

**Via US Mail and Facsimile**

Wednesday, March 05, 2008

Honorable Shira A. Scheindlin  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

**Re: Plaintiffs Opposition to Proskauer Rose March 4, 2008 to  
this Court in Eliot I. Bernstein, et al. v. Appellate Division, First  
Department Departmental Disciplinary Committee, et al.,  
Docket No. 07 CV 11196 (SAS)**

Dear Judge Scheindlin:

In a letter dated March 04, 2008, Proskauer Rose claimed it is representing three named Proskauer defendants and the entire firm and requested additional time to respond to this Court. Plaintiffs oppose these measures as extreme and unwarranted, for the following reasons:

I. **Massive Conflicts of Interest and Violations of the New York State Bar Association Rules of Professional Conduct in Proskauer Rose LLP's Self Representation**

The first question that will arise in testing conflict is if Proskauer has already expended the time and effort to run their own conflict check on Proskauer's representation of the their clients, Proskauer partners and the Proskauer firm in these matters, before contacting the Attorney General's Office and this Court as acting counsel.

Proskauer Rose LLP, through a series of never ending conflicts has caused most of the troubles for all of the parties sitting on the defense in these matters due to one after another violations of ethics rules and then public office rule violations using their legal prowess as a means to advance criminal activities not to protect from them.

The first conflict was directly against their client Iviewit, whereby a brief review of the depositions of Proskauer partners Christopher C. Wheeler<sup>1</sup> and

<sup>1</sup> Arrested in Del Ray Beach, Florida for Driving Under the Influence with Injury, Case No. FLO 500 400, a felony DUI requiring a warrant for his arrest. Quoting from the Police Report "Additionally, the

Kenneth Rubenstein of Proskauer in a civil case<sup>2</sup> reveal that a conflict check was never completed upon taking Iviewit as a client but claims are made in those depositions that Proskauer's conflict department was improved after this incident to prevent conflict in the future. What will be evidenced herein is that they have utterly failed if not gone backwards in that department and the attempt to represent themselves in these matters before Your Honor will be proven as yet another brazen attempt to completely violate ethics rules. To even appear at an ethics hearing with a potential conflict, let alone numerous ones, is to insult this Court and all that law stands for but it will also be shown as a desperate attempt to put forth any defense by desperate men who cannot find non-conflicted counsel to further perpetrate false defenses and thus must represent themselves.

The initial conflict was that Rubenstein acted as patent counsel and reviewer for MPEGLA LLC. and the Iviewit companies simultaneously while with Proskauer, without a China Wall established to protect Iviewit. MPEGLA is now one of the largest infringers of the stolen technologies. Rubenstein and Proskauer partner Christopher C. Wheeler were also board members of the Iviewit companies and Proskauer and all their partners also hold a shareholder interest in the Iviewit companies (a conflict too as defined herein, precluding them from representing themselves in these matters). In fact, Rubenstein was acquired by Proskauer to form their patent department immediately after taking disclosures from the Iviewit companies' inventors and where that Proskauer patent department now inures profit from the MPEGLA patent pools as a result of the stolen technologies.

This conflict is the basis of Plaintiffs claims that are behind the disciplinary complaints initially filed in these matters and those ongoing federal disciplinary complaints at the USPTO OED, claiming that Proskauer has formed a conspiratorial ring to steal inventions from inventors. This ring was partially formed by several of the defendants prior to Proskauer's meeting Iviewit.<sup>3</sup> Further, that this ring operates to circumvent state, federal and international laws committing simultaneous crimes against the United States Patent & Trademark Office and inventors to effectuate these intellectual property crimes.

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Defendants wife, Deanna Wheeler, was following her husband and told me that her husband had taken off from the red light at 1000 South Congress Ave. at a high rate of speed for unknown reasons and had been drinking. Moments later, he struck the vehicle ahead of him. She then told me that her husband shouldn't have been driving and expressed concerns for the victim still trapped in his car."

<sup>2</sup> Proskauer Rose LLP v. Iviewit.com, Inc. et. al., Case No. CA 01-04671 AB ("Proskauer Lawsuit") (Circuit Court of the 15th Judicial Circuit in and for Palm Beach County, Florida filed with Judge Jorge Labarga ("Labarga").

<sup>3</sup> Proskauer partner Christopher Wheeler, Proskauer management referral to Iviewit, Brian G. Utley and William Dick of Foley and Lardner, immediately prior to Iviewit, where caught attempting to convert Utley's former employer, Monte Friedkin of Diamond Turf Equipment, Co. of South Florida's intellectual properties and Utley was fired for cause and the company closed. This information was also confirmed in the depositions of Wheeler and Utley in the Labarga civil case and William Dick's Virginia Bar Complaint. Problem was that Wheeler submitted a fraudulent resume on behalf of Utley to the Iviewit Board of Directors concealing that information, in fact wholly misrepresenting it and Wheeler and Dick failed to disclose their involvement in the Friedkin matters to anyone until confronted years later.

The Iviewit companies and others discovered that patents were being stolen and other crimes on or about 1999<sup>4</sup>, Proskauer has since with their partners in crime, attempted to deny due process of Plaintiffs complaints wherever they have been filed through a hijacking of the legal system and public offices. From attorney conflicts and violations of public offices in state civil proceedings in New York and Florida, to attorney conflicts in state Supreme Court disciplinary complaints, Proskauer has created numerous conflicts that culminate in their attempt to represent themselves in conflict in these matters before this honorable Court. Sad to say they have now involved hundreds of people in their messes, including tangling up hosts of government employees, court officials, state bar associations, justices, etc.

In each of the disciplinary complaints filed in New York and Florida against the Proskauer actors, we find a pattern of Proskauer partners representing Proskauer partners and using Proskauer partners to plant in public offices or worse corrupting others to derail prosecution. To start, this Court look no further than to start with a review of Steven C. Krane, the leading New York disciplinary figure, who represented Proskauer partner Rubenstein and the firm, while holding multiple ethics roles that directly conflicted or precluded him from representing anyone, let alone his partners in disciplinary matters. Yet, Krane seeking no waiver from anyone did precisely that and then was busted by Catherine O'Hagan Wolfe law clerk for the First Department. Wolfe upon learning that Thomas Cahill, former Chief Counsel for the First Department had stated that he did not know Krane or any roles Krane held that might conflict him in representing his firm and partners, despite evidence that Iviewit put forth to Cahill showing Krane had roles at the First Department and the NYSBA that wholly conflicted him. Wolfe exposed that she personally was meeting both Cahill and Krane for a First Department disciplinary meeting, contradicting Cahill's statement that Krane was not involved with the First Department. With the conflict of Krane confirmed, Wolfe directed Plaintiffs to file a motion with the First Department seeking the Justices of that Court (now named Defendants in these matters) to move the complaints for conflicts of interest and the appearance of impropriety, which was done. After thorough review of the evidence and materials, five of the Justices voted to move the complaints and begin immediate investigation of Krane, Rubenstein and Raymond Joao for conflicts of interest and the appearance of impropriety, only further conflicts and violations of public offices derailed those investigations. Thomas Cahill is being investigated currently in those matters by Martin Gold in one of the longest ongoing investigations one can recall, with no final resolution as of this date.

For the next conflict, Proskauer attorney Matthew Triggs, violated a multiplicity of conflicts of interest and appearances of impropriety in his

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<sup>4</sup> In 1999 it was learned that Raymond Joao who initially was introduced falsely to Iviewit as a Proskauer partner with Rubenstein, where upon discovery that neither was with Proskauer, Rubenstein immediately thereafter transferred and Joao remained at Meltzer Lippe Goldstein Wolfe and Schlissel, was patenting inventions into his own name from the disclosures learned from the Iviewit inventors. By Joao's own account he has retired from law practice to protect his now 90+ patents.

representations of Proskauer partner Christopher Wheeler in a bar complaint and in his concurrent representation of Proskauer Rose in the Florida civil case both individually in each matter and further twisted in conflict when combined. In the first instance, due to his Florida Bar position Triggs was in a blackout period whereby he could represent no party in any bar action. He represented Proskauer and partner Wheeler within that period, a violation affirmed to have been a conflict and violation of public offices in writing by John Anthony Boggs, counsel for Florida Bar. Triggs representing Proskauer in the civil case further precluded him from representing Wheeler in the ongoing Florida Bar complaint per Florida Bar rules. There were also a number of conflicts in Triggs representing Proskauer in the civil matter and those same conflicts will prevail again here in this Court as defined herein if this Court allows Proskauer to continue to foolishly represent themselves.

