

IN THE CIRCUIT COURT OF THE  
FIFTEENTH JUDICIAL CIRCUIT, IN  
AND FOR PALM BEACH COUNTY,  
FLORIDA

CASE NO.: 502012CA013933XXXXMB  
DIVISION: AA

WILLIAM E. STANSBURY,

Plaintiff,

v.

ESTATE OF SIMON L. BERNSTEIN, and  
BERNSTEIN FAMILY REALTY, LLC,

Defendants.

---

**MOTION IN OPPOSITION TO MOTION TO WITHDRAW AS COUNSEL FOR  
BERNSTEIN FAMILY REALTY, LLC AND STAY PROCEEDINGS FOR MEDICAL  
UNAVAILABILITY**

ELIOT IVAN BERNSTEIN, hereby files this “MOTION IN OPPOSITION TO  
MOTION TO WITHDRAW AS COUNSEL FOR BERNSTEIN FAMILY REALTY, LLC” and  
Stay Proceedings - Notice of Medical Unavailability and so states:

1. I am Eliot Bernstein appearing pro se as an interested party and seeking to determine any other and rights I may have in this matter in light of recent changes with Defendant BFR in this case and their counsel Steven Lessne of Gunster law firm.
2. I give this Court notice that due to an injury caused on September 06, 2016 by a vasovagal attack that caused me to faint and fall and his son subsequently trying to do CPR on him, which led to a cracked rib and bruised ribs, I will be heavily medicated for the next 6-9 weeks and extremely limited in mobility.

3. I will not be able to attend any hearings during this time and seeks a stay on this case from hearings and responses until such time has elapsed for him to fully recover and cease pain medications.
4. I have been advised to avoid stress during this time as stress is a major contributor to vasovagal attacks and therefore seeks this stay to last until November 01,2016 unless otherwise extended by a further doctor order.

**FRAUD ON THE COURT-CONFLICTS OF INTEREST**

5. I make a Record to notify Judge Oftedal, now appearing in this case, of widespread fraud on the Court that has been reported both in related cases involving Oppenheimer and the Wills and Trusts and Estates under Case Numbers:

- i. Case # 502012CP004391XXXXSB – Simon Bernstein Estate
- ii. Case # 502015CP001162XXXXNB – Simon Bernstein Trust to Remove Ted Bernstein
  - a. OLD CASE # Was Civil but Colin wanted to transfer to him in Probate ? 502014CA014637XXXXMB
- iii. Case # 502011CP000653XXXXSB – Shirley Bernstein Estate
- iv. Case # 502014CP003698XXXXNB – Shirley Trust Construction
- v. Case # 502014CP002815XXXXSB – Oppenheimer v. Bernstein Minor Children
  - a. 502010CP003123XXXXSB
  - b. 502010CP003125XXXXSB
  - c. 502010CP003128XXXXSB
- vi. Case # 502015CP002717XXXX Colin Closed but transferred to Coates Eliot Bernstein v. Simon Estate Case for Claims
- vii. Case # 502014CA014637XXXXMB BERNSTEIN, ELIOT I VS BERNSTEIN, THEODORE S
- viii. Case # 50-2010-CP-003128-XXXX-SB – Joshua Bernstein alleged 2010 Trust Case Colin
- ix. Case # 50-2010-CP-003125-XXXX-SB - – Jacob Jake Bernstein alleged 2010 Trust Case Colin
- x. Case # 50-2010-CP-003123-XXXX-SB– Daniel Danny Bernstein alleged 2010 Trust Case Colin
  - a. 4th DCA

- xi. 4DCA#: 16-0064
- xii. 4DCA#: 15-3849
- xiii. 4DCA#: 16-0222
- xiv. 4DCA#: 16-2249
  - a. Florida Supreme Court
- xv. SC16-29
- xvi. SC15-1077
- xvii. SC04-1078 - Eliot Bernstein v. The Florida Bar et al.

- 6. BFR, LLC was setup on or around the same time as Trusts that eventually ended up with Oppenheimer as Manager.
- 7. The reporting of the fraud has not only been made to Judge Martin Colin on the record and by motion in the related cases but also through various filings with former Judge Colin and now Judge Phillips and the 4th District Court of Appeals and various federal authorities. Various frauds on the court and frauds on beneficiaries and interested parties have been admitted to and proven and prosecuted in the Estate and Trust cases committed by Officers of the Court and Court Appointed Officers and Fiduciaries.

