

NAME SEARCHED: Harry Beller

PWM BIS-RESEARCH performed due diligence research in accordance with the standards set by AML Compliance for your business. We completed thorough searches

on your subject name(s) in the required databases and have attached the search results under the correct heading below.

Significant negative media results may require escalation to senior business, Legal and Compliance management. Also, all accounts involving PEPs must be escalated.

Search: Result:

RDC

PCR

BIS

Yes

No Hit

Hit

No Hit

Hit

Not Required

Not Required

No

Not Required

D&B

Smartlinx

Court Cases

Results?

Yes

Not Required

Results?

be Required

Yes

Not Required

Review by Legal May

No Results

Search not required

Prepared by: Prachi Pawa Date: 10/12/2016

Research Analyst

Instructions:

1. Review and confirm that all results are returned for your client.
2. Please note that you are still required to perform any Martindale-Hubbell search (if applicable) on each search subject. We have attached the web link below for your convenience: <http://www.martindale.com/xp/-Martindale/home.xml>
3. As needed, provide comment for any negative results.
4. If applicable, please obtain clearance from Compliance for all alerts.
5. Save any changes you make to this document and attach file to your KYC. Please note: Submission of a signed KYC is your confirmation that you have fully reviewed the research documents.

No

VII. Smartlinx

VIII. Court Cases

No

Click here for results:

I. RDC Results

II. PCR Results

III. Negative Media

IV. Non-Negative Media

Reviewer Comments (as necessary):

No RDC alert (Please see attached)

No PCR alert (Please see attached)

There was no information found

There was no information found

V. Other Language Media Not Required

VI. D&B

Not Required

Result Found(please see attached)

Result Found(please see attached)

For internal use only

OFAC RESULTS

RDC:

11593660 No Match Found

GCIS

00000483290

Harry Beller

Country:United States

Date of

Birth:

5/9/1956

PCR:

C20161034949115 Harry Beller 12013247 NCA customised Auto-Closed No-Hit

12/10/2016

BIS RESULTS

Negative Media:

There was no information found

Non-Negative Media:

There was no information found

Other Language Media:

Not Required

Public Records:

1 OF 1 RECORD(S)

FOR INFORMATIONAL PURPOSES ONLY

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Date:10/12/2016

Report processed by:

DEUTSCHE BANK AG||

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Worldbase, 11/30/2013, THE RELATED COMPANIES LP

Full Name

BELLER, HARRY I

Address

12 GOLAR DR

MONSEY, NY 10952-2845

ROCKLAND COUNTY

ADDITIONAL PERSONAL INFORMATION

SSN

DOB

081-52-XXXX

Subject Summary

Name Variations

1: BELLER, HARRY

2: BELLER, HARRY I

SSNs Summary

No. SSN

1:

081-52-XXXX

DOBs

Reported DOBs:

5/1956

Possible E-Mail Addresses

BENYBYB@GAMIAL.COM

NONAME@NONAME.COM

HBELLER@NYSGMAIL.COM

ALANBELLER1@GMAIL.COM

BENYBYB@GMAIL.COM

HARRY@NYSGLLC.COM

[REDACTED]

Others Using SSN - 0 records found

Address Summary - 4 records found

No. Address

1:

12 GOLAR DR

MONSEY, NY 10952-2845

ROCKLAND COUNTY

2:

3:

4:

1112 AVENUE V

BROOKLYN, NY 11223-5024

KINGS COUNTY

1396 E 17TH ST

BROOKLYN, NY 11230-6011

KINGS COUNTY

1391 E 14TH ST

BROOKLYN, NY 11230-5901

KINGS COUNTY

Address Details

1: 12 GOLAR DR MONSEY, NY 10952-2845

Address

12 GOLAR DR

MONSEY, NY 10952-2845

ROCKLAND COUNTY

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State Iss.

New York

Date Iss.

Warnings

Most frequent SSN attributed to subject:

1972-1974

5/1956

(Age:60)

County

ROCKLAND

Phone

(845) 369-3723

(845) 369-3825

Gender

LexID(sm)

000179328327

Dates

Phone

9/1995 - 10/2016

(845) 369-3723

(845) 369-3825

Worldbase, 11/30/2013, THE RELATED COMPANIES LP

Census Data for Geographical Region

Median Head of Household Age: 46

Median Income: \$39,922

Median Home Value: \$640,385

Median Education: 14 years

Household Members

BELLER, ALAN B

BELLER, [REDACTED] Y

BELLER, NAOMI I

BELLER, [REDACTED]

BELLER, SHARON

BELLER, STEVEN

Other Associates

STERN, MOSHE ROBERT

2: 1112 AVENUE V BROOKLYN, NY 11223-5024

Address

1112 AVENUE V

BROOKLYN, NY 11223-5024

KINGS COUNTY

Census Data for Geographical Region

Median Head of Household Age: 41

Median Income: \$42,198

Median Home Value: \$415,686

Median Education: 14 years

Household Members

BELLER, NAOMI I

Other Associates

None Listed

3: 1396 E 17TH ST BROOKLYN, NY 11230-6011

Address

1396 E 17TH ST

BROOKLYN, NY 11230-6011

KINGS COUNTY

Census Data for Geographical Region

Median Head of Household Age: 43

Median Income: \$43,768

Median Home Value: \$597,222

Median Education: 14 years

Household Members

BELLER, NAOMI I

Other Associates

STERN, MOSHE ROBERT

4: 1391 E 14TH ST BROOKLYN, NY 11230-5901

Address

1391 E 14TH ST

BROOKLYN, NY 11230-5901

KINGS COUNTY

Census Data for Geographical Region

Median Head of Household Age: 31

Median Income: \$57,262

Median Home Value: \$534,091

Median Education: 13 years

Household Members

BELLER, NAOMI I

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Dates

Phone

11/1985 - 11/1985 (718) 376-0504

Dates

1/1990 - 9/1995

Phone

(718) 375-7592

(845) 369-3825

Dates

11/1985 - 1/2003

Phone

(718) 376-1277

(718) 375-0547

(845) 369-3825

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Worldbase, 11/30/2013, THE RELATED COMPANIES LP

Other Associates

None Listed

Voter Registrations - 1 records found

1: New York Voter Registration

Registrant Information

Name: BELLER, HARRY

Residential Address: 12 GOLAR DR

MONSEY, NY 10952-2845

ROCKLAND COUNTY

Home Phone: 369-3825

SSN: 081-52-XXXX

Date of Birth: 5/1956

Gender: Male

Voter Information

Registration Date: 8/15/1996

Last Vote Date: 11/6/2012

Party Affiliation: DEMOCRAT

Active Status: ACTIVE

Driver Licenses - 0 records found

Professional Licenses - 0 records found

Health Care Providers - 0 records found

Health Care Sanctions - 0 records found

Pilot Licenses - 0 records found

Sport Licenses - 0 records found

Real Property - 2 records found

1: Assessment Record for ROCKLAND County, NY

Owner Information

Name: BELLER HARRY I & NAOMI

Address: 12 GOLAR DR MONSEY, NY 10952-2845

County/FIPS: ROCKLAND

Property Information

Address: 12 GOLAR DR MONSEY, NY 10952-2845

County/FIPS: ROCKLAND

Data Source: B

Legal Information

Assessor's Parcel

Number:

392689 56.05-3-46

Assessment Information

Assessed Value: \$86400

Total Market Value: \$24400

2: Assessment Record for ROCKLAND County, NY

Owner Information

Name: BELLER HARRY I & NAOMI

Address: 12 GOLAR DR MONSEY, NY 10952-2845

County/FIPS: ROCKLAND

Property Information

For internal use only

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Worldbase, 11/30/2013, THE RELATED COMPANIES LP

Address: 12 GOLAR DR MONSEY, NY 10952-2845

County/FIPS: ROCKLAND

Data Source: B

Legal Information

Assessor's Parcel

Number:

392689 56.5-3-46

Assessment Information

Assessed Value: \$86400

Total Market Value: \$24400

Motor Vehicle Registrations - 18 records found

1: NY MVR

Registrant Information

Registrant: BELLER, HARRY I

DOB: 5/1956

Address: 12 GOLAR DR

MONSEY, NY 10952-2845

ROCKLAND COUNTY

Registration Information

Original Registration Date: 12/17/2010

Registration Date: 12/17/2010

Registration Expiration Date: 12/16/2012

Vehicle Information

VIN: 1HGCP2F71BA036772

Class: PASSENGER CAR/LIGHT TRUCK

Model Year: 2011

Make: Honda

Model: Accord

Series: EX

Body Style: Sedan 4 Door

Weight: 3296

Plate Information

License Plate Type: Private

License Plate Number: FJA3110

Plate State: NY

Source Information

Data Source: GOVERNMENTAL

2: NY MVR

Vehicle Information

VIN: 1HGCP2F71BA036772

Class: PASSENGER CAR/LIGHT TRUCK

Model Year: 2011

Make: Honda

Model: Accord

Series: EX

Body Style: Sedan 4 Door

Weight: 3296

Owner Information

Name: BELLER, HARRY I

DOB: 5/1956

Address: 12 GOLAR DR
MONSEY, NY 10952-2845
ROCKLAND COUNTY

Lienholder Information

Name: AMERICAN HONDA FINANCE CORP.

