

85-7251

CIRCUIT COURT OF APPEALS
FOR THE SECOND CIRCUIT

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

Plaintiffs-Appellants,

-against-

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 Attorney General of the State of
New York; and SUPREME COURT OF THE
STATE OF NEW YORK, COUNTY OF NEW YORK,

Defendants-Respondents.

-----x

APPELLANTS' APPENDIX

GEORGE SASSOWER, Esq.
Plaintiffs-Appellants
2125 Mill Avenue,
Brooklyn, N.Y. 11234
(718) 444-3403

A1
JUDGMENT

E A1-A2 I
UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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

Plaintiff,

-against-

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 Attorney General of the State of
New York; JOHN V. LINDSAY; and SUPREME
COURT OF THE STATE OF NEW YORK, COUNTY
OF NEW YORK,

Defendants.

JUDGMENT

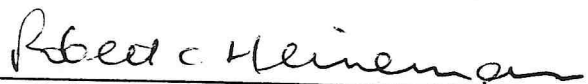
CV 84-0305 (EHN)



-----x
A memorandum and order of Honorable Eugene H. Nickerson,
United States District Judge, having been filed on August 3, 1984,
granting defendants' motions for summary judgment and attorneys
fees, and a further memorandum and order of Honorable Eugene H.
Nickerson, having been filed on February 1, 1985 awarding fees and
disbursements: to Kreindler & Relkin, P.C. fees in the amount of
\$15,000.00 and disbursements in the amount of \$3,669.17; to
Schneck Weltman & Ives fees in the amount of \$15,000.00 and
disbursements in the amount \$1,962.24; to Feltman Karesh & Majors
fees in the amount of \$10,000.00 and disbursements in the amount of
\$1,149.99; to D'Amato & Lynch fees in the amount of \$3,500.00 and
disbursements in the amount of \$87.52; and to Robert Abrams, as
Attorney General of the State of New York, fees in the amount of
\$2,025.00, and providing that plaintiff, Hyman Raffe and his attorney

A2.

George Sassower shall each pay one-half of these amounts, it is ORDERED and ADJUDGED that the plaintiff take nothing of the defendants; that summary judgment is entered in favor of the defendants and against plaintiff; that the following attorneys' fees and disbursements are awarded: to Kreindler & Relkin, P.C. fees in the amount of \$15,000.00 and disbursements in the amount of \$3,669.17; to Schneck Weltman & Ives fees in the amount of \$15,000.00 and disbursements in the amount of \$1,962.24; to Feltman, Karesh & Major fees in the amount of \$10,000.00 and disbursements in the amount of \$1,149.99; to D'Amato & Lynch fees in the amount of \$3,500.00 and disbursements in the amount of \$87.52; and to Robert Abrams, as Attorney General of the State of New York, fees in the amount of \$2,025.00; and that plaintiff Hyman Raffé and his attorney George Sassower shall each pay one-half of these amounts.



Robert C. Heinemann
Clerk of Court

Dated: Brooklyn, New York
February 22, 1985

A3
Plaintiffs' Notice of Motion

[A3-A4]

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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

File No.
84Civ0305
(EHN)

Plaintiffs,

-against-

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 Attorney General of the State of
New York; JOHN V. LINDSAY; and SUPREME
COURT OF THE STATE OF NEW YORK, COUNTY
OF NEW YORK,

Defendants.

-----x
S I R S:

PLEASE TAKE NOTICE, that upon the annexed
affirmation of GEORGE SASSOWER, Esq., dated December 7,
1984, and all the pleadings and proceedings had
heretofore herein, the undersigned will move this Court,
before the Honorable EUGENE H. NICKERSON, United States
District Judge, at the United States Courthouse, 225
Cadman Plaza East, Brooklyn, New York, on the 28th day
of December, 1984, at 9:30 o'clock in the forenoon of

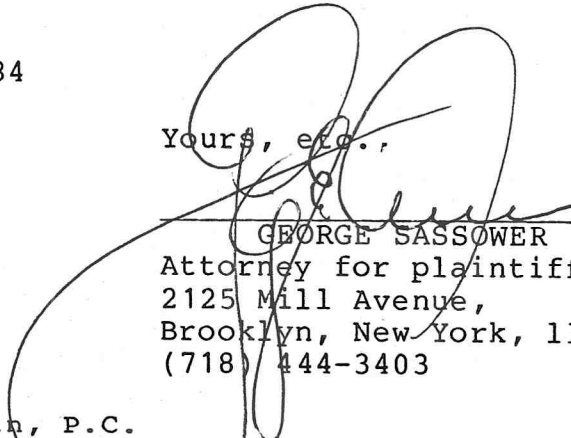
A4

that day or as soon thereafter as counsel may be heard for an Order denying defendants their attorney fee applications based upon their present submission; alternatively, ordering disclosure by them together with such other, further, and/or different relief as to this Court may seem just and proper in the premises.

PLEASE TAKE FURTHER NOTICE, that opposing papers, if any, are to be served at least five (5) days before the return date of this motion with an additional five (5) days if service is by mail.

Dated: December 7, 1984

Yours, etc.,


GEORGE SASSOWER
Attorney for plaintiffs
2125 Mill Avenue,
Brooklyn, New York, 112324
(718) 444-3403

To: Kreindler & Relkin, P.C.
Feltman, Karesh & Major, Esqs.
Arutt, Nachamie, Benjamin, Lipkin & Kirschner, P.C.
Webster & Sheffied, Esqs.
Schneck, Weltman, & Ives, Esqs.
D'Amato & Lynch, Esqs.
Robert Abrams, Esq.

AS
GEORGE SASSOWER, Esq. - In Support

A5-A12

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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

File No.
84Civ0305
(EHN)

Plaintiffs,

-against-

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 Attorney General of the State of
New York; JOHN V. LINDSAY; and SUPREME
COURT OF THE STATE OF NEW YORK, COUNTY
OF NEW YORK,

Defendants.

-----x
GEORGE SASSOWER, Esq., an
attorney admitted to practice law in
the courts of the State of New York,
and this Court, affirms the
following to be true, under the
penalty of perjury:

1a. This affirmation is submitted (a) in
opposition to the amounts requested in defendants'
attorneys' fees application and/or (b) appropriate
disclosure proceedings so that plaintiff and counsel can
intelligently respond to defendants' attorneys'
applications.

AL

b. After disclosure, voluntarily or as ordered by the Court, plaintiff reserves the right to request a hearing with respect to such fee requests made herein.

Without disclosure, affirmant respectfully demands such hearing.

c. Neither Webster & Sheffield, Esqs., the attorneys for Hon. John V. Lindsay, nor the Attorney General have made requests for attorneys' fees, so for the purpose of this affidavit, the defendants are grouped as (1) those other than Rashba & Pokart, and (2) Rashba & Pokart.

2a. All the fee submissions by defendants are in conclusory uncontrovertible form, without any support from their original records.

Thus how can affirmant properly respond or the Court make an intelligent reviewable assessment when, for example, the request application states "Donald F. Schneider 103.8 hours"? Why not 1,038 hours? When res judicata is so obvious a insurmountable defense, 103 minutes, seems a more reasonable estimate!

A7

b. Additionally, since affirmant has copies of what purports to be the original records of Feltman, Karesh & Major, Esqs. in the state proceedings, it appears that they and the other defendants have made, as part of their fee applications to this Court, their services in state proceedings.

c. Consequently, based upon available records, Feltman, Karesh & Major, Esqs., are seeking duplicative recoveries, and the other attorneys are seeking recoveries in this federal forum for services performed, vel non, in the state proceedings.

d. In short -- based upon defendants' attorneys' present submission, affirmant cannot make an intelligent and responsible response, nor can this Court make an intelligent and responsible reviewable award, consistent with due process and/or fundamental fairness.

Therefore, prior to any award, affirmant requests that defendants' attorneys, voluntarily or by order of this Court, submit to him and the Court copies of original records.

AF

Other Than Rashba & Pokart:

3a. For the group of defendants other than Rashba & Pokart the thrust of the Court's opinion of August 1, 1984, is that plaintiff and affirmant should have known that res judicata was an insurmountable defense, but nevertheless brought this action, nevertheless.

For the purpose of this attorneys' fee application, plaintiff and affirmant must accept such holding, albeit vehemently denying same in fact.

b. Likewise, the defendants, other than Rashba & Pokart, must accept such holding also on their fee applications.

c. Consequently, it follows that these defendants should have, upon receipt of the complaint, immediately moved to dismiss on the ground of res judicata.

d. This, the record reveals, was not their charted course. Instead, they came to this Court, requested in extension of time to respond, had a pre-trial conference, etc.

Kreindler & Relkin, P.C.; Arutt, Nachamie, Benjamin, Lipkin & Kirschner, P.C.; and D'Amato & Lynch, Esqs., while they all claimed as an alternate defense res judicata, not submit any documents or make any identification of what documents they relied upon for the invocation of the doctrine of res judicata.

Feltman, Karesh & Major, Esqs., came along, as they state, with (p. 4):

"a 17-page affidavit and binder of 18 separate exhibits in support of the[ir] motion; and (iii) a 40-page Memorandum of Law filed jointly with the law firms of Kreindler & Relkin, P.C. and D'Amato & Lynch."

Would not a short, concise, crystal clear identification of that judgment or order or judgments or orders which defendants believed decisive been the professional and economical course to pursue?

In view of the defendants, other than Feltman's, total lack of submission and lack of identification, and the massive submission by the Feltman firm, affirmant stated (Court opinion, p. 14t):

" 'there is uncertainty as to what judgment some of the defendants contend form the basis for invocation of the doctrine.' "

Thereafter, the Feltman firm followed with the "Justice Grossman's December 28, 1983 decision" (Court's opinion p. 15f), which will be discussed in plaintiff's Rule 60(b) motion, presently in preparation.

Affirmant respectfully submits, that on defendants' fee submissions they are bound by this Court's opinion, and must justify why they did not clearly and emphatically contend, with crystal clear identification, the basis for the invocation of the doctrine of res judicata at the outset!

Neither affirmant nor this Court needed a "40-page Memorandum of Law".

Hon. John V. Lindsay and the Attorney General set forth their position, clearly and concisely, at the threshold, neither submitted nor needed any further papers, and that was the end! As a result thereof, they apparently believed that their costs were comparatively nominal and made no fee requests. It was the course the other defendants should have charted.

Rashba & Pokart:

4. Upon [state] application of the Receiver to have four (4) simple questions responded to, the state tribunal, on April 6, 1982, appointed Rashba & Pokart.

AN

Seven (7) months later, on November 7, 1983, affirmant, personally, based upon his examination at the Feltman office was able to answer those four (4) questions after about ten minutes.

The unlawful dissipation of assets were sufficiently massive and unbelievably arrogant [contrary to two state orders], that affirmant believed that the answers should come from the court's appointee, Rashba & Pokart.

Thereupon there followed to Rashba and Pokart requests, demands, judicial demands, subpoenas, all without response or result.

It was obvious then, as it is now, that since Rashba & Pokart had the answers in its possession or could have ascertained them within minutes, and that there had been larceny of judicially entrusted funds, that complaint was made, on or about January 15, 1984, to the District Attorney.

Even after suit was commenced in federal court, all affirmant requested was Rashba & Pokart's answers to four (4) simple questions.

