

Supreme Court of the State of New York
County of NEW YORK

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

against

Hon. THOMAS V. SINCLAIR, JR.,

Index No.

Plaintiff(s) designates
New York

County as the place of trial

The basis of the venue is

Residence of Defendant.

Summons with Notice

Plaintiff(s) reside(s) at

Nassau County

Defendant(s)

County of

To the above named Defendant(s)

You are hereby summoned to answer the complaint in this action and to serve a copy
of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's
Attorney(s) within 20 days after the service of this summons, exclusive of the day of service (or within 30 days
after the service is complete if this summons is not personally delivered to you within the State of New York); and in
case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded herein.

Dated, September 12, 1984

Defendant's Address:

GEORGE SASSOWER, Esq.

Attorney(s) for Plaintiff(s)
Office and Post Office Address

2125 Mill Avenue,
Brooklyn, New York, 11234
(212) 444-3403

STATE OF N.Y.
DEPT. OF LAW

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RECEIVED

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

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

Plaintiff,

-against-

Hon. THOMAS V. SINCLAIR, JR.,

Defendant.

-----x

Plaintiff, by his attorney, GEORGE
SASSOWER, Esq., complaining of the defendant,
respectfully sets forth and alleges:

1. That at all of the times hereinafter
mentioned, defendant was and still is a Judge of the
Civil Court of the City of New York, County of New York,
and at times, Acting Justice of the Supreme Court of the
State of New York, County of New York.

2a. On or about the 28th day of October, 1983, the defendant, as Acting Justice of the Supreme Court, rendered a decision wherein summary judgment was granted to JEROME H. BARR ["JHB"] and CITIBANK, N.A. ["CITIBANK"], as executors of the ESTATE OF MILTON KAUFMAN ["ESTATE"] against the plaintiff, HYMAN RAFFE ["HR"], and summary judgment over in full, in favor of HR against PUCCINI CLOTHES, LTD. ["Puccini"] and for two-thirds said amount against EUGENE DANN ["DANN"] and ROBERT SORRENTINO ["SORRENTINO"].

b. An Order based upon the aforesaid decision was entered on or about January 4, 1983, and subsequently, judgments were entered based upon the aforementioned.

3a. The aforementioned decision, order, and judgments were based upon a perjurious affidavit by CITIBANK, known by the attorneys for JHB, CITIBANK, and ESTATE, to wit., KREINDLER & RELKIN, P.C. ["K&R"], to be perjurious, submitted to defendant, which was to the effect that no assets were taken from Puccini after June 4, 1980, the date Puccini was involuntarily dissolved, and emphatically no assets were taken by the aforementioned clients of K&R.

b. That the aforementioned perjurious affidavit was submitted by K&R at a time when LEE FELTMAN ["LF"], the Receiver for Puccini; his law firm, FELTMAN, KARESH, and MAJOR, Esqs. ["F,K,&M"]; and ARUTT, NACHAMIE, BENJAMIN, LIPKIN & KIRSCHNER, P.C. ["ANBL&K"], the attorneys for Dann & Sorrentino, had actual knowledge from, inter alia, an Order of Hon. MARTIN B. STECHER, dated September 9, 1982, that if defendant rendered summary judgment in favor of the clients of K&R against HR, that HR would, in turn, obtain summary judgment over against the clients and trust of LF, FK&M, and ANBL&K.

4a. That at the time such perjurious affidavit was submitted, LF, FK&M, and ANBL&K knew same was perjurious, they knowing and having within their possession documents revealing the true facts concerning same.

b. That the aforementioned motion for summary judgment would not have been made by K&R had they not known beforehand that the true facts would not be exposed by LF, FK&M, and ANBL&K.

c. K&R, operating in conspiratorial consort with LF, FK&M, and ANBL&K, submitted such perjurious affidavit, and LF, FK&M, and ANBL&K failed to expose the truth of same.

d. As a result thereof, the clients of K&R obtained summary judgment against HR, and HR received summary judgment against Puccini, Dann, & Sorrentino.

