

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.,

Index No.
22106-1984

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, dated the 6th day of May, 1985,
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 3rd day of June, 1985, 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; (3) alternatively, rendering null and void all Puccini related litigation after January 23, 1984, including Barr v. Raffe, bearing Index No. 16717/1980; (4) 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 seven (7) days before the return date of this motion, with an additional five (5) days if such service is by mail.

Dated: May 6, 1985

Yours, etc.,

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

To: Hon. Robert Abrams
Hon. Xavier C. Riccobono, as Trustee of Puccini
Hon. Michael J. Dontzin, as Trustee of Puccini
Hon. Thomas V. Sinclair, as Trustee of Puccini
Kreindler & Relkin, P.C.
Feltman, Karesh & Major, Esqs.
Arutt, Nachamie, Benjamin, Lipkin & Kirschner, P.C.

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

The grant of this petition would inure to the benefit of Puccini, as well as to the legitimate interests of Dann and Sorrentino. The positions taken by the various respondents should be both significant and interesting, if not decisive, as to whether "corruption reigns in the temple of justice"!

AS AND FOR A FIRST CAUSE OF COMPLAINT
FOR AN ACCOUNTING

1a. Petitioner, HYMAN RAFFE ["Raffe"] 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, Raffe, is the holder of a judgment against Puccini in the sum of \$475,425.86 and is the holder of a claim awaiting entry of judgment against Puccini in the approximate sum of \$35,000, which Donald Diamond ["Diamond"], has stonewalled the ministerial entry thereof (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, with right of possession, vested in the SC, with everyone, except those expressly authorized by SC, prohibited from dealing with or dissipating Puccini's assets.

Any unauthorized dealings with the affairs and assets of Puccini was "without [legal] effect" (Order of January 5, 1981, per Greenfield, J.).

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 (48A CJS, Judges §92, p. 700).

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 [twenty (20) 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 for this judicial trust [e.g., Business Corporation Law §1207(2)].

4a. 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, individually and/or on behalf of the SC, for the period commencing June 4, 1980 until the qualification of LF, shortly after February 1, 1982 (Pulliam v. Allen, U.S. , 104 S.Ct. 1970, 80 L.Ed.2d 565), since there does not exist any qualified receiver for such period of time.

b. Approaching the situation by the process of elimination, unless it is held that XCR, MJD, and TVS, individually and/or on behalf of the SC, are responsible for the filing of such accounting for this judicial trust, there is no other fiduciary responsible therefore.

Plainly there cannot be a trust without a trustee!

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, legally or otherwise, totally dependent, in and out of the judicial forum, on those who, under color of judicial law, acted or were appointed to 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.

7a. Since Puccini became involved in non-dissolution claims or potential litigation, which was shortly after June 4, 1980, until December 1984, it has never had de jure legal representation -- not one day of legal representation in the judicial forum.

b. Since Puccini became involved in dissolution or non-dissolution claims or potential 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.

c. On the contrary, those who purported to act on behalf of Puccini, de jure and/or de facto, have actively operated to defeat and prejudice the rights and remedies of Puccini, with the knowledge of the SC, XCR, MJD and TVS.

d. 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 (Diggs v. Welch, 148 F.2d 667 [D.C. Cir.]), 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, who was legally qualified to act (de jure), under mandated bond, as a representative of Puccini.

b. From June 4, 1980 until shortly after February 1, 1982, purporting to de facto 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, Index No. 16792/80 [hereinafter "Barr #2"]), the firm of ANBL&K, although knowing that the more the plaintiffs [the clients of K&R] recovered from Raffe, the more Raffe recovered over against its clients, including Puccini, the judicial trust, the firm of ANBL&K failed and refused to interpose viable and indeed, decisive, defenses they had against the clients of K&R (CPLR §1008), or cooperate with Raffe in his defense of the claims brought by K&R.

Consequently, two (2) times, the SC refused ANBL&K's application to vacate its default on behalf of its clients, including Puccini, the judicial trust, since it had no third party defenses, and it refused to set forth meritorious first party defenses, which it indeed had.

