

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

CASE NO. 502014CA14637
HON. GREGORY M. KEYSER

ELIOT BERNSTEIN, individually;
ELIOT BERNSTEIN as a beneficiary of the
2008 SIMON L. BERNSTEIN TRUST
AGREEMENT, as amended and restated in the
SIMON L. BERNSTEIN AMENDED AND
RESTATED TRUST AGREEMENT dated
July 25, 2012 and as Legal Guardian of
JOSHUA BERNSTEIN, JACOB BERNSTEIN,
and DANIEL BERNSTEIN,

Plaintiffs,

v.

THEODORE STUART BERNSTEIN, individually;
THEODORE STUART BERNSTEIN, as Successor
Trustee of the 2008 SIMON L. BERNSTEIN
TRUST AGREEMENT, as amended and restated in the
SIMON L. BERNSTEIN AMENDED AND RESTATED
TRUST AGREEMENT dated July 25, 2012;
ALEXANDRA BERNSTEIN;
ERIC BERNSTEIN;
MICHAEL BERNSTEIN;
MOLLY SIMON;
JULIA IANTONI;
MAX FRIEDSTEIN;
CARLY FRIEDSTEIN;
JOHN AND JANE DOE 1-5000,

Defendants.

**MOTION TO MOVE COMPLAINT TO HONORABLE JUDGE MARTIN
COLIN**

COMES NOW, Eliot Ivan Bernstein ("Eliot" or "Plaintiff), PRO SE, and Eliot as

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Guardians for his three minor children and hereby files this “MOTION TO MOVE COMPLAINT TO HONORABLE JUDGE MARTIN COLIN” and in support thereof states, as follows:

1. That this lawsuit was filed to be related to ongoing cases before Judge Martin Colin, who on October 06, 2014 Ordered, see “Exhibit A,” that a new case be filed as he ordered, this case being related to the following Probate Cases that are currently before him;
 - i. Case # 502012CP004391XXXXSB – Simon Bernstein Estate,
 - ii. Case # 502011CP000653XXXXSB – Shirley Bernstein Estate,
 - iii. Case # 501014CP002815XXXXSB – Oppenheimer v. Bernstein Minor Children,
 - iv. Case # 502014CP003698XXXXSB – Shirley Trust Construction,
 - v. Case # 502014CA014637XXXXMB – Eliot Bernstein v. Trustee Simon Trust, and,
 - vi. Case # 13-cv-03643 - Federal Lawsuit in the US District Court of Eastern Illinois, before the Hon. Judge Amy St. Eve.
2. That in those complex cases there is already proven FRAUDULENT NOTARIZATIONS of documents, including Post Mortem Forgeries, arrests have been made, a conviction¹ and new admissions by Attorney at Law, Robert Spallina, Esq. (“Spallina”) of the Law Firm, Tescher & Spallina, P.A. (“TS”) to West Palm Beach County Sheriff Detectives² that their law firm fraudulently altered and disseminated Trust documents to materially change beneficiaries and trustees through a complex fraud.

¹ Kimberly Moran Arrest Report

<http://www.iviewit.tv/Simon and Shirley Estate/20131202 Kimberly Moran Arrest Report.pdf>

and

<http://www.iviewit.tv/Simon and Shirley Estate/20140110 Kimberly Moran Criminal Docket 50-2013-CF-010745-AXXX-MB.pdf>

² West Palm Beach County Sheriff Report Fraud – SPALLINA ADMITS ALTERING TRUST DOCUMENTS POST MORTEM

<http://www.iviewit.tv/20140131PBSOReport.pdf>

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3. That certain of the Fiduciaries and Attorneys at Law involved in the Estate cases have already been proven to have committed Fraud upon the Court of Judge Martin Colin and the law firm of Tescher & Spallina PA submitted fraudulently notarized and forged documents for six persons, including Simon Bernstein Post Mortem.
4. Attorney at Law Robert Spallina, Esq. has admitted to fraudulently altering a trust document for Shirley Bernstein Post Mortem.
5. There are ongoing investigations into further criminal misconduct alleged against the Fiduciaries and their Attorneys at Law involved in these cases with state and federal, civil and criminal, authorities, including Attorney at Law Alan B. Rose, Esq. who has filed in this case as Counsel to defendant Theodore S. Bernstein. It should be noted that Alan B. Rose, Esq. is also a Counter Defendant and Respondent in cases involving the Trusts and Estates of Simon and Shirley Bernstein, along with his client Theodore S. Bernstein.
6. That Motions to Dismiss have now been filed by opposing counsel with Your Honor when both of the opposing counsel directly knew this case was to be heard by Judge Colin and therefore I am not sure why they would waste this Court's time with Motions to Dismiss without notifying Your Honor of Judge Colin's Order and intent on hearing this case.
7. Attorney at Law Alan B. Rose drafted the signed Order, "Exhibit A" attached herein ordering that this complaint be filed for Judge Colin to hear and both Rose and Attorney at Law John P. Morrissey, Esq. were directed by Judge Colin to accept service for their clients so that he could hear the matters in his Court.
8. This failure by Morrissey and Rose to inform this Court of the nature and history of the proceeding and attempt to evade Judge Colin and seek an Order from Your Honor without

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informing Your Honor of the ongoing cases is an insult to both Judges and a waste of everyone's time.

9. That Rose and Morrissey knew they needed to file an answer to the complaint and instead have tried to end around Judge Colin's court and get the case dismissed, further showing that Officers of this Court are acting to usurp the court system and continue perpetrating fraud on the courts.

WHEREFORE, Eliot requests that this Court enter an order granting,

- i. The lawsuit be moved to Honorable Judge Martin Colin,
- ii. That the case be moved prior to any rulings on the Motions to Dismiss or other filings,
- iii. For legal fees of Eliot Bernstein Pro Se,
- iv. Any other remedies this Court finds apropos.

Filed on Tuesday, January 13, 2015

Eliot Bernstein, Pro Se, Individually and as legal guardian on behalf of his three minor 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, Tuesday, January 13, 2015.

Eliot Bernstein, Pro Se, Individually and as legal guardian on behalf of his three minor children

MOTION TO MOVE COMPLAINT TO HONORABLE JUDGE MARTIN COLIN
Tuesday, January 13, 2015

X

SERVICE LIST

<p>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</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>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>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>		

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JOHN AND JANE DOE 1-5000,

Defendants.

**ORDER GRANTING MOTION TO MOVE COMPLAINT TO HONORABLE JUDGE
MARTIN COLIN**

UPON CONSIDERATION OF THIS MATTER for a MOTION TO MOVE
COMPLAINT TO HONORABLE JUDGE MARTIN COLIN, it is hereby
ORDERED AND ADJUDGED that the MOTION TO MOVE COMPLAINT TO

HONORABLE JUDGE MARTIN COLIN is hereby _____.

DONE AND ORDERED in Chambers, at Palm Beach County, Florida, on this
_____ day of _____, 2014 or 2015.

HON. GREGORY M. KEYSER
Circuit Judge

Copies Furnished: Judge Martin Colin