

GEORGE SASSOWER

ATTORNEY AT LAW
16 LAKE STREET
WHITE PLAINS, N. Y. 10603

914-949-2169

September 27, 1988

Commission on Government Integrity
Suite 2108
2 World Trade Center
New York, New York 10047

Re; Attorney General Robert Abrams
Senior Attorney David S. Cook
Ass't Attorney General Jeffrey I. Slonim

Gentlemen:

I would appreciate your acknowledgement of the within complaint, copies of which are being sent to those complained of, as well as others, including, as stated therein, the media.

Respectfully,


GEORGE SASSOWER

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ATTORNEY AT LAW
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WHITE PLAINS, N. Y. 10603
—
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Commission on Government Integrity
Suite 2108
2 World Trade Center
New York, New York 10047

Re; Attorney General Robert Abrams
Senior Attorney David S. Cook
Ass't Attorney General Jeffrey I. Slonim

Gentlemen:

1a. By this letter complaint, you will actually witness "in-office" fraud, deceit, corruption, and misconduct by the above, "in the making", with respect to the highest duty that society can impose on individuals -- obedience to specific fiduciary obligations by public officers.

b. I will, with some detail, set forth one particular case, but my personal investigation and inquiry reveals that such perfidious betrayals is the accepted practice of the above in the judicial bailiwick of Presiding Justice FRANCIS T. MURPHY, of the First Judicial Department, although very carefully concealed from public knowledge.

c. As the above accused are aware, I have already given the essential facts to members of the media, and intend to continue such avenue of communication, since I believe their most egregious conduct, and that of their corrupt co-conspirators, are deserving of direct public disclosure.

d. In any event, government officials assessing the conduct of government officials, no matter highly motivated, seems to generally lack the zeal and tenacity generally necessary to vindicate the rights of the public.

2a. The events described herein involve the judicial trust assets of PUCCINI CLOTHES, LTD. ["Puccini"] -- "the judicial fortune cookie" -- where by legislative mandate, the Attorney General is the statutory fiduciary and guardian.

b. Puccini was involuntarily dissolved on June 4, 1980, its assets and affairs becoming custodia legis [the custody of the law], at that point in time and ever since.

c. Notwithstanding its dissolved status, it still remains a "person" within the meaning of the XIV Amendment of the Constitution of the United States and the mirrored provisions contained in the New York State Constitution.

d. The mere fact that a corporation is dissolved and helpless, does not mean that its assets can be, with impunity and without redress, made the subject of larceny and plundering.

e. Indeed the only reason for making the Attorney General the statutory fiduciary is to assure this helpless constitutional "person", and those interested in its assets, that it will not be "the custodian" -- the judiciary -- which does the stealing and plundering.

f. The judiciary, in this area of the law, includes its appointed receiver, invariably one of its "cronies", particularly when such dissolved corporation has substantial assets.

g. The judicial appointed receiver is the agent of the court -- an arm of the court, and subject to its exclusive judicial control.

"THE LAW'S MAJESTIC BEAUTY"

3. To assure the integrity of this constitutional "person", and to vouchsafe the legitimate interests therein, the legislature has fixed the receiver's fee, according to the value of the assets received by him, plus "necessary expenses" (Business Corporation Law §1217), and prevent over-generous allowances.

4a. All compensation awarded by the judiciary to anyone, "in any capacity", in excess of \$200, must be reported to the Office of Court Administration, on prepared forms, "on the first business day of each week", and such records are specifically made open for public inspection (Judiciary Law §35a; 22 NYCRR Part 26).

b. Awarded fees cannot exceed "the fair value of the services rendered", and 22 NYCRR §36.4[b] specifically provides that:

"Each award of fees of \$2,500 or more to appointees pursuant to this section shall be accompanied by an explanation, in writing, of the reasons therefor by the judge making the award"

5. The judiciary, itself, recognizes that its appointees are not always "the most honest", requires that such appointed receiver "file with the court an accounting at least once a year" (22 NYCRR §202.52[e]).

