

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ELIOT I. BERNSTEIN et al.,

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Plaintiffs,

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Case Number: 07 Civ. 11196 (SAS)

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- against -

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APPELLATE DIVISION FIRST
DEPARTMENT DISCIPLINARY
COMMITTEE et al.,


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)
NOTICE OF MOTION

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Defendants.
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PLEASE TAKE NOTICE that, upon all prior proceedings and herein, the accompanying Declaration of Glenn T. Burhans, Jr., dated March 20, 2008, and one exhibit annexed thereto, and the accompanying Memorandum of Law, Defendants The Florida Bar, John Anthony Boggs, Kenneth Marvin, Lorraine Hoffmann, and Eric Turner¹ (collectively "The Florida Bar Defendants") will move this Court before the Honorable Shira A. Scheindlin, United States District Court Judge, at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, Courtroom 12-C, New York, New York, for an order of dismissal, pursuant to Fed. R. Civ. P. Rules 12(b)(2) and (6), dismissing the Complaint in this action as to The Florida Bar Defendants in its entirety, and such other and further relief as the Court deems just and proper.

Dated: March 20, 2008
New York, New York

GREENBERG TRAUIG, LLP

By: 
Glenn T. Burhans, Jr. (GB-0974)
101 East College Ave.

¹ As of March 20, 2008, Eric Turner has not been served with a summons or copy of the Complaint. In the event service of process is made, the undersigned will serve as counsel for Mr. Turner.

Tallahassee, Florida 32301
(850) 521-8570
(850) 521-1357 (fax)
BurhansG@gtlaw.com

Attorney for The Florida Bar Defendants

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ELIOT I. BERNSTEIN et al.,)	
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Plaintiffs,)	Case Number: 07 Civ. 11196 (SAS)
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- against -)	
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APPELLATE DIVISION FIRST)	
DEPARTMENT DISCIPLINARY)	
COMMITTEE et al.,)	
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Defendants.)	
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**DECLARATION OF GLENN T. BURHANS, JR., IN SUPPORT OF
THE FLORIDA BAR DEFENDANTS' MOTION TO DISMISS**

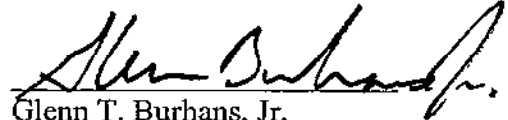
Glenn T. Burhans, Jr., an attorney duly admitted to practice before this Court, declares the following under penalty of perjury pursuant to 28 U.S.C. § 1746:

1. I am an attorney licensed to practice law in the State of New York. I am a shareholder at the law firm Greenberg Traurig ("GT"), counsel to Defendants The Florida Bar, John Anthony Boggs, Kenneth Marvin, Lorraine Hoffmann, and Eric Turner (collectively, "The Florida Bar Defendants").² I make this declaration in Support of The Florida Bar Defendants' Motion to Dismiss. The information set forth herein is based upon my personal knowledge, and I could testify competently thereto if called upon to do so.

2. Attached hereto as Exhibit A is a true and correct copy of the Complaint in this action.

² As of March 20, 2008, Eric Turner has not been served with a summons or copy of the Complaint. In the event service of process is made, the undersigned will serve as counsel for Mr. Turner.

I declare under penalty of perjury that the foregoing is true and correct. Executed on March 20, 2008, in Tallahassee, FL.

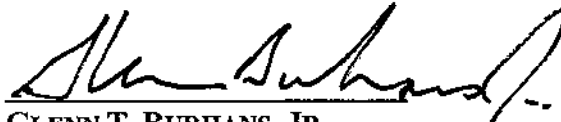

Glenn T. Burhans, Jr.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been served via U.S. mail this 20th day of March upon:

Eliot Ivan Bernstein, *Pro Se*
39 Little Avenue
Red Bluff, California 96080

Stephen Lamont,
35 Locust Avenue
Rye, New York 10580


GLENN T. BURHANS, JR.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

07 CV 11196

*and Eliot I.
BERNSTEIN*

ELIOT I. BERNSTEIN, INDIVIDUALLY and P. STEPHEN LAMONT, 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 ATTACHED AS EXHIBIT A

DOCKET NO:

Plaintiffs,

-against-

APPELLATE DIVISION FIRST DEPARTMENT DEPARTMENTAL DISCIPLINARY COMMITTEE, THOMAS J. CAHILL, in his official and individual capacity, JOSEPH WIGLEY in his official and individual capacity, CATHERINE O'HAGEN WOLFE in her official and individual capacity, PAUL CURRAN in his official and individual capacity, MARTIN R. GOLD in his official and individual capacity, HON. ANGELA M. MAZZARELLI in her official and individual capacity, HON. RICHARD T. ANDRIAS in his official and individual capacity, HON. DAVID B. SAXE in his official and individual capacity, HON. DAVID FRIEDMAN in his official and individual capacity, HON. LUIZ A. GONZALES in his official and individual capacity, APPELLATE DIVISION SECOND DEPARTMENT DEPARTMENTAL DISCIPLINARY COMMITTEE, LAWRENCE DIGIOVANNA in his official and individual capacity, DIANA MAXFIELD KEARSE in her official and individual capacity, JAMES E. PELTZER in his official and individual capacity, HON. A. GAIL PRUDENTI in her official and individual capacity, STEVEN C. KRANE in his official and individual capacity, HON. JUDITH S. KAYE in her official and individual capacity, KENNETH RUBENSTEIN, ESTATE OF STEPHEN KAYE, PROSKAUER ROSE LLP, MELTZER LIPPE GOLDSTEIN & BREISTONE LLP, LEWIS S. MELTZER, RAYMOND A. JOAO, FOLEY LARDNER LLP, MICHAEL C. GREBE, WILLIAM J. DICK, DOUGLAS A. BOEHM, STEVEN C. BECKER, STATE OF NEW YORK COMMISSION OF INVESTIGATION,

