



# PAUL GRIFFIN



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**Justice John Roberts Chief Justice  
United States Supreme Court  
1 First St NE  
Washington, DC 20543**

Re: Radical groups invoking Rabbinical or Sharia Law

Dear Justice Roberts,

My wife and I stood alone against a fundamentalist congregation in The Southern District of NY. How could we possibly get a fair hearing when faced with such manipulation of **our** laws and intolerance for others not of their faith? Those who believe that our nation can withstand such an onslaught of duplicitous radicalism in our courts are simply naïve. My wife and I were completely violated by such ambiguity and bias. The Hassidic Jewish Congregation, Kollel Mateh Efraim (Debtor) committed a major fraud, breach of fiduciary and looting of the creditor's assets. We lost EVERYTHING that we had worked for forty five years to achieve. It was stolen from us with the collusion of the court. Bad precedent was also set in our case...precedent that will be cited for years to come and which places yet another crack in the foundation of our system.

Yours Sincerely,

*Paul Griffin*

(Veteran, USN Staff ComSecFlt)

<http://griffin-house.com/justiceorjustus>

#### American Patriots:

**Nathaniel Griffin:** (Grandfather) Revolutionary War: Awarded a tract of land in upstate New York by George Washington. **William Griffin:** (Grandfather) Fought in the war of 1812. **David W Griffin:** (Grandfather) Civil War Gettysburg to Appomatox. **Gerald G Griffin:** WWI (KIA) **Paul L Griffin:** (Self) 1962-67 Foreign Expeditionary Medal



# Bankruptcy Fraud New York

Daily update - October 10, 2015

NEWS Westlaw Insider (blog) Invocation of religious court violates **bankruptcy** law ... in the U.S. **Bankruptcy** Court for the Southern District of **New York** against Bais ... The debtor's complaint alleged **fraud**, breach of fiduciary duty, and looting of the debtor's assets.

October 9, 2015

U.S. District Judge Robert D. Drain, hearing a motion filed by an Orthodox Jewish congregation, ruled that Bais Chinuch L'Bonois Inc. and certain individuals violated the "automatic stay" and were subject to sanctions. The automatic stay is the injunction that comes into force whenever a bankruptcy case is filed.

Chapter 11 debtor Congregation Birchos Yosef had commenced an adversary proceeding in the U.S. Bankruptcy Court for the Southern District of New York against Bais Chinuch and the individual defendants. The debtor's complaint alleged fraud, breach of fiduciary duty, and looting of the debtor's assets.

In turn, Bais Chinuch and the other defendants invoked a *beis din*, or Jewish religious court, which issued a *hazmana* (summons) to the debtor's principals.

The *hazmana* invited the debtor's principals to participate in a *beis din* proceeding regarding the same subject matter as in the adversary proceeding. The *beis din* enjoined the debtor's principals, though an *ekul*, from continuing to pursue the adversary proceeding in bankruptcy court. The *hazmana* warned the debtor's principals that if they did not participate in the *beis din* proceeding, they could be subject to a *sirov*, which constitutes a shunning by the religious community and potentially by all Orthodox Jews.

Granting the debtor's motion to enforce the automatic stay, Judge Drain in *In re Congregation Birchos Yosef*, No. 15-22254, 2015 WL 5012592 (Bankr. S.D.N.Y. Aug. 8, 2015), held that the automatic stay had been violated.

"The debtor's principals can choose to ignore the *ekul*, or injunction, and not appear before the *beis din*, but that choice would involve substantial courage in light of the clear and imminent harm that would result to them if they did so. The *beis din* proceeding and the threat of the *sirov* have already affected not only their standing in the community but also their children, who have been harassed and threatened with expulsion from school. There is no question that those who invoked the *beis din* foresaw the consequences of their actions on the debtor and this case and that they are engaging in considerable hypocrisy in arguing to the contrary," the judge said.

Enforcement of the automatic stay did not violate the Free Exercise or Establishment clauses of the First Amendment to the Constitution. The judge noted that the adversary proceeding involved no issues of religious doctrine, nor were the claims of fraud, breach of fiduciary duty, and looting an interchurch dispute.

Under U.S. Supreme Court precedent, the focus was on whether, in addition to being facially neutral, the law sought to be enforced (the automatic stay) was general and neutral in its application, and was not in practice aimed or used to promote or restrict religious belief. The automatic stay passed muster.

With the automatic stay violated, Bais Chinuch and the individual defendants were liable at least for actual damages. There would be a further hearing on the calculation of actual damages and whether punitive damages were appropriate.

Further, because Judge Drain was concerned that the defendants might not comply with the automatic stay in the future, he imposed immediate coercive sanctions. The defendants would have until the close of business the following day to request the *beis din* to cease its proceeding and vacate the *ekul*.

Each defendant would be sanctioned \$10,000 a day until they made that request.

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