

Eliot I. Bernstein

2753 Northwest 34th Street
Boca Raton FL 33434

MOTION INFORMATION STATEMENT

Caption [use short title]

Docket Number(s): _____

Motion for: _____

Set forth below precise, complete statement of relief sought:

MOVING PARTY: _____
 Plaintiff Defendant
 Appellant/Petitioner Appellee/Respondent

OPPOSING PARTY: _____

MOVING ATTORNEY: _____
[name of attorney, with firm, address, phone number and e-mail]

OPPOSING ATTORNEY [Name]: _____
[name of attorney, with firm, address, phone number and e-mail]

Court-Judge/Agency appealed from: _____

Please check appropriate boxes:

Has consent of opposing counsel:
A. been sought? Yes No
B. been obtained? Yes No

Is oral argument requested? Yes No
(requests for oral argument will not necessarily be granted)

Has argument date of appeal been set? Yes No
If yes, enter date _____

FOR EMERGENCY MOTIONS, MOTIONS FOR STAYS AND INJUNCTIONS PENDING APPEAL:

Has request for relief been made below? Yes No

Has this relief been previously sought in this Court? Yes No

Requested return date and explanation of emergency:

Signature of Moving Attorney: _____ Date: _____

Has service been effected? Yes No
[Attach proof of service]

ORDER

IT IS HEREBY ORDERED THAT the motion is GRANTED DENIED.

FOR THE COURT:
CATHERINE O'HAGAN WOLFE, Clerk of Court

Date: _____

By: _____

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

U.S.C.A. Docket No.

CERTIFICATE
OF SERVICE

V. (Case Caption)

I, _____ hereby certify under the penalty of perjury
that on the _____ day of _____, _____
DAY MONTH YEAR
served by United States Mail or hand delivery the _____

(Name of DOCUMENT: Motion, Brief, Letter, etc.)
on the following:

Name

Name

Address

Address

SIGNATURE

MOTION INFORMATION STATEMENT

Caption [use short title] _____

Docket Number(s): _____

Motion for: _____

Set forth below precise, complete statement of relief sought:

MOVING PARTY: _____
 Plaintiff Defendant
 Appellant/Petitioner Appellee/Respondent

OPPOSING PARTY: _____

MOVING ATTORNEY: _____
[name of attorney, with firm, address, phone number and e-mail]

OPPOSING ATTORNEY [Name]: _____
[name of attorney, with firm, address, phone number and e-mail]

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CATHERINE O'HAGAN WOLFE, Clerk of Court

Date: _____

By: _____

**UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT**

U.S.C.A. Docket No.

**CERTIFICATE
OF SERVICE**

V. (Case Caption)

I, _____ hereby certify under the penalty of perjury
that on the _____ day of _____,
 DAY MONTH YEAR
served by United States Mail or hand delivery the _____

(Name of DOCUMENT: Motion, Brief, Letter, etc.)

on the following:

Name

Address

Name

Address

SIGNATURE

PUBLIC DOCKET FOR
Second Circuit Court of Appeals

INDIV
OPEN

Court of Appeals Docket #: 08-4873-cv
Nsuit: 470 STATUTES-RICOH
Bernstein v. Appellate Division First Department Disc
Appeal from: SDNY (NEW YORK CITY)

Filed: 10/3/08

Case type information:

Civil
Private
None

Lower court information:

District: 07-cv-11196
Trial Judge: Shira A. Scheindlin
MagJudge:
Date Filed: 12/12/07
Date order/judgement: 8/8/2008
Date NOA filed: 9/5/2008

Fee status: Paid

Panel Assignment:

Panel:

Date of decision:

Prior cases: NONE

Current cases: NONE

Official Caption 1/

Docket No. [s] : 08-4873 -cv

Eliot I. Bernstein, individually, P. Stephen Lamont, on behalf of Shareholders of Iviweit Holdings, Inc., Iviewit Technologies, Inc., Uview.com, Inc., Iviewit.com, Inc., I.C., Inc., Iviewit.com LLC, Iviewit LLC, Iviewit Corporation, Iviewit, Inc., and Patent Interest Holders,

Plaintiff-Appellant,

v.

