

08-4873-CV

United States Court of Appeal for the Second Circuit

Eliot Ivan Bernstein

Plaintiff – Appellant

--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 COMPEL

**HALT PROCEEDING PENDING CONFLICT RESOLUTION AND OVERSIGHT.
REMOVE THE APPEARANCE OF IMPROPRIETY IN THIS COURT THROUGH
CESSATION OF VIOLATIONS OF JUDICIAL CANNONS, ATTORNEY
CONDUCT CODES, PUBLIC OFFICE RULES AND REGULATIONS AND LAW.
RESTORE ORDER TO THIS COURT!**

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DECLARATION OF INVENTOR ELIOT IVAN BERNSTEIN

As this Court is aware, a formal Motion to address multiple Conflict(s) of Interest (COI) in Violation of Judicial Cannons (JC), Attorney Conduct Codes (ACC), Public Office Rules & Regulations (PORR) and Law within this Lawsuit and the prior courts, was filed by myself, Eliot Ivan Bernstein (Appellant or Plaintiff), on Jan. 31, 2009¹. The Motion referred to the Panel hearing the Appeal on Feb. 18, 2009². Yet, multiple levels of COI and Violations of JC, ACC, PORR and Law prevail in this Court, creating Obstruction of Justice and are continuing Illegal acts that are Prejudicial to Plaintiff's Due Process rights.

The Conflicts now include the conduct of United State Court of Appeals Second Circuit (USCA) Judge, the Honorable Ralph K. Winter, Jr. (Winter), in denying a prior Motion for an Extension of Time and Stay pending formal appearance and involvement by the Office of the United States Attorney General (USAG) and involvement of the "United States" as Petitioned by Plaintiff³. Denial by Judge Winter coming after United States District Court Southern District of New York (USDC) Judge, the Honorable Shira A. Scheindlin (Scheindlin), Sua Sponte without notice dismissed my Lawsuit and six other Lawsuits. Lawsuits which Scheindlin previously marked "Legally Related" to

¹ January 29, 2009 Plaintiff's Motion for Extension of Time to File an Appeal Stay of Appeal / Conflicts / Docketing and Other Errors / and Other Requests
<http://iviewit.tv/CompanyDocs/United%20States%20District%20Court%20Southern%20District%20NY/20090129%20Final%20Extension%20of%20Time%202%20SIGNED%20low.pdf>

² February 18, 2009 Order USCA
<http://iviewit.tv/CompanyDocs/United%20States%20District%20Court%20Southern%20District%20NY/20090218%20Motion%20other%20than%20ext%20sent%20to%20panel%20to%20hear%20appeal%20ORDER.pdf>

³ February 13, 2009 Letter to The Honorable President Barack Hussein Obama II Regarding "Fundamental Matters of the Global Economy and Intellectual Property Rights under Article I of the US Constitution involving direct Fraud on the US Patent Office with devastating impacts on future US Intellectual Property development and Fundamental Matters of the Administration of Justice under Law"
<http://iviewit.tv/CompanyDocs/United%20States%20District%20Court%20Southern%20District%20NY/20090213%20FINAL%20SIGNED%20LETTER%20OBAMA%20TO%20ENJOIN%20US%20ATTORNEY%20FINGERED%20ORIGINAL%20MAIL%20l.pdf>

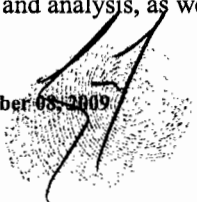
the “Whistleblower” Federal Lawsuit of Christine C. Anderson, 07cv09599 Anderson v The State of New York (Anderson), incorporated in entirety by reference herein. In the Dismissal Order⁴ of August 8, 2008 of the “Legally Related” Lawsuits, Scheindlin suggests the “Legally Related” Lawsuits seek intervention by the Supreme Court of the United States, the appropriate USAG and the New York Attorney General (NYAG) stating:

As discussed below, the United States Constitution does not permit this Court to supervise the departmental disciplinary committees or review the decisions of the courts of New York State. Regardless of the possibility of corruption in the courts of the State of New York, the only federal court that may review their decisions is the United States Supreme Court⁵. Plaintiffs must direct their complaints to the state court system, the Attorney General for the State of New York, or the appropriate United States Attorney. Because the Court lacks jurisdiction to review the decisions of the departmental disciplinary committees, and for the other reasons stated below, these actions are dismissed. [ORDER August 08, 2008]

Plaintiff reminds this Court of the logical inconsistencies in the Scheindlin Dismissal Order as set out in prior motions and Appellant’s Brief to this Court on Appeal, in Scheindlin’s simultaneously recommending action to an appropriate USAG and the NYAG while finding that the USDC has no jurisdiction and that Plaintiff cannot state claims upon which relief may be granted. Plaintiff agrees that action by the appropriate Non-Conflicted USAG and Non-Conflicted NYAG is proper but disputes the Scheindlin finding that the USDC has no jurisdiction to grant relief. Plaintiff further disputes the

⁴ August 08, 2008 USDC Dismissal Order
<http://iviewit.tv/CompanyDocs/United%20States%20District%20Court%20Southern%20District%20NY/20080808%20Scheidlin%20Dismissal%20of%20Complaint.pdf>

⁵ Perhaps the Court should remand this Lawsuit to the Supreme Court as suggested by Scheindlin, for further review and analysis, as well as, precedent setting federal Intellectual Property claims.

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finding that no claims warrant relief by a federal court as the underlying Intellectual Property rights, anti-trust actions, anti-competitive schemes, and ongoing RICO conspiracy and claims of Fraud on US Government Agencies and Foreign Nations all involve federal questions sufficient for original federal jurisdiction by the United States District Court.

Plaintiff hereby now renews and reargues the prior Motions submitted to this Court and the USDC regarding COI⁶ through this Motion to Compel. Plaintiff seeks to compel this Court to address and remove the COI's and all existing Violations of JC, ACC, PORR and Law, IMMEDIATELY AND PRIOR to further Adjudication on Appeal as required by LAW, prior to any other substantive rulings or decisions. The continuing failure to remove such conflicts not only acts as further Obstruction of Justice and due process violations but also impermissibly violates Plaintiff's due process rights under Civil Settlement programs and policies of the US Courts.

Plaintiff now requests a Stay of Proceedings on Appeal, until official involvement on behalf of the United States by the appropriate USAG, the NYAG, the Supreme Court and the US Department of Justice (DOJ) can intervene. Intervention is sought not only to join the Lawsuit on behalf of the US Government's interests but also additionally to review the actions of this Court and the Law Firms, Lawyers and Public Officials representing Defendants to address Criminal activities and/or determine if same are taking place in these Proceedings through Violations of JC, ACC, PORR and Law. The COI now includes this Court's own Violations of JC, ACC and Law, which would preclude further rulings, decisions or any other action by this Court until all COI and Violations of JC, ACC, PORR and Law are removed. If necessary, Conflict resolution

⁶ See Exhibit A

requested herein may force certain of this Court's Justices and Court Personnel recusals and possible transfer of the Proceedings to a Non-Conflicted court. Also, prior Motions Decided and Rulings issued by this Court and the USDC issued based on Pleadings submitted in COI and Violations of JC, ACC, PORR and Law would need to be vacated and those responsible for the Fraud on the Court Criminally Charged and proceedings returned to proper procedural status pre-Dismissal.

At the time of the filing of the prior Motion for Extension and this Court's decision to deny a stay pending official appearance by the DOJ, the United States had recently underwent a change in Administration with incoming President, Barack Hussein Obama II, sworn into office in January of 2009, only one month prior. At the time of the prior Motion for Extension, the new Administration had appointed no Solicitor General. Subsequently, on March 19, 2009, The Honorable Elena Kagan appointed as Solicitor General within the DOJ and this Court should Stay matters on Appeal pending her involvement and/or the involvement of the Office of Solicitor General on behalf of the United States. This Court should further undertake its Legal Obligation to seek involvement of the US Solicitor General and all other appropriate State, Federal and International Authorities, including those mentioned herein, on its own motion.

This Court is fully aware that it has Legal and Ethical Duties and Obligations under Law to address and/or negate and report all COI, all Violations of JC, ACC, PORR and Law and further notify all State, Federal, Disciplinary and other Appropriate Authorities of the Violations. The Court has Legal Obligation to negate COI and Violations of JC, ACC, PORR and Law, PRIOR to adjudicating matters. Plaintiff has formally Petitioned the Court to perform its Legal and Ethical Duties and Obligations

regarding Conflict Disclosure and this Court has failed Disclosure despite repeated formal and procedural Conflict Disclosure requests by Pro Se Counsel Bernstein, continuing to act in Violation of its Rules, JC, ACC, PORR and Law. For this Court to fail these Legal Obligations to follow the Court's own Rules, is to allow the COI and Violations of JC, ACC, PORR and Law, to create a virtually impenetrable Obstruction of Justice through Conflict. Obstruction achieved by Conflict which becomes part of a FRAUD ON THE COURT⁷ by those in charge of the Court, acting to further deny Plaintiff Due Process rights and further Aiding and Abetting the very real Legal RICO Conspiracy Crimes Alleged by Plaintiff before this Court.

⁷ "Fraud On The Court By An Officer Of The Court ~ State and Federal"

Who is an "officer of the court"? A judge is an officer of the court, as well as are all attorneys. A state judge is a state judicial officer, paid by the State to act impartially and lawfully. A federal judge is a federal judicial officer, paid by the federal government to act impartially and lawfully. State and federal attorneys fall into the same general category and must meet the same requirements. A judge is not the court. *People v. Zajic*, 88 Ill.App.3d 477, 410 N.E.2d 626 (1980).

What is "fraud on the court"? Whenever any officer of the court commits fraud during a proceeding in the court, he/she is engaged in "fraud upon the court". In *Bulloch v. United States*, 763 F.2d 1115, 1121 (10th Cir. 1985), the court stated "Fraud upon the court is fraud which is directed to the judicial machinery itself and is not fraud between the parties or fraudulent documents, false statements or perjury. ... It is where the court or a member is corrupted or influenced or influence is attempted or where the judge has not performed his judicial function --- thus where the impartial functions of the court have been directly corrupted."

"Fraud upon the court" has been defined by the 7th Circuit Court of Appeals to "embrace that species of fraud which does, or attempts to, defile the court itself, or is a fraud perpetrated by officers of the court so that the judicial machinery can not perform in the usual manner its impartial task of adjudging cases that are presented for adjudication." *Kenner v. C.I.R.*, 387 F.3d 689 (1968); 7 Moore's Federal Practice, 2d ed., p. 512, ¶ 60.23. The 7th Circuit further stated "a decision produced by fraud upon the court is not in essence a decision at all, and never becomes final."

What effect does an act of "fraud upon the court" have upon the court proceeding? "Fraud upon the court" makes void the orders and judgments of that court.

SCHEINDLIN FINDS “SYSTEMIC” PUBLIC OFFICE CORRUPTION IN THE “LEGALLY RELATED” WHISTLEBLOWER LAWSUIT SLATED FOR TRIAL

In the April 27, 2009 Decision and Order⁸ by Scheindlin, in the “Legally Related” Lawsuit of Anderson, Scheindlin formally judicially declared the validity of the Anderson Lawsuit as a “WHISTLEBLOWER”. Scheindlin advancing the case on allegations of “Systemic” Public Office Corruption within the New York Supreme Court involving agencies directly implicated in Plaintiff-Appellant’s case herein and directly involving the conduct of several major law firms named as Defendants herein. Public Office Corruption at the New York Supreme Court Appellate Division First Department (First Dept) and the New York Supreme Court Appellate Division First Department ~ Departmental Disciplinary Committee (DDC) is center stage in Judge Scheindlin’s Decision advancing the Anderson Lawsuit to Trial. The First Dept and First Dept DDC are among the various offices where disciplinary complaints in Plaintiff’s matters were filed involving the Defendant Law Firms Proskauer, Meltzer, Foley and Others, all directly at issue in this Lawsuit and many Self-Representing themselves in further Violations of ACC, PORR and Law before this Court. Note that the original complaint⁹ filed in the Anderson Lawsuit expressly raised the Iviewit matters as relating to the “Systemic” Public Office Corruption that was ongoing in the First Dept and First Dept DDC. The flawed USDC Dismissal Order in this Lawsuit occurred prior to the recent finding of “Systemic” Public Office Corruption in Anderson and wrongfully stated that

⁸ April 27, 2009 Scheindlin Decision and Order – Anderson
<http://iviewit.tv/CompanyDocs/United%20States%20District%20Court%20Southern%20District%20NY/20090427%2007cv9599%20Decision.pdf>

⁹ October 26, 2007 Christine C. Anderson v. State of New York et al. Original Complaint, pages 24 and 25 refer to Iviewit First Dept Complaints
<http://iviewit.tv/CompanyDocs/United%20States%20District%20Court%20Southern%20District%20NY/anderson/20071028%20Anderson%20Original%20Filing.pdf>

Plaintiff Bernstein had not stated claims upon which federal relief are available while such Dismissal improperly denied Plaintiff Discovery, Due Process and evidentiary related rights to the Anderson evidence and information.

Due to the continued Violations of JC, ACC, PORR and Law acting to Obstruct Justice, as corroborated by Anderson, and, the continued and affirmed COI and Violations of JC, ACC, PORR and Law continuing in this Court, Plaintiff now demands this Court to issue Orders for IMMEDIATE enforcement of COI Rules, JC, ACC, PORR and Law and resolution of conflicts. Such Court Order shall mandate FULL CONFLICT DISCLOSURE applicable to all Court Justices, Court Personnel, Law Firms, Lawyers and Public Officials that represent this Lawsuit on behalf of the Court and Counsel for Defendants and forcing compliance with all JC, ACC, PORR and Law. The minute there was correlation to Anderson's allegations with Plaintiff's allegations, it is almost impossible to imagine that the Court and USDC did not mandate thorough Conflict Checks of everyone involved in representing the Lawsuit in any Legal Capacity. Yet, even after repeated requests by Plaintiff to this Court and the USDC, these pleas for a Conflict free forum, went wholly ignored.

In the wake of Anderson's supporting claims of "Systemic" Public Office Corruption for "FAVORED" Lawyers and Law Firms, Aided and Abetted by New York Supreme Court Officials and Disciplinary Agencies by Public Office Lawyers and others, there is now Absolute Evidence of the corruption. Evidence from an insider, as Anderson was a Staff Attorney for the First Department Discipline Committee for six years. Evidence of Obstruction by Anderson necessitates the need IMMEDIATELY to protect against further corruption within the Courts, preventing further crimes from being

committed on behalf of the Favored Law Firms and Lawyers in the courts and reducing the number of new defendants. Allegations of Obstruction in Plaintiff's complaints, prior to Plaintiff learning of Anderson, are almost identical to the Criminal Obstruction exposed by Anderson and act as further cause to Reinvestigate all prior Lawsuits and Disciplinary Complaints filed by Plaintiff in the New York Courts and Disciplinary Departments. Anyone involved in Plaintiff's prior Disciplinary Complaints at the First Dept and First Dept DDC would be CONFLICTED from acting in any Legal Capacity in these Proceedings, for example Defendants Proskauer, Foley and Meltzer. Several Public Officials named in Anderson's complaint are simultaneously Defendants and Witnesses in Plaintiff's Lawsuit. For example, Defendant Catherine O'Hagan Wolfe (Wolfe), former clerk of the court for Defendant First Dept and now Clerk of this Court, named in Anderson and this Lawsuit as a Defendant making Wolfe's direct involvement in the handling of these matters for this Court **CONFLICTED**.

Wolfe, an initial Defendant in Anderson, will now be a Witness for Anderson and simultaneously a Witness and Defendant in this Lawsuit, creating a massive CONFLICT with her involvement as Clerk of this Court and therefore this Court. Until this Court and Wolfe's Conflicts are resolved through full Disclosure leading to either Conflict resolution and/or Conflict removal, the Conflict acts to Obstruct Justice in this Court, causing new Violations of JC, ACC, PORR and Law, denying Due Process rights of Plaintiff and cause for Criminal Obstructions charges. Wolfe's deposition statements are cited on multiple occasions in Scheindlin's Opinion and Order denying Summary

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Judgment in the Anderson Lawsuit, dated April 27 2009, whereby Scheindlin¹⁰ stated, “Plaintiff’s [Anderson’s] First Amendment Retaliation Claims remain”, “Retaliation” while Anderson should have been protected as a “Whistleblower”.

Anderson testified recently before the New York Senate Judiciary Committee on June 08, 2009¹¹, in Albany New York and her testimony describes multiple acts of State and Federal Crimes, including Fraud on the Courts through Obstruction of Justice caused by State Officials violating ACC, PORR and Law. As Anderson describes, Court and Public Office Officials achieved Obstruction through Coercion, Threats and Intimidation to attempt to force her to Whitewash complaints against Favored Law Firms and Lawyers. From Anderson’s riveting testimony at the hearings, she claims,

I alleged that upon learning of the DDC's pattern and practice of whitewashing and routinely dismissing complaints leveled against certain select attorneys -- to the detriment of the public that the DDC is duty-bound to serve -- I reported this wrongdoing pursuant to my rights under the First Amendment to the United States constitution and, importantly, my own ethical obligations under the New York State Code of Professional Responsibility...

In response, however, rather than attempting to address and rectify the problem, my supervisors embarked upon a campaign of abuse and harassment of myself, including a physical assault on myself...¹²

This intimidation of Anderson by Public Office Officials was to preclude her from exposing the ongoing Corruption at the New York Supreme Court Appellate Division

¹⁰ April 27, 2009 Christine Anderson v The State of New York et al. Opinion and Order
<http://www.iviewit.tv/CompanyDocs/United%20States%20District%20Court%20Southern%20District%20NY/20090427%2007cv9599%20Decision.pdf>

¹¹ June 06, 2009 NY Senate Judiciary Committee Hearing Testimony Christine Anderson and more
<http://iviewit.tv/20090608nysjudiciaryhearing/index.htm>

¹² June 08, 2009 Judiciary Hearing Transcript
<http://iviewit.tv/CompanyDocs/United%20States%20District%20Court%20Southern%20District%20NY/20090608%20New%20York%20Judiciary%20Committee%20Hearing%20First%20Dept%20Transcript.pdf>

First Department and First Department Disciplinary Committee, Corruption that included document destruction, changes to staff attorney reports, physical assault and wrongful termination for her attempts to expose the Crimes of her superiors, including Cahill.

Plaintiff Bernstein was slated to testify at the New York Senate Judiciary Committee hearings with Anderson, when suddenly, in the midst of the hearings, the now infamous Albany Coup on the NY Senate occurred on June 08, 2009. The Albany Coup took place approximately 10 minutes before Plaintiff was to testify about the enormous “Systemic” Public Office Corruption alleged herein and in the Amended Complaint in support of Anderson’s testimony. The Albany Coup then forced the shut down of the lights in the building, the cell and Internet communications, and finally, after waiting two hours, cancellation of the hearings. There are several theories as to orchestration and timing of the Albany Coup. One such theory holds that the coup was orchestrated directly to preclude Plaintiff Bernstein from testifying at the Judiciary Committee hearing that was simultaneously ongoing in the Albany Capital building regarding allegations that Law Firms and Lawyers are Stealing Intellectual Properties from Inventors / Clients by committing Frauds Upon the US Patent Office, Worldwide Patent Offices and more. The testimony would have then gone on to include the attempted Cover-Up of the Crimes through Violations of Public Offices, by the same Law Firms and Lawyers that committed the Original Crimes, several of whom were at the hearing¹³, several Self-Representing themselves before this Court in this Lawsuit.

¹³ June 08, 2009 New York Senate Judiciary Committee Outline for Testimony of Plaintiff Bernstein, submitted to the entire Judiciary Committee prior to the Hearings.

JUDGE WINTER'S DENIAL OF STAY TO JOIN U.S. GOVERNMENT OFFICIALS ACTS AS TITLE 18 OBSTRUCTION

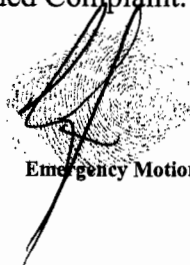
This Court is fully aware of its Legal Duties and Obligations under JC, ACC, PORR and Law to address and negate all COI and Violations of JC, ACC, PORR and Law and further notify all State, Federal, Disciplinary and other appropriate Authorities of all COI and Violations of JC, ACC, PORR and Law, prior to adjudicating matters. Plaintiff has formally petitioned the Court through prior Motions to perform such Legal Duties and Obligations and this Court has failed formally to issue even a courteous reply and instead continued to act in defiance of its own Rules. To fail these Legal Duties and Obligations and allow the COI and Violations of the JC, ACC, PORR and Law to continue is to deny Due Process by creating Obstruction of Justice in this Court.

As recognized by this Court in *Dunton v. Lawton* cited in my Motion, "there are at least two reasons why a court should satisfy itself that no Conflict exists or at least provide notice to the affected party if one does. First, a court is under a continuing obligation to supervise the members of it's Bar. E.g., *In re Taylor*, 567 F.2d at 1191; see *Musicus v. Westinghouse Electric Corp.*, 621 F.2d 742, 744 (5th Cir.1980) (per curiam) (district court obligated to take measures against unethical conduct occurring in proceedings before it). Second, trial courts have a duty "to exercise that degree of control required by the facts and circumstances of each case to assure the litigants of a fair trial." *Koufakis v. Carvel*, 425 F.2d 892, 900-01 (2d Cir.1970); see ABA Code of Judicial Conduct, Canon 3(A)(4)." **As the US Supreme Court has held, due process Violations may arise by the failure to address conflicts.** See, *Wood v. Georgia*, 450 U.S. 261, 101

S.Ct. 1097, 67 L.Ed.2d 220 (1981) (divided loyalties of counsel may create due process Violation).

In the face of long established law in the US Second Circuit and opposite case law, Second Circuit Court of Appeals Judge Winter denied the prior Motion filed by Plaintiff seeking a Stay on Appeal pending resolution of COI, Violations of JC, ACC, PORR and Law and requesting involvement by the DOJ and others on behalf of the United States, despite knowledge of Wolfe's active conflicted direct involvement at this Court. Such denial included a request by Plaintiff to conduct a Conference Call with the Office of White House Counsel, Office of US Attorney General and other appropriate parties pertaining to the issues and requests presented.

Despite this Court's direct knowledge that Wolfe is a named Defendant and Witness in Plaintiff's Lawsuit causing Conflict in Violation of the Court's own Rules, yet the Court refuses to resolve, regulate or even acknowledge or mitigate the Conflicts by Conference or any other mechanism. Current US Second Circuit Clerk Wolfe directly provided critical information to Plaintiff while working at the First Dept, implicating Defendant Proskauer Lawyer and First Dept DDC Officer, Defendant Steven C. Krane (Krane) and First Department Chief Counsel, Defendant Thomas Cahill (Cahill), informing Plaintiff they were Violating ACC, PORR and Law. Wolfe exposed Violations caused by Krane's handling of First Dept DDC Disciplinary Complaints against Defendants Proskauer, Meltzer, Rubenstein and Joao, while concealing his CONFLICT caused by Krane's involvement in the Iviewit Disciplinary Complaints while a Proskauer Partner and simultaneously an Officer of the First Dept DDC, as further defined herein and in the Amended Complaint.

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Anderson and Wolfe, both now Witnesses for Plaintiff, together add substantive corroboration to Plaintiff's complaints of Public Office Corruption at the First Dept DDC that Obstructed COURT proceedings and were part of a Fraud on the Court in an effort to deny Due Process to Disciplinary Complaints filed with the New York State courts. Further, Winter's action in ruling against a Stay of the Appeal to seek intervention by the USAG was ripe with Conflict, given Wolfe's star role in the upcoming Anderson trial. Winter's relation to Wolfe professionally and personally without Conflict resolution, at minimum, causes the Appearance of Impropriety and additional Violations of JC, ACC, PORR and Law in this Court's handling of this Lawsuit.

The Conflicts by Winter and Wolfe are now ever so prominent given the recent ruling by Scheindlin finding a valid First Amendment claim for "Retaliation" by Anderson against the First Dept DDC for speaking out against the "Systemic" Public Office Corruption within the First Dept and First Dept DDC. Yet, in the underlying action filed by Plaintiff, prior to Scheindlin's finding of possible Public Office Corruption in Anderson and prior to advancing the Anderson matter for Trial, Scheindlin herself had already noted that "**substantive issues**" including "**conflicts**" existed in Plaintiff's Lawsuit, whereby in a Court Order dated March 21 2008¹⁴ Scheindlin claims,

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.

However, in this most bizarre ruling, prior to the finding of "Systemic" Public Office Corruption in her Opinion and Order denying Summary Judgment in the "Legally

¹⁴ March 21, 2008 Scheindlin Order
<http://www.iviewit.tv/CompanyDocs/United%20States%20District%20Court%20Southern%20District%20NY/20080321%20Order%20Scheindlin.pdf>

Related” Anderson Lawsuit, Scheindlin determined not to address the Conflicts in Plaintiff’s Lawsuit until after Motions to Dismiss were decided. Scheindlin then dismissed the Lawsuit based on Pleadings knowingly tendered in Conflict and Violation of ACC, PORR and Law by Opposing Counsel. Such Pleadings act as part of the larger Fraud on the Court, therefore the Pleadings and the subsequent Rulings based on them, as part of a Fraud on the Court have no value and will be stricken eventually.

Scheindlin acknowledges “**substantive issues**” including “**conflict**” and then improperly, illegally and prejudicially to Plaintiff Appellant Bernstein’s rights fails to execute her Judicial Legal Obligations, prior to or after deciding the Motions to Dismiss. Then, as if dismissing the Lawsuit somehow relieved Scheindlin of her Judicial Legal Obligations under JC, ACC and Law to report the Misconduct and Violations by the Law Firms, Lawyers and Public Officials practicing before her to the proper Authorities, Scheindlin instead created a shield by concealing them.

Scheindlin’s bizarre dismissal occurred despite the fact that the NYAG Assistant AG, Monica Connell, when confronted regarding the NYAG conflicts, indicated that Conflicts in the Lawsuit should be resolved by the USDC and not by the NYAG¹⁵. The comments and actions by Connell are inherently contradictory and serve as a basis for reversal of the Scheindlin Dismissal Order, upon negating any existing COI at play or moving the matters to a Non-Conflicted court.

SCHEINDLIN FLAWED DISMISSAL & FAILURE TO REMOVE & REPORT MISCONDUCT & CONFLICT. THIS

¹⁵ March 05, 2008 Iviewit Letter to Scheindlin regarding the NY Asst AG Connell Conflicts
<http://iviewit.tv/CompanyDocs/United%20States%20District%20Court%20Southern%20District%20NY/20080305%20Final%20Plaintiff%20Opposition%20to%20AG%20Cuomo%20letter%20email%20copy.pdf>

COURT'S FAILURE TO RESOLVE CONFLICTS AS CAUSE FOR TITLE 18 OBSTRUCTION CHARGES

Despite Anderson's direct references to the Ivewit complaints at the First Dept DDC and First Dept, Scheindlin proceeded without allowing any of the "Legally Related" Lawsuits to join the Anderson Lawsuit in Discovery and further related proceedings despite having marked the "Legally Related" cases "related" in the first instance. The March 21, 2008 Scheindlin Order exposes Violations of ACC, PORR and Law and creates reversible errors as Scheindlin acknowledged "**substantive**" COI and other unknown "**substantive issues**" on the one hand and on the other allows the Lawsuit to proceed with Pleadings tendered by those in Conflict. For example, Defendant Proskauer, Legally representing Defendant Proskauer in Violation of ACC, moved the Scheindlin court to Stay Service of the Amended Complaint¹⁶, serving certain Amended Complaint Defendants only, despite the fact that Plaintiff filed the Amended Complaint timely and according to court rules at the time, which should have mandated service on all Defendants. Yet, defying the court's own rules, Scheindlin ruled in favor of Proskauer's Motion to Stay Service of the Amended Complaint¹⁷ tendered in Conflict, thus interfering with Plaintiff's legal right to service and Due Process.

If Proskauer was Conflicted at the time of their Motion to Stay Service, which the firm was and remains Conflicted, it was then Improper and Reversible for Scheindlin to permit the Law Firm, a Partnership, to submit Conflicted Pleadings and Motions before

¹⁶ March 09, 2008 Proskauer to Scheindlin to Stay Service of Amended Complaint, Letter Authored in Conflict of Interest and Violation of Attorney Conduct Codes
<http://ivewit.tv/CompanyDocs/United%20States%20District%20Court%20Southern%20District%20NY/20080509%20Proskauer%20to%20Scheindlin%20to%20block%20amended.pdf>

¹⁷ May 09, 2008 Scheindlin Order Staying Service of Amended Complaint
<http://ivewit.tv/CompanyDocs/United%20States%20District%20Court%20Southern%20District%20NY/20080509%20Scheindlin%20Order%20to%20stay%20amended.pdf>

the Court on their own behalf that Violate ACC and Law by not addressing the conflicts first. As the Pleading and Motions are submitted in Violation of ACC, it follows that Scheindlin would be unable to Rule on an Improper Pleading or Motion before the Court. The Illegal Pleadings and moving papers submitted by Conflicted Counsel and the Illegal Rulings tendered in response to those Illegal Pleadings by Scheindlin, combine to create a Fraud on the Court that acts to Obstruct Justice and deny Plaintiff Due Process.

Scheindlin should have instead followed JC, ACC and Law, which would have forced Proskauer to find Non-Conflicted counsel to submit pleadings on their behalf. Further, Scheindlin should have denied the Conflicted Illegal Pleadings that Non-Conflicted counsel might not have made, having no interest in the Lawsuit. More importantly, Proskauer Partners being direct Witnesses in the case and Defendants should have wanted to avoid Improper and Illegal conduct if they had no blood upon their hands. Certainly, they would have hired counsel to avoid the OBVIOUS Conflicts and Appearance of Impropriety their continued Conflicted and Unlawful Conduct creates and the Liabilities created for all the Public and Private parties entangled in the Amended Complaint caused by the continued misconduct.

