

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

Index No.

Plaintiff(s) designates

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

New York
County as the place of trial

The basis of the venue is

Residence of Defendants

Plaintiff(s)

against

Summons with Notice

Hon. DAVID B. SAXE, Hon. XAVIER C. RICCOBONO, as
trustee; Hon. MICHAEL J. DONTZIN, as trustee; and
Hon. THOMAS V. SINCLAIR, JR., as trustee, individually
and/or on behalf of the Supreme Court of the
State of New York, County of New York

Plaintiff(s) reside(s) at

Nassau County

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 14, 1984

GEORGE SASSOWER, Esq.

Defendant's Address:

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

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

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. DAVID B. SAXE, Hon. XAVIER C. RICCOBONO,
as trustee; Hon. MICHAEL J. DONTZIN, as
trustee; and Hon. THOMAS V. SINCLAIR, JR., as
trustee, individually and/or on behalf of the
Supreme Court of the State of New York, County
of New York,

Defendants.

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

1a. That at all of the times hereinafter
mentioned, the defendants, Hon. XAVIER C. RICCOBONO and
Hon. MICHAEL J. DONTZIN, were and still are Justices of
the Supreme Court of the State of New York, but are here
sued as the trustees of the assets and affairs of
Puccini Clothes, Ltd. ["Puccini"], individually and/or
on behalf of the Supreme Court of the State of New York,
County of New York.

b. That at all of the times hereinafter mentioned, defendant, Hon. THOMAS V. SINCLAIR, JR., 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, but is sued herein as a trustee of the assets and affairs of Puccini.

c. That at all of the times hereinafter mentioned, defendant, Hon. DAVID B. SAXE, 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 the 4th day of June, 1980, Puccini, a domestic corporation, was involuntarily dissolved, with its assets and affairs becoming custodia legis.

b. Defendant, Hon. Thomas v. Sinclair, Jr., was and still is the "originating justice"; defendant, Hon. Michael J. Dontzin, was and still is the "appointing justice"; and Hon. Xavier C. Riccobono was and still is the "Administrative Justice of the Supreme Court of the Supreme Court of the State of New York, County of New York".

c. Jointly and severally, by reason of the aforementioned, the Hon. Xavier C. Riccobono, Hon. Michael J. Dontzin, and Hon. Thomas V. Sinclair, Jr., became the trustees of the assets and affairs of Puccini, individually and/or on behalf of the Supreme Court of the State of New York, County of New York.

d. On and after June 4, 1980, Puccini had no free will of its own, fully and totally dependent on its trustees, or their appointees, for its actions.

3a. Thereafter, Lee Feltman, Esq., who had been appointed as Receiver for Puccini, on or about February 1, 1982, designated his law firm of Feltman, Karesh, & Major, Esqs., as his attorneys with respect to the Puccini receivership, without complying with 22 NYCRR §660.24.

b. On April 6, 1983, on the application of Lee Feltman, Esq., he specifically requested the firm of Rashba & Pokart to investigate and report on various allegations of larceny of judicially entrusted assets engineered by Kreindler & Relkin, P.C., concerning which their clients were participants with Arutt, Nachamie, Benjamin, Lipkin & Kirschner, P.C., and the whereabouts of such assets.

c. In fact, Kreindler & Relkin, P.C. were the clients of Rashba and Pokart and Arutt, Nachamie, Benjamin, Lipkin & Kirschner, P.C. had previously "laundered" unlawfully withdrawn funds to Rashba & Pokart in payment of a bill due by Kreindler & Relkin, P.C.

d. The appointment was a contrived sham, in clear violation of 22 NYCRR §660.24, in order to delay disclosure and to conceal the criminal activities that had occurred with Puccini's judicially entrusted assets.

4. Plaintiff is a holder of a 25% equity interest in Puccini, holds a substantial judgment against it, and has various other liquidated, as well as unliquidated, claims pending.

AS AND FOR A FIRST CAUSE OF ACTION AGAINST
HON. DAVID B. SAXE

5. Plaintiff repeats, reiterates, and realleges each and every allegation of paragraphs numbered "1" through "3" of the complaint herein, as if more fully set forth at length herein, and further alleges:

6. 22 NYCRR §660.24, is a mandatory, non-discretionary, ministerial rule lawfully imposed by the Appellate Division, First Department, involving the "Presiding Justice or his designee" in the appointive process which provides that:

"Any appointment made without following the procedures provided in this section, shall be null and of no effect and no person so appointed shall be entitled to recover any compensation for the services rendered or claimed to have been rendered" [subd. f].

7. Blithely ignoring the mandatory, non-discretionary, and ministerial provisions in 22 NYCRR §660.24, Hon. David S. Saxe, awarded substantial fees to Feltman, Karesh & Major, Esqs. and authorized substantial fees to Rashba & Pokart from the trust assets of Puccini, and imposed draconian costs upon plaintiff, for his opposition to such payments.

AS AND FOR A SECOND CAUSE OF ACTION AGAINST
HON. DAVID B. SAXE

8. Plaintiff repeats, reiterates, and realleges each and every allegation of paragraphs numbered "1" through "7" of the complaint herein, as if more fully set forth at length herein, and further alleges:

9. In an Article 78 proceeding brought by plaintiff in the Appellate Division, First Department, against the "Justices of the Supreme Court, County of New York", which includes this defendant for the purpose of that proceeding, Hon. Robert Abrams, the Attorney General, the attorney authorized to appear on behalf of the "Justices", represented to that Court, on or about July 11, 1984, that §660.24 will be obeyed by his judicial clients, thus judicially estopping this defendant from acting otherwise in violating same.

