UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

2:12-cv-02040-JAD-PAL

Eliot Bernstein,

Defendant, Counter Plaintiff

v.

MARC J. RANDAZZA, Individually and Professionally

Plaintiffs, Counter Defendant

Answer to Complaint

and Counter Claim

**I. Admissions and Denials**

Comes now Defendant Eliot Bernstein, hereafter "Eliot" or “Bernstein”, on information and belief alleges the following, despite having ever been served this Complaint or sent any pleadings by any party[[1]](#footnote-1);

1. Defendant Eliot denies that he is, "a knowing and willful participant and co-conspirator in Cox’s activities." Defendant Eliot has no knowledge of unlawful actions that Plaintiff Marc Randazza, hereafter "Randazza" has accused Cox and Eliot of in this complaint.

2. Defendant Eliot denies Randazza's allegation that "Cox realized she would face legal action regarding her improper registration and use of the domain names affiliated with Complainant. Cox has since transferred <marcrandazza.com> back to her name, while others have been transferred to Defendant Bernstein, who continues to register, use, and traffic in the domain names." Defendant Eliot has no knowledge of Cox registering domain names or use of the domain names affiliated with Complainant improperly.

3. Defendant Eliot denies any violation of the Anti-cybersquatting Consumer Protection Act (the “ACPA”), 15 U.S.C. §§ 1125(d) and 8131, right of publicity, and right of inclusion upon seclusion.

4. Defendant Eliot denies that "This Court has personal jurisdiction over Defendant Bernstein because he a) specifically targeted his actions at individuals (Plaintiffs) in the State of Nevada that is the subject of this suit and he did so with the full knowledge that Plaintiffs are in the state of Nevada and that his actions would have an effect in the state of Nevada; b) he owns websites on the World Wide Web that are accessible to residents of the State of Nevada; and c) he committed acts that he knew or should have known would cause injury to Plaintiffs in the State of Nevada."

Eliot denies that the District of Nevada has jurisdiction over him, his domain names, his intellectual property or personal jurisdiction over him in any way.

5. Defendant Eliot denies Randazza's allegation that Eliot is a proxy for Cox in any way. Randazza stated, " Defendant Bernstein, as a proxy, is listed as the registrant for <marcjrandazza.com>, <fuckmarcrandazza.com>, <marcjohnrandazza.com>, <marcrandazzasucks.com>, and <marcrandazzaisalyingasshole.com>.

6. Defendant Eliot denies each allegation of Randazza’s complaint, which is not specifically admitted or otherwise addressed below.

7. Defendant Eliot admits he is an individual residing in the State of Florida.

8. Defendant Eliot denies owning, purchasing or doing anything on or with any Infringing Domain Names. Eliot denies Randazza's allegation that he is a proxy for any "Infringing Domain Names". Eliot denies that any domain names in this complaint are infringing in any way and that he is a proxy of any kind for Defendant Cox.

9. Defendant Eliot denies that he is a proxy, and is a "knowing and voluntary participant in Cox’s enterprise". Eliot has not ever been a participant in any enterprise with Cox nor do they have a business relationship. Defendant Crystal Cox is a journalist who has been covering Eliot’s stolen technology story for around 4 years now, more information can be found at [www.iviewit.tv](http://www.iviewit.tv/), hereby incorporated in entirety by reference herein.

10. Defendant Eliot denies the following, "Defendant Bernstein have used the Infringing Domain Names on the Internet. Defendant Cox registered the Infringing Domain Names in an attempt to extort money from Plaintiff Randazza or from another buyer, as evidenced by an email she sent to Mr. Randazza on or about January 16, 2012" Defendant Eliot denies ever registering or owning a domain name for the purpose of " an attempt to extort money from Plaintiff Randazza or from another buyer". This is a false allegation in which Plaintiff Randazza has falsely and maliciously, willfully and neglectfully stated to third parties for over 2 years now in regard to Defendant Eliot and Cox.

11. Defendant Eliot denies the following allegation; "Bernstein is a knowing participant in Cox’s efforts to prevent the plaintiff from testifying." Defendant Bernstein is unaware of any testifying of the Plaintiff nor of "Cox’s efforts to prevent the plaintiff from testifying.”

12. Defendant Eliot denies any commercial use of the name Randazza and denies

said domain names were used commercially or for personal or financial gain in any way.

13. Defendant Eliot denies the following; "Defendant Cox’s and Bernstein’s conduct has caused Mr. Randazza to lose control over the reputation and goodwill associated with his personal name, both for personal and business purposes, and Mr. Randazza has suffered and continues to suffer other immeasurable damages. For the harm and loss Mr. Randazza has suffered and for the harm and loss that will continue absent the intervention of this Court, Plaintiff has no adequate remedy at law. Unless Defendants are enjoined from further misuse of the Infringing Domain Names and enjoined from further use of the Randazza name and the Randazza trademarks, Plaintiffs will suffer irreparable harm because the damages sustained will be immeasurable, unpredictable, and unending. Moreover, the Lanham Act specifically provides for injunctive as requested in this circumstance. See 15 U.S.C. § 8131(2); 15 U.S.C. § 1116."

Eliot denies causing any reputation loss or suffering to Mr. Randazza who is Porn Industry attorney.

14. Defendant Eliot denies the following; "Defendants Cox and Bernstein registered the Infringing Domain Names with the specific intent to profit from its registration through extortion. (Exhibit 6). Defendant Cox offered to sell the domain names to Plaintiff Randazza in return for the purchase of her “reputation management services.” Defendants Cox and Bernstein instigated an elaborate smear campaign by purchasing several dozen domains, publishing critical rantings about Plaintiff Randazza, and engaging in link spamming in an effort to increase the appearance of her websites in search engine results when Plaintiff Randazza’s name was entered."

Defendant Eliot has never had intent to profit from the name "Randazza", nor conspired to do so in any way.

Defendant Eliot has never had the "specific intent to profit from its registration through extortion". Defendant Eliot has never been involved in "an elaborate smear campaign" regarding Randazza or anyone else.

15. Defendant Eliot denies the use of any "Infringing Domain Names" with the bad-faith intent to profit from their use". Defendant Eliot denies the following allegation, "Defendant Cox’s and Defendant Bernstein’s intent was to register the domain names incorporating Plaintiff’s full name, without his consent, with the specific intent to profit from the domains by selling them to either the Plaintiffs or a third party."

16. Defendant Eliot denies any violation of Cybersquatting – 15 U.S.C. § 1125(d)

17. Defendant Eliot denies registering and using alleged "Infringing Domain Names" and that " Cox and Bernstein have registered, trafficked in, and/or used domain names that are identical or confusing to Plaintiffs’ trademarks."

18. Defendant Eliot denies causing Plaintiffs to suffer, have monetary loss and irreparable injury to his business, reputation and goodwill, due to any actions of Defendant.

19. Defendant Eliot denies registering or using the Infringing Domain Names, trafficked in said domain names, and/or used domain names that are identical or confusing to Plaintiffs’ alleged trademarks. Defendant Eliot denies any domain name trafficking with a bad faith intent to profit from Plaintiffs’ trademarks, and to prevent Plaintiffs from registering or obtaining the Infringing Domain Names.

20. Defendant Eliot denies a violation of Right of Publicity - NRS 597.810.

21. Defendant Eliot denies having infringed on Plaintiff’s right of publicity in name and likeness.

22. Defendant Eliot denies seeking to capitalize on Plaintiff's name for his own commercial and / or financial gain.

23. Any and all allegations Defendant Eliot has not specifically denied in this complaint, Eliot now denies all those.

24. I, Eliot Bernstein have not ever engaged in extortion of Plaintiff nor anyone else.

25. I, Eliot Bernstein have never been under investigation for nor on trial for extortion.

26. I, Eliot Bernstein have never engaged in an online harassment campaign against Plaintiff nor anyway else.

27. Defendant Eliot Bernstein denies allegations of Civil Conspiracy.

**II Defenses**

28. Defendant Eliot has never engaged in illegal acts regarding Plaintiff or anyone else. Eliot has not conspired with Cox nor anyone else to harm Plaintiff in any way.

29. Defendant Eliot does not own nor control Cox’s blogs, nor does Eliot blog on Cox’s blogs, which are wholly separate from domain names, as a matter of technicality.

30. Defendant Eliot has never used Plaintiff’s alleged Trademark commercially.

31. If said domains are any violation of trademark, then Plaintiff needs to address this with Godaddy of whom sells, profits commercially from these alleged trademarks.

32. Defendant Eliot claims there is no false designation of Origin, or confusion of any kind to any reasonable reader of the alleged blogs or sites, or use of said domain names. It is pretty clear that they are gripe sites of which Cox and NOT Defendant Eliot is the author.

33. Defendant Eliot claims there is no confusion of goods and services, no commercial advertising or promotions, and no misrepresentation that would confuse a reader. It is clear that the blog author is criticizing, mocking, makaiking a parody of, reporting on, and giving opinion regarding Plaintiff.

34. Defendant Eliot alleges that Plaintiff has presented nor has an authenticated evidence to back up his allegations. Genuine issues of material fact are necessary to support Plaintiffs’ claims relating to violations of individual cyberpiracy protections under 15 U.S.C. § 8131. (Rearden LLC v. Rearden Commerce, Inc., 683 F.3d 1190, 1219 (9th Cir. 2012)

35. Defendant Eliot alleges that Plaintiff cannot prevail in this case

36. Right of Publicity NRS 597.810 does not apply to all Internet activity in all states.

37. The U.S Constitution trumps Nevada’s Right of Publicity NRS 597.810

38. Defendant Eliot alleges that this case lacks constitutional validity.

39. Defendant Eliot alleges that he has rights to those domain names in a fair marketplace of ideas, and that he has never used Plaintiff’s alleged trademark for illegal activities.

40. Defendant Eliot objects to the State of Nevada having jurisdiction over this issue and over Eliot in any way regarding any allegation in this complaint.

41. Defendant Eliot specifically invokes the First Amendment, Nevada Slapp and

Nevada Retraction Laws in his defense.

