In THE CIRCUiT COURT OF THE FIFTEEN JUDICIAL CIRCUIT

IN AND FOR PALM BEACH COUNTY, FLORIDA

IN RE: THE ESTATE OF CASE no. 502011CP000653XXXXSB

SHIRLEY BERNSTEIN,

Deceased 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

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,

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)

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

JOHN AND JANE DOE (1-5000)   
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**OBJECTION TO MotionS to BE DISCHARGED AS COUNSEL AND/OR PERSONAL REPRESENTATIVES AND TRUSTEES IN SIMON AND SHIRLEY ESTATES**

COMES NOW, Eliot Ivan Bernstein (“Petitioner”), as Beneficiary and Interested Party both for himself personally and for his three minor children as Guardian and Trustee to the minor children who may also be Beneficiaries and Interested Parties of the Estates and Trusts of Shirley Bernstein (“SHIRLEY”) and Simon L. Bernstein (“SIMON”), representing PRO SE[[1]](#footnote-1), and hereby files this his “OBJECTION TO MOTIONS TO BE DISCHARGED AS COUNSEL AND/OR PERSONAL REPRESENTATIVES AND TRUSTEES” dated Friday, February 14, 2014 and in support thereof states, on information and belief, as follows:

**Background**

1. That Donald R. Tescher (“TESCHER”), Robert L. Spallina (“SPALLINA”), and their law firm Tescher & Spallina, P.A. (“TSPA”) moved this Court to withdraw as counsel to Theodore Stuart Bernstein (“THEODORE”) who is the Personal Representative in the Estate of SHIRLEY. TESCHER and SPALLINA also move this Court to resign as Co- Personal Representatives of the Simon L. Bernstein (“SIMON”) Estate and SPALLINA seeks to withdraw as counsel to TESCHER and SPALLINA as Co-Personal Representatives of SIMON’S Estate. These motions are suddenly being made over one and a half years after the Estate probate proceedings were started in the Estate of SIMON and over three years in the Estate of SHIRLEY, after several motions filed by Petitioner to REMOVE them all for CAUSE with PREJUDICE have lied dormant in the Court.
2. That SPALLINA and TESCHER also sought a petition to be discharged by this Court as part of their withdrawal and resignation petitions. Petitioner has previously sought the REMOVAL of SPALLINA and TESCHER as Co-Personal Representatives; thus Petitioner is not interested in having them continue in that role; however, their petitions raise serious concerns about the real reasons and motives for their sudden desire to flee the scene of the crimes.
3. That SPALLINA, TESCHER and their law firm TSPA state their reasons for withdrawal and desire for discharge is suddenly “irreconcilable differences[[2]](#footnote-2)” with THEODORE as to their motion to withdrawal as counsel to THEODORE as Personal Representative of SHIRLEY’S Estate, and suddenly “irreconcilable differences” with the beneficiaries as to their motion to resign as Co-Personal Representatives under SIMON’S estate.
4. That as an initial matter, Petitioner moves this Court to have SPALLINA, TESCHER and their law firm TSPA state with specificity all of the reasons they feel they have “irreconcilable differences” as to the beneficiaries and as to THEODORE. Petitioner also moves to have them state with specificity why it is now, almost a year and half into the probate of SIMON[[3]](#footnote-3) and over three years into SHIRLEY that they for the first time feel they have sudden “irreconcilable differences” that forced their resignation, apparently in attempts to evade the more serious matters discovered in this Court regarding their law firm TSPA filing FORGED and FRAUDULENTLY NOTARIZED DOCUMENTS to close the Estate of SHIRLEY and filing documents impersonating SIMON POST MORTEM AS THE PERSONAL REPRESENTATIVE through further FRAUDULENT ACTIVITIES and other alleged criminal acts and civil torts further discussed herein.
5. That even if the Court allows SPALLINA, TESCHER and their law firm TSPA at this time to resign and /or withdraw, Petitioner objects to their discharge. A discharge could impede the beneficiaries’ rights to relief from each or both of them and their law firm TSPA when this Court finally determines the proper beneficiaries and the true value of SHIRLEY and SIMON’S Estates and Trusts and where an estimated FORTY MILLION DOLLARS of missing assets have gone. Keep in mind that Petitioner states that the Estates and Trusts values have been intentionally misrepresented so THEODORE, SPALLINA, TESCHER and others could loot the Estates after illegally gaining Dominion and Control of them through a series of fraudulent and forged documents and then begin a host of alleged criminal acts to disperse assets illegally to improper beneficiaries and remove assets outside of the gross Estates.
6. That SPALLINA, TESCHER and their law firm TSPA have acted in many roles, including but not limited to: (i) Counsel to Petitioner’s deceased parents, (ii) Preparation of Wills and Trusts for SIMON and SHIRLEY, (iii) Acting as Co-Personal Representatives of SIMON, (iv) Acting as counsel to themselves as Co-Personal Representatives of SIMON, (v) Acting as Co-Trustees of SIMON, (vi) Acting as Counsel to Co-Trustees of SIMON including themselves, (vii) Counsel to SIMON as PERSONAL REPRESENTATIVE of SHIRLEY’S Estate, (viii) Acting as Counsel to THEODORE as Successor Trustee to SHIRLEY’S TRUST, (ix) Acting as Co-Trustees of SIMON’S Trusts, (x) Acting allegedly fraudulently as Trustee of the Simon Bernstein Irrevocable Life Insurance Trust Dtd 1995 (that does not exist at this time), (xi) Acting as Counsel to Beneficiaries and Interested Parties of SIMON and SHIRLEY Estates and (xii) Acting as counsel to Personal Representative Theodore in SHIRLEY’S Estate. So any discharge could affect their exposure in each of these roles and further damage Petitioner and other interested parties and beneficiaries.
7. That the dizzying amount of representations by THEODORE and TESCHER, SPALLINA and TSPA, gained through a series of alleged and proven forged and fraudulent documents, which gave them total control of the Estates and provided a mechanism to **thwart accountability** of their actions to the beneficiaries of the Estates.
8. That subject to the other “irreconcilable differences” SPALLINA and TESCHER may state with specificity to this Court, it is clear from a RESIGNATION letter sent by TESCHER, see Exhibit 1 - TESCHER RESIGNATION LETTER on January 14, 2014 to the children of SIMON and SHIRLEY that TESCHER and SPALLINA disagree amongst themselves now as to who the proper beneficiaries are due to what they claim are newly discovered admittedly fraudulent documents and bad faith acts and further unclean hands, see Exhibit 2 – REPORT (“REPORT”) **(\*\*\*Note that this Court may want to act on its own Motion to SEAL this EXHIBIT to protect the source, PLEASE CONTACT PETITIONER IMMEDIATELY IF THE DECISION IS TO SEAL\*\*\*)**.
