

SUPREME COURT OF THE STATE OF NEW YORK
APPELLATE DIVISION : FIRST DEPARTMENT

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In the Matter of the Application of
HYMAN RAFFE, individually and on
behalf of PUCCINI CLOTHES, LTD.

Petitioner,

-against-

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

Respondent.

Pursuant to Article 78 of the CPLR.

-----x
S I R S:

PLEASE TAKE NOTICE that upon the annexed petition of HYMAN RAFFE, verified the 27th day of August, 1984, the undersigned will move this Court at a Stated Term of the Supreme Court of the State of New York, Appellate Division, First Department, held at the Courthouse thereof, 25th Street and Madison Avenue, in the Borough of Manhattan, City and State of New York, on the 17th day of September, 1984, at 9:30 o'clock in the forenoon of that day or as soon thereafter as petitioner can be heard for an Order (a) declaring that all judicial proceedings, orders and judgments entered by nisi prius and this Court be declared null and void, as

being a farce and mockery, depriving petitioner and Puccini Clothes, Ltd. of their constitutional rights; (b) disqualifying respondents' representation by anyone associated with the Corporate Dissolution Division of the Attorney General Office, and specifically Assistant Attorney General DAVID S. COOK, Esq.; (c) enjoining any further judicial proceedings involving Puccini, directly or indirectly, unless the nisi prius jurist involved certifies that Puccini's constitutional and legal right to proper legal representation has been inquired into and found to be adequate; (d) together with any other, further, and/or different relief as to this Court may seem just and proper in the premises.

PLEASE TAKE FURTHER NOTICE, that application for a stay of the proceedings before Hon. ETHEL B. DANZIG will be made at this Court pending the determination of this motion on September 10, 1984, at 2:00 o'clock in the afternoon of that day.

PLEASE TAKE FURTHER NOTICE, that at the time opposing papers are to be served, demand is made that respondent reveal all in camera communications made to members of respondent involved in the Puccini matters and its communications with DAVID S. COOK, Esq. or

intended to chart his judicial actions with respect to Puccini Clothes, Ltd., or related actions or proceedings.

PLEASE TAKE FURTHER NOTICE, that opposing papers, if any, are to be served upon the undersigned at least five days before the return date of this motion with an additional five days if such service is by mail.

Dated: August 27, 1984

Yours, etc.

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

To: Hon. Xavier C. Riccobono
Hon. Robert Abrams
Hon. Robert Abrams
Att: David S. Cook, Esq.
Kreindler & Relkin, P.C.
Lee Feltman, Esq.
Arutt, Nachamie, Benjamin, Lipkin & Kirschner, P.C.

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HYMAN RAFFE, individually and on
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Petitioner,

-against-

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

Respondent.

Pursuant to Article 78 of the CPLR.

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TO THE HONORABLE JUSTICES OF THE SUPREME COURT
OF THE STATE OF NEW YORK : APPELLATE DIVISION :
FIRST JUDICIAL DEPARTMENT.

The Petitioner, HYMAN RAFFE, individually
and on behalf of PUCCINI CLOTHES, LTD., respectfully
shows and alleges:

1a. By this proceeding petitioner prays that
an Order be entered (a) declaring that all judicial
proceedings, orders and judgments entered by nisi
prius and this Court be declared null and void, as being
a farce and mockery, depriving petitioner and Puccini
Clothes, Ltd. ["Puccini"] of their constitutional
rights; (b) disqualifying respondents' representation by
anyone associated with the Corporate Dissolution

Division of the Attorney General Office, and specifically Assistant Attorney General DAVID S. COOK, Esq.; (c) enjoining any further judicial proceedings involving Puccini, directly or indirectly, unless the nisi prius jurist involved certifies that Puccini's constitutional and legal right to proper legal representation has been inquired into and found to be adequate; (d) together with any other, further, and/or different relief as to this Court may seem just and proper in the premises.

b. The proceedings herein are pursuant to state law and without prejudice to proceedings intended to be filed in the federal forum, in order to vindicate federal rights, and/or to a special proceeding that may be instituted at nisi prius.

c. In view of the nature of this proceeding, petitioner does not concede that this forum is sufficiently detached so as to comply with constitutional standards, federal or state. This forum, in the first instance, is mandated and compelled by law, and petitioner is without option to proceed otherwise.

d. This proceeding is distinguished from one with a similar title, initially returnable on July 16, 1984, which was related only to 22 NYCRR §660.24.

