

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

-----x
In the Matter of the Application of
HYMAN RAFFE, GEORGE SASSOWER, Esq., and
SAM POLUR, Esq.,

Petitioners,

-against-

Hon. ALVIN F. KLEIN and Hon. DAVID B.
SAXE,

Respondents.

Pursuant a Writ of Prohibition and a Bill
In Equity.

-----x
S I R S:

PLEASE TAKE NOTICE that upon the annexed
petition, duly verified the 2nd day of July, 1985, and
upon all pleadings and proceedings had herein, the
undersigned will move this Court at a Stated Term of the
Supreme Court of the State of New York, Appellate
Division, First Judicial Department, held at the
Courthouse thereof, 25th Street and Madison Avenue, in
the Borough of Manhattan, City and State of New York, on
the 10th day of ~~July~~^{September}, 1985, at ~~9:30~~^{10:00} o'clock in the
forenoon of that day or as soon thereafter as the
undersigned can be heard for a (1) Writ of Prohibition

against respondents with respect to their Orders dated June 26, 1985, entered July 1, 1985, and (2) directing that they enter an Order setting down for hearing or trial the issue as to whether petitioners' constitutional rights under "equal protection of the laws" are being being violated, (3) together with any other, further, and/or different relief as to this Court may seem just and proper in the premises.

PLEASE TAKE FURTHER NOTICE, that answering papers, if any, are to be served at least seven days before the return date, with an additional five days if service is by mail.

Dated: July 2, 1985

Yours, etc.

GEORGE SASSOWER, Esq.
Attorney for petitioners
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. Alvin F. Klein
Hon. David B. Saxe
Hon. Robert Abrams
Kreindler & Relkin, P.C.
Feltman, Karesh, & Major, Esqs.

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

-----x
In the Matter of the Application of
HYMAN RAFFE, GEORGE SASSOWER, Esq., and
SAM POLUR, Esq.,

Petitioners,

-against-

Hon. ALVIN F. KLEIN and Hon. DAVID B.
SAXE,

Respondents.

Pursuant a Writ of Prohibition and a Bill
In Equity.

-----x
TO THE HONORABLE JUSTICES OF THE SUPREME COURT
OF THE STATE OF NEW YORK : APPELLATE DIVISION:
FIRST JUDICIAL DEPARTMENT:

The Petitioners, HYMAN RAFFE, GEORGE
SASSOWER, Esq., and SAM POLUR, Esq., respectfully show
and allege:

1a. Respondent, Hon. ALVIN F. KLEIN, is a
Justice of the Supreme Court of the State of New York,
New York County.

b. Respondent, Hon. DAVID B. SAXE, is an
Acting Justice of the Supreme Court of the State of New
York, New York County.

2. Respondents issued Orders of Criminal Contempt, without any hearing or trial, on June 26, 1985, both entered July 1, 1985 (Exhibits "A-1" and "A-2").

3. Proceedings were brought in this Court of the same or similar nature and/or transaction which resulted in a general verdict in favor of petitioner Hyman Raffe ["Raffe"] and directed a hearing as to petitioner George Sassower ["Sassower"] (Exhibit "B-1" and "B-2"), on the issue as to whether Sassower:

"is in violation of any outstanding order of this or any other Court."

4a. Additionally proceedings were brought at nisi prius against Sassower based on the same or similar nature and/or transaction which presently pends sub judice before Hon. Martin Evans.

b. Additionally proceedings were brought at nisi prius against Raffe based on the same or similar nature and/or transaction which presently pends sub judice before Hon. Michael J. Dontzin.

5a. There was a criminal contempt proceeding against Raffe and Sassower on similar grounds before Hon. Martin Evans which resulted in a general verdict in favor of Raffe and Sassower.

9. No previous application has been made for this or any similar relief, except that there have been previous claims and continual claims of "double jeopardy" and "invidious prosecution".

WHEREFORE, it is respectfully prayed that this petition be granted in all respects, together with any other, further, and/or different relief as may be just and proper in the premises.

Respectfully,

GEORGE SASSOWER, Esq.
Attorney for petitioners

STATE OF NEW YORK
CITY OF NEW YORK
COUNTY OF KINGS

)
) ss.:
)

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

I am one of the petitioners herein and have read the foregoing complaint and the same is true of my own knowledge except as to matters stated therein to be on information and belief, and as to those matters deponent believes them to be true.