DEC 12 2007
U.S. S.D. N.Y.
CASHIERS

COMPLAINT

RECEIVED
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PRO SE OFFICE

EXHIBIT
A

LAWYERS FUND FOR CLIENT PROTECTION OF THE STATE OF NEW YORK, THE FLORIDA BAR, LORRAINE CHRISTINE HOFFMAN in her official and individual capacity, ERIC TURNER in his official and individual capacity, JOHN ANTHONY BOGGS in his official and individual capacity, KENNETH MARVIN in his official and individual capacity, THOMAS HALL in his official and individual capacity, DEBORAH YARBOROUGH in her official and individual capacity, VIRGINIA STATE BAR, ANDREW H. GOODMAN in his official and individual capacity, NOEL SENDEL in her official and individual capacity, MARY W. MARTELINO in her official and individual capacity, and John Does.

Defendants

X

**JURY TRIAL
DEMANDED**

COMPLAINT FOR DENIAL OF DUE PROCESS IN THE MATTERS OF WHITE WASHING OF COMPLAINTS AGAINST ATTORNEYS AND COUNSELORS AT LAW AND MANDAMUS FOR RELEASE OF INVESTIGATORY FILES AND REMOVAL TO A FEDERAL MONITOR TO INSTITUTE IMMEDIATE INVESTIGATIONS AND TO OVERSEE THE DAY-TO-DAY OPERATIONS OF THE FIRST DEPARTMENT DEPARTMENTAL DISCIPLINARY COMMITTEE, THE SECOND DEPARTMENT DEPARTMENTAL DISCIPLINARY COMMITTEE, THE FLORIDA BAR, AND THE VIRGINIA BAR ASSOCIATION FOR AN INDEFINITE PERIOD OF TIME

PLAINTIFFS, ELIOT I. BERNSTEIN, Pro se, individually and P. STEPHEN LAMONT, Pro se 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, as and for 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; 18 U.S.C. § 81; 18 U.S.C. § 241; 18 U.S.C. § 371; 18 U.S.C. § 666; 18 U.S.C. § 1002; 18 U.S.C. § 1031; 18 U.S.C. § 1037; 18 U.S.C. § 1038; 18 U.S.C. § 1341; 18 U.S.C. § 1343; 18 U.S.C. § 1349; 18 U.S.C. § 1505; 18 U.S.C. § 1951; 18 U.S.C. § 1962; 18 U.S.C. § 2511; 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 1st DDC and 2nd DDC and others, and appearances of impropriety¹².

3. Said acts were done knowingly with the consent and condonation of officers of the First Department Departmental Disciplinary Committee ("1st DDC"), the Second Department Departmental Disciplinary Committee ("2nd 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 interested 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 litmus test of what has come to be known as due

¹ 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.

² See Petition... *IN THE MATTER OF COMPLAINTS AGAINST ATTORNEYS AND COUNSELORS - AT LAW;*
THOMAS J. CAHILL - DOCKET PENDING REVIEW BY SPECIAL COUNSEL MARTIN J. GOLD ON
ADVISEMENT OF PAUL J. CORRIGAN AND RELATED CASES (SEPARATE MOTION ATTACHED)
AGAINST KENNETH RUBENSTEIN - DOCKET 2003.0531, RAYMOND JOAO -
DOCKET - 2003.0531 STEVEN C. KRANE - DOCKET PENDING REVIEW BY PROSECUTOR

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.

JURISDICTION AND VENUE

5. This Court has subject matter jurisdiction over this dispute pursuant to 28 U.S.C. §§ 1331 and 1338 (federal question jurisdiction). Jurisdiction is premised upon Defendants' breach of, among other federal statutes, 15 U.S.C.A. §§ 1 and 2, Racketeer Influenced and Corrupt Organizations Act, and section 8 of The Constitution of the United States.

6. This Court has personal jurisdiction over the diverse Defendants because all factual allegations derive from Plaintiffs' denial of due process at the State of New York Supreme Court Disciplinary Committees and Appellate Courts, and for the sake of judicial expediency, this Court has supplemental jurisdiction over all other claims that are so related to claims in the actions of the parties within such original jurisdiction that they form part of the same dispute pursuant to 28 U.S.C. § 1367.

7. Venue is proper in this district pursuant to 28 U.S.C. §§1391 and 1400 because the bulk of the Defendants transacts business and are found in this district, and for those Defendants that do not, and for the sake of judicial expediency, this Court has supplemental jurisdiction over all other Defendants that are so related to claims in the actions of the parties within such original jurisdiction that they form part of the same dispute pursuant to 28 U.S.C. § 1367.

PARTIES

8. Plaintiff, BERNSTEIN, is a sui juris individual and resident of Red Bluff, Tahema County, California, and the Founder and principal inventor of the technology of the Iviewit Companies.

9. Plaintiff, LAMONT, is a sui juris individual and resident of Rye, Westchester County, New York, and former Chief Executive Officer (Acting) of the Iviewit Companies formed to commercialize the technology of the Iviewit Companies.

