

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
CANDICE MICHELLE 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);

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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);
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 JOHN PANKAUSKI, ESQ.:

COMES NOW, Eliot Ivan Bernstein (“Eliot”) and Candice Michelle Bernstein (“Candice”), both PRO SE, Eliot as Beneficiary and Interested Party both for himself personally and with Candice as Guardians for their 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 John Pankauski, Esq.” and in support thereof states, 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 refiling a more proper Pro Se pleading. Due to the fact that material contained herein implicates that force and aggressive tactics are being

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conspired against Eliot by Alan Rose, Esq. ("Alan") or ("Rose"), John Pankauski, Esq. ("Pankauski") or ("John") 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").

2. 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 the seriousness of the criminal acts alleged herein, Eliot apologies for any rough spots or length, as he is a Pro Se litigant attempting to do his best but due to so many criminal acts and civil torts ongoing it seems impossible.
3. That the prior Verified Motion to Remove Counsel filed on February 19, 2014 by Creditor Stansbury's attorney Peter Feaman, Esq. that was filed improperly through Stansbury, are hereby incorporated in this Motion to Remove Counsel properly filed by Eliot. The arguments are the same but the pleading has been resubmitted herein as suggested by Your Honor at the prior hearing. See Attached Exhibit A.
4. Eliot Bernstein moves this court to remove John Pankauski, Esq., 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.
5. Pankauski has knowingly, willfully and negligently and with scienter 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.
6. Fraud on the Court is a clear Basis for Dismissal with Prejudice, as a matter of law.

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7. Bernstein moves this court to remove Pankauski from this case for good and just cause and sanctioned and reported by this Court to the proper authorities for reasons defined further herein..
8. John Pankauski has knowingly, willfully and with neglect participated in fraud on the court and abuse of process, and has violated the attorney client privilege rights of Eliot and Candice Bernstein who move this court to remove Pankauski from this case for good and just cause and sanctioned and reported by this Court to the proper authorities..
9. Eliot and Candice were in private talks and negotiations with John Pankauski and his firm regarding this case. John Pankauski used privileged and confidential information to harm Eliot when he began representing Theodore..
10. John Pankauski acted as if he would take Eliot's case, so that he could willfully, deliberately, neglectfully get information for the Opposing party. Then he became counsel for the opposing party. Therefore Eliot Bernstein moves this court to remove John Pankauski as counsel and sanctioned and reported by this Court to the proper authorities.
11. Fraud on the Court is a clear Basis for Dismissal with Prejudice, as a matter of law. John Pankauski should be dismissed from this case as a willing participant in fraud on the courts, fraud on the Beneficiaries, Interested Parties and Creditors and for his involvement in advancing the prior frauds of the former Personal Representatives/CoTrustees/Counsel to themselves as Fiduciaries, Robert Spallina, Esq. ("Spallina") and Donald Tescher ("Tescher") who along with others they employed or retained committed forgery, fraud on the court and more and Pankauski then has come in as replacement to them and Mark Manceri, Esq. ("Manceri") in a variety of roles acting in conspiracy to further obstruct justice, continue new frauds on the Court and attempt to cover up others..

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12. Florida attorney client privilege laws and ethical rules violated as John Pankauski has violated the Florida Rules of Professional Conduct in relation to,

RULE 4-1.6

[1] The lawyer is part of a judicial system charged with upholding the law. One of the lawyer's functions is to advise clients so that they avoid any violation of the law in the proper exercise of their rights.

John has willfully, deliberately participated in violation of law with his client and failed to report his client Theodore for a number of criminal violations of law that he is cognizant about and that he is duty bound to report to the authorities, especially where his client is ALLEGING to be a fiduciary in a myriad of roles that he is not fit or authorized or taken proper steps according to Probate Rules and Statutes to fulfill. Pankauski is fully aware of the transgressions of his client and has even been requested by his client Theodore to use FORCE and AGGRESSION upon Eliot and has failed to report these potentially life threatening threats that may cause bodily harm or death to Eliot to the proper authorities.

13. Florida laws and ethical rules were violated as John Pankauski has violated the Florida Rules of Professional Conduct in relation to,

Rule 4-1.6

[2] "The observance of the ethical obligation of a lawyer to hold inviolate confidential information of the client not only facilitates the full development of facts essential to proper representation of the client but also encourages people to seek early legal assistance."

John had an ethical obligation as a Florida lawyer to NOT "violate confidential information of the client not only facilitates the full development of facts essential to proper representation of the client but also encourages people to seek early legal assistance"

If John could not represent Eliot, he should not have taken privileged, inside information and then used it against someone that he led to believe he would represent in these very same matters.

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14. Florida laws and ethical rules were violated as John Pankauski has violated the Florida Rules of Professional Conduct in relation to,

RULE 4-1.6

"[3] Almost without exception, clients come to lawyers in order to determine what their rights are and what is, in the maze of laws and regulations, deemed to be legal and correct. The common law recognizes that the client's confidences must be protected from disclosure. Based upon experience, lawyers know that almost all clients follow the advice given, and the law is upheld."

