

IN THE CIRCUIT COURT OF THE FIFTEEN JUDICIAL CIRCUIT  
IN AND FOR PALM BEACH COUNTY, FLORIDA

IN RE: THE ESTATE OF  
SHIRLEY BERNSTEIN,  
Deceased

CASE NO. 502011CP000653XXXXSB

HON. JUDGE MARTIN H. COLIN

ELIJAH IVAN BERNSTEIN, PRO SE  
PETITIONER,

V.

TESCHER & SPALLINA, P.A., (AND ALL PARTNERS,  
ASSOCIATES AND OF COUNSEL),  
ROBERT L. SPALLINA, ESQ., PERSONALLY,  
ROBERT L. SPALLINA, ESQ., PROFESSIONALLY,  
DONALD R. TESCHER, ESQ., PERSONALLY,  
DONALD R. TESCHER, ESQ., PROFESSIONALLY,  
THEODORE STUART BERNSTEIN, INDIVIDUALLY,  
THEODORE STUART BERNSTEIN, AS ALLEGED  
PERSONAL REPRESENTATIVE,  
THEODORE STUART BERNSTEIN, AS ALLEGED  
TRUSTEE AND SUCCESSOR TRUSTEE PERSONALLY,  
THEODORE STUART BERNSTEIN, AS ALLEGED  
TRUSTEE AND SUCCESSOR TRUSTEE,  
PROFESSIONALLY  
JOHN AND JANE DOE'S (1-5000)

RESPONDENTS

**ADDITIONAL RESPONDENTS TO BE ADDED**

THEODORE STUART BERNSTEIN, AS TRUSTEE FOR HIS  
CHILDREN,  
LISA SUE FRIEDSTEIN, INDIVIDUALLY AS A  
BENEFICIARY,  
LISA SUE FRIEDSTEIN, AS TRUSTEE FOR HER  
CHILDREN,  
JILL MARLA IANTONI, INDIVIDUALLY AS A  
BENEFICIARY,  
JILL MARLA IANTONI, AS TRUSTEE FOR HER  
CHILDREN,

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PALM BEACH COUNTY



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CHILDREN,  
JILL MARLA IANTONI, INDIVIDUALLY AS A  
BENEFICIARY,  
JILL MARLA IANTONI, AS TRUSTEE FOR HER  
CHILDREN,



PAMELA BETH SIMON, INDIVIDUALLY,  
PAMELA BETH SIMON, AS TRUSTEE FOR HER  
CHILDREN,  
MARK MANCERI, ESQ., PERSONALLY,  
MARK MANCERI, ESQ., PROFESSIONALLY,  
MARK R. MANCERI, P.A. (AND ALL PARTNERS,  
ASSOCIATES AND OF COUNSEL)

**BENEFICIARIES/INTERESTED PARTIES TO BE ADDED**

JOSHUA ENNIO ZANDER BERNSTEIN (ELIOT  
MINOR CHILD)  
JACOB NOAH ARCHIE BERNSTEIN (ELIOT  
MINOR CHILD)  
DANIEL ELIJSHA ABE OTTOMO BERNSTEIN  
(ELIOT MINOR CHILD)  
ALEXANDRA BERNSTEIN (TED ADULT CHILD)  
ERIC BERNSTEIN (TED ADULT CHILD)  
MICHAEL BERNSTEIN (TED ADULT CHILD)  
MATTHEW LOGAN (TED'S SPOUSE ADULT  
CHILD)  
MOLLY NORAH SIMON (PAMELA ADULT  
CHILD)  
JULIA IANTONI – JILL MINOR CHILD  
MAX FRIEDSTEIN – LISA MINOR CHILD  
CARLY FRIEDSTEIN – LISA MINOR CHILD

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**MOTION TO TAX ATTORNEY' S FEES AND COSTS AND IMPOSE  
SANCTIONS**

COME NOW, Eliot Ivan Bernstein ("Petitioner"), as Beneficiary and Interested Party  
both for himself personally and as Guardian for his three minor children who may also be  
Beneficiaries and Interested Parties of the Estate of Shirley Bernstein ("Shirley"), PRO SE, and  
hereby files this Motion to Tax Attorney's Fees and Costs and Impose Sanctions and in support  
thereof state, as follows:

1. On November 14, 2013, the Court entered an Order reserving ruling to tax

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attorney's fees and costs.

