

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

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

Petitioner,

-against-

Hon. XAVIER C. RICCOBONO, Hon. MICHAEL J.
DONTZIN, and Hon. THOMAS V. SINCLAIR, JR.,
individually and on behalf of the SUPREME
COURT OF THE STATE OF NEW YORK, COUNTY OF
NEW YORK, as trustees of PUCCINI CLOTHES,
LTD.; Hon. ROBERT ABRAMS; KREINDLER &
RELKIN, P.C.; ARUTT, NACHAMIE, BENJAMIN,
LIPKIN, & KIRSCHNER, P.C.; LEE FELTMAN;
and FELTMAN, KARESH & MAJOR,

Respondents.

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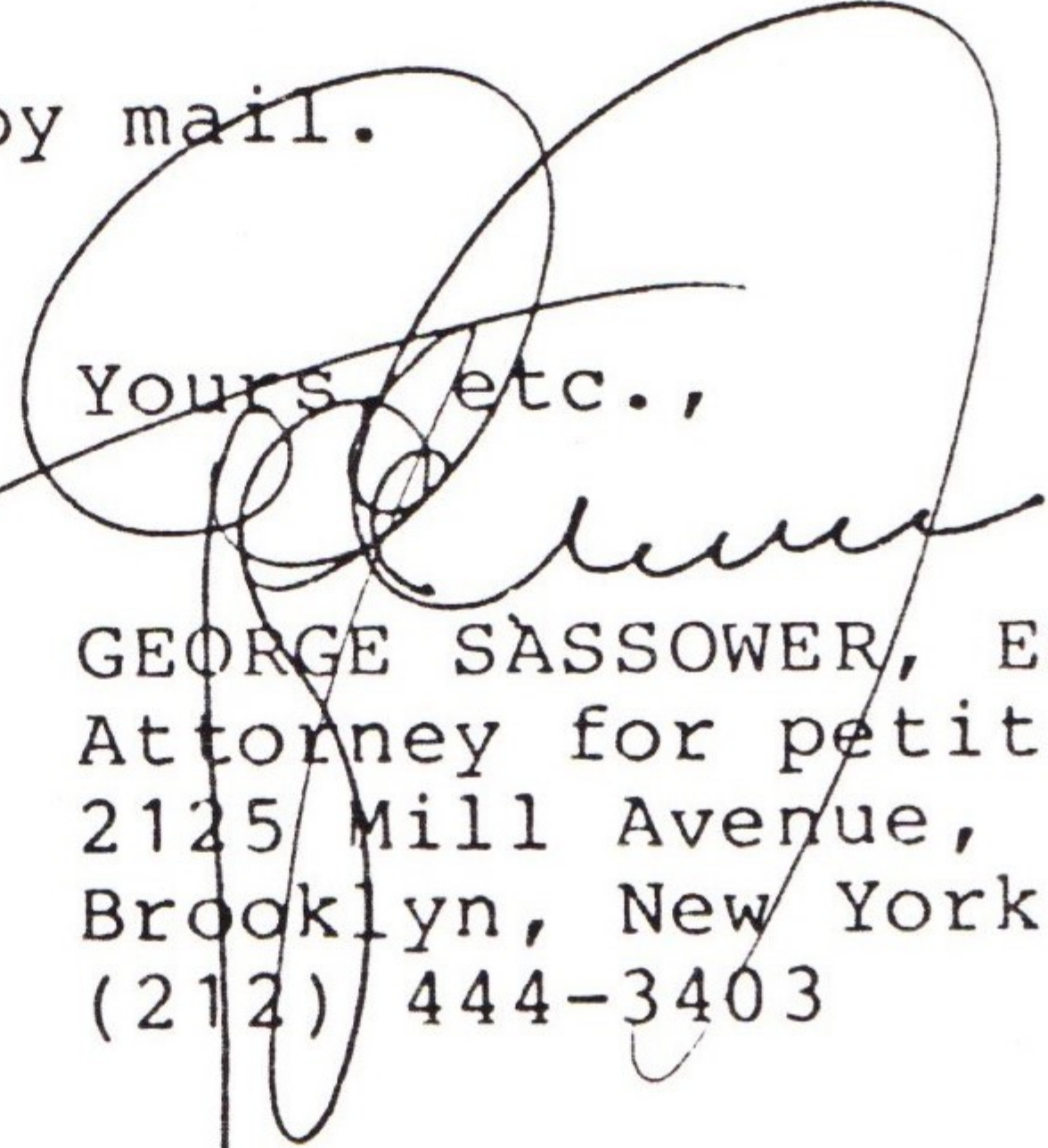
S I R S:

