

Tuesday, February 19, 2008

United States District Court  
Southern District of New York  
500 Pearl Street  
Pro Se Desk ~ Suite 230  
New York, New York 10007

**RE: MISSING COMPLAINTS TO US MARSHALL FOR SERVICE IN CASE  
07 CIV. 11196 (SAS) ELIOT I. BERNSTEIN, ET AL. V. APPELLATE  
DIVISION FIRST DEPARTMENT DEPARTMENTAL DISCIPLINARY  
COMMITTEE, ET AL.**

To Whom It May Concern:

I spoke with the Pro Se desk today regarding the fact that the United States Marshal has stated they are missing 79 copies of the Complaint that were in the service package sent to them. I spoke with the US Post office and they are conducting an investigation into the fact that their tracking shows the package not having left the Red Bluff California office and they have no record of the US Marshal signing for the priority certified package we sent. The US Marshal is looking into what happened. I was also called at 4:00<sup>pm</sup> EST today by the US Postmaster in Sacramento who has no record of who or how the twenty two pound package was sent. Twenty two pounds is about the amount the Complaint would have weighed, at 35 pages times 69 copies or 2415 pages and this was the bulk of the package.

I was contacted last Friday by a Mr. Jonathan J. Giovanni from the Pro Se office who thought I may have forgotten to send the Complaints but after speaking with US Marshal and the US Postmaster it appears that the Complaint was stripped from the package after we delivered it to the US Postmaster. I also notified the US Marshal that I had enclosed a copy of a spreadsheet that monitored the items received and sent, showing what the Pro Se desk sent and what I had to add and that was completed as the package was packed (see attachment).

In short, it appears that the US Marshal needs the Complaint sent to them again. I spoke with Katie Sanders today and she suggested that I write to request that the Pro Se office copy and send them again, either to me or directly to the US Marshall, another 69 copies of the Complaint so as to save us the cost and time in getting the package delivered promptly. In the original package only 47 Complaints were sent to me when a total of 69 were necessary, as was learned in an earlier call to the Pro Se desk, so please be advised that 69 are required. Please reply in writing at your soonest convenience to notify me if you can do the copying and mailing and how you would forward the package and to whom. Finally, our case involves numerous charges of mail and wire fraud at a host of government agencies and perhaps your office sending these to the US Marshal

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directly will prevent that element from creeping in to the service again, if that is what turns out to be the cause after investigations are completed.

I have attached an email sent to Judge Scheindlin today and the documents that were attached which provide more information regarding these matters.

Thank you in advance for your help,

Eliot I. Bernstein  
Iviewit Technologies, Inc.  
Inventor  
39 Little Ave  
Red Bluff, California 96080  
(530) 529-4110 (O)  
(530) 526-5751 (C)  
[iviewit@iviewit.tv](mailto:iviewit@iviewit.tv)  
[www.iviewit.tv](http://www.iviewit.tv)

cc: The Honorable Shira A. Scheindlin (courtesy copy enclosed)  
The Honorable Glenn Fine, Inspector General, United States Department of  
Justice

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Attachments

UNITED STATES DISTRICT COURT ~ SOUTHERN DISTRICT OF NEW YORK  
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**Eliot I. Bernstein**

**From:** Eliot I. Bernstein [ivcwit@iviewit.tv]  
**Sent:** Tuesday, February 19, 2008 1:09 PM  
**To:** 'Hope Haynes @ The United States Marshall (hope.haynes@usdoj.gov)'  
**Cc:** Caroline Prochotska Rogers, Esquire (caroline@cprogers.com); Michele Marlene Mulrooney Jackoway Esq. (MMulrooney@JTWAMM.com); The Honorable Shira A. Scheindlin @ United States District Court - Southern District of New York (shira\_a.scheindlin@NYSd.uscourts.gov); 'pstephen.lamont@verizon.net'  
**Subject:** Case #07 Civ. 11196 (SAS)  
**Contacts:** Hope Haynes  
**Attachments:** 2008 Staples US Marshall Receipt.pdf; us post.pdf; Defendants and Service.xls; INVESTIGATIONS MASTER.xls

RE: 07 Civ. 11196 (SAS) ELIOT I. BERNSTEIN, et al. v. APPELLATE DIVISION FIRST DEPARTMENT DEPARTMENTAL DISCIPLINARY COMMITTEE, et al.

