**IN THE UNITED STATES DISTRICT COURT**

**FOR THE NORTHERN DISTRICT OF ILLINOIS**

**EASTERN DIVISION**

SIMON BERNSTEIN IRREVOCABLE )

INSURANCE TRUST DTD 6/21/95, )

)

Plaintiff, ) **Case No. 13 cv 3643**

) **Honorable John Robert Blakey**

v. ) **Magistrate Mary M. Rowland**

)

HERITAGE UNION LIFE INSURANCE )

COMPANY, )

)

Defendant, )

)

HERITAGE UNION LIFE INSURANCE )

COMPANY )

)

Counter-Plaintiff ) **Urgent Emergency Omnibus Motion**

v. )

) **Filers:**

SIMON BERNSTEIN IRREVOCABLE )

INSURANCE TRUST DTD 6/21/95 ) Eliot Ivan Bernstein, Third-Party Defendant

) and Counter-Plaintiff.

Counter-Defendant )

)

and, )

)

FIRST ARLINGTON NATIONAL BANK )

as Trustee of S.B. Lexington, Inc. Employee )

Death Benefit Trust, UNITED BANK OF )

ILLINOIS, BANK OF AMERICA, )

Successor in interest to LaSalle National )

Trust, N.A., SIMON BERNSTEIN TRUST, )

N.A., TED BERNSTEIN, individually and )

as purported Trustee of the Simon Bernstein )

Irrevocable Insurance Trust Dtd 6/21/95, )

and ELIOT BERNSTEIN, )

)

Third-Party Defendants. \_ )

)

ELIOT IVAN BERNSTEIN, )

)

Cross-Plaintiff )

)

v. )

)

TED BERNSTEIN, individually and )

as alleged Trustee of the Simon Bernstein )

Irrevocable Insurance Trust Dtd, 6/21/95 )

)

Cross-Defendant )

and, )

)

PAMELA B. SIMON, DAVID B.SIMON, )

both Professionally and Personally )

ADAM SIMON, both Professionally and )

Personally, THE SIMON LAW FIRM, )

TESCHER & SPALLINA, P.A., )

DONALD TESCHER, both Professionally )

and Personally, ROBERT SPALLINA, )

both Professionally and Personally, )

LISA FRIEDSTEIN, JILL IANTONI )

S.B. LEXINGTON, INC. EMPLOYEE )

DEATH BENEFIT TRUST, S.T.P. )

ENTERPRISES, INC. S.B. LEXINGTON, )

INC., NATIONAL SERVICE )

ASSOCIATION (OF FLORIDA), )

NATIONAL SERVICE ASSOCIATION )

(OF ILLINOIS) AND JOHN AND JANE )

DOES )

)

Third-Party Defendants. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ )

)

BRIAN M. O’CONNELL, as Personal )

Representative of the Estate of )

Simon L. Bernstein, )

)

Intervenor. )

**URGENT EMERGENCY OMNIBUS MOTION FOR:**

**FEDERAL PROTECTION FROM LIFE-THREATENING DANGER TO ELIOT AND HIS FAMILY VIA DENIAL OF DUE PROCESS**

**AND PROCEDURE THAT IS OBSTRUCTING JUSTICE;**

**DESIGNATION OF STATUS AS WHISTLEBLOWER AND AFFORD ALL STATE AND FEDERAL WHISTLEBLOWER PROTECTIONS;**

**STAY OF ALL PROCEEDINGS IN THE FLORIDA PROBATE COURT AND TRANSFER OF ALL FLORIDA PROBATE MATTERS TO THIS COURT;**

**APPOINTMENT OF PROTECTED COUNSEL;**

**PROVIDE IMMEDIATE EMERGENCY DISTRIBUTIONS OF AT MINIMUM $200,000.00 FOR ELIOT AND HIS MINOR CHILDREN;**

**FREEZING AND TRANSFER OF ALL PROBATE ASSETS TO THIS COURT;**

**RE-OPENING OF RICO MATTER DUE TO NEW PREDICATE ACTS;**

**APPOINTMENT OF FEDERAL PROSECUTOR, MONITOR AND INVESTIGATOR TO INVESTIGATE FRAUD ON AND IN THE FLORIDA PROBATE COURT; AND EXTENSION OF TIME FOR ALL COURT MATTERS INCLUDING EXTENDED TIME TO TAKE DEPOSITION OF DONALD SANDERS OR PROVIDE INTERROGATORIES.**

That Eliot Ivan Bernstein (“Eliot”), a Third Party Defendant files this Urgent Emergency Omnibus Motion and states under information and belief as follows:

**FEDERAL PROTECTION FROM LIFE-THREATENING DANGER TO ELIOT AND HIS FAMILY VIA DENIAL OF DUE PROCESS AND PROCEDURE THAT IS OBSTRUCTING JUSTICE**

1. **E**liot has recently come under life threatening danger, threats and severe duress and seeks this Court’s urgent protection. This danger is evidenced by the all the following:
   1. Massive fraud, legal and court escalation of retaliation and denial of due process and procedure against Eliot that obstructs justice, intentionally and with scienter, to interfere with expectancies/inheritance for Eliot and his minor children, due to his exposing and having reporting to prosecutors and criminal authorities Attorneys at Law involved directly in the Florida Probate Court who were caught committing felony criminal acts, including but not limited to, proven Fraudulent Alteration and Notarization of Court documents and Dispositive documents, Admitted Forgery of documents including for decedents Post Mortem, Numerous Past and Ongoing Frauds on the Court (including Attorneys at Law positing with the Court Post Mortem Fraudulent documents for both Simon and Shirley Bernstein), multiple Frauds committed against Beneficiaries of his parents estates and trusts, alleged Insurance Fraud, Fraud on a Federal Court (this Court), Mail and Wire Fraud, Theft, Conversion, Extortion and more.
   2. Eliot’s exposure of and objections to the court corruption and his filings with criminal authorities for acts committed by Attorney at Law, Officers and Fiduciaries of the probate courts of Judge Martin Colin, Esq. (“Colin”) and Judge David E. French, Esq. (“French”)[[1]](#footnote-1), aided and abetted by the Florida Probate court and perpetrated using the Florida probate court to enable these highly sophisticated crimes under the guise of probate proceedings has brought about further harms and damages to Eliot and his family by the very courts that should be upholding his rights and protecting him, especially after he cleaned house for the judges by exposing the bad faith acts of Florida Attorneys at Law practicing before their courts where the Officers of the courts and Fiduciaries appointed by the courts were acting in concert to Fraud the Court and commit a variety of crimes against the Beneficiaries. It is apparent as will be further evidenced herein that the probate courts are directly involved in the crimes and the cover up of the crimes.
   3. Eliot’s joining together with Attorney at Law Whistleblowers, Christine C. Anderson, Esq., Barbara Stone, Esq. and others who are in life threatening danger and being viciously retaliated against by the lawyers, judges, prosecutors and the Bar Associations that they are blowing the whistle on who are acting in various combinations of racketeering type schemes and using the their legal degrees to commit crimes and cover them up with virtually no fear of retribution as the cover up is at the highest levels of the failed self-policing Attorney at Law Disciplinary Departments, State Bars and Judicial Conduct Commissions.
2. The self-policing Bar Associations and Judicial Commissions instead of protecting those exposing their rogue members and investigating the complaints filed by their members and other victims and reporting the bad actors to criminal authorities are instead retaliating against the victims and the whistleblower members who are duty bound under the Rules of Professional Conduct to report the misconduct of judges and attorneys. Retaliation against the Whistleblower members include extortionary threats of disbarment used in efforts to force these brave and heroic whistleblowers from pursuing their acts to expose the bad actors and further the State Bar Associations and Judicial Conduct Commissions are denying due process and procedure of the Whistleblowers by disbarring them and preventing and dismantling their efforts to protect their clients, themselves, their families and the public at large from the dangers of the rogue Attorneys at Law, Judges and Prosecutors they are exposing.
3. The danger to Eliot is further evidenced by Eliot and his wife Candice’s receipt of a phone call at 4am. on April 11, 2015 by his children’s counsel Candice Schwager, Esq. of Texas, informing him and others that their lives and those of their families were in imminent danger for their whistleblowing efforts against Judicial and Attorney at Law corruption and to instantly seek federal and state protections. This phone call and the following actions with state and federal authorities already involved in Eliot’s life is documented below:

