

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ELIOT I. BERNSTEIN, et al.

Plaintiffs,

-against-

APPELLATE DIVISION FIRST
DEPARTMENT DEPARTMENTAL
DISCIPLINARY COMMITTEE, et al.

Defendants
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DOCKET NO:
07Civ11196 (SAS)
[rel. 07 Civ 09599]

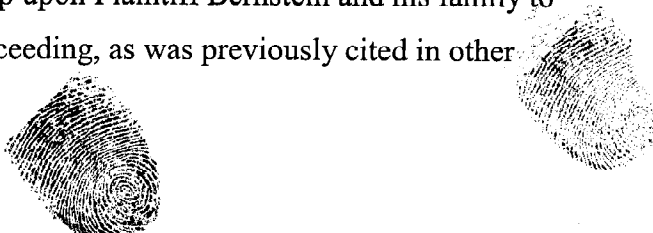
MOTION

**MOTION FOR EXTENSION OF TIME TO FILE RESPONSE TO MOTIONS TO
DISMISS DUE TO EXTRANEOUS CIRCUMSTANCES AND POSSIBLE ABUSE
OF PROCESS AND REQUEST COURT TO REVISIT PRO BONO COUNSEL**

PLAINTIFFS, ELIOT I. BERNSTEIN, Pro se, individually and P. STEPHEN LAMONT, Pro se and Plaintiff BERNSTEIN on behalf of shareholders of Iviewit Holdings, Inc., Iviewit Technologies, Inc., Uview.com, Inc., Iviewit Holdings, Inc., Iviewit Holdings, Inc., Iviewit.com, Inc., Iviewit.com, Inc., I.C., Inc., Iviewit.com LLC, Iviewit LLC, Iviewit Corporation, Iviewit, Inc., Iviewit, Inc., and other John Doe companies (collectively, "Iviewit Companies"), and patent interest holders, move this honorable Court to grant an extension of time to file a response to Motions to Dismiss due to extraneous circumstances and possible abuse of process and to grant Plaintiffs Pro Bono Counsel:

**PRIOR ABUSE OF PROCESS IN EVICTION OF ELIOT I. BERNSTEIN &
FAMILY WHILE PREPARING FILINGS FOR CASES AT THE FLORIDA
SUPREME COURT, UNITED STATES SUPREME COURT AND THE 15TH
CIRCUIT COURT IN PALM BEACH COUNTY, FLORIDA.**

1. Plaintiffs claim that a pattern of abuse of process in eviction proceedings may be being implemented to force hardship upon Plaintiff Bernstein and his family to make difficult the responses due in this proceeding, as was previously cited in other



eviction cases filed previously including; (i) County/Circuit Court in and for Palm Beach County, Florida, Case No. 502005CC007455XXXXMB Div RB, Judge Laura S. Johnson, filed by Donna Barfield, Esq. whereby the eviction case was withdrawn by plaintiffs in that matter, as evidence of fraudulent documents by plaintiffs in that matter were tendered to the judge in opposition to their complaint by Plaintiff Bernstein, (ii) County/Circuit Court in and for Palm Beach County, Florida, Case No. 502005CC011311xxxxmb Div RF & Case in Error No. 502005CC007189XXXXMB Div RF, Judge Joseph Marx, (recused himself for conflicts after he ruled on set of fraudulent settlement documents on the last day of his involvement) and immediately thereafter he was replaced by Judge Nancy Perez who allowed fraudulent settlement documents to stand. Florida attorneys involved include counsel retained by Bernstein's Mark Wilensky of Dubiner & Wilensky, L.L.C., Richard Tendler, P.A. and filed by Kenneth James Lowenhaupt whom all together advanced a fraudulent settlement document as reported to the Palm Beach County Police Department and to Judge Perez. Bernstein's counselors resigned on the day of trial; (iii) on or about, December 2002 Plaintiff Bernstein was filed on with eviction papers in Escondido, California by a Gregory Gonzales, a twenty year friend of Bernstein's family and this matter was settled out of court but no less added tremendous hardship to Plaintiff Bernstein and their family was caused in uprooting, again during critical filing times in the Proskauer v. Iviewit case; (iv) eviction papers were filed on or about June 2002 by Vinnie Liu in Rancho Palos Verdes as evidence was being discovered and disclosed to authorities and finally Bernstein was evicted from his Glendale corporate offices after learning that management of the company, whom will be named in any second amended complaint allowed by the Court, had failed to pay rent for two months after claiming they had and then abandoning the company immediately thereafter again leaving the company and shareholders with no money and no accounting as part of the second conspiratorial ring touched on in the Amended Complaint. Since uncovering the crimes against the Iviewit Companies and Plaintiff Bernstein, five apparently strategically timed and baseless evictions were filed forcing Eliot & Candice Bernstein into having to uproot their family, including infant and newborn children due to these baseless evictions which all have been remarkable in the way they were instituted and disposed of. That in each proceeding Bernstein made claims that the evictions were

