

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. and SAM POLUR, Esq.
Appellants,
XAVIER C. RICCOBONO, DONALD DIAMOND,
FELTMAN, KARESH & MAJOR, Esqs. and
KREINDLER & RELKIN, P.C.
Defendants-Respondents..

-----x
HYMAN RAFFE,
Plaintiff-Appellant,
GEORGE SASSOWER, Esq.
Appellant,
-against-
KREINDLER & RELKIN, P.C., Hon. WALTER
M. SCHACKMAN, "JOHN DOE", and "JOHN ROE",
names fictitious, persons intended to be
those who communicated with the Court,
ex parte,
Defendants-Respondents. .

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HYMAN RAFFE,
Plaintiff-Appellant,
GEORGE SASSOWER, Esq.,
Appellant,
-against-
DONALD B. RELKIN, Esq., MICHAEL J.
GERSTEIN, Esq., KREINDLER & RELKIN, P.C.,
CITIBANK, N.A. and JEROME H. BARR, Esq.,
individually and as Executors of the
Will of Milton Kaufman,
Defendants-Respondents.

-----x
APPELLANTS' BRIEF AND APPENDIX

N.Y. County Clerk's No. 9,522/1985

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APPELLANTS' BRIEF

THE MASSACRE

PRELIMINARY STATEMENT

1a. The Order of Hon. Alvin F. Klein ["Klein"] of June 26, 1985, entered July 1, 1985 [A5]; dated and entered the same day as the Order of Hon. David B. Saxe; without any trial, found Hyman Raffe ["Raffe"], George Sassower, Esq. ["Sassower"], and Sam Polur, Esq. ["Polur"] guilty of non-summary criminal contempt, sentencing each, without allocution, to thirty days incarceration, with monetary penalties.

b. Plaintiff's summons' with notice, were all dismissed, pursuant to CPLR 3211(a) [A10], despite the contrary holding of Hon. Kenneth L. Shorter [A70].

c. The basis of the above disposition was the Order of Hon. Ira Gammerman ["Gammerman"], dated January 23, 1985 [Gammerman Order #2].

2a. On week after the signing of the Gammerman Orders, a frontal assault was made against inter alia the Gammerman Order #2, with only the clients of the Attorney General, as respondents in that proceeding.

b. The Gammerman Order #1, dated the same day, which revealed that it had never passed through Special Term Part I or the County Clerk's Office was thereafter located buried in the County Clerk's file.

3a. The terms of the Gammerman Orders notwithstanding, Senior Assistant Attorney David S. Cook, Esq., has conceded that such Gammerman Orders have "no legal effect on him, his office, or his (judicial) clients".

b. Sub silentio a similar concession has been made by the representatives of the firm of Arutt, Nachamie, Benjamin, Lipkin & Kirschner, P.C. ["ANBL&K"].

c. Expressly the contempt proceeding brought by Feltman, Karesh & Major, Esq., ["FK&M"] was withdrawn against the appellant, Raffae [A56].

4. The petition insofar as it concerned Gammerman Order #2, reads as follows [A62-A69]:

"30a. Means and ways were being found in order to lawfully circumvent the "Diamond rules" and obtain for the parties their right to access to the courts for relief.

b. Consequently, by ex parte applications, Kreindler & Relkin, P.C. ["K&R"], FK&M, and ANBL&K obtained Orders to Show Cause, with temporary restraining provisions, essentially to stay five lawful actions and proceedings, four of which involved Raffae and/or Puccini, and in only one was there any colorable claim to disqualification.

c. Obviously, Gammernan, the jurist before whom such proceedings were made returnable, received the usual ex parte, false and misleading pre-orientation and pre-indoctrination course by K&R, FK&M, ANBL&K, and/or those operating in consort with them, as revealed by the transcript and subsequent proceedings.

The transcript of the proceedings on the adjourned return date reveals the following (SM p.3-5):

'THE COURT: Motions 127 and 224. I have, as I understand it, five motions. I understand Mr. Sassower that you have been disqualified from representing Mr. Raffe and I'd be interested in knowing in what actions this disqualification applies.

MR. SCHNEIDER ['FK&M'] Index number 01816 --

THE COURT: You have been disqualified from representing Mr. Raffe. ... I have read those papers. You don't represent Mr. Raffe in that matter. You have no standing. Is Mr. Raffe here?

MR. SCHNEIDER: No, he is not.

THE COURT: He's defaulted on the motions?

MR. WEISSMAN ['K&R']: That's right.

MR. SCHNEIDER: Your Honor, how [sic] there are three separate orders to show cause by each of the litigants.

THE COURT: Those motions Mr. Sassower can represent Mr. Raffe.

MR. SCHNEIDER: No, he cannot represent Mr. Raffe, but he can certainly represent himself.

THE COURT: Then the motions are granted with respect to Mr. Raffe, Mr. Raffe having defaulted... You don't represent him. He has not answered the motion. I don't care if he submitted an affidavit. He has not answered the motion. He's in default.

MR. SASSOWER: May I just be heard for a moment?

THE COURT: Not on Mr. Raffe's behalf.'

There is no question that Sassower lawfully represented Raffé on three of the four matters before the Court! Thus, to the extent that Gammerman denied Raffé his right to be represented by his attorney, the proceedings were a nullity and void!

There is no question that the court rules, including the procedures of Gammerman, permit submissions, in lieu of oral argument, at Special Term Part I in Supreme Court, New York County. To the extent that Gammerman announced, sua sponte, an ad hoc rule to meet the occasion, it is void (David v. David, supra).

This is a 'Diamond [style] procedure" where rules are enacted on a sua sponte, ad hoc basis to exclude Raffé and/or Sassower from the tribunal.

There is no question that the K&R and FK&M firms misled the Court, as to Raffé's representation, and in other respects!

There would be little need for Judiciary Law §487, or the doctrine of 'extrinsic fraud', if an attorney could not deceive a judge or a court!

d. The Court's decision was clear and precise, for His Honor stated (SM7-8):

'THE COURT: I'm going to stay all the actions against the lawfirms. That's my intention. I'll listen to Mr. Sassower, but after reading all the papers, it was my intention to stay actions against the lawfirms, let litigation proceed against the non-lawfirm defendants, if there is any basis for the lawfirm actions, an application may be made by Mr. Sassower to vacate the stay and I think you should make a motion to dismiss the actions against the officer." [emphasis supplied]

The Court never modified, nor enlarged the above during the proceedings that followed. In conclusion the following appears (SM13):

'MR. WEISSMAN: The actions against
the law-firms --
THE COURT: Are stayed.'

Thus, at best any submitted Order by the movants could not include anything more than a stay against the 'law firms' only, and as concerned Raffe, such stay was of dubious validity!

e. The movants served an Order with Notice of Settlement on Thursday, evening, January 10th, 1985, at about 7:30 p.m., returnable Monday, January 14, 1985, which included not five, but ten actions and proceedings, involving attorneys who were never served or made parties to the aforementioned motions.

The decision of the Court was not included thereon, but instead contained the false statement that Gammerman had:

'grant[ed] the motions and extend[ed] the temporary restraining orders contained within the Orders to Show Cause .. [and] the motions for permanent injunction ... granted.'

In addition to including five actions and proceedings which were not before the Court, motions or parts thereof which had been denied, were now granted; relief never requested, was now included; and provisions were included which clearly indicated that the Court had compromised its soul and was completely 'out of its jurisdictional orbit', including the staying of matters before coordinate justices which had been sub judice for several months and involved other attorneys only.

The provisions regarding publication, went far beyond even the arguability of the court's legitimate sphere of jurisdiction.

Annexed hereto and made a part hereof is a copy of said Order which was signed on January 23, 1985, when the clerk's in Special Term Part I were checking orders noticed for settlement for January 8th, 1985.

Suffice it to state, that between the time the court rendered its decision and settlement date the file was missing from the clerk's office at Special Term Part I; the K&R and FK&M firms attempted to induce Bernard Dickheiser, Esq., to submit same to Gammernan without the minutes; and except for a videocolor recording of the confession of the "Super Giant Fix" by the K&R and FK&M, Sassower has it all.

Included, as part of the signed order is the following manifestly improper provision:

'ORDERED, that Hyman Raffé 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 of both Hyman Raffé 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 Raffae; (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; (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: the foregoing enumerated persons or firm, any representative, member, employee, associate, affiliate; and it is further

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; and it further

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 be presented to only the Justice who signed this Order or to the Administrative Justice of this Court.'

To the extent that the Order of January 23, 1985 was and is the product of extrinsic fraud, of misrepresentations and deceit, if not outright judicial corruption, it is a nullity!

The procedures employed at the Clerk's Office at Special Term Part I have substantial similarity with the procedures employed in obtaining the 'so-called' orders of disqualification!

