

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

TOMER SHOCHAT,

Index No. 151446/2014

Plaintiff,

**VERIFIED
AMENDED COMPLAINT**

-against-

BENZION SUKY, 440 WEST 41ST LLC, ERAN SUKI,
ERIC PATINO, YOSHIYAHU YOSEF PINTO,
and MENACHEM PINTO,

Defendants.

Plaintiff, by his attorneys, Jaroslawicz & Jaros, complaining of the defendants, upon information and belief, alleges as follows:

THE PARTIES

1. At all times hereinafter mentioned, plaintiff is a citizen of the State of Israel.
2. At all times hereinafter mentioned, defendant Benzion Suky ("Suky") is a citizen of the State of New York.
3. At all times hereinafter mentioned, defendant 440 West 41st LLC ("440") is a domestic limited liability company, duly organized and existing under and by virtue of the laws of the State of New York.
4. At all times hereinafter mentioned, defendant 440 is controlled by defendant Suky.
5. At all times hereinafter mentioned, defendant Suky was acting as an agent, servant and/or employee of defendant 440 and 440 is therefore liable for his actions.

6. Upon information and belief, defendant Suky is acting as a front for defendant Yoshiyahu Yosef Pinto ("YY Pinto").

7. Defendant YY Pinto is an extremely wealthy person who purports to be a rabbi running a synagogue and yeshiva in the United States and in Israel.

8. Defendant Suky was acting as an agent and representative of YY Pinto.

9. Defendant YY Pinto is associated in his business endeavors by his brother, the defendant Menachem Pinto.

10. At all times hereinafter mentioned, Eran Suki ("Suki") is the brother of defendant Suky and has some arrangement to work with him at Metro Apartments, 440 West 41st Street in New York City.

11. Upon information and belief, defendant Suki is in the United States illegally.

12. At all times hereinafter mentioned, defendant Eric Patino ("Patino") is a detective for the New York City Police Department.

13. At all times hereinafter mentioned, defendant Patino is a friend of, and believed to be a business associate of, defendant Suky.

14. At all times hereinafter mentioned, defendant Patino has a personal relationship with defendant YY Pinto.

15. In addition to being a New York City police detective, Patino is also a real estate broker and is involved in the real estate business.

16. Upon information and belief, defendant Patino has various business relationships with YY Pinto and Menachem Pinto ("the Pinto brothers").

17. Patino has used his position as a New York City police detective to assist the Pinto brothers and Suky in their business and to intimidate persons whom the Pinto brothers and Suky believes are interfering with their various businesses.

18. At all times hereinafter mentioned, defendant YY Pinto, as a front for his various enterprises, operates a so-called school and synagogue at 122 East 58th Street in New York City and has a similar operation in Israel.

19. At all times hereinafter mentioned, defendant Suky is a close friend and business associate of defendant YY Pinto, and his right-hand man and gatekeeper.

20. At all times hereinafter mentioned, defendant Patino was a visitor at defendant YY Pinto's operation at 122 East 58th Street.

21. Upon information and belief, defendant Patino is not a member of the Jewish faith and has no reason to attend YY Pinto's synagogue other than that he has various business dealings with YY Pinto and acts as an enforcer for the Pinto brothers and Suky.

22. At all times hereinafter mentioned, it is believed that defendant YY Pinto is now under indictment in Israel.

23. According to the media in Israel, the reason YY Pinto was indicted was that he had previously attempted to bribe a police officer with two hundred thousand dollars in cash and when the police officer turned him in, YY Pinto then sought a compromise with the prosecutor's office by turning in another police officer who was the head of what in Israel is equivalent to the FBI in the United States, by claiming that, among other things, that police officer and/or his family was given free access at the 440 West 41st Street facility.

24. At all times hereinafter mentioned, YY Pinto, who purports to be a poor rabbi, has posted millions of dollars in bail after being indicted in Israel in order to be permitted to leave that country and return to the United States.

25. At all times hereinafter mentioned, defendant Menachem Pinto ("M Pinto) is the brother of defendant YY Pinto.

26. Defendant Menachem Pinto is involved with and associated in numerous of his brother YY Pinto's various business dealings and acts as YY Pinto's agent and co-conspirator.

THE UNDERLYING FACTS

27. In or about March 2012, plaintiff began representing a group who had invested approximately \$10.5 million dollars in the property known as Metro Apartments at 440 West 41st Street, New York, New York; plaintiff is also one of the investors in the group.

28. Defendant Suky, who is not part of plaintiff's investment group, also purports to be an investor in the Metro Apartments but it is believed that he is acting, at least in part, as a front for YY Pinto and/or others.

29. Plaintiff suspected that certain monies were being misappropriated by defendants Suky, Suki and YY Pinto, and that the Metro Apartments, in which plaintiff's group had invested approximately \$10.5 million dollars in loans on which the interest was not being paid as required, was being mismanaged, particularly by defendant Suky.

