



IVIEWIT HOLDINGS, INC.

Eliot I. Bernstein
Founder
Direct Dial: 561.364.4240

VIA – Facsimile and US Mail

Wednesday, October 27, 2004

Diana Maxwell Kears, Esq.
Chief Counsel
Kings, Queens & Richmond Second Judicial Department
Counties: 2nd & 11th Judicial District Grievance Committee
Renaissance Plaza
335 Adams Street, Suite 2400
Brooklyn, New York 11201-3745

**Re: RESPONSE TO STEVEN C. KRANE COMPLAINT T1689-04 LETTER
DATED OCTOBER 5, 2004**

Dear Ms. Diana Maxwell Kears:

Thank you for your time today and the most interesting answers you gave in response to your review (not investigation) of the matter involving Steven C. Krane sent to the Second Department by the five justices of the First Department for court ordered “investigation” and disposition as illustrated in Exhibit “A”. It is of interest to note that you have in effect denied the courts order for “investigation” and instead choose to send us a standard letter of dismissal without explanation or cause for dismissal and without “investigation”. Prior to your review, we had contacted several members of the various departments, including the Clerk of the Court, James Pelzer and discovered that “investigation” meant investigation and not review and as such, that the investigation would entail far more than a cursory review and dismissal.

Your letter states that we did not complain of ethical misconduct and we were wondering which part of the conflicts of interest and impropriety in Krane’s responding as counsel for both Rubenstein and himself while holding a position at the First Department that you did not find to be unethical and in fact in violation of both the First Department rules and the NYSBA rules. We have also cited Mr. Krane for all violations of professional



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misconduct that were cited in the Rubenstein complaint, and we would like a detailed explanation of your dismissal without court ordered "investigation" of each ethical misconduct cited for both Krane and Rubenstein, as it applies to Krane. Please also exhibit the positions held by Mr. Krane at the First Department when he responded for both Rubenstein and himself, Exhibit "B" and explain how this does not violate the rules of professional conduct, as well as, Departmental Rules.

Flabbergasted we were to find that you have both a personal and professional relationship with Mr. Krane, which you attempt to deny may be cause for further conflicts of interest with yourself, thereby causing further the APPEARANCE OF IMPROPRIETY. In a case fraught with this type of conduct, that has already caused such action as a five panel justice group from the First Department to transfer the matters to you for a court ordered "investigation" due to prior conflicts and impropriety, this seems absurd that you did not recluse yourself or at least disclose such relationship in your response, no matter how minimal you claim the relationship to now be. It would be of great benefit to the Complainant in this matter if you can address the following issues which you asked that we put in writing and likewise we ask that your answers also be responded to in writing to the following questions:

1. Describe your entire relationship with Steven C. Krane, Kenneth Rubenstein, Raymond Joao and Thomas Cahill both personally and professionally.
2. Number of contacts you have had with Mr. Krane and Mr. Cahill and time and date of the most recent contacts.
3. Affiliation or relationship with any member of Proskauer Rose, LLP, Meltzer Lippe Goldstein & Schlissel and Foley and Lardner.
4. Positions, with dates, that Steven C. Krane has held with the Second Department and/or at any of the affiliated Departments.
5. What materials you reviewed in making your initial decision, please catalogue all materials sent by the First Department in relation to this case, as this was also agreed to by Clerk of the Court, James Pelzer.
6. An explanation for your refusal to follow the court ordered "investigation" of the First Department justices to begin an "investigation" of the matter of Steven C. Krane and what authority you cite in denying such investigation and dismissing the matter without investigation, contrary to the court order.
7. Explanation of your claim of your not being under the jurisdiction of the Appellate Division First Department and subsequent denial of the order of such court to proceed with an immediate "investigation".



