

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.

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Appellant / Petitioner(s)

Appellee / Respondent(s)

**APPELLANT’S MOTION FOR REHEARING AND CLARIFICATION  
UNDER RULE 9.330 AND REINSTATING THE APPEAL**

1. I am the Appellant in this case acting pro se.
2. I make this motion for Rehearing under Florida Rules of Appellate Procedure 9.330 and alternatively for clarification and a written decision under this rule.
3. This motion is made and filed within 15 days of this Court’s Order on Jan. 5, 2017 which Dismissed the appeal for “lack of jurisdiction” and is therefore timely filed under the rules.
4. Appellant further moves within this motion to Rehear the denial of the motion to permit a Sur-Reply which was also denied on the same date of Jan. 5, 2017 and thus this motion to Re-hear that denial is timely.
5. Appellant respectfully submits that it was error to deny this Sur-reply as such filing clarified and corrected confusion and any misapprehension of

facts before this Court and moved to correct one of the many frauds upon the Court in these case.

6. Nonetheless, while Appellant asserts that the permission to file the Sur-reply should have been granted, the underlying facts overlooked and misapprehended by the Court are the same either way and the Re-hearing should be granted and the Appeal reinstated.
7. Appellant respectfully moves that this Court has either overlooked or misapprehended the facts and-or misapplied the law and therefore this Court's Order must be reversed and vacated and the appeal reinstated.
8. This is an Appeal of an Order of the lower Tribunal which totally disposed of a case against certain parties Robert Spallina and Donald Tescher in the underlying action brought by Creditor William Stansbury against Ted and Simon Bernstein for alleged monies owed during the course of their business relationships.
9. Appellant timely filed a Statement of Jurisdiction on Dec. 19, 2016 in response to this Court's Order to Show Cause. See, Exhibit 1.
10. Paragraph 5 of this Statement of Jurisdiction showed this Court that it has jurisdiction to hear this Appeal stating, "This Court has jurisdiction over this Appeal under Fla. R. App. P. 9.110(k), Review of Partial Final Judgments."

11. This Court may have been confused or misapprehended the facts of the case by Appellant's factual statements in Par. 6 of the Statement of Jurisdiction which showed that other parties in addition to attorneys Robert Spallina and Donald Tescher had been removed from the underlying case.
12. Appellant sought to clarify and correct any such confusion or misapprehension by the Court in a motion for permission to file a Sur-Reply which was filed on Dec. 24, 2016. See Exhibit 2.
13. Appellant attempted to clarify and correct any misunderstanding or confusion or misapprehension by this Court in the proposed Sur-reply by showing this Court in Paragraph 3 that, "This Sur Reply would be to address the Response-Objections filed by attorney Alan Rose allegedly on behalf of the Estate of Simon Bernstein."
14. Appellant further showed in Paragraph 4 that, "Appellant has reviewed the entirety of the response-objections filed by Attorney Alan Rose and the Appendix attached thereto and has reviewed the entire docket of the Lower Tribunal case and filings under L.T. Case No.: 502012CA013933XXXXMB."
15. Appellant showed in Paragraph 5 that, "A Sur Reply should be granted in this case as it is just and proper and corrects the Record of the Lower

Tribunal case below and serves to avoid further and continuing Frauds upon the Court in the cases herein.”

16. The Motion for permission to file a Sur-reply further corrected matters before the Court as follows:

“6. Attorney Alan Rose again misleads this Court in his filings and said filing essentially amounts to a further Fraud upon the Court. 7. The filing in Response by attorney Alan Rose fails to address the parties Donald Tescher and Robert Spallina by “breezing over them” in the entirety and not mentioning these Parties by name at all in his response. 8. The Response further misleads this Court by affirmatively claiming in Paragraph 3 that “the sole remaining defendants are (i) the Estate of Simon L. Bernstein ("Estate") and Bernstein Family Realty, LLC ("BFR”).” 9. Yet, as shown by the Docket in the Court below and documents filed therein, both the “Amended Complaint” filed in the Lower Tribunal by Plaintiff William Stansbury on Feb. 14, 2013 ( Docket Entry No. 47 ) ADDED as Parties to the proceedings “Donald Tescher and Robert Spallina, as co-personal representatives of the Estate of Simon Bernstein and as co-trustees of the Shirley Bernstein Trust Agreement dated May 20, 2008” and these Parties are further continued in the Second Amended Complaint filed Sept. 4, 2013 ( Docket Entry No. 154 ). 10. The Lower Tribunal Docket Entries further

show these “Parties”, Donald Tescher and Robert Spallina, were issued Summons filed Feb. 22, 2013 ( Docket No. 53 - Exhibit 1 ) as Personal Representatives of the Estate of Simon Bernstein with Verified Return of Service filed on March 1, 2013 ( Docket No. 57 - Exhibit 2 ). 11. Further, Summons for these “Parties” Donald Tescher and Robert Spallina as Co-Trustees of the Shirley Bernstein Trust were filed on April April 19, 2013 ( Docket No. 77 - Exhibit 3 ) with Service Return filed on April 23, 2013 ( Docket No. 81 - Exhibit 4 ). 12. The Docket in the Lower Tribunal below shows these parties were represented by Counsel Mark Manceri who filed Notices of Appearance and the parties actively participated in the litigation. 13. Contrary to Attorney Rose’s filings in Response to this Court, none of the filings referencing a Settlement and Stipulation and Order dismissing parties referenced or reflected any Dismissal whatsoever against Donald Tescher or Robert Spallina in any capacity. ( See, Rose filing: Stansbury filed a Notice of Dropping Parties [App. 2; DE 212] and a Stipulation for Dismissal with Prejudice. [App. 3; DE 213] The trial court entered an "Order of Dismissal with Prejudice of Certain Parties and Claims," rendered on June 23, 2014 [App. 4; DE 213] ). 14. To the contrary, the Lower Court Docket further reflects that as recently as a few months ago and years after the alleged “Settlement”, Plaintiff Stansbury was Noticing both Parties Donald

