

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);

**URGENT MOTION TO RESCHEDULE HEARING SET FOR SEPTEMBER 15, 2014 FOR MEDICAL REASONS AND
FAILURE OF OPPOSING COUNSEL TO COOPERATE AND LACK OF STANDING TO REPRESENT THE ESTATE**

Wednesday, September 10, 2014

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).

URGENT MOTION TO RESCHEDULE HEARING SET FOR SEPTEMBER 15, 2014 FOR MEDICAL REASONS AND FAILURE OF OPPOSING COUNSEL TO COOPERATE AND LACK OF STANDING TO REPRESENT THE ESTATE

COMES NOW, Eliot Ivan Bernstein (“Eliot”), PRO SE, as Beneficiary and Interested Party both for himself personally and Guardian for his three minor children (who may also be Beneficiaries and Interested Parties of the Estates and Trusts of Simon Bernstein (“Simon”) and Shirley Bernstein (“Shirley”)), and hereby files this **“URGENT MOTION TO RESCHEDULE HEARING SET FOR SEPTEMBER 15, 2014 FOR MEDICAL REASONS AND FAILURE OF OPPOSING COUNSEL TO COOPERATE AND LACK**

URGENT MOTION TO RESCHEDULE HEARING SET FOR SEPTEMBER 15, 2014 FOR MEDICAL REASONS AND FAILURE OF OPPOSING COUNSEL TO COOPERATE AND LACK OF STANDING TO REPRESENT THE ESTATE

Wednesday, September 10, 2014

OF STANDING TO REPRESENT THE ESTATE” and in support thereof states, on information and belief, as follows:

1. That Eliot is not sure why Alan Rose is filing actions to harass Eliot in the Estate of Simon on behalf of his client TED who is acting as alleged Successor Trustee¹ of Simon’s trusts when filing the pleading, when factually he is not involved in the Estate of Simon at all. Therefore, what right does Alan Rose have to file actions against Eliot on behalf of the Estate on behalf of an alleged Successor Trustee of a trust?
2. The Court has officially appointed and prepared Letters for the new PR, Brian O’Connell, Esq. and not Ted to represent the Estate and he appears the only legally qualified fiduciary that can represent the Estate in actions. Ted and his counsel Alan are not authorized to file on behalf of the Estate and represent the Estate in legal actions, as Ted is not a fiduciary and Alan is not counsel to Brian O’Connell as PR.
3. That Alan Rose states in signing the pleading that Ted has filed the instant pleading (and many other before this one) as the alleged Successor Trustee to Simon’s Trust, not as the PR of Simon’s Estate, which he is not and therefore all of these pleadings of Ted filed by Alan under this capacity in Simon’s estate are legally prohibited and thus must be stricken from the record, of course, with any rulings made upon such improper filings.
4. That Alan Rose, Esq. has filed for a hearing in the Estate acting as Ted’s counsel in the Simon Trust and this is not a qualified legal capacity to act under in the Estate.
5. This question makes one wonder if any of the pleadings filed by Alan Rose, Esq. are legally filed in

¹ It is believed Ted is acting as Successor Trustee illegally as the dispositive document he operates under, which has been shown to be improperly notarized by the Governor Rick Scott’s Notary Public Division for failure to identify if Simon was present at the signing and the fact that Ted is not named as a Successor and is strictly prohibited by the language of the document from acting in any fiducial role.

the Estate of Simon and if not they should all be instantly withdrawn from this case, along with any/all rulings made on these legally improper filings and Ted and Alan should be sanctioned for filing TOXIC, VEXATIOUS, KNOWINGLY IMPROPER, HARASSING and COSTLY pleadings. Pleadings that have wasted countless hours of everyone's time and hundreds of thousands of dollars in expenses dealing with them and all their hearings they have scheduled while having no basis to file in the Estate of Simon Bernstein anything at all as the alleged Successor Trustee of a Simon trust.

