

SUPREME COURT : NEW YORK COUNTY

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

Plaintiff

against

JEROME H. BARR and CITIBANK, N.A., as executors
of the Last Will and Testament of MILTON
KAUFMAN, and LEE FELTMAN,

Defendant

Index No. 643-1985

Plaintiff designates

New York

County as the place of trial

The basis of the venue is

Defendants' residence

Summons with Notice

Plaintiff resides at

County of

To the above named Defendant

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, January 7, 1985
Defendant's address:

Notice: The nature of this action is

The relief sought is

GEORGE SASSOVER, Esq.
Attorney(s) for Plaintiff
Office and Post Office Address
2125 Mill Avenue,
Brooklyn, New York, 11234
718-444-3403

Upon your failure to appear, judgment will be taken against you by default for the sum of \$
with interest from 19 and the costs of this action.

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

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

Plaintiffs,

-against-

JEROME H. BARR and CITIBANK, N.A., as
executors of the Last Will and Testament
of MILTON KAUFMAN, and LEE FELTMAN,

Defendants.
-----x

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

AS AND FOR A FIRST CAUSE OF ACTION
ON BEHALF OF RAFFE AND PUCCINI

1a. On the 4th day of June, 1980, Puccini
Clothes, Ltd. ["Puccini"] was involuntarily dissolved by
Order of this Court, its assets and affairs became
custodia legis, and everyone, except for the court
appointed Receiver, Hon. John V. Lindsay, were
prohibited from dissipating its assets.

b. Such prohibition against the dissipating
Puccini's assets, except by the appointed receiver, was
reconfirmed by Order of this Court dated January 5,
1981.

2. That prior to June 4, 1980, Eugene Dann ["Dann"], Robert Sorrentino ["Sorrentino"], plaintiff, Hyman Raffe ["Mr. Clean"], and Milton Kaufman ["Kaufman"], had entered into personal cross-indemnification agreements with respect to Puccini.

3. Representing all the parties, including Puccini, during the formation and life of Puccini, until after Kaufman died was the defendant, Jerome H. Barr, Esq. ["Barr"].

4. Upon the death of Kaufman, Barr and Citibank, N.A. ["Citibank"] qualified and were appointed the executors ["executors"] of the Kaufman Estate ["estate"].

5. As a matter of law, with respect to any and all obligations under the aforementioned personal cross-guarantees, and payments made thereunder, the others were entitled to indemnification from Puccini.

6a. Based upon the aforementioned cross-guarantees, an action was commenced on or about November 8, 1979 by the executors against Mr. Clean, Dann, and Sorrentino, and a decision was rendered in favor of the executors against them on April 10, 1980.

b. Judgment by the executors against Mr. Clean, Dann, and Sorrentino, based upon the aforementioned decision of April 10, 1980 was entered on August 19, 1980, which was fully paid and satisfied by Mr. Clean alone.

c. As a result of the aforementioned payment and satisfaction of judgment by Mr. Clean alone, he is entitled to, as a matter of law, full indemnification from Puccini, and contribution from Dann and Sorrentino.

d. Judgment in favor of Mr. Clean against Puccini, Dann, and Sorrentino, based upon his full payment and satisfaction has not been ministerially entered as the result of the extrinsic fraud and corruption, actual and/or constructive, of the defendants, their attorneys, and Referee Donald Diamond ["DD"] of this Court.

7. The executors were, and at all times hereinafter mentioned, represented by Kreindler & Relkin, P.C. ["K&R"], and its actions herein were, in every respect, with the permission and consent of its clients, the executors, and/or ratified by them.

8. Without the permission, consent, or even the knowledge of Mr. Clean, the defendant executors, K&R, and others, on and after June 4, 1980 began and continued to unlawfully dissipate Puccini's assets as they unilaterally saw fit, prejudicing Mr. Clean's absolute right of indemnification and/or subrogation.

9. The aforementioned dissipation of Puccini's assets were and are an unprivileged contempt of court, a fraud upon Mr. Clean and the court, and a larceny of judicially entrusted assets.

10. As a result thereof, the aforementioned judgment by the executors against Mr. Clean is null and void, Mr. Clean is entitled to restitution for any and all payments made to the executors with respect to said judgment, and upon restitution being made Mr. Clean's right to judgment against Puccini, Dann, and Sorrentino, cancelled, the perfidious and corrupt positions of the Receiver, his law firm, and the attorneys for Dann and Sorrentino notwithstanding.

11. For reasons hereinafter set forth, including the fraud and corruption of defendants, their attorneys, DD, and others, incorporated by reference herein, complete and full relief under CPLR 5015 and/or summary disposition has been impaired, prejudiced, hindered and/or obstructed.

AS AND FOR A SECOND CAUSE OF ACTION
ON BEHALF OF RAFFE

12. Plaintiff repeats, reiterates, and realleges each and every allegation in the paragraphs marked "1" through "11" inclusive of the complaint, with the full force and effect as though more fully and completely set forth at length herein, and further alleges.

13. Thereafter, on or about August 18, 1980, the executors commenced a second law suit against Mr. Clean alone based upon the aforementioned cross-guarantees, claiming, inter alia, unlike the prior action, that the executors were entitled to "attorneys' fees, costs, penalties, and other expenses" that the executors incurred in bringing such lawsuit against Mr. Clean.

14. The executors and K&R, knew such claim was legally and factually unfounded, that the aforementioned "attorneys' fees, costs, penalties, and other expenses" were intended to mean those "attorneys' fees, costs, penalties, and other expenses" that Kaufman, his estate, and/or his executors were compelled to pay under his primary guarantee, and not those "attorneys' fees, costs, penalties, and other expenses" incurred in bringing an action under the personal cross-guarantees executed by Kaufman, Dann, Sorrentino, and Mr. Clean.

15a. That at all of the times prior to bringing and during such lawsuit, the essential papers, documents, and information underlying these cross-agreements were in the possession of plaintiff, Barr, as the attorney or former attorney for Puccini, Kaufman, Dann, Sorrentino, and Mr. Clean.

b. That prior to the bringing of this second lawsuit, wherein such claim was made against Mr. Clean, the firm of Arutt, Nachamie, Benjamin, Lipkin, & Kirschner, P.C. ["ANBL&K"] had been retained to represent Dann and Sorrentino.

c. That prior to the bringing of this second lawsuit, an illegal and unlawful agreement and understanding was entered into by and between the executors, K&R, and ANBL&K, wherein for mutual unlawful consideration, ANBL&K would cooperate with the executors and K&R in not exposing, inter alia, the aforementioned contrived assertion.

16. Thereafter, although contrary to the legitimate interests of their clients, ANBL&K cooperated fully with the executors and K&R in not exposing such contrived contention and assertion, which agreement was in fact one to corrupt justice, a fraud upon the court, Mr. Clean, Dann and Sorrentino.

17. As a result thereof any recovery by the executors on their second and third causes of action in the aforementioned second lawsuit is null and void, as an extrinsic fraud, a fraud upon the court and Mr. Clean, and should be cancelled and annulled.

AS AND FOR A THIRD CAUSE OF ACTION
ON BEHALF OF RAFFE AND PUCCINI

18. Plaintiff repeats, reiterates, and realleges each and every allegation in the paragraphs marked "1" through "17" inclusive of the complaint, with the full force and effect as though more fully and completely set forth at length herein, and further alleges.

