

# FAX

**To:** Judge Martin H. Colin **From:** Eliot Ivan Bernstein

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**Fax:** (561) 274-1418 **Pages:** 10

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**Phone:** (561) 330-1750 **Date:** 9.19.2014

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**Re:** CASE NO. 502011CP000653XXXXSB **CC:** [Type text]  
SHIRLEY BERNSTEIN ESTATE

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Urgent  For Review  Please Comment  Please Reply  Please Recycle

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## Comments:

Please see the attached Letter and Objection to Motion I would like to file in this case.

Thank You,

Eliot Bernstein

Pro Se

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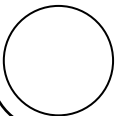
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9.19.2014



*From the desk of...*

Eliot Ivan Bernstein

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Sent Via Email/Facsimile:

Thursday, September 19, 2014

The Honorable Judge Martin H. Colin  
The 15<sup>th</sup> Judicial Circuit of Florida  
200 W Atlantic Avenue  
Delray Beach, Florida 33444  
(561) 330-1750

**RE: CASE NO. 502011CP000653**

Dear Honorable Judge Colin,

Per your Order of September 18, 2014 for Case Management, I am confused if the attached Objection falls under the scope of filings you want to review prior to them being formally filed in the case and so to be safe I seek your approval or guidance.

I have attached herein a copy of a pleading I would like to file objecting to John Pankauski, Esq. and his law firm's withdrawal as counsel in the Estate of Shirley Bernstein. I would also like to file a similarly styled pleading, almost identical to this one in the Estates and Trusts of Simon and Shirley Bernstein where Mr. Pankauski has filed for removal. I did not want to send all of them together and bog you down with all them, so I request approval for this filing and approval to file the others where necessary. I can send them all to you for final approval or file them directly with your blessing on this one. I have made the pleading as short as possible per your suggestion.

Respectfully Yours,

\_\_\_\_\_  
Eliot I. Bernstein  
Pro Se

cmb/eib  
cc email:

Re: CASE NO. 502011CP000653

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

IN RE: THE ESTATE OF  
SHIRLEY BERNSTEIN,  
Deceased

CASE NO. 502011CP000653XXXXSB  
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);

**OBJECTION TO JOHN J. PANKAUSKI'S MOTION...**

**Friday, September 19, 2014**

Page 1

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),

RESPONDENTS

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**OBJECTION TO JOHN J. PANKAUSKI'S MOTION, "PANKAUSKI LAW FIRM PLLC'S MOTION TO WITHDRAW AS COUNSEL FOR TED BERNSTEIN."**

COMES NOW, PRO SE<sup>1</sup>, Eliot Ivan Bernstein ("Eliot") or ("Petitioner") as Beneficiary and Interested Party both for himself personally and as Guardians for his three minor children Beneficiaries of the Shirley Bernstein Estate and hereby files this "OBJECTION TO JOHN J.

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<sup>1</sup> Pleadings in this case are being filed by Plaintiff In Propria Persona, PRO SE, wherein pleadings are to be considered without regard to technicalities. Propria, pleadings are not to be held to the same high standards of perfection as practicing lawyers. See Haines v. Kerner 92 Set 594, also See Power 914 F2d 1459 (11th Cir1990), also See Hulsey v. Ownes 63 F3d 354 (5th Cir 1995). also See In Re: HALL v. BELLMON 935 F.2d 1106 (10th Cir. 1991)." In Puckett v. Cox, it was held that a pro-se pleading requires less stringent reading than one drafted by a lawyer (456 F2d 233 (1972 Sixth Circuit USCA). Justice Black in Conley v. Gibson, 355 U.S. 41 at 48 (1957)"The Federal Rules rejects the approach that pleading is a game of skill in which one misstep by counsel may be decisive to the outcome and accept the principle that the purpose of pleading is to facilitate a proper decision on the merits." According to Rule 8(f) FRCP and the State Court rule which holds that all pleadings shall be construed to do substantial justice.

PANKAUSKI'S MOTION, "PANKAUSKI LAW FIRM PLLC'S MOTION TO WITHDRAW AS COUNSEL FOR TED BERNSTEIN" and in support thereof states, on information and belief, as follows:

