

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 16 day of June, 1985.

P R E S E N T : DAVID B SAXE

Hon. ~~IRVING H. WEINSTEIN~~

Justice.

DAVID B SAXE JUSTICE BOOK
CITY CLERK RECEIVED

JUL 1 1985

MINUTE BOOK SPECIAL TERM PART I

HYMAN RAFFE,

Plaintiff,

: Index No. 8749/85

-against-

: ORDER

FELTMAN, KARESH & MAJOR,

Defendant.

:

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

EB

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 warrant of commitment shall issue to~~ THE SHERIFF OF ANY COUNTY IN THE STATE OF NEW YORK WHEREIN GEORGE SASSOWER MAY BE APPREHENDED IS ~~TO~~ DIRECTED TO TAKE HIM INTO ^{HIS} CUSTODY AND DETAIN HIM IN THE CIVIL JAIL FACILITY UNTIL THE COMPLETION OF HIS TERM OF ~~THIRTY~~ ^{TEN} DAYS OR UNTIL 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.

ENTER :

Charles J. Sape

J.S.C.

FILED
JUL 1 - 1985
COUNTY CLERK'S OFFICE
NEW YORK

No 009007
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
THAT I HAVE COMPARED THIS
COPY WITH THE ORIGINAL
FILED IN MY OFFICE ON
AND THAT THE SAME IS A
CORRECT TRANSCRIPT
HEREOF AND OF THE
WHOLE OF SUCH ORIGINAL
IN WITNESS WHEREOF,
I HAVE HEREUNTO SET MY
HAND AND AFFIXED MY
OFFICIAL SEAL.
COUNTY CLERK AND CLERK OF THE
SUPREME COURT, NEW YORK COUNTY
PARTICULAR SIGNATURE LEGAL
COURTY LAW.
FEE PAID