

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
Natural Guardian of his
minor children, Joshua, Jacob and Daniel;
and as beneficiary of the alleged Shirley
Bernstein Trust dated May 20, 2008, as
amended and Eliot Bernstein as Trustee of the
Eliot Bernstein Family Trust dated May 20,
2008,

Honorable Martin Colin

Jury Trial Requested

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;

DECLARATION THAT THIS PROCEEDING AND OTHERS RELATED ARE ADVERSARY

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“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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The Undersigned, Eliot Ivan Bernstein, alleges:


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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,
 - i. 502012CP004391XXXXSB Simon Bernstein Estate;
 - ii. 502011CP000653XXXXSB Shirley Bernstein Estate;
 - iii. Simon Bernstein Amended and Restated Trust;
 - iv. Shirley Bernstein Trust Agreement;
 - v. 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,



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



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SERVICE LIST

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

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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

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

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@floridatx.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

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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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