What was the result of these conflicts? One of the results can be found in the number of public officials now involved as defendants in these affairs in Florida and New York and we ask the Court to look at the attached Draft Amended Complaints defendants<sup>5</sup> to see a more accurate picture of the number of defendants to be added to this case in light of the requirement to identify them all under the RICO regulations your Honor has so graciously granted us. Also, as the case now is RICO, we have increased the damages to represent the loss of the patent rights in total which have been estimated to be a trillion dollars or more over the twenty year life of the intellectual properties. Had conflict rules and public office rules been followed from the start, many of these defendants would never be here, many of them not involved in the original crimes of patent theft and crimes against the United States and foreign governments.

Another result is enormous costs to Plaintiffs and the state and federal government that will now result in appealing every single disciplinary complaint filed against the Defendants where decisions were made (as many federal actions remain ongoing including but not limited to the FBI OPR, the DOJ OIG, the SBA OIG, the USPTO and the USPTO OED) based on the information of public office corruptions that the Anderson case alleges. This Court requested extraordinary evidence and Anderson provides more than corroboration for the claims we were pursuing with other investigators of almost identical claims of public office corruption at the First Department, prior to Anderson's whistle blowing. Anderson now provides an inside into the mechanics of what was happening in attorney misconduct in public offices of the New York Supreme Court, where all roads of corruptions Plaintiffs allege at the First Department come from Proskauer partners acting in violation of ethics rules and violations of public offices as if they were above it.

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<sup>5</sup> Exhibit 1 - Partial draft Amended Complaint illustrating new defendants and change of damages, the entire Amended Complaint will be filed shortly perhaps naming the thousands of lawyers at the law firms involved additionally, as Proskauer's recent failure to see that all partners are being sued at their firm as defendants which was not clear to them by including merely the firm in the first Complaint filed.

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Further, since the First Departments decisions were relied on by other investigators worldwide, as Proskauer and certain other defendants based their defenses on the weak initial dismissals at the First Department secured while Krane acted in conflict and violation of public offices, all of those state, federal and international agencies efforts and all those involved in the handling of those complaints will now have to be investigated again. Where it will have to be investigated not only in light of the original complaint but now if there were similar whitewashing departments at all those organizations whereby public officers committed similar crimes as alleged in Anderson at the First Department.

All of these messes could have been prevented by simple conflict waivers and the reason the Complaint Plaintiffs filed contained a sample conflict waiver and begged this Court to have all Court officials, all counsel for all parties and any investigators, all be screened to preclude conflict. It is amazing if not more upsetting that without conflict checks; law becomes lawlessness for those charged with upholding and regulating it. If the system of checks and balances is conducted by the same individuals, it is a mere smoke screen, as the self regulating attorney disciplinary system in New York and Florida now stand, allowing attorney's complained about to sneak around and handle complaints against their partners and firms while holding public offices with the department investigating them. This case may be the litmus test that forces change, changes to prevent this from happening again. Change that would assure that attorney's charged with misconduct cannot be a part or influence on disciplinary complaints against them or their partners while holding conflicting public offices. In other words, Krane would never have been able to be a senior disciplinary figure in New York, with active roles at departments where complaints were filed and defend his firm and partners in actions against them. In this newest attempt for Proskauer's self representation in conflict in this Court, if you were innocent of the charges, the last thing you would want suggested was a conflict, let alone similar conflicts that caused the five justices to call for investigation of your firm and partners, you would hire non conflicted lawyers to represent you.

Now two more Proskauer attorneys and two Foley and Lardner attorneys have First Department complaints<sup>6</sup> to defend and will be added as defendants to this case, more tax payer dollars will be expended for their acting in these matters before this Court in conflict, welcome Joanna Smith and Gregg Mashberg from Proskauer and Todd Norbitz and Anne Sekel of Foley and Lardner and all because again they act as if conflict laws don't exist and that this Court is blind and will allow such outrageous behavior without taking action to sanction them.

Finally, Plaintiffs received a letter Proskauer has sent to this Court dated March 07, 2008 whereby Proskauer claims falsely to this Court that none of the Proskauer defendants will be appearing as counsel in this case, so no conflict. First, Proskauer the firm in its entirety and all partners is a defendant, so any

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<sup>6</sup> Exhibit 2 - See attached Letter dated March 08, 2008 to Alan W. Friedberg, Esq. ~ Chief Counsel, Appellate Division First Department Departmental Disciplinary Committee

Proskauer partner appearing in these matters is conflicted including the two that so far have represented they are acting counsel. Once again we find Proskauer lying to a court, trying to justify conflict where no justification can exist and where Joanna Smith in representing herself as a Proskauer partner, fails to see herself as a defendant in these matters as the whole firm is, mere wishful thinking but the fact prevails that she is a defendant. Joanna must realize that her personal and professional livelihood is wholly contingent on this case and that she is a defendant no matter how much she may claim she is not and will be added as such in the amended complaint. If it pleases Your Honor, we will add each and every Proskauer and Foley partner both individually and professionally to the Complaint so Proskauer may understand that every partner, associate, etc. is a defendant more clearly. As Plaintiffs cannot pinpoint wholly which Proskauer partners acted directly in the conspiracy yet, we are uncertain if these two were directly involved in the initial crimes or not and certainly are not willing to take Proskauer's word that they are not, thus until discovery were completed and these partners were somehow excluded, we must assume that all Proskauer partners are involved. Proskauer in their letter further states they will provide explanation to Bernstein's "frivolous" claim of conflict, perhaps they should hire a non conflicted lawyer to do such, as when Krane tried this tactic in the First Department, combined with a smear campaign against Plaintiff Bernstein, we see where that has led. We beg this Court to have Proskauer's new non conflicted counsel explain all of the following conflict laws violated by Proskauer's self representations and any other violations this Court may find in their attempt occurred.

#### **CONFLICT LAWS VIOLATED IN PROSKAUER'S SELF REPRESENTATION**

##### **DR 5-101 [1200.20] Conflicts of Interest - Lawyer's Own Interests.**

A lawyer shall not accept or continue employment if the exercise of professional judgment on behalf of the client will be or reasonably may be affected by the lawyer's own financial, business, property, or personal interests

Proskauer would be precluded from representing their client Proskauer as their judgment of behalf of themselves will be affected by their own personal and professional financial, business, property and personal interests. Since the firm Proskauer has been sued, it is a fact that all partners are defendants and thus no one at the firm can make non conflicted representations in these matters.

##### **DR 5-102 [1200.21] Lawyers as Witnesses.**

A lawyer shall not act, or accept employment that contemplates the lawyer's acting, as an advocate on issues of fact before any tribunal if the lawyer knows or it is obvious that the lawyer ought to be called as

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a witness on a significant issue on behalf of the client, except that the lawyer may act as an advocate and also testify:

B. Neither a lawyer nor the lawyer's firm shall accept employment in contemplated or pending litigation if the lawyer knows or it is obvious that the lawyer or another lawyer in the lawyer's firm may be called as a witness on a significant issue other than on behalf of the client, and it is apparent that the testimony would or might be prejudicial to the client.

C. If, after undertaking employment in contemplated or pending litigation, a lawyer learns or it is obvious that the lawyer ought to be called as a witness on a significant issue on behalf of the client, the lawyer shall not serve as an advocate on issues of fact before the tribunal, except that the lawyer may continue as an advocate on issues of fact and may testify in the circumstances enumerated in DR 5-102 [1200.21] (B)(1) through (4).

