

Eliot Ivan Bernstein

From: Eliot Ivan Bernstein <iviewit@gmail.com>
Sent: Friday, August 1, 2014 9:13 AM
To: 'Alan Rose'
Cc: Caroline Prochotska Rogers Esq. (caroline@cprogers.com); Michele M. Mulrooney ~ Partner @ Venable LLP (mmulrooney@Venable.com); Andrew R. Dietz @ Rock It Cargo USA; Marc R. Garber Esq. @ Flaster Greenberg P.C. (marcgarber@verizon.net); Marc R. Garber Esq. (marcgarber@gmail.com); Marc R. Garber Esq. @ Flaster Greenberg P.C. (marc.garber@flastergreenberg.com); 'tourcandy@gmail.com' (tourcandy@gmail.com); 'Eliot Bernstein (iviewit@iviewit.tv)'; Brian M. O'Connell PA ~ Partner @ Ciklin Lubitz Martens & O'Connell (boconnell@ciklinlubitz.com); John@Pankauskilawfirm.com; John J. Pankauski (courtfilings@pankauskilawfirm.com)
Subject: RE: SERVICE OF COURT DOCUMENT - CASE NUMBER 502014CP002815XXXXSB - Eliot and Candice Bernstein v. Oppenheimer & Co., Inc. et al.
Attachments: 20140725 Letter to Ted (Simon Trst) for education funds.pdf

Alan, to recap our meeting regarding distributions for my children's education, which had nothing to do with a settlement offer as you tried to claim, I remain unclear as to what your client is planning on doing while acting as the ALLEGED trustee in my parents trusts regarding paying the education expenses as provided for in the trusts of my parents. We began the discussion and you claimed that distributions to be used for their education could be made as long as I was willing to open trust accounts for my children to make distributions to. You then stated that you believed trusts were already created, post mortem, by the former attorneys and fiduciaries in my parents estates and trusts Tescher and Spallina, who were involved in the administration of the estates and trusts prior to their removal and all I had to do was open bank accounts to receive the distributions to my children. These trusts you claimed were created prior to the former counsel and fiduciaries being removed for a series of frauds they were centrally involved in involving changing ILLEGALLY the beneficiaries. These new post mortem trusts were created to distribute funds in my mother's estate to IMPROPER beneficiaries through a series of fraudulent activities to convert the funds illegally by attempting to change the beneficiaries from me and my two sisters, Lisa and Jill, to the 10 grandchildren. As you astutely noted, due to the fraudulent activities, the beneficiaries at this time cannot be determined with certainty without further litigation and investigation into the fraudulent and forged documents and thus there are now three beneficiary scenarios at minimum that we know of; (i) Eliot, Lisa and Jill equally (ii) the 10 grandchildren and (iii) 6 grandchildren, the children of Eliot, Lisa and Jill only, as Ted and Pam and their lineal descendants were wholly disinherited. We also know that knowing this information, Ted, acting as alleged Trustee for Shirley's trust made distributions to his three children and to others of several hundred thousand dollars already, despite his being fully aware that the beneficiaries were wrong due to the actions of his former counsel, Spallina and Tescher, who committed the frauds to change them while representing both Ted and the estates and trusts, acts which all benefited primarily their client, business partner and friend, Ted and his family and to also enrich themselves and others, including you and your firm. As you know, in Court on September 13, 2013, I notified the court that I would not take distributions to improper parties and participate in what we now know was fraud and would wait for the court's ruling on whom the ultimate beneficiaries are before taking distributions to improper parties.