GEORGE SASSOWER

Sworn to before me this
2nd day of July, 1985

BARBARA TATESURE
Notary Public State of New York
No. 24-4760746
Qualified in Kings County
Commission Expires March 30, 19

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

EINDLER & RELKIN, P.C.

Exhibit "A-1"

CITY CLK FROM JUSTICE
TO RECEIVED

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JUL 1 1985

MINUTE 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 Gammerman 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 Gammerman, 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 Gammerman'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

Feltman, Karesh & Major, defendant in Action No. 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 Raffe 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"; 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 Raffe 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

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 Raffe, George Sassower and Sam Polur in opposition thereto;

And due deliberation having been had thereon; and Hyman Raffe, 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 Raffe, 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 ALL 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 is further

ORDERED, that the motions of Kreindler & Relkin, P.C. to punish Hyman Raffe 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 Raffe, 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 Raffe, 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 Raffe 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

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 NYMA RAFE, GEORGE SASSER 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 SIXTY 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

MATTER OF EVALUATING AND APPRAISING 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 REFUGES FOR THE PURPOSE OF ANNOUNCING A CALENDAR DATE
ENTER:

FILED

JUL 1 - 1985

COUNTY CLERK'S OFFICE
NEW YORK

Q. 7 R.
J.S.C.

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

P R E S E N T : DAVID B. SOX

Hon. ~~ALVIN~~

Justice.

HYMAN RAFFE,

Plaintiff,

-against-

FELTMAN, KARESH & MAJOR,

Defendant.

DAVID B. SOX
CITY CLERK
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SPECIAL TERM PART I
LAW JOURNAL

: Index No. 8749/85

: ORDER

Defendant Feltman, Karesh & Major, having made a
motion for an order, inter alia, (i) permanently staying and
enjoining the prosecution of this action in accordance with an
Order of permanent injunction of the Honorable Ira Gammerman
dated January 23, 1985, or alternatively, (ii) dismissing this
action pursuant to CPLR §3211(a)(1), (3) and (5), as barred by
the said Order, and (iii) punishing attorneys George Sassower
and Sam Polur as and for a criminal contempt of court on the
grounds that in commencing and serving this action, they have

Exhibit "A-2"

violated the said Order, and plaintiff Hyman Raffe having made a cross-motion for an order declaring unconstitutional and void CPLR §5222, declaring null and void defendant's restraint against bank accounts at Bank Leumi and National Bank of North America insofar as the restraint exceeds the sum of \$5,575.00, and declaring null and void a subpoena duces tecum dated March 21, 1985 and all other judgment enforcement proceedings by defendant.

Upon reading and filing defendant's Notice of Motion, dated April 3, 1985, the affidavit of Donald F. Schneider, sworn to on April 2, 1985, in support of the motion; the Notice of Cross-Motion of Hyman Raffe, dated April 13, 1985, the affirmation of George Sassower, dated April 13, 1985, and the exhibit annexed thereto, the affidavit of George Sassower, sworn to April 22, 1985, and the exhibit annexed thereto, the affirmation of George Sassower, dated May 1, 1985, and the exhibits annexed thereto, all in support of plaintiff's cross-motion and in opposition to the motion; the affirmation of Donald F. Schneider, Esq., dated April 19, 1985, in opposition to the cross-motion and in further support of the motion, and the exhibit annexed thereto; and the motion and cross-motion having regularly come on to be heard; and due deliberation having been had thereon; and the Court (Honorable David B. Saxe) having issued a written decision dated May 9, 1985;

And it appearing that the commencement of this action by attorney George Sassower, in direct violation of the permanent injunction Order of the Honorable Ira Gammerman dated January 23, 1985, was done wilfully and with full knowledge of the Order disobeyed, and that such conduct was intended to and has defeated, impeded, impaired and prejudiced the rights of defendant Feltman, Karesh & Major;

And it appearing that in connection with the dissolution of Puccini Clothes, Ltd., attorney George Sassower and plaintiff Hyman Raffe have commenced, filed or made the motions, lawsuits, proceedings, and appeals set forth in the schedules annexed hereto as Exhibits "A", "B", "C" and "D" respectively,

NOW, upon motion of Feltman, Karesh & Major, defendant pro se, it is hereby

ORDERED, that defendant's motion for an order dismissing this action pursuant to CPLR §3211(a)(1), (3) and (5) is granted in all respects, and this action is dismissed; and it is further

