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

Case No. 502014CP003698XXXXSB

Eliot Ivan Bernstein, Individually;

Eliot Bernstein in his capacity as Honorable Martin Colin

Natural Guardian of his

minor children, Joshua, Jacob and Daniel;

and as beneficiary of the alleged Shirley Jury Trial Requested

Bernstein Trust dated May 20, 2008, as

amended and Eliot Bernstein as Trustee of the

Eliot Bernstein Family Trust dated May 20,

2008,

Counter Plaintiff,

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;

Gutter Chaves Josepher Rubin Forman Fleisher Miller, P.A.;

Theodore Stuart Bernstein, Individually;

Theodore Stuart Bernstein, as alleged Trustee of the Shirley Trust;

Theodore Bernstein as Personal Representative of the Shirley Estate;

Lisa Sue Friedstein, Individually;

Jill Marla Iantoni, Individually;

Pamela Beth Simon, Individually;

Mark Manceri, Esq., Personally;

Mark Manceri, Esq., Professionally;

Mark R. Manceri, P.A., and all Partners, Associates and of Counsel;

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;

“Simon L. Bernstein Amended and Restated Trust Agreement” Dated July 25, 2012;

Simon Bernstein Trust Agreement Dated May 20th 2008;

Shirley Bernstein Trust Agreement Dated May 20th 2008;

The Estate of Simon Bernstein;

The Estate of Shirley Bernstein;

SIMON L. BERNSTEIN IRREVOCABLE TRUST AGREEMENT (2008);

SIMON BERNSTEIN IRREVOCABLE TRUST U/A 9/7/06;

SHIRLEY BERNSTEIN IRREVOCABLE TRUST U/A 9/7/06;

SHIRLEY BERNSTEIN IRREVOCABLE TRUST AGREEMENT (2008);

SIMON BERNSTEIN IRREVOCABLE INSURANCE TRUST DATED 6/21/1995;

SIMON BERNSTEIN 2000 INSURANCE TRUST (dated August 15, 2000);

SHIRLEY BERNSTEIN 2000 INSURANCE TRUST (DATED AUGUST 15, 2000);

Trust f/b/o Joshua Bernstein under the Simon L. Bernstein Trust dtd 9/13/2012;

Trust f/b/o Daniel Bernstein under the Simon L. Bernstein Trust dtd 9/13/2012;

Trust f/b/o Jake Bernstein under the Simon L. Bernstein Trust dtd 9/13/2012;

ELIOT BERNSTEIN FAMILY TRUST DATED MAY 20, 2008;

DANIEL BERNSTEIN IRREVOCABLE TRUST DATED SEPTEMBER 7, 2006;

JAKE BERNSTEIN IRREVOCABLE TRUST DATED SEPTEMBER 7, 2006;

JOSHUA Z. BERNSTEIN IRREVOCABLE TRUST DATED SEPTEMBER 7, 2006;

DANIEL BERNSTEIN IRREVOCABLE TRUST 07-JUL-10 049738;

JAKE BERNSTEIN IRREVOCABLE TRUST 07-JUL-10 0497381;

JOSHUA Z BERNSTEIN IRREVOCABLE TRUST 07-JUL-10 0497381;

John and Jane Doe’s (1-5000),

Counter Defendants,

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_/

Judge Martin Colin, Personally;

Judge Martin Colin, Professionally;

Judge David French, personally;

Judge David French, professionally;

Material and Fact Witnesses who may

become Defendants in any amended

complaint.

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DECLARATION THAT THIS PROCEEDING AND OTHERS RELATED ARE ADVERSARY

The Undersigned, Eliot Ivan Bernstein, alleges:

1. There is now pending in the above Estates and Trusts of Simon and Shirley Bernstein proceedings in addition to this proceeding Case No. 502014CP002815XXXXSB that are adversarial, including the Counter Complaint and the following,
   1. 502012CP004391XXXXSB Simon Bernstein Estate;
   2. 502011CP000653XXXXSB Shirley Bernstein Estate;
   3. Simon Bernstein Amended and Restated Trust;
   4. Shirley Bernstein Trust Agreement;
   5. 502014CP002815XXXXSB Trusts created for the benefit of Joshua, Jacob and Daniel Bernstein.
2. Pursuant to Florida Probate Rule, 5.025(b), the undersigned hereby declares the proceedings to be adversary.
3. Hereafter all proceedings relating thereto, as nearly as practicable, shall be constructed similar to suits of a civil nature, and the Florida Rules of Civil Procedure shall govern.

