

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

IN RE: PROBATE DIVISION
ESTATE OF SIMON L. BERNSTEIN CASE NO. 502012CP004391XXXXSB

CURATOR'S MOTION FOR INSTRUCTIONS
REGARDING AUTHORITY TO RETAIN COUNSEL

COMES NOW, Curator, Benjamin P. Brown ("Curator"), by and through undersigned counsel, files this Motion for Instructions, and states as follows:

1. On February 25, 2014, this Court entered an Order on "Interested Person" William Stansbury's Motion for the Appointment of a Curator or Successor Personal Representative ("Order Appointing Curator"), appointing Benjamin P. Brown as Curator of the Estate of Simon L. Bernstein ("Estate"). On March 11, 2014, this Court entered Letters of Curatorship in Favor of Benjamin Brown ("Letters").

2. On June 13, 2014, Eliot Bernstein ("Eliot") sent the e-mail attached as Exhibit A. In it, Eliot makes allegations regarding the Curator's professional responsibilities.

3. The Curator is not an expert with regard to the Rules of Professional Conduct. The allegations in Exhibit A have been made to the Curator during the course of the performance of the Curator's duties. As a result of the foregoing, the Curator needs to retain expert counsel to advise whether the Curator's professional responsibilities require the Curator to take any action..

4. The Letters do not expressly authorize the Curator to retain counsel for this purpose.

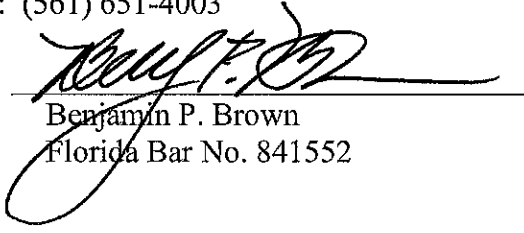
5. Accordingly, by this Motion, the Curator advises the Court and all counsel and all persons on the certificate of service and e-filing list of the foregoing, and, in an abundance of caution, seeks instructions regarding the Curator's authority to retain counsel.

WHEREFORE, the Curator requests that this Court enter an Order providing instructions regarding the Curator's authority to retain counsel as described above, and for such other relief as the Court deems just and proper.

I HEREBY CERTIFY that a true and correct copy of the foregoing was served by e-mail upon the parties listed on the attached service list, on this 18 day of June, 2014.

MATWICZYK & BROWN LLP
Attorney for Curator
625 N. Flagler Drive, Suite 401
West Palm Beach, FL 33401
Telephone: (561) 651-4004
Fax: (561) 651-4003

By: _____


Benjamin P. Brown
Florida Bar No. 841552

SERVICE LIST

Estate of Simon L. Bernstein

Palm Beach County Case No. 502012CP004391XXXXSB

Max Friedstein 2142 Churchill Lane Highland Park, IL 6003	Alan B. Rose, Esq. Page, Mrachek, Fitzgerald & Rose, P.A. 505 South Flagler Drive, Suite 600 West Palm Beach, Florida 33401 (561) 355-6991 arose@pm-law.com	John J. Pankauski, Esq. Pankauski Law Firm PLLC 120 South Olive Avenue 7th Floor West Palm Beach, FL 33401 (561) 514-0900 john@Pankauskilawfirm.com	Carley Friedstein, Minor c/o Jeffrey and Lisa Friedstein Parent and Natural Guardian 2142 Churchill Lane Highland Park, IL 6003 Lisa@friedsteins.com lisa.friedstein@gmail.com
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Ben Brown

From: Eliot Ivan Bernstein <iviewit@iviewit.tv>
Sent: Friday, June 13, 2014 8:54 AM
To: 'Alan Rose'; 'Eliot Ivan Bernstein'
Cc: 'Peter M. Feaman, Esq.'; mkoskey@feamanlaw.com; 'William H. Glasko, Esq.'; tmealy@gcprobatelaw.com; 'Robert Spallina, Esq.'; 'Donald Tescher, Esq.'; Ben Brown; Linda McDaniel; 'John P. Morrissey'; 'John Pankauski, Esq.'; paula@pankauskilawfirm.com; 'Irwin J. Block, Esq.'; 'Caroline Prochotska Rogers Esq.'; 'Michele M. Mulrooney ~ Partner @ Venable LLP'; 'Andrew R. Dietz @ Rock It Cargo USA'; 'Marc R. Garber Esq. @ Flaster Greenberg P.C.'; 'Marc R. Garber Esq. @ Flaster Greenberg P.C.'; 'Marc R. Garber Esq.'; tourcandy@gmail.com
Subject: RE: Bernstein Estates - ABR to Parties 06-12-14 re Draft Orders from 06-12-14 Hearings

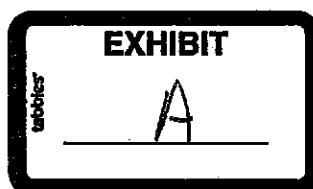
Alan, I also object for other reasons, including but far from limited to that there is a pending motion to add you as a Respondent for your adverse interests created from your involvement with Tescher and Spallina and others in the already proven and admitted criminal acts that have taken place by prior Attorneys at Law and Fiduciaries in these matters that without question now make you both a material and fact witnesses regarding the criminal acts and your factual involvement with the perpetrators during the time of the criminal acts. This alone should force your voluntary Disqualification from these matters. Your continued actions, despite your requirements under attorney conduct codes and law to disqualify voluntarily from matters when you have adverse interests and conflicted, will be imparted as further aiding and abetting the prior crimes and continuing new one, including but not limited to, obstruction of justice through an intentional attempt to deny due process through such continued improper actions as an Officer of the Court while knowing of your and your clients adverse interests and conflicts that preclude further involvement.

