

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

CASE NO. 502014CP002815XXXXSB

ELIOT AND CANDICE BERNSTEIN,  
IN THEIR CAPACITY AS PARENTS AND  
NATURAL GUARDIANS OF JOSHUA,  
JAKE AND DANIEL BERNSTEIN, MINORS,

HON. MARTIN COLIN

Counter Plaintiffs,

v.

OPPENHEIMER & CO. INC.; ET AL.,

Counter Defendants,

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**URGENT [Before 2/26/2015 Hearing] MOTION TO STRIKE EX PARTE  
COMMUNICATION AND CANCEL STATUS HEARING SET BASED UPON EX  
PARTE COMMUNICATION UNTIL FURTHER REVIEW AND NOTICE BY THIS  
COURT**

Respondents, Eliot Ivan Bernstein ("Eliot") and Candice Michelle Bernstein ("Candice"), on behalf of their minor children ("Respondent(s)"), and where the minor children are alleged qualified beneficiaries, for the following **alleged** and **legally deficient** trusts:

- A. The Daniel Bernstein Irrevocable Trust Dated September 7, 2006;
- B. The Jake Bernstein Irrevocable Trust Dated September 7, 2006;
- C. The Joshua Bernstein Irrevocable Trust Dated September 7, 2006;

hereby files this, "MOTION TO STRIKE EX PARTE COMMUNICATION AND CANCEL STATUS HEARING SET BASED UPON EX PARTE COMMUNICATION UNTIL FURTHER REVIEW AND NOTICE BY THIS COURT" and in support thereof, Respondents allege as follows:

Monday, February 23, 2015  
MOTION TO STRIKE EX PARTE COMMUNICATION...

1. That an Ex Parte Communication was sent to Honorable Judge Martin Colin on February 13, 2015 by Opposing Counsel and Counter Defendant, Steven Lessne, Esq. ("LESSNE") and despite the fact that the letter stated Eliot was copied on the letter, it was then factually sent to two wrong email addresses for Eliot by LESSNE'S new law firm, Gunster, Yoakley & Stewart, P.A. ("GUNSTER") (See Exhibit A – February 13, 2015 LESSNE Ex Parte Letter to Judge Colin)
2. The email addresses for Eliot are factually wrong, see (Exhibit B – Incorrect Email Addresses) which should have generated bounce receipts to the sender from the email servers (gmail.com and iviewit.tv) for the addresses that do not exist and yet no correction was ever made by GUNSTER or LESSNE to change the incompetent incorrect email addresses and therefore the letter was never sent or resent to the correct addresses for Eliot. It should be noted that this alleged email was the first and only alleged email that has been addressed wrong to Eliot by LESSNE perhaps accidentally on purpose.
3. That LESSNE did not attach to the alleged email the documents allegedly sent to Your Honor as Exhibits of the letter and any newly refiled and properly served correspondence with the Court and if the Court Order the Ex Parte Communication stricken it should demand that any renewed correspondence contain all exhibits.
4. That on or about February 17, 2015, seeing no response to the Ex Parte communiqué proffered by Eliot, Your Honor acted on the unopposed Ex Parte letter sent to Chambers by LESSNE regarding his request for a status hearing and had your Judicial Assistant, Sherrie Norton, then call LESSNE to have a status hearing scheduled.
5. That on February 17, 2015, Lessne contacted Eliot and stated that Sherrie Norton had contacted his office and stated that Your Honor wanted to set the "status" hearing, failing to

mention that the request was based on his request in the Ex Parte letter he sent and instead made it appear that Your Honor desired the hearing on your own initiative. (See Exhibit C – Eliot/Lessne Emails Regarding Judge Colin’s Requested Status Hearing)

6. That Eliot will need time to respond to the Court to the Ex Parte letter that he just received for the first time on February 20, 2015 due to the incompetent email addressing and so requested that LESSNE contact Your Honor and explain the Ex Parte nature of the communication, cancel the hearing on February 26, 2015 and allow Eliot time to respond to the plethora of misleading statements contained in the Ex Parte Communication and to allow Your Honor to then determine if this hearing is necessary or not, after having time to review both sides of the story. LESSNE however refused to notify Your Honor of the Ex Parte nature of the letter as exhibited in the attached emails in Exhibit C and in fact told Eliot “You are free to proceed as you choose. My position is set forth in my prior e-mail” and thus the reason for this Motion to clarify the sharp practice tomfoolery of LESSNE on this Court and Pro Se Eliot and Candice.
7. That Eliot has requested all the email delivery and read receipts generated for the alleged email sent in error but has thus far been denied by LESSNE.
8. That it should be noted that LESSNE’S letter to Your Honor to stealthily gain the Status Hearing through a cleverly designed Ex Parte communication, came after LESSNE could not get a hearing time for his, at the time, unfiled and not even drafted motions until after Eliot’s Court Ordered hearing that was scheduled for March 17, 2015 in opposition to the final accounting put forth by LESSNE.

9. Opposing Counsel and Counter Defendant (perhaps Pro Se?) LESSNE'S desire through this sharp practice was to rearrange the hearing schedule to hear his legally deficient, newly filed Motions first.
10. Opposing Counsel and Counter Defendant (perhaps Pro Se?) LESSNE filed these new toxic, vexatious, violative motions, without seeking Court approval to file them first, as admitted in the Ex Parte Letter (see Exhibit A). The Court made pre approval of any new motions mandatory in the Stay Order issued that partially Stayed this case.
11. That Eliot allotted LESSNE time in his March 17, 2015 hearing for LESSNE'S Motion to Strike Objection to Final Accounting he wanted heard by the Court but LESSNE wanted to add on to Eliot's hearing several, unfiled at the time, non-accounting related motions to be heard first, at the time of Eliot's hearing.
12. Eliot politely refused to accommodate the additional add-ons (See Exhibit D – Correspondences Regarding Scheduling Court Ordered Objection to Final Accounting) due to the limited amount of time that day to get started on his Court Ordered accounting hearing but was happy to hear LESSNE'S other items shortly thereafter, if the Court approved his unfiled and undrafted motions first, per the stay order.
13. LESSNE, in opposite of procedural rules however ignored Eliot's refusal to have him add-on other motions during Eliot's Court Ordered hearing time and went ahead and filed to have the following motions, filed without Court approval, heard as add-ons to be heard at Eliot's hearing;

- a. OPPENHEIMER TRUST COMPANY OF DELAWARE'S MOTION TO STRIKE OBJECTION TO FINAL ACCOUNTING,



- b. OPPENHEIMER TRUST COMPANY OF DELAWARE'S MOTION TO APPOINT GUARDIAN AD LITEM TO REPRESENT MINOR BENEFICIARIES IN ACCOUNTING PROCEEDINGS,
- c. ALTERNATIVE MOTION TO ESTABLISH SCHEDULE AND PROTOCOL FOR ACCOUNTING PROCEEDINGS,

Eliot requests the Court remove b and c above of the addons and have LESSNE reschedule those on dates he obtains from the Court. Eliot suggested beginning the Court Ordered accounting hearing and after determine with the Court if additional time would be necessary to finish the accounting issues and at that time arrange any other hearings with Court on motions LESSNE was going to file.