6. To aid the Attorney General in performing his fiduciary obligations properly, the receiver must file with the Attorney General's Office, as well as with the County Clerk, by February 1 of each year, a verified statement, which includes the "assets" of such involuntarily dissolved corporation (Business Corporation Law §1207[a][3]).

7a. To make certain that the Attorney General does not become lax, or neglectful, or corrupt, in addition to his wide discretionary powers (e.g. Business Corporation Law §1214[a]), he is compelled to performed certain mandatory "duties", where he has no discretion whatsoever, including compelling the receiver to settle his filed accounting and distribute its assets, after the lapse of eighteen (18) months (Business Corporation Law §1216[a]).

b. While the court may extend the time to settle an accounting and to distribute the assets, there is no authority given anyone to excuse or extend the time for the filing of an accounting "at least once a year", or the service and filing of a §1207 statement by February 1 of each year.

8a. The receiver must sign an oath of office, and file a bond payable "to the people", to insure "the faithful discharge of his duties as receiver" (Business Corporation Law §1204).

b. The appointing judge is made responsible for the qualifications of his appointee, and nepotism is prohibited (22 NYCRR §36.1).

c. True books of account must be kept, and made open to inspection (Business Corporation Law §1207[a][3]).

"QUIS CUSTODIET IPSOS CUSTODES"

9a. The entire legal scenario in this field is replete with checks and balances, between various officers of different branches of government, that there simply should be no need for a "Commission on Governmental Integrity" -- or the need for media investigation and/or exposure -- or so it seems!

b. The question posed by the ancient Romans, "Quis Custodiet Ipsos Custodes", has been resolved by carefully tailored legislative statutes and judicial rules -- or has it?

PUCCINI -- "THE JUDICIAL FORTUNE COOKIE"

10. FACT -- Despite the mandate that an accounting be filed "at least once a year", in the more than eight (8) years since Puccini was dissolved, not a single accounting has been filed -- not one!

11a. FACT -- Despite the mandate, as a "duty", that the Attorney General make application for the settlement and distribution of an accounting after the expiration of eighteen (18) months, in the one hundred (100) months since Puccini was involuntarily dissolved, not a single application has been made by ROBERT ABRAMS, Esq. ["Abrams"], the highest law enforcement officer in this state, and/or his office -- not one!

b. The failures of the Attorney General, and his office, becomes more serious when it is recognized that they have the documented proof in their possession of the massive larceny of judicial trust assets and extensive plundering.

12a. FACT -- Despite the mandate that all compensation awarded, in excess of \$200 be reported, approximately one million dollars (\$1,000,000) has been given to FELTMAN, KARESH, MAJOR & FARBMAN, Esqs. ["FKM&F"], the law firm of LEE FELTMAN, Esq. ["Feltman"], the receiver appointed by a member of the "Murphy judiciary" -- no reports have been filed (Exhibit "A").

b. Even if FKM&F had rendered services which were intended to benefit Puccini, or did benefit such constitutional "person", totally wanting here, they were not entitled to anything -- zilch -- since FKM&F were not appointed by any judge, nor was there compliance with 22 NYCRR §660.24 (which was in effect at the time).

13. FACT -- Despite the mandate of the receiver to file a §1207 statement with the Attorney General and the County Clerk, by February 1 of each and every year, none has been filed for several years, or since I exposed the perjurious statements contained in the prior filings.

14a. FACT -- There is an secret understanding and/or agreement by and between ABRAMS, MURPHY, Administrator XAVIER C. RICCOBONO, and former Administrator LOUIS FUSCO, that despite Abrams fiduciary obligations to these judicial trusts, he will not give said obligations obedience, even those of a mandatory nature.

b. In the "evil judicial empire" of Presiding Justice FRANCIS T. MURPHY, as long as they are not caught and/or exposed, these "constitutional persons" can -- and often are -- raped, ravished, defiled, and denuded in an attempt to satisfy the insatiable appetites of the judiciary and/or their cronies, and neither ROBERT ABRAMS, nor anyone else in the Attorney General's Office will interfere.

c. Indeed, the understanding and practice is that Abrams and his office will actively aid, abet, and facilitate such larceny, plundering, and other criminal conduct, where necessary.

d. Abrams is not simply a constable who has been corrupted to look the other way while the bank is being robbed, he, while in uniform, actively takes part in the commission of these crimes.

