

**ANTI-VIRUS CERTIFICATION FORM**

*See Second Circuit Interim Local Rule 25(a)6.*

CASE NAME: \_\_\_\_\_

DOCKET NUMBER: \_\_\_\_\_

I, (please print your name) \_\_\_\_\_, certify that I have scanned for viruses the PDF version of the attached document that was submitted in this case as an email attachment to \_\_\_\_\_ [<agencycases@ca2.uscourts.gov>](mailto:agencycases@ca2.uscourts.gov).  
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\_\_\_\_\_ [<newcases@ca2.uscourts.gov>](mailto:newcases@ca2.uscourts.gov).  
\_\_\_\_\_ [<prosecases@ca2.uscourts.gov>](mailto:prosecases@ca2.uscourts.gov).

and that no viruses were detected.

Please print the **name** and the **version** of the anti-virus detector that you used \_\_\_\_\_

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If you know, please print the version of revision and/or the anti-virus signature files \_\_\_\_\_

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(Your Signature) \_\_\_\_\_

Date: \_\_\_\_\_

# Conflict of Interest Disclosure Form

Please accept and **return signed** the following Conflict of Interest (COI) Disclosure Form before continuing further with adjudication, review or investigation of the attached **Motion Information Statement – Motion for Extension of Time and any materials relating to Eliot Bernstein and or the Iviewit companies as listed herein, failure to comply may result in criminal and civil charges against you.** This Conflict of Interest Disclosure Form is designed to ensure that the review and any determinations from such review of the enclosed materials will not be biased by any conflicting financial interest or any other conflicting interest by those reviewers responsible for the handling of this confidential information with the main alleged perpetrators of the alleged crimes in these matters.

Disclosure forms with "Yes" answers to any of the following questions are requested not to open the remainder of the documents or opine in any manner and instead forward the matters on to the next available reviewer that is free of conflict that can sign and complete the disclosure. Please identify conflicts that you have in writing upon terminating your involvement in the matters. As many of these alleged perpetrators are large law firms, members of various state and federal courts and officers of federal, state and local law enforcement agencies, careful review and disclosure of any conflict with those named herein is pertinent in your continued handling of these matters.

As these matters involve claims of conflicts, violations of public offices, interference with complaints in the Supreme Court of New York, coercion, document destruction, obstructions of justice, the need for prescreening for conflict is essential to the administration of due process in these matters. Federal Judge Shira A. Scheindlin has legally related these matters to a Whistleblower Lawsuit who alleges similar claims of public office corruption against Supreme Court of New York personnel and possibly others. Please take this as a formal written request for full disclosure of any conflict on your part, such request conforming with all applicable state and federal laws, public office rules and regulations, attorney conduct codes and judicial cannons or other international law and treaties.

Failure to comply with all applicable conflict disclosure rules, regulations and laws prior to continued action on your part **will be cause** for the filing of complaints against you for any decisions or actions you make prior to a signed Conflict Of Interest Disclosure Form with all applicable regulatory agencies. Complaints will be filed with all appropriate authorities, including but not limited to, Public Integrity Officials, Judicial Conduct Officials, State and Federal Bar Associations, Disciplinary Departments and all appropriate law enforcement agencies for failing to follow well established rules and regulations governing public office conflict, attorney conduct conflicts, judicial conduct and law.

- I. Do you, your spouse, and your dependents, in the aggregate have, any direct or indirect relations (relationships), or interest in any outside entity or any direct or indirect relations (relationships) to the following parties to the proceeding of the matters you are reviewing:
1. Proskauer Rose, LLP; Alan S. Jaffe - Chairman Of The Board - ("Jaffe"); Kenneth Rubenstein - ("Rubenstein"); Robert Kafin - Managing Partner - ("Kafin"); Christopher C. Wheeler - ("Wheeler"); Steven C. Krane - ("Krane"); Stephen R. Kaye - ("S. Kaye") and in his estate with New York Supreme Court Chief Judge Judith Kaye ("J. Kaye"); Matthew Triggs - ("Triggs"); Christopher Pruzaski - ("Pruzaski"); Mara Lerner Robbins - ("Robbins"); Donald Thompson - ("Thompson"); Gayle Coleman; David George; George A. Pincus; Gregg Reed; Leon Gold - ("Gold"); Albert Gortz - ("Gortz"); Marcy Hahn-Saperstein; Kevin J. Healy - ("Healy"); Stuart Kapp; Ronald F. Storette; Chris Wolf; Jill Zamas; FULL LIST OF 601 liable Proskauer Partners; any other John Doe ("John Doe") Proskauer partner, affiliate, company, known or not known at this time; including but not limited to Proskauer ROSE LLP; Partners, Associates, Of Counsel, Employees, Corporations, Affiliates and any other Proskauer related or affiliated entities both individually and professionally;
  2. MELTZER, LIPPE, GOLDSTEIN, WOLF & SCHLISSSEL, P.C.; Lewis Melzter - ("Meltzer"); Raymond Joao - ("Joao"); Frank Martinez - ("Martinez"); Kenneth Rubenstein - ("Rubenstein"); FULL LIST OF 34 Meltzer, Lippe, Goldstein, Wolf & Schlissel, P.C. liable Partners; any other John Doe ("John Doe") Meltzer, Lippe, Goldstein, Wolf & Schlissel, P.C. partner, affiliate, company, known or not known at this time; including but not limited to Meltzer, Lippe, Goldstein, Wolf & Schlissel, P.C.; Partners, Associates, Of Counsel, Employees, Corporations, Affiliates and any other Meltzer, Lippe, Goldstein, Wolf & Schlissel, P.C. related or affiliated entities both individually and professionally;

