

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. 4D16-4120

L.T. No.: 502012CA013933XXXXMB

ELIOT IVAN BERNSTEIN v. WILLIAM E. STANSBURY, et al.

Appellant / Petitioner(s)

Appellee / Respondent(s)

STATEMENT OF JURISDICTION

In response to the Order of this Court dated Dec. 7, 2016 requesting Appellant to provide a statement of jurisdiction, Comes Now Appellant Eliot I. Bernstein who respectfully pleads and shows this Court as follows:

1. I am the Appellant pro se in this proceeding.
2. I file this statement of jurisdiction in response to this Court's Order of Dec. 7, 2016 directing a response within 10 days.
3. As the 10th day herein fell over a weekend and today, Monday Dec. 19, 2016 is the first business day since, the response should be deemed timely.
4. This appeal involves the appeal of an Order of the lower tribunal dated Nov. 7, 2016 which amended the caption of the case as dismissed parties.
5. This Court has jurisdiction over this Appeal under Fla. R. App. P. 9.110(k), Review of Partial Final Judgments.

6. The Order on Appeal permanently and finally removed and dismissed multiple key parties from the lawsuit and Service list in an action brought by William Stansbury such as parties Donald Tescher and Robert Spallina as alleged co-personal representatives (former) of the Estate of Simon Bernstein and co-trustees (former) of the Shirley Bernstein Trust Dated May 20, 2008, further removed LIC Holdings, Inc., and Arbitrage International Holdings, LLC, all parties which should remain in the case and remain on the service list and not be dismissed from this action.
7. The Florida Bar has recognized and published authority for an appeal in such cases under the heading of “Partial Final Judgments and Multiple Parties or Causes of Action” in the article “Review of Non-final Orders — An Exception to the Requirement of Finality” by Jack R. Reiter March, 2008 Volume 82, No. 3.
8. This Court re-instated an Appeal on a motion for re-hearing finding an Order final for purposes of Appeal under the circumstances. See, Elkind v. Knox, 933 So. 2d 1264 (Fla. 4th D.C.A. 2006) (order appealable as final order when it disposed of claim as to appellant and pending cross-claim did not affect appellant).
9. Appellant Eliot Bernstein and his wife Candice Bernstein were added to this case for the Service List only on behalf of the party BFR (Bernstein Family

Realty) by an Order of Judge Oftedal dated Sept. 8, 2016 “as parents and natural guardians of Josh, Jacob and Daniel Bernstein.”, See Exhibit 1 Order.

10. Appellant Eliot Bernstein sought to Appeal the Sept. 8, 2016 Order under 4th District Court of Appeals Number 4D16-3162, L.T. No.:502012CA013933XXXXMB but this Court dismissed the appeal without prejudice to appeal when a Final Order is issued.
11. The Sept. 8, 2016 Order came after a motion by counsel Steven Lesnee seeking to be removed on behalf of Oppenheimer Trust as counsel for BFR.
12. Appellant has just filed an Initial Brief on the Merits and Motion for Re-hearing to re-instate the Appeal in separate appeals of the Oppenheimer Trusts under Fourth District Court of Appeals Numbers 4D-1449 and 4D-1476 and has further moved for an Extension in the other Oppenheimer Appeal under 4D-2249.
13. Appellant has raised Fraud on the Court and fraud issues in the Oppenheimer related cases now going back to at least 2010 involving at least former attorney Robert Spallina and now retired Judge Colin having further reported these matters for criminal investigation to the Palm Beach Sheriff’s Office and federal authorities.

14. It is noted that Judge Oftedal who issued the Sept. 8, 2016 Order in this case deemed non-final currently for Appeal purposes later withdrew from this case based on a conflict with Plaintiff William Stansbury in this case due to family members through marriage, however this conflict was not discovered by Appellant or known by Appellant at the time of the Sept. 8, 2016 Order.
15. It is further noted that Counsel Steven Lesnee and Oppenheimer were relieved of responsibilities for BFR herein by an Order of Judge Phillips, also now retired, in the separate case under Probate Case 502014CP002815XXXXNB, who, ironically, put the burden of defending BFR on myself and wife in this case where neither Counsel Lessne nor Oppenheimer appears to have filed any Answer or Counterclaims or responses on behalf of BFR and apparently only represented Oppenheimer's manager for BFR Janet Craig who was not sued as a party and did not represent the entity, which was owned by 3 minor children's trusts but then Judge Phillips issued Guardian Orders against me and my children in other parts of the cases which are now under separate appeal before this Court.
16. Apparently, the Order now on Appeal in this case was agreed to by Plaintiff William Stansbury through his counsel Peter Feaman being agreed to by Ted Bernstein through his counsel Alan Rose allegedly on behalf of the Estate of Simon Bernstein, which is otherwise represented by Personal Representative

