



out of proceeds of a duty free company I created with my father, in 1968, and that I financed personally and developed.

#### **GOMEZ PONZI SCHEME**

4. The reason I am in financial distress today is because I have been severely ill for a number of years with Cardiac Disease, removal of my esophagus, and Melanoma Cancer, with resultant surgeries and treatment and expenses.

5. Also, Gomez , “his partner”, Joe Burke represent in addition to Pavia, John Siebert, who defrauded me, and a potentially lucrative company that cost me a fortune of money in losses including Siebert’s theft of money for services I performed for Siebert, and for loans I made from borrowing to shore up Siebert’s defaults. The money Siebert owes me is over **\$14 million**. This is why Gomez is on a crusade to damage me Because not only am I suing Siebert and his PC, but Siebert engaged in massive tax evasion, which I uncovered and reported to Federal and State Criminal Law Enforcement armed with Siebert’s and his PC tax returns and company records. The result is and has been criminal investigations on the Federal and State level which is *prima facie*, as Siebert defrauded tax authorities over \$10 million based on fraudulent deductions. I have been of great value to Law Enforcement (see Exhibit K). I have uncovered corruption and fraud involving Courts, lawyers and others including the Parking Violations Bureau and Donald Mannis and B. Sandow, Judge Feinberg and S. Rubenstein , Esq., Leona Helmsly, George Pavia, Ed Gilbert, John Siebert, Coterie Club, Howard Krautz and Mike Burnett and many others. Gomez is a part of these “rogues gallery” of “bad apples” and thieves.

6. Siebert and Pavia and Gomez have formed an alliance to injure and discredit me, as Pavia and Siebert are presently targets of Federal and State probes embracing compromising

officials of the Department of Buildings, Court officials, tax evasion, and other illegal acts. This is the Gomez agenda. In fact, Pavia's "partner in crime" Ted Kohl was recently, (by NY District Attorney), convicted of tax evasion, money laundering and extortion and is now in prison.

7. I also point out that Gomez purchased this supposed Carlton Judgment for \$6,000.00. Here as Exhibit A, a handwritten Motion I just made as the Judgment is fraudulent, and arises out of my tenancy at Helmsly Carlton House, and a gambling emporium in the Carlton House. The supposed Judgment was fraudulently obtained in 1994 by Helmsly and Zuckerman, and never did Helmsly Carlton pursue me for it. I am seeking vacature as it is in violation of CPLR 3215, 3218 and Article 50 of CPLR. It is also not my signature and the document is a fraud. (See Exhibit M hereto). Zuckerman was cited by JSC Lowe for forging my name in a suit Zuckerman brought to discredit me and was exposed in open Court (1995).

#### **GOMEZ ASSIGNMENT OF SUPPOSED JUDGMENT IS INVALID**

- a) Gomez is not a valid Assignee. I was told by Harold Miriam of Helmsly Enterprises, the owner of the Carlton House, that he "assigned" for \$6,000.00, the Judgment to Gomez with the agreement that Helmsly would partake in any recovery up to 25%. Also, he told me that George Pavia **funded** the \$6,000.00 (as told to him by Gomez) and Pavia is also a partner in any recovery. Thus, Gomez is not a bonafide Assignee alone.
- b) Also, Gomez never produced the actual judgment or a notice of entry. (See Exhibit M). The supposed Judgment is flawed and does not bear my signature. It is a forgery.
- c) Gomez is not the true party in interest as there are partners and, thus, he is not

a true "assignee".

- d) Documents in Court file of, Carlton vs. Couri are not signed by me (i.e., confession of Judgment) In fact, "no notice was given to me as falsely stated in Attorney Zuckerman's Affidavit,<sup>1</sup> the address is wrong, as I moved out of 680 Madison Avenue (see Exhibit M).
- e) The Affirmation signed by Adrian Zuckerman, Esq. who was removed from JSC Lowe's Courtroom accused of forgery and tampering with Court documents (in 1995) and forging my signature on a fraudulent Summons with notice (see Exhibit A my Motion). Zuckerman has engaged in fraud and deception which I and the Court uncovered and Zuckerman admitted to
- f) Supposed Judgment was never provided to me since filing in 1994. I just obtained a copy today
- g) See Couri Motion. Exhibit A of the background of the Helmsly Carlton House Judgment.

