



I-VIEW-IT HOLDINGS, INC.
I-VIEW-IT TECHNOLOGIES, INC.

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Saturday, June 13, 2009

Steven Michael Cohen
Counselor and Chief of Staff
New York Attorney General

Re: Conflicts of Interest; etc;
Bernstein v. NYS First Department, et al;
US Second Circuit Docket No. 08-4873 CV

Dear Mr. Cohen:

Thank you for your telephone time it was a pleasure speaking again and discussing the above-referenced matters and I look forward to working with your office to sort out the myriad of conflicts of interest presented by the case herein. First, former NYS Attorney General Spitzer's total lack of action in my case while he was in office and the later discovery that Spitzer retained the services of the primary Defendant in my case Proskauer Rose LLP for his defense in HookerGate, approved by the NYAG and begging the question of when the relation began. Further, top AG Spitzer Deputy Dietrich L. Snell then became a Partner in the primary private law firm Defendant Proskauer. Also posing possible conflicts, is the simultaneous representation by the NYS AG of over 30 public office defendants including members of the First and Second Department Discipline Committees, court members, and others in a case that was marked legally related to the public corruption "Whistleblower" case of Christine Anderson a former staff attorney at the First Department. The cases for review are:

1. 08-4873-cv United States Court of Appeals for the Second Circuit Docket - Bernstein, et al. v Appellate Division First Department Disciplinary Committee, et al. - Trillion Dollar Lawsuit

Cases @ US District Court - Southern District NY

2. (07cv09599) Anderson v The State of New York, et al. - WHISTLEBLOWER LAWSUIT

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3. (07cv11196) Bernstein, et al. v Appellate Division First Department Disciplinary Committee, et al.
4. (08cv03305) Carvel v The State of New York, et al.
5. (08cv4053) Gizella Weissshaus v The State of New York, et al.
6. (07cv11612) Esposito v The State of New York, et al.
7. (08cv00526) Capogrosso v New York State Commission on Judicial Conduct, et al.
8. (08cv02391) McKeown v The State of New York, et al.
9. (08cv02852) Galison v The State of New York, et al.
10. (08cv4438) Suzanne McCormick v The State of New York, et al.
11. (08 cv 6368) John L. Petrec-Tolino v. The State of New York.

I am quite shocked to hear your claim that neither you nor NYAG Andrew Cuomo are currently aware of my case, since the NYAG is a named defendant and former NYAG Spitzer is also a named Defendant. Further, federal Judge Shira Scheindlin legally marked the case related to the Anderson “whistleblower” case and directed the Court to send a copy of the Original Complaint¹ filed to be served upon the office of NYAG Andrew Cuomo.

The NYAG was not a Defendant in my Original Complaint but was acting counsel for many Plaintiffs and only later became a named Defendant in the Amended Complaint². The Amended Complaint was then served on your offices in your capacity as counsel for your defendants and the NYAG offices and Spitzer were both named as defendants therein. Your offices then continued to respond to the Amended Complaint and subsequent Appeal filed by myself, Pro Se, which begs the question of how your offices are representing defendants, your own offices and former officers without conflict. Certainly acknowledging your offices are now a Defendant in the matters and

¹ <http://iviewit.tv/20071215usdcsnycomplaint.pdf> - Original Bernstein complaint

² <http://iviewit.tv/CompanyDocs/United%20States%20District%20Court%20Southern%20District%20NY/20080509%20FINAL%20AMENDED%20COMPLAINT%20AND%20RICO%20SIGNED%20COPY%20MED.pdf> – Amended Complaint

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are clearly in need of a non-conflicted attorney to respond on behalf of the NYAG and Spitzer, the conflicts grow ever deeper in your continued multiple representations.

Of course, as you will see upon reviewing my Amended Complaint a multi-party RICO action, anti-trust action, and other claims involving massive fraud and massive public and private office violation and collusion is alleged in this Trillion Dollar lawsuit relating to the continuing theft of my Intellectual Properties and fraud on the United States Patent Office and more. As you will note, my technologies were heralded as the "Holy Grail" inventions of the digital imaging and video spectrum and have since fundamentally transformed the digital television and transformed the internet from a text based medium to a rich image and video based medium. The technologies are further utilized on the Hubble Space Telescope, medical imaging devices, almost all digital cameras, televisions, cell phones, video cameras, for a mass of Defense applications including Flight and Space Simulators and more, and across all internet and digital cable providers and more.