6. That it is hard to believe that this lack of standing has gone unnoticed by this Court and Eliot this long but things are so screwed up in these matters already, in part caused by TED and Alan Rose, and due to all the frauds already committed by Ted's former counsel and others that little things like this go unnoticed until much time, money and effort of everyone's has been wasted.
7. In fact, it appears that this was intentionally done to have Ted file actions in the Estate, which he could bill the Simon Trust for by filing them as alleged Successor Trustee of the Simon Trust, instead of filing actions for his pleadings in a separate trust action where he may, but probably will not have standing. There are motions to remove Ted, next up to be heard by Your Honor where he may be removed from his alleged fiducial roles as alleged Successor Trustee and all other fiducial capacities he is acting under for a host of legally sound reasons, including the language of the document for example in the Simon Trust precludes him from being a Successor and make him unfit for any fiducial role in the Estates and Trusts of both Simon and Shirley due to his continued reckless behavior and his involvement in the prior fraudulent activity that benefited him primarily committed by his former Attorneys at Law and fiduciaries in Simon's Estate, Tescher and Spallina.
8. That this filing by Ted without legal standing is similar to what has occurred in the Illinois Insurance Litigation, regarding a life insurance policy on Simon that Ted filed on behalf of a legally non-

existent trust. Ted claims never to seen the trust and yet, against the advice of counsel according to the insurance carriers original Answer and Counter Complaint, filed a federal lawsuit as “Trustee” of the lost trust, which for over a year he has been unable to produce even an executed copy of for that Court.

9. This filing with lack of standing might be understandable from a Pro Se’r like Eliot but when this occurs by a team of Attorneys at Law, Alan B. Rose, Esq. and John J. Pankauski, Esq., there can be no excuse of ignorance as Eliot might have for filing pleadings with no standing. Where there is no accounting to beneficiaries of their endless legal fees billed up in the Estates and Trusts of Simon and Shirley thus far, it can only be presumed that this was done to further bilk the Estates and Trusts of monies to defend Ted and others from being prosecuted for their crimes against the Estates and Trusts. Ted’s legal assault on Eliot in Simon’s Estate appears to be done with no legal basis to file and may have been paid for by the victims of the felony crimes that have already occurred and been proven against Ted’s former counsel and fiduciaries of Simon’s Estate and Trusts, Tescher and Spallina. Further, monies are now being expended for Ted to protect himself and his former attorneys at law from the additional litany of felony crimes alleged in these matters against Ted, Alan Rose and others. These crimes continue with Ted as a fiduciary replacing his former counsel in an illegal transfer of trusteeship and where it is alleged already that abusive legal fees already may have bilked the Estates and Trusts of over a million dollars.

10. Legal fees have already been billed to commit and then defend crimes Ted, his former Attorneys at Law and other have committed and this appears the bulk of the legal costs in these matters and where part of the money billed by the Attorneys at Law and fiduciaries, all acting as Officers of this Court, was for time used to,

- i. forge and fraudulently notarize dispositive documents,
- ii. file fraudulent documents in Shirley's Estate,
- iii. admittedly fraudulently alter trust documents,
- iv. commit fraud on the Court in numerous instances, and,
- v. defend their crimes in Court with a pack of lies initially until finally confessing and more.

11. That to move on to the instant motion, if it is necessary due to the lack of standing in the filing by Ted, Eliot has repeatedly informed Alan Rose, Esq. and this Court that he is undergoing medical treatments at this time involving having to take both a narcotic analgesic (Vicodin ES) and a muscle relaxer (Flexeril). Eliot has informed Alan and the Court repeatedly that during this time he cannot take a deposition or attend hearings Alan demands that are not urgent and that he would be happy to do all of these things when the procedures are over. Eliot has notified Alan of all changes to the projected medical treatment schedule as they have occurred and informed him that October 10, 2014 was the new projected due date by his Doctor almost two weeks ago. Eliot gave Alan and the Court the Doctor's information to contact to confirm.

12. That despite knowing Eliot is under medical care and medicated, Alan since learning of this over two months ago has continuously and abusively bombarded Eliot with numerous vexatious and frivolous pleadings in the Estate of Simon where Ted has no standing to file, include but are not limited to,

- i. requiring Answers and Counter Complaints within 20 days,
- ii. scheduling depositions that were never conferred with Eliot in choosing the time and then withdrawing the depositions when Eliot petitioned the Court regarding the harassments,
- iii. an endless flurry of harassing emails trying to accuse Eliot of this or that and demanding he attend this or that hearing and then withdrawing those and more,

iv. scheduling and cancelling numerous hearings, and,

all in efforts to build some sort of case against Eliot being uncooperative and all filed WITHOUT STANDING.