42. Plaintiff cannot prevail in this case due to the inability to prove that the specific intent to profit existed at the time of the registration of the domain names in this case, of which Defendant Eliot did not register but simply received. Bernstein had no intent to profit from Plaintiff’s alleged trademark. Plaintiff has no way to prove otherwise.

43. Defendant Eliot did own domains in good faith, as Plaintiff Randazza, with superior knowledge in the law clearly new from the public record. Now Randazza controls said domain names through an unconstitutional TRO granting Plaintiff Randazza the right to take the domain names and redirect them ALL to his hate campaign against Ms. Cox.

44. Eliot alleges, It is not a trademark infringement (Lanham Act), nor a cybersquatting infringement to gripe, review, criticize your former attorney or to warn others about it. Cox’s blogs were written by Cox and never controlled by Bernstein. Owning a domain name is not authoring, nor posting of said parody, gripe or reviews.

There is no constitutional justification or legal reasoning that would stand the test of impartial judicial process that would have deleted massive blogs, removed the internet of thousands of links, gave away domain names / intellectual property, and all to remove online speech about Marc J. Randazza, Jennifer Randazza and Randazza’s law firm Randazza Legal Group, in which offended Mr. Randazza.

This court erred in issuing a TRO without First Amendment Adjudication. There is no lawful reason for this court to have seized domain names, changed servers and redirected my domain names to a blog post on Randazza’s blog defaming, slandering and incited hate against Ms. Cox.

This court has violated Defendant Eliot’s First Amendment rights in shutting down massive online speech and intellectual property, with no first amendment adjudication, simply because it offended Mr. Randazza.

Plaintiff Randazza has presented fraudulent information to this court, in which has harmed Defendant Eliot. In the United States, when an officer of the court is found to have fraudulently presented facts to court so that the court is impaired in the impartial performance of its legal task, the act, known as "fraud upon the court", is a crime deemed so severe and fundamentally opposed to the operation of justice that it is not subject to any statute of limitation.

Officers of the court include: Lawyers, Judges, Referees, and those appointed; Guardian Ad Litem, Parenting Time Expeditors, Mediators, Rule 114 Neutrals, Evaluators, Administrators, special appointees, and any others whose influence are part of the judicial mechanism.

"Fraud upon the court" has been defined by the 7th Circuit Court of Appeals to "embrace that species of fraud which does, or attempts to, defile the court itself, or is a fraud perpetrated by officers of the court so that the judicial machinery can not perform in the usual manner its impartial task of adjudging cases that are presented for adjudication". Kenner v. C.I.R., 387 F.3d 689 (1968); 7 Moore's Federal Practice, 2d ed., p. 512, ¶ 60.23

In Bulloch v. United States, 763 F.2d 1115, 1121 (10th Cir. 1985), the court stated "Fraud upon the court is fraud which is directed to the judicial machinery itself and is not fraud between the parties or fraudulent documents, false statements or perjury. ... It is where the court or a member is corrupted or influenced or influence is attempted or where the judge has not performed his judicial function ‐‐‐ thus where the impartial functions of the court have been directly corrupted."

What effect does an act of “fraud upon the court” have upon the court proceeding? “Fraud upon the court” makes void the orders and judgments of that court.

45. The Preliminary Injunction in this Case against Defendant Eliot was improper.

If a court issues an injunction prior to adjudicating the First Amendment Protection of the speech at issue, the injunction cannot pass constitutional muster.

This court denied Defendant Eliot due process and procedure in expressly skipping the essential step of adjudicating the First Amendment protections to the speech at issue.

This court denied Defendant Eliot due process and procedure in failing to make any findings of fact or ruling of law, much less review of the blog articles and the First Amendment. Plaintiff Marc Randazza is a Public Figure. (New York Times Vs. Sullivan)

A Judicial Order that prevents free speech from occurring is unlawful. (Erwin Chemerinsky, Constitutional Law; Principles and Policies 918 (2002) (“The Clearest definition of prior restraint is.. a judicial order that prevents speech from occurring:).

Prior Restraints are “the most serious and least tolerable infringement on First Amendment Rights.” Neb. Press Ass’n v. Stewart, 427 U.S. 539, 559 (1976). There is a “deep-seated American hostility to prior restraint” Id at 589 (Brennan, J. concurring).

Injunctive relief to prevent actual or threatened damage is heavily disfavored because it interferes with the First Amendment and amounts to censorship prior to a judicial determination of the lawlessness of speech. See Moore v. City Dry Cleaners & Laundry, 41 So. 2d 865, 872 (Fla. 1949). “The special vice of prior restraint,” the Supreme Court held, “is that communication will be suppressed... before an adequate determination that it is unprotected by the First Amendment”. Pittsburgh Press Co v. Pittsburg Comm’n on Human Relations, 413 U.S. 376, 390 (1973). Also se Fort Wayn Books Inc. v Indiana, 489 U.S. 46, 66 (1989); M.I.C., Ltd v Bedford Township, 463 U.S. 1341, 11343 (1983.)

In this case, the Nevada Court has skipped the step of adjudicating the First Amendment protection relevant to the speech at issue. Prior Restraints are Unconstitutional.

Also see Post-Newswek Stations Orlando, Inc. v. Guetzlo.

“RKA sought extraordinary relief in the form of prior restraint to enjoin .. . This relief is not recognized in this State, nor anywhere else in the Country. In addition to ignoring the First Amendment Rights and almost a century’s worth of common law, the .. court ignored virtually all procedural requirements for the issue of a preliminary injunction.” Page 5 Paragraph ii of Opening Brief Appellate Case No. 3D12-3189, Irina Chevaldina Appellant vs. R.K./FI Management Inc.;et.al., Appellees. Attorney for Appellant Marc J. Randazza Florida Bar No. 325566, Randazza Legal Group Miami Florida.

46.) Defendant Eliot alleges that Plaintiff Randazza has no common law trademark in his name. Assuming Randazza could show a common law trademark in his name, he has not and cannot demonstrate that Defendant Eliot acted with bad-faith intent and with intent to profit from that alleged trademark.

To determine whether Defendant Eliot acted in bad faith, the Court must consider these nine nonexclusive factors outlined in § 1125(d)(1)(b):

(1) the trademark or intellectual property rights of the defendants in the domain name;

(2) the extent to which the domain name is the legal name of a person,

(3) defendant’s prior use of the domain name in connection with a bona fide offering of goods and services,

(4) whether the defendant made a bona fide noncommercial fair use of the domain name,

(5) defendant’s intent to divert consumers from the mark owner’s online location to a site accessible under the domain name that could harm the goodwill represented by the mark, either for commercial gain or with the intent to tarnish or disparage the mark, by creating a likelihood of confusion as to the source, sponsorship, affiliation, or endorsement of the site,

(6) whether the defendant offered to transfer, sell, or otherwise assign the domain name to the mark owner or any third party for financial gain without having used, or having an intent to use, the domain name,

(7) whether the defendant provided false contact information when registering the domain name,

(8) whether the defendant registered multiple domain names which defendant knew were identical to or confusingly similar to marks of others that are distinctive at the time of registration of such domain names, and

(9) the extent to which the trademark incorporated into the domain name is distinctive.

(Bhan v. NME Hosps., Inc., 929 F.2d 1404, 1409 (9th Cir. 1991); Anderson, 477 U.S. at 28

248-49.)

47. Defendant Eliot alleges that there is no material facts to support the alleged violations of Right of Publicity under NRS § 597.810. Eliot did not use Plaintiff’s alleged mark commercially. Nor did Eliot intend to profit, to advertise, sell, or solicit the purchase of any product, merchandise, goods, or service from said domain names.

48. Plaintiffs have offered no admissible evidence that tends to show any commercial use of the their names, nor can they.

49. Registering or owning domain names that contain part of or the entirety of the Randazza’s personal name is not a violation of their common law rights of publicity.

“Nevada has codified the right of publicity tort.” Because “[t]he statute provides a complete and exclusive remedy for right of publicity torts,” Nevada law does not recognize a

common law right of publicity. As Nevada law does not recognize this cause of action. (People for Ethical Treatment of Animals v. Bobby Berosini, Ltd., 895 P.2d 1269, 1285 (9th

Cir. 1995). AND (Omar v. Sea-Land Serv., Inc., 813 F.2d 986, 991 (9th Cir. 1987) (citing Wong v. Bell, 642 42 F.2d 359, 362 (9th Cir. 1981) (holding that a district court may dismiss claims sua sponte pursuant to Rule 12(b)(6), without notice, where a claimant could not possibly win relief.)

50. There are no material facts to support a claim of common law intrusion upon seclusion. Defendants’ registration of five of the domain names containing the entirety or part of their names amounted to a common law intrusion upon seclusion. To recover for the tort of intrusion, a plaintiff must prove that there was an intentional intrusion (physical or otherwise) on his seclusion that would be highly offensive to a reasonable person. (Berosini, 895 P.2d at 1279.)

“[T]o have an interest in seclusion or solitude which the law will protect, a plaintiff must 43

show that he or she had an actual expectation of seclusion or solitude and that that expectation was objectively reasonable.” Generally, there is a decreased expectation of privacy in the workplace and for individuals who have interjected themselves into the public sphere. (Omar v. Sea-Land Serv., Inc., - Id. at 1281 n.20)

Plaintiff have failed to show by admissible evidence that the mere registration of a domain name would be highly offensive to a reasonable person, and Plaintiff Randazza has failed to show that registering the domain names, coupled with the comments contained in the two admissible blog posts, would be highly offensive to the reasonable person as a matter of law.

Plaintiff Marc Randazza has a decreased expectation of privacy in his workplace. By his own

characterization, he is an attorney “renowned through the United States and the world for expertise in First Amendment, intellectual property, and Internet law.

By talking about his experience and the clients he represents, Mr. Randazza invites comments on his work as an attorney and criticism from those who oppose the positions of his clients. Randazza may be perceived to have interjected himself into the public sphere by making television and radio guest appearances, giving quotes and interviews in newspapers, magazines, and other publications, appearing at speaking engagements, and having an ABA-recognized Top blog website, all as reflected on his resume.

