

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

IN RE: THE ESTATE OF
SIMON LEON 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 CHILD);
MOLLY NORAH SIMON (PAMELA SIMON ADULT CHILD);
JULIA IANTONI - (JILL IANTONI MINOR CHILD);
MAX FRIEDSTEIN - (LISA FRIEDSTEIN MINOR CHILD);
CARLY FRIEDSTEIN - (LISA FRIEDSTEIN MINOR CHILD);

Motion to Remove Alan B. Rose, Esq.
June 24, 2014

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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;
THE ALLEGED “SIMON L. BERNSTEIN AMENDED AND RESTATED TRUST AGREEMENT”
DATED JULY 25, 2012;
JOHN AND JANE DOE’S (1-5000).

MOTION TO REMOVE ALAN B. ROSE, ESQ.

COMES NOW, Eliot Ivan Bernstein (“Eliot”) or (“Petitioner”), PRO SE, as Beneficiary and Interested Party both for himself personally and Guardian for his three minor children (who may also be Beneficiaries and Interested Parties of the Estates and Trusts of Simon Bernstein (“Simon”) and Shirley Bernstein (“Shirley”)), and hereby files this “MOTION TO: REMOVE ALAN B. ROSE, ESQ.” and in support thereof states, on information and belief to the best of his knowledge, as follows:

1. That after considerable time was spent on the Emergency Hearing filing by Petitioner Eliot Bernstein, despite the threatening and dangerous information exposed therein, this Court denied the Motion as an Emergency and requested refile a more proper Pro Se pleading. Due to the fact that material contained herein implicates that force and aggressive tactics are being conspired against Eliot by Alan Rose, Esq. (“Alan”) or (“Rose”), John Pankauski, Esq. (“Pankauski”) and Theodore Stuart Bernstein (“Theodore”) or (“Ted”) and Eliot’s life many be in imminent danger, Eliot has refiled this pleading in hopes that it will be heard instantly as it truly is an Emergency that requires this Court take Judicial Notice of the Criminal Acts being conspired by Attorneys at Law and Officers of this Court in concert with the Theodore Bernstein (“Theodore”) or (“Ted”). That hopefully this pleading better pleases the Court and this Court acts swiftly to uphold due process and procedure and protect the lives of those involved in the matters from carefully designed plans exposed herein that are of a violent nature. That due to

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the seriousness of the criminal acts alleged herein, Eliot apologies for any rough spots, as he is a Pro Se litigant attempting to do his best.

2. Eliot Bernstein moves this court to remove Alan Rose, as counsel to Ted Bernstein and the Simon Bernstein Estate and for similar reasons remove him from any legal capacities in the Shirley Bernstein Estate as the matters are significantly related and apply to both cases.
3. Alan Rose, hereafter "Rose" has knowingly, willfully and with neglect participated in fraud on the court, abuse of process and must be removed, sanctioned and reported by this Court to the proper authorities.
4. Fraud on the Court is a clear Basis for Dismissal with Prejudice, as a matter of law.
5. Bernstein moves this court to remove Rose from this case for good and just cause and sanctioned and reported by this Court to the proper authorities..
6. That cheaters should not be allowed to prosper has long been central to the moral fabric of our society and one of the underpinnings of our legal system.

Recent decisions, including Destafano v. State Farm Mutual Automobile Insurance Co., 28 Fla. L. Weekly D1077 (Fla. 1st DCA April 28, 2003), and Long v. Swofford, 805 So. 2d 882 (Fla. 3d DCA 2003), have been more favorably disposed to affirm dismissals with prejudice for serious, palpable "fraud on the court."

7. This court has seen serious fraud on the court, deceased people signing documents via forgery, deceased people acting while dead as Executors and closing the Estates of their deceased loved ones via Attorney fraud on the court, Altering Estate and Trust documents Post Mortem to Convert Assets to improper parties, bullying, lying under oath and more and rogue Attorneys at Law behind every one of the crimes and misconducts.
8. There is clear grounds to remove Alan Rose as counsel in this case and sanction and report him to the proper authorities..

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Due Process Laws

9. Violation of due process, Johnson v. Zerbst, 304 U.S. 458, 58 S.Ct. 1019(193 ; Pure Oil Co. v. City of Northlake , 10 Ill.2d 241, 245, 140 N.E. 2d 289 (1956); Hallberg v Goldblatt Bros., 363 Ill 25 (1936), (If the court exceeded it's statutory authority. Rosenstiel v. Rosenstiel, 278 F. Supp. 794 (S.D.N.Y. 1967)
10. Alan Rose has participated in and aided fraud on this court. Therefore, Eliot moves this court to remove Rose as counsel and sanctioned and reported by this Court to the proper authorities..
11. The basic standards governing fraud on the court are reasonably straightforward. As set forth in Cox v. Burke, 706 So. 2d 43, 47 (Fla. 5th DCA 1998):

The requisite fraud on the court occurs where "it can be demonstrated, clearly and convincingly, that a party has sentiently set in motion some unconscionable scheme calculated to interfere with the judicial system's ability impartially to adjudicate a matter by improperly influencing the trier of fact or unfairly hampering the presentation of the opposing party's claim or defense." Aoude v. Mobil Oil Corp., 892 F.2d 1115, 1118 (1st Cir. 1989) The trial court has the inherent authority, within the exercise of sound judicial discretion, to dismiss an action when a plaintiff has perpetrated a fraud on the court, or where a party refuses to comply with court orders. Kornblum v. Schneider, 609 So. 2d 138, 139 (Fla. 4th DCA 1992).

12. The evidence in this court is so clear and convincing that Judge Martin Colin claimed, as a matter of record that he had enough evidence to read Attorneys at Law and Fiduciaries that are parties to the case their Miranda rights after learning that they used a dead Executor/Personal Representative to close the Estate of Simon's deceased spouse Shirley and then attempted to change the beneficiaries of both estates and trusts through fraudulent and forged documents. This claim was made to the Attorneys at Law and Fiduciaries that engaged Alan Rose and who Alan worked alongside to perpatrte the frauds with scienter.
13. While broad, the trial court's discretion is not unlimited. The [trial] judge must consider the proper mix of factors and juxtapose them reasonably. "Abuse occurs when a material factor deserving significant weight is ignored, when an improper factor is relied upon, or when all proper and no

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improper factors are assessed, but the court makes a serious mistake in weighing them.” Independent Oil and Chemical Workers of Quincy, Inc. v. Procter & Gamble Mfg. Co., 864 F.2d 927, 929 (1st Cir. 1988); see also Anderson v. Cryovac, Inc., 862 F.2d 910, 923 (1st Cir. 1988) (to warrant reversal for abuse of discretion, it must “plainly appear[] that the court below committed a meaningful error in judgment”).

14. As reiterated in Baker v. Myers Tractor Services, Inc., 765 So. 2d 149, (Fla. 1st DCA 2000):

When the central issues of a case are based in fraud, the courts cannot move forward as a matter of law. The fraud issue must first be cleared up. Alan Rose is connected to fraud in this case and must be removed from this proceeding instantly and sanctioned and reported to the proper authorities.. See Cox v. Burke, 706 So. 2d 43, 47 (Fla. 5th DCA 1998).

15. If this court does not dismiss based on fraud and continues to allow Alan Rose to act as an Officer of this Court and rule upon his frivolous and vexatious filings then Eliot alleges this is an abuse of discretion. See Rosenthal v. Rodriguez, 750 So. 2d 703 (Fla. 3d DCA 2000).

The integrity of the civil litigation process depends on truthful disclosure of facts. A system that depends on an adversary’s ability to uncover falsehoods is doomed to failure, which is why this kind of conduct must be discouraged in the strongest possible way.

