

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

RECEIVED  
By Eliot I. Bernstein at 3:50 pm, 9/12/04

September 7, 2004

PERSONAL AND CONFIDENTIAL

Honorable James Pelzer  
Clerk of the Court  
Supreme Court, Appellate Division  
Second Judicial Department  
45 Monroe Place  
Brooklyn, New York 11201

Cahill states here that Krane represented Rubenstein and himself in complaints filed against them and Proskauer Rose, while a referee. While also in a blackout period from representing parties due to his former role as President of New York State Bar. Krane also had other first department roles and is a Proskauer intellectual property department partner too. He is an Iviwit shareholder and a member of the group at Proskauer being charged with fraud on the United States Patent Office.

Re: Matter of Kenneth Rubenstein, Esq. - 2003.0531  
Matter of Raymond A. Joao, Esq. - 2003.0532  
Matter of Steven C. Krane, Esq. - 2004.1883

Dear Mr. Pelzer:

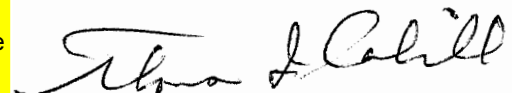
The above referenced complaints were filed with the Committee and involve the representation of one of the respondents by an attorney who also serves as a Departmental Disciplinary Committee referee. Consequently, to avoid an appearance of impropriety the Appellate Division, First Judicial Department, has transferred the matters to your Court for assignment to a grievance committee that you deem appropriate.

As a result, I am forwarding herein copies of the Orders, complaints, and related documents, and respectfully request that you submit the matters to a grievance committee in your Department for whatever action they deem fit and proper.

Thank you for your attention to this matter.

Cahill who is also under investigation with complaints filed against him in these matters, then attempts to state the Second department is able to deem what action is fit. But the following court orders conferred by five justices of the First Department are orders to investigate Krane, Rubenstein and Joao not to determine what action to take. The second department then refused to investigate and further conflicts were found between the new investigator and Krane.

Very truly yours,



Thomas J. Cahill

TJC/nkd

Encls:

cc: Kenneth Rubenstein, Esq.  
Raymond A. Joao, Esq.  
Steven C. Krane, Esq.  
Eliot I Bernstein & P. Stephen Lamont

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CHIEF COUNSEL

SHERRY K. COHEN  
FIRST DEPUTY CHIEF COUNSEL

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LA TRISHA A. WILSON  
STAFF COUNSEL

**RECEIVED**  
By Eliot I. Bernstein at 3:50 pm, 9/12/04

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

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

M-3198

Departmental Disciplinary Committee  
for the First Judicial Department,  
  
Petitioner.

NOTICE OF ENTRY

-----X

PLEASE TAKE NOTICE that the within is a certified copy  
of an unpublished order and decision duly made in this  
proceeding and duly entered and filed in the office of the  
Clerk of the Supreme Court of the State of New York, Appellate  
Division, First Department, on the 11<sup>th</sup> day of August, 2004.

DATED: New York, New York  
September 7, 2004

Yours, etc.,

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

**RECEIVED**

By Eliot I. Bernstein at 3:50 pm, 9/12/04

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

Eliot I. Bernstein  
P. Stephen Lamont  
Iviewit Holdings, Inc.  
10158 Stonehenge Circle, Suite 801  
Boynton Beach, Florida 33437

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RECEIVED

By Eliot I. Bernstein at 3:51 pm, 9/12/04

UNPUBLISHED ORDER

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 11, 2004.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,  
Richard T. Andrias  
David B. Saxe  
David Friedman  
Luis A. Gonzalez, Justices.

FILED

AUG 11 2004

Appellate Division, Supreme Court  
First Department

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

Departmental Disciplinary Committee  
for the First Judicial Department,  
  
Petitioner.

UNPUBLISHED ORDER

M-3198

-----X  
The Departmental Disciplinary Committee for the First Judicial Department, by Thomas J. Cahill, its Chief Counsel, having moved this Court on August 2, 2004, for an order granting movant permission to transfer the investigation and disposition of a complaint under Docket Number 1883/04 to a Grievance Committee in another Judicial Department, or to any other disciplinary jurisdiction this Court deems appropriate,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is unanimously

Ordered that the motion is granted and the complaint under Docket Number 1883/04 is transferred to the Appellate Division, Second Judicial Department, for investigation and disposition.

