

COURT OF APPEALS : STATE OF NEW YORK

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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,
For the Dissolution of Puccini
Clothes, Ltd.

Petitioners-Appellants,

[GEORGE SASSOWER, Esq.,
Respondent-Respondent].
-----x

JURISDICTIONAL STATEMENT

- a. 1. The title of the case appears above.
2. The appeal is taken from an Order of the Appellate Division of the Supreme Court, First Judicial Department, finally determining an action directly involving the construction of the Constitutions of the State of New York and of the United States (CPLR §5601[b][1]) (People v. Michael, 48 N.Y.2d 1, 420 N.Y.S.2d 371).
3. The notice of appeal was served and filed on September 26, 1985.
4. The Order appealed from, with notice of entry was never served.
5. Feltman, Karesh & Major, Esqs.
55 East 52nd Street,
New York, New York, 10055
(212) 371-8630

Kreindler & Relkin, P.C.
500 Fifth Avenue,
New York, New York, 10110
(212) 719-1600

Arutt, Nachamie, Benjamin, Lipkin &
Kirschner, P.C
342 Madison Avenue,
New York, New York, 10173
(212) 682-9580

b. 1. The Notice of Appeal is annexed hereto
(Exhibit "A").

2. The Order appealed from is annexed hereto
(Exhibit "B").

3. None.

4. None.

5. The Order of Special Term (Exhibit "C"),
on which the Appellate Division denied respondent's
motion to dismiss the cross-appeal, based on "double
jeopardy".

6. The Opinion of Special Term on which the
aforesaid Order of Special Term was made (Exhibit "D"),
as well as the Interim Order granting respondent's
motion to renew (Exhibit "E").

STATEMENT OF ESSENTIAL FACTS

1a. Feltman, Karesh & Major, Esqs., joined by
Kreindler & Relkin, P.C. and Arutt, Nachamie, Benjamin,
Lipkin & Kirschner, P.C., commenced a proceeding to hold
Hyman Raffé and George Sassower, Esq., in criminal
contempt.

b. There were voluminous submissions over a
two year period resulting in:

c. Hyman Raffé was fully and completely
exonerated.

d. George Sassower, Esq., was exonerated of criminal contempt, but the Court imposed a fine against him in the sum of \$250 for civil contempt.

2a. Respondent appealed the finding of civil contempt, and move to renew and reargue, which by Interim Order was granted (Exhibit "E"), rendering respondent's appeal moot.

b. Feltman, Karesh & Major, Esqs., cross-appealed, contending that George Sassower, Esq., should have been adjudicated guilty of criminal contempt.

The Interim Order properly holds that criminal contempt may not be relitigated (Exhibit "E").

3a. Respondent, George Sassower, Esq., moved to dismiss the cross-appeal, contending same was prohibited by Amendment V (United States Constitution) and Article 1 §6 (New York State Constitution).

b. The Appellate Division denied such motion (Exhibit "B").

ARGUMENT

THE PROSECUTION MAY NOT APPEAL WITHOUT
VIOLATING "DOUBLE JEOPARDY" INTERESTS.

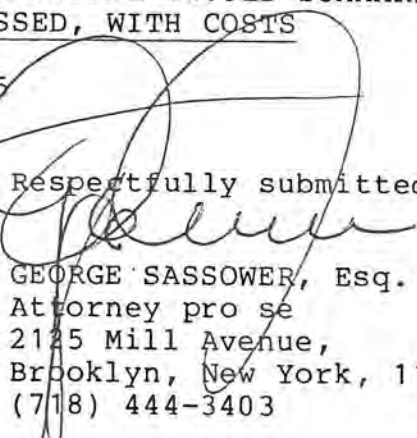
1. Once an accused is exonerated after a full trial or a full submission of his evidence, as here, if not before, the prosecutor may not appeal (People v. Brown, 40 N.Y.2d 381, 386 N.Y.S.2d 848, cert. den. 433 U.S. 913; People v. Crimmins, 99 A.D.2d 439, 470 N.Y.S.2d 617 [1st Dept.]) without violating "double jeopardy" interests (Justices v. Lydon, U.S. 104 S.Ct. 1805, 80 L.Ed.2d 311; Green v. United States, 355 U.S. 184).

CONCLUSION

THE NOTICE OF CROSS-APPEAL SHOULD SUMMARILY
BE DISMISSED, WITH COSTS

Dated: September 27, 1985

Respectfully submitted,


GEORGE SASSOWER, Esq.
Attorney pro se
2125 Mill Avenue,
Brooklyn, New York, 11234
(718) 444-3403

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

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

Index No.
1816-1980

Petitioners-Appellants,

[GEORGE SASSOWER, Esq.,
Respondent-Respondent].
-----X

S I R S

PLEASE TAKE NOTICE, that GEORGE SASSOWER,
Esq., respondent-respondent, hereby appeals to the Court
of Appeals from the Order of the Appellate Division of
the Supreme Court of the State of New York, First
Judicial Department, dated April 4, 1985, insofar as it
denied the cross-motion of respondent-respondent.

