

GENERAL DOCKET FOR  
Second Circuit Court of  
Appeals

INDIV

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Court of Appeals Docket #: 08-4873-cv  
Nsuit : 3470 STATUTES-RICOH

Bernstein v. Appellate Division First  
Department Disciplinary Committee

Filed 10/3/08

Appeal SDNY (NEW YORK CITY)  
from:

Case type information:

Civil

Private

None

Lower court information:

District: 07-cv-11196

Trial Judge: Shira A. Scheindlin

MagJudge:

Date Filed: 12/12/07

Date order/judgement: 8/8/2008

Date NOA filed: 9/5/2008

Fee status: Paid

Panel Assignment:

Panel: RCW DAL PWH None

Date of decision: 1/5/10

Prior cases: NONE

Current cases NONE

Official Caption 1/

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Eliot I. Bernstein, individually, P. Stephen Lamont, on behalf of Shareholders of Iviweit Holdings, Inc., Iviewit Technologies, Inc., Uview.com, Inc., Iviewit.com, Inc., I.C., Inc., Iviewit.com LLC, Iviewit LLC, Iviewit Corporation, Iviewit, Inc., and Patent Interest Holders,

Plaintiff-Appellant,

v.

Appellate Division First Department Departmental, Thomas J. Cahill, in his official capacity, in his individual capacity, Joseph Wigely, in his official capacity, in his individual capacity, Catherine O'Hagan Wolfe, in their official capacity, in their individual capacity, Paul Curran, in their official capacity, in thier individual capacity, Martin R. Gold, in his individual capacity, in their official capacity, Angela M Mazzarelli, in her official capacity, in their oficial capacity, Richard T. Andrias, in his official capacity, in their official capacity, David B. Saxe, in his official capacity, in their individual capacity, David Friedman, in his official capacity, in their individual capacity, Luis A. Gonzales, in his official capacity, in their individual capacity, Appellate Division Second Department Departmenta, Lawrence F. DiGiovanna, in his official capacity, in their individual capacity, Diana Maxfield Kearse, in his official capacity, in their individual capacity, James E. Peltzer, in his official capacity, in their individual capacity, A. Gail Prudenti, in his official capacity, in their individual capacity, Steven C. Krane, in his official capacity, in their individual capacity, Hon. Judith S. Kaye, in his official capacity, in their 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, Lawyers Fund for Client Protection of the State, The Florida Bar, Lorraine Christine Hoffman, in her official capacity, in her individual capacity, Eric Turner, in her official capacity, in her individual capacity, John Anthony Boggs, in her official capacity, in her individual capacity, Kenneth Marvin, in her official capacity, in her individual capacity, Thomas Hall, in her official capacity, in her individual capacity, Deborah Yarborough, Virginia State Bar, Andrew H. Goodman, in his officail capacity, in his individual capacity, Noel Sengel, in his officail capacity, in his individual capacity, Mary W. Martelino, in her individual capacity, John Does,

Defendants-Appellees.

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Authorized Abbreviated Caption 2/  
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1/ Fed. R. App. P. Rule 12 [a] and 32 [a].  
2/ For use on correspondence and motions only.

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Deborah Yarborough

Defendant-Appellee

John/Jane Does

Defendant-Appellee

Thomas Hall

Defendant-Appellee

Eliot I. Bernstein

Plaintiff-Appellant

Eliot I. Bernstein

n/a

2753 Northwest 34th Street  
Boca Raton , FL , 33434

561-245-8588

Estate of Stephen Kaye

Defendant-Appellee

Gregg M. Mashberg Esq.

[ LD n ]  
Proskauer Rose LLP

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1585 Broadway  
New York , NY , 10036

212-969-3000

Kenneth Rubenstein  
Defendant-Appellee

Gregg M. Mashberg Esq. (See  
above)  
[ LD n ]

Proskauer Rose LLP  
Defendant-Appellee

Gregg M. Mashberg Esq. (See  
above)  
[ LD n ]

Steven C. Krane  
Defendant-Appellee

Gregg M. Mashberg Esq. (See  
above)  
[ LD n ]

Raymond A. Joao  
Defendant-Appellee

John W. Fried Esq.  
[ LD n ]  
Fried & Epstein LLP  
  
350 5th Avenue, Suite 7612  
New York , NY , 10018  
  
212-268-7111

Douglas A. Boehm  
Defendant-Appellee

Kent K. Anker Esq.  
[ LD n ]  
Friedman Kaplan Seiler &  
Adelman LLP  
1633 Broadway