10. In another Article 78 proceeding brought by plaintiff in the Appellate Division, First Department, on or about July 18, 1984, against this defendant specifically, relating to the failure of this defendant to comply with 22 NYCRR §660.24, defendant's attorney, failed to justify, explain or excuse defendant's conduct or proposed conduct, regarding §660.24, by awarding fees to Feltman, Karesh & Major, Esqs. and Rashba & Pokart.

11. Blithely ignoring the aforementioned Article 78 proceedings, and the representation of his attorney to the Appellate Division, defendant awarded substantial fees to Feltman, Karesh & Major, Esqs., and authorized such fees to Rashba & Pokart from the trust assets of Puccini, and in addition imposed draconian costs and expenses upon plaintiff, in favor of Feltman, Karesh & Major, Esq. and his attorney.

AS AND FOR A THIRD CAUSE OF ACTION AGAINST
HON. DAVID B. SAXE

12. Plaintiff repeats, reiterates, and realleges each and every allegation of paragraphs numbered "1" through "11" of the complaint herein, as if more fully set forth at length herein, and further alleges:

13. In the above proceedings for the award of fees to Feltman, Karesh & Major, Esqs. and Rashba & Pokart, this defendant knew that Puccini, involuntarily dissolved in the judicial forum, was unable to defend itself, except by and through judicial appointees; that Lee Feltman, Esq., the receiver, would not and did not defend Puccini against the claims of Feltman, Karesh & Major, Esqs. and Rashba & Pokart; that Kreindler &

Relkin, P.C. [representing a 25% interest in Puccini] and Arutt, Nachamie, Benjamin, Lipkin & Kirschner, P.C. [representing a 50% interest in Puccini], failed to oppose the above claims for fees as a result of a corrupt arrangement; the Attorney General, and his assistant, had been caused to compromise their statutory and legal obligations to Puccini and those interested in Puccini, as a result of his representation of defendant, which he accepted; and that the defendant had excluded any intervention or opposition by plaintiff, Hyman Raffé, or anyone else interested in Puccini's assets; the defendant, nevertheless, authorized such payments to Feltman, Karesh & Major, Esqs. and Rashba & Pokart.

14. In sum and substance, this defendant authorized the award of substantial fees with knowledge that Puccini had been deprived of its basic federal and state constitutional and legal rights, which he affirmatively aided and abetted, in not permitting Puccini to defend itself, or allowing anyone interested in Puccini's assets to oppose such claims.

In short, the pseudo-judicial proceedings resulting in an award of fees to Feltman, Karesh & Major, Esqs., and the authorization of fees to Rashba & Pokart, were a farce and a mockery of justice in every sense of the word, legal and otherwise.

15. Furthermore, in order to chill, impede, or prohibit plaintiff's right of free speech and access to the courts to air his legitimate complaints and contentions, the defendant imposed draconian costs upon him.

In short, this defendant took every action, judicial as well as ministerial, to assure himself that Puccini, a helpless ward of the court, would be denuded of all constitutional and legal protective rights, so that it could be financially ravished and raped by judicial appointees, federal and non-federal rights, most of constitutional dimension, to the contrary notwithstanding.

AS AND FOR A FOURTH CAUSE OF ACTION AGAINST
HON. XAVIER C. RICCOBONO, HON. MICHAEL J. DONTZIN,
AND HON. THOMAS V. SINCLAIR, JR.

16. Plaintiff repeats, reiterates, and realleges each and every allegation of paragraphs numbered "1" through "15" of the complaint herein, as if more fully set forth at length herein, and further alleges:

17. The defendants, Hon. Xavier C. Riccobono, Hon. Michael J. Dontzin, and Hon. Thomas V. Sinclair, Jr., were and still are individually and on behalf of the Supreme Court of the State of New York, County of New York, the trustees of Puccini, with non-judicial trust obligations.

18. Completely abandoning any and all trust obligations, including assuring that the legally helpless Puccini receives proper legal representation in opposing the aforementioned claims of fees, these defendants violated and breached their trust obligations.

19. In fact, these defendants, by affirmative actions, including the acceptance of legal aid from Hon. Robert Abrams and his specific assistant, Senior Assistant Attorney General, David S. Cook, Esq., virtually assured themselves that the proceedings involving Puccini, would be a farce and a mockery of justice, by depriving Puccini of any and all direct legal assistance.

AS AND FOR A FIFTH CAUSE OF ACTION AGAINST
ALL OF THE DEFENDANTS

20. Plaintiff repeats, reiterates, and realleges each and every allegation of paragraphs numbered "1" through "19" of the complaint herein, as if more fully set forth at length herein, and further alleges:

21. The actions and conduct of the defendants were under "color of law", for which plaintiff is entitled to legal fees for the prosecution of this action.


WHEREFORE, plaintiff, individually and on behalf of Puccini Clothes, Ltd., requests damages, compensatory and punitive, against defendants, individually and/or on behalf of the Supreme Court of the State of New York, County of New York in the sum of \$500,000, together with attorney's fees in the sum of \$50,000, 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) ss.:
COUNTY OF KINGS)

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
14th day of September, 1984



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