

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 thereof, 60 Centre Street, New York, New York on the 23 day of January, 1985.

P R E S E N T :

Hon. Ira Gammerman,
Justice.

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BOOK PART I LAW JOURNAL

In the Matter of the Application of Jerome H. Barr and Citibank, N.A., as Executors of the Will of Milton Kaufman, Holders of One-Quarter of All Outstanding Shares of Puccini Clothes, Ltd. Entitled to Vote in an Election of Directors,
Petitioners,
For the Dissolution of Puccini Clothes, Ltd.

Index No. 01816/80

ORDER

HYMAN RAFFE,
Plaintiff,
-against-
KREINDLER & RELKIN, P.C.
Defendant.

(No index number)

HYMAN RAFFE, individually and on behalf of PUCCINI CLOTHES, LTD.,
Plaintiff,
-against-
KREINDLER & RELKIN, P.C.; FELTMAN, KARESH & MAJOR and ARUTT, NACHAMIE, BENJAMIN, LIPKIN & KIRSCHNER, P.C.,
Defendants.

(No index number)

KREINDLER & RELKIN, P.C.

ERK

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GEORGE SASSOWER, :

Plaintiff, :

-against- :

Index No. 25452/84

DONALD F. SCHNEIDER and FELTMAN, :
KARESH & MAJOR and "JOHN DOE," :
person intended to be one who :
purportedly gave defendants :
"instructions", :

Defendants. :

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

Plaintiff, :

-against- :

Index No. 23485/84

LEE FELTMAN, FELTMAN, KARESH & MAJOR :
and Hon. XAVIER C. RICCOBONO, as :
trustee; Hon. MICHAEL J. DONTZIN, as :
trustee; and Hon. THOMAS V. SINCLAIR, :
JR., as trustee; individually and as :
etc; and FIDELITY AND DEPOSIT COMPANY :
OF MARYLAND, :

Defendants. :
: :
-----X

HYMAN RAFFE and GEORGE SASSOWER, :

Plaintiffs, :

-against- :

Index No. 15604/82

ARUTT, NACHAMIE, BENJAMIN, LIPKIN & :
KIRSCHNER, P.C., and FELTMAN, KARESH :
& MAJOR, ESQS., :

Defendants. :
-----X

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

Petitioner,

Index No. 22106/84

-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.
-----X

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

Plaintiff,

(No index number)

-against-

JEROME H. BARR and CITIBANK, N.A., as
executors of the Last Will and
Testament of MILTON KAUFMAN, and
LEE FELTMAN,

Defendant.
-----X

HYMAN RAFFE,

Plaintiff,

(No index number)

-against-

EDWARD WEISSMAN,

Defendant.
-----X

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

Plaintiff, :

-against- :

(No index number) :

DONALD DIAMOND; JEROME H. BARR and :
CITIBANK, N.A., individually and as :
executors of the Estate of Milton :
Kaufman; and LEE FELTMAN, :

Defendant. :

-----X

Jerome H. Barr and Citibank, N.A., individually and as executors of the Will of Milton Kaufman, and Kreindler & Relkin, P.C.; Lee Feltman, Esq., individually and as Receiver of Puccini Clothes, Ltd., and Feltman, Karesh & Major; and Eugene Dann, Robert Sorrentino and Nachamie, Kirschner, Levine, Spizz & Goldberg, P.C. (hereinafter collectively the "Movants"), each having respectively moved for an Order permanently enjoining Hyman Raffe and George Sassower, Esq. or anyone associated or affiliated with or acting in cooperation or concert with either of them from serving or filing in any court or tribunal of this State any further lawsuits or proceedings arising out of or relating to certain matters, and permanently staying the prosecution of certain pending lawsuits and proceedings;

And said motions having all regularly come on to be heard before me at Special Term, Part I of this Court on December 19, 1984,

NOW, upon reading and filing the Order to Show Cause signed by the Honorable Thomas J. Hughes on December 7, 1984, the affidavit of Charles A. Zangara sworn to December 4, 1984 and exhibits annexed thereto, in support of the motion of Jerome H. Barr and Citibank, N.A. as executors of the Estate of Milton Kaufman, and Kreindler & Relkin, P.C.; the Order to Show Cause signed by the Honorable Thomas J. Hughes on December 7, 1984, the supporting affirmation of Lee Feltman dated November 26, 1984 and exhibits annexed thereto in support of the motion of Lee Feltman and Feltman, Karesh & Major; the Order to Show Cause signed by the Honorable Thomas J. Hughes dated December 7, 1984, the affirmation of Arthur Goldstein dated December 6, 1984, and exhibits annexed thereto, in support of the motion of Eugene Dann, Robert Sorrentino and Nachamie, Kirschner, Levine, Spizz & Goldberg, P.C.