the result of harassment, that no monies were owed, no complaints had been made and leases were active but no due process was afforded in these cases and this may have been due to conspiratorial activities and will take further discovery to reveal.

2. Where prior to discovering the crimes described in the Amended Complaint, the Bernstein's lived in an owned a condominium in Boca Raton, Florida and were timely on all payments on their mortgage. That the Bernstein's were forced to flee their condominium and their worldly possessions, after Brian G. Utley threatened to kill Bernstein, if he exposed information to authorities as further defined in the Amended Complaint and where the Bernstein's were forced to sell that condominium unit at a gain of 0.00 personally, in fact, the entire sale process lost over \$100,000 of equity to them and valuables in the home. In each eviction the family and children lost all their personal effects and in the last eviction, compounded by the car bombing incident, the Bernstein's fled with a suitcase each into the 2 bedroom home of Candice Bernstein's mother and seven people occupied the home. Finally, in last court room fiasco in Florida, Daniel Elijsa Abe Ottomo Bernstein was diagnosed with mold in the lungs, causing hemorrhaging and blood in the sputum, and, under doctors orders was ordered to vacate the premises in that eviction. Bernstein was evicted and a judgment ruled against them in that matter despite the fact that the Florida Department of Business & Professional Regulation and the Florida Health Department had cited for toxic MOLD, mold that may affect Daniel for the remainder of his life. For more information regarding that matter, visit, www.ivicwit.tv/stonybrook/indexxrt.htm , the judges in this matter despite overwhelming evidence of the mold damages and harms caused to Bernstein's and their children, ruled a judgment against the Bernstein's, presumably as this was the court that Plaintiff Bernstein was filing Judicial Qualifications complaints against Defendant Judge Jorge Labarga in the Amended Complaint, yet possibly evidencing more systemic denial of due process and abuse of process.

3. The use of eviction proceedings to advance advantage in a court proceeding through legal process abuse may be another avenue of civil relief and criminal and ethical violations by the lawyers handling them, which may be claimed by Plaintiffs in any second amended complaint to be filed with this Court. That Plaintiffs request this Court reserve the right to add these lawyers and judges involved in all



eviction proceedings against Plaintiff Bernstein both past and present based on further discovery of possible involvement, adding further support to the RICO conspiracy claims of racketeering type activities.

4. That Plaintiff Bernstein filed these same claims of abuse of process in the prior eviction claims which were wholly ignored by those courts. As the matters also involve possible long term mold damage claims to Plaintiff Bernstein's son Daniel Elijsha Abe Ottomo Bernstein, where due to the denial of due process and subsequent hardships forced upon Bernstein's, including the car bombing of their family's minivan hours before the Bernstein's were to take possession of the vehicle, Plaintiffs ask the Court to leave open the inclusion of these charges and possible defendants, to preserve such claims in these matters, after discovery and if correlation can be proven to the overall conspiratorial activities claimed. That Plaintiffs' just have too many crimes committed against them, many centering on legal process abuse and only have so much time to file complaints with the appropriate authorities and remain focused on the original crimes while protecting their family but have not forgotten any of these collateral issues and will seek the Courts inclusion of these matters in this case before the Court as further discovery is produced.