Brian O'Connell and while BFR remains unrepresented, yet in other cases Plaintiff Stansbury and counsel Feaman have moved to Disqualify attorney Alan Rose from acting as counsel for the Estate of Simon Bernstein based on multiple conflicts of interest including those of his client Ted Bernstein who has been alleged by myself Appellant to be in the center of multiple areas of fraud in multiple cases involving the very entities herein including those now being Dismissed with such fraud also involving including but not limited to former PRs and co-trustees Donald Tescher and Robert Spallina now removed from this case and who have admitted to Fraud on the Court, Fraud on the Beneficiaries and Creditors through fraudulent Estate and Trust documents submitted in the Court and more in those cases. See Exhibit 2, List of conflict and misconduct filings by Counsel Peter Feaman for William Stansbury involving Ted Bernstein and related entities.

17. Ted Bernstein was initially sued in this very case by Plaintiff William Stansbury but somehow has also been "let out" by some undisclosed "Settlement" with Ted Bernstein personally and Ted Bernstein as Fiduciary for other beneficiaries of the Estate and Trust of Shirley, yet Ted Bernstein has been permitted to act as Fiduciary over entities sued in this case where he was in direct conflict and acting with adverse interests to the parties he was representing as fiduciary while settling advantageously to settle to the

benefit of himself personally and shifting the entire liabilities to the parties he is acting as fiduciary over and thus this case is ripe for appeal.

18. On information and belief, the Lower Court has never seen the settlement agreement or terms and parties in the case for parties which have been terminated and parties such as BFR nor myself Appellant were not informed.

19. Neither Appellant nor his children who are the beneficiaries of certain Trusts and own BFR, LLC have ever received any Accounting from Ted Bernstein or the prior PRs Tescher & Spallina in relation to LIC Holdings Inc., Bernstein Family Investments (BFI), Bernstein Holdings, Arbitrage International Management LLC, nor any proper accounting of the entity BFR, LLC itself.

20. Because the Order sought to be appealed herein completely disposes of the lawsuit as to multiple parties such as Tescher & Spallina, Ted Bernstein, LIC Holdings Inc., etc, the Order is final as to these parties and is appropriate for Appeal under Fla. R. App. P. 9.110(k), Review of Partial Final Judgments.

WHEREFORE, it is respectfully prayed for an Order permitting the Appeal herein to move forward and be prosecuted and for such other and further relief as may be just and proper.

Respectfully submitted,

Dated December 19, 2016

/s/ Eliot Ivan Bernstein

Eliot Ivan Bernstein
2753 NW 34th St.
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the within has been served upon all parties on the attached Service List by E-Mail Electronic Transmission, Court ECF on this 19th day of December, 2016.

Dated: December 19th, 2016

/s/ Eliot Ivan Bernstein

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EXHIBIT 1

Order of Judge Oftedal dated Sept. 8, 2016

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.

**ORDER GRANTING MOTION TO WITHDRAW
AS COUNSEL FOR BERNSTEIN FAMILY REALTY, LLC**

THIS CAUSE having come before this Court on the Motion to Withdraw as Counsel for Bernstein Family Realty, LLC (“BFR”) filed by Steven A. Lessne, Esq. and the law firm of Gunster, Yoakley & Stewart, P.A., and being fully advised in the premises, it is hereupon

ORDERED AND ADJUDGED as follows:

1. The Motion to Withdraw is granted.
2. Steven A. Lessne, Esq. and Gunster, Yoakley & Stewart P.A. are relieved of all further responsibility as counsel for BFR in this action.
3. BFR, through its owners, Eliot and Candice Bernstein, as parents and natural guardians of Joshua, Jake and Daniel Bernstein, has thirty (30) days from the date of this Order to have replacement counsel file a notice of appearance on behalf of BFR.
4. Unless and until replacement counsel appears on behalf of BFR, all papers to be served upon BFR shall be served upon its owners, Eliot and Candice Bernstein, as parents and

natural guardians of Joshua, Jake and Daniel Bernstein, 2753 N.W. 34th Street, Boca Raton, FL 33434-3459; ivewit@ivewit.tv, ivewit@gmail.com and tourcandy@gmail.com; 561-245-8588 (office) and 561-866-7628 (cell).