13. That Alan informed Eliot of a hearing that was scheduled on September 15, 2014 that Eliot believed Alan had cancelled and rescheduled until after the procedures were through, as the pleading is not of an urgent nature that would require Eliot to reschedule and his Doctor and that it can wait until after October 10, 2014 to hear.
14. That Eliot then asked Alan too kindly reschedule the hearing due to his medical treatments and Alan refused stating he would not consider changing this hearing despite knowing Eliot's medical condition.
15. That Eliot is now seeking the Court to intervene and move this hearing to a date more conducive to Eliot being cognizant and alert and not medicated as his health and wellbeing are essential as he is defending himself Pro Se and this proceeding is a contempt proceeding and believed to be an evidentiary hearing as well. Eliot will in no way be able to stop medication between now and the 15th as he is in severe pain.
16. That Eliot was apprised by the Court that there was a half day open on September 24, 2014 that Your Honor could kindly afford to hear the next thing up on the Court's schedule, which is the Motion to Remove Ted that was delayed after the July 11th hearing where Ted withdrew his pleading to become Successor PR of the Simon Estate after Alan wasted everyone's time coming to Court and preparing, only to turn away and abandon his toxic, vexatious, frivolous and costly plea to have TED appointed PR at the podium before Your Honor. This withdrawal coming after Your Honor advised him if he did not withdraw his pleading and lost his bid, there would be "hell to pay" or words to that effect

and he would be charged for wasting everyone, including the Court's time.

17. That due to the serious allegations contained in the Petition and Motions to remove TED as fiduciary that are next up to be heard by Your Honor, Eliot took the September 24, 2014 date and made arrangements to delay further his treatments after his scheduled appointment on September 16, 2014 of four hours, so that he could recover and stop medications until after that hearing on September 24, 2014. The allegations in the Petitions to remove Ted, include possible theft of millions of dollars of personal assets that appear missing from the Estate of Simon that were by Court Order dated June 19, 2014 demanded to be re-inventoried to prove their existence, since TED and his counsel Alan Rose appeared to not know at the hearing where the assets were and stated they had been moved.
18. That since that hearing where the assets were said to have moved to another location, Donald Tescher, Esq. in a deposition conducted by Alan Rose, then made statements that the assets were sold and not moved to another location contradicting their prior statements to the Court. Now, since they are evading the Court Order and there appears no need to inventory what is alleged to have been sold but unaccounted for, this Court should demand a full accounting and inventorying of all personal properties and other assets of Simon and Shirley as this sale represents further Grand Theft and more, (see Exhibit 1 - Tescher Deposition Statements). There is no accounting of a move or sale of the estate assets that were under the custody of TED and his former counselors at law, TESCHER and SPALLINA, who have been removed from these proceedings, amidst a flurry of frauds that they have admitted to involvement in and more. Anyway, Eliot thought the hearing to remove Ted was urgent and necessitated a delay in treatments to be sharp and prepared at the September 24, 2014 hearing.
19. Then Alan hearing that Eliot had taken the Court's date of September 24, 2014 decided to attempt to

schedule a flurry of proceedings to precede Eliot's hearing, during the weeks leading up to that hearing knowing Eliot was not well for any of them. He then apparently backed off all those proceedings but then just a day or two ago claimed he would not change a September 15, 2014 hearing he had scheduled that Eliot thought he cancelled with the other items he cancelled. Eliot explained politely to him that he could not attend as he would still be medicated at this time and undergoing a 4 hour treatment on the sixteenth to permanently implant the top row of his teeth and was in tremendous pain leading up to that procedure.

