



IVIEWIT HOLDINGS, INC.

Eliot I. Bernstein
Founder, President and Inventor
Direct Dial: 561.364.4240

and

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

By Email

Wednesday, July 28, 2004

John Anthony Boggs
Director, Legal Division
The Florida Bar
651 East Jefferson Street
Tallahassee, Fla. 32388-2300

Re: Your Letter of July 9, Received on July 16, the Matthew H. Triggs complaint, the second complaint against Christopher C. Wheeler, The Florida Supreme Court Case SC04-1078 and the complaint against Eric Montel Turner.

Dear Mr. Boggs:

Thank you for your letter, and your unequivocal acknowledgement of the conflict of interest inherent in the representation of Wheeler by his partner at Proskauer Rose LLP, Matthew H. Triggs, an individual who held a former membership on the 15(c) Grievance Committee that precludes him from representation of Wheeler in that complaint.

Furthermore, I do not share your view that "It is noteworthy that the grievance committee that heard your complaint against Mr. Wheeler is not the same one on which Mr. Triggs served," as they are both subdivisions of the Fifteenth Judicial Circuit where the attorney discipline community is a small one and the name recognition of members, officers, and employees of one subdivision carry over to the remaining subdivisions; it is the position of Iviewit that the representation of Wheeler by a former grievance committee member who is also a partner at his own law firm is, was, and will continue to be so improper that



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Iviewit will not hesitate for one moment to bring its cause, again, in a petition to the Supreme Court of Florida.

Still further, I note your insertion of a seeming rule or regulation of **15.10. Waiver of Disqualification as Attorney for Respondents**, and a rule that by its plain meaning, excludes Triggs from such representation of Wheeler or any other attorney subject to a complaint, even for one minute outside of the dictates of that rule's exclusionary period. Moreover, it is equally interesting to note that Triggs held the lead counsel role in a billing dispute case against Iviewit while simultaneously, at first, being a member of the grievance committee, and later, representing Wheeler within his exclusionary period. Furthermore, you state **15.10. Waiver of Disqualification as Attorney for Respondents** without citation as to your source, and for these purposes, please cite what law, rule, or regulation you refer to; for these purposes, I always appreciate Harvard Law School's Blue Book style of citation.

Also, in the recently filed Triggs complaint we cite multitudes of conflicts that we look forward to your response for each and every conflict cited in that complaint. Let this letter also serve to notify you to turn a copy of the Triggs complaint in entirety over to the Clerk of Florida Supreme Court, Thomas Hall for proper docketing as new complaint for that court to file as a new case or in addition to case SC04-1078, as we requested in that complaint. We ask that you docket the complaint against Triggs, the second complaint against Christopher C. Wheeler, the complaint against Turner as formal bar complaints and immediately forward such case numbers to our offices. Finally, we demand that due to the conflicts cited, all matters be reported to insurance carriers as fully defined in the attached Triggs complaint. Since it appears that due to already confirmed conflicts these matters should already have been reported, it would appear that The Florida Bar may have conflict with Iviewit and further until all appearances of impropriety are resolved it appears to further demand a review by an unbiased third party. We therefore ask that you reclude The Florida Bar from further investigation or determination in any Iviewit complaint before The Florida Bar and we demand that all matters be turned over with all files and other electronic or other media for review by The Supreme Court directly, to determine the proper resolution to all matters. The Triggs complaint has again been attached for your convenience.

Second, equally objectionable is your claim that the complaint against Eric Montel Turner is an internal matter concerning job performance; the position of Iviewit is that your tagging of the Turner complaint is a "creative attempt to fashion a way to [destroy] the file..." in the prior Wheeler complaint, and again, Iviewit puts you on notice that there is a petition in the Supreme Court of Florida requesting injunctive relief staying the destruction of the Wheeler file, and any destruction of that file prior to the Court's ruling is ill-advised, and similarly, upon information and belief, The Florida Bar's conversation



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with Debbie Yarbrough reflected a discussion of file destruction that resulted in your deferring such destruction pending The Supreme Court ruling on the Iviewit filing. Furthermore, Iviewit will not hesitate for one moment to bring its cause, yet again, in a petition in the Supreme Court of Florida should you, in fact, destroy the Wheeler file, as presently pending and, perhaps, future complaints depend on that file and would amount to, in the eyes of Iviewit, an obstruction of justice in an already heated, conflicted, and complex situation

Lastly, as I have mentioned above, and despite this need for a personal response to your July 9 letter, the issues of your letter and this response are all part of the record in the case of *Iviewit Holdings, Inc. v. The Florida Bar*, Case No. SC04-1078, and I find it quite unusual that you bypass the Court's jurisdiction and communicate directly with the Petitioners in these matters.

Very truly yours,

IVIEWIT HOLDINGS, INC.

Cc: Kelly Overstreet Johnson
Kenneth Marvin
Eric Turner
Joy A. Bartmon
The Florida Supreme Court