DONE AND ORDERED in Chambers, Palm Beach County, Florida this 8th day of September, 2016



Circuit Judge
RICHARD J. FEDAL
Circuit Judge

Copies to:

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Bernstein Family Realty, LLC
c/o Eliot and Candice Bernstein,
as parents and natural guardians of
Joshua, Jake and Daniel Bernstein
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EXHIBIT 2 - List of Related Filings on Conflicts and Misconduct

EXHIBIT 2 -

Feaman and Stansbury Notification to Courts and Fiduciaries of criminal and civil misconduct in courts and related filings:

1. Nov 28, 20016 CLAIMANT, WILLIAM E. STANSBURY'S SUMMARY OF ISSUES
 - a. <http://iviewit.tv/Simon%20and%20Shirley%20Estate/20161128%20Claimant%20Stansbury%20Summary%20of%20Issues%20Simon%20Estate%20Status%20Conference.pdf>
2. 20161128 Stansbury Letter to Judge Scher with copy of Stansbury Summary of issues for Status Conference.pdf
 - a. <http://iviewit.tv/Simon%20and%20Shirley%20Estate/20161128%20Stansbury%20Letter%20to%20Judge%20Scher%20with%20copy%20of%20Stansbury%20Summary%20of%20issues%20for%20Status%20Conference.pdf>
3. 20161128 Stansbury Motion to Disqualify Alan Rose as Legal Counsel for the Estate of Simon Bernstein Due to Conflict of Interest.pdf
 - a. <http://iviewit.tv/Simon%20and%20Shirley%20Estate/20161128%20Stansbury%20Motion%20to%20Disqualify%20Alan%20Rose%20as%20Legal%20Counsel%20for%20the%20Estate%20of%20Simon%20Bernstein%20Due%20to%20Conflict%20of%20Interest.pdf>
4. 20161115 Feaman Stansbury FILED IN SHIRLEY TRUST Simon Estate Demand for Accounting as to Missing Personal Property of Estate.pdf
 - a. <http://iviewit.tv/Simon%20and%20Shirley%20Estate/20161115%20Feaman%20Stansbury%20FILED%20IN%20SHIRLEY%20TRUST%20Simon%20Estate%20Demand%20for%20Accounting%20as%20to%20Missing%20Personal%20Property%20of%20Estate.pdf>
5. June 20, 2012 Letter from Peter Feaman to Ted Bernstein regarding allegations of fraud, check fraud, mail fraud and more by Ted Bernstein.

- a. <http://iviewit.tv/Simon%20and%20Shirley%20Estate/20120620%20Feaman%20Stansbury%20Letter%20to%20Ted%20re%20Lawsuit.pdf>
6. October 17, 2013 Feaman filed “Motion to Intervene” notifying court of misconduct of fiduciaries
 - a. <http://iviewit.tv/Simon%20and%20Shirley%20Estate/20131017%20Stansbury%20Motion%20to%20Intervene%20Shirley%20Estate%20from%20record.pdf>
7. February 11, 2014 “RESPONSE IN OPPOSITION TO MOTION FOR APPOINTMENT OF TED BERNSTEIN AS CURATOR AND MOTION FOR THE APPOINTMENT OF ELIOT BERNSTEIN AS CURATOR OR SUCCESSOR PERSONAL REPRESENTATIVE OR, IN THE ALTERNATIVE, FOR APPOINTMENT OF AN INDEPENDENT THIRD PARTY AS SUCCESSOR PERSONAL REPRESENTATIVE OR CURATOR.” Outlines to conduct serious Misconduct in the Shirley Estate and Shirley Trust by Fiduciaries and Counsel, Ted Bernstein, Donald Tescher, Robert Spallina et al.
 - a. <http://iviewit.tv/Simon%20and%20Shirley%20Estate/20140217%20Stansbury%20Response%20in%20Opposition.pdf>
8. March 14, 2014 Petition for Admin Ad Litem filed by Feaman
 - a. <http://iviewit.tv/Simon%20and%20Shirley%20Estate/20140314%20Petition%20for%20Administrator%20Ad%20Litem%20Feaman%20Stansbury.pdf>
9. March 14, 2014 Feaman Letter to Curator Benjamin Brown, Esq. regarding fraud in Illinois Insurance Litigation involving Spallina fraudulent application for Life Insurance and Ted Bernstein and Robert Spallina’s fraudulent representation as alleged Trustee of a lost trust that neither possesses that filed a Federal Court action using said non-existent trust.
 - a. <http://iviewit.tv/Simon%20and%20Shirley%20Estate/20140304%20Stansbury%20Letter%20to%20Curator.pdf>
10. May 22, 2014 “JOINDER IN PETITION FILED BY ELIOT IVAN BERNSTEIN FOR REMOVAL OF TRUSTEE AND FOR TRUST ACCOUNTING” Notifying the Court of criminal and fiduciary misconduct in the Estates and Trusts of Simon and Shirley Bernstein involving Ted Bernstein and his counsel.

