



# IVIEWIT TECHNOLOGIES, INC.

\*Iviewit Technologies, Inc. (fka)  
Iviewit Holdings, Inc. - Del.

Iviewit Holdings, Inc. (fka)  
Uview.com, Inc. - Del.

\*Iviewit Holdings, Inc. - Fla.

Iviewit Holdings, Inc. - Fla.

Iviewit, Inc. - Fla.

\* I.C., Inc. (fka)  
Iviewit.com, Inc. - Fla.

Iviewit.com LLC - Del.

Iviewit.com, Inc. - Fla.

Iviewit.com, Inc. - Del.

Iviewit LLC. - Del.

\*Iviewit Corporation

\*Indicates companies  
where ownership is  
currently under  
federal and state  
investigations.

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

## **PRIVATE & CONFIDENTIAL**

Thursday, April 21, 2005

Diana Maxfield Kears  
State of New York Grievance Committee  
for the Second and Eleventh Judicial Districts  
Renaissance Plaza  
335 Adams Street - Suite 2400  
Brooklyn, NY 11201-3745

**Re: COMPLAINTS FILED AT SECOND DEPARTMENT**

**Kenneth Rubenstein**  
**Docket No.: T-1688-04**  
**Raymond A. Joao**  
**Docket No.: T-1690-04**  
**Steven C. Krane**  
**Docket No.: T-1689-04**  
**Diana Maxfield Kears**  
**Inquiry # - TBD**  
**Lawrence DiGiovanna**  
**Inquiry # - TBD**

Dear Ms. Kears:

In response to your letter that was lost in the mail dated March 18, 2005, again we find that you attempt to violate the court ordered "**INVESTIGATION**" of Steven



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C. Krane, Kenneth Rubenstein and Raymond A. Joao, in a further attempt to subterfuge the complaints and disregard a court ordered mandate for **INVESTIGATION**, Exhibit "A". Most remarkable is that your letter imparts that investigations were "commenced" by the First Department, which is a materially false and misleading statement. Material in that it appears to claim that investigations were conducted by the First Department and then subsequently reviewed by your committee, attempting to shine a light of vindication on Krane, Rubenstein and Joao. Where this statement is factually false in that no formal or informal investigation has ever been conducted, it acts as further reason for your removal from these matters, in addition to your already admitted and concealed conflicts with Krane.

In fact, in attempting to elude the court mandated "**INVESTIGATION**", your department now claims that there was an investigation started in these matters by First Department and that the Committee reviewed and made decisions based upon such investigation. This is both ridiculous and untrue. The **truth** is, that First Department Departmental Disciplinary Committee was found to have acted inappropriately with Steven C. Krane representing both himself and his Proskauer Rose partner Kenneth Rubenstein while maintaining positions with that department concurrently and additionally violating his duties as former past president of the New York State Bar Association. In fact, the confirmed conflict, by Catherine O'Hagan Wolfe, Clerk of the Court, First Department and Thomas Cahill, was so obvious and a violation of the



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departmental rules as cited in the complaints, as to cause them to be transferred out of the conflict after review by a panel of five Justices of the First Department. After the Justices' review of the matters, it was sent for formal "**INVESTIGATION**" to your department to avoid further conflict and yet we find further and further evidence of conflicts and disregard for the laws of the state of New York at your department.

Up to that point, the conflict and abuses of public office by Krane had been effective in preventing a formal investigation into the matters. In fact, per the First Departments' letters of September 2, 2003, Exhibit "B", it is clear that the matters were put on hold (in another letter that got lost in the mail for months) and no investigation was ever conducted or even begun. This letter clearly indicates that **no** investigation was done up to that point, and when the letter deferment letter was finally received by the company, since the civil litigation had ended and had not dealt with any of the issues filed in the attorney disciplinary actions, an investigation by Cahill was about to be initiated. Prior to initiation of that investigation, the conflicts were uncovered regarding Krane and his conduct in violation of the rules of the New York Code Rules and Regulations - Part 605 - Rules And Procedures Of The Departmental Disciplinary Committee ("605") and Part 603 - Attorney Conduct ("603").