**From:** Eliot Ivan Bernstein [<mailto:iviewit@iviewit.tv> ]   
**Sent:** Monday, April 13, 2015 7:07 AM  
**To:** Michael Horowitz ~ Partner @ Cadwalader, Wickersham & Taft LLP ([michael.horowitz@cwt.com](mailto:michael.horowitz@cwt.com) ); 'The Honorable Glenn Alan Fine, Inspector General ~ Department of Justice'  
**Cc:** 'Barbara Stone ([bstone575@gmail.com](mailto:bstone575@gmail.com) )'; 'JoAnne M. Denison Esq. @ Denison & Associates, PC ([jdenison@surfree.com](mailto:jdenison@surfree.com) )'; Candice Schwager @ Schwager Law Firm ([candiceschwager@icloud.com](mailto:candiceschwager@icloud.com) ); 'Andrew Dietz @ Rock-It Cargo USA, Inc. ([andyd@rockitcargo.com](mailto:andyd@rockitcargo.com) )'; 'CANDICE BERNSTEIN ([tourcandy@gmail.com](mailto:tourcandy@gmail.com) )'; 'Caroline Prochotska Rogers Esq. ([caroline@cprogers.com](mailto:caroline@cprogers.com) )'; 'Eliot I. Bernstein ([iviewit@iviewit.tv](mailto:iviewit@iviewit.tv) )'; 'Marc R. Garber Esq. ([marcrgarber@gmail.com](mailto:marcrgarber@gmail.com) )'; 'Marc R. Garber Esq. @ Flaster Greenberg P.C. ([marc.garber@flastergreenberg.com](mailto:marc.garber@flastergreenberg.com)) '; 'Michele M. Mulrooney ~ Partner @ Venable LLP ([mmulrooney@Venable.com](mailto:mmulrooney@Venable.com) )'  
**Subject:** Eliot Bernstein. FW: We have been warned by counsel that we are in danger and need of Federal protection

Dear Inspector General Horowitz, please add this email to my ongoing case file with DOJ OIG.  As this involves further potential dangers to my family, where it has been alleged my father was murdered and a Coroner’s report reveals several elevated heavy metals, I take this warning very seriously, especially where I have uncovered and proven fraud and forgeries of deceased parties to gain Dominion and Control of my deceased father’s estate, the crimes committed by Attorneys at Law.  I have been trying to contact the FBI for several months to report several very serious crimes that require federal investigations and have supposedly contacted the FBI who refused to give me names of the people that were supposed to be doing the intake and have not heard back from them at all.  I have tried to contact your offices and similarly I was unable to confirm anyone’s name that I was speaking to and if in fact you had gotten my messages.  Please feel free to contact me at my numbers below. Eliot

Eliot I. Bernstein

Inventor

**From:** Eliot Bernstein [<mailto:iviewit5@gmail.com>]   
**Sent:** Monday, April 13, 2015 6:57 AM  
**To:** 'Detective Andrew Panzer @ Palm Beach County Sheriff ([PanzerA@pbso.org](mailto:PanzerA@pbso.org))'  
**Subject:** Eliot Bernstein. FW: We have been warned by counsel that we are in danger and need of Federal protection

Dear Detective Panzer, please add this to the ongoing investigation of my family estate and trust matters.  Barbara Stone is a Florida Attorney who is exposing Judicial Corruption.  I got a call at 4am from attorney Candice Schwager who informed me and Candice my wife that our lives and those of our children were in imminent danger for our Whistleblowing efforts.  This warning came from a licensed attorney.  Paul Wright is at the FBI according to Barbara.  I was told to contact state and federal authorities for protection. Eliot

**From:** barbara stone [<mailto:bstone575@gmail.com>]   
**Sent:** Sunday, April 12, 2015 7:36 PM  
**To:** Paul Wright  
**Cc:** Eliot Bernstein; Candice Schwager, Esq.; JoAnne M Denison, Esq.  
**Subject:** We have been warned by counsel that we are in danger and need of Federal protection

My attorney, Candice Schwager who is also the attorney for Eliot Bernstein contacted both of us on or about  4:00 am EST on Saturday and advised us to contact Federal authorities for protection.

She warned me and Eliot Bernstein that we and our families are in danger and in need of immediate Federal protection due to our efforts to expose judicial corruption.

Ms Schwager is a licensed attorney in the state of Texas and can be reached at 832.315.8489

I can be reached at 305 494 2463 and Mr. Bernstein can be reached at 561 245.8588.

Barbara Stone

on behalf of myself and my mother and on behalf of Eliot Bernstein and his family.

1. That this wakeup call warning of imminent danger and to get the children protected by a licensed Attorney at Law has left Eliot and his wife Candice panicked and frantic for the last two weeks trying to get help and keep an eye on the children and left them hardly able to keep up with the sudden increased legal hearings and pleadings calculated to heighten the pressure on them intentionally in the six legal cases involving the Estates and Trusts of Eliot’s deceased parents, Simon and Shirley, with many of the legal actions requiring strict deadlines, scheduled hearings of Eliot’s changed and moved up a month by Judge Colin on his own initiative to only days away with demands that Eliot be present or else lose his rights, in a complicated accounting proceeding, where thousands of pages of documents were dumped on him without giving him the opportunity to review before the hearing.
2. That the Court will take note that a bomb was placed in Eliot’s car (see Graphic images of car bombing @ [www.iviewit.tv](http://www.iviewit.tv)) that blew up three cars next to it as well and where everyday of Eliot and Candice’s life that these matters are not investigated instantly and properly with fair and impartial due process, place them in danger every time they start their vehicle to take the children to school in the morning. This car bombing alleged to have taken place over his claims that Attorneys at Law stole his patents worth an estimated billions to trillions (currently over 90% of internet traffic uses the technologies as they are backbone imaging and video technologies), and were using the Court system and other Government agencies, including the US Patent Office, to enable highly sophisticated legal crimes to be committed and then when caught to cover up the crimes by interfering with Eliot’s due process rights by obstructing Justice inside government agencies and when caught tried to murder him.
3. Eliot has had repeated death threats reported to state and federal authorities for his whistleblowing efforts against the highest ranking members of the Bar Associations, Judges, Prosecutors and Attorneys at Law for over a decade.

**DESIGNATION OF STATUS AS WHISTLEBLOWER AND AFFORD ALL STATE AND FEDERAL WHISTLEBLOWER PROTECTIONS**

1. That while Eliot is not an Attorney at Law, nor a Member of any Bar Association, his efforts to expose the corruption of the Members of three state Bar Associations have led to Orders ( see URL @

<http://iviewit.tv/CompanyDocs/2004%2006%2017%20Cahill%20Motion%20to%20move%20complaints%20krane%20rubenstein.pdf> ) from the New York Appellate Division of the Supreme Court, First Judicial Departmental Disciplinary Committe.for investigation of three of its members, including former deceased President of the New York State Bar at the time, Steven C. Krane, Esq. of Proskauer Rose (who died suddenly after the investigations were ordered), Kenneth Rubenstein, Esq. of Proskauer Rose and sole patent evaluator for MPEGLA, LLC (who Eliot claims is the largest infringer of his Intellectual Properties) and Thomas Cahill, Esq., the former Chief Counsel for the First Judicial Departmental Disciplinary Committee (who Whistleblower Anderson sued and immediately after losing her trial against him Judge Scheindlin came into the Court after the jury had left and entered into the record that she had just learned that Cahill and others had perjured their testimony in the trial and thus poisoned the jury decision and where Cahill resigned early amidst the Anderson case and the legally related Iviewit RICO). The Iviewit RICO[[2]](#footnote-2) is legally related to Anderson and other actions that allege Attorney at Law corruption.