Appellate Division First Department Departmental, Thomas J. Cahill, in his official capacity, in his individual capacity, Joseph Wigely, in his official capacity, in his individual capacity, Catherine O'Hagan Wolfe, in their official capacity, in their individual capacity, Paul Curran, in their official capacity, in thier individual capacity, Martin R. Gold, in his individual capacity, in their official capacity, Angela M Mazzarelli, in her official capacity, in their oficial capacity, Richard T. Andrias, in his official capacity, in their official capacity, David B. Saxe, in his official capacity, in their individual capacity, David Friedman, in his official capacity, in their individual capacity, Luis A. Gonzales, in his official capacity, in their individual capacity, Appellate Division Second Department Departmenta, Lawrence F. DiGiovanna, in his official capacity, in their individual capacity, Diana Maxfield Kearse, in his official capacity, in their individual capacity, James E. Peltzer, in his official capacity, in their individual capacity, A. Gail Prudenti, in his official capacity, in their individual capacity, Steven C. Krane, in his official capacity, in their individual capacity, Hon. Judith S. Kaye, in his official capacity, in their 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, Lawyers Fund for Client Protection of the State, The Florida Bar, Lorraine Christine Hoffman, in her official capacity, in her individual capacity, Eric Turner, in her official capacity, in her individual capacity, John Anthony Boggs, in her official capacity, in her individual capacity, Kenneth Marvin, in her official capacity, in her individual capacity, Thomas Hall, in her official capacity, in her individual capacity, Deborah Yarborough, Virginia State Bar, Andrew H. Goodman, in his officail capacity, in his individual capacity, Noel Sengel, in his officail capacity, in his individual capacity, Mary W. Martelino, in her individual capacity, John Does,

Defendants-Appellees.

Authorized Abbreviated Caption 2/

Docket No. [s] : 08-4873 -cv

Bernstein v. Appellate Division First Department Disciplinary Committee

1/ Fed. R. App. P. Rule 12 [a] and 32 [a].
2/ For use on correspondence and motions only.

3

A. Gail Prudenti

Defendant-Appellee

in his official capacity, in their individual capacity

Monica Anne Connell Esq.

[LD n]

Attorney General of the State of New York

120 Broadway

New York , NY , 10271

212-416-8965

Andrew H. Goodman

Defendant-Appellee

in his official capacity, in his individual capacity

Monica Anne Connell Esq.(See above)

[LD n]

Angela M Mazzaelli

Defendant-Appellee

in her official capacity, in their official capacity

Monica Anne Connell Esq.(See above)

[LD n]

Appellate Division First Department Departmental Disciplinary Committee

Defendant-Appellee

Monica Anne Connell Esq.(See above)

[LD n]

Patrick J. Walsh Esq.
[n]
U.S. Attorney General's Office, State of New York
120 Broadway
New York, NY, 10007
212-416-6197

Appellate Division Second Department Departmental Disciplinary Committee
Defendant-Appellee

Monica Anne Connell Esq.(See above)
[LD n]

Catherine O'Hagan Wolfe
Defendant-Appellee
in their official capacity, in their individual capacity

Monica Anne Connell Esq.(See above)
[LD n]

David Friedman
Defendant-Appellee
in his official capacity, in their individual capacity

Monica Anne Connell Esq.(See above)
[LD n]

David B. Saxe
Defendant-Appellee
in his official capacity, in their individual capacity

Monica Anne Connell Esq.(See above)
[LD n]

Deborah Yarborough
Defendant-Appellee

Diana Maxfield Kearse

Defendant-Appellee
in his official capacity, in their individual capacity

Monica Anne Connell Esq.(See above)
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Douglas A. Boehm

Defendant-Appellee

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Eliot I. Bernstein

Plaintiff-Appellant
individually

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Eric Turner

Defendant-Appellee
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[LD n]