5a. Thereafter, K&R, LF, FK&M, and ANBL&K made every effort, until November 7, 1983, to conceal the true nature of the financial events at Puccini after June 4, 1980.

b. On November 7, 1983, a representative of HR saw some, but not all, of Puccini's financial books and records, revealing a massive dissipation of its assets June 4, 1980. Such examination took place four (4) days after Barr v. Raffe (97 A.D.2d 696, 468 N.Y.S.2d 332 [1st Dept.]), when LF and FK&M could no longer stonewall even a token inspection. Some photostates of some of the documents inspected were received about two (2) weeks later.

c. Further documented information was received by HR, as a result of an accounting dated March 5, 1984; a copy of a cancelled check received on June 6, 1984; and eventually a confession by JHB made on June 14, 1984 and submitted by K&R to this Court.

d. The aforementioned clearly revealed that such CITIBANK affidavit submitted by K&R was in fact perjurious, known to be such by it and its attorneys, K&R, at the time of submission, resubmission, and ever since.

6a. As a result thereof, HR has made numerous attempts to "renew" the motion wherein the clients of K&R received summary judgment in their favor as aforementioned.

b. Such efforts were resisted, not only by K&R, but also by LF, FK&M, and ANBL&K, or their cooperation was not received, although success on such "renewed" motion would also result in the vacating of the judgments over against their clients and trust, to wit., Puccini, Dann, & Sorrentino.

7. Such "renewal", based upon subsequently revealed facts, can under the law of the State of New York, be made as a matter of right, to the same extent as an original motion, and with similar constitutional overtones.

8a. Under the law of the State of New York, and by custom and usage, such "renewed" motion is made or referred to, if available, the initial jurist, who has, ultimately, a mandatory, ministerial, obligation to render a decision on its merits.

b. No person or official, except by a recognized judicial proceeding, has the right or power to, in any substantial manner, constitutionally and/or legally obstruct "access to the court [defendant]" for the making of a "motion to renew" or a decision thereof on the merits, whether obstruction be by administrative order, "phantom" rule, or otherwise.

c. Several attempts were made by HR to have defendant perform such ministerial obligation, without success.

9a. Eventually, HR, through his attorney, brought a mandamus proceeding against defendant to have him perform such mandatory and ministerial obligation.

b. By affidavit of July 12, 1984, defendant's attorney represented to the Appellate Division, First Department that defendant would entertain HR's "renewal" motion, on its merits. Thus, by reason of judicial estoppel defendant was thereafter precluded from taking a position at variance with the aforementioned assertion in the Appellate Division.

By reason of such representation by the defendant, through his attorney, the Assistant Attorney General, plaintiff and his attorney made no further efforts in such proceeding at the time.

10a. The proceedings in the within mentioned matter, have been a farce and mockery of justice, in part, because the statutory obligation of the Attorney General's Office to protect the interests of Puccini have been compromised by its conflicting representation of the defendant and other members of the judiciary.

The defendant has primarily been represented by an attorney, an Assistant Attorney General, who previously represented Puccini statutory interests, or the interests of those interested in Puccini, or the power to intervene in such representation of Puccini and those interested in its affairs.

Such legal power, discretionary and/or mandatory, is given to the Attorney General, in part, because of the recognition that an involuntarily dissolved corporation, as is Puccini, cannot act for itself.

b. The proceedings in the within mentioned matter, have been a farce and mockery of justice, in part, because of the total failure and refusal of XAVIER C. RICCOBONO, the Administrative Judge of the Supreme Court of the State of New York, County of New York, the defendant [the originating justice], and Hon. Michael J. Dontzin [the appointing justice], to recognize and fulfill their obligations as trustees of the assets and affairs of Puccini.

c. The proceedings in the within mentioned matter, have been a farce and mockery of justice, in part, because of the wilful failure of the judicial system to recognize that plaintiff's disqualified attorney, in attempting to protect plaintiff's rights, he was also protecting the legitimate rights of Puccini.

Such disqualification order, secured at the instance and request of K&R's lackey, was made and entered when they switched, changed, and substituted pages in the court submitted papers which were different than those served upon plaintiff's attorney.

Such disqualification order, has been employed by K&R and his entourage, as a pretext, to prevent plaintiff's attorney from advancing the legitimate rights and interests of Puccini, Dann, and Sorrentino, contrary to the spirit and intent of such order.

d. The proceedings in the within mentioned matter, have been a farce and mockery of justice, in part, because of the wilful failure of the judicial system to recognize that by the efforts of LF, FK&M, and ANBL&K, opposing the aforementioned relief and opposing the efforts of plaintiff's attorney to obtain such relief, they are, in fact and theory, taking positions contrary to the interests of their trust and client.

e. The proceedings herein have been a farce and mockery of justice, in part, because of the usurpation of power by Hon. DONALD DIAMOND when he prevented plaintiff from making an original motion prohibiting FK&M and ANBL&K from assuming positions contrary to the legitimate interests of their client and from prohibiting LF from assuming a position contrary to the legitimate interests of his trust.

f. Considering that there is no known defense, on the merits, to plaintiff's renewal motion, and none claimed, the administrative attempts by the judicial system to delay, obstruct, and prevent, the ultimate relief sought by plaintiff, is reprehensible.

