August 3, 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

Dear Your Honor:

It is incumbent on me to write to Chambers on this Sunday to request an opportunity for my client and I to meet in Chambers before the continuation of the trial tomorrow to discuss the process for going forward on Mr. Chassen's most recent criminal contempt motion, the third of its kind. Our adversaries are deceiving the Courts. They are in unwaivable conflicts of interest. Counsel for Mr. Chassen and Receiver Huebscher have worked hand-in-hand together not only on this motion, but in remand motions before the District Court.

Each law firm has worked together with counsel for AREH and Oak in this action and throughout the associated State and Federal Cases. Mr. Koevary has never answered for the inexcusable conflict of interest in which he personally appears for Olshan Frome Wolosky as lead counsel for the "JJ Arch Controlled" entity in the *Wietschner Family* Trust, Index #655573/2023 derivative suit against the JJ Arch affiliate, 9 Vandam JV LLC – while at the same time appearing for AREH against Simpson and JJ Arch in this action, and through many filings before Judge Vargas, nearly all of which are joined by Messrs. Schwartz or Southard, or Ms. Thorne previously, or any combination. Meister Selig & Fein ("MSF") is suing 9 Vandam JV LLC in the *Wietschner* case, putting Oak on both sides of the "v." What could ever compel a defendant private party, here Canadian Attorney Kevin Wiener, on behalf of his family's business, to retain the same lawyer that is suing Oak in a derivative case? His affidavit makes clear: Oak is blaming everything on my client. This conflict within a conflict is fundamental to this hearing, the subsequent history of this action, and related matters.

The contempt proceeding is highly procedurally defective to the point that has compelled me to contact Your Honor *ex parte*, let alone on a Sunday, each of which is a first in 22 years of practice. It is a privilege to represent my client in this Court, even under these circumstances. But my client deserves dedicated criminal defense counsel if this is going to continue, and regardless Respondents' opposition lays out for the first time what the standards for contempt and procedures for bringing an action really are. It is jaw-dropping that they botched it yet again.

There is more. Your Honor stated at the outset of the last hearing that the Joint Defense Agreement would be subject to *in camera* review, and legal briefing. We must object to any pause between the *in camera* review and its disclosure before Mr. Chassen is to testify. They are lying and gaming the system with such abandon, deceiving the Supreme Court and the Southern District at the very same time, as if doing so were commonplace. The Joint Defense Agreement is the foundation for that, and it is one of a number of pieces of exculpatory materials that a criminal defendant is entitled to receive before examining the witness providing it.

There are many procedural infirmities in how the Movants conceived of and brought this motion, not the least of which is that this is a criminal proceeding. Counsel for Messrs. Chassen and Huebscher did think a few steps ahead in bringing (trying to – as the Court never adopted them and the case law is crystal clear that the signing of an Order to Show Cause does not endorse what it contains, to the point that the responding parties have won attorneys' fees for the proposed OSC's frivolousness.) The same is true here for the Receivership Orders. At the end

The Wietschner case is not the only derivative suit. We are tracking at least three others against a "JJ Arch Controlled" entity, including what we understand to be a $30 million personal injury case involving The Park at Forestdale in Birmingham, Alabama, when a deck collapsed and seriously injured a mother and daughter standing on it at the time. The case is *Jackson v. Pebble Creek Borrower*, Case #01-CV-2023-902315.00, in Jefferson County, Alabama. The plaintiffs, represented by Morgan & Morgan, allege that the deck was neglected by property management, and Oak's pullout of its commitments is the very issue being discovered.

Last week, the insurance-appointed lawyer representing the JJ Arch entity called me a few days ago because the plaintiffs wish to depose my client. They intend to depose Mr. Chassen, Michelle Miller, and Jason Paul (all submitted affidavits in the present case). It would be manifestly unjust if Mr. Chassen and Ms. Miller were deposed in that action first, while my client was allowed to be interrogated in a deliberate attempt to harass and malign his character. It worked, but the "clip show" video that Mr. Schwartz tried to submit afterward shows a severely betrayed fiduciary telling the truth. Discovery has been evaded. My small firm has been bogged down in defending Simpson from the Scarlet Letter with which Oak is trying to brandish him.

At the June 27, 2025 hearing, Your Honor asked why the Court should not summarily hold him in civil contempt, for disabling the alarm and changing the lock at 225 Head of Pond Road on April 14, 2025. The answer is first circumspective. A contempt finding, even civilly, would be used against him in every other action. It would be held out against him in the Great American Insurance Company's cowardly and ultimately foolish interpleader action (I represent as an Officer of the Court that Scott Schechter of Kaufman Borgeest & Ryan, representing Great American, told me in our first telephone call in April 2025 that Leslie Thorne called him, on behalf of Mr. Chassen, and threatened to sue Great American for bad faith if they continued to fund Simpson). Why has this happened? Because Oak is intimidating witnesses, threatening frivolous lawsuits, deceiving the Bench, and pushing my client's buttons as its only defense.

