

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT

CASE NO.: 4D16-1449

Consolidated with Case Nos. 4D16-1476 and 4D16-1478

L.T. CASE NO. 2014CP002815XXXXNB
2014CP003698XXXXNB

ELIOT IVAN BERNSTEIN,

Appellant,

vs.

OPPENHEIMER TRUST
COMPANY OF DELAWARE, in its
capacity as Resigned Trustee of the
Simon Bernstein Irrevocable Trusts
created for the benefit of Joshua, Jake
and Daniel Bernstein,

Appellee.

_____/

**APPELLEE OPPENHEIMER TRUST COMPANY OF DELAWARE'S
RESPONSE TO APPELLANT'S SEPTEMBER 6, 2016 "MOTION FOR
EXTENSION OF TIME AND STAY PROCEEDINGS – NOTICE OF
MEDICAL UNAVAILABILITY"**

Appellee, Oppenheimer Trust Company of Delaware ("Oppenheimer"),
responds to Appellant's September 6, 2016 *Motion For Extension Of Time And
Stay Proceedings – Notice Of Medical Unavailability*, and states:

Preliminary Statement

Oppenheimer respectfully asks this Court to consider the possibility that Appellant's September 6, 2016 *Motion For Extension Of Time And Stay Proceedings – Notice Of Medical Unavailability* (the "September 6 Motion") may be an inauthentic pretext for seeking an additional nine-week delay of these consolidated proceedings, "at least." Oppenheimer's skepticism is based, in part, on the following observations:

i. In response to previous Court Orders, Appellant made representations to the Court (months ago) that his initial brief in Case No. 4D16-1449 was "substantially complete" and ready to be filed within 48 hours – by July 27, 2016; yet, on the thrice-extended, Court-ordered due date of September 6, 2016, the brief was not complete, and Appellant now claims he needs "at least 9 weeks" to file it due to an alleged injury;

ii. Appellant made conflicting statements in another case regarding the date of his alleged "vasovagal attack" and the cause of his bruised and cracked ribs; suspiciously, Appellant had already declared in that case, prior to the alleged injury, that he was unavailable for the nine-week period ending November 5, 2015 (that date being approximately when the below trial judge, John Phillips, is scheduled to retire from the bench);

iii. Appellant failed to provide (even on an *in camera* basis) any documentation or corroboration regarding the alleged vasovagal attack, his “cracked rib and bruised ribs,” or the heavy medicine that will preclude him from participating in this appeal for the next “6-9 weeks;” and

iv. Appellant failed to identify *any actions* he is required to take in connection with “other litigation” (which he cited as an additional reason for the requested delay).

For these reasons, Oppenheimer asks that the September 6 Motion be denied and the appeal dismissed, or in the alternative, that Appellant be afforded a brief, ten-day extension, with the express understanding that this appeal will be dismissed if Appellant fails to comply.

Argument

I. Appellant’s Brief Was “Substantially Complete” On July 25, 2016

It has been over five months since Appellant filed his Notice of Appeal in Case No. 4D16-1449, and nearly ninety days since the Court entered its first of three orders in that appeal requiring Appellant to show cause or file his initial brief by a date certain.¹ In response to one of the prior orders, on July 25, 2016, Appellant informed the Court that his initial brief (challenging the trial court’s appointment of a guardian *ad litem* for his children) was “substantially

¹ Multiple Orders were entered in the other now-consolidated appeals as well.

completed.” Appellant attached his “substantially completed Draft Brief” as Exhibit 1 to his July 25, 2016 *Motion for Extension of Time to File and Serve Initial Brief On Merits Within 48 Hours.*”

The Court subsequently extended Appellant’s deadline to September 6, 2016 upon consolidating the three appeals arising out of the trial court’s appointment of a guardian *ad litem*.² Yet, despite Appellant’s July 25 representation that his brief was substantially complete and ready to be filed within 48 hours, it was not complete (and, according to Appellant, it was nowhere near complete) on September 6, 2016.

