**Opening Statement**

1. First I would like to state for the record that I, Eliot Bernstein have never made a representation that I would like to be the Successor PR or Trustee of the Estates and Trusts of my mother and father. Mr. Feaman and Mr. Stansbury had endorsed me as a candidate due to their perceived integrity of my actions thus far in these matters and as the only beneficiary who has NO involvement in any of the egregious acts of bad faith and violations of law that have take place and been proven thus far in these matters.
2. While thanking them profusely for the kind support I declined, due to amongst other things the conflicts of interests that are now inherit between all of the children of my parents, Ted included and our own and each other’s children. This due to the fact that the beneficiaries may either be the children or the grandchildren depending on this Court’s final decisions on which dispositive documents will prevail due to the fraud that has taken place by the last PR’s, Co-Trustee and Counsel that have resigned and been removed amidst the frauds they created.
3. That I was advised by competent counsel Christine Yates of Tripp Scott Law Firm, instantly upon learning of the conflicts between myself, my children and my siblings and their children that I would not be qualified to act in any fiduciary capacities if the opportunity arose and would need separate counsel for both myself and my children, which I sought. Therefore, I have never asked the Court to consider me as a candidate and for this reason alone, none of my siblings can now qualify at least until all these matters of the beneficiaries are ultimately decided.
	1. Evidence #1 – Tripp Scott Yates Conflict Letter
	2. Evidence #2 – Attorney Christine Yates, Esq. and Marc Garber, Esq. Letters that they should be reported.
4. There has been major Fraud uncovered in the Estates of Simon and Shirley involving fraudulently altered documents NOW DISCOVERED IN BOTH ESTATES, including Post Mortem FORGERIES and ALTERCATIONS OF TRUST DOCUMENTS all in efforts to make distributions to improper beneficiaries with apparent knowing INTENT.
	1. Evidence #3 - 1/21/2014 Palm Beach County Sheriff Report, SPALLINA ADMITS HE AND TESCHER AGREED TO COMMIT FRAUD AND HE PERSONALLY ALTERED TRUST DOCUMENTS in efforts to change beneficiaries POST MORTEM.
	2. Evidence #4 - Two First Amendments
	3. Evidence #5 - Simon FORGED signature on Waiver
	4. Evidence #6 - Simon closing documents from September 2012 when he died to January 2013 while dead, this exhibits a FRAUD ON COURT by SPALLINA AND TESCHER NOT MORAN BUT WHOLLY SEPARATE CRIMES of using a dead personal representative to administer the Estate and make changes while dead.
5. 14 ASNA - AFFIDAVIT/STMNT RE: CREDITORS

**Filing Date:** 24-OCT-2012

**Filing Party:** BERNSTEIN, SIMON L

1. 15 PDCH - PETITION FOR DISCHARGE

**Filing Date:** 24-OCT-2012

**Filing Party:** BERNSTEIN, SIMON L

1. 16 WAIV - WAIVER

**Filing Date:** 24-OCT-2012

**Filing Party:** BERNSTEIN, SIMON L

**Docket Text:**

WAIVER 0F ACC0UNTING AND P0RTI0NS 0F PETITI0N F0R DISCHARGE; WAIVER 0F SERVICE 0F PETITI0N F0R DISCHARGE; AND RECEIPT 0F BENEFICIARY AND C0NSENT T0 DISCHARGE

1. 17 WAIV - WAIVER

Filing Date: 24-OCT-2012

Filing Party:

Docket Text:

WAIVER 0F ACC0UNTING AND P0RTI0NS 0F PETITI0N F0R DISCHARGE; WAIVER 0F SERVICE 0F PETITI0N F0R DISCHARGE; AND RECEIPT 0F BENEFICIARY AND C0NSENT T0 DISCHARGE BY TED S. BERNSTEIN

1. 18 WAIV - WAIVER

**Filing Date:** 24-OCT-2012

**Filing Party:**

**Docket Text:**

WAIVER 0F ACC0UNTING AND P0RTI0NS0F PETITI0N F0R DISCHARGE; WA1VER 0F SERVICE 0F PETITI0N F0R DISCHARGE; AND RECEIPT 0F BENEFIC1ARY AND C0NSENT T0 D1SCHARGE BY PAMELA B. SIMON

1. 19 WAIV - WAIVER

Filing Date: 24-OCT-2012

Filing Party:

Docket Text:

WAIVER 0F ACC0UNTING AND P0RTI0NS 0F PETITI0N F0R DISCHARGE; WAIVER 0F SERVICE 0F PETITI0N F0R DISCHARGE; AND RECEIPT 0F BENEFICIARY AND C0NSENT T0 DISCHARGE BY ELIOT BERNSTEIN

1. 20 WAIV - WAIVER

Filing Date: 24-OCT-2012

Filing Party:

Docket Text:

WA1VER 0F ACC0UNT1NG AND P0RT10NS 0F PET1TI0N F0R D1SCHARGE; WA1VER 0F SERVLCE 0F PETIT10N F0R DISCHARGE;AND RECEIPT 0F BENEFLCIARYAND C0NSENT T0 D1SCHARGE BY JILL IANTONI

1. 21 WAIV - WAIVER

Filing Date: 24-OCT-2012

Filing Party:

Docket Text:

WAIVER 0F ACC0UNTING AND P0RTI0NS 0F PETIT10N F0R DISCHARGE; WAIVER 0F SERVICE 0F PETITI0N F0R DISCHARGE; AND RECEIPT 0F BENEFICIARY AND C0NSENT T0 DISCHARGE BY LISA S. FRIEDSTEIN

1. 22 NTCT - NON-TAX CERT/RCPT/AFFIDAVIT

Filing Date: 24-OCT-2012

Filing Party: BERNSTEIN, SIMON L

Docket Text: none.

