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ARTICLE 1, SECTION 8, CLAUSE 8 OF THE UNITED STATES
CONSTITUTION PROVIDES:

"CONGRESS SHALL HAVE THE POWER ... TO PROMOTE THE PROGRESS OF SCIENCE AND USEFUL ARTS, BY SECURING FOR LIMITED TIMES TO AUTHORS AND INVENTORS THE EXCLUSIVE RIGHT TO THEIR RESPECTIVE WRITINGS AND DISCOVERIES"

IN THE SUPREME COURT OF FLORIDA

ELIOT I. BERNSTEIN and P. STEPHEN)
 LAMONT)
)
 Petitioners)
)
 v.)
)
 THE FLORIDA BAR)
)
 Respondents.)
)
 _____ \

Case No. SC04-1078

REBUTTAL TO RESPONSE OF THE FLORIDA BAR

COME NOW, Eliot I. Bernstein (“Bernstein”) and P. Stephen Lamont (“Lamont”), collectively (“Petitioners”), to rebut the response (“Response”) of The Florida Bar (“Flabar or Respondent”) to Petitioners July 28th 2004 petition (“Petition”) and state as follows:

RESPONDENT’S RESPONSE GENERAL REBUTTAL

1. That Flabar has failed to deal with any issues raised in the Petition in the Response tendered by order of the Supreme Court of the State of Florida (“This Court”). In fact, Flabar simply attempts to sell a work product mired in conflict of interests, appearances of impropriety, abuses of public office and a myriad of unethical behavior both under the Rules Regulating The Florida Bar (“Bar Rules”) and the Rules of Professional Conduct (“Rules”) by members of Flabar.
2. That as stated in the Petition, the conflicts of interest discovered and affirmed, the appearances of impropriety cited and all other matters alleged within the Petition that have denied Petitioners due process and loss of constitutionally

protected intellectual property rights were left unchallenged by Flabar in the Response, no defense asserted.

3. That as stated in the Petition, the conflict of interest caused by Triggs responding as counsel for his partner Christopher C. Wheeler (“Wheeler”) and other Triggs conflicts stemming from Triggs’ public office position, left unchallenged in Flabar’s Response.

4. That as stated in the Petition, Bar Rule states that Triggs may not respond for anyone for a period of one year after service on a Committee and the Petition claims this violation as cause for an entire review of the Wheeler Complaint, left unchallenged by Flabar in the Response.

5. That the Petition states that subsequent charges against both Triggs and Wheeler be filed for knowingly violating Bar Rules and Rules, left unchallenged in Flabar’s Response.

6. That the Petition states conflicts of Triggs occur in a multiplicity of ways as outlined in detail in the complaint filed against Triggs (“Triggs Complaint”) attached to the Petition. Where Triggs is found responding while in a blackout period, whereby no response could be made without express consent of the Flabar Board, approval of which Triggs failed to seek, causing an appearance of impropriety that taints and influences the Wheeler Complaint rendering all prior review null and void, left unchallenged by Flabar in the Response.

7. That the Petition states conflicts by Triggs, allowed access to private government Flabar files and caused further loss of due process to Petitioners and further violations of the Bar Rules, left unchallenged by Flabar in the Response.

8. That the Petition states conflicts by Triggs in that he simultaneously represents his firm, Proskauer Rose LLP (“Proskauer”) in a private civil litigation against Iviewit, while responding to the Wheeler Complaint, left unchallenged in Flabar’s Response and therefore affirmation of Petitioners’ claims.

9. That Flabar attempts to hide from issues and only deals with their pat-on-the-back review work of the Wheeler Complaint and pursue a course that further validates Petitioners’ position by failing to address the allegations to This Court in the Response. All such failures to confirm or deny the allegations taken as an admission of guilt through default and affirmation of all Petitioners’ allegations.

10. That the Petition states that members of Flabar were involved directly and knowingly in the nexus of events, evidenced by their aiding and abetting Wheeler from confronting the evidence submitted against him in the Wheeler Complaint. These actions alleged are all in violation of the Bar Rules, Rules and criminal codes that as stated deny Petitioners due process and have caused loss of constitutionally protected inventor rights to their intellectual properties, left unchallenged in Flabar’s Response. Flabar’s lack of response to such charges is an admission of default to such allegations, which would include all charges levied in the Wheeler Complaint and thus cause for immediate actions by This Court.

11. That Flabar in the Response illustrates the inability of Flabar to defend that all reviews were tainted by the conflicted response on behalf of Wheeler by Triggs (“Triggs Response”).

12. That as stated in the Petition, that even after notification of such conflicts, Flabar fails to follow proper procedure in this matter. Procedure would

have it that Flabar administer discipline to Triggs and Wheeler under the Bar Rules. That the conflicts would be cause to re-examine the Wheeler Complaint in light of the conflict, discarding the prior tainted responses and opening an immediate investigation into the conflict, the entire Wheeler complaint and all subsequent complaints filed by Petitioners, all left unchallenged by Flabar in the Response.

13. That the Petition states that the re-examination process be conducted by a disinterested third-party oversight, left unchallenged by Flabar in the Response.

14. That the Petition states that Flabar should have sought outside counsel to represent them in filing the Response, as they are named participants in the conflicts, and therefore, it would prevent their Response to This Court from bias -- a Response that appears written to protect them at any cost, left unchallenged by Flabar in the Response.

15. That in responding to Petitioners' petition, Flabar presents a one-sided view of the issues by submitting only their review letters and exposing This Court to only their letter reviews. That the Petition requested Flabar to submit all materials for review by This Court as proper procedural rules would have it and instead of exposing both sides of the story by presenting items such as the Petitioners' complaints and rebuttals, Flabar sent This Court only their conclusions in order to create further bias. That failure to respond with the production materials as set forth in the Petition, or even acknowledge the requested file

materials, is a failure to respond to the production requests contained in the Petition and contempt of This Court's order for a response to the Petition.

16. That Flabar responds only to the Wheeler Complaint and their review letters relating to the Wheeler Complaint. Where even in this limited response to a single allegation, without the materials and evidence in entirety that formed the Flabar's unfounded review conclusions, This Court cannot make any determination as to the veracity of their claims of a good review. Whereby such failure to respond with full disclosure of the materials again appears in contempt of This Courts order to respond to the Petition.

17. That this course of denying the other side of the story, of not presenting the evidence, is presumed to be done intentionally to cover up Flabar's tracks. Such intent to obstruct justice culminating in Flabar's repeated attempts to destroy Flabar files prior to This Court having a chance to review such files and prior to such time as is mandated by law, as will be evidenced herein. That as stated in the Petition, without such files, the matters cannot be addressed with fair and impartial due process; therefore, This Court must preserve all evidence and Flabar must be compelled to provide This Court and Petitioners with the entire file and all other requested information that the Petition asks for. Failure to comply with the production of the entire file further constitutes a failure to respond to the This Court's order to respond to the Petition.

18. That Petition stated that once all Flabar's files were presented to This Court, Petition sought a fair and impartial review of the whole story, with all the evidence presented, void of further conflicts and allowing due process to reign as

our constitution demands. That Flabar's failure to comply with such production of the entire file, stands again in the way of Petitioners getting a fair and impartial review from This Court and has cost further loss of inventors constitutionally protected rights in intellectual properties, as certain rights have been lost globally in the last several weeks due, further increasing liabilities.

19. That Petition further requested that Flabar send the file to ascertain those documents sent to those reviewing the matters to verify what documents were reviewed in making their decisions, that Flabar's failure to respond to the Petition request stands again as a failure to comply with This Court's order to respond to the Petition. The documents should have been all inclusive, including but not limited to the following, and for failing to comply This Court should demand all production requests in the Petition, including but not limited to;

- i. original Wheeler Complaint,**
- ii. Wheeler Complaint 2 (not yet docketed by Flabar but filed by Petitioners),**
- iii. Triggs' responses and correspondence from Triggs and Flabar,**
- iv. Flabar complaint against Eric Montel Turner ("Turner") the ("Turner Complaint"),**
- v. Flabar complaint against Proskauer and Partners, Associates and Of Counsel,**
- vi. complaints filed both by facsimile and/or delivered via email to Flabar's offices,**

- vii. all bar complaints that were not filed properly according to Flabar, for example Flabar originally denied the original Wheeler Complaint filings for several weeks. All Complaints will be necessary so that This Court may see the timeline accurately,**
- viii. all letters written on behalf of Wheeler by Triggs with affirmation of time and date received and other Triggs correspondences,**
- ix. all correspondences internally of the Flabar or with any third parties,**
- x. dated and verified correspondence via telephone or other medium with any parties regarding these matters and all work product relating to such correspondence,**
- xi. detailed accounting of each and every person who received any copies of Petitioners' materials, with emphasis on any documents containing proprietary and confidential information,**
- xii. all work product and correspondence of any form of all lawyers, bar personnel and reviewers who handled Petitioners' matters, with affirmation of all materials sent and received,**
- xiii. response of Wheeler, authored by Triggs ("Triggs Response") without any disclosure of conflicts to the Board or any party,**
- xiv. response of Bernstein to the Wheeler response tendered by Triggs, approximately 1102 pages,**
- xv. response of P. Stephen Lamont to the Wheeler response tendered by Triggs, approximately 290 pages,**

- xvi. all correspondence in response to reviews done by Flabar by Petitioners and electronic email and facsimile submissions and further if such email was forwarded, to whom,**
- xvii. recent correspondence sent for review to Flabar that contain new and damning evidence of further ethical misconduct involving fraud on government agencies and international patent authorities. It appears from the selected correspondence submitted by Flabar to This Court, although the Petition called for full file disclosure, that Flabar has very craft-fully presented in their Response only partial emails and letter reviews, that reveal only lopsided views of their review work. The Response fails to illustrate the whole series of events in question and fails throughout to address a single evidence or witness. Evidence submitted by Petitioners in the complaints and in response to the reviews, all show evidence that the reviews were steeped in false and misleading conclusions and contrary to the mounds of evidence submitted in rebuttal and response to their review letters,**
- xviii. a certified and affirmed list of each and every Compact Discs (“CD”) contained in Flabar’s file and if copies were made and if so, to whom they were sent,**
- xix. an affirmed statement of the timeline of events, and,**
- xx. that members of Flabar affirm all such correspondence provided by Flabar to This Court as to the validity, whereupon This Court should request Flabar to retain outside, independent, non-conflicted, third-party**

counsel for future submissions or Responses. Such outside counsel to prevent further conflicts and appearances of impropriety. That such affirmations to This Court be copied to Petitioners, as evidence herein shall exhibit that certain documents appear in the Response that raise the brow,

xxi. that the data contained in the CD's, which Flabar approved for submission and review, containing thousands of pieces of evidence, also be fully printed for review and submitted by Flabar with copies to the Court and Petitioners, to again affirm what materials were distributed to all reviewers and that no evidence of tampering with such documents or electronic mediums has occurred.

20. That Petitioners further requests, due to Flabar's failure to respond to the Petition, that This Court have that each reviewer verify what materials they reviewed in the files in making their decisions. Further, that they sign a conflict of interest waiver stating that they had no conflicts of interest in reviewing such materials sent to them with any of the following parties or any unknown parties;

- 1. Proskauer Rose, LLP, any and all Partner, Associate or Of Counsel, including but not limited to;**
 - Kenneth Rubenstein ("Rubenstein")**
 - Christopher Wheeler**
 - Chief Justice of the New York Supreme Court, Judith Kaye ("Kaye")**
 - Stephen Kaye ("S. Kaye")**

- **Triggs**
 - **Steven C. Krane (“Krane”)**
 - **Alan Jaffe**
 - **Robert Kafin**
 - **Christopher Prusaski**
 - **Rocky Thompson**
2. **Meltzer Lippe Goldstein Wolf and Schlissel, P.C., (“MLGWS”)**
any and all Partner, Associate or Of Counsel, including but not limited to;
- **Raymond Joao (“Joao”)**
 - **Lewis Meltzer**
 - **Frank Martinez**
3. **Foley and Lardner (“Foley”), any and all Partner, Associate or Of Counsel, including but not limited to;**
- **William J. Dick (“Dick”)**
 - **Douglas Boehm**
 - **Steven Becker**
4. **Schiffrin and Barroway, LLP, (“SB”) any and all Partner, Associate or Of Counsel, including but not limited to;**
- **Andrew Barroway**
 - **Krishna Narine**
 - **Richard Schiffrin**
5. **Judge Jorge Labarga (“Labarga”)**

6. **Christopher and Weisberg, P.A., any and all Partner, Associate or Of Counsel, including but not limited to;**
 - **Alan Weisberg**
7. **Sachs, Sax & Klein, P.A., any and all Partner, Associate or Of Counsel, including but not limited to;**
 - **Spencer Sax (“Sax”)**
 - **Benjamin P. Zuckerman**
8. **Adorno & Yoss, any and all Partner, Associate or Of Counsel or any other law firm where Bart Houston has worked since 1999 including but not limited to;**
 - **Bart Houston**
9. **Richard L. Handley;**
10. **Flabar, including those whom have had any dealings with Petitioners’ complaints, including but not limited to the following;**
 - **Kelly Overstreet Johnson (“Johnson”)**
 - **Turner**
 - **Lorraine Christine Hoffman (“Hoffman”)**
 - **Kenneth L. Marvin (“Marvin”)**
 - **John “Anthony” Boggs (“Boggs”)**
 - **Joy A. Bartmon (“Bartmon”)**
 - **Jerald S. Beer (“Beer”)**
11. **Broad & Cassel any and all Partner, Associate or Of Counsel**

- James Wheeler (“J. Wheeler”)
- Johnson

12. Any conflict with any parties with any interest to these matters.

21. That Flabar responds to Petition through an employee, Turner, identified as a conflicted party in the Petition and whereby Flabar or Turner fails to put up a defense to such allegation is taken as an affirmation in favor of Petitioners allegation.

22. That the Petition states that a bar complaint had been filed with Marvin and Boggs whereby the Petition certainly noted violations that would have precluded Turners further involvement without representation and whereby Flabar ignores such allegation and has Turner respond in conflict to This Court.

23. That Petition alleged that Turner acted as a co-conspirator in the cover-up of the crimes alleged in the Wheeler Complaint, including but not limited to, crimes of fraud on the United States Patent & Trademark Office (“USPTO”) and crimes against the federally backed Small Business Administration (“SBA”). That Flabar and Turner’s inability to raise a defense to the allegations in the Petition, is a default by Flabar indicating a co-conspiratorial role in the commission of the allegations in the Wheeler Complaint.

24. That this use of Turner to represent Flabar again represents a further conflict of interest and appearance of impropriety in the Response to This Court, where in these circumstances the Response should have come from a disinterested, non-conflicted third-party law firm. That This Court should be skeptical that Flabar, cognizant of the conflict with Turner and that he is a named Respondent in

the Petition, should know the old adage “only a fool represents himself in court”.

Where such self-representation is understandable in Petitioners’ case where they come In Forma Pauperis due to the many crimes committed against them by the legal community, yet Petitioners ask themselves what is Flabar’s excuse for self-representation in light of the seriousness of the charges against them.

25. That Petitioners request that due to the potential for further appearances of impropriety and conflicts of interest in responses tendered by Flabar, that Flabar be prohibited from self-representation in these matters so that unbiased and non-conflicted responses may be presented to This Court, to prevent further damages from occurring to all parties involved, including insurance carriers now at risk. Finally, where the court docket SC04-1078 reflected a different author to the Response, Boggs, which was false; and that upon request by Petitioners, the docket changed to properly reflect that Turner, in conflict, authored such response.

26. That Petition claimed that according to Flabar, the Turner Complaint was not formally filed as a bar complaint, although Petitioners filed a formal bar complaint worthy of due process and procedure under the Bar Rules. Flabar instead turned the Turner Complaint into an internal employee investigation, before filing and docketing, as proper procedure requires. Flabar and Turner failed to respond in the Response to these allegations, validating Petitioners’ allegations.

27. That the Flabar Response is fraught with misleading statements, attempting to state that Petitioners were using Flabar, other than to review and investigate the unethical conduct cited against Wheeler. In fact, all reviews have repeatedly failed to address the ethical misconduct cited by rule numbers in the

complaints and claim that the complaints were something other, such as civil or malpractice claims. Although it is not necessary for Petitioners to have to specify the Bar Rules and Rules within the complaints, Petitioners did in fact perform a detailed analysis and cite specific code violations against Wheeler that review after review failed to address. The conflicts and ethical violations are obvious and in violation of Bar Rules, the Rules and procedural rules of this State which all demand formal due process to the charges, where a conflict is a conflict, an abuse of public office in violation of express rules is a violation, etc., and each charge must be given fair and impartial review. Flabar fails to respond to the allegations in the Petition stating such incomplete reviews were done, failure to respond an affirmation of Petitioners' claims. A few examples of the Rules violated and cited by code, with detailed explanation in the rebuttals and where review after review fails to address them are, including but no limited to; Rule Violation(s) 4 -1.1, 4-1.3, 4-1.4, 4-1.4, 4-1.6, 4-1.7, 4-1.8, 4-1.10 as cited in the original complaint shown below.

- malfeasances with Mr. Utley's former employer Diamond Turf products. Mr. Dick subsequently aided and abetted Mr. Utley in writing patents into his own name of the Company's technologies, without assignment to the Company, sent to his home address and filed fraudulently with the US Patent and Trademark office.
12. Mr. Wheeler transacted stock to Tiedemann/Prolow, another referral friend of Mr. Wheeler, without proper documentation, nor Board approval.
 13. Knowing and willful destruction of Company records
 14. Failure to file Copyrights on behalf of I View It when billed for such
 15. Failing to list proper inventors of the technologies on the patents, and thereby submitting false and fraudulent patents to the US Patent and Trademark office based on improper legal advise by Wheeler that foreign inventors could not be listed until their immigration status was adjusted leading to further erroneous billings by Proskauer Rose for frivolous immigration work. This resulted in the failure of the patents to include their rightful and lawful inventors; and,
 16. Violation 4-1.1 - Lack of competence in all matters pertaining to patent and copyrights, in some instances outright lack of filing documents that were billed for
 17. Violation 4-1.3 - Lack of diligence in representing the Company - Failure to file copyrights and failure to secure protection for patents
 18. Violation 4-1.4 - Failure to communicate with Company to the detriment of the Company, and in certain instances communication of false materials to the Company. Submission of executive resumes with knowingly false information for MR. Brian Utley a close personal friend of Mr. Wheeler. Failure to communicate proper information regarding attorney's handling patents for Company.
 19. Violation 4-1.4 - Withholding of information to the detriment of the Company, examples would be failure to secure Copyright protection and adequate patents based on withholding either partial or entire pertinent information from both client company and the United States Patent and Trademark Offices
 20. Violation 4-1.6 - Violated Company Confidentiality of Information in multiple instances for the benefit of his firm and his firm clients and patent pools overseen by firm.
 21. Violation 4-1.7 - Violated Company in multiple conflicts of Interest between Company and firm clients and firm patent pools overseen by firm
 22. Violations of RULE 4-1.8 - CONFLICT OF INTEREST; PROHIBITED AND OTHER TRANSACTIONS - Accepted Company stock for his firm knowing of potential conflicts that were never revealed to the Company
 23. Violations of RULE 4-1.10 - IMPUTED DISQUALIFICATION - Quit working for Company because he was being investigated by Company in several of the above allegations and then filed frivolous lawsuit against the Company in an attempt to claim a large claim against the Company holding the patents when he has no billing records to pursue such actions against these companies
 24. Lastly, the negligent actions of Wheeler and Proskauer resulted in and were the proximate cause of loss to the Company; true copies of exhibits and witnesses are available on request and/or I will, on behalf of the Company, presented them

28. That Flabar has erroneously suggested in the Response that Petitioners have used Flabar to further civil disputes, when in fact Petitioners have never filed any civil suit against Wheeler/Proskauer; and in the civil dispute against Iviewit filed by Proskauer, none of the issues contained in the Wheeler Complaint were heard or allowed by the civil court. In fact, the case was final when Petitioners requested Flabar, at Flabar's request, to re-open the file for review after the conclusion of the wholly non-relevant civil case. That Flabar as stated in the Petition, by delaying review of the Wheeler Complaint for months, citing the civil dispute as an excuse, knowing that this diversion aided and abetted Wheeler and others in remaining cloaked from legal sanctions, followed a course that denied Petitioners due process and led in part to further loss of constitutionally protected inventor rights. Flabar's attempt at a misleading Response to This Court to these allegations contained in the Petition, is an admission of the original Petition allegations and cause for further reprimand by This Court.

29. That the unethical behavior of Wheeler, the civil claims (other than billing issues), the malpractice issues, the criminal issues were not part of ANY civil lawsuit and therefore the Wheeler Complaint was in no way sufficiently similar to the civil case. For Flabar to respond in the Response, again with unfounded claims, is an admission to the Petition's claims that Flabar had no basis to delay the Wheeler Complaint and further these new false and misleading statements to This Court are cause for further reprimand by This Court.

30. That the Petition states the refusal to review or investigate the Rules and Bar Rules supports the denial of due process. Such months of delay caused

inventors to lose Constitutionally protected rights to their intellectual properties, under Article 1, Section 8, Clause 8, and further, had due process (i.e. disbarment) been applied, such actions might have prevented such losses and prevented additional individuals and institutions from becoming involved in the attempted cover up of such alleged crimes. Flabar's failure to respond to the allegation that the bar complaints caused loss of constitutionally protected inventor rights is an admission of damages caused to Petitioners by Flabar members and employees in a co-conspiratorial role, and as such, is an admission of liability and therefore necessitates proper insurance regulatory reporting of such part of a seventeen billion dollar loss. No longer does this appear a potential or contingent liability but now appears a liability in light of Flabar's failure to Respond to This Court.

31. That Flabar attempts to respond to This Court as if each reviewer had reviewed the matters in entirety and whereby the Response exposes that, certain reviewers had not even reviewed the entire file before making their decisions. That certain letters of review were never sent to Petitioners and names of such reviewers were concealed from Petitioners, as in the case of Bartmon, Chair of the Committee, where it first was revealed in the Response to This Court. Instead, Petitioners received a letter from Turner with his interpretation of the mystery "chair" or Chair's conclusions. The attached unintelligible letter best illustrates this point, as shown below.



THE FLORIDA BAR
CYPRESS FINANCIAL CENTER, SUITE 900
5900 NORTH ANDREWS AVENUE
FT. LAUDERDALE, FL 33309

JOHN F. HARKNESS, JR.
EXECUTIVE DIRECTOR

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May 21, 2004

PERSONAL/FOR ADDRESSEE ONLY

Eliot I. Bernstein
Ivewit Holdings, Inc.
10158 Stonehenge Circle, Suite 801
Boynton Beach, FL 33437

Incomplete sentence, who is the committee chair and why lower case as in a wooden chair of the committee. Who is the chair and since it not defined or capitalized is it again a chair or the Chair.