20. These forceful and aggressive tactics of legal abuse to Eliot during his medical treatments have interfered already with Eliot's recovery and delayed and stymied treatments already.
21. That the remainder of this filing the Court may be familiar with as it is the same pleading filed a few weeks ago that similarly addressed Alan trying to harass Eliot and schedule depositions when he knew Eliot was under treatment and then Alan withdrew that deposition after wasting everyone and this Court's time.
22. That Alan has continued to harass Eliot and attempts to put things on the docket to be heard prior to the Court hearing what it wants next as stated repeatedly, the Motion to Remove Ted to see if Alan's client Ted is qualified now or ever has been to be a fiduciary in the Estates and Trusts of both Simon and Shirley. A host of reasons for Ted's removal are stated in Eliot's recent "PETITION TO REMOVE TED BERNSTEIN AS ALLEGED SUCCESSOR TRUSTEE OF THE ALLEGED SIMON BERNSTEIN REVOCABLE TRUST" filed in the Simon Estate case and fully incorporated by reference herein.
23. The procedures involve putting in dental implants that have been delayed due to the fact that the prior removed PR's and Trustees of the Estate, the disgraced Robert Spallina, Esq. and Donald Tescher,

Esq. refused to pay the balance to the doctors when Simon died, despite that the payments were made under contract by Simon and Shirley Bernstein for five years prior and a small balance remained to get this very complicated procedure finalized causing a two year delay and great pain and discomfort to Eliot throughout this time.

24. Finally, despite Eliot's inability to pay down the balance, the Doctor's understood the Estate frauds that have occurred that precluded his getting payment and that it was not Eliot's fault and so had great empathy and compassion and did this out of his own pocket to help Eliot.
25. That the treatments would have been done two years ago except for the refusal of Tescher and Spallina to pay this debt of Simon's, again this done by OFFICERS OF THIS COURT and fiduciaries that committed FRAUD and more. The work requires approximately 15 more hours of time in the dentist's office over the next several weeks, with the next 4 hour appointment on September 16, 2014 while the top teeth are finally implanted permanently. Leading up to this next appointment, Eliot is in extreme pain and is heavily medicated and constantly bombarded with Alan trying to harass during this time. During this procedure, Eliot has been in severe pain with extreme headaches as the teeth are adjusting each time and it causes severe pains and severe discomfort similar to TMJ but far worse and requiring heavy medication.
26. That Eliot has repeatedly informed Alan that he was undergoing these procedures and that it would take several weeks and Eliot sent him months ago the Motion for Extension for time in the Oppenheimer v. Eliot and Candice Bernstein approved by this Court, which provided the same reason and the doctor's office phone number to call and confirm if necessary. Alan appeared at first to understand but then began a campaign to make this Court think Eliot was uncooperative by continuously requesting depositions and more of Eliot during this time.

27. What the procedure involves is removing implants and reinserting new ones for the new teeth and then putting it all back together while adjustments are made and each time having to remove and reinsert the implants as illustrated below.



28. That Alan, in his attempt to smear, harass, defame and harangue Eliot and having adopted a strategy according to the alleged Trustee Theodore under Oath in these proceedings, of “FORCEFULNESS AND AGGRESSION” in dealing with Eliot has certainly proved that what they conspired to do in the privileged letter and according to Ted’s statements under oath regarding the treatment of Eliot is being executed upon.

29. The strategy of legal abuse was detailed in an email sent to Eliot by Theodore that contained a letter Theodore wrote to Alan that claimed they intended on using a strategy of force and aggression against Eliot and all those who were helping him too. This letter was ruled to be Privileged by this Court and so Eliot is forced not to Exhibit it here. Yet, Theodore under Oath in the hearing clearly stated that he acting as a Fiduciary had stated such strategy of force and aggression against Eliot to Alan and his use or more aptly misuse of trust funds to so effectuate this immoral and illegal legal strategy.

30. Alan, despite knowing that Eliot is infirm at this time instead has forced Eliot into responding to new lawsuits, attempted repeatedly to force Eliot to a deposition and has stepped up the pressure on Eliot, knowing that Eliot is undergoing this procedure at this time and is not well, which shows that they

intend on using such strategies as Theodore stated on the record to harass Eliot through force and aggression.

