

SUPREME COURT OF THE STATE OF NEW YORK
APPELLATE DIVISION: SECOND JUDICIAL DEPARTMENT

----- X

In the Matter of GEORGE SASSOWER, an attorney and counselor-at-law, :

GRIEVANCE COMMITTEE FOR THE SECOND AND ELEVENTH JUDICIAL DISTRICTS, :

ORDER TO SHOW CAUSE

Petitioner, :

GEORGE SASSOWER, :

Respondent. :

----- X

Upon the affirmation of ROBERT H. STRAUS, Chief Counsel to the Grievance Committee for the Second and Eleventh Judicial Districts, dated July 11, 1985 and the annexed Orders, dated June 26, 1985, imposing punishment upon the respondent, George Sassower, for the commission of the serious crimes of criminal contempt, and upon all the papers and proceedings heretofore had herein,

LET the above-named attorney and counselor-at-law SHOW CAUSE at a Term of this Court to be held at the Courthouse thereof, located at 45 Monroe Place, Brooklyn, New York, on the 19th day of July, 1985 at 9:30 o'clock in the forenoon of that day, or as soon thereafter as counsel can be heard, why an Order should not be made and entered herein:

Suspending the respondent, GEORGE SASSOWER, as an at-

torney and counselor-at-law, upon his conviction of a serious crime pursuant to Judiciary Law, Section 90, subd. 4(f).

SUFFICIENT REASON APPEARING THEREFOR, it is

FURTHER ORDERED, that service of a copy of this Order together with the papers upon which it was granted, upon the respondent, on or before the 15th day of July, 1985, shall be deemed sufficient service.

Dated: Brooklyn, New York

July 11, 1985

S/ SYBIL H. KOOPER
Associate Justice of the Supreme Court
Appellate Division,
Second Judicial Department

SUPREME COURT OF THE STATE OF NEW YORK
 APPELLATE DIVISION: SECOND JUDICIAL DEPARTMENT

----- X

In the Matter of GEORGE SASSOWER, an attorney and counselor-at-law, :

GRIEVANCE COMMITTEE FOR THE SECOND AND ELEVENTH JUDICIAL DISTRICTS, : AFFIRMATION

Petitioner, :

GEORGE SASSOWER, :

Respondent. :

----- X

STATE OF NEW YORK)
 :SS.:
 COUNTY OF KINGS)

ROBERT H. STRAUS, an attorney duly admitted to practice law in the State of New York, affirms the following, under penalty of perjury:

1. I am Chief Counsel to the Grievance Committee for the Second and Eleventh Judicial Districts, the petitioner. I am fully familiar with the relevant facts and circumstances.

2. This affirmation is submitted in support of the within motion to suspend the respondent from the practice of law based upon his convictions of serious crimes, and for such other relief as the Court may deem just and proper.

3. In an Order dated June 26, 1985 (a copy is annexed as Exhibit A), Hon. Alvin F. Klein, Justice of New York

County Supreme Court, directed that respondent be imprisoned for a period of thirty days and pay fines totalling \$1,250.00 as punishment for his commission of the the crime of criminal contempt in having wilfully and deliberately violated a court order.

4. In an Order dated June 26, 1985 (a copy is annexed as Exhibit B), Hon. David B. Saxe, Justice of New York County Supreme Court, directed that respondent be imprisoned for a period of ten days and fined \$250.00 as punishment for his commission of the crime of criminal contempt in having wilfully and deliberately violated a court order.

5. Section 90, subd. (4)(f) of the Judiciary Law requires the suspension of any attorney convicted of a "serious crime" as defined by subdivision (d) of this section. Subdivision (d) of Section 90 defines "serious crime" as including, inter alia:

...any other crime a necessary element of which, as determined by statutory or common law definition of such crime, includes interference with the administration of justice, false swearing, misrepresentation, fraud, willful failure to file income tax returns, deceit, bribery, extortion, misappropriation, theft, or an attempt or conspiracy or solicitation of another to commit a serious crime.

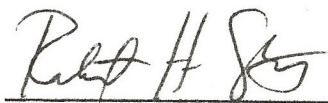
6. By his deliberate and wilful violations of a court order, respondent clearly interfered with the administration of justice, making his crime "serious" as defined by Section 90 and,

therefore, requiring his suspension.