RE: Complaint against Christopher Wheeler
The Florida Bar File No. 2003-51,109(15C)

Who found the prior claims of unethical conduct not unethical, Wheeler or the chair??? What does sentence mean and either way it is read it makes no sense.

Dear Mr. Bernstein:

Why is he in a hurry to destroy the file especially after notification of the new events uncovered at the patent office and the other crimes we have been notifying Turner of??

I am writing to advise you the review by the committee chair. The chair found there was no conflict of interest and Mr. Wheeler's firm did not agree to handle your patent work. Further, the chair found the referral to other counsel for patent work, without disclosing his prior claims of unethical conduct, was not unethical.

→ This file remains closed. It will be destroyed in accordance with our records policy on July 1, 2004.

Does he mean with our or without records policy

Sincerely yours,

Eric Montel Turner
Chief Branch Discipline Counsel

Where is Joy Bartmon signature or carbon copy to her. No one is copied. Turner stated that the chair would reply directly and then he sends this. According to Flabar Rules and procedure this is not a proper review by a Grievance Committee Chair.

EMT/es

G:\CBDC REVIEW\cbdc chair review\berstein wheeler close.wpd

To the best of Petitioners knowledge, as will be evidenced, the memorandum from “the chair” as interpreted by Turner, fails to carbon copy the nameless “chair” or

any other person. Petitioners requested Turner to turn over the name of the mystery “chair” for Petitioners to file a response to, to ascertain if such “chair”, or stool, or “Chair” (as proper English would have it), could explain the unintelligible letter penned by Turner for its/his/her “chair” of the Committee. The Flabar Grievance Committee Chair, or as Turner states, “the committee chair”, again causes confusion as it remains unclear if this was a chair of someone in a Grievance Committee or if it was a Chair of the Committee, as no person has yet been defined in Turner’s letter and therefore the letter remains nonsensical. Therefore, Petitioners had valid questions to ask Turner, such as, did a chair or did a person find no conflict with Wheeler, and whom, or what, determined that Wheeler’s firm did no patent work, and were statements such as these opinions based on review of the evidence or investigation by a Chair or by a chair.

32. The last sentence in the first paragraph Petitioners challenged in the Petition for anyone to put forth an explanation regarding, including This Court, to what in G-ds name it meant. Flabar’s failure to put up an explanation is an admission of an unintelligible review and therefore constitutes a flawed review that should be stricken from the record. On a final note, until Turner penned the Response to This Court, the last sentence of the letter, “It will be destroyed in accordance with out records policy on July 1, 2004.” sounded unintelligible. Yet, in light of recent information that record policy was not being followed, as evidenced herein, this shows now that although still grammatically incorrect; substantively the sentence makes sense, since now it will be proved herein that Flabar attempts to

destroy the file without following proper records policy constituting not only bad grammar but an attempt to obstruct justice.

33. That Petition states that Petitioners received no response to clarify or identify the author of the unintelligible letter in response to calls made to Bartmon and Turner, which, in turn, led to Candice M. Bernstein to obtain Bartmon's name from a list of attendees attending a Flabar affair at the Boca Raton Hotel & Resort. Again, repeated calls to Turner failed to confirm or deny her existence as the mystery reviewer. In Flabar's Response to This Court they provide a memorandum never before seen by Petitioners, which is not signed or properly time/date stamped and this appears inapposite of the procedural rules for such review letter by a properly named Chair of the Grievance Committee. Such unsigned or verified memorandum of Bartmon in substitution of a proper responsive review letter that follows proper procedure exhibits that the Flabar and Turner may have typed such letter by the very "chair" that Turner sits on. As it is hypothesized herein, that no review of a Grievance Committee Chair could have resulted in the conclusions set forth in the memorandum, a memorandum shown herein to further violate Bar Rules and the Rules.

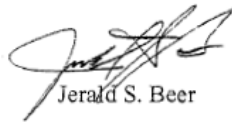
34. That this type of biased and flawed review, is again illustrated in the review letter from Jerald S. Beer ("Beer") contained in the Response to This Court, in the review for the Board of Governors. Beer freely admits that his response was based on an incomplete review of unknown documents submitted to him for review by Flabar, as illustrated in his statement from the review below. "

Eric Montel Turner, Esq.
June 9, 2004
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In conclusion, I concur with the results previously reached. If there is information that I have somehow misperceived and you feel that I need to review the entire file, please let me know.

Best regards.

Sincerely,



Jerald S. Beer

”.

Certainly, had Beer been informed of or presented with such evidence as the Triggs conflicts or evidence against Wheeler, it would have necessitated a complete review of the entire file. Not a review of Bartmon or the “chairs” memorandum, or a review of Turner’s review of Hoffman’s decision, or a review of Triggs’ conflicted response, all reviews having never investigated a single piece of evidence or witness and all reviews proved herein and in the Petition to be flawed.

35. That the Flabar Bartmon memorandum, in substitution of a formal review, appears to make baseless conclusions in favor of Wheeler, again opposite Flabar Bar Rules. Where opinion cannot be made without formal investigation, in favor of either party. Further, Turner paraphrases the inaccurate and unintelligible memorandum from Bartmon, further compounding the unintelligible conclusions of Bartmon, again supported by no facts or review of the facts. In fact, Bartmon refuses to re-review the file, even after the Triggs’ conflicts were exposed and where Bartmon fails to address direct correspondence to her to find out if she had actually reviewed these matters and further to explain Turner’s unintelligible

interpretation of her review. Keep in mind that until the Response, where Bartmon's memorandum first surfaces, Petitioners did not know if Bartmon was the reviewer and had no idea what Turner's interpretation meant, as stated in the Petition. Further, Bartmon's memorandum to Hoffman in substitution of a formal review reeks of further possible violations of Bar Rules and Rules, as will be evidenced herein.

36. That the Petition states that in order to ensure fair and impartial re-review of the Wheeler Complaint, Petitioners requested that Flabar obtain an unbiased and non-conflicted third-party review of all the evidence and address each and every allegation levied against Wheeler, Triggs, Turner, Johnson, and any other named participant, as due process would demand. Failure to respond to such request, taken, as affirmation of Petitioners' position and therefore This Court should have Flabar removed from the proceedings in favor of third-party counsel. Further, Petition requested that Flabar reprimand the conflicts of interest found in the Triggs Complaint and the recently discovered conflict of interest of Flabar's President, Johnson. Johnson's acceptance of Petitioners' materials marked private and confidential, while having a conflict due to her relationship with Wheeler's brother, James Wheeler ("J. Wheeler"), of whom she works under in her private practice, is an obvious conflict as fully defined in Triggs Complaint attached to the Petition. That failure of Flabar, Johnson, Triggs, Wheeler and Turner to respond to such allegations in the Petition is an affirmation of Petitioners' claims that these conflicts exist and therefore causes This Court, at minimum, to remove these

individuals from responding further in these matters, without third-party representation, and administer reprimand for the conflicts.

37. That the Petition states that so obvious is the conflict of Johnson, that she later recluses herself from the matters but only after the conflicts of Triggs were discovered and exposed to her and only after receiving months of highly confidential files of Petitioners -- submissions that contained private and confidential evidence against Wheeler. The Petition further states that months of emails sent to Johnson may have been forwarded to J. Wheeler for further transfer to Wheeler, further causing conflict and the appearance of impropriety, so grotesque as to necessitate an entire review of the conflicts of Johnson and have This Court file formal charges against her for such actions. Again, this behavior of Johnson, unchallenged in the Response tendered to This Court, taken as an affirmation of the allegations made in the Petition where Johnson and Flabar had ample time to put forth a defense.

38. That the Triggs' conflicts and access to private files, continues to expose Petitioners' private government files to conflict, as Wheeler or his brother may still have access to such correspondence marked private and confidential through any of the named conflicted individuals. That This Court, in light of Flabar's failure to put forth a defense of these conflicts as stated in the Petition, accept such lack of defense as an admission of the stated conflicts. This failure should cause This Court to force each conflicted individual to reclude themselves of these matters to prevent further the appearance of impropriety and preclude further the potential for private files to be at risk.

39. The Petition claims that Johnson was planted at the Flabar to spearhead the burying of the Wheeler Complaints, of which the appearance of impropriety is overwhelming and whereby Johnson never once discloses or recluses herself from receiving all Petitioners' files until months after having received materials marked private and confidential. That Flabar and Johnson's failure to respond in the Response again considered as an admission of the planting of Johnson and therefore necessitating action by This Court.

40. That Flabar attempts to mislead This Court again in the Response, as Flabar again claims that Petitioners requested maintenance of Flabar for future civil suits. When in fact, the email attached by Kenneth Marvin ("Marvin"), as a Flabar exhibit in the Response to This Court, proves contradictory to Turner's claims in the Response that the request was made so Petitioners could file future civil cases. Marvin's email states that the request to retain the files was so that investigatory bodies investigating these matters, including the new criminal allegations of conflicts and abuses of Flabar offices, would have the evidence to review the allegations. Marvin's email states that Flabar does not care about other investigatory bodies and is moving ahead with the destruction of the files. Petitioners request This Court to request the newly evidenced Marvin email with the full correspondence of the chain of the email and verification as to the validity of such new evidence. Finally, proven herein, that the destruction of Flabar files cited in the Marvin email is against the Bar Rules and thus constitutes an attempt of obstruction of justice and as such should demand reprimand by This Court.

41. That additionally Petitioners apprised Marvin of the current patent office investigations into several of the same attorneys named in the Wheeler Complaint and that such evidence contained in Flabar's file could prove vital to such investigations into already lost constitutionally protected inventor rights. Whereby such information could prove essential to such investigations and finally prove to contain valuable information necessary to restore the inventors constitutionally protected rights, if possible, further constitutes an intentional attempt by Flabar to destroy evidence of such nature and thus further obstruct justice. That despite such knowledge, Turner and Boggs, attempts to mislead This Court are a desperate attempt to destroy the files and cover up the potential conflicts in which Triggs, Turner, Wheeler, Boggs, Marvin, Bartmon, Hoffman and Johnson have been named as key participants. Where such destruction would serve to benefit and shield only Flabar, Wheeler, Triggs, Johnson, Boggs, Marvin, Hoffman and Turner.

42. Where Petitioners urge This Court to take note of Flabar's continual movement to destroy such files before investigation may take place, and states that it is done to hide their conflicts and failure to follow Bar Rules and Rules, and instead cite a need to destroy such files based on a file maintenance rule. A rule that applies to files that have reached final review and disposition, where these matters are far from final and were far from final when the attempts to destroy the files were made. Where in circumstances such as these, where the file is critical to ongoing investigations and complaints of conflicts in the review, that such file-pruning rule would have absolutely no bearing on instances where such file destruction could

cause obstruction of justice. Obstruction that was stated in the Petition and that Flabar's failure to put forth defense in the Response to these allegations, is admission of culpability in obstruction of justice and warrants reprimand from This Court and that This Court immediately seize all files of any party related to these matters.

43. That Petitioners suggest that such maintenance rule as cited by Flabar would be absurd to maintain, as it could further cause a loss of constitutionally protected due process, further conceal conflicts of interest, cause an obstruction of justice that such file-pruning is obviously not intended to cause, and whether intentional or unintentional would leave This Court liable for obstruction. That this could only further expose all those involved to risk (whether involvement is intentional or unintentional) causing further loss of constitutionally protected rights to inventors and constitutionally protected rights under due process Amendments to the Constitution. That Flabar's attempt to mislead This Court in the rationale of the file destruction should be considered yet another item worthy of discipline by This Court and as will be evidenced herein, such file destruction does not comply with the rules cited by Flabar in the Response.

REBUTTAL TO RESPONSE, POINT BY POINT

44. That the Response is flawed in the opening paragraph that states "...and files this response to Petitioners' Petition for Injunctive Relief." In reality, the Petitioners' Petition is for all of the following, as stated in the Petition;
**AMENDED PETITION FOR: MOTION FOR EMERGENCY HEARING TO:
BLOCK DESTRUCTION OF FILES BY FLABAR; AND, SECURE FILES FROM**

FLABAR; INJUNCTIVE RELIEF; DECLARATORY RELIEF; BEGIN IMMEDIATE INVESTIGATION OF FLORIDA BAR COMPLAINTS AGAINST CHRISTOPHER C. WHEELER, FILE NO: 2003-51 109 (15c); CHRISTOPHER C. WHEELER 2, FILE NO: PENDING CASE NO. ASSIGNMENT; MATTHEW H. TRIGGS, NO: PENDING CASE NO. ASSIGNMENT; ERIC M. TURNER, FILE NO: PENDING CASE NO. ASSIGNMENT; MOVE COMPLAINTS TO THE NEXT HIGHEST LEVEL OF REVIEW, VOID OF CONFLICT OF INTEREST AND APPEARANCE OF IMPROPRIETY; BEGIN IMMEDIATE INVESTIGATION OF CONFLICTS OF INTEREST AND APPEARANCES OF IMPROPRIETY IN THE REVIEW OF ALL NAMED RESPONDENTS AS CHARGED AND IN THE ATTACHED COMPLAINT AGAINST MATTHEW H. TRIGGS.

Where the Response fails to deal with all of the above mentioned items, and instead focuses only on the review work of Flabar in the Wheeler Complaint and where such failure to deal with the other issues, is a default in responding to all such other issues and an affirmation of Petitioners' allegations.

45. That, as in paragraph 1 of the Response, mention is made of that Petitioners seek to require Flabar to institute disciplinary proceedings against their former attorney, Wheeler. Where this statement is false in that it fails to include additional disciplinary proceedings requested in the Petition. Complaints against Triggs, Turner, Johnson, Marvin, Boggs, Bartmon, "the chair" and all Florida Proskauer Rose LLP Partners, Associates and Of Counsel and unknown John Doe's not known at this time. All of these additional complaints, some filed but ignored as

with Triggs and Turner, and others are pending a full investigation into the myriad of conflicts and crimes as cited herein and in the attached exhibits and exhibits to be supplemented by Flabar to This Court contained in the file.

46. That in paragraph 2 of the Response, Flabar states that review began on February 27, 2003. Petitioners again request all files of Flabar to confirm when the complaint was filed and the time-period review began. The paragraph refers to “The Bar” and where Petitioners, due to lack of definition, are unclear as to what “The Bar” refers to. Due to the confusion of the grammar, this paragraph should be stricken.

47. That, as in paragraph 3 of the Response, mention is made that Flabar had found “insufficient evidence” of misconduct and that the case was dismissed on this ground by Bar Counsel. This statement is factually incorrect, as the initial review by Bar Counsel, Hoffman, concluded stating that the bar had dismissed the matter, not due to insufficient evidence as Flabar states in the Response, but due to a civil billing dispute case in which Proskauer had sued Iviewit.com, Inc. (“Proskauer v. Iviewit”). Further, Hoffman’s determination letter states that the matters presented to Flabar were sufficiently similar to the matters in Proskauer v. Iviewit and the case would be closed until the end of the civil litigation when Petitioners could re-open the case. From Hoffman’s letter we quote: “

Accordingly, the matter you present is a civil dispute which may not be resolved by the intervention of The Florida Bar. This is not to say that The Florida Bar has considered and determined the veracity of Mr. Wheeler's position as to the validity of your specific charges. Rather, because Mr. Wheeler has advanced a viable position, the Bar has deferred its consideration of the matter until a determination has been made, on the merits, by the civil court before which the matter is currently pending.

Based on the foregoing, and absent any basis for further ethical inquiry, I have dismissed your complaint and directed that The Florida Bar's file on this matter be closed. This determination does not preclude you from refiling this matter for further bar consideration, after the civil trial is concluded.

”.

Based on a technicality the counter-complaint was not admitted by Labarga and thus none of the criminal, civil and ethical misconduct cited in the Wheeler Complaint was being tried by the civil court and thus none of the matters contained therein were being heard. That Hoffman's dismissal was completely baseless in that the billing case was limited to billing issues and the Wheeler Complaint issues of misconduct were therefore not similar, as the Wheeler Complaint contains far more than billing issues, and, such allegations include ethical misconduct that is under Flabar's jurisdiction. This constitutes knowing intent to bury the Wheeler Complaint, as stated in the Petition, and where Flabar failed to respond in the Response to this allegation further constitutes admission through default to comply with the order of This Court to respond to the Petition. These false and misleading statements in the Response, further warrant reprimand from This Court.

48. That the counter-complaint and evidence in the Wheeler rebuttals submitted in response to the Triggs Response in the Wheeler Complaint (tendered in conflict), submitted by Petitioners to Flabar, showed that far before the billing case had been filed, that Wheeler and others had been involved in fraud upon government agencies. That Wheeler and others had further committed fraud conspiracy and multitudes of other ethical and criminal misconduct against;

- i. IVIEWIT CORPORATION,**
- ii. IVIEWIT, INC. (FLORIDA),**
- iii. IVIEWIT.COM, INC. (FLORIDA),**
- iv. IVIEWIT.COM LLC (DELAWARE),**
- v. IVIEWIT LLC (DELAWARE),**
- vi. UVIEW.COM, INC. (DELAWARE),**
- vii. IVIEWIT.COM, INC. (DELAWARE),**
- viii. IVIEWIT HOLDINGS, INC. (DELAWARE),**
- ix. I.C., INC. (F.K.A. IVIEWIT.COM, INC. (FLORIDA),**
- x. IVIEWIT TECHNOLOGIES, INC. (F.K.A IVIEWIT HOLDINGS, INC. (DELAWARE)),**
- xi. IVIEWIT HOLDINGS, INC. (F.K.A. UVIEW.COM, INC. (DELAWARE)),**
- xii. IVIEWIT HOLDINGS, INC. (NOT KNOWN TO EXIST IN FLORIDA CORPORATE RECORDS BUT AIG INSURANCE POLICY ISSUED TO THIS COMPANY, PENDING INVESTIGATION (FLORIDA)),**
- xiii. JOHN DOE IVIEWIT COMPANIES OR SUBSIDIARIES NOT KNOWN AT THIS TIME.**

Collectively the companies in (i-xiii) hereinafter referred to as (“Iviewit”).

49. That Petitioners had hired competent attorneys who filed the counter-complaint after a year of painstaking research and since competent attorneys had reviewed the evidence in support of the counter-complaint allegations, even had Labarga dismissed it based on a technicality, he should have been obligated under

Judicial Canons to report the criminal activity. Especially, since the alleged fraud upon the United States Patent and Trademark Office was against the very attorneys involved in the billing case before him, Labarga closed his eyes instead. That Labarga in fact told Iviewit to take the other matters up with criminal authorities and Flabar that should be cause for This Court to review the Labarga Complaint for Labarga's unethical conduct in violation of the Judicial Canons.

50. That such ping-pong of the parties reviewing the matters left Petitioners with neither the civil court or Flabar reviewing any of the ethical misconduct of the attorneys stating the other should review the allegations and Hoffman's deferment, left Petitioners waiting for the civil billing case to end before the ethical misconduct could again be brought before Flabar for review. A delay that cost inventors constitutionally protected rights to their intellectual property, an allegation made in the Petition and which the Response fails to address.

51. That Hoffman whether deferring the issues until the billing dispute was final, which is the result of the first review, inapposite of what Turner tells This Court in the Response, should have caused Hoffman to notify the proper authorities of possible criminal activity by Wheeler and all those named in the Wheeler Complaint. Since Hoffman had been fully apprised that the allegations against the attorneys including allegations of fraud upon government agencies and other crimes across a broad spectrum, including violations of the Bar Rules and the Rules, should have reported such allegations to the proper tribunals and law enforcement agencies, and she turned a blind eye. Such failure to report the misconduct or even possible misconduct of the attorneys constitutes further violations of Flabar Bar

Rules and the Rules, whereby Hoffman is required to report even perceived crimes of attorneys to the proper tribunals and/or law enforcement agencies.

52. That where such time was lost, caused by Hoffman and Labarga's denial of due process that has further caused loss of constitutionally protected inventor rights for a twenty-year period, constituting damages caused by Hoffman's flawed review and further where Flabar and Hoffman fail to respond to these allegations in the Response it is an affirmation of Petitioners' allegations. Where had such delay and avoidance not existed and proper procedures followed, Flabar actions (i.e. disbarment) could have prevented Wheeler and others from continuing to use the legal system, or shall we say abuse the legal system, to cause further loss of constitutionally protected inventor rights. In fact, this delay and loss of constitutionally protected rights has entangled This Court in potential liability, through its agency Flabar, causing potential cataclysmic disaster on insurance carriers and/or self-insured policies maintained by Flabar through its Bylaws; insurance that covers the actions of its employees and current and former Committee Members. The only explanation that one can ascertain from these actions is that these delays were intentional, done in violation of Flabar Bar Rules and the Rules, and certainly, Hoffman knew the rules. This strengthens Petitioners position that Flabar Committee Members and Employees were knowingly involved in aiding and abetting Wheeler and therefore equally culpable, whether such aid was due to acceptance of payola or through planted individuals by Proskauer will be determined through a full investigation.

53. That once the civil case concluded, through one of the greatest denials of due process in recent history, a default judgment granted to Proskauer for Iviewit's failure to retain replacement counsel. Labarga then against all procedural court rules, allowed two counselors representing Iviewit to resign from the case at the time of trial. Documentation of Labarga's violations are contained within a complaint filed against Labarga with the Judicial Qualifications Commission, Docket #03352 ("Labarga Complaint"). Petitioners request This Court review the Labarga Complaint for evidence of further malfeasance that directly relates to these matters. Yet, another denial of constitutionally protected due process, where the scheduled trial did not take place, unilaterally canceled by Proskauer and Labarga with no notice to Iviewit or their counsel. Cancellation of the trial had taken place when Petitioner Bernstein and counsel showed up for the trial only to find that the night before with no notice Labarga and Proskauer had agreed to cancellation and failed to notice Iviewit or counsel. Subsequently, at what was supposed to be a hearing for the rescheduling of the trial, the hearing turned instead into both of Iviewit's law firms SB and Selz & Muvdi Selz, P.A. ("Selz"), withdrawing from representation, on the same day, in the same court, by the same judge, leaving Iviewit denied of legal representation. Where each law firm, SB and Selz stated that the reason for withdrawal was that the other firm would be representing Iviewit. Nonetheless, Labarga granted both requests to withdraw leaving Iviewit no counsel and where the company had no ability to find replacement in the days granted by Labarga for Iviewit to find new counsel. Days to find counsel in a two year old case with enormous complexity, this was done again with only one purpose, to deny

Iviewit due process and again appears to have been influenced by something other than law. Iviewit lost, without trial, for default to retain replacement counsel, after begging Labarga to grant more time for Iviewit to find counsel, and presenting Labarga with the fact that SB had signed a legal and binding retainer to represent Iviewit through the disposition of the Proskauer v. Iviewit case and whereby Labarga ignored such signed legal retainer, Exhibit "A" – Schiffrin & Barroway Letter of Understanding. Finally, Iviewit forced to act pro-se to attempt to get more time was denied additional time and subsequently filed a motion with Labarga to have him removed from the case for his erratic decisions and violation of Iviewit's rights to counsel and where Labarga ruled on such on motion to remove himself.

