

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

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CROWN HEIGHTS JEWISH COMMUNITY COUNCIL,
INC. and VAAD HAKOHOL DESCHUNAS CROWN
HEIGHTS,

Plaintiffs,

-against-

SHLOMO YEHUDA SEGAL, YITZCHOK RAITPORT,
YITZCHOK ZIRKIND, SHMUEL PLOTKIN, HARVEY
B. LANG a/k/a TZVI LANG, MOSHE RUBASHKIN,
SHALOM RUBASHKIN, YAAKOV H. SUFRIN, and
CAPITAL ONE BANK,

Defendants.

Index No.: 14094/09
(Action # 1)
Index No.: 12468/09
(Proceeding # 2)
Index No.: 14056/09
(Proceeding # 3)

**SUBPOENA AD
TESTIFICANDUM
AND DUCES TECUM**

Hon. David Vaughn
(I.A.S. Part 4)

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CROWN HEIGHTS JEWISH COMMUNITY COUNCIL,
INC. a/k/a VAAD HAKOHOL OF CROWN HEIGHTS,
and SHMUEL PLOTKIN and YAAKOV H. SUFRIN,
individually and on behalf of the CROWN HEIGHTS
JEWISH COMMUNITY COUNCIL, INC. a/k/a VAAD
HAKOHOL OF CROWN HEIGHTS,

Petitioners,

-against-

YISROEL BEST, YISROEL SANDHAUS, YISROEL
LANDAU, KALMAN BIALESTOCK, FISHEL
BROWNSTEIN, ZEV CADAMER, YOSSEI KELLER,
YOSSEL MOTCHKIN, ELI POLTAROK, YAACOV
ROGALSKY, MENDEL SHAGALOV, CHANINA
SPERLIN, ZAKI TAMIR, URI NIAZOV, R GERSHON
CHAIMSON, MOTEL CHEIN, ZALMAN LIPSKER, Y.
BORUCH SPIELMAN,

Respondents.

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CROWN HEIGHTS JEWISH COMMUNITY COUNCIL,
INC. a/k/a VAAD HAKOHOL OF CROWN HEIGHTS,
and SHMUEL PLOTKIN, YAAKOV H. SUFRIN, and DR.
HARVEY LANG, individually and on behalf of the CROWN
HEIGHTS JEWISH COMMUNITY COUNCIL, INC. a/k/a
VAAD HAKOHOL OF CROWN HEIGHTS,

Petitioners,

-against-

YISROEL BEST, YISROEL SANDHAUS, YISROEL
LANDAU, KALMAN BIALESTOCK, FISHEL
BROWNSTEIN, ZEV CADAMER, YOSSEI KELLER,
YOSSEL MOTCHKIN, ELI POLTAROK, YAACOV
ROGALSKY, MENDEL SHAGALOV, CHANINA
SPERLIN, URI NIAZOV, R GERSHON CHAIMSON,
MOTEL CHEIN, ZALMAN LIPSKER, Y. BORUCH
SPIELMAN,

Respondents.

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THE PEOPLE OF THE STATE OF NEW YORK

TO: **MOSHE BOGOMILSKY**
1382 President St.
Brooklyn, NY 11213

KEREN YISROEL ARYEH LEIB, INC.
1382 President St.
Brooklyn, NY 11213

WE COMMAND YOU, that all business and excuses being laid aside, you and each of you appear and attend before the Judicial Hearing Officer, at the Supreme Court of the State of New York, County of Kings, located at 360 Adams Street, Brooklyn, New York, JCP Part, on July 21, 2009, at 9:30 a.m., or at any recessed or adjourned date, to testify and give evidence in the above-captioned action and proceedings on the part of the Plaintiffs in the action and the Respondents in the proceedings, and that you bring with you and produce at the time and place aforesaid all documentary evidence in your

custody, and all other documents and things that you have in your possession, custody, control or power set forth in the annexed Schedule "A."

Failure to comply with this subpoena is punishable as a contempt of Court and shall make you liable to the person on whose behalf this subpoena was issued for a penalty not to exceed fifty dollars and for all damages sustained by reason of your failure to comply.