As set forth in Rosenthal v. Rodriguez, 750 So. 2d 703, 704 (Fla. 3d DCA 2000):

Courts throughout this state have repeatedly held “that a party who has been guilty of fraud or misconduct in the prosecution or defense of a civil proceeding should not be permitted to continue to employ the very institution it has subverted to achieve their ends.” Metropolitan Dade County v. Martinsen, 736 So. 2d 794, 795 (Fla. 3d DCA 1999) (quoting Hanono v. Murphy, 723 So. 2d 892, 895 (Fla. 3d DCA 1998)); see also Cox v. Burke, 706 So. 2d 43, 47 (Fla. 5th DCA 1998); O’Vahey v. Miller, 644 So. 2d 550, 551 (Fla. 3d DCA 1994); Kornblum v. Schneider, 609 So. 2d 138, 139 (Fla. 4th DCA 1992).

16. Alan Rose is a knowing party, this court knows is a willing participant in fraud and misconduct. Rose has witnessed and participated in fraud and misconduct to achieve his own and others he

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has been working with, criminal ends. Eliot moves this court to remove Rose from this proceeding instantly and sanction and report him to the proper authorities.

Aoude v. Mobil Oil Corp., 892 F.2d 1115, 15 Fed. R. Serv. 3d 482 (1st Cir. 1989) (“Because corrupt intent knows no stylistic boundaries, fraud on the court can take many forms.”)

17. Alan Rose has knowingly, willful with neglect, clearly and convincingly had corrupt intent and has aided and abetted others such as Robert Spallina, Esq., Donald Tescher, Esq., and his client Ted Bernstein to commit fraud on the court, conceal notary fraud, violate the deceased's last wishes with intent, violate the rights of Beneficiaries, Interested Parties, Creditors and others, violate human and civil rights, and with no end in sight if not stopped by this Court.
18. Bernstein moves this court to remove Alan Rose as counsel for good and just cause and he must be removed, sanctioned and reported by this Court to the proper authorities.
19. Rose has clearly and convincingly shown willful, contumacious disregard of the law and the rights of Eliot Bernstein, his immediate family, his deceased parents, Creditors, Interested Parties and others and must be removed, sanctioned and reported by this Court to the proper authorities.

See *Cox v. Burke*, 706 So. 2d 43, 47 (Fla. 5th D.C.A. 1998) (“The requisite fraud on the court occurs where ‘it can be demonstrated, clearly and convincingly, that a party’” [emphasis added]). See also *Owens-Corning Fiberglas Corp. v. Ballard*, 749 So. 2d 483 (Fla. 1999) (“Although it is not defined in the statute, this Court defines the standard ‘clear and convincing evidence’ as ‘an intermediate level of proof [that] entails both a qualitative and quantitative standard. The evidence must be credible; the memories of the witnesses must be clear and without confusion; and the sum total of the evidence must be of sufficient weight to convince the trier of fact without hesitancy.’ In re Adoption of Baby E.A.W., 658 So. 2d 961, 967 (Fla. 1995)”). *Swofford*, 805 So. 2d at 884.

Rosenthal v. Rodriguez, 750 So. 2d 703 (Fla. 3d D.C.A. 2000) (“Based upon the repeated and pervasive false statements made by the appellant/plaintiff, Evelina Rosenthal, on matters central to the case.

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20. The activities Rose has engaged in knowingly are matters central to this case. Therefore he has engaged in Fraud upon the court, In re Village of Willowbrook, 37 Ill, App. 3d 393(1962), and must be removed, sanctioned and reported by this Court to the proper authorities. .
21. Alan Rose has violated the Rules of Professional Conduct, and his oath as an officer of the court and must be removed, sanctioned and reported by this Court to the proper authorities.
22. Alan Rose has knowingly counseled his client to engage in conduct that he knows is criminal and fraudulent and has knowingly assisted his client and must be removed, sanctioned and reported by this Court to the proper authorities. This violates Rule 1.2.
23. Rose has sanctioned obstruction of justice and participated in obstruction. It is imperative that Rose be removed immediately to protect the integrity of this case and parties involved and must be removed, sanctioned and reported by this Court to the proper authorities.
24. Alan Rose has allowed his client to falsify documents and file bogus fraudulent documents and must be removed, sanctioned and reported by this Court to the proper authorities. .
25. Rose knowingly allowed his client to destroy and withhold documents that the client is obligated to produce, he has thereby sanctioned this crime of tampering with evidence and obstruction of justice and must be removed, sanctioned and reported by this Court to the proper authorities. .
26. Alan rose knows his client is lying, concealing evidence, obstructing justice, violating criminal statute, intending to use "AGGRESSIVE" tactics and "FORCEFUL" ACTS against Eliot Bernstein as Ted stated in an email he sent to Eliot Bernstein, SEE RIPOFF REPORT @ <http://www.ripoffreport.com/r/alan-rose-of-mrachek-fitzgerald-rose/west-palm-beach-florida-33401/alan-rose-of-mrachek-fitzgerald-amp-rose-alan-b-rose-suppress-free-speech-cover-up-1149197> , fully incorporated by reference herein, that described his intent in a Letter to Alan contained therein, intending to ABUSE LEGAL PROCESS WITH ALAN ROSE AND JOHN PANKAUSKI as also stated in Ted's email to Eliot in a Letter to Alan Rose and is committing fraud and has an ethical obligation to tell the client that this cannot be allowed and report these matters to the proper legal authorities. Yet, Alan has failed to take any steps according to law and as the email

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to Eliot from Ted will show, Alan has now worked diligently to implement to implement this criminal scheme, which involves "FORCEFUL" and "AGGRESSIVE" acts against Eliot and involves harassing through LEGAL PROCESS ABUSE, Eliot, his three minor children, his deceased parents friends and business associates, in efforts to garner information from Eliot and others about investigations that are ongoing that name Alan, Ted, Pankauski, Spallina, Tescher, Moran, Baxley and others, as the email from Ted to Eliot shows.

27. That this email falls under the evidence rule and not the Attorney/Client privilege rules as outlined in Florida Statute 90.502 and the email from Theodore to Eliot shows Theodore seeking legal services from Attorneys Alan and Pankauski to enable and commit a plan that Theodore knew was criminal and fraught with fraud, as the email describes Theodore's illegal legal strategy with Alan Rose and Pankauski, which is described as one that harasses Eliot and urges counsel to be "FORCEFUL" and "AGGRESSIVE" against Eliot. That Theodore states in the email posted at RipOff Report in a letter to Alan Rose embodied in the email sent to Eliot, which may have been intended to threaten Eliot and then try to conceal it through Privilege or it was sent be stupid mistake directly to Eliot from Ted and then attempted to be concealed through a legally flawed argument of Privilege, where Theodore and Eliot are neither attorneys or clients of each other, the email has no Privilege. From the RipOff Report Eliot quotes from the email,

"If John [Respondent John Pankauski, Esq. Theodore's other lawyer in these matters replacing Spallina and Tescher along with Alan] does not want to tangle with Eliot, remove John immediately. I am sorry to be this blunt, but I do not want to address the John issue again. If he **is not 100% in support of me as trustee** [emphasis added], including how I have protected myself with trust assets and will continue doing so as necessary, and being **aggressive and forceful** [emphasis added], if need be, with eliot, remove him as counsel."