PLEASE TAKE NOTICE, that upon the annexed
petition of HYMAN RAFFE, duly verified the 14th day of
September, 1984, and upon all the pleadings and
proceedings had heretofore herein, the undersigned will
move this Court at a Special Term Part I, of the Supreme
Court of the State of New York, County of New York, held
at the Courthouse thereof, on the 26th day of September,
1984, at 9:30 o'clock in the forenoon of that day or as

soon thereafter as Counsel may be heard for an Order (1) directing Hon. Xavier C. Riccobono, Hon. Michael J. Dontzin, and Hon. Thomas V. Sinclair, Jr., as trustees of Puccini Clothes, Ltd., to render an accounting for the period commencing June 4, 1980 until the date Lee Feltman, Esq., qualified as a Receiver for Puccini Clothes, Ltd., to wit., on or about February 1, 1984; (2) nullification of and rendering void all legal proceedings involving Puccini Clothes, Ltd., after June 4, 1980; alternatively, (3) requiring Hon. Ethel B. Danzig and every other jurist of the Supreme Court involved in the action bearing Index No. 16792/1980, to certify that they have made some summary inquiry and found that Puccini's representation meets minimum legal standards, before proceeding further; (4) enjoining Lee Feltman, the receiver for Puccini Clothes, Ltd., from making any payments of monies for professional services or disbursements, rendered or claimed to have been rendered, any prior Order or Judgment notwithstanding; (5) 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 respondents' answers and affidavits, if any, are to be served upon the undersigned at least one (1) day before the return date of this motion, with an additional five (5) days if such service is by mail.

Yours etc.,



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

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

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

Petitioner,

-against-

Hon. XAVIER C. RICCOBONO, Hon. MICHAEL J.
DONTZIN, and Hon. THOMAS V. SINCLAIR, JR.,
individually and on behalf of the SUPREME
COURT OF THE STATE OF NEW YORK, COUNTY OF
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LTD.; Hon. ROBERT ABRAMS; KREINDLER &
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LIPKIN, & KIRSCHNER, P.C.; LEE FELTMAN;
and FELTMAN, KARESH & MAJOR,

Respondents.

-----x
TO THE HONORABLE JUSTICES OF THE SUPREME COURT OF
THE STATE OF NEW YORK : COUNTY OF NEW YORK:

Petitioner, individually and on behalf of
PUCCINI CLOTHES, LTD. ["Puccini"], by his attorney,
GEORGE SASSOWER, Esq., respectfully sets forth and
alleges, as and for his non-federal rights (Pennhurst v.
Halderman, U.S. , 104 S.Ct. 900, 79 L.Ed.2d
67), without prejudice to the assertions of his federal
rights in the federal forum or conceding that, under the
circumstances at bar, this represents a proper and
constitutional forum for the non-federal substantive
issues presented.

This proceeding is also without prejudice to proceedings pending in the Appellate Division, where like the federal forum, there exist certain technical obstacles.

AS AND FOR A FIRST CAUSE OF COMPLAINT
FOR AN ACCOUNTING

1a. Petitioner, HYMAN RAFFE ["HR"] was and still is a twenty-five percent (25%) shareholder in Puccini, which was a corporation duly organized and existing under and by virtue of the laws of the State of New York.

b. Petitioner, HR, is the holder of a judgment against Puccini in the approximate sum of \$450,000 (with interest); is the holder of a claim awaiting entry of judgment against Puccini in the approximate sum of \$35,000 (with interest); and has potential further claims over against Puccini (Barr v. Raffe, (97 A.D.2d 696, 468 N.Y.S.2d 332 [1st Dept.])).

2a. On June 4, 1980, by Order of the Supreme Court of the State of New York, County of New York ["SC"], Puccini was involuntarily dissolved.

b. As a result of the aforementioned Order of June 4, 1980, title to all of Puccini's assets vested in the SC, with everyone, except those authorized by SC, prohibited from dealing with or dissipating Puccini's assets and affairs.

c. At the time and ever since, the respondent, Hon. XAVIER C. RICCOBONO ["XCR"], was and still is the Administrative Judge of SC.

d. At the time and ever since, the respondent, Hon. MICHAEL J. DONTZIN ["MJD"], was and still is the "appointing justice" of SC with respect to Puccini.

e. At the time and ever since, the respondent, Hon. THOMAS V. SINCLAIR, JR. ["TVS"], was and still is the "originating justice" of SC with respect to Puccini.

d. Upon information and belief, the said XCR, MJD, and TVS, were, since June 4, 1980, and still are, the trustees of the assets and affairs of Puccini, individually and on behalf of SC.

