

United States District Court

SOUTHERN

DISTRICT OF

NEW YORK

ELIOT J. BERNSTEIN
P. STEPHEN LAMONT

SUMMONS IN A CIVIL CASE

CASE NUMBER:

V.

SEE ATTACHED

07 CV 11196

TO: (Name and address of defendant)

YOU ARE HEREBY SUMMONED and required to serve upon **PLAINTIFF'S ATTORNEY** (name and address)

ELIOT J. BERNSTEIN, PRO SE 39 LITTLE AVE RED BLUFF CAL 96080
P. STEPHEN LAMONT, PRO SE 35 LOCUST AVE, RYE, NY 10580

An answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

DEC 12 2007

CLERK

DATE



(BY) DEPUTY CLERK

LAWYERS FUND FOR CLIENT PROTECTION OF THE
STATE OF NEW YORK, THE FLORIDA BAR, LORRAINE
CHRISTINE HOFFMAN in her official and individual
capacity, ERIC TURNER in his official and individual
capacity, JOHN ANTHONY BOGGS in his official and
individual capacity, KENNETH MARVIN in his official
and individual capacity, THOMAS HALL in his official
and individual capacity, DEBORAH YARBOROUGH in
her official and individual capacity, VIRGINIA STATE
BAR, ANDREW H. GOODMAN in his official and individual
capacity, NOEL SENDEL in her official and individual
capacity, MARY W. MARTELINO in her official and
individual capacity, and John Does.

Defendants

X

-against-

APPELLATE DIVISION FIRST DEPARTMENT
DEPARTMENTAL DISCIPLINARY COMMITTEE,
THOMAS J. CAHILL, in his official and individual
capacity, JOSEPH WIGLEY in his official and individual
capacity, CATHERINE O'HAGEN WOLFE in her
official and individual capacity, PAUL CURRAN in his official
and individual capacity, MARTIN R. GOLD in his official
and individual capacity, HON. ANGELA M. MAZZARELLI
in her official and individual capacity, HON. RICHARD T.
ANDRIAS in his official and individual capacity, HON. DAVID
B. SAXE in his official and individual capacity, HON. DAVID
FRIEDMAN in his official and individual capacity, HON. LUIZ A.
GONZALES in his official and individual capacity, APPELLATE
DIVISION SECOND DEPARTMENT DEPARTMENTAL
DISCIPLINARY COMMITTEE, LAWRENCE
DIGIOVANNA in his official and individual capacity, DIANA
MAXFIELD KEARSE in her official and individual
capacity, JAMES E. PELTZER in his official and individual
capacity, HON. A. GAIL PRUDENTI in her official and
individual capacity, STEVEN C. KRANE in his official and
individual capacity, HON. JUDITH S. KAYE in her official
and individual capacity, KENNETH RUBENSTEIN, ESTATE
OF STEPHEN KAYE, PROSKAUER ROSE LLP,
MELTZER LIPPE GOLDSTEIN & BREISTONE LLP,
LEWIS S. MELTZER, RAYMOND A. JOAO, FOLEY
LARDNER LLP, MICHAEL C. GREBE, WILLIAM J. DICK,
DOUGLAS A. BOEHM, STEVEN C. BECKER, STATE OF
NEW YORK COMMISSION OF INVESTIGATION,

COMPLAINT

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

07 CV 11196

X

AND ELIOT I.
BERNSTEIN

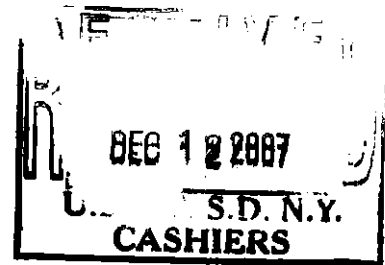
ELIOT I. BERNSTEIN, INDIVIDUALLY and P. STEPHEN LAMONT, ON BEHALF OF SHAREHOLDERS OF IVIEWIT HOLDINGS, INC., IVIEWIT TECHNOLOGIES, INC., UVIEW.COM, INC., IVIEWIT HOLDINGS, INC., IVIEWIT HOLDINGS, INC., IVIEWIT.COM, INC., IVIEWIT.COM, INC., I.C., INC., IVIEWIT.COM LLC, IVIEWIT LLC, IVIEWIT CORPORATION, IVIEWIT, INC., IVIEWIT, INC., and PATENT INTEREST HOLDERS ATTACHED AS EXHIBIT A

DOCKET NO:

Plaintiffs,

-against-

APPELLATE DIVISION FIRST DEPARTMENT DEPARTMENTAL DISCIPLINARY COMMITTEE, THOMAS J. CAHILL, in his official and individual capacity, JOSEPH WIGLEY in his official and individual capacity, CATHERINE O'HAGEN WOLFE in her official and individual capacity, PAUL CURRAN in his official and individual capacity, MARTIN R. GOLD in his official and individual capacity, HON. ANGELA M. MAZZARELLI in her official and individual capacity, HON. RICHARD T. ANDRIAS in his official and individual capacity, HON. DAVID B. SAXE in his official and individual capacity, HON. DAVID FRIEDMAN in his official and individual capacity, HON. LUIZ A. GONZALES in his official and individual capacity, APPELLATE DIVISION SECOND DEPARTMENT DEPARTMENTAL DISCIPLINARY COMMITTEE, LAWRENCE DIGIOVANNA in his official and individual capacity, DIANA MAXFIELD KEARSE in her official and individual capacity, JAMES E. PELTZER in his official and individual capacity, HON. A. GAIL PRUDENTI in her official and individual capacity, STEVEN C. KRANE in his official and individual capacity, HON. JUDITH S. KAYE in her official and individual capacity, KENNETH RUBENSTEIN, ESTATE OF STEPHEN KAYE, PROSKAUER ROSE LLP, MELTZER LIPPE GOLDSTEIN & BREISTONE LLP, LEWIS S. MELTZER, RAYMOND A. JOAO, FOLEY LARDNER LLP, MICHAEL C. GREBE, WILLIAM J. DICK, DOUGLAS A. BOEHM, STEVEN C. BECKER, STATE OF NEW YORK COMMISSION OF INVESTIGATION,



COMPLAINT

LAWYERS FUND FOR CLIENT PROTECTION OF THE STATE OF NEW YORK, THE FLORIDA BAR, LORRAINE CHRISTINE HOFFMAN in her official and individual capacity, ERIC TURNER in his official and individual capacity, JOHN ANTHONY BOGGS in his official and individual capacity, KENNETH MARVIN in his official and individual capacity, THOMAS HALL in his official and individual capacity, DEBORAH YARBOROUGH in her official and individual capacity, VIRGINIA STATE BAR, ANDREW H. GOODMAN in his official and individual capacity, NOEL SENDEL in her official and individual capacity, MARY W. MARTELINO in her official and individual capacity, and John Does.

Defendants

X

**JURY TRIAL
DEMANDED**

COMPLAINT FOR DENIAL OF DUE PROCESS IN THE MATTERS OF WHITE WASHING OF COMPLAINTS AGAINST ATTORNEYS AND COUNSELORS AT LAW AND MANDAMUS FOR RELEASE OF INVESTIGATORY FILES AND REMOVAL TO A FEDERAL MONITOR TO INSTITUTE IMMEDIATE INVESTIGATIONS AND TO OVERSEE THE DAY-TO-DAY OPERATIONS OF THE FIRST DEPARTMENT DEPARTMENTAL DISCIPLINARY COMMITTEE, THE SECOND DEPARTMENT DEPARTMENTAL DISCIPLINARY COMMITTEE, THE FLORIDA BAR, AND THE VIRGINIA BAR ASSOCIATION FOR AN INDEFINITE PERIOD OF TIME

PLAINTIFFS, ELIOT I. BERNSTEIN, Pro se, individually and P. STEPHEN LAMONT, Pro se 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 attached as Exhibit A, as and for their Complaint against the above captioned Defendants, state upon knowledge as to their own facts and upon information and belief as to all other matters:

PRELIMINARY STATEMENT

1. This is a civil action seeking injunctive relief, monetary relief, including past and on going economic loss, compensatory and punitive damages. disbursements, costs and fees for violations of rights brought pursuant to, including but not limited to, Article 1,

Section 8, Clause 8 of The Constitution of the United States; Fifth, and Fourteenth Amendment to The Constitution of the United States; 15 U.S.C.A. §§ 1 and 2; 18 U.S.C. § 81; 18 U.S.C. § 241; 18 U.S.C. § 371; 18 U.S.C. § 666; 18 U.S.C. § 1002; 18 U.S.C. § 1031; 18 U.S.C. § 1037; 18 U.S.C. § 1038; 18 U.S.C. § 1341; 18 U.S.C. § 1343; 18 U.S.C. § 1349; 18 U.S.C. § 1505; 18 U.S.C. § 1951; 18 U.S.C. § 1962; 18 U.S.C. § 2511; 18 U.S.C. § 1961 through 18 U.S.C. § 1968; and, State law claims.

