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At a Special Term, Part I, of the Supreme Court, State of New York, held in and for the County of New York, at the Courthouse thereof, located at 60 Centre Street, New York, on the 15th day of ~~January~~ February 1981.

P R E S E N T :

Hon. Thomas V. Sinclair, Jr.
Judge

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JEROME H. BARR and CITIBANK, N.A., :
as Executors of the Will of Milton :
Kaufman, :
: :
Plaintiffs, :
: :

- against - :
:

HYMAN RAFFE, :
: :
Defendant. :
: :
-----X

HYMAN RAFFE, :
: :
Third-Party Plaintiff, :
: :

- against - :
:

PUCCINI CLOTHES, LTD., EUGENE DANN, :
and ROBERT SORRENTINO, :
: :
Third-Party Defendants. :
: :
-----X

INDEXED
FILED
FEB 24 1981
CLERK OF SUPREME COURT
NEW YORK COUNTY

ORDER with NOTICE
OF SETTLEMENT

The plaintiffs above-named, having moved by Notice of Motion dated June 24, 1981 for an order granting plaintiffs summary judgment against the defendant Hyman Raffe, and the defendant Hyman Raffe, having moved by Notice of Cross-Motion dated July 7, 1981 for an order that, if summary judgment is

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granted to plaintiffs, then summary judgment should be granted to defendant Hyman Raffe against the third-party defendants Puccini Clothes, Ltd., Eugene Dann and Robert Sorrentino, and for an order granting judgment in favor of the defendant Hyman Raffe against the plaintiffs, so that the loss ratio between them is 39-to-61, and a further judgment against the third-party defendant Puccini Clothes, Ltd. in the sum of \$35,541.23, and the defendant, having moved by Notice of Motion dated June 24, 1981 for an order striking plaintiffs' complaint for failure to respond to defendant's first set of interrogatories, and the third-party defendants having moved by Notice of Cross-Motion dated July 28, 1981 for an order disqualifying George Sassower, Esq., or any attorneys affiliated with him, as attorney for Hyman Raffe in this action, and in all other matters wherein he represents an interest adverse to Eugene Dann, Robert Sorrentino and Puccini Clothes, Ltd., due to a conflict of interest, and said Motions and Cross-Motions having duly come to be heard before the Hon. Thomas V. Sinclair, Jr., a Justice of this Court, on August 4, 1981, and this Court, having rendered its decision dated October 16, 1981, as hereinafter set forth;

NOW, upon reading and filing the Notice of Motion dated June 24, 1981, the affidavit of Jerome H. Barr sworn to June 29, 1981 and the exhibits annexed thereto, the affidavit of Charles Zangara sworn to July 29, 1981 and the exhibits annexed thereto, the affidavit of Joseph Alduino sworn to August 3,

1981, the affirmation of Robert J. Miller dated July 2, 1981 and the exhibits annexed thereto, all with proof of service thereof and all submitted in support of plaintiffs' motion for summary judgment, and in opposition to defendant Hyman Raffe's cross-motion to obtain judgment against plaintiff and submitted in opposition to defendant Hyman Raffe's motion to strike the complaint, the Notice of Cross-Motion dated July 7, 1981, the affidavits (2) of Hyman Raffe sworn to July 7, 1981, and the exhibits annexed thereto, the affirmations of George Sassower (2) dated July 7, 1981 and the exhibits annexed thereto, the affirmation of George Sassower dated August 2, 1981 and the exhibits annexed thereto, the affirmation of George Sassower dated August 3, 1981, the affirmation of George Sassower dated August 4, 1981 and the exhibits annexed thereto, the Notice of Motion dated June 24, 1981, the affirmation of George Sassower dated June 24, 1981, the affirmation of George Sassower dated July 7, 1981, all submitted in opposition to plaintiffs' motion and third-party defendants' Motion and Cross-Motions and all submitted in support of the defendant's cross-motions, the notice of cross-motion dated July 23, 1981, the affidavit of Eugene Dann sworn to July 23, 1981 and the exhibits annexed thereto, the affirmation of Arthur Goldstein dated July 28, 1981, the affirmation of Arthur Goldstein dated July 30, 1981, the affirmation of Arthur Goldstein dated July 31, 1981, all submitted with proof of service thereof and all submitted in opposition to defendant Raffe's cross-motion for summary judgment and in support of third-party

defendants' cross-motion to disqualify George Sassower, and due deliberation having been had thereon, and upon the filing of the decision of this Court;

NOW, on motion of Kreindler & Relkin, attorneys for plaintiffs, it is

ORDERED, that the third-party defendants Eugene Dann, Robert Sorrentino and Puccini Clothes, Ltd.'s motion for an order disqualifying George Sassower, Esq. as attorney for Hyman Raffe in this proceeding, and ~~all other proceedings wherein George Sassower, Esq. represents an interest adverse to Eugene Dann, Robert Sorrentino and Puccini Clothes, Ltd.,~~ is granted, and it is further

ORDERED, that plaintiffs' motion for summary judgment against the defendant Hyman Raffe, the defendant Hyman Raffe's cross-motion for summary judgment and the defendant Hyman Raffe's motion to strike plaintiffs' complaint are held in abeyance, and it is further

ORDERED, that George Sassower, Esq., or any attorney affiliated or in any way associated with him, is disqualified from representing Hyman Raffe in this action, and ~~in all other actions or matters wherein George Sassower, Esq. represents an interest adverse to the third-party defendants Eugene Dann, Robert Sorrentino and Puccini Clothes, Ltd.;~~ and it is further

ORDERED, that a copy of this Order With Notice of Entry shall be served personally upon the defendant Hyman Raffe, and that service of this Order shall constitute notice pursuant to CPLR §321, and it is further

ORDERED, that thirty days after service of a copy of this Order With Notice Of Entry upon defendant Hyman Raffe, any party may re-activate the motions held in abeyance by requesting upon notice to all parties consideration of said motions by the Court.

E N T E R

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J.S.C.

2-4-84

FILED
FEB 4 1984
NEW YORK COUNTY CLERK
NEW YORK COUNTY