



GLASSER, United States District Judge:

This is a case in which two factions of the Chasidic community of Crown Heights in Brooklyn are contending for the control of a summer camp intended to provide a healthy, spiritual and physical environment for its children, in the country, far away from the heat of the city.

On May 6, 1997, the plaintiffs, a not-for-profit Corporation and Yaakov Spritzer, filed a complaint against seven named defendants consisting of 167 paragraphs extending over 50 pages and asserting eleven claims as follows: I) RICO, pursuant to 18 U.S.C. 1962(b); II) RICO, pursuant to 18 U.S.C. § 1962(d); III) RICO, pursuant to 18 U.S.C. § 1962(c); IV) RICO, pursuant to 18 U.S.C. § 1962(d); V) Tortuous Interference with Contractual Relations; VI) Fraud; VII) Conversion; VIII) Unfair Competition; IX) Breach of Fiduciary Duty; X) Assault; XI) Intentional damages to property. To characterize the complaint as prolix, replete with hearsay and irrelevancies, would be charitable. A motion has never been made, however, addressing the sufficiency, or the propriety, of that pleading. The failure to do so, it is clear, is due to the occasional and fleeting appearance and withdrawal of counsel for the defendants and their appearances *pro se* when not represented. Although ostensibly appearing *pro se* during the principal course of this litigation, the countless submissions in the form of motions, letters and assorted communications, bear the unmistakable imprint of a faceless and nameless lawyer.

(From Judge Glassers final Verdict against Spritzer)



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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
MACHNE MENACHEM, INC.
& YAKOV SPRITZER

Plaintiffs,

-against-

97 Civ. 2550
(ILG) (ASC)

MENDEL HERSHKOP, MEIR HERSHKOP, AARON
HERSHKOP, (a/k/a "Lelli"), SHNEUR
HERSHKOP, (a/k/a "Gadi"), LEVI HARTMAN,
SHMUEL HEBER & YOSEF GOLDMAN.

Defendants.

-----X

FIRST AMENDED VERIFIED COMPLAINT

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MACHNE MENACHEM, INC.
& YAAKOV SPRITZER

Plaintiffs,

FIRST AMENDED
COMPLAINT

-v.-

97 Civ. 2550
(ILG) (ASC)

MENDEL HERSHKOP, MEIR HERSHKOP, AARON
HERSHKOP, (a/k/a/ "Lelli"), SCHNEUR
HERSHKOP, (a/k/a/ "Gadi"), LEVI HARTMAN,
SHMUEL HEBER & YOSEF GOLDMAN.

Defendants.

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Plaintiffs MACHNE MENACHEM, INC., and YAAKOV SPRITZER by their attorney, Carl M. Bornstein, Esq., for its First Amended Verified Complaint, upon information and belief, hereby allege and state:

NATURE OF ACTION

1. Plaintiff MACHNE MENACHEM, INC., (hereinafter the "CAMP") is a New York Not-for-Profit Corporation which operates a summer camp located in the Pocono mountains of Pennsylvania. The CAMP primarily serves the youth of the Lubavitcher Community of Crown Heights in Brooklyn, New York.

2. Defendants are members, relatives and associates, of the HERSHKOP FAMILY, a lawless Crown Heights "clan", which brazenly refers to itself as the "Hershkop Mafia" and the "Cosa Nostra."

3. This action arises out of the HERSHKOP FAMILY's campaign to take control of the CAMP for the benefit of its members and

those persons associated with them, through violence, extortion, theft, and fraud.

a. Members of the HERSHKOP FAMILY have repeatedly threatened that unless they gain control of the Camp they will destroy it and have attempted to do both.

b. These members of the HERSHKOP FAMILY have made reference to the biblical image of Samson pulling down the pillars of the palace with his last ounce of strength thereby connoting one's resolve to destroy one's rivals even if it entails self-destruction as well.

c. Here too, the HERSHKOP FAMILY, has promised to do whatever it can to destroy the CAMP if it cannot gain control of it. In the words of MEIR HERSHKOP, "nobody wins against the Hershkop Mafia."

d. To implement these threats, the HERSHKOP FAMILY has attempted, through a pattern of unlawful conduct including acts of violence, extortion, assault, fraud and intimidation to wrest control of the CAMP from the legitimate CAMP leadership and the Crown Heights Community.

e. In order to promote the HERSHKOP FAMILY and the activities of its members and associates and to preserve and protect the HERSHKOP FAMILY from legal actions seeking to curtail the unlawful conduct of its members and associates, those members and associates have repeatedly attempted to intimidate persons who have become witnesses in legal proceedings against members and associates of HERSHKOP FAMILY by threats and harassment.

4. Accordingly, the CAMP brings this action for violations of the Racketeering Influenced and Corrupt Organizations Act, the "RICO" statute, Title 18, United States Code, §§1961 et seq.; tortious interference with contractual relations, breach of conversion, unfair competition, and breach of fiduciary duty under the *pendente lite* doctrine.

5. Plaintiff SPRITZER, in response to the counterclaim alleged by the defendants, also brings this action for damages he has sustained as a result of assaults committed upon him by the defendants and as a result of the intentional damage done to his property by the defendants.

6. Plaintiffs seek to enjoin the defendants from engaging in further acts of violence or property destruction against the CAMP, its directors or employees, or from interfering with the CAMP's operation, finances or administration.

7. In addition, the Camp seeks compensatory damages, trebled, punitive damages, and reasonable attorney's fees and costs for prosecuting this action.

JURISDICTION

8. This Court has jurisdiction pursuant to Title 18, United States Code, §1964(a) and principles of *pendente lite* jurisdiction.

PARTIES

9. Plaintiff MACHNE MENACHEM, INC. is a not-for profit corporation which was organized under the laws of New York State.

10. Plaintiff Yaakov SPRITZER is a resident of the Crown Heights Community and formerly served as Executive Director of the Crown Heights Jewish Community Council and as an elected member of its Board of Directors. He is a current member of the CAMP's Board of Directors.

11. Defendants MENDEL HERSHKOP and MEIR HERSHKOP are brothers and are the leaders of the HERSHKOP FAMILY.

12. Defendants AARON "LELLI" HERSHKOP and SCHNEUR "GADI" HERSHKOP are the adult sons of defendant MEIR HERSHKOP.

13. Defendant LEVI HARTMAN is the son-in-law of defendant MEIR HERSHKOP.

14. Defendants SHMUEL HEBER and YOSEF GOLDMAN are associates of the HERSHKOP FAMILY.

FACTUAL BACKGROUND

15. The CAMP was founded in 1995, prior to the Summer thereof, as a charitable institution of the Crown Heights Lubavitcher Community. Located in the Pocono Mountains of Pennsylvania, the CAMP serves primarily the children of the Crown Heights Jewish community, including needy children. As with all Crown Heights Jewish Community institutions, the CAMP is under the jurisdiction of the Beth Din Tzedek of Crown Heights ("Rabbinical Court").

16. Plaintiff SPRITZER was the founder and a principal financial contributor to the CAMP and an original member of the Board of Directors of the CAMP.

17. Defendants MENDEL HERSHKOP, SHMUEL HEBER and YOSEF GOLDMAN were also original members of the Board of Directors of the CAMP.

18. Defendant members of the HERSHKOP FAMILY viewed the CAMP as an opportunity to make personal financial gain and profit by placing members of the HERSHKOP FAMILY in a number of key CAMP positions, all with substantial salaries, and to take substantial commissions or percentages from the charitable donations made by contributors to sustain the CAMP.

19. Defendant LEVI HARTMAN, son-in-law of defendant MEIR HERSHKOP, was hired as administrator of the CAMP for the 1996 Summer season but he quit before the CAMP opened for the 1996 Summer Season.

20. After the 1995 Summer season, defendant SHMUEL HEBER resigned from the Board of Directors after he was asked to make a financial contribution to the CAMP. Subsequently, defendant YOSEF GOLDMAN, who was the Director of Registration, was removed from the Board of Directors for taking approximately \$12,000 from the CAMP's receipts without authorization. His removal by the CAMP's Board of Directors was upheld by the Rabbinical Court in June, 1996.

21. Prior to the 1996 Summer season, Meir Schreiber, a member of the Crown Heights Community, and currently a substantial financial contributor to the CAMP, joined the CAMPS's Board of Directors along with Yosef Spalter. Defendant MEIR HERSHKOP also joined the Board at this time. In a short time, two factions of

the Board developed: one was comprised of the defendants MENDEL HERSHKOP and MEIR HERSHKOP and the other was comprised of the Plaintiff SPRITZER, Meir Schreiber and Yosef Spalter.