3. FOLEY & LARDNER LLP; Ralf Boer ("Boer"); Michael Grebe ("Grebe"); Christopher Kise ("Kise"); William J. Dick - ("Dick"); Steven C. Becker - ("Becker"); Douglas Boehm - ("Boehm"); Barry Grossman - ("Grossman"); Jim Clark - ("Clark"); any other John Doe ("John Doe") Foley & Lardner partners, affiliates, companies, known or not known at this time; including but not limited to Foley & Lardner; Partners, Associates, Of Counsel, Employees, Corporations, Affiliates and any other Foley & Lardner related or affiliated entities both individually and professionally;
4. Schiffrin & Barroway, LLP; Richard Schiffrin - ("Schiffrin"); Andrew Barroway - ("Barroway"); Krishna Narine - ("Narine"); any other John Doe ("John Doe") Schiffrin & Barroway, LLP partners, affiliates, companies, known or not known at this time; including but not limited to Schiffrin & Barroway, LLP; Partners, Associates, Of Counsel, Employees, Corporations, Affiliates and any other Schiffrin & Barroway, LLP related or affiliated entities both individually and professionally;
5. Blakely Sokoloff Taylor & Zafman LLP; Norman Zafman - ("Zafman"); Thomas Coester - ("Coester"); Farzad Ahmini - ("Ahmini"); George Hoover - ("Hoover"); any other John Doe ("John Doe") Blakely Sokoloff Taylor & Zafman LLP partners, affiliates, companies, known or not known at this time; including but not limited to Blakely Sokoloff Taylor & Zafman LLP; Partners, Associates, Of Counsel, Employees, Corporations, Affiliates and any other Blakely Sokoloff Taylor & Zafman LLP related or affiliated entities both individually and professionally;
6. Wildman, Harrold, Allen & Dixon LLP; Martyn W. Molyneaux - ("Molyneaux"); Michael Docketman - ("Docketman"); FULL LIST OF 198 Wildman, Harrold, Allen & Dixon LLP liable Partners; any other John Doe ("John Doe") Wildman, Harrold, Allen & Dixon LLP partners, affiliates, companies, known or not known at this time; including but not limited to Wildman, Harrold, Allen & Dixon LLP; Partners, Associates, Of Counsel, Employees, Corporations, Affiliates and any other Wildman, Harrold, Allen & Dixon LLP related or affiliated entities both individually and professionally;
7. Christopher & Weisberg, P.A.; Alan M. Weisberg - ("Weisberg"); any other John Doe ("John Doe") Christopher & Weisberg, P.A. partners, affiliates, companies, known or not known at this time; including but not limited to Christopher & Weisberg, P.A.; Partners, Associates, Of Counsel, Employees, Corporations, Affiliates and any other Christopher & Weisberg, P.A. related or affiliated entities both individually and professionally;
8. YAMAKAWA INTERNATIONAL PATENT OFFICE; Masaki Yamakawa - ("Yamakawa"); any other John Doe ("John Doe") Yamakawa International Patent Office partners, affiliates, companies, known or not known at this time; including but not limited to Yamakawa International Patent Office; Partners, Associates, Of Counsel, Employees, Corporations, Affiliates and any other Yamakawa International Patent Office related or affiliated entities both individually and professionally;
9. GOLDSTEIN LEWIN & CO.; Donald J. Goldstein - ("Goldstein"); Gerald R. Lewin - ("Lewin"); Erika Lewin - ("E. Lewin"); Mark R. Gold; Paul Feuerberg; Salvatore Bochicchio; Marc H. List; David A. Katzman; Robert H. Garick; Robert C. Zeigen; Marc H. List; Lawrence A. Rosenblum; David A. Katzman; Brad N. Mciver; Robert Cini; any other John Doe ("John Doe") Goldstein & Lewin Co. partners, affiliates, companies, known or not known at this time; including but not limited to Goldstein & Lewin Co.; Partners, Associates, Of Counsel, Employees, Corporations, Affiliates and any other Goldstein & Lewin Co. related or affiliated entities both individually and professionally;
10. INTEL Corporation;
11. Silicon Graphics Inc.;
12. Lockheed Martin Corporation;
13. Real 3D, Inc. (SILICON GRAPHICS, INC., LOCKHEED MARTIN & INTEL) & RYJO; Gerald Stanley - ("Stanley"); Ryan Huisman - ("Huisman"); RYJO - ("RYJO"); Tim Connolly - ("Connolly"); Steve Cochran; David Bolton; Rosalie Bibona - ("Bibona"); Connie Martin; Richard Gentner; Steven A. Behrens; Matt Johannsen; any other John Doe ("John Doe") Intel, Real 3D, Inc. (Silicon Graphics, Inc., Lockheed Martin & Intel) & RYJO partners, affiliates, companies, known or not known at this time; including but not limited to Intel, Real 3D, Inc. (Silicon Graphics, Inc., Lockheed Martin & Intel) & RYJO; Employees, Corporations, Affiliates and any other Intel, Real 3D, Inc. (Silicon Graphics, Inc., Lockheed Martin & Intel) & RYJO related or affiliated entities, and any successor companies both individually and professionally;
14. Tiedemann Investment Group; Bruce T. Prolow ("Prolow"); Carl Tiedemann ("C. Tiedemann"); Andrew Philip Chesler; Craig L. Smith; any other John Doe ("John Doe") Tiedemann Investment Group partners, affiliates, companies, known or not known at this time; including but not limited to