Address: 201 LITTLE FALLS DR

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Worldbase, 11/30/2013, THE RELATED COMPANIES LP
WILMINGTON, DE 19808-1674
NEW CASTLE COUNTY

Title Information

Title Transfer Date: 1/7/2011
Title Issue Date: 1/7/2011

Source Information

Data Source: GOVERNMENTAL
3: NY MVR

Registrant Information

Registrant: BELLER, HARRY I
DOB: 5/1956

Address: 12 GOLAR DR
MONSEY, NY 10952-2845
ROCKLAND COUNTY

Registration Information

Original Registration Date: 1/6/2006
Registration Date: 12/4/2009
Registration Expiration Date: 1/5/2012

Vehicle Information

VIN: 2HKRL1865YH555697
Class: PASSENGER CAR/LIGHT TRUCK
Model Year: 2000
Make: Honda
Model: Odyssey
Series: EX
Body Style: Sport Van
Weight: 4170

Plate Information

License Plate Type: Private
Previous Plate Number: DLN7039
Previous Plate State: NY
License Plate Number: DLN7039
Plate State: NY

Source Information

Data Source: GOVERNMENTAL
4: NY MVR

Vehicle Information

VIN: 2HKRL1865YH555697
Class: PASSENGER CAR/LIGHT TRUCK
Model Year: 2000
Make: Honda
Model: Odyssey
Series: EX
Body Style: Sport Van
Weight: 4170

Owner Information

Name: BELLER, HARRY I
DOB: 5/1956
Address: 12 GOLAR DR

MONSEY, NY 10952-2845

ROCKLAND COUNTY

Title Information

Title Transfer Date: 2/3/2006

Title Issue Date: 2/3/2006

Source Information

Data Source: GOVERNMENTAL

5: NY MVR

Registrant Information

For internal use only

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Worldbase, 11/30/2013, THE RELATED COMPANIES LP

Registrant: BELLER, HARRY I

DOB: 5/1956

Address: 12 GOLAR DR

MONSEY, NY 10952-2845

ROCKLAND COUNTY

Registration Information

Original Registration Date: 12/12/2007

Registration Date: 11/18/2009

Registration Expiration Date: 12/11/2011

Vehicle Information

VIN: 1N4AL11E84C116956

Class: PASSENGER CAR/LIGHT TRUCK

Model Year: 2004

Make: Nissan

Model: Altima

Series: S/SL

Body Style: Sedan 4 Door

Color: Green

Weight: 2980

Plate Information

License Plate Type: Private

Previous Plate Number: EEW7717

Previous Plate State: NY

License Plate Number: EEW7717

Plate State: NY

Source Information

Data Source: GOVERNMENTAL

6: NY MVR

Vehicle Information

VIN: 1N4AL11E84C116956

Class: PASSENGER CAR/LIGHT TRUCK

Model Year: 2004

Make: Nissan

Model: Altima

Series: S/SL

Body Style: Sedan 4 Door

Color: Green

Weight: 2980

Owner Information

Name: BELLER, HARRY I

DOB: 5/1956

Address: 12 GOLAR DR

MONSEY, NY 10952-2845

ROCKLAND COUNTY

Title Information

Title Transfer Date: 2/20/2008

Title Issue Date: 2/20/2008

Source Information

Data Source: GOVERNMENTAL

7: NY MVR

Registrant Information

Registrant: BELLER, HARRY I

DOB: 5/1956

Address: 12 GOLAR DR

MONSEY, NY 10952-2845

ROCKLAND COUNTY

Registration Information

Original Registration Date: 10/5/2007

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Worldbase, 11/30/2013, THE RELATED COMPANIES LP

Registration Date: 9/3/2009

Registration Expiration Date: 10/4/2011

Vehicle Information

VIN: 1HGCM56147A209097

Class: PASSENGER CAR/LIGHT TRUCK

Model Year: 2007

Make: Honda

Model: Accord

Series: VALUE PACKAGE

Body Style: Sedan 4 Door

Weight: 3100

Plate Information

License Plate Type: Private

Previous Plate Number: EDC2769

Previous Plate State: NY

License Plate Number: EDC2769

Plate State: NY

Source Information

Data Source: GOVERNMENTAL

8: NY MVR

Vehicle Information

VIN: 1HGCM56147A209097

Class: PASSENGER CAR/LIGHT TRUCK

Model Year: 2007

Make: Honda

Model: Accord

Series: VALUE PACKAGE

Body Style: Sedan 4 Door

Weight: 3100

Owner Information

Name: BELLER, HARRY I

DOB: 5/1956

Address: 12 GOLAR DR

MONSEY, NY 10952-2845

ROCKLAND COUNTY

Title Information

Title Transfer Date: 11/2/2007

Title Issue Date: 11/2/2007

Source Information

Data Source: GOVERNMENTAL

9: NY MVR

Registrant Information

Registrant: BELLER, HARRY I

DOB: 5/1956

Address: 12 GOLAR DR

MONSEY, NY 10952-2845

ROCKLAND COUNTY

Registration Information

Original Registration Date: 12/27/2004

Registration Date: 11/8/2006
Registration Expiration Date: 12/26/2008
Vehicle Information
VIN: 4T1BG22K11U032654
Class: PASSENGER CAR/LIGHT TRUCK
Model Year: 2001
Make: Toyota
Model: Camry
Series: CE/LE/XLE
For internal use only

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Worldbase, 11/30/2013, THE RELATED COMPANIES LP

Body Style: Sedan 4 Door

Weight: 3027

Plate Information

License Plate Type: Private

Previous Plate Number: DCG8606

Previous Plate State: NY

License Plate Number: DCG8606

Plate State: NY

Source Information

Data Source: GOVERNMENTAL

10: NY MVR

Vehicle Information

VIN: 4T1BG22K11U032654

Class: PASSENGER CAR/LIGHT TRUCK

Model Year: 2001

Make: Toyota

Model: Camry

Series: CE/LE/XLE

Body Style: Sedan 4 Door

Weight: 3027

Owner Information

Name: BELLER, HARRY I

DOB: 5/1956

Address: 12 GOLAR DR

MONSEY, NY 10952-2845

ROCKLAND COUNTY

Title Information

Title Transfer Date: 1/31/2005

Title Issue Date: 1/31/2005

Source Information

Data Source: GOVERNMENTAL

11: NY MVR

Registrant Information

Registrant: BELLER, HARRY I

DOB: 5/1956

Address: 12 GOLAR DR

MONSEY, NY 10952-2845

ROCKLAND COUNTY

Registration Information

Original Registration Date: 10/28/2004

Registration Date: 10/28/2004

Registration Expiration Date: 12/16/2006

Vehicle Information

VIN: 2FMDA5147TBA95068

Class: PASSENGER CAR/LIGHT TRUCK

Model Year: 1996

Make: Ford

Model: Windstar

Series: WAGON

Body Style: Extended Sport Van

Weight: 3665

Plate Information

License Plate Type: Private

Previous Plate Number: CGK6529

Previous Plate State: NY

License Plate Number: CGK6529

Plate State: NY

Source Information

For internal use only

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Worldbase, 11/30/2013, THE RELATED COMPANIES LP

Data Source: GOVERNMENTAL

12: NY MVR

Vehicle Information

VIN: 2FMDA5147TBA95068

Class: PASSENGER CAR/LIGHT TRUCK

Model Year: 1996

Make: Ford

Model: Windstar

Series: WAGON

Body Style: Extended Sport Van

Weight: 3665

Owner Information

Name: BELLER, HARRY I

DOB: 5/1956

Address: 12 GOLAR DR

MONSEY, NY 10952-2845

ROCKLAND COUNTY

Lienholder Information

Name: VALLEY NATIONAL BANK

Address: 1445 VALLEY RD

WAYNE, NJ 07470-2088

PASSAIC COUNTY

Title Information

Title Transfer Date: 1/21/1999

Title Issue Date: 1/21/1999

Source Information

Data Source: GOVERNMENTAL

13: NY MVR

Registrant Information

Registrant: BELLER, HARRY I

DOB: 5/1956

Address: 12 GOLAR DR

MONSEY, NY 10952-2845

ROCKLAND COUNTY

Registration Information

Original Registration Date: 12/30/2002

Registration Date: 12/30/2002

Registration Expiration Date: 1/29/2005

Vehicle Information

VIN: 4T1VK13E8PU064878

Class: PASSENGER CAR/LIGHT TRUCK

Model Year: 1993

Make: Toyota

Model: Camry

Series: XLE

Body Style: Sedan 4 Door

Weight: 3285

Plate Information

License Plate Type: Private

Previous Plate Number: ACZ2791

Previous Plate State: NY

License Plate Number: ACZ2791

Plate State: NY

Source Information

Data Source: GOVERNMENTAL

14: NY MVR

Vehicle Information

VIN: 4T1VK13E8PU064878

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Worldbase, 11/30/2013, THE RELATED COMPANIES LP

