

To be argued by:
GEORGE SASSOWER, Esq.
30 minutes

SUPREME COURT OF THE STATE OF NEW YORK
APPELLATE DIVISION : FIRST DEPARTMENT

-----x
HYMAN RAFFE,
Plaintiff-Appellant,
[GEORGE SASSOWER, Esq.,
Appellant,]
-against-
FELTMAN, KARESH & MAJOR,
Defendant-Respondent.
-----x

APPELLANTS' BRIEF AND APPENDIX

GEORGE SASSOWER, Esq.
Plaintiffs-Appellants
2125 Mill Avenue,
Brooklyn, N.Y. 11234
(718) 444-3403

FELTMAN, KARESH & MAJOR, Esqs.
Attorneys for defendants-respondents
55 East 52nd Street,
New York, New York, 10055
(212) 371-8630

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STATEMENT PURSUANT TO CPLR 5531

SUPREME COURT OF THE STATE OF NEW YORK
APPELLATE DIVISION : FIRST DEPARTMENT

-----x
HYMAN RAFFE,

Plaintiff-Appellant,

[GEORGE SASSOWER, Esq.,
Appellant,]

-against-

FELTMAN, KARESH & MAJOR,

Defendant-Respondent.
-----x

1. The Index Number of the court below is 8,749-1985.

2. The title of the original parties appears above and there has been no change, except George Sassower, Esq., is now an appellant.

3. The proceeding was commenced in Supreme Court, New York County.

4. The action was commenced on or about April 1, 1985, by service of a summons.

5. Action is for unlawful restraint, including the constitutionality of CPLR 5222(b), and malicious prosecution.

6. Appeal from Orders dated June 26, 1985 and entered July 1, 1985.

7. The appeal is on the appendix method.

A-2.

NOTICE OF APPEAL

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

-----X
HYMAN RAFFE,

Plaintiff,

-against-

FELTMAN, KARESH & MAJOR,

Defendant.
-----X

Index #
8749-1985

S I R S:

PLEASE TAKE NOTICE, that Hyman Raffe and George Sassower, Esq., hereby appeals to the Appellate Division of the Supreme Court of the State of New York, First Judicial Department from the Order of the Supreme Court of the State of New York, County of New York, dated June 26, 1985, and each and every part of said Order.

Dated: June 29, 1985

Yours, etc.,

GEORGE SASSOWER, Esq.
Attorney for plaintiff,
2125 Mill Avenue,
Brooklyn, New York, 11234
212-444-3403

To: Hon. Robert Abrams
Feltman, Kareshe & Major, Esqs.

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ORDER APPEALED FROM
[A3-A71]

At a Special Term, Part I, of the
Supreme Court of the State of New
York, held in and for the County
of New York, 60 Centre Street,
New York, New York, on the 26
day of June, 1985.

P R E S E N T : DAVID B SAXE
Hon. ~~ALFRED J. SAXE~~

David B. SAXE
CITY CLERK - PROCLAMATION
TO RECEIVED
JUL 1 1985
MINUTE BOOK
SPECIAL TERM PART I
LAW JOURNAL

Justice.

HYMAN RAFFE,

Plaintiff, : Index No. 8749/85

-against-

: ORDER

FELTMAN, KARESH & MAJOR,

Defendant. :

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 Gammerman
dated January 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;

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And it appearing that the commencement of this action by attorney George Sassower, in direct violation of the permanent injunction Order of the Honorable Ira Gammerman dated January 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 Raffé 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 Gammerman, dated January 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 ^{ten} ~~thirty~~ (10) 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 CUSTODY AND DETAIN HIM IN THE CIVIL JAIL FACILITY UNTIL THE COMPLETION OF HIS TERM OF THIRTY DAYS UNTIL HE SHALL BE OTHERWISE DISCHARGED ACCORDING TO LAW; AND IT IS~~ ^{THE SHERIFF OF ANY COUNTY IN THE STATE OF NEW YORK WHEREIN GEORGE SASSOWER MAY BE APPREHENDED IS DIRECTED TO TAKE HIM INTO CUSTODY AND DETAIN HIM IN THE CIVIL JAIL FACILITY UNTIL THE COMPLETION OF HIS TERM OF THIRTY DAYS 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

E N T E R :

David B. Saxa

No. 008893

STATE OF NEW YORK,
COUNTY OF NEW YORK, SS.
LINCOLN A. GOODMAN,
COUNTY CLERK AND CLERK
OF THE SUPREME COURT,
NEW YORK COUNTY,
DO HEREBY CERTIFY ON

JUL -1 1985

THAT I HAVE COMPARED THIS
COPY WITH THE ORIGINAL
FILED IN MY OFFICE ON

7-1-85

AND THAT THE SAME IS A
CORRECT TRANSCRIPT
THEREOF AND OF THE
WHOLE OF SUCH ORIGINAL.
IN WITNESS WHEREOF,
I HAVE HEREUNTO SET MY
HAND AND AFFIXED MY
OFFICIAL SEAL.

Lincoln A. Goodman
COUNTY CLERK AND CLERK OF THE
SUPREME COURT, NEW YORK COUNTY,
NEW YORK
FACSIMILE SIGNATURE (1985)
PLEASE PRINT TO SEE FOR
COURTY LAW.

(FEE PAID

DEFENDANTS' NOTICE OF MOTION

[A8-A10]

WARNING: YOUR FAILURE TO APPEAR IN COURT MAY RESULT IN YOUR IMMEDIATE ARREST AND IMPRISONMENT FOR CONTEMPT OF COURT.

NOTICE: THE PURPOSE OF THE HEARING IS TO PUNISH YOU FOR A CONTEMPT OF COURT. SUCH PUNISHMENT MAY CONSIST OF A FINE OR IMPRISONMENT, OR BOTH, ACCORDING TO LAW.

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

HYMAN RAFFE,

Plaintiff,

-against-

FELTMAN, KARESH & MAJOR,

Defendant.

Index No.

NOTICE OF MOTION

S I R S :

PLEASE TAKE NOTICE, that upon the annexed affidavit of Donald F. Schneider, duly sworn to on April 2, 1985, and the exhibits annexed thereto, and upon all other proceedings, pleadings and papers heretofore had, served and/or filed herein, the undersigned will move this Court, at a Special Term, Part I, to be held at the Courthouse, 60 Centre Street, New York, New York, on April 23, 1985, at 9:30 o'clock in the forenoon of that day or as soon thereafter as counsel can be heard, for an Order:

(i) permanently staying and enjoining the prosecution of this action against defendant Feltman, Karesh & Major in accordance with this Court's permanent injunction Order of January 23, 1985 (Gammerman, J.) (the "Permanent Injunction Order"); or alternatively,

(ii) dismissing this action pursuant to CPLR 3211(a) 1, 3 and 5 as barred by the Permanent Injunction Order; and

(iii) punishing attorney George Sassower and Samuel Polur, who served the Summons with full knowledge of the Permanent Injunction Order, as and for a criminal contempt of court on the grounds that in commencing and serving this action they have flagrantly and deliberately violated the Permanent Injunction Order, which Order, inter alia, permanently enjoined and restrained George Sassower and Hyman Raffé and anyone acting in concert or cooperation with either or both of them from filing or serving any further lawsuits against Feltman, Karesh & Major, arising out of or relating to, inter alia, the judicial dissolution, the receivership of Puccini Clothes, Ltd. or the representation of the Receiver by Feltman, Karesh & Major; and

(iv) awarding to Feltman, Karesh & Major damages, including reasonable attorney's fees, which resulted from the

violation of the aforesaid Order by George Sassower, Hyman Raffé and Samuel Polur, pursuant to the prior Order of this Court which held that "future motions by Messrs. Sassower and Raffé should be examined in light of the well-established exception to the American rule that attorneys' fees are recoverable in response to vexatious suits and litigations commenced in bad faith"; and

(v) for such other, further and/or different relief as to this Court may seem just and proper.

PLEASE TAKE FURTHER NOTICE, that pursuant to CPLR 2214(b), answering papers, if any, are required to be served so as to be received by the undersigned at least seven (7) days prior to the return date of this motion.

Dated: New York, New York
April 3, 1985

Yours, etc.,

FELTMAN, KARESH & MAJOR
Defendant Pro Se
Office and P.O. Address:
Park Avenue Plaza
55 East 52nd Street
New York, New York 10055
Tel.: (212) 371-8630

TO: GEORGE SASSOWER, ESQ.
Attorney for Plaintiff
and Pro Se
2125 Mill Avenue
Brooklyn, New York 11234

SAMUEL POLUR, ESQ.
35 Montgomery Street
New York, New York

A-11.
DONALD F. SCHNEIDER-AFFIDAVIT

[A11-A18]

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

-----X
HYMAN RAFFE :

Plaintiff, : Index No.