Nevertheless, respectfully, this Court is referred to the papers therein for greater details of some of the allegations in this proceeding.

2a. Petitioner, HYMAN RAFFE ["HR"], was, and still is, a 25% shareholder of Puccini.

b. Additionally, the interest of the petitioner lies in the fact that he has an unsatisfied judgment over against Puccini, as a third party defendant, which, with interest, is about \$450,000. Puccini is also liable over, for other monies expended, or which may have to be expended, by petitioner under various guarantees (Barr v. Raffe, 97 A.D.2d 696, 468 N.Y.S.2d 332 [1st Dept.]).

3a. Puccini, a then solvent domestic corporation, was declared involuntarily dissolved by Order of the Supreme Court of the State of New York, County of New York, on June 4, 1980.

c. The assets and affairs of Puccini became custodia legis, as a result of the aforementioned Order of Dissolution, prepared by Kreindler & Relkin, P.C. ["K&R"], with specific provisions contained therein, prohibiting everyone, but the court appointed Receiver, from dealing with or dissipating Puccini assets.

4a. Without knowledge by the petitioner, or anyone else not part of a corrupt scheme, through the misconduct K&R, the Receiver "delayed" qualification for more than seven (7) months, during which time the assets of Puccini were substantially and unlawfully dissipated.

b. When the appointed Receiver recognized that he was victim of a ploy, he requested that his appointment be cancelled -- he never having filed a bond.

c. Until the time of the appointment of a new receiver, which was on or about February 1, 1982, Puccini's assets were unlawfully dissipated still further.

5a. Thus, for about twenty (20) months, Puccini, supposedly custodia legis, was without valid legal representation, although it was heavily involved in litigation.

b. Thus, for about twenty (20) months, Puccini's de facto legal representation was by a law firm, Arutt, Nachamie, Benjamin, Lipkin & Kirschner, P.C. ["ANBL&K"], which was actively "looting" Puccini in conspiratorial consort with the adversarial interests of Puccini.

c. ANBL&K did not defend and/or protect Puccini's rights, in or out of the judicial forum, and in particular, in a third party action defaulted and wilfully and deliberately failed to and refused to set up or interpose defenses that Puccini had against the clients of K&R, the plaintiffs in that action.

6a. Since about February 1, 1982, Puccini has been represented by Lee Feltman, Esq. ["LF"] and his usurper law firm, Feltman, Karesh & Major, Esqs. ["F,K,&M"].

b. The clearly established picture of criminal conduct and unethical conduct, with Puccini as the victim, from June 4, 1980 to February 1, 1982 is bad -- the picture after such date is worse!

Only some examples will be set forth which reveal that all the judicial proceedings involving Puccini were and are a farce, mockery, charade, if not a complete circus performance.

c. The "mock" legal proceedings are the result of permitting law firms, involved in the Puccini matter, to consistently take positions adverse to the legitimate interests of their clients, as patent "pay-offs" [from Puccini's assets] to each other, with judicial approval.

The aforementioned includes most specifically those appointed by the court or those purporting to act on behalf of the court for those under judicial guardianship, as was Puccini, since June 4, 1980.

7a. This is not the generalized public conceived situation, as expressed in recent media publications, but criminal, illegal, and unethical conduct of the first magnitude.

b. Despite Canons of Ethics and 22 NYCRR §100.3(4), the public conception of judicial guardianships (or receiverships) is as follows:

"Since all judges are lawyers, these plums usually go to lawyers And since all judges are political, the stronger a fellow's clubhouse ties, the better the chance of being picked. To put it bluntly, guardianships are one way political organizations in this town can reward the party faithful.

... At worst, it gives political foxes free run of financial hen houses: some guardians have become embezzlers.