22. Realizing that they were now a minority on the Board of Directors of the CAMP and that their plans to operate the CAMP for their own profit were in danger, the defendants began a campaign to drive the other directors out of office.

23. Just before the 1996 summer season of the CAMP began, MENDEL HERSHKOP and MEIR HERSHKOP entered the CAMP's Brooklyn office and, without authorization from the CAMPS's Board of Directors, collected funds from the parents or guardians of prospective campers.

24. In or about June, 1996, members of the HERSHKOP FAMILY, without authorization from the CAMP's Board of Directors, secretly opened a second account in the name of the CAMP, and deposited the CAMP's checks that they had taken thereby diverting those funds from the CAMP. The HERSHKOP FAMILY then converted that money to the benefit of its members.

25. On the first day of the CAMP's operation for the 1996 season, as the CAMP's buses were leaving Brooklyn for Pennsylvania, MENDEL HERSHKOP said to Meir Schreiber: "This is only the beginning."

26. When the campers arrived at the CAMP's grounds in Pennsylvania that same day, members of the HERSHKOP FAMILY members, including MENDEL HERSHKOP, MEIR HERSHKOP, AARON

HERSHKOP, SCHNEUR HERSHKOP, and LEVI HARTMAN, "hijacked" the CAMP like terrorists.

27. AARON HERSHKOP, SCHNEUR HERSHKOP, and LEVI HARTMAN confronted Meir Kahanov, the administrator of the CAMP, and threatened to "break his legs" if he did not leave the grounds. Mr. KAHANOV, utterly in fear for his physical safety, left the CAMP.

28. Upon information and belief, members of the HERSHKOP FAMILY members physically took over the facilities of the CAMP's office and took checks that were made payable to the CAMP.

29. Some of the checks that were taken by members of the HERSHKOP FAMILY both in Brooklyn and Pennsylvania were deposited in the secret second account that members of the HERSHKOP FAMILY had opened.

30. Upon information and belief this fraudulent banking activity involved interstate travel and the use of interstate wire communications by members of the HERSHKOP FAMILY. Upon information and belief, the funds deposited were diverted to the benefit of members of the HERSHKOP FAMILY.

31. The HERSHKOP FAMILY continued its effort to gain control of the CAMP during the Fall of 1996. Members of the HERSHKOP FAMILY summoned certain directors of the CAMP who were not member of the HERSHKOP FAMILY to an arbitration before the Rabbinical Court.

32. The Rabbinical Court ("the Beth Din Tzedek of Crown Heights") is a community-elected tribunal and under Jewish law and

tradition has jurisdiction over all disputes within the Crown Heights Jewish Community. Under the law of New York State, parties appearing before the Rabbinical Court may agree that it is a formal arbitration proceeding and submit to its jurisdiction as a binding arbitration proceeding under New York State law.

33. Before the Rabbinical Court hearing began, the defendants MEIR HERSHKOP and LEVI HARTMAN signed an agreement to accept the decision of the Rabbinical Court as a binding arbitration under New York State law.

34. The defendant SHMUEL HEBER had already resigned as a director of the CAMP and defendant YOSEF GOLDMAN's tenure as a director of the CAMP had already been terminated. Before the Rabbinical Court proceeding started, defendant MENDEL HERSHKOP walked out of the proceeding and abandoned his right to appear before it.

35. After conducting a hearing, the Rabbinical Court ruled on November 21, 1996 (corresponding to 10 Kislev 5757 of the Jewish calendar) that defendants MEIR HERSHKOP and LEVI HARTMAN were not fit to administer the CAMP. The Rabbinical Court ruled, in relevant part, as follows:

[W]e have consulted several experts in the field of education (for education is the main purpose of the camp) who are familiar with the camp and we requested that the experts anonymously choose which of the two sides is more fit to administer [the camp]. The experts voted, and except for three abstentions, the remaining experts (who constituted a majority) voted [unanimously] for the SPRITZER group.

Accordingly, we have decided that the administration of the camp and all expenditures in connection therewith...

shall be in the hands of the SPRITZER group and no other person is empowered to raise funds for the camp.

The educational experts consulted also voted that the camp shall be a community [not private] institution, and suggested that the religious and educational policy of the camp should be set by other [Crown Heights] educational institutions and educators. We are in agreement with this suggestion.

36. The ruling was signed by: Rabbi Yehuda Kalman Marlow, Rabbi Avraham Osdoba and Rabbi Nisen Mangel.

37. After the decision of the Rabbinical Court became known, members of the HERSHKOP FAMILY, and its associates SHMUEL HEBER and YOSEF GOLDMAN, embarked upon an all-out campaign to either take back control of the Camp or destroy it.

38. Soon after the Rabbinical Court ruled against MENDEL HERSHKOP and MEIR HERSHKOP, AARON HERSHKOP approached Meir Schreiber in synagogue and said: "I am going to get you. You caused my father a big financial loss." Mr. Schreiber understood AARON HERSHKOP'S use of the phrase "financial loss" to be a reference to the opportunity to derive personal income and gain from the operation of the CAMP.

39. Mr. SPRITZER remained on the CAMP'S Board of Directors after the ruling of the Rabbinical Court on November 21, 1996. He was assaulted at least two times thereafter by members of the HERSHKOP FAMILY.

40. On or about November 23, 1996, after the Rabbinical Court ruled against MENDEL HERSHKOP and MEIR HERSHKOP, the defendants AARON HERSHKOP and SCHNEUR HERSHKOP, acting in concert

with each other, assaulted Mr. SPRITZER while he was in synagogue in 770 Eastern Parkway, Brooklyn, New York.

41. During this attack on November 23, 1996, defendant SCHNEUR HERSHKOP told SPRITZER, "I may go to jail for this, but when I get out I will kill you."

42. On or about November 23, 1996, MEIR HERSHKOP, AARON HERSHKOP and SCHNEUR HERSHKOP, acting in concert with each other assaulted Meir Schreiber while he was in synagogue in 770 Eastern Parkway, Brooklyn, New York.

43. Subsequently, also on November 23, 1996, AARON HERSHKOP and SCHNEUR HERSHKOP visited the home of Mr. SPRITZER. While there, acting in concert with each other, they attempted to extort property from Mr. SPRITZER and refused to leave his property.

44. Mr. SPRITZER called Rabbi Joseph Spielman a member of the Board of the Crown Height Community Council who supervised the neighborhood patrol of the Crown Heights Community, known as the "Shmira". Mr. SPRITZER asked Rabbi Spielman for his help. At the time both AARON HERSHKOP and SCHNEUR HERSHKOP were members of the Shmira.

45. Rabbi Spielman asked AARON HERSHKOP and SCHNEUR HERSHKOP to leave Mr. SPRITZER's property and to come his home. They both refused and expressed their intention to resign from the Shmira.

46. Some time thereafter Rabbi Spielman received a telephone call from AARON HERSHKOP in which other matters related to the operation of the Shmira were discussed. Thereafter Rabbi Spielman

heard AARON HERSHKOP say over the Shmira radio system that "We're going to get you [Spielman] tonight".

47. Upon information and belief, two hours after that telephone call AARON HERSHKOP and SCHNEUR HERSHKOP set fire to a van belonging to Rabbi Spielman.

48. On or about November 28, 1996, members of the HERSHKOP FAMILY put up posters throughout the Crown Heights neighborhood which were signed in the name of the "Cosa Nostra" spelled in Hebrew letters. The posters referred to Mr. SPRITZER as an "informant."

49. The campaign of the HERSHKOP family and its associates to obtain control of the CAMP and to attempt to intimidate anyone who opposed them continued into 1997.

50. On three different occasions on or about and between February 1, 1997 and February 10, 1997, the tires on automobiles owned by Mr. SPRITZER or his family were slashed.

51. Also on or about and between February 1, 1997 and February 10, 1997, upon information and belief, at the direction of a member of the HERSHKOP FAMILY, an anonymous telephone call was made to Rabbi Yehuda Kalman Marlow, the head of the Rabbinical Court, in which the caller asked whether he knew of someone who could repair slashed tires and then hung up the phone.

52. On or about February 13, 1997 defendant AARON HERSHKOP assaulted and attempted to intimidate Meir Schreiber. At a wedding reception at the Brooklyn Jewish Center, 667 Eastern Parkway, Brooklyn, New York, AARON HERSHKOP, grabbed Schreiber by his neck-

tie, thereby restricting Schreiber's movement. AARON HERSHKOP then told Schreiber "I'm going to kill you," and hit Schreiber in the neck.