2. Petitioner on behalf of himself and as Guardian/Trustee for his three minor children hereby request that the Court tax their attorney's fees and costs against the following parties, as all of these fees and costs are a direct result of criminal acts proven in this court already of FORGERY, Fraud on the Court and Fraud on the Beneficiaries / Interested Parties, through the presentation of a series of documents to the Court to close the estate by Tescher & Spallina P.A., Robert Spallina ("Spallina") and Donald Tescher ("Tescher") on behalf of a dead Personal Representative, Petitioner's father Simon Bernstein ("Simon") as if he were alive, for four months after he was dead, which caused this Court to fraudulently close the estate and once crimes were discovered and admitted to, forcing its reopening. For all of the following parties involved directly in the crimes proven this far, the costs and legal fees incurred thus far by Petitioner should be awarded as damages and further bonding and surety be required by all those involved in the criminal activities who have caused all these problems and the reopening of the estate, as follows;

- i. The Law Firm Tescher & Spallina, P.A., Spallina and Tescher, as they are wholly responsible and liable for the acts of their employed legal assistant/notary public under Florida Law, a one Kimberly Moran ("Moran"), who has admitted to Forgery and Fraudulently notarizing documents, including a post mortem forged Waiver for Simon and five other FORGED Waivers for other beneficiaries / interested parties. That Moran was employed at the time by Tescher & Spallina, P.A. and therefore despite any alleged reasons for her acts, Tescher & Spallina,



P.A., Tescher and Spallina are wholly liable for her acts and damages caused.

Moran has now been arrested for FRAUDULENT NOTARIZATIONS and ADMITTED TO FORGING SIX SIGNATURES ON WAIVERS, including one for Simon Post Mortem.

From her statements to the Palm Beach County Sheriff's office, "Moran stated that at this time, she took it upon herself to **trace [aka FORGE]** each signature of the six members of the Bernstein family onto another copy of the original waiver document. She then notarized them and resubmitted them to the courts."

- ii. Spallina and Tescher should also bear all costs, as they are wholly responsible for separate crimes, including but not limited to, Fraud on the Court and Fraud on Beneficiaries / Interested Parties, as discovered by Your Honor in the September 13, 2013 hearing, for presenting, over a four month period after Simon's death, documents that were used fraudulently crafted and forged and filed in these official proceedings, as if Simon were alive and using Simon to serve as Personal Representative while dead to close the estate of Shirley without notification to the Court that he was dead or seeking successors. Further while still deceased, it is alleged Simon then tried to change beneficiaries of the estate of both he and Shirley POST MORTEM and all of these crimes have caused the true and proper beneficiaries to become disputed. That the criminal acts of Moran and those separate and distinct crimes by Tescher and Spallina personally, warranted Your Honor to state in the September 13, 2013 hearing that you had enough evidence to

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read Theodore Bernstein ("Theodore"), Spallina, Tescher and Mark Manceri ("Manceri") their Miranda's and Petitioner is still confused why this Court has not had them arrested yet and if Your Honor has reported these additional felony crimes of Tescher and Spallina that were committed upon this Court to the proper authorities. That new problems now exist in whom the beneficiaries of the estates are of both Simon and Shirley as learned in the hearings that will now further delay final distributions in the estate and trusts, further injuring the beneficiaries and interested parties and costing a large amount of monies and damages to the already injured parties due to these criminal acts.

- iii. Attorney Manceri for continuing to perpetrate a Fraud on this Court and where it will be evidenced that both he and Spallina have made false statements to this Court in both hearings.
  - iv. Kimberly Moran, the notary public who has acted under her employer Tescher & Spallina, PA and has forged and fraudulently notarized official records in these proceedings, including forging Simon's signature post mortem.
  - v. Theodore, as he knowingly has acted in fiduciary capacities in the estate and trusts of Shirley which he did not have prior to September 2013 as proven in the hearings before this court and previously evidenced in Petitioner's motions before the court.
- All actions Theodore took prior to this Court appointing him Personal Representative from September 13, 2012 to September 2013 were done knowing that Petitioner had challenged his fiduciary authorities to act as Personal



