

08-4873-CV

United States Court of Appeal for the Second Circuit

Bernstein et al.

Plaintiffs – Appellants

--v--

Appellate Division First Department Departmental Disciplinary Committee et al.

Defendants – Appellees

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK
CASE 07 CIV. 11196 (SAS)

RELATED CASE

07 CIV. 9599 (SAS-AJP) CHRISTINE C. ANDERSON V. THE STATE OF NEW
YORK, ET AL.

CASES SEEKING OR RELATED TO ANDERSON

(07CV11612) ESPOSITO V THE STATE OF NEW YORK, ET AL.,
(08CV00526) CAPOGROSSO V NEW YORK STATE COMMISSION ON JUDICIAL
CONDUCT, ET AL.,
(08CV02391) MCKEOWN V THE STATE OF NEW YORK, ET AL.,
(08CV02852) GALISON V THE STATE OF NEW YORK, ET AL.,
(08CV03305) CARVEL V THE STATE OF NEW YORK, ET AL.,
(08CV4053) GIZELLA WEISSHAUS V THE STATE OF NEW YORK, ET AL.,
(08CV4438) SUZANNE MCCORMICK V THE STATE OF NEW YORK, ET AL.

**EMERGENCY MOTION TO INVESTIGATE PROSKAUER ROSE
DEFENDANTS INVOLVEMENT IN THE ALLEN STANFORD FINANCIAL,
THE BERNARD MADOFF AND THE MARC DRIER FRAUD SCANDALS.
REMOVE PROSKAUER FROM SELF REPRESENTATION IN THESE
MATTERS UNTIL SUCH TIME THAT THE FBI REMOVES THEM FROM THE
ONGOING INVESTIGATIONS INTO THE STANFORD FINANCIAL FRAUD**

**ELIOT IVAN BERNSTEIN, PRO SE
2753 N.W. 34TH STREET**

Monday, March 12, 2007

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INVOLVEMENT IN THE ALLEN STANFORD, BERNARD MADOFF AND MARC DRIER FRAUD SCANDALS.
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INVOLVEMENT IN THE ALLEN STANFORD, BERNARD MADOFF AND MARC DRIER FRAUD SCANDALS.
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I. Declaration

Plaintiff-Appellant, Eliot Ivan Bernstein, individually, filed a TIMELY Brief with this Court on February 27 2009. Subsequent to that filing, the press recently reported that defendant Proskauer Firm was alleged as being intimately involved in an unraveling financial scandal paralleling the Bernard Madoff Fifty Billion Dollar Ponzi scheme, one involving Allen Stanford.

New Information - New Evidence

1. Defendant Proskauer involved in the Stanford Financial Group fraud and ongoing SEC and FBI investigations. Criminal Complaints filed by FBI (i) H-09-140M (ii) 309 MJ 56 and SEC Civil Complaints (i) 3:09-cv-00298-N (ii) 3:09-cv-00298-L and (iii) 1:09-mc-00002-JAD.

It was recently learned that the Stanford Financial Group was under investigation by the SEC and FBI. New and revealing information has surfaced in those actions that defendant Proskauer may have been misleading Federal investigators in the Stanford Financial Group fraud and that Proskauer's panic actions in the matter sent a "RED FLAG" to SEC and FBI officials that foul play was occurring, leading the SEC to obtain an immediate injunction to seize the assets of Stanford Financial Group and related companies. In a meeting with the SEC whereby it appeared that the financial scheme was being exposed by an employee of Stanford, the Proskauer attorney left the meeting and immediately sent a letter to the SEC retracting and redacting his and the Proskauer law firm's former statements to the SEC. In a final meeting with Stanford executives being questioned, Sbojlm is reported as stating "THE PARTY IS OVER."

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From the deposition statements of the arrested Stanford executive, Chief Investment Officer Laura Pendergest-Holt, combined with news reports naming Thomas V. Sjoblom from Proskauer as Attorney A, it is revealed that Attorney A in the complaints is in fact Sjoblom of Proskauer Rose. From the Houston Chronicle on Sunday, March 01, 2009 “They included outside Counsel Thomas Sjoblom of Washington, D.C., referred to as “Attorney A,” who has since withdrawn from representing Stanford”. Inferred from the initial documentation and news reports in those cases is that Sjoblom conspired and prepared with Stanford executives to perpetrate fraudulent statements and records to the SEC investigators and so aided in the totality of the fraud and cover-up. The FBI has arrested Holt who was charged with obstructing US Government investigations for her involvement with Sjoblom in preparing false and misleading information given to investigators. It would appear that Proskauer and Sjoblom may soon to be charged with similar charges or worse for their involvement in misleading investigators and coaching Holt to lie to authorities.

