

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

IN RE: THE ESTATE OF
SIMON BERNSTEIN,
Deceased

CASE NO. 502012CP004391XXXXSB

HON. JUDGE MARTIN H. COLIN

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

COPY
SOUTH COUNTY BRANCH OFFICE
ORIGINAL RECEIVED

JUN 04 2014

SHARON R. BOCK
CLERK & COMPTROLLER
PALM BEACH COUNTY

Motion to Add Respondents
Wednesday, June 4, 2014
Page 1 of 6

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

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)

Motion to Add Respondents
Wednesday, June 4, 2014
Page 1 of 6

CHILD),
MOLLY NORAH SIMON (PAMELA ADULT
CHILD),
JULIA IANTONI – JILL MINOR CHILD,
MAX FRIEDSTEIN – LISA MINOR CHILD,
CARLY FRIEDSTEIN – LISA MINOR CHILD,
SHIRLEY BERNSTEIN TRUST AGREEMENT,
JOHN AND JANE DOE’S (1-5000).


TO BE ADDED RESPONDENTS:

PAGE, MRACHEK, FITZGERALD & ROSE, P.A.
(AND ALL PARTNERS, ASSOCIATES AND OF
COUNSEL),
ALAN B. ROSE, ESQ. - PERSONALLY,
ALAN B. ROSE, ESQ. – PROFESSIONALLY,
PANKAUSKI LAW FIRM PLLC, (AND ALL
PARTNERS, ASSOCIATES AND OF COUNSEL),
JOHN J. PANKAUSKI, ESQ. – PERSONALLY,
JOHN J. PANKAUSKI, ESQ. – PROFESSIONALLY,
KIMBERLY FRANCIS MORAN – PERSONALLY,
KIMBERLY FRANCIS MORAN –
PROFESSIONALLY,
LINDSAY BAXLEY AKA LINDSAY GILES –
PERSONALLY,
LINDSAY BAXLEY AKA LINDSAY GILES -
PROFESSIONALLY

MOTION TO ADD RESPONDENTS

COMES NOW, Eliot Ivan Bernstein (“Petitioner”), as Beneficiary and Interested Party both for himself personally and 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 his Motion to Add Respondents dated Wednesday, June 4, 2014 and in support thereof states, as follows:

That Petitioner requests to add the following Respondents under Florida Statutes 736.0201 and any other applicable statutes;


Motion to Add Respondents
Wednesday, June 4, 2014
Page 2 of 6

1. That Petitioner requests this court to add as Respondents who are all involved directly in the nexus of events surrounding the fraudulent activity that has taken place in these matters both upon the Court and the Beneficiaries/Interested Parties, acting all in concert with former removed Personal Representatives/Trustees/Counsel in these matters, Donald Tescher, Esq. and Robert Spallina, Esq., as follows:

- i. PAGE, MRACHEK, FITZGERALD & ROSE, P.A. (AND ALL PARTNERS, ASSOCIATES AND OF COUNSEL)
- ii. ALAN B. ROSE, ESQ. - PERSONALLY
- iii. ALAN B. ROSE, ESQ. – PROFESSIONALLY
- iv. PANKAUSKI LAW FIRM PLLC, (AND ALL PARTNERS, ASSOCIATES AND OF COUNSEL)
- v. JOHN J. PANKAUSKI, ESQ. – PERSONALLY
- vi. JOHN J. PANKAUSKI, ESQ. – PROFESSIONALLY
- vii. KIMBERLY FRANCIS MORAN – PERSONALLY,
- viii. KIMBERLY FRANCIS MORAN – PROFESSIONALLY,
- ix. LINDSAY BAXLEY AKA LINDSAY GILES – PERSONALLY,
- x. LINDSAY BAXLEY AKA LINDSAY GILES – PROFESSIONALLY

2. That further, Alan B. Rose, Esq. has not filed Notices of Appearances for parties while continuing to represent them before this Court in violation of Attorney Conduct Codes and Law.

3. That Alan B. Rose, Esq., has acted in conflict in these matters and with adverse interests knowingly and despite Petitioner's repeated requests to voluntarily disqualify himself has

failed to Disqualify himself from these matters that he has not filed appearances in.

4. That further, John J. Pankauski, Esq. has acted in Conflict of Interest and with Adverse Interests as discussed in prior hearings before this Court but the Court while determining that Pankauski appeared to be conflicted, stated that the Motion was improperly filed by Creditor William Stansbury's counsel on behalf of Petitioner and that Petitioner should have filed it on his behalf. The Court then ruled that Theodore Bernstein was not going to be Personal Representative of Simon Bernstein's estate and thus the matter of Pankauski's representing Theodore in these proceedings as counsel was moot. However, despite Pankauski knowing his representations violate attorney conduct codes and law, continues to act in these matters, willingly. Where the Court has information of Attorney misconduct, the Court should act on its own motion to remove Pankauski from illegal representations that have hampered Plaintiff's due process and procedure rights and obstructed justice.

