

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF KINGS

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AVROHOM OSDOBA, THE CROWN HEIGHTS BETH  
DIN, INC., VA'AD HAKASHRUS CROWN HEIGHTS, INC.  
SHMUEL PLOTKIN, BEREL LEVERTOV, MEIR HERSHKOP  
and CHAIM JAFFE,

Index No.

\* Plaintiffs,

**VERIFIED COMPLAINT**

-against-

YOSEF BRAUN,

Defendant.

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**INTRODUCTION, BACKGROUND AND THE PARTIES**

1. This an action by plaintiffs Rabbis Avrohom Osdoba ("Rabbi Osdoba"), the Crown Heights Beth Din, Inc. (the "Crown Heights Beth Din"), Va'ad Hakashrus Crown Heights, Inc. ("Va'ad Hakashrus"), Shmuel Plotkin ("Plotkin"), Rabbi Berel Levertov ("Rabbi Levertov"), Meir Hershkop ("Hershkop") and Chaim Jaffe ("Jaffe") (sometimes collectively referred to herein as "Plaintiffs") for a declaratory judgment: (i) that defendant Yosef Braun ("Braun") committed fraud in order to be deemed qualified to run for office and sit as a member on the Crown Heights Beth Din; (ii) that the selection of Braun to be a Rabbi on the Crown Heights Beth Din be deemed void ab initio (iii) to bar Braun from serving, or representing himself, as a member of the Crown Heights Beth Din, (iv) that Braun is not entitled to issue kosher certifications on behalf of the Crown Heights Beth Din, and (v) that the Va'ad Hakashrus has suffered damages as a result of Braun's fraud. The Crown Heights Beth Din and Va'ad Hakashrus also seek an order enjoining Braun from continuing to disparage each of them. Rabbi Osdoba seeks an order enjoining Braun from continuing to defame him.

2. According to Jewish law (but not without exception) a dispute between two Jews should be arbitrated before a Beth Din. The members of a Beth Din panel must be beyond reproach,

and depending on the circumstances and community, must meet certain criteria to be considered to sit as a member of the Beth Din. The Beth Din is relied upon by many Jews in order to resolve personal, family and business disputes amongst themselves.

3. Certain panels are created as a permanent institution to resolve any disputes that arise within a particular community, such as the Crown Heights Beth Din.

4. Other single purpose panels, such as the Rosenberg Beth Din, are created to arbitrate one matter, as agreed to by the concerned parties.

5. The Crown Heights Beth Din is the rabbinic authority for the Crown Heights Jewish community. The integrity of its members and of the Beth Din as a whole is essential to its purpose, that is, to lead the community and when necessary to resolve the local disputes. If the integrity of the Beth Din is in question, the community members do not have faith in the decisions issued by the Beth Din and will not abide by its rulings.

6. The Rosenberg Beth Din is comprised of Rabbi Avraham Baruch Rosenberg (“Rabbi Rosenberg”), Rabbi Moshe Havlin, Rabbi Joseph Hecht, Rabbi Baruch Boaz Yorkowitz, and Rabbi Benjamin Kuperman.

7. Plaintiff Rabbi Osdoba is an individual, residing in Crown Heights, Brooklyn, New York, and is the senior member of the Crown Heights Beth Din.

8. The Crown Heights Beth Din is a corporation located in Crown Heights, Brooklyn, New York.

9. Va’ad Hakashrus is a corporation located in Crown Heights, Brooklyn, New York.

10. Plaintiff Plotkin is an individual residing in Crown Heights, Brooklyn, New York.

11. Plaintiff Hershkop is an individual residing in Crown Heights, Brooklyn, New York.

12. Plaintiff Rabbi Levertov is an individual residing in Crown Heights, Brooklyn, New York.

13. Plaintiff Jaffe is an individual residing in Crown Heights, Brooklyn, New York.

14. Upon information and belief, defendant Braun is an individual who formerly was a resident of Sydney, Australia and is now a resident of Crown Heights, Brooklyn, New York.

15. Venue in this Court is proper because all the Plaintiffs and the Defendant reside in Kings County and the causes of action accrued in Kings County.

**AS AND FOR A FIRST CAUSE OF ACTION**

(By all Plaintiffs)

16. Plaintiffs repeat and reallege paragraphs 1 through 15 of this Complaint with the same force and effect as if fully set forth herein.

17. The Rosenberg Beth Din was empanelled to resolve several related disputes within the Crown Heights Community. It issued two awards, a portion of which were related to the Crown Heights Beth Din.