Diana Maxwell Kearse, Esq.
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8. Have you had any conversations with any member of the First Department or any others concerning the matters under review in any of the complaints forwarded to you?
9. If there were any other members of the Second Department that aided in your review, please have them also answer all questions contained in this correspondence. Please write and affirm a written conflict of interest waiver in regards to your handling of the matter of Steven C. Krane and include any attorney complaints involved in the same nexus of events, expressly disclosing any relationships to any of the named Respondents of the following individuals;
 - a. Thomas Cahill – Complaint with Martin Gold First Department
 - b. Steven C. Krane
 - c. Kenneth Rubenstein
 - d. Proskauer Rose, LLP
 - e. Meltzer Lippe Goldstein and Schlissel
 - f. Raymond Joao
 - g. Foley & Lardner
 - h. William J. Dick
10. In making your decision to ignore the court ordered “investigation” of Steven C. Krane, we wondered if you were misled by the cover letter of Thomas Cahill, Chief Counsel of the First Department Departmental Disciplinary Committee, by his referencing the complaint to be handled by your offices at your discretion, quite opposite the court ordered “investigation” that was ordered by such five justices and ignored in the attached Cahill letter, Exhibit “C”.

Please let this letter serve as a formal request to move the review of Steven C. Krane to the next level of court ordered “investigation”, where that next level should be fully apprised of the court order to proceed directly to an “investigation” and to further ignore the misleading cover letter attached by Mr. Cahill. Please respond with an explanation of the entire review process of the Second Department in handling attorney complaints and let this letter serve as our notice that we would like a review of your decision by the next highest level of review. In order that we may reveal any conflicts prior to review, please have such next level of review sign conflict waivers prior to review with full disclosure of any potential conflicts with any of the Respondents.

Respectfully yours,



Diana Maxwell Kears, Esq.
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A handwritten signature in black ink, appearing to read "E.I. Bernstein".

Eliot I Bernstein
Founder
I View It Technologies, Inc.

cc: P. Stephen Lamont
Marc R. Garber, Esq.
Caroline Prochotska Rogers, Esq.



Diana Maxwell Kears, Esq.
Re: Response to Steven C. Krane Complaint
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Exhibit "A" – Supreme Court New York Appellate Division Court Ordered Investigation
Ruling

DEPARTMENTAL DISCIPLINARY COMMITTEE
SUPREME COURT, APPELLATE DIVISION
FIRST JUDICIAL DEPARTMENT
61 BROADWAY
NEW YORK, N.Y. 10006
(212) 401-0800
FAX: (212) 401-0810

RECEIVED
By Eliot I. Bernstein at 3:50 pm, 9/12/04

September 7, 2004

PERSONAL AND CONFIDENTIAL

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

Re: Matter of Kenneth Rubenstein, Esq. - 2003.0531
Matter of Raymond A. Joao, Esq. - 2003.0532
Matter of Steven C. Krane, Esq. - 2004.1883

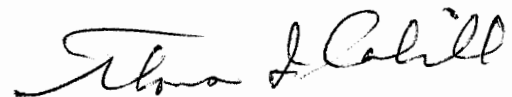
Dear Mr. Pelzer:

The above referenced complaints were filed with the Committee and involve the representation of one of the respondents by an attorney who also serves as a Departmental Disciplinary Committee referee. Consequently, to avoid an appearance of impropriety the Appellate Division, First Judicial Department, has transferred the matters to your Court for assignment to a grievance committee that you deem appropriate.

As a result, I am forwarding herein copies of the Orders, complaints, and related documents, and respectfully request that you submit the matters to a grievance committee in your Department for whatever action they deem fit and proper.

Thank you for your attention to this matter.

Very truly yours,



Thomas J. Cahill

This is not what court ordered! They ordered investigation. Cahill tries to skirt the court order for "investigation" and state whatever action Second Dept deems fit. Cahill conflict!!!

TJC/nkd

Encls:

cc: Kenneth Rubenstein, Esq.
Raymond A. Joao, Esq.
Steven C. Krane, Esq.
Eliot I Bernstein & P. Stephen Lamont

I:\Tjc\2004\pelzer4.wpd

EXHIBIT "A"