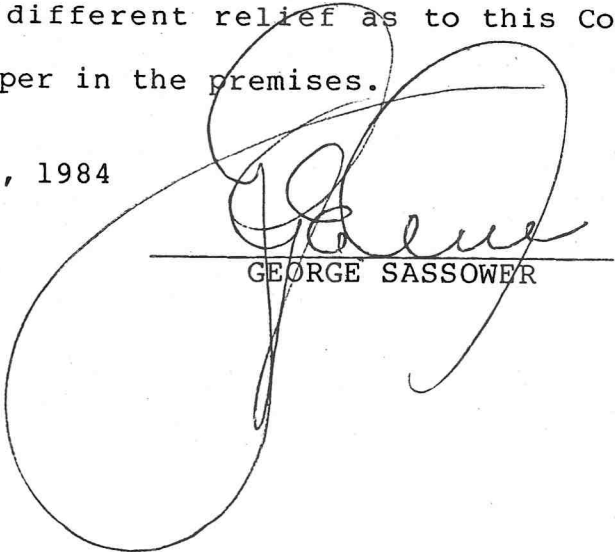
At our first court appearance, in exchange for affirmant's consent to an adjournment, all that affirmant desired was the assurance of a reasonable outside date when such answers would be supplied by Rashba & Pokart. Nothing more!

Again, as affirmant's 60(b) motion will reveal, Rashba & Pokart also charted a course of deception.

5. The aforementioned is made without prejudice to plaintiff's contention that the award is unjustified, as will be shown in his Rule 60(b) motion.

WHEREFORE, plaintiff and affirmant requests that the astronomical fee applications, as presently submitted as submitted by defendants' attorneys, be denied, or disclosure afforded by defendants' attorneys, together with such other, further, and/or different relief as to this Court may seem just and proper in the premises.

Dated: December 7, 1984



GEORGE SASSOWER

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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

File No.
84Civ0305
(EHN)

Plaintiffs,

-against-

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 Attorney General of the State of
New York; JOHN V. LINDSAY; and SUPREME
COURT OF THE STATE OF NEW YORK, COUNTY
OF NEW YORK,

Defendants.

-----x
GEORGE SASSOWER, Esq., an
attorney admitted to practice law in
the courts of the State of New York,
and this Court, affirms the
following to be true, under the
penalty of perjury:

1. This affirmation is submitted in support
of plaintiff's motion dated December 7, 1984, returnable
December 28, 1984, which includes, inter alia,
plaintiff's opposition to the attorneys' fee requests.

A14

2a. On December 18, 1984, in deponent's presence, in the robing room of Hon. CHARLES A. KUFFER, JR., sitting by assignment in Supreme Court, New York County, Michael J. Gerstein, Esq., of Kreindler & Relkin, P.C. stated that included in his firm's claim for attorneys' fees in the state court were the expenses incurred in the federal actions.

b. Although His Honor said "No", for reasons other than they are being claimed in this action in this court (since His Honor's response was made before that subject could be raised), it is clear that Kreindler & Relkin, P.C. intended to make duplicate claims in both the state and federal court!

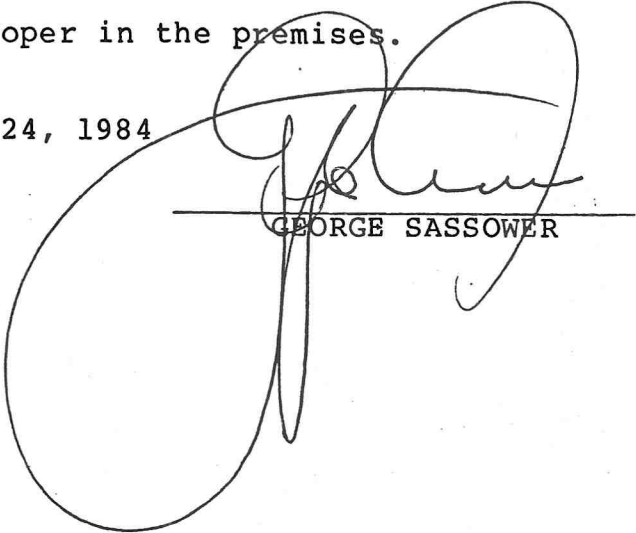
c. Consequently, not only is an explanation due this Court and your deponent for this intended proffer, but all time records of Kreindler & Relkin, P.C. must, under such circumstances, be served and filed since the commencement of this action, if there is any claim of fees due by such firm.

3a. The affidavit of David S. Cook, Esq., received on December 21, 1984 will be dealt with separately.

A15

WHEREFORE, plaintiff and affirmant requests that the astronomical fee applications, as presently submitted as submitted by defendants' attorneys, be denied, or disclosure afforded by defendants' attorneys, together with such other, further, and/or different relief as to this Court may seem just and proper in the premises.

Dated: December 24, 1984



GEORGE SASSOWER

A16.

GEORGE SASSOWER, ESQ - AFFIRMATION

[A16-A21]

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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

File No.
84Civ0305
(EHN)

Plaintiffs,

-against-

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 Attorney General of the State of
New York; JOHN V. LINDSAY; and SUPREME
COURT OF THE STATE OF NEW YORK, COUNTY
OF NEW YORK,

Defendants.

-----X
GEORGE SASSOWER, Esq., an
attorney admitted to practice law in
the courts of the State of New York,
and this Court, affirms the
following to be true, under the
penalty of perjury:

1. This affirmation is submitted with
respect to plaintiff's motion dated December 7, 1984,
returnable December 28, 1984, and adjourned, by the
Court, at the request of Kreindler & Relkin, P.C., to
January 4, 1985.

A17

2a. The day before the adjourned date of this motion, January 3, 1985, affirmant received the affidavit of Donald F. Schneider, Esq., of Feltman, Karesh & Major, Esqs., sworn to on December 28, 1984.

b. At 9:15 p.m., the night before the adjourned date of this motion, there was delivered the affidavit of Donald B. Relkin, Esq., of Kreindler & Relkin, P.C.

c. No opposing papers were received from Arutt, Nachamie, Benjamin, Lipkin & Kirschner, P.C. or D'Amato & Lynch, Esqs., the other res judicata ("hot air") defendants.

3. Nor have any opposing papers been received on behalf of Rashba & Pokart.

* * *

4a. In affirmant's moving papers, he stated (p. 3):

"Therefore, prior to any award, affirmant requests that defendants' attorneys, voluntarily or by order of this Court, submit to him and the Court copies of original records." [emphasis supplied]

c. This action was commenced on January 23, 1984, nevertheless the first activity by the Kreindler firm was almost three weeks later, with that firm going to this Court requesting an adjournment and paying "secretarial overtime"! Should plaintiff be burdened by those expenses?

d. With all the research purportedly performed by the Kreindler & Feltman firm, these firms still cannot tell this Court or the Circuit Court of Appeals in simple, crystal clear, plain english, which decision(s), order(s), or judgment(s) they claim are res judicata as against Raffo and/or Puccini?

These "hot air" defendants certainly cannot set forth a "brief statement" how any of the state decision(s), order(s), or judgment(s) sustained such defense.

Apparently the Kreindler firm, from their disbursement sheets, was trying to find a "cab driver" with the answer, or hoping to find it in a fortune cookie at one of its "business meals"!

6a. Completely unexplained or justified in the Kreindler & Relkin papers is its attempt to make duplicate claim for these same services and disbursements in the state litigation!

A70

b. Relevant, as the annexed affirmation reveals (Exhibit "A"), is the Kreindler & Relkin refusal to allow inspection of its "original records" as ordered by the state court!

7a. Significant in the Feltman records is the fact that never once does it show any conversation with Rashba & Pokart.

b. Nevertheless, Lee Feltman, Esq., in his affidavit to this Court stated (A78):

"We have been advised by Rashba & Pokart that we appear to have in our possession all of the books and records maintained by a company such as Puccini except for certain monthly checking statements which predate my appointment as Receiver [emphasis supplied]".

Nine (9) days later Rashba & Pokart stated that most of Puccini's books and records were missing (A186)!

* * *

8. Affirmant also desires to inspect the records of the attorneys for Rashba & Pokart to find out how long it took them to determine that their client's appoint was "null and of no effect" (22 NYCRR §660.24[f]); how long it took them to find out that a

A21

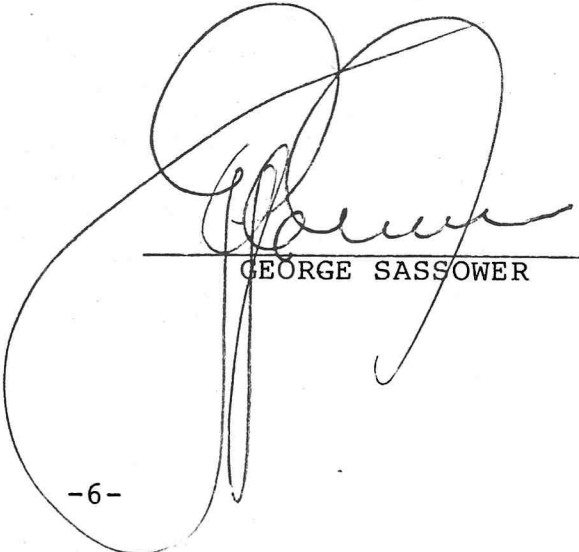
court is without power to appoint accountants to investigate its client (Scott v. The Brooklyn Hospital, 93 A.D.2d 577, 462 N.Y.S.2d 272 [2d Dept.]); how long it took that firm to learn one cannot be appointed when previously money had been paid to the appointee (Loeb v. Nassau, 240 App. Div. 912, 267 N.Y. Supp. 839 [2d Dept.]); how long it took them to find out that an appointment without full disclosure to the court is void and a fraud upon the court (Commonwealth Coatings v. Continental, 393 U.S. 145)?

* * *

9. Plaintiff and affirmant believe that they are entitled to a hearing so that this Court can determine how much of defendants' claim is for attorneys' fees and how much is for "hot air" and for perpetrating a "hoax" upon this Court and His Honor!

WHEREFORE, it is respectfully prayed that affirmant's motion be granted in all respects, with costs.

Dated: January 4, 1985



GEORGE SASSOWER

A22

HYMAN RAFFE - AFFIDAVIT

[A22-A28]

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

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

Index #
16792/1980

Plaintiffs,

Cal. No.
56943

-against-

HYMAN RAFFE,

Defendant.

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

HYMAN RAFFE, first being duly sworn,
deposes, and says:

I am the defendant in the above matter
and make this affidavit in support of deponent's motion
to dismiss plaintiffs' second and third causes of action
[the only causes presently on for trial], for their
wilfull and deliberate non-compliance with (1) the Order
of the Appellate Division of August 18, 1983 (Barr v.
Raffe, 96 A.D.2d 800, 466 N.Y.S.2d 340 [1st Dept.]); (2)
the ruling of Referee Donald Diamond on June 14, 1984;
and (3) the Order of Hon. ETHEL DANZIG, dated September
18, 1984, which confirmed the ruling of Referee Donald
Diamond.

AV3

1a. The Order of the Appellate Division dated August 18, 1983 (Exhibit "A-1") provided that plaintiffs' were to comply with pre-trial disclosure by the end of September 1983.

b. In no meaningful way, either in letter or in spirit, did the plaintiffs comply with the aforesaid Order of the Appellate Division.

CPLR 3134 provides that:

"Each [interrogatory] shall be answered separately and fully and each answer shall be preceded by the question to which it responds."

Instead, the plaintiffs evaded the Order of the Appellate Division and the mandate of law by a "lumped" response (Exhibit "A-2").

The computer print-out was and is indecipherable (e.g., Exhibit "A-3").

2a. Consequently, deponent moved this Court for relief which resulted in an Order of Hon. ETHEL B. DANZIG, dated April 27, 1984 (Exhibit "B-1"), referring the matter of Referee DONALD DIAMOND.

b. On June 14, 1984, a hearing took place before Referee Donald Diamond, resulting in the following (SM38 - Exhibit "B-2"):

"THE REFEREE: You'll make the original time records available to Mr. Raffe prior to selection of the jury.

MR. SASSOWER: How much prior?

THE REFEREE: Before you select the jury. ...

MR. SASSOWER: This will take days. All right. That's your ruling.