ORDERED, that defendant's motion for an order punishing George Sassower for a criminal contempt of the Order of the Honorable Ira Gammerman, dated January 23, 1985, which

permanently enjoined and restrained George Sassower from commencing and filing this action, is granted in all respects; and it is further

ORDERED, that George Sassower shall be imprisoned for a period of ~~thirty~~^{ten} (30) days in the jail of the county of this Court as and for his criminal contempt of court; and it is further

ORDERED, that George Sassower shall pay to defendant Feltman, Karesh & Major, at 55 East 52nd Street, New York, New York 10055, a fine in the sum of \$250.00 within ten (10) days after service upon George Sassower of a certified copy of this order with notice of entry thereof, for his criminal contempt of court; and it is further

ORDERED, that ~~THE SHERIFF OF ANY COUNTY IN THE STATE OF NEW YORK WHEREIN GEORGE SASSOWER MAY BE APPREHENDED IS DIRECTED TO TAKE HIM INTO CUSTODY AND DETAIN HIM IN THE CIVIL JAIL FACILITY UNTIL THE COMPLETION OF HIS TERM OF THIRTY DAYS OR UNTIL HE SHALL BE OTHERWISE DISCHARGED ACCORDING TO LAW; AND IT IS~~ ^{THE SHERIFF OF ANY COUNTY IN THE STATE OF NEW YORK WHEREIN GEORGE SASSOWER MAY BE APPREHENDED IS DIRECTED TO TAKE HIM INTO CUSTODY AND DETAIN HIM IN THE CIVIL JAIL FACILITY UNTIL THE COMPLETION OF HIS TERM OF THIRTY DAYS OR UNTIL HE SHALL BE OTHERWISE DISCHARGED ACCORDING TO LAW; AND IT IS}

FURTHER ORDERED, that defendant's motion to punish Sam Polur for a criminal contempt of court is denied; and it is further

ORDERED, that plaintiff's cross-motion is denied in all respects; and it is further

ORDERED, that defendant shall serve a copy of this Order with notice of entry upon the Supreme Court of the State of New York, Appellate Division, First and Second Judicial Departments.

ENTER:

FILED

JUL 1 - 1985

COUNTY CLERK'S OFFICE
NEW YORK

David B. Saxe

Conrad Saxe
J.S.C.

N ^o 008893	
STATE OF NEW YORK, COUNTY OF NEW YORK, SS. LUCIAN GOODMAN, COUNTY CLERK AND CLERK OF THE SUPREME COURT, NEW YORK COUNTY, DO HEREBY CERTIFY ON	
JUL - 1 1985	
THAT I HAVE COMPARED THIS COPY WITH THE ORIGINAL FILED IN MY OFFICE ON	
7-1-85	
AND THAT THE SAME IS A CORRECT TRANSCRIPT THEREFROM AND OF THE WHOLE OF SUCH ORIGINAL IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL.	
<i>David B. Saxe</i> COUNTY CLERK AND CLERK OF THE SUPREME COURT, NEW YORK COUNTY, NEW YORK COUNTY, COUNTY LAW.	
FEE PAID	

FILED
MAY 21 1985

rec'd by
mail
5/24/85
cc: (MTG)
HFD (ad)

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 May 21, 1985

Present—Hon.	Leonard H. Sandler	Justice Presiding
	David Ross	
	Max Bloom	
	E. Leo Milonas	
	Betty Weinberg Ellerin	Justices

-----x

JEROME H. BARR and CITIBANK, N.A., as
Executors of the Will of Milton
Kaufman,

Plaintiffs-Respondents,

-against-

HYMAN RAFFE,

Defendant-Appellant.

-----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,

Petitioners,

For the Dissolution of Puccini
Clothes, Ltd.

HYMAN RAFFE,

Appellant.

-----x

M-1972

M-1972

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

Plaintiff-Appellant,

-against-

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

Defendants-Respondents.
-----X
-----X

GEORGE SASSOWER,

Plaintiff-Appellant

-against-

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

Defendants-Respondents.
-----X

HYMAN RAFFE and GEORGE SASSOWER,

Plaintiffs-Appellants,

-against-

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

Defendants-Respondents.
-----X

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

Petitioners-Appellants,

-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-Respondents.

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

Plaintiff-Appellant,

-against-

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

Defendants-Appellants.

