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May 13, 2008

By Fax and U.S. Mail

Eliot I. Bernstein
Iviewit Technologies, Inc.
39 Little Avenue
Red Bluff, CA 96080

P. Stephen Lamont
35 Locust Avenue
Rye, N.Y. 10580

Re: *Bernstein v. Appellate Division First Departmental Disciplinary
Committee, et al., Index. No. 07 CV 11196 (SAS)*

Dear Sirs:

I write to inform you that we have not yet received your Amended Complaint which, pursuant to the Court's April 14, 2008 Order, was to be filed by May 12, 2008.¹ In that same Order, the Court ruled that "[n]otwithstanding the filing of the Amended Complaint, defendants' deadline to move to dismiss or file an answer remains May 30, 2008." It is our understanding that, pursuant to this Order, our motion to dismiss should address the allegations made in the Amended Complaint, rather than the original Complaint.

We are in receipt of the Court's May 9, 2008 Order addressing our request, made by letter of the same date, to file a motion to stay service of the Amended Complaint on the additional defendants not named in the original Complaint pending the Court's disposition of the motions to dismiss to be filed May 30, 2008. We presume that you are also in possession of that Order.

¹ The Court's Order stated that the Amended Complaint was to be filed no later than May 10, 2008, but because May 10, 2008 was a Saturday, pursuant to the Federal Rules of Civil Procedure, the deadline for filing the Amended Complaint would be the following Monday, May 12, 2008.

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Reading the two orders together, we believe that it was the Court's intention that Plaintiff serve the original defendants with the Amended Complaint, as it is necessary for us to receive that document in order to complete the motions to dismiss due May 30, 2008. Accordingly, we request that you serve us with the Amended Complaint (by fax followed by mail) as soon as possible.

If we do not receive the Amended Complaint by the close of business tomorrow, May 14, 2008, we will be forced to seek clarification from the Court. Your prompt attention to this letter would be appreciated.

Sincerely yours,



Joanna Smith

cc: Gregg M. Mashberg

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