



## IVIEWIT HOLDINGS, INC.

P. Stephen Lamont  
Chief Executive Officer  
Direct Dial: 914-217-0038

October 2, 2003

### **By Certified Mail**

Lorraine C. Hoffman  
Assistant Staff Counsel  
The Florida Bar  
Cypress Financial Center, Suite 835  
5900 North Andrews Avenue  
Fort Lauderdale, Fla. 33309

Re: **Refile the Complaint of Iviewit Holdings, Inc. Against Christopher C. Wheeler, The Florida Bar File No. 2003-51,109 (15C) ("Complaint")**

Dear Ms. Hoffman:

Further to your letter of July 1 to Eliot Bernstein, and our discussion during or about the week of July 7, please be advised that the civil trial in the Circuit Court of the 15<sup>th</sup> Judicial Circuit in and for Palm Beach County, Florida (Proskauer Rose LLP v. Iviewit, Case No. 01-04671 AB) ("Civil Litigation") has been finally adjudicated.

As background to this final adjudication of which Iviewit Holdings, Inc. ("Company") has no plans to appeal, on July 15 the Company executed an engagement agreement with Schiffrin & Barroway LLP ("SB"), a law firm based in Bala Cynwyd, Penn., a true copy of which is attached herein as Exhibit A. Moreover, said engagement was, among other things, intended to pursue, on a Federal level, the allegations contained in the above referenced Complaint. Furthermore, as part and parcel of the engagement, SB entered an appearance along side Company counsel Steven M. Selz, Esq. in the Civil Litigation.

Furthermore, once retained, SB immediately contacted Proskauer Rose LLP ("Proskauer") to discuss a settlement of the allegations contained in the Complaint and the Civil Litigation; discussions ensued, and by July 28, it was clear that the parties were not of the same mind, and at that time, pertaining to the Civil Litigation, the Company with attorney Selz appeared at Court ready to begin the trial on the morning of July 29. However, and unbeknownst to the Company, Proskauer, fearing what the trial



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proceedings would involve for Proskauer, the night before, notified the Court of the continuance of settlement negotiations, at which time the Court removed the case from its docket.

Still further, and subsequent to the cessation of settlement negotiations, SB suggested that co-counsel Selz “stand down” as they were assuming principal responsibility for the case, according to Section 4 of Exhibit A. Thereafter, Proskauer apprised the Court of cessation of settlement negotiations and requested a resetting of the trial date at the first available calendar date, what was to become November 13–15. Moreover, as we previously advised, Selz, with his stand down order, now filed a Motion to Withdraw as Company counsel, pointing to SB as the Company’s counsel, and at which time, SB and Proskauer, unable to negotiate a settlement document for execution, filed a Motion to Withdraw as Company counsel, pointing to Selz as the Company’s counsel.

If not enough said, and on August 5, the Court heard and GRANTED the motion of both Selz and SB, both motions of which were based on inaccurate statements that the Company would still be represented by the other counsel, thus allowing both counsels to withdraw, and the Court further ordered the Company to retain new counsel within fifteen days in what was already a complex case. Moreover, not being able to do so, Proskauer filed a *Motion to Strike Pleadings and Enter a Default Judgment for Failure to Retain New Counsel*, now granted; the Company filed its *Motion to Set Aside the Amended Order, Reinstate the Pleadings, and Removal of Hon. Jorge Labarga From the Proceedings* based on error by the Court in a number of areas, attached herein as Exhibit B.

As a result, and having witnessed the Court remove any defenses of the Company whatsoever, including but not limited to: (i) denying the Company’s Motion for Leave to Amend Answer and Counterclaim for Damages of January 28 (Exhibit T of the Company’s *Rebuttal of Christopher C. Wheeler, Esq. Response to the Complaint of Iviewit Holdings, Inc.*); unilaterally, and without notifying the Company, removing the trial from the date of July 29 when the Company and attorney Selz stood ready to commence the trial; (iii) granting the withdrawal motions of both Company counsel on the same day at the same time and in the same hearing based on erroneous information submitted by SB; and, (iv) refusing to hear the Company’s motion to dismiss the proceedings based on the Court’s error, the Company was forced to accept the Court’s granting of Proskauer’s Motion to Strike Pleadings and Enter a Default Judgment for Failure to Retain New Counsel. Moreover, as discussed above, the Company has no plans to pursue an appeal in the case, but seeks redress of its allegations in a number of other forums of which the Complaint is but one.

Furthermore, and equally surprising, as the Court denied the Counterclaim where the allegations of attorney malfeasance had occurred long before filing of the Civil



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Litigation, the Court neither consulted with Company attorney Selz at side bar nor reported any of the allegations to The Florida State Bar or other tribunals as seemingly, according to the Company's estimation, required by Canon 3D(2) of the Code of Judicial Conduct for the State of Florida which states "A judge who receives information or has actual knowledge that substantial likelihood exists that a lawyer has committed a violation of the Rules Regulating The Florida Bar shall take appropriate action."

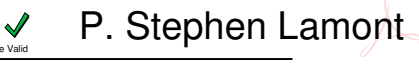
Accordingly, and with your retained documentation of the Complaint, the Company wishes to re-file this Complaint for The Florida Bar's further consideration, and further requests an expedited review of the Complaint due to the aforementioned delays caused by the Civil Litigation and the immediacy of the Company's intellectual property issues as they relate to our fiduciary responsibilities to shareholders. Most importantly, Ms. Hoffman, the take away message from this update is that the Company's case and the issues you found "sufficiently similar" were not heard by the Court, and as, such, this removes the singular defense Mr. Wheeler raises in his response to the Complaint.

Finally, the Company removes reasonable doubt as to the culpability of Christopher C. Wheeler, by pointing to the recent scandal surrounding Florida Atlantic University's fundraising foundation wherein Wheeler, Treasurer and Secretary, not only contributes substantial sums to what has been termed questionable gifts, but also asks for a charitable deduction receipt for Federal tax purposes and indirectly removes reasonable doubt by pointing to the investigation of Donald E. "Rocky" Thompson, Esq., and the lieutenant of Wheeler in the affairs of the Company, and Proskauer, in the alleged burying of the embezzlement of funds of Fuzion Wireless Communication of Boca Raton, Florida, articles of which are attached herein as Exhibit C.

Thank you for your continued attention to this matter.

Very truly yours,

**IVIEWIT HOLDINGS, INC.**

By:  P. Stephen Lamont

P. Stephen Lamont  
Chief Executive Officer

Digitally signed by P. Stephen Lamont  
DN: cn=P. Stephen Lamont, o=iViewit  
Holdings, Inc., ou=Corporate, c=US  
Date: 2003.10.02 22:40:23 -04'00'

By: \_\_\_\_\_

Eliot I. Bernstein  
Founder & President



**Exhibit A**



**[Insert SB Letter Agreement]**



**Exhibit B**



**[Insert Motion to Set Aside Amended Order]**



**Exhibit C**





**[Insert FAU and Fuzion articles]**