Class: PASSENGER CAR/LIGHT TRUCK

Model Year: 1993

Make: Toyota

Model: Camry

Series: XLE

Body Style: Sedan 4 Door

Weight: 3285

Owner Information

Name: BELLER, HARRY I

DOB: 5/1956

Address: 12 GOLAR DR

MONSEY, NY 10952-2845

ROCKLAND COUNTY

Title Information

Title Transfer Date: 3/1/2001

Title Issue Date: 3/1/2001

Source Information

Data Source: GOVERNMENTAL

15: NY MVR

Registrant Information

Registrant: BELLER, HARRY I

DOB: 5/1956

Address: 12 GOLAR DR

MONSEY, NY 10952-2845

ROCKLAND COUNTY

Registration Information

Original Registration Date: 1/3/2000

Registration Date: 1/3/2000

Registration Expiration Date: 1/24/2002

Vehicle Information

VIN: JN1PB2513HU017355

Class: PASSENGER CAR/LIGHT TRUCK

Model Year: 1987

Make: Nissan

Model: Sentra

Series: E~GXE~XE

Body Style: Station Wagon

Plate Information

License Plate Type: Private

Previous Plate Number: F288VB

Previous Plate State: NY

License Plate Number: F288VB

Plate State: NY

Source Information

Data Source: GOVERNMENTAL

16: NY MVR

Vehicle Information

VIN: JN1PB2513HU017355

Class: PASSENGER CAR/LIGHT TRUCK

Model Year: 1987
Make: Nissan
Model: Sentra
Series: E~GXE~XE
Body Style: Station Wagon
Owner Information
Name: BELLER, HARRY I
DOB: 5/1956
Address: 12 GOLAR DR
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Worldbase, 11/30/2013, THE RELATED COMPANIES LP
MONSEY, NY 10952-2845
ROCKLAND COUNTY

Title Information

Title Transfer Date: 1/2/1998
Title Issue Date: 1/2/1998

Source Information

Data Source: GOVERNMENTAL
17: NY MVR

Registrant Information

Registrant: BELLER, HARRY I
DOB: 5/1956

Address: 12 GOLAR DR
MONSEY, NY 10952-2845
ROCKLAND COUNTY

Registration Information

Original Registration Date: 3/31/1997
Registration Date: 3/31/1997
Registration Expiration Date: 5/6/1999

Vehicle Information

VIN: 2G2AG81W9J9220914
Class: PASSENGER CAR/LIGHT TRUCK
Model Year: 1988
Make: Pontiac
Model: 6000
Series: LE
Body Style: Station Wagon
Weight: 3550

Plate Information

License Plate Type: Private
License Plate Number: A391LZ
Plate State: NY

Source Information

Data Source: GOVERNMENTAL
18: Non-Governmental Vehicle Record

Vehicle Information

VIN: KMH DU46D79U677622
Class: PASSENGER CAR/LIGHT TRUCK
Model Year: 2009
Make: Hyundai
Model: Elantra
Series: GLS/SE
Body Style: Sedan 4 Door

Owner Information

Name: BELLER, HARRY
DOB: 5/1956

Address: 12 GOLAR DR
MONSEY, NY 10952-2845
ROCKLAND COUNTY

Source Date First Seen: 2/11/2016

Source Date Last Seen: 2/11/2016

Source Information

Data Source: NON-GOVERNMENTAL

Boats - 0 records found

Aircraft - 0 records found

Bankruptcy Information - 0 records found

Judgments/Liens - 0 records found

UCC Liens - 0 records found

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Worldbase, 11/30/2013, THE RELATED COMPANIES LP

Fictitious Businesses - 0 records found

Notice Of Defaults - 0 records found

Potential Relatives - 8 records found

1st Degree: 8

No.

1.

Full Name

BELLER, NAOMI I

SSN:082-70-XXXX

DOB:5/1964

(Age: 52)

Address/Phone

12 GOLAR DR

MONSEY, NY 10952-2845

(845) 369-3723

(845) 369-3825

1396 E 17TH ST

BROOKLYN, NY 11230-6011

(718) 375-7592

(845) 369-3825

1112 AVENUE V

BROOKLYN, NY 11223-5024

(718) 376-1277

(718) 375-0547

1391 E 14TH ST

BROOKLYN, NY 11230-5901

(718) 376-0504

414 S CLOVERDALE AVE APT 108

LOS ANGELES, CA 90036-3444

2.

BELLER, STEVEN

SSN:131-80-XXXX

DOB:12/1992

(Age: 23)

3.

BELLER, SHARON

SSN:082-76-XXXX

4.

BELLER, [REDACTED]

SSN:082-76-XXXX

2635 NOSTRAND AVE APT 3A

BROOKLYN, NY 11210-4604

12 GOLAR DR

MONSEY, NY 10952-2845

(845) 369-3723

(845) 369-3825

12 GOLAR DR

MONSEY, NY 10952-2845

(845) 369-3723

(845) 369-3825
414 S CLOVERDALE AVE APT 108
LOS ANGELES, CA 90036-3444
12 GOLAR DR
MONSEY, NY 10952-2845

(845) 369-3723
(845) 369-3825

5.

BELLER, ALAN B
SSN:116-78-XXXX

6.

BELLER, BRIAN Y
12 GOLAR DR
MONSEY, NY 10952-2845

(845) 369-3723
(845) 369-3825

12 GOLAR DR

MONSEY, NY 10952-2845

(845) 369-3723
(845) 369-3825

7.

BELLER, SAMUEL
1112 AVENUE V APT 19H
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Worldbase, 11/30/2013, THE RELATED COMPANIES LP

No.

Full Name

- AKA BELLER, SAM
- AKA BELLER, SAM
- AKA SAMUEL, BELLER

SSN:086-24-XXXX

DOB:8/1928

(Age: 88)

8.

BELLER, HANNA

- AKA HANNA, BELLER

SSN:124-26-XXXX

DOB:5/1934

(Age: 82)

Business Associates - 0 records found

Person Associates - 6 records found

No. Full Name

Address

1: GOULD, WALTER R

GOULD, WALTER P

SOULD, WALTER

82 MONROE AVE

DOVER, NJ 07801-5534

166 FRANKLIN RD APT B2

RANDOLPH, NJ 078691609

7148

COUNTY ROAD 32

NORWICH, NY 13815-3317

393 TURNER ST

OXFORD, NY 13830-3276

79 MONROE AVE 87

DOVER, NJ 07801-5505

2: STERN, MOSHE ROBERT

STERN, ROBERT M SR

STERN, M SR

18 CHARLOTTE DR

SPRING VALLEY, NY

10977-1126

12 GOLAR DR

MONSEY, NY 10952-2845

1396 E 17TH ST

BROOKLYN, NY 112306011

P0

BOX 1058

WYNNEWOOD, PA 19096

12 GARFIELD RD

MONROE, NY 10950-6027

3: STERN, YOAV

18 CHARLOTTE DR

SPRING VALLEY, NY
10977-1126
058-60-XXXX (845) 362-6426
(845) 369-3723
(845) 369-3723
(845) 369-3825
For internal use only
1/1961
081-46-XXXX (718) 375-7592
(845) 362-6426
(845) 369-3723
(845) 369-3825
(845) 783-1526
(845) 783-3106
(845) 783-9492
7/1935
Address/Phone
BROOKLYN, NY 11223-5024
(718) 376-1277
251 174TH ST APT 206
SUNNY ISLES BEACH, FL 33160-3354
(718) 376-1277
1112 AVENUE S
BROOKLYN, NY 11223-3330
1112 AVENUE V APT 19H
BROOKLYN, NY 11223-5024
(718) 376-1277
1112 AVENUE S
BROOKLYN, NY 11223-3330
111 2ND AVE APT V
BROOKLYN, NY 11215-3810
SSN
Phone
DOB
155-42-XXXX (607) 843-6490 8/1951
5/1951

Worldbase, 11/30/2013, THE RELATED COMPANIES LP

No. Full Name

Address

4 KIRYAS RADIN DR APT
SPRING VALLEY, NY
10977-1354

12 GOLAR DR
MONSEY, NY 10952-2845
KIRYAS RADIN DR
SPRING VALLEY, NY
10977

4: STERN, GILAH RACHEL
18 CHARLOTTE DR
SPRING VALLEY, NY
10977-1126

4 KIRYAS RADIN DR APT
SPRING VALLEY, NY
10977-1354

12 GOLAR DR
MONSEY, NY 10952-2845
5: SENDEROWICZ, JUDITH
STERN, JUDITH

12 GOLAR DR
MONSEY, NY 10952-2845
3410 N LAKE SHORE DR
APT 80
CHICAGO, IL 60657-2813
7257 N LINCOLN AVE
LINCOLNWOOD, IL 607121810