18. The Crown Heights community was holding an election to add a new member to the Crown Heights Beth Din, pursuant to the Rosenberg Beth Din's award.

19. The Rosenberg Beth Din set the requirements for someone to be eligible to run in the election. These requirements were that the candidate: (i) submits his application to run for office within the specified filing period, (ii) has rabbinic ordination; (iii) must be at least 40 years of age; (iv) has to be married; (v) be prepared to accept a full time rabbinic position if elected; (vi) is a resident of Crown Heights or is willing to move into the community; and (vii) obtains approval from one of the two existing members of the Crown Heights Beth Din.

20. Only two candidates were nominated before the filing deadline, Rabbi Moshe Bogomilsky who was approved by Rabbi Osdoba, and Rabbi Nisan Mangel who was approved by Rabbi Schwei. Subsequently, Rabbi Mangel withdrew his candidacy, made it clear that he was not interested in running and that his name had been submitted without his consent.

21. The Rosenberg Beth Din had set requirements as to what percentages of the vote a candidate would need to receive in order to be elected, contingent on how many candidates were nominated. The Rosenberg Beth Din anticipated the possibility that only one candidate would be properly nominated to run in the election, and clearly set the guidelines for one to be successfully elected under such conditions (must receive more votes than those who chose to vote "I do not agree" and at least 35% of the eligible voters). Despite this, after Rabbi Mangel notified that he would not participate in the election, instead of proceeding by conducting an election with Rabbi Bogomilsky as the sole candidate, the Rosenberg Beth Din improperly extended the deadline for Rabbi Schwei's camp to nominate a new candidate by 17 days.

22. Rabbi Schwei's camp scampered to find a candidate to replace Rabbi Mangel. In a hurried process they decided upon defendant Braun as their candidate of choice. They never properly checked on Braun's credentials. The nomination of Braun was a mere 13 days before the date that the Rosenberg Beth Din had set for the election.

23. Defendant Braun wanted to be a candidate in the election. However, he knew he did not meet all of the requirements established by the Rosenberg Beth Din to be a candidate in the election to sit as a member on the Crown Heights Beth Din.

24. The Rosenberg Beth Din never conducted a proper background check on Braun to see if he met the requirements that they had set for one to be a candidate. If the Rosenberg Beth Din had conducted a cursory background check on Braun they would have discovered that he was

lacking in some of the essential qualifications which they had set. At the time of his nomination, and at the time of the election, he was not yet forty years old – a clear requirement for one to be elected. Braun deliberately concealed this information from the Rosenberg Beth Din.

25. Of even greater significance was the fact that Braun did not have rabbinic ordination – a basic requirement as established by the Rosenberg Beth Din. Braun deliberately withheld this information from the Rosenberg Beth Din and from the Crown Heights community.

26. Braun subsequently won the election to sit as a member of the Crown Heights Beth Din, by a slight margin. The community members who participated in the election were under the impression that Braun was an ordained Rabbi at the time of the election.

27. After the election, challenges were made that Braun was not qualified to run for office to sit as a member of the Crown Heights Beth Din. To rebut such challenges, Braun defrauded the Rosenberg Beth Din into believing that he had rabbinic ordination, by presenting them with what purported to be a rabbinic ordination certificate from Rabbi Gavriel Zinner (“Zinner”). Zinner subsequently clarified that he never intended the certificate to be used as proof that Braun had rabbinic ordination. Rather, he intended to write a letter of recommendation based on the fact that he was under the impression that Braun was previously ordained by a different Rabbi.<sup>1</sup> Zinner was led to believe by Braun that he had previously been ordained, because at the time, Braun was running and supervising an ordination (“Smicha”) program in Sydney Australia. It is unheard of for one to supervise an ordination program if they themselves are not ordained.

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<sup>1</sup> Rabbi Zinner further explained that he did not personally write the recommendation letter. It was written by Braun and presented to Zinner for his signature. The letter contained the bold assertion that Braun was “an expert in the field of Jewish divorce” – intricate and complex aspects of Jewish law that many ordained and experienced Rabbis do not venture into. This was yet another misrepresentation by Braun. By inserting this language in the letter for Zinner to sign, Braun was leading Zinner to believe that he had already been ordained by another Rabbi.

28. Braun knew that Rabbi Zinner only intended to write a letter of recommendation and not issue an ordination. Nevertheless, he submitted the Zinner letter to the Rosenberg Beth Din and on the basis of that “certificate”, the Rosenberg Beth Din approved Braun’s election.