- 14. The Court will recollect that it was learned at the first hearing that Oppenheimer Trust Company of New Jersey and Oppenheimer Trust Company of Delaware no longer have legal standing as fiduciaries to act on behalf of the trust or file further pleadings other than Court approved, as they have admittedly officially resigned already as Trustee. Similar filings as those attempted to be added on now were already dismissed by Your Honor in the first hearing of this case.
- 15. After LESSNE could not schedule time before the hearing to have his newly refiled motions heard and without seeking consent from Eliot, LESSNE scheduled additional time on Eliot's hearing that Eliot did not agree to, once again in attempts to try and have his newly filed Motions heard first, in efforts to attempt again to dismiss the case before it is heard and have Guardians appointed, etc. (which Your Honor denied in the first hearing) (See Exhibit E – Correspondences Regarding Scheduling)

16. Candice Bernstein then contacted Your Honor's chambers once the Status Hearing was demanded to be scheduled by LESSNE at allegedly Your Honor's request as his emails exhibited herein show but Sherrie did not get back to Candice for 2 days and until after LESSNE unilaterally scheduled the hearing.
17. Upon speaking with Sherrie, Candice asked why Your Honor suddenly wanted this hearing and she could not recollect how it metastasized and stated she was calling LESSNE'S office to recollect how this hearing came about.
18. Later that day Sherrie contacted Candice and stated that she had indeed initiated a called to LESSNE'S office on Your Honor's behalf but that it was due to a letter that had been sent to Your Honor, at which point it was learned for the first time that an Ex Parte letter had been sent to Your Honor, which turned out to have conveniently wrong email addresses for Eliot.
19. That Eliot therefore is filing this URGENT Motion for Your Honor to decide whether to have the hearing, after allowing Eliot ample time to respond to the Ex Parte communication and hear Eliot's reasons this hearing may be wholly unnecessary. The urgency is caused because Eliot was not aware the status hearing was scheduled surreptitiously via the Ex Parte Communication until after the hearing had been scheduled for this week and LESSNE'S refusal to contact Your Honor to correct these matters himself.

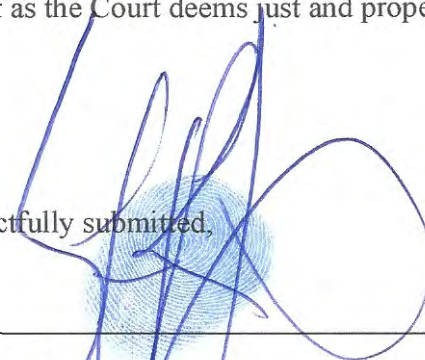
**WHEREFORE**, Counter Plaintiff's respectfully request that this Court enter an Order;

- i. striking the Ex Parte Communication and cancel the hearing based upon it,
- ii. allowing Eliot to respond to a new, properly resent filing with Your Honor and Eliot within five days of receipt of the new letter that properly copies all parties,
- iii. sanctioning for sharp practices Opposing Counsel and Counter Defendant LESSNE,

1. award legal fees and costs for Pro Se, Eliot and Candice,
2. granting such other and further relief as the Court deems just and proper.

Signed on Monday, February 23, 2015.

Respectfully submitted,




---

By: ELIOT BERNSTEIN, on behalf of his minor children, who are alleged qualified beneficiaries of Settlor's Estate and Trusts,

Respondent (*pro se*)

2753 N.W. 34th St.  
Boca Raton, Florida 33434-3459  
(561) 245.8588 (telephone)  
Email address: [iviewit@iviewit.tv](mailto:iviewit@iviewit.tv)



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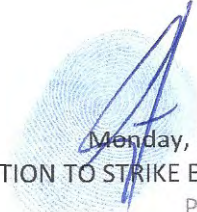

By: CANDICE BERNSTEIN, on behalf of her minor children, who are alleged qualified beneficiaries of Settlor's Estate and Trusts,

Respondent (*pro se*)

2753 N.W. 34th St.  
Boca Raton, Florida 33434-3459  
(561) 245.8588 (telephone)  
Email address: [tourcandy@gmail.com](mailto:tourcandy@gmail.com)

### **CERTIFICATE OF SERVICE**


I hereby certify that a true and correct copy of the foregoing Petition was served via electronic mail on Monday, February 23, 2015 to the parties listed in the attached Service List.



Monday, February 23, 2015

MOTION TO STRIKE EX PARTE COMMUNICATION...



  
 Eliot Bernstein, Pro Se Counter Plaintiff  
 2753 N.W. 34th St.  
 Boca Raton, Florida 33434-3459  
 (561) 245.8588 (telephone)  
 Email address: [iviewit@iviewit.tv](mailto:iviewit@iviewit.tv)