Cahill had admitted that no investigation was ever conducted and at the time the conflicts were discovered he had stated that an investigation was going to be conducted and then he was forced to file a petition for removal of the complaints from First



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Department, citing conflict and appearance of impropriety in his petition. It was at that point that the case was filed formally as a petition with the First Department, and then after careful and thorough review of the materials the Justices ordered the file be transferred for **“INVESTIGATION”**. After they reviewed the matters they deemed that **“INVESTIGATION”** was necessary by your department, since the First Department was then in a conflict of interest with the appearance of impropriety, as stated in the court ordered mandate.

In fact, the following letter authored by Steven Krane representing both himself and Rubenstein in complaints filed against them, is factually made while Krane holds a position as Referee of the First Department, Exhibit “C”.

It thus behooves one to question, what “investigation” you and the Committee reviewed in these matters as stated in your letter, when one has never been conducted? Therefor the basis of your conclusions are without merit and defy logic and further attempt to ignore the First Department court ordered investigation. Without conducting the court ordered **INVESTIGATION**, and where none has ever been formally conducted by any department, reveals false claims are being asserted in your letter. It is interesting to note how you now try to negate your obligations to **INVESTIGATE**, by stating that you are relying on an investigation that has been never done, which is why after review of the matters by the First Department Justices, your



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department was ordered to begin and complete an **INVESTIGATION** which it has failed to undertake.

This would typically seem remarkable, yet after your attempt to side-step the investigation of Krane using a similar subterfuge tactic, which led to formal complaints being filed against both yourself (for an admitted conflict amongst other charges) and the Chairman, DiGiovanna. We find your letter regarding Rubenstein and Joao par for the conflicted course and a continuation of the conflicts and appearances of impropriety found at the First Department now carried over to your department. Again, we find your department further aiding and abetting Krane, who was clearly caught in conflict, attempting to shield him and the others from court ordered formal and procedural investigation under due process of law. Where it has been evidenced that these attorneys remain protected by their close affiliations to Chief Judge Judith Kaye, including her husband, Stephen Kaye and Stephen Krane, both partners in the accused law firms of Proksuaer Rose LLP. In fact, evidence shows that Judith Kaye has vested interests in the matters herself and is an owner of Iviewit companies shares, along with Krane and her husband. This further prevents fair and impartial due process from occurring due to the fact that Krane and Kaye are figureheads at the NYSBA and Departmental Disciplinary Committees of the state of New York. From your own admission, you have admitted a conflict in yet undisclosed and concealed ways with Krane. It is fascinating to note that when you admitted conflict with Krane, you asked



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that the company request you disclose the conflicts in writing for you to respond to, which we did several months ago. Yet, you still fail to address those issues prior to continued efforts to aid and abet Krane, Rubenstein and Joao.

In fact, it again leaves one scratching ones head as to how exactly you or Second Departmental Disciplinary Chairman, Lawrence DiGiovanna are still involved in these matters. Where you have already admitted conflicts with Krane and formal complaints were filed against you that remain un-docketed and as yet unresolved. More fascinating to note is the disregard for the rules of 605, which require that you should have docketed the complaints against yourself and DiGiovanna, that seem to have gone un-docketed, all quite inapposite the laws of the state of New York. Where you now have a formal complaint lodged against you that should, according to department rules, be turned over to a special prosecutor for immediate investigation, you have done nothing according to formal procedure. Again, your department defies the rules, in fact, breaks the rules and laws of the state of New York, in an attempt to cover up the matters with these frivolous letters imparting that you have done something in these matters. We cite the violations under:

605.6 (2) Other Situations. In the case of an allegation of misconduct originating in the Court or the Committee, or upon the initiative of the Office of Chief Counsel, the writing reflecting the allegation shall be treated as a Complaint.



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Your letter is further amiss, in that you attempt to state that after your review of investigation that never took place, you and your committee, decided that the matters were better suited for a court of law. Whether the totality of the matters are ever tried in a civil court of law by the companies and their shareholders or not, would not relinquish your obligations to investigate matters whereby members of the First Department (even Steven C. Krane) are found to have violated public office positions and acted in conflict. Krane, having acted in conflict on both behalf of complaints against himself and Rubenstein is not above the law and yet your department attempts to shield him from the court ordered **INVESTIGATION** and continue to try and imply that investigations have been done or that your reviews instead of investigations, have concluded something without formal investigation.