1. The New York Appellate Division of the Supreme Court, First Judicial Departmental Disciplinary Committee was Ordered to be investigated by the New York Appellate Division of the Supreme Court, Second Judicial Departmental Disciplinary Committee. The reason those ordered investigations were never completed was because new allegations of conflict were levied against the New York Appellate Division of the Supreme Court, Second Judicial Departmental Disciplinary Committee.
2. Eliot therefore should be considered a Whistleblower as he is instrumental in bringing about law enforcement to investigate the corruption in the legal system and because his RICO case in New York is legally related to New York Appellate Division of the Supreme Court, First Judicial Departmental Disciplinary Committee Attorney at Law Christine C. Anderson whistleblowing lawsuit against State Actors and Disciplinary Departments. So too, the retaliation against Eliot involved in denying due process to Eliot’s RICO and his bar and disciplinary complaints is substantially the same as the retaliation suffered by attorney at law members of the Bar for their Whistleblower efforts.
3. Due to Eliot’s efforts as Whistleblower he has come under repeated life threatening retaliations by Attorneys at Law over the last decade who desire to cover up the crimes through continued misuse of the Courts and Justice system by denying him due process to intentionally obstruct his efforts to get fair and impartial treatment under law and essentially obstructing any/every effort Eliot makes to seek relief, state or federally, in efforts to try and silence Eliot and his family.
4. That immediately after the recent warnings by Candice Schwager, Esq. that Eliot and his family and Attorney Barbara Stone, Esq. were in imminent danger of their lives, exhibited already herein, the Bar Association in the respective states recommended disbarment of two of the attorneys involved with Eliot and helping him, Joanne Denison, Esq. (IL)[[3]](#footnote-3) and Barbara Stone, Esq. (FL)[[4]](#footnote-4) in what appears retaliation by the Bar Associations against them for blowing the whistle on massive corruption schemes being operated under the color of law by certain Judges and Attorneys in their states who they blew the whistle on. These Attorneys are duty bound to report the misconduct of other members by their respective Bars’ Rules of Professional Conduct in the first place. By following The Rules of Professional Conduct that they take oath to uphold, they are compelled to report any misconduct of other Attorneys and Judges they are aware of and they are rewarded with retaliation by the very institution charged with investigating the corruption they expose and their law licenses and thus their livelihoods held by the Bar Associations are used with threats and actions to disbar them, which is like being blacklisted from the profession, a typical mob styled racketeering extortion scheme of Union members.
5. Like the retaliation from Whistleblowing on the corrupt courts, Eliot is also subject to further retaliation because he is pursuing thousands of corporations worldwide who have benefited from the stolen his technologies and blocked him from market through anticompetitive monopolistic patent pooling schemes conducted by MPEGLA, LLC. and other similar schemes. Many of these companies such as YouTube and Facebook are wholly dependent on Eliot’s SUSPENDED Intellectual Properties and these companies are directly tied to the alleged perpetrators of the IP crimes in many instances (Intel, SGI, Lockheed, Warner Bros., AOL, AT&T, Sony and more, introduced to Eliot by Proskauer Rose, a large law firm that Eliot is suing as the initial conspirator and where these corporation also have incentive to see Eliot and his family and other shareholders and patent interest holders dead (including his father) versus successful in Court where they could lose everything if Eliot succeeds.
6. That Eliot has alleged that further retaliation comes from the recent Estate and Probate crimes being committed, which are again done primarily by lawyers and judges in conspiracy against his rights and designed to deny him his inheritances and where the crimes now include the alleged murder of Simon (alleged by Ted the day his father died.)
7. That Eliot alleges that the theft of the insurance policy that is the subject of the lawsuit before this Court is yet further retaliation to deny him expectancies, where Eliot was initially NOT told of this lawsuit and was not made party to the original complaint is another effort to steal the estate property and deny him inheritances through fraud committed by Attorneys at Law and Ted, designed to steal millions of dollars of monies for Eliot’s family to further disable any chance of Eliot getting monies which could be used to get counsel to defend his family’s inheritance (he has not received a dollar from the Estates and Trusts in over two years due to frauds committed) and where the inheritance could also be used to pursue his and others Intellectual Property rights.
8. Eliot and his family were wholly dependent on their inheritances for income as Simon had set up elaborate estate plans for Eliot’s family to continue to receive monthly income that Simon and Shirley Bernstein had set up and begun many years before their deaths to protect Eliot and his family due to the dangerous situation their lives became entangled in, which prevented Eliot from gaining employment and these funds paid for all basic living and household expenses for the home that Eliot’s children own, private school tuitions for the children and all of their other expenses and needs, including but not limited to, Food, Clothing, Entertainment, etc.
9. That Simon had set up continuation of these payments to occur long into the future upon his death through his Estate plans and took many precautions to make sure Eliot and his family would have no problems once he died with income to survive many years and through all the children’s college educations. That the hijacking and theft of these funds via the crimes in the probate court are fully intended to cause grave harm and damage to Eliot to keep him from pursuing his whistleblowing efforts.
10. That Eliot must now protect his family without help from authorities who have been virtually silent for years on ongoing investigations and silent since being noticed regarding the recent threat of imminent danger to his family made by a licensed Attorney at Law, Schwager, and where Eliot alleges this delay may also be intentional and created by lawyers who are in prosecutorial roles and controlled by the law firms that are against Eliot, in direct efforts to deny Eliot and his family state and federal protections.
11. However, it appears that wherever attorneys at law in whatever role they play (private attorneys, Prosecutors, Judges, etc.) become involved in Eliot’s life there is no relief and in fact further retaliations and denials of due process and procedure to Obstruct any chance at Justice.

**STAY OF ALL PROCEEDINGS IN THE FLORIDA PROBATE COURT AND TRANSFER OF ALL FLORIDA PROBATE MATTERS TO THIS COURT**

1. BARBARA TO WRITE AND ESTABLISH THAT FEDERAL COURT SHOULD TAKE STATE COURT CASES BECAUSE ELIOT’S DUE PROCESS AND PROCEDURE AND RIGHTS TO LIFE LIBERTY AND PURSUIT HAPPINESS AND ANY OTHER CONSTITUTIONAL RIGHTS ARE BEING OBSTRUCTED BY FLORIDA COURT, FLORIDA BAR, FLORIDA SUPREME COURT (SUING ALL JUDGES - SEE RICO AND NAME THEM AND CHIEF JUDGE AND PROSECUTORIAL AGENCIES WHO ARE IN CONFLICT AND ADVERSITY TO ELIOT AS HE IS SUING STATE BAR AND CHIEF JUDGE.
2. That due to Eliot’s exposing these Members of three State Bars and judges, he is being legally abused by misuse of the Florida Probate courts and aided and abetted by the courts acting as accomplice and facilitator to ongoing crimes against him in Florida and this Court, all again done by Attorneys at Law and all to deprive him of his properties by disabling his rights, including his right to counsel (as everyone of over 100 lawyers contacted to help him have declined, most expressing fear of retribution by their bar associations or stating it was too complicated to sue attorneys) and after the Candice Schwager, Esq. warning call she had to decline further representation to Eliot’s minor children as she too is fearful and suffering from the legal process abuse being directed at her for efforts to expose the corruption.
3. Eliot, his wife Candice and their minor children are all afraid for their lives and in need of immediate protections. All Court proceedings in all Florida court cases should be immediately stayed by this Court while they are transferred to this Court to prevent further misadjudication, fraud through the court and further criminal activities from occurring.
4. Eliot also seeks this Court to federally intervene in all prosecutorial and criminal investigations due to the influence on these agencies by Members of the Florida Bar and Florida Supreme Court who Eliot is suing and provide conflict free investigation and prosecution.
5. Florida courts and prosecutors seem to be deaf to the multitude of crimes reported and docketed with them involving the Estate and Trust crimes, including the alleged Murder of Simon (which is docketed with the Palm Beach Sheriff as a hospital maintenance record check, as indicated in the Sheriff Reports exhibited herein), including the recent threats of imminent danger made by a licensed attorney at law, stolen assets, fraud on the court, extortion of Eliot and more.

***FLORIDA PROBATE COURT DENIALS OF DUE PROCESS THAT OBSTRUCT JUSTICE AND HARM AND CAUSE GRAVE DAMAGE TO ELIOT AND HIS FAMILY***