53. On or about February 16, 1997, the defendant LEVI HARTMAN assaulted and attempted to intimidate Meir Schreiber who was attending another wedding reception at the Brooklyn Jewish Center, 667 Eastern Parkway, Brooklyn, New York. The defendant LEVI HARTMAN saw Schreiber as he entered the wedding hall. HARTMAN approached Schreiber, rammed into him and then repeatedly blocked his path as Schreiber attempted to walk across the banquet hall.

54. On or about February 22, 1997, the defendant LEVI HARTMAN assaulted and attempted to intimidate Meir Schreiber. Schreiber was attending synagogue at 770 Eastern Parkway, Brooklyn, New York. The defendant LEVI HARTMAN approached Schreiber from behind, kicked him in the back and said to Schreiber, "this is just the beginning."

55. During February, 1997 the defendant MEIR HERSHKOP attempted to intimidate Meir Schreiber by placing telephone calls to him and leaving numerous phone messages on Schreiber's answering machine in which he called Schreiber a "ganif" (Yiddish for thief), "gazlan" (Yiddish for robber) and threatening to cause him physical harm.

56. In a similar, related, telephone call MEIR HERSHKOP left a telephone message for Meir Schreiber in which he said that in substance that the Hershkops are happy that Schreiber is

contributing money to improve the Camp and hiring a good staff, because "we are going to take the Camp."

57. Also during February, 1997 upon information and belief members of the HERSHKOP FAMILY attempted to intimidate Meir Schreiber by causing the windows of his automobile to be shot out with "BB" pellets.

58. And, during February, 1997, according to Mr. SPRITZER, members of the HERSHKOP FAMILY shot out the windows of his two stores on Kingston Avenue, Brooklyn, New York, with BB pellets.

59. The defendants' continuing pattern of violence, assault, extortion, and intimidation, as members and associates of the HERSHKOP FAMILY were directed against the Camp itself and, as publicly stated by the defendants, was intended to interfere with the operation of the CAMP and the ability of the CAMP to get campers to attend the CAMP. This was done in furtherance of the plan of the defendants to close down the Camp if they could not get control of it.

60. For example, MENDEL HERSHKOP told parents of campers not to enroll their children in the CAMP for the summer of 1997 because it will not open.

61. As another example, members and associates of the HERSHKOP FAMILY have attempted to intimidate the Beis Moshiach Magazine, an international weekly publication, so that it would not publish advertisements for the CAMP.

62. During the early Fall of 1996, when the CAMP closed after the 1996 summer season, upon information and belief, members

and associates of the HERSHKOP FAMILY ransacked the CAMP grounds and stole property consisting of shop tools and other equipment. On one occasion the caretaker of the CAMP, Mike Strohmeyer caught defendants MEIR HERSHKOP, AARON HERSHKOP, SCHNEUR HERSHKOP, and LEVI HARTMAN on CAMP grounds with a 24-foot truck in the process of stealing canoes from the CAMP.

63. As the 1997 summer season approached the unlawful activity directed against the CAMP and its administrators and directors by the members and associates of the HERSHKOP family accelerated.

64. Members of the HERSHKOP FAMILY threatened the Camp's administrator, Meir Kahanov, and said that they will "break his bones" if he returns to the CAMP this year.

65. Other unlawful activity by members and associates of the HERSHKOP FAMILY was intended to interfere with financial operation of the CAMP, to deprive it of the lawful use of its property, and to destroy the CAMP. In attempting to do this the defendants MENDEL HERSHKOP, SHMUEL HEBER and YOSEF GOLDMAN, acting in concert with each other caused a false and fictitious document to be mailed to the European-American Bank where the CAMP maintained its account at the time.

66. The defendants MENDEL HERSHKOP, HEBER and GOLDMAN RECENTLY, claimed to have conducted a meeting of the Board of Directors of the CAMP on March 17, 1997, though at the time they had all either resigned or been removed from or abandoned their positions as directors. They claimed to have executed a fictitious

resolution of the Board which stated that the Board had "resolved" that Yaakov SPRITZER, then a director of the CAMP and an authorized signatory on the Camp's checking account, was no longer authorized to sign CAMP checks.

67. The defendants acting in concert with each other caused their attorney to send the false and fictitious "resolution" through the United States Mail in an attempt to deprive the CAMP of the lawful use of its property. This unlawful conduct was part of a plan of the members and associates of the HERSHKOP FAMILY to interfere with and hinder the CAMP's operation. As a result, the European-American bank froze the account and blocked the CAMP's access to its funds. This prevented the CAMP from transacting vital business just before the summer season began.

68. Also before the start of the 1997 summer season, though certain members of the HERSHKOP FAMILY claimed to be members of the Board of Directors of the plaintiff corporation, they went into direct competition with the plaintiff corporation. The defendants advertised in a local community paper that they were opening a competing summer camp, Camp Ohr Menachem. Upon information and belief, the conduct and activity of the members of the HERSHKOP FAMILY was also intended to impede the operation of the CAMP and prevent it from competing against Camp Ohr Menachem which was opened and then operated by members of the HERSHKOP FAMILY.

69. Because of the conduct of the defendants, this lawsuit was started on or about May 2, 1997. It sought damages and

injunctive relief which would "free" the account at European-American Bank that had been and blocked as a result of the defendants' unlawful action, and which would prevent the defendants from interfering with the operation of the CAMP.

70. On June 25, June 26, and June 30, 1998 a hearing on the plaintiff's motion for a preliminary injunction was conducted by the Hon. I. Leo Glasser. During that hearing, Yaakov SPRITZER, Meir Schreiber, Rabbi Joseph Spielman, Eliezer Sandhaus and Yaakov Herzog were called as witnesses for the CAMP. Peretz Bronstein, Esq. was the lawyer for the CAMP during the hearing and until September 15, 1997.

71. The start of this lawsuit in the United States District Court for the Eastern District of New York and the testimony by the aforementioned witnesses during the preliminary injunction hearing ignited a wave of attempts to intimidate, the use of physical force, threats of the use of physical force, and other harassment by members and associates of the HERSHKOP FAMILY, all of which were intended to influence, delay, or prevent the testimony of persons during this lawsuit.

72. The conduct alleged in ¶ 71 hereof also was intended to harass persons in order to hinder, delay, prevent and dissuade such persons from attending or testifying during this lawsuit in the U. S. District Court for the Eastern District of New York.

**The May 11, 1997 intimidation
of Peretz Bronstein, Esq.**

73. One of the first incidents of intimidation occurred on or about May 11, 1997 when Mr. Bronstein, then the lawyer for the

CAMP was attending a meeting of the Crown Heights Community Council. Defendant AARON HERSHKOP and another individual known to Mr. Bronstein only as "Lane" were sitting behind him at the meeting. Other defendants, according to Mr. Bronstein were also at the meeting.

74. AARON HERSHKOP began to call Mr. Bronstein a "Rico rat" loudly enough for those sitting around Mr. Bronstein to hear it. When Mr. Bronstein turned around to look at AARON HERSHKOP and LANE, LANE said to Mr. Bronstein "you better turn back or I'll punch you in the face." Mr. Bronstein reported this intimidation to the Chairman of the meeting.

**The September, 1997
intimidation of Peretz
Bronstein, Esq.**

75. After Mr. Bronstein withdrew as counsel for the plaintiff on or about September 15, 1997, the defendants continued their attempts at intimidation. About two weeks after Mr. Bronstein withdrawal as counsel for plaintiff he was attending evening services with his two sons, then aged seven and eight, at the Empire Boulevard synagogue in the Crown Heights Jewish Community in Brooklyn, New York.

76. Defendant SHMUEL HEBER and a man known to Mr. Bronstein as HOROWITZ, an associate of HEBER and of the HERSHKOP FAMILY, were there. Soon after Mr. Bronstein arrived SHMUEL HEBER began yelling at Mr. Bronstein and calling him a "mosser"* and a "rat"

* The term "mosser" is a derogatory phrase and is explained in ¶¶ 94-95, of this Amended Complaint

and saying that he should be thrown out of the synagogue. Defendant HEBER's yelling was so loud the services were at a complete standstill and HEBER and HOROWITZ were insisting that they should not start until Mr. Bronstein and his children left the synagogue.

The intimidation of Jacob Herzog and Eliezer Sandhaus after the June 1997 hearing.

77. Eliezer Sandhaus and Yaakov Herzog, who also were called as witnesses by the CAMP during the preliminary injunction hearing, were subjected to intimidation, use of physical force, threats and harassment by members and associates of the HERSHKOP FAMILY.