3a. On or about the 1st day of February, 1982, the respondents, MJD and TVS, appointed and designated respondent, LEE FELTMAN, Esq. ["LF"] to be the receiver for Puccini, and said respondent, LF qualified shortly thereafter [nineteen (19) months after Puccini was involuntarily dissolved].

b. For the period commencing June 4, 1980 until LF qualified, no accounting or other financial statement, required by law, custom, and usage, was ever served and filed [e.g., Business Corporation Law §1207(2)].

4. Demand has been made, and is hereby made, for the service and filing of such accounting reports and statements, duly verified by the trustees of Puccini, to wit., XCR, MJD, and TVS, for the period commencing June 4, 1980 until the qualification of LF, shortly after February 1, 1982, since there does not exist any receiver who qualified as such for such period.

AS AND FOR A SECOND CAUSE OF COMPLAINT TO
DECLARE NULL AND VOID ALL LITIGATION INVOLVING,
OR RELATED TO, PUCCINI SINCE JUNE 4, 1980

5. Petitioner, repeats, reiterates and realleges, each and every allegation made in paragraphs "1" through "4" inclusive, with the same force and effect as though more fully set forth at length herein, and further alleges.

6a. Commencing on June 4, 1980, to the present time, and now continuing, Puccini has had no free will of its own, totally dependent, in and out of the judicial forum, on those who, under color of judicial law, act on its behalf.

b. The ultimate responsibility for, the proper performance of those purporting to act on behalf of Puccini, has been and is, XCR, MJD, and TVS, individually, and on behalf of SC.

c. Shortly after June 4, 1980, Puccini became actively involved in litigation, or potential litigation, which litigation has continued down to the present time and still continues.

7a. Since Puccini became involved in litigation, to the present time, it has never had de jure legal representation -- not one day of legal representation in the judicial forum.

b. Since Puccini became involved in litigation, to the present time, it has never had proper de facto legal representation -- not one day of proper or adequate representation in the judicial forum.

Under the aforesaid circumstances, the litigation involving Puccini has been a constitutional and legal farce and a mockery of justice in every sense of the term, as more fully (but partially) described hereinafter.

8a. From June 4, 1980 until shortly after February 1, 1982, there was no one designated by the SC or any legally appointed receiver to represent Puccini.

b. From June 4, 1980 until shortly after February 1, 1982, purporting to represent Puccini was the firm of Arutt, Nachamie, Benjamin, Lipkin & Kirschner, P.C. ["ANBL&K"], who were, in conspiratorial consort with Kreindler & Relkin, P.C. ["K&R"], in unlawfully dissipating Puccini's assets as they and their co-conspirators unilaterally saw fit.

c. Thus, in the major litigation taking place during this period (Barr v. Raffe v. Puccini), the firm of ANBL&K, although knowing that the more the plaintiffs [the clients of K&R] recovered from HR, the more HR recovered over against Puccini, the firm of ANBL&K failed to and refused to interpose viable and decisive defenses they had against the clients of K&R (CPLR §1008), or cooperate with HR in his defense of the claims brought by K&R, to the detriment of Puccini.

Consequently, three (3) times, the SC refused ANBL&K's application to vacate its default on behalf of Puccini because of failure to show a meritorious defense (they having no defense against HR, the third party plaintiff).

Had ANBL&K exposed the unlawful dissipation of Puccini's assets after June 4, 1980 by the K&R entourage, the aforementioned action could have been defeated and terminated at its inception.

Had ANBL&K exposed the unlawful dissipation of Puccini's assets after June 4, 1980 by the K&R entourage, another judgment against HR for the approximate sum of \$35,000, on which Puccini is liable as a full indemnitor would never have been entered, or if entered, would have been vacated, as a matter of law.

d. In short -- the representation of Puccini, a ward of XCR, MJD, TVS, and SC, from June 4, 1980 until shortly after February 1, 1982, was a farce, charade, and mockery of justice by any non-federal standard of law. In fact, the representation of Puccini was by a firm who was subordinating and betraying Puccini's interests to a conflicting conspiracy architected by K&R, its adversary.