29. In addition, Braun intentionally and knowingly presented a copy of a second purported ordination certificate to Rabbi Rosenberg. (The other four members of the Rosenberg Beth Din were not given a copy of this certificate).

30. This second ordination certificate was signed by Braun’s father, who although he was a practicing Rabbi, was not accustomed to ordain rabbis. Nonetheless, he signed this purported rabbinic ordination certificate for his son.

31. A part of this purported certificate was written with one pen and another part of the certificate was written with a different pen. Furthermore, the certificate was written at two different times. Braun knew this certificate was false.

32. Braun told Rabbi Rosenberg not to disclose the author of the certificate. In addition, upon information and belief, this certificate was backdated, i.e., it was written after the election, but was dated before the election. Braun knowingly and intentionally submitted this ordination certificate so that the election would not be invalidated and he could sit as a Rabbi of the Crown Heights Beth Din (and to harm Plaintiffs). Rabbi Rosenberg relied on the forged ordination certificate in allowing Braun to become a member of the Crown Heights Beth Din.

33. At a private meeting between Braun and his close supporters, Braun produced the certificate from his father to display to the assembled. One of his staunchest supporters, acting in concert with Braun, Menachem Shagalow, grabbed the questionable certificate from Braun while stating that no one doubts that he was properly ordained. Shagalow ripped up the document and placed the pieces in a glass. This spoliation of evidence made it nearly

impossible for anyone to properly investigate the validity of the certificate. This was a staged act between Braun and Shagalow.

34. The aforesaid conduct of Braun constitutes fraud.

35. As a result of his fraud, the election won by Braun was not invalidated and he was allowed to sit as a member of the Crown Heights Beth Din and issue kosher certifications. But for his fraud, the election won by Braun would have been invalidated and he would not have been allowed to sit as a member of the Crown Heights Beth Din. Braun's belated attempts to obtain a legitimate ordination certificate does not vitiate his fraud because the election won by Braun would have been invalidated and he would not be permitted to sit as a member of the Crown Heights Beth Din by reason of his prior fraud.

36. At all relevant times, Braun knew that his conduct was fraudulent and was undertaken to be wrongfully found to have won a valid election and be selected as a member of the Crown Heights Beth Din. Braun's fraudulent conduct has caused damage to Plaintiffs and the Crown Heights community since Braun has substantial powers as a member of the Crown Heights Beth Din, and has the right to issue kosher certifications.

37. Plaintiffs have suffered damages as a result of Braun's fraud, including monetary damage in an amount to be determined at trial, and Braun's wrongful appointment as a member of the Crown Heights Beth Din, by virtue of which he is wrongfully exercising substantial powers in the Crown Heights Community.

38. In light of the above, Plaintiffs are entitled to a judicial declaration that: (i) Braun committed fraud in order for the election he won not to be invalidated and be selected as a member to sit on the Crown Heights Beth Din, and (ii) consequently, that Braun should be barred from serving as a member of the Crown Heights Beth Din, (iii) Braun is not entitled to

issue kosher certificates on behalf of the Crown Heights Beth Din and (iv) Plaintiffs have suffered damages as a result of Braun's fraud.

**AS AND FOR A SECOND CAUSE OF ACTION**

(By all Plaintiffs)

39. Plaintiffs repeat and reallege paragraph 1 through 15 and 17 through 36 of this Complaint with the same force and effect as if fully set forth herein.

40. As alleged above, Braun purports to serve as a member of the Crown Heights Beth Din by reason of his fraud.

41. Given the above, Braun's selection to sit as a member of the Crown Heights Beth Din should be found to be void *ab initio*.

**AS AND FOR A THIRD CAUSE OF ACTION**

(By the Crown Heights Beth Din and Va'ad Hakashrus)

42. Plaintiffs the Crown Heights Beth Din and Va'ad Hakashrus repeat and reallege paragraphs 1 through 15 and 17 through 36 of this Complaint with the same force and effect as if fully set forth herein.

43. The Crown Heights Beth Din and Va'ad Hakashrus allege and believe that Braun has circulated and published writings to the Crown Heights community at large about each of them that are false, defamatory and disparaging.

44. Braun is circulating writings which state that the kosher certifications issued by the Crown Heights Beth Din and Va'ad Hakashrus are unreliable and not authentic.

45. Specifically, Braun published a writing to third parties (i.e. the Crown Heights Jewish community) referring to the Crown Heights Beth Din and Va'ad Hakashrus, that states that one should not rely on the various propaganda and promotions, as those publicizing them (i.e. the Crown Heights Beth Din and Va'ad Hakashrus), are not adhering to the ruling of the Torah.

