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General Docket

US Court of Appeals for the Second Circuit

Second Circuit Court of
Appeals

INDIV

DISPOSED

Court of Appeals Docket #: 08-4873-cv

Nsuit : 3470 STATUTES-RICOH

Bernstein v. Appellate Division First Filed 10/3/08

Department Disciplinary Committee

Appeal SDNY (NEW YORK CITY)

from:

Case type information:

Civil

Private

None

Lower court information:

District: 07-cv-11196

Trial Judge: Shira A. Scheindlin

MagJudge:

Date Filed: 12/12/07

Date order/judgement: 8/8/2008

Date NOA filed: 9/5/2008

Fee status: Paid

Panel Assignment:

Panel: RCW DAL PWH None

Date of decision: 1/5/10

Prior cases: NONE

Current cases NONE

Official Caption 1/

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Docket No. [s] : 08-4873 -cv

Eliot I. Bernstein, individually, P. Stephen Lamont, on behalf of Shareholders of Iviweit Holdings, Inc., Iviewit Technologies, Inc., Uview.com, Inc., Iviewit.com, Inc., I.C., Inc., Iviewit.com LLC, Iviewit LLC, Iviewit Corporation, Iviewit, Inc., and Patent Interest Holders,

Plaintiff-Appellant,

v.

Appellate Division First Department Departmental, Thomas J. Cahill, in his official capacity, in his individual capacity, Joseph Wigely, in his official capacity, in his individual capacity, Catherine O`Hagan Wolfe, in their officical capacity, in their individual capacity, Paul Curran, in their official capacity, in

thier individual capacity, Martin R. Gold, in his individual capacity, in their official capacity, Angela M Mazzarelli, in her official capacity, in their official capacity, Richard T. Andrias, in his official capacity, in their official capacity, David B. Saxe, in his official capacity, in their individual capacity, David Friedman, in his official capacity, in their individual capacity, Luis A. Gonzales, in his official capacity, in their individual capacity, Appellate Division Second Department Departmenta, Lawrence F. DiGiovanna, in his official capacity, in their individual capacity, Diana Maxfield Kears, in his official capacity, in their individual capacity, James E. Peltzer, in his official capacity, in their individual capacity, A. Gail Prudenti, in his official capacity, in their individual capacity, Steven C. Krane, in his official capacity, in their individual capacity, Hon. Judith S. Kaye, in his official capacity, in their 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, The Florida Bar, Lorraine Christine Hoffman, in her official capacity, in her individual capacity, Eric Turner, in her official capacity, in her

individual capacity, John Anthony Boggs, in her
official capacity, in her individual capacity, Kenneth
Marvin, in her official capacity, in her individual
capacity, Thomas Hall, in her official capacity, in
her individual capacity, Deborah Yarborough, Virginia
State Bar, Andrew H. Goodman, in his officail capacity,
in his individual capacity, Noel Sengel, in his
officail capacity, in his individual capacity, Mary W.
Martelino, in her individual capacity, John Does,

Defendants-Appellees.

Authorized Abbreviated Caption 2/

Docket No. [s] : 08-4873 -cv

Bernstein v. Appellate Division First Department
Disciplinary Committee

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1/ Fed. R. App. P. Rule 12 [a] and 32 [a].

2/ For use on correspondence and motions only.

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Deborah Yarborough

Defendant-Appellee

John Does

Defendant-Appellee

Thomas Hall

Defendant-Appellee

Eliot I. Bernstein

Eliot I. Bernstein

Plaintiff-Appellant

n/a

2753 Northwest 34th Street

Boca Raton , FL , 33434

561-245-8588

Estate of Stephen Kaye

Gregg M. Mashberg Esq.

Defendant-Appellee

[LD n]

Proskauer Rose LLP

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1585 Broadway

New York , NY , 10036

212-969-3000

Kenneth Rubenstein
Gregg M. Mashberg Esq. (See
above)

Defendant-Appellee [LD n]

Proskauer Rose LLP
Gregg M. Mashberg Esq. (See
above)

Defendant-Appellee [LD n]

Steven C. Krane
Gregg M. Mashberg Esq. (See
above)

Defendant-Appellee [LD n]

Raymond A. Joao
John W. Fried Esq.

Defendant-Appellee [LD n]

Fried & Epstein LLP

350 5th Avenue, Suite 7612

New York , NY , 10018

212-268-7111

Douglas A. Boehm
Kent K. Anker Esq.