31. Eliot has told Alan that the procedure has not been completed repeatedly and Alan tries to build a record to this Court every time that Eliot is being uncooperative and not following a Court order, which is not the case. Yet, Alan must try to twist this around, as he is aware now that he and his firm are being counter sued in the Oppenheimer lawsuit as Counter Defendants, counter sued in the trust lawsuit Ted and Alan instigated and that he and his firm are Respondents in these matters too. This sets up classic conflicts of interest and adverse interests and has no manifested and metastasized led to retaliation not only against Eliot but his three minor children by the alleged Trustee Theodore and his counsel Alan, two of the main parties in all of the criminal and civil actions ongoing in these matters relating to the massive frauds already committed and those ongoing.
32. Alan and Theodore are being accused of aiding and abetting the prior frauds committed and admitted in part by Theodore's former counsel in these matters Tescher and Spallina that include, proven Fraudulent Notarizations (including one Post Mortem for Simon), admitted Forgeries (including one Post Mortem for Simon), admitted Altered trust documents (Post Mortem for Shirley), proven improper notarization of a Will and Amended and Restated Trust of Simon, ILLEGAL distributions made by the alleged Trustee that benefited his family personally to the detriment of other beneficiaries against the Advice of Counsel, proven Fraud on the Court and Beneficiaries when the prior OFFICERS OF THIS COURT, PR'S, TRUSTEES and COUNSEL used a deceased Simon acting as a living PR to close his deceased wife's Estate leading to the reopening of Shirley's Estate and more. Now they have instigated yet another lawsuit to further waste time and assets to in efforts to construct the Shirley trust that was fraudulently altered by Ted's previous counsel for Ted's

benefit to try and make it fit the crimes committed, almost surrealistically.

33. That the Court will remember that in a September 13, 2013 hearing, Your Honor stated that you had enough evidence at the time of the frauds to read Theodore, Spallina, Tescher and Mark Manceri their Miranda Rights but failed to read them and instead allow Theodore and his new counsel to continue to act as OFFICERS OF THIS COURT, which defies logic and based on the mountains of evidence against Theodore presented to the Court defies law.
34. That this Court, despite knowing that a Trustee has the stated intent of using a forceful and aggressive strategy against Eliot and his three minor children, who is having him investigated in multiple ongoing criminal complaints and state and federal civil actions has allowed this farce to continue and allowed Alan and Theodore to continue a campaign against Eliot that defies the definition of trustee, which is to be impartial and fair to beneficiaries and only act in the best interests of the beneficiaries.
35. That Eliot's treatments will last most likely through the third week in September, as the procedure was delayed due to the need to send the implants back to the lab for adjustments that took longer than expected due to the complexity of the case. Eliot has had his face broken many years ago and this procedure involved removing ALL Eliot's teeth due to infections that were nearing the brain and full and total implant of new teeth both top and bottom. The procedure has been going on for almost five years and this is the final part and when this is complete Eliot will be free of pain and pain medicines and able to take a proper deposition.
36. That as for uncooperative this Court should note that Alan and Theodore have refused to Waive Service/Process on the Counter Complaint sent to them in the Oppenheimer v. Eliot and Candice Bernstein lawsuit before Your Honor. They have also refused to Waive Service in a counter

complaint filed against them in their own lawsuit action that they are now named Counter Defendants. Both Ted and Alan have been formally served process in both lawsuits as of this 9th day of September. This refusal has now force indigent Pro Se Eliot to waste more time and money to send a Marshal service to serve them.

37. That Alan has refused to tell Eliot who his or his firm and partners counsel will be in these probate and trust actions of Simon and Shirley's that they are named Respondents in and who will be their counsel in the Trust lawsuit counter complaint and the Oppenheimer lawsuit they are Counter Defendants in.

38. That according to Your Honor, next up on the docket to be heard in these matters are motions filed by Eliot to have Your Honor on your own initiative REMOVE THEODORE AS A FIDUCIARY in all capacities, this after your honor found him unfit to become the Curator and urged him strongly to withdraw his plea to become PR of the Estate of Simon for good and just cause, even threatening sanctions if they brought the plea forward and lost. Alan and John Pankauski then urged their client Theodore to withdraw and they did withdraw the plea at the podium after wasting everyone's time coming to the Court.