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New York , NY , 10019

212-833-1100

Foley Lardner LLP  
Defendant-Appellee

Kent K. Anker Esq. (See above)  
[ LD n ]

Michael C. Grebe  
Defendant-Appellee

Kent K. Anker Esq. (See above)  
[ LD n ]

Steven C. Becker  
Defendant-Appellee

Kent K. Anker Esq. (See above)  
[ LD n ]

William J. Dick  
Defendant-Appellee

Kent K. Anker Esq. (See above)  
[ LD n ]

A. Gail Prudenti  
Defendant-Appellee

Mary Hope Keating Esq.  
[ LD n ]  
Greenberg Traurig  
101 East College Avenue  
Tallahassee , FL , 10022  
850-425-8534

Andrew H. Goodman Defendant-Appellee	Mary Hope Keating Esq. (See above) [ LD n ]
Angela M Mazzarelli Defendant-Appellee	Mary Hope Keating Esq. (See above) [ LD n ]
Appellate Division First Department Departmental Defendant-Appellee	Mary Hope Keating Esq. (See above) [ LD n ]
Appellate Division Second Department Departmental Defendant-Appellee	Mary Hope Keating Esq. (See above) [ LD n ]
Catherine O'Hagan Wolfe Defendant-Appellee	Mary Hope Keating Esq. (See above) [ LD n ]
David B. Saxe Defendant-Appellee	Mary Hope Keating Esq. (See above) [ LD n ]
David E. Friedman Defendant-Appellee	Mary Hope Keating Esq. (See above) [ LD n ]

Diana Maxfield Kearse Defendant-Appellee	Mary Hope Keating Esq. (See above) [ LD n ]
Eric Turner Defendant-Appellee	Mary Hope Keating Esq. (See above) [ LD n ]
Hon. Judith S. Kaye Defendant-Appellee	Mary Hope Keating Esq. (See above) [ LD n ]
James E. Peltzer Defendant-Appellee	Mary Hope Keating Esq. (See above) [ LD n ]
John Anthony Boggs Defendant-Appellee	Mary Hope Keating Esq. (See above) [ LD n ]
Joseph Wigely Defendant-Appellee	Mary Hope Keating Esq. (See above) [ LD n ]



Kenneth Marvin Defendant-Appellee	Mary Hope Keating Esq. (See above) [ LD n ]
Lawrence F. DiGiovanna Defendant-Appellee	Mary Hope Keating Esq. (See above) [ LD n ]
Lawyers Fund for Client Protection of the State of Defendant-Appellee	Mary Hope Keating Esq. (See above) [ LD n ]
Lorraine Christine Hoffman Defendant-Appellee	Mary Hope Keating Esq. (See above) [ LD n ]
Luis A. Gonzales Defendant-Appellee	Mary Hope Keating Esq. (See above) [ LD n ]
Martin R. Gold Defendant-Appellee	Mary Hope Keating Esq. (See above) [ LD n ]
Mary W. Martelino Defendant-Appellee	Mary Hope Keating Esq. (See above) [ LD n ]

Noel Sengel Defendant-Appellee	Mary Hope Keating Esq.(See above) [ LD n ]
Paul Curran Defendant-Appellee	Mary Hope Keating Esq.(See above) [ LD n ]
Richard T. Andrias Defendant-Appellee	Mary Hope Keating Esq.(See above) [ LD n ]
State of New York Commission of Investigation Defendant-Appellee	Mary Hope Keating Esq.(See above) [ LD n ]
The Florida Bar Defendant-Appellee	Mary Hope Keating Esq.(See above) [ LD ret ]
Thomas J. Cahill Defendant-Appellee	Mary Hope Keating Esq.(See above) [ LD n ]
Virginia State Bar	Mary Hope Keating Esq.(See

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Defendant-Appellee	above) [ n ]
P. Stephen Lamont	P. Stephen Lamont
Plaintiff-Appellant	n/a
	35 Locust Avenue Rye , NY , 10580  914-217-0038
Appellate Division First Department Departmental Defendant-Appellee	Patrick J. Walsh Esq.  [ n ] U.S. Attorney Generals Office, State of New York 120 Broadway New York , NY , 10007  212-416-6197
Lewis S. Meltzer	Richard M. Howard Esq.
Defendant-Appellee	[ LD n ] Law Offices of Richard M. Howard  190 Willis Avenue Mineola , NY , 11501  516-747-0300
Meltzer Lippe Goldstein & Breistone LLP Defendant-Appellee	Richard M. Howard Esq. (See above) [ LD n ]

