

From the Desk of Inventor, Eliot Juan Bernstein:

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Sent Via Email:

Thursday, March 3, 2016

The Honorable John L. Phillips
Division: Family "FH" / Probate "IH"
North County Courthouse
3188 PGA Blvd.
Palm Beach Gardens, FL 33410
Room: 1414
(561) 624-6593

RE: Responses to Proposed Orders for :

1. **Case # 502014CP003698XXXXSB – Shirley Bernstein Trust Construction**
2. **Case # 502014CP002815XXXXSB – Oppenheimer v. Bernstein Minor Children**

Hon. Judge Phillips:

I have enclosed my Objections to the proposed Orders seeking Guardianship and other relief by Alan Rose and Steven Lessne and also included are my Alternate Proposed Orders which I also filed electronically after being directed by your JA that you instructed me to file everything ECF and that she could not talk to Pro Se litigants any longer. After I filed ECF my wife saw a local rule that stated we needed to call and get your email to send the Proposed Orders and Objections to your chambers and when she called your JA she stated we would have to now send them to your chambers but refused to give us your email address. Instead, she stated we had to deposit them direct at the clerk for your chambers or send them mail and this all seems very expensive for a pro se litigant who has been declared indigent by the Court.

This comes after an alleged "hearing" on Thursday, Feb. 25, 2016 where attorneys Alan Rose and Steven Lessne provided no Stenographer to ensure a proper Record of proceedings in such important issues as the Guardianship Ad Litem of minor

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children who were unrepresented by counsel and have been denied access to trust funds by Alan Rose and his client Ted Bernstein to obtain counsel of their choice. Where Alan Rose and Ted Bernstein have also denied a Texas attorney Candice Schwager access to documents including the trusts Eliot is sued under as Trustee and his Children have been sued under as beneficiaries so she could come in and familiarize herself with the case and be admitted Pro Hac Vice to represent my minor children.

This refusal to tender the trust documents we are sued under is particularly nefarious, as I, nor my children, have ever been given or seen these trusts by the fiduciary responsible for the custody of them and thus have no idea what the terms and conditions of them are and how we can be sued under them. The fiduciary responsible to deliver them, Ted Bernstein, has failed to ever send them and his counsel refuses to turn them over to our retained counsel. Where Ted's prior counsel, Tescher and Spallina who resigned after admitting their law firm committed fraud and forgery upon the court and others, including fraudulently altering a Shirley Trust document in this case, were Court Ordered to turn over ALL of their records to the Curator. These children's trusts that were created on the day my father died allegedly are the basis of this lawsuit and were not filed with the Court with this complaint when it was filed. These same trusts were also supposed to be part of the Simon Bernstein Trust that you approved as Valid at the December 15, 2015 Validity Hearing, despite these trusts missing from said "valid" trust and where it is stated they are held under the Simon Trust per the language of the Simon Trust. These trusts were not produced as part of what you have determined is a Valid Simon Trust at the hearing and this seems to negate that ruling, as parts of the trust were not present, along with no original of the Simon Bernstein Trust, which appears missing according to testimony at the hearing.

These hearings should cease until these records are produced to this Court other than my stayed counter complaint. If no trusts are found this lawsuit is a further Fraud on this Court.

For some reason this Court only gave 4 days to submit these Objections and Proposed Order where the standard period is 5 days and in this case 2 of the 4 days were weekend days where there is no Post Office for mailing on Sundays.

Further, I have attempted to obtain the Electronic Recording of these proceedings, I believe required by law, to verify the veracity of statements at the Hearing, only to be informed by the 15th Circuit Court Record Services Department that Guardianship cases

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are required to be Electronically recorded but there was No recording for this case which somehow was marked as a Probate-Civil CP case and booked as an evidentiary hearing NOT a guardian ad litem hearing in the Guardian GA division, which your JA was surprised to see as she had not seen that done before and thought it may be an attorney error in filing.

I was then informed by Chief Judge Colbrath's Judicial Assistant who could refer me to no Uniform Rules or Administrative Orders of the Chief Judge for the filing and hearing of Guardianship cases in the 15th Circuit that your Honor, Judge Phillips is not only the Judge on the case but the Administrative Judge for Guardianship cases and thus it is presumed your Honor would know and did know that the Feb. 25th, 2016 hearing was a Guardianship Hearing to be electronically recorded yet neither was there a Stenographer nor any Electronic recording and thus in the Proposed Order where I object and dispute to submit an Alternate Proposed Order there is No Record of Proceedings for the Court to look back upon to determine the veracity of the parties claims according to the Rules, all of which has delayed my filings herein.

When I asked at the hearing if there was a court reporter or record being created you retorted if I did not see one there was not one and despite my plea to get one you refused and instantly began the hearing.

Thus, after filing electronically I am hereby filing by mail as well having to undertake additional steps as a Pro Se indigent litigant where the underlying Trust documents have never been disclosed or produced and where no underlying Originals have been produced in violation of prior Court Orders by Judge Colin to produce to the party that maintained them and drafted them, former disgraced attorneys Robert Spallina and Donald Tescher the former fiduciaries and counsel to the Bernstein family.

The Judicial Assistant for Chief Judge Colbrath further said I should be Noticing the case back for a hearing since no Recording electronic or by Stenographer was present but where as this Court will see by my Objections this hearing for Guardianship should be Dismissed or Stayed as an abusive practice and where a prior determination was made by Judge Colin denying a Guardian was necessary and my Objections and proposed Alternate Order reflects these facts and other objections. Also, until a valid Bona Fide Trust document is produced for each child and Eliot as the Trustee this case must be instantly halted and it should be known, that I, Eliot Ivan Bernstein have never seen this

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trust or signed this Trust as Trustee and my minor children alleged beneficiaries have also never seen such trusts. The trusts are alleged to be:

1. Trust f/b/o Joshua Bernstein under the Simon L. Bernstein Trust dtd 9/13/2012
2. Trust f/b/o Daniel Bernstein under the Simon L. Bernstein Trust dtd 9/13/2012
3. Trust f/b/o Jake Bernstein under the Simon L. Bernstein Trust dtd 9/13/2012

Regards,



Eliot I. Bernstein

Pro Se

Inventor

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Enclosure(s)/Attachment(s)/URL's: Objections to Proposed Orders & Alternate Orders

cmb/eib

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