Considering his intentional and deliberate professional exposure and interjection into the public sphere and the accompanying decrease in his privacy interests, he has not demonstrated as a matter of law that he had an actual or reasonable expectation that he would not be criticized based on his work as a Pornography Industry attorney or that he would not be thought about unfavorably by people in opposition to his work.

51. Defendant Eliot alleges that Plaintiff cannot state a valid claim of conspiracy regarding "Bernstein and Cox colluded to register the domain names containing the entirety or part of the Randazzas’ names to violate their rights." As to state a valid claim for civil conspiracy, a plaintiff must show: (1) defendants, by acting in concert, intended to accomplish an unlawful objective for the purpose of harming the plaintiff; and (2) the plaintiff sustained damages as a result. “A civil conspiracy claim operates to extend, beyond the active wrongdoer, liability in tort to actors who have merely assisted, encouraged or planned the wrongdoer’s acts.”

(Hilton Hotels Corp. v. Butch Lewis Prods., Inc., 862 P.2d 1207, 1210 (Nev. 1993) (citing 52

Collins v. Union Fed. Savings & Loan, 662 P.2d 610, 622 (Nev. 1983)).

(Flowers v. Carville, 266 F. Supp. 2d 1245, 1249 (D. Nev. 2003) (quoting 16 Am.Jur. 2D 53

Conspiracy § 57 (1998)).

52. Cox and Eliot have never been business partners.

53. Plaintiff Randazza was not entitled, as a matter of law to the domain names with words such as "sucks" or "fuck" due to the obvious clarity that they are commentary and gripe sites. Yet this court wiped out search engine ranking and redirected those domain names to a hateful, defamatory blog post on Randazza's blog defaming Ms. Cox. The court erred in this unconstitutional TRO.

"SUCKS.COM" CASES UNDER THE LANHAM ACT

To date, there have been two "sucks.com" cases decided under the Lanham Act. It is very unlikely that there will be any more.

In Bally Total Fitness Holding Corp. v. Faber,14 Bally brought a trademark infringement and dilution suit against Faber after Faber created and registered a website called www.compupix.com/ballysucks. This site, which no longer exists, was dedicated to complaints about Bally. The case was resolved before the ACPA was enacted.

The court immediately concluded that there was no likelihood of confusion between Bally and Ballysucks.com because they are not "related goods" and dismissed the infringement claim.

Although the court dismissed the infringement claim, it still discussed how the case would come out under the most common likelihood of confusion test, found in AMF Inc. v. Sleekcraft Boats.15 The court most likely did this because this was the first case of its kind and the court wanted to establish some official position on the matter.

The Sleekcraft test uses eight factors to determine whether a defendant’s use of a plaintiff’s trademark creates a likelihood of confusion. The factors are:

Strength of the mark

Proximity of the goods

Similarity of the marks

Evidence of confusion

Marketing channels used

Type of goods and the degree of care likely to be exercised by the purchaser

Defendant’s intent in selecting the mark

Likelihood of expansion of the product lines

The court found that Bally has strong marks, as evidenced by the amount of money spent on advertising and the fact that no other health club company uses the Bally mark. This factor came out in favor of Bally.

The court found that the similarity of marks factor leaned in favor of Faber. Bally argued that the marks are identical or that adding "sucks" on the end of "Bally" is a minor change. The court found that "sucks" is such a loaded and negative word that the attachment of it to another word cannot be considered a minor change.

Bally asserted that the goods were in close proximity because both used the Internet and because it had a complaint section on its own website. The court found, however, that the sites did not compete, even though they were both on the Internet. This is because Bally’s is a commercial site while Faber’s site is for the purpose of consumer commentary. The factor leaned in favor of Faber.

Bally presented no evidence of actual confusion. Bally argued that the confusion would be patently obvious due to the similarity of the marks. The court, however, found that a reasonably prudent user would not mistake Faber’s site and the official Bally’s site.

This factor leaned in favor of Faber.

Bally argued that the marketing channels used, namely the Internet, were identical. The court found that the overlap of marketing channels was irrelevant because Faber’s site was not a commercial use of the mark. This factor was neutral or slightly in favor of Faber.

Bally argues that an Internet user may accidentally access Faber’s site when searching for Bally’s site on the web. The court dismissed this because Faber does not actually use Bally’s trademark. It further points out that an Internet user searching with a search engine may want all the information available on Bally’s and is entitled to more than Bally’s own site. This factor leaned in favor of Faber.

The court found, and Bally agreed to some extent, that in the context of consumer commentary, Faber was entitled to use Bally’s mark. In fact, he had to use Bally’s mark in some way to identify what he was criticizing. This factor was neutral.

Bally conceded that there was no likelihood of the two parties expanding into each other’s lines of business. For this reason, the last factor leaned in favor of Faber.

In concluding its discussion of likelihood of confusion, the court stated that "applying Bally’s argument would extend trademark protection to eclipse First Amendment rights. The courts, however, have rejected this approach by holding that trademark rights may be limited by First Amendment concerns."

Under the dilution claim, Bally argued that there was dilution by tarnishment because Faber also had pornographic websites linked from the compupix.com site.

The court found that Faber had engaged in no commercial use of the Bally name due to the nature of the website. The court also concluded that there was no tarnishment. In so deciding, the court said that if tarnishment existed in this case, "it would be an impossible task to determine dilution on the Internet."

The court went on to point out that to include "linked sites as grounds for finding commercial use or dilution would extend the statute far beyond its intended purpose of protecting trademark owners from use that have the effect of ‘lessening. . . the capacity of a famous mark to identify and distinguish goods or services.’"

For these reasons, the court ruled in favor of Faber.

In the other "sucks.com" Lanham Act, Lucent Technologies, Inc. v. Lucentsucks.com,21 the court did not get beyond the jurisdictional issues to reach the merits. However, the court acknowledged in dicta that had the case reached the merits, the court probably would have reached a decision similar the one reached in Bally.

**III. Relief**

53. Defendant Eliot prays this court rules that Plaintiff is not entitled to any relief, as a matter of law and awards damages sought in Eliot’s Counter Claim.

COUNTER-CLAIM

COUNTER DEFENDANTS

PARTIES

JURISDICTION

Cause of Action

1.) Defamation / Libel / Slander

1332 Diversity-Libel, Assault, Slander /

320 Assault, Libel, and Slander

2.) RICO / **RICO US Code Title 18, USAM 9-110.000 Organized Crime and Racketeering Violations of RICO, 18 U.S.C. 1962(c)), and Conspiracy to Violate RICO, Violation of 18 U.S.C. 1962 (d))**

3.) Civil Conspiracy /  **Title 18, U.S.C., Section 241 - Conspiracy Against Rights, Title 18, U.S.C., Section 242 - Deprivation of Rights Under Color of Law, Title 18, U.S.C., Section 245 - Federally Protected Activities, Provisions against Conspiracies to Interfere with Civil Rights (42 U.S.C. § 1985), Section 241 of Title 18 is the civil rights conspiracy statute, Conspiracy Against Rights, 18 U.S.C. § 241. Section 241 of Title 18**

4.) Malpractice

5.) Abuse of Process

6.) Harassment / **47 USC § 223 - Obscene or harassing telephone calls in the District of Columbia or in interstate or foreign communications, ALL Anti-discrimination laws, all laws relating that prohibit harassment against individuals in retaliation...**

7.) Duty of Care / Breach of Duty

8.)  **Violation of Anti-Trust Violations / Fair Trade Violations Fair Competition Act (FCA), The Federal Sherman Antitrust Act (1890), Antitrust Policy and Competition Law**

9.)  **Violation of First Amendment Right, Constitutional Rights, Freedom of Expression, Article 19 of the Universal Declaration of Human Rights, Bill of Rights 1689, First Amendment Adjudication Laws and Constitutional Rights,**

**10.) Violation of Due Process /Denial of Due Process, International Covenant on Civil and Political Rights (ICCPR). Article 19 of the ICCPR) and a Violation of our Civil Rights, Due Process Rights, and ALL State and Federal Due Process Laws Applicable**

**11. ) Retraction Laws, Nevada Retraction Laws, NRS §41.336(2). NRS §41.337. and ALL Nevada Retraction Laws**

**12.) Whistleblower Retaliation. Whistleblower Retaliation Protections Laws, Whistleblower Protection Act, Whistleblower Protection Enhancement Act was introduced in 2009, all Federal and State Whistle Blower Retaliation Laws.**

**13.) False Claims Act (31 U.S.C. §§ 3729–3733,**

**14.) Consumer Protection Act, Deceptive Trade Practices and Consumer Protection Act.**

For his complaint against Counter Defendant / Plaintiff Randazza, hereafter “Randazza”, Defendant / Counter Plaintiff Eliot Bernstein, hereafter “Eliot” or “Bernstein” alleges the following, upon knowledge and belief;

**Backstory**

1.) **On Nov. 29th, 2011** Cox had a one day trial in Portland OR for high profile First Amendment case Obsidian V. Cox (CV 11-0057 HA). Cox lost at Trial, and Plaintiff was awarded a $2.5 million judgement against Cox.

Eliot had been following Cox’s case as she had been reporting on his stolen Patent regarding iViewit for over 3 years at that time. Eliot had never heard of Randazza until he noticed Cox blogging about him.

2.) On or around April 27th 2012, when Document 127 of Obsidian v. Cox was filed titled “Motion to Appoint Receiver and Requiring Turnover of Assets”. The motions, declarations and filings regarding this issue is when Marc Randazza first started affecting Defendant Eliot’s life in an adverse way.

It is alleged that Randazza is involved in a “shakedown” of clients on both sides of the Righthaven cases, and alleged that he has acted in conspiracy with the Nevada Courts and Nevada Receivers to carry this out.

In this case Judge Gloria M. Navarro who worked with Randazza, or was the Judge in the Righthaven cases as in the freezing of accounts and enforcing attorneys paid in the Righthaven case and in conspiracy with Receiver Lara Pearson.

