

Contempt Finding Challenged in High Court Argument

Michael Virtanen/The Associated Press, New York Law Journal

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ALBANY - A man refusing to say what he did with money from the sale of Brooklyn property during his divorce proceeding is urging New York's highest court not to hold him in civil contempt.

Arguing before the Court of Appeals on Thursday, an attorney for Salim El-Dehdan, also known as Sam Reed, said Reed has the right to refuse to testify, and said it's up to others to prove he's got money.

"He has the right not to take the stand at all," said attorney Donna Aldea of Barket Marion Epstein & Kearon in Garden City. "You have to prove his pockets are not empty."

But his wife's lawyer said Reed hasn't deposited any money in five years into the escrow account although he has transferred another piece of property for no money and transferred a dry cleaning business to his sister.

"He should not be rewarded for being defiant," said attorney Karina Alomar of Alomar & Associates in Queens. "We'd be setting a very dangerous precedent."

A ruling from the six judges isn't expected until next month. But at one point in the hearing, Judge Eugene Pigott Jr. said, "It seems to me he's doing everything he can to make a joke out of the court system. He could have cleared this up."

Jacqueline El-Dehdan started the New York divorce proceeding in 2008, and the Brooklyn property belonged to the marital estate, her lawyer said. Reed argued in divorce proceedings that he was actually divorced in Lebanon and that Jacqueline El-Dehdan was not entitled to the referee-directed distribution of property in New York.

An appeals court outline of the case says Reed sold the Brooklyn parcel in 2009 with net proceeds of \$776,000, but didn't comply with a 2010 court order to deposit the proceeds, and said he no longer had the money.

Aldea said Reed spent 15 days in jail for contempt for allegedly violating other court-ordered restrictions that didn't actually exist. She said he had transferred the property when there was no order prohibiting it then was ordered to deposit the proceeds the next year, when he didn't have the money.

The purpose of civil contempt is to jail someone who actually possesses the keys to let himself out, Aldea added. It's not meant as a sanction, like criminal contempt, she said.

A state Supreme Court referee found that Reed dissipated marital assets but recommended that the court deny a contempt citation for lack of proof that he could have complied the court order.

The court disagreed, finding Reed in contempt. The Appellate Division, Second Department, affirmed the decision in [*El-Dehdan v. El-Dehdan*](#), 114 AD3d 4.