On either September 5 or 6, Appellant allegedly fainted due to a “vasovagal attack,”³ and then cracked and bruised his ribs either due to a fall or his son’s CPR efforts. Appellant is self-conflicted regarding the date on which his

² The consolidation of the three appeals added little or nothing to Appellant’s burden since all three orders related to the trial court’s decision to appoint a guardian *ad litem*.

³ According to the Mayo Clinic, “Vasovagal syncope (vay-zoh-VAY-gul SING-kuh-pee) occurs when you faint because your body overreacts to certain triggers, such as the sight of blood or extreme emotional distress. It may also be called neurocardiogenic syncope. The vasovagal syncope trigger causes your heart rate and blood pressure to drop suddenly. That leads to reduced blood flow to your brain, causing you to briefly lose consciousness. Vasovagal syncope is usually harmless and requires no treatment. But it's possible you may injure yourself during a vasovagal syncope episode. Your doctor may recommend tests to rule out more serious causes of fainting, such as heart disorders.” <http://www.mayoclinic.org/diseases-conditions/vasovagal-syncope/home/ovc-20184773>.

attack occurred, and the cause of the damage to his ribs. *See* Section II, *infra*. However, in any event, Appellant wholly fails to explain why, in light of the vast time afforded to him *before* his alleged injury, his brief was not complete by September 5 or 6. Certainly, it should now be *very* substantially complete, and Appellant should not need “at least 9 weeks” to complete it.

II. Appellant Tells Different Stories About The Alleged Injury; Even Before The Injury, He Was Already “Unavailable” Until November

In his September 6 Motion, Appellant tells the Court that he fainted on September 5, and that the ensuing fall caused him to crack and bruise his ribs. However, in a paper filed two days later in another case, Appellant asserts that he fainted on September 6 and that his cracked and bruised ribs were caused by his son while performing CPR. *See Stansbury v. Estate of Simon L. Bernstein*, Case No. 502012CA013933XXXXMB, Palm Beach Circuit Court (the “Stansbury Case”), *Motion in Opposition to Motion to Withdraw As Counsel for Bernstein Family Realty, LLC and Stay Proceedings for Medical Unavailability*, ¶ 2.⁴

Notably, in an email exchange associated with the Stansbury Case that took place well before the alleged injury, Appellant notes that he had “already advised [Attorney Alan Rose] that [Appellant] will not be available for hearings until after Nov 5, 2016.” *See* Exhibit “B” (August 23, 2016, 1:07 PM email from Appellant to the undersigned); *see also* Exhibit “C” (August 22, 2016, 5:58 PM email from

⁴ A copy of that Motion is attached hereto as Exhibit “A.”

Appellant to multiple lawyers in the Stansbury Case). Suspiciously, November 5 immediately follows the trial court judge's anticipated retirement from the bench. Appellant may erroneously believe that he is entitled to seek reconsideration of all prior rulings under Rule 2.330(h), Florida Rules of Judicial Administration, which is more likely to explain the pre-injury request for an extension than the alleged injury, which didn't happen until after the request was made.

III. Appellant Provides No Support Regarding The Fact or Extent Of His Injuries and Unavailability

Absent the above suspicious circumstances and/or a request for a nine-week extension of time to file a brief that was substantially complete months ago, the undersigned would not press a litigant to substantiate a medical condition or the amount of convalescent time required. However, in this case, there are suspicious circumstances and, further, Appellant has already publicly disclosed the exact nature of his injuries and alleged medical condition.

Under these circumstances, Appellant should be required to substantiate his injuries, his present condition, the heavy medication he is on, and his doctor's advice regarding the expected length of recovery. Oppenheimer has no objection to an *in camera* production of Appellant's relevant medical records or doctor's note. However, if Appellant fails to corroborate his contention that the lengthy delay of proceedings that he seeks through November is medically necessary, the September 6 Motion should be denied, and this appeal dismissed.

IV. The “Other Litigation” Argument Is A Red Herring

In quick passing, Appellant notes that he “was already going to be moving... for an extension of time... due to significant related litigation action in the Circuit court below and the Northern District of Illinois...” *See* September 6 Motion, ¶ 2. However, Appellant cites to no actions that he is required to take in any other pending matter. Once again, if Appellant is going to rely on something extraneous to this appeal as grounds for seeking a nine-week extension of time in this appeal, he should be required to corroborate his hardship. Otherwise, the September 6 Motion should be denied, and this appeal dismissed.