WHEREFORE, it is respectfully requested that an order be made and entered herein:

Suspending the respondent, GEORGE SASSOWER, as an attorney and counselor-at-law, based upon his conviction of a "serious crime," pursuant to Judiciary Law, Section 90, subd. (4) (f).

Dated: Brooklyn, New York
July 11, 1985



ROBERT H. STRAUS

At a Special Term, Part I
of the Supreme Court of the
State of New York, held in
and for the County of New
York, at the Courthouse,
60 Centre Street, New York
on the 7th day of June 1985

P R E S E N T:

Hon. Alvin F. Klein,

Justice.

CITY CLERK FROM JUSTICE
TO RECORDED BOOK

JUL 1 1985

MINUTE SPECIAL TERM
PART I
ACTION No. 1) LAW JOURNAL

-----X
HYMAN RAFFE,

Plaintiff,

-against-

Index No. 9522/85

XAVIER C. RICCOBONO, DONALD DIAMOND,
FELTMAN, KARESH & MAJOR, ESQ. and
KREINDLER & RELKIN, P.C.,

Defendant.

ORDER

-----X
HYMAN RAFFE,

Plaintiff,

-against-

KREINDLER & RELKIN, P.C., Hon. WALTER
M. SCHACKMAN, "JOHN DOE", and "JOHN ROE",
names fictitious, persons intended to be
those who communicated with the Court,
ex parte,

(Action No. 2)

Defendants.

-----X
HYMAN RAFFE,

Plaintiff,

(Action No. 3)

-against-

DONALD B. RELKIN, ESQ., MICHAEL J.
GERSTEIN, ESQ., KREINDLER & RELKIN,
P.C., CITIBANK, N.A., and JEROME H.
BARR, ESQ., individually and as Executors
of the Will of Milton Kaufman

Defendant.

KREINDLER & RELKIN P.C.

EXHIBIT A

Kreindler & Relkin, P.C., defendant in Actions No. 1 and Action No. 2; and Donald B. Relkin, Michael J. Gerstein, Kreindler & Relkin, P.C., Citibank, N.A. and Jerome H. Barr individually and as Executors of the Will of Milton Kaufman defendants in Action No. 3 having moved for: a) An order pursuant to CPLR 3211(a)1, 3211(a)3 and 3211(a)7 dismissing this action or alternatively permanently staying the action as being brought in violation of the Order of Justice Gammerman dated January 23, 1985; b) An order holding George Sassower and Hyman Raffe in three counts of criminal contempt of Court on the grounds that in commencing each of these three actions they have flagrantly and deliberately violated the injunction issued by Justice Gammerman, which injunction permanently enjoined and restrained George Sassower and Hyman Raffe and anyone acting in concert or cooperation with either of them from filing or serving any further lawsuits against any of the Movants arising out of the enforcement of Hyman Raffe's guarantees; c) awarding to the Movants damages including reasonable attorneys' fees which resulted from the violation of Justice Gammerman's injunction by Hyman Raffe and George Sassower, pursuant to Judiciary Law §773 and the prior order of this Court which held that "future motions by Messrs. Sassower and Raffe should be examined in light of the well established exception to the American Rule that attorneys' fees are recoverable in response to vexatious suits and litigation commenced in bad faith"; and

Feltman, Karesh & Major, defendant in Action No. 1, having moved for an order:

(i) permanently staying and enjoining the prosecution of this action against defendant Feltman, Karesh & Major in accordance with this Court's permanent injunction order of January 23, 1985 (Gammerman, J.) (the "Permanent Injunction Order"); or alternatively,

(ii) dismissing this action pursuant to CPLR 3211(1) 1, 3 and 5 as barred by the Permanent Injunction Order; and

(iii) punishing attorney George Sassower, plaintiff Hyman Raffe and Samuel Polur, who served the Summons with full knowledge of the Permanent Injunction Order, as and for a criminal contempt of court on the grounds that in serving the Summons and in commencing this action they have flagrantly and deliberately violated the Permanent Injunction Order, which Order, inter alia, permanently enjoined and restrained George Sassower and Hyman Raffe and anyone acting in concert or cooperation with either or both of them from filing or serving any further lawsuits against Feltman, Karesh & Major, arising out of or relating to, inter alia, the judicial dissolution, the receivership of Puccini Clothes, Ltd. or the representation of the Receiver by Feltman, Karesh & Major; and