54. That at such time as the case was concluded, Flabar was requested by Petitioners to re-examine the Wheeler Complaint, as suggested by Hoffman in her dismissal letter, at which time Hoffman refused to re-open the matter stating;

Finally, should a court of competent jurisdiction make a finding of ethical misconduct against any of the attorneys involved in your civil cases, you are invited and indeed, encouraged, to bring such findings to the immediate attention of The Florida Bar.

This statement is factually incorrect since Hoffman states that she now is not reviewing the Wheeler Complaint citing "civil cases" where no civil case or "cases" existed, and wherefore Hoffman denies Petitioners due process yet again based on baseless conclusions. Whereby through such devious actions in violation of Flabar Bar Rules and the Rules, both Labarga and Flabar had completely denied Petitioners the right to expose, or bring forth in any forum (Flabar or Labarga's court), the ethical misconduct and crimes of Wheeler and others. Where Labarga limited the matters, of the billing case, and therefore the bar complaint was not even

remotely similar to charges of fraud on the United States and other charges in the Wheeler Complaint, Hoffman denies the matters falling on the civil case that was not addressing the issues either. That Hoffman falsely claimed similarity to the civil billing case thus allowed Labarga's court and Flabar to act as a shield for Wheeler from facing such charges, other than the billing issues, for almost three years. No investigation, no reprimanded, no reporting to the authorities, no facing the accuser of the allegations, all equaling a denial of due process through a manipulation of the legal system by those charged with upholding it. All denials of due process costing a loss of constitutionally protected inventor rights. Where those entrusted with upholding the law knew exactly what they were doing and where such intent constitutes conspiracy, not just random events or errors, This Court must now take immediate action to prevent further loss of inventor rights which are taking place imminently. Certainly, Hoffman did not claim that there was "insufficient evidence" as Turner would now have you believe in the Response, and had Hoffman asserted such lack of evidence as a reason, a review of the evidence submitted to Flabar would certainly confound one of reasonable mind as to her baseless dismissal.

55. That paragraph 3 of the Response states "advised petitioners" and due to improper grammar, Petitioners are unclear what lowercase "petitioners" reference and therefore paragraph 3 should be stricken from the record as confusing.

56. That as stated in paragraph 4 of the Response "Petitioners were unhappy with the decision by bar counsel and sought further review." Petitioners

agree with the Flabar, except that due to improper grammar Petitioners are unclear by what lower case “bar counsel” refers to, as in Paragraph 3 there is mention to “Bar Counsel”, which causes confusion. Confusion as to whom this paragraph refers to is cause to strike such paragraph from the Response.

57. That, as in paragraph 5 of the Response, Turner claims that a case is not final until the Board of Governors review is completed. That such knowledge of this shows that Turner and Flabar are knowledgeable of the time of completion of the case file being after review by the Board of Governors. That the Judicial Branch Records Retention Schedule for Administrative Records, that Flabar cites as their reason to request This Court destroy the file, clearly states in the General Applications section that “The retention period should be calculated from the time that the record is completed.” This indicates that with full knowledge of the record retention rules and knowledge of the final determination resting with the Board of Governors, that Flabar has been attempting to destroy such file in violation of the record retention rules. Since final review, according to the Response as exhibited in the Response Exhibit E, does not occur until June of 2004, any attempt at destruction prior to June of 2005, which Petitioners will prove herein should actually be June of 2009, is a violation of the record retention rules. Petitioners state that Flabar, fully knowledgeable of the rules, in an attempt to obstruct justice, a felony, did such violation with intent to cover up their involvement in aiding and abetting Wheeler. That This Court should find such actions, although failed, subject to reprimand under obstruction of justice laws, and further should take action since with full knowledge, Flabar attempted through false and misleading

statements, to have This Court further order destruction in violation of the rules which would have caused liability to This Court.

58. That paragraph 5 states “Bar policy” and where lack of definition in the Response leaves Petitioners confused as to, what “Bar” policy, response refers to or if it the policy of a drinking establishment. Where further the paragraph states “...case being referred to the chair of a grievance committee” and where improper grammar again leaves this paragraph confusing of what the lower case “chair” refers to, a person or an object. That due to the confusion from improper grammar, paragraph 5 should be stricken as non-responsive.

59. That, as in paragraph 6 of the Response, mention is made to the review process and at such time that Hoffman concluded her review, Petitioners sought proper procedures to elevate the review and requested Turner to review the matters. That at this next level of review, Turner began a series of letters that seemed to imply statements affirming Wheeler’s position that Proskauer did no patent work, such opinion is against bar policy under Flabar Bar Rules which prohibit Flabar from siding with either party when no investigation has taken place, yet this is exactly Turner’s course of action. Turner’s conclusions favoring Wheeler’s position are illustrated in the following conclusion letter of Turner’s initial review without investigation;

Dear Mr. Bernstein:

Your request to reopen the investigation against Christopher Wheeler is denied for the following reasons. Your complaint was essentially an action for malpractice. The Florida Bar does not determine civil claims. The violation of any ethical rule does not and should be assumed to demonstrate the violation of any legal duty. Your failure to fully prosecute your civil claim does not require The Florida Bar to otherwise consider your complaint.

The evidence before us indicates your company was represented by patent attorneys from Meltzer, Lippe, Goldstein & Schlissel and Foley and Lardner, not Mr. Wheeler or other Proskauer Rose attorneys, to state your claims to patents for the technology. Mr. Wheeler and his firm may have acted as general counsel, however, the ethical duty imposed upon them did not include filing the patent applications.

This file remains closed.

Turner obviously did not review the evidence presented, which showed, including but not limited to:

- i. that Proskauer not only did the patent work but was retained patent counsel,**
- ii. where Proskauer patent attorney Kenneth Rubenstein was an Advisor to the Board and retained patent counsel,**
- iii. where Wheeler pens an opinion letter regarding the Iviewit technologies based on Proskauer's patent counsels review of the patents stating that the technologies were novel and superior to anything Proskauer had ever seen,**
- iv. where such Wheeler opinion letter on behalf of Rubenstein and the Proskauer patent department was used to secure funding from investors,**
- v. where billings of partial patent work was submitted to Flabar with Rubenstein's name contained throughout a three year period,**
- vi. where evidence is submitted that shows Wheeler sending entire patent documents to Rubenstein,**

- vii. where sworn witness statements from investors state that Rubenstein and Proskauer's opinion was the major factor in their decision to invest,
- viii. where a Wachovia Private Placement Memorandum ("PPM") which was reviewed, co-authored, disseminated and billed for by Proskauer states that Proskauer and Rubenstein are retained patent counsel and that Rubenstein is "Iviewit patent counsel",
- ix. where evidence submitted shows that Rubenstein is receiving invention disclosures from inventors and Wheeler, and,
- x. where letters from Warner Bros. senior advanced technology employees in charge of the Iviewit relationship state that they spoke to Rubenstein who opined favorably on the technologies.

60. That upon receiving Turner's biased and baseless opinion, Petitioners responded immediately and challenged the ability of Turner to make conclusions in favor of Wheeler's position without formal investigation into the claims and the mounds of evidence submitted to Turner, in diametric opposition to his opinion in favor of Wheeler's position. Evidence that contradicted Turner and Wheeler's statements that Proskauer did no patent work, as illustrated, were presented to Turner, in Exhibit "B" – [Letter to Turner](#) .

61. That upon request for a further review of the Wheeler Complaint and to request a retraction of Turner's opinion in favor of Wheeler, Turner told Petitioners there was no further review process after his review. Turner stated that the case was closed and that Petitioners could **NOT** have any files back, as illustrated in numerous communications between Flabar and Turner, that Flabar

has failed to produce. No response to the allegations of such in the Petition, again affirms Petitioners' allegations that Turner produced a biased review and therefore it should be stricken from the record. Turner then failed to address the Petition, in where it states that his letter was making assertions in favor of Wheeler and that others were now using his statements to other tribunals, citing that Flabar had investigated and dismissed the charges against Wheeler. When Petitioners called Turner to address these matters, appeal his decision and report his making decisions in favor of Wheeler without investigation, he hung up the phone telling Petitioners there was no recourse after his final review and giving a general Flabar number in Tallahassee as recourse to his decision. Turner states later, after he was caught lying, telling Petitioners that his decision was final and that This Court had no power over Flabar or the complaint process as stated below,

“

At this point your case will be reviewed by a committee chair. You do not need to write to me, but since you have, I must once again correct you. When you spoke with me, you indicated you would take the case to the Supreme Court. I clearly explained to you The Florida Bar was the only place for a review of an attorney's conduct and the Florida Supreme Court would not hear your case. I offered to send you a copy of a decision explaining this, but you chose to continue with other claims.

”.

62. That Marvin, who Petitioners spoke to at Flabar headquarters and whom a copy of the original Wheeler Complaint had been initially sent, then apprised Petitioners that there were several levels of review that Turner should have advised Petitioners of and to contact Turner with such requests to move the complaint to the next highest level of review. Flabar should have removed Turner from these matters at this point, for giving out false information regarding the review process and hoping to steer Petitioners from further review. That this

failure to advise Petitioners of the proper review process contradicts Turner's admitted knowledge of the review process that he now states in his Response to This Court. This knowledge of the review process shows that Turner was fully aware of the procedural review steps and lied to Petitioners in an intentional effort to have Petitioners give up based the Wheeler Complaint on false and misleading information that he was the final reviewer.

63. That this misstatement is illustrated in Turner's letters attempting to clarify the lie he was caught telling regarding the review, in Exhibit "C" and Exhibit "D" [Turner Letter](#) – [Turner Letter 2](#) which show that Turner stated the Chair, not his chair, would be corresponding directly with Petitioners, which never has happened with regard to the Bartmon and Beer. These exhibits also show that Turner cites some public policy issue for refusing copies of the Flabar files at that point.

64. As for the Response stating that the complaint was of malpractice, this again is false and misleading, as the Wheeler Complaint complained of ethical misconduct and cited each rule of the Bar Rules and Rules that Wheeler violated. That Flabar ignored all such ethics violations cited, in all reviews, and instead attempted to claim a malpractice or a civil claim was being asserted for them to review. This new claim of malpractice being asserted is unfounded and again an attempt to bury the Wheeler Complaint without due process. When in fact, repeatedly Petitioners told Flabar in the rebuttals and correspondence that ethical misconduct only was to be investigated by Flabar and that any civil, criminal or non-ethical issue was added as evidence in support of the ethics violations. All these

correspondence and rebuttals, hidden from This Court in the Response, as Flabar failed to produce or respond to the request for all files in the Petition, and therefore This Court cannot assess the full issue without all the facts. In no way did Petitioners ask Flabar to pursue civil issues or issues of malpractice or provide any form of relief for these type of claims as Turner and the review letters attempt to baselessly claim in an effort to mislead This Court.

65. That Petitioners, Bernstein and Lamont, never have had any civil litigation with anyone involved in these matters. Perhaps Turner, although this is assumption, is referring to Iviewit pressing civil claims, which is still false, but Petitioners have never been involved in any litigation or threatened litigation, which makes Turner's Response further false and misleading. Iviewit is not a Petitioner in this matter as Iviewit was precluded from these proceedings, as Turner is aware, due to a lack of representative counsel as set forth by order of This Court.

66. That Turner was also noticed that the statements he advanced regarding the Wheeler Complaint were being advanced with false and misleading statements of Flabar's conclusions to other tribunals such as Virginia Bar ("Vbar") and the Supreme Court of New York Appellate Division: First Department Departmental Disciplinary Committee ("First Department"). Claims asserted by other accused attorneys to tribunals investigating them that Flabar had instituted formal investigations and investigated and heard the matters in the counter-complaint, and, that a trial had taken place in the Mickey Mouse court of Labarga, all factually incorrect misrepresentations of Flabar's decisions and Labarga's disposition. Asserted in an effort to create bias for Dick and Rubenstein, where

such false statements created a false impression to the New York Supreme Court and Supreme Court of Virginia bar agencies. These false statements in an effort to create an aura of innocence, so as that it appeared that the matters had been heard, investigated and tried in Florida by Flabar and Labarga's court. Again, this devious scheme worked and acted to further shield the accused from investigation and again skirt questioning. Where advancing such false statements to the Vbar and the First Department, knowingly incorrect is a violation of ethics, and when Petitioner found out that such false and misleading statement were being made to Supreme Court tribunals, Petitioner immediately noticed Turner. Turner then fails to file charges against the attorneys stating the following as his excuse to not report attorney misconduct such as lying to Supreme Court agencies;

The Florida Bar can not control or influence any other body by its decisions. If any other investigative agency is reviewing your claims, it is incumbent upon them to reach their own conclusions under their rules and regulations.

Sincerely yours,



Eric Montel Turner
Chief Branch Discipline Counsel

Where Turner was obligated under Flabar Bar Rules once notified of such conduct unbecoming an attorney, such as presenting false bar conclusions to a tribunal, to notify the tribunals, the Vbar and First Department, of the misinformation provided by Dick, Rubenstein and Krane. Failure to report the misconduct of another attorney is yet again another violation of Bar Rules and the Rules, cited against in the Petition. Turner fails to respond to these allegations in the Response and therefore an affirmation of Petitioners' allegations that Turner violated Bar Rules.

67. That additionally, Flabar in the Response states that a review was completed by the “chair of a grievance committee”, presumably Bartmon and whereby prior to this Response, the attached unsigned and not confirmed by Flabar received memorandum, in substitution of a review letter from Bartmon, was never sent to Petitioners, although requested multiple times by Petitioners. The fact that Turner states that this is a review letter in his Response to This Court, is materially false in that it is a memorandum in substitution of a formal review letter, and thereby Turners claim that Petitioners’ complaint was reviewed by the “chair” represents another false and misleading statement in responding to This Court. That upon reviewing the attached memorandum in substitution of a formal review letter from Bartmon provided by Flabar to This Court, the memorandum looks highly suspect and may have been in fact completed at any time, since no received stamp is found on the correspondence from Bartmon. That the memorandum by Bartmon, comes with no letterhead from her law firm or indication of how such memorandum in substitution of a formal review letter was transmitted to Hoffman and has no one carbon copied, seems odd to say the least. What appears a violation of the Bar Rules is that Turner’s unintelligible interpretation of memorandum, fails to carbon copy any required parties, and further, due to pathetic grammar, fails to explain to Petitioners the “chairs” review as required by the Bar Rules.

68. That Petitioners have been requesting such proof of delivery and proof that Bartmon ever reviewed such file, through a series of letters, emails and facsimile to all members of Flabar named in the Petition. Simple requests for explanations, that have been ignored entirely, denying due process and proper

procedure to Petitioners/Complainant and inapposite the Bar Rules and Rules, which state that an explanation of the review decision is to be tendered to Complainant and where certainly such rule does not mean unintelligible letters may act as explanations. The Bartmon letter is also fraught with inaccurate statements and misrepresentations of the facts and shows that Bartmon never truly reviewed any of the complaint; a full review of her work herein will prove materially false and misleading statements and conclusions.

69. That further, Petitioners beg This Court to have Bartmon and Beer sign affidavits of what they reviewed in the Flabar files in the Wheeler Complaint and that they reviewed all evidences that Hoffman maintained in CD's, by either printout of all such materials contained therein or copies of the original CD's and all materials contained therein. That Petitioners beg This Court to have Hoffman and Turner sign affidavits that all file materials in entirety were sent to the various reviewers with evidence of such transmissions so that This Court may get the same myopic view as any reviewers or "chairs" and see if such conclusions were warranted based on the mounds of evidence and witness statements.

70. That the Response to This Court states that final authority rests with the Board of Governors and Petitioners request that This Court affirm that Beers' admittedly incomplete review of partial file materials of unknown content, represents the Board of Governors decision. Further, Petitioners beg This Court to have Flabar state whom such Board of Governors is comprised of, and to have all such members of the Board sign conflict waivers and acknowledge that Beer's

review represents their views. As it remains unclear if Beers alone represents the Board of Governors or if their was consensus of a Board.

71. That the record should strike That paragraph 6 as the above rebuttal was based on a best guess of what exactly the Response was trying to state, due to pathetic grammar. First, the paragraph references “The petitioners’ complaint” when the lowercase “petitioners” is confusing. That again, the paragraph refers to “chair of the grievance committee” and where it is unclear if this “chair” is a person or object due to the use of lowercase. That the paragraph states “Board member” and where improper grammar and lack of reference to what “Board” or what “member” Response is directed at, making it confusing. In the final sentence, again “the Bar” is not defined and therefore Petitioners remain unclear as to what “Bar” decided or if a bar named the Bar had a bar stool or chair making the decision.

72. That, as in paragraph 7 of the Response, mention is made of “The petitioners [where the lower case p again makes this statement to This Court confusing] were advised in writing as to the outcome of each review,” a statement in diametric opposition to Petitioners’;

- i. Non-receipt of the Bartmon memorandum in substitution of a formal review letter that does not qualify as a proper review and therefore such claim is false that Petitioners were advised of the review, where there was no proper review;
- ii. Non-receipt of the Beer review, of the partial file partially reviewed by Beer which seems to fail the test of a review;

iii. Finally, that months of emails and calls to Bartmon and Turner, to request explanation of Turner's interpretation of her missing memorandum in substitution of a formal review letter interpreted or misinterpreted by Turner, were not responded to by either Bartmon or Turner. The fact that such correspondence was unintelligible does not constitute advisement of a review as Turner would have This Court believe in his Response. Turner's interpretation is advisement of a memorandum in substitution of a formal review letter, that makes no sense, and therefore must be discarded and therefore leaves Turner again attempting to twist the truth. Where Turner instead acts as interpreter for Bartmon and pens an unintelligible letter of which Petitioners challenge This Court to decipher such meaning, first without the aid of the questionable Bartmon memorandum in substitution of a formal review letter, now in possession of Petitioners, and then without such support letter that Petitioners did not see earlier. Either way one reviews Bartmon's memorandum in substitution of a formal review letter, it makes no sense and as such is Jabberwocky, not an advisement in writing of a review by the Chair or a chair. Wherefore, the Petitioners assert that the Bartmon memorandum in substitution of a formal review letter was only recently written to further the snow job on This Court, for had it existed why was it not exposed until now, in an attempt to provide evidence that proper procedure had taken place. Why did Turner not write a letter clarifying his unintelligible letter, which certainly he can see

makes no sense, Turner's failure to provide This Court an explanation in the Response, constitutes affirmation of the allegation in the Petition that such review unintelligible review of Bartmon's memorandum does not constitute a proper review.

73. That paragraph 7 again uses improper grammar making it confusing when it states that "The petitioners" and where lowercase makes this unclear as to what or who "petitioners" are. That in the next sentence the statement "advising petitioner" is unclear and confusing in its use of singular "petitioner" and lowercase "petitioner" and which of the prior Petitioners were advised, Bernstein or Lamont? Therefore, this statement should be stricken from the Response as non-responsive.

74. That, as in paragraph 8 of the response, mention is made to "Tyson v. Flabar, 826 So.2d565 (Fla. 2003) and that the complaining witness can not demand The Bar file charges." That this claim is false and misleading as Petitioners have not demanded that Flabar file charges, but instead demanded Flabar re-review the Wheeler Complaint due to the conflicts and void of such conflicts. That further, as stated in the Petition, that the re-review be done void of the review letters that are proven flawed herein, and, whereby Flabar's failure to address these issues in the Response, is further confirmation of Petitioners' allegations of flawed review and cause for re-review. Petitioners then request, after review void of conflicts or conflicted individuals, a determination if This Court or Flabar should file charges.

75. That Petition requested that such insidious response from Triggs tendered in conflict, mainly an attack on inventor Bernstein, a veiled attempt to hide the failure to address any of the evidence or witness statements put forth in

Petitioners' rebuttal, be stricken from the record. Further, that the Triggs Response tendered in conflict and violation of public office rules, have no bearing on such re-review, other than to show Triggs unethical behavior, due to the bias stemming from the conflict, in a future review void of conflicts. That Petition further requested the Wheeler Complaint be examined by new examiners, free of the bias of such conflicted Triggs Response and where failure to respond in the Response to the specific allegations regarding such re-examination void of conflicts is affirmation of Petitioners' allegations of the Triggs Response being conflicted and cause for immediate re-examination and action against Triggs. That Turner misstating Petitioners intent in the Response to This Court, to fit the case he cites, is another attempt to mislead This Court, and where his statement is false and incorrect should be cause for further reprimand by This Court.

76. That Turner, fully appraised of the violations of Triggs, which obviously casts a new light on Triggs in any future review, illustrates that Petitioners have not demanded Flabar file charges as Turner would have you believe, but simply a re-review void of conflicts and dispose of the complaints with fair and impartial due process as the constitution demands. That Petitioners upon finding the conflicts, requested Flabar to file formal complaints filed by Petitioners, against Triggs and Wheeler for such conflicts, and whereby opposite Flabar Bar Rules and Rules, Flabar did absolutely nothing. That Petition states that Flabar failed to file procedural rules and file and dispose of the Triggs Complaint and Wheeler Complaint 2 properly, or docket them properly, and where failure to respond to such charges against them in the Response is taken as affirmation of

Petitioners' allegations. Such failure by Flabar to defend the allegations is cause for This Court to demand filing and docketing, fair and impartial due process, as the Constitution and law would have it. Again, this was not a demand for Flabar to file charges but instead to file complaints filed by Petitioners to accord them due process, again one must be weary of Turner's lies to This Court through false and misleading statements.

77. That the refusal to file formal complaints led Petitioners to file further a complaint against Turner and again Flabar denies the constitutionally protected right of due process and fails to file such complaints formally. Flabar has failed to file properly or even acknowledge the complaints filed against Turner regarding the conflicts of interest and has buried their head in the sand and attempts to snow job This Court with cases that have no bearing on these matters. All cases cited in Paragraph 8 by Flabar have no bearing, as Petitioners have never demanded that Flabar do anything other than what proper procedure necessitates and review the matters and file the complaints void of conflict and according to procedural rules.

78. That the statements in rebuttal to paragraph 8, are again a best guess by Petitioners due to improper grammar. The paragraph starts with a mention to "This court" and where the lowercase "court" seems to address This Court or this Court improperly, and where it leaves Petitioners unclear as to which "This court" references. That the paragraph then states "...demand The Bar" and where Petitioners are confused at the new use of a capital "The" in the sentence and what it means and where there has been no prior definition of "The Bar" adds to confusion that should lead This Court to strike the paragraph as non-responsive.

To add further confusion the Response then states “Further, the court” and where again Petitioners are confused to exactly what “the court” refers to, as this could be a tennis court or other court, other than the Court these matters are before. Finally, the paragraph states a court opinion, where Petitioners remain unclear of what court made a decision and if tennis courts can make decision, but either way, it is merely a statement and has no tie-in to the matter before This Court. As such confusion and lack of purpose, other than not educational, this paragraph should be stricken as non-responsive.