**EMAIL SERVICE LIST**

<p>Robert L. Spallina, Esq.,        Tescher &amp; Spallina, P.A.        Wells Fargo Plaza        925 South Federal Hwy Suite 500        Boca Raton, Florida 33432  <a href="mailto:rspallina@tescherspallina.com">rspallina@tescherspallina.com</a>  <a href="mailto:kmoran@tescherspallina.com">kmoran@tescherspallina.com</a>  <a href="mailto:ddustin@tescherspallina.com">ddustin@tescherspallina.com</a></p>	<p>Ted Bernstein        880 Berkeley        Boca Raton, FL 33487  <a href="mailto:tbernstein@lifeinsuranceconcepts.com">tbernstein@lifeinsuranceconcepts.com</a></p>	<p>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  <a href="mailto:courtfilings@pankauskilawfirm.com">courtfilings@pankauskilawfirm.com</a>  <a href="mailto:john@pankauskilawfirm.com">john@pankauskilawfirm.com</a></p>
<p>Donald Tescher, Esq.,        Tescher &amp; Spallina, P.A.        Wells Fargo Plaza        925 South Federal Hwy Suite 500        Boca Raton, Florida 33432  <a href="mailto:dtescher@tescherspallina.com">dtescher@tescherspallina.com</a>  <a href="mailto:ddustin@tescherspallina.com">ddustin@tescherspallina.com</a>  <a href="mailto:kmoran@tescherspallina.com">kmoran@tescherspallina.com</a></p>	<p>Ted Bernstein        Life Insurance Concepts et al.        950 Peninsula Corporate Circle        Suite 3010        Boca Raton, FL 33487  <a href="mailto:tbernstein@lifeinsuranceconcepts.com">tbernstein@lifeinsuranceconcepts.com</a></p>	<p>Pamela Beth Simon        950 N. Michigan Avenue        Apartment 2603        Chicago, IL 60611  <a href="mailto:psimon@stpcorp.com">psimon@stpcorp.com</a></p>
<p>TESCHER &amp; SPALLINA, P.A.        Wells Fargo Plaza        925 South Federal Hwy Suite 500        Boca Raton, Florida 33432  <a href="mailto:dtescher@tescherspallina.com">dtescher@tescherspallina.com</a>  <a href="mailto:ddustin@tescherspallina.com">ddustin@tescherspallina.com</a>  <a href="mailto:kmoran@tescherspallina.com">kmoran@tescherspallina.com</a></p>	<p>Alan B. Rose, Esq.        PAGE, MRACHEK, FITZGERALD, ROSE, KONOPKA,        THOMAS &amp; WEISS, P.A.        505 South Flagler Drive, Suite 600        West Palm Beach, Florida 33401  <a href="mailto:arose@pm-law.com">arose@pm-law.com</a>        and  <a href="mailto:arose@mrachek-law.com">arose@mrachek-law.com</a></p>	<p>Pamela Simon        President        STP Enterprises, Inc.        303 East Wacker Drive        Suite 210        Chicago IL 60601-5210  <a href="mailto:psimon@stpcorp.com">psimon@stpcorp.com</a></p>
<p>Mark R. Manceri, Esq., and        Mark R. Manceri, P.A.,        2929 East Commercial Boulevard        Suite 702        Fort Lauderdale, FL 33308  <a href="mailto:mrmlaw@comcast.net">mrmlaw@comcast.net</a>  <a href="mailto:mrmlaw1@gmail.com">mrmlaw1@gmail.com</a></p>	<p>L. Louis Mrachek, Esq.        PAGE, MRACHEK, FITZGERALD, ROSE, KONOPKA,        THOMAS &amp; WEISS, P.A.        505 South Flagler Drive, Suite 600        West Palm Beach, Florida 33401  <a href="mailto:lmrachek@mrachek-law.com">lmrachek@mrachek-law.com</a></p>	<p>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  <a href="mailto:crubin@floridatax.com">crubin@floridatax.com</a></p>
<p>Kimberly Moran        Tescher &amp; Spallina, P.A.        Wells Fargo Plaza        925 South Federal Hwy Suite 500        Boca Raton, Florida 33432  <a href="mailto:kmoran@tescherspallina.com">kmoran@tescherspallina.com</a></p>	<p>Lindsay Baxley aka Lindsay Giles        Life Insurance Concepts        950 Peninsula Corporate Circle        Suite 3010        Boca Raton, FL 33487  <a href="mailto:lindsay@lifeinsuranceconcepts.com">lindsay@lifeinsuranceconcepts.com</a></p>	<p>Gerald R. Lewin        CBIZ MHM, LLC        1675 N Military Trail        Fifth Floor        Boca Raton, FL 33486  <a href="mailto:jlewin@cbiz.com">jlewin@cbiz.com</a></p>
<p>Clair A. Rood, Jr.        Senior Managing Director        CBIZ Accounting, Tax &amp; Advisory of Utah, LLC / CBIZ        MHM, LLC</p>	<p>Joseph M Leccese        Chairman of the Firm        Proskauer        Eleven Times Square</p>	<p>Albert Gortz, Esq.        Proskauer Rose LLP        One Boca Place        2255 Glades Road</p>



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Christopher Stroup Chairman of the Board of Directors and Chief Executive Officer Heritage Union A member of WiltonRe Group of Companies 187 Danbury Road Wilton, CT 06897 cstroup@wiltonre.com msarlitto@wiltonre.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	Steven Lessne, Esq. Gray Robinson, PA 225 NE Mizner Blvd #500 Boca Raton, FL 33432 steven.lessne@gray-robinson.com
Byrd F. "Biff" Marshall, Jr. President & Managing Director Gray Robinson, PA 225 NE Mizner Blvd #500 Boca Raton, FL 33432 biff.marshall@gray-robinson.com	T&S Registered Agents, LLC Wells Fargo Plaza 925 South Federal Hwy Suite 500 Boca Raton, Florida 33432 rspallina@tescherspallina.com k Moran@tescherspallina.com ddustin@tescherspallina.com dtescher@tescherspallina.com	Chicago Title Land Trust Company 10 S. LaSalle Street, Suite 2750 Chicago, IL 60603 David Lanciotti, Exec Vice Pres and General Counsel David.Lanciotti@ctt.com
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Hunt Worth, Esq. President Oppenheimer Trust Company of Delaware 405 Silverside Road Wilmington, DE 19809 302-792-3500 hunt.worth@opco.com	Dennis G. Bedley Chairman of the Board, Director and Chief Executive Officer Legacy Bank of Florida Glades Twin Plaza 2300 Glades Road Suite 120 West – Executive Office Boca Raton, FL 33431 info@legacybankfl.com DBedley@LegacyBankFL.com	Neil Wolfson President & Chief Executive Officer Wilmington Trust Company 1100 North Market Street Wilmington, DE 19890-0001 nwolfson@wilmingtontrust.com
Ralph S. Janvey Krage & Janvey, L.L.P. Federal Court Appointed Receiver Stanford Financial Group 2100 Ross Ave, Dallas, TX 75201 rjanvey@kjlfp.com	James Dimon Chairman of the Board and Chief Executive Officer JP Morgan Chase & CO. 270 Park Ave. New York, NY 10017-2070 Jamie.dimon@jpmchase.com	Janet Craig Oppenheimer Trust Company of Delaware 405 Silverside Road Wilmington, DE 19809 Janet.Craig@opco.com
William McCabe Oppenheimer & Co., Inc. 85 Broad St Fl 25 New York, NY 10004 William.McCabe@opco.com	HINSHAW & CULBERTSON LLP  substituted as counsel of record for Defendants, Gerald R. Lewin, CPA and CBIZ, Inc., and relieving former counsel, the law firm of WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER, LLP	

Monday, February 23, 2015  
MOTION TO STRIKE EX PARTE COMMUNICATION...

# **EXHIBIT A**

**February 13, 2015**

**LESSNE Ex Parte Letter to  
Judge Colin**





February 13, 2015

**Via Hand Delivery**

The Honorable Martin H. Colin  
South County Courthouse, Courtroom 8  
200 West Atlantic Avenue  
Delray Beach, FL 33444

***Re: Oppenheimer Trust Company of Delaware vs. Eliot and Candice Bernstein, in their capacity as parents and natural guardians of minor beneficiaries, Joshua, Jake and Daniel Bernstein  
Case No. 502014CP002815XXXXSB (IY)***

Dear Judge Colin:

I represent the Petitioner, Oppenheimer Trust Company of Delaware, in the above-referenced matter. I am writing to you regarding a scheduling issue.

Recently, Eliot Bernstein served a Notice of Hearing setting his "*Objection to Final Accounting; Petition for Formal, Detailed, Audited and Forensic Accounting and Document Production*" ("Objection") for a one-hour hearing on March 17, 2015 at 10:00 a.m. It is unclear whether Mr. Bernstein intends this to be an evidentiary or non-evidentiary hearing.

Because Mr. Bernstein's Objection does not comply with this Court's November 7, 2014 Order (requiring him to file "form, line-item objections" to Oppenheimer's final accountings), and for other reasons, Oppenheimer filed a motion to strike the objection and to appoint a guardian *ad litem* to represent the minor beneficiaries in the accounting proceedings. In the event those motions are not granted, Oppenheimer filed an alternate motion to establish a schedule and protocol for the conduct of the accounting proceedings. Because these motions will necessarily need to be heard before the Court substantively considers Mr. Bernstein's Objection, the undersigned cross-noticed Oppenheimer's motions for March 17, 2015, in an abundance of caution. The undersigned previously notified Mr. Bernstein that Oppenheimer would be filing these motions, and that a one-hour hearing would be insufficient, but Mr. Bernstein scheduled the one-hour hearing on his Objection nonetheless.

