

HYMAN RAFFE, individually and on behalf of
PUCCINI CLOTHES, LTD.,
Plaintiff,
-against-
CITIBANK, N.A., et al.,
Defendants==X

DISTRICT COURT DOCKET #84Cv0305
RELATED CASE # (s) (If Any) _____
JUDGE EUGENE H. NICKERSON
C of A DOCKET # 84-7737

INDEX PREPARED BY: George Sassower, Esq., for plaintiff-appellant
NAME & PARTY REPRESENTED

2125 Mill Avenue, Brooklyn, New York, 11234

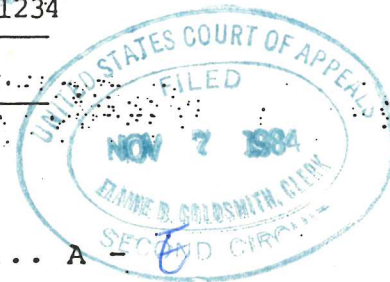
718-444-3403

FIRM ADDRESS & PHONE #

DOCKET ENTRIES

ORIGINAL RECORD RETURNED

J.D. 3-18-85



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JUDGE Nickerson, J.

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DIST.	OFF.	YR.	NUMBER	MO	DAY	YEAR	N/S	U	PTF	DEF	23	\$ DEMAND	MAG. NO.	COUNTY	DEM.	YR. NUMBER
207	CV	84	0305	01	23	84	3	440	1	1	1	Nearest \$1,000 50M.	0124 20 HARRIS	36039	P	84 0305

PLAINTIFFS

DEFENDANTS

RAFFE, HYMAN
HUMAN RAFFE, individually & on
behalf of PUCCINI CLOTHES, LTD.

APPEAL

CITIBANK, N.A., et al
CITIBANK, N.A., and JEROME H.
BARR, individually, and as
executors of the Estate of MILTON
KAUFMAN; KREINDLER & RELKIN, P.C.;
LEE FELTMAN; FELTMAN, KARESH, &
MAJOR; ARUTT, NACHAMIE, BENJAMIN,
LIPKIN & KIRSCHNER, P.C.; RASHBA
& POKART, P.C.; EUGENE DANN;
ROBERT SORRENTINO; ROBERT ABRAMS,
as Atty. Gen. of the State of NY;
JOHN V. LINDSAY; and SUPREME
COURT OF THE STATE OF NY, COUNTY OF
NY.

CAUSE

(CITE THE U.S. CIVIL STATUTE UNDER WHICH THE CASE
IS FILED AND WRITE A BRIEF STATEMENT OF CAUSE)

42 USC 1983

Civil rights: damages & injunctive relief

SeekS: \$50,000,000.00



ATTORNEYS

for plttf
GEORGE SASSOWER
2125 Mill Ave
Brooklyn, NY 11234
(212) 444-3403

for defts Eugen Dann & Robert Sorrentino
ARUTT, NACHAMIE, BENJAMIN, LIPKIN
& KIRSCHNER, P.C.
292 Madison Ave
NY, NY 10017
(212) 532-3380

84-7737

☐ CHECK HERE IF CASE WAS FILED IN FORMA PAUPERIS	FILING FEES PAID			STATISTICAL CARDS	
	DATE	RECEIPT NUMBER	C.D. NUMBER	CARD	DATE MAILED
				JS-5	
				JS-6	