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Andrew H. Goodman  
Defendant-Appellee

Stephen M. Hall Esq.  
[ n ]  
Office of the Attorney General  
900 Main Street  
Richmond , VA , 23219

Mary W. Martelino  
Defendant-Appellee

Stephen M. Hall Esq.(See above)  
[ n ]

Noel Sengel  
Defendant-Appellee

Stephen M. Hall Esq.(See above)  
[ n ]

Virginia State Bar  
Defendant-Appellee

Stephen M. Hall Esq.(See above)  
[ LD ret ]

10/3/08 APPELLANT Eliot Bernstein, P. Lamont,  
Copy of notice of appeal and district court  
docket entries on behalf of APPELLANT  
Eliot Bernstein, P. Lamont, filed.  
[Entry date Oct 6 2008 ] [AJ]

10/3/08 Note: This appeal was PRO SE when filed.  
[Entry date Oct 6 2008 ] [AJ]

10/3/08 Copy of receipt re: payment of docketing fee  
filed on behalf of APPELLANT Eliot  
Bernstein, P. Lamont, .RECEIPT #662193  
[Entry date Oct 6 2008 ] [AJ]

10/3/08 Copy of district court order dated 08/08/08  
RECEIVED. [Entry date Oct 6 2008 ] [AJ]

10/3/08 Record on appeal filed. (Original papers of  
district court.) Volume(4) [Entry date  
Oct 6 2008 ] [AJ]

10/6/08 Instructional Forms sent to Pro Se litigant  
[Entry date Oct 6 2008 ] [AJ]

10/8/08 Record on appeal received in records room  
from team (4 vols). [Entry date Oct 8  
2008 ] [RW]

10/14/08 Notice of appeal acknowledgment letter from  
P. Lamont received. [Entry date Oct 16  
2008 ] [AJ]

10/15/08 Scheduling order #1 filed. Appellants brief  
due 11/17/2008. Appellees brief due  
12/17/2008. Ready week 2/2/2009. [Entry  
date Oct 15 2008 ] [AJ]

10/15/08 Notice to counsel and pro se: scheduling  
order #1 [Entry date Oct 15 2008 ] [AJ]

10/16/08 The new case manager assigned to this case  
is: Holmes, Deborah. [Entry date Oct 16  
2008 ] [JM]

10/23/08 APPELLANT Eliot Bernstein, motion  
received. [Entry date Oct 23 2008 ] [DH]

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- 10/23/08 Appellant Eliot Bernstein motion for a 60 - 90 day extension of time to file briefs, filed with proof of service. [Entry date Nov 19 2008 ] [DH]
- 11/17/08 Notice of Appearance Filed by P. Lamont on behalf of P. Stephen Lamont (Orig in acco, copy to Calendar and Admissions Dept.). [Entry date Nov 18 2008 ] [DH]
- 11/17/08 APPELLANT P. Lamont, brief and joint appendix with proof of service filed. [Entry date Nov 18 2008 ] [DH]
- 11/19/08 Copy of Appellant`s Motion for an extension of time served on Appellee`s by Case Manager. [Entry date Nov 19 2008 ] [DH]
- 11/24/08 Notice to parties regarding court order dated 11/24/08 [Entry date Nov 24 2008 ] [AS]
- 11/24/08 Order FILED GRANTING motion extended time by Appellant Eliot Bernstein, endorsed on motion dated 10/23/2008. IT IS HEREBY ORDERED that Appellant`s motion an extension of time is GRANTED.Appellant`s brief and appendix shall be filed on or before February 17, 2009. No further extensions of time is GRANTED . Appellee`s brief is due on or before March 19, 2009. The appeal shall be heard no earlier than the week of April 4, 2009 Before on RKW. Endorsed by JP Administrative Attorney [Entry date Nov 24 2008 ] [AS]
- 11/25/08 Papers <Notice of Receipt of Appellant's Motion > from Kent K. Anker, received. [Entry date Dec 2 2008 ] [DH]
- 12/3/08 Letter dated December 2, 2008 from Attorney Gregg M. Mashberg regarding briefing schedule for appellee's, received. (All Appellee's briefs are due as scheduled March 19, 2009). [Entry date Dec 4 2008 ] [DH]
- 12/3/08 Letter dated December 3, 2008 from Stephan M. Hall, Assistant Attorney General, who will be representing the Virginia State Bar Employees, received. [Entry date Dec 5 2008 ] [DH]
- 12/17/08 Motion for admission pro hac vice (Stephen M. Hall), filed with proof of service. [Entry date Dec 18 2008 ] [DH]
- 12/19/08 Notice to counsel/pro se re: Motion Order dated 12/19/08. [Entry date Dec 19 2008 ] [DH]