- PAUL J. CURRAN, Esq.
CHAIRMAN
- HALIBURTON FALES, 2D., Esq.
HON. THOMAS B. GALLIGAN
MARTIN R. GOLD, Esq.
DENIS MCINERNEY, Esq.
ROY L. REARDON, Esq.
STEPHEN L. WEINER, Esq.
SPECIAL COUNSEL
- LAWRENCE J. BANKS
SALLY W. BERG
DR. JANE EISNER BRAM
DOUGLAS W. BRANDRUP, Esq.
CHRISTOPHER E. CHANG, Esq.
ANN J. CHARTERS
BRIAN M. COGAN, Esq.
LISA D. CORRELL
DENIS F. CRONIN, Esq.
CHERYL DAVIS, Esq.
TELESFORO DEL VALLE JR., Esq.
CHARLES E. DORKEY III, Esq.
PAUL F. DOYLE, Esq.
PATRICIA FARREN, Esq.
STEVEN N. FEINMAN, Esq.
ROSALIND S. FINK, Esq.
CHARLOTTE MOSES FISCHMAN, Esq.
MARANDA E. FRITZ, Esq.
WILLIAM A. GALLINA, Esq.
PAUL G. GARDEPHE, Esq.
ALFERD G. GEROSA
ROBERT L. HAIG, Esq.
WILLIAM E. HAMMOND, Esq.
SUSAN M. KARTEN, Esq.
JOHN J. KENNEY, Esq.
DAVID G. KEYKO, Esq.
MYRON KIRSCHBAUM, Esq.
LENORE KRAMER, Esq.
WILLIAM FRANCIS KUNTZ II, Esq.
DEBORAH E. LANS, Esq.
MARVIN LEFFLER
BURTON N. LIPSHIE, Esq.
HENRIETTA LYLE
MARY B. MAGUIRE
CHARLES C. MARINO
DOUGLASS B. MAYNARD, Esq.
LAWRENCE D. MCGOVERN, Esq.
CHARLES G. MOERDLER, Esq.
MATHIAS E. MONE, Esq.
MERCEDES A. NESFIELD
JANE W. PARVER, Esq.
ANTHONY M. RADICE, Esq.
ANDREW W. REGAN, Esq.
TIMOTHY G. REYNOLDS, Esq.
MICHAEL J. ROSENBERG
AUGUSTIN J. SAN FILIPPO, Esq.
SAMUEL W. SEYMOUR, Esq.
DANIEL E. SIFF, Esq.
MARIAN E. SILBER, Esq.
EUGENE P. SOUTHER, Esq.
JOHN L. WARDEN, Esq.
ERIC J. WARNER, Esq.
SUSAN WELSHER
COMMITTEE MEMBERS
- THOMAS J. CAHILL
CHIEF COUNSEL
- SHERRY K. COHEN
FIRST DEPUTY CHIEF COUNSEL
- ANDRAL N. BRATTON
DEPUTY CHIEF COUNSEL
- CHRISTINE C. ANDERSON
ANGELA CHRISTMAS
NICOLE CORRADO
KEVIN P. CULLEY
JORGE DOPICO
MADY J. EDELSTEIN
JEREMY S. GARBER
NAOMI F. GOLDSTEIN
JOSEPH J. HESTER
ROBERTA N. KOLAR
JUN HWA LEE
VITALY LIPKANSKY
STEPHEN P. MCGOLDRICK
BIANCA MICHELIS
KEVIN E.F. O'SULLIVAN
JAMES T. SHED
EILEEN J. SHIELDS
JUDITH N. STEIN
RAYMOND VALLEJO
LA TRISHA A. WILSON
STAFF COUNSEL



Diana Maxwell Kears, Esq.
Re: Response to Steven C. Krane Complaint
T1689-04 Letter Dated October 5, 2004
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Exhibit "B" – Steven C. Krane Response for Rubenstein Complaint and Krane Complaint

PROSKAUER ROSE LLP

1585 Broadway
New York, NY 10036-8299
Telephone 212.969.3000
Fax 212.969.2900

LOS ANGELES
WASHINGTON
BOCA RATON
NEWARK
PARIS

Steven C. Krane
Member of the Firm

Direct Dial: 212.969.3435
skrane@proskauer.com

May 21, 2004

By Facsimile and Mail

Thomas J. Cahill, Esq
Chief Counsel
Departmental Disciplinary Committee
61 Broadway
New York, New York 10006

Re: Complaint of Iviewit Holdings, Inc. -- Docket No. 2003.0531

Dear Mr. Cahill:

I represented my partner, Kenneth Rubenstein, in connection with the complaint filed against him in March 2003 by Iviewit Holdings, Inc. That proceeding was closed pursuant to your letter of September 2, 2003.