Similar to the USDC, this Court has permitted Proskauer and other named Defendants to continue to Self-Represent in conflict despite multiple Lawyers within the Firms being direct Defendants and Fact Witnesses to critical parts of the allegations in the underlying Amended Complaint and despite the Law Firms being Partnerships. The Criminal and financial implications of the Crimes will devastate the Law Firms and all Partners in the partnerships who through the partnership are all implicated in the Crimes and now involved in the continuing Cover-Up Crimes through continuous Violations of

ACC, PORR and Law that create further Obstruction through continuous Frauds on the Courts.

Since dismissal of the Lawsuit, Judge Scheindlin has still failed to resolve the COI or identify whom the “**substantive**” Conflicts or “**substantive issues**” involve (a Conflict mystery) but more importantly has FAILED to report to the proper Authorities the Violations. JC, ACC, PORR and Law all Legally Mandate Reporting “**substantive conflict**” to all proper Authorities, including whatever other “**substantive**” issues Scheindlin refers to in her Order. This failure continues despite Judge Scheindlin having since issued a Decision and Order finding corruption in the Anderson case and permitting that case to proceed to trial. Plaintiff has repeatedly complained to both the USDC and this Court about many separate and distinct COI, Violations of JC, ACC, PORR and Law, against multiple Conflicted Lawyers, Law Firms, State Actors and State Agencies who are representing Defendants in the Lawsuit. Complaints extending back to the USDC, the State Courts, the initial Attorney Disciplinary Departments and the Civil Court in Florida under Judge Jorge Labarga, all of these conflict infested legal actions defined further in the Amended Complaint and prior motions to this Court, all fraught with Conflicts, Violations of JC, ACC, PORR and Law.

The initial Disciplinary Complaints against the Law Firms, Lawyers and Public Officials in New York, Florida and Virginia all found fraught with Conflict and Violations of ACC, PORR and Law, creating the overwhelming Appearance of Impropriety. In New York, the finding of Conflict in the First Dept DDC led to First Dept COURT ORDERED INVESTIGATIONS of the same Lawyers and Law Firms now Self-Representing in Conflict before this Court. All of the prior Conflicts CONCEALED

and inserted in the Disciplinary Complaint process by the Defendants to deflect complaints against them filed in those states, as allegations of Fraud were uncovered against the core conspirators Proskauer, Foley and Meltzer.

Conflicts Confirmed, Ordered for Investigation, Acknowledged by a Federal Judge and the State Courts, yet all continue in this Court, defying logic and Violating JC, ACC, PORR and Law. This Court prior to any further substantive acts must address the question of whom and what the “substantive issues” and COI involve that Scheindlin identified and failed to negate prior to adjudicating the Lawsuit. This Court cannot be free of the **Prejudicial** influence of the Conflicts in the Scheindlin court, especially relying upon Rulings that may be Illegal and in fact is in perpetuation of them by failing to report them and allowing them to continue. Scheindlin erred in failing to resolve the Conflicts before or after her determination in the Motions to Dismiss, allowing the Conflicted Law Firms and Lawyers to continue to move the Lawsuit to dismissal, constituting reason for soon to be filed judicial complaints regarding Scheindlin’s Violations of JC, ACC, PORR and Law.

All prior Determinations, Rulings or other Pleadings influenced by “**substantive**” COI by any Defendant counsel, renders them Inadmissible, Illegal, Dismissible and Punishable under JC, ACC, PORR and Law. Scheindlin failed to exercise her Legal Duties and Obligations to Report and Regulate Violations of ACC, PORR and Law committed by the Law Firms, Lawyers and Public Officials acting before her court. This Court’s similar INACTIONS constitute not only Violations of JC, ACC and Law but also further act to Obstruct Justice by furthering the Fraud on the Court. The Obstruction created denies Plaintiff Due Process rights and rights to his Intellectual Properties and

Royalties that underlie the Conflict matters. Such Property rights guaranteed in Article I, Section 8, Clause 8 of the Constitution regarding Inventor rights, the 5th and 14th Amendment to the US Constitution, and other Federal and State property laws, including Violations of Anti-Trust Law, RICO and many other State, Federal and International Laws, all clearly defined in the Amended Complaint.

The Conflicts are clear, in mass and Violate numerous JC, ACC, PORR and Law regarding the Pleadings of almost all opposing counsel in this Lawsuit, many whom are also Defendants and Witnesses in this Lawsuit. Action to resolve the “**substantive**” Conflicts must be immediate and prior to any other action or Ruling by this Court in order to remove the Illegal influence of the Conflicts over all past proceedings and enable moving forward in a judicially ethical manner in compliance with JC, ACC, PORR and Law. Despite Scheindlin’s flawed and perhaps Culpable actions to dismiss the Lawsuit prior to Conflict resolution when bound by JC, ACC, PORR and Law to remove “Conflict” in any proceeding and report all such Conflicted Parties to the proper Authorities for disposition leaves this Court with resolving the Conflicts prior to further adjudication.

Failure to eliminate Conflict in the Lawsuit prior to adjudication by this Court or any court it is transferred to immediately Prejudices the rights of Plaintiff and thus already in fact has Prejudiced this Lawsuit in this Court, further denying Due Process rights to Plaintiff. For this Court to continue to allow multiple Defendants to be represented by Conflicted Counsel or represent themselves in Conflict and continue to allow Judicial Officers to act outside the established JC, ACC, PORR and Law, further denies Due Process and further acts to Aid and Abet the efforts to subterfuge Plaintiff’s

rights through continued Obstruction. This Court, by allowing the Conflicts to continue and failing to affirm or deny its own potential Conflicts, despite repeated written requests, has therefore already become a Culpable Party to such continued Conspiracy to deny Plaintiff's rights in the New York Courts and now the Federal Courts, through further Illegal Abuse of Process and Fraud on the Courts.

RELATION OF DEFENDANTS TO PONZI SCHEMES OF MADOFF, STANFORD, DREIER, OKUN & THE MARKIT GROUP HOLDING ANTITRUST INVESTIGATION

This Court may take Judicial Notice of the Massive Wall Street meltdown occurring since Scheindlin's Dismissal Order of August 2008 and should note that many of the major Wall Street companies involved in the meltdown also are part of the Iviewit claims. Exposed in a July 15, 2009, article in AmLaw Daily¹⁸ titled "Proskauer Advises Company at Center of Derivatives Probe" is that Defendant Proskauer acting as Legal Advisor to Markit is at the center of an Ongoing Antitrust Investigation by the US DOJ into the **TWENTY SIX TRILLION DOLLAR** credit default swap market. This the same credit default swap market that has sunk this Country into near financial ruins, leaving millions of people worldwide in financial ruin, jobless, starving, medically deprived and homeless, again, we find Proskauer involved.

The Court can take further Judicial Notice of the massive financial Ponzi and other financial schemes recently unfolding and revealed during this same general timeframe and again find relations too many of the Defendants in this Lawsuit. While piling in comparison to the possible Antitrust Violations regarding Market Manipulation in the Trillions of Dollars are the Billion Dollar Frauds that have further correlations and

¹⁸ July 15, 2009 The AmLaw Daily "Proskauer Advises Company at Center of Derivatives Probe"
<http://amlawdaily.typepad.com/amlawdaily/2009/07/proskauer-on-derivatives-.html>

relationships to Defendants. Evidence of involvement of Iviewit Defendants found in the following financial frauds, including but not limited to:

1. the Bernard Lawrence "Bernie" Madoff¹⁹ (Madoff), Chairman of Bernard L. Madoff Investment Securities LLC (BMIS) Ponzi scheme,
2. the Sir Robert Allen Stanford (Stanford), Chairman of Stanford Financial Group of Companies (SFG)²⁰ Ponzi scheme,
3. Willis Group Holdings involvement in the Stanford Ponzi and Proskauer's representation of Willis²¹,
4. the Marc Stuart Dreier²² (Dreier) of Defendant Dreier & Baritz (DB) financial Fraud and
5. the Edward Okun of 1031 Tax Group Fraud.

The COI that continues to prevail in this Court and the lower courts act to Obstruct Justice and were they removed and prosecuted instead of railroad and further these Schemes and Defendants, including Proskauer, Dreier, Foley and Others, are found directly involved in the above referenced Schemes, then prosecution may have stopped these Schemes years' earlier. Had the Courts and the Disciplinary Departments acted in accordance with JC, ACC, PORR and Law and not allowed Conflicts to prevail, this could have prevented massive damage to the Victims of these Schemes and instead the

¹⁹ Madoff Bio @ Wikipedia "Madoff, who once served as a non-executive chairman of the NASDAQ stock exchange, pled guilty to an 11-count criminal complaint, admitting to defrauding thousands of investors of billions of dollars. Madoff convicted of operating a Ponzi scheme that has been called the largest investor fraud ever committed by a single person. Federal prosecutors estimated client losses, which included fabricated gains, of almost \$65 billion. On June 29, 2009, he was sentenced to 150 years in prison, the maximum allowed." http://en.wikipedia.org/wiki/Bernard_Madoff

²⁰ Stanford Capital Management, Stanford Group Company, Stanford International Bank f.k.a Guardian International Bank, Bank of Antigua, Stanford Coins and Bullion

²¹ Stanford Capital Management, Stanford Group Company, Stanford International Bank f.k.a Guardian International Bank, Bank of Antigua, Stanford Coins and Bullion

²² Dreier Bio @ Wikipedia http://en.wikipedia.org/wiki/Marc_Stuart_Dreier

Obstruction allowed the schemes to flourish. These schemes appear to be highly sophisticated financial schemes with Lawyers and Former SEC Agents operating or involved in almost all of them. As evidenced herein and in the Amended Complaint²³, all of these Schemes may be efforts to Launder the Stolen and Converted Intellectual Property Royalties of Plaintiff, converted Illegally by Defendants in these matters for their own gain. Other financial crimes may be due to the Fox in the Henhouse analogy where once in, the Fox went on a criminal feeding frenzy, unopposed by any threat of Justice, as the Gonzales Attorney Scandal for political favor, created an **Injustice** Department for these Schemes to flourish.

The Court is respectfully reminded of the nature of the allegations in my Amended Complaint and that it was the powerful and politically connected Law Firms of Proskauer and Foley, named Defendants in this action, that were at the heart of the scheme to steal my Intellectual Properties worth a Trillion Dollars or more. The Original Intellectual Property Crimes committed through a continuous series of Private and Professional Misconducts and Violations of JC, ACC, PORR and Law which were then combined with Public Office Crimes in order to Cover-Up the Original Crimes. The Cover-Up Crimes committed by Defendant Justices, Law Firms, Lawyers and Public Officials, creating a shield from prosecution for the Defendants by denying Due Process to the Plaintiff, through Illegally positioning in Conflict and creating Obstruction through further Violations of JC, ACC, PORR and Law.

²³ May 09, 2008 Amended Complaint

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



Tuesday, September 08, 2009

The Court should take Judicial Notice that Proskauer not only has the most clients in the Madoff Scheme (many clients previously thought to be Victim are currently under Investigation²⁴) but also simultaneously lies at the very heart of the Stanford / SFG Scheme, Proskauer and Proskauer Partners directly implicated in Stanford / SFG.²⁵ Defendant Proskauer has been identified in SEC and FBI Criminal and Civil lawsuits, acting as Stanford and SFG Counsel and coaching SFG employees to Mislead investigators, leading to a court ordered Injunction²⁶ to Freeze the Assets of Stanford / SFG by that court, applicable to Stanford, SFG, SFG Advisors, SFG Lawyers and the

Law Firms.

Proskauer is also counsel to Willis Group Holdings, from Proskauer's 2002 Annual Review "We continue to represent Willis Group Holdings, one of the largest insurance brokers in the U.S. and globally."²⁷ The Willis Group Holdings²⁸ is being sued as part of the Stanford Ponzi for issuing "safe and soundness" letters to potential investors in Stanford that were intended to attract customers to Stanford, leading to Billions of dollars of loss to Victims.

²⁴ May 18, 2009 Wall Street Journal "Madoff Victims Investigated Criminal Probe Expands to High-Profile Investors Who Say They Were Stung"

<http://74.125.47.132/search?q=cache:L7gkiTVrYWgJ:online.wsj.com/article/SB124261271530929129.htm+Madoff+Victims+Investigated&cd=1&hl=en&ct=clnk&gl=us>

²⁵ May 13, 2009 Business Week "Stanford's Ex-Lawyer is on the Hot Seat"

http://www.businessweek.com/investing/wall_street_news_blog/archives/2009/05/stanfords_lawye.html?chan=top+news_top+news+index+-+temp_news+%2B+analysis

²⁶ Stanford Documents SEC

<http://iviewit.tv/CompanyDocs/United%20States%20District%20Court%20Southern%20District%20NY/stanford/Stanford%20SEC%20Court%20Docs%20Low.pdf>

²⁷ Proskauer Rose 2002 Annual Review

http://www.proskauer.com/about_the_firm/firm_brochures/content/2003_01_00_i/res/id=File/2002AnnualReview.pdf

²⁸ July 03, 2009 Thomson Reuters "Stanford clients sue insurance broker Willis Group"

<http://www.reuters.com/article/ousiv/idUSTRE5624SE20090703>

Defendants Proskauer, Foley and Meltzer's DIRECT involvement in the Stanford, Madoff, Dreier & Okun Financial Frauds

Defendant Proskauer is directly involved in the Stanford / SFG scheme²⁹ and the ongoing SEC and FBI federal actions³⁰ which implicate them in the Criminal Complaints filed by the FBI (i) H-09-140M (ii) 309 MJ 56 and the SEC Civil Complaints (i) 3:09-cv-00298-N (ii) 3:09-cv-00298-L (iii) 1:09-mc-00002-JAD. Proskauer implicated in Aiding and Abetting the Stanford / SFG criminal enterprise in Misleading investigators leading to the arrest of SFG employees, the arrest of Stanford and an injunction on all assets.

In the Deposition of the Chief Information Officer of SFG with the SEC, where the financial Scheme was being unraveled by investigators, the Defendant Proskauer Lawyer Partner Thomas Sjoblom³¹ (Sjoblom), abruptly left the meeting and the next day sent an email to the SEC withdrawing Proskauer's and his own prior statements and representations. Plaintiff remains confused as to how one can withdraw prior statements but this nonetheless is an obvious area of inquiry of the Proskauer attorneys and defendants. This bizarre behavior by Proskauer and Sjoblom sent red flags to the SEC that something was amiss and caused the SEC to take immediate actions to protect the

²⁹ May 13, 2009 Business Week "Stanford's Ex-Lawyer [Defendant Proskauer Partner Sjoblom] is on the Hot Seat"

<http://iviewit.tv/CompanyDocs/United%20States%20District%20Court%20Southern%20District%20NY/20090513%20Proskauer%20Sjoblom%20Stanford%20re%20lying%20to%20SEC.pdf>

³⁰ Stanford Court Documents

<http://iviewit.tv/CompanyDocs/United%20States%20District%20Court%20Southern%20District%20NY/stanford/Stanford%20SEC%20Court%20Docs%20Low.pdf>

³¹ "From 1979 to 1987, Mr. Sjoblom served as Branch Chief and then Special Counsel to the SEC's Division of Market Regulation, where he provided interpretive advice to various segments of the securities industry on broker-dealer regulation and transfer agent regulation, back-office issues, trading practices, tender offer practices, market making, and contingency offerings. He also participated in the approval of the "new options products" in the early 1980s, including stock index options and futures and the foreign currency options. Department of Justice Experience While at the SEC, Mr. Sjoblom also served as Special Assistant U.S. Attorney for the Central District of California, the Western District of New York, and the Eastern District of Pennsylvania." http://www.proskauer.com/lawyers_at_proskauer/atty_data/8070

Victims. In a final meeting with SFG executives Sjoblom claims, "The Party is Over" and urges them to "Pray"³².

The deposition statements of the arrested SFG executive, Chief Investment Officer Laura Pendergest-Holt combined with news reports naming Proskauer's Sjoblom as Attorney A in the SEC and FBI federal complaints put Sjoblom dead center in the Scheme. 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.³³

Inferred from the initial documentation and news reports in those Lawsuits is that Sjoblom conspired and prepared with SFG executives to perpetrate fraudulent statements and records to the SEC investigators and so Aided and Abetted in the totality of the Fraud and Cover-Up. The FBI has arrested and charged Holt with Obstructing a US Government investigation, including her involvement with Sjoblom in preparing false and misleading information to give investigators. The FBI has arrested Stanford since the prior Motion to this Court alerting the Court to these financial Schemes. Proskauer and Sjoblom may be the next ones charged with similar crimes or worse for their involvement in misleading investigators and coaching Holt to lie to authorities, as well as, their direct involvement in the Stanford / SFG crimes.

Holt has filed a civil suit³⁴ against Proskauer and Sjoblom for Violations of ACC and more that have left this twenty-four year old charged in Federal Civil and Criminal

³² March 16, 2009 Memphis Daily News "Miami Meetings at Center of Stanford Woes"

<http://www.memphisdailynews.com/editorial/Article.aspx?id=41397>

³³ February 27, 2009 Houston Chronicle "'Assets are there,' Stanford insisted at pivotal meeting"

<http://www.chron.com/disp/story.mpl/business/stanford/6285534.html>

³⁴ March 28, 2009 Houston Chronicle "Former lawyer for Stanford [Defendant Proskauer] Sued"

<http://iviewit.tv/CompanyDocs/United%20States%20District%20Court%20Southern%20District%20NY/stanford/20090328%20Proskauer%20Sued%20by%20Stanford%20Holt%20Sjoblom%20yeah.pdf>

Complaints, claiming that Sjoblom and Proskauer practically forced her to make the falsified representations to the SEC protecting the more involved senior executives of SFG like Stanford. Sjoblom also made the plea to investigators to have Holt represent SFG in the proceedings, yet Sjoblom was acting Counsel for SFG only at Holt's deposition and only later was it learned under repeated questioning by investigators that Sjoblom was not representing Holt personally at her Deposition, apparently misleading Holt and SEC investigators initially. Proskauer and Sjoblom treated Holt as a Sacrificial Lamb in efforts to protect those who orchestrated the Crimes, including themselves perhaps and then cowardly abandoned her.

Learned since filing the prior Motion to this Court alerting the Court to these Schemes is further relations of Proskauer to the Madoff Scheme. According to TPM news³⁵, in 2004, an SEC attorney, Genevieve Walker-Lightfoot notified the SEC of the possible Madoff Ponzi Scheme but was forced out of her job at the SEC and later the SEC settled a claim against them filed by Lightfoot. Upon termination from the SEC, Lightfoot turned over her report on Madoff to Jacqueline Wood (Wood). Wood then buried the report that could have exposed the Ponzi years earlier and when she left the SEC, Wood took a partnership at, you guessed it, Defendant Proskauer.

When combined with other information it starts to further tie the Madoff and Stanford Schemes together, as stated in the Times Online on February 18, 2009,

'Perhaps the most alarming is that Stanford Investment Bank has exposure to losses from the Madoff fraud scheme

³⁵ July 09, 2009 Talking Points Memo TPM Media LLC "Bernie Madoff: SEC Investigator Fingering Bernie In '04; SEC Chief Lori Richards 'Resigns'"
http://tpmcafe.talkingpointsmemo.com/talk/blogs/mrs_panstreppon/2009/07/bernie-madoff-sec-investigator.php?ref=reccafe

despite the bank's public assurance to the contrary', said the SEC.³⁶

To FURTHER PERMIT the Defendants in this Lawsuit, who simultaneously represent themselves in this ongoing RICO, to continue to move this Court on behalf of themselves, without first addressing the multiple layers of Conflict as required by the Laws of this Second Circuit under Dunton and related progeny, is absurd and highly unethical. This unethical behavior Violates this Court's Duty to first make Inquiry into and then resolve the Conflicts cited herein in accordance with Law and its own Rules and PRIOR to Adjudication, not to mention the simultaneous failure of this Court to uphold the New York State Ethics and Disciplinary Rules and Regulations in opposite of JC, ACC, PORR and Law.

Finally, there is a common theme, which may have led to the lax Oversight in these 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.³⁷

Reported from the Memphis Daily News, as it relates directly to these matters:

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 arrested CIO of Stanford,

³⁶ February 18, 2009 Times Online "Allen Stanford lost money to Bernard Madoff and 'lied to cover it up'" http://www.timesonline.co.uk/tol/news/world/us_and_americas/article5759709.ece

³⁷ February 09, 2009 Law 360 "SEC Enforcement Head Resigns amid Madoff Probe." http://www.law360.com/registrations/user_registration?article_id=86638&concurrency_check=false

Pendergest-Holt with questions Feb. 10. After she was put under oath, Sjoblom [of Proskauer] 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?"

[SEC Investigator] King informed Sjoblom of a SEC Form 1662 served upon both he and his client Holt. Among other things, that form reads, "The commission often makes its files available to other 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 up with another question to investigators asking whether the SEC was currently working with the U.S. Attorney's office in the Northern District of Texas or elsewhere.

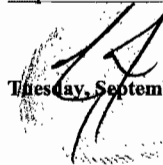
"Mr. Sjoblom, I just referred you to SEC Form 1662," King replied.

Objections

Sjoblom pressed on...³⁸

The Court should already see how many levels of Conflict continue to plague these matters with Proskauer's and Others Self-Representations and until stopped, the Public remains exposed through lax regulators and complacent courts or perhaps complicity by the regulators and courts to further Schemes. 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 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)."

³⁸ February 23, 2009 Memphis Daily News "Stanford Attorney Quits Following CIO's Testimony" <http://www.memphisdailynews.com/editorial/ArticleEmail.aspx?id=40993&print=1>



This Court must now perform its duty of making inquiry into the multiple levels of Conflict herein or stay such appeal and response briefs by Proskauer and other Conflicted Defendants until federal investigators have ferreted out the Conflicts and determined if this Court can proceed legally. Similarly, the USDC's failure to negate Conflict creates reversible error and possible grounds for Obstruction of Justice charges and more.

In the fraudulent hedge fund scheme orchestrated by Samuel Israel (whom faked his death in a bogus airplane crash) of the Bayou Group³⁹ we again find Defendant Proskauer, this time hiring Jeff J. Marwil formerly of Winston Straw and who currently serves as sole managing member of the Bayou Group in its Chapter 11 cases.

In the Dreier scheme, we find former Proskauer partner Sheila M. Gowan⁴⁰ selected as the bankruptcy trustee in the Dreier case and again Defendant Proskauer referred Plaintiff to patent attorney Defendant Joao, later fired by Plaintiff for suspected Patent Theft and then transferring to Defendant Dreier Baritz. Again, the web of Conflicts encircles these matters with Proskauer always near the center.

Defendant Dreier, who became involved in this lawsuit through Proskauer and Meltzer attorney Defendant Joao, has now formally pled guilty in federal court to being involved in a Seven Hundred Million Dollar (US \$700,000,000.00) financial Fraud and has been sentenced to twenty years with a loss of all assets.

Finally, and most recently, Defendant Foley is being sued for their part in yet another massive Ponzi scheme regarding The 1031 Tax Group LLC schemed by Edward

³⁹ August 05, 2009 The Deal.com "Legal ties that bind"

<http://www.thedeal.com/newsweekly/dealmakers/legal-ties-that-bind.php>

⁴⁰ Wall Street Journal Law Blog "January 2, 2009, "Former AUSA Selected as Bankruptcy Trustee in Dreier Case" <http://blogs.wsj.com/law/2009/01/02/former-ausa-selected-as-bankruptcy-trustee-in-dreier-case>

H. Okun who has already pled guilty to that crime and was sentenced to 100 years in prison^{41and42}.

All these schemes, Drier, Stanford, Madoff, Okun and more may be efforts by Defendant Proskauer and their Co-Conspirators to launder the converted monies from Plaintiff's stolen Intellectual Properties. Based upon prior and newly discovered information that support the allegations made herein and in the prior Motion to this Court regarding investigating Defendants involved in the Stanford, Madoff and Dreier schemes; Plaintiff now moves this Court to renew and reargue the Court's prior Denial of Plaintiff's prior Emergency Motion⁴³ to investigate the Defendants Proskauer, Foley, Meltzer and Dreier regarding the financial crimes of Madoff, Stanford, Dreier and Okun. Plaintiff – Appellant likewise is Moving the Court simultaneously to notify all proper Authorities, including the courts where legal actions regarding these frauds are already proceeding and request injunction on all funds recovered. Injunction until it can be determined if the financial schemes are related to this Lawsuit and further determine if the legal proceedings of these financial schemes may be further schemes or Frauds on the Courts to launder Plaintiff's converted royalties.

Press reports further allege that Stanford has been under investigation for many years, including investigations for his involvement with DRUG CARTELS and Money Laundering Schemes on behalf of such Cartels. This puts Proskauer squarely at the

⁴¹ Law 360, Friday, May 15, 2009 “1031 Victims Sue Citibank, Foley, Others For \$140M - Clients of The 1031 Tax Group LLC, a bankrupt exchange fund firm run by convicted Ponzi schemer Edward H. Okun, have launched a proposed class action to recover \$140 million from Bank of America NA, Citibank NA, Foley & Lardner LLP and others for allegedly facilitating the scheme.”
http://www.law360.com/company_articles/1440

⁴² August 04, 2009 Wall Street Journal “Okun Joins Madoff in Century Club”

⁴³ February 02, 2009 Plaintiff Motion to USCA
<http://iviewit.tv/CompanyDocs/United%20States%20District%20Court%20Southern%20District%20NY/20090302%20FINAL%20Emergency%20Motion%20Re%20Proskauer%20Stanford%20Madoff%20Dreier%20Scandals4017.pdf>

center of not only the financial Frauds but now also ties them to an Organized and Violent Criminal Enterprises. Further, Portfolio.com reports,

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.⁴⁴

From the Guardian.co.uk online,

The FBI is probing 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.⁴⁵

The Proskauer firm and related clients are also squarely in the center of the massive financial Ponzi scheme involving Bernard Madoff that involves ignored Whistleblower allegations by regulators going back many years before government action occurred. In one instance, a Whistleblower complaint that was turned over to the SEC investigators was then buried by an SEC employee who later left the SEC and took a Proskauer partnership, as defined herein.

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 Stanford Investment Bank has exposure to losses from the Madoff fraud scheme

⁴⁴ February 19, 2009 Condé Nast Portfolio.com "Stanford Round-Up, Drug Edition" <http://www.portfolio.com/views/blogs/market-movers/2009/02/19/stanford-round-up-drug-edition>

⁴⁵ February 22, 2009 Guardian News and Media Limited "The Stanford Affair FBI Investigates possible links with Mexico Drug Gang" <http://www.guardian.co.uk/world/2009/feb/22/allen-stanford-drugs-trade-mexico>

despite the bank's public assurance to the contrary', said the SEC.⁴⁶

For the Court to PERMIT the Defendants, who simultaneously Self-Represent themselves as Counsel in Conflict in this ongoing RICO, to continue to move the Court without first addressing the multiple layers of Conflict, as required by the Laws of this Second Circuit under Dunton and related progeny, is absurd. This unethical behavior Violates this Court's Duty to first make Inquiry into and then resolve the Conflicts cited herein, in accordance with JC, ACC, PORR and Law and PRIOR TO adjudication.

Finally, there is 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.⁴⁷

Reported from the Memphis Daily News, as it relates directly to these matters:

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** [emphasis added] – the same division of the agency whose representatives were peppering arrested CIO of Stanford, Pendergest-Holt with questions Feb. 10. After she was put under oath, Sjoblom (of Proskauer) immediately got down to business. Pre-empting the SEC officials, according to a transcript of the day's testimony, he asked:

⁴⁶ February 18, 2009 Times Online "Allen Stanford lost money to Bernard Madoff and 'lied to cover it up'" http://www.timesonline.co.uk/tol/news/world/us_and_americas/article5759709.ece

⁴⁷ February 09, 2009 Law 360 "SEC Enforcement Head Resigns amid Madoff Probe." http://www.law360.com/registrations/user_registration?article_id=86638&concurrency_check=false



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“First of all, has there been a criminal referral in this matter?”

[SEC Investigator] King informed Sjoblom of a SEC Form 1662 served upon both he and his client Holt. Among other things, that form reads, “The commission often makes its files available to other 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 up with another question to investigators asking whether the SEC was 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...⁴⁸

The Court should already see how many levels of Conflict continue to plague these matters with Proskauer’s and Others Self-Representations and until 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 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)."

This Court must now perform its duty of making inquiry into the multiple levels of Conflict herein or stay such appeal and response briefs by Proskauer and other Conflicted Defendants until federal investigators have ferreted out the Conflicts and determined if this Court can proceed legally. Similarly, the USDC’s failure to negate

⁴⁸ February 23, 2009 Memphis Daily News “Stanford Attorney Quits Following CIO’s Testimony” <http://www.memphisdailynews.com/editorial/ArticleEmail.aspx?id=40993&print=1>



Conflict creates reversible error and possible grounds for Obstruction of Justice charges and more.