There has to be a better way. The courts must draw up clearer guidelines for conversators and make absolutely sure that each and every one knows the rules. And a new system must be devised that makes merit, not political connections, the chief requirement for appointment." (How plums are picked", Editorial, New York News, August 24, 1984).

"Conservatorships are pork rations doled out by the ... and its judges, but the magistrates have an ample supply of ethical faithful to choose from. Even party retainers know that they're not supposed to use estates as personal banks." ("Mr. Zaccaro's Plea", New York Times, Editorial, August 25, 1984).

c. The "Puccini affair" is a situation of outright larceny of very substantial amounts, not mere borrowing, of judicially entrusted funds; patent and repeated perjury; criminal concealment of such crimes receiving, in great part, the overt cooperation of the judiciary and the Office of the Attorney General; and other similar misconduct.

Unfortunately, there is a "fig leaf judicial mentality" which seems to increase the protection to the culprits in direct ratio to the severity of the misconduct.

8a. In the process, the most fundamental and basic constitutional rights were and are being denied Puccini, the subject of clear cut larcenous conduct over a period of twenty (20) months, and criminal concealment of such misconduct from June 4, 1980 to date, aided and abetted in a large part by those designated by law to protect legal rights.

b. The actions of the judiciary and the judicial branch, in the Puccini matter, must be examined in its administrative and ministerial capacity, with potential personal liability for the losses sustained (48A CJS, Judges §91, p.700), as it affected Puccini substantive and procedural rights as a litigant.

9. Puccini - June 4, 1980 to February 1, 1982:

a. Although Puccini's assets and affairs vested in the court, as a trustee, on June 4, 1980, for the twenty-one (21) month period to February 1, 1982, no one was legally authorized to act, and acting, on its behalf.

The vultures in illegal possession were having a "field day" and were orchestrating legal and financial affairs to conceal the true events and protect those guilty of the criminal conduct.

b. The Receiver designated by the Court, Hon. JOHN V. LINDSAY ["JVL"], had been, ex parte, induced by K&R not to assume his appointed position. JVL had not filed the required bond in the sum of \$100,000, which even if filed, would have been wholly inadequate to cover the larcenous losses that were taking place.

Those, not part of this unlawful interference with JVL's receivership duties, were confident that an honest and efficient administration of Puccini's affairs existed with JVL at the helm.

From June 4, 1980 until January 1981, the K&R entourage, plundered Puccini's assets, as they unilaterally saw fit, simultaneously concealing their activities in and out of the judicial forum.

The court, and judges thereof, in every capacity, although the custodian of Puccini, abdicated all legal, ethical, and moral responsibility for its safety, well-being, and basic legal rights.

c. When petitioner learned, on December 29, 1980, that K&R and its clients intended to distribute all of Puccini's assets to themselves, he petitioned the Court to prevent same.

By Order of Mr. Justice EDWARD J. GREENFIELD, dated January 5, 1981, such intended action by K&R was aborted, although K&R failed to disclose to the Court the true state of current affairs regarding Puccini and in fact concealed same.

As a result of the aforementioned, petitioner learned that JVL had not assumed the duties of receivership, and petitioner's attorney communicated to the former mayor relaying his suspicions regarding Puccini's assets, while he, the judicially appointed "constable", was absent from his assigned post.

Consequently, for the first time, about seven and one-half months after being nominated, JVL relayed to the Clerk of nisi prius his desire not to accept the receivership.

d. Not until February 1, 1982 was a new receiver appointed.

During the almost one year period between the notification of JVL not to accept receivership and the time a new receiver was appointed, the respondent, and justices thereof, in their administrative, as well and judicial capacity, abdicated and ignored all legal, ethical, or moral responsibilities as trustee of Puccini, permitting the vultures to continue their larcenous ways despite the Orders of June 4, 1980 and January 5, 1981.

e. Shortly after Puccini became custodia legis, K&R sued petitioner alone for 75% under various guarantees, without joining the other co-guarantors and without joining the solvent 100% guarantor [Puccini], escalating the suspect circumstances.

