

Glauber v G&G Quality Clothing, Inc.

2026 NY Slip Op 31255(U)

March 16, 2026

Supreme Court, King County

Docket Number: Index No. 16097/2012

Judge: Joy F. Campanelli

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SUPREME COURT OF THE STATE OF NEW YORK COUNTY OF KINGS: IAS PART 6

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BARUCH GLAUBER, on his own behalf and Derivatively on behalf of G&G Quality Clothing, Inc.,

Petitioner,

Index No.: 16097/2012

DECISION AND ORDER

- against -

Hon. Joy F. Campanelli, J.S.C.

G&G QUALITY CLOTHING, INC., AHRON GLAUBER, and YONAH GLAUBER,

Respondents.

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Petitioner moved by notice of motion, sequence number 14, for an Order directing the Clerk of Kings County to hold Ahron and Yonah Glauber (Respondents), Avrom Vann, Esq. (Vann), and Charles Kleiner, Esq. (Kleiner) in criminal and civil contempt of Court for their refusal to abide by the Court’s Disqualification orders, refer Vann for formal discipline before the Appellate Division of the State Supreme Court and its grievance committee, and awarding monetary sanctions, including for the costs of bringing this motion.

On September 4, 2025, motion sequence 14 was granted to the extent that a contempt hearing was scheduled on November 19, 2025, at 10 am. A subsequent order dated September 11, 2025 (NYSCEF Document Number 303) was signed, further directing the evidentiary contempt hearing to be held on November 19, 2025, at 10 am to decide whether to issue an order holding the Respondents, Vann, and Kleiner in criminal and civil contempt of Court.

First, for the Court to hold an individual in contempt of a Court order, it must have personal jurisdiction over the alleged contemnors. Vann and Kleiner both argue that this Court lacks jurisdiction to hold them in contempt.

Under Judiciary Law § 756, an application for contempt:

“Shall be noticed, heard and determined in accordance with the procedure for a motion on notice in an action in such court, ... or unless otherwise ordered by the court, the moving papers shall be served no less than ten and no more than thirty days before the time at which the application is noticed to be heard. The application shall contain on its face a notice that the purpose of the hearing is to punish the accused for a contempt of court, and that such punishment may consist of fine or imprisonment, or both, according to law together with the following legend printed or type written in a size equal to at least eight point bold type: WARNING: YOUR FAILURE TO APPEAR IN COURT MAY RESULT IN YOUR IMMEDIATE ARREST AND IMPRISONMENT FOR CONTEMPT OF COURT.”

Here, Vann raised the issue of service in both his opposition papers and during the contempt hearing. Vann testified that Defendants’ Exhibit A is the true packet of papers regarding the contempt motion. *Hearing Transcript 137:21-23*. It is his position that the papers he was served do not have the mandatory notice on the very first page of the packet which effectively invalidates service. *Hearing Transcript 138:1-10*. Petitioner refutes this contention by citing case law that illustrates how prejudice is the main concern when evaluating technical deficiencies in papers and here, Vann has demonstrated none. *See Pt’s Proposed Findings* at pg. 30. However, Second Department precedent makes clear that any application for contempt must be in strict compliance with Judiciary Law § 756. In *Community Preserv. Corp. v. Northern Blvd. Prop., LLC.*, the Appellate Division stated that:

“The Supreme Court erred in granting the receiver's motion to hold the appellant in civil contempt. Pursuant to Judiciary Law § 756, a contempt application must be in writing, must be made upon at least 10

days' notice, and must contain on its face the statutory warning that "FAILURE TO APPEAR IN COURT MAY RESULT IN . . . IMMEDIATE ARREST AND IMPRISONMENT FOR CONTEMPT OF COURT." Although the receiver's motion was in writing and complied with the 10-day notice requirement, it did not comply with the warning requirement. As such, the court was without jurisdiction to punish the appellant for contempt for failing to comply with its prior order (see Judiciary Law § 756; Cappello v Cappello, 274 AD2d 538, 712 NYS2d 41 [2000]; Matter of Dawn P., 180 AD2d 800, 580 NYS2d 436 [1992]) (Emphasis added)." 139 A.D. 3d 889, 890 (2d Dept. 2016).

Petitioner failed to comply strictly with Judiciary Law § 756, which plainly requires that the notice must appear on the face of the motion. It was not disputed at the hearing that the version of papers Vann was served did not have the notice on their face. Therefore, Vann was not properly served and, this Court lacks jurisdiction to punish him for contempt.

As to service on Kleiner, at the outset of the hearing he also objected to the service of the motion to hold him in contempt. He stated that the motion was never personally served on him therefore this Court does not have jurisdiction to entertain the motion against him for civil or criminal contempt. *Hearing Transcript 4:20-5:4*. Petitioner's counsel contends that not only did Kleiner waive any jurisdictional argument, but that personal service is not required under Judiciary Law § 750, especially when counsel has consented to electronic service. *See Pt's Proposed Findings* at pg. 26. In opposition, Kleiner argues that when an attorney files a consent on NYSCEF it is limited to service of papers in the action upon a party to the proceeding and not upon the attorney personally. *Hearing Transcript 134:3-23*. As the attorney of record, counsel consented to being served on behalf of his clients, not personally. Therefore, Petitioner's counsel cannot rely on the fact that Kleiner was on NYSCEF for purposes of acquiring jurisdiction over him for this contempt hearing. Regarding waiver, Kleiner contends that he did not waive any jurisdiction objections as this was the first opportunity he's had to raise this challenge. *Hearing Transcript*

6:1-13. The Court is aware that the present motion was granted on default to the extent that the contempt hearing was scheduled along with three other motions (seq. 11, 12 and 15). Kleiner then moved by Order to Show Cause to vacate the default on all four motions. In an order dated November 28, 2025, the defaults were vacated on motion seq. 11, 12, and 15. That order did not address this motion except to the extent that it reiterated that there was a contempt hearing scheduled. Therefore, considering the posture of this motion, the Court understands that this was Kleiner's first opportunity to raise this objection and it is not deemed waived. Accordingly, Kleiner was not properly served and this Court lacks jurisdiction to punish him for contempt.