Defendant Marc J. Randazza has acted in alleged Criminal and Civil Conspiracy with Tonkon Torp Law Firm and Las Vegas Attorney Lara Pearson to be the forced “Receiver” in Obsidian V. Cox. Defendant Marc J. Randazza in alleged Criminal and Civil Conspiracy with Judge Gloria M. Navarro acted to work with Defendant Marc J. Randazza in wiping out massive online content of Plaintiff Crystal L. Cox, Plaintiff, Investigative Blogger.

Upon my knowledge and belief, In the Summer of 2012, Defendant Marc J. Randazza, conspired with Defendant David S. Aman, in an attempt to seize what they deemed to be my assets, and Defendant Marc J. Randazza, recommended an attorney, Lara Pearson, to be the “Receiver” who had helped him in the Righthaven Receivership in his Las Vegas Case against Righthaven, whereby Defendant Judge Gloria M. Navarro had frozen accounts to make sure that Defendant Marc J. Randazza got paid. The Obsidian Court Docket shows that Lara Pearson was requested from a Portland Oregon Attorney, David S. Aman to be a Receiver in the Alleged Assets of Plaintiff Crystal Cox.

3.) That on or around July of 2012, Ronald Green, former Greenberg Traurig attorney moved to Randaza Legal Firm. Green had also been in several cases where Judge Navarro Ruled in his favor. Navaro even ruled that Randazza Legal Group be awarded attorney fees in a case where RLG offered to be Pro Bono. Judge Navarro has a history, it seems, in helping RLG to succeed and make money. That Eliot is pursuing Greenberg Traurig in his ongoing RICO and ANTITRUST Lawsuit in the Southern District of New York, Case #\_\_\_\_\_\_\_\_\_\_\_ under Hon. Judge Shira A. Scheindlin, that is legally related by Scheindlin to a Supreme Court of New York Attorney Disciplinary Expert, Christine C. Anderson’s riveting Whistleblower Lawsuit, Case #\_\_\_\_\_\_\_\_\_\_\_\_[[2]](#footnote-2).

That while the RICO and ANTITRUST Lawsuit has been dismissed, due to new and shocking evidence of ATTTORNEY AT LAW and DISCIPLINARY DEPARTMENT CORRUPTIONS TO OBSTRUCT JUSTICE in the Anderson and Related Cases, the cases will be appealed soon based on the Fraud on the Court that occured to deny due process and obstruct justice futher against Eliot et al.

That the following news articles describe more in detail the circumstances surroundign the Fraud on the Court and other criminal misconduct by Attorneys at Law and those that are supposed to regulate and discipline them.

**Breaking News posted at** [**www.iviewit.tv**](http://www.iviewit.tv) **where nooses are always free.**

**INDICTMENTS COMING! US Senator John Sampson Former Head of the New York Democratic Party and Chairman of the New York Senate Judiciary Committee was Threatened & Bribed to Cover Up NY & Federal GOVERNMENT AND COURT Corruption!!**

UPDATE - INDICTMENTS COMING : Breaking News: NY Supreme Court Ethics Oversight Bosses Alleged MISUSE of Joint Terrorism Task Force Resources & Funds & Violations of Patriot Acts Against Civilian Targets for Personal Gain…

US Senator John Sampson Threatened & Bribed to Cover Up NY & Federal Corruption!!

<http://www.free-press-release.com/news-iviewit-breaking-indictments-coming-us-senator-john-sampson-threatened-bribed-to-cover-up-ny-federal-corruption-1369140092.html>

and

<http://exposecorruptcourts.blogspot.com/2013/05/insider-says-ny-state-officials-briefed.html>

------------------------------------------------------------------------------

Wednesday, May 15, 2013

Expose Corrupt Courts

**Insider Says NY State Officials Briefed on Judicial Corruption Indictments**

BREAKING NEWS: A New York State Court administrative insider says that top state officials have been briefed by the feds on pending federal corruption indictments that will include New York state court employees....

And late this morning, a Washington, D.C. source confirmed the information, adding that the target of one federal corruption indictment will include at least one sitting New York State judge and other individuals - all with ties to major banks.......

<http://exposecorruptcourts.blogspot.com/2013/05/insider-says-ny-state-officials-briefed.html>

------------------------------------------------------------------------------

**UPDATE: SENATOR JOHN SAMPSON, FORMER NEW YORK SENATE JUDICIARY CHAIR THREATENED AND BRIBED TO COVER UP OFFICIAL CORRUPTION**

FRIDAY, MAY 17, 2013

Washington, D.C. Insider Says Senator John Sampson Covered-Up Court Corruption

BREAKING NEWS: Washington, D.C. insider says NYS Senator John Sampson covered-up evidence of widespread corruption in New York Surrogate's Courts.

Source says Sampson was first threatened, but then successfully bribed, to bury evidence involving countless state and federal crimes involving billions of dollars.

Syracuse, Rochester, Albany, White Plains, Brooklyn and Manhattan Surrogate's Courts are said to top the list of areas involved.

It was revealed on Wednesday that a New York State Court administrative insider said that top state officials had been briefed by the feds on pending federal corruption indictments that would include employees of New York's Office of Court Administration (a/ka/ "OCA"). Most court employees, including judges, are employed by OCA.

It was further confirmed by the Washington, D.C. source that judges, with ties to banks, would be among those charged.

<http://ethicsgate.blogspot.com/2013/05/washington-dc-insider-says-senator-john.html>

------------------------------------------------------------------------------

**Iviewit Breaking News: NY Supreme Court Ethics Oversight Bosses Alleged MISUSE of Joint Terrorism Task Force Resources & Funds & Violations of Patriot Acts Against Civilian Targets for Personal Gain..**

May 14,2013

See Full Story at:

<http://www.free-press-release.com/news-iviewit-breaking-news-ny-supreme-court-ethics-oversight-bosses-alleged-misuse-of-joint-terrorism-task-force-resources-funds-violations-of-patriot-1368533731.html>

and

<http://ethicsgate.blogspot.com/2013/04/formal-complaint-filed-against-nys.html>

------------------------------------------------------------------------------

**FORMAL COMPLAINT FILED AGAINST NYS EMPLOYEES FOR ILLEGAL WIRETAPPING...THE WIDESPREAD ILLEGAL WIRETAPPING INCLUDED TARGETED NEW YORK STATE JUDGES AND ATTORNEYS.....**

<http://ethicsgate.blogspot.com/2013/04/formal-complaint-filed-against-nys.html>

SELECT QUOTES FROM THAT NEWS STORY

April 3, 2013

Robert Moossy, Jr.,

Section Chief

Criminal Section, Civil Rights Division

US Department of Justice

950 Pennsylvania Avenue, NW

Washington, D.C. 20530

RE: FORMAL COMPLAINT AGAINST NEW YORK STATE EMPLOYEES INVOLVING CONSTITUTIONAL VIOLATIONS, INCLUDING WIDESPREAD ILLEGAL WIRETAPPING

Dear Mr. Moossy,

At some point in time shortly after 9/11, and by methods not addressed here, these individuals improperly utilized access to, and devices of, the lawful operations of the Joint Terrorism Task Force (the JTTF). These individuals completely violated the provisions of FISA, ECPA and the Patriot Act for their own personal and political agendas. Specifically, these NY state employees essentially commenced black bag operations, including illegal wiretapping, against whomever they chose- and without legitimate or lawful purpose.

This complaint concerns the illegal use and abuse of such lawful operations for personal and political gain, and all such activity while acting under the color of law. This un-checked access to highly-skilled operatives found undeserving protection for some connected wrong-doers, and the complete destruction of others- on a whim, including the pre-prosecution priming of falsehoods (set-ups). The aftermath of such abuse for such an extended period of time is staggering.

It is believed that most of the 1.5 million-plus items in evidence now under seal in Federal District Court for the Eastern District of New York, case #09cr405 (EDNY) supports the fact, over a ten-year-plus period of time, of the illegal wiretapping of New York State judges, attorneys, and related targets, as directed by state employees.

One sworn affidavit, by an attorney, confirms the various illegal activity of Manhattan's attorney ethics committee, the Departmental Disciplinary Committee (the DDC), which includes allowing cover law firm operations to engage in the practice of law without a law license. Specifically, evidence (attorney affidavits, etc.) supports the claim that Naomi Goldstein, and other DDC employees supervised the protection of the unlicensed practice of law. The evidence also shows that Ms. Goldstein knowingly permitted the unlicensed practice of law, over a five-year-plus period of time, for the purpose of gaining access to, and information from, hundreds of litigants.

Evidence also supports the widespread illegal use of black bag operations by the NYS employees for a wide-range of objectives: to target or protect a certain judge or attorney, to set-up anyone who had been deemed to be a target, or to simply achieve a certain goal. The illegal activity is believed to not only have involved attorneys and judges throughout all of the New York State, including all 4 court-designated ethics departments, but also in matters beyond the borders of New York.

The set-up of numerous individuals for an alleged plot to bomb a Riverdale, NY Synagogue. These individuals are currently incarcerated. The trial judge, U.S. District Court Judge Colleen McMahon, who publicly expressed concerns over the case, saying, I have never heard anything like the facts of this case. I don't think any other judge has ever heard anything like the facts of this case. (2nd Circuit 11cr2763).

The concerted effort to fix numerous cases where confirmed associates of organized crime had made physical threats upon litigants and/or witnesses, and/or had financial interests in the outcome of certain court cases.

The judicial and attorney protection/operations, to gain control, of the $250 million-plus Thomas Carvel estate matters, and the pre-prosecution priming of the $150 million-plus Brooke Astor estate.

The wire-tapping and ISP capture, etc., of DDC attorney, Christine C. Anderson, who had filed a lawsuit after being assaulted by a supervisor, Sherry Cohen, and after complaining that certain evidence in ethics case files had been improperly destroyed. (See SDNY case #07cv9599 - Hon. Shira A. Scheindlin, U.S.D.J.)