-against- :

: NOTICE OF MOTION

FELTMAN, KARESH & MAJOR, :

Defendant. :

-----X
STATE OF NEW YORK)
COUNTY OF NEW YORK) ss.:

DONALD F. SCHNEIDER, being duly sworn, deposes and
says:

1. I am an attorney duly admitted to the practice
of law in the State of New York and I am a member of Feltman,
Karesh & Major ("FK&M"), a named defendant in the above-
captioned action. We are the attorneys for Lee Feltman, the
court-appointed receiver for Puccini Clothes, Ltd. ("Puccini"),
and as such, are fully familiar with the facts hereinafter
set forth.

2. I respectfully submit this affidavit in support
of this motion for an Order:

(i) permanently staying and enjoining the prosecution of this action against defendant FK&M in accordance with this Court's permanent injunction Order of January 23, 1985 (Gammerman, J.)(the "Permanent Injunction Order"); or alternatively,

(ii) dismissing this action pursuant to CPLR 3211(a) 1, 3 and 5 as barred by the Permanent Injunction Order; and

(iii) punishing attorney George Sassower and Samuel Polur, who served the Summons with full knowledge of the Permanent Injunction Order, as and for a criminal contempt of court on the grounds that in commencing and serving this action they have flagrantly and deliberately violated the Permanent Injunction Order, which Order, inter alia, permanently enjoined and restrained George Sassower and Hyman Raffé and anyone acting in concert or cooperation with either or both of them from filing or serving any further lawsuits against FK&M arising out of or relating to, inter alia, the judicial dissolution, the receivership of Puccini Clothes, Ltd. or the representation of the Receiver by FK&M; and

(iv) awarding to FK&M damages, including reasonable attorney's fees, which resulted from the violation of the

aforesaid Order by George Sassower, Hyman Raffe and Samuel Polur, pursuant to the prior Order of this Court which held that "future motions by Messrs. Sassower and Raffe should be examined in light of the well-established exception to the American rule that attorneys' fees are recoverable in response to vexatious suits and litigations commenced in bad faith".

WHY THE RELIEF REQUESTED HEREIN
SHOULD BE GRANTED

This Action Should be
Dismissed or Permanently
Stayed

3. As a result of continued harassment by Sassower and Raffe which had resulted in numerous lawsuits and collateral proceedings against the litigants in the dissolution of Puccini as well as their attorneys, and a Bar Association grievance against the attorneys, the litigants and their attorneys made a motion seeking to enjoin the continuation of such conduct. The motion was granted. By an Order dated January 23, 1985, the Honorable Ira Gammerman permanently enjoined and restrained attorney, George Sassower, Esq., ("Sassower") and Hyman Raffe ("Raffe") "together or in con-

nection with any person or entity . . . , and all others acting in concert or cooperation with or acting at the behest, direction or instigation of either or both Hyman Raffé or George Sassower", from filing or serving any further lawsuits against FK&M, arising out of or relating to, inter alia, the judicial dissolution of Puccini, the Receivership or the representation of the Receiver by FK&M (the "Permanent Injunction Order") (Exhibit "A").

4. Shortly thereafter, on April 1, 1985, in direct violation of the Permanent Injunction Order, Polur personally delivered to an associate of FK&M a bare Summons with Notice seeking \$500,000 in damages and naming FK&M as a party defendant (Exhibit "B"). The summons names Raffé as plaintiff and lists Sassower as attorney of record for Raffé.

5. This latest action is brought in direct violation of the Permanent Injunction Order. The Court is respectfully referred to pages 9 through 11 of the Permanent Injunction Order which specifically bars Sassower and plaintiff Raffé "together or in connection with any person or entity . . . , and all others acting in concert or cooperation with or acting at the behest, direction or instigation of either or both Hyman Raffé or George Sassower" (i.e., their henchman, Polur), from

instituting against FK&M any further suits or proceedings pertaining to Puccini Clothes, Ltd., its dissolution, the Receivership or FK&M's representation of the Receiver.

6. For all of the reasons set forth above, FK&M seeks an Order permanently staying this action pursuant to the Permanent Injunction Order, or alternatively, dismissing the action as barred by the Permanent Injunction Order.

Sassower and Polur Should be
Punished for Criminal Contempt

7. This is not the first time that Sassower has violated an Injunction restraining further lawsuits against FK&M. In December, 1984, he violated a Temporary Restraining Order by filing two such suits. Judge Gammerman issued a permanent stay of these lawsuits. See pages 8-9 of the Permanent Injunction Order. Thereafter, Sassower, as attorney for Raffe, commenced an action against FK&M and other lawfirms seeking damages of \$100,000,000. FK&M's motion to dismiss that action is sub judice.

8. Moreover, a recent Order by Justice Martin Evans punished Sassower for a contempt of court (Exhibit "C") for

violating an Order in a related proceeding, which conduct further demonstrates that Sassower thinks nothing of wilfully disregarding court orders. Annexed hereto as Exhibit "D" is a copy of a decision of the Appellate Division, Second Department in a recent case entitled Sassower v. Signorelli, 99 A.D.2d 358, 472 N.Y.S.2d 702 (1984), wherein Sassower's abuse of the judicial process by "hagriding" and "badgering" other party litigants was strongly condemned by that Court. The within action, involving Sassower once again, illustrates misconduct far more egregious.

9. At bar, Polur, the henchman for Sassower and Raffae, personally served the Summons. Polur is the attorney of record for Raffae in a related action and for the past several months has accompanied Sassower on all court appearances in cases where Sassower is disqualified, stepping in when Sassower is barred by the presiding justice from representing Raffae in violation of the Orders which disqualified Sassower. Polur was present at hearings at which Sassower sought a vacatur of the Permanent Injunction Order. See, for example, Exhibit "E". In addition, recently, as Polur was about to serve legal papers on Referee Donald Diamond at a conference, he was specifically reminded of the provisions of the Permanent Injunction Order (Exhibit "F").

10. Moreover, when Polur served the Summons at bar, I reminded him again of the provisions of the Permanent injunction Order. Polur acknowledged that Order (and took the position that he was merely a messenger and thus not in violation of said Order). Clearly, in serving the Summons in violation of the Permanent Injunction Order, Polur had full knowledge of the Order.

11. The aforementioned conduct has and was calculated to defeat, impede, impair and prejudice the rights of FK&M. Accordingly, Sassower and Polur should be punished as and for their criminal contempts of court.

In Addition to Criminal Contempt
Sanctions, Damages Should
be Assessed Against Sassower,
Raffe and Polur

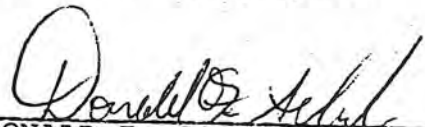
12. As a result of the purported service of the Summons in violation of the Permanent Injunction Order, FK&M will necessarily incur legal fees, expenses and costs in defending this patently improper action. Accordingly, FK&M seeks to recover damages for the fees and expenses that have been and will be incurred by reason of the egregious misconduct of Sassower, Raffe and Polur. In this regard, this Court (Saxe, J.) previously held that "future motions by Messrs.

A-18.

Sassower and Raffe should be examined in light of the well-established exception to the American rule that attorney's fees are recoverable in response to vexatious suits and litigations commenced in bad faith" (Exhibit "G"). In this regard, as part of the relief sought herein, FK&M requests that it be permitted to prove, at the appropriate time, the amount of such damages.

Conclusion

13. By virtue of the foregoing, FK&M's motion should be granted in all respects, together with such other, further and different relief as may seem just and proper.


DONALD F. SCHNEIDER

Sworn to before me this
2nd day of April, 1985.


NOTARY PUBLIC

DOLORES JOHNSON
Notary Public, State of New York
No. 61-104761585 Qual. in Kings County
Commission Expires March 30, 1986

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EXHIBIT "A" ORDER JANUARY 23, 1985

[A19-A32]

3647

At a Special Term, Part I of the
Supreme Court of the State of New
York, held in and for the County
of New York, at the Courthouse
thereof, 60 Centre Street, New
York, New York on the 23
day of January, 1985.

P R E S E N T :

Hon. Ira Gammerman,

Justice.

CITY CLK FROM JUSTICE
TO DECEIVED

BOOK
DISP II

JAN 23 1985

PART I LAW JOURNAL

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,

Petitioners,

For the Dissolution of Puccini
Clothes, Ltd.

HYMAN RAFFE,

Plaintiff,

-against-

KREINDLER & RELKIN, P.C.

Defendant.

HYMAN RAFFE, individually and on
behalf of PUCCINI CLOTHES, LTD.,

Plaintiff,

-against-

KREINDLER & RELKIN, P.C.; FELTMAN,
KARESH & MAJOR and ARUTT, NACHAMIE,
BENJAMIN, LIPKIN & KIRSCHNER, P.C.,

Defendants.

