

MOTION INFORMATION STATEMENT

Docket Number(s): 08-4873 CV Caption [use short title]

Motion for: Reconsideration Bernstein, et al. v. Appellate Division First Department Departmental Disciplinary Committee, et al.

Set forth below precise, complete statement of relief sought:
Reconsideration of the Court's Order dated January 5, 2010 dismissing the Appeal in this constructively bifurcated instant Appeal

MOVING PARTY: Plaintiff Defendant
 Appellant/Petitioner Appellee/Respondent

OPPOSING PARTY: See Motion

MOVING ATTORNEY: P. Stephen Lamont, Pro se [name of attorney, with firm, address, phone number and e-mail]
35 Locust Avenue See Motion
Rye, N.Y. 10580
Tel: (914) 217-0038
Email: pstephen.lamont@verizon.net

OPPOSING ATTORNEY: See Motion
See Motion

Court-Judge/Agency appealed from: U.S. District Court - S.D.N.Y./Shira A. Scheindlin

Please check appropriate boxes:

Has movant notified opposing counsel (required by Local Rule 27.1):
 Yes No (explain): By facsimile on January 11, 2010

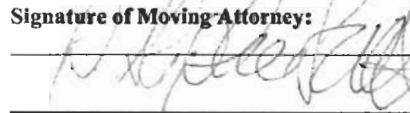
FOR EMERGENCY MOTIONS, MOTIONS FOR STAYS AND INJUNCTIONS PENDING APPEAL:
Has request for relief been made below? Yes No
Has this relief been previously sought in this Court? Yes No
Requested return date and explanation of emergency:

Opposing counsel's position on motion:
 Unopposed Opposed Don't Know

Does opposing counsel intend to file a response:
 Yes No Don't Know

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

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

Signature of Moving Attorney:  Date: 01/11/2010
Pro se

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

ORDER

IT IS HEREBY ORDERED THAT the motion is GRANTED DENIED.

FOR THE COURT:
CATHERINE O'HAGAN WOLFE, Clerk of Court

Date: By:

**United States Court of Appeals
For the Second Circuit**

ELIOT I. BERNSTEIN, INDIVIDUALLY and P. STEPHEN LAMONT ON BEHALF OF SHAREHOLDERS OF IVIEWIT HOLDINGS, INC., IVIEWIT TECHNOLOGIES, INC., UVIEW.COM, INC., IVIEWIT HOLDINGS, INC., IVIEWIT HOLDINGS, INC., IVIEWIT.COM, INC., IVIEWIT.COM, INC., I.C., INC., IVIEWIT.COM LLC, IVIEWIT LLC, IVIEWIT CORPORATION, IVIEWIT, INC., IVIEWIT, INC., and PATENT INTEREST HOLDERS ATTACHED AS EXHIBIT A

Plaintiffs - Appellants,

--v--

APPELLATE DIVISION FIRST DEPARTMENT DEPARTMENTAL DISCIPLINARY COMMITTEE, THOMAS J. CAHILL, in his official and individual capacity, JOSEPH WIGLEY in his official and individual capacity, CATHERINE O'HAGEN WOLFE in her official and individual capacity, PAUL CURRAN in his official and individual capacity, MARTIN R. GOLD in his official and individual capacity, HON. ANGELA M. MAZZARELLI in her official and individual capacity, HON. RICHARD T. ANDRIAS in his official and individual capacity, HON. DAVID B. SAXE in his official and individual capacity, HON. DAVID FRIEDMAN in his official and individual capacity, HON. LUIZ A. GONZALES in his official and individual capacity, APPELLATE DIVISION SECOND DEPARTMENT DEPARTMENTAL DISCIPLINARY COMMITTEE, LAWRENCE DIGIOVANNA in his official and individual capacity, DIANA MAXFIELD KEARSE in her official and individual capacity, JAMES E. PELTZER in his official and individual capacity, HON. A. GAIL PRUDENTI in her official and individual capacity, STEVEN C. KRANE in his official and individual capacity, HON. JUDITH S. KAYE in her official and individual capacity, KENNETH RUBENSTEIN, ESTATE OF STEPHEN KAYE, PROSKAUER ROSE LLP, MELTZER LIPPE GOLDSTEIN & BREISTONE LLP, LEWIS S. MELTZER, RAYMOND A. JOAO, FOLEY LARDNER LLP, MICHAEL C. GREBE, WILLIAM J. DICK, DOUGLAS A. BOEHM, STEVEN C. BECKER, STATE OF NEW YORK COMMISSION OF INVESTIGATION, LAWYERS FUND FOR CLIENT PROTECTION OF THE STATE OF NEW YORK, THE FLORIDA BAR, LORRAINE CHRISTINE HOFFMAN in her official and individual capacity, ERIC TURNER in his official and individual capacity, JOHN ANTHONY BOGGS in his official and individual capacity, KENNETH MARVIN in his official and individual capacity, THOMAS HALL in his official and individual

capacity, DEBORAH YARBOROUGH in her official and individual capacity, VIRGINIA STATE BAR, ANDREW H. GOODMAN in his official and individual capacity, NOEL SENDEL in her official and individual capacity, MARY W. MARTELINO in her official and individual capacity, and John Does.

Defendants-Appellees

**ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

**PLAINTIFF-LEAD APPELLANT LAMONT'S MOTION FOR
RECONSIDERATION**

**P. STEPHEN LAMONT, PRO SE
35 LOCUST AVENUE
RYE, NEW YORK 10580
(914) 217-0038**

1. Plaintiff-Lead Appellant, P. Stephen Lamont, individually, and on behalf of shareholders of the Iviewit Companies and patent interest holders, file this Motion for Reconsideration in response to this Court's Order dated January 5, 2010 dismissing the instant Appeal.

I. CONSTRUCTIVE BIFURCATION OF APPEAL.

2. Peculiarly, and as parties that should be aligned in their goals in the instant Appeal, Plaintiff-Appellant Bernstein and Plaintiff-Lead Appellant Lamont constructively bifurcated their claims in the instant Appeal by filing separate Appellant Briefs in this Court as indicated in the docket for this Appeal 08-4873-CV.

II. LEAD APPELLANT LAMONT'S CONSTRUCTIVELY BIFURCATED APPELLANT BRIEF

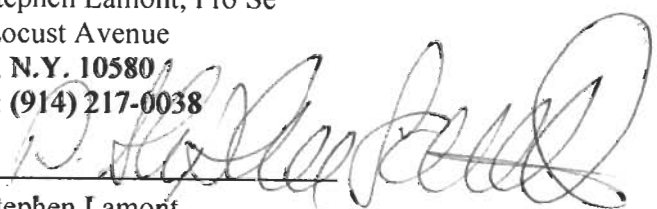
3. Plaintiff-Lead Appellant Lamont, respectively, relies on the arguments in his Appellant Brief to this Court filed November 17, 2008.

III. CONCLUSION

1. For all the foregoing reasons, Plaintiff-Lead Appellant P. Stephen Lamont, respectfully requests this Court's reconsideration of its January 5, 2010 Order dismissing Plaintiff-Lead Appellant Lamont's constructively bifurcated Appeal, and such further relief as this Court deems advisable.

Attorney for Plaintiff-Lead Appellant

P. Stephen Lamont, Pro Se
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Rye, N.Y. 10580
Tel.: (914) 217-0038

By: 
P. Stephen Lamont

AFFIDAVIT OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been furnished to all Defendants-Appellees by facsimile 11th day of January 2010. Defendants-Appellees are served by facsimile as opposed to hand delivery to the Court or mail delivery for the sake of Pro Se expediency.


P. Stephen Lamont, Pro Se

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