Tiedemann Investment Group and any other Tiedemann Investment Group related or affiliated entities both individually and professionally;

15. Crossbow Ventures / Alpine Partners; Stephen J. Warner - ("Warner"); Rene P. Eichenberger - ("Eichenberger"); H. Hickman Hank Powell - ("Powell"); Maurice Buchsbaum - ("Buchsbaum"); Eric Chen - ("Chen"); Avi Hersh; Matthew Shaw - ("Shaw"); Bruce W. Shewmaker - ("Shewmaker"); Ravi M. Ugale - ("Ugale"); any other John Doe ("John Doe") Crossbow Ventures / Alpine Partners partners, affiliates, companies, known or not known at this time; including but not limited to Crossbow Ventures / Alpine Partners and any other Crossbow Ventures / Alpine Partners related or affiliated entities both individually and professionally;
16. BROAD & CASSEL; James J. Wheeler - ("J. Wheeler"); Kelly Overstreet Johnson - ("Johnson"); any other John Doe ("John Doe") Broad & Cassell partners, affiliates, companies, known or not known at this time; including but not limited to Broad & Cassell and any other Broad & Cassell related or affiliated entities both individually and professionally;
17. FORMER IVIEWIT MANAGEMENT & BOARD; Brian G. Utley/Proskauer Referred Management - ("Utley"); Raymond Hersh - ("Hersh"); Michael Reale - ("Reale")/Proskauer Referred Management; Rubenstein/Proskauer Rose Shareholder in Iviewit - Advisory Board; Wheeler/Proskauer Rose Shareholder in Iviewit - Advisory Board; Dick/Foley & Lardner - Advisory Board, Boehm/Foley & Lardner - Advisory Board; Becker/Foley & Lardner; Advisory Board; Joao/Meltzer Lippe Goldstein Wolfe & Schlissel - Advisory Board; Kane/Goldman Sachs - Board Director; Lewin/Goldstein Lewin - Board Director; Ross Miller, Esq. ("Miller"), Prolow/Tiedemann Prolow II - Board Director; Powell/Crossbow Ventures/Proskauer Referred Investor - Board Director; Maurice Buchsbaum - Board Director; Stephen Warner - Board Director; Simon L. Bernstein - Board Director ("S. Bernstein"); any other John Doe ("John Doe") Former Iviewit Management & Board partners, affiliates, companies, known or not known at this time; including but not limited to Former Iviewit Management & Board and any other Former Iviewit Management & Board related or affiliated entities both individually and professionally;
18. FIFTEENTH JUDICIAL CIRCUIT - WEST PALM BEACH FLORIDA; Judge Jorge LABARGA - ("Labarga"); any other John Doe ("John Doe") FIFTEENTH JUDICIAL CIRCUIT - WEST PALM BEACH FLORIDA staff, known or not known to have been involved at the time. Hereinafter, collectively referred to as ("15C");
19. THE SUPREME COURT OF NEW YORK APPELLATE DIVISION: FIRST JUDICIAL DEPARTMENT, DEPARTMENTAL DISCIPLINARY COMMITTEE; Thomas Cahill - ("Cahill"); Joseph Wigley - ("Wigley"); Steven Krane, any other John Doe ("John Doe") of THE SUPREME COURT OF NEW YORK APPELLATE DIVISION: FIRST JUDICIAL DEPARTMENT, DEPARTMENTAL DISCIPLINARY COMMITTEE staff, known or not known to have been involved at the time;
20. THE FLORIDA BAR; Lorraine Christine Hoffman - ("Hoffman"); Eric Turner - ("Turner"); Kenneth Marvin - ("Marvin"); Anthony Boggs - ("Boggs"); Joy A. Bartmon - ("Bartmon"); Kelly Overstreet Johnson - ("Johnson"); Jerald Beer - ("Beer"); Matthew Triggs; Christopher or James Wheeler; any other John Doe ("John Doe") The Florida Bar staff, known or not known to have been involved at the time;
21. MPEGLA, LLC. – Kenneth Rubenstein, Patent Evaluator; Licensors and Licensees, please visit [www.mpegla.com](http://www.mpegla.com) for a complete list; Columbia University; Fujitsu Limited; General Instrument Corp; Lucent Technologies Inc.; Matsushita Electric Industrial Co., Ltd.; Mitsubishi Electric Corp.; Philips Electronics N.V. (Philips); Scientific Atlanta, Inc.; Sony Corp. (Sony); EXTENDED LIST OF MPEGLA LICENSEES AND LICENSORS; any other John Doe MPEGLA, LLC. Partner, Associate, Engineer, Of Counsel or Employee; any other John Doe ("John Doe") MPEGLA, LLC partners, affiliates, companies, known or not known at this time; including but not limited to MPEGLA, LLC and any other MPEGLA, LLC related or affiliated entities both individually and professionally;
22. DVD6C LICENSING GROUP - Licensors and Licensees, please visit [www.mpegla.com](http://www.mpegla.com) for a complete list; Toshiba Corporation; Hitachi, Ltd.; Matsushita Electric Industrial Co. Ltd.; Mitsubishi Electric Corporation; Time Warner Inc.; Victor Company Of Japan, Ltd.; EXTENDED DVD6C DEFENDANTS; any other John Doe DVD6C LICENSING GROUP Partner, Associate, Engineer, Of Counsel or Employee; any other John Doe ("John Doe") DVD6C LICENSING GROUP partners, affiliates, companies, known or not known at this time; including but not limited to DVD6C

