

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

June 27, 2016

CASE NO.: 4D16-1449
L.T. No.: 2014CP002815XXXXNB;
Related Case Numbers:
502010CP003123XXXXSB;
502010CP003125XXXXSB;
502010CP003128XXXXSB.

**APPELLANT'S RESPONSE
SHOWING CAUSE FOR
EXTENSION OF TIME TO FILE
INITIAL BRIEF ON APPEAL**

ELIOT IVAN BERNSTEIN

v.

OPPENHEIMER TRUST CO.
OF DELAWARE, ET AL.

Appellant / Petitioner(s)

Appellee / Respondent(s)

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

1. I am the Appellant-Petitioner herein being pro se and having been adjudicated to be in "indigent" status in this case and related cases for several years.
2. I make this response to the Show Cause Order herein as to why this case should not be dismissed for lack of prosecution.
3. As indicated in the caption of the response herein, the following are "related" cases also impacted by the actions and proceedings herein as follows: Case No.'s:

- a. 502010CP003123XXXXSB
- b. 502010CP003125XXXXSB
- c. 502010CP003128XXXXSB

4. This case brings clearly into focus exactly why Production of Full Records and Indexes on Appeal in ALL related cases is necessary and further why proceedings in all cases should be stayed pending full investigation of fraud upon the Court under the Statewide Fraud Policy of the Court's dated September 27, 2012¹.
5. There are meritorious grounds to the Appeal herein including but not limited to under standards of abuse of discretion by the lower court in making the Final Judgment, lack of standing by resigned Trustee Oppenheimer to have brought the Petition seeking "Guardianship" of my children, insufficient facts to support the Judgment including but not limited to the alleged "hearing" to determine Guardianship occurring illegally in violation of Court Rules mandating Electronic Recordings in Guardianship cases, other fundamental error and plain error issues, subject matter jurisdiction issues and improper notice pleadings, and fraud upon the court.
6. This Court shall formally take Notice of the Statewide Court Policy on Fraud with said Policy requirements having been communicated to the Chief Judges and Clerks of each District Court of Appeals thus including this 4th District Court of

¹ September 27, 2012 Office of the State Courts Administrator - State Courts System Fraud Policy <http://iviewit.tv/Simon%20and%20Shirley%20Estate/20120927%20Florida%20State%20Courts%20System%20Fraud%20on%20the%20Court%20Policy%20Procedure.pdf>

Appeals which shall take all required actions as required by such policy including but not limited to Reporting requirements.

7. This case takes the fraud involving Robert Spallina of Tescher & Spallina back to at least 2010 as shown by the original filings by Oppenheimer herein by falsely and fraudulently claiming in Paragraph 8 as seen on Record on Appeal Page 000010 as follows: 8. “In 2010, Eliot and Candice Bernstein, as the parents and natural guardians of Joshua, Jake and Daniel Bernstein, filed Petitions to Appoint Successor Trustee for each of the Trusts in the Circuit Court and for Palm Beach County, Case Nos. 50201 OCP003123XXXXSB, 50201 OCP003125XXXXSB and 50201OCP003128XXXXSB.”
8. Said Petitions from July 2010 were filed by the Offices of Tescher and Spallina under the signature of Robert Spallina yet falsely and fraudulently claiming and purporting to have been signed by myself and my wife Candice Bernstein when neither of us had ever met Robert Spallina or Donald Tescher or signed any such document to file any such Petition in July of 2010².
9. This fraud was reported on the Record to Judge Colin and further reported to the Palm Beach County Sheriff’s Office as further fraud on the Court and in these cases involving the forgery of our signatures for said Petition.

10. This Court must now Order full investigation and reporting of fraud in the entire case herein and forensic analysis and investigation of all material documents or refer to the entire matter to the Inspector General and appropriate law enforcement consistent with the State fraud policy.
11. The “related” nature and “complex” nature of the cases was shown before then Judge Colin under Filing# 15557326 Electronically Filed 07/03/2014 02:40:44 PM Record on Appeal Pages 000089-000092 in my motion for an Extension of time to Answer the original Oppenheimer complaint where it was expressly raised and questioned before the Court about why Oppenheimer was bringing a “new” case when other Trust cases allegedly involving the Oppenheimer Trusts had already existed (Par. 2 , page 00089 Record on Appeal) and further showing the fraudulent notarizations and documents of Tescher and Spallina’s filings in the Shirley Bernstein Estate case. (pages 000089-000090 Record on Appeal.)
12. The original complaint of Oppenheimer as seen on Record on Appeal Page 0010 further contains false and fraudulent statements by claiming in Paragraphs 5 and 6 as follows: “5. Gerald R. Lewin was the initial trustee of the Trusts. 6. On September 5, 2007, Mr. Lewin resigned as trustee and appointed Stanford Trust Company as his successor pursuant to Section 5 .3 of the Trusts. “
13. Yet, showing the complex nature of the cases and the “inter-related” nature of the cases attorney Alan Rose came out in May of 2015 with a “sudden” magical

finding of new documents at the home of Simon Bernstein at 7020 Lions Head Lane, Boca Raton, Fl allegedly finding “new” original copies of the Oppenheimer Trusts yet the attached Tax filings signed by Gerald Lewin wholly contradicts Oppenheimer’s claim of who was the original Trustee and when the Trust began as Gerald Lewin’s documents claim the Trust started on Sept. 1, 2006 and that Stanford was the original Trustee. This, however, occurred despite the fact that the home had previously been inventoried by the PR Brian O’Connell firm and all documents allegedly removed. See Rose Link:

<http://iviewit.tv/Simon%20and%20Shirley%20Estate/20150520%20Alan%20Rose%20Letter%20to%20Eliot%20et%20al%20Regarding%20Oppenheimer%20Trust%20documents%20and%20Tax%20Records%20found.pdf>

14. Yet, Spallina’s fraudulent filing in July 2010 further contradicts when the Trust was created claiming it was Sept. 7, 2006 and who was Trustee falsely claiming it to be one Traci Kratish originally and as the records show herein Oppenheimer refused to provide documents for a very significant time and then ultimately only turned over documents with wrong names, not initialed, not fully signed, not notarized etc.

15. Traci Kratish gave statements to the PBSO stating she did not even work for Simon Bernstein on the date the Trust was allegedly created and did not do any work for the trust “pre” Stanford. See Kratish statement³.
16. Because of the extreme intertwined nature of the frauds in the related cases and exhausting detailed review from multiple dockets extensive time has been consumed and continues to be consumed sorting out the fraud which the lower tribunal was asked to correct and refused to correct, it is respectfully requested for an additional 30 days to submit the Initial Brief herein.
17. While other parties like Ted Bernstein and Alan Rose have claimed I only seek to delay proceedings, this claim is false and directly ignores that I am the one to have brought truth and integrity to the proceedings and that in fact there was over a 2 year delay in the related cases from the time Judge Colin first received my Emergency Filing in May of 2013 showing then widespread fraud in these proceedings until such time as Judge Colin mysteriously recused 24 hours after denying a mandatory Disqualification having never held any validity hearings or validity of documents during such 2 year time.

WHEREFORE, it is respectfully prayed for an Order granting at least 30 additional days to file the Initial Brief or such other reasonable amount as is just and proper and such other and further relief as is just and proper.

³ <http://iviewit.tv/Simon%20and%20Shirley%20Estate/Kratish%20Statements%20to%20PBSO.pdf>

/s/ Eliot Ivan Bernstein

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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 27th day of June, 2016.

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