John Pankauski willfully, with purpose and neglect, misled Eliot Bernstein on his rights, violated his confidences, disclosed his strategy and private information to the opposition, and purposely, willfully violated Eliot's rights to due process and procedure.

15. Florida laws and ethical rules were violated as John Pankauski has violated the Florida Rules of Professional Conduct in relation to,

RULE 4-1.6

"[4] A fundamental principle in the client-lawyer relationship is that the lawyer maintain confidentiality of information relating to the representation. The client is thereby encouraged to communicate fully and frankly with the lawyer even as to embarrassing or legally damaging subject matter.

[5] The principle of confidentiality is given effect in 2 related bodies of law, the attorney-client privilege (which includes the work product doctrine) in the law of evidence and the rule of confidentiality established in professional ethics. The attorney-client privilege applies in judicial and other proceedings in which a lawyer may be called as a witness or otherwise required to produce evidence concerning a client. The rule of client-lawyer confidentiality applies in situations other than those where evidence is sought from the lawyer through compulsion of law. The confidentiality rule applies not merely to matters communicated in confidence by the client but also to all information relating to the representation, whatever its source. A lawyer may not disclose such information except as authorized or required by the Rules of Professional Conduct or by law. However, none of the foregoing limits the requirement of disclosure in subdivision

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(b). This disclosure is required to prevent a lawyer from becoming an unwitting accomplice in the fraudulent acts of a client. See also Scope.

[6] The requirement of maintaining confidentiality of information relating to representation applies to government lawyers who may disagree with the policy goals that their representation is designed to advance."

John Pankauski violated this rule for the reasons stated herein and therefore Eliot moves this court to remove John Pankauski, as counsel in this case and sanction and report him to the proper legal and ethical authorities as required by Judicial Canons..

16. Florida laws and ethical rules were violated as John Pankauski has violated the Florida Rules of Professional Conduct in relation to,

RULE 4-1.6

Disclosure adverse to client

[8] Lawyers in a firm may, in the course of the firm's practice, disclose to each other information relating to a client of the firm, unless the client has instructed that particular information be confined to specified lawyers.

Disclosure adverse to client

[9] 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.

John Pankauski violated this confidentiality rule and disclosed private information. Pankauski also used this information to aid and abet his now client Ted Bernstein in efforts to seriously harm Eliot Bernstein, his family and those close to him.

17. Florida laws and ethical rules were violated as John Pankauski has violated the Florida Rules of Professional Conduct in relation to,



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RULE 4-1.6

[10] 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.

Pankauski has a duty, as a matter of law and ethics, as a lawyer to NOT "counsel or assist a client in conduct that is criminal or fraudulent." Yet he is knowingly doing so in this case and must be removed as counsel. He knows of fraud on the court, forgery and the actions of his client to use force and aggression towards Eliot and a Legal Process Abuse scheme and has a duty to remove himself from this case, report his client (a Fiduciary) to the proper authorities or to be removed by this court. Yet, Pankauski and Rose together are trying to keep secret this threatening letter Theodore sent directly and solely to his brother, both non lawyers and through a legal process abuse scheme using frivolous and vexatious pleadings of Attorney/Client Privilege.

18. Florida laws and ethical rules were violated as John Pankauski has violated the Florida Rules of Professional Conduct in relation to,

RULE 4-1.6

"[11] Second, the lawyer may have been innocently involved in past conduct by the client that was criminal or fraudulent. In such a situation the lawyer has not violated rule 4-1.2(d), because to "counsel or assist" criminal or fraudulent conduct requires knowing that the conduct is of that character.

[12] Third, the lawyer may learn that a client intends prospective conduct that is criminal. As stated in subdivision (b)(1), the lawyer shall reveal information in order to prevent such consequences. It is admittedly difficult for a lawyer to "know" when the criminal intent will actually be carried out, for the client may have a change of mind."

Even if Pankauski claims he did not represent Eliot and that he did not know of Ted's crimes, he certainly did when he stood in the courtroom the day the fraud and forgery was laid before the court. Yet Pankauski still took representation of Ted Bernstein in violation of Eliot's rights and

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continued the pattern and practice of Fraud on this Court and more and therefore must be removed by this court, as a matter of law, sanctioned and reported to criminal and ethical authorities by this Court as required under Florida Judicial Cannons.

19. Florida laws and ethical rules were violated as John Pankauski has violated the Florida Rules of Professional Conduct in relation to,

RULE 4-1.6

[13] Subdivision (b)(2) contemplates past acts on the part of a client that may result in present or future consequences that may be avoided by disclosure of otherwise confidential communications. Rule 4-1.6(b)(2) would now require the attorney to disclose information reasonably necessary to prevent the future death or substantial bodily harm to another, even though the act of the client has been completed.

[14] The lawyer's exercise of discretion requires consideration of such factors as the nature of the lawyer's relationship with the client and with those who might be injured by the client, the lawyer's own involvement in the transaction, and factors that may extenuate the conduct in question. Where practical the lawyer should seek to persuade the client to take suitable action. In any case, a disclosure adverse to the client's interest should be no greater than the lawyer reasonably believes necessary to the purpose.

Pankauski has violated the above rule in ways that will cause future consequences and must be removed from this case, sanctioned and reported to criminal and ethical authorities by this Court as required under Florida Judicial Cannons.