6:
SENDEROWICZ, YOSSEI
165 W SCHILLER ST APT
2R

CHICAGO, IL 60610-1947
3410 N LAKE SHORE DR
APT 80

CHICAGO, IL 60657-2813
203 W 94TH ST APT 4A
NEW YORK, NY 100256942

1
CEDARLAWN AVE
LAWRENCE, NY 115591714
12

GOLAR DR
MONSEY, NY 10952-2845

Neighbors - 9 records found
12 GOLAR DR MONSEY, NY 10952-2845

Name

COHEN, SHLOMO Y
MARGARETTEN, GOLDY M

MARGARETTEN, HERSHEL
ROSENTHAL, JACK
GLASS, THELMA LR
Address

5 GOLAR DR
MONSEY, NY 10952-2846

Phone
(845) 426-0707
(845) 357-8209
214-41-XXXX (516) 239-9002
(646) 799-9528
(845) 369-3723
(845) 369-3825
219-15-XXXX (845) 369-3723
(845) 369-3825
(847) 673-2115
(847) 933-2600
(847) 933-2605

2/1966
218-11-XXXX (845) 362-6426
(845) 369-3723
(845) 369-3723
(845) 369-3723
(845) 369-3825
2/1966

SSN
Phone
DOB

6 GOLAR DR
(845) 362-4541
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Worldbase, 11/30/2013, THE RELATED COMPANIES LP

SCHENK, AVRAHAM TZVI
SCHENK, DAVID M
SCHENK, PNINA M
GOLDSTEIN, YISRAEL B
MARKOWITZ, GILDA H
MARKOWITZ, JEROME H
LEVITAN, D
LEVITAN, CHAIM ZEV
SHVIRTZ, SHLOMO M
LEVITAN, RACHEL Z
BAUM, WALTER
KURTZER, DORIS
KURTZER, YITZCHOK BARRY
LEIBOV, T
LEIBOV, ISAAC J
STEINBERG, NAOMI Y
FARKASH, CHANA BLUMA
FARKASH, SHMUEL
FARKISH, DAVID
FARKISH, REYZEL
SHEINBERGER, BENZION
PECHTER, CHAIM C
PECHTER, CHANA
PECHTER, ELI
PECHTER, SHMUEL
MIZRACHI, ANAT TZIPORRA
MIZRACHI, JACOB O
MIZRACHI, SHMUEL
PTALIS, DAVID
PTALIS, MILDRED
PTALIS, SAMUEL N
MONSEY, NY 10952-2845
9 GOLAR DR
MONSEY, NY 10952-2846
(845) 426-3100
10 GOLAR DR
MONSEY, NY 10952-2845
10 GOLAR DR APT 1
MONSEY, NY 10952-2845
11 GOLAR DR
MONSEY, NY 10952-2846
(845) 368-2753
(914) 368-2753
(845) 357-3949
(845) 357-8503
13 GOLAR DR
MONSEY, NY 10952-2846
14 GOLAR DR
MONSEY, NY 10952-2845

(845) 357-3055
15 GOLAR DR
MONSEY, NY 10952-2846
(845) 369-1888
(845) 357-2526
(914) 368-0228

Employment Locator - 1 records found

1:

Company Name: CITIBANK

Name: BELLER, HARRY I

SSN: 081-52-XXXX

Confidence: Medium

Criminal Filings - 0 records found

Cellular & Alternate Phones - 1 records found

1:

Personal Information

Name: BELLER, HARRY

Address: 12 GOLAR DR

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Worldbase, 11/30/2013, THE RELATED COMPANIES LP

MONSEY, NY 10952-2845

Phone Number: (212) 891-6428

Phone Type: Residential

Carrier Information

Carrier: VERIZON NEW YORK INC

Carrier City: NEW YORK CITY

Carrier State: NY

Sources - 72 records found

All Sources

Deed Transfers

Email addresses

Historical Person Locator

Motor Vehicle Registrations

Person Locator 1

Person Locator 2

Person Locator 4

Phone

PhonesPlus Records

Tax Assessor Records

Voter Registrations

72 Source Document(s)

4 Source Document(s)

8 Source Document(s)

4 Source Document(s)

20 Source Document(s)

3 Source Document(s)

9 Source Document(s)

1 Source Document(s)

6 Source Document(s)

1 Source Document(s)

15 Source Document(s)

1 Source Document(s)

D&B:

Not Required

LEGAL RESULTS:

Court Cases:

Mark H. FELDMAN pro se, Plaintiff, v. JACKSON MEMORIAL
HOSPITAL, etc., et al., Defendants

No. 79-758-Civ.-JWK

UNITED STATES DISTRICT COURT FOR THE SOUTHERN
DISTRICT OF FLORIDA

509 F. Supp. 815; 1981 U.S. Dist. LEXIS 11119; 1981-2 Trade
Cas. (CCH) P64,165

February 23, 1981

SUBSEQUENT HISTORY: [**1] As Corrected March 17, 1981.

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509 F. Supp. 815, *; 1981 U.S. Dist. LEXIS 11119, **;

1981-2 Trade Cas. (CCH) P64,165

CASE SUMMARY:

PROCEDURAL POSTURE: Defendants moved the court to dismiss plaintiff's complaint, which alleged violations of 42 U.S.C.S. §§ 1983, 1985, and 1986, and 15 U.S.C.S. §§ 1 and 2.

OVERVIEW: Plaintiff was denied membership on the medical staff, a privilege granted to most licensed physicians. He sued defendants, alleging that they had willfully and maliciously acted to prevent him from practicing podiatry in certain public and private hospitals by withholding that privilege. Specifically, he alleged that defendants' actions had deprived him of his civil rights in violation of 42 U.S.C.S. §§ 1983, 1985, and 1986; he also argued that their behavior violated 15 U.S.C.S. §§ 1 and 2 as a conspiracy in restraint of trade. Defendants moved the court for dismissal. Noting that pro se pleadings mandated a more lenient standard, the court held that dismissal of plaintiff's antitrust claims would have been premature. Accordingly, the court determined that it would determine the substance of plaintiff's antitrust allegations after he had been afforded an opportunity to conduct limited discovery into the issues, and to reply to the objections then raised by defendants. Finding no federal right to membership on a hospital staff, the court granted defendants' motion with respect to the civil rights allegations.

OUTCOME: The court concluded that plaintiff had no cognizable claim that his civil rights had been violated, but refused to dismiss his complaint as to his antitrust claim.

Defendants' motion was thus granted in part and denied in part.

CORE TERMS: interstate commerce, SHERMAN ACT, podiatrist, conspiracy, staff, administrators, orthopedic, jurisdictional, patients, doctors, medical staff, private hospitals, membership, podiatry, cause of action, civil rights, federal right, deprived, training, state law, pro se, involvement, class-based, profession, interstate, antitrust, invidious, licensed, nexus, color

LexisNexis(R) Headnotes

Civil Procedure > Pleading & Practice > Defenses, Demurrers & Objections > Motions to Dismiss

[HN1] When determining a motion to dismiss, courts are obliged to construe

all of the
material allegations contained in the complaint in the light most favorable
to the plaintiff
with those allegations accepted as true.

Civil Procedure > Pleading & Practice > Defenses, Demurrers & Objections >
Motions to Dismiss

[HN2] Dismissal of an action on a bare-bones pleading should always be
carefully and
deliberately considered since it is a precarious option with a high
mortality rate.

Civil Procedure > Parties > Self-Representation > Pleading Standards
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[HN3] Pro se pleadings are to be held to a less stringent standard than those drafted by an attorney.

Civil Procedure > Pleading & Practice > Defenses, Demurrers & Objections > Motions to Dismiss

Civil Procedure > Pleading & Practice > Pleadings > Complaints > Requirements

[HN4] Fed. R. Civ. P. 8(a) enunciates the general standard that a pleading must meet in

order to withstand a motion to dismiss. The pleader is entitled to considerable latitude

regarding the mode of stating his claim for relief, provided the pleading gives reasonable

notice of the claim or claims asserted.

Constitutional Law > Congressional Duties & Powers > Commerce Clause >

Interstate Commerce > General Overview

Healthcare Law > Antitrust Actions > Facilities

Transportation Law > Interstate Commerce > Federal Powers

[HN5] The general scope of the Sherman Act ("Act"), 15 U.S.C.S. § 1, et seq., encompasses the entire regulatory power granted congress under the commerce clause.

Although the Act includes more than simply a restraint on trade motivated by a desire to

limit interstate commerce, federal enforcement must turn initially on whether or not the acts

alleged in the complaint could likely have a substantial and adverse effect upon interstate

commerce.