Estate of Stephen Kave

Defendant-Appellee

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212-969-3437

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Defendant-Appellee

Kent K. Anker Esq.(See above)
[LD n]

Hon. Judith S. Kave
Defendant-Appellee
in his official capacity, in their individual capacity

Monica Anne Connell Esq.(See above)
[LD n]

James E. Peltzer
Defendant-Appellee
in his official capacity, in their individual capacity

Monica Anne Connell Esq.(See above)
[LD n]

John Does
Defendant-Appellee

John Anthony Boggs
Defendant-Appellee
in her official capacity, in her individual capacity

Monica Anne Connell Esq.(See above)
[LD n]

Joseph Wigely
Defendant-Appellee
in his official capacity, in his individual capacity

Monica Anne Connell Esq.(See above)
[LD n]

Kenneth Marvin
Defendant-Appellee
in her official capacity, in her individual capacity

Monica Anne Connell Esq.(See above)
[LD n]

Kenneth Rubenstein
Defendant-Appellee

Joanna Frances Smith Esq.(See above)
[LD n]

Lawrence F. DiGiovanna
Defendant-Appellee
in his official capacity, in their individual capacity

Monica Anne Connell Esq.(See above)
[LD n]

Lawyers Fund for Client Protection of the State of New York
Defendant-Appellee

Monica Anne Connell Esq.(See above)
[LD n]

Lewis S. Meltzer
Defendant-Appellee

Richard M. Howard Esq.
[LD n]
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190 Willis Avenue
Mineola , NY . 11501
516-747-0300

Lorraine Christine Hoffman
Defendant-Appellee
in her official capacity, in her individual capacity

Monica Anne Connell Esq.(See above)
[LD n]

Luis A. Gonzales
Defendant-Appellee
in his official capacity, in their individual capacity

Monica Anne Connell Esq.(See above)
[LD n]

Martin R. Gold
Defendant-Appellee
in his individual capacity, in their official capacity

Monica Anne Connell Esq.(See above)
[LD n]

Marv W. Martelino
Defendant-Appellee
in her individual capacity

Monica Anne Connell Esq.(See above)
[LD n]

Meltzer Lippe Goldstein & Breistone LLP
Defendant-Appellee

Richard M. Howard Esq.(See above)
[LD n]

Michael C. Grebe
Defendant-Appellee

Kent K. Anker Esq.(See above)
[LD n]

Noel Sengel
Defendant-Appellee
in his official capacity, in his individual capacity

Monica Anne Connell Esq.(See above)
[LD n]

P. Stephen Lamont
Plaintiff-Appellant
on behalf of Shareholders of Iviweit Holdings, Inc., Iviewit Technologies, Inc., Uview.com, Inc., Iv

P. Stephen Lamont
n/a

35 Locust Avenue
Rve . NY . 10580
914-217-0038

Paul Curran
Defendant-Appellee
in their official capacity, in thier individual capacity

Monica Anne Connell Esq.(See above)
[LD n]

Proskauer Rose LLP
Defendant-Appellee

Joanna Frances Smith Esq.(See above)
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Raymond A. Joao
Defendant-Appellee

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Richard T. Andrias
Defendant-Appellee
in his official capacity, in their official capacity

Monica Anne Connell Esq.(See above)
[LD n]

State of New York Commission of Investigation
Defendant-Appellee

Monica Anne Connell Esq.(See above)
[LD n]

Steven C. Becker
Defendant-Appellee

Kent K. Anker Esq.(See above)
[LD n]

Steven C. Krane
Defendant-Appellee
in his official capacity, in their individual capacity

Joanna Frances Smith Esq.(See above)
[LD n]

The Florida Bar
Defendant-Appellee

Thomas Hall
Defendant-Appellee

Thomas J. Cahill
Defendant-Appellee
in his official capacity, in his individual capacity

Monica Anne Connell Esq.(See above)
[LD n]

Virginia State Bar
Defendant-Appellee

Monica Anne Connell Esq.(See above)
[LD n]

William J. Dick
Defendant-Appellee

Kent K. Anker Esq.(See above)
[LD n]