The public nature of the Anderson First Department whistleblower case in federal court alleging violations of public office and obstruction laws occurring within the First Department DDC, where complaints against my original attorneys from Proskauer Rose and Meltzer Lippe³ were filed, added more to my amazement that you and AG Andrew Cuomo were not familiar with my case. This becomes increasingly perplexing since you are also representing the Anderson defendants in the related case. In fact, Anderson mentions the Iviewit matters in her Original Complaint⁴. Another obvious conflict, more an obstruction this sets up, is the fact that in representing the Anderson defendants, the NYAG conflicts (obstructs) its own office from representing the People of New York in a public office corruption case, whereby your offices are the public office to prosecute such crimes that your public office defendants are accused of. This acts as a block to due process and procedure of possible criminal actions by your defendants and sets up your offices in a precariously conflicted situation that may violate law by precluding due process and procedure to the injured public through obstruction created by conflict.

In any event, I note for you language from federal Judge Scheindlin's recent Decision in April 2009 in the Anderson case permitting a First Amendment retaliation claim to proceed to trial for the heroic Whistleblower Anderson, such that:

³ Although the attorney for Meltzer, Raymond Joao, who put 90+ patents in his own name, was not a member of the First Department, his case was directed to the First Department mysteriously.

⁴ <http://iviewit.tv/CompanyDocs/United%20States%20District%20Court%20Southern%20District%20NY/anderson/20071028%20Anderson%20Original%20Filing.pdf> – Anderson Original Complaint

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"Where a public employee's speech concerns a government agency's breach of the public trust, as it does here, the speech relates to more than a personal grievance and therefore falls outside Garcetti's restrictions", Footnote 208. See Pages 52-53 of 64, Anderson Case 1:07-cv-09599-SAS Document 88 Filed 04/27/2009 Page 53 of 64, a copy of which may be found at the following link:

<http://www.nylj.com/nylawyer/adgifs/decisions/043009scheindlin.pdf>.

I do note, however, in the inherently contradictory sua sponte Dismissal Orders of the "related" cases marked "related" to Anderson, Judge Scheindlin did refer the related parties to seek intervention from the NYS Attorney General and or the appropriate United States Attorney. I thus contact you herein formally concerning Scheindlin's request but note at the outset the inherent Conflicts that must be resolved first. Resolved first, so that I may properly communicate with the Office of the NYS Attorney General and further establish that there is a non-conflicted body to address the ongoing conflicts in the administration of justice within the New York State Court system, including but not limited to, at the First and Second Departments and the respective attorney Discipline committees.

Respectfully, I petition your office that a proper and thorough review of the mass of inherent public office conflicts, not to mention the inherently conflicted position of your office simultaneously acting as counsel for yourselves as being a named Defendant in my action, as well as simultaneous counsel for over 30 plus public officer defendants from the First, Second Departments, State Commission on Investigations and more should surely lead to a conclusion under the Public Officers Law Sec. 17(2)(b) that inappropriate conflicts of interest exist which require the individual public officers to obtain individual non-conflicted counsel so that the NYAG may serve the public's interest first and foremost. Also of note is Scheindlin's language in a previous Order whereby she claimed, "Any further consideration of the substantive issues raised by plaintiffs, including plaintiffs' requests regarding conflicts of interest, must await the resolution of anticipated motions to dismiss." This Order in part based on Motions dealing with your offices myriad of conflicts.

For your convenience, I have attached some of the key operative language from the Public Officers law Sec. 17(2)(b).

Subject to the conditions set forth in paragraph (a) of this subdivision, the employee shall be entitled to be represented by the attorney general, provided, however, that the employee shall be entitled to representation by private counsel of his choice in any civil judicial proceeding whenever the attorney general determines based upon his investigation and review of the facts and circumstances of the case that representation by

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the attorney general would be inappropriate, or whenever a court of competent jurisdiction, upon appropriate motion or by a special proceeding, determines that a conflict of interest exists and that the employee is entitled to be represented by private counsel of his choice. The attorney general shall notify the employee in writing of such determination that the employee is entitled to be represented by private counsel. The attorney general may require, as a condition to payment of the fees and expenses of such representation, that appropriate groups of such employees be represented by the same counsel. If the employee or group of employees is entitled to representation by private counsel under the provisions of this section, the attorney general shall so certify to the comptroller. Reasonable attorneys' fees and litigation expenses shall be paid by the state to such private counsel from time to time during the pendency of the civil action or proceeding subject to certification that the employee is entitled to representation under the terms and conditions of this section by the head of the department, commission, division, office or agency in which such employee is employed and upon the audit and warrant of the comptroller. Any dispute with respect to representation of multiple employees by a single counsel or the amount of litigation expenses or the reasonableness of attorneys' fees shall be resolved by the court upon motion or by way of a special proceeding.