Tescher and Robert Spallina for Depositions and Subpoenas being issued. See, Docket Number Entries 233-236. 15. These “Parties” Donald Tescher and Robert Spallina appear in the Caption of the Motion filed by Attorney Rose allegedly for the Estate of Simon Bernstein in the very Motion to Alter the Caption filed on Nov. 4, 2016 under Docket Entry No. 285 and yet nowhere in the Motion are these Parties Donald Tescher or Robert Spallina mentioned by attorney Rose, nor is there any Order or Stipulation which Dismissed these parties from the litigation. 16. Thus, contrary to the Response by Attorney Rose, this Court has Jurisdiction under Florida Rule of Appellate Procedure 9.110(k) “Review of Partial Final Judgments” which provides that “ If a partial final judgment totally disposes of an entire case as to any party, it must be appealed within 30 days of rendition.” 17. The Order appealed from even if not expressly stating it certainly purports to Dismiss and Remove the Parties Donald Tescher and Robert Spallina not just from the Service List but further Dismissed from the Action altogether even though no Stipulation nor Order nor motion ever sought such relief or granted such relief and thus this Appeal and Statement of Jurisdiction by Appellant is not frivolous. 18. Appellant, does, however, move to correct the original Statement of Jurisdiction by filing such Sur Reply and corrects the prior submission in noting that other parties originally mentioned in the

Statement of Jurisdiction as the parties mentioned in said Statement in Paragraph 6 being LIC Holdings, Inc., and Arbitrage International Holdings, LLC, do appear from the Docket to have been removed years before Appellant and his wife were added to the case as “Owners” of BFR and thus any Appeal on those parties would have to await Final Judgment or some other action in the Lower Tribunal on a motion to vacate. 19. Appellant further clarifies the original Statement of Jurisdiction by showing that the Sept. 8, 2016 Order of Judge Oftedal not only added Appellant and his wife as parents and Guardians of the minor children who “own” BFR but further named Appellant and his Wife as “owners” stating “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;” See Sept. 8, 2016 Order. 20. While Appellant and his wife have Objected to the process which forced this responsibility of BFR on Appellant and his wife and even sought to appeal which was denied without prejudice by this Court as premature as a Non-final order, clearly this Order affords Appellant “Standing” to file the Notice of Appeal and Statement of Jurisdiction herein at minimum on behalf of the minor children who are beneficiaries and owners with standing. 21. Further, it is Attorney Alan Rose’s ability to act on Appeal which should be

in question if anything as not only did the Plaintiff below move for a Stay on Oct. 26, 2016 ( See Docket Entry No. 283 ) as Plaintiff moved to Disqualify Attorney Rose based on conflicts of interest with the Estate, but the Court below granted a Stay on Dec. 8, 2016 on such grounds under Docket No. 299 which reflects in the Docket “ ORDER ON CASE MANAGEMENT CONFERENCE CASE WILL BE SET FOR TRIAL DISCOVERY STAYED UNTIL THE PROBATE COURT RULES ON THE DISQUALIFICATION OF COUNSEL FOR THE ESTATE DTD 12/07/16 C CARACUZZO”. 22.It does not appear that Alan Rose has filed a Notice of Appearance in the case either and been accepted to make any pleadings to this Court or the Lower Court and represents further a Pattern and Practice of Sharp Practices and more by Rose. 23. The Probate Court has scheduled hearings to Disqualify Attorney Rose and other hearings for February of the upcoming year 2017. 24. Thus, clearly there is both Jurisdiction to hear such appeal and standing and this Appeal should go forward and Sur Reply granted and filings by Alan Rose stricken.” See Exhibit 2.

17. As Appellant showed this Court in the original Statement of Jurisdiction in Paragraphs 7-8, “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 reinstated an Appeal on a motion for rehearing 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).” See, Exhibit 1.

18. Appellant further showed this Court in the original Statement of Jurisdiction in Par. 20 that, “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.” See, Exhibit 1.

19. Because this Court has overlooked or misapprehended the facts of the case in that the Order appealed which was timely appealed permanently removed Robert Spallina and Donald Tescher as parties to the underlying case, this Court in fact has jurisdiction under Fla. R. App. P. 9.110(k), Review of Partial Final Judgments and Re-Hearing should be granted and the Appeal reinstated.

### **CLARIFICATION**

20. Appellant otherwise moves for this Court to Clarify the Jan. 5, 2017 Order and ruling under Fla. R. App. P 9.330 and state with specificity why Jurisdiction is not present under Fla. R. App. P. 9.110(k) as Appellant is prejudiced in moving for re-hearing in the first instance without such clarification and as shown by the facts and records of the lower tribunal, clearly Robert Spallina and Donald Tescher were still actively in the case until the recent Order on appeal.

**WHEREFORE**, it is respectfully prayed for an Order granting Rehearing and Reinstating the Appeal herein and alternatively granting Clarification under Rule 9.330 with leave to further brief on rehearing based upon such clarification by this Court and for such other and further relief as may seem just and proper.

Respectfully submitted,

Dated: January 20, 2017

**/s/ Eliot Ivan Bernstein**  
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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 20th day of January, 2017.

Dated: January 20, 2017

**/s/ Eliot Ivan Bernstein**

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as parents and natural guardians of  
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**EXHIBIT 1**

Statement of Jurisdiction on Dec. 19, 2016

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.