2. Specifically, Plaintiffs allege that the Defendants wantonly, recklessly, knowingly and purposefully, acting individually and in conspiracy with each other, sought to deprive Petitioners of title and pay through a pattern of violation of constitutional rights, violation of attorney ethics, misrepresentation, misinformation, fraud, fraud upon the United States Patent and Trademark Office and other Federal, state, and international agencies, and abuse of and manipulation of laws, rules, and regulations, conflicts of interests and abuse of public offices of 1st DDC and 2nd DDC and others, and appearances of impropriety¹².

3. Said acts were done knowingly with the consent and condonation of officers of the First Department Departmental Disciplinary Committee ("1st DDC"), the Second Department Departmental Disciplinary Committee ("2nd DDC"), the New York State Supreme Court Appellate Division First Department ("First Department Court"), Supreme Court of the State of New York Appellate Division Second Judicial Department ("Second Department Court"), State of New York Court of Appeals, ("COA"), Proskauer Rose LLP ("Proskauer"), Meltzer Lippe Goldstein & Breistone LLP (f.k.a. Meltzer Lippe Goldstein Schlissel & Wolfe LLP "MLGSW"), Foley Lardner LLP ("Foley"), the State of New York Commission of Investigation ("COI"), Lawyers Fund for Client Protection of the State of New York ("LFCP"), The Florida Bar ("TFB"), the Virginia State Bar ("VSB"), and other interested parties.

4. Consequently, and contained in this Complaint, Plaintiffs depict a conspiratorial pattern of fraud, deceit, and misrepresentation, that runs so wide and so deep, that it tears at the very fabric and becomes the litmus test of what has come to be known as due

¹ See Unpublished Order:

M3198 - Steven C. Krane & Proskauer Rose;
M2820 Kenneth Rubenstein & Proskauer Rose;
M3212 Raymond A. Joao and Meltzer Lippe Goldstein & Schlissel; and,
Thomas J. Cahill - Special Inquiry #2004.1122.

² See Petition... *FINITE ON MATTERS OF COMPLAINTS AGAINST ATTORNEYS AND COUNSELORS AT-LAW?*
THOMAS J. CAHILL - DOCKET PENDING REVIEW BY SPECIAL COUNSEL MARTIN R. GOLD ON APPEAL -
MENT OF PAUL J. CURRAN (AND RELATED) CASES (SEPARATE MOTION ATTACHED) AGAINST
KENNETH RUBENSTEIN - DOCKET 2003. 0531 RAYMOND JOAO - DOCKET 2003. 0532
STEVEN C. KRANE - DOCKET PENDING REVIEW BY PAUL J. CURRAN, ESQ. AND
THE LAW FIRM OF PROSKAUER ROSE LLP

process and free commerce in this country, and in that the circumstances involve inventors' rights tears at the very fabric of the Constitution of the United States.

JURISDICTION AND VENUE

5. This Court has subject matter jurisdiction over this dispute pursuant to 28 U.S.C. §§ 1331 and 1338 (federal question jurisdiction). Jurisdiction is premised upon Defendants' breach of, among other federal statutes, 15 U.S.C.A. §§ 1 and 2, Racketeer Influenced and Corrupt Organizations Act, and section 8 of The Constitution of the United States.

6. This Court has personal jurisdiction over the diverse Defendants because all factual allegations derive from Plaintiffs' denial of due process at the State of New York Supreme Court Disciplinary Committees and Appellate Courts, and for the sake of judicial expediency, this Court has supplemental jurisdiction over all other claims that are so related to claims in the actions of the parties within such original jurisdiction that they form part of the same dispute pursuant to 28 U.S.C. § 1367.

7. Venue is proper in this district pursuant to 28 U.S.C. §§1391 and 1400 because the bulk of the Defendants transacts business and are found in this district, and for those Defendants that do not, and for the sake of judicial expediency, this Court has supplemental jurisdiction over all other Defendants that are so related to claims in the actions of the parties within such original jurisdiction that they form part of the same dispute pursuant to 28 U.S.C. § 1367.

PARTIES

8. Plaintiff, BERNSTEIN, is a sui juris individual and resident of Red Bluff, Tahema County, California, and the Founder and principal inventor of the technology of the Iviewit Companies.

9. Plaintiff, LAMONT, is a sui juris individual and resident of Rye, Westchester County, New York, and former Chief Executive Officer (Acting) of the Iviewit Companies formed to commercialize the technology of the Iviewit Companies.

10. Plaintiff, IVIEWIT HOLDINGS, INC., is a Delaware corporation³?

11. Plaintiff, IVIEWIT TECHNOLOGIES, INC., is a Delaware corporation?

12. Plaintiff, UVIEW.COM, INC., is a Delaware corporation?

³ Upon information and belief, and pending ongoing investigations due to the discovery of multiple, unauthorized, similarly named corporate formations and unauthorized stock swaps and unauthorized asset transfers.

13. Plaintiff, IVIEWIT HOLDINGS, INC., is a Florida corporation?
14. Plaintiff, IVIEWIT.COM, INC., is a Florida corporation?
15. Plaintiff, IVIEWIT.COM, INC., is a Delaware corporation?
16. Plaintiff, I.C., INC., is a Florida corporation?
17. Plaintiff, IVIEWIT.COM LLC, is a Delaware limited liability company?
18. Plaintiff, IVIEWIT LLC, is a Delaware limited liability company?
19. Plaintiff, IVIEWIT CORPORATION, is a Delaware corporation?
20. Plaintiff, IVIEWIT, INC., is a Florida corporation?
21. Plaintiff, IVIEWIT, INC., is a Delaware corporation?
22. Defendant, 1st DDC, is an attorney discipline organization in New York County, New York and a unit of the Supreme Court of the State of New York.
23. Defendant, THOMAS J. CAHILL, is Chief Counsel for the 1st DDC⁴.
24. Defendant, JOSEPH WIGLEY, upon information and belief, was staff counsel of the 1st DDC.
25. Defendant, CATHERINE O'HAGEN WOLFE, was employed as Clerk of the Court of the First Department Court.
26. Defendant, PAUL CURRAN, is Chairman, 1st DDC.
27. Defendant, MARTIN R.GOLD, is a senior member of the 1st DDC.
28. Defendant, HON. ANGELA M. MAZZARELLI, is a justice of the First Department Court.
29. Defendant, HON. RICHARD T. ANDRIAS, is a justice of the First Department Court.
30. Defendant, HON. DAVID B. SAXE, is a justice of the First Department Court.
31. Defendant, HON. DAVID FRIEDMAN, is a justice of the First Department Court.
32. Defendant, HON. LUIZ A. GONZALES, is a justice of the First Department Court.
33. Defendant, 2nd DDC, is an attorney discipline organization in New York County, New York and a unit of the Supreme Court of the State of New York.
34. Defendant, LAWRENCE DIGIOVANNA, is the Chairman of the State of New York Grievance Committee for the Second and Eleventh Judicial Districts.

⁴ See attached article as Exhibit C: The New York Law Journal and The New York Times.