Defendant-Appellee [LD n]

Friedman Kaplan Seiler &

Adelman LLP

1633 Broadway

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New York , NY , 10019

212-833-1100

Foley Lardner LLP

Kent K. Anker Esq.(See above)

Defendant-Appellee

[LD n]

Michael C. Grebe

Kent K. Anker Esq.(See above)

Defendant-Appellee

[LD n]

Steven C. Becker

Kent K. Anker Esq.(See above)

Defendant-Appellee

[LD n]

William J. Dick

Kent K. Anker Esq.(See above)

Defendant-Appellee

[LD n]

A. Gail Prudenti

Mary Hope Keating Esq.

Defendant-Appellee

[LD n]

Greenberg Traurig

101 East College Avenue

Tallahassee , FL , 10022

850-425-8534

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Andrew H. Goodman

Mary Hope Keating Esq.(See above)

Defendant-Appellee

[LD n]

Angela M Mazzarelli

Mary Hope Keating Esq.(See above)

Defendant-Appellee

[LD n]

Appellate Division First

Mary Hope Keating Esq.(See above)

Department Departmental

Defendant-Appellee [LD n]

Appellate Division Second Mary Hope Keating Esq.(See
Department Departmental above)

Defendant-Appellee [LD n]

Catherine O'Hagan Wolfe Mary Hope Keating Esq.(See
above)

Defendant-Appellee [LD n]

David B. Saxe Mary Hope Keating Esq.(See
above)

Defendant-Appellee [LD n]

David E. Friedman Mary Hope Keating Esq.(See
above)

Defendant-Appellee [LD n]

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Diana Maxfield Kearse Mary Hope Keating Esq.(See
above)

Defendant-Appellee [LD n]

Eric Turner Mary Hope Keating Esq.(See
above)

Defendant-Appellee [LD n]

Hon. Judith S. Kaye Mary Hope Keating Esq.(See
above)

Defendant-Appellee [LD n]

James E. Peltzer Mary Hope Keating Esq.(See
above)

Defendant-Appellee [LD n]

John Anthony Boggs Mary Hope Keating Esq.(See
above)

Defendant-Appellee [LD n]

Joseph Wigely Mary Hope Keating Esq.(See
above)

Defendant-Appellee [LD n]

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Kenneth Marvin Mary Hope Keating Esq.(See
above)

Defendant-Appellee [LD n]

Lawrence F. DiGiovanna Mary Hope Keating Esq.(See
above)

Defendant-Appellee [LD n]

Lawyers Fund for Client Mary Hope Keating Esq.(See
Protection of the State of above)

Defendant-Appellee [LD n]

Lorraine Christine Hoffman Mary Hope Keating Esq.(See
above)

Defendant-Appellee [LD n]

Luis A. Gonzales Mary Hope Keating Esq.(See
above)

Defendant-Appellee [LD n]

Martin R. Gold Mary Hope Keating Esq.(See
above)

Defendant-Appellee [LD n]

Mary W. Martelino Mary Hope Keating Esq.(See
above)

Defendant-Appellee [LD n]

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Noel Sengel Mary Hope Keating Esq.(See
above)

Defendant-Appellee [LD n]

Paul Curran Mary Hope Keating Esq.(See
above)

Defendant-Appellee [LD n]

Richard T. Andrias Mary Hope Keating Esq.(See
above)

Defendant-Appellee [LD n]

State of New York Commission Mary Hope Keating Esq.(See
of Investigation above)

Defendant-Appellee [LD n]

The Florida Bar Mary Hope Keating Esq.(See
above)

Defendant-Appellee [LD ret]

Thomas J. Cahill Mary Hope Keating Esq.(See
above)

Defendant-Appellee [LD n]

Virginia State Bar Mary Hope Keating Esq.(See

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DISPOSED

above)

Defendant-Appellee [n]

P. Stephen Lamont P. Stephen Lamont

Plaintiff-Appellant n/a

35 Locust Avenue

Rye , NY , 10580

914-217-0038

Appellate Division First Patrick J. Walsh Esq.

Department Departmental

Defendant-Appellee [n]

U.S. Attorney Generals Office,
State of New York
120 Broadway
New York , NY , 10007

212-416-6197

Lewis S. Meltzer

Richard M. Howard Esq.

