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Attorney Sanctioned by Court of Appeals

BY GARY SPENCER

ALBANY — The Court of Appeals yesterday sanctioned a Manhattan attorney and his client, finding that their "frivolous" motions for leave to appeal and to reargue were meant primarily to delay enforcement in Israel of a \$19.5 million judgment.

"This is precisely the type of misuse of judicial process that Part 130 was adopted to curtail," the Court said, imposing separate \$2,500 sanctions on Israeli businessman Henry A. Roth and his attorney, Louis H. Benjamin, formerly of Slotnick & Baker.

In other actions, the Court refused to hear the state's appeal of a decision that Family Court judges in New York City must receive the same pay as their counterparts in Nassau County, whose salaries have been \$9,000 higher. It also refused to review a ruling that the natural mother of Lisa Steinberg "abandoned" the child and has no right to sue for wrongful death. Lisa was beaten to death by Joel Steinberg in 1987.

The sanction case — *Intercontinental Credit Corporation Division of Pan American Trade Development Corp. v. Roth*, Mo. No. 883 — stems from a 1989 order by Manhattan Supreme Court Justice Edward J. Greenfield awarding \$19.5 million to International Credit Corporation on summary judgment.

Mr. Roth, president of Universal Petroleum Products Inc. and Universal Oil Distributors Inc., had executed unconditional guarantees for loans to three other corporations that were used to reduce the debts of his own firms. When the other corporations defaulted, he was held responsible for the loans. The

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Appeals Court Highlights

The State Court of Appeals yesterday:

■ **Ruled 6-0 to impose** a sanction on an Israeli businessman and his Manhattan attorney for filing motions with an 'utter lack of merit' in an attempt to delay enforcement of a \$19.5 million judgment.



■ **Let stand a ruling** that Family Court judges in New York City, who make \$86,000 a year, are entitled to the same pay as those in Nassau County, who earn \$95,000 a year.

■ **Declined to review a** decision that the natural mother of Lisa Steinberg abandoned her daughter and therefore has no right to recover for the child's wrongful death.

■ **Refused to hear an appeal** by a White Plains attorney ordered to submit to a psychiatric examination to determine her fitness to practice law.

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Attorney Is Sanctioned by Court of Appeals

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order was affirmed by the Appellate Division, First Department, and ICC began enforcement proceedings.

The enforcement effort included proceedings in Israel, where Mr. Roth owned a \$3 million villa in Netanya, according to ICC attorney Matthew S. Dontzin of Kramer, Levin, Nessen, Kamin & Frankel. But the Israeli courts held the New York judgment was not final and could not be enforced because Mr. Roth could seek leave from the Court of Appeals.

His attorney filed the motion for leave to appeal too late, and the Court dismissed it as untimely last June. He moved for reargument a month later, and the Court said yesterday that both motions were frivolous.

"The utter lack of merit in these motions and the virtual impossibility of affecting the final judgment at this late stage in the litigation confirm [ICC's] contention that this reargument motion was made primarily to delay enforcement of a judgment in Israel," it said in a 6-0 per curiam opinion.

"In imposing a sanction on both defendant and his attorney," it said, "we have considered the facts that plaintiff has been inappropriately hampered in its efforts to enforce a valid judgment, that this was defendant's second misguided effort to invoke the jurisdiction of this Court for purposes

essentially unrelated to the legitimate settlement of controversies and that a specific, well-founded request for sanctions against both defendant and his counsel has been made."

In *Deutsch v. Crosson*, Mo. No. 667, the Court let stand a ruling that the 45 Family Court judges in New York City, who make \$86,000 a year are entitled to the same pay as those in Nassau

The \$9,000 raises in judges' salaries will cost the court system about \$378,000, along with a \$3 million payment for retroactive salary, according to the Office of Court Administration.

County, who are the highest paid Family Court judges in the state at \$95,000 per year. Judges in some upstate Family Courts earn \$82,000 per year, but the order applies only to those in New York City.

The \$9,000 raises will cost the court system about \$378,000, according to the Office of Court Administration, along with a \$3 million payment for retroactive salary. Chief Judge Sol Wachtler took no part in the decision that denied leave to appeal.

In *Launders v. Steinberg*, Mo. No. 675, the Court declined to review a decision that Michele Launders, the natural mother of Lisa Steinberg, abandoned the girl when she gave her up for adoption at birth and therefore has no right to recover for her wrongful death.

Manhattan Supreme Court Justice Eugene L. Nardelli said in his 1989 ruling, "No distributive share in the estate of a deceased is allowed a parent who has failed to provide for or has abandoned such child. Clearly Michele failed to provide for Lisa; she has never performed her legal duty to provide care and training for Lisa. Moreover, it is clear that, no matter what Michele's circumstances and reasons for doing so, she abandoned Lisa."

The Court also refused to hear an appeal by White Plains attorney Doris L. Sassower, who was ordered by the Appellate Division, Second Department, last October to submit to a psychiatric examination to determine her fitness to practice law. The Appellate Division suspended her from practice in June for failing to comply with the order.