

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

STEVEN R. LEVENTHAL, as representative of a  
class consisting of himself and all others similarly  
situated,

Plaintiff,

vs

BAYSIDE CEMETERY, CONGREGATION  
SHAARE ZEDEK and COMMUNITY  
ASSOCIATION FOR JEWISH AT-RISK  
CEMETERIES, INC.,

Defendants.

Index No. 100530-2011

Hon. Debra A. James

**AFFIRMATION OF RUSSELL M. STEINTHAL**

RUSSELL M. STEINTHAL, an attorney admitted to practice before the courts of this state, affirms as follows under penalty of perjury pursuant to CPLR 2106:

1. I am a partner in Axinn, Veltrop & Harkrider LLP and am counsel to Defendants Congregation Shaare Zedek and Bayside Cemetery in this matter. I am not a party to this action.
2. I submit this affirmation in support of Defendants' Opposition to Plaintiff's Motion to Vacate the Status Conference Order Dated August 19, 2016 (Motion Sequence No. 004).
3. Attached hereto as Exhibit A is a true and correct copy of the Amended Subpoena Ad Testificandum and Duces Tecum served by Plaintiff on Ethan Klingsberg, with a copy to the undersigned, dated March 2, 2015.

Dated: September 23, 2016  
New York, NY

Respectfully submitted,

AXINN VELTROP & HARKRIDER LLP



By: Russell M. Steinthal  
114 West 47<sup>th</sup> Street  
New York, NY 10036  
(212) 728-2200  
[rsteinthal@axinn.com](mailto:rsteinthal@axinn.com)

*Attorneys for Defendants*

Electronically signed pursuant to State Technology Law § 304(2), Martin v. Portexit Corp., 98 A.D. 3d 63 (1st Dep't 2012).