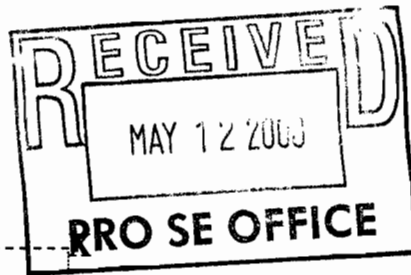


~~COURTESY COPY~~

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



ELIOT I. BERNSTEIN, et al.

Plaintiffs,

-against-

APPELLATE DIVISION FIRST  
DEPARTMENT DEPARTMENTAL  
DISCIPLINARY COMMITTEE, et al.

Defendants

DOCKET NO:

07Civ11196 (SAS)  
[rel. 07 Civ 09599]

**MOTION**

EXCEPTIONALLY FILED

DCC #:

DATE FILED: 5/14/08

**MOTION FOR PRO SE OFFICE TO COPY AND TRANSMIT AMENDED  
COMPLAINT TO U.S. MARSHAL'S OFFICE**


PLAINTIFFS, ELIOT I. BERNSTEIN, Pro se, individually and P. STEPHEN LAMONT, Pro se and Plaintiff BERNSTEIN on behalf of shareholders of Iviewit Holdings, Inc., Iviewit Technologies, Inc., Uview.com, Inc., Iviewit Holdings, Inc., Iviewit Holdings, Inc., Iviewit.com, Inc., Iviewit.com, Inc., I.C., Inc., Iviewit.com LLC, Iviewit LLC, Iviewit Corporation, Iviewit, Inc., Iviewit, Inc., and other John Doe companies (collectively, "Iviewit Companies"), and patent interest holders, move this honorable Court to Order the Pro Se Office to copy and transmit the Amended Complaint to U.S. Marshal's Office and in support state as follows:

**JUST PRIOR INSTANCE OF LOST MAIL**

1. The first filing and serving of the Complaint was lost and caused the case to be delayed by several weeks due to loss of package contents including approximately twenty pounds of complaints.
2. In granting this Motion by your Order, Plaintiffs point out that such an instance of mail loss might not occur, if the Pro Se Office makes and delivers copies of the Amended Complaint directly to the U.S. Marshal's Office, instead of sending it back and forth. Plaintiffs would thus get the Pro Se package with all other Marshal materials, other than

the Complaints, fill them out and sign them, returning them to the Pro Se desk, whereby the number of copies of the Amended Complaint would then be made and placed with the rest of the signed contents by the Pro Se desk and forwarded to the U.S. Marshal. Plaintiffs also ask that the Court have the Marshal reserve the Amended Complaint on all parties again, as several of the initial parties served the original Complaint, have complained that they did not get served properly and truthfully we are confused who has and has not been served and what was missing in some. In order to erase any confusion, if this Amended Complaint can be reserved to all defendants by the Marshal, this may help erase the prior issues of sorting who got what.

3. **WHEREFORE**, based on the above instance of prior mail loss, Plaintiffs respectfully request this Court to issue an Order for the Pro Se Office, if they approve as well, to copy and transmit the copies of the Amended Complaint to the U.S. Marshal's Office once getting the Marshal's package back from Plaintiffs, and such other appropriate relief that this Court deems advisable. If this is acceptable, please extend our thank you to the Pro Se desk for their efforts making and delivering to the Marshal's the copies of the original Complaint, and in this instance if approved by Your Honor, for their aid in making and delivering the Amended Complaint to the Marshal's. If this is not approved, please let Plaintiffs know at your earliest convenience so that we may prepare and serve any copies necessary.

Attorney for Petitioners  
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Red Bluff, Cal. 96080  
Tel.: (530) 529-4410  
By:   
Eliot I. Bernstein


Attorney for Petitioners

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By: \_\_\_\_\_  
Eliot I. Bernstein

P. Stephen Lamont, Pro se  
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Tel.: (914) 217-0038

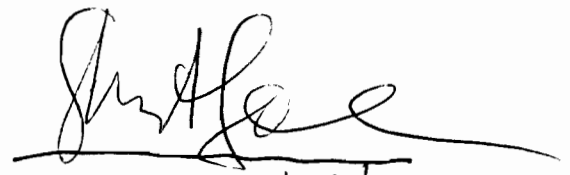
By: \_\_\_\_\_  
P. Stephen Lamont



In accordance with this Court's Order dated May 9, 2008, service of any amended complaint is stayed until such time as the scheduled motions to dismiss are decided. Plaintiffs' motion is therefore denied with leave to renew after that time.

SO ORDERED:

Dated: New York, New York  
May 13, 2008

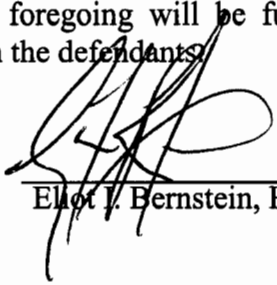


Shilva A. Scheindlin  
U.S.D.J.



**AFFIDAVIT OF SERVICE**

I hereby certify that a true and correct copy of the foregoing will be furnished by facsimile and U.S. Mail on the 12<sup>th</sup> day of April 2008 on the defendants.



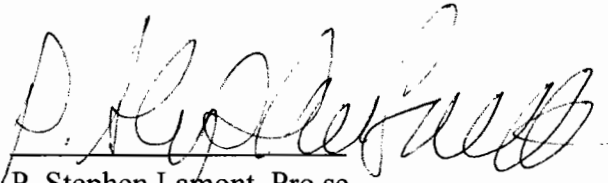
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Elliot I. Bernstein, Pro se



AFFIDAVIT OF SERVICE

I hereby certify that a true and correct copy of the foregoing was furnished by facsimile this \_\_\_<sup>th</sup> day of May 2008, to the aforementioned defendants.

  
P. Stephen Lamont, Pro se

\_\_\_\_\_  
Eliot I. Bernstein, Pro se