- 12/19/08 Order FILED GRANTING motion for admission pro hac vice by endorsed on motion dated 12/17/2008. IT IS HEREBY ORDERED that the motion is GRANTED. Attorney Hall is admitted pro hac vice. Endorsed for the Court by JP, Motions Staff Attorney. [Entry date Dec 19 2008 ] [DH]
- 12/31/08 Letter dated December 5, 2008 from Attorney John W. Fried, informing the Court of his change of address, received. [Entry date Dec 31 2008 ] [DH]
- 12/31/08 Request for address change for John W. Fried, Esq. new address: Fried & Epstein LLP, Empire State Building, 350 Fifth Avenue, Ste. 7612, New York, NY 10018.. [Entry date Dec 31 2008 ] [DH]
- 1/30/09 Appellant Eliot Bernstein motion for 'extension of time to file briefs, stay of the appeal, conflicts, docketing and other errors and other requests,' filed with proof of service. [Entry date Jan 30 2009 ] [DH]
- 1/30/09 Appellant Eliot Bernstein motion for stay of appeal, conflicts, docketing and other errors and requests, filed with proof of service. [Entry date Feb 18 2009 ] [DH]
- 2/6/09 Notice to counsel/pro se re: Motion Order dated 2/6/09. [Entry date Feb 6 2009 ] [DH]
- 2/6/09 Order FILED DENYING motion for an extension of time and to stay the appeal by Appellant Eliot Bernstein, endorsed on motion dated 1/30/2009. IT IS HEREBY ORDERED that the motion by pro se Appellant for a fifteen to eighteen month extension of time to file brief or a stay of the appeal is DENIED. Before: RKW, CJ. Endorsed for the Court by JF, Administrative Attorney. [Entry date Feb 6 2009 ] [DH]
- 2/10/09 Appellant P. Stephen Lamont papers in opposition to motion to Appellant's Bernsteins extension fo time filed with proof of service. [Entry date Feb 13 2009 ] [DH]
- 2/13/09 Letter/motion dated February 13, 2009 via fax from appellant requesting a temporary stay of the submission until the White House and Oval Office the United States Attorney General and other Necessary parties can be heard by conference call, received. [Entry date Feb 13 2009 ] [DH]
- 2/17/09 Letter dated February 16, 2009 from appellant regarding his temporary stay sent via fax, received. [Entry date Feb 17 2009 ] [DH]

] [DH]

- 2/17/09 Letter dated February 17, 2009 via fax from Appellant Bernstein, received. [Entry date Feb 24 2009 ] [DH]
- 2/18/09 Notice to counsel/pro se re: Motion Order dated 2/18/09. [Entry date Feb 18 2009 ] [DH]
- 2/18/09 Order FILED REFERRING motion to stay the appeal, conflicts, docketing and other errors and requests by Appellant Eliot Bernstein, endorsed on motion dated 1/30/2009. This motion other than the extension request, is sent to the panel that will hear the appeal. Endorsed for the Court by CJM, Sup, Staff Attorney. [Entry date Feb 18 2009 ] [DH]
- 2/19/09 Order filed stating, IT IS HEREBY ORDERED that pro se Appellant's motion for reconsideration of the order denying a fifteen to eighteen month extension of time to file brief or stay of the appeal is DENIED. However, Appellant is accorded a grace period until February 27, 2009. If a brief is not filed by that date, the Clerk's Office is instructed to dismiss the appeal without further notice from the court. Appellant is advised that a motion seeking reconsideration or other relief from this order does not stay the due date. Appellee's brief is due on or before March 30, 2009. The appeal shall be heard no earlier than the week of May 18, 2009. Before: RKW, CJ. Endorsed for the Court by JF, Administrative Attorney. [Entry date Feb 19 2009 ] [DH]
- 2/19/09 Notice to counsel/pro se re: Order dated 2/19/08. [Entry date Feb 19 2009 ] [DH]
- 2/19/09 Scheduling order #2 filed. Appellants brief due 2/27/2009. Appellees brief due 3/30/2009. Ready week 5/18/2009. [Entry date Feb 19 2009 ] [DH]
- 2/19/09 Notice to counsel/pro se re: Scheduling Order #2 dated 2/19/09. [Entry date Feb 19 2009 ] [DH]
- 2/19/09 Appellant P. Stephen Lamont papers in opposition to Appellant`s Eliot Bernsteins motions dated January 30, 2009, filed with proof of service. [Entry date Feb 20 2009 ] [DH]
- 2/26/09 APPELLEE Virginia State Bar, Andrew Goodman, Mary Martelino, Noel Sengel, Lizbeth L. Miller, Commonwealth of Virginia