CV 84 0305

FILE 4

DATE	1984				
	1-26	1.	Complaint--summons issued. em		
/9/84		2	Copy of Summons ret. and filed/executed as to all.		gb
/10/		--	Before NICKERSON, J.- Case called; counsel for all parties present. Time to answer extended to 2/21/84 for deft.		gb
/17/84		---	Before PLATT, J.- Case called; Counsel for all sides present. Conf. held. Deft's 12(b) (a) motion to be made ret. on 3/9/84 at 11:30 a.m.		gb
2/28		3	Notice of Motion of deft. John V. Lindsay, ret. on 3/9/84 at 11:30 a.m. for an order dismissing the complaint as to deft. J. Lindsay for lack of subject matter jurisdiction, etc. filed		gb
2/28		4	Memo. in support of deft. Lindsay's Motion to dismiss, filed		gb
/28		5	Affidavit of Service of (motion & Memo of law,) filed		gb
/28		6	Notice of motion to dismiss this action and for the award of atty's fees of deft. Rashba & Pokart, ret. on 3/9/84 at 11:30 a.m. filed		gb
/28		7	Memo. of law of Rashba & Pokart in support of its motion to dismiss and for the award of atty's fees. filed		gb
/28/84		8	Defts. Citibank, N.A., Jerome H. Barr and Pro SE NOTICE OF MOTION to dismiss the complaint and for attys' fees, ret. on 3/9/84 at 11:30 a.m. filed		gb
/28/84		9	Memo. of law in support of motion to dismiss the complaint and for Attys' fees. filed		gb
/28/84		10	Defts. Eugene Dann & Robert Sorrentino NOTICE OF MOTION for an order dismissing plttf's complaint. etc. filed		gb
/28/84		11	Notice of motion ret. on 3/9/84 at 11:00 a.m. for an order dismissing the complaint as to deft. Arutt, Nachamie, Benjamin, Lipkin & Kirschner, P.C.. filed		gb
/29/84		12	Notice of motion to dismiss complaint as against Lee Feltman and Feltman, Karesh & Major, ret. on 3/9/84 at 11:30 a.m. filed together with Exhibits to affidavit of Lee Feltman sworn to on 2/24/84, filed		gb
/5/		13	Notice of motion to dismiss ret. on 4/9/84 at 11:30 a.m. with affidavit in support filed for defts. Robert Abrams & Supreme Court, filed		gb
/5/		14	Memo. of law in support of State defts' motion to dismiss, filed		gb
/5/		15	Plttf's Notice of cross motion ret. 3/9/84 at 11:30 a.m. for an order to strike the factual info. from defts' affidavits and memoranda; etc. filed		gb
/5/		16	Affidavit of Hyman Raffae, filed		gb
/5/		17	Plttfs' Memo. filed		gb
/8/84		18	Affidavit of Service of Charles T. Lee, filed		gb
/8/84		19	Reply Memo. in further support of deft. Lindsay's motion to dismiss the complaint. filed		gb
/8/84		20	Affidavit of John V. Lindsay in support of his motion to dismiss, filed		gb
/8/84		21	Reply Memo. of law of Defts. Citibank, N.A. and Jerome H. Barr, individually, and as Executors of the Estate of Milton Kaufman; Kreindler & Relkin, P.C.; Lee Feltman, Feltman Karesh & Major; and Arutt, Nachamie, Benjamin, Lipkin & Kirschner, filed		gb
/8/84		22	Reply Affidavit of Lee Feltman, filed		gb
3/8/84		23	Notice, that plttf will cross move this court on 3/9/84 at 11:30 a.m. filed		gb
3/8/84		24	Affidavit of Jonathan I. Price, filed		gb
3-12		25.	Plttfs notice of rejection. em		
3-12		26.	Supplemental affidavit of Lee Feltman. em		
3/12		27	Notification of case reassignment by random selection to J. Nickerson, filed. j/n c/m mba		
3-13		28.	Ltr dtd 3-8 from Jonathan I. Price to TCP, Re: TCP has recused himself from this case. em		
3-13		29.	Notice of appearance. em		
3-14		30.	Ltr dtd 3-8 from George Sassower to EHN, Re: adj'mt of motions until 3-16 @9:30am. e		
3-15.		31.	Ltr dtd 3-14 from George Sassower to EHN. em		
3-16		--	Before EHN. Motion for dismissal argued. Decision reserved. em		
3-20		32.	Amended notice. em		