30. Accordingly, plaintiff came to the United States and reviewed the books and records of the Metro Apartments.

31. Plaintiff discovered that large sums of money were missing and he began to document the improper activities, misappropriation of funds and mismanagement of the Metro Apartments by defendants Suky, Suki and the Pinto brothers.

32. Among other things, Suky would take personal loans and then seek to shift that debt on the Metro Apartments.

33. Among other things Suky would pay his and YY Pinto's personal expenses out of Metro Apartments.

34. In addition, among other things, in a hotel that was allegedly losing money and not paying its mortgage, Suky was paying himself nearly half a million dollars in so-called "management" fees with additional fees for his brother Suki, all of which were unwarranted and highly excessive, even for a successful hotel.

35. Defendant YY Pinto has a close relationship with a certain Congressman Grimm from Staten Island.

36. It is alleged that YY Pinto and his group were one of the chief fund raisers for Congressman Grimm.

37. Congressman Grimm is now under indictment, as reported in the media.

38. YY Pinto and Suky agreed to make a contribution of \$4800 (Exhibit A) from the Metro Apartments, which is located in Manhattan, to the campaign of Congressman

Grimm who is from Staten Island. This is an obvious misuse of the Metro Apartments' funds.

39. In addition, Suky would rent apartments at the Metro Apartments on a daily basis without a hotel permit. In fact, according to the media defendant Suky has filed an affidavit in Israel where he stated that he and defendant YY Pinto would arrange for numerous persons -- with whom the Pinto Brothers were involved in their various enterprises, having nothing to do with the synagogue which YY Pinto was allegedly operating on 58th Street in New York City -- to stay at the Metro Apartments for free which he had permitted.

40. In or about December 2012, plaintiff revealed to YY Pinto part of what he had discovered, that Suky was misappropriating funds and mismanaging the Metro Apartments.

41. YY Pinto requested plaintiff not to go to the police, not to go to an attorney, and not to commence an action, and stated he would speak to Suky and arranged for the interests of the plaintiff and the pensioners he represented to be bought out.

42. YY Pinto did not reveal to the plaintiff that Suky was acting as his agent and that he was intimately involved with and doing business with persons staying at the Metro Apartments, and that YY Pinto had a relationship, the full extent of which is not yet known, with defendant Patino.

43. Suky requested that plaintiff meet with defendant YY Pinto on numerous occasions to attempt to resolve their dispute in good faith without lawyers.

44. At that time Suky did not reveal to the plaintiff that he was acting as an alter-ego for the Pinto brothers and that the Pinto brothers were fully aware of what was taking place at the Metro Apartments.

45. Defendant YY Pinto and Suky directed plaintiff to cease his investigation and warned plaintiff that if he continued the investigation he would come to bodily harm and/or be arrested by their friend in the Police Department, specifically the defendant Patino.

46. Defendant Suki, on his own behalf and on behalf of YY Pinto, threatened plaintiff with bodily harm if plaintiff did not cease his investigation.

47. Plaintiff refused to discontinue his investigation of Suky and Suki's misappropriation of funds and mismanagement of the Metro Apartments, benefitting themselves and on behalf of the Pinto brothers.

48. Plaintiff had sent a letter to the bank that no checks signed by Suky alone should be honored without a second signature (Exhibit B). In addition, a board meeting was held on February 18, 2013 and the board was presented with the information plaintiff had gathered concerning Suky's misconduct and misappropriation of funds.

49. At that time, in mid-February 2013, defendant M Pinto contacted the plaintiff and advised him that he and his brother YY Pinto could no longer protect the plaintiff and he should leave the country and return to Israel, otherwise they and Suky would have their co-conspirator Patino, who is a New York City police detective arrest him.

50. Thereafter defendant Suky, acting on his own behalf and on behalf of the Pinto brothers, willfully and fraudulently alleged among other things that plaintiff had stolen valuable property, had assumed another identity to obtain goods, had wrongfully gained access to the Metro Apartments's computers, was in possession of stolen property, and various other allegations (Exhibit D).

51. Defendants Suky, YY Pinto and Suki then arranged for their co-conspirator, defendant Patino to arrest the plaintiff and charge him with crimes which they knew he had not committed and which criminal proceeding was initiated solely to intimidate the plaintiff and get him out of the way so that the Pinto brothers and Suky could continue to raid the assets of the Metro Apartments for their own benefit.

52. When Patino arrived at the Metro Apartments to arrest the plaintiff, he was accompanied by several other police officers to give the appearance this was a legitimate police activity and to intimidate the plaintiff.

53. Patino – in direct violation of his obligations as a police detective if, in fact, a crime had been committed – then advised the plaintiff that if he went to lunch with him and spoke to him, he would set plaintiff free; if not, he would have plaintiff put in a cell downtown where all sorts of criminals were and plaintiff would risk getting injured.

54. Plaintiff refused to go to lunch with Patino and Patino then took the plaintiff to the police precinct to be processed as an alleged criminal and then to be transported to the courthouse on Centre Street.

