

IN THE CIRCUIT COURT OF THE 15TH
JUDICIAL CIRCUIT, IN AND FOR PALM
BEACH COUNTY, FLORIDA

CASE NO.
PROBATE DIVISION

TED BERNSTEIN, as Trustee
of the Shirley Bernstein Trust Agreement
dated May 20, 2008, as amended

Honorable Martin Colin

Petitioner,

v.

ALEXANDRA BERNSTEIN; ERIC BERNSTEIN;
MICHAEL BERNSTEIN; MOLLY SIMON;
PAMELA B. SIMON, Individually and as Trustee
f/b/o Molly Simon under the Simon L. Bernstein
Trust Dtd 9/13/12; ELIOT BERNSTEIN, individually,
as Trustee f/b/o D.B., Ja. B. and Jo. B. under the
Simon L. Bernstein Trust Dtd 9/13/12, and on
behalf of his minor children D.B., Ja. B. and Jo. B.;
JILL IANTONI, Individually, as Trustee f/b/o J.I.
under the Simon L. Bernstein Trust Dtd 9/13/12, and
on behalf of her Minor child J.I.; MAX FRIEDSTEIN;
LISA FRIEDSTEIN, Individually, as Trustee f/b/o
Max Friedstein and C.F., under the Simon L.
Bernstein Trust Dtd 9/13/12, and on behalf of her
minor child, C.F., Respondents,

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**MOTION FOR EXTENSION OF TIME TO FILE AN ANSWER AND COUNTER
COMPLAINT**

COMES NOW, Eliot Ivan Bernstein (“Eliot”), PRO SE, Eliot as Beneficiary and
Interested Party both for himself personally and with Candice as Guardians for their three minor
children (“Petitioners”) of the ALLEGED “Shirley Bernstein Trust dated May 20, 2008, as
amended” (“Shirley Trust”) and hereby files this “Motion for Extension of Time” and in support
thereof states, as follows:

1. That Eliot requests an extension of time for several reasons.

2. First, due to several other legal cases that are currently before the Court in the Estates and Trusts of Simon and Shirley Bernstein that make a timely reply unnecessary to this pleading and this pleading frivolous and vexatious at this time.
3. Certain issues, including the character and fitness of the alleged Trustee are currently before the Court in those cases and scheduled to be heard next by Your Honor that if Theodore is found unfit AGAIN to be a fiduciary by Your Honor in those matters this matter is moot.
4. That the dispositive documents that this action are based on are already challenged before the Court for proven and admitted Fraud, Forgery and Altered Trust Documents already discovered and more due to crimes committed by the former counsel for the alleged Trustee, Theodore, namely, Robert Spallina, Esq., Donald Tescher, Esq. and Mark Manceri. Where Spallina and Tescher were already removed as Fiduciaries and Counsel in these matters and Manceri withdrew voluntarily as they all should have but instead everyone wasted time and energy and money as they tried to continue the Fraud on the Court but finally after months WITHDREW from these matters due to admitted FRAUD.
5. This Court has already removed the prior Counsel to the alleged Trustee Theodore in Shirley's Estates and Trusts from the proceedings and removed Counsel and Fiduciaries in Simon's Trust and Estate for egregious acts of bad faith with unclean hands that directly benefited both Theodore Bernstein and his counsel Alan Rose, who both participated and benefited from the prior frauds.
6. The Court has already denied Theodore as unfit by Order to become the Successor Curator to his friends, associates and colleagues, Tescher and Spallina, who were removed for the Fraud, Forgeries and Admitted Altered Trust documents and the Court DENIED his bid as he is not now fit to be Trustee. This denial was after hearing arguments in the hearing to elect a new Curator, due to a plethora of legally sound reasons that Theodore is not qualified to act as a fiduciary and if this Court finds him not qualified in one capacity it would almost be a reversal of an Order to find him fit in any capacity forward. All reasons for Theodore's removal have been motioned and petitioned to the

Court already and the Court has a Motion to Remove Theodore on its own initiative as allowed by law when conditions such as those presented against the alleged Trustee exist.