(iv) awarding to Feltman, Karesh & Major damages, including reasonable attorney's fees, which resulted from the violation of the aforesaid Order by George Sassower, Hyman Raffe and Samuel Polur, pursuant to Judiciary Law §773 and the prior Order of this Court which held that "future motions by Messrs. Sassower and Raffe should be examined in light of the well-established exception to the American rule that attorneys' fees are recoverable in response to vexatious suits and litigations commenced in bad faith"; and

(v) for such other, further and/or different relief as to this Court may seem just and proper:

Now, upon reading and filing the Notice of Motion of Kreindler & Relkin, P.C., dated April 30, 1985, the affidavit of Michael J. Gerstein, duly sworn to on April 30, 1985, and the exhibits annexed thereto; the affidavit of personal service of the Notice of Motion on Hyman Raffe of Roger Dougherty, sworn to on May 13, 1985; the affidavit of personal service of the Notion of Motion on George Sassower of Roger Dubin sworn to on May 6, 1985, all in support of Kreindler & Relkin P.C.'s motion, and upon the Notice of Motion of Feltman, Karesh & Major dated April 11, 1985, the affidavit of Donald F. Schneider, duly sworn to on April 11, 1985, and the exhibits annexed thereto; the affidavit of service of the Notice of Motion on George Sassower of

Donald F. Schneider sworn to on April 19, 1985; the affidavit of service of the Notice of Motion on Samuel Polur of Donald F. Schneider, sworn to on April 19, 1985; the Supplemental Affirmation of Donald F. Schneider, dated May 6, 1985 all in support of Feltman, Karesh & Major's motion, and said motion having regularly come on to be heard for oral argument before the Honorable Alvin F. Klein at Special Term Part I of this Court on May 29, 1985; and after hearing Kreindler & Relkin, P.C. by Michael J. Gerstein, Esq., and Feltman, Karesh & Major by Donald F. Schneider, Esq., in support of the motions, and Sam Polur, Esq., on behalf of Hyman Raffe, George Sassower and Sam Polur in opposition thereto;

And due deliberation having been had thereon; and Hyman Raffe, George Sassower and Sam Polur, having commenced these actions and served the summonses in wilful and deliberate violation of an order of Justice Gammerman dated January 23, 1985, which Order permanently enjoined commencement of actions such as these three, which were commenced with full knowledge of the said Order, and the conduct of Hyman Raffe, George Sassower and Sam Polur having been calculated to and having defeated, impaired, impeded and prejudiced the rights of defendants Kreindler & Relkin, P.C. and Feltman, Karesh & Major in Action No. 1; Kreindler & Relkin, P.C., in Action No. 2, and Donald B. Relkin, Esq., Michael J. Gerstein, Esq., Kreindler & Relkin, P.C., Citibank, N.A. and Jerome H. Barr, Esq., individually and as Executors of the Will of Milton Kaufman in Action No. 3; and this Court having rendered a decision dated June 6, 1985 ~~granting the motions;~~

Now, on motion of Kreindler & Relkin, P.C. and Feltman, Karesh & Major, it is

ORDERED, that motions Nos. 21 & 178 on the calendar of May 29, 1985 are consolidated for disposition; and it is further ORDERED THAT THE MOTIONS ARE GRANTED AND IT IS FURTHER

ORDERED, that so much of defendants' motions as seek to dismiss these actions pursuant to CPLR 3211(a)1, CPLR 3211(a)3, CPLR 3211(a)5 and CPLR 3211(a)7 are granted; and it further

ORDERED, that Action No. 1 is dismissed pursuant to CPLR 3211(a)1, CPLR 3211(a)3, CPLR 3211(a)5, and CPLR 3211(a)7 as to defendants Feltman, Karesh & Major Esqs., and Kreindler & Relkin, P.C.; and it is further

