

GEORGE SASSOWER

ATTORNEY AT LAW
2125 MILL AVENUE
BROOKLYN, N.Y. 11234

212-444-3400

January 21, 1985

Hon. Martin Evans
Justice of the Supreme Court
Supreme Court, New York County
60 Center Street,
New York, New York, 10007

Re: Puccini Clothes, Ltd.
Index No. 1816-1980

Honorable Sir:

I would appreciate it if Your Honor would, at his earliest convenience, consult with Bernard Dickheiser, Esq., and ascertain whether, in fact, there was a misunderstanding in communication with respect to the Order of December 14, 1985, a copy of which is enclosed.

Specific reference is made to the re-typed "adjudication clause" (p. 4) which states:

"it is further adjudged that the conduct of George Sassower was calculated to and in fact defeat[ed], impair[ed], impede[d] and prejudice[d] the rights of Eugene Dann, Robert Sorrent[ino] and Puccini Clothes, Ltd."

Since, a cursory review of the submitted papers reveals that the petitioner's attorneys have not alleged the above, not shown same, and in fact, it has been my consistent assertion that any conduct ascribed to me has advanced their legitimate interests, the inclusion of same, in my view, is improper.

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I need not state to Your Honor that as a matter of substantive law there is no animal, vegetable, or mineral called "civil contempt" without the aforementioned finding.

The subsequent Order of Hon. Martin B. Stecher of September 9, 1982; the subsequent Order of Hon. Thomas V. Sinclair, Jr., dated October 28, 1982; and the subsequent Order of the Appellate Division of November 3, 1983 (Barr v. Raffe, 97 A.D.2d 696, 468 N.Y.S.2d 332 [1st Dept.]), has made disobedience virtually impossible, presently impossible, and indeed sub silentio eliminated civil contempt as a substantive and procedural remedy for any alleged violation!

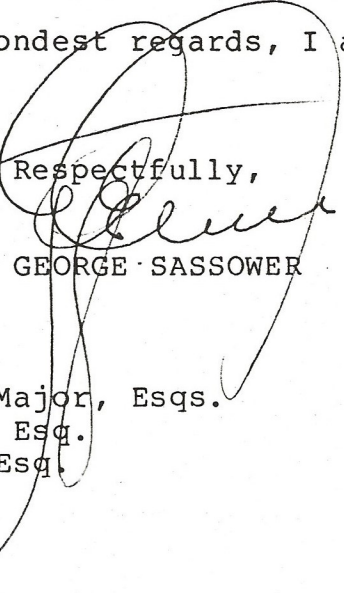
It is also my contention that the legal and moral authority of any judge ends when there are absolutely no facts to support a conclusion, particularly if such finding is jurisdictional.

If I may presume to read with my "mind's eye", in this instance, I would have less emotional difficulty accepting "criminal contempt", as intended by petitioner's attorneys.

I have not, as yet been served with a copy of the aforementioned order with of entry, and consequently this letter application is not made to extend my time to appeal, were I so inclined.

With my fondest regards, I am

Respectfully,


GEORGE SASSOWER

GS/h

cc: Feltman, Karesh, & Major, Esqs.
Bernard Dickheiser, Esq.
Robert H. Strauss, Esq.

177-9

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, New York on the 14th day of ~~October~~ ~~1984~~ 1984.

P R E S E N T :

Hon. Martin Evans,

Justice.

CITY CLK TO FROM JUSTICE RECEIVED BOOK DISP'N

DEC 17 1984

MINUTE BOOK X

SPECIAL TERM PART I N.Y. 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,

Index No. 01816/80

ORDER FOR CONTEMPT

Petitioners,

For the Dissolution of Puccini Clothes, Ltd.

Lee Feltman, Esq., as permanent receiver for Puccini Clothes, Ltd., having moved for an order holding George Sassower Esq. and Hyman Raffe in contempt of court for their willful refusal to comply with court orders, and Messrs. Sassower and Raffe having each cross-moved for an order vacating and/or dismissing the Order to Show Cause for contempt.

