

Supreme Court of the State of New York,
County of ~~WESTCHESTER~~

HAROLD DAVIS and ROBERT PLAUT, co-
partners doing business under the
firm name and style of PLAUT & DAVIS,

Plaintiff ~~s~~,

against

FRANCIS A. GRANT, NICHOLAS ROHRICH,
HELENA ROHRICH, MAURICE S. LICHTMANN,
and SARA FOSDICK (formerly known as
Sara Lichtmann),

Defendant ~~s~~.

Plaintiff designates

~~WESTCHESTER~~ County

as the place of trial.

Summons with Notice

To the above named Defendant ~~s~~ :

You are hereby Summoned to answer the complaint in this action, and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's Attorney within twenty days after the service of this summons, exclusive of the day of service and in case of your failure to appear, or answer, judgment will be taken against you by default, for the relief demanded in this complaint.

Dated, ~~February~~ 7 19~~40~~.

~~WILLIAM FITZ BARN, JR.,~~

Attorney for Plaintiff ~~s~~.

Office and Post Office Address:

76 Beaver Street,
Borough of Manhattan,
City of New York.

Affidavit of Service on Individual(s)

State of New York, }
County of } ss.

being duly sworn, deposes and says, that on the
day of 19 , at No.

he served the within Summons
on
the Defendant therein named, by delivering to and
leaving a true copy of each thereof with said de-
fendant personally; deponent knew the said person
so served as aforesaid to be the same person men-
tioned and described in said summons
as the defendant therein; deponent is over age of
18 years and not a party to the action.

Sworn to before me this }
day of 19 }

Affidavit of Service on a Corporation

State of New York, }
County of } ss.

being duly sworn, deposes and says, that on the
day of 19 , at No.

he served the within Summons
on
a corporation, the defendant therein
named, by delivering to and leaving a true copy of
each thereof personally with
an officer of said corporation, to wit, its
deponent knew said corporation so served as afore-
said to be the same corporation mentioned and
described in said summons
as the defendant therein, and knew said
to be such officer thereof; deponent is over the age
of 18 years and not a party to the action.

Sworn to before me this }
day of 19 }

N. Y. Supreme Court.

COUNTY OF _____

Plaintiff

against

Defendant

Summons.

Plaintiff's Attorney

To the Defendant :

Notice is hereby given to you that, upon
your default to appear, or answer the within
summons, judgment will be taken against you
for the sum of \$.....
with interest from the.....
day of....., 19....., and
with the costs of this action.

Plaintiff's Attorney

Office and Post Office Address

2

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

-----X
HAROLD DAVIS and HERBERT PLAUT, co-
partners, doing business under the firm
name and style of PLAUT & DAVIS,

Plaintiffs,

-against-

FRANCES R. GRANT, NICHOLAS ROERICH,
HELENA ROERICH and others,

Defendants.

-----X
TO THE ABOVE NAMED DEFENDANTS,
NICHOLAS ROERICH AND HELENA ROERICH:

The foregoing summons is served upon you
by publication pursuant to an order of Hon. Gerald Nolan,
Justice of the Supreme Court, dated the 26th day of
February, 1940, as resettled by an order dated the 27th
day of February, 1940, and filed with the complaint in the
office of the Clerk of Westchester County at the County
Court House, White Plains, New York.

Dated: New York, February 27th, 1940.

William Pitt Mason, Jr.

WILLIAM PITT MASON, JR.
Attorney for Plaintiffs
Office and P. O. Address
76 Beaver Street
Borough of Manhattan
City of New York

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

-----X

HAROLD DAVIS and HERBERT PLAUT, co-
partners doing business under the
firm name and style of PLAUT & DAVIS,

Plaintiffs,

-against-

FRANCES R. GRANT, NICHOLAS ROERICH,
HELENA ROERICH, MAURICE M. LICHTMANN
and SINA FOSDICK (formerly known as
Sina Lichtmann),

Defendants.

-----X

Plaintiffs, by WILLIAM PITT MASON, JR.
their attorney, for their complaint,
allege:

FOR A FIRST CAUSE OF ACTION AGAINST
ALL OF THE DEFENDANTS:

1. At all the times hereinafter mentioned,
the plaintiffs were, and they now are, attorneys and
counsellors at law duly admitted to practice in the State
of New York; they were, and now are, co-partners conducting
their law business under the firm name and style of
Plaut & Davis; and the plaintiff, Herbert Plaut, was, and
he now is, a resident of the County of Westchester, State
of New York.