7. That if Theodore does not succeed in his bid to remain PR and Trustee in either the Estates and Trusts of Simon and Shirley by Order of this Court, than Eliot should not have to respond to any prior pleadings submitted by them. If the successor trustee wants to advance this frivolous and toxic lawsuit and other pleadings filed by Theodore and his minion of Attorneys at Law when they are removed, then Eliot will deal with them at that time. After thorough investigation of the dispositive documents (certain ones still suppressed and denied by Theodore and review of the accountings, which Theodore has failed to file at all for two years in violation of Probate Rules and Statutes) and determined by this Court to be legally valid.
8. If the Court on its own initiative somehow finds Theodore fit as a fiduciary at this time, despite having once DENIED him as unfit to become a successor, despite the irrefutable evidence that he is not qualified at this time for other fiduciary positions for solid legal reasons posited with the Court, despite having urged him to withdraw his last bid for PR in Simon or face sanctions if he lost his frivolous filing than Eliot will file a reply to this and other pleadings and honor the Court's decision but would still need a bit of additional time to reply due to other reasons.
9. That the Court should recall after everyone involved wasting time and energies coming to the Court in droves of costly lawyers to witness at the podium Alan, Theodore and John Pankauski argue to have Theodore become the successor in Simon, they VOLUNTARILY WITHDREW their bid at Your Honor's strong urging to withdraw thrice prior to hearing. This as they know they could not win in the face of all the reasons pled to this Court already by the Creditor and Eliot and yet they fail to voluntarily withdraw for those same reasons and force everyone to continue to waste more time and monies to rid the proceedings of them forcefully and aggressively.
10. That the reasons for Theodore's removal are abundantly clear from Eliot's recent pleading alone, which includes almost 88 pages of solid legal reasons, titled "AMENDED EMERGENCY MOTION

TO COMPEL ALLEGED TRUSTEE OF THE SHIRLEY TRUST TO MAKE EMERGENCY WELFARE PAYMENTS AS PROVIDED FOR UNDER THE TRUST; **MOTION FOR REMOVAL OF TRUSTEE ON THE COURT'S OWN INITIATIVE – FLORIDA TITLE XLII 736.0706,**” hereby incorporated by reference herein, along with the motions and petitions of the Creditor and Eliot to remove Theodore filed in both Simon and Shirley’s Estates and Trusts.

11. This Court must determine before even hearing this lawsuit if Theodore will survive Your Honor, the Creditor and Eliot’s legally sound reasons for Theodore’s removal and if not this pleading will serve merely as further evidence of the abuse of process that has delayed and interfered with inheritances by Theodore et al. for now two years of fraud, lies, deceit, forgery of deceased parties and much more committed already by Officers of this Court and Fiduciaries.
12. Eliot has further notified Alan several times that he is undergoing long planned medical treatments at this time and during such time Alan has done everything to make Eliot respond to FRIVOLOUS and ABUSIVE pleadings on behalf of his client and try and trick the Court that Eliot is being uncooperative. This despite Alan knowing all too well that Theodore is not qualified now to legally serve as a fiduciary in these matters and that he should voluntarily resign and none of this would be necessary but he continues to forcefully and aggressively abuse process and Eliot and his family in a desperate attempt to hold on.
13. Alan is fully aware his client is not qualified as his VOLUNTARY WITHDRAWAL to have him appointed as a fiduciary at the last waste of time hearing proved. What new evidence will he offer to change Your Honor or anybody’s mind to make Theodore fit as a fiduciary since that time? This in the wake of literally a mountain of reasons he is unfit at this time, including very serious NEW allegations of theft of personal properties and violation of a Court Order to inventory them by the creditor and Eliot, that further the reasons that legally disqualify him.
14. That Your Honor is also aware of the reasons that caused the Court once to Deny Theodore as fit and then urge them to go away and withdraw his frivolous and toxic filing or face sanctions if they lost.

Yet, despite all this, Theodore refuses voluntarily to resign as required by Probate Rule and Statute, his Attorney Alan continues to advise his client to withdraw despite repeated requests and instead they continue instead to waste more time and monies of everyone in pursuing toxic pleadings such as this and others. Until this Court aggressively and forcefully removes them in all capacities in the Estates and Trusts of Simon and Shirley and all Bernstein family related matters we will all suffer further damages and waste of time, including three minor children.

15. That further Eliot needs more time due to extended medical treatments that are a result of a change in the design of the teeth implanted (all of Eliot's teeth both upper and lower), which now will take more time. Eliot told Alan already this information and informed him that treatments could go on for several more weeks, estimated now at two to three more weeks and Eliot has already posited this evidence to Alan and this Court, including the number of my Doctor to call and confirm.
16. Yet, Alan and Theodore have ignored these reasons to slow down for a minute, especially where next up for hearing is the removal of Theodore, which may make this all moot. Alan is aware of my requests to recover fully and be off medications entirely to move forward, other than the hearing to remove Theodore, which Eliot will attend in any condition and instead Alan piles high Toxic, Vexatious, Frivolous and Costly pleadings such as this and others before the Court at this time knowing Eliot is not well.
17. Eliot has had no solace from Alan since advising him of his medical condition and request for some time and yet continues to harass and harangue him for depositions, productions, answers and more during this time when Alan knows Eliot is under medical treatment and taking medications. Alan wants answers to this new lawsuits he is filing to attempt to change irrevocable trusts to fit the frauds his client has already committed and knowing that Theodore is being sued for Breaches of Fiduciary Duties and much more.
18. For Eliot to file an answer to this baseless lawsuit that is premature is further abuse, as the very document and everything in Estates and Trusts must now be further analyzed for further fraud and

forgery and more before trying to change anything in a rush job to buy a “Get of Jail Free” card while Eliot is not well, tired and may make a mistake without counsel and his senses fully about him due to medications.

