

cleverly hidden, were instead LAPEL PIN PATRIOTS, SELLOUTS OF THE CONSTITUTION, TREASONOUS TRAITORS whose ASSETS were SEIZED for directly FUNDING HITLER with CASH and SUPPLIES and other HORRORS. Horrors including the studies done by the horripilating Josef Rudolf Mengele, also known as the Angel of Death, Mengele, pre-Hitler, funded by the Rockefellers and Carnegies and others, prior to Hitler's Coup D'état on the Good People and Nation of Germany.

Mr. Black is the author of IBM and the Holocaust and the just released War Against the Weak: Eugenics and America's Campaign to Create a Master Race, from which the following article is drawn.

Hitler and his henchmen victimized an entire continent and exterminated millions in his quest for a co-called "Master Race."

But the concept of a white, blond-haired, blue-eyed master Nordic race didn't originate with Hitler. The idea was created in the United States, and cultivated in California, decades before Hitler came to power. California eugenicists played an important, although little known, role in the American eugenics movement's campaign for ethnic cleansing.⁶²

So was it a group of Fascist Un-American's that J. Edgar Hoover uncovered that truly financed Hitler's rise and World War II, this definitely was skipped in history class. A group of Sellout Fascist Nazi Sympathizers, some, including Prescott Bush actually were tried and convicted for alliances with the worst of the Nazis, alliances that funded the Nazi War effort at the expense and death of our PATRIOTIC SOLDIERS and over one hundred million other victims. These Fascist faux Americans were comprised of a large group of Fascist Businessman who evaded trial in the United States for the business plot and somehow derailed investigations into their UN-AMERICAN ACTIVITIES, a big mistake for our Country. The failure to prosecute then has led to them to reform deep in secret cults and slowly begin a Coup on the United States and certain foreign nations, until we have the Fourth Reich here in America today?

What we do know with certainty now is there is a certain set of families that for several generations in the United States have operated against the PEOPLE to destroy our Democratic Republic, working within secretive and subversive cults to destroy our sovereignty. These Traitorous families from WWII and even before, appear to have been operating since WWII in secret to subvert our nation in the halls of our Ivy League campuses, yet recently their cults and

⁶² "The Horrifying American Roots of Nazi Eugenics" By Edwin Black
<http://hnn.us/articles/1796.html>

secrets are exposed and their hidden crimes are emerging and their current crimes and plan for world domination of a few are now in full swing. What we find from the exposure of their pasts is that behind today's ECONOMIC CRIMES and WAR CRIMES are these very same bloodlines from the "Business Plot" that should have been exterminated for Treason back then, not allowed to continue with business as usual, gaining ever-increasing power over our government. There is a major difference this time around, as now the Criminal Cartel is CAUGHT red-handed in a plethora of WAR and ECONOMIC CRIMES, with absolute evidence against them of their crimes and calls for their TRIALS are worldwide. Now that the Genie is out of the bottle and their dirty secrets and crimes are exposed, our leaders look like the Emperor in "The Emperor's New Clothes." Their actions and attitudes are steeped in delusions of Grandeur, blind to the PEOPLE'S RAGE, those 99%'ers who are beating down the walls of Justice demanding the CRIMINALS be tried for their TREASON, WAR CRIMES AND ECONOMIC TERRORISM and who WANT BACK EVERY LAST CENT STOLEN, with a hanging following.

The Business Plot and Un-American Activity Cousters relevant to this RICO & ANTITRUST Lawsuit, include but are not limited to, Joseph Proskauer (was JP Morgan's stooge in the Business Plot),⁶³ JP Morgan and Deutsche Bank / Bankers Trust. We find that after the Business Plot, the Bush family and their Fascist friends had a hand in, the Assassination of President John F. Kennedy (George HW Bush was head of the CIA at the time), the Attempted Assassination of Ronald Reagan, The Saving & Loan Crimes (Bush Associations⁶⁴) and the overthrow of the United States Government in the TREASONOUS Bush v. Gore decision, all in attempts to establish a New World DisOrder.⁶⁵

⁶³ "The Nazi Hydra in America: Suppressed History of a Century" By Glen Yeadon, John Hawkins
http://books.google.com/books?id=vh7sx2xtjGEC&pg=PA131&lpg=PA131&dq=business+plot+joseph+proskauer&source=bl&ots=DOWUFCfomn&sig=O3o8RZRtW_VJveQWXsb9I0kejNU&hl=en&ei=paJTTpq0D8WWtweSh4HFBO&sa=X&oi=book_result&ct=result&resnum=1&ved=0CBkQ6AEwADgK#v=onepage&q=business%20plot%20joseph%20proskauer&f=false Page 131

⁶⁴"The Bush family and the S&L Scandal", rationalrevolution.net
http://rationalrevolution.net/war/bush_family_and_the_s.htm and <http://rationalrevolution.net/war/index.htm>

⁶⁵ "Welcome To The New World Order (FULL LENGTH FILM)"
<http://www.youtube.com/watch?v=Gty42YkcSeQ&feature=related>

and

"The CIA revealed as the Gestapo of the Vatican's Fourth Reich." By Paul W. Kincaid, PRESS Core.ca.
<http://presscore.ca/2011/?p=4871>

and

THRIVE – The Movie, by Foster and Kimberly Gamble, Clear Compass Media
http://www.youtube.com/watch?v=oI2LGmZ_EP4
<http://thrivemovement.com>

Today's crimes by these families and their efforts to again overthrow our government can be referred to as "The Business Plot II[®]", which started after the failed "Business Plot" and culminated with the Treasonous Anointment of the George W. Bush Administration through ELECTION FRAUD⁶⁶. In this act of TREASON, the country and the will of the PEOPLE were lost, the Peoples rights being chipped away daily since. The motive, a Coup D'état on the United States Government to hold off investigations and arrests of leading law firms caught in the Iviewit Trillion Dollar technology theft, tentacles to Enron Broadband and the collapse of Enron, to Election Fraud and the Politicization of the Department of Justice by the Gonzales regime. As stated in Scheindlin's August 08, 2008 Order,

This action presents a dramatic story of intrigue, car bombing, conspiracy, video technology, and murder. In short, plaintiffs allege that hundreds of defendants engaged in a massive conspiracy to violate their civil rights and, in the process, contributed to the Enron bankruptcy and the presidency of George W. Bush.

The Election Fraud was aided and abetted by Bush's First Cousin at Fox News, John Prescott Ellis,

The individual responsible for recommending that Fox call Florida for Bush was John Ellis, who led the network's decision desk. Ellis was not a disinterested party in the presidential election, but the first cousin of the Republican candidate and his brother, Florida Governor Jeb Bush. Details emerging since Election Day concerning Ellis's role in the network's decision to call Florida for

⁶⁶ This book is about the culpability of those justices who hijacked Election 2000 by distorting the law, violating their own expressed principles, and using their own robes to bring about a partisan result. I accuse them of failing what I call the shoe-on-the-other-foot test: I believe that they would not have stopped a hand recount if George W. Bush had been seeking it. This is an extremely serious charge, because deciding a case on the basis of the identity of the litigants is a fundamental violation of the judicial oath, to "administer justice without respect to persons"...In this book, I marshal the evidence in support of this charge...

and

Vincent Bugliosi, the generally moderate former prosecutor known for securing the conviction of the Charles Manson gang, used even stronger language, accusing the Supreme Court's 'brazen, shameless majority' of being a knowing surrogate for the Republican Party instead of being an impartial arbiter of the law.' He characterized these justices as 'criminals in the truest sense of the word' and described their opinion as 'fraudulent.' [Thus a fraudulent President and successors and all appointees.] My Harvard Law School colleague Randall Kennedy called the Supreme Court's intervention 'a scandal' and its decision outrageous. He accused the Court of acting 'in bad faith and with partisan prejudice' and concluded that the high court is 'unworthy of deference.' Scott Turow said the decision was 'the most overtly politicized action by a court that I have seen in 22 years of practicing law' and labeled it 'an act of judicial lawlessness.' Professor Bruce Ackerman of Yale Law School accuse the majority of 'vulgar partisanship.'" [Dershowitz pg 175]"

Bush raise serious questions as to whether his actions and Fox News's complicity constituted not only a violation of the democratic rights of the electorate, but a criminal conspiracy.^{67and68}

The Presidency of George W. Bush was illegally decided through ELECTION RIGGING constituting TREASON against the PEOPLE of the UNITED STATES. If proven TRUE when tried in a fair and impartial court, all ANOINTMENTS & APPOINTMENTS in Government from that point forward, from the SUPREME COURT'S TREASONOUS ELECTION FRAUD would be invalidated and all Court Jesters, Prosecutors, Regulators, etc. who were ILLEGALLY anointed by Bush and now Falsely Elected President Barrack Hussein Obama II would be invalidated instantly. Plaintiff wonders how many Bush Anointed Justices in this Court are handling this Lawsuit, despite knowing the claims of Plaintiff against Bush as outlined in Scheindlin's August 08, 2008 Dismissal. Obama is merely another Coupster with ties to the Bush/Cheney clan of Criminals, as quoted in the Washington Post,

**Obama's Eight Degrees of Dick Cheney - Vice President
Cheney is related to Sen. Barack Obama**

At least that was the stunning announcement made yesterday by Lynne Cheney, who said that the very white vice president from

⁶⁷ "Elements of a conspiracy - How Bush's man at Fox News worked to shape the outcome of the US election" By Kate Randall 17 November 2000
<http://www.wsws.org/articles/2000/nov2000/fox-n17.shtml> and http://en.wikipedia.org/wiki/John_Prescott_Ellis

⁶⁸ "REINING IN THE IMPERIAL PRESIDENCY - Lessons and Recommendations Relating to the Presidency of George W. Bush" by United States House of Representatives ~ House Committee on the Judiciary Majority Staff Report to Chairman John Conyers, Jr., January 13, 2009
<http://judiciary.house.gov/hearings/printers/110th/IPres090113.pdf>


and

"Articles of Impeachment – President George W. Bush - H. Res. 1258, 110th Cong. (2008). Congressmen Dennis Kucinich and Robert Wexler June 10, 2008
<http://chun.afterdowningstreet.org/amomentoftruth.pdf>

and

"Dennis Kucinich Documents Grounds for Impeachment of Bush & Cheney"
<http://video.google.com/videoplay?docid=6265058101839429571#> - Part 1
<http://video.google.com/videoplay?docid=1857978401494382897#> - Part 2
<http://video.google.com/videoplay?docid=-785946969577220461#> - Part 3
<http://video.google.com/videoplay?docid=442901163793389423#> - Part 4

Dennis Kucinich on War Crimes in 2011 ILLEGAL WAR OF AGGRESSION LIBYA
"Kucinich, Interview, Obama Libya War Violates Constitution and UN Resolution, Libya"
<http://www.youtube.com/watch?v=Bji4XY6GtzA>


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Wyoming is in fact the eighth cousin of Obama, the Senate's only African American [more correctly 50% African American & 50% Caucasian] member. She said she discovered the link, traced back to a Huguenot who figured prominently in Maryland history, while researching her latest book.

But his campaign made light of the tie, without confirming it. "Obviously, Dick Cheney is the black sheep of the family," Obama spokesman Bill Burton said. ^{69and70}

After the Bush v. Gore ELECTION FRAUD, upon leaving the Supreme Court, Sandra Day O'Connor suddenly took early retirement from the bench for the unheard of reason of taking care of a spouse, normally Justices are removed after death. The consenting vote of O'Connor in Bush v. Gore ELECTION FRAUD remains part of the TREASON, yet at her first public speech off the bench at Georgetown University she warned of Corruption perverting the Judicial branch and courts. From the Houston Chronicle,

"SUCH JUDICIAL BULLYING, O'CONNOR POINTED OUT, IS HOW DICTATORS THRIVE IN FORMER COMMUNIST AND THIRD WORLD COUNTRIES. SHE REPORTEDLY ADDED, "IT TAKES A LOT OF DEGENERATION BEFORE A COUNTRY FALLS INTO DICTATORSHIP, BUT WE SHOULD AVOID THESE ENDS BY AVOIDING THESE BEGINNINGS."⁷¹

Understanding the Coup D'état in our country is the key to understanding why Plaintiffs have not been able to enjoy the royalties from their world changing inventions and why others, their formerly "trusted" Attorneys at Law, instead are found lavishing themselves in the stolen money free of prosecution. Plaintiff appears to have no legal rights to pursue stolen property rights in either the courts or with criminal prosecutors as the Coupsters overtook both and have completely denied a single ounce of due process. For over a decade Plaintiff has provided more than ample evidence of the theft of the properties to authorities, has caught numerous leading

⁶⁹ "Obama's Eight Degrees of Dick Cheney - Vice President Cheney is related to Sen. Barack Obama." By Anne E. Kornblut, The Washington Post Company, October 16, 2007
http://voices.washingtonpost.com/44/2007/10/16/obamas_eight_degrees_of_dick_c.html

⁷⁰ "THIS JUST IN . . . Obama and Cheney, Making Connections" by Anne E. Kornblut - The Washington Post, Wednesday, October 17, 2007
<http://www.washingtonpost.com/wp-dyn/content/article/2007/10/16/AR2007101602362.html>

⁷¹ "Judicious temperament: Retired Supreme Court Justice Sandra Day O'Connor speaks up against political attacks on courts." Houston Chronicle, Published Friday, March 17, 2006
<http://www.chron.com/opinion/editorials/article/Judicious-temperament-Retired-Supreme-Court-1525680.php>

PUBLIC OFFICIALS breaking laws, has provided the information and evidence to the proper authorities, including this Court, and yet NOTHING is done. Plaintiff has not had a single day in court, in violation of basic CONSTITUTIONAL rights of due process.

Plaintiff reminds the Members of THIS COURT OF INJUSTICE that **THERE IS NO IMMUNITY FOR CRIMINAL ACTS COMMITTED BY JUSTICES OR MEMBERS OF THE COURTS OR ANY PERSON OR ENTITY. NO ONE IS ABOVE THE LAW,** DESPITE YOUR CONTINUED EFFORTS TO SHIELD YOUR FELONY CRIMINAL ACTS USING RIDICULOUS IMMUNITY CLAIMS OR TRYING TO REWRITE LAWS, INCLUDING MAKING JUS COGENS LEGAL IN ORDER TO LEGALIZE YOUR CRIMES, YET AS THE WORLD LOOKS ON AWAKE TO YOUR TREASONS, KNOW THAT JUSTICE SOON AWAITS YOU.

In light of the information above, Plaintiff starts this Motion in **HONOR, A TIP OF THE HAT TO THE TRUE PATRIOTS NAMED HEREIN AND THEIR HEROIC WHISTLEBLOWING EFFORTS TO BLOW THE LID OFF ONE OF THE LARGEST CORRUPTION STORIES OF ALL TIME. A CORRUPTION STORY THAT PLACES MEMBERS OF THIS COURT SMACK-DAB IN THE CENTER OF WORLD MARKET RIGGING SCANDALS, ECONOMIC TERRORISM AND MORE, A ROOT OF THE PROBLEM.**

II. IMMEDIATELY DISQUALIFY ALL JUSTICES AND OTHER MEMBERS OF THE UNITED STATES SECOND CIRCUIT COURT OF APPEALS (THIS COURT) WHOM HAVE CURRENTLY ACTED IN THIS LAWSUIT IN ANYWAY WHATSOEVER, FOR THEIR PART IN AIDING AND ABETTING FRAUD ON THE COURT, OBSTRUCTION OF JUSTICE, DENIAL OF DUE PROCESS AND MORE PRIOR TO ACTING ON FURTHER ON THIS MOTION

This Court and the members of this Court who have acted illegally in this Lawsuit thus far, are violating, Judicial Cannons, Attorney Conduct Codes and Federal and State Law and are already reported to Federal and State Criminal Authorities for Felony Criminal Acts relating to their actions/inactions in this RICO Lawsuit. Plaintiff now patiently awaits the results and conclusions of ALL ongoing Federal and State investigations, prior to recognizing any authority of this Court, including any past or future opinions, orders, etc., until a Conflict Free Forum can be instituted, which again imparts fair and impartial due process of law to Plaintiff's Brief⁷² and filings in this RICO Lawsuit. In the Plaintiff's prior motions and again herein, Plaintiff has

⁷² February 27, 2009 Iviewit/Eliot Bernstein Brief filed with this Court.

<http://iviewit.tv/CompanyDocs/United%20States%20District%20Court%20Southern%20District%20NY/20090227%20FINAL%20SIGNED%20BRIEF%20USCA%202nd%20Circ%2013988.doc%20ll.pdf>

requested appointment of a special prosecutor, also known as an independent counsel to oversight the illegal activities of this Court. Under the Ethics in Government Act the defendant may ask for the appointment of an Independent Counsel (See: 28 USC §§591-594 and see also: Fernandez, supra., 913 F.2d 148).

Plaintiff thanks the Justices and other Members of this Court, who have again FINGERPRINTED themselves committing continued crimes in this Lawsuit through further Orders and Rulings, each cause for filing further CRIMINAL COMPLAINTS. This Motion, upon filing with this Court, will simultaneously be filed with both Federal and State Agencies and serve as basis for additional investigation of this Court, based on the wholly new and relevant evidence cited herein. Again, the Court acts ILLEGALLY to dismiss this Lawsuit through CONTINUED FELONY CRIMINAL OBSTRUCTION OF JUSTICE and FRAUD ON THE COURT in VIOLATION of Attorney Conduct Codes, Judicial Cannons and State & Federal Law. The court officials from this Court and the US District Court who have participated in the crimes by illegally obstructing Plaintiff's rights in virtually every single filing, include but are not limited to, the less than honorable judges; Ralph K. Winter, Jr. Esq., Debra Ann Livingston, Esq., Peter W. Hall, Esq., and Richard C. Wesley, Esq. Additional Members of the courts who have already acted illegally in these matters, include but are not limited to, Defendant/Witness Catherine O'Hagan Wolfe (Clerk of this Court) whom quite conflicted remains handling this RICO Lawsuit and the legally related lawsuits while a Defendant in Anderson's Lawsuit and this RICO Lawsuit. Wolfe acts in this conflicted capacity despite the fact that Wolfe is BOTH a DEFENDANT AND WITNESS in this RICO & ANTITRUST lawsuit and the legally related Anderson WHISTLEBLOWER lawsuit. Other Members of the courts who have participated in the criminal activities, include but are not limited to, Joy Fallek (Administrative Attorney), Catherine J. Minuse (Supervisory Staff Attorney), Atasha Joseph (Deputy Clerk), Deborah Holmes (Deputy Clerk), Judy Pisnanont (Motions Staff Attorney), and Franklin Perez, (Title Not Known).

Each of the courts officials named above can take this Motion as additional Official Notice that each of YOU will be added to the list of Defendants in any Iviewit/Eliot Bernstein Amended Complaint of this RICO and ANTITRUST Lawsuit and included in all future Criminal and Civil actions filed. Your names will be included as Defendants in all future Lawsuits filed by Iviewit/Eliot Bernstein, including but not limited to, patent, trademark and copyright lawsuits, and each of those named will be added to all ONGOING and FUTURE CRIMINAL COMPLAINTS regarding the Iviewit nexus of events. To each named Court Official, please take this Motion as simultaneous NOTICE and SERVICE of the Criminal and Civil Complaints against you.

Criminal charges already have been filed against Justices and Officials of this Court and it will be shown further herein that those Criminal Complaints filed with the New York Attorney General's Office have not even been investigated at this time due to ADMITTED AND

ACKNOWLEDGED CONFLICTS OF INTEREST AND NEW CRIMINAL ACTS. No investigations into the complaints against the Members of this Court by DEFENDANT and OPPOSING COUNSEL in this Lawsuit, the New York Attorney General have begun, quite outside of Procedural Law, due to an ADMITTED DIZZYING ARRAY OF VIOLATIONS OF LAW by the Attorney General's Office. With the administration change from the New York Attorney General Andrew Cuomo to the current Eric T. Schneiderman's Administration, major Conflicts of Interest were discovered and ADMITTED TO by the new Schneiderman Administration and by members of the Cuomo Administration. The New York Attorney General both Admitted and Acknowledged Conflict of Interests in ALL Ivewit/Eliot Bernstein matters both Civil and Criminal and then requested time to obtain NON CONFLICTED OUTSIDE COUNSEL to represent themselves in this RICO Lawsuit and the Criminal Complaints filed against members of the AG office.