2. Between December 15th, 1935 and April 1st,
1939, the plaintiffs performed professional legal services
for the defendants, at their special instance and request,
in and about having returned to them and establishing
their rights in and to certain shares of the capital stock

of one Master Institute of United Arts, Inc., obtaining injunctions against the disposition of the certificates for the said shares of stock, contesting the election of certain persons as members of the board of trustees of said Master Institute of United Arts, Inc., and for such and other allied purposes conducting in their behalf litigations in the Supreme Court of the State of New York, County of New York, in various actions and special proceedings entitled: "Nicholas Roerich and Helena Roerich, plaintiffs, against Louis L. Horch, Nettie S. Horch and Master Institute of United Arts, Inc., defendants", "Maurice M. Lichtmann, Sina Lichtmann and Frances R. Grant, plaintiffs, against Louis L. Horch, Nettie S. Horch and Master Institute of United Arts, Inc., defendants", "Nicholas Roerich, Helena Roerich, Maurice M. Lichtmann, Sina Lichtmann and Frances R. Grant, plaintiffs, against Louis L. Horch, Nettie S. Horch and Master Institute of United Arts, Inc., defendants", and "In the Matter of the Petition of Frances R. Grant, Sina Lichtmann, Nicholas Roerich, Helena Roerich and Maurice M. Lichtmann, petitioners, to set aside the election of Sidney Newberger, Jessie Newberger, Philip H. Hiss and Esther J. Lichtmann as Trustees of Master Institute of United Arts, Inc., respondents," including the investigation of facts, preparation of necessary papers, preparation for trial, trial and the preparation of records on appeal and briefs in the latter two of said litigations in the Appellate Division of the Supreme Court, First Department, and in the Court of Appeals and the argument of said appeals; in obtaining an examination of the books and records of the said Master Institute of United Arts, Inc. and for such

5

purposes conducting in their behalf litigation in the Supreme Court of the State of New York, County of New York, entitled: "In the Matter of the Application of Maurice M. Lichtmann, petitioner, for a mandamus order against Master Institute of United Arts, Inc., Louis L. Horch as its President and Treasurer and Nettie Horch as its Secretary, respondents," including investigation of the facts, preparation of necessary papers, preparation of briefs to the Appellate Division of the Supreme Court, First Department, and trial; and other and sundry services in connection with the said subjects and litigations, for all of which the defendants promised to pay the plaintiffs, and which services were reasonably worth, the sum of \$12,800.00, and in connection therewith, and at the request of the defendants, the plaintiffs necessarily expended the sum of \$4,811.77 for disbursements, making a total for fees and disbursements of the sum of \$17,611.77, no part of which has been paid except the sum of \$11,800.00, leaving a balance due and owing to the plaintiffs in the sum of \$5,811.77, which sum, on April 13th, 1939, was duly demanded by the plaintiffs from the defendants but the defendants have wholly neglected, refused and omitted to pay the whole or any part thereof.

3. By reason of the facts hereinabove set forth, the defendants are indebted to the plaintiffs in the sum of \$5,811.77, with interest from April 13th, 1939.

FOR A SECOND CAUSE OF ACTION AGAINST
ALL OF THE DEFENDANTS:

4. Repeat, reiterate and recollect each and every allegation contained in paragraphs 1, 2 and 3 hereof

with the same force and effect as though fully set forth herein.

5. From time to time during the employment by the defendants of the plaintiffs as their attorneys, plaintiffs duly made and rendered to the defendants accurate, just and true statements and bills, which said bills accurately showed the amounts which were properly charged to the defendants by reason of the transactions, disbursements and services referred to in paragraph 2 hereof and all amounts paid by the defendants or for their account to the plaintiffs and also all credits of every nature whatsoever which the defendants were entitled to receive from any source whatsoever, by reason of said transactions or otherwise.

6. The defendants received and retained all said bills rendered by the plaintiffs to the defendants, never made any objections to any thereof or to any debt or credit therein contained and from time to time made payments thereof.

7. A final, full, just and true statement was rendered by the plaintiffs to the defendants on or about April 13th, 1939, by which it appeared that there was a balance due and owing from the defendants to the plaintiffs, over and above all credits of every nature to which the defendants were entitled, in the sum of \$5,211.77, which said statement was received and accepted by the defendants on or about the last date mentioned and was retained by them without objection being made thereto or to any item thereof;

and by reason of the facts hereinbefore set forth, an account was stated between the plaintiffs and the defendants by reason of which there became due and is now due and owing from the defendants to the plaintiffs the sum of \$5,211.77 with interest from April 13th, 1939.

8. On or about April 13th, 1939, the plaintiffs demanded from the defendants payment of said sum of \$5,211.77 but the defendants have wholly omitted, refused and neglected to pay the whole or any part thereof.