Dated: Brooklyn, New York
July 17, 2009

ZANE and RUDOFISKY
601 West 26th Street, # 1111
New York, NY 10001
(212) 245-2222

-and-

POLTORAK PC

By: 
Elie C. Poltorak

1650 Eastern Parkway, Suite 400
Brooklyn, NY 11233
(718) 943-8815
*Attorneys for Plaintiffs in Action No.
1 and Respondents in Proceedings
Nos. 2 & 3*

SCHEDULE A

DEFINITIONS

As used herein:

i. “You” or “Your” refers to Moshe Bogomilsky and Keren Yisroel Aryeh Leib, Inc. and any of their members, managers, partners, officers, agents, employees, representatives, affiliates or other persons acting on their behalf.

ii. “CHJCC” refers to Crown Heights Jewish Community Council, Inc., Crown Heights Jewish Community Council, Inc. a/k/a Vaad Hakohol of Crown Heights, Vaad Hakohol of Crown Heights, Vaad Hakohol Deschunas Crown Heights, Crown Heights NRP Associates, L.P., 935 Eastern Parkway L.P., and 252 Kingston Ave. LLC.

iii. “Kashrus” refers to Vaad Hakashrus of Crown Heights, Vaad Hakashrus of Crown Heights, Inc., Vaad Hakashrus of Crown Heights, Corp., Vaad Hakohol Vaad Hakashrus, Beth Din of Justice of the Holy Community of Crown Heights, Crown Heights Kosher, and CHK.

iv. “Rubashkins” refers to Moshe Rubashkin, Shalom Rubashkin, Fayge Rubashkin a/k/a Fay Friedman, and Stone Hill Group, LLC.

v. “Osdoba Faction” refers to Rabbi Avrohom Osdoba, Shlomo Yehuda Segal, Yitzchok Raitport, Yitzchok Zirkind, Zalman Osdoba, Yaakov Osdoba, Levi Osdoba, Beth Din of Crown Heights, Beth Din of Crown Heights, Inc., Kashrus, and any of their members, managers, partners, officers, agents, employees, representatives, affiliates or other persons acting on their behalf.

vi. "Action" refers to *Crown Heights Jewish Community Council, Inc., et ano. v. Shlomo Yehuda Segal, et al.* (Kings County Index No. 14094/09).

vii. "Proceedings" refers to *Crown Heights Jewish Community Council, Inc., et al. v. Yisroel Best, et al.* (Kings County Index Nos. 12468/09 and 14056/09).

viii. "Transaction" means any payment, exchange, transfer, sale, or loan of money, securities, goods, services, or other valuables or any other business deal or agreement.

ix. "Document" means all written or graphic matter or any other means of preserving thought or expression of every type and description, including but not limited to originals, drafts, computer-stored and computer-retrievable information (including but not limited to databases, spreadsheets, word processing files, charts and graphs), copies or duplicates that are marked with any notation or annotation, copies or duplicates that differ in any way from the original, correspondence, memoranda, intra or inter office communication, reports, notes, minutes, contracts, agreements, books, records, vouchers, invoices, purchase orders, ledgers, diaries, logs, calendar notes, appointment books, computer printouts, computer disks and programs, microfiche, price quotations, sales records, card files, price lists, press clippings, sworn or unsworn statements of employees, requisitions, purchasing manuals or guidelines, lists, audit work papers, financial analysis, tables of organizations, advertisements or other promotional material, audited and unaudited financial statements, newspapers or newsletters, faxes, diagrams, photographs, electronic mail, electronic or mechanical records, and other writings or recordings, including audio and video recordings, which are in the possession, custody or control of Plaintiff or its attorneys, agents, representatives, members, managers,

employees, employers, family members or anyone acting on its behalf. A draft or non-identical copy is a separate document within the meaning of this term. "Document" also includes any removable "Post-it" notes or other attachments affixed to any of the foregoing.

x. "Person" means any natural person, business, corporation, partnership, proprietorship, organization, affiliated group, association, legal or governmental entity or any other entity.

xi. "Communication" means the transmittal of information (in the form of facts, ideas, inquiries or otherwise). Without limiting the foregoing, "communication" includes all letters, memoranda, telephone conversations (without regard to the location where the conversation originated), face-to-face conversations, electronic transmissions, fax, wire, modem, e-mail, telegraph and internet transmissions, meetings, visits and conferences.

xii. "Concerning" and "concern" mean relating to, referring to, describing, evidencing, summarizing, or constituting in whole or in part.

xiii. The words "and" or "or" shall be interpreted conjunctively, and consistent with the result providing for the most expansive response, and shall not be interpreted disjunctively to exclude any information otherwise within the scope of any specifications below.

xiv. "Each," "any," and "all" shall be construed broadly and shall mean "each," "any," or "all" or "each," "any," and "all" wherever such meaning broadens the meaning of any sentence or phrase.

xv. "Related," "relating to," or "referring to" mean constituting, comprising, containing, setting forth, showing, disclosing, describing, explaining, summarizing, mentioning or in any way concerning, directly or indirectly.

xvi. "Between" means by, among, to, and/or from.

xvii. As used in these requests, the present tense of a verb includes past tense and vice versa, use of the singular includes the plural and vice versa and use of the masculine gender includes the feminine gender and vice versa.