DEFENDANT CLIENT FRAUDS

Plaintiff reminds this Court of the nature of my claims, as original Inventor and Owner of “Backbone” digital imaging and video technologies that not only transformed the Internet and Television but also revolutionized a wide range of products and markets, including but far from limited to;

1. Defense and other applications by the US Government (i.e. Satellite Imaging, the Hubble, Weaponry Imaging, Flight and Space Simulators, etc.),

2. Websites Worldwide - note the almost universal use of the inventions on every website that creates, hosts or uses web video (i.e. Google, You Tube / Yahoo, Microsoft Media, Adobe Media Player, Real Player, etc.) and the number of daily worldwide end users watching and posting videos,

3. Digital Television Creation and Transmission - video scaling increased channel output for cable and satellite companies and gave end users a minimum 75% more channels,

4. Imaging Applications – Almost all Medical Imaging devices use scaling imaging and video technologies. Cell Phone video would be impossible, as would Internet video, to transmit in full screen, full frame rate, without Plaintiff’s technologies, thereby creating these markets. Digital Zoom technologies that allow zooming on images with increased magnification, for example Google Maps, Digital Camera’s, Televisions, Hubble, etc. use the Technologies and,



A handwritten signature in black ink, appearing to be the name 'G. ...', is written over the text of the fourth point.

5. Video and imaging hardware and software applications almost all use the technologies.

Note that no Party or Defendant in these matters has ever factually contested (or been required to contest) the basic claim of myself as the original Inventor of the Inventions in any courts or proceedings. Yet, Defendants have been permitted to continue to wrongfully deny and deprive Plaintiff and other rightful owners of the rights, monies, royalties and benefits of the technologies on a continuing basis, which is part of what makes the Dismissal Order in error and cause for reversal, as the Crimes continue on a daily basis. Further, some of the earliest companies to enter into Non-Disclosure Agreements and Strategic Alliance agreements were Defendants Lockheed Martin, Intel Co. and Silicon Graphics, Inc.⁴⁹, companies with historically massive contracts with the US Government. Defendant Lockheed regarded as the largest defense and weaponry company in existence in the world and the largest user of “cutting edge” and “black box” digital imaging and video technologies.

At the time of the planning and execution of the initial theft and conspiracy to steal these Holy Grail technologies⁵⁰, valued at a Trillion Dollars or more, Lockheed, Intel and SGI were owners of a company called Real 3D, Inc. (Real 3D) located in Orlando Florida on property owned by Lockheed Martin. Intel was a twenty percent minority owner of Real 3D and then after learning of the technologies through agreement

⁴⁹ April 10, 2009 Iviewit Proof of Claim in Silicon Graphic Bankruptcy Case 09-11700 thru 09-11704 <http://iviewit.tv/CompanyDocs/United%20States%20District%20Court%20Southern%20District%20NY/20090410%20Proof%20Of%20Claim%20SGI%20BK%20Filing.pdf>

⁵⁰ April 27, 1999 Letter Richard Rosman, Esq. Regarding Proskauer Opinion Letter to Hassan Miah <http://www.iviewit.tv/CompanyDocs/1999%2004%2027%20Rosman%20to%20Wheeler%20Hassan%20Rubenstein%20Opinion.pdf>

and contract with Plaintiff and Real 3D in 1998-1999, Intel bought Real 3D from Lockheed and SGI in a transaction where the details remain unknown.

All three companies have since Violated NDA's, Strategic Alliances and License Agreements through the Real 3D contracts and failed to the report their knowing infringement of the technologies in their annual reports as required under FASB No. 5⁵¹ regarding reporting liabilities. Real 3D was at the time under contract and license with Iviewit and Plaintiff, which allowed Real 3D to demonstrate, test and operate the technologies directly from the Real 3D laboratories.⁵²

Link to Real 3D correspondence and evidence involving Iviewit @
<http://www.iviewit.tv/CompanyDocs/bibona%202.pdf>

Link to Defendant Proskauer Attorney Christopher Clarke Wheeler (Wheeler)
and Real 3D regarding Iviewit matters in 1999 @
<http://www.iviewit.tv/CompanyDocs/1999%2006%2011%20Wheeler%20to%20Real3d%20acting%20as%20patent%20counsel%202.pdf>.

According to Wikipedia⁵³,

In 1995, Martin Marietta and Lockheed merged to form Lockheed Martin Corporation, the world's largest weapons manufacturer. Following the merger, Lockheed Martin decided to market their cutting-edge graphics technology for civilian use by setting up Real 3D, Inc. in partnership with Intel and SGI. In 1999, Real 3D sued ATI Technologies over infringement of its patents (originally issued to General Electric in 1988 and 1990) as well as misappropriation of trade secrets (involving the hiring away of several Real 3D engineers). By October 1, 1999,

⁵¹ March 25, 2009 SEC Complaint - Regarding Intel Corporation and Possible Trillion Dollar Fraud on Intel Shareholders and Others
<http://iviewit.tv/CompanyDocs/20090325%20FINAL%20Intel%20SEC%20Complaint%20SIGNED2073.pdf>

⁵² Real 3D Documents
<http://iviewit.tv/CompanyDocs/Real%203D%20Opinion%20and%20Licensing%20Info.pdf>

⁵³ Wikipedia Real 3D reference <http://en.wikipedia.org/wiki/Real3D>

Real 3D was forced to close its doors and Lockheed sold its remaining stake in Real 3D to Intel on October 14. Following the sale, Intel fired all employees and closed the Orlando office. Interestingly, ATI opened an Orlando office and ostensibly retained many former Real 3D designers.

NOTE: THE US DEPT OF JUSTICE SUBPOENAED GRAPHIC COMPANIES IN DEC. 2006 FOR ANTI-TRUST RELATED VIOLATIONS, INCLUDING ATI TECHNOLOGIES THAT GREW OUT OF INTEL'S ACQUISITION OF REAL 3D, ACCORDING TO ZDNET NEWS @ http://news.zdnet.com/2100-9584_22-150460.html .

NOTE: MAJOR COMPANIES THAT SPUN OFF AFTER THIS MERGER, ATI, AMD AND NVIDIA HAVE BEEN UNDER FEDERAL ANTI-TRUST INVESTIGATIONS BY THE US DOJ.

According to Wikipedia⁵⁴ and other industry sources:

ATI Technologies Inc. (ATI) was a major Canadian designer and supplier of graphics processing units and motherboard chipsets. In 2006, the company was acquired by Advanced Micro Devices (AMD) and was renamed the AMD Graphics Product Group or ATI Technologies ULC, although the ATI brand was retained for graphics cards. The AMD Graphics Product Group is a fabless semiconductor company conducting in-house research and development and outsourcing the manufacturing and assembly of its products. Its main competitor is NVIDIA in the graphics and handheld market. The flagship product, the Radeon series of graphics cards, directly competes with NVIDIA's GeForce. These two companies' dominance of the market forced other manufacturers into niche roles.

On December 1, 2006, as reported by ZDNET⁵⁵, "The U.S. Department of Justice's Antitrust Division has issued Subpoenas to Advanced Micro Devices and Nvidia as part of an investigation into potential antitrust Violations." According to the article,

The DOJ successfully prosecuted the DRAM (dynamic RAM) industry in 2004 and 2005 for colluding to fix prices in the late 1990s and early 2000s. Some executives were

⁵⁴ Wikipedia ATI Reference @ http://en.wikipedia.org/wiki/ATI_Technologies

⁵⁵ December 01, 2006 ZDnet News "Justice Dept. Subpoenas AMD, Nvidia" @ http://news.zdnet.com/2100-9584_22-150460.html



sent to prison and companies such as Infineon and Hynix paid hefty fines. More recently, the DOJ has been looking into the SRAM (static RAM) industry, looking into companies such as Sony, Samsung, and Mitsubishi.

A FURTHER NEW EXHIBIT IS PLAINTIFF-APPELLANT'S FORMAL COMPLAINT TO THE SEC REGARDING THE INTEL CORPORATION AND REFERENCES ORIGINAL TRANSACTIONS INVOLVING DEFENDANTS LOCKHEED MARTIN, SILICON GRAPHICS, INTEL AND REAL 3D, ALL UNDER NDA WITH PLAINTIFF-APPELLANT BERNSTEIN AT ALL RELEVANT TIMES HEREIN.

EVIDENCE ITEM NO. 986 AT WWW.IVIEWIT.TV WEBSITE INCORPORATED BY REFERENCE IN THE AMENDED COMPLAINT HEREIN: BERNSTEIN INTEL SEC COMPLAINT MARCH 2009:

<http://www.iviewit.tv/CompanyDocs/United%20States%20District%20Court%20Southern%20District%20NY/20090325%20FINAL%20Intel%20SEC%20Complaint%20SIGNED2073.pdf>

This Court is also reminded of the large number of Fortune 1000 companies that entered into NDA's, Strategic Alliance Agreements and other Contracts⁵⁶ with myself and the Iviewit companies, including the largest communications, banking and financial companies, including, AT&T, Comcast, JP Morgan, Kodak, Dell, Sony Digital Pictures, Warner Bros., AOLTW, Intel, SGI, Lockheed Martin, Wachovia, and more.

In particular, this Court is directed to Evidence Link No. 75⁵⁷ @ www.iviewit.tv homepage which is a July 22, 2000 Marketing Letter with other material by Defendant Proskauer Attorney Wheeler regarding PROSKAUER marketing the inventions to their clients. In the Marketing Letter, Proskauer Partner Defendant Wheeler adds a Representative CLIENT List of Defendant Proskauer's. The clients include Time Warner

⁵⁶ Iviewit Non Disclosure and Other Agreements @ <http://iviewit.tv/CompanyDocs/Patents/Confidentialities/confidentialities%20total.pdf>

⁵⁷ July 22, 2009 Proskauer Client Letter Regarding Marketing the Iviewit Technologies to Proskauer clients <http://www.iviewit.tv/CompanyDocs/Armstrong%20Wheeler%20Client%20letter%20with%20highlights.pdf>

Inc., MGM, Universal Music, Miss Universe, Inc., National Hockey League, Major League Baseball, National Broadcasting Corporation, National Governor's Association, Museum of Modern Art, etc, showing the vast network of companies involved with Proskauer early on. Almost all of the Proskauer clients on that list are now infringing on Plaintiff's inventions that directly benefit Defendant Proskauer and their Client Defendant MPEGLA LLC, to the disadvantage of Plaintiff

ENRON / ARTHUR ANDERSEN SCANDAL TIES TO DEFENDANTS IN THESE MATTERS

The Court again reminded of the Amended Complaint allegations that the Enron / Arthur Andersen (Andersen) accounting and financial Frauds were uncovered after Andersen began auditing the books and financial affairs of the Iviewit companies. Crossbow Ventures required this audit⁵⁸ for their SBIC Loans as Crossbow's funds were composed of two-thirds Small Business Administration funds. Andersen's audit discovered initial evidence of Illegally created fraudulent shell companies, other

⁵⁸ September 20, 2000 Iviewit Letter to Arthur Andersen
<http://www.iviewit.tv/CompanyDocs/2000%2009%2020%20Hersh%20to%20Arthur%20Andersen%20Erika%20Lewin%20miffed%20letter.pdf>

and

<http://www.iviewit.tv/CompanyDocs/2000%2010%2009%20ARTHUR%20ANDERSEN%20LETTER%20REGARDING%20PROOF%20OF%20HOLDINGS%20OWNING%20TECH.pdf>

and

October 09, 2000 Letter Arthur Andersen to Iviewit

<http://www.iviewit.tv/CompanyDocs/2000%2011%2027%20ARTHUR%20ANDERSEN%20FILES%20TERMINATION%20LETTER.pdf>

and

Arthur Andersen / Iviewit correspondences

<http://www.iviewit.tv/CompanyDocs/ARTHUR%20ANDERSEN%20FILES.pdf>

accounting irregularities and allegations that Iviewit Accountants, Law Firms and Lawyers had misled auditors⁵⁹.

Strangely enough, Enron Broadband⁶⁰ was the unit of Enron that may have been the largest factor in the collapse of Enron and Enron Broadband was planning a deal with Blockbuster, a company created by Defendant Wayne Huizenga, the Seed Capital Investor in Iviewit. The problem was that Enron booked revenue for the project before there was a dollar of revenue. The Blockbuster/Enron deal could not have existed without Plaintiff's Technologies. Once Iviewit was under scrutiny of investors and auditors and evidence surfaced regarding the Enron / Blockbuster / Iviewit deal, a deal that Iviewit Management, the Board of Directors and Investors had no idea about, except those Proskauer referred insiders, as defined in the Amended Complaint, the Enron / Blockbuster deal collapsed, as Enron had no technologies to fulfill the Fraudulent revenue projections. There appears to be relations to the Utah streaming tests done by Enron⁶¹ and Proskauer referred management Defendant Utley, who came in under false pretense as later defined herein. Finally, recent reports show possible retrials of the Enron affairs,

In addition to this case, one or more of the defendants accused of crimes over activities in Enron's **broad-band division** [emphasis added] could be retried.⁶²

⁵⁹ September 20, 2000 Iviewit Letter to Arthur Andersen
<http://iviewit.tv/CompanyDocs/2000%2009%2020%20Hersh%20to%20Arthur%20Andersen%20Erika%20Lewin%20miffed%20letter.pdf>

⁶⁰ March 13, 2003 Forbes, "Feds Say Enron's Braveheart Was Fiction"
http://www.forbes.com/2003/03/13/cx_da_0313topnews.html
and
<http://www.coolware.com/EnronBroadband.htm>

⁶¹ March 09, 2001 InternetNews.com "Blockbuster Kills Video-On-Demand Deal with Enron"
<http://www.internetnews.com/infra/article.php/709941>

⁶² August 08, 2009 Houston Chronicle "Another Enron barge trial set for February"
<http://iviewit.tv/CompanyDocs/United%20States%20District%20Court%20Southern%20District%20NY/stanford/20090808%20Another%20Enron%20Set%20Of%20Trials%20Houston%20Chron.pdf>

Perhaps this time the Enron retrials will include the information regarding the Iviewit matters, which Plaintiff, similar to Harry Markopoulos the suppressed Whistleblower of the Madoff affairs, has tried to bring to the attention of Authorities for several years, including now this Court.” This Court should on its own Motion, notify those courts involved with the Enron Lawsuits of the pertinent information regarding this Lawsuit.

Once Andersen uncovered possible Fraud, internal investigations began into the stolen IP. On or about that time, executives of Warner Bros. uncovered further initial evidence indicating Fraud during their Legal Due Diligence for an investment in Iviewit, offered by Wachovia in a Private Placement Memorandum⁶³. Fraud including possible IP crimes involving switching patents on file at the USPTO versus what was shown to investors, possible corporate Fraud regarding the corporations setup (similar to what Andersen discovers) and two Illegal Legal Actions, including Fraud on a Federal Bankruptcy Court and a Florida Civil Court. Legal Actions that the Board of Directors, Management and Shareholders had never heard of before, informed of the actions by AOLTW/WB and only now is Plaintiff learning the full extent of these Frauds on the Courts after years of working with Federal and International authorities, including the USPTO, the EPI and FBI figuring them out.

Certain of the information to piece the full Corporate Frauds together with the IP Crimes, is awaiting legislation already presented to Hon. Senator Dianne Feinstein at the prompting of the US Patent Office, information critical to understanding the Frauds, as defined later herein and in the Amended Complaint. Thus, Plaintiff-Appellant Bernstein prevented by current law from obtaining vital and critical information regarding the US

⁶³January 2001 Wachovia Private Placement Memorandum
<http://www.iviewit.tv/CompanyDocs/Wachovia%20Private%20Placement%20Memorandum%20-%20with%20bookmarks%20in%20col.pdf>



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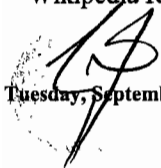
Emergency Motion to Compel

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Patent Office and International Patent Authorities regarding Fraudulent Patent Applications filed by named Defendants involving the USPTO, filed in others names, despite all reasonable and possible diligence thereby further supporting tolling of any statute of limitation in the event there is any necessity. Further making the District Court's Dismissal erroneous and premature and therefore should be Vacated and Remanded to an appropriate non – conflicted court IMMEDIATELY. The Amended Complaint contains full preliminary information regarding the Civil Case involving Defendant Proskauer and Iviewit matters in the W. Palm Beach, FL Civil Circuit Court and the Involuntary Bankruptcy in Florida involving Defendant Proskauer and Defendant Proskauer referred management and clients, including Real 3D, Inc.

The finding of initial evidence of Fraud at the time by Warner Bros. killed the investment to Iviewit that was to be in addition to licensing agreements already in place at the time between Warner Bros. and Iviewit. This also killed several other major licensing contracts underway, including Sony and even the funding contracted for with Venture Capitalists. With the Iviewit Intellectual Property theft and financial Crimes exposed at the time, the Enron/Blockbuster deal died instantly and in the next instant Arthur Andersen went extinct and Enron went bankrupt virtually overnight. Both Andersen and Enron then began a document shredding party to rid the evidence of their crimes⁶⁴, allegedly including the evidence regarding the attempted theft of the IP. Proskauer was at all times at the heart of all of these Iviewit audits, deals and contracts acting as Counsel and therefore central to the Crimes cited herein and in the Amended Complaint.

⁶⁴ Wikipedia Reference Arthur Andersen http://en.wikipedia.org/wiki/Arthur_Andersen



The Court again reminded that the allegations herein are neither conjecture, nor speculation, nor Conspiracy Theory but contrary to “Conspiracy Theory”, but instead depict a very real “Legal RICO Conspiracy” whereby various US Government Agencies and other law enforcement agencies of States and abroad are in Ongoing Investigations⁶⁵ of the Iviewit matters⁶⁶. One Investigation includes the Director of the Office of Enrollment & Discipline (OED) of the US Patent Office (USPTO), Harry I. Moatz (Moatz), who directed that I, Inventor Eliot Ivan Bernstein, file charges of “Fraud on the USPTO” with the Commissioner of Patents. The filing led to the Commissioner of the US Patent Office placing my Patents in Suspended⁶⁷ status pending Investigation by the

⁶⁵ <http://iviewit.tv/CompanyDocs/INVESTIGATIONS%20MASTER.htm>

⁶⁶ Scheindlin, in her flawed Dismissal Order, states that after review of Plaintiff’s claim of a RICO Conspiracy extending to the highest levels of Government, involving Murder (according to Scheindlin), Attempted Murder, Patent Theft, Fraud on the USPTO, Fraud on Foreign Nations and more versus the defendants’ frivolous claims of harassment by Plaintiff, that she is unsure whose account is true. From her Dismissal Order Scheindlin claims, “While I cannot determine which of these descriptions is more accurate...” and this statement while Scheindlin exposes “substantive issues” and substantive “conflict” relative to Plaintiff’s claims against Defendants making the Dismissal Order again in err and reversible by this Court. The defense of Defendants that they are being harassed makes no sense, as why would Plaintiff want to harass Law Firms composed of thousands of Attorneys, three State Supreme Courts, five State Supreme Court Attorney Disciplinary agencies, the NYAG, Justices from State Supreme Courts, etc? Why have these all too powerful legal Defendants not filed a complaint against little ole Inventor Plaintiff or even a Counter Complaint regarding harassment, as if in fear the LAWYERS and JUSTICES would have to defend their frivolous defenses in the courts when they know the baseless defenses are nothing more than Fraud on the Court. Lawyers, Law Firms, State Supreme Courts, State Disciplinary Agencies, State Bars and Judges, all are afraid of a courtroom, afraid of one Pro Se litigant. Yes it is true, as court is the exact place they do not want Plaintiff with Discovery that destroy them and therefore they have used all sorts of Fraud on the Courts, such as Conflicts and Violations of ACC, JC, PORR and Law for almost a decade to prevent Plaintiff from Due Process in a court of law. Defendants know discovery in these matters would lead to their demise and lengthy prison sentences and are willing to risk everything to stave off prosecution.

⁶⁷ February 14, 2005 US Patent Office Suspension Notice 1 @

<http://www.iviewit.tv/CompanyDocs/2005%2002%2014%2009%20630%20939%20US%20Patent%20-%202nd%20six%20month%20extension.pdf>

July 20, 2005 US Patent Office Suspension Notice 2 @

<http://www.iviewit.tv/CompanyDocs/2005%2007%2020%20-%2009%20587730%20USPTO%20Suspension%20Second%20Six%20Months.pdf>

March 04, 2004 Letter to the Commissioner of Patents Regarding “CHANGE OF INVENTOR REQUEST – INTENT TO DECEIVE AND COMMIT FRAUD UPON THE UNITED STATES PATENT & TRADEMARK OFFICE (USPTO) CLAIMED”

<http://www.iviewit.tv/CompanyDocs/EXHIBITS/09%20522%20721%20Change%20of%20Inventorship%20Form%20ALL%20PATENTS%20CROSSBOW%20S.pdf>

US Patent Office OED, the USPTO and the FBI. The Investigations are of Hundreds of Crimes, including crimes directly against agencies of the UNITED STATES and FOREIGN NATIONS, including but not limited to, submitting Fraudulent Intellectual Property applications to a Federal Agency and International Intellectual Property Agencies, both Federal Crimes, committed no less, through mail and wire activity sufficient for RICO predicate crimes and more.

NOTE THE HOMEPAGE @ [WWW.IVIEWIT.TV](http://www.iviewit.tv) LINKS TO DOCUMENTARY AND RELATED EVIDENCE <http://www.iviewit.tv/#Evidence> #1 THRU #1086 AGAINST DEFENDANTS. ALL EVIDENCE AND THE ENTIRE IVIEWIT WEBSITE FULLY INCORPORATED IN THEIR ENTIRETY BY REFERENCE HEREIN as originally pleaded in the Amended Complaint.

Note, USPTO OED Director Moatz directed these filings and charges of “Fraud on the USPTO” personally, after his Investigations began and upon learning that the Defendant Law Firms and Lawyers who represented Plaintiff had submitted to State Disciplinary Agencies in Virginia, Florida and New York, patently false Intellectual Property Documents not matching those on file with the USPTO. Moatz then formed a US Patent Office team to aid Plaintiff in getting the USPTO filings responded to and put into Suspension. Note, Iviewit’s largest investor Crossbow Ventures, whose funds were

US DOJ Office of Professional Responsibility July 2007 Confirmation Letter @ <http://www.iviewit.tv/CompanyDocs/2007%2007%2016%20US%20Dept%20of%20Justice%20OPR%20Begins%20Review%20of%20Iviewit%20Matters.pdf>

Investigations Masters Document @ <http://www.iviewit.tv/CompanyDocs/INVESTIGATIONS%20MASTER.htm>

April 5, 2007 European Professionals Institute Letter referencing Investigation of Defendant Intellectual Property Attorneys @ <http://www.iviewit.tv/CompanyDocs/2007%2004%2005%20EPI%20letter%20response%20insane.pdf>

two-thirds Small Business Administration funds, also signs the USPTO Complaints of **FRAUD ON THE US PATENT OFFICE**, lending solid support to the fact that the Small Business Administration funds were also invested in the Fraudulent Ivewit companies and Fraudulent Intellectual Properties.

EXAMPLES OF UN-RESOLVED CONFLICTS OF INTEREST THAT ACT TO OBSTRUCT JUSTICE THROUGH CONTINUED VIOLATIONS OF JUDICIAL CANNONS, ATTORNEY CONDUCT CODES, PUBLIC OFFICE RULES & REGULATIONS AND LAW

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, etc. In defining the Legal and Ethical Violations of Defendants in Conflict, the following JC, AC, PORR and Law are a handful of those Violated in this Court currently, as well as, in previous Courts and the Disciplinary Agencies and State Bar Associations.

Defendants Proskauer & First Dept Conflicts

Existing Conflicts discovered and those further created by Defendant Proskauer permitted to Self-Represent Defendant Proskauer before this Court or any court, include but are not limited to,

1. Defendant Proskauer and Proskauer Partners have multiple vested Personal and Professional interests in the outcome of the Lawsuit. Interests include possible loss of all assets professionally and personally under the RICO Count and potential lengthy

federal prison sentences when convicted, these conflicts make Proskauer's continued Conflicted Self-Representation before this Court impossible,

2. Defendant Proskauer Partners Mashberg and Smith additionally represent themselves Pro Se in the Lawsuit, while also representing as Counsel, Proskauer their Law Firm and their Proskauer Partners, against Plaintiff, their former Intellectual Property and Business client, creating further conflicts.

3. In this Lawsuit, Defendants Proskauer and Foley initially contacted the NYAG together, with Proskauer acting as Counsel for Defendant Proskauer, a slight conflict, and Foley acting as Counsel for Defendant Foley, another slight conflict, to discuss Legal defense strategy with Monica Connell of the NYAG who represents 30+ State Defendants in these matters. The ability for Defendants Proskauer, Meltzer and Foley to interact directly with the NYAG, acting as their own Counsel to gain information relating to complaints and other sensitive data, discuss strategies against Plaintiff and influence possible Investigations regarding Iviewit Complaints filed against Proskauer and Foley with the NYAG over the last several years is ludicrous. The conflicts which act to Obstruct the NYAG from their duties to protect the public are perhaps criminal, especially where Proskauer represents as Counsel the NYAG, former NY AG Defendant Eliot Spitzer and possibly current NY AG Andrew Cuomo, creating further Conflicts, Violations of PORR, ACC and other Crimes as defined in the Amended Complaint and herein. These Conflicts make Proskauer's continued Conflicted Self-Representation before this Court impossible, and at minimum require full Disclosure and Discovery on this specified topic of these specified parties provided to Appellant-Plaintiff Bernstein upon vacating the Order of Dismissal, which should occur immediately.

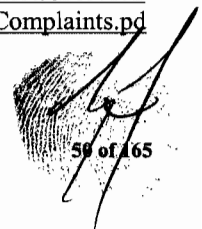
A handwritten signature in black ink, appearing to be 'Bernstein', is written over the text 'Emergency Motion to Compel'.