8a. After February 1, 1982, the purported representation of Puccini was by Feltman, Karesh & Major, Esqs. ["FK&M"], who were also not legally authorized to act for Puccini, and who in fact acted in every substantial matter contrary to Puccini's interests and/or betrayed and subordinated Puccini's interests to that of Puccini's adversary K&R.

b. After LF had been designated as the Receiver for Puccini, his law firm, FK&M, of which LF was senior partner, secured authorization to represent Puccini from a client of ANBL&K, with the overt aid and cooperation of ANBL&K. It was properly aborted by petitioner and his attorney, as illegal.

c. Thereafter, blithely ignoring the mandatory requirements of 22 NYCRR 660.24, LF designated FK&M as Puccini's legal representative, which designation is also "[legally] null and of no effect" (§660.24[f]).

Consequently, after ANBL&K left the scene as Puccini's legal representative, the purported subsequent legal representation of Puccini by FK&M was also a legal "nullity and of no effect".

d. FK&M attempted to vacate the default by Puccini, through a notice of motion, supporting papers, which included a proposed answer, verified by LF on May 21, 1982, wherein LF acknowledged that he had in his possession the "books and records of Puccini" (Exhibit "A").

e. Although LF and FK&M had in their possession the documented information to support decisive defenses, on the part of Puccini, to defeat the K&R claims, they also failed to and refused to assert same in their third party answer.

f. Thereafter, both LF and FK&M knew from the decision of Hon. MARTIN B. STECHER, dated September 9, 1982, that Puccini, as a third party defendant, was a full indemnitor for any liability imposed upon HR by the clients of K&R.

ANBL&K, now only representing Eugene Dann ["Dann"] and Robert Sorrentino ["Sorrentino"], also knew that their clients were, as a result of the same decision, two-thirds contributors to any payment by HR to the clients of the clients of K&R.

g. K&R in renewing their motion for summary judgment, had actual knowledge that HR would, in addition to claiming judgment over against the third party defendants, also oppose K&R's motion on the grounds that there had been an unlawful dissipation of Puccini's assets after June 4, 1980, although HR did not have the "hard" evidence to support such contention [pre-trial disclosure having been automatically stayed], but which documented evidence was in the possession of ANBL&K, LF, and FK&M.

h. K&R, knew beforehand, when they renewed their motion for summary judgment against HR, from the above-mentioned prior motion for summary judgment [which had been denied without prejudice], that they would have to re-submit a perjurious affidavit, which it had in hand, of Charles Zangara, a Vice-President of Citibank, dated July 29, 1981, to rebut HR's assertions.

i. Furthermore, K&R, knew beforehand, when they renewed their motion for summary judgment against HR, as aforesaid, that ANBL&K, LF, and FK&M, contrary to the legitimate interests of their trust and clients, would betray their trust and clients, and not expose the perjurious nature of the Citibank affidavit [a client of K&R], for its true nature.

Obviously, K&R would never have made their motion for summary judgment or submitted their perjurious affidavit, had they not known it would not be exposed by LF, FK&M, and ANBL&K!

j. As a result of the aforementioned perjury, treachery, and betrayal, the clients of K&R recovered judgment against HR, and HR recovered judgment against Puccini, for the approximate sum of \$450,000 (with interest). The balance for "attorneys' fees" etc., has been set down for trial.

This decision which would never have been arrived at had LF and FK&M not betrayed their trust and client, and ANBL&K not betrayed its former client, Puccini, and their present clients, Dann and Sorrentino, by the very words of the decision itself.

9a. Decisive in support of the assertion that the representation of Puccini, a ward of the court, has been a farce and mockery of justice, is the fact that every attempt to undo the decision, order, and judgments, as a result of such perjurious affidavit, once it had been exposed, has resulted in fierce opposition by LF and FK&M.

b. Thus, not only did LF and FK&M resist exposure of the unlawful dissipation of Puccini's assets after June 4, 1980, but once exposed, they have fiercely resisted any attempts to vacate a judgment against their trust and client, Puccini, without any reason whatsoever, except to maintain intact an unlawful conspiracy between themselves, K&R, and ANBL&K, for, inter alia, their own pecuniary benefit, hereinafter set forth.

d. In short -- the representation of Puccini, a ward of XCR, MJD, TVS, and SC, after February 1, 1982, as well as before, was a farce and mockery of justice by any non-federal standard of law. In fact, the representation of Puccini was by a receiver and his law firm who were subordinating and betraying Puccini's interests to a conflicting conspiracy architected by K&R, their adversary.