20. Florida laws and ethical rules were violated as John Pankauski has violated the Florida Rules of Professional Conduct in relation to,

RULE 4-1.6

Withdrawal

[15] If the lawyer's services will be used by the client in materially furthering a course of criminal or fraudulent conduct, the lawyer must withdraw, as stated in rule 4-1.16(a)(1).

[16] After withdrawal the lawyer is required to refrain from making disclosure of the client's confidences, except as otherwise provided in rule 4-1.6. Neither this rule nor rule 4-1.8(b) nor rule 4-1.16(d) prevents the lawyer from giving notice of the fact of withdrawal,

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and the lawyer may also withdraw or disaffirm any opinion, document, affirmation, or the like.

Pankauski has a duty to withdraw from this case, if he refuses, this court, as a matter of law should remove Pankauski and sanction and report him to criminal and ethical authorities as required under Florida Judicial Cannons..

21. Florida laws and ethical rules were violated as John Pankauski has violated the Florida Rules of Professional Conduct in relation to,

RULE 4-1.6

Disclosures otherwise required or authorized

[20] The attorney-client privilege is differently defined in various jurisdictions. If a lawyer is called as a witness to give testimony concerning a client, absent waiver by the client, rule 4-1.6(a) requires the lawyer to invoke the privilege when it is applicable. The lawyer must comply with the final orders of a court or other tribunal of competent jurisdiction requiring the lawyer to give information about the client.

[21] The Rules of Professional Conduct in various circumstances permit or require a lawyer to disclose information relating to the representation. See rules 4-2.2, 4-2.3, 4-3.3, and 4-4.1. In addition to these provisions, a lawyer may be obligated or permitted by other provisions of law to give information about a client. Whether another provision of law supersedes rule 4-1.6 is a matter of interpretation beyond the scope of these rules, but a presumption should exist against such a supersession.

Former client

[22] The duty of confidentiality continues after the client-lawyer relationship has terminated.

John knew that he had spoke prior with Eliot and that it was unethical in the least to represent Ted. Also Alan and John came into the case on Feb. 10th, seemingly from the letter below but Alan Rose did not file a notice of appearance until June, after it was discovered in hearings before Your Honor that he had failed to do so despite repeated appearances at hearings where he acted as counsel for several parties in several capacities and where it is believed that

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Pankauski has never filed a Notice of Appearance despite his representations at hearings before this Court for a number of parties in a number of capacities. This is a violation of rules of procedure and law. Alan had been contracted by Tescher, Spallina and Theodore when Simon died to represent parties in the Stansbury Creditor case before coming into the Estates and Trusts on behalf of Theodore.

From: John Pankauski [mailto:John@Pankauskilawfirm.com]
Sent: Monday, February 10, 2014 5:06 PM
To: iviewit@iviewit.tv
Cc: John Pankauski (APankauski@mrachek-law.com); Heather Graboyes

Mr. Bernstein:

I am writing in response to your email to our client, Ted S. Bernstein, of Friday. **In light of the withdrawal of Tescher & Spallina** as counsel, we have been retained along with John Pankauski, Esq. by Ted, as Successor Trustee of the Shirley Bernstein Trust and as Successor Personal Representative of the Estate of Shirley Bernstein. We also intend to represent Ted as **Successor Trustee of the Simon L. Bernstein Trust** and, if appointed, as the **Successor Personal Representative of the Estate of Simon L. Bernstein.**


Bernstein again moves this court to remove Pankauski from this case

22. 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.

This court has seen serious fraud on the court, including but far from limited to, deceased people signing documents via forgery, deceased people acting while dead as Executors and closing the

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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.

There is clear grounds to remove Pankauski as counsel in this case and sanction and report him to the proper authorities.

That Pankauski has violated Due Process Laws and rights of Bernstein, his family, Creditors and Interested Parties, as follows;

Due Process Laws

23. 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)
24. John Pankauski has participated in and aided fraud on this court that has denied Eliot due process and procedure. Therefore, Eliot moves this court to remove Pankauski as counsel.
25. 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):
26. 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).

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27. The evidence of frauds on this Court, the Beneficiaries, Creditors and Interested Parties in this court in the matters of Simon and Shirley's Estates and Trusts is clear and convincing and proven and admitted and where Judge Martin Colin claimed, as a matter of record in a September 13, 2013 hearing 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 (Simon) 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 both Pankauski and Alan Rose and who they worked alongside to perpetrate the frauds and attempt to cover up the past ones through further Abuse of Process to deny Eliot's and others due process and procedure rights with scienter.

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 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").

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. John Pankauski is connected to fraud in this case and must be removed,

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along with all parties that were involved in any way with the prior criminal acts and criminals, which would include both Alan and Theodore.. See Cox v. Burke, 706 So. 2d 43, 47 (Fla. 5th DCA 1998).

28. If this court does not dismiss based on fraud then Eliot alleges this is an abuse of discretion. See Rosenthal v. Rodriguez, 750 So. 2d 703 (Fla. 3d DCA 2000).

29. 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).