78. On July 1, 1997, after the hearing on the preliminary injunction was concluded, Judge Glasser issued an injunction in this case which prohibited the defendants from:

"(1) . . . inducing any act of violence or harassment or making or causing . . . or inducing any threat against any officer or employee of the plaintiff camp, including against Yaakov [sic] Spritzer, Meir Schreiber, Yosef Spalter, and Joseph Spielman;

(2) from entering upon the grounds of the plaintiff camp without authorization;

(3) from interfering, in any way, with the administration of the affairs of the plaintiff camp, including the maintenance of bank accounts in the name of the plaintiff camp."

79. Both Mr. Jacob Herzog and Mr. Eliezer Sandhaus testified as witnesses called by the plaintiff during the hearing that led to the issuance of the preliminary injunction.

80. According to Mr. Jacob Herzog, he knows that SHOLOM HOROWITZ is an associate of the HERSHKOP family. Within a week after the hearing ended, HOROWITZ told Mr. Herzog that he "had earned the wrath of the HERSHKOP FAMILY."

81. In September, 1997, HOROWITZ told Mr. Herzog that his friend, referring to Mr. Eliezer Sandhaus, "deserved to be brutally beaten for having testified against the HERSHKOPS."

82. On or about October 17-18, 1997, during the celebration of the Succos holiday in the Crown Heights Community in Brooklyn, New York, both Mr. Herzog and Mr. Eliezer Sandhaus were accosted and Mr. Sandhaus was assaulted by an associate of the HERSHKOP FAMILY at the instigation and direction of the defendant AARON HERSHKOP.

a. On or about October 17-18, 1997, AARON HERSHKOP was walking and conversing with two men (JOHN DOE and RICHARD ROE) whom Sandhaus and Herzog did not know. When this group saw Mr. Sandhaus and Mr. Herzog, AARON HERSHKOP and the two men had a brief conversation. Then, without provocation, JOHN DOE accosted Mr. Herzog by coming menacingly close to him and demanded his name. Mr. Herzog gave it to him.

b. JOHN DOE then turned his attention to Mr. Sandhaus. When Mr. Sandhaus did not give his name, JOHN DOE began kicking him repeatedly until he fell to the ground.

c. Soon afterwards, both men reported the assault to the police on the street near the holiday celebration that was going on.

83. On or about October 22-23, 1997, during the Shemini Atzeres holiday, Mr. Herzog was attending religious services. He became aware of a commotion outside and went to look. Mr. Herzog was attacked by LEVI HARTMAN who pushed him violently until Mr. Herzog ran back into the synagogue to get away.

**Additional proceedings
in this lawsuit and the
continuing attempts to
intimidate witnesses.**

84. On August 4, 1997, the defendants filed a notice of appeal from the issuance of the injunction by Judge Glasser.

85. Peretz Bronstein, Esq., was permitted by Judge Glasser to withdraw as the attorney for the CAMP on or about September 15, 1997.

86. On or about December 18, 1997 the CAMP's present counsel filed a notice of appearance in this case.

87. The defendants abandoned their appeal and on or about February 17, 1998, the appeal was dismissed by the United States Court of Appeals for the Second Circuit.

88. On or about February 24, 1998, a status conference in this case was conducted by United States Magistrate Judge A. Simon Chrein. This conference was attended by counsel for the plaintiff and by David A. Field, Esq. of Field Lomenzo & Turret, counsel for the defendants.

89. At the February 24, 1998 pre-trial conference, the status of this case and the schedule for litigation was reviewed in a conference with counsel before Magistrate-Judge Chrein. As a

result of the conference it was ordered that the plaintiff CAMP would file a motion to amend the complaint in this case and that counsel for the parties should arrange a schedule for the depositions and document discovery that was to be conducted. At the same conference, the attorneys for the CAMP informed both Magistrate-Judge Chrein and Mr. Field about certain continuing intimidation and harassment of witnesses for the CAMP.

90. The defendants had knowledge of the subjects discussed at the February 24, 1998 conference held by Magistrate-Judge Chrein by virtue of their lawyer at the time, David A. Field, Esq. having attended the conference. It was apparent from the results of the conference that the litigation of this case was continuing and that related litigation activity was going to increase.

91. This evidently alarmed the defendants and they and other associates of the HERSHKOP FAMILY increased their efforts to intimidate, use physical force, and harass other persons with the purpose of influencing, delaying, or preventing the testimony of persons in the litigation of this case and to hinder, delay, prevent and dissuade persons from attending, testifying or participating in this case, which is an official proceeding pending in a United States District Court.

**The intimidation of
Rabbi Joseph Spielman**

92. Rabbi Joseph Spielman was a witness called by the CAMP during the preliminary injunction hearing in June, 1997. He is a prominent member of the Crown Heights Jewish Community and has

served as the elected Chairman of the Crown Jewish Community Council for eight years and as the Vice-Chairman of that Council for another two and one-half years. For over 10 years he has been a New York Police Department Liaison for the Crown Heights Community.

93. Efforts by members and associates of the HERSHKOP FAMILY to intimidate Rabbi Spielman started shortly after the injunction in this case was issued on July 1, 1997. Within a week thereof, Rabbi Spielman encountered YOSEF GOLDMAN in the main Lubavitch synagogue ("main synagogue") at 770 Eastern Parkway, Brooklyn, New York, during. At that time YOSEF GOLDMAN called Rabbi Spielman a "mosser."

94. According to Rabbi Spielman, he understood that to call a Jew a "mosser" is a particularly harsh condemnation which, if proven in a Jewish court, would carry with it the prospect of the person being treated as an outcast, and being denied certain rights under Jewish law.

95. Rabbi Spielman understood and knew that the word "mosser" refers particularly to a jew who gives up another jew to authorities. He knew and understood that the severity of calling a jew a "mosser" can be traced to the insertion of phrases by Talmudic Rabbis into certain principal prayers that are part of the orthodox liturgy which call for the condemnation of all "informers." Literally the pertinent language of the liturgy is that "for the informers there should be no hope".

96. According to Rabbi Spielman, MEIR HERSHKOP has made similar remarks to him and called Rabbi Spielman a "mosser" repeatedly. One time this occurred was in late January, 1998 when Rabbi Spielman was with his wife in the vicinity of the United Lubavitch Yeshiva, 570 Crown Street, Brooklyn, New York.

97. According to Rabbi Spielman, on or about April 4, 1998, MEIR HERSHKOP made the same kind of remarks to Rabbi Spielman when Rabbi Spielman was in the main synagogue during services.

**The intimidation of Rabbi
Spielman by AARON HERSHKOP
and SCHNEUR HERSHKOP**

98. As a former Chairman and Vice Chairman of the Council, Rabbi Spielman knows that the "Shmira" is the neighborhood patrol for the Jewish Community in Crown Heights. In the past, it has operated under the supervision of the Community Council. The Shmira's function is to patrol the Community and to respond to emergencies that may arise in the Community.

99. According to Rabbi Spielman, SCHNEUR HERSHKOP is a coordinator for the Shmira and AARON HERSHKOP is a member of it.

100. According to Rabbi Spielman, the Shmira stopped following the directions of the Community Council in about November, 1996, at about the time his van was set on fire by members of the Shmira. The Shmira took possession of equipment which belonged to the Community Council at that time.

101. According to Rabbi Spielman, the Shmira continues to patrol the neighborhood. AARON HERSHKOP and SCHNEUR HERSHKOP use a dark blue Ford or Chevrolet, with dark tinted windows which has

a loudspeaker system and a revolving light on the dashboard and a siren. It looks like an undercover police car and has an intimidating appearance.

**Harassment by AARON HERSHKOP
and SCHNEUR HERSHKOP from the
"Undercover" Automobile**

102. Several times after this Court issued the injunction on July 1, 1997, AARON HERSHKOP or SCHNEUR HERSHKOP attempted to intimidate Rabbi Spielman while they were riding in the "undercover" automobile which they use on Shmira patrol.

103. In March, 1997 AARON HERSHKOP was in the "undercover" car as Rabbi Spielman was walking in the vicinity of Kingston Avenue between Crown and Montgomery Streets in Brooklyn New York. According to Rabbi Spielman, Kingston Avenue is a principal shopping area for the Crown Heights Jewish Community. As he was walking, he heard over the loudspeaker "Spielman, you're a dog." This was repeated several times along with other insulting remarks. This was at about two o'clock in the afternoon and there were many members of the Crown Heights Jewish Community on the street.