10a. Puccini, a helpless ward of the SC and its members, could thus only possibly receive aid from (1) its judicial trustees; (2) the Attorney General; and/or (3) HR's attorney, as part of his representation of HR.

b. The evidence reveals that (1) Puccini's judicial trustees completely ignored and abandoned their legal and moral obligations; (2) the Attorney General's Office was compromised and neutralized; and (3) HR's attorney was disqualified from aiding Puccini.

11a. A review of all legal proceedings reveals a total and complete abdication of any legal or moral responsibilities by its trustees, XCR, MJD, TVS, or the SC, or any member thereof.

b. This cause of complaint is not merely of a litigant, having some ability to exercise his will, in a neutral judicial forum, which without judicial affirmative involvement nevertheless results in a judicial proceeding which becomes a "farce and mockery of justice".

Presented is infinitely more egregious situation wherein, the litigant cannot exercise its will as a result of judicial conduct, and the members of the judiciary either blithely ignore Puccini's legal rights or act adverse to them.

c. Notwithstanding the open betrayal of Puccini's interests by the court-appointed receiver and his law firm, not a single member of the SC, or Appellate Division, has made note of that fact, or taken any action to remedy the situation.

On the contrary, there have been instances of active affirmative judicial involvement in concealing such misconduct.

d. Almost invariably, documented supported allegations of misconduct or nisi prius non-compliance with §660.24, results in draconian penalties imposed upon the petitioner. Clearly, in the Puccini matter, in the judicial forum "corruption is king"!

12a. The Attorney General, has a statutory, non-delegable, obligation to protect the interests of involuntarily dissolved corporations and those interested in its assets and affairs, generally bounded by the exercise of the discretion of his office, which in the Puccini matter, has been handled since 1980, in the first instance, by Senior Assistant Attorney General DAVID S. COOK, Esq. ["DS"].

b. The Attorney General, also has an obligation to defend the judicial system and its members, but this obligation is optional by both client and attorney.

As a matter of law, where there is a conflict of interests, the Attorney General and his clients, are mandated to find means to appropriately resolve same.

c. In the latter part of 1983, and thereafter, particularly when SC held that HR could not intervene in proceedings against Puccini [hereinafter described], on Puccini's behalf, HR and others on his behalf, turned to the Office of the Attorney General in an attempt to have that office intervene.

In such efforts, HR and those on his behalf, supplied and turned over a great deal of information, some of it confidential in nature, to DSC.

d. When the judicial and non-judicial actions by the SC, and its members, became adverse to HR and Puccini, HR on behalf of himself and on behalf of Puccini, commenced numerous Article 78 proceedings in the Appellate Division.

e. The Office of the Attorney General, assigned DSC, with full knowledge that they were intentionally compromising the rights and interests of Puccini, in its most dramatic possible manner.

f. The SC, and its members, in accepting the services of DSC knew that he was abandoning his prior statutory fiduciary obligations towards Puccini, in his subsequent representation of their adverse interests.

g. In fact, DSC subordinated and abandoned his mandatory obligations to Puccini, pursuant to non-vocal statutes, in favor of the subsequent optional representatation of his vocal judicial clients.

h. As a result thereof, any possible protection in the legal forum by the Attorney General, pursuant to statute, has been neutralized by Puccini's trustees, the SC, XCR, MJD, and TVS.

i. In short -- the very trustees of Puccini, SC, XCR, MJD, and TVS, actively employed DSC's services to defeat Puccini's legitimate rights in the judicial forum through the possible intervention of the Attorney General.

13a. Obviously, in the third party action, in defending HR against the claims of the clients of K&R, the attorney for HR, GEROGE SASSOWER, Esq. ["GS"], was protecting the rights of the third party defendants, including Puccini.

b. In a situation wherein the interests of HR and Puccini, Dann, and Sorrentino, were parallel, if not precisely the same, in opposing K&R's first motion for summary judgment, ANBL&K, operating in consort with K&R, cross-moved to disqualify GS as HR's attorney.

c. ANBL&K "switched", "changed", and "substituted" the court-submitted papers from those served on GS, without GS's knowledge or consent, thus transmogrifying his opposing papers to such disqualification from "sense" to "nonsense".

d. These changes in judicially submitted papers was not discovered until after a determination of disqualification had been rendered, and only made by comparing the served papers with the original papers in the County Clerk's Office.

e. The words of the orders of disqualification are that GS is disqualified in the third party action and the dissolution action.