Index No. 01816/80

ORDER

(No index number)

(No index number)

KREINDLER & RELKIN, P.C.

Exhibit A

Exhibit B

Exhibit C

-----X
 GEORGE SASSOWER,

Plaintiff,

-against-

DONALD F. SCHNEIDER and FELTMAN,
 KARESH & MAJOR and "JOHN DOE,"
 person intended to be one who
 purportedly gave defendants
 "instructions",

Defendants.

Index No. 25452/84

-----X
 HYMAN RAFFE, individually and on
 behalf of PUCCINI CLOTHES, LTD.,

Plaintiff,

-against-

LEE FELTMAN, FELTMAN, KARESH & MAJOR
 and Hon. XAVIER C. RICCOBONO, as
 trustee; Hon. MICHAEL J. DONTZIN, as
 trustee; and Hon. THOMAS V. SINCLAIR,
 JR., as trustee; individually and as
 etc; and FIDELITY AND DEPOSIT COMPANY
 OF MARYLAND,

Defendants.

Index No. 23485/84

-----X
 HYMAN RAFFE and GEORGE SASSOWER,

Plaintiffs,

-against-

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

Defendants.

Index No. 15604/82

-----X
 HYMAN RAFFE, individually and on
 behalf of PUCCINI CLOTHES, LTD.,

Petitioner,

Index No. 22106/84

-against-

Hon. XAVIER C. RICCOBONO, Hon.
 MICHAEL J. DONTZIN, and Hon. THOMAS
 V. SINCLAIR, JR., individually and
 on behalf of the SUPREME COURT OF
 THE STATE OF NEW YORK, COUNTY OF
 NEW YORK, as trustees of PUCCINI
 CLOTHES, LTD.; Hon. ROBERT ABRAMS;
 KREINDLER & RELKIN, P.C.; ARUTT,
 NACHAMIE, BENJAMIN, LIPKIN &
 KIRSCHNER, P.C.; LEE FELTMAN; and
 FELTMAN, KARESH & MAJOR,

Respondents.
 -----X

HYMAN RAFFE, individually and on
 behalf of PUCCINI CLOTHES, LTD.,

Plaintiff,

-against-

(No index number)

JEROME H. BARR and CITIBANK, N.A., as
 executors of the Last Will and
 Testament of MILTON KAUFMAN, and
 LEE FELTMAN,

Defendant.
 -----X

HYMAN RAFFE,

Plaintiff,

-against-

(No index number)

EDWARD WEISSMAN,

Defendant.
 -----X

-----X
 HYMAN RAFFE, individually and on
 behalf of PUCCINI CLOTHES, LTD.,

Plaintiff,

-against-

(No index number)

DONALD DIAMOND; JEROME H. BARR and
 CITIBANK, N.A., individually and as
 executors of the Estate of Milton
 Kaufman; and LEE FELTMAN,

Defendant.
 -----X

Jerome H. Barr and Citibank, N.A., individually
 and as executors of the Will of Milton Kaufman, and Kreindler
 & Relkin, P.C.; Lee Feltman, Esq., individually and as
 Receiver of Puccini Clothes, Ltd., and Feltman, Karesh &
 Major; and Eugene Dann, Robert Sorrentino and Nachamie,
 Kirschner, Levine, Spizz & Goldberg, P.C. (hereinafter
 collectively the "Movants"), each having respectively moved
 for an Order permanently enjoining Hyman Raffe and George
 Sassower, Esq. or anyone associated or affiliated with or
 acting in cooperation or concert with either of them from
 serving or filing in any court or tribunal of this State any
 further lawsuits or proceedings arising out of or relating
 to certain matters, and permanently staying the prosecution
 of certain pending lawsuits and proceedings;

And said motions having all regularly come on to be heard before me at Special Term, Part I of this Court on December 19, 1984,

NOW, upon reading and filing the Order to Show Cause signed by the Honorable Thomas J. Hughes on December 7, 1984, the affidavit of Charles A. Zangara sworn to December 4, 1984 and exhibits annexed thereto, in support of the motion of Jerome H. Barr and Citibank, N.A. as executors of the Estate of Milton Kaufman, and Kreindler & Relkin, P.C.; the Order to Show Cause signed by the Honorable Thomas J. Hughes on December 7, 1984, the supporting affirmation of Lee Feltman dated November 26, 1984 and exhibits annexed thereto in support of the motion of Lee Feltman and Feltman, Karesh & Major; the Order to Show Cause signed by the Honorable Thomas J. Hughes dated December 7, 1984, the affirmation of Arthur Goldstein dated December 6, 1984, and exhibits annexed thereto, in support of the motion of Eugene Dann, Robert Sorrentino and Nachamie, Kirschner, Levine, Spizz & Goldberg, P.C.

And upon the affidavits of George Sassower dated December 19, 1984, with exhibits annexed thereto, in opposition to the motions;

Said motions having come on to be argued before me and after hearing Kreindler & Relkin, P.C., by Edward Weissman, Esq.; Feltman, Karesh & Major by Donald F. Schneider, Esq.; Nachamie, Kirschner, Levine, Spizz & Goldberg, P.C., by Arthur Goldstein, Esq.; all in support of the motions; and after hearing George Sassower in opposition thereto; and due deliberation having been had thereon; and this Court having rendered an oral decision on December 19, 1984, granting the motions and extending the temporary restraining orders contained within the Orders to Show Cause hereinbefore specified;

And upon the affidavit of Michael J. Gerstein; sworn to on January 9, 1985, and the Exhibits thereto, and the affirmation of Donald F. Schneider, dated January 9, 1985, and the exhibits thereto, it appearing therefrom that, notwithstanding the force and effect of the restraining orders contained in the aforesaid Order to Show Cause as extended by this Court on December 19, 1984, Raffé and Sassower published and distributed process dated January 7, 1985 purportedly instituting actions in this Court entitled:

(a) Hyman Raffé individually and on behalf of Puccini Clothes, Ltd., Plaintiff, v. Jerome H. Barr and Citibank, N.A., as executors of the Last Will and Testament of Milton Kaufman, and Lee Feltman, Defendant (no index number); (b) Hyman Raffé, Plaintiff, v. Edward Weissman, Defendant (no index number); and (c) Hyman Raffé, individually and on behalf of Puccini

Clothes, Ltd., Plaintiff, v. Donald Diamond; Jerome H. Barr and Citibank, N.A., individually and as executors of Milton Kaufman; and Lee Feltman, Defendant (no index number).

NOW, on motion of Kreindler & Relkin, P.C., attorneys for Jerome H. Barr and Citibank, N.A., individually and as co-executors of the Estate of Milton Kaufman, it is hereby

ORDERED, that the motions for permanent injunctions are granted; and it is further

ORDERED, that the prosecution of the following actions and proceedings are permanently enjoined and restrained: Hyman Raffé v. Kreindler & Relkin, P.C. (no index number); Hyman Raffé individually and on behalf of Puccini Clothes, Ltd. v. Kreindler & Relkin, P.C. and Feltman, Karesh & Major and Arutt, Nachamie, Benjamin Lipkin & Kirschner, P.C. (no index number); and Hyman Raffé and George Sassower v. Arutt, Nachamie, Benjamin, Lipkin & Kirschner, P.C. and Feltman, Karesh & Major, Esqs. (Index No. 15604/82); and it is further

ORDERED, that Hyman Raffé and George Sassower be permanently enjoined and restrained from prosecuting against any of the Movants the actions entitled George Sassower v. Donald F. Schneider, Feltman, Karesh & Major, et al. (Index No. 25452/84; and Hyman Raffé, individually and on behalf of Puccini Clothes, Ltd. v. Hon. Xavier C. Riccobono, et al. (Index No. 22106/84); and it is further

ORDERED, that prosecution of the action entitled Hyman Raffe, individually and on behalf of Puccini Clothes, Ltd. v. Lee Feltman, Feltman, Karesh & Major, et al. (Index No. 23485/84) is permanently enjoined and restrained with respect to Defendant Feltman, Karesh & Major and its partner Defendant Lee Feltman, and Defendant Fidelity and Deposit Company of Maryland, as surety for Lee Feltman; and it is further

ORDERED, that Hyman Raffe and George Sassower be, and they hereby are, permanently enjoined and restrained from prosecuting against any of the Movants the actions entitled Hyman Raffe, individually and on behalf of Puccini Clothes, Ltd., Plaintiff, against Jerome H. Barr and Citibank, N.A., as executors of the Last Will and Testament of Milton Kaufman, and Lee Feltman, Defendants (no index number); Hyman Raffe, Plaintiff, against Edward Weissman, Defendant (no index number); and Hyman Raffe, individually and on behalf of Puccini Clothes, Ltd., Plaintiff, against Donald Diamond, Jerome H. Barr and Citibank, N.A., individually and as executors of the Estate of Milton Kaufman; and Lee Feltman, Defendants, each of which actions has been published, distributed and purportedly served by

summons dated January 7, 1985, which is subsequent to the temporary restraining orders dated December 7, 1984 and this Court's oral decision on December 19, 1984 extending the temporary restraining orders and granting a permanent injunction to Movants; and it is further

