

made pursuant to formal demand or informal request. In order to assert the privilege, the party, person, or entity, shall, within 10 days of actually discovering the inadvertent disclosure, serve written notice of the assertion of privilege on the party to whom the materials were disclosed. The notice shall specify with particularity the materials as to which the privilege is asserted, the nature of the privilege asserted, and the date on which the inadvertent disclosure was actually discovered.

(b)

Duty of the Party Receiving Notice of an Assertion of Privilege. A party receiving notice of an assertion of privilege under subdivision (a) shall promptly return, sequester, or destroy the materials specified in the notice, as well as any copies of the material. The party receiving the notice shall also promptly notify any other party, person, or entity to whom it has disclosed the materials of the fact that the notice has been served and of the effect of this rule. That party shall also take reasonable steps to retrieve the materials disclosed. Nothing herein affects any obligation pursuant to R. Regulating Fla. Bar 4

4.4(b).

(c)

Right to Challenge Assertion of Privilege.

Any party receiving a notice made under subdivision (a) has the right to challenge the assertion of privilege. The grounds for the challenge may include, but are not limited to, the following:

(1) The materials in question are not privileged.

(2) The disclosing party, person, or entity lacks standing to assert the privilege.

(3) The disclosing party, person, or entity has failed to serve timely notice under this rule.

(4) The circumstances surrounding the production or disclosure of the materials warrant a finding that the disclosing party, person, or entity has waived its assertion that the material is protected by a privilege. April 17, 2014 Florida Rules of Civil Procedure

57

Any party seeking to challenge the assertion of privilege shall do so by serving notice of its challenge on the party, person, or entity asserting the privilege. Notice of the challenge shall be served within 20 days of service of the original notice given by the disclosing party, person, or entity. The notice of the recipient's challenge shall specify the grounds for the challenge. Failure to serve timely notice of challenge is a waiver of the right to challenge.

(d)

Effect of Determination that Privilege Applies. When an order is entered determining that materials are privileged or that the right to challenge the privilege has been waived, the court shall direct what shall be done with the materials and any copies so as to preserve all rights of appellate review. The recipient of the materials shall also give prompt notice of the court's determination to any other party, person, or entity to whom it had disclosed the materials.

From: Ted Bernstein [<mailto:tbernstein@lifeinsuranceconcepts.com>]

Sent: Thursday, May 22, 2014 10:52 PM

To: Elliot Ivan Bernstein

Subject: Re: SERVICE OF COURT DOCUMENT - CASE NUMBER 502012CP004391XXXXSB - OBJECTION TO FINAL ACCOUNTING AND PETITION FOR FORMAL, DETAILED, AUDITED AND FORENSIC ACCOUNTING AND DOCUMENT ANALYSIS

Alan - I

df>

Eliot Ivan Bernstein

From: Eliot Ivan Bernstein <iviewit@iviewit.tv>
Sent: Tuesday, July 22, 2014 5:39 PM
To: Richard and Barbara Naclerio
Subject: FW: SERVICE OF COURT DOCUMENT - CASE NUMBER 502012CP004391XXXXSB - OBJECTION TO FINAL ACCOUNTING AND PETITION FOR FORMAL, DETAILED, AUDITED AND FORENSIC ACCOUNTING AND DOCUMENT ANALYSIS
Attachments: 20140718 Order Regarding Privilege.pdf

Hi, in furtherance to my email below regarding a message sent to you regarding an alleged privileged document, after a hearing regarding the matter the Court ordered that it was privileged and that I notice all recipients to not distribute that letter and delete it, please take this email as my compliance with that Order. Attached is a copy of the Order. The alleged privileged email header that was sent to you is in the prior email below. While I know many of you thought this email was not privileged and that it was threatening and contained information that Ted was breaching his fiduciary duties and misusing trust assets to "protect" himself, even against the advice of counsel, bad decisions by Judge's do happen. It appears the judge subjectively determined what the contents meant and determined that a letter from Ted to me was somehow inadvertent disclosure of a privileged document, despite the fact that it was never privileged in the first place since it was never sent by Ted to his counsel, the ruling may be precedent setting and wholly invalidate the meaning of attorney client privileged communications to a subjective term depending on what the judge thinks people's intent are and not the law? Ted's threats to use trust funds to seek my children's school records to use against them and threats to deposition and legally harass anyone who may be helping me were also ignored by the judge. I may appeal so I am not sure what you are supposed to do in the meantime with your copies, please consult counsel.