10. Plaintiff, IVIEWIT HOLDINGS, INC., is a Delaware corporation³?

11. Plaintiff, IVIEWIT TECHNOLOGIES, INC., is a Delaware corporation?

12. Plaintiff, UVIEW.COM, INC., is a Delaware corporation?

³ Upon information and belief, and pending ongoing investigations due to the discovery of multiple, unauthorized, similarly named corporate formations and unauthorized stock swaps and unauthorized asset transfers.

13. Plaintiff, IVIEWIT HOLDINGS, INC., is a Florida corporation?
14. Plaintiff, IVIEWIT.COM, INC., is a Florida corporation?
15. Plaintiff, IVIEWIT.COM, INC., is a Delaware corporation?
16. Plaintiff, I.C., INC., is a Florida corporation?
17. Plaintiff, IVIEWIT.COM LLC, is a Delaware limited liability company?
18. Plaintiff, IVIEWIT LLC, is a Delaware limited liability company?
19. Plaintiff, IVIEWIT CORPORATION, is a Delaware corporation?
20. Plaintiff, IVIEWIT, INC., is a Florida corporation?
21. Plaintiff, IVIEWIT, INC., is a Delaware corporation?
22. Defendant, 1st DDC, is an attorney discipline organization in New York County, New York and a unit of the Supreme Court of the State of New York.
23. Defendant, THOMAS J. CAHILL, is Chief Counsel for the 1st DDC⁴.
24. Defendant, JOSEPH WIGLEY, upon information and belief, was staff counsel of the 1st DDC.
25. Defendant, CATHERINE O'HAGEN WOLFE, was employed as Clerk of the Court of the First Department Court.
26. Defendant, PAUL CURRAN, is Chairman, 1st DDC.
27. Defendant, MARTIN R. GOLD, is a senior member of the 1st DDC.
28. Defendant, HON. ANGELA M. MAZZARELLI, is a justice of the First Department Court.
29. Defendant, HON. RICHARD T. ANDRIAS, is a justice of the First Department Court.
30. Defendant, HON. DAVID B. SAXE, is a justice of the First Department Court.
31. Defendant, HON. DAVID FRIEDMAN, is a justice of the First Department Court.
32. Defendant, HON. LUIZ A. GONZALES, is a justice of the First Department Court.
33. Defendant, 2nd DDC, is an attorney discipline organization in New York County, New York and a unit of the Supreme Court of the State of New York.
34. Defendant, LAWRENCE DIGIOVANNA, is the Chairman of the State of New York Grievance Committee for the Second and Eleventh Judicial Districts.

⁴ See attached article as Exhibit C: The New York Law Journal and The New York Times.

35. Defendant, DIANA MAXFIELD KEARSE, is the Chief Counsel of the State of New York Grievance Committee for the Second and Eleventh Judicial Districts.
36. Defendant, JAMES E. PELTZER, is the Clerk of the Court of the Supreme Court of the State of New York Appellate Division Second Judicial Department.
37. Defendant, HON. A. GAIL PRUDENTI, is the Presiding Justice of the Second Department Court.
38. Defendant, STEVEN C. KRANE, is a member of Proskauer Rose LLP, and a member of 1st DDC, and former President of the New York State Bar Association.
39. Defendant, HON. JUDITH S. KAYE is the Chief Judge of the COA.
40. Defendant, KENNETH RUBENSTEIN, is a member of Proskauer Rose LLP.
41. Defendant, ESTATE OF STEPHEN KAYE.
42. Defendant, PROSKAUER ROSE LLP, is, upon information and belief, a New York Limited Liability Partnership ("Proskauer").
43. Defendant, MLGSW, is, upon information and belief, a New York Limited Liability Partnership.
44. Defendant, LEWIS S. MELTZER, is the Managing Partner of MELTZER LIPPE GOLDSTEIN & BREISTONE LLP.
45. Defendant, RAYMOND A. JOAO, was Of Counsel to MELTZER LIPPE GOLDSTEIN SCHLISSEL & WOLFE LLP, and misrepresented to Plaintiffs as a Proskauer partner.
46. Defendant, FOLEY, is, upon information and belief, a Wisconsin Limited Liability Partnership.
47. Defendant, MICHAEL C. GREBE, was a Chairman and CEO of FOLEY and a former Chairman of the Republican National Committee.
48. Defendant, WILLIAM J. DICK, was Of Counsel to FOLEY.
49. Defendant, DOUGLAS A. BOEHM, was a member of FOLEY.
50. Defendant, STEVEN C. BECKER, is a member of FOLEY.
51. Defendant, COI, is an investigatory organization with the mandate to investigate any matter concerning the public peace, public safety and public justice.
52. Defendant, LFCP, is an organization that the New York State Legislature has given a broad mandate: to protect legal consumers from dishonest conduct in the practice of law,

to preserve the integrity of the bar, to safeguard the good name of lawyers for their honesty in handling client money, and to promote public confidence in the administration of justice in the State of New York.

53. Defendant, TFB, is an attorney discipline organization in Tallahassee, Fla. and a unit of the Supreme Court of Florida.