Dear Hope,

Thank you very much for your time today and per our chat I am attaching a few documents to help figure out what has happened to the 89 copies of the filed Complaint in our package back to you. In the package was the attached excel spreadsheet (Defendants and Service.xls) showing that the Pro Se desk had sent us 47 copies of the Complaint and we photocopied an additional 22, the spreadsheet was checked with the packing of the documents. The package was sealed with an abundance of packing tape and would have been memorable in that regard to whoever opened it. Both P. Stephen Lamont and I spoke with Dianna Baerga on February 15 who received on February 07 an opened package: she started working on it on February 08 and stated that she sent it out. Later in the conversation, Dianna stated that a Defendant had called her and stated there was no Complaint in the package and when asked whom that Defendant was she had no recollection. She then retracted her initial statement as to if the package was opened and said she was not sure if it was opened when it got her or who opened it. Dianna could not give any more information as to who had received the package and she then stated she had not sent the packages out and was photocopying the Complaint. I informed her that I was called by the Pro Se desk on behalf of The Honorable Shira A. Scheindlin and that I was to recopy the Complaint, she then stated she was not copying the Complaint which contradicted her initial statement. I asked her for a way to track if the Complaint had got misplaced over on your end and we ended up agreeing that it was better if I spoke to you today to try and figure it all out.

The US Postal service when tracking this Priority Certified package comes up with the following today:

Label/Receipt Number: 2305 1590 0000 3670 5543

Status: Acceptance

Your item was accepted at 4:59 PM on January 31, 2008 in RED BLUFF, CA 96080. No further information is available for this item.

A US Postal investigation is now being conducted #C036249-07D as of February 15 regarding how and who handled the package from Red Bluff forward. Attached is the US Postal receipt (us post.pdf) for the Package in Adobe pdf format. Also, the receipt for the photocopying the Complaint and other documents (2008 Staples US Marshall Receipt.pdf) that were sent short by the Pro Se desk is also attached and that is all explained on the bottom lines of the spreadsheet. If you could double check on your end and see if you have the copies somewhere it would save me tremendous cost and time but if you are unable to locate them by the end of today please call and I will get it done and out by tomorrow. I look forward to hearing the outcome of what has happened with the documents, as you mentioned this letter would serve to start a more formal investigation and if you can reply with a case number that would also help.

Again, thank you for your time and consideration,

Eliot

2/19/2008

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Eliot I. Bernstein  
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2/19/2008

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COPY HOLD TRANSACTION

TRAN NO : 33675 REGISTER NO.: LL5  
DATE: 01/25/2008

3 ITEM(S): \$105.44

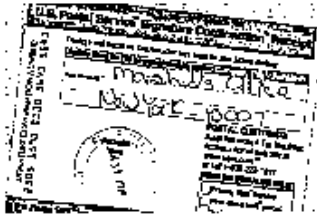
506	1-1000 B&Z STC		
	430042	0.175ea	88.55
46	1-1000 B&Z STC		
	470042	0.175ea	6.40
68	STAPLING		
	387718	0.020ea	1.35