Thanks, eb

From: Eliot Ivan Bernstein [mailto:iviewit@iviewit.tv]
Sent: Friday, May 23, 2014 1:39 PM
To: Richard and Barbara Naclerio
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RULE 1.285.

INADVERTENT DISCLOSURE OF PRIVILEGED MATERIALS

(a)

Assertion of Privilege as to Inadvertently Disclosed Materials.

Any party, person, or entity, after inadvertent disclosure of any materials pursuant to these rules, may thereafter assert any privilege recognized by law as to those materials. This right exists without regard to whether the disclosure was made pursuant to formal demand or informal request. In order to assert the privilege, the party, person, or entity, shall, within 10 days of actually discovering the inadvertent disclosure, serve written notice of the assertion of privilege on the

party to whom the materials were disclosed. The notice shall specify with particularity the materials as to which the privilege is asserted, the nature of the privilege asserted, and the date on which the inadvertent disclosure was actually discovered.

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Sent: Thursday, May 22, 2014 10:52 PM

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Subject: Re: SERVICE OF COURT DOCUMENT - CASE NUMBER 502012CP004391XXXXSB - OBJECTION TO FINAL ACCOUNTING AND PETITION FOR FORMAL, DETAILED, AUDITED AND FORENSIC ACCOUNTING AND DOCUMENT ANALYSIS

Alan - I

df>



Eliot Ivan Bernstein

From: Eliot Ivan Bernstein <iviewit@iviewit.tv>
Sent: Tuesday, July 22, 2014 5:39 PM
To: Walt Sahn (pjpaws@embarqmail.com)
Subject: FW: SERVICE OF COURT DOCUMENT - CASE NUMBER 502012CP004391XXXXSB - OBJECTION TO FINAL ACCOUNTING AND PETITION FOR FORMAL, DETAILED, AUDITED AND FORENSIC ACCOUNTING AND DOCUMENT ANALYSIS
Attachments: 20140718 Order Regarding Privilege.pdf

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Thanks, eb

From: Eliot Ivan Bernstein [mailto:iviewit@iviewit.tv]
Sent: Friday, May 23, 2014 1:39 PM
To: Walt Sahn (pjpaws@embarqmail.com)
Subject: FW: SERVICE OF COURT DOCUMENT - CASE NUMBER 502012CP004391XXXXSB - OBJECTION TO FINAL ACCOUNTING AND PETITION FOR FORMAL, DETAILED, AUDITED AND FORENSIC ACCOUNTING AND DOCUMENT ANALYSIS

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INADVERTENT DISCLOSURE OF PRIVILEGED MATERIALS

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EXHIBIT

"E"

IN THE FIFTEENTH JUDICIAL CIRCUIT COURT
IN AND FOR PALM BEACH COUNTY, FLORIDA
CASE NO: 502012CP004391XXXXSB

IN RE: THE ESTATE OF SIMON L. BERNSTEIN

-----/

PROCEEDINGS BEFORE
HONORABLE MARTIN COLIN

DATE: MAY 23, 2014

TIME: 9:00 a.m. to 10:00 a.m.

1 there's a rule on objections, the parties
2 object. They don't use you -- you don't work
3 for them.

4 MR. BROWN: Okay.

5 THE COURT: You work for the court.

6 MR. BROWN: I'll try and craft an order
7 that deals with that motion in that regard.

8 Also, there also was a motion, Eliot has
9 concerns about the 2012 will and its validity.
10 I think your ruling would be the same on that.
11 I don't have a role in trying to contest that
12 will --

13 THE COURT: Exactly. You're not an
14 advocate. You don't investigate things that
15 the parties may be interested in. They can do
16 what they think they need to do based on the
17 rules of procedure and statutes.

