

## Eliot Ivan Bernstein

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**From:** Eliot Ivan Bernstein <iviewit@iviewit.tv>  
**Sent:** Wednesday, August 6, 2014 4:18 PM  
**To:** 'Alan Rose'  
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**Subject:** Response to Alan Rose - RE: SERVICE OF COURT DOCUMENT - CASE NUMBER 502012CP004391XXXXSB

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Alan, after partially recovering from 5 hours of dental work on Monday and more upcoming I will respond to some of your issues below.

1. I am suing you and each of your partners, associates of counsel and the firm in the Oppenheimer case and you are all respondents in the Estates of Shirley and Simon as well as the firm and so I am serving them as required. Please notify me of who will be representing each of them individually and professionally and who will be representing the firm and I can notify their counsel forward instead of them individually. Also, will you be representing yourself Pro Se individually or professionally as a respondent in the probate cases and Oppenheimer counter?
2. You asked me to delete the emails I sent with Ted's email and after court the first time I did, so I could not send it back to you.
3. I told them what to do and gave them the law and the court order.
4. Believe what you want.
5. I have never refused a deposition despite your repeated ranting of this false claim. I provided you the medical reason I would not be available at the time you demanded. My medical reason for being unavailable for several weeks was filed in my extension request with the court in the Oppenheimer case and was previous to your demanded dates. As those medical issues will take a few weeks as stated in my prior correspondences with you

and stated I will advise you when they are over and we can schedule it then, I cannot believe that you continue to harass me claiming I am refusing knowing this. Please stop harassing me with your deposition claims that I am refusing to take one in your attempt to build a false record that I have not cooperated with you. I do believe we should probably wait on production and depositions until after the motions to remove Ted as Trustee and PR that are coming up next to see if your client is qualified at this time to continue to be PR or Trustee in both Simon and Shirley's estate and trusts due to his conflicts of interests, adverse interests, breaches of fiduciary duties and the fact that Ted and you are now sued under the Counter Complaint for breaches of fiduciary duties, malpractice and more. In the Estate and Trust cases there are serious allegations of breaches by Ted as well. Therefore, I am now requesting any legal bills paid by Ted as Trustee or PR in either the estate or trusts be court approved forward and any transactions at all now be court approved prior due to the seriousness of the breach allegations in the probate cases and counter complaint and the fact that Ted is being investigated under several ongoing criminal actions and he is being sued in both state and federal civil actions for a host of torts that all relate to his continued misconduct. If Ted does not survive the upcoming hearings to remove him filed by both the creditor Stansbury counsel and myself, these production and deposition items will be moot, as will you be and we will save everyone from further waste and abuse of estate and trusts funds by further abuse of process by you and your client. I would assume Colin will remove Ted for the same reasons he did not appoint him as PR in Simon's estate where Judge Colin prior to the hearing urged both Ted and you to withdraw Ted's petition to become PR in Simon due to a number of relevant irrefutable reasons that he would not survive and I believe Judge Colin even threatened to sanction you and your client if the Petition was proceeded with and you lost, for at minimum the costs of everybody's time and money you wasted in pursuing such a foolish position, similar to the almost \$20k of legal fees you wasted pursuing the KIA with frivolous filings that you ended up withdrawing after similarly harassing and extorting me and my minor children with those vexatious filings. Thanks for the info in a, b and c.

Due to a problem in the dental work discovered on Monday, I will requires an additional procedure and the process will now take an additional 2-3 weeks from the date requested in the Oppenheimer extension filed to be complete, I will let you know of any changes and please stop bothering me until then with the request for deposition or you can take it up with the judge.

Eliot

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**From:** Alan Rose [<mailto:ARose@mrachek-law.com>]  
**Sent:** Monday, August 4, 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 23<sup>rd</sup>.
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 18<sup>th</sup> 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.  
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**Subject:** SERVICE OF COURT DOCUMENT - CASE NUMBER 502012CP004391XXXXSB

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## Notice of Service of Court Documents

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Case Style: IN RE: Estate of Not Available

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