V. The Court Should Consider Appellant’s Prior History of Delay

In its *Motion to Dismiss Appeal* filed in Case No. 4D16-1449 on June 30, 2016, Oppenheimer recounts the various arguments and pretexts used by Appellant in the past to delay this appeal and other appeals, just as he delayed the proceedings below. Oppenheimer respectfully requests that the Court take notice of the history cited in the June 30 Motion so that it can consider the September 6 Motion in an appropriate context.

Conclusion

For all of the foregoing reasons, Appellee, Oppenheimer Trust Company of Delaware, requests an appropriate combination of the following relief: (i) denying the September 6 Motion; (ii) dismissing the appeal; (iii) ordering Appellant to

document and substantiate the allegations contained in his September 6 Motion, and providing that the remedy for non-compliance will be dismissal of the appeal without further notice; (iv) granting Appellant a much shorter time (Appellees suggests ten days) to file his initial brief, and providing that the remedy for non-compliance will be dismissal of the appeal without further notice; and (v) granting such other relief as is just and proper.

Respectfully submitted,

GUNSTER, YOAKLEY & STEWART, P.A.
Counsel for Oppenheimer Trust Company of Delaware
4855 Technology Way, Suite 630
Boca Raton, FL 33431
Telephone: (561) 961-8085

By: /s/Steven A. Lessne
Steven A. Lessne, Esq.
Florida Bar No. 107514
slessne@gunster.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished via e-mail to all parties on the attached Service List this 13th day of September, 2016.

/s/ Steven A. Lessne
Steven A. Lessne
Florida Bar No. 107514

SERVICE LIST

Eliot Bernstein
2753 N.W. 34th Street
Boca Raton, FL 33434
ivewit@ivewit.tv
ivewit@gmail.com

Candice Bernstein
2753 N.W. 34th Street
Boca Raton, FL 33434
tourcandy@gmail.com

Alan B. Rose, Esq.
MRACHEK, FITZGERALD, ROSE, KONOPKA,
THOMAS & WEISS, P.A.
505 South Flagler Drive, Suite 600
West Palm Beach, FL 33401
arose@mrachek-law.com

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 Oppenheimer¹ 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

¹ 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 2013² 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 SEC³, with Spallina admitting to criminal conduct of “Insider Trading” and stealing client’s information.

² 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

³ 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%20Teschler%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

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
mkoskey@feamanlaw.com

Brian M. O'Connell, Esq.

515 N. Flagler Drive, 20th Floor
West Palm Beach, FL 33401
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

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

From: Steven A. Lessne Esq. SLessne@gunster.com
Subject: RE: Stansbury v. Estate of Simon Bernstein - Gunster's Motion to Withdraw as Counsel
Date: August 23, 2016 at 1:15 PM
To: Eliot Ivan Bernstein iviewit@gmail.com, Eliot Ivan Bernstein iviewit@iviewit.tv, Brian M. O'Connell PA ~ Partner @ Ciklin Lubitz Martens & O'Connell boconnell@ciklinlubitz.com, Candice Bernstein tourcandy@gmail.com, LLC - Fla. Bar No. 351350 Diana Lewis @ ADR & MEDIATIONS SERVICES dzlewis@aol.com
Cc: Lesly Vanegas ivanegas@gunster.com, Alan Rose ARose@mrachek-law.com, Candice Schwager @ Schwager Law Firm candiceschwager@icloud.com, Barbara Stone barbara15151@hotmail.com, JoAnne M. Denison jmdenison@gmail.com, Kevin R. Hall kh.itconsultingsalesoffices@gmail.com, Inc. Andrew Dietz @ Rock-It Cargo USA andyd@rockitcargo.com, Caroline Prochotska Rogers caroline@cprogers.com, Marc R. Garber marcrgarber@gmail.com, Marc R. Garber Esq. @ Flaster Greenberg P.C. marc.garber@flastergreenberg.com, Michele M. Mulrooney ~ Partner @ Venable LLP mmulrooney@Venable.com

Unless you have specific, verifiable conflicts on those dates, I will be setting the hearing and will advise the court of your position (by reading verbatim from your below email). I'm not going to delay having my motion to withdraw heard for three months just because. Please let me know by day's end.