Obviously Proskauer partners will be called as witnesses in droves in these matters from many parties including possibly by Proskauer themselves in these matters and as Proskauer was the former general and patent counsel to the Iviewit company's, Wheeler and Rubenstein were former Board of Directors, Proskauer is a current shareholder of Iviewit, as well as each Proskauer partner having partnership interests in Proskauer, it can be presumed that their testimony will be wholly prejudicial as their lives are at stake in these matters financially and they face lengthy federal prison sentences if found guilty. No Proskauer partner can act as counsel for Proskauer as discovery has not been completed and it is not yet known exactly which Proskauer partners were directly involved, either way, since the partnership has been sued those that may not have acted directly in the original sins are still liable for the actions of their partners and thus their actions are conflicted as all their livelihoods are at risk.

D. If, after undertaking employment in contemplated or pending litigation, a lawyer learns or it is obvious that the lawyer or a lawyer in his or her firm may be called as a witness on a significant issue other than on behalf of the client, the lawyer may continue the representation until it is apparent that the testimony is or may be prejudicial to the client at which point the lawyer and the firm must withdraw from acting as an advocate before the tribunal.

Proskauer therefore must withdraw formally from their representation as they are now cognizant that they will be witness and it may be prejudicial to their client themselves and thus must now withdraw as they did not think about this prior to acting in these matters as counsel.

**DR 5-103 [1200.22] Avoiding Acquisition of Interest in Litigation.**

A. A lawyer shall not acquire a proprietary interest in the cause of action or subject matter of litigation he or she is conducting for a client.

Proskauer has an entire interest in the cause of action against their firm in these matters as they are partners in the law firm they are representing. Proskauer also has acquired shareholdings in the Iviewit companies acting as their former counsel. They have interests thus in both sides of the litigation a certain hurdle a conflicts check would have red flagged.

**DR 5-104 [1200.23] Transactions Between Lawyer and Client.**

A. A lawyer shall not enter into a business transaction with a client if they have differing interests therein and if the client expects the lawyer to exercise professional judgment therein for the protection of the client, unless:

1. The transaction and terms on which the lawyer acquires the interest are fair and reasonable to the client and are fully disclosed and transmitted in writing to the client in a manner that can be reasonably understood by the client;
2. The lawyer advises the client to seek the advice of independent counsel in the transaction; and
3. The client consents in writing, after full disclosure, to the terms of the transaction and to the lawyer's inherent conflict of interest in the transaction.

Although this conflict does not affect to Plaintiffs knowledge Proskauer's representing Proskauer in these matters, this conflict violation arose when Proskauer acquired through purchase a financial interest in the Iviewit companies without any of the above mentioned 1, 2 and 3.

**DR 5-108 [1200.27] Conflict of Interest - Former Client.**

A. Except as provided in DR 9-101 [1200.45] (B) with respect to current or former government lawyers, a lawyer who has represented a client in a matter shall not, without the consent of the former client after full disclosure:

1. Thereafter represent another person in the same or a substantially related matter in which that person's interests are materially adverse to the interests of the former client.
2. Use any confidences or secrets of the former client except as permitted by DR 4-101 [1200.19] (C) or when the confidence or secret has become generally known.

Proskauer has represented the Iviewit companies and Plaintiff Eliot Bernstein personally and professionally in the same matters now before this Court as retained counsel and now they are representing themselves where their



interests are materially adverse to their former clients in the same nexus of events and materially related. Unconscionable conflict.

Clause A2 is yet another non related to Proskauer's representation of Proskauer before this Court conflict but is a conflict violation alleged by Plaintiffs who claim Proskauer has converted their technologies illegally and continues to use those secrets and confidences learned while acting as counsel to now inure benefit to their firm all to the detriment of their former clients the Ivewit companies shareholders.

**DR 1-102 [1200.3] Misconduct.**

A. A lawyer or law firm shall not:

1. Violate a Disciplinary Rule.
2. Circumvent a Disciplinary Rule through actions of another.
3. Engage in illegal conduct that adversely reflects on the lawyer's honesty, trustworthiness or fitness as a lawyer.
4. Engage in conduct involving dishonesty, fraud, deceit, or misrepresentation.
5. Engage in conduct that is prejudicial to the administration of justice.
7. Engage in any other conduct that adversely reflects on the lawyer's fitness as a lawyer.

Proskauer has violated disciplinary rules by acting as counsel in these matters with the AG and this Court already. Proskauer is attempting to circumvent disciplinary rules by having this Court and the AG accept their acting as counsel without reporting them as would be required by the following rule if this Court and the AG are licensed attorneys:

**DR 1-103 [1200.4] Disclosure of Information to Authorities.**

A. A lawyer possessing knowledge, (1) not protected as a confidence or secret, or (2) not gained in the lawyer's capacity as a member of a bona fide lawyer assistance or similar program or committee, of a violation of DR 1-102 [1200.3] that raises a substantial question as to another lawyer's honesty, trustworthiness or fitness as a lawyer shall report such knowledge to a tribunal or other authority empowered to investigate or act upon such violation.

We are certain that the AG and this Court will take appropriate actions now that they are exposed to the overwhelming conflicts Proskauer has created by already self representing themselves in these matters. As noted, Plaintiffs have filed this letter as a formal complaint to the First Department Disciplinary Committee simultaneously as our attempt as Pro Se counsel to notify such authorities but that if this Court and the AG find conflict certainly they should contact the appropriate authorities of not only the conflicts but of the potential that this case involves attorneys who may have committed hundreds of violations

of state, federal and international crimes, including crimes against the United States.

Proskauer has engaged in illegal conduct that adversely reflects on the lawyer's honesty, trustworthiness or fitness as a lawyer in attempting to act as counsel for themselves in disregard of ethics laws in a federal court.

Proskauer has engaged in conduct involving deceit and misrepresentation in perpetrating such conflict on this Court

Proskauer has engaged in conduct that is prejudicial to the administration of justice by acting in conflict before this Court and with the AG.

**DR 5-105 [1200.24] Conflict of Interest; Simultaneous Representation.**

D. While lawyers are associated in a law firm, none of them shall knowingly accept or continue employment when any one of them practicing alone would be prohibited from doing so under DR 5-101 [1200.20] (A), DR 5-105 [1200.24] (A) or (B), DR 5-108 [1200.27] (A) or (B), or DR 9-101 [1200.45] (B) except as otherwise provided therein.

E. A law firm shall keep records of prior engagements, which records shall be made at or near the time of such engagements and shall have a policy implementing a system by which proposed engagements are checked against current and previous engagements, so as to render effective assistance to lawyers within the firm in complying with DR 5-105 [1200.24] (D). Failure to keep records or to have a policy which complies with this subdivision, whether or not a violation of DR 5-105 [1200.24] (D) occurs, shall be a violation by the firm. In cases in which a violation of this subdivision by the firm is a substantial factor in causing a violation of DR 5-105 [1200.24] (D) by a lawyer, the firm, as well as the individual lawyer, shall also be responsible for the violation of DR 5-105 [1200.24] (D).

B. A lawyer with management responsibility in the law firm or direct supervisory authority over another lawyer shall make reasonable efforts to ensure that the other lawyer conforms to the disciplinary rules.

D. A lawyer shall be responsible for a violation of the Disciplinary Rules by another lawyer or for conduct of a non-lawyer employed or retained by or associated with the lawyer that would be a violation of the Disciplinary Rules if engaged in by a lawyer if:

1. The lawyer orders, or directs the specific conduct, or, with knowledge of the specific conduct, ratifies it; or

2. The lawyer is a partner in the law firm in which the other lawyer practices or the non-lawyer is employed, or has supervisory authority over the other lawyer or the non-lawyer, and knows of such conduct, or in the exercise of reasonable management or supervisory authority should have known of the conduct so that reasonable remedial action could be or could have been taken at a time when its consequences could be or could have been avoided or mitigated.

E. A lawyer shall comply with these Disciplinary Rules notwithstanding that the lawyer acted at the direction of another person.