It is also alleged from press reports that Stanford has been under investigation for many years for involvement with DRUG CARTELS and money laundering schemes on behalf of such cartels. This puts defendant Proskauer squarely in the center of not only the financial scheme but organized crime. Further, Portfolio.com reports that “Authorities tell ABC News that as part of the investigation, which has been ongoing since last year, Mexican authorities detained one of Stanford's private planes. According to officials, checks found inside the plane were believed to be connected to the Gulf cartel, reputed to be Mexico's most violent gang.” From the Guardian.co.uk. online “The FBI is probing

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possible money laundering linked to Mexico's infamous narco-trafficking Gulf Cartel in its investigation of Texan billionaire Sir Allen Stanford, US law enforcement sources have told the Observer.”

An FBI source close to the investigation would not give exact details but confirmed the agency was looking at links to international drug gangs as part of the huge investigation into Stanford's banking activities. Reports in the US have said Mexican authorities have detained one of Stanford's private planes as part of an investigation into possible links to the Gulf Cartel. It has been alleged cheques found inside the plane were linked to the cartel, which is one of the most violent criminal organizations in the world.

New Information - New Evidence

2. Defendant Proskauer client relations with Bernard Madoff Financial scandal.

The Proskauer firm and related clients are also squarely in the center of the massive financial fraud Ponzi scheme involving Bernard Madoff which also involves Whistleblower allegations going back multiple years before government action occurred. Proskauer also has declared in the Bernard Madoff case, as Proskauer attorney Gregg Mashberg who represents Proskauer in this case and himself Pro Se is quoted as saying “this is a financial 9/11 for our clients.” On the surface this may seem innocuous but when combined with other information it starts to further tie the schemes together, as stated in the Times Online on February 18, 2009, “Perhaps the most alarming is that

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Stanford Investment Bank has exposure to losses from the Madoff fraud scheme despite the bank's public assurance to the contrary', said the SEC.”

New Information - New Evidence

3. Defendant Proskauer, Defendant Meltzer, Defendant Joao, and Defendant Dreier Baritz relations to the ongoing investigation of arrested and house confined attorney Marc Dreier in the several hundred million dollar scheme he is involved.

As alleged in the Amended Complaint, Proskauer Firm also referred defendant Raymond Joao to the Iviewit companies. When Joao came under suspicion for writing 90+ patents into his own name, he was terminated and subsequently went to work for defendant Dreier & Baritz LLP with the alleged stolen Intellectual Properties. Allegedly this is the very same Marc Dreier of defendant Dreier & Baritz Firm who is now under now under house arrest for yet another bizarre massive money laundering scheme involving lawyers directly implicated in this case of Eliot Bernstein and Iviewit wherein the lawyers are using their law degrees as tools of crime.

Currently under investigation with billions of dollars disappearing. To permit these same defendants who in this case represent themselves in this ongoing RICO to move this Court AND TO PERMIT the defendants in this case who represent themselves in this ongoing RICO to move this Court on behalf of themselves without addressing the multiple layers of conflict first as required by the laws of this Second Circuit under Dunton and related progeny is absurd, highly unethical and violates this Court's Duty to first make an Inquiry in to the conflicts herein not to mention a simultaneous failure to uphold the New York state ethics and disciplinary laws.

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Thus, this new and damning information should the force the Court to join all the ongoing investigations¹ into this case bringing in the long overdue Long Arm of the LAW.

Finally, RICO, Racketeering and Conspiracy suits should not be dismissed on Motion Basis at this early stage, as conspiracies exist by hiding the facts from prosecution often by graft, bribe or other enticements to officials in charge of handling complaints, a common theme in RICO and a common theme which may have led to the lax oversight on many unfolding scandals through infiltration of key regulatory posts. In fact, Law 360 states in a recent article "SEC Enforcement Head Resigns Amid Madoff Probe. New York (February 09, 2009) -- Amid criticism stemming from the Madoff scandal, U.S. Securities and Exchange Commission Director of Enforcement Linda Thomsen is stepping down and could be replaced by Deutsche Bank AG General Counsel Robert Khuzami, according to reports. As it relates directly to these matters from the Memphis Daily News it is reported:

Before entering private practice, Sjoblom had worked for the SEC for 20 years. From 1987 to 1999, he was an assistant chief litigation counsel in the SEC's Division of Enforcement – the same division of the agency whose representatives were peppering Pendergest-Holt with questions Feb. 10.

After she was put under oath, Sjoblom immediately got down to business.

Pre-empting the SEC officials, according to a transcript of the day's testimony, he asked: "First of all, has there been a criminal referral in this matter?"

King told him that he and his client had been provided with an SEC Form 1662. Among other things, that form reads, "The commission often makes its files available to other

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governmental agencies, particularly United States Attorneys and state prosecutors. There is a likelihood that information supplied by you will be made available to such agencies where appropriate.”

At press time, criminal charges had not yet been filed against the three executives who were the subject of SEC civil charges last week.

Sjoblom followed that up with another question about whether the SEC is currently working with the U.S. Attorney’s office in the Northern District of Texas or elsewhere.

“Mr. Sjoblom, I just referred you to SEC Form 1662,” King replied.

Objections

Sjoblom pressed on...