Under penalties of perjury, I declare that I have read the foregoing, and the facts alleged are true, to the best of my knowledge and belief.

Signed on Tuesday, September 2, 2014,

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Declarant

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

2753 NW 34th Street

Boca Raton, FL 33434

**SERVICE LIST**

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| Robert L. Spallina, Esq.,  Tescher & Spallina, P.A. Wells Fargo Plaza  925 South Federal Hwy Suite 500 Boca Raton, Florida 33432 rspallina@tescherspallina.com  kmoran@tescherspallina.com ddustin@tescherspallina.com | Ted Bernstein  880 Berkeley Boca Raton, FL 33487 tbernstein@lifeinsuranceconcepts.com | John J. Pankauski, Esq. Pankauski Law Firm PLLC 120 South Olive Avenue  7th Floor  West Palm Beach, FL 33401  Pankauski Law Firm PLLC 120 South Olive Avenue  7th Floor  West Palm Beach, FL 33401 courtfilings@pankauskilawfirm.com john@pankauskilawfirm.com |
| Donald Tescher, Esq.,  Tescher & Spallina, P.A. Wells Fargo Plaza 925 South Federal Hwy Suite 500 Boca Raton, Florida 33432 dtescher@tescherspallina.com ddustin@tescherspallina.com kmoran@tescherspallina.com | Ted Bernstein Life Insurance Concepts et al. 950 Peninsula Corporate Circle  Suite 3010 Boca Raton, FL 33487 tbernstein@lifeinsuranceconcepts.com | Pamela Beth Simon 950 N. Michigan Avenue Apartment 2603 Chicago, IL 60611 [psimon@stpcorp.com](mailto:psimon@stpcorp.com) |
| TESCHER & SPALLINA, P.A.  Wells Fargo Plaza 925 South Federal Hwy Suite 500 Boca Raton, Florida 33432 dtescher@tescherspallina.com ddustin@tescherspallina.com kmoran@tescherspallina.com | Alan B. Rose, Esq. PAGE, MRACHEK, FITZGERALD, ROSE, KONOPKA, THOMAS & WEISS, P.A. 505 South Flagler Drive, Suite 600 West Palm Beach, Florida 33401 arose@pm-law.com  and arose@mrachek-law.com | Pamela Simon President STP Enterprises, Inc. 303 East Wacker Drive Suite 210 Chicago IL 60601-5210 psimon@stpcorp.com |
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| 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](mailto:mrmlaw1@gmail.com) | L. Louis Mrachek, Esq. PAGE, MRACHEK, FITZGERALD, ROSE, KONOPKA, THOMAS & WEISS, P.A. 505 South Flagler Drive, Suite 600 West Palm Beach, Florida 33401 lmrachek@mrachek-law.com | Charles D. Rubin Managing Partner Gutter Chaves Josepher Rubin Forman Fleisher Miller PA Boca Corporate Center 2101 NW Corporate Blvd., Suite 107 Boca Raton, FL 33431-7343 crubin@floridatax.com |
| Kimberly Moran Tescher & Spallina, P.A. Wells Fargo Plaza  925 South Federal Hwy Suite 500  Boca Raton, Florida 33432 kmoran@tescherspallina.com | Lindsay Baxley aka Lindsay Giles Life Insurance Concepts 950 Peninsula Corporate Circle  Suite 3010 Boca Raton, FL 33487 lindsay@lifeinsuranceconcepts.com | Estate of Simon Bernstein Personal Representative Brian M. O'Connell, Partner Ciklin Lubitz Martens & O’Connell 515 N Flagler Drive 20th Floor  West Palm Beach, FL 33401 boconnell@ciklinlubitz.com jfoglietta@ciklinlubitz.com |
| Jill Iantoni 2101 Magnolia Lane Highland Park, IL 60035 jilliantoni@gmail.com | Lisa Friedstein 2142 Churchill Lane Highland Park, IL 60035 Lisa@friedsteins.com lisa.friedstein@gmail.com  lisa@friedsteins.com |  |
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