558630 005 033675  
001? 01/25/2008 03:45



Name: . .  
Phone Number: 000-000-0000  
Time Due: ? :00a

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Defendant	Original Summons	Copy Complaint	Certified Copy of In Forma or Order Granting	Memorandum from the Pro Se to Clerk regarding extra copies	USM 285	Service Completed	Questions	Service Address
0								
1	3	2	3	1	1		Marshall reads two copies and we if lit raised what the Marjory from extra copies	27 Madison Avenue New York, New York 10010 (212) 369-9900
2	1	1	1					27 Madison Avenue New York, New York 10010 (212) 369-9900
3	2	2	2					77 Malcolm Avenue New York, New York 10010 (212) 369-9900
4	2	2	2					U.S. COURT OF APPEALS, SECOND CIRCUIT - OFFICE OF THE CLERK OFFICE OF THE CLERK OF COURT THE DANIEL PATRICK MOYNIHAN COURTHOUSE 500 PEARL STREET NEW YORK, NY 10078, NY - 666721-RE7- 8565 Kays Scheider LLP 425 Park Avenue New York, NY 10022-2599 Phone: (212) 633-8479 ksc@kayscheider.com Scanned with NextStep 227 Avenue of the Americas New York, NY 10020-1099 Phone: 212-250-1131 mgd@scanned.com
5	2	2	2			1		
6	2	2	2			1		
	2	2	2			1		



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7	Hon. Angela M. Mazzרח in her official capacity Angela M. Mazzרח in her individual capacity						Supreme Court, Appellate Division 1st Department 27 Madison Avenue New York, New York 10017 (212) 310-0459
8	Hon. Richard T. Aronow in his official capacity Richard T. Aronow in his individual capacity						Supreme Court, Appellate Division 1st Department 27 Madison Avenue New York, New York 10017 (212) 310-0459
9	Hon. David B. Swick in his official capacity David B. Swick in his individual capacity						Supreme Court, Appellate Division 1st Department 27 Madison Avenue New York, New York 10017 (212) 310-0459
10	Hon. David Friedman in his official capacity David Friedman in his individual capacity						Supreme Court, Appellate Division 1st Department 27 Madison Avenue New York, New York 10017 (212) 310-0459
11	Hon. Luis A. Gonzalez in his official capacity Luis A. Gonzalez in his individual capacity						Supreme Court, Appellate Division 1st Department 27 Madison Avenue New York, New York 10017 (212) 310-0459
12	Appellate Division Second Department Departmental Disciplinary Committee						State of New York Committee for the Second & Dever - Judicial Branch Herald Square Plaza 335 Adams Street, Suite 2400 Brooklyn, New York 11201-3745 (718) 873-6300

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13	Investment DKT, Inc et al in her official capacity Investment DKT, Inc et al in her individual capacity	2	2	2	1	State of New York, Office of Comptroller for the Second & Third Districts Debitors Pensions Services Dept 335 Adams Street, Suite 2400 Brooklyn, New York 11201-3745 (718) 522-0200
14	Doris Manfred Kozzo in her official capacity Doris Manfred Kozzo in her individual capacity	2	2	2	1	State of New York, Office Commission for the Second & Third District Debitors Pensions Services Dept 335 Adams Street, Suite 2400 Brooklyn, New York 11201-3745 (718) 522-0200
15	Janice E. Pincus in her official capacity Janice E. Pincus in her individual capacity	2	2	2	1	Supreme Court, State of New York Appellate Division, Second Department 45 Montecito Place Brooklyn, NY 11201 (718) 722-0324 Phone: 212.868.3000 Fax: 212.868.2900 skierag@post.ksu.edu
16	John A. Gal Prudenti in her official capacity A. Gal Prudenti in her individual capacity	2	2	2	1	Supreme Court, State of New York Appellate Division, Second Department 45 Montecito Place Brooklyn, NY 11201 (718) 722-0324 Phone: 212.868.3000 Fax: 212.868.2900 skierag@post.ksu.edu
17	Esmer C. Kwan in her official capacity Esmer C. Kwan in her individual capacity	2	2	2	1	Supreme Court, State of New York Appellate Division, Second Department 45 Montecito Place Brooklyn, NY 11201 (718) 722-0324 Phone: 212.868.3000 Fax: 212.868.2900 skierag@post.ksu.edu
18	Hon. Judith S. Kaye in her official capacity Judith S. Kaye in her individual capacity	2	2	2	1	State of New York Court of Appeals 20 Esplanade, Albany, New York 12247-1000 212.861-6700 Chambers Friedlander Rice LLP 1565 Broadway New York, NY 10036-0203 Phone: 212.908.3105 info@friedlanderice.com
19	Genevieve Rubenstein	1	1	1	1	