19. In this second lawsuit, Mr. Clean impleaded, Dann, Sorrentino, and Puccini, whose third party interests and defenses were assumed by ANBL&K.

20a. When the executors moved for summary judgment against Mr. Clean, thereby automatically staying Mr. Clean's prior demand for pre-trial disclosure (CPLR 3214[b]), Mr. Clean opposed on the grounds that there were indications that Puccini's assets had been unlawfully dissipated by the executors and those operating in tandem with them.

b. Mr. Clean, as a third party plaintiff, also cross-moved against Puccini, Dann and Sorrentino, who were then in default, for full indemnification and two-thirds contribution respectively, and for which there was in fact no third party defense.

c. Thus, although the interests of Mr. Clean and the third party defendants were the same and parallel in opposition to the claim of the executors, ANBL&K, as part of its unlawful agreement with the executors and K&R, contrary to the legitimate interests of all its third party clients, ANBL&K cross-moved to disqualify Mr. Clean's attorney, George Sassower, Esq. ["GS"].

d. Thus, although the interests of Mr. Clean and the clients of ANBL&K were the same and parallel in opposition to the claim of the executors, ANBL&K as part of its unlawful agreement with the executors and K&R, and contrary to the legitimate interests of all its clients did not expose the perjurious affidavit of Citibank which vehemently denied the dissipation of Puccini's assets after June 4, 1980.

e. Thus, by not exposing the true nature of Citibank's perjurious affidavit, submitted by the executors and K&R, the third party defendants, because of the perfidity of ANBL&K, risked a substantial third party judgment against them by Mr. Clean.

21a. Such cross-motion to disqualify Mr. Clean's attorney, although contrary to the legitimate interests of ANBL&K' clients, was prompted by the fact that Mr. Clean's attorney had accumulated some circumstantial evidence that in fact Puccini's assets had been unlawfully dissipated after June 4, 1980.

b. In concert with the executors and K&R, and operating under a general agreement to corrupt justice, constituting an extrinsic fraud upon the court, ANBL&K "switched", "substituted", and "changed" its court submitted papers from those served upon Mr. Clean's attorney, causing the disqualification of Mr. Clean's attorney in the third party action, and the Puccini dissolution proceeding.

22. As a result of such fraud upon the court, fraud upon Mr. Clean, his attorney, and the clients of ANBL&K, including Puccini, the aforementioned disqualification orders are null, void, of no effect, and should be declared cancelled and annulled.

AS AND FOR A FOURTH CAUSE OF ACTION
ON BEHALF OF PUCCINI

23. Plaintiff repeats, reiterates, and realleges each and every allegation in the paragraphs marked "1" through "22" inclusive of the complaint, with the full force and effect as though more fully and completely set forth at length herein, and further alleges.

24a. On or about February 1, 1982, the defendant, Lee Feltman, Esq. ["LF"] was appointed the Receiver for Puccini, which had been involuntarily dissolved about twenty months previously, and qualified shortly thereafter with, under an insufficient bond fixed at \$500,000.

b. That by reason of such appointment and subsequent qualification, LF operated as an agent of the court and/or its justices, under "color of law".

25a. Thereafter, after Mr. Clean had aborted an attempt by Feltman, Karesh & Major, Esqs. ["FK&M"], the law firm of LF, to have Puccini retain that firm through the cooperation of ANBL&K, LF appointed them to act on his and Puccini's behalf, as attorneys, without complying with the mandatory provisions of 22 NYCRR §660.24.

b. That at all of the times hereinafter mentioned, FK&M at all times acted with the permission and consent of LF.

26a. Prior to executing a third party answer on the part of Puccini, and prior to K&R's renewed motion for summary judgment, LF and FK&M had possession and control of, at least, some of Puccini's financial books and papers.

b. That prior to executing a third party answer on the part of Puccini and prior to K&R's renewed motion for summary judgment, LF and FK&M knew that Puccini's assets had been dissipated after June 4, 1980 in favor of the executors, ANBL&K, Dann, Sorrentino, and others without the permission, consent, or even knowledge of the court appointed receiver, Hon. John V. Lindsay.

c. That prior to executing a third party answer on the part of Puccini, LF and FK&M had actual knowledge that they could assert first party defenses in the third party answer of Puccini (CPLR §1008).

d. That prior to executing a third party answer on the part of Puccini, LF and FK&M had actual knowledge that the dissipation of Puccini's assets between June 4, 1980 and February 1, 1982 was a valid defense in any answer interposed by Puccini.

e. That prior to executing a third party answer on the part of Puccini, neither LF nor FK&M had no valid or legitimate reason for not asserting a first party defense in the third party answer on behalf of Puccini.

f. Notwithstanding the aforementioned, LF executed the annexed third party answer (Exhibit "A"), which he never attempted to amend to include a first party defense.

g. That such third party answer, without any first party defense, was executed under an agreement with the executors and/or K&R to corrupt justice, a fraud upon the court, and to betray their court appointed trust and client.

27a. As a court appointed receiver, an agent of the court, LF cannot, as a matter of law waive, any legitimate defense that the judicial trust may have.

b. That by reason of the aforementioned, including the perfidious conduct of defendant, LF, the court appointed receiver, the agent of the court, the aforementioned answer on behalf of Puccini (Exhibit "A"), insofar as it does not assert first party defenses against the defendants-executors, should be declared null and void, and same should be judicially amended to include such first party defenses.

AS AND FOR A FIFTH CAUSE OF ACTION
ON BEHALF OF RAFFE

28. Plaintiff repeats, reiterates, and realleges each and every allegation in the paragraphs marked "1" through "27" inclusive of the complaint, with the full force and effect as though more fully and completely set forth at length herein, and further alleges.

29. That prior to the executors renewed motion for summary judgment [the prior motion having been denied without prejudice to renewal], LF and FK&M knew or should have known that if the executors recovered judgment against Mr. Clean, Mr. Clean would eventually recover a judgment against Puccini by reason of indemnification and/or subrogation.

30. That prior to the executors renewed motion for summary judgment, ANBL&K knew or should have known that if the executors recovered a judgment against Mr. Clean, Mr. Clean would eventually recover a judgment against Puccini, who ANBL&K formerly represented in the instant litigation, by reason of indemnification and/or subrogation.

31. That prior to the executors renewed motion for summary judgment, ANBL&K knew or should have known that if the executors recovered a judgment against Mr. Clean, Mr. Clean would eventually recover a judgment against Dann and Sorrentino, the clients of ANBL&K, by reason of the law of contribution, indemnification, and/or subrogation.

32. Despite the aforementioned, prior to the executors renewed motion for summary judgment, ANBL&K, LF, and FK&M agreed with the executors and/or their attorneys, K&R, that if on the executors renewed motion for summary judgment, they were compelled to deny Mr. Clean's allegations of dissipation of Puccini's assets after June 4, 1980, the aforementioned ANBL&K, LF, and FK&M, would not expose the truth to the court.

33. On the executors renewed motion for summary judgment, in controverting Mr. Clean's assertions of the unlawful dissipation of Puccini's assets after June 4, 1980, the executors by their attorneys, K&R, resubmitted the affidavit of Citibank which the executors and their attorneys knew were perjurious.

