IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK
LONG ISLAND DIVISIONAL OFFICE

GEORGE R. SIMPSON

Plaintiff,

-v-
STEPHEN SOKOLOW

Defendant.

Civil Number: 07-2388

DEFENDANT'S MOTION TO SUPPLEMENT SUBMISSION TO THE COURT IN SUPPORT OF DEFENDANT'S MOTION TO DISMISS PLAINTIFF'S COMPLAINT

Respectfully submitted,
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TO: George R. Simpson
Post Office Box 775
Hampton Bay, New York 11946

December 17, 2007

COMES NOW, Stephen Sokolow , the Defendant, by and through his counsel, Feuerstein & Smith, LLP, and does hereby submit this Motion To Supplement to the Defendant's Motion to Dismiss Plaintiff's Complaint.

I. Introduction

Defendant's Motion to Dismiss was filed with this Court on July 30, 2007. In Defendant's Motion to Dismiss, Defendant references the case of George R. Simpson v. Myrna Golden in order to show to the Court that the Plaintiff, Mr. Simpson, has been already advised in other proceedings that disputes of the type and nature that he alleges in this instant case must be submitted to the Board of Directors of Sapphire Bay Condominiums West through arbitration proceedings.

The Plaintiff, Mr. Simpson, argues in opposition to Defendant's Motion to Dismiss that the "ruling of Judge Brenda Hollar" which dismissed Plaintiff's Complaint in the Superior Court of the Virgin Islands Division of St. Thomas and St. John was an Order that was issued however, the Judge never "corrected her Order" which dismissed Plaintiff's Complaint against Myrna Golden. The Plaintiff Mr. Simpson also alleged in support of a Motion for Rule 11 Sanctions against Alan R. Feuerstein that Feuerstein has attempted to mislead this Court and has acted "dishonestly" by attempting to have this Court "misconstrue" the decision of Judge Brenda Hollar in the Superior Court of the Virgin Islands Division of St. Thomas and St. John.[1]

II. The Order of November 20, 2007

Defendant submits this Motion to Supplement and to advise the Court that a new Order was generated by Honorable Brenda Hollar which totally refutes each and every allegation that the Plaintiff, George R. Simpson, has made with respect to the dismissal of the case George R. Simpson v. Myrna Golden; the new Order states that there was no jurisdiction over the case in the Virgin Islands Court, that the case is dismissed and the matter had to be referred to binding arbitration.

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[1] See George R. Simpson v. Myrna Golden, case pending in the Superior Court of the Virgin Islands Division of St. Thomas and St. John, civil number ST-04-CV-0000318.

Attached hereto as Exhibit 1 is the Order of the Court of November 20, 2007 granting counsel fees against Simpson in the sum of Fifteen Thousand Dollars ($15,000) as a result of Simpson's frivolous conduct and because Myrna Golden was the prevailing party.

In the Order of the Court of November 20, 2007, the Court rules as follows:

> *"The Plaintiff Simpson sued Golden, alleging that Golden, the owner/lessee of Unit A-3 of the condominium complex known as Sapphire Bay Condominiums West, owns a cat and her ownership of the cat failed to adhere to the rules and regulations prohibiting cats at the condominium complex, Sapphire Bay Condominiums West. Simpson maintains that he suffers from a cat (feline) phobia. Golden filed her Answer to the Complaint on July 21, 2004 setting forth denials, affirmative defenses, as well as Counter-claims. The Defendant has never replied to Defendant's Counter-claims. After filing her Answer to Simpson's Complaint, Golden made a Motion to Dismiss and the Court, on April 19, 2005 granted Golden's Motion to Dismiss Simpson's Complaint* ***based upon the fact that there was no jurisdiction over the case and the matter had to be referred to binding arbitration.*** *Simpson has never sought binding arbitration in this case, and before the Court remains Golden's Motion for attorney fees as the prevailing party. The Order of this Court in favor of Golden resulted in a complete and full victory for Golden. Golden is therefore considered the prevailing party in this case because Golden initially demanded that the Plaintiff withdraw his Complaint because she alleged that Simpson's case was totally frivolous, that there was no jurisdiction over the action, and there was no viable claim that could be pursued. Simpson, despite the fact that he received the Demand to Withdraw the Complaint, refused to do so and subsequently began to file additional Motions and Notices to the Court including a letter from a physician who was removed from practicing medicine in the State of New York….."*

This Order is respectfully submitted to the Court to show the Court that the Plaintiff, George R. Simpson, again is attempting to mislead the Court with respect to the dismissal of the Golden case that was filed by Simpson without proceeding to arbitration which is a complete jurisdictional bar to commencing a lawsuit against "Sapphire" or its members of the Board.

Defendant has previously in his Motion to Dismiss shown to the Court that the Plaintiff has already been advised that actions of the type and nature that he has brought in this Court must be submitted to mandatory arbitration as a condition precedent. The Plaintiff has accused counsel for the Defendant of being disingenuous and dishonest with the Court. The attached Order shows that <u>the</u> <u>Plaintiff</u> is being disingenuous with the Court, the Plaintiff knows that his action against Golden was dismissed as a result of his failure to comply with mandatory arbitration requirements, and nevertheless he persists in pursuing this baseless litigation.

In addition to the foregoing, the Plaintiff has brought a Rule 11 Motion against Alan R. Feuerstein alleging that Feuerstein's statements on behalf of Sokolow with respect to mandatory arbitration was disingenuous and sanctionable. It is obvious that Simpson must be sanctioned in order to curtail this type of improper conduct.

Conclusion

The Order of the Superior Court of the Virgin Islands Division of St. Thomas and St. John Honorable Brenda Hollar dated November 20, 2007 did not exist at the time of the submissions by Feuerstein & Smith, LLP in support of Sokolow's Motion to Dismiss. It also did not exist at the time that the Opposition to Plaintiff's Rule 11 Motion was filed. It therefore is respectfully submitted that the Court grant Defendant's Motion that it take into consideration the attached Order which supports the Defendant's position that Plaintiff has no standing, and that his action must be dismissed as a result of his failure to comply with the mandatory arbitration requirements of Sapphire Bay Condominiums West.

DATED: Buffalo, New York
December 17, 2007

Respectfully submitted,
FEUERSTEIN & SMITH, LLP

BY: s/Alan R. Feuerstein

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TO: George R. Simpson
Post Office Box 775
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CERTIFICATE OF SERVICE

I, Alan R. Feuerstein, Esq., hereby certify that on the 17th day of December, 2007 served the within Defendant's Motion to Supplement Submission to the Court in Support of Defendant's Motion to Dismiss Plaintiff's Complaint via U.S. First Class Mail directed to the following:

George R. Simpson
Post Office Box 775
Hampton Bay, New York 11946

s/Alan R. Feuerstein
Alan R. Feuerstein