9. That in his letter, TESCHER states that an alleged first amendment (“FIRST FIRST AMENDMENT”) prepared by his Law Firm TSPA in 2008 in SHIRLEY’S Estate simply removed a step son of THEODORE’S and nothing else; meaning THEODORE and Pamela Beth Simon (“PAMELA”) and their lineal descendant were not proper beneficiaries as they were wholly disinherited in the 2008 estate plans of both SIMON and SHIRLEY with their lineal descendants.
10. That in his resignation letter TESCHER states that in January 2013, over four years later, SPALLINA sent a different alleged second first amendment (“SECOND FIRST AMENDMENT”) to then counsel to Petitioner, Christine Yates, Esq. (“YATES”) of the Tripp Scott law firm, which removed the step son and this new SECOND FIRST AMENDMENT now allegedly changed the definition of lineal descendants so as to allegedly state that THEODORE and PAMELA’S children would be proper beneficiaries along with the other grandchildren. TESCHER claims to have never been aware of such alleged SECOND FIRST AMENDMENT.
11. That this was the stated basis of TESCHER’S resignation and in the letter he offered to make whole **losses and damages** suffered by the affected parties. It is interesting that SPALLINA sent the other alleged SECOND FIRST AMENDMENT, which allegedly changed the definition of lineal descendants in 2008, because in November 2011, SPALLINA responded to PAMELA’S counsel, Heriaud & Genin, Ltd., and a one Tamar S.P. Genin (“GENIN”), see Exhibit 3 - GENIN’S Letter to PAMELA, that PAMELA, THEODORE and their children were wholly cut out of the Estates of both SIMON and SHIRLEY, with them considered predeceased and wholly disinherited at that time.
12. This conversation however, occurred three years after the purported signing of the alleged SECOND FIRST AMENDMENT that is alleged to include the grandchildren back into the Estate on November 18, 2008. Therefore, why would SPALLINA tell GENIN that PAMELA and her children were cut out of the Estates and Trusts and wholly disinherited in November 2011, if SPALLINA had the other alleged SECOND FIRST AMENDMENT reinstating them back on November 18, 2008? It is also curious that both documents are titled “first amendment” instead of one of them being titled a second amendment and they both were supposedly signed on the same date on November 18, 2008.
13. That it was recently learned that the SECOND FIRST AMENDMENT was admitted altered and manufactured illegally for SHIRLEY in January 2013 by SPALLINA as part of continuing an ongoing Pattern and Practice of Fraud and more to make POST MORTEM CHANGES TO THE RIGHTFUL beneficiaries of the Estates.
14. That the existence of the alleged FIRST FIRST AMENDMENT that excludes THEODORE and PAMELA’S children likely is the basis why THEODORE may believe there is an “irreconcilable difference” as his kids would remain non-beneficiaries under that document, and obviously now clearly demonstrates that THEODORE is further conflicted and now incapable of serving as Personal Representative or in any fiduciary capacities in the Estates and Trusts, as a Personal Representative or Trustee must look out equally for the interests of all beneficiaries, which he cannot do while arguing that his issue of his family being excluded and that they should now be included back in, which is to the detriment of the other grandchildren or children of SHIRLEY and SIMON. These same conflicts would be cause to deny PAMELA from becoming a successor Personal Representative and/or Trustee as well. Since THEODORE and PAMELA have no real interests in the Estates no matter how this Court determines the beneficiaries and have already been involved in so much delay and conversion of assets improperly there is no reason for the Court to have them in any fiduciary or other capacities.
15. That it was recently learned that THEODORE was advised by counsel of the fact that distributions to his children of Estate and Trust assets should not be distributed to his children as it was improper but THEODORE ignored the advice of counsel and so transacted distributions to his children to the detriment of other beneficiaries. Again, this is solid cause for THEODORE to be instantly removed from ANY fiduciary capacities in the Estates and Trusts for this is absolute WILLFUL, WANTON and GROSSLY NEGLIGENT behavior in disregard for law and which such conversion constitutes alleged CRIMINAL misconduct. See Exhibit 2 - REPORT.
16. That TESCHER’S Resignation letter exposes now that the ALLEGED documents likely have been changed or wholly manufactured without his knowledge in the Estates and then posited with this Court by TSPA and others, if this Court believes anything TESCHER, SPALLINA and THEODORE say or do at this point after review of the Exhibit 2 - REPORT. With proven ALTERED, FORGED and FRAUDULENTLY NOTARIZED DOCUMENTS made part of the Court record or sent to others by their law firm TSPA already, including a POST MORTEM FRAUDULENT DOCUMENTS, this adds further confirmation to Petitioner’s claims that a mass of POST MORTEM fraud was enacted to illegally attempt to change the beneficiaries through a series of Fraudulent documents, all architected and aided and abetted by TESCHER, SPALLINA, TSPA and others. This may be further evidence of POST MORTEM changes or fraudulent changes to the dispositive documents and now in addition to the proven FORGED and FRAUDULENTLY NOTARIZED documents of the now arrested and sentenced for felony acts, a one Kimberly Moran (“MORAN”), TSPA’S Legal Assistant and Notary Public, which forgeries and fraudulently notarized documents were argued before this Court to be a one off affair and this argument now fails, as more and more evidence of fraudulent activities pile up to exhibit a Pattern and Practice of criminal activities.
17. That subject to their reply to the irreconcilable difference questions it is clear that TESCHER and SPALLINA’S position is that THEODORE and PAMELA and their lineal descendants are still excluded from the Estates and Trusts according to TESCHER’S Resignation letter. To support this,
