

DEPARTMENTAL DISCIPLINARY COMMITTEE
SUPREME COURT, APPELLATE DIVISION
FIRST JUDICIAL DEPARTMENT
61 BROADWAY
NEW YORK, N.Y. 10006
(212) 401-0800
FAX: (212) 401-0810

PAUL J. CURRAN, Esq.
CHAIRMAN
HALIBURTON FALES, 2d., Esq.
HON. THOMAS B. GALLIGAN
MARTIN R. GOLD, Esq.
DENIS MCINERNEY, Esq.
ROY L. REARDON, Esq.
STEPHEN L. WEINER, Esq.
SPECIAL COUNSEL

LAWRENCE J. BANKS
SALLY W. BERG
DOUGLAS W. BRANDRUP, Esq.
CHRISTOPHER E. CHANG, Esq.
ANN J. CHARTERS
BRIAN M. COGAN, Esq.
DENIS F. CRONIN, Esq.
TELESFORO DEL VALLE JR., Esq.
CHARLES E. DORKEY III, Esq.
PAUL F. DOYLE, Esq.
PATRICIA FARREN, Esq.
MARION T. ETHEREDGE
STEVEN N. FEINMAN, Esq.
ROSALIND S. FINK, Esq.
CHARLOTTE MOSES FISCHMAN, Esq.
BEATRICE S. FRANK, Esq.
MARANDA E. FRITZ, Esq.
WILLIAM A. GALLINA, Esq.
ROBERT L. HAIG, Esq.
RICHARD J. HOLWELL, Esq.
SUSAN M. KARTEN, Esq.
JOHN J. KENNEY, Esq.
DAVID G. KEYKO, Esq.
MYRON KIRSCHBAUM, Esq.
LENORE KRAMER, Esq.
WILLIAM FRANCIS KUNTZ II, Esq.
MICHAEL A. LACHER, Esq.
DEBORAH E. LANS, Esq.
MARVIN LEFFLER
BURTON N. LIPSHIE, Esq.
HENRIETTA LYLE
MARY B. MAGUIRE
CHARLES C. MARINO
DOUGLASS B. MAYNARD, Esq.
LAWRENCE D. MCGOVERN, Esq.
CHARLES G. MOERDLER, Esq.
MATHIAS E. MONE, Esq.
MERCEDES A. NESFIELD
JANE W. PARVER, Esq.
ANTHONY M. RADICE, Esq.
ANDREW W. REGAN, Esq.
TIMOTHY G. REYNOLDS, Esq.
MICHAEL J. ROSENBERG
REUBEN SAMUEL, Esq.
AUGUSTIN J. SAN FILIPPO, Esq.
SAMUEL W. SEYMOUR, Esq.
DANIEL E. SIFF, Esq.
MARIAN E. SILBER, Esq.
EUGENE P. SOUTHER, Esq.
JOHN L. WARDEN, Esq.
ERIC J. WARNER, Esq.
SUSAN WELSHER
COMMITTEE MEMBERS

THOMAS J. CAHILL
CHIEF COUNSEL
SHERRY K. COHEN
FIRST DEPUTY CHIEF COUNSEL

ANDRAL N. BRATTON
DEPUTY CHIEF COUNSEL

CHRISTINE C. ANDERSON
ROBERTA N. KOLAR
ANGELA CHRISTMAS
NICOLE CORRADO
JORGE DOPICO
MADY J. EDELSTEIN
JEREMY S. GARBER
NAOMI F. GOLDSTEIN
JOSEPH J. HESTER
JUN HWA LEE
VITALY LIPKANSKY
STEPHEN P. MCGOLDRICK
BIANCA MICHELIS
KEVIN E.F. O'SULLIVAN
JAMES T. SHED
EILEEN J. SHIELDS
JUDITH N. STEIN
RAYMOND VALLEJO
LA TRISHA A. WILSON
STAFF COUNSEL

July 12, 2004

BY HAND

PERSONAL AND CONFIDENTIAL

Ronald Uzenski, Motion Clerk
Supreme Court, Appellate Division
First Judicial Department
27 Madison Avenue
New York, New York 10010

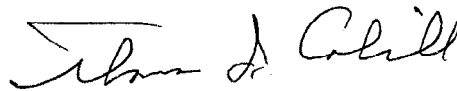
Re: Matter of Steven C. Krane, Esq.
Motion to Transfer

Dear Mr. Uzenski:

Please find submitted herewith an original and seven (7) copies of a Notice of Motion and Affirmation to transfer the complaint against the above referenced attorney to another Judicial Department. The motion is returnable August 2, 2004.

Please note the affidavit of service upon the parties on the blueback of the original Motion.

