**From the Desk of Inventor, Eliot Ivan Bernstein:**

**Direct Dial: (561) 245-8588 (o)  
 (561) 886-7628 (c)**

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 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 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 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

Iviewit Holdings, Inc. – DL

2753 N.W. 34th St.

Boca Raton, Florida 33434-3459

(561) 245.8588 (o)

(561) 886.7628 (c)

iviewit@iviewit.tv

http://www.iviewit.tv

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

cmb/eib

cc:

**SERVICE LIST**

|  |  |  |
| --- | --- | --- |
| **COUNTER DEFENDANT**  Robert L. Spallina, Esq.,  Tescher & Spallina, P.A.  Wells Fargo Plaza  925 South Federal Hwy Suite 500  Boca Raton, Florida 33432  rspallina@tescherspallina.com  kmoran@tescherspallina.com  [ddustin@tescherspallina.com](mailto:ddustin@tescherspallina.com) | **COUNTER DEFENDANT**  Ted Bernstein, Individually  880 Berkeley  Boca Raton, FL 33487  [tbernstein@lifeinsuranceconcepts.com](mailto:tbernstein@lifeinsuranceconcepts.com) | **COUNTER DEFENDANT**  John J. Pankauski, Esq.  Pankauski Law Firm PLLC  120 South Olive Avenue  7th Floor  West Palm Beach, FL 33401 |
| **COUNTER DEFENDANT**  Donald Tescher, Esq.,  Tescher & Spallina, P.A.  Wells Fargo Plaza  925 South Federal Hwy Suite 500  Boca Raton, Florida 33432  dtescher@tescherspallina.com ddustin@tescherspallina.com kmoran@tescherspallina.com | **COUNTER DEFENDANT**  Ted Bernstein  Life Insurance Concepts et al.  950 Peninsula Corporate Circle  Suite 3010  Boca Raton, FL 33487  tbernstein@lifeinsuranceconcepts.com | **COUNTER DEFENDANT**  Pankauski Law Firm PLLC  120 South Olive Avenue  7th Floor  West Palm Beach, FL 33401  courtfilings@pankauskilawfirm.com  john@pankauskilawfirm.com |
| |  | | --- | | **COUNTER DEFENDANT**  Donald Tescher, Esq.,  Tescher & Spallina, P.A.  Wells Fargo Plaza  925 South Federal Hwy Suite 500  Boca Raton, Florida 33432  dtescher@tescherspallina.com ddustin@tescherspallina.com kmoran@tescherspallina.com | | **COUNTER DEFENDANT & COUNSEL TO TED BERNSTEIN SERVED**  Alan B. Rose, Esq.  PAGE, MRACHEK, FITZGERALD, ROSE, KONOPKA, THOMAS & WEISS, P.A.  505 South Flagler Drive, Suite 600  West Palm Beach, Florida 33401  arose@pm-law.com  and  arose@mrachek-law.com | **Counter Defendant**  TESCHER & SPALLINA, P.A.  Wells Fargo Plaza  925 South Federal Hwy Suite 500  Boca Raton, Florida 33432  dtescher@tescherspallina.com ddustin@tescherspallina.com kmoran@tescherspallina.com |
|  | Pamela Simon  President  STP Enterprises, Inc.  303 East Wacker Drive  Suite 210  Chicago IL 60601-5210  psimon@stpcorp.com | **Counter Defendant**  Mark R. Manceri, Esq., and  Mark R. Manceri, P.A.,  2929 East Commercial Boulevard  Suite 702  Fort Lauderdale, FL 33308  mrmlaw@comcast.net  mrmlaw1@gmail.com |
| **Counter Defendant**  L. Louis Mrachek, Esq.  PAGE, MRACHEK, FITZGERALD, ROSE, KONOPKA, THOMAS & WEISS, P.A.  505 South Flagler Drive, Suite 600  West Palm Beach, Florida 33401  lmrachek@mrachek-law.com | **Counter Defendant**  Charles D. Rubin  Managing Partner  Gutter Chaves Josepher Rubin Forman Fleisher Miller PA  Boca Corporate Center  2101 NW Corporate Blvd., Suite 107  Boca Raton, FL 33431-7343  crubin@floridatax.com | **Counter Defendant**  Kimberly Moran  Tescher & Spallina, P.A.  Wells Fargo Plaza  925 South Federal Hwy Suite 500  Boca Raton, Florida 33432  kmoran@tescherspallina.com |
| **Counter Defendant**  Lindsay Baxley aka Lindsay Giles  Life Insurance Concepts  950 Peninsula Corporate Circle  Suite 3010  Boca Raton, FL 33487  lindsay@lifeinsuranceconcepts.com | **Counter Defendant**  Estate of Simon Bernstein  Personal Representative  Brian M. O'Connell, Partner  Ciklin Lubitz Martens & O’Connell  515 N Flagler Drive  20th Floor  West Palm Beach, FL 33401  boconnell@ciklinlubitz.com  jfoglietta@ciklinlubitz.com | Jill Iantoni  2101 Magnolia Lane  Highland Park, IL 60035  jilliantoni@gmail.com |
| Lisa Friedstein  2142 Churchill Lane  Highland Park, IL 60035  Lisa@friedsteins.com  lisa.friedstein@gmail.com  lisa@friedsteins.com | Pamela Beth Simon  950 N. Michigan Avenue  Apartment 2603  Chicago, IL 60611  psimon@stpcorp.com |  |

**SERVICE LIST**

|  |  |  |
| --- | --- | --- |
| COUNTER DEFENDANT Robert L. Spallina, Esq.,  Tescher & Spallina, P.A. Wells Fargo Plaza 925 South Federal Hwy Suite 500 Boca Raton, Florida 33432 (561) 997-7008 rspallina@tescherspallina.com | COUNTER DEFENDANT  Donald Tescher, Esq.,  Tescher & Spallina, P.A. Wells Fargo Plaza 925 South Federal Hwy Suite 500 Boca Raton, Florida 33432 dtescher@tescherspallina.com | COUNTER DEFENDANT and RESIGNED TRUSTEE  Steven Lessne, Esq. Gray Robinson, PA 225 NE Mizner Blvd #500 Boca Raton, FL 33432 steven.lessne@gray-robinson.com |
| COUNTER DEFENDANT  Alan B. Rose, Esq. PAGE, MRACHEK, FITZGERALD, ROSE, KONOPKA, THOMAS & WEISS, P.A. 505 South Flagler Drive, Suite 600 West Palm Beach, Florida 33401 561-355-6991 arose@pm-law.com arose@mrachek-law.com | COUNTER DEFENDANT L. Louis Mrachek, Esq. PAGE, MRACHEK, FITZGERALD, ROSE, KONOPKA, THOMAS & WEISS, P.A. 505 South Flagler Drive, Suite 600 West Palm Beach, Florida 33401 561-355-6991 lmrachek@mrachek-law.com | COUNTER DEFENDANT AND RESIGNED TRUSTEE  Steven A. Lessne, Esq. Gunster, Yoakley & Stewart, P.A. 777 South Flagler Drive, Suite 500 East West Palm Beach, FL 33401 Telephone: (561) 650-0545 Facsimile: (561) 655-5677 E-Mail Designations: slessne@gunster.com  jhoppel@gunster.com  eservice@gunster.com |
| COUNTER DEFENDANT  TESCHER & SPALLINA, P.A..  Wells Fargo Plaza 925 South Federal Hwy Suite 500 Boca Raton, Florida 33432 dtescher@tescherspallina.com | COUNTER DEFENDANT  Brian Moynihan Chairman of the Board and Chief Executive Officer 100 N Tryon St #170, Charlotte, NC 28202 Phone:(980) 335-3561 | COUNTER DEFENDANT  Joseph M. Leccese Chairman Proskauer Rose LLP Eleven Times Square New York, NY 10036 jleccese@proskauer.com |
| COUNTER DEFENDANT  David Lanciotti Executive VP and General Counsel LaSalle National Trust NA CHICAGO TITLE LAND TRUST COMPANY, as Successor 10 South LaSalle Street Suite 2750 Chicago, IL 60603 David.Lanciotti@ctt.com | COUNTER DEFENDANT  T&S Registered Agents, LLC Wells Fargo Plaza 925 South Federal Hwy Suite 500 Boca Raton, Florida 33432 dtescher@tescherspallina.com | COUNTER DEFENDANT  Byrd F. "Biff" Marshall, Jr. President & Managing Director Gray Robinson, PA 225 NE Mizner Blvd #500 Boca Raton, FL 33432  biff.marshall@gray-robinson.com |
| COUNTER DEFENDANT  Estate of Simon Bernstein Brian M O'Connell Pa 515 N Flagler Drive  West Palm Beach, FL 33401 boconnell@ciklinlubitz.com | COUNTER DEFENDANT  Heritage Union Life Insurance Company A member of WiltonRe Group of Companies 187 Danbury Road Wilton, CT 06897 cstroup@wiltonre.com | COUNTER DEFENDANT  Albert Gortz, Esq. Proskauer Rose LLP One Boca Place 2255 Glades Road Suite 421 Atrium Boca Raton, FL 33431-7360 agortz@proskauer.com |
| COUNTER DEFENDANT  CBIZ MHM, LLC  General Counsel 6480 Rockside Woods Blvd. South Suite 330 Cleveland, OH 44131 ATTN: General Counsel generalcounsel@cbiz.com (216)447-9000 | COUNTER DEFENDANT  Gerald R. Lewin CBIZ MHM, LLC 1675 N Military Trail Fifth Floor Boca Raton, FL 33486 | COUNTER DEFENDANT  Lindsay Baxley aka Lindsay Giles Life Insurance Concepts 950 Peninsula Corporate Circle  Suite 3010 Boca Raton, FL 33487 lindsay@lifeinsuranceconcepts.com |
| COUNTER DEFENDANT  Kimberly Moran Tescher & Spallina, P.A. Wells Fargo Plaza 925 South Federal Hwy Suite 500 Boca Raton, Florida 33432 kmoran@tescherspallina.com | COUNTER DEFENDANT  Charles D. Rubin Managing Partner Gutter Chaves Josepher Rubin Forman Fleisher Miller PA Boca Corporate Center 2101 NW Corporate Blvd., Suite 107 Boca Raton, FL 33431-7343 crubin@floridatax.com | COUNTER DEFENDANT  STP Enterprises, Inc.  Pamela Simon - President  303 East Wacker Drive Suite 210 Chicago IL 60601-5210 psimon@stpcorp.com |
| COUNTER DEFENDANT  Janet Craig Oppenheimer Trust Company of Delaware 405 Silverside Road Wilmington, DE 19809 Janet.Craig@opco.com | COUNTER DEFENDANT  William McCabe Oppenheimer & Co., Inc. 85 Broad St Fl 25 New York, NY 10004 William.McCabe@opco.com | COUNTER DEFENDANT  Dennis G. Bedley Chairman of the Board, Director and Chief Executive Officer Legacy Bank of Florida Glades Twin Plaza 2300 Glades Road Suite 120 West – Executive Office Boca Raton, FL 33431 info@legacybankfl.com DBedley@LegacyBankFL.com |
| COUNTER DEFENDANT  James Dimon Chairman of the Board and Chief Executive Officer JP Morgan Chase & CO. 270 Park Ave. New York, NY 10017-2070 Jamie.dimon@jpmchase.com | COUNTER DEFENDANT  Neil Wolfson President & Chief Executive Officer Wilmington Trust Company 1100 North Market Street Wilmington, DE 19890-0001 nwolfson@wilmingtontrust.com | COUNTER DEFENDANT  Ralph S. Janvey Krage & Janvey, L.L.P. Federal Court Appointed Receiver Stanford Financial Group 2100 Ross Ave, Dallas, TX 75201 rjanvey@kjllp.com |
| COUNTER DEFENDANT  Jill Iantoni 2101 Magnolia Lane Highland Park, IL 60035 jilliantoni@gmail.com | COUNTER DEFENDANT  Lisa Sue Friedstein 2142 Churchill Lane Highland Park, IL 60035 lisa.friedstein@gmail.com  lisa@friedsteins.com | COUNTER DEFENDANT  Dennis McNamara Executive Vice President and General Counsel  Oppenheimer & Co. Inc. Corporate Headquarters 125 Broad Street New York, NY 10004 800-221-5588 Dennis.mcnamara@opco.com info@opco.com |
| COUNTER DEFENDANT  Hunt Worth, Esq. President Oppenheimer Trust Company of Delaware 405 Silverside Road Wilmington, DE 19809 302-792-3500 hunt.worth@opco.com | COUNTER DEFENDANT  John J. Pankauski, Esq. Pankauski Law Firm PLLC 120 South Olive Avenue  7th Floor  West Palm Beach, FL 33401 courtfilings@pankauskilawfirm.com  john@pankauskilawfirm.com | COUNTER DEFENDANT  Pankauski Law Firm PLLC 120 South Olive Avenue  7th Floor  West Palm Beach, FL 33401 |
| COUNTER DEFENDANT  Pamela Beth Simon 950 N. Michigan Avenue Apartment 2603 Chicago, IL 60611 psimon@stpcorp.com | COUNTER DEFENDANT  Mark R. Manceri, Esq., and Mark R. Manceri, P.A.,  2929 East Commercial Boulevard Suite 702 Fort Lauderdale, FL 33308 mrmlaw@comcast.net | COUNTER DEFENDANT Theodore Stuart Bernstein  880 Berkeley Boca Raton, FL 33487 tbernstein@lifeinsuranceconcepts.com |
| COUNTER DEFENDANT Theodore Stuart Bernstein  Life Insurance Concepts, Inc. 950 Peninsula Corporate Circle  Suite 3010 Boca Raton, FL 33487 tbernstein@lifeinsuranceconcepts.com |  |  |