30. John Pankauski is a knowing party involved in the perpetration of the fraudulent schemes and more, this court knows he is a willing participant in fraud and misconduct. Pankauski has witnessed and participated in fraud and misconduct to achieve his ends. Eliot moves this court to remove Pankauski from this proceeding and sanction and report him to the proper legal and ethical authorities as required by Judicial Canons and Law.

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.")

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John Pankauski 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. Bernstein moves this court to remove John Pankauski as counsel.

31. Pankauski has clearly and convincingly shown willful, contumacious disregard of the law and the rights of Eliot Bernstein his immediate family and his deceased parents.

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.

32. *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.

33. The activities Pankauski 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.



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34. John Pankauski 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 as required under Judicial Canons and Law.
35. John Pankauski 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 as required under Judicial Canons and Law. This violates Rule 1.2.
36. Pankauski has sanctioned obstruction of justice and participated in obstruction. It is imperative that Pankauski be removed immediately to protect the integrity of this case and must be removed, sanctioned and reported by this Court to the proper authorities as required under Judicial Canons and Law.
37. Pankauski 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.
38. John Pankauski 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 Theodore described his intent in a Letter to Alan contained therein, intending to ABUSE LEGAL PROCESS WITH ALAN ROSE AND JOHN PANKAUSKI and is committing further fraud and where Pankauski has an ethical obligation to tell the client that this cannot be allowed and report these matters to the proper legal authorities. Yet, both Pankauski and Alan have failed to take any steps according to law and as the email to

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Eliot from Ted will show, Alan has now worked diligently to implement this criminal scheme, which involves "FORCEFUL" and "AGGRESSIVE" acts against Eliot and involves harassing Eliot through LEGAL PROCESS ABUSE, including discovery used to harass people involved, harass 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.

39. 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 Pankauski and Rose 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 use FORCE and AGGRESSION against Eliot.

40. From the RipOff Report and not the ALLEGED Privileged email, Eliot quotes,

"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.**"

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

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

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Definition of Force

<http://dictionary.reference.com/browse/force>

“force [fawrs, fohrs] noun

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.”

41. That clearly the threatened use of FORCE can only be seen as a threat to use such force to harm Eliot and whereby this would make it legally obligatory of Pankauski, Rose and Your Honor to break any Privilege claim and REPORT THIS THREAT OF FORCE AND AGGRESSION TO BOTH CRIMINAL AND ETHICAL AUTHORITIES as required by Attorney Conduct Codes, Judicial Canons and LAW. That seeing that no is following the rules and in fact BREAKING THE LAW, Eliot has in efforts to protect his family and others from imminent harm disclosed the contents not from the Email he was sent claimed privileged but from the PUBLIC WEBSITE RIPPOFF REPORT where it is now published on the world wide web by others, not Eliot.
42. That perhaps Pankauski referred to the fact that Theodore could not by the language in the document he is acting under be the Successor Trustee and if Ted Bernstein has succeeded as trustee of the Revocable Trust, he should be IMMEDIATELY removed on this Court's own motion, as he was ineligible under the terms of the Revocable Trust to serve as successor trustee ever. Article IV, Section C(3) of the Revocable Trust states: A successor Trustee appointed under this subparagraph shall not be a Related or Subordinate Party of the trust.
43. That the Revocable Trust, under Article II, Subsection E(7) defines a "Related or Subordinate Party" as follows: A "Related or Subordinate Party" to a trust describes a beneficiary of the subject trust or a related or subordinate party to a beneficiary of the trust as the terms "related or subordinate party" are defined under Code Section 672(c). Under Subsection E(2), "Code" is

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defined as "the Internal Revenue Code of 1986 ... " A "Related or subordinate party" under the Code means any nonadverse party who is " ... (2) any one of the following: The Grantor's father, mother, issue brother or sister; ..."

44. That Theodore Bernstein is the son, or an "issue" of the Grantor, Simon Bernstein, and a related party to the beneficiary, Theodore's son, Simon's grandson. Therefore, Theodore Bernstein is ineligible as a Related or Subordinate Party to serve as a successor trustee.

45. That Tescher who drafted the ALLEGED dispositive document therefore acted against the language of the ALLEGED document that he himself drafted and thus knew beyond a reasonable doubt that Theodore was INELIGIBLE under the terms but in what appears a last ditch effort to continue the FRAUD and further the COVER UP and CONTAIN INVESTIGATION INTO THE PAST FRAUDS when he ALLEGEDLY appointed Theodore, his business partner and close personal bedfellow as Successor Trustee in hopes that Theodore could stymie, delay and interfere with investigation of he and Spallina et al. All of these fraudulent schemes and artifices to defraud where in part to directly benefit Theodore who was DISINHERITED in any beneficiary designations ultimately decided by this Court in both Simon and Shirley's Estates and Trusts and his children now may or may not be beneficiaries depending on if the ALLEGED 2012 Dispositive documents stand.

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

"If John 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."

"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]."

47. 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

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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/20140131PBSOReport.pdf fully incorporated by reference herein.