1. 23 PBCK - PROBATE CHECKLIST

Filing Date: 24-OCT-2012

Filing Party: BERNSTEIN, SIMON L

Disposition Amount:

Docket Text: none.

1. 24 EXPM - EXPARTE CLERKS MEMO

Filing Date: 06-NOV-2012

Filing Party: COLIN, JUDGE MARTIN H

Docket Text: none.

1. 25 WAIV - WAIVER

Filing Date: 19-NOV-2012

Filing Party: BERNSTEIN, SIMON L

Disposition Amount:

Docket Text:

OF ACCOUNTING AND PORTIONS OF PETITION FOR DISCHARGE; WAIVER OF SERVICE OF PETITION FOR DISCHARGE; AND RECEIPT OF BENEFICIARY AND CONSENT TO DISCHARGE

1. 26 WAIV - WAIVER

Filing Date: 19-NOV-2012

Filing Party:

Disposition Amount:

WAIVER OF ACCOUNTING AND PORTIONS OF PETITION FOR DISCHARGE; WAIVER OF SERVICE OF PETITION FOR DISCHARGE; AND RECEIPT OF BENEFICIARY AND CONSENT TO DISCHARGE BY TED S. BERNSTEIN

1. 27 WAIV - WAIVER

Filing Date: 19-NOV-2012

Filing Party:

Disposition Amount:

Docket Text:

OF ACCOUNTING AND PORTIONS OF PETITION FOR DISCHARGE; WAIVER OF SERVICE OF PETITION FOR DISCHARGE; AND RECEIPT OF BENEFICIARY AND CONSENT TO DISCHARGE BY PAMELA SIMON

1. 28 WAIV - WAIVER

Filing Date: 19-NOV-2012

Filing Party:

Docket Text:

OF ACCOUNTING AND PORTIONS OF PETITION FOR DISCHARGE; WAIVER OF SERVICE OF PETITION FOR DISCHARGE; AND RECEIPT OF BENEFICIARY AND CONSENT TO DISCHARGE BY ELIOT BERNSTEIN

1. 29 PDCH - PETITION FOR DISCHARGE

Filing Date: 19-NOV-2012

Filing Party:

Docket Text:

OF ACCOUNTING AND PORTIONS OF PETITION FOR DISCHARGE; WAIVER OF SERVICE OF PETITION FOR DISCHARGE; AND RECEIPT OF BENEFICIARY AND CONSENT TO DISCHARGE JILL IANTONI

1. 30 WAIV - WAIVER

Filing Date: 19-NOV-2012

Filing Party:

Docket Text:

OF ACCOUNTING AND PORTIONS OF PETITION FOR DISCHARGE; WAIVER OF SERVICE OF PETITION FOR DISCHARGE; AND RECEIPT OF BENEFICIARY AND CONSENT TO DISCHARGE LISA S. FRIEDSTEIN

1. 31 FDS - FINAL DISPOSITION SHEET

Filing Date: 03-JAN-2013

Filing Party: COLIN, JUDGE MARTIN H

Docket Text: none.

