

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

GAVRIEL BRAUNSTEIN, ELKON MOSHE
GURFINKEL, SHNEUR ROTEM, and YITZHAK
YAAKOV SHATZ,

Index No.: 34551/08

Plaintiffs,

- against -

CROWN HEIGHTS SHOMRIM SAFTEY PATROL,
INC., CHAIM HERSHKOP, YEHUDA HERSHKOP,
SHNEUR G. HERSHKOP, BEJAMIN LIFSHITZ,
SCHNEUR PINSON, NECHEMIA SLATTER and
SHOLOM WILLHELM.,

Defendants.

**NOTICE OF MOTION, AFFIRMATION AND
AFFIDAVIT**

Attorney certification pursuant to Section
130-1.1-a of the Rules of the Chief
Administrator (22 NYCRR)

/s/

Levi Huebner & Associates, P.C.

Attorneys for Plaintiffs

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Exhibit "3."

10. Thus, his claims of youth are simply untrue and knowingly false representations to this court.

11. Aron Hershkop also falsely affirms that "the individual defendants herein . . . have no prior experience with being parties in a civil suit." See ¶ "6." of the Affidavit of Aron Hershkop dated January 3, 2010.

12. This is belied by the fact that Aron Hershkop and Schneur G. Hershkop were defendants in a federal civil suit tried in the Eastern District of New York, entitled Machne Menachem, Inc., v. Mendel Hershkop, Meir Hershkop, Aaron (Leli) Hershkop, Schneur (Gadi) Hershkop, et al. A copy of the Findings of Fact, and Conclusions of Law ("FOFCOL") dated July 1st 1997 from that case is attached hereto as **Exhibit "4."**

13. In the FOFCOL the Honorable Judge Leo Glasser made the following finding of fact regarding Aron Hershkop and Schneur G. Hershkop:

The defendants Aaron, a/k/a "Lelli" and Schneur Hershkop, a/k/a "Gadi" . . . acting in concert or aiding in abetting each other, have assaulted, harassed and threatened, [individuals], and have threatened [JS] and set fire to his vehicle. . . . The foregoing findings are predicated upon the court's assessment of the credibility of the witnesses whose testimony was carefully considered and whose demeanor was closely observed. That assessment

3. Mendel Hershkop, Meir Hershkop, Shmuel Heber and Yosef Goldman, who are or claim to be directors of the plaintiff, have established, caused to be established, or assisted in establishing Ohr Menachem, a new summer camp, in direct competition with the plaintiff camp of which they claim to be directors.

4. The named defendants, acting in concert or aiding and abetting each other, have caused an account of the plaintiff in the European American Bank to be frozen and thus prevented the plaintiff from using the funds in that account in the conduct of its business.

The foregoing findings are predicated upon the court's assessment of the credibility of the witnesses whose testimony was carefully considered and whose demeanor was closely observed. That assessment led the court to find the testimony of Aaron and Schneur Hershkop and Levi Hartman not worthy of belief and the testimony on behalf of the plaintiff credible.

CONCLUSIONS OF LAW

The prerequisite for granting a preliminary injunction are so well established as to make the citation of authority for that purpose superfluous. The plaintiff must establish the threat of irreparable harm, likelihood of success on the merits or a reasonable question going to the merits, with the balance of hardship tipping in favor of the movants. The likelihood of success on the merits has, in the court's view, been established. The threat of irreparable harm is and has been created by the concerns engendered by the defendants in the community of the ability of the plaintiff camp to function efficiently and effectively. That concern is manifested by the significant reduction in camp enrollments from last year to this. It has also been manifested by

the operation of a competing camp in flagrant violation of fiduciary duty by those defendants claiming to still be directors of the plaintiff.

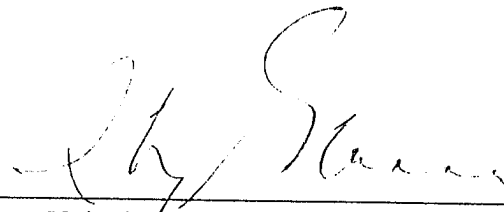
The parties have agreed that the evidence presented in connection with this hearing on a preliminary injunction would be the same as would be presented in a hearing for a permanent injunction and may be considered for the latter purpose. Accordingly, and for the foregoing reasons the defendants are permanently enjoined:

(1) from committing or aiding, abetting, counseling or inducing any act of violence or harassment or making or causing to be made or aiding, abetting, counseling or inducing any threat against any officer or employee of the plaintiff camp, including against Yaakov 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. In this regard, they are directed to free the account of the plaintiff camp in the European American Bank or in any other bank which they caused to be frozen.

SO ORDERED.



United States District Judge

Dated: Brooklyn, New York
July 15th, 1997

