

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

IN RE: THE ESTATE OF
SIMON BERNSTEIN,
Deceased

CASE NO. 502012CP004391XXXXSB
HON. JUDGE MARTIN H. COLIN

_____/

ELIOT IVAN BERNSTEIN, PRO SE
PETITIONER,

V.

TESCHER & SPALLINA, P.A., (AND ALL PARTNERS,
ASSOCIATES AND OF COUNSEL);
ROBERT L. SPALLINA, ESQ., PERSONALLY;
ROBERT L. SPALLINA, ESQ., PROFESSIONALLY;
DONALD R. TESCHER, ESQ., PERSONALLY;
DONALD R. TESCHER, ESQ., PROFESSIONALLY;
THEODORE STUART BERNSTEIN, INDIVIDUALLY;
THEODORE STUART BERNSTEIN, AS ALLEGED PERSONAL
REPRESENTATIVE;
THEODORE STUART BERNSTEIN, AS ALLEGED TRUSTEE
AND SUCCESSOR TRUSTEE PERSONALLY;
THEODORE STUART BERNSTEIN, AS ALLEGED TRUSTEE
AND SUCCESSOR TRUSTEE, PROFESSIONALLY;
THEODORE STUART BERNSTEIN, AS TRUSTEE FOR HIS
CHILDREN;
LISA SUE FRIEDSTEIN, INDIVIDUALLY AS A BENEFICIARY;
LISA SUE FRIEDSTEIN, AS TRUSTEE FOR HER CHILDREN;
JILL MARLA IANTONI, INDIVIDUALLY AS A BENEFICIARY;
JILL MARLA IANTONI, AS TRUSTEE FOR HER CHILDREN;
PAMELA BETH SIMON, INDIVIDUALLY;
PAMELA BETH SIMON, AS TRUSTEE FOR HER CHILDREN;
MARK MANCERI, ESQ., PERSONALLY;
MARK MANCERI, ESQ., PROFESSIONALLY;
MARK R. MANCERI, P.A. (AND ALL PARTNERS,
ASSOCIATES AND OF COUNSEL);
JOSHUA ENNIO ZANDER BERNSTEIN (ELIOT
MINOR CHILD);
JACOB NOAH ARCHIE BERNSTEIN (ELIOT
MINOR CHILD);
DANIEL ELIJSHA ABE OTTOMO BERNSTEIN
(ELIOT MINOR CHILD);
ALEXANDRA BERNSTEIN (TED ADULT CHILD);

ERIC BERNSTEIN (TED ADULT CHILD);
MICHAEL BERNSTEIN (TED ADULT CHILD);
MATTHEW LOGAN (TED'S SPOUSE ADULT CHILD);
MOLLY NORAH SIMON (PAMELA ADULT CHILD);
JULIA IANTONI – JILL MINOR CHILD;
MAX FRIEDSTEIN – LISA MINOR CHILD;
CARLY FRIEDSTEIN – LISA MINOR CHILD;
PAGE, MRACHEK, FITZGERALD & ROSE, P.A.
(AND ALL PARTNERS, ASSOCIATES AND OF COUNSEL);
ALAN B. ROSE, ESQ. – PERSONALLY;
ALAN B. ROSE, ESQ. – PROFESSIONALLY;
PANKAUSKI LAW FIRM PLLC, (AND ALL PARTNERS, ASSOCIATES AND OF COUNSEL);
JOHN J. PANKAUSKI, ESQ. – PERSONALLY;
JOHN J. PANKAUSKI, ESQ. – PROFESSIONALLY;
KIMBERLY FRANCIS MORAN – PERSONALLY;
KIMBERLY FRANCIS MORAN – PROFESSIONALLY;
LINDSAY BAXLEY AKA LINDSAY GILES – PERSONALLY;
LINDSAY BAXLEY AKA LINDSAY GILES – PROFESSIONALLY;
THE ALLEGED “SIMON L. BERNSTEIN AMENDED AND RESTATED TRUST AGREEMENT” DATED JULY 25, 2012;
JOHN AND JANE DOE'S (1-5000).

MOTION TO COMPEL THE ESTATES AND TRUSTS OF SIMON AND SHIRLEY BERNSTEIN TO PAY FOR AND PROVIDE COUNSEL FOR ELIOT AND HIS MINOR CHILDREN.