104. According to Rabbi Spielman these kinds of remarks have been made by AARON HERSHKOP several times from the "undercover"

car when it drove by Rabbi Spielman on the street. According to Rabbi Spielman, other residents of the Crown Heights Jewish Community have been present when this intimidation by the defendants AARON HERSHKOP and SCHNEUR HERSHKOP was attempted.

105. On other occasions, in the past nine months when Rabbi Spielman has encountered either SCHNEUR HERSHKOP or AARON HERSHKOP in the streets or in the main synagogue they called Rabbi Spielman a "dog" or referred to him as a "Mosser" and called for his condemnation.

**The intimidation of
Jacob Herzog in February
and March of 1998**

106. According to Mr. Jacob Herzog, within a week of the February 24, 1998 status conference before Magistrate-Judge Chrein, the defendant SCHNEUR HERSHKOP was sitting behind Mr. Herzog during services. SCHNEUR HERSHKOP called Mr. Herzog an informer several times and said to him repeatedly "for the informer there is no hope."

107. According to Mr. Herzog, on or about March 21, 1998, the defendant MEIR HERSHKOP told Mr. Herzog in substance that:

Yaakov SPRITZER and Meir Schreiber were no good for [Mr. Herzog] and that they should not have tried to get [him] involved in this case. MEIR HERSHKOP also told [him] that [Mr. Herzog] should send a letter to this Court to tell it that [he] didn't want anything to do with either Mr. SPRITZER or Mr. Schreiber and that [he] regretted having anything to do with them.

108. According to Mr. Herzog, when many of these events took place other members of the Crown Heights Jewish Community were present.

**The intimidation of
Peretz Bronstein, Esq.
in March, 1998.**

109. According to Peretz Bronstein, Esq., the former lawyer for the CAMP, on Friday evening, March 20, 1998, he was attending services at the main synagogue of the Crown Heights Jewish Community at 770 Eastern Parkway, Brooklyn, New York with three of his sons, now aged six, eight and nine years old.

110. AARON HERSHKOP was present at that time with a man Mr. Bronstein knew only as "Lane". AARON HERSHKOP began to intimidate Mr. Bronstein by saying "I smell a rat" and then asking "Lane" "Do you smell a rat?"

111. After services ended, according to Mr. Bronstein, he was walking home with his sons on Crown Street, between Kingston and Albany avenues in Brooklyn, New York.

112. Mr. Bronstein and his sons passed AARON HERSHKOP and SCHNEUR HERSHKOP who were walking in the same direction. When the Bronstein family was about 25 feet in front of the two HERSHKOPS they began saying "I smell a rat, do you smell a rat?."

113. At that point, "Lane", who had been walking farther in front stopped, turned around, looked at Mr. Bronstein and his sons and said "I smell a rat big time."

**CLAIMS FOR RELIEF
UNDER THE RICO STATUTE**

CLAIM I

(RICO - Attempting to obtain control of
an enterprise through a pattern of racketeering
activity in violation of 18 U.S.C. §§ 1962(b))

114. The allegations contained in paragraphs 1 through 113 are hereby realleged and repeated as if fully set forth herein and are incorporated by this reference.

115. The CAMP constitutes an enterprise which is engaged in and the activities of which affect interstate commerce. The children who attend the CAMP in Pennsylvania travel to it from locations outside of Pennsylvania and the CAMP, in its day to day operation, uses goods and products which are supplied through interstate commerce.

116. From on or about June 1, 1995 up to and including the date of this amended complaint the defendants, MENDEL HERSHKOP, MEIR HERSHKOP, AARON HERSHKOP, (a/k/a/ "Lelli"), SCHNEUR HERSHKOP, (a/k/a/ "Gadi"), LEVI HARTMAN, SHMUEL HEBER and YOSEF GOLDMAN, unlawfully, intentionally and knowingly acquired and maintained, directly and indirectly, and attempted to acquire and maintain, directly and indirectly, an interest in and control of the CAMP through a pattern of racketeering activity, that is, through the commission of the racketeering acts alleged in the following paragraphs of CLAIM I of this Amended Complaint.

The Pattern of Racketeering Activity

Racketeering Act One

117. Shortly before and through the start of the 1996 summer season MENDEL HERSHKOP and MEIR HERSHKOP, unlawfully, intentionally and knowingly schemed to defraud the CAMP by stealing payments made to the CAMP on behalf of campers, and other persons, and converted them to their own benefit and use. In furtherance of this scheme, they transmitted wire communications in interstate commerce, and deposited the funds in a secret second bank account in the name of the CAMP which they had opened unlawfully without authorization, thereby violating Title 18, U.S.C. §1343. (¶¶ 24 - 30)

Racketeering Act Two

118. Shortly before and through the start of the 1996 summer season MENDEL HERSHKOP and MEIR HERSHKOP, unlawfully, intentionally and knowingly combined, conspired, confederated and agreed together with each other to scheme to defraud the CAMP by stealing payments made to the CAMP on behalf of campers, and other persons and convert them to their own use and benefit. In the furtherance of this scheme and conspiracy they transmitted wire communications in interstate commerce and deposited the funds in a secret second account in the name of the CAMP which they had opened unlawfully and without authorization, in violation of Title 18, U.S.C. §§ 371 and 1343. In furtherance of the aforesaid conspiracy, and to effectuate its aims and purposes, the defendants MENDEL HERSHKOP and MEIR HERSHKOP committed the

following overt acts in the Eastern District of New York and elsewhere:

a. On or about and between June 15, 1996 and June 25, 1996, during the registration of campers for the 1996 summer season, MENDEL HERSHKOP went into the Brooklyn offices of the CAMP.

b. On or about and between June 15, 1996 and June 25, 1996, during the registration of campers for the 1996 summer season, MEIR HERSHKOP went into the Brooklyn offices of the CAMP.

c. On or about June 25, 1996, the first day of the CAMP's operation for the 1996 summer season, MENDEL HERSHKOP travelled from New York to Pennsylvania.

d. On or about June 25, 1996, the first day of the CAMP's operation for the 1996 summer season, MEIR HERSHKOP travelled from New York to Pennsylvania. (¶¶ 24-30).

Racketeering Act Three

119. On or about June 25, 1996, the first day of the CAMP's operation for the 1996 summer season, the defendant MENDEL HERSHKOP unlawfully, willfully and knowingly, affected interstate commerce, and the movement of articles or commodities in commerce, by obtaining and attempting to obtain property from another person, by inducing the consent of the other person by the wrongful use of actual or threatened force, violence or fear, in violation of Title 18, U.S.C. §1951 and the New York State Penal Law. (¶¶ 26-28)

Racketeering Act Four

120. On or about June 1, 1996, the first day of the CAMP's operation for the 1996 summer season, the defendants AARON HERSHKOP, SCHNEUR HERSHKOP and LEVI HARTMAN, unlawfully, intentionally and knowingly affected interstate commerce, and the movement of articles or commodities in commerce, by obtaining and attempting to obtain property from another person by inducing the consent of the other person by the wrongful use of actual or threatened force, violence or fear in violation of Title 18 U.S.C. §1951; specifically the defendants travelled from New York to the CAMP grounds in Pennsylvania and threatened to "break the legs" of Meir Kahanov, the CAMP director if he did not leave the CAMP grounds and abandon the CAMP to them. Thereafter, these defendants and other members of the HERSHKOP FAMILY took property that belonged to the CAMP. (¶¶ 26-30)

Racketeering Act Five

121. On or about the first day of the CAMP's operation for the 1996 summer season, the defendants AARON HERSHKOP, SCHNEUR HERSHKOP and LEVI HARTMAN, unlawfully, intentionally and knowingly combined conspired, confederated and agreed together and with each other the defendants, acting in concert with each other, unlawfully, willfully and knowingly, to affect interstate commerce, and the movement of articles or commodities in interstate commerce, by obtaining and attempting to obtain property from another person by inducing the consent of the other person by the wrongful use of actual or threatened force, violence

or fear in violation of Title 18, U.S.C. §1951 and the New York State Penal Law. In furtherance of the aforesaid conspiracy, and to effectuate its aims and purposes, the defendants committed the following overt acts in the Eastern District of New York and elsewhere: (§§ 26-30)

a. The defendant AARON HERSHKOP travelled from New York to Pennsylvania.

b. The defendant SCHNEUR HERSHKOP travelled from New York to Pennsylvania.

c. The defendant LEVI HARTMAN travelled from New York to Pennsylvania.