Who, reasoned petitioner and his attorney, sues a 75% guarantor without joining the 100% guarantor, thus forfeiting about \$120,000?

f. Petitioner's attorney, thereupon commenced a third party action against Eugene Dann ["Dann"] and Robert Sorrentino ["Sorrentino"] -- the other 75% co-guarantors, for two-thirds contribution, and Puccini for full, 100% indemnification.

Since it has been also conceded that there was no defense by Dann, Sorrentino, and Puccini, as third party defendants to petitioner, as third party plaintiff, for any and all payments made to the clients of K&R, the legitimate interests of petitioner, as a third party plaintiff, and third party defendants, were direct and parallel. The legitimate interests of petitioner, as third party plaintiff, and the third party defendants were adverse to the interests of K&R and their clients, as plaintiffs (Barr v. Raffe, 97 A.D.2d 696, 468 N.Y.S.2d 332 [1st Dept.]).

Thus, the courts, and justices thereof, knew and know that everytime the representatives of Dann, Sorrentino, and Puccini, did not cooperate with petitioner in this third party litigation, or cooperated with K&R, they were acting adversely to their clients' legitimate interests. It was open betrayal in the courtroom.

g. In other legal matters involving Puccini, K&R represented a 25% interest, petitioner had a 25% interest, and ANBL&K represented a 50% interest. Insofar as persons or firms sought monies from Puccini, they all had parallel interests.

Thus, the courts, and justices thereof, knew and know that everytime the representatives of the stockholders did not resist claims against Puccini they were acting against their clients' legitimate interests.

h. This mathematical relationships became the "smoking guns" of a conspiracy between the "hard core" conspirators -- the "K&R gang", absent hard evidence which did not initially become available, until November 7, 1983. The "K&R gang" had been able to stonewall all compulsory disclosure procedures (see Barr v. Raffe, 96 A.D.2d 800, 466 N.Y.S.2d 340 [1st Dept.]).

i. In the vacuum created by the judicial abdication for caring of Puccini from June 4, 1980 until February 1, 1982, was the "K&R entourage". ANBL&K, the lackeys of K&R, acted as Puccini unauthorized legal representatives, uniformly and consistently betraying Puccini's legitimate interests.

During such period, Puccini was denied its constitutional right of representation, in its constitutional and legal sense (People v. Baldi, 76 A.D.2d 259, 429 N.Y.S.2d 677, [2d Dept.]; Sarelas v. Sheehan, 326 F2d 490 [7th Cir.]).

Puccini was purported represented by a firm that was unlawfully "looting" its assets, aiding and abetting others to "loot" such assets, concealing such unlawful dissipation, and acting in consort with adverse interests.

Crucial was the deliberate refusal of ANBL&K to interpose any defense on the part of the third party defendants against the clients of K&R.

ANBL&K had in fact defaulted in its third party answer and petitioner's attorney refused to accept late service unless and until the ANBL&K firm tendered an answer which set up defenses against K&R and its clients - they refused. Consequently three (3) times ANBL&K moved to vacate their default, and three (3) times they were turned down.

ANBL&K, on behalf of the third party defendants, including Puccini [a ward of respondent], simply refused to interpose any answer which included known defenses against the plaintiffs, the clients of K&R.

10. Puccini - February 1, 1982 to date:

a. LF, although appointed purportedly through 22 NYCRR §660.24, in the unique situation at bar, was designated by the same originating and designating jurist as JVL.

Clearly expected was that LF would attempt to conceal the first magnitude blunders of JVL and the losses sustained by Puccini as a result thereof.

b. FK&M, wherein LF was the senior partner immediately solicited a retainer to act on behalf of Puccini from Dann through the active cooperation of ANBL&K. When petitioner protested the unlawful retainer on behalf of Puccini, LF himself retained FK&M, as his attorney with respect to Puccini, without benefit of the mandated procedures set forth in §660.24.

Such self-designation by LF of FK&M, was and is, in the plain words of the rule was and is "null and of no effect".

c. Now, both LF and FK&M were both to become the paid lackeys of K&R -- paid from the assets of Puccini, with the overtly expressed consent of K&R and ANBL&K, -- who like ANBL&K, were consistently betrayed Puccini's interests.