WHEREFORE, Eliot prays this Court grant an extension of no less than 90 days (keep in mind Eliot already has filed a Counter Complaint in another highly complex related case before this Court and Your Honor that is taking a massive amount of time at this time he does not feel well) or Order a Stay on this Lawsuit until further consideration and determination by this Court.

Filed on Tuesday, August 26, 2014,

Eliot Bernstein, Pro Se, Individually and as legal guardian on behalf of his minor three children.

X_____

CERTIFICATE OF SERVICE

I, ELIOT IVAN BERNSTEIN, HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by email to all parties on the following Service List, Tuesday, August 26, 2014.

Eliot Bernstein, Pro Se, Individually and as legal guardian on behalf of his minor three children

X_____

SERVICE LIST

<p>RESPONDENT PERSONALLY, PROFESSIONALLY, AS A GUARDIAN AND TRUSTEE FOR MINOR/ADULT CHILDREN, AS AN ALLEGED TRUSTEE AND ALLEGED PERSONAL REPRESENTATIVE</p> <p>Theodore Stuart Bernstein Life Insurance Concepts 950 Peninsula Corporate Circle, Suite 3010 Boca Raton, Florida 33487 tbernstein@lifeinsuranceconcepts.com</p>	<p>RESPONDENT INDIVIDUALLY, PROFESSIONALLY AND LAW FIRM and COUNSEL TO THEODORE BERNSTEIN IN VARIOUS CAPACITIES</p> <p>Alan B. Rose, Esq. Page, Mrachek, Fitzgerald & Rose, P.A. 505 South Flagler Drive, Suite 600 West Palm Beach, Florida 33401 (561) 355-6991 arose@pm-law.com and arose@mrachek-law.com mchandler@mrachek-law.com cklein@mrachek-law.com lmrachek@mrachek-law.com rfitzgerald@mrachek-law.com skonopka@mrachek-law.com dthomas@mrachek-law.com gweiss@mrachek-law.com jbaker@mrachek-law.com mchandler@mrachek-law.com lchristian@mrachek-law.com tlarke@mrachek-law.com gdavies@mrachek-law.com pgillman@mrachek-law.com dkelly@mrachek-law.com cklein@mrachek-law.com lwilliamson@mrachek-law.com</p>	<p>RESPONDENT INDIVIDUALLY, PROFESSIONALLY AND LAW FIRM and COUNSEL TO THEODORE BERNSTEIN IN VARIOUS CAPACITIES</p> <p>John J. Pankauski, Esq. Pankauski Law Firm PLLC 120 South Olive Avenue 7th Floor West Palm Beach, FL 33401 (561) 514-0900 courtfilings@pankauskilawfirm.com john@pankauskilawfirm.com</p>	<p>RESPONDENT INDIVIDUALLY, PROFESSIONALLY AND LAW FIRM AND AS FORMER COUNSEL TO THEODORE BERNSTEIN IN VARIOUS CAPACITIES</p> <p>Robert L. Spallina, Esq., Tescher & Spallina, P.A. Boca Village Corporate Center I 4855 Technology Way Suite 720 Boca Raton, FL 33431 rspallina@tescherspallina.com kmoran@tescherspallina.com ddustin@tescherspallina.com</p>
<p>RESPONDENT INDIVIDUALLY AND AS GUARDIAN AND TRUSTEE OF HER MINOR CHILD</p> <p>Pamela Beth Simon 950 N. Michigan Avenue Apartment 2603 Chicago, IL 60611 psimon@stpcorp.com</p>	<p>COUNSEL FOR LIMITED APPEARANCE representing Mr. Tescher in connection with his Petition for Designation and Discharge as Co-Personal Representative of the Estate of Simon L. Bernstein, deceased.</p> <p>Irwin J. Block, Esq. The Law Office of Irwin J. Block PL 700 South Federal Highway Suite 200 Boca Raton, Florida 33432 ijb@ijblegal.com martin@kolawyers.com</p>	<p>RESPONDENT INDIVIDUALLY, PROFESSIONALLY AND LAW FIRM and FORMER WITHDRAWN COUNSEL TO THEODORE BERNSTEIN IN VARIOUS CAPACITIES, NO NOTICES OF APPEARANCES</p> <p>Mark R. Manceri, Esq., and Mark R. Manceri, P.A., 2929 East Commercial Boulevard Suite 702 Fort Lauderdale, FL 33308 mrmlaw@comcast.net mrmlaw1@gmail.com</p>	<p>RESPONDENT INDIVIDUALLY, PROFESSIONALLY AND LAW FIRM AND AS FORMER COUNSEL TO THEODORE BERNSTEIN IN VARIOUS CAPACITIES</p> <p>Donald Tescher, Esq., Tescher & Spallina, P.A. Boca Village Corporate Center I 4855 Technology Way Suite 720 Boca Raton, FL 33431 dtescher@tescherspallina.com dtescher@tescherspallina.com</p>