    1. That as evidenced in Exhibit 3 - PAMELA NOTE & ATTORNEY LETTER TO SIMON, is a hand-written note from PAMELA to SIMON dated January 2012, which she attached to a Letter written by her attorney GENIN dated November 28, 2011. PAMELA sent the note and letter to SIMON, which was over four years AFTER the purported alleged SECOND FIRST AMENDMENT was executed on November 18, 2008 that allegedly added back into the Estate plan PAMELA’S children. However, in direct contradiction to this, SPALLINA clearly opined in the conversations with PAMELA’S attorney GENIN held in November 2011 that THEODORE and PAMELA and their lineal descendants were wholly excluded from the Estates and Trusts of both SIMON and SHIRLEY, no mention at that time of an alleged SECOND FIRST AMENDMENT reinstating them. Why would SPALLINA state these alleged misstatements to PAMELA’S attorney, inciting PAMELA’S ire, knowing according to TESCHER and SPALLINA’S ever changing story that SHIRLEY had changed her language to include her grandchildren in the alleged SECOND FIRST AMENDMENT that SPALLINA and TESCHER allegedly prepared along with the 2008 estate plans? Another question becomes if SIMON knew that SPALLINA had leaked this information to his children without his knowledge prior to his death and caused major problems with THEODORE and PAMELA perhaps putting SIMON’S life in danger, with major pressures put on him after learning of their disinheritance that lasted all the way to his death, as defined in Petitioner’s prior Motion filed in May 2013, which provides explanation for why SIMON was being mentally tortured by THEODORE and PAMELA to make changes to his estate plans on or around this time.
    2. TESCHER’S Resignation letter on January 14, 2014 states he only became aware of the purported alleged SECOND FIRST AMENDMENT in January 2013 when it was sent to PETITIONER’S children’s counsel YATES and therefore why did TESCHER and SPALLINA wait until now, over a year after manufacturing this document to tell this Court and PETITIONER this remarkable information he allegedly discovered and instead has continued to suppress and deny the document while he had this evidence in hand and continue to practice a FRAUD ON THIS COURT AND THE TRUE AND PROPER BENEFICIARIES. In his letter TESCHER was allegedly aware of the alleged FIRST FIRST AMENDMENT excluding THEODORE’S stepson Matthew Logan allegedly executed in 2008, if one believes anything they claim or any document they have tendered any longer. That this further supports the need for forensic analysis of ALL documents that are posited in the Court’s record for evidence of further fraud, fraud in and upon on the Court by OFFICERS OF THIS COURT and fraud on the Beneficiaries.
18. That one thing is clear from PAMELA’S note and her lawyer’s letter is that SIMON wanted first and foremost to take care of PETITIONER and provide his family and children due to Petitioner’s extraneous circumstances, including the Attempted Murder of his family and other death threats against his family, in his pursuit of the alleged perpetrators involved in theft of his and SIMON’S Intellectual Properties. The estate plans that SPALLINA and TESCHER were contracted by SIMON and SHIRLEY to do to protect Petitioner and his family are the one thing that TESCHER and SPALLINA have instead attempted with THEODORE and PAMELA to thwart since their passing, now trying to unwind these plans and abscond with assets through a series of fraudulent actions as pled in the multiple prior UNHEARD Petitions and Motions with this Court.
19. That Petitioner instead has been in HELL since the death of his father. Tortured by not only his father and mother’s loss in a short period of time but also from the absolute bad faith acts of their trusted Estate planners, who despite their claims that they have been doing these crimes to enact the wishes of SIMON prior to his death and make POST MORTEM changes at their discretion in their best interests through forgery and fraud, these are not the real motives of their actions. Their intent since day one has been to harm Petitioner, shutting him out entirely of information regarding his parents estates, forcing him to retain counsel and rack up huge legal bills and wasting precious time from protecting his family by doing his normal work, which takes up to twenty hours a day for over a decade and is necessary to reclaim his and SIMON’S Intellectual Properties and prevent another car bombing, all discussed largely in the May 06, 2013 pleading to this Court to FREEZE THE ESTATES, etc. They have made every step of the way since SIMON’S death for Petitioner and his family HELL, starving them and denying them not only of information regarding their beneficial interests but starving them of food, costs of living expenses, school funds, utility funds and attempting to steal off with assets left to protect them, including three minor children, which both SIMON and SHIRLEY had taken elaborate and extensive estate planning steps to ensure continuation of funds and resources left to cover these expenses for Petitioner and his family for many years to come.
20. That because THEODORE acting as Personal Representative in SHIRLEY’S Estate would take the position that his children should be included in the Estates now, this creates inherent and absolute conflict because now he cannot act to all beneficiaries impartially while competing for benefits for his children at expense of other grandchildren or children of SIMON and SHIRLEY. There are many other reasons THEODORE should not be in any fiduciary capacity in the Estates, which again have been filed repeatedly with this Court but remain unheard, including damning information in the exhibited REPORT herein.
21. That according to recent information, THEODORE was advised by counsel to make no distributions of assets of the Trusts of SHIRLEY in his ALLEGED role as Successor Trustee and Personal Representative but despite knowing the beneficiaries of the distributions were improper, including to his three children, he ignored the advice of counsel and made distributions knowing they were improper, another reason that THEODORE should be removed from ALL fiduciary capacities he may have in either Estate.
22. That these recent events with the Resignation of counsel and withdrawal of Personal Representatives make it an ideal time for the Court to now determine who the proper beneficiaries are and seize and impound all records and documents and share them with the beneficiaries at long last, as they have been denied and suppressed in violation of Probate Rules and Statutes and make a determination based upon all the facts. Impound all assets. Documents should include all ORIGINAL ESTATE DOCUMENTS and all ORIGINAL Court records both in the docket and in any other log or records, as it appears that tampering with Court files may also have occurred in the positing of certain documents in the Court record.