The Definition of Forceful:

Dictionary Dot Com Definition of Forceful @! <http://dictionary.reference.com/browse/forceful>

"force-ful [fawrs-fuhl, fohrs-] adjective
2.acting or driven **with force.**"

Definition of Force Dictionary Dot Com @! <http://dictionary.reference.com/browse/force>
"force [fawrs, fohrs] noun

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2. strength or power exerted upon an object; **physical coercion; violence: ... to use force on a person.**

5. Law. unlawful violence threatened or committed against persons or property.”


28. That clearly the threatened use of FORCE can only be seen as a threat to use such force to harm Eliot.

29. That in the email to Eliot, Theodore claims further in the letter embodied inside the email to Alan,

“I do not want to spend another unnecessary dollar with counsel that is not going to zealously defend me as trustee and protect trust assets. I cannot be more decisive re this and I say this with no animosity - simply for efficiency sake and my best interest [emphasis added].”

Showing that Theodore is acting in his own best interest, despite the advice of counsel and with grave adversity to Eliot and Beneficiaries, thus further cause for immediate removal of Theodore in these matters in ANY FIDUCIARY CAPACITIES that Eliot or his family have interests in. Keep in mind that Theodore claimed unbelievably to Palm Beach County Sheriffs that he had NOT READ the dispositive documents he was operating under as illustrated in the Sheriff's report @ www.iviewit.tv/20140131PBSORreport.pdf fully incorporated by reference herein.

30. That Theodore is also found in the Palm Beach County Sheriff Report from January 2014 to have also been alleged to have taken improper distributions from the Estates and Trusts knowingly and AGAINST THE ADVICE OF COUNSEL and where these allegations to the Sheriffs Investigators came from his counsel Spallina who was being interrogated. Where apparently Theodore only considers legal advice mere suggestion and when he does not like the advice of counsel his intent is to fire them and get rid of them and continue to act as sees fit, despite the illegality of his actions.


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31. That Alan Rose is aware that Theodore is alleged to have acted in BREACH OF FIDUCIARY DUTIES by taking the distributions against the advice of counsel, as he learned from the Palm County Sheriff Report that he has been provided copy of, as well as the fact that he attended as Theodore's counsel the interrogation and yet Alan has failed to notify this Court, the authorities or the Beneficiaries regarding the alleged criminal misconduct of a fiduciary of this Court that he represents.
32. This reporting of a fiduciary's bad acts by counsel may be required under Florida Rules of Professional Conduct and Law, especially where the alleged Criminal Conduct involves a Trustee/Fiduciary as Client and **ESPECIALLY WHERE IT INVOLVES THE USE OF FORCE AND AGGRESSIVENESS TOWARDS A PARTY IN THE PROCEEDINGS**. Again however, Alan Rose's legal and ethical obligations are perverted by his bias against Eliot for exposing their schemes and the fact that he may soon be arrested if Eliot is further successful and it appears he will do whatever is required to keep the fraud from unraveling despite his ethical and legal obligations and law, in efforts to evade his own doom.

That according to the Florida Bar Rules as cited at

<https://www.floridabar.org/divexe/rtrfb.nsf/FV/5D85A06CB499716685257919006C529D>

The confidentiality rule is subject to limited exceptions. In becoming privy to information about a client, a lawyer may foresee that the client intends serious harm to another person. However, to the extent a lawyer is required or permitted to disclose a client's purposes, the client will be inhibited from revealing facts that would enable the lawyer to counsel against a wrongful course of action. While the public may be protected if full and open communication by the client is encouraged, several situations must be distinguished.

First, the lawyer may not counsel or assist a client in conduct that is criminal or fraudulent. See rule 4-1.2(d). Similarly, a lawyer has a duty under rule 4-3.3(a)(4) not to use false evidence. This duty is essentially a special instance of the duty prescribed in rule 4-1.2(d) to avoid assisting a client in criminal or fraudulent conduct.

33. That Theodore who knows he is under ongoing investigations and knows Eliot is pursuing him and his legal bedfellows and business partners (Tescher, Spallina, Manceri, Alan, Pankauski,

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Moran and Baxley et al.) through criminal authorities and civil actions, goes on to say in the email to Eliot in the letter to Alan contained therein:

“Anything and everything pertaining to Ivewit [Eliot’s Technology Companies that are subject of numerous ongoing investigations and civil actions], including his harassment of Jerry Lewin, Al Gortz of Proskauer and their firms [the two main alleged perpetrators of the theft of Eliot and Simon’s Intellectual Properties]. I want court proceedings, lawsuits, all correspondence to him and from him including paper and electronic, including video tapes and electronic interviews.”

Here the Court can see that Theodore is not concerned in his letter to Alan contained in the email to Eliot with a legal strategy pertaining to these Probate matters but more using the Legal Process and this Court to attempt to gain information for his close personal friends Proskauer and Lewin regarding Eliot’s actions against them and to gain insight into Eliot’s legal strategies in ongoing state and federal actions against him and others in these matters, as these other actions also involve Theodore, as Eliot’s first Petition to this Court explains. In the first Petition filed with this Court by Eliot in May 2013, Theodore’s involvement in a car bombing of Eliot’s family minivan is explained in more detail.

34. That Theodore’s scheme exposes further his intent to misuse Estate and Trusts assets to shield himself with attorneys at law who will aid and abet his actions and achieve these LEGAL ABUSE STRATEGIES and why not, Theodore was disinherited entirely from the Estates and Trusts of his mother and father, so he has nothing to lose by using the Estate and Trusts assets improperly to defend himself for all the actions he is centrally involved in, as long as this Court allows him to continue having continued fiduciary roles.
35. That in Theodore’s next statements in his email to Eliot claims he wants Alan Rose to get information on Eliot’s minor children when he claim that he wants,

“History of incidents at st. Andrews school. [emphasis added]”

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What does Eliot's MINOR children's school records have to do with the Estates and Trusts of Simon and Shirley, NOTHING! but it acts as a threat to Eliot that Theodore and Alan Rose will be coming after his children next, perhaps "forcefully" and "aggressively" too.

36. That next in the email published at RipOff Report comes threats to harass anyone related to or helping Eliot, including his parents close personal friends and business associates that have information against Theodore and may be talking to investigators already and providing evidence against he and Alan, Spallina, Manceri, Pankauski, Moran and Baxley. Theodore tells Alan that he wants confidential information pertaining to the investigations against him and others and the way he wants to achieve this with Alan is through further costly LEGAL PROCESS ABUSE. Theodore states to Alan that he want,

"All correspondence of every type with: walker [Decedents Simon and Shirley's Personal Assistant], puzzio [Simon's partner], SAHM [Simon's Business Associate and Friend], Diana banks [Simon's Business Assistant and friend], Scott banks [Simon's Business Partner and friend], NACLERIO [Simon and Shirley's 30+ year friends], Dietz [Eliot and Candice's former Employer and 30+ year friends], Gefen [Not sure who this is] and every person on his email distribution list [which includes state and federal investigators and more]. If he doesn't comply, I want all of them deposed. **Everything in which he has mentioned my name including emails, phone calls, letters, complaints to whatever agencies he has made complaints including police, federal, state, regulatory. [emphasis added] Everything and anything he is doing that we are not yet aware of such as online web site attacks.**"

This statement fully exposes the nature of the sudden recent deposition requests and production requests by Alan Rose to Eliot in these matters, picking up where Manceri left off trying to attack Eliot through these same legal abuse strategies and to waste Eliot's time and monies gathering information for their fishing expedition that has no relation to the current probate matters at hand. Manceri was busted with Tescher and Spallina and wisely bailed ship overnight when he became a Respondent in the matters, resigning as counsel in these matters in all his myriad of capacities he represented and where Manceri like Alan failed to file proper Notices of

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Appearances before the Court for each capacity and party he represented at hearings and represented through his abusive, vexatious and toxic pleadings.