34. That on the resubmission of the aforementioned perjurious affidavit by Citibank, ANBL&K, LF, and FK&M, knew that the submission of Citibank's affidavit was in fact perjurious.

35a. That on September 9, 1982, Hon. MARTIN B. STECHER, rendered his Order which, inter alia, held that a recovery of the principal sum sued upon by the executors against Mr. Clean would result in a recovery over in favor of Mr. Clean against Puccini based upon indemnification and that Mr. Clean would also be entitled to contribution from Dann and Sorrentino.

b. The aforementioned holding by Mr. Justice MARTIN B. STECHER had never been previously disputed by ANBL&K, nor seriously disputed by LF or FK&M.

36. Neither ANBL&K, LF, nor FK&M, ever disputed that any judgment recovered by the executors against Mr. Clean would result in judgments over against Puccini, Dann, and Sorrentino based upon subrogation and/or contribution, in addition to Mr. Clean's rights under the law of indemnification, as found by Mr. Justice MARTIN B. STECHER.

37. Despite the aforementioned, prior to the decision of Mr. Justice THOMAS V. SINCLAIR, JR., neither ANBL&K, nor LF, nor FK&M, revealed the perjurious nature of the Citibank's affidavit, resubmitted by K&R on the part of the executors.

38. The failure to expose the true nature of the executors perjurious submission to Hon. THOMAS V. SINCLAIR, JR. was the result of an unlawful agreement made by ANBL&K, LF, and FK&M not to do so, an agreement to corrupt justice, an extrinsic fraud upon the court, Mr. Clean, Puccini, and the legitimate rights of Dann and Sorrentino.

39. As a result of the aforementioned fraud, including as part thereof, LF, the agent of the court, the executors recovered a judgment against Mr. Clean, which he thereafter satisfied in full.

40. By reason of the aforementioned fraud upon the court, the aforementioned judgment, together with the Order under which it was rendered, should be declared null, void, cancelled, and of no effect, and restitution ordered in favor of Mr. Clean.

AS AND FOR A SIXTH CAUSE OF ACTION
ON BEHALF OF PUCCINI

41. Plaintiff repeats, reiterates, and realleges each and every allegation in the paragraphs marked "1" through "40" inclusive of the complaint, with the full force and effect as though more fully and completely set forth at length herein, and further alleges.

42a. The Receiver, LF, as an agent of the court, as a matter of law, may not waive any legitimate right of the court's trust, and any such action or conduct is null and void.

b. Similarly, attorneys, as a matter of law, may not conduct themselves contrary to the legitimate interests of their clients, without the express, overt, knowing consent of its clients, and such action and conduct is null and void.

43. By reason of the aforementioned, including the extrinsic fraud and misconduct of Puccini's court appointed agent, LF, and his attorneys, FK&M, the judgment over by Mr. Clean against Puccini, in the sum of more than \$475,000, and against Dann and Sorrentino for two thirds that amount (Exhibit "B"), should be cancelled and nullified, pursuant to the demand in this complaint, and sua sponte by the court, with respect to Dann and Sorrentino, upon full restitution being given made to Mr. Clean, despite the actions and conduct of the receiver, his attorneys, and the attorneys for Dann and Sorrentino to the contrary notwithstanding.

AS AND FOR A SEVENTH CAUSE OF ACTION
ON BEHALF OF PUCCINI

44. Plaintiff repeats, reiterates, and realleges each and every allegation in the paragraphs marked "1" through "43" inclusive of the complaint, with the full force and effect as though more fully and completely set forth at length herein, and further alleges.

45. To further conceal the larcenous dissipation of Puccini's assets, and/or to delay responding to Mr. Clean's inquiries regarding such assets, LF petitioned the court for the appointment of Rashba & Pokart ["R&P"], as investigatory accountants under an agreement and/or arrangement he made the executors, K&R, ANBL&K, and FK&M for such application.

46a. At at the time LF petitioned the court for the appointment of R&P, the executors and/or K&R were or had been the clients of R&P.

b. At the time LF petitioned the court for the appointment of R&P, ANBL&K had previously been given \$10,000 from the Puccini's assets, which ANBL&K "laundered", and gave \$6,200 to R&P (Exhibit "C"), in payment of a bill rendered to K&R and/or the executors.

c. At the time LF petitioned the court for the appointment of R&P, LF, the executors, K&R, ANBL&K, and R&P knew that they were duty bound to openly advise the court of any factors which might cause the denial of the application, including and especially any pre-existing relationships between R&P and the executors, K&R, and ANBL&K, the subjects of the investigation.

47. At the time LF petitioned the court for the appointment of R&P he falsely represented to the court that he desired R&P to answer four (4) questions, when in fact he, the executors, K&R, and ANBL&K knew the answers or could ascertain the answers within a few minutes.

48. At the time LF petitioned the Court for the appointment of R&P, he, FK&M, the executors, K&R, ANBL&K, and R&P knew that under circumstances that existed, the appointment of R&P, as an agent of the court under "color of law", particularly without open disclosure of the pre-existing relationships, was and is null and void and a fraud upon the court.

49. By reason of the aforementioned, in addition to the manifest violation of 22 NYCRR §660.24, the appointment of R&P was and should be declared null, void, and of no effect.

AS AND FOR A EIGHTH CAUSE OF ACTION
ON BEHALF OF RAFFE AND PUCCINI

50. Plaintiff repeats, reiterates, and realleges each and every allegation in the paragraphs marked "1" through "49" inclusive of the complaint, with the full force and effect as though more fully and completely set forth at length herein, and further alleges.

51. On or about January 23, 1984, Mr. Clean, individually and on behalf of Puccini commenced an action in federal court wherein the Supreme Court of the State of New York, County of New York ["SC"] was named as a party defendant, and which alleged serious incidents acts of legal and/or ethical misconduct by the SC and some of its justices.

52. The complaint also claimed very substantial damages for the manner in which the Puccini trust had been administratively handled by the SC, headed by Hon. Xavier C. Riccobono ["XCR"], who had been served with a copy of the summons and complaint in this matter on behalf of the SC.

53a. There thereafter followed claims and lawsuits against the State of New York and XCR personally, for their non-immune handling of the Puccini matter and trust.

b. The claim consistently made by Mr. Clean, and those acting on his behalf, was that on June 4th, 1980, when the assets and affairs of Puccini became custodia legis, the SC and the originating [Hon. Thomas V. Sinclair, Jr.], appointive [Hon. Michael Dontzin], and administrative [XCR] justices became its trustees, with personal responsibility, including for the failure of Hon. John V. Lindsay to file a bond and for the insufficient bond filed by LF.

c. With the receiver's bond filed in favor of "the people", the statutory scheme clearly indicated the lack of any judicial immunity.

54. As a result thereof, the executors, LF, and XCR knew or should have known that by reason of the aforementioned, XCR was statutorily and constitutionally disqualified to act in any judicial, quasi-judicial, and/or administrative capacity whatsoever in the Puccini matter, except as a trustee of Puccini.

55. Nevertheless, despite the statutory and constitutionally disqualification, FK&M, acting in concert with LF, K&R and ANBL&K, ex parte and improperly approached and consulted with XCR and his office, and caused XCR to appoint DD (Exhibit "D").