The eToys litigation and bankruptcy, and associates of Marc Dreir, involving over $500 million and the protection by the DDC of certain attorneys, one who was found to have lied to a federal judge over 15 times.

The set-up and chilling of effective legal counsel of a disabled woman by a powerful CEO and his law firms, resulting in her having no contact with her children for over 6 years.

The wrongful detention for 4 years, prompted by influential NY law firms, of an early whistleblower of the massive Wall Street financial irregularities involving Bear Sterns and where protected attorney-client conversations were recorded and distributed.

The blocking of attorney accountability in the $1.25 billion Swiss Bank Holocaust Survivor settlement where one involved NY admitted attorney was ultimately disbarred- in New Jersey. Only then, and after 10 years, did the DDC follow with disbarment. Gizella Weisshaus v. Fagan.

------------------------------------------------------------------------------

**NY Supreme Court Bosses Illegally Wiretapping Judges Chambers & Homes. Christine Anderson Whistleblower illegally targeted for 24/7/365 surveillance in related case to Iviewit Eliot Bernstein RICO...**

FOR IMMEDIATE RELEASE

(Free-Press-Release.com) May 14, 2013 -- According to news reports, yes, the heads of the NY Supreme Court Ethics Department have been accused of derailing Justice by targeting victims and misusing Government Resources against private citizens with no other motive then Obstruction of Justice in court and regulatory actions against them or their cronies.

World Renowned Inventor Eliot Bernstein files NEW RICO RELATED CRIMINAL ALLEGATIONS against Law Firms Proskauer Rose, Foley & Lardner, Greenberg Traurig and more. Allegations that Bernstein was a target of these criminals cloaked as ATTORNEY AT LAW ETHICS BOSSES at the NY Supreme Court were presented to Federal Judge Shira A. Scheindlin. **That evidence was presented that Bernstein's father may have been a target and murdered for his efforts to notify the authorities and more!!!**

READ ALL ABOUT IT @

<http://www.iviewit.tv/CompanyDocs/United%20States%20District%20Court%20Southern%20District%20NY/20130512%20FINAL%20Motion%20to%20Rehear%20and%20Reopen%20Obstruction%20of%20Justice165555%20WITH%20EXHIBITS.pdf>

PREVIOUS PRESS RELEASES RELATING TO JUDGES ILLEGALLY WIRETAPPED

That on Tuesday, February 19, 2013, ECC released the story,

**ETHICSGATE UPDATE FAXED TO EVERY U.S. SENATOR THE ULTIMATE VIOLATION OF TRUST IS THE CORRUPTION OF ETHICS OVERSIGHT EXCLUSIVE UPDATE:**

<http://exposecorruptcourts.blogspot.com/2013/02/ethicsgate-update-faxed-to-every-us.html>

---

**IVIEWIT LETTER TO US DOJ OFFICE OF INSPECTOR GENERAL MICHAEL E. HOROWITZ**

<http://www.iviewit.tv/CompanyDocs/United%20States%20District%20Court%20Southern%20District%20NY/20130520%20FINAL%20Michael%20Horowitz%20Inspector%20General%20Department%20of%20Justice%20SIGNED%20PRINTED%20EMAIL.pdf>

**IVIEWIT RICO MOTION FOR CLARIFICATION:**

<http://www.iviewit.tv/CompanyDocs/United%20States%20District%20Court%20Southern%20District%20NY/20130513%20FINAL%20Motion%20for%20Clarification%20of%20Order174604%20WITH%20NO%20EXHIBITS.pdf>

Investigative Blogger Crystal Cox Sues Forbes and the New York Times for Defamation. March 6, 2013

<http://www.free-press-release.com/news-investigative-blogger-crystal-cox-sues-forbes-and-the-new-york-times-for-defamation-1362547010.html>

**COURT CASES OF INTEREST**

COX VS. RANDAZZA, ET AL. “ NEVADA RICO CASE NO. 2:13-CV-00297-JCM-VCF CHANGED TO 2:13-CV-00297 JCM (NJK) CHANGED TO 2:13-CV-00297 MMD-VCF

OBSIDIAN FINANCE GROUP, LLC ET AL. V. COX CASE NO. 3:11-CV-00057-HZ (Famed First Amendment Rights Attorney at Law and Professor, Eugene Volokh, Esq., Professor at UCLA School of Law is representing Cox on Appeal)

In this case Judge Navarro issued an unconstitutional TRO to aid Randazza in suppressing speech and shutting down blogs that had taken over the top ten search. Judge Navarro, acting outside of UDRP policy allowed Randazza to have the domains in this case and to have server access, where Randazza redirected all domains to one blog post on his legal blog defaming, slandering and painting Defendant Cox and Eliot in false light, with actual malice as he knew the truth, having been Cox’s former attorney.

The Judicial Order that took Bernstein’s blog’s

<http://www.popehat.com/wp-content/uploads/2014/01/Randazza-D-NV-TRO.pdf>

Judge Gloria Navarro GRANTED a Preliminary Injunction to Plaintiff ViaView, Inc., and ruled, regarding a list of domain names WANTED by the PLAINTIFF, "shall be immediately locked by the Registrar and/or its successor registrars and transferred to Plaintiff ViaView, Inc" just as in this case.

http://bv.1110.cds.contentcolo.net/uploads/files/TRO\_Chanson.pdf

It is not standard of practice in the domain name industry for a PLAINTIFF to simply say, hey I want your website down, I want you to Shut up and STOP competing with me so I will SIMPLY sue you, and get a JUDGE to give me the " extraordinary remedy" of "Preliminary Injunction" and just shut you down, FORCEFULLY by Court order, oh and make you pay my attorney fees to do it.

That would mean that anyone at any time can sue who ever they want, and then get a JUDGE like, Judge Gloria Navarro of the District of Nevada, to grant them a "Preliminary Injunction" and VOILA the competition is SHUT DOWN, Gone, Erased, in an instant and before due process of law, before Trademark Rights are Proven and Before First Amendment Adjudication. This is an unlawful, unconstitutional measure to wipe out competing blogs and websites, and Eliot believes is also an Anti-Trust Violation.

It is not Standard of Practice, or lawful for ANYONE to simply say **Hey, your bugging me** with **your online speech about me or my company,** so I want your sites, and then have a JUDGE simply shut the sites down, change servers and transfer domain ownership, without due process of law. **Your life's work, money, time, quality of life all in the hands of ONE JUDGE destroyed.**

If JUDGES can do this then you are all DOOMED and may as well quit online business and marketing right now. If a Judge, such as Judge Gloria Navarro of the District of Nevada, can take your business, your revenue, your online presence, your intellectual property and simply wipe it out for an unspecified amount of time until a case is litigated, then SOMETHING is very wrong, and this needs to be looked at by Special Investigators.

The Preliminary Injunction in ViaView, Inc., Plaintiff v. BLUE MIST MEDIA; ERIC S. CHANSON; KEVIN C. BOLLAERT; CODY ALVIAR; ROY E. CHANSON; and AMY L. CHANSON and the Preliminary Injunction in Randazza V. Cox, are Unconstitutional, as RANDAZZA himself argued in this case

<http://www.docstoc.com/docs/141369776/State-of-Nevada-Case-212-cv-02040-GMN-PAL-in-Connection-to-Irina-Chevaldina-Appellant-Appellate-Case-No-3D12-3189>

4.) There is no reason for a Portland Oregon Attorney, David Aman of Tonkon Torp Law Firm to have called in Lara Pearson of the law firm Rimon P.C., as the Obsidian Docket clearly states, as a Receiver to seize the alleged assets of Crystal Cox. Thereby further attacking, harassing and defaming Eliot and adding Eliot to the Obsidian Case, as a Defendant, 6 months after the Obsidian Trial was over and Cox was well into her appeal.

Randazza, Cox’s former attorney, used privileged information given to him by Cox, when he represented Cox to harm Eliot whom Randazza knew was one of the inventors of Intellectual Properties, in which Randazza’s Pronography Clients clients make billions a year infringing on Eliot Intellectual Properties, which without there would be no quality Internet Video for them to stream and profit from.

That these acts to harm Eliot may construed further RICO and ANTITRUST related crimes as posited in the Schiendlin lawsuit, again committed against Eliot by Attorneys at Law. It should be noted that virtually all the crimes alleged against Eliot were committed by Attorneys as Law, starting with a failed attempt initially by Proskauer Rose law firm, Foley & Lardner law firm, Attorney at Law Kenneth Rubenstein, Attorney at Law Raymond Anthony Joao, Attorney at Law Christopher Wheeler and Attorney at Law Albert Gortz, who attempted to convert Eliot’s Intellectual Properties to themselves and others through a series of Fraudulent Intellectual Property applications filed as part of a Fraud on the US Patent Office, which has led to Eliot’s Intellectual Properties being suspended by the Commissioner of Patents, after investigations were begun by former US Patent Office Director of Enrollment and Discipline, Harry I. Moatz, who began investigations with the Federal Bureau of Investigation agent Stephen Luchessi of the West Palm Beach division.

That subsequent criminal acts alleged against these Attorneys at Law and others, including Judges and other high ranking public officials in prosecutorial offices and public offices, involve their attempts to misuse legal process to deny Eliot due process and procedure and Obstruct his rights to his royalties through one after another Fraud on Courts and others.

Domains are not assets to Eliot, they are liabilities, as you have to pay every year to keep them, you don’t own them, you rent them.

"A judge has authorized a receiver to auction the intellectual property of Las Vegas-based Righthaven LLC, the newspaper copyright infringement lawsuit filer. The auction is aimed at raising money to cover part of Righthaven’s $63,720 debt to a man who defeated Righthaven in court. "

"The court-appointed receiver in the Hoehn case, Lara Pearson of the law firm Rimon P.C., in the meantime, arranged for Righthaven’s website domain name to be auctioned beginning today by SnapNames.com.

With a minimum initial required bid of $100, by midmorning Monday the auction had attracted two bids that pushed the price up to $300. The bidding will continue through Jan. 6 at 12:15 p.m. PST."