Antitrust & Trade Law > Sherman Act > Jurisdiction

[HN6] Even a wholly intrastate activity may be regulated by the Sherman Act, 15 U.S.C.S.

§ 1 et seq., where that activity would place an unreasonable burden on the free and

uninterrupted flow of interstate commerce.

Civil Rights Law > Section 1983 Actions > Scope

[HN7] In order to sustain a 42 U.S.C.S. § 1983 claim, plaintiff must allege: that the

defendants deprived him of some right secured by the United States Constitution or laws

of the United States and that the defendants acted under color of state law.

Civil Rights Law > Section 1983 Actions > Elements > Protected Parties

Civil Rights Law > Section 1983 Actions > Scope

[HN8] Both elements of a 42 U.S.C.S. § 1983 action must be alleged and proven before

relief can be forthcoming.

Civil Rights Law > Section 1983 Actions > Elements > Color of State Law >

General

Overview

Healthcare Law > Actions Against Healthcare Workers > General Overview

[HN9] Private entities are subject to the civil rights laws only if their activities are

significantly affected with state involvement.

Civil Rights Law > Section 1983 Actions > Scope

[HN10] A private hospital is subject to the provisions of 42 U.S.C.S. § 1983 and U.S.

Const. amend. XIV only if its activities are significantly affected with state involvement.

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Civil Rights Law > Private Discrimination

Civil Rights Law > Section 1983 Actions > Scope

[HN11] Title 42 U.S.C.S. § 1983 and U.S. Const. amend. XIV do not preclude invidious

discrimination by private parties.

Civil Rights Law > Section 1983 Actions > Elements > Color of State Law > General

Overview

[HN12] The mere existence of some government tie to a private organization is not

sufficient to support a finding of state action where the state has not sufficiently involved

itself in the invidious discrimination. Moreover, the state must be involved in more than

some activity of the offending institution itself, it must have been involved with the activity

that caused the injury to plaintiff.

Civil Rights Law > Section 1983 Actions > Elements > Color of State Law > General

Overview

[HN13] The mere fact that a business is subject to state regulation does not by itself

convert its action into that of the state for purposes of U.S. Const. amend. XIV.

Civil Rights Law > Conspiracy > Knowing Nonprevention

[HN14] No claim for relief will lie under 42 U.S.C.S. § 1986 until a valid claim has been

established under 42 U.S.C.S. § 1985.

COUNSEL: Mark H. Feldman, pro se.

J. Elisabeth Middlebrooks, Richard B. Adams, A. Blackwell Stieglitz, Miami, Fla., for

defendants.

OPINION BY: KEHOE

OPINION

[*816] MEMORANDUM ORDER ON MOTION TO DISMISS

Mark H. Feldman, a licensed podiatrist, has filed this pro se action against multiple

defendants, including many physicians, hospitals [*817] and medical administrators

located in the southern Florida geographical area. Central to plaintiff's cause is his

allegation that the defendants have willfully and maliciously acted to prevent him from

practicing podiatry 1

in certain public and private hospitals by denying him membership on

the medical staff normally granted licensed physicians. Plaintiff alleges that the

defendants' actions have amounted to a conspiracy in restraint of trade and

that they have
deprived him of his constitutionally guaranteed civil rights.

1.
"The diagnosis and treatment of foot disorders." J. Schmidt, Attorneys'
Dictionary of Medicine and Word Finder (1980).

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[**2] Plaintiff's original 54 page Complaint was dismissed without prejudice on the

grounds that it was repetitious, redundant and violated rules 8 and 10 of the Federal Rules

of Civil Procedure. Plaintiff was subsequently permitted to amend his Complaint and filed

an Amended Complaint considerably abridged to 14 pages. The defendants have responded to the Amended Complaint by renewing their original joint motion to dismiss

pursuant to Fed.R.Civ.P. 12(b) and adopting the arguments (with some supplementation)

contained therein. They contend that, notwithstanding its newly condensed format, the

Amended Complaint remains incurably defective since, inter alia, the Court lacks

jurisdiction over the subject matter of the action, and it fails to state a claim upon which

relief can be granted.

The Court reserved ruling on the matter until the defendants had an opportunity to depose

the plaintiff in order to ascertain more fully the specific allegations underlying his cause of

action. Plaintiff has now been deposed and accordingly, the motion to dismiss is ripe for

consideration by the Court.

I. THE STANDARD BY WHICH THE AMENDED COMPLAINT MUST BE MEASURED

Plaintiff's Amended Complaint is [**3] directed against numerous parties, among them

various doctors, medical administrators, public and private hospitals. 2 Plaintiff [*818]

alleges: (a) that certain defendant physicians conspired with the defendant hospitals to

prevent him from competing in the medical marketplace by arbitrarily rejecting his

application to practice podiatry in those hospitals; (b) that the defendants conspired to ruin

plaintiff's podiatry practice and drive him out of business; (c) that the defendants interfered

with plaintiff's right to practice his chosen profession and to contract with patients

regarding medical services; (d) that the defendants maliciously discriminated against him

solely because he is a podiatrist and not a physician; and (e) that the defendants generally

violated his civil rights. Plaintiff seeks a judgment from the Court which would primarily rule

that he cannot be denied membership on the staff of the defendant hospitals, that would

allow him the use of the medical facilities of those hospitals, and that would enjoin the defendants from controlling or regulating the practice of podiatry in any way. Plaintiff also seeks compensatory and punitive damages totaling 50 million [**4] dollars.

2. The Amended Complaint contains the following list of defendants: Jackson Memorial Hospital; The Board of Trustees, Public Health Trust of Dade County, Florida; Fred J. Crowell, President, Public Health Trust; William W. Cleveland, M.D., President of the Medical Staff; Robert Zeppa, M.D., Chief of Surgery; William McCollough, M.D., Chief of Orthopedics; Augusto Sarmiento, M.D.; Wallace Miller, M.D.; Harry Berrer, M.D.; Alan Cohen, M.D.; Edward Cullipher, M.D.; Harvey Grable, M.D.; Ledford Gregory, M.D.; Michael Gurver, M.D.; Marshall Hall, M.D.; Claude Holmes, M.D.; Arthur Pearl, M.D.; Salvador Ramirez, M.D.; Thomas Samartino, M.D.; Mario Stone, M.D.; William Terheyden, M.D.; Samuel Turek, M.D.; and Cedars of Lebanon Hospital Corp., Inc.; and Cedars of Lebanon Hospital Care Center, Inc.; Dr. Jay Ziskind; Rufus Broadway, M.D., Chief of Surgery; Marshall Hall, M.D., Chief of Orthopedics; Eugene Konrad, M.D., Chief of the Medical Staff; Harry Beller, M.D.; Alan B. Cohen, M.D.; Edward Cullipher, M.D.; Harvey Grable, M.D.; Salvador Ramirez, M.D.; Mario Stone, M.D.; and Mount Sinai Medical Center, Inc.; Alvin Goldberg, Executive Director; Harold Glick, M.D., Chief of the Medical Staff; Charles Weiss, M.D., Chief of Orthopedics; Sheldon Marne, D.P.M., Podiatrist; Mario Stone, M.D.; Samuel Turek, M.D.; Alvin Tobis, M.D.; Lester Russin, M.D.; and South Broward Hospital District, Memorial Hospital of Hollywood, Inc.; Maynard Abrams, Chairman, South Broward Hospital District; S.A. Mudano, Administrator; Robert Berger, M.D., Chief of Staff; Harry Fisher, M.D., Chief of Orthopedics; Paul Baxt, M.D.; Larry Rosenbaum, M.D.; Alfonso Petty, M.D.; George Crane, M.D.; Robert Niles, M.D.; North Broward Hospital District, Inc.; North Broward Hospital District Board of Commissioners; Hamilton Forman, Chairman; Bernie Welch, District Director and Hospital Administrator; Broward General Medical Center, Inc.; George F. Rahilly, M.D., Chief of Staff and Orthopedic Surgeon; and North Broward Hospital, Inc.; Robert L. Kennedy, Administrator; B. McNierney, M.D.; J. Gamble, M.D.; Niles Lestrangle, M.D.; Peter Sciarrett, M.D.; Wylie Scott, M.D.; and Florida Medical Center Hospital, Inc.; Maxwell Dauer, Ph.D.; Frank Stein, M.D.; Alvin Stein, M.D.; Gary Krulik, M.D.; and Bennett Community Hospital, Inc.; and Holy Cross Hospital, Inc.; and North Beach Medical Center, Inc.; and Pembroke Pines General Hospital, Inc.; David Drant, M.D.; Martin Medelson,

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M.D.; Alfonso Petti, M.D.; Robert Bronfman, M.D.; Neil Beinhaker, M.D.; Larry Rosenbaum, M.D.; and Imperial Point Hospital, Inc.; George F. Rahilly, M.D.; Sidney Cole, M.D.; Doctors General Hospital, Inc.; D. L. Gross, Administrator; E. Rockwood, D.O.; International Hospital, Inc.; John Silver, Administrator; and North Miami General Hospital, Inc.; Robert Bruce, Administrator; Lloyd Moriber, M.D., Chief of Orthopedics; Melvyn Drucker, M.D.; and Cypress Community Hospital, Inc.; Barry Schochet, Administrator; and North Ridge General Hospital, Inc.; David Cornell, Administrator. Some of the defendants have been listed more than once in the style of the Amended Complaint.