I am writing to you so that you can determine how and when you would like to consider Oppenheimer's motions and/or Mr. Bernstein's Objection. I am enclosing copies of the following documents for your ease of reference:

The Honorable Martin H. Colin  
February 13, 2015  
Page 2

- The three Final Accountings filed by Oppenheimer, together with Oppenheimer's Notice of Filing;
- Eliot Bernstein's Objection to Final Accounting; Petition for Formal, Detailed, Audited and Forensic Accounting and Document Production;
- Oppenheimer's Motion to Strike Objection to Final Accounting and to Appoint Guardian *Ad Litem* to Represent Minor Beneficiaries in Accounting Proceedings; Alternative Motion to Establish Schedule and Protocol for Accounting Proceedings; and
- Oppenheimer's previously-filed Motion to Appoint Guardian *Ad Litem* to Represent Minor Beneficiaries (which is incorporated by reference in Oppenheimer's recently-filed motion directed to the Objection).

Absent word from your Chambers that you would like to proceed differently, I will be prepared to argue Oppenheimer's motions at the March 17 hearing. Thank you for your consideration of this matter.

Respectfully submitted,

*/s/ Steven A. Lessne*

Steven A. Lessne

SAL/jh  
Enclosure

cc: Eliot and Candice Bernstein (*via e-mail w/o enclosure*)



# **EXHIBIT B**

**Email Cover Page with  
Incorrect Email Addresses for  
Eliot on Ex Parte Letter sent  
to this Court**



## Eliot Ivan Bernstein

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**From:** Hoppel, Jenny <JHoppel@gunster.com>  
**Sent:** Friday, February 13, 2015 4:10 PM  
**To:** 'tourcandy@gmail.com'; 'ivewit@ivewit.tv'; 'ivewit@gmail.com'  
**Cc:** Lessne, Steven  
**Subject:** Oppenheimer Trust Company of Delaware vs. Bernstein  
**Attachments:** 6266946\_1.PDF

Please see the attached correspondence from Steven A. Lessne, Esq.

The correct email is  
ivewit@ivewit.tv and  
ivewit@gmail.com



**GUNSTER**  
FLORIDA'S LAW FIRM FOR BUSINESS

Jenny Hoppel  
Secretary to Gregor J. Schwinghammer, Jr., Steven A. Lessne  
& Rebecca C. Cavendish  
777 South Flagler Drive, Suite 500 East  
West Palm Beach, FL 33401  
P 561-804-4385 F 561-655-5677  
[gunster.com](http://gunster.com) | [JHoppel@gunster.com](mailto:JHoppel@gunster.com)



# **EXHIBIT C**

## **Eliot/Lessne Emails Correspondences Regarding Judge Colin's ALLEGED Requested Status Hearing**



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On Feb 17, 2015, at 3:38 PM, Lessne, Steven <[SLessne@gunster.com](mailto:SLessne@gunster.com)> wrote:

Mr. and Mrs. Bernstein:

My assistant received a call from Judge Colin's chambers. Judge Colin wants to set a status check on his uniform motion calendar (that's a five-minute hearing at 8:45 AM each morning). I was asked to contact you to get a mutually agreeable date. Please let me know your availability over the next two weeks. Thank you.

**Steven A. Lessne** | Shareholder  
[777 South Flagler Drive, Suite 500 East](#)  
[West Palm Beach, Florida 33401](#)  
[561-650-0545](tel:561-650-0545)

[450 East Las Olas Boulevard, Suite 1400](#)  
[Fort Lauderdale, Florida 33301](#)  
[954-468-1383](tel:954-468-1383)

[gunster.com](http://gunster.com) | [SLessne@gunster.com](mailto:SLessne@gunster.com)

Sent from my iPhone. Please excuse typos and tone.

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**From:** Lessne, Steven [<mailto:SLessne@gunster.com>]  
**Sent:** Tuesday, February 17, 2015 3:55 PM  
**To:** Eliot Ivan Bernstein; CANDICE BERNSTEIN  
**Subject:** Re: Oppenheimer v. Bernstein

I overlooked that Judge Colin holds uniform motion calendar on Tuesday and Thursday only. Please provide me with your availability.

**Steven A. Lessne** | Shareholder  
[777 South Flagler Drive, Suite 500 East](#)  
[West Palm Beach, Florida 33401](#)  
[561-650-0545](tel:561-650-0545)

[450 East Las Olas Boulevard, Suite 1400](#)  
[Fort Lauderdale, Florida 33301](#)  
[954-468-1383](tel:954-468-1383)

[gunster.com](http://gunster.com) | [SLessne@gunster.com](mailto:SLessne@gunster.com)

Sent from my iPhone. Please excuse typos and tone.

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**From:** Eliot Ivan Bernstein [<mailto:iviewit@iviewit.tv>]  
**Sent:** Friday, February 20, 2015 11:51 AM  
**To:** Lessne, Steven  
**Cc:** Andrew Dietz @ Rock-It Cargo USA, Inc.; Candice Bernstein; Caroline Prochotska Rogers Esq.; Eliot

  
Exhibit



I. Bernstein; Marc R. Garber Esq.; Marc R. Garber Esq. @ Flaster Greenberg P.C.; Marc R. Garber Esq. @ Flaster Greenberg P.C.; Michele M. Mulrooney ~ Partner @ Venable LLP  
**Subject:** RE: Oppenheimer v. Bernstein

Steven,

I have contacted Judge Colin's chambers and Sherry stated that this hearing was being set due to a letter you sent to Judge Colin. Please send me a copy of the letter you sent to Judge Colin as I do not have it. Thank you, Eliot

Eliot I. Bernstein  
Inventor

[remaining footer removed]

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**From:** Lessne, Steven [<mailto:SLessne@gunster.com>]  
**Sent:** Friday, February 20, 2015 12:00 PM  
**To:** 'Eliot Ivan Bernstein'  
**Subject:** RE: Oppenheimer v. Bernstein

The letter was sent to you the same day it was sent to the Judge. Here it is again.



