

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT  
FLORIDA DIVISION

BARBARA STONE,  
PLAINTIFF

§  
§

V.

CIVIL ACTION NO.

§

JUDGE MICHAEL J. GENDEN  
in his official and individual capacity  
and ROY LUSTIG in his official  
and individual capacity  
DEFENDANTS

**AFFIDAVIT OF ELIOT IVAN BERNSTEIN**

STATE OF FLORIDA §  
*Palm Beach*  
COUNTY OF ~~HARRIS~~ §

BEFORE ME PERSONALLY APPEARED ELIOT IVAN BERNSTEIN, WHO TESTIFIED UNDER OATH BY PENALTY OF PERJURY AS FOLLOWS:

“My name is ELIOT IVAN BERNSTEIN. I am a Florida resident and know Barbara Stone through advocating for the rights of the elderly and disabled in guardianship, who are being abused, exploited and neglected by court appointed guardians.

I have personal knowledge of the facts stated herein and attest that they are true and correct under oath. On the 4<sup>th</sup> day of May, 2015, I appeared to testify on behalf of BARBARA STONE pursuant to the ORDER TO SHOW CAUSE issued by the HONORABLE JUDGE MICHAEL J. GENDEN.

My wife, Candice Bernstein and I were initially allowed to enter the Court waiting area for witnesses but prevented from accessing the Courtroom. Then the Bailiff came out again and I was told by the bailiff for the Judge that I had to leave the building and could not testify for STONE, as GENDEN had precluded Stone from having any witnesses, despite that he allowed the witness for attorney at law Roy Lustig to have a witness, Blaire Lapides, who was allowed to remain as a witness. I was certain before even going to the hearing that STONE would be arrested by GENDEN, who has long appeared to cease to care about the true issues before him in favor of engaging in a personal vendetta against BARBARA STONE for her whistleblowing efforts against him as a member of the Florida Bar doing what she is duty bound to do, reporting the misconduct of another lawyer or judge.

STONE has at all times acted out of grave concern for her mother’s life with evidence that her mother is being abused, mistreated, neglected and exploited by way of eyewitnesses, who have

provided affidavits to the Court in support of her actions. GENDEN has sufficient evidence to believe that imminent risk of irreparable injury is occurring to BARBARA STONE'S MOTHER, HELEN STONE, a ward of the Court, but refuses to act to protect her from the guardians. Instead, BARBARA has faced instance after instance of retaliation.

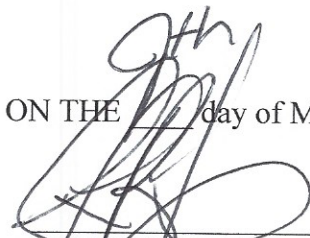
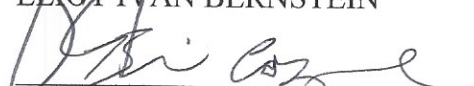
At this point, I have no reasonable doubt that GENDEN is retaliating illegally against STONE for her exposure of his crimes, her federal Counter Complaint filed naming him as a Defendant and her May 1<sup>st</sup> 2015 of filing a criminal complaint with Miami police regarding the threats and extortion of her counsel and therefore it is obvious GENDEN will be a material and fact witness regarding the affidavit and has personal interest in the matters before him and therefore cannot rule without bias or prejudice against BARBARA STONE and her mother.

I read the Affidavit of Debra P. Rochlin, Esq. a Florida Bar attorney that was retained by STONE and her mother, which alleges that GENDEN threatened her and extorted her not to represent STONE or her elderly mother or else face complaints against her. She then resigned as STONE and her mother's counsel, leaving STONE with no counsel. Based on the affidavit alone GENDEN should follow the law and ethical judicial canons and immediately disqualify himself as his continuation in the matter poses a grave Appearance of Impropriety to the general public.

Further affiant sayeth not."

SUBSCRIBED TO AND SWORN BEFORE ME ON THE \_\_\_\_\_ day of MAY, 2015.



  
\_\_\_\_\_  
ELIOT IVAN BERNSTEIN  
  
\_\_\_\_\_  
NOTARY PUBLIC IN AND  
FOR THE STATE OF FLORIDA