Dated: September 26, 1985

Yours, etc.,

GEORGE SASSOWER, Esq.
Attorney pro se.
2125 Mill Avenue,
Brooklyn, New York, 11234
717-444-3403

To: Kreindler & Relkin, P.C.
Feltman, Karesh & Major, Esqs.
Arutt, Nachamie, Benjamin, Lipkin & Kirschner, P.C.

At a term of the Appellate Division of the Supreme Court
held in and for the First Judicial Department in the County of
New York, on April 4, 1985

Present—Hon.	Leonard H. Sandler	Justice Presiding
	Sidney H. Asch	
	Arnold L. Fein	
	E. Leo Milonas	Justices

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

M-993

Petitioners-Respondents-Appellants, :

George Sassower, Esq., :

Respondent-Appellant-Respondent. :
-----X

An appeal and cross-appeal having been taken to this Court from
an order of the Supreme Court, New York County, entered on January 4, 1985,

And respondent-appellant-respondent having moved this Court for
an order dismissing the cross-appeal of petitioners-respondents-appellants,
and staying execution and enforcement of that order pending hearing and deter-
mination of the appeals taken therefrom,

Now, upon reading and filing the notice of motion, with proof
of due service thereof, and the papers filed in support of said motion and
the papers filed in opposition thereto, and due deliberation having been had
thereon,

It is ordered that said motion be and the same hereby is denied.

ENTER:

HAROLD J. REYNOLDS

Clerk.

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, New York on the 14th day of October, 1984.

P R E S E N T :

Hon. Martin Evans,

Justice.

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

Petitioners, :

For the Dissolution of Puccini :
Clothes, Ltd. :

Index No. 01816/80
ORDER FOR CONTEMPT

Lee Feltman, Esq., as permanent receiver for Puccini Clothes, Ltd., having moved for an order holding George Sassower, Esq. and Hyman Raffé in contempt of court for their willful refusal to comply with court orders, and Messrs. Sassower and Raffé having each cross-moved for an order vacating and/or dismissing the Order to Show Cause for contempt.

Upon the Order to Show Cause dated November 22, 1982, the affidavit of Donald F. Schneider, duly sworn to on November 19, 1982, and the exhibits annexed thereto in support of the contempt motion; the affidavit of service of the Order to Show Cause on Hyman Raffé of Simon Horowitz, sworn to November 30, 1982; the affidavit of service of the Order to Show Cause on George Sassower of Herbert Stokes, sworn to on November 30, 1982; the Notice of Cross-Motion of George Sassower, dated December 7, 1982 and the affidavit of George Sassower, sworn to on December 7, 1982; the Notice of Cross-Motion of Hyman Raffé, dated December 7, 1982, and the affidavit of Hyman Raffé, sworn to December 7, 1982; the Supplemental Affirmation of Donald F. Schneider, dated May 31, 1983, and the exhibit annexed thereto in further support of the motion; and the Supplemental Affirmation of Donald F. Schneider, dated May 31, 1984, and the exhibits annexed thereto, in further support of the motion; and this Court having rendered a decision dated December 23, 1982 holding the contempt motion in abeyance pending a hearing on whether George Sassower was properly served with the Order to Show Cause; and a hearing having been held thereon;

Upon the Notice of Motion of George Sassower, dated May 30, 1983, the affidavit of George Sassower, sworn to May 30, 1983, and the exhibit annexed thereto; the Notice of

Cross-Motion of the receiver, dated June 3, 1983, and the affirmation of Donald F. Schneider dated June 3, 1983 and the exhibits annexed thereto, in support of the cross-motion and in opposition to the motion; the affidavit of George Sassower, sworn to June 18, 1983, in further support of the motion;

And due deliberation having been had thereon; and this Court having rendered a decision dated August 14, 1984;

Now, on motion of Feltman, Karesh & Major, attorneys for Lee Feltman, Esq. in his capacity as court-appointed permanent receiver of Puccini Clothes, Ltd., it is

ORDERED, that the motion of George Sassower to disaffirm the Report of Special Referee Gerald Mazur dated May 24, 1983 (the "Report") is denied in all respects; and it is further

ORDERED, that the cross-motion of the Receiver for Puccini Clothes, Ltd. to confirm the Report is confirmed ^{TO THE} ~~in all~~ ^{EX-CEPT SET FORTH} ~~respects~~; and it is further

ORDERED, that the motion of the Receiver for Puccini Clothes, Ltd. to hold George Sassower and Hyman Raffé in contempt of court is granted ^{TO THE EXTENT HEREIN SET FORTH} ~~in all respects~~; and it is further ~~AND IS OTHERWISE DENIED, AND IT IS FURTHER~~