"One of Hoehn’s attorneys, Marc Randazza, on Monday noted the irony of Righthaven’s lawsuits in which it demanded alleged copyright infringers turn their website domain names over to Righthaven and the company now seeing its domain name auctioned.

“Righthaven went after hundreds of defendants in copyright cases. Often, the defendants were innocent and engaged in fair use. In all cases where a court has been asked, they found that Righthaven had no right to bring the suit in the first place. In all of their cases, Righthaven asked the court to award them not only money, but the defendant’s domain name,” Randazza noted in a blog post. “After losing a case to my client, Wayne Hoehn, Righthaven is at least $63,000 in debt to him. They refuse to pay. Now their domain name is up for auction to the highest bidder.”

Source of The Above Quote

<http://www.vegasinc.com/news/2011/dec/26/auction-righthaven-website-domain-name-under-way/>

**5.) "Righthaven Wrangles Over Legal Fees; Hit with New Charges, 'Just a Gang of Con Artists'"**

New developments occurred this week in the [ongoing dispute of attorney's fees](http://righthavenvictims.blogspot.com/2011/07/righthaven-ordered-to-pay-attorneys.html) in the case against former defendant Michael Leon. On July 5, [U.S. District Judge Gloria Navarro's ordered Righthaven](http://www.scribd.com/doc/59404506/Ordered-to-Pay-Attorney-s-Fees-Righthaven-v-Michael-Leon) to pay attorney Malcolm DeVoy and Randazza Legal Group $3,815 for representing Leon on a pro bono basis. Righthaven allegedly balked at the order, so on Saturday the Randazza firm asked for an[injunction against Righthaven](http://www.vegasinc.com/news/2011/jul/09/attorneys-seek-fee-injunction-against-righthaven/), freezing $3,815 of its assets to ensure payment. On Tuesday, Righthaven responded by asking Navarro to [temporarily stay judgment of the fee award](http://www.vegasinc.com/news/2011/jul/12/righthaven-litigating-over-defendants-fees-hit-new/).

Source of Above QUOTE

<http://www.righthavenvictims.com/2011/07/righthaven-wrangles-over-legal-fees-hit.html>

6.)  **Jerry Falwell Lost the Right to JerryFalwell.com**

<http://www.internetparodies.org/FalwellDecision.pdf>

"making "a legitimate noncommercial or fair use of the domain name, without intent for

commercial gain to misleadingly divert consumers or to tarnish the trademark . . . at issue." Policy, paragraph 4(c)(iii). **The fact that the trademark is used in the domain name does not in and of itself defeat the legitimate noncommercial fair use of the trademark in question.**

**Bruce Springsteen v. Jeff Burgar** and Bruce Springsteen Club, WIPO Case No. D2000-1532 (January 25, 2001). Nor does initial interest confusion affect the legitimate noncommercial fair use of the trademark. See, e.g., Strick Corp. v. Strickland, 162 F. Supp. 2d 372, 377 (E.D. Pa. 2001). The dissenting panelist takes the view that the intended impersonation of another can rarely if ever be fair or legitimate and particularly in circumstances where the Complainant’s name has been taken without adornment and where the purpose behind the impersonation of the person in question is to damage him. In the view of the dissenting panelist the fact that the unsuspecting visitor to the Respondent's web site is immediately disabused is irrelevant. By then the damage has been done. The visitor has been misleadingly diverted, and the Complainant has been damaged.

Complainant argues that the use being made of the name does not fall within the

definition of **"parody"** However, whether regarded as parody, satire, or critical

commentary, the majority believes that legitimate noncommercial fair use commentary

is involved. Whether the commentary is in good taste, whether it is funny, whether it is

effective, all is beside the point. See, e.g., Wal-Mart Stores, Inc. v. **WalMartcanadasucks.com** and Kenneth J. Harvey, WIPO Case No. D2000-1104

(November 23, 2000), at 18-19."

Source of Above Quote

<http://www.internetparodies.org/FalwellDecision.pdf>

Yet Randazza has a right to domains and blogs with his name? And to demand that Defendant’s Free Speech is suppressed and Defendant is not to blog his name.

7.) On April 10th 2012, Crystal-Cox.com Blog by Randazza Legal Group’s Jordan Rushie published false and defamatory statements, “On March 8th, 2012 Crystal receives a notification stating that Mr Randazza is being [subpoenaed to produce and permit inspection](http://www.docstoc.com/docs/118010119/Randazza-Subpoena) of “all **non-privileged** communication with Crystal Cox and/or Eliot Bernstein regarding the domain name [www.marcrandazza.com](http://www.marcrandazza.com/)”. Notice the non-priviledged part that Crystal’s DERP Field refuses to acknowledge”

<http://crystal-cox.com/post/20843372286/is-crystal-in-serious-need-of-a-learning-experience>

That on or about November 2012, Sole WIPO Panelist, Peter L. Michaelson published widespread, international defamatory statements to third parties regarding Eliot via the testimony and false statements published and stated to him by Marc Randazza.

<http://www.wipo.int/amc/en/domains/search/text.jsp?case=D2012-1525>

8. Aprox. Feb. 2013, Roxanne Grinage

<http://ireport.cnn.com/docs/DOC-928570>

Apple, and ..

**9. Published on Apr 4, 2013, Interview with Monica Foster, porn industry insider, whistleblower interviewed Eliot Bernstein**

[**https://www.youtube.com/watch?v=6uGUXzerNJM**](https://www.youtube.com/watch?v=6uGUXzerNJM)

10. May 12th 2013, Bernstein Files RICO document

Click Below to Download the above pages

<https://docs.google.com/file/d/0Bzn2NurXrSkiOEVZN2xxLXk0Y00/edit>

Full Document Here

<http://www.iviewit.tv/CompanyDocs/United%20States%20District%20Court%20Southern%20District%20NY/20130512%20FINAL%20Motion%20to%20Rehear%20and%20Reopen%20Obstruction%20of%20Justice165555%20WITH%20EXHIBITS.pdf>

May 21st 2013

<http://saltydroid.info/the-trillion-dollar-trial-of-the-millennium/>

11. March 5th 2014, Randazza files Florida Lawsuit defaming Bernstein and accusing him of the criminal act of extortion.

<http://www.law360.com/articles/515754/atty-seeks-discovery-from-godaddy-others-in-extortion-suit>

12. Eliot Sued Greenberg Traurig

13.) In all states, the age requirement to sign a contract is 18 years of age, and contracts signed by minors will be deemed invalid contracts.

"You have the right to enter into contracts (including apartment leases, contracts of sale, and loans) in your own name."

<http://nvbar.org/sites/default/files/ComingOfAge.pdf>

yet a 4 year old sued Eliot and is under contract allegedly with Randazza Legal Group and attorney Ron Green?

13.  **On or around March 4th, 2012, on information and belief** Randazza became so enraged at not representing Cox and Cox speaking critical of him that he contacted Tonkon Torp Lawyer David Aman, attorney for Obsidian Finance Group, the Plaintiff in the case in which Randazza was attempting to negotiate, allegedly on Cox’s behalf, and offered to divulge Cox’s privileged information, another words Randazza offered to be deposed but said that Aman had to subpoena him, so it looked as if he was being ordered to testify. The truth is Randazza offered to tell Aman on the record that Cox had extorted him and he discussed Cox’s personal information, case strategy and private information Cox gave to Randazza at the time he was acting as her attorney and in the initial consultation.

Randazza had contacted Tonkon Torp Law Firm, Opposition in Cox’s case and offered to give testimony that would set Cox up for Extortion. Randazza and Aman agreed to conspire to convince Judge Hernandez and the world that Cox and Eliot were guilty of the crime of Extortion. Though no criminal complaint, no trial, no cause of action, no investigation and certainly no conviction had ever been given to Cox or Eliot for the Felony crime of extortion, or any crime.

On March 7th, 2012, Cox representing herself, got a copy of a Subpoena given to Randazza for a deposition. Randazza never attended this deposition and later claimed that Cox had purchased domain names and intimidated him as a “witness”, so he did not testify, though as the record shows, Cox was ready for him to testify and had presented a list of questions for him to answer.

Randazza violated attorney client privilege and sought extreme revenge, retaliation against Cox whom he had previously acted as her attorney with these same parties.

After this Judge Hernandez, convinced Cox was guilty of extortion, without an investigation into any evidence, nor due process in the criminal justice system, only the word of 2 attorneys David Aman (Obsidian’s Attorney) and Randazza (Cox’s former attorney), Judge Hernandez denied Cox a new trial and even referred to Cox’s extortion activities as if they were proven fact in a court of law which they were not adjudicated fact.

After this, the New York Times article went into detail of how Cox and ELIOT (?) were guilty of extortion. Big and small media world wide picked up the story as well. And Randazza continued to post and spread false and defamatory statements against Counter Plaintiff Cox and Eliot, with actual malice as he had personal and professional knowledge of the facts.

Eliot alleges at this time that Cox also got notice of a deposition for Eliot, however as the record shows Eliot was never even served on this matter.

14. **4-27-2012** - Randazza works with Tonkon Torp to help them attempt to seize domain names of Cox’s and Eliot’s, Randazza recommends receiver Lara Pearson, as he had previously used her in the Righthaven case. Randazza advised attorney David Aman to use **Lara Pearson** as a receiver to come for Cox’s assets’ as Randazza had worked with her before in the Righthaven case.

This is further proof that Randazza was working against Eliot and Cox, when he had been Cox’s attorney. Plus he defamed and slandered Cox and Eliot to third parties, David Aman, which Aman used against Cox, as did Judge Marco Hernandez in his ruling to not grant Cox a new trial, and to third party Lara Pearson.

**15.) On Jun 18th 2012**, Defendant Marc Randazza filed a Czech court complaint against Cox and Eliot, to initiate a domain name dispute. In this case, Counter Defendant Randazza stated false and defamatory statements to a third party concerning Cox and Eliot. Randazza used Kashmir Hill of Forbes, Lawyer Jordan Rushie and New York Times David Carr’s false and defamatory statements (hearsay) as his evidence to steal the intellectual property of Plaintiff Cox and Eliot, and to defame and slander Cox and Eliot. This was with malice, as he absolutely had knowledge of the truth, the facts in the case.