ORDERED, that Hyman Raffe and George Sassower, acting singly, together or in conjunction with any person or entity or acting at the behest, direction or instigation of any person or entity, and all others acting in concert or cooperation with or acting at the behest, direction, or instigation of either or both Hyman Raffe or George Sassower, are permanently enjoined and restrained from: filing or serving, or attempting to intervene in or initiate, in any court, tribunal, agency or other forum of this State, any lawsuit, proceeding, investigation or other adversary matter, and from making or filing a complaint, grievance or correspondence with a professional disciplinary or grievance committee, 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;

(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 set forth 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 Raffé;

(f) the acts of any litigant or the attorneys for any litigant in connection with any of the foregoing;

against any one, all or combination of the Movants and the following, whether alone, together or joined with any other person or entity not enumerated hereinbelow:

(i) the co-executors of the Estate of Milton Kaufman, Jerome H. Barr and Citibank, N.A., individually or in their representative capacities;

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(ii) the law firm of Kreindler &

Relkin, P.C.

(iii) Lee Feltman, Esq., individually
or in his capacity as Receiver for Puccini Clothes, Ltd.

(iv) the law firm of Feltman, Karesh &
Major,

(v) Eugene Dann

(vi) Robert Sorrentino

(vii) the law firm of Nachamie, Kirschner,
Levine, Spizz and Goldberg, P.C.; and with respect to above
subparagraphs (i) through (vii) the following shall apply
to:

15 | the foregoing enumerated persons or firms, any representative
member, employee, associate, affiliate, ~~relative (by blood,~~
~~adoption or marriage), friend, associated entity, employer,~~
~~agent, principal, insurer, bonding company or surety thereof,~~
past, present or future; and it is further

15 | ORDERED, that this Order is enforceable by any, or
all of the Movants, and by any one or more of the persons or
entities set forth in the prior paragraph ~~or any representative~~
~~member, employee, affiliate, relative (by blood, adoption or~~
~~marriage), friend, associate, associated entity, employer,~~
~~agent, principal, insurer, bonding company or surety thereof,~~
past, present or future; and it is further

A-30.

15
ORDERED, that Hyman Raffe and George Sassower are permanently enjoined and restrained, acting singly, together or in conjunction with any person or entity or anyone associated or affiliated with, or acting in concert or cooperation with, or acting at the behest, direction or instigation of either or both of them, and such persons and entities are also enjoined and restrained from corresponding or communicating with any person or entity in a manner which seeks or tends to affect the persons, property, employment, insurance coverage, credit rating, professional standing, family, or any other interest of any person or entity referred to in the preceding paragraph; and it is further

16
ORDERED, that any motion to vacate, reargue, renew, modify this Order or which seeks any other relief within the purview of CPLR 2221, shall be deemed a nullity unless such motion shall be made by Order to Show Cause to ^{OR TO THE ADMINISTRATIVE JUSTICE OF THIS COURT} be presented to only the Justice who signed this Order, and ~~upon reasonable prior notice to all parties of the submission of such proposed Order to Show Cause;~~ and it is further

ORDERED, that all further applications, motions, or submissions (hereinafter "papers") in any of the foregoing actions or proceedings or in any other actions or proceedings the subject matter of which arises out of or relates to any

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of the items enumerated in subparagraphs (a) through (f) of pages 9 through 10 (fifth decretal paragraph) shall be deemed a nullity unless such papers contain a statement in the body thereof as to the existence of this Order, and shall also contain a copy of this Order annexed thereto.

END RV

16
J.S.C.

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NOTICE OF ENTRY

Please take notice that the within is a (certified)

copy of a

entered in the office of the clerk of the within

county on

19

Yours, etc.,

KREINDLER & RELKIN, P.C.

Office and Post Office Address

500 5TH AVENUE

NEW YORK, N. Y. 10110-0267

ney(s) for

NOTICE OF SETTLEMENT

Please take notice that an order

which the within is a true copy will be presented
to the Hon. Ira Gannerman

of the judges of the within named Court, at

Centre Street, New York

January 14, 1985

9:00 A.M.

January 10, 1985

Yours, etc.,

KREINDLER & RELKIN, P.C.

Petitioners Jerome H. Barr
and Citibank, N.A.

Office and Post Office Address

500 5TH AVENUE

NEW YORK, N. Y. 10110-0267

orney(s) for

Index No. 01816/80 Year 19

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

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

Petitioners,

FOR the Dissolution of Puccini Clothes, Ltd.
AND OTHER ACTIONS.

ORDER

KREINDLER & RELKIN, P.C.

Attorneys for Petitioners Jerome H. Barr

and Citibank, N.A.

Office and Post Office Address

500 5TH AVENUE

NEW YORK, N. Y. 10110-0267

AREA CODE (212) TEL: 718-1800

To

Attorney(s) for

Service of a copy of the within

Dated,

is hereby admitted.

Attorney(s) for

FILED
JAN 24 1985
COUNTY CLERK'S OFFICE
NEW YORK

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EXHIBIT "B"-SUMMONS

C 106-Summons with Notice, Blank Court.
Personal Service. 1-79

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PUBLISHER, NYC 10013

SUPREME COURT : NEW YORK COUNTY

HYMAN RAFFE,

Plaintiff

against

FELTMAN, KARESH & MAJOR, ESQS.

Defendant

Index No.

Plaintiff designates
New York
County as the place of trial
The basis of the venue is

Summons with Notice

Plaintiff resides at

County of Nassau

To the above named Defendant

You are hereby summoned to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's Attorney(s) within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded herein.

Dated,

Defendant's address:

GEORGE SASSOWER, Esq.

Attorney(s) for Plaintiff
Office and Post Office Address

2125 Mill Avenue,
Brooklyn, New York, 1123

Notice: The nature of this action is unlawful restraint,
\$500,000 malicious prosecution.

The relief sought is
moneydamages.

Upon your failure to appear, judgment will be taken against you by default for the sum of \$
with interest from 19 and the costs of this action.

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PLAINTIFF'S NOTICE OF MOTION
[A34-A35]

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

-----x
HYMAN RAFFE,

Index No.

Plaintiff,

-against-

FELTMAN, KARESH & MAJOR,

Defendant.

-----x
S I R:

PLEASE TAKE NOTICE that upon the annexed affirmation of GEORGE SASSOWER, Esq., dated April 13, 1985, and all the pleadings and proceedings had heretofore herein, the undersigned will cross-move this Court at a Special Term Part I of the Supreme Court of the State of New York, County of New York, held at the Courthouse thereof, 60 Center Street, in the Borough of Manhattan, City and State of New York, on the 23rd day of April, 1985, at 9:30 o'clock in the forenoon of that day or as soon thereafter as counsel can be heard for an Order declaring (a) unconstitutional and void CPLR §5222[b] insofar as it permits restraint "equal to twice the amount due"; (b) declaring null and void the defendant's restraint against Bank Leumi and National

Bank of North America [National Westminster Bank], insofar as the restraint exceeds the sum of \$5,575, plus interest and reasonable execution costs; (c) declaring null and void the Subpoena Duces Tecum dated March 21st, 1985; (d) and any and all other judgment enforcement proceedings by defendant; (e) all without prejudice to plaintiff's claim for damages, compensatory and punitive; (f) together with any and other, further, and/or different relief as may seem just and proper in the premises.

PLEASE TAKE FURTHER NOTICE, that answering papers, if any, are to be served upon the undersigned at least two (2) days before the return date of this motion, with an additional five (5) days if service is by mail.

Dated: April 13, 1985

Yours, etc.

GEORGE SASSOWER, Esq.
Attorney for plaintiff
2125 Mill Avenue,
Brooklyn, New York, 11234
718-444-3403

To: Feltman, Karesh & Major, Esqs.
Hon. Robert Abrams (Executive Law §72, CPLR
§1012[b])

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GEORGE SASSOWER, Esq. - AFFIRMATION
[A36-A38]

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

-----x
HYMAN RAFFE,

Index No.

Plaintiff,

-against-

FELTMAN, KARESH & MAJOR,

Defendant.