THE REFEREE: You will have them there prior to the selection of the jury and the Trial Judge, whoever that may be, will provide for appropriate methods for Mr. Raffe to examine the time sheets while the jury selection is in progress, or while you're waiting to be sent out to the part."

c. This was confirmed by Hon. ETHEL P. DANZIG on September 18, 1984 (Exhibit "B-3").

3a. Thus, the plaintiffs attorneys have known that prior to jury selection, they had to produce for deponent's inspection their "original time records".

b. Nevertheless, despite demands made by your deponent and on his behalf, plaintiffs' attorneys have wilfully refused to exhibit such "original time records".

A25

c. Throughout jury selection from December 18, 19, and 20, repeated demands were made for such "original time records", but such demands were not complied with.

4a. The statements made to Hon. CHARLES A. KUFFNER, JR. by the Kreindler & Relkin, P.C. firm to the contrary, are false, misleading, and deceptive.

b. Thus, at the conclusion of jury selection on December 20, 1984, the following appears (SM3-5; Exhibit "C-1"):

"MR. POLUR [defendant] ...we respectfully ask this distinguished jurist to have the original records in this case brought to the court today before Judge Danzig who has referred the case to the jury selection process at this time and to whom the case must go back for ultimate sending out for a jury trial. And we would like to have her examine those original time records ... and have the ruling on it today." ...

THE COURT: Have Xerox copies or photostatic copies of those time records been previously supplied?

MR. WEISSMAN [plaintiffs] To Mr. Raffé.

THE COURT: Mr. Raffé has Xerox copies of all the time records?

MR. WEISSMAN: Absolutely, in response to interrogatory questions. However, in response to interrogatory questions. However, they are entitled to see our time records for an update from the time the interrogatories were served to the present. ..."

d. Without any reservation whatsoever, your deponent states that he has never received or seen or been allowed to see the aforementioned "original time records" which were the subject of Referee Diamond's ruling, and confirmed by Honorable ETHEL B. DANZIG.

e. The representations to Hon. CHARLES A. KUFFNER, Jr., by the Kreindler & Relkin, P.C. firm, during the jury selection process were knowing false and deceptive.

f. In the transcript of June 14, 1984, Michael J. Gerstein, Esq., of Kreinder & Relkin, P.C. admitted that what was supplied to deponent were "not the originals" (SM23).

g. Thereafter, the following took place (SM-26; Exhibit "C-2"):

"THE REFEREE: Where is the original time sheets from which this was generated?

MR. WEISSMAN: The manually-prepared time sheets?

THE REFEREE: Yes.

MR. WEISSMAN: Those are in our office. That's a compilation of all the time sheets. Rather than having to produce something like this, we produce a computer summary, a compilation of all those time sheets. ..."

5a. Continuing on this knowing path of false and deceptive statements and representations by the Kreindler & Relkin, P.C. firm before Hon. CHARLES A. KUFFNER, JR., the following appears (SM7-Exhibit "D"):

MR. POLUR: "... As I understand Referee Diamond's report which was confirmed by Judge Danzig, dealt with the time records, dealt with that issue and said he [defendant] would be able to see them before the jury process. That's what I understood.

MR. WEISSMAN: Not before the jury process; between the period that a jury was selected and the trial. You have a three week, one month period."

b. It is now, two (2) weeks after jury selection, with a trial date set for January 8, 1985, and still deponent, nor anyone on deponent's behalf, has been permitted to inspect these "original time records", although demanded on numerous occasions.

c. Although there was no obligation on your deponent's part, in an effort to show "good faith" and cooperate with Her Honor, deponent caused to be delivered to Kreindler & Relkin, P.C., on December 24, 1984, a check for \$200 to have such "original time records" photostated by an outside firm.

d. Despite the aforementioned, same has not been delivered, and deponent understands that the Kreindler & Relkin, P.C. have no intention of delivering such "original time records".

A28

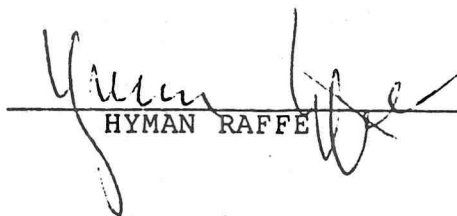
5a. The aforementioned is but another view of what this action is all about -- fraud, perjury, misleading statements, lies, larceny of judicial trust funds, and similar misconduct by the Kreindler & Relkin, P.C. firm, for which plaintiffs believe entitlement of indemnification under the aegis of "attorneys' fees"!

b. The dignity and integrity of the judicial process can only be restored in this action by the outright dismissal, with prejudice, of plaintiffs' action, with costs.

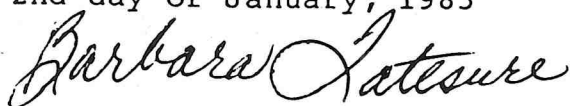
6a. No previous application has been made to any Court or Judge for the relief sought herein, except as herein stated.

b. This motion is made without prejudice to any and all other rights and causes of action that deponent may have against Kreindler & Relkin, P.C. and Edward Weissman, Esq. by reason of the aforesaid.

WHEREFORE, it is respectfully prayed that plaintiffs' action be dismissed, with prejudice, and with costs.


HYMAN RAFFE

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



BARBARA TATESURE
Notary for the State of New York
No. 76076
County of New York
Commission Expires 12/31/86

A29
GEORGE SASSOWER, Esq. - AFFIRMATION

[A29-A30 I

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

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

Index #
16792/1980

Plaintiffs,

Cal. No.
56943

-against-

HYMAN RAFFE,

Defendant.

-----x
GEORGE SASSOWER, Esq., an
attorney admitted to practice law in
the courts of the State of New York,
affirms the following to be true,
under the penalty of perjury:

1a. Affirmant is the present attorney for the
defendant (Exhibit "E") and is familiar with the facts
herein.

b. Affirmant knows of no conflict, real or
imagined, between the parties to this litigation, which
would cause affirmant's disqualification.

c. One' right to counsel of his choice was
emphatically reiterated in Abrams v. Anonymous, 62
N.Y.2d 183, 196-200, 476 N.Y.S.2d 494, 500-503).

A30

2. For about two (2) years the defendant has attempted to obtain an examination of the records of plaintiffs' attorneys upon which this action is based.

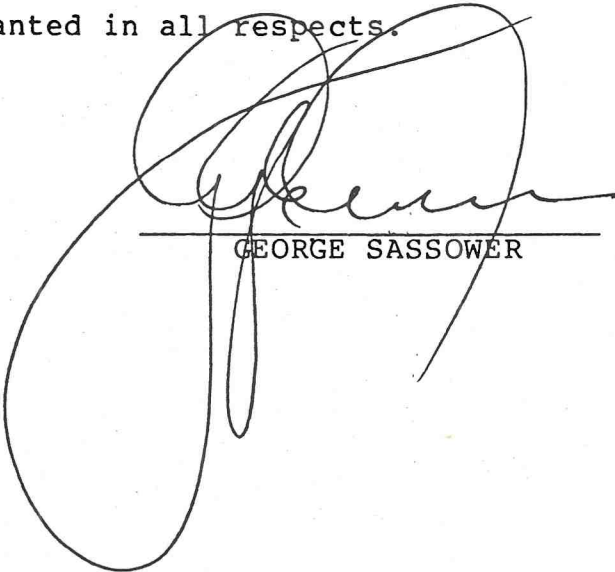
3. Despite orders, directions and rulings, including an Order of the Appellate Division, almost one and one-half years ago, the plaintiffs and their attorneys have wilfully refused to comply.

4a. The Gordian Knot should be cut, here and now, and plaintiffs' action dismissed, with prejudice.

b. This action is based upon an Order secured by perjury and other misconduct, and will eventually be nullified, whatever the outcome after trial.

WHEREFORE, it is respectfully prayed that this application be granted in all respects.

Dated: January 2, 1985



GEORGE SASSOWER

A31.
GEORGE SASSOWER, Esq. - AFFIRMATION
[A31-A34]

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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

File No.
84Civ0305
(EHN)

Plaintiffs,

-against-

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 Attorney General of the State of
New York; JOHN V. LINDSAY; and SUPREME
COURT OF THE STATE OF NEW YORK, COUNTY
OF NEW YORK,

Defendants.

-----x
GEORGE SASSOWER, Esq., an
attorney admitted to practice law in
the courts of the State of New York,
and this Court, affirms the
following to be true, under the
penalty of perjury:

1. Thus far, the morning of the return date of the motions returnable January 11, 1985, affirmant has not received any opposition to his motions except a "Memorandum" on behalf of defendant Rashba & Pokart, received in the mail yesterday, January 10, 1985; and an (untimely) motion by Feltman, Karesh & Major, Esqs., dated January 4, 1985 with a Memorandum of Law, which were mailed.

2a. At the outset it must be noted that the defendants have not complied with the plaintiff's Notice of Motion which stated:

"PLEASE TAKE FURTHER NOTICE that any and all financial or financially related books and records of Puccini Clothes, Ltd., under the possession and control of the defendants, their agents, employees and/or their attorneys, are to be produced before His Honor for inspection, examination, or other disposition, on the return date hereof."

b. Certainly, in view of the serious charges made by your affirmant against some of the defendants and their attorneys, if they had nothing to conceal they would have no hesitation in exhibiting to His Honor the original records of Puccini which they hold under "color of law".

These are not private books and records, but documents which they hold as agents for the state and state judiciary.

c. Thus, as only one example, there is now the testimony of Eugene Dann, of November 1, 1984, wherein the following appears (SM34):

"Q. ... So the Arutt, Nachamie firm represented you, Mr. Sorrentino, and Puccini Clothes but the only bills they sent were to Puccini Clothes?

A To Puccini Clothes.

Q And Puccini Clothes paid the entire bill; is that correct?

A That's correct."

3. Sooner or later, either in the federal or state forum, the defendants and their attorneys will be compelled to produce the Puccini papers and documents, which they hold under "color of law", and His Honor will be directly faced not only with the issue of the massive fraud took place in the Puccini receivership matter, but the efforts to further conceal them from this Court, and in fact this entire "hoax".

4. The totality of the material before this Court, including the legal time expenditure claims being made, reveals that defendants' attorneys knew that there was no res judicata defense and the Rashba & Pokart were, as a matter of law, disqualified from being appointed as investigatory accountants.

A34.

* * *

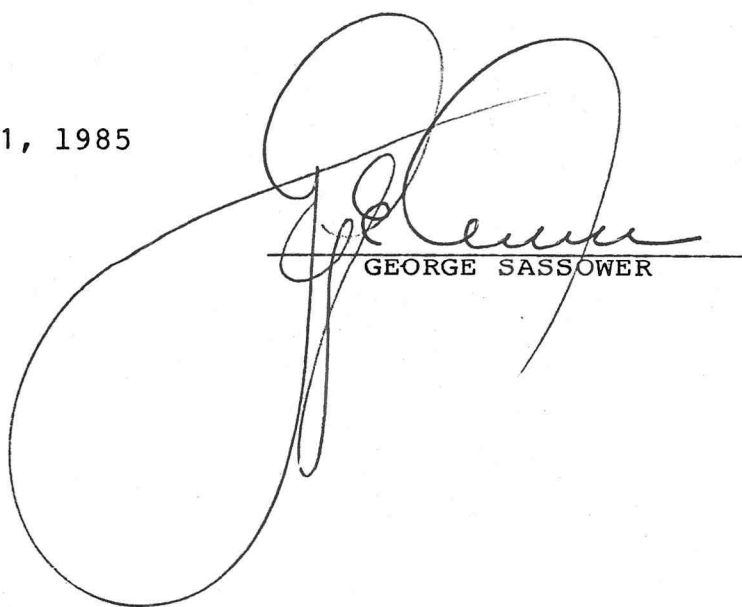
5a. The Feltman firm make various assertions and statements in their Memorandum of Law in requesting affirmative relief.

b. Those statements, both misleading and false, are not supported by any affidavit or affirmation of any kind.

c. Counsel, unless directed otherwise by His Honor, chooses, not by "Memoranda", to become involved in a "factual war by memoranda".