10/3/08 APPELLANT Eliot Bernstein, P. Lamont, Copy of notice of appeal and district court docket entries on behalf of APPELLANT Eliot Bernstein, P. Lamont, filed. [Entry date Oct 6 2008]

10/3/08 Note: This appeal was PRO SE when filed. [Entry date Oct 6 2008]

10/3/08 Copy of receipt re: payment of docketing fee filed on behalf of APPELLANT Eliot Bernstein, P. Lamont, .RECEIPT #662193 [Entry date Oct 6 2008]

10/3/08 Copy of district court order dated 08/08/08 RECEIVED. [Entry date Oct 6 2008]

10/3/08 Record on appeal filed. (Original papers of district court.) Volume(4) [Entry date Oct 6 2008]

10/6/08 Instructional Forms sent to Pro Se litigant [Entry date Oct 6 2008]

10/8/08 Record on appeal received in records room from team (4 vols). [Entry date Oct 8 2008]

10/14/08 Notice of appeal acknowledgment letter from P. Lamont received. [Entry date Oct 16 2008]

10/15/08 Scheduling order #1 filed. Appellants brief due 11/17/2008. Appellees brief due 12/17/2008. Ready week 2/2/2009. [Entry date Oct 15 2008]

10/15/08 Notice to counsel and pro se: scheduling order #1 [Entry date Oct 15 2008]

10/16/08 The new case manager assigned to this case is: Holmes, Deborah. [Entry date Oct 16 2008]

10/23/08 Appellant Eliot Bernstein motion for a 60 - 90 day extension of time to file briefs, filed with proof of service. [Entry date Nov 19 2008]

10/23/08 APPELLANT Eliot Bernstein, motion received. [Entry date Oct 23 2008]

11/17/08 Notice of Appearance Filed by P. Lamont on behalf of P. Stephen Lamont (Orig in acco, copy to Calendar and Admissions Dept.). [Entry date Nov 18 2008]

11/17/08 APPELLANT P. Lamont, brief and joint appendix with proof of service filed. [Entry date Nov 18 2008]

- 11/19/08 Copy of Appellant's Motion for an extension of time served on Appellee's by Case Manager. [Entry date Nov 19 2008]
- 11/24/08 Order FILED GRANTING motion extended time by Appellant Eliot Bernstein, endorsed on motion dated 10/23/2008. IT IS HEREBY ORDERED that Appellant`s motion an extension of time is GRANTED. Appellant`s brief and appendix shall be filed on or before February 17, 2009. No further extensions of time is GRANTED . Appellee`s brief is due on or before March 19, 2009. The appeal shall be heard no earlier than the week of April 4, 2009 Before on RKW. Endorsed by JP Administrative Attorney [Entry date Nov 24 2008]
- 11/24/08 Notice to parties regarding court order dated 11/24/08 [Entry date Nov 24 2008]
- 11/25/08 Papers <Notice of Receipt of Appellant's Motion > from Kent K. Anker, received. [Entry date Dec 2 2008]
- 12/3/08 Letter dated December 2, 2008 from Attorney Gregg M. Mashberg regarding briefing schedule for appellee's, received. (All Appellee's briefs are due as scheduled March 19, 2009). [Entry date Dec 4 2008]
- 12/3/08 Letter dated December 3, 2008 from Stephan M. Hall, Assistant Attorney General, who will be representing the Virginia State Bar Employees, received. [Entry date Dec 5 2008]
- 12/17/08 Motion for admission pro hac vice (Stephen M. Hall), filed with proof of service. [Entry date Dec 18 2008]
- 12/19/08 Order FILED GRANTING motion for admission pro hac vice by endorsed on motion dated 12/17/2008. IT IS HEREBY ORDERED that the motion is GRANTED. Attorney Hall is admitted pro hac vice. Endorsed for the Court by JP, Motions Staff Attorney. [Entry date Dec 19 2008]
- 12/19/08 Notice to counsel/pro se re: Motion Order dated 12/19/08. [Entry date Dec 19 2008]