79. That, as in paragraph 9 of the Response, mention is made of “petitioners requested the Bar to review their civil lawsuit.” That this is false and misleading, as already stated, Petitioners Lamont and Bernstein, have never had or currently have any law suits to review in these matters and have never given Flabar a single law suit that they were party to. That since Iviewit is precluded, by order of This Court, from being a party to these matters and therefore is not a Petitioner in the matter, Petitioners have absolutely no idea what Turner alludes to in his Response. Further, the improper grammar used by Turner, with a lower case p in petitioner, causes confusion in the Response as to what a petitioner is. That again this statement is wholly false and misleading as Flabar was never asked to review even Iviewit’s civil lawsuit of Proskauer v. Iviewit, and instead was asked to review the charges of ethical misconduct that such civil case did not in any way address and cited the counter-complaint as an example. Multiple correspondence was circulated to Flabar, again hidden by Flabar from This Court after clearly being requested in the Petition to be produced by Flabar, and whereby such correspondence repeatedly

and emphatically stated that Flabar only review the ethical Rules violated by Wheeler and that are under the jurisdiction of Flabar. Any mention of civil cases, malpractice or the criminal elements of the heinous crimes of Wheeler, were expressly stated to Flabar as being included for illustrative purposes and not for disposition by Flabar as illustrated in the statement by Lamont to Flabar;

In closing, Ms. Hoffman, and contrary to the contradictions and feints of Respondent, it should be apparent that by filing this Complaint and the Motion of Exhibit T, a motion of which stems from that certain Litigation that is still wholly irrelevant to the Complaint, but is instructive for purposes of the Company's Complaint, the Company, nor Mr. Bernstein, nor myself were acting unilaterally, but on the advice of competent counsel in the State of Florida and his associate Ms. Rogers who have levied these charges against Respondent, the ferocious attack on Mr. Bernstein is a not so well concealed attempt to ignore and deny some very damning facts, facts of which competent and licensed attorneys, who have reviewed the case and the evidence, have urged the filing of this Complaint. Moreover, it is the fiduciary responsibility of the Company and its officers and directors to call upon additional investigatory bodies to protect the Company and its stakeholders.

80. That Turner makes a laughable attempt to state, "...petitioners requested the Bar to review their civil lawsuit as they did not have funds for an attorney to press their claim." What civil lawsuit is Turner referring to that Petitioners asked Flabar to review when Petitioners, Lamont and Bernstein, have no civil lawsuit, nor have ever had such lawsuit in these matters, and where Iviewit (not a Petitioner in these matters) had only the billing civil case. The civil case was wholly dissimilar to the Wheeler Complaint and despite Turner's claims, Iviewit had two counselors to press their claims and therefore had no need for Flabar to replace the work of multiple counselors or review the work of counsel. Turner fails to provide any evidence of this false claim in his Response and again twists the facts to This Court, as there was no civil case that Petitioners or Iviewit were unable to pay for legal counsel for.

81. That for illustrative purposes so This Court may understand the intent of Petitioners, ethical misconduct was cited against Wheeler in the Wheeler Complaint, wherein Wheeler aided and abetted the misappropriation and conversion of funds from Iviewit and such misappropriation and conversion had incomplete transactional documents for loans secured by Wheeler/Proskauer, from a referral of Wheelers. The crime had elements of ethical misconduct regulated by Flabar and were cited as such violations of the Rules. Whereby such incomplete transactional documents violated a number of ethical misconducts by Wheeler and Proskauer, which were part and partial to employee witness statements stating that Wheeler referred management, Michael Reale and on information and belief, Brian G. Utley (“Utley”), had stolen corporate funds, including Company funds obtained through Crossbow Ventures, Inc./Alpine Venture Capital Partners, LP, Tiedemann Prolow II LLC, Huizenga Holdings and the federally backed Small Business Administration (“SBA”). All allegations in this matter constituting highly unethical behavior unbecoming an attorney and which Flabar should have regulated through discipline such as disbarment. Whereby the failure of Wheeler to produce signed transactional documents, under court order production requests, for such loans transacted, and, the documents necessary to show the connection between such loans and stolen funds, is again in violation of multiple ethical Rules as regulated by Flabar. True that, as well these allegations constituted criminal codes currently under investigation by The Boca Raton Police Department (“Boca PD”), the Federal Bureau of Investigation (“FBI”), the AICPA, the SBA, the Securities and Exchange Commission (“SEC”) and other state and federal agencies, but this does not limit

them from being ethical misconduct. The crimes, in part, constitute ethical violations committed by Wheeler that could have been regulated by Flabar, had the Bar Rules and Rules been strictly adhered to, instead of ignored. That repeatedly Petitioners stated to Flabar that only the ethical misconducts involved in such loan and converted funds be reviewed by Flabar, and therefore such claims by Flabar that they were asked to do anything but investigate the ethical violations against Wheeler are baseless and opposite the correspondence regarding these matters. Again, Flabar failed to respond with the truth to This Court.

82. That paragraph 9 should be stricken as non-responsive and an utter bastardization of the English language causing confusion that makes the paragraph truly unintelligible. First, the paragraph starts with “In the case at hand...” and what case at hand does Response refer to, the case cited in paragraph 8 or the Petitioners Petition. That the sentence goes on with “...petitioners requested the Bar” and where the lowercase “petitioners” and the change from “The Bar” in prior paragraphs to “the Bar” keeps one guessing to if the response refers to a drinking establishment named The Bar or the Bar. That, The Florida Bar, has yet to be defined in the Response, as either “the Bar” or “The Bar”, leaving one longing for a drink at the bar to find an explanation. Since “petitioners” with a lowercase p is unclear as to who or what “petitioners” are, the reference to “their civil lawsuit as they...to press their claim.” is utterly unclear as to who “their” or “they” are. When Petitioners, Lamont and Bernstein, have never had a civil lawsuit presented to anyone in these matters and where Iviewit is not a Petitioner and therefore such use of “their” or “they” to refer to Iviewit would also not make sense here, leaving

one pondering the logic. We ask “The court” or This court” or This Court to ponder such statement and then strike the paragraph as non-repsonsive.

83. That, as in paragraph 10 of the Response, that Flabar appears to state that Petitioners requested that disciplinary actions be substituted for private civil actions and where the Petitioners requested only that the elements of ethical misconduct be reviewed and disciplined by Flabar, wherefore all cases cited by Flabar in this paragraph have no bearing on these particular matters.

84. That again, paragraph 10 lacks proper grammatical etiquette to This Court, as Flabar cites cases but has no claim as to why such cases are applicable or not applicable to the Petition, and as such, they are cases cited without reason or purely education and should be stricken as non-repsonsive.

85. That further, Petitioners retain all rights to file civil procedures in these matters and in no way would have ever lost such rights or replaced them with Flabar actions that could only have yielded attorney sanctions such as disbarment. To replace such Flabar remedies in favor of civil actions, actions that may yield returns in the billions of dollars once patents and royalties are returned to the shareholders, would put Petitioners sacrificing their shareholders rights and interests and opposite their fiduciary responsibilities to shareholders. In fact, Petitioners apprised Flabar that civil actions would be taken after appropriate investigation into the ethical misconduct by Flabar was investigated and the proper authorities investigated the criminal misconduct, again where Petitioners only requested Flabar to review the ethical misconduct as cited in the complaints. That Petitioners expressly stated to Flabar that civil proceedings seemed futile at such

time, against the thousands of attorneys, thousands of corporate infringers and others involved in the misappropriation and conversion of the patents and royalties (crimes spread over multiple national and international jurisdictions) without the aid of federal and state enforcement agencies. That these crimes were all due to attorney misconduct, misconduct which left Petitioners with limited funds due to the ethical misconduct and criminal acts of Wheeler and Porksauer, through the conversion of funds and patent royalties. Petitioners stated that without state and federal agencies participation in investigating the crimes and ethical misconducts first, Petitioners would be virtually helpless to fight the crimes or fund the necessary defense and investigations against so many and that this is why they pleaded and begged Flabar to give due process to the claims of ethical misconduct. Finally, as emphasis requires, Petitioners reiterate that upon legal counsels advice, as was explained in writing to Flabar, it was determined that due to the enormity of the potential civil case and its dependency on federal and state investigations, that the Flabar investigations and dispositions would not preclude final civil actions or in anyway replace or substitute final civil remedies. Once again, Flabar attempts a snow job on This Court and attempts to twist and distort the facts of the matter through a lopsided account with false and misleading misstatement of the facts and improper grammar.

86. That, as in paragraph 11 and 12 of the Response, mention is made of “[P]etitioners requested The Bar maintain their file for five years so that they might bring their civil action later,” where such a statement is a complete falsification of the record, in that Petitioners request was attuned to preserving the file for the

investigations of other state and federal agencies, as expressed in letters to Marvin, Boggs, Johnson and Turner. Marvin was repeatedly noticed that such files were necessary and essential to investigate the conflicts of interest inherent in the Triggs Complaint, the Turner Complaint, the re-review of the Wheeler Complaint and Wheeler Complaint 2, and that Flabar should hold the files for these reasons. Petitioners further apprised Flabar that any destruction in light of all these reasons would equate to Flabar involved in obstruction of justice. In responding to This Court, Flabar submits correspondence to Petitioners from Marvin, that reflect only a partial part of a chain email, the other part left out intentionally as the removed parts explain in detail the request to hold files to investigate the conflicts and not as Flabar would have This Court believe for a future civil case. Marvin and Turner were apprised that without such file or any part of the file, it would constitute obstruction of justice and that in light of the conflicts it necessitated holding the file for such review. Flabar in an attempt to misdirect This Court claims that Petitioners are using Flabar as some kind of keeper of documents necessary for a civil dispute and this is just plain fabrication, supported by no evidence but a partial email which intentionally hides the whole story. Petitioners reiterate again that a destruction of the files was intended to shield Triggs, Wheeler, Marvin, Boggs, Johnson, Turner, Flabar and all those accused herein whom either have stolen intellectual properties or aided and abetted such crimes by getting rid of the evidences against them contained in the file. Flabar's behavior in repeatedly trying every trick, including misleading This Court to grant orders for destruction based on false and misleading information presented in their Response to This Court

seems highly suspect and casts a specter over those involved in these matters at Flabar. Such conflicts and improprieties should have caused Flabar to recluse those involved in these matters from responding, until such time that This Court determined a final resolve to the matters, and instead we find Turner, a named respondent in the Petition, responding on behalf of Flabar and furthering the conflicts alleged and creating an ever increasing appearance of impropriety. It is strange to note that Boggs' in the Court Docket SC04-1078 somehow replaces Turner's name, although it was Turner who penned the Response. Petitioners wonder if this may have been intentional, to hide the fact that Turner who has a formal bar complaint lodged against him with Flabar directly relating to these matters, is responding with a glaring conflict of interest, and further stands accused of aiding and abetting the crimes and therefore the docket fails to list him and hide the conflict.

87. That This Court has ruled once to stop such destruction of the file and any change in that ruling would surely have to come after due process is afforded to the Wheeler Complaint, Wheeler Complaint 2, Turner Complaint, Triggs Complaint, the Petition, free of further conflict and impropriety. Certainly, the file maintenance and purging rules were not intended for situations such as these and Flabar acts as if they are unaware of these reasons and have run out of space to store the file and without such destruction, they will have to acquire larger offices. Why one asks, at every turn, is Flabar so desperate to destroy the evidence that will prove them guilty or set them free.

88. That paragraph 11 and 12 are fraught with improper grammar and therefore again the rebuttal by Petitioners is a best guess interpretation. Some of the confusing statements include the opening sentence which states, “After being informed that the Bar would not take action, the petitioners requested The Bar...” Where the sentence now uses “the Bar” and “The Bar”, again leaving Petitioners at the bar having drinks as to what the undefined bar means. That the sentence refers to lowercase “petitioners” and again Petitioners are unclear as to who or what “petitioners” are. Again, Petitioners, Lamont and Bernstein, have never had a civil action and intend no civil action in these matters, and where Iviewit is not a Petitioner as ordered by This Court, leaves Petitioners confused as to what civil actions and by whom, Response is directed. The confusion should leave This Court striking such paragraph as non-responsive. Paragraph 12 starts with “The petitioners...” and again Petitioners are confused to the lowercase usage and thus who or what “petitioners” are. The sentence continues with “...informed Bar policy...” and where it is unclear what “Bar” or what “Bar policy” refer to and could be mistaken for the rules of a drinking establishment named the “Bar” or “The Bar”. Again, improper grammar again appears to lead one to confusion, such paragraphs again should be stricken as non-responsive.

89. That, as in paragraph 13 of the Response, mention is made of “[P]etitioners filed this proceeding seeking to obtain attorney work product,” where this is another avalanche of snow heaped upon This Court by Flabar, as it is factually incorrect. Initially, no files were going to be returned per Turner and Marvin and Boggs reinforced such refusal. Then, Petitioners called This Court to

notice This Court of conflicts ignored by Flabar and that Flabar was going to destroy the evidence and obstruct due process and justice. Where This Court then intervened through Debbie Yarbrough (“Yarbrough”), Clerk of the Flabar, to halt the destruction. When Yarbrough contacted Flabar, they told her that they were willing to return the file and Yarbrough called Petitioners to inform them that they could get the original files without fee. Yet, when Bernstein called Marvin and Boggs, it became clear that only partial bits of the files were being offered to be returned and not the part that would be necessary for review in light of the conflicts, namely the work product of Flabar and all correspondence contained therein. After Flabar had refused to return the entire file, they then offer only part of the file that Petitioners already had, in an attempt to snow Yarbrough that they were willing to return the entire file. Upon hearing this news, Petitioners, after calling Flabar, again called Yarbrough to explain that critical file elements were going to still be destroyed making due process impossible and that Flabar refused to turn over the entire file as they had stated.

90. That what Turner fails to state in the Response to This Court is that Flabar did not intend to return the work product files of Flabar, essential to the review of the conflicts and other matters necessary to discover the threads of the conflicts. That such destruction of Flabar file records would have precluded full investigation, obstructed justice and acted as a shield only to Wheeler, Triggs, Johnson, Boggs, Marvin, Proskauer, Turner and all those named and currently unknown participants in the conflicts. That after speaking to Yarbrough (our hero) and fully disclosing all the facts, she saw that the entire file, especially Flabar’s work

product, was essential to investigating the conflicts discovered. Yarbrough then called Flabar and ordered them to hold the records until This Court could review the Petitioners were drafting at the time, which Yarbrough had suggested as an absolute measure that would ensure that Flabar retained the files. Do not let Flabar deceive the Justices of This Court, the files were not an attempt by Petitioners to gain attorney work product, they were an attempt to preserve evidence and prevent obstruction of justice.

91. That Yarbrough had successfully prevented the July 1, 2004 destruction of the file, yet another plot was brewing by Flabar to attempt to destroy the file on August 1, 2004, in violation of Yarbrough's order. In what appears again an intentional act by Flabar to rid the evidence that will be used against them, even after being told to hold the file by an esteemed and honored Clerk of This Court, seems to point to Flabar having something to hide. Flabar then sent a letter to Petitioners stating that they were going to proceed with the destruction of the file on August 1, 2004, where the letter did not reach Petitioners until the day before such destruction was to take place, and such letter stood in diametric opposition to Yarbrough's order a month earlier. The letter stated that Flabar was again intending to destroy the file, whereby when Petitioners called Boggs to demand that he cease and desist or face charges of obstruction of justice, Boggs stated to Petitioners that he intended to destroy the file despite what anyone told him. Further, that he would not cease even upon orders from This Court, the Governor Jeb Bush, or any other governing body, or words to that effect. That despite Yarbrough's order, Boggs claimed he did not care what the Supreme Court did, as

they would not intercede in Flabar matters and quoted *Tyson v. Flabar*, stating that Flabar was beyond reproach even by This Court. That luckily, Petitioners received such letter the day before the second August attempt, in time to call Yarbrough and inform her of this new twisted twist and that upon hearing of this, Yarbrough requested that Petitioners file for an emergency hearing of This Court to halt such destruction through formal orders. Yarbrough appeared a bit surprised that Flabar had even attempted such foul play and again took action, with no time, to prevent such absurdity. This Court upon receiving the Petition flexed its supreme muscle and ordered Flabar to hold all records until further orders from This Court.

92. That in relation to file destruction, according to Florida Rules of Judicial Administration, file destruction is determined by date of closure after final disposition. Whereby in the matter of the Wheeler Complaint, the file was not closed officially, according to the Response, until the review by Beer in June of 2004; making destruction one year from such date, and therefore June of 2005. That knowing this rule, it seems almost impossible that Turner, Marvin, Boggs and Hoffman, in their haste to destroy the file would violate these rules, and had Yarbrough not taken action, such violation of the rules would have occurred, certainly this constitutes actions by This Court.

93. That further, in the Judicial Branch Records Retention Schedule that Turner refers to, it states the following in regard to Disciplinary Case Files;

DISCIPLINARY CASE FILES

This record series consists of both sustained formal or informal disciplinary cases investigated that allege

**employee misconduct or violations of department
regulations and orders, and state/federal statutes.**

Retention: 5 years.

Where the file consists of a formal disciplinary case investigated that alleges violations of department regulations and orders, and state/federal statutes, and therefore the file accordingly should not be destroyed for a period of no less than five years. This would put the date of destruction at June of 2009, and accordingly, This Court should see that no matter how one interprets the rules, destruction should not have taken place at the time Flabar makes such attempt in July of 2004. Perhaps, the reason Flabar is willing to destroy files against the rules, is to cover up their involvement and prevent review of the work product mired in violations of the Rules Regulating the Florida Bar. That upon learning of this, that This Court should take immediate action to secure and preserve the file immediately, to prevent possible destruction that could cause obstruction of justice, as will be evidenced herein, is the only reason for such haste.

94. That again, by even requesting This Court rule for destruction of the file in their Response, Flabar once again shows their face and tries to have This Court collude with them in obstruction, intentionally misdirecting This Court with false and misleading information of their need to destroy the evidence against them for housekeeping purposes.

95. That the destruction should not proceed, not only for re-review of the Wheeler Complaint free of conflict but now for review of the Triggs Complaint and the Turner Complaint (the filed and not docketed Turner Complaint) that all

absolutely require investigation of the Flabar attorney work product. Flabar attempts to make culpable This Court through lopsided and one-sided accounts spoken in half truths, further the request in the Response that This Court destroy the file in light of all evidences heretofore presented, under the disguise of a file pruning statue under Florida Rules of Judicial Administration 2.076, is to make mockery of This Court and the great Justices that serve This Court. Petitioners beg This Court not to be misled and become suspect in destroying files until every single piece of evidence and allegation is analyzed and dealt with, whereby all matters are accorded due process and fair and impartial review by such Justices, Justices that would be held liable for anything less. Finally, the title as stated below is far broader than Respondent would have you believe and requests far more than attorney work product.

AMENDED PETITION FOR: MOTION FOR EMERGENCY HEARING TO: BLOCK DESTRUCTION OF FILES BY FLABAR; AND, SECURE FILES FROM FLABAR; INJUNCTIVE RELIEF; DECLARATORY RELIEF; BEGIN IMMEDIATE INVESTIGATION OF FLORIDA BAR COMPLAINTS AGAINST CHRISTOPHER C. WHEELER, FILE NO: 2003-51 109 (15c); CHRISTOPHER C. WHEELER 2, FILE NO: PENDING CASE NO. ASSIGNMENT; MATTHEW H. TRIGGS, NO: PENDING CASE NO. ASSIGNMENT; ERIC M. TURNER, FILE NO: PENDING CASE NO. ASSIGNMENT; MOVE COMPLAINTS TO THE NEXT HIGHEST LEVEL OF REVIEW, VOID OF CONFLICT OF INTEREST AND APPEARANCE OF IMPROPRIETY; BEGIN IMMEDIATE INVESTIGATION OF CONFLICTS OF INTEREST AND APPEARANCES OF

IMPROPRIETY IN THE REVIEW OF ALL NAMED RESPONDENTS AS CHARGED AND IN THE ATTACHED COMPLAINT AGAINST MATTHEW H. TRIGGS

In fact, Flabar must have failed to have read the title or any other portion of the Petition, as they fail to respond to a single issue or allegation against them, never discussing the conflicts, additional complaints, etc., and only responding with a prayer (hopefully that stands a snowballs chance in hell) to This Court to destroy the files.

96. That paragraph 13 should be stricken as non-responsive due to improper grammatical etiquette, in that it first states, “The Bar offered the petitioners...” and where again “The Bar” may refer to a drinking establishment as The Florida Bar has never been defined as “The Bar” or “the Bar” and further where the lowercase “petitioners” refers to an undefined object. Where the paragraph states “...petitioners filed this proceeding” and again the lowercase “petitioners” is still an undefined object. Where finally, the statement claims that the Petition was filed to obtain “attorney work product” and where “attorney work product” is left undefined and if Flabar had read the Petition, Petitioners filed the Petition for multitudes of reasons and are unclear where the Petition states that it is in order to obtain unknown “attorney” work product.

97. That, as in paragraph 14 of the amended Petition, mention is made that a full review has been completed which again is false and misleading. A full review would include a re-review (of the whole file and all subsequent complaints) void of conflicts of interest and further appearances of impropriety. Finally such

review should lead to disbarment of those guilty of perpetrating such frauds on all those involved and attempting to fraud This Court.

98. That paragraph 14 should be stricken as non-responsive as again the improper grammar leads one to confusion and the rebuttal response to this paragraph is again a best guess as to the meaning of the paragraph. The paragraph starts with, "After receiving a full review of their complaint..." and where Petitioners ask who "received" and who "reviewed" and who does "their" refer to. Where the sentence goes on to state "...petitioners continue to demand The Bar take..." and where Petitioners grow tired of wondering what the lowercase "petitioners" refer to and where "The Bar" is located, so as they may have a drink to ponder further these enigmas of the English language. The next sentence starts, "They would have..." and where "They" has yet to be defined in the paragraph, as "petitioners" certainly refers to an object and not persons. Where in the next sentence, "The Bar", is again referenced and still undefined. Finally, the Response states that "...and essentially bring a malpractice action on their behalf." and where Petitioners, Lamont and Bernstein, have never levied or presented Flabar with any malpractice action to review, and since Iviewit is not a Petitioner as This Court has excluded Iviewit from the proceedings, again the statement is false and misleading and utterly lacking proper grammar.

99. That in closing, Turner in his Wherefore statement, attempts a final Hail Mary to have the documents destroyed and deny due process based on the weak and ineffective claim that final review is now complete according to the review process. Turner ignores entirely the conflicts and every allegation levied against

Flabar in the Petition, and falls back on the flawed reviews of Flabar. Again attempting to deny due process and with no regard to proper procedure under either Florida procedural file retention rules and Flabar Bar Rules, and in so doing may in fact constitute further criminal actions for abuse of Supreme Court office positions and lying to This Court with intent to deceive.