One of the contentions raised by the defendants in their joint motion to dismiss is that not all defendants have been properly served. The Court will reserve ruling on the service aspects of the motion to dismiss.

[**5] Plaintiff invokes the Court's jurisdiction under 28 U.S.C. §§ 1343, 2201, 2202, 15

U.S.C. §§ 15, 26, and 42 U.S.C. §§ 1983, 1985 and 1986. The Court has jurisdiction to

decide all of the issues raised by the motion to dismiss.

[HN1] When determining a motion to dismiss, of course, the Court is obliged to construe

all of the material allegations contained in the Amended Complaint in the light most

favorable to the plaintiff with those allegations accepted as true. See, e.g., Jenkins v.

McKeithen, 395 U.S. 411, 89 S. Ct. 1843, 23 L. Ed. 2d 404 (1969); Voter Information

Project v. City of Baton Rouge, 612 F.2d 208 (5th Cir. 1980); 5 Wright & Miller, Federal

Practice and Procedure: Civil § 1363 (1969). Moreover, [HN2] dismissal of an action on a

barebones pleading should always be carefully and deliberately considered since it is a

precarious option with a high mortality rate. Voter Information Project, supra; Barber v.

M/V "Blue Cat," 372 F.2d 626 (5th Cir. 1967).

Plaintiff has proceeded pro se with his action from its inception despite the Court's

admonition that the assistance of counsel would be highly beneficial in this case, a cause

involving several subtle and complex issues of law. [**6] In considering the motion to

dismiss, however, the Court has not penalized plaintiff for proceeding in his own behalf

where the law mandates that [HN3] pro se pleadings are to be held to a less stringent

standard than those drafted by an attorney. Haines v. Kerner, 404 U.S. 519,

92 S. Ct. 594,
30 L. Ed. 2d 652 (1972); Craft v. Texas Board of Pardons & Paroles, 550 F.2d
1054 (5th
Cir.), cert. denied, 434 U.S. 926, 98 S. Ct. 408, 54 L. Ed. 2d 285 (1977);
Shaw v. Briscoe,
541 F.2d 489 (5th Cir. 1976), cert. denied, 430 U.S. 933, 97 S. Ct. 1556, 51
L. Ed. 2d 778
(1977); Bruce v. Wade, 537 F.2d 850 (5th Cir. 1976); Williams v. McCall, 531
F.2d 1247
(5th Cir. 1976); Cook v. Whiteside, 505 F.2d 32 (5th Cir. 1974). 3
Indeed, the Court finds
plaintiff's Amended Complaint to be rather skillfully drafted when
considering the complex
issues raised and the fact that plaintiff has no prior legal experience.
3. Although these cases all arise in the context of prisoner pro se
pleadings, the same standard should apply to a nonprisoner
plaintiff where he chooses to proceed in his own behalf.
[**7] Following the guidance of these fundamental principles, the Court has
conducted a
careful review of the Amended Complaint and concludes that plaintiff is
unable to state a
claim upon which relief can be granted as to that portion of the Amended
Complaint
asserting violations of his civil rights. As for the remainder of the
Amended Complaint
alleging antitrust violations, [*819] the Court concludes that it would be
premature to
dismiss at the present stage of the proceedings. A discussion of the
rationale behind this
determination is in order.
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II. GENERAL PLEADING REQUIREMENTS

[HN4] Fed.R.Civ.P. 8(a) enunciates the general standard that a pleading must meet in

order to withstand a motion to dismiss. The pleader is entitled to considerable latitude

regarding the mode of stating his claim for relief, provided the pleading gives reasonable

notice of the claim or claims asserted. The Court considers the Amended Complaint

amply sufficient to meet the general notice requirements of Rule 8 by adequately setting

forth a claim and giving the defendants fair notice of its basis. Conley v. Gibson, 355 U.S.

41, 78 S. Ct. 99, 2 L. Ed. 2d 80 (1957); 5 Wright & Miller, Federal Practice and [**8]

Procedure : Civil §§ 1216, 1217, 1286 (1969). 4

4. Out of an abundance of caution and at the defendants' request, the Court ordered plaintiff deposed in order that the underlying nature of his claim was more readily understood. As a result, the defendants were fully apprised of the nature of this claim.

III. SHERMAN ACT ALLEGATIONS

The Sherman Act, 15 U.S.C. § 1 et seq., was enacted in 1890 to prohibit combinations and

conspiracies in restraint of trade (Section 1), and to regulate monopolies (Section 2).

Federal jurisdiction is predicated upon an allegation that the actions of the defendant have

some nexus or connection with interstate commerce. Before the federal court can acquire

jurisdiction, a plaintiff must show that the defendant's actions substantially and adversely

affect interstate commerce. Failure to satisfy this threshold jurisdictional prerequisite will

result in the dismissal of the complaint.

[HN5] The general scope of the Sherman Act encompasses the entire regulatory power

granted Congress [**9] under the Commerce Clause. Apex Hosiery Company v. Leader,

310 U.S. 469, 60 S. Ct. 982, 84 L. Ed. 1311 (1940). Although the act includes more than

simply a restraint on trade motivated by a desire to limit interstate commerce, federal

enforcement must turn initially on whether or not the acts alleged in the complaint could

likely have a substantial and adverse effect upon interstate commerce.

Hospital Building

Company v. Trustees of Rex Hospital, 425 U.S. 738, 96 S. Ct. 1848, 48 L. Ed.

2d 338

(1976); *Gulf Oil Corp. v. Copp Paving Co.*, 419 U.S. 186, 95 S. Ct. 392, 42 L. Ed. 2d 378

(1974); *Burke v. Ford*, 389 U.S. 320, 88 S. Ct. 443, 19 L. Ed. 2d 554 (1967).

If so, [HN6]

even a wholly intrastate activity may be regulated by the Sherman Act where that activity

would place an unreasonable burden on the "free and uninterrupted flow of interstate

commerce." *Rex Hospital*, supra, 96 S. Ct. at 1853. As one commentator described the

jurisdictional test to be applied in determining the sufficiency of a Sherman Act complaint:

[The] test applies when the challenged conduct is not "in commerce;" it will nevertheless be subject to the Act if it

materially affects interstate commerce. In deciding [**10] these issues, quantitative factors become pertinent.

It is

necessary not only that there be a logical causal connection between the activity and the flow of commerce, it is also

necessary that the flow of commerce be affected in some substantial way; if the impact is trivial, the Sherman Act does

not apply. Thus, the only commercial activities beyond the reach of the Sherman Act are those which are local in the

double sense that they are neither within nor have any significant effect on the flow of interstate commerce. (footnotes omitted)

L. Sullivan, *The Law of Antitrust* (1977), § 233 at 710.

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Plaintiff's allegations respecting interstate commerce are contained in paragraphs 24

through 28 of the Amended Complaint:

24. A significant number of patients, actual and potential of the plaintiff and defendant doctors and hospitals, are covered by the Federal Medicare and State Medicaid Programs. Treatment of those patients generates millions of dollars of interstate revenue.

[*820] 25. Defendant hospitals annually receive millions of dollars from insurance companies located outside of Florida for medical and surgical services provided by defendant [**11] hospitals and doctors to non permanent nonresident patients.

26. Defendant doctors and hospitals purchase millions of dollars of supplies and equipment from sources outside of the state.

27. Rules and regulations promulgated by defendant doctors and hospitals to control the practice of Podiatrists, by limiting the privileges, refusing admittance, came from out of state sources (sic), as in the instance of defendant Jackson Memorial Hospital, whose GUIDELINES FOR PODIATRY came from THE DEPARTMENT OF ORTHOPEDIC SURGERY at the Massachusetts General Hospital in Boston, Mass.

28. Cessation and interruption of Podiatry Clinics and Training programs in defendant hospitals denied to out of state

Podiatrists essential surgical training necessary to compete for surgical patients in their home States. Elimination of said training programs by defendant hospitals and orthopedic surgeons prevented out of state Podiatrists from coming to Florida specifically for such surgical training programs.

Plaintiff's first jurisdictional hurdle is to establish the required nexus between the defendants' challenged activity and interstate commerce. It is this Court's [**12]

determination that plaintiff has met this burden and properly invokes the Court's jurisdiction under the Sherman Act.