1. 32 ODCH - ORDER OF DISCHARGE Book 025696 - Page 00720

Filing Date: 03-JAN-2013

Filing Party: COLIN, JUDGE MARTIN H

* 1. Evidence #7 - Statutes regarding FRAUD MUST BE CLEARED BE CLEARED ENTIRELY FROM COURT BEFORE COMMENCING FURTHER PROCEEDINGS. REMOVAL OF THOSE INVOLVED.
1. The perpetrators of this FRAUD are OFFICERS OF THIS COURT who are the once trusted Attorneys at Law and Fiduciaries handling the Estates and Trusts and all of these parties were brought into these matters by Ted and the Attorneys who have already resigned namely Donald Tescher, Robert Spallina and Mark Manceri. In fact it was learned at Tescher’s Deposition on July 09, 2014 that Ted and Tescher were friends and business associates for several years prior to Tescher taking my parents accounts and meeting my father and mother at Ted’s urging of Simon to get business from them that Tescher’s deposition reveals occurred.
2. That this group of corrupted attorneys at law and fiduciaries that started these frauds acting as Officers of this Court and continue to perpetrate further Fraud on the Court and the Beneficiaries, Creditors and Interested Parties through their nominations of new attorneys and fiduciaries that are directly involved and have benefited from the prior frauds, in attempts to derail efforts to investigate themselves and includes but is not limited to, Ted, Spallina, Tescher, the now removed Manceri, the still present Alan Rose and John Pankauski, all who worked together to perpetrate the frauds of Tescher and Spallina, all aiding and abetting their close personal business partner and friend, Ted Bernstein in various ways.
	1. Evidence #8 - Statutes and Case Law regarding Fiduciaries not investigating due to conflicts. Therefore the Court must report them.
3. That it should be clear to the Court by now that Ted has insurmountable conflicting interest in the Estates and Trusts and is now highly adverse to the beneficiaries and creditors who are trying to discover information and rectify and protect the Estates and Trusts from further crimes, waste, fraud and abuse.
4. Now that the frauds have been exposed and the dispositive documents are challenged due to the Frauds, Ted and his lineal descendants may end up with NOTHING in the Estates and Trusts of Simon and Shirley, as Simon and Shirley had excluded them as if predeceased while alive together in their 2008 Estate plans they executed together. On the other hand, if the fraudulently notarized documents and improperly notarized Wills and Trusts somehow survive, Ted’s adult children only, NOT TED will be approximately 1/3rd beneficiaries of the Estate of Simon and again nothing in the Estate and Trusts of Shirley. Any way the Court determines Ted and his sister Pam have been wholly disinherited and only their adult children may get benefits directly.
	1. Evidence #9 - Predeceased Language
	2. Evidence #10 - Two first Amendments
	3. Evidence #11 - Governor’s Letter regarding improper Notarizations BAXLEY aka GILES
	4. Evidence #12 - Signature Pages of 2012 Will and Trust of Simon
5. I, Eliot Bernstein on the other hand do not suffer from this adversity and conflicts quite so much, as either way, my family, either me individually or my children will inherit between 33% and 50% of the Estates and Trusts depending on this Court’s future rulings on the validity of the dispositive documents allegedly done days before my father passed and who the ultimate beneficiaries will be.
6. Where this Court was told in hearings in Sept and Oct of last year by Spallina and Tescher that they were aware of only the Moran documents being fraudulent and forged and that she was on the birth control injection of depropreva at the time which is why she forged documents BUT NOW we now find from a January 2014 police interview with PBSO that Spallina knew at the time he told the Court this that he himself had personally, after discussing the matter with partner Tescher to FRAUDULENTY ALTERED TRUST DOCUMENTS POST MORTEM again, in efforts to fraudulently change the beneficiaries and to fool attorney Christine Yates and others that the beneficiaries were the 10 grandchildren and not Eliot, Lisa and Jill of Shirley’s Estate.
	1. Evidence #13 January PBSO Report – Spallina admits after discussing with Tescher to Alter Trust documents ILLEGALLY and create and amend unlawfully a new Trust for Simon that Simon allegedly signed weeks prior to his death that are now found procured through fraud and thus legally insufficient and void.
7. So, now it is found that Moran’s acts were not one off and that there are a series of frauds, conspired by several parties to perpetrate this beneficiary hoax and we see a Pattern and Practice of Fraud evolving that the only way they can contain everything is to control the Estates and Trusts further with the help of this Court, if this Court allows them to continue any further in any fiduciary or legal capacities in these matters forward.
8. This Court may recall that it has levied warnings that it had enough evidence back in Sept 2012 to read Ted, Spallina, Tescher and Manceri their Miranda Warnings when the Court discovered that not only had Moran forged documents but that Tescher and Spallina closed the Estate of Shirley with my father acting as PR, despite the fact that he was Dead at the time, using his identity to Fraudulently enter into the Court records closing documents in my mother’s estate, four months after he was dead. You will also find that bank accounts and credit cards were used for months after his death, he received moving violation traffic tickets and his license was suspended all while dead and the Estate and Trusts under the care of the former fiduciaries and officers of this court, including Ted.
	1. Evidence #14 - Miranda Warning Transcripts from hearing
	2. Evidence #15 - Legacy account being used after Simon’s death.
	3. Evidence #16 - Moving traffic violation and license suspension POST MORTEM.