"THE UNTOUCHABLES"

14a. KREINDLER & RELKIN, P.C. ["K&R"], and its clients, including CITIBANK, N.A. ["Citibank"], engineered the larceny of Puccini's judicial trust assets, and inundated the courts with perjurious affidavits denying same.

b. For not exposing such larceny of judicial trust assets, or attempting to recover same on behalf of its judicial trust, Feltman, the receiver, was promised the balance of Puccini's judicial trust assets.

c. Since Feltman's commissions are fixed by legislative statute (Business Corporation Law §1207), the vehicle for such "bribe" payments, was to be and is, his law firm, FKM&F.

d. Consequently, between K&R and FKM&F -- "the criminals with law degrees" -- Puccini has been raped of all its tangible assets -- everything -- nothing was left for legitimate creditors or stockholders -- nothing -- zilch -- the "Murphy Gang" took it all!

"ABRAMS WITHOUT HIS CLOTHES"

15a. Since this complaint is about Abrams and members of his office, rather than the "Murphy Gang", I shall omit the "reign of terror", judicially practiced to compel silence (omerta).

b. Obviously, no true accounting could be rendered in the Puccini matter without exposing the larceny, the plundering, the perjury, the extortion, and the official and judicial corruption -- but a final accounting must be rendered-- and consequently, "the criminals with law degrees", Senior Attorney DAVID S. COOK of the Attorney General's Office, with the knowledge of Abrams, and Referee DONALD DIAMOND ["Diamond"], a judicial lap-dog, concocted a scheme to settle a "phantom" accounting.

c. In September of 1986, legal notices appeared in the New York Times (Exhibit "B-1") and New York Law Journal (Exhibit "B-2"), about the settlement of a "final accounting" in the non-public courtroom of Referee DONALD DIAMOND, a place where I am specifically barred from being present -- even as an observer.

d. Feltman's notice of petition, of September 26, 1986 (Exhibit "C"), expressly states that he seeks

"an order: (a) approving the annexed final account of the Receiver for Puccini Clothes, Ltd.".

e. Everyone, including Cook and Diamond, agreed to an Order settling this "phantom", "final accounting", and thereby conceal the larceny and plundering of judicial trust assets of the ward of Robert Abrams, all with Abrams knowledge.

f. The "judicial thieves and plunderers", "a corrupt judicial officer", and the "Attorney-General", were all going to occupy the same bed on October 30th, 1986, at 10:00 a.m., in this "gang rape" of a constitutional "person".

g. All the preparations were made beforehand, and they were all in bed together, waiting for the clock to strike 10:00 am, October 30, 1986.

h. A perjurious affidavit of service stated that I, a substantial judgment-creditor of Puccini, had been served with a copy of the papers, and everything was set to go.

i. However, three days before, on October 27, 1986, I filed a petition in bankruptcy, vesting title to all my assets in the United States Bankruptcy Court, which the culprits did not learn until the 29th -- an event which caught them all comfortably in the same bed -- waiting for the clock to strike 10:00 am.

j. Repeated demands have been made upon Abrams and Cook under the Freedom of Information Act, and otherwise, to produce such "final accounting", supposedly to have been settled on the 30th (see Exhibits "B-1", "B-2", and "C"), but they have not, although Cook has admitted orally to members of the media that the accountings do not exist.

16a. On September 15, 1988, less than two (2) weeks ago, Feltman, the receiver, petitioned for leave to resign, pursuant to Business Corporation Law §1215.

b. My copy arrive six (6) days later, and there was nothing which gave any of the information, financial or otherwise, required by Business Corporation Law §1215[b].

c. The Notice of Petition (Exhibit "D"), and papers annexed thereto, was also addressed to and received by Cook.

d. A copy of Business Corporation Law §1215[b] is also annexed hereto (Exhibit "E"), and none of the disclosure requirements set forth therein have been made part of the moving papers, as required by law.

e. Neither Abrams, Cook, or his alter ego, JEFFREY I. SLONIM, Esq. ["Slonim"] will object, unless compelled to do so, for they still are "in bed" with Diamond, and the "criminals with law degrees".

f. In that same bed is also "Puccini", who cannot be raped anymore of its tangible assets, since nothing is left.