Proskauer, Meltzer and Joao, in light of the new information surrounding their involvement possibly in the scandals therefore should not represent any party in these matters until such time that these issues are wholly resolved by federal investigators and this Court should forced each of them to seek non conflicted third party representation in these matters. It is already highly unethical that two of these three are representing themselves, their self representations are then further conflicted through Pro Se representation of the lead attorneys for Proskauer, Mashberg and Smith and well, the Court should already see how many levels of conflict continue to plague these matters and until it is stopped, the public remains exposed through lax regulators and complacent courts or perhaps complicity by the regulators and courts.

As this Court, the US Second Circuit Court of Appeals noted in *United States v. Piervinanzi*, 23 F. 3d 670 (1994), " When a trial judge is made aware of an apparent conflict of interest, a duty of inquiry arises to protect the represented defendant's

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interests. See *id.* at 272, 101 S.Ct. at 1104; *Dunton v. County of Suffolk*, 729 F.2d 903, 908-09 (2d Cir.), modified, 748 F.2d 69 (2d Cir.1984)." Thus, this Court must now perform its duty of making inquiry in to the multiple levels of conflict herein or stay such appeal and response briefs by Proskauer and other conflicted defendants until such time as federal investigators have ferreted out all of the conflicts, something the District Court failed to do and thereby committing reversible error.

The Court must now mandate that Proskauer report their involvement in the alleged Stanford crimes to all state, federal and international regulators, authorities and liability carriers and their liability in these matters.

The Court must now mandate that Joao and Meltzer report their involvement in the alleged Dreier crimes to all state, federal and international regulators, authorities and liability and their liability in these matters.

We have contacted and filed Motion in the Stanford affairs with the SEC and FBI, alerting them of the possible relation to this case. See Exhibit (Stanford Iviewit Filing with SEC).

II. CONCLUSION

For all these reasons above and those already complained of in almost every other filing for the last seven years with the courts and regulators that were ignored intentionally, the defendants Proskauer, Meltzer, Joao should be removed immediately from self and / or conflicted representation in these matters and all moving papers filed by these defendants should be voided and new papers filed by affirmed non-conflicted third party representation, screened for possible conflicts. Further, all complaints filed in these

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matters with prior investigators and courts should also now be forced to be re-examined by new investigators as it is apparent from the Stanford information that Proskauer is well versed in perpetrating fraud on US Government agencies, as claimed similarly in the

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Amended Complaint where it is alleged that defendant Proskauer is also similarly involved in fraud on the USPTO and SBA.


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By: 

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**UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT**

U.S.C.A. Docket No.
08-4873-cv

**CERTIFICATE
OF SERVICE**

Bernstein

V.

Appellate Division First Department
Disciplinary Committee

I, Eliot Ivan Bernstein hereby certify under the penalty of perjury that on the 27th day of February, 2009 served by United States Mail or hand delivery the (**PLAINTIFF BERNSTEIN APPELLANT BRIEF**) on the Court, requesting this Court serve all named Defendants below via the United States Marshal Service as requested herein or service by the Court as in prior filings, as the Court has been serving certain documents already to the defendants, although it is unclear if this Court has served all documents to all the Amended Complaint defendants or just select few and if defendants counsel have similarly been selectively servicing their filings in these matters, inapposite of law. The Amended Complaint list of defendants necessary to service is as follows:

STATE OF NEW YORK, THE OFFICE OF COURT ADMINISTRATION OF THE UNIFIED COURT SYSTEM, PROSKAUER ROSE LLP, and, all of its Partners, Associates and Of Counsel, in their professional and individual capacities, STEVEN C. KRANE in his official and individual Capacities for the New York State Bar Association and the Appellate Division First Department Departmental Disciplinary Committee, and, his professional and individual capacities as a Proskauer partner, KENNETH RUBENSTEIN, in his professional and individual capacities, ESTATE OF STEPHEN KAYE, in his professional and individual capacities, ALAN S. JAFFE, in his professional and individual capacities, ROBERT J. KAFIN, in his professional and individual capacities, CHRISTOPHER C. WHEELER, in his professional and individual capacities, MATTHEW M. TRIGGS in his official and individual capacity for The Florida Bar and his professional and individual capacities as a partner of Proskauer, ALBERT T. GORTZ, in his professional and individual capacities, CHRISTOPHER PRUZASKI, in his professional and individual capacities, MARA LERNER ROBBINS, in her professional and individual capacities, DONALD "ROCKY" THOMPSON, in his

