

AFFIDAVIT

**State of New York
County of Westchester**

BEFORE ME, the undersigned Notary, on this 12th day of December 2008, personally appeared P. Stephen Lamont, known to me to be a credible person and of lawful age, which being by me first duly sworn, on his oath, deposes and says:

Pursuant to his fiduciary obligations as Chief Executive Officer, Affiant, P. Stephen Lamont on behalf of shareholders of the Iviewit Companies, encourages the Subcommittee on Courts, Internet and Intellectual Property, or some other appropriate committee or subcommittee (“Committee”), to schedule public hearings with a view towards, and by the body(ies) of appropriate jurisdiction, the eventual issuance of: (i) a temporary injunction and a preliminary injunction enjoining the State of New York from further administration of the State of New York Departmental Disciplinary Committees and appointment of a Federal monitor in lieu of State administration; and (ii) removal and enforcement of the order of the New York State Supreme Court Appellate Division First Department, and in support states as follows:

BACKGROUND

Iviewit Technology

The series of events proximate to the instant circumstances herein surrounds the alleged sabotage of the multimedia inventions of Iviewit Technologies, Inc., and all its subsidiaries, affiliates, and related parties (“Iviewit”) and the further alleged cover-up of that patent sabotage by the many attorney, public officers, and members of the judiciary identified herein as Exhibit A.

Affiant Lamont begins by making it clear to the Committee that Lamont is not referring to some rudimentary software that will be rendered obsolete as newer versions emerge, but that the Iviewit video scaling and image overlay systems (“IP”) are THE backbone, enabling technologies for the encoding and transmission of video and images across all networks and viewable on all display devices, an elegant upstream solution (towards the content creator) of reconfiguring video frames to unlock bandwidth, processing, and storage constraints presently in use by cable MSO’s, Satellite MSO’s, Telco MSO’s, terrestrial networks, and, among a host of others, the National Aeronautics and Space Administration (“NASA” -- Mars Rover images).

I. APPOINTMENT OF FEDERAL MONITOR TO OVERSEE NEW YORK’S ATTORNEY DISCIPLINARY COMMITTEES

A. ATTORNEY DISCIPLINE COMPLAINTS FILED

Appellate Division First Department Departmental Disciplinary Committee (1st DDC”)

On or about March 2003, Iviewit filed attorney complaints with the 1st DDC charging, among others, the following attorneys with conspiracy to commit fraud upon Iviewit and the United States Patent and Trademark Office (“USPTO”) in the case of the aforementioned patent sabotage: Kenneth Rubenstein a partner of Proskauer Rose LLP and the sole patent evaluator for multimedia patent pools sponsored by MPEG LA LLC (“Rubenstein”) and Raymond A. Joao, then Of Counsel to Meltzer Lippe Goldstein & Schlissel LLP (“Joao”).

Meanwhile, and in conflict of interest, another Proskauer partner, Steven C. Krane represented and authored a response for Rubenstein while holding multiple ethics positions both with the attorney discipline body Iviewit had filed with and other ethics bodies both in New York State and around the U.S. Upon this finding, Iviewit proceeded to file a Petition to move the complaints to an unbiased forum and begin the immediate investigation of the complaints against Rubenstein, Joao, and now Krane (conflict of interest).

The response of the New York State Supreme Court Appellate Division First Department (“First Department Court”) was to grant the Iviewit Petition, and so granted, ordered the 1st DDC to move the complaints to the Appellate Division Second Department Departmental Disciplinary Committee (“2nd DDC”), and begin the immediate investigation of Rubenstein, Joao, and Krane, and determine a disposition (“Order” attached herein as Exhibit B).

Appellate Division Second Department Departmental Disciplinary Committee (“2nd DDC”)

At this point, “All well and good” you might think, except that a funny thing happened on the way to the 2nd DDC where they, and in diametric opposition to the Order of the First Department Court, summarily dismissed the complaints, with Diana Maxwell Kearse, Chief Counsel of the State of New York Grievance Committee for the Second and Eleventh Judicial Districts further stating that “she and the 2nd DDC are not subject to the jurisdiction of the First Department Court,” or words to that effect.

1st DDC Special Inquiry #2004.1122 Complaint against Thomas J. Cahill

On June 6, 2004, Iviewit filed an attorney discipline complaint against Thomas J. Cahill, the then Chief Counsel of the 1st DDC (“Cahill”) for: (i) concealment of conflicts of interest in the response of Steven C. Krane on behalf of Complainant’s action against Rubenstein; (ii) allowance of the merger of Iviewit’s action against Joao with the Rubenstein complaint and thereby imparting a conflict of interest and appearance of impropriety as in the Rubenstein complaint; and (iii) various instances of whitewashing and rubber stamping of the complaints against Rubenstein and Joao contrary to the New York Code of Professional Responsibility.

On June 23, 2004, a letter by Paul J. Curran, the then Chairman of the 1st DDC (“Curran”), informs Lamont that the 1st DDC referred the Cahill complaint to Martin R. Gold, a then Special Counsel to the DDC (“Gold”) in accordance with the Court’s rules, where, Gold, upon information and belief, has been instructed to “sit on the Cahill complaint forever”.