Defendant-Appellee

[LD n]

Law Offices of Richard M. Howard

190 Willis Avenue

Mineola , NY , 11501

516-747-0300

Meltzer Lippe Goldstein &

Richard M. Howard Esq.(See

Breistone LLP

above)

Defendant-Appellee

[LD n]

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Andrew H. Goodman

Stephen M. Hall Esq.

Defendant-Appellee

[n]

Office of the Attorney General

900 Main Street

Richmond , VA , 23219

Mary W. Martelino

Stephen M. Hall Esq.(See above)

Defendant-Appellee

[n]

Noel Sengel

Stephen M. Hall Esq.(See above)

Defendant-Appellee

[n]

Virginia State Bar

Stephen M. Hall Esq.(See above)

Defendant-Appellee

[LD ret]

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10/3/08 APPELLANT Eliot Bernstein, P. Lamont,

Copy of notice of appeal and district court
docket entries on behalf of APPELLANT
Eliot Bernstein, P. Lamont, filed.
[Entry date Oct 6 2008] [AJ]

10/3/08 Note: This appeal was PRO SE when filed.
[Entry date Oct 6 2008] [AJ]

10/3/08 Copy of receipt re: payment of docketing fee
filed on behalf of APPELLANT Eliot
Bernstein, P. Lamont, .RECEIPT #662193
[Entry date Oct 6 2008] [AJ]

10/3/08 Copy of district court order dated 08/08/08
RECEIVED. [Entry date Oct 6 2008] [AJ]

10/3/08 Record on appeal filed. (Original papers of
district court.) Volume(4) [Entry date
Oct 6 2008] [AJ]

10/6/08 Instructional Forms sent to Pro Se litigant
[Entry date Oct 6 2008] [AJ]

10/8/08 Record on appeal received in records room
from team (4 vols). [Entry date Oct 8
2008] [RW]

10/14/08 Notice of appeal acknowledgment letter from
P. Lamont received. [Entry date Oct 16
2008] [AJ]

10/15/08 Scheduling order #1 filed. Appellants brief
due 11/17/2008. Appellees brief due
12/17/2008. Ready week 2/2/2009. [Entry
date Oct 15 2008] [AJ]

10/15/08 Notice to counsel and pro se: scheduling
order #1 [Entry date Oct 15 2008] [AJ]

10/16/08 The new case manager assigned to this case
is: Holmes, Deborah. [Entry date Oct 16
2008] [JM]

10/23/08 APPELLANT Eliot Bernstein, motion
received. [Entry date Oct 23 2008] [DH]

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10/23/08 Appellant Eliot Bernstein motion for a 60 -
90 day extension of time to file briefs,

filed with proof of service. [Entry date
Nov 19 2008] [DH]

11/17/08 Notice of Appearance Filed by P. Lamont on
behalf of P. Stephen Lamont (Orig in acco,
copy to Calendar and Admissions Dept.).
[Entry date Nov 18 2008] [DH]

11/17/08 APPELLANT P. Lamont, brief and joint
appendix with proof of service filed.
[Entry date Nov 18 2008] [DH]

11/19/08 Copy of Appellant`s Motion for an extension
of time served on Appellee`s by Case Manager.
[Entry date Nov 19 2008] [DH]

11/24/08 Notice to parties regarding court order
dated 11/24/08 [Entry date Nov 24 2008]
[AS]

11/24/08 Order FILED GRANTING motion extended time by
Appellant Eliot Bernstein, endorsed on
motion dated 10/23/2008. IT IS HEREBY
ORDERED that Appellant`s motion an extension
of time is GRANTED.Appellant`s brief and
appendix shall be filed on or before
February 17, 2009. No further extensions of

time is GRANTED . Appellee`s brief is due on
or before March 19, 2009. The appeal shall
be heard no earlier than the week of April 4,
2009 Before on RKW. Endorsed by JP
Administrative Attorney [Entry date Nov 24
2008] [AS]

11/25/08 Papers <Notice of Receipt of Appellant's
Motion > from Kent K. Anker, received.
[Entry date Dec 2 2008] [DH]

12/3/08 Letter dated December 2, 2008 from Attorney
Gregg M. Mashberg regarding briefing
schedule for appellee's, received. (All
Appellee's briefs are due as scheduled March
19, 2009). [Entry date Dec 4 2008] [DH]

12/3/08 Letter dated December 3, 2008 from Stephan M.
Hall, Assistant Attorney General, who will
be representing the Virginia State Bar
Employees, received. [Entry date Dec 5
2008] [DH]