Representative with no Letters issued and having never taken any actions according to Probate Rules and Statutes to notify beneficiaries he was a fiduciary in any capacity of Shirley's trusts or the estate. In fact, Theodore continued to act in these capacities and rushed to liquidate assets in self-dealing transactions without notice to beneficiaries of the transactions, after Petitioner notified him May 2013 that his, his deceased father's and his siblings signatures had been forged and that fraudulent documents existed in the estates, all transactions were hurried and without notifying the courts or authorities of these facts. Not until Moran was being investigated and this Court scheduled a hearing on September 13, 2013 did Theodore come forward and notify this Court that he was aware of the criminal acts he had concealed for months, including that his own signature was forged. These are not the actions of a trust worthy and responsible Personal Representative acting with legal authority, they are Willful, Wanton, Reckless and Grossly Negligent acts in violation of Law and breaching fiduciary duties and causing a loss of trust and therefore reasons for this Court to instantly retract its Letters to Theodore and sanction him. As further indicated herein Theodore also is involved in an insurance fraud scheme in the US District Court, again acting in false fiduciary capacities, in that matter acting as Trustee of a "lost" trust, to move assets from Simon's estate and convert them to himself directly and without notice to the beneficiaries. That Petitioner could go on and on about the reasons Theodore should be removed as Personal Representative but has already done so in





ALL prior motions filed by Petitioner with the Court since May 2013 and all of those reasons and reliefs submitted to this Court thus far must now be heard as none of Petitioner's motions have been heard other than there request to be heard as an Emergency, not anything else germane in them since May 2013 has been litigated in this Court.

3. Current legal bills and time lost from other work suffered by Petitioner and his minor children thus far from the crimes proven and breaches of fiduciary duties and trust, should be immediately repaid by those parties responsible for causing all these current, past and future legal costs and expenses and delaying inheritances through these crimes to the true and proper beneficiaries and should not be taken from the estates or beneficiaries and further cause them hardships and damages from these criminal acts. Petitioner's expenses thus far, are

Tripp Scott	\$9,183.00
Huth & Pratt	\$5,000.00
Paralegal Services	\$2,583.37
Patricia Fitzmaurice, L.C.S.W., P.A.	\$875.00
Petitioner Time	Expert Witness for October 28, 2013 hearing
	\$100,000 for time and expenses over 1 year to bring the fraud and forgery charges to the attention of the court, state and federal authorities and the beneficiaries. Petitioner spent virtually all of his time that could have been spent in his job, instead protecting the rights and interests of the beneficiaries of the estate and exposing the crimes committed by the Personal Representative and estate counsel.
<b>TOTAL</b>	<b>\$117,641.37</b>

4. That Petitioner finds it laughable, if not so sad that those who caused these problems through criminal acts are further trying to apportion the fees (for exposing crimes committed by them) to the injured beneficiaries and interested parties, while insane and

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vexatious this attempt to shift the cost of their crimes to their victims is telling. Further, Petitioner finds it odd that this Court can allow any of these parties to continue to act in these matters as fiduciaries or counsel, as they are all directly involved in either Moran's crimes or those crimes of identity theft, fraud on the court and fraud on the beneficiaries, identified by Your Honor as committed by Spallina, Tescher, Theodore and possibly Manceri, in closing of the estate with a dead person four months after he was deceased as if he were alive and acting as Personal Representative and then failing to ever notice the Court he was dead and elect any successors. Where these crimes and prosecutions have now caused adverse interests and conflicts with Petitioner and Theodore and his close personal bedfellows, Tescher and Spallina.

5. From a recent email sent by Theodore to Petitioner one can see the adverse interests and hostilities towards Petitioner by Theodore and his friends that exists, quote,

"You pursued and caused to be arrested a paralegal that our parents loved and without ill-intent, only tried to help a situation along because of dad's death, and it now appears that you are in the process of trying that again with my assistant who has done nothing wrong. You continue to drag Don and Robert through the mud, both of whom our parents were very fond of and who did very good work for our family, notwithstanding your relentless and slanderous accusations."

