

Eliot I. Bernstein

From: Eliot I. Bernstein [iviewit@adelphia.net]
Sent: Monday, October 18, 2004 4:56 PM
To: Martin R. Gold (E-mail)
Cc: Paul J. Curran Esq. (E-mail); Caroline Prochotska Rogers Esquire (E-mail 2); P. Stephen Lamont (E-mail); Marc R. Garber (E-mail); Marc R. Garber (E-mail 2)
Subject: Thomas Cahill Inquiry #2004.1122

Importance: High
Sensitivity: Confidential



Dear Mr. Gold,

Thank you for your time last week and we wanted to inform you that the Supreme Court Appellate Division: First Department has moved the matters of Raymond Joao, Kenneth Rubenstein and Steven C. Krane to Second Department for investigation. It appears that since Mr. Cahill felt the need to petition the court to move the complaints, it would be prudent that you also make a similar petition to the court to have the matter of Mr. Cahill similarly transferred to the next highest level of review or whatever the SC finds applicable for this matter other than the First Department.

It appears that since the Cahill matter is connected to same nexus of events, that any review of the matter by the First Department could be viewed as furthering the appearance of impropriety and conflicts that already exist. Therefore, we ask that this letter serve as a formal request for you to have the matter petitioned to the SC Appellate Division: First Department for review by a third party that is not conflicted. Please also make this letter part of the file for inquiry number #2004.1122.

Finally, I have attached the SC Ruling on the Cahill petition for your review. Also, if you do feel that as a member of the first department, you want to continue review, please send the company a signed letter that you have no conflicts with any of the parties cited in any of the complaints related to the Cahill matter.



2004 09 11
Supreme Court NY ru.

A handwritten signature in black ink, appearing to read "Eliot I. Bernstein".

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AND USEFUL ARTS, BY SECURING FOR LIMITED TIMES TO AUTHORS AND INVENTORS
THE EXCLUSIVE RIGHT TO THEIR RESPECTIVE WRITINGS AND DISCOVERIES."**