-----x
GEORGE SASSOWER, Esq., an
attorney admitted to practice law in
the courts of the State of New York,
affirms the following to be true,
under the penalty of perjury:

This affirmation is in support of
plaintiff's cross-motion to declare (a) unconstitutional
and void CPLR §5222[b] insofar as it permits restraint
"equal to twice the amount due"; (b) declaring null and
void the defendant's restraint against Bank Leumi and
National Bank of North America [National Westminster
Bank], insofar as the restraint exceeds the sum of
\$5,575, plus interest and reasonable execution costs;
(c) declaring null and void the Subpoena Duces Tecum
dated March 21st, 1985; (d) and any and all other
judgment enforcement proceedings by defendant; (e) all

without prejudice to plaintiff's claim for damages, compensatory and punitive; (f) together with any and other, further, and/or different relief as may seem just and proper in the premises.

1a. Assuming arguendo the judgment of February 26, 1985 in the sum of \$5,575.00 is valid then it is affirmant's contention that restraints in excess of such sum, plus interest and execution costs are unconstitutional, void, and gives rise to a cause of action in damages, actual and punitive (Lugar v. Edmondson, 457 U.S. 922, 102 S.Ct. 2744, 73 L.Ed.2d 482; 300 West v. Department of Buildings, 26 N.Y.2d 538, 544, 311 N.Y.S.2d 899, 902-903; Warren v. Delaney, 98 A.D.2d 799, 469 N.Y.S.2d 975 [2d Dept.]).

b. As a result of said judgment two banks were served (Exhibit "1" and "2") and are restraining of plaintiff's use four times the amount of the judgment.

2. Additionally, notwithstanding that defendant restrains four times the amount of said judgment, they caused to be issued and caused a witness [plaintiff's attorney] to appear for examination on April 12, 1985 (Exhibit "3"), all to plaintiff's damage.

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3. Since plaintiff was not found guilty of criminal contempt (Exhibit "C"), then an action lies for malicious prosecution (36 NY Jur., Malicious Prosecution, §12, p. 266).

WHEREFORE, it is respectfully prayed that this cross-motion be granted in all respects, with costs.

Dated: April 13, 1985



GEORGE SASSOWER

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EXHIBIT "1"



George Sassower
2125 Mill Avenue
Brooklyn, N.Y. 11234

3/29/85

Dear Sir,

Please be advised that your account (s), number (s)
61048739-06, have been restrained to the
extent indicated by reason of a restraining notice served
on us as follows:

Date received: 3/25/85

Amount restrained: \$11,150.00

Served by Feltman, Karesh & Major attorney (s)
for Citibank & Jerome Barr, judgement creditor (s).
individually and as executors of the Estate
of Milton Kaufman

Very truly yours,

Karen Capela
Karen Capela
Banking Officer
(718) 968 7174

Exhibit "1"

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NASSAU

COURT OF THE STATE OF NEW YORK

Exhibit "2"

Index No.

HYMAN RAFFE, individually and on behalf of
PUCCINI CLOTHES, LTD.,

LEGAL DEPARTMENT

1985 MAR 18 PM 12:51
Plaintiff(s) RESTRAINING NOTICE
HATWEST BANK, N.A.
TO GARNISHEE

against
CITIBANK, N.A., and JEROME H. BARR, individually, and as
executors of the Estate of Milton Kaufman; KREINDLER &
RELKIN, P.C., LEE FELTMAN, FELTMAN, KARESH &
MAJOR; et al.,

Defendant(s)

Re: HYMAN RAFFE
Judgment Debtor

The People of the State of New York

TO NATIONAL BANK OF NORTH AMERICA, 44 Wall St., NY, NY 10005

Garnishee: GREETING:

WHEREAS, in an action in the United States District Court for the Eastern District of New York between HYMAN RAFFE, individually and on behalf of Puccini Clothes, Ltd. as Plaintiffs, and CITIBANK, N.A., et al. as Defendants, who are the parties named in said action, a judgment was entered on February 26, 1985; and

WHEREAS, a certified copy of said judgment was entered as a transcript of judgment in the Supreme Court of the State of New York, County of Kings on March 1, 1985, in favor of

FELTMAN, KARESH & MAJOR,

defendant- judgment creditor(s) and against

HYMAN RAFFE,

plaintiff- judgment debtor
together with interest thereon

in the amount of \$ 5,575.00
from February

of which \$ 5,575.00
19 85 remains due and unpaid;

WHEREAS, it appears that you owe a debt to the judgment debtor or are in possession or in custody of property in which the judgment debtor has an interest;

TAKE NOTICE that pursuant to subdivision (b) of Section 5222 of the Civil Practice Law and Rules, which is set forth in full herein, you are hereby forbidden to make or suffer any sale, assignment or transfer of, or any interference with, any such property or pay over or otherwise dispose of any such debt except as therein provided.

TAKE FURTHER NOTICE that this notice also covers all property in which the judgment debtor has an interest hereafter coming into your possession or custody, and all debts hereafter coming due from you to the judgment debtor.

CIVIL PRACTICE LAW AND RULES

Section 5222(b) Effect of restraint; prohibition of transfer; duration. A judgment debtor served with a restraining notice is forbidden to make or suffer any sale, assignment, transfer or interference with any property in which he has an interest, except upon direction of the sheriff or pursuant to an order of the court, until the judgment is satisfied or vacated. A restraining notice served upon a person other than the judgment debtor is effective only if, at the time of service, he owes a debt to the judgment debtor or he is in the possession or custody of property in which he knows or has reason to believe the judgment debtor has an interest, or if the judgment creditor has stated in the notice that a specified debt is owed by the person served to the judgment debtor or that the judgment debtor has an interest in specified property in the possession or custody of the person served. All property in which the judgment debtor is known or believed to have an interest then in and thereafter coming into the possession or custody of such a person, including any specified in the notice, and all debts of such a person, including any specified in the notice, then due and thereafter coming due to the judgment debtor, shall be subject to the notice. Such a person is forbidden to make or suffer any sale, assignment or transfer of, or any interference with, any such property, or pay over or otherwise dispose of any such debt, to any person other than the sheriff, except upon direction of the sheriff or pursuant to an order of the court, until the expiration of one year after the notice is served upon him, or until the judgment is satisfied or vacated, whichever event first occurs. A judgment creditor who has specified personal property or debt in a restraining notice shall be liable to the owner of the property or the person to whom the debt is owed, if other than the judgment debtor, for any damages sustained by reason of the restraint. If a garnishee served with a restraining notice withholds the payment of money belonging or owed to the judgment debtor in an amount equal to twice the amount due on the judgment, the restraining notice is not effective as to other property or money.

TAKE FURTHER NOTICE that disobedience of this Restraining Notice is punishable as a contempt of court.

Dated: New York, New York
March 8, 1985

FELTMAN, KARESH & MAJOR

FELTMAN, KARESH & MAJOR

Attorney(s) for Judgment Creditor — Office and Post Office Address
Park Avenue Plaza
55 East 52nd Street
New York, New York 10055

SUPREME COURT OF THE STATE OF NEW YORK COUNTY OF KINGS

HYMAN RAFFE, individually and on behalf of
PUCCINI CLOTHES, LTD.,

Index No.

Plaintiff(x)

against

CITIBANK, N.A., and JEROME H. BARR, individually
and as executors of the Estate of Milton Kaufman;
KREINDLER & RELKIN, P.C.; LEE FELTMAN;
FELTMAN, KARESH & MAJOR, et al.

Defendant(s)

SUBPOENA
(Duces Tecum)
To Take Deposition
of Witness

with Restraining Notice

The People of the State of New York

TO Sam Polur

Address: 35 Montgomery Street, New York, New York 11225

witness, GREETING:

WHEREAS, in an action in the United States District Court for the Eastern District of New York, between HYMAN RAFFE, individually and on behalf of PUCCINI CLOTHES, LTD. as Plaintiff, and CITIBANK, N.A., et al. as Defendants, who are the parties named in said action, a judgment was entered on February 26, 1985; and

WHEREAS, a certified copy of said judgment was entered as a transcript of judgment in the Supreme Court of the State of New York, County of Kings, on March 1, 1985

in favor of FELTMAN, KARESH & MAJOR,
and against HYMAN RAFFE
in the amount of \$ 5,575.00

defendant-judgment creditor
plaintiff-judgment debtor
together with interest thereon from
County.

February 26, 19 85 remains due and unpaid; and WHEREAS, the witness; resides; is regularly employed;
has an office for the regular transaction of business in person; in New York

WE COMMAND YOU to appear and attend before a notary public
at the offices of Felتمان, Karesh & Major, 55 East 52nd Street, New York, New York
on April 12, 19 85 at 10:00 A.M. and at any recessed or adjourned date for the taking of a deposition
under oath upon oral or written questions on all matters relevant to the satisfaction of such judgment.

AND WE FURTHER COMMAND YOU to produce for examination at such time and place the following books,
papers and records:

and all other books, papers and records in your possession or control which have or may contain information concerning the
property, income or other means of the judgment debtor relevant to the satisfaction of the judgment.