WHEREFORE, it is respectfully prayed that plaintiffs' motions be granted and the cross-motion denied.

Dated: January 11, 1985



GEORGE SASSOWER

A35

EDWARD S. WELTMAN - AFFIDAVIT
[A35-36]

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

----- x

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

Plaintiff, :
:

-against-

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 :
Attorney General of the State of New :
York; JOHN V. LINDSAY; and SUPREME :
COURT OF THE STATE OF NEW YORK, COUNTY :
OF NEW YORK, :

Defendants. :

84 Civ. 0305 (EHN)
AFFIDAVIT IN SUP-
PORT OF FEE
ASSESSMENT

----- x

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

EDWARD S. WELTMAN, being duly sworn, deposes and says:

1. I am a member of the law firm of Schneck Weltman & Ives, counsel to defendant Rashba & Pokart ("Rashba") in the above-captioned action. I am fully familiar with the facts and circumstances herein based on my personal involvement in the defense of this action and my position as supervising partner of this account.

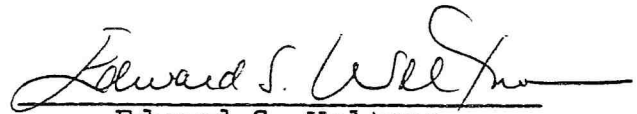
2. By order of this Court dated August 1, 1984, plaintiff Hyman Raffe and his attorney, George Sassower, were

A36

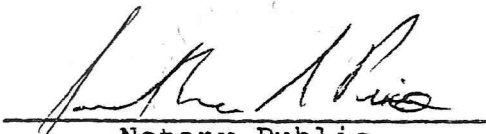
held jointly and severally liable for the attorneys' fees and costs incurred by Rashba and certain of the other defendants in the defense of this action. The Court's Order further directed defendants to submit affidavits of hours spent, fees sought and costs incurred. I make this affidavit pursuant to that direction.

3. Attached hereto as Exhibit A and incorporated herein by reference is a detailed accounting of the professional services rendered by and expenses of Schneck Weltman & Ives in the defense of Rashba in this action. In summary, Schneck Weltman & Ives expended 94.0 hours by Edward S. Weltman, Esq. at \$150.00 per hour and 218.3 hours by Jonathan I. Price at \$100.00 per hour, totalling \$35,930.00. In addition, expenses in connection with the defense of this matter total \$1,962.24.

WHEREFORE, Schneck Weltman & Ives respectfully requests that the Court assess the sum of \$37,892.24, representing \$35,930.00 in fees and \$1,962.24 in expenses against Raffae and Sassower jointly and severally, in accordance with its Order of August 1, 1984.


Edward S. Weltman

Sworn to before me this
21st day of August, 1984


Notary Public
JONATHAN T. PRICE
Notary Public, State of New York
No. 31-4790559
Qualified in New York County
Commission Expires March 30, 1985

A37

EXHIBIT "A"
A37-A46
EXHIBIT AEDWARD S. WELTMAN

1/30/84	Review Complaint in <u>Raffe v. Rashba, et al.</u> ; Discussion with Price re: Complaint.	1.6
2/01/84	Telephone conference with Laskin; Discussion with Price.	0.4
2/02/84	Telephone conference with Laskin.	0.2
2/06/84	Conference with Laskin, Weiss and Price; Telephone call to Schneider's office; Telephone conference with Laskin; Review Schneider memos and letters with Laskin.	3.5
2/07/84	Review Complaint, documents and earlier Sassower decisions in preparation for conference with co-counsel on 2/08/84; Discussion with Price re: <u>same.</u>	2.0
2/08/84	Attend conference with co-counsel to discuss strategy and prepare for pre-trial conference; Telephone conference with Laskin.	2.5
2/10/84	Pre-trial conference before Judge Nickerson; Discussion with Laskin.	3.5
2/14/84	Telephone conference with Laskin; Review Raffe letter to State Board of Education; Conference with Laskin and Price re: Rashba report.	4.0
2/15/84	Telephone conference with Laskin.	0.3

A38

2/17/84	Preparation for and attendance at pre-trial conference before Judge Platt; Discussions with co-counsel.	4.0
2/20/84	Review Feltman, Karesh & Major draft brief and affidavit; Discussion with Price; Review cases.	6.0
2/21/84	Conference call with Lee, Gerstein, Karesh and Price; Telephone conferences with Laskin, Gerstein, Lee and Butler; Review draft brief.	6.0
2/22/84	Discussion with Laskin; Review Rashba Memo of Law; Telephone conferences with Sassower, Lee and Gerstein.	7.5
2/23/84	Telephone conference with Gerstein; Review Rashba brief and Laskin affidavit; Review Karesh and Kreindler & Relkin briefs; Telephone conferences with Schneider and Sassower.	9.0
2/24/84	Final edit of Rashba's papers and discussions with Price.	1.5
2/27/84	Review Arutt motion papers; Review Raffe's State Court motion papers; Conference with Laskin and revision of Rashba draft report.	3.5
2/28/84	Conference with Laskin; Review briefs and affidavits of other defendants; Discussion with Price; Review final draft of Rashba's Report.	3.5
3/02/84	Review Sassower papers; Discussion with Price; Telephone conference with Schneider.	2.5

A39

3/12/84	Telephone conferences with Sassower and Laskin; Telephone call to Schneider's office; Review Sassower letter to Nickerson re: re-scheduling of oral argument; Review Sassower motion re: Rule 56.	2.5
3/13/84	Conference with Laskin and Price re: letter to Feltman; Review Feltman Supplementary Affidavit and March 11 letter re: Rashba report and Puccini documents.	4.5
3/14/84	Telephone conferences with Sassower, Lee and Laskin; Conference call with co-counsel; Preparation of outline of oral argument; Telephone conference with Schneider.	5.0
3/15/84	Review Sassower letter; Conference calls with co-counsel; Discussion with Price and review of papers re: oral argument; Telephone conferences with Lee.	3.8
3/16/84	Preparation for oral argument; Discussion with Price and co-counsel; Attendance at oral argument.	4.0
3/19/84	Telephone conference with Laskin.	0.2
3/27/84	Review Schneider letter in response to Laskin letter accompanying Rashba Report; conference with Laskin re: Schneider letter.	0.3
4/3/84	Review Raffe motion to amend complaint; discuss Raffe motion papers with Price.	1.0

Ado.

4/5/84	Telephone conference with Gerstein.	0.3
4/10/84	Review draft responsive brief; discuss brief with Price.	1.0
4/12/84	Telephone conference with Gerstein.	0.3
6/11/84	Review Raffe letters; discuss Raffe letters with Laskin and Price.	2.5
6/12/84	Discussion with Price re: responsive letters to Raffe.	0.5
6/13/84	Review Raffe Motion to Amend and Sassower Affidavits; discussion of Motion to Amend with Price; Review Price draft letters to Sassower.	2.0
6/14/84	Review Price letter and Laskin letter to Sassower; telephone conference with Laskin.	1.3
6/25/84	Review Kreindler & Relkin motion re: - sanctions.	1.0
7/2/84	Review Laskin letter to Judge Nickerson.	0.3
7/17/84	Review reply memo and affidavit re: Motion for Summary Judgment.	1.0
7/30/84	Review Sassower Affidavit and Memo re: Motion for Summary Judgment.	<u>1.0</u>
TOTAL HOURS - Edward S. Weltman		94.0
TOTAL - Edward S. Weltman		\$14,100.00

AH/

JONATHAN I. PRICE

1/30/84	Telephone conference with Laskin; Review Complaint in <u>Raffe v. Rashba, et al.</u> ; Research on 42 U.S.C. §1983.	2.8
2/02/84	Draft letter to INA giving notice of suit.	1.0
2/03/84	Research on immunities in Section 1983 actions; Letter to Laskin.	5.2
2/06/84	Conference with Weltman, Laskin and Weiss; Review documents.	1.3
2/07/84	Discussion with Weltman; Review earlier Sassower Section 1983 decisions.	1.3
2/08/84	Preparation for and attendance at conference with counsel for co-defendants at Feltman, Karesh & Major.	2.0
2/10/84	Discussion with Weltman re: pre-trial conference.	1.0
2/14/84	Telephone conference with Attorney General's office; Review Raffe letter to Department of Education; Review Rashba draft report.	0.8
2/15/84	Research on privileges against libel actions.	2.2
2/17/84	Attendance at pre-trial conference before Judge Platt; Review Feltman, Karesh & Major draft brief and affidavit; Legal research on 42 U.S.C. §1983.	3.5

AH2

2/18/84	Legal research re: Motion to Dismiss.	6.5
2/19/84	Legal research re: Motion to Dismiss.	9.0
2/20/84	Draft brief in support of Motion to Dismiss.	12.5
2/21/84	Further legal research and drafting of brief in support of Motion to Dismiss; Discussion with Weltman; Conference call with counsel for co- defendants.	11.5
2/22/84	Draft Laskin affidavit; Letter to co-counsel; Revision of brief.	9.3
2/23/84	Revision and cite check of brief; Letter to Laskin; Discussion with Weltman; Review Kreindler & Relkin and Feltman, Karesh & Major briefs; Revise Notice of Motion.	8.0
2/24/84	Final revision and pre- paration for service and filing of brief and other motion papers; Telephone conference with Laskin.	8.0
2/27/84	Review affidavits of other defendants; Draft preamble to accountant's report.	4.0
2/28/84	Review briefs of other defendants.	2.0
2/29/84	Redraft cover letter to accountant's report.	1.5
3/02/84	Review and analyze Raffae papers in Opposition to Motion to Dismiss.	9.0
3/03/84	Preparation of reply papers.	6.0

A43

3/04/84	Further work on reply papers.	4.0
3/05/84	Telephone conference with Laskin; Revise reply papers; Trip to EDNY Clerk's office; Telephone conference with Lee; Telephone conference with Sassower.	5.0
3/06/84	Review Attorney General's motion papers; revision and preparation for service of reply papers; Telephone conference with Laskin.	4.5
3/07/84	Telephone conferences with Laskin and Lee; Review Kreindler & Relkin reply brief.	1.2
3/08/84	Preparation for argument of motion; Telephone conferences with law clerk to Judge Platt, Lee, Sassower and Laskin; Letters to EDNY Clerk and Platt's Chambers.	1.3
3/09/84	Review reply papers of other defendants.	5.6
3/12/84	Review new Sassower papers; Discussion with Weltman re: status of same.	3.1
3/13/84	Review pleadings in preparation for oral argument; Discussion with Weltman re: Sassower telephone call; Conference with Laskin and Weltman re: Feltman letter; Draft response to Feltman.	6.2
3/14/84	Conference call with co-counsel; Discussions with Weltman and preparation re: oral argument.	4.8

A44

3/15/84	Telephone conference with Lee; Discussions with Weltman and preparation for oral argument.	3.6
3/16/84	Preparation for and oral argument of motion to dismiss.	4.0
4/3/84	Review Raffe papers re: Motion to Amend; discussion with Weltman.	1.2
4/9/84	Draft Memorandum in Opposition to Motion to Amend.	5.2
4/10/84	Revise Brief; conference with Weltman re: Brief.	2.5
4/11/84	Final revision of Brief and preparation of same for service.	3.0
4/24/84	Review Kreindler & Relkin Brief in Opposition to Raffe Motion to Amend.	1.0
4/26/84	Telephone conference with Gerstein; preparation for hearing on Motion to Amend.	2.0
4/27/84	Attendance at hearing on Raffe Motion to Amend.	1.5
5/16/84	Draft Affidavits in Opposition to Motion of Sassower to Disallow fees to Rashba.	1.5
5/17/84	Further drafting and revision of Affidavits in Opposition to Sassower Motion re: fees; telephone conference with Schneider.	4.4
5/18/84	Letter to Laskin; final revision and service of Affidavits in Opposition to Motion re: fees.	2.8