INSTRUCTIONS

i. All documents produced pursuant to this request shall be organized in such a manner as to clearly indicate the request in response to which they are produced or they shall be produced in the manner in which they were maintained in the ordinary course of business.

ii. All documents produced in response to this Request shall be produced in toto, notwithstanding the fact that portions thereof may contain information not requested.

iii. If any requested document is withheld from production for any reason, furnish a list specifying, for each document: (i) the reason for which it is being withheld; (ii) its character (letter, memorandum, etc.); (iii) the name, position, and business affiliation of its author or authors; (iv) the name, position and business affiliation of each recipient of the letter or a copy thereof and where not apparent, the relationship of the author and recipient to each other; (v) the date on which it was written; (vi) its general subject matter; (vii) the paragraph of this request to which it is responsive; (viii) its present custodian; (ix) the name of each person with knowledge of the information

withheld; and (x) such other information as is sufficient to identify the documents for a subpoena duces tecum.

iv. This request shall be deemed continuing and the response thereto shall be supplemented within ten days of the receipt or identification of documents or things responsive to this request.

v. If any document or thing requested herein has been lost, discarded, destroyed or otherwise disposed of, identify such document or thing as completely as possible, providing as much of the following information as possible: (i) the type of document or thing; (ii) its date; (iii) its author and recipients; (iv) its contents; (v) the date or approximate date it was lost, discarded, destroyed or otherwise disposed of; (vi) the circumstances and manner in which it was lost, discarded, destroyed or otherwise disposed of; (vii) the reason or reasons for discarding, destroying or disposing of the document or thing; (viii) the identity of all persons authorizing or having knowledge of the circumstances surrounding the destruction or discarding of the document or thing; (ix) the identity of the person(s) who lost, discarded, destroyed, or otherwise disposed of the document or thing; and (x) the identity of all persons having knowledge of the contents thereof, including names, addresses and phone numbers.

vi. If a requested document currently or formerly in Your possession which You allege was received under a cloak of confidentiality: (i) state whether the identity or source of the alleged confidential information has ever been disclosed and/or waived; (ii) identify all individuals known to have knowledge of the confidential information including their name, title, and last known address; and (iii) identify all occasions

including date, time and location of the disclosure and/or waiver of the identity or source of the alleged confidential information.

vii. If any document relates to this proceeding which is no longer in Your possession because it has been returned to an individual or entity, please provide the following information: (i) the place, date (or approximate date), and manner of recording or otherwise preparing the document; (ii) the name and title of sender, and the name and title of the recipient of the document; (iii) a summary of the contents of the document; (iv) the identity of each person or persons (other than stenographic or clerical assistance) participating in the preparation of the document; (v) the identity of all persons having knowledge of the substance of the document; (vi) the date on which it was returned; (vii) the reason it was returned; and (viii) whether the claimed return occurred as a result of any policy relied upon by you. If so, describe the policy.

viii. Please preface your response to each request with the text of the Request, as set forth below.

ix. Unless otherwise stated, the time period covered by each request is January of 2005 through the present.

DOCUMENT REQUESTS

1. All documents and communications concerning CHJCC or concerning any transactions between You and CHJCC.

2. All documents and communications concerning Kashrus or concerning any transactions between You and Kashrus.

3. All documents and communications concerning the Osdoba Faction or concerning any transactions between You and the Osdoba Faction.

4. All documents and communications concerning the Rubashkins or concerning any transactions between You and the Rubashkins.
5. All cancelled checks from You to CHJCC.
6. All cancelled checks from You to Kashrus.
7. All cancelled checks from You to the Rubashkins.
8. All documents and communications concerning funds passing between You and CHJCC.
9. All documents and communications concerning the subject matter of the Action and Proceedings, not otherwise produced in response to the previous requests.