TAKE NOTICE that false swearing or failure to comply with this subpoena is punishable as a contempt of court.
RESTRAINING NOTICE: WHEREAS, it appears that you owe a debt to the judgment debtor or are in possession or in
custody of property in which the judgment debtor has an interest;

TAKE NOTICE that pursuant to subdivision (b) of Section 5222 of the Civil Practice Law and Rules, which is set
forth in full herein, you are hereby forbidden to make or suffer any sale, assignment or transfer of, or any interference with,
any such property or pay over or otherwise dispose of any such debt except as therein provided.

TAKE FURTHER NOTICE that this notice also covers all property in which the judgment debtor has an interest
hereafter coming into your possession or custody, and all debts hereafter coming due from you to the judgment debtor.

CIVIL PRACTICE LAW AND RULES

Section 5222 (b) Effect of restraint; prohibition of transfer; duration. A judgment debtor served with a restraining notice is forbidden
to make or suffer any sale, assignment, transfer or interference with any property in which he has an interest, except upon direction of the
sheriff or pursuant to an order of the court, until the judgment is satisfied or vacated. A restraining notice served upon a person other
than the judgment debtor is effective only if, at the time of service, he owes a debt to the judgment debtor or he is in the possession or
custody of property in which he knows or has reason to believe the judgment debtor has an interest, or if the judgment creditor has stated
in the notice that a specified debt is owed by the person served to the judgment debtor or that the judgment debtor has an interest in
specified property in the possession or custody of the person served. All property in which the judgment debtor is known or believed
to have an interest then in and thereafter coming into the possession or custody of such a person, including any specified in the notice, and all
debts of such a person, including any specified in the notice, then due and thereafter coming due to the judgment debtor, shall be subject to
the notice. Such a person is forbidden to make or suffer any sale, assignment or transfer of, or any interference with, any such property, or pay
over or otherwise dispose of any such debt, to any person other than the sheriff, except upon direction of the sheriff or pursuant to an order
of the court, until the expiration of one year after the notice is served upon him, or until the judgment is satisfied or vacated, whichever event
first occurs. A judgment creditor who has specified personal property or debt in a restraining notice shall be liable to the owner of the property
or the person to whom the debt is owed, if other than the judgment debtor, for any damages sustained by reason of the restraint. If a
garnishee served with a restraining notice withholds the payment of money belonging or owed to the judgment debtor in an amount equal to
twice the amount due on the judgment, the restraining notice is not effective as to other property or money.

TAKE NOTICE that disobedience of this Restraining Notice is punishable as a contempt of court.
WITNESS, Honorable Edward J. Greenfield

at the court house in the county of New York

FELTMAN, KARESH & MAJOR
Attorney(s) for Judgment Creditor(x), Pro Se
Office and Post Office Address: 55 East 52nd Street
New York, New York. 10055

the 21st day of March 19 85.
FELTMAN, KARESH & MAJOR
The name signed must be printed beneath

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GEORGE SASSOWER, ESQ.-AFFIRMATION

[A42-A44]

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

-----x
HYMAN RAFFE,

Plaintiff,

Index No.
8749-1985

-against-

FELTMAN, KARESH & MAJOR,

Defendant.

-----x
STATE OF NEW YORK
CITY OF NEW YORK
COUNTY OF KINGS

)
)ss.:
)

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

1. This affirmation is in opposition to the defendant's Notice of Motion dated April 3, 1985, returnable April 23, 1985.

2a. The merits of this action, arose recently as a result of the recent Order of Hon. Martin Evans, which vindicated the plaintiff, and the recent restraining notices and other tactics of the defendant in an attempt to deprive plaintiff of legal representation.

b. Both actions arose after the decision of Hon. Ira Gammernan of December 19, 1984.

3a. The issue of whether the defendants may stonewall an action or proceeding as a result of the Rules of Donald Diamond or Order of Ira Gammerman, was recently resolved by the Order entered March 28, 1985 in the negative (Exhibit "A").

b. The proceedings which led to the Order of March 28, 1985 was fully argued by the parties and is binding on this Court in this matter.

4a. For the reasons set forth in plaintiff's brief at the Appellate Division and for the further reasons set forth in the proceedings, now sub judice with Hon. Martin B. Stecher, the purported Order entered January 24, 1985, is a nullity.

b. In plaintiff's brief at the Appellate Division the facial defects, which include a prohibition against plaintiff from communicating with the Grievance Committee, are set forth.

Think of it, with documentary proof of larceny, perjury, and corruption, those guilty are able to obtain from this Court an Order which prohibits the reporting of same to the body under the jurisdiction of the Appellate Division!

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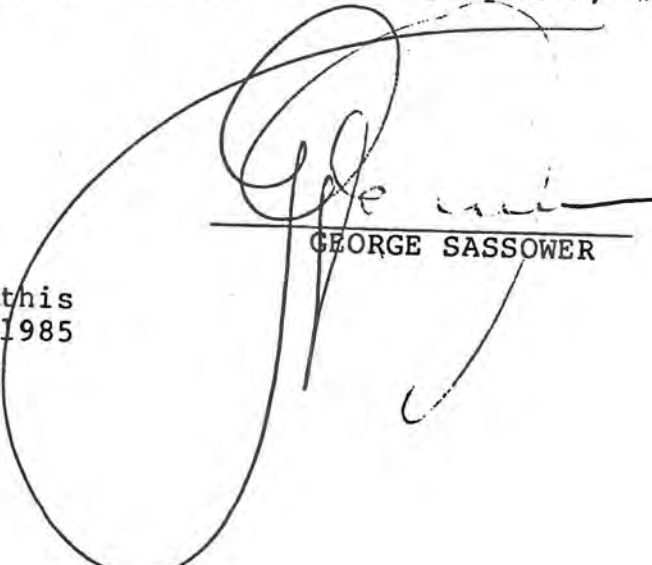
c. In the proceedings before Hon. Martin B. Stecher, some of the subjective defects and fraud are set forth.

5. Obviously, defendant does not have any defenses to plaintiff's action, and as a citizen of the United States and State of New York, plaintiff has his right to his day in court.

6a. To the charge of criminal contempt, the plea is "not guilty", violation of equal protection, "double jeopardy", and the application does not meet the constitutional and statutory pleading and notice requirements for contempt, civil or criminal.

b. Mr. Polur has stated to your deponent that he likewise makes a like plea.

WHEREFORE, it is respectfully prayed that defendant's motion be denied in all respects, with costs.



GEORGE SASSOWER

Sworn to before me this
22nd day of April, 1985

IN THE MATTER OF:

EXHIBIT "A"

A-115

CLERK TO
MAR 26 1985
BOOK
C.S.P.

ARCHIVE TERM
PART I
N.Y. LAW
JOURNAL

The following papers numbered 1 to 5 read on this motion,

No. 17 on Calendar of 23-35

Filed
Order to Show Cause and Affidavit

Affidavit of service

Answering Affidavit in opposition

Military Affidavit—Tax Commission—Report—Minutes

Affidavit of Services

Filed Papers

See Compressor Motions # 47, 48, 170 + 171

Guardian's Report—Referee's Report—Affidavit of services

PAPERS NUMBERED

1 & 2

3

4-5

Upon the foregoing papers this motion by the receiver to vacate two notices of motion, is denied. The CPLR does not provide for said relief. Furthermore, the receiver can submit papers in opposition to the motions raising the same arguments.

MAR 9 1985

Plaintiff

Defendant's

Petitioner's

Respondent's

KENNETH SHORTER

Relator

FILED

MAR 28 1985

COUNTY CLERK'S OFFICE
NEW YORK

County Clerk's No.

Spec I Lib

Exhibit "A"

A-46
GEORGE SASSOWER, ESQ.-
AFFIRMATION
[A46-A47]

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

-----x
HYMAN RAFFE,

Plaintiff,

Index No.
8749-1985

-against-

FELTMAN, KARESH & MAJOR,

Defendant.
-----x

GEORGE SASSOWER, Esq., an
attorney admitted to practice law in
the courts of the State of New York,
affirms the following to be true,
under the penalty of perjury:

This affirmation is in further opposition
to the motion of defendant Feltman, Karesh & Major,
Esqs., dated April 3, 1985 and in support of plaintiff's
cross-motion.

1. Annexed hereto is the Order of Hon.
Martin Evans filed April 10, 1985 (Exhibit "A"), which
refused to uphold the objections set forth in the Notice
of Motion of the Feltman firm.