37. That Theodore's letter shows that these legal abuse strategies are actually a part of a fishing expedition to gather information from depositions and production to actually harm people, in which they intend to use this information not for the benefit of the Estates and Trusts but to further a legal abuse strategy to try and save themselves.
38. That if they are able to gain this highly confidential information that exposes them through this legal abuse strategy enabled by a complicit Court and find out who has information and what information they have through productions or depositions with bad intent, they can then harass and harm these innocent people and this Court allowing this continued misconduct to prevail any longer and allowing them to get this information from Eliot or others may endanger the lives of innocent third parties and Eliot, all who have information that may put them all in prison as it exposes their crimes.
39. That Eliot has spoken to two parties already that received the email prior to any Privilege claim who are fearful of Theodore and especially concerned that information pertaining to them that they have against Theodore may cause him to take actions against them to harm them. In efforts to protect the public and future attacks on innocent people these abusive legal actions with the intent to be "forceful" against Eliot need to be stopped and those responsible instantly held accountable, removed from the proceedings without hesitation on Your Honor's own motion and then reported to the proper criminal and ethical authorities for immediate investigation before they carry through on their threats to be "AGGRESSIVE" and "FORCEFUL" against Eliot.
40. That even if Alan could prove Privilege on the email, which he cannot, he would be legally obligated under the rules to break Privilege on the Communication as it violates Privilege in two ways, according to the Florida Bar, where it is stated,
- "4 RULES OF PROFESSIONAL CONDUCT 4-1 CLIENT-LAWYER
RELATIONSHIP RULE 4-1.6 CONFIDENTIALITY OF INFORMATION
(b) When Lawyer Must Reveal Information. A lawyer must reveal such
information to the extent the lawyer reasonably believes necessary:

(1) to prevent a client from committing a crime; or

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(2) to prevent a death or substantial bodily harm to another.”[1]

41. That since the email contains both the intent to commit criminal misconduct through legal process abuse and indicates the use of “Aggressive” and “Forceful” acts against Eliot that could be construed as intent to cause bodily harm or death to Eliot with force and to further fire anyone not willing to go along with Theodore and Alan’s schemes, including his own lawyers when they advise him against this apparently criminal misconduct.

42. That this email from Theodore to Eliot can reasonably be seen as a communication that even if it were privileged, a reasonable lawyer would believe it is necessary to immediately bring these claims of using “aggressive” and “forceful” tactics against another party to this Court and the proper authorities to prevent any possible bodily harm and injury to Eliot or death . Instead, we have Alan trying to the hide the letter under a claim of Privilege on a communication that in no way can be construed as attorney client privileged. Again, Alan has so much skin in the game if he loses and he is further exposed and perhaps jailed that he will say or do anything to move this Court in a biased way despite the legality or integrity of the acts and thus why he must be removed from all legal capacities immediately.

43. That what is most troubling about the Privilege claim is that while delaying the Evidentiary Hearing to an unknown date, in the interim Alan rushed to get Eliot’s information from production and suddenly needed depositions of Eliot instantly, in efforts to execute he and Theodore’s scheme of LEGAL PROCESS ABUSE and attempt to gain information about who is investigating them through these recently ordered Depositions and Production by this Court, before the Evidentiary Hearing which will invalidate the Privilege claim, in efforts to then allegedly use the information with the stated intent described in the email to Eliot from Theodore, which is to harass and harangue Eliot and others and this information if gained to the wrong parties with the wrong intent would put innocent third parties lives in danger. Therefore, why Eliot has stated to the Court that ruling on pleadings of Alan’s before hearing the Motions to Remove Theodore and Alan and the Privilege claim, to determine if they are even qualified based on the existing evidence submitted to the Court for months are capable of acting further as Officers of the Court and Fiduciaries and this forcing Eliot to respond to their illegal and abusive schemes could be construed as the Court aiding and abetting the crimes by giving them the ability to commit the crimes outlined in the communication between Eliot and Theodore by allowing the orders for

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deposition and production to parties that should be precluded from receiving it. ELIOT WILL NOT ALLOW THIS COURT TO ENDANGER FURTHER INNOCENT THIRD PARTIES THROUGH THESE CONTINUED FRAUDS ON THE COURT ENABLED BY FURTHER ABUSE OF PROCESS and has so stated that he will DISOBEY any ORDERS that are toxic and dangerous and were prepared by Attorneys at Law and Fiduciaries ACTING OUTSIDE THE COLOR OF LAW that instead should have already been reported by Your Honor to the proper authorities according to Judicial Cannons and Law and removed once Your Honor learned of their crimes In and Upon this Court and against Beneficiaries, Creditors and Interested Parties.

44. That there are enough lawyers in Florida to find lawyers not DIRECTLY involved in the criminal acts and fiduciaries who have no direct interests in the matters who can represent the parties involved and there are certainly enough qualified Fiduciaries capable of reading the documents they operate under and who will follow probate statutes and rules, for this Court to remove instantly from all legal and fiduciary capacities ALL parties who were engaged and worked with the former criminals who committed the crimes and who participated in any way in the advancement of the criminal misconduct already proven and those admitted to and those crimes alleged and under ongoing investigations and cease instantly any chance of further legal process abuse in and on the Court that ENDANGERS LIVES. Especially, where there is now an established Pattern and Practice of Fraud on this Court, Fraud on the Beneficiaries, Fraud on the Creditors that has been proven that they are all directly and intimately involved in that have perverted them and biased them against the Beneficiaries, Creditors, Interested Parties and now innocent third parties.

[1] The Florida Bar

<https://www.floridabar.org/divexe/rtrfb.nsf/FV/5D85A06CB499716685257919006C529D>

ABA Rule 1.2 (D) SCOPE OF REPRESENTATION -- A lawyer shall not counsel a client to engage in conduct that the lawyer knows is criminal or fraudulent, nor knowingly assist a client in such conduct, but a lawyer may discuss the legal consequences of any proposed course of conduct with a client and may counsel or assist a client to make a good faith effort to determine the validity, scope, meaning or application of the law.

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shall not counsel to engage in conduct that the lawyer knows is criminal or fraudulent.

shall not knowingly assist a client in such conduct.

When an attorney allows his client to give false sworn testimony or file false sworn affidavits, he is sanctioning the crimes of perjury and obstruction of justice by his client, and this violates the Rules.

When an attorney allows his client to destroy or withhold documents that the client is obligated to produce, he is sanctioning the crimes of tampering with evidence and obstruction of justice.

When an attorney allows his client to falsify documents or file bogus documents, he is sanctioning the crimes of tampering with evidence, obstruction of justice, and perhaps forgery.

When an attorney knows his client is lying, concealing evidence, obstructing justice, violating any criminal statute, or committing fraud in any way, the attorney has an ethical obligation to tell the client that this cannot be allowed.

ABA Rule 1.2 (E) SCOPE OF REPRESENTATION – When a lawyer knows that a client expects assistance not permitted by the rules of professional conduct or other law, the lawyer shall consult with the client regarding the relevant limitations on the lawyer's conduct.

45. Rose knows that his clients conduct is not permitted.

ABA RULE 3.3 CANDOR TOWARD THE TRIBUNAL (a) A lawyer shall not knowingly: (1) make a false statement of material fact or law to a tribunal; (2) fail to disclose a material fact to a tribunal when disclosure is necessary to avoid assisting a criminal or fraudulent act by the client; (4) offer evidence that the lawyer knows to be false. If a lawyer has offered material evidence and comes to know of its falsity, the lawyer shall take reasonable remedial measures.

46. Alan Rose has knowingly made false statement, and participated in forgery and fraud on the court and must be removed from this proceeding instantly and sanctioned and reported to the proper authorities..

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47. Alan Rose has interfered with Eliot's access to evidence and unlawfully participated in documents forgery, destruction and disappearance of documents and thus must be removed from this proceeding instantly and sanctioned and reported to the proper authorities..