ADJUDGED, that George Sassower, Esq. is guilty of contempt of court for having wilfully disobeyed the Order of the Honorable Thomas V. Sinclair, Jr., dated February 1, 1982, which disqualified George Sassower from representing Hyman Paffe in an action pending in the Supreme Court of the State of New York, County of New York (Index No. 16792/80), and the separate order of the Honorable Thomas V. Sinclair, Jr. dated February 1, 1982, in a proceeding pending in the Supreme Court of the State of New York, County of New York (Index No. 61816/80) which disqualified George Sassower "from representing Hyman Paffe in this action, and in all other actions or matters wherein George Sassower, Esq. represents an interest adverse to the respondents Eugene Dann, Robert Sorrentino and Puccini Clothes, Ltd."; and it is further adjudged that the conduct of George Sassower was calculated to and in fact defeat, impair, impede and prejudice the rights of Eugene Dann, Robert Sorrentino and Puccini Clothes, Ltd., and it is further

ORDERED, that pursuant to the Judiciary Law of the State of New York, by reason of such contempt of court, George Sassower shall pay a fine of \$250.00 payable to Lee Feltman as Receiver of Puccini Clothes, Ltd. at his office at 55 East 52nd Street within 10 days after personal service of a certified copy of this order upon him.

Enter.

085525

25 JAN 1985

Martin Evans, J.S.C.

CLERK OF THE COURT
COUNTY OF NEW YORK, SS.
NORMAN GOODMAN,
JULY 1, 1985, NEW YORK
IN THE SUPREME COURT
OF THE STATE OF NEW YORK
COUNTY OF NEW YORK
DO HEREBY CERTIFY IN

THAT I HAVE COMPALED THIS
COPY WITH THE ORIGINAL
FILED IN MY OFFICE ON
JAN 14 1985

1-4

FILED
JAN 14 1985
CLERK OF THE COURT
COUNTY OF NEW YORK
DO HEREBY CERTIFY IN

FILED
JAN 14 1985
CLERK OF THE COURT
COUNTY OF NEW YORK
DO HEREBY CERTIFY IN

Present:

HON. MARTIN EVANS

Justice.

In Re: Isaac H. BARR, Applicant - Petitioner

— against —

Resolution of P. OCCINI Clothes, Inc.

re: 5 of 14/83

The following papers numbered 1 to 8 read on this motion, submitted

No. 154 on Calendar of 4/20/83

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

Answering Affidavit - Cross Motion

Replying Affidavit

Affidavit

Affidavit

Pleadings - Exhibit

Stipulation - Referee's Report - Minutes

Filed Papers

PAPERS NUMBERED

1-4

~~5-8~~ 9

~~5-8~~

Upon the foregoing papers this motion by barrer to disaffirm the report (May 24, 1983) is denied; the cross-motion by Fel to confirm, is granted. The record before the Court clearly shows the barrer deliberately defaulted at the traverse hearing, on the basis that barrer could not find a fine fair case, barrer, a chess that tactical course, and having done so on an incorrect premise, cannot now controvert the referee's findings. The Court therefore concludes that he has properly served pursuant to CPLR 308(2) on his little order. The relief is therefore confirmed and the underlying motion is granted.

Dated 8/19/83

Plaintiff's Defendant's Petitioner's Respondent's Relator's

J.S.C.

County Clerk's No. 1816, 1980

Spec. I. Lib. 8177 Line 9, 1983

SUPREME COURT OF THE STATE OF NEW YORK, SPECIAL TERM PART I, NEW YORK COUNTY
at the Court House thereof, 60 Centre Street, New York, New York, 10007.

Present: Hon. L. J. T. A. H. S. Justice.

BARR, etc

(Dissolution Proceedings)
against

Puccini Clothes, Ltd.

CITY OF NEW YORK JUSTICE

BOOK 11214

APR 8 1935

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

No. 200 on Calendar of 2/14/85

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

Answering Affidavit

Replying Affidavit

Affidavit

Affidavit

Pleadings - Exhibit

Stipulation - Referee's Report - Minutes

Filed Papers

PAPERS NUMBERED

1-3

4-7

Upon the foregoing papers this motion by George Feltner, seeking to
obtain an order punishing George Feltner, Eng. for criminal
contempt of court is respectfully referred to Mr. Ronald Diana
Special Referee, pursuant to the administrative order of Mr. Xavi
Rimoboni, J.A.C. (3/26/84). The order entered by respondent Feltner,
seeking to vacate his opposition to a prior order for contempt which
resulted in this Court's order of civil contempt (12/14/84), is also so
referred. Both motions raise questions of fact which cannot be
determined on paper alone. Insofar as matters raised as preliminary
issues for the contempt are sought to be asserted and

Briefs: Plaintiff's _____ Defendant's _____ Petitioner's _____ Respondent's _____ Relator's _____
Exhibit "E"

Briefs

County Clerk's No. 1314

1980