That further, you are aware that I am alleging EXTORTION against my brother, his former counsel and you for the attempts to force me to take distributions that are knowingly fraudulent and give an implied consent of sorts to the crimes or else be deprived of my family's inheritance, which has now occurred for almost two years. I stated that I was not willing to take distributions to either my children or myself until we know what the court has decided regarding the beneficiaries and until all of the criminal investigations and civil actions against your client Ted and his former counsel are wholly completed but that you could however make interim Emergency distributions for my children's education and we could later, after the Court's decision on the beneficiary issues are resolved, deduct that amount from either my children or myself at that time depending on who the proper beneficiaries are determined to be. Distributions were

already done like this for my family for a short time according to my brother Ted by he and his former counsel but then were stopped as more pressure was put on them by investigators regarding their criminal activities and in efforts to shut me down by stopping funds for life critical items to my family, including my three minor children. Yesterday, when I again refused to participate in the fraudulent distributions to improper parties you proposed once again, you did an about face and changed your tune.

You then claimed that if I took that stand, your client could then make an argument that he was not going to make these education distributions for my children as required in the trusts he operates under, as there are not as you allege under other circumstances, enough monies to make the distributions for their school, in your client's opinion. Again, this felt wholly like I was again being extorted to either partake in fraudulent transfers, where the distributions would be made if I took distributions to knowingly improper parties and if I did not take them that way, instead requesting interim distributions to be deducted from the ultimate beneficiaries, you would then argue that you could not make the distributions because of lack of funds, of course this claim was made despite that there have been no accountings tendered by the trustees since my parents deaths, in violation of Probate Rules and Statutes to support your contentions. As we all know there are more than enough funds coming to either my children or me to make those distributions and deduct them later and the question remains, how can there be enough money in one scenario and not in the other? Keep in mind that ILLEGAL distributions were already made in far greater sums to improper parties than the school funds my family is seeking to keep them in school, a school my parents paid for entirely, set aside funds for (that were further misused by past counsel and fiduciaries) and even arranged for the children to buy a house that abuts to the school in anticipation that they would all graduate from the school they picked and funded for them throughout their lives.

Marc Garber, Esq. was also on the call and he informed you that he knew my father for many years, knew his lifestyle well, knew that he made millions of dollars annually for many years and had accumulated a vast fortune prior to his death and that one of the key issues in the estates and trusts is where all the missing assets are, i.e. furniture, jewelry, investment accounts, corporate interests, etc. I then reminded you that you and your client have been reported to criminal authorities already for some of these missing items and civil actions are underway in Federal and State courts that also allege a mass of ongoing and new criminal acts and civil torts against the true and proper beneficiaries by Ted and his minion of attorneys, most who have already resigned and been removed from their roles as fiduciaries and attorneys due to the fraudulent activities that have already been proven, admitted and those alleged and pending. Yet, Ted and yourself, who were key players in these fraudulent activities and tried to make everyone take improper distributions still remain acting in these capacities in a desperate attempt to continue the frauds and attempt to cover up the crimes of former counsel, Spallina, Tescher and Manceri and those of Ted and yourself.

Yesterday's call that you attempted to disguise as a settlement conference where no mention of any settlement was ever made of anything, as we only discussed the distributions requested of the alleged fiduciary Ted for education funds, appeared to be just another attempt to extort me to take improper distributions and this time conceal it under a settlement conference in hopes that it could not be used in court at a future time against you. I will argue to the court that this was further abuse of process and as alleged in my recent counter complaint filed that has both you and your firm as defendants, the claim that this was a settlement conference was just another cleverly disguised attempt to extort my family to participate in crimes that you and your client are central figures in and hide that information from the court under the statutes regarding settlement conferences. As I note from the email Subject line above that you replied to, you have received the counter complaint I filed and are therefore cognizant that you are a defendant in those matters and service is forthcoming, hopefully, you have notified your liability carrier of this lawsuit, as well as, the fact that you and your firm are respondents in the Estate cases pending with Judge Colin regarding Simon and Shirley's estates. I will also again notify the Court that despite these obvious conflicts of interest, adverse interests (especially in regard to me who is trying to have you arrested and jailed and stripped of your assets) and direct involvement in the criminal matters, you still choose to continue to try and represent parties and that you and Ted continue to make extortive attempts as fiduciaries to make me participate in fraud in order to get distributions required under the trusts your client operates under for education for my children, despite the numerous conflicts and adverse interests both of you have and have been made aware of already in numerous filings before the court filed by me and other parties.