The restraint that plaintiff opposes in his action is that involving an alleged conspiracy by

the defendants to deny podiatrists in general, 5

of access to hospital facilities, that access accorded members of the hospital's medical

staff. Membership in the medical staff is usually limited to licensed physicians.

5. There are no class action allegations contained in the Amended Complaint. The hospitals involved in this action furnish medical care and services to the community in

a variety of ways: by caring for patients, training doctors and staff

personnel, developing
research facilities, and extending staff privileges to private physicians.
Much of this activity
happens to spill across the boundaries of Florida and into the stream of
interstate
commerce.

It is this activity of providing medical care to patients that the
defendants allegedly [**13]
seek to exclude plaintiff from participation and involvement. It is this
activity that must be
connected with interstate commerce in order to sustain jurisdiction.
Plaintiff must establish
that the medical services supplied by the defendants have the required
effect on interstate
commerce. He is not required to show that the alleged conspiratorial actions
of the
defendants have any connection with interstate commerce. To rule otherwise
would vitiate
the intended scope of the law and impose an insuperable burden upon a
plaintiff alleging
an anticompetition conspiracy. Such a conspiracy would seldom reach
interstate
proportions though the object of the conspiracy might be federal in scope.
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and the plaintiff in particular, a certain kind

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The Court's conclusion that the Amended Complaint is jurisdictionally sound is supported

by the recent decision of *McLain v. Real Estate Board of New Orleans*, 444 U.S. 232, 100

S. Ct. 502, 62 L. Ed. 2d 441 (1980), in which the Supreme Court held that the district court

erred in dismissing a complaint which alleged a price fixing conspiracy involving several

Louisiana real estate brokerage firms. The Court stated that the plaintiff could establish

the requisite jurisdiction under the Sherman [**14] Act by demonstrating that a substantial

effect on interstate commerce was generated by the defendants' brokerage activities.

Referring specifically to the requirement that plaintiff must allege a relationship between

the activity involved and some aspect of interstate commerce, the Court observed:

To establish the jurisdictional element of a Sherman Act violation it would be sufficient for petitioners to demonstrate a

[*821] substantial effect on interstate commerce generated by respondents' brokerage activity. Petitioners need not

make the more particularized showing of an effect on interstate commerce caused by the alleged conspiracy to fix

commission rates, or by those other aspects of respondents' activity that are alleged to be unlawful. The validity of this

approach is confirmed by an examination of the case law. If establishing jurisdiction required a showing that the

unlawful conduct itself had an effect on interstate commerce, jurisdiction would be defeated by a demonstration that the

alleged restraint failed to have its intended anticompetitive effect. This is not the rule of our cases. See *American*

Tobacco Co. v. United States, 328 U.S. 781, 811, 66 S. [**15] Ct. 1125, 1139, 90 L. Ed. 1575 (1946); *United States v.*

Socony Vacuum Oil Co., 310 U.S. 150, 225, n. 59, 60 S. Ct. 811, 846, 84 L. Ed. 1129 (1940)....

Id. 100 S. Ct. at 509.

Defendants have cited several cases in their memoranda which would appear to support

dismissal of the Amended Complaint: *Wolf v. Jane Phillips Episcopal Memorial Medical*

Center, 513 F.2d 684 (10th Cir. 1975); *Riggall v. Washington County Medical Society*, 249

F.2d 266 (8th Cir. 1957); *Spears Free Clinic and Hospital v. Cleere*, 197 F.-2d 125 (10th

Cir. 1952). These cases all involved dismissals of complaints for defective jurisdictional

allegations under the Sherman Act in situations similar to that now before

this Court. The dismissed antitrust complaints in the cases cited appear to involve only general jurisdictional allegations devoid of the specificity contained in plaintiff's Amended Complaint. Furthermore, these cases explicitly reject the analysis described above which links jurisdiction to the stream of interstate commerce by focusing upon the interstate nature of the defendants' business of providing hospital care and services. E. g. Wolfe, supra at 687-688. It is the Court's opinion that the [**16] proper standard to be used is that illustrated in the recent Supreme Court cases, McLain, supra; Rex Hospital, supra, that place the emphasis upon the interstate character of the defendants activities in general and not solely the alleged conspiratorial acts, thereby precluding dismissal of a complaint before the plaintiff has at least been accorded the opportunity of discovering facts in support of his claim. To the extent that the cases cited by the defendants apply a contrary standard, the Court declines to follow them. The Court will determine the substance of plaintiff's antitrust allegations after he has had an opportunity to conduct limited discovery into the issues and can prepare an adequate response to the other objections raised by the defendants. Defendants will then be allowed to renew their remaining objections to the Sherman Act claim in an appropriate manner.

IV. CIVIL RIGHTS CLAIMS
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(a) § 1983 allegations

Although 42 U.S.C. § 1983 is relatively simple and straightforward in its language,

6 [HN7]

in order to sustain his claim plaintiff must allege: (1) that the defendants deprived him of

some right secured by the Constitution or laws of the United States; and (2) [**17] that

the defendants acted under color of state law. *Adickes v. S. H. Kress & Co.*, 398 U.S. 144,

90 S. Ct. 1598, 26 L. Ed. 2d 142 (1970); *Fadjo v. Coon*, 633 F.2d 1172 (5th Cir. 1981);

Menchaca v. Chrysler Credit Corp., 613 F.2d 507 (5th Cir. 1980). [HN8] Both of these

elements of a § 1983 action must be alleged and proven before relief can be forthcoming.

An inspection of the Amended Complaint reveals that plaintiff can prove no set of facts that

will permit the relief he seeks since he has been deprived of no federal or constitutional

right. Nor have all of the defendants acted under color of state law.
6.

"Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress."

[**18] [*822] The defendants' alleged willful and malicious exclusion of the plaintiff from

the medical staff simply does not constitute a violation of a federal right. Plaintiff has cited

the Court to no authority supporting the proposition that a podiatrist has a federal right to

membership on a hospital staff. Nor has the Court independently found any authority to

support plaintiff's civil rights claims. To the contrary, the Fifth Circuit recently held that a

podiatrist's constitutional rights went untrammelled when he was denied staff membership

at a public hospital. *Shaw v. Hospital Authority of Cobb County*, 614 F.2d 946 (5th Cir.),

cert. denied, 449 U.S. 955, 101 S. Ct. 362, 66 L. Ed. 2d 220 (1980). 7

7. Although this case arose as an action to remedy alleged due process and equal protection violations and was not brought

pursuant to the civil rights laws, the Shaw court nonetheless found that Dr. Shaw suffered no violation of a federal right on facts

nearly identical to those sub judice. The Court ruled that in the absence of a showing that the denial of staff privileges was not rationally based, or that it was precipitated by invidious racial discrimination, "it is not the province of this court to legislate the final resolution of a problem indigenous to the medical profession." Id. at 952.

There was also some indication given by plaintiff at his deposition that his cause of action really involved a due process and equal protection claim. See plaintiff's deposition at 52.

[**19] By adopting the memorandum decision of the district court, the Fifth Circuit found

no constitutional defect in excluding Dr. Shaw from membership on a hospital medical staff

by reason of his status as a podiatrist. The Court declined to interfere in an area that

traditionally has been the province of the medical profession and not ordinarily subject to

governmental regulation. In light of Shaw, the Court must reject plaintiff's invitation to find

that he has been deprived of a federal right in this instance.

The Court agrees with the private hospital and physician defendants that they are not

liable under § 1983 even if plaintiff had been deprived of some federal right. It is

established that [HN9] private entities are subject to the Civil Rights laws only if their

activities are significantly affected with state involvement:

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The district court correctly held that

[HN10] a private hospital is subject to the provisions of 42 U.S.C. § 1983 and the

Fourteenth Amendment only if its activities are significantly affected with state involvement. [HN11] Section 1983 and

the Fourteenth Amendment do not preclude invidious discrimination by private parties. Civil Rights Cases, 109 U.S. 3,

11, 3 [**20] S. Ct. 18, 21, 27 L. Ed. 835, 841 (1883).

Greco v. Orange Memorial Hospital Corporation, 513 F.2d 873, 877-878 (5th Cir.), cert.

denied, 423 U.S. 1000, 96 S. Ct. 433, 46 L. Ed. 2d 376 (1975).

[HN12] The mere existence of some government tie to a private organization is not

sufficient to support a finding of state action where the state has not sufficiently involved

itself in the invidious discrimination. Moose Lodge No. 107 v. Irvis, 407 U.S. 163, 92 S. Ct.

1965, 32 L. Ed. 2d 627 (1972). Moreover, the state must be involved in more than some

activity of the offending institution itself, it must have been involved with the activity that

caused the injury to plaintiff. Jackson v. Metropolitan Edison Co., 419 U.S. 345, 95 S. Ct.

449, 42 L. Ed. 2d 477 (1979) ("(T)he inquiry must be whether there is a sufficiently close

nexus between the State and the challenged action of the regulated entity so that the

action of the latter may be fairly treated as that of the State itself." 8); New York Jaycees v.