100. That the WHEREFORE sentence in the Response lacks in proper grammar, again the Petitioners ask This Court to strike the paragraph as non-responsive. The paragraph states "...review of the petitioners' complaint..." and where lowercase "petitioners" again implies an object versus person which leaves one confused. Where the sentence further states "...has been offered to the petitioners, The Bar..." where again the use of lowercase "petitioners" and "The Bar" leaves one wondering who or what is requesting This Court take such actions as requested. That the paragraph continues with "...the petition..." and Petitioner asks if the Petition is being referenced or some other petition. Where the paragraph closes with "...if petitioners do not obtain them within 10 days of this court's order." Where such closing again leaves one wondering what "petitioners" are and what "this court's order." is referencing. Other than disrespect in addressing, This Court, or this Court, or the Court, Flabar again addresses a tennis court or some other court of unknown origin. Therefore, Petitioners ask if Flabar cannot properly address This Court, than This Court should strike the entirety of Flabar's unintelligible Response as an insult to the decorum of This Court, and, deny all relief requested of the tennis court. Such improper grammar and disrespectful addressing of This Court by Flabar is intolerable. Whereas improper grammar

from a pro-se litigant may be tolerated, while incorrect in addressing This Court, the question remains as to how Flabar, full of lawyers to review the Response to allegations as serious as those contained in the Petition can fail to use proper grammar and fail to respect This Court. Where Flabar represents a division of This Court, there is no room for such inexcusable language and should be cause for This Court to have Flabar secure representative counsel capable of responding properly to This Court. Where Petition states that perhaps Flabar would best be served by seeking third-party, non-conflicted, disinterested representation with a command of the English language and proper legal etiquette, such request now stands clear as to the reason and This Court should demand such from Flabar.

101. That Petitioners below, review and give reason for striking the exhibits put forth by Flabar in defending the review of the Wheeler Complaint.

RESPONSE EXHIBIT A - HOFFMAN FLORIDA BAR JULY 1ST 2004 LETTER

102. That the letter is materially false in that;

1. it states that “significant discovery has taken place (and continues)” and appears to state that discovery into the allegations of ethical misconduct and other charges are being investigated by Labarga’s court, when in fact Labarga had reduced the case to only allow billing issues into the case and denied the counter-complaint issues without review or trial. Therefore, no discovery was taking place on the issues presented to Flabar.

2. it states that “the matter you present is a civil dispute which may not be resolved by the intervention of The Florida Bar.” Which again, the matter presented to Flabar in all filed complaints are matters of ethical misconduct regulated by Flabar and since the civil case was not hearing the other issues, including the ethical misconduct, it was the duty of Flabar to review them.
3. it states that “Rather, because Mr. Wheeler has advanced a viable position, the Bar has deferred its consideration of the matter until a determination has been made, on the merits, by the civil court before which the matter is currently pending.” Where it is unclear what viable position Wheeler has advanced, and where upon writing this, as Petitioners’ responses will show when presented to This Court by Flabar, Hoffman knew that no civil court was reviewing the matter, other than billing issues, and that no court was reviewing the allegations of criminal and ethical misconduct cited. Hoffman in dismissing claims states that she reviewed the materials and never states an answer to the multitudes of Rule violations cited and fails to address a single one in her deferment letter. That this is an attempt to bury the Wheeler Complaint and a successful one at that.

EXHIBIT B – JANUARY 20, 2004 FLORIDA BAR LETTER – TURNER

103. That the letter is factually incorrect in that;

1. it claims “Your complaint was essentially an action for malpractice.” The complaint is essentially a complaint of ethical violations of Wheeler and specific Rule violations by Wheeler.
2. it claims the confusing and incomplete sentence, “The violation of any ethical rule does not and should be assumed to demonstrate the violation of any legal duty.” This again leaves Petitioners wondering what exactly Turner is claiming and constitutes cause for Turner’s review of Hoffman’s work to be stricken as confusing.
3. it states “Your failure to fully prosecute your civil claim does not require The Florida Bar to otherwise consider your complaint.” Where in this instance, since the civil claim did consider or try the ethical and criminal charges it therefore did require the review of Flabar since the matters were factually and wholly dissimilar. That had Labarga even given recognition to the charges in the counter-complaint, than there would have been no need at such time for Flabar to review them as the court would have been reviewing similar matters. In that case, Petitioners would have understood Flabar’s request to wait pending the outcome of the civil trial, although Flabar Bar Rules still state that this is not sufficient reason to stay investigation.
4. it states an opinion without any formal investigation of “The evidence before us indicates your company was represented by

patent attorneys from Meltzer, Lippe, Goldstein and Schlissel and Foley and Lardner, not Mr. Wheeler or other Proskauer Rose attorneys, to state your claims to patents for the technology. Where it is unclear what evidence out of the literally hundreds of pieces of evidence presented Flabar which showed Proskauer and their partners absolutely doing patent work, gave Turner the right to make such opinion and where Turner refers not to a single piece of evidence submitted by either party to support his claims. Where Turner does not address any of the evidence contained in the approximately 1500 pages of rebuttal evidence submitted showing such Proskauer patent involvement. Turner fails to conduct any review of the witness statements by former Board members and shareholders, which absolutely conflict his opinion, an opinion based upon unknown evidence and with no investigation. Where patent opinion letters by Wheeler are submitted as evidence to Flabar which were sent to multitudes of investors to secure investment and stating that Proskauer's patent counsel had reviewed the patents and found the technology novel and superior to any other product they (Proskauer) had reviewed. Where evidence was submitted that Wheeler penned the patent opinion letter when requested by an attorney, Richard Rosman, seeking the opinion of Rubenstein for an investment by Earthlink founders Sky Dylan Dayton and

Kevin M. O'Donnell. Where Hassan Miah (pioneer of the Intel/CAA multimedia lab responsible for the spawning of the Internet as a multimedia medium), who knew Rubenstein and requested the patent opinion of him, after hearing of Rubenstein's opinion by Wheeler and where this was part of his due diligence for the Earthlink founders. Wherein the patent opinion Wheeler refers only to Proskauer patent counsel in making his opinion and never mentions any other law firm and talks about a review of Proskauer's patent department headed by Rubenstein. That these evidences in contradiction to Turner's claim were completely ignored in the review;

- 5. it claims that "Mr. Wheeler and his firm may have acted as general counsel, however, the ethical duty imposed upon them did not include filing the patent applications." Where this statement is based on no specific evidence, and in fact, evidence of patent billings by Proskauer was submitted to Flabar. Further, that evidence showing that Rubenstein was direct oversight of all other patent counselors that did Iviewit work was presented, and as such, even if the false contention that they did not do patent work was true, they still would have had responsibility as oversight to their referrals. Further, that in a Wachovia Private Placement Memorandum ("PPM"), reviewed, billed for and disseminated by Proskauer, Rubenstein is listed as**

Ivewit patent counsel, as an advisor to the board and wherein the PPM, Proskauer is referred to as “retained” patent counsel. Where evidence proves that Wheeler had approved all such statements in the PPM.

RESPONSE EXHIBIT C – MAY 20TH 2004 – BARTMON LETTER

104. That the Memorandum is factually incorrect in that;

- 1. it is supposed to be a review letter and instead is a memorandum;**
- 2. it is missing any verification that it was date stamped as received by anyone at Flabar or how it was transmitted on such date;**
- 3. Turner had stated in February 12th and 24th 2004 letters;**

“

The investigation of your complaint in any other jurisdiction is left to their rules and procedures. We will not change our determination to assist you with any other matter. You should expect to receive notice from the chair of their review of the entire file.

” and,

“

We have received your letter expressing dissatisfaction with the review of the investigation against the above respondent. As you were informed, our policy allows us to seek further review from an appropriate grievance committee. Please be advised your concerns have been noted and you will be notified of the outcome of the review.

”, and further;

“

When someone is assigned to review this matter, you will hear directly from them. We cannot direct them to follow your directives in regards to how you want the review conducted. Thank you for your patience while this matter is reviewed.

”.

Yet, the reviewer never directly corresponds with Petitioners regarding the outcome of the review, opposite what Turner claims, and where this memorandum in place of a review letter was hidden from Petitioners along with even the name of the reviewer. That Petitioners were left only with Turner's unintelligible interpretation letter which clearly fails to state the name or even carbon copy the reviewer. The failure to explain in proper English the Chair of the Grievance Committee's ("Chair") letter and no correspondence from the Chair, opposite Turner's prior written statements to Petitioners cause concern in that Petitioners were left with a meaningless interpretation letter, in violation of the rules;

4. no other person is copied by Turner of his disposition letter and

Bar Rules state:

(k) Letter Reports in No Probable Cause Cases. Upon a finding of no probable cause, bar counsel will submit a letter report of the no probable cause finding to the complainant, presiding member, investigating member, and the respondent, including any documentation deemed appropriate by bar counsel and explaining why the complaint did not warrant further proceedings. Letters of advice issued by a grievance committee in connection with findings of

5. Upon reviewing the newly submitted Bartmon memorandum, the memorandum fails to outline what evidence she reviewed and states she only reviewed several attorney responses, and not all responses, never stating if she reviewed Petitioners' responses or rebuttals, when she claims; "I have reviewed the attorney's responses and several replies [no mention of whose replies] to the complaint";

- 6. Bartmon attempts to distill approximately fifty violations of the rules cited against Wheeler for multitudes of alleged crimes into two claims and distills them void of any factual basis or reference to any evidence. Further, no reference is made to the specific Rules Petitioners complained of in the Wheeler Complaint. Bartmon's interpretation not only misrepresents the allegations made by Petitioners, but then only focuses on her two misinterpretations and completely fails to deal with the rest of the allegations as if they did not exist;**
- 7. it claims in summation of Petitioners' charges "that Wheeler (1.) Had a conflict of interest in that he represented both Iviewit and Warner Bros. to whom Iviewit's technology was offered" which is a factually incorrect summation of what Petitioners complained of;**
- 8. except in the claim in summation of Petitioners charges whereby Bartmon concludes "(2.) Wheeler and his firm failed to handle competently certain patent work for Iviewit." Which statement Petitioners agree is correct;**
- 9. Bartmon, concerning the conflict she claims, misinterprets and misrepresents Petitioners' complaint and fails to define correctly the complained of conflict, and therefore sees no conflict. Which based on her bastardized rendition of Petitioners complaint of the WB/Iviewit/Proskauer/Rubenstein conflict, she should not**

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have seen a conflict, as Petitioners would also not find a conflict in her assessment of the conflict. What her assessment fails to correctly state, is that the conflict between WB, Proskauer, Rubenstein and Iviewit stems from patent work done by Kenneth Rubenstein, patent work Bartmon states does not exist. Where in opposition to her claims evidence submitted to Flabar shows WB in written letters, claim that they called Iviewit's patent attorney Kenneth Rubenstein to evaluate the Iviewit inventions. Further, the WB letters state the Rubenstein OPINED favorably as to the novel aspects of such technologies, not a bad review for an attorney who now claims he never heard of the Iviewit under direct deposition. The WB letters were included for review in the complaints and therefore no misinterpretation of the complaint should have occurred through proper review. Such opinion by Rubenstein led to Iviewit beginning an operational and licensing deal with WB, that eventually led to Iviewit taking office in the WB building and taking over the entire WB encoding lab for a fee. That a future advanced licensing deal was being prepared by the highly regarded law firm of Irell and Manella, that such licensing deal further contradicts Bartmon's contention. These issue and others contradict the false and misleading statement of Bartmon that; "It appears to me that Wheeler's firm put together two

clients. The Iviewit technology was not the only technology of its kind in the market and Iviewit was in competition with others. Warner Bros. declined to enter into a deal with Iviewit.”

That such statement is chalked full of false and misleading rhetoric that makes no sense and again is factually incorrect in summation and conclusion. First, Kenneth Rubenstein, again acting as Iviewit patent counsel was asked to opine on behalf of Iviewit’s technology to senior advanced technology officers of WB of which he did. This of course was when he was acting as patent counsel and an Advisor to the Board for Iviewit, before the loss of his memory whereby he now claims, he no longer can remember such occasions and does not know Iviewit. Petitioners evidence throughout the Wheeler Complaint that Rubenstein was essential to the Iviewit/WB relationship and key technologists at WB knew him well and therefore his opinion had far reaching impact. In fact, Gregory Thagard (“Thagard”), Vice President Advanced Technology Technical Operations, held multiple patents in a patent pool for DVD technology that Rubenstein is counselor for and that Thagard readily admitted was using the Iviewit processes for encoding video at WB facilities. That Thagard was assigned as the oversight of the Iviewit relationship for WB with David J. Colter (“Colter”), Vice President Technology - Technological

Operations and where letters were written between them, included in the complaints Bartmon reviewed or shall we say complaints not reviewed by Bartmon, which stated that Iviewit Technology was new and unique and that WB was utilizing Iviewit's novel processes. Further such letters state that WB learned of such technology from Iviewit and that after signing Non-Disclosure agreements they began using such proprietary processes, that at the time of the letters they were using across a broad array of digital platforms, attached Exhibit "E" – Warner Bros letters. Such evidence refutes directly the statements of Bartmon wherein she attempts to claim that "Iviewit's technology was not the only technology of its kind in the market and Iviewit was in competition with others" and where Petitioners ask what investigatory review or patent prior art searches or degree in patent pending technology Bartmon uses to makes such statements. Finally, Petitioners question if such statements, advancing and supporting Wheeler's claims, is appropriate under Bar Rules, and if such opinions should not have come from a licensed and registered patent counselor regarding Petitioners' technologies.

That a relationship began between Iviewit and WB where daily business was conducted and whereby Iviewit had taken over the entire encoding operation for WB, an account that

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based on the revenues being generated, projected revenues would have generated millions of dollars of annual revenue. That Iviewit was similarly holding discussions with AOLTW regarding their use of Petitioners' technologies throughout their various digital media mediums and the broader licensing arrangement was being drafted worth several hundred million dollars over time. Simultaneously, Irell and Manella was drafting final versions of an advanced royalty agreement whereby the numbers would have multiplied significantly over the revenue generated on the operational side. That as the WB letters contained in the Wheeler Complaint indicate, WB admittedly learned of these methods from Iviewit and was under Non-Disclosure Agreement secured and maintained by Proskauer. That checks were paid weekly for the work (opposite Bartmon's claim) and in fact, WB had turned over their entire operation to Iviewit and let go of their prior employees and encoding division to use Iviewit and the Iviewit patent pending processes which were far superior to prior methods.

That it came to pass that Utley was caught with two sets of patent book showing evidence of foul play and attempted theft of intellectual properties. That things began a downward spiral for the Iviewit and Proskauer relationship upon requesting explanation from Utley and Wheeler for certain patent

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malfeasances in what appeared at the time to be theft of the intellectual properties. It appeared that Utley and Iviewit patent counsel were attempting to steal off with core inventions (i.e. “Zoom and Pan on a Digital Camera” and “Zoom and Pan Imaging Design Tool”), inventions that were invented by the inventors, of which Utley was not one. Where patents are further in Utley’s sole name, soullessly, and without knowledge or approval of the company, representing intellectual property theft. Members of the board and others were confronting Utley and Wheeler regarding the patent matters and other matters of converted funds, and evidence was beginning to surface exposing the board and shareholders to further risks of loss. At this point, Wayne Smith (“Smith”), a leading patent expert for WB was brought in to review the patents and company, for John Calkins, Senior Vice President New Media Business Development, for Ted Leonsis, Founder of AOL. That Smith was brought in to perform due diligence as Iviewit was negotiating with WB and AOLTW to raise twenty million dollars of capital in a licensing partnership deal with AOLTW/WB. WB was presented with copies of the Wachovia PPM which Wheeler/Proskauer billed for, reviewed and disseminated, wherein Rubenstein is again named as “Iviewit patent counsel”, listed as an Advisor to the Board and Proskauer is referred to as retained patent counsel,

all contradicting Bartmon's conclusions that Proskauer did not do patent work. Petitioners are unclear as to how Bartmon misses this in her review, as the evidence was included in the Wheeler Complaint.

That on the way to such raise from AOLTW, Smith informed Colter that he wanted to speak with Rubenstein regarding his past patent evaluations and opinions for Iviewit. Where at the time of the request by Smith to speak to Rubenstein, Rubenstein was no longer on the best of terms with Iviewit, since Proskauer and others were being confronted to explain to board members and shareholders the problems discovered in the patents. Questions such as; why patents had gone into Utley's name, why there appeared two sets of patents books with differing information, how Utley was added as inventor without having invented anything or contributed, why it appeared that there were two sets of similar patents with different inventors, why it appeared that assignments and inventors were all wrong. These issues recently confirmed wrong by the USPTO, in comparison to the information on the attorney intellectual property docket, where such attorney docket were used for all capital raises and relied on by investors. Whereby, if these items were wrong, the rights, title and interest of investors and shareholders in the patents were

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wrong and therefore at risk. It was at this point Rubenstein suddenly lost his memory of Iviewit and claimed he could not speak to Smith at AOLTW/WB due to a conflict of interest he cites between his representation of Iviewit and WB. Further, he claimed suddenly that he did not know much anyway, which was quite a shock to AOLTW/WB, Sony, MGM, Viacomm and hosts of others doing business with Iviewit, and, to all the shareholders who had relied on his prior claims and involvement. That Rubenstein's remarks were followed by due-diligence by AOLTW/WB, as Rubenstein's remarks contradicted his prior opinions to WB personnel and caused confusion and suspicions, since Smith who knew Rubenstein, had even offered with Iviewit to sign a conflict waiver, whereby Rubenstein became further evasive and never completed the call. This caused a suspicion at WB and then further due-diligence exposed that Iviewit was in an involuntary bankruptcy with former Proskauer referred management, and, that Iviewit was in a lawsuit with Proskauer, all to the surprise of Iviewit management, board and shareholders. Nobody had known of such litigation and involuntary bankruptcy proceedings, as it appears that these suits (including the Iviewit v. Proskauer litigation) were done by lawyers working for the other side. Proskauer referred management, Ross Miller, Esq. ("Miller") a consultant for

Iviewit brought in to replace Utley who had been fired with cause and who unbeknownst to Iviewit at the time, was a close and longtime Wheeler friend, secretly began representation of Iviewit with outside counsel. Where such suits may have been against companies that Petitioners were unaware of at the time, companies set up by Proskauer with similar or identical names as companies of Iviewit. Where recently discovered information now shows that these “ghost” companies may be where core patents were walking out the door. Again, all of this information was submitted in the Wheeler Complaint and as supplemental submissions to Flabar for review.

Immediately upon finding out about such suits, Iviewit confronted the mystery counselors in the matters and they ran for the hills claiming unpaid bills. Later it was discovered that these attorneys had close personal ties to Wheeler that were not disclosed to anyone or waived by anyone. Iviewit then brought in Caroline Prochotska Rogers, Esq. a longtime friend of Bernstein who aided Iviewit by securing new counsel, not related to Wheeler, to defend Iviewit, not Wheeler. Immediately upon new counsel taking over the involuntary bankruptcy filed by former Proskauer referred management, the parties withdrew their ill intended bankruptcy. Petitioners recently learned the involuntary bankruptcy is fraught with fraud on the Bankruptcy

Court as it had false claims made by Iviewit former management and others, claims on companies that they had no interest in and therefore had no rights to file such involuntary bankruptcy against, and that further false financial information was supplied to Bankruptcy Court.

Proskauer as well sued companies of Petitioners that they had no bills for or claims against and no retainer or other agreement. Where Proskauer was caught, in a bizarre attempt to claim billings in companies they had no bills with as the retainer and all bills were for other companies. In fact, through the Mickey Mouse court of Labarga they actually won lawsuits against these companies and now hold claim to companies that Petitioners were unaware held patents, until recently disclosed by the USPTO. The attorney prepared intellectual property dockets were false and misleading with wrong owners, inventors and assignees, which led to the current suspensions by the USPTO and now upon learning of the different companies that hold such rights, it becomes apparent why Proskauer sued these companies. Bartmon must have read only the responses of Wheeler (written in conflict by Triggs) or certainly she would have had to address these and many more issues of which all the evidence and witnesses support. These are the reasons Rubenstein fails to confirm his opinions to WB and causes

calamity for Iviewit in so doing. That Proskauer and Rubenstein tortuously interfered with Iviewit accounts by an intentional denial of Rubenstein to cast doubt on Iviewit and destroy the chances of a AOLTW/WB deal being successful. That Rubenstein failure to speak with Smith and confirm his statements, led to Smith feeling uneasy with investment and where WB got cold feet, as would anyone, in the face of what was being learned about what Proskauer had done to Iviewit.

10. Bartmon refers to a retainer void of patent or intellectual property work, that she must again have only looked at one side of the story, as Iviewit has long held and evidenced that such retainer is an outright fraud. That the retainer is contradicted by Proskauer's billing records, and supposedly came a year after Proskauer began patent work, whereby Petitioners evidence in the Wheeler Complaint that Rubenstein had been receiving patent disclosures throughout such time. Further, it would have been highly unethical of Proskauer to be doing patent, copyright and trademark work without such retainer as the billings show them doing such work throughout the prior year. Where no China Wall was built around Rubenstein to protect Petitioners intellectual properties which would have been required unless he was acting as copyright, patent and trademark counsel to Iviewit, which the billings and other evidence reflects. This

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current false and misleading denial of services preformed, is to now prevent one from seeing the glaring conflicts of Rubenstein and Proskauer's patent pools, of which Rubenstein was also counsel to the pools. An attempt by Proskauer and Rubenstein to distance themselves from such conflict. Rubenstein's attempt to deny his involvement as counsel and that he had full and total access to all inventions and invention disclosures creates an opportunity for Rubenstein to state that his pools, the largest infringers of Iviewit technologies, did not learn of Iviewit's technology from Iviewit or from his involvement with Iviewit. This behavior is so that he may attempt, through this conflict of adverse interests, to steal the technologies through his pools, which inure benefits for all Proskauer partners and Rubenstein. It is interesting to note that even if Proskauer claims they did no patent work, they admit to trademark and copyright work which they also billed for, and for which all such departments Rubenstein is Partner in charge. Therefore, all such intellectual property departments had access to all of the Iviewit patents, source codes and disclosures. That Rubenstein is the single most conflicted individual with Iviewit and had Bartmon reviewed anything other than Flabar's review letters, than certainly she would have seen that Rubenstein was receiving patent disclosures and maintaining Iviewit's entire patent portfolio in

his office, and had an understanding of the real conflict of interest complained about in the Wheeler Complaint. Rubenstein when stating that he could not talk to WB and reiterate his prior opinion and the further malfeasances such as the involuntary bankruptcy and billing dispute discovered during their due-diligence, is what led to the end of Iviewit/WB relationship and killed the investment opportunity at that time, Bartmon's assessment is far from reality.

