served or

filed in violation of any Order of the Court, and for such other, further and/or different relief as to this Court may seem just and proper;

UPON the Notice of Motion for Contempt of Hyman Raffe, dated January 13, 1986, the affidavit of Hyman Raffe, sworn to on January 15, 1986, and the exhibits annexed thereto, in support of the motion; the affirmation of Lee Feltman, the court-appointed permanent Receiver for Puccini Clothes, Ltd., dated February 4, 1986, and the exhibit annexed thereto, in support of the motion; the affidavit of Michael J. Gerstein, sworn to on February 13, 1986, and the exhibits annexed thereto, in support of the motion on behalf of Petitioners Jerome H. Barr and Citibank, N.A., as Executors of the Will of Milton Kaufman; the affirmation of Arthur Goldstein, dated February 7, 1986, in support of the motion on behalf of Puccini shareholders Eugene Dann and Robert Sorrentino; and this matter having come for oral argument before the Honorable Ira Gammernan and George Sassower, Esq. having argued on his own behalf, and Donald F. Schneider having argued on behalf of the Receiver for Puccini Clothes, Ltd., and Michael J. Gerstein, Esq. having argued on behalf of the Estate of Milton Kaufman, and Ira Postel, Esq. having argued on behalf of Hyman Raffe, and Richard Blumberg, Esq. having argued on behalf of Eugene

Dann and Robert Sorrentino; and due deliberation having been had thereon; and this Court having rendered a decision on the record;

And it appearing that by two Orders of the Honorable Thomas V. Sinclair, Jr., both dated February 1, 1982 (collectively Exhibit "A"), Sassower is disqualified from representing Raffé in this proceeding, the action bearing New York County Index No. 16792/80 and in all other actions and proceedings relating to Puccini Clothes, Ltd. where Raffé has any interest adverse to Eugene Dann, Robert Sorrentino or Puccini Clothes, Ltd.; and by Order of the Honorable Edward Greenfield, dated September 8, 1982 (Exhibit "B"), Sassower is permanently enjoined from representing or purporting to take any legal action on behalf of Puccini Clothes, Ltd.; and by Order of the Honorable Ira Gammernan dated January 23, 1985 (Exhibit "C"), Sassower is permanently enjoined from filing or serving, or attempting to intervene in or initiate in any court, tribunal or other forum of this State, any lawsuit, proceeding, investigation or other adversary matter, the subject of which arises out of or relates to Puccini Clothes, Ltd., against Puccini's shareholders or their attorneys, as more fully set forth therein, without prior permission of the Honorable Ira Gammernan or the Chief Administrative Judge; and by Order of

Special Referee Donald Diamond dated January 22, 1986 (Exhibit "D"), Sassower is permanently enjoined from making, serving, filing or advancing, on his on behalf or on behalf of any other party, any litigation, including but not limited to any motion, appeal or discovery request, or correspondence relating thereto, in all pending and hereinafter commenced actions and proceedings relating to Puccini Clothes, Ltd.; and Raffe having discharged Sassower as his attorney for all purposes in all actions and proceedings (Exhibit "E"); and it appearing that the list annexed hereto as Exhibit "F" includes some of the Puccini-related actions and proceedings and other claims commenced by Sassower,

NOW, upon motion of Ira Postel, Esq., as attorney for Hyman Raffe; Feltman, Karesh, Major & Farbman, as attorneys for Lee Feltman, Esq. in his capacity as court-appointed permanent Receiver for Puccini Clothes, Ltd.; Kreindler & Relkin, P.C., as attorneys for Petitioners Jerome H. Barr and Citibank, N.A., as Executors of the Will of Milton Kaufman; and Nachamie, Kirschner, Levine, Spizz & Goldberg, P.C., as attorneys for Puccini shareholders Eugene Dann and Robert Sorrentino, it is hereby

ORDERED, that all lawsuits, special proceedings, including but not limited to proceedings under Article 78 of

15 the Civil Practice Law and Rules, and all other adversary matters, heretofore or hereinafter commenced by or on behalf of George Sassower, his agents, attorneys and all others acting in concert or cooperation with or at the behest, direction or instigation of George Sassower, in any county within the State of New York, in any branch of the New York State Supreme Court ~~or any Appellate Division thereof~~, or any court of inferior jurisdiction, the subject matter of which arises out of or relates to any of the following:

(a) The action or conduct of Puccini Clothes, Ltd., or its shareholders, officers, directors or employees, or any of them, either singly or in any combination;

(b) the judicial dissolution or the receivership of Puccini Clothes, Ltd.;

(c) the conduct of the Receiver for Puccini Clothes, Ltd. or the representation of the Receiver by Feltman, Karesh, Major & Farbman;

(d) the making or filing of any complaint, grievance or correspondence with a professional disciplinary or grievance committee;

(e) the litigations related to or arising out of any of the matters in subparagraphs (a) through (d) herein, including but not limited, to any litigation arising out of or

relating to the right of the Estate of Milton Kaufman to enforce any aspect of the guarantees executed by Raffe;

(f) the acts of any litigant, the attorneys for any litigant ~~or any judge~~ in connection with any of the foregoing (hereinafter "Puccini-Related Litigation");

are consolidated with this proceeding and are stayed; and it is further

ORDERED, that the caption of this consolidated action shall be as follows:

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

-----x
In the Matter of the Application of :
Jerome H. Barr and Citibank, N.A., :
as Executors of the Will of Milton : New York Count
Kaufman, Holders of One-Quarter of : Index No.
All Outstanding Shares of Puccini : 01816/80
Clothes, Ltd. Entitled to Vote in :
an Election of Directors, :

Petitioners, :

For the Dissolution of Puccini :
Clothes, Ltd. :

-and- :
:

ALL OTHER ACTIONS AND PROCEEDINGS IN :
ANY COURT CONCERNING OR RELATING TO :
PUCCINI CLOTHES, LTD., ITS RECEIVER :
OR SHAREHOLDERS OR THEIR ATTORNEYS. :

-----x;
and it is further

ORDERED, that the Clerks of the Courts in which the foregoing actions and proceedings which are consolidated herein are pending or shall in the future be commenced are directed forthwith to deliver to the Clerk of the New York State Supreme Court, New York County, all files concerning the aforementioned actions and proceedings; and it is further

ORDERED, that George Sassower, his agents, attorneys and all others acting in concert or cooperation with or at the behest, direction or instigation of George Sassower, are permanently enjoined and restrained from making, serving, filing or advancing, on behalf of George Sassower or on behalf of any other person or entity, any litigation, including but not limited to, any motion, appeal, discovery request, lawsuit or proceeding, in any pending and hereinafter commenced Puccini-Related Litigation, in (i) the New York State Supreme Court or any Appellate Division thereof, (ii) any court of inferior jurisdiction to the New York State Supreme Court, (iii) the New York Court of Appeals or (iv) the New York Court of Claims; and it is further

ORDERED, that any motion by or on behalf of George Sassower, his agents, attorneys and all others acting in concert or cooperation with or at the behest, direction or

instigation of George Sassower, seek an amendment, renewal, clarification, vacatur or modification of this Order, or any other relief within the purview of CPLR 2221, shall be made only by Order to Show Cause signed by the Honorable Ira Gammerman; and it is further

ORDERED, that all further litigation papers and documents filed by or on behalf of George Sassower, his agents, attorneys and all others acting in concert or cooperation with or at the behest, direction or instigation of George Sassower, in any pending or hereinafter commenced Puccini-Related Litigation, shall contain a copy of this Order and a statement in the body thereof concerning the provisions of this Order; and it is further

ORDERED, that any litigation by or on behalf of George Sassower, his agents, attorneys and all others acting in concert or cooperation with or at the behest, direction or instigation of George Sassower, in violation of any provision of this Order, shall be deemed to be null and void and of no force and effect and no party need respond thereto; and it is further

ORDERED, that nothing contained herein shall be construed to deny George Sassower the right to seek direct review of this Order by an appeal to the Appellate Division, First Judicial Department and the New York Court of Appeals; and it is further

ORDERED, that the portion of the motion seeking contempt sanctions against George Sassower is held in abeyance.

ENTER

16

J.S.C.

IRA GARDNER