Racketeering Act Six

122. Shortly after November 21, 1996 the defendant AARON HERSHKOP unlawfully, willfully and knowingly, affected interstate commerce, and the movement of articles or commodities in commerce, by obtaining and attempting to obtain property from another person by inducing the consent of the other person by the wrongful use of actual or threatened force, violence or fear in violation of Title 18, U.S.C. §1951 and the New York State Penal Law; specifically, he threatened the use of physical violence to Meir Schreiber. (§ 38)

Racketeering Act Seven

123. On or about November 22, 1996 the defendants AARON HERSHKOP and SCHNEUR HERSHKOP, the defendants, unlawfully, willfully and knowingly, affected interstate commerce, and the movement of articles or commodities in commerce, by obtaining and

attempting to obtain property from another person by inducing the consent of the other person by the wrongful use of actual or threatened force, violence or fear in violation of Title 18, U.S.C. §1951 and the New York State Penal Law; specifically, they committed and threatened the use of physical violence to Yaakov SPRITZER. (¶¶ 39-41)

Racketeering Act Eight

124. On or about November 22, 1997, the defendants AARON HERSHKOP and SCHNEUR HERSHKOP unlawfully, intentionally and knowingly combined, conspired, confederated and agreed together and with each other the defendants, to affect interstate commerce, and the movement of articles or commodities in interstate commerce, by obtaining and attempting to obtain property from another person by inducing the consent of the other person by the wrongful use of actual or threatened force, violence or fear against Yaakov SPRITZER in violation of Title 18, U.S.C. §1951 and the New York State Penal Law. In furtherance of the aforesaid conspiracy, and to effectuate its aims and purposes. the defendants committed the following overt acts in the Eastern District of New York and elsewhere:

- a. The defendant AARON HERSHKOP entered the main synagogue in Brooklyn, New York.
- b. The defendant SCHNEUR HERSHKOP entered the main synagogue in Brooklyn, New York. (¶¶ 39-41)

Racketeering Act Nine

125. On or about November 23, 1996 the defendants MEIR HERSHKOP, AARON HERSHKOP and SCHNEUR HERSHKOP, the defendants, unlawfully, willfully and knowingly, affected interstate commerce, and the movement of articles or commodities in commerce, by obtaining and attempting to obtain property from another person by inducing the consent of the other person by the wrongful use of actual or threatened force, violence or fear in violation of Title 18, U.S.C. §1951 and the New York State Penal Law; specifically, they committed and threatened the use of physical violence to Meir Schreiber and assaulted him. (¶ 42)

Racketeering Act Ten

126. On or about November 23, 1997, MEIR HERSHKOP, AARON HERSHKOP and SCHNEUR HERSHKOP unlawfully, intentionally and knowingly combined, conspired, confederated and agreed together and with each other the defendants, to affect interstate commerce, and the movement of articles or commodities in interstate commerce, by obtaining and attempting to obtain property from another person by inducing the consent of the other person by the wrongful use of actual or threatened force, violence or fear against Meir Schreiber in violation of Title 18, U.S.C. §1951 and the New York State Penal Law. In furtherance of the aforesaid conspiracy, and to effectuate its aims and purposes. the defendants committed the following overt acts in the Eastern District of New York and elsewhere:

a. The defendant MEIR HERSHKOP entered the main synagogue in Brooklyn, New York.

b. The defendant AARON HERSHKOP entered the main synagogue in Brooklyn, New York.

c. The defendant SCHNEUR HERSHKOP entered the main synagogue in Brooklyn, New York. (¶ 42)

Racketeering Act Eleven

127. On or about February 13, 1997 the defendant AARON HERSHKOP, unlawfully, willfully and knowingly, affected interstate commerce, and the movement of articles or commodities in commerce, by obtaining and attempting to obtain property from another person by inducing the consent of the other person by the wrongful use of actual or threatened force, violence or fear and committed and threatened the use of physical violence to Meir Schreiber by assaulting him and saying that he was going to kill him in violation of Title 18 U.S.C. §1951 and the New York State Penal Law. (¶ 52)

Racketeering Act Twelve

128. On or about February 16, 1997 the defendant LEVI HARTMAN unlawfully, willfully and knowingly, affected interstate commerce, and the movement of articles or commodities in commerce, by obtaining and attempting to obtain property from another person by inducing the consent of the other person by the wrongful use of actual or threatened force, violence or fear and committed physical violence and threatened physical violence to Meir

Schreiber in violation of Title 18 U.S.C. §1951 and the New York State Penal Law. (¶ 53).

Racketeering Act Thirteen

129. On or about February 22, 1997 the defendant LEVI HARTMAN unlawfully, willfully and knowingly, affected interstate commerce, and the movement of articles or commodities in commerce, by obtaining and attempting to obtain property from another person by inducing the consent of the other person by the wrongful use of actual or threatened force, violence or fear in violation of Title 18, U.S.C. §1951 and the New York State Penal Law by assaulting Meir Schreiber and telling him "this is just the beginning". (¶ 54).

Racketeering Act Fourteen

130. During February, 1997 the defendant MEIR HERSHKOP unlawfully, willfully and knowingly, affected interstate commerce, and the movement of articles or commodities in commerce, by obtaining and attempting to obtain property from another person by inducing the consent of the other person by the wrongful use of actual or threatened force, violence or fear in violation of Title 18, U.S.C. §1951 and the New York State Penal Law; specifically he left threatening telephone messages for Meir Schreiber. (¶ 55).

Racketeering Act Fifteen

131. During the Fall of 1996 MEIR HERSHKOP, AARON HERSHKOP, SCHNEUR HERSHKOP and LEVI HARTMAN, the defendants, unlawfully, intentionally and knowingly travelled to Pennsylvania from New York and attempted to take the personal property of the CAMP

against the will of the custodian thereof by inducing the consent of the guardian by the wrongful use of actual or threatened force or violence, and thereby affected commerce and the movement of articles or commodities in commerce, in violation of Title 18 U.S.C. §§1951, 1952 and the New York State Penal Law. (¶ 62)

Racketeering Act Sixteen

132. During the Fall of 1996 MEIR HERSHKOP, AARON HERSHKOP, SCHNEUR HERSHKOP and LEVI HARTMAN, the defendants, unlawfully, intentionally and knowingly combined, conspired, confederated and agreed together and with each other to travel to Pennsylvania from New York in order to commit the crime of extortion in violation of Title 18 U.S.C. §1951 and the New York State Penal Law by taking the personal property of the CAMP against the will of the custodian thereof by inducing the consent of the custodian by the wrongful use of actual or threatened force or violence, and thereby affecting commerce and the movement of articles or commodities in commerce in violation of Title 18, U.S.C. §1952.

Racketeering Act Seventeen

133. On or about and between March 17, 1997 and September 15, 1997, MENDEL HERSHKOP, SHMUEL HEBER and YOSEF GOLDMAN, the defendants, unlawfully, intentionally and knowingly combined, conspired confederated and agreed together and with each other to scheme to defraud the CAMP by obtaining its property and depriving it of the use of its property, by means of false or fraudulent pretenses and used the United States Mail to execute the said scheme to defraud the CAMP. In furtherance of the aforesaid

conspiracy, and to effectuate its aims and purposes the defendants committed the following overt acts in the Eastern District of New York and elsewhere:

a. On or about March 17, 1997 the defendants met and caused to be prepared a false and fictitious document, purporting to revoke the authority of a duly appointed member of the CAMP's Board of Directors, and an authorized signatory on the CAMP's bank account, from issuing any checks on its bank account.

b. On or about April 7, 1997 the defendants caused the aforesaid false and fictitious document to be mailed to the bank at which the CAMP maintained its account. (¶¶ 65-67)

**Racketeering Acts Eighteen
through Twenty-Five**

134. As specified in the following table of subparagraphs, on or about the dates listed, the specified defendants, with respect to the specified victims, in violation of Title 18, U.S.C. §1512(b), as specified, knowingly used or attempted to use intimidation or physical force, or threats, with intent to influence, delay or prevent the testimony of the specified victim in an official proceeding, or in violation of Title 18, U.S.C. §1512(c), as specified, intentionally harassed or attempted to harass another person, as designated below, and thereby hinder, delay, prevent or dissuade such person from attending or testifying in an official proceeding, to wit: the litigation of this lawsuit in the United States District Court for the Eastern District of New York.