FOR AN ADDITIONAL CAUSE OF ACTION
AGAINST THE DEFENDANT NICHOLAS ROERICH:

9. Repeat, reiterate and reallege each and every allegation contained in paragraph 1 hereof with the same force and effect as though fully set forth herein.

10. Between December 15th, 1935 and December 31st, 1938, the plaintiffs performed professional legal services for the defendant Nicholas Roerich at his special instance and request, in and about obtaining a redetermination of the deficiency assessed against the defendant Nicholas Roerich by the Commissioner of Internal Revenue amounting to \$46,756.50, income tax, penalties and interest, for the taxable years 1926, 1927 and 1934, and in connection therewith in behalf of the said defendant, the plaintiffs made investigations, prepared a petition to the United States Board of Tax Appeals for a redetermination of the said deficiency and numerous other papers and conducted proceedings, including a trial, before the said United States Board of Tax Appeals in connection therewith, for which the defendant Nicholas Roerich promised to pay the

plaintiffs, and which services were reasonably worth, the sum of \$750.00, and in connection therewith the plaintiffs necessarily disbursed the sum of \$141.90, making a total of fees and disbursements of the sum of \$891.90.

11. On or about April 13th, 1939, the plaintiffs demanded from the defendant Nicholas Roerich payment of the said sum of \$891.90, but the said defendant has wholly omitted, refused and neglected to pay said sum or any part thereof.

12. By reason of the facts hereinabove set forth, the defendant Nicholas Roerich is indebted to the plaintiffs in the sum of \$891.90, with interest from April 13th, 1939.

FOR A SECOND ADDITIONAL CAUSE OF ACTION
AGAINST THE DEFENDANT NICHOLAS ROERICH:

13. Repeat, reiterate and reallege each and every allegation contained in paragraphs 1, 10 and 11 hereof with the same force and effect as though fully set forth herein.

14. From time to time during the said employment by the defendant Nicholas Roerich of the plaintiffs, the plaintiffs duly made and rendered to the defendant, Nicholas Roerich, accurate, just and true statements and bills of the disbursements incurred by the plaintiffs for the defendant's account in connection with the said matters, which said bills and statements accurately showed the amounts which were properly charged to the defendant Nicholas Roerich by reason of the said transactions and disbursements.

9

15. The defendant Nicholas Roerich received and retained all of the said bills and statements rendered to the said defendant by the plaintiffs and never made any objection to any thereof or to any debt or credit therein contained.

16. A final, just, true and accurate statement was made and rendered to the defendant Nicholas Roerich by the plaintiffs on or about April 13th, 1939, by which it appeared that there was a balance due and owing from the defendant Nicholas Roerich to the plaintiffs over and above all credits of any nature to which the said defendant was entitled, of the sum of \$891.90, which said statement was received and accepted by the defendant Nicholas Roerich on or about the last date mentioned and was retained by him without any objection thereto or to any item thereof, and by reason of the said facts hereinbefore set forth an account was stated between the plaintiffs and the defendant Nicholas Roerich by reason of which there became due and there is now due and owing by the said defendant to the plaintiffs the sum of \$891.90 with interest thereon from April 13th, 1939.

17. On or about April 13th, 1939 plaintiffs demanded from the defendant Nicholas Roerich payment of the said sum of \$891.90, but the said defendant has wholly neglected, refused and omitted to pay the whole or any part thereof.

FOR AN ADDITIONAL CAUSE OF ACTION AGAINST
THE DEFENDANT HELENA ROERICH:

18. Repeat, reiterate and reallege each and every allegation contained in paragraph 1 hereof with the

40

same force and effect as though fully set forth herein.

19. Between December 15th, 1935 and December 31st, 1939, plaintiffs performed professional legal services for the defendant Helena Roerich, at her special instance and request, in and about recovering certain personal property claimed by said defendant to belong to her, from one Nettie S. Horch and one Esther J. Lichtmann, and for such purpose in conducting litigation in the Supreme Court of the State of New York, County of New York, entitled: "Helena Roerich, plaintiff against Nettie S. Horch and Esther J. Lichtmann, defendants", for which the said defendant Helena Roerich promised to pay the plaintiffs, and which services were reasonably worth, the sum of \$200.00, and in connection therewith plaintiffs necessarily disbursed the sum of \$41.20 making a total for fees and disbursements of \$241.20, no part of which has been paid although duly demanded from the said defendant.