4. Plaintiff filed Disciplinary Complaints against Defendant Proskauer and Proskauer Partners Defendants Gregg M. Mashberg and Joanna F. Smith with the First Dept DDC⁶⁸ for their Conflicts before the USDC. With the Complaints not fully resolved, this creates further Conflict with their already Conflicted Self-Representation of Proskauer and Proskauer Partners and their Conflicted Pro-Se Representation. These Conflicts make Proskauer's continued Conflicted Self-Representation before this Court impossible,

5. Due to the fact that the First Dept DDC & First Dept are named Defendants in this Lawsuit, NYAG Connell was to redirect new Disciplinary Complaints filed with the First Dept DDC against Defendants Proskauer, Smith and Mashberg for the Violations before the USDC to a Non-Conflicted third party to handle them, seeing the obvious Conflicts. Plaintiff had contacted Connell to work around the Conflicts in advance and Connell had agreed to move the Complaints and was seeking the appropriate party to transfer them for unbiased review. Instead, while Plaintiff was waiting docketing numbers and for Connell to find a Non-Conflicted authority to handle the Disciplinary Complaints, the First Dept DDC interceded and acted in Conflict by ruling on the Complaints, attempting to dismiss the Complaints⁶⁹ against other Defendants in the Lawsuit. Defendant First Dept DDC made Rulings on new Disciplinary Complaints while a Defendant in the same Lawsuit, acting in Conflict and while having Representative Counsel in these matters, the NYAG, whereby as Lawyers the First Dept

⁶⁸ March 09, 2009 Plaintiff's First Dept DDC Complaints Proskauer and Foley ~ See pages 24-27 @ <http://iviewit.tv/CompanyDocs/United%20States%20District%20Court%20Southern%20District%20NY/20080305%20Final%20Plaintiff%20Opposition%20to%20Proskauer%20letter%20as%20counsel.pdf>

⁶⁹ January 09, 2009 First Dept DDC Dismissal @ <http://iviewit.tv/CompanyDocs/United%20States%20District%20Court%20Southern%20District%20NY/2009%2001%2012%20First%20Department%20Letter%20Response%20to%20Attorney%20Complaints.pdf>



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DDC knew contact with Plaintiff should be through their Representative Counsel the NYAG only. For this brazen attempt to dismiss the Complaints for other Defendants while in Conflict and Violating ACC, PORR and Law, Plaintiff filed Disciplinary Complaints against the First Dept DDC Officers who acted in the dismissal in Violation of ACC, PORR and Law as further defined herein. These Disciplinary Complaints against the Chairman and Chief Counsel of the First Dept DDC, are still awaiting formal Docketing and Disposition and these conflicts make Proskauer's continued Conflicted Self-Representation before this Court impossible,

6. Defendant Proskauer is a Shareholder of Plaintiff's Iviewit companies conflicting them yet again as defined in the Amended Complaint, making Proskauer's continued Conflicted Self-Representation before this Court impossible,

7. Defendant Proskauer and all Proskauer Partners are not only Defendants, Shareholders of Plaintiff Iviewit companies in this Lawsuit but also many are Material Fact Witnesses to events in this Lawsuit, having previously been the main Law Firm, Lawyers, Shareholders and even Board Members of the Iviewit companies. These Conflicts make Proskauer continued Conflicted Self-Representation before this Court impossible. Events Proskauer will be a central Witness to, include but are not limited to,

- a. Defendant Proskauer is alleged and being investigated currently for their central role in the Theft of Plaintiff's Technologies, as defined in the Amended Complaint,
- b. Defendant Proskauer and the Proskauer Intellectual Property Lawyers Licensed with the USPTO are under ONGOING Investigation by the USPTO, the USPTO OED and the Institute of Professional

Representatives before the European Patent Office (epi) for their central role with the direction of the filing of False and Fraudulent Intellectual Property Applications with US Government and International Agencies and more, creating further Conflict as defined in the Amended Complaint,

- c. Defendant Proskauer is alleged and being investigated currently for their central role in creating at least 14 Fraudulent Iviewit Shell Companies⁷⁰ and a Fraudulent set of Intellectual Properties in false Inventors names, in order to steal Plaintiff Technologies, as defined in the Amended Complaint,
- d. Defendant Proskauer is alleged and being investigated currently for their central role in a Fraudulent Bankruptcy proceeding against Iviewit companies as defined in the Amended Complaint,
- e. Defendant Proskauer is alleged and being investigated currently for their central role in a Fraud on a Florida Civil Court in a Fraudulent billing lawsuit against several of the Fraudulent Iviewit Shell Companies they created, as defined in the Amended Complaint,

8. Defendants Proskauer and Rubenstein control a Patent Pooling Scheme through Defendant MPEGLA, LLC that directly competes with their former Intellectual Property client Plaintiff Bernstein's Technologies causing Conflict and making Proskauer's continued Conflicted Self-Representation before this Court impossible,

⁷⁰ Iviewit Holdings, Inc. (1) – DL, Iviewit Holdings, Inc. – DL (2), Iviewit Holdings, Inc. – FL (3), 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

9. Defendant Proskauer Partner Matthew Triggs (Triggs) was confirmed by The Florida Bar to have Violated Florida Bar PORR in representing Defendants Proskauer and Proskauer Partner Wheeler in Disciplinary Complaints while Triggs was an Officer of the Florida Bar and Proskauer Partner, creating Conflict. Triggs barred from representing ANY party in ANY Complaints for a period of one year after his service with the Florida Bar, as an Officer of the Florida Bar. Triggs Violated this PORR in handling his Proskauer Partner Wheeler Bar Complaint and based on Anderson's claims and the fact that the First Dept DDC and Florida Bar information was shared between the two agencies and influenced the decisions of the two agencies, the Triggs PORR Violations and Wheeler Bar Complaint will be appealed shortly, these Conflicts making Proskauer's continued Conflicted Self-Representation before this Court impossible,

10. Additional Conflict in the Wheeler Florida Bar Complaint includes former President of the Florida Bar, Defendant Kelley Overstreet Johnson, who worked for Defendant Proskauer Partner Wheeler's brother, Defendant James Wheeler at Defendant Law Firm Broad & Cassel creating Conflict. Johnson simultaneously handled the Wheeler Complaint at the Florida Bar while failing to disclose her Conflict with Wheeler's brother at her firm and prevented the filing of Bar Complaints against Triggs for his CONFIRMED VIOLATION OF PORR BY THE FLORIDA BAR. Johnson prevented the Triggs complaint from formal docketing and disposition according to Law, in Violation of the US and Florida Constitution and further denying Due Process to Plaintiff. Based on Anderson's claims, Plaintiff will be appealing the Florida court cases at the Florida Supreme Court and the United States Supreme Court regarding the Bar

Complaints, making Proskauer's continued Conflicted Self-Representation before this Court impossible,

11. Defendant Proskauer Partner Krane acted to Obstruct Justice at the First Dept DDC uncovered in part by Defendant Wolfe who exposed that Krane was representing his firm Proskauer while an Officer of the First Dept DDC and also having other Public Office roles in the NY disciplinary system which Conflicted him, as defined in the Amended Complaint, making Proskauer's continued Conflicted Self-Representation before this Court impossible,

12. Defendant Proskauer Partner Krane, acted to Obstruct Justice at the First Dept DDC which was uncovered in part by Wolfe exposing that Krane was representing his firm Proskauer while an immediate past President of the NYSBA while precluded by NYSBA Rules from representing ANY party in Disciplinary Complaint for a period of one year after Public Office service, Krane's Violation of this PORR causes Conflict and makes Proskauer's continued Conflicted Self-Representation before this Court impossible,

13. Defendant Proskauer Partner Krane's actions in conspiracy with Defendant Cahill caused complaints against Krane, his Partner Rubenstein, the firm Proskauer, the firm Meltzer and Raymond Joao to be ordered by the First Dept court to be transferred for investigation of the Conflicts, Violations of ACC and PORR which created the Appearance of Impropriety, making Proskauer's continued Conflicted Self-Representation before this Court impossible,

14. Defendant Proskauer Partner Krane's actions in conspiracy with Defendant Cahill caused complaints against Cahill transferred for an investigative inquiry as

proscribed by the PORR of the First Dept DDC and whereby at the time of the Amended Complaint, defendant Martin Gold charged with the Special Inquiry had not investigated the matters making Proskauer's continued Conflicted Self-Representation before this Court impossible,

15. Defendants Proskauer, Proskauer Partners Rubenstein and Krane, Meltzer and Raymond Joao all ordered in Unpublished Orders by the First Dept for investigation for Conflicts and Appearance of Impropriety involving the Krane and Cahill Public Office Violations. Statements made in the "Legally Related" WHISTLEBLOWER Lawsuit of Anderson, by Anderson, further support Plaintiff's claims of Public Office Corruption involving Cahill. Proskauer, Krane and Cahill's Conflicts in the First Dept DDC and the fact that the Investigations remain incomplete makes Proskauer's continued Conflicted Self-Representation before this Court impossible,

16. Yet another Conflicted Public Office Lawyer and Investigator, Defendant Diane Maxwell Kears (Kears) at the New York Supreme Court Appellate Division Second Department (Second Dept) DDC and other members of Defendant Second Dept. then derailed the First Dept Court Ordered Investigations. Defendant Kears refused to follow the First Dept court Orders for Investigations⁷¹. Kears then refused to docket

⁷¹ October 05, 2004 Second Dept DDC Dismissal of Complaints transferred for Investigation by First Dept Court Order WITHOUT Investigation, Kears later found in Conflict with Defendant Krane by her own admission of such

<http://iviewit.tv/CompanyDocs/2004%2010%2005%20Supreme%20Court%20NY%20Second%20Dept%20Kears%20Krane%20Re.pdf>

and

October 27, 2004 Iviewit Letter to Second Dept DDC Chief Counsel Kears regarding her Conflict of Interest with Defendant Krane

<http://iviewit.tv/CompanyDocs/20041026%20Kears%20Krane%20Letter%20NY%20SUPREME%20COURT%20SECOND%20DEPT.pdf>

and

January 12, 2005 Iviewit Formal Complaint Against Kears and Others for Conflict, Kears refused to docket and procedurally dispose of the Complaints

complaints against her personally and other members of the Second Dept and Second Dept DDC, all in Violation of ACC and PORR. Violating Plaintiff's right to file complaints against civil servants, a Violation of Plaintiff's rights under the New York and United States Constitutions. Kearsse admitted to Conflict with Krane in Violation of ACC, PORR and Law and then despite repeated requests for Disclosure and Resolution of the Conflict, she continued to act on the matters attempting to dismiss the Complaints on Review in opposite the First Dept Order for "Investigation", Kearsse's Violation of the Court Order and her Conflicts with Krane, as described in the Amended Complaint, make Proskauer's continued Conflicted Self-Representation before this Court impossible,

Defendants Meltzer, Joao and Dreier Conflicts

Existing Conflicts discovered and those further created by Defendant Meltzer permitted to Self-Represent Defendant Meltzer before this Court or any court, include but are not limited to,

1. Defendant Meltzer and Meltzer Partners, including Joao and Rubenstein, have multiple vested Personal and Professional interests in the outcome of the Lawsuit. Interests include possible loss of all assets professionally and personally, under the RICO Count and potential lengthy federal prison sentences when convicted, these conflicts make Meltzer's continued Conflicted Self-Representation before this Court impossible,

2. Defendant Meltzer represents as Counsel, Meltzer the Law Firm and the Defendant Meltzer Partners, against Plaintiff, their former Intellectual Property client, creating further conflicts and making Meltzer's continued Conflicted Self-Representation before this Court impossible,

<http://iviewit.tv/CompanyDocs/2005%2001%2010%20DiGiovanna%20Krane%20NY%20SUPREME%20COURT%20SECOND%20DEPT%20CERT.pdf>

3. Defendant Joao, formerly of Meltzer and Defendant Proskauer Partner Rubenstein formerly of Defendant Meltzer are further Conflicted with Plaintiff, as Joao now has 90+⁷² patents in his own name (while submitting fraudulent patents for Plaintiff, some with dates of 1900 and 2020 on a US Patent Application⁷³) that compete with Plaintiff's Technologies as they were learned from Disclosure by Plaintiff with Joao, causing Conflict and making Meltzer's continued Conflicted Self-Representation before this Court impossible,

4. Defendant Rubenstein of Proskauer initially upon meeting Plaintiff was with Defendant Meltzer, yet Proskauer falsely represented to Plaintiff that Rubenstein was with Proskauer. Rubenstein is the sole patent evaluator and Counsel for MPEGLA LLC. who controls the Patent Pooling Scheme of Defendant MPEGLA, LLC that he formed while at Meltzer. MPEGLA, LLC now directly competes with Plaintiff's Technologies as they were learned from Disclosure by Plaintiff with Rubenstein, causing Conflict as described further in the Amended Complaint and making Meltzer's continued Conflicted Self-Representation before this Court impossible,

5. Defendant Meltzer and the Meltzer Intellectual Property Lawyers Licensed with the USPTO are under ONGOING Investigation by the USPTO, the USPTO OED and the Institute of Professional Representatives before the European Patent Office (epi) for their central role in filing the False and Fraudulent Intellectual Property Applications with US Government and International Intellectual Property Agencies under the direction of Rubenstein and Proskauer, as defined further in the Amended Complaint, creating

⁷² April 22, 2002 Newsday "Ground Control"

⁷³ US Patent Application 09-522,721

<http://iviewit.tv/CompanyDocs/PATENT%20APP%20DATED%20in%201900%20and%202020.pdf>

further Conflict and making Meltzer's continued Conflicted Self-Representation before this Court impossible,

6. Defendant Meltzer Partners are not only Defendants in this Lawsuit but also are Material Fact Witnesses to critical events in this Lawsuit. Meltzer having previously been one of the main Intellectual Property Law Firms referred by and under the direction of Defendant Proskauer and Rubenstein on behalf of Plaintiff and the Iviewit companies to file the Intellectual Properties, this Conflict making Meltzer's continued Conflicted Self-Representation before this Court impossible,

7. Defendants Proskauer, Proskauer Partners Rubenstein and Krane, Meltzer and Raymond Joao all ordered in Unpublished Orders by the First Dept for investigation for Conflicts and Appearance of Impropiety involving the Krane and Cahill Public Office Violations. Statements made in the "Legally Related" WHISTLEBLOWER Lawsuit of Anderson, by Anderson, further support Plaintiff's claims of Public Office Corruption involving Cahill. Proskauer, Krane, Rubenstein, Meltzer, Joao and Cahill's Conflicts in the First Dept DDC ordered for Investigation's that remain uninvestigated, as described in the Proskauer Conflicts section above, in addition make Meltzer's continued Conflicted Self-Representation before this Court impossible,

8. Defendant Joao's Counsel in these matters and in the initial Disciplinary Complaint matters before the First Dept DDC, John W. Fried, was a party to the actions that led to the still pending First Dept court ordered Investigations, making Fried now a Witness in these matters and a possible future defendant. Fried's prior actions at the First Dept DDC on behalf of Joao, include making alleged false and perjurious statements to Investigators as part of a Fraud on that Court as defined in the Amended Complaint,



making Fried's continued Conflicted Representation of Joao before this Court impossible,

Defendant Foley's Conflicts and the Virginia Attorney General Conflicts with Foley that Conflict the Virginia Attorney General from further Representation of Defendants

Existing Conflicts discovered with Defendant Foley, include but are not limited to,

1. Defendant Foley and Foley Partners have multiple vested Personal and Professional interests in the outcome of the Lawsuit. Interests include possible loss of all assets professionally and personally under the RICO Count and potential lengthy federal prison sentences when convicted, these conflicts make Foley's Self-Representation before the USDC a Violation of ACC,

2. Defendant Foley initially represented themselves in Conflict in these matters against former retained Intellectual Property client Plaintiff Bernstein and the Ivievit companies, making Foley's initial Self-Representation a Violation of ACC.

3. Defendant Foley's role as acting Counsel for the Defendants Virginia Bar, Virginia Supreme Court and the Virginia Attorney General, all under the aegis of the Virginia Commonwealth cause Conflict and was discovered in a Press Release that states,

Foley & Lardner, a law firm headquartered in Washington, D.C., has been appointed by Virginia Attorney General Jerry W. Kilgore to provide legal services to the Commonwealth of Virginia and its agencies in matters of intellectual property. (Press release)⁷⁴,

The representation of the Virginia Bar, Virginia Supreme Court and the Virginia Attorney General by Foley now Conflicts the Virginia Attorney General from

⁷⁴ January 2004 Virginia Business Online @ <http://www.ivievit.tv/CompanyDocs/VAAG%20HIRES%20FOLEY%20LARDNER.pdf>

Representing the Defendants Virginia Bar and Virginia Supreme Court who were involved in the Disciplinary Complaint filed against Defendant Foley Partner William Dick. In fact, despite knowledge that Foley's Representation of the Virginia Attorney General may cause Conflict in the matters before the Court, the Virginia Attorney General ignores the Conflict Disclosure Requests sent by Plaintiff and continues to submit Pleadings without first confirming if in fact the Virginia Attorney General is Conflicted. In a March 02, 2009 correspondence with Stephen Hall, Assistant Attorney General III for the Virginia Attorney General and Counsel to Defendants Virginia Bar and Virginia Supreme Court, Hall states,

I do not know if Foley has represented us in any matters or not. If the matter was completely unrelated to this matter, I am not sure it would matter. For example, if they worked for us in a case having nothing to do with the facts in your complaint, I cannot see how that would violate any ethical rule. I can check tomorrow provided that our office is open, but I am quite certain they did no work related to these facts.

In reply to this email from Hall, Plaintiff responded with the following on March 02, 2009,

One more thing Mr. Hall, it disturbs me greatly that you are just getting around to check if conflict exists when you have known about these issues for months and failed to check or even set up appropriate protections for your offices and me and continued to act in these matters. Just a wee bit late to start fact checking now when you knew the same facts several months ago and just ignored them, as your clients did with the William J. Dick and Foley & Lardner complaints filed at the Virginia Bar. For this action, I wish to levy a complaint against you with your offices and please take this entire document as the initial basis for a formal complaint of such and instantly turn these matters over to your superior. Please direct me to your

direct report so that I may take any further steps necessary to request officially formal investigation of you and your offices. Thank you.

Hall fails to ever check or reply formally to date over five months and continues to submit Pleadings to this Court and whereby these Conflicts make the Virginia Attorney General's continued Conflicted Representation before this Court impossible, until both the Conflicts and the Newly Filed Complaint against Hall are resolved,

4. In this Lawsuit, Defendants Proskauer and Foley⁷⁵ initially contacted the NYAG together, Proskauer acting as Counsel for Defendant Proskauer, a slight conflict, Foley acting as Counsel for Defendant Foley, another slight conflict, to discuss defense strategy with Monica Connell of the NYAG who represents the 30+ State Defendants in these matters. The ability for Defendants Proskauer and Foley to interact directly with the NYAG as Counsel for themselves and gain information, discuss strategy against Plaintiff and influence possible Investigations regarding Iviewit Complaints filed against Proskauer and Foley with the NYAG over the last several years is ludicrous, perhaps criminal and certainly is Conflicting, making Foley's Self-Representation before the USDC a Violation of ACC,

5. Upon Plaintiff's noticing the USDC that Foley was acting in Conflict and that Plaintiff filed Disciplinary Complaints with the First Dept DDC for Foley's Conflicted Self-Representation, Foley did an immediate about face withdrawing as Self-Representing Counsel, without seeking USDC approval to replace and retain new counsel. New counsel, Friedman, Kaplan, Seiler & Adelman LLP, then attempted to

⁷⁵ February 29, 2008 Monica Connell Letter to Scheindlin copying Foley and Proskauer as Counsel for Foley and Proskauer. Pages 20-21 @ <http://iviewit.tv/CompanyDocs/United%20States%20District%20Court%20Southern%20District%20NY/20080305%20Final%20Plaintiff%20Opposition%20to%20AG%20Cuomo%20letter%20email%20copy.pdf>

mislead the USDC that Foley had not acted initially as Counsel for themselves when they contacted the NYAG regarding legal strategy against Plaintiff with Proskauer, versus reporting the misconduct of Foley as required by ACC. New Counsel's failure to report the Misconduct causes yet another Violation of ACC thereby making the integrity of Foley's new Counsel questionable and subject to full COI Disclosure to this Court and Plaintiff prior to submission of further Pleadings on behalf of Foley. Plaintiff is formulating a complaint for this Violation of ACC against Friedman, Kaplan, Seiler & Adelman LLP for Aiding and Abetting a Fraud on the Court, as soon as the NYAG finds a Non-Conflicted third party to handle new Disciplinary Complaints against First Dept DDC licensed Lawyers.

6. Disciplinary Complaints against Defendant Foley and Foley Partners

Defendants Todd C. Norbitz and Anne B. Sekel filed with the First Dept DDC⁷⁶ for their Conflicts before the USDC acting as Foley Counsel,

7. Due to the fact that the First Dept DDC & First Dept are named Defendants in this Lawsuit, NYAG Connell was to redirect new Disciplinary Complaints filed with the First Dept DDC against Defendants Foley, Norbitz and Sekel for the Violations before the USDC to a Non-Conflicted third party to handle them, seeing the obvious Conflicts. Plaintiff had contacted Connell to work around the Conflicts in advance and Connell had agreed to move the Complaints and was seeking the appropriate party to transfer them for unbiased review. Instead, while Plaintiff was waiting docketing numbers and for Connell to find a Non-Conflicted authority to handle the Disciplinary Complaints, the First Dept DDC interceded and acted in Conflict by ruling on the Foley

⁷⁶ March 09, 2009 Plaintiff's First Dept DDC Complaints Proskauer and Foley ~ See pages 24-27 @ <http://iviewit.tv/CompanyDocs/United%20States%20District%20Court%20Southern%20District%20NY/20080305%20Final%20Plaintiff%20Opposition%20to%20Proskauer%20letter%20as%20counsel.pdf>



complaints, attempting to dismiss the complaints⁷⁷ against other Defendants in the Lawsuit. Defendant First Dept DDC made rulings, on new Disciplinary Complaints, while a Defendant in the same Lawsuit, acting in Conflict and while having Representative Counsel in these matters, the NYAG, whereby as Lawyers they knew contact with Plaintiff should be through Counsel only. A brazen attempt to dismiss the Complaints for other Defendants that Plaintiff then filed Disciplinary Complaints against the First Dept DDC Officers who acted in the dismissal in Violation of ACC, PORR and Law,

8. Defendant Foley and all Foley Partners are not only Defendants in this Lawsuit but also many are Material Fact Witnesses to events in this Lawsuit creating Conflict, having previously been one of the main Law Firm's, Intellectual Property Lawyers and even Board Members of the Iviewit companies, referred by and under the direction of Proskauer and Rubenstein. Events Foley will be a central Witness to, include but are not limited to,

- a. Defendant Foley is alleged and being investigated currently for their central role in the Theft of Plaintiff's Technologies, as defined in the Amended Complaint,
- b. Defendant Foley and the Foley Intellectual Property Lawyers Licensed with the USPTO are under ONGOING Investigation by the USPTO, the USPTO OED and the Institute of Professional Representatives before the European Patent Office (epi) for their central role with the filing of False

⁷⁷ January 09, 2009 First Dept DDC Dismissal @ <http://iviewit.tv/CompanyDocs/United%20States%20District%20Court%20Southern%20District%20NY/2009%2001%2012%20First%20Department%20Letter%20Response%20to%20Attorney%20Complaints.pdf>

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and Fraudulent Intellectual Property Applications with US Government and International Agencies, as defined in the Amended Complaint.

Former IP Counsel to Plaintiff Greenberg Traurig Conflict Representing Florida Bar and Florida Supreme Court

The Conflicts existing and further created by Greenberg Traurig (Greenberg) acting as Counsel for Defendants The Florida Bar and Florida Supreme Court are as follows:

1. Defense counsel for The Florida Bar and Florida Supreme Court, Greenberg, previously retained by Plaintiff to investigate Patent Fraud by Defendants Proskauer, Meltzer, Foley and Others and now represents Defendants Florida Bar and Florida Supreme Court against former Client Interests in directly related matters. This Conflict making Greenberg's continued Conflicted Representation before this Court impossible, and should be immediately rectified together with the other relief requested herein.


2. Greenberg retained⁷⁸ as Counsel by Plaintiff through Caroline Prochotska Rogers, Esq. to perform initial investigation of the allegations of Intellectual Property Fraud by Defendants Proskauer, Foley and Meltzer. The findings by Greenberg of Fraudulent Patent Applications filed at the USPTO and International IP Offices filed at the direction of Proskauer and filed by Foley and Meltzer that did not match the Intellectual Property Dockets given to Plaintiff, the Iviewit companies, Iviewit Shareholders and Investors. After completing part of Phase 1 Greenberg discovered Applications filed solely in Defendant Utley's name that were previously unknown to the Iviewit companies and many other major inconsistencies between the official filings and

⁷⁸ Greenberg Traurig Work Product Iviewit
<http://iviewit.tv/CompanyDocs/2002%2009%2020%20Greenberg%20Truarig%20Proposal%20Patents.pdf>

the Law Firms IP Dockets, including fraudulent Inventors, Owners and Assignee's. These findings led to Civil Legal Actions and Complaints with State, Federal and International authorities regarding the Crimes against many of the Defendants, all central to these matters. Intellectual Property Dockets prepared by Defendants Proskauer, Foley and Meltzer for Iviewit were used in raising capital, including from the SBA, Wachovia, Huizenga and Crossbow Ventures which contained false and fraudulent information compared to that on file with worldwide Intellectual Property Offices. Greenberg will therefore be a Material Witness for Plaintiff as former Counsel and now for their actions in Conflict a future Defendant and simultaneously Counsel to Defendants directly related to the matter and their former work. It behooves one to think that the Florida Bar and Florida Supreme Court cannot find Non-Conflicted Counsel to represent them in these matters, certainly they must know another law firm. These Conflicts of Greenberg representing Defendants against their former Client makes Greenberg's continued Conflicted Representation before this Court impossible,

3. More recently than Greenberg Traurig's involvement with the Jack Abramoff Scandal, Greenberg Traurig has now been implicated in the Madoff Ponzi scheme, as the lawyers for Madoff's longtime, now defunct accountant Avellino & Bienes^{79and80}. Avellino & Bienes convicted by the SEC in the past and issued an,

ORDER OF PERMANENT INJUNCTION AND CIVIL PENALTIES ENTERED AGAINST AVELLINO & BIENES, FRANK AVELLINO AND MICHAEL BIENES. The Commission's complaint alleged that from at least 1962 to at least July 1992, the defendants sold unregistered securities to the public and



⁷⁹ January 16, 2009 The New York Times "'92 Ponzi Case Missed Signals About Madoff"
<http://www.nytimes.com/2009/01/17/business/17ponzi.html>

⁸⁰ January 19, 2009 The Business Insider, Inc, "Avellino, Bienes And Madoff's Nephew?"
<http://www.businessinsider.com/2009/1/avellino-bienes-and-madoffs-nephew>

from at least 1984 through November 1992, A&B, aided and abetted by Avellino and Bienes, operated as an unregistered investment company.⁸¹

The Commission announced that the Honorable John E. Sprizzo, District Judge for the Southern District of New York, permanently enjoined, by consent, Avellino & Bienes (A&B), Frank Avellino (Avellino) and Michael Bienes (Bienes) from further violations of Sections 5(a) and 5(c) of the Securities Act of 1933 and Section 7 of the Investment Company Act of 1940. A&B agreed to pay a civil penalty of \$250,000 and Avellino and Bienes each agreed to pay civil penalties of \$50,000. Thus, Avellino & Bienes is being implicated as the original Madoff Ponzi Scheme, as Greenberg Traurig was legal counsel for Avellino and as Madoff may have implications with these matters through Defendant Proskauer as well, further Conflict may exist that make Greenberg's continued Conflicted Representation before this Court impossible,

4. Recently Greenberg Traurig implicated in the SFG / Stanford Ponzi scheme^{82and83} and their role in the creation of Stanford's banking operations and interactions with regulators that may be questionable, this Conflict making Greenberg's continued Conflicted Representation before this Court impossible.

Defendant New York Attorney General Conflicts Create Obstruction of Justice and Conflict discovered with Defendant NYAG being Represented by Defendant Proskauer

The Conflicts existing and further created by Defendant NYAG permitted to Self-Represent Defendant NYAG, Defendant former NY AG Spitzer and the State Defendants are as follows:

⁸¹ November 23, 1993 SEC News <http://www.sec.gov/news/digest/1993/dig112393.pdf>


⁸² July 05, 2009 Eye on Miami "R. Allen Stanford and Miami-based Greenberg Traurig: Why is it always Greenberg Traurig?" <http://eyeonmiami.blogspot.com/2009/07/r-allen-stanford-and-miami-based.html>

⁸³ May 17, 2006 Bloomberg "Stanford Financial's 'Family' Tie Fails to Impress University" <http://www.bloomberg.com/apps/news?pid=10000103&sid=a.0EEB14oTSA&refer=us>

1. Defendant NYAG Self-Represents in the Amended Complaint, as they are a named Defendant in the Amended Complaint, while continuing representation of approximately 30 Defendant State Officials and Public Offices, this Conflict making the NYAG's continued Conflicted Self-Representation and Representation for ANY Defendants before this Court impossible at this time.

2. Defendant Former Disgraced New York Attorney General Eliot Spitzer had Conflicts with Defendant Proskauer who Represented the NYAG and Spitzer in Hookergate and Troopergate during the time Plaintiff filed Complaints with the NYAG. Spitzer failed to acknowledge Public Office Corruption complaints filed against Proskauer and Others by Plaintiff⁸⁴, Complaints that resulted from the First Dept Court Ordered Investigations of Proskauer et al. NYAG Spitzer failed to acknowledge the initial Complaints while failing to disclose the NYAG / Proskauer Attorney Client relationship, this Conflict making the NYAG's continued Conflicted Self-Representation and Representation for ANY Defendants before this Court impossible at this time.

3. Plaintiff requested the NYAG to re-investigate the initial complaints filed with their offices based on the Krane and First Dept DDC Conflicts based on the new Anderson Public Office Corruption lawsuit⁸⁵, which wholly supported Plaintiff's earlier allegations, while addressing the new information discovered regarding the Conflict between the NYAG and Proskauer. Plaintiff is still awaiting information regarding the



⁸⁴ June 09, 2004 Iviewit Complaint to Paul J. Curran, Esq., and NYS Attorney General Eliot Spitzer Against Defendant Thomas Cahill:
<http://www.iviewit.tv/CompanyDocs/200%2006%2009%20Spitzer%20Curran%20Cahill%20Rubenstein%20Krane.pdf>

⁸⁵ March 14, 2008 Iviewit Letter to NYAG Connell to Open Prior Public Officer Integrity Complaints for Investigation based on Information Learned in Anderson:
<http://iviewit.tv/CompanyDocs/United%20States%20District%20Court%20Southern%20District%20NY/20080314%20FINAL%20Letter%20to%20NY%20AG%20to%20reistigate%20investigation%20on%20new%20evidence.pdf>

Ongoing Investigation by the NYAG which creates further Conflict and possible Obstruction of Justice, as defined further herein, this Conflict making the NYAG's continued Conflicted Self-Representation and Representation for ANY Defendants before this Court impossible at this time,


4. NY AG Andrew Cuomo replacing Spitzer, then approved Proskauer's Legal Fee billed to the NYAG and paid for by the State of New York, for Spitzer's Legal Representation by Proskauer in HookerGate and TrooperGate. Cuomo has initiated Investigations regarding the recently submitted request for re-investigation of the earlier Iviewit complaints, formally confirming receipt and review of the Iviewit Complaint⁸⁶. The question remains if Proskauer remains representing the NYAG Offices and Officers and the full nature and time frame of the relationship that without full Disclosure of Conflicts by the NYAG, this unresolved Conflict makes the NYAG's continued Conflicted Self-Representation and Representation for ANY Defendants before this Court impossible at this time,

5. The NY AG Cuomo may also have Conflict with Judge Judith Kaye due to his father's appointment to Kaye as Chief Judge and while Scheindlin attempted to answer the question for Cuomo when Plaintiff formally requested Conflict Disclosure from Cuomo, Plaintiff demands full Disclosure from the NYAG directly regarding this and any other Conflicts that may be unknown at this time, PRIOR to any further submissions to this Court which may be tendered in Conflict and Violation of ACC, PORR and Law, this unresolved Conflict makes the NYAG's continued Conflicted Self-

⁸⁶ February 27, 2009 NYAG Public Integrity Unit Complaint Intake Letter
<http://iviewit.tv/CompanyDocs/United%20States%20District%20Court%20Southern%20District%20NY/20090217%20NYAG%20Integrity%20Confirmation%20of%20First%20Dept%20Complaints.pdf>

Representation and Representation for ANY Defendants before this Court impossible at this time,

6. NYAG has further Conflicts in representing nearly 30+ Defendants in this Lawsuit in Public Office Corruption related charges with differing and multiple interests, including several similar defendants named in the Anderson Whistleblower Lawsuit. The Conflict created here is that the NYAG is representing State Defendants who are Defendants in Anderson's Lawsuit, which acts to preclude the NYAG from investigating those same Defendants they are representing as counsel that on the other hand they are the Legally Obligated Public Agency to investigate the Public Office corruption alleged in Anderson against their Client Defendants. This Conflict is particularly nefarious as it creates Obstruction of Justice by preventing the NYAG from investigating their State Defendant Clients they represent as Counsel. The NYAG cannot without at minimum providing Full Disclosure and then instituting a China Wall to prevent Conflict, both represent as Counsel and Investigate as obligated by PORR, the same party. Therefore, the NYAG Public Office Legal Duties and Obligations of Investigation of Defendants First Dept, First Dept DDC, Wolfe, Cahill, etc. are Obstructed by the NYAG's simultaneous Representation of the same Defendants. The Obstruction created acts to block both Plaintiff and Anderson from having the NYAG Public Integrity Unit responsible for investigating alleged Public Office Crimes perform their Legal Duties and Obligations to investigate on behalf of the Public. Plaintiff has recently sought from the NYAG application of New York State Public Officers Law § 17 Sec 2 (b)⁸⁷ to force



⁸⁷New York State Public Officers Law. § 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

individual state officers to seek independent and Non-Conflicted counsel, to remove the NYAG Conflict and Obstruction and allow the NYAG to perform their Public Office Legal Duties and Obligations. This Court should similarly force the NYAG to notify their State Defendant Clients to **go get a lawyer**, or upon the Court's own motion force similar action, of course, Non-Conflicted lawyers. This unresolved Conflict that causes Obstruction of Justice makes the NYAG's continued Conflicted Self-Representation and Representation for ANY Defendants before this Court impossible at this time and may be cause for filing of Obstruction charges against the NYAG,

1. The NYAG creates Conflict and possible Public Office Violations by having strategy sessions with multiple private Defendants, including but not limited to, Foley and Proskauer. The private Defendants acting as their own Counsel before the NYAG in strategy meetings in Violation of ACC, PORR and Law, the same Defendants who the NYAG Public Integrity and related units should be investigating for their part in the Public Office Crimes. Instead, the Defendants are working with the NYAG on Legal Defenses against Plaintiff, Anderson and the "Legally Related" Cases who are exposing the Corruption and Defendants are gaining information from the NYAG on Complaints filed with the NYAG relating to them, not only a MAJOR CONFLICT but perhaps CRIMINAL COLLUSION. NOTE: ** "State actors" conspiring in violation of 42 USC Sec. 1983 and RICO with private defendants and individuals renders the private defendants "state actors" for liability purposes herein thus clearly rendering the Amended Complaint

the facts and circumstances of the case that representation by 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.