46. The above statements by Braun are false, defamatory, and disparaging and were known by Braun to be false, defamatory and disparaging when he made them and were made by Braun in order to injure the Crown Heights Beth Din and Va'ad Hakashrus and divert business to himself. Braun published the above referenced statement with malice. Braun was not privileged in publishing the aforesaid statement.

47. By reason of the above, the Crown Heights Beth Din and Va'ad Hakashrus are each being damaged, including but not limited to monetary damages, in an amount to be determined at trial.

48. Because Braun's statements were knowingly, intentionally, maliciously and wanton and recklessly made, punitive damages should be assessed against him, in an amount to be determined at trial.

49. By reason of the above, the Crown Heights Beth Din and Va'ad Hakashrus are suffering irreparable injury in that each of their reputations is being injured, impaired and diminished.

50. The Crown Heights Beth Din and Va'ad Hakashrus each seek an order enjoining Braun from issuing this writing or publishing any false and/or disparaging statements about the Crown Heights Beth Din and/or the Va'ad Hakashrus.

51. The Crown Heights Beth Din and Va'ad Hakashrus are each without an adequate remedy at law.

**AS AND FOR A FOURTH CAUSE OF ACTION**  
(By Plaintiff Rabbi Osdoba)

52. Plaintiff Rabbi Osdoba repeats and realleges paragraph 1 through 15, 17 through 36 and 44 through 47 of this Complaint with the same force and effect as if fully set forth herein.

53. Braun has been issuing and publishing to the Crown Heights community intentionally false statements that Rabbi Osdoba is forging the Crown Heights Beth Din's letterhead on his kosher certifications and one should not rely at all on the certifications of the Crown Heights Beth Din. More specifically, Braun has published false statements that one should not rely on at all the forged kosher certifications whether it appears on packages, in front of restaurants and bakeries or on advisories (with a forged letterhead).

54. The above referenced statements were of or concerning Rabbi Osdoba. Braun published the false statements with malice.

55. Braun was not privileged in publishing the aforesaid statement.

56. Braun knew his statements were false at the time he published them and was made in order to injure Rabbi Osdoba.

57. The above mentioned conduct of Braun constitutes libel per se.

58. By reason of the foregoing, Rabbi Osdoba's reputation has been injured and diminished.

59. By reason of the foregoing, Rabbi Osdoba has been damaged, including the loss of kosher certifications, in an amount to be determined at trial.

60. Because Braun's statements were knowingly, intentionally, maliciously, and wanton and willfully made, punitive damages should be assessed against him, in an amount to be determined at trial.

61. Rabbi Osdoba is without adequate remedy at law.

**WHEREFORE**, Plaintiffs demand judgment as follows:

A. On the First Cause of Action, a declaratory judgment that: (i) defendant Braun committed fraud in order that the election he won would not be invalidated and to sit as a member of the Crown Heights Beth Din; (ii) that because of such fraud, Braun's appointment to sit as a member of the Crown Heights Beth Din be rescinded, (iii) that because of such fraud, Braun be barred from serving as a member of the Crown Heights Beth Din, (iv) that Braun cannot issue kosher certifications on behalf of the Crown Heights Beth Din and/or the Va'ad Hakashrus and, (v) Plaintiffs have suffered damages as a result of Braun's fraud, as set forth above.

B. On the Second Cause of Action, a declaratory judgment that Braun's selection as a Rabbi sitting on the Crown Heights Beth Din be found void ab initio.

C. On the Third Cause of Action: (i) enjoining Braun from publishing any false, defamatory and/or disparaging statements regarding the Crown Heights Beth Din and/or Va'ad Hakashrus, including that their kosher certifications are unreliable and not authentic, (ii) awarding damages in favor of the Crown Heights Beth Din and Va'ad Hakashrus, and (iii) assessing punitive damages against Braun.

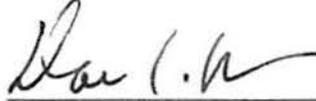
D. On the Fourth Cause of Action: (i) enjoining Braun from continuing to publish any defamatory statements about Rabbi Osdoba, (ii) awarding Rabbi Osdoba compensatory damages in an amount to be determined at trial, and (iii) assessing punitive damages against Braun.

E. On all Causes of Action, awarding Plaintiffs their costs, expenses and attorneys' fees.

F. Granting Plaintiffs such other and further relief that the Court deems just and proper.

Dated: New York, N.Y.  
April 24, 2013

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