ORDERED, that Action No. 2 is dismissed pursuant to CPLR 3211(a)1, CPLR 3211(a)3, CPLR 3211(a)5, and CPLR 3211(a)7 as to defendant Kreindler & Relkin, P.C.; and it is further

ORDERED, that Action No. 3 is dismissed pursuant to CPLR 3211(a)1, CPLR 3211(a)3, CPLR 3211(a)5, and CPLR 3211(a)7 as to all defendants therein; and is further

ORDERED, that the motions of Kreindler & Relkin, P.C. to punish Hyman Raffe and George Sassower for criminal contempt, and the motion of Feltman, Karesh & Major to

punish George Sassower and Samuel Polur for a criminal contempt, are granted in all respects; and it is further

ORDERED AND ADJUDGED, that Hyman Raffe, George Sassower and Samuel Polur are guilty of criminal contempts of court for having wilfully and deliberately violated the Order of Justice Gammerman, dated January 23, 1985, which Order permanently enjoined commencement of the within actions, and it is further

ORDERED, that pursuant to the Judiciary Law of the State of New York, by reason of such criminal contempt of court, Hyman Raffe, George Sassower, and Samuel Polur shall each be imprisoned for a period of thirty (30) days in the jail of the county of this Court, and George Sassower shall pay a fine of \$250.00 to each of Feltman, Karesh & Major, 55 East 52nd Street, New York, New York, Kreindler & Relkin, P.C., Donald B. Relkin, Esq., Michael J. Gerstein, Esq., 500 Fifth Avenue, New York, New York and Citibank N.A. and Jerome H. Barr, individually and as Executors of the Will of Milton Kaufman, One Citicorp Center, New York, New York, Hyman Raffe shall pay a fine of \$250.00 to each of Feltman, Karesh & Major, 55 East 52nd Street, New York, New York, Kreindler & Relkin, P.C., Donald B. Relkin, Esq., Michael J. Gerstein, Esq., 500 Fifth Avenue, New York, New York and Citibank N.A. and Jerome H. Barr, individually and as Executors of the Will of Milton Kaufman, One Citicorp Center, New York, New York and Sam Polur shall pay a fine of \$250.00 to

Feltman, Karesh & Major, 55 East 52nd Street, New York, New York within ten (10) days after personal service of a certified copy of this Order upon them, and it is further ORDERED THAT THE SHERIFF OF ANY COUNTY IN THE STATE OF NEW YORK WHEREIN NYMAN RAFFE GEORGE SASSOWER AND SAMUEL POLUR, OR ANY OF THEM MAY BE APPREHENDED IS DIRECTED TO TAKE HIM OR THEM INTO HIS CUSTODY AND DETAIN HIM OR THEM IN THE CIVIL JAIL OR OTHER APPROPRIATE FACILITY UNTIL THE COMPLETION OF THEIR ON HIS TERM OF THIRTY DAYS OR UNTIL HE OR THEY SHALL BE OTHERWISE DISCHARGED, ACCORDING TO LAW, AND IT IS FURTHER ORDERED, that those branches of the motions seeking

recovery of damages, including attorneys' fees incurred as the result of defending these actions, are granted to the extent that the reasonable value of such damages and attorneys' fees is hereby referred to Trial Term, Part 10 for assignment to hear and report with recommendations and that pending receipt of the report, final determination of those portions of the motions is held in abeyance. COUNSEL ARE DIRECTED TO FORTHWITH SEND A CONFORMED COPY OF THIS ORDER TO THE CLERKS OF THIS OFFICE OF THE REFERREES FOR THE PURPOSE OF ANNOUNCING A CALENDAR DATE

ENTER:

FILED

JUL 1 - 1985

COUNTY CLERK'S OFFICE
NEW YORK

A 7 R

J.S.C.

STATE OF NEW YORK
COUNTY CLERK AND CLERK OF THE SUPREME COURT, NEW YORK COUNTY, NY
JUL -1 1985
No. 009015

THAT I HAVE COMPARED THIS COPY WITH THE ORIGINAL FILED IN MY OFFICE ON 7-1-85

7-1-85

THE SHERIFF OF THE COUNTY OF NEW YORK HAS BEEN ADVISED BY THE CLERK OF THE COUNTY OF NEW YORK THAT THE SHERIFF SHOULD SIGN THIS WARRANT TO SECURE THE APPEARANCE OF THE DEFENDANT IN COURT AS REQUIRED BY LAW.

