## 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 CASE NO: 4D16-1449 CASE NO: 4D16-1476 CASE NO: 4D16-1478 Case 15-3849 Case 16-2249 Case 16-0222 Case 16-0222 Case 16-3314 Case 16-0064 Case 16-3162

L.T. No.: 2011CP000653XXXXSB 2014CP003698XXXXNB 2014CP002815XXXXNB

ELIOT IVAN BERNSTEIN

v.

TED BERNSTEIN, AS TRUSTEE, ET AL.

Appellant / Petitioner(s)

Appellee / Respondent(s)

## <u>Motion for Disclosure from Court as to Judges Names to be Disclosed for</u> <u>Every Order in Each Case Listed Herein</u>

1. Appellant Eliot Bernstein respectfully makes this motion and prays for an Order

to have the Clerk of the Court disclose all 4th DCA Judges who have

participated and ruled in the below listed cases on any Orders issued.

• Case 15-3849 ELIOT BERNSTEIN ESTATE OF SIMON BERNSTEIN

•	Case 16-1449	ELIOT IVAN BERNSTEIN	OPPENHEIMER
	TRUST CO. OF	DELAWARE, ET AL.	
•	Case 16-1476	ELIOT IVAN BERNSTEIN	OPPENHEIMER
	TRUST CO. OF	DELAWARE, ET AL.	
•	Case 16-2249	ELIOT IVAN BERNSTEIN	OPPENHEIMER
	TRUST CO. OF	DELAWARE, ET AL.	
•	Case 16-0222	ELIOT IVAN BERNSTEIN	TED BERNSTEIN, AS
	TRUSTEE, ET A	L.	
•	Case 16-1478	ELIOT IVAN BERNSTEIN	TED BERNSTEIN, AS
	TRUSTEE, ETC.	, ET AL.	
•	Case 16-3314	ELIOT IVAN BERNSTEIN	TED BERNSTEIN, AS
	TRUSTEE, ETC.	, ET AL.	
•	Case 16-0064	ELIOT IVAN BERNSTEIN	TED BERNSTEIN, AS
	TRUSTEE. ET A	L.	
•	Case 16-3162	ELIOT IVAN BERNSTEIN	WILLIAM E.
	STANSBURY, et	t al.	

- 2. After speaking with the Clerk of this Court in efforts to get the names of the Judges on each Order signed by a Clerk versus a sitting Judge, I was advised that some Orders may be signed by the Clerk solely but that other Orders signed by the Clerk may have been determined by a temporary panel of Judges prior to a permanent panel being assigned and the clerk signed on their behalf and the judges names are therefore not on the Orders.
- 3. As virtually all of the Orders are signed by a clerk, the Clerk directed me to file a Motion with this Court to have each Order reviewed that is not signed by a Judge or Judges and if there was a panel of Judges or a single Judge ruling seek to have disclosed to me their names so as I can ferret out if any conflicts of interest or adverse interests exist and for further appeal of any or all of the

Orders, including those based on the Fraud on the Court that at this time has not been remedied according to the Florida Court Statewide Fraud Policy, state law, judicial canons, attorney conduct codes and more.

4. That an example of conflict in these matter occurs on October 27, 2016 in an Order<sup>1</sup> issued in "CASE NO.:4D16-3162 L.T.

No.:502012CA013933XXXXMB ELIOT IVAN BERNSTEIN v. WILLIAM E. STANSBURY, et al." whereby Chief Judge Cory J. Ciklin signed as a presiding judge in the matter. However, on information and belief Judge Ciklin is related to Alan J. Ciklin of the law firm Ciklin Lubitz & O'Connell<sup>2</sup>, which is a law firm centrally involved in the frauds in the lower cases where fraud on the court has already been proven to have been committed by Officers of the Court.

5. On October 28, 2016 shortly after I circulated information regarding the Cory Ciklin conflicts with the matters, this Court, Sua Sponte, removed Cory Ciklin in an Amended Order<sup>3</sup> whereby no party had sought any such relief and removed him and replaced him with another judge with no explanation to the parties. The problem is that the Court has already been notified of the conflict

http://iviewit.tv/Simon%20and%20Shirley%20Estate/20161027%20ORDER%20APPEAL%20DISMISSED %204th%20DCA%204D-163162%20CIKLIN%20IS%20ON%20PANEL.pdf

<sup>&</sup>lt;sup>1</sup> EXHIBIT 1 - October 27, 2016 4th DCA Order, Chief Judge Cory Ciklin adjudicates in Conflict of Interest with his brother's law firm.