17. All you need do in order to confirm this complaint is to write Abrams and/or Cook, and request a copy of the 1986 accounting, and ask them what their intentions are on this pending 1988 resignation!

18. There is more to come -- much more -- some of it reaching the outer limits of credibility -- essentially all documented.

Most Respectfully,

GEORGE SASSOWER



STATE OF NEW YORK
UNIFIED COURT SYSTEM
OFFICE OF MANAGEMENT SUPPORT
(OFFICE OF COURT ADMINISTRATION)
80 CENTRE STREET
NEW YORK, NEW YORK 10013

ALBERT M. ROSENBLATT
Chief Administrative Judge

MATTHEW T. CROSSON
Deputy Chief Administrator

MICHAEL F. McENENEY
Director, Court
Operational Services

September 20, 1988

George Sassower
16 Lake Street
White Plains, NY 10603

Re: Lee Feltman
Feltman, Karesh et al.
Rashba & Pokart

Dear Mr. Sassower:

In response to your letter dated August 30, 1980, a search of the records maintained by this office pursuant to Section 35-a of the Judiciary Law, indicates that there is no record of any Statement of Approval of Compensation forms filed by any of the above listed individuals or firms, between 1982 and the present.

If I can be of further assistance, do not hesitate to contact me.

Sincerely,

Samuel H. Younger
Samuel H. Younger

SHY:rva

Exhibit "A"



The New York Times

229 WEST 43 STREET, NEW YORK, N.Y. 10036

CERTIFICATION OF PUBLICATION

OCTOBER 1 19 86

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

In the Matter of the Application of Jerome H. Barr and Claudine, M.A., as Executors of the Will of Milton Kautman, Holders of One-Quarter of All Outstanding Shares of Puccini Clothes, Ltd., Entitled to Vote in an Election of Directors, For the Dissolution of Puccini Clothes, Ltd.,

Index No. 01816/80 NOTICE OF INTENT BY RECEIVER TO FILE ACCOUNTS FOR FINAL SETTLEMENT

ALL OTHER ACTIONS AND PROCEEDINGS IN ANY COURT CONCERNING OR RELATING TO PUCCINI CLOTHES, LTD., ITS RECEIVER OR SHAREHOLDERS OR THEIR ATTORNEYS.

NOTICE is hereby given by the undersigned as Receiver of Puccini Clothes, Ltd. that an account of his proceedings as Receiver of above-named corporation, under oath, will be presented to the Supreme Court of New York, County of New York, before the Honorable Don Diamond, Special Referee, at Room 538 of the Courthouse, 60 Cent Street, New York, New York, on October 30, 1986, at 10:00 o'clock in the forenoon of that day or as soon thereafter as counsel can be heard, at an application and there be made returnable that the same be allowed and be decreed to be final and conclusive upon all persons, including those indebted to said corporation, all persons having in their possession or property of said corporation, all persons with whom said corporation has undischarged contracts and upon all creditors, claimants and share holders of the corporation, and that said Receiver be authorized to make a final distribution, and upon the payment thereof, that he be discharged and his bond vacated, and for such other, further and/or different relief as to the Court may seem just and proper.

Dated: New York, New York September 10, 1986

LEE FELTMAN, ESO, as Receiver for Puccini Clothes, Ltd.