<http://www.pgs.state.ny.us/supportservices/defibrillators/PublicOfficersLawSect17.pdf>

as having stated valid claims for federal relief and original jurisdiction by the District Court herein which should thus immediately vacate the Aug. 8, 2008 erroneous Order of Dismissal by US District Judge Scheindlin. **

7. Plaintiff has contacted the NYAG Chief of Staff Steven Cohen regarding working out the NYAG's multiple Conflicts and Obstruction⁸⁸ and finding a possible forward path, which avoids filing of Criminal Obstruction charges with the appropriate Criminal Authorities against the NYAG, if such solution is possible. This unresolved Conflict that causes possible further Public Office Crimes makes the NYAG's continued Conflicted Self-Representation and Representation for ANY Defendants before this Court impossible at this time and may be cause for filing of Obstruction and Other charges against the NYAG, including participation in the RICO elements of the case. The mere fact that the NYAG has not been able to respond in over a month should be sufficient proof of existing conflicts, which should have been corrected, by the District Court and the US Second Circuit prior to this stage of litigation.

This Court & USDC Conflicts Acting to Deny Plaintiff Due Process through Obstruction of Justice

1. Winter and Wolfe's Conflicts deny Due Process and deny a stay to seek involvement of the DOJ on behalf of interests of the United States. Permitting the Law Firm and Lawyer Conflicts to continue at the US Second Circuit continues to Obstruct Justice and continues the Abuse of Process which furthers the Fraud on this Court as defined herein, that is actionable. Actionable as the Obstruction continues to Aid and

⁸⁸ June 13, 2009 Letter to NYAG Chief of Staff Steven Cohen Regarding Conflict of Interest <http://iviewit.tv/CompanyDocs/United%20States%20District%20Court%20Southern%20District%20NY/20090613%20FINAL%20NYAG%20Steven%20Cohen%20Letter%20signed%20low.pdf>



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Abet the underlying frauds and crimes against the rightful Iviewit Intellectual Property Interest Holders and Inventors by keeping them Covered-Up.

This Court has stated that "[w]hen a potential or actual Conflict of Interest situation arises, it is the court's duty to ensure that the attorney's client, so involved, is fully aware of the nature of the Conflict and understands the potential threat to the protection of his interests." *In re Taylor*, 567 F.2d 1183, 1191 (2d Cir.1977)." Because of the imminent threat of a serious conflict, disqualification would have been appropriate here even before any proceedings began. See *Shadid v. Jackson*, 521 F.Supp. 87, 88-90 (E.D.Tex.1981) (granting motion to disqualify in virtually identical case because of "high potential for conflicting loyalties"). Cf. *Armstrong v. McAlpin*, 625 F.2d 433, 444-46 (2d Cir.1980) (en banc) (disqualification appropriate when conflict will taint a trial by affecting attorney's presentation of a case), vacated on other grounds, 449 U.S. 1106, 101 S.Ct. 911, 66 L.Ed.2d 835 (1981).

As noted in *Dunton*, The County Attorney's multiple representation in this case was inconsistent with his professional obligation to Officer Pfeiffer. See *Hafter v. Farkas*, 498 F.2d 587, 589 (2d Cir.1974). It was also inconsistent with Canons 5 and 9 of the ABA Code of Professional Responsibility. A Violation of Canons 5 and 9 of the Code, which call for exercising independent judgment on behalf of a client and avoiding any Appearance of Impropriety, provides ample grounds for disqualifying an attorney. *Board of Education v. Nyquist*, 590 F.2d 1241, 1246 (2d Cir.1979).

As soon as the County Attorney began to undermine Officer Pfeiffer's good faith immunity defense by stating that Pfeiffer acted as an "irate husband" and not as a police officer, he was not only failing to act as a conscientious advocate for Pfeiffer, but was



acting against Pfeiffer's interest. The seriousness of this conflict made disqualification appropriate. *Shadid v. Jackson*, 521 F.Supp. at 88-90. In holding that the trial court had a duty to inform Pfeiffer of the conflict, we in no way excuse the conduct of the other attorneys here. Attorneys are officers of the court, *Clark v. United States*, 289 U.S. 1, 12, 53 S.Ct. 465, 468, 77 L.Ed. 993 (1933), and are obligated to adhere to all disciplinary rules and to report incidents of which they have unprivileged knowledge involving Violations of a disciplinary rule. ABA Code of Professional Responsibility, DR 1-102(A), 1-103(A); see *In re Walker*, 87 A.D.2d 555, 560, 448 N.Y.S.2d 474, 479 (1st Dep't 1982) (as officers of court, attorneys required to notify parties and court of error in court order). The County Attorney had to know of the serious conflict his multiple representation created, see, e.g., App. at 1163, and knew or should have known that he could not fulfill his ethical obligations to the county without seriously undercutting Pfeiffer's legal position. The plaintiff's attorney should also have been aware of the problem and should have called it to the attention of the court. See *Estates Theatres, Inc. v. Columbia Pictures Industries, Inc.*, 345 F.Supp. 93, 98 (S.D.N.Y.1972) ("[T]hose attorneys representing other parties to the litigation were obligated to report relevant facts [regarding Conflict of Interest of opponent's attorney] to the Court") (citing DR 1-102).

In the Lawsuit at hand, this Court's own Chief Clerk Wolfe has been involved in the discovery of improprieties by Proskauer attorney Krane and First Dept DDC former Chief Counsel Cahill in relation to the adjudication of complaints and grievances involving Proskauer attorneys at the First Dept DDC relating to Iviewit. Likewise, the NY AG involved in virtually the identical Conflict situation as noted in Dunton above



such that Due Process and Fair proceedings would lead to admissions by multiple Public Officers of the First Dept, First Dept DDC and other State agencies also making application of the NY Public Officers Law Sec. 17 by the NYAG required at this time.

Yet, through Judge Winter, Wolfe has been part of the illegal Abuse of Process in this Court to deny a stay of proceedings to seek the involvement of the DOJ, at the same time Wolfe now scheduled to be a star witness in the “Legally Related” Anderson Lawsuit now declared by Scheindlin as involving Public Office Corruption. Again, the original Anderson complaint referenced Iviewit matters as involved in the corruption therein.

In its barest terms, Defendant Proskauer was able to commit crimes against Plaintiff, the Iviewit Shareholders and Inventors then other Proskauer attorneys, Defendants Krane and Triggs, acted to Obstruct Justice and Cover-Up the Crimes through subterfuge of the complaints at the First Dept DDC and the Florida Supreme Court, doing so in Violation of ACC, PORR and Law.

Triggs also simultaneously represented Proskauer in the Proskauer billing Lawsuit in the Labarga Civil Court in Conflict and Violation of AC, PORR and Law regarding Multiple Representations while a Bar Officer, as defined in the Amended Complaint. Labarga’s Lawsuit represents the initial Fraud on a court; a fraud that remains today being uncovered, new information being learned even recently (i.e. Anderson) as it relates to the totality of the crimes, including the fraudulent books discovered by Arthur Andersen and others, the fraudulent set of patent applications and the fraudulent involuntary bankruptcy. Further, new information shows how all frauds interrelate to the ongoing **PATTERN OF CRIMINAL BEHAVIOR BY THE ALLEGED RICO**

**CRIMINAL ENTERPRISE COMPOSED PRIMARILY OF LAW FIRMS,
LAWYERS AND PUBLIC OFFICIALS, AIDED AND ABETTED BY ILLEGAL
ABUSE OF PROCESS AND VIOLATIONS OF PUBLIC OFFICES ACTING TO
SUBTERFUGE LEGAL DUE PROCESS CREATING A STRANGLEHOLD ON
JUSTICE IN THIS COURT BY CRIMINALS.**

Defendant Proskauer and Proskauer Defendants Mashberg and Smith, now brazenly represent as Counsel Defendant Proskauer before this Court, as with the USDC as if the word Conflict has no meaning and the Court rules have no relevance. Further, Defendants Mashberg and Smith also represent Defendants Mashberg and Smith as Pro Se Counsel, Conflict that Violates virtually the entire ACC, including the fact that the newbie partners have LEGAL Duties under ACC to Report Violations of the ACC and Law committed by their Partners. All of these Conflicts continuing while Scheindlin acknowledged “**substantive conflicts**” and yet neither this Court nor that court act to resolve such Conflicts. The Conflicts so thick, so as to render this Court and its rulings a Joke, as further evidence of continued Fraud on the Court.

Thus;

1. Filed complaints against several Second Dept and Second Dept DDC members and Defendants remain not properly docketed and disposed of according to well-established departmental rules and need to be both docketed and investigated properly to conclusion, free of further Conflict and Obstruction.

2. The First Dept Orders for investigations of Proskauer et al. need investigation to proper conclusion, free of further Conflict, removed from the First Dept DDC and Second Dept DDC, as they are now Defendants in these matters, and cannot handle



complaints against themselves. Still recently, even after service of the Original Complaint naming them as Defendants, the First Dept DDC acted in Conflict handling complaints against Cahill and other Defendants in these matters, attempting to dismiss the complaints against Defendants in these matters. The new illegal actions constitute the need for further review of all prior complaints, free of conflict and then reviewed by the non-conflicted parties; complaints filed in relation to certain of these matters already.

Violations of Judicial Cannons, Attorney Conduct Codes and Law

In defining the Legal and Ethical Violations of Defendants with Legal Titles, the following JC, ACC and Law are a handful of those Violated in this Court currently, in previous courts, in Public Offices and the Disciplinary Agencies that have handled these matters since the year 2000.

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

This Court, the District Court, the Florida Civil Court, Others named herein and in the Amended Complaint by failing to adhere to the JC, PORR, ACC and Law, have failed to uphold the integrity of the Judiciary as already defined herein and in the Amended Complaint.

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

This Court, the USDC, Others named herein and in the Amended Complaint by failing to adhere to the JC, PORR, ACC and Law, have caused an Appearance of Impropriety by denying Due Process, creating Obstructions of Justice and committing a total Fraud on the Courts and the Disciplinary Agencies as already defined herein and in the Amended Complaint.



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

This Court, the USDC, Others named herein and in the Amended Complaint by failing to adhere to the JC, PORR, ACC and Law, have failed to perform their Legal Duties and Obligations impartially by Violating their own JC, ACC and Law and acting and allowing a myriad of Conflicts of Interest. Similarly, all Justices have failed to Regulate and/or Report their legal brethren and to report all prior Violations of JC, PORR, ACC and Law, now becoming accomplice to the RICO Conspiracy and other charges alleged herein and in the Amended Complaint.

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

This Court must now await further direction from all oversight Authorities sought to intervene by Plaintiff, including the Office of the General Counsel Administrative Office of the United States Courts. Plaintiff will shortly file Complaints against this Court for proceeding with multiple Conflicts and committing further Violations of JC, PORR, ACC and Law that combined act to Obstruct Justice casting an overwhelming Appearance of Impropriety. Continued action by this Court prior to Conflict resolution constitutes reason for further filing of complaints under the Judicial Conduct and Disability Act of 1980 as amended and for new complaints to Law Enforcement regarding Title 18 Violations relating to Obstruction of Justice.

This Court can take this Motion to Compel as FORMAL notice that Criminal Complaints formulated against this Court and others are forthcoming and this Court must now grant Plaintiff enough time for filing, review and decision by all oversight Authorities appealed to prior to further adjudication. Pleadings with requests for Conflict Disclosures Illegally denied response by this Court and Defendant Counsel, therefore

Plaintiff demands this Court and all members of the Court, including all Attorneys of record handling these matters in anyway, immediately submit a completed “Checklist for Conflicts”⁸⁹ and Plaintiff’s COI Disclosure Form⁹⁰ in accordance with JC, ACC, PORR and Law. This Court and all others requested can print Plaintiff’s COI Disclosure Form by visiting the above referenced URL, signing and returning the COI Disclosure Form to Plaintiff, before continuing further handling the Lawsuit or Lawsuit information.

Disclosures again demanded despite whether the oversight Authorities summoned allow this Court to proceed further. All Lawyers, Law Firms, Public Officials, Court Officials or Others handling the Lawsuit must submit proper Conflict Checks as required by JC, ACC, PORR and Law, in order that Plaintiff may have Due Process rights assuring a Fair and Impartial, Conflict free forum.

Judicial Conflicts of Interest and Recusal

As a federal judge, you have the authority to resolve significant public and private disputes. Sometimes, though, a matter assigned to you may involve you or your family personally, **or may affect individuals or organizations with which you have associations outside of your official duties.** In these situations, **if your impartiality might reasonably be questioned, you must disqualify or recuse yourself** from the proceeding (the terms “disqualify” and “recuse” are commonly used interchangeably).

This Court, the USDC and all Counsel acting before this Court must disclose and address involvement in any of the Defendant organizations sued by Plaintiff, Personally or Professionally, including any Attorney or Judicial Disciplinary Organizations, Legal Associations, etc. This Court and all of its members handling these matters in any way must address any relations, Personal or Professional, to any of the hundreds of Defendants in these matters and any stocks owned or other interests in any of the named

⁸⁹ Checklist For Financial & Other Conflict <http://www.uscourts.gov/guide/vol2/checklist.pdf>

⁹⁰ Plaintiff’s US Court of Appeals Second Circuit Conflict of Interest Disclosure Form
<http://www.iviewit.tv/CompanyDocs/United%20States%20District%20Court%20Southern%20District%20NY/20090720%20Conflict%20of%20Interest%20Disclosure%20Form%20US%20Circuit%20Court.doc>



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Defendants Companies or Law Firms, as required by the JC, ACC, PORR and Law. Disclosure is necessary for any affiliation or relation to any of the Law Firms or Lawyers named as Defendants, including the thousands of attorneys who work at the Law Firms sued, as well as, any relation to any Defendant named in the Amended Complaint as required by JC, ACC, PORR and Law.

Defendant Companies screened for Conflict should include all Companies' who are licensors and licensees of Defendant MPEGLA LLC., an updated list found at the website, www.mpegla.com and more Defendant Companies can be found @ <http://iviewit.tv/CompanyDocs/Appendix%20A/index.htm#NDALIST> . Any Memberships or Affiliations to any Defendants or other unknown Conflicted parties must force recusal of anyone involved in this Lawsuit and replacement by a Non-Conflicted party, unless all parties deem such Conflicts moot. This Lawsuit is unique in that it involves a large mass of the legal community, especially in New York. Therefore, this Court and all members of this Court who are handling these matters, in order to provide a Fair and Impartial hearing, must disclose any iota of Conflict with any of the Defendants and not hide from such formal request giving the Appearance of Impropriety.

For example, Judge Winter is an alumnus of Yale University and currently is Professor (Adjunct) of Law at Yale Law School⁹¹. The Plaintiff's Amended Complaint specifically points to a not so secret anymore cult, the Yale "Skull and Bones" as one of the main conspiratorial groups involved in the RICO action and where Defendant Proskauer lists as their client Yale University. This area of possible Conflict of Winter must be explored through full disclosure and any relation to Yale that Winter has must be analyzed for Conflict, as an example, it is unknown if he sits on any boards, etc. that may

⁹¹ Yale Law School Website <http://www.law.yale.edu/faculty/RWinter.htm>

A handwritten signature in black ink, appearing to be 'JP', is written over a circular stamp. The stamp contains the date 'September 08, 2009'.

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influence the contracting of Proskauer as Yale counsel or if he has any relations with Proskauer whatsoever. At minimum, affirmation or denial of potential Conflicts prior to further adjudication of the matters by Winter is mandatory. Winter completely avoided Disclosure even after repeated formal written request by Plaintiff who acts as Pro Se counsel with the right to Full Disclosure from Justices and Opposing Counsel handling these matters to ensure Fair and Impartial Due Process. Avoiding Disclosure, especially upon formal written request regarding “**substantive**” Conflicts creates an Appearance of Impropriety.

In a recent request to this Court for an Extension of Time, attached to the Motion was a COI Disclosure Form, which requested Full Conflict Disclosure by this Court and Opposing Counsel of any Conflict prior to Ruling on the Motion. Yet, somehow, this Court proceeded with the Ruling and failed to confirm or deny Conflict, again, acting outside the JC, ACC, PORR and Law. Presumably if there were no Conflict, this Court would sign the requested Conflict Disclosure form, where failure to sign or even formally respond, again evokes an overwhelming Appearance of Impropriety. Failure to Disclose Conflict upon repeated request will also be basis for additional complaints to oversight Authorities of all Justices, Court Personnel and Opposing Counsel.

Another example of Conflict for Winter or any Justice of this Court that must be resolved prior to further Adjudication through full Conflict Disclosure would be the overwhelming Appearance of Impropriety created by Wolfe, Clerk of this Court. Wolfe, a named Defendant and a material Witness in this Lawsuit and the “Legally Related” Lawsuit of Anderson causes Conflict as already defined herein. A China Wall from here to the moon might enable this Court to continue with the Lawsuit, with the Clerk of the



Court in direct Conflict. Wolfe Conflicts others at the Court who are intimate in any way with her, Personally or Professionally, yet it is unlikely at this stage in the Litigation that the Conflict can be resolved, as the China Wall and Conflict Resolution would have had to taken place first and not after the fact of Wolfe's direct involvement.

In order for this Court to continue to act in these matters, the Court would have to remove Wolfe from any access to the Lawsuit information, including any of her subordinates and provide proof of such to Plaintiff to assure negation of the obvious Conflicts. Wolfe and her staff have already tainted this Lawsuit through reviewing documentation submitted to the Court prior to Disclosure and Resolution of the Conflicts, despite Plaintiff's repeated requests for Full Conflict Disclosure from Wolfe and this Court. The damage to Plaintiff already done by this Court's failure to ensure a Fair and Impartial Court by refusing written requests to this Court for Conflict Disclosure regarding Wolfe's role and preceding as if Conflict disclosure does not apply to the Court, Court Personnel and Opposing Counsel. Plaintiff fears submitting further evidentiary information and legal strategy to a Court with such ongoing Illegal activity whereby Defendants gain access to confidential court files and pleadings, acting to Obstruct the ability of Plaintiff to properly prosecute the Amended Complaint herein and formulate legal strategy by filing with an unbiased and uncorrupted court.

Grounds for Judicial Disqualification

Disqualification is required under Canon 3C(1)(a) to (e) in several situations: you have personal knowledge of disputed facts...

Wolfe, as Defendant and as material Witness of disputed facts in these matters, definitely causes all the Justices and Clerks of this Court to come into Conflict with Plaintiff, as every member of this Court presumably has some Personal and Professional

involvement with the affairs of Wolfe. Either way, Full Conflict Disclosure is required due to the obvious Appearance of Impropriety this evokes.

The Court and/or individual Judges should also disqualify under Canon 3C(1) if the circumstances would cause a reasonable person to question your impartiality.
Financial interests: financial interests that result in mandatory disqualification include — service as an officer, director, or active participant in the affairs of a party.

Most of this Court, the Law Firms and Lawyers representing the matters may also be Officers, Directors and active participants in organizations that are Defendants in these matters. Again full and proper disclosure would be the only way Plaintiff can evaluate if all involved are Conflict free with the Defendants and refusal to Disclose Conflict denies Plaintiff the right to evaluate Conflict, again creating Obstruction through Conflict and/or failure to provide proper Conflict Disclosure.

For example, holding membership, officer status and/or actively participating in the affairs of Defendants, including but not limited to, First Dept, Second Dept, the First Dept DDC, the Second Dept DDC and the NYSBA , would cause insurmountable Conflict that would have to be disclosed and resolved or negated prior to continued adjudication of the matters.

Failure by this Court upon repeated requests to disclose memberships and/or affiliations in any Defendant Organization again imparts the Appearance of Impropriety and again Violates well established JC, ACC, PORR and Law. Membership in the NYSBA of itself may not be cause to disqualify a Justice, Law Firm or Lawyer from representing these matters, the NYSBA is a named Defendant and membership that goes beyond passive membership to active participation in the Defendant Organization certainly would be cause for Full Disclosure, Full Disclosure of the relationships is

A handwritten signature in black ink, appearing to be 'A. Wolfe', is written over the text 'Full Disclosure of the relationships is'.

necessary therefore to evaluate the potential Conflicts, without the Disclosure imparts an Appearance of Impropriety and possibly Obstruction.

Full Financial Disclosure required by all those handling this Lawsuit either affirming or denying any Financial Conflicts, including but not limited to, the Defendant Law Firms, the thousands of Lawyers in Defendant Law Firms, the hundreds of Corporations named in the Amended Complaint and the Public Agencies involved. Again, Disclosure and Conflict Checks according to well established JC, ACC, PORR and Law are mandated.

Anderson's claims of Obstruction as defined herein support the need for immediate Conflict Checks prior to any other action by this Court or anyone involved currently or in the future of this Lawsuit. Conflict screening should most likely include Conflict Checks against all "Legally Related" Lawsuits and their defendants. All "Legally Related" Lawsuits hereby incorporated in entirety by reference herein,

Judicial Conflict Screening

The following checklists can help you create a conflicts list for monitoring purposes (See appendix): Checklist for Financial Conflicts (Form AO-300) Checklist for Other Conflicts (Form AO-301) Conflicts List (Form AO-302) also available @ <http://www.utd.uscourts.gov/forms/checklist.pdf>

Use and Misuse of Judicial Office — Areas of Concern

Granting access or preferential treatment to special, private groups.

This Court allows members of the legal community, including members of this Court to continue to act with total disregard to JC, ACC, PORR and Law, imparting preferential treatment to the legal community, Public Officials involved and other Defendants and may further constitute criminal Collusion in the RICO and Obstruction. Further, failing to report the misconduct of their Legal Brethren as required by JC, ACC, PORR and Law or take any corrective actions to remedy the Illegal acts again imparts



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preferential treatment for the legal community through Misuse and Abuse of Judicial Office and Legal Process with Scierter acting to Obstruct Justice, denying Plaintiff Due Process Rights.

Outside Activities

Your life before judicial appointment was filled with a wide variety of personal and professional activities. You may continue to participate in these activities, as long as they don't interfere with judicial duties, cast doubt on your impartiality, or detract from your office.

To remove doubt as to this Court and its Members impartiality, with regard to Personal and Professional activities that may Conflict them, such as Disciplinary Agencies, Bar Affiliations and/or other roles within Defendant Legal Organizations, which they may or may not still be involved with they must give full disclosure. Plaintiff has Legal Rights, including those of counsel in he is represented Pro Se, to request Full Conflict Disclosure and further that Disclosure be given by all parties to remove ALL doubt. Impartiality cast in doubt without such Full Conflict Disclosure creating the Appearance of Impropriety. Plaintiff discovered previous Undisclosed Conflicts by Defendant Law Firms, Lawyers and Public Officials in the matters, which Scheindlin then affirmed, the First Dept confirmed and transferred for formal Investigation and Anderson supported from a Whistleblower perspective. All of these Conflicts involve Allegations that Preferential Treatment occurred for Law Firms, Lawyers and Supreme Court of New York Officials which Prejudiced Plaintiff's Rights in ALL of the related matters. The Preferential Treatment interfered with Plaintiff's Rights to Due Process through Obstruction and at great expense in time, money and almost loss of life in a Car Bombing.

Violations of US Code Title 18⁹²

The Chapter 73 of United States Code, Title 18 Violations relevant to these Proceedings are: section 1501 (misdemeanor to obstruct a federal process or writ server), section 1503 (felony provision that targets efforts to influence or injure a court officer or juror, as well as other obstructionary efforts), section 1505 (felony to obstruct proceedings before departments, agencies, committees)⁹³, section 1506 (felony to steal or alter a court record or provide a phony bail surety), section 1509 (misdemeanor to obstruct court orders), section 1510 (felony to obstruct criminal investigations), section 1512 (felony to tamper with a witness, victim, or informant) and section 1513 (felony to retaliate against a witness, victim, or informant)⁹⁴.

An example of Obstruction comes in the fact that two federal investigations of document tampering remain ongoing with no resolution in the Scheindlin federal court, pertaining to stolen documents from the US Marshals Office⁹⁵, including the Original

⁹² Federal Laws cited as example yet similar State Laws may apply to the crimes alleged herein such as, New York State Law ARTICLE 195 OFFICIAL MISCONDUCT AND OBSTRUCTION OF PUBLIC SERVANTS GENERALLY and ARTICLE 215 OTHER OFFENSES RELATING TO JUDICIAL AND OTHER PROCEEDINGS. Certain State Obstructions did however Obstruct information regarding Federal, State and International Crimes from exposure to Federal Authorities and continue to Obstruct through failure to report the crimes and misconduct by those who have Legal Binding Obligations to report.

⁹³ Addressing the gap left by section 1503's limitation to legal proceedings, section 1505 targets "corrupt" efforts to obstruct, impede, or influence the "due and proper administration of the law under which any pending proceeding is being had before any department or agency of the United States

Read more: <http://law.jrank.org/pages/1620/Obstruction-Justice-Obstruction-agency-proceedings-congressional-inquiries.html#ixzz0OU16xKM>

⁹⁴ Obstruction of Justice is a broad concept that extends to any effort to prevent the execution of lawful process or the administration of justice in either a criminal or civil matter. Obstructive conduct may include the destruction of evidence, the intimidation of potential witnesses or retaliation against actual witnesses, the preparation of false testimony or other evidence, or the interference with jurors or other court personnel. The purpose of criminal obstruction statutes—which every jurisdiction has, in one form or another—is thus to help protect the integrity of legal proceedings and, at the same time, protect those individuals who participate in such proceedings. Indeed, one of the earliest congressional enactments was a 1790 criminal statute that, among other things, established a number of obstruction offenses.

<http://law.jrank.org/pages/1623/Obstruction-Justice.html>

Read more: <http://law.jrank.org/pages/1623/Obstruction-Justice.html#ixzz0OTODANVT>

⁹⁵ February 19, 2008 Plaintiff Letter to USDC re Stolen Complaints from US Marshal Office

Complaint and Copies for service improper service of Plaintiff's Original Complaint by the United States Marshal⁹⁶. The removal of the Original Complaints filed by Plaintiff in this Lawsuit from the US Marshal Office remains the subject of ongoing Investigations by the US Marshall and US Post Office as it Obstructed proper service to the Defendants and was a theft of original materials to the USDC. Review of the docket at the USDC evidences Defendants claiming improper service by the US Marshal and missing documentation including failure to serve copies of the Original Complaint. Prior Motions to the USDC to resolve the theft of documents and the improper service prior to beginning adjudicating the matters went wholly ignored. The outcome of the investigations with the U.S. Marshal and US Post Office may materially affect the Lawsuit including showing further continued crimes and again Scheindlin errs dismissing the complaint prior to resolution of the Obstructions of Justice caused via removal of official documents in a federal proceeding. Of course, failure to report such crimes by Scheindlin to the proper authorities again violates the JC, PORR, ACC and Law regarding Legal Obligations relating to reporting illegal activities and official misconduct rendering the claims by Plaintiff-Appellant herein ongoing and sufficient for federal relief and pleading standards under the Federal Rules of Civil Procedure and applicable federal law.

For example, these new crimes have further nullified arguments of statutes of limitations etc., as the new crimes would further enforce the ongoing criminal activity of the RICO Criminal Enterprise composed of Defendant Law Firms and Others as defined

<http://iviewit.tv/CompanyDocs/United%20States%20District%20Court%20Southern%20District%20NY/20080219%20USDCSDNY%20Letter%20re%20missing%20service%20papers.pdf>

⁹⁶ February 19, 2008 Letter to USDC Regarding Missing US Marshal Papers

<http://iviewit.tv/CompanyDocs/United%20States%20District%20Court%20Southern%20District%20NY/20080219%20USDCSDNY%20Letter%20re%20missing%20service%20papers.pdf>



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in the Amended Complaint. The fact that Plaintiff cannot even be assured of what documents are making it to the Court free of Obstruction and what eventually is served Defendants by the US Marshal, is further of issue and importance and requiring action when viewed in light of the allegations of Anderson including document destruction and tampering of court documents, etc. Recent information learned in the Defendant Silicon Graphics, Inc. recent Federal Bankruptcy filing also shows that the Iviewit Original Complaint and the Amended Complaint may be still missing from the USDC files to this date⁹⁷. This is also reason for this Court to take protective actions of all documents filed to assure their accuracy and assure accuracy of the served documents on Defendants, anything less with evidence such as this and Anderson's claims of insider court document tampering could allow further Obstructions.