<u>Sub ¶.</u>	<u>Date of event</u> <u>(¶ reference)</u>	<u>Defendant</u>	<u>Victim</u>	<u>subd.</u>
a.	May 11, 1997 (¶¶ 73-74)	AARON HERSHKOP	P. Bronstein	(c)
b.	Sept. 29, 1997 (¶¶ 75-76)	SHMUEL HEBER	P. Bronstein	(c)
c.	Oct. 17, 1997 (¶ 82)	AARON HERSHKOP	E. Sandhaus J. Herzog	(b)
d.	Oct. 22, 1997 (¶ 83)	LEVI HARTMAN	J. Herzog	(b)
e.	July 8, 1997 (¶¶ 93 - 95)	YOSEF GOLDMAN	J. Spielman	(b)
f.	January, 1998 April 4, 1998 (¶¶ 96-97)	MEIR HERSHKOP	J. Spielman	(b)
g.	March 2, 1998 (¶ 106)	SCHNEUR HERSHKOP	J. Herzog	(b)
h.	March 21, 1998 (¶ 107)	MEIR HERSHKOP	J. Herzog	(b)

Racketeering Act Twenty-Six

135. From on or about January 1, 1997 up to and including the date of this Amended Complaint, MENDEL HERSHKOP, MEIR HERSHKOP, AARON HERSHKOP, (a/k/a/ "Lelli"), SCHNEUR HERSHKOP, (a/k/a/ "Gadi"), LEVI HARTMAN, SHMUEL HEBER and YOSEF GOLDMAN, the defendants, unlawfully, intentionally and knowingly combined, conspired, confederated and agreed together and with each other, and with others unknown, to knowingly use or attempt to use intimidation or physical force, or threats, or harassment or attempt to harass, with intent to influence, delay, prevent, dissuade or hinder the attendance or testimony of certain persons in an official proceeding pending in the United States District Court for the Eastern District of New York in violation of Title

18 U.S.C. §§1512 and 371. In furtherance of the aforesaid conspiracy, and to effectuate its aims and purposes, the defendants committed the following overt acts in the Eastern District of New York and elsewhere:

a. On or about May 11, 1997, the defendant AARON HERSHKOP spoke to Peretz Bronstein, Esq.

b. On or about September 29, 1997 the defendant SHMUEL HEBER spoke to Peretz Bronstein, Esq.

c. On or about October 17, 1997, the defendant AARON HERSHKOP had a conversation with an unknown man while near the vicinity of Jacob Herzog and Eliezer Sandhaus in the Crown Heights Community in Brooklyn, New York.

d. On or about October 22, 1997, the defendant LEVI HARTMAN pushed Jacob Herzog.

e. On or about July 8, 1997, the defendant YOSEF GOLDMAN spoke to Rabbi Joseph Spielman.

f. In or about January, 1998 the defendant MEIR HERSHKOP spoke to Rabbi Joseph Spielman in the vicinity of 570 Crown Street, Brooklyn, New York

g. On or about April 4, 1998, the defendant MEIR HERSHKOP spoke to Joseph Spielman in the main synagogue.

h. On or about March 2, 1998, the defendant SCHNEUR HERSHKOP spoke to Jacob Herzog.

i. On or about March 21, 1998, the defendant MEIR HERSHKOP spoke to Jacob Herzog.

136. By reason of the foregoing, the defendants have damaged the plaintiff CAMP in its business and property in violation of 18 U.S.C. § 1962(b).

CLAIM II

(RICO Conspiracy - Conspiring to obtain control of an enterprise through a pattern of racketeering activity in violation of 18 U.S.C. §§ 1962(d))

137. The allegations contained in paragraphs 1 through 122 are hereby realleged and repeated as if fully set forth herein and are incorporated by this reference.

138. The CAMP constitutes an enterprise which is engaged in and the activities of which affect interstate commerce. The children who attend the CAMP travel to it from locations outside of Pennsylvania and the CAMP, in its day to day operation, uses goods and products which are supplied through interstate commerce.

139. From on or about and between June 1, 1995, up to and including the date of this amended complaint, the defendants MENDEL HERSHKOP, MEIR HERSHKOP, AARON HERSHKOP (a/k/a Lelli), SCHNEUR HERSHKOP (a/k/a Gadi), LEVI HARTMAN, SHMUEL HEBER and YOSEF GOLDMAN, unlawfully, intentionally and knowingly combined, conspired, confederated and agreed together and with each other, and with others unknown, to acquire and maintain, directly or indirectly, an interest in and control of the CAMP through a pattern of racketeering activity. It was a part of the conspiracy that each defendant agreed to the commission of two or more acts of racketeering including, but not limited to, those racketeering

acts alleged in paragraphs 117 through 136 of this Amended Complaint.

140. By reason of the foregoing, the defendants have damaged plaintiff CAMP in its business and property in violation of 18 U.S.C. § 1962(d).

CLAIM III

(RICO - Conducting the affairs of an enterprise through a pattern of racketeering activity in violation of 18 U.S.C. §§ 1962(c))

141. The allegations contained in paragraphs 1 through 136 are hereby realleged and repeated as if fully set forth herein and are incorporated by this reference.

142. From on or about June 1, 1995 up to and including the date of this Amended Complaint, MENDEL HERSHKOP, MEIR HERSHKOP, AARON HERSHKOP (a/k/a "Lelli"), SCHNEUR HERSHKOP (a/k/a "Gadi"), LEVI HARTMAN, SHMUEL HEBER and YOSEF GOLDMAN, the defendants, and others unknown, were members and associates of a group of individuals referred to as the HERSHKOP FAMILY which engaged in violence, assault, extortion, larceny and fraud.

143. The HERSHKOP FAMILY, its leadership, membership, and associates, constituted an "enterprise" as defined by Title 18, United States Code §1961(4) that is, a group of individuals associated in fact, although not a legal entity. At all times relevant to the allegations in this Amended Complaint the HERSHKOP FAMILY operated principally in the Crown Heights Jewish Community in Brooklyn, New York and in Pennsylvania and was engaged in and the activities of which affected interstate commerce.

Purposes of the Enterprise

144. The purposes of the enterprise included:

a. Enriching the members and associates of the enterprise through, among other things, extortion, theft, and fraud.

b. Preserving and protecting the power and influence of the enterprise through the use of assault, other acts of violence, threats of violence, intimidation and harassment.

c. Promoting and enhancing the enterprise and the activities of its members and associates.

d. Attempting to obtain an interest in and control of the CAMP for the personal benefit of its members and associates.

The Means and Methods of the Enterprise

145. Among the means and methods by which the members of the enterprise and their associates conducted and participated in the conduct of the affairs of the enterprise were the following:

a. Members and associates of the enterprise attempted to commit and committed extortion, larceny and fraud to obtain an interest in and control of the CAMP.

b. Members and associates of the enterprise promoted a climate of fear to protect, expand and further the enterprise's activities through violence, threats of violence, assault, intimidation and harassment.

146. From on or about June 1, 1995 up to and including the date of this amended complaint, MENDEL HERSHKOP, MEIR HERSHKOP, AARON HERSHKOP, (a/k/a/ "Lelli"), SCHNEUR HERSHKOP, (a/k/a/

"Gadi"), LEVI HARTMAN, SHMUEL HEBER and YOSEF GOLDMAN, the defendants, and others unknown, being persons who were members of and associated with the HERSHKOP FAMILY, described as an enterprise in previous paragraphs (§§ 142 - 145) of this Amended Complaint, unlawfully, willfully and knowingly conducted and participated, directly and indirectly, in the conduct of the affairs of that enterprise, which enterprise was engaged in and the activities of which affected interstate commerce through a pattern of racketeering activity, that is through the commission of the racketeering acts alleged in paragraphs 117 through 136 of this Amended Complaint.

147. By reason of the foregoing, the defendants have damaged plaintiff CAMP in its business and property in violation of 18 U.S.C. § 1962(c).

CLAIM IV

(RICO Conspiracy - Conspiring to conduct the affairs
an enterprise through a pattern of racketeering
activity in violation of 18 U.S.C. §§ 1962(d))

148. The allegations contained in paragraphs 1 through 136 and paragraphs 142 through 147 are hereby realleged and repeated as if fully set forth herein and are incorporated by this reference.

149. The HERSHKOP FAMILY, its leadership, membership and associates constituted an "enterprise" as defined by Title 18, United States Code, §1961(4), that is, a group of individuals associated in fact although not a legal entity which was engaged in and the activities of which affected interstate commerce.