If the education distributions requested are not made, I will be adding this to the damages already caused by these schemes and frauds of you and your client and others for ruining my children's school and educational futures in efforts to have me participate in your criminal activities and give you an implied consent. As I mentioned in the conversation yesterday, **I do not negotiate with terrorists**, especially ones who attempt to use my children as hostages and will not do so even at the sake of watching my children starve or get removed from the school they have been attending for years. In fact, if your client feels that the funds requested should not be used for school, which is not in his discretion or power to determine, why is it that my requests for life sustaining monies for them is also inappropriate and he has failed to make those payments that have caused even more damages over the last two years to our family. As you know these monies are ours, not your clients or yours, although I am not sure if your client or you understand that and thus you have no real say in how or what we use them for as you claim to have. Nobody has questioned what your client and his family used their **ILLEGALLY GAINED DISTRIBUTIONS** for at this time, however, that then brings us to the question of if your client and the others who took those **ILLEGALLY GAINED** distributions knowing that the beneficiaries were improper when they took them, as they knew at the time that they were made through knowingly fraudulent and forged documents and more, have since returned those **ILLEGALLY CONVERTED** monies back to the trusts they were stolen from? Certainly Ted, acting as the alleged fiduciary is fully cognizant that the beneficiaries are not known at this time due to the fraud and those distributions were **ILLEGAL**, as you even explained in the call yesterday to me and Marc that no one knows who the beneficiaries are due to the fraud that Ted and his former counsel and administrators of the estates and trusts committed to change them illegally, including using forged and fraudulent documents done in Ted's name and even using post mortem forged and fraudulent documents done in his father's name, all to benefit Ted and his family to the disadvantage of me and my three minor children and lovely wife Candice, creditors and other interested parties.

I have requested that due to your direct involvement in perpetrating this fraudulent beneficiary scheme, which you amazingly in desperation did again yesterday in hopes that I would accept your terms and take improper and **ILLEGAL** distributions to improper parties before the court determines who the beneficiaries are so that my children will not be removed from their school as a result of all this fraud in a few days, that both you and Ted immediately voluntarily resign and withdraw from these matters in any legal or fiduciary roles you claim to have, so that the estates and trusts, the creditors and certain beneficiaries will not have to continue to waste monies removing you via the courts. Despite your knowledge of these valid reasons to withdraw as counsel and fiduciaries it appears you both refuse to disqualify yourselves and continue to operate in violation of, attorney conduct codes, fiduciary duties and state and federal laws, in efforts to continue to the loot the estates and abuse beneficiaries and this all will be further reported. Your client Ted and your representation is not benefiting the beneficiaries, estates and trusts in any way, in fact it is causing great harm and running up abusive legal fees to only protect Ted and his fraudulent activities. Please send over all of your and John Pankauski's legal bills to date for the estates and trusts as these have been secreted to this point from the beneficiaries.

Finally, I did not get an answer yesterday to the simple question that the meeting was held to answer, which is if your client Ted, acting as alleged Trustee, is going to make the distributions as interim distributions until the beneficiaries can be legally resolved and pay the school directly by the due date as outlined in the prior email attached herein as an Adobe pdf file or if we will have to further pursue him for his continued breaches and criminal activity in this regard. Since the delays have been caused by Ted and his counsel directly and he has already benefited from these crimes personally it seems bizarre that he would claim we are not entitled to funds requested that are far less than what has been stolen and that we are entitled to. Please reply promptly to this simple question as the school deadline rapidly approaches and it is already two years that you, your client and others have interfered with my family's inheritance through these egregious acts of bad faith done with unclean hands and through a series of fraudulent activity and more. If you refuse, we can take these matters up with Judge Colin in an Emergency hearing that I will request in efforts to keep the kids in the school, which were the express wishes of my parents, who by the way paid for all three of Ted's children to go to private school of equal status and cost to my children's school and paid for their entire colleges in full as well. Further, and tragically, my parents took Ted and his three children into their home for several years and cared for them entirely while my brother Ted recovered from his bankruptcy, tragic divorce (where his ex-wife died from an overdose and was alleged eaten by her dogs as she lay rotting in their home for weeks) and his drug addictions. After helping Ted recover to some degree, my parent's then helped him buy a home, pay his excessive tax liens, my father