We therefor request clarification as to the Committee's decision as to what court of law they refer to in your letter, to handle the attorney complaint violations, that a court of law, the First Department, has ordered you to investigate. These attorney complaints have been clearly cited as violations of attorney disciplinary matters and departmental misconduct issues, citing specific codes under 605 and 603 that are under your jurisdiction and the rules that you are supposed to be enforcing. The issues you have been ordered by the First Department to investigate are matters involving attorney disciplinary violations and have nothing to do with any civil actions the company and its shareholders may have for the myriad of other issues involved. In fact, it was our



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understanding that you are mandated under the rules, to file suit against members found in violations of the rules and abuses of public office, for formal disposition on behalf of the public. Your committee admits that the substantive other issues non-related to these additional disciplinary matters, such as fraud on a host of government agencies including the United States Patent and Trademark Offices and the Small Business Administration, by these attorneys, was a matter for another court. This admission and attempt to move the matters from your department to another venue, despite a court order to **INVESTIGATE**, does not and would not eliminate the need for the attorneys to also be disciplined according to formal procedural law under 605 and 603 by your department for those attorney disciplinary violations cited. Certainly, the Committee cannot be claiming that the companies and its shareholders are to bring charges for violations of these codes that are under your jurisdiction, as we do not feel that we have any legal power to do so, and as this is your responsibility under laws of New York and a First Department court order. In support of our claim we cite:

**§ 605.9 (b) (1) Abatement of Investigation - Matters Involving Related Pending Civil Litigation or Criminal Matters.**

General Rule. The processing of complaints involving material allegations which are substantially similar to the material allegations of pending criminal or civil litigation need not be deferred pending determination of such litigation.

and,

**605.6 (f) (1) Action Following Recommendation.**





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1. No Jurisdiction. If the Office of Chief Counsel determines that the Complaint should be referred under paragraph (e)(1) of this section, it shall notify the complainant and the Respondent (if previously notified of the Complaint) of such disposition in writing and close the file on the matter. Whenever possible in cases of lack of jurisdiction, the Office of Chief Counsel shall bring the matter to the attention of the authorities of the appropriate jurisdiction, or to any other duly constituted body which may be able to provide a forum for the consideration of the Grievances, and shall advise the Complainant of such referral.

Under 605.6 (f) (1), since your committee deems the matters appropriate before a court of law, we ask what the Committee has done to notify the appropriate court of law, and any other “duly constituted body which may be able to provide a forum for the consideration of the Grievances” of the matters they are referring to in your letter, in the state of New York or elsewhere. We request the Committee advise on exactly who should bring the charges of attorney disciplinary misconduct and what court they are referring such party(ies) to and by what authority they are refusing to conduct a court ordered investigation.

As I am sure you are familiar with the rules in 605 and 603 although you blatantly disregard them, each violation of them will be met with formalized complaints against those involved for further failing to follow procedure and protocol. We are unclear as to how, or what rules, the Committee acts under in making decisions in these matters, especially with you still involved, without fully investigating and disposing of the complaint filed against you personally first. Where in accordance with the rules of



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605, a formal complaint has been filed against you that appears to have vaporized, quite inapposite the rules of 605, which require formal docketing, review and disposition. Similarly, it appears that the same holds true for the complaint against DiGiovanna, where it has mysteriously disappeared without formal docketing, review or due process under the law. Where it states under 605:

### **§ 605.6 (g) (1)(2) Investigations and Informal Proceedings**

Preliminary Screening of Complaints. Any complaint received by the Office of Chief Counsel against a member of the Committee or Staff counsel involving alleged misconduct shall be transmitted forthwith to the Committee Chairperson, who shall assign it either to the Office of Chief Counsel or to special counsel who shall

1. conduct or direct the appropriate investigation, and
2. give a written recommendation as to the disposition of the Complaint to the Committee Chairperson, who shall determine the appropriate disposition of the Complaint. Any such Complaint which relates to the Committee Chairperson shall, in the first instance, be transmitted to a Hearing Panel Chairperson, who shall conduct the appropriate investigation and determine the appropriate disposition of the Complaint.