THESE NEW AND SHOCKING ADMITTED AND ACKNOWLEDGED CONFLICTS OF INTEREST and DISQUALIFICATION/RECUSAL OF INVOLVEMENT AS COUNSEL in this RICO Lawsuit and in handling the Criminal Complaints filed at the Attorney General's offices, including but not limited to, those lodged against members of this Court, is a game changer in this RICO Lawsuit. The Admission of the Conflicts, Withdrawal from Representation in this Lawsuit and Withdrawal from handling CRIMINAL COMPLAINTS by the new Schneiderman Administration invalidates all prior filings by ALL Defendants in this Lawsuit whom the AG represented illegally. Prior filings in this Court by Defendant the New York Attorney General on behalf of their State Defendant clients serve as Prima Facie evidence for Criminal Investigators of, Fraud on the Court by Officials of the Court, Obstruction of Justice, Violations of Public Office Rules and Regulations and State and Federal Law. The Admission of Conflicts and other illegal activities demand IMMEDIATE rehearing of this RICO & ANTITRUST Lawsuit and ALL OF THE LEGALLY RELATED LAWSUITS, free of the plethora of Ongoing Conflicts of Interest, free of the continued Fraud on the Courts and free of Criminal Misconduct in the Court by those in charge of the courts.

The new Attorney General Schneiderman has now withdrawn as counsel to the New York State Defendants in these matters, including their office and members of their office who are Defendants in this Lawsuit, as indicated in the taped telephone conversations exhibited herein and included in entirety by reference herein. The New York Attorney General's representation has been illegal from the start due to the Conflicts of Interest that Obstructed Fair and Impartial Due Process and thus Plaintiff demands a rehearing FREE OF CONFLICT OF INTEREST.⁷³

⁷³ "ADMISSION & ACKNOWLEDGEMENT OF CONFLICTS OF INTEREST BY THE NEW YORK ATTORNEY GENERAL IN HANDLING CRIMINAL COMPLAINTS AGAINST ANDREW CUOMO AND STEVEN M. COHEN ET AL. / PHONE CALL ON APRIL 14, 2011 WITH JAMES ROGERS ON BEHALF OF HARLAN LEVY REFERRED BY STEVEN MICHAEL COHEN, CHIEF OF STAFF TO GOVERNOR

The ADMITTED AND ACKNOWLEDGED conflicts forced the ATTORNEY GENERAL to declare that due to the PAST and ONGOING CONFLICTS OF INTEREST with both the CRIMINAL COMPLAINTS and this RICO & ANTITRUST LAWSUIT, their offices are currently SEEKING INDEPENDENT NON CONFLICTED OUTSIDE COUNSEL to represent their office and the members of their offices sued as Defendants in this Lawsuit. The AG stated that they need to turn over all CRIMINAL COMPLAINTS, naming their offices and members of this Court, to NON-CONFLICTED parties for investigations as they are conflicted out. Therefore, the STATE DEFENDANTS REPRESENTED ILLEGALLY THROUGHOUT THIS LAWSUIT BY THE ATTORNEY GENERAL IN BOTH A PERSONAL AND PROFESSIONAL CAPACITY, ALL NOW NEED TO SEEK INDEPENDENT COUNSEL TO REPRESENT THEM FURTHER in this Lawsuit, one for personal representation and separate and distinct counsel to represent them in their official capacity.

ANDREW CUOMO, REGARDING FILED CRIMINAL COMPLAINTS AGAINST THE NEW YORK ATTORNEY GENERAL'S OFFICE, FORMER ATTORNEY GENERAL ANDREW CUOMO, STEVEN MICHAEL COHEN, SECRETARY TO GOVERNOR ANDREW CUOMO AND MONICA CONNELL OF THE NEW YORK STATE OFFICE OF THE ATTORNEY GENERAL ET AL." FILED MAY 20, 2011

<http://www.iviewit.tv/CompanyDocs/United%20States%20District%20Court%20Southern%20District%20NY/20110520%20FINAL%20NY%20AG%20ADMITTED%20CONFLICT%20OF%20INTEREST%20and%20CRIMINAL%20COMPLAINTS%20CUOMO%20and%20COHEN.pdf> incorporated by reference in entirety herein.

and

IVIEWIT CALLS TO NY GOVERNOR ANDREW CUOMO, EMILY COLE, STEPHEN M COHEN, RE: CRIMINAL COMPLAINTS. NY ATTORNEY GENERAL ERIC SCHNEIDERMAN ADMISSION OF CONFLICTS AND NEED FOR NY AG TO SEEK INDEPENDENT COUNSEL IN ALL IVIEWIT MATTERS.

<http://www.youtube.com/watch?v=X2pwFIEIp6E> incorporated by reference in entirety herein.

and

New York Governor Andrew Cuomo's "Right Hand Man" Steven M. Cohen Flees Sinking Ship Amidst Iviewit's Rico & Antitrust Lawsuit, AG Eric Schneiderman Office Admits Conflict of Interest with Iviewit, September 24, 2011. Cohen Returns to Private Sector in wake of Iviewit Criminal Complaints against Cuomo and himself.

<http://www.free-press-release.com/news-new-york-governor-andrew-cuomo-s-right-hand-man-steven-m-cohen-flees-sinking-ship-amidst-iviewit-s-rico-antitrust-lawsuit-ag-eric-schneiderman-o-1316880094.html> incorporated by reference in entirety herein.

and

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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Plaintiff demands that all past submissions tendered illegally and in conflict by the Attorney General's office on behalf of any parties they illegally represented in these matters, including on behalf of their office as Defendant in these matters, now are stricken from the record. Plaintiff demands that this court turn over all such prima facie evidence and admissions to the appropriate Federal and State Authorities for investigation of the Attorney General officials who have acted in these matters prior to the Schneiderman administration, as these acts impart a host of federal and state criminal activity. Similarly, this Court, having full knowledge of these Conflicts and Illegal legal representations has aided and abetted this farce, constituting Fraud on this Court by all who allowed knowingly such illegal legal representations and Fraud on the Court. The new NON CONFLICTED COURT OFFICIALS HEARING THIS MOTION, must now report to the proper authorities, the PRIOR COURT OFFICIALS and STATE OFFICIALS, including but not limited to the New York Attorney General and the State Defendants that benefited from the illegal legal representations and whom all misused Public Funds for personal legal defense fees. Plaintiff demands that this Court turn these matters over for IMMEDIATE INVESTIGATION of the new Criminal violations caused by the Conflicts, including but not limited to, Felony Aiding and Abetting, Fraud on the Court, Federal Obstruction of Justice, Misuse of State Funds for illegal legal representations, RICO crimes as defined in the Amended Complaint and more.

THE FILED CRIMINAL COMPLAINTS AGAINST MEMBERS OF THIS COURT pending at the New York Attorney General's Office REMAIN PENDING AND AWAIT AN INDEPENDENT NON-CONFLICTED PROSECUTORS TO INVESTIGATE THE MEMBERS OF THIS COURT who acted to subterfuge the complaints through violations of Public Office Rules and Regulations, Attorney Conduct Codes and Federal and State law. Plaintiff awaits responses from the Attorney General and other investigatory agencies notified, with how and who will handle the criminal complaints against Members of this Court and others involved in the crimes in this Court, now that the NY Attorney General has conflicted out.

ANY PAST and FUTURE ORDERS, RULINGS, etc. made by members of the courts while these investigations are pending are PRIMA FACIE EVIDENCE of further criminal misconduct, especially by parties who acted without first signing the Conflict of Interest Disclosure which has been requested over and over and over again. The Attorney General obviously and admittedly has derailed investigations, including those against Members of this Court, through Conflicts of Interest that OBSTRUCT JUSTICE and DENY DUE PROCESS to this Lawsuit and the Criminal Complaints. The Members of this Court accused of these crimes have benefited from such VIOLATIONS OF LAW AND ETHIC RULES and therefore ALL PRIOR MEMBERS of this COURT must IMMEDIATELY DISQUALIFY THEMSELVES and the NEW JUSTICES must first off REPORT the PRIOR MEMBERS for investigation for their alleged crimes as legally obligated, before continuing further.



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Members of this Court who have previously handled this Lawsuit without full disclosure of all Conflicts of Interest and have acted criminally to aid and abet the Fraud on the Courts and are now legally obligated to **IMMEDIATELY REPORT YOUR PERSONAL AND PROFESSIONAL LIABILITIES RESULTING FROM INCLUSION IN THIS LAWSUIT AND THE CRIMINAL AND ETHICAL COMPLAINTS FILED AGAINST YOU TO ANY PARTY WITH LIABILITIES FROM YOUR ACTIONS. REPORTING THE LIABILITIES TO ALL PERSONAL & PROFESSIONAL LIABILITY CARRIERS, STATE AUDITORS, BOND HOLDERS AND ANY OTHER PARTY YOU ARE LEGALLY OBLIGATED TO REPORT LAWSUIT LIABILITIES AND LIABILITIES FROM CRIMINAL COMPLAINTS FILED AGAINST YOU TO. ADDITIONALLY YOU MUST NOTICE EACH PARTY WITH LIABILITY FROM YOUR ILLEGAL ACTIVITIES THAT OFFICIAL NOTICE HAS BEEN SERVED UPON YOU AND DOCKETED IN THE COURT RECORD OF THIS LAWSUIT, REPEATEDLY.**

Member of this Court, Franklin Perez, deserves special attention in these matters regarding Fraud on the Court, as he appears an alleged illegal signor on ILLEGAL AND FRAUDULENT COURT ORDERS,⁷⁴ possibly including those tendered in this Lawsuit, including the FRAUDULENT & ILLEGAL DISMISSAL of this Lawsuit by this Court, which he signed. On information and belief, Mr. Perez was a NON-ATTORNEY Operations Analyst (EXHIBIT 3), at the time he signed an alleged FRAUDULENT ORDER in this RICO & ANTITRUST Lawsuit. Further, on information and belief, the ILLEGAL ORDER issued by Perez was issued on a date when this Lawsuit was neither on the docket for that date and the signing Justices were not in Court. All arguments and assertions in Exhibit 4 from a filing with the United States Supreme Court by Attorney at Law Ruth Pollack, Esq. on behalf of her client Kevin Chesney that are applicable to this Lawsuit regarding Mr. Perez's illegal actions in signing FALSIFIED AND FRAUDULENT DISMISSAL ORDERS, are hereby incorporated in entirety by reference herein.

Additional PRIMA FACIE EVIDENCE of Members of this Court's illegal activities exists as well, as it relates to Members of THIS COURT failing to act according to well-established MISPRISION OF FELONY laws. Members of this Court and the US District Court are now fully cognizant of the CREDIBLE CLAIMS OF FELONY CRIMES, by CREDIBLE WITNESSES, including WHISTLEBLOWER testimony from members of the Court System, including but not limited to, CHRISTINE C. ANDERSON, ESQ., NICOLE CORRADO, ESQ., and JUSTICE DUANE HART, ESQ. Allegations from the Whistleblower include, AIDING & ABETTING a Criminal RICO Organization inside State and Federal Offices through Obstruction of Justice, Threats on a Federal Witnesses in a Federal Whistleblower Lawsuit, State and Federal

⁷⁴ Exhibit 4 - Order Dated January 05, 2010 Signed by Franklin Perez for Catherine O'Hagan Wolfe, Clerk. Perez lists no title.

Evidence Tampering, Felony Sexual Misconduct in the Supreme Court of New York's Ethics Department, Fraud on the Court and more. Once each Member of the Court possessed knowledge of felony criminal activity, they instantly had legal obligations to report the matters for immediate investigations to all proper authorities. Based on Anderson's FELONY allegations against State and Federal Agencies, the authorities that would need to be noticed of the crimes based on her testimony, include but are not limited to, the Inspector General of the Department of Justice, the United States Attorney General, the Inspector General for the New York Attorney General Office, the Inspector General for the District Attorney Office and State and Federal Law Enforcement. Instead, the COVER-UP instantly began by MEMBERS OF THIS COURT levied against Senior Ranking Public Officials and Court Officials. Crime after crime ad nauseum has occurred illegally to derail and dismiss the Anderson Whistleblower Lawsuit, this RICO & ANTITRUST Lawsuit, Criminal Complaints and the "Legally Related" Lawsuits to Anderson, prior to obligatory investigations.

The Cover-Up acts provide further PRIMA FACIE EVIDENCE OF FELONY MISCONDUCT evidenced in the failure of THIS COURT to,

1. REPORT THE ALLEGATIONS OF PUBLIC OFFICE CORRUPTION & DEMAND IMMEDIATE INVESTIGATIONS OF ALL FELONY CRIMES,
2. IMMEDIATELY REMOVE ALL THOSE IDENTIFIED ACTING IN CONFLICT OF INTEREST OR VIOLATING LAW who have participated in this RICO & ANTITRUST Lawsuit in Violation of Law,
3. CEASE FRAUD UPON THE COURT BY MEMBERS OF THE COURT AND ATTORNEYS AT LAW IN THESE MATTERS,
4. CEASE ALL ONGOING OBSTRUCTIONS OF JUSTICE, and,
5. IMMEDIATELY DISQUALIFY ALL JUSTICES and COURT OFFICERS WHO HAVE ACTED UNLAWFULLY THUS FAR IN THESE LAWSUITS, as required by Attorney Conduct Codes, Judicial Cannons and State & Federal Law and allow FAIR AND IMPARTIAL DUE PROCESS in a CONFLICT FREE COURT by PRE-SCREENED CONFLICT FREE OFFICIALS.

The ILLEGAL and OBSTRUCTIONARY ruling to DISMISS this Lawsuit with absolutely no due process, allegedly signed illegally by Franklin Perez and Defendant Catherine O'Hagan Wolfe as Clerk, prior to allowing Plaintiff discovery in Anderson's "Legally Related" Lawsuit, prior to any investigations of the Public Officials fingered by Anderson and prior to allowing Plaintiff a single day in Court, act as further attempts to illegally subterfuge the Iviewit/Eliot Bernstein Federal RICO & ANTITRUST Lawsuit. This Court ruling prior to removing any of the germane Violations of Attorney Conduct Codes, Judicial Cannons, Public Office Rules & Regulations and State & Federal Law identified by Anderson and the "Legally Related" Lawsuits throughout the hearings and contained in the filings of each suit is both criminal and unethical. This FRAUD ON THE COURT by failure of this Court to follow both

Procedural and Substantive Law, including MISPRISION OF FELONIES BY MEMBERS OF THE COURT and OBSTRUCTION, irrefutably Aids and Abets the Criminal RICO Organization.

The Court has hurried rulings to dismiss all of the Appeals of the “Legally Related” Lawsuits, which stands as a further illegal attempt to cover-up the crimes exposed by Anderson and the “Legally Related” Lawsuits against SENIOR NEW YORK AND FEDERAL PUBLIC OFFICIALS, including Senior Ranking Members of the New York and Federal Courts. These acts all further combine to deny Plaintiff’s rights to Discovery in the Anderson case, to find out for example whom the “Favored Law Firms and Lawyers” are that Anderson references in Criminal Obstruction charges in her Whistleblower Lawsuit. This Court’s failure to Remand and Rehear this Lawsuit as demanded by Plaintiff in the Motion to Compel filed with the Court,⁷⁵ until summoned investigators can investigate Anderson’s Felony Criminal Allegations against Members of the, US Attorney General’s Office, Members of the District Attorney Offices, Members of the New York Attorney General’s Office (under the leadership of Spitzer and Cuomo), Members of the New York Courts, unidentified “Favored Lawyers and Law Firms,” the “Cleaner” and others, stands as clear and irrefutable evidence of continued Obstruction of Justice and more. Of course, Plaintiff does not anticipate that this Court can rule in favor of Plaintiff or follow any PROCEDURAL OR SUBSTANTIVE LAW, as it would result in Members of the Court ruling against themselves and forcing themselves to serve very lengthy FEDERAL PRISON sentences for their part in the RICO, a slight CONFLICT OF INTEREST.

The Obstruction of Justice by Members of this Court acts as a phenomenon similar to a Concentration Camp Victim appealing to the Gestapo for Justice against the Camp Guards responsible for killing and torturing Camp Victims or for Justice against Hitler for his crimes, the odds of success and fair and impartial due process, nil. Therefore, this Court acts like a Nazi Court, not a UNITED STATES COURT, an accomplice to the continued crimes. Until such time that Members of this Court follow all Court Procedures, Judicial Cannons, Attorney Conduct Codes and Law, confirming they have ABSOLUTELY NO CONFLICT WITH THESE MATTERS PRIOR TO ADJUDICATING AND HAVE REMOVED ALL ELEMENTS OF FRAUD ON THE COURT, the Court has NO LEGAL VALIDITY. In fact, a truly conflict free court must be created and may now only be possible in a court represented by NON-ATTORNEYS AT LAW, a CITIZENS COURT, to hear the crimes of TREASON, OBSTRUCTION, FRAUD ON THE COURT and more, which are levied herein against

⁷⁵ “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!” September 08, 2009 Filed with United States Court of Appeals 2nd Circuit (CIRCUS).

<http://www.iviewit.tv/CompanyDocs/United%20States%20District%20Court%20Southern%20District%20NY/20090908%20FINAL%20Emergency%20Motion%20to%20Compel%20SIGNED44948.pdf>

PUBLIC OFFICIALS AND JUSTICES OF THIS COURT. Again, I remind this Court to review the Nuremberg Judges Trial⁷⁶ and wherefore I have no respect for this Court that follows neither its own rules or law and again spit upon those who have so desecrated this Court and the American System of Jurisprudence and await your Judgment Day in the next Judges Trial.

This Court now has Prima Facie evidence, from **CREDIBLE EXPERT EYEWITNESS WHISTLEBLOWERS** and Knowledge of **THREATS ON FEDERAL WITNESSES** and other **FELONY CRIMES EXPOSED** and therefore has **LEGAL OBLIGATION** to the report these **FELONY CRIMES** and all the other alleged crimes exposed by Anderson and Corrado. Reporting the **FELONIES** to all proper authorities or becoming further **CULPABLE** of **FELONY CRIMES**, including but not limited to, **MISPRISION OF FELONIES, AIDING & ABETTING, OBSTRUCTION OF JUSTICE, RICO** and more. Plaintiff quotes the following from Anderson's Motion,

http://www.frankbrady.org/TammanyHall/Documents_files/Anderson%20111609%20Filing.pdf

NOVEMBER 16, 2011 ANDERSON MOTION – US DISTRICT COURT

V. WITNESS TAMPERING – THREAT ON WITNESS IN A FEDERAL PROCEEDING

“42. The Attorney General and the trial court were aware that in August of 2008, one of the plaintiff's witnesses, DDC staff attorney Nicole Corrado, was threatened.

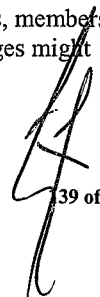
Two days prior to her deposition testimony, state employee, and [NEW YORK SUPREME COURT DEPARTMENTAL DISCIPLINARY COMMITTEE] DDC Deputy Chief Counsel, Andral N. Bratton, and who had been her immediate supervisor for approximately 5 years, confronted Corrado.

43. Following Corrado's deposition testimony on August 21, 2008, Bratton's behavior toward Corrado became more harassing,

⁷⁶ The Nuremberg Trials: The Justice Trial, United States of America v. Alstötter et al. ("The Justice Case") 3 T.W.C. 1 (1948), 6 L.R.T.W.C. 1 (1948), 14 Ann. Dig. 278 (1948).

“The Justice Trial is one of the most interesting of the Nuremberg trials. The trial of sixteen defendants, members of the Reich Ministry of Justice or People's and Special Courts, raised the issue of what responsibility judges might have for enforcing grossly unjust--but arguably binding--laws.”

<http://law2.umkc.edu/faculty/projects/ftrials/nuremberg/alstoetter.htm>



troubling, frightening and threatening as he began to follow her inside and outside of the state office where they both worked. Corrado subsequently reported these serious issues to DDC chief counsel Allan Friedberg, Deputy chief Counsel Sherry Cohen, a defendant in the current proceeding, and DDC Chief Investigator Vincent Raniere - all of whom who took no required action.