56. As a result of the statutory and constitutionally disqualification, and the ex parte manner XCR was induced to act, the quasi-judicial and administrative actions of XCR, except as trustee for Puccini, including the appointment of DD are null and void, and should be so declared.

AS AND FOR A NINTH CAUSE OF ACTION
ON BEHALF OF RAFFE AND PUCCINI

57. Plaintiff repeats, reiterates, and realleges each and every allegation in the paragraphs marked "1" through "56" inclusive of the complaint, with the full force and effect as though more fully and completely set forth at length herein, and further alleges.

58a. DD, a Referee of SC, holds court in a "office-courtroom", admittance is non-public and must be announced, and indeed DD has excluded Mr. Clean's attorney, although both Mr. Clean and his attorney have an interest in having Mr. Clean's attorney observe the proceedings therein.

b. The physical nature of DD's "office-courtroom" is contrary to the express statutory mandate, and despite actual notice given to DD and XCR, they have deliberately determined to disobey same.

59. Additionally, particularly where the judicial corruption is alleged, as here, and contemporaneous federal proceedings exist complaining of the manner in which the state proceedings are being conducted, as here, exclusion of Mr. Clean's attorney is manifestly unconstitutional

60. By reason of the aforementioned non-public nature of the DD proceedings, violative of constitutional and statutory guarantees, they are null and void, and should be judicially declared to be so.

AS AND FOR A TENTH CAUSE OF ACTION
ON BEHALF OF RAFFE AND PUCCINI

61. Plaintiff repeats, reiterates, and realleges each and every allegation in the paragraphs marked "1" through "60" inclusive of the complaint, with the full force and effect as though more fully and completely set forth at length herein, and further alleges.

62a. DD is a Referee, whose office is appointive and made by the SC, whose tenure is dependent on the pleasure of the SC.

b. On information and belief, the appointment of DD could not have been made over the objection of XCR nor can DD continue in office over the objection of XCR.

63. XCR assigned DD in the Puccini matter and permitted DD to continue in office in the Puccini matter although in numerous actions in federal courts, Court of Claims, this Court, and the Appellate Division, there have been numerous actions and proceedings against the SC, XCR, and DD himself, where there has been substantial claims for monetary damages.

64. The interest of XCR and DD in the Puccini litigation is such that they were and are statutorily and constitutionally disqualified, their actions null and void, and should be declared so.

AS AND FOR A ELEVENTH CAUSE OF ACTION
ON BEHALF OF RAFFE AND PUCCINI

65. Plaintiff repeats, reiterates, and realleges each and every allegation in the paragraphs marked "1" through "64" inclusive of the complaint, with the full force and effect as though more fully and completely set forth at length herein, and further alleges.

66. The ex parte approach by FK&M to XCR, on behalf of LF, was triggered by the confession of ANBL&K of January 24, 1984 that it and others had taken Puccini cash assets after June 4, 1980; that it paid R&P \$6,200 from Puccini's assets; and knowledge that R&P, finally eleven months after state authorization was prepared to file a report in federal court, which would reveal the massive unlawful dissipation of Puccini's assets after June 4, 1980; the perjurious nature of the submission by the executors; the perfidious concealment of such fact from the court by LF and his law firm; and other egregious conduct.

67. The entire involvement of XCR and DD in the judicial process in the Puccini litigation, in which XCR and the SC were interested and affected parties, was a corrupt and extrinsic fraud upon Mr. Clean, Puccini, and the judicial process.

68. As a result of the aforementioned, all judicial proceedings related to the Puccini litigation, since the involvement of XCR in the judicial process is thus null and void, and should be so declared.

AS AND FOR A TWELFTH CAUSE OF ACTION
ON BEHALF OF RAFFE AND PUCCINI

69. Plaintiff repeats, reiterates, and realleges each and every allegation in the paragraphs marked "1" through "68" inclusive of the complaint, with the full force and effect as though more fully and completely set forth at length herein, and further alleges.

70. Puccini, a judicial trust since June 4, 1980, those who purported to represent it, whether authorized de jure or de facto, cannot, as a matter of law, act contrary to its interests.

71. Since June 4, 1980, Puccini has been represented by ANBL&K, LF, and FK&M, and since that date such representatives have always and continuously acted under conflicting interests and subordinated Puccini's interests to such other interests, most of which were illegal and unlawful.

72. ANBL&K, as the purported attorneys acting on behalf of Dann and Sorrentino, cannot act contrary to their legitimate interests, without their informed knowledge and consent.

73a. Continually, in the judicial forum, and overtly before DD, LF and FK&M, act and conduct themselves illegally and unlawfully contrary to Puccini's interests, with DD's corrupt knowledge and approval.

b. Continually, in the judicial forum, and overtly before DD, ANBL&K acts and conducts itself illegally and unlawfully contrary to the interests of its former client, Puccini, with DD's corrupt knowledge and consent.

74. Continually, in the judicial forum, and overtly before DD, ANBL&K acts and conducts itself illegally and unlawfully contrary to the legitimate interests of its clients, Dann and Sorrentino, with DD's corrupt knowledge and consent. Dann and Sorrentino's legitimate interests, with DD's corrupt knowledge and approval.

75. The pseudo judicial proceedings since June 4, 1980, particularly since the involvement of XCR and DD have been a corrupt farce, a mockery of justice, and an extrinsic fraud orchestrated by the defendants or those on whose behalf they act.

76. As a result thereof all judicially related proceedings since June 4, 1980 are and should be declared null and void.

AS AND FOR A THIRTEENTH CAUSE OF ACTION
ON BEHALF OF RAFFE AND PUCCINI

77. Plaintiff repeats, reiterates, and realleges each and every allegation in the paragraphs marked "1" through "76" inclusive of the complaint, with the full force and effect as though more fully and completely set forth at length herein, and further alleges.

78a. There was never any question that Mr. Clean never had any access to the financial books, records, and documents of Puccini since June 4, 1980.

b. There was never any question that Mr. Clean was not involved in any payment of monies or transfers of Puccini's assets after June 4, 1980.

c. There was never any question by anyone that Mr. Clean, in the Puccini matter after June 4, 1980 was in fact "clean".

79. Under an engineered sham and corrupt arrangement involving defendants, and those representing them, they caused to be issued Exhibit "E", which sought to examine Mr. Clean regarding:

"... the alleged disposition of and present location of the books, records and documents which the report of Rashba & Pokart dated March 5, 1984, concludes are no longer in the possession of Puccini Clothes, Ltd., and (2) the alleged payment of monies and transfers of assets of Puccini after June 4, 1980."

80a. There was no question that since June 4, 1980 the aforementioned books and records were exclusively within the possession and control of the defendants, their representatives, and those operating in conspiratorial consort with them.

b. There was no question that LF had represented to both the federal and state tribunals he had in his exclusive possession and control all of Puccini's books, records, and documents (except for the cancelled checks).

c. There was no question from the R&P report, the confession of ANBL&K of January 24, 1984, and the other documentation that Mr. Clean had no personal knowledge of the aforementioned.

81. Nevertheless, under a corrupt arrangement made with DD, the defendants and their representatives compelled a "pseudo inquisitional hearing" before DD, which was a sham, farce, an extrinsic fraud, and corruption of justice.