1. That Eliot has not received fair and impartial due process in the Florida Probate courts due to his relentless pursuit of the criminal acts that have occurred in the courts of Judge Martin Colin and Judge David French, Eliot has instead been subjected to a series of further injustices in the courts that appear designed to withhold his inheritances entirely from him through calculated abuse of process delays, while the assets are stolen, hidden and depleted through a stream of lawyers and fiduciaries who have committed crimes and billed the Estates and Trusts for their crimes and their cover up of them, all aided and abetted by the court.
2. First, Judge Colin and French should have upon learning of Fraud In and On their courts committed by Attorneys at Law acting as Officers of their courts and Fiduciaries appointed by them, immediately disqualified themselves from the proceedings and allowed new non conflicted judges to adjudicate the matters, as how can a judge investigate the crimes of his court and his court appointed lawyers and fiduciaries fair and impartially when the appearance of impropriety is overwhelming as they may either be directly involved in the crimes that took place or have incentive to cover them up so as not to have such heinous crimes exposed and taint their reputations.
3. Then the cases were improperly merged into Judge Colin’s court without proper hearings before each judge to determine if they could be transferred as required by Statute. Instead, Judge Colin had a hearing and determined it was OK to transfer them to him and Judge French’s hearing was set on a day the court was closed (the day before Christmas) where only Candice and Eliot appeared to the empty and locked courthouse. Then at the rescheduled hearing before Judge French, Judge Colin appeared in his stead and stated that he could hear Judge French’s matters, as it was common, despite Eliot’s protest that it was not. Judge Colin therefore singlehandedly transferred the case to himself.
4. That acting in conflict Judge Colin choose instead to immediately continue the proceedings without securing the evidence at the crime scene which was his and Judge French’s courts courts and instead did nothing to secure the courts files and records to preserve valuable evidence.
5. Judge Colin then failed to secure all the records from the lawyers and fiduciaries involved in the crimes and secure and protect the assets for the beneficiaries (including at the time 6 minor children) and instead allowed the attorneys at law to continue filing pleading after pleading for months, even after Judge Colin stated in the initial hearing that he enough evidence at that time to read Miranda Warnings twice for different crimes discovered to the fiduciaries, Spallina and Ted and their counsel[[5]](#footnote-5).
6. That in that hearing on September 13, 2013 Judge Colin discovered that not only had documents been improperly notarized and posited with his court but also that an elaborate plan to close the Estate of Simon’s wife Shirley took place that used Simon for four months after he was dead as the Personal Representative/Executor to close her estate and this is alleged to have been done to attempt to then switch Shirley’s beneficiaries of an irrevocable trust but they needed Simon to be alive when Shirley’s Estate was closed to then say he made the changes after using some Power of Appointment from an alleged Trust he was to have signed allegedly approximately 48 days prior to his death.
7. Judge Colin however having the information that crimes were committed allowed the fiduciaries and their counsel to continue in the proceedings providing them cover for months instead of reporting them to the proper criminal and ethical authorities, instead leaving Eliot to do all the reporting to criminal authorities and filing of pleadings to remove them as Pro Se litigant despite the fact that his court was the scene of the crime and his court appointed Officers and court appointed fiduciaries were the criminals and it was his duty to take corrective actions, the first disqualifying himself from the proceedings.
8. Instead of freezing the assets and staying the proceedings while he called in investigators, Judge Colin continued to proceed in hearings and used dispositive documents that were challenged by Eliot in his initial pleading and then proven executed improperly and later proven fraudulently notarized and forged and still to this day continues to use the documents prior to having validity hearings and ordering all documents to be forensically analyzed.
9. Judge Colon has since that time, despite learning of more and more crimes committed by the Officers of his Court has done nothing to either report or regulate the Officers of his Court involved and done NOTHING to protect the beneficiaries, including minor children and has repeatedly allowed these attorneys at law involved with the criminal acts and perpetrators to continue to act as Officers of his Court and to continue to abuse Eliot and has further allowed them to operate and take new clients before that Court.
10. That Judge Colin has forced Eliot to file repeated filings to remove the fiduciaries instead of removing them on his own initiative due to obvious violations of law and ethics and each time Eliot gets to a hearing he derails the hearings for some technical pleading reason and months go by before new hearings are scheduled and new technicalities are used in Eliot’s Pro Se pleadings to further stymie and delay the removal and we are now in the second year of this cat and mouse nonsense that allows more and more crimes to be committed against the beneficiaries, creditors and interested parties.
11. Judge Colin has further looked the other way on assets that were sold and disbursements made to improper parties and has done nothing to recover the assets until the true and proper beneficiaries can be determined.
12. Judge Colin has further not secured counsel for minor beneficiaries in need of counsel
13. That Eliot on 4/23/2015 at 9:45am was not present in this Federal Court before Your Honor for the Emergency Motion to Extend Time for Ted Bernstein’s Deposition due to the fact that he did not get Notice sent to him of the hearing until 7:45pm on 4/21/2015 and did not review the Notice until 4/23/2015 due to his preparation with his wife for two straight days with virtually no sleep for the following hearings (some of the Motions for hearing were filed only days before) on 4/23/2015 at 10am -12pm in Judge Colin’s court;
    1. MOVANT'S, TED S. BERNSTEIN, AS SUCCESSOR TRUSTEE OF THE SHIRLEY BERNSTEIN TRUST, MOTION TO HOLD ELIOT BERNSTEIN IN CONTEMPT OF COURT AND FOR SANCTIONS
    2. MOTION TO STOP SALE OF 7020 LIONS HEAD LANE PROPERTY
    3. SUPPLEMENT TO MOTION TO APPROVE SALE OF TRUST PROPERTY RE: CLOSING AND TITLE ISSUES FOR SHIRLEY'S HOMESTEAD
    4. TRUSTEE'S MOTION TO DISMISS ELIOT BERNSTEIN'S PETITION TO REMOVE TED S. BERNSTEIN AS SUCCESSOR TRUSTEE OF THE SHIRLEY BERNSTEIN TRUST, MOTION TO STRIKE AND MOTION TO STAY PROCEEDINGS
14. That one of the Sanctions sought in the Contempt Hearing against him in the pleading filed by Attorney Alan Rose, Esq. who was retained by Ted and the law firm Tescher & Spallina, Esq. when Tescher and Spallina were the Co-Trustees and Co-Personal Representatives of Simon’s Estate and Trusts prior to their resignation after admitting fraudulently altering a Shirley Trust document and more, “ordering Eliot immediately to remove all posting on the Ted Bernstein report and <http://tedbernsteinreport.blogspot.com> relating to the sale of House, **using the coercive powers of this Court including incarceration if needed** to compel compliance; in effect asking the Court to Extort the author of blogs relating to the Corruption in the cases before Colin and French, Crystal Cox by using Eliot as leverage, in typical mob fashion extortion. Cox only attempting to expose the corruption of the Florida Probate Court and Officers of that Court.
15. For another example of these sudden and unexpected needs for Emergency hearings, with no notice to Beneficiaries it was discovered on March 21, 2015 that a large asset of the decedents, a home valued at $3.4 Million Dollars two weeks before Simon Bernstein’s death on Sept. 13, 2012 was secretly being sold by Ted Bernstein for $1.1 Million Dollars in five days. Eliot found out from a Zillow Alert the property was under contract for sale, not from the Fiduciary Ted. The sale was not disclosed to beneficiaries and a sale contract was already entered into weeks earlier and this while Judge Martin Colin who ordered that all pleadings be approved by him first had been given a Lis Penden Eliot wanted to file for the property in October 2014 and took it under consideration and had not yet permitted the filing.
16. A motion to stop the sale was filed by Eliot, the Lis Penden was filed and Court hearings were scheduled on an urgent basis and additionally a second motion for contempt against Eliot (where both were denied upon hearing) was filed and these crises matters took precedence over the many other legal matters that were ongoing simultaneously and as Eliot stated to this Court already he and his wife are not a law firm and do not have any counsel helping them. The sale of the home was stopped and lucky for everyone, as the title company now wants additional information regarding the estate documents before consenting to the transaction and this has held the sale up.
17. That in a subsequent hearing on April 23, 2015 in a Petition filed by Eliot to remove Ted Bernstein as alleged Trustee of Shirley Bernstein’s Trust, Ted filed four add on motions to be heard regarding the home in Eliot’s hearing time without proper notice and agreement by Eliot, including a contempt motion that Judge Colin entertained that day for ½ of the two hours allotted to Eliot for his matters. Unconscionably, Judge Colin held a contempt hearing against Eliot who discovered and proved Frauds on his Court by Ted’s former counsel and now Ted’s new counsel Alan B. Rose, Esq. who was retained by and worked closely with Tescher and Spallina immediately after Simon died. Judge Colin allowed a motion for contempt against Eliot filed by the fiduciary Ted and his counsel, Rose in retaliation for Eliot’s efforts to stop the improper fire sale of the home and divert and diffuse the issues at hand. Judge Colin has a Pattern and Practice of abetting this type of vexatious filing against Eliot by parties directly related to those that committed the Fraud on his Court and Beneficiaries, instead of denying the contempt motion and others sua sponte and sanctioning the filing parties for their frivolous, vexatious and staged litigations designed to defame and slander Eliot on the record.
18. Where Judge Colin should have held contempt hearings for Ted and Rose’s attempt to dispose of a home with a pending Lis Penden before the Court that he was aware of and failed to seek the court or beneficiaries approval of the sale or give notice of the sale at all and where it was admitted in sworn oath testimony at the hearing that they (Ted, Rose and John Poletto the Realtor) did not disclose the Lis Penden pending or ongoing litigation involving the home with the buyer either.
19. Further, inside the home were the Personal Properties of Simon and Shirley Bernstein which were under the custody of the new Executor of the Estate of Simon, Brian O’Connell, who replaced Ted’s former counsel when they resigned after admitting to fraudulently altering a Shirley Trust document to inure benefit to Ted (their client, business associate and friend) who was disinherited from the Estates and Trusts with his lineal descendants. The items were ordered to be re-inventoried by the Court because Ted had sold a condominium, again without notice to beneficiaries and the Court found that the Personal Properties were moved by Ted allegedly and he claimed they were moved and stored at the Primary residence of the decedent and where Ted had no authority to move the properties.
20. That upon being informed of the sale, the Executor of the Estate O’Connell filed for an immediate Order to Inspect and Take Possession of the Personal Properties since he was not noticed of the sale of the home and the Personal Property being either sold or moved.
21. The Order to Take Possession was granted for immediate inspection on March 26, 2015 (the original Order was granted in June 2014) and the inspection was done the following week and where Ted and his counsel had claimed the items from the Condo, a 4,000 sq ft ocean front property, were stored in the Primary Residence garages in so many boxes that it would take many people to unpack and re-inventory so the Executor O’Connell would had to seek more money than the court originally allotted and when the garages were opened they virtually empty with 4 or 5 little boxes and a table with salt shakers and napkin holders were there.
22. It is believed that Ted stole, then sold the items of the Condo that were not in his custody and no accounting for the items stolen has ever been done and it is alleged that the sale of the home was also going to try and further confound beneficiaries efforts to enforce the court ordered inspection and provide another layer of efforts to find out what happened to the missing items. The Court can see from the Palm Beach Sheriff Reports exhibited herein (Police Investigations and Coroner Reports See URL @ [www.iviewit.tv/Sheriff Reports.pdf](http://www.iviewit.tv/Sheriff%20Reports.pdf) ) that a complaint for the stolen Personal Properties was filed CASE NO. 13159967 on 12/23/13 and is still pending and it is believed that Ted and his counsel who are the alleged primary suspects in the thefts were trying to further evade and cover up the crimes of the thefts with the sale of the home.