LICENSING GROUP and any other DVD6C LICENSING GROUP related or affiliated entities both individually and professionally;

23. Harrison Goodard Foote incorporating Brewer & Son; Martyn Molyneaux, Esq. ("Molyneaux"); Any other John Doe ("John Doe") Harrison Goodard Foote (incorporating Brewer & Son) partners, affiliates, companies, known or not known at this time; including but not limited to Harrison Goodard Foote incorporating Brewer & Son and any other related or affiliated entities both individually and professionally;
24. Lawrence DiGiovanna, Chairman of the Grievance Committee of the Second Judicial Department Departmental Disciplinary Committee;
25. James E. Peltzer, Clerk of the Court of the Appellate Division, Supreme Court of the State of New York, Second Judicial Department; Diana Kearsse, Chief Counsel to the Grievance Committee of the Second Judicial Department Departmental Disciplinary Committee;
26. Houston & Shahady, P.A., any other John Doe ("John Doe") Houston & Shahady, P.A., affiliates, companies, known or not known at this time; including but not limited to Houston & Shahady, P.A. related or affiliated entities both individually and professionally;
27. Furr & Cohen, P.A. any other John Doe ("John Doe") Furr & Cohen, P.A., affiliates, companies, known or not known at this time; including but not limited to Furr & Cohen, P.A. related or affiliated entities both individually and professionally;
28. Moskowitz, Mandell, Salim & Simowitz, P.A., any other John Doe ("John Doe") Moskowitz, Mandell, Salim & Simowitz, P.A., affiliates, companies, known or not known at this time; including but not limited to Moskowitz, Mandell, Salim & Simowitz, P.A. related or affiliated entities both individually and professionally;
29. The Goldman Sachs Group, Inc. Jeffrey Friedstein ("Friedstein"); Sheldon Friedstein (S. Friedstein"), Donald G. Kane ("Kane"); any other John Doe ("John Doe") The Goldman Sachs Group, Inc. partners, affiliates, companies, known or not known at this time; including but not limited to The Goldman Sachs Group, Inc. and any other related or affiliated entities both individually and professionally;
30. David B. Simon, Esq. ("D. Simon");
31. Sachs Saxs & Klein, PA any other John Doe ("John Doe") Sachs Saxs & Klein, PA, affiliates, companies, known or not known at this time; including but not limited to Sachs Saxs & Klein, PA related or affiliated entities both individually and professionally;
32. Huizenga Holdings Incorporated any other John Doe ("John Doe") Huizenga Holdings Incorporated affiliates, companies, known or not known at this time; including but not limited to Huizenga Holdings Incorporated related or affiliated entities both individually and professionally;
33. Davis Polk & Wardell;
34. Ropes & Gray LLP;
35. Sullivan & Cromwell LLP;
36. Eliot I. Bernstein, ("Bernstein") a resident of the State of California, and former President (Acting) of Iviewit Holdings, Inc. and its affiliates and subsidiaries and the founder of Iviewit and principal inventor of its technology;
37. P. Stephen Lamont, ("Lamont") a resident of the State of New York, and former Chief Executive Officer (Acting) of Iviewit Holdings, Inc. and all of its affiliates and subsidiaries;
38. SKULL AND BONES; The Russell Trust Co.; Yale Law School;
39. Council on Foreign Relations;
40. The Bilderberg Group;
41. The Federalist Society;
42. The Bradley Foundation;
43. Please include in the COI check the defendants and any other parties in the legally related case of New York District Court Southern District of New York Docket No (07cv09599) Anderson v The State of New York, et al. - WHISTLEBLOWER LAWSUIT;
  - A. United States Court of Appeals for the Second Circuit 08-4873-cv
  - B. (07cv11196) Bernstein et al. v Appellate Division First Department Disciplinary Committee, et al. - TRILLION DOLLAR LAWSUIT Defendants, in addition to those already listed herein, include but are not limited to;
    1. STATE OF NEW YORK;
    2. THE OFFICE OF COURT ADMINISTRATION OF THE UNIFIED COURT SYSTEM;