Cend'd

CIVIL DOCKET CONTINUATION SHEET

FPI-MAR-7-14-80-70M-4398

PLAINTIFF		DEFENDANT	CV 84-0305 (EHN) DOCKET NO. _____ PAGE 2 OF _____ PAGES
RAFFE, HYMAN		CITIBANK, N.A., et al	
DATE	NR.	PROCEEDINGS	
1984 4/12	33.	Deft Rashba & Pokart's Memo in opposition to pltff's motion for leave to amend the complaint. em	
4/13	34.	Ltr dtd 4/7 from George Sassower, Re: requesting that the ruling to allow defts to hod in abeyance compliance with pre-trial disclosure be re-evaluated. em	
4/13	35.	Affidavit of Lee Feltman in opposition to motion. em	
4/25/84	36	Memo of law of Citibank, N.A. and Jerome H. Barr individually and as executors of the estate of Milton H. Kaufman and Kreindler Y Relkin, P.C. in opposition to pltff's motion for leave to amend the complaint. Filed. cb	
4/27/84	37	Arthur Goldstein's Affidavit in opposition to pltff's motion for leave to amend the complaint. RH	
4/27/84	38	Timothy P. Butler's affidavit in opposition to pltff's motion to replead. RH	
4/27	--	Before EHN. Motion for amended complaint argued. decision reserved. em	
5/30	39.	Affirmation of George Sassower. em	
06.05	40	Plaintiff's Notice of Motion returnable 06.15.84 at 9:30 A.M. for an order directing Sinclair to process plaintiff's motion, etc., filed. gp	
06.08	41	Copy of Letter dated 06.06.84 to Arutt, Nachamie, Benjamin, Lipkin, & Kirschner, P. C. from George Sassower in re: letter of the 4th inst. filed. gp	
06.13	42	Copy of Letter dated 06.07.84 to Rashba & Pokart, P. C. from George Sassower in re: check for \$6,200.00 etc., filed. gp	
06.14	43	Copy of Plaintiff's Notice of Motion returnable 06.25.84 at 9:30 A.M. for an order directing a re-examination of all Puccini related orders, etc., filed together with Affidavit of Hyman Raffe. gp	
06.08	--	Before Nickerson, J. - Case Called. Plaintiff's Notice of motion for interim relief argued. Motion denied. gp	
06.14	44	Plaintiff's Affirmation of George Sassower, etc., filed. gp	
06.14	45	Plaintiff's Notice of Motion returnable 06.29.84 at 9:30 A.M. for an order for leave to amend complaint, together with Affirmation of George Sassower, filed. gp	
6/18	46	Affidavit of George Sassower, Esq. w/respect to pltff's motion ret. 6/15/84, filed. mw	
6/18	47	Ltr dtd 6/14/84 fm Burton Laskin to George Sassower, filed. mw	
6/18	48	Ltr (copy) dtd 6/14/83 fm Jonathan I. Price to George Sassower, Esq. filed. mw	
6/18	49	Ltr dtd 6/15/84 fm George Sassower to Kreindler & Relkin, filed. mw	
6/27	50.	Deft Citibank's notice of cross-motion returnable 6/29 @9:30am for an order staying pltff H. Raffe & his att from any further proceedings, etc. em	
6/28	51.	Affidavit in opposition to motion for leave to amend complaint. em	
6/29	52.	Ltr dtd 6/27 to EHN, re: adj'mt of motion & cross-motion until 7/6 em	
7/2	53.	By EHN. Memo/Order dtd 6/29 that pltff's request to treat the motions as ones for summary judgment is granted. Pltff shall have 10 days from the date of this order to submit pertinent material. Defts shall have 5 days to respond. c/m by W..W em	

10012

CIVIL DOCKET CONTINUATION SHEET

FPI-MAR-7-14-80-70M.

PLAINTIFF		DEFENDANT	DOCKET NO. _____
			PAGE ____ OF ____ PAG
DATE	NR.	PROCEEDINGS	
1984 7/5	54.	Ltr dtd 6/27 from George Sassower to EHN, re: adj'mt of motion & cross-motion until 7/6. em	
7/17	55.	Ltr dtd 7/13 from Michael J. Gerstein to EHN, re: new timetable to respond aft of plttf's papers, etc. em	
7/18	56.	Deft Rashba & Pokart's statement of undisputed material facts. em	
7/18	57.	Reply memo in support of Rashba & Pokart's motion for summary judgment. em	
7/18	58.	Statement pursuant to local rule 9(g) em	
7/18	59.	Affidavit in response to affirmation of George Sassower dtd 7/9 & in further support of defts' motion to dismiss the complaint. em	
7/18	60.	By EHN. extension of time until 7/18 to file a brief in response to Mr. Sass papers. em (ordered at the bottom of ltr dtd 7/12) em	
7/19	61.	Affidavit of Arthur Goldstein in opposition. em	
7/19	62.	Affidavit in opposition of Arthur Goldstein. em	
7/19	63.	Affidavit of Michael J. Gerstein in support of defts' motion to dismiss convey to rule 56 motion. em	
7/19	64.	Statement pursuant to local rule 9(g) em	
7/19	65.	Affidavit of service of Charles T. Lee. em	
7/19	66.	Supplemental memo in further support of John V. Lindsay's motion to dismiss or, as converted by the court, for summary judgment. em	
7/20	67.	Pltffs notice of motion returnable 7/27 @9:30am for an order of partial summary judgment. em	
7/20	68.	Affirmation of George Sassower. em	
7/25	69.	Affidavit of Michael J. Gerstein in opposition to plttf's motion for partial summary judgment. em	
7/27	70.	Affirmation of George Sassower. em	
7/27	71.	Plttf's memo. em	
7/27	72.	Affidavit of Timothy P. Butler in further support of the deft's motion to dismiss the complaint & for summary judgment. em	
7/27	--	Before EHN. Plttf's motion for summary judgment & defts motion to stay plttf argued. Decision reserved--on motion for S.J. Deft's motion to stay plttf argue Granted. em	
8/3	73.	By EHN. Memo/Order dtd 8/1 Defts motions for summary judgment & attys' fees are granted. Plttf's motion is denied. Defts shall submit affidavits of hours spent, fees sought & costs incurred in defending this suit. (see order for more details) c/m by W.W. EM	
8/15	74.	Pltffsnotice of motion for an order granting leave to reargue the Memo/Order of 8/1. em	
8/15	75.	Petitioner's Memo. em	
8/15	76.	Affidavit of Hyman Raffae. em	
8/27	77.	Affidavit of Edward S. Weltman in support of fee assessment. em	
8/27	78.	Affidavit of Arthur T. Belgrave of service by mail. em	
08-30	79	*** NOTICE OF APPEAL (plttf-appellant) fm order entered 08-03-84, filed w receipt #61371 for C of A docket fee. C of A notified. Proof of service attached. vw	
9/19	80.	Ltr dtd 9/15 from George Sassower to EHN, re: requesting an adj'mt of 2 weeks of this matter. em	
9/19	81.	Memo of law of Feltman, Karesh & Major & Lee Feltman in opposition to motion for reargument. em	