150. From on or about and between June 1, 1995, up to and including the date of this amended complaint, the defendants MENDEL HERSHKOP, MEIR HERSHKOP, AARON HERSHKOP (a/k/a "Lelli"), SCHNEUR HERSHKOP (a/k/a "Gadi"), LEVI HARTMAN, SHMUEL HEBER and YOSEF GOLDMAN, being persons who were members of and associated with the HERSHKOP FAMILY, as previously described in this Amended Complaint, unlawfully, intentionally and knowingly combined, conspired, confederated and agreed together and with each other, and with others unknown, to conduct and participate, directly and indirectly, in the conduct of the affairs of that enterprise, which was engaged in and the activities of which affected interstate commerce, through a pattern of racketeering activity, that is, the racketeering acts set forth in paragraphs 117 through 136 of this Amended Complaint. It was a part of the conspiracy that each defendant agreed to the commission of two or more acts of racketeering including, in particular but not limited to, those acts alleged in paragraphs 117 through 136 of this Amended Complaint.

151. By reason of the foregoing, the defendants have damaged plaintiff CAMP in its business and property in violation of 18 U.S.C. § 1962(d).

CLAIMS UNDER PENDENTE
LITE JURISDICTION

CLAIM V

(Tortious interference with contractual relations)

152. The allegations contained in paragraphs 1 through 113 are hereby realleged and repeated as if fully set forth herein and are incorporated by this reference.

153. MENDEL HERSHKOP, MEIR HERSHKOP, AARON HERSHKOP, SCHNEUR HERSHKOP, LEVI HARTMAN, SHMUEL HEBER and YOSEF GOLDMAN, the defendants, knew that the CAMP had contracted with its employees for services to be rendered to the CAMP during the summer seasons of 1996 and 1997.

154. The defendants, acting in concert with each other, intentionally, maliciously, without justification, and with full knowledge of the existing contracts, induced said employees to repudiate their contracts with the CAMP with knowledge that such repudiation was a violation and breach of said contracts.

CLAIM VI

(Fraud)

155. The allegations contained in paragraphs 1 through 113 are hereby realleged and repeated as if fully set forth herein and are incorporated by this reference.

156. MENDEL HERSHKOP, MEIR HERSHKOP, AARON HERSHKOP, SCHNEUR HERSHKOP, LEVI HARTMAN, SHMUEL HEBER and YOSEF GOLDMAN, the defendants, on or about and between June 1, 1995 and the date of the filing of this Amended Complaint, knew that the CAMP had a

relationship with the European-American bank to provide certain banking services, including the issuance and honoring of checks.

157. The defendants, acting in concert with each other, intentionally and knowingly, without justification, and with full knowledge of the relationship between the CAMP and its bank, induced the said bank to repudiate checks issued by duly appointed directors of the CAMP by sending a false document to the bank which purported to be a corporate resolution and which stated that the lawfully appointed directors of the CAMP no longer had authority to draw checks on the account.

CLAIM VII

(Conversion)

158. The allegations contained in paragraphs 1 through 113 are hereby realleged and repeated as if fully set forth herein and are incorporated by this reference.

159. On or about and between June 1, 1995 and the date of the filing of this Amended Complaint, MENDEL HERSHKOP, MEIR HERSHKOP, AARON HERSHKOP, (a/k/a/ "Lelli"), SCHNEUR HERSHKOP, (a/k/a/ "Gadi"), LEVI HARTMAN, SHMUEL HEBER and YOSEF GOLDMAN, the defendants, intentionally and knowingly and without justification took and converted to their own use money, checks and equipment belonging to the CAMP thereby depriving the CAMP of the benefit of the use of such property.

CLAIM VIII

(Unfair Competition)

160. The allegations contained in paragraphs 1 through 113 are hereby realleged and repeated as if fully set forth herein and are incorporated by this reference.

161. From in or about January, 1997, up to the date of the filing of this Amended Complaint, MENDEL HERSHKOP, MEIR HERSHKOP, AARON HERSHKOP, SCHNEUR HERSHKOP, LEVI HARTMAN, SHMUEL HEBER and YOSEF GOLDMAN, the defendants, went into direct competition with the CAMP by opening Ohr Menachem, a summer camp for children. The unlawful activity previously alleged in this complaint including the violence, threats of violence, assaults, and intimidation directed against the directors of the CAMP and those persons who have relationships with them and the CAMP was designed to impede the operation of the CAMP and to give the defendant's new camp an unfair competitive advantage.

CLAIM IX

(Breach of Fiduciary Duty)

162. The allegations contained in paragraphs 1 through 113 and 148 are hereby realleged and repeated as if fully set forth herein and are incorporated by this reference.

163. From on or about June 1, 1995 up and including the date of the filing of this Amended Complaint, the defendants MENDEL HERSHKOP, MEIR HERSHKOP, SHMUEL HEBER, and YOSEF GOLDMAN have asserted that they have continuously remained as directors of the

CAMP. As such, they have breached their fiduciary duty as directors of the CAMP by the following means and methods:

a. these defendants opened a summer camp in direct competition with the plaintiff CAMP;

b. these defendants intentionally and without justification interfered with the relationship that the CAMP had with its bank;

c. these defendants intentionally interfered with the relationship that the CAMP had with Beis Moshiach Magazine in which it advertised;

d. these defendants intentionally and knowingly made false statements about the CAMP which harmed its reputation and its ability to serve the youth of the Crown Heights Jewish Community.

CLAIM X

(Assaults on Plaintiff Spritzer)

164. The allegations contained in paragraphs 1 through 113 are hereby realleged and repeated as if fully set forth herein and are incorporated by this reference.

165. In or about November, 1996 the defendants AARON HERSHKOP, (a/k/a/ "Lelli") and SCHNEUR HERSHKOP, (a/k/a/ "Gadi") intentionally assaulted plaintiff SPRITZER.

CLAIM XI

(Intentional damage to the
property of Plaintiff Spritzer)

166. The allegations contained in paragraphs 1 through 113 are hereby realleged and repeated as if fully set forth herein and are incorporated by this reference.

167. From on or about June 1, 1996 through the date of the filing of this Amended Complaint, the defendants intentionally caused damage to the property of plaintiff SPRITZER by slashing the tires of his automobiles and by shooting out the windows of his property on Kingston Avenue, Brooklyn, New York.

WHEREFORE, Plaintiff MACHNE MENACHEM, INC., demands judgment against the defendants:

(1) for an injunction:

(a) prohibiting the defendants from entering upon the grounds of the plaintiff CAMP without authorization;

(b) prohibiting the defendants from committing, or aiding, counseling or inducing any act of violence, intimidation or harassment or making or causing to be made or aiding, counseling or inducing any threat against any officer, director, or employee of the plaintiff CAMP, including against Yaakov SPRITZER, MEIR SCHREIBER, YOSEF SPALTER, JOSEPH SPIELMAN, JACOB HERZOG, ELIEZER SANDHAUS and PERETZ BRONSTEIN, Esq. or any person who in the course of the litigation of this case is designated as a witness (or their spouse or children) by counsel for the plaintiff in writing to Magistrate-Judge A. Simon Chrein who is assigned to this case, or testifies or gives evidence in the litigation of this case;

(c) prohibiting the defendants from interfering, in any way, with the administration of the affairs of the plaintiff CAMP, including the maintenance of bank accounts in the name of the plaintiff CAMP;

(2) for compensatory damages in an amount to be determined at trial, trebled;

(3) for punitive damages in an amount to be determined at trial because the conduct alleged in this Complaint is in perverse, wanton and reckless disregard of federal and state laws; and,

(4) for reasonable attorneys fees, the costs of prosecuting this action, and such other and further relief as to the Court seems just and appropriate;

AND Plaintiff Yaakov SPRITZER demands judgment against the defendants:

(5) for compensatory damages;

(6) and for punitive damages because the conduct directed against him that is alleged in this Complaint was in perverse, wanton and reckless disregard of state and federal laws.

Dated: New York, New York
May 28, 1998



CARL M. BORNSTEIN (0863)
Attorney for Plaintiffs
1 Dag Hammarskjold Plaza
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212-308-8300

VERIFICATION

I, Yaakov Spritzer, affirm under penalties of perjury that I have read the foregoing amended complaint and know its contents to be true, except for those matters alleged upon information and belief, which matters I believe to be true to the best of my knowledge.

Yaakov Spritzer

YAAKOV SPRITZER

Affirmed to before me under penalties of perjury this *28th* day of May, 1998

Carl M. Bornstein

Notary Public

CARL M. BORNSTEIN
Notary Public, State of New York
No. 31-4713614
Qualified in New York County
Commission Expires February 28, 19*99*

To characterize the complaint as prolix, replete with hearsay and irrelevancies, would be charitable.

Judge Gleason Final Verdict Against Spritzer