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professional and individual capacities, GAYLE COLEMAN, in her professional and individual capacities, DAVID GEORGE, in his professional and individual capacities, GEORGE A. PINCUS, in his professional and individual capacities, GREGG REED, in his professional and individual capacities, LEON GOLD, in his professional and individual capacities, MARCY HAHN-SAPERSTEIN, in her professional and individual capacities, KEVIN J. HEALY, in his professional and individual capacities, STUART KAPP, in his professional and individual capacities, RONALD F. STORETTE, in his professional and individual capacities, CHRIS WOLF, in his professional and individual capacities, JILL ZAMMAS, in her professional and individual capacities, JON A. BAUMGARTEN, in his professional and individual capacities, SCOTT P. COOPER, in his professional and individual capacities, BRENDAN J. O'ROURKE, in his professional and individual capacities, LAWRENCE I. WEINSTEIN, in his professional and individual capacities, WILLIAM M. HART, in his professional and individual capacities, DARYN A. GROSSMAN, in his professional and individual capacities, JOSEPH A. CAPRARO JR., in his professional and individual capacities, JAMES H. SHALEK, in his professional and individual capacities, GREGORY MASHBERG, in his professional and individual capacities, JOANNA SMITH, in her professional and individual capacities, MELTZER LIPPE GOLDSTEIN WOLF & SCHLISSEL, P.C. and its predecessors and successors, and, all of its Partners, Associates and Of Counsel, in their professional and individual capacities, LEWIS S. MELTZER, in his professional and individual capacities, RAYMOND A. JOAO, in his professional and individual capacities, FRANK MARTINEZ, in his professional and individual capacities, FOLEY & LARDNER LLP, and, all of its Partners, Associates and Of Counsel, in their professional and individual capacities, MICHAEL C. GREBE, in his professional and individual capacities, WILLIAM J. DICK, in his professional and individual capacities, TODD C. NORBITZ, in his professional and individual capacities, ANNE SEKEL, in his professional and individual capacities, RALF BOER, in his professional and individual capacities, BARRY GROSSMAN, in his professional and individual capacities, JIM CLARK, in his professional and individual capacities, DOUGLAS A. BOEHM, in his professional and individual capacities, STEVEN C. BECKER, in his professional and individual capacities, BRIAN G. UTLEY, MICHAEL REALE, RAYMOND HERSCH, WILLIAM KASSER, ROSS MILLER, ESQ. in his professional and individual capacities, STATE OF FLORIDA, OFFICE OF THE STATE COURTS ADMINISTRATOR, FLORIDA, HON. JORGE LABARGA in his official and individual capacities, THE FLORIDA BAR, JOHN ANTHONY BOGGS in his official and individual capacities, KELLY OVERSTREET JOHNSON in her official and individual capacities, LORRAINE CHRISTINE HOFFMAN in her official and individual capacities, ERIC TURNER in his official and individual capacities, KENNETH MARVIN in his official and individual capacities, JOY A. BARTMON in her official and individual capacities, JERALD BEER in his official and individual capacities, BROAD & CASSEL, and, all of its Partners, Associates and Of Counsel, in their professional and individual capacities, JAMES J. WHEELER, in his professional and individual capacities, FLORIDA SUPREME COURT, HON. CHARLES T. WELLS, in his official and individual capacities, HON. HARRY LEE ANSTEAD, in his official

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and individual capacities HON. R. FRED LEWIS, in his official and individual capacities, HON. PEGGY A. QUINCE, in his official and individual capacities, HON. KENNETH B. BELL, in his official and individual capacities, THOMAS HALL, in his official and individual capacities, DEBORAH YARBOROUGH in her official and individual capacities, DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION – FLORIDA, CITY OF BOCA RATON, FLA., ROBERT FLECHAUS in his official and individual capacities, ANDREW SCOTT in his official and individual capacities, SUPREME COURT OF NEW YORK APPELLATE DIVISION FIRST DEPARTMENT DEPARTMENTAL DISCIPLINARY COMMITTEE, THOMAS J. CAHILL in his official and individual capacities, PAUL CURRAN in his official and individual capacities, MARTIN R. GOLD in his official and individual capacities, SUPREME COURT OF NEW YORK APPELLATE DIVISION FIRST DEPARTMENT, CATHERINE O’HAGEN WOLFE in her official and individual capacities, HON. ANGELA M. MAZZARELLI in her official and individual capacities, HON. RICHARD T. ANDRIAS in his official and individual capacities, HON. DAVID B. SAXE in his official and individual capacities, HON. DAVID FRIEDMAN in his official and individual capacities, HON. LUIZ A. GONZALES in his official and individual capacities, SUPREME COURT OF NEW YORK APPELLATE DIVISION SECOND JUDICIAL DEPARTMENT, SUPREME COURT OF NEW YORK APPELLATE DIVISION SECOND DEPARTMENT DEPARTMENTAL DISCIPLINARY COMMITTEE, LAWRENCE DIGIOVANNA in his official and individual capacities, DIANA MAXFIELD KEARSE in her official and individual capacities, JAMES E. PELTZER in his official and individual capacities, HON. A. GAIL PRUDENTI in her official and individual capacities, HON. JUDITH S. KAYE in her official and individual capacities, STATE OF NEW YORK COMMISSION OF INVESTIGATION, ANTHONY CARTUSCIELLO in his official and individual capacities, LAWYERS FUND FOR CLIENT PROTECTION OF THE STATE OF NEW YORK, OFFICE OF THE ATTORNEY GENERAL OF THE STATE OF NEW YORK, ELIOT SPITZER in his official and individual capacities, as both former Attorney General for the State of New York, and, as former Governor of the State of New York, COMMONWEALTH OF VIRGINIA, VIRGINIA STATE BAR, ANDREW H. GOODMAN in his official and individual capacities, NOEL SENDEL in her official and individual capacities, MARY W. MARTELINO in her official and individual capacities, LIZBETH L. MILLER, in her official and individual capacities, MPEGLA, LLC, LAWRENCE HORN, in his professional and individual capacities, REAL 3D, INC. and successor companies, GERALD STANLEY, in his professional and individual capacities, DAVID BOLTON, in his professional and individual capacities, TIM CONNOLLY, in his professional and individual capacities, ROSALIE BIBONA, in her professional and individual capacities, RYJO, INC., RYAN HUISMAN, in his professional and individual capacities, INTEL CORP., LARRY PALLEY, in his professional and individual capacities, SILICON GRAPHICS, INC., LOCKHEED MARTIN, BLAKELY SOKOLOFF TAYLOR & ZAFMAN, LLP, and, all of its Partners, Associates and Of Counsel, in their professional and individual capacities, NORMAN ZAFMAN, in his professional and individual capacities, THOMAS COESTER, in his professional and

