UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT
Thurgood Marshall U.S. Courthouse at Foley Square   40 Centre Street, New York, NY 10007   Telephone: 212-857-8500

MOTION INFORMATION STATEMENT

_____ Caption [use short title] _____

Docket Number(s): 08-4873-cv

Motion for: Extension of Time

Bernstein, et al.

v

Appellate Division First Department Disciplinary Committee, et al.

Appellant seeks a reasonable Extension of time requesting min of 7 days from May 13, 2009 the current due date for filing Reply briefs to all of the Opposition Briefs. Appellant has previously been informed that he may file Reply briefs to all the Defendants at the same time. The general basis for the extension request is Appellant's involvement in related proceedings in the SDNY Bankruptcy Court of Judge Martin Glenn involving named Defendant Silicon Graphics, Inc, who was named in the AC filed in the US District Court of the Southern District before Judge Shira Scheindlin which is the matter on appeal to this Court. In addition to the time and involvement in the related Bankruptcy proceeding presenting further myriad layers of conflict Appellant Bernstein also references his ongoing medical treatment plan filed with this Court as a basis for the Extension request and respectfully prays that such request be granted.

MOVING PARTY: Eliot I. Bernstein

- ☐ Plaintiff   ☐ Defendant
- ☑ Appellant/Petitioner   ☐ Appellee/Respondent

OPPOSING PARTY: Supreme Court of NY Appellate Division First Dept DDC

MOVING ATTORNEY: Eliot I. Bernstein

[name of attorney, with firm, address, phone number and e-mail]
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OPPOSING ATTORNEY [Name]: NYAG et al.

[name of attorney, with firm, address, phone number and e-mail]

Court-Judge/Agency appealed from: US District Court - Southern District of New York

Please check appropriate boxes:

Has **consent** of opposing counsel:
- A. been sought?   ☐ Yes   ☑ No
- B. been obtained? ☐ Yes   ☑ No

Is **oral argument** requested?   ☐ Yes   ☑ No
(requests for oral argument will not necessarily be granted)

Has **argument** date of appeal been set?   ☐ Yes   ☑ No
If yes, enter date _____

Signature of Moving Attorney: _____ Date: May 07, 2009

FOR EMERGENCY MOTIONS, MOTIONS FOR STAYS AND INJUNCTIONS PENDING APPEAL:

Has request for relief been made **below**?   ☐ Yes   ☑ No

Has this relief been previously sought
in this Court?   ☐ Yes   ☑ No

Requested return date and explanation of emergency:

ASAP

Has **service** been effected?   ☑ Yes   ☐ No
[Attach proof of service]

ORDER

IT IS HEREBY ORDERED THAT the motion is **GRANTED   DENIED**.

FOR THE COURT:
CATHERINE O'HAGAN WOLFE, Clerk of Court

Date: _____   By: _____

Form T-1080 (Revised 10/31/02).

ANTI-VIRUS CERTIFICATION FORM

See Second Circuit Interim Local Rule 25(a)6.

CASE NAME: Bernstein, et al. v Appellate Division First Department Disciplinary

DOCKET NUMBER: 08-4873-cv

I, (please print your name) Eliot Ivan Bernstein, Pro Se , certify that

I have scanned for viruses the PDF version of the attached document that was submitted in this case as

an email attachment to ☐ <agencycases@ca2.uscourts.gov>.

☐ <criminalcases@ca2.uscourts.gov>.

☐ <civilcases@ca2.uscourts.gov>.

☐ <newcases@ca2.uscourts.gov>.

☑ <prosecases@ca2.uscourts.gov>.

and that no viruses were detected.

Please print the **name** and the **version** of the anti-virus detector that you used_____

Windows Live One Care v. 2.5.2900.20

_____

If you know, please print the version of revision and/or the anti-virus signature files _____

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(Your Signature) Eliot Ivan Bernstein
Digitally signed by Eliot Ivan Bernstein
DN: cn=Eliot Ivan Bernstein, o=I-View-It Technologies,
Inc., ou=Invention, email=iviewit@iviewit.tv, c=US
Date: 2009.05.07 17:01:23 -04'00'

Date: 05/07/2009