From: Eliot Ivan Bernstein [<mailto:iviewit@gmail.com>]

Sent: Tuesday, August 23, 2016 1:07 PM

To: Lessne, Steven; 'Eliot Ivan Bernstein'; 'Brian M. O'Connell PA ~ Partner @ Ciklin Lubitz Martens & O'Connell'; 'Candice Bernstein'; Diana Lewis @ ADR & MEDIATIONS SERVICES, LLC - Fla. Bar No. 351350

Cc: Vanegas, Lesly; ARose@mrachek-law.com; Candice Schwager @ Schwager Law Firm; Barbara Stone; JoAnne M. Denison Esq.; Kevin R. Hall; 'Andrew Dietz @ Rock-It Cargo USA, Inc.'; 'Caroline Prochotska Rogers Esq.'; 'Marc R. Garber Esq.'; 'Marc R. Garber Esq. @ Flaster Greenberg P.C.'; 'Michele M. Mulrooney ~ Partner @ Venable LLP'

Subject: RE: Stansbury v. Estate of Simon Bernstein - Gunster's Motion to Withdraw as Counsel

Those dates will not work and there are significant issues that need to be resolved prior to any hearings as this is a new case and I already am booked with several appeals and more in other cases through that time. I have already advised Mr. Rose that I will not be available for hearings until after Nov 05, 2016. Eliot

From: Lessne, Steven [<mailto:SLessne@gunster.com>]

Sent: Tuesday, August 23, 2016 11:26 AM

To: 'Eliot Ivan Bernstein'; 'Brian M. O'Connell PA ~ Partner @ Ciklin Lubitz Martens & O'Connell'; 'Eliot Ivan Bernstein'; 'Candice Bernstein'

Cc: Vanegas, Lesly; ARose@mrachek-law.com

Subject: RE: Stansbury v. Estate of Simon Bernstein - Gunster's Motion to Withdraw as Counsel

Importance: High

Mr. and Mrs. Bernstein:

Following are available dates for a morning motion calendar hearing: September 6, 7, 8 or 13.

Please let me know **by day's end** if you are unavailable on any of the above dates. Absent word from you, I will schedule the hearing on one of the above dates. Thank you.

Exhibit "B"

From: Eliot Ivan Bernstein [<mailto:iviewit@iviewit.tv>]

Sent: Thursday, August 18, 2016 5:50 PM

To: Lessne, Steven; service@feamanlaw.com; mkoskey@feamanlaw.com; 'Brian M. O'Connell PA ~ Partner @ Ciklin Lubitz Martens & O'Connell'; 'Eliot Ivan Bernstein'; 'Candice Bernstein'; ARose@mrachek-law.com

Cc: Vanegas, Lesly; Candice Schwager @ Schwager Law Firm; Barbara Stone; JoAnne M. Denison Esq.; Kevin R. Hall; 'Andrew Dietz @ Rock-It Cargo USA, Inc.'; 'Caroline Prochotska Rogers Esq.'; 'Eliot I. Bernstein'; 'Marc R. Garber Esq.'; 'Marc R. Garber Esq. @ Flaster Greenberg P.C.'; 'Michele M. Mulrooney ~ Partner @ Venable LLP'

Subject: RE: Stansbury v. Estate of Simon Bernstein - Gunster's Motion to Withdraw as Counsel

We object.

Eliot I. Bernstein

Inventor, really cool shit that changed your world!

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>

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From: Lessne, Steven [<mailto:SLessne@gunster.com>]

Sent: Wednesday, August 17, 2016 5:07 PM

To: 'service@feamanlaw.com'; 'mkoskey@feamanlaw.com'; Brian M. O'Connell PA ~ Partner @ Ciklin Lubitz Martens & O'Connell; Eliot Ivan Bernstein; Eliot Ivan Bernstein; 'Candice Bernstein'; ARose@mrachek-law.com

Cc: Vanegas, Lesly

Subject: Stansbury v. Estate of Simon Bernstein - Gunster's Motion to Withdraw as Counsel

Importance: High

Counsel, and Mr. and Mrs. Bernstein:

I intend to file the attached Motion to Withdraw tomorrow and seek an Order in the form attached. Please let me know by Friday, August 19, if you consent to my withdrawal so that we can avoid a hearing on the Motion (or, at a minimum, so that I have fewer people to clear hearing dates with). Thank you for your anticipated response.