6. That from this exchange it is apparent that Theodore is upset with Petitioner that he has exposed the fraud, forgery and arrest of Moran, protecting those who have committed crimes in efforts to change his father and mother's estate plans done together in 2008 and in fact is fond of those who committed these criminal acts and somehow feels that Simon



and Shirley would be proud of these people for their criminal acts and bizarrely has adverse feelings and interests toward Petitioner, his brother, further these adverse interests to Petitioner and his three minor children are cause for his immediate removal from any fiduciary capacities in the estate and trusts of Shirley. The Court should note that Theodore and Tescher and Spallina are very close personal friends and business associates that share clients and commissions, etc. and this conflicts Theodore as he will not take actions against his close friends, even if they commit HORRIFIC crimes against his father and mother and brother, as their criminal actions directly benefit him and his sister P. Simon, who were wholly disinherited from the estates and trusts to the disadvantage of the beneficiaries and interested parties, all in opposite of Simon and Shirley's last desires and wishes and estate plans they did together while alive.

7. Petitioner's father Simon was used dead as if alive before the Court to close the estate of Shirley, as he had died before closing the estate and making any alleged changes to the beneficiaries that would benefit Theodore, P. Simon and their lineal descendants and therefore to make these Post Mortem changes they needed to fraud this Court and the beneficiaries with documents that were created and filed Post Mortem for Simon, as indicated in part by the Moran FORGED and FRAUDULENTLY NOTARIZED waiver of Simon and other documents used while he was not "serving" as Personal Representative since he was dead at the time and could not be "serving" in any capacity dead. This whole fraud is due to the fact that Simon and Shirley never changed their beneficiaries and Theodore and his sister P. Simon who are wholly excluded from the estates with their lineal descendants prior to these attempted fraudulent



changes, were so outraged that Simon and Shirley never changed their beneficiaries to include them, so they attempted, with the aid of Spallina, Tescher, Moran and others to change the desires and intent of Simon and Shirley post mortem through these crimes to satisfy their desires to be included and abscond with the estate assets. All of this fraud and forgery to achieve these fraudulent changes was aided and abetted by Theodore's close personal and business associates, Spallina and Tescher et al., who have even claimed they were going to try and go against the wishes of Simon and Shirley to get Theodore and Pamela benefits.

8. That Petitioner further requests the Court now force bonding and surety for the parties responsible for these crimes in an amount no less than \$5,000,000.00 for now, for legal fees, forensic accountings and document analysis, (as every document must now be analyzed and with each document recently discovered new improprieties are found.) All of these costs should not be incurred by the injured parties, approximately 16 potential beneficiaries and interested parties, including at this time adult and minor children, to now close the estate legally and resolve the ongoing criminal and civil matters and determine who the ultimate beneficiaries will be and more, all caused by criminal misconduct by attorneys at law for the estate and their employees, the personal representatives and others, as already identified herein.

9. That Petitioner requests that before further proceedings in this matter are adjudicated, all parties to this action, including each interested party, beneficiary or other party, in each and every capacity they are representing, now be represented by independent and non-conflicted counsel. For those parties that have not been represented or even included in these matters thus far, including minor children, Petitioner requests that the Court act on its own



motions to join them in the action as required by law and have their interests legally represented. That each injured parties legal fees and costs be paid by those who have caused these costs to be incurred.

10. That Petitioner seeks Sanctions by this Court on all parties involved in the criminal activity thus far, including but not limited to, reporting the crimes to the Florida State Bar for disbarment of those attorneys involved and criminal authorities for further prosecution for the felony crimes. Further, this Court should impose sanctions on Moran and Theodore Bernstein for their direct involvement in the crimes thus far and to stop further alleged crimes from taking place. That this Court should note that the crimes proven already are only the tip of the iceberg and new evidence from the hearings and elsewhere has recently surfaced revealing far more criminal activity ongoing. The Court should also report all of these crimes to the proper authorities for further criminal investigations, including those that it is already aware of that took place in this Court.