12/17/08 Motion for admission pro hac vice (Stephen
M. Hall), filed with proof of service.
[Entry date Dec 18 2008] [DH]

12/19/08 Notice to counsel/pro se re: Motion Order
dated 12/19/08. [Entry date Dec 19 2008]
[DH]

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12/19/08 Order FILED GRANTING motion for admission
pro hac vice by endorsed on motion dated
12/17/2008. IT IS HEREBY ORDERED that the
motion is GRANTED. Attorney Hall is
admitted pro hac vice. Endorsed for the
Court by JP, Motions Staff Attorney.
[Entry date Dec 19 2008] [DH]

12/31/08 Letter dated December 5, 2008 from Attorney
John W. Fried, informing the Court of his
change of address, received. [Entry date
Dec 31 2008] [DH]

12/31/08 Request for address change for John W.
Fried, Esq. new address: Fried & Epstein
LLP, Empire State Building, 350 Fifth Avenue,
Ste. 7612, New York, NY 10018..

[Entry date Dec 31 2008] [DH]

1/30/09 Appellant Eliot Bernstein motion for
"extension of time to file briefs, stay of
the appeal, conflicts, docketing and other
errors and other requests," filed with proof
of service. [Entry date Jan 30 2009]
[DH]

1/30/09 Appellant Eliot Bernstein motion for stay
of appeal, conflicts, docketing and other
errors and requests, filed with proof of
service. [Entry date Feb 18 2009] [DH]

2/6/09 Notice to counsel/pro se re: Motion Order
dated 2/6/09. [Entry date Feb 6 2009]
[DH]

2/6/09 Order FILED DENYING motion for an extension
of time and to stay the appeal by Appellant
Eliot Bernstein, endorsed on motion dated
1/30/2009. IT IS HEREBY ORDERED that the
motion by pro se Appellant for a fifteen to
eighteen month extension of time to file
brief or a stay of the appeal is DENIED.
Before: RKW, CJ. Endorsed for the Court by

JF, Administrative Attorney. [Entry date
Feb 6 2009] [DH]

2/10/09 Appellant P. Stephen Lamont papers in
opposition to motion to Appellant's
Bernsteins extension fo time filed with
proof of service. [Entry date Feb 13 2009
] [DH]

2/13/09 Letter/motion dated February 13, 2009 via
fax from appellant requesting a temporary
stay of the submission until the White
House and Oval Office the United States
Attorney General and other Necessary parties
can be heard by conference call, received.
[Entry date Feb 13 2009] [DH]

2/17/09 Letter dated February 16, 2009 from
appellant regarding his temporary stay sent
via fax, received. [Entry date Feb 17 2009

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] [DH]

2/17/09 Letter dated February 17, 2009 via fax from
Appellant Bernstein, received. [Entry date
Feb 24 2009] [DH]

2/18/09 Notice to counsel/pro se re: Motion Order
dated 2/18/09. [Entry date Feb 18 2009]
[DH]

2/18/09 Order FILED REFERRING motion to stay the
appeal, conflicts, docketing and other
errors and requests by Appellant Eliot
Bernstein, endorsed on motion dated
1/30/2009. This motion other than the
extension request, is sent to the panel that
will hear the appeal. Endorsed for the Court
by CJM, Sup, Staff Attorney. [Entry date
Feb 18 2009] [DH]

2/19/09 Order filed stating, IT IS HEREBY ORDERED
that pro se Appellant's motion for
reconsideration of the order denying a
fifteen to eighteen month extension of time
to file brief or stay of the appeal is
DENIED. However, Appellant is accorded a
grace period until February 27, 2009. If a

brief is not filed by that date, the Clerk's Office is instructed to dismiss the appeal without further notice from the court.

Appellant is advised that a motion seeking reconsideration or other relief from this order does not stay the due date.

Appellee's brief is due on or before March 30, 2009. The appeal shall be heard no earlier than the week of May 18, 2009.