Quite clearly, as in the matter of Thomas C. Cahill, Inquiry #2004-1122, Exhibit "D", currently under review by special counsel Martin Gold, the complaints against both yourself and Mr. DiGiovanna should have similarly been referred to special counsel for investigation, unless you are claiming to operate under a different set of rules and procedures, if so, please advise. The complaints against you and DiGiovanna cite, including but not limited to your failure to; (i) follow the court ordered



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investigation in the matters of Krane, Joao and Rubenstein, (ii) your lack of candor and failure to disclose your relationships with Mr. Krane and Kaye prior to acting in these matters, and (iii) your failure to properly docket complaints filed. Where months later, no Inquiry number or special counsel has been assigned according to procedure, and yet you remain involved as if the complaints did not exist and continue to act in these matters with undisclosed and further concealed conflicts, this is highly unethical and furthers the appearances of impropriety. We find your letter and the actions of the Committee to be in complete violation of established protocol under 605, and an attempt to distance your department from the matters and avoid formal due process under the law.

We do not object to the elevation of the matters of Krane, Joao and Rubenstein being transferred to the Court of Appeals or whatever the next highest level of review under 605 mandates, void of conflict. Yet, this still does not negate your failing to follow the rules under 605 and despite your attempt to obfuscate the matters and dispose of them without following the rules under 605, this cannot and will not be tolerated.

Therefore, as we have done for now several months, we again formally request that complaints against both you and Mr. DiGiovanna be formally filed and disposed of according to the law under 605 and disposed of according to laws of the state of New York following proper procedure and protocol. We demand that your department



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conduct a formal and thorough **INVESTIGATION** of all matters transferred for **“INVESTIGATION”** to your department in the complaints against Krane, Joao and Rubenstein. To date, we have called the department over twenty-five times to ascertain that procedure has been followed and all the complaints formally recorded, and we have been met by excuse after excuse, for not providing formal inquiry numbers into the matters for the complaints on you and DiGiovanna. As we will be approaching the United States Supreme Court and federal and state authorities with these matters, to further illustrate the denial of due process under law, we request that all complaints formally be docketed according to procedure on all complaints. We also request a full disclosure on all committee members who participated in the decision stated in your letter so that further complaints may be filed against all members who based their conclusion on an “investigation” at the First Department that was never conducted and furthers the appearance of impropriety already evidenced in these matters. We also ask that the Presiding Justice A. Gail Prudenti, of the Appellate Division be pre-screened for conflicts before involvement, as we have already indicated that her relationships with Kaye and Krane may also present further conflicts due to information that surfaced and has already been transferred to your office. This game of “hot potato”, where the matters are continuously subterfuged from one conflicted member of the department to the next, all having close personal and professional ties with the accused, Proskauer Rose and Kaye, will not be tolerated. Formal complaints will be forthcoming against



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every conflicted member that is involved with aiding and abetting these matters, and further aiding and abetting a host of federal, state and international crimes, Exhibit "E", and denying due process under the laws of the state of New York.

Where both Krane and Kaye have vested and current roles in the rule creation and enforcement policies of New York Supreme Court Disciplinary Departments and also have vested interests in these matters, which could put Mr. Krane and Ms. Kaye's husband in federal prisons for lengthy stays and cause catastrophic ruins to Proskauer Rose, LLP, we ask that rules cited in these matters be the rules that were in force at the time the events took place. In light of the overwhelming potential for further wrongdoings through wordsmithing and changes to the rules of 605 and 603, by those with vested interest in the outcome of the matters; we ask that all rules cited herein and for use by your Committee, be used as a reference only to the 605 and 603 rules that existed before 1998 when Proskauer met Iviewit.

We also ask that under the rules of 605, as it appears that you are obligated to follow your own rules, be followed from this point forward and that these and all matters now with your department, be elevated to the next highest level of review. This time it would be remarkable if it were void of conflicts. Where screening for conflicts should take place before any decisions attempting to exculpate Krane, Rubenstein, Joao, DiGiovanna and yourself from due process under the law and deny formal and procedural investigations. That conflict waivers should be secured prior to any further



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actions by anyone. Again, we reiterate that a court of law composed of five Justices, after review of the entirety of the matters, determined and ordered that your department conduct **"INVESTIGATIONS"**, nothing short will suffice. No matter how your department now tries to skin the cat, or wordsmith around the word **"INVESTIGATION"** to protect Krane and Kaye, until investigations are formally conducted into the matters, you remain in violation of a court ordered mandate.