11. That the Palm Beach County Sheriff office has stated that after speaking with Your Honor about the Moran Forgery and Fraud, they did not want to take new criminal complaints from Petitioner, against Spallina, Tescher, Moran, Theodore and others for NEW CRIMES, as they stated that Your Honor is responsible for those filings of these new alleged criminal acts with the authorities. However, if Your Honor were to fail to follow Judicial Cannons and Law to report these criminal matters, including those committed by Attorneys at Law acting as Officers of this Court, then Petitioner could jeopardize his statutes of limitations rights by failing to report the crimes timely and Petitioner seeks clarification from Your Honor



as to how to proceed on reporting the new crimes discovered and who will be reporting them and to what authorities. These crimes are not the crimes Moran admitted to already, of FORGERY and FRAUDULENT NOTARIZATIONS, and that she has been arrested for but are other crimes committed by other parties, some occurring in the hearings in fact. The Court must now state if the Court is going to notify the authorities or if Petitioner should. If this Court determines it is Petitioner's job to file the criminal complaints, this Court will have to contact the Sheriff's department to remove the block created through Your Honor's conversations with them in regards to reporting the new crimes against other perpetrators than Moran for other crimes, including the Fraud upon the Court that has taken place.

12. That additionally, new criminal and civil complaints are being lodged both state and federally for newly discovered criminal acts by Spallina, Tescher, Theodore, Lindsay Baxley ("Baxley") and others, wholly separate from the crimes of Moran and far more serious in nature. For instance, Spallina, Theodore and Moran are alleged to have worked together again to commit an Insurance Fraud and Theodore and others then are alleged to have committed Fraud on a US Federal Court, as more fully described in a recent filing on December 08, 2013 by Eliot Bernstein in that federal court, which can be found at [www.iviewit.tv/20131208MotionStrikePleadingAdamSimonForFraudOnCourt.pdf](http://www.iviewit.tv/20131208MotionStrikePleadingAdamSimonForFraudOnCourt.pdf), fully incorporated by reference herein, along with all other pleadings, rulings, etc. in Case No. 13-cv-03643 IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT COURT ILLINOIS EASTERN DIVISION (SIMON BERNSTEIN IRREVOCABLE INSURANCE TRUST DTD 6/21/95, Plaintiff, v. HERITAGE UNION LIFE INSURANCE

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COMPANY Defendant.)

13. That there is no way that Theodore Bernstein, Spallina or Tescher can now be impartial and fair as fiduciaries or counsel to Petitioner and his children as beneficiaries/interested parties, as Petitioner is the one having them complained of and prosecuted for multiple state and federal crimes and attempting to have them imprisoned for such. That these adverse interests have now led to allegations of extortion by the fiduciaries and counsel of Petitioner and his family in direct retaliation for Petitioners actions to have them prosecuted, as motioned to this court in a September 04, 2013 motion titled, "NOTICE OF EMERGENCY MOTION TO FREEZE ESTATES OF SIMON BERNSTEIN DUE TO ADMITTED AND ACKNOWLEDGED NOTARY PUBLIC FORGERY, FRAUD AND MORE BY THE LAW FIRM OF TESCHER & SPALLINA, P.A., ROBERT SPALLINA AND DONALD TESCHER ACTING AS ALLEGED PERSONAL REPRESENTATIVES AND THEIR LEGAL ASSISTANT AND NOTARY PUBLIC, KIMBERLY MORAN: **MOTION FOR INTERIM DISTRIBUTION DUE TO EXTORTION BY ALLEGED PERSONAL REPRESENTATIVES AND OTHERS**; MOTION TO STRIKE THE MOTION OF SPALLINA TO REOPEN THE ESTATE OF SHIRLEY; CONTINUED MOTION FOR REMOVAL OF ALLEGED PERSONAL REPRESENTATIVES AND ALLEGED SUCCESSOR TRUSTEE." That since having their notary public arrested, Tescher and Spallina, in conspiracy with Theodore have further extorted Petitioner, in addition to those claims already made in the motion and Petitioner will be filing criminal charges for these actions as well.

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14. From Theodore's recent email dated December 06, 2013, the following delusional and threatening language also imparts that Theodore and the "we" he represents (Tescher and Spallina) will not act kindly towards Petitioner, "Seriously Eliot, how many more people are you going to involve in this family matter? How much more of the estate will you waste in professional fees carrying on like this? Trying to extort money out of me with threats that you will drag my name through the mud is counter-productive, unnecessary and intentionally malicious. **We** [emphasis added] will not continue to ignore these threats and the damage you are inflicting...Please advise as we have no intentions of being bullied by either of you [Petitioner's wife Candice referenced] any longer.