I, ELAINE MOORE, in my capacity as a Principal of the Publisher of The New York Times a daily newspaper of general circulation printed and published in the City, County and State of New York, hereby certify that the advertisement annexed hereto was published in the editions of The New York Times on the following date or dates to wit on

September 22 19 86

Elaine Moore

Approved:

Sheldon Polushock

Exhibit B-1

SUPREME COURT OF THE STATE OF NEW YORK - COUNTY OF NEW YORK - Index No. 01818-86 - NOTICE OF INTENTION BY RECEIVER TO FILE ACCOUNTS FOR FINAL SETTLEMENT - In the Matter of the Application of Jerome H. Barr and Citibank, N.A., as Executors of the Will of Milton Kaulman, Holders of One-Quarter of All Outstanding Shares of Puccini Clothes, Ltd. Entitled to Vote in an Election of Directors For the Dissolution of Puccini Clothes, Ltd. and ALL OTHER ACTIONS AND PROCEEDINGS IN ANY COURT CONCERNING OR RELATING TO PUCCINI CLOTHES, LTD., ITS RECEIVER OR SHAREHOLDERS OR THEIR ATTORNEYS.

NOTICE is hereby given by the undersigned as Receiver of Puccini Clothes, Ltd. that an account of his proceedings as Receiver of the above-named corporation, under oath, will be presented to the Supreme Court of the State of New York, County of New York, before the Honorable Donald Diamond, Special Referee, at Room 838 of the Courthouse, 80 Centre Street, New York, New York, on October 30, 1986, at 10:00 o'clock in the forenoon of that day or as soon thereafter as counsel can be heard, and an application will then and there be made returnable that the same be allowed and be decreed to be final and conclusive upon all persons, including those indebted to said corporation, all persons having in their possession any property of said corporation, all persons with whom said corporation has unfulfilled contracts and upon all creditors, claimants and shareholders of the corporation, and that said Receiver be authorized to make a final distribution and upon the payment thereof, that he be discharged and his bond vacated and for such other, further and/or different relief as to the Court may seem just and proper.

Dated New York, New York September 10, 1986.
LEE FELTMAN ESQ.
as Receiver for
Puccini Clothes Ltd
217-W 224

Nicholas Di Tomasso

~~Witness~~

being duly sworn, says that he is the PRINCIPAL CLERK of the Publisher of THE NEW YORK LAW JOURNAL, a Daily Newspaper printed and published in the County of New York; that the Advertisement hereto annexed has been regularly published in the said THE NEW YORK LAW JOURNAL once in each of two successive weeks

commencing on the 17th day of September 19 86

[Handwritten signature]

Exh-B-2

SWORN TO BEFORE ME, this 24th day

of September, 19 86

[Handwritten signature]
NICHOLAS P. PUCCINELLI

Notary, No. 2111, of New York
No. 21312
Qualified in Nassau County
Comm. Expires 12-31-1988

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

-----x

In the Matter of the Application of	:	
Jerome H. Barr and Citibank, N.A.,	:	
as Executors of the Will of Milton	:	
Kaufman, Holders of One-Quarter of	:	
All Outstanding Shares of Puccini	:	Index No. 01816/80
Clothes, Ltd. Entitled to Vote in	:	
an Election of Directors,	:	NOTICE OF RECEIVER'S
	:	APPLICATION FOR LEAVE
For the Dissolution of Puccini	:	TO FILE FINAL ACCOUNTING
Clothes, Ltd.,	:	<u>AND FOR RELATED RELIEF</u>
	:	

-and-

ALL OTHER ACTIONS AND PROCEEDINGS IN
ANY COURT CONCERNING OR RELATING TO
PUCCINI CLOTHES, LTD., ITS RECEIVER
OR SHAREHOLDERS OR THEIR ATTORNEYS.

-----x

S I R S :

PLEASE TAKE NOTICE, that upon the annexed Petition of Lee Feltman, Esq., the court-appointed Receiver for Puccini Clothes, Ltd., dated and verified on September 26, 1986, and the exhibits annexed thereto; the affirmation of Donald F. Schneider, dated September 26, 1986; and upon all prior proceedings, pleadings and papers heretofore had, served and/or filed herein, the undersigned will move this Court, before the Honorable Donald Diamond, Special Referee, pursuant to an Administrative Order of the Honorable Xavier C. Riccobono, dated March 26, 1984, at Room 538 of the Courthouse, 60 Centre

Exhibit "C"

final order herein, to be paid by Hyman Raffe pursuant to a Stipulation and Order dated September 4 1986; and

(h) for such other, further and/or different relief as to this Court may seem just and proper.

