

Via US Mail and Facsimile

Friday, July 18, 2008 @ 8:36:51 AM

Honorable Shira A. Scheindlin
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

**Re: Plaintiffs Opposition to Proskauer letter to Court dated July 17, 2008
To Strike Plaintiff Bernstein Opposition to Motions to Dismiss**

**Eliot I. Bernstein, et al. v. Appellate Division, First Department
Departmental Disciplinary Committee, et al.,
Docket No. 07 CV 11196 (SAS)**

Dear Judge Scheindlin:

I have reviewed Proskauer's letter attempting to strike my individual Opposition to the Motion's to Dismiss ("Opposition"). I have explained in the Opposition that I filed the responses in my individual capacity in the lawsuit. I do not believe that Plaintiff Lamont who only acts on behalf of others, will survive the lawsuit in that capacity. Plaintiff Lamont did not file personally and cannot represent my interests in his filing as I made clear to Lamont. I also requested Lamont notify the Court of his intent to file additional papers to mine and explain why he was doing so. Plaintiff Lamont chose to file papers without me and in my protest of such filings.

As I can represent both my personal interests and possibly, although doubtfully, the interest of others, including Lamont, until this Court decides if Plaintiff Lamont or I can represent others, I would prefer if only one set of filing papers is accepted, those filed by me.

I also am not sure, as I mentioned in my Opposition, what the specific rules you made mention to were that had to be adhered to. I called the Pro Se desk and they advised that I request a new copy of your orders and ask for additional time to reply to the Motion's to Dismiss, as I was evicted from home and all of my possession remain stored until approximately August 15, 2008. If the Opposition needs to be resubmitted per Your Honor, as they were filed under extreme duress, then I will be happy to appease the Court and defendant Proskauer with whatever page or other requirements are necessary.

As you can see from the filing, 14 pages were for an extension of time request. 178 pages were for the responses of which there were 7 responses, or 25 pages per response. 61 pages was Exhibit 1. I worked until evicted and then as much as one can with no home, I sent the document to the Court with explanation of the situation in hope that it would suffice considering the circumstances and allow for changes if necessary.

In no way does Plaintiff Lamont have authority to file on my behalf, I also made mention of this quirk in the filed Opposition, as I think that Plaintiff Lamont's filing on behalf of others is not survivable, as I have told Lamont from the day of filing. I have asked him, via copy of this letter, to withdraw his pleadings on behalf of others, of which he has no authorization from them to represent. I also believe that when this Court rules on such representation of others that it will kick out those unauthorized representations, leaving me as the only Plaintiff in the case, protecting my constitutionally guaranteed rights to my IP.

Plaintiff Lamont filed the Original Complaint ("OC") and I made one change, adding myself individually. As we rushed to file something with the Court to aid Anderson, we left open the fact that we would be expanding the OC. I have filed the AC and my Opposition completely without the aid of Lamont for reasons I have yet to inform the Court of, as mentioned in the Opposition. Upon appeal of any adverse decision I will advance my reasoning but was waiting for this Court to decide on the case, as filed by Lamont first.

Finally, my filing was in no disrespect to the Court as Proskauer would have this Court believe. Unlike their MTD filing and their filing of the letter to the Court seeking to block my Opposition, my responses were not filed in conflict of interest, in violation of well-established rules, regulations and procedures of attorney conduct codes in New York and filed in contempt of Your Honor, theirs is. In fact, filing a response to a Motion to Dismiss tendered in contemptuous conflict was a pointless waste of time and Proskauer needs to seek non-conflicted counsel to file anything of value. As requested in my Opposition, it is time this Court rule on the conflicts, so as to not have to deal with such filings that have already moved this Court, when such filings have no legal basis as they are filed illegally in very real conflict.

Sincerely,



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