

We intend on proving today all of the following,

1. That Oppenheimer has operated trust accounts as alleged Trustee without having fully executed trust documents,
2. That Oppenheimer was directed by Robert Spallina and Donald Tescher to use the funds to pay bills of an LLC and other expenses, stating that the money for the LLC and children's trusts that were to fund the expenses was delayed due to a creditor issue and directed Oppenheimer to use the funds from these trusts and when funds ran low the trusts would be replenished by the monies transferring from the Estates and Trusts of Simon and Shirley.
 - a. That Spallina also shifted a Saint Andrews school contracted bill with Simon and the LLC bills Simon was paying, including all bills and expenses of Eliot's family to now be paid by Oppenheimer and shifted the liabilities from Simon to the children's school trusts,
 - b. Simon's estate should have paid for the contracted school that Simon paid personally and the bills and expenses of Eliot's family were to be paid by an Bernstein Family Realty LLC set up by Simon in Eliot's children's name to cover Eliot and his family's expenses and this was fed funds by another entity Bernstein Family Investments, LLLP, owned by the Shirley and Simon Bernstein trusts.
 - c. It should be noted that Spallina had no authority whatsoever to interact with the Trustee in any legal capacity.
3. That Oppenheimer acted illegally as Trustee of the trusts despite whether they were approved by the Court, in again questionable documents that have been turned over to authorities for alleged fraud and forgery.
4. Oppenheimer acted,
 - a. without fully executed trust documents, in some cases the alleged trust documents have no signature pages,
 - b. without initials signed on each page, which were drafted for minor children under the age of 10 on each page,
 - c. where alleged trustees of the documents now claim to have never been a part of the trust documents that they are alleged to be trustee for and each is an attorney at law,
 - d. where contradictory trustees exist in the documents whereby on one page the trustee is claimed to be one person and on the next page it is a different trustee.
5. Whereby knowing all this Oppenheimer did nothing about the document frauds and used funds knowingly inappropriately. How could Oppenheimer take over trusts whereby the documents are incomplete?
6. That Oppenheimer worked with Tescher and Spallina to mismanage the funds and they became fully informed of Tescher and Spallina's law firm's felony criminal acts and even retained them after knowing of the crimes and paid them from the children's trusts after learning that they had,
 - a. Forged of six persons signatures, including one for Simon post mortem and Eliot,
 - b. Fraudulently notarized six persons documents, including one for Simon post mortem and Eliot,

- c. Committed Fraud on the Court to close the Estate of Shirley using a deceased person, Simon's identity months after he died, to illegally close the Estate and causing the Estate to be reopened by this Court,
 - d. According to Spallina's admission to PBSO, he and his partner Tescher conspired to fraudulently alter a trust documents in Shirley's estate to change beneficiaries post mortem of Shirley by three years,
- 7. That when Oppenheimer ran the funds in the trusts to virtually \$0, they contacted Spallina and Tescher who were already under investigation and their notary public/legal assistant Kimberly Moran already under arrest and asked them in writing to replenish the funds from the Trusts as promised and they refused.
- 8. That Oppenheimer led Eliot and Candice to believe that they were going to pursue legal actions on behalf the children against Spallina and Tescher et al. to recover the monies and instead moved to abandon the trusts and the LLC they were alleged fiduciaries for and retained counsel for themselves and left the trusts abandoned with no cash assets, no counsel and no ability to retain a successor trustee.
- 9. That after retaining counsel, Eliot and Candice contacted the lawyer, Counter Defendant Steven Lessne, from Counter Defendant Grey Robinson and where Lessne recently transferred to Gunster Yoakley taking with him the Oppenheimer account. Initially me and my wife Candice spoke with Lessne at length about the strategies of suing Oppenheimer for their breaches of fiduciary duties, suing Spallina and Tescher to get the funds backs, reporting the misconduct of operating on unexecuted trust documents and the fraud Eliot and Candice were alleging against the trustee Oppenheimer. After discussing all their strategies with Lessne he then suggested instead that Eliot and Candice allow Oppenheimer to abandon the trusts and LLC and have them become successor and allow Oppenheimer to get out without reporting anything to the Courts or authorities and leaving it up to the next trustee.
- 10. That after divulging their strategies to Lessne and getting such a strange response, Eliot asked who was paying Lessne's bill if the funds were exhausted as claimed and at first he claimed he thought the trusts were and then he claimed that he was not really acting on behalf of the children but rather was retained and paid for by Oppenheimer to represent Oppenheimer as Trustee and not really the children.
- 11. That Oppenheimer then resigned as Trustee amidst all the allegations of fraud and forgery both in the Estates and Trusts of Simon and Shirley Bernstein who opened these trust accounts while living for six of ten of their grandchildren and in the children's trust accounts for separate alleged felony misconduct and so moved to abandon the trusts and resign without contacting the authorities or seeking the Court's approval to resign as Trustee under the circumstances.
- 12. That no documents exist for the multiple transfers of the trusts and trustees and no statutory accountings were done or notice of transfers to the beneficiaries.
- 13. That Eliot and Candice seek to show the Court that these fraudulent and legally deficient documents are part of a larger fraud to rob Eliot and his family of their personal properties and interfere with their inheritances and that the trusts used to not even match with the accounts used to withdraw funds under and that missing trusts and accounts remain unaccounted for.

ACCOUNTING OBJECTIONS

14. That before accounting objections to line items are made, it must be established if Oppenheimer was properly made trustee of legal trusts or if Oppenheimer used funds illegally using bogus documents that have been reported to the proper authorities as Fraudulent and Forged, yes, more Fraudulent and forged documents, this time not for deceased persons but for minor children, to rob them of trust funds for their future in a complex fraud that could be termed financial pedophilia.
15. That if Oppenheimer accessed the funds illegally, despite whether they allege the Court rubber stamped them to act as fiduciaries, on unexecuted and fraudulent documents, then the accounting would wholly be part of the fraud and would have to be reported to the proper authorities by this Court and audited.
16. That no accountings of documents and financial accountings have been provided to the beneficiaries for the period of 2006-2010 despite repeated requests and despite multiple transfers of trusteeship.
17. Oppenheimer's accounting starts only with alleged balances and no supporting evidence to how the numbers were generated in the first place.
18. No tax returns were submitted with the accountings for each of the trusts and repeated requests have been denied and new production documents only start after Opp takes trusteeship.
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