**Request for Judge Oftedal to Disclose any Conflicts of Interest in finding Fraud and-or misconduct by Judge Martin Colin, Judge Phillips, or any Judge of the 15th Judicial**

- 8. I respectfully request this Court of Judge Oftedal to disclose any conflicts of interest he may have in presiding in this matter and any and all conflicts or biases toward litigants who exercise statutory and Constitutional rights to move to Disqualify a Judge when deemed appropriate, conflicts or biases toward litigants who challenge the actions of a Judge specifically including Judge Martin Colin, Judge John Phillips, Judge Howard Coates and any of the Judges of the 15th Judicial Circuit, all conflicts or biases toward litigants forced to proceed Pro Se, and any and all matters reflecting on the US Constitutional propriety of Judge Oftedal serving in this case.

9. Said disclosures should include but not be limited to any adverse actions against litigants exercising the rights above and any practices of Judge Oftedal in making significant adverse rulings at “UMC” ( Uniform Motion Calendar ) hearings ***without a Record*** on matters that were proper for a Contested Evidentiary hearing as these types of “sharp practices” have been used in this case and the related cases.
10. In fact, attorney Lessne has improperly scheduled this matter for a “UMC” hearing even after I objected and this matter is proper for an Evidentiary hearing instead after proper Discovery from attorney Lessne and Oppenheimer.
11. In a related case with the Oppenheimer Trust, prior Judge Colin was notified On the Record in prior proceedings on or around June of 2014 that a Petition filed by attorney Robert Spallina on or around June of 2010 involving the underlying transfer of Trusts from the Stanford group to Oppenheimer<sup>1</sup> which purported to have my signature and that of my wife Candice Bernstein and also contained the signature of Robert Spallina was in fact a FRAUD on the Court which was also reported to the Palm Beach County Sheriff’s as a criminal matter.
12. Judge Martin Colin is the Judge who purported to issue Orders in 2010 upon the filing of the 2010 fraudulent petition by attorney at law Robert Spallina in that related case.
13. Then, in 2013, further widespread frauds involving the offices of Tescher and Spallina and forgery and fraud of documents in the Estate of Shirley Bernstein were reported to

---

<sup>1</sup> July 08, 2010 Final Order on Petition to Appoint Successor Trustee and associated papers  
<http://iviewit.tv/Simon%20and%20Shirley%20Estate/20100619AllegedForgedEliotCandicePetitiontoAppointSuccessorTrusteeJoshuaJacobandDaniel.pdf>

Judge Colin in an Emergency Motion filed in May of 2013<sup>2</sup> which has never been properly heard, nor the frauds properly addressed in these cases.

14. In the related Oppenheimer case, attorney Lessne claimed in one of the original documents in the case sworn to under his signature as an attorney that one Gerald Lewin was the Trustee of the original Trusts set up by my parents Simon and Shirley Bernstein, which holds ownership interest in BFR and yet this filing by Lessne wholly contradicts the forgery-fraud Petition document filed by attorney Spallina in 2010 which claimed one Traci Kratish as the original Trustee which further wholly contradicts Tax filings associated with the Trusts turned over by a “magical” finding of one attorney Alan Rose for alleged Trustee Ted Bernstein in May 2015.
15. This “magical finding” by attorney Alan Rose allegedly occurred at my parent’s Estate home at 7020 Lions Head Lane, Boca Raton, Florida allegedly in May of 2015 **after PR of the Estate of Simon Bernstein, Brian O’Connell’s office had already Inventoried and removed ALL documents and TPP from the home earlier that year.**
16. The Tax document turned over in the magical Alan Rose “discovery” which was allegedly found with “Original” versions of the Trusts from the related Oppenheimer case ( or “duplicate” “originals” ) shows that Stanford was the original Trustee of the Trusts and showed different creation dates of the Trusts than claimed by Lessne or attorney Spallina.
17. Your Honor may wish to be advised that attorney Tescher and Spallina have since entered into Consent Orders with the federal SEC<sup>3</sup>, with Spallina admitting to criminal conduct of “Insider Trading” and stealing client’s information.

