

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.

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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, YOSSE 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.

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, 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, YOSSIE KELLER,  
YOSSEL MOTCHKIN, ELI POLTAROK, YAACOV  
ROGALSKY, MENDEL SHAGALOV, CHANINA  
SPERLIN, URI NIAZOV, R GERSHON CHAIMSON,  
MOTEL CHEIN, ZALMAN LIPSKER, Y. BORUCH  
SPIELMAN,

Respondents.

-----X  
THE PEOPLE OF THE STATE OF NEW YORK

TO: **SHMUEL PLOTKIN**  
1319 President St.  
Brooklyn, NY 11213

**HARVEY B. LANG a/k/a TZVI LANG**  
783 Montgomery St.  
Brooklyn, NY 11213

**YAAKOV H. SUFRIN**  
515 Crown St.  
Brooklyn, NY 11213

**NOCHUM GROSS a/k/a NOOCHIE GROSS**  
555 Crown 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 Shmuel Plotkin, Harvey B. Lang a/k/a/ Tzvi Lang, Yaakov H. Sufrin, and Nochum Gross a/k/a/ Noochie Gross.
- 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. “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.
- v. “Rubashkins” refers to Moshe Rubashkin, Shalom Rubashkin, Fayge Rubashkin a/k/a Fay Friedman, Stone Hill Group, LLC, and Agriprocessors, Inc.
- vi. “CHJCC Election” or “CHJCC Elections” refers to the elections, held May 24, 2009, for the CHJCC and for the gabbaim (trustees) of Congregation Lubavitch.

- vii. “Rubashkin Election” or “Rubashkin Elections” refers to the elections, purportedly held April 30-May 5, 2006, claiming to be for the Beth Din of Crown Heights.
- viii. “Action” refers to *Crown Heights Jewish Community Council, Inc., et ano. v. Shlomo Yehuda Segal, et al.* (Kings County Index No. 14094/09).
- ix. “Proceedings” refers to *Crown Crown Heights Jewish Community Council, Inc., et al. v. Yisroel Best, et al.* (Kings County Index Nos. 12468/09 and 14056/09).
- x. “Petitioners” refers to CHJCC, Shmuel Plotkin, Yaakov H. Sufrin, and Harvey Lang a/k/a/ Tzvi Lang.
- xi. “Respondents” refers to Yisroel Best, Yisroel Sandhaus, Yisroel Landau, Kalman Bialestock, Fishel Brownstein, Zev Cadaner, Yossi Keller, Yossel Motchkin, Elie Poltorak, Yaacov Rogalsky, Mendel Shagalov, Chanina Sperlin, Zaki Tamir, Uri Niazov, Gershon Chaimson, Motel Chein, Zalman Lipskier, and Y. Boruch Spielman.
- xii. “Defendants” refers to 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, N.A.
- xiii. “OSCs” refers to the Orders to Show Cause, Verified Petitions, Amended Verified Petition, supporting affidavits and affirmations, along with all other papers filed in the Proceedings.
- xiv. “Hazmonos” refers to all *hazmonos* (beth din summonses) addressed to Respondents.

- xv. "Psaks" refers to the "Psak Din" dated January 10, 2008, the "Psak Din" dated 24 Iyar, 5769 (May 18, 2009) and the "Psak Din" dated 9 Sivan 5769/June 1, 2009.
- xvi. "Hearings" refers to any and all hearings held by the Beth Din of Crown Heights in connection with the Psaks, Hazmonos, CHJCC Elections, Rubashkin Elections, and Disputed Delegates.
- xvii. "Disputed Delegates" refers to Yaakov H. Sufrin, Yaakov Wice, Benny Raskin, Moshe Haber, Alexander Weisz, and Ruven Lipkind.
- xviii. "Congregation Lubavitch" refers to the congregation occupying and worshiping in the synagogue situated in the basement of 770-784 Eastern Parkway, Brooklyn, New York.
- xix. "HoG" refers to Aron Tzivin, Crown Heights House of Glatt, Inc., House of Glatt, Agriprocessors, Inc., and 385 Kingston Avenue, LLC.
- xx. "Machne Menachem" refers to Machne Menachem, Inc., Meir Hershkop, Mendel Hershkop, Aron Hershkop, Shmuel Heber, Shomrim of Crown Heights, and Isaac Nutovic, Esq.
- xxi. "Transaction" means any payment, exchange, transfer, sale, or loan of money, securities, goods, services, or other valuables or any other business deal or agreement.
- xxii. "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.

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

xxiv. "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.

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

xxvi. 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.

xxvii. "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.

xxviii. "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.