(Virginia Defendants-Appellees), LETTER  
BRIEF filed with proof of service. [Entry  
date Feb 27 2009 ] [DH]

- 2/27/09 APPELLANT Eliot Bernstein, brief RECEIVED.  
[Entry date Mar 4 2009 ] [DH]
- 3/2/09 APPELLANT Eliot Bernstein, motion  
received. Hard copies being forwarded by  
appellant. [Entry date Mar 6 2009 ] [DH]
- 3/3/09 Notice of Appearance Filed by Eliot  
Bernstein on behalf of himself. (Orig in  
acco, copy to Calendar and Admissions Dept.).  
[Entry date Mar 5 2009 ] [DH]
- 3/4/09 Notice of Appearance Filed by Kent Anker  
on behalf of Foley & Lardner LLP, Steven C.  
Becker, Douglas A. Boehm, William J. Dick  
and Michael W. Grebe. (Orig in acco, copy to  
Calendar and Admissions Dept.). [Entry  
date Mar 5 2009 ] [DH]
- 3/5/09 Notice of Appearance Filed by Gregg  
Mashberg on behalf of Proskauer Rose LLP,  
Kenneth Rubenstein, Steven C. Krane and the  
Estate of Stephen Rackow Kaye. (Orig in acco,  
copy to Calendar and Admissions Dept.).  
[Entry date Mar 5 2009 ] [DH]
- 3/6/09 Appellant Eliot Bernstein motion for  
Emergency investigation of Proskauer Rose  
Defendants involvement in the Allen Stanford  
financial... filed with proof of service.  
[Entry date Mar 6 2009 ] [DH]
- 3/9/09 APPELLANT Eliot Bernstein, brief RECEIVED.  
[Entry date Mar 10 2009 ] [DH]
- 3/9/09 Appellee's papers in opposition to  
Appellant's motion for Emergency relief,  
filed with proof of service. [Entry date  
Mar 9 2009 ] [DH]
- 3/10/09 APPELLANT Eliot Bernstein, defective  
filed. Notice sent to  
party to correct by 3/16/09. [Entry date  
Mar 10 2009 ] [DH]
- 3/10/09 Instructional Forms sent to Pro Se litigant  
[Entry date Mar 10 2009 ] [DH]
- 3/10/09 Notice to counsel/pro se re: Motion Order  
dated 3/10/09. [Entry date Mar 10 2009 ]  
[DH]
- 3/10/09 Order FILED DENYING motion for Emergency to  
investigate the involvement of Proskauer

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Rose by Appellant Eliot Bernstein, endorsed on motion dated 3/6/2009. IT IS HEREBY ORDERED that the emergency motion by pro se Appellant Bernstein to investigate the involvement of Proskauer Rose in recent financial scandals and for other relief is DENIED. Before: DAL, CJ. Endorsed for the Court by JF, Administrative Attorney.  
[Entry date Mar 10 2009 ] [DH]

- 3/11/09 Notice of Appearance Filed by John Fried on behalf of Raymond A. Joao. (Orig in acco, copy to Calendar and Admissions Dept.).  
[Entry date Mar 12 2009 ] [DH]
- 3/13/09 Notice of Appearance Filed by Mary Keating on behalf of The Florida Bar, John Anthony Boggs, Kenneth Marvin, Lorraine Hoffman, Eric Turner, Joy Barmon, Jerald Beer, Kelly Overstreet johnson. (Orig in acco, copy to Calendar and Admissions Dept.). [Entry date Mar 18 2009 ] [DH]
- 3/16/09 APPELLANT Eliot Bernstein, brief and appendix with proof of service filed.  
[Entry date Mar 23 2009 ] [DH]
- 3/18/09 APPELLEE Meltzer Lippe Goldstein & Breistone LLP, Lewis Meltzer, brief filed with proof of service. [Entry date Mar 23 2009 ] [DH]
- 3/27/09 APPELLEE The Florida Bar, Eric Turner, John Anthony Boggs, Kenneth Marvin, Joy Bartmon, Jerald Beer, Kelly Overstreet Johnson, and Lorraine Hoffman, ET AL , brief filed with proof of service. [Entry date Apr 2 2009 ] [DH]
- 3/30/09 APPELLEE Raymond Joao, brief RECEIVED. Waiting for Hard Copy of Brief. [Entry date Mar 30 2009 ] [DH]
- 3/30/09 APPELLEE Estate of Stephen Kaye, Proskauer Rose LLP, Kenneth Rubenstein, Steven Krane, brief filed with proof of service. [Entry date Mar 31 2009 ] [DH]
- 3/30/09 Anti-Virus Certificate on behalf of APPELLEE Estate of Stephen Kaye, Proskauer Rose LLP, Kenneth Rubenstein, Steven Krane, Brief, Received. [Entry date Mar 31 2009 ] [DH]
- 3/30/09 Certificate of Service RECEIVED [Entry date Mar 31 2009 ] [DH]
- 3/30/09 APPELLEE Raymond Joao, brief filed with proof of service. [Entry date Mar 31 2009 ] [DH]