35. Defendant, DIANA MAXFIELD KEARSE, is the Chief Counsel of the State of New York Grievance Committee for the Second and Eleventh Judicial Districts.
36. Defendant, JAMES E. PELTZER, is the Clerk of the Court of the Supreme Court of the State of New York Appellate Division Second Judicial Department.
37. Defendant, HON. A. GAIL PRUDENTI, is the Presiding Justice of the Second Department Court.
38. Defendant, STEVEN C. KRANE, is a member of Proskauer Rose LLP, and a member of 1st DDC, and former President of the New York State Bar Association.
39. Defendant, HON. JUDITH S. KAYE is the Chief Judge of the COA.
40. Defendant, KENNETH RUBENSTEIN, is a member of Proskauer Rose LLP.
41. Defendant, ESTATE OF STEPHEN KAYE.
42. Defendant, PROSKAUER ROSE LLP, is, upon information and belief, a New York Limited Liability Partnership (“Proskauer”).
43. Defendant, MLGSW, is, upon information and belief, a New York Limited Liability Partnership.
44. Defendant, LEWIS S. MELTZER, is the Managing Partner of MELTZER LIPPE GOLDSTEIN & BREISTONE LLP.
45. Defendant, RAYMOND A. JOAO, was Of Counsel to MELTZER LIPPE GOLDSTEIN SCHLISSEL & WOLFE LLP, and misrepresented to Plaintiffs as a Proskauer partner.
46. Defendant, FOLEY, is, upon information and belief, a Wisconsin Limited Liability Partnership.
47. Defendant, MICHAEL C. GREBE, was a Chairman and CEO of FOLEY and a former Chairman of the Republican National Committee.
48. Defendant, WILLIAM J. DICK, was Of Counsel to FOLEY.
49. Defendant, DOUGLAS A. BOEHM, was a member of FOLEY.
50. Defendant, STEVEN C. BECKER, is a member of FOLEY.
51. Defendant, COI, is an investigatory organization with the mandate to investigate any matter concerning the public peace, public safety and public justice.
52. Defendant, LFCP, is an organization that the New York State Legislature has given a broad mandate: to protect legal consumers from dishonest conduct in the practice of law,

to preserve the integrity of the bar, to safeguard the good name of lawyers for their honesty in handling client money, and to promote public confidence in the administration of justice in the State of New York.

53. Defendant, TFB, is an attorney discipline organization in Tallahassee, Fla. and a unit of the Supreme Court of Florida.

54. Defendant LORRAINE CHRISTINE HOFFMAN, is a staff attorney at TFB.

55. Defendant, ERIC TURNER, is a staff attorney at TFB.

56. Defendant, JOHN ANTHONY BOGGS, is a Disciplinary Procedure and Review attorney at TFB.

57. Defendant, KENNETH MARVIN, is a Disciplinary Procedure and Review attorney at TFB.

58. Defendant THOMAS HALL, is the Clerk of the Court of the Supreme Court of Florida.

59. Defendant, DEBORAH YARBOROUGH, is the Acting Clerk of the Court of the Supreme Court of Florida.

60. Defendant, VSB, is an attorney discipline organization in Richmond, Va. and a unit of the Supreme Court of the Commonwealth of Virginia.

61. Other interested party, Glenn Fine, is the Inspector General for the United States Department of Justice, where a complaint has been filed by Plaintiffs and is under review.

62. Other interested party, H. Marshall Jarrett, is the Chief Counsel of the Federal Bureau of Investigation, Office of Professional Responsibility, as was referred by Glenn Fine to begin investigation of Plaintiffs' missing files at the Federal Bureau of Investigation and the United States Attorney for the Southern District of Florida concerning Iviewit Companies matters and a car bombing of Plaintiff BERNSTEIN's minivan.

63. Other interested party, Harry I. Moatz, is the Director of the Office and Enrollment and Discipline for the United States Patent and Trademark Office, whereby a complaint has been filed by Plaintiffs and has led to a formal investigation of up to nine attorneys and law firms the complained of herein including Proskauer, Rubenstein, Joao, Foley, Dick, Boehm and Becker.

64. Other interested party, Jon W. Dudas, is Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office, after

initial investigation by Moatz, Plaintiffs were directed by Moatz to file a charge of fraud upon the United States Patent and Trademark Office by those attorneys and law firms under formal Federal Patent Bar; request of patent suspension was granted pending outcome of Moatz and the United States Patent and Trademark Office investigations.

65. Other interested party, Eric M. Thorsen, Small Business Administration Inspector General, as a result of Plaintiffs' ongoing complaint.

66. Other interested party, Daniel O'Rourke, is Assistant to Small Business Administration Inspector General, as a result of Plaintiffs' ongoing complaint.

67. Other interested party, David Gouvaia, is the Duty Agent, Treasury Inspector General for Tax Administration, as a result of Plaintiffs' ongoing complaint.

68. Other interested party, George Pataki, is the former Governor of the State of New York, as a result of Plaintiffs' ongoing complaint.

69. Other interested party, Eliot Spitzer, is the governor of the State of New York, as a result of Plaintiffs' ongoing complaint.

70. Other interested party, Andrew Coumo, is the Attorney General of the State of New York, as a result of Plaintiffs' ongoing complaint.

71. Other interested party, Robert Morgenthau, is the District Attorney for New York County, New York, as a result of Plaintiffs' ongoing complaint.

72. Other interested party, Hilary R. Clinton, is a United States Senator from New York, as a result of Plaintiffs' ongoing complaint.

73. Other interested party, Chris P. Mercer, is the President of the Institute of Professional Representatives Before the European Patent Office, as a result of Plaintiffs' ongoing complaint whereby evidence of document tampering has surfaced.

FACTUAL BACKGROUND

74. Contained in this Complaint, Plaintiffs depict a conspiratorial pattern of fraud, deceit, and misrepresentation, that runs so wide and so deep, that it tears at the very fabric of what has come to be known as due process in this country, and in that the circumstances involve inventors' rights, tears at the very fabric of the Constitution of the United States.

75. That the nexus of events begins where Christopher C. Wheeler ("Wheeler"), a partner of Proskauer and who provided legal services to Plaintiffs, and Kenneth Rubenstein, the patent attorney partner of Proskauer, and counsel to and patent evaluator of the

multimedia patent pools sponsored by MPEG LA, LLC (“Rubenstein”) embarked on disingenuous scheme to deprive Plaintiffs of the fruits of the technology that consisted of patent sabotage, the proliferation of the technology across a wide array of potential licensees and competitors, theft of intellectual properties, direct threats on, including a car bombing, and destruction of the personal property of Plaintiff BERNSTEIN, and cover-ups thereto, the specific subject matter of this Complaint.

76. That including but not limited to Proskauer, MLGSW, Wheeler, Rubenstein, and Raymond A. Joao (“Joao”), represented to Plaintiffs as Rubenstein’s underling, upon viewing the technology developed at the time by Plaintiff BERNSTEIN and others realized the significance of the technology, its various applications to communication networks for distributing video and images and for existing digital processes, including but not limited to, all forms of video delivery, digital cameras, digital imaging technologies for medical purposes and digital video, and that Proskauer, Foley, Wheeler, Rubenstein, and Joao then conspired to undertake and in fact undertook a deliberate course of conduct to deprive Petitioners of the beneficial use of such technology for their own and others gains, all to the detriment of Plaintiffs.

77. That, meanwhile, and in conflict of interest, another Proskauer partner, Steven C. Krane (“Krane”) former President of the New York State Bar Association and a leading figure in the New York disciplinary departments, represented and authored a response acting as counsel for Rubenstein and in a complaint filed later against him directly, while holding multiple ethics positions with both the attorney discipline body Plaintiffs had filed with and other ethics positions, including the New York State Bar Association rules of a one year blackout period to represent accused attorneys, in New York State. Upon this finding of conflict and violation of Supreme Court of New York Appellate Division First Department offices, Plaintiffs proceeded to file a petition to move the complaints to an unbiased forum, free of conflict and further improprieties and begin the immediate investigation of the complaints against Rubenstein, Joao, and now Krane - Docket 2004.1883 (conflict of interest).

78. That it became abundantly clear to Plaintiffs, and is a factual matter that, Thomas J. Cahill (“Cahill”), the Chief Counsel of 1st DDC, masterminded a scheme to aid and abet in indefinitely delaying the complaints against these attorneys, including Krane, resulting

in the attorney complaint filed against Cahill himself in Special Inquiry No. 2004.1122 Complaint against Thomas Cahill, Chief Counsel First Department Departmental Disciplinary, Martin Gold special investigator.

79. That in the lawsuit filed on October 27, 2007 in this Court styled as Christine C. Anderson v. The State of New York, et. al. S.D.N.Y., October 27, 2007 the plaintiff affirmatively claims support by Plaintiffs matters of patent sabotage, intellectual property theft, and attempted murder of the family of Plaintiff BERNSTEIN perpetrated by, among others, the once respected Proskauer and its members Rubenstein, Krane, Chief Judge Judith S. Kaye and her late Proskauer partner husband Stephen Kaye, Wheeler, and Foley, led by Grebe.

