

Eliot Ivan Bernstein

From: Eliot Ivan Bernstein <iviewit@iviewit.tv>
Sent: Friday, May 23, 2014 1:41 PM
To: Crystal L Cox (savvybroker@yahoo.com); Crystal L. Cox @ Liquidating Trustee (Crystal@CrystalCox.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

I have been notified by counsel for Theodore Bernstein that there was an email that was not supposed to be sent by me as they claim it was privileged and transmitted by mistake to me, although I am the only recipient. The email in questions title was "Re: SERVICE OF COURT DOCUMENT - CASE NUMBER 502012CP004391XXXXSB - OBJECTION TO FINAL ACCOUNTING AND PETITION FOR FORMAL, DETAILED, AUDITED AND FORENSIC ACCOUNTING AND DOCUMENT ANALYSIS" and had a letter that started "Alan -..." I do not think I can retransmit it to show you which one but the letter appears to be from Alan Rose to Theodore Bernstein. I am obligated under law to make contact with those I sent it to so that they may retrieve the email but I am not sure if that extends any obligation on the receiving party. Anyhoot, as the email threatens my family it appears and others I detest having to request it back but please do whatever you feel the law requires, as cited below;

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.

(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

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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

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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: Eliot 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

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