31. To the extent that the aforementioned Order goes beyond the decision of the Court it is a patent and unconcealed fraud and void without any further judicial action; similar treatment is deserved as towards Raffae, actions and proceedings not made part of the submitted Orders to Show Cause, and as to parties whose attorneys were not served with such Orders to Show Cause; the remaining part was the subject of extrinsic fraud and a hearing is requested to declare same null and void.

5. The opposing affidavit to defendants' motions read as follows:

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

This affidavit is in opposition to the Notice of Motion by Feltman, Karesh & Major, Esqs., dated April 11, 1985, returnable May 8, 1985.

1a. At the outset, by agreement with Senior Assistant Attorney General David S. Cook, Esq., the purported Order of Hon. Ira Gammerman, is without legal effect.

b. The Attorney General's Office recognizes that the words of the purported Order of Hon. Ira Gammerman notwithstanding, His Honor had no jurisdiction.

2a. It is plaintiff's contention that Hon. Ira Gammerman had no jurisdiction over him and/or that the Order was the subject of extrinsic fraud, and thus null and void, without any further action on plaintiff's part.

b. Review of such Order is presently in the Appellate Division and sub judice in this Court since March 15, 1985.

c. Some of the assertions made to this Court in the petition are annexed hereto (Exhibit 'A'-A62-69).

3a. Aside from the procedural jurisdictional deficiencies an Order of this Court which prohibits the plaintiff and your deponent from communicating with the Grievance Committee (and arm of the Appellate Division), particularly where deponent has in his possession documented evidence of massive larceny of judicially entrusted funds, perjury, and corruption, is not only irregular, it is void (21 NY Jur 2d, Contempt §28, p. 255).

b. The out-of-orbit "space odyssey" of the Order relied upon, may not be the subject of either enforcement or contempt.

c. The sister Order of Mr. Justice Gammerman, dated the same day, is even worse!

4. As the movant has been repeatedly advised the entire format for this contempt proceeding, which includes third parties, does not comply with constitutional or statutory mandate, including the size of the warning type (21 NY Jur 2d, Contempt, §11, p. 232).

5a. On fully argued and submitted motions, Hon. Kenneth L. Shorter determined that the rules of Referee Donald Diamond nor the Order of Hon. Ira Gammerman can defeat plaintiff's motions or actions at the threshold (Exhibit "B"-A70).

b. The movants should have appealed if they believed the holding erroneous and not repeat the same performance, as if the issues had not been previously heard and adjudicated.

6a. Furthermore, since the conduct complained of arises subsequent to the purported Order dated January 23, 1985, legally the aforementioned purported Order can have no legal or constitutional effect.

b. No order can grant to any person or firm the right to commit any tort it or they desire in the future with impunity.

WHEREFORE, it is respectfully prayed that the within motion be denied, with costs.

6. It is manifestly clear that the motions made to this Court by K&R and FK&M resulting in the Orders of May 14, 1985 and May 21, 1985 [M-1809, M-1875, and M-1972] was primarily motivated by their desire not to have this Court see and review the Gammerman orders!

QUESTIONS PRESENTED

1Q. Can anyone be legally convicted of non-summary criminal contempt without a trial [with its right of confrontation] or the right of allocution?

A. Klein ignored any and all law on the subject, even that mandated by the federal constitution (Bloom v. Illinois, 391 U.S. 194), in convicting and sentencing appellants.

2Q. Does the Klein Order confirm that a state of judicial anarchy exists at 60 Center Street, where all constitutional values are blithely disregarded?

A. Necessity knows no law (Aquinas, *Summa Theologica*, Benziger Ed. p. 1022) and protecting judicial corruption is to some, a "necessity".

3Q. Can appellants be criminally convicted of violating the Order of Hon. Ira Gammerman, assuming they did so, when nothing contained thereon indicated that incarceration would be the consequence thereof (People v. Parker, 57 N.Y.2d 136, 454 N.Y.S.2d 967), and a diametrically opposite result was reached by Hon. Kenneth L. Shorter shortly before the commencement of these actions?

A. Klein ignored the issue, as well as the Order of Mr. Justice Shorter.

4Q. Was prosecution herein precluded by the constitutional and statutory prohibition against "double jeopardy".

A. Klein completely disregarded the Order of Mr. Justice Martin Evans, the Order of Saxe, and other Orders that had been rendered.

5Q. Can appellants be convicted of criminal contempt when the uncontroverted assertion is made that the two orders of Hon. Ira Gammerman ["Gammerman"], are null, void, and of no legal effect.

A. Klein, sub silentio, did.

6Q. Are the Orders of Gammerman entitled to enforceable or collateral respect (Gilberg v. Barbieri, 53 N.Y.2d 285, 441 N.Y.S.2d 49) when it is asserted, shown, and everyone knows that they were obtained, inter alia, by fraud, by corruption, and lack subject matter and personal jurisdiction?

A. Sub silentio, held Klein, those types of egregious orders are particularly deserving of judicial protection, by in terrorem interpretation, clearly rejected as unconstitutional in Cotting v. Godard (183 U.S. 79, 100-102), as effectively denying one access to the courts.

7Q. Assuming, arguendo, the two orders of Gammerman, are merely irregular or erroneous, are they to be treated with the same force and effect as if they were "null and void", when the "judicial machinery" has been seized, held hostage, and the normal corrective process made unavailable to the appellants?

In "Beirut on the Hudson" anything can and does happen, as the Klein's decision and order confirm.

8Q.. Can Klein and Gammerman, prohibit under penalty of incarceration, federally based actions, authorized to be brought in the state court?

A. Since neither Klein, Gammerman, nor Referee Donald Diamond ["Diamond"], recognize the United States Constitution, they do not recognize the "Supremacy Clause" contained therein.

9Q. Is a criminal contempt proceeding void as against third parties, including Sassower, when it is not commenced as a separate proceeding (Long Island Trust v. Rosenberg, 82 A.D.2d 591, 442 N.Y.S.2d 563 [2d Dept.]), and the statutory warning does not conform to the size mandated by statute (Judiciary Law §756; Cohn v. Royal Globe, 67 A.D.2d 993, 414 N.Y.S.2d 19 [2d Dept.]).

A. Klein ignored the issue.

10Q. Could or should appellant's actions have been dismissed pursuant to CPLR 3211(a)?

A. Klein held in the affirmative, in apparent conflict with the holding of Mr. Justice Shorter.

STATEMENT

1. It is obvious that those who were guilty of larceny of judicially entrusted assets, committed perjury and corruption have taken over the Courthouse at 60 Center Street, and are attempting to put the policemen in jail.

2. Again, while disclaiming any disobedience, appellants contend that these Orders are null, void, and of no effect, legally or otherwise.

3. Subject matter and personal jurisdiction, ignored by defendants, K&R, and Gammerman, are issues in a contempt proceeding (21 NY Jur2d, Contempt §28, p. 255).

POINT I

THE ORDER APPEALED FROM IS CONSTITUTIONALLY
INVALID

1. Bloom v. Illinois (391 U.S. 194) brought within the umbrella of the Fourteenth Amendment, a limitation on the power of the state regarding any procedures it may desire to employ in the adjudication of non-summary criminal contempt.

2. Prior thereto, and certainly after, both in the federal forum and in this state, for non-summary criminal contempt, absent a plea of guilty, a trial or hearing was and is a pre-condition for any adjudication of guilt.

3. The failure to permit allocution, deprived the Court of the opportunity to evaluate its determination against arguments of counsel.

POINT II

JUDGE GAMMERMAN'S ORDER WAS NOT VIOLATED
BY THIS ACTION

1. Plaintiff's action herein is based on defendants' conduct subsequent to December 19, 1984 and/or January 23, 1985.

2. Assuming, arguendo, personal jurisdiction under the Gammerman orders over plaintiff, which appellants deny, they contend that neither nor any other judge or governmental official, even when in haec verba provided, can legally immunize future intentional torts. Certainly, there is nothing in the order herein (or in the underlying undisclosed transcript) which manifests such intention (cf. Gross v. Sweet, 49 N.Y.2d 102, 424 N.Y.S.2d 365).

POINT III

AS A MATTER OF LAW, VIOLATION OF THE
GAMMERMAN ORDERS, WITHOUT MORE, MAY NOT
HAVE PENAL CONSEQUENCES.

1. In real life, one must constantly choose between conflicting and irreconcilable laws, rules, regulations, and orders, spiritual, moral, and secular. Such legitimate evaluation requires knowledge of the consequences, not only to one self, but to others.

Legal systems provide frameworks for the evaluation of action. There is a compelling distinction between the framework of obligations and that of sanctions.

The law itself, at times, invites legitimate disobedience in order to provide a base for a justiciable controversy.

2. Criminal sanctions and incarceration cannot be the penalty for disobedience, without prior constitutional warning (Vail v. Quinlan, 406 F. Supp. 951; Judiciary Law §756).