<sup>&</sup>lt;sup>2</sup> "Two years later, he [Cory] joined his brother, Alan Ciklin's law firm. From 1983 to 1991, he did mostly general practice, but didn't like it except the trials." Palm Beach County Bar Association <u>http://www.palmbeachbar.org/judicial-profiles/2002/</u>

<sup>&</sup>lt;sup>3</sup> EXHIBIT 2 - October 28, 2016 4th DCA Order - Cory Ciklin Removed from Order Sua Sponte and replaced on October 27, 2016 Order

http://iviewit.tv/Simon%20and%20Shirley%20Estate/20161027%20ORDER%20APPEAL%20DISMISSED %204th%20DCA%204D-163162%20CIKLIN%20IS%20ON%20PANEL.pdf

with the Ciklin firm and Cory Ciklin in prior pleadings and how Cory Ciklin participated in the panel of judges in the first place must now be explored to determine what information was accessed and what influences were made.

- 6. This calls into question all of these Orders in all of the cases and how many Ciklin was involved in or others in conflict with Appellant and if the Court has already been prejudiced in these matters by these conflicts of interest and more.
- 7. Another conflict of interest is that I am also pursuing in a number of criminal and civil actions, the law firm Ciklin's partner Jerald Beer, Esq. regarding Intellectual Property crimes directly tied to the probate crimes, as Simon and Shirley Bernstein had a thirty percent interest in the technologies alleged stolen as defined more fully in the lower court pleadings.
- 8. Information regarding these conflicts has already been presented to this Court and the lower court, which refuses to comply with simple conflicts checks. In the lower court upon transfer of certain of these cases from Judge Colin upon his Sua Sponte recusal from them a day after denying a disqualification alleging Colin was directly using the court to commit further fraud upon Appellant, he then improperly and fraudulently steered the court cases Post Recusal, along with the highly confidential and private court files to Judge Howard Coates.
- 9. Judge Coates however had prior worked for the law firm Proskauer Rose as a Partner and Proskauer is a counter defendant in certain of the cases that he then

accepted from Colin, giving Proskauer possible access to highly private and confidential court files. Proskauer is also named in civil and criminal complaints filed by Appellant that remain ongoing that also include Chief Judge of the Supreme Court of Florida, Judge Jorge Labarga and where both are the central parties complained of in those matters.

- 10.Judge Coates after accepting the cases and private confidential court records then Sua Sponte recused in his first hearing.
- 11.Judge Coates stated in the first hearing he held that he was not involved at all in Appellant's technology companies and document review of the Iviewit companies billing history presented to this Court previously revealed that in fact Judge Coates had not only been a Proskauer Rose partner working out of the same Boca Raton office spaces where Appellant had offices for his company Iviewit in Florida, directly across the hall from him but that Judge Coates also worked on direct Financial and SEC related matters on the Iviewit project and billed for such and where now, years later, the Estates of Simon and Shirley Bernstein had and have substantial interests in the Iviewit technologies that are alleged to be worth billions of dollars.
- 12. The information regarding exactly who is issuing Orders at the 4th DCA is central to all ongoing state and federal criminal investigations and state and federal civil cases. Failure by any court officials or court appointed officers to

have not properly reported fraud of Officers of the Court, Court Appointed Officers, Court Appointed Fiduciaries and Court Appointed Guardians in these matters to the proper authorities may lead to charges of Aiding and Abetting felony crimes, Misprision of Felony, Conspiracy and more.