- 3/30/09 APPELLEE Foley Lardner LLP, Douglas Boehm, Michael Grebe, Steven Becker, ET AL , brief filed with proof of service. [Entry date Mar 31 2009 ] [DH]
- 3/30/09 APPELLEE Foley Lardner LLP, Douglas Boehm, Michael Grebe, Steven Becker, ET AL , supplemental appendix, filed. [Entry date Mar 31 2009 ] [DH]
- 3/30/09 Appellee Appellate Division First Department Departmental Disciplinary Committee, Appellee Thomas Cahill, Appellee Joseph Wigely, et al motion extended time filed with proof of service. [Entry date Mar 31 2009 ] [DH]
- 3/31/09 Appellant P. Lamont motion to strike the brief of Appellee-Defendant Raymond A. Joao, filed with proof of service. [Entry date Mar 31 2009 ] [DH]
- 4/2/09 Notice to counsel/pro se re: Motion Order dated 4/2/09 [Entry date Apr 2 2009 ] [DH]
- 4/2/09 Scheduling order #3 filed. Appellees brief due 4/29/2009. Ready week 6/15/2009. [Entry date Apr 2 2009 ] [DH]
- 4/2/09 Notice to counsel/pro se re: Scheduling Order #3 dated 4/2/09. [Entry date Apr 2 2009 ] [DH]
- 4/2/09 Order FILED GRANTING motion for an extension of time by Appellees Andrew Goodman, Appellee Lawrence DiGiovanna, Appellee Appellate Division First Department Departmental Disciplinary Committee, Appellee Hon. Judith Kaye, Appellee Lawyers Fund for Client Protection of the State of New York, Appellee David Friedman, Appellee A. Prudenti, Appellee Martin Gold, Appellee Paul Curran, Appellee Angela Mazzarelli, Appellee David Saxe, Appellee Diana Maxfield Kearse, Appellee Catherine Wolfe, Appellee Thomas Cahill, Appellee Richard Andrias, Appellee Joseph Wigely, Appellee Luis Gonzales, Appellee Appellate Division Second Department Departmental Disciplinary Committee, Appellee James Peltzer, Appellee State of New York Commission of Investigation, Appellee Lorraine Hoffman, Appellee Eric Turner, Appellee John Boggs, Appellee Kenneth Marvin, Appellee Virginia State Bar, Appellee Noel Sengel, Appellee Mary Martelino, endorsed on motion dated 3/31/2009. IT IS HEREBY ORDERED that the motion by Appellees the State defendants for an extension of time to file their brief is GRANTED. Appellees` brief shall be filed on or before April 29, 2009. The appeal shall

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be heard no earlier than the week of June 15, 2009. Endorsed for the Court by JF, Administrative Attorney. [Entry date Apr 2 2009 ] [DH]