Before: RKW, CJ. Endorsed for the Court by JF, Administrative Attorney. [Entry date Feb 19 2009] [DH]

2/19/09 Notice to counsel/pro se re: Order dated 2/19/08. [Entry date Feb 19 2009] [DH]

2/19/09 Scheduling order #2 filed. Appellants brief due 2/27/2009. Appellees brief due 3/30/2009. Ready week 5/18/2009. [Entry date Feb 19 2009] [DH]

2/19/09 Notice to counsel/pro se re: Scheduling Order #2 dated 2/19/09. [Entry date Feb 19 2009] [DH]

2/19/09 Appellant P. Stephen Lamont papers in opposition to Appellant`s Eliot Bernsteins

motions dated January 30, 2009, filed with
proof of service. [Entry date Feb 20 2009
] [DH]

2/26/09 APPELLEE Virginia State Bar, Andrew
Goodman, Mary Martelino, Noel Sengel,
Lizbeth L. Miller, Commonwealth of Virginia

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(Virginia Defendants-Appellees), LETTER
BRIEF filed with proof of service. [Entry
date Feb 27 2009] [DH]

2/27/09 APPELLANT Eliot Bernstein, brief RECEIVED.
[Entry date Mar 4 2009] [DH]

3/2/09 APPELLANT Eliot Bernstein, motion
received. Hard copies being forwarded by
appellant. [Entry date Mar 6 2009] [DH]

3/3/09 Notice of Appearance Filed by Eliot
Bernstein on behalf of himself. (Orig in

acco, copy to Calendar and Admissions Dept.).

[Entry date Mar 5 2009] [DH]

3/4/09 Notice of Appearance Filed by Kent Anker
on behalf of Foley & Lardner LLP, Steven C.
Becker, Douglas A. Boehm, William J. Dick
and Michael W. Grebe. (Orig in acco, copy to
Calendar and Admissions Dept.). [Entry
date Mar 5 2009] [DH]

3/5/09 Notice of Appearance Filed by Gregg
Mashberg on behalf of Proskauer Rose LLP,
Kenneth Rubenstein, Steven C. Krane and the
Estate of Stephen Rackow Kaye. (Orig in acco,
copy to Calendar and Admissions Dept.).
[Entry date Mar 5 2009] [DH]

3/6/09 Appellant Eliot Bernstein motion for
Emergency investigation of Proskauer Rose
Defendants involvement in the Allen Stanford
financial... filed with proof of service.
[Entry date Mar 6 2009] [DH]

3/9/09 APPELLANT Eliot Bernstein, brief RECEIVED.
[Entry date Mar 10 2009] [DH]

3/9/09 Appellee's papers in opposition to

Appellant's motion for Emergency relief,
filed with proof of service. [Entry date
Mar 9 2009] [DH]

3/10/09 APPELLANT Eliot Bernstein, defective
filed. Notice sent to
party to correct by 3/16/09. [Entry date
Mar 10 2009] [DH]

3/10/09 Instructional Forms sent to Pro Se litigant
[Entry date Mar 10 2009] [DH]

3/10/09 Notice to counsel/pro se re: Motion Order
dated 3/10/09. [Entry date Mar 10 2009]
[DH]

3/10/09 Order FILED DENYING motion for Emergency to
investigate the involvement of Proskauer

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Rose by Appellant Eliot Bernstein, endorsed
on motion dated 3/6/2009. IT IS HEREBY

ORDERED that the emergency motion by pro se Appellant Bernstein to investigate the involvement of Proskauer Rose in recent financial scandals and for other relief is DENIED. Before: DAL, CJ. Endorsed for the Court by JF, Administrative Attorney.

[Entry date Mar 10 2009] [DH]

3/11/09 Notice of Appearance Filed by John Fried on behalf of Raymond A. Joao. (Orig in acco, copy to Calendar and Admissions Dept.).

[Entry date Mar 12 2009] [DH]

3/13/09 Notice of Appearance Filed by Mary Keating on behalf of The Florida Bar, John Anthony Boggs, Kenneth Marvin, Lorraine Hoffman, Eric Turner, Joy Barmon, Jerald Beer, Kelly Overstreet johnson. (Orig in acco, copy to Calendar and Admissions Dept.). [Entry

date Mar 18 2009] [DH]

3/16/09 APPELLANT Eliot Bernstein, brief and appendix with proof of service filed.