48. 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.
49. That Alan Rose and Pankauski are both 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 even gave statements and yet Alan and John have failed to notify this Court, the authorities or the Beneficiaries regarding the alleged criminal misconduct of a fiduciary of this Court that he represents, in violation of Law and Ethical canons.
50. 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 and Pankauski's legal and ethical obligations are perverted by their bias and adversity against Eliot for exposing their schemes and the fact that they may soon be arrested if Eliot is

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further successful and it appears they will do whatever is required to keep the fraud from unraveling despite his ethical and legal obligations and law, in efforts to evade their prosecution by the authorities.

That according to the Florida Bar Rules as cited at

<https://www.floridabar.org/divexe/rrtfb.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.

51. That in fact, Alan and Pankauski instead attempt to secret the email through a false claim of privilege and further act upon the Criminal Misconduct and Legal Process Abuse their client Theodore demands and begin of series of harassing requests for Production as the letter describes their bad intent and bad faith in requesting aggressive legal strategies to harm Eliot and others and bleed the Estates and Trusts of Legal Fees.
52. 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, 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 and posted at RipOff Report:

“Anything and everything pertaining to Iviewit [Eliot’s Technology Companies that are subject of numerous ongoing investigations and civil actions], including his

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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 at Proskauer and Lewin, whom Eliot is pursuing in ongoing RICO and ANTITRUST actions and other investigations and to gain insight into Eliot's legal strategies and who is talking to regarding these ongoing state and federal actions against him and the others in those matters. These other matters involved in theft of Eliot and Simon's Intellectual Properties also involve Theodore, as central suspect, as Eliot's first Petition filed with this Court in May 2013 explains more in detail in the section titled, "The Elephant in the Room". In the first Petition, Theodore and Gerald Lewin's alleged involvement in a car bombing of Eliot's family minivan is explained in more detail.

53. That Theodore's scheme exposes further his intent to misuse Estate and Trusts assets to shield himself with attorneys at law at the FURTHER EXPENSE OF BENEFICIARIES, INTERESTED PARTIES and CREDITORS, who are all Officers and Fiduciaries of this Court under Your Honor's tutelage, who will apparently 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 criminal actions he is centrally involved in, as long as this Court allows him to continue having continued fiduciary roles. It appears in the email that his counsel is not in support as Theodore as Trustee or his misuse of trust assets to achieve this legal abuse strategy, mixed with forceful and aggressive conduct but again fails to report these matters to the proper authorities.

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54. That this Court should move on its OWN MOTION and not wait for Eliot to file more legally fine tuned pleadings as suggested by this Court in hearings, as this Court is legally obligated to do so on its own motion, not waiting for Eliot who is Pro Se, when the matters involve THREATS OF FORCE AND COERCION against Eliot and others.
55. That this Court should also on its own motion issue PROTECTIVE ORDERS for Eliot and deny Rose, Pankauski and Theodore's requests for production and depositions, when their intent is clearly to harass, oppress and gain information irrelevant to the proceedings in order to harm Eliot and others through LEGAL PROCESS ABUSE. That these Protective Orders should be continued until the Privilege claim is heard as to put Eliot in rooms with these folks where they can further harm and abuse him is aiding and abetting this Legal Process Abuse scheme.
56. That in Theodore's next statements in his email to Eliot he claims that he wants Alan Rose to get information on Eliot's minor children for no apparent reason other than to harass them further when he claim that he wants,

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

57. That 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, Pankauski and Alan will be coming after his children next, perhaps “forcefully” and “aggressively” too and illustrates how they will ABUSE LEGAL PROCESS to achieve these criminal ends. Similar to their conspired efforts to steal Eliot's son's KIA Soul through frivolous pleadings that were abandoned, their current efforts to steal Eliot's three minor children's home, to steal companies left to Eliot and his children by the decedents, their delays through FRAUD and more with Eliot and his Children's inheritance to extort and starve them through further FRAUD and more.

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58. That next statement in the email published at RipOff Report comes with 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, 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 who Theodore alleged to West Palm Beach Sheriff Officers had MURDERED Simon], 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 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.”**

59. This statement fully exposes the nature of the sudden recent deposition requests and production requests by Alan Rose and Pankauski 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 and resigned when he became a Respondent in the matters for his involvement (as Alan and John and their firms should do not that they are docketed RESPONDENTS) in the

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criminal nexus of events, resigning as counsel in these matters in all his myriad of capacities he represented and where Manceri like Alan and Pankauski have all failed to file proper Notices of Appearances before the Court for each capacity and party they represented at hearings and represented through abusive, vexatious and toxic pleadings. Certainly these are serious rule violations and violations of law committed by alleged seasoned estate planning professionals and not mere pleading errors in construction of pleading rules that Eliot makes in his Pro Se capacity and worthy of far worse sanctions and criminal punishment that Your Honor has chastised ELiot for while doing nothing about their criminal misconduct and allowing them to continue practicing law and further exposing the public at large to these types of abuses.

60. 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.
61. 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. 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.
62. 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.

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63. 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.

64. 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
(2) to prevent a death or substantial bodily harm to another."[1]

65. 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 are construed as intent to cause bodily harm or death to Eliot with force and aggression John and Alan should have disclosed these facts to the proper authorities under law and ethical rules.