Other Iviewit News

"Another One Bites the Dust! Defendant in Whistleblower Christine C. Anderson's Federal Lawsuit, Sherry K. Cohen of the New York Supreme Court Appellate Division First Department Departmental Disciplinary Committee joins Thomas Cahill in early retirement."⁷⁷

Further, this Court has absolute knowledge and further Prima Facie evidence from Anderson and Corrado of these CRIMES through depositions under oath submitted in the Anderson Lawsuit, including but not limited to Testimony and Sworn Statements to the NEW YORK SENATE JUDICIARY COMMITTEE and on record at the NY Senate Judiciary Committee.⁷⁸ The Conflicts and Violations of Law further compel this Court, presumed now to be composed of new non-conflicted Justices and Court Administrators hearing this Motion with signed Conflict of Interest Disclosures returned prior to any action, to now Act according to both Substantive and Procedural Law and remove and REPORT all FELONY Obstructions and other crimes. The first step to a fair and impartial Court would be in having an exhaustive conflict

⁷⁷ <http://www.ethicscomplaint.com/2011/02/new-york-supreme-court-whistleblower.html>

"New York Supreme Court Whistleblower. Corruption in New Your Courts - Enough is Enough." Ethics Complaint - Industry Whistleblower Blog by Investigative Blogger Crystal L. Cox Tuesday, February 15, 2011

and

<http://www.suppressthetruth.com/2010/09/andrew-cuomo-new-york-attorney-general.html>

and

http://www.frankbrady.org/TammanyHall/Documents_files/Anderson%20111609%20Filing.pdf

⁷⁸ Plaintiff incorporates by reference herein Any/All records from the "Legally Related" Anderson Whistleblower Lawsuit, the "Legally Related" Lawsuits and any/all other legal records relating to Nicole Corrado, in any legal matters in the US District Court, this Court or any other court and any/all other Regulatory and Investigate Entities acting in these matters. Records, including but are not limited to, all "SEALED" and "IMPOUNDED RECORDS" that relate to these matters. PLAINTIFF DEMANDS that these records be instantly made part of this Lawsuit and incorporated in this MOTION, CERTIFIED and CATALOGUED and ENTERED IN THE DOCKET, due to the ALLEGATIONS by Anderson of DOCUMENT DESTRUCTION IN OFFICIAL COURT PROCEEDINGS, including matters now before this Court and the District Court, as further defined herein.



checks done by anyone attempting to respond to this Motion to save Plaintiff from filing additional CRIMINAL COMPLAINTS against those that fail.

INTENTIONAL FAILURE TO REPORT THE CRIMES EXPOSED constitutes further crimes that act to AID & ABET the CRIMINAL RICO ORGANIZATION and shield it from prosecution. MEMBERS OF THIS COURT adjudicating this Lawsuit thus far, have committed⁷⁹, including but not limited to, Misprision(s) of Felony(ies) for failure to report

⁷⁹ http://www.defraudingamerica.com/title_18_usc_4.html

Federal Crime Reporting Statutes

The federal offense of failure to disclose a felony, if coupled with some act concealing the felony, such as suppression of evidence, harboring or protecting the person performing the felony, intimidation or harming a witness, or any other act designed to conceal from authorities the fact that a crime has been committed.

Title 18 U.S.C. § 4. Misprision of felony. Whoever, having knowledge of the actual commission of a felony cognizable by a court of the United States, conceals and does not as soon as possible make known the same to some judge or other person in civil or military authority under the United States, shall be fined under this title or imprisoned not more than three years, or both.

A federal judge, or any other government official, is required as part of the judge's mandatory administrative duties, to receive any offer of information of a federal crime. If that judge blocks such report, that block is a felony under related obstruction of justice statutes, and constitutes a serious offense.

Upon receiving such information, the judge is then required to make it known to a government law enforcement body that is not themselves involved in the federal crime.

Misprision of a Felony

Misprision of a felony is the offense of failure to inform government authorities of a felony that a person knows about. A person commits the crime of misprision of a felony if that person:

Knows of a federal crime that the person has witnessed or that has come to the person's attention, or failed to prevent.

Fails to report it to a federal judge or other federal official (who is not themselves involved in the crime).

Title 28 U.S.C. § 1361. Action to compel an officer of the United States to perform his duty. The district courts shall have original jurisdiction of any action in the nature of mandamus to compel an officer or employee of the United States or any agency thereof to perform a duty owed to the plaintiff.

This federal statute permits any citizen to file a lawsuit in the federal courts to obtain a court order requiring a federal official to perform a mandatory duty and to halt unlawful acts. This statute is Title 28 U.S.C. § 1361.

Obstructing Justice Statutes

Title 18 U.S.C. § 2. Principals. (a) Whoever commits an offense against the United States or aids, abets, counsels, commands, induces or procures its commission, is punishable as a principal. (b) Whoever willfully causes an act to

be done which if directly performed by him or another would be an offense against the United States, is punishable as a principal.

Note: The legislative intent to punish as a principal not only one who directly commits an offense and one who "aids, abets, counsels, commands, induces or procures" another to commit an offense, but also anyone who causes the doing of an act which if done by him directly would render him guilty of an offense against the United States. Case law decisions: *Rothenburg v. United States*, 1918, 38 S.Ct. 18, 245 U.S. 480, 62 L.Ed. 414, and *United States v. Giles*, 1937, 57 S.Ct. 340, 300 U.S. 41, 81 L.Ed. 493.

Title 18 U.S.C. § 3. Accessory after the fact. Whoever, knowing that an offense against the United States had been committed, receives, relieves, comforts or assists the offender in order to hinder or prevent his apprehension, trial or punishment, is an accessory after the fact.

Title 18 U.S.C. § 4 (misprision of felony). Whoever, having knowledge of the actual commission of a felony cognizable by a court of the United States, conceals and does not as soon as possible make known the same to some judge or other person in civil or military authority under the United States, shall be fined not more than \$500 or imprisoned not more than three years, or both.

Title 18 U.S.C. § 1505. Whoever corruptly ... influences, obstructs, or impedes or endeavors to influence, obstruct, or impede the due the proper administration of the law under which any pending proceeding is being had before any department or agency of the United States ... shall be fined not more than \$5,000 or imprisoned not more than five years, or both.

Title 18 U.S.C. § 1510. Obstruction of criminal investigation.

(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 not more than \$5,000, or imprisoned not more than five years, or both.

Title 18 U.S.C. § 1512. Tampering with a witness, victim, or an informant

(b) Whoever knowingly uses intimidation or physical force, 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;

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

(c) 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 ... (3) arresting or seeking the arrest of another person in connection with a Federal offense; or

(4) causing a criminal prosecution, or a parole or probation revocation proceeding, to be sought or instituted, or assisting in such prosecution or proceeding;

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

(e) 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.

Title 18 U.S.C. § 1513. Retaliating against a witness, victim, or an informant.

(a) Whoever knowingly engages in any conduct and thereby causes bodily injury to another person or damages the tangible property of another person, or threatens to do so, with intent to retaliate against any person for (1) the

FELONY THREATS ON A FEDERAL WITNESS, FELONY OBSTRUCTION OF JUSTICE IN FEDERAL PROCEEDINGS by PUBLIC OFFICIALS and more.

Therefore, due to the ENORMOUS CONFLICTS and VIOLATIONS OF LAW in this Court currently, Plaintiff demands IMMEDIATE DISQUALIFICATION of ALL Justices and other Members of the Second Circuit Court who have already acted in Violation of Law in these matters and whom have been reported to authorities for their CRIMINAL ACTS. Further, this Court must IMMEDIATELY CALL IN A FEDERAL MONITOR TO OVERSIGHT THIS COURT. In seeking DISQUALIFICATION of the current JUSTICES OF THIS COURT, PLAINTIFF DEMANDS REMOVAL OF ALL PRIOR ILLEGALLY TENDERED RULINGS, ORDERS and ANY PLEADINGS SUBMITTED BY ANY ATTORNEY AT LAW IN THESE MATTERS, as all of them were tendered in Conflict and thus violate Attorney Conduct Codes, Judicial Cannons and State & Federal Law.

attendance of a witness or party at an official proceeding, or any testimony given or any record, document, or other object produced by a witness in an official proceeding; or (2) any information relating to the commission or possible commission of a Federal offense ..."

Title 18 U.S.C. § 111. Impeding certain officers or employees. Whoever ... intimidates, or interferes with any person ... while engaged in ... the performance of his official duties shall be fined ... or imprisoned ...

Racketeering Enterprise Statutes and Criteria

Title 42 USC § 1961. Definition. As used in this chapter-(1) "racketeering activity" means:

(A) any act or threat involving ... relating to 1503 (relating to obstruction of justice), section 1510 (relating to obstruction of criminal investigations), section 1511 (relating to obstruction of State or local law enforcement), section 1951 (relating to interference with commerce, robbery or extortion), section 1952 (relating to racketeering, ...

Title 42 USC § 1962. Prohibited Activities.

(b) It shall be unlawful for any person through a pattern or racketeering activity or through collection of an unlawful debt to acquire or maintain, directly or indirectly, any interest in or control of any enterprise which is engaged in, or the activities of which affect, interstate or foreign commerce.

(c) It shall be unlawful for any person employed by or associated with any enterprise engaged in, or the activities of which affect, to conduct or participate, directly or indirectly, in the conduct of such enterprise's affairs through a pattern of racketeering activity or collection of unlawful debt.

(d) It shall be unlawful for any person to conspire to violate any of the provisions of subsections (a), (b), or (c) of this section. ...

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

(D) Disciplinary responsibilities.

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

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

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

What causes the "Disqualification of Judges?" Federal law requires the automatic disqualification of a Federal judge under certain circumstances AND THESE CIRCUMSTANCES DESCRIBED HEREIN MORE THAN QUALIFY.

In 1994, the U.S. Supreme Court held that "Disqualification is required if an objective observer would entertain reasonable questions about the judge's impartiality. If a judge's attitude or state of mind leads a detached observer to conclude that a fair and impartial hearing is unlikely, the judge must be disqualified." [Emphasis added]. *Liteky v. U.S.*, 114 S.Ct. 1147, 1162 (1994).

Courts have repeatedly held that positive proof of the partiality of a judge is not a requirement, only the appearance of partiality. *Liljeberg v. Health Services Acquisition Corp.*, 486 U.S. 847, 108 S.Ct. 2194 (1988) (what matters is not the reality of bias or prejudice but its appearance); *United States v. Balistreri*, 779 F.2d 1191 (7th Cir. 1985) (Section 455(a) "is directed against the appearance of partiality, whether or not the judge is actually biased.") ("Section 455(a) of the Judicial Code, 28 U.S.C. §455(a), is not intended to protect litigants from actual bias in their judge but rather to promote public confidence in the impartiality of the judicial process.").

That Court also stated that Section 455(a) "requires a judge to recuse himself in any proceeding in which her impartiality might reasonably be questioned." *Taylor v. O'Grady*, 888 F.2d 1189 (7th Cir. 1989). In *Pfizer Inc. v. Lord*, 456 F.2d 532 (8th Cir. 1972), the Court stated that "It is important that the litigant not only actually receive justice, but that he believes that he has received justice."

The Supreme Court has ruled and has reaffirmed the principle that "justice must satisfy the appearance of justice", *Levine v. United States*, 362 U.S. 610, 80 S.Ct. 1038 (1960), citing *Offutt v. United States*, 348 U.S. 11, 14, 75 S.Ct. 11, 13 (1954). A judge receiving a bribe from an interested party over which he is presiding, does not give the appearance of justice.

"Recusal under Section 455 is self-executing; a party need not file affidavits in support of recusal and the judge is obligated to recuse herself sua sponte under the stated circumstances." *Taylor v. O'Grady*, 888 F.2d 1189 (7th Cir. 1989).

Further, the judge has a legal duty to disqualify himself even if there is no motion asking for his disqualification. The Seventh Circuit Court of Appeals further stated that "We think that this language [455(a)] imposes a duty on the judge to act sua sponte, even if no motion or affidavit is filed." Balistrieri, at 1202.

Judges do not have discretion not to disqualify themselves. By law, they are bound to follow the law. **Should a judge not disqualify himself as required by law, then the judge has given another example of his "appearance of partiality" which, possibly, further disqualifies the judge.** Should another judge not accept the disqualification of the judge, then the second judge has evidenced an "appearance of partiality" and has possibly disqualified himself/herself. None of the orders issued by any judge who has been disqualified by law would appear to be valid. It would appear that they are void as a matter of law, and are of no legal force or effect.

Should a judge not disqualify himself, then the judge is in violation of the Due Process Clause of the U.S. Constitution. United States v. Sciuto, 521 F.2d 842, 845 (7th Cir. 1996) ("The right to a tribunal free from bias or prejudice is based, not on section 144, but on the Due Process Clause.").

Should a judge issue any order after he has been disqualified by law, and if the party has been denied of any of his / her property, then the judge may have been engaged in the Federal Crime of "interference with interstate commerce". The judge has acted in the judge's personal capacity and not in the judge's judicial capacity. It has been said that this judge, acting in this manner, has no more lawful authority than someone's next-door neighbor (provided that he is not a judge). However some judges may not follow the law.

If you were a non-represented litigant, and should the court not follow the law as to non-represented litigants, then the judge has expressed an "appearance of partiality" and, under the law, it would seem that he/she has disqualified him/herself.

However, since not all judges keep up to date in the law, and since not all judges follow the law, it is possible that a judge may not know the ruling of the U.S. Supreme Court and the other courts on

this subject. Notice that it states "disqualification is required" and that a judge "must be disqualified" under certain circumstances.

The Supreme Court has also held that if a judge wars against the Constitution, or if he acts without jurisdiction, he has engaged in treason to the Constitution. If a judge acts after he has been automatically disqualified by law, then he is acting without jurisdiction, and that suggest that he is then engaging in criminal acts of treason, and may be engaged in extortion and the interference with interstate commerce.

COURTS HAVE REPEATEDLY RULED THAT JUDGES HAVE NO IMMUNITY FOR THEIR CRIMINAL ACTS. Since both treason and the interference with interstate commerce are criminal acts, no judge has immunity to engage in such acts.

Failure by ALL Parties to this Lawsuit, including the Justices of this Court, to Affirm or Deny Conflict to Opposing Counsel, Pro Se Bernstein, as repeatedly requested by Plaintiff since day one of the Lawsuit, in order to assure fair and impartial Due Process, constitutes further FRAUD ON THE COURT and CAUSE FOR DISQUALIFICATION and RECUSAL. Especially, where there is overwhelming evidence of FRAUD and OBSTRUCTION through MULTIPLE CONFLICTS OF INTEREST and VIOLATIONS OF LAW, including eyewitness insider sworn testimony of crimes committed by Court and Public Officials. After Anderson's claims of UNIDENTIFIED "Favored Law Firms and Lawyers" operating in the Court System to Obstruct Cases through FEDERAL & STATE FELONY ACTS OF OBSTRUCTION OF JUSTICE, DOCUMENT DESTRUCTION, etc., this Court is now obligated to PROVE to PLAINTIFF that NO CONFLICT EXISTS going forward with any person representing these matters in any way, including but not limited to, lawyers, judges and prosecutors. This Court must instantly remove ALL Conflicts and ILLEGAL REPRESENTATIONS currently at play and complained of already to this Court, the District Court and State and Federal Law Enforcement. The denial of Discovery to Plaintiff by the Court to obtain evidence from Anderson's case prior to investigating the CRIMINAL ALLEGATIONS AGAINST PUBLIC OFFICIALS, creates a lack of ability to identify at this time whom Anderson is referring to as the "Favored Law Firms and Lawyers." The lack of knowing the names of these corrupt Public Officials, Attorneys at Law and Law Firms that Anderson and others refer to, makes all Attorneys at Law and Law Firms suspect. This absolutely necessitates that ALL ATTORNEYS AT LAW handling these matters forward, including but not limited to, Judges, Prosecutors, Court Personnel, Opposing Counsel and LAW FIRMS, now be SCREENED to determine if they are acting in CONFLICT and VIOLATION OF LAW and if they are one of the unidentified

parties Anderson refers to. This Court is legally obligated to report the misconduct and failure to report, as is this case at this point, is yet another felony crime.

Where Plaintiff has requested Conflict of Interest Disclosures similar to the one attached herein be signed by all Parties prior to adjudicating this matter, Plaintiff's requests have been REPEATEDLY ignored. There can be no reason not to sign a Conflict of Interest Disclosure at this point, as each Attorney at Law in any legal capacity is obligated to act without Conflict, so if no Conflict exists the form should be a no brainer to sign and return as requested by all those involved in these matters forward. Conflict checks cannot be ignored any longer, especially with the Anderson allegations exposing UNIDENTIFIED ATTORNEYS AT LAW VIOLATING THE LAW ACTING IN CONFLICT IN A MULTITUDE OF PUBLIC OFFICES and OTHER MORE SERIOUS FELONY CRIMES and additionally due to the RIVETING new Admission and Acknowledgement of Conflicts by the New York Attorney General Schneiderman's office.

Plaintiff presumes that at this point in this Motion, NEW Non-Conflicted Justices of this Court, Non-Conflicted Counsel for Defendants and Non-conflicted State Officials, are now reading this Motion and have already signed a Conflict of Interest Disclosure as attached, assuming both PERSONAL AND PROFESSIONAL LIABILITIES if discovery of Conflict is later found. Plaintiff presumes a timely response to this Motion but disregards any ILLEGALLY TENDERED Orders or Edicts proffered by the Members of this Court handling these matters illegally and without a conflict free forum first instituted and DEMANDS all new parties going forward sign and affirm the attached Conflict of Interest Disclosure. Assurance of NO CONFLICTS in the form of a signed and notarized Conflict of Interest Disclosure Form, as the one attached herein will suffice. Again, this COI must now be signed by ALL Law Firms, Prosecutors, Regulators, Justices, Attorneys at Law and Court Personnel representing the Government or any Defendants, as required by law, returned by Certified Mail to Plaintiffs Address at 2753 NW 34th St. Boca Raton, FL 33434, PRIOR TO ANY ACTION.

III. REMAND AND REHEAR THIS RICO & ANTITRUST LAWSUIT DUE TO THE NEW YORK STATE ATTORNEY GENERAL'S NOW ADMITTED AND ACKNOWLEDGED CONFLICTS OF INTEREST, BOTH PAST AND PRESENT, IN ACTING ILLEGALLY AS COUNSEL FOR THEIR OFFICE AND ADDITIONALLY FOR 39 PLUS STATE DEFENDANT/ACTORS IN THIS LAWSUIT AND VIOLATING PUBLIC OFFICE RULES & REGULATIONS, ATTORNEY CONDUCT CODES AND STATE & FEDERAL LAW

The CONFLICTS of the Attorney General and other violations of Public Office, which have caused Obstruction and Denial of Due Process in the Lawsuit and the related Criminal Complaints since day one, now INVALIDATE ALL prior representations made by the New

York Attorney General. All representations on behalf of their office, members of their office and in defense of their client STATE ACTOR Defendant Clients in this Lawsuit have been illegal and tendered in conflict since the outset. Anderson has also called for the ILLEGAL REPRESENTATIONS OF THE ATTORNEY GENERAL AND ILLEGAL USE OF PUBLIC FUNDS FOR PRIVATE LEGAL REPRESENTATIONS, estimated to amount to several hundred million dollars of legal costs to date, IMMEDIATELY CEASE.

At this time, over one year after the admission and acknowledgement of the need for independent counsel and investigators to intervene, the New York Attorney General's Office should have already noticed this Court and other Criminal Authorities of their Admitted and Acknowledged Conflicts of Interest. The New York Attorney General should already noticed this court of their voluntary DISQUALIFICATION AND RECUSAL from this RICO Lawsuit and the Criminal Complaints filed with their offices, including criminal complaints against Members of this Court. The NY AG now admittedly needs INDEPENDENT NON CONFLICTED COUNSEL TO REPRESENT THE AG'S OFFICE and their CLIENTS/DEFENDANTS THEY REPRESENT IN THIS LAWSUIT FORWARD NOW ALSO NEED SEPARATE COUNSEL TO REPRESENT THEM IN BOTH THEIR PERSONAL AND PROFESSIONAL CAPACITIES IN THIS LAWSUIT. If the Members of the New York Attorney General handling this Lawsuit have not already filed for Disqualification and Recusal from this Lawsuit as promised and submitted to represent themselves Pro Se (as Attorneys at Law have shocking already done in this Lawsuit) or secured new legal counsel as they stated they were doing in the taped telephone conversation already referenced herein, this failure would provide basis for further CRIMINAL COMPLAINTS to be filed, this time against Members of the new AG Schneiderman's office. Additional CRIMINAL COMPLAINTS will also be filed against the New York Attorney General's CLIENTS/DEFENDANTS for further attempting to cover these matters up in collusion with Public Officials, if they too do not seek immediate legal legal representation. Inaction to secure legal legal counsel, as opposed to illegal legal counsel as is presently the case with almost every Defendants counsel, will constitute further cause for further FELONY STATE & FEDERAL charges of Obstruction of Justice, Misprision of Felonies, Fraud on the Courts, Violation of Public Office and Violations of State and Federal Law.