**Steven A. Lessne** | Shareholder  
777 South Flagler Drive, Suite 500 East  
West Palm Beach, Florida 33401  
561-650-0545

450 East Las Olas Boulevard, Suite 1400  
Fort Lauderdale, Florida 33301  
954-468-1383

[gunster.com](http://gunster.com) | [SLessne@gunster.com](mailto:SLessne@gunster.com)

---

**From:** Eliot Ivan Bernstein [<mailto:iviewit@iviewit.tv>]  
**Sent:** Friday, February 20, 2015 12:47 PM  
**To:** Lessne, Steven  
**Cc:** Andrew Dietz @ Rock-It Cargo USA, Inc.; Candice Bernstein; Caroline Prochotska Rogers Esq.; Eliot I. Bernstein; Marc R. Garber Esq.; Marc R. Garber Esq. @ Flaster Greenberg P.C.; Marc R. Garber Esq. @ Flaster Greenberg P.C.; Michele M. Mulrooney ~ Partner @ Venable LLP  
**Subject:** RE: Oppenheimer v. Bernstein

Mr. Lessne,

Your continued practice of misrepresentation will be noted to Judge Colin and I request that we cancel this hearing immediately as it was set up under false pretenses with me and the court and notify Judge Colin's of the tomfoolery used to schedule the hearing. You contacted me saying Judge Colin wanted to have a Status Hearing he was requesting and had contacted you to arrange with and then demanded times from me as is indicated in

  
Exhibit

your emails below. You did not tell me Judge Colin was sent an ex parte letter that I never received and that is why he was calling for a "status" check. I would like that you contact Judge Colin and his assistant immediately to inform them that I never received the Ex-Parte communication and was misled by you as to what the status check was all about and why it was being scheduled. I will then respond to the Ex Parte communication I received today from you for the first time and the myriad of false statements contained therein and see if Judge Colin would still want such a hearing after my response is sent to him informing him of several issues with your strange and delusional behavior exhibited in the letter that led to the hearing be scheduled under false pretenses by you. It will take me a few days to respond to the letter that you just sent me for the very first time as I am tied up through the weekend.

Please refrain from further Ex Parte communications with Judge Colin and misleading both the Court and me in order to try and procure your hearings forward. Also, have you notified your new law firm that you are a counter defendant in this case and have you reported such to your liability carrier?

Eliot

---

**From:** Lessne, Steven [<mailto:SLessne@gunster.com>]

**Sent:** Friday, February 20, 2015 1:14 PM

**To:** 'Eliot Ivan Bernstein'

**Cc:** Andrew Dietz @ Rock-It Cargo USA, Inc.; Candice Bernstein; Caroline Prochotska Rogers Esq.; Marc R. Garber Esq.; Marc R. Garber Esq. @ Flaster Greenberg P.C.; Marc R. Garber Esq. @ Flaster Greenberg P.C.; Michele M. Mulrooney ~ Partner @ Venable LLP

**Subject:** RE: Oppenheimer v. Bernstein

Mr. Bernstein:

I generally don't "reply to all" in response to your e-mails, but because your below e-mail contains serious, defamatory remarks about my character and professionalism, I will make an exception here to set the record straight.

First, you were served by e-mail with a copy of my letter to Judge Colin the same day it was sent to the Judge. Attached is the e-mail containing the letter.

Second, the letter, which addresses a scheduling issue, is accurate in all respects, as illustrated by the attached January 23 e-mail exchange between you and me.

Finally, a floater in my office received a call from Judge Colin's assistant on February 17. The floater was informed that Judge Colin wanted me to schedule a "status check" on the Court's motion calendar. I promptly sent you an e-mail reporting the call and requesting dates from you. When you failed to respond, I set the status check for next Thursday. All of this is confirmed by the attached February 17-19 e-mail exchange between you and me.

I know you don't like lawyers, but please at least be honest in your disparaging remarks.



**Steven A. Lessne** | Shareholder  
777 South Flagler Drive, Suite 500 East  
West Palm Beach, Florida 33401  
561-650-0545

450 East Las Olas Boulevard, Suite 1400

A handwritten signature in blue ink, appearing to be 'S. Lessne', written over the word 'Exhibit'.

Exhibit



Fort Lauderdale, Florida 33301  
954-468-1383

[gunster.com](http://gunster.com) | [SLessne@gunster.com](mailto:SLessne@gunster.com)

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**From:** Eliot Ivan Bernstein [<mailto:iviewit@iviewit.tv>]

**Sent:** Friday, February 20, 2015 4:28 PM

**To:** Lessne, Steven; Alan B. Rose Esq.; Alan B. Rose Esq.

**Cc:** Brian M. O'Connell PA ~ Partner @ Ciklin Lubitz Martens & O'Connell ; Peter Feaman, Esq. ~ Attorney at Law @ Peter M. Feaman, P.A.; Peter Feaman; Andrew Dietz @ Rock-It Cargo USA, Inc.; Candice Bernstein; Caroline Prochotska Rogers Esq.; Eliot I. Bernstein; Marc R. Garber Esq.; Marc R. Garber Esq. @ Flaster Greenberg P.C.; Marc R. Garber Esq. @ Flaster Greenberg P.C.; Michele M. Mulrooney ~ Partner @ Venable LLP

**Subject:** RE: Oppenheimer v. Bernstein

Mr. Lessne,

First off, you need to be contacting Judge Colin regarding all of this and cancel your surreptitious scheduled hearing. Again, I did not receive nor did my wife any email from you on the alleged date and only have received copy today and if you could please provide your exchange receipts for that day on the alleged email that would be great. As for your character, well, as you know from my counter complaint against you, in which you are a counter defendant, your character has been in question since you first contacted me and my wife under false pretense, acting as my children's newly hired counsel, talking with us about our strategies going forward with you and then later learning that you were not representing our minor children and were in fact representing Oppenheimer instead.

Your Ex Parte letter is inaccurate in many ways and I would have responded to Judge Colin with a response to your claims and most likely he would have not wanted to schedule anything other than what is already scheduled. In fact, you have tried to schedule around my hearing for accounting, to have your newly filed plethora of toxic and vexatious filings heard first and when that did not work you concocted this scheme to make it look like Judge Colin just woke up and told his assistant Sherry to have you call me and schedule a non-related to anything status hearing. Hopefully by now you have contacted Judge Colin and cancelled this ill-gotten hearing and notified him I will respond to your ex parte communication with him next week in writing and then he can decide if he wants to have a status check at all.

I am not sure what a "floater" is in your office, do they have a formal name you can provide me? I did not fail to respond, I was waiting for Judge Colin's chambers to contact me back to confirm that this was a hearing Judge Colin wanted and why. You just went ahead and scheduled and even Sherry was confused when we called as to what transpired and called your offices to recollect what happened. She then contacted us back then stated the meeting impetus was based on a communication you sent to the judge requesting such and we informed her that we had never received any letter regarding scheduling a hearing for status from you, thus the Ex Parte part of the communication with Judge Colin. You're a clever fellow I must admit.

As you responded to all in my email you can see that I do like many lawyers despite your pining that I do not like all lawyers. There are many more friends of mine that practice law nationwide who are good and honest lawyers and it is only a rotten few bad apples like you that give the whole profession a bad name. I am certain you can understand my dislike for attorneys like Robert Spallina, Esq. and Donald Tescher, Esq. whose law firm forged and fraudulently notarized dispositive documents in my mother and father estate and trust documents and more. And understand my distaste and continued actions against the lawyers who are alleged to have stolen my Intellectual Properties. Or for example, after reading the email exchange below between a good attorney at law who I like, Peter Feaman, Esq., who is representing a creditor of the estate of my father and the newly appointed Personal

Exhibit  


Representative/Executor of my father's estate, another good lawyer I like, Brian O'Connell, Esq., you will see why I do not like Alan B. Rose, Esq, (another counter defendant like you in this case) for his immoral, unethical, unprofessional and possibly criminal behaviors.