It appears that Proskauer has no attorneys that could represent this case in their firm as it is a partnership whereby all partners are conflicted with these matters. Again, Plaintiffs look forward to seeing the Proskauer conflict departments check of their representing themselves in the matters in light of the disciplinary rules. Lack of such conflicts check appears to be yet another violation of the disciplinary rules. The new Proskauer lawyers who acted to perpetrate these conflicts on this Court certainly did not act solely and were directed by the senior members of the firm.

**DR 2-109 [1200.14] Obligation to Decline Employment.**

A. A lawyer shall not accept employment on behalf of a person if the lawyer knows or it is obvious that such person wishes to:

1. Bring a legal action, conduct a defense, or assert a position in litigation, or otherwise have steps taken for such person merely for the purpose of harassing or maliciously injuring any person.
2. Present a claim or defense in litigation that is not warranted under existing law, unless it can be supported by a good faith argument for an extension, modification, or reversal of existing law.

Proskauer should have declined to represent themselves but cannot help themselves as the evidence and witness against them are enormous and any non conflicted attorney would not put up false defense on their behalf. Obviously out lawyering themselves has left them as lawyers foolishly attempting to represent themselves in desperation and this sham on this Court appears to be an attempt to further delay these proceedings through more conflict; with the intent of such to be to further harm and maliciously injure Plaintiffs.

Proskauer's very first claim and defense to this Court in its very first letter is that it represents itself in these matters, a claim that is not warranted under existing law as it appears illegal for them to represent themselves until New York repeals their disciplinary rules and regulations almost entirely.

**DR 2-110 [1200.15] Withdrawal from Employment.**

A. In general.

1. If permission for withdrawal from employment is required by the rules of a tribunal, a lawyer shall not withdraw from employment in a proceeding before that tribunal without its permission.

B. Mandatory withdrawal.

A lawyer representing a client before a tribunal, with its permission if required by its rules, shall withdraw from employment, and a lawyer representing a client in other matters shall withdraw from employment, if:

1. The lawyer knows or it is obvious that the client is bringing the legal action, conducting the defense, or asserting a position in the litigation, or is otherwise having steps taken, merely for the purpose of harassing or maliciously injuring any person.

2. The lawyer knows or it is obvious that continued employment will result in violation of a Disciplinary Rule.

Proskauer already represented itself as counsel in these matters and thus if this Court requires permission to withdraw Proskauer will have to seek this Courts formal release. Proskauer is representing Proskauer to assert felonious defenses of themselves and their acting as counsel is in violation of attorney disciplinary rules and only an attempt cause further harm upon Plaintiffs and it is obvious that they know they are willfully and with intent violating such rules.

As Plaintiffs are not attorneys at law or ethics we ask this Court to conduct a full review of Proskauer's self representation to confirm that Plaintiffs interpretation of the ethics rules is both correct and that no additional ethics violations were violated that may have eluded Pro Se indigent Plaintiffs review of their actions.

Plaintiffs ask this Court to rule similarly on Foley and Lardner's self representation in these matters as almost the entire letter can be applied to their self representation already. If this Court would like we can resend the letter changing the name Proskauer to Foley and send that as well.

## **II. Delayed Return of Waivers of Personnel Service**

In its letter, Proskauer asks for an extension of time in its return of Waivers of Personnel Service to the Court, and a full twenty-three days after service. As a reminder to this court, service has already been delayed for almost one month due to the service complications currently under investigation.

Therefore, Plaintiffs request that this Court to deny Proskauer's request for additional time to return the Waivers of Personnel Service.

### **III. Delayed Return of Answer to the Complaint**

Proskauer additionally asks for a lengthy extension of time from this Court to respond to the Complaint above and beyond the allotted time. This Court denied Pro Se Plaintiffs' request for an extension of time to file an amended complaint. Unlike Pro Se Plaintiffs, Proskauer consists of mostly lawyers who have adequate legal staff, abundant resources and should have no problems timely responding, this of course if the Court allows Proskauer to continue to make representations in these matters.

Plaintiffs request this Court to deny Proskauer additional time to answer the Complaint. Unlike Connell of the AG, Proskauer has not called Plaintiffs, asking Plaintiffs directly for additional time.

### **IV. Request for Immediate Appointment of Pro Bono Counsel**

Plaintiffs respectfully request the appointment of pro bono counsel as it is absolutely critical at this stage and we beg the Court to reconsider its original denial of this request as Proskauer has indicated it will be filing a Motion to Dismiss. Plaintiffs are not lawyers, and while Plaintiff Lamont holds a law degree, he took a purely business oriented curriculum at Columbia, void of advanced civil procedure, Rules of Evidence, or any other litigation styled courses; he has never practiced and is not a member of the New York State Bar or any other Bar Association for that matter.

Plaintiffs are aware that many times, cases are initially decided on motions and then go to the appellate level before the case is actually tried in the district court; accordingly, without Pro Bono counsel, this Court will receive from Pro Se Plaintiffs responsive pleadings that perhaps do not conform to the Court's rules and decorum, and likely will not have the case support this Court should have and may require, as Plaintiffs are without the resources and skill sets in matters as complicated as these.

It is in the Court's best interests to have both sides of the argument properly laid out and the law briefed so that a "well reasoned" and correct decision can be made. With counsel, all this can happen. Without, it is less likely, plus the Court will have to read responses that are far too long, not straight to the point, and could result in appeasable error, at no fault of the Court's. In fact, Plaintiffs are working on an amended complaint in these matters and after consulting with the Pro Se desk, it appears that based on the RICO charge we will need to add another several hundred defendants in these matters to satisfy that charges requirements.

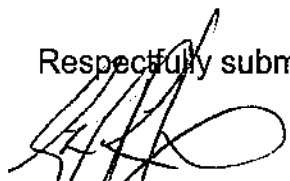
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If counsel is appointed in the future versus immediately, then they may be at a big disadvantage as motions filed now could result in certain claims or parties being released, which may not happen with counsel's aid instantly. We beg this Court to grant instant Pro Bono counsel and give Plaintiffs time to adequately seek such representation before forcing upon them self representation that is wholly unqualified for these matters.

Therefore, and in light of Proskauer's prior self-representations in State Bar complaints and in a civil billing case, all of which resulted in conflict of interest and abuse of public offices in Florida and New York, Plaintiffs request that this Court direct Proskauer Rose LLP and Foley & Lardner LLP to seek third party, non-conflicted counsel and sanction them for acting again in conflict before this Court.

Lastly, Plaintiffs direct this Court to newly filed attorney complaints against Joanna Smith, Gregory Mashberg, and Proskauer Rose LLP attached herein as Exhibit A.

Respectfully submitted,



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Eliot I. Bernstein, Pro Se  
and

P. Stephen Lamont, Pro Se

cc: Monica Connell (via US Mail and Facsimile)  
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Attorney for Defendants

Todd Norbitz, Esq.  
Anne Sekel, Esq.  
Foley and Lardner LLP (via US Mail, Email and Facsimile)  
Attorney for Defendants

John W. Fried, Esq. (via US Mail, Email and Facsimile)  
Fried & Epstein LLP  
Attorneys for Defendants Joao

Exhibit 1 – Partial draft Amended Complaint

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

X

ELIOT I. BERNSTEIN, INDIVIDUALLY and P. STEPHEN LAMONT AND ELIOT I. BERNSTEIN ON BEHALF OF SHAREHOLDERS OF IVIEWIT HOLDINGS, INC., IVIEWIT TECHNOLOGIES, INC., UVIEW.COM, INC., IVIEWIT HOLDINGS, INC., IVIEWIT HOLDINGS, INC., DOCKET NO: IVIEWIT.COM, INC., IVIEWIT.COM, INC., I.C., INC., 07-CV-11196 (SAS) IVIEWIT.COM LLC, IVIEWIT LLC, IVIEWIT CORPORATION, IVIEWIT, INC., IVIEWIT, INC., and PATENT INTEREST HOLDERS ATTACHED AS EXHIBIT A Plaintiffs,