Indeed, the rules of this Court, in more urgent circumstances provide that in the absence of "the most flagrant and offensive misbehavior" the court "should [first] warn or admonish ... and afford an opportunity to desist" (22 NYCRR §604.2[2][c]).

When, as here, incarceration may be the result, constitutional notice must be given beforehand, in the Gammerman Order itself, before it is asserted, as a matter of law (People v. Parker, 57 N.Y.2d 136, 454 N.Y.S.2d 967).

3a. In the area of enforcement or collateral effect, particularly when penal consequences are advanced, the law has not placed each and every judicial order on a basis of equality (Gilberg v. Barbieri, 53 N.Y.2d 285, 441 N.Y.S.2d 49).

b. Thus assuming, arguendo, the Gammerman orders were and are legally recognized as valid, it does not follow, ipso facto, that they will be enforced with penal consequences.

c. Any examination of the Gammerman orders, with its patent "out of orbit" provisions reveals that no court would seriously give some of them force and effect, and indeed some judges have not.

To report misconduct to the Grievance Committee, is apparently obligatory (Disciplinary Rule 1-103), nevertheless the Gammerman order, read "Saxe style", could result in criminal sanctions.

POINT IV

THIS COURT HAS A NON-DELEGABLE OBLIGATION
TO REMEDY AN ABUSE OF JUDICIAL POWER

1a. This Court has been accused by appellants, particularly Sassower, of "neglect of duty", legally and ethically, in permitting the defendants to openly and continuously betray the court's helpless judicial trust at nisi prius and before this Court (Evitts v. Lucey, U.S. , 105 S.Ct. 830, 83 L.Ed.2d 821).

b. The very boldness, openness and arrogance of the corruption in the "temple of justice" made and makes silence intolerable, and indeed unethical.

2a. Contempt, summary and non-summary, borders on the unconstitutional herein, where the very judicial institution attacked prosecutes and pronounces punishment. Only manifest necessity can justify contempt proceedings when the judicial system or any member thereof is made the object of criticism.

b. As with all draconian remedies, it should be "the least possible power adequate to the end proposed" (Anderson v. Dunn, 19 U.S. [Wheat.] 204, 211, 5 L.Ed. 231; Feingold v. Walworth, 238 N.Y. 446).

POINT VII

DISMISSAL PURSUANT TO CPLR 3211(a)
IS UNAUTHORIZED

1. Klein incorrectly refused to follow the adjudication of Hon. KENNETH L. SHORTER [A70].

In that Order, Mr. Justice Shorter stated [A70]:

"Upon the foregoing papers this motion by the receiver['s attorneys] 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."

b. Klein not only refused to follow the Order of Mr. Justice Shorter [A45], but, without trial or hearing, convicted Sassower and sentenced him to jail, in addition to dismissing the action.

2. Defendants do not deny that plaintiff has good and cognizable causes of action. He should be granted his day in court.

CONCLUSION

THE ORDER APPEALED FROM MUST BE
REVERSED, WITH COSTS

Dated: July 15, 1985

Respectfully submitted,

GEORGE SASSOWER, Esq.
SAM POLUR, Esq.
Attorneys for appellants

STATEMENT PURSUANT TO CPLR 5531

[A1-A2]

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

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Plaintiff-Appellant,
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individually and as Executors of the
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-----x

1. The Index Number of the court below is
9,522-1985.

2. The title of the original parties appears
above and there has been no change, except George
Sassower, Esq. and Sam Polur, Esq, are now an appellants
also.

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

4. The action was commenced on or about April 10, 1985, by service of a summons.

5. Actions are for tortious conduct.

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

7. The appeal is on the appendix method.

A-3
NOTICE OF APPEAL

[A3-A4 1

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

-----x
HYMAN RAFFE,

Plaintiff,

-against-

XAVIER C. RICCOBONO, DONALD DIAMOND,
FELTMAN, KARESH & MAJOR, Esqs. and
KREINDLER & RELKIN, P.C.

Defendants.
-----x

Index No.
9522-1985

HYMAN RAFFE,

Plaintiff,

-against-

KREINDLER & RELKIN, P.C., Hon. WALTER
M. SCHACKMAN, "JOHN DOE", and "JOHN ROE",
names fictitious, persons intended to be
those who communicated with the Court,
ex parte,

Defendants.
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HYMAN RAFFE,

Plaintiff,

-against-

DONALD B. RELKIN, Esq., MICHAEL J.
GERSTEIN, Esq., KREINDLER & RELKIN, P.C.,
CITIBANK, N.A. and JEROME H. BARR, Esq.,
individually and as Executors of the
Will of Milton Kaufman,

Defendants.
-----x

S I R S:

PLEASE TAKE NOTICE, that Hyman Raffe,
George Sassower, and Sam Polur hereby appeal to the
Appellate Division of the Supreme Court of the State of
New York, First Judicial Department from an Order of the
Supreme Court of the State of New York, County of New

A-4

York, dated June 26, 1985, entered July 1, 1985 and each
and every part of said Order.

Dated: July 2, 1985

Yours, etc.,

GEORGE SASSOWER, Esq.
Attorney for Hyman Raffe
and pro se
2125 Mill Avenue,
Brooklyn, New York, 11234
718-444-3403

SAM POLUR, Esq.
Attorney pro se.
35 Montgomery Street,
New York, New York, 10002
212-608-7749

To: Hon. Robert Abrams
Kreindler & Relkin, P.C.
Feltman, Karesh & Major, Esqs.

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ORDER APPEALED FROM
[A5-A12]

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,
60 Centre Street, New York
on the 26th day of June 1985

P R E S E N T:

Hon. Alvin F. Klein,

Justice.

-----X
HYMAN RAFFE,

Plaintiff,

-against-

XAVIER C. RICCOBONO, DONALD DIAMOND,
FELTMAN, KARESH & MAJOR, ESQ. and
KREINDLER & RELKIN, P.C.,

Defendant.
-----X

HYMAN RAFFE,

Plaintiff,

-against-

KREINDLER & RELKIN, P.C., Hon. WALTER
M. SCHACKMAN, "JOHN DOE", and "JOHN ROE",
names fictitious, persons intended to be
those who communicated with the Court,
ex parte,

Defendants.
-----X

HYMAN RAFFE,

Plaintiff,

-against-

DONALD B. RELKIN, ESQ., MICHAEL J.
GERSTEIN, ESQ., KREINDLER & RELKIN,
P.C., CITIBANK, N.A., and JEROME H.
BARR, ESQ., individually and as Executors
of the Will of Milton Kaufman

Defendant.
-----X

Exhibit "A"

CITY CLK FROM JUSTICE
TO RECEIVED BOOK DISP

JUL 1 1985

LIMITS SPECIAL TERM PART I
ACTION No. 1) LAW JOURNAL

Index No. 9522/85

ORDER

(Action No. 2)

(Action No. 3)

Kreindler & Relkin, P.C., defendant in Actions No. 1 and Action No. 2; and Donald B. Relkin, Michael J. Gerstein, Kreindler & Relkin, P.C., Citibank, N.A. and Jerome H. Barr individually and as Executors of the Will of Milton Kaufman defendants in Action No. 3 having moved for: a) An order pursuant to CPLR 3211(a)1, 3211(a)3 and 3211(a)7 dismissing this action or alternatively permanently staying the action as being brought in violation of the Order of Justice Gammernan dated January 23, 1985; b) An order holding George Sassower and Hyman Raffé in three counts of criminal contempt of Court on the grounds that in commencing each of these three actions they have flagrantly and deliberately violated the injunction issued by Justice Gammernan, which injunction permanently enjoined and restrained George Sassower and Hyman Raffé and anyone acting in concert or cooperation with either of them from filing or serving any further lawsuits against any of the Movants arising out of the enforcement of Hyman Raffé's guarantees; c) awarding to the Movants damages including reasonable attorneys' fees which resulted from the violation of Justice Gammernan's injunction by Hyman Raffé and George Sassower, pursuant to Judiciary Law §773 and 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 litigation commenced in bad faith"; and

1, having moved 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(1) 1,3 and 5 as barred by the Permanent Injunction Order; and

(iii) punishing attorney George Sassower, plaintiff Hyman Raffé 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 serving the Summons and in commencing 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 Judiciary Law §773 and 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:

Now, upon reading and filing the Notice of Motion of Kreindler & Relkin, P.C., dated April 30, 1985, the affidavit of Michael J. Gerstein, duly sworn to on April 30, 1985, and the exhibits annexed thereto; the affidavit of personal service of the Notice of Motion on Hyman Raffé of Roger Dougherty, sworn to on May 13, 1985; the affidavit of personal service of the Notice of Motion on George Sassower of Roger Dubin sworn to on May 6, 1985, all in support of Kreindler & Relkin P.C.'s motion, and upon the Notice of Motion of Feltman, Karesh & Major dated April 11, 1985, the affidavit of Donald F. Schneider, duly sworn to on April 11, 1985, and the exhibits annexed thereto; the affidavit of service of the Notice of Motion on George Sassower of

