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*Re: Robert Frank v. Montefiore Medical Center, Rabbi Kwiatkovsky, and Orthodox Union*

Dear Rabbi Dr. Weinreb and Mr. Edelman:

Please be advised that this office represents Mr. Frank, who is a mashgiach at Montefiore Medical Center ("Montefiore"). He works under Rabbi Kwiatkivsky, who is apparently certified by the Orthodox Union ("OU").

Mr. Frank has complained numerous times about traif situations and conditions in the kitchen at Montefiore. Not only are Mr. Frank's observances going unnoticed, but Rabbi Kwiatkivsky is now retaliating against Mr. Frank with the intention of terminating his services because Mr. Frank complained about flagrant violations in the kitchen. No respect was given to Mr. Frank by the kitchen workers in connection with a recent incident when non kosher food was brought into the kitchen for a "going away" party. The kitchen workers, according to Mr. Frank, "just laugh and keep on doing with whatever they were doing."

Other examples to consider are that since there is only one dishwasher, fleishig dishes are cleaned simultaneously with milchig dishes and pizza deliveries are allowed in the emergency room. To compound the situation, Mr. Frank is intentionally diverted from his duties as a mashgiach by Rabbi Kwiatkivsky which, in turn, could allow traif conditions to transpire.

When Mr. Frank advised Rabbi Kwiatkivsky that he saw any kitchen workers doing anything improper in violation of any kosher dietary laws, Rabbi Kwiatkivsky would not write up or warn kitchen workers, but rather he disciplines Mr. Frank. Even more disheartening is that Mr. Frank has previously contacted the OU rep. in charge of the hospital, Rabbi Dov Schreier, but allegedly no action was taken by him.

Mr. Frank has filed a charge and a retaliation charge with the New York State Division of Human Rights. It is apparent that Montefiore and Rabbi Kwiatkivsky are intent on silencing Mr. Frank through termination.

It appears that Rabbi Kwiatkivsky seems to be acting outside the scope of his employment by allowing the kitchen to become traif. Why Rabbi Schrier has apparently ignored the situation is unclear, since he, as well as Rabbi Kwiatkivsky come under the auspices of the Orthodox Union.

Even though I live in New Orleans, my practice is primarily litigating in New York. Here in New Orleans, since Hurricane Katrina it is even more difficult to be observant for those who desire to maintain a Kosher home; but it is accomplished smoothly through the efforts of Chabad and Rabbi Nemes. Why these actions are seemingly occurring at Montefiore is not comprehensible. Medical students and staff from Yeshiva eat in the Montefiore cafeteria, since they are apparently consuming meals that may not be kosher.

I believe that it is imperative to present OU with advance notice prior to any possible litigation. Please forward this communication to your legal representative since, if this matter cannot be resolved amicably, Mr. Frank may be forced to name OU as a defendant. Should there be any questions, you may have your legal representative contact me directly.

Very truly yours,



Sanford A. Kutner