**16.) On July 27th 2012,** Defendant Marc Randazza filed a WIPO complaint against Plaintiff Cox and Eliot, to initiate a domain name dispute. In this case, Counter Defendant Randazza stated false and defamatory statements to a third party concerning Cox and Eliot and accused them both of the felony crime of extortion, without filing criminal charges or having any evidence or proof that they were ever convicted of such crime, simply using his power and influence as an attorney to state criminal allegations and hearsay as fact.

WIPO then published these false and defamatory statements to third parties in an international, wide spread WIPO publication which flat out accused Cox and Eliot of being criminal extortionists, of the crime of extortion.

Counter Defendant Marc Randazza used Kashmir Hill, Jordan Rushie and David Carr’s false and defamatory statements as his evidence to steal the intellectual property of Cox and Eliot, and with no First Amendment Adjudication. And to paint Cox and Bernstein out to be criminals.

**On January 27th 2014,** In an abuse of process with ulterior motive to get private information on Cox and Eliot and their sources. Randazza issued a subpoena to Godaddy, the Notice of Subpoena was District of Nevada, and signed by “Law Clerk” at RLG, signature cannot be made out, and no printed name.

The actual subpoena to Godaddy said “District of Arizona” on the documents, and stated that a C. DeRose at 5131 N. 40th St, A310, Phoenix AZ would examine all financial data, electronically stored information, billing data, IP data, server data, all phone numbers, and contact of anyone associated with accounts or to the specified people that Randazza wanted personal, financial and intellectual property information on; to be examined on Feb. 7th, 2014.

The Exhibit to this subpoena was a District of Nevada document stating further persona, private, and financial data that RLG was commanding that Godaddy turn over to them in regard to Crystal Cox.

This Subpoena gave RLG access to the private and financial information of porn industry insider whistleblowers, such as Monica Foster and Diana Grandmason, both exposing RLG and their connections to Organized Crime in the Pornography Industry, prostitution forced on pornographic actresses/actors, pedophiles connected to RLG and the activities of the Free Speech Coalition and RLG to move the pornography industry to Las Vegas.

This Subpoena also gave RLG access to the private data and financial information of the iViewit companies[[3]](#footnote-3) founded by inventor Eliot and where Cox has been reporting this RICO and ANTITRUST case and the Anderson Whistleblowing case for over 4 years.

Over a Decade ago iViewit companies inventor Eliot invented a video coding technology that changed pixelated video to clear crisp video and solved for pixelation on low resolution images that is used in virtually every digital image and video hardware and software manufactured and sold throughout the world, leading to new markets such as online video at full screen full frame rate, cell phone video, video conferencing at low bandwidth, remote control video used in military applications such as drones, simulators, smart bombs and more. The technologies have increased the data that can transmitted through limited bandwidth of cable companies by 75% or more, allowing hundreds more channels of content and allowing for OnDemand playback and more. That the technologies are primary drivers for medical imaging devices, satellite imaging devices, cell phones, cameras, camcorders, chips and more. That the technologies have been validated and acclaimed to be the “Holy Grail” and “Priceless” by leading engineers of Fortune 100 companies, including but not limited to, Warner Bros., Intel, Silicon Graphics, Lockheed, Sony and others, who all signed various contracts with Eliot prior to discovery that the Intellectual Property lawyers were attempting to steal and convert the IP. Counter defendant Randazza’s clients make billions a year off of Eliot’s inventions, in which they infringe on daily. Randazza’s abused his power willfully for ulterior motives.

**17.) On January 27th 2014,** Randazza issued a District of Nevada subpoena for ulterior motives to Verizon Wireless, the actual Subpoena is District of Northern Texas, this subpoena commands Verizon, though Klemchuk Kubasta LLP 8150 N. Central Expressway, 10th Floor Dallas, TX to be allowed to inspect documents requested on February 10th, 2014.

The Exhibit to the subpoena, a District of Nevada document COMMANDING that Verizon give Counter Defendant Randazza, Cox’s personal private information, phone numbers, personal calls, business calls, billing and payment information, data that breaches the privacy of countless individuals and companies, lawyers, media, clients, customer, and friends of Cox.

This subpoena also gave Randazza access to phone numbers and data of sources whom had told Cox of issues of organized crime, prostitution and more in which Cox was reporting on connected to RLG, the Free Speech Coalition and the Organized Crime in Porn. Including delicate and private information, texts, phone numbers, contacts of those who have been threatened by RLG and their connections.

The Subpoena also requested all other numbers on the account thereby unjustly data mining Cox’s family, friend, business partners, and personal relationships, including Eliot. Eliot alleges this was a an abuse of power and process, willfully and negligent for ulterior motives.

The Subpoena also allowed RLG to access who may help Cox pay her bills, or help her to have a phone. As Cox has no money, no home and is penniless due to the relentless actions against Cox. This compromises the private information of those helping Cox to have a lifeline, a phone and feel secure in giving her highly sensitive and private and confidential whistleblowing information.

This could also give RLG access to where Cox is located at all times and as Counter Plaintiff Cox has stated many times in this case, Cox and Eliot’s lives are in danger, under constant duress and threats by those in the porn industry connected to Randazza and this is potentially life or death to Cox and her sources and Eliot.

Eliot claims Randazza issued a false instrument, impersonated a Subpoena and has caused Cox and Eliot and those connected to them irreparable harm, deliberately, willfully in his abuse of power.

18. On or around Feb 2014 connects with Lamont

Not sure what else here, not sure his specific action toward you other than this.

**Cause of Action**

1.) Defamation / Libel / Slander

1332 Diversity-Libel, Assault, Slander /

320 Assault, Libel, and Slander

Counter Plaintiff Eliot fully re-alleges all of the proceeding paragraphs, and fully incorporates the allegations above.

Counter Defendant Randazza has knowingly, willfully, with actual malice, published false and defamatory statements to third parties regarding Bernstein, accusing Bernstein of criminal activity.

"A false statement involving the imputation of a crime has historically been designated as defamatory per se." - Juanita H. POPE, Appellant, v. MOTEL 6.

Randazza has repeatedly made false statements to numerous high profile, credible third parties that Eliot was involved in criminal activity. Randazza did this deliberately, willfully and with negligence.

2.) RICO / **RICO US Code Title 18, USAM 9-110.000 Organized Crime and Racketeering Violations of RICO, 18 U.S.C. 1962(c)), and Conspiracy to Violate RICO, Violation of 18 U.S.C. 1962 (d))**

Counter Plaintiff Eliot fully re-alleges all of the proceeding paragraphs, and fully incorporates the allegations above.

3.) Civil Conspiracy /  **Title 18, U.S.C., Section 241 - Conspiracy Against Rights, Title 18, U.S.C., Section 242 - Deprivation of Rights Under Color of Law, Title 18, U.S.C., Section 245 - Federally Protected Activities, Provisions against Conspiracies to Interfere with Civil Rights (42 U.S.C. § 1985), Section 241 of Title 18 is the civil rights conspiracy statute, Conspiracy Against Rights, 18 U.S.C. § 241. Section 241 of Title 18**

Counter Plaintiff Eliot fully re-alleges all of the proceeding paragraphs, and fully incorporates the allegations above.

Defendant Randazza has maliciously, willfully, and neglectfully conspired to tarnish the reputation of Plaintiff Investigative Blogger Crystal L. Cox and Eliot, and to remove blogs, information online in which exposes the involvement of Randazza’s porn clients with the stolen iViewit and Inventor Eliot’s Intellectual Properties, including but not limited to, Patents, Copyrights, Trademarks and Trade Secrets. See <http://iviewit.tv/#USPTOFILINGS>, fully incorporated by reference herein.

WIPO complaint was used as evidence in this case to seize domains

Randazza has Criminally and Civilly Conspired with Multiple Legal Bloggers, CPA’s Attorneys and Journalist in a Whistleblower Retaliation Harassment Campaign and to further aid and abet the infringement of Eliot’s Intellectual Properties and continue a legal abuse of process strategy against Eliot and Cox.

**4.) Malpractice**

Counter Plaintiff Eliot fully re-alleges all of the proceeding paragraphs, and fully incorporates the allegations above.

Though Randazza did not represent Eliot, he used information he got that was privileged from Cox regarding Eliot and used that to defame and slander Bernstein

5.) Abuse of Process

Counter Plaintiff Eliot fully re-alleges all of the proceeding paragraphs, and fully incorporates the allegations above.

Randazza abused his power and privilege as an attorney, as an officer of the court to stalk, harass, subpoena, intimidate, conspire with others, gang stalk, threaten, bully, and coerce Eliot and Cox et al.

Randazza maliciously and deliberately misused his power and perversion of regularly issued court process, to cause irreparable harm to Eliot.

Randazza used his role in this case and as an officer of the court to get private information in which he used, not to win this case, but to set Eliot up for the crime of extortion, defame him and steal his personal properties.

Randazza got subpoenas to get personal information of Diana Grandmason, certified human trafficking victim and Monica Foster, adult industry insider and investigative blogger, this had nothing to do with the Lanham Act, trademark or the merits of this case.

Randazza committed a purposeful, malicious and willful act through the misuse of legal process, which was not proper in the regular conduct of the proceeding.

Randazza has stated that this case is about extortion, though he did not state this in his original complaint or as a cause of action. Clearly Randazza used this case in an abuse of process in order to obtain information, secrets, discover, harass, defame and further conspire with others to commit Antitrust Acts, including violations of Sherman and Clayton to harm an inventors rights to his royalties in conspiracy with others .... His ulterior motive, to jail Cox as rumored he has stated to others and stop her from exposing his and other attorneys at law crimes publically.

Randazza contemplated, plotted, and orchestrated these actions for ulterior motives and misused his power as an OFFICER OF THIS COURT to deny judicial process and procedure versus upholding these fundamentals.