Further, Rubenstein claimed in sworn and verified statements to Labarga that he was not going to take deposition in his firms billing case (wherein such billing statements he is mentioned throughout three years) and that he never heard of Iviewit or Eliot I. Bernstein and that he was being "harassed". Where in his court ordered deposition he is confronted by evidence contrary to his prior written court statements and statements in response to his bar complaint ("Rubenstein Complaint") at the First Department. In fact, he walks out of his deposition challenging Iviewit to take his refusal to answer direct questions regarding his involvement with Iviewit up with the Labarga. Labarga then gave orders for Rubenstein to be re-deposed and answer the unanswered questions, this has never occurred because Iviewit was denied a trial to re-examine Rubenstein, yet a read on his deposition shows perjured

statements to the First Department and perjury when contrasted to his prior sworn written statement of harassment to Labarga. Had Bartmon opened a single rebuttal of Petitioners, certainly she would have seen all this evidence;

- 11. Bartmon states that; “The Iviewit technology was not the only technology of its kind.” Again, Iviewit asks how without an investigation can Bartmon make a statement of this kind in support of Wheeler when Bar Rules state that without investigation Flabar does not take the side of either party. Further, Bartmon makes an opinion regarding the novelty of the patents, opinion that should only come from a registered patent attorney with the USPTO. Where it appears from Bartmon’s law firm information that Bartmon is not a registered patent attorney, nor does the firm have any intellectual property department, and thus, makes this opinion baseless, unqualified and perhaps a violation of the Rules. Certainly, such unqualified opinion merits This Court removing it from the record. In fact, an utterly wrong opinion that biases future reviews, as Iviewit has intellectual property that is patent pending, that is the only technology of its kind, despite whether others now conduct the unauthorized use of such proprietary technology. This unfounded bias in Bartmon’s review is cause to disregard the Bartmon review altogether and demand a retraction until an**

expert in patents can review her statements and support such baseless claims;

12. Bartmon states, “I do not see any correspondence or documentation that Wheeler or anyone working with him mislead Iviewit regarding the progress of the patents.” Where Bartmon again misses the boat, as if she fails to understand the gravity of the suspension of the Iviewit patents currently at the USPTO, suspensions based on the fact that Iviewit was misled as to who even owns the patents and where certain patents may be owned by Proskauer and Proskauer management. First, regarding misleading anyone, the Wachovia PPM is a prime example of misleading investors to believe the statements contained therein regarding Rubenstein’s involvement which was what many investors based their decision on;



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Investment Management, both based in London. Among his primary areas of expertise are technology research and economic research, including electronics, telecommunications and computer software. Most recently, he was Senior Technology Analyst and Vice President of Southeast Research Partners, Inc. where he worked with leading technology companies. He earned a bachelor of arts degree at Yale University and a master of business administration degree at Stanford University.

Advisors

Alan J. Epstein

Partner, Armstrong Hirsch Jackoway Tyerman & Wertheimer, P.C.

Mr. Epstein's law practice consists of advising Internet companies on various issues pertaining to the entertainment and sports industries, including the creation, licensing and acquisition of content, the introduction and negotiation of strategic partner relationships, and various other matters relating to the convergence of technology and content. Mr. Epstein also advises his firm's numerous celebrity clients on the exploitation and protection of their name and likeness rights and content on the Internet, as well as merchandising, endorsement and sponsorship deals. Prior to entering the UCLA School of Law, Mr. Epstein was a certified public accountant at Deloitte Haskins & Sells in Dallas, Texas.

Kenneth Rubenstein

Partner, Proskauer Rose LLP

Mr. Rubenstein is a partner at Proskauer Rose LLP law firm and is the patent attorney for iViewit. He is a registered patent attorney before the U.S. Patent & Trademark Office. Mr. Rubenstein counsels his clients with respect to the validity and infringement of competitors' patents, as well as prosecutes patent applications. For the past several years he has worked on the formation of a patent pool, for MPEG-2 technology, involving large consumer electronics and entertainment companies. He is also a former member of the legal staff at Bell Laboratories. Mr. Rubenstein received his law degree, cum laude, from New York Law School, and his Ph.D. in physics from the Massachusetts Institute of Technology where he also graduated with a B.S. Degree.

Christopher C. Wheeler

Partner, Proskauer Rose LLP

Mr. Wheeler is a member of Proskauer Rose LLP's Corporate Department and as a partner in the Florida office has a versatile transactional practice. He has had extensive experience in real estate and corporate law, institutional lending and workonts, administrative law and industrial revenue bond financing. Moreover, he serves as a strategist and counselor to many clients in handling their other legal and business matters. Mr. Wheeler is well-versed in general corporate law as well as mergers and acquisitions and securities matters. He has guided companies from startup through initial private placements to public offerings. A graduate of Hamilton College and Cornell Law School, Mr. Wheeler was a member of the managing Board of Editor of the Cornell Law Review.

**Legal &
Accounting
Counsel**

Arthur Andersen, LLP

Arthur Andersen's vision is to be the partner for success in the New Economy. The firm helps clients find new ways to create, manage and measure value in the rapidly changing global economy. With world-class skills in assurance, tax, consulting and corporate finance, Arthur Andersen has more than 70,000 people in 83 countries that are united by a single worldwide operating structure that fosters inventiveness, knowledge sharing and a focus on client success. Since its beginning in 1913, Arthur Andersen has realized 86 years of uninterrupted growth, with 1999 revenues over \$7 billion. Arthur Andersen is a business unit of Andersen Worldwide.

Proskauer Rose, LLP

This law firm is one of the nation's largest law firms, providing a wide variety of legal services to major corporations and other clients through the United States and around the

and;

Company has retained Foley & Lardner to shepherd its patent development and procurement. In addition, the Company has retained Kenneth Rubenstein of Proskauer Rose, LLP to oversee its entire patent portfolio – Mr. Rubenstein is the head of the MPEG-2 patent pool.

Where Bartmon states that no one was misled, it is hard to understand if she read the April 2004 shareholder letter, sent to Flabar to add charges against Wheeler. That such letter exposes that Proskauer opened multiple companies and that several of them were ghost companies of which audits failed to prove ownership by the shareholders. Proskauer may own some of these ghost companies wholly, and wherein core patents, unbeknownst to Iviewit, were directed out of the company and rewritten into false inventors names. Whereupon such findings that the information transmitted to Iviewit was possibly false and misleading, the USPTO after confirming that certain information was false and misleading suspended the Iviewit patents, this information which is false and misleading was prepared by Proskauer and sent to investors and therefore refutes Bartmon’s claim entirely;

13. Bartmon claims, “The claim that Wheeler referred the patent work to an attorney with whom a prior client had an issue regarding unethical conduct without disclosing same, does not prove a breach of any rule of professional conduct.” This is so far from the allegation that was levied against Wheeler in the

Wheeler Complaint, that one finds it hard to believe that Bartmon read any of the materials. In her statement she states Wheeler referred the work to a patent attorney with whom a prior client had an issue regarding unethical conduct, where this is not the whole story. Wheeler referred the patent work to another attorney, Dick, who had been involved with Utley and perhaps Wheeler, in the misappropriation of intellectual properties from Utley's prior employer, Diamond Turf Equipment, Inc. ("DTE"). Where Utley was then fired with cause for such actions and DTE was closed due to such acts, costing the owner, Monte Friedkin, the loss of the DTE and several million dollars. Where Wheeler, who according to Utley's deposition, knew of the patent misappropriations that lead to the termination of Utley with cause. Wheeler in disseminating Utley's resume failed to ever disclose such patent theft to Iviewit when referring him. Further, Wheeler then submitted a resume on behalf of Utley with knowingly false and misleading representations of Utley's prior employment history, stating that DTE went on to become a leader in turf equipment due to Utley's inventions. That Wheeler, when referring Dick, also failed to disclose Dick's involvement with Utley at DTE, as he was the patent attorney who wrote the patents out of DTE, knowing that Utley was violating his employment with DTE.

Where Dick, upon taking the position of patent co-counsel with Rubenstein, also failed to disclose this matter and his involvement in the ruin of DTE. Where Utley never disclosed such history and in fact conspired with Wheeler to circulate a bogus resume with other false claims, showing intent to fraud Iviewit from the minute Utley was represented and sold to Iviewit by Wheeler. In fact, Wheeler states that H. Wayne Huizenga Jr., the seed investor, would not invest unless Utley was chosen over Hassan Miah, and where Wheeler stated that Utley's resume was superior. Where such knowingly false and misleading statements and actions by Wheeler, Dick and Utley, establishes a pattern of criminal conspiratorial behavior in the misappropriation of technologies from companies, a pattern which must be stopped before further businesses are ruined due to these criminals. Of course, if one reviews the statements of Bartmon it is clear that she wholly misrepresents the allegations and it appears that she goes on a deliberate course of misrepresentation throughout her memorandum to sell Wheeler's position, at any cost. So much so does Bartmon's memorandum reek of foul play, that not only should it be discarded from the re-review of the Wheeler Complaint and stand as cause for a retraction but that This Court should

impose disciplinary sanctions for this behavior by a designated reviewer representing the Grievance Committee.

RESPONSE EXHIBIT D – MAY 21ST 2004 – TURNER LETTER

- 105. That the Memorandum is factually incorrect in that;**
- 1. the letter is written with such poor grammar and unintelligible statements, as to make it worthless;**
 - 2. Turner makes conclusions in interpreting the memorandum of Bartmon similar to those of Bartmon regarding patents and as such, this letter should be stricken from the record due to its bias;**
 - 3. Turner fails to properly carbon copy the required parties as stated in the Bar Rules;**
 - 4. Turner states that the file will be destroyed pursuant to policy, when policy appears to have it that there are remaining review levels, as the Beer review inherently proves and therefore the case had not reached a final conclusion;**
 - 5. Bar Rules state that Complainant will be notified of the decision of the Chair with an explanation as to the finding and whereby with or without the Bartmon memorandum, the Turner interpretation letter is unintelligible and therefore fails to explain the flawed review of Bartmon. Further, that upon repeated request for clarification from Petitioners, Turner and Bartmon, fail to respond or clarify the letter;**

6. **Turner states, “This file remains closed.” When in fact, as the reviews shows the file was not closed but in the process of review with further reviews available to Petitioners;**
7. **Turner makes statements that advance Wheeler’s position, with no investigation, opposite Bar Rules and constituting cause for dismissal and retraction of this letter.**

RESPONSE EXHIBIT E – JUNE 9TH 2004 – BEER LETTER

106. **That the review letter is factually incorrect in that;**
 1. **Beer states that his review was based on partial unidentified materials provided to him by Flabar and concludes stating that he did not review the entire file and would be happy to do so;**
 2. **Beer states that he based his conclusions on review of the prior review letters, all of which have been proven herein to contain false and misleading statements and conclusions, thus biasing the incomplete review of Beer;**
 3. **wherein Beer states, “Furthermore, by virtue of the underlying allegations, it is problematic that the Complainant is apparently attempting to use the “leverage” of the Bar to help influence the outcome of the civil litigation.” Where this statement is false and misleading in that Petitioners state that there was no “civil litigation” that existed at the time of the letter review and had Beer reviewed the materials, he would have seen that such litigation had ended months prior and that once ended the case**

was re-opened, which factually why he was reviewing the letter.

Where this conclusion cast bias and prejudice on Petitioners and therefore it should be stricken and a retraction should be forthcoming;

4. Beer's admission of a partial review of mainly flawed review letters and of unknown materials with no statements based on any evidence, should cause dismissal of this review and a retraction of the statements contained therein, as the review is baseless and misleading;

RESPONSE EXHIBIT F – JUNE 14TH 2004 – TURNER LETTER

107. That Turner states in this letter that the Iviewit is final as of the date of the letter and will be destroyed per policy rules. Policy rules would then have the file being destroyed at earliest based on the misleading view of Flabar on June 14th 2005 and based on Iviewit's understanding of the records retention rules on June 14th 2009.

RESPONSE EXHIBIT G – JULY 2ND 2004 – MARVIN LETTER

108. That the email is factually incorrect in that;

1. Marvin states, "I have reviewed the "complaint" that you filed against Eric Turner." which indicates that the complaint is somehow not a "complaint". Where Marvin quotes the word complaint to indicate that the complaint filed was not a "complaint" and where such complaint was properly served upon Flabar and Turner, as procedure would mandate and thus

constitutes a formal bar complaint that should have been treated and filed as such.

- 2. Marvin states, "Your allegations concern job performance and do not concern violations of The Rules Regulating The Florida Bar, and therefore I will treat those allegations as a personnel matter, and will not be opening a disciplinary file." This statement is materially false in that the complaint stated that Turner failed to follow The Rules Regulating The Florida Bar, in statements he made in favor of Wheeler, without investigation;**
- 3. That had Marvin treated this as an employee matter, Petitioner would have challenged the decision, but Marvin refuses to allow such challenge or review of his decision. That Petitioners have repeatedly requested that Flabar provide the employee complaint docket for review or to find what the outcome of such internal affair investigation was and where Flabar fails to respond.**
- 4. the Turner Complaint states that Turner was made aware that attorneys had misused The Florida Bar conclusions to two tribunals, the Virginia Bar and New York First Department and failed upon learning of such attorney misconduct to take corrective actions. That it is in violation of Bar Rules and the Rules which state that upon learning of the misconduct of another attorney, a lawyer must report such misconduct.**

Instead, Turner fails to report such attorneys and writes that it is not his responsibility to take such actions when he states; “

The Florida Bar can not control or influence any other body by its decisions. If any other investigative agency is reviewing your claims, it is incumbent upon them to reach their own conclusions under their rules and regulations.

”. This statement shows that Turner has failed to notify these other investigative agencies of information that The Florida Bar conclusions were being misrepresented as investigated and dismissed after investigation. Turner knew these statements to be false and failed to report such attorneys and thereby such charge is contrary to Marvin’s claim in that the Turner Complaint does not regard violations of the Bar Rules and Rules. These violations are significant and not at all related to personnel matters as they are defined within the Bar Rules and Rules. In the Turner Complaint it is stated clearly his failure to report attorneys misconduct, especially misconduct by attorneys to a tribunal, wherein it states;

“

2. That such endorsements, and further, false claims of the conclusions of the Florida Bar case were used in other state and federal investigations citing the Florida Bar case as having concluded through investigation, whereby the attorney complained of was found vindicated by the Bar, a wholly false claim. When Turner learned of these false and misleading statements being used, that may have arisen from his improper endorsements of the attorney, he failed to take any corrective actions.

”.

5. Marvin states “I have decided to deny your request that The Florida Bar retain the closed file concerning the complaint that you filed against Mr. Wheeler until some other agency has completed its investigation. We have a long-standing file retention policy that a closed file not resulting in discipline is

kept for one year after closure. It is necessary for us to adhere to this policy.” Whereby this contradicts the Response tendered by Turner to This Court, where Turner states that Flabar was asked to retain the file for five years “so that they [Petitioners] might bring their civil action later.” Again, as stated prior herein, Petitioners have never claimed that they were bringing civil actions, and where if Turner meant Iviewit, than this paragraph is false and misleading as Iviewit is not a Petitioner in these matters, as clearly precluded by order of This Court. This contradiction shows that Turner intended to mislead This Court and failed to disclose the truth to This Court further attempting to have This Court destroy documents based on false and misleading statements. Further, Marvin attempts to state that in cases where the file may prove invaluable in other investigations, that the file pruning statute is far more important than preserving patent rights which may be partially recoverable based on information contained in the file. Petitioners gave explanations to Turner and Marvin and yet they continue to attempt a course of destruction that as proven herein is not according to proper procedural rules.

6. Marvin states that the destruction shall take place one year after closure, and cites an August 2, 2004 date for destruction of the file and whereby the file was not even remotely close to closed in

August 2003 since the review by Beer was not completed until July of 2004. This would establish a date of destruction of July 2005 by Marvin's own account. Instead, again through a deceptive tactic, Marvin attempts to destroy the file far before the one year he claims and this would seem worthy of This Courts taking disciplinary against all those who tried to destroy the file at any point prior, including Turner, Hoffman and Boggs. Each attorney citing a one year period from closure and according to the Florida Rules of Judicial Administration 2.076, closure would have been after all levels of review had been completed, so at the earliest the destruction would have been in July 2005.

RESPONSE VIS-À-VIS THE PETITION

109. That, as in paragraph 2 of the amended petition of Petitioners Petition, mention is made of the conflicts of interest in the complaint against Wheeler, Flabar File No. 2003-51 109 (15c) and the Wheeler Complaint 2 (filed and not docketed), wherein Flabar, by letter of Boggs acknowledges such a conflict of interest. In the Triggs Response to the Wheeler Complaint, Flabar provides no response or defense to this factual allegation of conflict and appearance of impropriety in either Flabar's reviews or in the Response to This Court. By failure

to respond, admission through default, wherefore sanctions should be immediate for failure to respond.

110. That, as in paragraph 12 of the Petition, mention is made of Wheeler and others “conspir[ing] to undertake a deliberate course of action to deprive...Petitioners the beneficial use of such Technology for their own gains.” In the Wheeler Complaint, Flabar fails to respond to this factual allegation of ethical misconduct, conflicts of interest by Wheeler, Proskauer, Flabar and all those accused herein, known or unknown at this time, who aided and abetted or committed any of the crimes heretofore presented to This Court. Flabar’s reviews and Response to This Court stand as a failure to defend the allegations contained in the Petition of Flabar’s part in such events. Again, by failure to respond, admission through default, sanctions should be immediate for failure to respond.

111. That, as in paragraph 12 of the Petition, mention is made of Wheeler’s and others “further allowed the unauthorized use of the Technology by Rubenstein’s patent pools...and multitudes of their clients”. Again, Flabar provides no response to this factual allegation of ethical misconduct, including attorney conflicts of interest by Rubenstein, Wheeler and Steven C. Krane. Rubenstein, Krane and Joao’s bar complaints are currently under investigation for conflict of interest, abuse of public office and appearance of impropriety discovered at the First Department. Flabar’s fails to respond to allegation of their involvement in such events, in any of Flabar’s reviews or in Response to This Court, again by failure to respond, admission through default, where sanctions should be immediate for failure to respond.

112. That, as in paragraph 12 of the Petition, mention is made of Wheeler and others “have had personal financial gains through the misappropriation of Petitioners’ Technology,” wherein Flabar provides no response to this factual allegation of ethical misconduct, attorney conflicts of interests, in any of their reviews or in this Response to This Court. Again by failure to respond, admission through default, where sanctions should be immediate for failure to respond.

113. That, as in paragraph 15 of the Petition, mention is made of Wheeler “further conspir[ing] with Utley to circulate a knowingly false and misleading resume to...induce investment,” wherein Flabar provides no response to this factual allegation of ethical misconduct in any of their reviews or in this Response to This Court. Again by failure to respond, admission through default, where sanctions should be immediate for failure to respond.

114. That, as in paragraph 17 of the Petition, mention is made of Wheeler “continu[ing] to assist Utley in perpetuating...fraud...by approving a false resume for Utley...in violation of the Regulation D of the Securities Act of 1933,”. Flabar fails to respond to these factual allegations of ethical misconduct in any of their reviews or in this Response to This Court. Again by failure to respond, admission through default, where sanctions should be immediate for failure to respond.

115. That, as in paragraph 19 of the Petition, mention is made of “Proskauer [Rose LLP] and Utley conspired to replace the original retainer agreement...with the Retainer void of patent services”. Flabar, especially the letter of Bartmon in Exhibit C of the Response, provides no response to this factual allegation of ethical misconduct in any of Flabar’s reviews or in this Response to

This Court. In fact, Bartmon rests her conclusion on a retainer that Petitioners claim is fraudulent and fails to address the frauds addressed and blindly rests on what appears a very questionable retainer to say the least. The presumed retainer is supposedly signed a year after services were provided and billed for, including patent work, which should raise the brow of This Court. Again by failure to respond, admission through default, where sanctions should be immediate for failure to respond.

116. That, as in paragraph 22 of the Petition, mention is made of “Proskauer billed Petitioners [a start-up company] for legal services...approximately Five Hundred Thousand Dollars (\$500,000).” That Petitioners bring to the attention of this Court that the total investment in the company over the years was 4 million dollars. A gross over-billing for what Proskauer bills as “general corporate legal services”, being that it represents a quarter of all monies raised and not a dollar of it, according to Proskauer’s new false and misleading account, for patent legal work. Patent counsel and patent work should have been where all of the legal monies were spent for an intellectual property company. In relation to legal fees for a start-up company, void of patent work, Petitioner asks this court to ascertain exactly what Proskauer did for \$500,000.00 and if no reason is set forth in response, This Court should take disciplinary actions, as this would represent further ethical violations by Wheeler and Proskauer.

117. That, as in paragraph 25 of the Petition, mention is made of Wheeler’s and others “conspired to deprive Petitioners of the rights to the Technology”.

Where Flabar provides no response to this factual allegation of ethical misconduct, attorney conflict of interests and Flabar's alleged involvement in such events and again by failure to respond, admission through default, where sanctions should be immediate for failure to respond.

118. That, as in paragraph 27 of the Petition, mention is made of Wheeler "engage in fraud and deceit by the corporate formation of multiple entities in a multi-tiered structure, thus engaging, effectively, in a 'shell game' as to which entity...would hold assignment of the Technology". Flabar provides no response to this factual allegation of ethical misconduct, myriads of conflicts of interests and other unethical behaviors, Flabar's alleged involvement in the events, in Response to This Court and again by failure to respond, admission through default, where sanctions should be immediate for failure to respond.

119. That, as in paragraph 29 of the Petition, mention is made of Wheeler's and others participation in the misappropriation and conversion of "between Six Hundred Thousand Dollars (\$600,000) and One Million Dollars (\$1,000,000)". Flabar provides no response to this factual allegation of ethical misconduct in any of their reviews or in this Response to This Court, nor do their circumspect "reviews" according to attached Exhibits A to E of the Response. Again by failure to respond, admission through default, where sanctions should be immediate for failure to respond.

120. That, as in paragraph 42 of the Petition, mention is made of "the lack of an adequate review...by Counsel Lorraine Christine Hoffman, Esq. ("Hoffman"), in July 2003, wherein she dismissed the Wheeler Complaint without investigation, as

a result of ongoing litigation by and between Iviewit and Proskauer, a billing dispute case... That Hoffman's delay may have been caused by the conflict of interest [of Triggs]," wherein Flabar or Hoffman provide no response to this factual allegation of ethical misconduct. Flabar provides no defense to allegations of their involvement or Hoffman's and again by failure to respond, admission through default, where sanctions should be immediate for failure to respond.

121. That, as in paragraph 44 of the Petition, mention is made of "That upon review by Turner, Chief Branch Discipline Counsel...Turner dismisses the Wheeler complaint and further makes an incorrect determination and endorsement on behalf of Wheeler in his response, whereby Turner claimed that Proskauer did NO patent work". Flabar provides no response to this factual allegation of ethical misconduct and failure to follow procedural Flabar Bar Rules or enforce the Rules in the Response to This Court. Again, by failure to respond, admission through default, where sanctions should be immediate for failure to respond.