AHS

6/4/84	Review Sassower Affidavit.	0.3	
6/11/84	Review Sassower letters.	1.5	
6/12/84	Draft letter to Sassower from Laskin.	4.0	
6/13/84	Draft letter to Sassower from Price; revise Laskin letter; conference with Weltman re: letters to Sassower.	2.5	
6/14/84	Letter to Laskin.	0.3	
6/22/84	Review Raffe Motion Papers re: Motion for Summary Judgment and other recent pleadings.	2.8	
6/28/84	Telephone conference with Gerstein; telephone conference with Lee.	0.6	
7/2/84	Review Order of Judge Nickerson re: conversion of motions to summary judgment.	0.2	
7/12/84	Review Sassower Affidavit; draft reply-brief.	9.3	
7/13/84	Further work on reply brief; draft Rule 9(g) statement.	5.5	
7/14/84	Further research and revision of reply papers.	5.0	
7/15/84	Final revision and preparation for service of reply papers.	8.0	
7/18/84	Review reply papers of various defendants.	<u>1.5</u>	
TOTAL HOURS - Jonathan I. Price		218.3	
TOTAL - Jonathan I. Price			\$21,830.00

AH 6

DISBURSEMENTS

Telephone	\$50.40
Photocopying	667.95
Postage (including messenger services	463.64
Miscellaneous (including secre- tarial overtime, transporta- tion and meals)	<u>780.25</u>

TOTAL DISBURSEMENTS

\$1,962.24

TOTAL AMOUNT DUE

\$37,892.24

A47

DONALD F. SCHNEIDER, ESQ.- AFFIDAVIT

[A47-A49 1]

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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

Plaintiffs, :

84 Civ. 0305 (TCP)

-against- :

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 :
Attorney General of the State of New :
York; JOHN V. LINDSAY; and SUPREME :
COURT OF THE STATE OF NEW YORK, :
COUNTY OF NEW YORK, :

AFFIDAVIT IN OPPOSITION
TO PLAINTIFFS' MOTION
AND IN FURTHER SUPPORT
OF APPLICATION OF
FELTMAN, KARESH & MAJOR
AND LEE FELTMAN FOR
ATTORNEYS' FEES AND
COSTS

Defendants. :
-----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 Bar of this
Court and I am a member of Feltman, Karesh & Major ("FK&M").
FK&M is a defendant pro se and is also the attorney for defen-
dant Lee Feltman in the above-captioned action (FK&M and Lee

ANS.

Feltman are hereinafter referred to as the "Defendants"). I respectfully submit this affidavit (a) in opposition to plaintiffs' motion for an order denying Defendants' application for attorneys' fees, and (b) in further support of the fee application.

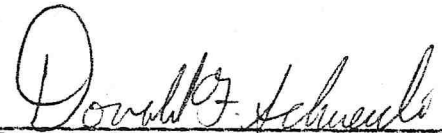
2. Plaintiffs' counsel charges in wholly conclusory fashion that it "appears" that the Defendants have included as part of their fee application to this Court, services rendered in related state court proceedings.

3. This charge is utterly without foundation. Defendants' initial application (my affidavit sworn to September 14, 1984) and Defendants' supplemental application (my affidavit sworn to October, 1984) make clear that the Defendants seek reimbursement for legal services performed only in the defense of this action.

4. To further refute such charge, we are annexing hereto as Exhibit "A" a recapitulation of our daily time records consisting of a description of the services performed by each attorney for each day and the amount of time expended for each service.

A4.9

5. We respectfully request that plaintiffs' motion be denied and that FK&M be awarded the reasonable attorney's fees in the sum of \$25,205.50 and non-taxable costs and expenses in the sum of \$1,149.99.



DONALD F. SCHNEIDER

Sworn to before me this
28th day of December, 1984.



NOTARY PUBLIC

DOLORES JOHNSON
Notary Public, State of New York
No. 01-J04761585 Qual. in Kings County
Commission Expires March 30, 1986

A50
EXHIBIT
[A50-A54]

<u>DATE</u>	<u>ATTY.</u>	<u>DESCRIPTION OF SERVICES</u>	<u>TIME SPENT (HRS.)</u>
01/25/84	DFS	Analyze complaint	0.7
01/26/84	DFS	Telephone calls w/Kenneth Balkin and attorneys for various co-defendants	0.4
01/26/84	DFS	Memorandum	0.2
01/26/84	DFS	Legal research	2.0
01/26/84	DFS	Correspondence	0.4
01/30/84	JIK	Analyze complaint	0.2
01/31/84	DFS	Telephone call w/attorneys for co-defendant John Lindsay	0.1
01/31/84	DFS	Legal research	1.0
02/01/84	DFS	Telephone call w/attorneys for co-defendant John Lindsay	0.1
02/01/84	DFS	Prepare affidavit for motion to dismiss	3.4
02/01/84	AMB	Legal research	2.3
02/01/84	JIK	Legal research	0.2
02/02/84	DFS	Prepare affidavit for motion to dismiss	2.5
02/02/84	DFS	Legal research	2.0
02/03/84	AMB	Legal research	2.3
02/03/84	DFS	Legal research	0.8
02/03/84	DFS	I/O conference	0.1
02/05/84	DFS	Prepare affidavit for motion to dismiss	1.3
02/05/84	DFS	Memorandum for motion to dismiss	3.0
02/05/84	DFS	Legal research	0.5
02/06/84	AMB	Legal research	2.5
02/07/84	DFS	Memorandum for motion to dismiss	0.5
02/07/84	DFS	Legal research	2.0
02/07/84	AMB	Legal research	0.6
02/07/84	JIK	Legal research	0.5
02/08/84	DFS	I/O conference	0.3
02/08/84	DFS	Telephone call w/attorneys for co-defendant Citibank	0.1
02/08/84	AMB	Legal research	0.5
02/08/84	JIK	Attend meeting w/attorneys for other co-defendants	1.6
02/08/84	JIK	Telephone calls w/chambers of Judge Platt and attorneys for other co-defendants	0.5
02/08/84	JIK	Memorandum for motion to dismiss	0.4
02/08/84	LF	Prepare affidavit for motion to dismiss	1.0
02/09/84	LF	Telephone call w/chambers of Judge Platt	0.1
02/09/84	LF	I/O conference	0.1
02/09/84	DFS	I/O conference	0.1
02/09/84	DFS	Legal research	4.0
02/09/84	DFS	Memorandum for motion to dismiss	1.6
02/09/84	DFS	Telephone call w/plaintiff's attorney and attorneys for Citibank	0.3
02/09/84	AMB	Legal research	0.3

AS/

<u>DATE</u>	<u>ATTY.</u>	<u>DESCRIPTION OF SERVICES</u>	<u>TIME SPENT (HRS.)</u>
02/10/84	LF	Review plaintiff's cross-motion for summary judgment	0.4
02/10/84	LF	I/O conference	0.1
02/10/84	AMB	Legal research	5.3
02/10/84	DFS	Appear in court	3.2
02/10/84	DFS	Correspondence	0.2
02/10/84	DFS	Memorandum for motion to dismiss	2.6
02/11/84	DFS	Memorandum for motion to dismiss	2.0
02/13/84	AMB	Memorandum for motion to dismiss	0.2
02/13/84	DFS	Memorandum for motion to dismiss	3.0
02/14/84	DFS	Telephone call w/attorney for co-defendant Attorney General	0.2
02/14/84	DFS	Prepare affidavit for motion to dismiss	2.3
02/15/84	DFS	Prepare affidavit for motion to dismiss	0.5
02/16/84	DFS	Prepare affidavit for motion to dismiss	1.0
02/17/84	AMB	Prepare affidavit for motion to dismiss	0.3
02/17/84	AMB	Preparation for and attendance at pre-trial conference	4.0
02/17/84	AMB	I/O conference	0.3
02/17/84	LF	Memorandum for motion to dismiss	0.9
02/17/84	LF	I/O conference	0.1
02/20/84	AMB	Memorandum for motion to dismiss	2.9
02/21/84	AMB	Legal research	1.8
02/21/84	AMB	Memorandum for motion to dismiss	1.3
02/21/84	AMB	Prepare affidavit for motion to dismiss	0.6
02/21/84	AMB	Legal research	2.5
02/21/84	JIK	Telephone call w/attorney for co-defendant Citibank	1.0
02/21/84	JIK	Fact research	1.5
02/21/84	JIK	Memorandum for motion to dismiss	2.4
02/21/84	LF	Prepare affidavit	0.5
02/22/84	AMB	Memorandum for motion to dismiss	5.1
02/22/84	JIK	Legal research	2.5
02/22/84	JIK	Memorandum for motion to dismiss	4.0
02/22/84	JIK	Telephone call w/attorney for co-defendant Citibank	0.5
02/22/84	JIK	I/O conference	0.1
02/23/84	AMB	Legal research	2.8
02/23/84	AMB	Prepare affidavit for motion to dismiss	9.0
02/23/84	DFS	Memorandum for motion to dismiss	7.5
02/23/84	DFS	Legal research	3.5
02/23/84	DFS	Affidavit	0.5
02/23/84	LF	I/O conference	0.2
02/23/84	LF	Prepare affidavit for motion to dismiss	1.0
02/23/84	LF	Memorandum for motion to dismiss	4.5
02/23/84	LF	Legal research	1.0

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<u>DATE</u>	<u>ATTY.</u>	<u>DESCRIPTION OF SERVICES</u>	<u>TIME SPENT (HRS.)</u>
02/23/84	DFS	I/O conference	0.2
02/23/84	DFS	Telephone call	0.3
02/24/84	LF	Prepare affidavit to dismiss	0.1
02/24/84	LF	Memorandum for motion to dismiss	1.2
02/24/84	AMB	Memorandum for motion to dismiss	2.2
02/24/84	AMB	Prepare affidavit for motion to dismiss	1.3
02/24/84	DFS	Memorandum for motion to dismiss	6.0
02/27/84	LF	Analyze mot. papers of co-defendants	0.5
02/27/84	DFS	Analyze mot. papers of co-defendants	0.8
03/01/84	DFS	Analyze mot. papers of co-defendants	0.6
03/01/84	AMB	Analyze mot. papers of co-defendants	0.3
03/02/84	DFS	Telephone call w/attorney for co-defendant Citibank	0.1
03/02/84	DFS	Prepare reply affidavit	1.1
03/02/84	DFS	Legal research re propriety of summary judgment treatment	0.8
03/04/84	AMB	Legal research re propriety of summary judgment treatment	0.4
03/05/84	DFS	Analyze mot. papers of co-defendants	0.6
03/06/84	DFS	Telephone calls w/attorneys for co-defendants John Lindsay and Citibank	0.2
03/06/84	LF	Analyze motion papers	0.6
03/06/84	DFS	Reply memorandum for motion to dismiss	3.0
03/06/84	DFS	Prepare reply affidavit	0.4
03/06/84	DFS	I/O conference	0.2
03/07/84	AMB	Legal research re propriety of summary judgment treatment	1.5
03/08/84	LF	Affidavit	2.0
03/08/84	DFS	Telephone calls w/attorneys for plaintiff and co-defendant Citibank	0.6
03/08/84	DFS	Prepare supplemental affidavit in further support of motion to dismiss	3.3
03/08/84	DFS	Correspondence	0.4
03/08/84	DFS	I/O conference	0.2
03/08/84	AMB	I/O conference	0.2
03/14/84	DFS	Review plaintiff's interrogatories and document demand	0.3
03/14/84	DFS	Telephone calls w/attorneys for co-defendants Citibank and John Lindsay	1.0
03/14/84	AMB	I/O conference	0.2
03/14/84	LF	I/O conference	0.2
03/15/84	LF	I/O conference	0.1
03/15/84	AMB	Legal research re propriety of <u>res judicata</u> determination on Rule 12 motion	3.2
03/15/84	DFS	Conference call w/attorneys for all co-defendants	1.0