At the July 21, 2025 hearing, Your Honor asked me why evidence of the Receiver's unrestrained destruction of assets and trail of customer liability directing itself as my client (Mr. Gerstein showed up at my client's home today, I was told, demanding that Simpson give him one

of the cars in his driveway to make up for the added expense). The answer is that safeguarding property is a defense. A fraudulent scheme is a defense. Exculpatory evidence must be disclosed when the penalty is criminal in nature. Mr. Simpson is a worker. He takes pride in his work. Each car is unique, and once it is built there is or will be nothing like it. Mr. Huebscher, who appreciates aeronautics, shows little interest in learning about automobiles. Why would any receiver in his or her right mind take over a business like this, unless they planned to gut it and sell it for the land – worth over $4 million, more than half of which is equity.

Before the end of the June 27, 2025 hearing, Mr. Bunin asked if Your Honor would "reaffirm" that the three Receivership Orders remained in place. How was that necessary. What would give a seasoned lawyer of Mr. Bunin's caliber the temerity to ask a Judge if the Orders he issued, the very Orders that his client seeks to enforce with Mr. Chassen, remain in force. After I openly acknowledged that they are, and that Mr. Simpson on my advice decided to forego any appeal of the May 12-13, 2025 Order, because we wanted to present ourselves to this Court. To apologize. But most to show respect to Your Honor, the Supreme Court, and the institution of the Judiciary as a whole. He never should have spoken out of turn. His style worked for him for twenty years, in the cutthroat environment of the New York City commercial real estate market. He is learning, and in the process reinventing himself for a comeback. That is why what Your Honor decides, even if a civil fine, is so symbolic to everything that comes next. This is a serious charge, never properly made, in the extraordinary circumstances of a disregard for candor or civility on a scale of respected law firms that should be elevating the profession. They are cheating. Our fate passes through this Court, and we submit to Your Honor's jurisdiction, because we are steadfast and convinced that sooner or later, truth will prevail.

The purpose, we suggest, was to create an argument that the Court is ratifying Oak's control of all JJ Arch controlled entities and properties. Under Exhibit C to the AREH Operating Agreement, JJ Arch controlled entities is a term of art. The term "affiliate" means "a Person that directly or indirectly, through one or more intermediaries, Controls, is Controlled by, or is under common Control with, the person or entity specified." (NYSCEF Doc. #2.) Ms. Thorne's intervention on October 17, 2023, pursuant to CPLR 6401, sought an Order to Show Cause for why all entities controlled by JJ Arch should not be placed into receivership, to protect the portfolio from Simpson, the man who built and curated the portfolio from scratch, and who refused to turn a blind eye to Oak's self-dealing. Why would my client suddenly act contrary to his instinct after five years of waking up at 4:30 a.m. to build his first company, investing in it nearly all of his own fortune. He is now left to watch the fruits of his labor and ingenuity become desecrated (in his own words, as if it were being hawked at a pawn shop), his equity wiped out, his friends' and families' equity gone. The same appears true for Mr. Chassen, to the extent either of them are even informed. The founder and head of Arch, now two years later, has but a limited understanding of what assets remain under management, and how the investors and lenders with whom he built relationships and protected as their fiduciary, are being treated. Just as with Rever.

Mr. Huebscher swore under an Oath, as required by law, which his attorney posted on the docket. (NYSCEF Doc. #1366.) It states:

> I was appointed temporary receiver over, among other things, JJ Arch's managerial and membership interests in the JJ Arch

> Controlled Entities and the JJ Arch Controlled Properties[1], by an Order of this Court duly made in the above entitled action on March 11, 2025 (the "Order"), as more specifically set forth in the Order, and I do swear that I will well, faithfully and honestly discharge the duties committed to me.
>
> [1] Capitalized terms not defined herein shall have the meaning ascribed to such terms in the Order.

(NYSCEF Doc. #1366 (emphasis added).) What is the point of adding a footnote to an Oath? It starts from the premise that the term "JJ Arch Controlled Entities and/or Properties" has a special meaning, and that they (the Receiver, and/or Mr. Chassen's counsel, AREH's counsel, and Oak's counsel) felt some need to add a footnote to an Oath that was posted to the docket on March 18, 2025. The Clerk entered the second Order appointing Receiver Huebscher on that date.