PLEASE TAKE FURTHER NOTICE, that answering papers, if any, are required to be served upon the undersigned so as to be received at least seven (7) days prior to the return date of this application.

Dated: New York, New York
September 26, 1986

Yours, etc.,

FELTMAN, KARESH, MAJOR & FARBMAN
Attorneys for the court-appointed
Receiver for Puccini Clothes, Ltd.
Office and P.O. Address:
Park Avenue Plaza
55 East 52nd Street
New York, New York 10055
Tel.: (212) 371-8630

At the Supreme Court of the State of New York, held in and for the County of New York, at the Courthouse, 60 Centre Street, New York, New York 10006, on the 15th day of September, 1988.

P R E S E N T :

HON. DONALD DIAMOND,

Special Referee.

-----X

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

Index No. 01816/80

For the Dissolution of Puccini Clothes, Ltd., :

ORDER TO SHOW CAUSE WITH TEMPORARY RESTRAINING ORDER

-and-

ALL OTHER ACTIONS AND PROCEEDINGS IN ANY COURT CONCERNING OR RELATING TO PUCCINI CLOTHES, LTD., ITS RECEIVER OR SHAREHOLDERS OR THEIR ATTORNEYS. :

-----X

In the Matter of the Application of :

LEE FELTMAN, ESQ. :

for an Order permitting him to Resign as Receiver for PUCCINI CLOTHES, LTD. :

-----X

Upon the Petition of Lee Feltman, Esq., the court-appointed permanent Receiver for Puccini Clothes, Ltd., dated

Exhibit "A"

September 14, 1988, and the exhibits annexed thereto, including the Administrative Order of the Honorable Xavier C. Riccobono, dated March 26, 1984 and the Order of the Honorable Ira Gammerman, dated March 11, 1986;

LET Jerome H. Barr and Citibank, N.A., as co-executors of the Last Will and Testament of Milton Kaufman, Eugene Dann, Robert Sorrentino, Hyman Raffe, Honorable Robert Abrams, the Attorney General of the State of New York, Attention: David Cook, Esq., Assistant Attorney General, Petitioner's surety, and George Sassower, show cause before the Honorable Donald Diamond, Special Referee of the Supreme Court of the State of New York, County of New York, at the Courthouse, 60 Centre Street, New York, New York, on *November 17*, 1988, at 10:00 o'clock in the forenoon of that day or as soon thereafter as counsel may be heard, why an order should not be entered pursuant to Section 1215 of the Business Corporation Law, permitting Petitioner Lee Feltman, Esq. to resign as the Receiver for Puccini Clothes, Ltd., discharging the Petitioner's surety, and determining the commissions to which Petitioner is entitled pursuant to Section 1217 of the Business Corporation Law, and why such other, further and/or different relief as this Court deems just and proper should not be granted; and it is further

ORDERED, that, in accordance with Section 1215 of the Business Corporation Law, notice of this application shall

be published once each week for six (6) successive weeks in
NEW YORK ^{and JOURNAL}; and it is further

ORDERED, that pending the hearing ~~and determination~~ of this application, George Sassower, and all those acting in concert or cooperation with him, are hereby enjoined and restrained from filing, serving, prosecuting, initiating or attempting to intervene in, any action, proceeding, motion or other adversary matter in any New York state court or tribunal, concerning, relating to, or arising out of the dissolution or receivership of Puccini Clothes, Ltd., including but not limited to, (i) the actions or conduct of Puccini Clothes, Ltd., or its shareholders, officers, directors or employees, the Receiver for Puccini Clothes, Ltd. or the Receiver's attorneys, Feltman, Katesh, Major & Farbman; or (ii) any litigation related to or arising out of any of the foregoing matters or any of the Orders, Judgments or other determinations made therein; and it is further