- a. <http://iviewit.tv/Simon%20and%20Shirley%20Estate/20140522StansburyJoinder1.pdf>
11. June 27, 2014 Peter Feaman filing on behalf of William Stansbury, “RESPONSE IN OPPOSITION TO THE APPOINTMENT OF TED BERNSTEIN AS SUCCESSOR PERSONAL REPRESENTATIVE AND MOTION FOR THE APPOINTMENT OF AN INDEPENDENT THIRD PARTY AS BOTH SUCCESSOR PERSONAL REPRESENTATIVE AND TRUSTEE OF THE SIMON BERNSTEIN TRUST AGREEMENT”
 - a. <http://iviewit.tv/Simon%20and%20Shirley%20Estate/20140627%20Response%20in%20Opposition%20to%20the%20Appointment%20of%20Ted%20Bernstein%20as%20Successor%20PR%20etc%20filed%20by%20Feaman%20Stansbury.pdf>
12. July 29, 2014 Feaman filed “PETITION TO REMOVE TED BERNSTEIN AS SUCCESSOR TRUSTEE OF THE SIMON BERNSTEIN REVOCABLE TRUST”
<http://iviewit.tv/Simon%20and%20Shirley%20Estate/20140729%20Petition%20to%20Remove%20Ted%20Bernstein%20as%20Successor%20Trustee%20of%20Simon%20Trust%20Stansbury%20Filed.pdf>
13. August 05, 2014 Feaman Letter to Alan Rose re Using the Grandchildren as Pawns and monies set aside for their schooling.
 - a. <http://iviewit.tv/Simon%20and%20Shirley%20Estate/20140808%20Response%20to%20Motion%20for%20Contempt%20-%20Exhibit%20Feaman%20Letter%20to%20Alan%20Re%20St%20Andrews%20Tuition.pdf>
14. August 29, 2014 Feaman Letter to Successor Personal Representative Brian O’Connell stating assets were being illegally converted and more.
 - a. <http://iviewit.tv/Simon%20and%20Shirley%20Estate/20140829%20Feaman%20Stansbury%20Letter%20to%20Brian%20O'Connell.pdf>
15. September 19, 2014 Feaman letter to O’Connell regarding missing and unaccounted for assets of the estate.
 - a. <http://iviewit.tv/Simon%20and%20Shirley%20Estate/20140829%20Feaman%20Stansbury%20Letter%20to%20Brian%20O'Connell.pdf>

16. June 02, 2014 Stansbury Objections to Final Accounting of Co-Personal Representatives Tescher and Spallina.
 - a. <http://iviewit.tv/Simon%20and%20Shirley%20Estate/20140602%20Objection%20to%20Spallina%20Tescher%20Accounting%20Stansbury%20Feaman.pdf>
17. December 16, 2014 Feaman Letter to Brian O'Connell regarding Conflicts of Interest and more of Ted Bernstein and Alan Rose that should cause the removal of both parties, Ted from fiduciary roles and Alan as counsel for the fiduciary.
 - a. <http://iviewit.tv/Simon%20and%20Shirley%20Estate/20141216%20Attorney%20Peter%20Feaman%20Letter%20to%20Attorney%20Personal%20Representative%20Brian%20O'Connell%20re%20Ted%20and%20Alan%20Conflicts.pdf>
18. December 01, 2015 Petition of Claimant and Creditor William Stansbury to Intervene, notifying the Court of a multitude of reasons for the immediate removal of Ted and his counsel.
 - a. <http://iviewit.tv/Simon%20and%20Shirley%20Estate/20151201%20Petition%20of%20Claimant%20and%20Creditor%20Stansbury%20to%20Intervene%20Shirley%20Trust%20Feaman.pdf>
19. February 27, 2016 Feaman Letter to Chief Judge Jeffrey Colbath informing him that Judge Martin Colin Violated Administrative Orders when he POST RECUSAL interfered with the court process to transfer the cases and instead steered them in violation of court rules and procedures.
 - a. <http://iviewit.tv/Simon%20and%20Shirley%20Estate/20160217%20Feaman%20Letter%20to%20Chief%20Judge%20Jeffrey%20Colbath.pdf>
20. March 03, 2016 - Stansbury Statement Regarding Guardian Ad Litem hearing held improperly by Judge John Phillips to gain predatory guardianship on Eliot's two minor children and one adult child.
 - a. <http://iviewit.tv/Simon%20and%20Shirley%20Estate/20160302%20Signed%20William%20Stansbury%20Amended%20Eliot%20and%20Candice%20Bernstein%20GAL%20issue%203.2.2016.pdf>
21. August 26, 2016 - Feaman Letter to Judge Phillips regarding Ted and Alan conflicts and more.

- a. <http://iviewit.tv/Simon%20and%20Shirley%20Estate/20160826%20Feaman%20Letter%20to%20Judge%20Phillips%20re%20Simon%20Estate%20and%20Motion%20for%20Retention%20of%20Counsel%20and%20to%20Appoint%20Ted%200Adminsitrator%20Ad%20Litem.pdf>