October 10, 2025

The Honorable Joel M. Cohen, J.S.C.
Supreme Court of the State of New York
New York County, Commercial Division
60 Centre Street
New York, New York 10007

Re: **Simpson et al. v. Chassen et al., Index #158055/2023**
Motion for Directed Verdict/Dismissal of Contempt Charges

Dear Justice Cohen:

Plaintiff Jeffrey Simpson, by and through undersigned counsel, respectfully moves to dismiss the contempt motion (motion sequence #26) in its entirety.

This civil case was brought by a former fiduciary who, out of a coverup of monumental proportions, is now cast into the unjust capacity of an accused criminal, under a defective motion and self-disclaimed "charges" that defy the rigors of the Judiciary Law, and this motion is brought in the fashion of a directed verdict under CPL § 290.10, on three main grounds.

First, we move to dismiss all charges on the grounds pled in our Opposition to Charges and Request for Attorneys' Fees. NYSCEF Dkt. #1676. Respondents' opposition was submitted in response to the "Statement of the Charges for the Evidentiary Hearing on the Motion to Hold Jeffrey Simpson and Benjamin R. Rajotte in Civil and Criminal Contempt" (NYSCEF Dkt. #1613). As further grounds for dismissal, these supposed "charges" were filed by the Receiver's counsel, as a joint effort with Mr. Chassen's counsel. They are a facially self-disclaimed nullity which, for all of the reasons stated in objection, deprive Mr. Simpson of due process and constitute an improper threat of criminal prosecution, as well a brazen attempt to invade the attorney-client relationship and deprive my client of independent legal representation.

This is the fifth motion under which Mr. Chassen's counsel has sought to criminally prosecute my client, the first of which was only a month of the case being filed. For over two years, he has been held out as an accused criminal in his own civil proceeding. All objections are incorporated by reference, and this letter may serve as a motion for doing so, just as an oral motion may be made for acquittal in a *bona fide* criminal proceeding, where, unlike here, legitimate charges are brought by indictment or approved and adopted as such by the Court.

For example, a charging statement is required, and the fact that movants submitted "charges" of contempt only after moving for contempt violates Judiciary Law § 756 (expressly

requiring "notice" of the allegations in accordance with the ordinary practice for a "motion on notice"). "[C]ontempt shall be adjudicated at a plenary hearing with due process of law including notice, written charges, assistance of counsel, compulsory process for production of evidence and an opportunity of the accused to confront witnesses against him." 22 NYCRR § 604.2(b); *see also* Judiciary Law § 751 (requiring that "the party charged must be notified of the accusation"); *id.* § 756 ("The application shall be noticed, heard and determined in accordance with the procedure for a motion on notice in an action in such court." (emphasis added)); 10 Carmody-Wait 2d § 66:25 (summarizing rule). The moving papers are, furthermore, legally insufficient to qualify as a formal charging statement because they fail to distinguish any differences in the legal standards of burdens of proof under either prong of the Judiciary Law.

Among other deficiencies, movants have not presented verified facts (Part II) or established any continuing prejudice or harm as so "charged" (Part III). NYSCEF Dkt. #1676. It should, furthermore, go without saying that the statutory authority to adjudge any party in contempt is narrow and limited by design. Receiver Eric Huebscher is a Court-appointee who, as such, is beholden to both parties, Messrs. Simpson and Chassen alike. Yet he has joined with Mr. Chassen, the movant for the receivership, as a quasi-judicial officer and fiduciary to both. This is not to mention that, procedurally, Mr. Chassen's asserted standing even to seek the receivership on which this contempt motion is based remains a disputed fact issue of corporate control.

Second, by failing to take the stand in a prosecution of his own making, Mr. Chassen has failed to establish a prima facie case and cannot satisfy the high burdens of clear and convincing evidence (Judiciary Law § 750) and proof beyond a reasonable doubt (id. § 753). Exactly 24 hours and three minutes before the continuation of the contempt hearing scheduled several weeks beforehand is set to reconvene, the Court and all parties learned by email that Defendant Jared Chassen will not testify, or presumably that he would plead his constitutional right against self-incrimination under the Fifth Amendment if called to testify.

On the first hearing day, Your Honor rejected the proposition that Mr. Chassen may avoid testifying on direct examination on his own motion. Opposing counsel first discussed this plainly unsustainable notion while negotiating an unintroduced scheduling order proposal that, itself, was the product of obvious feedback and coordination with counsel for 608941 NJ Inc. ("Oak). NYSCEF Dkt. #1683 at 3 n.3 (second paragraph beginning "Reservation issue").