	4. Evidence #17 - Court dockets already exhibited herein that show Simon closing Estate while dead.
9. With recent information from the Governor Rick Scott’s Notary Public Division that the alleged 2012 Will and Trusts of Simon were not notarized properly, where it cannot be said that Simon was even present at the signing of the documents, due to improper notarizations, a new can of worms is opened. This time the improper notarizations are not done by the arrested and convicted Notary Public, Kimberly Moran who forged and fraudulently notarized 6 documents for 6 separate parties, including a POST MORTEM FORGERY of my signature but now the Notarizations were improperly done by Ted’s personal assistant, a one Lindsay Giles aka Lindsay Baxley.
	1. Evidence #18 - Baxley Governor Letter, already exhibited
10. If these fraudulent schemes are further unraveled in this Court Ted stands to lose everything personally and lose any chance at getting at the Estate and Trust monies and most importantly Ted and his minion of lawyers could face lengthy prison sentences and loss of personal assets creating insurmountable adversity with beneficiaries and creditors who are trying to unravel the ever expanding criminal acts and civil torts committed in both Estates and Trusts of my mother and father. After reviewing just a portion of the production documents there are many more bits of damning evidence now found that will now need to be formally investigated such as secreted insurance trusts, insurance fraud, bank fraud and more.
	1. Evidence #19 - 2000 Trust
	2. Evidence #20 - Emails with Pam to Secret the 2000 Trust from this Court and the Federal Court and Life Insurance carrier to benefit Ted and Pam at the expense of other beneficiaries.
11. That all these schemes and artifices to defraud were committed in concert by all Ted’s close business associates and personal friends and all these schemes wrongfully and illegally benefit Ted and his sister Pam who were again disinherited entirely in every scenario to the detriment of other beneficiaries.
12. That Ted and Pam and their lineal descendants were disinherited entirely and considered predeceased by both of their parents in their Estates and Trusts in 2008. Pam was disinherited entirely in 2000 and Ted in 2008 other than personal property rights and again no matter how this Court rules on who the ultimate beneficiaries are in both estates and trusts, in any scenario, Theodore and his sister Pamela are WHOLLY DISINHERITED. Their adult children may be beneficiaries depending on how the Court rules.
13. As the Court can see from Pam’s lawyers letter, sent to Simon while alive, Pam, after being tipped off by Spallina and Tescher that she and Ted were disinherited is obviously very upset that her family and Ted’s were disinherited entirely.
	1. Evidence #21 - Pam’s lawyers letter.
14. As the Court can see from a letter Ted sent to Eliot that was submitted as the first piece of evidence submitted to this Court by me in my first Petition, that Ted was outraged so much so that he states that his family is Ted to him, including me, his own brother and his father. Certainly they can no longer be considered unbiased in these matters and qualified to be fiduciaries as there impartiality is clouded by their rage.
	1. Evidence #22 - Ted’s letter that his family is dead.
15. The new ALLEGED dispositive documents, done allegedly weeks before Simon died in 2012, attempted to change not only Simon’s Estate and Trusts beneficiaries BUT also tried to change SHIRLEY’S beneficiaries POST MORTEM and where Shirley was already dead and her trusts funded and was distributed to ELIOT, LISA and JILL AND THEIR LINEAL DESCENDANTS ONLY and the alleged Power of Appointment that Simon is said to have exercised could not have added new beneficiaries, yet this is exactly what was attempted through these frauds.
16. Eliot, Lisa and Jill however were never informed of their inheritances and have to this date not received accountings or anything showing their interests from the PR’S or Trustees almost four years later and this too was with intent so that they could not see the fraud being done to them.
	1. Evidence #23 - Letter Eliot to Spallina no Documents
	2. Evidence #24 - Yates resigning and stating we would need to litigate to get information that was suppressed.
17. When Simon died, he apparently did not make any changes to his or my mom’s Estates or Trusts and that is where all the fraudulent, fraudulently notarized, forged, altered documents begin to help Simon and Shirley POST MORTEM make changes to their estate and trusts through FRAUD and deny the true and proper beneficiaries their inheritances by ILLEGALLY seizing DOMINION AND CONTROL OF THE ESTATES AND TRUSTS THROUGH THIS SERIES OF FRAUDULENT DOCUMENTS that allowed Ted and his minion of lawyers he involved to then begin to LOOT THE ESTATES AND TRUSTS, hide assets and more, all through a series of further frauds alleged and under investigations both STATE AND FEDERALLY, including INSURANCE FRAUD, BANK FRAUD, FRAUD ON A FEDERAL COURT, FRAUD ON BENEFICIARIES, CREDITOR FRAUD, THEFT OF PROPERTY, EXTORTION and the list goes on and all these crimes were aided by the Fraudulent Documents that Officers of this Court posited in this Court as part of the complex fraud that has occurred IN AND UPON THIS COURT and on the beneficiaries, interested parties and creditors.
	1. EVIDENCE #25 - SPALLINA FRAUDULENT INSURANCE CLAIM AS TRUSTEE OF A TRUST HE CLAIMS HE NEVER SAW AND IS LOST - Insurance Fraud reported to the Jacksonville Il PD at the request of PBSO for Eliot to file where the fraudulent insurance claim of Spallina was sent. After opening an investigation Jacksonville PD has requested Eliot contact Federal Authorities and Eliot has so done.
	2. Evidence #26 - Legacy Bank request for investigations. PENDING.
	3. Evidence #27 - PAGE FROM PLEADING SHOWING TED AS TRUSTEE - Federal Court Motions contains claims of Fraud on US Federal Court in Breach of Contract Lawsuit where Ted acts as Trustee of a LOST Trust.