RULE 3.4 FAIRNESS TO OPPOSING PARTY AND COUNSEL -- A lawyer shall not: (a) unlawfully obstruct another party's access to evidence or unlawfully alter, destroy or conceal a document or other material having potential evidentiary value. A lawyer shall not counsel or assist another person to do any such act; (b) (1) falsify evidence; (2) counsel or assist a witness to testify falsely; (f) request a person other than a client to refrain from voluntarily giving relevant information to another party unless: (1) the person is a relative or an employee or other agent of a client; or (2) the information is subject to the assertion of a privilege by the client; and (3) the lawyer reasonably believes that the person's interests will not be adversely affected by refraining from giving such information and the request is not otherwise prohibited by law; (g) use methods of obtaining evidence that violate the legal rights of the opposing party or counsel; or (h) present, participate in presenting or threaten to present criminal charges solely to obtain an advantage in a civil matter.

Rule 3.4 -- The responsibility to a client requires a lawyer to subordinate the interests of others to those of the client, but that responsibility does not imply that a lawyer may disregard the rights of the opposing party or counsel.

shall not unlawfully obstruct another party's access to evidence.

shall not unlawfully alter, destroy or conceal a document or other material having potential evidentiary value.

shall not counsel or assist another person to do any such act.

shall not falsify evidence.

shall not counsel or assist a witness to testify falsely.

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shall not request a person other than a client to refrain from voluntarily giving relevant information to another party.

shall not present, participate in presenting or threaten to present criminal charges solely to obtain an advantage in a civil matter.

shall ensure that evidence in a case is to be marshaled competitively.

Falsifying evidence is also generally a criminal offense.

shall not disregard the rights of the opposing party or counsel.

RULE 4.1 TRUTHFULNESS IN STATEMENTS TO OTHERS In the course of representing a client a lawyer shall not knowingly: make a false statement of material fact or law to a third person; or fail to disclose a material fact to a third person when disclosure is necessary to avoid assisting a criminal or fraudulent act by a client, unless disclosure is prohibited by Rule 1.6.â

48. Alan Rose has willfully and knowingly failed to disclose material facts and thus must be removed from this proceeding instantly and sanctioned and reported to the proper authorities..

Rule 4.1 -- TRUTHFULNESS IN STATEMENTS TO OTHERS - Misrepresentation
-- A lawyer is required to be truthful when dealing with others on a client's behalf, but generally has no affirmative duty to inform an opposing party of relevant facts. A misrepresentation can occur if the lawyer incorporates or affirms a statement of another person that the lawyer knows is false. Misrepresentations can also occur by failure to act

49. Alan Rose knows that he is presenting false facts to the opposing party and is liable for misrepresentation not to just his client but all parties and thus must be removed from this proceeding instantly and sanctioned and reported to the proper authorities.

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Rule 4.1 " TRUTHFULNESS IN STATEMENTS TO OTHERS - Fraud by Client --
"Paragraph (b) recognizes that substantive law may require a lawyer to disclose certain information to avoid being deemed to have assisted the client's crime or fraud. The requirement of disclosure created by this paragraph is, however, subject to the obligations created by Rule 1.6: Confidentiality of Information."

shall not knowingly make a false statement of material fact or law to a third person

shall not fail to disclose a material fact to a third person when disclosure is necessary to avoid assisting a criminal or fraudulent act by a client

A misrepresentation can occur if the lawyer incorporates or affirms a statement of another person that the lawyer knows is false.

Misrepresentations can also occur by failure to act

50. Alan Rose has failed to act and thus must be removed from this proceeding instantly and sanctioned and reported to the proper authorities.

RULE 4.4 RESPECT FOR RIGHTS OF THIRD PERSONS -- In representing a client, a lawyer shall not use means that have no substantial purpose other than to embarrass, delay, or burden a third person, or use methods of obtaining evidence that violate the legal rights of such a person.

shall not use means that have no substantial purpose other than to embarrass, delay, or burden a third person.

51. Alan Rose has violated this rule in complete disrespect of the wishes of the deceased, of which he fully knows and of the rights of the Eliot Bernstein family. Rose has used methods that violate the rights of the deceased parties and of the Eliot Bernstein family and thus must be removed from this proceeding instantly and sanctioned and reported to the proper authorities.


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U.S. Constitutional Issues

52. The U.S Constitution trumps this court and must be recognized in this case.
53. The **Fifth Amendment**, provides in pertinent part that "nor be deprived of life, liberty, or property, without due process of law..." Due process is denied when attorneys are allowed to participate as counsel to parties who have knowingly, willfully and with convincingly clear evidence, committed fraud on the court, forged documents, lied to investigators, and participating in ongoing bullying, criminal activities, forgery, hiding documents and assets and continued cover ups.
54. The **Seventh Amendment**, provides in pertinent part that "In suits at common law, where the value in controversy shall exceed twenty dollars, the right to trial by jury shall be preserved..." This language does not include a single reference to "manipulation" of a jury by the Court in a conspiracy with lawyers to design a verdict suitable to the Court through the use of lawyer rules, judicial rules, court rules, or otherwise trumped-up legal technicalities and instructions which effectively "handcuffs" the jury. All of these activities are no more or less than a denial of the right to a jury of peers with the constitutional authority to judge both the facts and law in a case.
55. Alan Rose has participated in manipulation of this court in which has denied Bernstein and his family of quality of life, due process, basic needs, civil and human rights and therefore Eliot Bernstein moves for this court to remove Alan Rose from this proceeding and sanction and report him to the proper authorities.
56. The Thirteenth Amendment, provides in pertinent part that "Neither slavery nor involuntary servitude, except as a punishment for crime....., shall exist within the United States, or any place subject to their jurisdiction". These judges through their private conduct in conspiracy with the lawyer defendants, caused the Court to effectuate this Plaintiff to "Compulsory Involuntary Servitude", an act punishable under Title 18 1584 as a criminal act. "


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57. If this court refuses to remove lawyers in this case, though there is clear and convincing evidence of illegal activity, and even to the point of this court threatening Miranda rights to be read to said attorneys and fiduciaries, then this is a punishable act.
58. This case cannot proceed as a matter of law with officers of the court, who this court knows has participated in fraud, forgery and possible murder allowed to be participants in this case.
59. The **Fourteenth Amendment Due Process Clause and Equal Protection** clause (Section 1), expressly declares no state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law..."
60. Allowing Alan Rose to participate in this case directly affects the due process rights of Bernstein and his family and deprives them of life, liberty, or property, without due process of law and thus Rose must be removed from this proceeding instantly and sanctioned and reported to the proper authorities.

USC 14th Ammendment (Deprived of the use of property)

Tracy v. Ginzberg 205 US 170, 27 S Ct. 461

Wagner v Leser, 239 US 207, 36 S Ct 66

Fuentes v. Shevin 407 US 67, 92 S Ct 1983

Leis v Flynt, 439 US 438, 99 S Ct 698, 11 Ohio Ops 3rd 302

Kent.Dept. of Corrections v. Thompson, 490 US 454, 109 S Ct 1904

61. Alan Rose knows that his client Ted Bernstein sold assets of the estate such as the Shirley Bernstein Condo, of which he had no legal right to. Rose, knowingly, willfully has aided Ted Bernstein to deprive Eliot Bernstein of us of property, quality of life, and has deliberately made Eliot's family suffer in ways that clearly and convincingly this court knows was not the intention of the Shirley Bernstein Estate nor the Simon Bernstein Estate and thus Rose must be removed from this proceeding instantly and sanctioned and reported to the proper authorities.

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What constitutes property protected under constitution?