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PLAINTIFF BERNSTEIN EMERGENCY MOTION TO INVESTIGATE PROSKAUER ROSE DEFENDANTS INVOLVEMENT IN THE ALLEN STANFORD, BERNARD MADOFF AND MARC DRIER FRAUD SCANDALS. REMOVE PROSKAUER FROM SELF REPRESENTATION IN THESE MATTERS UNTIL SUCH TIME THAT THE FBI REMOVES THEM FROM THE ONGOING INVESTIGATIONS INTO THE STANFORD FINANCIAL FRAUD

individual capacities, FARZAD AHMINI, in his professional and individual capacities, GEORGE HOOVER, in his professional and individual capacities, WILDMAN, HARROLD, ALLEN & DIXON LLP, and, all of its Partners, Associates and Of Counsel, in their professional and individual capacities, MARTYN W. MOLYNEAUX, in his professional and individual capacities, MICHAEL DOCKTERMAN, in his professional and individual capacities, HARRISON GOODARD FOOTE, and, all of its Partners, Associates and Of Counsel, in their professional and individual capacities, EUROPEAN PATENT OFFICE, ALAIN POMPIDOU in his official and individual capacities, WIM VAN DER EIJK in his official and individual capacities, LISE DYBDAHL in her official and personal capacities, YAMAKAWA INTERNATIONAL PATENT OFFICE, and, all of its Partners, Associates and Of Counsel, in their professional and individual capacities, MASAKI YAMAKAWA, in his professional and individual capacities, CROSSBOW VENTURES, INC., ALPINE VENTURE CAPITAL PARTNERS LP, STEPHEN J. WARNER, in his professional and individual capacities, RENE P. EICHENBERGER, in his professional and individual capacities, H. HICKMAN "HANK" POWELL, in his professional and individual capacities, MAURICE BUCHSBAUM, in his professional and individual capacities, ERIC CHEN, in his professional and individual capacities, AVI HERSH, in his professional and individual capacities, MATTHEW SHAW, in his professional and individual capacities, BRUCE W. SHEWMAKER, in his professional and individual capacities, RAVI M. UGALE, in his professional and individual capacities, DIGITAL INTERACTIVE STREAMS, INC., ROYAL O'BRIEN, in his professional and individual capacities, HUIZENGA HOLDINGS INCORPORATED, WAYNE HUIZENGA, in his professional and individual capacities, WAYNE HUIZENGA, JR., in his professional and individual capacities, TIEDEMANN INVESTMENT GROUP, BRUCE T. PROLOW, in his professional and individual capacities, CARL TIEDEMANN, in his professional and individual capacities, ANDREW PHILIP CHESLER, in his professional and individual capacities, CRAIG L. SMITH, in his professional and individual capacities, HOUSTON & SHAHADY, P.A., and any successors, and, all of its Partners, Associates and Of Counsel, in their professional and individual capacities, BART A. HOUSTON, ESQ. in his professional and individual capacities, FURR & COHEN, P.A., and, all of its Partners, Associates and Of Counsel, in their professional and individual capacities, BRADLEY S. SCHRAIBERG, ESQ. in his professional and individual capacities, MOSKOWITZ, MANDELL, SALIM & SIMOWITZ, P.A., and, all of its Partners, Associates and Of Counsel, in their professional and individual capacities, WILLIAM G. SALIM, ESQ. in his professional and individual capacities, SACHS SAX & KLEIN, P.A., and, all of its Partners, Associates and Of Counsel, in their professional and individual capacities, BEN ZUCKERMAN, ESQ. in his professional and individual capacities, SPENCER M. SAX, in his professional and individual capacities, SCHIFFRIN & BARROWAY LLP, and any successors, and, all of its Partners, Associates and Of Counsel, in their professional and individual capacities, RICHARD SCHIFFRIN, in his professional and individual capacities, ANDREW BARROWAY, in his professional and individual capacities, KRISHNA NARINE, in his professional and individual capacities, CHRISTOPHER & WEISBERG, P.A., and, all of its Partners, Associates and Of Counsel, in their