The first Order (signed on March 8, 2025, entered on the docket on March 11, 2025) lacks the "JJ Arch Controlled Entities and/or Properties" term of art. It does not authorize the Receiver to take any action, of any kind, because his appointment was yet to be ruled on. Ostensibly, the drafter meant for the Oath to refer to the second Order of March 18, 2025. (NYSCEF Doc. #1360.) The second Order identifies the four non-Arch JJ Arch properties, and their associated holding or operating entities, as: "the 'JJ Arch Controlled Properties [and/or Entities]' or individually a 'JJ Arch Controlled Property [and/or Entity]'."

On its face, the failure to include the word "collectively," so as to imply *expressio unius est exclusio alterius* should be of no relevance, because no other properties or entities are listed. Yet why would my colleague, Mr. Pascarella of Farrell Fritz, state in a meet and confer before the May 12, 2025 hearing, that the term "JJ Arch Controlled Entities and/or Properties" was not meant to be exhaustive, and then direct any future questions to Mr. Schwartz, effectively end the discussion, without future appearances? If this hunch turns out to be right, Oak et al.'s future argument of judicial ratification would fall back on the Operating Agreements in an attempt to define what they would say is an "ambiguity" in legal authority. While at the same time creating so much drama that my client and I now stand accused. We believe that the greatest vulnerability that Oak will exploit is based on the complex corporate structure and the terms of art in the contract, where the meaning of what JJ Arch controls is cross-referenced with "affiliates." Nonetheless, it is Jeffrey Simpson who is being "charged" with a knowing or willful violation of a clear Court Order, for taking down an alarm while the police stood by and watched, while Oak is the one "destroying" property, by ambiguating the spirt and letter of this Court's Orders.

Although he did so, it was not contemptible. He foolishly filed a grievance against Your Honor, which I've seen done before by zealous pro se litigants whose voices they feel are not being heard. Over the past four months, stated in all humility, Simpson has changed. He is changing. He is trying. At the same time, he has made a somewhat still bookish lawyer less afraid. More brave, enough even to write this letter. Being afraid is not contempt. Stepping forward despite your fears is courage. Simpson was afraid of this Court. I convinced him otherwise. Not out of a sense of clairvoyance, but starting from instinct and a discipline of respect. Contempt is not a measure of social grace, of which Great American deprived him.

Simpson and his family as a whole is under severe stress. His sons, aged 15 and 19, are not certain that they will be able to return to school in only a few weeks. He works 12 hours a day using his hands essentially as a mechanic out of his own garage, without the equipment or tools at Rever, building Mr. Krieger a one-of-a-kind Porsche reinvention, and doing so at cost, because he has a nondelegable sense of responsibility. It was this same ethos that made him a fiduciary guardian of the Arch portfolio, and why no investors have sued him.

Each of his homes are in foreclosure. Other properties were converted to a Chapter 7 bankruptcy after his bankruptcy lawyer failed to supply the necessary schedules and left my firm to appear before Judge Beckerman for creditors meetings and liaising with the Chapter 7 Trustee, over complicated real estate financial documents that my client admittedly knows more about than I do. Simpson needs his costs of defense restored because JJ Arch deserves its own counsel, and one with white collar pedigree to fashion strategy for the next phases of litigation, which I believe will be criminal. Despite modesty, my firm has never been paid.

Simpson deserves for me to consult with a criminal defense attorney, at least. Chassen deserves sophisticated counsel in matters of corporate fraud. But by noon tomorrow, Mr. Schwartz will announce that there is only very limited time for Chassen to speak. He will be spared any cross of more than a few minutes. We will argue that he failed to present his case because of this. Messrs. Chassen and Schwartz would rather take the risk of losing than testifying, yet my client has to take the risk of winning after not having the Joint Defense Agreement that exposes undisclosed third-party interests, without a chance for document production after my colleagues submitted and withdrew at least three motions in the Bankruptcy Court after the Court compelled disclosure before proceeding forward.