went and started businesses for his benefit worth millions of dollars and all of this part of the reason he was WHOLLY EXCLUDED FROM ANY INHERITANCE IN ANY OF THE BENEFICIARY SCENARIOS and so to act and claim that my parents were basically broke and my father would have wanted his grandchildren to be thrown out of school upon his death and even threatened by you and Ted with eviction from their home, through another fraudulent scheme you are attempting with their home, is ludicrous. What all this shows is that your client Ted is not fit to be a fiduciary in any capacity and is using these alleged roles to loot our family of our inheritance to his own personal benefit and to the benefit of his counsel, all who continue to commit tort after tort and criminal act upon criminal act to harm beneficiaries and with no regard for the desires and wishes of my parents.

If I do not get a response to this email by 8/2/2014 at 12pm EST I will call for an Emergency Hearing before Judge Colin to address the matters and further report this latest attempt at extorting me to the court and the proper authorities. Finally, as I am suing you and your firm and acting as Pro Se counsel, would you please inform me of who your liability carriers are, I am sure they will be interested in the claims of legal malpractice, criminal activity and more alleged against you in all of these matters, as well as, the fact that you are a Respondent in the Estate matters and a defendant in the counter complaint filed on 7/30/2014. I am surprised your carrier is allowing you to continue to act in any capacity without counsel. As I said yesterday, you should be ashamed of yourself for this attack on minor children, as well as the crimes against my family you are alleged involved directly in and for using three minor children as hostages in your continued extortion scheme and there will be hell to pay for this.

Eliot

-----Original Message-----

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

Sent: Thursday, July 31, 2014 2:34 PM

To: Eliot Ivan Bernstein

Subject: RE: SERVICE OF COURT DOCUMENT - CASE NUMBER 502014CP002815XXXXSB - Eliot and Candice Bernstein v. Oppenheimer & Co., Inc. et al.

I called this number: 561-245-8588

Is there a different number.

Alan B. Rose, Esq.
arose@Mrachek-Law.com
561.355.6991

505 South Flagler Drive
Suite 600
West Palm Beach, Florida 33401
561.655.2250 Phone
561.655.5537 Fax

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-----Original Message-----

From: Eliot Ivan Bernstein [mailto:iviewit@gmail.com]

Sent: Thursday, July 31, 2014 1:21 PM

To: Alan Rose

Subject: RE: SERVICE OF COURT DOCUMENT - CASE NUMBER 502014CP002815XXXXSB - Eliot and Candice Bernstein v. Oppenheimer & Co., Inc. et al.

Call me I can hook him up

-----Original Message-----

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

Sent: Thursday, July 31, 2014 1:19 PM

To: Eliot Bernstein

Subject: RE: SERVICE OF COURT DOCUMENT - CASE NUMBER 502014CP002815XXXXSB - Eliot and Candice Bernstein v. Oppenheimer & Co., Inc. et al.

230 is fine

Do I Mr. Garber or you, or both

Alan B. Rose, Esq.
arose@Mrachek-Law.com
561.355.6991

505 South Flagler Drive
Suite 600
West Palm Beach, Florida 33401
561.655.2250 Phone
561.655.5537 Fax

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-----Original Message-----

From: Eliot Bernstein [mailto:iviewit@gmail.com]

Sent: Thursday, July 31, 2014 11:58 AM

To: Alan Rose

Cc: Garber Marc R. Esq.; Garber Marc R. Esq.