23. That further, the Court **may find** that the 2008 Estate documents are the last validly executed documents of SIMON and SHIRLEY, at this point Petitioner still does not have copies of certain of these documents, including the 2008 Will of SIMON and the 2008 Trust of SIMON, as they have been denied and suppressed to this point in violation of Probate Rules and Statutes. Therefore, the beneficiaries may also end up being only Petitioner and his two sisters Jill Iantoni (“IANTONI”) and Lisa Friedstein (“FRIEDSTEIN”) and their six lineal descendants as was allegedly stated in the 2008 documents. In this case, all the alleged changes in the alleged 2012 documents, which have all been challenged in Petitioner’s prior unheard Petitions and Motions regarding the grandchildren’s replacement of the three children of SIMON may be nullified entirely, along with all the 2012 documents. However, due to TESCHER’S Resignation letter and information in the REPORT exhibited herein, exposing that document fraud may have occurred in the 2008 documents they must now be questioned for further evidence of fraud.
24. That in regard to TESCHER and SPALLINA resigning and withdrawing and being discharged as Co-Personal Representatives in SIMON’S estate due to sudden “irreconcilable differences” with the children and grandchildren, their desire to withdraw, resign and be discharged, while consistent with Petitioners motions to Remove the Personal Representatives, is not for the same reasons and must be done to minimize any further risks of injury to the already damaged parties admitted to by TESCHER, through the alternative of REMOVAL with CAUSE and PREJUDICE.
25. That the beneficiaries have already been damaged from;
    1. the FORGED and FRAUDULENTLY NOTARIZED DOCUMENTS submitted by TSPA in these proceedings,
    2. the crimes committed and admitted to by SPALLINA in the September 13, 2013 Hearing before this Court,
    3. SPALLINA’S admitted closing the Estate of SHIRLEY with a DECEASED SIMON acting as a living Personal Representative / Executor while dead,
    4. failing to notify the Court of his death in opposite of Probate Rules and Regulations with intent,
    5. failure to elect proper successors with intent,
    6. SPALLINA’S admitted involvement with the MORAN FORGERIES and FRAUDULENT NOTARIZATIONS of six people, including a POST MORTEM FORGERY OF SIMON’S SIGNATURE, on six separate documents
    7. the information in the exhibited herein REPORT, which indicates further willful, wanton, reckless and grossly negligent behavior that took place to commit fraud on certain beneficiaries and in utter disregard to Law with intent to cause harm to beneficiaries, and,
    8. the looting of the Gross Estates of SIMON and SHIRLEY through a series of alleged criminal acts defined herein and in all prior unheard pleadings of Petitioner’s since May 2013.
26. That due to the criminal acts and civil torts that TSPA, TESCHER and SPALLINA are involved in already and the damages they have caused thus far, Petitioner requests the Court to REMOVE them with CAUSE and PREJUDICE and not rule on their motions to discharge them or allow them to withdraw based on their baseless pleadings, instead favoring Petitioner’s reasons to REMOVE them with CAUSE and PREJUDICE and force reliefs sought by Petitioner in his prior Motions to Remove the Personal Representatives from damages inflicted and admitted to already. In fact, due to these crimes, nothing they say to the Court in pleadings should be allowed or ruled on and all prior pleadings motions, etc. be DISQUALIFIED from the proceedings and removed.
27. That if their response to the “irreconcilable differences” they cite is that they want to withdraw and their resignations are based on the two differing alleged “first amendments” causing a dispute of who the beneficiaries are and not all the alleged and proven criminal reasons and alleged civil torts Petitioner has demanded their REMOVAL with CAUSE for in his prior UNHEARD Motions and Petitions since May 2013, including but far from limited to, the forged and fraudulently notarized docs, the failures to follow Probate Rules and Statutes in toto, the identity theft of SIMON to close SHIRLEY’S estate, the attempt to change the beneficiaries of the Estates of both SIMON and SHIRLEY POST MORTEM, the allegations of a mass of felony crimes to loot the estate through a variety of fraudulent activities, theft of assets, etc., then their motion for discharge should be denied at this time, as the determination that the beneficiaries needs to be fixed due to problems wholly created by their errors and alleged and proven criminal acts is not cause to be removed when it is the job of the Personal Representatives to fix the problem of beneficiaries, especially where they created them and are Attorneys at Law.
28. That how can Attorneys at Law, acting as Personal Representatives have “irreconcilable differences” with beneficiaries? It is the job of the Personal Representatives to determine who the proper beneficiaries are in an Estate and to ensure all Estate assets are protected, marshaled and distributed properly to the true and proper beneficiaries. Because they now seek to resign and withdraw, which appears consistent with Petitioner’s position since the probate proceedings began that they must be dismissed for a host of more serious and disturbing problems.
29. That it is now the proper time for this Court to entertain proceedings to determine first the true net worth of the decedents SIMON and SHIRLEY. That this accounting must be accomplished first while SPALLINA and TESCHER are still in this Court’s jurisdiction and certainly before any contemplated discharge. Petitioner previously stated the multiple roles these lawyers played in controlling virtually every aspect of the Estates precluding any accountability after illegally seizing Dominion and Control of the Estates through fraudulent documents and where they further denied and suppressed documents from the beneficiaries in efforts to convert assets from the true and proper beneficiaries and also steal assets outright excluding them from the Estates, as evidenced to this Court in prior pleadings.