Iviewit has now asked that the response I submitted on April 11, 2003 be stricken on the ground that I had a conflict of interest by virtue of my various position with the New York State Bar Association. Obviously, Iviewit is not aware that there is no connection between the Departmental Disciplinary Committee, which operates under the aegis of the Appellate Division of the Supreme Court, and the New York State Bar Association, which is a voluntary organization of lawyers. This confusion is not surprising, since the principals of Iviewit are from Florida, where it is the Florida Bar that investigates and disciplines lawyers.

Accordingly, I respectfully request that Iviewit's "Demand to Strike Response" be rejected and that any complaint against me arising out of my representation of Mr. Rubenstein be dismissed. I stand ready to provide the Committee with whatever additional information it may require in connection with this matter.

Yours very truly,



Steven C. Krane

Fails to list his First Department conflicting roles. Principal, CEO, New York law graduate. Responds on behalf of Rubenstein and himself while a referee here and this is a Conflict of Interest per Catherine Wolfe and later admitted to by Cahill, after Wolfe exposes. Krane does not disclose position and in fact conceals such. This letter serves as his pro-se response to complaint against him by Iviewit per Cahill.

PROSKAUER ROSE LLP

Thomas J. Cahill, Esq

May 21, 2004

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cc: Mr. Eliot Bernstein
Mr. P. Stephen Lamont



Diana Maxwell Kears, Esq.
Re: Response to Steven C. Krane Complaint
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Wednesday, October 27, 2004
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Exhibit "C" – Thomas Cahill Cover Letter to Second Department

RECEIVED
By Eliot I. Bernstein at 3:50 pm, 9/12/04

SUPREME COURT OF THE STATE OF NEW YORK
APPELLATE DIVISION : FIRST DEPARTMENT
-----X

In the Matter of an Attorney and
Counselor-at-Law:

M-3198

Departmental Disciplinary Committee
for the First Judicial Department,

Petitioner.

NOTICE OF ENTRY

-----X

PLEASE TAKE NOTICE that the within is a certified copy
of an unpublished order and decision duly made in this
proceeding and duly entered and filed in the office of the
Clerk of the Supreme Court of the State of New York, Appellate
Division, First Department, on the 11th day of August, 2004.

DATED: New York, New York
September 7, 2004

Yours, etc.,

THOMAS J. CAHILL
Chief Counsel
Departmental Disciplinary
Committee for the First
Judicial Department
61 Broadway - 2nd Floor
New York, NY 10006
(212) 401-0800

RECEIVED

By Eliot I. Bernstein at 3:50 pm, 9/12/04

To: Steven C. Krane, Esq.
Proskauer Rose LLP
1585 Broadway
New York, New York 10036

Eliot I. Bernstein
P. Stephen Lamont
Iviewit Holdings, Inc.
10158 Stonehenge Circle, Suite 801
Boynton Beach, Florida 33437

I:\Tjc\2004\Krane.ne.wpd

RECEIVED

By Eliot I. Bernstein at 3:51 pm, 9/12/04

UNPUBLISHED ORDER

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 11, 2004.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
David B. Saxe
David Friedman
Luis A. Gonzalez, Justices.

FILED

AUG 11 2004

Appellate Division, Supreme Court
First Department

-----X
In the Matter of an Attorney and
Counselor-at-Law:

UNPUBLISHED ORDER

M-3198

Departmental Disciplinary Committee
for the First Judicial Department,

Petitioner.
-----X

The Departmental Disciplinary Committee for the First Judicial Department, by Thomas J. Cahill, its Chief Counsel, having moved this Court on August 2, 2004, for an order granting movant permission to transfer the investigation and disposition of a complaint under Docket Number 1883/04 to a Grievance Committee in another Judicial Department, or to any other disciplinary jurisdiction this Court deems appropriate,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is unanimously

Ordered that the motion is granted and the complaint under Docket Number 1883/04 is transferred to the Appellate Division, Second Judicial Department, for investigation and disposition.

Krane
Docket
Number

Court orders INVESTIGATION by second department and Cahill cover letter tries to state otherwise and hide court ordered investigation. Report Cahill for further conflict.