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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**

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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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Eliot and Candice Bernstein,  
as parents and natural guardians of  
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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.

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**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](mailto:ivewit@ivewit.tv), [ivewit@gmail.com](mailto:ivewit@gmail.com) and [tourcandy@gmail.com](mailto:tourcandy@gmail.com); 561-245-8588 (office) and 561-866-7628 (cell).

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

  
\_\_\_\_\_  
Richard J. Fedal  
Circuit Judge

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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>

**EXHIBIT 2**

Motion for Permission to File a Sur-Reply December 24, 2016

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)

**MOTION FOR PERMISSION TO FILE A SUR REPLY TO ALAN ROSE'S  
RESPONSE OBJECTIONS ALLEGEDLY ON BEHALF OF THE ESTATE  
OF SIMON BERNSTEIN**

1. I am the Appellant pro se in this case.
2. I file this Motion for Permission to file a Sur Reply after speaking to 4th District Court of Appeals Clerk Holly Davis.
3. This Sur Reply would be to address the Response-Objections filed by attorney Alan Rose allegedly on behalf of the Estate of Simon Bernstein.
4. Appellant has reviewed the entirety of the response-objections filed by Attorney Alan Rose and the Appendix attached thereto and has reviewed the entire docket of the Lower Tribunal case and filings under L.T. Case No.:  
502012CA013933XXXXMB.
5. A Sur Reply should be granted in this case as it is just and proper and corrects the Record of the Lower Tribunal case below and serves to avoid further and continuing Frauds upon the Court in the cases herein.



6. Attorney Alan Rose again misleads this Court in his filings and said filing essentially amounts to a further Fraud upon the Court.
7. The filing in Response by attorney Alan Rose fails to address the parties Donald Tescher and Robert Spallina by “breezing over them” in the entirety and not mentioning these Parties by name at all in his response.
8. The Response further misleads this Court by affirmatively claiming in Paragraph 3 that “the sole remaining defendants are (i) the Estate of Simon L. Bernstein ("Estate") and Bernstein Family Realty, LLC ("BFR").”
9. Yet, as shown by the Docket in the Court below and documents filed therein, both the “Amended Complaint” filed in the Lower Tribunal by Plaintiff William Stansbury on Feb. 14, 2013 ( Docket Entry No. 47 ) ADDED as Parties to the proceedings “Donald Tescher and Robert Spallina, as co-personal representatives of the Estate of Simon Bernstein and as co-trustees of the Shirley Bernstein Trust Agreement dated May 20, 2008” and these Parties are further continued in the Second Amended Complaint filed Sept. 4, 2013 ( Docket Entry No. 154 ).
10. The Lower Tribunal Docket Entries further show these “Parties”, Donald Tescher and Robert Spallina, were issued Summons filed Feb. 22, 2013 ( Docket No. 53 - Exhibit 1 ) as Personal Representatives of the Estate of Simon Bernstein with Verified Return of Service filed on March 1, 2013 ( Docket No. 57 - Exhibit 2 ).

11. Further, Summons for these “Parties” Donald Tescher and Robert Spallina as Co-Trustees of the Shirley Bernstein Trust were filed on April April 19, 2013 ( Docket No. 77 - Exhibit 3 ) with Service Return filed on April 23, 2013 ( Docket No. 81 - Exhibit 4 ).
12. The Docket in the Lower Tribunal below shows these parties were represented by Counsel Mark Manceri who filed Notices of Appearance and the parties actively participated in the litigation.
13. Contrary to Attorney Rose’s filings in Response to this Court, none of the filings referencing a Settlement and Stipulation and Order dismissing parties *referenced or reflected any Dismissal whatsoever against Donald Tescher or Robert Spallina in any capacity.* ( See, Rose filing: Stansbury filed a Notice of Dropping Parties [App. 2; DE 212] and a Stipulation for Dismissal with Prejudice. [App. 3; DE 213] The trial court entered an "Order of Dismissal with Prejudice of Certain Parties and Claims," rendered on June 23, 2014 [App. 4; DE 213] ).
14. To the contrary, the Lower Court Docket further reflects that as recently as a few months ago and years after the alleged “Settlement”, Plaintiff Stansbury was Noticing both Parties Donald Tescher and Robert Spallina for Depositions and Subpoenas being issued. See, Docket Number Entries 233-236.

15. These “Parties” Donald Tescher and Robert Spallina appear in the Caption of the Motion filed by Attorney Rose allegedly for the Estate of Simon Bernstein in the very Motion to Alter the Caption filed on Nov. 4, 2016 under Docket Entry No. 285 and yet *nowhere in the Motion are these Parties Donald Tescher or Robert Spallina mentioned by attorney Rose, nor is there any Order or Stipulation which Dismissed these parties from the litigation.*
16. Thus, contrary to the Response by Attorney Rose, this Court has Jurisdiction under Florida Rule of Appellate Procedure 9.110(k) “Review of Partial Final Judgments” which provides that “ If a partial final judgment totally disposes of an entire case as to any party, it must be appealed within 30 days of rendition.”
17. The Order appealed from even if not expressly stating it certainly purports to Dismiss and Remove the Parties Donald Tescher and Robert Spallina not just from the Service List but further Dismissed from the Action altogether even though no Stipulation nor Order nor motion ever sought such relief or granted such relief and thus this Appeal and Statement of Jurisdiction by Appellant is not frivolous.
18. Appellant, does, however, move to correct the original Statement of Jurisdiction by filing such Sur Reply and corrects the prior submission in noting that other parties originally mentioned in the Statement of Jurisdiction as the parties mentioned in said Statement in Paragraph 6 being LIC Holdings, Inc., and

Arbitrage International Holdings, LLC, do appear from the Docket to have been removed years before Appellant and his wife were added to the case as “Owners” of BFR and thus any Appeal on those parties would have to await Final Judgment or some other action in the Lower Tribunal on a motion to vacate.