A-9

Donald F. Schneider sworn to on April 19, 1985; the affidavit of service of the Notice of Motion on Samuel Polur of Donald F. Schneider, sworn to on April 19, 1985; the Supplemental Affirmation of Donald F. Schneider, dated May 6, 1985 all in support of Feltman, Karesh & Major's motion, and said motion having regularly come on to be heard for oral argument before the Honorable Alvin F. Klein at Special Term Part I of this Court on May 29, 1985; and after hearing Kreindler & Relkin, P.C. by Michael J. Gerstein, Esq., and Feltman, Karesh & Major by Donald F. Schneider, Esq., in support of the motions, and Sam Polur, Esq., on behalf of Hyman Raffé, George Sassower and Sam Polur in opposition thereto;

And due deliberation having been had thereon; and Hyman Raffé, George Sassower and Sam Polur, having commenced these actions and served the summonses in wilful and deliberate violation of an order of Justice Gammerman dated January 23, 1985, which Order permanently enjoined commencement of actions such as these three, which were commenced with full knowledge of the said Order, and the conduct of Hyman Raffé, George Sassower and Sam Polur having been calculated to and having defeated, impaired, impeded and prejudiced the rights of defendants Kreindler & Relkin, P.C. and Feltman, Karesh & Major in Action No. 1; Kreindler & Relkin, P.C., in Action No. 2, and Donald B. Relkin, Esq., Michael J. Gerstein, Esq., Kreindler & Relkin, P.C., Citibank, N.A. and Jerome H. Barr, Esq., individually and as Executors of the Will of Milton Kaufman in Action No. 3; and this Court having rendered a decision dated June 6, 1985 ~~granting the motions;~~

Now, on motion of Kreindler & Relkin, P.C. and Feltman, Karesh & Major, it is

ORDERED, that motions Nos. 21 & 178 on the calendar of May 29, 1985 are consolidated for disposition; and it is further ORDERED THAT THE MOTIONS ARE GRANTED AND IT IS FURTHER

ORDERED, that so much of defendants' motions as seek to dismiss these actions pursuant to CPLR 3211(a)1, CPLR 3211(a)3, CPLR 3211(a)5 and CPLR 3211(a)7 are granted; and it further

ORDERED, that Action No. 1 is dismissed pursuant to CPLR 3211(a)1, CPLR 3211(a)3, CPLR 3211(a)5, and CPLR 3211(a)7 as to defendants Feltman, Karesh & Major Esqs., and Kreindler & Relkin, P.C.; and it is further

ORDERED, that Action No. 2 is dismissed pursuant to CPLR 3211(a)1, CPLR 3211(a)3, CPLR 3211(a)5, and CPLR 3211(a)7 as to defendant Kreindler & Relkin, P.C.; and it is further

ORDERED, that Action No. 3 is dismissed pursuant to CPLR 3211(a)1, CPLR 3211(a)3, CPLR 3211(a)5, and CPLR 3211(a)7 as to all defendants therein; and it is further

ORDERED, that the motions of Kreindler & Relkin, P.C. to punish Hyman Raffie and George Sassower for criminal contempt, and the motion of Feltman, Karesh & Major to

punish George Sassower and Samuel Polur for a criminal contempt, are granted in all respects; and it is further

ORDERED AND ADJUDGED, that Hyman Raffé, George Sassower and Samuel Polur are guilty of criminal contempts of court for having wilfully and deliberately violated the Order of Justice Gammerman, dated January 23, 1985, which Order permanently enjoined commencement of the within actions, and it is further

ORDERED, that pursuant to the Judiciary Law of the State of New York, by reason of such criminal contempt of court, Hyman Raffé, George Sassower, and Samuel Polur shall each be imprisoned for a period of thirty (30) days in the jail of the county of this Court, and George Sassower shall pay a fine of \$250.00 to each of Feltman, Karesh & Major, 55 East 52nd Street, New York, New York, Kreindler & Relkin, P.C., Donald B. Relkin, Esq., Michael J. Gerstein, Esq., 500 Fifth Avenue, New York, New York and Citibank N.A. and Jerome H. Barr, individually and as Executors of the Will of Milton Kaufman, One Citicorp Center, New York, New York, Hyman Raffé shall pay a fine of \$250.00 to each of Feltman, Karesh & Major, 55 East 52nd Street, New York, New York, Kreindler & Relkin, P.C., Donald B. Relkin, Esq., Michael J. Gerstein, Esq., 500 Fifth Avenue, New York, New York and Citibank N.A. and Jerome H. Barr, individually and as Executors of the Will of Milton Kaufman, One Citicorp Center, New York, New York and Sam Polur shall pay a fine of \$250.00 to

LER & RELKIN, P.C.

A-12.

Feltman, Karesh & Major, 55 East 52nd Street, New York, New York within ten (10) days after personal service of a certified copy of this Order upon them, and it is further ORDERED THAT THE SHERIFF OF ANY COUNTY IN THE STATE OF NEW YORK WHEREIN NY MOT RATES, GEORGE SASSOWER AND SAMUEL POLUR, ~~OR ANY OF THEM MAY BE APPREHENDED~~ IS DIRECTED TO TAKE HIM OR THEM INTO HIS CUSTODY AND DETAIN HIM OR THEM IN THE CIVIL JAIL OR OTHER APPROPRIATE FACILITY UNTIL THE COMPLETION OF THEIR TERM OF THIRTY DAYS OR UNTIL THEY SHALL BE OTHERWISE DISCHARGED, ACCORDING TO LAW, AND IT IS FURTHER

ORDERED, that those branches of the motions seeking recovery of damages, including attorneys' fees incurred as the result of defending these actions, are granted to the extent that the reasonable value of such damages and attorneys' fees is hereby referred to Trial Term, Part 10 for assignment to hear and report with recommendations and that pending receipt of the report, final determination of those portions of the motions is held in abeyance. COUNSEL ARE DIRECTED TO FORTHWITH SEND A CONFIRMED COPY OF THIS ORDER TO THE CLERKS OF THE OFFICE OF THE REFUGEES FOR THE PURPOSE OF ARRANGING A CALENDAR DATE
ENTER:

FILED

JUL 1 - 1985

COUNTY CLERK'S OFFICE
NEW YORK

Q. F. R.
J.S.C.

A-13.
NOTICE OF MOTION-FETLMAN, KARESH & MAJOR, ESQS.

[A13-A16]

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

-----x
HYMAN RAFFE, :

Plaintiff, : Index No.

-against- : NOTICE OF MOTION

XAVIER C. RICCOBONO, DONALD DIAMOND, :
FELTMAN, KARESH & MAJOR, Esqs. and :
KREINDLER & RELKIN, P.C., :

Defendants. :
-----x

S I R S :

PLEASE TAKE NOTICE, that upon the annexed affidavit of Donald F. Schneider, duly sworn to on April 11, 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 May 8, 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, plaintiff Hyman Raffe 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 serving the Summons and in commencing this action they have flagrantly and deliberately violated the Permanent Injunction Order, which Order, inter alia, permanently enjoined and restrained George Sassower and Hyman Raffe 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 Judiciary Law §773 and 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 11, 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: HONORABLE XAVIER C. RICCOBONO
Supreme Court of the State of
New York
60 Centre Street
New York, New York 10007

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HONORABLE DONALD DIAMOND
Supreme Court of the State of
New York
60 Centre Street
New York, New York 10007

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

MR. HYMAN RAFFE
c/o A.R. Fuels, Inc.
2125 Mill Avenue
Brooklyn, New York 11234

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

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DONALD F. SCHNEIDER - AFFIDAVIT

[A17-A25]

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

-----X

HYMAN RAFFE,

:

Plaintiff,

:

Index No.

-against-

:

AFFIDAVIT IN SUPPORT

XAVIER C. RICCOBONO, DONALD DIAMOND, :
FELTMAN, KARESH & MAJOR, Esqs. and :
KREINDLER & RELKIN, P.C., :

Defendant. :

-----X

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

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. FK&M are the attorneys for Lee Feltman, the
court-appointed receiver for Puccini Clothes, Ltd. ("Puccini"),
and as such, I am 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 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, plaintiff Hyman Raffé 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 serving the Summons and in commencing 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 Raffé and Samuel

Polur, pursuant to Judiciary Law §773 and 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, collateral proceedings and a Bar Association grievance against the litigants in the dissolution of Puccini as well as their 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 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", 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 10, 1985, in direct violation of the Permanent Injunction Order, Polur personally delivered to me a bare Summons seeking \$10,000,000 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. This is at least the fifth action commenced by Sassower and Raffé in direct violation of the Permanent Injunction Order.