-against-

1. PROSKAUER ROSE LLP,
2. ANY OTHER JOHN DOE ("JOHN DOE") PROSKAUER PARTNER, AFFILIATE, COMPANY, KNOWN OR NOT KNOWN AT THIS TIME; INCLUDING BUT NOT LIMITED TO PROSKAUER ROSE LLP PARTNERS, ASSOCIATES, OF COUNSEL, EMPLOYEES, CORPORATIONS, AFFILIATES AND ANY OTHER PROSKAUER RELATED OR AFFILIATED ENTITIES BOTH INDIVIDUALLY AND PROFESSIONALLY.
3. STEVEN C. KRANE in his official, individual and professional capacity,
4. KENNETH RUBENSTEIN both individually and professionally,
5. ESTATE OF STEPHEN KAYE in his former official, individual and Professional capacity,
6. Alan S. Jaffe both individually and professionally, AMENDED COMPLAINT
7. Robert Kafin both individually and professionally,
8. Christopher C. Wheeler in his official, individual and professional capacity,
9. Matthew Triggs in his official, individual capacity and professional,
10. Albert Gortz both individually and professionally,
11. HON. JUDITH S. KAYE in her official and individual capacity,
12. MELTZER LIPPE GOLDSTEIN & BREISTONE LLP,
13. MELTZER, LIPPE, GOLDSTEIN, WOLF & SCHLISSEL, P.C.,
14. ANY OTHER JOHN DOE ("JOHN DOE") MELTZER, LIPPE, GOLDSTEIN, WOLF & SCHLISSEL, P.C. PARTNER, AFFILIATE, COMPANY, KNOWN OR NOT KNOWN AT THIS TIME; INCLUDING BUT NOT LIMITED TO MELTZER, LIPPE, GOLDSTEIN, WOLF & SCHLISSEL, P.C.; PARTNERS, ASSOCIATES, OF COUNSEL, EMPLOYEES, CORPORATIONS, AFFILIATES AND ANY OTHER MELTZER, LIPPE, GOLDSTEIN, WOLF & SCHLISSEL, P.C. RELATED OR AFFILIATED ENTITIES BOTH INDIVIDUALLY AND PROFESSIONALLY,
15. ANY OTHER JOHN DOE ("JOHN DOE") MELTZER LIPPE GOLDSTEIN & BREISTONE LLP, PARTNER, AFFILIATE, COMPANY, KNOWN OR NOT KNOWN AT THIS TIME; INCLUDING BUT NOT LIMITED TO MELTZER LIPPE GOLDSTEIN & BREISTONE LLP, PARTNERS, ASSOCIATES, OF COUNSEL, EMPLOYEES, CORPORATIONS, AFFILIATES AND ANY OTHER MELTZER LIPPE GOLDSTEIN & BREISTONE LLP, RELATED OR AFFILIATED ENTITIES BOTH INDIVIDUALLY AND PROFESSIONALLY,
16. LEWIS S. MELTZER both individually and professionally,
17. RAYMOND A. JOAO both individually and professionally,
18. Frank Martinez in both individually and professionally,
19. FOLEY AND LARDNER LLP,

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**20. ANY OTHER JOHN DOE ("JOHN DOE") FOLEY & LARDNER PARTNERS, AFFILIATES, COMPANIES, KNOWN OR NOT KNOWN AT THIS TIME; INCLUDING BUT NOT LIMITED TO FOLEY & LARDNER; PARTNERS, ASSOCIATES, OF COUNSEL, EMPLOYEES, CORPORATIONS, AFFILIATES AND ANY OTHER FOLEY & LARDNER RELATED OR AFFILIATED ENTITIES BOTH INDIVIDUALLY AND PROFESSIONALLY.**

**21. MICHAEL C. GREBE both individually and professionally,**

**22. WILLIAM J. DICK both individually and professionally,**

**23. Todd C. Norbitz, Esq. both individually and professionally,**

**24. Anne Sekel, Esq. both individually and professionally,**

**25. MPEGLA, LLC.,**

**26. MPEGLA LLC. Licensors**

**27. MPEGLA LLC. Licensees**

**MPEG-9**

**MPEG-2**

**MPEG -2 Systems**

**MPEG-4 Visual**

**MPEG-4 Systems**

**IEEE 1394 (Firewire)**

**AVC (H.264)**

**DVB-T**

**ATSC**

**VC-1**

**28. DVD6C Licensing Group**

**29. 6C DVD (1998)**

**30. 4C DVD (1997)**

**31. RFID Council LLC,**

**32. Lawrence Horn**

**33. INTEL CORP.,**

**34. Real 3d, Inc.,**

**35. SILICON GRAPHICS, INC.,**

**36. LOCKHEED MARTIN,**

**37. RYJO,**

**38. Gerald Stanley,**

**39. Ryan Huisman,**

**40. Larry Palley,**

**41. Tim Connolly,**

**42. Rosalie Bibona,**

**43. Brian G. Utley both individually and professionally,**

**44. Michael Reale both individually and professionally,**

**45. Judge Jorge LABARGA in his official and individual capacity,**

**46. John Anthony Boggs in his official and individual capacity,**

**47. THOMAS J. CAHILL, in his official and individual capacity,**

**48. ALBERTO GONZALES, former United States Attorney General, in his official and individual capacity.**

**49. JOHNNIE E. FRAZIER, former United States Department of Commerce Inspector General, in his official and individual capacity.**

**50. HOUSTON & SHADY, P.A.**

**51. Any other John Doe ("John Doe") Houston & Shady, P.A., affiliates, companies, known or not known at this time; including but not limited to Houston & Shady P.A. related or affiliated entities both individually and professionally.**

**52. FURR & COHEN, P.A.**

**53. Any other John Doe ("John Doe") Furr & Cohen, P.A., affiliates, companies, known or not known at this time; including but not limited to Furr & Cohen, P.A. related or affiliated entities both individually and professionally.**



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54. SACHS SAXS & KLEIN, P.A.
55. Any other John Doe ("John Doe") Sachs Saxs & Klein P.A., affiliates, companies, known or not known at this time; including but not limited to Sachs Saxs & Klein, PA related or affiliated entities both individually and professionally.
56. European Patent Office
57. ALAIN POMPIDOU, European Patent Office, in his official and personal capacity,
58. Christopher Pruzaski both individually and professionally.
59. Mara Lerner Robbins both individually and professionally.
60. Donald "ROCKY" Thompson both individually and professionally.
61. Gayle Coleman both individually and professionally,
62. David George both individually and professionally,
63. George A. Pincus both individually and professionally,
64. Gregg Reed both individually and professionally,
65. Leon Gold both individually and professionally,
66. Marcy Hahn-Saperstein both individually and professionally,
67. Kevin J. Healy both individually and professionally,
68. Stuart Kapp both individually and professionally,
69. Ronald F. Storette both individually and professionally,
70. Chris Wolf both individually and professionally,
71. Jill Zammass both individually and professionally,
72. JON A. BAUMGARTEN both individually and professionally,
73. SCOTT P. COOPER both individually and professionally,
74. BRENDAN J. O'ROURKE both individually and professionally,
75. LAWRENCE I. WEINSTEIN both individually and professionally,
76. WILLIAM M. HART both individually and professionally,
77. DARYN A. GROSSMAN both individually and professionally,
78. JOSEPH A. CAPRARO JR. both individually and professionally,
79. JAMES H. SHALEK both individually and professionally,
80. Gregory Mashberg, Esq., both individually and professionally,
81. Joanna Smith, Esq., both individually and professionally,
82. THE CITY OF NEW YORK,
83. THE OFFICE OF COURT ADMINISTRATION OF THE UNIFIED COURT SYSTEM,
84. DOUGLAS A. BOEHM both individually and professionally,
85. STEVEN C. BECKER both individually and professionally,
86. Ralf Boer both individually and professionally,
87. Barry Grossman both individually and professionally,
88. Jim Clark both individually and professionally,
89. Schiffrin & Barroway, LLP
90. any other John Doe ("John Doe") Schiffrin & Barroway, LLP partners, affiliates, companies, known or not known at this time; including but not limited to Schiffrin & Barroway, LLP; Partners, Associates, Of Counsel, Employees, Corporations, Affiliates and any other Schiffrin & Barroway, LLP related or affiliated entities both individually and professionally.
91. Richard Schiffrin individually and professionally,
92. Andrew Barroway individually and professionally,
93. Krishna Narine individually and professionally,
94. Blakely Sokoloff Taylor & Zafman LLP,
95. any other John Doe ("John Doe") Blakely Sokoloff Taylor & Zafman LLP partners, affiliates, companies, known or not known at this time; including but not limited to Blakely Sokoloff Taylor & Zafman LLP; Partners, Associates, Of Counsel, Employees, Corporations, Affiliates and any other Blakely Sokoloff Taylor & Zafman LLP related or affiliated entities both individually and professionally.
96. Norman Zafman individually and professionally,
97. Thomas Coester individually and professionally,
98. Farzad Ahmini individually and professionally,