15. That Theodore is alleged to be very close friends, after the car bombing of Petitioner's family minivan, with many of the defendants in a RICO complaint involved in the theft of Petitioner's Intellectual Properties by primarily his Intellectual Property attorneys. That these defendants include members of the Sir Robert Allen Stanford Ponzi (which Petitioner alleges is largely a money laundering scheme to launder his illegally converted IP royalties and not so much a Ponzi) and Proskauer Rose law firm, the alleged main culprit in the IP thefts. Proskauer is currently being sued by the Federal Court Appointed Receiver in the Stanford Ponzi SEC action ongoing for conspiracy and more in architecting the whole Stanford Ponzi. Proskauer also claimed to have the most Bernard Madoff victims in public statements made after the Madoff Ponzi was exposed and now many of the so called victims and feeder funds are alleged not to be victims but instead criminal conspirators and both Ponzi's have led to severe financial ruin to many South Florida residents and CHARITIES. That Theodore is close friends





with members of Proskauer and former employees of the Stanford Bank, both of whom he and Spallina and Tescher have involved in the estate matters. That due to these strange bedfellows of Theodore who are Petitioner's adversaries in alleged RICO crimes, and again due to Petitioner's continuing efforts to have these people all prosecuted for their crimes, further adverse interests with Theodore, Spallina and Tescher exist with Petitioner and his children, already fully defined in Petitioner May 2013 motion that are further cause for Theodore to have never accepted the appointment as Personal Representative in September 2013 by Your Honor in the first place and further cause for Your Honor to see the gravity of having Theodore serving in any capacity in these matters further for his adverse interests and hostilities towards beneficiaries / interested parties.

16. That it cannot be expected that these fiduciaries and counsel who are involved in anyway thus far in the crimes, including Manceri, will not further act adversely to Petitioner and his minor children to stop them from having them prosecuted. Further, they will take NO actions to aid Petitioner's efforts as a beneficiary/interested party to have them prosecuted further for their crimes and may in fact take further injurious actions to stop Petitioner, such as further delaying his inheritance and extorting him, etc. Since it cannot be expected that the fiduciaries and counsel act against themselves to the benefit of the beneficiaries they are responsible for and since they should have all voluntarily resigned any fiduciary or legal capacities in both estates (and their liability carriers should have demanded such termination) for the crimes already admitted to and proven , they will not take any such actions to protect the beneficiaries but only actions to protect themselves and thus this Court must take actions to have



them all thrown out instantly to preclude further harms to the beneficiaries/interested parties they have already been caused so much injury and damages from their criminal actions.

17. That due to the crimes alleged, the beneficiaries are now in question in both estates and must be resolved by the probate courts acting in the estate matters and as a direct result disputes amongst beneficiaries have been caused from the criminal acts of those defined already herein and others, again increasing costs and pain and suffering to the injured parties.

18. There are two applicable statutes authorizing this Court to enter a personal judgment against the Attorneys and Personal Representative's for Petitioner's attorney's fees and costs. Fla. Stat. 733.106(1) provides, "In all probate proceedings costs may be awarded as in chancery actions." Fla. Stat 733.609 (1) uses the stronger mandatory "shall", providing, in pertinent part, "In all actions for breach of fiduciary duty or challenging the exercise of our failure to exercise a personal representative's powers, the court shall award taxable costs as in chancery actions, including attorney's fees." This action is one "challenging the exercise of ....a personal representative's powers" within the meaning of 733.609 (1). The phrase "as in chancery actions" refers to the rule that "a court of equity may, as justice requires, order that costs follow the results of the suit, apportion the costs between parties, or require all costs be paid by the prevailing party." *Dayton v. Conger*, 448 So.2d 609, 612 (Fla. App. 1984). A judgment for attorney's fees and costs may be awarded against a fiduciary that has breached it's duty. See *First Union National Bank v. Turney*, 839 So.2d 774, 778-779 (Fla. App. 2003) (affirming an attorney's fee award against a corporate trustee under the parallel section of the Trust Code).

