

SUPREME COURT OF THE STATE OF NEW YORK  
APPELLATE DIVISION : SECOND JUDICIAL DEPARTMENT

5813N  
B/kr

(NOT TO BE PUBLISHED)

GUY JAMES MANGANO, P.J.  
WILLIAM C. THOMPSON  
LAWRENCE J. BRACKEN  
THOMAS R. SULLIVAN  
SONDRA MILLER, JJ.

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90-06574 Atty.

DECISION & ORDER ON MOTION

In the Matter of David Barnett Jacobs,  
an attorney and counselor-at-law.

Grievance Committee for the Tenth  
Judicial District, petitioner;

David Barnett Jacobs, respondent.

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By decision and order of this court dated July 17, 1990, the petitioner was authorized to institute and prosecute a disciplinary proceeding against the respondent. By further order dated May 10, 1991, the respondent's cross-motion to vacate the authorization was denied and the issues were referred to the Hon. Max Galfunt, as Special Referee to hear and report. By order of May 21, 1991, the Hon. Moses M. Weinstein was appointed as Special Referee (relieving the Hon. Max Galfunt). The hearing was closed on November 14, 1991. The respondent now moves for an order: (1) holding in contempt Dominick Pelle, Esq., the attorney who represented the husband in the matrimonial action from which the charges of misconduct against the respondent emanated; (2) reopening the disciplinary proceeding against the respondent to receive evidence related to the subpoenaed information; (3) directing Dominick Pelle, Esq., to appear with the relevant records at the office of the Grievance Committee pursuant to the subpoenas duly served upon him for the purpose of giving evidence in the disciplinary proceeding against the respondent; and (4) staying all proceedings pending receipt of the proposed information. The respondent was admitted to the practice of law by the Appellate Division of the Supreme Court, Second Judicial Department on June 20, 1979.

thereto, it is

Upon the papers filed in support of the motion and the papers filed in opposition

ORDERED that the motion is denied in its entirety.

MANGANO, P.J., THOMPSON, BRACKEN, SULLIVAN and MILLER, JJ., concur.

SUPREME COURT, STATE OF NEW YORK  
APPELLATE DIVISION, SECOND DEPT

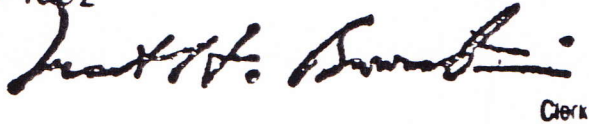
ENTER:

MARTIN H BROWNSTEIN, Clerk of the Appellate Division of the Supreme Court  
Second Judicial Department do hereby certify that I have compared this copy with  
the original filed in my office on MAR 20 1992 and that  
this copy is a correct transcription of said original

MARTIN H. BROWNSTEIN

IN WITNESS WHEREOF I have hereunto set my hand and affixed the seal of  
Court on MAR 20 1992

Martin H. Brownstein  
Clerk



Clerk