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99. George Hoover individually and professionally,
100. Wildman, Harrold, Allen & Dixon Partners,
101. any other John Doe ("John Doe") Wildman, Harrold, Allen & Dixon LLP partners, affiliates, companies, known or not known at this time; including but not limited to Wildman, Harrold, Allen & Dixon LLP; Partners, Associates, Of Counsel, Employees, Corporations, Affiliates and any other Wildman, Harrold, Allen & Dixon LLP related or affiliated entities both individually and professionally.
102. Christopher & Weisberg, P.A.
103. any other John Doe ("John Doe") Christopher & Weisberg, P.A. partners, affiliates, companies, known or not known at this time; including but not limited to Christopher & Weisberg, P.A.; Partners, Associates, Of Counsel, Employees, Corporations, Affiliates and any other Christopher & Weisberg, P.A. related or affiliated entities both individually and professionally.
104. Alan M. Weisberg individually and professionally,
  
105. Martyn W. Molyneaux individually and professionally,
106. Michael Dockterman individually and professionally,
107. YAMAKAWA INTERNATIONAL PATENT OFFICE,
108. any other John Doe ("John Doe") Yamakawa International Patent Office partners, affiliates, companies, known or not known at this time; including but not limited to Yamakawa International Patent Office; Partners, Associates, Of Counsel, Employees, Corporations, Affiliates and any other Yamakawa International Patent Office related or affiliated entities both individually and professionally.
109. Masaki Yamakawa individually and professionally,
110. GOLDSTEIN LEWIN & CO.
111. any other John Doe ("John Doe") Goldstein & Lewin Co. partners, affiliates, companies, known or not known at this time; including but not limited to Goldstein & Lewin Co.; Partners, Associates, Of Counsel, Employees, Corporations, Affiliates and any other Goldstein & Lewin Co. related or affiliated entities both individually and professionally.
112. Donald J. Goldstein individually and professionally,
113. Gerald R. Lewin individually and professionally,
114. Erika Lewin individually and professionally,
115. Mark R. Gold individually and professionally,
116. Paul Feuerberg individually and professionally,
117. Salvatore Bochicchio individually and professionally,
118. Marc H. List individually and professionally,
119. David A. Katzman individually and professionally,
120. Robert H. Garick individually and professionally,
121. Robert C. Zeigen individually and professionally,
122. Lawrence A. Rosenblum individually and professionally,
123. Brad N. Mciver individually and professionally,
124. Robert Cini individually and professionally,
125. Steve Cochran individually and professionally,
126. David Bolton individually and professionally,
127. Connie Martin individually and professionally,
128. Richard Gentner individually and professionally,
129. Steven A. Behrens individually and professionally,
130. Matt Johannsen individually and professionally,
131. any other John Doe ("John Doe") Intel, Real 3D, Inc. (Silicon Graphics, Inc., Lockheed Martin & Intel) & RYJO partners, affiliates, companies, known or not known at this time; including but not limited to Intel, Real 3D, Inc. (Silicon Graphics, Inc., Lockheed Martin & Intel) & RYJO; Employees, Corporations, Affiliates and any other Intel, Real 3D, Inc. (Silicon Graphics, Inc., Lockheed Martin & Intel) & RYJO related or affiliated entities both individually and professionally.
132. Tiedemann Investment Group

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133. any other John Doe ("John Doe") Tiedemann Investment Group partners, affiliates, companies, known or not known at this time; including but not limited to Tiedemann Investment Group and any other Tiedemann Investment Group related or affiliated entities both individually and professionally.
134. Bruce T. Prolow individually and professionally,
135. Carl Tiedemann individually and professionally,
136. Andrew Philip Chesler individually and professionally,
137. Craig L. Smith individually and professionally,
138. Crossbow Ventures,
139. Alpine Partners,
140. Stephen J. Warner individually and professionally,
141. RenE P. Eichenberger individually and professionally,
142. H. Hickman "Hank" Powell individually and professionally,
143. Maurice Buchsbaum individually and professionally,
144. Eric Chen individually and professionally,
145. Avi Hersh individually and professionally,
146. Matthew Shaw individually and professionally,
147. Bruce W. Shewmaker individually and professionally,
148. Ravi M. Ugale individually and professionally,
149. any other John Doe ("John Doe") Crossbow Ventures, Alpine Partners partners, affiliates, companies, known or not known at this time; including but not limited to Crossbow Ventures / Alpine Partners and any other Crossbow Ventures / Alpine Partners related or affiliated entities both individually and professionally.
150. BROAD & CASSEL,
151. James J. Wheeler individually and professionally,
152. Kelly Overstreet Johnson in her official, individual and professional capacities,
153. any other John Doe ("John Doe") Broad & Cassell partners, affiliates, companies, known or not known at this time; including but not limited to Broad & Cassell and any other Broad & Cassell related or affiliated entities both individually and professionally.
154. Raymond Hersh individually and professionally,
155. THE SUPREME COURT OF NEW YORK APPELLATE DIVISION: FIRST JUDICIAL DEPARTMENT,
156. THE SUPREME COURT OF NEW YORK APPELLATE DIVISION: FIRST JUDICIAL DEPARTMENT, DEPARTMENTAL DISCIPLINARY COMMITTEE
157. THE SUPREME COURT OF NEW YORK APPELLATE DIVISION: SECOND JUDICIAL DEPARTMENT, DEPARTMENTAL DISCIPLINARY COMMITTEE
158. THE SUPREME COURT OF NEW YORK APPELLATE DIVISION: SECOND JUDICIAL DEPARTMENT,
159. THE FLORIDA BAR,
160. Lorraine Christine Hoffman in her official and individual capacities,
161. Eric Turner in his official and individual capacities,
162. Kenneth Marvin in his official and individual capacities,
163. Joy A. Bartmon in her official and individual capacities,
164. Jerald Beer in his official and individual capacities,
165. CATHERINE O'HAGEN WOLFE in her official and individual capacity,
166. PAUL CURRAN in his official and individual capacity,
167. MARTIN R. GOLD in his official and individual capacity,
168. LAWRENCE DIGIOVANNA in his official and individual capacity,
169. DIANA MAXFIELD KEARSE in her official and individual capacity,
170. JAMES E. PELTZER in his official and individual capacity,
171. HON. A. GAIL PRUDENTI in her official and individual capacity,
173. THOMAS HALL in his official and individual capacity,
174. DEBORAH YARBOROUGH in her official and individual capacity,
175. VIRGINIA STATE BAR,