Thus in exchange for the treachery of FK&M, K&R and ANBL&K, representing clients with a 75% interest in Puccini, were openly consenting to whatever fees FK&M desired from Puccini, although §660.24 expressly states they were not entitled to any.

Now, it was K&R's and ANBL&K's turn to betray their client's legitimate interests in Puccini's equity -- all in open court!

Significantly, nisi prius was to hold that petitioner had no standing to oppose the application for fees by FK&M from Puccini.

It was an application for substantial fees by Feltman, Karesh, & Major, Esqs. from Puccini, represented by Lee Feltman, Esq., who did not even bother to appear or oppose!

Christ obviously stopped at the Courthouse steps, -- Judas was inside!

Puccini, in respondent's custody, without de jure or de facto representation was being raped on the courtroom table!

d. The most decisive act of overt betrayal occurred before Hon. THOMAS V. SINCLAIR, JR. --

Mr. Justice MARTIN B. STECHER had analyzed the relationships between the parties and held, as heretofore stated, that Dann and Sorrentino had to contribute to any of petitioner's payments to the clients of K&R. His Honor also held that Puccini had to fully indemnify petitioner for any similar payments.

Such principals of contribution, indemnification, and/or subrogation had and has never been seriously questioned.

Thus, when K&R moved for summary judgment against petitioner, and petitioner cross-moved for summary judgment over as against Dann, Sorrentino, and Puccini, there was no question of the legitimate interests of the representatives of the parties.

Since this was a renewed motion for summary judgment, K&R knew that once more petitioner would raise the issue of his suspected unlawful dissipation of Puccini's assets as a defense, as he did on the original motion.

K&R knew that ANBL&K was part of and knew of such dissipation and could support such assertion by petitioner.

K&R knew that LF and FK&M, in possession of Puccini's books and records, could also support petitioner's contention with "hard" evidence.

Everyone, including Mr. Justice Sinclair, knew that it served the legitimate interests of the third party defendants, including Puccini, to expose such unlawful dissipation, if it in fact occurred.

Obviously, K&R would not submit a clearly emphatic perjurious affidavit denying petitioner's assertions unless they knew beforehand that its true nature - its manifest perjury - would not be exposed by ANBL&K, LF, and FK&M.

In response to petitioner's assertions, K&R submitted its perjurious affidavit, ANBL&K, LF, and FK&M remained silent as to the true facts.

The direct result was that the clients of K&R made recovery against petitioner of about \$450,000, and petitioner recovered judgment over against Puccini for the same amount and for two-thirds that amount against the clients of ANBL&K. The potential additional liabilities over as against Puccini can result in an additional sum of \$1,000,000.

Thus because of the judicial betrayal by LF and FK&M of Puccini, a ward of respondent, an immediate and needless liability of \$450,000 was imposed upon Puccini!

e. As will hereinafter be seen all efforts to vacate such fraudulent secured judgments, which would inure to the ultimate benefit of the third party defendants are resisted by ANBL&K, LF, and FK&M.

Overtly, on August 16, 1984, before Hon. STANLEY PARNES, in the presence of Assistant Attorney General DAVID S. COOK, Esq. ["DSC"], FK&M made every attempt to frustrate a motion to vacate a judgment against Puccini of \$450,000 and and which motion contained nothing adverse to Puccini's legitimate interests!

Open betrayal in the courthouse, in the presence of DSC, the Assistant Attorney General, in charge of protecting the rights of those interested in involuntarily dissolved corporations (see General Business Law §1214).

An examination of all proceedings in this third party action is that in every respect the firm of ANBL&K has betrayed the legitimate interests of their clients in not opposing K&R.

An examination of all proceedings in this third party action is that in every significant respect LF and FK&M have betrayed the legitimate interests of their clients in not opposing K&R.

In short -- Puccini, in the custody of the court, is being represented by a receiver and his usurped law firm who are acting contrary to its interests.

The judicial proceedings involving Puccini, are a farce, mockery, and a sham, and whose basic constitutional rights are being ignored.