Had ANBL&K exposed the unlawful dissipation of Puccini's assets after June 4, 1980 by the K&R entourage, Barr #2 could have been defeated at its inception, since it is blackletter law that destroying the right of indemnification, destroys the guarantee, which was the basis for Barr #1 and Barr #2, and would have resulted in an immediate savings to Puccini of a minimum of \$500,000!

Additionally, ANBL&K had actual knowledge that the second and third causes of action by the clients of K&R were false and contrived, in that the underlying guarantee indemnified 75% of the "defensive" attorneys' fees and other expenses, not 100% of the offensive costs!

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, since Puccini's de facto representation, was by a firm that was betraying and subordinating Puccini's interests, as well as the legitimate interests of its other clients, Eugene Dann ["Dann"] and Robert Sorrentino ["Sorrentino"], to a conspiracy, architected by K&R and its clients, Puccini's adversary, which sought to make Puccini's assets, a "fortune cookie".

e. The success in that conspiracy, during such period from June 4, 1980 until February 1, 1982, is attributable in the main to the fact that the the trustees of Puccini, to wit., XCR, MJD, TVS, and SC, and particularly XCR, as Administrator of the SC, simply abdicated any and all legal, ethical, and moral responsibility they had toward Puccini, the judicial eunuch, albeit a constitutional and legal person.

9a. After February 1, 1982, the purported de jure representation of Puccini was by Feltman, Karesh & Major, Esqs. ["FK&M"], who were also not legally authorized to act for Puccini (22 NYCRR §660.24[f]), and who, de facto, acted on every substantial matter contrary to Puccini's interests and/or betrayed and subordinated Puccini's interests to that of Puccini's adversary, K&R and its clients.

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 Dann, a client of ANBL&K, with the overt aid and cooperation of K&R and ANBL&K. It was promptly and properly aborted by Raffe, as illegal.

c. Thereafter, blithely ignoring the mandatory requirements of 22 NYCRR 660.24, LF designated FK&M as his and Puccini's legal representative, which designation is "[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 and 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 claimed to have in their possession the documented information to support Puccini's decisive defenses to defeat the K&R first party claims, they also deliberately failed to and refused to assert same in their third party answer (Exhibit "A"), as part of an unlawful arrangement they made to corrupt justice.

f. Thereafter, both LF and FK&M had actual knowledge from, inter alia, the decision and order 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 Raffe by the clients of K&R, in addition to Raffe's rights against Puccini sounding in subrogation.

ANBL&K, now only representing Dann and Sorrentino, also had actual knowledge that their clients were two-thirds contributors to any payment by Raffe to the clients of K&R.

g. K&R in renewing its motion for summary judgment, had actual knowledge that Raffe 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 Raffe did not have the "hard" evidence to support such contention [pre-trial disclosure having been automatically stayed]. The documented "hard" evidence was in the exclusive possession of K&R, its clients, ANBL&K, LF, and FK&M.

h. K&R, knew beforehand, when they renewed their motion for summary judgment against Raffe 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, including its own misleading, if not perjurious affirmation.

There was also extant at the time a similar perjurious affidavit from Jerome H. Barr ["Barr"], the other co-executor, and an "associate" of K&R.

i. Furthermore, K&R, knew beforehand, when they renewed their motion for summary judgment against Raffe 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, or assert any other defense, as aforementioned.

j. K&R and its clients, operating under an agreement with ANBL&K, LF, and FK&M, to corrupt justice, renewed their motion for summary judgment, resubmitted their perjurious papers, knowing beforehand that it would not be exposed by LF, FK&M, and ANBL&K, who were or had been representing, Puccini, the judicial trust!

k. As a result of the aforementioned perjury, treachery, and betrayal, the clients of K&R recovered judgment against Raffe and Raffe recovered judgment against Puccini, for \$475,425.86, and against Dann and Sorrentino for \$316,950.57 (Exhibit "B").