WHEREFORE, plaintiffs demand judgment against the defendants, Nicholas Roerich, Helena Roerich, Maurice M. Lichtmann, Sina Fosdick (formerly known as Sina Lichtmann) and Frances R. Grant in the sum of \$5,211.77, with interest thereon from April 13th, 1939 and in addition, against the defendant Nicholas Roerich in the sum of \$891.90 together with interest thereon from April 13th, 1939, and, in addition, against the defendant Helena Roerich in the sum of \$241.20, together with the costs and disbursements of this action.

WILLIAM PITT MASON, JR.
Attorney for Plaintiffs
Office & P. O. Address
76 Beaver Street
Borough of Manhattan
City of New York

At a Special Term of the Supreme Court of the State of New York held in and for the County of Westchester, at the County Court House, in the City of White Plains, on the 26 day of February, 1940.

P R E S E N T :

HON. *Gerald Tolan*

JUSTICE.

----- X

HAROLD DAVIS and HERBERT PLAUT, co-partners, doing business under the firm name and style of PLAUT & DAVIS,

Plaintiffs,

-against-

FRANCES R. GRANT, NICHOLAS ROERICH, HELENA ROERICH, MAURICE M. LICHTMANN and SINA FOSDICK (formerly known as Sine Lichtmann),

Defendants.

----- X

Upon the summons and complaint herein duly verified February 7th, 1940, the affidavit of Herbert Plaut, sworn to February 7th, 1940, the undertaking on attachment approved February 8th, 1940, all of which have been duly filed herein, and the annexed affidavits of Herbert Plaut and Deputy Sheriff William A. O'Rourke, both duly sworn to February 23rd, 1940, showing sufficient causes of action against the defendants Nicholas Roerich and Helena Roerich, and that the said defendants Nicholas Roerich and Helena Roerich are not residents of this State but, on the contrary, reside at Naggar, Kulu, Punjab, British India; and it further duly appearing therefrom that a warrant of attachment against the property of said defendants has been heretofore duly granted, and a levy duly made thereunder upon property of said defendants;

NOW, on motion of William Pitt Mason, Jr., attorney for the plaintiffs, it is

ORDERED that service of the summons in the above entitled action upon said Nicholas Roerich and Helena Roerich be made by publication thereof in two newspapers, viz., in the *White Plains Evening Dispatch* published in *White Plains, N.Y.* and in the *Ossining Citizen Register* published in *Ossining, N.Y.* once a week for six successive weeks; and it is

FURTHER ORDERED that on or before the day of the first publication, as aforesaid, the plaintiffs deposit in a post office or at any post office box regularly maintained by the Government of the United States sets of copies of the summons and complaint in this action and of this order, each properly enclosed in a postpaid wrapper, addressed to the following defendants, respectively, at the places hereby specified, viz.,

Nicholas Roerich, Naggar, Kulu, Punjab,
British India.

Helena Roerich, Naggar, Kulu, Punjab,
British India.

E N T E R,

J. Nolan

J. S. C.

At a Special Term of the Supreme Court of the State of New York held in and for the County of Westchester at the County Court House, in the City of White Plains, on the 27 day of February, 1940.

P R E S E N T :

HON. *Gerald Nolan*
JUSTICE.

-----X

HAROLD DAVIS and HERBERT PLAUT, co-partners, doing business under the firm name and style of PLAUT & DAVIS,

Plaintiffs,

-against-

FRANCES R. GRANT, NICHOLAS ROERICH, HELENA ROERICH, MAURICE M. LICHTMANN and SINA FOSDICK (formerly known as Sina Lichtmann),

Defendants.

-----X

Upon the annexed affidavit of Herbert Plaut sworn to February 26th, 1940, and upon the order herein dated February 26th, 1940, it is

ORDERED, that the order dated February 26th, 1940, reading as follows:

"At a Special Term of the Supreme Court of the State of New York held in and for the County of Westchester, at the County Court House, in the City of White Plains, on the 26 day of February, 1940.

P R E S E N T :

HON. GERALD NOLAN
JUSTICE.

----- X

HAROLD DAVIS and HERBERT PLAUT, co-
partners, doing business under the
firm name and style of PLAUT & DAVIS,

Plaintiffs,

-against-

FRANCES R. GRANT, NICHOLAS ROERICH,
HELENA ROERICH, MAURICE M. LICHTMANN
and SINA FOSDICK (formerly known as
Sina Lichtmann),

Defendants.