18. That to now repair the Court’s integrity this Court must move to remove entirely those that perpetrated or were involved in any way with the fraudulent acts and parties that are now under ongoing criminal investigations and this would include the whole nexus of friends of Ted that have been involved almost from the start, as with Mr. Rose. These tentacles to the Frauds must be ousted by the Court in order to rid the Court of any elements that COULD be construed to be involved or were directly involved with the furtherance of ANY of the artifices to defraud or other criminal acts and civil torts.
	1. Evidence #28 - Statutes regarding removing fraud and fiduciaries for fraud, etc.
	2. Already Exhibited Language from Motion to remove Alan regarding fraud and cleaning the court prior to continuing.
19. Where it will be shown today that all of these Officers of the Court were involved in perpetrating the fraudulent beneficiary schemes, knowingly and with intent and therefore they will be material and fact witnesses to the events that they are directly involved in, they have adversarial interests in the outcome of these matters. The fact that they are the main suspects of ongoing investigations and civil actions give them insurmountable conflicts of interest and make them adverse to certain parties who are trying to expose the truth and investigate their criminal acts further.
20. That all these parties involved with Ted thus far are all under ongoing investigations and named in civil actions and criminal complaints, including these matters where they are all RESPONDENTS and need to seek independent counsel to represent them personally and professionally but instead they choose to desperately try and hold on in and maintain dominion and control of the Estates and Trusts despite all these reasons for their disqualifications all in efforts to further the fraud and cover up the past frauds of those that contracted and retained them and keep control through new fraudulent acts to hide and suppress the truth by committing further FRAUD ON THIS COURT and the beneficiaries by complete and utter dereliction of their fiduciary duties and legal obligations.
21. Again, in the Estate of Simon Ted was not a named Beneficiary under any scenario and he was not named in ANY SET of documents posited with this Court as a PR or Trustee and only has come to allege that he is Trustee through a further series of frauds committed as a last act by Tescher and Spallina, again in desperation, on the way out of the door of this Court where Tescher and Spallina have attempted to make Ted, their friend, business partner and alleged partner in crime, the Successor Trustee, despite prohibitive language in the dispositive document they allege were signed by Simon.
	1. Evidence #29 - 2012 Alleged Trust of Simon with prohibitive language excluding Ted, Eliot, Pam, Lisa and Jill from becoming Successors.
	2. Evidence #30 - Tescher resignation letter attempting to make Ted Successor despite being fully aware in the document he alleges to have done for Simon prohibiting such.
22. Even if that problem was overcome Ted cannot be the Successor and for a host of other reasons that make Ted UNqualified now to act in ANY FIDUCIARY capacities in either Estate or any Trusts due to a laundry list of problems to be addressed throughout these hearings to remove Ted and his minion of legal counsel he has hired to surround himself and protect himself with misusing Estate and Trust assets to do so, taking further improper distributions to do so and who has no interests in the Estates or Trusts of Simon and thus no real reason to be here.
23. Eliot will now show the Court the many reasons they must all be removed by this Court and Reported to the Proper Authorities for their ILLEGAL conduct before this Court and the Frauds they are intimately involved in that preclude all of them from any further Legal, Fiduciary or other capacity in these matters forward.
24. That despite knowing of the fraudulent schemes and fraudulent documents from the start, even after I made them aware of the Fraudulent documents and Forgeries including those done Post Mortem, NOT ONE OF THESE FIDUCIARIES OR LEGAL COUNSEL INVOLVED HAS TO THIS DATE REPORTED THEIR CRIMES or those OF THEIR PARTNERS IN CRIME TO THIS COURT OR THE PROPER AUTHORITIES, INCLUDING THE FLORIDA BAR WHERE THEY ARE DUTY BOUND AS LAWYERS AND OFFICERS OF THIS COURT TO REPORT THE MISCONDUCT OF OTHER LAWYERS AND FIDUCIARIES and in fact, have CONTINUED A PATTERN AND PRACTICE OF FURTHER FRAUDS TO COVER UP FOR THEIR FRIENDS AND PARTNERS IN CRIMES.
	1. Evidence #31 - Rules relating to Reporting the Misconduct of Attorneys and Fiduciaries.
25. That all of these resignations resulting from the criminal acts and civil torts already proven beyond a reasonable doubt are due not to any of the parties coming forth to tell the truth but by the outstanding legal work done PRO SE Eliot and my lovely wife Candy and our work with state and federal agencies. Even after being aware that documents were forged in both his name and his father’s name, my brother Ted and his lawyers did not voluntarily go to the authorities as honest fiduciaries and lawyers would have but again tried an elaborate hoax to rectify the frauds, conceal documents and continue the frauds through further acts of fraud on this Court and the beneficiaries, creditors and interested parties. Are these the qualities of fiduciaries and lawyers this Court wants to continue to allow to act forward in these matters or will this Court lay down the gauntlet and remove them all instantly from any positions of Trust as lawyers or fiduciaries and protect the public at large from future acts of these criminals disguised as lawyers by reporting them to the proper authorities as required by Judicial Canons and Law and further sanction them and set an example to other attorneys and fiduciaries who violate law?