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20	Name of Supplier Name						How do you know this Law firm name and address?	Frostburn Haza LLP 1382 Broadway New York, NY 10005-0299 Phone 212-668-3108
21	Frostburn Haza LLP	1	1	1	1	1	Frostburn Haza LLP 565 Broadway New York, NY 10005-0299 Phone 212-668-3108	Frostburn Haza LLP 565 Broadway New York, NY 10005-0299 Phone 212-668-3108
22	Mellor Lippe Goldstein & Dreisbach LLP	1	1	1	1	1	Jed Low-Tim name and address?	Mellor Lippe Goldstein & Dreisbach, LLP 190 W 11th Avenue Minneapolis MN 55401 E:16-747-4300 M:612-338-1111 Burlington, VT
23	Lewis S. Mazur	1	1	1	1	1	Jed Low-Tim name and address?	Mellor Lippe Goldstein & Dreisbach, LLP 190 W 11th Avenue Minneapolis MN 55401 E:16-747-4300 M:612-338-1111 Burlington, VT
24	Raymond A. Jaba	1	1	1	1	1	Jed Low-Tim name and address?	Mellor Lippe Goldstein & Dreisbach, LLP 190 W 11th Avenue Minneapolis MN 55401 E:16-747-4300 M:612-338-1111 Burlington, VT
25	Foley Linnaker LLP	1	1	1	1	1	Jed Low-Tim name and address?	Mellor Lippe Goldstein & Dreisbach, LLP 190 W 11th Avenue Minneapolis MN 55401 E:16-747-4300 M:612-338-1111 Burlington, VT
26	Nicholas C. Grebe	1	1	1	1	1	Jed Low-Tim name and address?	Mellor Lippe Goldstein & Dreisbach, LLP 190 W 11th Avenue Minneapolis MN 55401 E:16-747-4300 M:612-338-1111 Burlington, VT
27	William J. Dick	1	1	1	1	1	Jed Low-Tim name and address?	Mellor Lippe Goldstein & Dreisbach, LLP 190 W 11th Avenue Minneapolis MN 55401 E:16-747-4300 M:612-338-1111 Burlington, VT
28	Craighar A. Daalim	1	1	1	1	1	Jed Low-Tim name and address?	Mellor Lippe Goldstein & Dreisbach, LLP 190 W 11th Avenue Minneapolis MN 55401 E:16-747-4300 M:612-338-1111 Burlington, VT



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37	Thomas Earl Thomas Hall in his official capacity in the individual capacity	1				Supreme Court Attn: Clerk's Office 500 South Duval Street Tallahassee, Florida 32399-1927 RSJ-480.775
38	Colbach Varonough in her official capacity Colbach Varonough in her individual capacity	2	2	2	1	Supreme Court Attn: Clerk's Office 500 South Duval Street Tallahassee, Florida 32399-1927 USL-480.0125
39	Virginia State Bar	2	2	2	1	767 East Main Street Suite 1500 Richmond, Virginia 232-6-2900
40	Arnold H. Cocoran in his official capacity Arnold H. Cocoran in his individual capacity	1	1	1	1	604-775-6500 707 East Main Street Suite 1500 Richmond, Virginia 232-6-2900
41	Neal Sengs in her official capacity Neal Sengs in her individual capacity	2	2	2	1	767 East Main Street Suite 1500 Richmond, Virginia 232-6-2900
42	Mary W. Fabre in her individual capacity	2	2	2	1	767 East Main Street Suite 1500 Richmond, Virginia 232-6-2900
43	John Dyer	2	2	2	1	604-775-6500
	Total Copies Necessary Copies sent by Pro Se Clerk Originals sent by Pro Se Clerk Certified Mail Two Copies to Attorney General of the State of New York	70	68	70	42	
	Number of Copies Needed Additionally	45	47	47	33	
	US Certified Mail Two Copies to Apprec	2	2	2	-11	
	Total # of Copied Pages	2	7	7		
	Total # of Pages Needed Copies Cost per Copy	48	35	4		
		906	770	63		