Randazza has used the judicial process for illegitimate purposes of shutting down speech, parody blogs, review blogs, anti-corruption blogs, all before First Amendment adjudication and having SUPERIOR knowledge of Free Speech laws and First Amendment Rights.

6.) Harassment / **47 USC § 223 - Obscene or harassing telephone calls in the District of Columbia or in interstate or foreign communications, ALL Anti-discrimination laws, all laws relating that prohibit harassment against individuals in retaliation...**

7.) Duty of Care / Breach of Duty

8.)  **Violation of Anti-Trust Violations / Fair Trade Violations Fair Competition Act (FCA), The Federal Sherman Antitrust Act (1890), Clayton (??????) Antitrust Policy and Competition Law**

9.)  **Violation of First Amendment Right, Constitutional Rights, Freedom of Expression, Article 19 of the Universal Declaration of Human Rights, Bill of Rights 1689, First Amendment Adjudication Laws and Constitutional Rights,**

**10.) Violation of Due Process /Denial of Due Process, International Covenant on Civil and Political Rights (ICCPR). Article 19 of the ICCPR) and a Violation of our Civil Rights, Due Process Rights, and ALL State and Federal Due Process Laws Applicable**

**11. ) Retraction Laws, Nevada Retraction Laws, NRS §41.336(2). NRS §41.337. and ALL Nevada Retraction Laws**

**12.) Whistleblower Retaliation. Whistleblower Retaliation Protections Laws, Whistleblower Protection Act, Whistleblower Protection Enhancement Act was introduced in 2009, all Federal and State Whistle Blower Retaliation Laws.**

**13.) False Claims Act (31 U.S.C. §§ 3729–3733,**

**14.) Consumer Protection Act, Deceptive Trade Practices and Consumer Protection Act.**

**Relief**

Wherefore Counter Plaintiff Bernstein Prays this court award him punitive and actual damages and any other relief this Court sees fit.

**Certification of Service**

On June XXX 2014, Counter Plaintiff Eliot Bernstein certifies mailing a copy of this to:

U.S. District Court

Clerk of Court

Room 1334

333 Las Vegas Blvd. S.

Las Vegas , NV 89101

UNITED STATES DISTRICT COURT

District of Nevada

NOTICE OF APPEARANCE

2:12-cv-02040-JAD-PAL

Please take notice that the undersigned Eliot Bernstein hereby appears Pro se in the above captioned matter and that all future correspondence and papers in connection with this action are to be directed to the undersigned.

Dated:

Signature

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Eliot I. Bernstein

Inventor

2753 N.W. 34th St.

Boca Raton, Florida 33434-3459

(561) 245.8588 (o)

(561) 886.7628 (c)

(561) 245-8644 (f)

[iviewit@iviewit.tv](mailto:iviewit@iviewit.tv)

[www.iviewit.tv](http://www.iviewit.tv)

<http://iviewit.tv/inventor/index.htm>

<http://iviewit.tv/wordpress>

<http://www.facebook.com/#!/iviewit>

<http://www.myspace.com/iviewit>

<http://iviewit.tv/wordpresseliot>

<http://www.youtube.com/user/eliotbernstein?feature=mhum>

Eliot's Testimony at the NY Senate Judiciary Committee Hearings Professional Video courtesy of NY Senate, my fav part at end

<http://www.youtube.com/watch?v=7oHKs_crYIs>

Eliot's Testimony at the NY Senate Judiciary Committee Hearings Professional Video Handheld Camera View, my favorite version at the very end

<http://youtu.be/3Q9MzqZv4lw>

Christine Anderson New York Supreme Court Attorney Ethics Expert Whistleblower Testimony, FOX IN THE HENHOUSE and LAW WHOLLY VIOLATED TOP DOWN EXPOSING JUST HOW WALL STREET / GREED STREET / FRAUD STREET MELTED DOWN AND WHY NO PROSECUTIONS OR RECOVERY OF STOLEN FUNDS HAS BEEN MADE. Anderson in US Fed Court Fingers, US Attorneys, DA’s, ADA’s, the New York Attorney General and “Favored Lawyers and Law Firms” @

<http://www.youtube.com/watch?v=6BlK73p4Ueo>

"We the people are the rightful master of both congress and the courts - not to overthrow the Constitution, but to overthrow the men who pervert the Constitution." - Abraham Lincoln

"Whensoever the General Government assumes undelegated powers, its acts are unauthoritative, void, and of no force." -- Thomas Jefferson, The Kentucky Resolutions of 1798

“If a law is unjust, a man is not only right to disobey it, he is obligated to do so.” Thomas Jefferson

"Each time a person stands up for an ideal, or acts to improve the lot of others, or strikes out against injustice, he sends forth a tiny ripple of hope, and crossing each other from a million different centers of energy and daring, these ripples build a current that can sweep down the mightiest walls of oppression and resistance." - Robert F. Kennedy

"Is life so dear or peace so sweet as to be purchased at the price of chains and slavery? Forbid it, Almighty God! I know not what course others may take, but as for me, give me liberty, or give me death!" - Patrick Henry

I live by the saying,

ELLEN G. WHITE

The greatest want of the world is the want of men, --men who will not be bought or sold; men who in their inmost souls are true and honest, men who do not fear to call sin by its right name; men whose conscience is as true to duty as the needle to the pole, men who will stand for the right though the heavens fall. -Education, p. 57(1903)

If you are one of these people, nice to be your friend ~ Eliot

**Certification of Service**

On June XXX 2014, Counter Plaintiff Eliot Bernstein certifies mailing a copy of this to:

U.S. District Court

Clerk of Court

Room 1334

333 Las Vegas Blvd. S.

Las Vegas , NV 89101

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

2:12-cv-02040-JAD-PAL

Eliot Bernstein,

Defendant, Counter Plaintiff

v.

MARC J. RANDAZZA, Individually and Professionally

Plaintiffs, Counter Defendant

Motion to File Electronically

Defendant Eliot Bernstein proposes an Order to Allow Defendant Eliot Bernstein and Crystal L. Cox to submit documents, court filings, responses electronically. I, Eliot Bernstein in my Pro Se Capacity request this court's permission to submit filings electronically in this case, as it is a hardship to print and mail documents due to medical conditions and more.

Defendant Bernstein will be filing large amounts of documents, evidence, exhibits and it would be cost effective for this court to allow Pro Se Defendant Eliot Bernstein to submit all legal filings electronically and he is currently allowed such privileges in the US District Court for the Northern District of Illinois and the US District Court Southern District of New York.

**Certification of Service**

On June XXX 2014, Counter Plaintiff Eliot Bernstein certifies mailing a copy of this to:

U.S. District Court

Clerk of Court

Room 1334

333 Las Vegas Blvd. S.

Las Vegas , NV 89101

1. That Eliot points to the Obsidian v. Cox case #\_\_\_\_\_\_\_\_, where Eliot was illegally attempted to be added to that case after it had been adjudicated, without his knowledge or service of any documents to him, see Docket, Entry \_\_\_\_\_\_\_\_\_\_. That despite Cox at that time having lost a 2.5 Million dollar judgement, Cox has recently won a 9th Circuit Court appeal in a landmark precedent setting ruling that protects Citizen Journalists/Bloggers and the rights to free speech. That this FAILED attempt to ABUSE LEGAL PROCESS is linked to RANDAZZA ?????? [↑](#footnote-ref-1)
2. **CASES LEGALLY RELATED TO ANDERSON CASE**

   [(07cv09599) Anderson v The State of New York, et al.,](http://iviewit.tv/CompanyDocs/United%20States%20District%20Court%20Southern%20District%20NY/anderson/20071028%20Anderson%20Original%20Filing.pdf)

   [(07cv11196) Bernstein, et al. v Appellate Division First Department Disciplinary Committee, et al.,](http://iviewit.tv/CompanyDocs/20080509%20FINAL%20AMENDED%20COMPLAINT%20AND%20RICO%20SIGNED%20COPY%20MED.doc)

   [(07cv11612) Esposito v The State of New York, et al.,](http://iviewit.tv/CompanyDocs/United%20States%20District%20Court%20Southern%20District%20NY/Esposito/20081228%20Luisa%20Esposito%20Original%20Filing.pdf)

   **(08cv00526) Capogrosso v New York State Commission on Judicial Conduct, et al.,**

   [(08cv02391) McKeown v The State of New York, et al.,](http://iviewit.tv/CompanyDocs/United%20States%20District%20Court%20Southern%20District%20NY/McKeown/20080307%20Kevin%20McKeown.pdf)

   (08cv02852) Galison v The State of New York, et al.,

   [(08cv03305) Carvel v The State of New York, et al., and,](http://iviewit.tv/CompanyDocs/United%20States%20District%20Court%20Southern%20District%20NY/carvel/Carvel%20Filing.pdf)

   [(08cv4053) Gizella Weisshaus v The State of New York, et al.](http://iviewit.tv/CompanyDocs/United%20States%20District%20Court%20Southern%20District%20NY/Weisshaus/20080439%2008cv4053%20Gizella%20Weisshaus.pdf)

   [(08cv4438) Suzanne McCormick v The State of New York, et al.](http://iviewit.tv/CompanyDocs/United%20States%20District%20Court%20Southern%20District%20NY/McCormick/McCormick%2008cv4438%20SVM%20Cmplnt.pdf) [↑](#footnote-ref-2)
3. Iviewit Holdings, Inc. – DL

   Iviewit Holdings, Inc. – DL (yes, two identically named)

   Iviewit Holdings, Inc. – FL

   Iviewit Technologies, Inc. – DL

   Uviewit Holdings, Inc. - DL

   Uview.com, Inc. – DL

   Iviewit.com, Inc. – FL

   Iviewit.com, Inc. – DL

   I.C., Inc. – FL

   Iviewit.com LLC – DL

   Iviewit LLC – DL

   Iviewit Corporation – FL

   Iviewit, Inc. – FL

   Iviewit, Inc. – DL

   Iviewit Corporation [↑](#footnote-ref-3)