Your attempts to bury the complaints against yourself inapposite the rules, and continue to act in matters that you admit conflict to on the one hand, and then refuse to reveal your exact conflicts with Krane and Kaye, also appears to violate and defy the rules of 605 and may act as violations of the criminal code of New York as well. We are transmitting to the New York District attorney this correspondence as a request to begin investigation into all of the continued misconduct by your department. In order to facilitate their investigation we will need the inquiry numbers for the complaints filed against you and DiGiovanna. We also ask that this letter serve as a request to transfer copies of the entirety of the files to the District Attorney's office to Mr. Leroy Frazier on behalf of Robert Morgenthau's office and copies to Eliot Spitzer's office c/o Maribel his secretary. Include copies of all complaints with your offices and prior files of the First Department; also, include an inventoried list of the documents in your possession and documents reviewed by the Committee. The company has spoken to both offices and apprised them that we would be contacting them to investigate the



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matters based on your previous refusal to follow the court ordered investigation but we awaited this formal acknowledgement by your offices.

Finally, let this letter serve as a formal complaint against each member of the Committee that took part in the review for the reasons stated herein, for attorney misconduct under 603 and 605 and further aiding and abetting those charged. We anticipate that your department will file each complaint separately and assign formal docket or inquiry numbers for them according to the laws of the state of New York under 605.

With best regards,

A handwritten signature in black ink, appearing to read "E.I. Bernstein", written in a cursive style.

Eliot I. Bernstein  
President  
Iviewit Technologies, Inc.

cc: Eliot Spitzer  
Morgenthau  
James Pelzer  
Stephen Lucchesi  
Governor  
Select members of the press  
Select Iviewit shareholders

Encls: Exhibits "A" thru "E"



## **IVIEWIT TECHNOLOGIES, INC.**

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EXHIBIT "A" – FIRST DEPARTMENT COURT ORDERED INVESTIGATION



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

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

September 7, 2004

PERSONAL AND CONFIDENTIAL

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

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

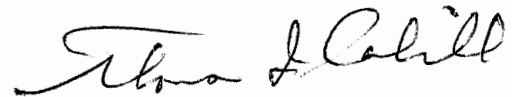
Dear Mr. Pelzer:

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

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

Thank you for your attention to this matter.

Very truly yours,



Thomas J. Cahill

TJC/nkd

Encls:

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

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PAUL J. CURRAN, Esq.  
CHAIRMAN  
HALIBURTON FALES, 2D., Esq.  
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ALFERD G. GEROSA  
ROBERT L. HAIG, Esq.  
WILLIAM E. HAMMOND, Esq.  
SUSAN M. KARTEN, Esq.  
JOHN J. KENNEY, Esq.  
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LENORE KRAMER, Esq.  
WILLIAM FRANCIS KUNTZ II, Esq.  
DEBORAH E. LANS, Esq.  
MARVIN LEFFLER  
BURTON N. LIPSHIE, Esq.  
HENRIETTA LYLE  
MARY B. MAGUIRE  
CHARLES C. MARINO  
DOUGLASS B. MAYNARD, Esq.  
LAWRENCE D. MCGOVERN, Esq.  
CHARLES G. MOERDLER, Esq.  
MATHIAS E. MONE, Esq.  
MERCEDES A. NESFIELD  
JANE W. PARVER, Esq.  
ANTHONY M. RADICE, Esq.  
ANDREW W. REGAN, Esq.  
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MICHAEL J. ROSENBERG  
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SAMUEL W. SEYMOUR, Esq.  
DANIEL E. SIFF, Esq.  
MARIAN E. SILBER, Esq.  
EUGENE P. SOUTHER, Esq.  
JOHN L. WARDEN, Esq.  
ERIC J. WARNER, Esq.  
SUSAN WELSHER  
COMMITTEE MEMBERS  
THOMAS J. CAHILL  
CHIEF COUNSEL  
SHERRY K. COHEN  
FIRST DEPUTY CHIEF COUNSEL  
ANDRAL N. BRATTON  
DEPUTY CHIEF COUNSEL  
CHRISTINE C. ANDERSON  
ANGELA CHRISTMAS  
NICOLE CORRADO  
KEVIN P. CULLEY  
JORGE DOPICO  
MADY J. EDELSTEIN  
JEREMY S. GARBER  
NAOMI F. GOLDSTEIN  
JOSEPH J. HESTER  
ROBERTA N. KOLAR  
JUN HWA LEE  
VITALY LIPKANSKY  
STEPHEN P. MCGOLDRICK  
BIANCA MICHELIS  
KEVIN E.F. O'SULLIVAN  
JAMES T. SHED  
EILEEN J. SHIELDS  
JUDITH N. STEIN  
RAYMOND VALLEJO  
LA TRISHA A. WILSON  
STAFF COUNSEL