[Entry date Mar 23 2009] [DH]

3/18/09 APPELLEE Meltzer Lippe Goldstein & Breistone LLP, Lewis Meltzer, brief filed

with proof of service. [Entry date Mar 23
2009] [DH]

3/27/09 APPELLEE The Florida Bar, Eric Turner,
John Anthony Boggs, Kenneth Marvin, Joy
Bartmon, Jerald Beer, Kelly Overstreet
Johnson, and Lorraine Hoffman, ET AL , brief
filed with proof of service. [Entry date
Apr 2 2009] [DH]

3/30/09 APPELLEE Raymond Joao, brief RECEIVED.
Waiting for Hard Copy of Brief. [Entry
date Mar 30 2009] [DH]

3/30/09 APPELLEE Estate of Stephen Kaye,
Proskauer Rose LLP, Kenneth Rubenstein,
Steven Krane, brief filed with proof of
service. [Entry date Mar 31 2009] [DH]

3/30/09 Anti-Virus Certificate on behalf of
APPELLEE Estate of Stephen Kaye,
Proskauer Rose LLP, Kenneth Rubenstein,
Steven Krane, Brief, Received. [Entry
date Mar 31 2009] [DH]

3/30/09 Certificate of Service RECEIVED [Entry
date Mar 31 2009] [DH]

3/30/09 APPELLEE Raymond Joao, brief filed with
proof of service. [Entry date Mar 31 2009
] [DH]

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3/30/09 APPELLEE Foley Lardner LLP, Douglas
Boehm, Michael Grebe, Steven Becker, ET
AL , brief filed with proof of service.
[Entry date Mar 31 2009] [DH]

3/30/09 APPELLEE Foley Lardner LLP, Douglas
Boehm, Michael Grebe, Steven Becker, ET
AL , supplemental appendix, filed. [Entry
date Mar 31 2009] [DH]

3/30/09 Appellee Appellate Division First
Department Departmental Disciplinary
Committee, Appellee Thomas Cahill, Appellee
Joseph Wigely, et al motion extended time
filed with proof of service. [Entry date
Mar 31 2009] [DH]

- 3/31/09 Appellant P. Lamont motion to strike the
brief of Appellee-Defendant Raymond A. Joao,
filed with proof of service. [Entry date
Mar 31 2009] [DH]
- 4/2/09 Notice to counsel/pro se re: Motion Order
dated 4/2/09 [Entry date Apr 2 2009]
[DH]
- 4/2/09 Scheduling order #3 filed. Appellees brief
due 4/29/2009. Ready week 6/15/2009.
[Entry date Apr 2 2009] [DH]
- 4/2/09 Notice to counsel/pro se re: Scheduling
Order #3 dated 4/2/09. [Entry date Apr 2
2009] [DH]
- 4/2/09 Order FILED GRANTING motion for an extension
of time by Appellees Andrew Goodman,
Appellee Lawrence DiGiovanna, Appellee
Appellate Division First Department
Departmental Disciplinary Committee,
Appellee Hon. Judith Kaye, Appellee
Lawyers Fund for Client Protection of the
State of New York, Appellee David Friedman,
Appellee A. Prudenti, Appellee Martin Gold,

Appellee Paul Curran, Appellee Angela
Mazzarelli, Appellee David Saxe, Appellee
Diana Maxfield Kearse, Appellee Catherine
Wolfe, Appellee Thomas Cahill, Appellee
Richard Andrias, Appellee Joseph Wigely,
Appellee Luis Gonzales, Appellee Appellate
Division Second Department Departmental
Disciplinary Committee, Appellee James
Peltzer, Appellee State of New York
Commission of Investigation, Appellee
Lorraine Hoffman, Appellee Eric Turner,
Appellee John Boggs, Appellee Kenneth
Marvin, Appellee Virginia State Bar,
Appellee Noel Sengel, Appellee Mary
Martelino, endorsed on motion dated
3/31/2009. IT IS HEREBY ORDERED that the
motion by Appellees the State defendants for
an extension of time to file their brief is
GRANTED. Appellees` brief shall be filed on
or before April 29, 2009. The appeal shall

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be heard no earlier than the week of June 15,
2009. Endorsed for the Court by JF,
Administrative Attorney. [Entry date Apr
2 2009] [DH]

4/3/09 Appellant P. Lamont motion in opposition to
section IV of the Foley Defendants Reply
briefs, filed with proof of service.
[Entry date Apr 7 2009] [DH]

4/6/09 Notice to counsel/pro se re: Motion Order
dated 4/6/09. [Entry date Apr 6 2009]
[DH]

4/6/09 Order FILED REFERRING motion to strike brief
brief of Appellee-Defendant Raymond Joao by
Appellant P. Lamont, endorsed on motion
dated 3/31/2009. Motion to strike is sent
to the panel that will hear the appeal.
Endorsed for the Court by CJM, Sup. Staff
Attorney. [Entry date Apr 6 2009] [DH]