122. That, as in paragraph 45 of the Petition, mention is made of "Turner stated that he was the final review for Flabar and therefore the case was permanently closed and he was moving to destroy the file" where it was discovered he had lied in his claim, despite the Response's admission, penned by Turner, of THREE higher levels of review. Turner in fact also states that This Court has no jurisdiction over the actions of the Flabar. He further states that approaching This Court would be futile, which apparently is untrue in this matter. Where Flabar provides no response to these factual allegations of ethical misconduct, Flabar's involvement in the ethical misconducts and failure to follow procedural Flabar Bar

Rules or enforce the Rules in any of their reviews, again by failure to respond or put forth a defense, admission through default, where sanctions should be immediate for failure to respond.

123. That, as in paragraph 48 of the Petition, mention is made that Turner...regurgitates on behalf of the Chair, his prior determination that Wheeler's firm, Proskauer had done no patent work. A determination made in endorsement of Wheeler's position...that may have been influenced by the conflict of interest [of Triggs],” such opinion (without investigation) of Turners was then used in New York and Virginia to paint a picture favorable to Proskauer, a biased and unfounded picture. According to Flabar Bar Rules, no side can be taken unless a formal investigation is undertaken and therefore Flabar was unable to advance such opinion on a review. Flabar provides no response or defense to these factual allegations of ethical misconduct, no defense to Flabar's involvement in the events or failure to follow procedural Flabar Bar Rules and enforce the Rules in the Response to This Court. Again by failure to respond, admission through default, where sanctions should be immediate for failure to respond.

124. That, as in paragraph 53 of the Petition, mention is made of “That Petitioner has discovered a conflict of interest and appearance of impropriety by Wheeler and his attorney Triggs, whereby the entirety of the Wheeler response comes into question...” Flabar provides neither defense nor response to this factual allegation of ethical misconduct, conflicts of interest, appearance of impropriety and failure to follow procedural Flabar Bar Rules in the Response to This Court. Again

by failure to respond, admission through default, where sanctions should be immediate for failure to respond.

125. That, as in paragraph 58 of the Petition, mention is made of “[T]he missteps and miscues by Hoffman, Turner, and Marvin was the genesis of a series of events, that protect Proskauer and Wheeler, using Flabar as a shield and to further influence other investigatory bodies, with false and misleading information...who may have further been influenced by the Triggs\Wheeler conflict of interest,” wherein Flabar provides neither defense of nor response to this factual allegation of ethical misconduct and failure to follow procedural Flabar Bar Rules and enforce the Rules in the Response to This Court. That the allegations left unchallenged with no defense advanced, stands again as admission through default, where sanctions should be immediate for failure to respond.

126. That, as in paragraph 58 of the Petition, mention is made of “Petitioner alleges that this coordinated series of attempts to stave off and delay the investigation of the complaints against Wheeler emanates from the very highest levels at Proskauer and across to Flabar through the conflict of interest with Triggs...” Flabar provides neither defense, nor response, to these factual allegations of ethical misconduct, conflicts of interest, appearances of impropriety, improprieties and failure to follow procedural Flabar Bar Rules in the Response to This Court. Again, admission of such allegations through default, where sanctions should be immediate for failure to respond.

127. That, as in paragraph 65 of the Petition, mention is made of “Where the specific factual allegations of Petitioner have been deflected by Proskauer

through the misuse of Flabar... such conflict...aided Wheeler in alluding formal investigation..." Flabar provides neither defense, nor response to these factual allegations of ethical misconduct, conflict of interests, improprieties and failure to follow procedural Flabar Bar Rules or enforce the Rules in the Response to This Court. Again by failure to respond, admission through default, where sanctions should be immediate for failure to respond.

128. That, as in paragraph 67 of the Petition, mention is made of "Triggs, who has violated his public office position of Grievance Committee Member, whereby he was prohibited from acting as a counselor for any party, in any matter before Flabar..." Again, Flabar provides no response to this factual allegation of ethical misconduct, conflict of interest, abuse of public office, impropriety and failure to follow procedural Flabar Bar Rules or enforce the Rules in the Response to This Court. Again by failure to respond, admission through default, where sanctions should be immediate for failure to respond.

129. That, as in paragraph 58 of the Petition, mention is made of "That a new complaint against Wheeler is being filed for the new charges of conflict of interest, appearance of impropriety, abuse of public..." Flabar neither provides response to this factual allegation of ethical misconduct, conflict of interest, appearance of impropriety, impropriety, abuse of public office and failure to follow procedural Flabar Bar Rules or enforce the Rules in the Response to This Court. Again by failure to respond, admission through default. Nor does Flabar docket the Wheeler Complaint 2 for review, another grotesque denial of constitutionally protected due process and procedure that again leads to recent loss of inventors

constitutionally protected rights, where sanctions should be immediate for failure to respond.

130. That, as in paragraph 61 of the Petition, mention is made that, Petitioner has apprised This Court of similar conflicts at the Supreme Court of New York Appellate Division: First Department Disciplinary Committee, in regards to Krane. Krane, another Proskauer partner and ethics professor with national recognition, former New York Bar President and past Clerk to Chief Justice, Kaye. Krane is currently under investigation caught in a conflict of interest and abuse of public office that has caused complaints against Wheeler partner and patent attorney for Petitioners, Rubenstein, and Joao and Krane complaints to be transferred by Thomas Cahill, Chief Counsel of the First Department. Orders have been issued for “investigation” by five Justices of the Supreme Court of New York Appellate Division: First Department and to move the complaints of Krane, Joao and Rubenstein outside of the conflicts. The Justices in New York voted to move them to the Supreme Court of New York Appellate Division: Second Department Departmental Disciplinary Committee (“Second Department”), due to conflict of interest and appearance of impropriety at the First Department and ordered immediate “investigation”. That the Second Department then defies the court ordered “investigation” on Krane, attempting to dismiss the Krane Complaint without “investigation” reeks further of foul play. That these abuses of the New York Supreme Court with planted and conflicted Proskauer partners at state bar agencies is similar to what has happened at Flabar, all in an effort to quash the complaints against Wheeler, Rubenstein, Joao and Krane through the abuse of these

Supreme Court public office positions. Petitioners in Petition were unaware at the time of the Petition, that such conflicts now elevate to Kaye, Chief Justice of the New York Supreme Court, who recent information has it that she is married to Proskauer partner S. Kaye. Wherein, through the Proskauer stock (2.5%) owned in Iviewit, Kaye has a vested outcome in her husbands' share of the stock. Further, since Proskauer partners, including her husband are the ones being accused of stealing such intellectual properties, and where her husband is now partner in the newly formed Proskauer Intellectual Property Division, Judge Kaye stands to benefit from such stolen goods, that without doubt, conflicts with Petitioners and the shareholders of Iviewit. Whereby the conflict of interest is so abominable and has remained undisclosed, where Kaye has a stake in not seeing her husband and all Proskauer partners (including Krane who Clerked for her) profiting from the stolen technologies through anti-competitive patent pools that Proskauer and the Kaye's have vested interests in, therefore Kaye has obvious conflict. Throughout the review process, this conflict has been intentionally concealed by all reviewers and perhaps the Justices of the Appellate Division: First Department. Most bothersome, although all members of the First Department knew of these conflicted parties relationships, not one person in the entire First Department noticed Petitioners of such glaring conflict over the two years of the complaints. Further, Kaye's husband S. Kaye was a Chair Member for the First Department and Krane also held multiple positions of conflict with the First Department while responding for both himself and Rubenstein. Where everyone, at every level of review, knew of this incestuous relationship between Kaye, her husband, Krane her former court clerk,

her stock interest in Iviewit, her interest in the intellectual properties, her interest in keeping her husband and his partners from fair and impartial review of the conflicts they were caught in and no one said a word. Whereby Petitioners state that This Court may find itself in reviewing the entirety of the matters, in the uncomfortable position of taking actions necessary against the Supreme Court of New York. Where it appears the New York courts are incapable of moving the matters entirely out of the reach of the conflicts that emanate to highest levels of the New York courts. Where Chief Justice Kaye and Krane's conflicts give the appearance of impropriety and further evidence how due process has again been skirted through manipulation of the legal system, preventing constitutionally protected fair and impartial due process. Further, New York Supreme Court through its subdivision Disciplinary agencies appears to have aided and abetted Proskauer, to further perpetrate the crimes through the cover-up. Such cover-up now veiled in judicial robes, with undisclosed conflicts that penetrate to the Chief Justice. Petitioners petitioned the First Department to escalate the matters out of conflict of interest, in fact suggested elevating the matters to the United States Supreme Court, as it is apparent that Kaye and Krane block due process void of conflict now impossible in New York. Wherein Flabar, nor any other accused in the Petition, including but not limited to Proskauer, Wheeler, Triggs, Krane, Rubenstein, Bartmon, Johnson, Boggs, Tunrer, Hoffman or Joao even dares attempt to provide a response to This Court, even Amicus Curie, to explain or defend their roles. No response in the face of these factual allegations of ethical misconduct, conflict of interests, appearances of impropriety, improprieties, abuses

of public offices and failure to follow procedural Flabar Bar Rules, New York State Bar Procedural Rules and First Department rules, in the Response to This Court, constitute admission of the Petition's stated allegations of these conflicts.

131. Through default admission of the conflicts, This Court should take immediate actions to remove all conflicts and conflicted individuals from these proceedings. Further, This Court should take corrective actions immediately to preserve constitutionally protected due process and inventors' rights to their inventions.

132. That, as in Exhibit F of the Petition, mention is made of "Triggs was planted to spearhead the diversion of any complaints filed in This Court, and further evidence that through Wheeler's brother, James Wheeler ("James") a partner at Broad and Cassel, there may be further evidence of such planted individuals reaching the Executive offices of Flabar..." Where Flabar, Wheeler, J. Wheeler and Johnson provides neither defense, nor response to these factual allegations of ethical misconduct, conflict of interests, appearances of impropriety, abuses of public office by Proskauer, Flabar and Broad & Cassel partners and Flabar's failure to follow procedural Flabar Bar Rules or enforce the Rules, in the Response to This Court. Again by failure to respond, admission through default, necessitating action by This Court.

133. That, as in Exhibit F of the Petition, mention is made of "Complainant cites that what motivated Triggs was that Triggs had obvious personal interest in the outcome of both proceedings [Wheeler Complaint and billing dispute case] which would bias him towards Complainant and give him

access to Complainant private and confidential case files and Complaint cites..."

Where Flabar provides no response to this factual allegation of ethical misconduct, conflict of interest, appearance of impropriety, abuse of public office by Proskauer partners and Falbar's involvement in the events and further failure to follow procedural Flabar Bar Rules or enforce the Rules, in the Response to This Court. Again by failure to respond, admission through default, where sanction against all involved should be immediate for failure to respond.

134. That, as in Exhibit F of the Petition, mention is made of "That Proskauer must no longer represent themselves individually or as the firm Proskauer, in any further Iviewit matters and must be compelled by This Court and Flabar to seek third-party independent counsel from this point forward." Where Flabar provides no response to this factual allegation of ethical misconduct, conflict of interest, appearance of impropriety, abuse of public office by Proskauer partners and Flabar's failure to follow procedural Flabar Bar Rules or enforce the Rules in the Response to This Court. Again by failure to respond, admission through default. Such orders for Proskauer to seek independent representation should be granted immediately and similar orders from This Court should be instituted for all future Flabar responses.

135. That, as in Exhibit F of the Petition, mention is made of "conflict may have permeated even to the offices of the recently elected President of Flabar, Kelly Overstreet Johnson, whereby at her private practice law firm, Broad & Cassel, she is directly oversighted by James Wheeler who acts on the firm's Executive Committee and further as Chairman of the Firm's New Partner Committee. James

Wheeler, who is brother of Wheeler of the Wheeler Complaint...” Where Flabar provides no response to this factual allegation of ethical misconduct, conflict of interest, appearance of impropriety, abuse of public office by Broad and Cassel partners and Florida Bar President, Kelly Overstreet Johnson, and further failure to follow procedural Flabar Bar Rules and enforce the Rules in the Response to This Court. Again by failure to respond, admission through default, where sanction against Johnson and her Partners should be immediate for failure to respond.

136. That, as in Exhibit F of the Petition, mention is made of “Finally, this is an action against a Member Triggs and further notice to This Court of a complaint filed against Turner, and as such the Bylaws of the Flabar mandate that it is cause for reporting to the carrier, whom must be noticed of these actions against Triggs and now Turner, as such insurance disclosure is called for. 64. That such claim should be filed immediately on behalf of the Iviewit shareholders and further file the matters contained in this complaint to any other insurance carrier or insurance fund who may have additionally have liability, such as the client security fund.” Where Flabar provides no response to this factual allegation and refuses to acknowledge if they have complied with State Insurance Regulatory laws in reporting this Seventeen Billion Dollar (\$17,000,000,000.00) liability, as reserves must be met and proper reporting is mandated for the coverage provided in the Bylaws of Flabar. Wherein, Flabar provides no response to this factual allegation of ethical misconduct, conflict of interest, appearance of impropriety, abuse of public office, possible insurance fraud and concealment of potential claims from insurers, and failure to follow procedural Flabar Bar Rules and enforce the Rules in the

Response to This Court. Again by failure to respond, admission through default, demanding immediate sanctions by This Court and forcing Flabar to report the liabilities to any/all insurance carriers.

137. That, as in Exhibit F of the Petition, mention is made of “That Flabar appears to have potential liability for all of the following, including but not limited to [i to ix],” wherein Flabar provides no response to these factual allegations. Wherein, Flabar provides no response to this factual allegation of ethical misconduct, conflict of interest, appearance of impropriety, abuse of public office, insurance fraud, and concealment of potential claims from insurers, and failure to follow procedural Flabar Bar Rules and enforce the Rules in the Response to This Court. Again by failure to respond, admission through default demanding immediate sanctions by This Court and forcing Flabar to report the liabilities to any/all insurance carriers.

138. That as in every instance not herein mentioned contained in the original Petition to This Court, that Flabar has failed to respond to, Petitioners state that Flabar has defaulted on each and every issue unanswered allegation, and all such other matters contained in the Petition where Response was due This Court and Petitioners. All failures to respond are taken to be no longer objectionable by Flabar and that This Court should grant all relief within its power to Petitioners as requested in the Petition and other relief that This Court deems just and fitting. That failure to address the issues in the Response, is presumed to be an admission of truth of any statement not contended. Thus, Flabar and all those named heretofore, having had more than ample time to put forth a defense, have failed to come close to

a defense and in fact have tried further to cover up instead of come clean and face the music. Petitioners state that no defense is to concede to such unanswered allegations and would have been better served by no Response with full admission of the truth, than to attempt to bury This Court and the esteemed Justices who are charged with upholding Truth, Justice and the American Way in an avalanche of snow, also more commonly known as BS. This path of denial and avoidance only compounding eventual reprimand and punishments and costing all involved more wasted time in reviewing a pathetic crime, committed pathetically, by pathetic attorneys who have failed to serve their master and who have done a lousy job of covering up their mess.

139. That Exhibit "G" contains information pertinent to This Court's review of the materials, although Petitioners request that This Court use this CD as only partial evidence of Flabar's work and submissions and require that Flabar submit their entire file first before Petitioner release this exhibit to Respondents. That such CD contains highly proprietary and confidential information and therefore This Court need set up proper protocol for any distribution of the contents that This Court may order in the future.

140. In regard to the Petition, Flabar failed to put forth a defense or response to the following paragraphs;

- i. Paragraph 1 – Flabar failed to respond, therefore This Court should prevent the destruction of the file and secure the file from Flabar.**
- ii. Paragraph 2 – Flabar failed to respond therefore, This Court should prevent Flabar from destroying the file.**

- iii. Paragraph 3 – Flabar failed to respond therefore, This Court should grant declaratory relief for all information requested.**
- iv. Paragraph 4 – Flabar failed to respond therefore, therefore This Court should move the complaints for immediate investigation to the next highest level (perhaps the United States Supreme Court) void of conflict. Have conflict waivers signed from any participant in these matters going forward.**
- v. Paragraph 5 – 31 – Flabar, put forth no response or defense and therefore all statements contained therein are taken to be statements of facts in these matters, which contradict Flabar’s review letters and determinations. Therefore, This Court should strike all prior reviews of the Wheeler Complaint as flawed and inaccurate.**
- vi. Paragraph 32-33 – Default by Flabar, no response or defense.**
- vii. Paragraph 34 – Flabar, nor Boggs, nor Triggs put forth a defense or response to the allegations that Triggs was conflicted in responding for Wheeler in the Wheeler Complaint. Therefore, This Court should begin immediate sanctions against Triggs and Wheeler for abuse of public office and conflict of interest.**
- viii. Paragraph 34-40 - Default by Flabar, no response or defense.**
- ix. Paragraph 41 – Default by Flabar, no response or defense. Therefore, admissions that all statements in the Wheeler Complaint are correct and that Wheeler has committed professional misconduct according to the Rules regulated by Flabar.**

- x. **Paragraph 42 – Default by Flabar and Hoffman, no response or defense.**
Therefore, This Court should take immediate action that Hoffman was influenced by the Triggs conflict.
- xi. **Paragraph 43 – Default by Flabar and Hoffman, no response or defense.**
That This Court grants relief to Petitioners due to Hoffman’s unfounded delay causing damages to Petitioner.
- xii. **Paragraph 44 – Default by Flabar and Turner, no response or defense.**
That This Court grants relief due to the damages inflicted by the inappropriate review and biased conclusion put forth by Turner, open an immediate Flabar complaint against Turner for violation of the Bar Rules, strike all Turner’s prior work, notify the Vbar and First Department of the retraction of Turner’s opinion. Grant relief to Petitioners for damages caused by Turner’s failure to perform his duties and admitted influence caused through the Triggs conflict.
- xiii. **Paragraph 45-48- Default by Flabar, Turner and Marvin, no response or defense. Therefore, This Court should remove from the record any statements made in favor of Wheeler without formal investigation and charge Turner for such violations of Flabar Rules. That Turner and Triggs should be cited for abuse of public office and improper influencing of the Wheeler Complaint.**
- xiv. **Paragraph 49 – Default by Flabar and Bartmon, no response or defense.**
Therefore, This Court should begin immediate sanctions against Bartmon through a formal bar complaint and strike Bartmon’s review as tendered

in conflict and influenced by the Triggs conflict. This Court should further grant relief to Petitioners for damages caused by Bartmon and Turner.

- xv. Paragraph 50 – Default by Flabar, Marvin and Turner, no response or defense. Therefore, This Court should demand retraction of all opinions tendered without formal investigation, and notify all tribunals involved in investigation of these matters, that such opinions and conclusions were false and misleading and finally begin prosecution of Marvin and Turner for failing their duties and violating Bar Rules. This Court should also grant relief to Petitioners for damages caused by these actions and notify all insurance carriers of the liabilities resulting from these actions.**
- xvi. Paragraph 51 – Default by Flabar, Marvin, Turner and Hoffman, no response or defense. That This Court should begin sanctions against these attorneys for conflict of interest and abuse of public offices.**
- xvii. Paragraph 52 –Default by Flabar and Turner, no response or defense. Therefore, This Court should enter an order preventing the destruction of Flabar’s files.**
- xviii. Paragraph 53 – Default by Flabar, no response or defense. Therefore, This Court should enter and order to immediately investigate the whole of the Wheeler Complaint and discard all prior Flabar work, other than to show that Flabar was conflicted in prior work.**
- xix. Paragraph 54 – Default by Flabar, no response or defense.**

- xx. Paragraph 55 – Default by Flabar, no response or defense. That This Court should demand production of all production requests contained therein.**
- xxi. Paragraph 56 – Default by Flabar, no response or defense. That This Court should demand the requested disclosures necessary to follow the threads of the conflicts and discover any other people involved in conflict.**
- xxii. Paragraph 57 - Default by Flabar, no response or defense.**
- xxiii. Paragraph 58 - Default by Flabar, no response or defense. That This Court should grant damages to Petitioners for all actions that have caused bias against them, influencing other tribunals improperly, and notify all insurance carriers of the liabilities caused by Flabar.**
- xxiv. Paragraph 59 - Default by Flabar, no response or defense. That This Court should take immediate steps to administer sanctions against Proskauer and Flabar for abuse of public office and grant Petitioner relief and damages for conflicts that have already caused damages and loss of constitutionally protected rights of inventors.**
- xxv. Paragraph 60 - Default by Flabar, Triggs and Proskauer, no response or defense. That This Court should enter orders to return stolen intellectual properties and issue cease and desist orders to Proskauer, patent pools controlled by Proskauer and NDA violators to prevent further damages to Petitioners caused by Flabar’s conflicts and failure to perform their duties under the Bar Rules.**
- xxvi. Paragraph 61 - Default by Flabar, no response or defense.**

- xxvii. Paragraph 62 - Default by Flabar, no response or defense.**
- xxviii. Paragraph 63 - Default by Flabar, no response or defense.**
- xxix. Paragraph 64 - Default by Flabar and Turner, no response or defense.
That This Court should enter relief for damages caused by Turner's failure to uphold the Bar Rules and the resulting damages to Petitioners.**
- xxx. Paragraph 64 - Default by Flabar, no response or defense. That This Court should enter an order granting relief for all damages asserted in this paragraph caused by Flabar's failure to uphold the Bar Rules and notify Flabar's insurance carriers and all other participants insurance carriers of the damages caused Petitioners.**
- xxxi. Paragraph 66 - Default by Flabar, no response or defense.**
- xxxii. Paragraph 67 - Default by Flabar and Triggs, no response or defense.
Therefore, This Court should immediately sanction Triggs for abuse of public office.**
- xxxiii. Paragraph 56 should be 68 but is an error in Petition - Default by Flabar, Triggs and Proskauer, no response or defense.**
- xxxiv. Paragraph 57 should be 69 but is an error in Petition – Default by Flabar, no response or defense. Therefore, because Flabar has admitted conflict and appearance of impropriety through default, that This Court should mandate Flabar to seek independent, unbiased, non-conflicted third-party representation in these matters going forward. Flabar should have done this in the Response, for the Turner Response is fraught with errors and further compounds the liability to Flabar and others who are at risk.**

- xxxv. Paragraph 58 should be 70 but is an error in Petition – Default by Flabar and Wheeler, no defense or response. Wherefore, This Court should begin immediate investigation of the Wheeler Complaint 2.**
- xxxvi. Paragraph 59 should be 71 but is an error in Petition – Default by Flabar, no defense or response. Therefore, This Court should begin immediate disciplinary sanctions against all named participants in the Petition.**
- xxxvii. Paragraph 60 should be 72 but is an error in Petition – Default by Flabar and Wheeler, no defense or response. That This Court enter orders to discover all threads of the conflicts and prevent further loss of inventor constitutionally protected rights**
- xxxviii. Paragraph 61 should be 70 but is an error in Petition – Default by Flabar and Wheeler, no defense or response. That This Court should begin immediate investigation of the First Department New York for collusion with Flabar in denying due process and causing loss of constitutionally protected inventor rights to Petitioners.**
- xxxix. Paragraph 62 should be 71 but is an error in Petition – Default by Flabar, no defense or response. That This Court should run a conflicts check on anyone at This Court handling these matters, to prevent This Court from being directly involved in the matters, now affirmed through it's agency Flabar and to prevent any earlier conflicts which may have been planted by Proskauer that could cause damage to the esteemed reputation of This Court. Petitioner again reiterates that this is not an accusation of This Courts involvement directly but that it is merely a precautionary step to**

prevent the appearance of impropriety, an appearance to be avoided at all costs.

xl. Exhibit "F" of the Petition – Triggs' Florida Bar Complaint and Proskauer Rose LLP. Florida Bar Complaint

- 1. Corporate Structure - Default by Flabar, Triggs and Proskauer, no defense or response. Wherefore, This Court should begin immediate investigation and proper procedural docketing of the Triggs' and Proskauer Flabar complaints demanding explanation of the corporate malfeasances and crimes.**
- 2. Paragraph 1 (i-xvi)- Default by Flabar, Triggs and Proskauer, no defense or response. Wherefore, This Court should begin immediate investigation of all crimes stated therein, as no defense by any named party is admission of the allegations.**
- 3. Bar Rule Violation 1 – Default by Flabar, Triggs and Proskauer, no defense or response. Wherefore, This Court should begin immediate prosecution of Triggs, Flabar and Proskauer for violation of Bar Rule 3-7.11**
- 4. Bar Rule Violation 2 - Default by Flabar, Triggs and Proskauer, no defense or response. Wherefore, This Court should begin immediate prosecution of Triggs, Flabar and Proskauer for violation of Bar Rules;**

CONFLICT OF INTEREST, CONFLICT AS A MEMBER OF THE SUPREME COURT OF FLORIDA; RULES OF

DISCIPLINE; JURISDICTION TO ENFORCE RULES;
GRIEVANCE COMMITTEES; GENERAL RULES OF
PROCEDURE; SUCCESSIVE GOVERNMENT AND
PRIVATE EMPLOYMENT; 3 RULES OF DISCIPLINE; 3-3
JURISDICTION TO ENFORCE RULES; RULE 3-3.4
GRIEVANCE COMMITTEES; RULE 3-7.11 GENERAL
RULES OF PROCEDURE; 4-1.11 SUCCESSIVE
GOVERNMENT AND PRIVATE EMPLOYMENT.