80. Plaintiffs direct this Court to the file at the 1st DDC concerning the Complaint Against Kenneth Rubenstein - Docket 2003.0531, Raymond A. Joao - Docket 2003.0532, Steven C. Krane - Docket 2004.1883, Thomas J. Cahill - Special Inquiry #2004.1122, and in the 2nd DDC, Kenneth Rubenstein T-1688-04, Raymond A. Joao T-1690-04, Steven C. Krane T-1689-04, Diana Maxwell Kearsse - complaint filed and she refused to docket, Lawrence DiGiovanna - complaint filed and refused to docket by Diana Maxwell Kearsse and A. Gail Prudenti, James E. Peltzer - complaint filed and A. Gail Prudenti refused to docket, and all supporting materials thereto for a factual statement concerning the matters complained of herein (over 6,000 pages in total).

COUNT ONE
ARTICLE 1, SECTION 8, CLAUSE 8 OF THE CONSTITUTION OF THE
UNITED STATES

81. Plaintiffs repeats and realleges each and every allegation contained in paragraph "1" through "80", as though fully set forth herein.

82. The action of the Defendants' in white washing attorney complaints thereby continuing the violation of Plaintiffs inventive rights is contrary to the invention clause of the Constitution of the United States.

83. As a result of the Defendants' acts, Plaintiffs now suffer and will continue to suffer irreparable injury and monetary damages, and that Plaintiffs are entitled to damages sustained to date and continuing in excess of the amount of Two Hundred and Fifty Million Dollars (\$250,000,000.00) as well as punitive damages, costs and attorney's fees.

COUNT TWO
15 U.S.C.A. §§ 1 and 2

84. Plaintiffs repeats and realleges each and every allegation contained in paragraph "1" through "83", as though fully set forth herein.

85. The actions of Defendants in white washing attorneys complaints thereby continuing the violation of Plaintiffs proprietary patent rights allows an illegal monopoly and restraint of trade in the market for video and imaging encoding, compression, transmission, and decoding by MPEG LA LLC, upon information and belief, a Colorado limited liability company and sponsor of multimedia patent pools and others.

86. As a result of the Defendants' acts, Plaintiffs now suffer and will continue to suffer irreparable injury and monetary damages, and that Plaintiffs are entitled to damages sustained to date and continuing in excess of the amount of Two Hundred and Fifty Million Dollars (\$250,000,000.00) as well as punitive damages, costs and attorney's fees.

COUNT THREE

**18 U.S.C. § 81; 18 U.S.C. § 241; 18 U.S.C. § 371; 18 U.S.C. § 666; 18 U.S.C. § 1002;
18 U.S.C. § 1031; 18 U.S.C. § 1037; 18 U.S.C. § 1038; 18 U.S.C. § 1341; 18 U.S.C. §
1343; 18 U.S.C. § 1349; 18 U.S.C. § 1505; 18 U.S.C. § 1951; 18 U.S.C. § 1962; 18
U.S.C. § 2511**

87. Plaintiffs repeats and realleges each and every allegation contained in paragraph "1" through "86", as though fully set forth herein.

88. The actions of Defendants in white washing of attorney complaints and allowing an illegal monopoly and restraint of trade violates, including but not limited to, the above sections of Title 18 of the United States Code.

89. As a result of the Defendants' acts, Plaintiffs now suffer and will continue to suffer irreparable injury and monetary damages, and that Plaintiffs are entitled to damages sustained to date and continuing in excess of the amount of Two Hundred and Fifty Million Dollars (\$250,000,000.00) as well as punitive damages, costs and attorney's fees.

COUNT FOUR

18 U.S.C. § 1961 through 18 U.S.C. § 1968

90. Plaintiffs repeats and realleges each and every allegation contained in paragraph "1" through "89", as though fully set forth herein.

91. The actions of Defendants' constitute a criminal enterprise comprising various combinations that provide for the violation of Plaintiffs' Constitutional rights, fraud upon U.S. Federal agencies such as the United States Patent and Trademark Office, the Small Business Administration, the Department of Commerce, the United States Treasury Department, theft of intellectual property, and bank fraud.

92. As a result of the Defendants' acts, Plaintiffs now suffer and will continue to suffer irreparable injury and monetary damages, and that Plaintiffs are entitled to damages sustained to date and continuing in excess of the amount of Two Hundred and Fifty Million Dollars (\$250,000,000.00) as well as punitive damages, costs and attorney's fees.

PRAYER FOR RELIEF

WHEREOF, Plaintiffs respectfully requests that the Court enter judgment and an Order:

A. Appointing a federal monitor to oversee the day-to-day operations of the 1st DDC and 2nd DDC for an indefinite period of time; and

B. 1st DDC and 2nd DDC: At least ~~Two~~^{FIVE} Hundred and ~~Fifty~~ Million Dollars (~~\$250,000,000.00~~) dollars as well as punitive damages, costs and attorney's fees; and

C. VSB: At least ~~Two~~^{FIVE} Hundred and ~~Fifty~~ Million Dollars (~~\$250,000,000.00~~⁵⁰⁰) dollars as well as punitive damages, costs and attorney's fees; and

D. TFB: At least ~~Two~~⁵⁰⁰ Hundred and ~~Fifty~~ Million Dollars (~~\$250,000,000.00~~⁵⁰⁰) dollars as well as punitive damages, costs and attorney's fees; and

E. Interest and prejudgment interest on the amount described above, calculated at the prevailing rate: Awarding Plaintiff punitive damages against all individual defendants; and

F. Attorney's fees and costs, pursuant to 42 U.S.C. § 1988 and 42 U.S.C. 2000e-5&); and

G. A declaratory judgment stating that Defendants willfully violated Plaintiffs rights secured by federal and state laws as alleged herein; and

H. Injunctive relief: an injunction requiring Defendants to correct all present and past violations of federal and state law as alleged herein; to allow the Plaintiffs to continue in the position from which Defendants' illegally white washed their complaints; to enjoin the Defendants from continuing to act in violation of federal and state law as alleged herein; and to order such other injunctive relief as may be appropriate to prevent any

future violations of said federal and state laws; and awarding Plaintiffs damages in the amount of all royalties, professional services revenues, and any and all other compensation denied or lost to Plaintiffs by reason of the foregoing; and

I. An Order granting such other legal and equitable relief as the Court deems just and Proper that includes, but is not limited to an Order to bring representation for the U.S. Federal agencies including but not limited to United States Patent and Trademark Office, the Small Business Administration; mandamus for the aforementioned Federal agencies to join this complaint.

With all due respect to this Court, and in light of the subject matter of this Complaint, please see the Conflict of Interest Disclosure form attached herein as Exhibit B.

JURY TRIAL IS DEMANDED

Plaintiffs demand a trial by jury on all claims so triable.

Attorney for Petitioners

Eliot I. Bernstein, Pro se

39 Little Avenue

Red Bluff, Cal. 96080

Tel.: (530) 529-4410

By: 

Eliot I. Bernstein

P. Stephen Lamont, Pro se

35 Locust Avenue

Rye, N.Y. 10580

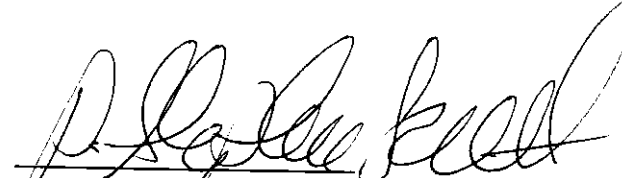
Tel.: (914) 217-0038


By: 

P. Stephen Lamont

Affidavit of Service

I hereby certify that a true and correct copy of the foregoing was furnished by facsimile this ___th day of December 2007, to the aforementioned Defendants.

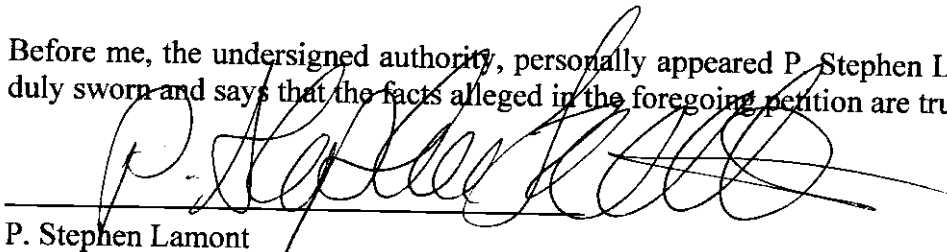

F. Stephen Lamont, Pro se


Eliot I. Bernstein, Pro se

CERTIFICATE OF AFFIRMATION

STATE OF NEW YORK
COUNTY OF WESTCHESTER:

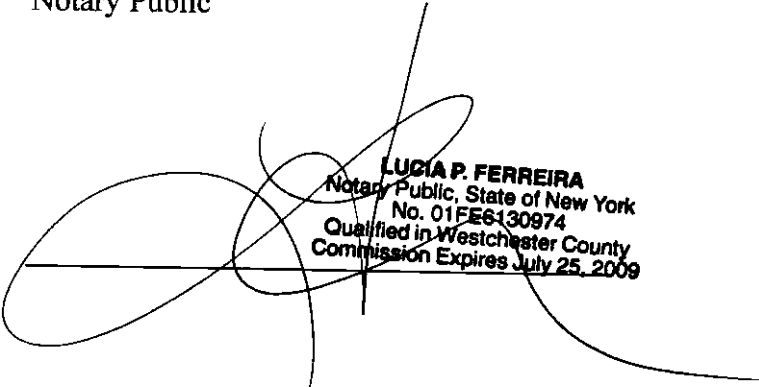
Before me, the undersigned authority, personally appeared P. Stephen Lamont, who was duly sworn and says that the facts alleged in the foregoing petition are true.