To summarize the AG call, on April 14, 2011, James Rogers, Esq. Special Counsel and Senior Advisor to New York Attorney General Eric T. Schneiderman, ADMITTED and ACKNOWLEDGED Conflicts of Interest for both himself personally and the New York Attorney General's Office, relating to CRIMINAL COMPLAINTS FILED WITH THEIR OFFICES AND THEIR ILLEGAL and UNETHICAL REPRESENTATIONS IN THIS

A handwritten signature in black ink, appearing to be 'JR', is written over the bottom portion of the text block.

LAWSUIT.⁸⁰ and⁸¹ THESE ADMISSIONS preclude the NY AG from further direct action in any legal capacity in any matter relating to Plaintiff Ivieuit/Eliot Bernstein in this Lawsuit and the Criminal Complaints filed with their offices. Conflicts of Interest that Rogers admitted preclude both Rogers and the AG's office from handling or even speaking further with Plaintiff about any matters related to Ivieuit and Eliot Bernstein's Criminal Complaints and this RICO & ANTITRUST Lawsuit, without INDEPENDENT NON CONFLICTED COUNSEL REPRESENTING THEM. These ADMITTED & ACKNOWLEDGED Conflicts of Interest that preclude the AG from acting in any other capacity than as Defendant, have existed in this Lawsuit for the New York Attorney General since the initiation of the Lawsuit, even prior to becoming counsel for Defendants.

With the Admission of Conflict and the Anderson allegations, the time has come to investigate defendants for the now Admitted and Acknowledged prior conflicts, obstructions and more, looking backward fix the problems. First off, again, this Court must remove the Conflicted ILLEGAL LEGAL REPRESENTATIONS of the New York Attorney General that were designed from the start to OBSTRUCT JUSTICE and perpetrate FRAUD ON THE COURT, a rehearing free of conflicts and violations of law. The taped phone calls between Eliot Bernstein and Governor Cuomo's office with Emily Cole, Steven Michael Cohen⁸² and the New

⁸⁰Taped Conversations with New York Governor Andrew Cuomo office, Steven M. Cohen (Chief of Staff), James Rogers, Esq., and Emily Cole.
<http://www.youtube.com/watch?v=X2pwFIEIp6E>

⁸¹ Exhibit 5 - Transcript of Taped Conversations with New York Governor Andrew Cuomo office, Steven M. Cohen (Chief of Staff), James Rogers, Esq., and Emily Cole.

⁸²As of July 11, 2011, Cohen has been relieved of service to Andrew Cuomo.

"NEW YORK ATTORNEY GENERAL OFFICE OF ERIC T. SCHNEIDERMAN ADMISSION & ACKNOWLEDGEMENT OF CONFLICTS OF INTEREST BY JAMES ROGERS, ESQ. IN HANDLING IVIEWIT TECHNOLOGIES & ELIOT BERNSTEIN'S CRIMINAL COMPLAINTS AGAINST ANDREW CUOMO AND STEVEN M. COHEN. DEMAND FOR IMMEDIATE INVESTIGATION OF ANDREW CUOMO AND ELIOT SPITZER FOR VIOLATIONS OF PUBLIC OFFICE RULES & FELONY RICO CRIMES. CALL FOR NY ATTORNEY GENERAL TO CEASE ILLEGAL REPRESENTATIONS OF STATE SENIOR PUBLIC OFFICIALS, INCLUDING FORMER CHIEF JUDGE OF NEW YORK JUDITH KAYE IN THE IVIEWIT 12 TRILLION DOLLAR FEDERAL RICO AND ANTITRUST LAWSUIT, "LEGALLY RELATED" BY FEDERAL JUDGE SHIRA SCHEINDLIN TO A WHISTLEBLOWER LAWSUIT OF CHRISTINE C. ANDERSON A NEW YORK SUPREME COURT ATTORNEY. Proskauer Rose and Foley & Lardner Main Suspects in Patent Theft Worth Trillions."
<http://ivieuit.tv/wordpress/?p=588>

and

"Steven Michael Cohen, Andrew Cuomo Sr. Adviser Flees Sinking Cuomo Ship Over Ivieuit Inventor Eliot Bernstein's Criminal Complaints against Cohen and Cuomo. Gotham Corruption at the Top Heating Up"
<http://ivieuit.tv/wordpress/?p=591>

York Attorney General's office, culminating in Rogers ultimate ADMISSION & ACKNOWLEDGEMENT of Conflicts of Interest precluding further involvement are located at <http://www.youtube.com/watch?v=X2pwFIEIp6E> and hereby incorporated by reference in entirety herein.

In the TAPED CALLS TO GOVERNOR ANDREW CUOMO'S office, Cohen ironically responds to the statement by Plaintiff regarding Cohen's conflicts that preclude him from handling Criminal Complaints filed against himself and Cuomo. Plaintiff Bernstein notified Cohen, an old childhood friend that the complaints filed were attempting to "Put him in Prison," as he and Cuomo were named in the criminal complaints. Plaintiff notifies Cohen that he could no longer handle and bury the complaints naming him in RICO CRIMINAL activity, due to the obvious inherent conflicts. Whereby, Cohen retorts, "Some would say I already am in Prison!" At which point Plaintiff responded, "I agree!" Cohen then gives up control of the complaints and refers Plaintiff, acting still in conflict, to Schneiderman's Chief of Staff to handle. However, the complaints against Cuomo and Cohen were filed at both the NY Attorney General Office and the Governor's office and so Governor Cuomo must turn over the complaints filed with his offices to a Non Conflicted party to respond to them, as Cohen had blocked them in conflict for now several years from having any due process.

Yet, Cohen continued to act further in Conflict in his Official Capacity, now referring Plaintiff back to the AG Chief of Staff, despite the acknowledged conflict? Additionally, Emily Cole, Cohen's assistant, stated in the taped call that she had turned the complaints over to Cohen directly, whereby she was specifically requested by Plaintiff to not give the complaints to either Cuomo or Cohen upon filing them, further evidencing the INTENTIONAL Obstruction through Conflicts.

On May 20, 2011, a formal letter titled,

RE: / PHONE CALL ON APRIL 14, 2011 WITH JAMES ROGERS ON BEHALF OF HARLAN LEVY REFERRED BY STEVEN MICHAEL COHEN, CHIEF OF STAFF TO GOVERNOR ANDREW CUOMO. RE: FILED CRIMINAL COMPLAINTS AGAINST THE NEW YORK ATTORNEY GENERAL'S OFFICE, FORMER ATTORNEY GENERAL ANDREW CUOMO, STEVEN MICHAEL COHEN, SECRETARY TO GOVERNOR ANDREW CUOMO, AND, MONICA CONNELL OF THE NEW YORK STATE OFFICE OF THE ATTORNEY GENERAL ET AL.

was sent by Plaintiff memorializing the calls with the New York Attorney General Office and Governor Andrew Cuomo's Office. The Letter also contains additional Criminal Complaints

against new participants in the RICO, including Cuomo's alleged niece, Emily Cuomo Cole who denied any relationship to Cuomo in the calls, yet on information and belief, Emily is the daughter of Maria Cuomo Cole. The Letter can be found at the following URL's, both hereby incorporated by reference in entirety herein,

<http://iviewit.tv/wordpress/?p=588>

and

<http://www.iviewit.tv/CompanyDocs/United%20States%20District%20Court%20Southern%20District%20NY/20110520%20FINAL%20NY%20AG%20ADMITTED%20CONFLICT%20OF%20INTEREST%20and%20CRIMINAL%20COMPLAINTS%20CUOMO%20and%20COHEN.pdf>.

From the Letter, quote,

Dear Mssrs. Levy and Rogers,

Please let this letter serve as formal commemoration of our April 14, 2011 phone conversation between James Rogers, Esq., Special Counsel and Senior Advisor to Attorney General Eric T. Schneiderman and myself. A witnessing party on the phone call was Patrick Hanley. The following summarizes the salient points of the call with James Rogers, Esq., acting on behalf of Harlan Levy referred by Steven Michael Cohen, Chief of Staff to Governor Andrew Cuomo and prior calls with the Governor's office.

Notably, Rogers acknowledged and admitted that he was precluded from handling the matters related to Iviewit's Criminal Complaints and RICO & ANTITRUST Lawsuit, as the Attorney General was Conflicted in the matters, as further defined herein. Admissions by Rogers of existing Conflicts of Interest now require IMMEDIATE corrective actions in ongoing State, Federal and International Criminal and Civil Proceedings going forward. The multiple Conflicts of Interest identified, caused Rogers to assert that the inherent Conflicts for himself, the Attorney General's Office and other members of the Attorney General's Office, now demanded that the Attorney General's office was required forthwith, to seek Outside Non Conflicted Independent Counsel in any related matters...

... The Conflict Swamp further thickens, when taking into account Conflicts created by the Attorney General's additional role as Legal Counsel for State Actors/Defendants in the RICO &

ANTITRUST Lawsuit. The Attorney General's Office is not only representing their own offices and employees in conflict, but also, illegally representing **39 PLUS** State Actors/Defendants as counsel of record, in further Violations of Attorney Conduct Codes, Public Office Rules & Regulations and State & Federal Law, and yet, still directly handle Criminal Complaints naming them as central Criminal RICO Actors. Additional Conflicts of Interest are further created by the illegal twofold representation by the Attorney General of the State Actors/Defendants in both a Professional and Personal capacity. The Attorney General may represent State Actors/Defendants in Lawsuits in a PROFESSIONAL capacity only on the State of New York's funds and the Individual representations are illegal and further Violations of Attorney Conduct Codes, Public Office Rules & Regulations and State & Federal Law, further defined herein. This entire bizarre and convoluted myriad of ILLEGAL Conflicts of Interest and Obstructions create further massive Frauds on the Courts and Frauds on a Multiplicity of Government Agencies, all combining to further illegally deny Due Process and Obstruct Justice...

...Anderson further complains to the Federal Court in a Motion to Remove the Attorney General[13] from illegal legal representations that **CUOMO IS ILLEGALLY REPRESENTING STATE ACTORS/DEFENDANTS** in both the US District Court for the Southern District of New York and the Second Circuit Court of Appeals, in her case and the "legally related" cases. Anderson filed to remove the Attorney General from her Whistleblower Lawsuit for ILLEGAL Conflicts of Interest and other Violations of Attorney Conduct Codes, Public Office Rules & Regulations and State & Federal Law, illustrating a further Pattern and Practice of Public Corruption designed to evade prosecution.

Footnote From the Letter ^[13]

Anderson's Motion to Remove the Attorney General can be found at the following URL's and Anderson's arguments for removing the Attorney General in that Motion and her Lawsuit are hereby fully incorporated by reference as my own arguments in this Motion, where they are applicable to our "legally related" lawsuits.

<http://iviewit.tv/wordpress/?p=391>

“Wednesday, September 15, 2010 “Anderson Moves to Disqualify NY Attorney General”

http://www.frankbrady.org/TammanyHall/Documents_files/CCA%20091410%20Filing.pdf ...

ACTIONS TO REMOVE ADMITTED AND ACKNOWLEDGED CONFLICTS OF INTEREST FROM ALL PROCEEDINGS AND CEASE AND DESIST ILLEGAL REPRESENTATIONS OF STATE ACTORS/DEFENDANTS BY THE NEW YORK ATTORNEY GENERAL

As Anderson’s Motion to Disqualify the Attorney General’s Office shows, there are Conflicts of Interest inherent in the ILLEGAL legal representations of the Public Officers both personally and professionally by the New York Attorney General’s office, which preclude such representations. Therefore, since the conflicted representations are in Violations of Attorney Conduct Codes, Public Office Rules & Regulations and State & Federal Law, all instances of these illegal representations must instantly Cease and Desist, and proper remedial actions taken.

First, all State Actors/Defendants illegally represented currently by the Attorney General, now must be replaced with Non-Conflicted Independent Counsel, separate counsel for both their Professional and Individual Legal Defenses where they are sued in both capacities. In particular, Anderson claims, quote,

“Ongoing Conflict of Interest”

Representation by the New York Attorney General’s office in the pending appeal continues the improper prejudice against plaintiff. Furthermore, not only did the Attorney General’s representation of the defendants unduly prejudice the plaintiff, but it also raised serious conflict of interest issues with respect to the defendants themselves. To protect their own rights, each of the defendants had to have their own attorneys in order to permit them to cross claim or make admissions, including their own right to protect their own individual rights in this appeal. Under New York State and federal conflict of interest rules, each of the defendants must be free to undertake these independent actions. To do so, they must have their own counsel. (See NYS Code of Professional Conduct Cannon 5 Conflict of Interest Rules. [15]) The Attorney General as a state attorney is bound by these rules as well. [16]

This constitutes New York State law, and the attorney who violates these safeguards must be immediately removed from the case.

Further, should the defendants seek to waive the conflicts they would have to submit an affidavit to that effect to the court.

Notwithstanding a defendant's attempt to waive his right to independent counsel, the court can deny the waiver, based on a finding that ultimately this conflict cannot properly be waived.

The trial [sic trial] court improperly ignored the obligation to address the inherent conflict up to and including the trial. This court, however, must now disqualify the Attorney General from any representation of the defendants.

As a result of these conflict of interest issues, the Attorney General cannot properly represent the defendants, either as a group or individually, in these appellate proceedings. Each defendant must have the right to advance his or her own position on appeal, to cross claim against the others, and to bring a counterclaim against the State.

These actions most certainly could not be undertaken in a case where the Attorney General represents all the named defendants. All defendants clearly are in conflict with each other, especially in their individual capacities. Without question, the Attorney General violated its ethical rules and the public trust in undertaking to represent all of the defendants. The Attorney General continues to violate its ethical rules by appearing before this appellate body.

This would be the case, even were it established that the defendants had sought to consent to such representation...

The conflict here is particularly acute given the nature of the claims brought by plaintiff Anderson. Plaintiff's charges warranted an independent investigation by the New York State Attorney General's office to review the basic claims given that Anderson was formerly a Departmental Disciplinary Committee staff attorney with considerable experience and over the years received excellent evaluations. The fact is that these are not allegations from a lay person.

While at the DDC, Plaintiff Anderson was charged with investigating cases involving possible criminal and civil misconduct by attorneys. She carried out her duties as a duly authorized officer of the Court. The New York State Attorney General's Office was therefore obligated to protect her and to investigate her claims of serious misconduct against the named

parties. To the Contrary, the New York State Attorney General's Office failed to do so.

The Attorney General is a publicly funded arm of the State. It was conflicted from the outset of this case because it could not possibly defend any of the defendants, while simultaneously investigating plaintiff's claims of serious ongoing misconduct by the defendants. Indeed, no explanation has ever been provided as to why the Attorney General did not represent plaintiff Anderson against any of the original defendants. This was itself a misappropriation of public funds by a state investigative agency with prosecution powers.

Federal law mandates that a special prosecutor be substituted into the case, and this was not done."

Footnotes from Anderson filing

Footnote ^[15]

Conflict of Interest Disciplinary Rule 5

Footnote ^[16] As head of the Department of Law, the Attorney General is both the "People's Lawyer" and the State's chief legal officer. As the "People's Lawyer," the Attorney General serves as the guardian of the legal rights of the citizens of New York, its organizations and its natural resources. In his role as the State's chief legal counsel, the Attorney General not only advises the Executive Branch of State government, but also defends actions and proceedings on behalf of the State. —...

...Similar to Anderson, in my RICO & ANTITRUST lawsuit, the Attorney General not only represents 39 plus State Actors/Defendants ILLEGALLY, both personally and professionally, but also acts as in further conflict as Counsel for their own offices and former employees, in both the US District Court and Second Circuit Court of Appeals. Evidence of such representations can be found in the Attorney General's response to the Amended Complaint in US District Court, which was GRANTED & DOCKETED by Judge Scheindlin in the following

Order, included by reference in entirety herein, SCHEINDLIN ORDER GRANTING THE AMENDED COMPLAINT

<http://iviewit.tv/CompanyDocs/United%20States%20District%20Court%20Southern%20District%20NY/20080414%20Order%20Granting%20Filing%20of%20Amended%20Complaint.pdf>

The Amended Complaint was responded to ILLEGALLY by the Attorney General's Office, whom was wearing a number of conflicting hats, acting as both a State Actor/Defendant and Defense Counsel to other State Actor/Defendants, all represented ILLEGALLY both Professionally and in their Individual capacities. Once again, a further bizarre and illegal myriad of Conflicts of Interest exposed, again in Violation of Attorney Conduct Codes, Public Offices Rules & Regulations and State & Federal Law, combining to further Block Due Process & Procedure of the victims through Obstruction Justice to both the Criminal Complaints and the RICO & ANTITRUST Lawsuit.

The admission of Conflicts of Interest in these matters has now forced the NY Attorney General's office to refuse to further handle or even speak to Plaintiff regarding the Criminal Complaints filed with their offices or this RICO & ANTITRUST Lawsuit, disqualify their offices from further illegal legal representations and seek independent NON CONFLICTED COUNSEL AND INVESTIGATORS. The Attorney General stating they are seeking INDEPENDENT NON CONFLICTED COUNSEL to represent their offices forward in this RICO and INDEPENDENT NON CONFLICTED PROSECUTORS to investigate the CRIMINAL COMPLAINTS they have Obstructed for several years, including CRIMINAL COMPLAINTS naming Members of this Court as central conspirators in the Cover-Up crimes.

KUDOS!!! to the integrity of Scheinderman's Attorney General Office and Mr. Rogers, for admitting that the New York Attorney General's Office is ABSOLUTELY CONFLICTED in this Lawsuit and the Criminal Complaints and taking the right steps to absolve such continued violations of law and ethics. Further, for seeking INDEPENDENT NON CONFLICTED PARTIES to now represent and investigate these matters forward for their office and officials of their office named in this Lawsuit, Anderson's Lawsuit and the "Legally Related" Lawsuits. The ADMISSION AND DISQUALIFICATION of the AG breaks down one of main conflicts in the WALL OF FELONY OBSTRUCTIONS perverting this Lawsuit from day one and wholly denying lawful due process and procedure. Prior to the Admission by Rogers of conflicts precluding the AG from representing Defendants in these matters, both New York Attorney Generals Spitzer and Cuomo, flagrantly and with SCIENTER violated Conflict of Interest Rules, Public Office Rules and Law to deny Plaintiff due process. These OBSTRUCTIONS occurred with the blessing and APPROVAL FROM MEMBERS OF THE COURTS who allowed the AG to operate in the Courts in conflict, knowing of the illegality, all in Violation after Violation of

Law. These Violations denied PLAINTIFF DUE PROCESS AND PROCEDURE THROUGH MULTIPLE ACTS OF FELONY FRAUD ON THE COURTS achieved through the VIOLATION OF ATTORNEY CONDUCT CODES, VIOLATION OF PUBLIC OFFICE RULES AND REGULATIONS AND VIOLATION OF STATE AND FEDERAL LAW.

The Admission and Acknowledgement of Conflicts of Interest now are reason for this Court to IMMEDIATELY REMAND this RICO & ANTITRUST Lawsuit, the Anderson Whistleblower Lawsuit and the “Legally Related” Lawsuits back to the US District Court for rehearings or moved to a wholly non-conflicted new venue with a Federal Monitor brought in to oversight.

IV. REMAND AND REHEAR THIS LAWSUIT DUE TO THE NEW YORK STATE SUPREME COURT ATTORNEY WHISTLEBLOWER CHRISTINE C. ANDERSON’S FELONY CRIMINAL ALLEGATIONS AGAINST SENIOR COURT OFFICIALS, PUBLIC OFFICIALS AND MORE.

Anderson has recently filed with the U.S. District Court further corroborating evidence of a Threat on a Federal Witness, Corrado, who was so fearful of the threat as to NOT testify at Anderson’s trial and causing an entire mistrial and need for rehearing in light of this most serious Obstruction of Justice by Public Officials. As already exhibited in Exhibit 2, Anderson’s motion awaits decision by Federal Judge Scheindlin and for similarly for this reason Plaintiff’s lawsuit must be remanded for rehearing immediately, as well as, all other causes for rehearing defined herein.

Whistleblower Anderson, again, a seasoned Supreme Court of New York Attorney expert in ATTORNEY MISCONDUCT COMPLAINTS, presented corroborating evidence to this Court of Plaintiff’s allegations of Criminal Public Office conduct. Criminal misconduct, including but not limited to, violations of, Public Office Rules & Regulations, Attorney Conduct Codes and State & Federal Law by the offices of the New York Attorney General, the US Attorney, the District Attorney, the New York Supreme Court, the New York Supreme Court Disciplinary Departments and others. Anderson’s “Notice of Motion to Disqualifying the Office of the New York State Attorney General from Representation of Defendants” is located at the following URL’s, both fully incorporated by reference in entirety herein,

http://www.frankbrady.org/TammanyHall/Documents_files/CCA%20091410%20Filing.pdf

and

<http://iviewit.tv/wordpress/?p=391> .