ENTER:

APPELLATE DIVISION SUPREME COURT FIRST DEPARTMENT  
STATE OF NEW YORK

*David Apolony*  
Clerk  
DEPUTY CLERK

I, CATHERINE O'HAGAN WOLFE, Clerk of the Appellate Division of the Supreme Court First Judicial Department, do hereby certify that I have compared this copy with the original thereof filed in said office on 8/11/04 and that the same is a correct transcript thereof, and of the whole of said original.  
IN WITNESS WHEREOF I have hereunto set my hand and affixed the seal of this Court on 8/11/04.

*Catherine O'Hagan Wolfe*  
CLERK

**RECEIVED**

By Eliot I. Bernstein at 3:51 pm, 9/12/04

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

-----X

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

M-2820

M-3212

Departmental Disciplinary Committee  
for the First Judicial Department,

NOTICE OF ENTRY

Petitioner.

-----X

PLEASE TAKE NOTICE that the within is a certified copy  
of an unpublished order and decision duly made in this  
proceeding and duly entered and filed in the office of the  
Clerk of the Supreme Court of the State of New York, Appellate  
Division, First Department, on the 11<sup>th</sup> day of August, 2004.

DATED: New York, New York  
September 7, 2004

Yours, etc.,

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

To: Kenneth Rubenstein, Esq.  
c/o Steven C. Krane, Esq.  
Proskauer Rose  
1585 Broadway  
New York, New York 10036

Raymond A. Joao, Esq.  
c/o John Fried, Esq.  
Fried & Epstein, LLP  
1350 Broadway, Suite 1400  
New York, New York 10018

Eliot I. Bernstein  
P. Stephen Lamont  
Iviewit Holdings, Inc.  
10158 Stonehenge Circle, Suite 801  
Boynton Beach, Florida 33437

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UNPUBLISHED ORDER

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on August 11, 2004. ....

PRESENT: Hon. Angela M. Mazzarelli,  
Richard T. Andrias  
David B. Saxe  
David Friedman  
Luis A. Gonzalez,

Justice President,

**FILED**

AUG 11 2004

Justices.

Appellate Division, Supreme Court  
First Department

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

Departmental Disciplinary Committee  
for the First Judicial Department,

UNPUBLISHED ORDER

M-2820

M-3212

Petitioner.  
-----X

The Departmental Disciplinary Committee for the First Judicial Department, by Thomas J. Cahill, its Chief Counsel, having moved this Court on July 12, 2004, for an order granting movant permission to transfer the investigation and disposition of complaints under Docket Numbers 531 and 532/03 to a Grievance Committee in another Judicial Department, or to any other disciplinary jurisdiction this Court deems appropriate (M-2820),

And the motion papers executed by Eliot I. Bernstein and P. Stephen Lamont, dated July 8, 2004, seeking immediate investigation of complaints against certain specified attorneys, the striking of the Departmental Disciplinary Committee's motion, and for related relief, having been deemed a cross motion (M-3212),

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is unanimously

Ordered that the motion is granted and the complaints under Docket Numbers 531/03 and 532/02 are transferred to the Appellate Division, Second Judicial Department, for investigation and disposition. The cross motion is granted only to the extent of transferring ~~the~~ complaints Numbers in said manner and is otherwise denied.

APPELLATE DIVISION SUPREME COURT FIRST DEPARTMENT  
STATE OF NEW YORK

I, CATHERINE O'HAGAN WOLFE, Clerk of the Appellate Division of the Supreme Court First Judicial Department, do hereby certify that I have compared this copy with the original thereof filed in said office on 8/11/04 and that the same is a correct transcript thereof, and of the whole of said original.  
IN WITNESS WHEREOF I have hereunto set my hand and affixed the seal of this Court on 8/11/04.

*David Anthony*  
Clerk.  
DEPUTY CLERK

*Catherine O'Hagan Wolfe*  
CLERK