

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,

v.

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

Defendants.

Index No.: 100530/2011

Hon. Debra A. James

**DECLARATION OF MICHAEL M. BUCHMAN**

I, Michael M. Buchman, an attorney duly admitted to practice before this court, hereby declare under penalty of perjury pursuant to CPLR § 2106 as follows:

1. I am counsel of record in this litigation for Plaintiff Steven R. Leventhal. I respectfully submit this Declaration in support of Reply Memorandum Of Law In Support Of Plaintiff's Motion To Disqualify Defendants' Counsel Pursuant To New York Rule Of Professional Conduct 3.7(A)
2. Annexed hereto as Exhibit A is a true and correct copy of the February 5, 2015 email exchange between Michael M. Buchman and Russell M. Steinthal.
3. Annexed hereto as Exhibit B is a true and correct copy of the November 1, 2004 letter from Congregation Shaare Zedek to the Office of the Attorney General, Charities Bureau.
4. Annexed hereto as Exhibit C is a true and correct copy of the October 10, 2011 letter from Russell M. Steinthal to Justice Debra A. James.

5. Annexed hereto as Exhibit D is a true and correct copy of the May 11, 2004 letter from Ethan Klingsberg to Marlene Turner of the Office of the Attorney General – New York.
6. Annexed hereto as Exhibit E is a true and correct copy of September 13, 1976 Congregation Shaare Zedek, Bayside Cemetery internal document.
7. Annexed hereto as Exhibit F is a true and correct copy of a Congregation Shaare Zedek document titled “Summary Of Income From Sale of Cemetery Plots – Bayside And Mt. Carmel Cemeteries For The Year Ended December 31, 1964” and “Comments on Years Audit” from Harry Bayar Company for the years 1972-74 and 1976.
8. Annexed hereto as Exhibit G is a true and correct copy of the May 17, 1966 letter from Barney Kaprow to Benjamin Borowsky.
9. Annexed hereto as Exhibit H is a true and correct copy of the transcript of a June 13, 2004 Klingsberg Voicemail Message.
10. Annexed hereto as Exhibit I is a true and correct copy of October 18, 2002 *New York The Jewish Week* article titled “The Cemetery Nobody Wants.”
11. Annexed hereto as Exhibit J is a true and correct copy of a Privilege Log of Congregation Shaare Zedek.
12. Annexed hereto as Exhibit K is a true and correct copy of Page 1 and Page 51 of the July 15<sup>th</sup>, 2009 deposition of Russell Steinthal transcript.
13. Annexed hereto as Exhibit L is a true and correct copy of the October 4, 2007 *New York Daily News* article titled “Bayside Cemetery is a Disgrace, Suit Says.”
14. Annexed hereto as Exhibit M is a true and correct copy of a Congregation Shaare Zedek Trust Fund Receipt.

15. Annexed hereto as Exhibit N is a true and correct copy of the February 17, 2015 Preliminary Conference Order.

16. Annexed hereto as Exhibit O is a true and correct copy of the February 3, 2015 letter from Russell M. Steinthal to Justice Debra A. James.

17. Annexed hereto as Exhibit P is a true and correct copy of the March 2, 2015 email exchange between Michael M. Buchman and Russell M. Steinthal and a March 25, 2015 email exchange between Michael M. Buchman and Russell M. Steinthal.

18. Annexed hereto as Exhibit Q is a true and correct copy of the April 9, 2015 email exchange between Russell M. Steinthal and Michael M. Buchman.


19. Annexed hereto as Exhibit R is a true and correct copy of the April 8, 2015 email exchange between Russell M. Steinthal and Michael M. Buchman.

20. Annexed hereto as Exhibit S is a true and correct copy of the August 22, 2008 email exchange between Stephen M. Axinn and Richard Friedman.

I declare under penalty of perjury that the foregoing is true and correct. Executed in New York, New York this 21<sup>st</sup> day of August, 2015

Dated: August 21, 2015  
New York, New York

Respectfully submitted,

By:   
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