



IVIEWIT TECHNOLOGIES, INC.

Eliot I. Bernstein
President, Founder & Inventor
Direct Dial: 561.364.4240

PRIVATE & CONFIDENTIAL

Friday, March 11, 2005 - 10:26:26

James Pelzer
Clerk of the Court
Supreme Court of New York
Appellate Division Second Judicial Department
45 Monroe Place
Brooklyn, NY 11201-3745

Re: CONFLICT OF INTEREST WAIVER FOR CHIEF JUDGE JUDITH KAYE AND JUSTICE GAIL PRUDENTI

Dear Mr. Pelzer:

As mentioned in our phone conversation today, it has come to our attention that possible conflicts of interest may exist between Chief Judge Judith Kaye (“Kaye”) and Justice Gail Prudenti (“Prudenti”). We have been advised to seek a conflict of interest waiver prior to any decisions by Justice Prudenti in regards to any possibility that conflict may exist in a relationship with Kaye.

Where Kaye is married to a Proskauer partner, Stephen Kaye (“S. Kaye”) in the intellectual property department at Proskauer we complain of stealing our intellectual properties and where Kaye holds an interest in our companies through marital interest in the Proskauer owned stock of an Iviewit company, we have pointed to potential influence from Kaye as a major problem. Where Kaye’s former law clerk was Steven C. Krane (“Krane”), who is the subject of the complaint being reviewed also poses conflict, if one is involved in any with either Kaye or Krane, other than a mere knowledge of. Where Krane and S. Kaye may be prosecuted in the same nexus of events that is before the department for ethical violations for federal, state and international crimes, see attached EXHIBIT “A”. Where aiding and abetting such crimes through conflicts, may cause conflicted parties to find themselves charged with crimes similarly, for aiding and abetting, we urge you to take this conflict check of the

*Iviewit Technologies, Inc. (fka)
Iviewit Holdings, Inc. – Del.

Iviewit Holdings, Inc. (fka)
Uview.com, Inc. – Del.

*Iviewit Holdings, Inc. – Fla.

Iviewit Holdings, Inc. – Fla.

Iviewit, Inc. – Fla.

*I.C., Inc. (fka)
Iviewit.com, Inc. – Fla.

Iviewit.com LLC – Del.

Iviewit.com, Inc. – Fla.

Iviewit.com, Inc. – Del

Iviewit LLC. – Del.

*Iviewit Corporation

*Indicates companies
where ownership is
currently under
federal and state
investigations.



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utmost importance. Where such crimes are not only against the Iviewit shareholders but also against agencies of the United States government, which could result in lengthy federal sentences and catastrophic financial ruin for S. Kaye, Kaye and Krane, we must be exhaustive in prescreening candidates eligible to review the matters, entirely free from conflict or influence with any of these parties. We have been advised that Prudenti was appointed by Kaye to various committees and has other relations that could pose conflict and cause further complaints to be filed. Thus, full and proper disclosure is necessary and waiver should be obtained for even the slightest of disclosed potential conflicts by whatever authority would grant such waiver.

As we discussed, since Kaye and Krane are so widely known and integrally involved in the departments of attorney discipline throughout New York, perhaps it is best to turn all matters over to a non-involved, disinterested, third-party oversight or investigatory body that has no ties to any of those accused. Unfortunately, as we discussed, this may not be possible in the New York disciplinary system as Kaye and Krane currently influence it predominantly in such niche areas as attorney disciplinary rules and enforcement. Where had such simple measures as full disclosure prior to review been taken by Kears, prior to selection of her by you, as the designated reviewer, she may not have had a complaint filed against her and subsequently DiGiovanna. As my mother always says, "an ounce of prevention is worth its weight in gold", and in these matters, such full and proper disclosure, and written affirmation that no conflict exists, before representing the matter, may preclude further complaints. We had initially asked you to have these matters screened for any possible conflicts after the fiasco, of Krane representing Rubenstein and himself while holding a referee and other positions of influence with First Department simultaneously. That these conflicts occurred and caused an overwhelming appearance of impropriety once, causing the transfer to your department for formal **INVESTIGATION** of the complaints by First Department, leaves us leery of similar positioning and thus constitutes a fair cause for such written conflict of interest statements from any investigator, prior to **INVESTIGATION**. You personally assured us that you would handle the matter and screen for conflict when the case was transferred, as you had also assured us that **INVESTIGATION** was forthcoming and explained to us the difference between **INVESTIGATION** and cursory review. Had these conflict checks been done formally, in writing, with full disclosure by the reviewer, prior to involvement, perhaps we could have caught the Kears/Krane conflicts sooner and prevented the additional complaints that have been filed and not yet formally docketed.



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In this regard, we are asking Prudenti, Kaye and yourself, to sign conflict of interest statements and to disclose any possible conflicts with Kaye, S. Kaye or Krane. Please include any personal relationships, any professional relationships, common committees, appointments to positions or any other relations that may have bearing on these matters. Make sure that disclosure include any relations in any way that Kaye, Prudenti and yourself may have to any of the parties named in any of the complaints pending at your offices (Rubenstein, Joao, Krane, Kears and DiGiovanna).

I thank you for your prompt attention to these matters and thoughtful consideration in prompting a written request for such disclosure and waiver. If Prudenti or you find conflict in any regard, than we anticipate that you would reclude from the matters formally and turn the matters over to someone who is prescreened for any possible conflict. Again, if you do not feel that anyone in New York will be found in such departments to have absolutely no conflicting relationship with Kaye and Krane that will further the appearance of impropriety, please advise as to how to elevate the matter to a third party oversight or another state, etc.

We would also like to know why the complaints against Kears and DiGiovanna have not been turned over to a special counsel as would be required by the rules regulating the department, not the rules regulating professional conduct. Why were these complaints turned over to you and why have they not been formally docketed? If you could point us to the rules, such as: NYCRR §603.1, §603.2, §605.6, §605.9, §603.4, §603.11 and NYSBA DR 1-102 §1200.3, DR 1-103 §1200.4 and any other applicable code, showing where it states such handling of the complaints, this would be very useful. We were under the impression that these rules regulated the complaint process where such complaints are against members of the department.



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Please have all parties named herein reply in writing to this communication separately regarding the above-mentioned conflict checks. Finally, do you have an estimated time frame that we can receive formal inquiry numbers for the complaints filed but not yet docketed against Kearsse and DiGiovanna, as I mentioned we are appealing a ruling in a Florida Supreme Court case with the United States Supreme Court and have a very tight time frame for filing. Of course, we would like to put those inquiry numbers in the filing, with reference to who will be handling them.

With best regards,

A handwritten signature in black ink, appearing to read "E. I. Bernstein". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Eliot I. Bernstein
President
Iviewit Technologies, Inc.

e copy: Caroline Prochotska Rogers, Esq.
Marc Garber, Esq. – Flaster Greenberg P.C.
Encls: Exhibit A



IVIEWIT TECHNOLOGIES, INC.

EXHIBIT "A"

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