9. The Attorney General:

a. The Attorney General has a non-delegable obligation to employ his discretion and determine whether he should intercede on behalf of "shareholders, creditors, or other persons interested in the assets of any corporation for which a receiver has been appointed." (General Business Law §1214).

b. Since the discretion is unbridled, not judicially reviewable, or subject to mandamus proceedings, extreme care must be taken by both his office and the judiciary not to needlessly interfere with the exercise of such discretion with conflicting obligations.

c. In New York City area, the legal problems revolving around involuntarily dissolved corporations, are handled on behalf of the Attorney General is Senior Assistant Attorney General DSC.

DSC is highly intelligent, very capable, whose integrity is not questioned under ordinary situations.

How the Attorney General's Office and the judiciary have been able to compromise DSC and his obligations towards Puccini, is bellweather of the problems involved in serving the desires of inconsistent masters.

DSC has been forced to forget who his client is, by the Attorney General, the Hon. Robert Abrams ["RA"], his office, and the respondent.

There is no evidence that DSC has permitted the claim by petitioner against the State and the Supreme Court [Claim No. 69298], to interfere with his obligations towards Puccini.

This is not true in DSC's representation of the Supreme Court, New York County ["SC"], Hon. XAVIER C. RICCOBONO ["XCR"], Administrative Judge, and the other jurists in nisi prius.

RA representation of the judicial system and the judges therein, is optional, both as to attorney and client.

Both RA and the nisi prius jurists know or should know that the representation by DSC is inconsistent with the AG's mandatory obligations to Puccini.

On August 24, 1984, DSC was scheduled to appear before Hon. MARTIN EVANS and Hon. THOMAS V. SINCLAIR, JR., to report that the proceedings to vacate the aforementioned judgment was prepared in accordance with commitments made in the Appellate Division, and in accordance with the "phantom" rules of Hon. DONALD DIAMOND, who DSC also represents.

DSC was "directed" by unknown persons, not to appear, and did not as a result of such direction.

It would be a herculian effort to set forth all the instances within the past few months that DSC has been compelled by his judicial clients to compromise the mandatory obligations of the AG towards Puccini, and those beneficially interested in its assets.

d. In the Puccini matter, DSC concedes in the Appellate Division that \$660.24 is a mandatory, non-discretionary rule that must and will be obeyed -- then DSC is compelled to represent his judicial clients who violate same.

In the Puccini matter, DSC concedes in the Appellate Division petitioner's right to "access to the courts", and then DSC is compelled to defend his judicial clients who obstruct such right.

In the Puccini matter, DSC concedes petitioner's right to a decision within 60 days, and then compelled to defend those members of the judiciary who refuse to render such decision during such period.

e. Thus, Puccini has been deprived of the statutory legal protection of the AG, for DSC is compelled representation of respondent and its members is contrary to Puccini's interests.

f. The respondent, in its administrative capacity has given the command to the AG (and on information and belief to the judiciary) to ignore its statutory obligations, legal and moral, to Puccini, in favor of stonewalling and obstructing Puccini's legal rights and remedies and those of petitioner.

g. The first client and obligation of DSC and RA was Puccini, and not to respondent or its members. They now do not know who their client is!

11. The Petitioner:

a. Incredibly, Hon. DAVID B. SAXE, has held that petitioner may not intercede or intervene in the "rape of Puccini", despite his interests therein.

b. Thus, when FK&M seek fees of about \$110,000 for alleged services for Puccini from Puccini, despite non-compliance with §660.24 and a consistent course of conduct adverse to Puccini's interest, and doing absolutely nothing intended to benefit Puccini, His Honor holds that petitioner may not intervene.

c. Thus for such fees, Feltman, Karesh & Major, Esqs., represent themselves and Lee Feltman represents Puccini! How absurd!

Obviously, K&R, representing a 25% interest in Puccini, consented to whatever FK&M requested, in open court.

The market price of betrayal has gone from thirty pieces of silver to \$110,000 in 1950 years!