See the following link: <http://caselaw.lp.findlaw.com/nycodes/PBO17TXPBO017.html>

It should be further noted at this time that pending before the US Second Circuit Court of Appeals on the Appeal of my case is a motion for the US Second Circuit to address Conflicts which were in fact deemed "substantive" by Judge Shira Scheindlin prior to Dismissal yet remain unresolved at the time of the sua sponte dismissal. I will advise your office that I am in the process of submitting a further motion to the Second Circuit in the nature of Mandamus to compel the US Second Circuit to address the mass of Conflicts as required by law (see Motion and Brief). Among the many due process related violations I will claim are continuing is the improper administration of the Second Circuit's civil settlement process since conflicted counsel abound for the many defendants in the case including both the private defendants, private law firms and public office defendants, interfering in this process.

I have decided to withhold the filing of the subsequent motion until next week after gaining further information whether the conflicts of interest can be resolved through operation of the Public Officers law mentioned above and other. Further note, however, that one of the precise matters I am complaining of and called your office for is to give your offices notice that conflicted processes and due process violations continue by your defendants at the First Department. Yet, since the First Department is a defendant in my case represented by your office, also a named defendant, the ability to have a non-conflicted body to address the ongoing violations of public offices by the First Department is compromised.

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Again, these conflicts also act to obstruct due process and procedure, as the First Department cannot be directly involved in reviewing and handling complaints against defendants in matters whereby they are also defendants. In fact, despite your offices assuring us that complaints filed against Proskauer and Foley & Lardner attorneys for self representing themselves and the their firms in the Scheindlin court, fraught with conflicts and violations of attorney conduct codes, the new complaints would not be handled by the First Department due to the conflicts. The First Department disciplinary then ruled on the new complaints knowing they were in conflict and knowing they were defendants in related matters. The First Department handled the complaints despite the fact that I had contacted Monica Connell of your offices, in her capacity as counsel for the First Department and she claimed that the First Department would not handle the complaints. Connell further claimed she would handle the docketing of the complaints and find out what non-conflicted party the complaints would then be transferred to for investigation. Following the new conflicted decisions and actions by the First Department, in knowing conflict, new complaints against the First Department Chairman and Chief Counsel have been filed recently that have been completely ignored and perhaps whitewashed, again an issue that would typically be investigated by your offices.

As indicated, you will find a mass of information at my website, www.iviewit.tv , to assist you in deciphering the myriad layers of public and private office conflicts mentioned herein. You will also find at the site multiple links to more detailed information such as;

1. the Feb. 13, 2009 petition to President Barrack Hussein Obama II and US AG Eric Holder,
2. links to letters to US DOJ OIG Glenn A. Fine,
3. links to letters to H. Marshall Jarrett who at that time was head of the OPR of the FBI,
4. an "Investigation Master" list link, and,
5. numbered evidentiary links found after the court docket links at the District Court of Judge Scheindlin and the USCA. These are found about half way down the Home page where you will find complaints to USPTO OED Director Harry Moatz, patent information, the attorney complaints and more made to the NYS First Department, Second Department, the Florida Bar, The Virginia Bar and more including NDAs, correspondence and more.

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Perhaps in fact it is possible for conflicts to be handled and structured in such a manner in house within the Office of the NY AG to permit individuals such as myself to be able to freely petition and enlist the efforts of the AG on these matters of public corruption without conflict in the underlying case. I will await our call by this coming Monday, June 15, 2009 and in the meantime feel free to contact me at anytime at the contact information provided below.

Respectfully Yours,



Eliot I. Bernstein
Founder & Inventor

Iviewit Holdings, Inc. – DL
Iviewit Holdings, Inc. – DL
Iviewit Holdings, Inc. – FL
Iviewit Technologies, Inc. – DL
Uview.com, Inc. – DL
Iviewit.com, Inc. – FL
Iviewit.com, Inc. – DL
I.C., Inc. – FL
Iviewit.com LLC – DL
Iviewit LLC – DL
Iviewit Corporation – FL
Iviewit, Inc. – FL
Iviewit, Inc. – DL
Iviewit Corporation

cc/ec:

Enclosure(s)/Attachment(s)

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Uniform Resource Locator(s)

All Url's incorporated in entirety by reference herein

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