19. Appellant further clarifies the original Statement of Jurisdiction by showing that the Sept. 8, 2016 Order of Judge Oftedal not only added Appellant and his wife as parents and Guardians of the minor children who “own” BFR but further named Appellant and his Wife as “owners” stating “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;” See Sept. 8, 2016 Order.

20. While Appellant and his wife have Objected to the process which forced this responsibility of BFR on Appellant and his wife and even sought to appeal which was denied without prejudice by this Court as premature as a Non-final order, clearly this Order affords Appellant “Standing” to file the Notice of Appeal and Statement of Jurisdiction herein at minimum on behalf of the minor children who are beneficiaries and owners with standing.

21. Further, it is Attorney Alan Rose’s ability to act on Appeal which should be in question if anything as not only did the Plaintiff below move for a Stay on Oct. 26, 2016 ( See Docket Entry No. 283 ) as Plaintiff moved to Disqualify Attorney

Rose based on conflicts of interest with the Estate, but the Court below granted a Stay on Dec. 8, 2016 on such grounds under Docket No. 299 which reflects in the Docket “ ORDER ON CASE MANAGEMENT CONFERENCE CASE WILL BE SET FOR TRIAL DISCOVERY STAYED UNTIL THE PROBATE COURT RULES ON THE DISQUALIFICATION OF COUNSEL FOR THE ESTATE DTD 12/07/16 C CARACUZZO”.

22. It does not appear that Alan Rose has filed a Notice of Appearance in the case either and been accepted to make any pleadings to this Court or the Lower Court and represents further a Pattern and Practice of Sharp Practices and more by Rose.
23. The Probate Court has scheduled hearings to Disqualify Attorney Rose and other hearings for February of the upcoming year 2017.
24. Thus, clearly there is both Jurisdiction to hear such appeal and standing and this Appeal should go forward and Sur Reply granted and filings by Alan Rose stricken.

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

Respectfully submitted,

Dated December 24, 2016

**/s/ Eliot Ivan Bernstein**

Eliot Ivan Bernstein  
2753 NW 34th St.  
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 within has been served upon all parties on the attached Service List by E-Mail Electronic Transmission, Court ECF on this 24th day of December, 2016.

**/s/ Eliot Ivan Bernstein**

Eliot Ivan Bernstein  
2753 NW 34th St.  
Boca Raton, FL 33434  
561-245-8588  
[iviewit@iviewit.tv](mailto:iviewit@iviewit.tv)

**SERVICE LIST**

Peter M. Feaman, Esq.  
3695 W. Boynton Beach Blvd., Suite 9  
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515 N. Flagler Drive, 201 Floor  
West Palm Beach, FL 3340 I  
[boconnell@ciklinlubitz.com](mailto:boconnell@ciklinlubitz.com)

Bernstein Family Realty, LLC  
Oppenheimer Trust Company  
CIO Steven Lessne  
Counsel for Janet Craig

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  
Steven A. Lessne, Esq.  
Florida Bar No. I 07514  
[slessne@gunster.com](mailto:slessne@gunster.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](mailto:arose@mrachek-law.com)

Eliot and Candice Bernstein,  
as parents and natural guardians of  
Joshua, Jake and Daniel Bernstein  
2753 N. W. 34111 Street  
Boca Raton, FL 33434  
[iviewit@ivewit.tv](mailto:iviewit@ivewit.tv)  
[iviewit@gmail.com](mailto:iviewit@gmail.com)  
[tourcandy@gmail.com](mailto:tourcandy@gmail.com)

**EXHIBIT 1**

Donald Tescher and Robert Spallina Summons filed Feb. 22, 2013 ( Docket No. 53  
1 ) as Personal Representatives of the Estate of Simon Bernstein



IN THE CIRCUIT COURT OF THE  
15<sup>TH</sup> JUDICIAL CIRCUIT IN AND FOR  
PALM BEACH COUNTY, FLORIDA

WILLIAM E. STANSBURY,  
Plaintiff,

CASE NO: 50 2012 CA 013933 MB AA

v.

TED S. BERNSTEIN; DONALD TESCHER and  
ROBERT SPALLINA, as co-personal  
representatives of the ESTATE OF SIMON L.  
BERNSTEIN and as co-trustees of the SHIRLEY  
BERNSTEIN TRUST AGREEMENT dated  
May 20, 2008; LIC HOLDINGS, INC.;  
ARBITRAGE INTERNATIONAL MANAGEMENT, LLC,  
f/k/a ARBITRAGE INTERNATIONAL  
HOLDINGS, LLC; BERNSTEIN FAMILY  
REALTY, LLC,  
Defendants.

SUMMONS

**THE STATE OF FLORIDA**

*To All and Singular the Sheriffs of said State:*

**TO: DONALD R. TESCHER or ROBERT L. SPALLINA**  
**Personal Representative of the Estate of Simon L. Bernstein**  
**Teschler and Spallina, P.A.**  
**4855 Technology Way, Suite 720**  
**Boca Raton, FL 33431**

IMPORTANT

An Amended Complaint has been filed by the Plaintiff, WILLIAM E. STANSBURY, in the above-styled case. You have twenty (20) calendar days after this Summons is served on you to file a written response to the attached Amended Complaint with the Clerk of this Court. A phone call will not protect you. Your written response, including the case number given above and the names of the parties, must be filed if you want the Court to hear your side of the case. If you do not file your response on time, you may lose the case, and your wages, money, and property may thereafter be taken without further warning from the Court. There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may call an attorney referral service or a legal aid office (listed in the phone book).