**ELIOT BERNSTEIN’S MOTION TO APPOINT A NEW PR**

1. That again, Eliot does not now or ever has sought appointment as PR or TRUSTEE of the Estates or Trusts of Simon and Shirley. That the other side will argue that I am not qualified and I have been advised by counsel that neither myself nor any other family member, including Ted, are now qualified to be PR or Trustees for either Estates or Trusts of Simon and Shirley for a host of legal sound reasons that I accept as true.
2. That I have submitted several prior petitions to remove the PR’s and Trustees and have been partially successful to this point in removing some but not others and that is the purpose today, to cut away the remaining cancers.
3. That I am seeking an independent, non-conflicted, not involved in any way with any of the past fiduciaries or counsel’s illegal activity or have even a scintilla of relation to them, an independent third party, to administer the estates and trusts, someone with as outstanding of character and integrity as Ben Brown who has acted faithfully to this date as Curator. Someone with no interest in the outcome whether it be personal or beneficial in any way somebody who will be forthcoming with the information and accounting to the beneficiaries who suffered for years from these crimes and not ones who will further attempt to secret the information and cover up tracks for their friends and associates and continue to attempt to loot the estates and hide the evidence.
4. That Ted Bernstein has submitted himself already once to this Court to be appointed PR and was denied after several hours of hearings but here we are again with Ted trying in a last grandstanding play that is costing everyone a fortune to hope your honor was asleep at the last hearing you denied him becoming PR and now err in appointing him, when the reasons for his disqualification in any fiduciary capacities in the Estates and Trusts have grown exponentially worse since the last hearing where Your Honor rejected his attempt.
	1. Evidence #32 - Court Order - Rejection of Ted as PR as docketed
5. **REASONS TED CANNOT BE PR OR TRUSTEE IN THE ESTATES AND TRUSTS OF SIMON AND SHIRLEY**
	1. Evidence #33 - Ted Bankruptcy Records from 2004-2007. Ted has declared personal bankruptcy.
	2. That Ted suffered a disastrous emotional and financial divorce that ended up with his ex wife dying of a drug overdose and subsequently being eaten by her dogs beyond recognition and Ted moving into his parents’ home for several years with his three minor children, prior to his ex-wife’s death. Where Ted laid unemployed for several years with our parents taking care entirely of his three children who lived with them, until Simon resurrected Ted by starting several companies with him for Ted’s benefit and funding them with millions of dollars, part of the reason Ted was disinherited from the Estates and Trusts with his sister. Both had inherited companies worth millions of dollars and benefited lavishly from them, whereas the other three children and grandchildren had inherited nothing while their parents were alive and had earned their keep on their own.
	3. That evidence shows that both Ted and Pam in 2012 were angry at Simon and wanted to be included with their children back into the vast Estate and Trust wealth being left to Eliot, Lisa and Jill and their children, claiming that the companies they inherited, now run under their tutelage were not doing well and they wanted back in and had begun pressuring Simon in efforts to force him to change his beneficiaries and even attempt to change Shirley’s beneficiaries, which were already set in stone to exclude Ted and Pam and their children as per Shirley’s wishes when she died, even if was impossible legally.
	4. That evidence and witnesses will show that Ted and Pam’s relationship with their father was disastrous to the very day both Simon and Shirley died, keep in mind that Ted considers his family and his father who was still living dead at the time he is trying to force Simon to make changes.
	5. That Ted has had a history of Tax Liens and Tax problems and is believed Simon and Shirley also had to bail him out of, repeatedly. Ted also while alleging to be PR and Trustee of Shirley’s Estates and Trusts has already levies for failure to pay and file taxes and has overdrawn trust accounts numerous times.
	6. That Ted has now declared that the companies he and Simon owned, that they took millions upon millions of dollars in income from prior to Simon’s death are now suddenly worthless and yet has failed to this date, despite repeated requests from numerous parties to put down any accountings of these entities that the Estate owns 50% of.
		1. Evidence #34 - Amended Inventory Simon and Accounting both reflecting NA as the worth of Simon’s interests in the companies and no back up materials exist to prove this claim.
	7. Estate of Shirley, Your Honor allegedly appointed Ted as PR in October 2013 and since that time he has failed to send notice to the beneficiaries of his Letters or any prior accountings or new accountings. No accounting was sent from the last PR of the Estate because he fraudulently closed the Estate while dead and NO SUCCESSOR was chosen, however despite that fact, Ted began acting as Successor without following ANY probate rules, trust rules or statutes in so doing and has still filed no accountings in the Estates and Trusts of Shirley to this date.
	8. Estate of Simon and Shirley Ted has adverse interests with beneficiaries due to his disinheritance and the fact that if the crimes are fully uncovered he will inherit nothing but jail time perhaps. Thus his decisions cannot be trusted to be conflict free without adversity and bias.
	9. Ted, nor his lawyers if appointed in any capacities will not investigate their friends and only further cover up for them, as evidence shows Ted is even upset that his friends Moran, Spallina and Tescher are being prosecuted and investigated along with himself.
	10. Ted has claimed to an Illinois Federal Court that he is the Trustee of an alleged Lost Trust that he has no executed copies or copies on an executed trust at all. That Ted further advised by counsel that he had no basis to file the Federal Lawsuit and ignored his counsel’s advice, a repeated problem.
	11. Evidence #35 - ALLEGED PRIVILIGED LETTER - Ted has made threats through a letter he and Alan now try and claim privilege on to suppress this Court and investigators from seeing to use force and aggression against beneficiaries to protect his self interests and any lawyer who does not think Ted is qualified as Trustee or would be misusing Trust funds in so protecting his personal interests should be fired.
	12. EVIDENCE #36 - PROBATE RULES AND STATUTES Ted has failed to follow any Probate Rules or Statutes since allegedly becoming a fiduciary in either Estate or the Trusts.
	13. EVIDENCE #37 - TED BEING ADVISED BY COUNSEL IN PD REPORT TO NOT MAKE DISTRIBUTIONS. Once Ted knew of fraud and forgery, including that his own name and his father’s name were forged, instead of alerting authorities and freezing estate and trust assets until the crimes could be investigated to completion, he and his lawyer friends began efforts to liquidate assets as fast as they could in secreted transactions behind the backs of beneficiaries and their counsel intentionally so as to complete the transactions secretly and begin making improper distributions.
	14. EVIDENCE #38 - STANFORD BANK SETTLEMENT DOCS DISCOVERED ONLY AT PRODUCTION WHEN TESHCER AND SPALLINA FORCED TO RELEASE - Ted and his lawyer friends settled a lawsuit of Simon’s against Stanford Bank, run by the Notorious Felon Sir Robert Allen Stanford now serving a 150 year sentence for the second largest Ponzi in America, a settlement made for over a million dollars without any notice to the beneficiaries and now after reviewing production documents we are again attempting to piece together the nature of the transaction as all the supporting documents regarding the settlement are missing from the files of Tescher and Spallina. Again, we have to attempt to reconstruct where the monies then went instead of it being transparent and clear. It should be noted that Ted’s friends are the ones who introduced Simon to Stanford in the first place and some of those friends of Ted’s who were involved are still involved in the affairs of Simon.
	15. EVIDENCE #39 - LOST INSURANCE TRUST DOCS, LOST POLICIES AND LOST IRA Beneficiaries - That under the care and administration of Ted and his lawyers beneficiaries are now lost as Trust documents are missing for life insurance policies, policies are missing, beneficiaries are missing on IRA accounts, accountings are wholly missing and all in efforts to cover up the looting of the Estate and Trusts and conversions of monies to improper parties.
	16. EVIDENCE #40 - LETTERS TED AND OTHERS TO AVOID CREDITORS - That there is evidence now that Ted and his lawyers conspired with others to commit CREDITOR FRAUD by moving assets outside the reach of creditors through further fraudulent acts.
	17. That Ted has been doing self dealing transactions with no accounting to the beneficiaries for example selling Shirley’s Condominium at substantially below market value and where all the documents were secreted from beneficiaries and then attempting to make KNOWINGLY IMPROPER DISTRIBUTIONS to improper parties, including to his family at the expense of other true and proper beneficiaries.
	18. That Ted has sold assets of Simon with the Condominium in the form of personal property and furnishings to the detriment of beneficiaries.