However, despite this Court lacking jurisdiction over Vann and Kleiner the Court is so troubled by the behavior presented at the contempt hearing that it is compelled to address it as Vann and Kleiner would have been found in civil contempt if not for the issue of service.

On November 19, 2025, Joseph Delich, Esq. and Riley Clifton, Esq. appeared on behalf of the Petitioner, Kleiner appeared on his own behalf and that of the Respondents and Vann appeared on his own behalf. Counselors Delich, Kleiner and Vann all made opening statements. Petitioner's counsel utilized numerous exhibits during their direct examination of Vann, Kleiner, and expert witness, Mr. John Moffett. After the hearing was concluded, counsel for both sides were directed to file proposed findings of fact, conclusions of law, and a proposed order/judgment for the relief sought by January 14, 2026. On January 15, 2026, after both sides submitted their papers, Vann submitted a letter to the Court via NYSCEF. The letter alleged that certain exhibits that Petitioner filed (NYSCEF document numbers 339-360; Exhibits 3.1-14) were only marked for identification and not admitted into evidence. According to Vann, the Court should not consider those exhibits when making the ultimate determination on the motion for contempt. Vann further noted that he would be filing a motion to strike any findings based on the exhibits at issue. This

motion, sequence number 18, was filed on February 2, 2026. In response, Petitioner's counsel filed a letter via NYSCEF on January 15, 2026, identifying how each exhibit was either admitted into evidence or that the Court took judicial notice of the document as most of the exhibits were Court documents filed previously e-filed in this case.

Certainly, the Court has the power and the right to take judicial notice of the aforementioned exhibits. However, given the nature of the proceeding and the high burden on Petitioner, the Court finds that Petitioner should have ensured that all exhibits were admitted into evidence or that judicial notice was taken. Therefore, the exhibits at issue that were not moved into evidence will not be considered. Notwithstanding, the Court not considering the exhibits that were not admitted into evidence – the Court still finds that there is sufficient evidence to support a finding of civil contempt for both Vann and Kleiner.

Under Judiciary Law § 753, it is necessary to establish by clear and convincing evidence that a lawful court order clearly expressing an unequivocal mandate was in effect, that the person alleged to have violated the order had actual knowledge of its terms, and that the violation has defeated, impaired, impeded, or prejudiced the rights of a party. Here, there is an order dated September 13, 2012, signed by Judge Martin M. Solomon stating that “Avrom Vann will not serve as counsel in this matter.” *See* Plaintiff's Exhibit 1. Further, the Appellate Division affirmed that decision in an order dated May 22, 2024, finding that the Supreme Court has properly denied the Respondent's motion for leave to renew their opposition to the branch of the Petitioner's prior motion which was to disqualify Vann from representing the Respondents after almost an eight year stay due to rabbinical court arbitration.

During his testimony at the contempt hearing, Vann admitted that he is aware of the order disqualifying him from serving as counsel in this matter. *Hearing Transcript 57:25-58:15*. Further,

Kleiner admitted that he was aware of the orders disqualifying Vann from serving as counsel on the present case. *Hearing Transcript 21:12-22:4*. Petitioner's counsel points to a myriad of instances where both Vann and Kleiner have actively worked on this case together. Vann attended a hearing in the Second Department in March of 2025 and not only signed in for Kleiner when he was running late but also sat at the table with the deputy clerk to discuss the case. *Hearing Transcript 58:16-59:18*. Further, both Vann and Kleiner admitted that Kleiner uses some of Vann's files to draft current documents. Kleiner also acknowledged that any papers he files with the Court he sent to Vann to look at first to make sure everything was accurate as he is the director of the Respondent company. *Hearing Transcript 48:18-25*. This evidence alone, without even considering the metadata analysis of the disputed exhibits, shows a violation of the disqualification order by Vann and Kleiner. Finally, Petitioner's counsel argues that this violation has prejudiced his client. *Hearing Transcript 153:20-154:9*. The Petitioner's rights have been prejudiced by this violation considering Vann's original disqualification was based on a conflict of interest due to his position as director of the family company at issue. Therefore, both Vann and Kleiner would be found in civil contempt based on the above findings. It should be noted that the Court finds the Petitioner did not satisfy their burden for proving criminal contempt.

Further, the notice of motion for motion seq. 14 and the order directing this contempt hearing included the Respondents as well as Vann and Kleiner. There was no evidence presented regarding Ahron Glauber and Yonah Glauber's personal culpability to support a finding of civil or criminal contempt. Therefore, Petitioner did not satisfy their burden to hold the Respondents in contempt. As such, this Court does not find the respondents in contempt.

CONCLUSION

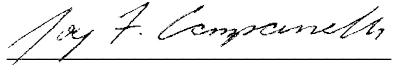
WHEREFORE it is hereby:

ORDERED that Avrom Vann and Charles Kleiner are found not to be in civil and criminal contempt due to lack of jurisdiction, and it is further

ORDERED that Respondents, Ahron and Yonah Glauber, are found not to be in civil and criminal contempt.

This constitutes the decision and order of the Court.

DATED: March 16, 2026
Brooklyn, New York


Hon. Joy F. Campanelli, J.S.C.