Very truly yours,


Thomas J. Cahill

TJC/nkd

Encls:

cc: Steven C. Krane, Esq.
Eliot I. Bernstein ✓
P. Stephen Lamont ✓

SUPREME COURT OF THE STATE OF NEW YORK
APPELLATE DIVISION : FIRST DEPARTMENT

-----X
In the Matter of an Attorney and
Counselor-at-Law:

Departmental Disciplinary Committee
for the First Judicial Department,

NOTICE OF MOTION

Petitioner.
-----X

PLEASE TAKE NOTICE that upon the annexed affirmation of
Thomas J. Cahill, Esq., Chief Counsel to the Departmental
Disciplinary Committee for the Appellate Division, First
Judicial Department (the "Committee"), a motion will be
submitted to this Court at the Appellate Division Courthouse,
27 Madison Avenue, New York, New York 10010, on August 2, 2004
at 10:00 A.M. or as soon thereafter as counsel can be heard,
for an order granting the Committee permission to transfer the
investigation and disposition of a complaint (Docket No.
2004.1883) to another Judicial Department for assignment to a
grievance committee that this Court deems appropriate, on the

grounds that there may be an appearance of impropriety.

DATED: New York, New York
July 12, 2004

Yours, etc.,

THOMAS J. CAHILL
Chief Counsel
Departmental Disciplinary
Committee for the First
Judicial Department
61 Broadway - 2nd Floor
New York, NY 10006
(212) 401-0800

To: Steven C. Krane, Esq.
Proskauer Rose LLP
1585 Broadway
New York, New York 10036

Eliot I. Bernstein
P. Stephen Lamont
IVIEWIT
10158 Stonehenge Circle
Boynton Beach, Florida 33437

I:\Tjc\2004\Krane2.nm.wpd

SUPREME COURT OF THE STATE OF NEW YORK
APPELLATE DIVISION : FIRST DEPARTMENT

-----X
In the Matter of an Attorney and
Counselor-at-law:

Departmental Disciplinary Committee
for the First Judicial Department,

AFFIRMATION

Petitioner.

-----X

THOMAS J. CAHILL, an attorney duly admitted to practice
law in the State of New York, hereby affirms under the penalty
of perjury:

1. I am Chief Counsel to the Departmental Disciplinary
Committee for the First Judicial Department (the "Committee"),
and I am fully familiar with the facts and circumstances
prompting this motion.

2. This affirmation is respectfully submitted in
support of an application to transfer the investigation of a
complaint (Docket No. 2004.1883) to another Judicial
Department for assignment to a grievance committee that this
Court deems appropriate, on the grounds of a potential

conflict of interest and appearance of impropriety.

3. On or about June 29, 2004 Eliot I. Bernstein filed a complaint against Steven C. Krane, Esq., who on April 19, 2004 was appointed a Referee to hear evidence in a matter brought by the Departmental Disciplinary Committee. In order to avoid the appearance of impropriety which could result from having the Committee determine the merits of the complaint, this matter should be transferred to another jurisdiction.

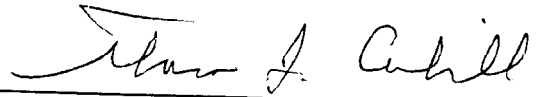
4. On June 17, 2004 the Committee requested that this Court transfer two related complaints by Mr. Bernstein (Docket Nos. 2003.0531 and 2003.0532) to another Judicial Department based upon the same grounds of potential conflict or interest and appearance of impropriety.

◇ ◇ ◇

WHEREFORE, based upon the reasons set forth above, the Committee respectfully requests that this Court issue an order transferring Docket No. 2004.1883 to another Judicial Department for assignment to a grievance committee that this

Court deems appropriate, and for such other and different relief as the Court deems just and proper.

Dated: New York, New York
July 12, 2004



THOMAS J. CAHILL

I:\Tjc\2004\Krane2.aff.wpd

SUPREME COURT OF THE STATE OF NEW YORK
APPELLATE DIVISION : FIRST DEPARTMENT

-----X
In the Matter of an Attorney and
Counselor-at-Law:

Departmental Disciplinary Committee
for the First Judicial Department,

NOTICE OF MOTION

Petitioner.
-----X

PLEASE TAKE NOTICE that upon the annexed affirmation of Thomas J. Cahill, Esq., Chief Counsel to the Departmental Disciplinary Committee for the Appellate Division, First Judicial Department (the "Committee"), a motion will be submitted to this Court at the Appellate Division Courthouse, 27 Madison Avenue, New York, New York 10010, on August 2, 2004 at 10:00 A.M. or as soon thereafter as counsel can be heard, for an order granting the Committee permission to transfer the investigation and disposition of a complaint (Docket No. 2004.1883) to another Judicial Department for assignment to a grievance committee that this Court deems appropriate, on the

grounds that there may be an appearance of impropriety.

DATED: New York, New York
July 12, 2004

Yours, etc.,

THOMAS J. CAHILL
Chief Counsel
Departmental Disciplinary
Committee for the First
Judicial Department
61 Broadway - 2nd Floor
New York, NY 10006
(212) 401-0800

To: Steven C. Krane, Esq.
Proskauer Rose LLP
1585 Broadway
New York, New York 10036

Eliot I. Bernstein
P. Stephen Lamont
IVIEWIT
10158 Stonehenge Circle
Boynton Beach, Florida 33437

I:\Tjc\2004\Krane2.nm.wpd