- 13.Due to the already PROVEN FRAUD ON THE COURT BY COURT APPOINTED OFFICERS OF THE COURT and the mass of alleged Fraud committed by Court Officers (Judges Colin, French, Coates and Phillips), Appellant further requests that all Orders be sent to Appellant exemplified.
- 14. That due to the continued and ongoing fraud in, on and by the courts and continued conflicts of interest in these matters, Appellant again seeks a Stay of all Appellate and lower Court proceedings, which has also been requested and is justified on Serious Medical Condition grounds, while a federal monitor is brought in to oversight the state courts in Florida in these matters and related relief.
- 15. The Court has even denied further my rights to due process and procedure by ignoring recently a Doctor ordered stay from stress for several weeks while Appellant undergoes treatment to determine the cause of a life threatening illness and further heaped a mass of stress upon Appellant with intent and again the Judges who participated in this decision are again unknown.

- 16.Due to the serious nature of these conflicts of interests and adverse interests against Appellant, who alleges that Court officials in the Florida courts are directly participating in the frauds against him and committing continuing and ongoing fraud and attempting to cover up the frauds already proved, Appellant further requests the Clerk of this Court no longer rule and make orders in these matters and all pleadings be ruled on by Judges who place their names on the orders.
- 17.Of course, due to the conflicts and adverse interests already identified in the matters with multiple Officers and Court Appointed Officers of the Florida courts and the fact that many of the alleged perpetrators are members of the Florida court system, Appellant asks the court to remove these matters instantly to a non-conflicted court of law, either state or federal, where all parties are prescreened for further conflicts.
- 18.As criminal complaints have been filed alleging multiple possible murders in these matters, Appellant seeks federal intervention immediately and whistleblower protections to protect he and his family and friends lives.

WHEREFORE, Appellant seeks an Order for disclosure of all judges who have participated in any Orders and in any matters involving all of the cases listed herein and to provide exemplified copies of the Orders to Appellant, a Stay of all 4th DCA matters and lower tribunal matters, referral for a federal monitor and such other and further relief as to this Court may seem just and proper.

Dated: October 31th, 2016

## <u>/s/ Eliot Ivan Bernstein</u>

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 31st

day of October, 2016.

## /s/ Eliot Ivan Bernstein

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

## SERVICE LIST 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@jrnoiTisseylaw.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. 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	Counter Defendant Robert Spallina, Esq. Donald Tescher, Esq. Tescher & Spallina 925 South Federal Hwy., Suite 500 Boca Raton, Florida 33432
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@ciklinlibitz.com	Counter Defendant John J. Pankauski, Esq. Pankauski Law Firm PLLC 120 South Olive Avenue 7th Floor West Palm Beach, FL 33401 courtfilings@pankauskilawfirm.com john@pankauskilawfirm.com
Counter Defendant Mark R. Manceri, Esq., and Mark R. Manceri, P.A., 2929 East Commercial Boulevard	Counter Defendant Donald Tescher, Esq., Tescher & Spallina, P.A. Wells Fargo Plaza

Suite 702 Fort Lauderdale, FL 33308 mrmlaw@comcast.net	925 South Federal Hwy Suite 500 Boca Raton, Florida 33432 dtescher@tescherspallina.com
Theodore Stuart Bernstein 880 Berkeley Boca Raton, FL 33487 tbernstein@lifeinsuranceconcepts.com	Counter Defendant TESCHER & SPALLINA, <i>P.A.</i> . Wells Fargo Plaza 925 South Federal Hwy Suite 500 Boca Raton, Florida 33432 dtescher@tescherspallina.com
Theodore Stuart Bernstein Life Insurance Concepts, Inc. 950 Peninsula Corporate Circle Suite 3010 Boca Raton, FL 33487 tbernstein@lifeinsuranceconcepts.com	Counter Defendant Alan B. Rose, Esq. PAGE, MRACHEK, FITZGERALD, ROSE, KONOPKA, THOMAS & WEISS, P.A. 505 South Flagler Drive, Suite 600 West Palm Beach, Florida 33401 561-355-6991 arose@pm-law.com arose@mrachek-law.com
Pamela Beth Simon 950 N. Michigan Avenue Apartment 2603 Chicago, IL 60611 psimon@stpcorp.com	Counter Defendant L. Louis Mrachek, Esq. PAGE, MRACHEK, FITZGERALD, ROSE, KONOPKA, THOMAS & WEISS, P.A. 505 South Flagler Drive, Suite 600 West Palm Beach, Florida 33401 561-355-6991 Imrachek@mrachek-law.com
Jill Iantoni 2101 Magnolia Lane Highland Park, IL 60035 jilliantoni@gmail.com	Counter Defendant Pankauski Law Firm PLLC 120 South Olive Avenue 7th Floor West Palm Beach, FL 33401
Lisa Sue Friedstein 2142 Churchill Lane Highland Park, IL 60035	Dennis McNamara Executive Vice President and General Counsel