- 4/3/09 Appellant P. Lamont motion in opposition to section IV of the Foley Defendants Reply briefs, filed with proof of service. [Entry date Apr 7 2009 ] [DH]
- 4/6/09 Notice to counsel/pro se re: Motion Order dated 4/6/09. [Entry date Apr 6 2009 ] [DH]
- 4/6/09 Order FILED REFERRING motion to strike brief of Appellee-Defendant Raymond Joao by Appellant P. Lamont, endorsed on motion dated 3/31/2009. Motion to strike is sent to the panel that will hear the appeal. Endorsed for the Court by CJM, Sup. Staff Attorney. [Entry date Apr 6 2009 ] [DH]
- 4/9/09 Letter dated April 9, 2009 from Gregg M. Mashberg Attorney for Defendants-Appellees Proskauer Rose LLP, Kenneth Rubenstein, Steven C. Krane, and the Estate of Stephen R. Kaye advising the Court of his unavailability, received. Copy forwarded to Calendar. [Entry date Apr 10 2009 ] [DH]
- 4/10/09 Notice to counsel/pro se re: Motion Order dated 4/10/09. [Entry date Apr 10 2009 ] [DH]
- 4/10/09 Order FILED REFERRING motion for Opposition to Section IV of the Foley Defendant's Brief by Appellant P. Lamont, endorsed on motion dated 4/3/2009. IT IS HEREBY ORDERED THAT the motion is sent to the panel that will hear the appeal. Endorsed for the Court by CJM, Sup. Staff Attorney. [Entry date Apr 10 2009 ] [DH]
- 4/29/09 APPELLEE Appellate Division First Department Departmental Disciplinary Committee, Appellate Division Second Department Departmental Disciplinary Committee, Lawyers Fund for Client Protection of the State of New York, State of New York Commission of Investigation, ET AL , brief filed with proof of service. [Entry date Apr 30 2009 ] [DH]
- 5/8/09 Appellant Eliot Bernstein motion for an extension of time to file reply briefs, filed with proof of service. [Entry date May 8 2009 ] [DH]
- 5/11/09 Notice to counsel/pro se re: Motion Order dated 5/11/09. [Entry date May 11 2009 ] [DH]

- 5/11/09 Order FILED GRANTING motion for an extension of time to file reply briefs, by Appellant Eliot Bernstein, endorsed on motion dated 5/8/2009. IT IS HEREBY ORDERED that Appellant Bernstein's motion for an extension of time to file a Reply brief is GRANTED. A Reply brief may be file on or before May 27, 2009. Endorsed for the Court by JF, Administrative Attorney. [Entry date May 11 2009 ] [DH]
- 5/27/09 Appellant Eliot Bernstein motion extended time to file reply briefs filed with proof of service. [Entry date May 27 2009 ] [RR]
- 5/28/09 Notice to counsel (order dated 5-28-09) [Entry date May 28 2009 ] [RR]
- 5/28/09 Order FILED GRANTING motion extended time to file the reply brief by Appellant Eliot Bernstein, endorsed on motion dated 5/27/2009 (jp) Extended Ready week is 6/15/2009. [Entry date May 28 2009 ] [RR]
- 6/11/09 Appellant Eliot Bernstein motion for an extension of time to file reply briefs, filed with proof of service. [Entry date Jun 12 2009 ] [DH]
- 6/22/09 Notice to counsel/pro se re: Motion Order dated 6/22/09. [Entry date Jun 22 2009 ] [DH]
- 6/22/09 Order FILED GRANTING motion for an extension of time to file reply briefs by Appellant Eliot Bernstein, endorsed on motion dated 6/11/2009. IT IS HEREBY ORDERED that Appellant's motion for an extension of time is GRANTED. However, the case is to be treated by the clerk as ready for calendaring without regard to whether a reply brief has been filed. Before: RKW, CJ. Endorsed for the Court by JP, Motions Staff Attorney. [Entry date Jun 22 2009 ] [DH]
- 7/13/09 Appellant Eliot Bernstein motion for an extension of time to file a reply brief, filed with proof of service. [Entry date Jul 14 2009 ] [DH]
- 7/16/09 Notice to counsel/pro se re: Motion Order dated 7/16/09. [Entry date Jul 16 2009 ] [DH]
- 7/16/09 Order FILED GRANTING motion for an extension of time to file a reply brief by Appellant Eliot Bernstein, endorsed on motion dated 7/13/2009. IT IS HEREBY ORDERED that Appellant's motion for an extension of time until August 10, 2009 to file a reply brief

is GRANTED. However, the case should be calendared in the normal course of business. Any further application must be made to the panel assigned to hear the appeal. Before: RKW, CJ. Endorsed for the Court by JP, Motions Staff Attorney. [Entry date Jul 16 2009 ] [DH]