5. The Court is respectfully referred to pages 9 through 11 of the Permanent Injunction Order which specifically bars Sassower and 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, Raffe and Polur Should
be Punished for Criminal Contempt

7. This is not the first time that Sassower and Raffe have violated an Injunction restraining further lawsuits against FK&M. In December, 1984, they 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 consecutive actions against FK&M and other lawfirms, seeking damages in the aggregate of \$110,000,000. FK&M's motions to dismiss those two actions are pending.

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 virtually 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".

10. When Polur served the Summons at bar, I reminded him again of the provisions of the Permanent injunction Order, as I had when he served a prior Summons only the week before,

also in violation of the Permanent Injunction Order. Polur acknowledged that Order (and took the position that he was merely a messenger and was thus not in violation of said Order).

11. That Polur's conduct in lockstep with Sassower is intentional, is also evidenced by the fact that on April 8, 1985, at the Appellate Division, First Department, he stated to Judge Sullivan in my presence that he would not obey the Permanent Injunction Order. A copy of my letter to Polur following this statement is annexed hereto as Exhibit "F".* Clearly, in serving the Summons, Polur intentionally disobeyed the Order.

11. The aforementioned conduct was calculated to and has defeated, impeded, impaired and prejudiced the rights of FK&M. Accordingly, Sassower, Raffe and Polur should be punished as and for their criminal contempts of court.

*Apparently, Polur is cut from the same mold as Sassower. He thinks nothing of bringing utterly frivolous lawsuits in his own name, against notable individuals such as Alexander Haig and Cyrus Vance (copies of the opinions dismissing these actions are annexed hereto as Exhibits "G" and "H").

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

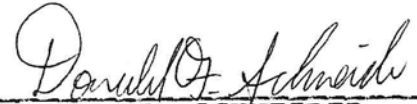
12. As a result of the purported service of the Summons in violation of the Permanent Injunction Order, FK&M will necessarily incur legal fees, expenses and costs in defending this patently improper action. Accordingly, FK&M seeks to recover damages for the fees and expenses that have been and will be incurred by reason of the egregious misconduct of Sassower, Raffe and Polur. This relief is sought pursuant to Judiciary Law §773 and the Order of this Court (Saxe, J.) 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 attorney's fees are recoverable in response to vexatious suits and litigations commenced in bad faith" (Exhibit "I"). 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

A-25.

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
11th day of April, 1985.



NOTARY PUBLIC

DOLORIS JOHNSON
Notary Public, State of New York
No. 01-J04761585 Qual. in Kings County
Commission Expires March 30, 1987.

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order-Hon. Ira Gammernan-January 23, 1985

[A26-A30]

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 Gammernan,

Justice.

CITY CLK. FROM JUSTICE
TO RECEIVED

BOOK
DISP II

JAN 23 1985

BOOK
X

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,

Index No. 01816/80

ORDER

Petitioners,

For the Dissolution of Puccini
Clothes, Ltd.

HYMAN RAFFE,

Plaintiff,

-against-

(No index number)

KREINDLER & RELKIN, P.C.

Defendant.

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

Plaintiff,

-against-

(No index number)

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

Defendants.

KREINDLER & RELKIN, P.C.

Exhibit A

Exhibit B

Exhibit C

Exhibit D "A"

-----X
 GEORGE SASSOWER, :
 Plaintiff, :
 -against- : Index No. 25452/84
 DONALD F. SCHNEIDER and FELTMAN, :
 KARESH & MAJOR and "JOHN DOE," :
 person intended to be one who :
 purportedly gave defendants :
 "instructions", :
 Defendants. :

-----X
 HYMAN RAFFE, individually and on :
 behalf of PUCCINI CLOTHES, LTD., :
 Plaintiff, :
 -against- : Index No. 23485/84
 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. :

-----X
 HYMAN RAFFE and GEORGE SASSOWER, :
 Plaintiffs, :
 -against- : Index No. 15604/82
 ARUTT, NACHAMIE, BENJAMIN, LIPKIN & :
 KIRSCHNER, P.C., and FELTMAN, KARESH :
 & MAJOR, ESQS., :
 Defendants. :

-----X

-----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 Raffé 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 Raffé 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

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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

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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 (21)

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J.S.C.

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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,

against

Plaintiff

XAVIER C. RICCOBONO, DONALD DIAMON,
FELTMAN, KARESH & MAJOR, Esqs., and
KREINDLER & RELKIN, P.C.

Defendant

Index No.

Plaintiff designates
New York

County as the place of trial

The basis of the venue is

Defendant's place of
business

Summons with Notice

Plaintiff resides at

County of

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, April 10, 1985
Defendant's attorney

GEORGE SASSOWER, Esq.

Attorney(s) for Plaintiff
Office and Post Office Address

Notice: The nature of this action is violation of
Judiciary Law, ~~deceit~~ obstruction of
justice.

2125 Mill Avenue,
Brooklyn, New York, 11234
718-444-3403

The relief sought is damages

Upon your failure to appear, judgment will be taken against you by default for the sum of \$ ~~500,000~~ 10,000,000
with interest from 19 and the costs of this action.

Reid in Ct
4/10/85
mrc

Exhibit "B"

A-40.
NOTICE OF MOTION-KREINDLER & RELKIN, P.C.

[A40-A43]

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

-----X
HYMAN RAFFE,

Plaintiff,
-against-

XAVIER C. RICCOBONO, DONALD
DIAMON(Sic), FELTMAN, KARESH
& MAJOR, ESQS., AND KREINDLER
& RELKIN, P.C.

Defendants.
-----X

HYMAN RAFFE,

Plaintiff,

-against-

KREINDLER & RELKIN, P.C., Hon. WALTER
M. SCHACKMAN, "JOHN DOE", and "JOHN ROE",
names fictitious, persons intended to be
those who communicated with the Court, ex
parte,

Defendants.
-----X

HYMAN RAFFE,

Plaintiff,

-against-

DONALD B. RELKIN, ESQ., MICHAEL
J. GERSTEIN, ESQ., KREINDLER
& RELKIN, P.C., CITIBANK, N.A.,
and JEROME H. BARR, ESQ.,
individually and as Executors of the
Will of Milton Kaufman

Defendant.
-----X

(Action No. 1)

NOTICE OF
MOTION TO DISMISS
AND TO HOLD HYMAN
RAFFE AND GEORGE
SASSOWER IN CRIMINAL
CONTEMPT OF COURT.

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

(Action No. 3)

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

NOTICE: THE PURPOSE OF THE HEARING IS TO PUNISH HYMAN RAFFE
AND GEORGE SASSOWER FOR CONTEMPT OF COURT. SUCH PUNISHMENT MAY
CONSIST OF FINE OR IMPRISONMENT, OR BOTH, ACCORDING TO LAW.

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MOTION BY:

KREINDLER & RELKIN, P.C.,
Defendant in Action No. 1.

KREINDLER & RELKIN, P.C.,
Defendant in Action No. 2.

DONALD B. RELKIN, ESQ.,
MICHAEL J. GERSTEIN, ESQ.,
KREINDLER & RELKIN, P.C.,
CITIBANK, N.A., and
JEROME H. BARR, ESQ.
INDIVIDUALLY AND AS EXECUTORS
OF THE WILL OF MILTON KAUFMAN,
Defendants in Action No. 3.

DATE, TIME AND
PLACE OF MOTION:

May 29, 1985 at a Special Term
Part I, Supreme Court State of
New York, County of New York,
60 Centre Street, New York,
New York at 9:30 a.m.
or soon thereafter as counsel
may be heard.

SUPPORTING PAPERS:

Affidavit of Michael J. Gerstein
sworn to April 30, 1985 and
exhibits annexed thereto, including
the Order of Honorable Ira Gammerman
dated January 23, 1985 enjoining
any further suits against the
Movants by Hyman Raffé and
George Sassower.

RELIEF SOUGHT:

- a) An Order pursuant to CPLR 3211(a)1,
3211(a) & 3211(a)7 dismissing this
action or alternatively permanently
staying the action as being brought
in violation of the Order of Justice
Gammerman dated January 23, 1985;
- b) An order holding George Sassower
and Hyman Raffé in criminal contempt
of Court on the grounds that in
commencing these actions they have
flagrantly and deliberately
violated the injunction issued by
Justice Gammerman, which injunction
permanently enjoined and restrained
George Sassower and Hyman Raffé and
anyone acting in concert or co-
operation with either of them from
filing or serving any further law-
suits against any of the Movants
arising out of the enforcement of
Hyman Raffé's guarantees;

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c) awarding to the Movants damages including reasonable attorney's fees which resulted from the violation of Justice Gammernan's injunction by Hyman Raffie and George Sassower, pursuant to Judiciary Law §773 and the prior order of this Court which held that "future motions by Messrs. Sassower and Raffie 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 litigation commenced in bad faith"; and

d) granting Movants such other further and different relief as to the Court may seem just and proper.