12. Conclusion:

a. It therefore appears that since June 4, 1980 to the present date and continuing thereon, Puccini has been deprived of all legal representation in the judicial forum, violating its substantive and procedural constitutional rights.

b. Significantly, when petitioner requested permission to move the Court to prohibit, in the Puccini matter, attorneys and representatives from acting adversely to the legitimate interests of their clients and trust, such permission was denied.

Thus, under the "phantom" Diamond rules petitioner is precluded from making such motion.

13. Rashba & Pokart:

a. In December 1980, petitioner received an accounting report prepared by Rashba & Pokart ["R&P"], as of June 30, 1980, which revealed that "all was well" at Puccini, and concealed the "bee-hive" larceny that was taking place at Puccini.

b. This accounting firm was retained by K&R and they billed K&R and/or their clients \$6,200 for their services.

c. R&P were paid for their services by ANBL&K from unlawfully withdrawn funds taken from Puccini and then "laundered".

d. Obviously, R&P were retained by K&R and paid by ANBL&K not to expose the larceny that was taking place, but to conceal same.

e. Thus, when LF, after intense pressure by petitioner demanded an accounting, openly voicing his suspicions that there had been an unlawful dissipation of funds by K&R, ANBL&K, and there clients, LF requests Hon. MARTIN H. RETTINGER, to appoint R&P for such investigation.

f. How obscene, having accountants, under color of judicial authority, investigate its own clients and those who previously "laundered" monies to it!

Obviously, \$660.24 was ignored, and despite the explicit language in the rule, Mr. Justice SAXE holds they are entitled to fees for their services from Puccini.

g. Thus, the rapee [Puccini], must pay the rapors [FK&M and R&P], and "to hell" with \$660.24[f]. DSC, who represents to the Appellate Division that his judicial clients will obey its mandate, now is compelled to defend such nisi prius action!

h. Obviously, the compelled report of R&P concealed the fact that ANBL&K also skimmed off monies from the accounts receivables, that they probably have the accounts receivable records, that the monies paid to the K&R clients prove the evaporation of a very extensive inventory on June 4, 1980 of which only \$512 can be accounted for, etc.

14. Lee Feltman, Esq.:

After repeatedly representing that he and his law firm have all of Puccini's financial books and records, in judicially filed affidavits and otherwise, most of them inexplicably have now disappeared.

15. Hon. DONALD DIAMOND:

a. Listening to the Office of XCR and the AG, Judge Crater style, all communication with Hon. DONALD DIAMOND ["DD"], for the past two (2) weeks has ceased.

b. Missing with DD is knowledge of the whereabouts of petitioner's motion of April 11, 1984, which was supposed to have been delivered to Hon. RICHARD S. LANE, on or about June 20, 1984.

c. Such papers contain the recent confession of the K&R clients of their larceny, their perjury before Hon. THOMAS V. SINCLAIR, JR., and the sub silentio admission of the disappearance of a huge Puccini inventory.

d. The egregious conduct of DD on July 26, 1984 is set forth in a prior application and is not repeated herein.

16. GEORGE SASSOWER, Esq.:

a. After four (4) years, neither the culprits nor anyone else can show a single instance warranting disqualification.

b. The disqualification was the result of "switched" judicial papers by the lackeys of K&R, for the obvious reason that "he was right on target" in his suspicions regarding the larceny that was taking place.

WHEREFORE, it is respectfully prayed that this proceeding be granted in all respects, with costs.