If you choose to file a written response yourself, at the same time you file your written response to the Court you must also mail or take a copy of your written response to the Defendant's attorney named below.

SHARON R. BOCK  
Clerk & Comptroller  
P.O. Box 4067  
West Palm Beach, Florida  
33402-4667

FILED  
2013 FEB 22 PM 4:18  
SHARON R. BOCK, CLERK  
PALM BEACH COUNTY  
P.O. BOX 4067  
WEST PALM BEACH, FLORIDA 33402-4667

PETER M. FEAMAN, ESQUIRE  
PETER M. FEAMAN, P.A.  
*Attorney for Plaintiff, WILLIAM E. STANSBURY*  
3615 West Boynton Beach Boulevard  
Boynton Beach, FL 33436  
(561) 734-5552  
Florida Bar No. 0260347

**THE STATE OF FLORIDA: TO EACH SHERIFF OR AUTHORIZED PROCESS  
SERVER OF THE STATE OF FLORIDA:**

You are commanded to serve this Summons and a copy of the Amended Complaint in this lawsuit on the above-named Defendant by serving it at the above-stated address.

DATED ON February 22<sup>nd</sup>, 2013.



SHARON R. BOCK  
CLERK, PALM BEACH COUNTY

By:   
Deputy Clerk

**IMPORTANTE**

Usted ha sido demandado legalmente. Tiene 20 Dias, contados a partir del recibo de esta notificacion, para contestar la demanda adjunta, por escrito, y presentarla ante este tribunal. Una llamada telefonica no lo protegera. Si usted desea que el tribunal considere su defensa, debe prasentar su respuesta por escrito, incluyendo el numero del caso y los nombres de las partes interesadas. Si usted no contesta la demanda a tiempo, podiese perder el caso y podria ser despojado de sus ingresos y propiedades, o privado de sus derechos, sin previo aviso del tribunal. Existen otros requisitos legales. Si lo desea, puede usted consultar a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a una de las oficinas de asistencia legal que aparecen en la guia telefonica.

Si desea responder a la demanda por su cuenta, al mismo tiempo en que presenta su respuesta ante el tribunal, debera usted enviar por correo o entregar una copia de su respuesta a la persona denominada abajo como "Defendant's Attorney" (Demandante o Abogado del Demandante).

**IMPORTANT**

Des poursuites judiciaires ont ete entreprises contre vous. Vous avez 20 jours consecutifs a partir de la date de l'assignation de cette citation pour deposer une reponse ecrite a la plainte ci-jointe aupres de ce tribunal. Un simple coup de telephone est insuffisant pour vous proteger. Vous

etes obligé de déposer votre réponse écrite, avec mention du numero de dossier ci-dessus et du nom des parties nommées ici, si vous souhaitez que le tribunal entende votre cause. Si vous ne déposez pas votre réponse écrite dans le relai requis, vous risquez de perdre la cause ainsi que votre salaire, votre argent, et vos biens peuvent être saisis par la suite, sans aucun préavis ultérieur du tribunal. Il y a d'autres obligations juridiques et vous pouvez requérir les services immédiats d'un avocat. Si vous ne connaissez pas d'avocat, vous pourriez téléphoner à un service de référence d'avocats ou à un bureau d'assistance juridique (figurant à l'annuaire de téléphones).

Si vous choisissez de déposer vous-même une réponse écrite, il vous faudra également, en même temps que cette formalité, faire parvenir ou expédier une copie de votre réponse écrite au "Defendant's Attorney" (Plaignant ou à son avocat) nommé ci-dessous.

pre ako ki fet avèk Americans With Disabilities Act, tout moun ki ginyin yon bezwen espesiyal pou akomodasyon pou yo patisipe nan pwogram sa-a dwe, nan yon tan rezonab avan n'apot aranjan kapab fet, you dwe kontakte Administrative Office of the Court, telefon nan se oubyen 1-800-995-8771 (V) an pasan pa Florida Relay Service.

En accord avec la Loi des "Americans With Disabilities." Les personnes en besoin d'une accommodation spéciale pour participer à ces procédures doivent, dans un temps raisonnable, avant d'entreprendre aucune autre démarche, contacter l'office administrative de la Court, le téléphone (V) Via Florida Relay Service 1-800-995-8771 (TDD) or 1-800-995-8770 (V), via Florida Relay Service.

De acuerdo con el Acto o Decreto de los Americanos con Impedimentos Inhabilitados, personas en necesidad del servicio especial para participar en este procedimiento deberán, dentro de un tiempo razonable, antes de cualquier procedimiento, ponerse en contacto con la oficina Administrativa de la Corte, 1-800-955-8771 (TDD), 1-800-955-8770 (V) Via Florida Relay Service.

**EXHIBIT 2**

Verified Return of Service filed on March 1, 2013 ( Docket No. 57 )

**VERIFIED RETURN OF SERVICE**

State of FLORIDA

County of PALM BEACH

Circuit Court

Case Number: 50 2012 CA 13933 XXXX MB AA

Plaintiff:

**WILLIAM E. STANSBURY,**

vs.

