

AA
RUBENSTEIN
3/15/05



A. GAIL PRUDENTI
PRESIDING JUSTICE

JAMES EDWARD PELZER
CLERK OF THE COURT

Appellate Division
Supreme Court of the State of New York
Second Judicial Department
45 Monroe Place
Brooklyn, N.Y. 11201
(718) 875-1300

MEL E. HARRIS
SUSAN H. HARKAVY
MARY-ELLEN SKENYON
DEPUTY CLERKS

MATTHEW KIERNAN
APRILANNE AGOSTINO
ASSOCIATE DEPUTY CLERKS

April 15, 2005

Eliot I. Bernstein
Iviewit Holdings, Inc.
10158 Stonehenge Circle, Suite 801
Boynton Beach, Florida 33437-3546

THIS IS GREAT! THE CLERK AND PRESIDING JUSTICE HAVE NO INVOLVEMENT IN THE PROCEDURAL ASPECT OF THIS CASE AS THEY ARE NOT PART OF THE DISCIPLINARY DEPARTMENT OR ALLOWED TO DO THIS. THEY TRY COMPLETELY OUTSIDE THE PROCEDURAL RULES IN THE STATE OF NEW YORK FOR DISCIPLINARY CASES TO EXCULPATE EVERYONE INVOLVED IN THEIR DEPARTMENT. SINCE THEY HAVE NO PROCEDURAL INVOLVEMENT, THIS LETTER IS HORSE SHIT AND MEANS NOTHING AND DISPELLS NOTHING AND IS GROUNDS FOR COMPLAINTS AGAINST PRUDENTI AND PELZER FOR ACTING IN A CAPACITY THEY DO NOT HAVE AND ATTEMPTING TO FURTHER DERAIL KRANE, RUBENSTEIN AND JOAO INVESTIGATIONS. ALSO, ATTEMPTS TO NOT FORMALLY DOCKET COMPLAINTS AGAINST DIGIOVANNA AND KEARSE, ALSO OUTSIDE PROCEDURAL RULES.

Dear Mr. Bernstein:

On February 23, 2005, I wrote to you indicating that the Presiding Justice would review the dismissal of your complaint against Steven C. Krane by the Grievance Committee for the Second and Eleventh Judicial Districts, as well as your claims against Lawrence DiGiovanna and Diana Kearse, and that you would be apprised of the results of those reviews. I now write to inform you that the Presiding Justice has completed her review of each of those matters as well as of the Grievance Committee's more recent dismissal of the related complaints against Kenneth Rubenstein and Raymond A. Joao.

With respect to the Grievance Committee's dismissal of your complaint against Steven C. Krane, the Presiding Justice has concluded that based on the information you provided the Committee was correct in its determination. At the time Mr. Krane represented Mr. Rubenstein, he was neither a member of the Departmental Disciplinary Committee of the First Department nor a Special Referee. Mr. Joao was a patent attorney in Yonkers and was not even a member of the Proskauer law firm. Accordingly, your claim that some conflict existed at the time of the representation is baseless. Nor is there any inherent conflict of interest in a former Committee member's representation of a respondent before that committee after his or her service has ended.

The Presiding Justice has further concluded that your correspondence fails to set forth a prima facie case of professional misconduct with respect to the Chairperson and Chief Counsel of the Grievance Committee for the Second and Eleventh Judicial Districts. None of your allegations sets forth a violation of the disciplinary rules. In essence, you are dissatisfied with the failure of the Grievance Committee for the Second and Eleventh Judicial Districts to open the complaint against Steven C. Krane. There has been no violation of the First Department's order transferring that matter to the Second Department for investigation. As I informed you on the telephone, an "investigation" of allegations of professional misconduct involves first a determination of whether those allegations, if true, state a violation of a disciplinary rule of the Code of Professional Responsibility. Such an investigation was conducted with respect to your charges against Mr. Krane and, as stated above, the Committee properly concluded that they did not state a prima facie case of a violation of any provision of the code. The Second Department is not bound by your interpretation of language employed in the

Prudenti has no right to make any decision or conclusion but this is a great attempt to dispel the complaints and exculpate these guys. It is as if Krane is helping Prudenti and Pelzer write a letter that has no basis in law or procedure that he can run around and use.

This is great. Based on her unwarranted and illegal handling of these matters, Prudenti now states an investigation was now done. Even though both Kearse and DiGiovanna who are the Disciplinary Department people involved claimed that they absolutely did NOT investigate the matters but only reviewed them. Company did not set forth the order for investigation as this letter attempts to claim, five Justices, after thorough review of all the matters ordered Second Department to conduct investigation and had found sufficient evidence to warrant investigation, not review to investigate. His wordsmithing is great, although again it means nothing since he and Prudenti have no right to write this letter as they are not involved in the disciplinary procedures.

On March 11 company asked for conflict waivers on Pelzer and Prudenti due to info that she was conflicted, they write this before giving a written disclosure

This paragraph is entirely false and incorrect

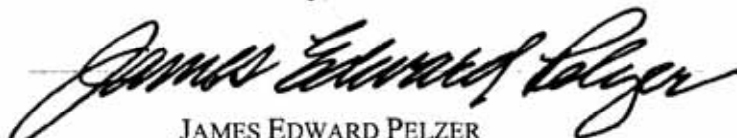
If the five Justices of the Supreme Court First Department wanted the underlying purpose of the transfer to be a de novo review they would have ordered de novo review. Instead they state that after due deliberation of the matters and evidence submitted them, they order INVESTIGATION. Note how here at end he bounces between investigation and review which are distinctly different terms and yet he tries to make them one. Finally, to avoid formally docketing and following NY law and procedure regarding complaints, Prudenti tries to state she reviewed complaints (which were never docketed) and decided without any authority to do so to dismiss them, inapposite law and procedure.

First Department order of transfer. Rather, the underlying purpose of the transfer was to allow for a de novo review of your complaint against Mr. Krane. This matter has most assuredly been afforded that review. They are anticipating our next move and trying to block it, all illegally, and outside formal NY procedure.

In anticipation of further correspondence from you, the Presiding Justice has taken the additional step of reviewing the Grievance Committee's dismissal of the complaints by you and Mr. Lamont against Kenneth Rubenstein and Raymond A. Joao as set forth in Ms. Kearse's letter dated March 18, 2005. It appears that those complaints arose following a successful lawsuit brought by the Proskauer firm for substantial legal fees and essentially seek to attribute blame for the demise of Iviewit and its financial losses. Accordingly, they are more appropriately left for resolution by a court of law rather than through the disciplinary process.

This is great as he brings in civil case which is under investigation by federal authorities as the companies sued by Proskauer were companies that the company did not own but that Proskauer owned. Further, Rubenstein and Joao are still under ongoing formal investigation by the United States Patent Office for theft of patents that has caused suspension of the Iviewit patents while charges of FRAUD ON THE UNITED STATES PATENT OFFICE are investigated. Yet these two unauthorized court jesters, without investigation are willing to state all these claims. HOW MUCH DID PROSKAUER PAY FOR THIS LETTER???

Yours truly,



JAMES EDWARD PELZER
Clerk of the Court

APPELLATE DIVISION, SUPREME COURT
SECOND JUDICIAL DEPARTMENT
STATE OF NEW YORK
45 MONROE PLACE
BROOKLYN, N.Y. 11201



33437+3546 26