The "spirit" of the orders of disqualification is that GS should not oppose the legitimate interests of Puccini, Dann, and Sorrentino (which he has not, and needs no order for such purpose), not that he should refrain from advancing the legitimate interests of Puccini, Dann, and Sorrentino.

f. The co-conspirators, K&R, ANBL&K, LF, and FK&M, advance the "words", not the "spirit and manifest intent" of the fraudulently obtained orders of disqualification, and thus Puccini is denuded from the aid of even GS.

* * *

14. Puccini, not having de jure legal representation for more than four (4) years; having only de facto legal representation by law firms conspiring with adverse interests; with the SC, XCR, MJD, and TVS, the trustees of Puccini, having blithely ignored any legal, moral, or ethical obligation towards their trust; the Attorney General's Office having been compromised and neutralized in their statutory obligation to protect Puccini's interests; with intervention by HR having been disallowed; and HR's attorney disqualified from protecting his interests, which would have aided thereby in the protection of Puccini's legitimate interests, the situation that has developed wherein Puccini has been ravished and raped, "Fall River style", not in the pool room, but in the courthouse!

The third party action, has been a farce and a mockery of justice, in its most quintessential aspect, of a constitutional magnitude.

* * *

15a. FK&M, despite (a) the mandatory prohibition in 22 NYCRR §660.24[f]; (b) their charted course adverse to the legitimate interests of Puccini; and (c) an inability to support any substantial contribution of legal effort intended to benefit Puccini, involuntarily dragooned into the judicial forum, FK&M, nevertheless requested substantial interim fees of about \$110,000 from Puccini.

b. K&R, whose clients hold a 25% interest in Puccini, in return for the "Judas-like" betrayal of Puccini by FK&M, in open court, consented to whatever FK&M requested, even though it exceeded "thirty pieces of silver".

FK&M request for compensation was made against the assets of Puccini, not K&R, whose interests they served. It was as if Judas requested payment from Jesus.

c. ANBL&K, whose clients hold a 50% interest in Puccini, tendered no opposition to the sums requested by FK&M.

d. HR also holding a 25% interest, alone opposed contending §660.24[f] prohibits such payment and because attorneys who chart a course contrary to a client's legitimate interests are not entitled to anything. Legal standing and intervention by HR, in opposing any such award was denied, with draconian costs imposed upon him by the SC, the trustee of Puccini.

e. Thus, the hearings to determine the legal fees, if any, due to FK&M, was as follows:

Feltman, Karesh & Major, Esqs., for such fee award.

Lee Feltman, Esq., for Puccini in opposition thereto.

Lee Feltman, Esq., did not even bother to appear or have any representative appear in opposition, nor did he submit any opposing papers.

Russia, No! -- 60 Center Street, New York, New York, 10007, in the United States of America, under a Constitution, which includes a Bill of Rights!

* *

16. Moral -- at 60 Center Street, the rapee pays the rapors for the privilege of being raped, and anyone attempting to oppose is assessed with extraordinary costs!

The legal actions against a helpless ward of the court, in this post-dissolution proceeding, are a farce and mockery, and should also be nullified!

* * *

17. To investigate the financial questions arising out of HR's accusations against K&R and ANBL&K, the SC, on application of LF, appointed Rashba & Pokart ["R&P"], the firm requested by LF, also blithely ignoring \$660.24 in the process.

a. K&R is the client of R&P!

b. ANBL&K is the firm who "laundered" monies unlawfully taken by them from Puccini, and used, in part, for the payment to R&P of their bill to K&R (Exhibit "B").

The bill by R&P to K&R was for a deceptive accounting, dated June 30, 1980, rendered to conceal the unlawful "bee-hive" activities that were taking place.

* * *

Think of it -- the judicial appointment, by the SC, as investigatory accountants, under color of judicial authority, in order to investigate their own client and those who previously "laundered" unlawfully withdrawn monies to such accountants.

Obviously, such appointment, proposed by the receiver, was made to conceal, rather than reveal what had trully happened after June 4, 1980!

At what point does one regurgitate?

* * *

18a. Although Mr. Justice EDWARD J. GREENFIELD held on January 5, 1981, that all transfers of Puccini's assets after June 4, 1980, except by a court appointed receiver, to be "without [legal] effect", the unlawful dissiptation of Puccini's assets continued.