P. Stephen Lamont

Sworn to and subscribed to me on this 12th day of December 2007.

Notary Public



LUCIA P. FERREIRA
Notary Public, State of New York
No. 01FE6130974
Qualified in Westchester County
Commission Expires July 25, 2009

CERTIFICATE OF AFFIRMATION

STATE OF CALIFORNIA
COUNTY OF TAHEMA:

Before me, the undersigned authority, personally appeared Eliot I. Bernstein, who was duly sworn and says that the facts alleged in the foregoing petition are true.



Eliot I. Bernstein

Sworn to and subscribed to me on this __th day of December 2007.

Notary Public

EXHIBIT A

Shareholder/Trust/Interest Holder	Percent Unit Interest - %
Ellen and Corbin Bernsten and Children	16.6667%
Caroline P. and Geoffrey Rogers and Children	5.9867%
Susan Owners	0.0000%
Simon L. and Shirley Bernsten	0.0000%
Kenneth Anderson	0.36380%
Small Business Administration	0.2613%
Small Business Administration	0.4246%
Small Business Administration	4.1347%
Josiah Elzior Zinder Bernsten formerly The Josiah Bernsten 1999 Trust	1.6967%
Joseph Noah Archie Bernsten formerly The Joseph Bernsten 1999 Trust	1.6967%
Daniel Elzior Abe Othman Bernsten	0.2607%
James Armstrong	0.2607%
Gay Jacson	0.2607%
Ed Butler	0.2607%
Andrew Dietz	0.0580%
Kevin Koch	0.0580%
Betsy & Stacy Becker	0.0580%
David & Annika Bernsten	0.1474%
Tony Chirno	0.0580%
Paula Bernsten	0.0580%
Joseph Ryan	0.0580%
Beverly & Chip Billetti	0.0580%
Patricia Daniels	0.0000%
Paula Daniels	0.1474%
Lisa Friedman	0.6714%
Loans by Stockholders and Friends	0.0000%
Interest on Loans by Stockholders and Friends	0.0000%
Andrew Dietz	0.0000%
Interest on Loans by Andrew Dietz	0.0000%
Interest on Loans by Andrew Dietz	0.0000%
Michael Holdings, Inc.	0.0000%
Zakari Shiner	0.2607%
Jade Romano	0.1768%
Mitchell Weisbach	0.1162%
Joan Stark	0.0000%
Jeffrey and Lisa Friedman and Children	0.0000%
Bret Howard	0.0000%
Anthony Frenkel	0.0000%
Anthony Giardino	0.0116%
Jack Scallan	0.0029%
Milly Morgan	0.0156%
Empire Sanger	0.0156%
Paul Gonzalez	0.1178%
Gregory Gonzalez	0.0685%
Theodore and Judy Gonzalez and Children	0.0015%
Bella Sanger	0.0295%
Beverly & Chip Billetti	0.0029%
Edward Braker	0.0000%
Tony Chirno	0.0000%
Robert Feggenbaum	0.0000%
Joseph Fishman	0.0147%
Sherri Frazer & Children	0.0590%
Loans and Christopher Giroa	0.0147%
Molly and Todd Hale	0.0442%
Kathleen Halpwood	0.0590%
Karen & Kevin Kelly	0.0059%
Paul and Przemek Klein	0.0059%
Anna Klein	0.0442%
Ally McStrick	0.0000%
Daniel Preston	0.0590%
Kevin Roach	0.0000%
Joseph Ryan	0.0000%
David and Pamela Simon and Children	0.0000%
Theodore Bernsten and Children	0.0395%
Matthew Simpson	0.0147%
Cystal and Lucas Simpson	0.0590%
William and Michelle Shih	0.0285%
Michael and Nikk Stomp	0.0590%
Ane-Valene	0.0147%
Robert and Kari Vencor and Children	0.0285%
David Vencor	0.0285%
Michael Zander	0.0285%
Rocket Care Employee Pool	0.0285%
Art Apprais Employee Pool	0.0285%

Aschman Howard Employee Poul	0.0285%
Steven Seitz	0.1474%
Mark W. Gaffney, Esq.	0.0580%
James Jackson and Michele Matroney	5.3333%
Richard Rosman	2.0833%
Aubrey L. Lewiner	0.1474%
David Collier	0.0580%
Kevin Lockwood	0.0571%
Alan Young	0.0285%
Tudi 4	0.0027%
Tudi 4	0.0027%
Tudi 4	0.0027%
Tudi 4	0.0027%
John A. Silar	0.0471%
Akron Meriwether	0.0229%
Andrew Dietz (6)	0.0000%
Interest on Loan by Andrew Dietz (6)	0.0000%
Happy Feet Living Trust	0.1556%
Mitchell Walsh	0.1474%
Mitchell Walsh	0.3543%
Hobart Trust	0.0728%
Lamma Lloyd Living Trust	0.0728%
Edward Bieffer	0.0300%
Scott Welch	0.0000%
Joseph Ryan	0.0000%
David and Anita Bernstein and Children	0.0000%
Barry and Susan Baker and Children	0.0000%
Brian and Stacy Baker and Children	0.0000%
Spencer and Dana Rogers and Children	0.0660%
Paul Stanger	0.0285%
Dana Stanger	0.0285%
Jeffrey and Kimberly Stanger and Children	0.0285%
Rose Palomo and Tony Castro and Children	0.0471%
Debbie Washington	0.0147%
Lisa DeLo	0.0147%
Guia Moss	0.0177%
Stacey Ellis	0.0285%
Tovin School	0.0147%
Douglas Clew	0.0285%
Chad & Rebecca Clifton	0.0285%
Chad Clifton	0.0285%
Chad Parkas	0.0058%
Brian Fritz	0.0058%
Paul Miller	0.0058%
Robert Roberman	0.0058%
Frank Bromham	0.0058%
Lyle McCullough	0.0147%
Christine & James Goldstein	0.0147%
Sherry Stamp	0.0147%
Larmony Noussaux	0.0147%
Sat George	0.0285%
James Cohen	0.0660%
Marie Franklin	0.0660%
Maxwell Horowitz	0.0147%
Severin Ashme McCarrick	0.0442%
Etip and Leanne McCarrick	0.0147%
Adam Simon	0.0229%
Alco B. Abbott	0.0229%
Amber Cooko	0.0229%
Barney Allison	0.0229%
Beverly Milligan	0.0229%
Biller @ Bieler Bros Records	0.0229%
Bill Duaba	0.0229%
Elayne Leppien	0.0229%
Raze Benham	0.0229%
Allegiance Inc	0.0229%
Edmund Roberts	0.0229%
Brian Sha Roberts	0.0229%
Bruce Warren	0.0229%
Buddy Moran	0.0229%
C. Allen Productions	0.0229%
Carolyn Newman	0.0229%
Ivewell Charitable Giving Fund (Thought Journal)	0.0229%
Charles Chavez	0.0229%
Charles Michael Moore	0.0229%
Chris & Cori Pittner	0.0229%
Chris Smith	0.0229%
Crash Music Media Management	0.0229%
Dan Ginn	0.0229%
Dee Mags LLC (DPEST)	0.0229%
Don Peake	0.0229%
Edward Garber	0.0229%
Eva Nixon	0.0229%