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

xxx. 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 used or referred to by You in preparing the OSCs.
2. All documents and communications concerning CHJCC and/or its governance or administration.
3. All documents and communications concerning Kashrus and/or its governance or administration.
4. All minutes of meetings of the CHJCC Board of Directors.
5. All documents and communications concerning the removal or addition of CHJCC directors or officers.
6. All communications between You and employees of CHJCC.
7. All communications between You and Sholom Rubashkin concerning the CHJCC.
8. All communications between you and Moshe Rubashkin, subsequent to Moshe Rubashkin's incarceration.
9. All documents and communications concerning any and all transactions between You and CHJCC.
10. All documents and communications concerning any and all transactions between CHJCC and the Rubashkins.

11. All documents and communications concerning Fayge Rubashkin a/k/a/ Fay Friedman's employment by CHJCC.
12. All documents and communications concerning Sholom Rubashkin's employment by CHJCC.
13. All documents and communications concerning medical and/or dental insurance provided to the Rubashkins at CHJCC's expense.
14. All documents and communications concerning cellular telephones used by the Rubashkins and/or CHJCC payment of bills for said telephone service.
15. All documents and communications concerning CHJCC payment for renovations to Moshe Rubashkin's residence.
16. All documents and communications concerning the resignation, recusal, removal, reduction, limitation, or other change in the authority, control, or position of Moshe Rubashkin in relation to CHJCC.
17. All documents and communications concerning any and all transactions between Kashrus and the Rubashkins.
18. All documents and communications concerning any and all transactions between Kashrus and CHJCC.
19. All documents and communications concerning any CHJCC bank account or between You and any bank at which CHJCC holds accounts.
20. All documents and communications concerning Capital One, N.A. or between You and Capital One, N.A.
21. All documents and communications concerning signature authorizations with respect to any account held by CHJCC.

22. All documents and communications concerning any and all transactions between Kashrus and HoG.

23. All documents and communications concerning any and all transactions between You and HoG.

24. All documents and communications concerning any and all transactions between CHJCC and HoG.

25. All documents and communications concerning Keren Yisroel Aryeh Leib, Inc. and/or transactions between You or CHJCC and Keren Yisroel Aryeh Leib, Inc.

26. All documents and communications concerning Z.D.M. Trucking, Corp. or Yitzchok Marosow, including any loans or transactions with same by CHJCC or Kashrus.

27. All documents and communications concerning any transaction between CHJCC and I & Y Auto Sales, Inc.

28. All documents and communications concerning Rabbi Yaakov Schwei or between You and Rabbi Yaakov Schwei.

29. All documents and communications concerning the Osdoba Faction, between You and the Osdoba Faction, and/or between CHJCC and the Osdoba Faction.

30. All documents and communications concerning Respondents or between You and Respondents.

31. All documents and communications concerning the Hazmonos.

32. All documents and communications concerning the Hearings.

33. All documents and communications concerning the Psaks.

34. All documents and communications concerning the Disputed Delegates.
35. All documents and communications concerning the CHJCC Elections.
36. All documents and communications concerning any attempts to postpone the CHJCC Elections.
37. All documents and communications concerning the Rubashkin Elections.
38. All documents and communications concerning Election Services Corporation.
39. All documents and communications concerning the incorporation of Beth Din of Crown Heights, Inc.
40. All documents and communications concerning the incorporation of Kashrus.
41. All documents and communications concerning Machne Menachem.
42. All documents and communications concerning the governance or administration of Congregation Lubavitch.
43. All documents and communications concerning Tenenbaum & Berger LLP's authority to represent CHJCC or to prosecute the Proceedings.
44. All documents and communications concerning the changing of locks in CHJCC offices.
45. All documents and communications concerning Gold Security Guard Services, Inc. or any transactions between CHJCC and Gold Security Guard Services, Inc.

46. All documents and communications concerning the delivery of postal mail addressed to CHJCC and/or between You and the United States Postal Service concerning CHJCC.

47. All documents and communications concerning any and all loans extended by CHJCC.

48. All documents and communications concerning Dovid Fisher.

49. All documents and communications concerning any contributions and/or loans toward legal fees incurred by You in connection with the Proceedings and Action.

50. All documents and communications concerning any of the allegations in the OSCs or the subject matter of the Action and Proceedings, not otherwise produced in response to the previous requests.



SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF KINGS

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

**Index No.: 14094/09 (Action no. 1)**

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.

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,

**Index No.: 12468/09 (Proceeding no. 2)**

Petitioners,

-against-

YISROEL BEST, YISROEL SANDHAUS, YISROEL LANDAU, KALMAN BIALESTOCK, FISHEL BROWNSTEIN, ZEV CADAMER, YOSSI 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.

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,

**Index No.: 14056/09 (Proceeding no. 3)**

Petitioners,


-against-

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

Respondents.

**SUBPEONA AD TESTIFICANDUM AND DUCES TECUM**

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

  
Elie C. Poltorak

**POLTORAK PC**

*Attorneys for Plaintiffs in Action no. 1 and Respondents in Proceedings no. 2 & 3*

1650 Eastern Parkway, Suite 400  
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