30. That evidence already presented to this Court demonstrates that the decedents were worth many times the alleged total combined net worth of the estates and trusts of $4,000,000.00 that SPALLINA and THEODORE have told this Court under oath and in the hearings before the Court, as an estimate. As the Estate of SHIRLEY was not represented by any party at any of the past four hearings held due to SIMON being used illegally to close the Estate of SHIRLEY, there was no Personal Representative to make claims in opposition to these claims or cross examine SPALLINA and THEODORE but enough evidence is already in the record to show this amount far below the known amount of assets.
31. That Petitioner seeks an Evidentiary Hearing while SPALLINA and TESCHER are still not discharged and are still in a fiduciary position as to the beneficiaries to question them under oath after the Court has forced the release of all documents owed to beneficiaries that remain denied in violation of Probate Rules and Statutes.
32. That an example through evidence already in this Court that financial skullduggery is occurring, is that the inventory prepared by TESCHER and SPALLINA in SHIRLEY’S Estate indicated she had only $25,000 of personal property when she died and was so stated under oath by THEODORE and SPALLINA in the October 28, 2013 Evidentiary Hearing. However, immediately after learning in the Evidentiary Hearing of October 28, 2013 of this claim, Petitioner submitted insurance documents showing SHIRLEY had in jewelry alone a much greater personal property value, evidencing nearly $700,000 of jewels that have disappeared from the Estates that were appraised shortly before her death as her Personal Property. Petitioner has other evidence to bring to this Court that will show SIMON and SHIRLEY’S true net worth to be much higher.
33. That another example of this Skullduggery was exposed by Your Honor’s release of SIMON’S sealed Inventory to Petitioner that was never published to the Beneficiaries according to Probate Rules and Statutes, which revealed an inventory missing many Personal Property assets of SIMON. Then weeks later, almost a year and half after SIMON passed in efforts to amend the Inventory once this Court released the suppressed and denied sealed original inventory that had not been “published” to the beneficiaries according to Probate Rules and Statutes. Just as evidence was pouring in to this Court and authorities of assets missing off the Inventory, TESCHER and SPALLINA suddenly submitted an AMENDED INVENTORY, which PETITIONER challenges and rejects herein, which are suddenly adjusted to include assets TESCHER and SPALLINA knew about since SIMON’S death and in fact they were instrumental in preparing the alleged legal work regarding those newly claimed assets so they cannot claim they did not know about them when filing the original inventory.
34. That approximately ONE MILLION DOLLARS of assets were added to the original inventory, in an Estate they claim is only worth Four Million and where the original inventory claimed SIMON only had Personal Property of approximately ONE HUNDRED THOUSAND dollars. That one of the alleged assets added was a Mortgage to SIMON on the home purchased by PETITIONER’S children and this has been explained to the Court already to be in efforts to force a foreclosure and seize the home as part of an ongoing alleged EXTORTION of Petitioner.
35. That another recently discovered fact also evidences that the estimated worth of four million dollars appears deficient, is in the amount of money SIMON took in income in the years leading up to his death.
    1. That in year 2007 S. BERNSTEIN took in addition to a salary of $252,622.00 a shareholder share of current income of LIC Holdings, Inc. of 33% of $11,601,040.00 (86% cash distribution) or $3,867,013.33 for a total $4,119,635.33. Not bad for a bum who P. SIMON’S attorney GENIN accuses of stealing P. SIMON’S antique furniture and being too ill to work.
    2. That in year 2008 S. BERNSTEIN took a salary of $3,756,298.00.
    3. That in 2007-2008 S. BERNSTEIN took home a total $7,875,933.33. Yet, according to THEODORE and SPALLINA in hearings before Hon. Judge Colin, only a few years later the entire net worth of the Estates and Trusts was only ESTIMATED at four million dollars, again, estimated because no accountings of the Estate and Trust values have been provided to the beneficiaries, in violation of Probate Rules and Statutes.
36. That the estimated net worth of the Estates and Trusts is only an estimate as no financials have been tendered to the Beneficiaries in violation of Probate Rules and Statutes and the four million dollar estimate appears far short of known assets, including but not limited to,
    1. a fully paid for Condominium that S. BERNSTEIN had listed at $2,195,000.00 when he died,
    2. a fully paid for home residence, which had an alleged minimal line of credit and was listed at $3,200,000.00 by S. BERNSTEIN shortly before he died in 2012,
    3. life insurance on the life of SIMON worth at minimum $1,700,000.00 that is currently involved in a Federal Court Case IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT COURT ILLINOIS, Case No. 13-cv-03643 and where evidence has been submitted that both SPALLINA, THEODORE and MORAN are again involved in illegal acts including INSURANCE FRAUD, IMPERSONATING AN INSTITUTIONAL TRUST COMPANY, FRAUD ON A FEDERAL US DISTRICT COURT and FRAUD ON THE ESTATE BENEFICIARIES OF SIMON. For information regarding these alleged criminal acts to convert an asset of SIMON’S Estate from the true and proper beneficiaries, please see the URL @ [www.iviewit.tv/20140123ANSWERTOAMENDEDCOMPLAINT.pdf](http://www.iviewit.tv/20140123ANSWERTOAMENDEDCOMPLAINT.pdf) , fully incorporated by reference herein.
    4. Newly claimed Personal Property Assets of SIMON of $1,000,000.00 recently added to an Amended Inventory of SIMON.
    5. Missing Jewelry of SHIRLEY, appraised at $700,000.00 shortly before her death.
    6. Missing fully paid Bentley Automobile of SHIRLEY estimated at $350,000.00.
    7. IRA’s of another approximate $2,000,000.00 that were stated to be there initially and now are claimed gone, and,
    8. JP Morgan accounts with another minimum amount of $2,500,000.00 in just one account as stated in the September 13, 2013 hearing before this Court as reserve for a creditor claim of that amount and where other accounts are alleged missing.
    9. Oppenheimer Accounts that appear missing entirely.
    10. Stanford Bank Lawsuits for CD’S lost that were part of the Sir Robert Allen Stanford Ponzi fraud for approximately $2,000,000.00.