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ALL APPLICABLE and RELEVANT ARGUMENTS regarding the Misconduct and ILLEGAL REPRESENTATIONS OF THE NEW YORK ATTORNEY GENERAL contained within the Anderson Motion to DISQUALIFY the ATTORNEY GENERAL from the Anderson Lawsuit, are wholly incorporated herein in entirety for consideration in this Motion to DISQUALIFY THE ATTORNEY GENERAL FROM THIS PROCEEDING. The New York Attorney General's Office and current and former members of the office already Defendants in these matters should remain in the case however, as Defendants only, and need now seek INDEPENDENT NON CONFLICTED Attorneys at Law to represent them in their PERSONAL and PROFESSIONAL capacities in the crimes alleged herein.

Anderson's Motion to DISQUALIFY the Attorney General for ILLEGAL REPRESENTATION in her Whistleblower Lawsuit and similar arguments contained in Plaintiff's Motion to Compel, show that New York State Funds and Resources are being used to ILLEGALLY to represent PUBLIC OFFICIALS in both their PERSONAL and Professional capacities. Clearly, STATE FUNDS used for personal legal representation violates Attorney Conduct Codes, Public Office Rules & Regulations, and State and Federal Law. Again, attempts by THIS COURT to continue to allow these ILLEGAL REPRESENTATIONS and THEFT of PUBLIC RESOURCES by STATE OFFICIALS, by failure to end the crime being committed in THIS COURT or failure to report the CRIMES as mandated by Law to Criminal Authorities, will result in ADDITIONAL CRIMINAL CHARGES AGAINST MEMBERS OF THIS COURT.

The Whistleblower Lawsuit of Christine C. Anderson exposes a multitude of CRIMINAL FELONY ACTIVITIES of PUBLIC OFFICIALS and COURT OFFICIALS directly related to the adjudication of this Lawsuit and several of the FINGERED PUBLIC OFFICIALS ARE SIMILARLY DEFENDANTS IN THIS LAWSUIT. Anderson's claims, include but are not limited to, allegations against Members of Prosecutorial State and Federal Agencies and the COURTS, who have been directly involved in alleged CRIMINAL ACTIVITY and are also DEFENDANTS in this RICO Lawsuit. Therefore, Plaintiff Demands this Lawsuit be REMANDED back to the US District Court for REHEARING, in conjunction with FULL INVESTIGATIONS OF ALL OF THE FOLLOWING AGENCIES whereby Anderson claimed Members of these State and Federal Agencies were part of the CRIMINAL CONSPIRACY TO OBSTRUCT JUSTICE,⁸³

⁸³ <http://exposecorruptessex.com/CourtInspectorGeneral.html>

November 1, 2009 To: Inspector General for NY Unified Court System at ig@courts.state.ny.us
Re: Intolerable corruption and criminal conduct in our Appellate Court Discipline by Terence Finnan and

<http://iviewit.tv/wordpress/?p=205>

Tuesday, October 27, 2009 Letter to Hon. Shira A. Scheindlin United States District Judge Daniel Patrick Moynihan
United States Courthouse 500 Pearl St. New York, NY 10007-1312

1. The Department of Justice – Office of the US Attorney General
2. The New York Attorney General Office
3. The District Attorney Office
4. The Assistant DA Office
5. Thomas Cahill, former Chief Counsel of the New York Supreme Court Disciplinary Department
6. Sherry Cohen, Deputy Chief Counsel of the New York Supreme Court Disciplinary Department
7. Naomi Goldstein, aka “The Cleaner,” (as defined by Anderson in Sworn Testimony in Federal Court) Deputy Chief Counsel of the New York Supreme Court Disciplinary Department
8. David Spokony, Deputy Clerk - New York Supreme Court Disciplinary Department
9. Catherine O’Hagan Wolfe, Former Clerk of the New York Supreme Court and now CLERK of this COURT, Defendant in this Lawsuit and former Defendant in Anderson’s Whistleblower Lawsuit and now material witness for Anderson
10. Justice Angela M. Mazzarel of the Appellate Division, New York Supreme Court Disciplinary Department
11. “Favored Law Firms” as defined by Anderson in Sworn Testimony in Federal Court yet left unidentified, and,
12. “Favored Lawyers”, as defined by Anderson in Sworn Testimony in Federal Court yet left unidentified

Anderson’s ALLEGATIONS OF FELONY MISCONDUCT by MEMBERS and representatives of these PUBLIC AGENCIES and the COURTS, whom are directly involved in Plaintiff’s RICO & ANTITRUST, constitute absolute cause to REMAND this Lawsuit back to the US District Court, to be IMMEDIATELY HEARD BY NON CONFLICTED PARTIES. Plaintiff also calls, as did Anderson, for the IMMEDIATE APPOINTMENT OF A FEDERAL MONITOR AS REQUIRED BY LAW, to oversight the day-to-day operations of the courts and those court actors named in this Lawsuit and the related lawsuits whom have been alleged accomplice to the crimes. This COURT’S failure to provide such GUARANTEE OF A CONFLICT FREE COURT and further attempts to ILLEGALLY BURY this Lawsuit will result in FURTHER CRIMINAL OBSTRUCTION and other FELONY CHARGES.

Finally, plaintiff has become in possession of Motions and Pleadings filed in the related case of Suzanne McCormick, which further defines the corruption in the courts. All arguments

Re: IVIEWIT LETTER TO US FED JUDGE SHIRA A. SCHEINDLIN RE CRIMINAL “WHISTLEBLOWER” ALLEGATIONS in Christine C. Anderson v. New York State et al. Docket 07cv09599 alleging Disciplinary Complaint Fixing by the “CLEANER” for US Attorneys, New York District Attorneys and ADA’s; Code of Conduct for US Judges Canon 3B(5), Protecting the People. Eliot I. Bernstein.
Both footnote references incorporated by reference in entirety herein.

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in the Exhibits #6, 7, 8, 9 and 10 are fully incorporated herein, and all relevant arguments in these five Exhibits are incorporated as arguments of Plaintiff as applicable.

V. REMAND AND REHEAR THIS LAWSUIT DUE TO THE NEW YORK STATE SUPREME COURT ATTORNEY WHISTLEBLOWER NICOLE CORRADO'S FELONY CRIMINAL ALLEGATIONS AGAINST SENIOR COURT OFFICIALS, PUBLIC OFFICIALS AND MORE AS ALREADY EVIDENCED HEREIN AND IN EXHIBIT

Remand for hearing this RICO Lawsuit based on new and damning evidence from Nicole Corrado, Esq., again, a expert in attorney Criminal and Ethical Misconduct Complaints who worked alongside Anderson in the New York Supreme Court, inside the Departmental Disciplinary Committee. In Corrado's Lawsuit, attached herein as an exhibit in Exhibit 2, again we find the Ethic Department at the New York Supreme Court involved in now in a Sexual Harassment case against the heads of the Ethics Department, yes this is the group responsible for Disciplining rogue Attorneys at Law and all of the ones licensed on Wall Street/Greed Street/Fraud Street. The highest outpost in legal regulation run by rapist and sexual predators and this is not the first time sex scandals have been alleged over the last several years.⁸⁴ Further, the lawsuit shows that similar to Anderson, ethical and honest employees who attempt to blow the whistle on the corruption are harassed, harangued and are fired or forced to take leave of the abuse, as is this case with Corrado. Corrado's Lawsuit shows a pattern and practice of abuse of anyone trying to expose the crimes of these so-called REGULATORS OF ATTORNEYS AT LAW, which act more as a mob style Attorney at Law Protection Racket, protecting any member of the bars which they control, who are on the "Favored Lawyers and Law Firm" list Anderson and Corrado both describe. There is not much more Plaintiff can say as to the disgusting UNETHICAL and ILLEGAL behavior of the New York Supreme Court Senior Officials named in Corrado's suit but that since many of the same people are Defendants in this case and the Anderson Whistleblower Lawsuit and their actions have perverted the related case of Anderson through THREATS ON A FEDERAL WITNESS and more that this Court must now remand for rehearing this Lawsuit due to the FEDERAL AND STATE FELONY OBSTRUCTIONS that blocked Due Process in all of these cases.

⁸⁴ "Sex Scandal at the Attorney Committee on Character & Fitness... The lid is off the cover-up of the recent sex scandal rocking the Committee on Character & Fitness at The New York State Supreme Court, Appellate Division, First Department on Madison Avenue." by Corrupt Courts Administrator, EXPOSE CORRUPT COURTS Thursday, June 28, 2007
<http://exposecorruptcourts.blogspot.com/2007/06/sex-scandal-at-attorney-committee-on.html>

VI. REMOVE AND REPORT ALL OTHER CONFLICTS OF INTEREST, VIOLATIONS OF PUBLIC OFFICE RULES, VIOLATIONS OF JUDICIAL CANNONS, ATTORNEY CONDUCT CODES AND STATE AND FEDERAL LAW, CURRENTLY IN PLACE IN THIS RICO LAWSUIT AND RELATED CASES, IN ORDER TO IMPART FAIR AND IMPARTIAL DUE PROCESS UNDER LAW

The Rehearings must be free from the start of ALL, Conflicts of Interest, Violations of Attorney Conduct Codes, Judicial Cannons and State & Federal Law of which there are many more violations currently in play with ALL ATTORNEYS AT LAW involved in this RICO Lawsuit, especially those that are represented by the New York Attorneys General. All these New York State Defendants illegal representation by the NY AG must instantly cease and further be reported to the proper CRIMINAL authorities. Conflicts and Violations of law have infected and poisoned these hearings from the start. Every Attorney at Law making representation in the Lawsuit have all acted in coordinated conspiracy to, Obstruct Justice, Deny Due Process and perpetrate never ending FRAUD ON THE COURTS, whereby once these Conflicts and Violations are removed, the FRAUD ON THE COURT will crumble and due process will be restored. The only sane course of action forward in this Lawsuit, as unraveling the Web of Conflicts currently at play is now impossible and further as Anderson has left a mystery for discovery of who these "FAVORED LAW FIRMS AND LAWYERS" are, is to now DISQUALIFY and REPLACE ALL ATTORNEYS AT LAW currently acting in ANY Capacity in this Lawsuit.

PRESCREENING and VETTING all new ATTORNEYS AT LAW, JUDGES, REGULATORS and any other Public Official for conflict, PRIOR to allowing any representations in this RICO Lawsuit on behalf of any parties, which is required notwithstanding all the evidence of Conflicts that exist already in their roles both as OFFICERS OF THIS COURT and as ATTORNEYS AT LAW.

VII. DEMAND THAT ALL PARTIES TO THIS LAWSUIT GOING FORWARD, INCLUDING BUT NOT LIMITED TO, COURT JUSTICES & OFFICIALS, ATTORNEYS AT LAW, PROSECUTORS, CLERKS, ETC. SIGN AFFIRMED CONFLICT OF INTEREST DISCLOSURES, IDENTICAL TO THE ONE ATTACHED HEREIN, ACKNOWLEDGING PERSONAL AND PROFESSIONAL LIABILITIES FOR ANY VIOLATION, PRIOR TO, ANY FURTHER ACTION BY ANYONE IN THIS RICO & ANTITRUST LAWSUIT.

Plaintiff is suing the New York State Supreme Courts, Members of the New York State Supreme Courts, Members of the New York State Bar Association, the New York State Bar

Association and therefore ANY MEMBER of these organizations is conflicted from hearing or representing this Lawsuit without conflict. Therefore, the Lawsuit should be free of any lawyers registered or members of the New York Courts or any other Agency that is a Defendant in these matters, as again, this would be further ILLEGAL CONFLICTS and Violations of Attorney Conduct Codes that act to OBSTRUCT JUSTICE and ILLEGALLY DENY PLAINTIFF DUE PROCESS RIGHTS.

VIII. DEMAND FOR JUSTICES OF THE SECOND CIRCUIT TO TURN THEMSELVES INTO STATE AND FEDERAL CRIMINAL AUTHORITIES TO ANSWER TO FILED CRIMINAL COMPLAINTS AGAINST THEM AND SERVED UPON THEM

PLAINTIFF DEMANDS THIS COURT REPORT THESE FELONY STATE AND FEDERAL CRIMES against, the Judges adjudicating this Lawsuit and all other Attorneys at Law named in this Lawsuit acting in conflict and violating law, including crimes committed and evidenced in the “related case” Lawsuits and Corrado’s Lawsuit. The crimes to be reported, include but are not limited to, FRAUD ON THE COURT, FEDERAL and STATE OBSTRUCTION OF JUSTICE, THREATS ON A FEDERAL WITNESS, RICO and more to all proper CRIMINAL AUTHORITIES for IMMEDIATE INVESTIGATION or face further Obstruction Charges by YOUR continued MISPRISION OF FELONY Offences and more. Justices and others named herein that are Members of the Court are obligated to turn themselves in for criminal investigation and prosecution regarding the Criminal Complaints filed against them for prosecution, in a fair and impartial court free of conflict.

IX. ALLEGED CRIMES ONGOING BY P. STEPHEN LAMONT ET AL. BOTH KNOWN AND UNKNOWN AND FRAUD ON THIS COURT, THE US DISTRICT COURT AND NOW OTHER COURTS INCLUDING THE SUPREME COURT AND MORE.

P. Stephen Lamont has no legal standing or basis in this RICO & ANTITRUST Lawsuit, as he failed to file individually and instead chose to file on Behalf of others, including Iviewit Shareholders. Where Lamont is not a licensed ATTORNEY AT LAW, as he failed to pass the Bar Exam, these acts are in Violation of Attorney Conduct Codes and Law, including fraudulently representing others and companies without ANY consent from the individuals or the companies, as already evidenced in multiple prior filings with this Court and the US District Court. This Court, the US District Court, the New York Attorney General and others formally notified of the continued crimes by Lamont ILLEGALLY ACTING AS AN ATTORNEY AT LAW IN THIS LAWSUIT, whereby Plaintiff awaits investigation results and where further Plaintiff is aware that those complaints filed at the New York Attorney General office have been

illegally derailed as described herein. Yet again, there is a failure of the courts and prosecutorial offices to follow law and ethics rules and report and/or investigate the felony crimes they have been notified of regarding Lamont, further constituting additional FRAUD ON THE COURTS, MISPRISION OF FELONIES, AIDING AND ABETTING, RICO AND MORE.

The following URL's regarding the CRIMINAL ACTIVITY of P. Stephen Lamont are incorporated entirely by reference herein,

June 18, 2009 Letter to New York Attorney General Andrew Cuomo and Steven Michael Cohen titled, "First Department Obstruction"

<http://iviewit.tv/CompanyDocs/United%20States%20District%20Court%20Southern%20District%20NY/20090618%20FINAL%20NYAG%20Steven%20Cohen%20Letter%20Re%20Lamont%20Signed.pdf>

and

Plaintiff's Motion to Compel filed with this Court,

<http://iviewit.tv/wordpress/?p=78#comment-24>

X. PLAINTIFF SEEKS LEAVE TO AMEND THE AMENDED COMPLAINT TO ADD NEW DEFENDANTS AND NEW ALLEGED CRIMES NEWLY DISCOVERED

Plaintiff will be seeking leave to amend the Amended Complaint to add all of the following New Crimes discovered against the RICO CRIMINAL ORGANIZATION:

1. War Crimes – The Coup/RICO CRIMINAL ORGANIZATION has plotted Illegal Wars of Aggression based on Lies and Deceit of the American People in order to Profit from such Un-American, Un-Patriotic and Illegal Activities, including but not limited to, War Profiteering, Controlled Market Demolitions and Oil Price Fixing,
2. Crimes Against Humanity - The Coup/RICO CRIMINAL ORGANIZATION in Illegally Waging Wars of Aggression based on Lies and Deceit of the American People that have illegally DETAINED, DENIED JURISPRUDENCE and TORTURED, tens of thousands of individuals in violation of State, Federal and International Law and Treatise, including but not limited to, the Geneva Conventions and Title 18 USC. The Coup/RICO CRIMINAL ORGANIZATION in Illegally Waging Wars of Aggression based on Lies and Deceit of the American People and have illegally MURDERED, MAIMED AND DISPLACED

MILLIONS of individuals in Foreign Nations and the United States, including EVERY SOLDIER MURDERED IN THESE ILLEGAL WARS, in violation of State, Federal and International Law and Treatise. Further, tens of thousands of those MURDERED and MAIMED in these ILLEGAL WARS of AGGRESSION are the United States and Foreign Nations FALLEN SOLDIERS who have been fighting these ILLEGAL WARS.

3. Economic Terrorism – Already discussed and evidenced herein.
4. Treason and Sedition– Already discussed and evidenced herein.

Plaintiff will also seek leave to amend this RICO and ANTITRUST Lawsuit to include new Defendants recently discovered and reported to State and Federal Law Enforcement in matters relating to this RICO.

XI. RELIEF

No relief is requested from the “so-called” Justices and Court Official currently handling this Lawsuit in violation of Law, other than to turn themselves in to the proper authorities for the multiple felonies identified herein that they have partaken in, including but not limited to, TREASON, VIOLATIONS OF JUS COGENS, WAR CRIMES, ECONOMIC CRIMES, EUGENICS CRIMES, VIOLATIONS OF JUDICIAL CANNONS, VIOLATIONS OF ATTORNEY CONDUCT CODES AND VIOLATIONS OF INTERNATIONAL, FEDERAL AND STATE LAW. Then PRAY for a lenient sentence in exchange, as I, Eliot Ivan Bernstein, will do for you.

From any new participants who wish to enter this Lawsuit going forward, the only relief requested prior to ANY other action is a signed Conflict of Interest Disclosure. In parting, to all of those who have acted in an ILLEGAL legal capacity as part of the RICO Criminal Cartel, violating law and ethics in this DIRTY COURT, desecrating the very words law and order, desecrating the country and all those who have died to give us our Liberty and Freedom, robbing, murdering and plundering hundreds of millions of PEOPLE worldwide through your WAR AND ECONOMIC CRIMES, beware, the gates of hell await you. As the 99%’ers see your crimes for what they are and that you have aided and abetted the criminals by failure to uphold the law and prosecute, they will demand Justice against you. When that Justice fails, as it has in this Lawsuit, you will next hear them march upon your dirty courts and prosecutorial offices. You will next hear the trumpet of the PEOPLE, chanting that they want back every red cent you have stolen from them with your criminal friends on WallStreet/GreedStreet/FraudStreet, pitchforks in hand, seeking Justice and recovery of the estimated 14-46 Trillion you have stolen from World

Markets. Know as you hear their boots upon your steps that Plaintiff fears no pity for your souls will they have, stripping you and yours of all earthly possessions and then your life, hopefully after fair and impartial trials in clean courts but either way your time comes, a black hole awaits you.

CONCLUSION

WHEREFORE, plaintiff respectfully requests that this Honorable Court **reopen the herein** case, appoint a federal monitor, schedule further proceedings including a new trial, and for a fair and impartial jury trial as the law may deem just and proper- **Justice demands no less.**

DECLARATION UNDER PENALTY OF PERJURY

The undersigned declares under penalty of perjury that he is the plaintiff in the above action, that he has read the above and that the information contained herein is true and correct, 28 U.S.C § 1746; 18 U.S.C § 1621.

Dated: New York, New York
July 26, 2012

Respectfully submitted,
Eliot Ivan Bernstein, *plaintiff, pro se*
2753 NW 34th St.
Boca Raton, FL 33434
(561) 245-8588
iviewit@iviewit.tv

To: The Office of the NYS Attorney General
120 Broadway, 24th floor
New York, New York 10271

AFFIRMATION OF SERVICE

I, hereby certify that a true and correct copy of the foregoing has been furnished to certain defendants this 26th day of July, 2012 through the Court ECF filing system and other Defendants will be served via US Mail, Email or Fax. The New York Attorney General will be served via the Court Approved ECF system as they are Opposing Counsel in this Lawsuit, as well as, a Defendant under the Amended Complaint.