39. That this Court has been motioned to Remove Theodore as a fiduciary in the Bernstein family matters before the Court on its own initiative under FL Stat. 736 of the probate code on its own initiative due to countless reasons that make Theodore legally unqualified as a fiduciary at this time but Eliot is uncertain if that has been ruled on by this Court at this time. The removal is now urgent as TED is not legally qualified to act further as a fiduciary and further this continuing and ongoing harassment of Eliot. Further, these pleadings are merely an attempt to pepper the record with crazed claims in pleadings to make Eliot out to be contemptuous and the bad guy and all these pleadings

(like the other four attorneys that have been removed that were Ted's counsel and resigned as his counsel for irreconcilable differences before Alan) will all be stricken or left to rot unheard when Ted is found unfit in the Estates and Trusts to act as a fiduciary. The Court has already denied Ted one bid to become the Curator of the Estate of Simon and the court strongly urged him to withdraw his pleading to become Successor PR of the Estate of Simon, again because he was unfit at this time due to all the problems alleged against him by Eliot and the creditor Stansbury.

40. Theodore is also acting as alleged Trustee in Simon's Estate, despite clear language in the alleged dispositive document that preclude his acting in any capacity as he is considered PREDECEASED for all purposes of the trust and the distributions made thereunder. Yet this Court has allowed Theodore to continue to waste everyone's time and money allowing him to continue to act recklessly, despite having PRIMA FACIE evidence that Theodore is precluded from acting as Successor in the dispositive documents already presented by both Eliot and the Creditor Stansbury to this Court.

Wherefore, Eliot prays for an Order from this Court to,

- i. cancel the hearing that is scheduled for September 15, 2014 due to Alan Rose's refusal to schedule despite knowing of Eliot's medical treatments during that time;
- ii. make the rescheduling of the hearing for September 15, 2014 for after October 10, 2014, unless there are changes to the estimated treatment plan by Eliot's Doctor;
- iii. determine if Ted and Alan have standing to file actions on behalf of the Estate of Simon and if not instantly remove all filings made and rulings upon the legally deficient filings made with no legal standing and sanction Ted and Alan for this abuse of process, and,
- iv. any other relief this Court finds just.

Note to Court, if this filing is a bit jumbled or its poetic justice typical in Eliot's filing is off cue, please understand that Eliot has been forced to file this motion while under medical treatment and heavily medicated.

Filed on Tuesday, September 10, 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, Wednesday, September 10, 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>

URGENT MOTION TO RESCHEDULE HEARING SET FOR SEPTEMBER 15, 2014 FOR MEDICAL REASONS AND FAILURE OF OPPOSING COUNSEL TO COOPERATE AND LACK OF STANDING TO REPRESENT THE ESTATE

Wednesday, September 10, 2014

			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

URGENT MOTION TO RESCHEDULE HEARING SET FOR SEPTEMBER 15, 2014 FOR MEDICAL REASONS AND FAILURE OF OPPOSING COUNSEL TO COOPERATE AND LACK OF STANDING TO REPRESENT THE ESTATE

Wednesday, September 10, 2014

<p>RESPONDENT – ADULT CHILD</p> <p>Eric Bernstein 2231 Bloods Grove Circle Delray Beach, FL 33445 eberstein@lifeinsuranceconcepts.com m edb07@fsu.edu edb07@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>	

URGENT MOTION TO RESCHEDULE HEARING SET FOR SEPTEMBER 15, 2014 FOR MEDICAL REASONS AND FAILURE OF OPPOSING COUNSEL TO COOPERATE AND LACK OF STANDING TO REPRESENT THE ESTATE

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EXHIBIT 1

DONALD R. TESCHER, ESQ. DEPOSITION STATEMENTS
REGARDING SALE OF PERSONAL PROPERTIES

**URGENT MOTION TO RESCHEDULE HEARING SET FOR SEPTEMBER 15, 2014 FOR MEDICAL REASONS AND
FAILURE OF OPPOSING COUNSEL TO COOPERATE AND LACK OF STANDING TO REPRESENT THE ESTATE**

Wednesday, September 10, 2014

EXHIBIT