54. Defendant LORRAINE CHRISTINE HOFFMAN, is a staff attorney at TFB.

55. Defendant, ERIC TURNER, is a staff attorney at TFB.

56. Defendant, JOHN ANTHONY BOGGS, is a Disciplinary Procedure and Review attorney at TFB.

57. Defendant, KENNETH MARVIN, is a Disciplinary Procedure and Review attorney at TFB.

58. Defendant THOMAS HALL, is the Clerk of the Court of the Supreme Court of Florida.

59. Defendant, DEBORAH YARBOROUGH, is the Acting Clerk of the Court of the Supreme Court of Florida.

60. Defendant, VSB, is an attorney discipline organization in Richmond, Va. and a unit of the Supreme Court of the Commonwealth of Virginia.

61. Other interested party, Glenn Fine, is the Inspector General for the United States Department of Justice, where a complaint has been filed by Plaintiffs and is under review.

62. Other interested party, H. Marshall Jarrett, is the Chief Counsel of the Federal Bureau of Investigation, Office of Professional Responsibility, as was referred by Glenn Fine to begin investigation of Plaintiffs' missing files at the Federal Bureau of Investigation and the United States Attorney for the Southern District of Florida concerning Iviewit Companies matters and a car bombing of Plaintiff BERNSTEIN's minivan.

63. Other interested party, Harry I. Moatz, is the 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 the complained of herein including Proskauer, Rubenstein, Joao, Foley, Dick, Boehm and Becker.

64. Other interested party, Jon W. Dudas, is Under Secretary of Commerce for 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 under formal Federal Patent Bar; request of patent suspension was granted pending outcome of Moatz and the United States Patent and Trademark Office investigations.

65. Other interested party, Eric M. Thorsen, Small Business Administration Inspector General, as a result of Plaintiffs' ongoing complaint.

66. Other interested party, Daniel O'Rourke, is Assistant to Small Business Administration Inspector General, as a result of Plaintiffs' ongoing complaint.

67. Other interested party, David Gouvaia, is the Duty Agent, Treasury Inspector General for Tax Administration, as a result of Plaintiffs' ongoing complaint.

68. Other interested party, George Pataki, is the former Governor of the State of New York, as a result of Plaintiffs' ongoing complaint.

69. Other interested party, Eliot Spitzer, is the governor of the State of New York, as a result of Plaintiffs' ongoing complaint.

70. Other interested party, Andrew Coumo, is the Attorney General of the State of New York, as a result of Plaintiffs' ongoing complaint.

71. Other interested party, Robert Morgenthau, is the District Attorney for New York County, New York, as a result of Plaintiffs' ongoing complaint.

72. Other interested party, Hilary R. Clinton, is a United States Senator from New York, as a result of Plaintiffs' ongoing complaint.

73. Other interested party, 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.

FACTUAL BACKGROUND

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

75. That the nexus of events begins where Christopher C. Wheeler ("Wheeler"), a partner of Proskauer and who provided legal services to Plaintiffs, and Kenneth Rubenstein, the patent attorney partner of Proskauer, and counsel to and patent evaluator of the

multimedia patent pools sponsored by MPEG LA, LLC ("Rubenstein") embarked on disingenuous scheme to deprive Plaintiffs of the fruits of the technology that consisted of patent sabotage, the proliferation of the technology across a wide array of potential licensees and competitors, theft of intellectual properties, direct threats on, including a car bombing, and destruction of the personal property of Plaintiff BERNSTEIN, and cover-ups thereto, the specific subject matter of this Complaint.

76. That including but not limited to Proskauer, MLGSW, Wheeler, Rubenstein, and Raymond A. Joao ("Joao"), represented to Plaintiffs as Rubenstein's underling, upon viewing the technology developed at the time by Plaintiff BERNSTEIN and others realized the significance of the technology, its various applications to communication networks for distributing video and images and for existing digital processes, including but not limited to, all forms of video delivery, digital cameras, digital imaging technologies for medical purposes and digital video, and that Proskauer, Foley, Wheeler, Rubenstein, and Joao then conspired to undertake and in fact undertook a deliberate course of conduct to deprive Petitioners of the beneficial use of such technology for their own and others gains, all to the detriment of Plaintiffs.

77. That, meanwhile, and in conflict of interest, another Proskauer partner, Steven C. Krane ("Krane") former President of the New York State Bar Association and a leading figure in the New York disciplinary departments, represented and authored a response acting as counsel for Rubenstein and in a complaint filed later against him directly, while holding multiple ethics positions with both the attorney discipline body Plaintiffs had filed with and other ethics positions, including the New York State Bar Association rules of a one year blackout period to represent accused attorneys, in New York State. Upon this finding of conflict and violation of Supreme Court of New York Appellate Division First Department offices, Plaintiffs proceeded to file a petition to move the complaints to an unbiased forum, free of conflict and further improprieties and begin the immediate investigation of the complaints against Rubenstein, Joao, and now Krane - Docket 2004.1883 (conflict of interest).

78. That it became abundantly clear to Plaintiffs, and is a factual matter that, Thomas J. Cahill ("Cahill"), the Chief Counsel of 1st DDC, masterminded a scheme to aid and abet in indefinitely delaying the complaints against these attorneys, including Krane, resulting

in the attorney complaint filed against Cahill himself in Special Inquiry No. 2004.1122 Complaint against Thomas Cahill, Chief Counsel First Department Departmental Disciplinary, Martin Gold special investigator.

79. That in the lawsuit filed on October 27, 2007 in this Court styled as Christine C. Anderson v. The State of New York, et. al. S.D.N.Y., October 27, 2007 the plaintiff affirmatively claims support by Plaintiffs matters of patent sabotage, intellectual property theft, and attempted murder of the family of Plaintiff BERNSTEIN perpetrated by, among others, the once respected Proskauer and its members Rubenstein, Krane, Chief Judge Judith S. Kaye and her late Proskauer partner husband Stephen Kaye, Wheeler, and Foley, led by Grebe.