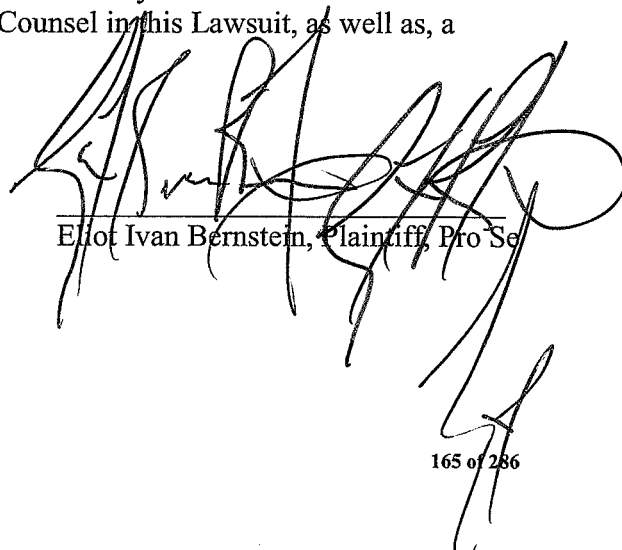

Eliot Ivan Bernstein, Plaintiff, Pro Se

EXHIBIT 1 - EXTENDED LIST OF DEFENDANTS

AND

**CONFLICT OF INTEREST DISCLOSURE PARTIAL LIST OF KNOWN
CONFLICTED PARTIES**

3788. Proskauer Rose, LLP; Alan S. Jaffe - Chairman Of The Board - ("Jaffe"); Kenneth Rubenstein - ("Rubenstein"); Robert Kafin - Managing Partner - ("Kafin"); Christopher C. Wheeler - ("Wheeler"); Steven C. Krane - ("Krane"); Stephen R. Kaye - ("S. Kaye") and in his estate with New York Supreme Court Chief Judge Judith Kaye ("J. Kaye"); Matthew Triggs - ("Triggs"); Christopher Pruzaski - ("Pruzaski"); Mara Lerner Robbins - ("Robbins"); Donald Thompson - ("Thompson"); Gayle Coleman; David George; George A. Pincus; Gregg Reed; Leon Gold - ("Gold"); Albert Gortz - ("Gortz"); Marcy Hahn-Saperstein; Kevin J. Healy - ("Healy"); Stuart Kapp; Ronald F. Storette; Chris Wolf; Jill Zammass; FULL LIST OF 601 liable Proskauer Partners; any other John Doe ("John Doe") Proskauer partner, affiliate, company, known or not known at this time; including but not limited to Proskauer ROSE LLP; Partners, Associates, Of Counsel, Employees, Corporations, Affiliates and any other Proskauer related or affiliated entities both individually and professionally;
3789. MELTZER, LIPPE, GOLDSTEIN, WOLF & SCHLISSSEL, P.C.; Lewis Melzter - ("Meltzer"); Raymond Joao - ("Joao"); Frank Martinez - ("Martinez"); Kenneth Rubenstein - ("Rubenstein"); FULL LIST OF 34 Meltzer, Lippe, Goldstein, Wolf & Schlissel, P.C. liable Partners; any other John Doe ("John Doe") Meltzer, Lippe, Goldstein, Wolf & Schlissel, P.C. partner, affiliate, company, known or not known at this time; including but not limited to Meltzer, Lippe, Goldstein, Wolf & Schlissel, P.C.; Partners, Associates, Of Counsel, Employees, Corporations, Affiliates and any other Meltzer, Lippe, Goldstein, Wolf & Schlissel, P.C. related or affiliated entities both individually and professionally;
3790. FOLEY & LARDNER LLP; Ralf Boer ("Boer"); Michael Grebe ("Grebe"); Christopher Kise ("Kise"); William J. Dick - ("Dick"); Steven C. Becker - ("Becker"); Douglas Boehm - ("Boehm"); Barry Grossman - ("Grossman"); Jim Clark - ("Clark"); any other John Doe ("John Doe") Foley & Lardner partners, affiliates, companies, known or not known at this time; including but not limited to Foley & Lardner; Partners, Associates, Of Counsel, Employees, Corporations, Affiliates and any other Foley & Lardner related or affiliated entities both individually and professionally;
3791. Schiffrin & Barroway, LLP; Richard Schiffrin - ("Schiffrin"); Andrew Barroway - ("Barroway"); Krishna Narine - ("Narine"); any other John Doe ("John Doe") Schiffrin & Barroway, LLP partners, affiliates, companies, known or not known at this time; including but not limited to Schiffrin & Barroway, LLP; Partners, Associates, Of Counsel, Employees, Corporations, Affiliates and any other Schiffrin & Barroway, LLP related or affiliated entities both individually and professionally;
3792. Blakely Sokoloff Taylor & Zafman LLP; Norman Zafman - ("Zafman"); Thomas Coester - ("Coester"); Farzad Ahmini - ("Ahmini"); George Hoover - ("Hoover"); any other John Doe ("John Doe") Blakely Sokoloff Taylor & Zafman LLP partners, affiliates, companies, known or not known at this time; including but not limited to Blakely Sokoloff Taylor & Zafman LLP; Partners, Associates, Of Counsel, Employees, Corporations, Affiliates and any other Blakely Sokoloff Taylor & Zafman LLP related or affiliated entities both individually and professionally;
3793. Wildman, Harrold, Allen & Dixon LLP; Martyn W. Molyneaux - ("Molyneaux"); Michael Dockterman - ("Dockterman"); FULL LIST OF 198 Wildman, Harrold, Allen & Dixon LLP liable Partners; any other John Doe ("John Doe") Wildman, Harrold, Allen & Dixon LLP partners, affiliates, companies, known or not known at this time; including but not limited to Wildman, Harrold, Allen & Dixon LLP; Partners, Associates, Of Counsel, Employees, Corporations, Affiliates and any other Wildman, Harrold, Allen & Dixon LLP related or affiliated entities both individually and professionally;

3794. Christopher & Weisberg, P.A.; Alan M. Weisberg - ("Weisberg"); any other John Doe ("John Doe") Christopher & Weisberg, P.A. partners, affiliates, companies, known or not known at this time; including but not limited to Christopher & Weisberg, P.A.; Partners, Associates, Of Counsel, Employees, Corporations, Affiliates and any other Christopher & Weisberg, P.A. related or affiliated entities both individually and professionally;
3795. YAMAKAWA INTERNATIONAL PATENT OFFICE; Masaki Yamakawa - ("Yamakawa"); any other John Doe ("John Doe") Yamakawa International Patent Office partners, affiliates, companies, known or not known at this time; including but not limited to Yamakawa International Patent Office; Partners, Associates, Of Counsel, Employees, Corporations, Affiliates and any other Yamakawa International Patent Office related or affiliated entities both individually and professionally;
3796. GOLDSTEIN LEWIN & CO.; Donald J. Goldstein - ("Goldstein"); Gerald R. Lewin - ("Lewin"); Erika Lewin - ("E. Lewin"); Mark R. Gold; Paul Feuerberg; Salvatore Bochicchio; Marc H. List; David A. Katzman; Robert H. Garick; Robert C. Zeigen; Marc H. List; Lawrence A. Rosenblum; David A. Katzman; Brad N. Mciver; Robert Cini; any other John Doe ("John Doe") Goldstein & Lewin Co. partners, affiliates, companies, known or not known at this time; including but not limited to Goldstein & Lewin Co.; Partners, Associates, Of Counsel, Employees, Corporations, Affiliates and any other Goldstein & Lewin Co. related or affiliated entities both individually and professionally;
3797. INTEL Corporation;
3798. Silicon Graphics Inc.;
3799. Lockheed Martin Corporation;
3800. Real 3D, Inc. (SILICON GRAPHICS, INC., LOCKHEED MARTIN & INTEL) & RYJO; Gerald Stanley - ("Stanley"); Ryan Huisman - ("Huisman"); RYJO - ("RYJO"); Tim Connolly - ("Connolly"); Steve Cochran; David Bolton; Rosalie Bibona - ("Bibona"); Connie Martin; Richard Gentner; Steven A. Behrens; Matt Johannsen; any other John Doe ("John Doe") Intel, Real 3D, Inc. (Silicon Graphics, Inc., Lockheed Martin & Intel) & RYJO partners, affiliates, companies, known or not known at this time; including but not limited to Intel, Real 3D, Inc. (Silicon Graphics, Inc., Lockheed Martin & Intel) & RYJO; Employees, Corporations, Affiliates and any other Intel, Real 3D, Inc. (Silicon Graphics, Inc., Lockheed Martin & Intel) & RYJO related or affiliated entities, and any successor companies both individually and professionally;
3801. Tiedemann Investment Group; Bruce T. Prolow ("Prolow"); Carl Tiedemann ("C. Tiedemann"); Andrew Philip Chesler; Craig L. Smith; any other John Doe ("John Doe") Tiedemann Investment Group partners, affiliates, companies, known or not known at this time; including but not limited to Tiedemann Investment Group and any other Tiedemann Investment Group related or affiliated entities both individually and professionally;
3802. Crossbow Ventures / Alpine Partners; Stephen J. Warner - ("Warner"); Rene P. Eichenberger - ("Eichenberger"); H. Hickman Hank Powell - ("Powell"); Maurice Buchsbaum - ("Buchsbaum"); Eric Chen - ("Chen"); Avi Hersh; Matthew Shaw - ("Shaw"); Bruce W. Shewmaker - ("Shewmaker"); Ravi M. Ugale - ("Ugale"); any other John Doe ("John Doe") Crossbow Ventures / Alpine Partners partners, affiliates, companies, known or not known at this time; including but not limited to Crossbow Ventures / Alpine Partners and any other Crossbow Ventures / Alpine Partners related or affiliated entities both individually and professionally;
3803. BROAD & CASSEL; James J. Wheeler - ("J. Wheeler"); Kelly Overstreet Johnson - ("Johnson"); any other John Doe ("John Doe") Broad & Cassell partners, affiliates, companies, known or not known at this time; including but not limited to Broad & Cassell and any other Broad & Cassell related or affiliated entities both individually and professionally;
3804. FORMER IVIEWIT MANAGEMENT & BOARD; Brian G. Utley/Proskauer Referred Management - ("Utley"); Raymond Hersh - ("Hersh"); Michael Reale - ("Reale")/Proskauer Referred Management; Rubenstein/Proskauer Rose Shareholder in Iviewit - Advisory Board; Wheeler/Proskauer Rose Shareholder in Iviewit - Advisory Board; Dick/Foley & Lardner - Advisory Board, Boehm/Foley & Lardner - Advisory Board; Becker/Foley & Lardner; Advisory Board; Joao/Meltzer Lippe Goldstein Wolfe & Schlissel - Advisory Board; Kane/Goldman Sachs - Board Director; Lewin/Goldstein Lewin - Board Director; Ross Miller, Esq. ("Miller"), Prolow/Tiedemann Prolow II - Board Director; Powell/Crossbow Ventures/Proskauer Referred Investor - Board Director; Maurice Buchsbaum - Board Director; Stephen Warner - Board Director; Simon L. Bernstein - Board Director ("S. Bernstein"); any other John Doe ("John Doe") Former Iviewit Management & Board partners, affiliates, companies, known or not known at this

- time; including but not limited to Former Iviewit Management & Board and any other Former Iviewit Management & Board related or affiliated entities both individually and professionally;
3805. FIFTEENTH JUDICIAL CIRCUIT - WEST PALM BEACH FLORIDA; Judge Jorge LABARGA - ("Labarga"); any other John Doe ("John Doe") FIFTEENTH JUDICIAL CIRCUIT - WEST PALM BEACH FLORIDA staff, known or not known to have been involved at the time. Hereinafter, collectively referred to as ("15C");
3806. THE SUPREME COURT OF NEW YORK APPELLATE DIVISION: FIRST JUDICIAL DEPARTMENT, DEPARTMENTAL DISCIPLINARY COMMITTEE; Thomas Cahill - ("Cahill"); Joseph Wigley - ("Wigley"); Steven Krane, any other John Doe ("John Doe") of THE SUPREME COURT OF NEW YORK APPELLATE DIVISION: FIRST JUDICIAL DEPARTMENT, DEPARTMENTAL DISCIPLINARY COMMITTEE staff, known or not known to have been involved at the time;
3807. THE FLORIDA BAR; Lorraine Christine Hoffman - ("Hoffman"); Eric Turner - ("Turner"); Kenneth Marvin - ("Marvin"); Anthony Boggs - ("Boggs"); Joy A. Bartmon - ("Bartmon"); Kelly Overstreet Johnson - ("Johnson"); Jerald Beer - ("Beer"); Matthew Triggs; Christopher or James Wheeler; any other John Doe ("John Doe") The Florida Bar staff, known or not known to have been involved at the time;
3808. MPEGLA, LLC. – Kenneth Rubenstein, Patent Evaluator; Licensors and Licensees, please visit www.mpegla.com for a complete list; Columbia University; Fujitsu Limited; General Instrument Corp; Lucent Technologies Inc.; Matsushita Electric Industrial Co., Ltd.; Mitsubishi Electric Corp.; Philips Electronics N.V. (Philips); Scientific Atlanta, Inc.; Sony Corp. (Sony); EXTENDED LIST OF MPEGLA LICENSEES AND LICENSORS; any other John Doe MPEGLA, LLC. Partner, Associate, Engineer, Of Counsel or Employee; any other John Doe ("John Doe") MPEGLA, LLC partners, affiliates, companies, known or not known at this time; including but not limited to MPEGLA, LLC and any other MPEGLA, LLC related or affiliated entities both individually and professionally;
3809. DVD6C LICENSING GROUP - Licensors and Licensees, please visit www.mpegla.com for a complete list; Toshiba Corporation; Hitachi, Ltd.; Matsushita Electric Industrial Co. Ltd.; Mitsubishi Electric Corporation; Time Warner Inc.; Victor Company Of Japan, Ltd.; EXTENDED DVD6C DEFENDANTS; any other John Doe DVD6C LICENSING GROUP Partner, Associate, Engineer, Of Counsel or Employee; any other John Doe ("John Doe") DVD6C LICENSING GROUP partners, affiliates, companies, known or not known at this time; including but not limited to DVD6C LICENSING GROUP and any other DVD6C LICENSING GROUP related or affiliated entities both individually and professionally;
3810. Harrison Goodard Foote incorporating Brewer & Son; Martyn Molyneaux, Esq. ("Molyneaux"); Any other John Doe ("John Doe") Harrison Goodard Foote (incorporating Brewer & Son) partners, affiliates, companies, known or not known at this time; including but not limited to Harrison Goodard Goote incorporating Brewer & Son and any other related or affiliated entities both individually and professionally;
3811. Lawrence DiGiovanna, Chairman of the Grievance Committee of the Second Judicial Department Departmental Disciplinary Committee;
3812. James E. Peltzer, Clerk of the Court of the Appellate Division, Supreme Court of the State of New York, Second Judicial Department; Diana Kearse, Chief Counsel to the Grievance Committee of the Second Judicial Department Departmental Disciplinary Committee;
3813. Houston & Shahady, P.A., any other John Doe ("John Doe") Houston & Shahady, P.A., affiliates, companies, known or not known at this time; including but not limited to Houston & Shahady, P.A. related or affiliated entities both individually and professionally;
3814. Furr & Cohen, P.A. any other John Doe ("John Doe") Furr & Cohen, P.A., affiliates, companies, known or not known at this time; including but not limited to Furr & Cohen, P.A. related or affiliated entities both individually and professionally;
3815. Moskowitz, Mandell, Salim & Simowitz, P.A., any other John Doe ("John Doe") Moskowitz, Mandell, Salim & Simowitz, P.A., affiliates, companies, known or not known at this time; including but not limited to Moskowitz, Mandell, Salim & Simowitz, P.A. related or affiliated entities both individually and professionally;
3816. The Goldman Sachs Group, Inc. ~~_____~~, ~~_____~~, Donald G. Kane ("Kane"); any other John Doe ("John Doe") The Goldman Sachs Group, Inc.


- partners, affiliates, companies, known or not known at this time; including but not limited to The Goldman Sachs Group, Inc. and any other related or affiliated entities both individually and professionally;
- 3817. David B. Simon, Esq. ("D. Simon");
 - 3818. Sachs Saxe & Klein, PA any other John Doe ("John Doe") Sachs Saxe & Klein, PA, affiliates, companies, known or not known at this time; including but not limited to Sachs Saxe & Klein, PA related or affiliated entities both individually and professionally;
 - 3819. Huizenga Holdings Incorporated any other John Doe ("John Doe") Huizenga Holdings Incorporated affiliates, companies, known or not known at this time; including but not limited to Huizenga Holdings Incorporated related or affiliated entities both individually and professionally;
 - 3820. Davis Polk & Wardell;
 - 3821. Ropes & Gray LLP;
 - 3822. Sullivan & Cromwell LLP;
 - 3823. Eliot I. Bernstein, ("Bernstein") a resident of the State of California, and former President (Acting) of Iviewit Holdings, Inc. and its affiliates and subsidiaries and the founder of Iviewit and principal inventor of its technology;
 - 3824. P. Stephen Lamont, ("Lamont") a resident of the State of New York, and former Chief Executive Officer (Acting) of Iviewit Holdings, Inc. and all of its affiliates and subsidiaries;
 - 3825. SKULL AND BONES; The Russell Trust Co.; Yale Law School;
 - 3826. Council on Foreign Relations;
 - 3827. The Bilderberg Group;
 - 3828. The Federalist Society;
 - 3829. The Bradley Foundation;

Please include in the COI check the defendants and any other parties in the legally related cases in New York District Court Southern District of New York to Docket No 07cv09599 Anderson v The State of New York, et al. - WHISTLEBLOWER LAWSUIT, including but not limited to;

- A. United States Court of Appeals for the Second Circuit 08-4873-cv
- B. (07cv11196) Bernstein et al. v Appellate Division First Department Disciplinary Committee, et al. - TRILLION DOLLAR LAWSUIT Defendants, in addition to those already listed herein, include but are not limited to;

- 3830. STATE OF NEW YORK;
- 3831. THE OFFICE OF COURT ADMINISTRATION OF THE UNIFIED COURT SYSTEM;
- 3832. STEVEN C. KRANE in his official and individual Capacities for the New York State Bar Association and the Appellate Division First Department Departmental disciplinary Committee, and, his professional and individual capacities as a Proskauer partner;
- 3833. ESTATE OF STEPHEN KAYE, in his professional and individual capacities;
- 3834. MATTHEW M. TRIGGS in his official and individual capacity for The Florida Bar and his professional and individual capacities as a partner of Proskauer;
- 3835. JON A. BAUMGARTEN, in his professional and individual capacities;
- 3836. SCOTT P. COOPER, in his professional and individual capacities;
- 3837. BRENDAN J. O'ROURKE, in his professional and individual capacities;
- 3838. LAWRENCE I. WEINSTEIN, in his professional and individual capacities;
- 3839. WILLIAM M. HART, in his professional and individual capacities;
- 3840. DARYN A. GROSSMAN, in his professional and individual capacities;
- 3841. JOSEPH A. CAPRARO JR., in his professional and individual capacities;
- 3842. JAMES H. SHALEK; in his professional and individual capacities;
- 3843. GREGORY MASHBERG, in his professional and individual capacities;
- 3844. JOANNA SMITH, in her professional and individual capacities;
- 3845. TODD C. NORBITZ, in his professional and individual capacities;
- 3846. ANNE SEKEL, in his professional and individual capacities;
- 3847. JIM CLARK, in his professional and individual capacities;
- 3848. STATE OF FLORIDA, OFFICE OF THE STATE COURTS ADMINISTRATOR, FLORIDA;
- 3849. FLORIDA SUPREME COURT;
- 3850. HON. CHARLES T. WELLS, in his official and individual capacities;