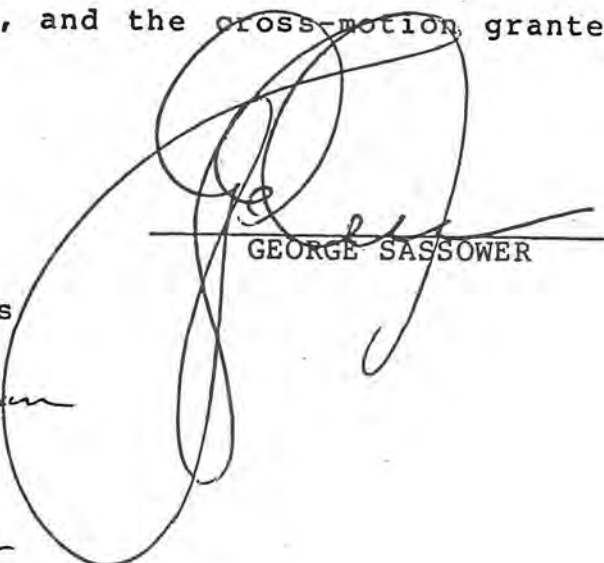
2. As further evidence, substantive as well
as procedural, of the harassment by the Feltman firm,
annexed hereto is their letter of April 11, 1985
(Exhibit "B"), wherein they are harassing Samuel Polur,
Esq., although their judgment is fully secured.

A. 47

3. The Feltman motion proliferates with jurisdictional errors, as set forth in prior contempt motions, but he refuses to correct same, including the size of the warning type, the fact that deponent is a third party, and other such matters (21 NY Jur2d Contempt §11, p. 232).

4. The Order upon which this proceeding is brought is void, in every sense of the word, as revealed by the papers in the Appellate Division and before Hon. Martin B. Stecher (21 NY Jur2d, Contempt §28, p. 255).

WHEREFORE, it is respectfully prayed that the motion be denied, and the ~~cross-motion~~ granted, together with costs.


GEORGE SASSOWER

Sworn to before me this
1st day of May, 1985



KENNETH SILVERMAN
Notary Public, State of New York
No. 24-4608988
Qualified in Kings County
Commission Expires March 30, 1985

A-48

SUPREME COURT OF THE STATE OF NEW YORK, SPECIAL TERM PART I, NEW YORK COUNTY

Exhibit "A"
at the Courthouse thereof, 60 Centre Street, New York, New York, 10007.

A48-A49

Present: Hon. MARTIN EVANS

Justice.

BARR, etc

(Dissolution Proceedings)
—against—

PECCINI CLOTHES, Ltd.

CITY CLK FROM JUSTICE

BOOK
D-SPIN

APR 8 1935

AVY

The following papers numbered 1 to 7 read on this motion,

No. 200 on Calendar of 2/14/35

PAPERS NUMBERED

Notice of Motion - Order to Show Cause - and Affidavits Annexed

1-3

Answering Affidavit

4-7

Replying Affidavit

Affidavit

Affidavit

Pleadings - Exhibit

Stipulation - Referee's Report - Minutes

Filed Papers

Upon the foregoing papers this motion by James Feltus, seeking to
obtain an order punishing George Barras, Eng. for criminal
contempt of court is respectfully referred to Mr. Ronald A. Riana,
Special Referee, pursuant to the administrative order of Mr. Xavier
Rienobone, J.A.C. (3/26/34). The order - dated by ref. R. A. Riana
seeking to require applicant to appear in court for contempt which
resulted in this court's order of civil contempt (12/14/34), is also so
referred. Both motions raise questions of fact which cannot be
determined on paper alone. Insofar as matters raised as predicates
to the contempt order sought here may have been asserted as fact

Exhibit "A"

J.S.G.
(Seal)

Briefs: Plaintiff's..... Defendant's..... Petitioner's..... Respondent's..... Relator's.....

Briefs.....

A-49

cases for the previous contempt order; and insofar as the court
there asserted that they constituted criminal contempt, they
cannot be reasserted here. To the extent that respondent
has now asserted that there may be a distinction between the
intent involving of the dignification order of Mr. Justice
himself and the intent of Mr. Justice himself, respondent
has now should, if so advised, seek appropriate relief by
motion addressed to Mr. Justice himself.

Filed:
4/5/85

FILED

'APR 10 1985

COUNTY CLERK'S OFFICE
NEW YORK

J. S. C.

A-50
EXHIBIT "B"
LAW OFFICES

FELTMAN, KARESH & MAJOR

MARTIN S. MAJOR
LEE FELTMAN
JOHN I. KARESH
DAVID M. FARBMAN
DONALD F. SCHNEIDER

EDWARD WEISSMAN
SAUL K. GROSS
RICHARD C. GILES
AVE MARIA BRENNAN

PARK AVENUE PLAZA
88 EAST 82ND STREET
NEW YORK, NY 10055
(212) 371-8630

April 11, 1985

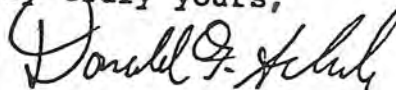
Samuel Polur, Esq.
35 Montgomery Street
New York, New York

Re: Raffe v. Citibank, et al.

Dear Mr. Polur:

In am writing to confirm our telephone conversation of this date during which we agreed to adjourn your deposition upon supplementary proceedings which had been scheduled for 10:00 a.m. on April 12, 1985, inasmuch as you are trial counsel for defendant Hyman Raffe in the Barr v. Raffe case in which a jury has been picked and you are subject to a telephone call. You agreed to call me shortly to reschedule the deposition.

Very truly yours,



Donald F. Schneider

DFS:dj

A-51
GEORGE SASSOWER, ESQ.

[A51-52] 1

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

-----x
HYMAN RAFFE,

Plaintiff,

-against-

FELTMAN, KARESH & MAJOR,

Defendant.

Index No.
8749-1985

Special I
May 2, 1985
No. 22

-----x
GEORGE SASSOWER, Esq., an
attorney admitted to practice law in
the courts of the State of New York,
affirms the following to be true,
under the penalty of perjury:

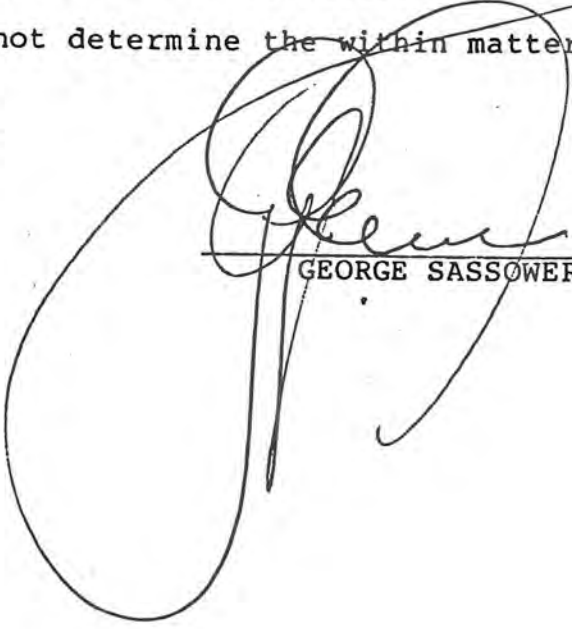
Responding to the letter communications
by defendants, and apparently their oral application
made on the call of the calendar, that this matter be
referred to Hon. DAVID B. SAXE, the same is objected to
for the following reasons:

1. Hon. DAVID B. SAXE, affirmant contends,
suffers from a Judiciary Law §14 jurisdictional
disqualification in this matter (Raffe v. Saxe. Supreme,
N.Y. Index No. 25337-1984).

2. Furthermore, in view of the assertions made to the Appellate Division (Raffe v. Abrams, App. Div. Sept. 1985 Term), it would be patently inappropriate for His Honor to determine this matter, particularly at the instance and request of defendants.

WHEREFORE, it is respectfully prayed that Hon. David B. Saxe not determine the within matter.

Dated: May 15, 1985



GEORGE SASSOWER

A-53
DONALD F. SCHNEIDER, Esq.

[A53-A56]

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

-----x
HYMAN RAFFE,

Plaintiff,

-against-

FELTMAN, KARESH & MAJOR,

Defendant.

:

:

:

:

:

Index No. 8749/85

AFFIRMATION IN
OPPOSITION TO CROSS-
MOTION AND IN FURTHER
SUPPORT OF MOTION

-----x
DONALD F. SCHNEIDER, an attorney duly admitted to the
practice of law in the State of New York, under the penalty of
perjury, respectfully affirms:

1. I am a member of the law firm of Feltman, Karesh
& Major ("FK&M"), the defendant in the above-captioned action,
and I am fully familiar with the facts hereinafter set forth.
I respectfully submit this affirmation:

(i) in opposition to the cross-motion made by
plaintiff Hyman Raffe ("Raffe") which seeks an order declaring
CPLR §5222(b) unconstitutional and declaring null and void two
Restraining Notices and a Subpoena Duces Tecum duly served by
defendant in connection with a Judgment in favor of defendant
and against plaintiff in a federal court action, and

(ii) in further support of FK&M's motion for an
order dismissing the complaint and for contempt sanctions.