1. That on August 29, 2014 Pankauski Law Firm, PLLC and John J. Pankauski, Esq. filed a Motion titled, "PANKAUSKI LAW FIRM PLLC's MOTION TO WITHDRAW AS COUNSEL FOR TED BERNSTEIN" to withdraw as counsel to Ted Bernstein as Personal Representative.
2. That Pankauski Law Firm, PLLC and John J. Pankauski have failed to ever file Notice of Appearance as Attorney of Record that they were representing Ted Bernstein in this case and in what capacity(ies) they were representing him. They did not file the initial pleading on behalf of Ted. Thus, removal versus withdrawal seems more appropriate as they have never entered Notice of Appearance on behalf of Ted in any capacities, despite filing pleadings and attending multiple hearings as Ted's counsel throughout the last year.
3. That Pankauski Law Firm, PLLC and John J. Pankauski are not listed in the Court Docket as Attorneys of Record for any parties.
4. That as a Beneficiary and/or Guardian for Beneficiaries, Eliot Bernstein has the right to object to Pankauski Law Firm PLLC and John J. Pankauski, Esq. Motion for Withdrawal, as they represent Ted as counsel in his capacity as Personal Representative for the Estate in these matters that directly affect Eliot and/or his children as Beneficiaries and Interested Parties.
5. That John Pankauski, Esq. and his law firm Pankauski Law Firm PLLC are both Respondents in the Estate of Shirley Bernstein and Defendants in two related Counter Complaints filed to the trusts of Simon and Shirley Bernstein. They have been served Petitions in the Estate of Shirley and have failed to file a responsive pleading to the Petitions they are named as Respondents in. These legal actions against John Pankauski, Esq. and his law firm Pankauski Law Firm PLLC relate directly to

the Estates and Trusts of Simon and Shirley for Egregious Acts of Bad Faith with Unclean Hands, Attorney Malpractice, Civil Fraud and more that they are alleged to have participated in.

6. That both Pankauski and his firm have been added as Respondents and Defendants for their alleged direct involvement in advancing fraudulent schemes as part of an ongoing Fraud on this Court and Fraud on the Beneficiaries, Creditors and Interested Parties and as of yet have not filed responsive pleadings despite being served the Petitions naming them as Respondents.
7. That this Motion for Withdrawal is more like a “perp” running from the scene of the crime as the police show up than a typical and customary withdrawal of counsel on standard legal grounds for withdrawal and this Court should not allow this Withdrawal without first addressing the allegations against them.
8. That the Court is already aware of the **felony misconduct** already proven and admitted and those further alleged and under state and federal investigations, which were committed by the former fiduciaries of the Estates and Trusts of both Simon and Shirley, Ted Bernstein’s former counsel, Co-Personal Representatives of the Estate of Simon, Co-Trustees of the Simon Trust and Counsel to themselves as Fiduciaries, Donald R. Tescher, Esq. and Robert L. Spallina, Esq. and others.
9. In Pankauski law firm’s prayer for relief it states, “WHEREFORE, the Pankauski Law Firm, PLLC prays that it may withdraw without further responsibility, obligation, or liability in connection with this matter...” and if the Court were to approve this language it could impair parties from damages being sought against Pankauski Law Firm, PLLC and John J. Pankauski, Esq. for their alleged involvement.
10. That Pankauski Law Firm, PLLC and John J. Pankauski, Esq. are alleged to have committed serious civil torts and criminal acts in these matters and may have huge responsibilities, obligations and liabilities in connection with this matter to Beneficiaries, Creditors and Interested Parties and thus should be removed by the Court and not discharged at this time.

11. That Pankauski Law Firm, PLLC and John J. Pankauski, Esq. not be allowed to withdraw or be released in any way from any liabilities, past, present or future as the pleading seeks, this could limit damages that are being sought.
12. That Pankauski Law Firm, PLLC and John J. Pankauski, Esq. claim they had “irreconcilable differences” with their client Ted Bernstein as Personal Representative, making this the fourth attorney at law to withdraw services for Ted in his fiducial capacities for “irreconcilable differences.”
13. That Pankauski Law Firm, PLLC and John J. Pankauski, Esq. are alleged to have been involved in advancing a Fraudulent Scheme to change beneficiaries of the Shirley Bernstein Trust and Simon Bernstein Trust to benefit their client Ted and more and therefore should not be discharged at this time until these matters are fully investigated and resolved. Instead they should be removed by the Court in their capacity acting as the Personal Representative Ted’s counsel and not discharged.
14. That Pankauski Law Firm, PLLC and John Pankauski, Esq. have not provided any copies of billing statements to beneficiaries and have not sought approval from the Court regarding fees.

WHEREFORE, Eliot Ivan Bernstein requests that;

- i. the Pankauski Law Firm, PLLC and John J. Pankauski not be allowed to withdraw as counsel but instead be removed by this Court from the proceedings and not discharged,
- ii. the Pankauski Law Firm, PLLC be denied any relief from past, present or future responsibilities, obligations and liabilities in connection with this matter at this time,
- iii. that Pankauski Law Firm, PLLC, be demanded to produce billing statements for their services rendered on behalf of the Personal Representative,
- iv. that Pankauski Law Firm, PLLC and John J. Pankauski, Esq. be sanctioned and reported to the proper authorities by this Court for any violations of Attorney Conduct Codes and Law they are alleged to have committed,



- v. that Pankauski Law Firm, PLLC be required to post appropriate bonding at this time, and,
- vi. any other relief this Court finds just and proper.

Dated, Friday, September 19, 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, Friday, September 19, 2014.

Eliot Bernstein, Pro Se, Individually and as  
Legal Guardian on behalf of his minor three  
children

X \_\_\_\_\_

**SERVICE LIST**

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