Defendant:

**TED S. BERNSTEIN, et al.,**

For:

Peter M. Feaman  
PETER M. FEAMAN, P.A.,  
3615 West Boynton Beach Blvd.  
Boynton Beach, FL 33436

**FILED**  
13 MAR -1 PM 4:40  
SHARON R. BOCK, CLERK  
PALM BEACH COUNTY  
CIRCUIT CIVIL 7

Received by LARGO INVESTIGATIONS, INC. on the 22nd day of February, 2013 at 5:00 pm to be served on ~~THE ESTATE OF SIMON L. BERNSTEIN, C/O DONALD R. TESCHER OR ROBERT L. SPALLINA AS PERSONAL REPRESENTATIVE,~~ **TESCHER AND SPALLINA, P.A., 4855 TECHNOLOGY WAY, SUITE 720, BOCA RATON, FL 33431.**

I, RUTH AMISIAL, do hereby affirm that on the 25th day of February, 2013 at 9:24 am, I:


served an **AUTHORIZED** entity by delivering a true copy of the **SUMMONS AND AMENDED COMPLAINT WITH EXHIBITS** with the date and hour of service endorsed thereon by me, to: **ALEXA COLLEVECHIO** as **SECRETARY AUTHORIZED TO ACCEPT FOR DONALD TESCHER** at the address of: **4855 TECHNOLOGY WAY, SUITE 720, BOCA RATON, FL 33431**, who stated they are authorized to accept service for **THE ESTATE OF SIMON L. BERNSTEIN,** and informed said person of the contents therein, in compliance with state statutes.

**Additional Information pertaining to this Service:**

**ALEXA COLLEVECHIO RECEIVED PERMISSION TO ACCEPT THIS SUMMONS ON BEHALF OF DONALD TESCHER & ROBERT SPALLINA AS PERSONAL REPRESENTATIVES OF THE ESTATE OF SIMON L. BERNSTEIN.**

I Acknowledge that I am authorized to serve process. In good standing in the jurisdiction wherein this process was served and I have no interest in the above action. Under penalties of perjury, I declare that I have read the foregoing documents and that the facts stated in it are true, F.S. 92.525 (2), no Notary is required.

**NOT A CERTIFIED COPY**



**RUTH AMISIAL**  
C.P.S. # 1506

**LARGO INVESTIGATIONS, INC.**  
9369 Aegean Drive  
Boca Raton, FL 33496  
(561) 482-5757

Our Job Serial Number: LII-2013000622

622

IN THE CIRCUIT COURT OF THE  
15<sup>TH</sup> JUDICIAL CIRCUIT IN AND FOR  
PALM BEACH COUNTY, FLORIDA

WILLIAM E. STANSBURY,  
Plaintiff,

CASE NO: 50 2012 CA 013933 MB AA

v.

TED S. BERNSTEIN; DONALD TESCHER and  
ROBERT SPALLINA, as co-personal  
representatives of the ESTATE OF SIMON L.  
BERNSTEIN and as co-trustees of the SHIRLEY  
BERNSTEIN TRUST AGREEMENT dated  
May 20, 2008; LIC HOLDINGS, INC.;  
ARBITRAGE INTERNATIONAL MANAGEMENT, LLC,  
f/k/a ARBITRAGE INTERNATIONAL  
HOLDINGS, LLC; BERNSTEIN FAMILY  
REALTY, LLC,  
Defendants.

*Sec*  
ALEXA COLLEVECHIO  
2-28-13 9:24A  
TRUTH AMISIAL  
C.P.S.#1506

SHARON R. BOCK, CLERK  
PALM BEACH COUNTY  
CIRCUIT CIVIL / PROBATE  
2013 FEB 22 PM 4:18  
**FILED**

SUMMONS

**THE STATE OF FLORIDA**  
To All and Singular the Sheriffs of said State:

**TO: DONALD R. TESCHER or ROBERT L. SPALLINA**  
Personal Representative of the Estate of Simon L. Bernstein  
Teschler and Spallina, P.A.  
4855 Technology Way, Suite 720  
Boca Raton, FL 33431

IMPORTANT

An Amended Complaint has been filed by the Plaintiff, WILLIAM E. STANSBURY, in the above-styled case. You have twenty (20) calendar days after this Summons is served on you to file a written response to the attached Amended Complaint with the Clerk of this Court. A phone call will not protect you. Your written response, including the case number given above and the names of the parties, must be filed if you want the Court to hear your side of the case. If you do not file your response on time, you may lose the case, and your wages, money, and property may thereafter be taken without further warning from the Court. There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may call an attorney referral service or a legal aid office (listed in the phone book).

If you choose to file a written response yourself, at the same time you file your written response to the Court you must also mail or take a copy of your written response to the Defendant's attorney named below.

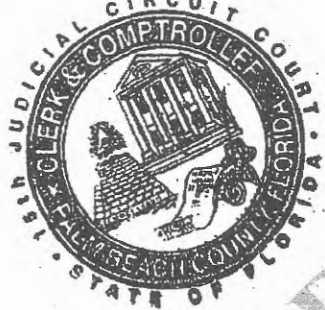
SHARON R. BOCK  
Clerk & Comptroller  
P.O. Box 4667  
West Palm Beach, Florida  
33402-4667

PETER M. FEAMAN, ESQUIRE  
PETER M. FEAMAN, P.A.  
*Attorney for Plaintiff, WILLIAM E. STANSBURY*  
3615 West Boynton Beach Boulevard  
Boynton Beach, FL 33436  
(561) 734-5552  
Florida Bar No. 0260347

**THE STATE OF FLORIDA: TO EACH SHERIFF OR AUTHORIZED PROCESS  
SERVER OF THE STATE OF FLORIDA:**

You are commanded to serve this Summons and a copy of the Amended Complaint in this lawsuit on the above-named Defendant by serving it at the above-stated address.

DATED ON February 22, 2013.