Evolution Promising	0.0029%
Fracktonics Trust LLC	0.0029%
Frank & Renee Gonzales	0.0089%
Frank Brady	0.0059%
Fueled By Rainen Inc.	0.0029%
Ginkel	0.0029%
Gary Nullmann	0.0029%
Gary Petrus & TDD	0.0147%
Hard Head Management	0.0089%
Hessan Miah	0.0029%
Hess Kraniel	0.0029%
Hi-Z-Kate	0.0029%
Hobson	0.0029%
Behavior Management	0.0029%
Itell & Masella	0.0147%
Irene Bernstein	0.0029%
Irving Rosen	0.0059%
James Cohen	0.0029%
James Olliver	0.0089%
Jeff Kue	0.0029%
Jenna Cowman	0.0029%
Jennifer Brindley	0.0059%
Jeremio Wall	0.0059%
Jeremy Yurlock	0.0089%
Jessica Verzaal	0.0059%
JMA	0.0118%
Jos Geertop	0.0029%
Joe Repordick & STG	0.0029%
John & Edmund Carrigan	0.0089%
John & Grega Davis (on behalf of Marvin & Barbara Davis)	0.0089%
John E. Cookman Jr	0.0147%
John Galvin	0.0029%
John Simon	0.0029%
John Stillman	0.0029%
John Stuart	0.0029%
Jon Jacobs	0.0029%
Jon K. Finkelstein	0.0147%
Karen & Brian Hale	0.0089%
Karen & Marie Cohen	0.0059%
Kim Salar	0.0089%
Larry Halper	0.0029%
LCD Soundyates	0.0029%
Leah Hayes	0.0059%
Lesli Arbutnot	0.0029%
Leslie Abbigliato	0.0029%
Leslie Dan Jake	0.0029%
Lisa Dal-Lo	0.0059%
Lisa Hagen	0.0059%
Lisa Hendricks	0.0059%
Lori Beaumack	0.0089%
Lori Kennedy	0.0059%
Lori Spivak	0.0059%
Lori Wolf	0.0059%
Lynn & Fran Stanger	0.0059%
Mark Bernstein	0.0059%
Mark Noyes	0.0059%
Mar and Michelle Doyle	0.0147%
Matt Phillips	0.0029%
Maxemillion Gaspert	0.0029%
Mel Monough Management	0.0029%
Megan Crawford	0.0029%
Melissa Olshchund	0.0089%
Merrill & Sophia Howard Fund	0.0029%
Michael J. Seibert	0.0029%
Milano Vitare Management	0.0029%
Michael Gironi	0.0089%
Michael Ahmed	0.0089%
Nikola Engle	0.0029%
Paul Lypczewski	0.0089%
Pw Up Management / Ideliz Adler	0.0029%
Penelope Ashkenazy	0.0029%
Rebel Wall	0.0029%
Reidum Baulcuguel	0.0089%
Rao Shelton	0.0029%
Robert and Robin Bader	0.0147%
Robert Guccione	0.0147%
Robert Kriekover	0.0059%
Russell James	0.0029%
Sara Rognessen	0.0029%
Sara Corinne Baker	0.0089%
Samuel Lyte	0.0059%
Seamus Lyte	0.0089%

Sheryl Smith	0.0028%
Sherrill York	0.0058%
Shirley Adams	0.0028%
Special Term Music	0.0028%
Stanley R Charlotte Hermann	0.0058%
Stephen Bergstein	0.0088%
Stephen Schneider	0.0088%
Steve Gold	0.0088%
Steve Nussle-Poor	0.0028%
Steven Suberland	0.0118%
Stew Washpahl	0.0088%
STP Employee Fund	0.0088%
Stuart Mitroo	0.0560%
Susan Marino	0.0028%
Tal Jozson	0.0088%
The Great Recruitings	0.0088%
Thomas Stufert	0.0088%
Tim Clark	0.0088%
Tom Amos	0.0028%
William Artiga	0.0028%
Wiscam Peak	0.0088%
Yvette Liu	0.0058%
Wayne Leavitt	0.0058%
William George	0.0058%
William McFarland	0.0088%
World Alliance	0.0028%
Yoon Wadzman	0.0028%
Zachary Karkov	0.0028%
Miraya Z...	0.0058%
Gregory B. Thegard	0.1028%
George D'Isidoro	0.1028%
David Celler	0.1028%
Stephen Varoua	0.1028%
Charles Brucelas	0.1028%
P. Stephen Leavitt (7)	0.1028%
Courtesy Jureak	0.1028%
Tammy Raymond	0.1028%
Matthew Mink	0.1028%
Misty Morgan	0.1028%
Ruthony Franken	0.1028%
Rebecca Kluge	0.1028%
Jack Steinlin	0.1028%

EXHIBIT B



Suit Accuses Court Panel of Cover-Up

By PAUL VITELLO
Published: November 1, 2007

A former lawyer for the state court system, fired in June from her job investigating lawyers charged with misconduct, has charged in a federal lawsuit that supervisors "whitewashed" some cases for "personal or political reasons."

The lawyer, Christine C. Anderson, who was a staff attorney for six years in a Departmental Disciplinary Committee of the State Supreme Court's Appellate Division in Manhattan, did not name the lawyers who she said received such protection. But she said her supervisors, who were named, intervened on behalf of lawyers against whom she had found "overwhelming concrete evidence of misconduct."

City Room Blog

The latest news and reader discussions from around the five boroughs and the region.



Go to City Room »

The lawsuit, filed last week in the United States District Court for the Southern District, charges that Ms. Anderson was fired because she openly voiced her concerns about "a pattern and practice of whitewashing and routinely dismissing complaints leveled against certain select attorneys." Ms. Anderson, 62, who is black, also said she was a victim of age and race discrimination.

Disciplinary committees operate in each of the state's four Appellate Division departments to investigate lawyers accused of misconduct. Charges can vary from unresponsiveness toward clients, to the theft of money from escrow accounts, to failure to disclose conflicts of interest. Based on investigations by staff attorneys like Ms. Anderson, committees can admonish lawyers, suspend or revoke their licenses or recommend criminal prosecution.

In the suit, Ms. Anderson, who worked in the First Department, covering most of New York City and Westchester, named as defendants Thomas J. Cahill, chief counsel of the Departmental Disciplinary Committee; his first deputy, Sherry K. Cohen; Catherine O'Hagan Wolfe, the court clerk; David Spokiny, her deputy; and John Buckley, the presiding justice of the Office of Court Administration.

None could be reached for comment. David Bookstaver, a spokesman for the state court system, said it would be "inappropriate to comment."

Fred K. Brewington, the Long Island lawyer representing Ms. Anderson, said she had been harassed on the job continuously, beginning in 2005, after she raised questions about Ms. Cohen's relationship with a lawyer representing another lawyer who was under review. Despite strong evidence of misconduct by the lawyer in that case, he said, the complaint was dismissed and a file containing Ms. Anderson's investigation disappeared.

Ms. Anderson is seeking \$10 million in damages, as well as punitive damages and lawyer's fees for what her suit described as the "irreparable injury," "mental anguish and humiliation" of being fired without cause.

Next Article in New York Region (16 of 17) »

Books Update E-Mail



Sign up for the latest book reviews, sent every Friday. See Sample
pstephen.lamont@verizon.net Sign Up
Change E-mail Address | Privacy Policy

- E-MAIL
- PRINT
- PEPRINTS
- SAVE
- SHARE



KNICKS HOME OPENER

SUNDAY, NOVEMBER 4 AT 6PM



VS.

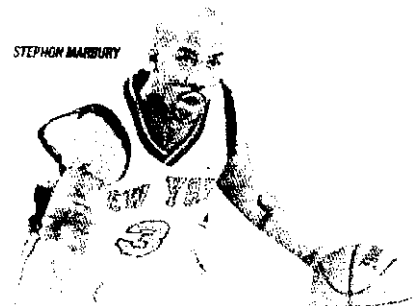


PRESENTED BY T-Mobile

FREE KNICKS HAT TO ALL IN ATTENDANCE COURTESY OF FOOT LOCKER



STEPHEN MARBURY



EXPERIENCE THE HOME OPENER TO PURCHASE TICKETS
CLICK HERE, CALL 800.4NBA.TIX OR VISIT NYKNICKS.COM

MOST POPULAR

E-MAILED BLOGGED SEARCHED

1. Life's Work: The Feminine Critique
2. Hello, India? I Need Help With My Math

Need to know more? 50% off home delivery of The Times.

Ads by Google what's this?

2007 Stock Market Guide
Get Straight Answers on Investments Insights & Analysis - Download Now
www.fi.com

Tucson Litigation
Experienced personal injury lawyers Personal Injury Expert Litigators
dex.com/Hicks-Perry-Law-Offices-of

NY Employment Lawyers
Call Today To Speak With A Lawyer Breach of Contract, Discrimination
www.MoiseStone.com

Tips

To find reference information about the words used in this article, double-click on any word, phrase or name. A new window will open with a dictionary definition or encyclopedia entry.