SERVICE OF ANSWERING
PAPERS REQUIRED:

At least seven (7) days prior to the return date of this motion, pursuant to CPLR 2214(b)

Dated: New York, New York
April 30, 1985

KREINDLER & RELKIN, P.C.
Defendant Pro Se in Action No. 1
and 2 and attorneys for Movants
Donald B. Relkin, Michael J.
Gerstein, Kreindler & Relkin, P.C.,
Citibank, N.A., and Jerome H. Barr,
Esq., Individually and as Executors
of the Will of Milton Kaufman in
Action No. 3.

TO: George Sassower, Esq. ✓
Attorney for Plaintiff
2125 Mill Avenue
Brooklyn, New York 11234

Mr. Hyman Raffie
c/o A.R. Fuels Inc.
2125 Mill Avenue
Brooklyn, New York 11234

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Feltman, Karesh & Major
Attorney Pro Se in
Action No. 1
55 East 52nd Street
New York, New York 10055

Honorable Robert Abrams
Attn: David Cook
2 World Trade Center
New York, New York
Attorneys for Hon. Xavier C. Riccobono
Donald Diamond, Walter M. Schackman

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MICHAEL J. GERSTEIN, ESQ. - AFFIDAVIT

[A44-A53]

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

-----X
HYMAN RAFFE,

Plaintiff,

-against-

(Action No. 1)

AFFIDAVIT IN
SUPPORT OF
MOTION TO DISMISS
AND TO HOLD HYMAN
RAFFE AND GEORGE
SASSOWER IN CRIMINAL
CONTEMPT OF COURT.

XAVIER C. RICCOBONO, DONALD
DIAMON(Sic), FELTMAN, KARESH
& MAJOR, ESQS., AND KREINDLER
& RELKIN, P.C.

Defendants.

-----X
HYMAN RAFFE,

Plaintiff,

-against-

(Action No. 2)

KREINDLER & RELKIN, P.C., Hon. WALTER
M. SCHACKMAN, "JOHN DOE", and "JOHN ROE",
names fictitious, persons intended to be
those who communicated with the Court, ex
parte,

Defendants.

-----X
HYMAN RAFFE,

Plaintiff,

-against-

(Action No. 3)

DONALD B. RELKIN, ESQ., MICHAEL
J. GERSTEIN, ESQ., KREINDLER
& RELKIN, P.C., CITIBANK, N.A.,
and JEROME H. BARR, ESQ.,
individually and as Executors of the
Will of Milton Kaufman

Defendant.

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

MICHAEL J. GERSTEIN, being duly sworn, deposes and says:

1. I am a member of the firm of Kreindler & Relkin, P.C., ("K&R") one of the defendants herein and attorneys for Citibank, N.A., and Jerome H. Barr, individually and as Executors of the Estate of Milton Kaufman ("Kaufman's Estate") also named as defendants. I am also personally named as defendant herein as is Donald B. Relkin, also a partner of the law firm of K&R. (All of the aforementioned defendants will be referred to collectively as the "Movants"). I am fully familiar with the facts set forth hereinbelow, and submit this affidavit in support of the instant motion to;

a) dismiss each of these three actions pursuant to CPLR 3211(a)3 and 3211(a)7;

b) or alternatively permanently staying these actions as having been commenced in violation of an injunction of this Court prohibiting any further actions by Hyman Raffé ("Raffé") or his attorney, George Sassower ("Sassower") against inter alia, against any of the Movants arising out of the ongoing litigation between Raffé and Kaufman's Estate relating to Puccini Clothes Ltd. ("Puccini"); and

c) Punishing plaintiff Raffé and attorney Sassower for criminal contempt of Court for their repeated and flagrant disregard of the injunction barring any such actions.

THE INJUNCTION

2. By order dated January 23, 1985 (a copy of which is annexed hereto as Exhibit "A"), upon motion of all Puccini shareholders except for Raffé, this Court entered an Order staying certain actions commenced by Raffé and/or attorney Sassower, against the remaining Puccini shareholders and their attorneys, including Kaufman's Estate, and K&R as attorneys for Kaufman's Estate. The injunction also permanently enjoined all such future actions. The injunction was granted as the result of the five year history of harrassment engaged in by Sassower and Raffé, which included the commencement of numerous frivolous and vexatious lawsuits against the other Puccini shareholders and their attorneys, including the Kaufman Estate and K&R as the attorneys for Kaufman's Estate. As part of the January 23rd Order, Justice Gammerman permanently stayed nine separate pending actions against the other Puccini shareholders and their attorneys including K&R (see Exhibit "A" pages 7-9), including three actions as to which Sassower published and distributed process dated January 7, 1985, subsequent to both Justice Gammerman's decision (which was rendered from the bench on December 18, 1985) and the issuance of temporary restraining order by Justice Hughes on December 7, 1984.

3. Justice Gammernan's Order provided, in pertinent part:

"ORDERED, that Hyman Raffé 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 Raffé 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;

A-H.S.

(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;

(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:

the foregoing enumerated persons or firms, any representative member, employee, associate, affiliate." (Exhibit "A" pages 9-11, emphasis added)

THE ACTIONS WERE COMMENCED
IN VIOLATION OF THE INJUNCTION

4. On April 10, 1985, a bare summons (a copy of which is annexed hereto as Exhibit "B") was served upon Kreindler & Relkin, P.C., purporting to commence a new action ("Action No. 1" herein) on behalf of Raffo against Justice Riccobono, Special Referee Donald Diamond (who was appointed pursuant to Justice Riccobono's order to supervise

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the Raffe-Puccini-related litigations) and against the law firm of Kreindler & Relkin, P.C., attorneys for Kaufman's Estate. The summons alleges "violation of Judiciary Law, obstruction of Justice", and seeks damages of \$10,000,000 (ten million dollars).

5. On April 23, Raffe's attorney Sassower personally served the summons (a copy of which is annexed as Exhibit "C") upon my firm commencing Action No. 2 hereinabove. Justice Schackman of this Court who was then presiding over a jury trial in which Kaufman's Estate and Raffe were parties is also named as a defendant therein. That action seeks \$1,000,000 (one million dollars) for "non-privileged actionable contempt, deceit and violation of Judiciary Law, and violation of plaintiff's due process rights".

6. On April 24, 1985, Raffe's attorney Sassower personally served the summons (a copy of which is annexed as Exhibit "D") commencing Action No. 3 against Donald B. Relkin, myself, the firm of Kreindler & Relkin, Citibank and Jerome H. Barr individually and as Executors of the Will of Milton Kaufman. In this action, Raffe seeks \$1,500,000.00 (one million five hundred thousand dollars) for alleged "fraud, deceit, violations of Judiciary Law (representation that 21298/79 not involved)" (sic). This \$1.5 million action was served in the midst of the trial on an action brought by Kaufman's Estate against Raffe, over which Justice Schackman was presiding.

7. The only matters with which Kreindler & Relkin has any involvement with Raffé relates to Puccini Clothes Ltd., and the enforcement by Kaufman's Estate of its rights against Raffé. Raffé and Sassower are specifically enjoined under the terms of Justice Gammerman's injunction from commencing any further litigation against Kaufman's Estate, K&R or any member of K&R with regard to these matters.

8. It is thus respectfully submitted that this action is barred by Justice Gammerman's injunction which permanently enjoins and restrains Raffé and Sassower from, inter alia,

"...filing or serving...any lawsuit...the subject matter of which arises out of or relates to any of the litigation arising out of the Puccini controversy, including:

* * *

(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;

(ii) the law firm of Kreindler & Relkin, P.C.

* * *

(Exhibit "A" pages 9-11 emphasis added)

* * *

9. As may be seen, the persons and entities against whom Raffé and Sassower are enjoined from commencing actions specifically include Jerome H. Barr and Citibank, the Executors of Kaufman's Estate, both individually in their capacities as Executors, the law firm of Kreindler & Relkin, P.C., which has been named as a party defendant herein, and any members or associates of the firm. Both Donald Relkin and I, who have been named as defendants in Action No. 3 are members of the firm of K&R, and are thus, together with Barr & Citibank, protected by Justice Gammerman's injunction barring suits by Raffé or Sassower.

SASSOWER AND RAFFE SHOULD BE
PUNISHED FOR CRIMINAL CONTEMPT

10. This is not the first time that Sassower and Raffé have violated an injunction restraining further lawsuits against Kaufman's Estate, K&R, its members and associates. In December 1984, they violated a temporary restraining order by filing three 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 Raffé, commenced other actions against K&R and other law firms, seeking damages in the aggregate of \$100,000,00. K&R's motion to dismiss that action is pending.

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

12. The aforementioned conduct was calculated to and has defeated, impeded, impaired and prejudiced the rights of Movants Barr, Citibank, K&R and its members, Relkin and myself. Accordingly, Sassower and Raffé should be punished for their criminal contempts of court.