3. 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;
4. ESTATE OF STEPHEN KAYE, in his professional and individual capacities;
5. MATTHEW M. TRIGGS in his official and individual capacity for The Florida Bar and his professional and individual capacities as a partner of Proskauer;
6. JON A. BAUMGARTEN, in his professional and individual capacities;
7. SCOTT P. COOPER, in his professional and individual capacities;
8. BRENDAN J. O'ROURKE, in his professional and individual capacities;
9. LAWRENCE I. WEINSTEIN, in his professional and individual capacities;
10. WILLIAM M. HART, in his professional and individual capacities;
11. DARYN A. GROSSMAN, in his professional and individual capacities;
12. JOSEPH A. CAPRARO JR., in his professional and individual capacities;
13. JAMES H. SHALEK; in his professional and individual capacities;
14. GREGORY MASHBERG, in his professional and individual capacities;
15. JOANNA SMITH, in her professional and individual capacities;
16. TODD C. NORBITZ, in his professional and individual capacities;
17. ANNE SEKEL, in his professional and individual capacities;
18. JIM CLARK, in his professional and individual capacities;
19. STATE OF FLORIDA, OFFICE OF THE STATE COURTS ADMINISTRATOR, FLORIDA;
20. FLORIDA SUPREME COURT;
21. HON. CHARLES T. WELLS, in his official and individual capacities;
22. HON. HARRY LEE ANSTEAD, in his official and individual capacities;
23. HON. R. FRED LEWIS, in his official and individual capacities;
24. HON. PEGGY A. QUINCE, in his official and individual capacities;
25. HON. KENNETH B. BELL, in his official and individual capacities;
26. THOMAS HALL, in his official and individual capacities;
27. DEBORAH YARBOROUGH in her official and individual capacities;
28. DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION – FLORIDA;
29. CITY OF BOCA RATON, FLA.;
30. ROBERT FLECHAUS in his official and individual capacities;
31. ANDREW SCOTT in his official and individual capacities;
32. PAUL CURRAN in his official and individual capacities;
33. MARTIN R. GOLD in his official and individual capacities;
34. SUPREME COURT OF NEW YORK APPELLATE DIVISION FIRST DEPARTMENT;
35. CATHERINE O'HAGEN WOLFE in her official and individual capacities;
36. HON. ANGELA M. MAZZARELLI in her official and individual capacities;
37. HON. RICHARD T. ANDRIAS in his official and individual capacities;
38. HON. DAVID B. SAXE in his official and individual capacities;
39. HON. DAVID FRIEDMAN in his official and individual capacities;
40. HON. LUIZ A. GONZALES in his official and individual capacities;
41. SUPREME COURT OF NEW YORK APPELLATE DIVISION SECOND JUDICIAL DEPARTMENT;
42. SUPREME COURT OF NEW YORK APPELLATE DIVISION SECOND DEPARTMENT DEPARTMENTAL DISCIPLINARY COMMITTEE;
43. HON. A. GAIL PRUDENTI in her official and individual capacities;
44. HON. JUDITH S. KAYE in her official and individual capacities;
45. STATE OF NEW YORK COMMISSION OF INVESTIGATION;
46. ANTHONY CARTUSCIELLO in his official and individual capacities;
47. LAWYERS FUND FOR CLIENT PROTECTION OF THE STATE OF NEW YORK;
48. OFFICE OF THE ATTORNEY GENERAL OF THE STATE OF NEW YORK;
49. 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;
50. COMMONWEALTH OF VIRGINIA;
51. VIRGINIA STATE BAR;
52. ANDREW H. GOODMAN in his official and individual capacities;

53. NOEL SENDEL in her official and individual capacities;
54. MARY W. MARTELINO in her official and individual capacities;
55. LIZBETH L. MILLER, in her official and individual capacities;
56. MPEGLA LLC; LAWRENCE HORN, in his professional and individual capacities;
57. INTEL CORP.; LARRY PALLEY, in his professional and individual capacities;
58. SILICON GRAPHICS, INC.;
59. LOCKHEED MARTIN Corp;
60. EUROPEAN PATENT OFFICE;
61. ALAIN POMPIDOU in his official and individual capacities;
62. WIM VAN DER EIJK in his official and individual capacities;
63. LISE DYBDAHL in her official and personal capacities;
64. DIGITAL INTERACTIVE STREAMS, INC.;
65. ROYAL O'BRIEN, in his professional and individual capacities;
66. HUIZENGA HOLDINGS INCORPORATED, WAYNE HUIZENGA, in his professional and individual capacities;
67. WAYNE HUIZENGA, JR., in his professional and individual capacities;
68. BART A. HOUSTON, ESQ. in his professional and individual capacities;
69. BRADLEY S. SCHRAIBERG, ESQ. in his professional and individual capacities;
70. WILLIAM G. SALIM, ESQ. in his professional and individual capacities;
71. BEN ZUCKERMAN, ESQ. in his professional and individual capacities;
72. SPENCER M. SAX, in his professional and individual capacities;
73. ALBERTO GONZALES in his official and individual capacities;
74. JOHNNIE E. FRAZIER in his official and individual capacities;
75. IVIEWIT, INC., a Florida corporation;
76. IVIEWIT, INC., a Delaware corporation;
77. IVIEWIT HOLDINGS, INC., a Delaware corporation (f.k.a. Uview.com, Inc.);
78. UVIEW.COM, INC., a Delaware corporation;
79. IVIEWIT TECHNOLOGIES, INC., a Delaware corporation (f.k.a. Iviewit Holdings, Inc.);
80. IVIEWIT HOLDINGS, INC., a Florida corporation;
81. IVIEWIT.COM, INC., a Florida corporation;
82. I.C., INC., a Florida corporation;
83. IVIEWIT.COM, INC., a Delaware corporation;
84. IVIEWIT.COM LLC, a Delaware limited liability company;
85. IVIEWIT LLC, a Delaware limited liability company;
86. IVIEWIT CORPORATION, a Florida corporation;
87. IBM CORPORATION;

C. Cases @ US District Court - Southern District NY

1. (07cv09599) Anderson v The State of New York, et al. - WHISTLEBLOWER LAWSUIT;
2. (07cv11196) Bernstein, et al. v Appellate Division First Department Disciplinary Committee, et al.;
3. (07cv11612) Esposito v The State of New York, et al.;
4. (08cv00526) Capogrosso v New York State Commission on Judicial Conduct, et al.;
5. (08cv02391) McKeown v The State of New York, et al.;
6. (08cv02852) Galison v The State of New York, et al.;
7. (08cv03305) Carvel v The State of New York, et al.;
8. (08cv4053) Gizella Weisshaus v The State of New York, et al.;
9. (08cv4438) Suzanne McCormick v The State of New York, et al.;
10. (08 cv 6368) John L. Petrec-Tolino v. The State of New York

44. Any other known or unknown person or known or unknown entity not named herein that will cause your review of the complaint you are charged with investigating to be biased by any conflicting past, present, or future financial interest or any other interest?