Another example, fraught with multiple Obstructions of Justice comes from the fact that in the "Legally Related" Whistleblower Lawsuit of Anderson, Defendants allegedly used Threats, Physical Abuse, Mental Abuse, Whitewashing of Complaints and Official Document Destruction, which illegally altered the outcome of Official Court Proceedings regarding Supreme Court of New York Official Complaints. These tactics used against Anderson, a staff attorney of the First Dept DDC, in efforts to subterfuge proper administration of law to protect "Favored" law firms and attorneys, clearly acts constituting Obstruction and other Violations of ACC, PORR & Law. These Obstructive acts have derailed prior and current legal proceedings and allowed RICO stylized Public Office Corruption crimes to continue which may include Domestic Terrorism through the

⁹⁷ August 14, 2009 "Objection of the Debtors to Claim of Eliot I. Bernstein" Chapter 11 Case No. 09-11701 (MG) United States Bankruptcy Court Southern District of New York
<http://www.iviewit.tv/CompanyDocs/United%20States%20District%20Court%20Southern%20District%20NY/SGI%20Bankruptcy/20090814%20SGI%20BK%20Objection%20of%20the%20Debtors%20to%20Claim%20of%20Eliot%20Bernstein.pdf>

planting of a CAR BOMB in Plaintiff's MiniVan. Had Obstruction not taken place, the CAR BOMBING may not have taken place, as the proverbial "onion" would have peeled at that time and Due Process would have found many Defendants in Prison. The Obstructions may also have allowed financial schemes such as Madoff, Stanford, Dreier and more to flourish, creating further damage to Victims of those crimes as already defined herein.

§ 1506. Theft or alteration of record or process; false bail

Whoever feloniously steals, takes away, alters, falsifies, or otherwise avoids any record, writ, process, or other proceeding, in any court of the United States, whereby any judgment is reversed, made void, or does not take effect; or Whoever acknowledges, or procures to be acknowledged in any such court, any recognizance, bail, or judgment, in the name of any other person not privy or consenting to the same— Shall be fined under this title or imprisoned not more than five years, or both.

§ 1509. Obstruction of court orders

Whoever, by threats or force, willfully prevents, obstructs, impedes, or interferes with, or willfully attempts to prevent, obstruct, impede, or interfere with, the due exercise of rights or the performance of duties under any order, judgment, or decree of a court of the United States, shall be fined under this title or imprisoned not more than one year, or both.

This Court, the USDC and the Disciplinary Agencies are all under Court Orders and Court Decrees via the JC, ACC, PORR and Law, which all act as Legal Decrees, issued by the various courts of the United States. Failure to uphold JC, ACC, PORR and Law, acts forcefully to Prevent, Obstruct, Impede and Interfere with Plaintiff's rights to Due Process and the rights to his Intellectual Property. Failure by this Court to uphold these court orders imparts not only Obstruction but also active Culpable participation in the crimes of the larger RICO conspiracy alleged in the Amended Complaint, through knowingly continuing the Violations and Cover-Up of the prior misconducts, thereby creating an ongoing shield from prosecution for the Defendants.



§ 1510. Obstruction of criminal investigations

(a) Whoever willfully endeavors by means of bribery to obstruct, delay, or prevent the communication of information relating to a Violation of any criminal statute of the United States by any person to a criminal investigator shall be fined under this title, or imprisoned not more than five years, or both.

Anderson again provides factual evidence from an insider of Obstruction by New York State Officials. Wolfe is central to this Lawsuit and the Anderson Lawsuit who was initially a defendant in Anderson Lawsuit in her role as Clerk of the Supreme Court of New York First Dept and who is now an Officer of this Federal Court. Wolfe acting in Conflict in this Lawsuit as already defined herein, as both a Defendant and Witness who refuses direct written requests for disclosure of Conflict and whereby the Conflicts may act to Obstruct communication of information to investigators and interfere with the communication of information regarding multiple Violations of Criminal Statutes by Defendants.

Anderson evidences that Obstruction occurred through all of the following,

1. threatened and effectuated retaliatory job loss because of her refusal to change investigative reports and exposing corruption of Public Officials including her superiors at the Supreme Court of New York First Dept and First Dept DDC in typical Whistleblower fashion,
2. evidence that Public Officials, including her superiors at the Supreme Court of New York First Dept and First Dept DDC, were making changes to investigative reports to minimize investigation of favored lawyers and law firms,
3. coercion by Public Officials at the Supreme Court of New York First Dept DDC, including physical violence against Anderson by her supervisor, Sherry Cohen, to Whitewash official complaints through document destruction and file thinning and

4. favoritism by Public Officers for favored lawyers and law firms, including Illegally changing the outcome of Official Proceedings for those lawyers and law firms with political connections at the Supreme Court of New York First Dept and First Dept DDC.

All acts Violating hosts of criminal Obstruction statutes, JC, ACC, PORR and Law. Criminal investigators at minimum now should be investigating those Anderson alleges to have been involved in the Public Office Corruption as her claims indicate Criminal Obstruction and other criminal acts.

The USDC's failure to allow Plaintiff full discovery of the Anderson Obstruction claims by dismissing the Amended Complaint through Fraudulent Rulings fraught with Conflicts of Interest, Violations of AC, JC, PORR and Law create a MASSIVE Fraud on this Court⁹⁸. The Fraud on the Court delays this Lawsuit through further illegal Abuse of Process, adversely affecting Plaintiff's Due Process rights, again acting as another Obstruction of Justice. This Court's further failure not to report Scheindlin and the others for Violations of JC, ACC, PORR and Law and instantly correct them is yet another Violation of JC, PORR and Law. Acting to conceal prior Violations knowingly with intent puts this Court as an accessory to the RICO and other alleged crimes by further Aiding and Abetting felonious actions through continued Cover-Up in Official Court Proceedings further Violating Obstruction laws.

(B) prevent the production of a record, document, or other object, in an official proceeding; or
Anderson provides evidence that certain First Dept Officials and Defendants in these matters prevented the production of records, documents and other objects in

⁹⁸ Note that all of the various Frauds on the Courts created rulings, orders and pleadings, which transferred through the US Mail, facsimile, telephonically and through the Internet, constituting further crimes such as Federal Mail and Wire Fraud.

A handwritten signature in black ink is written over a circular date stamp. The date stamp contains the text "Tuesday, September 08, 2009".

Official Court Proceedings Violating Obstruction laws and now this Court through Wolfe may be subject to similar allegations if Wolfe was planted to interfere in Conflict.

(2) Whoever uses physical force or the threat of physical force against any person, or attempts to do so, with intent to—

Anderson provides evidence that certain First Dept Officials and Defendants in these matters used force to compel her to interfere in Official Court Proceedings at the Supreme Court of New York First Dept DDC.

(A) influence, delay, or prevent the testimony of any person in an official proceeding;

Anderson provides evidence that certain First Dept Officials and Defendants in these matters influenced, delayed and prevented testimony in Official Court Proceedings Violating Obstruction laws.

(B) cause or induce any person to—

(i) withhold testimony, or withhold a record, document, or other object, from an official proceeding;

Anderson provides evidence that certain First Dept Officials and Defendants in these matters attempted to induce Anderson to withhold testimony, withhold records, documents and other objects from Official Court Proceedings Violating Obstruction laws.

(ii) alter, destroy, mutilate, or conceal an object with intent to impair the integrity or availability of the object for use in an official proceeding;

Anderson provides evidence that certain First Dept and now this Court through Wolfe Defendants altered, destroyed, mutilated and concealed evidence with the intent to impair the integrity and the availability of such objects, in order to interfere in Official Court Proceedings and attempted to induce Anderson to do the same Violating Obstruction laws.

(iii) evade legal process summoning that person to appear as a witness, or to produce a record, document, or other object, in an official proceeding; or



The stolen service papers and interference with US Marshal servicing of the Original Complaint at the USDC delayed and stymied the summoning of the Defendants, including high-ranking Public Officials, to appear in Official Court Proceedings. This gave Defendants tremendous additional time to position in Conflict around Plaintiff with Conflicted counsel, etc. One example is the strategy meeting between the NYAG, Proskauer and Foley to discuss legal strategies against Plaintiff Violating Obstruction laws, ACC, PORR and Law as already defined herein.

Scheidlin precluded service of the Amended Complaint to all NAMED Defendants dismissing them Sua Sponte, yet refers in her Dismissal Order to the hundreds of Defendants summoned to Answer the Amended Complaint, knowing the other Defendants were never serviced, summoned or answered. This may be considered another act that Aided and Abetted the evasion of proper and just service of the Amended Complaint to the Defendants Scheindlin refers to in her Dismissal Order and yet another error and cause for reversal in the Dismissal Order and possible cause for Disciplinary action against Scheindlin.

(iv) be absent from an official proceeding to which that person has been summoned by legal process; or hinder, delay, or prevent the communication to a law enforcement officer or judge of the United States of information relating to the commission or possible commission of a Federal offense or a Violation of conditions of probation, supervised release, parole, or release pending judicial proceedings;

The Obstructions caused by this Court and all courts of the prior related proceedings has hindered, delayed and prevented communication to State, Federal and International law enforcement and judges of the United States, information relating to the commission of Federal, State and International Violations of Law and International Treatises and Violating Obstruction laws.

shall be punished as provided in paragraph (3).

(3) The punishment for an offense under this subsection is—

(A) in the case of murder (as defined in section 1111), the death penalty or imprisonment for life, and in the case of any other killing, the punishment provided in section 1112;

(B) in the case of—

(i) an attempt to murder; or

(ii) the use or attempted use of physical force against any person; imprisonment for not more than 20 years; and

(C) in the case of the threat of use of physical force against any person, imprisonment for not more than 10 years.

(b) Whoever knowingly uses intimidation, threatens, or corruptly persuades another person, or attempts to do so, or engages in misleading conduct toward another person, with intent to—

(1) influence, delay, or prevent the testimony of any person in an official proceeding;

(2) cause or induce any person to—

(A) withhold testimony, or withhold a record, document, or other object, from an official proceeding;

(B) alter, destroy, mutilate, or conceal an object with intent to impair the object's integrity or availability for use in an official proceeding;

(C) evade legal process summoning that person to appear as a witness, or to produce a record, document, or other object, in an official proceeding; or

(D) be absent from an official proceeding to which such person has been summoned by legal process; or

(3) hinder, delay, or prevent the communication to a law enforcement officer or judge of the United States of information relating to the commission or possible commission of a Federal offense or a Violation of conditions of probation [1] supervised release,,[1] parole, or release pending judicial proceedings;

shall be fined under this title or imprisoned not more than ten years, or both.

(c) Whoever corruptly—

(1) alters, destroys, mutilates, or conceals a record, document, or other object, or attempts to do so, with the intent to impair the object's integrity or availability for use in an official proceeding; or

(2) otherwise obstructs, influences, or impedes any official proceeding, or attempts to do so,

shall be fined under this title or imprisoned not more than 20 years, or both.

(d) Whoever intentionally harasses another person and thereby hinders, delays, prevents, or dissuades any person from—

(1) attending or testifying in an official proceeding;

(2) reporting to a law enforcement officer or judge of the United States the commission or possible commission of a Federal offense;

or attempts to do so, shall be fined under this title or imprisoned not more than one year, or both.

(e) In a prosecution for an offense under this section, it is an affirmative defense, as to which the defendant has the burden of proof by a preponderance of the evidence, that the conduct consisted solely of lawful conduct and that the defendant's sole intention was to encourage, induce, or cause the other person to testify truthfully.

(f) For the purposes of this section—

(1) an official proceeding need not be pending or about to be instituted at the time of the offense; and

(2) the testimony, or the record, document, or other object need not be admissible in evidence or free of a claim of privilege.

(g) In a prosecution for an offense under this section, no state of mind need be proved with respect to the circumstance—

(1) that the official proceeding before a judge, court, magistrate judge, grand jury, or government agency is before a judge or court of the United States, a United States

magistrate judge, a bankruptcy judge, a Federal grand jury, or a Federal Government agency; or

(2) that the judge is a judge of the United States or that the law enforcement officer is an officer or employee of the Federal Government or a person authorized to act for or on behalf of the Federal Government or serving the Federal Government as an adviser or consultant.

(h) There is extraterritorial Federal jurisdiction over an offense under this section.

(i) A prosecution under this section or section 1503 may be brought in the district in which the official proceeding (whether or not pending or about to be instituted) was intended to be affected or in the district in which the conduct constituting the alleged offense occurred.

(j) If the offense under this section occurs in connection with a trial of a criminal case, the maximum term of imprisonment which may be imposed for the offense shall be the higher of that otherwise provided by law or the maximum term that could have been imposed for any offense charged in such case.

(k) Whoever conspires to commit any offense under this section shall be subject to the same penalties as those prescribed for the offense the commission of which was the object of the conspiracy.

§ 1519. Destruction, alteration, or falsification of records in Federal investigations and bankruptcy

Whoever knowingly alters, destroys, mutilates, conceals, covers up, falsifies, or makes a false entry in any record, document, or tangible object with the intent to impede, obstruct, or influence the investigation or proper administration of any matter within the jurisdiction of any department or agency of the United States or any case filed under title 11, or in relation to or contemplation of any such matter or case, shall be fined under this title, imprisoned not more than 20 years, or both.

Violations of Attorney Conduct Codes citing New York Attorney Conduct Codes⁹⁹

Every Law Firm, Lawyer and Public Official for any Defendant should be forced to file with this Court verified and affirmed Conflict Checks, according to the ACC, PORR and Law that require Disclosure and Conflict Checks, in order to determine the validity of their Legal Representation and Disclose and Resolve all Conflicts or withdraw representation. This Court must immediately remove all Conflicted parties from any capacity in this Lawsuit; anything short of fulfillment of this request will result in immediate filings of further Disciplinary and Criminal Complaints against all parties

⁹⁹ New York Rules cited as example of the Attorney Conduct Code, yet similar laws from Florida, Virginia and others may apply to the crimes alleged herein. All Conduct Codes would need to be cited from 1999 or prior, as several of the Defendants have high-ranking Public Office positions in agencies responsible for modifying the Attorney Conduct Codes.

acting in Conflict that creates Obstruction of Justice through Violations of JC, ACC and Law in the states of New York, Florida and Virginia.

Plaintiff demands these proceedings HALTED until removal of all Obstructions of Justice created by the Conflicts of the Justices, Lawyers, Law Firms and Public Officials Misconduct, and, all those found to be in Violation of JC, ACC, PORR and Law reported AS REQUIRED to the appropriate Authorities and prosecuted to the fullest extent of the law. Misconduct by Justices, Lawyers, Law Firms and Public Officials is at the heart of both the original crimes and the Cover-Up to the crimes alleged in the Amended Complaint and herein. These continued Conflicts and Violations of JC, ACC, PORR and Law are the glue that binds the RICO conspiracy together, shielding the Criminal Enterprise from prosecution and evidence supporting this contention further confirmed by the allegations in the "Legally Related" Whistleblower Lawsuit of Anderson and the other "Legally Related" Lawsuits or being part of the criminal enterprise itself

The "Legally Related" Lawsuits to Anderson, together with Anderson, further support that Lawyers, Law Firms and Public Officials were Violating JC, ACC, PORR and Law at the highest levels of the New York courts and public offices creating Criminal Obstruction. The very nature and evidence of this behavior now demands oversight of the courts, the Law Firms, the Lawyers and Public Officials and instant criminal investigation of the allegations of criminal Obstruction levied by Anderson and Plaintiff. Especially egregious is that upon repeated requests to the courts, Lawyers, Law Firms and Public Officials in these matters by Plaintiff for Conflict Disclosure ALL have gone wholly unanswered by any of those involved. If no Conflict exists, than why not

acknowledge such upon request, whereby failure to respond to formal requests and instead continuing in the Proceedings without Full Disclosure creates an overwhelming Appearance of Impropriety.

Scheindlin addressed the Conflicts as “**substantive**” and the First Dept ordered “**investigation**” of those involved in the initial Disciplinary Complaints for Conflict and the Appearance of Impropriety yet Due Process still denied, although the Conflicts were serious enough for a court ordered transfer of the Complaints by the First Dept for immediate Investigations and Federal Judge Scheindlin further verified Conflicts. Looking at the very strange Order Dated March 10, 2008 by Scheindlin concerning the multiplicity of Misconducts by the Lawyers, Law Firms, and Public Officials, whereby instead of asking Defendant Counsel if they had Conflict, Scheindlin instead answers for the Conflicted parties on their behalf, as if she were their legal counsel running the Conflict Checks for them. Scheindlin claims,

I have considered plaintiffs' request and have determined that the Attorney General does not face an improper conflict of interest in representing the State Defendants. If, however, the Attorney General concludes that an investigation of defendants is warranted, then independent counsel would be required.

Nothing could warrant an investigation more by the NYAG Public Integrity Unit, then the damning inside Whistleblower Public Office Corruption and Obstruction claims levied by Anderson against Public Officials from the First Dept DDC and First Dept. Yet, the NYAG is busy acting as Defense Counsel preparing the defense of the Public Officials they are now Legally Obligated to Investigate. The Defendant Public Officials exposed by Anderson are now represented by the NYAG, Conflicting the NYAG from their Prosecutorial Duties to ensure Public Office Integrity, as the Defendant Public

Officials have retained the NYAG's legal services first, on the taxpayer dime, leaving no one investigating the corruption, alas Obstruction. The NYAG has not begun an investigation knowing Scheindlin views Anderson as a "Whistleblower" and is advancing Anderson's Lawsuit to trial. Instead their Legal Representation of the same Defendants Anderson exposes creates a shield from prosecution of the Defendants the NYAG is Representing creating not only Conflict but Culpable crimes in perpetuating the RICO through further Obstruction of Justice of Official Proceedings.

Despite the other logical failures, inconsistencies and conflicted portions of Judge Scheindlin's erroneous Dismissal of August 8, 2009, Opining that the NY AG may have to Investigate in order to determine Conflict causes reversible error. Further due process violations occur by Scheindlin's Dismissal Sua Sponte, without first having determined the outcome of the NY AG investigation wherefore Plaintiff should now be provide Discovery and Full Disclosure.

Scheindlin in her Order further errs and again acts as Counsel, this time for the NYAG in determining if they had Conflict. Scheindlin now answers Plaintiff's Conflict Disclosure request for the NYAG, failing to demand that the NYAG fully Disclose if they had Conflict, perhaps even Conflicts Scheindlin and Plaintiff were not aware of, the reason for Conflict Checking directly with the party Disclosure is requested from. Plaintiff affirmatively asked for the Law Firms, Lawyers and Public Officials involved, including the NYAG and the Virginia AG, to state if they had Conflict. Scheindlin usurped this request and answered on their behalf, Prejudicing and Obstructing the Legally Required Conflict Disclosure by the NYAG, shielding them from performing their Legal Obligation regarding Disclosure of Conflict in matters they represent. By

answering for them, Scheindlin shields the NYAG from running Procedural Conflict Checks required under ACC, PORR and Law, Conflict Checks that could have forced China Walls to be instituted PRIOR to the NYAG handling the matters in Conflicting roles. Scheindlin's actions again Aid and Abet the RICO Cover-Up Crimes and perhaps create further Culpable Public Office Crimes under the RICO.

Scheindlin, acting as Counsel for Defendant NYAG fails in her Order to address on the NYAG's behalf the Conflict of Interest caused by the fact that Defendant Proskauer Represented the NYAG during the time of alleged wrongdoings and while Plaintiff's Complaints were filed with the NYAG against Proskauer. Plaintiff complains not that the NYAG failed to investigate as insinuated by Defendants but rather that the NYAG Violated their own Procedural Rules and Regulations in evaluating, docketing and disposing of the Complaints procedurally under Law. Scheindlin was aware of this Conflict, as Plaintiff specifically requested Disclosure on this Conflict in several filed Motions regarding the NYAG Conflicts and yet her Order completely evades answering this Disclosure Request, again shielding the NYAG from making Conflict Disclosure. Scheindlin fails to seek Conflict Disclosure from the NYAG directly of this material Conflict or even check with the NYAG to assure that Proskauer no longer represented the NYAG and if there was current Conflict or Conflict at anytime. In fact, Plaintiff also pointed out to Scheindlin that several of the former NYAG Defendant Spitzer's employees had taken positions at Proskauer immediately after the fall of Spitzer and Conflicts could again exist if the former NYAG employees were involved in the subterfuge of the Complaints filed against Proskauer et al. while at the NYAG.

These Obstructive actions of Scheindlin are part of the Judicial Complaint against her requesting oversight Authorities in these matters to determine if Scheindlin acted within her Legal Authority and further evaluate if she has Violated JC, PORR and ACC, State and Federal Laws. If Scheindlin did not act within her Legal Authority, all of her Orders instantly should be rescinded and full Investigation commenced immediately into the NYAG/Proskauer Violations, the Scheindlin Cover-Up and her failure to report the misconduct before her court, constituting a Fraud on that court. The Lawsuit should then pass immediately to a NON-CONFLICTED court, one that affirms or denies Conflicts according to well-established procedural rules, JC, ACC, PORR and Law PRIOR to taking action in the proceedings before them for further Adjudication.

Another NYAG Conflict is that they are acting as Counsel to many of the NY State Defendants, including themselves, in their Answer to the Amended Complaint, of which they are a named Defendant. The NYAG should therefore be seeking Counsel to represent their Offices and Officers at this point and having the State Defendants find new Non-Conflicted Counsel too. Further, after withdrawal of representation of the State Defendants, the NYAG should consider based on Anderson's allegations Investigating all of those they are Representing as Counsel for VIOLATIONS OF PUBLIC OFFICE. Alternatively, the NYAG could seek involvement of a Grand Jury, special prosecutor or other disinterested third party to investigate the Defendants they Counsel, to investigate the NYAG on their behalf, if they cannot overcome their current Conflicts that cause Obstruction and preclude them from performing their legally obligated role to the public.

In the same Order Scheindlin acts again as Counsel for now Defendant former Chief Judge, Judith S. Kaye (Kaye) and the NYAG and instead of demanding



Disclosure by Kaye and the NYAG in relation to Plaintiff's request for Conflict

Disclosure and Scheindlin states:

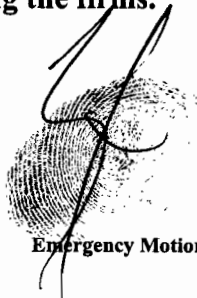
Plaintiffs also argue that it is inappropriate for the Attorney General to represent the Hon. Judith S. Kaye on the ground that Judge Kaye was appointed to the bench by the father of the current Attorney General. While the Chief Judge was appointed many years ago by the Attorney General's father, this does not create either a Conflict of Interest or an Appearance of Impropriety in permitting the current Attorney General to represent the Chief Judge in this lawsuit.

Here again Scheindlin errs as the request from Plaintiff was for Conflict disclosure from Kaye and the NYAG, disclosure of Conflicts perhaps that Scheindlin and Plaintiff did not know about, again creating a shield around Kaye and the NYAG which allows them to evade Legally Required Disclosure of Conflict.

Scheindlin next answers for the Law Firms and Lawyers that Plaintiff had requested Conflict Disclosure from, now creating a shield around the Law Firms and Lawyers that allowed them to evade Legally Required Conflict Disclosure. Instead of asking the Law Firms and Lawyers to run internal Conflict Checks as proscribed by ACC, PORR and Law, Scheindlin answers for them, Obstructing the Law Firms and Lawyers from running Conflict Checks PRIOR TO undertaking representation. Instead of forcing Conflict Checks and Full Disclosure, Scheindlin answers for them, wholly outside her authority, as if she runs the Conflict departments for the Law Firms.

In her Order, Scheindlin states:

Plaintiffs request that the Court direct the two law firm defendants to retain independent counsel on the ground that conflicts of interest prevent their attorneys from representing the firms. Plaintiffs have shown no ground for disqualifying attorneys at the defendant law firms from representing the firms.

A handwritten signature in black ink, appearing to be 'Judith S. Kaye', written over a circular stamp or seal.

Scheidlin failed to address in her Order the disqualifying grounds presented to her by Plaintiff regarding Defendants Proskauer and Foley's Self-Representation before her Court and now this Court and the fact that there are ongoing Federal, State and International Investigations of the same Law Firms and Lawyers giving the Defendants vested interest in the matters they are Self-Representing. Investigations are underway by the Federal Patent Bar and the Institute of Professional Representatives before the European Patent Office (EPO), of the very same Law Firms and Lawyers that the State Bar and State Disciplinary Agencies refuse to investigate, instead attempting to dismiss complaints on review. Dismissal of the Disciplinary Complaints in New York, despite ongoing Federal and International investigations at the Disciplinary Departments of the USPTO and EPO, of the same attorneys that caused suspension of Plaintiff's Intellectual Properties by the USPTO Commissioner. Dismissal on review where the reviews and reviewers found mired in Conflicts and Violations of JC, ACC, PORR and Law. Scheindlin failed to address the absolute Conflict these investigations of certain Defendant Law Firms and Lawyers posed to continued Self-Representation. Had Scheindlin not acted outside her scope of authority and answered Conflict questions for others versus asking them directly to disclose Conflict, the results from the Conflict Checks by the Law Firms and State Agencies would have precluded their Self-Representation.

Further, Defendants Proskauer, Foley and Meltzer are former counsel to Plaintiff, were board members and/or shareholders of Iviviewit, further precluding their Self-Representation under ACC. Proskauer is also a founding shareholder of Iviviewit

A handwritten signature in black ink, appearing to be 'Scheidlin', is written over the date 'Tuesday, September 08, 2009'.

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companies and thus a Defendant with an interest in the Plaintiff companies Iviewit, another area of Conflict, impossible to overcome.

All of these material and factual Conflicts were overlooked by Scheindlin who prevented the NYAG, the Virginia Attorney General, Proskauer, Meltzer and Foley from having to address Conflicts by answering for them versus forcing Conflict Checks to be run according to well-established ACC, PORR and Law and allowed them to continue to act in Conflict in her court. This disregard for JC, ACC, PORR and Law, achieved by Violating Legal Duties and Obligations regarding Conflict and other Ethical Violations further act to Obstruct Justice through an incestuous orgy of unregulated Conflicts acting to deny Plaintiff Due Process.

Anderson presents Scheindlin with additional information that disqualifies Defendant Law Firms and Lawyers from Self-Representation, if they are currently or were ever involved with the First Dept. Anderson mentions Iviewit in her original complaint and claims that Obstruction of Justice and tampering with case files was ongoing at the First Dept and First Dept DDC involving Defendant Cahill and Wolfe at the time of Plaintiff's complaints. The relationships to the "Legally Related" Anderson Lawsuit should have been a matter for formal Discovery prior to the Dismissal, a further error by Scheindlin, cause for Reversal and further filing of Obstruction charges, relating to the Legal determination and fact of Scheindlin first marking several lawsuits "Legally Related" and then dismissing them while the related lawsuit moves forward. This bizarre reversal in seven cases is in itself a logical inconsistency and example of the illegally, erroneously, and likely conflicted made sua sponte Dismissal on Aug. 8, 2008 denying due process to Plaintiff and the other "Legally Related" lawsuits.



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Scheidlin, in her Prejudicial and Obstructive legal defense claiming that the Law Firms did not have Conflict, again failed to ask for formal disclosure while overlooking the fact that Defendants Proskauer, Rubenstein and Krane directly interfered in complaints against them at the First Dept. Krane handled the complaint responses while holding undisclosed and concealed positions with the First Dept and other roles throughout the Disciplinary community that precluded him from legally representing his firm Defendant Proskauer, his Proskauer Partner Rubenstein and himself in the complaints filed with the First Dept. For example, in addition to his Violations of ACC, PORR and Law at the First Dept, Krane was also former President of the NYSBA. Krane precluded, as immediate former President of the NYSBA, from handling complaints for a period of one year after service against any party and yet Krane Illegally handled the First Dept DDC Disciplinary Complaints against Proskauer, Rubenstein and himself during the exclusionary period, Violating AC, PORR, NYSBA Rules and Regulations and Law.

Further support of disqualifying grounds comes from Defendant and Plaintiff's witness, Clerk of this Court, Wolfe and the Defendant Justices from the First Dept whose actions led to Unpublished Orders for investigation of Proskauer attorneys, FOR CONFLICT AND THE APPEARANCE OF IMPROPRIETY. Scheindlin erred further in her response attempting to exculpate the Law Firms, Lawyers and Public Officials, acting well outside her Legal Authority when attempting to exonerate them from Conflict and allowing them to continue to submit Legal Pleadings in Conflict. Scheindlin failed to ascertain procedurally if the Law Firms, Lawyers and Public Officials were in Conflict by asking them to comply and comport with Conflict procedures, including running formal

in-house Conflict Checks. By answering on their behalf instead, outside the scope of her Legal Authority, Scheindlin Prejudices the Lawsuit and Plaintiff's rights by creating Obstruction through Violations of JC, ACC, PORR and Law that act to conceal the Conflicts and further the Cover-Up. Further cause for summoning oversight Authorities and filing Criminal Complaints formulated against Scheindlin.

Finally, and in an about face from her former March 10, 2008 Order dismissing Conflicts on behalf of Defendants, Scheindlin, changes course as to the substance of the Conflict matters before her and in her March 21, 2008 Order, states Plaintiff has “**substantive issues**”. Yet, Scheindlin again errs and Violates JC, ACC, PORR and Law by failing to notify authorities that she is aware of “**substantive issues**” including “**conflicts**”. Failure to report the actions of those Violating the ACC, PORR and Law as Legally Mandated forces Plaintiff now to file a complaint against Scheindlin with several Oversight authorities. Plaintiff will similarly be charging this Court with similar Violations of JC, ACC and Law and filing a complaint for failing to report the Conflicts found in Scheindlin that this Court now is aware of and for further allowing the Conflicts to continue. This Court now creates further Obstruction via the same pattern of failing to adhere to JC, ACC and Law relating to reporting Violations of JC, ACC, PORR and Law to the proper authorities and instead allowing them to continue, perpetuating the Cover-Up.