8. Finally, the Secured Parties (see Exhibits B and C) from 1987 made loans to me, and have priority over anyone, facts well documented. Mr. Hunt's presentation in Court is "hocus pocus" and false. The consideration for the Security Agreements and Financing Statements to Secured Parties are valid, and for far more than \$6,000.00 that Gomez, Pavia and Siebert "invested" here and are trying to extort me and deprive Secured Parties of money due here. Please see Exhibit B three Security Agreements duly executed dated 1/15/90, 3/20/90 and

---

<sup>1</sup> Zuckerman was discharged from David & Molito and was referred to by Larry Hucher, Esq., today, a Senior Partner as a "scumbag" and liar.

2/8/2000 revealing over \$600,000.00 in loans made to me in 1989 thereafter. I also refer the Court to Exhibit K, my value to Law Enforcement and Exhibit C, UCC Financing Statements filed and continued since 1998, memorializing the Security Agreements in favor of my wife and Trusts. (See Exhibit b).

#### **SETTLEMENT OF THIS MATTER**

9. The Court signed an Order on October 30, 2008. Gomez did not on that date come forward with his Carlton Judgment Assignment which he had in his pocket, he wilfully secreted it. The 10/30/08 Order is valid, (although I disputed Pavia's Judgment to paid before Secured Parties but I went along). I respectfully ask that the Court enforce its Order of October 30, 2008 and vacate Gomez's right to obtain any money from it. Gomez has defrauded this Court and me. Accordingly, if the Court has any further doubts, the Order of October 30, 2008 must be complied with as Marlene Couri and Secured Parties have proven here their priority position by valid Security Agreements and valid filings of Financing Statements predating anyone. (See Exhibits B and C).

#### **MARLENE COURI'S PLAINTIFF'S RIGHTS**

10. Marlene Couri, as Plaintiff, must be allowed to receive immediate recovery for her claim in this case as she has no involvement in any dispute of these matters. I ask that the Court direct at least immediate payment to her directly of \$93,000.00, regardless, and the balance of Settlement Sums distributed by the Order of 10/30/08 (Marlene Court did not sign a retainer with Smith and Mondora).

11. I respectfully ask the Court to deny Gomez's position, vacate his bogus Restraining Notices as fraudulent and direct payment to Secured Parties of this money. Also permit me to

Arbitrate fee disputes with Smith and Mondora that I have commenced, if not resolved here.

(See Exhibit J)

**SECURED PARTIES MARLENE COURI AND TRUSTS  
HAVE PRIORITY LIENS SUPERCEDING ANY CREDITOR**

12. Appended as Exhibit B collectively are Security Agreements dated January 15, 1990 and Security Agreements dated March 20, 1990 and February 8, 2000. Also see, collateral related thereto, and PP.'s 2 "creating Security Interest", pp. 7 "Rights & Remedies" (Default), pp. 5 "Filing and Recording" (Financing Statements) pp. 6 "Defaults" including a-h. Also see Exhibit C, all related UCC Financing Statements. Accordingly, it is clear that Secured Parties, (see Collateral List pp. 6 as part of Security Agreements) have the absolute right and entitlement to all of James Couri's share of the settlement sums in this case pursuant to a) Security Agreements duly executed, and UCC filings, (Exhibit B and C hereto and Assignments pursuant to UCC Laws and Priority Creditor Rights). Gomez is a spoiler and a fraud, simply scheming to harass and injure me as retaliation for my uncovering an reporting to Federal Criminal Authorities he and his associates tax evasion schemes, bribing compromising court officials, and other illegal acts. I have been in the past great value to Law Enforcement (see Exhibit K), Gomez is desperate to disenfranchise me and my wife for our rights.

13. The Court Order of October 30, 2008 has not been complied with and is not vacated by your Honor. Gomez has acted in contempt of the Orders and perpetuated fraud.

14. The Court issued a Order on October 30, 2008. Gomez defrauded the Court by not revealing priority Secured Parties, or his purchase for \$6,000.00 of a flawed illegally issued Judgment for Carlton House subject now to Motion to Vacate. The Court must not reward Gomez and cause irreparable harm to Secured Parties duly recorded. I respectfully ask the Court

to distribute Settlement Sums to Marlene and Secured Parties. (i.e., Marlene Court and her Trust) (See Exhibits B and C). Gomez's hatred towards me must not impact the rights of my wife and other Secured Parties who have no nexus to Gomez or his cohorts.