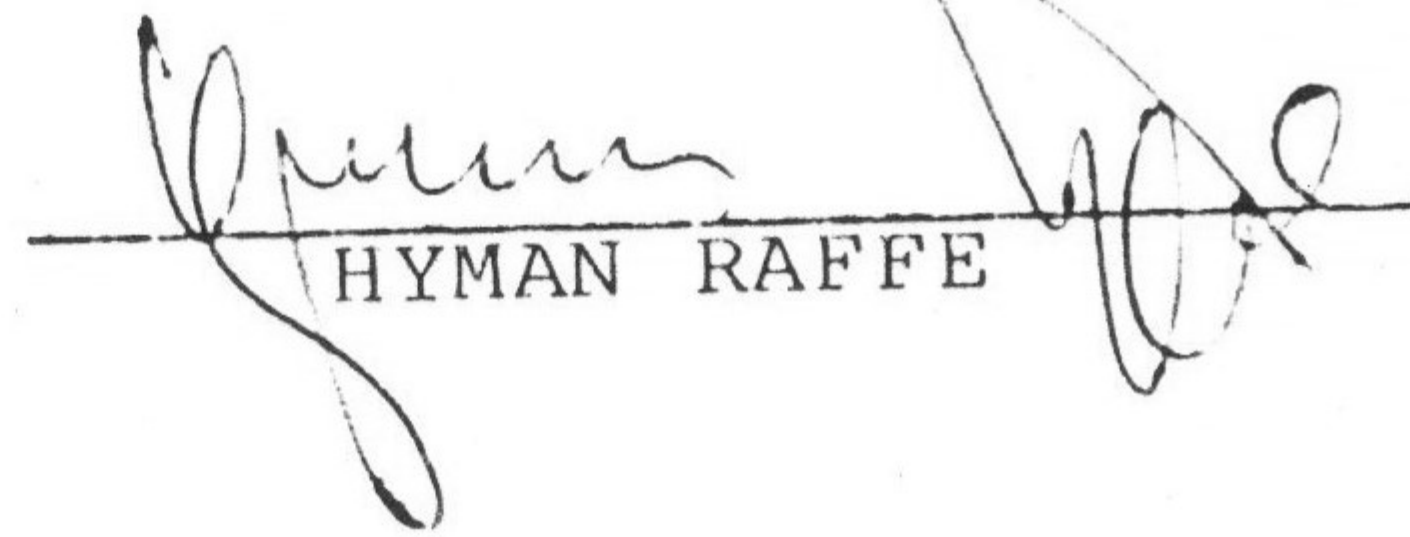
GEORGE SASSOWER, Esq.
Attorney for petitioner
2125 Mill Avenue,
Brooklyn, New York, 11234
(212) 444-3403

STATE OF NEW YORK
CITY OF NEW YORK
COUNTY OF KINGS

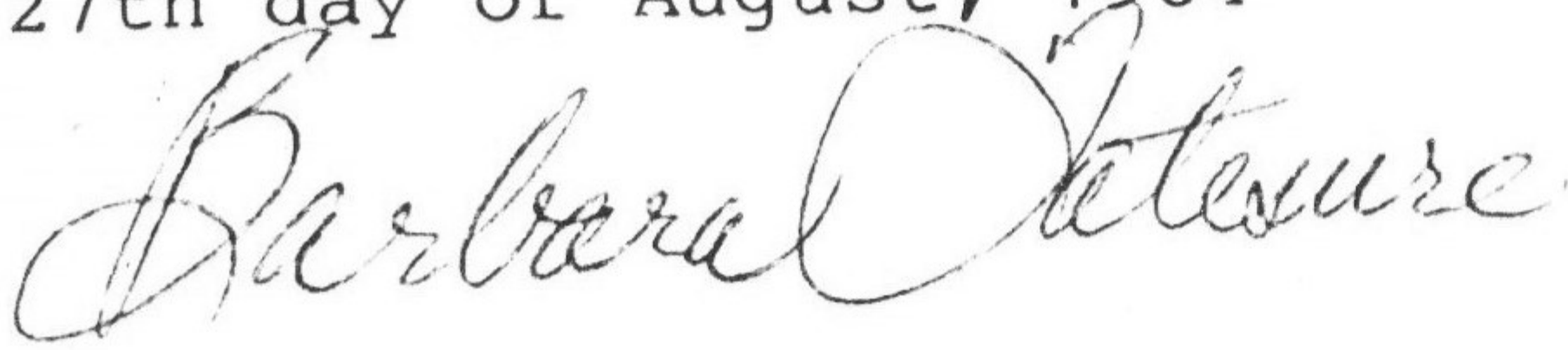
)
) ss.:
)

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

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


HYMAN RAFFE

Sworn to before me this
27th day of August, 1984



BARBARA DESTAVRE
Notary Public, State of New York
No. 22-8760746
Qualified in Kings County
Commission Expires March 30, 1986