And upon the affidavits of George Sassower dated December 19, 1984, with exhibits annexed thereto, in opposition to the motions;

Said motions having come on to be argued before me and after hearing Kreindler & Relkin, P.C., by Edward Weissman, Esq.; Feltman, Karesh & Major by Donald F. Schneider, Esq.; Nachamie, Kirschner, Levine, Spizz & Goldberg, P.C., by Arthur Goldstein, Esq.; all in support of the motions; and after hearing George Sassower in opposition thereto; and due deliberation having been had thereon; and this Court having rendered an oral decision on December 19, 1984, granting the motions and extending the temporary restraining orders contained within the Orders to Show Cause hereinbefore specified;

And upon the affidavit of Michael J. Gerstein; sworn to on January 9, 1985, and the Exhibits thereto, and the affirmation of Donald F. Schneider, dated January 9, 1985, and the exhibits thereto, it appearing therefrom that, notwithstanding the force and effect of the restraining orders contained in the aforesaid Order to Show Cause as extended by this Court on December 19, 1984, Raffe and Sassower published and distributed process dated January 7, 1985 purportedly instituting actions in this Court entitled: (a) Hyman Raffe individually and on behalf of Puccini Clothes, Ltd., Plaintiff, v. Jerome H. Barr and Citibank, N.A., as executors of the Last Will and Testament of Milton Kaufman, and Lee Feltman, Defendant (no index number); (b) Hyman Raffe, Plaintiff, v. Edward Weissman, Defendant (no index number); and (c) Hyman Raffe, individually and on behalf of Puccini

Clothes, Ltd., Plaintiff, v. Donald Diamond; Jerome H. Barr and Citibank, N.A., individually and as executors of Milton Kaufman; and Lee Feltman, Defendant (no index number).

NOW, on motion of Kreindler & Relkin, P.C., attorneys for Jerome H. Barr and Citibank, N.A., individually and as co-executors of the Estate of Milton Kaufman, it is hereby

ORDERED, that the motions for permanent injunctions are granted; and it is further

ORDERED, that the prosecution of the following actions and proceedings are permanently enjoined and restrained: Hyman Raffe v. Kreindler & Relkin, P.C. (no index number); Hyman Raffe individually and on behalf of Puccini Clothes, Ltd. v. Kreindler & Relkin, P.C. and Feltman, Karesh & Major and Arutt, Nachamie, Benjamin Lipkin & Kirschner, P.C. (no index number); and Hyman Raffe and George Sassower v. Arutt, Nachamie, Benjamin, Lipkin & Kirschner, P.C. and Feltman, Karesh & Major, Esqs. (Index No. 15604/82); and it is further

ORDERED, that Hyman Raffe and George Sassower be permanently enjoined and restrained from prosecuting against any of the Movants the actions entitled George Sassower v. Donald F. Schneider, Feltman, Karesh & Major, et al.

(Index No. 25452/84; and Hyman Raffe, individually and on behalf of Puccini Clothes, Ltd. v. Hon. Xavier C. Riccobono, et al. (Index No. 22106/84); and it is further

ORDERED, that prosecution of the action entitled Hyman Raffe, individually and on behalf of Puccini Clothes, Ltd. v. Lee Feltman, Feltman, Karesh & Major, et al. (Index No. 23485/84) is permanently enjoined and restrained with respect to Defendant Feltman, Karesh & Major and its partner Defendant Lee Feltman, and Defendant Fidelity and Deposit Company of Maryland, as surety for Lee Feltman; and it is further

ORDERED, that Hyman Raffe and George Sassower be, and they hereby are, permanently enjoined and restrained from prosecuting against any of the Movants the actions entitled Hyman Raffe, individually and on behalf of Puccini Clothes, Ltd., Plaintiff, against Jerome H. Barr and Citibank, N.A., as executors of the Last Will and Testament of Milton Kaufman, and Lee Feltman, Defendants (no index number); Hyman Raffe, Plaintiff, against Edward Weissman, Defendant (no index number); and Hyman Raffe, individually and on behalf of Puccini Clothes, Ltd., Plaintiff, against Donald Diamond, Jerome H. Barr and Citibank, N.A., individually and as executors of the Estate of Milton Kaufman; and Lee Feltman, Defendants, each of which actions has been published, distributed and purportedly served by

summons dated January 7, 1985, which is subsequent to the temporary restraining orders dated December 7, 1984 and this Court's oral decision on December 19, 1984 extending the temporary restraining orders and granting a permanent injunction to Movants; and it is further