55. While plaintiff was in a cell at the precinct, defendant Patino spoke to defendant Suky and was informed by Suky that they had not been able to find plaintiff's computer at the Metro Apartments. At that point, Patino requested that the plaintiff turn his computer over to him if he wanted to be released from jail.

56. After plaintiff was arrested and after plaintiff's attorney had arrived at the precinct and then left the precinct to go to the courthouse to await plaintiff's arrival, Patino again advised plaintiff that if he turned over the computer and all the information he had gathered regarding the Pintos' and Suky's malfeasance, he would release him from jail; if not, he would remain in jail.

57. Patino advised the plaintiff that if he did not cooperate, Patino would see to it that plaintiff was not brought downtown to the courthouse to be processed until a time of day when plaintiff would, of necessity, be required to spend at least one night in jail.

58. In order to accomplish his purpose, Patino, accompanied by another police officer, whose name is not known, drove the plaintiff around the city. Patino did so as if it were a game, by putting the plaintiff in a police vehicle, driving him around for a period of time and then returning the plaintiff to the precinct and a cell, claiming there was too much traffic and they would try again later.

59. On February 22, 2013, Patino maliciously, willfully and falsely swore out a felony complaint against the plaintiff of Grand Larceny in the Third Degree (Exhibit C) without any basis in fact and knowing the allegation to be totally false.

60. Patino did so in order to ensure that plaintiff would be confined in jail for at least one day and would have serious charges pending against him to put pressure on plaintiff not to reveal what he had learned about monies being misappropriated by Suky on his own behalf and on behalf of the Pinto brothers.

61. Plaintiff was kept in jail and his passport taken away so that he could not leave the United States.

62. After plaintiff was released from jail, Patino, on behalf of himself and the co-defendants Suky, Suki and the Pinto brothers, further threatened him that if he went to the Metro Apartments he would have plaintiff arrested for trespassing and alleging tampering with witnesses, although plaintiff, as a part owner, had an absolute right to be at the Metro Apartments. Patino did so in order to prevent plaintiff from obtaining further information about the money being misappropriated from the Metro Apartments by the co-defendants.

63. The matter was referred to the New York County District Attorney's Office and after an investigation, all charges against the plaintiff were dismissed on or about April 26, 2013 (Exhibit E).

**AS AND FOR A FIRST CAUSE OF ACTION
AS AGAINST ALL DEFENDANTS**

64. The defendants Suky, Suki and the Pinto Brothers, to benefit themselves in a civil dispute over the manner in which the Metro Apartments was being managed and as to funds being misappropriated, and to prevent plaintiff from uncovering Suky and Suki's improper and fraudulent conduct on behalf of themselves and the Pinto brothers,

caused their associate, defendant Patino, to arrest by the plaintiff by filing knowingly false criminal charges against the plaintiff.

65. As a result of defendants' conduct, plaintiff was falsely arrested by Patino and imprisoned; plaintiff's reputation was harmed; plaintiff suffered emotional harm and mental anguish and distress; paid over fifty thousand dollars (\$50,000) in legal fees to a criminal lawyer in order to protect and defend himself; was required to remain in the United States and pay rent and incur other expenses for months; could not attend to his usual duties; and plaintiff has been otherwise damaged.

66. By reason of the foregoing, defendants are jointly and severally liable pursuant to the exceptions set forth in the CPLR.

67. It is hereby alleged pursuant to CPLR 1603 that the foregoing cause of action is exempt from the operation of CPLR 1601 by reason of one or more of the exemptions provided in CPLR 1602, including but not limited to CPLR 1602(7) in that the defendants acted with reckless disregard for others.

68. By reason of the foregoing, plaintiff is entitled to recover all of his damages, including punitive damages, from the defendants in an amount not to exceed the sum of Five Million Dollars (\$5,000,000).

**AS AND FOR A SECOND CAUSE OF ACTION
AS AGAINST ALL DEFENDANTS**

69. Plaintiff repeats, reiterates and realleges each of the foregoing allegations with the same force and effect as if more fully set forth at length herein.

70. Defendants caused plaintiff to be maliciously prosecuted, knowing there was no basis for any of the claims brought against him or for the plaintiff to be prosecuted, and when the New York County District Attorney investigated the matter, all charges were, in fact, dismissed (Exhibit C).

71. Defendants Suky, Suki and the Pinto brothers commenced and continued to bring fraudulent criminal charges against the plaintiff and maliciously prosecuted the plaintiff.

72. In fact, all the criminal charges against the plaintiff were dismissed and the proceedings terminated in favor of the plaintiff.

73. There was never any basis or probable cause set forth for bringing or continuing any criminal proceeding against the plaintiff.

74. Defendants acted with actual malice in attempting to intimidate the plaintiff not to continue his investigation into the unethical wrongdoings and misappropriation of funds by Suky, Suki and the Pinto brothers.

75. As a result of defendants' conduct, plaintiff was damaged in that he was put into a jail cell, was caused to pay fifty thousand dollars (\$50,000) in legal fees to protect himself from the criminal charges falsely brought against him; suffered severe emotional distress being in a foreign country and spending a night in jail although he had committed no crime; was forced to stay in the United States at great expense for several months until the District Attorney had had an opportunity to investigate the criminal charges and to dismiss them all.