Subject: Bernstein Estate  
Date: Tue, 16 Dec 2014 15:57:54 -0500  
From: [pfeaman@feamanlaw.com](mailto:pfeaman@feamanlaw.com)  
To: [boconnell@ciklinlubitz.com](mailto:boconnell@ciklinlubitz.com)  
CC: [jroyer@feamanlaw.com](mailto:jroyer@feamanlaw.com)

Brian,

When you and I spoke last week you indicated that you were in favor of the settlement that Mr. Stansbury had signed and sent to you for signature. You indicated that you had to work out funding with the trust. Meanwhile, the Life insurance litigation in Chicago is moving forward. Our attorneys are taking a deposition in Chicago the week after New Years of "Scooter" Bernstein, I think. They also want to depose Ted Bernstein and Robert Spallina in early January as well. I offered my office as a locale for those depositions.

**Deposing Ted Bernstein in the Chicago action poses some serious conflict of interest issues for Ted Bernstein and ethical issues for Mr. Rose as the Florida attorney for Mr. Ted Bernstein.**

He is being deposed as a party Plaintiff in the Chicago action, the purpose of which is to direct \$1.7 million in life insurance to the 5 adult children of Simon Bernstein away from the Bernstein estate.

Yet Mr. Rose represents Ted Bernstein as Successor Trustee to the Simon Bernstein Trust, the beneficiaries of which are the GRANDCHILDREN OF Simon Bernstein, and the Trust is the beneficiary of the Simon Estate which is directly opposed to the position of Ted Bernstein as Plaintiff in the Chicago Life Insurance litigation.

**Just as Ted Bernstein cannot wear both hats, it seems that Alan Rose cannot represent a client so conflicted.**

Further, it would seem to me **that the estate (you as Personal Representative) has an absolute duty to demand Ted's resignation as Successor Trustee, as his continued role as such imperils the interests of the grandchildren, to whom you owe a fiduciary duty as the Personal Representative.**

The bottom line is that the more this drags on, **the worse it is going to get for all concerned.**

At some point, respectfully, I think you are going to have to take the bull by the horns and **1.) demand that Ted Bernstein resign as Successor Trustee and 2.) Take an active role in directing the attorneys in Chicago to push the case in order to bring it to a successful resolution on behalf of the estate, either by settlement or trial. This means taking over the responsibility for the litigation from Mr. Stansbury in light of the favorable position that the Estate is now in as a result of Mr. Stansbury 's efforts.**

I welcome your thoughts on this.

*Peter M. Feaman*

  
Exhibit



**PETER M. FEAMAN, P.A.**

3695 West Boynton Beach Boulevard  
Suite 9

Boynton Beach, FL 33436

Telephone: 561-734-5552

Facsimile: 561-734-5554

[www.feamanlaw.com](http://www.feamanlaw.com)

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I bring up Mr. Rose as you have been noted to be working with him on your futile defense in this case and wanted you to be aware of his alleged misconduct and fear that you're working with him in these matters may have affected you further to continue crossing ethical and legal lines. I see you are working at Mr. Rose's old law firm now, Gunster, since your recent and sudden departure from Gray Robinson and wondered if your termination from Gray Robinson was predicated or had anything to do with this matter and your being a counter defendant in this matter. Finally, I will be seeking leave to amend my counter complaint to add your new law firm as counter defendant, so can you please provide me with the managing partners contact information so that I may serve him properly for the firm? Have the liability carriers, personally and professionally, that were notified of the lawsuit against you at both of your firms allowed you to continue to practice in this matter that you are a counter defendant in for good and just cause?

If you refuse to notify Judge Colin of these matters and my objections to the hearing and provide him with all of the communications surrounding this hearing than I will contact his chambers first thing Monday morning and provide him with a letter explaining all of this myself.

Thanks, Eliot

---

**From:** Lessne, Steven [mailto:SLessne@gunster.com]

**Sent:** Friday, February 20, 2015 4:35 PM

**To:** 'Eliot Ivan Bernstein'; Alan B. Rose Esq.; Alan B. Rose Esq.

**Cc:** Brian M. O'Connell PA ~ Partner @ Ciklin Lubitz Martens & O'Connell ; Peter Feaman, Esq. ~ Attorney at Law @ Peter M. Feaman, P.A.; Peter Feaman; Andrew Dietz @ Rock-It Cargo USA, Inc.; Candice Bernstein; Caroline Prochotska Rogers Esq.; Marc R. Garber Esq.; Marc R. Garber Esq. @ Flaster Greenberg P.C.; Marc R. Garber Esq. @ Flaster Greenberg P.C.; Michele M. Mulrooney ~ Partner @ Venable LLP

**Subject:** RE: Oppenheimer v. Bernstein

You are free to proceed as you choose. My position is set forth in my prior e-mail.



**Steven A. Lessne** | Shareholder

777 South Flagler Drive, Suite 500 East

West Palm Beach, Florida 33401

561-650-0545

450 East Las Olas Boulevard, Suite 1400

Exhibit

Fort Lauderdale, Florida 33301  
954-468-1383

[gunster.com](http://gunster.com) | [SLessne@gunster.com](mailto:SLessne@gunster.com)

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**From:** Eliot Ivan Bernstein [mailto:[iviewit@iviewit.tv](mailto:iviewit@iviewit.tv)]  
**Sent:** Saturday, February 21, 2015 5:14 AM  
**To:** 'Lessne, Steven'; 'Alan B. Rose Esq.'; 'Alan B. Rose Esq.'  
**Cc:** 'Brian M. O'Connell PA ~ Partner @ Ciklin Lubitz Martens & O'Connell '; 'Peter Feaman, Esq. ~ Attorney at Law @ Peter M. Feaman, P.A.'; 'Peter Feaman'; 'Andrew Dietz @ Rock-It Cargo USA, Inc.'; 'Candice Bernstein'; 'Caroline Prochotska Rogers Esq.'; 'Marc R. Garber Esq.'; 'Marc R. Garber Esq. @ Flaster Greenberg P.C.'; 'Marc R. Garber Esq. @ Flaster Greenberg P.C.'; 'Michele M. Mulrooney ~ Partner @ Venable LLP'; Joielle "Joy" A. Foglietta, Esquire @ Ciklin Lubitz Martens & O'Connell ([jfoglietta@ciklinlubitz.com](mailto:jfoglietta@ciklinlubitz.com))  
**Subject:** RE: Oppenheimer v. Bernstein

Forgot to add your newly sent attachments to show improper email address ivewit v. iviewit. They are attached herein.