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

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

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

M-3198

Departmental Disciplinary Committee  
for the First Judicial Department,

NOTICE OF ENTRY

Petitioner.

-----X

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

DATED: New York, New York  
September 7, 2004

Yours, etc.,

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

**RECEIVED**

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

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

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

I:\Tjc\2004\Krane.ne.wpd

**RECEIVED**

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

UNPUBLISHED ORDER

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

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

**FILED**

**AUG 11 2004**

**Appellate Division, Supreme Court  
First Department**

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

Departmental Disciplinary Committee  
for the First Judicial Department,

Petitioner.

UNPUBLISHED ORDER

M-3198

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

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

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

ENTER:

APPELLATE DIVISION SUPREME COURT FIRST DEPARTMENT  
STATE OF NEW YORK

*David Apolony*  
Clerk  
DEPUTY CLERK

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

*Catherine O'Hagan Wolfe*  
CLERK

**RECEIVED**

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

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

-----X

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

M-2820

M-3212

NOTICE OF ENTRY

Departmental Disciplinary Committee  
for the First Judicial Department,

Petitioner.

-----X

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

DATED: New York, New York  
September 7, 2004

Yours, etc.,

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

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

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

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

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



UNPUBLISHED ORDER

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

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

Justice President,

**FILED**

**AUG 11 2004**

Justices.

**Appellate Division, Supreme Court  
First Department**

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

Departmental Disciplinary Committee  
for the First Judicial Department,

UNPUBLISHED ORDER

M-2820

M-3212

Petitioner.

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

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

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

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

APPELLATE DIVISION SUPREME COURT FIRST DEPARTMENT  
STATE OF NEW YORK

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

*David Anthony*  
Clerk.  
DEPUTY CLERK

*Catherine O'Hagan Wolfe*  
CLERK



## **IVIEWIT TECHNOLOGIES, INC.**

Diana Maxfield Kears

**RE: COMPLAINTS FILED AT SECOND DEPARTMENT**

Thursday, April 21, 2005

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EXHIBIT "B" –  
SEPTEMBER 2, 2003 FIRST DEPARTMENT LETTERS PUTTING JOAO, KRANE AND  
RUBENSTEIN ON HOLD PENDING CIVIL LITIGATION



DEPARTMENTAL DISCIPLINARY COMMITTEE  
SUPREME COURT, APPELLATE DIVISION  
FIRST JUDICIAL DEPARTMENT  
61 BROADWAY  
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(212) 401-0800  
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RAYMOND VALLEJO  
LA TRISHA WILSON  
STAFF COUNSEL

Not received by Iviewit until January 2004, due to missing Apartment number on letter. First letter ever missing the correct address.

September 2, 2003

PERSONAL AND CONFIDENTIAL

Eliot I. Bernstein  
IVIEWIT #801  
10158 Stonehenge Circle  
Boynton Beach, FL 33437

First Dept states that letter was returned because address was incorrect. Who wrote this, Joseph Wigley.

COPY

Re: Matter of Kenneth Rubenstein, Esq.  
Docket No. 2003.0531

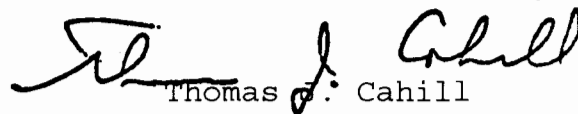
Dear Mr. Bernstein:

As you know, there is pending litigation concerning the same or related facts which you have alleged here. We have found that a judicial resolution of such matters is helpful to the Committee. Accordingly, we have decided to close our investigation at this time.