What is happening now is cause enough to just stop this proceeding and take stock of who the parties even are. Regardless of this conviction, I submit this as the unorthodox request for Your Honor's guidance, while submitting my client to this Court's jurisdiction without challenge, because it is necessary and appropriate, and the Federal Courts are clearly waiting on this Honorable Court to decide what comes next. This is why, if a contempt finding follows, I will have failed on a scale greater than any of my predecessors. The attorneys' fees award on the case on removal will likely, practically, become far more difficult to challenge. It will pile on the bad faith finding that we are actively trying to challenge. Oak only has an interest in this receivership in three ways. The first is to derail Simpson's bankruptcy appeal – in both time (Judge Vargas granted two extensions for the opening brief on account of the time necessary for opposing the motions filed in this case), and by buoying its case to Judge Vargas. No doubt, just as Mr. Schwartz cross-files every document on this docket, contempt on Simpson's name will never make things the same. It will follow him like a curse, a neurolinguistic trick that will immediately announce itself to any rights he asserts. All the counseling that I have endeavored to provide, falling short sometimes, but getting back up and preserving, like two joggers keeping pace, without even Great American committing to any reimbursement (although Mr. Schechter has my retainer, he refuses to return any of my emails, phone calls, or texts).

Where are the defrauded investors. Not one has sued Simpson individually. They are there but fragmented, in *Wietschner*, *Pebble Creek*, and others (see, e.g., Indices # 652392/2024,

650671/2024, and 150701/2024). In the last cited action in parenthesis, I was just made aware that Mr. Simpson's wife, Yael, for some reason was personally served and is compelled to appear in that action under threat of contempt. At the same time, lenders and investors with assets still on the chopping block are left with the option of becoming part a growing body of litigation where Oak is outnumbering any (true) adversary by at least 5:1, or, although this is only speculation as my interviews with investors has been forestalled by the similar nature of conversations that I am having with Rever's customers, and making no success on with the Receiver. There has been no response to my repeated requests that a plan be worked out so that Simpson can get his tools. All, including Simpson and Chassen, are in the financial quicksand that should have drove Oak alone into Canadian bankruptcy for not being able to cover – or so it thought, as it refused to work with Simpson anymore, despite having a viable plan to save the company and preserve their equity before it was too late. Oak wanted Simpson out. Not because they found him hard to deal with. They stayed with him, as did his inner circle, in the five years when he made them handsome returns on a $1 billion real estate portfolio built from Oak's single $50 million passive investment. In a time of crisis, they externalized that cost.

Simpson is made out to be a villain. He is misunderstood. The entirety of this case is not about whether he provided all the books and records – he did, and we have new evidence to prove that the Receiver had access to the QuickBooks files through, among other things, Rever's former contract accountant. After the July 21, 2025 hearing, after he and I "broke up" and got back together twice, after shouting matches that reminded me that I must learn some of same lessons as I am preaching, confided to me that he has post-traumatic stress. It colors any rational person's decision-making. At the same time, it is doubtful that Mr. Schwartz is still even communicating with Mr. Chassen or acting on his client's informed consent. Mr. Chassen has the right to be independently counseled out of the trap that Oak seems to have laid, under duress and lack of independent legal counsel.

These shocking allegations have never been denied by Mr. Schwartz, whereas if the same were suggested of me I would be incredulous, more so even than the silent outrage of being decided. Olshan, moreover, has never even attempted to address its unforgivable conflict. The silence is deafening. Technically, Mr. Koevary is my client's counsel, and my co-counsel, through the *Wietschner* litigation, in addition to his representation of what has become a strawman used to gain an advantage in all proceedings. It cannot be a coincidence that he failed to link into the Teams meeting on August 1, 2025, less than 24 hours after he submitted a massive opposition brief throwing in the kitchen sink in *In re JJ Arch LLC*, Case #24-08649.

The March 18, 2025 Receivership Order, furthermore, states: "For the avoidance of doubt, the obligations of this paragraph are required of both Simpson and Chassen (to the extent Chassen possesses the records and items), and the fact that one or the other of Simpson and Chassen can produce these records and items <u>does not obviate the obligation of the other to produce the same upon request by the Receiver</u> ….:" Each of these parties – each with virtually nothing left to lose, begging the question of why they are still fighting about custody when Oak is holding it – must be held to the same standard. (NYSCEF Doc. #1360 (emphasis added).)

We submit that Mr. Schwartz is the legal glue that is enabling a transnational fraud, of money flowing through a shell New Jersey corporation transnationally back to Canada, possibly

with unclear tracing, as part of a proxy war being mastered by Oak. Why else would his lawyer "reserve" the right to bring the instant receivership, anticipating it in November 2023. Oak continues to deceive the Court. It promised to protect assets, to provide transparency under the Interim Orders. It has not. (*See* NYSCEF Doc. #1360 ("ORDERED that where Simpson and Chassen can agree on a course of action, such as a sale or other disposition of an asset, and do so in writing to the Receiver, the Receiver may take that course of action, unless in the Receiver's judgment that course of action is unreasonable or inadvisable; and it is further ….).)