**Eliot Bernstein’s Motion to Disqualify John Pankauski and the Pankauski Law Firm, ALAN ROSE AND TED FROM ALL FIDUCIARY AND LEGAL CAPACITIES IN THE ESTATES AND TRUSTS OF SIMON AND SHIRLEY**

1. Evidence #41 - THREE MOTIONS TO REMOVE TED, JOHN AND ALAN and PETER’S PRIOR MOTION TO REMOVE PANKAUSKI
2. Pankauski and his firm and partners are respondents now on the COURT DOCKET both individually and professionally, does he have counsel or is he Pro Se in each capacity and who is representing his law firm and I would like him to state all of this on the record and if he has reported that he has been notified by Eliot of LEGAL LIABILITIES AND CIVIL AND CRIMINAL ACTIONS AGAINST THEM TO HIS LIABILITY CARRIER?
3. I would also like him to state for the record each party he is representing in the Estates and Trusts of Simon and Shirley and any other related matters to Simon, Shirley and Ted, as he has failed to file proper timely file Notices of Appearance and the record from hearings he attended WITHOUT NOTICES is unclear and the Court record must be clear on what capacities we are removing him from.
	1. Evidence #42 - See Court docket no notices of appearance.
4. Pankauski’s Letter to try and make Eliot take improper distributions is the most current reason for his disqualification, his LETTER requesting that Eliot KNOWINGLY take improper distributions so as to give his client an implied consent from everyone who took them, knowing that they were ILLEGAL distributions to improper beneficiaries from the time it was exposed to PBSO.
	1. Evidence #43 - Pankauski Letter trying to get Eliot to take improper distributions by engaging Eliot to participate in fraud, dishonesty, deceit and misrepresentations and when Eliot would not he then misrepresents in his letter that Eliot did not want the monies.
	2. Rule 4 – 8.4 Misconduct
	3. Rule 4 – 8.3 Reporting Professional Misconduct
	4. Rule 4 – 4.1 Truthfulness and Statements to Others
	5. Rule 4 – 3.4 Fairness to opposing parties
5. For example, Tescher and Spallina have admitted that they knew that beneficiaries of Shirley’s estate and trusts could not be changed by Simon to include Ted and Pam and their lineal descendants, so they achieved this through a complex fraud as recanted by Spallina to PBSO. When I discovered the fraudulent documents, Spallina made admissions that he altered documents and then stated to PBSO that Ted was told that he was making improper distributions but apparently continued to do so AGAINST THE ADVICE OF COUNSEL, including Pankauski.
6. That Spallina and all of Ted’s counsel knew that distributions in Shirley’s estate were improper but all aided Ted in making these distributions and fraudulently told everyone involved (banks, real estate brokers, etc.) that these distributions were legal through Simon’s power of appointment that he allegedly exercised and they continued to make these claims even after becoming aware and admitting that these were wrong.
	1. Evidence #44 – PRIVILIGED LETTER
	2. Evidence #45 RULES AND STATUTES
		1. Rule 4-3.4 – Fairness to opposing party
		2. Rule 4-4.1 – Truthfulness in statements to others
		3. Privilege Law that states that Privilege cannot be claimed on documents that evidence threats or fraud or other bad faith acts.
		4. Fails to Report Professional Misconduct Rule 4-8.3
		5. Rule 4-4.4 Respect for Rights of Third Persons
7. That Pankauski knew that they were improper and does today but has failed to report his client as a fiduciary to this Court or the proper authorities as required by Attorney Conduct Codes and law.
8. That the reason these Attorneys at Law are failing to report the egregious acts of bad faith is because they are all directly involved in the original frauds.
9. That now there are contrary claims by Ted that he was advised by his counsel to take the improper distributions, while the Attorneys at Law are claiming on the other hand that Ted took them against their advice and where all of these players in the scheme now finger pointing are now material and fact witnesses and also alleged perpetrators under investigation and therefore none of them can be unbiased representatives of the Estates and Trusts.
	1. Evidence #46 - Ted claims to PBSO that he only followed advice of counsel and had never read the documents he was operating under.
10. That Pankauski has violated his ethical canons from the start when he and his office worked with Eliot and Candice on the Estates and Trusts of Shirley and Simon and received highly confidential documents and strategies in efforts to retain Pankauski’s firm to represent them in these matters and then while Eliot and Candice were trying to get a retainer for his services together, he went and was engaged and retained by Ted.
	1. Evidence #47 - SEE FEAMAN FILING AND CITE FROM THERE.