WHEREFORE, Petitioner prays for all of the following relief,

That based on information in SEALED DOCUMENT, this Court would be well respected to consider all of the following reliefs,

1. Order IMMEDIATE FINANCIAL RELIEF, like today, be granted to Petitioner and his family who have been tortured by these crimes mentally and financially for over a year and half and since his children and wife have basically been starved out, stressed out and damaged beyond human belief with intent from the crimes of these “trusted” advisors and Attorneys at Law, this relief is life sustaining at this point.
2. Order all expenses and legal expenses extended by Petitioner, including monies that were misused by SPALLINA from his children’s educational trust funds to pay legal and other costs involved in exposing these crimes committed and have depleted these funds with reckless disregard and absolute intent, in efforts to starve out Petitioner and his family to cease their prosecution of them and their crimes. MAKE THEM PAY THIS FROM THEIR BANK ACCOUNTS NOT THE ESTATES, as TESCHER claims he wants to make reparations for just the one bad act he now admits to have happened but ALL of their bad acts combined. These damages include not getting a single thing in over three years since his mother’s death and over a year and half since his father’s passing and loss of personal items his parents were leaving to him, while all of them knew of these bad acts and looted these most prized possessions from him and his family and their inheritances. That Petitioner as evidenced is the only child that with his wife and children were with SIMON and SHIRLEY from the moment they heard they were sick and could not travel to see them in California until the moment they died, every week on Sunday for brunch and once or twice a week for other engagements. The other children, mainly THEODORE and PAMELA had apparently strained and difficult relations that culminated in bad blood over the last years of their lives that left them isolated from their parents in large part and IANTONI and FRIEDSTEIN were largely inaccessible to them via distance.
3. ALL Attorneys at Law that have been involved in these matters in any capacities be REMOVED with CAUSE and PREJUDICE and their motions to withdraw denied and instead Petitioner’s Motions and Petitions to Remove the Personal Representatives be heard instead.
4. That ALL Attorneys at Law seeking withdrawal first post requisite BONDS for the damages caused thus far and still being investigated in an amount no less than $40,000,000.00 each.
5. That Mark Manceri who has withdrawn as counsel in his multiplicity of roles in the Estates of SIMON and SHIRLEY and who should have also been REMOVED with CAUSE and PREJUDICE by this Court also be required to post requisite BOND for the damages caused thus far and still being investigated in an amount no less than $40,000,000.00.
6. That the Personal Representatives of the Estates of SIMON and SHIRLEY, THEODORE, SPALLINA and TESCHER, be required to post requisite BONDS for the damages caused thus far and still being investigated in an amount no less than $40,000,000.00 each.
7. That there is no discharge at this time only a REMOVAL for CAUSE as counsel and REMOVAL for CAUSE from acting as Personal Representatives.
8. That this Court and Your Honor post a Public Official Surety Bond, as certain crimes admitted to already and alleged have all occurred in and upon this Court, by Officers of this Court under Your Honor’s supervision in an amount no less than $40,000,0000.00, until the matters can be fully investigated and resolved.
9. That the Court decides the values of the Estates after full and formal forensic accountings and then determines who the proper beneficiaries are before any discharges are granted, due to the admitted exposures and liabilities to beneficiaries and additional liabilities that may result from premature discharge by Your Honor.
10. That Petitioner wants the Attorneys at Law and the Personal Representatives all REMOVED for CAUSE with PREJUDICE and not discharged until all issues of exposure are fully resolved both in civil and criminal matters that remain ongoing and those new ones that will be filed based on the information in the SEALED DOCUMENT.
11. That Petitioner requests that ALL legal fees billed for SIMON and SHIRLEY estates, creditor lawsuit involvement and other legal or professional fees deducted from the corpus of the estates or trusts by any of the fleeing Attorneys at Law involved be returned in full with interest to the Estates, along with a complete accounting of all billings, work products, etc. as required by law, which have been suppressed and denied entirely in both Estates and Trusts to this point. Based on the information already disclosed in the SEALED DOCUMENT, this now becomes mandatory.
12. That Petitioner demands this Court follow Judicial Cannons and Law and report all crimes that have been committed in and upon this Court by Officers of this Court to the proper authorities both civilly and CRIMINALLY for full and formal investigation.
13. That their Motion to Withdraw and be Discharged not be heard, until hearing ALL of Petitioner’s prior motions to this Court to REMOVE counsel and the PR’S with CAUSE and PREJUDICE filed with the Court since May 2013 and unheard.
14. That no discharge is issued until all investigations are complete in state and federal actions as their culpability and exposure remains open to further information relating to those other related criminal and civil actions now in progress and those soon to be filed.
15. That the Court should note that all of these Attorneys that are resigning or withdrawing for their stated reasons should not be moving the Court any longer, including these pleadings and in any hearings, where pleadings should have been filed by non-conflicted counsel, as they have already resigned as counsel to the Bernstein family and estates entirely and thus should be represented by independent none conflicted and not criminally involved counsel forward before the Court.