SHARON R. BOCK  
CLERK, PALM BEACH COUNTY

By:   
Deputy Clerk

**IMPORTANTE**

Usted ha sido demandado legalmente. Tiene 20 Dias, contados a partir del recibo de esta notificacion, para contestar la demanda adjunta, por escrito, y presentarla ante este tribunal. Una llamada telefonica no lo protegera. Si usted desea que el tribunal considere su defensa, debe prasentar su respuesta por escrito, incluyendo el numero del caso y los nombres de las partes interesadas. Si usted no contesta la demanda a tiempo, podiese perder el caso y podria ser despojado de sus ingresos y propiedades, o privado de sus derechos, sin previo aviso del tribunal. Existen otros requisitos legales. Si lo desea, puede usted consultar a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a una de las oficinas de asistencia legal que aparecen e+n la guia telefonica.

Si desea responder a la demanda por su cuenta, al mismo tiempo en que presenta su respuesta ante el tribunal, debera usted enviar por correo o entregar una copia de su respuesta a la persona denominada abajo como "Defendant's Attorney" (Demandante o Abogado del Demandante).

**IMPORTANT**

Des poursuites judiciaires ont ete entreprises contre vous. Vous avez 20 jours consecutifs a partir de la date de l'assignation de cette citation pour deposer une reponse ecrite a la plainte ci-jointe aupres de ce tribunal. Un simple coup de telephone est insuffisant pour vous proteger. Vous

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En accord avec la Loi des "Americans With Disabilities." Les personnes en besoin d'une accommodation spéciale pour participer à ces procédures doivent, dans un temps raisonnable, avant d'entreprendre aucune autre démarche, contacter l'office administrative de la Court, le téléphone (V) Via Florida Relay Service 1-800-995-8771 (TDD) or 1-800-995-8770 (V), via Florida Relay Service.

De acuerdo con el Acto o Decreto de los Americanos con Impedimentos Inhabilitados, personas en necesidad del servicio especial para participar en este procedimiento deberan, dentro de un tiempo razonable, antes de cualquier procedimiento, ponerse en contacto con la oficina Administrativa de la Corte, 1-800-955-8771 (TDD), 1-800-955-8770 (V) Via Florida Relay Service.



**EXHIBIT 3**

Summons Donald Tescher and Robert Spallina as Co-Trustees of the Shirley  
Bernstein Trust filed on April 19, 2013 ( Docket No. 77 )

IN THE CIRCUIT COURT OF THE  
15<sup>TH</sup> JUDICIAL CIRCUIT IN AND FOR  
PALM BEACH COUNTY, FLORIDA

WILLIAM E. STANSBURY,  
Plaintiff,

CASE NO: 50 2012 CA 013933 MB AA

v.

TED S. BERNSTEIN; DONALD TESCHER and  
ROBERT SPALLINA, as co-personal  
representatives of the ESTATE OF SIMON L.  
BERNSTEIN and as co-trustees of the SHIRLEY  
BERNSTEIN TRUST AGREEMENT dated  
May 20, 2008; LIC HOLDINGS, INC.;  
ARBITRAGE INTERNATIONAL MANAGEMENT, LLC,  
f/k/a ARBITRAGE INTERNATIONAL  
HOLDINGS, LLC; BERNSTEIN FAMILY  
REALTY, LLC,  
Defendants.

**SUMMONS**

***THE STATE OF FLORIDA***  
***To All and Singular the Sheriffs of said State:***

**TO: DONALD R. TESCHER**  
**Co-Trustees of the Shirley Bernstein Trust**  
**Agreement of May 20, 2008**  
**Teschler and Spallina, P.A.**  
**4855 Technology Way, Suite 720**  
**Boca Raton, FL 33431**

**IMPORTANT**

An Amended Complaint has been filed by the Plaintiff, WILLIAM E. STANSBURY, in the above-styled case. You have twenty (20) calendar days after this Summons is served on you to file a written response to the attached Amended Complaint with the Clerk of this Court. A phone call will not protect you. Your written response, including the case number given above and the names of the parties, must be filed if you want the Court to hear your side of the case. If you do not file your response on time, you may lose the case, and your wages, money, and property may thereafter be taken without further warning from the Court. There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may call an attorney referral service or a legal aid office (listed in the phone book).

If you choose to file a written response yourself, at the same time you file your written response to the Court you must also mail or take a copy of your written response to the Plaintiff's attorney named below.

FILED  
2013 APR 19 PM 3:00  
SHARON K. BOCK, CLERK  
PALM BEACH COUNTY, FL  
CIRCUIT CIVIL 3

PETER M. FEAMAN, ESQUIRE  
PETER M. FEAMAN, P.A.  
*Attorney for Plaintiff, WILLIAM E. STANSBURY*  
3615 West Boynton Beach Boulevard  
Boynton Beach, FL 33436  
(561) 734-5552  
Florida Bar No. 0260347

SHARON R. BOCK  
Clerk & Comptroller  
P.O. Box 4667  
West Palm Beach, Florida  
33402-4667

**THE STATE OF FLORIDA: TO EACH SHERIFF OR AUTHORIZED PROCESS  
SERVER OF THE STATE OF FLORIDA:**

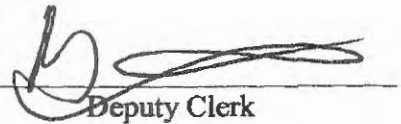
You are commanded to serve this Summons and a copy of the Amended Complaint in this lawsuit on the above-named Defendant by serving it at the above-stated address.

DATED ON April \_\_\_\_, 2013.