\_\_\_\_ NO            \_\_\_\_ YES

**Please describe in detail any identified conflicted parties on a separate and attached sheet fully disclosing all information regarding the conflict. If the answer is Yes, please describe the relations, relationships and / or interests and please affirm whether such presents a conflict of interest in fairly reviewing the matters herein without undue bias or prejudice of any kind.**

- II. Do you, your spouse, and your dependents, in the aggregate, receive salary or other remuneration or financial considerations from any entity related to the enclosed parties to the proceeding of the matters including but not limited to campaign contributions whether direct, "in kind" or of any type at all?

NO       YES

**Please describe in detail any identified conflicted parties on a separate and attached sheet fully disclosing all information regarding the conflict. If the answer is Yes, please describe the relations, relationships and / or interests and please affirm whether such presents a conflict of interest in fairly reviewing the matters herein without undue bias or prejudice of any kind.**

- III. Have you, your spouse, and your dependents, in the aggregate, had any prior conversations with any person related to the proceeding of the Iviewit or related matters?

NO       YES

**Please describe in detail any identified conflicted parties on a separate and attached sheet fully disclosing all information regarding the conflict. If the answer is Yes, please describe the relations, relationships and / or interests and please affirm whether such presents a conflict of interest in fairly reviewing the matters herein without undue bias or prejudice of any kind.**

- IV. I have run a thorough and exhaustive Conflict of Interest check to conform with any and all state, federal or local laws and any professional association rules and regulations obligating such check and/or disclosure to verify that my spouse, my dependents, and I in the aggregate, have no conflicts with any parties.

NO       YES

- V. I have notified all parties with any liabilities regarding my continued actions in these matters, including state agencies, insurance concerns or any other person with liability that may result from my actions in these matters.

NO       YES

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## **RELEVANT SECTIONS OF JUDICIAL CANNONS, ATTORNEY CONDUCT CODES AND LAW<sup>1</sup>**

### **Conflict of Interest Laws**

**Conflict of interest" indicates a situation where a private interest may influence a public decision. Conflict of Interest Laws are laws and regulations designed to prevent conflicts of interest. These laws may contain provisions related to financial or asset disclosure, exploitation of one's official position and privileges, regulation of campaign practices, etc.**

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<sup>1</sup> The Relevant Sections are merely a benchmark guide and other state, federal and international laws may be applicable to your particular circumstances in reviewing or acting in these matters. For a more complete list of applicable sections of law relating to these matters please visit [http://iviewit.tv/CompanyDocs/oneofthesedays/index.htm#\\_Toc107852933](http://iviewit.tv/CompanyDocs/oneofthesedays/index.htm#_Toc107852933)



### **New York State Consolidated Laws Penal**

#### **ARTICLE 200 BRIBERY INVOLVING PUBLIC SERVANTS AND RELATED OFFENSES**

S 200.03 Bribery in the second degree  
S 200.04 Bribery in the first degree  
S 200.05 Bribery; defense  
S 200.10 Bribe receiving in the third degree  
S 200.11 Bribe receiving in the second degree  
S 200.12 Bribe receiving in the first degree  
S 200.15 Bribe receiving; no defense  
S 200.20 Rewarding official misconduct in the second degree  
S 200.22 Rewarding official misconduct in the first degree S 200.25 Receiving reward for official misconduct in the second degree  
S 200.27 Receiving reward for official misconduct in the first degree  
S 200.30 Giving unlawful gratuities  
S 200.35 Receiving unlawful gratuities  
S 200.40 Bribe giving and bribe receiving for public office; definition of term  
S 200.45 Bribe giving for public office  
S 200.50 Bribe receiving for public office

#### **ARTICLE 175 OFFENSES INVOLVING FALSE WRITTEN STATEMENTS**

S 175.05 Falsifying business records in the second degree. S 175.10 Falsifying business records in the first degree.  
S 175.15 Falsifying business records; defense  
S 175.20 Tampering with public records in the second degree  
S 175.25 Tampering with public records in the first degree  
S 175.30 Offering a false instrument for filing in the second degree  
S 175.35 Offering a false instrument for filing in the first degree

#### **NY Constitution ARTICLE XIII Public Officers**

Public Officers - Public Officers ARTICLE 1

#### **ARTICLE 2 Appointment and Qualification of Public Officers - ARTICLE 15 ATTORNEYS AND COUNSELORS**

S 468-b. Clients' security fund of the state of New York  
S 476-a. Action for unlawful practice of the law  
S 476-b. Injunction to restrain defendant from unlawful practice of the law  
S 476-c. Investigation by the attorney-general  
S 487. Misconduct by attorneys  
S 488. Buying demands on which to bring an action.  
Public Officers Law SEC 73 Restrictions on the Activities Of Current and Former State Officers and Employees  
Public Officers Law SEC 74 Code of Ethics  
Conflicts of Interest Law, found in Chapter 68 of the New York City Charter, the City's Financial Disclosure Law, set forth in section 12-110 of the New York City Administrative Code, and the Lobbyist Gift Law, found in sections 3-224 through 3-228 of the Administrative Code.