18 MR. BROWN: That's it.

19 MR. ROSE: If I may address the privilege
20 issue?

21 THE COURT: Okay. The privilege issue,
22 okay.

23 MR. ROSE: May I approach?

24 THE COURT: Yes.

25 MR. ROSE: I can file a copy of this.

1 This is the email in question. Without reading
2 the email, if you look at who it is addressed
3 to at the very top. Mr. Bernstein is saying,
4 this is Ted, telling me he sent it to Eliot by
5 mistake. Last night at 10:12 he got off an
6 airplane and wanted to tell me things. It's to
7 Eliot by accident. If you just read --

8 THE COURT: When you say to Eliot by
9 accident, the only person this is sent to is
10 Eliot.

11 MR. ROSE: Correct. He was trying to send
12 it to me. If you look below the word analysis,
13 the first word of the email is Alan.

14 THE COURT: So this was is supposed to go
15 to you and it went to Eliot?

16 MR. ROSE: By mistake. And Mr. Bernstein
17 has advised me this morning he sent it to 2,000
18 people already. He plans on publicizing it --

19 THE COURT: I'm sure he didn't do that
20 because if he wants to participate in the case
21 he's obligated to have and comply with the
22 rules of court.

23 MR. BERNSTEIN: Your Honor --

24 THE COURT: When you --

25 MR. BERNSTEIN: I was sent an email to me.

1 Like I do when I get a letter that has
2 threatening stuff to me I sent it to my friends
3 who are lawyers. I sent it to a number of
4 people. Actually, I got so busy sending it to
5 people, because it scared me a little bit that
6 it was very threatening to people, that by the
7 time I was done my wife stopped me and said we
8 got to go to court. All I know is my brother
9 sent me an email that seems pretty threatening.
10 It was addressed to me. I was the intended
11 recipient.

12 THE COURT: Let me ask you, when the email
13 starts off Alan --

14 MR. ROSE: I get a million emails --

15 THE COURT: That say Alan?

16 MR. BERNSTEIN: That say whoever's name.

17 THE COURT: Okay. All right. You know
18 what, I don't buy anything you just told me.

19 MR. BERNSTEIN: I thought my brother was
20 sending me a copy of an email --

21 THE COURT: Stop. Stop. Stop speaking.
22 I'm going to look at the rule for a second.

23 MR. BERNSTEIN: Okay.

24 MR. ROSE: It's 1.285.

25 THE COURT: Okay.

1 MR. BERNSTEIN: I haven't been prepared
2 for this, so...

3 THE COURT: Okay.

4 MR. BERNSTEIN: I haven't looked at the
5 rules.

6 THE COURT: Okay.

7 MR. BERNSTEIN: I can show you several
8 instances in my email of people sending me
9 letters addressed to other people, several
10 thousands of those.

11 THE COURT: So, all right. Everyone has
12 to take a deep breath. This situation is done
13 pursuant to Rule 1.285. So Mr. Rose, on your
14 side, correct me if you think I'm wrong,
15 Subsection A says, "When you" -- your client --
16 "takes a position that there's been an
17 inadvertent disclosure of privileged materials
18 to another person" -- which is what you say
19 happened, correct?

20 MR. ROSE: Correct, sir.

21 THE COURT: It says here, "In order to
22 assert the privilege the party, person or
23 entity shall, within 10 days of actually
24 discovering the inadvertent disclosure, serve
25 written notice of the assertion of privilege on

1 the party to whom the materials were disclosed.
2 The notice shall specify with particularity" --
3 etc. And then there's a procedure.

4 MR. ROSE: I did that last night. I
5 emailed him last night.

6 THE COURT: I didn't know that. So you
7 gave him the written notice. I assume he got
8 it. Can I see a copy of the notice?