SUMMARY OF FK&M'S POSITION

2. Raffe has not even attempted to contest FK&M's motion to dismiss the complaint and for contempt sanctions. Instead, by his cross-motion, Raffe seeks collaterally to attack in this proceeding the judgment enforcement proceedings instituted by FK&M against him in connection with a money Judgment obtained by FK&M in a separate action in the United States District Court. Raffe's cross-motion should be denied because it is based on allegations which, on the face of Raffe's own motion papers, are demonstrably false and contrived, and also because the relief sought, which is unrelated to Raffe's complaint at bar, may not be obtained in this lawsuit but only in the proceeding in which the Judgment arose or is sought to be enforced.

THE CROSS-MOTION SHOULD BE DENIED

3. Raffe's cross-motion seeks to overturn post-judgment enforcement proceedings resulting from a money Judgment obtained in favor of FK&M and against Raffe and his attorney, George Sassower, in an action in the United States District Court, Eastern District of New York, entitled "Hyman Raffe v.

Citibank, N.A." A copy of the Judgment is annexed hereto as Exhibit "A". The Judgment against Raffé and his attorney in that action, George Sassower, is for attorneys' fees incurred by FK&M in the defense of what Judge Nickerson held to be vexatious litigation by Raffé and Sassower.

4. The Judgment was docketed as a judgment in the New York State Supreme Court, in the Counties of Kings and Nassau, and thereafter, Restraining Notices to Garnishee and a Subpoena Duces Tecum were issued.

5. Raffé's conclusory allegation -- that FK&M has restrained two of his bank accounts, each of which is alone sufficient to satisfy the Judgment -- is entirely untrue. Raffé relies upon Exhibit "1" to his cross-moving papers which is a letter from Bank Leumi indicating that the Bank has restrained a bank account of George Sassower, not that of Raffé. Thus, even if Raffé's allegation that a different bank (The National Bank of North America) has restrained his account is true -- an allegation of which we have no knowledge and on which Raffé submits no proof -- FK&M has not restrained two bank accounts of Raffé, but only one in the name of Sassower and one belonging to Raffé. Accordingly, Raffé's contention that FK&M has restrained two bank accounts, each containing

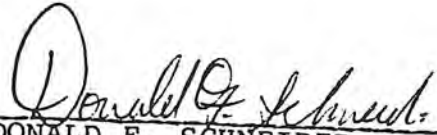
funds sufficient to satisfy the Judgment, is entirely false and contrived.

6. We note that Raffe's contention may not properly be advanced in this lawsuit. Instead, such an issue, if appropriate, may be raised in the proceeding in which the Judgment is being enforced (or in the federal court action where Judge Nickerson has threatened to have a grievance filed against George Sassower if he continued to make the same unsubstantiated charges against attorneys as he and Raffe have done here).

CONCLUSION

7. For all of the foregoing reasons, FK&M's motion should be granted and Raffe's cross-motion should be denied in all respects.

Dated: New York, New York
April 19, 1985


DONALD F. SCHNEIDER

A57
GEORGE SASSOWER, ESQ. - AFFIRMATION
A57-A58

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

-----x
HYMAN RAFFE,

Plaintiff,

-against-

FELTMAN, KARESH & MAJOR,

Defendant.

Index No.
8749-1985

Special I
May 2, 1985
No. 22

-----x
GEORGE SASSOWER, Esq., an
attorney admitted to practice law in
the courts of the State of New York,
affirms the following to be true,
under the penalty of perjury:

Responding to the letter communications
by defendants, and apparently their oral application
made on the call of the calendar, that this matter be
referred to Hon. DAVID B. SAXE, the same is objected to
for the following reasons:

1. Hon. DAVID B. SAXE, affirmant contends,
suffers from a Judiciary Law §14 jurisdictional
disqualification in this matter (Raffe v. Saxe, Supreme,
N.Y., Index No. 25337-1984).

2. Furthermore, in view of the assertions made to the Appellate Division (Raffe v. Abrams, App. Div. Sept. 1985 Term), it would be patently inappropriate for His Honor to determine this matter, particularly at the instance and request of defendants.

WHEREFORE, it is respectfully prayed that Hon. David B. Saxe not determine the within matter.

Dated: May 15, 1985

GEORGE SASSOWER

459
OPINION - SAXE, J.
[A59-A62]

SUPREME COURT : NEW YORK COUNTY
SPECIAL TERM : PART I

CITY CLK FROM JUSTICE
TO

JP/4

MAY 14 1985

HYMAN RAFFE,

Plaintiff,

Index No. 8749785

-against-

FELTMAN, KARESH & MAJOR,

Defendant.

MEMO

DAVID B. SAXE, J.:

By order dated January 23, 1985, Justice Ira Gammerman permanently enjoined and restrained attorney, George Sassower, Esq., ("Sassower") and Hyman Raffe ("Raffe") "together or in connection with any person or entity ... and all others acting in concert or cooperation with or acting at the behest, direction or instigation of either or both Hyman Raffe or George Sassower", from filing or serving any further lawsuits against the law firm of Feltman, Karesh & Major ("FK&M"), arising out of or relating to, inter alia, the judicial dissolution of Puccini, the receivership or the representation of the receiver by FK&M. Thereafter, on April 1, 1985, in violation of this order, one Samuel Polur, served a summons with notice upon an associate of FK&M, naming FK&M as a party defendant to a \$500,000 damage suit. The summons names Mr. Raffe as the plaintiff and lists Mr. Sassower as attorney of record for Mr. Raffe.

This action is in direct violation of the Permanent Injunction Order of Mr. Justice Gammernan. Consequently, the aforementioned action is dismissed with prejudice and costs.

The firm of Feltman, Karesh & Major (FK&M) has also moved for an order of Criminal Contempt against Messers. Sassower and Polur.

The litigious Mr. Sassower through his conduct attempted to defeat, impede, impair and prejudice the rights of FK&M.

Section 750 of the Judiciary Law empowers a court of record to punish for Criminal Contempt. That section, in pertinent part provides:

"A court of record has power to punish for a Criminal Contempt, a person guilty of any of the following acts, and no others:.. Wilful disobedience to its lawful mandate". (N.Y. Jud. Law § 750).

A Criminal Contempt is established when there is a clear and definitive order of the court, the contemnor knows of the order and he wilfully disobeys it. (Puro v Puro. 33 N.Y.2d 805).

In order to find a party's conduct to have been wilful, it must be shown that he has actual knowledge of the order which was disobeyed. (21 N.Y. Jr. 2d., Contempt. § 7).

The undisputed facts here demonstrate that the violation of the order of this court occurred with the actual knowledge of the order by Messer.. Sassower.

Indeed, the violation of Mr. Justice Gammerman's order is not an isolated incident. He has violated the Temporary Restraining Order and the decision of Mr. Justice Gammerman. These violations are set out in Mr. Justice Gammerman's order.

The repeated violations of this order and others have enabled Mr. Sassower to carry out an extensive campaign of harassment against the receiver and his attorneys, FK&M; the record is replete with lawsuits, Article 78 proceedings and motions and appeals all arising out of the Puccini Clothes Dissolution. Mr. Sassower has been held in civil contempt by Mr. Justice Evans. He has, it is alleged, ignored the contempt order by refusing to pay the fine assessed. Further, it is noted that

Mr. Sassower has a documented history of flouting court orders (see, e.g., Kelly v Sassower, 78 A.D.2d 502; Sassower v Signorelli, 99 A.D.2d 358.

The entry of court order enjoining such conduct, even followed by a civil contempt fine has not deterred Mr. Sassower, nor have awarded ^{of} attorneys' fees (See This Court's decision in Index # 1816/80, Barr v Puccini, February 14, 1984).

Only the imposition of Criminal Contempt remains as a deterrent to this rendering onslaught of legal outrage. In bringing this action then, Messrs. Sassower has wilfully violated the order of Mr. Justice Gammerman of 1/23/85 and consequently Criminal Contempt sanctions are fully warranted

and shall be ordered. Defendant's motion is therefore granted as against Sassower only; as against Polar contempt is denied based on movant's failure to prove "willfulness" beyond a reasonable doubt.

The plaintiff's cross-motion is denied in all respects.

Settle an order in conformity with the foregoing. The proposed order should contain, among other things, a listing of every lawsuit, proceeding (Article 78 or otherwise) motion, order and/or appeal in connection with Messers. Sassower, Raffe, and Pucci's involvement, with the Puccini Clothes Dissolution. The list shall contain a description of the outcome of each such lawsuit or proceeding, motion or appeal and which Justice rendered a decision or order.

Said order shall also provide for service of a copy of the order with notice of entry thereon upon the Appellate Division, First and Second Departments.

Dated: May 9, 1985

J. S. C.

David B. Saxe