1. The balance for "attorneys' fees" etc., was to be set down for trial, although K&R, ANBL&K, LF, and FK&M knew they were false and contrived claims, and in fact the indemnification clause, was as a matter of law and fact, a defensive, not offensive, agreement, drawn by Barr, an associate of K&R, acting on behalf of all parties.

m. This decision of TVS, would never have been arrived at had LF and FK&M not betrayed their trust and client, Puccini; and ANBL&K not betrayed its former client, Puccini, and their present clients, Dann and Sorrentino. It was a fraud upon the court and the judicial trust, in every sense of the word, legal and otherwise!

10a. 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 the aforesaid corruption, larceny of judicially entrusted assets, perjury, and other egregious conduct, once it had been exposed, has resulted in fierce opposition by LF and FK&M.

Such arrogant and overt opposition and corruption has been with with the knowledge, consent, indeed assistance, from XCR, who has and permitted his office to become a source of judicial corruption in the Puccini litigation.

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, receiving at all times the aid and cooperation of XCR and his office, and even in the presence of Senior Assistant Attorney General David S. Cook, Esq., ["DSC"], who was singularly assigned to vouchsafe Puccini's interests!

c. 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, and they were receiving the active and corrupt assistance of XCR, the Administrative Judge of SC, and also a trustee of Puccini!

11a. Puccini, a helpless ward of the SC and its members, having been betrayed by its immediate protector, the receiver, LF, and ultimate trustee, XCR, could thus only possibly receive legitimate aid from the Attorney General, the statutory watchdog (Business Corporation Law §1214).

b. 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 DSC.

c. 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.

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

e. The court reserves to itself the ultimate authority to inject itself and disturb an attorney client relationship, where an ethical or moral conflict exists, particularly where viable alternatives easily exist.

f. In the early part of January 1984, and thereafter, particularly when SC held that Raffe could not intervene in proceedings against Puccini [hereinafter described], on Puccini's behalf, Raffe and others on his behalf, turned to the Office of the Attorney General in an attempt to have that office intervene.

g. In such efforts, Raffé and those on his behalf, supplied and turned over a great deal of information, some of it confidential in nature, to DSC, to whom they were directed by the Office of Hon. Robert Abrams.

h. Except for titular superior, DSC, is both the foot soldier and five star general in the Attorney General's Office in this geographical area with respect to Business Corporation Law §1214, and other related statutes related to judicial dissolutions. Indeed it was he who handled the Puccini dissolution proceedings, on behalf of the Attorney General, at its inception in early 1980.

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

j. The Office of the Attorney General, which general operates on a revolving system of assignments on such matters, assigned DSC, with full knowledge that they were intentionally compromising the rights and interests of Puccini, in its most dramatic legal, ethical, and moral possible manner.

k. On information and belief, XCR was instrumental in commandeering and embracing DSC as his attorney and the attorney for the SC in the Puccini litigation, in his attempt to neutralize any possible protection that might be given to Puccini by the Attorney General.

l. The SC, and its members, in accepting the services of DSC knew that DSC was abandoning his prior statutory fiduciary obligations towards Puccini, employing the confidential information given him by Raffé and his attorney in such subsequent representation of their adverse interests.

m. In fact in the Puccini litigation, the rotation system in the Attorney General's Office was abandoned, in favor of the exclusive assignment of DSC to such litigation.

n. Simultaneously, DSC, with the knowledge and consent of the Attorney General and XCR, still retained his position as Puccini's statutory watchdog (Business Corporation Law §1214).

o. Judicial, legal, and the most fundamental moral ethics had reached rock bottom -- the Tenth Circle, in Dante's Inferno, as DSC, was compelled to subordinate and abandon his mandatory obligations to Puccini, pursuant to non-vocal statutes, in favor of the subsequent optional representation of his highly vocal judicial clients.

p. 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.

q. 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.

12a. There was only one possible avenue of legitimate judicial protection for Puccini, to wit., the non-involved members of the SC, who, in many instances, are highly independent, honest, and relative fearless, in the best of judicial traditions.

b. The aforementioned judicial members became the personal task of XCR, his office, and in particular, the designee of XCR, Referee Donald Diamond.