80. Plaintiffs direct this Court to the file at the 1st DDC concerning the Complaint Against Kenneth Rubenstein - Docket 2003.0531, Raymond A. Joao - Docket 2003.0532, Steven C. Krane - Docket 2004.1883, Thomas J. Cahill - Special Inquiry #2004.1122, and in the 2nd DDC, Kenneth Rubenstein T-1688-04, Raymond A. Joao T-1690-04, Steven C. Krane T-1689-04, Diana Maxwell Kears - complaint filed and she refused to docket, Lawrence DiGiovanna - complaint filed and refused to docket by Diana Maxwell Kears and A. Gail Prudenti, James E. Peltzer - complaint filed and A. Gail Prudenti refused to docket, and all supporting materials thereto for a factual statement concerning the matters complained of herein (over 6,000 pages in total).

COUNT ONE
ARTICLE 1, SECTION 8, CLAUSE 8 OF THE CONSTITUTION OF THE
UNITED STATES

81. Plaintiffs repeats and realleges each and every allegation contained in paragraph "1" through "80", as though fully set forth herein.

82. The action of the Defendants' in white washing attorney complaints thereby continuing the violation of Plaintiffs inventive rights is contrary to the invention clause of the Constitution of the United States.

83. As a result of the Defendants' acts, Plaintiffs now suffer and will continue to suffer irreparable injury and monetary damages, and that Plaintiffs are entitled to damages sustained to date and continuing in excess of the amount of Two Hundred and Fifty Million Dollars (\$250,000,000.00) as well as punitive damages, costs and attorney's fees.

COUNT TWO
15 U.S.C.A. §§ 1 and 2

84. Plaintiffs repeats and realleges each and every allegation contained in paragraph "1" through "83", as though fully set forth herein.

85. The actions of Defendants in white washing attorneys complaints thereby continuing the violation of Plaintiffs proprietary patent rights allows an illegal monopoly and restraint of trade in the market for video and imaging encoding, compression, transmission, and decoding by MPEG LA LLC, upon information and belief, a Colorado limited liability company and sponsor of multimedia patent pools and others.

86. As a result of the Defendants' acts, Plaintiffs now suffer and will continue to suffer irreparable injury and monetary damages, and that Plaintiffs are entitled to damages sustained to date and continuing in excess of the amount of Two Hundred and Fifty Million Dollars (\$250,000,000.00) as well as punitive damages, costs and attorney's fees.

COUNT THREE

**18 U.S.C. § 81; 18 U.S.C. § 241; 18 U.S.C. § 371; 18 U.S.C. § 666; 18 U.S.C. § 1002;
18 U.S.C. § 1031; 18 U.S.C. § 1037; 18 U.S.C. § 1038; 18 U.S.C. § 1341; 18 U.S.C. §
1343; 18 U.S.C. § 1349; 18 U.S.C. § 1505; 18 U.S.C. § 1951; 18 U.S.C. § 1962; 18
U.S.C. § 2511**

87. Plaintiffs repeats and realleges each and every allegation contained in paragraph "1" through "86", as though fully set forth herein.

88. The actions of Defendants in white washing of attorney complaints and allowing an illegal monopoly and restraint of trade violates, including but not limited to, the above sections of Title 18 of the United States Code.

89. As a result of the Defendants' acts, Plaintiffs now suffer and will continue to suffer irreparable injury and monetary damages, and that Plaintiffs are entitled to damages sustained to date and continuing in excess of the amount of Two Hundred and Fifty Million Dollars (\$250,000,000.00) as well as punitive damages, costs and attorney's fees.

COUNT FOUR

18 U.S.C. § 1961 through 18 U.S.C. § 1968

90. Plaintiffs repeats and realleges each and every allegation contained in paragraph "1" through "89", as though fully set forth herein.

91. The actions of Defendants' constitute a criminal enterprise comprising various combinations that provide for the violation of Plaintiffs' Constitutional rights, fraud upon U.S. Federal agencies such as the United States Patent and Trademark Office, the Small Business Administration, the Department of Commerce, the United States Treasury Department, theft of intellectual property, and bank fraud.

92. As a result of the Defendants' acts, Plaintiffs now suffer and will continue to suffer irreparable injury and monetary damages, and that Plaintiffs are entitled to damages sustained to date and continuing in excess of the amount of Two Hundred and Fifty Million Dollars (\$250,000,000.00) as well as punitive damages, costs and attorney's fees.