United States Jaycees, 512 F.2d 856 (2d Cir. 1975). Accord, Sims v.

Jefferson Downs,

611 F.2d 609 (5th Cir. 1980).

8. Id. 419 U.S. at 351, 95 S. Ct. at 453; also quoted in Sims v. Jefferson Down, infra at 611.

[**21] Plaintiff's only reference to the state action nexus by the private hospital

defendants is that these hospitals are licensed by state law. 9 [HN13] "The mere fact that a

business is subject to state regulation does not by itself convert its action into that of the

State for purposes of the Fourteenth [*823] Amendment." Jackson v. Metropolitan Edison

Co., supra at 350, 95 S. Ct. at 453.

9. Paragraph 49 C of the Amended Complaint refers to Fla.Stat. Chap. 395 concerning Hospital Licensing and Regulation

procedures for hospitals situated in this state.

Plaintiff's claims do not involve any racially discriminatory practices that might justify a

more expansive approach to the issue. Based upon the state action allegations contained in the Amended Complaint, the private hospital and physician defendants are not subject to suit under § 1983 for their actions against the plaintiff, actions involving the administrative affairs of the hospitals. The policy of the Orange Memorial Hospital Corporation does [**22] not impinge upon the rights of a racial group seeking admittance and treatment, but rather affects primarily only the internal affairs of the facility. A secondary effect of the corporation's policy is admittedly to discriminate against persons seeking to obtain and physicians desiring to perform elective abortions. We feel, however, that the interest of the hospital in ordering its internal administrative affairs outweighs the interest of the people disadvantaged in this case. Greco, supra at 880. What involvement the state may have through its licensing procedures is not actionable unless these regulations somehow compelled the hospitals or physicians to act against

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plaintiff in an unlawful manner. *Waters v. St. Francis Hospital*, 618 F.2d 1105 (5th Cir.

1980). There is no allegation to this effect in the Amended Complaint.

(b) § 1985 allegations

Plaintiff has no claim under 42 U.S.C. § 1985(3) 10

since the Amended Complaint fails to

contain any allegations that would show both the private deprivation of the enjoyment of

the laws and an invidious class-based discriminatory motivation (usually, but not always,

involving racial bias). *McLellan v. Mississippi Power [**23] & Light Co.*, 545 F.2d 919 (5th

Cir. 1977). 11

10.

"If two or more persons in any State or Territory conspire or go in disguise on the highway or on the premises of another,

for the purpose of depriving, either directly or indirectly, any person or class of persons of the equal protection of the laws, or of

equal privileges and immunities under the laws; or for the purpose of preventing or hindering the constituted authorities of any

State or Territory from giving or securing to all persons within such State or Territory the equal protection of the laws...." §

1985(1) and (2) are inapplicable.

11. This was an en banc decision in which the majority held that an employee discharged from private employment solely

because he filed a petition in voluntary bankruptcy has no cause of action under 42 U.S.C. § 1985(3). The majority

exhaustively analyzed the application of the statute by following the guidelines prescribed by the Supreme Court in *Griffin v.*

Breckenridge, 403 U.S. 88, 91 S. Ct. 1790, 29 L. Ed. 2d 338 (1971). The Supreme Court in *Griffin* held that § 1985(3) reaches

private conspiracies as well as those performed under color of state law and elucidated the necessary elements to successfully

maintain a cause of action under this section.

In its opinion, the Fifth Circuit expressly reserved decision on whether Congress

intended only racial bias to activate the provisions of the statute but advised restraint when a court is confronted with classbased

discrimination grounded in a non-racial animus. *McLellan*, supra at 929.

[**24] Plaintiff has not alleged and the Court fails to discern any illegal conduct committed

by the defendants in acting to deprive plaintiff of a position on the hospital medical staff. 12

Moreover, there has been no allegation of any racially motivated discrimination against

plaintiff by the defendants. He alleges a class-based animus against him as a podiatrist.

This discrimination is not actionable under the cases heretofore construing

the reach of §
1985(3):

Federal Courts have recognized that those who are discriminated against because of political views or associations fall with (sic) the protective scope of Section 1985(2) and (3). Courts have found a class-based animus sufficient to support causes of action where the conspiracy is directed toward supporters of a particular political candidate, Cameron v. Brock, [*824] 473 F.2d 608 (6th Cir. 1973) and Means v. Wilson, 522 F.2d 833 (8th Cir. 1975), cert. denied, 424 U.S. 958, 96 S. Ct. 1436, 47 L. Ed. 2d 364 (1976); voters who were deceived about the actual effect of their vote, Smith v. Cherry, 489 F.2d 1098 (7th Cir. 1973), cert. denied, 417 U.S. 910, 94 S. Ct. 2607, 41 L. Ed. 2d 214 (1974); individuals critical [**25] of the President and his policies, Glasson v. City of Louisville, 518 F.2d 899 (6th Cir.), cert. denied, 423 U.S. 930, 96 S. Ct. 280, 46 L. Ed. 2d 258 (1975); members of a group advocating an unpopular position, Puentes v. Sullivan, 425 F. Supp. 249 (W.D.Tex.1977); laborers who are not members of a union, Scott v. Moore, 461 F. Supp. 224 (E.D.Tex.1978); members of the teaching profession who talk or associate with the CIA, Selzer v. Berkowitz, 459 F. Supp. 347 (E.D.N.Y.1978); and students who exercise their first amendment rights by joining certain organizations. Brown v. Villanova University, 378 F. Supp. 342 (E.D.Pa.1974). Kimble v. D. J. McDuffy, Inc., 623 F.2d 1060, 1067 (5th Cir. 1980) (rehearing en banc pending).

12. The Court excludes the Sherman Act count contained in the Amended Complaint which alleges an anti-competitive conspiracy on the part of the defendants. that law. See 15 U.S.C. §§ 15 & 26.

[**26] For these reasons, plaintiff's § 1985 claim cannot be sustained.
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If plaintiff sustains these allegations with proof, a remedy is already provided for by

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(c) § 1986 allegations

[HN14] No claim for relief will lie under 42 U.S.C. § 1986 13

until a valid claim has been

established under § 1985. Hamilton v. Chaffin, 506 F.2d 904 (5th Cir. 1975);

Zentgraf v.

Texas A & M University, 492 F. Supp. 265 (S.D.Tex.1980); Shore v. Howard,

414 F. Supp.

379 (N.D.Tex.1976). Plaintiff having established no § 1985 claim, the § 1986

claim must

also be dismissed.

13. This section extends liability in damages to those persons "who, having knowledge that any of the wrongs conspired to be

done, and mentioned in section 1985 ... are about to be committed, and

having power to prevent or aid in preventing the

commission of the same, (neglect or refuse) so to do...."

(d) Summary

Whether plaintiff couches his claims for relief under the rubric of due process, equal

protection or the civil rights laws, the Amended Complaint alleging

violations of plaintiff's

civil rights must be dismissed for failure to state a claim [**27] upon

which relief can be

granted.

V. CONCLUSION

After a thorough review of the applicable law, the Court concludes that plaintiff has no

cognizable claim under either 42 U.S.C. §§ 1983, 1985 or 1986. The Court further

concludes that it would be premature to dismiss the Amended Complaint as to the

Sherman Act claim without permitting plaintiff an opportunity to conduct limited discovery

and respond to the objections raised by the defendants, should they elect to renew them.

Accordingly, it is

ORDERED AND ADJUDGED that the defendants' joint motion to dismiss is GRANTED in

part and DENIED in part as follows:

(a) that portion of the Amended Complaint alleging violations of 42 U.S.C. §§ 1983, 1985

and 1986 are hereby DISMISSED with prejudice;

(b) that portion of the Amended Complaint alleging violations of 15 U.S.C. §§ 1 and 2

presently meet the minimum jurisdictional requirements of the Sherman Act; and

(c) the remaining objections raised by the defendants to the Amended Complaint are

hereby DENIED without prejudice to renew at a later date upon proper motion.

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SUPREME COURT CIVIL SUITS FOR KINGS COUNTY, NEW

YORK

CASE-NAME: BELLER,ANNA & HARRY BELLER

v.

CITY WILLETS POINT CONTRACTING CORP., & FRAND MASCALI

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BELLER, ANNA v. CITY

CONTRACTING CO., INC

STATUS: DISPOSED ON 06/30/1987; SETTLED BEFORE TRIAL

ACTION: OTHER TORTS NEGLIGENCE

REQUEST FOR JUDICIAL INTERVENTION: 02/25/1986

NOTE OF ISSUE FILED: 02/21/1986

INDEX-NUMBER: 0155871983

JURY REQUESTED BY: PLAINTIFF

JUDGE: PART 25 - JAMES W. HUTCHERSON

PLAINTIFF ATTORNEY: ROSENBERG & HOROWITZ, S & H

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