82. That at such sham, quasi inquisitional hearings, orchestrated by the corrupt DD, the representatives of defendants, aided and abetted by DD denied Mr. Clean his basic constitutional rights, attempted to examine Mr. Clean on matters clearly and expressly beyond the jurisdictional bailiwick of DD, and was otherwise an extrinsic fraud and a conspiratorial corruption of justice.

83. As a result thereof, such proceedings were and are null and void and should be so declared.

AS AND FOR A FOURTEENTH CAUSE OF ACTION
ON BEHALF OF RAFFE AND PUCCINI

84. Plaintiff repeats, reiterates, and realleges each and every allegation in the paragraphs marked "1" through "83" inclusive of the complaint, with the full force and effect as though more fully and completely set forth at length herein, and further alleges.

85. Although all the evidence before DD was that the defendants, ANBL&K, and those in conspiratorial consort with them had unlawfully dissipated Puccini's assets after June 4, 1980, the corrupt DD caused to be issued and filed a document (Exhibit "F"), which he and his conspiring defendants knew was a fraud and sham instrument which was inherently void and of no effect.

86a. The defendants, their representatives, and co-conspirators including DD knew that the findings in the sham order of October 10, 1984 (Exhibit "E") was false and contrived; that DD was statutorily and constitutionally disqualified from making any findings which would or tend to exculpate XCR or the SC from liability; that LF was statutorily and constitutionally from taking any position which would exculpate himself, his law firm, and their co-conspirators from liability; that the defendants, their representatives, and co-conspirators, including DD, could not, as a matter of law, overtly take positions contrary to the interests of Puccini or their clients; and that otherwise the pseudo order of October 10, 1984 was null, void, and of no effect.

b. Thus, at the time DD issued the aforementioned sham order he had before him, inter alia, the confessions of ANBL&K and defendant Barr concerning their unlawful taking of Puccini's assets, and the R&P federally filed report of March 5, 1984 concerning the massive dissipation of Puccini's assets after June 4, 1980.

87a. Furthermore, when Mr. Clean learned that the aforementioned action was contemplated, he caused to be submitted his affidavit of October 4, 1984 to DD (Exhibit "F"), copies of which were served on the other interested parties.

b. As has been the practice of DD, he merely ignores, destroys, and secretes judicial papers which are not to his liking or serving the interests of his co-conspirators, the defendants herein.

88. As a result of the aforementioned extrinsic fraud the Order of October 10, 1984 is null and void and should be so declared.

AS AND FOR A FIFTEENTH CAUSE OF ACTION
ON BEHALF OF RAFFE AND PUCCINI

89. Plaintiff repeats, reiterates, and realleges each and every allegation in the paragraphs marked "1" through "88" inclusive of the complaint, with the full force and effect as though more fully and completely set forth at length herein, and further alleges.

90a. In order to defeat, obstruct, and hinder the rights and remedies of Puccini and Mr. Clean, DD, under a corrupt agreement and arrangement with the defendants and their representatives have programmed an operation whereby DD has unconstitutionally denied Puccini and Mr. Clean's access to the state courts for various forms of relief, including relief pursuant to CPLR 5015.

b. Additionally, as part of such conspiratorial corruption with defendants and their representatives, DD has unlawfully and unethically communicated with justices of the SC in order to influence their determinations.

91. As a result of the foregoing all proceedings involving DD are null and void and should be so judicially declared.

AS AND FOR A SIXTEENTH CAUSE OF ACTION
ON BEHALF OF RAFFE AND PUCCINI

92. Plaintiff repeats, reiterates, and realleges each and every allegation in the paragraphs marked "1" through "91" inclusive of the complaint, with the full force and effect as though more fully and completely set forth at length herein, and further alleges.

93. The following is a self explanatory letter written by Mr. Clean's attorney, clearly disqualifying DD from any proceedings involved herein.

"October 22, 1984

Referee Donald Diamond
Supreme Court, New York County
60 Center Street,
New York, New York, 10007

Re: Barr v. Raffe
(Puccini Clothes, Ltd.)

Referee Diamond:

1. Your insulting remark about me, to my daughter describes you, not me!

Who, but one 'morally bankrupt', insults and degrades a person through his daughter?

2. If there is immunity, a proposition I question, you need it. I do not!

3a. It took me almost four (4) years, but I have shown with crystal clarity that Kreindler & Relkin, P.C. engineered the larceny of judicially entrusted assets!

Not petty larceny, but massive larceny of assets that justices of your court and the court itself was trustee.

I do not have to concern myself with any potential defamation action, as long as truth is a defense.

b. You have tried for seven (7) months to conceal such larceny, but you can't, anymore than you can conceal a herd of elephants in your mini-courtroom!

Who is 'morally bankrupt'?

4a. It took me several years to reveal and prove the perjury committed by Citibank and Kreindler & Relkin, but I did it -- I even obtained a confession!

b. Your few fig leaves cannot conceal this fact!

Who is 'morally bankrupt'?

5a. I exposed the Kreindler firm pay-off to Arutt, Nachamie, Benjamin, Lipkin & Kirschner, P.C. from Puccini's trust assets for its unlawful cooperation, and tried to make recovery on behalf of Puccini -- the trust of the justices of your court!

b. You have made every effort to obstruct Puccini's recovery of those unlawfully taken trust assets!

Who is 'morally bankrupt'?

6a. I exposed Lee Feltman, Esq., and Feltman, Karesh & Major, Esqs., betraying the court's trust and causing it very substantial damages!

You have made every attempt to suppress such corruption!

Who is 'morally bankrupt'?

7a. I have made every attempt to have Puccini recover its unlawfully dissipated assets from all sources!

b. You have made every attempt to permit the thieves to keep their bounty!

Who is 'morally bankrupt'?

8a. I exposed that this Court, on application of the Receiver, had appointed -- Rashba & Pokart as investigatory accountants, when undisclosed was the fact that Kreindler & Relkin and/or their clients were clients of such accounting firm, and that the Arutt firm 'laundered' monies to it, unlawfully taken from Puccini!

Thus we had, through a mind-boggling fraud upon the court, the appointment of Rashba & Pokart to make an investigatory accounting of its client and the firm that laundered monies to it!

Such proposed appointment was made by the Receiver and obviously was intended to conceal, not expose, the massive dissipation of judicially entrusted assets engineered by the Kreindler firm! Such intended concealment is not even denied!

b. You have stonewalled the mandated hearing of Mr. Justice Ascione which should produce further information on this egregious and deceitful appointment!

Who is 'morally bankrupt'?

9a. You accuse me of requesting a pre-motion conference which would prevent Feltman and his law firm from acting contrary to the legitimate interests of Puccini -- their client and their trust -- no, the court's trust!

b. You would not even allow the motion to be made!

Who is 'morally bankrupt'?

10a. You accuse me of requesting a pre-motion conference which would prevent the Arutt firm from acting contrary to the legitimate interests of their clients, Dann and Sorrentino!

b. You would not even allow the motion to be made!

Who is 'morally bankrupt'?

11a. I wish to clean out these conspiring derelicts from the halls of justice!

b. From everything I have seen, you have permitted, encouraged, approved, and indeed orchestrated, about every form of legal immorality that could possibly be practiced in a courtroom in this case, by the Kreindler, Feltman, and Arutt firms!

Who is 'morally bankrupt'?

* * *

Nevertheless, in my world, no matter who you are, or what you did, I would not tell it to your child -- to anyone's child -- as you have done to mine!