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- 176. ANDREW H. GOODMAN in his official and individual capacity,
- 177. NOEL SENDEL in her official and individual capacity,
- 178. MARY W. MARTELINO in her official and individual capacity,
- 179. Lizbeth L. Miller, in her official and individual capacity,
- 180. Detective Robert Flechaus in his official and individual capacity,
- 181. Chief of Police Andrew Scott in his official and individual capacity
- 182. Harrison Goodard Foote incorporating Brewer & Son
- 183. Any other John Doe ("John Doe") Harrison Goodard Foote (incorporating Brewer & Son) partners, affiliates, companies, known or not known at this time; including but not limited to Harrison Goodard Foote incorporating Brewer & Son and any other related or affiliated entities both individually and professionally.
- 184. Moskowitz, Mandell, Salim & Simowitz, P.A.,
- 185. Any other John Doe ("John Doe") Moskowitz, Mandell, Salim & Simowitz, P.A., affiliates, companies, known or not known at this time; including but not limited to Moskowitz, Mandell, Salim & Simowitz, P.A. related or affiliated entities both individually and professionally.
- 186. Huizenga Holdings Incorporated
- 187. Any other John Doe ("John Doe") Huizenga Holdings Incorporated affiliates, companies, known or not known at this time; including but not limited to Huizenga Holdings Incorporated related or affiliated entities both individually and professionally.
- 188. Wim van der Eijk, European Patent Office, in his official and personal capacity,
- 189. Lise Dybdahl, European Patent Office, in her official and personal capacity,
- 190. UVIEW.COM, INC. – DL[1]
- 191. IVIEWIT HOLDINGS, INC. – DL
- 192. IVIEWIT HOLDINGS, INC. – DL
- 193. IVIEWIT HOLDINGS, INC. – FL
- 194. IVIEWIT.COM, INC. – FL
- 195. IVIEWIT.COM, INC. – DL
- 196. I.C., INC. – FL
- 197. IVIEWIT.COM LLC – DL
- 198. IVIEWIT LLC – DL
- 199. IVIEWIT CORPORATION – FL
- 200. IVIEWIT, INC. – FL
- 201. IVIEWIT, INC. – DEL
- 202. Any other John Doe,
- 203. Any other Jane Doe

Defendants

X

**JURY TRIAL  
DEMANDED**

**OTHER INTERESTED PARTIES**

GLENN A. FINE, inspector general for the united states department of justice, where a complaint has been filed by plaintiffs and is under review.

H. MARSHALL JARRETT, chief counsel of the federal bureau of investigation, office of professional responsibility, and was referred by glenn fine to begin investigation of plaintiffs' missing files at the federal bureau of investigation and the united states attorney general's office concerning iviewit companies matters and a car bombing of plaintiff bernstein's minivan.

HARRY I. MOATZ, director of the office and enrollment and discipline for the united states patent and trademark office, whereby a complaint has been filed by plaintiffs and has led to a formal investigation of up to nine attorneys and law firms complained of herein including proskauer, rubenstein, joao, foley, dick, boehm and becker.

JON W. DUDAS, under secretary of commerce for

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intellectual property and director of the united states patent and trademark office, after initial investigation by moatz, plaintiffs were directed by moatz to file a charge of fraud upon the united states patent and trademark office by those attorneys and law firms of the federal patent bar; request of patent suspension was granted pending outcome of moatz and the united states patent and trademark office investigations.

**ERIC M. THORSEN**, small business administration inspector general, as a result of plaintiffs' ongoing complaint.

**DANIEL O'ROURKE**, is assistant to small business administration inspector general, as a result of plaintiffs' ongoing complaint.

**DAVID GOUVAIA**, is the duty agent, treasury inspector general for tax administration, as a result of plaintiffs' ongoing complaint.

**GEORGE PATAKI**, is the former governor of the state of new york, as a result of plaintiffs' ongoing complaint.

**ELIOT SPITZER**, is the governor of the state of new york, as a result of plaintiffs' ongoing complaint.

**ANDREW COUMO**, is the attorney general of the state of new york, as a result of plaintiffs' ongoing complaint.

**ROBERT MORGANTHAU**, is the district attorney for new york county, new york, as a result of plaintiffs' ongoing complaint.

**DIANNE FEINSTEIN**, is a united states senator and member of the senate judiciary committee, whereby at the bequest of moatz, plaintiff's were directed to file for congressional actions in certain intellectual property matters

**JOHN CONYERS**, is a united states senator and chairman of the united states house of representatives judiciary committee, conyers was forwarded the iviewit matters for investigation by united states senator john dingell, chairman of the house energy and commerce committee, which was initiated by nita lowey a senator from new york

**STEPHEN LUCCHESI**, west palm beach division of the federal bureau of investigation, case investigator for

**HILLARY R. CLINTON**, is a united states senator from new york, as a result of plaintiffs' ongoing complaint.

**LONNIE DAVIS**, united states department of justice

**CHRIS P. MERCER**, is the president of the institute of professional representatives before the european patent office, as a result of plaintiffs' ongoing complaint whereby evidence of document tampering has surfaced.

**AICPA**

**FLORIDA DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**CARL W. COOK**

**LAURA GAFFNEY**

**JEFFREY SEWELL**

**ERIC HURST**

**RON RUSSO**

**CHARLIE CRIS**, GOVERNOR OF FLORIDA

**JEB BUSH**, FORMER GOVERNOR FLORIDA

**CHRISTOPHER KISE**, former solicitor general for the supreme court of florida, foley and lardner partner

**ANTHONY FRENDEEN**

**CAROLINE PROCHOTSKA ROGERS, ESQ.**

**JOHN CAULKINS**

**DAVID COLTER**

**JAMES F. ARMSTRONG**

**SIMON L. BERNSTEIN**

**JEFFREY FRIEDSTEIN**

**JUDE ROSARIO**

**ZAKIRUL SHIRAJEE**

**Re: Plaintiffs Opposition to Proskauer Rose March 4, 2008 to this Court in Eliot I. Bernstein, et al. v. Appellate Division, First Department Departmental Disciplinary Committee, et al.,**  
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**MARC GARBER  
FLASTER GREENBERG PC  
MARK GAFFNEY, ESQ.  
RICK LEE, BOYNTON BEACH FIRE  
JAMES GROODY, USPTO  
JOHN J. DOLL, USPTO  
MINDY FLEISCHER, USPTO  
GREGORY L. HUSON, USPTO  
COURTNEY JURCAK  
JENNIFER A. KLUGE  
CATHIE KIRIK, USPTO  
IRA LAZARUS, USPTO  
MONTE FRIEDKIN  
JAMES COHEN  
TED LEONSIS  
ALAN J. EPSTEIN, ESQ.  
JAMES R. JACKOWAY, ESQ.  
MICHELE M. MULROONEY JACKOWAY  
HASSAN MIAH  
IRELL AND MANELLA  
BLAZE BENHAM  
STEVEN SKLAR  
MOLLIE DEKOLD  
RICHARD ROSMAN, ESQ.  
ANTHONY LEWINTER, ESQ.  
JAMES OSTERLING  
GERARD VONK ~ HAGUE POLICE  
MATTHEW MINK  
CHARLES MICHAEL MOORE  
TAMMY RAYMOND  
SCOTT MURPHY  
KENNETH ANDERSON  
STEVE NANCE-POOR  
ANDREW R. DIETZ  
DONNA B. DIETZ  
GINGER STANGER  
R. ALEXANDER ACOSTA, UNITED STATES ATTORNEY FOR THE SOUTHERN DISTRICT  
OF FLORIDA  
JEFFREY H. SLOMAN, UNITED STATES ATTORNEY'S OFFICE, SOUTHERN DISTRICT OF  
FLORIDA  
JIM MOLINARI, state director, united states senate - the honorable senator dianne feinstein  
JENNIFER DUCK, chief counsel, united states senate - the honorable senator dianne feinstein  
SHANNA WINTERS, House Judiciary Committee  
SAMPAK GARG, house judiciary committee**

**PLAINTIFFS, ELIOT I. BERNSTEIN, Pro Se, individually and P. STEPHEN LAMONT, Pro Se and Plaintiff BERNSTEIN on behalf of shareholders of Iviewit Holdings, Inc., Iviewit Technologies, Inc., Uview.com, Inc. , Iviewit Holdings, Inc., Iviewit Holdings, Inc., Iviewit.com, Inc., Iviewit.com, Inc., I.C., Inc., Iviewit.com LLC, Iviewit LLC, Iviewit Corporation, Iviewit, Inc., Iviewit, Inc., and other John Doe companies (collectively, "Iviewit Companies"), and patent interest holders attached as Exhibit A, and for**