---

<sup>2</sup> May 06, 2013 Emergency Petition to Freeze Estates  
<http://iviewit.tv/Simon%20and%20Shirley%20Estate/20130506%20FINAL%20SIGNED%20Petition%20Freeze%20Estates%20Original%20Large.docx>

18. Further, that the 7020 Lions Head Lane home of Simon and Shirley Bernstein, where the alleged new documents were found became the scene of a crime again in Feb. of 2016 this year in the day or days before I was going into Federal Court in the Northern District of Illinois exposing further fraud in Florida this time involving a fraudulent shell company used to transfer ownership of the home where the new owner of the home sold through the fraudulent probate process, one Mitchell Huhem, was found at some point in time that week in February at the home in the garage by some unknown person with his head blown clear off allegedly by a shotgun and where the PBSO that has had all these prior crimes and frauds in the Court reported to it for investigation have engaged in substantial delays in turning over information of the alleged “investigation” of the bloody death at Lions Head where contradictions in the facts of what happened turn up with almost each piece of information discovered. The court should also note that defendant Ted Bernstein also alleged his father was murdered in the same home by his girlfriend through a poisoning and where Ted filed a Palm Beach County Sheriff report and opened a Palm Beach County Medical Examiner Autopsy alleging such crime.
19. Further, where attorney Lessne’s office did proceed and provide legal guidance to my family at the earlier portion of this case having private consultations with my family to

---

<sup>3</sup> September 28, 2015 SEC Press Release Regarding SPALLINA and TESCHER INSIDER TRADING CHARGES, “SEC Charges Five With Insider Trading, Including Two Attorneys and an Accountant” <http://www.sec.gov/news/pressrelease/2015-213.html>

AND

September 28, 2015 SEC Government Complaint filed against TESCHER and SPALLINA @ <http://www.sec.gov/litigation/complaints/2015/comp-pr2015-213.pdf>

AND

October 01, 2015 SEC Consent Orders Felony Insider Trading SPALLINA signed September 16, 2015 and TESCHER signed June 15, 2014

<http://www.iviewit.tv/Simon%20and%20Shirley%20Estate/2015%20Spallina%20and%20Tesch%20SEC%20Settlement%20Consent%20Orders%20Insider%20Trading.pdf>

February 24, 2016 Motion for Injunction Federal Court Judge John Robert Blakey

<http://iviewit.tv/Simon%20and%20Shirley%20Estate/20160224%20FINAL%20ESIGNED%20MOTION%20FOR%20INJUNCTION%20ECF%20STAMPED%20COPY%20COMBINED%20FILING.pdf>

only then really find that he was not working for the company BFR owned by my minor children at the time through the trusts but was in fact representing the BFR Manager Janet Craig and Oppenheimer.

20. Where there should thus be full Discovery and Depositions of Lessne and Janet Craig and related parties party prior to any removal or release of obligations and a full contested evidentiary hearing scheduled prior to any such determination herein.

Wherefore, Eliot Bernstein seeks a stay of the case for filing responses and attending hearings until November 01, 2016, leave to file notices of Deposition and Discovery, and a full evidentiary hearing held herein and for such other and further relief as may be just and proper.

Respectfully Submitted

DATE: September 07, 2016

By: /S/ Eliot Ivan Bernstein  
Pro Se  
2753 NW 34th Street  
Boca Raton, FL 33434  
561.245.8588  
[iviewit@iviewit.tv](mailto:iviewit@iviewit.tv)

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the foregoing was served by electronic mail this 7th day of September, 2016 upon:

Peter M. Feaman, Esq.  
3695 W. Boynton Beach Blvd., Suite 9  
Boynton Beach, FL 33436  
[service@feamanlaw.com](mailto:service@feamanlaw.com)  
[mkoskey@feamanlaw.com](mailto:mkoskey@feamanlaw.com)

Brian M. O'Connell, Esq.

515 N. Flagler Drive, 20th Floor  
West Palm Beach, FL 33401  
[boconnell@ciklinlubitz.com](mailto:boconnell@ciklinlubitz.com)

Steven A. Lessne, Esq.  
Florida Bar No.: 107514  
777 South Flagler Drive, Suite 500 East  
West Palm Beach, FL 33401  
Telephone: (561) 650-0545  
Facsimile: (561) 655-5677  
[slessne@gunster.com](mailto:slessne@gunster.com)

By: /S/ Eliot Ivan Bernstein  
Pro Se  
2753 NW 34th Street  
Boca Raton, FL 33434  
561.245.8588  
[iviewit@iviewit.tv](mailto:iviewit@iviewit.tv)