PRAYER FOR RELIEF

WHEREOF, Plaintiffs respectfully requests that the Court enter judgment and an Order:

- A. Appointing a federal monitor to oversee the day-to-day operations of the 1st DDC and 2nd DDC for an indefinite period of time; and
- B. 1st DDC and 2nd DDC: At least ~~Two Hundred and Fifty Million Dollars~~ ^{FIVE HUNDRED MILLION} (\$250,000,000.00) dollars as well as punitive damages, costs and attorney's fees; and
- C. VSB: At least ~~Two Hundred and Fifty Million Dollars~~ ^{FIVE HUNDRED} (\$250,000,000.00) ⁵⁰⁰ dollars as well as punitive damages, costs and attorney's fees; and
- D. TFB: At least ~~Two Hundred and Fifty Million Dollars~~ ^{FIVE HUNDRED} (\$250,000,000.00) ⁵⁰⁰ dollars as well as punitive damages, costs and attorney's fees; and
- E. Interest and prejudgment interest on the amount described above, calculated at the prevailing rate: Awarding Plaintiff punitive damages against all individual defendants; and
- F. Attorney's fees and costs, pursuant to 42 U.S.C. § 1988 and 42 U.S.C. 2000e-5&); and
- G. A declaratory judgment stating that Defendants willfully violated Plaintiffs rights secured by federal and state laws as alleged herein; and
- H. Injunctive relief: an injunction requiring Defendants to correct all present and past violations of federal and state law as alleged herein; to allow the Plaintiffs to continue in the position from which Defendants' illegally white washed their complaints; to enjoin the Defendants from continuing to act in violation of federal and state law as alleged herein; and to order such other injunctive relief as may be appropriate to prevent any

future violations of said federal and state laws; and awarding Plaintiffs damages in the amount of all royalties, professional services revenues, and any and all other compensation denied or lost to Plaintiffs by reason of the foregoing; and

I. An Order granting such other legal and equitable relief as the Court deems just and Proper that includes, but is not limited to an Order to bring representation for the U.S. Federal agencies including but not limited to United States Patent and Trademark Office, the Small Business Administration; mandamus for the aforementioned Federal agencies to join this complaint.

With all due respect to this Court, and in light of the subject matter of this Complaint, please see the Conflict of Interest Disclosure form attached herein as Exhibit B.

JURY TRIAL IS DEMANDED

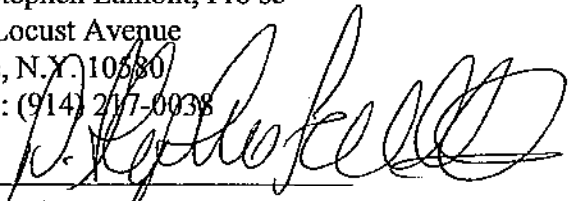
Plaintiffs demand a trial by jury on all claims so triable.

Attorney for Petitioners

Eliot I. Bernstein, Pro se
39 Little Avenue
Red Bluff, Cal. 96080
Tel.: (530) 529-4410

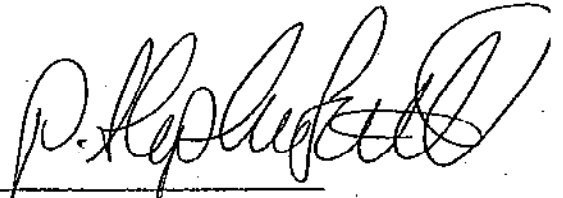
By: 
Eliot I. Bernstein

P. Stephen Lamont, Pro se
35 Locust Avenue
Rye, N.Y. 10580
Tel.: (914) 217-0038

By: 
P. Stephen Lamont

Affidavit of Service

I hereby certify that a true and correct copy of the foregoing was furnished by facsimile this 11th day of December 2007, to the aforementioned Defendants.



P. Stephen Lamont, Pro se

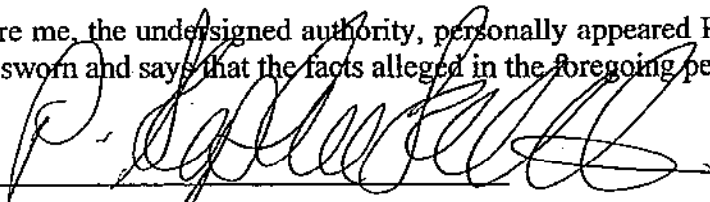


Eliot I. Bernstein, Pro se

CERTIFICATE OF AFFIRMATION

STATE OF NEW YORK
COUNTY OF WESTCHESTER:

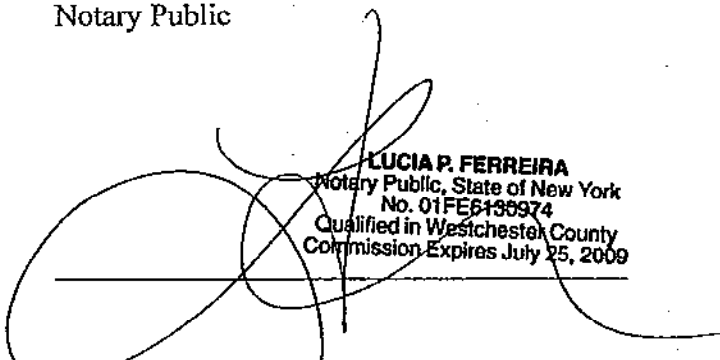
Before me, the undersigned authority, personally appeared P. Stephen Lamont, who was duly sworn and says that the facts alleged in the foregoing petition are true.



P. Stephen Lamont

Sworn to and subscribed to me on this 12th day of December 2007.

Notary Public



LUCIA P. FERREIRA
Notary Public, State of New York
No. 01FE6139974
Qualified in Westchester County
Commission Expires July 25, 2009

CERTIFICATE OF AFFIRMATION

STATE OF CALIFORNIA
COUNTY OF TAHEMA:

Before me, the undersigned authority, personally appeared Eliot I. Bernstein, who was duly sworn and says that the facts alleged in the foregoing petition are true.



Eliot I. Bernstein

Sworn to and subscribed to me on this __th day of December 2007.