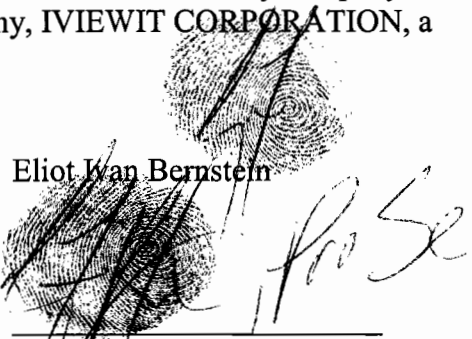
Monday, March 02, 2009

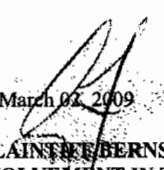
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PLAINTIFF BERNSTEIN EMERGENCY MOTION TO INVESTIGATE PROSKAUER ROSE DEFENDANTS INVOLVEMENT IN THE ALLEN STANFORD, BERNARD MADOFF AND MARC DRIER FRAUD SCANDALS. REMOVE PROSKAUER FROM SELF REPRESENTATION IN THESE MATTERS UNTIL SUCH TIME THAT THE FBI REMOVES THEM FROM THE ONGOING INVESTIGATIONS INTO THE STANFORD FINANCIAL FRAUD

professional and individual capacities, ALAN M. WEISBERG, in his professional and individual capacities, ALBERTO GONZALES in his official and individual capacities, JOHNNIE E. FRAZIER in his official and individual capacities, IVIEWIT, INC., a Florida corporation, IVIEWIT, INC., a Delaware corporation, IVIEWIT HOLDINGS, INC., a Delaware corporation (f.k.a. Uview.com, Inc.), UVIEW.COM, INC., a Delaware corporation, IVIEWIT TECHNOLOGIES, INC., a Delaware corporation (f.k.a. Iviewit Holdings, Inc.), IVIEWIT HOLDINGS, INC., a Florida corporation, IVIEWIT.COM, INC., a Florida corporation, I.C., INC., a Florida corporation, IVIEWIT.COM, INC., a Delaware corporation, IVIEWIT.COM LLC, a Delaware limited liability company, IVIEWIT LLC, a Delaware limited liability company, IVIEWIT CORPORATION, a Florida corporation, IBM CORPORATION.

Eliot Ivan Bernstein


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Monday, March 02, 2009

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PLAINTIFF BERNSTEIN EMERGENCY MOTION TO INVESTIGATE PROSKAUER ROSE DEFENDANTS INVOLVEMENT IN THE ALLEN STANFORD, BERNARD MADOFF AND MARC DRIER FRAUD SCANDALS. REMOVE PROSKAUER FROM SELF REPRESENTATION IN THESE MATTERS UNTIL SUCH TIME THAT THE FBI REMOVES THEM FROM THE ONGOING INVESTIGATIONS INTO THE STANFORD FINANCIAL FRAUD

VIII. Appendices

A. -I Amended Complaint

05/12/2008	87	<p>AMENDED COMPLAINT amending 1 Complaint,,,,,,,,, against Catherine O'Hagen Wolfe(in their individual capacity), Paul Curran(in their official capacity), Paul Curran(in individual capacity), Martin R. Gold(in his individual capacity), Martin R. Gold(in thier official capacity), Angela M. Mazzarelli(in her official capacity), Angela M. Mazzarelli(in her individual capacity), Richard T. Andrias(in his official capacity), Richard T. Andrias(in his individual capacity), David B. Saxe, David B. Saxe, David Friedman(in his official capacity), David Friedman(in his individual capacity), Luiz A. Gonzales(in his official capacity), Luiz A. Gonzales(in his individual capacity), Appellate Division Second Department Departmental Disciplinary Committee, Lawrence DiGiovanna(in his official capacity), Lawrence DiGiovanna(in his individual capacity), Diana Maxfield Kears(e in her official capacity), Diana Maxfield Kears(e in her individual capacity), James E. Peltzer(in his official capacity), James E. Peltzer(in his individual capacity), A. Gail Prudenti(in her official capacity), A. Gail Prudenti(in her individual capacity), Steven C. Krane(in his official capacity), Steven C. Krane(in his individual capacity), Judith S. Kaye, Judith S. Kaye, Kenneth Rubenstein, Estate of Stephen Kaye, Proskauer Rose LLP, Meltzer Lippe Goldstein & Breistone LLP, Lewis S. Meltzer, Raymond A. Joao, Foley Lardner LLP, Michael C. Grebe, William J. Dick, Douglas A. Boehm, Steven C. Becker, State of New York Commission of Investigation, Appellate Division First Department Departmental Disciplinary Committee, Lawyers Fund for Client Protection of the State of New York, The Florida Bar, Lorraine Christine Hoffman(in her official capacity), Lorraine Christine Hoffman(in her individual capacity), Eric Turner(in his official capacity), Eric Turner(in his individual capacity), John Anthony Boggs(in his official capacity), John Anthony Boggs(in his individual capacity), Kenneth Marvin(in his official capacity), Kenneth Marvin(in his individual capacity), Thomas J. Cahill(in his official capacity), Thomas Hall(in his official capacity), Thomas Hall(in his individual capacity), Debroah Yarborough(in her official capacity), Debroah Yarborough(in her individual capacity), Virginia State Bar, Andrew H. Goodman(in his official capacity), Andrew H. Goodman(in his individual capacity), Noel Sengel(in her official capacity), Noel Sengel(in her individual capacity), Mary W. Martelino, Thomas J. Cahill(in his individual capacity), John Does, Joseph Wigley(in his official capacity), Joseph Wigley(in his individual capacity), Catherine O'Hagen Wolfe(in their official capacity).Document filed by Eliot I. Bernstein(Individually), Eliot I. Bernstein, P. Stephen Lamont. Related document: 1 Complaint,,,,,,,,, filed by P. Stephen Lamont, Eliot I. Bernstein.(dle) (Entered: 07/03/2008)</p>
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A. – II Motions to Dismiss