New York First Department Rules

§603.2 Professional Misconduct Defined

Any attorney who fails to conduct himself both professionally and personally, in conformity with the standards of conduct imposed upon members of the bar as conditions for the privilege to practice law and any attorney who violates any provision of the rules of this court governing the conduct of attorneys, or with respect to conduct on or after January 1, 1970, any disciplinary rules of the Code of Professional Responsibility, as



Tuesday, September 08, 2009

adopted by the New York State Bar Association, effective January 1, 1970, as amended, or with respect to conduct on or before December 31, 1969, any canon of the Canons of Professional Responsibility, as adopted by such bar association and effective until December 31, 1969 or with respect to conduct on or after September 1, 1990, any disciplinary rule of the Code of Professional Responsibility, as jointly adopted by the Appellate Divisions of the Supreme Court, effective September 1, 1990, or any of the special rules concerning court decorum, shall be guilty of professional misconduct within the meaning of subdivision 2 of section 90 of the Judiciary Law.

Any law firm that fails to conduct itself in conformity with the provisions of the Disciplinary Rules of the Code of Professional Responsibility pertaining to law firms shall be guilty of professional misconduct within the meaning of subdivision 2 of section 90 of the Judiciary Law.

New York Lawyer's Code of Professional Responsibility

DR 1-103 [1200.4] Disclosure of Information to Authorities

A. A lawyer possessing knowledge, (1) not protected as a confidence or secret, or (2) not gained in the lawyer's capacity as a member of a bona fide lawyer assistance or similar program or committee, of a Violation of DR 1-102 [1200.3] that raises a substantial question as to another lawyer's honesty, trustworthiness or fitness as a lawyer shall report such knowledge to a tribunal or other authority empowered to investigate or act upon such Violation.

B. A lawyer possessing knowledge or evidence, not protected as a confidence or secret, concerning another lawyer or a judge shall reveal fully such knowledge or evidence upon proper request of a tribunal or other authority empowered to investigate or act upon the conduct of lawyers or judges.

As defined already herein, the Justices, Lawyers and Law Firms involved in these matters have failed wholly to report the Misconduct of their legal brethren, despite their Legal Duties and Obligations to report the Misconduct. Instead, the pattern has been to have ever-increasing Conflict to cover up the prior Misconducts through continuous denial of Due Process and Procedure, in further Violation of JC, ACC, PORR and Law. For their failure to report those Violating JC, ACC, PORR and Law, charges will be forthcoming against the Justices, the Law Firms, the Lawyers and the Public Officials involved in the matters that had knowledge and/or involvement in the Cover-Up Crimes. Complaints that will include the Illegal Abuses of Process and Frauds on the Courts that continue to Obstruct Justice and further enable the Criminal Enterprise to continue operations and Illegally Convert Plaintiff's Royalties.



DR 1-104 [1200.5] Responsibilities of a Partner or Supervisory Lawyer and Subordinate Lawyers

- A. A law firm shall make reasonable efforts to ensure that all lawyers in the firm conform to the disciplinary rules.
- B. A lawyer with management responsibility in the law firm or direct supervisory authority over another lawyer shall make reasonable efforts to ensure that the other lawyer conforms to the disciplinary rules.
- C. A law firm shall adequately supervise, as appropriate, the work of partners, associates and non-lawyers who work at the firm. The degree of supervision required is that which is reasonable under the circumstances, taking into account factors such as the experience of the person whose work is being supervised, the amount of work involved in a particular matter, and the likelihood that ethical problems might arise in the course of working on the matter.
- D. A lawyer shall be responsible for a Violation of the Disciplinary Rules by another lawyer or for conduct of a non-lawyer employed or retained by or associated with the lawyer that would be a Violation of the Disciplinary Rules if engaged in by a lawyer if:
 - 1. The lawyer orders, or directs the specific conduct, or, with knowledge of the specific conduct, ratifies it; or
 - 2. The lawyer is a partner in the law firm in which the other lawyer practices or the non-lawyer is employed, or has supervisory authority over the other lawyer or the non-lawyer, and knows of such conduct, or in the exercise of reasonable management or supervisory authority should have known of the conduct so that reasonable remedial action could be or could have been taken at a time when its consequences could be or could have been avoided or mitigated.
- E. A lawyer shall comply with these Disciplinary Rules notwithstanding that the lawyer acted at the direction of another person.

Defendant Law Firms and Supervisory Lawyers have continued to have Lawyers within their firms act in Violation of well established ACC, PORR and Law; those in Supervisory capacities who ordered these illegal activities violate this section of code. Based on Anderson's account of events at the First Dept and First Dept DDC, Public Office Lawyers have even used coercion of those below them to force them to Violate ACC, PORR and Law. Such coercion utilized to get the desired results for "favored" Law Firms and Lawyers on Disciplinary Complaints before the Supreme Court of New York Appellate Division First Department Departmental Disciplinary Committee, constituting yet another complete Fraud on a Court and Violating this section of the ACC.

DR 2-110 [1200.15] Withdrawal from Employment

- A. In general.



1. If permission for withdrawal from employment is required by the rules of a tribunal, a lawyer shall not withdraw from employment in a proceeding before that tribunal without its permission.

Foley & Proskauer both represented themselves as Counsel for themselves to the NYAG. The NYAG then sent a letter confirming their Self-Representation in the matters to the USDC copying them as Counsel. The NYAG then confirmed with Plaintiff that the conversation with the Law Firms and Lawyers directly related to these matters, including the fact that it was regarding a legal defense strategy against Plaintiff in these matters. Defendant Foley realized Plaintiff had filed complaints against them with the First Dept court and immediately withdrew from Self-Representation but without USDC approval. Foley failed to properly notify the USDC or seek procedural permission to withdraw. New counsel that replaced Foley then attempted to mislead the USDC¹⁰⁰ that Foley had not been acting as their own counsel despite the NYAG letter to Judge Scheindlin claiming the opposite, despite Proskauer acting as their own counsel as stated to the NYAG.

Proskauer unlike Foley continued to Self-Represent, as Proskauer had formally declared themselves as their own Counsel to the USDC¹⁰¹ prior to learning of the new complaints filed at the First Dept against their Law Firm and Lawyers for the obvious

¹⁰⁰ March 28, 2008 Scheindlin Order
<http://iviewit.tv/CompanyDocs/United%20States%20District%20Court%20Southern%20District%20NY/20080328%20Scheindlin%20Order%20re%20Foley%20counsel.pdf>

and

May 02, 2008 Foley Counsel Kent Anker Letter to the USDC

<http://iviewit.tv/CompanyDocs/United%20States%20District%20Court%20Southern%20District%20NY/20080502%20Foley%20Anker%20Appearance%20and%20letter%20re%20conflicts.pdf>

¹⁰¹ March 05, 2008 Plaintiff Motion to USDC "Plaintiffs Opposition to Proskauer Rose's March 04, 2008 Letter to this Court..."

<http://iviewit.tv/CompanyDocs/United%20States%20District%20Court%20Southern%20District%20NY/20080305%20Final%20Plaintiff%20Opposition%20to%20Proskauer%20letter%20as%20counsel.pdf>

and

May 05, 2008 USDC Docket Entry 61 "NOTICE OF APPEARANCE by Joanna Frances Smith on behalf of Steven C. Krane (in his individual capacity), Kenneth Rubenstein, Proskauer Rose LLP (pl) (Entered: 05/13/2008)"

Conflicts and Violations of ACC and Law their Conflicted representation created, including their conversations with the NYAG. Proskauer Counsel Defendants Mashberg and Smith now represent themselves in the Amended Complaint and before this Court as Pro Se counsel while acting as Counsel for their firm Defendant Proskauer and certain Defendant Proskauer Lawyers adding yet another level of bizarre Conflict in Violation of ACC and Law.

B. Mandatory withdrawal.

A lawyer representing a client before a tribunal, with its permission if required by its rules, shall withdraw from employment, and a lawyer representing a client in other matters shall withdraw from employment, if:

1. The lawyer knows or it is obvious that the client is bringing the legal action, conducting the defense, or asserting a position in the litigation, or is otherwise having steps taken, merely for the purpose of harassing or maliciously injuring any person.

By Violating JC, ACC, PORR and Law, and appearing before the USDC and this Court entangled in myriads of overwhelming Conflict, the Conflicted Counsel and Public Officials, in prior Pleadings to the USDC and this Court, are with Scienter conducting knowingly Illegal Legal Defenses and perpetuating a Fraud on the Courts. Defenses with baseless claims tendered in Violation of JC, ACC, PORR and Law designed to harass Plaintiff in order to cause further injury upon Plaintiff by continued Abuse of Process and Frauds on the Courts acting to Obstruct Justice.

2. The lawyer knows or it is obvious that continued employment will result in Violation of a Disciplinary Rule.

The Conflicted Justices, Law Firms, Lawyers and Public Officials involved in these matters are fully aware that their Conflicted representation is Violating JC, ACC, PORR, and Law, in several states and around the world, yet it is the only way they can continue to prevent prosecution and thus they knowingly continue to Violate their own Rules, Regulations and Law.



CANON 4. A Lawyer Should Preserve the Confidences and Secrets of a Client

DR 4-101 [1200.19] Preservation of Confidences and Secrets of a Client

A. "Confidence" refers to information protected by the attorney-client privilege under applicable law, and "secret" refers to other information gained in the professional relationship that the client has requested be held inviolate or the disclosure of which would be embarrassing or would be likely to be detrimental to the client.

B. Except when permitted under DR 4-101 [1200.19] (C), a lawyer shall not knowingly:

1. Reveal a confidence or secret of a client.
2. Use a confidence or secret of a client to the disadvantage of the client.
3. Use a confidence or secret of a client for the advantage of the lawyer or of a third person, unless the client consents after full disclosure.

Many of the Defendant Law Firms and Lawyers have Violated the Preservation of Confidences and Secrets of their Former Client Plaintiff Bernstein concerning his Intellectual Properties by placing certain Intellectual Properties in their own names and Other Defendants, including unknowns. As further alleged herein and in the Amended Complaint, the Law Firms, Lawyers and Public Officials have converted Plaintiff's royalty streams to themselves through illegal Anti Competitive acts, including patent pooling schemes, Antitrust Violations and more, to benefit them at the disadvantage of Plaintiff. Defendants have Violated the Attorney/Client Privilege, most importantly misusing Confidences and Secrets of Plaintiff relating to Invention Disclosure, which also Violates the Federal Patent Bar OED Rules and Regulations.

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

A. A lawyer shall not accept or continue employment if the exercise of professional judgment on behalf of the client will be or reasonably may be affected by the lawyer's own financial, business, property, or personal interests, unless a disinterested lawyer would believe that the representation of the client will not be adversely affected thereby and the client consents to the representation after full disclosure of the implications of the lawyer's interest.

Violations of Judicial Cannon 5 are the crux for the continued Law Firms, Lawyers and Public Officials Conflict situations as the Legally Licensed Defendants acting in Conflict before this Court and other courts, all have irrefutable knowledge that their judgment on behalf of their client, themselves, is biased. Biased, as their lives depend on the outcome of the Lawsuit both financially and personally and where loss of the Lawsuit could land them with lengthy federal sentences for their crimes, far greater sentences hopefully than the recently levied lax sentence of Madoff of 150 years in prison, this crime in the Trillions far larger. The absurdity of Self-Representation in this Lawsuit where everything rests on the outcome, adversely affects the Law Firms and Lawyers ability to get sound unbiased legal advice and act in Conflict and Violation of ACC, PORR and Law.

This Court should take note that no liability carriers are present in the Lawsuit or have counsel present to assess the potential liabilities and risk to their insurance policies and companies, including the legal liability insurance carried by the professional Defendants and Organizations. The lack of presence of insurers or their attorneys indicates that either there are no professional liability carriers insuring Defendant Law Firms, Lawyers and Public Officials or the Defendants failed to give proper disclosure of the risk to the carriers. If Defendant Law Firms, Lawyers and Public Officials failed to Disclose the impending liabilities to the carriers and instead concealed this Litigation, this would represent Insurance Fraud, Fraud that could put insurers and their shareholders at tremendous risk for portions of the Trillion Dollar plus liabilities, again far exceeding the Madoff, Stanford and Dreier schemes combined.

A handwritten signature in black ink, appearing to be 'L. J.', is written over the text 'combined.' in the previous paragraph.

DR 5-102 [1200.21] Lawyers as Witnesses

A. A lawyer shall not act, or accept employment that contemplates the lawyer's acting, as an advocate on issues of fact before any tribunal if the lawyer knows or it is obvious that the lawyer ought to be called as a witness on a significant issue on behalf of the client, except that the lawyer may act as an advocate and also testify:

1. If the testimony will relate solely to an uncontested issue.
2. If the testimony will relate solely to a matter of formality and there is no reason to believe that substantial evidence will be offered in opposition to the testimony.
3. If the testimony will relate solely to the nature and value of legal services rendered in the case by the lawyer or the lawyer's firm to the client.
4. As to any matter, if disqualification as an advocate would work a substantial hardship on the client because of the distinctive value of the lawyer as counsel in the particular case.

B. Neither a lawyer nor the lawyer's firm shall accept employment in contemplated or pending litigation if the lawyer knows or it is obvious that the lawyer or another lawyer in the lawyer's firm may be called as a witness on a significant issue other than on behalf of the client, and it is apparent that the testimony would or might be prejudicial to the client.

C. If, after undertaking employment in contemplated or pending litigation, a lawyer learns or it is obvious that the lawyer ought to be called as a witness on a significant issue on behalf of the client, the lawyer shall not serve as an advocate on issues of fact before the tribunal, except that the lawyer may continue as an advocate on issues of fact and may testify in the circumstances enumerated in DR 5-102 [1200.21] (B)(1) through (4).

D. If, after undertaking employment in contemplated or pending litigation, a lawyer learns or it is obvious that the lawyer or a lawyer in his or her firm may be called as a witness on a significant issue other than on behalf of the client, the lawyer may continue the representation until it is apparent that the testimony is or may be prejudicial to the client at which point the lawyer and the firm must withdraw from acting as an advocate before the tribunal.

Section DR 5-102 [1200.21] prohibits from Self-Representation the Defendant Law Firms, Lawyers and Public Officials, including but not limited to, Foley, Meltzer, Proskauer and their Partners, as they are both Defendants and Material Witnesses for Plaintiff and both Defendants and Material Witnesses for their clients themselves in certain instances. This prohibition similarly applies to Defendant Wolfe, a Defendant and Witness for Plaintiff's Lawsuit and applicable now to Scheindlin who will be called as a Witness for Plaintiff in relation to determining whom she referred to as having "substantive" Conflict and what "substantive issues" she found.

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

A. A lawyer shall not acquire a proprietary interest in the cause of action or subject matter of litigation he or she is conducting for a client...



Proskauer has proprietary interest in this Lawsuit, as they are shareholders of Iviewit companies stock and have vested interest in the one of the main infringers of the stolen technologies, MPEGLA LLC, as defined in the Amended Complaint. Meltzer, Proskauer and Joao also have proprietary interest in the cause of action and subject matter of the litigation in that Joao now has 90+ patents in his name allegedly filed fraudulently in relation to inventions learned through Disclosure with Plaintiff.

DR 5-104 [1200.23] Transactions Between Lawyer and Client

- A. A lawyer shall not enter into a business transaction with a client if they have differing interests therein and if the client expects the lawyer to exercise professional judgment therein for the protection of the client...

Defendant Proskauer entered into business transactions with Plaintiff and the Iviewit companies that cause Conflict, including being retained as Counsel and purchasing stock in the Iviewit companies. Proskauer then further acquired a competing interest to Plaintiff, the MPEGLA, LLC patent pooling scheme that they acquired as Client and now control through acquisition of Defendant Rubenstein from Meltzer. Rubenstein, Iviewit's main Patent Counsel is also the sole patent evaluator, Legal Counsel and a founder of MPEGLA. Defendant MPEGLA is now one of the largest infringers of Plaintiff's IP. Defendant Proskauer, prior to being retained by Plaintiff, had no Intellectual Property Group and immediately after learning of Plaintiff's technologies, through disclosure to Defendants Rubenstein and Joao began an IP practice through acquisition of Meltzer's IP Department, as more fully defined in the Amended Complaint.

1. The transaction and terms on which the lawyer acquires the interest are fair and reasonable to the client and are fully disclosed and transmitted in writing to the client in a manner that can be reasonably understood by the client;



Plaintiff asks this Court to force Proskauer to procure the transactional details of their stock purchases in the Iviewit Companies to the Court so that the Court may understand the terms, as Plaintiff and other former shareholders and former executives also would like to see the terms of their stock purchases and all transactional records relating to such¹⁰².

DR 5-105 [1200.24] Conflict of Interest; Simultaneous Representation

A. A lawyer shall decline proffered employment if the exercise of independent professional judgment in behalf of a client will be or is likely to be adversely affected by the acceptance of the proffered employment, or if it would be likely to involve the lawyer in representing differing interests, except to the extent permitted under DR 5-105 [1200.24] (C).

B. A lawyer shall not continue multiple employment if the exercise of independent professional judgment in behalf of a client will be or is likely to be adversely affected by the lawyer's representation of another client, or if it would be likely to involve the lawyer in representing differing interests, except to the extent permitted under DR 5-105 [1200.24] (C).

C. In the situations covered by DR 5-105 [1200.24] (A) and (B), a lawyer may represent multiple clients if a disinterested lawyer would believe that the lawyer can competently represent the interest of each and if each consents to the representation after full disclosure of the implications of the simultaneous representation and the advantages and risks involved.

D. While lawyers are associated in a law firm, none of them shall knowingly accept or continue employment when any one of them practicing alone would be prohibited from doing so under DR 5-101 [1200.20] (A), DR 5-105 [1200.24] (A) or (B), DR 5-108 [1200.27] (A) or (B), or DR 9-101 [1200.45] (B) except as otherwise provided therein.

E. A law firm shall keep records of prior engagements, which records shall be made at or near the time of such engagements and shall have a policy implementing a system by which proposed engagements are checked against current and previous engagements, so as to render effective assistance to lawyers within the firm in complying with DR 5-105 [1200.24] (D). Failure to keep records or to have a policy which complies with this subdivision, whether or not a Violation of DR 5-105 [1200.24] (D) occurs, shall be a Violation by the firm. In cases in which a Violation of this subdivision by the firm is a substantial factor in causing a Violation of DR 5-105 [1200.24] (D) by a lawyer, the firm, as well as the individual lawyer, shall also be responsible for the Violation of DR 5-105 [1200.24] (D).

All the Defendant Justices, Law Firms and Lawyers involved in this Lawsuit at every level, in current and former proceedings, have all failed to run proper COI Checks,

¹⁰² May 21, 2004 Iviewit Letter to Proskauer Partner Rubenstein re "Demand for Information"
<http://iviewit.tv/CompanyDocs/2004%2005%2021%20Officer%20and%20Director%20Questions%20-%20RUBENSTEIN%20low.pdf> and

May 05, 2004 Iviewit Letter to Proskauer re "Demand for Information"
<http://iviewit.tv/CompanyDocs/2004%2005%2013%20Officer%20and%20Director%20Questions%20-%20WHEELER%20FINAL.pdf>

which would preclude multiple Conflicting representations and would have detailed the numerous Violations of ACC and Law that Self-Representation obviously involves in this Lawsuit. New complaints will be forthcoming regarding the failure under this code section to properly screen for Conflict, serving as new grounds for disciplinary complaints. This Court's obligation and duty is to immediately cease and halt proceedings pending full Conflict of Interest resolution according to law.

DR 5-107 [1200.26] Avoiding Influence by Others than the Client

- A. Except with the consent of the client after full disclosure a lawyer shall not:
 - 1. Accept compensation for legal services from one other than the client.
 - 2. Accept from one other than the client anything of value related to his or her representation of or employment by the client.
- B. Unless authorized by law, a lawyer shall not permit a person who recommends, employs, or pays the lawyer to render legal service for another to direct or regulate his or her professional judgment in rendering such legal services, or to cause the lawyer to compromise the lawyer's duty to maintain the confidences and secrets of the client under DR 4-101 [1200.19] (B).

DR 5-108 [1200.27] Conflict of Interest - Former Client

- A. Except as provided in DR 9-101 [1200.45] (B) with respect to current or former government lawyers, a lawyer who has represented a client in a matter shall not, without the consent of the former client after full disclosure:
 - 1. Thereafter represent another person in the same or a substantially related matter in which that person's interests are materially adverse to the interests of the former client.
 - 2. Use any confidences or secrets of the former client except as permitted by DR 4-101 [1200.19] (C) or when the confidence or secret has become generally known.
- B. Except with the consent of the affected client after full disclosure, a lawyer shall not knowingly represent a person in the same or a substantially related matter in which a firm with which the lawyer formerly was associated had previously represented a client:
 - 1. Whose interests are materially adverse to that person; and
 - 2. About whom the lawyer had acquired information protected by section DR 4-101 [1200.19] (B) that is material to the matter.
- C. Notwithstanding the provisions of DR 5-105 [1200.24] (D), when a lawyer has terminated an association with a firm, the firm is prohibited from thereafter representing a person with interests that are materially adverse to those of a client represented by the formerly associated lawyer and not currently represented by the firm only if the law firm or any lawyer remaining in the firm has information protected by DR 4-101 [1200.19] (B) that is material to the matter, unless the affected client consents after full disclosure.

Plaintiff was a former client of Defendant Law Firms and Lawyers and has not granted permission to his former Counsel for them now to Self-Represent in these matters, against Plaintiff in matters highly related to their alleged Criminal acts while

representing Plaintiff under Retainer, again constituting an obvious Conflict and Violation of ACC. Further, the Defendants who were Intellectual Property Counsel (Proskauer firm, Meltzer firm, Joao, Foley & Lardner, Greenberg & Traurig, etc) for myself, Plaintiff-Appellant, and Iviewit matters learned information protected under DR 4-101 [1200.19] (B) that is material to the matter and creates further conflicts which must be immediately resolved.

DR 5-109 [1200.28] Organization as Client

A. When a lawyer employed or retained by an organization is dealing with the organization's directors, officers, employees, members, shareholders or other constituents, and it appears that the organization's interests may differ from those of the constituents with whom the lawyer is dealing, the lawyer shall explain that the lawyer is the lawyer for the organization and not for any of the constituents.

B. If a lawyer for an organization knows that an officer, employee or other person associated with the organization is engaged in action, intends to act or refuses to act in a matter related to the representation that is a Violation of a legal obligation to the organization, or a Violation of law that reasonably might be imputed to the organization, and is likely to result in substantial injury to the organization, the lawyer shall proceed as is reasonably necessary in the best interest of the organization. In determining how to proceed, the lawyer shall give due consideration to the seriousness of the Violation and its consequences, the scope and nature of the lawyer's representation, the responsibility in the organization and the apparent motivation of the person involved, the policies of the organization concerning such matters and any other relevant considerations. Any measures taken shall be designed to minimize disruption of the organization and the risk of revealing information relating to the representation to persons outside the organization. Such measures may include, among others:

1. Asking reconsideration of the matter;
2. Advising that a separate legal opinion on the matter be sought for presentation to appropriate authority in the organization; and
3. Referring the matter to higher authority in the organization, including, if warranted by the seriousness of the matter, referral to the highest authority that can act in behalf of the organization as determined by applicable law.

C. If, despite the lawyer's efforts in accordance with DR 5-109 [1200.28](B), the highest authority that can act on behalf of the organization insists upon action, or a refusal to act, that is clearly a Violation of law and is likely to result in a substantial injury to the organization, the lawyer may resign in accordance with DR 2-110 [1200.15].

Not only did Defendant Proskauer represent Plaintiff and the Iviewit companies he founded, Defendants Proskauer brought in senior management Officers for the Iviewit companies, including under false pretenses and with false resume in the case of Defendant Utley, in order to commit the Intellectual Property crimes. In fact, Defendants



Utley, Dick¹⁰³ and C. Wheeler of Proskauer, had immediately prior to working with Plaintiff companies, been found misappropriating Intellectual Property of another Florida Philanthropist and Businessman, Monte Friedkin. The circumstances surrounding that attempt at Intellectual Property Theft forced Friedkin's business into closure in a very similar set of circumstances to that of Plaintiff. Defendants Utley, Dick and Wheeler all failed to mention these facts to the Iviewit Board of Directors and Shareholders or to put the information on their resumes. Utley boldly changing his resume claiming a false set of circumstances for his TERMINATION by Friedkin and whereby Wheeler upon referring Utley to Plaintiff failed to mention the fact that Utley was terminated and that Wheeler was also directly implicated in the Friedkin affair. The whole story of the failed prior attempt on Friedkin, later contradicted in multiple instances in Official statements of Utley, Dick and Wheeler in Depositions and Official Statements, to Courts and to State Disciplinary Agencies in Florida, New York and Virginia, as more fully defined in the Amended Complaint.

NOTE: The aforementioned allegations of Defendant lawyers having prior pattern and involvement in a similar and related Intellectual Property scheme involving Friedken and the length of actions and schemes herein exceeding 10 years were and are and remain sufficient to satisfy "continuity" pleading requirements under RICO and Plaintiff thus had adequately stated federal claims sufficient to grant federal relief and exercise federal jurisdiction and the District Court's erroneous Dismissal must now be immediately reversed.

¹⁰³ March 22, 2004 Iviewit Rebuttal to William Dick Virginia Bar Complaint Response
<http://iviewit.tv/CompanyDocs/2004%2003%2012%20William%20Dick%20Virginia%20Bar%20Complaint%20Response%20BOOKM.pdf>

DR 5-110 [1200.29] Membership in Legal Service Organization

A. A lawyer may serve as a director, officer or member of a not-for-profit legal services organization, apart from the law firm in which the lawyer practices, notwithstanding that the organization serves persons having interests that differ from those of a client of the lawyer or the lawyer's firm, provided that the lawyer shall not knowingly participate in a decision or action of the organization:

1. If participating in the decision or action would be incompatible with the lawyer's duty of loyalty to a client under DR 5-101 through DR 5-111 [1200.20 through 1200.29]; or
2. Where the decision or action could have a material adverse effect on the representation of a client of the organization whose interests differ from those of a client of the lawyer or the lawyer's firm.

Multiple Violations of this section already defined herein and in the Amended Complaint.

CANON 6. A Lawyer Should Represent a Client Competently

DR 6-101 [1200.30] Failing to Act Competently

A. A lawyer shall not:

1. Handle a legal matter which the lawyer knows or should know that he or she is not competent to handle, without associating with a lawyer who is competent to handle it.
2. Handle a legal matter without preparation adequate in the circumstances.
3. Neglect a legal matter entrusted to the lawyer.

Multiple Violations of this section already defined herein and in the Amended Complaint.

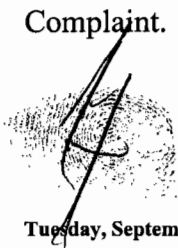
CANON 7. A Lawyer Should Represent a Client Zealously Within the Bounds of the Law

DR 7-101 [1200.32] Representing a Client Zealously

A. A lawyer shall not intentionally:

1. Fail to seek the lawful objectives of the client through reasonably available means permitted by law and the Disciplinary Rules, except as provided by DR 7-101 [1200.32]
2. Fail to carry out a contract of employment entered into with a client for professional services, but the lawyer may withdraw as permitted under DR 2-110 [1200.15], DR 5-102 [1200.21], and DR 5-105 [1200.24].
3. Prejudice or damage the client during the course of the professional relationship, except as required under DR 7-102 [1200.33] (B) or as authorized by DR 2-110 [1200.15].

Multiple Violations of this section already defined herein and in the Amended Complaint.



DR 7-102 [1200.33] Representing a Client Within the Bounds of the Law

A. In the representation of a client, a lawyer shall not:

1. File a suit, assert a position, conduct a defense, delay a trial, or take other action on behalf of the client when the lawyer knows or when it is obvious that such action would serve merely to harass or maliciously injure another.

All of the Defendant Justices, Law Firms, Lawyers, Public Officials and now Counsel for the Defendants before this Court Violate this section by asserting false defenses in Conflict to perpetrate Fraud on the Courts through continued Violation of the JC, ACC, PORR and Law. All Justices who have allowed such Conflict-infested pleadings to prevail in Conspiracy with Defendants have delayed trials, all of these Violations of JC, ACC, PORR and Law acting to further harass and maliciously injure Plaintiff while destroying his life in attempts to abscond with the Technologies.

2. Knowingly advance a claim or defense that is unwarranted under existing law, except that the lawyer may advance such claim or defense if it can be supported by good faith argument for an extension, modification, or reversal of existing law.

Almost all of the Counsel for Defendant Law Firms, Lawyers and Public Officials Violate this section by asserting defenses when they are in Conflict and thus their claims and defenses are all Illegal under existing law as further Fraud on the Court.

3. Conceal or knowingly fail to disclose that which the lawyer is required by law to reveal.

Obviously, all those found in Conflict have concealed such Conflicts with Scienter until discovered years after by Plaintiff. Defendants, made aware of their legal brethrens Crimes and Violations of JC, ACC, PORR and Law by Plaintiff, then failed to report the Crimes and Violations, further Violating JC, ACC, PORR and Law. Failure to report also includes failing to report crimes such as Fraud on the USPTO, fraud on the SBA and Fraud on the Courts.

4. Knowingly use perjured testimony or false evidence.

All of those found in Conflict have used knowingly perjured testimony and false evidence by submitting and allowing Pleadings in Conflict and Violations of JC, ACC, PORR and Law, all constituting false evidence to the courts.