5. That with Attorney Fraud and Forgery proven in these matters already by Officers of this Court, this Court needs to instantly cease the continued misconduct and report these Officers of the Court to the proper authorities as required under Judicial Cannons and Law, especially where they are all alleged to have acted together to perpetrate these crimes.

6. That the Court must force new NON-CONFLICTED counsel to be retained by all parties alleged to have aided and abetted the criminal acts and all parties who worked with and/or were retained by any of the parties involved in the fraudulent activity be removed as they will all be fact and material witnesses and respondents/defendants in all related matters forward.

7. That Kimberly Moran has been arrested and convicted of FELONY criminal misconduct in these matters and therefore is a necessary party to be added.

8. That Lindsay Baxley is under current and ongoing investigations regarding these matters and therefore is a necessary party to be added for her alleged criminal and civil torts in these matters.

WHEREFORE, Petitioner requests that this Court enter an order granting the additional respondents be added to this matter and any other relief this Court finds just.

Eliot Bernstein, Pro Se, Individually 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 has been furnished by email to all parties on the following Service List, Wednesday, June 4, 2014.

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

X

SERVICE LIST

Theodore Stuart Bernstein Life Insurance Concepts 950 Peninsula Corporate Circle, Suite 3010	Alan B. Rose, Esq. Page, Mrachek, Fitzgerald & Rose, P.A. 505 South Flagler Drive, Suite	John J. Pankauski, Esq. Pankauski Law Firm PLLC 120 South Olive Avenue 7th Floor	Carley & Max Friedstein, Minors c/o Jeffrey and Lisa Friedstein
-------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------	--------------------------------------------------------------------------

Boca Raton, Florida 33487 bernstein@lifeinsuranceconcepts.com	600 West Palm Beach, Florida 33401 (561) 355-6991 arose@pm-law.com	West Palm Beach, FL 33401 (561) 514-0900 courtfilings@pankauskilawfirm.com	Parents and Natural Guardians 2142 Churchill Lane Highland Park, IL 6003 Lisa@friedsteins.com lisa.friedstein@gmail.com
Pamela Beth Simon 950 N. Michigan Avenue Apartment 2603 Chicago, IL 60611 psimon@stpcorp.com	Irwin J. Block, Esq. The Law Office of Irwin J. Block PL 700 South Federal Highway Suite 200 Boca Raton, Florida 33432 ijb@ijblegal.com	William M. Pearson, Esq. P.O. Box 1076 Miami, FL 33149 wpearsonlaw@bellsouth.net	Robert L. Spallina, Esq., RESPONDENT Tescher & Spallina, P.A. Boca Village Corporate Center I 4855 Technology Way Suite 720 Boca Raton, FL 33431 rspallina@tescherspallina.com
Jill Iantoni 2101 Magnolia Lane Highland Park, IL 60035 jilliantoni@gmail.com	Peter Feaman, Esquire Peter M. Feaman, P.A. 3615 Boynton Beach Blvd. Boynton Beach, FL 33436 pfeaman@feamanlaw.com	Benjamin Brown, Esq. Matwiczyn & Brown, LLP 625 No. Flagler Drive Suite 401 West Palm Beach, FL 33401 bbrown@matbrolaw.com	Donald Tescher, Esq., RESPONDENT Tescher & Spallina, P.A. Boca Village Corporate Center I 4855 Technology Way Suite 720 Boca Raton, FL 33431 dtescher@tescherspallina.com
Lisa Friedstein 2142 Churchill Lane Highland Park, IL 60035 Lisa@friedsteins.com lisa.friedstein@gmail.com	William H. Glasko, Esq. Golden Cowan, P.A. 1734 South Dixie Highway Palmetto Bay, FL 33157 bill@palmettobaylaw.com	Alexandra Bernstein 3000 Washington Blvd, Apt 424 Arlington, VA, 22201 alb07c@gmail.com	Mark R. Manceri, Esq., RESPONDENT and Mark R. Manceri, P.A., RESPONDENT 2929 East Commercial Boulevard Suite 702 Fort Lauderdale, FL 33308 mrmlaw@comcast.net
Eric Bernstein 2231 Bloods Grove Circle Delray Beach, FL 33445 ebenstein@lifeinsuranceconcepts.com	Michael Bernstein 2231 Bloods Grove Circle Delray Beach, FL 33445 mchl_bernstein@yahoo.com	Molly Simon 1731 N. Old Pueblo Drive Tucson, AZ 85745 molly.simon1203@gmail.com	
Matt Logan 2231 Bloods Grove Circle Delray Beach, FL 33445 matl89@aol.com	Joshua, Jacob and Daniel Bernstein, Minors c/o Eliot and Candice Bernstein, Parents and Natural Guardians 2753 NW 34th Street Boca Raton, FL 33434 iviewit@iviewit.tv	Julia Iantoni, a Minor c/o Guy and Jill Iantoni, Her Parents and Natural Guardians 210 I Magnolia Lane Highland Park, IL 60035 jilliantoni@gmail.com	

Motion to Add Respondents
Wednesday, June 4, 2014
Page 6 of 6