- 3851. HON. HARRY LEE ANSTEAD, in his official and individual capacities;
- 3852. HON. R. FRED LEWIS, in his official and individual capacities;
- 3853. HON. PEGGY A. QUINCE, in his official and individual capacities;
- 3854. HON. KENNETH B. BELL, in his official and individual capacities;
- 3855. THOMAS HALL, in his official and individual capacities;
- 3856. DEBORAH YARBOROUGH in her official and individual capacities;
- 3857. DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION – FLORIDA;
- 3858. CITY OF BOCA RATON, FLA.;
- 3859. ROBERT FLECHAUS in his official and individual capacities;
- 3860. ANDREW SCOTT in his official and individual capacities;
- 3861. PAUL CURRAN in his official and individual capacities;
- 3862. MARTIN R. GOLD in his official and individual capacities;
- 3863. SUPREME COURT OF NEW YORK APPELLATE DIVISION FIRST DEPARTMENT;
- 3864. CATHERINE O’HAGEN WOLFE in her official and individual capacities;
- 3865. HON. ANGELA M. MAZZARELLI in her official and individual capacities;
- 3866. HON. RICHARD T. ANDRIAS in his official and individual capacities;
- 3867. HON. DAVID B. SAXE in his official and individual capacities;
- 3868. HON. DAVID FRIEDMAN in his official and individual capacities;
- 3869. HON. LUIZ A. GONZALES in his official and individual capacities;
- 3870. SUPREME COURT OF NEW YORK APPELLATE DIVISION SECOND JUDICIAL DEPARTMENT;
- 3871. SUPREME COURT OF NEW YORK APPELLATE DIVISION SECOND DEPARTMENT DEPARTMENTAL DISCIPLINARY COMMITTEE;
- 3872. HON. A. GAIL PRUDENTI in her official and individual capacities;
- 3873. HON. JUDITH S. KAYE in her official and individual capacities;
- 3874. STATE OF NEW YORK COMMISSION OF INVESTIGATION;
- 3875. ANTHONY CARTUSCIELLO in his official and individual capacities;
- 3876. LAWYERS FUND FOR CLIENT PROTECTION OF THE STATE OF NEW YORK;
- 3877. OFFICE OF THE ATTORNEY GENERAL OF THE STATE OF NEW YORK;
- 3878. ELIOT SPITZER in his official and individual capacities, as both former Attorney General for the State of New York, and, as former Governor of the State of New York;
- 3879. ANDREW CUOMO in his official and individual capacities, as both former Attorney General for the State of New York, and, as current Governor of the State of New York;
- 3880. Steven M. Cohen in his official and individual capacities, as both former Chief of Staff for Attorney General Andrew Cuomo for the State of New York, and, as current Secretary to the Governor of the State of New York;
- 3881. Emily Cole, in her official and individual capacities, as an employee of Steven M. Cohen for the Governor Cuomo of the State of New York;
- 3882. COMMONWEALTH OF VIRGINIA;
- 3883. VIRGINIA STATE BAR;
- 3884. ANDREW H. GOODMAN in his official and individual capacities;
- 3885. NOEL SENDEL in her official and individual capacities;
- 3886. MARY W. MARTELINO in her official and individual capacities;
- 3887. LIZBETH L. MILLER, in her official and individual capacities;
- 3888. MPEGLA LLC; LAWRENCE HORN, in his professional and individual capacities;
- 3889. INTEL CORP.; LARRY PALLEY, in his professional and individual capacities;
- 3890. SILICON GRAPHICS, INC.;
- 3891. LOCKHEED MARTIN Corp;
- 3892. EUROPEAN PATENT OFFICE;
- 3893. ALAIN POMPIDOU in his official and individual capacities;
- 3894. WIM VAN DER EIJK in his official and individual capacities;
- 3895. LISE DYBDAHL in her official and personal capacities;
- 3896. DIGITAL INTERACTIVE STREAMS, INC.;
- 3897. ROYAL O’BRIEN, in his professional and individual capacities;


Emergency Motion

- 3898. HUIZENGA HOLDINGS INCORPORATED, WAYNE HUIZENGA, in his professional and individual capacities;
- 3899. WAYNE HUIZENGA, JR., in his professional and individual capacities;
- 3900. BART A. HOUSTON, ESQ. in his professional and individual capacities;
- 3901. BRADLEY S. SCHRAIBERG, ESQ. in his professional and individual capacities;
- 3902. WILLIAM G. SALIM, ESQ. in his professional and individual capacities;
- 3903. BEN ZUCKERMAN, ESQ. in his professional and individual capacities;
- 3904. SPENCER M. SAX, in his professional and individual capacities;
- 3905. ALBERTO GONZALES in his official and individual capacities;
- 3906. JOHNNIE E. FRAZIER in his official and individual capacities;
- 3907. IVIEWIT, INC., a Florida corporation;
- 3908. IVIEWIT, INC., a Delaware corporation;
- 3909. IVIEWIT HOLDINGS, INC., a Delaware corporation (f.k.a. Uview.com, Inc.);
- 3910. UVIEW.COM, INC., a Delaware corporation;
- 3911. IVIEWIT TECHNOLOGIES, INC., a Delaware corporation (f.k.a. Iviewit Holdings, Inc.);
- 3912. IVIEWIT HOLDINGS, INC., a Florida corporation;
- 3913. IVIEWIT.COM, INC., a Florida corporation;
- 3914. I.C., INC., a Florida corporation;
- 3915. IVIEWIT.COM, INC., a Delaware corporation;
- 3916. IVIEWIT.COM LLC, a Delaware limited liability company;
- 3917. IVIEWIT LLC, a Delaware limited liability company;
- 3918. IVIEWIT CORPORATION, a Florida corporation;
- 3919. IBM CORPORATION;

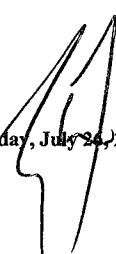
To be added New Defendants in the RICO & ANTITRUST Lawsuit through amendment or in any anticipated future litigations and criminal filings:

- o **Andrew Cuomo, in his official and individual capacities,**
- o **Steven M. Cohen, in his official and individual capacities,**
- o **Emily Cole, in her official and individual capacities,**
- o **Justice Richard C. Wesley in his official and individual capacities,**
- o **Justice Peter W. Hall in his official and individual capacities,**
- o **Justice Debra Ann Livingston in her official and individual capacities,**
- o **Justice Ralph K. Winter in his official and individual capacities,**
- o **P. Stephen Lamont, (Questions about Lamont's filings on behalf of others and more filed with criminal authorities and this Court notified of the alleged fraudulent activities of Lamont)**
- o **Alan Friedberg, in his official and individual capacities,**
- o **Roy Reardon, in his official and individual capacities,**
- o **Martin Glenn, in his official and individual capacities,**
- o **Warner Bros. Entertainment, (Already named in the lawsuit since the amended complaint filed)**
- o **Time Warner Communications, (Already named in the lawsuit since the amended complaint filed)**
- o **AOL Inc., (Already named in the lawsuit since the amended complaint filed)**
- o **Ropes & Gray,**
- o **Stanford Financial Group,**
- o **Bernard L. Madoff et al.**
- o **Marc S. Dreier, (Already named in the lawsuit since the amended complaint filed)**
- o **Sony Corporation, (Already named in the lawsuit since the amended complaint filed)**
- o **Ernst & Young, (Already named in the lawsuit since the amended complaint filed)**
- o **Arthur Andersen, (Already named in the lawsuit since the amended complaint filed)**
- o **Enron, (Already named in the lawsuit since the amended complaint filed)**
- o **Mulrooney Volvo**

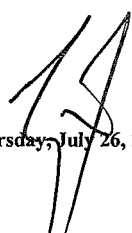
- Volvo Car Corporation
- AT&T (Already named in the lawsuit since the amended complaint filed)
-

C. Other Cases @ US District Court - Southern District NY Related to Christine C. Anderson

- 07cv09599 Anderson v The State of New York, et al. - WHISTLEBLOWER LAWSUIT;
- 07cv11196 Bernstein, et al. v Appellate Division First Department Disciplinary Committee, et al.;
- 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.;
- 08cv04053 Gizella Weisshaus v The State of New York, et al.;
- 08cv04438 Suzanne McCormick v The State of New York, et al.
- 08cv06368 John L. Petreci/Tolino v. The State of New York



**EXHIBIT 2- ANDERSON MOTION TO RE-OPEN AND REHEAR AND
CORRADO LAWSUIT**

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Thursday, July 26, 2012

Emergency Motion

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CCA
copy

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

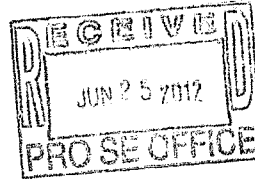
Christine C. Anderson,
Plaintiff,

- against -

THOMAS J. CAHILL, SHERRY K. COHEN,
and DAVID SPOKONY,
Defendants.

07-cv- 09599 (SAS)

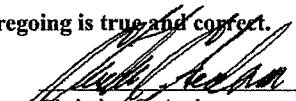
Amended
Notice of Motion



PLEASE TAKE NOTICE that upon the annexed affirmation of Christine C. Anderson, affirmed on June 25, 2012, and upon the exhibits attached thereto, and all the pleadings herein, plaintiff will move this Court, before the Hon. Shira A. Scheindlin, United States District Judge, for an order pursuant to Rule 40 60 (b) and (d)(3) of the Federal Rules of Civil Procedure, *inter alia*, reopening the herein case, appointing a federal monitor, scheduling further proceedings including a new trial, and for a fair and impartial jury trial as the law may deem just and proper.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: June 25, 2012
New York, New York


Christine C. Anderson, *pro se*
227 Riverside Drive
New York, New York 10025
917-817-7170 tel

TO: The Office of the NYS Attorney General
120 Broadway, 24th floor
New York, New York 10271

Thursday, July 26, 2012

Emergency Motion

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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

Christine C. Anderson

Plaintiff,

- against -

Doc. No. 07-cv- 09599 (SAS)

THOMAS J. CAHILL, SHERRY K. COHEN,
and DAVID SPOKONY

Amended
**Affirmation
in Support of Motion
To Reopen**

Defendants.

I, Christine C. Anderson, make the following affirmation under penalties of perjury:

I, Christine C. Anderson, am the plaintiff in the above entitled action, and respectfully move this court to issue an order granting a new trial pursuant to F.R.C.P. 60 (b) and (d)(3), *inter alia*.

The reasons why I am entitled to the relief I seek are the following:

1. This Court should be brought to the realization, in its full entirety, of the knowing cruelty meted out to myself, when the state court consented to terminate my employment of six and one-half years. This Court should be cognizant of the fact of my employment record lauded with glowing evaluations over that time.

2. This injustice has left me blacklisted by the legal profession. Unable to obtain employment in my field, I, a two-time cancer survivor, am essentially destitute.

3. I was unjustly deprived of health and other benefits and forward pension and social security sums, since my termination in June of 2007, thus further aggravating the state of penury to which I have been reduced.

4. Plaintiff moves for the herein relief on the extraordinary and newly discovered basis of the fact that a witness in plaintiff's herein district court case, a defendant-employed attorney Nicole Corrado, has filed a federal lawsuit in the Eastern District of New York, *Corrado v. The New York State Unified Court System (EXHIBIT "A" - EDNY 12cv1748)* now corroborating the fact that she was threatened as a witness in plaintiff's trial. (See attached *Corrado* complaint at paragraphs 27-31) Ms. Corrado was so chilled by the deliberate witness tampering that she did not testify in plaintiff's district court trial. In the interest of justice, this illegal atrocity must be corrected.

5. The confirmation of witness tampering by defendants in this matter, and as supported by the recent Corrado filing, is such a miscarriage of justice so to require this Honorable Court to reopen the case and schedule a new trial, *inter alia*.

6. This Court must insure that any plaintiff such as myself can have a fair trial without witness tampering or such threats upon witnesses so as to prevent their testimony for the court or jury. Corrado's recent filing in the Eastern District fully supports the fact that the defendants acted improperly so to defraud the Honorable Court and plaintiff.

7. The "interests of justice" clearly requires a new trial. See e.g., *Fort Howard Paper Co. v. Standard Havens, Inc.*, 901 F.2d 1373, 1379 (7th Cir. 1990) (affirming grant of new trial after a three-week jury trial).



Emergency Motion

8. This newly-discovered evidence from the *Corrado case*, only filed April 10, 2012, clearly shows that plaintiff's witness, attorney Nicole Corrado, was threatened and chilled into not testifying at plaintiff's trial- a manifest attack on our system of law and a clear denial of plaintiff's right to a fair trial.

The Clear Need For a New Trial

9. Witness tampering cannot be condoned or left uncorrected. The *Corrado* filing now shows plaintiff's denial of due process and equal protection guarantees, and right to a fair and impartial trial. See *Snyder v. Massachusetts*, 291 U.S. 97, 105 (1934) ("if a practice or rule offends some principle of justice so rooted in the traditions and conscience of our people as to be ranked as fundamental") and *Eldridge v. Williams*, 424 U.S. 319 335 (1974).

10. In fact, federal law again mandates that a special prosecutor be substituted into this case over defendants' "ethics" entities.

11. Plaintiff's allegations of systemic discrimination and retaliation, now supported by the newly filed *Corrado case*, have substantial impact on the public, the bench and bar, and can no longer be ignored, or left unaddressed by this District Court.

12. Plaintiff's trial, it is now revealed by the *Corrado* filing, left plaintiff with a lawless burden that could never be overcome- that a witness had been threatened, and to an extent to insure that no trial testimony would be given. This, at a minimum, warrants the reopening of the herein case and the scheduling of a new trial.

13. The unfair burden of witness tampering and threats on witnesses in plaintiff's federal proceeding is made even more outrageous by the fact that the threat was made by an attorney-supervisor of the defendant-state's "ethics" committee.

A handwritten signature in black ink, appearing to be a stylized name, possibly 'L. Williams', written over the words 'Emergency Motion'.

14. A court is under a continuing obligation to supervise the members of its 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). 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).

15. 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 applicable disciplinary rules, 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).

16. Importantly, Courts have an obligation to report and order investigation into official and at times criminal misconduct. This is a duty of a Court.

17. This Honorable Court is now obligated to report allegations in plaintiff's case involving threats on a witness in a federal proceeding, and as now supported by Corrado, to federal law enforcement.

18. The new *Corrado* evidence further established that in the view of the District Court, Defendant Cahill, the head officer of the DDC and the supervisor of the other defendants, had full knowledge of the practice of whitewashing as alleged by plaintiff, and that led to the parallel conclusion that whitewashing was accepted as a common practice by the defendants, and presumably other staff members of the DDC. It is now fully revealed by *Corrado* that the unlawful acts also include physical threats on witnesses in federal proceedings.

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19. A further source of concern to this Court should be that Corrado supported plaintiff's charges of harassment and retaliation. The plaintiff charged that she was singled out for disparate treatment and ultimately illegally terminated after internally reporting the practice of whitewashing of cases to defendants Cahill and Cohen. Plaintiff was physically assaulted in her office by defendant Cohen, a fact admitted by Cohen. That physical abuse by Cohen never resulted in her demotion or transfer. However she was ordered by the New York State Office of Court Administration ("OCA") to attend an anger management course. That failure to discipline served only to embolden Cohen's daily harassment of plaintiff.

20. By preempting Corrado's testimony at trial, she was effectively silenced in attesting to the harassment and retaliation meted out to myself, a fate that she also later was subjected to.

The Witness Tampering – Threat on Witness - in a Plaintiff's Federal Proceeding

MUST BE ADDRESSED

21. It is now established that in August of 2008, one of the plaintiff's witnesses, DDC staff attorney Nicole Corrado, was threatened. Two days prior to her deposition testimony, state employee, and DDC Deputy Chief Counsel, Andral N. Bratton, and who had been her immediate supervisor for approximately 5 years, confronted Corrado. Bratton advised Corrado that in 2007 he had admitted himself into a psychiatric hospital for serious emotional problems, that he had "suicidal tendencies," and that he was "warning" her accordingly. When Corrado asked Bratton why he was warning her, Bratton simply repeated several times in a very serious and stern tone by saying, "I'm just warning you."

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22. Following Corrado's deposition testimony on August 21, 2008, Bratton's behavior toward Corrado became more harassing, troubling, frightening and threatening as he began to follow her inside and outside of the state office where they both worked. Corrado subsequently reported these serious issues to DDC chief counsel Allan Friedberg, who took no requisite action.

23. Plaintiff's former counsel, John Beranbaum, was also chilled by intimidation. He advised the court, and by copy, the Attorney General, of this incident in a letter to the court dated October 24, 2008. In the Beranbaum submission, it was made clear to the court and the Attorney General that Ms. Corrado was given a "warning" about the testimony she was to give at the deposition[,] and further advised that "Ms. Corrado is very upset about the entire experience." But Ms. Corrado was so chilled by the threat upon her as a witness in this proceeding that she did not personally come forward until recently by her Eastern District filing.

24. As a result of the threat made upon her in plaintiff's case, Nicole Corrado could only come forward, and the full facts were to be known to plaintiff by her federal filing on April 10, 2012. Corrado could only come forward after the three defendants had left the DDC and thus no longer a daily source of harm to Corrado.

25. Plaintiff's former attorney was also chilled by the threat upon Corrado but could not rely on Corrado's testimony of the threat upon her as a witness because she was so frightened. Mr. Beranbaum was barely able to again raise the issue on the record four days later on October 30, 2008. (See **Exhibit, "B"** – Transcript of October 30, 2008 hearing, Page 26 (lines 17-25), and page 27 (lines 1-8). The court, in responding to the letter advising of the alleged

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threat on plaintiff's witness, commented, "You [Mr. Beranbaum] seem to want to tell me something or report it to me. Okay. You report it to me." Mr. Beranbaum was so chilled that he was left speechless, unable to demand the Ms. Corrado be summoned before the court for a hearing on the matter.

26. It is plaintiff's belief that the court had an obligation to report the matter to federal agents and, further, to interview Ms. Corrado concerning the incident. In addition, the Attorney General also had such an obligation as the state's top enforcer of the law.

27. Plaintiff believes she has been severely prejudiced by the threat upon her witness, Ms. Corrado, and, as the court and Attorney General were aware, Ms. Corrado did not appear as a witness in this proceeding. Only now, through Corrado's EDNY filing on April 10, 2012, are the full details known.

**Physical Threats on a Witness, Then Offers of
Reimbursement to Involved Counsel**

28. Plaintiff is aware that counsel within the Office of the New York Attorney General's office offered to "fully" compensate Mr. Beranbaum for ALL of his legal fees, expenses, etc., if plaintiff settled her case. While plaintiff is unaware of the exact timing of when the compensation offer, believed to be between \$120,000.00 and \$150,000.00, was actually made, there was no offer of any compensation to plaintiff.

29. Plaintiff is, and always has been, deserving of a constitutionally protected right to a fair and impartial trial. This denial of basic rights must now meet correction, in the interest of justice.

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CONCLUSION

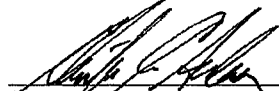
WHEREFORE, plaintiff respectfully requests that this Honorable Court **reopen the herein case**, appoint a federal monitor, schedule further proceedings including a new trial, and for a fair and impartial jury trial as the law may deem just and proper- **Justice demands no less**.

DECLARATION UNDER PENALTY OF PERJURY

The undersigned declares under penalty of perjury that she is the plaintiff in the above action, that she has read the above and that the information contained herein is true and correct, 28 U.S.C. § 1746; 18 U.S.C § 1621.

Dated: New York, New York
June 25, 2012


Respectfully submitted,

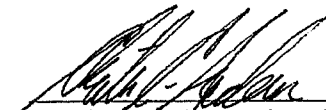


Christine C. Anderson, *plaintiff, pro se*
227 Riverside Drive
New York, New York 10025
917-817-7170 tel

TO: The Office of the NYS Attorney General
120 Broadway, 24th floor
New York, New York 10271

AFFIRMATION OF SERVICE

 I hereby certify that a true and correct copy of the foregoing has been furnished to defendants this 25th day of June, 2012, by U.S. Priority Mail # 0300 6000 0002 1518 9674 to: The Office of the NYS Attorney General, 120 Broadway, 24th floor, New York, New York 10271.



Christine C. Anderson, *plaintiff, pro se*



ORIGINAL

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
NICOLE CORRADO,

Plaintiff,

-against-

NEW YORK STATE UNIFIED COURT SYSTEM,

Defendants.
-----X

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ APR 10 2012 ★

LONG ISLAND OFFICE

COMPLAINT

Docket No.:

SUMMONS ISSUED

CV 12-1748

NICOLE CORRADO ("Plaintiff"), by and through her attorneys, The Law Office of BORRELLI & ASSOCIATES, P.L.L.C., alleges upon knowledge as to herself and her own actions and upon information and belief as to all other matters as follows:

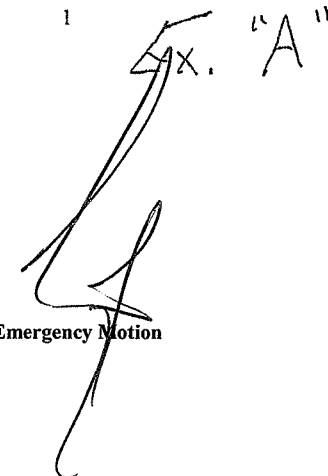
NATURE OF CASE

This is a civil action based upon violations committed by Defendant, NEW YORK STATE UNIFIED COURT SYSTEM ("Defendant"), of Plaintiff's rights guaranteed by: (i) Title VII of the Civil Rights Act of 1964, as amended ("Title VII") and (ii) any other cause(s) of action that can be inferred from the facts set forth herein.