You may think you have the power to approve, in the courtroom, the transgression of about every moral law, but you do not and will not get on the phone and tell my daughter that I am 'morally bankrupt'?

That is for God's judgment, not yours, and I am sure, if it be true, then God will tell me, not any of my children!

* * *

I do not represent Mrs. Lillian Silver, but on a matter that there was no possible way you could personally know the truth, you had the audacity and arrogance to call this woman, who you never met, a 'liar', not once, but twice.

'Have you no sense of decency, sir', asked Welch to Senator McCarthy, which I now ask of you?

With my own eyes and my own ears, I, as do others, know she spoke the truth, and no one now even contends otherwise.

* * *

As to your personal remark about Mr. Hyman Raffe who I have known for about 30 years, I do not represent him, nor have I been authorized to speak on his behalf.

When you evaluate the conduct of all the parties to this litigation, including the litigating judges and yourself, and their attorneys, there is only one 'Mr. Clean' -- it is Mr. Hyman Raffe!

Mr. Raffe is the only person who escapes from any accusation of moral misconduct -- the only one!

Nevertheless, you took the opportunity of gratuitously calling him 'morally bankrupt' also!

Sir, have you gone mad?

* * *

You sir, will recuse yourself -- immediately from any and all aspects of the Puccini litigation!

If there is any decency left within you, take it and go! In the name of God and everything decent -- just go!

GEORGE SASSOWER

GS/h

cc: Hon. Xavier C. Riccobono
Hon. Ethel B. Danzig
Hon. Martin Evans
Kreindler & Relkin, P.C.
Arutt, Nachamie, Benjamin, Lipkin &
Kirschner, P.C.
Lee Feltman, Esq.
Hon. Robert Abrams
Att: David S. Cook, Esq.
Mr. Hyman Raffé
Mrs. Lillian Silver
Ms. Elena R. Sassower

94. The conduct of DD, as contained in the aforementioned letter of Mr. Clean's attorney has disqualified DD as a matter of law and all proceedings before or involving DD are null and void and should so be adjudicated.

AS AND FOR A SEVENTEENTH CAUSE OF ACTION
ON BEHALF OF PUCCINI

95. Plaintiff repeats, reiterates, and realleges each and every allegation in the paragraphs marked "1" through "94" inclusive of the complaint, with the full force and effect as though more fully and completely set forth at length herein, and further alleges.

96. Any and all awards of fees from Puccini were rendered without an opportunity for Puccini to defend itself and were the result of a unlawful and illegal understanding by and between LF, FK&M, K&R, and ANBL&K, and are null and void, particularly those awarded contrary to and in violation of 22 NYCRR §660.24.

AS AND FOR A EIGHTEENTH CAUSE OF ACTION
ON BEHALF OF PUCCINI

97. Plaintiff repeats, reiterates, and realleges each and every allegation in the paragraphs marked "1" through "96" inclusive of the complaint, with the full force and effect as though more fully and completely set forth at length herein, and further alleges.

98. On information and belief LF without benefit of a judgment or final order entered in the Office of the County Clerk has unlawfully paid out the sum of approximately \$125,000 from Puccini's assets, and although demand has been made for its return, it has been refused.

99. Until an order or judgment is entered in the office of the County Clerk it may not be appealed nor may an application be made that it be stayed.

100. Such payments by LF are null, void, and unauthorized, and unless returned, with interest, LF should be surcharged for same.

WHEREFORE, it is respectfully prayed that the relief requested herein be granted in all respects, with appropriate costs and disbursements.

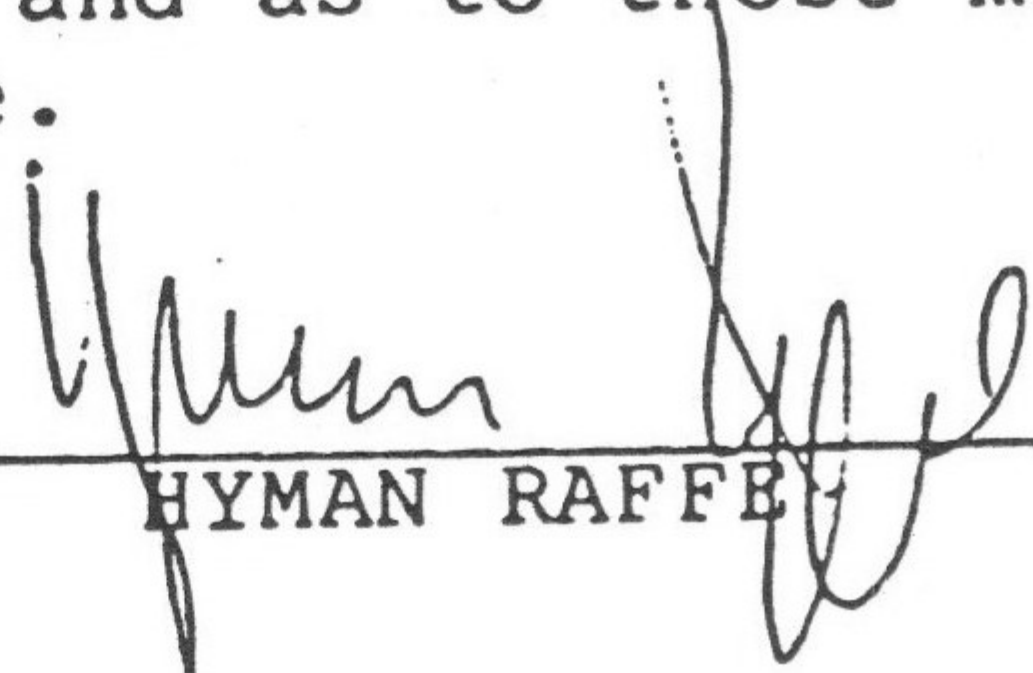
GEORGE SASSOWER, Esq.
Attorney for plaintiff
2125 Mill Avenue,
Brooklyn, New York, 112324
(718) 444-3403

STATE OF NEW YORK
CITY OF NEW YORK
COUNTY OF KINGS

)
) ss.:
)

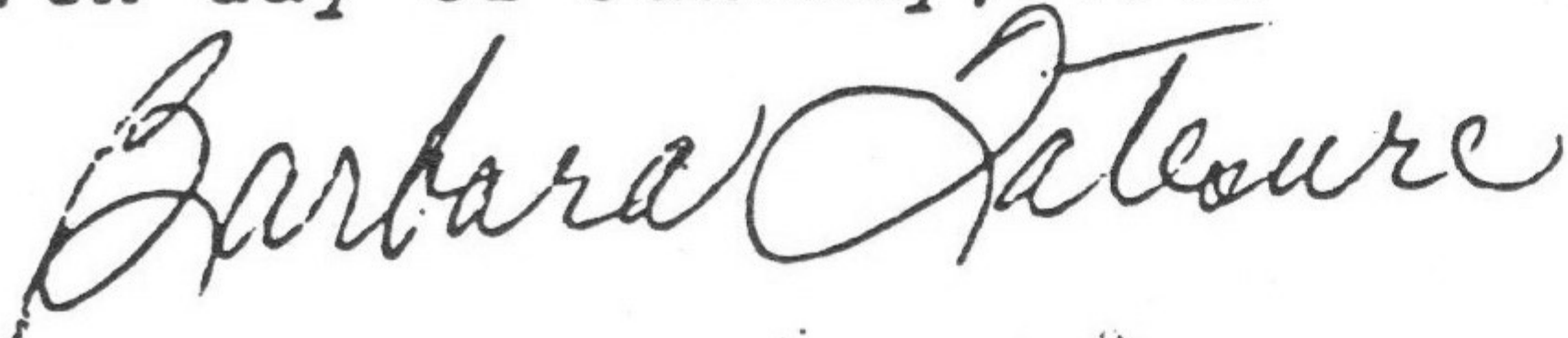
HYMAN RAFFE, first being duly sworn,
deposes, and says:

I am one of the plaintiffs herein and
have read the foregoing Complaint and the same is true
of my own knowledge except as to matters stated therein
to be on information and belief, and as to those matters
deponent believes them to be true.