62. Eliot Bernstein has a right to property protection under the U.S Constitution.

Slaughter-House Cases, 16 Wall 36

Buchanan v Warley, 245 US 60, 38 S Ct 16

Liggett Co. v Baldrige, 278 US 105, 49 S Ct 57

Board of Regents v Roth, 408 US 564, 92 S Ct 2701

On Due Process Violation 5th and 14th

63. Eliot Bernstein has a constitutional right to due process. Therefore Alan Rose must be removed from this proceeding.

Butler v. Perry, 240 US 328, 36 S Ct 288

Brinkerhoff- Faris Trust v Hill, 281 US 673, 50 S Ct 451

Curry v. McCanless, 307 US 357, 59 S Ct 900

Rochin v California, 342 US 165, 72 S Ct 25, Alr2d 1396

Ivanho Irrig. Dist. v. McCracken, 357 US 275, 78 S CT 1174

Bartkus v Illinois, 359 US 121, 79 S Ct 676

Gault 387 US 1, 87 S Ct 1428

Wolff v McDonnell, 418 US 539, 94 S Ct 2963

Bordenkircher v. Hayes, 434 US 357, 98 S Ct 663

Rostker v. Goldberg, 453 US 57, 101 S Ct 2646

States v. Goodwin 457 US 368, 102 S Ct 2485

Colorado v. Connelly, 479 US 157, 107 S Ct 515

DeShaney v. Winnebago, 489 US 189, 109 S Ct 998

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Collins v Harker, 112 S Ct. 1061

64. As a matter of law and constitutional rights, Eliot Bernstein has a right to a "sense of fairplay" and of due process.

Galvan v Press, 347 US 522, 74 S Ct 737

Groban 352 US 330, 77 S Ct 510

Kinsella v United States, 361 US 234, 80 S Ct 297

Bodie v Conneticut, 401 US 371, 91 S Ct 780

Ross v Moffitt, 417 US 600, 94 S Ct 2437

United States v. Salerno, 481 US 739, 107 S Ct 2095

4th Ammendment is the due process denial right

Collins v. Harker 112 S Ct 1061

Hebert v Louisiana, 272 US 312, 47 S Ct 103

Georgia Power v Decatur, 281 US 505, 50 S Ct 369

Discrimination as Violation of Due Process (5th Ammendment)

Bowling v Sharpe, 347 US 497, 74 S Ct 693

Schneider v Rusk, 377 US 163, 84 S Ct 1187

Shipiro v Thompson 394 US 618, 89 S ct 1322

United States v Moreno, 413 US 528, 93 S Ct 2821

Johnson v Robinson 415 US 361, 94 S Ct 1160

Buckley v Valeo, 424 US 1, 96 S Ct 612

Mathews v De Castro, 429 US 181, 97 S Ct 431

Fullilove v Klutznick, 448 US 448, 100 S Ct 2758

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Lyng v Castillo, 477 US 635, 106 S Ct 2727

Title 42 USC 1983 provides in relevant part that: "every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State....subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution. ..shall be liable to the party injured...."

65. Alan Rose's participation in this case deprives Eliot Bernstein of this right and thus Rose must be removed from this proceeding instantly and sanctioned and reported to the proper authorities.
66. Lawyers in this case such as Allan Rose are acting in conspiracy with state actors under color of law have become state actors in this case. The U.S. Supreme Court has ruled that "private parties", lawyers in this case, may be held to the same standard of "state actors" where the final and decisive act was carried out in conspiracy with a state actor or state official. See Dennis v. Sparks, 449 U.S. 24, 101 S.Ct., 183 also See Adickes v. S.H. Kress & Co., 398 U.S. 144, 90 S.Ct. 1598."

18 USC 241: Conspiracy against Rights of Citizens:

67. Alan Rose has knowingly, willfully conspired against Eliot Bernstein and his families rights and thus must be removed from this proceeding instantly and sanctioned and reported to the proper authorities.

18 USC 3: "Accessory after the fact, knowing that an offense has been committed against the United States, relieves, receives, comforts or assists the offender in order to hinder or prevent his apprehension, trial or punishment. "

68. Alan Rose knows that there have been crimes committed against the U.S., as notary fraud, deceased people signing documents that give millions to "party" that is committing the fraud. Rose is a willingly, party to this crime and thus Rose must be removed from this proceeding instantly and sanctioned and reported to the proper authorities.

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18 USC 512: Tampering with a witness

69. Alan Rose has taken Eliot aside before several hearings and discussed there is no truth in the courts, he has bullied, and coerced Eliot and tried to make deals outside of law. Rose has participated in legal abuse and aggressive actions against Eliot Bernstein and his family which has caused severe harm and suffering to him and his family and thus Rose must be removed from this proceeding instantly and sanctioned and reported to the proper authorities.

18 USC 1510: Obstructing of criminal investigation, 18 USC 1513: Retaliating against a witness, victim or informant, 18 USC 1001: Fraud

70. It is an abuse of process and power for this court to not remove officers of the courts, attorneys in this case, that have clearly and convincingly violated the law. (Metropolitan Dade County v. Martinsen, 736 So. 2d 794, (Fla. 3d D.C.A. 1999) (Judgment in favor of plaintiff reversed and remanded for entry of judgment dismissing complaint with prejudice for fraud on the court. Trial court abused its discretion in not granting motion for dismissal with prejudice.)

Judicial Notice is discretionary. With Judicial Cognizance, the judge is BOUND to act:
See Black's Law, 6th Ed, pg 847

Judicial cognizance. Judicial notice or knowledge upon which a judge is bound to act without having it proved in evidence.

Judicial notice. (pg. 849) The act by which a court, in conducting a trial, or framing its decision, will, of its own motion or on request of a party, and without the production of evidence, recognize the existence and truth of certain facts, having a bearing on the controversy at bar,

Fraud upon the court, In re Village of Willowbrook, 37 Ill, App. 3d 393(1962)

Judges willful actions

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Judge does not follow statutory procedure, *Armstrong v. Obucino*, 300 Ill 140, 143 (1921)

Unlawful activity of a judge, Code of Judicial Conduct.

A complaint is actionable against Judges under Title 42 U.S.C. 1985 (3), whose immunity does not extend to conspiracy under color of law. Section 1985(3) reaches both conspiracies under color of law and conspiracies effectuated through purely private conduct.

Many judges have a total disregard for their oath of office under Title 28 Section 453, All judges take this oath of office swearing to uphold the U.S. Constitution.

71. That to allow Alan, Pankauski, their firms and Theodore who are all involved in the prior FRAUD ON THE COURT and advanced these fraudulent schemes with Tescher and Spallina who engaged them and worked alongside them, to further move this Court in any way as Officers of the Court in these matters in any legal or fiduciary capacities where they are so obviously biased that they will say or do anything to continue the Frauds and attempt to cover up them up for this Court and more would violate several judicial canons in so doing, as follows,

[Canon 1.](#) A Judge Shall Uphold the Integrity and Independence of the Judiciary

[Canon 2.](#) A Judge Shall Avoid Impropriety and the Appearance of Impropriety in all of the Judge's Activities

[Canon 3.](#) A Judge Shall Perform the Duties of Judicial Office Impartially and Diligently

3D. Disciplinary Responsibilities.

(2) A judge who receives information or has actual knowledge that substantial likelihood exists that a lawyer has committed a violation of the Rules Regulating The Florida Bar shall take appropriate action.

(3) Acts of a judge, in the discharge of disciplinary responsibilities, required or permitted by Sections 3D(1) and 3D(2) are part of a judge's judicial duties and shall be absolutely privileged, and no civil action predicated thereon may be instituted against the judge.