16. That the Court appoint Petitioner as Successor Personal Representative and Trustee over the entire estates, as Petitioner is honest to the core with prized integrity and while not the greatest in financial management, will come prepared with a wonderful cast of characters to aid as Co-Personal Representatives and will retain wonderful counsel for the Estate, who are proven in their respective fields to money managers and lawyers of the highest caliber to assist in all those areas that Petitioner lacks. That Petitioner will do what is fair and right to his parents’ wishes and will respect and honor those to the letter, once all the missing assets and properties are 100% recovered and this Court and those appointed and trusted determine the real value of the Estates of SIMON and SHIRLEY. That Petitioner’s Co-Representatives would also be known to the Bernstein family members, as they have been all been valuable clients to their businesses for many many years and should be elected without objection to the members of the Bernstein family that have real interests in these matters.
17. That the Court must also ask if it too must disqualify itself as Petitioner filed a motion for disqualification of Your Honor but Your Honor ruled it was not “legally sufficient” and while Petitioner is preparing a response and requesting clarification to disqualify, Petitioner wants this Court here and now to reveal if Your Honor has discovered any reasons such as conflicts or adverse interests for your own disqualification that cannot be parsed by Petitioner and this Court openly and with full disclosure. To ensure due process, Petitioner representing himself Pro Se is entitled to know of any conflicts or adverse interest and has requested since the May 06, 2013 Petition to freeze the Estates that the Court review Petitioner’s Conflict of Interest Disclosure attached to that filing as Exhibit 30, pages 400-466, which has a partial list of individuals and corporations that may cause conflict with impartial revue by Your Honor.
18. If there are such conflicts or adverse interests that preclude Your Honor further, is it not legally required that Your Honor act on your own motion to disqualify yourself and not wait for Petitioner who is Pro Se to get the disqualification technically right or make it legally sufficient? However, a mere statement that no conflicts or adverse interests now exist in these matters would be sufficient at this time to clarify this matter with Petitioner, as if conflicts or adverse interests exist at this point due to the criminal acts that occurred in and upon this Court, with Your Honor’s Court Officers involved and Your Honor directly involved through their actions, now even becoming a material and fact witness to the events that occurred in and upon the Court, than Your Honor is required by Judicial Cannons to disqualify or to at least respond to Petitioner with a statement that insures fair and impartial due process.
19. That another statement that no conflicts exist with Petitioner or the Iviewit Companies, especially in relation to Judge Jorge Labarga whom Your Honor cites as your “Mentor” in your Florida Bar Resume[[4]](#footnote-4) would also be appropriate, as Petitioner has alleged that Jorge Labarga is intimately and centrally involved in an ongoing RICO and ANTITRUST Lawsuit and ongoing criminal investigations relating to theft of Petitioner’s and SIMON’S Intellectual Properties and in fact, is the central figure in causing all Petitioner’s troubles in the Florida Courts since 2004, so as to be Petitioner’s nemesis. Please identify at what times Labarga mentored Your Honor and if any conversations with him have been had since these matters began. These matters relating to this possible conflict have been discussed at length recently in the US District Court Northern District of Illinois, see URL @ [www.iviewit.tv/20140205RESPONSETOREPLYREMOVEADAMSIMON.pdf](http://www.iviewit.tv/20140205RESPONSETOREPLYREMOVEADAMSIMON.pdf) , fully incorporated by reference herein. Please keep in mind that in New York, news has been published and already submitted to this Court in the May 06, 2013 Petition to freeze the Estates that in cases related to Iviewit’s RICO and Christine C. Anderson’s whistleblowing lawsuit that expose court and public office corruptions at the highest levels, that JUDGES were being illegally wiretapped involved in these matters and Plaintiffs like Anderson and Petitioner were being monitored illegally 24-7 for years through MISAPPROPRIATION OF JOINT TERRORISM TASK FUNDS AND RESOURCES, VIOLATIONS OF THEIR PATRIOT ACT RIGHTS, THREATS TO PUBLIC OFFICIALS AND BRIBES TO COVER UP THE CORRUPTION (including Senator John L. Sampson, former New York Senate Judiciary Committee Chairman and head of the New York Democratic party whom Petitioner and Anderson testified before and has admitted now to being threatened and taking bribes to cover up), innocent people being SET UP IN FALSE CRIMINAL ROUNDUPS for crimes and targeted by rogue Attorneys at Law in a number of high ranking public offices for personal vendetta’s, including being set up on false TERRORISM charges and more!!! (See Exhibit in May 06, 2013 Petition to this Court, Pages 319-333) So everything is not what it appears to be at times as to why people did what they involved in these matters of Petitioner’s inventions and Iviewit, including LABARGA and many others and so Petitioner continues to Judge according to persons actions individually and based on their integrity. Anderson herself testifies in Federal Court how when blowing the Whistle she became targeted and was afraid to leave her Supreme Court of New York Disciplinary Department Offices, not from the people outside but rather from those inside the halls the of Justice who were threatening her for her bold stance in the face of corruption like few other whistleblowers in history.
20. Order that Petitioner’s minor child receive his personal property of his KIA Soul automobile that was a birthday gift to him from his grandfather days before his death and is not an estate asset or personal property as SPALLINA and TESCHER have fraudulently claimed to the Court and that sits idle for over a year in front of Petitioner’s home un-drivable and where a motion to Judge French has sat idle in SIMON’S court filings for months.