EXHIBIT U

Upon the Order to Show Cause dated November 22, 1982, the affidavit of Donald F. Schneider, duly sworn to on November 19, 1982, and the exhibits annexed thereto in support of the contempt motion; the affidavit of service of the Order to Show Cause on Hyman Raffe of Simon Horowitz, sworn to November 30, 1982; the affidavit of service of the Order to Show Cause on George Sassower of Herbert Stokes, sworn to on November 30, 1982; the Notice of Cross-Motion of George Sassower, dated December 7, 1982 and the affidavit of George Sassower, sworn to on December 7, 1982; the Notice of Cross-Motion of Hyman Raffe, dated December 7, 1982, and the affidavit of Hyman Raffe, sworn to December 7, 1982; the Supplemental Affirmation of Donald F. Schneider, dated May 31, 1983, and the exhibit annexed thereto in further support of the motion; and the Supplemental Affirmation of Donald F. Schneider, dated May 31, 1984, and the exhibits annexed thereto, in further support of the motion; and this Court having rendered a decision dated December 23, 1982 holding the contempt motion in abeyance pending a hearing on whether George Sassower was properly served with the Order to Show Cause; and a hearing having been held thereon;

Upon the Notice of Motion of George Sassower, dated May 30, 1983, the affidavit of George Sassower, sworn to May 30, 1983, and the exhibit annexed thereto; the Notice of

Cross-Motion of the receiver, dated June 3, 1983, and the affirmation of Donald F. Schneider dated June 3, 1983 and the exhibits annexed thereto, in support of the cross-motion and in opposition to the motion; the affidavit of George Sassower, sworn to June 18, 1983, in further support of the motion;

And due deliberation having been had thereon; and this Court having rendered a decision dated August 14, 1984;

Now, on motion of Feltman, Karesh & Major, attorneys for Lee Feltman, Esq. in his capacity as court-appointed permanent receiver of Puccini Clothes, Ltd., it is

ORDERED, that the motion of George Sassower to disaffirm the Report of Special Referee Gerald Mazur dated May 24, 1983 (the "Report") is denied in all respects; and it is further


ORDERED, that the cross-motion of the Receiver for Puccini Clothes, Ltd. to confirm the Report is confirmed ^{TOTAL} ~~in all~~ ~~EXTENT SET FORTH~~ respects; and it is further

ORDERED, that the motion of the Receiver for Puccini Clothes, Ltd. to hold George Sassower and Hyman Raffe in contempt of court is granted ^{TO THE EXTENT HEREIN SET FORTH} ~~in all respects~~; and it is further ~~AND IS OTHERWISE DENIED, AND IT IS FURTHER~~

ADJUDGED, that George Sassower, Esq. is guilty of contempt of court for having wilfully disobeyed the Order of the Honorable Thomas V. Sinclair, Jr., dated February 1, 1982, which disqualified George Sassower from representing Hyman Raffe in an action pending in the Supreme Court of the State of New York, County of New York (Index No. 16792/80), and the separate order of the Honorable Thomas V. Sinclair, Jr. dated February 1, 1982, in a proceeding pending in the Supreme Court of the State of New York, County of New York (Index No. 01816/80) which disqualified George Sassower "from representing Hyman Raffe in this action, and in all other actions or matters wherein George Sassower, Esq. represents an interest adverse to the respondents Eugene DAnn, Robert Sorrentino and Puccini Clothes, Ltd."; and it is further adjudged that the conduct of George Sassower was calculated to and in fact defeat, impair, impede and prejudice the rights of Eugene Dann, Robert Sorrentino and Puccini Clothes, Ltd., and it is further

ORDERED, that pursuant to the Judiciary Law of the State of New York, by reason of such contempt of court, George Sassower shall pay a fine of \$250.00 payable to Lee Feltman as Receiver of Puccini Clothes, Ltd. at his office at 55 East 52nd Street within 10 days after personal service of a certified copy of this order upon him.

Enter.


Martin Evans, J.S.C.