9 MR. ROSE: I'm trying to get a copy of the
10 notice. Perhaps -- I'm not trying to have the
11 whole argument heard today. I just --

12 THE COURT: The rule applies.

13 MR. ROSE: Right.

14 THE COURT: So once he gets notice, the
15 rule applies. So the notice will have -- you
16 sent it by email?

17 MR. ROSE: I have it here now. I do find
18 it, sir. May I approach?

19 THE COURT: What's the time and date of
20 the notice?

21 MR. ROSE: May 22, 2014 at 11:07 p.m. I
22 said, "You received an email from Ted intended
23 solely for me, and accidentally sent to you by
24 mistake. The email was sent around 10:12 p.m.
25 tonight. Please delete the email immediately

1 without reading it and confirm that deletion by
2 email. The communication was attorney-client
3 protected and you are not entitled to read or
4 possess the email due to the accidental
5 transmission. Thank you in advance. And if
6 you fail to comply with this request we'll be
7 forced to take corrective action with the
8 court." Signed by me sent to the same email
9 address that --

10 THE COURT: Okay. All right. So the rule
11 says, to Eliot, he sent that to you, Rule
12 1.285, Subsection B tells you what you're
13 supposed to do.

14 MR. BERNSTEIN: I haven't seen it yet.

15 THE COURT: Okay.

16 MR. BERNSTEIN: He's saying he sent it
17 after Ted's email. The last email I read was
18 Ted's email. So I haven't seen it.

19 THE COURT: So open that email --

20 MR. BERNSTEIN: Okay.

21 THE COURT: Okay. And do what the rule
22 says.

23 MR. BERNSTEIN: Don't send it to anybody
24 else.

25 THE COURT: Well, okay, that, but it also

1 says some other things of what you're supposed
2 to do. You're supposed to return or destroy
3 it. That's one thing you're supposed to do.
4 And you are to notify anyone else who you
5 disclosed it to that they're to do the same
6 thing and you're also to take reasonable steps
7 to retrieve the materials disclosed --

8 MR. BERNSTEIN: I'll do all that.

9 THE COURT: And the only exception to this
10 is if you want to challenge that assertion that
11 you were provided an inadvertent privileged
12 matter. And then the rule says what could
13 happen and we can have litigation and spend a
14 lot of money.

15 MR. BERNSTEIN: No. I'll do whatever it
16 is -- whatever the law says, as always.

17 THE COURT: There's nothing for me to do.

18 MR. ROSE: I understand. I just want to
19 make sure you --

20 MR. BERNSTEIN: Your Honor, it went out to
21 a lot of people. Like I said, I have a broad
22 base --

23 THE COURT: Take a look. When you leave
24 the courthouse --

25 MR. BERNSTEIN: Okay. I'll notify

1 everybody though.

2 THE COURT: Go and take a look at the rule
3 and just do what the rule says.

4 MR. ROSE: And it's not to be posted on
5 social media.

6 THE COURT: You see, I'm not allowed to
7 have dialogue on that now. Other than signing
8 the order, hearing over. Thank you.

9 (Whereupon the hearing is concluded at 10:00 a.m.)

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EXHIBIT

"F"

Alan Rose

From: Alan Rose
Sent: Monday, August 04, 2014 3:25 PM
To: 'Eliot Ivan Bernstein'
Subject: RE: SERVICE OF COURT DOCUMENT - CASE NUMBER 502012CP004391XXXXSB

A few things, please respond to each numbered point:

1. Will you agree to stop sending things to every employee of my law firm. Under the Rules, we designate who is to be copied on service emails. I ask that you send regular communication only to me and e-service only to those designated by us. Please advise and if needed we will seek a court order.
2. As to your Proof, you have never provided to us the emails which you claim you sent out on the evening of May 22, 2014; the only things you have sent are emails the following afternoon and again in July. We request that you provide copies of all emails, particularly any emails you actually sent from 10:52 pm on May 22 through the start of the hearing on May 23rd.
3. Again, as to the Proof, I do not believe you have complied with the Court's ruling, even as to the ones you sent, because you did not request that these people return or delete the privileged email. That was what you were required to do.
4. I believe you have violated the Court's order by your filing in the Oppenheimer case. In your filing, you refer to the privileged email and advise people where to find the privileged email, which is a violation of the July 18th Order. To the extent that you can correct that violation, we ask you to do so, and further demand that you cease further violating the Order.
5. You claim to have documents relating to an investigation into Simon's assets (does this include Shirley's as well?), yet you refuse to provide these documents and refuse to appear for deposition. We need documents and testimony as to:
 - A. Iviewit – although everyone thinks and is pretty sure is worthless, we have asked for documents relating to any shares Simon may have owned. Again, even though we know the shares are worthless, we still are entitled to discovery.
 - B. Any other assets: we have the right to discovery as to anything you actually know or discovered as to Simon's and Shirley's assets.
 - C. We also have the right to ask you about your knowledge of facts. For example, as to estate planning issues, we have the right to ask you about your actual knowledge of the estate plan and the estate planning documents; the authenticity of signatures and any knowledge or claims you have as to any and all documents; knowledge of alleged fraud the role of various alleged participants; the damages, if any, caused; etc. We need to schedule your deposition asap, as it was ordered to be taken a long time ago.

Thanks, and I look forward to your reply.

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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If there any documents attached to this email with the suffix .pdf, those documents are in Adobe PDF format, If you have difficulty viewing these attachments, you may need to download the free version of Adobe Acrobat Reader, available at: <http://www.adobe.com>

From: Eliot Ivan Bernstein [mailto:iviewit@iviewit.tv]
Sent: Monday, August 04, 2014 10:09 AM
To: Marie Chandler; tbernstein@lifeinsuranceconcepts.com; Alan Rose; Alan Rose; Marie Chandler; Caroline Klein; courtfilings@pankauskilawfirm.com; john@pankauskilawfirm.com; rspallina@tescherspallina.com; kmoran@tescherspallina.com; ddustin@tescherspallina.com; psimon@stpcorp.com; ijb@ijblegal.com; martin@kolawyers.com; mrmlaw@comcast.net; mrmlaw1@gmail.com; dtescher@tescherspallina.com; dtescher@tescherspallina.com; ddustin@tescherspallina.com; kmoran@tescherspallina.com; jilliantoni@gmail.com; pfeaman@feamanlaw.com; service@feamanlaw.com; Maryanne Koskey ~ Legal Assistant @ Peter M. Feaman, P.A.; Benjamin P. Brown; attorneys@matbrolaw.com; bhenry@matbrolaw.com; pmatwiczky@matbrolaw.com; William M. Pearson; lisa.friedstein@gmail.com; Lisa S. Friedstein; bill@palmettobaylaw.com; eservice@palmettobaylaw.com; William Henry Glasko Esq.; alb07c@gmail.com; John P. Morrissey Esq. @ John P. Morrissey, P.A. ; Kimberly Moran ~ Legal Assistant / Notary Public @ Tescher & Spallina, P.A.; ebernstein@lifeinsuranceconcepts.com; Eric Bernstein; edb07fsu@gmail.com; Michael Bernstein; Matt Logan; Eliot I. Bernstein, Inventor ~ Iviewit Technologies, Inc.; Jill M. Iantoni; Lindsay Baxley aka Lindsay Giles @ Life Insurance Concepts; molly.simon1203@gmail.com; Marie Chandler; Louis Mrachek; Roy Fitzgerald; Scott Konopka; Daniel Thomas; Gregory Weiss; Jennifer Baker; Lisa Christian; Tammy Clarke; Gayla Davies; Paige Gillman; Dawn Kelly; Lori Williamson
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. @ Flaster Greenberg P.C.'; 'Marc R. Garber Esq.'; tourcandy@gmail.com; Undisclosed List
Subject: SERVICE OF COURT DOCUMENT - CASE NUMBER 502012CP004391XXXXSB

From: eservice@myflcourtagency.com [mailto:eservice@myflcourtagency.com]
Sent: Monday, August 4, 2014 10:06 AM
Subject: SERVICE OF COURT DOCUMENT - CASE NUMBER 502012CP004391XXXXSB