HYMAN RAFFE

Sworn to before me this
7th day of January, 1985



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 No. 16792/80

... Plaintiffs,

-against-

HYMAN RAFFE,

Defendant.

HYMAN RAFFE,

Third-Party Plaintiff,

-against-

PUCCINI CLOTHES, LTD., EUGENE DANN,
and ROBERT SORRENTINO,

Third-Party Defendants.

VERIFIED ANSWER TO
THIRD-PARTY COMPLAINT

Third-party defendant, Puccini Clothes, Ltd, ("Puccini"),
by its attorneys, Feltman, Karesh & Major, as and for its verified
answer to the third-party complaint, alleges as follows:

1. Denies each and every allegation contained in
paragraphs 6 and 13 of the third-party complaint.
2. Denies knowledge or information sufficient to form
a belief as to the truth of the allegations contained in paragraph
7 of the third-party complaint.

Exhibit "A"

AS AND FOR A FIRST, COMPLETE
AFFIRMATIVE DEFENSE

3. The third-party complaint fails to state a cause of action against Puccini.

AS AND FOR A SECOND, COMPLETE
AFFIRMATIVE DEFENSE

4. The third-party complaint fails to state a third-party cause of action against Puccini pursuant to CPLR §1007.

AS AND FOR A THIRD, COMPLETE
AFFIRMATIVE DEFENSE

5. The third-party complaint is barred by General Obligations Law §5-701(1) and (2) and all other applicable provisions of the Statute of Frauds.

AS AND FOR A FOURTH, COMPLETE
AFFIRMATIVE DEFENSE

6. Third-party plaintiff, Hyman Raffe, has not made any payment upon the alleged guarantee upon which the complaint in this action is predicated, and therefore, the claim for indemnification is premature.

AS AND FOR A FIFTH, COMPLETE
AFFIRMATIVE DEFENSE

7. Puccini is not a proper party to this action.

WHEREFORE, Puccini demands judgment dismissing the third-party complaint, together with the costs and disbursements of this action, and such other and further relief as this Court deems just and proper.

Dated: New York, New York
May , 1982

Yours, etc.,

FELTMAN, KARESH & MAJOR
Attorneys for Third-Party
Defendant
Puccini Clothes, Ltd.
Park Avenue Plaza
55 East 52nd Street
New York, New York 10055
(212) 371-8630

VERIFICATION

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

LEE FELTMAN, being duly sworn, deposes and says:

1. I am the court appointed and duly qualified permanent receiver of Puccini Clothes, Ltd., a third-party defendant in this action.

2. I have read the foregoing Answer to the third-party complaint and know the contents thereof and that the same is true to my knowledge based upon the books and records of Puccini and the documents on file with the court, except as to matters therein stated to be alleged upon information and belief, and as to those matters, I believe them to be true based upon the aforementioned books, records and documents.

Lee Feltsman

LEE FELTMAN

Sworn to before me this
 21st day of May, 1982.

Donald F. Schneider

NOTARY PUBLIC

DONALD F. SCHNEIDER
 NOTARY PUBLIC, State of New York
 No. 473003 (Qualified in New York Co.)
 Commission Expires August 22, 1983

No - 4441

TRANSCRIPT OF JUDGMENT

111

JUDGMENT DEBTOR		JUDGMENT CREDITOR		ATTORNEY FOR JUDGMENT CREDITOR	
Surname	Given Name	Trade or Profession	Last Known Address	Name and Address	Name and Address
DANN	EUGENE		105-1 CHANNED ALEWETTS	ALYMAN RAFFIE	ALYMAN RAFFIE
B. SORRENTINO	ROBERT		215 QUEEN COURT N. BAYLOR	2134 PACIFIC BLVD	2125 MILL AVE
PREINIKOWITZ	LEON		40 BEECH ST 55-55 ST	ATLANTIC BLVD	REIDY
84	STEPHEN		Against	Against	Against
APR 15	10742-80		158,475.29		
1550	12				

AMOUNT OF JUDGMENT

REMARKS, DATE AND MANNER OF CHANGE OF STATUS OF JUDGMENT

PLEASE FILE MARK AND RETURN TO ISSUING COUNTY

HON. NORMAN GOODMAN
COUNTY CLERK, NEW YORK CO.
60 CENTRE STREET
NEW YORK, N. Y. 10007

STATE OF NEW YORK
COUNTY OF NEW YORK

I, NORMAN GOODMAN, Clerk of the County of New York, hereby certify that the above is a correct transcript from the Docket of Judgments in my office.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal at the County of New York County Clerk, New York County

[Signature]
COUNTY CLERK, NEW YORK COUNTY

DO NOT DETACH

184

ARUTT, NACHAMIE, BENJAMIN, LIPKIN &
KIRSCHNER, P.C.
SPECIAL ACCOUNT 2
282 MADISON AVENUE
NEW YORK, N.Y. 10017

10/10 1980 1.12/210 114

DATE	AMOUNT
July 80	6000 -

PAY TO THE ORDER OF Rashba & Pokart C.P.A. \$ 6,200.00
Six thousand and two hundred 00 DOLLARS

ARUTT, NACHAMIE, BENJAMIN, LIPKIN &
KIRSCHNER, P.C.

CHEMICAL BANK

[Signature]

⑆0210001281⑆ 092-019307⑆

⑆0000620000⑆

PAY TO THE ORDER OF
Manufacturers Han...
RASHBA & POKART
- 0-10711

021111

029

021110

4 09710-136 4 7.1

CHEMICAL BANK

32200425

Supreme Court
of the
State of New York



CHAMBERS OF
XAVIER C. RICCOBONO
ADMINISTRATIVE JUDGE-CIVIL BRANCH
FIRST JUDICIAL DISTRICT

JUSTICES CHAMBERS
NEW YORK COUNTY COURT HOUSE
NEW YORK, N. Y. 10007

March 26, 1984

Donald F. Schneider, Esq.
55 East 52nd Street
New York, N.Y. 10055

Re: Court-Ordered Dissolution
of Puccini Clothes, Ltd

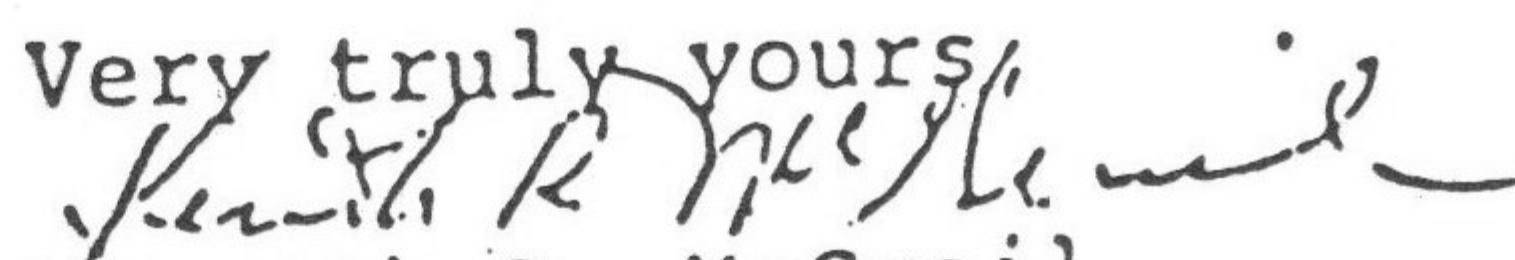
Dear Mr. Schneider:

As you know from our conversations your request to the Administrative Judge for the appointment of one justice to adjudicate all motions and to oversee the proceedings and actions relative to the dissolution of Puccini Clothes, Ltd., has been referred to me for investigation.

Upon review of the voluminous papers encompassing the actions and proceedings involved it does not appear that the legal issues presented warrant these cases being assigned to one justice. However, given the proliferation of motion practice which has accompanied prosecution of these actions it does appear that some supervision of the parties is appropriate. Accordingly, Mr. Justice Riccobono has directed that all remaining issues in the dissolution proceeding (Index No. 1816/80) and all discovery motions in the related actions be referred to Trial Term, Part 10 for assignment of a referee to hear and determine; and that all factual issues raised in any future motions in any of these actions or proceedings be referred by the justice presiding in Special Term, Part I to that same referee to hear and report, with recommendations.

Enclosed please find a copy of the Administrative Order to that effect.

Very truly yours,


Kenneth R. McGrail

Law Secretary to-
Xavier C. Riccobono
Administrative Judge

KRM:ac
ENC.

Exhibit "D"

The subject matter of the deposition includes, inter alia, the alleged disposition of and present location of each of the books, records and documents which the report of Rashba & Pokart dated March 5, 1984 (Exhibit "A") concludes are no longer in the possession of Puccini Clothes, Ltd., and (2) the alleged payment of monies and transfers of assets of Puccini after June 4, 1980.

PLEASE TAKE FURTHER NOTICE that the person to be deposed is required to produce at the deposition all such books, records and other documents of Puccini and all other documents that concern or relate to the above subjects.

Dated: New York, New York
April 26, 1984

FELTMAN, KARESH & MAJOR
Attorneys for Lee Feltman, as
court-appointed Permanent
Receiver for Puccini Clothes,
Ltd. and 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

OCT 11 1984

GENERAL OFFICE
OF THE REFEREES

At a Trial Term Part 10 of the
Supreme Court of the State of New
York, County of New York, held at
the courthouse, 60 Centre Street,
New York, New York, on the 10th
day of October, 1984.

P R E S E N T :

HON. DONALD DIAMOND,

Special Referee.

-----x
Index No. 1816-1980.

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 All
Outstanding Shares of Puccini
Clothes, Ltd. Entitled to Vote in
an Election of Directors,

ORDER

Petitioners,

For the Dissolution of Puccini
Clothes, Ltd.
-----x

Pursuant to an order appointing Hon. Donald Diamond,
Special Referee to supervise disclosure, pursuant to CPLR 3104,
Hyman Raffe was required to provide disclosure pursuant to Article
31 CPLR on September 24, 1984, and said Hyman Raffe having
defaulted in appearing on said date and produce certain documents
under circumstances where said default was either willful or in
wanton disregard of his obligation to provide disclosure and an
application having been made to impose sanctions for the failure to
provide disclosure and said motion having been granted to the
extent of resolving all issues that might be raised by Hyman Raffe

with respect to any and all claims arising out of the dissolution of Puccini Clothes, Ltd. adversely to Hyman Raffe;

NOW, on motion of Lee Feltman, Esq., as permanent receiver for Puccini Clothes, Ltd., it is

DD ORDERED, that all issues of fact relating to claims which Hyman Raffe ^{has raised or} may raise are resolved adversely to Hyman Raffe; and it is further

ORDERED, that any claim by Hyman Raffe alleging that there was a larceny of any assets of Puccini Clothes, Ltd. is deemed to be without merit and the issues relating thereto are resolved adversely to Hyman Raffe; and it is further

ORDERED, that any claim by Hyman Raffe that there was a conspiracy to steal or improperly dissipate assets of Puccini Clothes, Ltd. is deemed to be without merit and the issues relating thereto are resolved adversely to Hyman Raffe; and it is further

ORDERED, that any claim by Hyman Raffe that there was a conspiracy to conceal a theft or dissipation of the assets of Puccini Clothes, Ltd. is deemed to be without merit and the issues relating thereto are resolved adversely to Hyman Raffe; and it is further

ORDERED, that any claim by Hyman Raffe that Lee Feltman or Feltman, Karesh & Major subordinated the interests of Puccini Clothes, Ltd. to their own personal interests are deemed to be without merit and the issues relating thereto are resolved adversely to Hyman Raffe; and it is further

ORDERED, that any claim by Hyman Raffe that Lee Feltman has failed to properly perform his duties and obligations as the receiver of Puccini Clothes, Ltd. is deemed to be without merit and the issues related thereto are resolved adversely to Hyman Raffe; and it is further

ORDERED, that any claim by Hyman Raffe that Feltman, Karesh & Major failed to fully perform and discharge its duty as attorneys for receiver is deemed to be without merit and the issues related thereto are resolved adversely to Hyman Raffe.

E N T E R ,

Donald Diamond
Donald Diamond
Special Referee

FILED
OCT 16 1984
COUNTY CLERK'S OFFICE
NEW YORK

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

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.
1816-1980

Petitioners,

For the Dissolution of Puccini
Clothes, Ltd.

STATE OF NEW YORK
CITY OF NEW YORK
COUNTY OF KINGS

)
) ss.:
)

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

1. This affidavit is made with respect to the
Proposed Order Noticed for Settlement for October 5,
1984.

2. Insofar as the Proposed Order recites facts
not stated or asserted it is beyond any Court to make
findings.

Exhibit "G"


3. Deponent can prove larceny, conspiracy, betrayal of trust, and a great deal more given an opportunity to do so.

4. That opportunity includes the inalienable right to subpoena and place competent witnesses on the stand to testify.

In this case it would be the Kreindler & Relkin, P.C.; the Arutt, Nachamie, Benjamin, Lipkin & Kirschner, P.C.; the Feltman, Karesh, & Major, Esqs.; the Rashba & Pokart firms on the stand, as well as the right to produce other witnesses.

A lawyer or a litigant is not limited to his own oral or documentary evidence to prove a case. That right is of constitutional magnitude!

5. But corruption must have its day and makes its point, even at the risk of absurd or contrived statements, including sometimes in orders of a court.


HYMAN RAFFEL

Sworn to before me this
4th day of October, 1984



KENNETH SILVERMAN
Notary Public, State of New York
No. 24-4608988
Qualified in Kings County
Commission Expires March 30, 1985