Mr. Lessne,

Your email alleged sent to me on February 13, 2015 was sent to the wrong email addresses according to the email I received today from you for the first time. Certainly it could not have gotten to me with wrong email addresses, how quaint. I am sure you have all the email bounce receipts and read receipts and will send them over, I just wonder why you did not call once you received bounced return mail from gmail for the incompetent addresses or after getting the bounced emails then correcting and resending the email but you can explain that to Judge Colin. How strange that all your other emails seem to get to me with the right addressing but this one. Sure, blame it on the sender or blame it on incompetence, either way I was never in receipt of the Ex Parte letter and thus it remains an Ex Parte communication and I had no chance to reply to the Judge regarding my objections to the Ex Parte letter. Therefore, again, I urge you notify Judge Colin immediately of your incompetence, send him all the emails regarding this incompetence and show the Ex Parte nature of your clever communication that led to the scheduling of hearing based on Ex Parte letter and have him determine what to do after he receives my forthcoming response to your letter. You should seek to have him cancel the hearing for status you have scheduled until further notice by the Court if it so desires, after Judge Colin has time to review my retort. Since this is your screw up I would have anticipated you're fixing the matter with Judge Colin in a gentlemanly way but your refusal to contact Judge Colin appears steadfast. Therefore, I will do the work and will add it to the tolling damages you and your client have caused thus far as asserted in the Counter Complaint you were served as a Counter Defendant. By the way, I hate to keep asking but have you reported this matter to your liability carriers both personally and professionally, for both firms you have worked for on these matters and informed them of your standing as a bona fide Counter Defendant that has been served process? Have you notified Gunster that you are a Counter Defendant and have they notified their carrier that they will be added if they continue to allow you to represent these matters in conflict? Please send over the name of the managing partner and his email so that I may notify him if you have not.

Thanks, Eliot

  
Exhibit

# **EXHIBIT D**

## **Correspondences Regarding Scheduling Court Ordered Objection to Final Accounting**





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**From:** Eliot Ivan Bernstein [<mailto:iviewit@gmail.com>]

**Sent:** Friday, January 23, 2015 10:34 AM

**To:** Steven A. Lessne

**Cc:** Andrew Dietz @ Rock-It Cargo USA, Inc.; CANDICE BERNSTEIN; Caroline Prochotska Rogers Esq.; Eliot I. Bernstein; Marc R. Garber Esq.; Marc R. Garber Esq. @ Flaster Greenberg P.C.; Marc R. Garber Esq. @ Flaster Greenberg P.C.; Michele M. Mulrooney ~ Partner @ Venable LLP; [agortz@proskauer.com](mailto:agortz@proskauer.com); Alan B. Rose Esq.; [arose@mrachek-law.com](mailto:arose@mrachek-law.com); [attorneys@matbrolaw.com](mailto:attorneys@matbrolaw.com); [bhenry@matbrolaw.com](mailto:bhenry@matbrolaw.com); Brian M. O'Connell PA ~ Partner @ Ciklin Lubitz Martens & O'Connell ; Byrd F. "Biff" Marshall, Jr.; Charles D. Rubin ~ Managing Partner @ Gutter Chaves Josepher Rubin Forman Fleisher Miller PA; Chris Stroup ~ Chairman of the Board of Directors and Chief Executive Officer @ Heritage Union Life / WiltonRe ; David Lanciotti ~ Executive Vice President and General Counsel @ LaSalle National Trust, NA / Chicago Title Land Trust Company ; [ddustin@tescherspallina.com](mailto:ddustin@tescherspallina.com); Dennis G. Bedley ~ Chairman of the Board, Director and Chief Executive Officer @ Legacy Bank of Florida; Dennis McNamara ~ Executive Vice President and General Counsel @ Oppenheimer & Co. Inc.; Donald R. Tescher ~ Attorney at Law @ Tescher & Spallina, P.A.; 'General Counsel at CBIZ MHM, LLC'; Gerald "Jerry" R. Lewin ~ Managing Director @ CBIZ MHM, LLC; Hunt Worth ~ President @ Oppenheimer Trust Company ; James Dimon ~ Chairman of the Board and Chief Executive Officer @ JP Morgan Chase & CO.; Janet Craig, CTFA ~ Senior Vice President & Compliance Officer @ Oppenheimer Trust Company ; Jill Iantoni; John J. Pankauski; John J. Pankauski; John P. Morrissey Esq. @ John P. Morrissey, P.A. ; [john@pankauskilawfirm.com](mailto:john@pankauskilawfirm.com); Joseph M Leccese ~ Chairman of the Firm @ Proskauer Rose LLP ; Kimberly Moran ~ Legal Assistant / Notary Public @ Tescher & Spallina, P.A.; L. Louis Mrachek Esq. @ PAGE, MRACHEK, FITZGERALD, ROSE, KONOPKA, THOMAS & WEISS, P.A.; Lindsay Baxley aka Lindsay Giles @ Life Insurance Concepts; Lisa S. Friedstein; Mark R. Manceri, Esquire @ Mark R. Manceri, P.A.; [mrmlaw1@gmail.com](mailto:mrmlaw1@gmail.com); Neil Wolfson ~ President & Chief Executive Officer @ Wilmington Trust Company; Pamela Beth Simon; Peter Feaman; Peter Feaman, Esq. ~ Attorney at Law @ Peter M. Feaman, P.A.; [pmatwiczzyk@matbrolaw.com](mailto:pmatwiczzyk@matbrolaw.com); Ralph S. Janvey ~ Federal Court Appointed Receiver @ Stanford Financial Group; Robert L. Spallina, Esq. ~ Attorney at Law @ Tescher & Spallina, P.A.; [service@feamanlaw.com](mailto:service@feamanlaw.com); William H. Glasko Esq. ~ Associate @ Golden Cowan, P.A.; William Henry Glasko Esq.; William Henry Glasko Esq.; William M. Pearson; William McCabe Esq. @ Oppenheimer Trust Company

**Subject:** case # 502014CP002815XXXXSB

Mr. Lessne,

Regarding case # 502014CP002815XXXXSB and in efforts to schedule a hearing for the Objection to Accounting that was filed yesterday, below are court hearing times for 1 hour that are available per Judge Colin's JA. Please reply with the date and time that is most convenient for you. Thank you for your prompt attention to this matter. [March 17<sup>th</sup> works best for me.](#) [Let me know as Judge Colin's assistant is waiting for a response.](#)

March 6 at 1:30pm

March 9 at 9:00am

March 17 at 10:00am

Eliot I. Bernstein

Inventor

[remaining footer removed]

  
Exhibit



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**From:** Steven A. Lessne [<mailto:Steven.Lessne@gray-robinson.com>]  
**Sent:** Friday, January 23, 2015 10:41 AM  
**To:** 'Eliot Ivan Bernstein'; [tourcandy@gmail.com](mailto:tourcandy@gmail.com)  
**Cc:** Lori E. Politis, FRP; Anne Morinelli; [slessne@gunster.com](mailto:slessne@gunster.com)  
**Subject:** RE: case # 502014CP002015XXXXSB

March 17 is fine, but I will likely be adding on motions to be heard (e.g., a motion to strike your objections, a renewed motion to appoint guardian ad litem, and a motion to terminate the trust for failure to designate a successor trustee), so I think a two hour hearing would be better. Please get dates for a two hour hearing and get back to me. Thank you.