lisa.friedstein@gmail.com lisa@friedsteins.com	Oppenheimer & Co. Inc. Corporate Headquarters 125 Broad Street New York, NY 10004 800-221-5588 Dennis.mcnamara@opco.com info@opco.com
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	Hunt Worth, Esq. President Oppenheimer Trust Company of Delaware 405 Silverside Road Wilmington, DE 19809 302-792-3500 hunt.worth@opco.com
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	Neil Wolfson President & Chief Executive Officer Wilmington Trust Company 1100 North Market Street Wilmington, DE 19890-0001 nwolfson@wilmingtontrust.com
William McCabe Oppenheimer & Co., Inc. 85 Broad St Fl 25 New York, NY 10004 William.McCabe@opco.com	STP Enterprises, Inc. 303 East Wacker Drive Suite 210 Chicago IL 60601-5210 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	Ralph S. Janvey Krage & Janvey, L.L.P. Federal Court Appointed Receiver Stanford Financial Group 2100 Ross Ave, Dallas, TX 75201 rjanvey@kjllp.com

crubin@floridatax.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:

	slessne@gunster.com jhoppel@gunster.com eservice@gunster.com
T&S Registered Agents, LLC Wells Fargo Plaza 925 South Federal Hwy Suite 500 Boca Raton, Florida 33432 dtescher@tescherspallina.com	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
Joseph M. Leccese Chairman Proskauer Rose LLP Eleven Times Square New York, NY 10036 jleccese@proskauer.com	Brian Moynihan Chairman of the Board and Chief Executive Officer 100 N Tryon St #170, Charlotte, NC 28202 Phone:(980) 335-3561
ADR & MEDIATIONS SERVICES, LLC Diana Lewis 2765 Tecumseh Drive West Palm Beach, FL 33409 (561) 758-3017 Telephone Email: dzlewis@aol.com (Fla. Bar No. 351350)	

# EXHIBIT 1

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

October 27, 2016

CASE NO.: 4D16-3162

L.T. No.: 502012CA013933XXXXMB

ELIOT IVAN BERNSTEIN

v. WILLIAM E. STANSBURY, et al.

Appellant / Petitioner(s)

Appellee / Respondent(s)

### BY ORDER OF THE COURT:

Upon consideration of the parties' responses to this court's September 16, 2016 jurisdictional order, it is ORDERED that this appeal is dismissed. Dismissal is without prejudice to appellant to seek review of this order upon appeal from a final order. CIKLIN, C.J., TAYLOR and FORST, JJ., concur.

Served:

cc: Brian M. O'Connell Peter Marshall Feaman Steven A. Lessne Eliot Ivan Bernstein Alan Benjamin Rose Clerk Palm Beach

dl

Weisshlum

LONN WEISSBLUM, Clerk Fourth District Court of Appeal



# EXHIBIT 2

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

October 28, 2016

CASE NO.: 4D16-3162

L.T. No.: 502012CA013933XXXXMB

ELIOT IVAN BERNSTEIN

v. WILLIAM E. STANSBURY, et al.

Appellant / Petitioner(s)

Appellee / Respondent(s)

### BY ORDER OF THE COURT:

ORDERED that this court's October 27, 2016 order is amended as to the panel only:

Upon consideration of the parties' responses to this court's September 16, 2016 jurisdictional order, it is ORDERED that this appeal is dismissed. Dismissal is without prejudice to appellant to seek review of this order upon appeal from a final order. TAYLOR, LEVINE and FORST, JJ., concur.

Served:

cc: Brian M. O'Connell Peter Marshall Feaman Steven A. Lessne Eliot Ivan Bernstein Alan Benjamin Rose Clerk Palm Beach

dl

Weisshlum

LONN WEISSBLUM, Clerk Fourth District Court of Appeal