76. By reason of the foregoing, defendants are jointly and severally liable pursuant to the exceptions set forth in the CPLR.

77. It is hereby alleged pursuant to CPLR 1603 that the foregoing cause of action is exempt from the operation of CPLR 1601 by reason of one or more of the exemptions provided in CPLR 1602, including but not limited to CPLR 1602(7) in that the defendants acted with reckless disregard for others.

78. By reason of the foregoing, plaintiff is entitled to recover all of his damages, including punitive damages, from the defendants in an amount not to exceed the sum of Five Million Dollars (\$5,000,000).

**AS AND FOR A THIRD CAUSE OF ACTION
AS AGAINST ALL DEFENDANTS**

79. Plaintiff repeats, reiterates and realleges each of the foregoing allegations with the same force and effect as if more fully set forth at length herein.

80. Defendants caused plaintiff to be falsely arrested and prosecuted in order to attempt to intimidate plaintiff from continuing with his investigation into the wrongdoing of the defendants at the Metro Apartments.

81. Defendants' purpose was to intimidate the plaintiff and maliciously inflict emotional distress upon the plaintiff so as to dissuade him from continuing with his investigation into the wrongdoing of Suky, Suki and the Pinto brothers.

82. By doing so, defendants, with the aid of Patino, a New York City police detective, acting at their direction and knowing there was no basis for any criminal

charges, did inflict and maliciously inflict emotional distress upon the plaintiff and did so without any basis.

83. Defendants' conduct was so outrageous in character and extreme in degree so as to surpass the limits of decency and so as to be regarded as intolerable in a civil society.

84. To cause someone to be falsely arrested on fabricated charges by a police officer acting as a co-conspirator for the purpose of preventing an investigation into misconduct by Suky, Suki and the Pinto brothers, is outrageous and cannot be tolerated.

85. As a result of defendants' conduct, plaintiff was damaged as set forth above.

86. By reason of the foregoing, defendants are jointly and severally liable pursuant to the exceptions set forth in the CPLR.

87. It is hereby alleged pursuant to CPLR 1603 that the foregoing cause of action is exempt from the operation of CPLR 1601 by reason of one or more of the exemptions provided in CPLR 1602, including but not limited to CPLR 1602(7) in that the defendants acted with reckless disregard for others.

88. By reason of the foregoing, plaintiff is entitled to recover all of his damages, including punitive damages, from the defendants in an amount not to exceed the sum of Five Million Dollars (\$5,000,000).

**AS AND FOR A FOURTH CAUSE OF ACTION
AS AGAINST DEFENDANTS BENZION SUKY,
440 WEST 41ST LLC and ERAN SUKI**

89. Plaintiff repeats, reiterates and realleges each of the foregoing allegations with the same force and effect as if more fully set forth at length herein.

90. Defendant Suky, acting on behalf of himself and the Pinto brothers, defamed the plaintiff by falsely claiming plaintiff had misappropriated funds, and charging him with committing a variety of crimes.

91. Defendant Suky on behalf of himself and the Pinto brothers made these statements to defendant Patino. These statements were made on or about February 21, 2013.

92. Suky made these statements to Patino at the Metro Apartments where among other things Suky falsely stated, knowing his statements to be false, that plaintiff had on or about February 13, 2013 allegedly taken fifteen thousand dollars (\$15,000) in US currency from a petty cash box at the Metro Apartments and misappropriated it, and caused the plaintiff to be charged with grand larceny in the third degree.

93. On that same date, time, and place, Suky likewise falsely advised Patino that plaintiff had wrongfully gained access to the Metro Apartments' computers and failed to account for various funds.

94. On or about May 1, 2014, during a telephone conversation defendant Suky, on behalf of himself and the Pinto brothers, advised Terrence McLaughlin, who was acting as attorney for the plaintiff's entity, that the plaintiff was a "crook" and a "criminal," was

being investigated by the FBI, that plaintiff was a liar, that plaintiff was willfully creating baseless litigation in order to enrich his position. All of these statements made by Suky on behalf of himself and the Pinto brothers, were willfully false and made in an attempt to damage plaintiff's reputation with plaintiff's own attorney.

95. By reason of defendant's defamatory statements set forth above plaintiff has been damaged in that he was falsely arrested, needlessly prosecuted, his reputation has been damaged, he was caused to expend legal fees to extricate himself from the false criminal charges; suffered emotional distress; and has been otherwise damaged.

96. By reason of the defendants' defamation, plaintiff has been damaged as set forth above.

97. By reason of the foregoing, defendants are jointly and severally liable pursuant to the exceptions set forth in the CPLR.

98. It is hereby alleged pursuant to CPLR 1603 that the foregoing cause of action is exempt from the operation of CPLR 1601 by reason of one or more of the exemptions provided in CPLR 1602, including but not limited to CPLR 1602(7) in that the defendants acted with reckless disregard for others.