19. Accordingly, Petitioner is requesting that the Court order the Personal



Representative and Attorneys at Law, Spallina, Tescher and Manceri and their agents personally responsible to (i) pay his attorney fees and costs and (ii) reimburse the Estate for any attorney fees that have been paid on behalf in the defense of these actions. And awarding Petitioner's attorney fees and costs for bringing his Petition's pursuant to Florida Probate Rule 1.080, Section 733.106, Florida Statutes (2002), Section 733.6171, Florida Statutes (2002), Section 733.6175, Florida Statutes (2002), and Section 733.3101, Florida Statutes (2002) and others.

20. Petitioner files the instant Motion to insure timely compliance with Florida Rule of Civil Procedure 1.525.

WHEREFORE, Petitioner hereby request that this Honorable Court enter an Order consistent with the relief requested herein, and award of attorney's fees and costs, impose severe and harsh sanctions for damages already caused, including to minor children, and any other relief this Honorable Court deems just, equitable and proper.

Eliot Bernstein, Pro Se and as legal guardian  
on behalf of his minor three children



**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by email to all parties on the following Service List on December 10, 2013.

Eliot Bernstein, Pro Se and as legal guardian  
on behalf of his minor three children



## SERVICE LIST

### **Respondents sent US Mail and Email**

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### **Interested Parties and Trustees for Beneficiaries**

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JOSHUA ENNIO ZANDER BERNSTEIN (ELIOT MINOR CHILD)  
JACOB NOAH ARCHIE BERNSTEIN (ELIOT MINOR CHILD)  
DANIEL ELIJSHA ABE OTTOMO BERNSTEIN (ELIOT MINOR CHILD)  
ALEXANDRA BERNSTEIN (TED ADULT CHILD)  
ERIC BERNSTEIN (TED ADULT CHILD)  
MICHAEL BERNSTEIN (TED ADULT CHILD)  
MATTHEW LOGAN (TED'S SPOUSE ADULT CHILD)  
MOLLY NORAH SIMON (PAMELA ADULT CHILD)  
JULIA IANTONI – JILL MINOR CHILD  
MAX FRIEDSTEIN – LISA MINOR CHILD  
CARLY FRIEDSTEIN – LISA MINOR CHILD



IN THE CIRCUIT COURT OF THE FIFTEEN JUDICIAL CIRCUIT  
IN AND FOR PALM BEACH COUNTY, FLORIDA

IN RE: THE ESTATE OF  
SHIRLEY BERNSTEIN,  
Deceased

CASE NO. 502011CP000653XXXXSB

HON. JUDGE MARTIN H. COLIN

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ELIOT IVAN BERNSTEIN, PRO SE  
PETITIONER,

V.

TESCHER & SPALLINA, P.A., (AND ALL PARTNERS,  
ASSOCIATES AND OF COUNSEL),  
ROBERT L. SPALLINA, ESQ., PERSONALLY,  
ROBERT L. SPALLINA, ESQ., PROFESSIONALLY,  
DONALD R. TESCHER, ESQ., PERSONALLY,  
DONALD R. TESCHER, ESQ., PROFESSIONALLY,  
THEODORE STUART BERNSTEIN, INDIVIDUALLY,  
THEODORE STUART BERNSTEIN, AS ALLEGED  
PERSONAL REPRESENTATIVE,  
THEODORE STUART BERNSTEIN, AS ALLEGED  
TRUSTEE AND SUCCESSOR TRUSTEE PERSONALLY,  
THEODORE STUART BERNSTEIN, AS ALLEGED  
TRUSTEE AND SUCCESSOR TRUSTEE,  
PROFESSIONALLY  
JOHN AND JANE DOE'S (1-5000)

RESPONDENTS

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**ADDITIONAL RESPONDENTS TO BE ADDED BY THIS  
COURT**

THEODORE STUART BERNSTEIN, AS TRUSTEE FOR HIS  
CHILDREN,  
LISA SUE FRIEDSTEIN, INDIVIDUALLY AS A  
BENEFICIARY,  
LISA SUE FRIEDSTEIN, AS TRUSTEE FOR HER  
CHILDREN,  
JILL MARLA IANTONI, INDIVIDUALLY AS A  
BENEFICIARY,