- 8/31/09 Appellant Eliot Bernstein motion for an extension of time to file reply briefs, filed with proof of service. [Entry date Sep 1 2009 ] [DH]
- 9/3/09 Notice to counsel/pro se re: Motion Order dated 9/3/09 [Entry date Sep 3 2009 ] [DH]
- 9/3/09 Order FILED REFERRING motion for an extension of time to file briefs by Appellant Eliot Bernstein, endorsed on motion dated 8/31/2009. Pursuant to the Court's order of July 16, 2009, Appellant's motion for extension of time to file the reply brief is referred to the panel assigned to hear the appeal. The case should be calendared in the normal course of business. Endorsed for the Court by JP, Motions Staff Attorney. [Entry date Sep 3 2009 ] [DH]
- 9/11/09 Appellee's papers in opposition to Appellants motion for an extension of time, filed with proof of service. [Entry date Sep 11 2009 ] [DH]
- 9/14/09 Appellant P. Stephen Lamont papers in opposition to remove Plaintiff-Lead Appellant Lamont from the proceedings, filed with proof of service. [Entry date Sep 14 2009 ] [DH]
- 9/16/09 Copy of Appellant Bernstein emergency motion to compel served upon opposing counsel. [Entry date Sep 16 2009 ] [AS]
- 9/16/09 Appellant Eliot Bernstein motion Emergency motion to compel filed with proof of service. [Entry date Sep 16 2009 ] [AS]
- 10/16/09 Local Rule 34 Notice Sent [Entry date Oct 16 2009 ] [DH]
- 11/4/09 Argument Requested - Local Rule 34 Acknowledgment Returned by APPELLANT P. Lamont, Some parties seek oral argument [Entry date Nov 4 2009 ] [SC]
- 1/5/10 Order filed stating, Appellant Bernstein, pro se, moves to compel the appointment of counsel and for extensive relief. Upon due consideration, it is hereby ORDERED that the

motion is DENIED to the extent it seeks to compel the appointment of counsel and the appeal is DISMISSED because it lacks an arguable basis in law or fact. See 28 U.S.C.

Section 1915(e); see also *Neitzke v. Williams*, 490 U.S. 319, 325 (1989); see also *Pillay v. INS*, 45 F.3d 14, 17 (2d Cir. 1995) (this Court has 'inherent authority, wholly aside from any statutory warrant, to dismiss an appeal or petition for review as frivolous when the appeal or petition presents no arguably meritorious issue for our consideration.'). It is further ORDERED that the remainder of Appellant Bernstein's motion to compel, and all motions that remain pending before this Court, are DENIED.

Before: Wesley, Hall, Livingston, CJJ.  
Endorsed for the Court by FP. [Entry date Jan 5 2010 ] [DH]

- 1/5/10 This appeal is disposed by the order dated 1/5/10. [Entry date Jan 5 2010 ] [DH]
- 1/5/10 Order FILED DENYING motion for stay of appeal, by Appellant Eliot Bernstein, endorsed on motion dated 9/16/2009 [Entry date Jan 5 2010 ] [DH]
- 1/5/10 Order FILED DENYING motion Emergency by Appellant Eliot Bernstein, endorsed on motion dated 9/16/2009 [Entry date Jan 5 2010 ] [DH]
- 1/5/10 Order FILED DENYING motion to strike document by Appellant P. Lamont, endorsed on motion dated 9/16/2009 [Entry date Jan 5 2010 ] [DH]
- 1/5/10 Order FILED DENYING motion in opposition to Section IV of the Foley Defendant reply brief by Appellant P. Lamont, endorsed on motion dated 9/16/2009. [Entry date Jan 5 2010 ] [DH]
- 1/5/10 Order FILED DENYING motion for an extension of time by Appellant Eliot Bernstein, endorsed on motion dated 9/16/2009. [Entry date Jan 5 2010 ] [DH]
- 1/12/10 Appellant P. Stephen Lamont, motion for reconsideration filed with proof of service. [Entry date Jan 14 2010 ] [MR]
- 1/21/10 Appellees Appellate Division in opposition to motion reconsider decision filed with proof of service. [Entry date Jan 22 2010 ] [AS]
- 1/22/10 Notice to counsel in re: Order filed 01/22/2010. [Entry date Jan 22 2010 ] [ML]

- 1/22/10 Pro se letter sent to attorney. [Entry  
date Jan 26 2010 ] [AS]
- 1/22/10 FILERS motion received. [Entry date Jan 26  
2010 ] [AS]
- 1/22/10 Order FILED DENYING motion for  
reconsideration by Appellant Eliot  
Bernstein, endorsed on motion dated  
1/12/2010. (JP) [Entry date Jan 22 2010 ]  
[ML]
- 1/27/10 Certified copy of order dated 1/5/10  
disposing of the appeal issued to district  
court. [Mandate] [Entry date Jan 27 2010  
] [AS]
- 1/27/10 Notice to counsel regarding mandate issued.  
[Entry date Jan 27 2010 ] [AS]
- 2/16/11 Record on appeal RETURNED to lower court.  
(4 vols.)  
500 pearl  
[Entry date Feb 16 2011 ] [FN]