The record shows that no competent proof was ever offered in this contempt trial that could in any way establish that my client disobeyed a lawful mandate of this Honorable Court, nor that he did so knowingly or willfully. The first and only part of the transcript, which, curiously, was just posted to this docket at 3:28 p.m. (NYSCEF Dkt. #2000), is from the hearing which began on July 21, 2025, approximately two and a half months ago. It only contains Mr. Huebscher's direct testimony. Mr. Chassen's counsel posted it in an apparent attempt to compensate for his client, a party who now seems trapped in a Faustian bargain, not testifying. Mr. Huebscher's complete testimony, including cross-examination, has yet to be posted.

Third, this contempt trial is a diversionary and deliberate attack on my client, his constitutional rights, and his well-being. Before this Court stands an off-list judicial appointee trying to prosecute my client while taking his property, ignoring Mr. Simpson's substantiated and

rightful claims of title. They want to auction off tools that his late father gave him because he does not have receipts. All while Mr. Chassen sits behind his supposed counsel, the two of them never once observed interacting within the walls of this great Courthouse, and immune from testifying – despite emails showing that the Receiver gave Mr. Chassen a Mercedes G-Wagon, high-end fixtures, and designer furniture that belong to Rêver Motors. Receiver Huebscher was specifically charged by this Court with preserving and maximizing value, yet he effectively shut the business down on the day he took possession, after improperly seizing all payroll, then mysteriously paying Rêver's only white female staff member funds from his own account, and sending home all of its trusted Black and Latino technicians without pay, and terminating them.

Not only did all four law firms – *i.e.*, Meister Seelig & Fein PLLC, Olshan Frome Wolosky LLP, Farrell Fritz P.C., and Schwartz Law PLLC – conspire behind the scenes to prosecute my client, they deleted an express reservation of rights inserted by undersigned counsel. Oak's counsel has often found it prudent to reserve all rights at the close of informal emails between counsel, yet here it was *deleted from the redline* of the document itself. *Id.* These are the same parties that stand behind a doctored "Joint Defense Agreement" (NYSCEF Dkt. #1900), a fact to which Mr. Chassen's counsel admitted, after holding this falsified document out to Your Honor as authentic, when it in fact was not (NYSCEF Dkt. #1905 at 3 ("Mr. Rajotte claims that metadata shows that it was prepared using Leslie Thorne's software, which is unsurprising, given that Leslie Thorne is a signatory on the Joint Defense Agreement.")).

Two of these law firm, moreover, are presently on opposite sides of the "v" in a related investor-derivative case now pending before the Honorable Anar Rathod Patel, J.S.C. *Wietschner v. 9 Vandam JV LLC*, Index #655573/2023 (Sup. Ct. N.Y. County, Comm. Div. Nov. 8, 2023). The weight of the evidence of this continuing pattern of collusion and fraud upon this Honorable Court, and the United States Bankruptcy Court, is staggering. As with their bad faith motives in dismissing the underlying bankruptcy brought in the name of JJ Arch LLC, for the benefit of its creditors to the Arch Companies ("Arch"), including investors like Elisa Wietschner. This contempt action, and the long-sought receivership on which it was based, represent one of the most egregious breakdowns of legal ethics ever to reach the New York Judiciary.

Major law firms are engaging in a far-reaching coverup of their own creation, and Mr. Simpson is at its center. My client is a tormented whistleblower. The singular purpose of this contempt proceeding is to cause him untold emotional distress, to punish him, and his family, for refusing to be bought out, and to conceal from this Court any facts on the merits of the corporate governance issues on remand. Soon, Oak's compendium of counsel will appear before Your Honor on motions designed to conceal their client's fraudulent conveyances of assets, which they are orchestrating and benefiting from, through backroom transactions, undisclosed accountings, and complete dominion over Arch's electronically stored information – which includes sensitive personal information belonging to Mr. Simpson and his family.

Oak is driving this litigation, and Mr. Chassen's informed consent to such representation remains in question on the record, an issue which Receiver Huebscher acknowledged on cross-examination. This case is no longer about protecting Oak, however. It is about self-preservation.

As with any coverup of such a spectacular scale, however, the truth will be borne out in due time, so long as my client can continue to withstand these unwarranted attacks on himself and his family. It should come as no surprise that, just as that time is approaching, with the "Joint Defense Agreement" ordered released, they have intensified the pressure.

For these reasons, we move to dismiss the contempt charges and reinstate our claim to attorneys' fees, and respectfully request that Mr. Simpson's personal appearance be excused, as the issues before the Court are legal in nature and his testimony is not presently required.

Respectfully submitted,

Benjamin Robert Rajotte, Esq.

Attorneys for Jeffrey Simpson and JJ Arch LLC

cc: All Counsel of Record via NYSCEF