Notary Public

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Suit Accuses Court Panel of Cover-Up

By PAUL VITELLO
Published: November 1, 2007

A former lawyer for the state court system, fired in June from her job investigating lawyers charged with misconduct, has charged in a federal lawsuit that supervisors "whitewashed" some cases for "personal or political reasons."

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The lawyer, Christine C. Anderson, who was a staff attorney for six years in a Departmental Disciplinary Committee of the State Supreme Court's Appellate Division in Manhattan, did not name the lawyers who she said received such protection. But she said her supervisors, who were named, intervened on behalf of lawyers against whom she had found "overwhelming concrete evidence of misconduct."



The lawsuit, filed last week in the United States District Court for the Southern District, charges that Ms. Anderson was fired because she openly voiced her concerns about "a pattern and practice of whitewashing and routinely dismissing complaints leveled against certain select attorneys." Ms. Anderson, 62, who is black, also said she was a victim of age and race discrimination.

Disciplinary committees operate in each of the state's four Appellate Division departments to investigate lawyers accused of misconduct. Charges can vary from unresponsiveness toward clients, to the theft of money from escrow accounts, to failure to disclose conflicts of interest. Based on investigations by staff attorneys like Ms. Anderson, committees can admonish lawyers, suspend or revoke their licenses or recommend criminal prosecution.

In the suit, Ms. Anderson, who worked in the First Department, covering most of New York City and Westchester, named as defendants Thomas J. Cahill, chief counsel of the Departmental Disciplinary Committee; his first deputy, Sherry K. Cohen; Catherine O'Hagan Wolfe, the court clerk; David Spokiny, her deputy; and John Buckley, the presiding justice of the Office of Court Administration.

None could be reached for comment. David Bookstaver, a spokesman for the state court system, said it would be "inappropriate to comment."

Fred K. Brewington, the Long Island lawyer representing Ms. Anderson, said she had been harassed on the job continuously, beginning in 2005, after she raised questions about Ms. Cohen's relationship with a lawyer representing another lawyer who was under review. Despite strong evidence of misconduct by the lawyer in that case, he said, the complaint was dismissed and a file containing Ms. Anderson's investigation disappeared.

Ms. Anderson is seeking \$10 million in damages, as well as punitive damages and lawyer's fees for what her suit described as the "irreparable injury," "mental anguish and humiliation" of being fired without cause.

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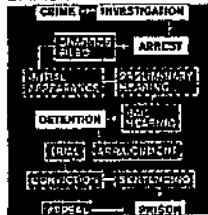
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Complaints Against 'Select Attorneys' Whitewashed, N.Y. Lawsuit Alleges

Daniel Wise

[New York Law Journal](#)

October 30, 2007

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A former staff attorney at the 1st Department Disciplinary Committee has filed a federal lawsuit charging she was fired in June in retaliation for complaining that her superiors had engaged in a "pattern and practice of whitewashing and routinely dismissing complaints against certain select attorneys."

Christine C. Anderson, who had worked for six years at the disciplinary committee, seeks \$10 million in damages, claiming retaliation for the exercise of her First Amendment rights and discrimination because she is of Jamaican origin and black.

Anderson also asks for the appointment of a federal monitor to oversee operation of the disciplinary committee.

David Bookstaver, a spokesman for the Office of Court Administration, said it would be "inappropriate" to comment on pending litigation.

Anderson alleged two instances in which her recommendations had been overridden or changed by her superiors at the committee.

In 2005, Anderson charged in her complaint, she discovered that the chief counsel of the disciplinary committee, Thomas J. Cahill, and Sherry K. Cohen, its first deputy counsel, were "apparently engaged in a 'numbers game' and practice" of "selectively" dismissing complaints against attorneys for their "own personal and political reasons."

A possible second, or alternative reason for the dismissals, the complaint stated, was that the prosecutions of the complaints would be "burdensome or otherwise 'unworthy' of prosecution."

Anderson also charged that in one incident, in July 2006, Cohen physically blocked her from leaving her office and, in so doing, had dug her nails into the plaintiff's hand, causing scratches.

Cahill declined to comment on the allegations; Cohen did not return a call for comment.

In addition to suing Cahill and Cohen, Anderson named as defendants Justice John T. Buckley, who was presiding justice of the Appellate Division, 1st Department, until May; former Clerk of Court Catherine O'Hagan Wolfe, who resigned in April to become clerk of the 2nd U.S. Circuit Court of Appeals; and the Office of Court Administration.

The case, *Anderson v. State of New York*, was filed on Friday in the Southern District of New York, according to Anderson's attorney, Frederick K. Brewington of Hempstead, N.Y.

Cahill's retirement was announced in July, though he is remaining as chief counsel until a successor is chosen.

The first instance of a "whitewash" alleged in Anderson's complaint occurred "in or about 2003" in "a highly sensitive investigation," which had uncovered "overwhelming concrete evidence of misconduct" by an attorney, Anderson alleged.

The matter was dropped despite her recommendation that a formal complaint be filed against the lawyer, Anderson alleged.

She also charged that a large file she had amassed containing "indisputable evidence of misconduct" had been "gutted."

The second instance in which Anderson's handling of a case was overridden occurred about two years later, she alleged.

In that case, she stated, Cahill had asked her to write an introductory paragraph to the policy committee, explaining her

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recommendation that an attorney be given a non-public admonition rather than be the subject of a formal proceeding that could lead to a public sanction.

Anderson explained in her complaint, that, although the results of a "complex investigation" of the attorney "argued strongly in favor of charges," there was "lack of actual proof of a conversion." She also stated there had been an "initial lack of cooperation" from the client complaining against the lawyer.