A note to the attorneys at law involved in these matters who are receiving this email, I believe you are duty bound to report attorneys at law who have adverse interests and conflicts and refuse to disqualify when these are apparent and yet further advance improper legal arguments through the violation of their attorney conduct codes and law in proceedings you are involved with them in and certainly Alan and Ted's involvement with the former Attorneys at Law and parties involved in the already proven and admitted crimes, is irrefutably reason that they will be material and fact witnesses and have adverse interests and should disgorge themselves of any fiduciary and/or legal capacities they are acting in and cease and desist all contact in such capacities with any other attorneys at law involved. If you are aware that Ted and Alan will be material and fact witnesses in these matters and cannot continue to act impartially and continue to correspond with them, settle with them or make any other communications with them in these improper capacities, this could be construed as aiding and abetting and obstruction and more. Just something to consider.

Alan, I and hopefully all the lawyers in this communiqué, will be objecting to any orders you put forth while conflicted and with adverse interests as further FRAUD ON THE COURT and the Beneficiaries and Interested parties, in order to cover up the already proven and admitted crimes and further aid and abet those attorneys and fiduciaries who brought you into these matters and whom you acted with in perpetrating their frauds. I also will be filing additional criminal charges for the obstruction et al. against you and your firm and all partners, associates, of counsel and employees that participate in any way in these matters forward. I believe the Attorneys at Laws involved and copied herein may also due what they are legally and ethically required to do and report you and Ted and file with the proper authorities instantly regarding your continued misconduct and more. Please, do the right thing under law and your ethical cannons and voluntarily cease your misconduct and cease further FRAUD, WASTE and ABUSE of Estates assets and time.

Best ~ Eliot

Thanks ~ Eliot



From: Alan Rose [mailto:ARose@mrachek-law.com]

Sent: Friday, June 13, 2014 1:30 AM

To: Eliot Ivan Bernstein

Cc: Peter M. Feaman, Esq.; mkoskey@feamanlaw.com; William H. Glasko, Esq.; tmealy@gcprobatelaw.com; Robert Spallina, Esq.; Donald Tescher, Esq.; Benjamin P. Brown, Esq.; Imcdaniel@matbrolaw.com; John P. Morrissey; John Pankauski, Esq.; paula@pankauskilawfirm.com; Irwin J. Block, Esq.; Caroline Prochotska Rogers Esq.; Michele M. Mulrooney ~ Partner @ Venable LLP; Andrew R. Dietz @ Rock It Cargo USA; Marc R. Garber Esq. @ Flaster Greenberg P.C.; Marc R. Garber Esq. @ Flaster Greenberg P.C.; Marc R. Garber Esq.; tourcandy@gmail.com; Eliot I. Bernstein, Inventor ~ Iviewit Technologies, Inc.

Subject: Re: Bernstein Estates - ABR to Parties 06-12-14 re Draft Orders from 06-12-14 Hearings

If that is your only objection, we will send in the orders with that noted to judge.

Alan B. Rose

On Jun 12, 2014, at 19:42, "Eliot Ivan Bernstein" <iviewit@gmail.com> wrote:

I object to these orders, as Ted is not the successor trustee of the alleged Trusts as far as I know legally and he cannot now serve in any capacities for a myriad of reasons. This is why you Alan should not be acting further either, especially where there is a motion to add you as a Respondent/Defendant and to remove your client for a host of reasons, including your direct past involvement with Tescher and Spallina to advance their frauds and again this continued action by you just appears more fraud, waste and abuse but I will take that up with Judge Colin if necessary. Have you notified your liability carrier of your situation in these matters and that you have been noticed of your involvement in the litigation as a Respondent/Defendant yet. Can you please send over your carrier information so that I may notice them as well in the event that you are not? Thanks ~ Eliot

From: Marie Chandler [mailto:MChandler@mrachek-law.com] **On Behalf Of** Alan Rose

Sent: Thursday, June 12, 2014 6:26 PM

To: Eliot I. Bernstein; Peter M. Feaman, Esq.; mkoskey@feamanlaw.com; William H. Glasko, Esq.; tmealy@gcprobatelaw.com; Robert Spallina, Esq.; Donald Tescher, Esq.; Benjamin P. Brown, Esq.; Imcdaniel@matbrolaw.com; John P. Morrissey; John Pankauski, Esq.; paula@pankauskilawfirm.com; Irwin J. Block, Esq.

Cc: Alan Rose

Subject: Bernstein Estates - ABR to Parties 06-12-14 re Draft Orders from 06-12-14 Hearings

Attached are draft orders regarding the hearings of today before Judge Colin. Please let me have your comments at your earliest convenience.

Best wishes.

Alan

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<image001.png>
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