4/9/09 Letter dated April 9, 2009 from Gregg M.
Mashberg Attorney for Defendants-Appellees
Proskauer Rose LLP, Kenneth Rubenstein,
Steven C. Krane, and the Estate of Stephen R.
Kaye advising the Court of his

unavailability, received. Copy forwarded
to Calendar. [Entry date Apr 10 2009]
[DH]

4/10/09 Notice to counsel/pro se re: Motion Order
dated 4/10/09. [Entry date Apr 10 2009]
[DH]

4/10/09 Order FILED REFERRING motion for Opposition
to Section IV of the Foley Defendant`s Brief
by Appellant P. Lamont, endorsed on motion
dated 4/3/2009. IT IS HEREBY ORDERED THAT
the motion is sent to the panel that will
hear the appeal. Endorsed for the Court by
CJM, Sup. Staff Attorney. [Entry date Apr
10 2009] [DH]

4/29/09 APPELLEE Appellate Division First
Department Departmental Disciplinary
Committee, Appellate Division Second
Department Departmental Disciplinary
Committee, Lawyers Fund for Client
Protection of the State of New York, State
of New York Commi ssion of Investigation,
ET AL , brief filed with proof of service.
[Entry date Apr 30 2009] [DH]

5/8/09 Appellant Eliot Bernstein motion for an extension of time to file reply briefs, filed with proof of service. [Entry date May 8 2009] [DH]

5/11/09 Notice to counsel/pro se re: Motion Order dated 5/11/09. [Entry date May 11 2009] [DH]

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DISPOSED

5/11/09 Order FILED GRANTING motion for an extension of time to file reply briefs, by Appellant Eliot Bernstein, endorsed on motion dated 5/8/2009. IT IS HEREBY ORDERED that Appellant Bernstein`s motion for an extension of time to file a Reply brief is GRANTED. A Reply brief may be file on or before May 27, 2009. Endorsed for the Court by JF, Administrative Attorney. [Entry date May 11 2009] [DH]

5/27/09 Appellant Eliot Bernstein motion extended

time to file reply briefs filed with proof
of service. [Entry date May 27 2009]
[RR]

5/28/09 Notice to counsel (order dated 5-28-09)
[Entry date May 28 2009] [RR]

5/28/09 Order FILED GRANTING motion extended time to
file the reply brief by Appellant Eliot
Bernstein, endorsed on motion dated
5/27/2009 (jp) Extended Ready week is
6/15/2009. [Entry date May 28 2009] [RR]

6/11/09 Appellant Eliot Bernstein motion for an
extension of time to file reply briefs,
filed with proof of service. [Entry date
Jun 12 2009] [DH]

6/22/09 Notice to counsel/pro se re: Motion Order
dated 6/22/09. [Entry date Jun 22 2009]
[DH]

6/22/09 Order FILED GRANTING motion for an extension
of time to file reply briefs by Appellant
Eliot Bernstein, endorsed on motion dated
6/11/2009. IT IS HEREBY ORDERED that
Appellant`s motion for an extension of time

is GRANTED. However, the case is to be treated by the clerk as ready for calendaring without regard to whether a reply brief has been filed. Before: RKW, CJ. Endorsed for the Court by JP, Motions Staff Attorney. [Entry date Jun 22 2009] [DH]

7/13/09 Appellant Eliot Bernstein motion for an extension of time to file a reply brief, filed with proof of service. [Entry date Jul 14 2009] [DH]

7/16/09 Notice to counsel/pro se re: Motion Order dated 7/16/09. [Entry date Jul 16 2009] [DH]

7/16/09 Order FILED GRANTING motion for an extension of time to file a reply brief by Appellant Eliot Bernstein, endorsed on motion dated 7/13/2009. IT IS HEREBY ORDERED that Appellant`s motion for an extension of time until August 10, 2009 to file a reply brief

DISPOSED

is GRANTED. However, the case should be calendared in the normal course of business.