OFFICIAL SEAL

SEE PAID

At a Special Term, Part I, of the Supreme Court of the State of New York, held in and for the County of New York, 60 Centre Street, New York, New York, on the 26 day of June, 1985.

P R E S E N T : DAVID B SOYE

Hon. ~~IRVING H. WEINSTEIN~~

Justice.

David B. SOYE
CITY CLERK TO JUSTICE
RECEIVED
BOOK 8749
JUL 1 1985
MINUTE BOOK
SPECIAL TERM PART I
JOURNAL

-----x
HYMAN RAFFE,

Plaintiff, : Index No. 8749/85

-against-

: ORDER

FELTMAN, KARESH & MAJOR,

Defendant. :
-----x

Defendant Feltman, Karesh & Major, having made a motion for an order, inter alia, (i) permanently staying and enjoining the prosecution of this action in accordance with an Order of permanent injunction of the Honorable Ira Gammerman dated January 23, 1985, or alternatively, (ii) dismissing this action pursuant to CPLR §3211(a)(1), (3) and (5), as barred by the said Order, and (iii) punishing attorneys George Sassower and Sam Polur as and for a criminal contempt of court on the grounds that in commencing and serving this action, they have

violated the said Order, and plaintiff Hyman Raffe having made a cross-motion for an order declaring unconstitutional and void CPLR §5222, declaring null and void defendant's restraint against bank accounts at Bank Leumi and National Bank of North America insofar as the restraint exceeds the sum of \$5,575.00, and declaring null and void a subpoena duces tecum dated March 21, 1985 and all other judgment enforcement proceedings by defendant.

Upon reading and filing defendant's Notice of Motion, dated April 3, 1985, the affidavit of Donald F. Schneider, sworn to on April 2, 1985, in support of the motion; the Notice of Cross-Motion of Hyman Raffe, dated April 13, 1985, the affirmation of George Sassower, dated April 13, 1985, and the exhibit annexed thereto, the affidavit of George Sassower, sworn to April 22, 1985, and the exhibit annexed thereto, the affirmation of George Sassower, dated May 1, 1985, and the exhibits annexed thereto, all in support of plaintiff's cross-motion and in opposition to the motion; the affirmation of Donald F. Schneider, Esq., dated April 19, 1985, in opposition to the cross-motion and in further support of the motion, and the exhibit annexed thereto; and the motion and cross-motion having regularly come on to be heard; and due deliberation having been had thereon; and the Court (Honorable David B. Saxe) having issued a written decision dated May 9, 1985;

And it appearing that the commencement of this action by attorney George Sassower, in direct violation of the permanent injunction Order of the Honorable Ira Gammerman dated January 23, 1985, was done wilfully and with full knowledge of the Order disobeyed, and that such conduct was intended to and has defeated, impeded, impaired and prejudiced the rights of defendant Feltman, Karesh & Major;

And it appearing that in connection with the dissolution of Puccini Clothes, Ltd., attorney George Sassower and plaintiff Hyman Raffe have commenced, filed or made the motions, lawsuits, proceedings, and appeals set forth in the schedules annexed hereto as Exhibits "A", "B", "C" and "D" respectively,

NOW, upon motion of Feltman, Karesh & Major, defendant pro se, it is hereby

ORDERED, that defendant's motion for an order dismissing this action pursuant to CPLR §3211(a)(1), (3) and (5) is granted in all respects, and this action is dismissed; and it is further

ORDERED, that defendant's motion for an order punishing George Sassower for a criminal contempt of the Order of the Honorable Ira Gammerman, dated January 23, 1985, which

permanently enjoined and restrained George Sassower from commencing and filing this action, is granted in all respects; and it is further

ORDERED, that George Sassower shall be imprisoned for a period of ~~thirty~~ ^{ten} (10) days in the jail of the county of this Court as and for his criminal contempt of court; and it is further