The Committee arrived at this determination after the case was submitted to a member of the Committee, an independent board of lawyers and non-lawyers appointed by the Appellate Division, First Judicial Department. The Committee member concluded that we should await the conclusion of the litigation. We request, however, that you inform the Committee of any court decision or other event which may warrant an immediate investigation by the Committee.

Who is the mystery Committee member? The civil case by the time we received this letter had been closed for months, Cahill states he is re-opening cases now that civil is complete and did not deal with any of the issues other than billing.

Very truly yours,

  
Thomas J. Cahill

TJC:adp/P:JGW/A:ANB

D-PL/C(F475/TB520)

Cahill is fully aware that civil case is not dealing with any issues other than billing and that it is concluded. Aware that countercomplaint was not heard or tried on technicality and that Proskauer had won through a strange default judgement.

Cahill cc's no one??? There are no filing date stamps or marks either, is this procedurally correct?

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

Not received by Iviewit until January 2004, due to missing Apartment number on letter. First letter ever missing the correct address.

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STEPHEN L. WEINER, Esq.  
SPECIAL COUNSEL

September 2, 2003

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SUSAN WELSHER  
COMMITTEE MEMBERS

PERSONAL AND CONFIDENTIAL

Eliot I. Bernstein  
IVIEWIT # 801  
10158 Stonehenge Circle  
Boynton Beach, FL 33437

First Dept states that letter was returned because address was incorrect. Who wrote this, Joseph Wigley.

COPY

Re: Matter of Raymond A. Joao, Esq.  
Docket No. 2003.0532

Joao has nothing to do with Proskauer billing dispute, as he claims he is not with Proskauer. How do they merge?

Dear Mr. Bernstein:

As you know, there is pending litigation concerning the same or related facts which you have alleged here. We have found that a judicial resolution of such matters is helpful to the Committee. Accordingly, we have decided to close our investigation at this time.

The Committee arrived at this determination after the case was submitted to a member of the Committee, an independent board of lawyers and non-lawyers appointed by the Appellate Division, First Judicial Department. The Committee member concluded that we should await the conclusion of the litigation. We request, however, that you inform the Committee of any court decision or other event which may warrant an immediate investigation by the Committee.

Who is the mystery Committee member? The civil case by the time we received this letter had been closed for months, Cahill states he is re-opening cases now that civil is complete and did not deal with any of the issues other than billing.

Very truly yours  
*Thomas J. Cahill*

Thomas J. Cahill

Cahill cc's no one??? There are no filing date stamps or marks either, is this procedurally correct?

TJC:adp/I:JP/P:JGW/A:ANB

D-PL/C(F475/TB520)

Cahill is fully aware that civil case is not dealing with any issues other than billing and that it is concluded. Aware that countercomplaint was not heard or tried on technicality and that Proskauer had won through a strange default judgement.

THOMAS J. CAHILL  
CHIEF COUNSEL  
SHERRY K. COHEN  
FIRST DEPUTY CHIEF COUNSEL  
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DEPUTY CHIEF COUNSEL  
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LA TRISHA WILSON  
STAFF COUNSEL



## **IVIEWIT TECHNOLOGIES, INC.**

Diana Maxfield Kears

**RE: COMPLAINTS FILED AT SECOND DEPARTMENT**

Thursday, April 21, 2005

Page 18 of 20

EXHIBIT "C" – KRANE CONFLICTED RESPONSE FOR COMPLAINT AGAINST  
RUBENSTEIN AND KRANE WHILE A REFEREE AT THE FIRST DEPARTMENT AND  
WHILE A MEMBER OF THE RULES COMMITTEES FOR NYSBA AND  
DEPARTMENTAL DISCIPLINARY COMMITTEES

# PROSKAUER ROSE LLP

1585 Broadway  
New York, NY 10036-8299  
Telephone 212.969.3000  
Fax 212.969.2900

LOS ANGELES  
WASHINGTON  
BOCA RATON  
NEWARK  
PARIS

Steven C. Krane  
Member of the Firm

Direct Dial: 212.969.3435  
skrane@proskauer.com

At this time, he has First Department positions and he responds to complaints against Rubenstein and himself, acting here as counsel. Conflict!!!!