Anderson stated that she wrote an introductory paragraph explaining the gravity of the attorney's conduct, but that Cohen had rewritten it, "deleting facts" Anderson had uncovered during her investigation and conclusions she had reached.

Anderson quoted Cohen as saying the reason she had rewritten the paragraph was to avoid having the policy committee send the matter back to staff for the preparation of a formal complaint.

Anderson further charged that Cohen had done this because "she had a prior working relationship" with the attorney for the lawyer under investigation and sought to avoid having his client formally charged "as a favor."

The complaint did not identify the two lawyers who were the subjects of the proceedings cited by Anderson. Brewington said in an interview that he would not name them "at this time."

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20. HARRISON GOODARD FOOTE INCORPORATING BREWER & SON.

Martyn Molyneux, Esq. ("Molyneux"); 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. Hereinafter, collectively referred to as ("HGF").

21. LAWRENCE DIGIOVANNA, Chairman of the Grievance Committee of the Second Judicial Department Departmental Disciplinary Committee;

22. JAMES E. PELTZER, Clerk of the Court of the Appellate Division, Supreme Court of the State of New York, Second Judicial Department;

23. DIANA KEARSE, Chief Counsel to the Grievance Committee of the Second Judicial Department Departmental Disciplinary Committee;

24. HOUSTON & SHAHADY, P.A., any other John Doe ("John Doe") Houston & Shahady, P.A., affiliates, companies, known or not known at this time; including but not limited to Houston & Shahady, P.A. related or affiliated entities both individually and professionally. Hereinafter, collectively referred to as ("HS").

25. FURR & COHEN, P.A. 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. Hereinafter, collectively referred to as ("FC").

26. MOSKOWITZ, MANDELL, SALIM & SIMOWITZ, P.A., 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. Hereinafter, collectively referred to as ("MMSS").

27. THE GOLDMAN SACHS GROUP, INC. Jeffrey Friedstein ("Friedstein"); Sheldon Friedstein (S. Friedstein"), Donald G. Kane ("Kane"); any other John Doe ("John Doe") The Goldman Sachs Group, Inc. partners, affiliates, companies, known or not known at this time; including but not limited to The Goldman Sachs Group, Inc. and any other related or affiliated entities both individually and professionally. Hereinafter, collectively referred to as ("GS").

28. DAVID B. SIMON, ESQ. ("D. SIMON")

29. SACHS SAXS & KLEIN, P.A. 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, P.A. related or affiliated entities both individually and professionally. Hereinafter, collectively referred to as ("MMSS").

30. HUIZENGA HOLDINGS INCORPORATED 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. Hereinafter, collectively referred to as ("MMSS").

31. ELIOT I. BERNSTEIN, ("Bernstein") a resident of the State of California, and former President (Acting) of Iviewit Holdings, Inc. and its affiliates and subsidiaries and the founder of Iviewit and principal inventor of its technology. Hereinafter, collectively referred to as ("Bernstein").

32. P. STEPHEN LAMONT, ("LAMONT") a resident of the State of New York, and former Chief Executive Officer (Acting) of Iviewit Holdings, Inc. and all of its affiliates and subsidiaries. Hereinafter, collectively referred to as ("Lamont"); and

33. ANY OTHER KNOWN OR UNKNOWN PERSON OR KNOWN OR UNKNOWN ENTITY NOT NAMED HEREIN THAT WILL CAUSE YOUR REVIEW OF THE COMPLAINT YOU ARE CHARGED WITH INVESTIGATING TO BE BIASED BY ANY CONFLICTING PAST, PRESENT, OR FUTURE FINANCIAL INTEREST OR ANY OTHER INTEREST?

NO YES (please describe below)

II. Do you, your spouse, and your dependents, in the aggregate, receive salary or other remuneration or financial considerations from any entity related to the enclosed parties to the proceeding of the matters?

NO YES (please describe below)

III. Have you, your spouse, and your dependents, in the aggregate, had any prior conversations or correspondences of any kind, with any person related to the proceeding of the Iviewit or related matters?

NO YES (please describe below)

I declare under penalty of perjury that the foregoing statements in this CONFLICT OF INTEREST DISCLOSURE FORM are true and correct. Executed on this ___ day of _____ 2007 the foregoing statements in this CONFLICT OF INTEREST DISCLOSURE FORM are true. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties, including possible culpability in the attempted murder of the inventor Eliot Bernstein and his wife and children in a car bombing attempt on their lives. I agree to accept responsibility for the unbiased review, and presentation of findings to the appropriate party(ies) who also have executed this CONFLICT OF INTEREST DISCLOSURE FORM. Failure to execute and return this CONFLICT OF INTEREST DISCLOSURE FORM by facsimile to 530-529-4110 or by mail to c/o Eliot I. Bernstein, 39 Little Avenue, Red Bluff, Cal. 96080 within fifteen (15) days shall constitute an admission of conflicts of interest in the matters.

Signature X _____

Position/Title:

Signature X _____

Position/Title:

Signature X _____

Position/Title:

Signature X _____

Position/Title:

Signature X _____

Position/Title:

Signature X _____

Position/Title:

If you are unable to sign such document and are therefore unable to continue to further pursue these matters, then a statement of whom we may contact in situations where you may be in conflict with the matters would be necessary.

[INSERT CONFLICT OF INTEREST DISCLOSURE FORM]