The present receiver, LF, and his law firm, FK&M, although holding in hand two (2) orders of the SC, holding that post June 4, 1980 transfers of judicially entrusted assets illegal, has made no attempt to recover the massive dissipation of assets which occurred during the eighteen (18) month period after June 4, 1980, in fact, contrary to Puccini's interests, they have resisted all actions compelling the recapture of same.

b. Such inaction and resistance on the part of LF and FK&M, is due to the fact that, contrary to their trust duties, they do not desire to proceed against their co-conspirators, K&R and ANBL&K, in such recovery.

19. To continue with further examples of the lack of proper legal representation afforded Puccini in these and other matters would be supererogatory.

20a. The jurisprudential philosophy enunciated in Pierce v. Delamater (1 N.Y. 17) is dead!

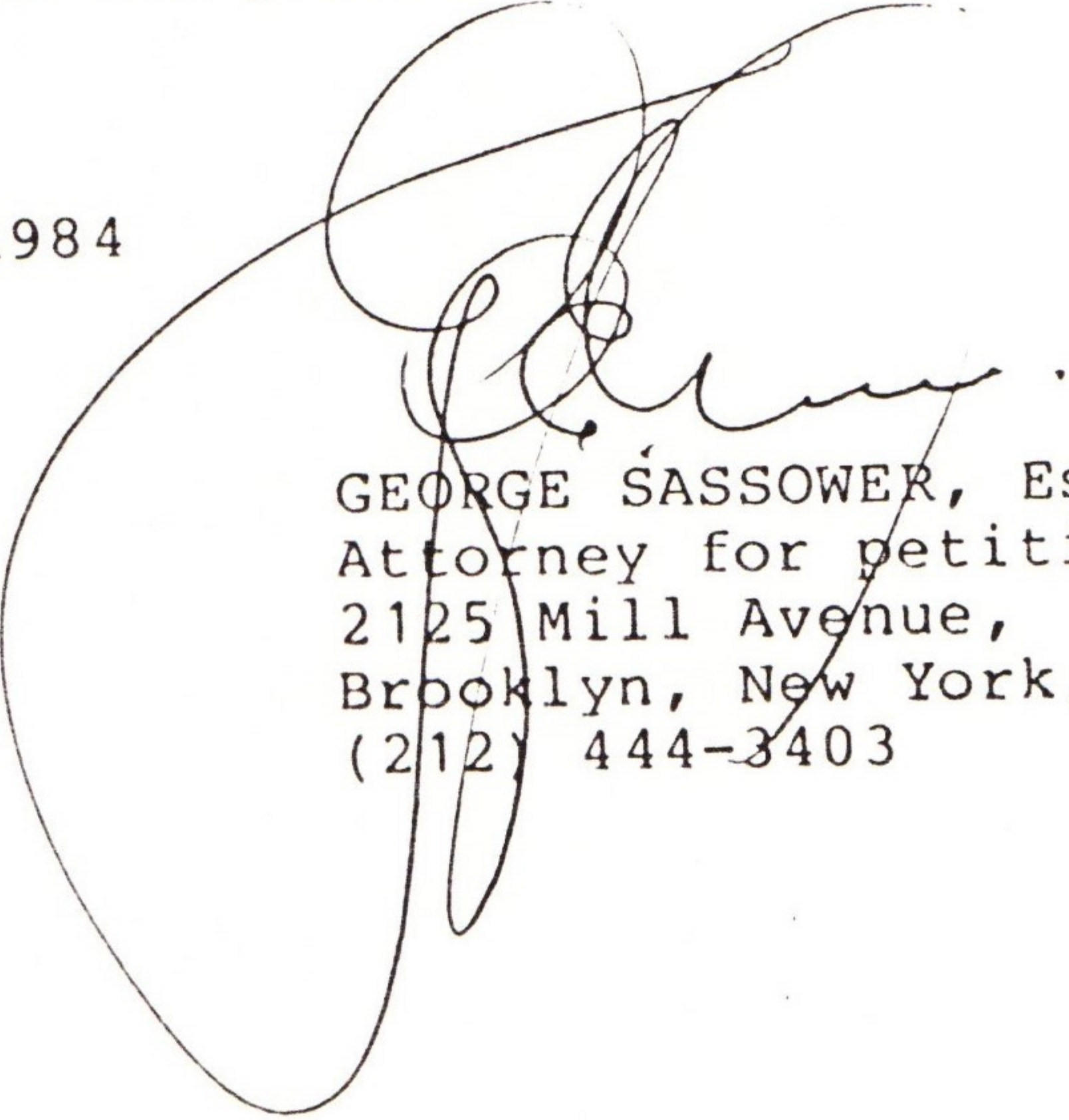
b. All investigations and fact finding should be made by persons and authorities completely disassociated from and independent of the SC or the judicial system.

c. In the Puccini matter, at least, the judicial system, has shown itself to be either corrupt, or exhibits a "fig leaf mentality" to such corruption involving judicial appointees.