### **TITLE 18 FEDERAL CODE & OTHER APPLICABLE FEDERAL LAW**

#### **TITLE 18 PART I CH 11**

Sec. 201. Bribery of public officials and witnesses  
Sec. 225. - Continuing financial crimes enterprise  
**BRIBERY, GRAFT, AND CONFLICTS OF INTEREST**  
Sec. 205. - Activities of officers and employees in claims against and other matters affecting the Government  
Sec. 208. - Acts affecting a personal financial interest  
Sec. 210. - Offer to procure appointive public office  
Sec. 225. - Continuing financial crimes enterprise

#### **TITLE 18 PART I CH 79 Sec 1623 - False declarations before grand jury or court**

Sec 654 - Officer or employee of United States converting property of another

#### **TITLE 18 PART I CH 73 Sec 1511 - Obstruction of State or local law enforcement**

#### **TITLE 18 PART I CH 96 Sec 1961 RACKETEER INFLUENCED AND CORRUPT Organizations ("RICO")**

Section 1503 (relating to obstruction of justice),

Section 1510 (relating to obstruction of criminal investigations)

Section 1511 (relating to the obstruction of State or local law enforcement),

Section 1952 (relating to racketeering),

Section 1957 (relating to engaging in monetary transactions in property derived from specified unlawful activity),

#### **TITLE 18 PART I CH 96 SEC 1962 (A) RICO**

#### **TITLE 18 PART I CH 96 SEC 1962 (B) RICO**

#### **TITLE 18 PART I CH 96 SEC 1962 (C) RICO**

#### **TITLE 18 PART I CH 19 SEC 1962 (D) RICO**

#### **TITLE 18 PART I CH 19 CONSPIRACY Sec 371 CONSPIRACY TO COMMIT OFFENSE OR TO DEFRAUD UNITED STATES**

**TITLE 18 PART I CH 95 RACKETEERING SEC 1957 Engaging in monetary transactions in property derived from specified unlawful activity**

**TITLE 18 PART I CH 47 Sec 1031 - Major fraud against the United States**

### **Judicial Cannons**

**Canon 1. A Judge Should Uphold the Integrity and Independence of the Judiciary**

[1.1] Deference to the judgments and rulings of courts depends upon public confidence in the integrity and independence of judges. The integrity and independence of judges depends in turn upon their acting without fear or favor. Although judges should be independent, they must comply with the law, including the provisions of this Code. Public confidence in the impartiality of the judiciary is maintained by the adherence of each judge to this responsibility. Conversely, violation of this Code diminishes public confidence in the judiciary and thereby does injury to the system of government under law.

**Canon 2. A Judge Should Avoid Impropriety and the Appearance of Impropriety in All Activities**

(A) A judge shall respect and comply with the law and shall act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

[2.2][2A] The prohibition against behaving with impropriety or the appearance of impropriety applies to both the professional and personal conduct of a judge. Because it is not practicable to list all prohibited acts, the proscription is necessarily cast in general terms that extend to conduct by judges that is harmful although not specifically mentioned in the Code. Actual improprieties under this standard include violations of law, court rules or other specific provisions of this Code. The test for appearance of impropriety is whether the conduct would create in reasonable minds a perception that the judge's ability to carry out judicial responsibilities with integrity, impartiality and competence is impaired.

**Canon 3. A Judge Should Perform the Duties of the Office Impartially and Diligently**

(B) Adjudicative responsibilities.

(1) A judge shall be faithful to the law and maintain professional competence in it. A judge shall not be swayed by partisan interests, public clamor or fear of criticism.

(2) A judge shall require order and decorum in proceedings before the judge.

(D) Disciplinary responsibilities.

(1) A judge who receives information indicating a substantial likelihood that another judge has committed a substantial violation of this Part shall take appropriate action.

(2) A judge who receives information indicating a substantial likelihood that a lawyer has committed a substantial violation of the Code of Professional Responsibility shall take appropriate action.

(3) Acts of a judge in the discharge of disciplinary responsibilities are part of a judge's judicial duties.

(E) Disqualification.

(1) A judge shall disqualify himself or herself in a proceeding in which the judge's impartiality might reasonably be questioned

[3.11][3B(6)(e)] A judge may delegate the responsibilities of the judge under Canon 3B(6) to a member of the judge's staff. A judge must make reasonable efforts, including the provision of appropriate supervision, to ensure that Section 3B(6) is not violated through law clerks or other personnel on the judge's staff. This provision does not prohibit the judge or the judge's law clerk from informing all parties individually of scheduling or administrative decisions.

[3.21][3E(1)] Under this rule, a judge is disqualified whenever the judge's impartiality might reasonably be questioned, regardless whether any of the specific rules in Section 3E(1) apply. For example, if a judge were in the process of negotiating for employment with a law firm, the judge would be disqualified from any matters in which that firm appeared, unless the disqualification was waived by the parties after disclosure by the judge.

[3.22][3E(1)] A judge should disclose on the record information that the judge believes the parties or their lawyers might consider relevant to the question of disqualification, even if the judge believes there is no real basis for disqualification.

**Canon 4. A Judge May Engage in Extra-Judicial Activities To Improve the Law, the Legal System, and the Administration of Justice**

**Canon 5. A Judge Should Regulate Extra-Judicial Activities To Minimize the Risk of Conflict with Judicial Duties**

**Public Office Conduct Codes New York**

**PUBLIC OFFICERS LAW Laws 1909, Chap. 51.**

**CHAPTER 47 OF THE CONSOLIDATED LAWS PUBLIC OFFICERS LAW**

**Sec. 17. Defense and indemnification of state officers and employees.**

2 (b)

**Sec. 18. Defense and indemnification of officers and employees of public entities.**

3 (b)

**Sec. 74. Code of ethics.**

(2)

(3)

(4)

**§ 73. Business or professional activities by state officers and employees and party officers.**

**NY Attorney Conduct Code**

(a) "Differing interests" include every interest that will adversely affect either the judgment or the loyalty of a lawyer to a client, whether it be a conflicting, inconsistent, diverse, or other interest.