Subject: Re: SERVICE OF COURT DOCUMENT - CASE NUMBER 502014CP002815XXXXSB - Eliot and Candice Bernstein v. Oppenheimer & Co., Inc. et al.

How is 2:30 / marc r garber

Eliot I. Bernstein

Inventor

Iviewit Holdings, Inc.

2753 N.W. 34th St.

Boca Raton, Florida 33434-3459

(561) 245.8588 (o)

(561) 886.7628 (c)

(561) 245-8644 (f)

iviewit@iviewit.tv

<http://www.iviewit.tv>

<http://iviewit.tv/inventor/index.htm>

<http://iviewit.tv/wordpress>

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<http://iviewit.tv/wordpresseliot>

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> On Jul 31, 2014, at 11:14 AM, "Alan Rose" <ARose@mrachek-law.com> wrote:

>

> What is his name?

>

> I can do anytime this afternoon after 2 pm

>

> Alan B. Rose, Esq.

> arose@Mrachek-Law.com

> 561.355.6991

>

>

> 505 South Flagler Drive

> Suite 600

> West Palm Beach, Florida 33401

> 561.655.2250 Phone

> 561.655.5537 Fax

>

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> -----Original Message-----

> From: Eliot Ivan Bernstein [mailto:iviewit@gmail.com]

> Sent: Thursday, July 31, 2014 9:50 AM

> To: Alan Rose

> Cc: Caroline Prochotska Rogers Esq.; Michele M. Mulrooney ~ Partner @

> Venable LLP; Andrew R. Dietz @ Rock It Cargo USA; Marc R. Garber Esq.

> @ Flaster Greenberg P.C.; Marc R. Garber Esq.; Marc R. Garber Esq. @

> Flaster Greenberg P.C.; tourcandy@gmail.com; 'Eliot Bernstein';

> Undisclosed List

> Subject: RE: SERVICE OF COURT DOCUMENT - CASE NUMBER 502014CP002815XXXXSB - Eliot and Candice Bernstein v. Oppenheimer & Co., Inc. et al.

>

> Sure we can talk, what is a good time? I do not have an attorney at

> this time but I do have a friend who is an attorney but is not
> retained as my attorney in these matters who will also be on the call.
> Eliot
>
> -----Original Message-----
> From: Alan Rose [mailto:ARose@mrachek-law.com]
> Sent: Thursday, July 31, 2014 6:56 AM
> To: Eliot Ivan Bernstein
> Subject: Re: SERVICE OF COURT DOCUMENT - CASE NUMBER 502014CP002815XXXXSB - Eliot and Candice Bernstein v. Oppenheimer & Co., Inc. et al.
>
> Do you have time today for a brief discussion about your request for
> payment to kids school
>
> Before that, do you have an attorney at this time. If so, please
> provide me the name and I will deal solely with counsel
>
>
> If not, there would only be 2 conditions for a call, which iwould be a
> confidential settlement discussion. 1. No recording of the call; and 2.
> The call will be subject to rule 90.408 making it a confidential settlement discussion which cannot be used for any
purpose at any time, nor admitted in evidence at any hearing.
>
> Alternatively, if those conditions are not acceptable, when can we schedule your deposition as part of reviewing this
request.
>
>
>
> Alan B. Rose
>
>>> On Jul 31, 2014, at 6:16, "Eliot Ivan Bernstein" <iviewit@gmail.com>
>> wrote:
>>
>> Notice of Service of Court Documents
>>
>> E-service recipients selected for service:
>>
>>
>> Name
>>
>> Email Address
>>
>>
>> Eliot Ivan Bernstein
>>
>> iviewit@iviewit.tv
>>
>>
>> iviewit@gmail.com
>>
>>
>> tourcandy@gmail.com