Despite, such efforts, the defendant, as an honored member of the judiciary has a legal obligation to perform his mandatory functions and those wherein he is judicially estopped from acting otherwise.

g. In totality, Puccini, a judicial ward, of whom HR is a 25% shareholder and judgment creditor, has been and is without any legal or factual representation, as a result of the aforementioned totality of circumstances, and unable to join in HR's renewal requests.

10. Despite the aforementioned, including the representation of defendant's attorney, the defendant has ministerially refused to entertain HR's motion and make a determination on the merits, thereby precluding HR's absolute constitutional and legal right of appeal, if so advised, otherwise available to others similarly situated, resulting in damages and further potential damages.

WHEREFORE, demand is made by plaintiff for judgment against defendant for the sum of \$1.00, with any other damages resulting from such refusal to determine HR's renewal motions on their merits, together with the costs and disbursements of this action.

GEORGE SASSOWER, Esq.
Attorney for plaintiff
2125 Mill Avenue,
Brooklyn, New York, 11234
(212) 444-3403

STATE OF NEW YORK
CITY OF NEW YORK
COUNTY OF KINGS

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) ss.:
)

HYMAN RAFFE, first being duly sworn, depose,
and say:

He is the plaintiff herein and has read the
foregoing complaint and the same is true of his own
knowledge except as to matters stated therein to be on
information and belief, and as to those matters deponent
believe same to be true.


HYMAN RAFFE

Sworn to before me this
12th day of September, 1984



BARBARA TATESURE
Notary Public State of New York
No. 24-4760746
Qualified in Kings County
Commission Expires March 30, 1985

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

ELENA R. SASSOWER, first being duly sworn,
deposes, and says:

I am over the age of 21, reside at 2125 Mill
Avenue, Brooklyn, New York, 11234 and not a party to
this action.

That on the 17th day of September, 1984, I
served the within Summons and Complaint by leaving a
true copy of same at the offices of Hon. Thomas V.
Sinclair, Jr., with defendant's legal secretary.
Deponent knowing that being his office.


ELENA R. SASSOWER

Sworn to before me this
19th day of September, 1984

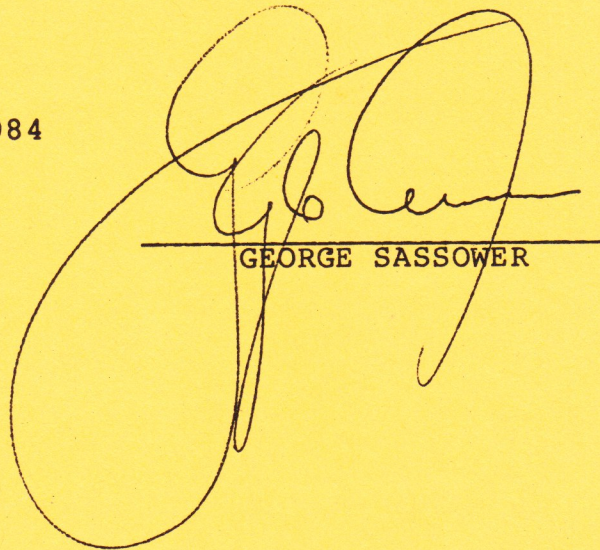


BARBARA TATESURE
Notary Public State of New York
No. 24-4760746
Qualified in Kings County
Commission Expires March 30, 1986

GEORGE SASSOWER, Esq., an attorney, admitted to practice law in the courts of the State of New York, does hereby affirm the following statement to be true under penalty of perjury:

On September 17, 1984, I served a copy of the within Summons and Complaint addressed to Hon. Thomas V. Sinclair, Jr., the defendant at his address at 111 Center Street, New York, New York, 10013, that being his address for the purpose of mailing by depositing a true copy of same enclosed in a post-paid properly addressed wrapper in a post office under the exclusive care and custody of the United States Postal Service within the State of New York.

Dated: September 17, 1984



GEORGE SASSOWER