1. That Eliot and his three minor children's inheritances have been interfered with and delayed by CRIMINAL MISCONDUCT committed by OFFICERS OF THIS COURT and FIDUCIARIES in the Estates of Simon and Shirley.
2. That due to these interferences and delays with an expected inheritance caused by OFFICERS OF THIS COURT, Eliot and his children have been forced to need counsel separately due the conflicts

of interests created by the frauds making determination of beneficiaries to be decided by the Court at a later date and thus without those inheritances, held up by this Court, Eliot and his children who have been forced to indigent status. Eliot has filed with the Court an indigent application in the Oppenheimer lawsuit showing how bad this has become due to the intentional interference with his inheritance caused by the former and current OFFICERS OF THIS COURT and FIDUCIARIES criminal misconduct.

3. That per a letter from the former Fiduciaries and Counsel in the Estates and Trusts, Donald Tescher, **attached Exhibit 1**, this Court can see that these needs for counsel for Eliot and his minor children are a direct result of actions of the fiduciaries who even state they want to help the injured parties,

It has been brought to my attention that a document was prepared in our office that altered the disposition of the Shirley Bernstein Trust subsequent to Simon Bernstein's death...I am obviously upset and distraught over this chain of events and will do all that I reasonably can to correct and minimize any damages to the Bernstein family.

4. That the Officers of the Court and Fiduciaries, including the alleged Trustee Theodore and his counsel Alan Rose, who have participated in the advancement of these fraudulent schemes that used Altered Trust documents and made illegal distributions as a result, all benefiting Theodore and his counsel the most, have been since wasting Estate and Trust funds without Court approval for Legal Fees to defend Theodore's friends who have been removed from these matters, Spallina, Tescher and Manceri. These costs for the fiduciaries to commit fraud and then try and defend themselves before the Court, even lying to the Court about their involvement until forced to confess to Sheriff investigators is estimated to have bled the Estates and Trusts already north of a million dollars or more. Now further legal fees are being used in efforts to cover up the former crimes, use strategies admitted to be "forceful and aggressive" against beneficiaries for Theodore to protect himself using

Trust funds as admitted on the record by the Theodore and further injure the parties already damaged by these intentional interferences through fraud of Theodore's former counsel and PR's and Trustees now removed.

5. That NO accountings of legal fees and details of them have been provided to beneficiaries despite repeated requests and thus remain a mystery but Theodore has surrounded himself thus far with six or more attorneys and misused trust and estate funds in so doing to defend himself personally as well as Trustee, even using those funds despite the advice of counsel, as stated in the Palm Beach County Sheriff report already submitted to this Court where Theodore was being interrogated.
6. That Theodore and his counsel have refused requests for details of their billings.
7. That Theodore and Alan are seeking all kinds of costly legal actions against Eliot and his three minor children, including requests for depositions, responses to newly filed lawsuits and more and driving up the costs to Eliot who is Pro Se to force him to either make a mistake in responding or take depositions without counsel.
8. That Eliot and his children are need of separate counsel to respond to these actions the Estates and Trusts deem essential to the proceedings that they have requested.
9. That the Fiduciaries of the Estates and Trusts have refused repeatedly to provide for requests for monies to pay for counsel that has become necessary to the DIRECTLY to the FRAUD of ATTORNEYS AT LAW and FIDUCIARIES acting as OFFICERS OF THIS COURT who have caused these needs for legal counsel for Eliot and his three MINOR CHILDREN who are all unrepresented.
10. That since these actions instigated by the fiduciary Theodore as the alleged Trustee are alleged to benefit the Estate and Trusts and since the need for separate counsel for Eliot and his children have

been caused by the Egregious Acts of Bad Faith committed with Unclean Hands of the Fiduciaries that have stymied and delayed with scienter Eliot's inheritances, the Court should find that until those OFFICERS OF THIS COURT UNDER YOUR HONOR'S Jurisdiction and Tutelage who caused these needs to arise, pay damages for forcing these costs on Eliot and his children, that the Estates and Trusts requesting all this legal work now be compelled to pay for reasonable and customary legal fees and expenses for counsel for both Eliot and his children to PREVENT FURTHER DAMAGES.