**Steven A. Lessne | Shareholder**  
**GRAY | ROBINSON**

401 East Las Olas Blvd., Suite 1000 | Fort Lauderdale, Florida 33301  
Mizner Park Office Tower | 225 N.E. Mizner Blvd., Suite 500 | Boca Raton, Florida 33432  
**T:** 954-761-8111 | **F:** 954-761-8112  
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---

On Jan 23, 2015, at 10:51 AM, Eliot Ivan Bernstein <[jviewit@gmail.com](mailto:jviewit@gmail.com)> wrote:

I will book my hearing for the 17<sup>th</sup> for the time I made for my hearing. I do not have that more time on the 17<sup>th</sup> to hear all your nonsense so let me know what dates and times you get for however long you want and we can tee those up. I have booked the 17<sup>th</sup> date for the Objection and will send out a Notice shortly. For your hearings, the best time due to some other hearings in these matters will be best for me early to mid-April. Eliot

---

**From:** Steve Lessne [<mailto:slessne@gmail.com>]  
**Sent:** Friday, January 23, 2015 11:13 AM  
**To:** Eliot Ivan Bernstein; [tourcandy@gmail.com](mailto:tourcandy@gmail.com)  
**Cc:** Anne Morinelli; Lori Politis; Janet Craig; Huntt Worth  
**Subject:** Re: case # 502014CP002015XXXXSB

Exhibit  


Mr. Bernstein:

I will be cross-noticing my motions for hearing on the date that you choose. The motions need to be heard together because they are interrelated. If you want to notice a one hour hearing, that is your prerogative, but I will be letting the court know that I believe that time is insufficient for our purposes. It will be better if we reserve more time so that we both have ample opportunity to present our positions to the court. Let me know how you'd like to proceed.

We should not be arguing regarding scheduling issues. In my experience, the court does not appreciate when we reserve inadequate time and set motions piecemeal.

Sent from my iPhone.

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**From:** Eliot Ivan Bernstein [mailto:[iviewit@iviewit.tv](mailto:iviewit@iviewit.tv)]

**Sent:** Friday, January 23, 2015 12:13 PM

**To:** 'Steve Lessne'

**Cc:** agortz@proskauer.com; Alan B. Rose Esq. (arose@pm-law.com); 'arose@mrachek-law.com'; 'attorneys@matbrolaw.com'; 'bhenry@matbrolaw.com'; Brian M. O'Connell PA ~ Partner @ Ciklin Lubitz Martens & O'Connell (boconnell@ciklinlubitz.com); Byrd F. "Biff" Marshall Jr. ~ President & Managing Director @ Gray Robinson, PA (biff.marshall@gray-robinson.com); Charles D. Rubin ~ Managing Partner @ Gutter Chaves Josepher Rubin Forman Fleisher Miller PA (crubin@floridatax.com); Chris Stroup ~ Chairman of the Board of Directors and Chief Executive Officer @ Heritage Union Life / WiltonRe (cstroup@wiltonre.com); David Lanciotti ~ Executive Vice President and General Counsel @ LaSalle National Trust, NA / Chicago Title Land Trust Company (David.Lanciotti@ctt.com); 'ddustin@tescherspallina.com'; Dennis G. Bedley ~ Chairman of the Board, Director and Chief Executive Officer @ Legacy Bank of Florida (DBedley@LegacyBankFL.com); Dennis McNamara ~ Executive Vice President and General Counsel @ Oppenheimer & Co. Inc. (Dennis.mcnamara@opco.com); Donald R. Tescher ~ Attorney at Law @ Tescher & Spallina, P.A. (dtescher@tescherspallina.com); 'General Counsel at CBIZ MHM, LLC'; Gerald "Jerry" R. Lewin ~ Managing Director @ CBIZ MHM, LLC (jlewin@cbiz.com); Hunt Worth ~ President @ Oppenheimer Trust Company (Hunt.Worth@opco.com); James Dimon ~ Chairman of the Board and Chief Executive Officer @ JP Morgan Chase & CO. (Jamie.dimon@jpmchase.com); Janet Craig, CTFA ~ Senior Vice President & Compliance Officer @ Oppenheimer Trust Company (Janet.Craig@opco.com); Jill Iantoni; John J. Pankauski (courtfilings@pankauskilawfirm.com); John J. Pankauski (Michelle@Pankauskilawfirm.com); John P. Morrissey Esq. @ John P. Morrissey, P.A. (john@jpmorrisseylaw.com); 'john@pankauskilawfirm.com'; Joseph M Leccese ~ Chairman of the Firm @ Proskauer Rose LLP (jleccese@proskauer.com); Kimberly Moran ~ Legal Assistant / Notary Public @ Tescher & Spallina, P.A. (kmoran@tescherspallina.com); L. Louis Mrachek Esq. @ PAGE, MRACHEK, FITZGERALD, ROSE, KONOPKA, THOMAS & WEISS, P.A. (lmrachek@mrachek-law.com); Lindsay Baxley aka Lindsay Giles @ Life Insurance Concepts (lindsay@lifeinsuranceconcepts.com); Lisa S. Friedstein (Lisa@friedsteins.com); Mark R. Manceri, Esquere @ Mark R. Manceri, P.A. (mrmlaw@comcast.net); 'mrmlaw1@gmail.com'; Neil Wolfson ~ President & Chief Executive Officer @ Wilmington Trust Company (nwolfson@wilmingtontrust.com); Pamela Beth Simon (psimon@stpcorp.com); Peter Feaman (mkoskey@feamanlaw.com); Peter Feaman, Esq. ~ Attorney at Law @ Peter M. Feaman, P.A. (pfeaman@feamanlaw.com); 'pmatwiczyn@matbrolaw.com'; Ralph S. Janvey ~ Federal Court Appointed Receiver @ Stanford Financial Group (rjanvey@kjllp.com); Robert L. Spallina, Esq. ~ Attorney at Law @ Tescher & Spallina, P.A. (rspallina@tescherspallina.com); 'service@feamanlaw.com'; Steven A. Lessne ~ Shareholder @ GrayRobinson, P.A. (steven.lessne@gray-robinson.com); William M. Pearson (wpearsonlaw@bellsouth.net); William McCabe Esq. @ Oppenheimer

Exhibit  


Trust Company (William.McCabe@opco.com); Andrew Dietz @ Rock-It Cargo USA, Inc. (andyd@rockitcargo.com); CANDICE BERNSTEIN (tourcandy@gmail.com); Caroline Prochotska Rogers Esq. (caroline@cprogers.com); Eliot I. Bernstein (iviewit@iviewit.tv); Marc R. Garber Esq. (marcgarber@gmail.com); Marc R. Garber Esq. @ Flaster Greenberg P.C. (marc.garber@flastergreenberg.com); Marc R. Garber Esq. @ Flaster Greenberg P.C. (marcgarber@verizon.net); Michele M. Mulrooney ~ Partner @ Venable LLP (mmulrooney@Venable.com)

**Subject:** RE: case # 502014CP002815XXXXSB

Mr. Lessne, you were fine for my hearing date and time and wanted more time to add what appear to be 1 related motion and 2 unrelated motions. I am sure we have enough time to begin hearing the accounting objection and your objection to that, if not, we will continue. As to your non related motions I do not have time to hear those and they can certainly be heard at a later day. As to your motion to terminate the trusts because of the failure to have a successor trustee I am sure the judge will understand your refusal to turn over your records to me as the guardian of my children in order to be able to share with potential candidates for review before they commit to anything, especially with some of the more perverse and alleged fraudulent issues with the trusts you tendered to the Court. Thanks, Eliot

  
Exhibit