23. The Court should note that all this is happening in the same week that Eliot’s family is warned that their lives are imminent danger and to seek federal and state protection and where the stress alone from that has left Eliot’s wife scared to death for her minor children and Eliot trying to seek protection and no one noticed calling back.
24. These extreme situations are making responding to this Court and the pleadings timely virtually impossible and that is only one case that hearings were held in since the warning that our lives were in danger and there have been several other hearings in the other cases as reported to this Court in the last motion for extension of time only a week or so ago.
25. That finally it was learned yesterday that Eliot’s children home is about to be foreclosed by an alleged Mortgage holder on the home Eliot’s children paid for, which is owned inside 3 trusts for the children that are the subject of the Oppenheimer lawsuit cited herein at footnote 3. The home is wrapped inside the trust within an entity owned by Eliot’s children, Bernstein Family Realty, LLC, and all of these complex estate plans were designed by Simon and Shirley to protect the property from seizure of those trying to murder and financially destroy Eliot and his family after the car bombing. The home is being alleged to be foreclosed by a one Walter Sahm and where Eliot believes that Sahm has been enraged by the acts of Ted and his counsel Alan Rose, Esq. who tried recently to acquire the mortgage from Sahm and arranged such transaction to take over the alleged home loan Sahm claims to have and to further use it to extort Eliot with a foreclosure themselves. Ted and Rose could then not consummate the deal with Sahm that they promised, after Oppenheimer as Trustee of the children’s trust and Manager of Bernstein Family Realty, LLC failed to pay interest or principal on the mortgage and even maintain homeowners insurance (which the home still does not have for over a year) as the parties involved found they could not legally effectuate such transaction that Ted and Rose arranged with Sahm, leaving Sahm further harmed.
26. Sahm called Eliot last week very apologetic regarding the Mortgage and claimed he was left with no other choice than to foreclose after all the failed promises of Ted, Rose and Oppenheimer to pay off his loan or even maintain interest and insurance on the property (all alleged to have been calculated to harm Eliot in Eliot’s Counter Complaint filed in the Oppenheimer v Minor Children of Bernstein lawsuit before Colin, see URL @ <http://www.iviewit.tv/Simon%20and%20Shirley%20Estate/20140730%20FINAL%20SIGNED%20PRINTED%20Answer%20and%20Counter%20Oppenheimer.pdf> pages 24-109), which Sahm stated left him saddened as this was directly against the wishes of Simon who told Sahm the Estate would pay off the loan at his death and satisfy the debt, leaving the home free and clear for the children. There is another bogus mortgage Simon had taken on the home to add another layer of protection from Eliot’s enemies, which would be unenforceable at his death for a number of reasons and the home that Eliot’s children paid for would be theirs free and clear. Sahm however felt hoodwinked by Rose and Ted who tried to arrange this backroom deal to gain control of Eliot’s house and force a foreclosure. That Ted and Rose are also claiming the sham Mortgage from Simon to himself is enforceable and that the Estate of Simon should own an interest in Eliot’s children’s home, again another attempt to harass Eliot and threaten foreclosure.
27. That Sahm has retained foreclosure counsel and paid a retainer as of 4/22/15 in order to file and this is yet another emergency that puts Eliot and his family in danger for their lives, on the street if successful and stands as another attempt to wreak havoc on them through further legal process abuse and fraud that was calculated by the fiduciaries in the Estate and Trust cases. This pending foreclosure action making it even harder to respond to many critical court deadlines in order to now deal with this imminent threat to his family’s home.
28. Where the only thing Eliot has done in those cases that may incite those involved to try repeatedly to have Eliot held in Contempt and appoint a Guardian is to have exposed and caught red handed the Officers of Judge Martin Colin’s court in Fraud on the Court, including but not limited to, using a dead Simon Bernstein to close the estate of his dead spouse Shirley Bernstein, leading to the Shirley Estate reopening, Forgery and Fraudulent Notarizations submitted to the Court by the law firm Tescher & Spallina PA ( who recently split apart and now renamed as Tescher and Associates), Fraud on Beneficiaries and Fraud on Minor beneficiaries Counsel by Attorneys at Law Tescher and Spallina and more.
29. See Consumer Comment #2 @ <http://www.ripoffreport.com/r/Alan-Rose-of-Mrachek-Fitzgerald-Rose/West-Palm-Beach-Florida-33401/Alan-Rose-of-Mrachek-Fitzgerald-amp-Rose-Alan-B-Rose-Suppress-Free-Speech-Cover-Up-1149197>
30. This is a letter whereby Ted Bernstein sent Eliot Bernstein a letter he thought he was sending to his attorney, Alan B. Rose, Esq., describing using force and aggression on Eliot and wanting to attack other friends and family members of Simon and Eliot Bernstein who have information that may be damaging to Ted. Ted even claiming he wanted to go after Eliot’s minor children school records to attempt to find dirt on them (of which there is nothing there but what angels they are) and even claims he wants Rose to fire Attorney at Law John Pankauski, Esq. (who immediately thereafter resigned as Ted’s counsel after his other attorney Mark R. Manceri, Esq. resigned) for not wanting to go after Eliot with “force” and “aggression” and because he felt Ted was misusing trust funds to defend himself. Judge Colin then moved to have this email marked as Attorney Client Privileged Information Inadvertently Disclosed despite the fact that neither Eliot nor Ted is an attorney and thus the privilege could never be established in the first place and where the letter was sent by Ted to only Eliot and no counsel was part of the email. The problem for Colin who marked the letter privileged in attempts to cover up the Attorney Rose and Fiduciary Ted’s misconduct evidenced in the letter was that prior to even knowing of a claim of privilege by Alan Rose, Esq., Eliot had sent the email to Crystal Cox who posted the extortionary letter across many sites on the world wide web and refused requests and demands by Rose to remove the posts.
31. That it appears outside the Judicial Cannons and casts a grand Appearance of Impropriety for a Judge to hear matters and adjudicate matters where crimes were committed in his Court, including FRAUD ON THE COURT, committed by Officers of his Court and Judge David E. French’s Court and whereby they will be material and fact witnesses for how can he investigate his own court and his employees instead of giving the matters over to non conflicted parties who are not centrally involved and who could conduct a fair and impartial review of the criminals and crimes. Judge Colin and French may desire to aid and abet the cover up of the crimes that would embarrass their Court and perhaps lead to revealing involvement in the actual crimes.
32. Where Eliot sued the 15th Judicial Circuit, Florida Bar and hundreds if not thousands of Attorneys in the alleged Criminal Law Firms in his RICO and also Supreme Court Chief Judge Jorge Labarga, Esq. personally for their direct involvement in the theft of his patents and where Judge Colin has claimed in a Florida Bar Resume that Chief Justice Labarga is his mentor.
33. That Eliot is seeking this Court to review and intervene the Florida Probate Cases that relate to the matters in this Case and move them to a federal jurisdiction outside the state of Florida and the reach of the Florida Bar Members (Eliot is not claiming they are all involved in the conspiracy but due to the nature of conspiracies, it is impossible to know who is good and bad) and preferably move the matters all to This Court under Your Honor’s tutelage.
34. That Eliot is afraid to go to the Florida Court as it appears they are continuously trying to entrap him in Contempt or seek Guardian for him and where his rights to due process have simply been removed through Sharp Practice after Sharp Practice by the attorneys and Judges involved. These acts against Eliot caused by criminal and civil misconduct by the Attorneys at Law have already delayed inheritances for over two years, including the insurance proceeds in this case and have caused massive damages financially to he and his children.
35. That Eliot has submitted to this Court recently a letter from a Florida attorney who represents a creditor in the Probate cases, Peter Feaman, Esq., describing misconduct by Attorney Alan B. Rose, Esq. and his client Ted Bernstein, directly relating to their misconduct in this case before Your Honor that further directly damages Eliot and his children.
36. That Eliot has submitted a filing to Judge Colin by Attorney at Law Brian O’Connell, Esq. who is the new Executor of the Estate of Simon after Ted’s Counsel Tescher and Spallina resigned after admitting to Fraudulently Altering a Trust document and disseminating it via Mail and Wire to another attorney at law representing Eliot’s children, Christine C. Yates, Esq. of Tripp Scott law firm. That once the fraudulent and forged documents were discovered by Yates to be valid she resigned as Counsel and stated that Eliot would have to bring these lawyers who committed fraud on her and the beneficiaries to the authorities and courts on his own, Pro Se, as it was too complicated for her and Eliot understood that her attempting to do so could put her and her license to practice at risk and perhaps her life for trying to help Eliot and his family and so went about proving the fraud and more to the Court on his own, which he was successful at doing, leading to arrests and ongoing investigations.
37. That it should raise the Court’s brow that Ted and his Counsel, Tescher and Spallina, after calling the Palm Beach County Sheriff on the day Simon died on 9/12/12 and reporting an alleged murder of Simon then contacted the Palm Beach Coroner to conduct an autopsy for murder via poisoning, while they were simultaneously filing a fraudulent Beneficiary claim form with Heritage Union Life on behalf of a Trust, which both Ted and his Counsel claim never to have seen or possessed that was DENIED.
38. The claim was DENIED due to the failure to prove a beneficial interest as Spallina claimed he could not produce the Trust he stated was beneficiary. Spallina claimed to be Trustee of a legally nonexistent Trust and failed to mention to the carrier Heritage that he and his client Ted had alleged that Simon was murdered, which would also materially affect the payment of the claim.
39. Spallina further impersonated the Trustee of this nonexistent Trust claiming to be the contingent beneficiary. Spallina also at the time impersonated himself as the Trustee of the LaSalle National Trust, NA to the insurance carrier, which he is not Trustee for but the carriers production documents submitted to this Court revealed that the Primary Beneficiary of the LOST Policy they cannot find is LaSalle National Trust NA. This represents alleged multitudes of fraud and criminal misconduct in the claim filed and DENIED by the carrier and where the denial led to this fraudulent Breach of Contract lawsuit before Your Honor being filed by Ted.
40. When the fraudulent claim was DENIED, Ted then alleged he was the Trustee of the legally nonexistent Trust that Spallina claimed to the carrier he was Trustee for and filed this frivolous and illegal lawsuit with this Court as Plaintiff claiming a Breach of Contract for the carriers failure to pay a fraudulent claim submitted where no beneficial interest by the Claimant could be proved, in attempts to further abscond with the policy proceeds through this Fraud on a Federal Court.
41. Ted also failed to notice this Court that he had alleged Simon was murdered, which would affect the payment of the benefits to parties possibly and failed to notify Eliot or other beneficiaries of the Estates and Trusts of this legal action. Eliot only found out about this lawsuit when he was sued in this action by Heritage/Jackson National, which made him cognizant of the lawsuit and the efforts being made to try and pay the policy proceeds to improper parties, the lawsuit claimed four of five children of Simon only as Plaintiffs.
42. Eliot and his family are being criminally denied their inheritance by the probate court judge. Eliot and his family’s survival is threatened as they are being deliberately denied any funds for their basic living needs including food, medical attention and services. They are facing foreclosure of their family residence, are on food stamps and all the while the assets are being deliberately withheld by Judge Colin who has ignored repeated frantic pleadings by Eliot for adequate funds to provide for his family’s living expenses.
43. Judge Colin while having custody of the property of Eliot’s family, including his minor children who he has obligations to protect, especially where the crimes delaying inheritance were caused by Fiduciaries and Officers of his Court is depriving Eliot’s family of their education, home not being protected children are gravely suffering These acts raise grave red flags of judicial impropriety and worse
44. Colin allows Trusts for minors to be operated by a Trustee, Oppenheimer without ANY SIGNATURE PAGES and improperly executed.