----- X

Upon the summons and complaint herein duly
verified February 7th, 1940, the affidavit of Herbert Plaut,
sworn to February 7th, 1940, the undertaking on attachment
approved February 8th, 1940, all of which have been duly
filed herein, and the annexed affidavits of Herbert Plaut
and Deputy Sheriff William A. O'Rourke, both duly sworn to
February 23rd, 1940, showing sufficient causes of action
against the defendants Nicholas Roerich and Helena Roerich,
and that the said defendants Nicholas Roerich and Helena
Roerich are not residents of this State but, on the contrary,
reside at Naggar, Kulu, Punjab, British India; and it
further appearing therefrom that a warrant of attachment
against the property of said defendants has been heretofore
duly granted, and a levy duly made thereunder upon property
of said defendants;

NOW, on motion of William Pitt Mason, Jr.,
attorney for the plaintiffs, it is

ORDERED, that service of the summons in the
above entitled action upon said Nicholas Roerich and Helena
Roerich be made by publication thereof in two newspapers,
viz., in the White Plains Evening Dispatch published in

16

White Plains, N. Y. and in the Ossining Citizen Register published in Ossining, N. Y. once a week for six successive weeks; and it is

FURTHER ORDERED that on or before the day of the first publication, as aforesaid, the plaintiffs, deposit in a post office or at any post office box regularly maintained by the Government of the United States sets of copies of the summons and complaint in this action and of this order, each properly enclosed in a postpaid wrapper, addressed to the following defendants, respectively, at the places hereby specified, viz.,

Nicholas Roerich, Naggar, Kulu, Punjab,
British India.

Helena Roerich, Naggar, Kulu, Punjab,
British India.

E N T E R ,

G. NOLAN
J. S. C.

be and the same is hereby re-settled to read as follows:

"At a Special Term of the Supreme Court of the State of New York held in and for the County of Westchester, at the County Court House, in the City of White Plains, on the 26 day of February, 1940.

P R E S E N T :

HON. GERALD NOLAN

JUSTICE.

----- X

HAROLD DAVIS and HERBERT PLAUT, co-
partners, doing business under the
firmname and style of PLAUT & DAVIS,

Plaintiffs,

-against-

FRANCES R. GRANT, NICHOLAS ROERICH,
HELENA ROERICH, MAURICE M. LICHTMANN
and SINA FOSDICK (formerly known as
Sina Lichtmann),

Defendants.

----- X

Upon the summons and complaint herein duly
verified February 7th, 1940, the affidavit of Herbert Plaut,
sworn to February 7th, 1940, the undertaking on attachment
approved February 8th, 1940, all of which have been duly
filed herein, and the annexed affidavits of Herbert Plaut
and Deputy Sheriff William A. O'Rourke, both duly sworn to
February 23rd, 1940, showing sufficient causes of action
against the defendants Nicholas Roerich and Helena Roerich,
and that the said defendants Nicholas Roerich and Helena
Roerich are not residents of this State but, on the con-
trary, reside at Naggar, Kulu, Punjab, British India; and it
further duly appearing therefrom that a warrant of attachment
against the property of said defendants has been heretofore
duly granted, and a levy duly made thereunder upon property
of said defendants;

NOW, on motion of William Pitt Mason, Jr.,
attorney for the plaintiffs, it is

ORDERED that service of the summons in the
above entitled action upon said Nicholas Roerich and Helena

18

Roerich be made by publication thereof in two newspapers, in the English language, viz., in the White Plains Evening Dispatch published in White Plains, N. Y. and in the Ossining Citizen Register published in Ossining, N.Y. once a week for six successive weeks; and it is

FURTHER ORDERED that on or before the day of the first publication, as aforesaid, the plaintiffs deposit in a post office or at any post office box regularly maintained by the Government of the United States sets of copies of the summons and complaint in this action and of this order, and of the notice required by Rule Fifty-Two of the Rules of Civil Practice, each properly enclosed in a postpaid wrapper, addressed to the following defendants, respectively, at the places hereby specified, viz.,

Nicholas Roerich, Naggar, Kulu, Punjab,
British India.

Helena Roerich, Naggar, Kulu, Punjab,
British India.

E N T E R,

G. NOLAN
J. S. C.

E N T E R,

Gerald Nolan
J. S. C.

SUPREME COURT, WESTCHESTER COUNTY

HAROLD DAVIS and HERBERT PLAUT, co-
partners doing business under the
firm name and style of PLAUT & DAVIS

Plaintiffs,

-against-

FRANCES R. GRANT, NICHOLAS ROERICH,
HELENA ROERICH, MAURICE M.
LICHTMANN and SINA FOSDICK
(formerly known as Sina Lichtmann),

Defendants.

SUMMONS, COMPLAINT, ORDERS, AND
NOTICE.

WILLIAM PITT MASON, JR.
COUNSELLOR AT LAW
76 Beaver ~~MANHATTAN~~ STREET
NEW YORK

Attorney for Plaintiffs