E. Disqualification.

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(1) A judge shall disqualify himself or herself in a proceeding in which the judge's impartiality might reasonably be questioned, including but not limited to instances where:

(a) the judge has a personal bias or prejudice concerning a party or a party's lawyer, or personal knowledge of disputed evidentiary facts concerning the proceeding;

(iv) is to the judge's knowledge likely to be a material witness in the proceeding;

Canon 5. A Judge Shall Regulate Extrajudicial Activities to Minimize the Risk of Conflict With Judicial Duties

WHEREFORE, Eliot requests that this Court enter an order granting,

I. THE REMOVAL of ALAN B. ROSE and Page, Mrachek, Fitzgerald & Rose, P.A., from all legal capacities in the Estates and Trusts of Simon and Shirley

Bernstein and THEODORE BERNSTEIN FROM all fiduciary capacities

Immediately for Conflicts of Interests, Adverse Interests and their Direct

Involvement in the PRIOR FRAUDS ON THIS COURT, FRAUDS ON THE

BENEFICIARIES, INTERESTED PARTIES, CREDITORS AND MORE.

II. REMOVE, SANCTION and REPORT TO THE PROPER AUTHORITIES

THE FELONY MISCONDUCT OF OFFICERS AND FIDUCIARIES OF THIS

COURT IN THESE MATTERS TO THE PROPER and NECESSARY

AUTHORITIES as LEGALLY REQUIRED UNDER JUDICIAL CANNONS AND

LAW, as evidence CONTAINED HEREIN shows there are threats to use

"aggressive" tactics and "forceful" acts against petitioner Eliot Bernstein that

may be life threatening or cause bodily harm.

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III. Deny and remove from the record ANY Orders issued on pleadings filed by Alan B. Rose, Esq. and also remove any Orders and pleadings filed by former Attorneys at Law acting in these matters due to the Fraud proven and admitted and ANY pleadings or rulings that were based upon improperly filed pleadings that violated Attorney Conduct Codes, the Rules of this Court and Law that were filed by legally incompetent and by prohibited counsel with direct personal and professional interests in the outcome, including their interest in staving off prosecution for FELONY MISCONDUCT they are being investigated in both in Federal and State, civil and criminal, ongoing actions.

IV. Remove for threatening to use coercive force and aggression against a party to this action, Theodore Bernstein, Alan Rose and John Pankauski in any fiduciary and/or legal capacities regarding these matters in the Estates and Trusts of both Simon and Shirley Bernstein, instantly and before hearing any other pleadings filed by Alan or Pankauski acting as counsel in these matters, which are exhibited herein to be filed as part of an Abuse of Process scheme.

V. Seize all Records for the Estates and Trusts of both Shirley and Simon and all other assets, until a new Personal Representative and Trustee can be properly chosen from a qualified pool after determining which dispositive documents are legally valid. In the interim appoint Benjamin Brown, Esq., as interim curator of both the Estates and Trusts and allow immediate full forensic document analysis and forensic accounting to take place and bill these costs directly to the parties who have committed the crimes

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necessitating these expenses as is within Your Honor's scope of remedies for situations like this, especially when they are directly caused by Officers of this Court acting in Violation of Law in and upon this Court all while under Your Honor's Tutelage.

VI. Any other relief Your Honor can think of that is legally available to injured victims of crimes that took place in and upon this Court in part by Officers and Fiduciaries of this Court.

Filed on June 24, 2014,

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, June 24, 2014.

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

X

SERVICE LIST


<p><u>RESPONDENT PERSONALLY, PROFESSIONALLY, AS A GUARDIAN AND TRUSTEE FOR MINOR/ADULT CHILDREN, AS AN ALLEGED TRUSTEE AND ALLEGED PERSONAL REPRESENTATIVE</u></p> <p><u>Theodore Stuart Bernstein</u> <u>Life Insurance Concepts</u> <u>950 Peninsula Corporate Circle, Suite 3010</u> <u>Boca Raton, Florida 33487</u> <u>tbernstein@lifeinsuranceconcepts.com</u></p>	<p><u>RESPONDENT INDIVIDUALLY, PROFESSIONALLY AND LAW FIRM and COUNSEL TO THEODORE BERNSTEIN IN VARIOUS CAPACITIES</u></p> <p><u>Alan B. Rose, Esq.</u> <u>Page, Mrachek, Fitzgerald & Rose, P.A.</u> <u>505 South Flagler Drive, Suite 600</u> <u>West Palm Beach, Florida 33401</u> <u>(561) 355-6991</u> <u>arose@pm-law.com</u> <u>and</u> <u>arose@mrachek-law.com</u> <u>mhandler@mrachek-law.com</u> <u>cklein@mrachek-law.com</u> <u>lmrachek@mrachek-law.com</u> <u>rfitzgerald@mrachek-law.com</u> <u>skonopka@mrachek-law.com</u> <u>dthomas@mrachek-law.com</u> <u>gweiss@mrachek-law.com</u> <u>jbaker@mrachek-law.com</u> <u>mhandler@mrachek-law.com</u> <u>lchristian@mrachek-law.com</u></p>	<p><u>RESPONDENT INDIVIDUALLY, PROFESSIONALLY AND LAW FIRM and COUNSEL TO THEODORE BERNSTEIN IN VARIOUS CAPACITIES</u></p> <p><u>John J. Pankauski, Esq.</u> <u>Pankauski Law Firm PLLC</u> <u>120 South Olive Avenue</u> <u>7th Floor</u> <u>West Palm Beach, FL 33401</u> <u>(561) 514-0900</u> <u>courtfilings@pankauski-lawfirm.com</u> <u>john@pankauskilawfirm.com</u></p>	<p><u>RESPONDENT INDIVIDUALLY, PROFESSIONALLY AND LAW FIRM AND AS FORMER COUNSEL TO THEODORE BERNSTEIN IN VARIOUS CAPACITIES</u></p> <p><u>Robert L. Spallina, Esq.</u> <u>Tescher & Spallina, P.A.</u> <u>Boca Village Corporate Center I</u> <u>4855 Technology Way</u> <u>Suite 720</u> <u>Boca Raton, FL 33431</u> <u>rspallina@tescherspallina.com</u> <u>kmoran@tescherspallina.com</u> <u>ddustin@tescherspallina.com</u></p>
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	<p>tclarke@mrachek-law.com gdavies@mrachek-law.com pgillman@mrachek-law.com dkelly@mrachek-law.com cklein@mrachek-law.com lwilliamson@mrachek-law.com</p>		
<p><u>RESPONDENT INDIVIDUALLY AND AS GUARDIAN AND TRUSTEE OF HER MINOR CHILD</u></p> <p><u>Pamela Beth Simon</u> <u>950 N. Michigan Avenue</u> <u>Apartment 2603</u> <u>Chicago, IL 60611</u> psimon@stpcorp.com</p>	<p><u>COUNSEL FOR LIMITED APPEARANCE</u> <u>representing Mr. Tescher</u> <u>in connection with his</u> <u>Petition for Designation</u> <u>and</u> <u>Discharge as Co-Personal</u> <u>Representative of the</u> <u>Estate of Simon L.</u> <u>Bernstein, deceased.</u></p> <p><u>Irwin J. Block, Esq.</u> <u>The Law Office of Irwin J.</u> <u>Block PL</u> <u>700 South Federal</u> <u>Highway</u> <u>Suite 200</u> <u>Boca Raton, Florida 33432</u> ijb@ijblegal.com martin@kolawyers.com</p>	<p><u>RESPONDENT INDIVIDUALLY, PROFESSIONALLY AND LAW FIRM and FORMER WITHDRAWN COUNSEL TO THEODORE BERNSTEIN IN VARIOUS CAPACITIES. NO NOTICES OF APPEARANCES</u></p> <p><u>Mark R. Manceri, Esq.,</u> <u>and</u> <u>Mark R. Manceri, P.A.,</u> <u>2929 East Commercial</u> <u>Boulevard</u> <u>Suite 702</u> <u>Fort Lauderdale, FL</u> <u>33308</u> mrmlaw@comcast.net mrmlaw1@gmail.com</p>	<p><u>RESPONDENT INDIVIDUALLY, PROFESSIONALLY AND LAW FIRM AND AS FORMER COUNSEL TO THEODORE BERNSTEIN IN VARIOUS CAPACITIES</u></p> <p><u>Donald Tescher, Esq.,</u> <u>Tescher & Spallina,</u> <u>P.A.</u> <u>Boca Village Corporate</u> <u>Center I</u> <u>4855 Technology Way</u> <u>Suite 720</u> <u>Boca Raton, FL 33431</u> dtescher@tescherspallina.com dtescher@tescherspallina.com ddustin@tescherspallina.com kmoran@tescherspallina.com</p>
<p><u>RESPONDENT INDIVIDUALLY AND AS GUARDIAN AND TRUSTEE OF HER MINOR CHILD</u></p> <p><u>Jill Iantoni</u> <u>2101 Magnolia Lane</u> <u>Highland Park, IL 60035</u> jilliantoni@gmail.com</p>	<p><u>COUNSEL TO CREDITOR WILLIAM STANSBURY</u></p> <p><u>Peter Feaman, Esquire</u> <u>Peter M. Feaman, P.A.</u> <u>3615 Boynton Beach Blvd.</u> <u>Boynton Beach, FL 33436</u> pfeaman@feamanlaw.com</p>	<p><u>COURT APPROVED CURATOR TO REPLACE THE REMOVED FORMER PERSONAL REPRESENTATIVES/C O-TRUSTEES/COUNSEL TO THEMSELVES AS FIDUCIARIES</u></p>	<p><u>COUNSEL FOR JILL IANTONI and LISA FRIEDSTEIN</u></p> <p><u>William M. Pearson,</u> <u>Esq.</u> <u>P.O. Box 1076</u> <u>Miami, FL 33149</u></p>