Past Coverage

- GOVERNMENT SET FOR A CRACKDOWN ON ILLEGAL HIRING (August 8, 2007)
- One Key to a Problem-Free Firing Is Dignity (July 5, 2007)
- One Misstep And They're Out the Door (May 15, 2007)
- THE MEDIA EQUATION: Flying Solo Past the Point Of No Return (April 13, 2007)

Related Searches


- Discrimination
- Suspensions, Dismissals and Resignations
- Suits and Litigation

3. Rule Jostles Runners Who Race to Their Own Tune
4. In Rape Case, a French Youth Takes On Dubai
5. Maureen Dowd: Hillary la Francaise, Cherchez la Femme?
6. Low Buzz May Give Mice Better Bones and Less Fat
7. Maureen Dowd: A Mock Columnist, Amok
8. Skin Deep: Natural, Organic Beauty
9. Chinese Chemicals Flow Unchecked Onto World Drug Market
10. Less Homework, More Yoga, From a Principal Who Hates Stress

[Go to Complete List >](#)



The New York Times **OPINION**
nytimes.com/opinion



The Colbert column
Also in Opinion:
The Colbert juggernaut
The Colbert generation?
Stephen Colbert is running and not everyone's laughing

ADVERTISEMENTS

NYC and beyond.
50% off Times delivery.

All the news that's fit to personalize.

Explore New and Pre-Owned
Lexus Models Today
Visit Us Online

Sweet Deal a la Montreal. Book 1
right, get the 2nd one at 60% off

All the news
that's fit to
stress.
nytimes.com

The New York Times STORE



Flam & Flam, 165 East 121st Street - 1938
Buy Now

INSIDE NYTIMES.COM

BOOKS >



Novelist Writes of History
in the Present Tense

OPINION >

**Editorial:
Lagging Health
Care System**

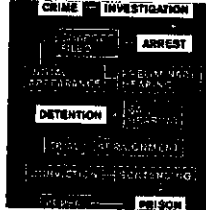
A new survey
underscores America's
need for universal
health coverage.

HOME & GARDEN >



Your Dresser, All Dressed
Up

OPINION >



Op-Ed Contributor: How to
Try a Terrorist

N.Y. / REGION >

**Cellphones
as a Reward
for Good
Schoolwork**

FASHION & STYLE >



Is This It for the It Bag?

Home	World	U.S.	NY	Region	Business	Technology	Science	Health	Sports	Opinion	Arts	Style	Travel	Jobs	Real Estate	Automobiles	Back to Top
Copyright 2001 The New York Times Company		Privacy Policy	Search	Corrections	RSS	First Look	Help	Contact Us	Work for Us	Site Map							



Search Top Stories: GO

Register for Legal Newswire | Legal Blogs | Newsletters | XML Feeds

Complaints Against 'Select Attorneys' Whitewashed, N.Y. Lawsuit Alleges

Daniel Wise
New York Law Journal
October 30, 2007

Printer-friendly Email this Article Reprints & Permissions

A former staff attorney at the 1st Department Disciplinary Committee has filed a federal lawsuit charging she was fired in June in retaliation for complaining that her superiors had engaged in a "pattern and practice of whitewashing and routinely dismissing complaints against certain select attorneys."

Christine C. Anderson, who had worked for six years at the disciplinary committee, seeks \$10 million in damages, claiming retaliation for the exercise of her First Amendment rights and discrimination because she is of Jamaican origin and black.

Anderson also asks for the appointment of a federal monitor to oversee operation of the disciplinary committee.

David Bookstaver, a spokesman for the Office of Court Administration, said it would be "inappropriate" to comment on pending litigation.

Anderson alleged two instances in which her recommendations had been overridden or changed by her superiors at the committee.

In 2005, Anderson charged in her complaint, she discovered that the chief counsel of the disciplinary committee, Thomas J. Cahill, and Sherry K. Cohen, its first deputy counsel, were "apparently engaged in a 'numbers game' and practice" of "selectively" dismissing complaints against attorneys for their "own personal and political reasons."

A possible second, or alternative reason for the dismissals, the complaint stated, was that the prosecutions of the complaints would be "burdensome or otherwise 'unworthy' of prosecution."

Anderson also charged that in one incident, in July 2006, Cohen physically blocked her from leaving her office and, in so doing, had dug her nails into the plaintiff's hand, causing scratches.

Cahill declined to comment on the allegations; Cohen did not return a call for comment.

In addition to suing Cahill and Cohen, Anderson named as defendants Justice John T. Buckley, who was presiding justice of the Appellate Division, 1st Department, until May; former Clerk of Court Catherine O'Hagan Wolfe, who resigned in April to become clerk of the 2nd U.S. Circuit Court of Appeals; and the Office of Court Administration.

The case, *Anderson v. State of New York*, was filed on Friday in the Southern District of New York, according to Anderson's attorney, Frederick K. Brewington of Hempstead, N.Y.

Cahill's retirement was announced in July, though he is remaining as chief counsel until a successor is chosen.

The first instance of a "whitewash" alleged in Anderson's complaint occurred "in or about 2003" in "a highly sensitive investigation," which had uncovered "overwhelming concrete evidence of misconduct" by an attorney, Anderson alleged.

The matter was dropped despite her recommendation that a formal complaint be filed against the lawyer, Anderson alleged.

She also charged that a large file she had amassed containing "indisputable evidence of misconduct" had been "guttled."

The second instance in which Anderson's handling of a case was overridden occurred about two years later, she alleged.

In that case, she stated, Cahill had asked her to write an introductory paragraph to the policy committee, explaining her

Top Stories From Law.com

Legal Technology
Data-Loaded Court Forms Raise Privacy Issue

In-House Counsel
Former GC Claims He Was Cheated Out of \$9.2M After Bioenvision Merger

Small Firm Business
Boutique Firms Maintain Their Hold on Market

ADVERTISEMENT
LEGALTECH[®]
THE MOST IMPORTANT LEGAL TECHNOLOGY EVENT OF THE YEAR!
2008

FEBRUARY 5-7 IN THE HILTON NEW YORK HOTEL

ALM EVENTS

Free Lemon Law Help

Bought a Lemon? Get Help Here. New Car or Refund for Entire State!
www.dallonlawfirm.com

Family Law Attorneys

Find Local Family Law Attorneys in your area at Superpages.com
www.Superpages.com

NYC Lawyer

Call us for an Excellent Law Firm With Experienced Attorneys.
KonLaw.net

Employment Law Attorney

View Local Employment Lawyer & Firm Profiles Free at Lawyers.com
www.lawyers.com

Ads by Google

recommendation that an attorney be given a non-public admonition rather than be the subject of a formal proceeding that could lead to a public sanction.

Anderson explained in her complaint, that, although the results of a "complex investigation" of the attorney "argued strongly in favor of charges," there was "lack of actual proof of a conversion." She also stated there had been an "initial lack of cooperation" from the client complaining against the lawyer.

Anderson stated that she wrote an introductory paragraph explaining the gravity of the attorney's conduct, but that Cohen had rewritten it, "deleting facts" Anderson had uncovered during her investigation and conclusions she had reached.

Anderson quoted Cohen as saying the reason she had rewritten the paragraph was to avoid having the policy committee send the matter back to staff for the preparation of a formal complaint.

Anderson further charged that Cohen had done this because "she had a prior working relationship" with the attorney for the lawyer under investigation and sought to avoid having his client formally charged "as a favor."

The complaint did not identify the two lawyers who were the subjects of the proceedings cited by Anderson. Brewington said in an interview that he would not name them "at this time."

[Subscribe to New York Law Journal](#)



[About ALM](#) | [About law.com](#) | [Customer Support](#)

[Privacy Policy](#) | [Terms & Conditions](#)

Copyright 2007 ALM Properties, Inc. All rights reserved.

EXHIBIT C

CONFLICT OF INTEREST DISCLOSURE FORM -
Please accept and return the following statement of
conflict before continuing further with the body of
this document.

Dear _____ and any other representative of the _____ who may come into possession of this document, please take notice of and execute the **CONFLICT OF INTEREST DISCLOSURE FORM** prior to acting on the message following directly below.

This conflict of interest form is designed to ensure that the review of the enclosed Complaint with the United States District Court for the Southern District of New York will not be biased by any conflicting financial interest or any other interest by those reviewers responsible for the handling of this complaint with the main alleged perpetrators of the crimes cited in these matters. Disclosure forms with "Yes" answers to either or both of the following questions are requested not to open the remainder of the document and instead forward the matters on to the next available reviewer that is free of conflict that can sign and complete the disclosure and proceed with the unbiased review of the matters.