99. By reason of the foregoing, plaintiff is entitled to recover all of his damages, including punitive damages, from the defendants in an amount not to exceed the sum of Five Million Dollars (\$5,000,000).

**AS AND FOR A FIFTH CAUSE OF ACTION
AS AGAINST DEFENDANT ERIC PATINO**

100. Plaintiff repeats, reiterates and realleges each of the foregoing allegations with the same force and effect as if more fully set forth at length herein.

101. Defendant Patino, acting under the color of State Law and using the authority vested in him as a New York City police detective, without any basis and knowing that the plaintiff had not committed any crime, at the behest of the co-defendants, deprived plaintiff of his civil and federal constitutional rights and in direct violation of 42 U.S.C. 1983.

102. Among other things, defendant used excessive force; caused plaintiff to be wrongfully arrested and wrongfully prosecuted; caused plaintiff to be taken to prison; caused plaintiff to have criminal charges brought against him; deliberately caused plaintiff to be delayed from being processed so that he would have to spend at least one night in jail; and otherwise violated plaintiff's civil and federal constitutional rights without any basis.

103. As a result of defendant's conduct, plaintiff has been damaged as set forth above.

104. By reason of the foregoing, defendant is jointly and severally liable pursuant to the exceptions set forth in the CPLR.

105. It is hereby alleged pursuant to CPLR 1603 that the foregoing cause of action is exempt from the operation of CPLR 1601 by reason of one or more of the exemptions

provided in CPLR 1602, including but not limited to CPLR 1602(7) in that the defendant acted with reckless disregard for others.

106. By reason of the foregoing, plaintiff is entitled to recover all damages, including actual and punitive damages, costs and attorneys' fees, pursuant to 42 U.S.C. 1983 and 42 U.S.C. 1988.

**AS AND FOR A SIXTH CAUSE OF ACTION
AS AGAINST ALL DEFENDANTS**

107. Plaintiff repeats, reiterates and realleges each of the foregoing allegations with the same force and effect as if more fully set forth at length herein.

108. Defendants Suky, Suki and the Pinto brothers conspired with Patino to deprive plaintiff of his civil rights in violation of 42 U.S.C. 1983 and 42 U.S.C. 1985.

109. Defendants used Patino's position as a police detective in the New York City Police Department to cause plaintiff to be falsely arrested; maliciously caused false charges to be brought against him; to be maliciously prosecuted and wrongfully imprisoned; and otherwise violated plaintiff's rights as set forth.

110. The defendants had false charges brought against the plaintiff, which they all knew to be false, had him arrested, made certain he would have to spend at least one night in jail, and wrongfully directed plaintiff not to be at the Metro Apartments although he had an absolute right to be there, all of this made under color of state law and with the abuse of Patino's position as a police detective in the New York City Police Department.

111. As a result of defendants' conduct, plaintiff has been damaged as set forth above.

112. By reason of the foregoing, defendants are jointly and severally liable pursuant to the exceptions set forth in the CPLR.

113. It is hereby alleged pursuant to CPLR 1603 that the foregoing cause of action is exempt from the operation of CPLR 1601 by reason of one or more of the exemptions provided in CPLR 1602, including but not limited to CPLR 1602(7) in that the defendants acted with reckless disregard for others.

114. By reason of the foregoing, plaintiff is entitled to recover all damages, including actual and punitive damages, costs and attorneys' fees, pursuant to 42 U.S.C. 1983 and 42 U.S.C. 1988.

WHEREFORE, plaintiff demands judgment against the defendants, jointly and severally, to recover all damages, all together with the costs and disbursements of this action.

JAROSLAWICZ & JAROS, LLC
Attorneys for Plaintiff
225 Broadway, 24th Floor
New York, New York 10007
(212) 227-2780

By: 
David Jaroslawicz

DAVID JAROSLAWICZ, a member of the firm of JAROSLAWICZ & JAROS, LLC, attorneys for the plaintiff in the within action, duly admitted to practice in the Courts of the State of New York, affirms the following statements to be true under the penalties of perjury, pursuant to Rule 2016 of the CPLR:

That he has read the foregoing Complaint and knows the contents thereof; that the same is true to his own knowledge except as to those matters therein stated to be alleged upon information and belief, and that as to those matters, he believes them to be true.

Affiant further states that the source of his information and the grounds of his belief are derived from the file maintained in the normal course of business of the attorneys for the plaintiff.

Affiant further states that the reason this affirmation is not made by the plaintiff is that the plaintiff does not reside in New York County.

Dated: New York, New York
July 17, 2014



DAVID JAROSLAWICZ

EXHIBIT A

US Suite Management LLC
Transaction Report
 January 2009 - December 2011

Date	Transaction Type	Num	Name	Memo/Description	Account	Split	Amount	Balance
Donation								
06/28/2010	Check	1221	Michael Grimm For Congress		Donation	US Suites Mgt TD Bank 9734	4,800.00	4,800.00
07/26/2010	Check	1247	Ahtarat Haim		Donation	US Suite Mgt TD Bank 9734	101.00	4,901.00
07/27/2010	Bill		NOAHIDE.ORG	Donation	Donation	Accounts Payable	101.00	5,002.00
Total for Donation							\$5,002.00	
TOTAL							\$5,002.00	

Sunday, Nov 25, 2012 08:51:41 AM PST GMT+2 - Accrual Basis

This report was created using QuickBooks Online.