66. 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 and Pankauski aiding and abetting the scheme described in the email with efforts to then hide the letter under a false claim of Attorney/Client Privilege on a communication that in no way can be construed as attorney client privileged. Again, failing to report the subject matter to

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the proper authorities is BREAKING THE RULES OF PRIVILEGE THAT THIS COURT ORDERED EVERYONE TO FOLLOW, WHICH DEMAND DISCLOSURE OF INTENDED CRIMINAL MISCONDUCT. Again, Alan and John now have so much skin in the game if they lose this case and are further exposed and perhaps jailed that they will say or do anything to move this Court in a biased and ILLEGAL way despite the legality or integrity of the acts and thus why he must be removed from all legal capacities immediately.

67. That what is most troubling about the Privilege claim is that while delaying the Evidentiary Hearing to an unknown date and further exposing Eliot and others to harm in interim, as expressed to Your Honor in the June 24, 2014 hearing, in the interim Alan instead 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 to gain information about who is investigating them through these recently ordered Depositions and Production by this Court of Eliot to NON QUALIFIED COUNSEL THAT INTENDS TO USE FORCE AND AGGRESSIVENESS before the Evidentiary Hearing, which will invalidate the Privilege claim, which would then deny them this information. This in efforts to then allegedly use the non related information they are seeking with the stated intent described in the email, which is to harass, oppres 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.

68. 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 and NOT THREATEN OR USE FORCE AND AGGRESSION AGAINST THOSE THAT ARE IN HIS ALLEGED FIDUCIARY CARE, all cause 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.

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

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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.

- 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.

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.

Pankauski knows that his clients conduct is not permitted and his own conduct is similarly not permitted.

Pankauski has knowingly made false statement, and participated in fraudulent schemes that involve forgery and fraud on the court.

Pankauski has interfered with Eliot's access to evidence and unlawfully participated in advancing fraudulent schemes that include document forgery, destruction and disappearance and conversion of benefits to improper parties through FRAUD and more.

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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.

... 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.

69. Falsifying evidence is also generally a criminal offense.

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

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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

70. John Pankauski has willfully and knowingly failed to disclose material facts.

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

71. John Pankauski knows that he is presenting false facts to the opposing party and is liable for misrepresentation not to just his client but all parties.

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.

72. John Pankauski has failed to act.

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.

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John Pankauski 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. Pankauski has used methods that violate the rights of the deceased parties and of the Eliot Bernstein family.

U.S. Constitutional Issues

73. That John Pankauski has violated Eliot and others US Constitutional Rights to this case as follows and where The U.S Constitution trumps this court and must be recognized in this case; 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.

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.

John Pankauski 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 John Pankauski from this proceeding.

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

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lawyer defendants, caused the Court to effectuate this Plaintiff to "Compulsory Involuntary Servitude", an act punishable under Title 18 1584 as a criminal act. "

74. If this court refuses to remove lawyers in this case, though there is clear and convincing proven, admitted and alleged evidence of ONGOING illegal activity, and even to the point of this court stated that Your Honor had enough evidence in the September 13,2013 hearing to read Miranda rights to Officers of this Courts and Fiduciaries of this Court, then this is a punishable act OUTSIDE THE COLOR OF LAW.

75. This case cannot proceed as a matter of law with officers of the court, who this court knows have participated in fraud, forgery and possible murder and allow them to participants in these matters any longer.

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..."

76. Allowing John Pankauski 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.

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

77. John Pankauski knows that his client Ted Bernstein sold assets of the estate such as the Shirley Bernstein Condo and which he made distributions of to knowingly improper parties achieved through documents Spallina has admitted altering POST MORTEM that benefited Ted's family to

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the disadvantage of others. This criminal misconduct of Ted's was alleged to the West Palm Beach Sheriff Department by Ted's attorneys who claimed that Ted did these acts against the advice of his counsel. Pankauski, knowingly, willfully has aided Ted Bernstein to deprive Eliot Bernstein, Creditors, Beneficiaries and others 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.

What constitutes property protected under constitution?

78. 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 Baldridge, 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

79. Eliot Bernstein has a constitutional right to due process and procedure. Therefore John

Pankauski 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

Collins v Harker, 112 S Ct. 1061

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80. 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

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...."

81. John Pankauski's participation in this case deprives Eliot Bernstein of these rights under the Constitution.

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82. Lawyers in this case such as Alan Rose and Pankauski are acting in conspiracy with other 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:

83. John Pankauski has knowingly, willfully conspired against Eliot Bernstein and his families rights.

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. "

84. John Pankauski 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.

Pankauski is a willingly, party to this crime and must be removed from this proceeding.

18 USC 512: Tampering with a witness

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

85. 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.

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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

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.

86. 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.

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E. Disqualification.

(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.

87. That this Court is legally obligated to FOLLOW THE RULES OF THIS COURT, JUDICIAL CANONS AND LAW and ACT ON ITS OWN MOTIONS to regulate the misconduct and criminal misconduct of Officers of this Court and Fiduciaries of this Court, for crimes in part that occurred in and upon this Court without waiting for proper pleadings from Pro Se Eliot who is not legally obligated to regulate the misconduct and criminal violations of Officers of this Court under Your Honor's tutelage.