Motion to Remove ~~Alan B. Rose, Esq.~~

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	<p>service@feamanlaw.com mkoskey@feamanlaw.com m</p>	<p><u>TESCHER AND SPALLINA</u></p> <p><u>Benjamin Brown, Esq.,</u> <u>Thornton B Henry, Esq.,</u> and <u>Peter Matwiczuk</u> <u>Matwiczuk & Brown,</u> <u>LLP</u> <u>625 No. Flagler Drive</u> <u>Suite 401</u> <u>West Palm Beach, FL</u> <u>33401</u> bbrown@matbrolaw.com attorneys@matbrolaw.com m bhenry@matbrolaw.com pmatwiczuk@matbrolaw.com .com</p>	<p>wpearsonlaw@bellsouth.net</p>
<p><u>RESPONDENT INDIVIDUALLY AND AS GUARDIAN AND TRUSTEE OF HER MINOR CHILD</u></p> <p><u>Lisa Friedstein</u> <u>2142 Churchill Lane</u> <u>Highland Park, IL 60035</u> Lisa@friedsteins.com lisa.friedstein@gmail.com lisa@friedsteins.com</p>	<p><u>COUNSEL FOR JILL IANTONI and LISA FRIEDSTEIN</u></p> <p><u>William H. Glasko, Esq.</u> <u>Golden Cowan, P.A.</u> <u>1734 South Dixie</u> <u>Highway</u> <u>Palmetto Bay, FL 33157</u> bill@palmettobaylaw.com eservice@palmettobaylaw.com m tmcaly@gcprobatelaw.com m</p>	<p><u>RESPONDENT – ADULT CHILD</u></p> <p><u>Alexandra Bernstein</u> <u>3000 Washington Blvd,</u> <u>Apt 424</u> <u>Arlington, VA, 22201</u> alb07c@gmail.com</p>	<p><u>RESPONDENT/ARRESTED AND CONVICTED OF FRAUD AND ADMITTED TO FORGERY OF SIX SIGNATURES, INCLUDING POST MORTEM FOR SIMON/HAS HAD NOTARY PUBLIC LICENSE REVOKED BY FLORIDA GOVERNOR RICK SCOTT NOTARY PUBLIC DIVISION.</u> *See notes</p> <p><u>Kimberly Moran</u> kmoran@tescherspallina.com</p>
<p><u>RESPONDENT – ADULT CHILD</u></p> <p><u>Eric Bernstein</u></p>	<p><u>RESPONDENT – INITIALLY MINOR CHILD AND NOW ADULT CHILD</u></p> 		<p><u>COUNSEL TO ALEXANDRA, ERIC AND MICHAEL BERNSTEIN AND MOLLY SIMON</u></p>

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<p><u>2231 Bloods Grove Circle</u> <u>Delray Beach, FL 33445</u> ebornstein@lifeinsuranceconcepts.com edb07@fsu.edu edb07fsu@gmail.com</p>	<p><u>Michael Bernstein</u> <u>2231 Bloods Grove Circle</u> <u>Delray Beach, FL 33445</u> mchl_bernstein@yahoo.com m</p>	<p><u>John P Morrissey, Esq.</u> <u>John P. Morrissey, P.A.</u> <u>330 Clematis Street</u> <u>Suite 213</u> <u>West Palm Beach, FL</u> <u>33401</u> john@jmorrisseylaw.com m</p>
<p><u>RESPONDENT – ADULT</u> <u>STEPSON TO THEODORE</u></p> <p><u>Matt Logan</u> <u>2231 Bloods Grove Circle</u> <u>Delray Beach, FL 33445</u> matl89@aol.com</p>	<p><u>RESPONDENTS –</u> <u>MINOR CHILDREN OF</u> <u>PETITIONER</u></p> <p><u>Joshua, Jacob and Daniel</u> <u>Bernstein, Minors</u> <u>c/o Eliot and Candice</u> <u>Bernstein,</u> <u>Parents and Natural</u> <u>Guardians</u> <u>2753 NW 34th Street</u> <u>Boca Raton, FL 33434</u> iviewit@iviewit.tv</p>	<p><u>RESPONDENT –</u> <u>MINOR CHILD</u></p> <p><u>Julia Iantoni, a Minor</u> <u>c/o Guy and Jill Iantoni,</u> <u>Her Parents and Natural</u> <u>Guardians</u> <u>210 I Magnolia Lane</u> <u>Highland Park, IL 60035</u> jilliantoni@gmail.com</p>
<p><u>RESPONDENT/REPRIMAN</u> <u>DED BY FLORIDA</u> <u>GOVERNOR RICK SCOTT</u> <u>NOTARY PUBLIC</u> <u>DIVISION FOR FAILING</u> <u>TO NOTARIZE AN</u> <u>ALLEGED 2012 WILL AND</u> <u>TRUST OF SIMON AND</u> <u>SIGNING NOTARY UNDER</u> <u>FALSE NAME</u></p> <p><u>Lindsay Baxley aka Lindsay</u> <u>Giles</u> lindsay@lifeinsuranceconcepts.com</p>	<p><u>RESPONDENT MINOR</u> <u>CHILDREN</u></p> <p><u>Carley & Max Friedstein,</u> <u>Minors</u> <u>c/o Jeffrey and Lisa</u> <u>Friedstein</u> <u>Parents and Natural</u> <u>Guardians</u> <u>2142 Churchill Lane</u> <u>Highland Park, IL 6003</u> Lisa@friedsteins.com lisa.friedstein@gmail.com</p>	<p><u>RESPONDENT –</u> <u>MINOR CHILD</u> <u>INITIALLY NOW</u> <u>ADULT CHILD</u></p> <p><u>Molly Simon</u> <u>1731 N. Old Pueblo</u> <u>Drive</u> <u>Tucson, AZ 85745</u> molly.simon1203@gmail.com .com</p>

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