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<u>DATE</u>	<u>ATTY.</u>	<u>DESCRIPTION OF SERVICES</u>	<u>TIME SPENT (HRS.)</u>
03/15/84	DFS	Prepare for oral argument	1.5
03/16/84	DFS	Appear in court	3.3
03/16/84	LF	I/O conference	0.3
03/16/84	DFS	Correspondence	0.1
03/16/84	DFS	Telephone call w/attorneys for co-defendant Citibank	0.2
03/25/84	LF	Conference	0.5
04/03/84	DFS	Analyze adverse motion papers	0.1
04/04/84	DFS	Analyze adverse motion papers	0.3
04/06/84	DFS	Prepare affidavit	1.0
04/08/84	DFS	Prepare affidavit	0.5
04/10/84	DFS	Telephone call w/attorney for plaintiff	0.2
04/11/84	DFS	Analyze adverse motion papers	0.4
04/12/84	DFS	Telephone calls w/attorneys for co-defendant Citibank and Arutt, Nachamie	0.2
04/24/84	DFS	Analyze adverse motion papers	0.3
04/24/84	DFS	I/O conference	0.3
04/25/84	JIK	I/O conference	0.3
04/25/84	DFS	Telephone calls w/Chambers of Judge Nickerson and attorneys for co-defendant Kreindler & Relkin	0.4
04/25/84	DFS	File memorandum	0.3
04/25/84	DFS	I/O conference	0.1
04/26/84	JIK	Conference	0.1
04/27/84	JIK	Analyze adv. mot. papers and prepare affidavit	3.3
05/07/84	LF	Conference	0.3
05/30/84	DFS	Analyze adverse motion papers	0.1
06/04/84	DFS	Analyze adv. mot. papers	0.2
06/04/84	DFS	I/O conference	0.1
06/06/84	DFS	Analyze adv. mot. papers	0.3
06/06/84	DFS	Telephone call w/attorney for co-defendant Citibank	0.1
06/06/84	DFS	Telephone call w/attorney for plaintiff	0.1
06/08/84	DFS	Appear in court	2.8
06/13/84	DFS	Analyze adv. motion papers	0.1
06/13/84	DFS	Analyze Sassower affidavit	0.2
06/18/84	DFS	Correspondence	0.1
06/18/84	DFS	Analyze adv. mot. papers	0.1
06/25/84	DFS	Prepare affidavit	1.8
06/27/84	DFS	Telephone calls w/attorneys for plaintiff and co-defendant Citibank	0.4
07/02/84	AMB	Fact research	0.9
07/03/84	DFS	Prepare affidavit	1.8
07/05/84	DFS	Telephone calls w/attorney for plaintiff and Judge's Clerk	0.3

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<u>DATE</u>	<u>ATTY.</u>	<u>DESCRIPTION OF SERVICES</u>	<u>TIME SPENT (HRS.)</u>
07/06/84	DFS	Analyze court dec. or order converting the motion to Rule 56	0.1
07/09/84	DFS	Analyze plaintiff's additional affidavit pursuant to Rule 56	0.2
07/12/84	DFS	Analyze adverse motion papers	0.3
07/12/84	DFS	Prepare affidavit	1.0
07/12/84	AMB	Fact research	0.3
07/13/84	LF	Review affidavit	0.5
07/13/84	DFS	Prepare Rule 9(g) statement	0.5
07/13/84	DFS	Correspondence	0.3
07/16/84	DFS	Telephone calls w/attorney for co-defendant Citibank	0.2
07/18/84	DFS	Analyze adv. motion papers of co-defendant	0.2
07/20/84	DFS	Analyze adv. motion papers of co-defendant	0.2
07/23/84	DFS	Analyze adv. motion papers of co-defendant	0.7
07/25/84	DFS	Analyze adv. motion papers of co-defendant	0.2
07/27/84	MHO	Appear in court	2.6
07/27/84	DFS	Appear in court	2.6
07/27/84	DFS	Analyze adv. motion papers of co-defendant	0.1
07/27/84	DFS	Correspondence	0.1
07/28/84	DFS	Correspondence	0.1
08/02/84	DFS	Telephone call w/attorney for plaintiff	0.1
08/03/84	DFS	Telephone call w/attorney for co-defendant Citibank	0.2
08/03/84	DFS	Analyze order dismissing complaint	0.2
08/03/84	DFS	Prepare affidavit of legal services	3.0
08/03/84	DFS	Fact research	0.4
08/03/84	DFS	Correspondence	0.3
08/15/84	DFS	Analyze plaintiff's motion for writ of prohibition and motion to reargue	0.4
09/12/84	MHO	Legal research	0.9
09/13/84	DFS	Telephone call w/attorney for co-defendant Rashba & Pokart	0.2
09/14/84	MHO	Legal research	1.3
09/14/84	DFS	Prepare brief	2.8
11/26/84	DFS	Analyze court dec. denying reargument	0.1

ASS
TIMOTHY P. BUTLER, Esq. -Affidavit

[A55-A59]

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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

84 Civ. 0305 (EHN)

Plaintiffs,

-against-

AFFIDAVIT IN SUPPORT
OF THE APPLICATION
BY D'AMATO & LYNCH
FOR ATTORNEY'S
FEES AND COSTS

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.;
RASHA & POKART, P.C.; EUGENE DANN;
ROBERT CORRENTINO; ROBERT ABRAMS, as
Attorney General of the State of New York;
JOHN V. LINDSAY; and SUPREME COURT OF THE
STATE OF NEW YORK, COUNTY OF NEW YORK,

Defendants.

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

TIMOTHY P. BUTLER, being duly sworn, deposes and says:

1. I am an attorney at law and am associated with the
firm of D'Amato & Lynch, attorneys for Defendants, ARRUTT,
NACHAMIE BENJAMIN, LIPKIN AND KIRSCHNER, in the above captioned
action. I respectfully submit this Affidavit pursuant to the
Memorandum and Order of this Court dated August 1, 1984 in
support of D'Amato & Lynch's application for attorney's fees in
the sum of \$8,950.00 and non taxable costs and disbursements of
\$87.52.

2. D'Amato & Lynch performed the following legal
services in defense of this action:

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- a) receipt and review of eighteen page Complaint.
- b) Court appearance on February 10, 1984 to obtain extension of time to respond to the Complaint after Plaintiff's counsel refused to grant a brief extension.
- c) Pre-trial conference before Judge Platt on February 17, 1984.
- d) Preparation of:
 - i) Notice of Motion, dated February 24, 1984 for an Order dismissing the Complaint on the grounds that the Complaint failed to state a claim upon which relief can be granted; the Court lacked jurisdiction over the subject matter of this action; the Complaint was barred by res judicata and collateral estoppel; and for an Order assessing attorney's fees against Plaintiff and his counsel: and
 - ii) An Affidavit in support of the Motion: and
 - iii) a Memorandum of Law filed jointly with the law firms of Feltman, Karesh and Major and Kriendler and Relkin.

AS.

- e) Extensive legal research in connection with the Motion to Dismiss.
- f) Review of motion papers of all co-Defendants;
- g) Review of Plaintiff's opposition papers to the Motion to Dismiss and Cross-Motion for an Order striking Defendant's Motion papers.
- h) Court appearance on March 16, 1984 for argument of Motion to Dismiss the Complaint.
- i) Review of Plaintiff's Motion for leave to serve an Amended Complaint, and for an Order transferring to the Federal Court all proceedings pending in the State Courts.
- j) Preparation of Affidavit in Opposition of Plaintiff's Motion to Amend the Complaint. Review of Affidavits of co-defendants in opposition.
- k) Review of Plaintiff's Motion dated May 31, 1984.
- l) Review of Plaintiff's Motion, dated June 12, 1984, for leave to amend the proposed Amended Complaint.
- m) Review of Affidavits of all co-defendants in opposition to the Motion.
- n) Review of Memorandum and Order converting the motion to dismiss to a Motion for Summary Judgment.

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- o) Review of all Affidavits of Plaintiff submitted in opposition to the Motion for Summary Judgment.
- p) Preparation of Affidavit in response to Plaintiff's Motion for partial Summary Judgment and in further support of Defendants' Motion for summary judgment.
- q) Court appearance on July 27, 1984 in connection with Plaintiff's Motion for partial Summary Judgment and to obtain a stay of all further Motions pending determination of the Motion to Dismiss.
- r) Various telephones calls and correspondence to all parties in connection with the above-captioned action.

3. Services in this manner were rendered by Robert E. Meshel, a member of the firm of D'Amato & Lynch and Timothy P. Butler, an associate at D'Amato & Lynch. Mr. Meshel spent a total of five hours on the case and Mr. Butler spent a total of 82 hours in the litigation of this matter. Mr. Meshel customarily bills at the rate of \$150.00 per hour and your deponent's time is usually billed at \$100.00 per hour. In view of the aforementioned, your deponent respectfully submits that the sum of \$8,950.00 requested for attorney's fees is fair and reasonable.

AS/9

4. D'Amato & Lynch therefore respectfully requests they be awarded reasonable attorney's fees in the sum of \$8,950.00 and non-taxable cost and expenses in the sum of \$87.52 for a total of \$9,027.52.

Dated: October 2, 1984
New York, New York

Timothy Butler
Timothy P. Butler

Sworn to before me this
2d day of October, 1984

William M. Reed
Notary Public

WILLIAM M. REED
Notary Public, State of New York
No. 31-4795576
Qualified in New York County
Commission Expires March 30, 1985

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DONALD B. RELKIN, Esq. -Affidavit.
A60-A65

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
HYMAN RAFFE individually and on
behalf of Puccini Clothes, Ltd.,

84 Civ. 0305 (EHN)

Plaintiff,

AFFIDAVIT IN
OPPOSITION TO MOTION

-against-

CITIBANK, N.A. and JEROME H.
BARR, individually and as
Executors of the Estate of
Milton Kaufman et al.

Defendants.

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

DONALD B. RELKIN, being duly sworn, deposes and says:

1. I am a member of the firm of Kreindler &
Relkin, P.C. attorneys for defendants Citibank, N.A. and
Jerome H. Barr individually and as Executors of the Estate
of Milton Kaufman; and Pro Se on behalf of my firm. I am
fully familiar with the facts set forth hereinbelow, and
make this affidavit in opposition to plaintiffs' motion
seeking an order denying defendants their attorneys' fees
applications.

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2. My affidavit sworn to October 8, 1984 (hereinafter "Relkin Affidavit of Services") set forth from contemporaneous time records maintained by our firm, the date, the hours expended, and the nature of the work done from inception through July 31, 1984. The itemizations of services rendered by our firm for that period were annexed as exhibits thereto. As set forth in the Relkin Affidavit of Services, a total of 245 hours were expended by attorneys, paralegals and law clerks, aggregating, at each person's regular hourly billing rate, the sum of \$38,057.50. It is submitted that the Relkin Affidavit of Services thus complies with the standards for attorneys' fees awards in §1983 actions.

3. As set forth in the Relkin Affidavit of Services time records are maintained by each attorney, paralegal and law clerk in our firm on a daily basis. The data is fed directly on to a computer system, which then, using each attorney's billing rate, automatically calculates the total value of the time of all attorneys who worked on the case.

4. We believe the submission heretofore made fully complies with the requirements for fee awards. To avoid Raffe's dilatory motion, we are providing herewith copies of the computer records showing all entries made for this action by all attorneys, paralegals and clerks who worked on the matter. As may be seen, these entries are then reviewed

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and when necessary edited to produce readable bills and to eliminate typographical errors and other mistakes which may occur in the time recording process.