ORDERED, that Hyman Raffe and George Sassower, acting singly, together or in conjunction with any person or entity or acting at the behest, direction or instigation of any person or entity, and all others acting in concert or cooperation with or acting at the behest, direction, or instigation of either or both Hyman Raffe or George Sassower, are permanently enjoined and restrained from: filing or serving, or attempting to intervene in or initiate, in any court, tribunal, agency or other forum of this State, any lawsuit, proceeding, investigation or other adversary matter, and from making or filing a complaint, grievance or correspondence with a professional disciplinary or grievance committee, the subject matter of which arises out of or relates to any of the following:

(a) The action or conduct of Puccini Clothes, Ltd., or its shareholders, officers, directors or

employees, or any of them, either singly or in any combination;

(b) the judicial dissolution, or the receivership of Puccini Clothes, Ltd.;

(c) the conduct of the Receiver for Puccini Clothes, Ltd., or the representation of the Receiver by Feltman, Karesh & Major;

(d) the making or filing of any complaint, grievance or correspondence with a professional disciplinary or grievance committee;

(e) the litigations related to or arising out of any of the matters set forth in subparagraphs (a) through (d) herein, including, but not limited to any litigation arising out of or relating to the right of the Estate of Milton Kaufman to enforce any aspect of the guarantees executed by Raffe;

(f) the acts of any litigant or the attorneys for any litigant in connection with any of the foregoing;

against any one, all or combination of the Movants and the following, whether alone, together or joined with any other person or entity not enumerated hereinbelow:

(i) the co-executors of the Estate of Milton Kaufman, Jerome H. Barr and Citibank, N.A., individually or in their representative capacities;

(ii) the law firm of Kreindler & Relkin, P.C.

(iii) Lee Feltman, Esq., individually or in his capacity as Receiver for Puccini Clothes, Ltd.

(iv) the law firm of Feltman, Karesh & Major,

(v) Eugene Dann

(vi) Robert Sorrentino

(vii) the law firm of Nachamie, Kirschner, Levine, Spizz and Goldberg, P.C.; and with respect to above subparagraphs (i) through (vii) the following shall apply to:

15 | the foregoing enumerated persons or firms, any representative member, employee, associate, affiliate, ~~relative (by blood, adoption or marriage), friend, associated entity, employer, agent, principal, insurer, bonding company or surety thereof,~~ past, present or future; and it is further

15 | ORDERED, that this Order is enforceable by any, or all of the Movants, and by any one or more of the persons or entities set forth in the prior paragraph ~~or any representative member, employee, affiliate, relative (by blood, adoption or marriage), friend, associate, associated entity, employer, agent, principal, insurer, bonding company or surety thereof,~~ past, present or future; and it is further

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ORDERED, that Hyman Raffé and George S²assower are permanently enjoined and restrained, acting singly, together or in conjunction with any person or entity or anyone associated or affiliated with, or acting in concert or cooperation with, or acting at the behest, direction or instigation of either or both of them, and such persons and entities are also enjoined and restrained from corresponding or communicating with any person or entity in a manner which seeks or tends to affect the persons, property, employment, insurance coverage, credit rating, professional standing, family, or any other interest of any person or entity referred to in the preceding paragraph; and it is further

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ORDERED, that any motion to vacate, reargue, renew, modify this Order or which seeks any other relief within the purview of CPLR 2221, shall be deemed a nullity unless such motion shall be made by Order to Show Cause to ^{OR TO THE ADMINISTRATIVE JUSTICE OF THE COURT} be presented to only the Justice who signed this Order, and ~~upon reasonable prior notice to all parties of the submission of such proposed Order to Show Cause;~~ and it is further

ORDERED, that all further applications, motions, or submissions (hereinafter "papers") in any of the foregoing actions or proceedings or in any other actions or proceedings the subject matter of which arises out of or relates to any

of the items enumerated in subparagraphs (a) through (f) of pages 9 through 10 (fifth decretal paragraph) shall be deemed a nullity unless such papers contain a statement in the body thereof as to the existence of this Order, and shall also contain a copy of this Order annexed thereto.

ENTR

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J.S.C.