

[A2-A67]

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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

Plaintiffs,

84 Civ. 0305 (EHN)

- against -

ORDER OF CIVIL AND CRIMINAL
CONTEMPT OF COURT
FINDING HYMAN RAFFE,
GEORGE SASSOWER, MADISON
HEAT CORP. and A.R. FUELS
INC.

CITIBANK, N.A., and JEROME H. BARR
individually and as executors of the
Estate of Milton Kaufman;; KREINDLER
& RELKIN, P.C.; LEE FELTMAN; FELTMAN,
KARESH & MAJOR; ARUTT, NACHAMIE,
BENJAMIN, LIPKIN & KIRSCHNER, P.C.;
RASHBA & POKART, P.C.; EUGENE DANN;
ROBERT SORRENTINO; ROBERT ABRAMS, as
Attorney General of the State of New
York; JOHN V. LINDSAY; and SUPREME
COURT OF THE STATE OF NEW YORK,
COUNTY OF NEW YORK,

Defendants.

-----X
Defendants Citibank, N.A. and Jerome H. Barr
individually and as Executors of the Estate of Milton Kaufman
and Kreindler & Relkin, P.C. (hereinafter collectively
"Movants") having moved by order to show cause signed June
3, 1985 for an order punishing Hyman Raffe, George Sassower,
A.R. Fuels, Inc. and Madison Heat Corp., for contempt of
Court for failing to honor the order of Judge Nickerson
dated May 28, 1985, which ordered each of them to appear for
deposition on May 30, 1985, and said motion having regularly

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come on for hearing on June 7, 1985 before the Honorable Eugene H. Nickerson, United States District Judge, and upon the oral decision of the Court, it is

ORDERED, that the Court hereby makes the following findings of fact upon which the adjudication is based:

1. A judgment was entered in this Court on February 22, 1985 awarding, inter alia, fees and disbursements to Kreindler & Relkin, P.C., in the total amount of \$18,669.17, and providing that plaintiff, Hyman Raffe, and his attorney George Sassower, shall each pay one-half of these amounts.

2. Subpoenas duces tecum were duly served upon Hyman Raffe, judgment debtor, and A.R. Fuels Inc. and Madison Heat Corp., as witnesses, on April 12, 1985, and upon George Sassower, judgment debtor, on April 16, 1985, requiring each of the aforesaid to appear for deposition at the offices of Kreindler & Relkin, P.C., 500 Fifth Avenue, New York, New York on April 25, 1985.

3. Hyman Raffe, George Sassower, A.R. Fuels Inc. and Madison Heat Corp., each defaulted and failed to appear for deposition on April 25, 1985.

4. By order dated May 28, 1985, this Court ordered Hyman Raffe, George Sassower, Madison Heat Corp., and A.R. Fuels Inc. to appear for deposition on May 30, 1985 at 10:00 A.M. at the United States District Courthouse, 225 Cadman Plaza, East, Brooklyn, New York.

5. Copies of the Court's order of May 28, 1985 were duly served on May 28, 1985, upon Hyman Raffe, George Sassower, A.R. Fuels Inc., and Madison Heat Corp.

6. Hyman Raffe, George Sassower, A. R. Fuels Inc., and Madison Heat Corp., each defaulted and failed to appear for deposition on May 30, 1985.

IT IS FURTHER ORDERED AND ADJUDGED, based upon the aforesaid findings of fact, that Hyman Raffe, George Sassower, A.R. Fuels Inc., and Madison Heat Corp., are in civil and criminal contempt of Court; and it is further

ORDERED, that the amount of damages to which the Movants are entitled shall consist of all attorneys' fees incurred by the Movants in enforcing this Court's judgment of February 22, 1985, including those incurred in connection with the instant motion and prior motions in connection with proceedings supplementary to judgment; and it is further

ORDERED, that each of Hyman Raffe, George Sassower, A.R. Fuels Inc., and Madison Heat Corp., is fined; a) the

EHN sum of \$1,000 per day commencing with and including ~~May 30,~~ June 7,

EHN 1985, the date upon which ~~they were ordered to appear for~~ this order is entered

EHN deposition pursuant to Judge Nickerson's May 28, 1985 order;

said amount to be paid by each of Raffe, Sassower, A.R. Fuels Inc. and Madison Heat Corp.; and; b) in addition thereto, all reasonable attorneys' fees and disbursements incurred by Movants in enforcing the judgment of this Court dated February 22, 1985 including those incurred in the instant proceeding, such attorneys' fees and disbursements to be fixed by a subsequent order of this Court; and it is further

EHN ORDERED, that such fines shall be payable to the Court,

EHN ~~Kreindler & Relkin, P.C. as attorneys for Citibank, N.A.~~

EHN and Jerome H. Barr individually and as Executors of the

E ✓ ~~Estate of Milton Kaufman; and is further~~

ORDERED, that such fines shall continue to accrue against each of Hyman Raffe, A.R. Fuels Inc., George Sassower, and Madison Heat Corp., until their respective appearances for deposition, together with production of the documents specified in the respective subpoenas served upon each of them, at the offices of Kreindler & Relkin, P.C., 500 Fifth Avenue, New York, New York, upon one business day's written notice personally delivered to the offices of Kreindler & Relkin, P.C., 500 Fifth Avenue, New York, New York 10110 attention Donald B. Relkin and Michael J. Gerstein; and it

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is further

ORDERED, that upon the failure of Hyman Raffe, George Sassower, A.R. Fuels Inc., and Madison Heat Corp., or any of them, to appear for deposition on or before June 17, 1985, Movants may move for a further order directing the arrest of the contemnors by the United States Marshal and their confinement in the Metropolitan Correctional Center until their appearance for deposition, production of document and the payment of the fines fixed in this order, or until the contemnors be otherwise discharged pursuant to law; and it is further

ORDERED, that copies of this order shall be served upon each of the contemnors by hand delivery of same to their offices, 2125 Mill Avenue, Brooklyn, New York, on or before June 10, 1985.

Dated: Brooklyn, New York
June 7, 1985

/s/ Eugene H. Wickerson
U.S.D.J.