

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

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THE PEOPLE OF THE STATE OF NEW YORK, ex rel.,
GEORGE SASSOWER, on behalf of PUCCINI CLOTHES, :
LTD., whose assets are perfidiously held
custodia legis, and on behalf of all those, :
including realtor, who have a legitimate legal
interest in such assets, :

Plaintiff,

-against-

XAVIER C. RICCOBONO, MICHEL J. DONTZIN, THOMAS :
V. SINCLAIR, JR., DAVID B. SAXE, DONALD :
DIAMOND, IRA GAMMERMAN, ALVIN F. KLEIN, FRANCIS :
T. MURPHY, JOSEPH W. BELLACOSA, ALBERT M. :
ROSENBLATT, ROBERT ABRAMS, DAVID S. COOK, :
KREINDLER & RELKIN, P.C., JEROME H. BARR, :
CITIBANK, N.A., NACHAMIE, KIRSCHNER, LEVINE :
& SPIZZ, P.C., LEE FELTMAN, FELTMAN, KARESH :
MAJOR & FARBMAN, and RASHBA & POKART, :
Defendants. :

: AFFIDAVIT IN
: OPPOSITION
: TO MOTION

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

MICHAEL J. GERSTEIN, being duly sworn, deposes and
says:

1. I am a member of the firm of Kreindler & Relkin,
P.C., a Defendant herein and attorneys for Jerome H. Barr and
Citibank, N.A. I am fully familiar with the facts set forth
hereinbelow, and submit this affidavit in opposition to the
motion of Plaintiff for a default judgment against Defendant
Citibank, N.A.

2. Sassower's motion should be denied because
Sassower has been enjoined from bringing this action against,
inter alia, Defendant Citibank, pursuant order of Justice Ira

Gammerman of Supreme Court, New York County, dated January 23, 1985. In addition, by Order of Special Referee Donald Diamond dated September 28, 1988, the Clerks in all Courts in the unified court system have further been enjoined from accepting any papers from Sassower, a disbarred attorney, served in violation of this injunction.

3. A copy of my letter of even date to Administrative Justice Gagliardi, which sets forth at length the injunctions against Sassower is annexed hereto as Exhibit "A." Also annexed as part of Exhibit "A" are Justice Gammerman's injunction; an additional order of Justice Gammerman consolidating all matters relating to Puccini Clothes before him in Supreme Court, New York County; Administrative Order of Justice Riccobono, Administrative Justice of Supreme Court, New York County pursuant to which Donald Diamond was designated as a Special Referee to preside over certain aspects of the Puccini Clothes, Ltd., dissolution proceeding; and an Order of Special Referee Diamond dated September 28, 1988, directing that the Clerks of the Unified Court System, including all Motion Clerks, refuse to accept any papers from Sassower violative of Justice Gammerman's injunction and other orders.

4. The complaint herein which, is purportedly brought on behalf of Puccini Clothes, Ltd., is prima facie violative of Justice Gammerman's January 23, 1985, injunction.

Accordingly, no paper in this action should be accepted from Sassower, and any papers heretofore inadvertently accepted by the Clerk from Sassower should be returned forthwith, and, of course his instant motion should be denied.

WHEREFORE, it is respectfully requested that the within motion be denied in its entirety, and the Clerk be directed to return forthwith to Sassower any papers heretofore accepted in this matter, as being violative of the aforesaid orders.


MICHAEL J. GERSTEIN

Sworn to before me this
11th day of October, 1988


Notary Public

JILL LISSA
NOTARY PUBLIC, State of New York
No. 41-2102420
Qualified in Queens County
Commission Expires 8/3/89