PRELIMINARY STATEMENT

Plaintiff is an attorney and an employee of the State of New York Unified Court System, since November 2001. Between the years of 2003 through 2009, Defendant subjected Plaintiff to discrimination and harassment on the basis of her gender. Specifically, Defendant repeatedly made unwanted sexual advances, inappropriate sexual comments and sexual overtures to Plaintiff, as well as subject Plaintiff to an unwelcome and toxic work environment by exposing her to continued unlawful behavior of a sexual nature from two males in positions of authority

IRIZARRY, J.
CO.

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"A"


and supervision over the Plaintiff. When Plaintiff complained to Defendant, her claims were referred to the Office of the Inspector General for the Unified Court System ("OIG"). Once the investigation was completed, Defendant engaged in a pattern of retaliation against the Plaintiff by assigning her an unrealistic work load, unfair evaluations and subjecting Plaintiff to constant scrutiny, criticism and ridicule, forcing Plaintiff to take an unplanned and unwanted two year leave of absence at the height of her professional career, foregoing opportunities for career advancement.

JURISDICTION AND VENUE

1. The jurisdiction of this Court is invoked pursuant to 28 U.S.C. § 1331. The supplemental jurisdiction of the Court is invoked pursuant to 28 U.S.C. § 1367 over all state and local law causes of action.
2. Venue is appropriate in this court pursuant to 28 U.S.C. § 1391(b) (1), as one or more of the defendants resides within this judicial district.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

3. Plaintiff filed a "Charge of Discrimination" against Defendant with the Equal Employment Commission ("EEOC), EEOC Charge No. 520-2009-03816, on May 29, 2009, based on sexual harassment discrimination, religious discrimination and retaliation. On January 11, 2012, EEOC issued Plaintiff a "Dismissal and Notice of Suit Rights." Plaintiff timely filed the instant matter within 90 days of receiving that letter.

PARTIES

4. At all relevant times herein, Plaintiff is a resident of the State of New York, County of Queens.
5. At all relevant times herein, Plaintiff is female.

A large, stylized handwritten signature in black ink, appearing to be the name 'L. A.', is written over the text of item 5.

6. At all relevant times herein, Plaintiff is an attorney, employee and a qualified person to work under the definition of Title VII.
7. At all relevant times herein Unified Court System ("Defendant") is the official name of the judicial system of New York in the United States, with offices and Court houses all over the state of New York in each and every county. Defendant functions under the Chief Judge of the New York Court of Appeals and Defendant oversees all legal actions brought in the state of New York.
8. At all times relevant herein, Defendant appointed an independent Committee, known as the Departmental Disciplinary Committee ("DDC") comprised of lawyers and non-lawyers to handle complaints of a disciplinary nature against lawyers whose offices are in Manhattan or the Bronx. DDC's office and place of business is located at First Judicial Department 61 Broadway, 2nd Floor New York, New York.
9. At all times relevant herein, Plaintiff worked at the Defendant's office within the DDC located at 61 Broadway, 2nd Floor New York, New York 10006.
10. At all relevant times herein, Defendant was an "employer" that "employs" at least 15 "employees" within the meaning of Title VII.

BACKGROUND FACTS

11. Plaintiff commenced her employment with Defendant on November 8, 2001.
12. Plaintiff was initially hired as an Associate Attorney and then as a result of her hard work and dedication to her cases was promoted to the Role of Principal Attorney in 2006.

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13. As Principal Attorney, Plaintiff's responsibilities remained the same as those of an Associate attorney in that she investigated and litigated disciplinary matters involving attorneys with offices in Manhattan and the Bronx.
14. In or around 2002, Andral Bratton became Plaintiff's immediate Supervisor.
15. From 2003 until 2008, while supervising Plaintiff, Bratton admitted to developing a strong sexual attraction for Plaintiff resulting in frequent comments about his desire to have an intimate relationship with her, and later admitted during a subsequent investigation conducted by the OIG that he wanted to be in a relationship with Plaintiff and that he was "foolish as hell for crossing an emotional boundary with Plaintiff."
16. From 2003 until 2008, Bratton continuously subjected Plaintiff to a hostile work environment by engaging in the activity including but not limited to: making numerous inappropriate and unwelcomed comments filled with sexual innuendos to Plaintiff; frequently calling her at home in the evening and on week-ends subtly expressing his sexual desire for her and threatening her job if she did not return his affections.
17. Each comment Bratton made as stated above was sexual in nature and uttered for the purpose of either requesting sexual favors or for personal sexual gratification.
18. Specifically, during the course of his supervision of Plaintiff, Bratton would make statements such as "I feel like someone had ripped into my chest and ripped my heart out and stomped it to the floor" because he was married and wanted to have an extra-marital affair with Plaintiff.
19. On numerous occasions Bratton would scan Plaintiff up and down with lust in his eyes. On one occasion Plaintiff was wearing a loose sweater that slightly exposed her shoulder, Bratton remarked, "With you Nicole a little skin showing goes a long way."

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20. On another occasion, in response to Plaintiff objecting to Bratton's conduct and asking him to conduct himself in an appropriate manner, because Plaintiff was uncomfortable with his numerous advances, Bratton responded in sum and substance that he felt like a "loaded pistol" in describing his compelling attraction to the Plaintiff.
21. On numerous occasions when Plaintiff discouraged him from making sexually charged remarks, Bratton, aware of the power he held as her supervisor would state, "You *need* to be nice to me."
22. Bratton would also repeatedly call Plaintiff on the phone on random nights expressing his desire for her, in that he wanted her attention and needed to be close to her. In distressed tones he would often state, "I have no one else to turn to" further demonstrating his constant need to be in contact with Plaintiff.
23. At no time did Plaintiff ever share or return any of Bratton's feelings and frequently expressed to him that his comments, sexual innuendos and lustful gazes were inappropriate and made her exceedingly uncomfortable.
24. In or about June of 2007 as a result of Bratton's, at times daily comments, continued demand for attention from Plaintiff and numerous phone calls during and after work hours and on week-ends, Plaintiff requested to be transferred to another supervisor.
25. Shortly after Plaintiff's transfer request, Bratton took a leave of absence from Defendant's employ for several months, returning in August 2007.
26. Upon Bratton's return to the office Plaintiff kept her distance and avoided contact with him.

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27. In or around June of 2008, Defendant learned Plaintiff would be testifying as a non-party witness in a civil action against Defendant which alleged racial discrimination and other improper conduct on the part of Defendant and its supervisors.
28. In or around June of 2008, in retaliation for Plaintiff agreeing to provide corroborating testimony in the aforementioned discrimination suit, Alan Friedberg, the Division Chief, began closely monitoring Plaintiff's conduct and writing memos reflecting negative comments concerning Plaintiff's productivity and work practices in her file, while not disclosing said memos to Plaintiff.
29. In or around August 2008, approximately two days prior to Plaintiff testifying in the discrimination case against Defendant, Bratton approached Plaintiff in her office and informed her that in 2007, as a result of her rejecting him, he admitted himself into the psychiatric ward at St. Vincent's hospital for "severe depression and suicidal tendencies" and that he was warning her accordingly. When Plaintiff asked Bratton what he meant, Bratton stated in response, "I am just warning you" while staring intensely at the Plaintiff.
30. On or around August 21, 2008, Plaintiff gave testimony against Defendant in the discrimination lawsuit.
31. On or about September 17, 2008, in response to Bratton's warning, and in fear for her safety, Plaintiff reported Bratton's long pattern of sexual harassment and now threatening behavior to Friedberg. Plaintiff also reported Vincent Ranieri's pattern of sexual harassment against her that she had experienced from 2003 to 2008.

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32. During 2003-2008, Defendant employed Raniere as the Chief Investigator at DDC, having supervisory authority over cases being investigated by Defendant and the internal office operations.
33. From 2004 through 2008, Raniere would repeatedly make statements to Plaintiff such as "I can force you to be with me if I want to" and "I can take care of you in other ways, even if I can't take care of you sexually."
34. Raniere also made statements like you don't need anyone but me, as well as commenting on Plaintiff's clothes and appearance and would often state how good she looked in her clothes and how well she wore them.
35. Raniere would also state that he dreamed of Plaintiff at night, and that he would awake at night thinking of Plaintiff.
36. Raniere repeatedly called Plaintiff to say "I love you" and "I miss you."
37. Each comment Raniere made was sexual in nature and uttered for the purpose of either requesting sexual favors or for personal sexual gratification.
38. Raniere also forcibly and repeatedly kissed Plaintiff on several occasions on the mouth without her consent. Raniere also frequently touched Plaintiff's hair and face, while expressing a desire to be in an intimate relationship with Plaintiff.
39. At no time did Plaintiff ever share or return any of Raniere's feelings and frequently expressed to him that his sexual comments, inappropriate touching and kissing made her extremely uncomfortable.
40. In spite of Plaintiff reporting both Bratton and Raniere's sexual harassment of her, Friedberg only selectively documented Plaintiff's allegations of sexual harassment involving Mr. Bratton to the OIG.

A handwritten signature in black ink, appearing to be the initials 'LH' or similar, written in a cursive style.

41. From September 2008 thru October 2008, the OIG conducted an investigation into Plaintiff's allegations solely in relation to Bratton.
42. During the investigation Bratton admitted to making comments where he expressed his desire and attraction to the Plaintiff and described himself as "crossing an emotional boundary with Plaintiff," and that he had become "smitten" with Plaintiff.
43. Coincidentally, during the OIG investigation, Friedberg, made few if any notations and/or wrote any adverse memos to Plaintiff's personnel file.
44. Once the OIG investigation ended, in or about October of 2008, Friedberg in retaliation to Plaintiff's complaint significantly intensified his monitoring of Plaintiff, at times making daily adverse notations about the Plaintiff in her personnel file.
45. Although a seven year veteran of Defendant's office, and a former prosecutor and criminal defense attorney, Friedberg began ridiculing Plaintiff, criticizing Plaintiff's investigative and litigation skills and techniques.
46. Upon the conclusion of OIG's investigation and in spite of Bratton's admissions, and Defendant's conclusion that Bratton "engaged in inappropriate conduct as Plaintiff's Supervisor" with the Plaintiff, they decided to merely transfer him to another unit with the same salary and benefits.
47. On or about that same time, Friedberg also informed Plaintiff that Bratton would still be permitted unrestricted access to her department and that she should just "avoid" him.
48. Subsequent to the OIG's finding of impropriety, Bratton appeared, without reprimand, at Plaintiff's office on several occasions without prior notice to the Plaintiff, not withstanding her request for such notice.

A handwritten signature in black ink, appearing to be the name 'L. Friedberg', written over a horizontal line.

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49. From October of 2008 thru August of 2009, Plaintiff became increasingly anxious and distressed and feared for her safety and the safety of her child, as a result of the contact she was subjected to from Bratton, Raniere and the relentless, scrutiny and ridicule she received from Friedberg.
50. In May of 2009, Plaintiff filed EEOC charges against Defendant and included years of sexual harassment that she also experienced from Raniere.
51. In or around October of 2008, during the OIG investigation, Friedberg admitted to being aware of Raniere's inappropriate comments to other females in the office; however Defendant never did anything to reprimand Raniere or take any type of disciplinary action against him.
52. In or around July of 2009, in spite of Plaintiff's pending allegations against Raniere, Defendant instructed Plaintiff that all investigations must go through Raniere and thus mandated that Plaintiff have continued contact with Raniere.
53. In or around July 2009, Friedberg further increased his monitoring of Plaintiff's activities and repeatedly ordered her to attend a work related counseling session threatening her with job termination if she failed to comply.
54. From January of 2009 through July 2009, Defendant also assigned Plaintiff unreasonable workloads and constantly criticized the manner in which she handled her cases.
55. From January 2008 thru July of 2009, Plaintiff became increasingly anxious, distressed and suffered extreme emotional pain, loss of appetite and numerous bouts of insomnia as a result of Defendant's acts of sexual harassment and then subsequent retaliation.

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56. On August 24, of 2009, as a result of the anxiety and emotional distress Plaintiff experienced as a result of Defendant's conduct, Plaintiff took an unpaid leave of absence during the height of her career, which lasted two years and resulted in Plaintiff losing the opportunities to apply for administrative positions commensurate with her experience.
57. In or around August 2011, Plaintiff, returned to work for the Defendant, once all of the above named individuals had either resigned or retired.
58. In 2008, Plaintiff retained the services of an attorney with offices in New York City to represent her in a Supreme Court civil action involving a property issue (Corrado v. East End Pool & Hot tub, James King et al Index # 22430/2005).
59. While Plaintiff's civil matter was pending and subsequent to Plaintiff's EEOC charge of sexual harassment and retaliation, in August 2009, Defendant initiated an investigation unrelated to her underlying civil action against her attorney involving serious ethical charges of bribery and forgery.
60. In May of 2010, Plaintiff's attorney in the underlying civil action abruptly withdrew as Plaintiff's counsel and her case of five years was subsequently dismissed and she was ultimately forced to settle her case for a fraction of its value.
61. In May 2010, all of the serious ethical charges against Plaintiff's attorney initiated by Defendant that would normally result in formal disciplinary action were also dismissed.
62. At no time during the disciplinary action against Plaintiff's attorney or any time thereafter did Plaintiff's attorney disclose to plaintiff that he was the subject of a disciplinary investigation by Defendant.

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63. At no time during the disciplinary action against Plaintiff's attorney or any time thereafter did Defendant disclose to Plaintiff any of Defendant's investigation of her attorney's disciplinary action, violating the rules of professional conduct.

FIRST CLAIM AGAINST DEFENDANT
(Sexual Harassment Discrimination and Retaliation under Title VII)

64. Plaintiff repeats, reiterates and re-alleges each and every allegation set forth above with the same force and effect as if more fully set forth herein.

65. Title VII prohibits discrimination in the terms, conditions, and privileges of employment on the basis of an individual's gender and sex also prohibits retaliation against individuals who in good faith complain about discriminatory practices to which they have been subjected.

66. Defendant, as described above, discriminated against Plaintiff in violation of Title VII by taking adverse employment actions against Plaintiff because of her gender.

67. Defendant retaliated against Plaintiff in violation of Title VII for Plaintiff having in good faith opposed Defendant's discriminatory practices by taking the various adverse employment actions described above against her.

68. As a result of Defendant's discriminatory acts, Plaintiff has suffered and will continue to suffer substantial losses, including loss of past and future earnings and other employment benefits, and has suffered other monetary damages and compensatory damages for, inter alia, mental anguish, emotional distress, humiliation, and loss of reputation.

69. Defendant acted intentionally and with malice and reckless indifference to Plaintiff's rights under Title VII and is thereby liable to Plaintiff for compensatory damages under Title VII.



A handwritten signature in black ink, appearing to be 'L. J. ...', written over the words 'Emergency Motion'.

Emergency Motion

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, demands judgment against Defendant is as follows:

65. Enter a judgment declaring that Defendant's patterns, practices and omissions, as described above, violate the law;
66. Enter a judgment and award in favor of Plaintiff and against Defendant for reasonable monetary damages, including back pay (plus interest or an appropriate inflation factor and enhancement to offset adverse tax consequences associated with lump sum receipt of back pay), front pay, benefits and all other damages owed to Plaintiff in an amount proven at trial, resulting from Defendant's unlawful and discriminatory acts or omissions;
67. Enter a judgment and award in favor of Plaintiff for the compensatory, punitive, exemplary and liquidated damages available under all applicable Federal, State, and Local laws;
68. Enter a judgment and award in favor of the Plaintiff for costs, including, but not limited to, reasonable attorneys' fees, experts' fees, and other costs and expenses of this litigation;
69. Enter a judgment and award in favor of Plaintiff for pre-judgment and post-judgment interest;
70. Award such other and further legal and equitable relief as may be found appropriate and as this Court may deem just and proper; and
71. Retain jurisdiction over this action until such time as it is satisfied that Defendant has remedied the practices complained of and is determined to be in full compliance with the law.

2



DEMAND FOR A JURY TRIAL

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff demands a trial by jury in this action.

Dated: Great Neck, NY
April 9, 2012

Respectfully submitted,
The Law Office of
BORRELLI & ASSOCIATES, P.L.L.C.
Attorneys for Plaintiff
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Tel. (516) 248 - 5550
Fax. (516) 248 - 6027

By:


BENNITA L. JOSEPH (BLJ1064)
MICHAEL J. BORRELLI (MB8533)

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8A05ANDC conference
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
-----x

CHRISTINE ANDERSON,
Plaintiff,

v.

07 Civ. 9599 (SAS)

THE STATE OF NEW YORK, et al.,
Defendants.
-----x

October 30, 2008

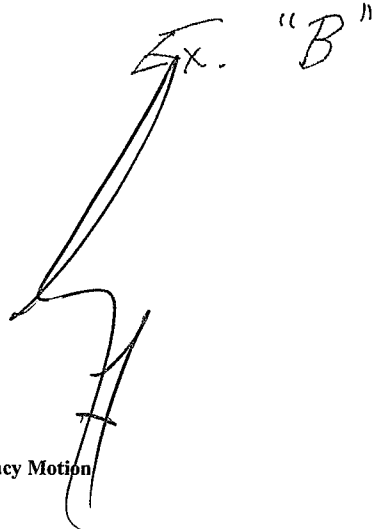
Before:

HON. SHIRA A. SCHEINDLIN,
District Judge

APPEARANCES

JOHN BERANBAUM
Attorney for Plaintiff
ANDREW M. CUOMO
Attorney General of the State of New York
BY: LEE ADLERSTEIN
WESLEY BAUMAN
Assistant Attorney General

SOUTHERN DISTRICT REPORTERS, P.C.
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Ex. "B"


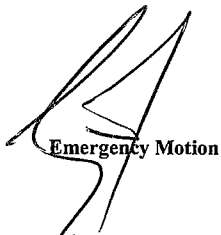
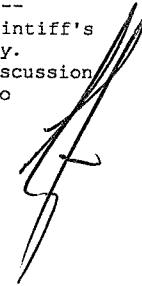
8AU5ANDC conference

1 (Case called)
2 THE COURT: Good morning, Mr. Beranbaum.
3 MR. BERANBAUM: Yes, your Honor.
4 THE COURT: That's you.
5 And Mr. Adlerstein?
6 MR. ADLERSTEIN: Yes, your Honor.
7 THE COURT: And Mr. Bauman.
8 MR. BAUMAN: Yes, your Honor.
9 THE COURT: Okay. Is there also -- no, there is no
10 person named Sherry Cohen -- those are the clients. Okay.
11 That's who is here.

12 I received four letters in preparation for today's
13 conference; an October 3rd letter from defendant's counsel in
14 response to this Court's requirement that a letter be submitted
15 on, for every pre-motion conference saying that the defendant
16 would like to move for summary judgment and explaining why the
17 defendants think they could prevail, and then on October 23rd
18 plaintiff's response with respect to the potential defendant's
19 summary judgment motion, and then the letter dated October 24th
20 from plaintiff's counsel expressing a concern about a
21 deponent's testimony, and then a response dated 10/27 --
22 October 27th from the defendants responding to the plaintiff's
23 October 24th letter regarding that deponent's testimony.

24 I would like to, of course, start with the discussion
25 about summary judgment. And while -- oh. I'm sorry to

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Emergency Motion

8AU5ANDC conference

1 interrupt myself but I want to thank you for coming early. You
2 were on for 1:30 and managed to change to 10:30 and the Court
3 appreciates that.

4 So, without asking you to repeat your entire letter
5 since I don't usually take oral argument on a motion, I do it
6 up front, so to speak, by having the pre-motion process this
7 becomes the equivalent of the oral argument. So, it is a good
8 chance for me to hear a little bit more about this proposed
9 motion even though it might, to some extent, repeat the letter.

10 So, with that, Mr. Adlerstein or your colleague, do
11 you wish to be heard?

12 MR. ADLERSTEIN: Yes, your Honor. I can speak to and
13 I want to just mention again if my voice defects me to some
14 extent, I know that the Court will understand.

15 THE COURT: Yes.

16 MR. ADLERSTEIN: We think that we have a strong motion
17 on various grounds and, essentially, there are three claims
18 here. There is a discrimination claim based on racial
19 discrimination, there is a whistle-blowing claim that's based
20 on things that the plaintiff said that she was telling people
21 during the course of events that led to her dismissal, and then
22 finally there is a retaliation claim which kind of, I guess,
23 blends into the whistle-blowing claim in very large measure.

24 The reason we think we have a strong motion for
25 summary judgment is that when the record is examined as a

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