Unconstitutionally, XCR himself and through Diamond, undertook to extend his administrative and essentially ministerial functions into an interference with judicial decision making (Balogh v. H.R.B. Caterers, 88 A.D.2d 136, 452 N.Y.S.2d 220 [2d Dept.]).

c. The corruption and corrupt practices of Donald Diamond in this regard deserves special note as he attempted to and did lead the members of the SC like a line of circus elephants.

In many cases the jurist involved was not even aware that he/she was the subject of a "fix" by Diamond and/or XCR.

d. The result thus far has shown that despite the open betrayal of Puccini's interests by the court-appointed receiver and his law firm, not a single member of the SC has taken note of the fact that he/she has a vicarious fiduciary responsibility to vouchsafe the assets and affairs of Puccini or to insure that it is receiving basic constitutional and legal protection.

13a. Significantly, the Puccini odyssey in the sea of judicial corruption, could not have possibly occurred had the the mandatory, non-discretionary, provisions contained in 22 NYCRR §660.24, not been blithely disobeyed.

b. Furthermore, once the K&R corruption had been exposed, remedial action was insured had Judiciary Law §14 been obeyed.

14a. The bastard birth of Raffe in the Puccini litigation, must be examined in the light of the Order of April 6, 1983 by Hon. Martin H. Rettinger ["MHR"].

b. In order to conceal the larceny of judicially entrusted assets that took place after June 4, 1980, LF, the receiver petitioned the Court to have Rashba & Pokart ["R&P"], examine the books and records of Puccini and answer four simple questions.

c. MHR rejected Raffe's offer, given access to Puccini's books and records, to perform LF's request free of charge and instead approved the appointment of R&P.

d. None of the culprits revealed that there existed any disqualifying relationships between the proposed investigator, R&P, and those subject of the investigations, to wit., K&R and ANBL&K.

e. About nine months after the appointment of R&P, K&R, LF, and FK&M, became frantic when ANBL&K confessed that it was a recipient of some of Puccini's judicially entrusted assets and that it had given a portion thereof to R&P.

f. At about such time, R&P was under a great deal of pressure to tender some sought of report, which had to, as part thereof, reveal some of the disqualifying relationships between investigator and those to be investigated.

g. It turned out that K&R was/is the client of R&P!

h. It turned out that ANBL&K unlawfully had taken \$10,000 from Puccini's judicially entrusted assets, had it labelled as a "legal" disbursement on Puccini's books, "laundered" \$6,200 and gave it to R&P in payment of an invoice to K&R, keeping \$3,800 of it as a "laundering" fee.

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 was taking place.

Think of it -- of the many accountants available, MHR disregarded 22 NYCRR §660.24, in order to appoint R&P, 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 truly happened after June 4, 1980!

i. The point is that in the XCR controlled SC, XCR was simultaneously serving as trustee of Puccini, and has been able to stonewall all attempts to have such manifestly void appointment declared null and void. All judicial proceedings after June 4, 1980 thus must be declared null and void (Universal v. Root, 328 U.S. 575; Hazal-Atlas v. Hartford, 322 U.S. 238).

15a. After XCR had been served with a summons and complaint from federal court which alleged serious acts of misconduct by himself, his office, and certain members of SC, he and his office entered into ex parte discussions with FK&M, which resulted in the sua sponte appointment of Diamond.

b. The back-dated, non-appealable Order of March 26, 1984, is a transparent fake, since the only notice given was a letter from FK&M to XCR, and judicial orders in SC [except possibly on reargument] do not ripen into orders of substantial legal importance (Balogh v. H.R.B. Caterers, supra).

c. Although Diamond was only given authority over motions in Special Term Part I, he recognized that there was pending in Trial Term XI two unanswerable motions by Raffe resulting from the R&P disclosures of March 5, 1984, which had to immediately terminate Barr #2.

Unable to respond to such motions on their merits, K&R was in serious default.