5. Bar Rule Violation 3 - Default by Flabar, Triggs and Proskauer, no defense or response. Wherefore, This Court should begin immediate prosecution of Triggs, Flabar and Proskauer for violation of Bar Rules;

RULE 4-1.8 CONFLICT OF INTEREST; PROHIBITED AND
OTHER TRANSACTIONS

6. Bar Rule Violation 4 - Default by Flabar, Triggs and Proskauer, no defense or response. Wherefore, This Court should begin immediate prosecution of Triggs, Flabar and Proskauer for violation of Bar Rules;

RULE 4-1.9 CONFLICT OF INTEREST; FORMER CLIENT

7. Bar Rule Violation 5 - Default by Flabar, Triggs and Proskauer, no defense or response. Wherefore, This Court should begin immediate prosecution of Triggs, Flabar and Proskauer for violation of Bar Rules;

**RULE 4-1.11 SUCCESSIVE GOVERNMENT AND PRIVATE
EMPLOYMENT; 4-6 PUBLIC SERVICE; RULE 4-6.3
MEMBERSHIP IN LEGAL SERVICES ORGANIZATION**

8. Bar Rule Violation 6 - Default by Flabar, Triggs and Proskauer, no defense or response. Wherefore, This Court should begin immediate prosecution of Triggs, Flabar and Proskauer for violation of Bar Rules;

**MAINTAINING THE INTEGRITY OF THE PROFESSION;
REPORTING PROFESSIONAL MISCONDUCT; 4-8
MAINTAINING THE INTEGRITY OF THE PROFESSION;
RULE 4-8.3 REPORTING PROFESSIONAL MISCONDUCT**

9. Bar Rule Violation 7 - Default by Flabar, Triggs and Proskauer, no defense or response. Wherefore, This Court should begin immediate prosecution of Triggs, Flabar and Proskauer for violation of Bar Rules;

**VIOLATION OF RULES; MAINTAINING THE INTEGRITY
OF THE PROFESSION; MISCONDUCT; 4 RULES OF
PROFESSIONAL CONDUCT - 4-8 MAINTAINING THE
INTEGRITY OF THE PROFESSION; RULE 4-8.4
MISCONDUCT**

10. Wherefore, all Violations of 1-7 above mandate that Flabar, Triggs and Proskauer immediately report all violations to their respective insurance carriers. As no party defended these

conflicts in the Response, default moves the allegations from potential liabilities to absolute liabilities to the insurance carriers and proper procedures must be followed to avoid the risk of insurance fraud. Under Flabar Bar Rules in the Bylaws as stated in Violation 7;

2 BYLAWS OF THE FLORIDA BAR; 2-9 POLICIES AND RULES; BYLAW 2-9.7 INSURANCE FOR MEMBERS OF BOARD OF GOVERNORS, OFFICERS, GRIEVANCE COMMITTEE MEMBERS, UPL COMMITTEE MEMBERS, CLIENTS' SECURITY FUND COMMITTEE MEMBERS, AND EMPLOYEES

11. Paragraphs 2-75 - Default by Flabar, Triggs, Proskauer and any other named party, no defense or response. Wherefore, This Court should begin immediate prosecution of Triggs, Flabar, Proskauer and any other named party for violation of the entirety of disciplinary, criminal and civil violations cited and grant all equitable relief or any other relief This Court finds worthy for the multitudes of crimes cited therein.

WHEREFORE, Petitioners request that This Court: maintain its order preventing the destruction of the file pertaining to the Wheeler Complaint by Flabar; enter an order granting a petition for temporary and permanent injunctive relief prohibiting Flabar from destroying Petitioners' file pertaining to the Wheeler Complaint and the Wheeler Complaint 2; enter an order granting a petition for

declaratory relief as to the nature of the position(s), including the dates of tenure, held by Wheeler, Triggs, Bartmon, Boggs, Johnson, J. Wheeler, Labarga, Turner, Hoffman, Beer, Sax, or any other person named heretofore as being involved or named herein or in attachments herein and in the Petition, all positions with Flabar; enter an order granting the verified and indefinite (at least 20 years that the patents may require) preservation of, and delivery to Petitioners and This Court, all Florida Bar attorney work product, complaints, responses, correspondences of any medium and all notes, in light of the conflict of interest, appearance of impropriety and abuse of public office of Flabar; enter an order to begin an immediate investigation of the Wheeler Complaint, Wheeler Complaint 2, Triggs Complaint, Turner Complaint, Proskauer Complaint, and all allegations of all crimes mentioned heretofore or in the Petition and any/all attachments to all such documents; enter an order to move the Wheeler Complaint and all subsequently related complaints to the next highest level of review, void of conflicts and the appearance of impropriety (for example, the United States Supreme Court); enter an order for a conflicts of interest check to be performed on all Florida Supreme Court and Flabar employees or other officers, who have in any way participated or are to participate in any of the complaints on file with Flabar and Case No. SC04-1078 or any related cases or investigations; enter an order to the United States Patent and Trademark Office, the European Patent & Trademark Office, the Japanese Patent and Trademark Office, to cease and desist any actions regarding all patents and maintain status quo to preserve the Constitutionally protected inventor intellectual property rights under Section 8 Article 1 Clause 8, until such time as This Court determines the issues

contained herein; enter an order preserving Petitioners' rights under the V and XIV Amendments of the Constitution, whereby the evidences, witnesses and allegations can be fully reviewed and investigated so as to prevent further loss of inventor constitutionally protected rights to their inventions and intellectual properties free of conflicts of interest and the appearance of impropriety; enter an order to the appropriate agencies of the United States government enforcement agencies, other courts or whomever This Court deems fit and appropriate to relegate investigation and disposition of all alleged crimes contained herein and in the Petition; enter an order for the Justice Department or any bodies deemed appropriate by This Court to further Petitioners' RICO and Antitrust cases to be filed immediately by the proper authorities; enter an order granting Petitioners all civil relief typical and customary under any of the alleged violated state and federal criminal and civil codes and any other code This Court may find just and equitable to return stolen properties and preserve constitutionally protected inventor rights to their intellectual properties; enter an order to report all malfeasances and crimes committed as cited herein to all applicable state and federal authorities to whomever This Courts deems fit and necessary to protect the inventors inventions and their lives; enter an order to whichever agencies that are apropos to protect the lives of the inventors, life already threatened by those guilty identified by name herein and in the Petition and The Wheeler Complaint; enter an order to return all intellectual property rights globally as well as all proceeds that have been or may be received due to the misappropriation of inventors intellectual properties rights, by those conducting the unauthorized use of Petitioners' technologies; enter an order

granting the immediate seizure from all parties, of all documents relating to these events, no matter if guilt or innocence is presumed, so as that no further document destructions may take place or document tampering, without the watchful eye of This Court charged with protecting from such obstructions; enter an order returning all royalties and rights that have been converted by Proskauer and all those named heretofore, in the Petition or any attachments to such documents, to patent pools controlled by the guilty, NDA violators and the likes; enter an order to have any such royalties frozen with cease and desist orders or licensing orders from This Court, to prevent another day of court and legal system aided infringement; enter and order for equitable relief, among other things through issue of cease and desist orders in the unauthorized uses of such technology by such pools, other Non-Disclosure Violators, or even the unknown unauthorized use by parties not directly related to the crimes contained herein, or mentioned heretofore despite their lack of involvement, they still stand as unauthorized users benefiting from the criminal acts of others and therefore violating the inventors constitutionally protected rights to their inventions; enter an order granting all such further relief that This Court, a Supreme Court with supreme powers can enter to the right the wrongs, deemed just and equitable, because as evidenced throughout the complaints and Petition, Wheeler and Proskauer and Rubenstein and all those named were INTEGRALLY involved in the patent work of Petitioners and stand guilty of every allegation that has been levied against them. Where the guilty stand holding the royalties to inventions they did not invent, controlling patent pools that are Antitrust in nature as they rob inventors, and as such This Court need return all such properties to the

true and proper inventors as our constitution demands such, at any costs to This Court, as the very purpose of This Court in righting the wrong; review the United States Supreme Court draft filing, Exhibit "F", and grant all relief that This Court can enter in an attempt to preserve due process and protect the inventors constitutionally protected rights to their intellectual properties.

STATEMENT FROM PETITIONER/INVENTOR BERNSTEIN

This Court must stop further innocent third parties from becoming entangled through bribe or promise, as Petitioners are certain Flabar innocent until some form of temptation offered by those guilty parties named, made promise or offer to have them aid and abet the cover up crimes so heinous this country has never seen before. Again, Petitioners state that our beef is not with Flabar or This Court per se, but with the original guilty parties named throughout the Petition, and the few bad apples named herein of Flabar, who stand willing to tarnish such great institution, who aided and abetted the crimes, violated their ethics and violated their public offices. All violated G-d, as all swore to oaths under G-d in becoming lawyers and judges to uphold justice and administer fair and impartial due process. Those who have failed to serve This Court, who have failed to serve The United States Patent & Trademark Office, who have failed to uphold the Constitution, who have taken public office to serve the greater good of evil, and have used their legal powers in maligned and malignant ways to cause harm and damage on innocent people for self aggrandizement, should feel the wrath of This Court. Those who have failed their oaths under G-d, who only Justices from a revered court such as This Court, can now be reprimanded and make public example of, should be held out as

example for those that follow, to always remember their duties. Example set by punishments so harsh that they parallel biblical proportion, as stated in the Petition and again reiterated here in closing.

To close, Petitioners quotes Quentin Tarantino whom slightly misquotes Ezekiel 25:17 and the 23rd Psalm but works well for these purposes and these times;

Jules:

“Ezekiel 25:17. The Path of the righteous man is beset on all sides by the inequities of the selfish and the tyranny of evil men. Blessed is he who, in the name of charity and good will, shepherds the weak through the valley of the darkness. For he is truly his brother’s keeper and the finder of lost children. And I will strike down upon thee with great vengeance and furious anger those who attempt to poison and destroy my brothers. And you will know I am the Lord when I lay my vengeance upon you.”

Petitioners quotes this biblical misquote, so that This Court may remember that the inventions that are subject of all this commotion, according to the key inventor, were “gifts from G-d, given in dreams possessed with the voice of G-d, to help the children save the planet and her species.” That such gifts came in dreams, in pursuit of a grand “Thought Journal”. A Thought Journal where a computerized collection of human thoughts aided by sophisticated computer bots seeks to channel human thought, with computerized thought, to find solutions to

offset things like global warming, deforestation, air pollution, etc. that we now leave our kids. Where pursuit of such invention has caused inventor Bernstein twenty years of endless hard work in pursuit of such mad invention and where the technologies discovered so far spawned from such mad pursuit. These inventions were not as the guilty would have you believe, the inventions of patent attorneys Joao and Rubenstein or Utley or any others who have made a play in one way or another to steal these gifts from G-d. These false inventors are people who claim now they just came up with the ideas randomly building patent pools around them or taking them in their names or through devious corporate structures but who fail to put down where their inventive spirit came from other than they had met inventor Eliot I. Bernstein.

No, these were gifts from G-d, given to an inventor who is possessed with the will to save your children from loss of resources that he believes endangers your very children and grandchildren. An inventor who never sleeps in pursuit of fixing the damage we leave to our children daily and those named herein as guilty, have stolen such gifts from the children, to line their pockets. Everyone who knows inventor Bernstein will attest that this is truth, whereas the other inventors have never stated or claimed the limelight for their stolen inventions, afraid that someone will ask them how and when they invented them. The inventions were termed by industry leaders, engineers and patent lawyers, as the "holy grail" and for those who have attempted theft of the grail, G-d has left the Justices of this great Court to serve on its behalf, to administer just and fitting punishment.

That inventor Bernstein believes that he has been blessed by G-d. In that one day, while bleeding from eyes, ears, nose, laying screwed into a bed, tied down motionless with a broken neck, broken bones in the entirety of face, after complete internal organ failure (he had hit a parked car carrier at 70MPH and had three Cadillac's fall upon his head), he had a dream. A dream for descriptive purpose, yet a reality for him and in that dream he made promises to a G-d, promises that he must keep. In such dream, a strange dream for certain, he was charged by G-d to come help the children fix the planet from their parents damages, for he saw the future with all children burning before him from an ozone hole or likes, the parents had caused a loss of resources precious to life killing their children. After begging such G-d to let him live just a moment longer, to say goodbye to those he loved, he heard a voice and sold his soul to that G-d for such moment to return. Bernstein vowed to come help the children save themselves from such wicked destruction as their parents had caused, if only one more second on earth, no matter the fact that he knew of the future and would be obligated to attempt to stop such destruction of the children.

Bernstein then rose from such bed that had confined him, breaking free of the headgear screwed into his skull and ripping through the restraints that had restrained him to the bed motionless, in the spinal care unit at Northwestern Hospital, for what seemed an eternity. Somehow, in such confusion and trauma, he straightened the broken vertebrae (some say a miracle, similar to the inventions) he calls it a blessing and curse, and never since that day has he forgotten his promise to G-d, a G-d so great that he has given far more than the moment he promised. Never

will inventor Bernstein cease the fight to return the inventions to their proper owners, the children, to help them build a “Thought Journal” and never will he let the name of his beloved G-d be robbed of the glory and claims to the inventions and just exactly how they were invented.

Each of the guilty attorneys and others, when asking how the inventions were discovered, were told of this miracle by Bernstein, each swore to Bernstein that they would uphold his promises to G-d as Bernstein’s partner and help use these technologies and any royalties derived from such, to help the children save the planet and her species. Bernstein gave each of these lawyers a piece of the pie, a percentage of the stock in the inventions, far more than most would have granted them, but at the time he believed they would serve G-d well. They have forgot and now make mockery of the inventor, casting stones at his sanity, as if, they have right to touch the mind of an inventor and its madness. Inventions given by G-d to such mad inventor full of delightful inequities are not to be questioned, only reveled at. For such crimes against the true inventors, Dante forgot a level of hell reserved for them, a level of hell so perverse there are no words to describe it. Reserved for all those who aid and abet, intentional or unintentional, those who scheme such sick and twisted theft. Petitioners beg and pray to This Court to uphold their judicial oaths sworn under G-d and as the inventor does not fear evil, as the response of Triggs on behalf of the Wheeler Complaint shows, may This Court fear no evil in handing out punishments. Petitioner Bernstein prays that This Court will instill the fear and wrath of the Almighty in those who have committed such crime against their very own children and forgotten to respect G-d and This Court. Inventor

Bernstein sees This Court, and the Justices, as he sees himself, a conduit of G-d. Men and women, who have taken oath to G-d and who in living with such oaths, wake each day knowing the power of G-d and fear only the wrath of such G-d for failing to uphold their promises. Where those who have sworn to G-d know that if they forget their promises and oaths, hell hath no fury like that of G-d who has been given false promise and oath to secure favor. Similarly, Bernstein sees the Justices of This Court as angles of the Almighty, put here to deal with the tyranny of the evil men who serve only themselves, and set their eyes aflame for this life, so that they may never forget in this life or eternally that they have failed to serve G-d as promised. That This Court leave a trail to Gomorra of the evil, burned and turned to stone that lives forever in the history of those who dare take such oaths in the future. At times, we as people forget, and it will be a failure of This Court to let the next generations forget the wrath of This Court to those who make false promise under G-d. Bear in mind, that each of these attorneys charged herein, took solemn oaths under G-d to serve and protect, to uphold truth and justice, and they have made mockery again and again of all those who take such oath under G-d with good intent, faith and belief.

If you believe that Petitioners have stated, “the truth, the whole truth and nothing but the truth, so help me G-d,” than you believe in G-d (in any shape or form). Then you know that someday, the truth will be told, for it would be a crime against humanity to write a false history of events and inventions. If this is true, than you, the unknown Justices who this matter now rests with will go down in history. Yet the question that will remain will be, did the buck stop here with This

Court? In Forma Pauperis comes the Inventor, broken by a system of justice, where justice has served its opponent well. Where the inventors should in fact hold their heads high before This Court blessed and bestowed with the rewards of their inventions, they are left penniless without their inventions, without due process, without help from the system designed to protect them, in fact such system works against them. The only invention of the guilty is theft of patents, which is the second oldest profession, if invention is the first, and where such thefts were done pathetically. The only regret the guilty have thus far, is that they were caught, no remorse do they feel as the continue their evil ways, no confessions to save their souls, just denial and pure psychotic twisting of reality, to attempt to steal others works. Petitioners beg and pray that This Court marks its spot in history as a fair and impartial Court that serves a greater being, greater than politics or other humanly influence, and rises above the noise and confusion, to ask a simple favor of justice; lay down the evidence and have the parties confirm or deny the evidence. Let the accused come forth and answer the questions, face their accusers and the witnesses, as justice requires. Have the truth be told, and if guilty, let This Court blast away. Petitioners ask, is this no longer the American Way? If this is still the American Way of law, Petitioners are ready today, to lie down the evidence and have the truth be told, and asks where are the accused if they are not guilty? Why are these lawyers and others always hiding behind some legal trick, some conflict, some abuse of public office no matter how slight or grand, attempting to deny due process cloaked in law? How have these lawyers penetrated their own systems (Supreme Courts, the United States Patent and Trademark Offices, etc.) to hide

from the very court systems they are beholden to, as if in fear of the lonely pro-se litigant? Thousands of attorneys, two state bar agencies, all appear afraid of a single pro-se litigant waiting to have his day in court. What has happened to the legal system that demands such fair and impartial treatment or else fails itself? Where you ask are the accused, that when confronted with conflicts and all kinds of criminal allegations and sub diverted plots of corruption are afraid to meet their accuser, afraid of the truth, afraid of the courtroom. Where are they, they are off enjoying inventors and shareholders royalties, laughing at the Justices of This Court, the Inventors, the Constitution, the shareholders, as they have certainly been able to stand above the law to this point and abuse the system to serve their will.

Finally, in the months that have passed since This Court has been apprised of the problems at hand, Petitioners have lost more intellectual property rights. That This Court has constitutional duty to protect such rights and whereby such timelines cannot be extended as, intellectual property rights here in the United States are being lost and unrecoverable losses, with certain losses coming in the last weeks. Due process must happen now if anything is to be saved and due process must be all encompassing by This Court to protect the rights of inventors and citizens from corruption within it's own ranks. Corruption that the accused apparently have no defense or response to put forth to This Court, admission of the allegations against them and where This Court must take action in light of such admitted crimes. As was mentioned in the Petition, the intellectual property rights, here in the United States are in a temporary hold, granted by the Commissioner of Patents and abroad there is no hold, and where failure to act immediately causes

further loss of rights. Petitioners battle single handedly to save such inventions daily throughout the world, and further delays, without relief from This Court immediately, act to further such losses instead of protect them.

Again, Petitioner Bernstein is sorry for preaching to the choir.

This __ day of November 2004.

Eliot I. Bernstein, Pro Se

P. Stephen Lamont, Pro Se

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was furnished by facsimile and US Mail this __ day of November 2004, to Flabar.

Eliot I. Bernstein

PRIVATE & CONFIDENTIAL ATTORNEY/CLIENT PRIVILEGED INFORMATION

Thursday, November 11, 2004 - 6:12:32 AM

EXHIBIT A – SCHIFFRIN & BARROWAY LETTER OF UNDERSTANDING

PRIVATE & CONFIDENTIAL ATTORNEY/CLIENT PRIVILEGED INFORMATION

Thursday, November 11, 2004 - 6:12:32 AM

EXHIBIT B – OCTOBER 29TH LETTER FROM IVIEWIT TO TURNER

PRIVATE & CONFIDENTIAL ATTORNEY/CLIENT PRIVILEGED INFORMATION

Thursday, November 11, 2004 - 6:12:32 AM

EXHIBIT C – FEBRUARY 12TH 2004 LETTER FROM TURNER TO IVIEWIT

EXHIBIT D – FEBRUARY 2ND, 2004 LETTER FROM TURNER TO IVIEWIT

EXHIBIT E – WARNER BROS. LETTERS

EXHIBIT F – DRAFT FILING FOR UNITED STATES SUPREME COURT

**EXHIBIT G – CD ROM SET CONTAINING VARIOUS EVIDENCE
SUBMITTED TO FLABAR AND PARTIAL BAR FILES AND OTHER
RELATED MATERIALS**