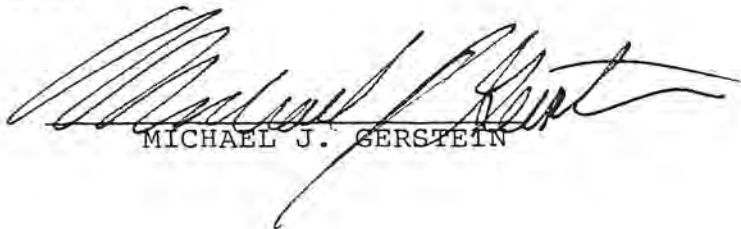
IN ADDITION TO CRIMINAL CONTEMPT
SANCTIONS, DAMAGES SHOULD BE ASSESSED
AGAINST SASSOWER AND RAFFE

12. As a result of the purported service of the Summons in violation of the Permanent Injunction Order, Movants will necessarily incur legal fees, expenses and costs in defending this patently improper action.

Accordingly, Movants seek to recover damages for the fees and expenses that have been and will be incurred by reason for the egregious misconduct of Sassower and Raffe. This relief is sought pursuant to Judiciary Law §773 and the Order of this Court (Saxe, J.) 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 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 Movants request that they be permitted to prove, at the appropriate time, the amount of such damages.

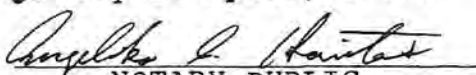
13. No prior application has been made for the relief requested herein.

WHEREFORE, it is respectfully requested that the actions be dismissed or alternatively permanently stayed that Raffe and Sassower be held in criminal contempt and damages assessed against them, and that Movants have such other further and different relief as the court may deem just and proper in the premises.



MICHAEL J. GERSTEIN

Sworn to before me this
30th day of April, 1985.



NOTARY PUBLIC

ANGELIKA A. HATTOS
Notary Public, State of New York
No. 3 21 387
Office
Term Expires March 11, 1987

A-54
SUMMONS

C 190-Summons with Notice, Supreme Court,
Personal or Substituted Service, 1-7a

Printed by JULIUS BLUMBERG, INC., PUBLISHER
62 WHITE STREET, NEW YORK, N.Y. 10013

Supreme Court of the State of New York
County of NEW YORK

HYMAN RAFFE,

Plaintiff(s)

against

KREINDLER & RELKIN, P.C., Hon. WALTER W.
SCHACKMAN, "JOHN DOE", and "JOHN ROE", names
fictitious, persons intended to be those who
communicated with the Court, ex parte,

Defendant(s)

Index No.

Plaintiff(s) designates

New York
County as the place of trial

The basis of the venue is
Residence of defendants.

Summons with Notice

Plaintiff(s) reside(s) at

County of Nassau

To the above named Defendant(s)

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, April 23, 1985

Defendant's Address:

GEORGE SASSOWER, Esq.

Attorney(s) for Plaintiff(s)

Office and Post Office Address

2125 Mill Avenue,
Brooklyn, New York, 11234
(718) 444-3400

Nature of Action: Non-privileged actionable contempt, deceit and violation of Judiciary Law, and violation of plaintiff's due process rights.

Upon your failure to appear, judgment will be taken against you by default for the sum of \$1,000,000

Exhibit "C"

Rec'd 4/23

A-55
SUMMONS

Index No.

SUPREME COURT : NEW YORK COUNTY

Plaintiff designates

HYMAN RAFFE,

New York
County as the place of trial

The basis of the venue is
residence of defendants.

Plaintiff

against

Summons with Notice

DONALD B. RELKIN, ESQ., MICHAEL J. GERSTEIN,
ESQ., KREINDLER & RELKIN, P.C., CITIBANK,
N.A., and JEROME H. BARR, ESQ., individually
as executors of the Will of Milton Kaufman

Plaintiff resides at

Defendant

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, April 24, 1985
Defendant's address:

GEORGE SASSOWER, Esq.

Attorney(s) for Plaintiff
Office and Post Office Address

2125 Mill Avenue,
Brooklyn, New York, 11234
(718) 444-3403

Notice: The nature of this action is

fraud, deceit, violation of Judiciary Law
(representation that 21298/79 not

The relief sought is involved)

money damages

Upon your failure to appear, judgment will be taken against you by default for the sum of \$ 1,500,000
with interest from 19 and the costs of this action.

Exhibit "1"

Served by Sassower
Rec'd 4/24/85
mrc

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

-----X
HYMAN RAFFE,

Plaintiff,

-against-

XAVIER C. RICCOBONO, DONALD DIAMOND,
FELTMAN, KARESH & MAJOR, Esqs. and
KREINDLER & RELKIN, P.C.,

Defendant.
-----X

:
: Index No.

:
: SUPPLEMENTAL
: AFFIRMATION

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:

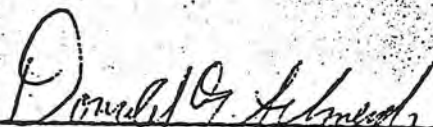
1. I am a member of Feltman, Karesh & Major ("FK&M"),
a named defendant appearing pro se in the above-captioned
action.

2. Because FK&M have not been able to serve personally
on plaintiff Hyman Raffe ("Raffe") a copy of the contempt
motion, FK&M hereby withdraws that portion of its motion which
seeks criminal contempt sanctions against Raffe. However,
having personally served the motion upon George Sassower and

A 52

Samuel Polur, FK&M continues its request for criminal contempt sanctions against those parties.

Dated: New York, New York
May 6, 1985


DONALD F. SCHNEIDER

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GEORGE SASSOWER, ESQ.-OPPOSING AFFIDAVIT

LA58-A61 I

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

HYMAN RAFFE,

Plaintiff,

-against-

XAVIER C. RICCOBONO, DONALD DIAMOND,
FELTMAN, KARESH & MAJOR, Esqs., and
KREINDLER & RELKIN, P.C.

Defendants.

Index No.

9522/85

Papers submitted
May 29, 1985
Number 5 21

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

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

This affidavit is in opposition to the
Notice of Motion by Feltman, Karesh & Major, Esqs.,
dated April 11, 1985, returnable May 8, 1985.

1a. At the outset, by agreement with Senior
Assistant Attorney General David S. Cook, Esq., the
purported Order of Hon. Ira Gammerman, is without legal
effect.

b. The Attorney General's Office recognizes
that the words of the purported Order of Hon. Ira
Gammerman notwithstanding, His Honor had no
jurisdiction.

A-59.

2a. It is plaintiff's contention that Hon. Ira Gammernan had no jurisdiction over him and/or that the Order was the subject of extrinsic fraud, and thus null and void, without any further action on plaintiff's part.

b. Review of such Order is presently in the Appellate Division and sub judice in this Court since March 15, 1985.

c. Some of the assertions made to this Court in the petition are annexed hereto (Exhibit "A").

3a. Aside from the procedural jurisdictional deficiencies an Order of this Court which prohibits the plaintiff and your deponent from communicating with the Grievance Committee (and arm of the Appellate Division), particularly where deponent has in his possession documented evidence of massive larceny of judicially entrusted funds, perjury, and corruption, is not only irregular, it is void (21 NY Jur 2d, Contempt §28, p. 255).

b. The out-of-orbit "space odyssey" of the Order relied upon, may not be the subject of either enforcement or contempt.

c. The sister Order of Mr. Justice Gammernan, dated the same day, is even worse!

A-60.

4. As the movant has been repeatedly advised the entire format for this contempt proceeding, which includes third parties, does not comply with constitutional or statutory mandate, including the size of the warning type (21 NY Jur 2d, Contempt, §11, p. 232).

5a. On fully argued and submitted motions, Hon. Kenneth L. Shorter determined that the rules of Referee Donald Diamond nor the Order of Hon. Ira Gammernan can defeat plaintiff's motions or actions at the threshold (Exhibit "B").

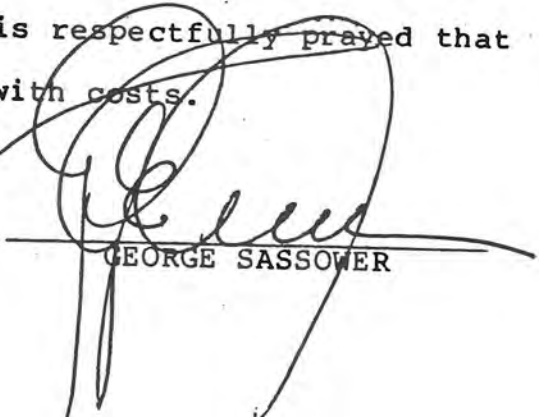
b. The movants should have appealed if they believed the holding erroneous and not repeat the same performance, as if the issues had not been previously heard and adjudicated.