05/28/2008	66	MOTION for an order of dismissal, under FRCP Rule 12 dismissing the Complaint in this action as to the Virginia Defendants in its entirety. Document filed by Virginia State Bar, Andrew H. Goodman(in his official capacity), Andrew H. Goodman(in his individual capacity), Noel Sengel(in her official capacity), Noel Sengel(in her individual capacity), Mary W. Martelino.(dle) (Entered: 05/29/2008)
05/28/2008	67	MEMORANDUM OF LAW in Support re: 66 MOTION to Dismiss. Document filed by Virginia State Bar, Andrew H. Goodman(in his official capacity), Andrew H. Goodman(in his individual capacity), Noel Sengel(in her official capacity), Noel Sengel(in her individual capacity), Mary W. Martelino. (dle) (Entered: 05/29/2008)
05/30/2008	68	MOTION for an order pursuant to F.R.C.P. 12(b)(2) and (6) to Dismiss the Amended Complaint; w/ attch. Declaration in support. Document filed by Lorraine Christine Hoffman(in her official capacity), Eric Turner(in his official capacity), John Anthony Boggs(in his official capacity), Kenneth Marvin(in his official capacity).(pl) (Entered: 05/30/2008)
05/30/2008	69	MEMORANDUM OF LAW in Support re: 68 MOTION to Dismiss. Document filed by Lorraine Christine Hoffman(in her official capacity), John Anthony Boggs(in his official capacity), Kenneth Marvin(in his official capacity, et al. (pl) (Entered: 05/30/2008)
05/30/2008	70	FILING ERROR - ELECTRONIC FILING IN NON-ECF CASE - CROSS MOTION to Dismiss Complaint. Document filed by Meltzer Lippe Goldstein & Breistone LLP, Lewis S. Meltzer.(Howard, Richard) Modified on 6/2/2008 (KA). (Entered: 05/30/2008)
05/30/2008	71	FILING ERROR - ELECTRONIC FILING IN NON-ECF CASE - AFFIDAVIT of Richard M. Howard, Esq. in Support re: 70 CROSS MOTION to Dismiss Complaint. Document filed by Meltzer Lippe Goldstein & Breistone LLP, Lewis S. Meltzer. (Howard, Richard) Modified on 6/2/2008 (KA). (Entered: 05/30/2008)
05/30/2008	72	FILING ERROR - ELECTRONIC FILING IN NON-ECF CASE - AFFIDAVIT OF SERVICE of Notice of Cross Motion with Affidavit in Support served on Elliot I. Bernstein, P. Stephen Lamont, Monica Connell, Esq., Gregg M. Mashberg, Esq., Glenn T. Burhans, Jr., Esq., John W. Fried, Esq. on May 30, 2008. Service was made by Mail. Document filed by Meltzer Lippe Goldstein & Breistone LLP, Lewis S. Meltzer (Howard, Richard) Modified on 6/2/2008 (KA) (Entered: 05/30/2008)