5. Knowingly make a false statement of law or fact.
6. Participate in the creation or preservation of evidence when the lawyer knows or it is obvious that the evidence is false.
7. Counsel or assist the client in conduct that the lawyer knows to be illegal or fraudulent.

Conflicted Counsel retained by the Defendants assist Defendants in conduct that the Law Firms, Lawyers and Public Officials know is both Illegal and Fraud on the Courts. Apparently, in some circumstances, acting as their own Counsel they have no representative counsel that can represent them with unbiased advice or advise them that their actions are further Violations of JC, ACC, PORR and Law and to GO GET A NON-CONFLICTED ATTORNEY.

8. Knowingly engage in other illegal conduct or conduct contrary to a Disciplinary Rule.

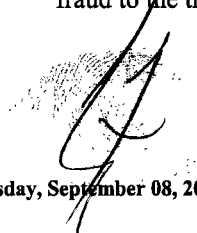
The Amended Complaint lists hundreds of Illegal acts Defendants committed with Scienter, in addition to those defined already herein, that represent conduct contrary to almost every single applicable JC, ACC, PORR and Law.

B. A lawyer who receives information clearly establishing that:

1. The client has, in the course of the representation, perpetrated a fraud upon a person or tribunal shall promptly call upon the client to rectify the same, and if the client refuses or is unable to do so, the lawyer shall reveal the fraud to the affected person or tribunal, except when the information is protected as a confidence or secret.

For example, this code would force Proskauer to notify the Court and other investigators that they and their client, themselves, have committed Fraud on the Court and other crimes directly on tribunals. Again, due to the Conflicts it appears they cannot get representative counsel to give them such sound advice.

2. A person other than the client has perpetrated a fraud upon a tribunal shall reveal the fraud to the tribunal.



This code section would force the Law Firms, Lawyers and Public Officials involved directly in the crimes or in the Cover-Up crimes, to turn each other in to authorities for their various crimes. Again, lack of representative counsel makes this impossible and thus more and more Violations of this code occur with every Illegal Legal Action constituting further Fraud on the Courts.

DR 7-106 [1200.37] Trial Conduct

C. In appearing as a lawyer before a tribunal, a lawyer shall not:

1. State or allude to any matter that he or she has no reasonable basis to believe is relevant to the case or that will not be supported by admissible evidence.

The entire defenses submitted by Conflicted Counsel in these matters to this Court and the USDC are irrelevant, legally baseless and Illegal. The Pleadings submitted in Conflict will be admissible as evidence against those in Conflict who have perpetrated these Frauds on the Courts and otherwise stand as frivolous defamatory defenses. The evidence wholly does not support the Defendants' claims of harassment by Plaintiff against them to this Court and the USDC, making their defenses wholly fraudulent and a FRAUD ON THIS COURT.

2. Ask any question that he or she has no reasonable basis to believe is relevant to the case and that is intended to degrade a witness or other person.

Counsel for Defendants, mainly the Defendants have continued to advance nonsensical defamatory attacks on Plaintiff to mislead the courts and investigators about their involvement in the Crimes, the Lawsuit, their Illegal Self-Representations and Cover-Up Crimes through continuous Conflict and Violations of AC, PORR and Law.

3. Assert personal knowledge of the facts in issue, except when testifying as a witness.
4. Assert a personal opinion as to the justness of a cause, as to the credibility of a witness, as to the culpability of a civil litigant, or as to the guilt or innocence of an accused; but the lawyer may argue, upon analysis of the evidence, for any position or conclusion with respect to the matters stated herein.
5. Fail to comply with known local customs of courtesy or practice of the bar or a particular tribunal without giving to opposing counsel timely notice of the intent not to comply.

6. Engage in undignified or discourteous conduct which is degrading to a tribunal.

Undignified and discourteous conduct fails to describe the heinous crimes that have degraded the rule of law in these proceedings and the continuous Fraud on the Courts taking place through Violations of JC, ACC, PORR and Law.

7. Intentionally or habitually violate any established rule of procedure or of evidence.

Intentionally and habitually, Defendants have Violated almost every established rule of procedure and evidence as described herein and in the Amended Complaint.

DR 7-110 [1200.41] Contact with Officials

B. In an adversary proceeding, a lawyer shall not communicate, or cause another to communicate, as to the merits of the cause with a judge or an official before whom the proceeding is pending except:

1. In the course of official proceedings in the cause.
2. In writing if the lawyer promptly delivers a copy of the writing to opposing counsel or to an adverse party who is not represented by a lawyer.
3. Orally upon adequate notice to opposing counsel or to an adverse party who is not represented by a lawyer.
4. As otherwise authorized by law, or by the Code of Judicial Conduct.

Defendant Proskauer, Foley, Meltzer and perhaps other Defendants have contacted the NYAG to discuss legal strategies against Plaintiff, where contacting Public Officials involved in the Lawsuit may be a Violation of this rule that gave Defendants the ability to infiltrate official proceedings against them.

CANON 8. A Lawyer Should Assist in Improving the Legal System

DR 8-101 [1200.42] Action as a Public Official

A. A lawyer who holds Public Office shall not:

1. Use the public position to obtain, or attempt to obtain, a special advantage in legislative matters for the lawyer or for a client under circumstances where the lawyer knows or it is obvious that such action is not in the public interest.

The handling of complaints by Defendants Proskauer, Krane and Triggs Violated PORR in positions they held in several Public Offices in both New York and Florida, in Violation of ACC and Law. Violations of the Public Offices was used to obtain special

advantage in the proceedings, knowing that such actions were Violations of ACC, PORR and Law and adverse to Plaintiff and the public interest. Scheindlin's court, and now this Court, may also be viewed misusing Public Offices to obtain special advantage for the Law Firms, Lawyers and Public Officials by allowing Violations of JC, ACC, PORR and Law to prevail Illegally and further knowingly concealing the Violations of their legal brethren by failing to report the misconduct and therefore Aiding and Abetting the Defendants.

2. Use the public position to influence, or attempt to influence, a tribunal to act in favor of the lawyer or of a client.

The handling of complaints by Defendants Proskauer, Krane and Triggs, Violated PORR, ACC and Law, as they held positions with several Public Offices in New York and Florida, that precluded their handling of complaints. These Violation of ACC, PORR and Law were used to obtain special advantage in the proceedings, knowing that such actions were Violations of Law and adverse to Plaintiff and the Public's interests. Scheindlin's court, and this now this Court, allegedly Violating Public Offices in an attempt to further obtain special advantage for the Law Firms, Lawyers and Public Officials by allowing Violations of JC, ACC and Law to prevail Illegally and by further knowingly Concealing the Violations of their peers and failing to report the Misconduct.

3. Accept anything of value from any person when the lawyer knows or it is obvious that the offer is for the purpose of influencing the lawyer's action as a public official.

CANON 9. A Lawyer Should Avoid Even the Appearance of Professional Impropriety

DR 9-101 [1200.45] Avoiding Even the Appearance of Impropriety

A. A lawyer shall not accept private employment in a matter upon the merits of which the lawyer has acted in a judicial capacity.

B. Except as law may otherwise expressly permit:

1. A lawyer shall not represent a private client in connection with a matter in which the lawyer participated personally and substantially as a Public Officer or employee, and no

lawyer in a firm with which that lawyer is associated may knowingly undertake or continue representation in such a matter unless:

a. The disqualified lawyer is effectively screened from any participation, direct or indirect, including discussion, in the matter and is apportioned no part of the fee therefrom; and

b. There are no other circumstances in the particular representation that create an Appearance of Impropriety.

2. A lawyer having information that the lawyer knows is confidential government information about a person, acquired when the lawyer was a Public Officer or employee, may not represent a private client whose interests are adverse to that person in a matter in which the information could be used to the material disadvantage of that person. A firm with which that lawyer is associated may knowingly undertake or continue representation in the matter only if the disqualified lawyer is effectively screened from any participation, direct or indirect, including discussion, in the matter and is apportioned no part of the fee therefrom.

3. A lawyer serving as a Public Officer or employee shall not:

a. Participate in a matter in which the lawyer participated personally and substantially while in private practice or non-governmental employment, unless under applicable law no one is, or by lawful delegation may be, authorized to act in the lawyer's stead in the matter; or

b. Negotiate for private employment with any person who is involved as a party or as attorney for a party in a matter in which the lawyer is participating personally and substantially.

C. A lawyer shall not state or imply that the lawyer is able to influence improperly or upon irrelevant grounds any tribunal, legislative body, or public official.

D. A lawyer related to another lawyer as parent, child, sibling or spouse shall not represent in any matter a client whose interests differ from those of another party to the matter who the lawyer knows is represented by the other lawyer unless the client consents to the representation after full disclosure and the lawyer concludes that the lawyer can adequately represent the interests of the client.

DR 9-102 [1200.46] Preserving Identity of Funds and Property of Others; Fiduciary Responsibility; Commingling and Misappropriation of Client Funds or Property; Maintenance of Bank Accounts; Record Keeping; Examination of Records

A. Prohibition Against Commingling and Misappropriation of Client Funds or Property.

A lawyer in possession of any funds or other property belonging to another person, where such possession is incident to his or her practice of law, is a fiduciary, and must not misappropriate such funds or property or commingle such funds or property with his or her own.

3. Maintain complete records of all funds, securities, and other properties of a client or third person coming into the possession of the lawyer and render appropriate accounts to the client or third person regarding them.

TO BE FILED COMPLAINTS

If this Court is to deny Plaintiff request to immediately halt the proceedings pending resolution of each and every Conflict, then Plaintiff asks for a 120 day extension before further having to respond to any decree of this Court to achieve all of the

following with such extension also to encompass a stay of appellate proceedings and as follows:

1. formulate complaints against this Court, the USDC and Court Officials involved in this Lawsuit for allowing Conflicts, Violating JC, ACC, PORR and Law in order to Prejudice these proceedings in favor of the Defendants and causing Obstruction of Justice,

2. notify the proper oversight Authorities of failures by this Court and the USDC to notify the proper Authorities of Violations of JC, ACC, PORR and Law by Lawyers and Public Officials acting before the courts, as bound by JC, ACC, PORR and Law,

3. formulate complaints to have reviewed by oversight Authorities to these proceedings, to determine if this Court or the USDC can continue to act in Conflict and allow affirmed “**substantive**” Conflicts to persist which create an overwhelming Appearance of Impropriety that acts to Obstruct Plaintiff’s Due Process rights,

4. formulate complaints for failure of this Court and the USDC to affirm or deny Conflict when Legally requested in Plaintiff’s Pleadings based on existing Conflicts and instead moving the Lawsuit on Defendants Conflict tainted Pleadings, prior to affirmation or denial or removal of the Conflicts,

5. formulate complaints against all Defendant Law Firms, Lawyers and Public Officials for failing to run appropriate Conflict Checks prior to representing themselves in Conflict and failing to affirm or deny Conflict prior to handling these matters.

CONTINUING FAILURES TO RESOLVE CONFLICTS VIOLATING PLAINTIFF’S DUE PROCESS RIGHTS TO

FAIR SETTLEMENT AND ESTABLISHED CIVIL SETTLEMENT PROCEDURES OF THE US SECOND CIRCUIT IN A LAWSUIT WHERE DOCUMENTARY EVIDENCE ALONE IS MONUMENTAL

Beyond the Prejudicial Rulings of Judge Winter, Plaintiff has suffered further Prejudice due to the failure to address Conflict that adversely affects Plaintiff by denying and depriving Due Process in precluding the exercising of rights to the Second Circuit's Civil Settlement process. This denial of Due Process is particularly egregious in Plaintiff's Lawsuit, which involves multiple Defendants under written and signed Non Disclosure Agreements and Confidentiality agreements, which call out for the economies of true justice to be available in settlement and where the Documentary evidence alone is monumental.

Yet, the US Second Circuit's civil settlement process railroaded by the Conflicts for nine plus months into the Appeals process. Surely, Non-Conflicted counsel would view the massive financial liabilities to so many at issue, in the light that true counsel should and thus the economies of the Court deprived in failing to perform such duties.

First, Plaintiff, individually, comes to this Court with claims that this Court must remand the Lawsuit back to the USDC for further adjudication or to find a Non-Conflicted forum if the USDC cannot overcome the current Conflicts and continue adjudication. To fail to remand the Lawsuit back for adjudication to a Non-Conflicted court would be a further Obstruction of Plaintiff's rights, limiting the Lawsuit by Preclusion/Obstruction of material facts that may reverse the prior opinions of the lower court.

Note that Conflicts and Violations of JC, ACC, PORR and Law are the glue that binds the entire RICO Conspiracy together, keeping in play the ongoing Criminal Enterprise by precluding Due Process and Procedure. Evading prosecution for the original Crimes through a Cover-Up involving Public Office crimes and illegal Abuse of Process that perpetrates Fraud on the Courts and other crimes that all act to Aid and Abet the underlying original crimes against not only Plaintiff but also the United States, Foreign Nations and several States.

NEW DISCIPLINARY COMPLAINTS FILED AGAINST FIRST DEPT CHAIRMAN & CHIEF COUNSEL FOR VIOLATIONS OF PUBLIC OFFICES RULES AND REGULATIONS. COMPLAINTS REMAIN PENDING AND BEFORE THE NYAG ANDREW CUOMO

1. Roy L. Reardon, Esq. Chairman, First Dept DDC¹⁰⁴, Docket number not yet received. The complaint against Reardon filed February 09, 2009, for Conflicts and Violations of ACC, PORR and Law. Filed for Reardon's part in handling complaints filed recently against Defendants Foley, Proskauer, Smith, Mashberg, Norbitz and Sekel in this Lawsuit. Handling complaints while the First Dept and First Dept DDC are simultaneously Defendants in this Lawsuit who have representative Counsel, the NYAG causes obvious Conflict and Violations of PORR. The NYAG was to move the filed complaints from their Defendant Client First Dept DDC to a Non-Conflicted third party for investigation to avoid the obvious Conflicts and Appearance of Impropriety, for the

¹⁰⁴ July 27, 2009 Expose Corrupt Courts "Roy I. Reardon, Corrupt Chairman of Corrupt Manhattan Ethics Committee / Feds Summon Court Corruption Members to Washington, D.C." <http://exposecorruptcourts.blogspot.com/2009/07/roy-i-reardon-corrupt-chairman-of.html>



failure to move the complaints and allowing their clients to handle complaints against other Defendants in Conflict, Plaintiff will soon file charges against the NYAG.

2. Alan W. Friedberg, Esq., Chief Counsel, First Dept DDC, Docket number not yet received. The complaint against Friedberg filed February 09, 2009¹⁰⁵ for Conflict and Violations of ACC, PORR and Law. Violations that resulted from the First Dept handling recently filed complaints against Defendants Foley, Proskauer, Smith, Mashberg, Norbitz & Sekel¹⁰⁶, while the First Dept and First Dept DDC are simultaneously Defendants in the Lawsuit and further have representative Counsel, the NYAG. Plaintiff contacted the NYAG prior to filing the complaints, to determine who

¹⁰⁵ February 09, 2009 New York State Office of Attorney General Public Integrity Complaint RE:

I. Roy L. Reardon letter dated January 27, 2009

II. Alan W. Friedberg letter dated January 12, 2009

III. Complaints

A. "New Complaints"

1. Roy L. Reardon, Esq. – Waiting Docket #

2. Alan W. Friedberg, Esq. – Waiting Docket #

B. "2008 Complaints" Matters of Attorney Complaints Docket #2008-0756, appears to attempt to merge multiple complaints into one, waiting formal individual docket #'s from NYAG.

3. Proskauer Rose, LLP – First Dep. Failed to formally docket

4. Foley & Lardner - First Dep. Failed to formally docket

5. Gregg M. Mashberg, Esq. - First Dep. Failed to formally docket

6. Joanna F. Smith, Esq. - First Dep. Failed to formally docket

7. Todd C. Norbitz, Esq. - First Dep. Failed to formally docket

8. Anne B. Sekel, Esq. - First Dep. Failed to formally docket

C. "Old Complaints" (Transferred by Unpublished Orders M3198 - Steven C. Krane / M2820 Kenneth Rubenstein and M3212 Raymond A. Joao on Unanimous Consent of First Dept Justices for Conflict of Interest and the Appearance of Impropriety to Second Department. Second Department failed to conduct formal investigations ordered by First Dept.)

9. Thomas Cahill Special Inquiry No. 2004.1122 (former 1st Dept Chief Counsel) – Ongoing investigation by Martin Gold.

10. Steven C. Krane docket #2004.1883 (1st Dept Officer, former NYSBA President & Proskauer partner)

11. Kenneth Rubenstein docket #2003.0531 (Proskauer partner)

12. Raymond A. Joao docket #2003-0352

13. Proskauer Rose, LLP - First Dep. Failed to formally docket

14. Meltzer Lippe Goldstein & Schlissel - First Dep. Failed to formally docket

<http://iviewit.tv/CompanyDocs/United%20States%20District%20Court%20Southern%20District%20NY/20090209%20NYAG%20PUBLIC%20INTEGRITY%20COMPLAINT%20SIGNED.pdf>

¹⁰⁶ March 09, 2009 Plaintiff's First Dept DDC Complaints Proskauer and Foley ~ See pages 24-27 @

<http://iviewit.tv/CompanyDocs/United%20States%20District%20Court%20Southern%20District%20NY/20080305%20Final%20Plaintiff%20Opposition%20to%20Proskauer%20letter%20as%20counsel.pdf>

was to handle the complaints to avoid obvious Conflicts with Defendants First Dept and First Dept DDC and have the complaints moved to a Non-Conflicted third party (i.e. Conflict free court, grand jury, etc.). The NYAG was to handle moving the complaints to avoid continuing Violations of ACC, PORR and Law that create the Appearance of Impropriety. Despite assurances by the NYAG that the First Dept and First Dept DDC would not handle the complaints, the First Dept DDC instead acted on the complaints attempting to dismiss the complaints in efforts to exonerate other Defendants. The Dismissal based on baseless claims, in Violation of ACC, PORR and Law.

3. Foley & Lardner – The First Dept DDC failed to formally docket & number the complaint filed against Foley according to PORR and Law. The NYAG was to have the complaints moved and handled by a Non-Conflicted third party due to the Conflicts their clients Defendants First Dept and First Dept DDC had regarding their Conflict as Defendants in the matters. The First Dept DDC instead acted in Conflict and Violation of ACC and PORR, skirting their Counsel the NYAG and attempting to dismiss Defendant Foley’s complaint directly with Plaintiff while the First Dept DDC is also a Defendant. The dismissal formally and timely appealed.

4. Gregg M. Mashberg, Esq., Proskauer Rose – The First Dept DDC failed to formally docket & number the complaint filed against Mashberg according to PORR and Law. The NYAG was to have the complaints moved and handled by a Non-Conflicted third party due to Conflicts their client Defendants First Dept and First Dept DDC had regarding their Conflict as Defendants in the matters. The First Dept DDC instead acted in Conflict and Violation of ACC and PORR, skirting their Counsel the NYAG and

A handwritten signature in black ink, appearing to be 'A. S.', is written over the text of the fourth point. The signature is stylized and somewhat illegible.

attempting to dismiss Defendant Mashberg's complaint directly with Plaintiff while the First Dept DDC is also a Defendant. The dismissal formally and timely appealed.

5. Joanna F. Smith, Esq., Proskauer Rose – The First Dept DDC failed to formally docket & number the complaint filed against Smith according to PORR and Law. The NYAG was to have the complaints moved and handled by a Non-Conflicted third party due to Conflicts their client Defendants First Dept and First Dept DDC had regarding their Conflict as Defendants in the matters. The First Dept DDC instead acted in Conflict and Violation of ACC and PORR, skirting their Counsel the NYAG and attempting to dismiss Defendant Smith's complaint directly with Plaintiff while the First Dept DDC is also a Defendant. The dismissal formally and timely appealed.

6. Todd C. Norbitz, Esq., Foley & Lardner – The First Dept DDC failed to formally docket & number the complaint filed against Norbitz according to PORR and Law. The NYAG was to have the complaints moved and handled by a Non-Conflicted third party due to Conflicts their client Defendants First Dept and First Dept DDC had regarding their Conflict as Defendants in the matters. The First Dept DDC instead acted in Conflict and Violation of ACC and PORR, skirting their Counsel the NYAG and attempting to dismiss Defendant Norbitz's complaint directly with Plaintiff while the First Dept DDC is also a Defendant. The dismissal formally and timely appealed.

7. Anne B. Sekel, Esq. – The First Dept DDC failed to formally docket & number the complaint filed against Sekel according to PORR and Law. The NYAG was to have the complaints moved and handled by a Non-Conflicted third party due to Conflicts their client Defendants First Dept and First Dept DDC had regarding their Conflict as Defendants in the matters. The First Dept DDC instead acted in Conflict and

Violation of ACC and PORR, skirting their Counsel the NYAG and attempting to dismiss Defendant Sekel's complaint directly with Plaintiff while the First Dept DDC is also a Defendant. The dismissal formally and timely appealed.

All newly filed complaints and the Conflicted Dismissal by the First Dept DDC formally and timely appealed to the First Dept DDC and Plaintiff is waiting for further response from the First Dept DDC regarding the Appeal of the Dismissals. Until such time that final decisions can be rendered by the First Dept DDC and oversight Authorities summoned can determine if the First Dept DDC can legally be involved in the handling of Defendant Complaints while a Defendant.

PRIOR FIRST DEPT COMPLAINTS NOT RESOLVED BY DUE PROCESS AND MIRED IN CONFLICT AND FURTHER VIOLATIONS OF PUBLIC OFFICE RULES AND REGULATIONS

1. Thomas Cahill complaint No. 2004.1122¹⁰⁷ transferred for Special Inquiry to Martin Gold. Recently, it has come to the attention of Plaintiff that Defendant Gold and Quasi Plaintiff Lamont recently attempted to have Gold dismiss the Cahill complaint after years in limbo without any authorization to act on behalf of Iviewit companies in any capacity¹⁰⁸. Gold, a Defendant in the Lawsuit, obviously blatantly acting in Conflict and Violation of First Dept Rules & Regulations in handling matters against Defendant Cahill which now stands as cause for yet another soon to be filed complaint, this time against Gold, Cahill and Quasi Plaintiff, soon to be defendant, Lamont. Plaintiff has

¹⁰⁷ June 10, 2004 Iviewit Cahill Complaint sent to Eliot Spitzer
<http://iviewit.tv/CompanyDocs/200%2006%2009%20Spitzer%20Curran%20Cahill%20Rubenstein%20Kra%20ne.pdf>

¹⁰⁸ November 07, 2008 Letter from Lamont to First Dept Regarding Cahill Complaint
<http://iviewit.tv/CompanyDocs/United%20States%20District%20Court%20Southern%20District%20NY/20081107%20First%20Department%20Disciplinary%20Letter%20Lamont%20to%20Reardon%20Part%202%20.pdf>

notified the NYAG Andrew Cuomo's Chief of Staff, Steven Cohen¹⁰⁹, of these recent attempts of Defendants dismissing Disciplinary Complaints against other Defendants and asked for investigation, or referral, to a Non-Conflicted Party to investigate the First Dept, First Dept DDC, Gold and Lamont for their actions in Violation of AC, PORR and Law.

2. Steven C. Krane / Proskauer Rose docket #2004.1883¹¹⁰. First Dept ordered investigation. Proskauer Partner Krane ~~was~~^{is} also a First Dept Officer, First Dept DDC Officer, former NYSBA President & Proskauer Partner holding multiple other Public Office roles in Ethics that additionally Conflicted Krane from involvement in any matters before the First Dept and certainly matters implicating his firm Proskauer and himself. Krane found Violating ACC, PORR and Law in his representation of First Dept

¹⁰⁹ June 18, 2009 Eliot Bernstein Letter to Andrew Cuomo Chief of Staff Steven Cohen
<http://iviewit.tv/CompanyDocs/United%20States%20District%20Court%20Southern%20District%20NY/20090618%20FINAL%20NYAG%20Steven%20Cohen%20Letter%20Re%20Lamont%20Signed.pdf>

¹¹⁰ May 20, 2004 Ivieuit Complaint Against Steven C. Krane of Proskauer at the First Dept DDC
<http://iviewit.tv/CompanyDocs/2004%2005%2019%20KRANE%20COMPLAINT%20AND%20STRIKE%20KRANE%20RESPONSE%20RUBENSTE.pdf>

and

May 21, 2004 Krane Response to First Dept DDC Complaint against him

<http://iviewit.tv/CompanyDocs/2004%2005%2021%20krane%20response%20to%20complaint.pdf>

and

May 26, 2004 Ivieuit Response to Krane Response

<http://iviewit.tv/CompanyDocs/2004%2005%2026%20-%20Response%20to%20Krane%20letter%205%2021%202004.pdf>

and

June 29, 2004 Ivieuit Letter to Paul Curran regarding Moving the Cahill Complaint due to Conflicts of Krane

<http://iviewit.tv/CompanyDocs/2004%2006%2017%20Cahill%20Motion%20to%20move%20complaints%20krane%20rubenstein.pdf>

and

July 08, 2004 Motion Filed At First Dept by Ivieuit regarding Conflicts of Krane, Proskauer, Rubenstein, Joao, Meltzer and Cahill

<http://iviewit.tv/CompanyDocs/2004%2007%2008%20RUBENSTEIN%20KRANE%20JOAO%20MOTION%20FINAL%20BOOKMARKED.pdf>

and

August 11, 2004 First Dept Orders for Investigation and Transfer of Complaints against Krane, Rubenstein, Joao, Meltzer and Proskauer

<http://iviewit.tv/CompanyDocs/2004%2008%2011%20new%20york%20first%20department%20orders%20investigation%20Krane%20Rubenstein%20Joao.pdf>

DDC complaints against his firm Defendant Proskauer, Proskauer Partner Rubenstein and himself while a First Dept Officer. Krane's Illegal actions creating the Appearance of Impropriety that resulted in court ordered Investigation that never occurred due to further discovered Conflicts with Krane and the new investigator at the Second Dept DDC, Defendant Kears. Defendant Wolfe exposing Krane's Conflicting Official Role with the First DDC and Cahill's attempt to Cover-Up Krane's involvement.

3. Kenneth Rubenstein / Proskauer Rose docket #2003.0531¹¹¹. First Dept ordered investigation. Proskauer Partner Rubenstein found Violating ACC, PORR and Law, acting in COI with Krane and creating the Appearance of Impropriety. Rubenstein also had Conflict for his representation of Plaintiff as PATENT COUNSEL, while the sole Patent Evaluator for Defendant MPEGLA, a patent pooling scheme he was central to forming. Defendant MPEGLA is now one of the largest infringers of Plaintiff's Technologies. Rubenstein, initially representing himself as a Proskauer Partner with Defendant Joao when taking Patent disclosures and only later was it learned that both Rubenstein and Joao were from Defendant Meltzer's law firm. Upon confronting Proskauer with the attorney misrepresentations, Proskauer immediately opened an Intellectual Property practice and moved the entire IP department of Meltzer (except Defendant Joao) to the newly formed Proskauer IP practice, except Joao who was staying behind to finish up the work at Meltzer and then was to transfer to Proskauer. The transfer never occurred as Proskauer undertook investigating initial allegations that Joao, the Attorney Proskauer brought in, was putting Plaintiff's Intellectual Properties into his

¹¹¹ July 02, 2003 Iviewit Rebuttal to Rubenstein Response to First Dept DDC Complaint, authored by Krane acting in Conflict and Violation of ACC, PORR and Law
<http://iviewit.tv/CompanyDocs/2003%2007%2002%20Iviewit%20Rebuttal%20to%20Rubenstein%20Response%20Final%20ALL%20.pdf>




Tuesday, September 08, 2009

own name. Along with the transfer of the Meltzer IP department to Proskauer, Proskauer acquired the account MPEGLA, LLC and the patent pools created by and controlled by Rubenstein, a pooling scheme that directly competes with Plaintiff's Technologies. At the time of the firm transfer, MPEGLA had inferior technologies to Plaintiff's Technologies and Plaintiff's Technologies could have been extinguished the pooling scheme had Plaintiff aligned with other interested parties.

4. Proskauer now directly acts in these proceedings as a competitor to Plaintiff's Technologies and using Anti Competitive actions, including Abuse of Process, Fraud on Courts, Death Threats, Car Bombings, etc., to deny Plaintiff his Intellectual Properties. Intellectual Properties mysteriously converted to Proskauer's new client MPEGLA in their newly formed IP department, converted to Utley, converted to Joao and unknown Others¹¹² that directly reaps benefits from their former client's technologies while abusing him daily for almost a decade.

Certainly, Plaintiff and the True and Proper Inventors of the Technologies have not benefited. Inventor Plaintiff Bernstein, his wife and children have lived much of time from 2001 to present on WELFARE, forced into hiding throughout the country, fleeing home and families and friends, giving up everything, including personal possessions in order to flee dangerous situations, including from Death Threats and Car Bombings and penniless. The Court may want to pause and ask why Plaintiffs PATENT Lawyers are benefiting directly from their former Client's Technologies, while former Counsel has



¹¹² Plaintiff's former Intellectual Property Attorneys wrote Intellectual Property Applications for Plaintiff's Technologies into unknown others names as Inventors that now act to prevent the US Patent Office from disclosing the Owner, Assignees and Inventors of those Applications to Plaintiff due to privacy issues. The mystery of who these inventors are is now subject to Congressional Intervention at the request of Harry I. Moatz and subject of Investigation by the USPTO and USPTO OED. The following link to a Letter Dated February 01, 2007 to the Honorable Senator Dianne Feinstein provides further information @ <http://iviewit.tv/CompanyDocs/2007%2002%2001%20FINAL%20Senate%20Bill%20Signed.pdf>