5. That on or about May 28, 2008, in the current eviction proceedings, two days before Defendants Motions to Dismiss were due in the case before this Court and 30 days before Plaintiffs responses are due, a lawsuit has been filed in Superior Court of California, County of Tehama, by Dennis D. Albright, Esq. for Unlawful Detainer and Eviction on behalf of Chris Dittner landlord. That on May 31, 2008, cashiers checks for May and June rent were returned, whereby on or about April 15, 2008, the May rent cashiers check was sent by Plaintiff Bernstein and whereby on May 15, 2008 a June rent cashiers check was sent by Plaintiff Bernstein and where the landlord or his attorney failed to cash such checks without noticing Plaintiff Bernstein that such checks were being held or returned.

6. That in the eviction filing, no mention of received or returned cashiers checks was noted to that Court, in fact, pleading that rent was owed on a daily basis since May 22, 2008 which may indicate a false pleading in order to secure an eviction to cause further harm and damages to Bernstein's.



REVISIT PRIOR ORDER REGARDING PRO BONO COUNSEL

7. Plaintiffs request this Court grant Pro Bono counsel and state that in the Courts own words, Plaintiffs now have “substantive” claims, including conflicts of interests that the Court intends to address after the Motions to Dismiss have been received. The Motions to Dismiss have all presumably been received and properly docketed with the Court at this time and Plaintiffs ask that before responses are due on June 30, 2008 that Pro Bono counsel is granted and any time for filing a response would be extended to allow such counsel to be secured and brought up to speed.

8. Where the response to the Motions to Dismiss would be better prepared, including any second amended complaint to correct any defects and add the additional Non Disclosure Agreement and other contract violators, approximately 500 more defendants to the Amended Complaint by competent counsel.

9. Where the Court’s stating that there are “substantive” claims should satisfy the previous Pro Bono counsel requests deficiency whereby the Court stated at that time that the there was not enough in the original filing to show “substantive” matter, it appears that the Court has satisfied for itself that requirement under the Hodges case and others cited by the Court in originally denying such request.

10. Plaintiffs feel that all the requirements of Hodges are satisfied and other issues cited by the Court have also been satisfied to allow the Court to grant Pro Bono at this time and aid Plaintiffs in responding to these very complex matters of law which would be better prepared by specialized counsel in the many areas of law this case requires, including highly specialized fields of law such as; patent, trademark, copyright, criminal, RICO, international treatise, securities, etc. Having the aid of specialized counsel in these areas would make the probability of successful prosecution far more likely and without such would extremely prejudice Plaintiffs.

WHEREFORE, based on the above information regarding the prior evictions and information regarding this eviction hardship and the ability for Plaintiffs to file a timely response to Defendants Motions to Dismiss, Plaintiffs ask for an extra 90-120 days to respond to the Motions to Dismiss due to having to move Plaintiff Bernstein and his family and for the time and effort it will take to represent the eviction matters in the California court. That Plaintiff Bernstein will file such notice with the Court of new



address, as soon as such move is completed and new phone lines, etc. are instituted. That Plaintiffs' also ask the Court to serve the new defendants in such time period the Amended Complaint, so as to not further delay such service. As service of the original Complaint was delayed due to mail tampering still under investigation and the Amended Complaint was stayed based on a meaningless stay request by Proskauer Rose, LLP, where further delays serve to prejudice Plaintiffs and allowed Defendants time that is wholly unwarranted to prepare while service was delayed. Motions to Dismiss claim that certain Defendants have not been served the original Complaint and the Marshall's service is still serving some that were forgotten and where a service of the Amended Complaint to all defendants both old and new would clarify any questions of faulty service that remain from the original debacle.

Plaintiffs beg the Court to provide Pro Bono counsel instantly.

Attorney for Petitioners

Eliot I. Bernstein, Pro se

39 Little Avenue

Red Bluff, Cal. 96080

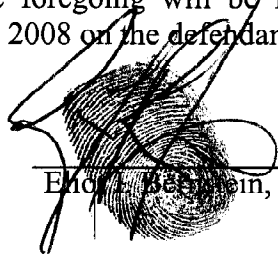
Tel.: (530) 528-4410

By: _____

Eliot I. Bernstein

AFFIDAVIT OF SERVICE

I hereby certify that a true and correct copy of the foregoing will be furnished by facsimile, email and/or U.S. Mail on the 4th day of June 2008 on the defendants.



Eric B. Stein, Pro se