

United States Bankruptcy Court

Southern District of New York

In re George Sassoult

Bankruptcy Case No.
90 B 13505

Debtor

George Sassoult
Plaintiff
Chaptes. B debtor

Adversary Proceeding No.

AR. Fuls Inc. &
HUMAN RASFE
Defendant

90-66888A

SUMMONS AND NOTICE OF PRETRIAL CONFERENCE IN AN ADVERSARY PROCEEDING

YOU ARE SUMMONED and required to submit a motion or answer to the complaint which is attached to this summons to the clerk of the bankruptcy court within 30 days after the date of issuance of this summons, except that the United States and its offices and agencies shall submit a motion or answer to the complaint within 35 days.

Address of Clerk	<u>1 Bowling Green</u> <u>New York, N.Y. 10004</u>
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At the same time, you must also serve a copy of the motion or answer upon the plaintiff's attorney.

Name and Address of Plaintiff's Attorney	<u>George Sassoult</u> <u>16 Lake Street</u> <u>White Plains NY 10603</u>
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If you make a motion, your time to answer is governed by Bankruptcy Rule 7012.

YOU ARE NOTIFIED that a pretrial conference of the proceeding commenced by the filing of the complaint will be held at the following time and place.

Address	Room <u>623</u>
	Date and Time <u>12/19/90</u> <u>10:00AM</u>

IF YOU FAIL TO RESPOND TO THIS SUMMONS, YOUR FAILURE WILL BE DEEMED TO BE YOUR CONSENT TO ENTRY OF A JUDGMENT BY THE BANKRUPTCY COURT AND JUDGMENT BY DEFAULT MAY BE TAKEN AGAINST YOU FOR THE RELIEF DEMANDED IN THE COMPLAINT.

NOV 5 1990

Date

By: Cecelia M. Lewis
Clerk of the Bankruptcy Court
Deputy Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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In re: Docket No.
GEORGE SASSOWER, 90-B-13505
Debtor. [BRL]
-----x
GEORGE SASSOWER, Chapter 13 Debtor, Docket No.
Plaintiff, Trial by Jury
-against-
A.R. FUELS, INC. and HYMAN RAFFE,
Defendants.
-----x

Plaintiff, the Chapter 13 debtor, as and for his
adversarial complaint, respectfully sets forth and alleges:

1. On October 26, 1990 plaintiff commenced a case by
filing a voluntary petition for relief under Chapter 13 of Title
11, United States Code ["case filing"].

AS AND FOR A FIRST CAUSE OF COMPLAINT.

2. Plaintiff-debtor repeats, reiterates, and
realleges each and every allegation of this complaint numbered
"1" with the same force and effect as though more fully set forth
herein, and further alleges.

3. That at all times hereinafter mentioned the
defendant, A.R. FUELS, INC. ["AR"] was and still is a domestic
corporation, duly organized and existing by virtue of the laws of
the State of New York.

4. During 1987, in the bankruptcy proceeding of
plaintiff-debtor before Bankruptcy Judge HOWARD SCHWARTZBERG
["Schwartzberg"], bearing Docket Number 86-B-20500 [hereinafter
"Bkcy #1"], IRA POSTEL, Esq. ["Postel"] was authorized to
represent defendants, AR and HYMAN RAFFE ["Raffe"], in all
proceedings therein.

5. Prior to 1987 the plaintiff-debtor performed, contractually based, professional services for AR in a proceeding and action involving the CITY OF NEW YORK, the reasonable value of which exceeded the sum of \$150,000.

6. In Bkcy #1, Postel on behalf of AR, judicially asserted, when it served his client's purpose, that for such services the plaintiff-debtor was due, at least, the sum of \$100,000 from AR.

7. By reason of the aforementioned judicial-admission by Postel, on behalf of AR, that there was due plaintiff-debtor, at least the sum of \$100,000, AR is estopped from asserting any lesser amount as being due plaintiff-debtor.

8. That by reason of the aforementioned, plaintiff-debtor demands summary judgment against AR for the sum of \$100,000, and a trial in order to determine the balance due, together with interest, costs and disbursements.

AS AND FOR A SECOND CAUSE OF COMPLAINT.

9. Plaintiff-debtor repeats, reiterates, and realleges each and every allegation of this complaint numbered "1" through "8" inclusive, with the same force and effect as though more fully set forth herein, and further alleges.

10. Prior to 1987 the plaintiff-debtor performed professional services for AR wherein its insurance carrier refused and/or failed to defend.

11. As a result of plaintiff-debtor's efforts AR was approximately one million dollars, for which the agreed sum and reasonable value of compensation to plaintiff-debtor was \$20,000.

12. In Bkcy #1, Postel on behalf of AR, judicially asserted, when it served his client's purpose, that for such services the plaintiff-debtor was due the sum of \$20,000 from AR.

13. By reason of the aforementioned judicial-admission by Postel, on behalf of AR, that there was due plaintiff-debtor, the sum of \$20,000, AR is estopped from asserting such amount is not due.

14. That by reason of the aforementioned, plaintiff-debtor demands summary judgment against AR for the sum of \$20,000, the agreed and reasonable value of his services, for which AR is estopped from denying, together with interest, costs and disbursements.

AS AND FOR A THIRD CAUSE OF COMPLAINT.

15. Plaintiff-debtor repeats, reiterates, and realleges each and every allegation of this complaint numbered "1" through "14" inclusive, with the same force and effect as though more fully set forth herein, and further alleges.

16. Plaintiff-debtor, at the instance and request of Raffe, performed extensive professional services for Raffe with respect to his stock and creditor's interest in PUCCINI CLOTHES, LTD. ["Puccini"].

17. The reasonable value for such services is two million dollars (\$2,000,000) for which, with interest, plaintiff-debtor demands judgment.

AS AND FOR A FOURTH CAUSE OF COMPLAINT.

18. Plaintiff-debtor repeats, reiterates, and realleges each and every allegation of this complaint numbered "1" through "17" inclusive with the same force and effect as though more fully set forth herein, and further alleges.

19. In Bkcy #1 Postel, with the knowledge of AR and Raffe, intentionally filed false proofs of claim which were thereafter withdrawn when their true nature were exposed.

20. By reason of such false filings the plaintiff-debtor has been damaged to the extent of one hundred thousand dollars (\$100,000), for which judgment is demanded.

WHEREFORE, plaintiff-debtor demands a money judgment from the defendants, together with interest, costs and disbursements.

Dated: November 5, 1990

Yours, etc.,

GEORGE SASSOWER
Plaintiff-Debtor, pro se.
16 Lake Street,
White Plains, New York 10603
(914) 949-2169

GEORGE SASSOWER, affirms under penalty of perjury that he has read the foregoing complaint, knows the contents thereof, and the same is true to his own knowledge.

Dated: November 5, 1990

GEORGE SASSOWER