Rather, Kevin and Michael Wiener's crude, repetitive, but invidious battle plan is now playing out with Rever. Oak was able to provoke Simpson to fire Chassen again, in a quixotic mission to save a sinking ship. Oak treated my client ignominiously, set him up to fail, as planned, and then his first counsel abandoned him (later suing him for the unpaid balance of time he spent ineffectively counseling his client; Mr. Bailey recently subpoenaed the banking information of Simpson's children). Oak's opening motion was an intervention by default under CPLR 6401, seeking a total receivership over JJ Arch, to prevent it from being filed into bankruptcy. Yet Mr. Koevary is leading the charge in the Southern District, with Messrs. Southard and Schwartz adding their names to a joint opposition. There is no way to know what Mr. Chassen is feeling in this circumstances, what advice or lack thereof he has been given, what he has been told or induced by, whether he pledged his JJ Arch interests in exchange for a devil's bargain. When something seems a little off, that's often a side effect of a deeper problem. I do not rest assured that Mr. Schwartz is acting in Mr. Chassen's best interests, as opposed to enriching Oak at his and Simpson's expense. I believe that Oak has, for a long time, been playing them off one another, because a house divided cannot stand.

Seeking sanctuary from our institutions that interpret and enforce rule of law, by a man defined by work whose career is laid to ruin, against attacks and self-dealing by a foreign adversary secretly calling the shots of at least two other parties, is not contempt. It is both he and Chassen who were duped. Yet now they are made to battle. All that aside, procedurally my opposing colleagues refusal to submit a scheduling order to the Court on this hearing have left a void of uncertainty that it most certainly is going to exploit. The next move will be that after cross-examination of Mr. Huebscher and his redirect, Mr. Chassen – as was planned for the February 25, 2025 hearing, in which he testified for roughly ten minutes during the hour or so he was on the witness stand, not returning on February 28. 2025 as promised. The rest of the time, I am told, was spent sorting through objections by three sets of opposing counsel, and the Wieners, all of whom were huddling in near panic when Mr. Lorenc laid a foundation to impeach his bankruptcy affirmations, and when he brought up the Joint Defense Agreement.

I am working to fill the shoes of his former counsel, some of whom were very good, but none interpreted their job as lawyer as I do. They didn't stand up to him, but most they didn't stand by him. Great American has all but written him off, as well as my firm apparently. To this day, I am working to restore his trust in the profession following the separate motions of Wiggin & Dana, Griffin Law, and Mr. Lorenc to withdraw (Mr. Lorenc asking more than once) on grounds of "irreconcilable differences." I have been left to absorb his pain and reprocess it into his defense, and the prosecution of his own case. At least three clients with large contingency claims left my firm because I openly was not able to give them the attention they deserved. I spend 99% of my time on Mr. Simpson. Yet very little of it seems to not go sideways. The spirit

of Rule 2.1 of the Rules of Professional Conduct is that an attorney is an advisor in a more holistic sense of the word, prompting client reflection with questions about the real-life social, financial, and personal pros and cons of any given decision. This is how we have reached a point that my client wishes to take the stand in his own defense, under certain conditions.

On May 12, 2025, Mr. Bunin averred that Mr. Huebscher had experience running many different businesses, including a fertility clinic and an auto dealership. His resume claims that he was in the past a Court-appointed Receiver in New York, yet he is not certified as such under Part 36 of the Uniform Rules, requiring good cause, a key consideration that Mr. Schwartz chose to address in a footnote. He intended to shut down Rever from the start. He claims to have been at Rever for 7 of the 8 days in between May 15 and 23, 2025. Yet produces no documents. We are entitled to documents to defend ourselves, to impeach a quasi-judicial officer who is abusing this oath. Rever was profitable even in its time of crisis. Mr. Huebscher shut it down in the summer months, losing the boost of sales. He admits to soliciting realtors to sell it, yet the Court did not expressly authorize him to do so, as was the case for the other three properties.

To the contrary, at the June 27th hearing, the Court instructed that the Receiver keep both owners, Chassen and Simpson, informed. This case has the feel sometimes more of a messy divorce than a partnership dispute, with each former friend representing their own "J" in JJ Arch. Yet the Receiver's strategy and interests seem completely aligned against faithfully discharging the Court's Orders, while blaming both my client and myself despite our best efforts, and despite the fact that my client is coming to the Court, every time without protest, to adjudicate their falsehoods. My client's personal life and finances are hanging on by a thread. The stress can feel overwhelming. Mr. and Mrs. Simpson's wedding anniversary is coming up August 15th. But because my client's overnight plans with his wife conflicted with Mr. Schwartz's desire to proceed August 1st, he emailed Chambers and put their "anniversary plans" in quotation marks.