-----X
-----X
HYMAN RAFFE,

Plaintiff-Appellant,

-against-

EDWARD WEISSMAN,

Defendant-Respondents.

M-1972

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

Plaintiff-Appellant.

-against-

DONALD DIAMOND, JEROME H. BARR and
CITIBANK, N.A., individually and as
Executors of the Estate of MILTON KAUFMAN;
and LEE FELTMAN,

Defendants-Respondents

-----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,

Petitioners-Respondents,

For the Dissolution of Puccini
Clothes, Ltd.
HYMAN RAFFE and GEORGE SASSOWER,

Appellants.

-----x
-----x
HYMAN RAFFE,

Plaintiff-Appellant,

-against-

KREINDLER & RELKIN, P.C.

Defendant-Respondent.
-----x

M-1972

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

Plaintiff-Appellant

-against-

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

Defendants-Respondents.
-----x

Appeals having been taken to this Court by the above-named appellant from two orders of the Supreme Court, New York County, entered, respectively, on March 13 and March 11, 1985, and by the appellant and George Sassower, Esq., as attorney for Raffe, from an order of said court also entered on March 11, 1985,

And plaintiffs-respondents having moved this Court for an order dismissing the appeals noticed and purportedly perfected by appellant, pro se, for the June 1985 Term hereof and holding Hyman Raffe and George Sassower, Esq., in contempt for violation of orders disqualifying George Sassower, Esq., as attorney for Hyman Raffe herein and for violating the order of this Court entered on January 14, 1985, which stayed execution and enforcement of the order entered on January 7, 1985 (Danzig, J.) which removed the disqualification of George Sassower, Esq., for the action under Index No. 16792/80,

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 or in relation thereto, and due deliberation having been had thereon,

It is ordered that determination of the motion be and the same hereby is held in abeyance, hearing and determination of the aforesaid appeals are hereby adjourned until the further order of this Court, and the issue as to whether George Sassower, Esq. is in violation of any outstanding order of this or any other Court is referred to the Office of Special Referees of the Supreme Court, New York County, 60 Centre Street, New York, New York, Room 308M, for said purpose.

ENTER:

James J. Raymond

Clerk.

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 May 21, 1985.

Present—Hon.	Leonard H. Sandler, David Ross, Max Bloom, E. Leo Milonas, Betty Weinberg Ellerin,	Justice Presiding, Justices.
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Jerome H. Barr and Citibank, N.A., as
Executors of the Estate of Milton Kaufman, :
Plaintiffs-Respondents,

-against- :

Hyman Raffé,
Defendant-Appellant.

M-1875

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

For the Dissolution of Puccini Clothes,
Ltd.,

Hyman Raffé,
Appellant.

Appeals having been taken to this Court by the above-named
appellant from four orders of the Supreme Court, New York County, entered
on January 2, 1985, January 15, 1985, January 24, 1985, and March 13, 1985,

And plaintiffs-respondents having moved for an order of this
Court dismissing the appeals noticed and purportedly perfected by appellant,
pro se, for the May 1985 Term of this Court, and holding Hyman Raffé and
George Sassower in contempt of court for violation of orders disqualifying
George Sassower as attorney for Hyman Raffé and for violation of this Court's
order dated January 14, 1985 (M-151) which stayed execution and enforcement
of the order entered on January 7, 1985 by Justice Danzig which removed the
disqualification of George Sassower for the action under Index No. 16792/80,

May 21, 1985

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 or in relation thereto; and due deliberation having been had thereon,

It is ordered that determination of the motion be and the same hereby is held in abeyance, hearing and determination of the aforesaid appeals are hereby adjourned until the further order of this Court, and the issue as to whether George Sassower, Esq. is in violation of any outstanding order of this or any other Court is referred to the Office of Special Referees of the Supreme Court, New York County, 60 Centre Street, New York, New York, Room 308M, for said purpose.

ENTER:

HAROLD J. REYNOLDS

Clerk.

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.

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Index No.

SUPPLEMENTAL
AFFIRMATION

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

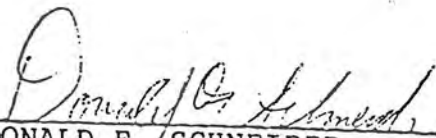
1. I am a member of Feltman, Karesh & Major ("FK&M"),
a named defendant appearing pro se in the above-captioned
action.

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

Exhibit "C"

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