**APPOINTMENT OF PROTECTED COUNSEL AND REMOVAL OF TAINTED COUNSEL**

1. Eliot is requesting this Court set up protected Pro Bono counsel for Eliot that is protected by this Court to aid Eliot free of worries of threats or extortion by any members of any bar association that can provide counsel to one being denied counsel with intent and scienter to disable his due process rights and further abuse him through legal process abuse.
2. Federal Court adjudication and counsel for Eliot and his children that are not Florida Bar members and cannot be influenced or contacted by any member of the Florida while handling these matters and any contact with Florida Bar ordered to be reported to the Court.
3. That the Court should remove all remnants of Florida Bar members influence on these matters in any capacities they currently have be it as lawyers or fiduciaries and force all parties to seek no Florida Bar Member lawyers.
4. That in the Barbara Stone, Esq., whistleblowing case there has been a recent revelation that Florida Judge Genden and and another member of the Florida Bar have acted in an extortionary manner to threaten an elderly vulnerable adult in guardianship Helen Stone’s counsel threatening her with disbarment and more if she continued to represent Helen, as fully described in her Affidavit, see Exhibit \_\_\_\_,
5. That in the Florida Probate court it was recently discovered by Eliot that Attorney at Law, Peter Feaman, Esq. had reported Attorney at Law and Fiduciary misconduct to the new Personal Representative/Executor of the Estate of Simon, Brian O’Connell, Esq. alleging improper representations and conflicts of interest with intent in the case before this Court, as illustrated in the email below.

Subject: FW: Bernstein Estate

Subject: Bernstein Estate

Date: Tue, 16 Dec 2014 15:57:54 ‐0500

From: pfeaman@feamanlaw.com

To: 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

PETER M. FEAMAN, P.A.

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Suite 9

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immediately notify the sender by return email and delete this message.

1. That further the Personal Representative of the Estate O’Connell has notified the court both in pleading and in a hearing before the court that Ted Bernstein is not a legally valid Successor Trustee to the Simon Trust as the very language of the Trust precludes a related party from being Successor Trustee and furthermore Ted Bernstein is named as predeceased for all purposes of the trust. In his first and only affirmative defense in an answer to a complaint regarding Ted’s standing as a Trustee of the Simon Trust he states,

**AFFIRMATIVE DEFENSE**

1. First Affirmative Defense- Lack of Standing- Ted Bernstein lacks the requisite standing as he is not validly serving as Trustee of the Simon Trust, is not a beneficiary of the Simon Trust, and is not representing any minor child that is a beneficiary of the Simon Trust.

1. After learning of the statements regarding Ted’s lack of qualification as a fiduciary from both Feaman and O’Connell in a hearing and learning that the language of the Trust precluded Ted, Judge Colin stated on the record that he had not yet “peeked” at the Trust language that is the dispositive operative document in the case for two years.
2. Yet, instead of “peeking” at the dispositive document there and then Judge Colin continued to look the other way and further empowered Ted by keeping him as a Fiduciary and not removing him on his motion and amazingly instead burdened Pro Se Eliot with the responsibility to file a perfect pleading to achieve Ted’s removal, which has now taken over a year to try and get heard, as each pleading has been defeated on technicalities, while Ted continues to runs rampant with Estate and Trust assets without proper accountings or information regarding assets provided to beneficiaries.
3. That while Judge Colin has been aware that statutorily required accountings have not been performed properly by any of the fiduciaries (less Brian O’Connell, Esq. and Benjamin Brown, Esq.) he has allowed Ted to continue the Pattern and Practice of his former counsel Tescher and Spallina and fail to provide accountings according to statute leaving the beneficiaries in the dark as to the value of their inheritances.

P**ROVIDE IMMEDIATE EMERGENCY DISTRIBUTIONS OF AT MINIMUM $200,000.00 FOR ELIOT AND HIS MINOR CHILDREN**

1. Due to inheritances that have been intentionally stymied and delayed through abuse of process and fraud, Eliot seeks immediate relief from this court from the either the monies held in this Court’s registry for the insurance proceeds that Eliot or his children are certain beneficiaries no matter the outcome.
2. Additional monies are requested for emergency needs for the children who have already gravely harmed from the Estates and Trusts when the assets are transferred to this Court.
3. Eliot requests that any monies paid come with no implied consent or waiver of rights to pursue legal actions for the fraud, etc.

**FREEZING AND TRANSFER OF ALL PROBATE ASSETS TO THIS COURT**

1. ALL COURT RECORDS WHERE FRAUD UPON THE COURT OCCURRED AND ALL ATTORNEY AT LAW RECORDS INVOLVED, INCLUDING JUDGES AND FIDUCIARY RECORDS DUE TO FRAUD ON THE COURT.
2. That this Court upon freezing and transferring the remaining assets and records should simultaneously order all parties, court, lawyers, fiduciaries, beneficiaries and others to provide full and formal accountings of any and all assets they are aware of that may have been improperly transferred to improper parties, stolen off with or otherwise removed from the Estates and Trusts of Simon and Shirley and their children.
3. That this Court should Order investigations by Federal Authorities, including the FBI and IRS to forensically account for the assets of Simon and Shirley Bernstein and forensically investigate all documents and records obtained by all parties, as it appears from the records submitted thus far and the accountings and inventories produced thus far in Simon’s Estate (Ordered by the Court at the time of Tescher and Spallina’s resignations and objected to by all parties), the Estate of Shirley’s Inventory produced by Simon Bernstein allegedly, which was never served to Beneficiaries according to statutes that claims her assets worth only $25,000.00. Later it was discovered and presented to the Probate court and criminal investigators that prior to her death she had approximately $1,000,000.00 of jewelry insured, including a $250,000.00 wedding ring, she owned a fully paid for Bentley and where Shirley owned all the furnishings, art, etc. in the primary residence (7,000 sq. ft) and condominium (4,000 sq. ft) and none of which appears on her Inventory.
4. That Ted recently produced an Inventory for the Estate of Shirley that claimed that Shirley’s Personal Property equaled $0.00 at the time of her death, despite having become aware of millions of dollars of Inventory that was not on the Inventory Simon was alleged to have done, making it appear that Shirley died as a welfare recipient.
5. That virtually all of the accountings and documents tendered in support appear fraudulent at this time and according to Ben Brown, Esq. no original documents were produced by Tescher and Spallina when they were court ordered to turn them over to Brown.
6. That nothing tendered to the Probate court by any party involved in the original frauds and fraud on the court can be relied upon, including the court records and yet Judge Colin continues to allow these frauds and concealments and conversions of assets to occur without sounding the alarm and calling in investigators to investigate the Attorneys at Law acting as Officers of his court and the Fiduciaries appointed by him.
7. This leaves the Appearance of Impropriety to any sane person that Judge Colin and Judge French’s handling of their own court investigations of the crimes committed in their courts under their noses, by those under their tutelage are craftily designed staged litigations to subterfuge and derail due process, while further enabling crimes against Eliot, his lovely wife Candice and their three minor children, the creditor William Stansbury and at the same time cover it all up through further abuse of process, all outside the color of law.

**RE-OPENING OF RICO MATTER DUE TO NEW PREDICATE ACTS**

1. That Eliot’s Federal RICO against three state bar associations, judges, law firms and thousands of Attorneys, soon to be requested reopened by Eliot to Federal Judge Shira Scheindlin regarding the new predicate crimes committed again by Attorneys at Law, Robert Spallina, Esq., Donald Tescher, Esq. and others (some Defendants in the RICO) who are now involved in the Florida Probate Cases for his mother and father, which predicate criminal acts now include but are not limited to, the alleged (by Theodore Bernstein and Pamela Simon) Murder of Simon Bernstein (Heavy Metal Test completed almost a year later reveal three elevated poisons, with Arsenic three times reportable levels), Forgery, Fraud on the Court, Fraud on Beneficiaries (primarily Eliot), Fraudulent Notarizations (Arrest of Notary and Legal Assistant for Tescher and Spallina, Kimberly Moran), Fraudulent Alteration Post Mortem of Trust Documents (admitted to by Robert Spallina to Palm Beach County Sheriff Investigators in the exhibited Sheriff’s Reports herein), Extortion of Eliot by intentional interference by Attorneys and Judges of his and his children’s expectancy/inheritance and more.
2. That the legally related case to Eliot’s RICO CASE #07-cv-11196-SAS is Case #07cv09599-SAS Anderson v The State of New York, et al., which was filed by an inside Whistleblower at the New York Supreme Court Disciplinary Department who at trial exposed one of the largest Attorney Corruption Schemes in the history of our great Nation and one that threatens the very fabric of the US legal system and those employed by it. Not only were the highest ranking members of Supreme Court of New York Members alleged involved but Prosecutors, Judges, US Attorneys, DA’s, ADA’s, “Favored Law Firms and Lawyers” and others were alleged participants in a criminal good ol’ boy network of corruption and cover up all done by criminals cloaked as Attorneys at Law and those in charge of regulating such attorneys. The crimes against their victims beyond belief. See below information regarding the Anderson and related cases.

FORMAL COMPLAINT FILED AGAINST NYS EMPLOYEES FOR ILLEGAL WIRETAPPING...THE WIDESPREAD ILLEGAL WIRETAPPING INCLUDED TARGETED NEW YORK STATE JUDGES AND ATTORNEYS.....

<http://ethicsgate.blogspot.com/2013/04/formal-complaint-filed-against-nys.html>

SELECT QUOTES FROM THAT NEWS STORY

April 3, 2013

Robert Moossy, Jr., Section Chief   
Criminal Section, Civil Rights Division   
US Department of Justice   
950 Pennsylvania Avenue, NW  
Washington, D.C. 20530

RE: FORMAL COMPLAINT AGAINST NEW YORK STATE EMPLOYEES INVOLVING CONSTITUTIONAL VIOLATIONS, INCLUDING WIDESPREAD ILLEGAL WIRETAPPING

Dear Mr. Moossy,

At some point in time shortly after 9/11, and by methods not addressed here, these individuals improperly utilized access to, and devices of, the lawful operations of the Joint Terrorism Task Force (the JTTF). These individuals completely violated the provisions of FISA, ECPA and the Patriot Act for their own personal and political agendas. Specifically, these NY state employees essentially commenced black bag operations, including illegal wiretapping, against whomever they chose- and without legitimate or lawful purpose.

This complaint concerns the illegal use and abuse of such lawful operations for personal and political gain, and all such activity while acting under the color of law. This un-checked access to highly-skilled operatives found undeserving protection for some connected wrong-doers, and the complete destruction of others- on a whim, including the pre-prosecution priming of falsehoods (set-ups). The aftermath of such abuse for such an extended period of time is staggering.

It is believed that most of the 1.5 million-plus items in evidence now under seal in Federal District Court for the Eastern District of New York, case #09cr405 (EDNY) supports the fact, over a ten-year-plus period of time, of the illegal wiretapping of New York State judges, attorneys, and related targets, as directed by state employees.

One sworn affidavit, by an attorney, confirms the various illegal activity of Manhattan's attorney ethics committee, the Departmental Disciplinary Committee (the DDC), which includes allowing cover law firm operations to engage in the practice of law without a law license. Specifically, evidence (attorney affidavits, etc.) supports the claim that Naomi Goldstein, and other DDC employees supervised the protection of the unlicensed practice of law. The evidence also shows that Ms. Goldstein knowingly permitted the unlicensed practice of law, over a five-year-plus period of time, for the purpose of gaining access to, and information from, hundreds of litigants.

Evidence also supports the widespread illegal use of black bag operations by the NYS employees for a wide-range of objectives: to target or protect a certain judge or attorney, to set-up anyone who had been deemed to be a target, or to simply achieve a certain goal. The illegal activity is believed to not only have involved attorneys and judges throughout all of the New York State, including all 4 court-designated ethics departments, but also in matters beyond the borders of New York.

The set-up of numerous individuals for an alleged plot to bomb a Riverdale, NY Synagogue. These individuals are currently incarcerated. The trial judge, U.S. District Court Judge Colleen McMahon, who publicly expressed concerns over the case, saying, I have never heard anything like the facts of this case. I don't think any other judge has ever heard anything like the facts of this case. (2nd Circuit 11cr2763).

The concerted effort to fix numerous cases where confirmed associates of organized crime had made physical threats upon litigants and/or witnesses, and/or had financial interests in the outcome of certain court cases.

The judicial and attorney protection/operations, to gain control, of the $250 million-plus Thomas Carvel estate matters, and the pre-prosecution priming of the $150 million-plus Brooke Astor estate.

The wire-tapping and ISP capture, etc., of DDC attorney, Christine C. Anderson, who had filed a lawsuit after being assaulted by a supervisor, Sherry Cohen, and after complaining that certain evidence in ethics case files had been improperly destroyed. (See SDNY case #07cv9599 - Hon. Shira A. Scheindlin, U.S.D.J.)

The eToys litigation and bankruptcy, and associates of Marc Dreir, involving over $500 million and the protection by the DDC of certain attorneys, one who was found to have lied to a federal judge over 15 times.

The set-up and chilling of effective legal counsel of a disabled woman by a powerful CEO and his law firms, resulting in her having no contact with her children for over 6 years.

The wrongful detention for 4 years, prompted by influential NY law firms, of an early whistleblower of the massive Wall Street financial irregularities involving Bear Sterns and where protected attorney-client conversations were recorded and distributed.

The blocking of attorney accountability in the $1.25 billion Swiss Bank Holocaust Survivor settlement where one involved NY admitted attorney was ultimately disbarred- in New Jersey. Only then, and after 10 years, did the DDC follow with disbarment. Gizella Weisshaus v. Fagan.

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NY SUPREME COURT BOSSES ILLEGALLY WIRETAPPING JUDGES CHAMBERS & HOMES. CHRISTINE ANDERSON WHISTLEBLOWER ILLEGALLY TARGETED FOR 24/7/365 SURVEILLANCE IN RELATED CASE TO IVIEWIT ELIOT BERNSTEIN RICO...

 FOR IMMEDIATE RELEASE

(Free-Press-Release.com) May 14, 2013 -- According to news reports, yes, the heads of the NY Supreme Court Ethics Department have been accused of derailing Justice by targeting victims and misusing Government Resources against private citizens with no other motive then Obstruction of Justice in court and regulatory actions against them or their cronies.

World Renowned Inventor Eliot Bernstein files NEW RICO RELATED CRIMINAL ALLEGATIONS against Law Firms Proskauer Rose, Foley & Lardner, Greenberg Traurig and more. Allegations that Bernstein was a target of these criminals cloaked as ATTORNEY AT LAW ETHICS BOSSES at the NY Supreme Court were presented to Federal Judge Shira A. Scheindlin. That evidence was presented that Bernstein's father may have been a target and murdered for his efforts to notify the authorities and more!!!

READ ALL ABOUT IT @

<http://www.iviewit.tv/CompanyDocs/United%20States%20District%20Court%20Southern%20District%20NY/20130512%20FINAL%20Motion%20to%20Rehear%20and%20Reopen%20Obstruction%20of%20Justice165555%20WITH%20EXHIBITS.pdf>

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## Friday, August 24, 2007

### Justice Department Widens "Patentgate" Probe Buried by Ethics Chief Thomas J. Cahill...*CLICK HERE FOR FULL STORY*

In a letter dated July 16, 2007, the U.S. Department of Justice, Office of Professional Responsibility, announced from its Washington, D.C. headquarters that it was expanding its investigation into a bizarrely stalled FBI investigation that involves an almost surreal story of the theft of nearly 30 U.S. Patents, and other intellectual property, worth billions of dollars. The probe reaches some of New York's most prominent politicians and judges, and has already proven to be a stunning embarrassment to the State's ethics watchdog committees. *(To the right, see the July 16, 2007 letter "D.O.J. Widens Patentgate Probe")*...

<http://exposecorruptcourts.blogspot.com/2007/08/justice-dept-widens-patentgate-probe.html>

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PREVIOUS PRESS RELEASES RELATING TO JUDGES ILLEGALLY WIRETAPPED

That on Tuesday, February 19, 2013, ECC released the story,

ETHICSGATE UPDATE FAXED TO EVERY U.S. SENATOR THE ULTIMATE VIOLATION OF TRUST IS THE CORRUPTION OF ETHICS OVERSIGHT EXCLUSIVE UPDATE:

<http://exposecorruptcourts.blogspot.com/2013/02/ethicsgate-update-faxed-to-every-us.html>

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IVIEWIT LETTER TO US DOJ OFFICE OF INSPECTOR GENERAL MICHAEL E. HOROWITZ

<http://www.iviewit.tv/CompanyDocs/United%20States%20District%20Court%20Southern%20District%20NY/20130520%20FINAL%20Michael%20Horowitz%20Inspector%20General%20Department%20of%20Justice%20SIGNED%20PRINTED%20EMAIL.pdf>

**RE-OPENING OF RICO MATTER DUE TO NEW PREDICATE ACTS;**

**APPOINTMENT OF FEDERAL PROSECUTOR, MONITOR AND INVESTIGATOR TO INVESTIGATE FRAUD ON AND IN THE FLORIDA PROBATE COURT**

**EXTENSION OF TIME FOR ALL MATTERS WITH DEADLINES IN THIS COURT INCLUDING EXTENDED TIME TO TAKE DEPOSITION OF DONALD SANDERS OR PROVIDE INTERROGATORIES INSTEAD**

1. That Eliot is currently scheduled for a series of hearings in the five Probate cases involving the Estates and Trusts of his deceased parents, including two more hearings to attempt to remove Ted Bernstein as the alleged Trustee of the Simon and Shirley Trusts and also the lawsuit involving his three children’s trusts with critical hearings scheduled as well. These hearings are taking place through May and into June and Eliot requests at least until July 15, 2012 to file a reply to the Summary Judgement, which he has not started to even look at due to the flood of events described herein.
2. The Summary Judgement is 800 pages and Eliot is Pro Se so this is an extensive undertaking to complete within the 20 days required and these other hearings are all occurring in the time deadlines are set and this severely limits Eliot’s due process rights, as he is Pro Se and all of these involve complex legal issues that would take a full time law firm to accomplish in months, not days, thereby putting the risk of error or missed court appearances or filings (like the hearing last week missed by Eliot before this Court, the first hearing Eliot has missed in any of these cases) and this loss of rights is a very real danger.
3. That Eliot believes these sudden flood of hearings heaped upon him are all further a Pattern and Practice of Sharp Practices and Harassment committed by the members of the Florida Bar involved in the Florida Probate case and certain parties to this Lawsuit, including the attorneys at law for Plaintiffs and the judges in the Florida Probate case.

Wherefore, Eliot requests this Court grant an extension of time after considering the circumstances until after June 15, 2015 to complete all of the items in this case.

**WHEREFORE,** Eliot seeks this Court enter an Order Granting the Following Relief;

1. Transfer of Florida Probate Matters to this Court for adjudication because of a Pattern and Practice of Corruption in the Florida court, Racketeering, Extortion, Interference with Expectancies and Inheritance, Denial of Due Process and Procedure and Equal Protection that Obstructs Justice; and Extensive Fraud on the Court:

Respectfully submitted,

DATED: Saturday, April 4, 2015

***/s/ Eliot Ivan Bernstein\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_***

Third Party Defendant/Cross Plaintiff PRO SE

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on Saturday, April 4, 2015, I electronically filed the foregoing with the Clerk of the Court using CM/ECF. I also certify that the foregoing is being served this day on all counsel of record identified below via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner.

1. i. Case # 502012CP004391XXXXSB – Simon Bernstein Estate

   ii. Case # 502011CP000653XXXXSB – Shirley Bernstein Estate

   iii. Case # 502014CP002815XXXXSB – Oppenheimer v. Bernstein Minor Children

   iv. Case # 502014CP003698XXXXSB – Shirley Trust Construction

   v. Case # 502015CP001162XXXXSB – Eliot Bernstein v. Trustee Simon Trust Case OLD CASE

   #502014CA014637XXXXMB [↑](#footnote-ref-1)
2. Anderson and Related Cases @ New York Second Circuit

   1. File USCA Case Number 10-5303 = Iviewit Appeal Docket No.

   Case 08-4873-cv United States Court of Appeals for the Second Circuit Docket - Bernstein, et al. v Appellate Division First Department Disciplinary Committee, et al. - TRILLION DOLLAR LAWSUIT

   1. Capogrosso v New York State Commission on Judicial Conduct, et al.
   2. Esposito v The State of New York, et al.
   3. McKeown v The State of New York, et al.

   Anderson Related Cases @ US District Court - Southern District NY

   1. 07cv09599 Anderson v The State of New York, et al. - WHISTLEBLOWER LAWSUIT which other cases have been marked legally “related” to by Fed. Judge Shira A. Scheindlin, including Eliot RICO
   2. 07cv11196 Bernstein, et al. v Appellate Division First Department Disciplinary Committee, et al.
   3. 07cv11612 Esposito v The State of New York, et al.,
   4. 08cv00526 Capogrosso v New York State Commission on Judicial Conduct, et al.,
   5. 08cv02391 McKeown v The State of New York, et al.,
   6. 08cv02852 Galison v The State of New York, et al.,
   7. 08cv03305 Carvel v The State of New York, et al., and,
   8. 08cv4053 Gizella Weisshaus v The State of New York, et al.
   9. 08cv4438 Suzanne McCormick v The State of New York, et al.
   10. 08 cv 6368 John L. Petrec-Tolino v. The State of New York
   11. 06cv05169 McNamara v The State of New York, et al

   [↑](#footnote-ref-2)
3. <http://marygsykes.com/tag/joanne-denison> [↑](#footnote-ref-3)
4. Florida Bar Attorney Affidavit – Judge and Lawyer Threatening Counsel for 87 Year Old Woman <http://www.iviewit.tv/Exhibit%202%20-%20Barbara%20Stone%20Attorney%20Affidavit.pdf>

   and

   <http://www.iviewit.tv/BarbaraStoneCriminal%20ComplaintMarch2%202015.pdf>

   and

   <http://www.iviewit.tv/Barbara%20Stone%20Florida%20Bar%20Whistleblower.pdf> [↑](#footnote-ref-4)
5. Sept 13, 2013 Hearing Transcript @ <http://www.iviewit.tv/Simon%20and%20Shirley%20Estate/20130913%20TRANSCRIPT%20Emergency%20Hearing%20Colin%20Spallina%20Tescher%20Ted%20Manceri%20ELIOT%20COMMENTS.pdf> (fully incorporated by reference herein) [↑](#footnote-ref-5)