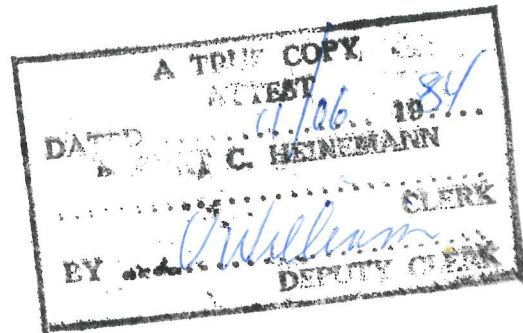
Con'd

CIVIL DOCKET CONTINUATION SHEET

FPI-MAR-7-14-80-70M-4398

PLAINTIFF	DEFENDANT	CV 84-0305 (EHN) DOCKET NO. _____ PAGE 3 OF _____ PAGES
RAFFE, HYMAN	CITIBANK, N.A., et al	

DATE	NR.	PROCEEDINGS
1984 9/21	82.	Memo of law on behalf of defts Citibank, N.A. & Jerome H. Barr, individually & as executors of the estate of Milton Kaufman & Kreindler & Relkin, P.C. in opposition to plttf's motion for reargument. em
9/21	83	Ltr dtd 9/19 from George Sassower to EHN's lawclerk, Re: requesting that this matter be adj'd for 2 weeks. em
9/26	84.	Ltr dtd 9/19 from George Sassower to EHN's lawclerk, re: adj'mt of this matter for 2 weeks. em
10/1	85.	Affidavit of Donald F. Schneider in support of application by Feltman, Karesh & Major & Lee Feltman for attys' fees & costs. em
10/5	86.	Affidavit in support of the application by D'Amato & Lynch for attys fees & costs. em
10/5	---	Before EHN. Motion to reargue submitted. decision reserved. em
10/16	87.	Affidavit of Donald B. Relkin of services rendered. em
10/19	88.	By EHN. Memo/Order dtd 10/12 that the motion to reargue is denied as frivolous. defts may include a request for allowance for services & expensed they claim were required to respond in their application for attys fees. em c/m by W.W.
10/22	89	Scheduling order from the C of A that Record be prepared by 11/1/84, that appellant brief be filed by 11/8/84, Apellees's brief by 11/29/84, & argument of appeal be heard the week of 12/10/84, jn
11-01	90	Supplemental affidavit in support of application, etc. vw
11-06	0	Record cert & transmitted to C of A. Ack req. vw



CLERK'S CERTIFICATE
ORIGINAL RECORD

84-7737

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
=====X

Raffe
v
Citibank
=====X

E.D.N.Y. DOCKET# CV84-305
JUDGE: Nickerson
C of A DOCKET # 84-7737



I, ROBERT C. HEINEMANN, Clerk of the United States District Court for the Eastern District of New York, do hereby certify that the foregoing copy of the Docket Entries from A to E and the original papers numbered from page 1 through page 91 and the exhibits labelled constitute the record on appeal.

I further testify that the last day to file said record is Nov. 1, 1984.

BROOKLYN, NEW YORK
DATED: Oct 31, 1984

ROBERT C. HEINEMANN, CLERK
United States District Court
Eastern District of New York

By: Vanessa L. Williams
Deputy Clerk

84-7737

KEY TO INDEX SYMBOLS

- * - Document missing from original record
- S - Sealed document enclosed

Record hand delivered by: _____

Signature: _____

84-1131

84-1131

"I HEREBY ACKNOWLEDGE RECEIPT
OF THE CERTIFIED COPY OF DOCKET
ENTRIES AND ORIGINAL PAPERS PAGED
AS LISTED IN THIS INDEX.

DATE: November 7, 1984

ELAINE B. GOLDSMITH
CLERK, U.S.C.A. 2nd Cir.

C/8

RECEIVED
NOV - 7 PM 3:30
ST. LOUIS CIRCUIT