5. The records submitted herewith update the time spent on this matter from August 1 - November 30, 1984, in addition to the time encompassed by the prior fee application. An award of \$3,424.00 for fees and \$980.39 for disbursements is respectfully requested for this period, in addition to the \$38,057.50 requested by the Relkin Affidavit of Services.

6. It should be noted that the within motion by plaintiff is part of a series of motions obviously designed to harass defendants, Barr, Citibank and Kreindler & Relkin. In the underlying state court litigation (Barr and Citibank vs. Raffe, Supreme Court, New York County Index No. 16792/80), a jury has already been pre-selected and trial is scheduled to commence on January 8, 1985 on plaintiff's causes of action for attorneys' fees incurred in enforcing Raffe's guarantees. Raffe and attorney Sassower have apparently embarked upon a stepped-up campaign of vexatious motions. Thus, in this action, two separate motions have been made by Raffe in addition to the instant motion. At the same time, Raffe has made two motions returnable at Trial Term, Supreme Court on January 3; another motion returnable in Trial Term,

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Supreme Court on January 10, two motions returnable in the Appellate Division of Supreme Court on January 3 and at least three motions in the United States Court of Appeals for the Second Circuit emanating from Raffe's appeal from this Court's decision.

7. This Court previously noted Raffe and Sassower's vexatious litigation tactics (see Memorandum and Order of August 1, 1984 page 18). In addition, upon motion, the New York State Supreme Court has enjoined Raffe and Sassower and anyone acting in connection with either of them from filing any further lawsuits against Citibank, Barr, Kreindler & Relkin, Lee Feltman, Feltman, Karesh & Major, Arutt, Nachamie, Benjamin, Lipkin & Kirschner, Eugene Dann and Robert Sorrentino. Justice Gammerman of the New York State Supreme Court rendered an oral decision granting such motion on December 18, and an order encompassing Justice Gammerman's ruling is being settled. Finally, in view of Raffe's and Sassower's actions in commencing a totally duplicative Civil Rights action in the Southern District of New York (84 Civ. 6272) before Judge Conner, against many of the same defendants sued herein, motions are pending in that action to enjoin Sassower and Raffe from commencing any further lawsuits against these parties in Federal Court.

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8. In view of the pattern of tactics of Raffé and Sassower, it is respectfully requested that this Court issue an order enjoining Raffé and Sassower from any further motions without the prior consent of the Court at a pre-motion conference, and denying as frivolous Raffé's spurious Rule 60 motion (a copy of this motion will be handed up to the Court upon oral argument of this motion). Alternatively, it is respectfully requested that their motion purportedly made under Rule 60, seeking to set aside the judgment on grounds of fraud, returnable on January 11, be adjourned four weeks until February 8, 1985. As previously noted, trial in the state court action is scheduled to commence on January 8, and Mr. Raffé and his attorney have stated in that action that they expect the trial to last between two to four weeks. Since there is no prejudice caused by the adjournment of Raffé's Rule 60 motion, and since your deponent could not appear for argument of Raffé's Rule 60 motion herein in the midst of trial in the state court action, an adjournment until February 8 is appropriate. In addition, it should be noted that the appeal from this Court's order granting summary judgment is scheduled to be argued in the Second Circuit Court of Appeals on January 14.

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WHEREFORE, it is respectfully requested that

a) the fee applications of Kreindler & Relkin in the sum of \$38,057.50 for the period from commencement of this action through July 31, 1984, and \$4,404.39 for the period August 1, 1984 - November 30, 1984 be granted; b) the within motion made by Raffe and Sassower be denied; c) that Raffe be enjoined from any further motions without first having obtained the Court's consent, or alternatively that Raffe's Rule 60 motion be adjourned until February 8, 1985; and that Barr, Citibank and Kreindler & Relkin be granted such other further and different relief as to the the Court may seem just and proper.



DONALD B. RELKIN

Sworn to before me this
3rd day of January, 1985.



NOTARY PUBLIC

MICHAEL J. GERSTEIN
Notary Public, State of New York
No. 24-4514325
Qualified in Kings County
Commission Expires March 30, 1985

ALC
KREINDLER & RELKIN

A PROFESSIONAL CORPORATION

500 FIFTH AVENUE, NEW YORK, N. Y. 10110-0267 • (212) 719-1600

EXHIBITS - SAMPLE

[A66-A71 I]

Kaufman

Barr & Barr
489 Fifth Avenue
New York, New York 10017
ATTN: Jerome H. Barr

APRIL 24, 1984
ID: 02148-006

DBR
STATEMENT NO. 5437

RE: FEDERAL ACTION

FOR PROFESSIONAL SERVICES RENDERED THROUGH MARCH, 1984

DESCRIPTION	DATE
CONFERENCE IN WITH E. Weissman re federal action	02/09/84
ATTENDANCE AT COURT Judge Nickerson	02/10/84
CONFERENCE IN WITH E. Weissman re pre-trial conference	02/16/84
REVIEW SUMMONS & COMPLAINT	02/16/84
PREPARE Federal memo	02/17/84
FACT INVESTIGATION	02/17/84
REVIEW OF FILE	02/17/84
RESEARCH re motion to dismiss	02/17/84
CONFERENCE IN WITH D. Relkin concerning motion to dismiss	02/17/84
CONFERENCE IN re research	02/17/84
TELEPHONE CALL WITH counsel for co-defendants	02/17/84
REVIEW research re motion to dismiss	02/17/84
FACT INVESTIGATION	02/17/84
ATTENDANCE AT COURT Judge Platt status conference	02/17/84
FACT INVESTIGATION	02/17/84
RESEARCH	02/21/84
TELEPHONE CALL WITH co-counsel	02/21/84
RESEARCH re ground for dismissal	02/21/84
DRAFT MEMORANDUM OF LAW	02/21/84
CONFERENCE IN re memorandum of law	02/21/84

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APRIL 24, 1984
PAGE 5

DESCRIPTION	DATE
CONFERENCE IN WITH Weissman re res judicata	03/15/84
CONFERENCE CALL WITH co-counsel	03/15/84
TELEPHONE CALL WITH D. Relkin	03/15/84
TELEPHONE CALL WITH counsel for co-defendants, Arthur Goldstein, Lee, Schneider	03/15/84
PREPARE for oral argument of motion	03/15/84
REVIEW OF FILE Prepare motion re res judicata	03/15/84
CONFERENCE IN re motion	03/15/84
REVIEW Research	03/15/84
TELEPHONE CALL FROM OPPOSING COUNSEL	03/15/84
CONFERENCE CALL WITH OPPOSING COUNSEL	03/15/84
TELEPHONE CALL WITH M. Gerstein	03/15/84
FACT INVESTIGATION	03/16/84
CONFERENCE IN re motion	03/16/84
ATTENDANCE AT COURT	03/16/84
FACT INVESTIGATION	03/16/84
TELEPHONE CALL WITH J. Barr	03/16/84
PREPARE for argument of motion-conf w/ DRelkin and E. Weissman	03/16/84
CONFERENCE IN WITH D. Relkin re motion	03/16/84
TRAVEL FROM COURT	03/16/84
ATTENDANCE AT COURT and travel from court/argued motion to dismiss	03/16/84
CORRESPONDENCE TO Sassower	03/19/84
CORRESPONDENCE TO J. Barr	03/20/84
FACT INVESTIGATION	03/21/84
CONFERENCE IN re status	03/22/84

TOTAL FOR SERVICES \$ 24,049.00

TOTAL DISBURSEMENTS \$ 1,434.29

TOTAL THIS STATEMENT \$ 25,483.29

CONTROL NO: 27994
SYST. DATE: 04/17/84 10:41
REPORT NO.: 282-00513

K R E I N D L E R & R E L K I N
DISBURSEMENTS

PAGE NO.: 1
ACCT DATE: 04/17/84

ID: 02148-006
CLIENT: KAUFMAN 02/84 L DBP
MATTER: FEDERAL ACTION

NO.	DATE	ATTY	CODE	SUB	EXPLANATION	AMOUNT
5	02/12/84	MJG	124	1	5 BUSINESS MEAL 2/21	14.00
12	02/17/84	GKP	335	1	5 BUSINESS MEAL LN	14.00
13	02/17/84	GKP	335	1	6 CAB CHARGES LN	17.00
1	02/22/84	MJG	124	1	6 CAB CHARGES 2/17	18.00
10	02/22/84	MJG	124	1	5 BUSINESS MEAL MJG & LSN	20.00
11	02/22/84	MJG	124	1	6 CAB CHARGES LN	17.00
14	02/24/84	MJG	124	1	6 CAB CHARGES LN	17.00
2	02/27/84	MJG	124	1	22 LOCAL TRAVEL EXPENSES PKG. & tolls 2/18	9.00
3	02/27/84	MJG	124	1	5 BUSINESS MEAL 2/23	6.00
4	02/27/84	MJG	124	1	6 CAB CHARGES 2/21	17.50
6	02/27/84	MJG	124	1	5 BUSINESS MEAL 2/22	12.50
7	02/27/84	MJG	124	1	6 CAB CHARGES 2/23	17.00
8	02/27/84	MJG	124	1	5 BUSINESS MEAL 2/23	13.00
9	02/27/84	MJG	124	1	5 BUSINESS MEAL 2/24	6.50
15	03/01/84	MJG	124	2	31 SECRETARIAL OVERTIME L.Block 2/24	19.58
16	03/01/84	MJG	124	2	31 SECRETARIAL OVERTIME L.Block 2/23	46.62

CONTROL NO: 27994
SYST. DATE: 04/17/84 10:41
REPORT NO.: 282-00513

K R E I N D L E P & R E L K I N
DISBURSEMENTS

PAGE NO.: 4
ACCT DATE: 04/17/84

AC9

NO.	DATE	ATTY	CODE	SUB	EXPLANATION	AMOUNT
53	03/26/84	MJG	124	4	39 TELEPHONE CHARGES TDX	12.64
50	03/28/84	DBR	2	4	24 MESSENGER SERVICE (OUTSIDE) Archer Courier	4.35
TOTAL DISBURSEMENTS						1434.29

ID: 02148-006
CLIENT: KAUFMAN 02/84 L DBR
MATTER: FEDERAL ACTION

NO.	DATE	ATTY	TIME	SUB	EXPLANATION	HOURS	AMOUNT	
✓ 66	02/06/84	MJG	124	28	99	CONFERENCE IN WITH E. Weissman	.30	45.00
✓ 67	02/07/84	MJG	124	28	99	CONFERENCE IN WITH Weissman	.30	45.00
✓ 68	02/08/84	MJG	124	28	99	CONFERENCE IN WITH Weissman	.30	45.00
16	02/09/84	MJG	124	28	99	CONFERENCE IN WITH E. Weissman re federal action	.40	60.00
✓ 17	02/10/84	MJG	124	28	99	CONFERENCE IN WITH E. Weissman	.30	45.00
✓ 18	02/10/84	MJG	124	99	99	travel from Court (Brooklyn) ATTENDANCE AT COURT Judge Nickerson	.50	75.00
19	02/10/84	MJG	24	11	30		2.20	363.00
69	02/16/84	MJG	124	28	99	CONFERENCE IN WITH E. Weissman re pre-trial conference	.30	45.00
70	02/16/84	MJG	124	96	86	REVIEW SUMMONS & COMPLAINT	.50	75.00
✓ 71	02/16/84	MJG	124	28	99	CONFERENCE IN WITH Weissman	.30	45.00
1	02/17/84	EW	133	95	99	PREPARE Federal memo	1.10	154.00
✓ 2	02/17/84	EW	133	28	21	CONFERENCE IN WITH PARTNER <i>for Wednesday</i>	.80	112.00
3	02/17/84	EW	133	97	99	REVIEW OF FILE	.60	84.00
✓ 12	02/17/84	GKP	335	28	21	CONFERENCE IN WITH PARTNER <i>for Wednesday</i>	.40	32.00
✓ 13	02/17/84	GKP	335	90	99	RESEARCH re motion to dismiss	3.60	288.00
14	02/17/84	GKP	335	28	21	CONFERENCE IN WITH PARTNER	.40	32.00