6a. Furthermore, since the conduct complained of arises subsequent to the purported Order dated January 23, 1985, legally the aforementioned purported Order can have no legal or constitutional effect.

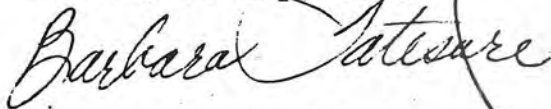
b. No order can grant to any person or firm the right to commit any tort it or they desire in the future with impunity.

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WHEREFORE, it is respectfully prayed that
the within motion be denied, with costs.


GEORGE SASSOWER

Sworn to before me this
6th day of May, 1985



BARBARA TATESURE
Notary Public State of New York
No. 74-4760746
Qualified in Kings County
Commission Expires March 30, 1986

A-62:
EXHIBIT-COMPLAINT

If there is any decency left
within you, take it and go! In the name of God
and everything decent -- just go!

A62-A69

/s/ GEORGE SASSOWER"

AS AND FOR THE SEVENTH CAUSE OF COMPLAINT
ON BEHALF OF GEORGE SASSOWER, RAFFE, AND PUCCINI

29. Petitioners, repeat, reiterate, and
reallege each and every allegation of the petition
herein numbered "1" through "28" inclusive, with the
same force and effect and though more fully set forth at
length herein, and further alleges:

30a. Means and ways were being found in order
to lawfully circumvent the "Diamond rules" and obtain
for the parties their right to access to the courts for
relief.

b. Consequently, by ex parte applications,
K&R, FK&M, and ANBL&K obtained Orders to Show Cause,
with temporary restraining provisions, essentially to
stay five lawful actions and proceedings, four of which
involved Raffé and/or Puccini, and in only one was there
any colorable claim to disqualification.

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c. Obviously, IG, the jurist before whom such proceedings were made returnable, received the usual ex parte, false and misleading pre-orientation and pre-indoctrination course by K&R. FK&M, ANBL&K, and/or those operating in consort with them, as revealed by the transcript and subsequent proceedings.

The transcript of the proceedings on the adjourned return date reveals the following (SM p.3-5):

"THE COURT: Motions 127 and 224. I have, as I understand it, five motions. I understand Mr. Sassower that you have been disqualified from representing Mr. Raffe and I'd be interested in knowing in what actions this disqualification applies.

MR. SCHNEIDER ['FK&M'] Index number 01816 --

THE COURT: You have been disqualified from representing Mr. Raffe. ... I have read those papers. You don't represent Mr. Raffe in that matter. You have no standing. Is Mr. Raffe here?

MR. SCHNEIDER: No, he is not.

THE COURT: He's defaulted on the motions?

MR. WEISSMAN ['K&R']: That's right.

MR. SCHNEIDER: Your Honor, how [sic] there are three separate orders to show cause by each of the litigants.

THE COURT: Those motions Mr. Sassower can represent Mr. Raffe.

MR. SCHNEIDER: No, he cannot represent Mr. Raffe, but he can certainly represent himself.

THE COURT: Then the motions are granted with respect to Mr. Raffe, Mr. Raffe having defaulted... You don't represent him. He has not answered the motion. I don't care if he submitted an affidavit. He has not answered the motion. He's in default.

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MR. SASSOWER:
for a moment?
THE COURT:
behalf."

May I just be heard
Not on Mr. Raffe's

There is no question that GS lawfully represented Raffe on three of the four matters before the Court! Thus, to the extent that IG denied Raffe his right to be represented by his attorney, the proceedings were a nullity and void!

There is no question that the court rules, including the procedures of IG, permit submissions, in lieu of oral argument, at Special Term Part I in SC. To the extent that IG announced, sua sponte, an ad hoc rule to meet the occasion, it is void (David v. David, supra).

This is a "Diamond [style] procedure" where rules are enacted enacted on a sua sponte, ad hoc basis to exclude Raffe and/or GS from the tribunal.

There is no question that the K&R and FK&M firms misled the Court, as to Raffe's representation, and in other respects!

There would be little need for Judiciary Law §487, or the doctrine of "extrinsic fraud", if an attorney could not deceive a judge or a court!

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d. The Court's decision was clear and precise, for His Honor stated (SM7-8):

"THE COURT: I'm going to stay all the actions against the lawfirms. That's my intention. I'll listen to Mr. Sassower, but after reading all the papers, it was my intention to stay actions against the lawfirms, let litigation proceed against the non-lawfirm defendants, if there is any basis for the lawfirm actions, an application may be made by Mr. Sassower to vacate the stay and I think you should make a motion to dismiss the actions against the officer." [emphasis supplied]

The Court never modified, nor enlarged the above during the proceedings that followed. In conclusion the following appears (SM13):

"MR. WEISSMAN: The actions against the law-firms --
THE COURT: Are stayed."

Thus, at best any submitted Order by the movants could not include anything more than a stay against the "law firms" only, and as concerned Raffé, such stay was of dubious validity!

e. - The movants served an Order with Notice of Settlement on Thursday, evening, January 10th, 1985, at about 7:30 p.m., returnable Monday, January 14, 1985, which included not five, but ten actions and proceedings, involving attorneys who were never served or made parties to the aforementioned motions.

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The decision of the Court was not included thereon, but instead contained the false statement that IG had:

"grant[ed] the motions and extend[ed] the temporary restraining orders contained within the Orders to Show Cause .. [and] the motions for permanent injunction ... granted."

In addition to including five actions and proceedings which were not before the Court, motions or parts thereof which had been denied, were now granted; relief never requested, was now included; and provisions were included which clearly indicated that the Court had compromised its soul and was completely "out of its jurisdictional orbit", including the staying of matters before coordinate justices which had been sub judice for several months and involved other attorneys only.

The provisions regarding publication, went far beyond even the arguability of the court's legitimate sphere of jurisdiction.

Annexed hereto and made a part hereof is a copy of said Order which was signed on January 23, 1985, when the clerk's in Special Term Part I were checking orders noticed for settlement for January 8th, 1985.

SUPREME COURT
SPECIAL TERM

NEW YORK COUNTY
PART I DECISION

[A71-A73]

HYMAN RAFFE,

Plaintiff,

- against -

XAVIER C. RICCOBONO, et al.,

Defendants.

Index No. 9522/85

Cal. No. 21

Cal. Date 5/29/85

KLEIN, ALVIN F., J.:

Motions numbered 21 and 178 on the calendar of May 29, 1985 are consolidated for disposition.

Motion no. 178 is by various defendants in three separate actions seeking an order pursuant to CPLR 3211 dismissing these actions or, in the alternative, permanently staying them on the grounds that they were commenced in violation of the permanent injunctive order of Justice Gammerman dated January 23, 1985; for an order pursuant to §§750(3) and 751 of the Judiciary Law punishing plaintiff Raffe and his attorney, George Sassower, for criminal contempt of court for deliberate violation of the said order dated January 23, 1985; and for an order pursuant to § 773 of the Judiciary Law awarding movants damages, including reasonable attorneys' fees, resulting from Raffe's and Sassower's violation of the January 23, 1985 order.

Motion no. 21 is by a defendant in another action seeking similar relief against Sassower and against Samuel Polur, the attorney who served the summons in that action with full knowledge of the January 23, 1985 order of Justice Gammerman.

Criminal contempt is established when there is a clear and definite court order, and the contemnor knows of the order and

A-72.

willfully disobeys it (see § 750 Judiciary Law; State v. Congress of Racial Equality, 92 AD2d 815).

It is evident that the order of Justice Gammernan dated January 23, 1985 enjoined commencement of the within actions. It is also apparent that these actions were brought subsequent to the issuance of that order and that they were brought by and served by persons with knowledge of that order.

Upon a careful reading of all of the papers submitted herein, and after oral argument before this court on May 29, 1985, it is clear to this court that plaintiff Raffe and the attorneys Sassower and Polur have willfully and deliberately flouted the aforesaid order of Justice Gammernan. Their flagrant disregard of the order is an affront to the dignity of the court and warrants imposition of criminal contempt sanctions.

Accordingly, those parts of the motions seeking orders punishing Raffe, Sassower and Polur for criminal contempt are granted.

Those branches of the motions seeking recovery of damages including attorneys' fees incurred as a result of defending these actions are granted to the extent that the issue of the reasonable value of such damages and attorneys' fees is hereby referred to Trial Term Part 10 for assignment to hear and report with recommendations. Pending receipt of the report, final determination of these portions of the motions shall be held in abeyance. Counsel are hereby directed to file a copy of this order with the Office of the Referees, Room 308M, 60 Centre Street, for the purposes of obtaining a calendar date.

Inasmuch as commencement of these actions had been barred by the order of Justice Gammernan dated January 23, 1985, those

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portions of the motions seeking orders dismissing these actions are granted with prejudice.

Settle order.

Dated: June 6, 1985

Q-7K
J.S.C.