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<p>RESPONDENT INDIVIDUALLY AND AS GUARDIAN AND TRUSTEE OF HER MINOR CHILD</p> <p>Jill Iantoni 2101 Magnolia Lane Highland Park, IL 60035 jilliantoni@gmail.com</p>	<p>COUNSEL TO CREDITOR WILLIAM STANSBURY</p> <p>Peter Feaman, Esquire Peter M. Feaman, P.A. 3615 Boynton Beach Blvd. Boynton Beach, FL 33436 pfeaman@feamanlaw.com service@feamanlaw.com mkoskey@feamanlaw.com</p>	<p>COURT APPROVED CURATOR TO REPLACE THE REMOVED FORMER PERSONAL REPRESENTATIVES/CO-TRUSTEES/COUNSEL TO THEMSELVES AS FIDUCIARIES TESCHER AND SPALLINA</p> <p>Benjamin Brown, Esq., Thornton B Henry, Esq., and Peter Matwiczuk Matwiczuk & Brown, LLP 625 No. Flagler Drive Suite 401 West Palm Beach, FL 33401 bbrown@matbrolaw.com attorneys@matbrolaw.com bhenry@matbrolaw.com pmatwiczuk@matbrolaw.com</p>	<p>COUNSEL FOR JILL IANTONI and LISA FRIEDSTEIN</p> <p>William M. Pearson, Esq. P.O. Box 1076 Miami, FL 33149 wpearsonlaw@bellsouth.net</p>
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<p>RESPONDENT – ADULT CHILD</p> <p>Eric Bernstein 2231 Bloods Grove Circle Delray Beach, FL 33445 eberstein@lifeinsuranceconcepts.com m edb07@fsu.edu edb07fsu@gmail.com</p>	<p>RESPONDENT – INITIALLY MINOR CHILD AND NOW ADULT CHILD</p> <p>Michael Bernstein 2231 Bloods Grove Circle Delray Beach, FL 33445 mchl_bernstein@yahoo.com</p>		<p>COUNSEL TO ALEXANDRA, ERIC AND MICHAEL BERNSTEIN AND MOLLY SIMON</p> <p>John P Morrissey, Esq. John P. Morrissey, P.A. 330 Clematis Street Suite 213 West Palm Beach, FL 33401 john@jmorrisseylaw.com</p>
<p>RESPONDENT – ADULT STEPSON TO THEODORE</p> <p>Matt Logan 2231 Bloods Grove Circle Delray Beach, FL 33445 matl89@aol.com</p>	<p>RESPONDENTS – MINOR CHILDREN OF PETITIONER Joshua, Jacob and Daniel Bernstein, Minors c/o Eliot and Candice Bernstein, Parents and Natural Guardians 2753 NW 34th Street Boca Raton, FL 33434 iviewit@iviewit.tv</p>	<p>RESPONDENT – MINOR CHILD</p> <p>Julia Iantoni, a Minor c/o Guy and Jill Iantoni, Her Parents and Natural Guardians 210 I Magnolia Lane Highland Park, IL 60035 jilliantoni@gmail.com</p>	
<p>RESPONDENT/REPRIMANDED BY FLORIDA GOVERNOR RICK SCOTT NOTARY PUBLIC DIVISION FOR FAILING TO NOTARIZE AN ALLEGED 2012 WILL AND TRUST OF SIMON AND SIGNING NOTARY UNDER FALSE NAME</p> <p>Lindsay Baxley aka Lindsay Giles lindsay@lifeinsuranceconcepts.com</p>	<p>RESPONDENT MINOR CHILDREN</p> <p>Carley & Max Friedstein, Minors c/o Jeffrey and Lisa Friedstein Parents and Natural Guardians 2142 Churchill Lane Highland Park, IL 6003 Lisa@friedsteins.com lisa.friedstein@gmail.com</p>	<p>RESPONDENT – MINOR CHILD INITIALLY NOW ADULT CHILD</p> <p>Molly Simon 1731 N. Old Pueblo Drive Tucson, AZ 85745 molly.simon1203@gmail.com</p>	