CONTROL NO: 27994
SYST. DATE: 04/17/84 10:41
REPORT NO.: 282-00513

K E I N D L E R & R E L K I N
ITEMIZED SERVICES BILL

PAGE NO.: 8
ACCT DATE: 04/17/84

NO.	DATE	ATTY	TIME	SUB	EXPLANATION	HOURS	AMOUNT
148	03/07/84	MJG	124	78	20 TELEPHONE CALL WITH OPPOSING COUNSEL	.30	45.00
149	03/07/84	MJG	124	78	99 TELEPHONE CALL WITH Counsel for co-defendants	.40	60.00
150	03/07/84	MJG	124	28	99 CONFERENCE IN WITH DBR, EW re reply brief	.50	75.00
151	03/07/84	MJG	124	95	99 PREPARE for oral agreement	1.00	150.00
152	03/08/84	MJG	124	95	21 CONFERENCE IN WITH PARTNER re: reply brief	1.20	168.00
153	03/08/84	EW	133	28	99 CONFERENCE IN WITH Michael Gerstein	.40	56.00
154	03/08/84	DBR	2	78	99 TELEPHONE CALL WITH <i>M. Gerstein</i>	.20	48.00
155	03/08/84	MJG	124	95	99 PREPARE <i>agreement</i> for oral agreement	1.00	150.00
156	03/08/84	MJG	124	72	99 TELEPHONE CALL CONCERNING reassignment to Judge Nickerson	.40	60.00
157	03/08/84	MJG	124	28	99 CONFERENCE IN WITH DBR, EW <i>P. Robinson & Weisbach</i>	.50	75.00
158	03/09/84	MJG	124	78	99 TELEPHONE CALL re adjournment of motion	.40	60.00
159	03/12/84	EW	133	97	99 REVIEW OF FILE	1.20	168.00
160	03/12/84	MJG	124	96	99 REVIEW reply papers	.50	75.00
161	03/12/84	MJG	124	28	99 CONFERENCE IN WITH <i>Weisbach</i>	.40	60.00
162	03/12/84	MJG	124	78	20 TELEPHONE CALL WITH OPPOSING COUNSEL for other defendants	.40	60.00
163	03/13/84	EW	133	28	21 CONFERENCE IN WITH PARTNER <i>re: 3/28/84</i>	.50	70.00

A72 ✓
DAVID S. COOK, Esq. - Affidavit
UNITED STATES DISTRICT COURT [A72-A73]
EASTERN DISTRICT OF NEW YORK

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

Plaintiff, :

-against-

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 & KIPSCHNER,
P.C., RASHBA & POKART, P.C., EUGENE
DANN, ROBERT SORRENTINO, ROBERT ABRAMS,
as Attorney General of the State of New
York, JOHN V. LINDSAY, and SUPREME
COURT OF THE STATE OF NEW YORK, COUNTY
OF NEW YORK,

Defendants. :

: AFFIDAVIT IN RESPONSE
TO PLAINTIFF'S MOTION
: TO DENY ATTORNEY'S
FEES TO ATTORNEY
: GENERAL

: 84 Civ. 0305
(EHN)

-----X
STATE OF NEW YORK)

: SS.:

COUNTY OF NEW YORK)

DAVID S. COOK, being duly sworn, deposes and says:

1. I am a Senior Attorney in the office of ROBERT ABRAMS, Attorney General of the State of New York, attorney for defendants Justice of the Supreme Court, and pro se.

2. I make this affidavit in opposition to plaintiff's motion to deny the Attorney General's fee application.

3. Plaintiff's grounds for relief are that the Attorney General is not entitled to fees because he should be

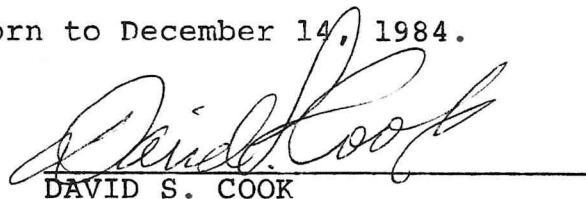
disqualified from acting as counsel to the defendants and pro
se due to an alleged conflict of interest between his duties to
represent the State defendants and his "responsibility" to
protect the interests of Puccini's shareholders, creditors,
etc. See N.Y.B.C.L. § 1214.

4. Plaintiff has the Attorney General's obligations
backwards: the Attorney General's duty to Puccini's share-
holders, creditors, etc. under B.C.L. § 1214 is discretionary,
see People v. Bunge, 25 N.Y. 2d 91 (1969), while his duty to
represent the State defendants is obligatory. See N.Y. Exec.
L. § 63.

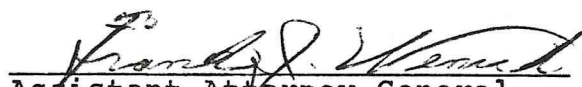
5. The Attorney General having declined to exercise
his discretion to intervene in the Puccini dissolution, there
is no disqualifying conflict of interest.

6. In any event, plaintiff's application is too
late; it could have been made at the outset of this action, but
was not.

7. It is respectfully requested that this Court
award attorney's fees to the Attorney General in accordance
with my prior affidavit, sworn to December 14, 1984.


DAVID S. COOK

Sworn to before me this
17th day of January, 1985


Assistant Attorney General
of the State of New York

A74.
PLAINTIFFS' NOTICE OF MOTION

[A74-A75]

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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

File No.
84Civ0305
(EHN)

Plaintiffs,

-against-

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 Attorney General of the State of
New York; JOHN V. LINDSAY; and SUPREME
COURT OF THE STATE OF NEW YORK, COUNTY
OF NEW YORK,

Defendants.

-----x
S I R S:

PLEASE TAKE NOTICE, that upon the annexed
affirmation of GEORGE SASSOWER, Esq., dated December 26,
1984, and all the pleadings and proceedings had
heretofore herein, the undersigned will move this Court,
before the Honorable EUGENE H. NICKERSON, United States
District Judge, at the United States Courthouse, 225
Cadman Plaza East, Brooklyn, New York, on the 11th day
of January, 1985, at 9:30 o'clock in the forenoon of

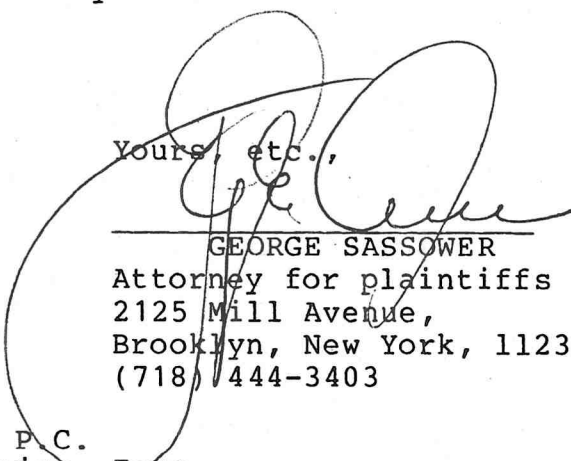
A25

that day or as soon thereafter as counsel may be heard for an Order denying defendant, Hon. Robert Abrams, his requested attorney fee application together with such other, further, and/or different relief as to this Court may seem just and proper in the premises.

PLEASE TAKE FURTHER NOTICE, that opposing papers, if any, are to be served at least five (5) days before the return date of this motion with an additional five (5) days if service is by mail.

Dated: December 26, 1984

Yours, etc.,



GEORGE SASSOWER
Attorney for plaintiffs
2125 Mill Avenue,
Brooklyn, New York, 112324
(718) 444-3403

To: Kreindler & Relkin, P.C.
Feltman, Karesh & Major, Esqs.
Arutt, Nachamie, Benjamin, Lipkin & Kirschner, P.C.
Webster & Sheffied, Esqs.
Schneck, Weltman, & Ives, Esqs.
D'Amato & Lynch, Esqs.
Robert Abrams, Esq.

A76.

GEORGE SASSOWER, ESQ. - AFFIRMATION

[A76-A79]

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----x

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

File No.
84Civ0305
(EHN)

Plaintiffs,

-against-

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 Attorney General of the State of
New York; JOHN V. LINDSAY; and SUPREME
COURT OF THE STATE OF NEW YORK, COUNTY
OF NEW YORK,

Defendants.

-----x

GEORGE SASSOWER, Esq., an
attorney admitted to practice law in
the courts of the State of New York,
and this Court, affirms the
following to be true, under the
penalty of perjury:

1. This affirmation is submitted in
opposition to the attorney fee application of David S.
Cook, Esq., who handled this litigation on behalf of the
Attorney General, and on behalf of the Supreme Court of
the State of New York, County of New York.

A77

2a. With due respect, His Honor, was so convinced that this action meritless, facing an unsurmountable res judicata defense, that the Court awarded attorneys' fees in favor of all defendants, including the Attorney General, without affording plaintiff an opportunity to respond.

b. The Briefs in the Circuit Court of Appeals reveals His Honor may have been too hasty, and certainly should have afforded plaintiff an opportunity to respond before rendering his decision.

Thus far, the res judicata defendants have been unable to set forth, either in this Court or the Circuit Court, which judgments or final orders they rely upon with a brief statement of how such judgments or final orders, if any, sustain such res judicata defense. They have not, because they cannot!

3a. In opposition to the Attorney General's application, affirmant does not at this juncture seek to reargue the determination of this Court, which is presently awaiting review by the Circuit Court, but instead desires to show why such fees are not warranted for the efforts of the Attorney General.

A78.

b. David S. Cook, Esq., is the one and only person in the Attorney General's Office responsible for the protection of "shareholders, creditors, or other persons interested in [Puccini's] assets" (Business Corporation Law §1214).

c. Mr. Cook is the person to whom your affirmant was directed to give his confidential information on behalf of the Attorney General, which he did.

Mr. Cook's first and sole obligation was to his statutory obligation on behalf of the Attorney General.

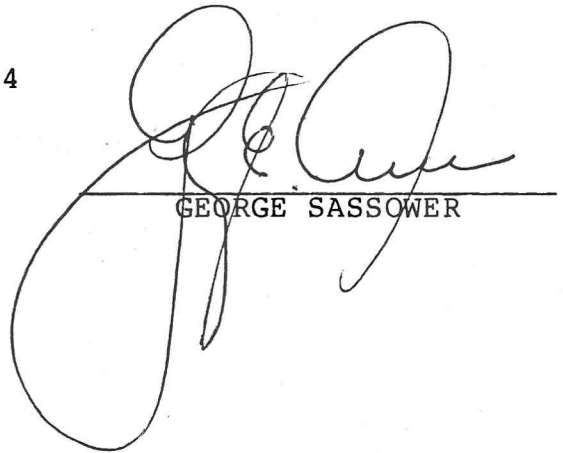
There were other assistant attorney generals who could have defended this action, but it was Mr. Cook who was chosen. In affirmant's view, Mr. Cook was disqualified, and he should not be awarded attorney's fees for efforts in a litigation wherein he was disqualified, as a matter of law.

4. In affirmant's 60(b) application, he will present arguments for the requested nullification of the Order of August 1, 1984, or its modification.

A79

WHEREFORE, it is respectfully prayed,
that for reasons set forth in plaintiff's prior motion
as to the other defendants, as well as for the reason
set forth herein, that the Attorney General's fee
request be denied.

Dated: December 26, 1984



GEORGE SASSOWER