APR 19 2013



SHARON R. BOCK  
CLERK, PALM BEACH COUNTY

  
Deputy Clerk

**BELVA HAMILTON**

Usted ha sido demandado legalmente. Tiene 20 Dias, contados a partir del recibo de esta notificacion, para contestar la demanda adjunta, por escrito, y presentarla ante este tribunal. Una llamada telefonica no lo protegera. Si usted desea que el tribunal considere su defensa, debe presentar su respuesta por escrito, incluyendo el numero del caso y los nombres de las partes interesadas. Si usted no contesta la demanda a tiempo, podiese perder el caso y podria ser despojado de sus ingresos y propiedades, o privado de sus derechos, sin previo aviso del tribunal. Existen otros requisitos legales. Si lo desea, puede usted consultar a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a una de las oficinas de asistencia legal que aparecen en la guia telefonica.

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**IMPORTANT**

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pre ako ki fet avek Americans With Disabilities Act, tout moun ki ginyin yun bezwen espesiyal pou akomodasyon pou yo patisipe nan pwogram sa-a dwe, nan yun tan rezonab avan ninpot aranjman kapab fet, you dwe kontakte Administrative Office of the Court, telefon nan se oubyen 1-800-995-8771 (V) an pasan pa Florida Relay Service.

En accordance avec la Loi des "Americans With Disabilities." Les personnes en besoin d'une accommodation spéciale pour participer à ces procédures doivent, dans un temps raisonnable, avant d'entreprendre aucune autre démarche, contacter l'office administrative de la Court, le telephone (V) Via Florida Relay Service 1-800-995-8771 (TDD) or 1-800-995-8770 (V), via Florida Relay Service.

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**EXHIBIT 4**

Service Return filed on April 23, 2013 ( Docket No. 81 )

**VERIFIED RETURN OF SERVICE**

State of FLORIDA

County of PALM BEACH

Circuit Court

Case Number: 50 2012 CA 13933 XXXX MB AA

Plaintiff:

**WILLIAM E. STANSBURY,**

vs.

Defendant:

**TED S. BERNSTEIN, et al.,**

For:

Peter M. Feaman  
PETER M. FEAMAN, P.A.,  
3615 West Boynton Beach Blvd.  
Boynton Beach, FL 33436

Received by LARGO INVESTIGATIONS, INC. on the 19th day of April, 2013 at 4:00 pm to be served on **C0-TRUSTEES OF THE SHIRLEY BERSTEIN TRUST C/O DONALD R. TESCHER, TESCHER AND SPALLINA, P.A., 4855 TECHNOLOGY WAY - SUITE 720, BOCA RATON, FL 33431.**

I, Tyler Largo, do hereby affirm that on the 22nd day of April, 2013 at 2:00 pm, I:

served an **AUTHORIZED** entity by delivering a true copy of the **SUMMONS AND COMPLAINT WITH EXHIBITS** with the date and hour of service endorsed thereon by me, to: **KIMBERLY MORAN** as **SECRETARY TO DONALD TESCHER** at the address of: **TESCHER AND SPALLINA, P.A., 4855 TECHNOLOGY WAY - SUITE 720, BOCA RATON, FL 33431**, who stated they are authorized to accept service for **C0-TRUSTEES OF THE SHIRLEY BERSTEIN TRUST**, and informed said person of the contents therein, in compliance with state statutes.


**Additional Information pertaining to this Service:**

Kimberly Moran received permission to accept this summons on behalf of Donald Tescher.

I Acknowledge that I am authorized to serve process. In good standing in the jurisdiction wherein this process was served and I have no interest in the above action. Under penalties of perjury, I declare that I have read the foregoing documents and that the facts stated in it are true, F.S. 92.525 (2), no Notary is required.

2013 APR 23 PM 3:37  
SHARON R. BOCK, CLERK  
PALM BEACH COUNTY, FL  
SOUTH CTY BRANCH-FILED

NOT A CERTIFIED COPY

  
Tyler Largo  
C.P.S. # 1344

LARGO INVESTIGATIONS, INC.  
9369 Aegean Drive  
Boca Raton, FL 33496  
(561) 482-5757

Our Job Serial Number: LII-2013001184

IN THE CIRCUIT COURT OF THE  
15<sup>TH</sup> JUDICIAL CIRCUIT IN AND FOR  
PALM BEACH COUNTY, FLORIDA

WILLIAM E. STANSBURY,  
Plaintiff,

CASE NO: 50 2012 CA 013933 MB AA

v.

TED S. BERNSTEIN; DONALD TESCHER and  
ROBERT SPALLINA, as co-personal  
representatives of the ESTATE OF SIMON L.  
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May 20, 2008; LIC HOLDINGS, INC.;  
ARBITRAGE INTERNATIONAL MANAGEMENT, LLC,  
f/k/a ARBITRAGE INTERNATIONAL  
HOLDINGS, LLC; BERNSTEIN FAMILY  
REALTY, LLC,  
Defendants.

4-22-13  
2:00P  
T.L. 013933

FILED  
2013 APR 19 PM 3:00  
SHARON R. BOCK, CLERK  
PALM BEACH COUNTY  
CIRCUIT CIVIL 3

SUMMONS

**THE STATE OF FLORIDA**  
*To All and Singular the Sheriffs of said State:*

**TO: DONALD R. TESCHER**  
Co-Trustees of the Shirley Bernstein Trust  
Agreement of May 20, 2008  
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IMPORTANT

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PETER M. FEAMAN, P.A.  
*Attorney for Plaintiff, WILLIAM E. STANSBURY*  
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Florida Bar No. 0260347

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SERVER OF THE STATE OF FLORIDA:**

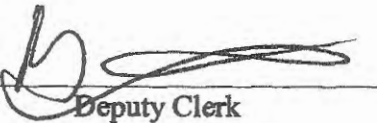
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DATED ON April \_\_\_\_\_, 2013.

APR 19 2013



SHARON R. BOCK  
CLERK, PALM BEACH COUNTY

  
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