11. That in light of upcoming requested depositions of Eliot and Answers and Counter Complaints due in two more new complex additional cases they have filed, these legal costs of Eliot are necessary and benefit according to the Fiduciary, the Estates and Trusts. The Court knowing Eliot and his children cannot pay for this mass of legal work heaped upon them demand the PR's and Trustees to provide representative counsel, as without it this could severely prejudice and further damage Eliot and his three minor children. This is especially important for the three minor children under this Court's jurisdiction that must have separate counsel provided than Eliot due to the intentional conflicts created through the frauds committed directly by OFFICERS OF THIS COURT.
12. That the Fiduciaries and their Counsel have run up MASSIVE legal bills, including billing to commit fraud against the beneficiaries and for meetings to confess FRAUD to Palm Beach Sheriff Investigators that they committed to ALTER DOCUMENTS and more that caused now disputes as to who the beneficiaries are and have delayed and interfered with an expectancy to the beneficiaries. Thus, the Fiduciaries and their Counsel have used beneficiaries monies to pay legal fees to commit crimes against them and no for them to defend themselves for the crimes, while denying beneficiaries counsel to represent themselves. This is further self-dealing by these Fiduciaries and Officers of this

Court that is OBSTRUCTING JUSTICE and causing further damages to Eliot and his three MINOR CHILDREN who have been deprived of counsel by the torts and criminal acts committed.

13. Alan Rose, in an August 19th hearing stated that Eliot was indigent but failed to state the reason, which is due wholly to the acts that have caused the delays in inheritance. These intentional fraudulent acts that have delayed the inheritances, may take some time to sort out and certainly will cost a fortune in litigation to Eliot and his children, that is in no way related to the acts of Eliot or his children but again related directly to the Officers of this Court that Your Honor refuses to remove on your own initiative for now months, despite solid evidence presented for their removal and for their direct and indirect involvement with the other removed PR'S, Trustees and Counsel felonious acts.

Wherefore, Eliot prays that this Court compel the fiduciaries of both the Simon and Shirley Estate and Trusts to provide monies for Eliot and his children to retain and pay counsel to protect their interests from further harms within a reasonable legal rate equal to the rates they have been billing the Estates and Trusts for to act as Theodore's counsel, as this would seem fair. Perhaps a

request from Your Honor compelling their billing records and details will prove more fruitful than the beneficiaries attempts that have been ignored for two years so that these fees they are charging can be ascertained and allowed for Eliot and his children.

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, Thursday, August 28, 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 bernstein@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</p>

			m ddustin@tescherspallina.co m kmoran@tescherspallina.co m
RESPONDENT INDIVIDUALLY AND AS GUARDIAN AND TRUSTEE OF HER MINOR CHILD Jill Iantoni 2101 Magnolia Lane Highland Park, IL 60035 jilliantoni@gmail.com	COUNSEL TO CREDITOR WILLIAM STANSBURY 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	COURT APPROVED CURATOR TO REPLACE THE REMOVED FORMER PERSONAL REPRESENTATIVES/CO- TRUSTEES/COUNSEL TO THEMSELVES AS FIDUCIARIES TESCHER AND SPALLINA 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	COUNSEL FOR JILL IANTONI and LISA FRIEDSTEIN William M. Pearson, Esq. P.O. Box 1076 Miami, FL 33149 wpearsonlaw@bellsouth.net
RESPONDENT INDIVIDUALLY AND AS GUARDIAN AND TRUSTEE OF HER MINOR CHILD Lisa Friedstein 2142 Churchill Lane Highland Park, IL 60035 Lisa@friedsteins.com lisa.friedstein@gmail.com lisa@friedsteins.com	COUNSEL FOR JILL IANTONI and LISA FRIEDSTEIN William H. Glasko, Esq. Golden Cowan, P.A. 1734 South Dixie Highway Palmetto Bay, FL 33157 bill@palmettobaylaw.com eservice@palmettobaylaw.com <a href="mailto:m
tmealy@gcprobatelaw.com">m tmealy@gcprobatelaw.com	RESPONDENT – ADULT CHILD Alexandra Bernstein 3000 Washington Blvd, Apt 424 Arlington, VA, 22201 alb07c@gmail.com	RESPONDENT/ARRESTE D AND CONVICTED OF FRAUD AND ADMITTED TO FORGERY OF SIX SIGNATURES, INCLUDING POST MORTEM FOR SIMON/HAS HAD NOTARY PUBLIC LICENSE REVOKED BY FLORIDA GOVERNOR RICK SCOTT NOTARY PUBLIC DIVISION. *See notes Kimberly Moran kmoran@tescherspallina.co m

<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>	

EXHIBIT 1 – DONALD TESCHER RESIGNATION AS PR, TRUSTEE AND COUNSEL LETTER