United States District Court Southern District of New York 500 Pearl Street Pro Se Desk ~ Suite 230 New York, New York 10007

RE: MISSING COMPLAINTS TO US MARSHALL FOR SERVICE IN CASE 07 CIV. 11196 (SAS) ELIOT I. BERNSTEIN, ET AL. V. APPELLATE DIVISION FIRST DEPARTMENT DEPARTMENTAL DISCIPLINARY COMMITTEE, ET AL.

To Whom It May Concern:

I spoke with the Pro Se desk today regarding the fact that the United States Marshal has stated they are missing 79 copies of the Complaint that were in the service package sent to them. I spoke with the US Post office and they are conducting an investigation into the fact that their tracking shows the package not having left the Red Bluff California office and they have no record of the US Marshal signing for the priority certified package we sent. The US Marshal is looking into what happened. I was also called at 4:00pm EST today by the US Postmaster in Sacramento who has no record of who or how the twenty two pound package was sent. Twenty two pounds is about the amount the Complaint would have weighed, at 35 pages times 69 copies or 2415 pages and this was the bulk of the package.

I was contacted last Friday by a Mr. Jonathan J. Giovanni from the Pro Se office who thought I may have forgotten to send the Complaints but after speaking with US Marshal and the US Postmaster it appears that the Complaint was stripped from the package after we delivered it to the US Postmaster. I also notified the US Marshal that I had enclosed a copy of a spreadsheet that monitored the items received and sent, showing what the Pro Se desk sent and what I had to add and that was completed as the package was packed (see attachment).

In short, it appears that the US Marshal needs the Complaint sent to them again. I spoke with Katie Sanders today and she suggested that I write to request that the Pro Se office copy and send them again, either to me or directly to the US Marshall, another 69 copies of the Complaint so as to save us the cost and time in getting the package delivered promptly. In the original package only 47 Complaints were sent to me when a total of 69 were necessary, as was learned in an earlier call to the Pro Se desk, so please be advised that 69 are required. Please reply in writing at your soonest convenience to notify me if you can do the copying and mailing and how you would forward the package and to whom. Finally, our case involves numerous charges of mail and wire fraud at a host of government agencies and perhaps your office sending these to the US Marshal

directly will prevent that element from creeping in to the service again, if that is what turns out to be the cause after investigations are completed.

I have attached an email sent to Judge Scheindlin today and the documents that were attached which provide more information regarding these matters.

Thank you in advance for your help,

Eliot I. Bernstein Iviewit Technologies, Inc. Inventor 39 Little Ave Red Bluff, California 96080 (530) 529-4110 (O) (530) 526-5751 (C) iviewit@iviewit.tv www.iviewit.tv

cc: The Honorable Shira A. Scheindlin (courtesy copy enclosed)
The Honorable Glenn Fine, Inspector General, United States Department of
Justice

Attachments

Page 1 of 2

## Eliot I. Bernstein

Elipt I. Bernsteln [iv:cwit@iviewit.tv] From: Tuesday, February 19, 2008 1:09 PM Sent:

"Hope Haynes @ The United States Marshall (hope.haynes@usdoj.gov)" To:

Cc:

Caroline Prochotska Rogers, Esquire (caroline@cprogers.com); Michele Mariene Mulrooney Jackoway Esq. (MMulrooney@JTWAMM.com); The Honorable Shira A. Scheindlin @ United

States District Court - Southern District of New York

(shira\_a, scheindlin@NYSD.uscourts.gov); 'pstephen.lamont@verizon.net'

Subject: Case #07 Civ. 11196 (SAS)

Hope Haynes Contacts:

Attachments: 2008 Staples US Marshall Receipt.pdf; us post.pdf; Defendants and Service.xls;

INVESTIGATIONS MASTER.xls

07 Ctv. 11196 (SAS) ELIOT I. BERNSTEIN, et al. v. APPELLATE DIVISION FIRST DEPARTMENT DEPARTMENTAL DISCIPLINARY COMMITTEE, et al.

Dear Hope.

Thank you very much for your time today and per our chat I am attaching a few documents to help figure out what has happened to the 69 copies of the filed Complaint in our package back to you. In the package was the attached excel spreadsheet (Defendants and Service xls) showing that the Pro Scidesk had sent us 47 copies of the Complaint and we photocopied an additional 22, the spreadsheet was checked with the packing of the documents. The package was sealed with an abundance of packing tape and would have been memorable in that regard to whoever opened it. Both P. Stephen Lamont and I spoke with Dianna Baerga on February 15 who received on February 07 an opened package; she started working on it on Febraury 08 and stated that she sent it put. Later in the conversation, Dianna stated that a Defendant had called her and stated there was no Complaint In the package and when asked whom that Defendant was sho had no recollection. She then retracted her initial statement as to if the package was opened and said she was not sure if it was opened when it got her or who opened it. Dianna could not give any more information as to who had received the package and she then stated she had not sent the packages out and was photocopying the Complaint. I Informed her that I was called by the Pro Se desk on behalf of The Honorable Shira A. Scheindlin and that I was to recopy the Complaint, she then stated she was not copying the Complaint which contradicted her initial statement. I asked her for a way to track if the Complaint had got misplaced over on your and and we ended up agreeing that it was better if I spoke to you today to try and figure it all out.

The US Postal service when tracking this Priority Cortified package comes up with the following today:

Label/Receipt Number: 2305 1590 0000 3570 5543

Status: Acceptance

Your item was accepted at 4:59 PM on January 31, 2008 in RED BLUFF, CA 96080. No further information is available for this item.

A US Postal Investigation is now being conducted #C036249-070 as of February 15 regarding how and who handled the package from Red Bluff forward. Attached is the US Postal receipt (us post.pdf) for the Package in Adobe pdf format. Also, the receipt for the photocopying the Complaint and other documents (2008 Staples US Marshall Receipt.pdf) that were sent short by the Pro Se desk is also attached and that is all explained on the bottom lines of the spreadsheet. If you could double check on your and and see if you have the copies somewhere it would save me tremendous cost and time but if you are unable to locate them by the end of today please call and t will get it done and out by tomorrow. Hook forward to hearing the outcome of what has happened with the documents, as you mentioned this letter would serve to start a more formal investigation and if you can reply with a case number that would also help.

Again, thank you for your time and consideration,

Elict

2/19/2008

Page 2 of 2

Eliot I. Bernslein
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Red Bluff, California 96080-3519
(530) 529-4110
(530) 526-5750 (c)
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THIS MESSAGE AND ITS EMBELT 1-0 FILES INCORPORATED HERE. IN CONTAIN INTORMATION THAT IS PROPRIETARY AND CONFIDENTIAL PRIVILEGED INFORMATION, IF YOU ARE NOT THE INTENDED RECIPIONLY YOU ARE PROPRIETED FROM READING, OFFICE OF THE PROPERTY OF A THROUGH PROPRIETED FROM READING, OFFICE MALE AND ITS EMBELDED FROM SWINGTHE HE MISSAGE AND ITS EMBELDED FROM SWINGTHE MALE AND OFFICE OF THE SENTER FROM THE AND MOTHER THAT SPECIAL ARE ARRESTED FROM THE SPECIAL PROPRIETED FROM FORWARDING THEM OR OTHERWISE DISCUSSING THESE CONTENTS TO OTHERS, WILLESS EXPRESS BY DESIGNATED BY THE SENDER. THANK YOU

2/19/2008

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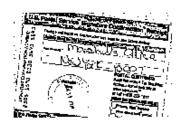
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