EXHIBIT B



Museum Tower, 4 Benkowitz St., Tel Aviv 61238, Israel
 Tel: 972 3 7778333 Fax: 972 3 7778444
 e-mail: manager@shibolei.com
 official website: www.shibolei.com

Tel-Aviv, February 14, 2013
 Ref: I 182 0

To:
TD Bank
9th Ave corner of West 42nd Street

Without prejudice

* Annon Sholech	Saul Adenah
* Yassov Yisraeli	Karin Adler
* Richard M. Roberts	Josathan Air
* Izhak Zisman	Drishon Arad, CPA
* Moshe H. Neiman	Idit Avid
* Lior Aviram	Adva Azarlay
* Helena Be'eri	Kfir Azubay
* Hallel Ish-Shalom	Baria Eamad
* Shmuel Haron	David Bar-El
* Revital Ben-Artzi	Shalom Bakas, CPA
* Ori Stenheit-Zaltzman	* Moby Ben-Yona
* Ofir Shapira	Audi Benstein
* Eran Galim	Saar Binyamin
* Limor Peled	Michal Ben-Zvi
* Gadi Ouzan	Vica Bukshpan
* Ofer Manor	Michal Cannel
* Michael Barak	Liron Cohen
* Itai Leshem	Oren Cohen
* Amir Fisher	Einat Davidson
* Gili Rosenberg	Efrat Dayagi
* Ofir Ben-Yehuda	* Meital Dror
* Ori Marom-Albeck	* Ortal Ediel
* Hadas Raccach-Dvir	Eran Gafniet
* Amir S. Iliescu	* Mirabella Gazi
* Vered Horosh	Noa Gelenman
* Ran Barak	Barak Golan
* Roy Kubovskiy	Elod Greiner
* * Shelby Blati Zak	David Hadar
* Nati Agmon	Uriah Isaac
* * Oren Helman	Itay Kallner
* Miri Dickel	Keren Klein
* Denny Kalil	Tirza Less-Gross
* Yossi Koren, CPA	Avigail Levina
* Dr. Yuval Kamel	Avital Levinzon
* Omri Hepliner	* Baza Natshoni
* Of Counsel	Michal Ohnim
* I. Amihud Ben-Porath	Meyrav Oren
	Shaul Pelet
	Sivan Piner
	Elinor Polak
	Ronit Roshkovsky
	Avi Savitzki
	Pinhas Shabar
	Efrat Shmgar
	Liat Shitler
	Ido Shonrony
	Audi Tuval Zndok
	Guy Yekusiel

Re: US Suite Management LLC and US Suite LLC -
Bank Account number 4246199734

* Admitted also in New York
 ** Admitted also in England

On behalf of our client, U-Trend New York Investment L.P, we are contacting you urgently, with the demand, as follows:

1. Our client, U-Trend New York Investment L.P (limited partnership registered in British Virgin Islands), holds in equal parts (50%) with Aura Investment Ltd (an Israeli public company), a Delaware corporation named - US-Suite Corp.
2. US Suite Corp. is the controlling shareholder (70%) and the **managing partner** of US Suite LLC (the "**Company**") which is the sole owner of an apartment hotel located in 440 West 41 St., NYC (the "**Property**"). In addition, US Suite Corp. holds 70% of the shares of the Property's management company, US Suite Management LLC (the management company), whose bank account is managed at your branch (the "**Bank Account**").

The minority shareholder of the Property and both of the companies, which holds a mere 30% of the Company's shares, 440 West 41 St. street LLC, managed by Mr. Benzion Suky.

3. According to the agreements between the shareholders of the Company, the actions in the bank accounts of the Company need to be done by at delegates from the 2 shareholders.

SHIBOLET

2

4. Our client recently discovered, that the minority shareholder has been operating the Bank Account, on his own, not with according to the agreements between the shareholders and betraying our client's trust, while using the Bank Account not for purposes which it was designated, and also that some of the money from the Bank account was used for the interests and benefits of Mr. Benzion Suky and the people on his behalf.
5. Our client is currently pursuing and tracking all those unacceptable actions committed by Mr. Suky, which have already caused severe damages to our client.
6. For now, we ask you to **immediately** do the following:
 - (a) **Cease accepting instructions** (by phone, in person or in writing) from Mr. Suky or anyone, on his behalf in connection with the Bank Account, without a written approval from our client's representative Mr. Tomer Shohat (or other representative which our client will inform you).
 - (b) **To inform our client** of any request on Mr. Suky's behalf immediately.
 - (c) **Cancel all debit cards** regarding the Bank Account;

You are requested to confirm the aforementioned by February 14, 2013.