SUMMARY

Purely on jurisdictional grounds, a case supporting Affiant Lamont’s position where a United States court enjoined a State from administering its attorney disciplinary (in this case judicial discipline) proceedings is *Spargo v. New York State Commission on Judicial Conduct* (N.D.N.Y., 1:02-CV-1320, Filed January 25, 2002), where the United States District Court enjoined the New York State Judicial Code Commission from enforcing certain portions of the Judicial Code; the underlying reasoning of the district court is instructive, as it is in the instant case herein. See also *Grayned v. City of Rockford*, 408 U.S. 104, 108, 92 S. Ct. 2294, 2298 (1972), “a [DDC] rule must have specific standards so that those who enforce it cannot do so arbitrarily and discriminatorily,” *Id.* at 108-09, 92 S. Ct. at 2299.

Those standards of the New York Attorney Disciplinary Committees DO NOT have the specificity necessary in *Grayned*, and thus can be arbitrarily and discriminatorily manipulated to protect respondents.

Accordingly, Affiant Lamont encourages the Committee to schedule public hearings with a view towards, by the body(ies) of appropriate jurisdiction, the eventual issuance of a temporary injunction and a preliminary injunction enjoining the State of New York from further administration of the State of New York Departmental Disciplinary Committees and appointment of a Federal monitor in lieu of State administration to investigate, among other complaints, Affiants’ dismissed attorney discipline complaints against Rubenstein, Joao, Krane, and Cahill (an attorney discipline complaint was recently filed against Alan W. Friedberg, Chief Counsel of the 1st DDC for failure to bring the Cahill complaint to a proper disposition, or any disposition at all, filed September 29, 2008).

“White washing” and rubber-stamping of attorney disciplinary complaints is a direct violation of, *inter alia*, __ U.S.C. §§ _____.

II. REMOVAL AND ENFORCEMENT OF THE ORDER OF THE NEW YORK STATE SUPREME COURT APPELLATE DIVISION FIRST DEPARTMENT

Affiant Lamont repeats and realleges each and every allegation contained in Section I as though fully set forth herein.

Where Diana Maxwell Kears, Chief Counsel of the State of New York Grievance Committee for the Second and Eleventh Judicial Districts (“Kears”) states that “she and the 2nd DDC are not subject to the jurisdiction of the First Department Court,” or words to that effect, Kears factually defies the Order of the First Department Court so as to preclude the complaints against Rubenstein, Joao, and Krane.

Where Kears defies the Order of the First Department Court, Affiant Lamont respectfully request the Committee to remove and enforce the Order as specified in Exhibit B where “investigate” is commonly understood to mean “to observe or study by close examination and systematic inquiry... to make a systematic examination... to conduct an official inquiry ” of the attorney discipline complaints against Rubenstein, Joao, and Krane.

Affiant Lamont will defer to the Committee’s judgment whether any further action should be taken with regard to Kears’s misrepresentations and defiance of the Order of the First Department Court.

Accordingly, Affiant Lamont encourages the Committee to schedule public hearings with a view towards, by the body(ies) of appropriate jurisdiction, the eventual issuance of an order to remove and enforce the Order of the New York State Supreme Court Appellate Division First Department.

Defiance of a court order is a direct violation of, *inter alia*, __ U.S.C. §§ _____.

III. INCONTROVERTIBLE EVIDENCE OF DOCUMENT TAMPERING AT THE EUROPEAN PATENT OFFICE

Affiant Lamont incorporates by reference the Affidavit hand delivered to Eric Garduno, Majority Counsel for the Subcommittee on Courts, Internet and Intellectual Property, as so fully set forth herein.

Document tampering is a direct violation of, *inter alia*, 18 U.S.C. §§ 480, 471, 473, 474, 1341, 1961, 1962, and 2511.

IV. CONCLUSION

In addition to the list of attorneys, public officer, and members of the judiciary involved attached as Exhibit A and the incontrovertible evidence of corruption in the New York court system, the First Department Court Order of Exhibit B, Affiant Lamont attaches a

list of potential witnesses as Exhibit C, and his belief of the blocking factors in the Iviewit matters as Exhibit D.

[Signature]

P. Stephen Lamont
35 Locust Avenue
Rye, N.Y. 10580

Subscribed and sworn to before me, this 12th day of December 2008.

[Notary Seal:]

EXHIBIT A
Attorneys, Public Officer, and Members of the Judiciary Involved

EXHIBIT B

Order of the NYS Supreme Court Appellate Division First Department

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:

Departmental Disciplinary Committee
for the First Judicial Department,

Petitioner.
-----X

UNPUBLISHED ORDER

M-3198

Click here to read filing that Justices conferred upon in making their decision to investigate

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 Kears, 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 Kears 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

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

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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 Presiding,

FILED

AUG 11 2004

Justices.

Appellate Division, Supreme Court
First Department

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

UNPUBLISHED ORDER

Departmental Disciplinary Committee
for the First Judicial Department,

M-2820
M-3212

Rubenstein and
Joao case
numbers

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 Supreme Court First Department 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.

ENTER
David A. Anthony
Clerk.
DEPUTY CLERK

Catherine O'Hagan Wolfe
CLERK

EXHIBIT C
Witness List

EXHIBIT D
Blocking Factors