**CANON 5. A Lawyer Should Exercise Independent Professional Judgment on Behalf of a Client**

**DR 5-101 [1200.20] Conflicts of Interest - Lawyer's Own Interests.**

**DR 5-102 [1200.21] Lawyers as Witnesses.**

**DR 5-103 [1200.22] Avoiding Acquisition of Interest in Litigation.**

DR 5-104 [1200.23] Transactions Between Lawyer and Client.  
DR 5-105 [1200.24] Conflict of Interest; Simultaneous Representation.  
DR 5-108 [1200.27] Conflict of Interest - Former Client.  
CANON 6. A Lawyer Should Represent a Client Competently  
CANON 7. A Lawyer Should Represent a Client Zealously Within the Bounds of the Law  
DR 7-102 [1200.33] Representing a Client Within the Bounds of the Law.  
DR 7-110 [1200.41] Contact with Officials.  
DR 8-101 [1200.42] Action as a Public Official.  
DR 8-103 [1200.44] Lawyer Candidate for Judicial Office.  
A. A lawyer who is a candidate for judicial office shall comply with section 100.5 of the Chief Administrator's Rules Governing Judicial Conduct (22 NYCRR) and Canon 5 of the Code of Judicial Conduct.  
CANON 9. A Lawyer Should Avoid Even the Appearance of Professional Impropriety  
DR 9-101 [1200.45] Avoiding Even the Appearance of Impropriety.

I declare under penalty of perjury that the foregoing statements in this CONFLICT OF INTEREST DISCLOSURE FORM are true and correct. Executed on this \_\_\_\_ day of \_\_\_\_\_20\_\_ the foregoing statements in this CONFLICT OF INTEREST DISCLOSURE FORM are true. I am aware that any false, fictitious, or fraudulent statements or claims will subject me to criminal, civil, or administrative penalties, including possible culpability in the RICO related crimes including the alleged attempted murder of the inventor Eliot Bernstein and his wife and children in a car-bombing attempt on their lives. I agree to accept responsibility for the unbiased review, and presentation of findings to the appropriate party(ies) who also have executed this CONFLICT OF INTEREST DISCLOSURE FORM. A lack of signature will serve as evidence that I have accepted this document **with** conflict in the event that I continue to represent the matters without signing such COI first and will be an admission of such conflict(s).

Organization – United States Court of Appeal for the Second Circuit

Print Name & Title \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

If you are unable to sign this COI and are therefore unable to continue further to pursue these matters, please attach a statement of whom we may contact as your replacement. A copy can be sent to [iviewit@iviewit.tv](mailto:iviewit@iviewit.tv) or the mailing address below:

Eliot I. Bernstein  
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  
2753 N.W. 34th St.  
Boca Raton, Florida 33434-3459  
(561) 245.8588 (o)  
(561) 886.7628 (c)  
(561) 245-8644 (f)  
[iviewit@iviewit.tv](mailto:iviewit@iviewit.tv)

[www.iviewit.tv](http://www.iviewit.tv)

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UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

Thurgood Marshall U.S. Courthouse at Foley Square 40 Centre Street, New York, NY 10007 Telephone: 212-857-8500

MOTION INFORMATION STATEMENT

Caption [use short title]

Docket Number(s): 08-4873-cv

Bernstein, et al.

v

Appellate Division First Department Disciplinary Committee, et al.

Motion for: Extension of Time

Set forth below a concise, complete statement of relief sought: Appellant seeks a reasonable Extension of time requesting minimum of 30 days from July 10, 2009 the current due date for filing Reply briefs to all of the Opposition Briefs due to a diagnosis of Kidney Stones on May 24, 2009 which could not be surgically removed due to size and position and where they have now proscribed Flomax in efforts to pass or move the stone prior to surgery. Plaintiff has been unable to work or focus on these matters since diagnosis due to extreme pain, as of May 24th, additional Narcotics were prescribed for the Kidney Stone above and beyond those necessary for the ongoing facial reconstructive surgeries. The estimated time to recovery is a minimum of 3-4 weeks if able to pass or 4-6 weeks if surgery becomes necessary.

Eliot I. Bernstein

Supreme Court of NY Appellate Division First Dept DDC

- Plaintiff Defendant
Appellant/Petitioner Appellee/Respondent

MOVING ATTORNEY: Eliot I. Bernstein

OPPOSING ATTORNEY [Name]: NYAG et al.

[name of attorney, with firm, address, phone number and e-mail]
2753 NW 34th St
Boca Raton, FL 33434
(561) 245-8588
iviewit@iviewit.tv

[name of attorney, with firm, address, phone number and e-mail]

Court-Judge/Agency appealed from: US District Court - Southern District of New York

Please check appropriate boxes:

FOR EMERGENCY MOTIONS, MOTIONS FOR STAYS AND INJUNCTIONS PENDING APPEAL:

Has consent of opposing counsel:
A. been sought? Yes No
B. been obtained? Yes No

Has request for relief been made below? Yes No

Is oral argument requested? Yes No
(requests for oral argument will not necessarily be granted)

Has this relief been previously sought in this Court? Yes No

Has argument date of appeal been set? Yes No
If yes, enter date

Requested return date and explanation of emergency:

ASAP

Signature of Moving Attorney:

Date: July 10, 2009

Has service been effected? Yes No
[Attach proof of service]

ORDER

IT IS HEREBY ORDERED THAT the motion is GRANTED DENIED.

FOR THE COURT:

CATHERINE O'HAGAN WOLFE, Clerk of Court

Date:

By: