

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA FOURTH
DISTRICT,
1525 PALM BEACH LAKES BLVD., WEST PALM BEACH, FL 33401

CASE NO.: 4D16-0222
L.T. No.: 2011CP000653XXXXSB
2014CP003698XXXXNB

ELIOT IVAN BERNSTEIN,

Appellant / Petitioners,

**Appellant's Motion with Specificity to ;
Order Production of the Full Record and
Extend Time to File Initial Brief**

v.

TED BERNSTEIN, AS TRUSTEE, ET AL.

Appellee / Respondent(s)

Appellant-Petitioner Eliot I. Bernstein, respectfully says and moves this Court as follows:

1. I am the Appellant-Petitioner herein acting pro se after being in indigent status for several years which is attributed in direct part to the conduct of Ted Bernstein and other "claimed" fiduciaries and / or parties acting as fiduciaries in these proceedings furthering delay, sham tactics, sharp practices in the 4 related cases herein and directly connected to proven fraud upon the courts of Palm Beach county despite the fact that specific Estate planning was done by my parents for the benefit of my family and minor children which should have provided for my ability to retain proper counsel where millions have gone missing and unaccounted for years later, and countless documents and other evidence is allegedly "missing" as well. A full production of the Indexes and Records of all cases for this appeal will show if the operative documents and instruments for various Simon Bernstein and Shirley Bernstein Trusts and companies were ever filed with the Court which would be relevant to what these

documents say and whether it was error to deny my requests and petitions for funds for counsel and related matters herein.

2. I make this motion with specificity to support an Order to the Palm Beach County Clerk's office to produce and file the proper full record on this appeal.
3. I further seek an additional extension of time for filing and serving the initial brief at a reasonable time after actual receipt of the full and proper records and indexes on appeal herein.
4. I respectfully believe in good faith that I previously made it clear to this Court that while the Order on Appeal dated Dec. 16, 2015 signed by Judge John Phillips was issued under Case No. 2014CP003698XXXXNB which is the Case Number for the Shirley Bernstein Trust case, the Order on Appeal by its express terms indicates that it is a "Final Judgement" under Florida Rule 9.170 of the Florida Rules of Appellate Procedure and by its express terms the Order purports to determine the "validity" of instruments from 4 "separate" cases although not referring to such Case Numbers in the body of the Order but instead referring to the Will of Shirley Bernstein which is under Case No. 502011CP000653XXXXNB, the Will of Simon Bernstein under Case No. 502012CP004391XXXXSB, and the Trust of Simon Bernstein under Case No. 502015CP001162XXXXNB (formerly Civil Case No. 502014CA014637XXXXMB) and of course the Trust of Shirley Bernstein which is under Case No. 2014CP003698XXXXNB contained in the Order itself. See, Appendix Exhibit 1, Dec. 16, 2015 Order of Judge Phillips.
5. Thus, as pled to this Court in good faith my Notice of Appeal was filed under Case No. 2014CP003698XXXXNB but also included the other 3 Cases since the Order on Appeal by its express terms issued a Final Judgment on the Instruments from those cases and in fact

refers to the instruments from the 4 cases expressly in the Order itself by stating, “(collectively, the “Testamentary” documents).” See, Appendix Exhibit. 2, Notice of Appeal and Appendix Exhibit. 1, Order of Judge Phillips.

6. Since the entry of this Court’s Order of May 13, 2016 granting the extension of time to file the Initial brief but denying production of the full Records on appeal, significant time has been spent reviewing the Florida Bar Pro Se Appellate Handbook, Florida Bar articles on Records on Appeal, the Florida Rules of Appellate Procedure and similar sources in preparation of this motion which is an additional reason to support a further extension to file my Initial Brief.
7. In Chapter 3 “Pulling Together the Record on Appeal” from the Florida Bar Pro Se Appellate Handbook, under A(2) “How Does an Appellant Get the Record on Appeal to the Appellate Court?” the Pro Se Handbook says “When an appellant files a notice of appeal without Directions to the clerk, the clerk of the court in the lower tribunal where the case was heard automatically sends the complete record to the appellate court. This is what happens in most appeals.” See Appendix Exhibit 3, Florida Bar Pro Se Appellate Handbook link.
8. I did not file any “Directions to the Clerk” to somehow limit the Record on Appeal and expected that by default operation of rule and law the Clerk would transmit the full records on Appeal and full indexes from all 4 Cases directly and expressly named and impacted by the Dec. 16, 2015 “Final Judgement” of Judge Phillips.
9. Instead, after Appellee Ted Bernstein’s attorney Alan Rose moved to dismiss the appeal one day after the 70 day timeframe to file the initial brief, I notified this Court that the Clerk of the 15th Judicial Circuit Court had not yet transmitted any Record or Index on appeal in the case yet.

10. And in what seemed a bit peculiar, within a day or two (approximately) of my responsive motion to this Court while still having not communicated to the Trial Court of the missing Record and Index, an unknown person in the Clerk’s office who I have described as “anonymous” suddenly produced a partial Record and Index to this Court and the parties and yet while Labeling the Record and Index as under the Simon Bernstein Will and Trust Cases, Case numbers 502012CP004391XXXXNB (Estate) and 502015CP001162XXXXNB – Simon Bernstein Trust Case (formerly Civil Case 502014CA014637XXXXMB) (Trust) , the **actual docket and documents contained therein are from the Shirley Bernstein Estate Case and Shirley Bernstein Trust case, Case Numbers 502011CP000653XXXXSB and 502014CP003698XXXXNB, respectively and NOT as labeled by the Clerk.**
11. Thus I came back to this Court upon being told by the Clerk of the lower Court to plead to this Court to issue an appropriate Order so the lower Court could produce the Full records and indexes on appeal which is the standard default situation by Rule and procedure as the lower Court indicated it needed such an Order since the Trial Judge John Phillips had not issued any “Consolidation” Order of the 4 cases or formal “related” Order of the 4 cases although I was still facing additional obstacles and barriers in the lower Court on “indigency” status despite having recently been granted said status by that Court and again by this Court.
12. From the Florida Bar Pro Se Appellate Handbook Chapter 3. A “What is a Record on Appeal? An Overview”, (1) Introduction, “If you are the appellant and are asking the appellate court to reverse and remand or correct in some way what the lower tribunal did, it is your job to make sure that the appellate court has everything it needs to review what happened in the lower tribunal . . .” See Appendix Exhibit 3, Appellate Pro Se Handbook.

13. Indigent pro se Petitioner and Appellant herein has been diligently attempting to ensure that this Court has the proper and full Record on Appeal in the hearing of this Appeal on a “Final Judgement”.
14. Again, under Florida Rule of Appellate Procedure 9.200 The Record (g), the duties of the Clerk are to prepare the full record which is what I have respectfully plead for and requested and am now moving this Court respectfully to Order.
15. In all of the Florida Bar resources and other resources found I have come across no Rule or case or proposition that a Pro Se Indigent Appellant like myself is subjected to disparate treatment and a higher standard and burdens to obtain a “full” Record to have a proper appeal.
16. It seems only logical that an appeal of a “Final” Judgment as this is claimed would necessitate a “full” record since the Order appealed from has such impact on the determination of rights in a case.
17. Moreover, under Florida Rule of Appellate Procedure 9.170 which the Order appealed from expressly states to be at play under subsection (e) the Scope of Review on a “Final” Order appears to be greater and thus even more demanding and necessitating of a “full” Record as follows: “(e) Scope of Review. The court may review any ruling or matter related to the order on appeal occurring before the filing of the notice of appeal, except any order that was appealable under this rule. Multiple orders that are separately appealable under rule 9.170(b) may be reviewed by a single notice if the notice is timely filed as to each such order.” See, Appendix Exhibit 4 Florida Rules of Appellate Procedure.
18. As previously noted to this Court, the Case that was **actually Noticed** for the Case-Management Conference that gave rise to the Order setting a Trial was the Simon Bernstein

Estate case filed under Case No. 502012CP004391XXXXSB, and thus having the entire Record of that case is absolutely relevant and necessary for a variety of reasons including but not limited to: a) Determining if it was Error and an Abuse of Discretion to Order a Trial in a case Not Noticed for Conference; b) Determining if it was Error and an Abuse of Discretion to have Ordered a Trial at that stage of the proceedings based upon the full history and record of the case including the outstanding resolution of fraud issues and issues raised by my May 6, 2013 Emergency Motion filed in both the Shirley Bernstein Estate Case and Simon Bernstein Estate Case notifying the Court of various frauds, seeking investigation by the Courts of the frauds, seeking freezing of the case and multiple other grounds for relief, See Appendix Exhibit 5; c) Determining if it was Error and an Abuse of Discretion to Deny Appellant access to Trust-Estate funds for the retention of counsel and Experts to prepare for Trial in related cases where actual fraud upon the Court and fraudulent documents deposited into the Court had already been determined; and, d) Determining if it was Error and an Abuse of Discretion to deny Appellant a Stay and Continuance for retained counsel to be admitted Pro Hac vice where the full Record of proceedings would show the difficulties and hardships faced by Appellant where Florida Licensed counsel that was substantially “consulted” with in Confidence and on strategy turned around to come into the case for Ted Bernstein such as John Pankauski. See Appendix Exhibit 6 Voluntary Stay and Continuance Request by Texas Attorney Candice Schwager and Exhibit 7 Motion for Stay-Continuance filed with Court pre-Trial by Appellant herein specifically raising outstanding Discovery and relevance to determination of Undue Influence on Simon Bernstein; Exhibit 8 Verified Motion by Peter Feaman on behalf of Eliot Bernstein to Disqualify John Pankauski as Counsel; Appendix Exhibit 9 Order of Judge Colin Denying Disqualification of Counsel; and other.

19. As shown by the Florida Bar resources, “In particular, the record is made up of the original pleadings filed in the lower tribunal and all exhibits filed in the lower tribunal. The record also includes any transcripts that were filed in the lower tribunal. Finally, the record has a progress docket, which is a list of everything that was filed in the lower tribunal.¹” See, Appendix Ex. 3 Florida Bar Pro Se Appellate Handbook.
20. “When an appellant files a notice of appeal without Directions to the clerk, the clerk of the court in the lower tribunal where the case was heard automatically sends the complete record to the appellate court. This is what happens in most appeals.” See, Appendix Ex. 3 Florida Bar Pro Se Appellate Handbook.
21. “If no instructions are received, the clerk will prepare a standard record in accordance with the appellate rules.11 Fla. R. App. P. 9.200(a)(1), (2).**Avoiding Appellate Mistakes: A Primer for the General Practitioner July/August, 2008 Volume 82, No. 7**”
22. In fact, all of the statements and cases found in the Florida Bar resources reviewed show a very strong focus that an Appellant **must ensure a proper and full record or face dismissal or an affirmance for an inadequate Record:**
- “Even if the statement of the evidence is settled and approved by the trial court, the appellate court may still find that the statement provides an insufficient basis for review.³⁹ When it does, the most likely outcome is that the court will issue an affirmance of the order on appeal.⁴⁰ Occasionally, on its own motion and pursuant to Florida Rule of Appellate Procedure 9.200(f)(2), the appellate court will give the appellant a second chance and direct it to file a sufficient statement of the evidence.⁴¹”*
- <http://www.floridabar.org/DIVCOM/JN/JNJournal01.nsf/Author/CB6A6BCD42F2046D852577C800753FEE>
23. All the cases found at this resource listed below give strong warnings about an incomplete Record which only raises the question as to why as an indigent pro se Appellant I am facing such obstacles to provide this Court with a full record.

24. See, *Harrison v. Harrison*, 909 So. 2d 318, 319 (Fla. 2d D.C.A. 2004) (noting that the appellate court must presume that the “trial court’s decision is correct unless the appellant provides the appellate court with a record that is sufficient to evaluate the appellant’s contentions of error”). Appendix Exhibit 10 Florida Bar
25. See, e.g., *Morgan v. Pake*, 611 So. 2d 1315, 1316 (Fla. 1st D.C.A. 1993) (noting the court was “constrained to affirm” when appellants “failed to include in the record on appeal” all the evidence before the trial court when it made its decision). See Appendix Exhibit 11 Florida Bar.
26. See Fla. R. App. P. 9.210(b)(3) (requiring the Initial Brief statement of the case and of the facts to contain “[r]eferences to the appropriate volume and pages of the record”); see also *Williams v. Winn-Dixie Stores, Inc.*, 548 So. 2d 829, 830 (Fla. 1st D.C.A. 1989) (striking a brief that contained inadequate citations to the record on appeal); *Dowell v. Sunmark Ind.*, 521 So. 2d 377, 378-79 (Fla. 2d D.C.A. 1988) (sanctioning counsel for failing to supply, among other things, proper citations to the record after multiple motions by appellee and orders by the court). See Appendix Exhibit 12 Florida Bar.
27. *Soto*, 974 So. 2d at 404; *O’Byrne v. Miller*, 965 So. 2d 316, 317 (Fla. 2d D.C.A. 2007); *Bei*, 475 So. 2d at 914 (finding a statement of the evidence, to which there was no objection and the trial court approved, was inadequate). See Appendix Exhibit 13 Florida Bar.
28. The extensive direct frauds as shown and alleged in my Emergency Motion of May 2013 filed in both the Shirley and Simon Estate cases and eventually resulting in a criminal Plea by one of Tescher and Spallina’s direct employees Kimberly Moran is but one strong basis to require the production of the Full Record and Indexes in All 4 impacted cases both for

determination of what was filed, but also by who, when, and heard by which Judge and further the history of the case and procedures of the case for purposes of due process.

29. This is particularly shown for the Simon Bernstein Estate and Trust cases which have yet to be Produced by the Clerk below.
30. In the Simon Bernstein Estate Case, the Petition for Administration filed on Oct. 2, 2012 filed in the South County Branch under the Signatures of Attorneys Robert Spallina and Donald Tescher on Oct. 1, 2012 and Time-Stamped in as Received Oct. 2, 2012 at 8:58 AM of this day expressly states in Par. 3 that the “names of the beneficiaries of the estate” are Ted Bernstein, Pamela Simon, myself Eliot Bernstein, Jill Iantoni, Lisa S. Friedstein and Tescher and Spallina as Co-Trustees of Simon’s alleged Amended Trust.
31. Not only is this document required to be Verified under the Florida Probate Rules Part II Rule 5.200, it is completely contradictory to the actions taken by Ted Bernstein and Alan Rose in the “validity trial” which is on Appeal but also shows why Judge Phillips committed Error and Abused his Discretion by artificially and prematurely and pre-judgingly “limiting” said Trial to “one-day” only as it makes Donald Tescher an absolutely necessary Witness in the case having placed his signature as an Attorney on said instrument filed with the Court completely contradicting the current position of Ted Bernstein and Alan Rose and yet there was No Time afforded or allotted for any additional Witnesses by Judge Phillips which was in error and in fact Appellant was “rushed” by the Court to complete even the pro se examinations of the mere 2 witnesses produced and time allotted for.
32. Further, on the same date, Oct. 2, 2012 time-stamped in at 9:32 AM in the South County Branch is what purports to be according to the Petition the “Original” Will of Simon Bernstein of July 2012.

33. However, as shown in a May 2, 2014 filing by the Curator Ben Brown of the Simon Bernstein Estate, the Curator petitioned the Court seeking Instructions on the extent of his authority with respect to Simon's Will which the Curator raised after I found and reported significant errors in the execution of Simon's Will and particularly since I had already discovered Fraud in the Shirley Bernstein case also handled by Judge Colin and involving Tescher & Spallina's direct employee Paralegal who had already plead Guilty to criminal offenses relating to the fraud in documents deposited in Judge Colin's Palm Beach County Court.
34. Attached to this filing by the Curator Ben Brown, however, is HIS "Exhibit A" which is also the Will of Simon Bernstein at issue and yet HIS copy of the Will obtained from Tescher and Spallina some years later in 2014 has an Office stamp from Tescher and Spallina that says **"The Original of this Will is being held in a safe-deposit box of the Law firm of Tescher & Spallina, P.A."** See, Appendix Exhibit 14, Motion of Curator Ben Brown May 2, 2014.
35. This is just one of many issues where a Full Record is absolutely necessary as the alleged validity "trial" itself showed that NO originals of ANY of the Trusts had been produced or even seen by fiduciary Ted Bernstein yet where multiple copies of "duplicate originals" and other original "copies" end up magically surfacing during the shifting story and fact lines presented by the fiduciaries in control and possession of the documents.
36. Thus, this filing with Ben Brown raises the issue of what is the **Actual Original** of the Will since the Oct. 2, 2012 filing for Administration says it was filed then but by May of 2014 the Curator says according to his Exhibit A the Original is being held by Tescher and Spallina in a Safe Deposit box. Thus, the full Indexes of what was filed by who and when and where in each case is essential to due process on appeal and will further be supportive of claimed error

in being denied proper due process to Inspect and review and compare dispositive documents in advance of the “trial” and have time for forensic experts to evaluate.

37. Even further, the Simon Bernstein Estate case has even more “irregularities” and anomalies which make Production of the Full Record on Appeal essential and absolutely necessary.
38. For example, back to Oct. 2, 2012 where at 9:31 AM there is a Time-Stamped Order again from the South County Branch on said date granting Letters of Administration from an Unknown Judge with no name and just one initial, “J”, said Order apparently being issued some 33 minutes after the Petition for Administration was filed at 8:58 AM on this day,
39. Yet, only one minute later at 9:32 AM of Oct. 2, 2012 there is again an Order signed from an Unknown Judge with no name and just one initial, “J” Admitting the Will to Probate however the Will itself was not even filed by Spallina and Tescher until 9:32 AM on this date, the same time the Order was issued by an Unknown Judge with an Unknown name raising multiple questions about how an Order approving the Will was signed before or at the same time as the Will itself was filed and by what Judge, what Judges have been involved with the Case to determine who took what actions, were conflicts present, were improper Ex Parte communications involved that resulted in an Order being issued in Advance of a filing of a Will, which Will is actually on file all of which should have been determined and known by proper Civil and pre-trial procedures absent in this case all occurring where actual fraud has already been proven in the Shirley Bernstein Estate case.
40. Even further still, I was Never SERVED with any Petition for Administration or Notices as Beneficiary in the Simon Bernstein case and was not served with many of the documents at issue despite Service and Notice being required by Probate Law and Procedure and only obtained and found some of the filings in the case by my own searching efforts. Thus,

production of the Full record is justified on these grounds alone as any such deficiencies in Service and Notice were violations of probate law and full production is the only way to know what happened and what is on record in the case upon appeal for a final judgement.

41. The Full Record and Indexes from all the cases impacted by this Order is the only way to begin to address the complex frauds, errors and mis-steps in procedure along the way. The Probate Rules also provide for application of the Florida Civil Rules of Procedure in certain instances and have Rules for Discovery and the Noticing and Management of a case to trial and thus full indexes and full records of all cases on appeal are necessary to show due process violations and error by the Trial court.
42. For example, was there ever an Amendment to the Simon Bernstein Estate case Petition for Administration to name the actual Beneficiaries that Ted Bernstein and Alan Rose claimed at trial that allegedly included only 10 grandchildren? Does the Full Record show if the claimed beneficiaries at trial, the alleged “Grandchildren” were ever served with proper Notices of Administration that provides the procedural protections and allowances of timeframes to Object to probate of the Will, object to the PR and other protections of the Probate laws including whether my minor children were also denied Due process and whether the Court erred in Denying counsel and disbursements to fund counsel?
43. As shown by the Dec. 2012 Letter Demand for Discovery to Tescher and Spallina filed by my counsel Christine Yates of Trip Scott, I had to formally file written requests for production of items which as a Beneficiary I was entitled to and many items remained unproduced. Said request was included in the Record of Simon’s Estate case as Exhibit 10 to my May 2013 Emergency Motion at page 182. See Appendix Exhibit 5.

44. Only upon access to the full Records and Indexes can it be remotely determined on appeal if the Trial Court satisfied the requirements of Probate Rule 5.430 relating to the Resignation of the Personal Representatives Spallina and Tescher after the fraud was exposed by turning over all documents, records, and providing proper accountings all of which was relevant to whether Judge Phillips committed error by issuing the Trial Order and failing to determine proper Discovery compliance and production of documents and other due process pre-trial procedures.
45. In this case with the truly “massive loss”, allegedly of all Originals, documents and records of Simon Bernstein and I say “allegedly” massive loss as it is possible the evidence has instead been Hidden and stolen (spoliation of evidence), and the failure to have proper Discovery unduly prejudiced and impaired any alleged Trial as this was all relevant to Simon Bernstein’s state of mind and possible undue influence for the execution of the alleged new Will of July 2012 and Amended Trust of July 2012 all of which was outlined in my motion to Stay and Continue the Trial filed before the Trial .
46. A full Index from all the cases and full Records on Appeal are necessary since in the Simon Bernstein Estate case alone there appears to have been 3 Judges on the case including Judge French and Gilliam where Judge Colin “somehow” stepped over and took over the Judge French case to deny my Emergency Motion in May of 2013 demonstrating the fraud in Judge Colin’s Court with the Shirley Bernstein case and then later when motions were filed in the separate cases to “consolidate” the cases were not consolidated but instead taken over by Judge Colin where in the Transcript of the Shirley case the Judge admits he was also “ruling” in Judge French’s case and thus a further “mixing” of the cases occurring where conflicts

may have been present and other procedural improprieties. Only by full Indexes and Records on Appeal will it be known if these transcripts were filed of record in the appropriate cases.

47. The full Indexes and Records on Appeal are necessary as there are many Transcripts of hearings that are necessary for a proper Appeal but it is unknown what Transcripts have been filed on record from the other cases. This Court claims it has the Dec. 15, 2015 “Trial” Transcripts but many other Hearing dates are necessary such as the Sept. 15, 2015 Case-Management Conference in Simon’s Estate case which gave rise to the Trial Order in the initial instance, the June 2015 first appearance with Judge Phillips at a Status Conference also in Simon’s Estate case where Judge Phillips indicated twice on the Record that my Petition for All Writs would be heard at the next appearance, yet this would never happen showing bias, prejudice and denial of due process right to be heard at a meaningful time in a meaningful manner.
48. The full indexes and Records from all the mentioned cases are further needed also from the Simon Bernstein Trust Case to determine whether the proper parties were served, had capacity to be sued, whether Trusts were filed that show the parties sued on Ted Bernstein’s complaint and whether the Trusts and entities sued exist at all.
49. Simply reviewing the Caption of the Complaint filed by Ted Bernstein and his counsel Alan Rose which was the subject of the alleged validity Trial shows that the Complaint was filed in the Shirley Bernstein Trust case yet sued entities in the Simon Bernstein Trust case thus making the full indexes and records of the Simon Bernstein Trust case absolutely necessary to a proper appeal.
50. The full Indexes and Records on appeal from the Simon Bernstein Trust case which has not been produced will show if any of the Trust entities sued by Ted Bernstein and Alan Rose

exist, if these Trusts were filed with the Court, if there was any Notice of Trust filed for any of these entities, whether the entities exist and had capacity to be sued and if subject matter jurisdiction was appropriate.

51. Thus, the four separate and legally not related cases dispositive documents being validated at the sham proceeding that inappropriately combined them at Status Hearing under Simon to be heard under the Shirley Bernstein Trust case are as follows:

- a. Case # 502012CP004391XXXXSB – Simon Bernstein Estate
- b. Case # 502015CP001162XXXXNB – Simon Bernstein Trust to Remove Ted Bernstein
 - i. OLD CASE # Was Civil but Colin wanted to transfer to him in Probate ?
502014CA014637XXXXMB
- c. Case # 502011CP000653XXXXSB – Shirley Bernstein Estate
- d. Case # 502014CP003698XXXXNB – Shirley Validity Lawsuit.

52. The documents allegedly validated in Shirley's Trust case include;

- a. Simon Bernstein Trust Agreement
 - i. Amended and Restated Simon Bernstein Trust Agreement
- b. 2008 Simon Bernstein Will
- c. 2012 Simon Bernstein Will
- d. Shirley Bernstein Will
- e. Shirley Bernstein Trust Agreement

53. These documents should have all had separate hearings under their respective estate and trust cases and those cases have pertinent information that should be part of any appeal for this

court to understand the full scope of the hearing and cases affected by the ruling in the Shirley Trust Case before the court.

54. That due to various combinations of fraud on the court, proven and new crimes admitted in the December 15, 2015 hearing on Appeal, Appellant claims that since the fraud on the court was committed by Court Appointed Officers of the Court and the Court Appointed Fiduciaries, who claim in the December 15, 2015 hearing to not know how the documents were delivered and by whom to the court, it is essential that Appellant and this court both have the full court records, including judicial records, calendars, call logs, etc. for any parties involved in any of the fraudulent documents, including court personnel, Judicial Assistants, etc. to have all the relevant facts before the court, especially where fraud is already proven.
55. Appellant has alleged that the fraud on the court was further aided and abetted by various parties involved in the machinery of the court and continues to occur in the ongoing cases and where transparency for the victims and litigants is essential to the fair and impartial administration of justice, including determining this appeal.
56. Appellant has diligently pursued obtaining Administrative court records as well and this is a unique case where these records likely have direct bearing on the proper pursuit of an appeal herein.

WHEREFORE, it is respectfully prayed for an Order directing the Clerk of the 15th Judicial Circuit to prepare and transmit and serve full Indexes and Records for all the named affected cases herein and further extending the time to file and serve the Initial Brief until a reasonable time after said Indexes and Records are produced not less than 15 days and for such other and further relief as to this Court may seem just and proper.

Dated: May 25, 2016

/s/Eliot Ivan Bernstein

Eliot Ivan Bernstein
2753 NW 34th St
Boca Raton, FL 33434
561-245-8588
iviewit@iviewit.tv

CERTIFICATE OF SERVICE

I CERTIFY that a copy of the foregoing has been furnished to parties listed on attached Service List by E-mail Electronic Transmission; Court ECF; this 25th day of May, 2016.

/s/ Eliot Ivan Bernstein

Eliot Ivan Bernstein
2753 NW 34th St.
Boca Raton, FL 33434
561-245-8588
iviewit@iviewit.tv

**SERVICE LIST - CASE NO. SC15-1077 & LOWER CASES DEFENDANTS,
RESPONDENTS, COUNTER DEFENDANTS**

John P. Morrissey, Esq. 330 Clematis Street, Suite 213 West Palm Beach, FL 33401 (561) 833-0766-Telephone (561) 833-0867 -Facsimile Email: John P. Morrissey (iohn@jrmoiTisseylaw.com)	Lisa Friedstein 2142 Churchill Lane Highland Park, IL 60035 lisa@friedsteins.com
Peter M. Feaman, Esq. Peter M. Feaman, P.A. 3695 West Boynton Beach Blvd., Suite 9 Boynton Beach, FL 33436 (561) 734-5552 -Telephone (561) 734-5554 -Facsimile Email: service@feamanlaw.com : mkoskey@feamanlaw.com	Jill Iantoni 2101 Magnolia Lane Highland Park, IL 60035 jilliantoni@gmail.com
Gary R. Shendell, Esq.	Counter Defendant

<p>Kenneth S. Pollock, Esq. Shendell & Pollock, P.L. 2700 N. Military Trail, Suite 150 Boca Raton, FL 33431 (561)241-2323 - Telephone (561)241-2330-Facsimile Email: gary@shendellpollock.com ken@shendellpollock.com estella@shendellpollock.com britt@shendellpollock.com grs@shendellpollock.com</p>	<p>Robert Spallina, Esq. Donald Tescher, Esq. Tescher & Spallina 925 South Federal Hwy., Suite 500 Boca Raton, Florida 33432</p>
<p>Brian M. O'Connell, Esq. Joielle A. Foglietta, Esq. Ciklin Lubitz Martens & O'Connell 515 N. Flagler Dr., 20th Floor West Palm Beach, FL 33401 561-832-5900-Telephone 561-833-4209 - Facsimile Email: boconnell@ciklinlubitz.com; ifoglietta@ciklinlubitz.com; service@ciklinlubitz.com; slobdell@ciklinlubitz.com</p>	<p>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</p>
<p>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</p>	<p>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</p>
<p>Theodore Stuart Bernstein 880 Berkeley Boca Raton, FL 33487 tbernstein@lifeinsuranceconcepts.com</p>	<p>Counter Defendant TESCHER & SPALLINA, P.A.. Wells Fargo Plaza 925 South Federal Hwy Suite 500 Boca Raton, Florida 33432 dtescher@tescherspallina.com</p>
<p>Theodore Stuart Bernstein Life Insurance Concepts, Inc. 950 Peninsula Corporate Circle Suite 3010 Boca Raton, FL 33487 tbernstein@lifeinsuranceconcepts.com</p>	<p>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</p>

<p>Pamela Beth Simon 950 N. Michigan Avenue Apartment 2603 Chicago, IL 60611 psimon@stpcorp.com</p>	<p>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</p>
<p>Jill Iantoni 2101 Magnolia Lane Highland Park, IL 60035 jilliantoni@gmail.com</p>	<p>Counter Defendant Pankauski Law Firm PLLC 120 South Olive Avenue 7th Floor West Palm Beach, FL 33401</p>
<p>Lisa Sue Friedstein 2142 Churchill Lane Highland Park, IL 60035 lisa.friedstein@gmail.com lisa@friedsteins.com</p>	<p>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</p>
<p>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</p>	<p>Hunt Worth, Esq. President Oppenheimer Trust Company of Delaware 405 Silverside Road Wilmington, DE 19809 302-792-3500 hunt.worth@opco.com</p>
<p>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</p>	<p>Neil Wolfson President & Chief Executive Officer Wilmington Trust Company 1100 North Market Street Wilmington, DE 19890-0001 nwolfson@wilmingtontrust.com</p>
<p>William McCabe Oppenheimer & Co., Inc. 85 Broad St Fl 25 New York, NY 10004</p>	<p>STP Enterprises, Inc. 303 East Wacker Drive Suite 210 Chicago IL 60601-5210</p>

William.McCabe@opco.com	psimon@stpcorp.com
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	Ralph S. Janvey Krage & Janvey, L.L.P. Federal Court Appointed Receiver Stanford Financial Group 2100 Ross Ave, Dallas, TX 75201 rjanvey@kjllp.com
Kimberly Moran Tescher & Spallina, P.A. Wells Fargo Plaza 925 South Federal Hwy Suite 500 Boca Raton, Florida 33432 kmoran@tescherspallina.com	Lindsay Baxley aka Lindsay Giles Life Insurance Concepts 950 Peninsula Corporate Circle Suite 3010 Boca Raton, FL 33487 lindsay@lifeinsuranceconcepts.com
Gerald R. Lewin CBIZ MHM, LLC 1675 N Military Trail Fifth Floor Boca Raton, FL 33486	CBIZ MHM, LLC General Counsel 6480 Rockside Woods Blvd. South Suite 330 Cleveland, OH 44131 ATTN: General Counsel generalcounsel@cbiz.com (216)447-9000
Albert Gortz, Esq. Proskauer Rose LLP One Boca Place 2255 Glades Road Suite 421 Atrium Boca Raton, FL 33431-7360 agortz@proskauer.com	Heritage Union Life Insurance Company A member of WiltonRe Group of Companies 187 Danbury Road Wilton, CT 06897 cstroup@wiltonre.com
Estate of Simon Bernstein Brian M O'Connell Pa 515 N Flagler Drive West Palm Beach, FL 33401 boconnell@ciklinlubitz.com	Counter Defendant Steven Lessne, Esq. Gray Robinson, PA 225 NE Mizner Blvd #500 Boca Raton, FL 33432 steven.lessne@gray-robinson.com
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	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:

	<p>slessne@gunster.com jhoppel@gunster.com eservice@gunster.com</p>
<p>T&S Registered Agents, LLC Wells Fargo Plaza 925 South Federal Hwy Suite 500 Boca Raton, Florida 33432 dtescher@tescherspallina.com</p>	<p>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</p>
<p>Joseph M. Leccese Chairman Proskauer Rose LLP Eleven Times Square New York, NY 10036 jleccese@proskauer.com</p>	<p>Brian Moynihan Chairman of the Board and Chief Executive Officer 100 N Tryon St #170, Charlotte, NC 28202 Phone:(980) 335-3561</p>

**Appendix To Appellant's Motion with Specificity to; Order Production of the
Full Record and Extend Time to File Initial Brief**

Exhibits

1. Dec. 16, 2015 Order of Judge Phillips
 - a. <http://iviewit.tv/Simon%20and%20Shirley%20Estate/20151222%20Received%20US%20Mail%20Entered%20by%20Phillips%20Dec%2016%202015%20Order%20Final%20Judgment%20on%20Count%20II%20of%20the%20Amended%20Complaint.pdf>
2. Notice of Appeal
 - a. <http://iviewit.tv/Simon%20and%20Shirley%20Estate/20160115%20Notice%20Of%20Appeal%20Order%20of%20Validity%20Trial%20ECF%20Stamped%20Copy.pdf>
3. Florida Bar Pro Se Appellate Handbook link,
 - a. <http://prose.flabarappellate.org/chapter.asp?chapter=3>
4. Exhibit 4 Florida Rules of Appellate Procedure.
 - a. [http://www.floridabar.org/TFB/TFBResources.nsf/0/830A6BC6B90DA05685256B29004BFAC0/\\$FILE/Appellate.pdf](http://www.floridabar.org/TFB/TFBResources.nsf/0/830A6BC6B90DA05685256B29004BFAC0/$FILE/Appellate.pdf)
5. May 6, 2013 Emergency Motion filed in Simon and Shirley Bernstein Estate Case
 - a. <http://iviewit.tv/Simon%20and%20Shirley%20Estate/20130506%20FINAL%20SIGNED%20Petition%20Freeze%20Estates%20Orginal%20Large.pdf>
6. Voluntary Stay and Continuance Request by Texas Attorney Candice Schwager

- a. <http://www.iviewit.tv/Simon%20and%20Shirley%20Estate/20151212%20Candice%20Schwager%20Pro%20Hac%20Vice%20ECF%20Filing%20Stamped%20Copy.pdf>
7. Motion for Stay-Continuance filed with Court pre-Trial by Appellant
 - a. <http://www.iviewit.tv/Simon%20and%20Shirley%20Estate/20151215%20Final%20ESIGNED%20Phillips%20Trial%20Stay.pdf>
8. Verified Motion by Peter Feaman on behalf of Eliot Bernstein to Disqualify John Pankauski as Counsel
 - a. <http://iviewit.tv/Simon%20and%20Shirley%20Estate/20140219%20Verified%20Motion%20to%20Disqualify%20Counsel%20filed%20by%20Feaman%20on%20behalf%20of%20Bernstein.pdf>
9. Order of Judge Colin Denying Disqualification of Counsel
 - a. <http://iviewit.tv/Simon%20and%20Shirley%20Estate/20140219%20ORDER%20on%20Verified%20Motion%20to%20Disqualify%20Counsel.pdf>
10. The Florida Bar Journal - November, 2010 Volume 84, No. 9 - The Record on Appeal: What Do You Do When There Was No Court Reporter? by Amy L. Miles - Page 38
 - a. <http://www.floridabar.org/DIVCOM/JN/JNJournal01.nsf/Author/CB6A6BCD42F2046D852577C800753FEE>
11. The Florida Bar Journal - November, 2010 Volume 84, No. 9 - The Record on Appeal: What Do You Do When There Was No Court Reporter? by Amy L. Miles - Page 38
 - a. <http://www.floridabar.org/DIVCOM/JN/JNJournal01.nsf/Author/CB6A6BCD42F2046D852577C800753FEE>

12. The Florida Bar Journal - November, 2010 Volume 84, No. 9 - The Record on Appeal: What Do You Do When There Was No Court Reporter? by Amy L. Miles - Page 38

- a. <http://www.floridabar.org/DIVCOM/JN/JNJournal01.nsf/Author/CB6A6BCD42F2046D852577C800753FEE>

13. The Florida Bar Journal - November, 2010 Volume 84, No. 9 - The Record on Appeal: What Do You Do When There Was No Court Reporter? by Amy L. Miles - Page 38

- a. <http://www.floridabar.org/DIVCOM/JN/JNJournal01.nsf/Author/CB6A6BCD42F2046D852577C800753FEE>

14. Motion of Curator Ben Brown May 2, 2014

- a. <http://iviewit.tv/Simon%20and%20Shirley%20Estate/20140502%20Curator%20Brown%20Motion%20for%20Instructions%20Regarding%202012%20Will.pdf>