Mr. Huebscher's response when the Court admonished that he provide my client with the documents and access to his tools that we have been asking for at the June 27th hearing: Understood. Absolutely. Your Honor. He assured the Court personally, eye-to-eye from the podium, that he would do as the Court instructed. Yet he already knew that he was going to shut down Rever. He admitted to at least seriously considering it over a month beforehand May 15 or 16, 2025. Under what cover? That he admitted to closing down Rever in two sentences buried on the fifth page of an "Interim Report" that lacks the minimum requirements of the monthly reports that a Subchapter V Trustee would need to provide to the Bankruptcy Court, posted only after the Court noticed the removal, and he never vocalized it again until on cross-examination.

Despite those assurances, the reality is different. It is the opposite. The faults hurled on us, are their own by deflection. They are deceiving only themselves, however, because we will not give up until my client is vindicated, and given a chance to grow beyond and reflect from this senseless persecution. The true reality is that he doesn't even know if the tools that his father passed down to him are still onsite. What is happening is not just grounds for damages, it is cruel. Their goading him is cruel. Mr. Chassen telling him "You're all alone" when the two met face-to-face in the bathroom is cruel. He is standing by and trusting on legal process on my advice, while we both watch his passion project being picked apart without knowing what the future holds. Perhaps there is no greater instructor of the serenity prayer than loss.

Despite several attempts from May to present to make peace and collaborate. Despite my need to send "catch all" questions to Mr. Bunin (seldom responded to) asking if there is anything I am missing. Despite lacking any trust that my client's settlement offer was sent to Mr. Chassen. After my telling Mr. Schwartz in mid-June that Simpson himself was afraid to step foot on the property and did not know what to do, the Receiver insists on visiting the shop with an armed guard, apparently necessary to safeguard Simpson's own property, but fails to submit any logs of his travel and expenses. Never once has been submitted a financial statement of profits and losses/liabilities. He says that a customer came to him very upset, after seeing a video reel on Rever's Instagram account, showing her crying at the sight of her new car, yet Mr. Huebscher testified that she is essentially a "problem customer," whose complaints are never passed on to me, despite the fact that my client's reputation is directly at stake. A cousin of Mr. Chassen with no other connection to Rever Motors left a negative review of both it and Mr. Simpson online as a falsehood for the world to see. A customer involved in a one-time transaction a year ago (involving the sale of a part that was successfully shipped), last month left a negative review. They flip the burden of proof onto my client, demanding that it is our job to prove a negative, when they fail to particularize their demand, afford no process, project their own misconduct onto us, never identifying the burden or elements of any "charge." They are executioners. My client and I will fight every step of the way, with fidelity and deference to the Court.

Mr. Bunin claims that Farrell Fritz is not being paid any legal fees; that his firm is representing Mr. Huebscher on contingency. That seems far-fetched, or else there would be more foolhardy lawyers like me, and it is unlikely they would be at a big firm. Mr. Huebscher testified to the same at the last hearing. Mr. Bunin has never yet provided to the Office of Court Administration a Retainer Statement, disclosing his fees, if any. As to my client's personal property, the only response that has been received from Mr. Bunin is to give him receipts. Yet I have played this game as an insurance lawyer after Hurricane Sandy. Like the wholesale deletion, omitted from a redline, of my reservation clause, in a draft Scheduling Order that never saw the light of day because my opponents refused to commit to putting their clients on the stand. Mr. Chassen should not get away with it now. As for their own document requests, everything that was asked for, was provided. We continue to receive nothing, and they are testifying at the same time without documents to show it. The pattern of discovery evasions is prejudicing us now. Mr. Huebscher spoke at a CLE about how important it is a for Chapter 11 Subchapter V Trustee to facilitate a dialogue and plan with the debtor. Here, he only asks for things that have been provided by myself, from Simpson, his wife, my own investigations, and connections with others, including the accountant who ran the QuickBooks account. The password for the computer, as well, we will show was on a post it note glued to the computer itself. Rever was a mechanic's shop. It was not an Ernst & Young corporate office.

I am in contact with Arch's former controller, Yechiel Lehrfield. He told me that Michael Wiener threatened to sue him for fraud if he dared speak on Simpson's behalf. He told me that Mr. Wiener continues to demand that Mr. Lehrfield sign off on releasing escrow funds from real estate transactions of the Arch portfolio to the Wiener Brothers. Preserved emails show that Arch's Human Resources Manager, of all people, felt threatened by the Wiener Brothers and demanded assurances from Mr. Chassen that she would be protected like he was. As it turns out, she was better off not entering into Oak's shameful compact. Mr. Chassen, on the other hand,

deserves a white collar lawyer. His interests are not being represented. Never once did I see him or Mr. Schwartz standing anywhere near together, nor even talking. Mr. Huebscher on the other hand, warned me not to walk past him after the June 27th hearing, when I tried to move to the opposite side of the bench to avoid the glare from the windows. He claimed to feel threatened. In the presence of the Court Officers. Even Mr. Bunin seemed a little surprised.