I. Do you, your spouse, your dependents or any business partners, in the aggregate have, any direct, or in any outside entity, indirect relation to the following parties to the proceeding of the matters you are reviewing:

1. PROSKAUER ROSE, LLP

Alan S. Jaffe - Chairman Of The Board - ("Jaffe"); Kenneth Rubenstein - ("Rubenstein"); Robert Kafin - Managing Partner - ("Kafin"); Christopher C. Wheeler - ("Wheeler"); Steven C. Krane - ("Krane"); Stephen R. Kaye - ("S. Kaye") and in his estate with New York Supreme Court Chief Judge Judith Kaye ("J. Kaye"); Matthew Triggs - ("Triggs"); Christopher Pruzaski - ("Pruzaski"); Mara Lerner Robbins - ("Robbins"); Donald Thompson - ("Thompson"); Gayle Coleman; David George; George A. Pincus; Gregg Reed; Leon Gold - ("Gold"); Albert Gortz - ("Gortz"); Marcy Hahn-Saperstein; Kevin J. Healy - ("Healy"); Stuart Kapp; Ronald F. Storette; Chris Wolf; Jill Zammis; FULL LIST OF 601 liable Proskauer Partners; any other John Doe ("John Doe") Proskauer partner, affiliate, company, known or not known at this time; including but not limited to Proskauer ROSE LLP; Partners, Associates, Of Counsel, Employees, Corporations, Affiliates and any other Proskauer related or affiliated entities both individually and professionally. Hereinafter, collectively referred to as ("Proskauer").

2. MELTZER, LIPPE, GOLDSTEIN, WOLF & SCHLISSSEL, P.C.

Lewis Melzter - ("Melzter"); Raymond Joao - ("Joao"); Frank Martinez - ("Martinez"); Kenneth Rubenstein - ("Rubenstein"); FULL LIST OF 34 Meltzer, Lippe, Goldstein, Wolf & Schlissel, P.C. liable Partners; any other John Doe ("John Doe") Meltzer, Lippe, Goldstein, Wolf & Schlissel, P.C. partner, affiliate, company, known or not known at this time; including but not limited to Meltzer, Lippe, Goldstein, Wolf & Schlissel, P.C.; Partners, Associates, Of Counsel, Employees, Corporations, Affiliates and any other Meltzer, Lippe, Goldstein, Wolf & Schlissel, P.C. related or affiliated entities both individually and professionally. Hereinafter, collectively referred to as ("MLGWS").

3. FOLEY & LARDNER

Ralf Boer ("Boer"); Michael Grebe ("Grebe"); Christopher Kise ("Kise"); William J. Dick - ("Dick"); Steven C. Becker - ("Becker"); Douglas Boehm - ("Boehm"); Barry Grossman - ("Grossman"); Jim Clark - ("Clark"); any other John Doe ("John Doe") Foley & Lardner partners, affiliates, companies, known or not known at this time; including but not limited to Foley & Lardner; Partners, Associates, Of Counsel, Employees, Corporations, Affiliates and any other Foley & Lardner related or affiliated entities both individually and professionally. Hereinafter, collectively referred to as ("Foley").

4. SCHIFFRIN & BARROWAY, LLP

Richard Schiffrin - ("Schiffrin"); Andrew Barroway - ("Barroway"); Krishna Narine - ("Narine"); any other John Doe ("John Doe") Schiffrin & Barroway, LLP partners, affiliates, companies, known or not known at this time; including but not limited to Schiffrin & Barroway, LLP; Partners, Associates, Of Counsel, Employees, Corporations, Affiliates and any other Schiffrin & Barroway, LLP related or affiliated entities both individually and professionally. Hereinafter, collectively referred to as ("SB").

5. BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP

Norman Zafman - ("Zafman"); Thomas Coester - ("Coester"); Farzad Ahmini - ("Ahmini"); George Hoover - ("Hoover"); any other John Doe ("John Doe") Blakely Sokoloff Taylor & Zafman LLP partners, affiliates, companies, known or not known at this time; including but not limited to Blakely Sokoloff Taylor & Zafman LLP; Partners, Associates, Of Counsel, Employees, Corporations, Affiliates and any other Blakely Sokoloff Taylor & Zafman LLP related or affiliated entities both individually and professionally. Hereinafter, collectively referred to as ("BSTZ").

6. WILDMAN, HARROLD, ALLEN & DIXON LLP

Martyn W. Molyneaux - ("Molyneaux"); Michael Dockterman - ("Dockterman"); FULL LIST OF 198 Wildman, Harrold, Allen & Dixon LLP liable Partners; any other John Doe ("John Doe") Wildman, Harrold, Allen & Dixon LLP partners, affiliates, companies, known or not known at this time; including but not limited to Wildman, Harrold, Allen & Dixon LLP; Partners, Associates, Of Counsel, Employees, Corporations, Affiliates and any other Wildman, Harrold, Allen & Dixon LLP related or affiliated entities both individually and professionally. Hereinafter, collectively referred to as ("WHAD").

7. CHRISTOPHER & WEISBERG, P.A.

Alan M. Weisberg - ("Weisberg"); any other John Doe ("John Doe") Christopher & Weisberg, P.A. partners, affiliates, companies, known or not known at this time; including but not limited to Christopher & Weisberg, P.A.; Partners, Associates, Of Counsel, Employees, Corporations, Affiliates and any other Christopher & Weisberg, P.A. related or affiliated entities both individually and professionally. Hereinafter, collectively referred to as ("CW").

8. YAMAKAWA INTERNATIONAL PATENT OFFICE

Masaki Yamakawa - ("Yamakawa"); any other John Doe ("John Doe") Yamakawa International Patent Office partners, affiliates, companies, known or not known at this time; including but not limited to Yamakawa International Patent Office; Partners, Associates, Of Counsel, Employees, Corporations, Affiliates and any other Yamakawa International Patent Office related or affiliated entities both individually and professionally. Hereinafter, collectively referred to as ("Yamakawa").

9. GOLDSTEIN LEWIN & CO.

Donald J. Goldstein - ("Goldstein"); Gerald R. Lewin - ("Lewin"); Erika Lewin - ("E. Lewin"); Mark R. Gold; Paul Feuerberg; Salvatore Bochicchio; Marc H. List; David A. Katzman; Robert H. Garick; Robert C. Zeigen; Marc H. List; Lawrence A. Rosenblum; David A. Katzman; Brad N. Mciver; Robert Cini; any other John Doe ("John Doe") Goldstein & Lewin Co. partners, affiliates, companies, known or not known at this time; including but not limited to Goldstein & Lewin Co.; Partners, Associates, Of Counsel, Employees, Corporations, Affiliates and any other Goldstein & Lewin Co. related or affiliated entities both individually and professionally. Hereinafter, collectively referred to as ("Goldstein").

10. INTEL, REAL 3D, INC. (SILICON GRAPHICS, INC., LOCKHEED MARTIN & INTEL) & RYJO

Gerald Stanley - ("Stanley"); Ryan Huisman - ("Huisman"); RYJO - ("RYJO"); Tim Connolly - ("Connolly"); Steve Cochran; David Bolton; Rosalie Bibona - ("Bibona"); Connie Martin; Richard Gentner; Steven A. Behrens; Matt Johannsen; any other John Doe ("John Doe") Intel, Real 3D, Inc. (Silicon Graphics, Inc., Lockheed Martin & Intel) & RYJO partners, affiliates, companies, known or not known at this time; including but not limited to Intel, Real 3D, Inc. (Silicon Graphics, Inc., Lockheed Martin & Intel) & RYJO; Employees, Corporations, Affiliates and any other Intel, Real 3D, Inc. (Silicon Graphics, Inc., Lockheed Martin & Intel) & RYJO related or affiliated entities both individually and professionally. Hereinafter, collectively referred to as ("Intel/R3D").

11. TIEDEMANN INVESTMENT GROUP

Bruce T. Prolow ("Prolow"); Carl Tiedemann ("C. Tiedemann"); Andrew Philip Chesler; Craig L. Smith; any other John Doe ("John Doe") Tiedemann Investment Group partners, affiliates, companies, known or not known at this time; including but not limited to Tiedemann Investment Group and any other Tiedemann Investment Group related or affiliated entities both individually and professionally. Hereinafter, collectively referred to as ("Tiedemann").