ENTER:

David Apolony
Clerk.
DEPUTY CLERK

APPELLATE DIVISION SUPREME COURT FIRST DEPARTMENT
STATE OF NEW YORK

I, CATHERINE O'HAGAN WOLFE, Clerk of the Appellate Division of the Supreme Court First Judicial Department, do hereby certify that I have compared this copy with the original thereof filed in said office on 8/11/04 and that the same is a correct transcript thereof, and of the whole of said original.
IN WITNESS WHEREOF I have hereunto set my hand and affixed the seal of this Court on 8/11/04.

Catherine O'Hagan Wolfe
CLERK

10/26/04 Kearse, Chief Counsel of Second Department states she is not under jurisdiction of First Department court ordered investigation and refuses to investigate Krane although it is court ordered. Report Kearse for denial of due process, contempt of court order and furthering loss of Constitutional Rights of inventor to US Supreme Court, illustrate her letter denying investigation, inapposite court order.

RECEIVED

By Eliot I. Bernstein at 3:51 pm, 9/12/04

SUPREME COURT OF THE STATE OF NEW YORK
APPELLATE DIVISION : FIRST DEPARTMENT

-----X

In the Matter of an Attorney and
Counselor-at-Law:

M-2820

M-3212

NOTICE OF ENTRY

Departmental Disciplinary Committee
for the First Judicial Department,

Petitioner.

-----X

PLEASE TAKE NOTICE that the within is a certified copy
of an unpublished order and decision duly made in this
proceeding and duly entered and filed in the office of the
Clerk of the Supreme Court of the State of New York, Appellate
Division, First Department, on the 11th day of August, 2004.

DATED: New York, New York
September 7, 2004

Yours, etc.,

THOMAS J. CAHILL
Chief Counsel
Departmental Disciplinary
Committee for the First
Judicial Department
61 Broadway - 2nd Floor
New York, NY 10006
(212) 401-0800

To: Kenneth Rubenstein, Esq.
c/o Steven C. Krane, Esq.
Proskauer Rose
1585 Broadway
New York, New York 10036

Raymond A. Joao, Esq.
c/o John Fried, Esq.
Fried & Epstein, LLP
1350 Broadway, Suite 1400
New York, New York 10018

Eliot I. Bernstein
P. Stephen Lamont
Iviewit Holdings, Inc.
10158 Stonehenge Circle, Suite 801
Boynton Beach, Florida 33437

I:\Tjc\2004\Krane2.ne.wpd

UNPUBLISHED ORDER

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 11, 2004.

PRESENT: Hon. Angela M. Mazzarelli,
Richard T. Andrias
David B. Saxe
David Friedman
Luis A. Gonzalez,

Justice President,

FILED

AUG 11 2004

Justices.

Appellate Division, Supreme Court
First Department

-----X
In the Matter of an Attorney and
Counselor-at-Law:

Departmental Disciplinary Committee
for the First Judicial Department,

UNPUBLISHED ORDER

M-2820

M-3212

Petitioner.

-----X
The Departmental Disciplinary Committee for the First Judicial Department, by Thomas J. Cahill, its Chief Counsel, having moved this Court on July 12, 2004, for an order granting movant permission to transfer the investigation and disposition of complaints under Docket Numbers 531 and 532/03 to a Grievance Committee in another Judicial Department, or to any other disciplinary jurisdiction this Court deems appropriate (M-2820),

And the motion papers executed by Eliot I. Bernstein and P. Stephen Lamont, dated July 8, 2004, seeking immediate investigation of complaints against certain specified attorneys, the striking of the Departmental Disciplinary Committee's motion, and for related relief, having been deemed a cross motion (M-3212),

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is unanimously

Ordered that the motion is granted and the complaints under Docket Numbers 531/03 and 532/02 are transferred to the Appellate Division, Second Judicial Department, for investigation and disposition. The cross motion is granted only to the extent of transferring said Docket Numbers in said manner and is otherwise denied.

APPELLATE DIVISION SUPREME COURT FIRST DEPARTMENT
STATE OF NEW YORK

I, CATHERINE O'HAGAN WOLFE, Clerk of the Appellate Division of the Supreme Court First Judicial Department, do hereby certify that I have compared this copy with the original thereof filed in said office on 8/11/04 and that the same is a correct transcript thereof, and of the whole of said original.
IN WITNESS WHEREOF I have hereunto set my hand and affixed the seal of this Court on 8/11/04.

David Anthony
Clerk.
DEPUTY CLERK

Catherine O'Hagan Wolfe
CLERK