88. That instead of focusing on the length of Eliot's pleadings or the minor infractions of his pleading (especially where the other side has plead FORGED AND FRAUDULENT DOCUMENTS IN VIOLATION OF NUMEROUS CRIMINAL FELONY LAWS which deserve far more immediate and damning actions by this Court) and the possible violation of page number rules, this Court cannot further delay actions waiting for Eliot with a novice understanding of law to plead better and less poetically. As for length of these pleadings why just look at the number of attorney conduct codes, judicial canons and laws being violated in just this pleading alone based on these ongoing Criminal Acts. Instead this Court needs to focus instantly and swiftly to rid the Court of ONGOING CRIMINAL MISCONDUCT of OFFICERS OF THIS COURT and stop the

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CONTINUING FRAUD and POSSIBLE USE OF FORCE AND AGGRESSION on parties to this matter, for certainly using dead people to close estates and forged and fraudulently notarized documents in the Court demand immediate justice and cessation of moving forward by the Court without first cleaning house of the ongoing fraud and criminal misconduct and ridding the Court of the fraudsters involved.

89. That Eliot therefore requests this Court remove Pankauski effective immediately and if this pleading is legally insufficient in any way that for all the reasons stated herein that this Court act on its own Motion to remove Pankauski.

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

I. THE REMOVAL of John Pankauski, Esq. and Pankauski Law Firm PLLC., 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 Pankauski 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 and to instantly cease the ongoing damages being caused.

Filed on June 30, 2014.

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

X

Candice Bernstein, Pro Se, as legal
guardian on behalf of her three
minor 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 30, 2014.

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

X

SERVICE LIST

<p>RESPONDENT PERSONALLY, PROFESSIONALLY, AS A GUARDIAN AND TRUSTEE FOR MINOR/ADULT CHILDREN, AS AN ALLEGED TRUSTEE AND ALLEGED PERSONAL REPRESENTATIVE</p> <p>Theodore Stuart Bernstein Life Insurance Concepts 950 Peninsula Corporate Circle, Suite 3010 Boca Raton, Florida 33487 tbernstein@lifeinsuranceconcepts.com</p>	<p>RESPONDENT INDIVIDUALLY, PROFESSIONALLY AND LAW FIRM and COUNSEL TO THEODORE BERNSTEIN IN VARIOUS CAPACITIES</p> <p>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 and arose@mrachek-law.com mchandler@mrachek-law.com cklein@mrachek-law.com lmrachek@mrachek-law.com rfitzgerald@mrachek-law.com skonopka@mrachek-law.com dthomas@mrachek-law.com gweiss@mrachek-law.com jbaker@mrachek-law.com mchandler@mrachek-law.com lchristian@mrachek-law.com</p>	<p>RESPONDENT INDIVIDUALLY, PROFESSIONALLY AND LAW FIRM and COUNSEL TO THEODORE BERNSTEIN IN VARIOUS CAPACITIES</p> <p>John J. Pankauski, Esq. Pankauski Law Firm PLLC 120 South Olive Avenue 7th Floor West Palm Beach, FL 33401 (561) 514-0900 courtfilings@pankauskilawfirm.com john@pankauskilawfirm.com</p>	<p>RESPONDENT INDIVIDUALLY, PROFESSIONALLY AND LAW FIRM AND AS FORMER COUNSEL TO THEODORE BERNSTEIN IN VARIOUS CAPACITIES</p> <p>Robert L. Spallina, Esq., Tescher & Spallina, P.A. Boca Village Corporate Center I 4855 Technology Way Suite 720 Boca Raton, FL 33431 rspallina@tescherspallina.com kmoran@tescherspallina.com ddustin@tescherspallina.com</p>
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Motion to Remove John Pankauski, Esq.

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<p>RESPONDENT INDIVIDUALLY AND AS GUARDIAN AND TRUSTEE OF HER MINOR CHILD</p> <p>Pamela Beth Simon 950 N. Michigan Avenue Apartment 2603 Chicago, IL 60611 psimon@stpcorp.com</p>	<p>COUNSEL FOR LIMITED APPEARANCE representing Mr. Tescher in connection with his Petition for Designation and Discharge as Co-Personal Representative of the Estate of Simon L. Bernstein, deceased.</p> <p>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 martin@kolawyers.com</p>	<p>RESPONDENT INDIVIDUALLY, PROFESSIONALLY AND LAW FIRM and FORMER WITHDRAWN COUNSEL TO THEODORE BERNSTEIN IN VARIOUS CAPACITIES, NO NOTICES OF APPEARANCES</p> <p>Mark R. Manceri, Esq., and Mark R. Manceri, P.A., 2929 East Commercial Boulevard Suite 702 Fort Lauderdale, FL 33308 mrmlaw@comcast.net mrmlaw1@gmail.com</p>	<p>RESPONDENT INDIVIDUALLY, PROFESSIONALLY AND LAW FIRM AND AS FORMER COUNSEL TO THEODORE BERNSTEIN IN VARIOUS CAPACITIES</p> <p>Donald Tescher, Esq., Tescher & Spallina, P.A. Boca Village Corporate Center I 4855 Technology Way Suite 720 Boca Raton, FL 33431 dtescher@tescherspallina.com dtescher@tescherspallina.com ddustin@tescherspallina.com kmoran@tescherspallina.com</p>
<p>RESPONDENT INDIVIDUALLY AND AS GUARDIAN AND TRUSTEE OF HER MINOR CHILD</p> <p>Jill Iantoni 2101 Magnolia Lane Highland Park, IL 60035 jilliantoni@gmail.com</p>	<p>COUNSEL TO CREDITOR WILLIAM STANSBURY</p> <p>Peter Feaman, Esquire Peter M. Feaman, P.A. 3695 W. Boynton Beach Blvd. Suite #9 Boynton Beach, FL 33436 Tel: 561.734.5552 Fax: 561.734.5554</p>	<p>COURT APPROVED CURATOR TO REPLACE THE REMOVED FORMER PERSONAL REPRESENTATIVES/CO-TRUSTEES/COUNSEL TO THEMSELVES AS FIDUCIARIES TESCHER AND SPALLINA</p> <p>Benjamin Brown, Esq., Thornton B Henry, Esq., and Peter Matwiczuk</p>	<p>COUNSEL FOR JILL IANTONI and LISA FRIEDSTEIN</p> <p>William M. Pearson, Esq. P.O. Box 1076 Miami, FL 33149 wpearsonlaw@bellsouth.net</p>