WHEREFORE, it is respectfully prayed that an Order be entered directing XCR, MJD, and TVS, as trustees of Puccini, to render an accounting for the period commencing June 4, 1980 until the date LF qualified as receiver, to wit., on or about February 1, 1984; nullification of and rendering void all legal proceedings involving Puccini after June 4, 1980; alternatively, requiring Hon. ETHEL B. DANZIG and every other jurist of the SC involved in the action bearing Index No. 16792/1980, to certify that they have made some summary inquiry and found that Puccini's representation meets minimum legal standards, before proceeding further; enjoining Lee Feltman, the receiver for Puccini from making any payments of monies for

professional services or disbursements, rendered or claimed to have been rendered, any prior Order or Judgment notwithstanding; together with any other, further, and/or different relief as to this Court may seem just and proper in the premises.

Dated: September 14, 1984



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

EXHIBIT A: PROPOSED ANSWER TO PUCCINI CLOTHES, LTD.
(35-38)

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,

Plaintiffs,

-against-

HYMAN RAFFE,

Defendant.

HYMAN RAFFE,

Third-Party Plaintiff,

-against-

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

Third-Party Defendants.

Index No. 16792/80

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.

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. 478885 Granted in New York Co.
 Commission Expires March 31, 1983

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

DATE	AMOUNT
10/10/80	6200

10/10 1980 1-12 114
210

PAY TO THE ORDER OF Rashba & Pokart C.P.A. \$ 6200 ⁰⁰/₁₀₀
Six thousand and two hundred DOLLARS

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

1-12-20/18/80 CHEMBANK MO010000A

CHEMICAL BANK
315 FIFTH AVENUE, NEW YORK, N.Y. 10017

[Handwritten Signature]

⑆021000128⑆ 092⑆019307⑆

⑆0000620000⑆

PAY TO THE ORDER OF
Manufacturers Hanover Trust Company
RASHBA & POKART
- 010711

⑆097200156⑆ 4
[Bank Stamp]

021111

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021111

PLEASE PAY ANY BANK P.C. 5. 1-12-20/18/80
CHEMICAL BANK NEW YORK
MO010000A


⑆021000128⑆

STATE OF NEW YORK
CITY OF NEW YORK
COUNTY OF KINGS

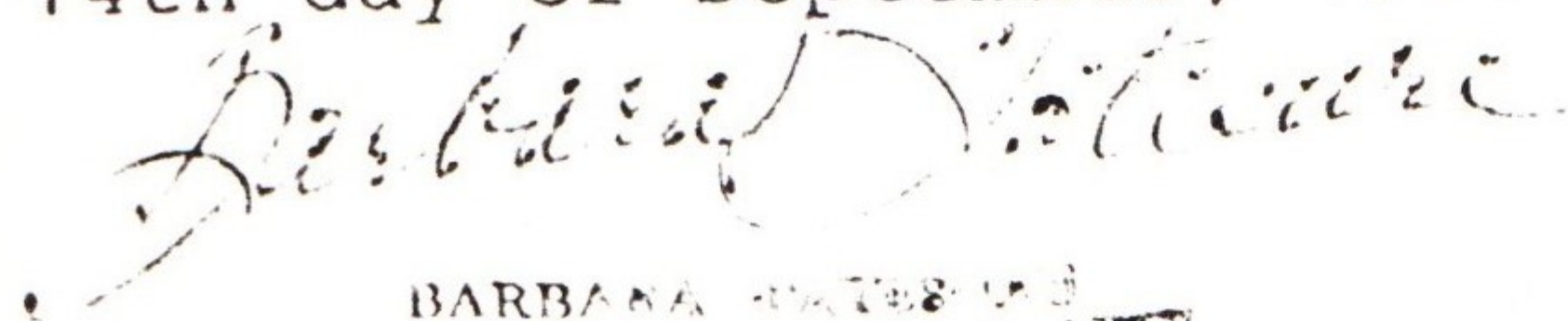
)
) ss.:
)

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

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


HYMAN RAFFE

Sworn to before me this
14th day of September, 1984



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