Mr. Schwartz all but admitted, by silence, evasion (to the effect of, your client texts my client anyway) and empty assertions of privilege, in failing ever to confirm in writing that he communicated my client's settlement offer to Mr. Chassen (a swap of 225 Head of Pond Road for Rever and 1640 Montauk Highway). I have asked several times. No response. Haynes and Boone responded to my email, buried in the email exchange between Mr. Bunin and Rudy Sahay (a customer; I have periodically updated his private lawyer at Quinn Emmanual), by withdrawing as counsel, with Oak substituting in its place the firm that is suing it (so to speak) in the *Wietschner* derivative action. This is a textbook conflict of interest subject to sanction, even on the spectrum of suspension or perhaps disbarment. They are making my client the fall guy, without him having an opportunity to defend himself here. Then they will use that fixed "settlement" to impose liability on my client, and use any favorable rulings along the way to collaterally estop or at least add theatrical weight to their never-ending arguments.

Mr. Chassen cannot be doing much better financially than Simpson. He has averred, like Simpson, that he has lost millions, and that his family and friends have lost millions. Mr. Simpson cannot bring himself to walk down the stretch of 85th Street where his synagogue is located. He feels his name is ruined, and that is justified to say – ruined, but he deserves a chance to clear his name. These two former friends (Simpson hired Chassen at 24 years old, and they became friends, Chassen became a protégé, and Simpson made him wealthy. One of the greatest tragedies in this whole ordeal – and Simpson's lack of consistent counsel has allowed Oak to turn the more than ten cases in litigation involving the parties into a soap opera – is them. They have been wiped out. Their family members lost at least hundreds of thousands of dollars. All for what? At what point does Oak's benefit from pitting them against one another get outweighed by its costs on Simpson, Chassen, investors, lenders, and the communities like in *Pebble Creek*.

The Respondent and myself, as former Respondent, ask simply that we pause to assess the situation. Your Honor that this is a serious situation. We need more time. We are asking for how to ask for it so we don't make fools of ourselves. This is a remarkable situation in which we have worked to restore the federalism and respect for this Court for doing that this Honorable Court is known for its financial sophistication and hands-on approach to problem-solving. See, e.g., NY Unified Court System, Commercial Division Advisory Counsel, *at* https://ww2.nycourts.gov/advisory-group/commercial-division/index.shtml. Customers are angry and blaming my client. He confides in me regularly, and he consents to my saying this, about the mental pain and anguish the past two years have brought on not only himself, but his wife, who is in the Courtroom for almost every hearing, and his two sons.

We are asking only if the Court would speak to us before we would post it on the dockets not for advantage, but out of respect for the institution, for Your Honor's jurisprudence, which I am coming to learn. I did not apprehend on my first consultation with Mr. Simpson the manner of complexity, pace and understanding, and it is a privilege to step back into the Courtroom as

lead counsel for the first time in a number of years. Jeffrey Simpson acts with honor. His adversaries, and their chosen counsel, do not.

This *ex parte* communication is also justified procedurally to ensure the Court can guide the process forward affecting the professional ethics of prominent law firms and their individual lawyers, and it interlinks in ways yet to be seen with the other federal cases. Mr. K is on all sides of this and inside and out. We allege that a conspiracy and coverup is invading the Judicial process as a whole, and we come for the good faith presentment to this Court of all matters.

The contempt trial is a witch hunt. If anyone is responsible, it is myself. There is a point in life where age is the greatest instructor, and just being honest is the only way to go. Simpson himself is so honest that he has to say everything. He submits to a deposition to answer any question. He finds the Joint Defense Agreement nearly two years ago in Chassen's email. He has it in the tips of his fingers. What does he do? He takes a photograph of its recitals page, words at a 45 degree angle. The screen not large enough to even display it properly. He has it right there, by the former friend of a dozen years who sided against him, and he does nothing.

He acts on his counsel's advice. He takes the photograph, and then goes to the next email, never scrolling down the screen in the document preview to see what it even says. He followed the rules. He respected process and failed to get, at his own expenses, the exculpatory foundation of his defense. The very document that we respectfully submit must be disclosed before we go any further, he had and did not get himself. He followed his lawyer's advice against self-help.