**Eliot Bernstein’s Motion to Disqualify Alan Rose, Esq. and his law firm from further participation as counsel in these matters.**

1. Alan Rose and his firm and partners are respondents now on the COURT DOCKET both individually and professionally, does he have counsel or is he Pro Se in each capacity and who is representing his law firm and I would like him to state all of this on the record and if he has reported that he has been notified by Eliot of LEGAL LIABILITIES AND CIVIL AND CRIMINAL ACTIONS AGAINST THEM TO HIS LIABILITY CARRIER?
2. I would also like him to state for the record each party he is representing in the Estates and Trusts of Simon and Shirley and any other related matters to Simon, Shirley and Ted, as he has failed to file proper timely file Notices of Appearance and the record from hearings he attended WITHOUT NOTICES is unclear and the Court record must be clear on what capacities we are removing him from.
3. Evidence #48 - See Court docket no notices of appearance.
4. That Pankauski’s Letter that was copied to ROSE to try and make Eliot take improper distributions is the most current reason for his disqualification, his LETTER requesting that Eliot KNOWINGLY take improper distributions so as to give his client an implied consent from everyone who took them, knowing that they were ILLEGAL distributions to improper beneficiaries.
	1. Evidence #49 - Pankauski Letter copied to Alan trying to get Eliot to take improper distributions by engaging Eliot to participate in fraud, dishonesty, deceit and misrepresentations and when Eliot would not he then misrepresents in his letter that Eliot did not want the monies.
	2. Evidence #50 – Statutes and Laws
		1. Rule 4 – 8.4 Misconduct
		2. Rule 4 – 8.3 Reporting Professional Misconduct
		3. Rule 4 – 4.1 Truthfulness and Statements to Others
		4. Rule 4 – 3.4 Fairness to opposing parties
5. For example, Tescher and Spallina have admitted that they knew that beneficiaries of Shirley’s estate and trusts could not be changed by Simon to include Ted and Pam and their lineal descendants, so they achieved this through a complex fraud as recanted by Spallina to PBSO. When I discovered the fraudulent documents, Spallina made admissions that he altered documents and then stated to PBSO that Ted was told that he was making improper distributions but apparently continued to do so AGAINST THE ADVICE OF COUNSEL and Rose has failed to notice this Court or the proper authorities of his clients acts and has instead further tried to cover up and conceal them with scienter.
6. That Spallina and all of Ted’s counsel knew that distributions in Shirley’s estate were improper but all aided Ted in making these distributions and fraudulently told everyone involved (banks, real estate brokers, etc.) that these distributions were legal through Simon’s power of appointment that he allegedly exercised and they continued to make these claims even after becoming aware and admitting that these were wrong.
	1. Evidence #51 – PRIVILIGED LETTER
	2. Evidence #52 RULES AND STATUTES
		1. Rule 4-3.4 – Fairness to opposing party
		2. Rule 4-4.1 – Truthfulness in statements to others
		3. Privilege Law that states that Privilege cannot be claimed on documents that evidence threats or fraud or other bad faith acts.
		4. Fails to Report Professional Misconduct Rule 4-8.3
		5. Rule 4-4.4 Respect for Rights of Third Persons
7. That Rose knew that the distributions were improper and does today but has failed to report his client as a fiduciary to this Court or the proper authorities as required by Attorney Conduct Codes and law.
8. That the reason these Attorneys at Law are failing to report the egregious acts of bad faith is because they are all directly involved in the original frauds.
9. That now there are contrary claims by Ted that he was advised by his counsel to take the improper distributions, while the Attorneys at Law are claiming on the other hand that Ted took them against their advice and where all of these players in the scheme now finger pointing are now material and fact witnesses and also alleged perpetrators under investigation and therefore none of them can be unbiased representatives of the Estates and Trusts.
	1. Evidence #53 - Ted claims to PBSO that he only followed advice of counsel and had never read the documents he was operating under.