May 21, 2004

## By Facsimile and Mail

Thomas J. Cahill, Esq  
Chief Counsel  
Departmental Disciplinary Committee  
61 Broadway  
New York, New York 10006

The proceedings had been deferred until Proskauer billing lawsuit terminated. Complainants were never informed that the matters had been deferred, as the deferral letter was supposedly lost in the mail, yeah right.

Re: Complaint of Iviewit Holdings, Inc. -- Docket No. 2003.0531

Dear Mr. Cahill:

I represented my partner, Kenneth Rubenstein, in connection with the complaint filed against him in March 2003 by Iviewit Holdings, Inc. That proceeding was closed pursuant to your letter of September 2, 2003.

Ivewit has now asked that the response I submitted on April 11, 2003 be stricken on the ground that I had a conflict of interest by virtue of my various position with the New York State Bar Association. Obviously, Ivewit is not aware that there is no connection between the Departmental Disciplinary Committee, which operates under the aegis of the Appellate Division of the Supreme Court, and the New York State Bar Association, which is a voluntary organization of lawyers. This confusion is not surprising, since the principals of Ivewit are from Florida, where it is the Florida Bar that investigates and disciplines lawyers.

Accordingly, I respectfully request that Ivewit's "Demand to Strike Response" be rejected and that any complaint against me arising out of my representation of Mr. Rubenstein be dismissed. I stand ready to provide the Committee with whatever additional information it may require in connection with this matter.

Yours very truly,



Steven C. Krane

In this paragraph, he represents as counsel Rubenstein and pro se for himself, forgetting to disclose his roles at the First Department, oops.

Lamont, Ivewit CEO is from New York and went to Columbia law. Bernstein is from Chicago, complaint against Krane for conflict is based on New York Law, nice insult.

Krane fails to list even his current roles with First Department. Tries to hide behind NYSBA roles. Krane's NYSBA roles do conflict him, and there is connection between NYSBA and First Department in the rule creation and enforcement roles Krane maintains. But per Wolfe and Cahill he has current First

**PROSKAUER ROSE LLP**

Thomas J. Cahill, Esq

May 21, 2004

Page 2

cc: Mr. Eliot Bernstein  
Mr. P. Stephen Lamont



## **IVIEWIT TECHNOLOGIES, INC.**

Diana Maxfield Kears

**RE: COMPLAINTS FILED AT SECOND DEPARTMENT**

Thursday, April 21, 2005

Page 19 of 20

EXHIBIT "D" – CAHILL LETTER STARTING FORMAL INQUIRY UNDER NYCRR 605

SUPREME COURT, APPELLATE DIVISION  
FIRST JUDICIAL DEPARTMENT  
DEPARTMENTAL DISCIPLINARY COMMITTEE

PAUL J. CURRAN, Esq.  
CHAIRMAN

61 BROADWAY  
NEW YORK, N.Y. 10006

June 23, 2004

CERTIFIED MAIL -  
RETURN RECEIPT REQUESTED

PERSONAL AND CONFIDENTIAL

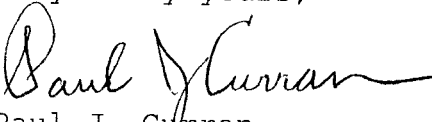
Mr. Eliot I. Bernstein  
Founder  
I View It Technologies, Inc.  
10158 Stonehenge Circle  
Suite 801  
Boynton Beach, Florida 33437-3546

Re: Complaint Against Thomas J. Cahill

Dear Mr. Bernstein:

This is to inform you that, pursuant to the Court's Rules, I have referred your complaint against Thomas J. Cahill to Martin R. Gold.

Very truly yours,

  
Paul J. Curran

PJC:ak

cc: Martin R. Gold, Esq.



## **IVIEWIT TECHNOLOGIES, INC.**

Diana Maxfield Kears

**RE: COMPLAINTS FILED AT SECOND DEPARTMENT**

Thursday, April 21, 2005

Page 20 of 20

EXHIBIT "E" – LIST OF FEDERAL, INTERNATIONAL AND STATE CRIMES



**ONGOING INVESTIGATIONS AND LIST OF FEDERAL, STATE  
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OF THE IVIEWIT INTELLECTUAL PROPERTIES**

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MPEGLA, LLC..... 925

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