#### **CARLTON HOUSE JUDGMENT PROCURED THROUGH FRAUD**

15. In 1993, I brought an action against Carlton House Helmsly Enterprises and others. (See Exhibits to Motion to Vacate Judgment Exhibit A and IRS involvement). The cases arise out of an illegal gambling casino in Carlton House owed by Helmsly. A major criminal and IRS and CID investigation ensued and Carlton Helmsly retained Adrian Zuckerman, Esq. I maintained an apartment at Carlton. In 1994, I underwent a trans hatial Esophgectomy and was hospitalized for over 6 weeks. Thereafter, I settled the cases and moved to California for over 10 months convalescing. I was not occupying 680 Madison Avenue as falsely stated in supposed "confession". (Exhibit M). I was a plaintiff in the case I settled not Defendant and I was never given notice of this scam judgment.

#### **ZUCKERMAN'S FORGERY AND FRAUD**

16. I was never served with the Judgment, never given notice of its entry, and I was residing in California. I have just uncovered that Zuckerman filed a case Carlton vs. Couri, December 21, 1994, 134976/94 and filed a supposed confession of Judgment, and a Agreement (not in file) providing supposedly the right to file it. These supposed terms violate my rights . (See please Exhibits L and M). Zuckerman claims I was given Notice of the Judgment filing by Federal Express but fails to show where he sent such Notice. I never received the Notice. I never saw this Judgment until today. Therefore, I never learned of the Judgment, never given notice by anyone. Zuckerman in late 1994 filed another case, Couri v. Carlton, Index 132092/94,

falsely claiming I was suing him and Carlton. Zuckerman forged my name on the Summons with Notice in that case, and brought an OSC before Judge Lowe. We caught Zuckerman with first hand evidence of his fraud and forgery and JSC Lowe threw him out of the courtroom, and called him a forger. Never until weeks ago did I learn of this Judgment by Carlton.

### **GOMEZ IS A FRAUD AND FAKER**

17. Gomez is a fraud and a faker. He is not the Assignee as claimed, These documents used by Zuckerman to secure this Judgment in 1994 are forgeries and tampered with. A careful reading of the confession is and not my signature, and not my **residence** as referred to in the document. Also, at the supposed time this all was allegedly agreed to, I was hospitalized and convalescing from 8 hours of surgery, 38 days in hospital, and without any council. Zuckerman tampered with these documents, and sat on the Judgment he illegally procured when he was caught by me and JSC Lowe in another case scam. The supposed Judgments are a fraud, not in compliance with and violation of law (i.e., CPLR 3215, 3218 and CPLR Article 50). I had no legal advice at the supposed settlement of the cases. I was severely ill , just out of hospital and never signed any "confession" and in fact never did for anyone in any case ever.

### **SUMMARY**

18. Gomez is no angel. I have been of great value to Law Enforcement. (Exhibit K). Gomez was a Miami domiciliary and engaged in suspect and illegal conduct with his "coach" Nancy Powers. Gomez then relocated (was forced to) to New York to form an unholy alliance with Russo Burke, George Pavia and John Siebert and all engaged in massive tax evasion, court tampering, and other illegal acts I uncovered and resulting in Federal and State Criminal probes and CID of IRS acts . (All ongoing now). This is Gomez agenda and his wilful interference into

this matter. Gomez is a fraudster and must not be allowed to tamper with this case.

**DOCUMENTS AND ORDER OF 10/30/08**

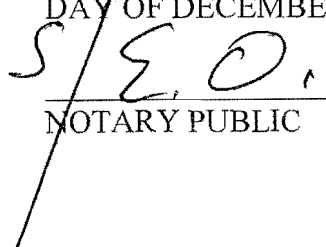
19. The Court issued a Order of October 30, 2008. The Order has not been completed with and the Court has been defrauded by Gomez antic aided by Hunt. Secured Parties have legal rights, pursuant to UCC filings and rights, priority liens and Security Agreements. (See Exhibit B and C). Gomez cannot be a spoiler and disenfranchise the Secured Parties through fraud and deceit. I beg the Court to allow the distributions be made in accordance with the Order of October 30, 2008 (as amended) by the facts and Secured Parties documented proof of entitlement. (See Exhibit L).

**LEGAL FEES**

18. Please see Exhibit J collectively. There is a fee dispute and the matter has been referred to the New York Lawyers Association to resolve. The Court respectfully should defer the fee issue to the Arbitration Division of the Lawyer's Association, and direct the Order of October 30, 2008 as amended be fulfilled if the fee matter is not resolved.

WHEREFORE, Couri's Cross Motion must be granted in all respects and any opposition denied.

  
\_\_\_\_\_  
JAMES COURI

SWORN TO BEFORE ME THIS 15<sup>th</sup>  
DAY OF DECEMBER, 2008  
  
\_\_\_\_\_  
NOTARY PUBLIC