Steven A. Lessne | Shareholder

Boca Village Corporate Center
4855 Technology Way, Suite 630
Boca Raton, Florida 33431
Direct Dial: 561-961-8085

Las Olas Centre
450 East Las Olas Boulevard, Suite 1400
Fort Lauderdale, Florida 33301
Direct Dial: 954-468-1383

[Download my vCard](#) | [View my bio](#) | [View Gunster Website](#) | [Email me](#)



Steven A. Lessne | Shareholder

Boca Village Corporate Center
4855 Technology Way, Suite 630
Boca Raton, Florida 33431
Direct Dial: 561-961-8085

Las Olas Centre
450 East Las Olas Boulevard, Suite 1400
Fort Lauderdale, Florida 33301
Direct Dial: 954-468-1383

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From: Eliot Ivan Bernstein <iviewit@iviewit.tv>
Sent: Monday, August 22, 2016 5:58 PM
To: 'Anderson, Charlene'; Alan Rose; Marie Chandler; john@jmorrisseylaw.com; dtescher@tescherlaw.com; ddustin@tescherlaw.com; 'Peter M. Feaman'; 'Trish Roth'; gary@shendellpollock.com; estella@shendellpollock.com; grs@shendellpollock.com; 'Ken Pollock'; 'Brittney Spiliotopoulos'; 'Matt Tornincasa'; 'Robyne Goldman'; psimon@stpcorp.com; lisa@friedsteins.com; lisa.friedstein@gmail.com; jilliantoni@gmail.com; rspallina@comcast.net
Cc: 'O'Connell, Brian M.'; 'Crispin Ackal, Ashley'; 'Foglietta, Joy A'; 'Rothman, Zachary'; Candice Schwager @ Schwager Law Firm; Barbara Stone; JoAnne M. Denison Esq.; Kevin R. Hall; 'Andrew Dietz @ Rock-It Cargo USA, Inc.'; 'CANDICE BERNSTEIN'; 'Caroline Prochotska Rogers Esq.'; 'Eliot I. Bernstein'; 'Marc R. Garber Esq.'; 'Marc R. Garber Esq. @ Flaster Greenberg P.C.'; 'Michele M. Mulrooney ~ Partner @ Venable LLP'
Subject: RE: Bernstein, E/O Simon - Conflict of hearing presently set for 8/30/16 at 10:30 am...

We will be unavailable for hearings until after November 05, 2016, please get dates for after that. The hearings were scheduled without giving parties adequate time to object in the first place. Thank you

Eliot I. Bernstein
Inventor, really cool shit that changed your world!
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>

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From: Anderson, Charlene [<mailto:CAnderson@ciklinlubitz.com>]

Sent: Monday, August 22, 2016 3:02 PM

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Cc: O'Connell, Brian M.; Crispin Ackal, Ashley; Foglietta, Joy A; Rothman, Zachary

Subject: Bernstein, E/O Simon - Conflict of hearing presently set for 8/30/16 at 10:30 am...

Good afternoon. Because a conflict has arisen for Mr. O'Connell on 8/30/16 at 10:30 a.m., we need to reschedule the pending fee petitions set for that date to Thurs., 9/1/16 at 8:30 am. Please advise of any conflicts as soon as you can. If we do not hear from you by tomorrow, 8/23/16, we will assume no conflicts and will file a Re-Notice of Hearing. Thanks so much.

Charlene

Charlene A. Anderson, FRP

Probate Paralegal

Ciklin Lubitz & O'Connell

515 North Flagler Drive, 20th Floor

West Palm Beach, Florida 33401

(O) 561-820-0325 (F) 561-833-4209

Email: canderson@ciklinlubitz.com

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