7. We would like to note and emphasize, that we will consider you directly responsible for any damage caused to our client due to an approval of any action requested by Mr. Suky, without the consent of our client.
8. Nothing herein shall be deemed to waive or restrict any action and/or claim and/or demand and/or suit available to our client.

Respectfully,


Ofir Shapira, Adv.


Nati Agmon, Adv.

EXHIBIT C

Fingerprint Response Summary

NYSID: 12185624K ORI: NY0330010 NYCPD PCT 010

NYSID: 12185624K
Fax Number: M10745
Probation Client ID#:

FBI Number:
Current Arrest Number: M13616584
III Status:

Current Transaction Name: TOMAR SHOHAT
DOB: May 09, 1982

Alerts

* See **Additional Information** at the bottom of this response for more banners pertaining to the criminal history

Fingerprint Response

ORI: NY0330010
NYCPD PCT 010

Attention: A fingerprint search shows no available prior NYS information for this individual.

Identification Summary Criminal History Job/License Wanted Missing NCIC/III

Transaction Data



No Photo
Available

Name: TOMAR SHOHAT
Transaction ID: 16033995
Agency ORI: NY0330010
SSN:
Type of Submission: ARREST
Date Fingerprinted: February 21, 2013
Reason Fingerprinted: Adult Arrest

Arrest/Charge Information

Arrest Date: February 21, 2013 05:00 pm (17:00:00)

Name: TOMAR SHOHAT
Date of Birth: May 09, 1982
US Citizen:
Sex: Male
Race: White
Ethnicity: Not Hispanic
Height: 5' 09"
Weight: 165
Age at time of crime/arrest: 30
Address: 440 WEST 41 STRE, MANHATTAN, NY
Fax Number: M10745
Place of Arrest: NYCPD 10
Arrest Type: Unknown
Date of Crime: February 13, 2013
Place of Crime: NYCPD 10
Criminal Justice Tracking No.: 65922661L
Arresting Agency: NYCPD PCT 010
Arresting Officer ID: 919909
Arrest Number: M13616584

Arraignment: New York County Criminal Court

Arrest Charges:

-- Grand Larc-2nd:Property Value Exceeds \$50,000					
PL155.40	Sub 01	Class C	Felony	Degree 2	NCIC 2399
-- Identity Theft 1st:Assume Another's Identity-Obtain Goods Worth >\$2000					
PL190.80	Sub 01	Class D	Felony	Degree 1	NCIC 2699
-- Computer Trespass: Gains Access To Computer Material					
PL156.10	Sub 02	Class E	Felony	Degree 0	NCIC 5707
-- Criminal Possession Stolen Property-5th Degree					
PL165.40		Class A	Misdemeanor	Degree 5	NCIC 2804
-- Unlawful Possession Personal ID 3rd: Further The Commission Of A Crime					
PL190.81		Class A	Misdemeanor	Degree 3	NCIC 2699

Transaction Status Information

Activity	Date/Time	Elapsed
Initial Transaction Received	February 21, 2013 07:24:52 pm	
Online Data Received	February 21, 2013 07:24:52 pm	
Transaction Completed	February 21, 2013 07:27:30 pm	0 Hour(s) 3 Minute(s)
Rapsheet Produced	February 21, 2013 07:27:32 pm	

Wanted Information

There is no NYS Wanted Information associated with this history.

Missing Person Information

There is no NYS Missing Information associated with this history.

Federal NCIC, III and/or FBI Response

The outstanding response(s) indicated below will be forwarded to your in-box upon receipt by DCJS. If you do not receive one or more of the indicated responses, please contact that state or agency directly.

NCIC Information

The following information is provided in response to your request for a search of the NCIC Person files based on:

Name:	TOMAR SHOHAT
Sex:	Male
Race:	White
Date of Birth:	May 09, 1982

852103000

NO NCIC WANT NAM/SHOHAT, TOMAR DOB/19820509 RAC/W SEX/M
**MESSAGE KEY QW SEARCHES WANTED PERSON FILE FELONY RECORDS REGARDLESS OF
EXTRADITION AND MISDEMEANOR RECORDS INDICATING POSSIBLE INTERSTATE
EXTRADITION FROM THE INQUIRING AGENCY'S LOCATION. ALL OTHER NCIC PERSONS
FILES ARE SEARCHED WITHOUT LIMITATIONS.

WARNING: Release of any of the information presented in this computerized Case History to unauthorized individuals or agencies is prohibited by federal law TITLE 42 USC 3771h
This report is to be used for its intended specific purpose as described in the Use and Dissemination Agreement
your agency has on file with DCJS. Destroy after use and request an updated rapsheet for subsequent needs.
All information presented herein is as complete as the data furnished to DCJS.

New York State Division of Criminal Justice Services
4 Tower Place
Albany NY 12203-3764
Tel: 1-800-262-DCJS

Michael C. Green, Executive Deputy Commissioner of the NYS Division of Criminal Justice Services

2013-07-21

February 21, 2013 07:29:32 pm

Additional Fingerprint Response

ORI: NY0330010
NYCPD PCT 010
NYSID: 12185624K

Attention: A fingerprint search shows no available prior NYS information for this individual.