Any further application must be made to the panel assigned to hear the appeal. Before:

RKW, CJ. Endorsed for the Court by JP,
Motions Staff Attorney. [Entry date Jul 16
2009] [DH]

8/31/09 Appellant Eliot Bernstein motion for an extension of time to file reply briefs, filed with proof of service. [Entry date Sep 1 2009] [DH]

9/3/09 Notice to counsel/pro se re: Motion Order dated 9/3/09 [Entry date Sep 3 2009] [DH]

9/3/09 Order FILED REFERRING motion for an extension of time to file briefs by Appellant Eliot Bernstein, endorsed on motion dated 8/31/2009. Pursuant to the Court`s order of July 16, 2009, Appellant`s motion for extension of time to file the reply brief is referred to the panel

assigned to hear the appeal. The case should be calendared in the normal cours of business. Endorsed for the Court by JP, Motions Staff Attorney. [Entry date Sep 3 2009] [DH]

9/11/09 Appellee's papers in opposition to Appellants motion for an extension of time, filed with proof of service. [Entry date Sep 11 2009] [DH]

9/14/09 Appellant P. Stephen Lamont papers in opposition to remove Plaintiff-Lead Appellant Lamont from the proceedings, filed with proof of service. [Entry date Sep 14 2009] [DH]

9/16/09 Copy of Appellant Bernstein emergency motion to compel served upon opposing counsel. [Entry date Sep 16 2009] [AS]

9/16/09 Appellant Eliot Bernstein motion Emergency motion to compel filed with proof of service. [Entry date Sep 16 2009] [AS]

10/16/09 Local Rule 34 Notice Sent [Entry date Oct 16 2009] [DH]

11/4/09 Argument Requested - Local Rule 34

Acknowledgment Returned by APPELLANT P.

Lamont, Some parties seek oral argument

[Entry date Nov 4 2009] [SC]

1/5/10 Order filed stating, Appellant Bernstein,
pro se, moves to compel the appointment of
counsel and for extensive relief. Upon due
consideration, it is hereby ORDERED that the

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motion is DENIED to the extent it seeks to
compel the appointment of counsel and the
appeal is DISMISSED because it lacks an
arguable basis in law or fact. See 28 U.S.C.
Section 1915(e); see also Neitzke v.
Williams, 490 U.S. 319, 325 (1989); see also
Pillay v. INS, 45 F.3d 14, 17 (2d Cir. 1995)
(this Court has "inherent authority, wholly
aside from any statutory warrant, to dismiss
an appeal or petition for review as

frivolous when the appeal or petition presents no arguably meritorious issue for our consideration."). It is further ORDERED that the remainder of Appellant Bernstein`s motion to compel, and all motions that remain pending before this Court, are DENIED.

Before: Wesley, Hall, Livingston, CJJ.

Endorsed for the Court by FP. [Entry date
Jan 5 2010] [DH]

1/5/10 This appeal is disposed by the order dated
1/5/10. [Entry date Jan 5 2010] [DH]

1/5/10 Order FILED DENYING motion to strike
document by Appellant P. Lamont, endorsed
on motion dated 9/16/2009 [Entry date Jan
5 2010] [DH]

1/5/10 Order FILED DENYING motion in opposition to
Section IV of the Foley Defendant reply
brief by Appellant P. Lamont, endorsed on
motion dated 9/16/2009. [Entry date Jan 5
2010] [DH]

1/5/10 Order FILED DENYING motion for an extension
of time by Appellant Eliot Bernstein,
endorsed on motion dated 9/16/2009. [Entry

date Jan 5 2010] [DH]

1/5/10 Order FILED DENYING motion for stay of
appeal, by Appellant Eliot Bernstein,
endorsed on motion dated 9/16/2009 [Entry
date Jan 5 2010] [DH]

1/5/10 Order FILED DENYING motion Emergency by
Appellant Eliot Bernstein, endorsed on
motion dated 9/16/2009 [Entry date Jan 5
2010] [DH]

1/12/10 Appellant P. Stephen Lamont, motion for
reconsideration filed with proof of service.
[Entry date Jan 14 2010] [MR]

1/21/10 Appellees Appellate Division in opposition
to motion reconsider decision filed with
proof of service. [Entry date Jan 22 2010
] [AS]

1/22/10 Notice to counsel in re: Order filed
01/22/2010. [Entry date Jan 22 2010]
[ML]

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1/22/10 Appellant P. Lamont motion opposition to
motion for reconsideration filed with proof
of service. [Entry date Jan 22 2010]
[AS]

1/22/10 Order FILED DENYING motion for
reconsideration by Appellant Eliot
Bernstein, endorsed on motion dated
1/12/2010. (JP) [Entry date Jan 22 2010]
[ML]

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Best regards,

P. Stephen Lamont

Chief Executive Officer

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