K&R arranged with Diamond to have him "direct" the jurist in Trial Term XI to deny one motion without prejudice and have the other one referred to him, where it essentially died (Barr v. Raffe, App. Div. #1190-1199 [Record 6, 19]).

d. Thus, as another example, to dismiss a proceeding brought by FK&M, for non-compliance with 22 NYCRR §660.24, which DSC represented to the Appellate Division would be obeyed by the "Justices of the SC", after receiving authority for such representation from the Office of Court Administration and XCR, Diamond had a motion returnable October 12, 1984 referred to him on November 13, 1984, where it has also died.

e. Legal papers, motions, and documents that do not suit Diamond's fancy are either destroyed, secreted, or merely not filed. Thus a decisive motion which had to, as a matter of law, be referred to another jurist were, according to Diamond "lost in transit" (Barr v. Raffe, App. Div. #667-669 [A274]), but other papers and documents reveal otherwise.

f. Corruption and "pay-offs" are openly and arrogantly displayed in the non-public courtroom of Diamond, and despite an in haec verba reading of Judiciary Law §4, Diamond ejects and excludes from his courtroom and even the entire 60 Center Street, those "citizens" who report adversely on his activities.

g. Nevertheless, under the Diamond "phantom" rules, he has endowed himself as the Supreme Being in SC, "directing" all members of that court what they may or may not decide and in many cases, and as an outright "fixer", how they should decide (Balogh v. H.R.B. Caterers, supra).

h. Obviously, Diamond's corrupt view is that Puccini is nothing more than a "judicial fortune cookie", carrion for the insatiable appetites of those who corrupt, and deserves no protection.

16a. In order to "close the ring", it was necessary to eliminate Sassower, for in protecting the parallel interests of Raffe, he was protecting the interests of Puccini.

b. Obviously, in the third party action, in defending Raffe against the claims of the clients of K&R, Sassower was protecting the rights of the third party defendants, including Puccini.

c. In a situation wherein the interests of Raffe, 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 Sassower as Raffe's attorney.

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

e. 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.

f. The decisions of TVS only disqualified Sassower in the third party action, and nothing more! By a further extrinsic fraud, the orders entered upon such decisions, extend the intent of the court.

g. In any event the "spirit" of the orders of disqualification is that Sassower 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.

h. 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 Sassower.

i. To insure that Sassower is eliminated from aiding either Raffe, or indirectly Puccini, with the overt aid and assistance of Dann and XCR, they have (1) brought numerous contempt proceedings against him, and (2) prevented him from moving to renew such disqualification orders, based upon post March 5, 1984 [R&P report] information.

j. To insure that Raffe and thus Puccini, obtains no legal protection Raffe, sua sponte, "Pearl Harbor style", Diamond imposed a \$5,000 fine for demanding that Raffe appear by attorney and for his compliance therewith; the culprits have commenced specious contempt proceedings against his new attorney, Sam Polur, Esq., ["Polur"]; have subpoenaed him in supplementary proceedings although the judgment against Raffe was fully secured to an amount of twice the judgment by a restraining notice; and have otherwise unconstitutionally harassed and threatened Polur.

AS AND FOR A THIRD CAUSE OF COMPLAINT TO
DECLARE NULL AND VOID ALL LITIGATION INVOLVING,
OR RELATED TO, PUCCINI SINCE JANUARY 23, 1984

17. Petitioner, repeats, reiterates and realleges, each and every allegation made in paragraphs "1" through "16" inclusive, with the same force and effect as though more fully set forth at length herein, and further alleges.

18a. On or about January 23, 1984, XCR was served with a summons and complaint from federal court, alleging grave and serious acts of misconduct and neglect by XCR, his office, and members of SC under his administrative jurisdiction, in the Puccini litigation.

b. Thereafter XCR and Diamond were named in various other actions and proceedings in SC, the Court of Claims, the Appellate Division, and in the federal courts, and charged with grave and serious acts of misconduct, including obstruction of justice.

c. As a result thereof, since January 23, 1984, the judicial, quasi-judicial, and administrative activities of XCR and Diamond are null and void, as a matter of basic constitutional and statutory mandate (Judiciary Law §14; Matter of Capoccia, 104 A.D.2d 536, 479 N.Y.S.2d 160 [3d Dept.]), including all orders rendered thereunder, including that of Hon. Ira Gammerman, dated January 23, 1985, entered January 24, 1985, purportedly made to enforce the "Diamond phantom rules".