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	<p>pfeaman@feamanlaw.com service@feamanlaw.com mkoskey@feamanlaw.com</p>	<p>Matwiczyn & Brown, LLP 625 No. Flagler Drive Suite 401 West Palm Beach, FL 33401 bbrown@matbrolaw.com attorneys@matbrolaw.com bhenry@matbrolaw.com pmatwiczyn@matbrolaw.com</p>	
<p>RESPONDENT INDIVIDUALLY AND AS GUARDIAN AND TRUSTEE OF HER MINOR CHILD</p> <p>Lisa Friedstein 2142 Churchill Lane Highland Park, IL 60035 Lisa@friedsteins.com lisa.friedstein@gmail.com lisa@friedsteins.com</p>	<p>COUNSEL FOR JILL IANTONI and LISA FRIEDSTEIN</p> <p>William H. Glasko, Esq. Golden Cowan, P.A. 1734 South Dixie Highway Palmetto Bay, FL 33157 bill@palmettobaylaw.com eservice@palmettobaylaw.com tmealy@gcprobate.com</p>	<p>RESPONDENT – ADULT CHILD</p> <p>Alexandra Bernstein 3000 Washington Blvd, Apt 424 Arlington, VA, 22201 alb07c@gmail.com</p>	<p>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. *See notes</p> <p>Kimberly Moran kmoran@tescherspallina.com</p>
<p>RESPONDENT – ADULT CHILD</p> <p>Eric Bernstein 2231 Bloods Grove Circle Delray Beach, FL 33445 ebenstein@lifeinsuranceconcepts.com edb07@fsu.edu edb07fsu@gmail.com</p>	<p>RESPONDENT – INITIALLY MINOR CHILD AND NOW ADULT CHILD</p> <p>Michael Bernstein 2231 Bloods Grove Circle Delray Beach, FL 33445 mchl_bernstein@yahoo.com</p>		<p>COUNSEL TO ALEXANDRA, ERIC AND MICHAEL BERNSTEIN AND MOLLY SIMON</p> <p>John P Morrissey, Esq. John P. Morrissey, P.A. 330 Clematis Street Suite 213 West Palm Beach, FL 33401 john@jmorrissey.com</p>
<p>RESPONDENT – ADULT STEPSON TO THEODORE</p>	<p>RESPONDENTS – MINOR CHILDREN OF PETITIONER</p>	<p>RESPONDENT – MINOR CHILD</p>	

Motion to Remove ~~John Pankauski~~, Esq.

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<p>Matt Logan 2231 Bloods Grove Circle Delray Beach, FL 33445 matl89@aol.com</p>	<p>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</p>	<p>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</p>	
<p>RESPONDENT/REPRIMANDED BY FLORIDA GOVERNOR RICK SCOTT NOTARY PUBLIC DIVISION FOR FAILING TO NOTARIZE AN ALLEGED 2012 WILL AND TRUST OF SIMON AND SIGNING NOTARY UNDER FALSE NAME</p> <p>Lindsay Baxley aka Lindsay Giles lindsay@lifeinsuranceconcepts.com</p>	<p>RESPONDENT MINOR CHILDREN</p> <p>Carley & Max Friedstein, Minors c/o Jeffrey and Lisa Friedstein Parents and Natural Guardians 2142 Churchill Lane Highland Park, IL 6003 Lisa@friedsteins.com lisa.friedstein@gmail.com</p>	<p>RESPONDENT – MINOR CHILD INITIALLY NOW ADULT CHILD</p> <p>Molly Simon 1731 N. Old Pueblo Drive Tucson, AZ 85745 molly.simon1203@gmail.com</p>	

A large, stylized handwritten signature in blue ink is written vertically across the page. Below the signature, there is a circular fingerprint impression, also in blue ink, which appears to be a thumbprint.

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