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

X\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**CERTIFICATE OF SERVICE**

I, ELIOT IVAN BERNSTEIN, HEREBY CERTIFY that a true and correct copy of the foregoing Motion to \_\_\_\_\_\_\_\_\_ has been furnished by email to all parties on the following Service List, Friday, February 14, 2014.

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

X\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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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

EXHIBIT 1 - January 14th 2014 Donald Tescher and Tescher & Spallina, P.A. resignation letter

Exhibit 2 - REPORT

EXHIBIT 3 - January 2012 note from Pam to Simon with November 2011 Letter from Pam’s Attorney

1. Pleadings in this case are being filed by Plaintiff In Propria Persona, wherein pleadings are to be considered without regard to technicalities. Propria, pleadings are not to be held to the same high standards of perfection as practicing lawyers. See Haines v. Kerner 92 Sct 594, also See Power 914 F2d 1459 (11th Cir1990), also See Hulsey v. Ownes 63 F3d 354 (5th Cir 1995). also See In Re: HALL v. BELLMON 935 F.2d 1106 (10th Cir. 1991)."

   In Puckett v. Cox, it was held that a pro-se pleading requires less stringent reading than one drafted by a lawyer (456 F2d 233 (1972 Sixth Circuit USCA). Justice Black in Conley v. Gibson, 355 U.S. 41 at 48 (1957)"The Federal Rules rejects the approach that pleading is a game of skill in which one misstep by counsel may be decisive to the outcome and accept the principle that the purpose of pleading is to facilitate a proper decision on the merits." According to Rule 8(f) FRCP and the State Court rule which holds that all pleadings shall be construed to do substantial justice. [↑](#footnote-ref-1)
2. There appears no legal definition of this word other than its use in divorce cases and where the term is not applicable to these matters as a ground for withdrawal of counsel. Black’s Law Dictionary “No fault ground for dissolution of marriage under many state divorce statutes, see also irretrievable breakdown of marriage.” [↑](#footnote-ref-2)
3. The estate was Ordered by Judge David E. French to be closed by October 02, 2013 and no filing for extension has been filed in violation of the Court Order. [↑](#footnote-ref-3)
4. <http://www.palmbeachbar.org/judicial-profiles/judge-martin-colin> , fully incorporated by reference herein. [↑](#footnote-ref-4)