19a. In other ways and respects the "out of orbit" space odyssey of Hon. Ira Gammerman is null and void for reasons set forth in papers filed in the Appellate Division and sub judice in SC, and it need not be belabored herein.

b. In any event, DSC has agreed that as to him, his office, and his clients, the aforementioned Order of Hon. Ira Gammerman is of "no effect".

20. To repeat what was earlier stated, the grant of this petition would inure to the benefit of Puccini, as well as Dann and Sorrentino, and the positions taken by the various respondents should be both significant and interesting, if not decisive, as to whether "judicial corruption reigns"!

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 or related to Puccini after June 4, 1980; alternatively, rendering null and void all Puccini related proceedings after January 23, 1984 insofar as they have been affected by the actions and/or activities, directly or indirectly of XCR and Diamond, together with any other, further, and/or different relief as to this Court may seem just and proper in the premises.

Dated: May 6, 1985

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

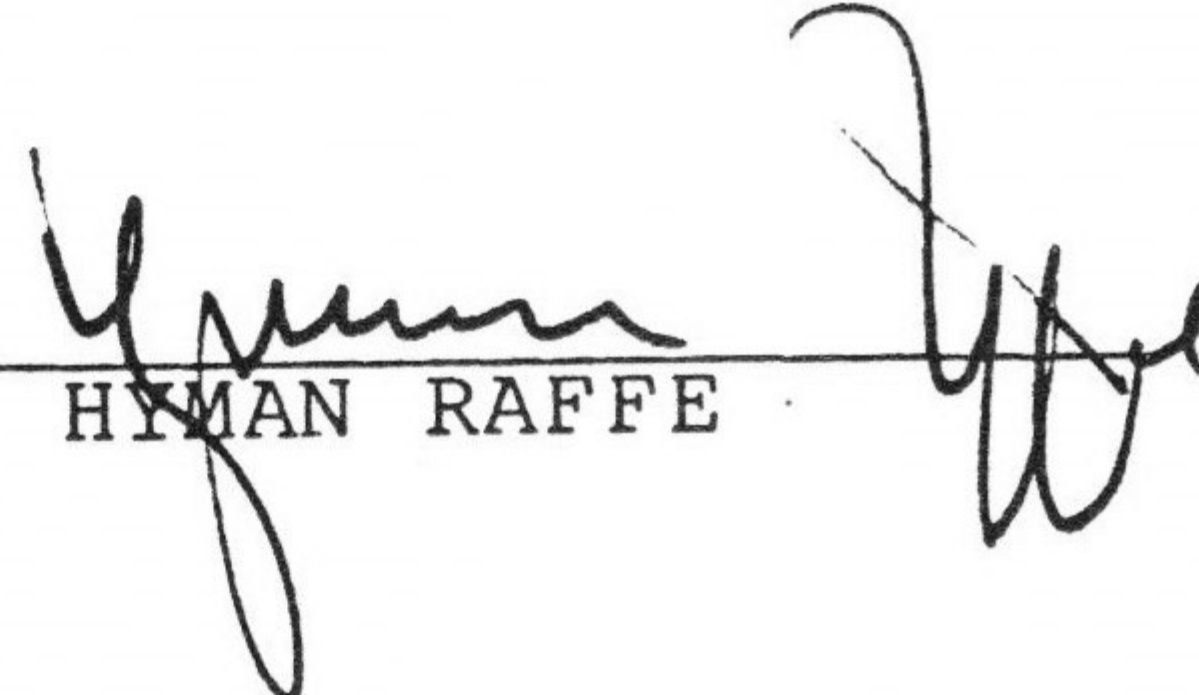
STATE OF NEW YORK
CITY OF NEW YORK
COUNTY OF KINGS

)
) ss.:
)

FILED
CITY OF NEW YORK
COUNTY OF KINGS

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

I am the petitioner herein and have read
the foregoing Petition 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
6th day of May, 1985



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

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 Feltran

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 Qualified in New York Co.
 Commission Expires March 31, 1983