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their Complaint against the above captioned Defendants, state upon knowledge as to their own facts and upon information and belief as to all other matters:

**PRELIMINARY STATEMENT**

1. This is a civil action seeking injunctive relief, monetary relief, including past and on going economic loss, compensatory and punitive damages, disbursements, costs and fees for violations of rights brought pursuant to, including but not limited to, Article 1, Section 8, Clause 8 of The Constitution of the United States; Fifth, and Fourteenth Amendment to The Constitution of the United States; 15 U.S.C.A. §§ 1 and 2; Title VII of the Civil Rights Act of 1964 (as amended); 18 U.S.C. § 1961 through 18 U.S.C. § 1968; and, State law claims.
2. Specifically, Plaintiffs allege that the Defendants wantonly, recklessly, knowingly and purposefully, acting individually and in conspiracy with each other, sought to deprive Petitioners of title and pay through a pattern of violation of constitutional rights, violation of attorney ethics, misrepresentation, misinformation, fraud, fraud upon the United States Patent and Trademark Office and other Federal, state, and international agencies, and abuse of and manipulation of laws, rules, and regulations, conflicts of interests and abuse of public offices of including but not limited to the 1<sup>st</sup> DDC and 2<sup>nd</sup> DDC and others, and appearances of impropriety<sup>7</sup> <sup>8</sup> to deprive Plaintiffs of interests in intellectual properties valued at approximately One Trillion Dollars (\$1,000,000,000,000.00).
3. Said acts were done knowingly with the consent and condonation of officers of including but not limited to the First Department Departmental Disciplinary Committee ("1<sup>st</sup> DDC"), the Second Department Departmental Disciplinary Committee ("2<sup>nd</sup> DDC"), the New York State Supreme Court Appellate Division First Department ("First Department Court"), Supreme Court of the State of New York Appellate Division Second Judicial Department ("Second Department Court"), State of New York Court of Appeals, ("COA"), Proskauer Rose LLP ("Proskauer"), Meltzer Lippe Goldstein & Breistone LLP (f.k.a. Meltzer Lippe Goldstein Schlissel & Wolfe LLP "MLGSW"), Foley Lardner LLP ("Foley"), the State of New York Commission of Investigation ("COI"), Lawyers Fund for Client Protection of the State of New York ("LFCP"), The Florida Bar ("TFB"), the Virginia State Bar ("VSB"), and other culpable parties.
4. Consequently, and contained in this Complaint, Plaintiffs depict a conspiratorial pattern of fraud, deceit, and misrepresentation, that runs so wide and so deep, that it tears at the very fabric, and becomes the

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<sup>7</sup> See Unpublished Order:

M3198 - Steven C. Krane & Proskauer Rose;  
M2820 Kenneth Rubenstein & Proskauer Rose;  
M3212 Raymond A. Joao and Meltzer Lippe Goldstein & Schlissel; and,  
Thomas J. Cahill – Special Inquiry #2004.1122.

<sup>8</sup> See Motion in the Matters of Complaints Against Attorneys and Counselors at Law; Thomas J. Cahill – Docket Pending Review by Special Counsel Martin R. Gold On Advisement of Paul J. Curran and Related Cases (Separate Motion Attached) Against Kenneth Rubenstein – Docket 2003.0531, Raymond A. Joao – Docket 2003.0532, Steven C. Krane – Docket Pending Review by Paul J. Curran, Esq. and The Law Firm of Proskauer Rose LLP.

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litmus test, of what has come to be known as due process and free commerce in this country, and in that the circumstances involve inventors' rights tears at the very fabric of the Constitution of the United States.



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Exhibit 2 – First Department Complaints against Proskauer and Foley and  
Individual Attorneys

**IVIEWIT HOLDINGS, INC.**

P. Stephen Lamont  
Former Chief Executive Officer (Acting)  
Direct Dial: 914-217-0038

Eliot I. Bernstein  
Founder and Inventor  
Direct Dial: 530-529-4110

**By Facsimile and U.S. Mail**

Sunday, March 09, 2008

Alan W. Friedberg, Esq.  
Chief Counsel  
Appellate Division First Department  
Departmental Disciplinary Committee  
61 Broadway  
New York, N.Y. 10006

Re: Complaints of Eliot I. Bernstein, Individually, P. Stephen Lamont and Eliot I. Bernstein on behalf of shareholders of Iviewit Holdings, Inc., Iviewit Technologies, Inc., Uview.com, Inc., Iviewit Holdings, Inc., Iviewit Holdings, Inc., Iviewit.com, Inc., Iviewit.com, Inc., I.C., Inc., Iviewit.com LLC, Iviewit LLC, Iviewit Corporation, Iviewit, Inc., Iviewit, Inc., and Patent Interest Holders against Gregory Mashberg, Esq., Joanna Smith, Esq., Proskauer Rose LLP, Todd C. Norbitz, Esq., Anne Sekel, Esq. and Foley and Lardner LLP (collectively, “Respondents”)

Dear Mr. Friedberg:

Complainants state as follows:

**BACKGROUND**

That on December 12, 2007 Complainants filed a civil complaint in United States District Court Southern District of New York styled as Eliot I. Bernstein, et al. v. Appellate Division First Department Departmental Disciplinary Committee et al.

**Re: Plaintiffs Opposition to Proskauer Rose March 4, 2008 to this Court in Eliot I. Bernstein, et al. v. Appellate Division, First Department Departmental Disciplinary Committee, et al.,**  
**Docket No. 07 CV 11196 (SAS)**

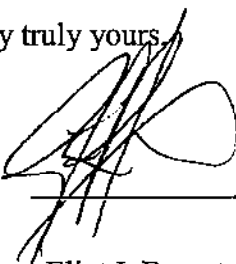
That preliminary letters have been exchanged by and between defendant counsel and the Court and wherein within certain of these letter exchanges, it is apparent that certain of the defendants and their law firms named herein are representing themselves in conflict and in violation of a multitude of the New York Lawyer's Code of Professional Responsibility as further defined in the attached letter to Judge Shira A. Scheindlin. Please take this letter and the attached letter to Judge Shira A. Scheindlin as a formal complaint against all of the following:

1. Proskauer Rose LLP.
2. Gregory Mashberg, Esq.
3. Joanna Smith, Esq.
4. Foley and Lardner LLP
5. Todd C. Norbitz, Esq.
6. Anne Sekel, Esq.

In summary, Mr. Friedberg, in light of the tactics of Respondents, in diametric opposition to the New York Lawyer's Code of Professional Responsibility, Complainants demands discipline, whether by admonishment, reprimand, suspension, resignation, or disbarment, against Respondents. In the fact that Complainants are currently suing your offices in the Federal case for prior mishandling of attorney disciplinary cases, if you or your offices are conflicted in these matters, please direct the complaints to the next highest level of review that is pre-screened to be free of conflict in order to relegate instant justice regarding these matters.

Very truly yours,

By: \_\_\_\_\_



Eliot I. Bernstein  
Founder & Inventor

and

By: P. Stephen Lamont

cc: Andrew R. Cuomo, Attorney General of the State of New York  
Robert Morgenthau, District Attorney of New York County  
Lawyers Fund for Client Protection

**Re: Plaintiffs Opposition to Proskauer Rose March 4, 2008 to this Court in Eliot I. Bernstein, et al. v. Appellate Division, First Department Departmental Disciplinary Committee, et al.**  
**Docket No. 07 CV 11196 (SAS)**

The Honorable Glenn Fine, Inspector General, United States Department of Justice  
The Honorable John Conyers Jr. (D-MI 14th), Chairman, House Judiciary Committee  
H. Marshall Jarrett, Counsel, Federal Bureau of Investigation, Office of Professional Responsibility  
The Honorable Shira A. Scheindlin, United States District Court ~ Southern District of New York