ORDERED, that George Sassower shall pay to defendant Feltman, Karesh & Major, at 55 East 52nd Street, New York, New York 10055, a fine in the sum of \$250.00 within ten (10) days after service upon George Sassower of a certified copy of this order with notice of entry thereof, for his criminal contempt of court; and it is further

ORDERED, that ~~THE SHERIFF OF ANY COUNTY IN THE STATE OF NEW YORK WHEREIN GEORGE SASSOWER MAY BE APPREHENDED IS DIRECTED TO TAKE HIM INTO CUSTODY AND DETAIN HIM IN THE CIVIL JAIL FACILITY UNTIL THE COMPLETION OF HIS TERM OF THIRTY DAYS UNLESS HE SHALL BE OTHERWISE DISCHARGED ACCORDING TO LAW; AND IT IS~~ ^{THE SHERIFF OF ANY COUNTY IN THE STATE OF NEW YORK WHEREIN GEORGE SASSOWER MAY BE APPREHENDED IS DIRECTED TO TAKE HIM INTO CUSTODY AND DETAIN HIM IN THE CIVIL JAIL FACILITY UNTIL THE COMPLETION OF HIS TERM OF TEN DAYS UNLESS HE SHALL BE OTHERWISE DISCHARGED ACCORDING TO LAW; AND IT IS}

FURTHER ORDERED, that defendant's motion to punish Sam Polur for a criminal contempt of court is denied; and it is further

ORDERED, that plaintiff's cross-motion is denied in all respects; and it is further

ORDERED, that defendant shall serve a copy of this Order with notice of entry upon the Supreme Court of the State of New York, Appellate Division, First and Second Judicial Departments.

E N T E R :

FILED

JUL 1 - 1985

COUNTY CLERK'S OFFICE
NEW YORK

Paul H. Sape
J.S.C.

STATE OF NEW YORK,
COUNTY OF NEW YORK, SS:
I, NORMAN GOODMAN,
COUNTY CLERK AND CLERK
OF THE SUPREME COURT,
NEW YORK COUNTY,
DO HEREBY CERTIFY ON

JUL - 1 1985

7-1-85

AND THAT THE SAME IS A
CORRECT TRANSCRIPT
THEREOF AND OF THE
WHOLE OF SUCH ORIGINAL,
IN WITNESS WHEREOF,
I HAVE HEREUNTO SET MY
HAND AND AFFIXED MY
OFFICIAL SEAL.

Norman Goodman
COUNTY CLERK AND CLERK OF THE
SUPREME COURT, NEW YORK COUNTY
FURNISHES SIGNATURE BAND
Pursuant to Sec. 52a,
COUNTY LAW.

SEE PAID

No 009007

Sir: Please take notice that the within is a (certified) true copy of a duly entered in the office of the clerk of the within named court on 19

Dated, Yours, etc.

ROBERT H. STRAUS

Attorney for GRIEVANCE COMMITTEE
Office and Post Office address
210 Joralemon Street
Borough of Brooklyn Brooklyn, N.Y. 11201

To Attorney(s) for

NOTICE OF SETTLEMENT

Sir:—Please take notice that an order of which the within is a true copy will be presented for settlement to the Hon. one of the judges of the within named Court, at

on the day of 19
at M.
Dated,

Yours, etc.

ROBERT H. STRAUS

Attorney for GRIEVANCE COMMITTEE
Office and Post Office Address
210 Joralemon Street
Borough of Brooklyn Brooklyn, N.Y. 11201

To Attorney(s) for

Supreme Court of the State of New York
Appellate Division — Second Judicial
Department

In the Matter of GEORGE SASSOWER,
an attorney and counselor-at-law,

GRIEVANCE COMMITTEE FOR THE
SECOND AND ELEVENTH JUDICIAL
DISTRICTS,

Petitioner,

GEORGE SASSOWER,

Respondent.

ORDER TO SHOW CAUSE
AND APPOINTMENT

ROBERT H. STRAUS

Attorney for GRIEVANCE COMMITTEE
Office and Post Office Address, Telephone
210 Joralemon Street
Borough of Brooklyn Brooklyn, N.Y. 11201
(212) 624-7851

To

Attorney(s) for

Service of a copy of the within

is hereby admitted.

Dated,

Attorney(s) for