		05/30/2008)
05/30/2008	73	MOTION to Dismiss the Amended Complaint. Document filed by State of New York Commission of Investigation et al.(cd) (Entered: 06/02/2008)
05/30/2008	74	MEMORANDUM OF LAW in Support re: 73 MOTION to Dismiss.. Document filed by State of New York Commission of Investigation et al. (cd) (Entered: 06/02/2008)
05/30/2008	75	MOTION for an order pursuant to Rules 8 (a)(2), 9(b), 12(b)(1), and 12(b)(6), of the F.R.C.P. to Dismiss the Amended Complaint. Document filed by Raymond A. Joao.(pl) (Entered: 06/02/2008)
05/30/2008	76	MEMORANDUM OF LAW in Support re: 75 MOTION to Dismiss. Document filed by Raymond A. Joao. (pl) (Entered: 06/02/2008)
05/30/2008	77	DECLARATION of John W. Fried in Support re: 75 MOTION to Dismiss.. Document filed by Raymond A. Joao. (pl) (Entered: 06/02/2008)
05/30/2008	78	MOTION to Dismiss the Complaint and Amended Complaint, with prejudice. Document filed by Steven C. Krane(in his individual capacity), Kenneth Rubenstein, Estate of Stephen Kaye, Proskauer Rose LLP.(cd) (Entered: 06/02/2008)
05/30/2008	79	DECLARATION of Joanna Smith in Support re: 78 MOTION to Dismiss. Document filed by Steven C. Krane(in his official capacity), Kenneth Rubenstein, Estate of Stephen Kaye, Proskauer Rose LLP. (cd) (Entered: 06/02/2008)
05/30/2008	80	MEMORANDUM OF LAW in Support re: 78 MOTION to Dismiss. Document filed by Steven C. Krane(in his individual capacity), Kenneth Rubenstein, Estate of Stephen Kaye, Proskauer Rose LLP. (cd) (Entered: 06/02/2008)
05/30/2008	81	MOTION for an order pursuant to F.R.C.P. 9(b) and 12(b)(b) dismissing the original and amended complaints. Document filed by Foley Lardner LLP, Michael C. Grebe, William J. Dick, Douglas A. Boehm, Steven C. Becker.(pl) (Entered: 06/02/2008)

A. – III Oppositions

07/14/2008	90	OPPOSITION/RESPONSE to Motion re: 83 MOTION to Dismiss. Document filed by P. Stephen Lamont. (djc) (Entered: 07/15/2008)
07/14/2008	91	OPPOSITION/RESPONSE to Motion re: 75 MOTION to Dismiss. Document filed by P. Stephen Lamont. (djc) (Entered: 07/15/2008)
07/14/2008	92	Co-Plaintiff Lamont's Opposition to the Sate Defendants' Motion to Dismiss. (djc) (Entered: 07/15/2008)
07/14/2008	93	opposition/RESPONSE to Motion re: 78 MOTION to Dismiss.. Document filed by P. Stephen Lamont. (djc) (Entered: 07/15/2008)
07/14/2008	94	OPPOSITION/RESPONSE to Motion re: 81 MOTION to Dismiss.. Document filed by P. Stephen Lamont. (djc) (Entered: 07/15/2008)
07/14/2008	95	RESPONSE to Motion re: 12 MOTION to Dismiss. Document filed by P. Stephen Lamont. (djc) (Entered: 07/15/2008)
07/14/2008	96	OPPOSITION RESPONSE to Motion re: 66 MOTION to Dismiss.. Document filed by P. Stephen Lamont. (djc) (Entered: 07/15/2008)

A. - IV Order

08/08/2008	107	<p>OPINION AND ORDER that for the reasons stated above, defendants' motions to dismiss are granted. The remaining defendants are dismissed sua sponte. The Clerk of the Court is directed to close these and related motions (documents no. 12,47,48,65,66,68,73,75,78,81,83, and 97 on the docket sheet) and this case re: 75 MOTION to Dismiss, filed by Raymond A. Joao, 47 MOTION to Amend/Correct 1 Complaint, filed by Eliot I. Bernstein, 66 MOTION to Dismiss, filed by Andrew H. Goodman, Virginia State Bar, Noel Sengel, Mary W. Martelino, 83 MOTION to Dismiss, filed by Meltzer Lippe Goldstein & Breistone LLP, Lewis S. Meltzer, 68 MOTION to Dismiss, filed by Eric Turner, Lorraine Christine Hoffman, Kenneth Marvin, John Anthony Boggs, 48 MOTION in Opposition to Defendants Motion to Dismiss Based on Material and Substantial Evidence re: 12 MOTION to Dismiss, filed by Eliot I. Bernstein, 97 MOTION for Extension of Time, filed by Eliot I. Bernstein, 73 MOTION to Dismiss, filed by State of New York Commission of Investigation, 81 MOTION to Dismiss, filed by Michael C. Grebe, Foley Lardner LLP, William J. Dick, Douglas A. Boehm, Steven C. Becker, 12 MOTION to Dismiss, filed by Eric Turner, Lorraine Christine Hoffman, Kenneth Marvin, John Anthony Boggs, The Florida Bar, 65 MOTION re: 60 Order, filed by P. Stephen Lamont, Eliot I. Bernstein, 78 MOTION to Dismiss, filed by Proskauer Rose LLP, Kenneth Rubenstein, Estate of Stephen Kaye, Steven C. Krane. (Signed by Judge Shira A. Scheindlin on 8/8/08) Copies sent by chambers.(cd) (Entered: 08/11/2008)</p>
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