New York State Division of Criminal Justice Services
4 Tower Place
Albany NY 12203-3764
Tel: 1-800-262-DCJS

Michael C. Green, Executive Deputy Commissioner of the NYS Division of Criminal Justice Services

Transaction Data



Name: TOMAR SHOHAT
Transaction ID: 16033995
Agency ORI: NY0330010
SSN:
Type of Submission: ARREST
Date Fingerprinted: February 21, 2013
Reason Fingerprinted: Adult Arrest

Arrest/Charge Information

Arrest Date: February 21, 2013 05:00 pm (17:00:00)

Name: TOMAR SHOHAT
Date of Birth: May 09, 1982
US Citizen:
Sex: Male
Race: White
Ethnicity: Not Hispanic
Height: 5' 09"
Weight: 165
Age at time of crime/arrest: 30
Address: 440 WEST 41 STRE, MANHATTAN, NY
Fax Number: M10745
Place of Arrest: NYCPD 10
Arrest Type: Unknown
Date of Crime: February 13, 2013
Place of Crime: NYCPD 10
Criminal Justice Tracking No.: 659226611
Arresting Agency: NYCPD PCT 010
Arresting Officer ID: 919909
Arrest Number: M13616584
Arraignment: New York County Criminal Court

Arrest Charges:

-- Grand Larc-2nd: Property Value Exceeds \$50,000				
PL155.40	Sub 01	Class C	Felony	Degree 2
-- Identity Theft 1st: Assume Another's Identity Obtain Goods Worth >\$2000				
PL190.80	Sub 01	Class D	Felony	Degree 1
-- Computer Trespass: Gains Access To Computer Material				
PL156.10	Sub 02	Class E	Felony	Degree 0
-- Criminal Possession Stolen Property-5th Degree				
PL165.40		Class A	Misdemeanor	Degree 5

February 21, 2013 07:28:57 pm

● Transaction Status Information

Activity	Date/Time	Elapsed
Initial Transaction Received	February 21, 2013 07:24:52 pm	
Online Data Received	February 21, 2013 07:24:52 pm	
Transaction Completed	February 21, 2013 07:27:30 pm	0 Hour(s) 3 Minute(s)
Rapsheet Produced	February 21, 2013 07:28:57 pm	

● FBI Identification Results

The FBI identification response, received on February 21, 2013 indicated no FBI data other than New York State history. The information previously provided in your NYS Criminal Justice Services fingerprint response represents the computerized history for this individual.

EXHIBIT D

CRIMINAL COURT OF THE CITY OF NEW YORK
COUNTY OF NEW YORK

THE PEOPLE OF THE STATE OF NEW YORK

against-

Tomar Shohat (M 30),

Defendant.

PELONY

ADA Jamic Masten
(212) 335-4063

Detective Eric Patino, Shield 3122 of the 10th Precinct Detective Squad, states as follows:

The defendant is charged with:

PL 155.35(1)

Grand Larceny in the Third Degree
(defendant #1: 1 count)

At the times and places described below in the County and State of New York, the defendant stole property and the value of the property exceeded three thousand dollars.

The factual basis for this charge is as follows:

I am informed by an individual known to the District Attorney's Office, that informant is a custodian of the petty cash maintained at 440 W. 41st Street, and that defendant gained access to the petty cash held in a locked container by unauthorized use of the key to the locked container and stole \$15,000 in United States currency between approximately November 1, 2012 and February 20, 2013.

False statements made in this written instrument are punishable as a class A misdemeanor pursuant to section 210.45 of the Penal Law, and as other crimes.

[Signature]
Detective Eric Patino

Date

2/22/13

Time

2:40

EXHIBIT E

CRIMINAL COURT OF THE CITY OF NEW YORK
COUNTY OF NEW YORK

THE PEOPLE OF THE STATE OF NEW YORK
VS

CERTIFICATE OF DISPOSITION
NUMBER: 84786

EMERAL TOMAN
Defendant

05/09/1987
Date of Birth

410 WEST 41 STREET
Address

12195674X
NYSID Number

KATONAH NY
City State Zip

02/21/2013
Date of Arrest/Issue

Docket Number: 2013NY015134

Summons No:

32 35
Arraignment Charges

Cause Disposition Information:

Date: 04/16/2013 Court Action: DISMISSED - MOTION OF DA

Judge: ECKLOFF, L Part: 5

I HEREBY CERTIFY THAT THIS IS A TRUE EXCERPT OF THE RECORD ON FILE IN
THIS COURT.

EMERAL TOMAN
COURT OFFICIAL SIGNATURE AND SEAL

05/17/2013
DATE

FEE: 10.00

(CAUTION: THIS DOCUMENT IS NOT OFFICIAL UNLESS EMBOSSED WITH THE COURT
SEAL OVER THE SIGNATURE OF THE COURT OFFICIAL.)