Can the same be said of Kevin or Michael Wiener, when another of the critical pieces of evidence is that Kevin Wiener shared with both Receiver Huebscher and Mr. Simpson four DropBox folders on May 20, 2025. These are resends two years after the emails I introduced. Simpson saved them to his personal Dropbox folder. They have six shared users, including Kevin Wiener, who is the "owner," Jared Chassen, Jeffrey Simpson, and Eric Huebscher. In addition to having a method to access QuickBooks through Rever's accountant, these folders contain not only books and records for Rever, but for all, or nearly all, other JJ Arch controlled entities. Just as troubling, in terms of my client's personal privacy, Messrs. Wiener, Chassen, and Huebscher have and are maintaining records his personal financial information. Mr. Huebscher has all he would ever need. But the real problem here is that he never tried to get it for real. Like signals in Morse code, the request goes from client to attorney to attorney to client and back again.

Yet my colleagues fail even to respond, or even to show up in this forum, to these allegations. Made multiple times. We should not be punished for connecting the dots to their conspiracy, and refusing to be brainwashed into going along with their skeletal and constitutionally deficient contempt motion, lack of a charging statement, lack of a schedule, lack of opportunity for documents, and, we believe, lying repeatedly on the stand, believing their words will be unprovable or forgotten because they hold the very documents necessary to question them truthfully. We seek Your Honor's guidance for these reasons, and because the arguments made here will necessarily carry into the Federal actions, and rather than piecemeal arguments – and to present ourselves before this Court before any time arises for presenting the subsequent procedural history to the Federal Court, in challenging the fee awards in the removals of both the Indices #158055/2023 and 654928/2024 actions (Judge Vyskocil in the interpleader

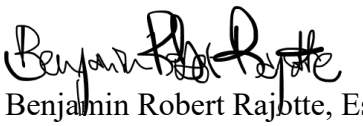
action, Index #653208/2024 by comparison simply remanded the case in a short response, a day after we submitted the Appellant Brief to Judge Vargas, requesting that the Bankruptcy Proceeding before Judge Mastando be restored but held in abeyance, subject to the Supreme Court's determination of all non-core issues and likewise on remand. We seek to cure the broken contempt trial, but moreover ensure that every move we make passes through this Court first.

This is the first time that I have gone on the offensive against a practitioner in this way. But Messrs. Schwartz, Bunin, and Koevary in particular keep opening the door with attack upon attack, as if the Courthouses were their playground, resting on ambiguities and admissions hidden like Easter eggs, My client is not the bully. He prides himself as a man of honor. He is someone who can be counted on for standing up to the bully. Kevin and Michael Wiener dial in to every Court appearance and refuse to show their faces, which would be a technical but symbolic sign of respect and availing themselves before this Court. Kevin Wiener is a lawyer. They psychologically abuse my client while videotaping the torment in a 7-hour deposition. The game of them pushing his buttons is over. On both sides. My client wishes to address Your Honor's questions in testimony. He wishes to reintroduce himself. We would like to cross-examine Mr. Chassen after the Court is satisfied that he is acting on his own free will and not simply going along for the ride, because he sees no other option. We also need their documents, which were demanded on multiple occasions in this Court and in the Bankruptcy Court.

Each bad act is a ground for an evidentiary sanction, including a negative finding or inference, a basis of our own award of attorneys' fees, and grounds for serious ethics inquiry. We respectfully object to process. Olshan in theory is my co-counsel and my adversary. Together with MSF, they represent both the plaintiff and defendant in what is likely to be the first Arch-related investor derivative suit, and my client is being hung out to dry. Yet they are chasing us before this Court at the same time, with Messrs. Koevary, Schwartz, and Bunin synchronized before Judge Furman in petitioning for attorneys' fees on Simpson's re-removal of this action, which, as I affirmed to the Southern District that I did not advise, despite feeling responsible. Before Judge Vargas again appears Messrs. Koevary, Schwartz, and Southard. We are both being held to an impossible standard, and punished for not being able to connect the dots to their fraud quick enough. The standard for both of us is to do what is reasonable and ethical under the circumstances, with this Court's guidance, and to use best efforts to do so.

In my first conversation with Attorney Schwartz, I asked him, what is your client's goal? What do you have to gain from this? What does winning look like? *What is your objective?* Mr. Schwartz paused but a moment. He answered: "It's not what we have to gain" so much as it's how much your client "has to lose." Their objective is not to win. For these reasons, undersigned counsel respectfully requests the opportunity of an *ex parte* conference with Chambers and Mr. Simpson, before the hearing, for the discretion and judgment of this Honorable Court.

Respectfully submitted,



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