ORDERED, that pending the hearing ~~and determination~~ of this application, all future and pending actions, proceedings, motions and other adversary matters by Sassower, to which Puccini's Receiver or his attorneys are a party, including but not limited to motions by George Sassower which seek to vacate Orders issued or entered on January 4, 1985 or November 15, 1985 in this dissolution proceeding, are hereby stayed, and

the Receiver and his attorneys shall not respond thereto; and it is further

ORDERED, that answering papers, if any, are required to be served upon Feltman, Karesh, Major & Farbman, attorneys for Puccini's Receiver, at Olympic Tower, 645 Fifth Avenue, New York, New York 10022, so as to be received by November 10, 1988; and it is further

ORDERED, that service of a copy of this Order to Show Cause and the papers upon which it was granted, upon Kreindler & Reikin, P.C., attorneys for Jerome H. Barr and Citibank, N.A., as co-executors of the Last Will and Testament of Milton Kaufman, at 350 Fifth Avenue, New York, New York 10118; Nachamie, Kirschner, Levine & Spizz, P.C., attorneys for Eugene Dann and Robert Sorrentino, at 342 Madison Avenue, New York, New York 10173; Ira Postel, Esq., attorney for Hyman Raffe, at 725 Fifth Avenue, New York, New York 10022; Honorable Robert Abrams, the Attorney General of the State of New York, Attention: David Cook, Esq., at 120 Broadway, New York, New York 10273; George Sassower, 16 Lake Street, White Plains, New York 10603, and the Receiver's surety, on or before

September 19, 1988, be deemed good and sufficient service thereof.

ENTER :



D. C.

DONALD DIAMOND
SPECIAL REFEREE

1827E

- (1) For an order removing the receiver and appointing another in his stead;
- (2) To compel the receiver to account;
- (3) For such other and additional orders as may facilitate the closing of the receivership.

HISTORY:

Add, L. 1961, ch 855, eff Sept 1, 1963.

REVISION NOTE:

Gen. Corp. L. § 156 limited the authority of the attorney-general to receivers of an insolvent corporation. This has been changed in the belief that authority to act as provided in this section should exist in all receiverships under the article.

RESEARCH REFERENCES AND PRACTICE AIDS:

20 Carmody-Wait 2d, Actions and Proceedings By and Against Corporations, Their Officers, Directors, and Shareholders § 121:368.

§ 1215. Resignation by receiver; filling any vacancy

- (a) A receiver may petition the court appointing him for an order to show cause why he should not be permitted to resign.
- (b) The petition shall be accompanied by a verified account of all the assets of the corporation received by him, of all payments or other disposition thereof made by him, of the remaining assets of the corporation in respect to which he was appointed receiver and the situation of the same, and of all his transactions as receiver. Thereupon, the court shall grant an order directing notice to be given to the sureties on his official bond and to all persons interested in the property of the corporation to show cause, at a time and place specified, why the receiver should not be permitted to resign. Such notice shall be published once in each week for six successive weeks in one or more newspapers as the court shall direct. If it shall appear that the proceedings of the receiver in the discharge of his trust have been fair and honest and that there is no good cause to the contrary, the court shall make an order permitting such receiver to resign. Thereupon he shall be discharged and his powers as receiver shall cease, but he shall remain subject to any liability incurred prior to the making of such order. The court, in its discretion, may require the expense of such proceeding to be paid by the receiver presenting the petition.
- (c) Any vacancy created by resignation, removal, death or otherwise, may be filled by the court, and the property of the receivership shall be delivered to the remaining receivers or, if there are none, to the successor appointed by the court. The court may summarily enforce delivery by order in the action or special proceeding in which the receiver was appointed.

HISTORY:

Add, L 1961, ch 855, eff Sept 1, 1963.

REVISION NOTE:

Paragraphs (a) and (b) are derived from Gen. Corp. L. § 158 and paragraph (c) from Gen. Corp. L. § 157 and the final two sentences of Gen. Corp. L. § 167. The remaining portion of Gen. Corp. L. § 167 has been transferred to § 1206.

Exhibit "E"

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