

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

**In the Matter of an Attorneys and Counselor-at-Laws
Thomas J. Cahill and Alan W. Friedberg:**

**P. Stephen Lamont, Individually, and on Behalf of
Shareholders of Iviewit Holdings, Inc.**

Petitioners

**Appellate Division First Department Departmental
Disciplinary Committee, Roy L. Reardon, Alan W.
Friedberg, Martin R. Gold, and Thomas J. Cahill**

Respondents

**NOTICE OF MOTION
M-472**

PLEASE TAKE NOTICE that upon the annexed affirmation of P. Stephen Lamont, Chief Executive Officer of Iviewit Holdings, Inc. individually, and on behalf of the shareholders of Iviewit Holdings, Inc. (“Iviewit”), a motion will be submitted to this Court at the Appellate Division Courthouse, 27 Madison Avenue, New York, New York 10010, on Friday May 22, 2009 at 10:00 A.M. or as soon thereafter as Petitioners can be heard, for: (i) an order vacating the disposition of the attorney disciplinary complaints against Thomas J. Cahill, Esq. (Special Inquiry #2004.1122) and Alan W. Freidberg by Martin R. Gold, Esq. for a conflict of interest and appearance of impropriety; (ii) an order selecting a new panel to hear the motion free from conflicts of interest and appearances of impropriety; and (iii) an order for reconsideration of the original motion dated February 20, 2009.

Dated: Armonk, New York
May 22, 2009

Attorney for Petitioners

P. Stephen Lamont, Pro se
Chief Executive Officer
Iviewit Holdings, Inc.
175 King Street
Armonk, New York 10504
(914) 217-0038

Mail Replies to:
35 Locust Avenue
Rye, New York 10580

AFFIDAVIT OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been furnished to all Respondents by facsimile this 22nd day of May 2009. Petitioners serve Respondents by facsimile as opposed to hand delivery to the Court or mail delivery for the sake of Pro se expediency.

P. Stephen Lamont, Pro Se

To:

Appellate Division First Department Departmental Disciplinary Committee
Roy L. Reardon
Alan W. Friedberg
Martin R. Gold
Thomas J. Cahill (c/o Martin R. Gold)

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**AFFIRMATION
M-472**

P. STEPHEN LAMONT, individually, and on behalf of the shareholders of Iviewit Holdings, Inc., hereby affirms under the penalty of perjury:

1. I am Chief Executive Officer of Iviewit Holdings, Inc. (“Iviewit”), and I am fully familiar with the facts and circumstances prompting this motion.
2. Petitioners respectfully submit this affirmation in support of an application to grant:
 - (i) an order vacating the disposition of the attorney disciplinary complaint against Thomas J. Cahill, Esq. (Special Inquiry #2004.1122) and Alan W. Freidberg, Esq. by Martin R. Gold, Esq. for a conflict of interest and appearance of impropriety; (ii) an order selecting a new panel to hear the motion free from conflicts of interest and appearances of impropriety; and (iii) an order for reconsideration of the original motion dated February 20, 2009.

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**MOTION
M-472**

1. On January 27, 2009, by letter of Roy L. Reardon, Chairman of the Appellate Division First Department Departmental Disciplinary Committee (“1st DDC”), the 1st DDC, and after examination by Martin R. Gold, Esq, Special Counsel, dismissed the attorney discipline complaint against Thomas J. Cahill (Special Inquiry #2004.1122).
2. In a similar fashion, by Reardon’s January 27 letter, the 1st DDC dismissed the attorney discipline complaint against Alan W. Friedberg (not docketed).
3. Gold made these determinations while Gold is a Defendant-Appellee in Petitioners’ action 08-4873 presently before the United States Court of Appeals for the Second Circuit, thereby imparting conflicts of interest and appearances impropriety.
4. By the Order of this Court dated May 13, 2009, the panel hearing the original motion of February 20, 2009 (“Original Motion”) consisted of Hon. Richard T. Andrias, Presiding, Hon. David B. Saxe, Hon. Eugene Nardelli, Hon. Roland T. Acosta, and Hon. Diane T. Renwick.

5. Where the panel, while reading the papers with respect to the Original Motion and having due deliberations thereon, this Court issued its Order while Hon. Richard T. Andrias, Presiding and Hon. David B. Saxe are Defendants-Appellees in Petitioners' action 08-4873 presently before the United States Court of Appeals for the Second Circuit, thereby imparting conflicts of interest and appearances impropriety.

WHEREFORE, based upon the reasons set forth above, Petitioners respectfully requests that this Court grant: (i) an order vacating the disposition of the attorney disciplinary complaint against Thomas J. Cahill, Esq. (Special Inquiry #2004.1122) and Alan W. Freidberg, Esq. (not docketed) by Martin R. Gold, Esq. for a conflict of interest and appearance of impropriety; (ii) an order selecting a new panel to hear the motion free from conflicts of interest and appearances of impropriety; and (iii) an order for reconsideration of the original motion dated February 20, 2009.

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P. Stephen Lamont, Pro Se

Appellate Division First Department Departmental Disciplinary Committee
Roy L. Reardon
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Thomas J. Cahill (c/o Martin R. Gold)